

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



# Wed 25b

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Staff: Ellen Lirley-SD  
Staff Report: August 23, 2006  
Hearing Date: September 13-15, 2006

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-06-023

Applicant: The Nature Institute

Agent: Dr. Robert La Rosa

Description: Repair of erosion damage and stabilization of a 300-foot length of the eastern streambank of Rose Creek with coconut fiber wattles, wooden stakes and rock.

Site: South of the Garnet Avenue bridge over Rose Creek, Pacific Beach, San Diego, San Diego County.

Substantive File Documents: Certified City of San Diego LCP; CCC File #6-05-059

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed restoration project, which is intended to enhance water quality and increase wetland resources. The applicant is proposing a low-tech solution to streambank erosion in a creek that empties into Mission Bay. Although there are no coastal resources in the actual project site areas (seven separate eroded areas along the bank), there are wetland resources nearby. Concerns raised are possible changes in the creek's hydrology, water quality impacts during construction, and possible accidental impacts to the nearby wetlands. Special conditions addressing construction BMPs, seasonal restrictions on work, pre- and post-construction biology surveys, and a monitoring/maintenance program are recommended. Rose Creek is within the Commission's area of original coastal development permit jurisdiction, and Chapter 3 of the Coastal Act is the standard of review.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-06-023 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans/BMPs. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval a final, full-size site plan, in substantial conformance with the conceptual drawings in the Technical Report for Streambank Stabilization in the Lower Rose Creek Coastal Zone, delineating the 300-linear-foot work area, each individual area of erosion, the location of all proposed silt fences, and the type and location of any other water quality Best Management Practices (BMPs) used to prevent erosion during project implementation.

The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive

Director. No changes to the approved final plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Construction Impacts/Restoration. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the existing condition of the wetland vegetation surrounding the site shall be documented. Within 30 days following installation of the erosion control measures approved herein, the applicant shall submit to the Executive Director for review and written approval the post-construction survey required in Subsection #a below. If, based on the post-construction survey, no impacts to wetlands or native upland vegetation have occurred, nothing further is required through this condition. If temporary impacts to wetlands are identified, the post-construction survey shall also include a detailed revegetation plan indicating the type, size, and extent of the plant materials, any irrigation system and other landscape features to revegetate inadvertent temporary wetland impacts. Implementation of the approved revegetation plan shall occur within 60 days of approval of the Executive Director or within such additional time as the Executive Director may grant for good cause. The detailed revegetation plan shall be developed in consultation with the California Department of Fish and Game and shall at a minimum includes the following components:

- a. Post-Construction Survey. The extent of impacts to the vegetation and substrate shall be assessed and documented after completion of the project to determine actual impacts. Temporary wetland impacts shall be revegetated at a 1:1 ratio. If the 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.
- b. Any area of temporary upland impacts to native plants shall be revegetated at a 1:1 ratio. Native plants from local stock shall be utilized to re-establish the area consistent with historic conditions. (No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized).
- c. The following goals, objectives, and performance standards shall apply for the sites of any temporary impacts:
  1. Full restoration of all temporary wetland impacts. Restoration of temporarily impacted areas shall include at a minimum, restoration of before-impact hydrology, removal of all non-native plant species, and replanting with locally collected native wetland plant species.

2. Success criteria and final performance monitoring shall require and assess, respectively, that coverage of areas disturbed by construction activities be similar to adjacent non-impacted reference sites within 1 year of completion of construction activities.
- d. The final design and construction methods that will be used to ensure the restoration sites achieve the defined goals, objectives, and performance standards.
- e. Submittal, within 30 days of completion 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.
- f. A survey taken one year after revegetation identifying the quantity and quality of the restored plants and compliance with the above success criteria. 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 sites are fully restored.
- g. All surveys, reports or other documentation of the revegetation effort shall be submitted to the San Diego office of the Coastal Commission within 30 days of completion.
- h. If the 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.

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

3. Monitoring and Maintenance. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval a monitoring and maintenance program that includes, at a minimum:

- a. Semi-annual site surveys and water quality testing to determine the effectiveness of the project, beginning immediately after installation and continuing at six-month intervals thereafter for a minimum of one year.
- b. Replacement/re-installation of any wattles or rock that have dislodged.
- c. Removal of any invasive or non-native species that colonize on the fiber wattles.

- d. Photographic documentation of any new wetland habitat resulting from project implementation.
- e. Submittal of a monitoring report including the above-required information to the Executive Director of the Coastal Commission for review and written acceptance after the third site survey (i.e., approximately one year after project installation). If the project does not perform as predicted, the report shall also include recommendations to improve the project's performance.

