

**CALIFORNIA COASTAL COMMISSION**

Central Coast District Office  
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# W25

## **CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT**

*For the  
September, 2013 Meeting of the California Coastal Commission*

### **MEMORANDUM**

Date: September 10, 2013

**TO:** Commissioners and Interested Parties  
**FROM:** Dan Carl, Central Coast District Deputy Director  
**SUBJECT:** *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the September 2013 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast District.

***DETAIL OF ATTACHED MATERIALS***

***REPORT OF DE MINIMIS WAIVERS***

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>3-13-0513-W</b> Monterey Peninsula Water Management District, Attn: Larry Hampson	Selective hand trimming of woody vegetation (primarily willow and cottonwood) located between the levee and the active flow meander of the Carmel River in order to increase channel capacity for flood control purposes; removal of invasive plant species; and trash and debris removal.	Carmel River, Monterey County

***REPORT OF EMERGENCY PERMITS***



The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13142 of the California Code of Regulations because the development is necessary to protect life and public property, or to maintain public services.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>G-3-13-0213</b> California State Parks, Oceano Dunes State Vehicle Recreation Area	ECDP authorizes temporary emergency monitoring consisting of 12 information collection sites installed within the Oceano Dunes State Vehicle Recreation Area (ODSVRA) to measure and collect information on respirable particulate (PM10), sand flux, wind direction, and wind speed.	Oceano, San Luis Obispo county

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**NOTICE OF PROPOSED PERMIT WAIVER**

**Date:** August 29, 2013  
**To:** All Interested Parties  
**From:** Madeline Cavalieri, Central Coast District Manager   
Mike Watson, Coastal Planner   
**Subject:** Coastal Development Permit (CDP) Waiver 3-13-0513-W  
Applicants: Monterey Peninsula Water Management District

**Proposed Development**

Selective hand trimming of woody vegetation (primarily willow and cottonwood) located between the levee and the active flow meander of the Carmel River in order to increase channel capacity for flood control purposes; removal of invasive plant species; and trash and debris removal.

**Executive Director's Waiver Determination**

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project has been designed to avoid adverse impacts to coastal resources by limiting the extent of trimming and vegetation thinning, and limiting such activities to crews using hand tools only. Large woody material within the creek channel will be cut or notched and left in the channel to provide woody habitat and only fallen and low overhanging willow branches will be cut and all root balls will be left intact. The crews will also remove invasive exotic species to improve habitat. No heavy machinery will be allowed to enter the creek channel and the use of herbicides is prohibited. The project includes biological surveys prior to hand thinning and trimming activities. Biological monitors will be in place for the duration of the project to ensure these activities do not disrupt any occupied habitat areas.

The County of Monterey is in the beginning stages of addressing the larger resource management issues surrounding the Carmel River and Lagoon through the context of a long-range management plan. This project is best understood as an interim measure that can be applied to address limited vegetation management needs until the long-term plan has been fully completed and implemented. An application has been submitted on the longer-term approach, and Commission staff has requested additional information in order to fully analyze the project. Because flood control action is critical this fall, and because the larger approach will likely not be set for a hearing until sometime next year, this project provides an appropriate interim vehicle to address ongoing vegetation management issues within the Carmel River and can be found Coastal Act consistent.

**NOTICE OF PROPOSED PERMIT WAIVER**  
**CDP 3-13-0513-W (Carmel River Vegetation Management)**  
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**Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, September 11, 2013, in Eureka. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.**



California Coastal Commission

## EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-13-0213 (ODSVRA Temporary Monitoring Program)

Issue Date: April 19, 2013

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This emergency coastal development permit (ECDP) authorizes temporary emergency monitoring consisting of 12 information collection sites installed within the Oceano Dunes State Vehicle Recreation Area (ODSVRA) to measure and collect information on respirable particulate (PM10), sand flux, wind direction, and wind speed (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (California Department of Parks and Recreation (CDPR), Off-Highway Motor Vehicles Recreation Division (OHMVRD)), the temporary emergency monitoring is needed to obtain critical information during the 2013 windy season to inform development and implementation of a Particulate Matter Reduction Plan (PMRP) that is necessary to address public health effects from degraded air quality in the area. The PMRP is being developed to comply with San Luis Obispo County Air Pollution District (APCD) Rule 1001 (Coastal Dunes Dust Control Requirements) that in part requires CDPR to develop and implement a baseline monitoring program that will inform the PMRP. Without critical baseline data, including for 2013, CDPR will not be able to timely develop and implement appropriate PMRP measures consistent with the deadlines of Rule 1001, and implementation could be put off a significant amount of time, perhaps as much as a year, without the ability to collect 2013 wind season data. Therefore, the proposed emergency temporary monitoring is necessary to gather essential data during the 2013 windy season to protect public health. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency development is hereby approved, subject to the conditions listed on the attached pages.

A handwritten signature in black ink, appearing to read "Madeline Cavalieri".

Madeline Cavalieri, Central Coastal District Manager for Charles Lester, Executive Director

### Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the ECDP Permittee and returned to the California Coastal Commission's Central Coast District Office. This ECDP is not valid unless and

Enclosures: (1) Emergency Coastal Development Permit Acceptance Form; (2) Regular Permit Application Form

## **Emergency CDP G-3-13-0213 (ODSVRA Temporary Monitoring Program)**

**Issue Date: May 10, 2013**

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until the acceptance form has been received in the Central Coast District Office.

