

CALIFORNIA COASTAL COMMISSION
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F13a



Staff: A. Barrera - SF
Date: 10/15/2020

ADMINISTRATIVE PERMIT

Application No. 9-20-0500

Applicant: Los Cerritos Wetlands, LLC

Agent: Michael Di Sano, NCA Real Estate

Project Description: Replacement of shallow contaminated sediment with clean sediment at two locations on approximately 0.47 acres of the Synergy Oil Field.

Project Location: 6422 E. Second Street, Long Beach, Los Angeles County
(APNs: 27237017011, 7237017013)

EXECUTIVE DIRECTOR'S DETERMINATION

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission on November 6, 2020. PLEASE NOTE THAT THIS WILL BE A VIRTUAL MEETING. As a result of the COVID-19 emergency and the Governor's Executive Orders N-29-20 and N-33-20, this Coastal Commission meeting will occur virtually through video and teleconference. Please see the Coastal Commission's Virtual Hearing Procedures posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

JOHN AINSWORTH
Executive Director

By: Alexis Barrera
Title: Environmental Scientist

STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS: See Pages 6 through 10

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval (on the basis of the development not being in excess of \$100,000) by the Executive Director through the issuance of an Administrative Permit. The project area is in the Southeast Area Development Plan (SEASP), described in Local Coastal Program (LCP) Amendment Request No. 1-19, approved by the Commission on October 8, 2020. Once it is fully certified, that LCP Amendment will permit the City of Long Beach, rather than the Commission, to issue coastal development permits within the previously deferred

certification areas within the Los Cerritos Wetlands, including the Synergy Oil Field. However, until the City of Long Beach accepts the modifications that the Commission made to the LCP Amendment and the Commission acknowledges the City's action, the Commission retains its jurisdiction to issue coastal development permits in these areas. Subject to Standard and Special Conditions as attached, the proposed development is in conformity with the provisions of Chapter 3 of the Coastal Act and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

A. Project Description

The applicant is proposing to remediate contaminated sediment at two locations on approximately 0.47 acres in the Synergy Oil Field ([Exhibit 1](#), [Exhibit 2](#)). The Synergy Oil Field is located within the Los Cerritos Wetlands in a highly disturbed area, historically used as a disposal site for oil field-related wastes. The proposed remediation is a necessary first step in a larger effort, approved by the Commission in December 2018 under CDP 9-18-0395, to restore this portion of the Synergy site to tidal wetlands as part of a mitigation bank. This remediation work was included in the proposed work approved under CDP 9-18-0395. However, due to factors including the complexity of prior to permit issuance requirements, the CDP has not yet been issued. The mitigation bank is still under review by an Interagency Review Team (IRT) consisting of staff from the Commission, U.S. Army Corps of Engineers, Environmental Protection Agency, Los Angeles Regional Water Quality Control Board, California Department of Fish and Wildlife, National Marine Fisheries Service, and United States Fish and Wildlife Service and will come before the Commission for approval in the next several months. Under the draft mitigation bank enabling instrument (BEI), the first credit release occurs upon final approval and signature of the BEI by the signatory agencies (including the Commission) but only if the bank site is free of contamination. To ensure the site is clean and credits can be released as soon as the bank is approved, the applicant applied for a separate, stand-alone approval to conduct this remediation work as soon as possible and ahead of other development associated with CDP 9-18-0395. All of the impacts of the proposed remediation work have previously been analyzed as part of the Commission's approval of CDP 9-18-0395, and this analysis builds off of that prior analysis. The conditions imposed here are also consistent with and build off of conditions imposed under CDP 9-18-0395. All other development associated with CDP 9-18-0395, including restoration work on the mitigation bank site, would not be able to proceed until CDP 9-18-0395 is issued.

