

CALIFORNIA COASTAL COMMISSION

455 MARKET ST, SUITE 300
SAN FRANCISCO, CA 94105
FAX (415) 904-5400
TDD (415) 597-5885



Th7

Prepared July 8, 2022 (for the July 14, 2022 Hearing)

To: Commissioners and Interested Parties
From: Kate Huckelbridge, Deputy Director
Subject: **Energy, Ocean Resources and Federal Consistency Division Deputy Director's Report for July 2022**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs, and negative determinations for the Energy, Ocean Resources and Federal Consistency Division are being reported to the Commission on July 14, 2022. 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 office in San Francisco. Staff is asking for the Commission's concurrence on the items in the Energy, Ocean Resources and Federal Consistency Division 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 July 14, 2022.

With respect to the July 14th 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 July 14, 2022 (see attached)

Administrative Items for Federal Consistency Matters, Negative Determinations

- ND-0012-22, U.S. Army Corps of Engineers proposed repairs of the Moss Landing Jetty located at the mouth of the Moss Landing Harbor, Monterey County. Action: Concur, 05/16/2022.
- ND-0017-22, Department of the Navy, Redevelopment of Naval Special Warfare Command headquarters at Naval Base Coronado, San Diego County, Action: Concur 6/7/2022.
- ND-0020-22, U.S. Army Corps of Engineers proposed maintenance dredging of the federal channels in Lower Newport Bay, Orange County. Action: Concur, 5/27/2022.

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION DEPUTY DIRECTOR'S REPORT

- ND-0023-22, U.S. Customs and Border Protection, San Diego Sector, proposed San Clemente Border Patrol Station Checkpoint Canopy and Soundwall Repairs. Action: Concur, 05/17/2022.
- ND-0024-22, Natural Resources Conservation Service, grazing management improvements at Wildlands Conservancy's Jenner Headlands property, Sonoma County, Action: Concur: 6/28/2022.
- ND-0027-22, Natural Resources Conservation Service, revegetation of fire-damaged slopes and installation of k-rail barriers at the municipal Tajiguas Landfill, Santa Barbara County, Action: Concur, 7/8/2022.
- ND-0028-22, Department of the Navy, Replacement of Security Fence on Beach and Jetty at Naval Weapons Station Seal Beach, Orange County, Action: Concur, 6/11/2022.

Emergency Permits

- G-9-22-0022, San Diego Gas and Electric Company, replacement of 1,106 linear feet of existing 30-inch diameter natural gas pipeline with higher-strength steel pipe, Sorrento Valley, San Diego County.
- G-9-22-0025, Pacific Gas and Electric Company, excavation and replacement or repair of in-water section of natural gas pipeline within Elkhorn Slough, Monterey County.

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May 16, 2022

Tessa Beach
Chief, Environmental Branch
U.S. Army Corps of Engineers
San Francisco District
450 Golden Gate Avenue, 4th Floor
San Francisco, CA 94102

Re: Negative Determination No. ND-0012-22: Moss Landing Jetty Repair, Moss Landing Harbor, Monterey County

Dear Chief Beach:

We have received your letter dated February 7, 2022, in which you have determined that the above-referenced proposal for the repair of the Moss Landing Jetty located at the mouth of the Moss Landing Harbor in Monterey County would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0012-22 and the subsequent modifications and clarifications provided to the Commission by U.S. Army Corps of Engineers (USACE) staff. These include the use of protective measures for marine mammals and the exclusive use of barges for the transport of stones for the repair. Protective measures that would be applied during transport and repair activities include: the implementation of an awareness training to all project-related personnel and vessel crew, a marine wildlife observer present onboard during transit, established avoidance zones for marine mammals around the project vessels, implementation of a speed limit below 10 knots, implementation of a spill prevention and response plan, and implementation of a critical operations and curtailment plan. In addition, USACE has modified its original proposal to exclude trucking as the method for transporting stone and instead propose that all stone be barged to the site. The Coastal Commission staff agrees that, as clarified and modified as described above, the proposed project will not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations.

Please contact Alexis Barrera at alexis.barrera@coastal.ca.gov if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cassidy Teufel".

CASSIDY TEUFEL
Federal Consistency Coordinator
(for)
JOHN AINSWORTH
Executive Director

CALIFORNIA COASTAL COMMISSION

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June 7, 2022

Ms. Vicky Anh Ngo
Region NEPA Coordinator
Department of the Navy
Naval Base Coronado
Box 357033
San Diego, Ca 92135-7033

Re: Negative Determination No. ND-0017-22: Redevelopment of Naval Special Warfare Command headquarters at Naval Base Coronado, Department of the Navy

Dear Ms. Anh Ngo:

We have received your letter dated March 11, 2022, in which you have determined that the above-referenced proposal to carry out demolition of five buildings and construction of one (resulting in a 94,222 square feet reduction of facilities) to consolidate Naval Special Warfare Command headquarters personnel at the Naval Base Coronado Naval Amphibious Base and provide appropriate security standoff from the base perimeter would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0017-22. The Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations.

