

CALIFORNIA COASTAL COMMISSION

South Coast District Office
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W14a

Staff: D. Ziff – LB
Date: March 25, 2021

ADMINISTRATIVE PERMIT

Application No.: 5-19-0977

Applicant: City of Long Beach Department of Public Works

Agent: Brian Polivka, Capital Projects Coordinator

Location: 6204 Marina Drive, Long Beach, Los Angeles County
(APN: 7242-005-900)

Project Description: Replace a 16,960 sf. boat launch ramp with a new ramp of the same size; demolish a 680 sf. restroom and construct a 506 sf. restroom; remove a 4,320 sf. timber dock system including 13 14-in. diameter piles and install same size concrete dock system with 12 24-in. piles 10 ft. seaward of the existing location; implement eelgrass mitigation adjacent to project area; relocate the entrance gate; increase entry fee; upgrade the boat wash station, install drainage and sewage pumpout stations, install fire suppression system, re-stripe parking lot (add 5 parking spaces), install fish cleaning station, upgrade signage and trash facilities; and repair rip rap.

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 April 14, 2021. 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: Dani Ziff
Coastal Program Analyst

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 seven through twelve.

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 by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

A. PROJECT DESCRIPTION & LOCATION

The City of Long Beach Department of Public Works proposes to replace and upgrade the facilities associated with Davies Boat Launch Ramp located in the Marine Stadium area of Alamitos Bay on Marina Drive, north of 2nd Street (**Exhibit 1**). Davies Launch Ramp, built in 1965, is a 24-hour, seven days-a-week public boat launching facility that provides boaters with direct access to the waters of Alamitos Bay via the launch ramp and allows for simultaneous loading and unloading of people and gear from multiple boats, kayaks, and other watercraft via the dock system. Entrance to the facility is through an automated gate with an entrance/parking fee of 12 dollars¹. Exit from the site is through a driveway with reverse flow tire damaging devices (tiger teeth). The parking area for the launch ramp currently contains 170 parking spaces². The facility has a boat

¹ As part of the proposed project, the applicant is requesting authorization for a four dollar increase from the fee previously established under CDP No. 5-06-089, from \$8 to \$12. The \$12 cost is consistent with the California Division of Boating and Waterways standards (maximum \$13) and market rate guidelines.

² This parking lot has been previously described as containing 260 public parking spaces. The parking lot configuration has not changed; the discrepancy is likely due to differences in considering all parking stalls as standard vehicle spaces, as opposed to a combination of standard vehicle spaces and spaces for vehicles with trailers.

wash station complete with grease trap and filter for protection of water quality and a restroom built pursuant to Coastal Development Permit (CDP) No. 5-97-216 (City of Long Beach).

A portion of the project site, including some of the parking area, entrance area, and inland landscaped areas are located within the City's permit jurisdiction. The City issued a local coastal development permit for the development within its jurisdiction that was appealable to the Coastal Commission. The City's approval of the permit was not appealed. The remainder of the site—areas developed with launch ramp, rip rap revetment, dock system, restroom, parking, and other related facilities—is located within the Commission's retained permit jurisdiction. Thus, Chapter 3 of the Coastal Act is the standard of review; the City's certified LCP may be used as guidance.

Many of the facilities, including but not limited to the restroom, public dock, boat wash station, and trash enclosures are beyond their expected service lives and need maintenance or replacement. Specifically, the proposed development includes replacement of the 16,960 square foot launch ramp with a new ramp of the same size, demolition of the existing 680 square foot restroom and construction of a new 506 square foot restroom, and repair of the rip rap revetment within its approved footprint (CDP No. 5-06-089) (**Exhibit 2**). Additionally, the project, as proposed, includes improvements to the parking lot (repaving, restriping, and addition of 5 parking spaces), relocation of the entrance gate, an increase in the entry fee from \$8 to \$12 consistent with Division of Boating and Waterway standards, changes to (reconfiguration, updates to, and elimination of) some of the signs onsite, extension of the public sidewalk, LID improvements with new native coastal plant species, addition of a fish cleaning station, and replacement of the boat wash station, utilities, trash enclosures, parking pay station, and fire suppression system. All existing trees will be protected in place.