The applicant is proposing sediment remediation at two discrete locations, HA9 and HA12 ([Exhibit 3](#), [Exhibit 4](#)), both degraded remnant wetland areas cut off from tidal influence. The IRT described above reviewed the proposed remediation work. The IRT requested sampling and analysis of sediment in potential areas of concern not originally tested in initial sampling efforts. In 2019, the applicant tested sample areas for contaminants including volatile organic compounds, metals, and pesticides in accordance with the IRT-approved Final Sampling and Analysis Plan. Samples were collected using a hand auger to advance borings to an upper stratum depth (1 to 1.5' below ground surface) and lower stratum depth (1.5' to 2-2.9' below ground surface). Testing results showed levels of

chlorinated pesticides, PCBs, arsenic, copper, zinc, lead, and nickel in excess of the National Oceanic and Atmospheric Administration (NOAA) Effects Range Low level at HA9 and HA12. Levels of chlorinated pesticides and PAHs exceeded the NOAA Effects Range Medium level. A total of 1,600-cubic yards of contaminated sediment from approximately 0.47 acres will be excavated from the two locations and replaced with the same amount of clean sediment using a light rubber-tired backhoe and front loader. Removal of contaminated sediment and fill of clean sediment will be completed in individual 20' x 20' sections. After the clean sediment is filled in, the site will be recontoured to the pre-construction topography and replanted with native vegetation. The entire project, including staging and breakdown, is expected to take two weeks.

B. Marine Resources and Wetlands

The proposed remediation area contains the type of wetland vegetation that is also typically found in upland areas, such as common pickleweed (*Salicornia pacifica*), saltwort (*Batis maritima*), alkali heath (*Frankenia salina*), Parish's glasswort (*Arthrocnemum subterminale*), saltgrass (*Distichlis spicata*), and shoregrass (*Distichlis littoralis*). Due to the project area being cut off from tidal influence, recent drought conditions, and the highly disturbed nature of the project area, vegetation struggles to survive in this area.

The proposed remediation seeks to replace all contaminated sediment with clean sediment within the specified locations, HA9 and HA12. These areas were shown to have elevated concentrations of hydrocarbons and metals. No excavation or other ground disturbance will occur outside of these discrete areas. **Special Condition 1** ensures that remediation is conducted in strict compliance with the applicant's proposal, including Best Management Practices(BMPs) committed to by the applicant, such as using rubber-tired equipment, demarcating areas of travel to avoid sensitive areas, lining routes with protective mats, and other measures described in further detail in the application. As described above, the project area has been approved for future restoration by the Commission under CDP 9-18-0395, and this remediation is a necessary step before the approved restoration can commence.

To ensure that marine resources are enhanced and maintained and impacts are minimized, the Commission includes **Special Condition 2**, which requires all work crews to be trained in environmental awareness to protect sensitive resources such as protected wildlife and plant species with the potential to occur in the project area. Work is scheduled to occur outside of the bird breeding season (September 1 through December 31). A qualified field biologist shall be onsite to monitor remediation activities, conduct daily surveys for sensitive species, and will have stop work authority to ensure the project stays within the permitted boundaries and protects sensitive wildlife. To reduce trampling of sensitive habitat during excavation and transport of sediment, a qualified field biologist shall define an "area of travel" on unvegetated or previously disturbed areas that must be lined with protective mats. All areas of travel and disturbance shall be clearly demarcated by the biologist to avoid impacts to native vegetation and sensitive species outside of excavation areas. The staging area and vehicle traffic routes shall be located on the

existing access road so that they will not impact any sensitive natural resources. Pre-construction surveys will identify the locations of special-status plants. Sensitive species located outside of excavation areas will be flagged for avoidance. At the end of the work day, the applicant will set up escape ramps inside excavation areas to allow for wildlife to exit and not become entrapped. Any entrapped wildlife will be retrieved, translocated to an appropriate habitat, and the incident will be included in the wildlife monitoring report. If threatened or endangered species are entrapped, the applicant will notify the U.S. Fish and Wildlife Service within 24 hours.

Special Condition 2 also requires the applicant to revegetate and restore areas disturbed by the remediation. The applicant shall salvage any perennial native vegetation, including special-status species, within the excavation area and replant immediately after the clean sediment has been filled in. **Special Condition 2** also requires the applicant to conduct post-remediation biological monitoring of replanted vegetation and verify that impacts to wetlands assumed to be temporary have recovered within 12 months. If impacts are still present after 12 months, then those impacts would be considered permanent impacts and **Special Condition 2** requires the applicant to apply for an amendment to this administrative permit within 90 days to address the additional impacts. If the restoration approved in CDP 9-18-0395 commences before the 12 month monitoring period has ended, the restoration and monitoring program described in CDP 9-18-0395 will supersede the monitoring and maintenance activities proposed in this remediation.

