

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
PHONE: (707) 826-8950
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WEB: WWW.COASTAL.CA.GOV



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Prepared June 26, 2020 (for July 10, 2020 Hearing)

To: Coastal Commissioners and Interested Persons
From: Alison Dettmer, North Coast District Director
Subject: **North Coast District Director's Report for July 2020**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, and emergency CDPs for the North Coast District Office are being reported to the Commission on July 10, 2020. 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 North Coast District Office in Arcata. Staff is asking for the Commission's concurrence on the items in the North 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 July 10th.

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.

With respect to the July 10th 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 July 10, 2020 (see attached)**CDP Waivers**

- 1-20-0353-W, City of Eureka, Felt Street Resurfacing (Eureka, Humboldt Co.)
- 1-19-1289-W, O'Connor, Removal of Rock Armoring and Cabin (Samoa, Humboldt Co.)

CDP Immaterial Amendments

- 1-19-0407-A1, Humboldt Bay Harbor District, Dredged Material Processing (Samoa, Humboldt Co.)
- 79-CC-189-A1, Viltrakis, Single-Family Residence Modification (Shelter Cove, Humboldt Co.)

CDP Extensions

- None

Emergency CDPs

- G-1-20-0031, PG&E, Arcata Electrical Lines Vegetation Clearing (Arcata, Humboldt Co.)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: July 3, 2020
To: All Interested Parties
From: Robert Merrill, North Coast District Manager
Tamara Gedik, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 1-20-0353-W
Applicant: City of Eureka, Attn: Caitlin Castellano

Proposed Development

Resurface the roadway along Felt Street, install new curb as a safety barrier and for drainage improvements, and replace one existing curb ramp with an ADA-compliant curb ramp, within the City of Eureka, Humboldt County.

Executive Director's Waiver Determination

Pursuant to Public Resources Code Section 30624.7 and 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:

Installation of the new curbing will serve to better delineate the travel way, improve drainage, and help protect the nearby wetland by preventing road surface runoff from directly entering the wetland. The applicant has included implementation of construction best management practices as part of the proposed project to ensure water quality is not degraded during construction. Work will be limited to upland areas within the existing 50-foot right-of-way/road prism and will not encroach into any wetlands or other Environmentally Sensitive Habitat Areas. All concrete, asphalt, and soil spoils will be disposed of at an authorized facility outside the coastal zone. Therefore, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until it has been reported to the Coastal Commission and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. **This waiver is proposed to be reported to the Commission on Friday, July 10, 2020.** If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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.

If you have any questions about the proposal or wish to register an objection, please contact Tamara Gedik in the North Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: July 3, 2020
To: All Interested Parties
From: Bob Merrill, North Coast District Manager
Melissa Kraemer, Supervising Analyst
Subject: **Coastal Development Permit (CDP) Waiver 1-19-1289-W**
Applicants: Amy and Jonathon O'Connor

Proposed Development

(1) Remove 200 cubic yards of rock armoring placed along the western shoreline of Humboldt Bay without the benefit of a coastal development permit (CDP); and (2) demolish a 767-square-foot residential cabin near the shoreline area that was redeveloped without the benefit of a CDP. The project site is located at 865 New Navy Base Road, approximately four miles south of the unincorporated community of Samoa, Humboldt County (APN 401-141-003).

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 rock armoring and cabin structure both are located within an area subject to flooding from high tides and wave uprush events, and removal of the development will reduce risks of flood hazards to life and property. Most removal/demolition work will be conducted by hand, using hand tools. Laborers will place removed materials into the back of a pick-up truck or dump truck to be transported offsite for disposal/recycling. Vehicles and heavy equipment used for the work (excavator/backhoe, dump truck, and pick-up truck) will use existing accessways, and no grading or major vegetation removal is proposed. All removed materials will be disposed of or recycled at a legally authorized facility capable of receiving such materials. Any temporary stockpiles of material during demolition/removal will be placed outside of ESHA (including wetlands and sand areas) and will be removed from the site by October 15th prior to the rainy season. Water quality protection measures will be implemented, including, but not limited to, conducting work during low tides and not operating heavy equipment from the beach area. Therefore, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until it has been reported to the Coastal Commission and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. **This waiver is proposed to be reported to the Commission on Friday, July 10, 2020.** If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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.