Please contact Cassidy Teufel at Cassidy.Teufel@coastal.ca.gov if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Cassidy Teufel".

CASSIDY TEUFEL
Federal Consistency Coordinator
(for)

JOHN AINSWORTH
Executive Director

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2421
VOICE (415) 904-5200
FAX (415) 904-5400



May 27, 2022

Mr. Eduardo T. De Mesa
Chief, Planning Division
U.S. Army Corps of Engineers
Los Angeles District
ATTN: Mr. Larry Smith, CESPL-PDR-Q
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017-3489

Re: Negative Determination No. ND-0020-22: Lower Newport Bay Maintenance
Dredging, Newport Beach, Orange County

Dear Mr. De Mesa:

We have received your letter dated March 15, 2022, regarding the above referenced proposal to carry out maintenance dredging of the federal channels in Lower Newport Bay. You have determined that this activity would have no adverse effects on coastal resources for the reasons identified in Negative Determination No. ND-0020-22.

Through email correspondence between California Coastal Commission and U.S. Army Corps of Engineers, Los Angeles District (USACE) staff on May 11, 2022, the review period for this negative declaration was extended to May 29, 2022. Commission staff were notified of modifications and corrections to the proposed project and its Environmental Assessment through a letter notice dated May 11, 2022 from USACE staff. These modifications include implementation of the Caulerpa surveys and risk minimization protocols described in an April 28, 2022 USACE memorandum on this subject.

With implementation of these project modifications, Commission staff agrees that the proposed project would not adversely affect coastal zone resources. We therefore concur with your negative determination made pursuant to Section 15 CFR 930.35(a) of the NOAA implementing regulations.

Please contact me at cassidy.teufel@coastal.ca.gov if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Cassidy Teufel".

CASSIDY TEUFEL
Federal Consistency Coordinator

Negative Determination No.
ND-0020-22 (USACE)

(for)

JOHN AINSWORTH
Executive Director

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
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May 17, 2022

John Petrilla
Environmental Branch Chief, Acting
Border Patrol & Air and Marine PMO
U.S. Customs and Border Protection
24000 Avila Rd, Suite #5020
Laguna Niguel CA 92677

Re: Negative Determination No. ND-0023-22: San Clemente Border Patrol Station
Checkpoint Canopy and Soundwall Repairs, U.S. Customs and Border Protection, San
Diego Sector

Dear Mr. Petrilla:

We have received your letter dated March 18, 2022, in which you have determined that the above-referenced proposal to carry out painting and repair activities to the San Clemente Border Patrol Station checkpoint canopy and soundwall would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0023-22. The Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations.

Please contact Cassidy Teufel at Cassidy.Teufel@coastal.ca.gov if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Cassidy Teufel".

CASSIDY TEUFEL
Federal Consistency Coordinator
(for)

JOHN AINSWORTH
Executive Director

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June 28, 2022

Lauren Sullivan
Biologist
Natural Resources Conservation Service
Salinas Service Center
Salinas, CA 93905

Re: Negative Determination No. ND-0024-22: Markegard Livestock Water Improvement Project, Jenner, Sonoma County

Dear Lauren Sullivan:

We have received your letter dated June 16, 2022, in which you have determined that the above-referenced proposal for a series of grazing management improvements including ranch livestock water distribution, replacing a non-functional cross fence with a wildlife friendly barbed wire fence, and implementing a prescribed grazing plan at the Wildlands Conservancy's Jenner Headlands Property, would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0024-22. The Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations.

Please contact Alexis Barrera at alexis.barrera@coastal.ca.gov if you have any questions regarding this matter.

Sincerely,

Tom Luster

(for)

JOHN AINSWORTH
Executive Director

CALIFORNIA COASTAL COMMISSION

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July 8, 2022

Lauren Sullivan
Biologist
Natural Resources Conservation Service
Salinas Service Center
Salinas, CA 93905

Re: Negative Determination No. ND-0027-22: Tajiguas Landfill Revegetation Project,
Goleta, Santa Barbara County

Dear Lauren Sullivan:

We have received your letter dated June 15, 2022, in which you have determined that the above-referenced proposal for the revegetation of fire-damaged slopes and installation of k-rail barriers at the municipal Tajiguas Landfill property to reduce erosion, stabilize slopes, and protect infrastructure from rain events would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0027-22. The Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations.

