

MINUTE ITEM
This Calendar Item No. 69
was approved as Minute Item
No. 69 by the State Lands
Commission by a vote of 3
to 0 at its 11/7/97
meeting.

CALENDAR ITEM
69

A 35
S 18

11/07/97
W 40730
A. Willard
J. Planck
M. Griggs

**CONSIDER ADOPTION OF THE MITIGATED NEGATIVE DECLARATION,
APPROVAL OF THE PROPOSED DECOMMISSIONING PROGRAM
FOR REMOVAL OF THE FERGUSON PIER COMPLEX,
VENTURA COUNTY**

APPLICANTS:

Mobil Exploration and Producing U.S., Inc.
Attn: Mr. Manny Galaviz and Mr. David Barger
10000 Ming Avenue
Bakersfield, CA 93311

Rincon Island Limited Partnership
Attn: Mr. Ronald Klarc
5750 West Pacific Coast Highway
Ventura, CA 93001

AREA, LAND TYPE, AND LOCATION:

The State's Lease Nos. PRC 427.1 (Ferguson Lease), PRC 3125.1 (Needham Lease), PRC 429.1 (Whitten Lease) and PRC 5968.1 (Rincon Island Ltd. Partnership) comprise approximately 233 acres of State tidelands, including the adjacent beach, and are located approximately seven miles northwest of Ventura, California, in the Santa Barbara Channel (Exhibit A, Site Map, attached hereto).

BACKGROUND:

In the early 1930s, piers and wharves were constructed on offshore State lands, and oil and gas was produced from well heads located on these offshore structures. Production from all of the wells on the Ferguson Pier Complex was terminated in 1993. Mobil Exploration and Producing U.S., Inc. (Mobil), has abandoned all of its wells on the piers. Rincon Island Limited Partnership (Rincon Partnership) is in the process of abandoning the few remaining wells on its part of the pier complex.

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The conditions of the SLC lease require Mobil to remove the lease facilities and to restore the site. The purpose of the project is to comply with this requirement by removing the existing piers and wharves. All decommissioning activities will be conducted from the existing piers and wharves and will not require any offshore support such as barges or other vessels, except for the use of a small vessel to support diving activities and sonar equipment for pre- and post-demolition surveys.

DESCRIPTION AND TIMING OF FACILITIES TO BE REMOVED:

The Ferguson Pier Complex consists of two distinct piers, the "Short Pier" and the "Ferguson/Needham/Whitten Pier." Mobil owns and operates the Short Pier, and the Ferguson and Needham Pier complex segments. The Short Pier is approximately 350 feet long, including a terminal wharf that is 75 feet wide by 162 feet long, about half the size of a football field. The Ferguson/Needham/Whitten Pier is composed of a Main Pier, Spur Pier and Spur Wharf. The Main Pier is further subdivided into three pier segments, the Ferguson Pier, the Needham Pier and the Whitten (or Honolulu) Pier. The Spur Pier diverges from the Main Pier and is approximately 620 feet long, including the terminal Spur Wharf which is the same size as the wharf described above. The Ferguson Pier is approximately 1,300 feet long, the Needham Pier is approximately 700 feet long, and the Whitten Pier and Wharf, the only part owned and operated by Rincon Partnership, is about 400 feet long. (Exhibit B, Ferguson Pier Complex, attached hereto).

Besides the abandonment and removal of the well bores and the wooden/steel pier structures themselves, there are also a number of "caissons", or old derrick foundations, in the wharves that will need to be removed using explosives to fracture caisson concrete. All operations using explosives will be performed pursuant to the "Explosive Use and Blasting Plan" found in Appendix B of the Proposed Mitigated Negative Declaration attached hereto.

As originally submitted to the California State Lands Commission, the proposed decommissioning activities were scheduled to start in September 1997. Due to delays associated with the permitting process, it is now projected that the project will be started in December 1997. The project duration remains unchanged, approximately nine months. Due to the later starting date, the proposed project will continue until August 1998. It is important that the demolition and removal operations of the piers and wharves commence as soon as possible to minimize the potential of destruction and damage from anticipated winter storms.

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As a result of a project schedule change, a revised beach access program has been developed in consideration of and in conjunction with the Applicants and staff of the California Coastal Commission and is discussed below.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Division 6, Parts 1 and 2; Division 13
- B. California Code of Regulations: Title 3, Division 3; Title 14, Division 6

OTHER PERTINENT INFORMATION

1. On August 26, 1996, Commission staff circulated a Proposed Mitigated Negative Declaration through the State Clearinghouse, SCH: 96081081, SLC Negative Declaration No. 676. This document addressed impacts associated with a proposed abandonment plan for portions of the Ferguson Pier Complex. A number of comments were received on this document relating to issues of potential air quality, public access and recreational (surfing) impacts. After consultation with the Applicant, the project description was expanded to include abandonment of the entire Ferguson Pier Complex.
2. On August 14, 1997, Commission staff circulated a revised Proposed Mitigated Negative Declaration through the State Clearinghouse, SCH: 96081081, SLC Negative Declaration No. 680. This document addressed impacts associated with the proposed decommissioning of the entire Ferguson Pier Complex as delineated above.
3. Comments were received in the following potential issue areas -- public access, the artificial habitat reef, air quality, impacts to recreation (surfing) and the California Brown Pelican. The following sections include a summary of the comments/concerns and their disposition:

A. Public Access:

As originally proposed, the project access road and a pedestrian access tunnel would be fenced off at the beginning of the project. This fencing would be designed to block all public access to the project area to ensure public safety. Attachment 1 depicts the project site and related access points.

The closure was originally proposed to extend through project

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completion. The entire beach was to be re-opened to the public by June 1998, for the beginning of the summer recreation season. Signs would be posted at the site directing potential beach users to other beach sites located to the north (La Conchita) and south (County Park). As noted above, however, permitting delays will extend the project into the 1998 summer season.