If you have any questions about the proposal, please contact Melissa Kraemer in the North Coast District office.

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: June 26, 2020
To: All Interested Parties
From: Bob Merrill, North Coast District Manager
Catherine Holloway, Coastal Planner
Subject: Amendment to Coastal Development Permit (CDP) 1-19-0407
Applicant: Humboldt Bay Harbor District

Original CDP Approval

CDP 1-19-0407 was approved by the Coastal Commission on August 7, 2019 and authorized (1) the construction of two temporary dewatering basins, one at Fields Landing Boat Yard and one at Redwood Marine Terminal II (RMT-II), to dewater dredged material (from exempt routine maintenance dredging operations at the Fields Landing travel lift and Woodley Island Marina) for potential beneficial reuse at an approved location; (2) extraction of seawater from Humboldt Bay for re-slurrying dredged material to facilitate transport of the dredged material from the hopper barge to the temporary dewatering basins at each site; and (3) the temporary placement of piping infrastructure at each site between the dredge/barge vessel(s) and the dewatering sites and between the dewatering sites and existing storm drain inlets to transport slurry material and ultimately discharge the dewatering effluent back into Humboldt Bay.

Proposed CDP Amendment

(1) Increase the allowed area and volume capacity of temporary dredged material dewatering basins at RMT-II (increasing from a maximum of 60,000 square feet (sf) with volume capacity up to 4,778 cubic yards (cy) to a maximum area of 200,000 sf with a 15,926 cy maximum), and (2) allow for an alternative method of offloading dredged material that would involve mooring a barge containing up to 10,000 cubic yards of dredged material, using an excavator on the barge to transfer material to dump trucks on the dock, and trucking the material to the temporary dewatering basin located approximately 600 feet away. The Commission's reference number for this proposed amendment is **1-19-0407-A1**.

Executive Director's Immateriality Determination

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

The applicant completed planned routine maintenance dredging and dredged material disposal for the Fields Landing location last year, and additional routine maintenance

dredging is scheduled for this summer season. The expanded temporary dewatering basin will be located in a paved upland area and remain consistent with the measures outlined in Special Condition 2 of the original permit to protect the water quality and aquatic habitat of Humboldt Bay. Adding an alternate method of transporting dredged material from the hopper barge to the temporary dewatering basin at RMT-II will enable the contractor to employ a method of dredge material transport that avoids the need to extract seawater from Humboldt Bay for reslurrying and that minimizes the total amount of water to be discharged back to the bay. The alternate method of dredged material offloading and transport will not result in any additional or changed impacts to marine resources, sensitive species habitat, water quality, or public access. Although the alternative method of dredged material offloading will occur within 50 feet of eelgrass and an active shellfish nursery, the proposed offloading method will avoid impacts to eelgrass and the shellfish nursery by (1) clearly marking with flags and/or paint minimum eelgrass buffers of at least 20 feet around existing eelgrass beds where no barge operations or anchoring will be allowed; (2) coordinating with dock tenants before and during each off-loading event; and (3) preventing dock damage from truck use by using crane mats or similar equipment to evenly distribute truck weights across the dock. In addition, the project proposes to implement several water quality protection measures, including (1) sealing truck beds to prevent spillage during transportation; (2) directing excavator/crane operators to minimize the potential for spillage by allowing bucket loads to drip into the barge hopper prior to swinging the material to the trucks; and (3) requiring regular inspections of operations during off-loading to ensure spillage is avoided.

As the amended development does not have a potential for adverse impacts, either individually or cumulatively on coastal resources or public access, the Executive Director has determined that the proposed amendment is immaterial.

Coastal Commission Review Procedure

The CDP may be amended as proposed if no written objections are received in the North Coast District office within ten working days of the date of this notice. In addition to the regular means required by the regulations or statute, please make sure that you also send a copy of all correspondence or other documents electronically to NorthCoast@coastal.ca.gov. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Friday, July 10, 2020. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

IMPORTANT! 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.

If you have any questions about the proposal or wish to register an objection, please contact Catherine Holloway in the North Coast District office.

cc: Humboldt Bay Harbor, Recreation & Conservation District
Humboldt County Planning & Building Dept.

