

**CALIFORNIA COASTAL COMMISSION**

Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, California 95060-4508  
(831) 427-4863 FAX (831) 427-4877



# W21

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

*For the  
January Meeting of the California Coastal Commission*

### **MEMORANDUM**

Date: January 06, 2015

**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 January 2015 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 REGULAR WAIVERS***

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

<b><i>Applicant</i></b>	<b><i>Project Description</i></b>	<b><i>Project Location</i></b>
<b>3-14-1818-W</b> Allen & Jennifer Davis	Proposed addition and improvements to an existing single-family residence, including a 78-square-foot addition to the residence's detached garage/workshop, and the installation of gutters and downspouts to disperse drainage to an on-site garden.	119 Grand Avenue, Pacific Grove (Monterey County)

***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.

<b><i>Applicant</i></b>	<b><i>Project Description</i></b>	<b><i>Project Location</i></b>
<p><b>3-14-1577-W</b> Pacific Grove Department of Public Works</p>	<p>Three-year permit to implement seal pupping protection measures, including installation of permanent split-rail fencing after-the fact, installation of temporary "no climb" wood lattice fencing, and educational signage to prevent harm and/or harassment of harbor seals during the spring pupping season (generally February through May), at various locations along the Pacific Grove shoreline.</p>	<p>east of Berwick Park and immediately adjacent to the Pacific Grove Recreation Trail, Pacific Grove</p>
<p><b>3-14-1921-W</b> San Luis Obispo County Department of Public Works</p>	<p>Recognition of installation of a new duck bill flapper valve in a drainage pipe located adjacent to Avila Creek (approximately 100 feet west of First Street) as allowed via Emergency Coastal Development Permit (ECDP) G-3-24-0035. The removal of the old flapper valve and installation of a new valve was necessary because the valve failed and resulted in the flooding of the Avila Beach main downtown parking lot and nearby streets.</p>	<p>in the community of Avila Beach, San Luis Obispo County</p>

***REPORT OF IMMATERIAL AMENDMENTS***

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i><b>Applicant</b></i>	<i><b>Project Description</b></i>	<i><b>Project Location</b></i>
<b>A-3-SCO-06-006-A1</b> Mark & Laurie Woodward	Amend previously approved CDP for the demolition of an existing one-story single-family residence (SFD) and construction of a new two-story, six bedroom SFD to allow for: 1) construction of a 184 square-foot guest bedroom on the second floor located over the covered entry porch in the northwest corner of the residence; and 2) construction of a spiral staircase to access the upper deck of the southeastern side of the project site.	100 Geoffroy Drive and atop the bluff at Black's Point in the unincorporated area of Santa Cruz County.

***REPORT OF EXTENSION - IMMATERIAL***

<i><b>Applicant</b></i>	<i><b>Project Description</b></i>	<i><b>Project Location</b></i>
<b>A-3-SLO-00-040-E6</b> Dennis C. Schneider	Extend CDP A-3-SLO-00-040 for the construction of a 10,000 square foot single-family home, a 2,500 square foot barn, and 1.25 miles of access road improvements by one year to January 10, 2016.	On marine terrace approximately one-half mile south of China Harbor and one mile north of Villa Creek Road along the Harmony Coast, San Luis Obispo 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-3-14-0041</b> CA Dept of Parks and Recreation, Santa Cruz District	Emergency breaching authorizes the Santa Cruz County Department of Public Works (SCCDPW) (Permittee), acting as contractor and agent for the California Department of Parks and Recreation, to breach the sandbar located at the mouth of the Pajaro River located between Sunset Palm State Beach and Zmudowski State Beach. The emergency breaching work will be done by excavating a cut in the closed sandbar approximately 300 feet long by 10 feet wide by 3 feet deep to open a trench channel between the lagoon and the ocean to create a flow outlet in order to reduce the water level in the lagoon so as to avoid/minimize flooding of West Beach Road where it crosses Watsonville Slough at the entrance of Palm State Beach State Park.	Santa Cruz and Monterey Counties

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** December 22, 2014  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Brian O'Neill, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-14-1818-W**  
Applicants: Allen Davis and Jennifer Bickett-Davis

### **Proposed Development**

Proposed addition and improvements to an existing single-family residence, including a 78-square-foot addition to the residence's detached garage/workshop, and the installation of gutters and downspouts to disperse drainage to an on-site garden, at 119 Grand Avenue, Pacific Grove, Monterey County (APN 006-158-014).