Due to concerns raised by the public and staff of the California Coastal Commission, Mobil proposes the following revised access plan and schedule:

1. The access road under Highway 101 and pier access road will be closed during equipment mobilization for the project. The entire area will be used to move, process, and store pier materials as they are removed from the pier.
2. Upon completion of the Short Pier removal work, approximately two months, the southern pedestrian underpass will be reopened to allow access to the beach area located to the south of the Ferguson Pier. Starting next to Old Highway 1, a pedestrian access route will be delineated using fencing and signs, see Attachment 2. The area will be carefully located and marked to separate the public from material storage and equipment operations at the secondary storage area. Individuals will, however, be permitted to pass through the pedestrian walkway originally constructed by Caltrans during the widening of Highway 101.

At the ocean side terminus of the pedestrian underpass, users are currently required to cross riprap on the side of the roadway to reach the existing pier access road. The terminus is approximately 150 feet to the south of the pier access road. To ensure safe passage from the ocean side pedestrian underpass terminus to the pier access road, Mobil will construct a wooden walkway on top of the riprap. The walkway will be constructed, to the extent possible, with materials from the pier. Once at the access road, users would cross the road to the beach side riprap. A stairway will be constructed to facilitate safe access to the beach.

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Fencing to block passage under the pier will be placed at the base of the beach riprap to block public access to the roadway and along the beach adjacent to the Ferguson Pier. Buoys, to ensure the public's safety during demolition activities, will be placed in the water adjacent to the Ferguson Pier and Wharf warning beach users of the hazards associated with the demolition operations.

3. As soon as Caltrans approvals can be obtained, a second pedestrian access point will be opened to the northern portion of the beach (see Attachment 3). This pedestrian access underpass was also constructed by Caltrans during the widening of Highway 101, but currently receives little public use due to debris placed in front of the roadside access point. Mobil will work with Caltrans to designate a parking and access point at this location. An area will be graded and fenced to allow safe off-road parking for approximately 15 vehicles.

Signs will be placed at the pier access road underpass directing users to either the southern or northern access points. The public will access the existing pedestrian underpass from the parking lot and, once at the ocean side terminus, descend to the sand beach via the new stairs constructed by Mobil. Fencing will again be placed along the pier access road and along the beach side of the piers to prevent the public from entering the work area. Buoys will be placed along the remaining offshore portion of the pier warning users of the potential hazards.

At the conclusion of the proposed project, the pier access road will be repaired and restored to a useable condition. The staff of the California Coastal Commission has requested that the access roadway and pedestrian access improvements be retained onsite for future public use. However, in order to retain these structures, a third party would need to take ownership of the structures and assume all liabilities relating to the structures, including maintenance and repairs of the facilities. Currently, Mobil is working to

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identify potential public, including the County of Ventura, or private organizations to which it could transfer these improvements. Initial steps have been taken by the County to consider acquisition of the site improvements. Mobil is continuing to work with the County to develop an agreement regarding this transfer.

B. Artificial Habitat Reefs:

The construction of several reefs on site was investigated as a potential beneficial alternative use of concrete rubble from the destruction of the existing cement caissons. Staff is not recommending the Commission's consideration of this alternative for several reasons, among which is an unresolvable assumption of continuing maintenance and liability responsibilities for such reefs.

C. Air Quality:

As stated in the draft Mitigated Negative Declaration, the air emissions associated with the proposed project are considered less than significant because they are temporary construction emissions. This determination was made in consultation with the Ventura County Air Pollution Control District (APCD) and in accordance with their published guidelines for conducting air emissions impact analyses.

Mobil is working with the Ventura County APCD and its demolition contractor to ensure all project equipment is properly maintained and operated in compliance with the manufacturers guidelines to minimize emissions. Portable equipment that exceeds 50 horsepower will be permitted through either the Statewide Portable Equipment Registration Program or County Permitting Program.

D. Recreation (Surfing):

Members of the surfing community, represented by Patagonia and Surfriders, are concerned that removal of the Ferguson Pier Complex will result in adverse impacts to the quality of the surf currently experienced in the vicinity of Seacliff. Although the applicant and the

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State Lands Commission are not required, pursuant to CEQA, to perform new studies to determine impacts, a Coastal Engineering Assessment of Impacts to Recreational Surfing was conducted by Noble Consultants, Inc., (Noble) (March, 1997), in response to this concern and circulated as an Appendix to the Mitigated Negative Declaration.

The report concludes that removal of the oil piers will not be responsible for degradation of surf conditions at the site. The site has been much more dramatically effected by the Caltrans fill encroachments that resulted in realignment of the shoreline and readjustment of the offshore equilibrium profile. Regional sand management studies completed in 1989 indicates that portions of the Santa Barbara and Ventura County coastline are erosional, and that natural sediment supplies to the coastline are diminishing.

The fact that the piers have always been present as long as the spot has been surfed may have generated the notion that they are primarily responsible for the rideable surf. After review and consideration of available data and information, it is staff's opinion that the surfing opportunities occur as a result of the historical shoreline fills, Rincon Island's possible wave effects, and other imperceptible bottom features that all interact to create the present day site.

Staff of the Commission consulted with representatives of Patagonia, Surfrider and Mobil in an attempt to resolve these concerns. Despite good faith participation by all parties in these meetings and discussions, no resolution was achieved. Patagonia's representatives remain of the belief that removal of the piers has the potential to adversely impact existing surfing conditions. Commission staff, on the other hand, concludes that a serious and scientifically defensible effort occurred to examine possible impacts of the proposed project on surfing and that no impact has been demonstrated.

E. The California Brown Pelican

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It is recognized that the Seacliff Pier Complex is routinely used by the endangered brown pelican as a daytime and nighttime roosting site. In addition to brown pelicans, cormorants and other marine birds are observed at the site. As noted in the species list included in the Mitigated Negative Declaration, brown pelicans usually rest on water or inaccessible rocks as well as mudflats, sandy beaches, wharves and jetties.

The removal of the piers will result in the loss of this manmade structure as a roosting site. However, suitable roosting sites are located in close proximity to the pier complex. These potential roosting sites include the causeway leading to Rincon Island, the adjacent rock rip-rap, and the sandy beach at the site. Pelicans have been observed using these sites, however this use will likely increase once the piers have been removed. Use of these and other sites will be influenced by the amount of disturbance the pelicans experience. Sites with limited disturbance from human activities will likely receive the greatest use.

The project Marine Wildlife Contingency Plan recognizes the sensitivity of brown pelicans to the proposed project activities. Monitors will be onsite during explosives use to insure measures are taken to minimize impacts to brown pelicans and other marine wildlife.

Ms. Deborah Jaques (Crescent Coastal Research) and Mr. Thomas Keeney (Point Mugu Naval Air Station, Biologist) both of whom co-authored a 1996 study entitled "Brown Pelican Roosting Patterns and Responses to Disturbance at Mugu Lagoon and other Nonbreeding Sites in the Southern California Bight" were consulted regarding pelican roosts impacts. Both authors noted that the piers do provide a significant roosting habitat, however other potential roosting opportunities occur in proximity to the piers. The most significant being Rincon Island and the causeway leading to the island. Pelicans have been observed at these sites, but the use is less than observed at the piers. It is unclear why the island and causeway are not used more, but both authors believe the island will see more use once the piers are removed.

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Mr. Tom Keeney indicated that he has observed pelican movements from the Mugu Lagoon to better determine roosting activities. He indicates that pelicans routinely move from Mugu Lagoon back to Anacapa Island, a distance of approximately 10 miles to roost. Additionally, pelicans will fly up to 60 miles offshore to feed. Based on these observations he believes that pelicans will fly up to 60 miles offshore to feed. Based on these observations he believes that pelicans displaced from the Seacliff piers will likely move to other known roosting areas within a 10 mile radius of the site. Such roosting opportunities include the Santa Clara River Mouth, Ventura Harbor breakwater, Ventura River Mouth, Rincon Island (Punta Gorda) Carpinteria Marsh, and the Santa Barbara Harbor. This type of dispersion is suspected to have occurred when a barge moored off of the Santa Barbara Harbor was again occupied removing it from potential use by pelicans. (Keeney personnel communications, 1997).

EXHIBITS:

- A. Site Map
- B. Ferguson Pier Complex
- C. Attachments 1, 2, and 3
- D. Mitigation Monitoring Plan

PERMIT STREAMLINING ACT DEADLINE:

December 2, 1997

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDINGS:

1. CERTIFY THAT A PROPOSED (MITIGATED) NEGATIVE DECLARATION, CSLC ND NO. 680, STATE CLEARINGHOUSE NO. 96081081 WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE PROPOSED MITIGATED NEGATIVE DECLARATION

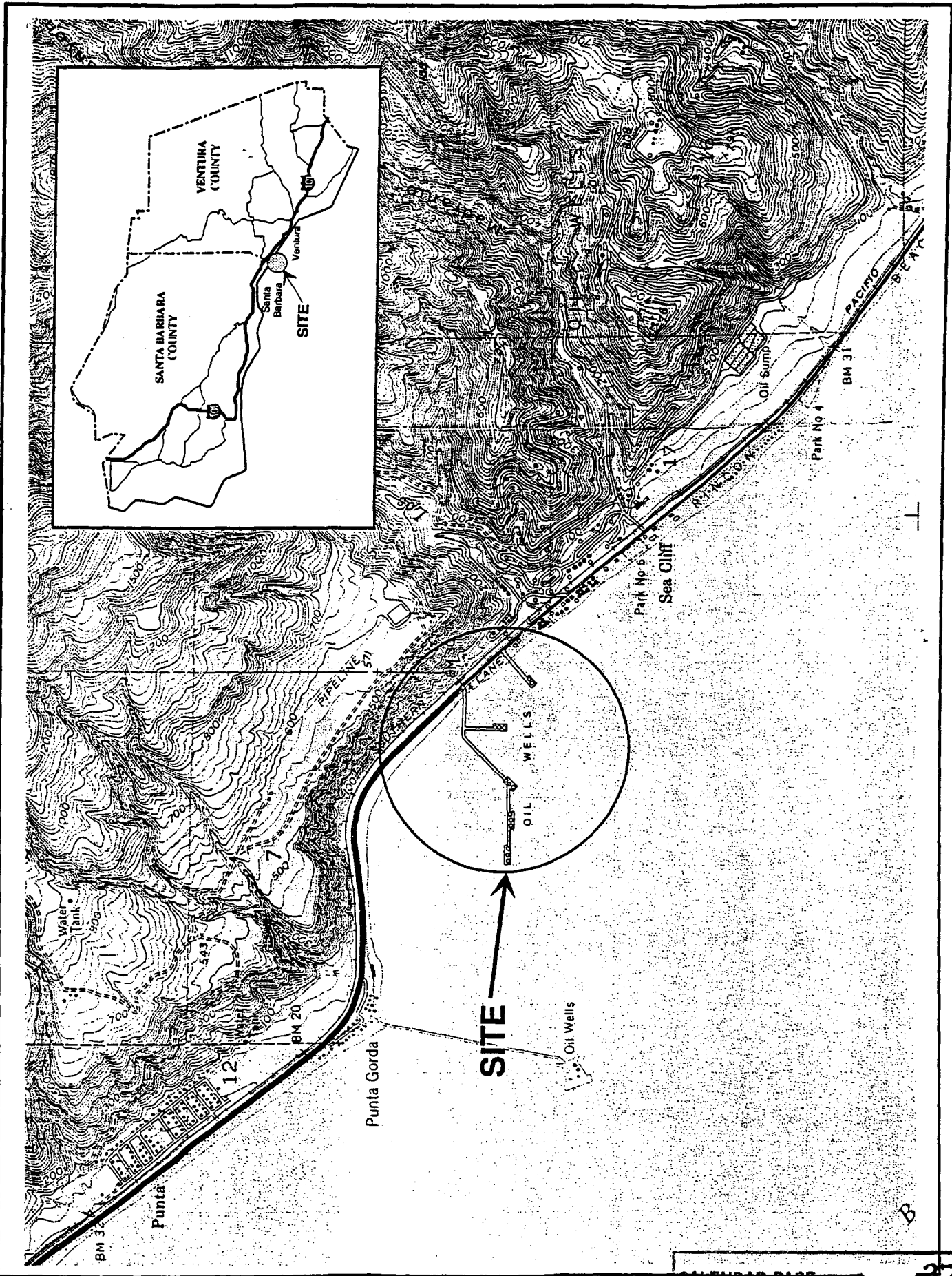
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AND THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT D , ATTACHED HERETO AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

