

# RECORD PACKET COPY

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

PETE WILSON, Governor

## CALIFORNIA COASTAL COMMISSION

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# W-13a

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### PERMIT APPLICATION STAFF RECOMMENDATION REGULAR CALENDAR

**APPLICATION FILE NO.:** E-96-14

**APPLICANTS:** Mobil Exploration and Producing U. S., Inc.  
Rincon Island Limited Partnership

**PROJECT DESCRIPTION:** Removal of two large pier complexes and associated structures used for oil and gas production and restoration of the site.

**PROJECT LOCATION:** State Leases PRC 427.1 (Ferguson Lease), 429.1 (Whitten Lease), and PRC 3125 (Needham Lease), in the Santa Barbara Channel, offshore Ventura County. (Exhibit 1)

#### SUBSTANTIVE FILE

**DOCUMENTS:** See Appendix A

### Synopsis

Mobil Exploration and Producing U.S., Inc. and Rincon Island Limited Partnership (Mobil/Rincon) propose to demolish a large, industrial pier complex constructed in the 1930's for offshore oil and gas production (Exhibit 1). Mobil terminated its oil and gas production activities at the pier complex in 1993. Rincon recently terminated production activities and is currently completing abandonment of its facilities. The applicants are applying for a coastal development permit to authorize removal of the piers as required under their State Lands Commission leases.

The applicants believe that the potential El Niño induced storms pose a significant risk to the stability of the structures and therefore wish to begin the project as soon as possible. If the conditions of the facility deteriorate, it may become infeasible to place the needed equipment on the piers to carry-out the decommissioning project. Therefore, the Commission staff scheduled this item for the earliest possible Commission hearing.

Removal of the wooden piers could cause potentially significant impacts to marine resources and interfere with the public's ability to access and recreate at Seacliff's large sandy beach.

### ***Explosives***

The project involves removing 21 large concrete caissons. The smallest caissons are eight feet in diameter and the largest is 22 feet in diameter. The caissons are located above and below the water and are reinforced with steel (See Exhibit 8). The applicants propose to remove the caissons using explosives. Explosives use has the potential to injure or kill marine mammals, birds and fish. The applicants have prepared a National Marine Fisheries Service (NMFS) and California Department of Fish and Game (CDFG)-approved Marine Wildlife Contingency Plan that includes measures to avoid or minimize adverse impacts to marine mammals and birds. The plan includes monitoring by a NMFS and CDFG-approved wildlife biologist to assure that no marine mammals or birds are within 1,000 feet of the piers prior to detonations. The NMFS and CDFG concluded that the monitoring plan will significantly reduce any potential impacts to marine mammals and birds.

The applicants also propose to use compressed air to create a "bubble curtain" surrounding the detonation site to drive fish away from the area and to attenuate the percussive force of the explosions. According to the U. S. Minerals Management Service, this technique has been effective in reducing fish mortality in associated with underwater explosives use in the Gulf of Mexico, particularly in shallow depths similar to those at the project site (*MMS 1996*).

Explosives use is the only feasible technique available to remove six of the 21 caissons due to certain requirements of the State Lands Commission's approval. The Coastal Commission staff considered another option, use of a diamond wire cutter, as an alternative to explosives for the remaining 15 caissons. The Coastal Commission staff determined, however, that diamond wire cutting is experimental for this type of application (and therefore may not work) and would also cause significant adverse impacts to marine resources (caused by a work barge) and increased air emissions. After evaluating both options, the Commission staff concluded that use of explosives only to remove all the caissons is technically the most reliable method for caisson removal and environmentally preferable to the combined diamond wire cutting/explosives option.

### ***Beach Access***

This project also raises potentially significant public beach access impacts due to closure of the beach access road during the nine-month project. Currently, surfers, jet skiers and other beach users use a Highway 101 underpass to access the popular sandy beach at Seacliff. That underpass will be closed to the public during the project's duration. The applicants propose to

provide alternative beach access by improving the function of two existing pedestrian tunnels beneath Highway 101. This alternative access plan will allow some, but not all, beach users to access the beach throughout the term of the project. Jet skiers, for example, will not be able to access the beach and jet ski ramp during the nine-month project.

To compensate for impacts to beach access that cannot be fully mitigated, Mobil/Rincon propose to provide \$100,000 to the County of Ventura to fund the construction of long-term public access improvements at Seacliff Beach. The applicants, Coastal Commission staff and State Lands Commission staff have been working with Ventura County staff in developing beach access improvements that the County will construct and maintain with the \$100,000. On November 10, 1997, the Ventura County Parks Advisory Commission adopted a Mobil Piers Draft Management Plan that includes overnight parking for recreational vehicles, day use parking, bathrooms, picnic tables and lighting. The County staff anticipates that the Management Plan will be approved by its Board of Supervisors on November 25, 1997. The Commission staff believes that the proposed Mobil Piers Management Plan is adequate to compensate for unavoidable impacts to beach users caused by pier decommissioning activities.

### ***Surfing Impacts***

The project site is a popular recreational surfing spot. Certain members of the local surfing community, represented by Patagonia Inc., believe that the pier complex has created favorable surfing conditions at the site and that removal of the piers may degrade or destroy the surf break. Patagonia has therefore requested that the Commission require mitigation for surf loss.

The applicants' consultant and the State Lands Commission have concluded that pier removal will not adversely impact surfing conditions. Nevertheless, the Commission staff believes that even if the pier structures improve surfing, the Coastal Act does not require the applicants to provide mitigation for the creation of an incidental public benefit. The pier complex was expressly constructed for oil and gas extraction only. Any enhancement of surfing that may have occurred due to the existence of these piers is incidental and therefore mitigation is not warranted.

**Table 1** (pg. 4) summarizes project-related significant issues, potential impacts, and mitigation measures that the applicants will need to implement to avoid, or reduce to insignificance, any impacts to coastal resources.

### ***Recommendation***

The staff believes that the proposed project, as conditioned, is consistent with Coastal Act policies and therefore recommends **approval** of the project.

**Table 1. Issue Summary: Potential Project-Related Impacts and Mitigation Measures**

Potential Impact	Analysis
<b>Explosives</b>	<p><b>Issue:</b> The use of explosives to demolish the concrete caissons could injure or kill marine mammals, birds and fish.</p> <p><b>Mitigation Measures:</b></p> <ul style="list-style-type: none"> <li>Explosives will be used in accordance with a California Department of Fish and Game Explosives Permit and with the project Marine Wildlife Contingency Plan.</li> <li>A wildlife observer, approved by the National Marine Fisheries Service and the California Department of Fish and Game, will monitor the project area prior to, during and after all detonations.</li> <li>Detonations will only occur during daylight hours to facilitate observation.</li> <li>Detonation will be delayed until any marine mammals, birds, or large schools of fish observed within 1000 yards are vacated.</li> <li>Detonations will be staggered to reduce the maximum pressure generated by explosives.</li> <li>Injured or dead fish will be removed from the area prior to detonations to reduce attraction to marine mammals and birds.</li> <li>A "bubble curtain" will be employed to drive fish away from the detonation sites and to reduce the percussive force of the explosions.</li> </ul>
<b>Public Access</b>	<p><b>Issue:</b> The beach access road will be closed for the 9-month duration of the project.</p> <p><b>Mitigation Measures:</b></p> <ul style="list-style-type: none"> <li>The public will be directed with temporary fencing and signs to two, existing, pedestrian tunnels which provide alternative access under the highway to the beach.</li> <li>Temporary parking will be provided on the inland side of Highway 101, near the entrance to the pedestrian tunnels.</li> <li>Mobil/Rincon will construct temporary boardwalks and stairs over the riprap revetment at the pedestrian tunnel exits to the beach.</li> <li><b>Special Conditions 4-7</b> require Mobil/Rincon to install lighting and to clean and maintain the underpasses during the time that the access road is closed, and requires that alternative beach access improvements are in place and opened prior to the road closure.</li> <li>Mobil/Rincon will contribute \$100,000 to Ventura County to fund permanent public access improvements at the site. The County has determined that this level of funding will be sufficient to implement the County's Draft Mobil Piers Management Plan. The County is required to obtain a separate coastal development permit for these improvements.</li> </ul>
<b>Recreation</b>	<p><b>Issue:</b> The removal of the pier complex may adversely affect recreational surfing conditions.</p> <p><b>Mitigation Measures:</b></p> <ul style="list-style-type: none"> <li>A coastal engineering study undertaken for the applicants concludes that the project will not affect surfing conditions. After reviewing this study and comments received from representatives of the surfing community, Commission staff has determined that it is unclear whether the piers improve surfing conditions at the site, or not. However, even if the pier structures have improved surfing conditions, any enhancement of surfing conditions incidental to the coastal dependent industrial purposes of the pier complex. No mitigation is required for the potential loss of this incidental benefit.</li> </ul>

## **1.0 STAFF RECOMMENDATION**

### **Approval With Conditions**

The staff recommends conditional approval of the permit application.

#### **Motion:**

I move that the Commission approve Coastal Development Permit Application No. E-96-14, subject to the conditions specified in the staff recommendation dated November 18, 1997.

The staff recommends a YES vote. To pass the motion, a majority vote of the Commissioners present is required. Approval of the motion will result in the adoption of the following resolution and findings.

#### **Resolution:**

The Commission hereby **grants** permit E-96-14, subject to the conditions specified below, on the grounds that (1) as conditioned the development will conform with the provisions of Chapter 3 of the California Coastal Act and (2) will not cause any significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

## **2.0 STANDARD CONDITIONS**

See Appendix B.

## **3.0 SPECIAL CONDITIONS**

The Commission grants this permit subject to the following special conditions:

### **Caisson Demolition**

1. Mobil/Rincon shall fully comply with the mitigation measures described in the May 1997, Marine Wildlife Contingency Plan for the project and California Department of Fish and Game Explosives Permit No. EP-97-02, issued November 18, 1997.

### **Water Quality**

2. Prior to discharge of excavated materials into the marine environment, the applicants shall submit to the executive director and the Central Coast Regional Water Quality Control Board test results that document that the materials are suitable for open-water disposal in accordance with all applicable state and federal standards. Any materials excavated for the removal of the pier pilings that are determined to be suitable for open-water disposal shall be discharged immediately adjacent to the excavation site as close to the sea floor as feasible in order to minimize turbidity.