The remediation, as proposed and conditioned, will (1) help to restore marine resources in areas of special biological significance consistent with Coastal Act Section 30230, (2) restore the biological productivity and quality of wetlands consistent with Coastal Act Section 30231, and (3) clean up past spillage of hazardous substances and protect against further contamination. Furthermore, the proposed project, as conditioned, is an allowable use of wetland dredge and fill as a restoration activity. The proposed remediation is the least environmentally damaging alternative because the applicant is proposing the minimum disturbance footprint necessary to ensure that contaminated sediment is completely removed from the restoration site and has designed staging and ingress/egress routes to avoid sensitive species and minimize impacts to wetlands areas within the oil field. Finally, as described in detail above, the project includes sufficient mitigation measures to ensure that adjacent wetland areas are protected and temporary impacts to wetlands are fully restored. The proposed project is thus consistent with Coastal Act Section 30233.

C. Environmentally Sensitive Habitat Areas

Special-status plants, including isolated patches of southern tarplant, woolly seablite, and estuary seablite have been previously documented in the project area and could be impacted by the proposed project. These areas were identified as Environmentally Sensitive Habitat Areas (ESHA) in the findings of CDP 9-18-0395. The purpose of the project is to remove contaminated sediment from the site in preparation for restoration activities. Ultimately, the proposed activities will improve the habitat value of the area and open up additional areas for colonization by southern tarplant and other native species. Restoration is a resource-dependent use and therefore a use allowed in ESHA and thus,

these impacts to ESHA may be authorized under Coastal Act Section 30240. However, ESHA must still be protected against any significant disruption of habitat values by siting and designing development to avoid ESHA impacts to the extent feasible and otherwise by fully mitigating those impacts. Consistent with this requirement, proposed staging activities and ingress/egress to the excavation area will avoid any sensitive species and ESHA. Further, **Special Conditions 1 and 2** include measures such as demarcating staging and travel routes to avoid sensitive vegetation, using existing access roads as necessary, conducting pre-construction surveys for sensitive vegetation, and flagging special-status species for avoidance. If special-status species occur within excavation areas, Special Condition 2 requires that the applicant shall salvage the vegetation and replant after clean sediment has been placed. With these measures in place, ESHA will be protected against any significant disruption of habitat values, and any minor impacts to ESHA will be reduced and mitigated, consistent with Coastal Act Section 30240.

D. Water Quality

The proposed remediation will protect against possible future contamination of wetland areas and improve water quality by removing sources of contamination from the project area. To protect water quality during remediation activities, **Special Condition 3** incorporates the applicant's BMPs to prevent runoff of contaminated sediment or accidental discharge of hazardous materials into the marine environment. **Special Condition 5** requires the applicant to comply with all permit requirements and mitigation measures imposed by other resource agencies including the Regional Water Quality Control Board (RWQCB), which would serve to further protect water quality. Therefore, the proposed remediation, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality.

E. Cultural Resources

As described in the staff report for CDP 9-18-0395, the proposed remediation site lies within the larger Los Cerritos Wetlands area which is considered a sensitive area for paleontological, archeological and tribal resources potentially including Sacred Lands, Tribal Cultural Landscapes and Traditional Cultural Property, designated as Native American resources by the Native American Heritage Commission (NAHC). The area is included in shared ancestral territories between the Gabrielino Band of Mission Indians and the Juaneño Band of Mission Indians. Tribal consultations for the larger restoration project approved under CDP 9-18-0395 indicated that the Los Cerritos Wetlands area is sensitive for tribal resources. A Cultural Resources Assessment and a Tribal Resources Assessment for the area determined that no known cultural resources have been discovered at the remediation site. Tribal resources are less likely to exist within wetland sites because of their low elevation and flooding potential. Although unlikely, there is still the potential for tribal resources to be present in the Los Cerritos Wetlands area.

The proposed remediation would not involve activities likely to disturb unknown tribal artifacts or burial sites, such as extensive or deep excavations. The applicant has demarcated two discrete areas with contaminated sediment. Removal of this shallow sediment will extend to a maximum of three feet below ground surface. To ensure that any cultural or tribal resources that may be discovered during proposed excavation work are

protected, **Special Condition 4** requires that all ground disturbing activities be monitored by an archaeological consultant and a minimum of two Native American monitors. Native American monitors will include members from the Gabrielino Band of Mission Indians and the Juaneño Band of Mission Indians, as identified by the Native American Heritage Commission for the project area. Prior to commencement of site work, an archaeological consultant and Native American monitors shall participate in an on-site, pre-grading meeting with the project manager and grading contractor to review procedures to be followed during the site excavation work. If any cultural deposits are discovered, the applicant, archaeological consultant and Native American monitors shall consult, and significance testing of the resources shall be conducted. In addition, the applicant must submit a final report regarding any discovery of cultural resources. If human remains are discovered, the applicant will comply with the requirements of Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5.

