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CDP Amendment No. 1-10-032-A10
(Humboldt County Resource Conservation District)
July 13, 2023

APPENDICES

Appendix A – Substantive File Documents

Appendix B – All CDP Conditions that Apply to CDP 1-10-032 As Amended

APPENDIX A
SUBSTANTIVE FILE DOCUMENTS

- Coastal Development Permit Amendment Application File No. 1-10-032-A10
- Riverside Ranch Hydraulic Assessment. GHD and Mike Love & Associates. November 2021.
- Final approved Salt River Ecosystem Restoration Project Habitat Mitigation and Monitoring Plan. Prepared by H.T. Harvey & Associates with Winzler and Kelly. June 2012
- Final approved Salt River Ecosystem Restoration Project Adaptive Management Plan. Prepared by H.T. Harvey & Associates with Winzler and Kelly. June 2012
- Salt River Ecosystem Restoration Project. Habitat Mitigation and Monitoring Report 2020. Finalized February 2021. Prepared by the Humboldt County RCD
- Salt River Ecosystem Restoration Project Adaptive Management Plan Monitoring Report 2022. Finalized March 2022. Prepared by the Humboldt County RCD
- Coastal Development Permit Amendment Application File No. 1-10-032
- Coastal Development Permit Amendment Application File Nos. 1-10-032-A1 through -A9
- Final Environmental Impact Report for the Salt River Ecosystem Project. February 2011 (accessible here: http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20160629/4d_Salt_River/4d_ExhibitD_EIR.pdf)

APPENDIX B

ALL CDP CONDITIONS THAT APPLY TO CDP No. 1-10-032 AS AMENDED

Coastal Development Permit (CDP) No. 1-10-032 was approved on October 5, 2011 pursuant to five (5) standard conditions and thirty (30) special conditions. There have been seven immaterial amendments to the original permit and one material amendment (and one amendment application that was submitted and later withdrawn). Special Conditions 31 through 33 were added conditions under CDP Amendment No. 1-10-032-A5, and changes were made to several of the original conditions under that permit amendment as well.

Appendix B provides an aggregate list of all standard and special conditions that apply to the amended development, as approved by the Commission in its original action and as modified and/or supplemented by all subsequent amendments, including this amendment, CDP Amendment No. 1-10-032-A10.

Standard and Special Conditions of CDP 1-10-032 as amended through -A10:

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 on which 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 condition will be resolved by the Executive Director of 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:

1. **Demonstration of Adequate Property Rights**. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and

written approval of the Executive Director, copies of all landowner access agreements for all properties involved in all aspects of both Phase 1 and Phase 2 project activities and for properties proposed to receive Phase 2 excavated sediments for agronomic reuse. All landowner access agreements shall clearly demonstrate that the property owner grants permission to the applicant to undertake development on the property as conditioned by the Commission.

2. Final Revised Habitat Monitoring & Reporting Program

- (A) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a final revised habitat monitoring and reporting program that substantially conforms with the plan prepared by H.T. Harvey & Associates titled "Salt River Ecosystem Restoration Project Habitat Mitigation and Monitoring Plan" dated May 4, 2011, except that the plan shall be revised to include provisions for all of the following:
1. The grading, filling, and dredging within each restoration area (both phases) shall not be considered complete until it has been documented in the field that the physical restoration has been built-to-plan. This documentation shall be particularly focused on the attained elevations within each restoration area and shall be completed by an independent qualified surveyor, engineer, or landscape architect. Field documentation that the physical restoration has been built-to-plan shall be submitted for the review and approval of the Executive Director within three months of the completion of grading, filling, and dredging within each restoration area (both phases).
 2. The restoration planting within each restoration area (both phases) shall not be considered complete until it has been documented in the field that the proposed planting has been built-to-plan. This documentation shall be completed by an independent restoration ecologist. Field documentation that the planting plan has been built-to-plan with regard to location, spacing, and species diversity shall be submitted for the review and approval of the Executive Director within three months following the completion of planting within each restoration area (both phases).
 3. The installation of livestock-exclusion fencing within each restoration area (both phases) shall not be considered complete until it has been documented in the field that the proposed fencing has been built-to-plan. Field documentation that the exclusion fencing has been built-to-plan shall be submitted for the review and approval of the Executive Director within three months of completion of fencing within each restoration area (both phases).
 4. Verification that all wetlands, agricultural lands, and other sensitive habitats temporarily impacted by construction activities (estimated ~535 acres) have been returned to pre-project conditions as proposed shall be submitted for

the review and approval of the Executive Director within 180 days of completion of each phase of construction.

5. A map of the Riverside Ranch tidal restoration areas with 1-foot elevation contours shall be submitted for the review and approval of the Executive Director within six months following completion of all restoration grading, filling, and dredging within the tidal restoration areas.
6. Continuous monitoring of water level and salinity at one location in the Eel River Estuary near the mouth of the Salt River and at two locations within the Riverside Ranch tidal restoration areas shall be performed from July 1 through October 31 during the first summer following completion of restoration grading and dredging. Within the restoration area, one instrument site shall be located in the most northern portion of the restoration area within the internal slough channel most distant from the Salt River, and one site shall similarly be located in the most southern portion of the restoration area.
7. Spot salinity measurements shall be collected in the Salt River channel within one hour of each higher high tide from July 1 through October 31 during the first summer following completion of restoration dredging in order to create a depth profile of salinity at several locations and thereby to determine the upstream limit and approximate shape of the tidal salt water wedge.
8. Quantitative monitoring of the Riverside Ranch tidal restoration area shall be conducted, including mapping and estimating the total cover of broad community types, which may be based on the analysis of aerial or satellite imagery. Field sampling shall include spatially stratified, random samples with visual estimates of cover by species within elevational strata in both the north and south restoration areas. Elevational strata shall each be spatially stratified to ensure roughly uniform sampling of the entire restoration area. Sampling shall take place during the period June 1 through August 31 during the 3rd, 5th, and 10th years (at a minimum) following the completion of restoration activities.
9. Quantitative monitoring of the riparian restoration areas shall be conducted, including boundary mapping and cover and diversity estimates based on spatially stratified, random samples within each habitat reach (e.g., "spruce dominated riparian forest with brackish marsh") and within each habitat type (i.e., active channel edge riparian vegetation, active berm shrub and herbaceous vegetation, and riparian forest). Total cover within each habitat type may be estimated from aerial or satellite imagery. Field sampling shall include visual estimates of the proportional representation and average diameter-at-breast-height (DBH) of each tree species and visual estimates of cover of each shrub and herbaceous species within the active bench. Sampling and boundary mapping shall take place during the period of June 1 through August 31 during the 3rd, 5th, and 10th years (at a minimum) following the completion of restoration activities. In addition, the boundaries

and estimated cover of riparian areas shall be estimated from aerial photographs or from on-the-ground GPS surveys in the 15th and 20th years following completion of restoration activities. The riparian boundaries from each survey shall be overlain on all previous boundary determinations in order to determine the spatial stability of the riparian restoration.