2. Only the temporary emergency monitoring specifically described in this ECDP is authorized. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission.
3. The temporary emergency monitoring authorized by this ECDP must be completed by September 30, 2013 unless extended for good cause by the Executive Director.
4. The temporary emergency monitoring equipment installed as authorized by this ECDP is only temporary, and shall be removed in its entirety and all areas affected by it restored to their original pre-emergency temporary monitoring condition or better by October 31, 2013. The deadlines in this condition may be extended for good cause by the Executive Director.
5. This ECDP is authorized based on the representations of the CDPR that such temporary emergency monitoring is required as a limited, interim, and temporary step during the 2013 windy season, and that it is required to timely develop and implement a Particulate Matter Reduction Plan (PMRP) pursuant to APCD Rule 1001 that is intended to protect and enhance coastal resources and improve public health at and near ODSVRA. CDPR has applied for a CDP for this purpose (CDP Application 3-12-050), and the temporary monitoring authorized by this ECDP is intended to be covered under that application. This ECDP may be revoked by the Executive Director if information, understanding, and/or circumstances associated with its issuance change in such a way as to no longer support temporary emergency authorization.
6. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., California Department of Fish and Wildlife, United States Fish and Wildlife Service, San Luis Obispo County, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. All emergency temporary monitoring shall be limited in scale and scope to that specifically identified in the materials submitted by the Permittee (dated received in the Coastal Commission's Central Coast District Office on March 4, 2013).
8. The Permittee shall employ a project biologist/environmental monitor approved by the Executive Director to ensure compliance with all ECDP requirements during installation and removal of temporary monitoring equipment, and restoration of the affected areas. Evidence of compliance shall be submitted by the project monitor to the Executive Director both upon completion of installation and upon completion of restoration activities.
9. The Permittee shall employ a Native American monitor and an archaeologist approved by the Executive Director to ensure compliance with all ECDP requirements during installation and removal of temporary monitoring equipment, and restoration of the affected areas. Evidence of compliance shall be submitted by the project monitor to the Executive Director both upon completion of installation and upon completion of restoration activities.
10. All emergency monitoring activities shall limit impacts to coastal resources (including public

## **Emergency CDP G-3-13-0213 (ODSVRA Temporary Monitoring Program)**

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recreational access and dunes) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):

- a. All temporary monitoring sites shall be minimized in scale and scope, shall be sited to have the least impact on dune habitats and public recreational access, and shall be sited to protect public safety to the maximum extent feasible. Installation of monitoring equipment (including but not limited to activities, materials and/or equipment storage) is prohibited outside of the defined monitoring site areas.
- b. Temporary monitoring activities and equipment operations shall not be conducted seaward of the mean high water line.
- c. Access shall be limited to bare sand areas. Vehicles shall remain out of all vegetated dunes, unless required to install and/or remove the temporary monitoring equipment.
- d. All monitoring site areas shall be minimized in scale and scope as much as possible and demarked by temporary fencing designed to facilitate public access recreational and protect dune habitats and public safety to the maximum extent feasible. Monitoring (including but not limited to activities, materials and/or equipment storage) is prohibited outside of the defined monitoring site areas.
- e. All activities associated with installing, removing, and restoring monitoring site areas shall maintain good site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
- f. All monitoring, installation, and removal activities that result in discharge of materials, polluted runoff, or wastes to the beach, dunes, or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place in the dunes or on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of activities as well as at the end of each work day.
- g. All areas impacted by monitoring, installation, and removal activities shall be restored to their pre-construction condition or better within three days of completion of monitoring. Any dune or beach sand in the area that is impacted by monitoring, installation, and removal activities shall be filtered as necessary to remove any debris.
- h. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/clean up of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.

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- i. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of monitoring and required restoration activities. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.
11. Copies of this ECDP shall be maintained in a conspicuous location at the temporary monitoring sites at all times, and such copies shall be available for public review on request. All persons involved with the temporary monitoring shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
12. A monitoring coordinator shall be designated to be contacted during installation, operation and removal activities should questions arise regarding the temporary monitoring (in case of both regular inquiries and emergencies), and their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the monitoring sites where such contact information is readily visible from public viewing areas, along with indication that the monitoring coordinator should be contacted in the case of questions regarding the monitoring (in case of both regular inquiries and emergencies). The monitoring coordinator shall record the name, phone number, and nature of all complaints received regarding the monitoring, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
13. Within 30 days of completion of temporary monitoring activities authorized by this ECDP, the Permittee shall submit site plans, materials, and a narrative description identifying and describing all temporary monitoring sites installed and removed, and all restoration activities completed, pursuant to this emergency authorization.
14. In exercising this ECDP, the Permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
15. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this ECDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.
16. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
17. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal



**Emergency CDP G-3-13-0213 (ODSVRA Temporary Monitoring Program)**

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Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

As noted in Condition 4 above, the emergency monitoring carried out under this ECDP is at the Permittee's risk and is considered to be temporary work done in an emergency situation to abate an emergency. If the permittee and/or the property owner wish to have the emergency temporary monitoring become permanent monitoring, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

If you have any questions about the provisions of this ECDP, please contact the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.