AUTHORIZATION:

1. APPROVE, AS THE PROJECT IS DESCRIBED IN THE MITIGATED NEGATIVE DECLARATION, THE PROGRAM FOR THE DECOMMISSIONING AND REMOVAL OF THE FERGUSON PIER COMPLEX AND RESTORATION OF THE SITE.

2. AUTHORIZE COMMISSION STAFF TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THIS PROGRAM AND ENSURE COMPLIANCE WITH THE SPECIFIED MITIGATION MEASURES CONSISTENT WITH (1) THE COMMISSION'S RULES AND REGULATIONS; (2) SOUND ENGINEERING PRACTICES; AND, (3) MAXIMUM FEASIBLE MITIGATION AS SPECIFIED IN THE MITIGATION MONITORING PROGRAM (EXHIBIT D, ATTACHED HERETO).



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Seacliff Pier Complex Abandonment Project
Execution Plan

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PROJECT SITE LOCATION	
MINUTE PAGE	002598

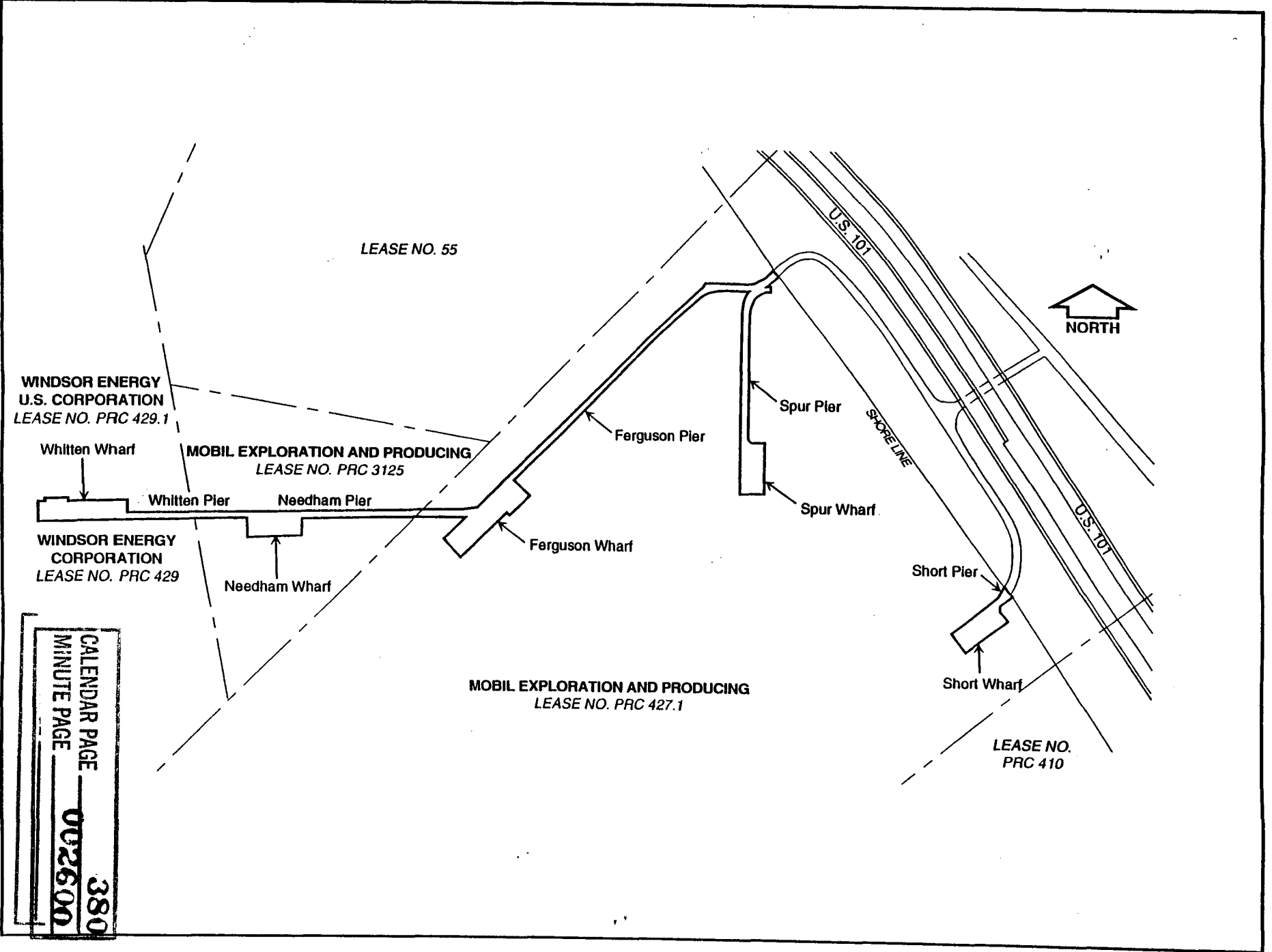
EXHIBIT A
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EXHIBIT B
FERGUSON PIER COMPLEX