3. Prior to commencement of work, Mobil/Rincon shall submit to the executive director a copy of an approved certification or certification waiver for the proposed project under Section 401 of the Clean Water Act from the Central Coast Regional Water Quality Control Board.

#### **Public Access**

4. In addition to the improvements specified in the project description that will be made to the existing pedestrian access tunnels, Mobil/Rincon shall clean and maintain the tunnels, and provide lighting within the tunnels for the duration of the project.
5. Prior to closure of the pier access road, Mobil/Rincon shall complete all improvements to the northern pedestrian access tunnel, including: (a) designation of the parking area for a minimum of 15 cars; (b) construction of the stairway from the tunnel exit to the beach; (c) installation of signs directing people to the parking area and tunnel; and (d) installation of lighting.
6. Prior to closure of the pier access road, Mobil/Rincon shall submit to the executive director a copy of an approved CALTRANS encroachment permit authorizing the proposed temporary parking area at the northern pedestrian access tunnel for the duration of the project.
7. All improvements to the southern access tunnel shall be completed within 60 days of project commencement. The southern access tunnel shall be opened for public use as soon as safety considerations allow.
8. Prior to the commencement of project activities, Mobil/Rincon shall submit to the executive director evidence of final approval by the Ventura County Board of Supervisors of the Mobil Piers Management Plan for the Seacliff beach area. As further specified pursuant to the County's Mobil Piers Management Plan, the applicants shall repair the pier access road at the conclusion of the demolition project and shall leave in place a portion of each pier to be managed and maintained by the Ventura County General Services Agency.

#### **4.0 FINDINGS AND DECLARATIONS**

The Commission find and declares as follows:

##### **4.1 Project Location**

The Seacliff pier complex is located seven miles northwest of the City of Ventura, on approximately 233 acres of State tidelands including the adjacent beach, in Ventura County (Exhibit 1). The shoreline at the project site consists of a southwest facing, sandy beach, extending to a riprap revetment bordering Highway 101. Mobil/Rincon maintain an access road which passes beneath the highway to the site. The public uses the access road, which provides

the only vehicular access to the ocean side of Highway 101 at this location, for informal beach access.

#### **4.2 Project Background**

The Seacliff (or Rincon) pier complex was constructed in the 1930's for the production of oil and gas from wells located on the offshore piers and wharves. The piers are also known by local residents as the "oil piers." Production from the piers ceased in 1993, and all wells are now either plugged and abandoned or are currently in the process of abandonment. The purpose of the project is to remove the piers and wharves as required pursuant to State Leases PRC 427.1, 429.1, and 3125.

The Seacliff pier complex consists of two piers: the Short Pier, and the Ferguson/ Needham/ Whitten Pier (Long Pier) (see Exhibits 2 and 3). The Short Pier is approximately 350 feet long, ending at a 75-foot-wide by 162-foot-long wharf (the Short Wharf). Eight abandoned wells are located on the Short Wharf.

The Long Pier is composed of the Main Pier and the Spur Pier. The 620-foot-long Spur Pier diverges from the Main Pier approximately 140 feet from the shoreline and terminates at the 75-foot-wide by 162-foot-long Spur Wharf. Eight abandoned wells are located on the Spur Wharf.

The Main Pier consists of three segments: the Ferguson Pier, the Needham Pier, and the Whitten Pier. The Ferguson Pier is defined as the approximately 1,300-foot-long portion of the Main Pier from the pier's base to the Ferguson Wharf. Sixteen abandoned wells are located on the Ferguson Wharf, which is 80 feet wide by 300 feet long.

The Needham Pier is approximately 700 feet long and extends from the Ferguson Wharf to the boundary of Lease PRC 3125. Six abandoned wells are located on the 60-foot-wide by 170-foot-long Needham Wharf.

The Whitten Pier extends an additional 400 feet and ends at the 57-foot-wide Whitten Wharf. The Whitten Pier and Wharf are the only portions of the facility operated by Rincon Island Limited Partnership. Eighteen wells are located on the Whitten Wharf, including three that are abandoned and fifteen that are in the process of abandonment. A 20-foot-diameter waste tank and piping to shore are located on the Whitten Pier and Wharf.

All of the wharves, except the Spur Wharf, are built on derrick foundations with steel reinforced concrete caissons. The Spur Wharf and the piers are supported on wooden and steel pilings. The piers and wharves have wood and asphalt decking and wood railings.

#### **4.3 Project Description**

The applicants propose to remove the Seacliff pier complex to fulfill the terms of State Leases PRC 427.1, 429.1, and 3125. The decommissioning work will be conducted from the piers and

wharves and will not require the use of a work barge or any other vessels. However, a small vessel will be used for a post-abandonment survey to verify all debris removal.

The decking, pilings, and caissons will be removed in sections working from the ends of the two piers to shore. Pilings will be removed intact by vibratory extraction unless piling integrity is insufficient. Pilings that cannot be extracted intact will be cut. Divers will cut the pilings located in water deeper than 15 feet at the mudline. Pilings in water shallower than 15 feet will be removed a minimum of 5 feet below the mudline. Mobil/Rincon will strip marine growth from the pilings which will be allowed to fall back into the water to minimize obnoxious odors due to decomposition.

The project will require excavation of approximately 16,800 cubic yards of sediment at the base of the pilings, disturbing an approximately 110,200-square-foot (2.53-acre) area. The applicants propose to discharge the excavated material into the ocean immediately down-current of the excavation.

Mobil/Rincon propose to use explosives to demolish the concrete caissons supporting the wharves. Three charges would be set in each of the 20, smaller caissons, and five charges would be used for the single, 22-foot-diameter caisson. The charges would be set in holes drilled into the caissons, and sealed with three lineal feet of crushed rock and blast matting. The proposed maximum charge sizes are 635 pounds for each of the four, 5-caisson sets and 337 pounds for the single 22-foot-diameter caisson, for a total of 2,877 pounds of explosives.

Mobil/Rincon will stage equipment and temporarily store materials removed from the piers on and adjacent to the access road and on the inland side of the highway on an approximately two-acre oil field site (Exhibit 4). All debris will be either recycled or disposed of at an approved upland disposal site outside of the Coastal Zone. To ensure public safety, the access road will be closed to the public for the duration of the project. The project is expected to commence in mid December 1997, and will continue through the 1998 summer season.

Mobil/Rincon propose to minimize the impact of closing the access road by improving existing beach access via two pedestrian tunnels that cross under Highway 101 (see Exhibits 5-7). The applicants propose to: (1) designate a temporary parking area for a minimum of 15 cars near the entrance to the northern pedestrian tunnel; (2) install signs at the pier access road directing people to the alternative access ways; (3) construct a boardwalk to the beach across the riprap on the ocean side of the southern tunnel; (4) construct a stairway to the beach across the riprap on the ocean side of the northern tunnel; and (5) construct a walkway on the beach with protective netting beneath the Long Pier to allow surfers and other beach users to safely cross under the pier during the demolition project. Mobil/Rincon will construct the boardwalk and stairway using materials from the demolished piers as feasible. These improvements would be removed at the conclusion of the project.



#### **4.4 Schedule**

Mobil/Rincon expect to commence work in mid December 1997. The project will take approximately nine months to complete. The access road will remain closed through the peak-use summer season.

#### **4.5 Other Agency Approvals**

##### **4.5.1 State Lands Commission**

On November 7, 1997, the State Lands Commission (SLC) adopted a Mitigated Negative Declaration and approved the proposed project.

##### **4.5.2 California Department of Fish and Game**

On November 18, 1997, the California Department of Fish and Game (CDFG) granted an explosives permit authorizing the proposed use of explosives for demolition of the concrete caissons. The explosives permit includes conditions designed to minimize the impacts to marine wildlife.

##### **4.5.3 Regional Water Quality Control Board - Central Coast Region**

The Central Coast Regional Water Quality Control Board (RWQCB) regulates water quality in the project area. Mobil/Rincon have submitted an application to the RWQCB for a water quality Certification Waiver under Section 401 of the Clean Water Act. **Special Condition 3** requires Mobil/Rincon to provide the executive director with a copy of the final 401 Certification or Certification Waiver prior to commencement of the project.

##### **4.5.4 Ventura County Air Pollution Control District**

The Ventura County Air Pollution Control District (APCD) is the local air district responsible for implementing federal and state air quality standards in the Seacliff area. The APCD has determined that no emissions offsets are required to mitigate the air quality impacts of the proposed project. However, Mobil/Rincon has agreed to voluntarily provide emission reduction credits, at a 1:1 ratio, from the Ventura County Emissions Reduction Bank.

##### **4.5.5 U.S. Army Corps of Engineers**

Mobil/Rincon have applied to the U.S. Army Corps of Engineers for authorization of the proposed project under Section 404 of the Clean Water Act and Section 10 of the River and Harbor Act.

Pursuant to Section 307(c)(3)(A) of the Coastal Zone Management Act, any applicant for a required federal permit to conduct an activity affecting any land or water use or natural resource in the coastal zone must obtain the Coastal Commission's concurrence in a certification to the federal permitting agency that the project will be conducted in a manner consistent with the California Coastal Management Program. The Commission's action on this permit application

shall comprise its federal consistency review for the proposed Seacliff pier complex decommissioning project.

#### **4.5.5 County of Ventura**

A portion of the project staging area on the inland side of Highway 101 is within the certified Ventura County Local Coastal Program (LCP) permit jurisdiction. The County expects to grant an administrative permit for the staging of materials and equipment within its LCP jurisdiction.

### **4.6 Coastal Act Issues**

#### **4.6.1 Oil Spills**

Coastal Act Section 30232 states:

*Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

##### **4.6.1.1 Potential Project-Related Oil Spills**

Decommissioning the Seacliff pier complex could result in an accidental release of petroleum hydrocarbons into marine waters. The applicants' Oil Spill Contingency Plan identifies the worst case oil spill scenario as the release of less than five barrels of oil or oily water from abandoned production facilities. Another potential spill source would be a fuel or lubricant spill from equipment used for the demolition project.

##### **4.6.1.2 Oil Spill Prevention**

The first test of Coastal Act Section 30232 requires the applicant to provide "protection against the spillage of crude oil, gas, petroleum products, or hazardous substances...." As noted above, the proposed project could result in an accidental oil spill. Mobil/Rincon propose a number of measures to minimize the risk of such a spill from occurring.