The remediation, as proposed and conditioned, would ensure that any ground disturbing activities would be conducted in a manner that avoids adverse impacts to cultural resources and is protective of any previously unknown cultural resources. The Commission thus finds that the proposed remediation is consistent with Coastal Act Section 30244.

F. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Executive Director finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with CEQA.

SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Permit Compliance.** All development must occur in strict compliance with the proposal as set forth in the permit application, including applicant-proposed mitigation measures, subject to any special conditions. Any deviation from the approved project must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.
2. **Biological and Wetland Resource Protection**
 - A. **Pre-Construction Surveys.** NO MORE THAN 60 DAYS PRIOR TO THE COMMENCEMENT OF PROJECT ACTIVITIES AT A GIVEN SITE, preconstruction surveys shall be conducted by a qualified biologist approved by the Executive Director for special-status plant and wildlife species and nesting birds protected under the Migratory Bird Treaty Act and California Fish and Wildlife Code section 3503.

- i. Pre-construction surveys for special-status species shall target estuary seablite, Southern tarplant, woolly seablite, Belding's savannah sparrows, Ridgeway's rails, California least terns, western snowy plovers, mudflat tiger beetles, and white-tailed kites. If these or any other listed species are encountered, the Permittee shall consult with the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Wildlife (CDFW) and the Executive Director before continuing with work.
- B. **Nesting Birds.** All construction shall be avoided, to the greatest extent possible, during the southern California bird nesting season which is January 15 through September 15. If construction must occur during this time, **NO MORE THAN 14 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES**, a qualified biologist, approved by the Executive Director, shall conduct a preconstruction survey for the presence of nesting birds. If an active nest of any bird including a Federal or State-listed threatened or endangered bird species, bird species of special concern, or any species of raptor is identified during such preconstruction surveys, or is otherwise identified during construction, the Permittee shall notify all appropriate State and Federal agencies within 24 hours, and shall develop an appropriate action plan specific to each incident that shall be consistent with any recommendations of those agencies. The Permittee shall notify the Executive Director in writing within 24 hours of identifying such a nest and consult with the Executive Director regarding the determinations of the State and Federal agencies.
- C. **Biological Monitoring.** The Permittee shall employ or have under contract a biologist(s) approved by the Executive Director, during the duration of remediation activities. The Permittee shall ensure that the biologist(s) conducts monitoring during any project activities involving mobilization, ground disturbance, grading, soil movement, or any other activities that could affect biological resources including special-status species, wetlands, coastal waters and marine species in accordance with the following:
 - i. Based on results of the pre-construction survey, the biologist shall clearly mark all sensitive biological resources located within 25 feet of any project-related activity. The biologist shall maintain a 10-foot buffer around any individual special-status plant unless otherwise approved by the Executive Director.
 - ii. Conduct worker training with all project-related personnel to identify the location and types of sensitive biological resources on and near the project site and the measures to be taken to avoid impacts to these resources.
 - iii. If any special-status species occur within the excavation footprint, prior to the initiation of ground disturbance, the biologist shall salvage, stockpile, and replant vegetation once soil removal and backfilling work has been completed.

- iv. The biologist(s) shall require a halt to any project activities when he or she determines that continuing the activities would result in an unauthorized adverse impact to coastal waters, wetlands, or other biological resources. The biologist(s) shall inform the Permittee what measures are needed to address the impact and may allow activities to resume after necessary measures are implemented.
- v. A summary report, including monitoring results and avoidance measures implemented shall be submitted to the Executive Director at the end of the remediation.
- vi. If biological monitoring demonstrates that fill or dredging or any other project activity has caused adverse impacts to any wetland areas or sensitive biological resources that are not approved under this permit, the Permittee shall submit an application to amend this permit to address these impacts and fully restore any disturbed wetlands or sensitive biological resources to its pre-project condition, unless the Executive Director determines that no such permit amendment is legally required.