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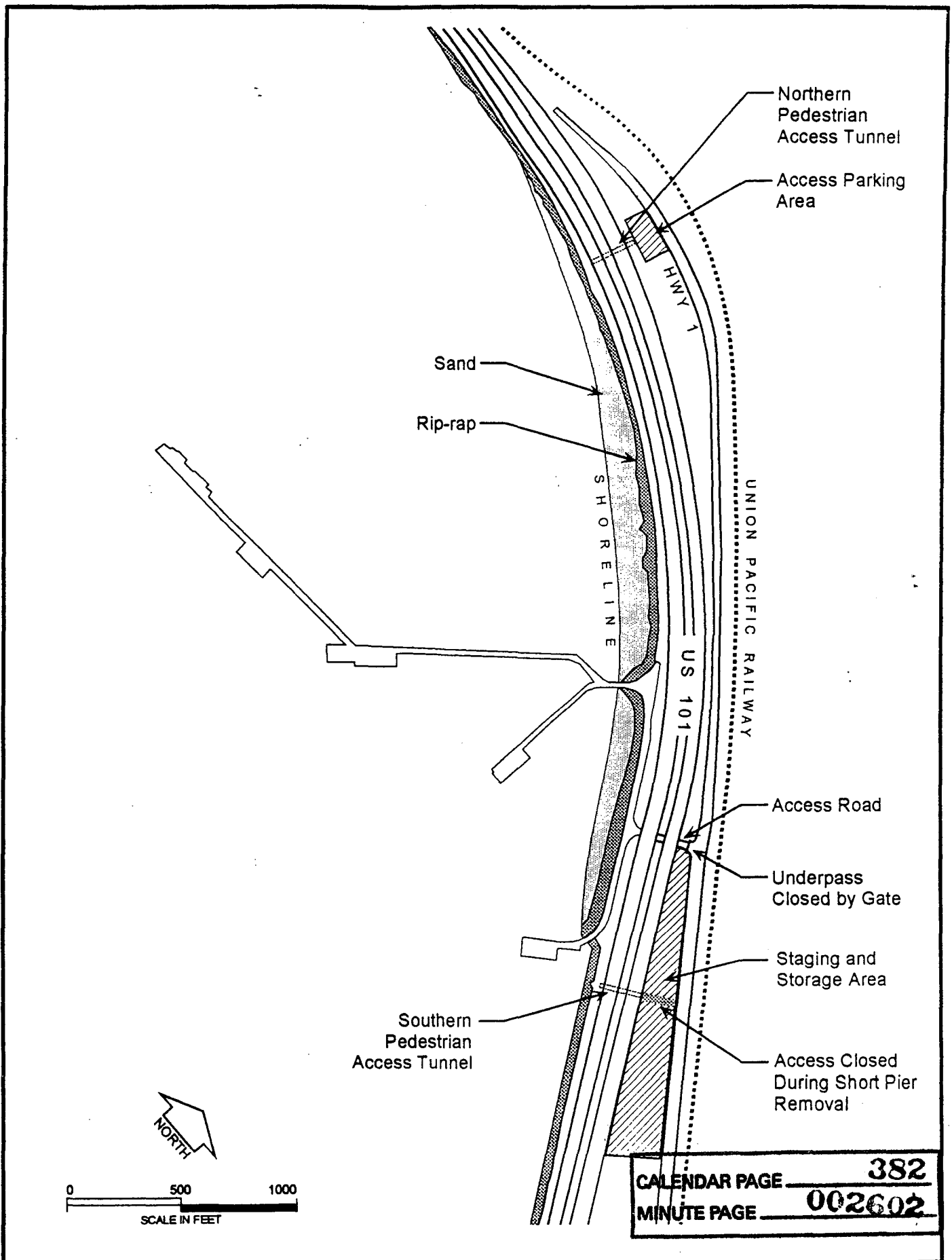
Seacraft Pier Complex Abandonment Project
Execution Plan