Mobil/Rincon have cleaned the well conductors and caisson sumps of hydrocarbons. The majority of the production facilities have already been cleaned of hydrocarbons and removed. Remaining facilities will be inspected during the mobilization phase of the project to verify they are depressurized, free of hydrocarbons, and safe to dismantle and remove. The other potential release source would be a leak or spill of fuel or lubricant from equipment used for the demolition project. Mobil/Rincon will minimize this potential spill source by establishing an onshore fueling area, and by conducting daily inspections of all equipment to identify and correct any leaks.

The Commission finds that these measures will protect against the spillage of petroleum hydrocarbons and therefore the project is consistent with the first test of Coastal Act Section 30232.

#### 4.6.1.3 Oil Spill Response

The second test of Coastal Act Section 30232 requires the applicant to provide effective containment and cleanup equipment and procedures for accidental spills that do occur. Despite the prevention measures proposed by Mobil/Rincon, the possibility remains that a minor oil spill could occur during project activities. For example, when the Commission approved the removal of Platforms Helen and Herman (*CDP No. E-87-6, January 1988*), all indications led the Commission to conclude that "the probability of a major oil spill is virtually impossible..." because the pipelines were pigged and then flushed with sea water for several days. Nevertheless, during pipeline removal, approximately 40 barrels (1,680 gallons) of rust, iron sulfides, and suspended tar/oil spilled from these pipelines. Therefore, despite the best preventative measures taken by Mobil/Rincon, the possibility of an accidental hydrocarbon discharge during Mobil/Rincon's abandonment activities still exists.

During project activities, Mobil/Rincon will maintain an on site spill response team to handle small spills (less than five barrels), and to provide immediate response to large spills. The on site team will be responsible for reporting, containment, and clean-up, and will coordinate with outside oil spill response contractors if necessary. The team is trained to respond to any reported spill on the leases. On site response equipment will include sorbent pads to absorb hydrocarbons and contain a spill and a vacuum truck to remove contaminated water.

Mobil/Rincon are also a member of the Clean Seas oil spill cooperative located in Santa Barbara County. Clean Seas has in its inventory over 54,000 feet of boom, including open ocean, offshore, nearshore, and protective boom.

However, notwithstanding the extensive oil spill containment and cleanup capabilities of Mobil/Rincon and Clean Seas, the Commission finds that the second criteria of Coastal Act Section 30232, which requires "effective" containment and cleanup equipment for spills that do occur, cannot be met at this time. The Commission interprets the word "effective" to mean that spill containment and recovery equipment must have the ability to keep spilled oil off the coastline. Unfortunately, the state-of-the-art is such that no equipment currently available has the capability to recover all oil from large spills and often even small spills in the open ocean.

Testing results of equipment at government research facilities in the United States and Canada have demonstrated that oil recovery equipment operates with about 50% effectiveness in relatively calm waters. These tests and actual field experience demonstrate that recovery efficiencies decrease as the dynamics of the sea (turbulence) increase. All booms and skimmers available for containment and recovery are limited in their effectiveness depending on wave height and wind speed. In wind wave conditions, the containment effectiveness of boom begins to lessen at a wave height of two feet. Under conditions of significant wave heights above six feet, booms and skimmers are largely ineffective (i.e., no measurable amounts of hydrocarbons are recovered). High winds can cause some types of boom to lay over, allowing oil to splash or flow over the boom.

Therefore, because the ability to effectively contain and clean up an oil spill does not exist at this time, the Commission finds that the proposed project is inconsistent with the second requirement of Coastal Act Section 30232.

#### 4.6.2 Marine Resources

Coastal Act Section 30230 states:

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

Coastal Act Section 30231 states in part:

*The biological productivity and the quality of coastal waters... appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored....*

Adverse impacts to marine resources and marine water quality in the project area may result from removal of the pier complex. These potential impacts are discussed below.

##### 4.6.2.1 Caisson Removal Alternatives

All of the wharves except the Spur Wharf are supported on derrick foundations with massive, steel reinforced, concrete caissons. Because removal of the 21 caissons could result in unavoidable adverse environmental impacts, the Commission staff analyzed the possibility of abandoning the caissons in place. The SLC's leases require that all structures be removed from the site prior to lease termination unless otherwise authorized by the SLC. Because of the caissons' potential to create a significant public hazard as they eventually decompose, the SLC will only permit in-place abandonment of the caissons if an appropriate entity agrees to accept long-term maintenance and liability for the structures. No willing party has been or is likely to be identified.<sup>1</sup> Therefore, in-place abandonment is infeasible.

#### *Explosives*

The applicants propose to demolish the 21 concrete caissons using explosives. Three charges would be set in each of the 20 smaller caissons, and five charges would be used for the single, 22-

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<sup>1</sup> Mobil/Rincon requested that the California Department of Fish and Game (CDFG) accept responsibility for the demolished caissons as a component of the State's artificial reef program. The CDFG rejected this proposal on the basis that: (1) the water depth is too shallow to be appropriate for an artificial reef; (2) the caissons would provide only a minor environmental benefit; and (3) the project scale would not warrant CDFG administration (Parker, pers. comm., 11/13/97).

foot-diameter caisson. The charges would be set in holes drilled into the caissons and sealed with three lineal feet of crushed rock and blast matting. The proposed maximum charge sizes are 635 pounds for each of the four, 5-caisson sets and 337 pounds for the single 22-foot-diameter caisson, for a total of 2,877 pounds of explosives. Pursuant to CDFG requirements, the applicants will use the minimum amount of explosives necessary for the demolition. Charges would be detonated electronically. Once fractured, the caisson pieces would be removed using a clam bucket from the pier deck. The applicants expect the explosives work to take approximately 60 days.

The applicants assert that the mass of the caissons would absorb most of the force of the explosions. Nevertheless, the percussion from the underwater detonations could be capable of injuring or killing marine mammals, birds, and fish. Mobil/Rincon propose to implement a Marine Wildlife Contingency Plan to avoid or minimize these potentially significant impacts. The plan specifies that a wildlife biologist would conduct visual inspections prior to all detonations to ensure that no marine mammals or birds are within 1,000 yards of the detonation source. Detonations would be delayed as necessary until the area is clear of marine mammals and birds. Divers would collect injured or dead fish to minimize attraction of marine mammals and birds.

The NMFS provided comments concerning the use of explosives to the Army Corps of Engineers (COE) concerning the proposed project. The NFMS specified that the COE permit for the project should require: (1) the marine wildlife observer must be approved by the NMFS; (2) the applicants must notify the NMFS two weeks prior to any detonations; and (3) the applicants shall confirm that no sea turtles are within the 1,000 yard safety zone prior to detonations. The NMFS found that by implementing the Marine Wildlife Contingency Plan, as modified pursuant to these comments, significant impacts resulting from the proposed use of explosives will be avoided (Lagomarsino, pers. comm., 11/18/97).

The CDFG has granted an explosives permit for the proposed project which requires the applicants to use the minimum explosives necessary to accomplish the project. The CDFG has determined that through implementation of the mitigation measures contained in the Marine Wildlife Contingency Plan and the explosives permit significant adverse impacts to marine wildlife will be avoided (Nitsos, pers. comm., 11/18/97).

The applicants also propose to employ a "bubble curtain" to lessen the effects of the explosives use to fish. Compressed air would be used to create a bubble curtain surrounding the detonation site, which serves both to drive fish away from the area and to attenuate and refract the blast pressure of the explosions. This technique has been effective in reducing fish mortality associated with underwater explosives use in the Gulf of Mexico, particularly in shallow depths similar to those of the Seacliff pier complex site (*MMS 1996*).

In addition, the applicants also considered using a diamond wire cutter as a potential feasible alternative to explosives.

### *Diamond Wire Cutter*

Diamond wire cutters use a diamond-embedded, steel wire, which, like a chain saw, runs over pulleys mounted on a frame. Diamond wire cutting is a relatively new technology and has typically been used to cut small to medium-sized, tubular structures and standard steel shapes, not large caissons. However, Mobil/Rincon's contractor believes that a diamond wire cutter might be capable of cutting through the large caissons, except for the 22-foot-diameter caisson which is too large for the tool to handle.

Also, a diamond wire cutter cannot be used, to remove caissons below the mudline. The five caissons supporting the Short Wharf are located in water shallower than 15 feet MLLW. To reduce the risk of future hazards, the SLC requires that structures in water shallower than 15 feet be removed to a minimum of 5 feet below the mudline. Because the diamond wire cutter cannot make cuts below the mudline, the five caissons supporting the Short Wharf can not be removed using this method. Therefore, this method can only be considered to remove 15 of the 21 caissons, thereby reducing, but not eliminating, explosives use.

Although this technique could reduce the potentially adverse impacts to marine wildlife caused by explosives, diamond wire cutting would result in substantially increased air emissions and could potentially cause significant adverse impacts to kelp and other marine biological resources. Using diamond wire cutting to remove 15 of the 21 caissons would require the use of a barge. The caissons cannot be removed in one whole piece from the pier decking; the weight of the caissons would exceed the structural capacity of the pier structures. The contractor could make several cuts to create pieces that meet the lifting limitations of the pier structures. Mobil/Rincon estimates that the 8-foot-diameter caissons would have to be cut into fifteen pieces and the 12-foot-diameter caissons into twenty-five. The cuts are expected to take 12 to 18 hours each. Working 12 hours per day, 7 days per week, caisson cutting would take 255 to 383 days. This alternative would significantly extend the length of the project, and, therefore, the time that the beach access road would be closed to the public.

The caissons could be removed in whole pieces using a derrick barge thereby limiting the required cuts to fifteen. However, the use of a barge would lead to additional adverse environmental impacts, including increased emissions of pollutants and marine biological impacts resulting from vessel anchoring.

The applicants estimate that the use of a derrick barge would generate 5.24 tons of  $\text{NO}_x$ . The total estimated project emissions pursuant to the original work plan (without a barge) is 14.85 tons of  $\text{NO}_x$ . Assuming the use of a barge would reduce the number of truck trips required to remove caisson rubble, the net project increase in  $\text{NO}_x$  emissions would be 5.12 tons or 34%.

Use of a barge for caisson removal would require three anchoring positions using a four-point anchor spread. Barge anchoring would cause temporary sea floor scarring and could adversely affect hard bottom habitat, marine vegetation, and benthic organisms.