D. Recovery of Areas Disturbed by Excavation.

- i. The source of all propagules and seed used to revegetate areas shall be from the site or immediately adjacent coastal areas, if feasible. If propagules or seed are obtained from a nursery they must be from local genetic stock.
- ii. Perennial native plants, including any individuals of estuary seablite, woolly seablite and pickleweed within the disturbance area will be salvaged, stockpiled, and replanted once soil removal and backfilling is complete.
- iii. Site recovery and revegetation success shall be determined based on the success criteria outlined below.

Success Criteria	Methods	Qtr 1	Qtr 2	Qtr 3	Qtr 4
Total vegetative cover	Photo-monitoring and cover estimation	≥ 50% vegetative cover*	≥ 75% vegetative cover*	≥ 80% vegetative cover*	≥ 100% vegetative cover*
Vegetation – Dominance of Invasives	Photo-monitoring and population mapping	Invasive plants on the California Invasive Plant Council (Cal-IPC) High and Medium list will not exceed 5% cover within the restoration area.			
Erosion and Geomorphic Monitoring	Visual assessment and photo-monitoring 100 feet up and downstream of project site	No significant erosion and/or sedimentation that threatens habitat quality in vicinity of rehabilitation areas			

*Vegetation cover relative to pre-construction conditions and verified by drone photography.

- iv. Post-Construction Survey Report. Post-construction survey results, including vegetation mapping, shall be submitted to the Executive Director within fifteen business days of the end of the 12-month monitoring period. The data from the pre- and post- construction surveys shall be compared to determine the temporary or permanent impact status of all the areas based on the success of habitat recovery in meeting the approved success criteria (see above). If the post-construction survey results show that the project area has not recovered per the success criteria, the applicant shall apply for an amendment to this administrative permit within 90 days to address the additional impacts unless the Executive Director determines an amendment is not legally necessary.
- v. In the event that approved restoration work under CDP 9-18-0395 commences before the conclusion of the 12 month monitoring program required under this condition, further monitoring under this condition shall be suspended and the restoration and monitoring program authorized under CDP 9-18-0395 shall supersede all of the monitoring and recovery requirements of this approval.

3. Water Quality.

- a. Construction and Pollution Prevention. Erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:
 - i. Land disturbance during construction (e.g., clearing, grading, and cut-and fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation.
 - ii. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.
 - iii. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.
 - iv. Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area.
 - v. Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) that will be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.

- vi. All erosion control materials shall be comprised of bio- degradable materials (natural fiber, not photo-degradable plastics) and must be removed when permanent erosion control measures are in place.
- vii. The discharge of other pollutants resulting from construction activities into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including
 - 1. Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials.

4. Cultural Resources.

- a. All ground disturbing activities will be monitored by an archaeological consultant and a minimum of one set of Native American monitors – two individual monitors for each site of ground disturbance. Site excavation work will be monitored by members of the Gabrielino Band of Mission Indians and the Juaneño Band of Mission Indians identified from a list of Native American tribes identified for the project area by the Native American Heritage Commission. More than 1 set of monitors on the site may be necessary during times with multiple grading and soil disturbance locations. During all digging, ground disturbance, and subsurface activity on the site, any Native American representatives from Tribes on the NAHC list are welcome to be present on the site and monitor, even if they are not the assigned set of monitors within the rotation for that day.
- b. If, during site excavation work, any cultural deposits are discovered, the applicant, archaeological consultant and Native American monitors shall consult, and significance testing of the resources shall be conducted. If human remains are discovered, the applicant will comply with the requirements of Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. Prior to commencement of site work, the archaeological consultant and Native American monitors shall participate in an on-site, pre-grading meeting with the project manager and grading contractor to review procedures to be followed during the site excavation work.
- c. The Permittee shall prepare a report, subject to the review and written approval of the Executive Director, which shall include but not be limited to, detailed information concerning the quantity, types, location, and detailed description of any cultural resources discovered on the project site, analysis performed and results and the treatment and disposition of any cultural resources that were excavated. The report shall be prepared consistent with the State of California Office of Historic Preservation Planning Bulletin #4, “Archaeological Resource Management Reports (ARMR): Recommended Contents and Format”.

5. **Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, and the U.S. Army Corps of Engineers with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

6. **Indemnification by Permittee - Liability for Costs and Attorney's Fees.** By acceptance of this permit, the Applicant/Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's fees including: (1) those charged by the Office of the Attorney General, and (2) any court costs and attorney's fees that the Coastal Commission may be required by a court to pay that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing