

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CALIFORNIA 95521-5967
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North Coast District Deputy Director's Report for November 2021

Prepared November 10, 2021 (for the November 18, 2021 Hearing)

To: Commissioners and Interested Parties
From: Kate Huckelbridge, North Coast District Deputy Director

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the North Coast District Office are being reported to the Commission on November 18, 2021. 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 Deputy 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 18th.

With respect to the November 18th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this 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 18, 2021 (see attached)

Waivers

- 1-19-1067-W, Eureka Forest Products – Lot Line Adjustment (City of Eureka, Humboldt Co.)
- 1-21-0771-W, Humboldt County Public Works - Culvert Replacement (Off Myrtle Ave., east of Eureka, Humboldt Co.)

Immaterial Amendments

- 1-10-033-A1, Green Diamond Resource Co. –Chip Loading Dock Repairs (Fairhaven, Humboldt Co.)
- 1-14-0108-A1, City of Crescent City – Reconstruction of Shoreline RV Park (Crescent City, Del Norte Co.)

Emergency Permits

- G-1-21-0048, Sequoia Investments X, LLC – Replace Failing Dock Piles (Samoa, Humboldt Co.)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: November 12, 2021

To: All Interested Parties

From: Bob Merrill, North Coast District Manager
Melissa Kraemer, District Supervisor

Subject: **Coastal Development Permit (CDP) Waiver 1-19-1067-W**

Applicant: Eureka Forest Products (Attn: Joel Guynup, Agent)

Location: 1206 West 14th Street, at the intersection of W. 14th St. and Railroad Avenue, City of Eureka (APNs 003-082-07, 003-082-06, 003-082-02, and 003-082-15).

Proposed Development

Reconfigure and adjust three parcels identified as Tract A (APNs 003-082-02 and 003-082-15, which is ~20 acres), Tract B (APN 003-082-07, which is ~1 acre), and Tract C (APN 003-082-06, which is ~0.40-acre) into two resultant parcels identified as Tract A (~18 acres) and Tract B (~3 acres).

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 project area is bisected by the jurisdictional boundary between the Commission's CDP jurisdiction and the City of Eureka's. The City separately approved with conditions a CDP for the proposed lot line adjustment and merger on September 14, 2021. A condition of approval of the City's CDP is that the applicant shall obtain a CDP or waiver from the Commission for the lot line adjustment and merger prior to recordation of the Notice of Lot Line Adjustment.

The proposed lot line adjustment and merger would allow the applicant to record a land use covenant that exactly covers an engineered cap installed as part of an environmental cleanup on the property. The recordation of the land use covenant is a requirement of the North Coast Regional Water Quality Control Board pursuant to a cleanup and remediation effort overseen by the Regional Water Board. Existing Tract B would be expanded to incorporate capped portions of existing Tracts A and C, and Tract

C would be eliminated by incorporating the remaining uncapped portions of existing Tract C into existing Tract A. According to the applicant, all required remedial activities have been completed on the site (under separate CDPs issued by the City) per the Regional Water Board's requirements except for the recordation of the land use covenant (for which this proposed lot reconfiguration authorization is needed) and long-term groundwater monitoring and reporting (which is ongoing).

The subject lands are planned and zoned for coastal-dependent industrial uses under the City's certified LCP, and proposed lot reconfiguration will not decrease the utility of the site for coastal-dependent uses, such as the import and export of wood products via barges docked at the existing EFP dock. Tract A is currently the only parcel with frontage on Humboldt Bay, and the resultant parcel as reconfigured will retain direct access both to the bay and Waterfront Drive. The applicant has historically and will continue to utilize the property for dock leasing and for export of logs and related timber products (there is an existing operable chip plant on the site). The proposed reconfiguration conforms with all required property line setbacks pursuant to City regulations, and both resultant parcels will be accessed through existing driveways. Therefore, the proposed project will not adversely affect coastal resources or public access and is consistent with all applicable Chapter 3 policies of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission and the site of the proposed development has been appropriately noticed, pursuant to sec. 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 Thursday, November 18, 2021.** If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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 at melissa.kraemer@coastal.ca.gov.

cc: City of Eureka Community Development Dept. (attn: Lisa Savage)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: November 10, 2021

To: All Interested Parties

From: Bob Merrill, North Coast District Manager
Bente Jansen, Coastal Program Analyst

Subject: **Coastal Development Permit (CDP) Waiver 1-21-0771-W**

Applicant: **Humboldt County Department of Public Works**

Location: Along an unimproved old logging road off Myrtle Avenue between Mitchell Road and Hall Avenue, approximately 200 feet south of Myrtle Avenue and the Ryan Slough Bridge near the future McKay Community Forest. (APN 016-181-002)

Proposed Development

Replace a failing, undersized 20-foot-long, 18-inch-diameter culvert with a 20-foot-long, 24-inch-diameter culvert in the same location and alignment.

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 existing undersized culvert conveys overflow water from an off-channel pond on private property to Ryan Slough. The culvert is severely corroded and rusted, leaving bare ground contact over most of its length. The failing culvert is at risk of imminent collapse. The California Department of Fish and Wildlife (CDFW) has been conducting sampling of the pond and has identified this culvert replacement project as a high priority. Fish count numbers suggest the pond serves as an important winter refugia for juvenile Coho salmon. Replacement of the culvert will avoid imminent failure of the existing culvert and ensure the perpetuation of reliable fish-passage for the federally and state listed species. To minimize impacts to sensitive species and habitat, the County will implement several best management practices (BMPs), including, but not limited to, the following: (1) the culvert replacement will be conducted by County Roads maintenance crew and supervised by staff from the Environmental Services Division as well as CDFW staff; (2) work will be planned to avoid rainfall events, and appropriate

BMP materials (plastic, straw mulch, wattles, etc.) will be kept on site for use in the event of unexpected rainfall; (3) the culvert replacement will be conducted during low tide levels; (4) if water is flowing through the culvert, a cofferdam will be installed at the inlet side in front of the existing concrete headwall to ensure that aquatic life in the pond remains separated from the work area; (5) construction and staging/storage disturbance will be restricted to disturbed roadway areas and the minimum area necessary for the project completion; (6) vegetation trimming will be kept to a minimum, and no mature trees or riparian trees will be removed; and (6) fueling of equipment along with equipment storage will occur outside the project area. The project as proposed will result in no public access impacts, as this portion of the McKay Community Forest trail is currently undeveloped.

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 3 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 sec. 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 Thursday, November 18, 2021.** If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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, please contact Bente Jansen in the North Coast District office at Bente.Jansen@coastal.ca.gov.

cc: Humboldt County Planning & Building Dept.

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: November 3, 2021
To: All Interested Parties
From: Bob Merrill, District Manager
Bente C. Jansen, Coastal Program Analyst

Subject: Amendment to Coastal Development Permit (CDP) 1-10-033
Applicant: California Resource Company

Project Site

405 Bay Street, Samoa, CA 95564 (APN 401-122-008; 401-122-009; 401-122-011)

Original CDP Approval

CDP 1-10-033 was approved by the Commission on August 12, 2011 and authorized repair and maintenance of structures supporting the chip conveyer belt and mooring dock at an existing wood chip export facility involving: (1) installing 44 sets of steel bracing on existing steel piles and reinforcing 20 steel piles with steel reinforcement; (2) repairing damaged piles with bracket and truss modifications; (3) replacing various diagonal and horizontal braces; (4) replacing various timber dolphin struts; (5) repairing water (fire suppression and potable), electrical, and communications services; (6) repairing and/or replacing barriers on timber dolphin structures; (7) repairing and/or replacing decking on timber dolphin structures; and (8) repairing access decking where needed.

Proposed CDP Amendment

CDP 1-10-033 would be amended to authorize repair and maintenance of additional portions of the structures supporting the chip conveyer belt and mooring dock including: (1) repairing damaged, failing or severed connections of the supporting piles on dolphin #3; (2) replacing deteriorated elements of chip conveyor, finger dock, chip tower and associated infrastructure with like or superior materials; (3) painting of replaced infrastructure to slow deterioration rates; and (4) installing a walkway on the southern side of the chip conveyer belt. The Commission's reference number for this proposed amendment is **1-10-033-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 original development was permitted in 2011 to rehabilitate an existing wood chip export facility located on Humboldt Bay that had been idle for almost seven years. The