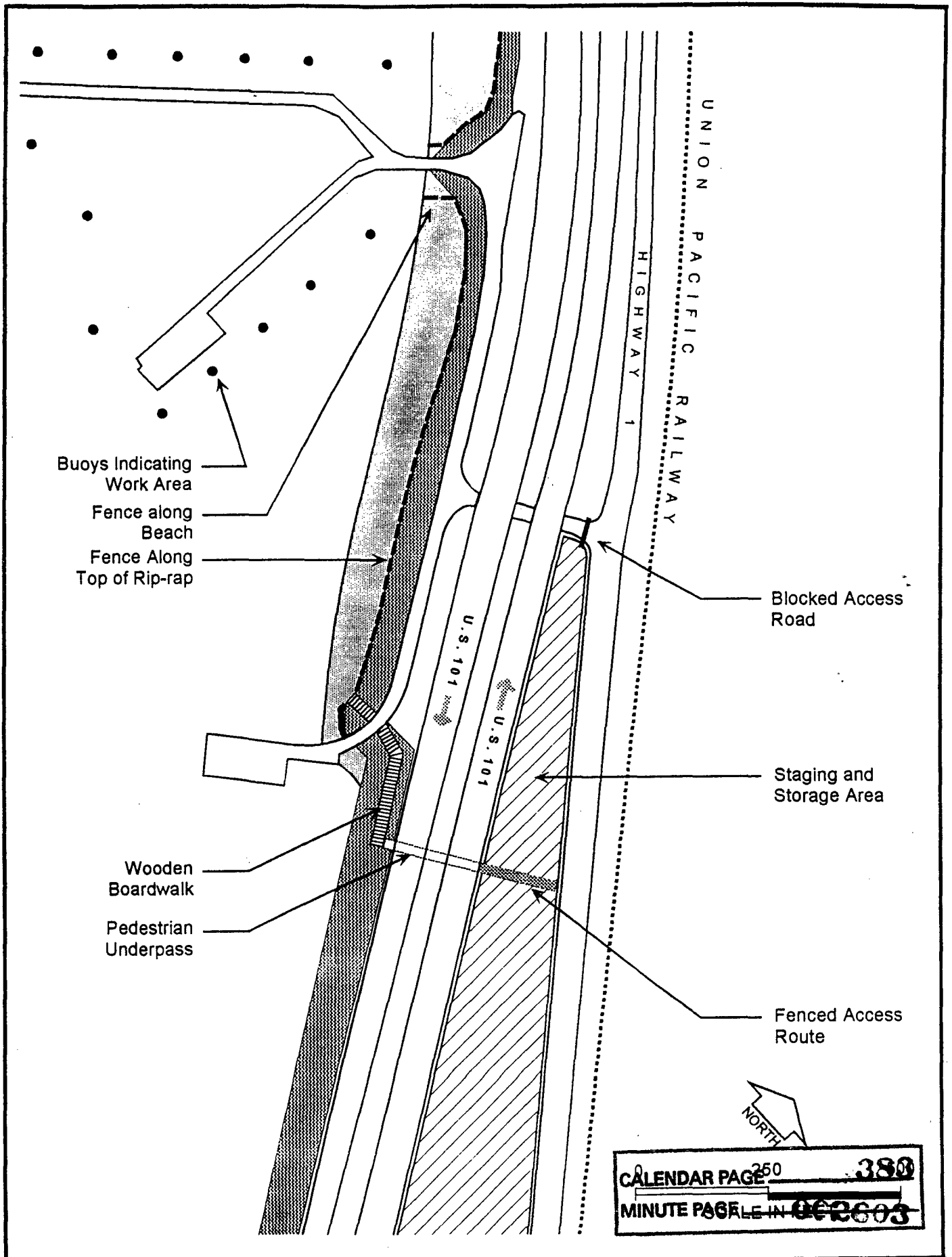


LEASE LOCATIONS, AND PIERS
AND WHARVES TO BE REMOVED

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EXHIBIT C
ATTACHMENTS 1, 2 & 3





Buoys Indicating Work Area
 Fence along Beach
 Fence Along Top of Rip-rap

Wooden Boardwalk
 Pedestrian Underpass

Blocked Access Road

Staging and Storage Area

Fenced Access Route

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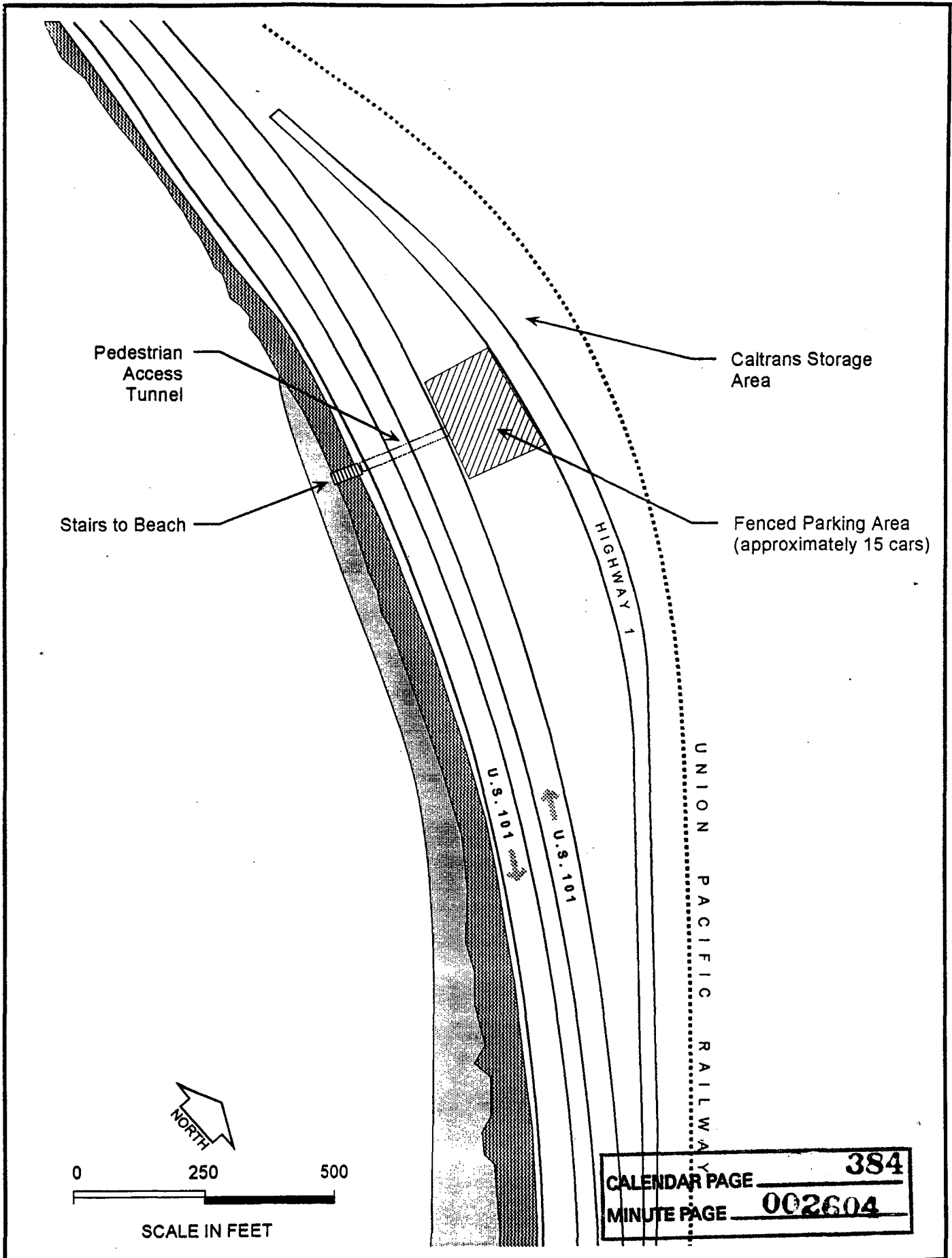


