

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV



# W11

**Prepared October 31, 2017 (for November 8, 2017 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Director

**Subject: Central Coast District Director's Report for November 2017**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, and emergency CDPs for the Central Coast District Office are being reported to the Commission on November 8, 2017. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's Central Coast District Office in Santa Cruz. Staff is asking for the Commission's concurrence on the items in the Central Coast District Director's Report, and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on November 8th at the UC Davis-Bodega Marine Laboratory in Bodega Bay.

With respect to the November 8th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on November 8, 2017 (see attached)**

---

**Waivers**

- 3-16-1137-W, Santa Cruz Seaside Company construction dewatering (Santa Cruz)
- 3-17-0267-W, Martin seawall footing repair (Pismo Beach)
- 3-17-0268-W, Moore seawall footing repair (Pismo Beach)
- 3-17-0516-W, Caltrans Price Street on-ramp improvements (Pismo Beach)
- 3-17-0593-W, San Luis Obispo County E Street drainage and access improvements (Cayucos)
- 3-17-0734-W, City of Pacific Grove Asilomar State Beach trail improvements (Pacific Grove)

**Immaterial Extensions**

- A-3-SLO-07-041-E8, Richissin SFD (Los Osos)

**Emergency CDPs**

- G-3-17-0033, Monterey County Carmel River Lagoon sandbar management (Carmel)
- G-3-17-0050, Moss Landing Harbor District South Harbor revetment (Moss Landing)

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV



## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** October 25, 2017  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Ryan Moroney, Supervising Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver No. 3-16-1137-W  
Applicant: Seaside Company

### Proposed Development

The project seeks after-the-fact (ATF) approval for dewatering of a construction site at the Santa Cruz Beach Boardwalk with discharge of the water on Main Beach in the City of Santa Cruz. In order to mitigate for any impacts from the dewatering activities due to possible contaminants in the water, the Applicant is proposing to donate over \$45,000 to the Coastal Watershed Council, a local nonprofit agency, to fund water quality improvement projects related to the San Lorenzo River, which is located just downcoast of Main Beach.

### 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:

In October 2016, the Commission approved CDP waiver 3-16-0812-W, which allowed for the installation of a temporary sand berm, sand deposition, a temporary dewatering system, and related activities on Main Beach (in the Commission's retained permitting jurisdiction) as part of an upgrade project at the Santa Cruz Beach Boardwalk (in the City of Santa Cruz's permitting jurisdiction and permitted by the City separately). That waiver was premised on both the sand and the groundwater (which would be excavated from subterranean areas of the Boardwalk and deposited on the beach) being "clean" as identified in soil and groundwater investigation reports submitted by the Applicant. However, during the initial excavation, the construction crews encountered contaminated soil in an area that had not been sufficiently tested, and this discovery precipitated a substantial change to the project in that the excavation work was immediately halted, and that sandy soil that was intended to be placed on Main Beach for beach nourishment instead had to be stockpiled and trucked to the appropriate waste facilities. However, groundwater dewatering had already been taking place through a pipe that extended from the construction site at the Boardwalk to a discharge pond area located on the beach, and the dewatering activities continued to take place for at least a month after the contaminated soil was discovered. Thus, it is likely that this water contained contaminants and thus was not "clean" as was required by the waiver. Because CDP waiver 3-16-0812 only authorized the discharge of "clean" sand and water onto the beach, the waiver that authorized the discharge was no longer in effect and the discharge activities were unauthorized.

Commission staff subsequently informed the Applicant that the dewatering constituted unpermitted

## **NOTICE OF PROPOSED PERMIT WAIVER**

CDP Waiver No 3-16-1137-W (Santa Cruz Boardwalk Excavation and Dewatering)

Page 2

development, and requested that the Applicant direct the remainder of the dewatering to the City's wastewater treatment plant, which occurred. Soil samples were subsequently taken in and around the location of the dewatering pond on the beach, and there was no evidence of contamination beyond background levels.

The central issue raised by the project is the potential for soil and groundwater contamination at the location of the dewatering discharge pond because the groundwater at the construction site was potentially exposed to contaminated materials. While there is evidence to suggest that the groundwater at issue did contain low levels of certain hazardous compounds (e.g., chromium, copper and mercury), the Applicant's consultant conducted extensive testing at the site and ultimately determined that "there does not appear to be any negative impacts to either the beach or the underlying groundwater at the discharge location." Nevertheless, the Applicant has acknowledged the potential for such an impact and is proposing to donate over \$45,000 to the Coastal Watershed Council, a local non-profit active in resource enhancement projects, to help them pursue water-quality improvement projects in the area to mitigate for any potential water quality impacts that may have occurred as a result of the dewatering on Main Beach. This mitigation appropriately offsets potential adverse coastal resource impacts, and thus this waiver concludes that the issues associated with the development can be found consistent with the Coastal Act.

### **Coastal Commission Review Procedure**

This waiver is not valid until it has been reported to the Coastal Commission. The waiver is proposed to be reported to the Commission on Wednesday, November 8, 2017, in Bodega Bay. If three or more 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 Ryan Moroney in the Central Coast District office.**

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV



## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** October 25, 2017  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Ryan Moroney, Supervising Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver Nos. 3-17-0267-W & 3-17-0268-W  
Applicants: Noreen Martin (3-17-0267-W) and Sharon and Albert Moore (3-17-0268-W)

### Proposed Development

The project site is located at 2171 Shoreline Drive (APN 010-521-021) and 2181 Shoreline Drive (APN 010-521-022) in the Shell Beach area of the City of Pismo Beach in San Luis Obispo County. An existing permitted seawall extends across both of these properties. The project includes authorization of the work completed under Emergency Coastal Development Permit (ECDP) G-3-16-0050 (issued on June 17, 2016) consisting of repair of a sinkhole that developed behind the existing seawall at 2181 Shoreline Drive (Moore), and also includes filling several other small pockets that have developed under the existing seawall (on both properties) with concrete, which will prevent the formation of additional sinkholes and also return the seawall to its originally-approved configuration.

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 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 CDPs for the following reasons:

The proposed project is designed to bring the existing permitted seawall into its originally approved configuration by filling fissures and gaps that formed over time, including fissures/gaps that led to the formation of the sinkhole last year. The project is thus a fairly minor repair project, where any potential construction impacts are addressed through BMPs designed to protect the beach and water quality during and after construction activities, including by limiting the area of work as much as possible, by removing all imported rock and rubble at the base of the existing seawall, and by cleaning up all work areas following completion. Further, public access will not be significantly affected because the work is expected to occur between 4AM and 7AM over the course of a two-week period when access use is at its lowest, and public access stairs at each end of the seawall will allow access at all times. Accordingly, the project will not have any significant adverse impacts on coastal resources.

### Coastal Commission Review Procedure

These waivers are not valid until they have been reported to the Coastal Commission. These waivers are proposed to be reported to the Commission on Wednesday, November 8, 2017, in Bodega Bay. If three or more Commissioners object to these waivers at that time, then the applications shall be processed as regular CDP applications.

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

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105  
(415) 904-5260 PHONE  
(415) 904-5400 FAX  
WEB: WWW.COASTAL.CA.GOV

**NOTICE OF PROPOSED PERMIT WAIVER**

**Date:** October 25, 2017  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Shannon Fiala, Coastal Program Analyst III  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-17-0516-W**  
Applicant: California Department of Transportation (Caltrans)

**Proposed Development**

Rehabilitation of the Price Street southbound on-ramp to US 101 that spans Pismo Creek from Price Street in Pismo Beach to US 101 (PM 16.4) in San Luis Obispo County. The proposed development will remove damaged concrete from the creek channel and banks and replace it with rock slope protection and sheet pile. The project also includes reinforcement of the center column bridge support by driving in cast-in-steel piles on each side of the center column.

**Procedural Note**

Because this project is bisected by the Commission's retained jurisdiction and the City of Pismo Beach's LCP jurisdiction boundary, the Applicant, the City, and the Executive Director have agreed to process and act upon a consolidated CDP application pursuant to Coastal Act Section 30601.3(a)(2).

**Executive Director's Waiver Determination**

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and other application materials 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 development is necessary to prevent failure of the on-ramp bridge, which has been damaged over time. The proposed rehabilitation techniques are designed to avoid coastal resource impacts, including with respect to public access, water quality, biological resources, and visual resources. Construction will not affect motor vehicle use of the on-ramp, nor pedestrian or bicycle access in the project vicinity. Caltrans will leave the construction access road graded for future conversion to the De Anza Trail, which will provide access from the California Coastal Trail to the town of Edna via Price Canyon. The project includes an erosion control plan and water pollution control plan, with appropriate best management practices to control runoff during and after construction. The proposed development will install willow pole plantings, remove non-native invasive species from the Caltrans right-of-way and remove broken concrete from the creek channel, minimize the duration of dewatering and the hydro-acoustic impacts of pile driving to the greatest extent possible, and enhance habitat for species status species in Pismo

Creek. *Finally, all development authorized under this waiver is contingent upon Caltrans obtaining authorization from other applicable permitting agencies, including but not limited to, the United States Army Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife.* For the reasons above, the proposed project is consistent with Chapter 3 of the Coastal Act and the certified City of Pismo Beach Local Coastal Program.

**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 November 8, 2017, in Bodega Bay. If four or more 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 Shannon Fiala in the Coastal Commission's Headquarters office.**

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV



## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** October 25, 2017  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Daniel Robinson, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-17-0593-W**  
Applicant: San Luis Obispo County Public Works Department

### Proposed Development

Replacement of a storm drainage system (including an outfall) and enhancement of a public coastal accessway and parking area adjacent to the beach near the intersection of Ocean Front and E Street, in the unincorporated community of Cayucos, San Luis Obispo 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 CDP requirement for the following reasons:

The proposed drainage improvements will correct an erosional hotspot and an area of persistent flooding near the existing outfall's termination point and improve water quality by the planting of native vegetation around the replacement outfall's termination point and by the installation of a trash capture device in the outfall. The project's planting plan includes a mix of native, drought-tolerant beach grasses and other appropriate native vegetation, which will also visually-enhance the area. The project includes leveling and graveling the parking area, installation of a new decomposed granite pathway to the beach, and perfecting the parking spaces and pedestrian beach pathway with bollards, boulders, and updated signage saying "Free Public Parking" and "Coastal Access Point." The project also includes installation of bike racks, trash and recycling cans, and a doggy bag dispenser, which will be maintained by the Applicant for the life of the project. Access to the beach at the project site will be interrupted temporarily for approximately two weeks during construction; however, access to the beach will remain open less than one block from the project site. The project also includes Best Management practices to protect water quality during construction, including erosion and sediment controls, spill prevention measures, and good housekeeping practices. In sum, the proposed project will improve water quality and enhance the existing storm drainage system, while providing for improved public access, and 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 November 8, 2017, in Bodega Bay. If four or more 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.**

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV



## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** October 25, 2017  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Brian O'Neill, Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver 3-17-0734-W  
Applicant: City of Pacific Grove

### Proposed Development

Construction of 1,127 feet of new boardwalk trail and 165 feet of decomposed granite trail; in-kind replacement of an additional 100 feet of boardwalk trail; installation of two small bridges across seasonal drainage channels, and; removal and restoration of 1,220 feet of decommissioned trail segments at Asilomar State Beach in 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 proposed trail project would provide ADA-accessible pedestrian access along a popular segment of the California Coastal Trail along the bluff at Asilomar State Beach. Several segments of the existing trail have been damaged or are threatened by erosion. The proposed project would realign the trail to safer locations farther inland along the bluff. The trail locations have been carefully sited to avoid the most sensitive habitat areas and mitigation measures have been put in place to protect biological resources during construction including requirements for a pre-construction survey, flagging and caging of sensitive species, and the use of hand tools to minimize disturbance. The threatened portions of the trail will be removed and restored with appropriate native plants. The project also includes Best Management practices to protect water quality including erosion and sediment controls, spill prevention measures, and good housekeeping practices. In sum, the proposed project will improve public access and 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 November 8, 2017, in Bodega Bay. If four or more 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.**

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV



## NOTICE OF PROPOSED PERMIT EXTENSION

**Date:** October 25, 2017  
**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-07-041**  
Applicant: Brent Richissin

### Original CDP Approval

CDP A-3-SLO-07-041 was approved by the Coastal Commission on October 15, 2008, and provided for the construction of a single-family residence located at 2737 Austin Court, in the unincorporated coastal community of Los Osos, San Luis Obispo County.

### Proposed CDP Extension

The expiration date of CDP A-3-SLO-07-041 has been extended by the Commission seven times previously (to October 15, 2011, October 15, 2012, October 15, 2013, October 15, 2014, October 15, 2015, October 15, 2016, and October 15, 2017, respectively), and would be extended in this case by one year to October 15, 2018. The Commission's reference number for this proposed extension is **A-3-SLO-07-041-E8**.

### 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 Wednesday, November 8, 2017 in Bodega Bay. If three or more 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-3-17-0033 (Carmel River Lagoon Sandbar Management)**

Issue Date: October 26, 2017

Page 1 of 6

This ECDP authorizes Monterey County, acting as contractor and agent for the California Department of Parks and Recreation, to manage the sandbar at Carmel River State Beach during the 2017-18 rainy season, including by cutting and managing a channel between the lagoon and Carmel Bay to reduce the water level in the lagoon so as to avoid/minimize flooding of existing residences and State Beach facilities upstream of the lagoon fronting Carmel River State Beach (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Monterey County), the Carmel River Lagoon is currently below flood elevation; however there is a risk that any significant rainfall could lead to flooding of approximately 12 residential homes, loss of the State Beach parking lot, and undercutting of the State Beach restroom, all located upstream and along the bank of the lagoon. Monterey County has estimated the flood elevation to be 12.77 feet (NGVD88). To avoid exceeding flood elevation, mobilization and mechanical breaching of the sandbar will commence when one or more of the following conditions is met: 1) lagoon water level reaches a surface elevation of 12.77 feet (NGVD88); 2) the rise in lagoon water levels indicates there is less than six hours until the water elevation reaches 12.77 feet (NGVD88) or when Carmel River flows reach or exceed 200 cubic feet per second at the Los Padres Dam and at Esquiline Road Bridge stream gauges; 3) wave over-topping begins to rapidly increase water levels of the lagoon and increases the sandbar elevation.

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 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.

Enclosure: (1) Emergency Coastal Development Permit Acceptance Form

cc: (via email)

Brent Marshall, California Department of Parks and Recreation  
Sophie DeBeukelaer, Monterey Bay National Marine Sanctuary  
Katerina Galacatos, U.S. Army Corps of Engineers  
Martin Jacobs, U.S. Fish and Wildlife Service  
Amanda Morrison, National Marine Fisheries Service  
Linda Connolly, California Department of Fish and Wildlife  
Joe Sidor, Monterey County Planning Department  
Marc Wiener, City of Carmel-by-the-Sea

# Emergency CDP G-3-17-0033 (Carmel River Lagoon Sandbar Management)

Issue Date: October 26, 2017

Page 2 of 6

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

  
Susan Craig, Central Coast District Manager for John Ainsworth, 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 November 10, 2017). 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 extends through the 2017-18 rainy season (i.e., until April 15, 2018) only, unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary, and shall no longer be authorized if it is not followed-up by a regular CDP that provides a comprehensive response to flooding along Carmel Lagoon in a manner that is most protective of Carmel River/Lagoon resources and public recreational access, including through application of the least environmentally damaging alternatives for addressing flood risks and shoreline erosion, and allowing the river/lagoon system to operate as naturally as possible without artificial manipulation. Within one year of the date of this permit (i.e., by October 26, 2018), the Permittee shall submit a complete application for such a regular CDP. (The CDP application may be found at: <http://www.coastal.ca.gov/cdp/cdp-forms.html>.) Otherwise, the temporary emergency development shall no longer be authorized and all areas affected by it shall be restored to their original pre-emergency development condition. The application shall include photos showing the project site before the emergency, during emergency project construction activities, and after the work authorized by this ECDP is complete. The deadlines 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 Wildlife, California State Lands Commission, Monterey Bay National Marine Sanctuary, 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 materials submitted by the Permittee (dated received in the Coastal Commission's Central Coast District Office on June 23, 2017, as revised by the materials submitted on September 7, 2017).

## Emergency CDP G-3-17-0033 (Carmel River Lagoon Sandbar Management)

Issue Date: October 26, 2017

Page 3 of 6

7. A qualified biologist (including with a minimum of three years experience with anadromous salmonids) 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. 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.
9. For the construction of the channel, the Permittee shall excavate a channel through the sandbar in a direction and manner as agreed upon in consultation with NOAA Fisheries, and in a manner that results in a more natural and less erosive breach. A sand plug will be left in place at the end of the excavation channel that is closest to the lagoon, with the intention that wave action or rising lagoon water levels will naturally breach the plug. Based on typical beach and sandbar conditions, the excavation channel would be constructed to the south and result in the excavation and side-casting of approximately 100 – 250 cubic yards of beach sand. The channel will be excavated to an approximate depth elevation of 10 feet (NGVD29) or 12.77 feet (NAVD88). The primary area of site disturbance (including the channel, side-cast area, and sand stockpile area) is estimated at approximately 0.60 acre and 300 linear feet. If existing shoreline conditions prevent establishing a diagonal channel in the manner described above, the Permittee may, in conjunction with the other responsible agencies identified in condition 5 above, be authorized to modify the channel configuration (i.e., length, width, and location) to reduce flood risks in a manner that also protects sensitive resources and species to the greatest extent practicable..
10. Following any sandbar breach and after high inflows from the river have receded, the lagoon shall either be allowed to naturally close or remain with an open outlet channel flowing over the beach in the alignment described in condition 9 above (i.e., a long meandering channel that mutes tidal influence and rapid draining of the lagoon), whichever is more protective of resources, including as directed by the biological monitor.
11. If excessive scour is observed, contaminant-free in-situ Carmel River beach sand will be pushed into the outlet channel to reduce further scour or to close the sandbar if deemed necessary in consultation with NOAA Fisheries. The minimum lagoon elevation shall be maintained at 8.77 feet (NAVD88). The excavated channel will be managed in consultation with NOAA Fisheries, which may include closure by backfilling the channel plug to maximize the volume of aquatic habitat in the dry season, up to a maximum lagoon level of 12.77 feet (NAVD88).
12. All emergency development activities shall limit impacts to coastal resources (including public recreational access, shoreline bluff, Carmel River and the lagoon, 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):

## Emergency CDP G-3-17-0033 (Carmel River Lagoon Sandbar Management)

Issue Date: October 26, 2017

Page 4 of 6

- a. All construction areas shall be minimized, shall allow public recreational access along Carmel River State Beach, and shall 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.
- b. 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.
- c. Grading of intertidal areas is prohibited.
- d. 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.
- e. 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.
- f. All construction areas shall be minimized and demarked by temporary fencing designed 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.
- g. 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.).
- h. 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.
- i. 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.
- j. All exposed slopes and soil surfaces in and/or adjacent to the construction area shall be stabilized with erosion control native seed mix, jute netting, straw mulch, or other applicable best management practices (for example, those identified in the California Storm Water Best Management Practice Handbooks (March, 1993)). The use of non-native invasive species (such as ice-plant) is prohibited.
- k. 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

## Emergency CDP G-3-17-0033 (Carmel River Lagoon Sandbar Management)

Issue Date: October 26, 2017

Page 5 of 6

materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.

1. 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.
13. Copies of this ECDP shall be maintained in a conspicuous location at the emergency development area at all times for as long as emergency development activities authorized under this ECDP persist, and such copies shall be available for public review on request. All persons involved with the emergency development activities 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. 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 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.
15. The Permittee shall submit monthly reports to the Executive Director for review by the 15th of each month that emergency development activities authorized under this ECDP persist. Each report shall identify all flood protection measures (e.g., sand bags, rubber dams, etc.) that have been applied to protect surrounding flood water threatened homes, infrastructure, and other development to the maximum extent feasible; shall document all emergency development activities (including through narrative as well as site plans and cross sections accompanied by photographs, maps, and /or graphics); and shall include a section prepared by the biological monitor providing his/her 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. The monthly reports 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 monthly reports 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

## **Emergency CDP G-3-17-0033 (Carmel River Lagoon Sandbar Management)**

**Issue Date: October 26, 2017**

**Page 6 of 6**

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.

16. 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. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this ECDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.
18. 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. This ECDP shall not constitute a waiver of any public rights which may exist on the property. The Permittee shall not use this ECDP as evidence of a waiver of any public rights which may exist on the property.
20. 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.

As noted in Conditions 4 and 16 above, 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. If Monterey County wishes to have the emergency development become permanent development, 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.



## California Coastal Commission

# EMERGENCY COASTAL DEVELOPMENT PERMIT

## Emergency CDP G-3-17-0050 (Moss Landing S. Harbor Maintenance Dock Armoring)

Issue Date: October 10, 2017

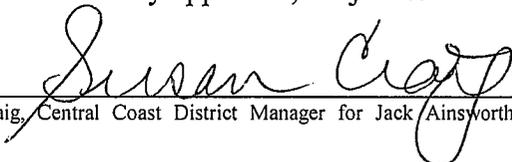
Page 1 of 4

This emergency coastal development permit (ECDP) authorizes installation of riprap revetment along a portion of the shoreline adjacent to the Moss Landing South Harbor Maintenance Dock at 7881 Sandholdt Road in Moss Landing Harbor in the unincorporated community of Moss Landing, Monterey County (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee's consultant, Sea Engineering, Inc., sudden and severe erosion has eroded the shoreline immediately adjacent to the south harbor maintenance dock. Continued loss of material in this location, which could be exacerbated by the coming winter storm season, could permanently inhibit access to the dock and further threaten utilities and wharf parking. The proposed emergency action includes construction of a riprap revetment that extends roughly 50 feet on either side of the maintenance dock to prevent future erosion and outflanking of the revetment. The situation represents a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, and property. 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 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.

  
Susan Craig, Central Coast District Manager for Jack Ainsworth, Acting Executive Director

Enclosures: Emergency Coastal Development Permit Acceptance Form

cc (via email): Linda McIntyre, Moss Landing Harbor District  
David Mack, Monterey County Planning and Building  
Jacqueline Pearson-Meyer, National Marine Fisheries Service  
Jacob Martin, U.S. Fish and Wildlife Service  
Katerina Galacatos, U.S. Army Corps of Engineers  
Linda Connolly, CA Department of Fish & Wildlife

**Emergency CDP G-3-17-0050 (Moss Landing S. Harbor Maintenance Dock  
Armoring)**

**Issue Date: October 10, 2017**

**Page 2 of 4**

**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 October 25, 2017). 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 must be completed within 60 days of the date of this permit (i.e., by December 10, 2017) unless extended for good cause by the Executive Director.
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 60 days of the date of this permit (i.e. by December 10, 2017), the Permittee shall submit a complete application for a regular CDP to have the emergency development be considered permanent or for a different project designed to repair the site. (The CDP application may be found at: <http://www.coastal.ca.gov/cdp/cdp-forms.html>). The application shall include photos showing the project site before the emergency, during emergency project construction activities, and after the work authorized by this ECDP is complete. The deadline in this condition may be extended for good cause by the Executive Director.
5. 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.
6. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., U.S. Army Corps of Engineers, Central Coast Regional Water Quality Control Board, U.S. Fish & Wildlife Service, California Department of Fish & Wildlife, NOAA Fisheries, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. All emergency development shall be limited in scale and scope to the shoreline in the vicinity of the south harbor maintenance dock identified in the application form dated received in the Coastal Commission's Central Coast District Office on October 9, 2017.
8. All emergency development is limited to the least amount necessary to abate the emergency.
9. All emergency construction activities shall limit impacts to public access and to the Moss Landing Harbor 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):

**Emergency CDP G-3-17-0050 (Moss Landing S. Harbor Maintenance Dock  
Armoring)**

**Issue Date: October 10, 2017**

**Page 3 of 4**

- a. All work shall take place between daybreak and 9 p.m. Lighting of the intertidal area is prohibited.
  - b. 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.
  - c. Grading of intertidal areas shall be limited to that necessary to create the keyway for the revetment.
  - d. Construction of the revetment and delivery of materials shall occur from the parking area above the work site.
  - e. All construction and staging areas shall be minimized and demarked by temporary fencing designed 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.
  - f. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials 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.).
  - g. All construction activities that result in discharge of materials, polluted runoff, or wastes to the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place within 20-feet of the shoreline. 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.
  - h. All shoreline access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
  - i. 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.
  - j. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and required shoreline-area restoration activities.
10. 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.

**Emergency CDP G-3-17-0050 (Moss Landing S. Harbor Maintenance Dock  
Armoring)**

**Issue Date: October 10, 2017**

**Page 4 of 4**

11. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and his/her contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
12. Within 60 days of completion of the construction authorized by this ECDP, the Permittee shall submit site plans and cross sections prepared by a licensed civil engineer with experience in coastal structures and processes clearly identifying all development completed under this emergency authorization (comparing any previously permitted condition to both the emergency condition and to the post-work condition), and a narrative description of all emergency development activities undertaken pursuant to this emergency authorization.
13. This ECDP shall not constitute a waiver of any public rights which may exist on the property. The Permittee shall not use this ECDP as evidence of a waiver of any public rights which may exist on the property.
14. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
15. 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.

As noted in Conditions 4 and 5 above, 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. If the Permittee wishes to have the emergency development become a permanent development, 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.