Please contact Alexis Barrera at alexis.barrera@coastal.ca.gov if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cassidy Teufel".

CASSIDY TEUFEL
Federal Consistency Coordinator
(for)

JOHN AINSWORTH
Executive Director

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June 11, 2022

Ms. Vicky Anh Ngo
Region NEPA Coordinator
Department of the Navy
Naval Weapons Station Seal Beach
800 Seal Beach Boulevard
Seal Beach Ca 90740-5000

Re: Negative Determination No. ND-0028-22: Replacement of Security Fence on Beach and Jetty at Naval Weapons Station Seal Beach, Department of the Navy

Dear Ms. Anh Ngo:

We have received your letter dated June 10, 2022, in which you have determined that the above-referenced proposal to replace a portion of existing security fence at Naval Weapons Station Seal Beach along the jetty and a portion of Barneys Beach would have no adverse effect on coastal resources for the reasons identified in Negative Determination No. ND-0024-22. The Coastal Commission staff agrees that the proposed project will not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations.

Please contact Cassidy Teufel at Cassidy.Teufel@coastal.ca.gov if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Cassidy Teufel".

CASSIDY TEUFEL
Federal Consistency Coordinator
(for)

JOHN AINSWORTH
Executive Director

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**EMERGENCY PERMIT**

Issue Date: June 10, 2022
Emergency Permit No.: G-9-22-0022

APPLICANT:

San Diego Gas & Electric Company
4949 Greencraig Ln., Mailstop 1374
San Diego, CA 92121

LOCATION OF EMERGENCY:

Four parcels of open space land, between Sorrento Valley Blvd. and Lusk Blvd. in northern San Diego County. Assessor's Parcel Numbers 341-010-27, 310-051-04, 341-351-25, 341-351-27

EMERGENCY WORK:

Replace 1,106 linear feet of existing 30-inch diameter natural gas pipeline with higher-strength steel pipe and hydrostatically test it to meet current operating standards. The work would involve use of an existing dirt service road to access the site as well as excavation of a 15-foot wide open trench to install the new line. Excavation of the trench, use of the service road and establishment of vehicle and equipment access would also involve removal of existing vegetation.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. As discussed in your May 26, 2022 letter to California Coastal Commission staff, the pipeline replacement is necessary in order to comply with new federal and state regulations for safe operation of high-pressure gas transmission lines. The subject 30-inch gas transmission line was determined to be within a Class 4 location as defined by the Department of Transportation Title 49 Part 192.5 (within 220 yards of occupied, multistory buildings). The existing line was installed and tested in 1960 and does not comply with current required minimum test and operating pressure limits. As such, the existing line does not ensure the safety of the public. The consequences of unnecessary delay on remediating this safety concern could result in extensive damage to life or property in the vicinity of the line. Thus, immediate action is necessary 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:

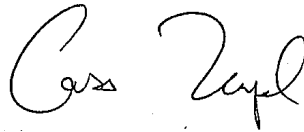
- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and

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

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

Sincerely,

John Ainsworth
Executive Director

A handwritten signature in black ink, appearing to read "Cassidy Teufel". The signature is written in a cursive style with a large initial "C" and "T".

By: Cassidy Teufel, Manager

cc: Coastal Commission, San Diego Coast District Office

Enclosures: 1) Acceptance Form

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the APPLICANT 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 use of methods and equipment described in the May 26, 2022 letter and accompanying materials from San Diego Gas and Electric to California Coastal Commission staff. Any additional work requires separate authorization from the Executive Director of the California Coastal Commission.
3. All work shall take place in a time and manner to minimize any potential damages to any resources, including vegetation, wildlife and habitat. All areas in which vegetation removal or disturbance is proposed to occur shall be documented prior to disturbance or removal through biological surveys that include quantification and photographs of the type and composition of plant communities present. In addition, post-construction biological surveys shall be carried out and document the total area, location and type of each vegetation community disturbed or removed. Both pre- and post-construction surveys shall be provided to the Executive Director of the Coastal Commission within 30 days of the completion of construction activities.
4. Prior to initiation of ground disturbing activities, the applicant shall contact appropriate representatives of all California Native American Tribes (Tribes) identified by the California Native American Heritage Commission as eligible for consultation in the project area. The applicant shall provide for monitoring of ground disturbance activities by Tribal monitors, if so requested by one or more Tribes.
5. The work authorized by this permit must be completed within 90 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
6. The applicant recognizes that the emergency work is considered temporary and subject to removal or ending 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.).
7. 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.
8. This permit does not obviate the need to obtain necessary authorizations and/or permits from other state, local and federal agencies.