The proposed use of explosives could potentially cause significant adverse impacts to marine wildlife. However, the project includes a number of measures to mitigate these potential impacts to the maximum extent feasible. Pursuant to the NMFS and the CDFG, the implementation of these mitigation measures will reduce the impacts to marine wildlife to a level below significance. Diamond wire cutting is an experimental technique, that, if successful, could reduce the total quantity of explosives used for the project. However, this method would not eliminate the use of explosives and would lead to additional, significant environmental impacts. No other feasible, less environmentally damaging alternatives to explosives have been identified. The Commission therefore finds that the use of explosives only is the environmentally preferable method to remove the caissons. The Commission further finds that implementation of the Marine Wildlife Contingency Plan and the "bubble curtain" will maintain the biological productivity of the marine environment and the quality of coastal waters as required by Coastal Act Sections 30230 and 30231.

#### 4.6.2.2 Water Quality Impacts

The Central Coast Regional Water Quality Control Board (RWQCB) regulates water quality in the project area. Mobil/Rincon have submitted an application to the RWQCB for a water quality Certification Waiver under Section 401 of the Clean Water Act. **Special Condition 3** requires Mobil/Rincon to provide the executive director with a copy of the final 401 Certification or Certification Waiver prior to commencement of the project.

The applicants are required by the SLC to remove the pier pilings and caissons that are located in the surf zone to five feet below the mudline. This will require the excavation of approximately 16,800 cubic yards of sediment in the surf zone. The applicants propose to discharge the excavated materials on-site. The sediments at the base of the pier complex could potentially be contaminated with hazardous substances associated with the past oil and gas production activities. RWQCB staff believes that the potential for contamination is low because the materials to be excavated are coarse grained and are located within the dynamic surf zone environment, but cannot exclude the possibility of contamination unless the materials are tested (Lyons, pers. comm., 11/19/97). Therefore, pursuant to **Special Condition 2**, any excavated materials to be disposed of on site shall be tested to verify they are suitable for discharge into the marine environment, in accordance with all applicable state and federal standards.

The excavation and discharge of this material will temporarily increase turbidity. To minimize turbidity, excavated material, determined to be suitable for on-site disposal, will be discharged immediately adjacent to the excavation site. Detonation of explosives to fracture the concrete caissons is expected to suspend small quantities of sediment. Short-term increased turbidity will affect benthic organisms, and will decrease light available for photosynthesis. The organisms in the project area, however, are adapted to similar episodes of short-term increased turbidity during storms.

The Commission therefore finds that the water quality impacts of the proposed project, as conditioned, will not significantly affect marine organisms or the biological productivity of coastal waters in accordance with the requirements of Coastal Act Sections 30230 and 30231.

#### 4.6.2.3 Brown Pelicans

The Seacliff pier complex is recognized as an important roosting site for the endangered California brown pelican (*Pelicanus occidentalis californicus*), cormorants and other seabirds. The pier complex was ranked as one of the top three pelican roosting sites along the Southern California mainland according to surveys conducted in 1992 and 1993 (Jaques, 1996). Nevertheless, the removal of the piers is not expected to significantly affect the brown pelican population because ample alternative roosting sites are available within the nearby vicinity (Gress, pers. comm., 10/29/97; Jaques, pers. comm., 10/31/97).

Rincon Island, an artificial island constructed for oil and gas production, and the causeway connecting the island to shore are located approximately one mile to the west of the project site and provide roosting opportunities comparable to the piers. Tom Keeney, co-author of the above cited study, believes that pelicans displaced from the piers will relocate to other roosting areas within a 10-mile-radius (Keeney, pers. comm., 11/97). In addition to Rincon Island, other known roosting sites within this range include the Santa Clara River mouth, the Ventura Harbor breakwater, the Ventura River mouth, Carpinteria Marsh, and the Santa Barbara Harbor.

Because alternative roosting habitat is available within close proximity to the project site, the Commission finds that the loss of roosting habitat resulting from the removal of the Seacliff pier complex will not adversely affect the populations of the California brown pelican or other seabirds, and is therefore consistent with the provisions of Coastal Act Section 30230.

#### *Conclusion*

With the inclusion of the mitigation measures discussed above, and as conditioned herein, the Commission finds that the proposed project will be carried out in a manner that will sustain the biological productivity and quality of coastal waters appropriate to maintain optimum populations of marine organisms in conformance with Coastal Act Sections 30230 and 30231.

#### **4.6.3 Recreation and Public Access**

Coastal Act Section 30211 states:

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

Coastal Act Section 30220 states:

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



#### 4.6.3.1 Pier Access Road Closure

The 3,500-foot-long beach at Seacliff is one of the few sandy beach areas in northern Ventura County. Sandy beach access near the project area is limited due mainly to the widening of Highway 101 in the early 1970's. Much of the sandy shoreline was filled and armored with riprap for the highway project. In addition, the highway serves as a physical barrier to safe access to some areas of the shoreline. For example, with no vehicular access to the ocean side of the highway and no parking allowed on the highway shoulder, pedestrians must cross four lanes of traffic to reach La Conchita Beach located to the north of the pier complex. Private development further limits public use of the remaining sandy beaches in the area (e.g., Mussel Shoals to the north of the pier complex and Solimar Beach to the south).

The public is able to access Seacliff's beach by means of the pier access road which crosses beneath Highway 101. Currently, free, informal parking for approximately 46 cars is available at the beach along the access road and in an unpaved area to the north of the road. Additional, free parking for approximately 70 cars is available along Old Highway 1 on the inland side of Highway 101. The beach is popular with recreational surfers, jet skiers, and passive beach users.

Throughout the project, Mobil/Rincon will use the pier access road to transport equipment and materials. To ensure public safety, the access road will be closed to the public for the duration of the project. Mobil/Rincon anticipate that the project will take nine months to complete, working 12 hours per day, seven days per week. Problems (e.g., equipment failures, bad weather) could extend this schedule. The project is expected to commence in early 1998, and will continue through the 1998 summer season.

The road closure will prohibit the public from accessing the beach by means of the access road throughout this period, interfering with the public's ability to access the beach. In addition, the noise and visual impacts of the decommissioning project will degrade the quality of the beach as a recreational site during the term of the project and may further discourage use of the beach. Thus, the proposed project will significantly impact public access to the beach and public recreation.

#### 4.6.3.2 Alternative Beach Access

To mitigate the adverse effect of the road closure, Mobil/Rincon propose to improve existing, alternative access to the beach at the project site. When Highway 101 was widened, CALTRANS constructed two pedestrian access tunnels located at the northern and the southern ends of the beach (Exhibits 5, 6, and 7). The southern tunnel opens onto the riprap south of the short pier. Informal parking is available for approximately 70 cars along Old Highway 1 approximately 655 feet from the entrance to the tunnel. Safety concerns require Mobil/Rincon to close the southern pedestrian tunnel during the removal of the Short Pier, which is expected to take two months. The project will not require closure of the northern tunnel.

Mobil/Rincon propose to minimize the impact of closing the access road by improving the existing beach access via the pedestrian tunnels. Mobil/Rincon propose to: (1) designate a

temporary parking area for a minimum of 15 cars near the entrance to the northern pedestrian tunnel; (2) install signs at the pier access road directing people to the alternative access ways; (3) construct a boardwalk to the beach across the riprap on the ocean side of the southern tunnel; (4) construct a stairway to the beach across the riprap on the ocean side of the northern tunnel; and (5) construct a walkway on the beach with protective netting beneath the Ferguson Pier to allow surfers and other beach users to safely cross under the pier during the demolition project. Mobil/Rincon will construct the boardwalk and stairway using materials from the demolished piers as feasible. These improvements would be removed at the conclusion of the project.

**Special Condition 4** requires Mobil/Rincon to clean and maintain the pedestrian tunnels throughout the term of the project, install lighting in the tunnels, and to complete all improvements to the northern accessway prior to closing the access road.

The proposed improvements to the pedestrian tunnels will allow access to the beach for some users during the term of the project. However, some beach users (e.g., disabled persons, families with small children, elderly persons) may be discouraged from using the pedestrian tunnels due to the longer walk. Other users may not feel safe using the tunnels. Jet skiers will be unable to transport their equipment to the beach without use of the access road. Thus, although the proposed improvements to the existing alternative beach access will allow certain beach users to access the beach during the project, significant impacts to public access will remain.

#### 4.6.3.3 Long Term Improvements to Beach Access

To compensate beach users for unavoidable impacts to beach access that will result from the beach access road closure, Mobil/Rincon propose to provide \$100,000 to fund long-term public access improvements at the site. The applicants have been working with Ventura County staff concerning this public access project. On November 10, 1997, the Ventura County Parks Advisory Commission adopted a Draft Mobil Piers Management Plan for the site. The County anticipates that the Final Management Plan will be approved by its Board of Supervisors on November 25, 1997.

Pursuant to the proposed management plan, at the conclusion of the project, Mobil/Rincon will restore the pier access road and leave in place a small portion of each of the two piers. The County would use the proposed funding to construct additional public access improvements and accept long-term management responsibilities for the facilities. **The County will need to obtain a separate coastal development permit for the construction of the proposed public access improvements.** The specific details of the proposed improvements will be finalized through the Commission's consideration of the County's CDP application. However, the County's Draft Management Plan proposes the following public access improvements:

- Overnight parking for ten, self-contained recreational vehicles;
- Day-use parking for fifty-four cars;
- Restrooms;

- Trash containers;
- Lighting;
- Signs;
- Walkways from the parking areas to the beach;
- A ramp at the north end of the day-use parking area to provide disabled beach access and to facilitate jet ski and other water craft launching; and
- Picnic tables.

The draft plan proposes that Mobil/Rincon leave in place portions of the two piers landward of the mean-high-tide line. The remaining pier sections would be 19 feet wide by 55 feet long for the Short Pier and 19 feet wide by 77 feet long for the Long Pier. The County would repair the decking and railings on these "pier stubs" which would be used as eating and observation areas.

The Commission is requiring in **Special Condition 8**, that, prior to the commencement of project activities, Mobil/Rincon submit to the executive director evidence of final approval by the Ventura County Board of Supervisors of the Mobil Piers Management Plan for the Seacliff beach area. **Special Condition 8** further requires the applicants to repair the pier access road at the conclusion of the demolition project and to leave in place a portion of each pier to be managed and maintained by the Ventura County General Services Agency as further described under the County's Mobil Piers Management Plan.

