

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
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# W16

**Prepared August 25, 2023 for September 6, 2023 Hearing**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Director

**Subject: Central Coast District Director's Report for September 6, 2023**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, emergency CDPs, and LCP certification reviews for the Central Coast District Office are being reported to the Commission on September 6, 2023. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review from the Commission's Central Coast District Office in Santa Cruz. Staff is only reporting any emergency CDPs and LCP certification reviews, is asking for the Commission's concurrence on the other items in the Report, and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on September 6th during the hybrid virtual/in-person hearing.

With respect to the September 6th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the 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 September 6, 2023 (see attached)**

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**CDP Waivers**

- 3-23-0563-W, CAWD Tree Removal (Carmel Area)
- 3-23-0640-W, MCWRA Salinas River Levee Repairs (North Monterey County)

**CDP Amendments, CDP Extensions, Emergency CDPs, and LCP Certification Reviews**

- None

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** August 25, 2023  
**To:** All Interested Parties  
**From:** Kevin Kahn, Central Coast District Manager  
Breylen Ammen, Coastal Planner  
**Subject: Coastal Development Permit (CDP) Waiver 3-23-0563-W**  
Applicant: Monterey Peninsula Water Management District

### Proposed Development

Follow-up authorization for river channel vegetation management performed under emergency CDP G-3-23-0028,<sup>1</sup> and minor additional vegetation management in the channel of the Carmel River, adjacent to the Carmel Area Wastewater District's wastewater treatment plant, in the Carmel area of unincorporated Monterey County.

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

In early 2023, a series of winter storms and associated high river flows caused one large Monterey cypress tree to fall partially into the Carmel River and destabilize the bank adjacent to three large eucalyptus trees. Large, downed trees in a dynamic river environment such as this can cause debris dams in periods of high flow, which can result in severe bank erosion and migration of the river channel. The Applicant removed the downed cypress tree as well as the three eucalyptus trees pursuant to ECDP G-3-23-0028 to minimize potential erosion and other hazard risks to the nearby wastewater treatment plant, as well as nearby and downstream infrastructure and residences. Since the emergency work was completed, one additional tree has fallen into the Carmel River channel in the project vicinity. Thus, in addition to permitting/recognizing the previously undertaken emergency work, the proposed project also includes cutting the one fallen tree into sections to reduce the potential for a log jam during a future period of high flow. The pieces of the tree would remain in place to increase streambed complexity and enhance steelhead habitat. Best management practices, including surveys for federally threatened red-legged frogs, were employed during emergency work, and will be employed for the additional work, so as to avoid any adverse impacts to the riverine environment. Accordingly, the project will not have any significant adverse impacts on coastal resources, and will help minimize hazard risks to critical public infrastructure.

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<sup>1</sup> Issued March 16, 2023.

The project thus represents relatively minor vegetation management and can be found consistent with the Coastal Act.

**California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. Monterey County, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Section 15308 (as an environmental maintenance action taken by a regulatory agency) and thus Monterey County did not identify any significant adverse environmental effects from the proposed project.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

**Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, September 6, 2023 during the hybrid virtual and in-person hearing in Eureka. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Breylen Ammen (Breylen.Ammen@Coastal.ca.gov) in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** August 25, 2023  
**To:** All Interested Parties  
**From:** Kevin Kahn, Central Coast District Manager  
Breylen Ammen, Coastal Planner  
**Subject: Coastal Development Permit (CDP) Waiver 3-23-0640-W**  
Applicant: Monterey County Water Resources Agency

### Proposed Development

Follow-up authorization for levee repairs and slide gate maintenance performed under emergency CDP G-3-23-0035,<sup>1</sup> along the northern bank of the Salinas River Lagoon near the mouth of the Salinas River, in northern unincorporated Monterey County.

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The January 2023 storms and associated high river flows, wave action, and flooding of the agricultural field adjacent to the northwest side of the lagoon caused significant erosion of the landward side of the levee and a buildup of sediment around the slide gate<sup>2</sup> that regulates flows between the Salinas River Lagoon and Old Salinas River channel. The northern levee at this location was severely compromised and at risk of breach during high water and/or wave action. Levee failure would put various infrastructure at risk of damage and/or failure, including culverts, bridges, and tide gates in the Old Salinas River Channel, and the Tembladero, Merritt, and Espinosa slough/creek areas. Property would also be at risk of flooding, including residences, businesses, and agricultural lands adjacent to Molera Road in Moss Landing and in and to the southeast of Castroville.

Approximately 900 cubic yards (cy) of treated fill<sup>3</sup> was placed on the levee and compacted to replace eroded soil and restore the levee to pre-emergency conditions. Damaged areas of the levee were overexcavated and recompacted. No rock or other hard armoring elements were added to the levee. All emergency work took place on the

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<sup>1</sup> Issued March 30, 2023.

<sup>2</sup> A slide gate is a piece of flood/water control infrastructure that allows the flow of water through a location to be adjusted as needed to regulate water quality and mitigate flood risks.

<sup>3</sup> Treated fill, in this case, means fill that has been moistened to allow for more effective compaction, and that is generally free of seeds and other biological features.

landward side of the levee (i.e., no work was done in the river channel itself), and all construction areas were restored to their pre-disturbed state after construction was completed. In addition, approximately 50 cy of storm-accumulated sediment was removed from the slide gate area to restore slide gate function. Best management practices were employed, including the setback of all staging, maintenance, and storage areas at least 100 feet from the water; regular maintenance and leak checks; and a spill prevention and control plan. In sum, the project represents some relatively minor but critically needed repairs to levee infrastructure and did not materially change the physical composition or configuration of the levee. Accordingly, the project did not have any significant adverse impacts on coastal resources and can be found consistent with the Coastal Act.

### **California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. Monterey County, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Sections 21080(b)(4), 15269(b), and 15269 (c) (as a project necessary to prevent or mitigate an emergency) and thus Monterey County did not identify any significant adverse environmental effects from the proposed project.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

### **Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, September 6, 2023 during the hybrid virtual and in-person hearing in Eureka. If three or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Breylen Ammen (Breylen.Ammen@Coastal.ca.gov) in the Central Coast District office.**