9. Within 30 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 (CCC) 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 30 days, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.
10. Failure to a) submit a complete follow-up CDP Application that complies with Condition 9 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 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

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

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.

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.

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
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WWW.COASTAL.CA.GOV

**EMERGENCY PERMIT**

Issue Date: June 17, 2022

Emergency Permit No.: G-9-22-0025

APPLICANT:

Pacific Gas and Electric Company
c/o Ms. Leialani Hufana
6111 Bollinger Canyon Road
San Ramon, California 94583

LOCATION OF EMERGENCY:

COASTAL WATERS AND ASSOCIATED UPLAND HABITAT WITHIN ELKHORN SLOUGH, MONTEREY COUNTY.

EMERGENCY WORK:

Work will involve repair of a section of natural gas pipeline within Elkhorn Slough, near Moss Landing, in Monterey County. Through routine testing, PG&E recently determined that a section of its Gas Line L-301G had experienced a loss of wall thickness of about 85%, resulting in an imminent potential for a leak or uncontrolled release into the Elkhorn Slough environment. The pipeline's natural gas is used by the nearby Moss Landing Power Plant, which, if it were to shut down unexpectedly, could lead to electrical grid instability in the region.

PG&E has reduced the pipeline's operating pressure by about 20% to reduce stress on the pipeline, but has determined that immediate repairs are needed. The proposed work, which is detailed in a June 9, 2022 "Emergency Authorization Request – Regional General Permit 5 Supplemental Information: Moss Landing (L-301G) Emergency Pipeline Repair" includes excavation and repair or replacement of the section of the pipeline within which PG&E detected this anomaly. Work would involve site preparation, including removal of shoreline vegetation to allow access by heavy equipment, installing a floating bridge to provide access to an inwater location about 150 feet from the shoreline of a branch of Elkhorn Slough, magnetic and physical probing to determine the exact location of the pipeline and to minimize the area to be disturbed by the project (currently estimated to be a maximum of 0.7 acres, with excavation covering about 250 square feet to a depth of about six feet), constructing a cofferdam and/or sheet pile structure and installing temporary silt barriers, pipes, and similar equipment needed to pump water from the area to be excavated. Upon excavation of the pipeline, PG&E will determine whether it would need to be replaced or repaired, which could involve cutting, welding, installation or clamps or other similar measures. When repairs/replacement are complete, PG&E would remove all equipment. Work is expected to take about six to eight weeks.

PG&E has included several measures meant to avoid and minimize environmental hazards. These include:

- Conducting pre-construction biological surveys, including nest surveys, for both inwater and upland areas, and then monitoring and reporting annually for five years to determine whether the site returns to its current conditions.
- Placing booms around the work area to contain potential spills.
- Installing sheetpiles during low tides to reduce noise transmission through the waterbody.
- Pumping water from the excavation area to fractionalization tanks for temporary storage and to allow for sediment to settle before water is returned to the Slough.
- Implementing a NMFS-approved fish salvage plan to relocate any fish found within the work area.
- Keeping Spill Response Kits on site to allow spills to be addressed promptly.
- Stockpiling excavated native soils to be returned when repairs are complete.

The proposed emergency work has been authorized through a Corps of Engineers Regional General Permit (RGP) No. 5 for Repair and Protection Activities in Emergency Situations (in consultation with the National Marine Fisheries Service) and is eligible for coverage through the Central Coast Regional Water Quality Board's General Order 401 Certification.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. The recently identified pipeline anomaly could at any time result in a leak or rupture, resulting in a significant loss of habitat within the Elkhorn Slough area and potential harm to the public. Repair of the section of pipeline with this anomaly 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 90 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.

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

Sincerely,

John Ainsworth
Executive Director

Tom Luster

By: Tom Luster, Senior Environmental Scientist

cc:

Applicant's agent: Johnson Marigot Consulting, LLC
Coastal Commission, Central Coast District Office
Central Coast Regional Water Quality Control Board
U.S. Army Corps of Engineers, San Francisco District

Enclosures: 1) Acceptance Form

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the APPLICANT 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 use of techniques described in the June 9, 2022 “Emergency Authorization Request – Regional General Permit 5 Supplemental Information: Moss Landing (L-301G) Emergency Pipeline Repair”. 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 eelgrass and benthic invertebrates, and to minimize adverse impacts to public access.
4. The work authorized by this permit must be completed within 90 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
5. The applicant recognizes that the emergency work is considered temporary and subject to removal or ending 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.).
6. 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.
7. 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.
8. Within 30 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 30 days, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.

9. 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 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.

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

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.