### **Executive Director's Waiver Determination**

Pursuant to Title 14, Section 13250 of the California Code of Regulations, and based on project plans and information submitted by the applicants 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 would be compatible with the size, scale, and aesthetics of the residential neighborhood in which it is located. The project includes drainage improvements to reduce storm water runoff by collecting and dispersing runoff to an on-site garden. The proposed renovations were reviewed and received discretionary approval by the City of Pacific Grove's Architectural Review Board to ensure conformance with the requirements of the City's Municipal Code and the certified Land Use Plan. The project has no potential for adverse effects on coastal resources, including public access to the shoreline, and is consistent with Chapter 3 of the Coastal Act.

### **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 January 7, 2015 in Santa Monica. If three 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 Brian O'Neill in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** December 22, 2014  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver 3-14-1577-W  
Applicant: City of Pacific Grove

### Proposed Development

Three-year permit to implement seal pupping protection measures, including installation of permanent split-rail fencing after-the-fact, installation of temporary “no climb” wood lattice fencing, and educational signage to prevent harm and/or harassment of harbor seals during the spring pupping season (generally February through May), at various locations along the Pacific Grove shoreline east of Berwick Park and immediately adjacent to the Pacific Grove Recreation Trail, Pacific Grove, Monterey County.

### 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 regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The spotted Pacific harbor seal (*Phoca vitulina*) is federally protected under the Marine Mammal Protection Act. The harbor seals return to the Pacific Grove shoreline each year between February and May to give birth and “pup” the newborn seals on one area beach and in adjacent rocky coves. The proposed seal pupping protection program is intended to prevent harm and harassment of the mother seals and their pups during the pupping season, consistent with the Marine Mammal Protection Act. The proposed lattice fencing is intended to manage access during pupping season in order to minimize conflicts with the mammals and to prevent “flushing” of the seals during pupping, which could lead to baby seal mortality. The fencing is sited and designed to maintain visual access of the Pacific Grove shoreline. For example, the temporary “no climb” lattice fencing will be attached directly to the permanent split rail fence at strategic locations relative to the seal haul-out areas in order to discourage access to these locations during the pupping season only, and will be removed at the end of each pupping season. The lattice fencing is also limited to roughly 50 inches in height so that views of the shoreline will be preserved over the top of the fencing, including views of the harbor seals and their pups. Direct public access to the shoreline will remain available during seal pupping season at all pocket cove beaches and rocky intertidal areas west of Eighth Street, including those immediately seaward of Greenwood Park and Lover’s Point Park.

Permanent split rail fencing has also been installed at four locations along the Pacific Grove recreational trail in the vicinity of the seal haul-out. The proposed fencing is similar in form and materials to existing split rail fencing that is prominent in this area. It enhances public use and safety of the City’s recreation

## **NOTICE OF PROPOSED PERMIT WAIVER**

CDP Waiver 3-14-1577-W (Seal Pupping Protection Measures)

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trail and also provides additional protections for the harbor seals during pupping season. The proposed fencing does not block views of the shoreline or have coastal resource impacts otherwise.

The proposed project also includes the installation of temporary educational signage to inform the public about the seal pupping activities during the pupping season. In addition, the City will use NOAA-trained volunteer docents to educate and engage the public on the activities of the seals, and to monitor and document all activities in the vicinity of the program, including any unauthorized human interruptions during the three-year term of the permit. At the end of the three-year period, the City will submit an application for a CDP to extend / continue the program and will provide a comprehensive report on seal pupping behavior, pupping success and mortality, human interactions, and overall program efficacy. In sum, the proposed project is for a limited three-year term, will safeguard a federally protected marine mammal during pupping season, will not adversely impact coastal resources, and thus is consistent with the Coastal Act.

### **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, January 7, 2015, in Santa Monica. 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.**



MW ✓  
SC-7

**Supporting Waiver 3-14-1577-W of Central Coast District Manager**

California Coastal Commission  
Central Coast District Office, 725 Front Street, Suite 300  
Santa Cruz, CA 95060

Dec. 30, 2014


Commissioners and Commission Staff:

As one of the Bay Net docents who puts in many hours each year watching the harbor seals that live along the Monterey Peninsula, I want to strongly support the waiver for the temporary beach closures in Pacific Grove needed to protect the seals and their vulnerable pups during the spring birthing season. Thank you for considering it.

I believe all the NOAA-trained docents who watch and interpret this natural phenomenon for thousands of people each year join me in supporting this. We have watched harbor seals deliver pups on the small beaches in these rocky coves for nine years now and know first-hand that effective fencing is the most successful tool to keep people from intruding on this delicate phase of life. Human intrusion frequently results in frightened moms abandoning their pups, which is usually fatal.