10. Monitoring criteria for each habitat type shall be provided, including criteria for species diversity and composition.
11. An eelgrass mitigation and monitoring plan shall be prepared and implemented pursuant to Special Condition No. 11 to ensure that eelgrass is sufficiently restored in the area to compensate for anticipated direct impacts to approximately 1.2 acres of eelgrass.
12. Tidewater goby surveys shall be conducted in suitable habitats of the project restoration areas at a minimum in the 3rd, 5th, and 10th years following the completion of restoration activities.
13. Salmonid surveys shall be conducted in the project restoration areas at a minimum in the 3rd, 5th, and 10th years following completion of restoration activities.
14. Avian surveys shall be conducted in the project restoration areas at a minimum in the 3rd, 5th, and 10th years following completion of restoration activities.
15. A wetland delineation shall be completed in the 5th-year following completion of restoration activities. The delineation within the Riverside Ranch tidal restoration area may be based on the results of the mapping, measurement, and sampling required in condition subsections 1, 2 & 5 above, with spot checks of the estimated wetland boundary.
16. Periodic documentation of channel profiles of the Salt River and of tidal creeks in the Riverside Ranch tidal restoration area shall be conducted to determine channel stability and to measure changes that may need to be addressed by adaptive management.
17. Only native and/or non-persistent, non-invasive and/or pasture mix plants shall be used in all proposed plantings and seed mixes to be used in the project consistent with the requirements of Special Condition No. 12.
18. A reporting schedule shall be submitted to the Executive Director, which includes, but is not necessarily limited to, all of the following: (a) a report documenting that all temporary impact areas have been restored to pre-project conditions within 180 days of each phase of construction consistent with subsection (4) above; (b) a map of the Riverside Ranch tidal restoration areas consistent with subsection (5) above within six months following completion of Phase 1 construction; (c) a report documenting the results of hydrological monitoring required by subsections (6) and (7) above by November 30 of the first year following completion of each phase of construction documenting that the physical restoration was built-to-plan; (d) reports documenting that the biological/habitat restoration based on seeding

and container planting was built-to-plan within four months of completion of restoration activities for each Phase 1 and Phase 2 construction; (e) the results of biological monitoring (including fish, bird, eelgrass, and other rare plant survey results) in the 3rd, 5th, and 10th years following completion of Phase 2 restoration activities, including an assessment of success relative to the established criteria, within one year of completion of each year of field sampling; (f) the results of the wetland delineation required by subsection (15) above documenting a minimum of 757 acres of wetlands within the project area footprint; (g) the results of the riparian habitat restoration required by subsection (9) above documenting a minimum of 128 acres of riparian habitat within the project area footprint; and (h) the revised or supplemental restoration and monitoring program described in subsection (B) below.

- (B) If the 10th-year biological monitoring report indicates that the project has been unsuccessful, in part, or in whole, based on the approved goals and objectives set forth in the approved coastal development permit application, as amended, the permittee shall submit an application of a further amendment to CDP No. 1-10-032 proposing a revised or supplemental restoration and monitoring program to compensate for those portions of the approved program which did not meet the approved goals and objectives within six months of submittal of the 10th-year biological monitoring report.
- (C) The permittee shall implement habitat restoration and monitor the project site in accordance with the approved final habitat restoration and monitoring program developed by H.T. Harvey & Associates dated July 2012, except as revised under Amendment No. 1-10-032-A5 relative to restored habitat area locations and projections as shown on revised Figures 5, 7, and 9 and in revised Table 1. Any proposed changes to the approved final monitoring program shall be reported to the Executive Director. No changes to the approved final monitoring program shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

3. Construction Responsibilities & Standards. The authorized work shall comply with the following construction responsibilities and standards:

- (A) Prior to the commencement of any development authorized under this CDP, the permittee shall ensure that all on-site workers and contractors understand and agree to observe the standards for work outlined in this permit and in the detailed project description included as part of the application submittal and as revised by these conditions.
- (B) Prior to commencement of ground-disturbing activities associated with both Phase 1 and Phase 2 construction, appropriate erosion, sediment, and runoff control measures shall be deployed in accordance with the final Storm Water Pollution Prevention Plan approved pursuant to Special Condition No. 4, and all measures shall be properly maintained throughout the duration of construction activities.

- (C) Prior to the commencement of construction, the limits of the work areas and staging areas shall be delineated in cooperation with a qualified biologist, limiting the potential area affected by construction and ensuring that all agricultural lands, wetlands, and other environmentally sensitive habitats adjacent to construction areas are avoided during construction. All vehicles and equipment shall be restricted to pre-established work areas and haul routes and to established or designated staging areas;
- (D) During construction, all trash shall be properly contained, removed from the work site, and disposed of on a regular basis to avoid contamination of habitat during construction activities. Any debris inadvertently discharged into coastal waters shall be recovered immediately and disposed of consistent with the requirements of this coastal development permit;
- (E) All construction debris, including demolished fencing materials, gating, water lines, agricultural structures, and other related debris, shall be removed from the project site and disposed of in an upland location outside of the coastal zone or at an approved disposal facility pursuant to the final debris disposal plans approved pursuant to Special Condition No. 6;
- (F) Channels shall be dewatered prior to excavation under the supervision of a qualified aquatic biologist in accordance with the fish and aquatic resources protection measures required by Special Condition No. 7.
- (G) Prior to commencement of channel excavation, coffer dams or other temporary fish barriers shall be placed in the river channel during periods of low tide only. Dams and barriers shall be removed following completion of construction during periods of low tide;
- (H) The following seasonal restrictions shall apply to the authorized construction work:
 1. Out-of-channel grading, excavation, and other earth-moving activities shall only be conducted during the dry season period of June 1 through October 15 except as provided below. If rainfall is forecast during the time construction activities are being performed, BMPs shall be implemented in conformance with the final SWPPP approved pursuant to Special Condition No. 4. Any grading excavation, and other earth-moving activities that cannot feasibly be conducted within the June 1 through October 15 time period may be conducted between April 15 and May 31 and/or between October 16 and November 30 subject to the following conditions:
 - a. All work shall cease upon the onset of precipitation at the project site and shall not recommence until the predicted chance of rain is less than 40 percent for the Ferndale area;
 - b. The work site(s) shall be winterized between work cessation periods by installing stormwater runoff and erosion control barriers around the perimeter of each construction site to prevent the entrainment of sediment into coastal waters;

- c. Adequate stocks of stormwater runoff and erosion control barrier materials shall be kept onsite and made available for immediate use.
- 2. In-channel construction and maintenance activities shall be limited to (a) the dry season period of June 1 through November 30 only, subject to subsections 1.a-c above; and (b) any more restrictive time period within the June 1-November 30 timeframe if required by NOAA-Fisheries, Fish & Wildlife Service, or the Department of Fish & Game.
 - (I) Excess excavated sediments not proposed for reuse on site in accordance with the approved final construction plans shall be disposed of either off-site in a confirmed upland area outside of the coastal zone in conformance with the approved final debris disposal plans required by Special Condition No. 6 or placed in an upland area of an agricultural property in the coastal zone in conformance with an approved final sediment reuse plan approved pursuant to Special Condition No. 13;
 - (J) Excess ground water shall not be pumped or discharged into wetland areas on surrounding fields outside of the project area footprint to prevent sediment-laden water from entering coastal waters or wetlands;
 - (K) In-stream erosion and turbidity control measures shall be implemented during channel dredging activities;
 - (L) Equipment staging and materials stockpiling areas shall be limited to the locations and sizes specified in the approved final plans. Construction vehicles shall be restricted to designated haul routes. Construction equipment and materials shall be stored only in designated staging and stockpiling areas as depicted on the final plans approved pursuant to Special Condition No. 5;
 - (M) Any fueling and maintenance of construction equipment shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas. Mechanized heavy equipment and other vehicles used during the construction process shall not be refueled or washed within 100 feet of coastal waters;
 - (N) Fuels, lubricants, and solvents shall not be allowed to enter the coastal waters or wetlands. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up; and
 - (O) Upon completion of construction activities and prior to the onset of the rainy season, all bare soil areas shall be seeded in compliance with Special Condition No. 12 and mulched with weed-free rice straw.

4. Final Storm Water Pollution Prevention Plan

- (A) PRIOR TO COMMENCEMENT OF DEVELOPMENT OTHER THAN AUTHORIZED VEGETATION REMOVAL, the applicant shall submit, for the review and approval of the Executive Director, a final Storm Water Pollution

Prevention Plan (SWPPP) for Phase 1 construction activities. PRIOR TO COMMENCEMENT OF EACH CONSTRUCTION SEASON FOR LATER PHASES OF DEVELOPMENT, the applicant shall submit, for the review and approval of the Executive Director, a final SWPPP for that season's construction activities. The final SWPPPs shall include provisions for all of the following:

1. Runoff from the project site shall not increase sedimentation in coastal waters or wetlands post-construction. During construction runoff from the project site shall not increase sedimentation in coastal waters beyond what's allowable under the final Water Quality Certification approved for the project by the North Coast Regional Water Quality Control Board;
 2. Runoff from the project site shall not result in other pollutants entering coastal waters or wetlands during construction or post-construction;
 3. Best Management Practices (BMPs) shall be used to prevent the entry of polluted stormwater runoff into coastal waters and wetlands during construction and post-construction, including use of relevant BMPs as detailed in the current California Storm Water Quality Best Management Handbooks (<http://www.cabmphandbooks.com>);
 4. An on-site spill prevention and control response program, consisting of best management practices (BMPs) for the storage of clean-up materials, training, designation of responsible individuals, and reporting protocols to the appropriate public and emergency services agencies in the event of a spill, shall be implemented at the project to capture and clean-up any accidental releases of oil, grease, fuels, lubricants, or other hazardous materials from entering coastal waters or wetlands;
 5. A schedule for installation and maintenance of appropriate construction source-control BMPs to prevent entry of stormwater runoff into the construction site and the entrainment of excavated materials into runoff leaving the construction site; and
 6. The SWPPPs shall be consistent with the provisions of all other terms and conditions of Coastal Development Permit No. 1-10-032.
- (B) The permittee shall undertake development in accordance with the approved final storm water pollution prevention plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

5. Final Construction Plans

- (A) PRIOR TO COMMENCEMENT OF DEVELOPMENT OTHER THAN AUTHORIZED VEGETATION REMOVAL, the applicant shall submit, for the review and approval of the Executive Director, final plans for Phase One (1) construction that substantially conform with the Phase 1 construction 75

percent plans prepared by Kamman Hydrology & Engineering, Inc. dated May 2011 and which are consistent with all Special Conditions of Coastal Development Permit No. 1-10-032;

- (B) PRIOR TO COMMENCEMENT OF EACH CONSTRUCTION SEASON FOR LATER PHASES OF DEVELOPMENT OTHER THAN AUTHORIZED VEGETATION REMOVAL, the applicant shall submit, for the review and approval of the Executive Director, all of the following:
1. Final plans for that season's construction activities that substantially conform with the Phase 2 construction 50 percent plans prepared by Winzler & Kelly and Michael Love & Associates dated May 2011 and which are consistent with all Special Conditions of Coastal Development Permit No. 1-10-032;
 2. Final project plans for the construction of the Francis Creek culvert replacement at Port Kenyon Road that substantially conform with the preliminary plans prepared by Humboldt County dated January 7, 2011; and
 3. Final plans for Riverside Ranch modifications to the setback berm and associated drainage improvements proposed under CDP Amendment 1-10-032-A10 that substantially conform with the preliminary plans prepared by GHD dated October 2022.
- (C) The permittee shall undertake development in accordance with the approved final construction plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

6. Final Debris Disposal Plans

- (A) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, final plans for the disposal of all construction debris, excess sediments, vegetative spoils, and any other debris and waste expected to be generated by the authorized Phase One (1) work. In addition, PRIOR TO COMMENCEMENT OF EACH CONSTRUCTION SEASON FOR LATER PHASES OF DEVELOPMENT, the applicant shall submit, for the review and approval of the Executive Director, final plans for the disposal of all construction debris, excess sediments, vegetative spoils, and any other debris and waste expected to be generated by that season's work.
1. The plans shall demonstrate that:
 - a. All temporary stockpiles of construction debris, excess sediments not approved for reuse on surrounding agricultural uplands pursuant to Special Condition No. 13, vegetative spoils, and any other debris and waste associated with the authorized work shall be minimized and limited to areas within the proposed project footprint as depicted on the

final approved construction plans required by Special Condition No. 5 and where they can feasibly be contained with appropriate BMPs to prevent any discharge of contaminants to coastal waters and wetlands;

- b. All construction debris, excess sediments not approved for reuse on surrounding agricultural uplands pursuant to Special Condition No. 13, vegetative spoils, and any other debris and waste generated by the authorized work shall be disposed of at an authorized disposal site(s) capable of receiving such materials;
- c. Side casting or placement of any construction debris, excess sediments not approved for reuse on surrounding agricultural uplands pursuant to Special Condition No. 13, vegetative spoils, and any other debris and waste generated by the authorized work within the Salt River, any slough, creek, or drainage, or any other wetland area, including grazed seasonal wetlands, is prohibited; and
- d. Disposal of excavated sediments on surrounding agricultural uplands in the coastal zone for agronomic reuse purposes shall occur only on properties for which final sediment reuse plans have been approved pursuant to Special Condition No. 13.

2. The plans shall include, at a minimum, the following:

- a. A site plan showing all proposed locations for the temporary stockpiling of construction debris, excess sediments, vegetative spoils, and any other debris and waste associated with the authorized work during construction operations;
- b. A description of the manner by which the stockpiled materials will be removed from the construction site and identification of all debris disposal sites that will be used; and
- c. A schedule for the removal of all construction debris, excess sediments, vegetative spoils, and any other debris and waste associated with the authorized work.

(B) The permittee shall undertake development in accordance with the approved final debris disposal plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

7. Protection of Sensitive Fish and Aquatic Resources. The permittee shall undertake all development authorized by CDP No. 1-10-032 in accordance with the fish and aquatic resources protection measures and protocols detailed in the application and included within the February 2011 Final Environmental Impact Report (Mitigation Monitoring and Reporting Program) and the two Biological Assessments (May 25, 2011 and June 2011) prepared for the project to ensure minimization of impacts to sensitive fish species and sensitive fish critical habitat

within and around the project area. Fish and aquatic resources protection measures shall include, but shall not necessarily be limited to, the following:

- (A) Cofferdams shall be erected prior to dewatering;
- (B) Channels shall be dewatered prior to excavation under the supervision of a qualified aquatic biologist;
- (C) Fish screens shall be installed upstream of cofferdams to prevent aquatic organisms from transfer into bypass piping;
- (D) A qualified biologist shall appropriately use seining, dip nets, electrofishing, or other trapping procedures to transfer aquatic organisms out of the work area;
- (E) Any captured Sacramento pikeminnow shall be euthanized rather than relocated;
- (F) Cofferdam construction, channel dewatering, and relocation of aquatic organisms shall be performed in consultation with staff from NOAA-Fisheries, DFG, and Fish & Wildlife Service;
- (G) The various avoidance and minimization measures for tidewater goby shall be implemented as proposed in the May 25, 2011 Biological Assessment; and
- (H) The various water quality protection measures required by Special Condition Nos. 3, 4, and 6 shall be implemented.

8. Sacramento Pikeminnow Mitigation Measures. The permittee shall undertake monitoring and control of Sacramento pikeminnow in the project area as proposed in the June 2011 Biological Assessment prepared for the project including, but not necessarily limited to, conducting annual monitoring for and documentation of pikeminnow for at least five years following completion of Phase 2 development to assess presence/absence, population estimates, habitat preferences, dietary preferences, movement patterns, and other factors. Annual reports shall be submitted to the Executive Director by December 31 of each year. In the event that adult pikeminnow greater than 10 inches in size become dominant in the project area, a control program shall be implemented as proposed in the Biological Assessment. The pikeminnow control program shall require an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

9. Riparian Vegetation Removal Restrictions. Authorized riparian vegetation removal is prohibited during the portion of the bird breeding/nesting seasons between March 1 and July 1. During the remaining portion of the bird breeding and nesting season between July 1 and August 15, riparian vegetation removal may only occur if (a) a qualified biologist has surveyed the area according to the approved Sensitive Bird Nesting Habitat Protection Plan required by Special Condition No. 10, and (b) the survey results indicate that no willow flycatchers are present in the area and no nesting habitat for any bird species is present in the area. Authorized vegetation removal may occur without these restrictions between August 15 and March 1.

10. Protection of Bird Breeding & Nesting Habitat

- (A) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and written approval of the Executive Director, a Sensitive Bird Nesting Habitat Protection Plan, prepared by a qualified biologist, for conducting seasonally appropriate pre-construction surveys for sensitive bird nesting habitat in the project area and protecting such habitat from construction impacts. The plan shall include, at a minimum, the following:
1. Provisions for surveying the project area each year by a qualified biologist according to current Department of Fish and Game protocols no more than one week prior to commencement of construction activities proposed to occur that year during the bird breeding and nesting season (March 1 through August 15) for the presence of active nesting habitat;
 2. Provisions for avoiding construction activities other than vehicular use of roads during the nesting season(s) within 100 feet of an occupied nest of any native migratory bird species; within 300 feet of an occupied nest of any special-status bird species; and within 500 feet of an occupied nest of any raptor species. No-disturbance buffers around active nests shall be maintained until completion of nesting.
 3. Provisions for submittal of the surveys required above for the review and approval of the Executive Director prior to the commencement of authorized work each year during the bird breeding and nesting season that includes a map that locates any sensitive nesting habitat identified by the surveys and a narrative that describes sensitive habitat avoidance measures proposed.
- (B) The permittee shall undertake development in accordance with the approved final sensitive bird nesting habitat protection plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

11. Final Revised Rare Plant Mitigation and Monitoring Plan

- (A) PRIOR TO COMMENCEMENT OF DEVELOPMENT OTHER THAN AUTHORIZED VEGETATION REMOVAL, the applicant shall submit, for the review and approval of the Executive Director, a final revised rare plant mitigation and monitoring plan prepared by a qualified botanist or ecologist that substantially conforms with the plan prepared by H.T. Harvey & Associates titled "Salt River Ecosystem Restoration Project Rare Plant Mitigation and Monitoring Plan" dated January 27, 2011, except that the plan shall be revised to include various additional provisions for eelgrass mitigation and monitoring, as follows:
1. A pre-construction eelgrass survey shall be completed during the months of May through August. The pre-construction survey shall be completed prior

to the beginning of construction and shall be valid until the next period of active growth.

2. A post-construction eelgrass survey shall be completed in the same month as the pre-construction survey during the next growing season immediately following the completion of construction.
3. If post-construction eelgrass surveys indicate any decrease in eelgrass density or cover, then the site shall be monitored consistent with the approved final mitigation and monitoring plan until the performance criteria in subsection (6) have been met. If post-construction survey results demonstrate to the satisfaction of the Executive Director that eelgrass densities have not decreased at all and there has been no loss of extent of vegetated cover, then no further monitoring or mitigation is required.
4. Adverse impacts to eelgrass shall be measured as the difference between the pre-construction and post-construction estimates of eelgrass cover and density. The extent of vegetated cover is defined as that area where eelgrass is present and where gaps in coverage are less than one meter between individual turion clusters. Density is defined as the average number of turions per unit area.
5. Density and extent of vegetative cover shall be estimated at control areas during pre-construction surveys, post-construction surveys, and during annual monitoring. Changes in density and extent of vegetated cover of the control areas shall be used to account for natural variability. Selection of an appropriate control site shall be performed in consultation with the Department of Fish and Game and NOAA-Fisheries staff.
6. Within three years of completion of the project (both phases), the entire pre-construction eelgrass area plus the restored areas suitable for eelgrass recruitment shall have an extent of vegetative cover equal to at least 1.2 times the impacted area and have an average density equal to the pre-construction average density.
7. Monitoring methods shall include mapping and random sampling of the eelgrass areas using a sampling size adequate to obtain representative qualitative data for the entire project site to determine percent cover and shoot density as defined in subsection (4) above.
8. A detailed monitoring schedule shall be provided that indicates when each of the required monitoring events will be completed. Monitoring reports shall be provided to the Executive Director, DFG, and NOAA-Fisheries within 30 days of completion of each required monitoring period;
9. If the impacted eelgrass areas have not met the recovery standard in subsection (6) in three years, the areas shall be remediated within one year of a determination by the permittee or the Executive Director that monitoring results indicate that recovery has not taken place;

10. A detailed remediation plan shall be included that provides for mitigation site identification, planting methods, monitoring methods, and schedule. Specific success and monitoring criteria are as follows:
- a. A minimum of 70 percent aerial coverage and 30 percent density in the mitigation area after the first year;
 - b. A minimum of 85 percent aerial coverage and 70 percent density in the mitigation area after the second year;
 - c. A minimum of 100 percent aerial coverage and 85 percent density in the mitigation area after the third year.
- (B) If the performance criteria in subsection (A)-10 above have not been met at the end of the three-year remediation period, the permittee shall submit an application for an amendment to Coastal Development Permit No. 1-10-032 proposing additional mitigation to ensure all performance criteria are satisfied consistent with all terms and conditions of this permit.
- (C) The permittee shall undertake development in accordance with the approved final rare plant mitigation and monitoring plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

12. Revegetation Standards & Limitations

- (A) Only native plant species shall be planted in the proposed restoration areas. All proposed plantings shall be obtained from local genetic stocks within Humboldt County. If documentation is provided to the Executive Director that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside of the local area may be used. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the governments of the State of California or the United States shall be utilized within the project area.
- (B) For the proposed soil stabilization and erosion control applications, regionally appropriate native plants shall be used if feasible. If infeasible (e.g., on privately owned pasturelands disturbed by temporary construction impacts proposed to be restored to agricultural production), the use of nonnative species or varieties may be used [e.g., sterile, short-lived, non-persistent cereal grasses such as barley (*Hordeum vulgare*), buckwheat (*Fagopyron esculentum*), rye (*Secale cereale*), and wheat (*Triticum aestivum*)] only if the proposed species or varieties are known not to persist or spread in the ecosystem. Alternatively, the pasture mix proposed in the May 4, 2011 Habitat Mitigation and Monitoring Plan may be used in areas proposed to be restored to pasture grazing use.

- (C) All proposed planting shall be completed by the end of the first full optimal planting season that occurs after completion of construction;
- (D) All required plantings shall be maintained in good growing condition throughout the life of the project and whenever necessary shall be replaced with new plant materials to ensure continued compliance with the restoration goals and objectives.
- (E) The use of rodenticides containing any anticoagulant compounds including, but not limited to, Bromadiolone, Brodifacoum or Diphacinone is prohibited.

13. Final Sediment Reuse Plans

- (A) PRIOR TO COMMENCEMENT OF PHASE TWO (2) CONSTRUCTION AND PRIOR TO THE PLACEMENT OF EXCAVATED SEDIMENTS ON ANY AGRICULTURAL PROPERTY, the applicant shall submit, for the review and approval of the Executive Director, a final sediment reuse plan for the agricultural property proposed to receive excavated sediments. Each sediment reuse plan shall provide that no excavated sediments shall be placed either within any wetlands located on or immediately adjacent to the subject property or within wetland buffer areas as proposed in the example sediment reuse plan included as Appendix E of the document titled "Wetland Buffer Assessment for Sediment Reuse Areas on Agricultural Lands" prepared by Winzler & Kelly dated August 2011. The final sediment reuse plans shall substantially conform to the example sediment reuse plan, except that each plan shall be made site-specific for each property and shall include the following additional provisions:
 - 1. A narrative description of (a) property owner name, site location, and APN(s); (b) the upland acreage available on the subject property for receiving excavated sediments for sediment reuse; (c) the amount of excavated sediments proposed to be placed on the subject property for sediment reuse; (d) generally when, how, and where the excavated sediments will be applied on the subject property, whether the material will be temporarily windrowed and if so for how long, and any other relevant details; (e) the work window for sediment application on agricultural uplands, with the restriction that sediments shall be applied only during the generally dryer period of April through November; (f) specific best management practices to be used to ensure that no wind- or rain-induced erosion results from the stockpiling and application of material on the subject site; (g) the applicable setback distances from the sediment windrowing and application areas that shall be established on the subject property; (h) limitations and restrictions imposed on established buffer areas during the reestablishment of vegetation following sediment application on the sediment reuse area (e.g., vegetation maintenance, allowable depth of overland flow through the area, etc.); and (i) the upland and/or wetland delineation reference applicable to the specific property.
 - 2. A clear, appropriately-scaled graphic depiction of (a) all areas of the subject property proposed to receive excavated material for sediment reuse; (b) all

wetlands on and immediately adjacent to the subject property; (c) all applicable setback buffers (from delineated wetlands, fence lines with wetlands on adjacent properties, etc.) for the subject property as proposed in the August 2011 example sediment reuse plan; (d) proposed windrow/stockpiling areas; (e) locations of specified BMPs; and (f) any upland or wetland delineation data points recorded on the subject property.

3. Addition of a sediment reuse note that explains that the placement of the excavated sediments on the property for temporary stockpiling and subsequent sediment reuse is regulated as a form of development under Coastal Development Permit No. 1-10-032 subject to the applicable terms and conditions of the CDP.

(B) The permittee shall ensure that excavated sediment disposal/reuse is undertaken in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

14. Final Revised Adaptive Management Plan

- (A) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a final revised adaptive management plan that substantially conforms to the Adaptive Management Plan (AMP) prepared by H.T. Harvey & Associates dated January 28, 2011 and the AMP Supplement Update Table A-1 dated September 7, 2011, except that the plan shall be revised to include provisions for all of the following:
1. All measures, protocols, standards, limitations, and BMPs listed in Special Condition Nos. 2 through 13 of CDP No. 1-10-032 shall be applied as they relate to each specific "potential management action" listed in AMP Supplement Update Table A-1.
 2. Channel excavation to remove sediment to improve channel function (row #4 of Supplement Update Table A-1) shall be limited annually to an area not to exceed 25,000 cubic yards of sediment and 2,000 linear feet of sediment removal.
 3. Pre- and post-storm maintenance activities in the channel (row #6 of Supplement Update Table A-1) shall be restricted annually to the period of June 1 through November 30 only;
 4. The removal of any native vegetation in riparian forest restoration areas and existing riparian areas (row #10 of Supplement Update Table A-1) shall be prohibited without an amendment to this coastal development permit.
 5. The removal of riparian vegetation (row #10 of Supplement Update Table A-1) shall be limited annually to areas of five (5) acres or less within Sediment Management Areas, active bench areas, and active channel areas only, and

within these areas only young (i.e., less than 5-year-old) trees and shrubs no larger than 4 inches in diameter are permitted to be removed. Such vegetation removal shall be prohibited during the portion of the bird breeding/nesting season between March 1 and July 1. During the remaining portion of the bird breeding and nesting season between July 1 and August 15, riparian vegetation removal may only be performed if (a) a qualified biologist has surveyed the area according to the approved Sensitive Bird Nesting Habitat Protection Plan required by Special Condition No. 10, and (b) the survey results indicate that no willow flycatchers are present in the area and no nesting habitat for any bird species is present in the area.

6. The work window for applying/placing excavated sediments on agricultural uplands (row #16 of Supplement Update Table A-1) shall be restricted to the dry season period of April through November only.
 7. Criteria for flash grazing shall be provided, which (a) restricts grazing to limited time periods across limited acreages within active bench areas and upland berm areas only; (b) requires that pre-construction rare plant surveys be conducted in proposed grazing areas within or adjacent to rare plant suitable habitat; and (c) requires that temporary livestock exclusion fencing be installed to exclude livestock from channels, riparian areas, and other sensitive habitat areas.
 8. Those potential management actions listed in Table A-1 that include (a) repairing failed or damaged road-stream crossings where the crossing would be enlarged, (b) implementing site-specific erosion control BMPs such as soil bioengineering and vegetative revetments, (c) replacing or enlarging culverts and tide gates as needed, (d) excavating tidal channels and/or re-filling or drainage ditches to improve hydrologic connectivity, and (e) certain erosion control measures (e.g., armoring and geotechnical bank protection) shall not occur without an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
 9. The September 7, 2011 version of Table A-1, as modified herein, shall be incorporated into the final approved AMP.
 10. The period of AMP authorization shall be limited consistent with Special Condition No. 15.
 11. An annual maintenance/adaptive management operations plan shall be submitted each year pursuant to Special Condition No. 16 for the Executive Director's review and approval prior to commencement of annual maintenance and/or adaptive management operations.
- (B) The permittee shall undertake maintenance and adaptive management development in accordance with the approved final adaptive management plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur

without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

15. Length of Development Authorization for Ongoing Maintenance and Adaptive Management Activities Authorized by CDP 1-10-032, as Amended. Development authorized by this amended permit for ongoing maintenance and adaptive management activities is valid for five (5) years from the date of Commission approval of CDP Amendment No. 1-10-032-A5 (until April 11, 2023). One request for an additional five-year period of development authorization may be accepted, reviewed and approved by the Executive Director for a maximum total of ten (10) years of development authorization from the date of Commission approval of CDP Amendment 1-10-032-A5 (until April 11, 2028), provided the request would not alter the project description and/or require modifications of conditions due to new information or technology or other changed circumstances. The request for an additional five-year period of development authorization shall be made at least 120 days prior to April 11, 2023. If the request for an additional five-year authorization period would alter the project description and/or require modifications of conditions due to new information or technology or other changed circumstances, an amendment to CDP No. 1-10-032 shall be necessary to authorize development beyond April 11, 2023.

16. Submittal of Annual Maintenance/Adaptive Management Operations Plan

- (A) PRIOR TO COMMENCEMENT OF ANNUAL MAINTENANCE AND/OR ADAPTIVE MANAGEMENT OPERATIONS IN ANY YEAR IN WHICH MAINTENANCE AND/OR ADAPTIVE MANAGEMENT OPERATIONS ARE CONDUCTED PURSUANT TO THIS COASTAL DEVELOPMENT PERMIT AUTHORIZATION, the permittee shall submit, for the review and approval of the Executive Director, an annual Maintenance/Adaptive Management Operations Plan for that year's proposed maintenance/adaptive management work that (a) is consistent with the final revised Adaptive Management Plan approved by the Executive Director pursuant to Special Condition No. 14, (b) is consistent with all terms and conditions of Coastal Development Permit No. 1-10-032, and (c) contains, at a minimum, the following information:
1. A site plan depicting the location(s) of proposed annual maintenance and/or adaptive management activities, including applicable Assessor's Parcel Numbers and property owner names for all proposed work sites and associated construction areas;
 2. A description of the type(s) of annual maintenance/adaptive management activities proposed;
 3. Cross sections, maps, and associated calculations as necessary that accurately depict the proposed annual maintenance/adaptive management work area(s);
 4. Copies of any necessary biological and botanical surveys needed for approval of annual maintenance/adaptive management activities;

5. A plan for erosion, run-off, and sedimentation control to avoid significant adverse impacts on coastal resources. The plan shall demonstrate that (a) run-off from the work sites shall not increase sedimentation in or result in pollutants entering coastal waters; and (b) Best Management Practices (BMPs) shall be used to prevent entry of polluted stormwater runoff into coastal waters during the construction, including the use of relevant BMPs as detailed in the current California Storm Water Quality Best Management Handbooks (<http://www.cabmphandbooks.com>). The plan shall contain both (a) a narrative report and a site plan describing the locations of all temporary erosion, runoff, and sedimentation control measures to be used during annual maintenance/adaptive management activities; and (b) a schedule for installation and removal of the temporary control measures.
 6. If applicable, a debris disposal plan consistent with Special Condition No. 6;
 7. If applicable, a creek dewatering and diversion plan consistent with the protection measures outlined in Special Condition No. 7.
 8. If applicable, a revegetation plan consistent with restrictions enumerated in Special Condition No. 12;
 9. If applicable, a sediment reuse plan consistent with Special Condition No. 13; and
 10. A schedule for proposed annual maintenance/adaptive management activities.
- (B) The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

17. Final Revised Agricultural Enhancement Monitoring Plan

- (A) PRIOR TO COMMENCEMENT OF DEVELOPMENT OTHER THAN AUTHORIZED VEGETATION REMOVAL, the permittee shall submit, for the review and approval of the Executive Director, a final Agricultural Enhancement Monitoring Plan designed to monitor changes in agricultural productivity within and around the project area resulting from implementation of the proposed project. The plan shall substantially conform to the Agricultural Enhancement Monitoring Plan submitted with the coastal development permit application, except that it shall contain the following additional provisions:
1. Provisions for ensuring that agricultural productivity shall be increased by at least 4,270 Animal Unit Months (AUMs) per year (or an equivalent agricultural productivity value) on the 750 acres of prime agricultural lands within and around the project area footprint within five years of completion of Phase 2 construction;

2. Details on the proposed methods for measuring changes in agricultural productivity within and around the project area over a minimum five-year period following completion of Phase 2 construction;
 3. A map depicting all agricultural lands proposed to be included in the agricultural enhancement monitoring area, including a calculation of the total acreage of lands to be included within and surrounding the project area). The map shall depict all “prime agricultural land” (as defined in Section 51201(c) of the California Government Code) within the agricultural enhancement monitoring area;
 4. Provisions for submittal of documentation to the Executive Director at the end of the 5-year monitoring period demonstrating that agricultural productivity on the 750 acres of prime agricultural lands within and around the project area has been increased by at least 4,270 AUMs per year or an equivalent measure of agricultural productivity; and
 5. A detailed monitoring and reporting schedule that indicates when the agricultural productivity monitoring events will be completed throughout the proposed monitoring program and when annual reports will be submitted to the Executive Director. Monitoring reports shall be provided to the Executive Director annually beginning the first year following completion of Phase 2 construction and continuing each year for at least five years.
- (B) If the 5th-year monitoring report indicates that the project has been unsuccessful, in part or in whole, the permittee shall submit an application for an amendment to CDP No. 1-10-032 proposing revisions to the project authorized by CDP No. 1-10-032 to achieve the increase in agricultural productivity required by Section (A)-4 above.
- (C) The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

18. Restoration of Prime Agricultural Land on Riverside Ranch

- (A) PRIOR TO COMMENCEMENT OF DEVELOPMENT OTHER THAN AUTHORIZED VEGETATION REMOVAL, the permittee shall submit, for the review and approval of the Executive Director, a plan to transform at least fifty-two (52) acres of currently non-prime agricultural land on Riverside Ranch to “prime agricultural land” as defined in Section 51201(c) of the California Government Code within five (5) years of completion of Phase 1 construction. The plan shall include provisions for all of the following:
1. Within five years of completion of Phase 1 construction, at least 52 acres of the retained agricultural land on Riverside Ranch shall qualify as prime based on any one of the four paragraphs of Section 51201(c) of the California Government Code;

2. A description of the agricultural management activities that will be undertaken to restore the agricultural land to prime conditions and the type of documentation that will be submitted as evidence that the land has been transformed to prime.
 3. A site plan depicting the property's agricultural features such as proposed fences and/or livestock fencing maintenance areas, grazing and/or pasturing areas, agricultural structures, water lines, and other infrastructure, etc.;
 4. Provisions for submittal of a report to the Executive Director at the end of the 5th-year following completion of Phase 1 construction documenting how much of the retained agricultural land on Riverside Ranch qualifies at that time as prime based on any one of the four paragraphs of Section 51201(c) of the California Government Code.
- (B) If the 5th-year monitoring report indicates that less than 52 acres of the retained agricultural land on Riverside Ranch qualifies as prime agricultural land, the permittee shall submit an application for an amendment to CDP No. 1-10-032 proposing either (i) corrective measures to ensure that at least 52 acres of the retained agricultural land on Riverside Ranch will qualify as prime agricultural land within one year of approval of the permit amendment, or (ii) to transform other non-prime agricultural land elsewhere within the coastal zone in the Eel River Delta to prime agricultural land in an amount equal to or greater than the number of acres less than 52 that have been transformed to prime agricultural land on Riverside Ranch.
- (C) The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

19. Submittal of Upslope Sediment Reduction Program Annual Progress Reports.

The Upslope Sediment Reduction Program as described in the Final Environmental Impact Report for the Salt River Ecosystem Restoration Project shall be implemented as proposed, and annual progress reports on the program shall be submitted for the review and approval of the Executive Director by December 31 of each calendar year for the duration of the five-year monitoring period required by Special Condition No. 17. The annual reports shall (a) document the progress made during the reporting period in planning, coordinating, and implementing specific erosion control and sediment reduction projects under the program, (b) summarize the total number of sites treated under the program to date, (c) identify the high-priority sites to be addressed in the coming year of the program and discuss the steps needed to implement an erosion control or sediment reduction project at each site, (d) identify funding that has been secured to date and the amount of new funding that was secured over the reporting period, and (e) identify steps to be followed to secure additional needed funding over the next year.

20. Assumption of Risk, Waiver of Liability and Indemnity Agreement. By acceptance of this permit the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding, tsunami wave run-up, erosion, and earth movement; (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.

21. Protection of Archaeological Resources

- (A) PRIOR TO COMMENCEMENT OF PHASE 2 DEVELOPMENT, the additional pre-project survey recommended by the archaeological report in the location between Port Kenyon and the Salt River be conducted and a qualified cultural resource specialist analyze the significance of any resources discovered. If an area of historic or prehistoric cultural resources or human remains are discovered during the course of the project or pre-construction testing, all construction within twenty (20) meters of the discovery shall cease and shall not recommence except as provided in subsection (B) hereof, and a qualified cultural resources specialist shall analyze the significance of the find.
- (B) A permittee seeking to recommence construction following discovery of the cultural deposits shall submit an archaeological plan for the review and approval of the Executive Director.
 - 1. If the Executive Director approves the Archaeological Plan and determines that the Archaeological Plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, construction may recommence after this determination is made by the Executive Director.
 - 2. If the Executive Director approves the Archaeological Plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission.

22. Final Public Access Plan

- (A) WITHIN TWO (2) YEARS OF COMPLETION OF PHASE ONE (1) CONSTRUCTION, the permittee shall submit, for the review and approval of the Executive Director, a final public access plan providing for public access at the Department of Fish and Game-owned property known as Riverside Ranch.
 - 1. The plan shall demonstrate all of the following:

- a. A boating put-in and/or take-out access point for at least non-motorized boating use shall be developed on the Riverside Ranch Property to provide boating access to the property for the public.
 - b. Vehicular access to the Riverside Ranch property shall be provided either via (i) Riverside Road unless the permittee demonstrates to the satisfaction of the Executive Director that the portions of Riverside Road needed to gain access to the Riverside Ranch property are not publically owned, (ii) Camp Weott Road, Dillon Road, or Port Kenyon Road with a vehicular or footbridge over the Salt River to the Riverside Ranch property if the selected alternative is demonstrated to be feasible to the satisfaction of the Executive Director, or (iii) another public vehicular access alternative approved by a Commission amendment to this coastal development permit.
 - c. Public access amenities shall be provided at the subject property within one year of approval of the approved final public access plan.
 - d. Public access amenities shall include, at a minimum all of the following:
 - (i) Public vehicular parking;
 - (ii) A trail suitable for foot traffic on top of and along at least half the length of the new setback berm unless the permittee: (a) demonstrates that access along half of the setback berm cannot be provided consistent with the protection of fragile coastal resources and agricultural resources on the subject property, and (b) obtains a Commission amendment to this coastal development permit to reduce the amount or change the location of the required public access; and
 - (iii) Signage delineating the public access areas to facilitate public use.
 - e. All public access areas and amenities shall be available to the general public free of charge at a minimum during daylight hours (i.e., one hour before sunrise to one hour after sunset) and for a minimum of 39 weekends of the year unless the permittee (i) demonstrates that access during those hours or number of weekends cannot be provided consistent with the protection of fragile coastal resources and agricultural resources on the subject property, and (ii) obtains a Commission amendment to this coastal development permit to change the required availability of public access.
2. The plan shall include, at a minimum, the following components:
- a. A narrative and site plan showing how public vehicular access will be provided to the property and which demonstrates that (i) the route of the access alternative is legally available for use by the public and (ii) all necessary permit authorizations from public agencies for

improvement of the access alternative can be obtained for the alternative;

- b. An analysis, based on applicable monitoring results reported pursuant to Special Condition No. 2 and/or other property-specific scientific data and/or factors, explaining which portions of the property are suitable for public access and recreational uses consistent with the protection of fragile coastal resources and agricultural uses on the subject property;
- c. An analysis, based on applicable monitoring results reported pursuant to Special Condition No. 2 and/or other property-specific scientific data and/or factors, explaining what intensity of use (e.g., frequency and timing of use in terms of hours per day or days per week or months per year) and what types of uses are appropriate for public access and recreational uses at the property consistent with the protection of fragile coastal resources and agricultural uses on the subject property;
- d. Discussions of the regulations and management that will be used to facilitate, manage, and provide public access to the approved project.
- e. A clear depiction of all proposed public access areas and amenities, including, but not limited to, all parking areas, trails, walkways, boating access points, restrooms, bench seating, trash and recycling receptacles, bicycle racks, and/or other public access amenities as proposed;
- f. Clear identification of all parameters for use of the site by the public, including hours and days of admittance, compatible types of public access use, and other applicable parameters; and
- g. A signage plan identifying all signs and any other project elements that will be used to facilitate, manage, and provide public access to the approved project, including, if applicable, identification of all public education/interpretation features that will be provided on the site (educational displays, interpretive signage, etc.). Sign details showing the location, materials, design, and text of all public access signs shall be provided. Signs shall be designed so as to provide clear information without impacting public views and site character. Public access signage shall acknowledge the participants in the design and provision of the public access components, including the California Coastal Commission.

- (B) The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

23. State Lands Commission Review. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide to the Executive Director a written determination from the State Lands Commission that:

- (A) No State or public trust lands are involved in the development; or
- (B) State or public trust lands are involved in the development and all permits required by the State Lands Commission have been obtained; or
- (C) State or public trust lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the approved project as conditioned by the Commission to proceed without prejudice to that determination.

24. Department of Fish & Game Consistency Determination. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide, for the review and written approval of the Executive Director, a copy of a Consistency Determination (CD) and/or Incidental Take Permit issued by the Department of Fish and Game pursuant to the California Endangered Species Act, or evidence that no CD or ITP is required. The applicant shall inform the Executive Director of any changes to the project required by the Department. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

25. Department of Fish & Game SAA Approval. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide, for the review and written approval of the Executive Director, a copy of a Streambed Alteration Agreement (SAA) issued by the Department of Fish and Game, or evidence that no SAA is required. The applicant shall inform the Executive Director of any changes to the project required by the Department. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

26. Regional Water Quality Control Board Approval. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide, for the review and written approval of the Executive Director, a copy of a permit issued by the North Coast Regional Water Quality Control Board, or evidence that no permit is required. The applicant shall inform the Executive Director of any changes to the project required by the Board. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

27. U.S. Army Corps of Engineers Approval. PRIOR TO COMMENCEMENT OF PHASE ONE (1) CONSTRUCTION, the permittee shall provide to the Executive Director a copy of a permit or permit amendment issued by the Army Corps of Engineers, or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the Army Corps of Engineers. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to

this coastal development permit, unless the Executive Director determines that no amendment is legally required.

- 28. Submittal of Final Federal Biological Opinions.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit evidence, for the review and written approval of the Executive Director, that the National Marine Fisheries Service (NOAA-Fisheries) and the U.S. Fish and Wildlife Service have issued final Biological Opinions, and, if necessary, Incidental Take Permits, in support of the project authorized by this permit and that are consistent with all terms and conditions of this permit. The applicant shall inform the Executive Director of any changes to the project required by the federal agencies. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
- 29. Caltrans Encroachment Permit.** PRIOR TO COMMENCEMENT OF PHASE TWO (2) CONSTRUCTION, the applicant shall provide to the Executive Director a copy of an encroachment permit issued by Caltrans for project activities located around Highway 211, or evidence that no permit is required. The applicant shall inform the Executive Director of any changes to the project required by Caltrans. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
- 30. Humboldt County Encroachment Permit.** PRIOR TO COMMENCEMENT OF PHASE ONE (1) CONSTRUCTION, the applicant shall submit for the review and approval of the Executive Director a copy of an encroachment permit issued by Humboldt County, or evidence that no permit is required. The applicant shall inform the Executive Director of any changes to the project required by the County. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
- 31. Demonstration of Adequate Property Rights.** PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-10-032-A5, the Applicant shall submit, for the review and written approval of the Executive Director, copies of all landowner access agreements for all properties within Phase 2 involved in the amended development project area. All landowner access agreements shall clearly demonstrate that the property owner grants permission to the Applicant to undertake development on the property as conditioned by the Commission.
- 32. Other Agency Approvals.** PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-10-032-A5, the Applicant shall provide to the Executive Director a copy of a permit or letter or permission from the California Department of Fish and Wildlife, or evidence that no permit or permission is required from the following agencies. The Applicant shall inform the Executive Director of any changes to the project required by the Department. Such changes shall not be

incorporated into the project until the Applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

- 33. State Lands Commission Review.** PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-10-032-A5, the Applicant shall provide to the Executive Director a written determination from the State Lands Commission that:
- (A) No State or public trust lands are involved in the development; or
 - (B) State or public trust lands are involved in the development and all permits required by the State Lands Commission have been obtained; or
 - (C) State or public trust lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the approved project as conditioned by the Commission to proceed without prejudice to that determination.
- 34. Demonstration of Adequate Property Rights.** PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-10-032-A10, the applicant shall submit, for the review and written approval of the Executive Director, copies of landowner access agreements for all properties involved in the proposed amended development, including any properties proposed to receive excavated sediments for agronomic reuse. All landowner access agreements shall clearly demonstrate that the property owner grants permission to the applicant to undertake development on the property as conditioned by the Commission.
- 35. Other Agency Approvals.** PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-10-032-A10, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, or authorizations for the proposed development as amended have been granted by all other applicable agencies, including the State Lands Commission, North Coast Regional Water Quality Control Board, California Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and National Marine Fisheries Service, or evidence that no such authorizations are required from each of these entities for the proposed development as amended. The Permittee shall inform the Executive Director of any changes to the project required by any other authorizations. Any such changes shall not be incorporated into the project until the Permittee obtains a further amendment to this permit, unless the Executive Director determines that no amendment is legally required.