The existing 4,320 square foot timber public dock system, which currently grounds at low tides, is proposed to be replaced with a new ADA-compliant concrete public dock system that is the same size and shape as the current dock, but would be located 10 feet seaward of the existing location and include a pumpout system for boaters to safely dispose of their sewage. As part of the dock replacement, the City proposes to remove the 13 existing 14-inch diameter dock support piles with a barge mounted crane using a vibratory hammer. The piles would be recycled at an appropriate upland site. 12 new octagonal piles that are 24-inches in diameter, which are necessary to meet the design requirements for the California Department of Boating and Waterways, are proposed to be installed using a vibratory pile driver on a barge mounted crane. The new piles will result in approximately 121.5 square feet of additional fill of soft-bottom marine habitat.

Coastal Act Section 30233 allows for the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes only in certain circumstances, including when necessary to maintain existing boat launching ramps, develop new or expanded boating facilities, and place structural pilings for public recreational piers. The proposed project involves fill—installation of piles that support the new dock and placement of new rock within the footprint of the rip rap revetment—and is consistent with the allowable uses for fill. In addition, Section 30233 requires that any diking, filling, or dredging activities

are consistent with all other applicable Coastal Act provisions, are the least environmentally damaging alternative, and involve mitigation measures to minimize adverse impacts. The proposed fill is consistent with these requirements, as described in the following two paragraphs.

The design and number of proposed piles, while larger than the existing piles that support the wooden public dock, are the minimum necessary to support the new concrete dock, which is intended to require less maintenance and enhance public access. The applicant is not proposing to use water jetting during pile driving, which minimizes the soft bottom habitat area disturbed, and is proposing to implement best management practices, including but not limited to use of turbidity curtains and installation of eelgrass delineation markers. In addition, the City proposes to mitigate the impacts of the fill by planting 145.8 square feet of eelgrass adjacent to the project area (a 1.2:1 mitigation to impact ratio). However, the California Eelgrass Mitigation Policy was updated in 2014 and now requires a 1.38:1 mitigation ratio. Therefore, **Special Condition 3.C** is imposed to require planting of 1.38 square feet of eelgrass for every 1 square foot of soft-bottom fill. Furthermore, moving the public dock 10 feet seaward will not only avoid grounding of the dock, but will expand potential eelgrass habitat by approximately 3,600 square feet (because eelgrass tends to flourish in shallower conditions closer to the shoreline) without interfering with navigation or boating safety.

The rip rap that protects the recreational amenities onsite has slumped and eroded down to +5 feet MLLW in several locations. As proposed, eroded areas would be filled with approximately 12-inch (75-pound) rocks and two-sack slurry grout over geotextile fabric. The repair is limited to the specific sites that have eroded and will not expand the size or footprint of the current revetment. As compared to complete replacement of the rip rap, expansion of the size of the revetment, or construction of a seawall to protect the public recreational facilities, spot-repair of the existing rip rap using materials that exist onsite and minimal new rock is the least environmentally damaging alternative.

The proposed LID improvements, sewage pumpout system, replacement of trash receptacles and addition of recycling receptacles, and installation of a fish cleaning station all serve to minimize impacts to water quality and enhance water quality from current conditions. In addition, the City will implement water quality specifications developed in accordance with the Regional Water Quality Control Board (RWQCB) 401 Certification. In order to preserve and enhance water quality, **Special Conditions 1 and 2** are imposed to include additional water quality protections both during construction and throughout the life of the development, such as implementation of best management practices designed to prevent spillage and/or runoff of demolition or construction-related materials and long-term requirements for users of the facilities to conduct appropriate boat cleaning and maintenance practices. **Special Condition 6** also requires the City to comply with the permit requirements of other agencies, including the RWQCB.

The project site will be closed to the public during construction; however, construction is scheduled between Labor Day and Memorial Day (outside of summer) when there are fewer recreational boating and water activities. Thus, temporary impacts to public

access are minimized. The development also involves an increase in the entry fee from \$8 to \$12 consistent with the California Division of Boating and Waterways standards, which limits fees to a \$13 maximum. Long-term access to the site and recreational opportunities are enhanced through the extension of the public sidewalk, addition of parking spaces, and improvements to the dock system.

The development is not expected to be at risk from damage due to sea level rise during the 30-year anticipated life of the development given its elevation (approximately +9 feet MLLW where the restroom is located) and design, which incorporates utilities that are corrosion-resistant (built to withstand periodic inundation) and foundations that would adequately support the structures without functioning as a shoreline protective device even under a two-foot sea level rise scenario by 2050. The boating facilities have a shorter expected life than other coastal structures, approximately 30 years, and can be replaced with more resilient facilities if sea level rise is severe. In any case, **Special Condition 7** requires the City to assume the risks of development and **Special Condition 5** requires the permittee to conduct development consistent with the approved plans and permit conditions.