The main rookery for local harbor seals is a larger beach nearby on the campus of Stanford University's Hopkins Marine Station, which is protected by a permanent fence that keeps people on the busy recreation trail out of the seals area. As that beach got crowded, some pregnant seals moved west to pup on the unprotected small beaches and coves on the eastern side of Berwick Park, the site of this temporary fencing. There are now about 100 harbor seals born in this area each spring, about 20 percent in the area affected by this waiver.

The Bay Net group, formed about 20 years ago to support the Monterey Bay National Marine Sanctuary with naturalists along the shoreline, regularly talks to 25,000 - 26,000 people on this section of the Pacific Grove shoreline each year. Since we have a limited number of volunteers to talk with the many other spectators, some docents activated a Facebook page ("Harbor Seals of Pacific Grove") that provides daily updates during the pupping season. It includes some of the most adorable photos and videos on the Internet.

  
--Thom Akeman  
[thomakeman@sbcglobal.net](mailto:thomakeman@sbcglobal.net)  
831-649-0187  
228 18<sup>TH</sup> St., Pacific Grove, CA 93950

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** December 22, 2014  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Daniel Robinson, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-14-1921-W**  
Applicant: San Luis Obispo County Public Works Department

### Proposed Development

Recognition of installation of a new duck bill flapper valve in a drainage pipe located adjacent to Avila Creek (approximately 100 feet west of First Street) as allowed via Emergency Coastal Development Permit (ECDP) **G-3-14-0035**. The removal of the old flapper valve and installation of a new valve was necessary because the valve failed and resulted in the flooding of the Avila Beach main downtown parking lot and nearby streets in the community of Avila Beach in the County of San Luis Obispo.

### 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 regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The replacement valve was installed in 2004 and malfunctioned in 2014, meaning that water was no longer prevented from back-flowing into the drainage pipe. This caused the above-mentioned flooding to occur multiple times beginning in August of 2014. Replacement of the flapper valve under the emergency permit stopped the flooding of the parking lot and downtown streets of Avila Beach. The project included best management practices to limit impacts to the lagoon from installation activities. No mechanical equipment entered Avila Creek and the duration of the project was approximately four hours. No native plant species or existing beach vegetation was removed by the project. In addition, quarterly inspections are included in the project with necessary limited removal of sediment from around the valve to ensure functionality and proper maintenance over time. Accordingly, the project does not have any significant adverse impacts on coastal resources, including public access to the shoreline.

### 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, January 7, 2015, in Santa Monica. 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 Daniel Robinson in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** December 22, 2014  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Karen Geisler, Coastal Planner  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) A-3-SCO-06-006**  
Applicants: Mark and Laurie Woodward

### Original CDP Approval

CDP A-3-SCO-06-006 was approved by the Coastal Commission on October 15, 2008, and allowed for the demolition of an existing one-story single-family dwelling (SFD) and construction of a new two-story, six bedroom SFD located at 100 Geoffroy Drive and atop the bluff at Black's Point in the unincorporated area of Santa Cruz County.

### Proposed CDP Amendment

CDP A-3-SCO-06-006 would be amended to allow for: 1) construction of a 184 square-foot guest bedroom on the second floor located over the covered entry porch in the northwest corner of the residence; and 2) construction of a spiral staircase to access the upper deck on the southeastern side of the project site. The Commission's reference number for this proposed amendment is **A-3-SCO-06-006-A1**.

### Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The proposed bedroom and spiral staircase will be located within the previously approved construction development area (and outside of the project's required public viewshed open space area) and will not increase the size, mass or seaward encroachment of the project's footprint. The proposed project components are located on areas of the property that will not be visible from adjacent Twin Lakes State Beach and thus will not impact the public viewshed. In sum, the proposed amendment will continue to protect visual resources consistent with the Commission's original coastal development permit approval and the certified Santa Cruz County LCP.

### Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Wednesday, January 7, 2015, in Santa Monica. If three Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

**NOTICE OF PROPOSED PERMIT AMENDMENT**

CDP A-3-SCO-06-006 (Woodward SFD)  
Proposed Amendment A-3-SCO-06-006-A1  
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**If you have any questions about the proposal or wish to register an objection, please contact Karen Geisler in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT EXTENSION

**Date:** December 22, 2014  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Daniel Robinson, Coastal Planner  
**Subject:** **Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-00-040**  
Applicant: Dennis Schneider

### Original CDP Approval

CDP A-3-SLO-00-040 was approved by the Coastal Commission on January 10, 2008 and provided for the construction of a 10,000 square foot single-family home, a 2,500 square foot barn, and 1.25 miles of access road improvements on a 40.6 acre parcel zoned for agriculture west of Highway 1 on the marine terrace approximately one-half mile south of China Harbor and one mile north of Villa Creek Road along the Harmony Coast in San Luis Obispo County. The CDP A-3-SLO-00-040 expiration date has been extended five times for one year each, with the last extension (to January 10, 2015) being reported to the Commission on February 13, 2014, in Pismo Beach.