EXHIBIT D
MITIGATION MONITORING PROGRAM

Impact	Project Modification	Agency Responsible for Overseeing Implementation	Remarks:
<p>Biology (cont.)</p> <p>-Explosives use may disturb Brown Pelicans resting on pier structures</p> <p>-Removal of the pier complex will eliminate resting areas for Brown Pelicans</p>	<p>Observers implementing the Marine Mammal Contingency Plan will also ensure that detonations are delayed until Pelicans are out of the immediate area</p> <p>Pelicans will be able to use adjacent Rincon Island and causeway as replacement</p>	<p>CSLC, CA DF&G</p> <p>CSLC, CA DF&G</p>	
<p>Light and Glare</p> <p>- Project lighting could create excess light and glare</p>	<p>* All lighting will be focused on work area.</p>	<p>CSLC</p>	
<p>Risk and Upset & Human Health</p> <p>- Potential fuel spill</p>	<p>* Use approved equipment and procedures.</p> <p>* Implementation of Oil Spill Contingency Plan, including:</p> <p>Verification that all production facilities have been cleaned prior to removal</p> <p>Establishment of offshore fueling area for equipment</p> <p>All equipment will be inspected daily for leakage</p> <p>Onsite spill response team will be maintained by Mobil</p>	<p>CSLC</p> <p>CSLC</p>	
<p>Transportation/Circulation</p> <p>- Potential traffic hazard</p>	<p>* A manned gate will control truck movements</p> <p>*Truck trips will be limited during peak commute periods</p>	<p>CSLC</p>	

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Impact	Project Modification	Agency Responsible for Overseeing Implementation	Remarks:
<p>Public Safety</p> <p>- Construction area will be hazardous for the public.</p>	<p>* Fencing will be placed around work area, staging area and access road.</p>	<p>CSLC</p>	
<p>Cultural Resources</p> <p>- The piers represent an area of California industrial history which will be lost when they are removed.</p>	<p>* A Historic American Engineering Record Survey will be conducted at the pier complex, and will be offered to an appropriate repository.</p> <p>* A State Historical Landmark/Point of Interest nomination will be prepared and submitted to the State Historic Resources Commission.</p> <p>* A marker will be constructed on-site interpreting the history of the pier complex.</p>	<p>CSLC</p> <p>CSLC, State Historic Resources Commission</p> <p>CSLC</p>	
<p>Public Access</p> <p>- Closure of Beach Impacts access and recreation.</p>	<p>* Upon removal of the Short Pier, the southern pedestrian underpass will be re-opened to the public.</p> <p>* A wooden walkway and stairs will be constructed to allow pedestrians to safely cross the riprap to the beach. Another wooded walkway will connect the underpass to the stairs.</p> <p>* A second pedestrian underpass will be opened at the northern end of the pier complex as soon as Caltrans approvals are obtained, and a parking area will be graded and fenced at this site.</p> <p>* At the conclusion of the project, Mobil will repair and restore the pier access road for public use</p> <p>* During the nine month decommissioning process, a public agency will be identified who will take over and maintain the walkways, stairs, underpasses and road for all three access points.</p>	<p>CSLC</p> <p>CSLC</p> <p>CSLC</p> <p>CSLC</p> <p>CSLC</p>	

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Impact	Project Modification	Agency Responsible for Overseeing Implementation	Remarks:																											
<p>Utilities/Public Service Systems</p> <p>-Project will generate material to be disposed of which could be a burden on county landfills.</p>	<p>Project Waste Stream</p> <table border="1"> <thead> <tr> <th>tons</th> <th>Type</th> <th>Location</th> </tr> </thead> <tbody> <tr> <td>183</td> <td>Pile Caps</td> <td>County landfill</td> </tr> <tr> <td>355</td> <td>Timber piles</td> <td>Buttonwillow</td> </tr> <tr> <td>1550</td> <td>Decking</td> <td>Recycle</td> </tr> <tr> <td>758</td> <td>Steel Piles</td> <td>Recycle</td> </tr> <tr> <td>390</td> <td>Structural</td> <td>Recycle</td> </tr> <tr> <td>370</td> <td>Concrete pile</td> <td>Recycle</td> </tr> <tr> <td>6284</td> <td>Caissons</td> <td>Recycle</td> </tr> <tr> <td>468</td> <td>Asphalt</td> <td>Recycle</td> </tr> </tbody> </table> <p>Applicant will be required to have an approved Ventura County Solid Waste Management Plan prior to commencement of decommissioning activities.</p>	tons	Type	Location	183	Pile Caps	County landfill	355	Timber piles	Buttonwillow	1550	Decking	Recycle	758	Steel Piles	Recycle	390	Structural	Recycle	370	Concrete pile	Recycle	6284	Caissons	Recycle	468	Asphalt	Recycle	<p>CSLC, VSWMB</p>	
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**FINDINGS OF THE STATE LANDS COMMISSION IN
CONNECTION WITH THE ADOPTION OF A MITIGATED
NEGATIVE DECLARATION FOR THE PROPOSED
DECOMMISSIONING PROGRAM FOR REMOVAL
OF THE FERGUSON PIER COMPLEX, VENTURA COUNTY**

**FINDINGS OF THE STATE LANDS COMMISSION IN
CONNECTION WITH THE ADOPTION OF A MITIGATED
NEGATIVE DECLARATION FOR THE PROPOSED
DECOMMISSIONING PROGRAM FOR REMOVAL
OF THE FERGUSON PIER COMPLEX, VENTURA COUNTY**

The State Lands Commission ("Commission") hereby adopts the following findings in connection with the adoption of a mitigated negative declaration for the proposed decommissioning and removal of the Ferguson Pier Complex as more fully described in the negative declaration (the "Project"):

1. An environmental impact assessment/initial study has been conducted and a proposed mitigated negative declaration has been prepared and circulated for public review in compliance with the requirements of the California Environmental Quality Act (Public Resources Code sections 21000 *et seq.*), the CEQA Guidelines (Title 14, California Code of Regulations, sections 15000 *et seq.*), and State Lands Commission Regulations (Title 2, California Code of Regulations, sections 2901 *et seq.*) for the decommissioning and removal of the Ferguson Pier Complex.

2. The Commission has independently reviewed and considered the environmental impact assessment/initial study and negative declaration for the Project, and the reports, studies and plans attached as appendices to the negative declaration. The Commission finds that the environmental impact assessment/initial study and negative declaration for the Project have identified no potentially significant effects on the environment that have not already been avoided or mitigated to a level of insignificance by measures incorporated into the Project by the Project proponents. Such measures will avoid or mitigate any potential environmental effects to a point where clearly no significant effects on the environment will occur from this Project.

