

**CALIFORNIA COASTAL COMMISSION**

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



# F17

## CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the  
June Meeting of the California Coastal Commission*

### MEMORANDUM

Date: June 11, 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 June 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.

<i><b>Applicant</b></i>	<i><b>Project Description</b></i>	<i><b>Project Location</b></i>
<b>3-15-0175-W</b> Gopalakrishnan & Brenda Venkatesh	Remodel of an existing 3,775 square foot single family dwelling (SFD), including an addition of 1,938 square feet, and construction of a porch and a new deck.	173 Spindrift Road, unincorporated Carmel area, Monterey County 93923 APN 241-301-014-000.
<b>3-15-0248-W</b> Stanford University	Proposed upgrades of exterior doors with ADA-compliant hardware and replacement of exterior surfaces and systems with in-kind items including shingle roofing, wood siding and trim, gutters and downspouts, stair railings, and light fixtures at the Boat Works Building of Hopkins Marine Station.	120 Oceanview Blvd., Pacific Grove, Monterey County, APN 006-741-006-000 Parcel C.
<b>3-15-0392-W</b> Chris Shake	Remodel of and 49-square foot addition to an existing second-story storage room, and construction of a 49-square foot first-floor addition to house mechanical equipment at the Old Fisherman's Grotto Restaurant.	39 Fisherman's Wharf No. 1, City of Monterey.

### **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>3-13-012-A1</b> Caltrans	Request to amend the timing requirements for certain special conditions to be changed from "Prior to commencement of construction" to "Within 6 months of commencement of construction" for a small subset of the project.	Highway 1 realignment project in the Piedras Blancas area of northern 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.

<b><i>Applicant</i></b>	<b><i>Project Description</i></b>	<b><i>Project Location</i></b>
<b>G-3-15-0014</b> California Department of Parks and Recreation, Oceano Dunes District	Emergency Coastal Development Permit (ECDP) authorizes temporary emergency monitoring and dust control measures within the Oceano Dunes State Vehicle Recreation Area (ODSVRA). The dust control measures include wind fencing and straw bales, which are intended to reduce sand transport and dust emissions. The monitoring equipment will assess environmental conditions and determine the effectiveness of the deployed wind fencing and straw bales.	Oceano, San Luis Obispo County

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** May 29, 2015  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Andrew Kim, Environmental Services Intern  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-15-0175-W**  
Applicants: Gopalakrishnan & Brenda Venkatesh

### Proposed Development

The proposed project is the remodel of an existing 3,775 square foot single family dwelling (SFD), including an addition of 1,938 square feet, and construction of a front porch and a new deck, at 173 Spindrift Road, in the unincorporated Carmel Area of Monterey County (APN 241-301-014).

### 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 residence would be compatible with the size, scale, and aesthetics of the residential neighborhood in which it is located. The project includes construction Best Management Practices to prevent erosion and discharge of pollutants, and to mitigate storm water runoff and dust contamination. The proposed renovations and additions were reviewed and found suitable for the project site by the Monterey County Resource Management Agency (RMA), Carmel Highlands Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. The proposed project represents an improvement to an existing residence in a residential neighborhood, and therefore 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 it has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Friday June 12, 2015 in the City of Newport Beach. 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 Andrew Kim in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** May 29, 2015  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Brian O'Neill, Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver 3-15-0248-W  
Applicant: Stanford University

### Proposed Development

Proposed upgrades of exterior doors with ADA-compliant hardware and replacement of exterior surfaces and systems with in-kind items including shingle roofing, wood siding and trim, gutters and downspouts, stair railings, and light fixtures at the Boat Works Building of Hopkins Marine Station at 120 Ocean Boulevard, Pacific Grove, Monterey County (APN 006-741-006 (Parcel C)).

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13253 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 proposed project includes replacement of degraded exterior surfaces and systems with in-kind items at the existing Boat Works Building. The proposed development does not expand upon the existing building footprint. The project also includes upgrades to exterior doors to make them ADA-compliant. The project incorporates various construction Best Management Practices to preserve existing vegetation, control stormwater runoff, prevent spills, manage waste, and maintain good housekeeping measures. 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 June 12, 2015 in Newport Beach. 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:** May 29, 2015  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Brian O'Neill, Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver 3-15-0392-W  
Applicant: Chris Shake

### Proposed Development

Remodel of and 49-square-foot addition to an existing second-story storage room, and construction of a 49-square-foot first-floor addition to house mechanical equipment at the Old Fisherman's Grotto Restaurant, 39 Fisherman's Wharf I, City of Monterey, Monterey County.

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13253 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 proposed project includes the remodel of an existing storage area and small additions at the back of an existing restaurant. The additions are located in an area that is not currently accessible to the public and would not be visible from the main pedestrian walkway along the Wharf. The proposed additions would not preclude a future public accessway in the area. The project includes various construction Best Management Practices to protect water quality including construction of a beam below the project site designed to trap falling debris, daily water quality inspections by the Harbor Master, waste management controls, and other good housekeeping measures. The proposed improvements were reviewed and received discretionary approval by the City of Monterey's Architectural Review Committee and City Council to ensure conformance with the requirements of the City's 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 June 12, 2015 in Newport Beach. 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 AMENDMENT

**Date:** May 29, 2015  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Daniel Robinson, Coastal Planner  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) 3-13-012**  
Applicant: Caltrans

### Original CDP Approval

**CDP 3-13-012** was approved by the Coastal Commission on July 11, 2014 and provided for the realignment of 2.8 miles of Highway One up to 475 feet inland (including removal of the existing Highway One in this area), development of an off-road California Coastal Trail (CCT) west of the Highway, and resource restoration and enhancement (along the alignment and at Arroyo de la Cruz) in the Piedras Blancas area of northern San Luis Obispo County.

### Proposed CDP Amendment

**CDP 3-13-012** would be amended to allow timing requirements for certain special conditions to be changed from "Prior to commencement of construction" to "Within 6 months of commencement of construction" for a small subset of the project area. The Commission's reference number for this proposed amendment is **3-13-012-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 Piedras Blancas Highway One realignment project is an important adaptation project for the State of California in its attempts to adapt to sea level rise and mitigate coastal hazards. To ensure the project is completed as soon as possible, the project has been designed to begin construction on portions of the new highway alignment in July of 2015. The proposed timing changes will allow that construction to commence, while still providing an appropriate deadline for completing certain condition requirements that apply to two private inholding parcels along the alignment (See Exhibit A and corresponding Exhibit 1). The timing change to Special Condition 5 is needed to allow for Caltrans, State Parks, and Commission staff to finalize the Interagency Agreement relating to the development and operation of the CCT. Timing changes to Special Conditions 9, 10, and 11 are needed to allow time for Caltrans' eminent domain proceedings to conclude. In sum, the proposed amendment changes only the timing of certain requirements, it does not change the underlying permit requirements themselves nor does it affect the project's consistency with the Commission's original CDP approval. The amended CDP remains consistent with the Coastal Act and the certified San Luis Obispo County Local Coastal Program.

**NOTICE OF PROPOSED PERMIT AMENDMENT**  
CDP 3-13-012-A1 (Piedras Blancas Highway Realignment Timing)  
Page 2

**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 June 12, 2015, in Newport Beach. 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.

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



Caltrans proposes the following timing requirement changes to Special Conditions 5, 9, 10 and 11 of CDP 3-13-012. Caltrans agrees that all work allowed on Sani and Welsh under this amendment may need to be altered when revised final plans (and additional amendments, etc.) are completed to be consistent with CDP 3-13-012 special conditions.

**5. California Coastal Trail.** ~~PRIOR TO~~ WITHIN SIX MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, ...

**9. CCT Access Dedication.** ~~PRIOR TO~~ WITHIN SIX MONTHS OF THE COMMENCEMENT OF CONSTRUCTION, ...

**10. Evidence of CDP Amendments.**

a. **Sani Parcels 1, 2 and 3:** PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ON SANI PARCELS 1, 2 AND 3 OUTSIDE THE DEVELOPMENT AREA DEPICTED IN EXHIBIT 1, AND WITHIN SIX MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, ...

b. **Welsh Parcel:** PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ON THE WELSH PARCEL OUTSIDE THE DEVELOPMENT AREA DEPICTED IN EXHIBIT 1, AND WITHIN SIX MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, ...

**11. Evidence of Amendments to Recorded Documents.** ~~PRIOR TO THE~~ COMMENCEMENT OF ANY CONSTRUCTION ON SANI PARCELS 1, 2 AND 3 AND THE WELSH PARCEL OUTSIDE THE DEVELOPMENT AREA DEPICTED IN EXHIBIT 1, AND WITHIN SIX MONTHS OF THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, ...

Exhibit A

**NOTE:**

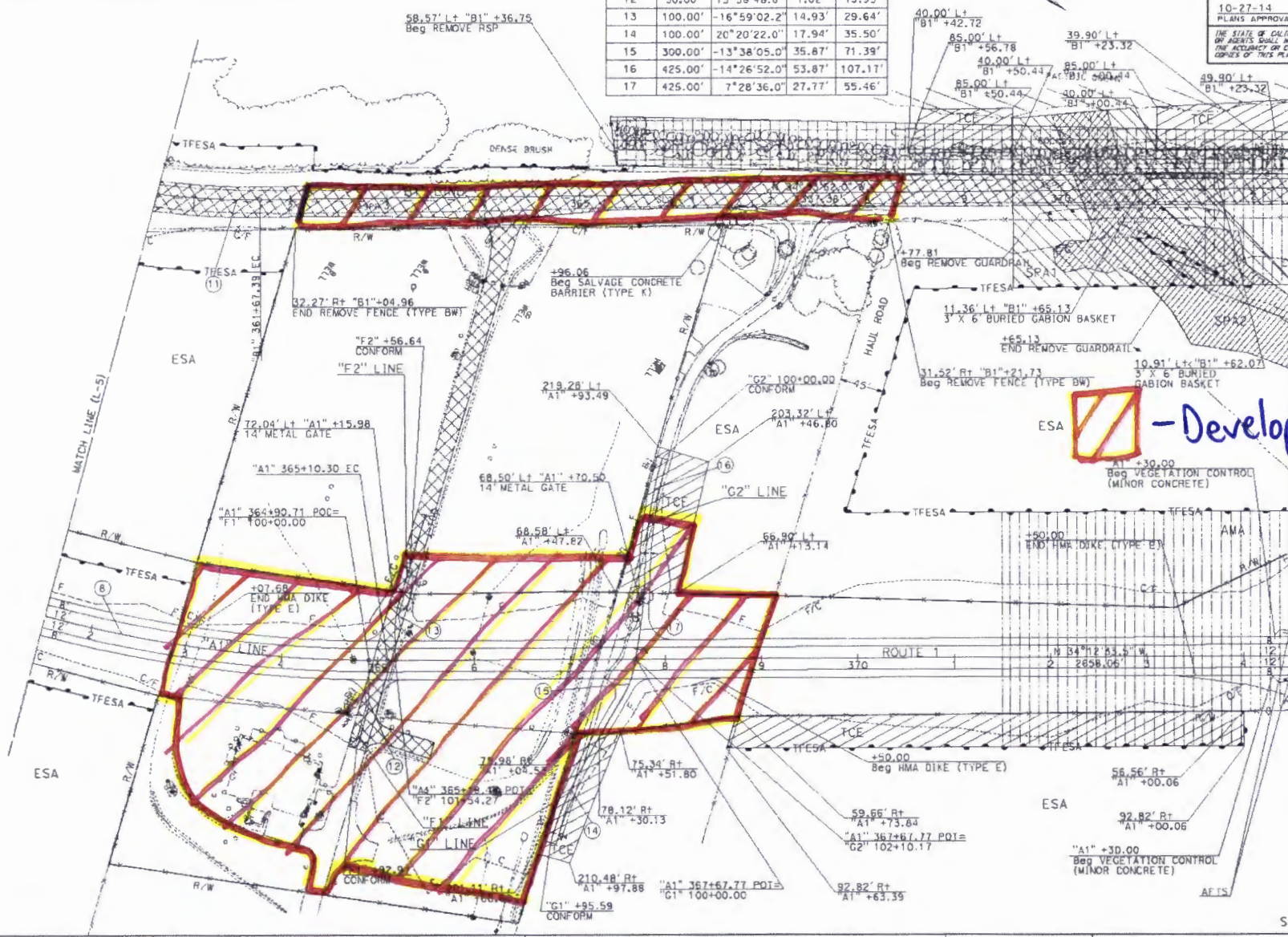
FOR ACCURATE RIGHT OF WAY DATA, CONTACT  
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

CURVE DATA				
No. (X)	R	Δ	T	L
8	1350.00'	-43°15'06.8"	535.21'	1019.10'
11	800.00'	-20°05'60.0"	141.78'	280.65'
12	50.00'	15°58'48.6"	7.02'	13.95'
13	100.00'	-16°59'02.2"	14.93'	29.64'
14	100.00'	20°20'22.0"	17.94'	35.50'
15	300.00'	-13°38'05.0"	35.87'	71.39'
16	425.00'	-14°26'52.0"	53.87'	107.11'
17	425.00'	7°28'36.0"	27.77'	55.46'

DIST	COUNTY	ROUTE	POST MILE TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
05	SLO	1	64.0/R66.9	9	265
REGISTERED CIVIL ENGINEER			DATE		
KYLE BIRCH			10-27-14		
PLANS APPROVAL DATE					
10-27-14					
<small>THE STATE OF CALIFORNIA OR ITS OFFICES OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.</small>					

REGISTERED PROFESSIONAL CIVIL ENGINEER  
No. 74994  
Exp. 12-31-15  
KYLE BIRCH  
CIVIL  
STATE OF CALIFORNIA

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**Caltrans**  
 DESIGN  
 FUNCTIONAL SUPERVISOR: JOHN FOCHE  
 CHECKED BY: RAY RIAHI  
 CALCULATED/DESIGNED BY: KYLE BIRCH  
 REVISED BY: DATE REVISION



- Development Area

**LAYOUT L-6**

SCALE 1" = 50'

Exhibit 1



**California Coastal Commission**  
**EMERGENCY COASTAL DEVELOPMENT PERMIT**  
**Emergency CDP G-3-15-0014 (ODSVRA Emergency Dust Control Program)**

**Issue Date: May 21, 2015**

**Page 1 of 7**

This emergency coastal development permit (ECDP) authorizes temporary emergency monitoring and dust control measures within the Oceano Dunes State Vehicle Recreation Area (ODSVRA). The dust control measures include wind fencing and straw bales, which are intended to reduce sand transport and dust emissions. The monitoring equipment will assess environmental conditions and determine the effectiveness of the deployed wind fencing and straw bales (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 dust control and monitoring are needed to obtain critical information during the 2015 windy season to inform development and implementation of a Particulate Matter Reduction Plan (PMRP) designed to help address public health effects from degraded air quality in the area. The PMRP is being developed in order to address dust associated with the ODSVRA, including to help reduce the number of days that exceed the U.S. EPA's and California Air Resources Board's (CARB) 24-hour average PM<sub>10</sub> Ambient Air Quality Standards (AAQS) on the Nipomo Mesa in San Luis Obispo County. Given that this is a serious public health issue, the dust control measures have been identified as a priority action for spring 2015 by CDPR, the San Luis Obispo County Air Pollution Control District (SLOAPCD) and CARB. The PMRP will also assist CDPR to come into compliance with SLOAPCD's Rule 1001 (Coastal Dunes Dust Control Requirements) that in part requires CDPR to develop and implement a dust control and monitoring program that will inform the PMRP. Without this critical data, CDPR will not be able to develop and implement appropriate PMRP measures in a timely manner to improve air quality to meet AAQS, as well as deadlines as set by Rule 1001. Without immediate implementation, the ability to reduce unhealthy PM<sub>10</sub> levels could be put off for a significant amount of time, perhaps as much as a year. Furthermore, it is anticipated that the severity of this public health hazard will be amplified by the current drought conditions. Therefore, the proposed emergency temporary dust control measures and monitoring are necessary to gather essential data during the 2015 windy season to protect public health. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

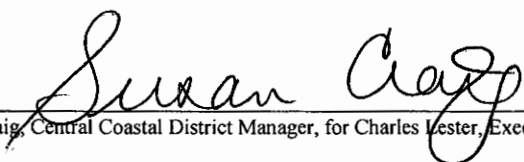
- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; and
- (b) Public comment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

# Emergency CDP G-3-15-0014 (ODSVRA Emergency Dust Control Program)

Issue Date: May 21, 2015

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

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

## Conditions of Approval

- 1. Acceptance Form.** The enclosed ECDP acceptance form must be signed by the ECDP 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 June 5, 2015). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
- 2. Approved Temporary Development.** Only the temporary emergency monitoring equipment, the temporary dust monitoring tower in the South Oso Flaco Lake area, the temporary wind fencing, and the refreshing or reuse of temporarily placed straw bales from the previous year's dust mitigation effort are authorized under this ECDP. The use of soil binders and the deployment of new straw bales are not authorized under this ECDP. All temporarily authorized development shall be removed and the affected area restored to its pre-installation condition as directed by Conditions 3, 4, and 5 below. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission.
- 3. Monitoring Equipment Removal.** The temporary monitoring equipment installed within the areas where temporary surface roughness is deployed, as authorized by this ECDP, are only temporary, and shall be removed in their entirety and all areas affected by them restored to their original pre-emergency condition or better by August 15, 2015. The temporary monitoring station deployed in the South Oso Flaco Lake area may remain in place to collect data that will help inform the success of dust mitigation efforts until August 15, 2016, when it too shall be removed in its entirety and all areas affected by it restored to their original pre-emergency condition or better. The deadlines in this condition may be extended for good cause by the Executive Director.
- 4. Wind Fencing Removal.** Temporary wind fencing installed as authorized by this ECDP is only temporary, and shall be removed in its entirety and all areas restored to their pre-emergency condition or better by August 15, 2015, except if such removal would directly impact California least terns or western snowy plovers, as described below. Perimeter fencing in Region 1 shall be "animal friendly" to allow for the natural movement of animals in and out of the area. A biological monitor shall perform a pre-removal survey for California least terns and western snowy plovers. If California least terns or western snowy plovers have moved into the area, the Permittee must leave all fencing in place until all California least terns or western snowy plovers have left the area. The deadlines in this condition may be extended for good cause by the Executive Director.
- 5. Straw Bale Removal.** Within two weeks of the end of the temporary emergency monitoring and dust control project (i.e., no later than August 31, 2015), and prior to removal of any straw bales, a

## Emergency CDP G-3-15-0014 (ODSVRA Emergency Dust Control Program)

Issue Date: May 21, 2015

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biological monitor shall survey the straw bale deployment area and submit a Restoration Plan to the Executive Director for review and approval. The Restoration Plan shall detail the condition of the straw bales, sand buildup in the area, and the condition of the dune habitat. The objective of the Restoration Plan shall be to protect dune and related habitat resources to the greatest extent feasible, and it shall provide for the removal of the straw bales in a manner designed to achieve the greatest protection of the dune and related habitat resources that are present. The deadlines in this condition may be extended for good cause by the Executive Director.

6. **Monitoring and Reporting.** Prior to initiation of monitoring activities, an experimental monitoring design plan (Plan) shall be submitted for Executive Director review and approval that describes the scientific rationale for the location of monitoring equipment and the choice of environmental variables to be monitored to assess the efficacy of the dust mitigation measures implemented under the ECDP. In addition, the Plan shall describe the specific environmental sensors to be used in each location, the frequency of data collection, the measures adopted to ensure data quality, and the methods of data analysis. The Plan shall also provide for a schedule to report the results of all monitoring activities to the Executive Director as soon as possible after they are complete. Any subsequent application for the deployment of dust emissions mitigation in the future shall be supported by scientifically defensible evidence of the mitigation's effectiveness towards achieving dust mitigation to a level equivalent to compliance at the least with Rule 1001, including the California ambient air quality standard. All reports and data generated from dust monitoring and mitigation efforts under this ECDP shall be provided to Commission staff for review prior to or as part of any application to implement future dust mitigation efforts, whether on an emergency or regular basis.
7. **ECDP and CDPs.** This ECDP is authorized based on the representations of CDPR that such temporary emergency monitoring, wind fencing, and straw bales are required as a limited, interim, and temporary measure during the 2015 windy season to help abate the emergency, and that it is required for timely development and implementation of a PMRP to improve air quality, including to meet AAQS, protect and enhance coastal resources and improve public health at and near the ODSVRA. CDPR has applied for a regular CDP for this purpose as well (CDP Application 3-12-050) and shall amend their CDP application to include the temporary dust control measures and monitoring authorized by this ECDP. This ECDP is being granted based on the representation of CDPR that completion of CDP Application 3-12-050 will be diligently pursued with the intent of avoiding similar emergency situations in the future. 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. If for any reason or under any circumstances CDPR abandons or withdraws CDP Application 3-12-050, CDPR will be required to file a follow-up CDP application for authorization of the emergency development conducted pursuant to this ECDP. Application for any future ECDP under similar circumstances without deliberate pursuit of a CDP to permanently alleviate the identified public health hazards may be denied.
8. **Other Agency Approval.** 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, CARB, San Luis Obispo County, SLOAPCD, etc.). The Permittee shall

## Emergency CDP G-3-15-0014 (ODSVRA Emergency Dust Control Program)

Issue Date: May 21, 2015

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submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.

9. **Project Scope Limited.** All emergency temporary monitoring, wind fencing, and straw bales 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 February 23, 2015).
10. **Biological/Environmental Monitor.** 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, wind fencing, and straw bales, and restoration of the affected areas. The biological monitor shall ensure that all emergency monitoring equipment, wind fencing, and straw bales avoid impacts to habitat and resources as much as possible. 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.
11. **Native American Monitor/Archaeologist.** 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, wind fencing, and straw bales, 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.
12. **Construction Requirements.** All emergency monitoring equipment, wind fencing, and straw bales shall limit impacts to coastal resources (including public 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 monitoring equipment, fencing, and straw bales shall be sited to have the least impact on dune habitats, and shall be sited to protect public health and safety to the maximum extent feasible. Installation of monitoring equipment, fencing, and straw bales (including but not limited to activities, materials and/or equipment storage) is prohibited outside of the defined dust control regions and monitoring site areas as defined by CDPR in this ECDP file.
  - b. Temporary monitoring equipment, fencing, straw bales, and equipment shall not be placed seaward of the mean high water line.
  - c. All straw bales must be certified weed, seed and pest free.
  - d. All temporary emergency development shall be limited to bare sand areas. Vehicles shall remain out of all vegetated dunes, unless absolutely required to install and/or remove the temporary monitoring equipment, fencing, and straw bales. Any dune habitat damaged during installation shall be restored immediately.
  - e. To the extent feasible, the refreshing of the existing straw bales shall be done by hand. One pathway shall be used for ingress and egress from Region 2 for the refreshment of the existing straw bales in order to limit the impacts on dune resources and related habitat in the area.

## Emergency CDP G-3-15-0014 (ODSVRA Emergency Dust Control Program)

Issue Date: May 21, 2015

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- f. All monitoring equipment, wind fencing, and straw bale site areas shall be minimized in scale and scope as much as possible to protect dune resources and related habitats and public safety to the maximum extent feasible. Monitoring equipment, wind fencing, and straw bales (including but not limited to activities, materials and/or equipment storage) are prohibited outside of the allowed monitoring, wind fencing, and straw bale site areas.
- g. In order to reduce negative impacts associated with the construction of the dust monitoring control station located in the South Oso Flaco area, all construction materials needed for build-out shall be transferred to the site via helicopter. Construction equipment (tracked vehicles) may be used for site build-out if tools and necessary equipment cannot feasible be carried in by hand. The identified path of travel used to access the site by construction equipment, if necessary, shall not be graded under any circumstances. Construction equipment shall only use the identified path of travel for site build-out. The usage of the identified path of travel by construction equipment shall be limited to one trip out to the site and one return trip from the site. If feasible, access to the site for maintenance of the monitoring tower must be achieved by foot. If access required for maintenance is not feasible by foot, a lightweight ROV type vehicle may be used to access the site. All access by foot or by a lightweight ROV vehicle must always use the same identified path of travel for ingress and egress to the site.
- h. All development activities associated with this ECDP 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, dunes, or the adjacent marine environment; etc.).
- i. 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.
- j. All areas impacted by monitoring equipment, wind fencing, and straw bale installation and removal activities shall be restored to their pre-construction condition or better, as conditioned above. Any dune or beach sand in the area that is impacted by monitoring, wind fencing, and straw bale installation and removal activities shall be filtered as necessary to remove any debris.
- k. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitivity of the 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.
- l. 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

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implemented immediately.

13. **Public Notice.** Copies of this ECDP shall be maintained in a conspicuous location at the temporary emergency development locations monitoring sites at all times, and such copies shall be available for public review on request. All persons involved with the temporary emergency development shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
14. **Project Coordinator.** A project coordinator shall be designated to be contacted during installation, operation and removal activities should questions arise regarding the temporary emergency development (in case of both regular inquiries and emergencies), and their contact information (i.e., address, phone numbers, email, etc.) including, at a minimum, a telephone number (with an answering machine and/or live operator) that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the emergency development sites where such contact information is readily visible from public viewing areas, along with indication that the project coordinator should be contacted in the case of questions regarding the monitoring (in case of both regular inquiries and emergencies). The project coordinator shall record the name, contact information, and nature of all complaints received regarding the project, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. A log of all complaints received regarding the project and the result of the investigation of the complaints shall be provided to the Executive Director no later than August 15, 2015.
15. **Documentation.** Within 30 days of completion of removal and restoration activities associated with this ECDP, the Permittee shall submit site plans, materials, photos, and a narrative description identifying and describing all temporary dust control measures and monitoring sites installed and removed, and all restoration activities completed, pursuant to this emergency authorization.
16. **Waiver of Liability.** 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.
17. **Indemnification.** The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's 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.
18. **Enforcement.** Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
19. **Potential Violations.** 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



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

As noted above, the temporary emergency development activities carried out under this ECDP are at the Permittee's risk and are considered to be temporary work done in an emergency situation to abate an emergency. All such development must also be authorized by a regular CDP. 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.