proposed development includes additional repair and maintenance required for the continued use of the chip conveyer belt and mooring dock into the future. The previously constructed and proposed development constitutes repair and maintenance work as the combined development will not result in the replacement of over 50% of the structure. The proposed development does not extend outside the footprint of the existing development and there is no diking, filling or dredging of coastal waters. The applicant will adhere to the existing conditions and best management practices (BMPs) of the permit. The applicant has prepared a solid debris management plan that will ensure the authorized work will be performed in such a manner to prevent removed and construction materials, scraps, and other pollutants from entering bay waters and intertidal wetlands. The applicant has prepared a spill prevention, control, and countermeasure plan that will ensure proper planning, training, and awareness during the authorized work to prevent harmful substances from spilling into coastal waters or wetlands and minimize impacts on coastal resources in the instance a spill did occur. The applicant has also prepared a concrete work and waste management plan that specifically addresses the pouring of concrete during the authorized work to prevent the spillage of wet concrete into coastal waters or wetlands.

Therefore, as the proposed 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 Thursday, November 18, 2021. 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 Bente Jansen in the North Coast District office.

cc: Humboldt County Planning & Building Services Dept.

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: November 3, 2021
To: All Interested Parties
From: Bob Merrill, North Coast District Director
Tatiana Garcia, Coastal Program Analyst

Subject: Amendment to Coastal Development Permit (CDP) 1-14-0108
Applicant: City of Crescent City

Project Site

900 Sunset Circle, Crescent City, Del Norte County (APN 118-020-031)

Original CDP Approval

CDP 1-14-0108 was approved by the Commission on July 10, 2014 and authorized reconstruction of the Shoreline RV Park including reducing the number of RV sites from 192 to 89, realigning and repaving roads and RV pads, relocating utilities, constructing a new restroom, installing a new stormwater treatment system, installing new power pedestals and a power panel, and removal of 14 diseased Beach Pine trees.

Proposed CDP Amendment

CDP 1-14-0108-A1 would be amended to authorize construction of a 10-foot by 12-foot storage shed and approximately 300 linear feet of split rail fencing along a segment of the Coastal Harbor Trail. The Commission's reference number for this proposed amendment is **1-14-0108-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 proposed development project is located at a currently developed site that has been used as an RV Park for the past 50 years and is adequately served with water, sewer, public road infrastructure, and other municipal services. The addition of 300 feet of split rail fence and one storage shed will not impact the site in terms of aesthetic resources, geologic or tsunami hazards, or other coast dependent resources. Additionally, the proposed project will not decrease access to lower cost visitor services and recreation opportunities in the area.

There are no wetlands, special-status plant or animal habitat, or other environmentally sensitive habitat areas within the project site, however, there are delineated wetland ESHAs adjacent to the east of the property and riparian and threatened salmonid ESHA

to the west of the RV Park within the Elk Creek corridor. As required in the 2014 CDP (1-14-0108), physical buffers and stormwater retention features were used to protect ESHA habitat from both stormwater and human intrusion. Additionally, an existing levee at the site also acts as physical, aesthetic, and noise buffer between the RV Park and the ESHA habitat. The addition of these buffers, retention basins, and riprap levees were found adequate to protect local ESHA and these features will not be changed with the proposed amendment.

The proposed split rail fence will better demarcate and encourage use of the California Coastal Trail connecting the RV Park to Bayview Park and other local coastal access locations. Split rail fencing was required per Special Condition 4 of the original permit to delineate for visitors to the RV Park the nearby ESHA habitat and stormwater detention basins and inhibit entry or use of these features that would lead to the degradation of habitat. The proposed fence extension will avoid the ESHA and detention basins and will be compatible with the character of the surrounding area as the fence will utilize the same design and construction materials as the existing fence. The proposed storage shed will be installed in a disturbed area between existing buildings that will largely screen the shed from view from public vantage points.

Therefore, 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 Thursday, November 18, 2021. 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.

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

cc: Crescent City Community Development Dept., ATTN: Ethan Lawton

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**EMERGENCY PERMIT**

Issue Date: October 15, 2021
Emergency Permit Number: G-1-21-0048

APPLICANT:

Sequoia Investments X, LLC
P.O. Box 1028 Eureka, CA 95501

LOCATION OF EMERGENCY:

1 Bivalve Way, Samoa (APN: 401-301-07)

EMERGENCY WORK:

Spot repairs to a coastal dependent industrial dock involving the removal of twelve damaged/failing wood piles and installation of six steel piles.