3. The Commission has considered all agency and public comments, both oral and written, on the proposed negative declaration and all evidence submitted in support of such comments. The Commission finds that the record as a whole, including all comments and evidence submitted in support thereof, contains no substantial evidence to support a finding that the Project may have a significant impact on the environment. The Commission has reviewed and considered, among other comments and issues, comments relating to the following issues and has determined, in each case, that there is no substantial evidence in light of the whole record to support a fair argument that there may be a significant impact on the environment from the Project:

a. Air Quality

The Commission finds that, for the reasons set forth in the negative declaration, the Project will not result in any significant impact on air quality. The air emissions associated with the Project consist of temporary construction

emissions and, as such, meet the criteria of the Ventura County APCD Guidelines for the Preparation of Air Quality Impact Analyses (1989) as being less than significant. Because the Project will not result in any significant air quality impacts, no mitigation measures or revisions to the Project are required. Nonetheless, measures have been incorporated into the Project -- including maintenance and tuning of equipment to minimize emissions, modification of the overall Project schedule to minimize the amount of engine-operated equipment in simultaneous use, and a commitment to halt all Project activities producing air emissions if the Ventura County APCD declares a Critical Day Event -- that will further reduce air quality impacts. Additionally, the Project proponents have agreed to provide emission reduction credits from the Ventura County Emissions Reduction Bank at a 1:1 offset ratio to fully offset all temporary emissions from Project activities. The Commission finds that no substantial evidence has been presented to show that the Project may have a significant adverse impact on air quality.

b. Recreational Activities/Surfing

The Commission has considered the comments and information submitted on behalf of representatives of the surfing community suggesting that the Project may result in significant adverse impacts to the quality of the surfing opportunities that currently exist in the Project area. Among such information, the Commission has considered the declaration of Dr. William R. Dally, submitted by Patagonia, Inc., and finds that it does not constitute or contain substantial evidence to show that the Project may have a significant adverse impact on surfing opportunities in the area. The declaration is not based upon any site-specific investigation or studies and does not set forth facts either from the documents cited or from any other relevant source to support the conclusion that the Project will substantially degrade or otherwise have a significant adverse impact on the quality of surfing opportunities in the Project area.

The Commission further finds that the report of Noble Consultants, Inc., dated March 27, 1997, attached as Appendix F to the negative declaration, contains relevant facts based on investigation, reports and studies specific to the Project area, extrapolations made from relevant general facts, and reasonable conclusions and inferences drawn from those facts showing that the surf conditions at the site are attributable to factors other than the Ferguson Pier Complex (including the 1971 realignment of US Highway 101 and the proximity of Rincon Island) and that the removal of the pier complex will not be responsible for the degradation of surf conditions in the Project area. While the Dally declaration takes issue with some of the conclusions of the Noble Report, it does not contain facts or evidence undermining the facts, studies, and data on which these conclusions are based. The Commission finds that the Noble Report constitutes substantial evidence to support the conclusion that the Project will not have a significant adverse impact on surfing activities.

The Commission further finds that, as set forth in the negative declaration, recreational uses in the Project area are not limited to surfing, but include water contact recreation (swimming, surfing, water-skiing, etc.), non water contact recreation (sunbathing, beachcombing, etc.), and sport fishing. The decommissioning and removal of the pier complex as a whole will enhance several of these recreational opportunities in the Project area. Additionally, the removal of the short pier will provide additional beach area that is currently blocked by the pier itself. Finally, the Project proponents have incorporated into the Project several measures, described below, that will facilitate or improve public access to the beach in the long term. The Commission finds, on the basis of the entire record, that even if the Project were assumed to have a potential impact on surfing opportunities in the Project area (an assumption that is not supported by evidence in the record), there is no substantial evidence to indicate that the Project would have a significant adverse impact on recreational activities as a whole in the Project area.

c. Beach Access

The Commission has considered the concerns raised by various parties regarding temporary restrictions upon access to the beach in the Project area during Project activities. As originally proposed, the Project would have included fencing designed to block public access to the Project area, including the beach area, to ensure public safety. Access would have been restored by June 1998 following completion of the Project as then scheduled. The Commission finds that the temporary restriction of access to the beach during the scheduled duration of the Project does not constitute a significant environmental impact under CEQA, and hence that no mitigation measures or Project revisions are or were required for this impact.

Delays have resulted in the Project now extending into the 1998 summer season. The Project proponents have therefore incorporated a revised access plan and schedule into the Project. Under the revised plan, access to the beach between the short pier and Ferguson pier will be closed only during removal of the short pier (approximately two months). This portion of the beach is approximately 1,125 long. The remaining 2,300 feet of beach north of the Ferguson pier will remain open throughout the Project.

To ensure safe passage from the ocean-side pedestrian underpass terminus to the pier access road, a wooden walkway will be constructed on top of the rip-rap and a stairway installed to assist users access to the beach. A second pedestrian access point will also be restored in order to allow access to the northern portion of the beach. At this location, an area will be graded and fenced to allow off-road parking for between 15 and 30 vehicles. The public will access the existing pedestrian underpass from the parking lot and, once at the

ocean side terminus, descend to the beach via the new stairway. At the conclusion of the Project, the pier access road will be repaired and restored to a useable condition.

The Commission finds that there is no substantial evidence to indicate that the temporary restrictions on access to the beach area under the Project either as originally proposed or as revised may result in any significant environmental impact.

4. The Commission finds that no substantial new information that would necessitate the recirculation of the negative declaration for further public or agency review has been presented to the Commission. The Commission has considered all comments and evidence, both oral and written, relating to the negative declaration and finds that there is no significant new information that has arisen and that would warrant revisions to the negative declaration or further circulation of that document for public or agency review or comment.

5. The Commission finds, pursuant to Public Resources Code section 21082.1(c)(3), that adoption of the negative declaration reflects the independent judgment of the Commission.