### *Conclusion*

Although the proposed improvements to the existing alternative beach access will allow certain beach users to access the beach during the project, significant impacts to public access will remain. However, the proposed contribution to the County to fund the construction of permanent public access improvements is adequate to compensate for these unavoidable impacts. The Commission finds that with the provision of the mitigation measures provided by Mobil/Rincon, in combination with **Special Condition 4-8**, the proposed project is consistent with the public access and coastal recreation policies of Coastal Act Sections 30211 and 30220.

#### 4.6.3.3 Surfing

The project site is a popular recreational surfing spot. Members of the local surfing community, represented by Patagonia, Inc., estimate that the site generates an average of 450 trips per month (Zimmer 1997). Patagonia believes that the piers and particularly the wharves have created favorable surfing conditions at the site by forming sand bars in the surf zone. Surfers are concerned that the removal of the piers may degrade surfing or destroy the surf break at the site.

The applicants hired Noble Consultants, Inc. to assess the potential impacts to recreational surfing caused by removal of the piers (Noble 1997). The Noble report concludes that extensive construction activities along the shoreline (in particular, the widening of Highway 101) has advanced the shoreline "by about 400 to 500 feet seaward from its natural position that existed

over one hundred years ago." The Noble analysis concludes that shoreline fill, and not the pier structures, is the major factor controlling shoal formation and current surf breaks.

The Noble report also found that Rincon Island (an artificial oil island located about one mile west of the piers) may help to create a small wave peak near the end of the Spur Pier. Although the Noble report did not examine the effects of the large caissons on waves or sand movement, it found that the pier pilings (about one foot in diameter) neither effect wave attenuation nor have a discernible effect on the longshore movement of sand. The report concludes that surfing at Seacliff is the "result of historical shoreline fills, possible Rincon Island wave effects and other imperceptible bottom features that all interact to create the present day site" and that "removal of the Oil Piers will not be responsible for degradation of surf conditions."

In response to the Noble Report, Patagonia submitted to the SLC and Coastal Commission written testimony by Dr. William R. Dally, that disputes Noble's findings (*Dally 1997*). While Dr. Dally agrees that the small diameter pier pilings have a negligible effect on wave attenuation, he believes that the large caissons disrupt waves and the longshore current and create scour and deposition features (sandbars/shoals) that support surfing at Seacliff. The Dally report concludes that "it is more probable than not that the removal of the oil piers as planned will result in the degradation of surf conditions at the site."

Patagonia has thus requested of the regulatory agencies that mitigation be provided for any loss of surf break due to pier removal.

The Commission recognizes that the Seacliff area has a number of natural and artificial features that create surfable waves in the vicinity of the piers. The Commission believes that the presence of the piers is one of many features (including Rincon Island, shoreline fill, localized shoals, sand deposits and rock outcroppings) that may contribute to the wave climate at Seacliff. However, the significance of the specific and unique contribution of the pilings and caissons to the wave climate is difficult to assess.

Nevertheless, the Coastal Act does not require the applicants to provide mitigation for impacts to surfing caused by removal of the oil and gas pier structures. The piers were constructed at Seacliff for the sole and exclusive purpose of oil and gas production. Even if the piers cause improved surfing conditions at this beach, the surfers have derived an incidental public benefit from the placement of these artificial structures on the sea floor. The Commission therefore finds that requiring mitigation for impacts to surfing is not warranted.

This position is consistent with the Commission's approval of the Subsea Well Abandonment Rig Sharing Program (SWARS) (CDP Nos. E-95-9, 10, 11, 12, 13, 14, and 17). For the SWARS Program, well operators proposed to remove subsea oil and gas wells that also served to benefit commercial and recreational fishing interests. Certain fishing groups requested that the Commission require the applicants to mitigate for the loss of fishing due to the removal of the subsea wellhead assemblies. The Commission concluded, however, that the commercial fishermen

and sports fishing groups that successfully fished at these wellhead sites had over the years derived an incidental economic benefit from the placement of these structures on the sea floor and therefore mitigation was not warranted.

### *Conclusion*

Although the evidence presented by the applicants does not completely exclude the possibility that the construction of the pier complex has not contributed to the creation of favorable surfing conditions at the site, any such benefit that may have occurred would be incidental to the coastal dependent industrial purposes of the pier complex and would not therefore be subject to the protections under Coastal Act Section 30220 of water-oriented recreational uses. Therefore, the Commission finds that the proposed project is consistent with Coastal Act Section 30220.

### **4.6.5 Air Quality**

Coastal Act Section 30253(3) states:

*New development shall be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*

The air quality of Ventura County is regulated by the California Air Resources Board (CARB) and the Ventura County Air Pollution Control District (APCD). Total project emissions are projected to be 14.85 tons NO<sub>x</sub>. In accordance with its *Guidelines for the Preparation of Air Quality Impact Analyses*, the APCD has determined that the emissions generated by the proposed project are not significant. In accordance with California Health and Safety Code Section 42301.13, the proposed project is exempt from emissions offset requirements because it involves the demolition of a stationary emissions source.

However, Mobil/Rincon have agreed to voluntarily provide emission reduction credits, at a 1:1 ratio, from the Ventura County Emissions Reduction Bank. In addition, Mobil/Rincon will implement standard emission control procedures to minimize the air quality impacts of the proposed project, including:

- Engines used in all equipment will be maintained in good condition and in proper tune as per the manufacturer's specifications;
- The construction schedule will be designed to minimize the number of vehicles and equipment operating simultaneously; and
- All emission producing activities will be suspended if the APCD declares a Critical Event Day.

Because it includes appropriate air pollution control measures and mitigations, and is consistent with the requirements imposed by the Ventura County APCD, the Commission finds the proposed project consistent with Coastal Act Section 30253(3).

#### **4.6.6 Cultural Resources**

Coastal Act Section 30244 states:

*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Cultural resources consist of places or objects important to cultures, communities, and individuals for scientific, historical, and religious reasons. Cultural resources include archeological sites and remains, shipwrecks, artifacts, and places of importance that provide evidence of past human activities.

In January 1996, the UCLA Institute of Archaeology South Central Coast Information Center conducted an archaeological records search for the project area. The search identified five prehistoric sites within a 1-mile radius of the site. One of these sites, CA-VEN-241, is located approximately 1,000 feet east of the base of the Short Pier. However, project activities are not anticipated to cause any further disturbance of site CA-VEN-241.

In February 1997, San Buenaventura Research Associates evaluated the historic significance of the Seacliff pier complex. The evaluation considered whether the pier complex qualifies for listing on the National Register of Historic Places (NRHP) and to determine its status as a local landmark. The analysis concluded that the piers are eligible for listing on the NRHP and for designation as a Ventura County Landmark.

To mitigate for the loss of this historic resource, Mobil/Rincon have proposed the following measures:

- A Historic American Building Survey/Historic American Engineering Record Survey report at level II, as defined by 36 CFR Part 61, will be conducted for the complex. This report will include historical documentation, archival quality photographs, reproductions of available plans and the production of additional documentation as required. Documentation will be offered to appropriate repositories such as the Ventura County Museum of History and Art.
- The pier complex will be nominated for designation as a State Historical Landmark site or Point of Historical Interest.

With the implementation of these measures, the Commission finds the proposed project to be consistent with the requirements of Coastal Act Section 30244 for the protection of archaeological and paleontological resources.

#### **4.6.7 Coastal Dependent Industrial "Override" Provision**

Coastal Act Section 30101 defines a coastal-dependent development or use as that which "requires a site on or adjacent to the sea to be able to function at all." Ports, commercial fishing facilities, marine terminals, and offshore oil and gas developments are examples of development considered "coastal dependent" under Section 30101.

Coastal Act Section 30260 provides for special approval consideration of coastal-dependent industrial facilities that are otherwise found inconsistent with the resource protection and use policies contained in Chapter 3 of the Coastal Act. The Seacliff pier complex qualifies as a "coastal dependent industrial facility." In its consideration of a coastal development permit application for a coastal-dependent industrial facility, the Commission must first analyze the proposed project under all applicable Chapter 3 policies. If the proposed development does not conform with one or more of these policies, then the development may be approved under the coastal-dependent industrial override provision of Section 30260.

Coastal Act Section 30260 states:

*Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this Section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.*

As described in Section 4.6.1 of this report, the proposed project does not conform with Coastal Act Section 30232 due to the potential for and significant impacts caused by a marine oil spill. Since the project qualifies as a "coastal-dependent industrial facility," the Commission may approve the project despite its inconsistency with Section 30232 if the three requirements of the coastal-dependent industrial override provision can be met.

#### 4.6.7.1 Alternative Locations

The first test of Coastal Act Section 30260 requires the Commission to find that alternative locations for the project are infeasible or more environmentally damaging. Mobil/Rincon propose to abandon an existing facility. Therefore, consideration of alternative project locations is not applicable.

#### 4.6.7.2 Public Welfare

The second criteria of Coastal Act Section 30260 provides that the Commission may grant a permit for coastal-dependent industrial development despite inconsistency with other Coastal Act policies if to do otherwise would adversely affect the public welfare. The Commission believes that this test requires more than a finding that a project as proposed is in the interest of the public. Rather, the Commission must find that to deny a permit for the project would be harmful to the public welfare.

Without consistent maintenance, the pier complex will rapidly deteriorate, creating a substantial public hazard, particularly for surfers and other users of this popular public recreation area. In some cases, the public has had to accept financial responsibility for removing the hazards created

by improperly abandoned offshore oil and gas facilities. In accordance with the terms of the state leases for the facility, the applicants are required to remove all portions of the Seacliff pier complex in order to prevent the facility from becoming hazardous to the public in the future. The Commission therefore finds that to not grant a permit for the removal of the Seacliff pier complex would adversely affect the public welfare. The proposed project therefore meets the second criteria of Coastal Act Section 30260.

#### 4.6.7.3 Maximum Feasible Mitigation

The third test of Section 30260 requires a finding that the adverse environmental impacts of the project have been mitigated to the maximum extent feasible. As discussed in Section 4.6.1 of this report, the Commission has determined that the project is inconsistent with Coastal Act Section 30232 due to the unavailability of effective equipment and procedures to contain and cleanup an accidental oil spill. However, the Commission finds that the applicants are undertaking all available measures to prevent and respond to a spill and therefore the environmental impacts of the project have been mitigated to the maximum extent feasible. Thus, the proposed project meets the third and final test of Coastal Act Section 30260.

#### **4.7 California Environmental Quality Act**

Section 13096 of the Commission's administrative regulations requires Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of the CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment.

As "lead agency" under the CEQA, the State Lands Commission certified Mitigated Negative Declaration ND680 for the proposed project on November 7, 1997, determining that the project will not result in any significant adverse environmental impacts within the meaning of the CEQA. The project as conditioned herein represents the least environmentally damaging feasible alternative and includes mitigation measures to avoid or lessen adverse environmental impacts to the maximum extent feasible. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the resource protection policies of the Coastal Act and with the CEQA.



**APPENDIX A**  
**SUBSTANTIVE FILE DOCUMENTS**

***Literature and Correspondence Cited***

California Coastal Commission, Coastal Development Permit Nos. E-94-6 (Chevron 4H Platform Abandonment); E-95-9, 10, 11, 12, 13, 14; and E-95-17 (SWARS Program).

California Department of Fish and Game, Explosives Permit No. EP-97-02, granted November 18, 1997.

California State Lands Commission, Mitigated Negative Declaration ND680, Ferguson Pier Complex Decommissioning Program, November 7, 1997.

\_\_\_\_\_, Oil and Gas Leases PRC 427.1, PRC 429.1, and PRC 3125.

Dally 1997. Dr. William R. Dally, Review of California State Lands Commission proposed Mitigated Negative Declaration ND680, and aerial photographs, September 16, 1997.

Jaques, 1996. Deborah L. Jaques, Craig S. Strong, Thomas W. Keeney, Brown Pelican Roosting Patterns and Responses to Disturbance at Mugu Lagoon and Other Nonbreeding Sites in the Southern California Bight, National Biological Services, Cooperative National Park Resources Studies Unit, University of Arizona.

MMS 1996. Proceedings, An International Workshop on Offshore Lease Abandonment and Platform Disposal: Technology, Regulation, and Environmental Effects, U. S. Minerals Management Service, April 15, 16, and 17, 1996. National Marine Fisheries Service comment letter re: U. S. Army Corps of Engineers Public Notice No. 97-50251-BAH, November 13, 1997.

Noble 1997. Noble Consultants, Inc., Coastal Engineering Assessment, Impacts to Recreational Surfing, Seacliff Oil Piers, March 27, 1997.

Ventura County, Draft Mobil Piers Management Plan, November 10, 1997.

Zimmer, 1997. Law Offices of Jana Zimmer, comment letter on the behalf of Patagonia, Inc. re: California State Lands Commission proposed Mitigated Negative Declaration ND680, September 17, 1997.

***Authorities Cited***

Dally, Dr. William R. Ph.D., P.E., Coastal/Ocean Engineering, University of Florida, Gainesville.

Gress, Dr. Franklin. Ph.D., Department of Wildlife, Fish, and Conservation Biology,  
University of California, Davis.

Keeney, Thomas. Ecologist, Point Mugu Naval Air Station.

Lagomarsino, Irma. Fisheries Biologist, National Marine Fisheries Service.

Lyons, Michael. Chief of Surveillance Unit, Central Coast Regional Water Quality Control Board.

Nitsos, Richard. Environmental Specialist, Marine Resources Division, California Department of Fish and Game.

Parker, David. Senior Biologist, Marine Resources Division, California Department of Fish and Game.

**APPENDIX B**  
**STANDARD CONDITIONS**

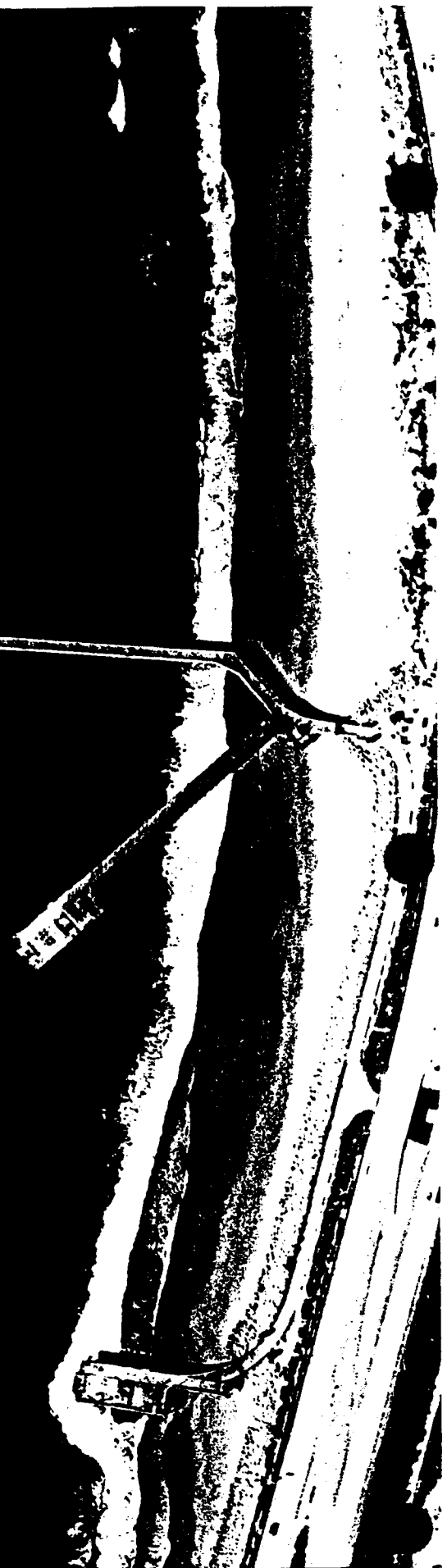
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the executive director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.





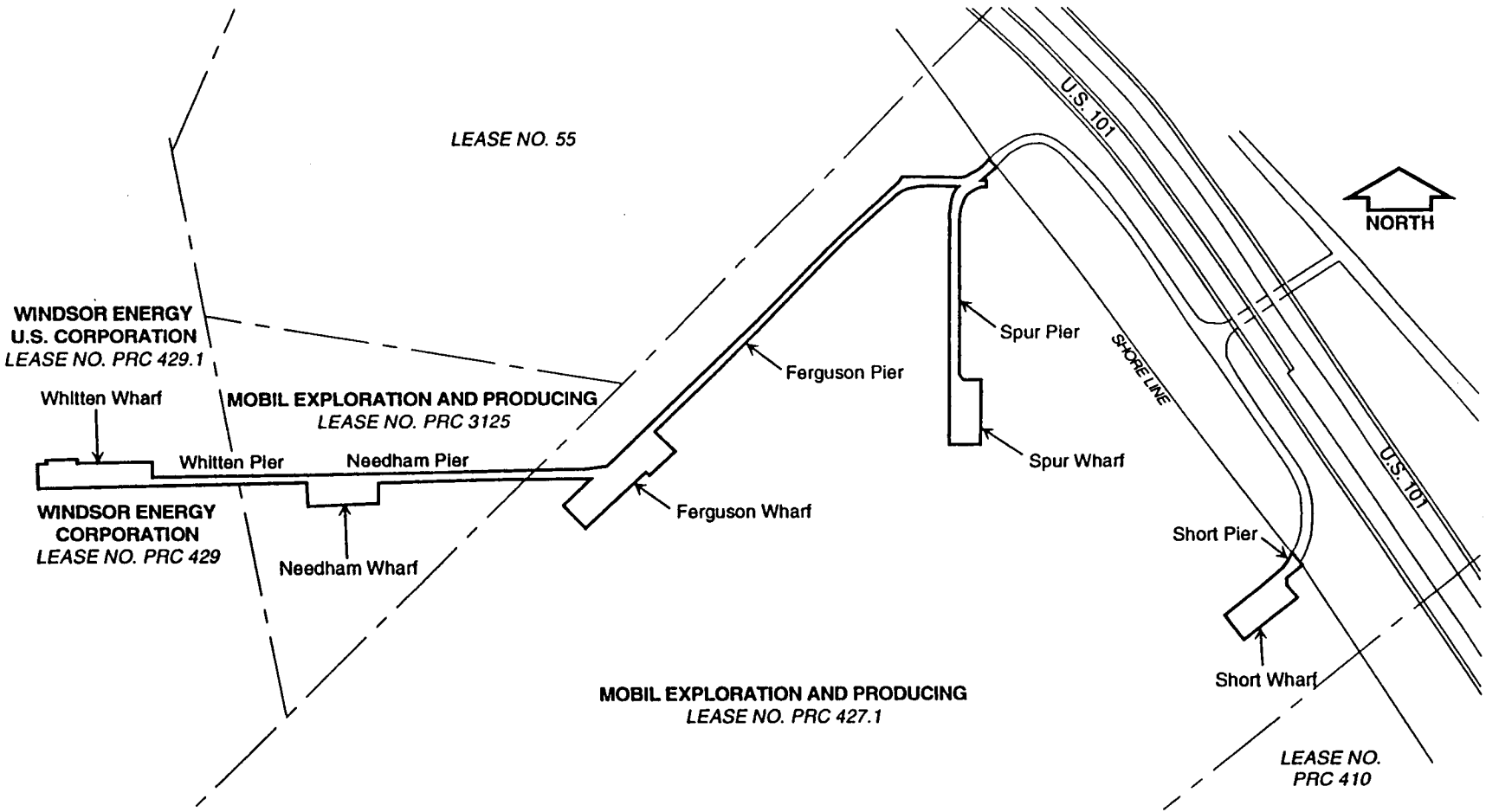


Seacliff Pier Complex Abandonment Project  
Execution Plan



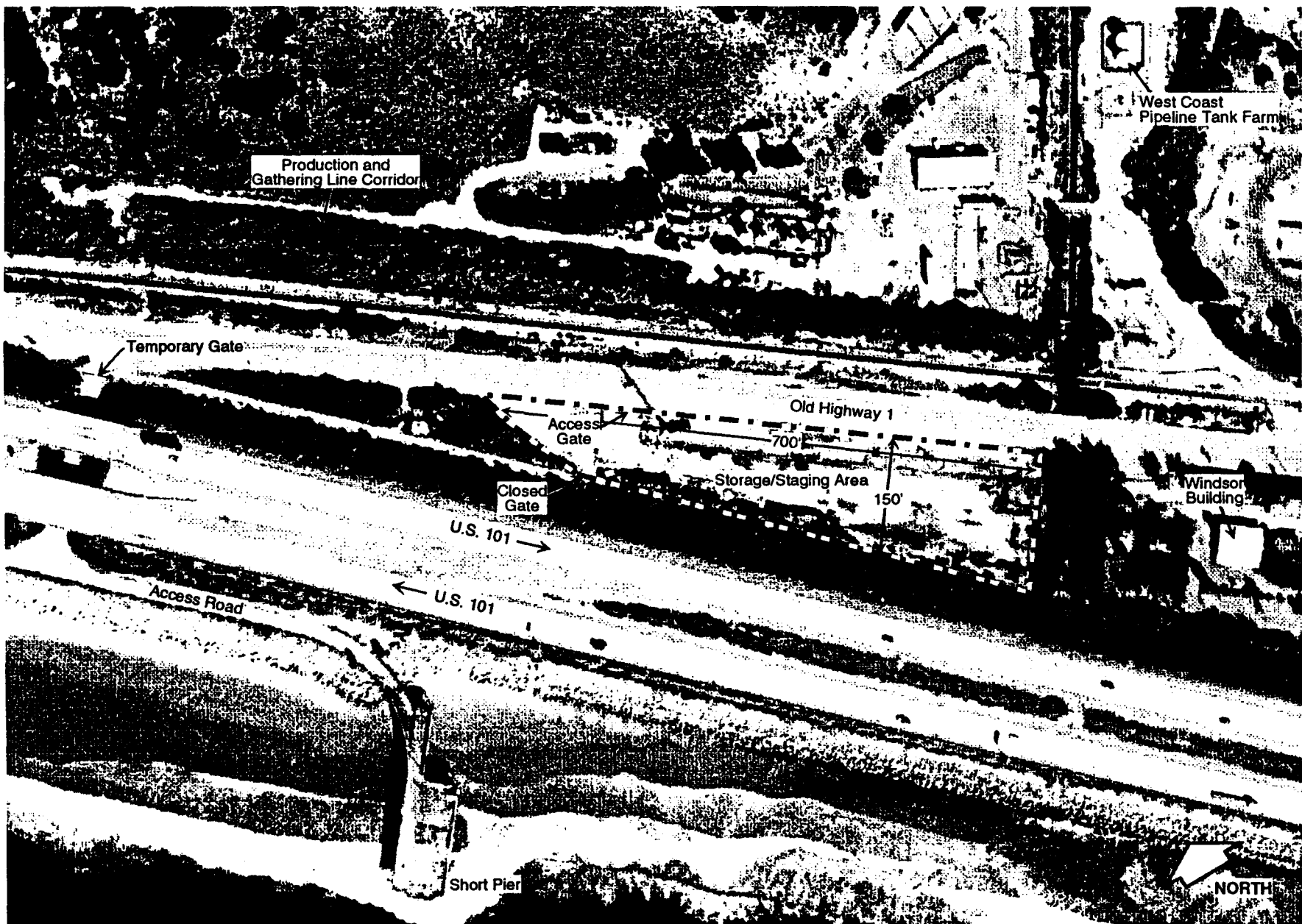
AERIAL PHOTOGRAPH

Seacraft Pier Complex Abandonment Project  
Execution Plan



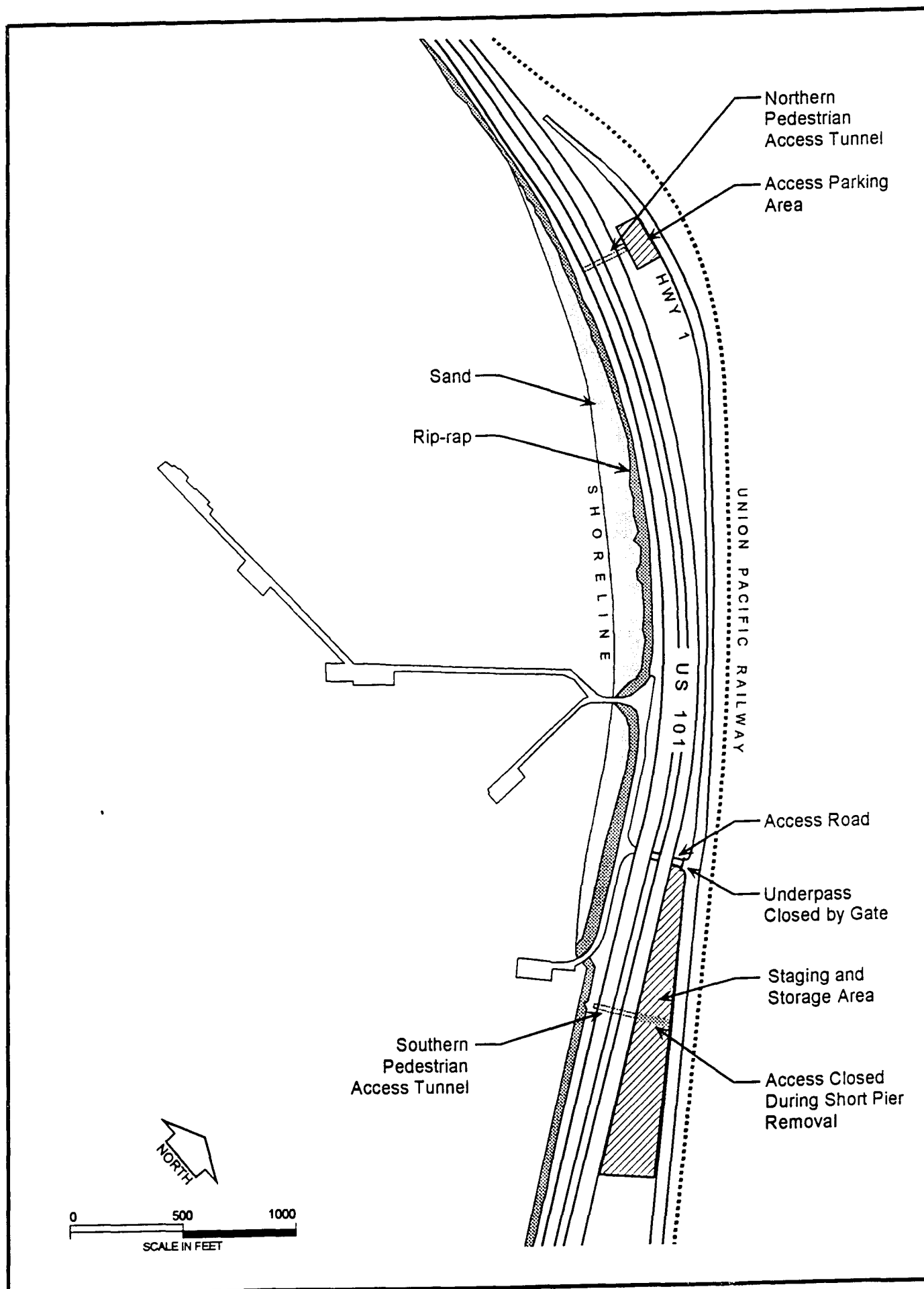
LEASE LOCATIONS, AND PIERS  
AND WHARVES TO BE REMOVED

Seacraft Pier Complex Abandonment Project  
Execution Plan



STAGING AREA AND  
RESTRICTED ACCESS LOCATION  
Exhibit 4

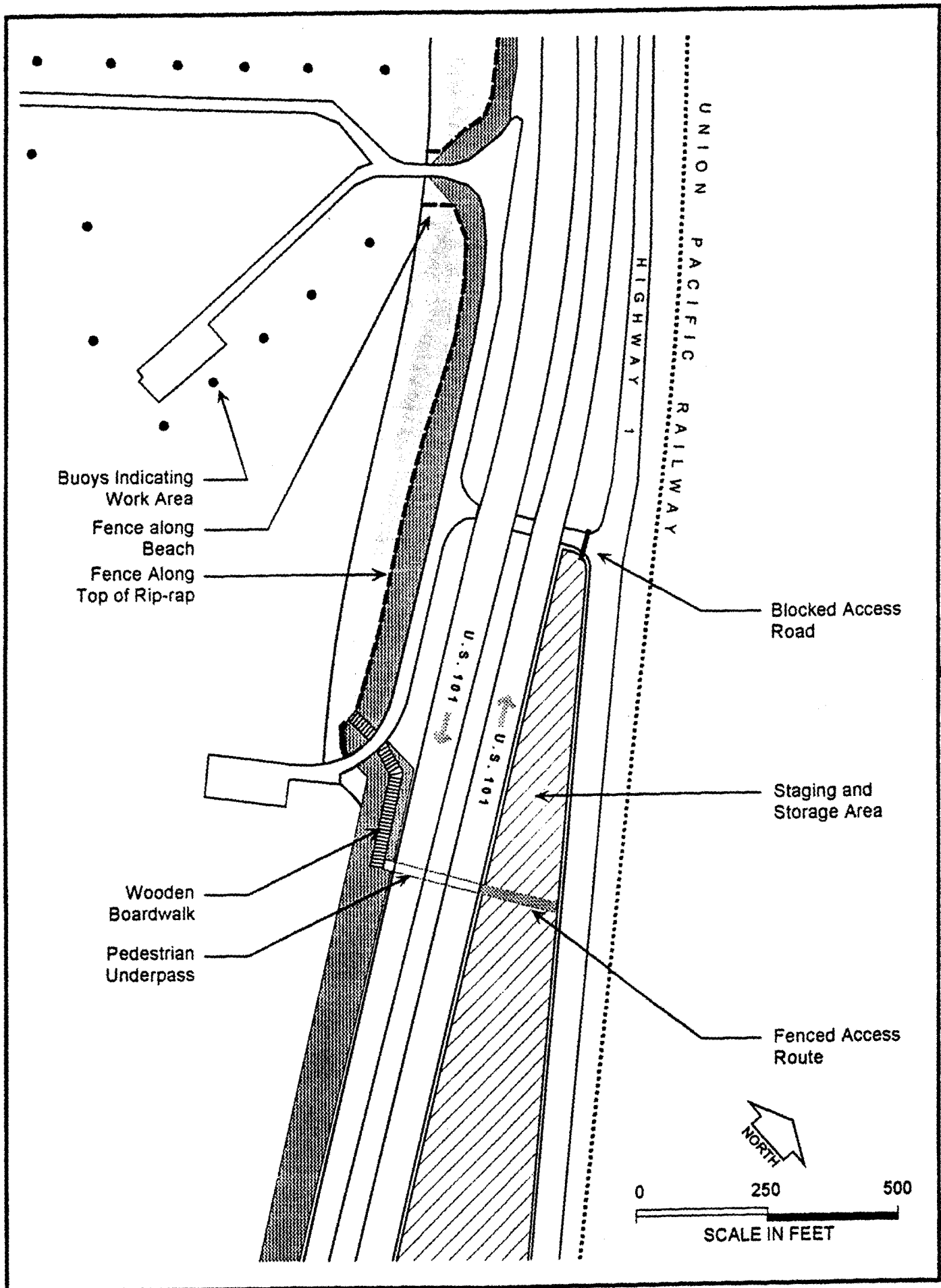


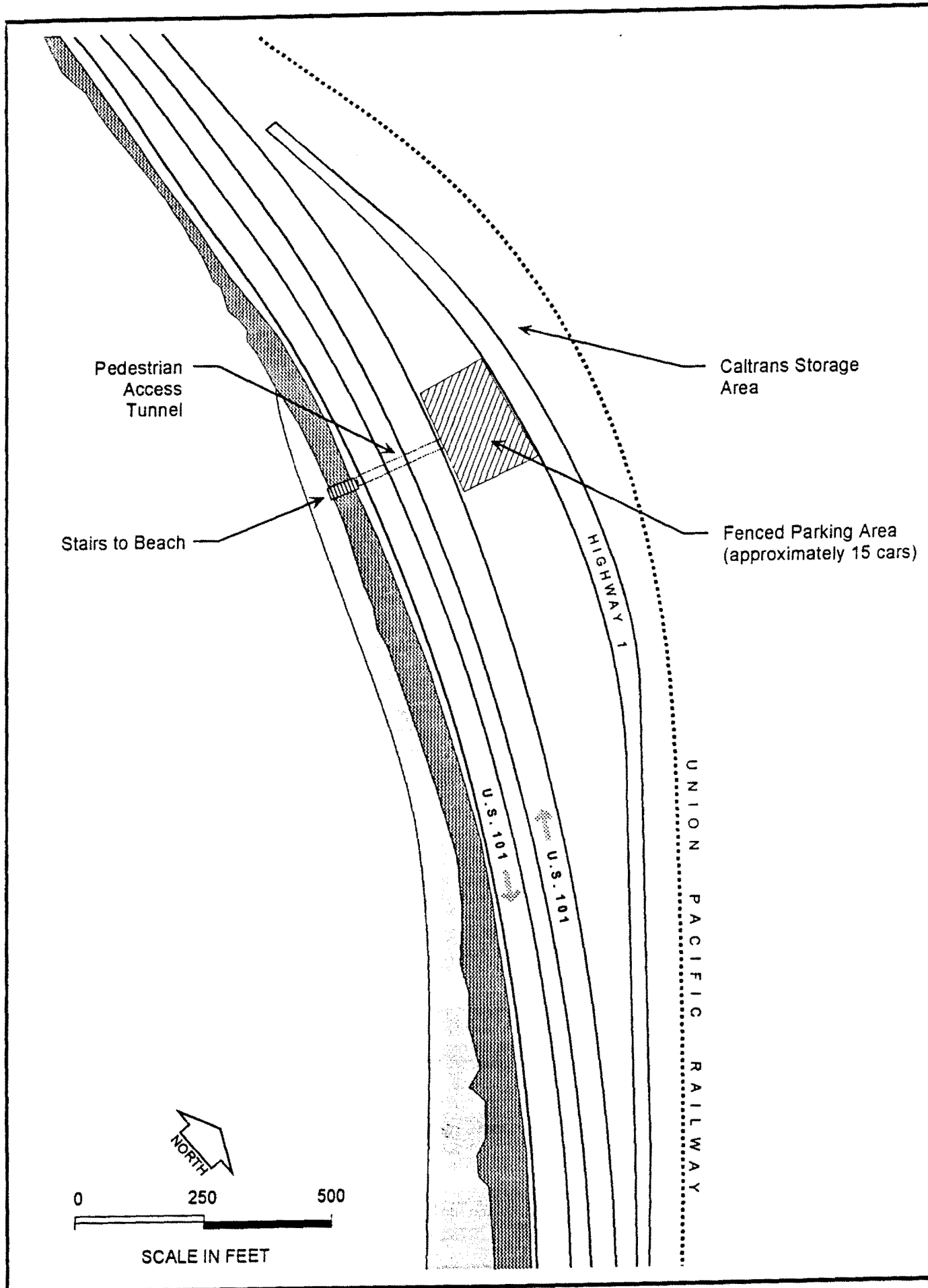


Seacliff Pier Complex Abandonment Project  
Execution Plan

**PROJECT SITE AND  
RELATED ACCESS ROUTES**

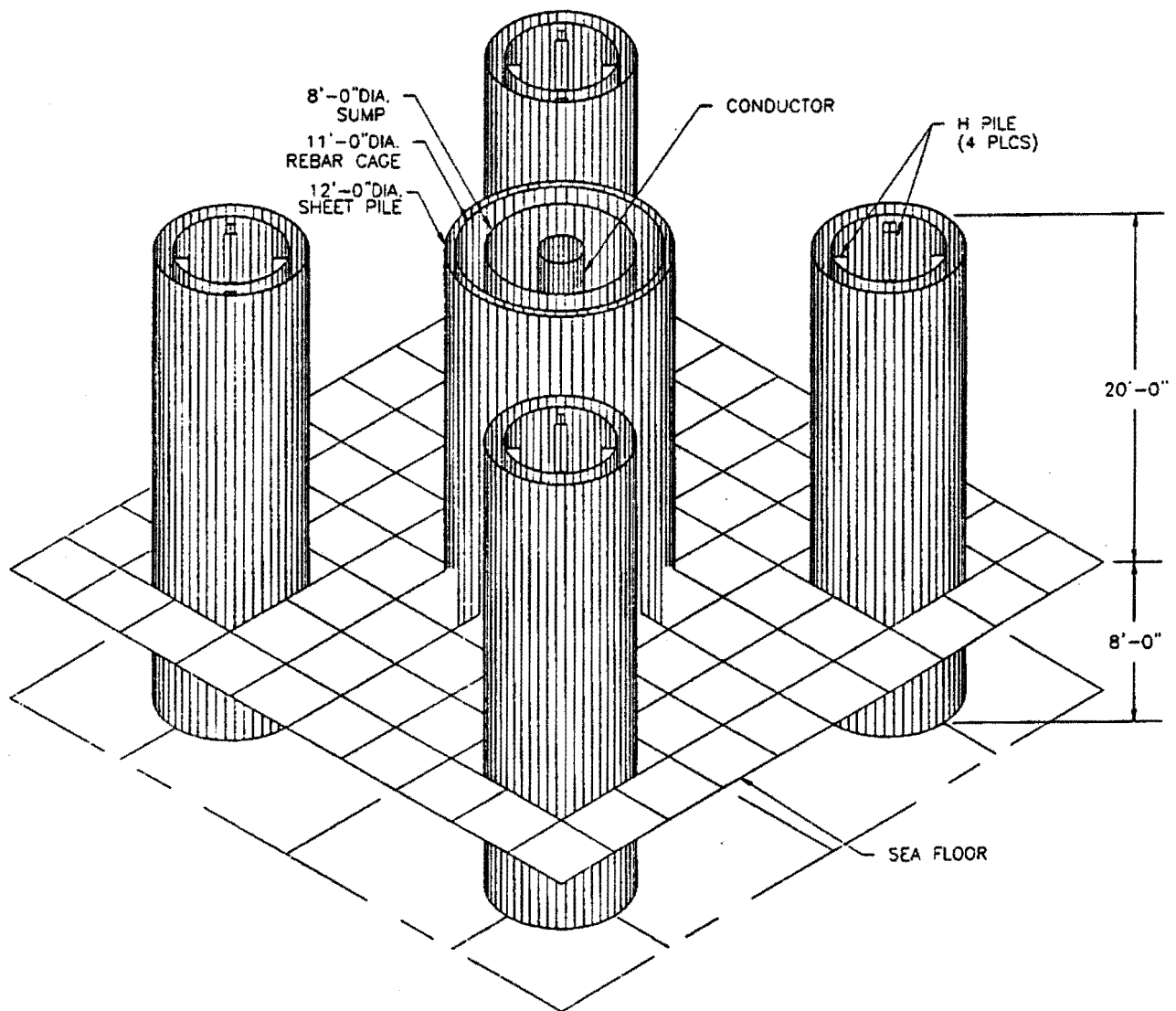
**Exhibit 5**





Seacliff Pier Complex Abandonment Project  
Execution Plan

**NORTHERN ACCESS ROUTE**  
**Exhibit 7**



# Larry Dudley Yacht Sales

1591 Spinnaker Drive, Pier B  
Ventura, California 93001  
Telephone (805) 644-9665  
FAX (805) 644-9695

RECEIVED  
SEP 10 1997

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September 5, 1997

SEP 08 1997

CALIFORNIA  
COASTAL COMMISSION

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

✓ California Coastal Commission  
Mobil Oil Corp.  
Ventura County Board of Supervisors

Gentleman:

It should not be necessary to write this letter, since the condition I am protesting is known to many of your people, but nothing has been done to correct it and the potential for serious trouble is growing daily.

I refer to the apparently abandoned, unused, decaying former drilling piers east of the "oil island" at Punta Gorda. Many of the pilings have rotted away, especially near the pier ends, and it is obvious that a typical hard fall northwester will cause the collapse of portions of at least one, and probably several pier(s).

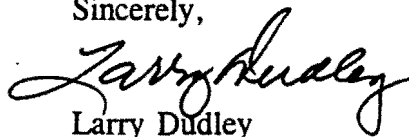
Pilings and decking adrift along the coast will re-create the hazards to navigation that resulted from the loss of the outer portion of the Ventura pier two years ago, and removal of debris from the beaches of Ventura (and possibly Santa Barbara) would again be expensive.

It appears that removal of the eroded pilings and associated structures will be relatively simple as long as a crane can be used from the pier itself. If work is not started soon the structure might not support it, and removal would have to be done from an expensive barge.

I am sure the owner of the piers is required to keep them in good repair, or remove them. Certainly this is required of the city of Ventura in re its pier. No one wants rotten pilings adrift, or battering the beach, not even the surfers who have enjoyed the break for so many years. Or perhaps their association would like to assume liability for damage to boats and structures that is inevitable if the piers are not removed?

With the hope that this potentially dangerous situation is resolved soon.

Sincerely,

  
Larry Dudley

CC: Ventura Star  
L.A. Times Ventura edition