The proposed development is consistent with past Commission actions in the area and will improve public access to the coast and to the recreational facilities onsite and minimize impacts to water quality.

B. PUBLIC ACCESS & RECREATION

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. In addition, as conditioned, the proposed development does not interfere with public recreational use of coastal resources and protects coastal areas suited for recreational activities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. BIOLOGICAL RESOURCES & WATER QUALITY

The proposed development will take place on, within or adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters could result in an adverse effect on the marine environment. To reduce the potential for construction-related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. To reduce the potential for post-construction impacts to water quality, the Commission requires continued use and maintenance of post-construction best management practices and compliance with the approved development (including the proposed and conditioned water quality enhancement measures) and other agency approvals (including that of the RWQCB).

In addition, impacts to marine habitat will be mitigated through the planting of eelgrass and the expansion of potential eelgrass habitat. Impacts to other coastal habitat areas are avoided and enhanced through the protection of all trees onsite during construction and use of native coastal plant species in the drainage improvements, respectively. As

conditioned, the Commission finds that the development conforms to Sections 30230 and 30231 of the Coastal Act.

D. COASTAL HAZARDS

The proposed development is located in an area that is vulnerable to flood hazards, especially as sea levels rise. However, given the 30-year anticipated life of the development and the project design, which includes shallow foundations, taller dock piles, and corrosion-resistant utilities, the development is not anticipated to be at risk from coastal hazards. The existing revetment that protects the public amenities may be repaired, as needed, but pursuant to **Special Condition 5**, cannot be extended any farther seaward or lengthened. As conditioned, the Commission finds that the development conforms to Sections 30253 and 30235 of the Coastal Act.

E. LOCAL COASTAL PROGRAM (LCP)

An LCP for the City of Long Beach was effectively certified on July 22, 1980. A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction and on state tidelands. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach local coastal program is advisory in nature and may provide guidance. As conditioned, the proposed development is consistent with Chapter 3 policies of the Coastal Act and with the certified LCP for the area.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of Long Beach is the lead agency responsible for CEQA review. On July 26, 2018, the City determined that the project qualifies for a CEQA exemption (Exemption No. CE-18-172). Typically, projects are exempt from CEQA pursuant to section 15303 of the CEQA Guidelines when they consist of construction of limited numbers of new, small facilities or structures. As conditioned, there are no additional feasible alternatives or additional feasible mitigation measures available which will substantially lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified possible impacts, is consistent with CEQA and the policies of the Coastal Act.

SPECIAL CONDITIONS:

The permit is granted subject to the following special conditions:

1. Construction Responsibilities and Debris Removal.

- A. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
- B. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;

- C. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- D. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;
- E. If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity;
- F. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day;
- G. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
- H. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- I. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- J. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- K. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- L. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- M. The discharge of any hazardous materials into any receiving waters shall be prohibited;
- N. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- O. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and

P. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

2. Best Management Practices (BMP) Program. By acceptance of this permit, the applicant agrees that the docking and launching of boat(s) at the public launch ramp shall be managed in a manner that protects water quality pursuant to the implementation of the following Best Management Practices (BMPs):

A. Boat Cleaning and Maintenance Measures:

- i. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris;
- ii. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls shall be prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and the amounts used minimized; and.

B. Solid and Liquid Waste Management Measures:

- i. All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits shall not at any time be disposed of in the water or gutter but, rather be disposed of in a manner consistent with state and/or federal regulations.

C. Petroleum Control Management Measures:

- i. Boaters will practice preventive engine maintenance and will use oil absorbents in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent materials shall be examined at least once a year and replaced as necessary. Used oil absorbents are hazardous waste in California. Used oil absorbents must therefore be disposed in accordance with hazardous waste disposal regulations. The boaters shall regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. The use of soaps that can be discharged by bilge pumps is prohibited;
- ii. If the bilge needs more extensive cleaning (e.g., due to spills of engine fuels, lubricants or other liquid materials), the boaters will use a bilge pump-out facility or steam cleaning services that recover and properly dispose or recycle all contaminated liquids; and
- iii. Bilge cleaners which contain detergents or emulsifiers will not be used for bilge cleaning since they may be discharged to surface waters by the bilge pumps.