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: June 26, 2020
To: All Interested Parties
From: Bob Merrill, North Coast District Manager
Melissa Kraemer, Supervising Analyst
Subject: **Amendment to Coastal Development Permit (CDP) 79-CC-189**
Applicant: Michele Viltrakis

Original CDP Approval

CDP 79-CC-189 was approved by the Coastal Commission on September 13, 1979 and provided for the construction of a 1,200-square-foot single-family residence, driveway, and utility connections at 594 Lower Pacific Drive in the Shelter Cove subdivision area of unincorporated Humboldt County (APN 111-121-022).

Proposed CDP Amendment

After-the-fact authorization of a 700-square-foot addition to the existing home. The Commission's reference number for this proposed amendment is **79-CC-189-A1**.

Executive Director's Immateriality Determination

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

The existing residence is located within a developed area inland from the first public road on a flat lot situated over 150 feet from the nearest bluff edge. The attached residential addition does not block public views to the ocean and is compatible with the character of the surrounding area. The County considered the design of the after-the-fact addition under a Special Design Review Permit and determined the development is consistent with the visual resources protection policies of the South Coast Area Plan. The nearest public access point (Seal Rock, managed by the Bureau of Land Management) is across the street from the subject residence, and the proposed addition will have no significant adverse effect on existing or potential public access. As the amended development does not have a potential for adverse impacts, either individually or cumulatively on coastal resources or public access, the Executive Director has determined that the proposed amendment is immaterial.

Coastal Commission Review Procedure

The CDP may be amended as proposed if no written objections are received in the North Coast District office within ten working days of the date of this notice. In addition to the regular means required by the regulations or statute, please make sure that you also send a copy of all correspondence or other documents electronically to

NorthCoast@coastal.ca.gov. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Friday, July 10, 2020. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

IMPORTANT! 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.

If you have any questions about the proposal or wish to register an objection, please contact Melissa Kraemer in the North Coast District office.

cc: Michele Viltrakis, Applicant
Humboldt County Planning & Building Dept.

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**EMERGENCY PERMIT**

Issue Date: July 2, 2020
Emergency Permit Number: G-1-20-0031

APPLICANT:

PG&E, Attn: Angela Deiana
2730 Gateway Oaks Drive
Sacramento, CA 95833

LOCATION OF EMERGENCY:

North and South of Samoa Blvd., east of the intersection with Highway 101, at the Arcata Sports Complex and Arcata Little League Facilities (APN(s): 503-202-004 and 503-042-017)

EMERGENCY WORK:

Clearing vegetation around electrical distribution and transmission lines (up to 135 sites total) as detailed in the emergency application materials received on May 22, 2020 and as further specified in the electronic mail (email) with attachment entitled "Arcata Transmission and Distribution VM SOW_062920.XLS" transmitted by PG&E manager Angela Deiana on June 29, 2020.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of rampant vegetation growth and encroachment within proximity of critical safety minimum clearance requirements posing a threat to electrical distribution and transmission structures at the Arcata Sports Complex and Arcata Little League facilities requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

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

Emergency Permit Number:
G-1-20-0031

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

Sincerely,

John Ainsworth
Executive Director

DocuSigned by:



Tara Gehr, Coastal Program Analyst

cc: David Loya, Community Development Director, City of Arcata
Julie Neander, ES Deputy Director of Community Services, City of Arcata
Stan Shaffer, Park Facilities Natural Resources Supervisor, City of Arcata

Enclosures: 1) Acceptance Form;
2) Regular Permit Application Form

Emergency Permit Number:
G-1-20-0031

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PERMITTEE and returned to our office prior to onset of activity and within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Work is further limited to the minimum necessary to abate the emergency and as detailed in the emergency application materials received on May 22, 2020 and as further specified in the electronic mail (email) with attachment entitled "Arcata Transmission and Distribution VM SOW_062920.XLS" transmitted by PG&E manager Angela Deiana on June 29, 2020. Any additional work requires separate authorization from the Executive Director.
3. If it is not feasible to remove vegetation that may provide potential nesting habitat outside of the avian nesting season (mid-March to mid-August), a survey for nesting birds in and adjacent to the project work area shall be conducted by a qualified biologist according to current California Department of Fish and Wildlife (CDFW) protocols no more than seven days prior to the commencement of vegetation removal activities. If any active nest is identified during pre-activity surveys, the biologist, in consultation with CDFW¹, shall determine the extent of an activity-free buffer zone to be established around the nest, and activity in the buffer zone shall be delayed until after the young have fledged, as determined by additional surveys conducted by a qualified biologist.
4. The permittee shall use relevant best management practices (BMPs) to protect on-site wetlands and other environmentally sensitive habitat areas from water quality impacts during vegetation removal activities as detailed in Attachment 6 of PG&E's emergency permit application (PG&E document TD-7102P-01-JA01, "Best Management Practices").
5. All staging of equipment shall be limited to the existing parking areas.

¹ Contact CDFW Northern Region staff (Senior Environmental Scientist Michael Van Hattem) at 707-499-9457.

Emergency Permit Number:
G-1-20-0031

6. No vehicles or other mechanized equipment needed for the tree pruning and removal operations shall be driven or operated within (a) riparian habitat areas, and (b) landscaped areas and paved pathways of the Arcata Sports Complex facility and the Arcata Little League facility, except that mechanized vehicles with track-mounted wheels and all-terrain quad vehicles may be used to access landscaped areas at the Sports Complex facility outside the field of play and within 12 feet of the fenceline adjacent to the vegetation corridor.
7. Equipment used to remove vegetation shall be limited to chainsaws and other non-mechanized hand tools.
8. No stockpiling of removed vegetation parts shall occur within the landscaped areas of the Arcata Sports Complex property and the Arcata Little League facility except in areas that are both outside the field of play and within 12 feet of the fencelines adjacent to the vegetation corridors.
9. No chipping of cut tree parts shall be performed on the subject properties.
10. All debris shall be removed from the sites within two days and disposed of lawfully at licensed disposal facilities.
11. The work authorized by this permit must be completed within 60 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
12. The applicant recognizes that the emergency work is considered temporary unless and until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly.
13. In exercising this permit, the applicant 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.
14. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.

Emergency Permit Number:
G-1-20-0031

15. Within 30 days of issuance of this Emergency Permit, or as extended by the Executive Director for good cause, the permittee shall submit, for the review and approval of the Executive Director, a plan for documenting the vegetation management work performed pursuant to the emergency permit that includes a summary report and photo-documentation for the authorized emergency work. The summary report shall include a description of (i) the dates and timing of the emergency work conducted; (ii) the vegetation pruning or removal work performed at each specific location within the project area, noting any differences between locations where work was performed and those proposed in the emergency permit application; (iii) the total area (in square feet) of wetland and riparian vegetation affected by the work performed and the total volume (in cubic yards) of vegetation removed at both the Arcata Sports Complex and the Arcata Little League Facilities; the BMPs and erosion control measures employed through the course of the emergency work; (iv) the location(s) where debris were disposed of; and (v) any handling of and observed impacts to sensitive, threatened, or endangered plant and animal species that occurred through the course of the authorized emergency work.

The photo-documentation shall include (a) representative photographs of locations where vegetation clearing and pruning was performed around the transmission lines and distribution lines at both the Sports Complex facility and the Little League facility and around the footings of transmission facilities at both facilities, (b) all locations where staging and stockpiling occurred, and (c) aerial or drone photography of the affected areas useful for comparison with aerial photographs of currently existing conditions to help evaluate the extent of impact to wetland and riparian vegetation and habitat affected by the emergency work. The permittee shall document the emergency work performed in accordance with the approved final plan and shall submit the summary report and photo documentation within 30 days of approval of the plan by the Executive Director or as extended by the Executive Director for good cause.

16. Within 90 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall submit a complete follow-up Coastal Development Permit (CDP) application that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. The application shall additionally include a mitigation and monitoring plan to compensate for temporal and permanent loss of riparian

Emergency Permit Number:
G-1-20-0031

wetland habitat resulting from project activities and shall specify locations for mitigation within the same watershed where project impacts will occur.

If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the Executive Director informs the applicant that the application is incomplete, all affected areas restored to their prior condition, after consultation with CCC staff and consistent with the Coastal Act, within 180 days, subject to any regulatory approvals necessary for such restoration.

Failure to a) submit a complete follow-up CDP Application that complies with Condition 8 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit², or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP³ will constitute a knowing and intentional violation of the Coastal Act⁴ and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation

² In some instances, a permit may also be required for removal.

³ As noted above, in some instances, a permit may also be required for removal.

⁴ The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.