

CALIFORNIA COASTAL COMMISSION

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Th14a

**5-21-0907 (ORANGE COUNTY PUBLIC WORKS)
AUGUST 8, 2022**

CORRESPONDENCE

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 OC Construction

 OC Environmental Resources

 OC Operations & Maintenance

 OC Infrastructure Programs

 OC Survey

August 7, 2022

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E. Ocean Blvd, Suite 300
Long Beach, CA

Subject: Th14a Rehabilitation of Talbert Marsh northeastern slope Conditions

Greetings,

The County of Orange agrees to comply with conditions presented in the motion for the project's Coastal Development Permit with allowance for the below conditions we wish the Commission to consider for edit:

Summary

- 1.) Change completely covering all construction materials to completely covering all construction materials *with pollution or contamination potential*.
- 2.) Remove statement that all construction equipment use biodiesel or vegetable oil hydraulic fluids.
- 3.) Edit statement for biological monitoring to occur daily for work below the slope to biological monitoring to occur daily for work that could significantly impact biological resources. Planting or handwork below the slope may not require daily biological monitoring.
- 4.) Option for partial or total closure of the path for public safety, and/or use of flagmen where 10' public access cannot be maintained, as equipment may not have sufficient space to work.

See below for full details and explanation:

1.) Construction Best Management Condition #5 on page 7 states, "All construction materials shall be covered and enclosed on all sides, and stored as far from a storm drain inlet and any receiving waters as possible."

We would like this to be edited to: "All construction materials *with potential for contamination or pollution* shall be covered and enclosed on all sides, and stored as far from a storm drain inlet and any receiving waters as possible."

This project will be using rip-rap, clean sand for the living shorelines below the slope in the marsh, coir logs or oyster rolls, and plants. The clean sand, coir/oyster rolls, and plants will be constructed/placed in the marsh for the living shoreline habitat; these and other construction materials including riprap will not have potential for pollution or contamination and do not need to be fully covered.

2.) Construction Best Management Condition #9 on page 8 states, "All construction equipment shall use vegetable oil based hydraulic fluids and/or biodiesel."

We feel this is not feasible and would like removed, or edited to: *Equipment shall be in well maintained condition with drip pans placed below any stationary equipment. Storage/staging of equipment will be from above the slope and vehicular equipment will not enter within the wetted portion of the marsh.*

3.) Page 3 states: "Special Conditions 2 and 3 require the applicant to retain a qualified biologist for preconstruction nesting surveys and daily habitat monitoring during work below the slope." Similarly, page 22 states: "Special Condition 2 requires a qualified biologist to monitor the work for disturbance to sensitive species at least once a week during the rip-rap/concrete work (which is significantly louder than the habitat establishment work) and daily during habitat establishment."

We would like this wording for daily monitoring changed to the same wording as on page 6, Special Condition 2, which states, "At minimum, monitoring shall occur once a week during any week in which construction occurs. *Daily monitoring shall occur during development which could significantly impact biological resources such as construction that could result in disturbances to the raptors or sensitive species in the area.*"

We will perform biological monitoring for sensitive species daily as needed to protect ESA, which would include below the slope for coir logs and oyster roll layout particularly to avoid eel grass. However, daily monitoring may not be required for planting, hand work and sand backfill behind the coir/oyster rolls.

4.) Special Condition 6 on page 3 and 24 states, "During construction, the applicant will park vehicles in the 10-ft. wide buffer adjacent to the path to maintain public access. Portions of the path may be temporarily obstructed by vehicles, but at least 10 ft. of unobstructed access will remain on the east side of the path median."

We would like to remove the statement that at least 10 ft. of unobstructed access will remain on the east side of the path median.

The project involves significant rip-rap repair. Activities like bringing riprap to the jobsite will require temporary total closures of the path. (We cannot know where the rock will roll out of the truck, etc. when dropped.) We would like the option to *detour pedestrians to PCH for complete or partial closure of the path during construction for safety of the public.*

Operations staff have expressed they required at the minimum 13 ft. for their equipment, and there are places this is not available while maintaining 10 ft. clearance such as near the north exit and message board, or places where the slope is severely eroded or appears unstable on the west side. We can additionally attempt to keep the path open such that *flagmen will be used for safety where 10 ft. pedestrian access cannot be maintained such as anywhere there is excessive erosion that may make the upper slope unstable for maintaining at minimum 13 ft. needed to perform the work, during import/export of riprap or other construction materials that may temporarily require use of the entire paved bike path, and in the limited width area near the north exit and message board.*

Thank you for your consideration and attention. Please let me know if you have any questions.

Sincerely,

Camille M. Adler
Environmental Resource Specialist
For Giles Matthews, Manager, Regulatory Permits
OC Public Works, County of Orange