### Proposed CDP Extension

The expiration date of CDP A-3-SLO-00-040 would be extended by one year to January 10, 2016. The Commission's reference number for this proposed extension is **A-3-SLO-00-040-E6**.

### Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified San Luis Obispo County Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

### Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on January 7, 2015 in Santa Monica. If three Commissioners object to the Executive Director's changed circumstances determination at that time, then the extension shall be denied and the development shall be set for a full hearing of the Commission.

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



**California Coastal Commission**  
**EMERGENCY COASTAL DEVELOPMENT PERMIT**  
**Emergency CDP G-3-14-0041 (Pajaro River Lagoon Sandbar Breaching)**

**Issue Date: December 16, 2014**

**Page 1 of 6**

This emergency coastal development permit (ECDP) authorizes the Santa Cruz County Department of Public Works (SCCDPW) (Permittee), acting as contractor and agent for the California Department of Parks and Recreation, to breach the sandbar located at the mouth of the Pajaro River located between Sunset Palm State Beach and Zmudowski State Beach. The emergency breaching work will be done by excavating a cut in the closed sandbar approximately 300 feet long by 10 feet wide by 3 feet deep to open a trench channel between the lagoon and the ocean to create a flow outlet in order to reduce the water level in the lagoon so as to avoid/minimize flooding of West Beach Road where it crosses Watsonville Slough at the entrance of Palm Beach State Park (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (SCCDPW), the Pajaro River lagoon formed as a result of a sandbar building and closing the mouth of the river. As of December 10, 2014, the water level of the closed sandbar of lagoon at the Watsonville Slough/Beach Road staff gage was at an elevation of approximately 5.76 feet above mean sea level (flood elevation is 6 feet above MSL). This level is expected to rise as a result of the predicted events for the period of December 11 through December 20, 2014, which includes an extreme high tide event of 4.17 feet combined with a maximum swell/wave height of 18 to 20 feet and precipitation of 2.5 inches in a 24-hour period. These events could lead to high ocean waves overtopping the closed sandbar and washing into the lagoon and causing the lagoon level to rise and lead to flooding of West Beach Road, which is the only road access for residents and emergency vehicles into the Pajaro Dunes community. With continued conditions predicted to keep a significant sandbar in place, and thus the lagoon closed, the proposed emergency development is necessary to avoid flooding damage. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

Enclosures: (1) Emergency Coastal Development Permit Acceptance Form

cc: Kirk Lingenfelter, Superintendent, Santa Cruz District, California Department of Parks and Recreation  
Bruce Laclergue, Flood Control Program Manager, Santa Cruz County  
Deirdre Whalen, Monterey Bay National Marine Sanctuary  
Gregory Brown, U.S. Army Corps of Engineers  
Jacob Martin, U.S. Fish and Wildlife Service  
Bill Stevens, NOAA Fisheries  
Melissa Farinha, California Department of Fish and Wildlife  
Matt Johnston, Santa Cruz County Planning Department  
Jane Smith, State Lands Commission  
John Presleigh, Director, Santa Cruz County Department of Public Works  
Carol Turley, Pajaro Dunes Association  
Mary Bannister, Pajaro Valley Water Management Agency  
Linda McIntyre, Moss Landing Harbor District

## **Emergency CDP G-3-14-0041 (Pajaro River Lagoon Sandbar Breaching)**

**Issue Date: December 16, 2014**

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(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.

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

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Susan Craig, Central Coastal District Manager, for Charles Lester, Executive Director

### **Conditions of Approval**

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by December 30, 2014). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. Only that emergency development 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 emergency development authorized by this ECDP is for one breaching event of the Pajaro River lagoon sandbar only, unless extended to allow for other necessary events for good cause by the Executive Director, for the duration of the winter season (i.e. until March 19, 2015).
4. The emergency development authorized by this ECDP is only temporary and is designed to abate the identified emergency, and shall be removed if it is not authorized by a regular CDP. Within 120 days of the date of the expiration of this permit (i.e. by April 15, 2015), the Permittee shall amend its application for a regular breaching CDP (application # 3-14-0128) to include authorization of the emergency development carried out under this ECDP. The amended application materials shall include photos showing the emergency condition at the project site prior to breaching, the breaching construction activities, and the post-breaching conditions, and the monitoring report required by Condition 14. In addition, the amended application materials shall include an assessment of the breaching's impacts on lagoon, riparian, and marine habitats, as well as on coastal water quality, and detailed description of measures that have been implemented to avoid and mitigate such impacts. The deadline in this condition may be extended for good cause by the Executive Director.
5. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., California Department of Parks and Recreation, California Department of Fish and

## **Emergency CDP G-3-14-0041 (Pajaro River Lagoon Sandbar Breaching)**

**Issue Date: December 16, 2014**

**Page 3 of 6**

Wildlife, California State Lands Commission, United States Army Corps of Engineers, National Marine Fisheries Service, United States Fish and Wildlife Service, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.

6. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated received in the Coastal Commission's Central Coast District Office on December 10, 2014.
7. A qualified biologist shall be present during all emergency development activities, and shall monitor the lagoon and sandbar on a daily basis for as long as the emergency development activities authorized under this ECDP persist. The biological monitor shall ensure that all emergency development is limited to the least amount necessary to abate the emergency, and that it avoid impacts to adjacent marine and lagoon resources as much as possible, including through adaptive management measures to respond to changing conditions and/or understandings relative to flood risk and habitat impacts.
8. All emergency development is limited to the least amount necessary to abate the emergency.
9. Prior to any mechanical breaching of the sandbar, the Permittee shall have ensured that all other possible flood protection measures (e.g., sand bags, rubber dams, etc.) have been applied to protect surrounding flood water threatened homes, infrastructure, and other development to the maximum extent feasible.
10. Following the sandbar breach and after the lagoon has lowered in depth, the lagoon shall be allowed to naturally close, and it shall not be mechanically or otherwise artificially maintained with an open outlet channel flowing over the beach, or be manipulated artificially in any manner, unless artificial breaching is required again, as understood by Condition 3.
11. All emergency development activities shall limit impacts to coastal resources (including public recreational access, the Pajaro River and the lagoon, Watsonville Slough and the Pacific Ocean) 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. Construction work and equipment operations shall not be conducted seaward of the mean high water line unless tidal waters have receded from the authorized work areas.
  - b. Any construction materials and equipment delivered to the beach area shall be delivered by rubber-tired construction vehicles. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
  - c. Any construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs.



## **Emergency CDP G-3-14-0041 (Pajaro River Lagoon Sandbar Breaching)**

**Issue Date: December 16, 2014**

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d. All construction areas shall be minimized and demarked to allow through public access and protect public safety to the maximum extent feasible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.

e. The construction site shall maintain good construction 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 construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each work day.

g. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand in the area that is impacted by construction shall be filtered as necessary to remove any construction 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.

i. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and required restoration activities. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.

12. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
13. The Permittee shall designate a coordinator to be contacted during all emergency development activities and for as long as the emergency development activities authorized under this ECDP persist should questions arise regarding these activities (in case of both regular inquiries and emergencies). The coordinator's 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 emergency development activities, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The coordinator shall record the name, phone number, and nature of all

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complaints received regarding the time that emergency development activities authorized under this ECDP persist, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

14. Once the emergency activity is completed, the Permittee shall submit a final report by April 15, 2015 summarizing the emergency development activities authorized under this ECDP to the Executive Director for review and approval. The report shall document all emergency development activities (including through narrative as well as site plans and cross sections accompanied by photographs, maps, and /or graphics). The report shall include a section prepared by the biological monitor providing all monitoring observations, including in terms of potential impacts to habitat resources including identification of any fish mortality and/or harm or harassment (e.g., fish entrainment in the outlet channel during breaching) and recommendations for project changes to avoid such impacts in future breaching events. The report shall clearly identify all areas affected by emergency development activities, and include the location and extent of grading, sand borrow, and fill areas; pre-existing and resulting alignments of the river; elevations showing finished slopes; and, estimated quantity of sand moved. The report shall also include color photographs (in hard copy and jpg format) that clearly, depict all emergency development activities, that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph, and that are accompanied by a description of what is shown in each photograph. At a minimum, the photographs shall be from enough upcoast, seaward, and downcoast viewpoints as to provide complete photographic coverage of the emergency development activities authorized under this ECDP at a scale that allows comparisons to be made with the naked eye between photographs taken at different times from the same vantage points. The deadline in this condition may be extended for good cause by the Executive Director.
15. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
16. 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 Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.
17. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., United States Department of Fish and Wildlife, National Oceanic and Atmospheric Administration, U.S. Army Corps of Engineers, California Department of Fish and Wildlife, Regional Water Quality Control Board, Monterey Bay National Marine Sanctuary, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
18. 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.
19. 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

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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.

The emergency development 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. For the development to be authorized under the Coastal Act wish to expand the scope of work, 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.