

STANDARD CONDITIONS:

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

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

The applicant proposes to conduct maintenance activities for an existing wooden electrical transmission pole located within San Dieguito Lagoon by replacing an existing anchor and attached guy wire with new ones. The replacement site is adjacent to the existing site of the anchor. Although the proposed repair and maintenance activity is exempt pursuant to CEQA, the activity is not exempt from coastal development permit requirements because there is the potential for adverse environmental effects. Although the site is located within the City of Del Mar, which has a fully-certified Local Coastal Program (LCP), the work occurs in tidelands that are in the Coastal Commission's original jurisdiction area. As such, the coastal development permit must be processed through the Coastal Commission rather than the City.

Proposed work will include installation of the new anchor and guy wire, and removal of the existing guy wire. The existing below-ground anchor will be left in place to minimize disturbance of the wetland vegetation. The new anchor will be installed using the Manta Ray system, which requires use of a jackhammer and hydraulic compressor and work crews that will operate on foot. The existing pole is located approximately 100 feet north of San Dieguito Drive, and the existing anchor is located approximately 50 feet north of San Dieguito Drive. The replacement anchor will be approximately the same distance from the road as the existing anchor.

The area north of the road consists primarily of good quality salt marsh. Section 30233 of the Coastal Act limits activities in wetlands to only eight allowed uses. One allowed use is an activity that is for incidental public services purposes. The proposed project is routine maintenance of an existing power pole, which would fall under the category of an incidental public service project. Thus, the proposed use is allowed to occur in wetlands pursuant to the Coastal Act.

The applicant estimates there will be approximately 1,248 sq.ft. of temporary wetland impacts in order to perform the required pole maintenance. The work crew will have to make two trips in and out to remove the old guy wire from the pole and attach the new one, and two trips in and out to disconnect the existing guy wire from the old anchor and install the new anchor and guy wire. Estimating a two-foot-wide pathway through the wetlands, and utilizing a different route every time to minimize soil compaction, there is a potential for approximately 1,200 sq.ft. of temporary impact. Added to that is the need to lay plywood over a couple areas to support the jackhammer and compressor, making a total of approximately 1,248 sq.ft. of temporary impact, mostly from trampling. All staging and storage activities will occur within San Dieguito Drive, with no impacts resulting from that aspect of the proposal.

The applicant expects that the area will recover rapidly on its own, with no permanent impacts resulting from the relatively minor project. Special Condition #2 requires a post-construction wetland survey to determine if any areas have not fully recovered after 90 days. Any remaining temporarily impacted areas must be revegetated at a 1:1 ratio. Although unanticipated, should any permanent impacts occur, the applicant must submit an amendment request to propose mitigation for said impacts at a minimum of a 4:1 ratio. In addition, Special Condition #1 prohibits construction activities between March 1st and September 15th, as Belding's savannah sparrows are known to nest in the general area.

Although the site is located between the sea and first public road, the proposed development will have no adverse impact on public access. The site is well inland from the beach, and is comprised solely of wetlands. There is no existing public access to either the beach or the lagoon through this area. Nor would public access be encouraged within the wetlands themselves, as the need to protect the sensitive resources would take precedence.

The proposed development, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act. It will continue an existing public utility function (i.e.,

transmission of electrical power), and all work will occur within an existing utility easement. There will be no significant alteration of landforms (no grading) and no more impact on visual resources than already occurs with the existing overhead transmission lines. Finally, the proposed development does not effect the City of Del Mar's ability to continue implementation of their certified LCP within all areas of the City under its coastal development permit jurisdiction.

SPECIAL CONDITIONS:

1. Sensitive Species/Timing. To avoid potential impacts to the Belding's savannah sparrow breeding period, construction will not be permitted between the dates of March 1st to September 15th of any year, unless permitted by the US Fish & wildlife service and/or the California Department of Fish and Game.

2. Post Construction Survey. The existing condition of the wetland vegetation and substrate at the power pole site has been documented. The extent of impacts to the vegetation and substrate shall be assessed and documented in a post-construction survey 90 days after the completion of the project to determine actual impacts. If no impacts have occurred, no mitigation will be necessary. This will allow for the potential of natural restoration. Mitigation measures will be necessary if any impacts are detected by the 90-day post-construction survey, as follows.

- a. If the 90-day post-construction survey identifies that temporary impacts remain, the area shall be revegetated at a 1:1 ratio.
- b. If the 90-day post-construction survey identifies that permanent wetland impacts have occurred, a permit amendment is required to address the identified impacts. Mitigation shall be provided for any identified permanent wetland impacts at a ratio of not less than 4:1.
- c. The following goals, objectives, and performance standards for any necessary restoration:
- d. Full restoration of all wetland impacts that are identified as temporary, beyond the 90 self-recovery period. Restoration of temporarily impacted areas shall include at a minimum, restoration to before-impact hydrology, removal of all non-native plant species, and replanting with locally collected native wetland species.
- e. Success criteria and final performance monitoring shall provide at least a 90% coverage of areas disturbed by construction activities within 1 year of completion of construction activities.
 1. The final design and construction methods that will be used to ensure the restoration sites achieve the defined goals, objectives, and performance standards.

2. Submittal, within 30 days of initial restoration work, of post-restoration plans demonstrating that the revegetated areas have been established in accordance with the approved design and construction methods.
 3. A survey taken 1 year after revegetation identifying the quantity and quality of the restored plants. If the survey demonstrates the revegetation has been unsuccessful, in part or in whole, the survey shall include a plan for remediation and further surveys / reports until the site(s) are fully restored.
- f. All surveys, reports or other documentation of the post-construction impacts shall be submitted to the San Diego office of the Coastal Commission within 30 days of completion.

The permittee shall undertake development in accordance with the approved restoration plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without an amendment to the coastal development permit unless the Executive Director determines that no amendment is legally necessary.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing