

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
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Prepared September 25, 2020 (for October 8, 2020 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for October 2020

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 October 8, 2020. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review from 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 October 8th during the virtual online hearing.

With respect to the October 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 October 8, 2020 (see attached)

CDP Waivers

- 3-19-1305-W, Port San Luis Harbor District Harford Pier Emergency Services Dock Relocation (Avila Beach)

CDP Amendments

- None

CDP Extensions

- None

Emergency CDPs

- G-3-20-0044, Highway 1 Dolan Fire Debris and Vegetation Removal (Big Sur)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: September 24, 2020
To: All Interested Parties
From: Susan Craig, Central Coast District Manager
Brian O'Neill, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-19-1305-W
Applicant: Port San Luis Harbor District

Proposed Development

Installation of new 310-square-foot modular floating dock, two steel piles, and a gangway that will be connected to the existing Harford Pier at Port San Luis in Avila Beach, 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 requirement for a CDP for the following reasons:

The proposed dock will be utilized by first responders and Harbor District staff. The existing dock located on the opposite side of the pier is subject to wave attack during inclement weather and thus the new dock is necessary to provide all-weather access during emergency situations. The project includes best management practices to protect water quality during construction, including adequate separation of construction materials from the water, maintaining on-site spill containment devices at all times, immediate collection of any debris, prevention of spills, and general good housekeeping of the site. In order to protect marine mammals, the project will utilize a "soft start" or ramp-up technique during pile installation to allow fish and mammals to vacate the area before full pile driving activities commence and the use of sound dampening devices to reduce the energy transmitted from the hammer into the piles. In addition, pile driving activities will be halted if certain marine mammals are observed within a 500-foot exclusion zone, which may be increased if hydroacoustic monitoring results demonstrate that a larger exclusion zone is necessary to protect marine mammals (consistent with the Commission's recent approval of CDP 3-18-1230). In sum, the proposed project will provide necessary all-weather access for emergency personnel, will not adversely impact coastal resources, and thus is consistent with the Coastal Act.

3-19-1305-W (Harford Pier Dock)

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 Thursday October 8, 2020 during the virtual online hearing. 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 (Brian.O’Neill@coastal.ca.gov) in the Central Coast District office.

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EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-20-0044 (Dolan Fire Highway 1 Drainages Maintenance)

Issue Date: September 24, 2020

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This emergency coastal development permit (ECDP) authorizes the California Department of Transportation (Caltrans) to perform emergency development consisting of vegetation and debris clearing from seven drainage systems along Highway 1 through the Big Sur region of Monterey County from postmile (PM) 27.26 to 29.25. Additional work includes reconstruction of an existing fire riser at the drainage system at PM 28.75. Pending further study, Caltrans may also install a flexible debris flow barrier in the drainage systems at PM 27.36 and PM 28.81, and perform inlet improvements at PM 29.25. Cleared vegetation will be chipped in place, and the mulch will be used in future Caltrans projects and construction sites. One-way traffic control will be required at some locations.

The proposed emergency development is located within the burn area of the Dolan Fire. On August 18, 2020, the Dolan Fire ignited along Highway 1 north of Limekiln State Park near PM 32, approximately 10 miles south of Big Sur Station. To date, the burn area has expanded to over 128,000 acres, encompassing a large swath of the Big Sur coast, including portions of Highway 1, from approximately PM 14 to PM 35.

The Big Sur area has a history of fire events which, combined with large, high-intensity winter storms, may result in debris flows that can overwhelm the drainage systems and lead to debris flowing over Highway 1. Upon investigation of the burn areas within the highway corridor, Caltrans identified approximately 20 drainage systems, including 7 within the Commission's original permitting jurisdiction, which are susceptible to debris flows due to the loss of vegetation in the watershed above. Caltrans has determined that the proposed emergency development is necessary to maintain proper drainage in the event of a debris flow and to reduce the risk of impacts to the highway and the traveling public from debris flows that may occur during winter rainstorm events. Thus, the proposed emergency work is necessary to maintain essential public services and public safety, and is the minimum work necessary to prevent further damage to the highway corridor. 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 90 days as specified by the terms of this ECDP; and

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(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

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 October 9, 2020). 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 90 days of the date of this permit (i.e., by December 23, 2020) 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 nine months of the date of this permit (i.e. by June 21, 2021), 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 sites. (The CDP application may be found at: <http://www.coastal.ca.gov/cdp/cdp-forms.html>). The application shall include photos showing the project sites 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., Monterey County, U.S. Army Corps of Engineers, Regional Water Quality Control Board, etc.). The Permittee shall submit to the

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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 that specifically identified in the Emergency Permit Application Form dated received in the Coastal Commission's Central Coast District Office on September 11, 2020.
8. All emergency development is limited to the least amount necessary to abate the emergency.
9. All emergency construction activities shall limit impacts to coastal resources (including public parking, recreational access, and public views) 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):
 - All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and to 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.
 - Debris and vegetation cleared from the drainage sites shall be placed in a manner that does not block public access (i.e., public parking and/or public access trails), or public views of the ocean as seen from Highway 1 and from any public trails in the vicinity of the placement sites.
 - 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.).
 - 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 wharf or 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 workday.
 - All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of

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construction.

- 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/cleanup of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
 - 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
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.
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, email, phone numbers, etc.) including, at a minimum, a telephone number and email address 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 contact information (e.g., name, address, email, phone number, etc.) 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. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit the record (of complaints/inquiries and actions taken in response) to the Executive Director.
12. 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.
13. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

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14. 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 considered temporary work done in an emergency situation to abate an emergency and is undertaken at the Permittee's risk. For the development to be authorized under the Coastal Act and/or if the Permittee wishes to expand the scope of work, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

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