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 pile failure causing the dock to buckle, poses a threat to the structural integrity of the coastal dependent industrial dock. The pile failure was discovered on September 24, and since that time, visual inspections of the dock were completed, including an underwater inspection by divers, determining that due to the pile failure and buckling, several other piles are no longer supporting the dock, and the entire structure is at risk of imminent failure. Although the dock has been closed to heavy equipment use, storm surge associated with the upcoming storm season will continue to pose a significant risk of imminent collapse of the dock if not repaired. Such a catastrophic failure of the structure would endanger the safety of workers and others in the area, interfere with navigation in the shipping channel, threaten the water quality and marine resources of Humboldt Bay, and directly impact the adjacent aquaculture operation (Hog Island FLUPSY system attached to the dock). Therefore, I have determined that the situation 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

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(b) Public comment on the proposed emergency development has been reviewed if time allows.

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

Sincerely,

John Ainsworth
Executive Director

Bente Jansen

Bente Jansen, Coastal Program Analyst

cc: Humboldt County Planning Department

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

Emergency Permit Number:
G-1-21-0048

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office 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 October 6, 2021. Any additional work requires separate authorization from the Executive Director.
3. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access.
4. The work authorized by this permit must be completed within 30 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
5. The permittee shall use all Best Management Practices (BMPs) proposed in the emergency permit application to protect marine resources and water quality during piling removal and installation as detailed in Attachment B of the emergency permit application ("Work Plan"). These include, but are not limited to, the following:
 - a. Pile installation shall be completed using a vibratory hammer to minimize turbidity in the water column and sediment disturbance.
 - b. The work surface on the barge and/or pier shall include a containment area for removed piles and any sediment removed during pile removal to prevent any contaminated materials or sediment from re-entering the water.
 - c. A floating boom shall be installed to capture any floating surface debris. Captured debris will be collected and placed in the containment area to be disposed of along with the pilings.
6. The permittee shall avoid staging the barge and/or other equipment over the eelgrass habitat along the shoreline adjacent to the project area.

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7. If feasible, the permittee shall implement the usage of a turbidity curtain during pile installation and removal to avoid impacts to the adjacent eelgrass habitat and/or sensitive species.
8. If any treated-wood components (e.g., beams, decking boards, support structure, or railings) are sawcut or drilled during demolition, all treated-wood sawdust and debris generated should be contained and removed, and not allowed to enter the bay.
9. If the derelict piles cannot be fully removed or break during removal, the permittee shall ensure that the piles are cut two feet below the mudline.
10. The permittee shall avoid using coated steel piles. If uncoated steel piles are not available, the permittee must use steel piles that are coated in an inert material that does not leach chemicals that could contribute to aquatic toxicity.
11. Vegetable oil-based hydraulic fluids shall be used in heavy equipment used adjacent to coastal waters, if feasible, for demolition and construction activities lasting one week or longer. Standard hydraulic fluids are based on petroleum products, and due to their high aquatic toxicity, they pose a risk if leaked or spilled in or near sensitive aquatic habitats. Vegetable oil-based hydraulic fluids are formulated for rapid biodegradability and low aquatic toxicity, and do not bioaccumulate in aquatic organisms.
12. Biodiesel fuel shall be used in heavy equipment used adjacent to coastal waters, if feasible, for demolition and construction activities lasting one week or longer. Diesel fuel may leak or spill from heavy equipment and vehicles used in construction and demolition, and where these activities take place near coastal waters, diesel poses a risk of aquatic toxicity. Biodiesel is a non-petroleum alternative fuel that is less toxic than diesel fuel and can be used in construction equipment and vehicles operating near sensitive aquatic habitats.
13. The applicant recognizes that the emergency work is considered temporary and subject to removal 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. These conditions may include provisions for public access (such as offers to dedicate, easements, in-lieu fees, etc.) and/or a requirement that a deed

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restriction be placed on the property assuming liability for damages incurred from storm waves.

14. 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.
15. 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.
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 either: (a) remove all of the materials placed or installed in connection with the emergency development authorized in this Permit and restore all affected areas to their prior condition after consultation with California Coastal Commission staff, and consistent with the Coastal Act. In some instances, a permit may be needed for removal; or (b) submit a complete follow-up Coastal Development Permit (CDP) that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. 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, the emergency-permitted development shall be removed and 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 removal. In some instances, a permit may be needed for removal.

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 Permit¹, or c) comply

¹ In some instances, a permit may also be required for removal.

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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 CDP² will constitute a knowing and intentional violation of the Coastal Act³ 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 As noted above, in some instances, a permit may also be required for removal.

³ 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.