The permittee shall monitor and maintain the development in accordance with the approved plans. Any proposed changes to the approved plans, including any recommendations to improve performance, shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Construction Schedule. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval a final construction schedule identifying the project start and stop dates. The schedule shall indicate that work will not occur within the winter/rainy season, between November 15<sup>th</sup> and March 31<sup>st</sup> in any year. The schedule shall also indicate that work shall not occur within the stream at any time when the water velocity exceeds five (5) cubic feet per second (cfs).

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

5. Other Permits. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the permittee shall provide to the Executive Director, copies of all other required state or federal discretionary permits (such as U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Regional Water Quality Control Board and the California Department of Fish and Game) for the development authorized by CDP #6-06-023. The applicant shall inform the Executive Director of any changes to the project required by other state or federal agencies. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this permit, unless the Executive Director determines that no amendment is legally required.

6. Staging/Storage Area. The pedestrian path and low-flow channel shall not be used to stage or store materials, equipment or supplies.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant proposes streambank stabilization along a 300-foot length of the eastern bank of Rose Creek using coconut fiber wattles, wooden stakes and rock to repair areas of the bank that have eroded into the creek over time. Only those portions of the creek south of Garnet Avenue are within the coastal zone, and the project site is almost immediately south of Garnet Avenue. The creek, which has a natural bottom and riprapped side slopes in this area, drains an area north and east of the project location, and flows into Mission Bay a few blocks south of the site. Erosion has occurred along portions of the eastern riprap embankment, causing the loss of soil, sedimentation of the creek, and migration of some of the riprap out into the stream. A total of 210 sq.ft. within the 300-foot length will be augmented with the coconut coir wattles, filling in the areas of erosion. The wattles will be held in place with wooden stakes and rock eroded from the streambank which will be retrieved from the creek. No impacts to wetlands or native upland habitat is proposed or anticipated.

This is a relatively minor project, and will be done entirely by hand by students of The Nature Institute. It is intended as a trial project to demonstrate low-tech methods of erosion control and habitat enhancement. It is one of four projects along Rose Creek proposed by the applicant, but the other three are upstream and out of the coastal zone. The Commission approved two other small enhancement projects in Rose Creek last year for this applicant, pursuant to Coastal Development Permit #6-05-059.

Although the Pacific Beach community of San Diego is part of the City's certified LCP, the Rose Creek channel itself is an area of original jurisdiction. Thus the Coastal Commission retains permit jurisdiction in perpetuity and Chapter 3 of the Coastal Act is the legal standard of review, with the LCP used as guidance.

2. Hydrology. The following Coastal Act policies are most applicable to the proposed development, and state in part:

##### **Section 30236**

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

##### **Section 30253**

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. ...

Any additional fill in a floodplain, including the placement of materials such as wattles, stakes and rocks, could result in changes in the hydrology of the floodplain. In this particular case, the proposed improvements do not add new fill to the floodplain or result in channelization or a significant alteration of a stream. The proposed improvements only replace portions of the existing earthen embankment where prior riprap has migrated away and the earthen embankment left behind has eroded. The eroded pockets of the streambank will be recontoured to pre-existing conditions through the placement fiber wattles to stabilize the bank. Stabilizing this area of streambank will maintain the historic hydrologic regime of the creek, rather than modifying it in any significant way. As such, the volumes and velocities of the stream are not modified herein, although they are, and have been, affected by upstream developments, resulting in the erosion this project proposes to correct.

The Commission's staff coastal engineer has reviewed the technical report, which included hydrologic information among other things, for the proposed project and determined that the stabilization will not result in any significant adverse impacts on the hydrology of Rose Creek, since the project will only fill in erosional voids, maintaining the historic streambank. The project will not result in channelization or alteration of a stream and may help reduce the potential for future floods. In addition, the project is an allowable use under 30236 because its primary function is to improve habitat. Therefore, the Commission finds the proposed development, as conditioned, consistent with the cited Coastal Act policies.

3. Water Quality. The following Coastal Act policy is most pertinent to this issue, and states:

### **Section 30231**

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed development is intended to improve the water quality of Rose Creek by eliminating a source of sedimentation. By placing coconut fiber wattles into eroded portions of the streambank, the applicant hopes to prevent continued erosion of the imported soils that comprise the eastern embankment. The project has been reviewed by both the Commission's staff coastal engineer and water quality staff. Both question whether or not the project will actually prevent erosion. However, their review has determined that the project should not have adverse impacts on any existing resources and may improve water quality in Rose Creek and downstream Mission Bay into which the creek drains. The proposed methodology is experimental and has not been tried before, so it is not clear if it will be effective in reducing or eliminating erosion. However, our technical staff do agree that it could work and that it will not do any harm if it doesn't.

The application identifies that silt fences will be used during installation of the fiber wattles to prevent loss of soil from the site. Special Condition #1 requires submittal of final plans clearly delineating the location of proposed silt fences, along with the locations of any other potential construction Best Management Practices (BMPs). In addition, Special Condition #3 prohibits work during the rainy season between November 15 and March 31 to further lower the risk of erosion during construction, and also prohibits work whenever stream velocities exceed 5 cfs (cubic feet per second). With these conditions, implementation of the project should not result in any sedimentation in Rose Creek. As conditioned, impacts to downstream water quality should be minimized. In addition, if the project proves to be effective, downstream water quality will be improved. Therefore, the Commission finds the proposal, as conditioned, consistent with the cited Coastal Act policy.

4. Sensitive Habitat. The subject proposal involves the placement of fiber wattles on the eastern streambank of Rose Creek, a stream located in the eastern part of Pacific Beach that empties into Mission Bay a few blocks south of the project site. The following Coastal Act policies are most applicable to the proposed development, and state, in part:

#### **Section 30231**

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

#### **Section 30233**

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.  
[...]

**Section 30240 (b)**

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The project site is located within the Rose Creek floodplain south of Garnet Avenue in an area devoid of native vegetation or wetland habitat. Rose Creek was channelized prior to the Coastal Act of 1976. Some upstream portions of the creek are entirely concrete; however, in the project location, the creek has a natural bottom and riprapped banks. In dry weather, the creek flows much closer to the eastern bank, and high quality salt marsh habitat has developed in the western portion of the floodplain. This habitat does not exist

on the eastern side where the project is proposed. There, the riprap has been partially reinforced with concrete to protect a paved pedestrian/bicycle path running along the top of the embankment. Only weedy, exotic vegetation exists between the rocks, including non-native grasses, castor bean, iceplant, African daisies, mustard and tree tobacco, among others.

The stated intent of the project is twofold: to prevent future erosion thus protecting water quality, and to restore fish and wildlife habitat. The proposed development will stabilize the eroded streambank in seven distinct locations within the overall 300-foot length of the project; no vegetation of any kind exists in these locations, such that the proposed project should not impact any exist wetland resources, either permanently or temporarily.

Although the project does not include removal of any existing exotic vegetation, which grows primarily nearer the top of the embankment, the proposed fiber wattles, which trap soil, will provide a medium for native wetland species to colonize. Thus, it is anticipated that wetland habitat will be increased, which will both provide additional area for wildlife and help to stabilize the streambank.

No wetland impacts are identified for the proposed development. However, wetland resources exist in the general project area and could be accidentally impacted during construction. Special Condition #2 addresses the potential that unforeseen impacts could occur. It addresses both temporary impacts, such as trampling on sensitive vegetation, and permanent impacts, such as uprooting or removing vegetation. It requires pre- and post-project biological surveys of the surrounding area and provides for appropriate mitigation should any unexpected impacts accidentally occur.

In summary, the proposed development is not anticipated to impact any environmentally sensitive resources, including wetlands. Instead, the project proposes to enhance the potential for wetland resources to develop on the eastern side of Rose Creek. However, since sensitive resources are located nearby, the potential for accidental impacts exists, which is addressed in Special Condition #2. Therefore, the Commission finds the proposal, as conditioned, consistent with the cited Coastal Act policies.

5. Public Access/Recreation. The following policies are most pertinent to the proposed development, and state, in part:

### **Section 30210**

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

**Section 30213.**

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

**Section 30223.**

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

There is no sandy beach or other recreational amenities along Rose Creek, with the nearest such facilities several blocks south in Mission Bay Park. Rose Creek does not provide any direct connection to public recreational venues. There is, however, a paved public pedestrian/bicycle path running along the top of the eastern embankment of Rose Creek. This provides both passive recreational opportunities for walkers, joggers and bikers, and a bicycle commuter link through portions of the Pacific Beach community. The project will have no direct impact on this path, but the workers will have to use and cross the path to reach the project site. This is a very small project, and the number of project workers on, or crossing, the path will not significantly impede other pedestrians or bicyclists. The path is relatively wide (i.e., it accommodates two-way bicycle traffic) and sightlines in this location are good, such that no accidents should result in association with the proposed project. To avoid adverse impacts to public access and recreation, Special Condition # 6 prohibits use of the pedestrian path for staging or storage purposes. As conditioned, the Commission finds the proposed project will not impede public access or recreation and is thus consistent with the cited Coastal Act policies.

6. Monitoring and Maintenance. The proposed development is not anticipated to have any adverse effects on any coastal resources. However, the potential exists that both the hydrology of the creek and the adjacent wetland habitat could be adversely impacted through improper installation or accidental trespass. The project is proposed as an educational experiment in low-tech methods to improve fish and wildlife habitat through erosion control and provision of appropriate medium to propagate wetland species. Because of the experimental nature of the proposal, documentation of the project's effectiveness is essential. Special Condition #3 requires the applicant to survey the site every six months for a minimum of one year, and to report the findings of said surveys to the Commission at the end of that time period. The condition also requires that any wattles or rock that migrate from the site of installation be replaced, such that they don't become an impediment to streamflow. This monitoring program is separate from any monitoring that may be required pursuant to Special Condition #2, which addresses mitigation should unexpected wetland impacts occur.

Because this is an educational experiment to prove an erosion control method that the applicant wants to recommend for wider use, the applicant may want to continue monitoring for longer than one year to adequately document success. If a longer monitoring period is conducted, the Commission should be copied with all future reports,

as this information could be useful in the review of future projects for similar situations. Thus, the Commission finds the proposed development consistent with all previously cited Coastal Act policies, as conditioned herein.

7. Local Coastal Planning. The certified Pacific Beach Community Plan and Local Coastal Program Land Use Plan includes general policies addressing conservation and enhancement of parks and open space, and specifically refers to Rose Creek as a significant environmental resource area that should be preserved in its natural state. Thus the proposed development is consistent with the certified LUP. However, Rose Creek itself is within the Commission's area of original jurisdiction, and the Chapter 3 policies of the Coastal Act are the legal standard of review for the subject application. Previous findings have demonstrated that the project, as conditioned, is consistent with all cited Coastal Act policies. Therefore, the Commission finds that approval of the project will not prejudice the ability of the City of San Diego to continue to implement its fully certified LCP in the Pacific Beach community.

8. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing water quality and biological resources will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

#### 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. 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.

6-06-023

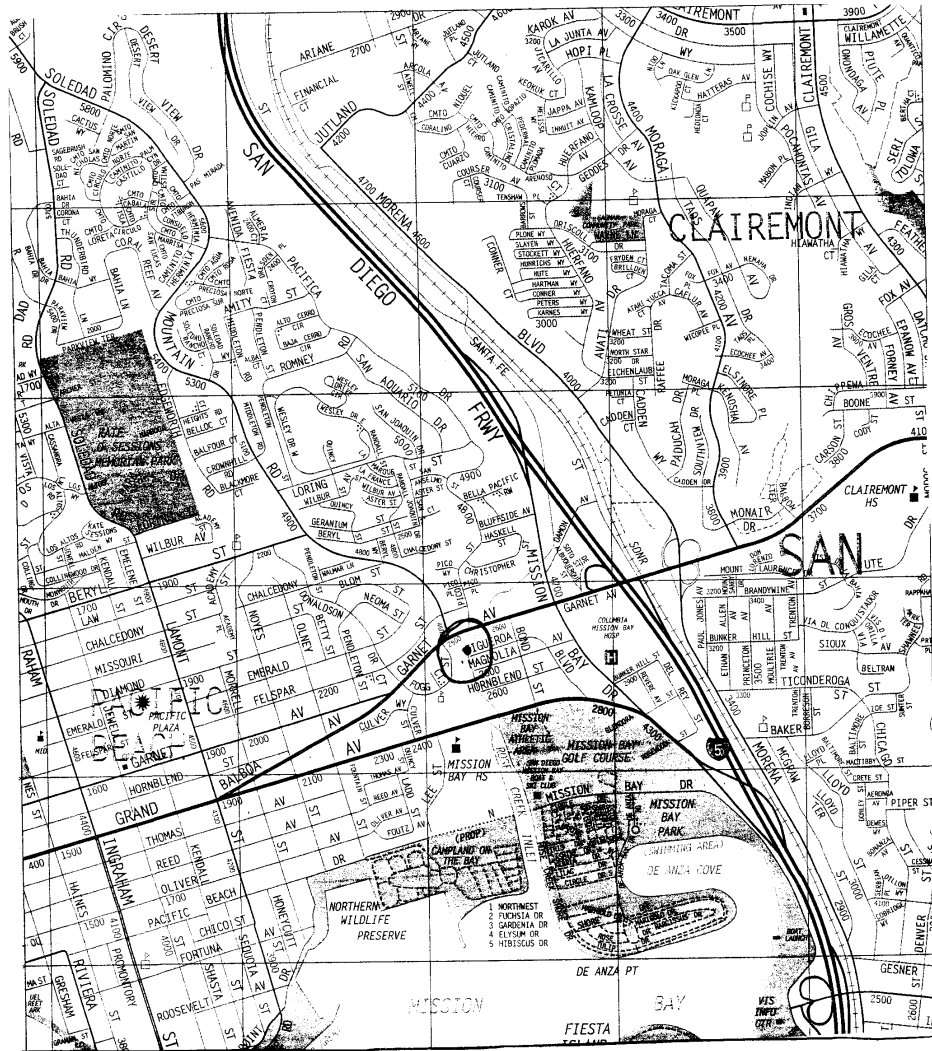



EXHIBIT NO. 1
APPLICATION NO.
<b>6-06-023</b>
Location Map
 California Coastal Commission

6-06-023

# STREAMBANK STABILIZATION

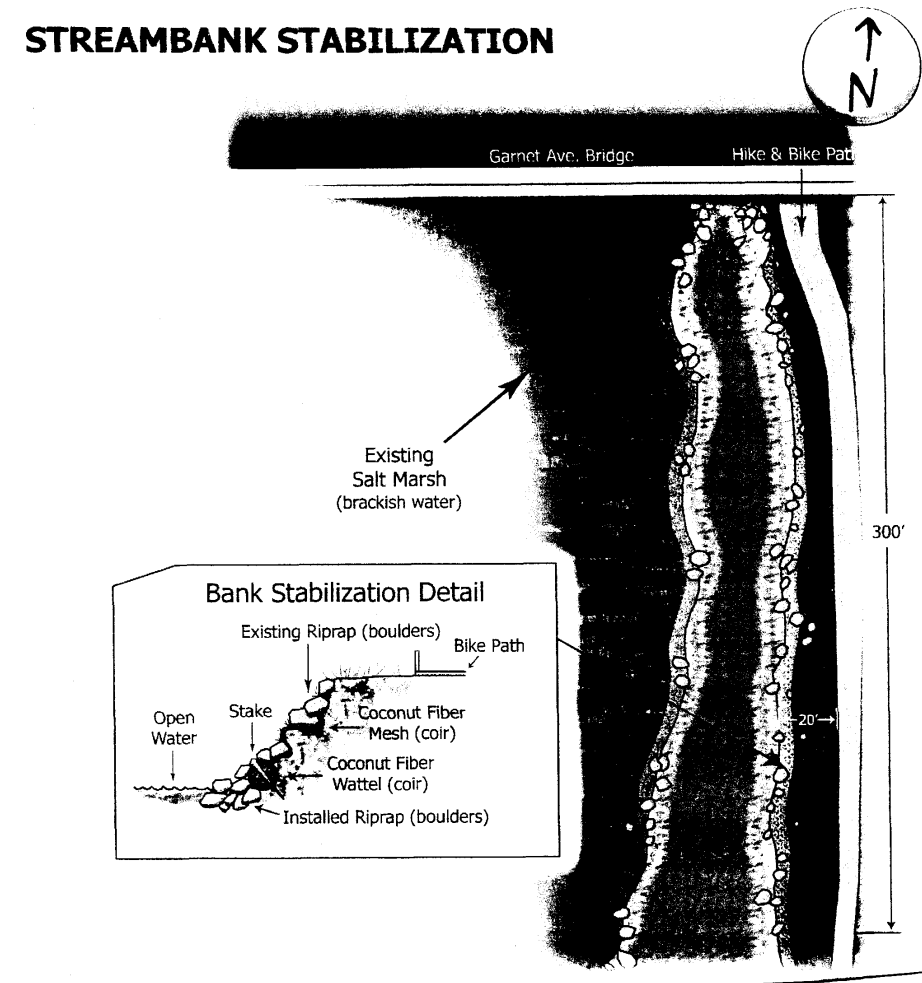


EXHIBIT NO. 2
APPLICATION NO.
6-06-023
Site Plan
California Coastal Commission