3. Eelgrass Surveys and Mitigation.

A. Pre-Construction Eelgrass Survey. A valid pre-construction eelgrass survey (whether for *Zostera marina* or *Z. pacifica*) shall be completed for the project site

and a 10-meter buffer area. The pre-construction survey shall be completed no more than 60 days prior to the beginning of construction and shall be valid until the next period of active growth. If any portion of the project is subsequently proposed in a previously unsurveyed area, a new survey is required during the active growth period for eelgrass in that region and no more than 60 days prior to commencement of work in that area. The eelgrass survey and mapping shall be prepared in full compliance with the California Eelgrass Mitigation Policy (CEMP), and in consultation with the National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW). If side-scan sonar methods will be used, evidence of a permit issued by the California State Lands Commission (CSLC) for such activities shall also be provided prior to the commencement of survey work. The applicants shall submit the pre-construction eelgrass surveys for review and approval by the Executive Director within five (5) business days of completion of each eelgrass survey and in any event, no later than fifteen (15) business days prior to commencement of any development. If eelgrass surveys identify any eelgrass within the project area, which may be potentially impacted by the proposed project, the Permittees are required to complete post-project eelgrass surveys consistent with the section below.

- B. Post-Construction Eelgrass Survey. If any eelgrass is identified in the project site or the 10 meter buffer area by the pre-construction survey, within 30 days of completion of construction, or within the first 30 days of the next active growth period following completion of construction that occurs outside of the active growth period, the applicants shall survey the project site and the 10 meter buffer area to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the CEMP adopted by the NMFS (except as modified by this special condition), and in consultation with the CDFW. If side-scan sonar methods are to be used, evidence of a valid permit from CSLC must also be provided prior to the commencement of each survey period. The applicants shall submit the postconstruction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been adversely impacted, the applicants shall replace the impacted eelgrass at a minimum final 1.38:1 ratio on-site (mitigation: impact), or at another location, in accordance with the CEMP. Any exceptions to the required 1.38:1 minimum final mitigation ratio found within the CEMP shall not apply. Based on past performance of eelgrass mitigation efforts, in order to achieve this minimum, the appropriate regional initial planting ratio provided in the CEMP should be used. Implementation of mitigation to ensure success in achieving the minimum final mitigation ratio (1.38:1) shall require an amendment to this permit or a new coastal development permit unless the Executive Director provides a written determination that no amendment or new permit is required
- C. Eelgrass Mitigation. All direct impacts to soft-bottom habitat shall be mitigated onsite at a 1.38:1 (mitigation to impact) ratio consistent with this condition and the requirements of the CEMP, including but not limited to the requirements outlined relative to mapping, and mitigation site, size, techniques, and monitoring and success criteria. A greater ratio may be applied based on the performance of the mitigation site based on the success criteria and guidance from the other

resource agencies. The eelgrass shall be planted prior to installation of the new proposed dock support piles.

- 4. Caulerpa Taxifolia Pre-Construction Survey.** By acceptance of this permit, the applicants agrees to, not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this CDP, undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate. If any portion of the project commences in a previously undisturbed area after the last valid *Caulerpa taxifolia* survey expires, a new survey is required prior to commencement of work in that area.

The survey protocol shall be prepared in consultation with the RWQCB, CDFW, and NMFS. Within five (5) business days of completion of the survey, the applicants shall submit the survey:

- A. For the review and approval by the Executive Director; and
- B. To the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467 4218) or Robert Hoffman, National Marine Fisheries Service (562/980 4043), or their successors.

If *Caulerpa Taxifolia* is found within the project or buffer areas, the applicants shall not proceed with the project until (1) the applicants provides evidence to the Executive Director that all *Caulerpa Taxifolia* discovered within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or (2) the applicants have revised the project to avoid any contact with *Caulerpa Taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

- 5. Permit Compliance.** Coastal Development Permit 5-19-0977 permits only the development expressly described and conditioned herein. This permit does not permit the seaward extension of the shoreline or the seaward extension of any shoreline protective device. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.
- 6. Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife

(CDFW), the Regional Water Quality Control Board (RWQCB); the U.S. Army Corps of Engineers (USACE), and the U.S. Fish and Wildlife Service (USFWS) 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.

- 7. Assumption of Risk, Waiver of Liability, and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidal induced erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

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