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STAFF REPORT: REGULAR CALENDAR

Application No.:	**1-25-0901**
Applicant:	**California Department of Fish and Wildlife**
Location:	The western side of Pebble Beach Drive, directly west of 1879 S. Pebble Beach Dr., Del Norte County (APN 120-020-017)
Project Description:	Improve an existing coastal public access point by: (1) removing and replacing a concrete walkway and placing a concrete overlay on an existing beach access staircase; (2) demolishing and replacing stairway landings; and (3) improving an existing parking area, lighting, fencing, and signage.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project involves improving shoreline access from a public access point along South Pebble Beach Drive in Del Norte County by rehabilitating and improving the staircase and parking area. Pebble Beach Staircase Public Access is a popular coastal access point for residents and visitors. The site provides benches and an overlook, with stunning views of the ocean, and access to Pebble Beach via the staircase for surfing, fishing, and other recreational uses. The existing concrete staircase, constructed in 1964, is cracked and in poor condition; and most of the pipe handrails are corroded and broken, and some are missing. The improvements will provide safe access to Pebble Beach and improved amenities in the parking area, including a marked ADA accessible parking space and updated interpretive signage. CDFW staff coordinated with

Commission staff early in the permit application process on the design and application submittal.

The subject site is located approximately 2,000 feet north of the city limits of Crescent City. The California Department of Fish and Wildlife (CDFW) owns the 6.87-acre oceanfront blufftop property, which spans 1,600 feet of frontage on Pebble Beach Drive and extends downslope to the shoreline. CDFW acquired the subject property in 1962 to provide public beach and fishing access. The site provides access to approximately one mile of beach extending to the north, and access to a pocket beach to the south.

The Project includes removing and replacing a concrete access and walkway at the top of the staircase, replacing and adding new interpretive signage, replacing handrails, and placing a new concrete overlay on the existing staircase. The applicant is also proposing to demolish existing partially-eroded landings and install new five-foot-wide, three-foot-long, two-foot-deep landings, embedded into the staircase with rebar, at the bottom of the north and south stairs on the beach.

Parking area improvements include striping parking spaces, adding curbs, adding an American with Disabilities Act (ADA) accessible parking location and sign, removing a concrete barrier, and relocating a guardrail. The applicant proposes replacing a light pole near the parking area using downcast and shielded lighting with a maximum color temperature between 2,700 and 3,000 Kelvin.

The primary Coastal Act issue associated with this project is the protection of Environmentally Sensitive Habitat Areas (ESHAs). The subject parcel supports a population of Wolf's evening-primrose (*Oenothera wolfii*), a rare plant with a state ranking of S1[1] and a California Rare Plant Rank of 1B.1.[2] It is estimated that project activities could impact 1,275 square feet of suitable Wolf's evening-primrose habitat. The applicant prepared a Mitigation, Monitoring, and Reporting Plan (MMRP) and proposes to restore and seed a total of 3,825 square feet of suitable Wolf's evening-primrose habitat to mitigate for permanent impacts to 1,275 square feet of Wolf's evening primrose habitat. This will result in a 3:1 replacement of the 1,275 square feet of Wolf's evening-primrose habitat impacted by the proposed project. **Special Condition 2** requires the applicant to implement and adhere to all measures included in the MMRP, and to submit annual monitoring reports for review and approval of the Executive Director.

The project entails development in an area subject to significant exposure to geologic and flood hazards, which could result in destruction of the development approved by the Commission. Given that this project entails improvements to a public access point that

[1] Plants with an S1 rank are critically imperiled in California.

[2] Plants with a 1B rank are rare, threatened, or endangered throughout their range and are eligible for listing under the California Endangered Species Act. The 0.1 threat rank indicates that the species is seriously threatened in California (over 80% of occurrences threatened/ high degree and immediacy of threat).

can be removed or relocated if necessary, the inherent risk to the public regarding if and when the structures are subject to coastal hazards risk is relatively low. However, given the overall hazards present at the site, **Special Condition 5** requires the applicant to assume the risks of extraordinary erosion and geologic hazards of the property and waive any claim of liability on the part of the Commission. **Special Condition 6** requires the applicant to accept sole responsibility for the removal and disposal of any recoverable debris that fall to the beach and ocean resulting from waves, erosion, storm conditions, flooding, sea level rise, or other natural hazards.

Although public access will be temporarily affected during project construction, the proposed project, when completed, will not adversely affect, but rather will enhance coastal access and recreational facilities at the site, and will not affect the availability of any other coastal access points in the area. Construction of the project is anticipated to take up to four weeks and will require closure of both the parking area and staircase. During construction, a temporary barrier will be established adjacent to the parking area (along South Pebble Beach Drive) and will include signage indicating: (1) the approximate dates the parking area and staircase will be closed; and (2) locations (including a map) of the closest alternative public access points during the closure period. There are multiple other public access points nearby.

To protect nearby marine resources, the applicant proposes several pollution prevention measures during project construction. **Special Condition 1** incorporates the applicant's proposed measures and requires, in part, the use of appropriate BMPs for erosion and runoff control as detailed in the current California Storm Water Quality Best Management Handbooks.

The standard of review is the Chapter 3 policies of the Coastal Act. As conditioned, the project can be found consistent with the Chapter 3 policies of the Coastal Act, and staff recommends approval of CDP application 1-25-0901 as conditioned.

The Motion to adopt the Staff Recommendation is found on Page 5.

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Exhibit 1 – Location Maps
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I. Motion and Resolution

A. Motion

I move that the Commission **approve** Coastal Development Permit No. 1-25-0901 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

B. Resolution

The Commission hereby **approves** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid, and development shall not commence, until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration**. If development has not commenced, the permit will expire two years from the date 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 of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment**. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land**. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind

all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

This permit is granted subject to the following special conditions:

1. **Construction Responsibilities.** The applicant shall adhere to appropriate construction-related best management practices (BMPs) to protect water quality and surrounding environmentally sensitive habitat areas, including, but not limited to, the following:

   A. Except as modified in this permit, all mitigation measures proposed by the permittee (as shown on Exhibit 2 and Exhibit 3) shall be implemented.

   B. Timing of Construction Activities.

      i. Construction activities occurring below the high-water mark shall be timed to occur during low tides.

      ii. All earth-moving activities shall be conducted during the dry season period of May 15 through November 15; any earth-moving activity conducted between October 16 and November 15 shall be 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 50 percent for the Crescent City segment of the National Weather Service's forecast for Northwestern California;

         b) The work site(s) shall be winterized between work cessation periods by installing stormwater runoff and erosion control barriers around the perimeter of the construction site to prevent the entrainment of sediment into coastal waters; and

         c) Adequate stocks of stormwater runoff and erosion control barrier materials shall be kept onsite and made available for immediate use.

      iii. The Executive Director may grant an extension of the work windows through November 30th for good cause upon written request, provided evidence is submitted that continued dry weather is forecast by the National Weather Service during the requested extension period and provided any necessary work-window extensions from other regulatory agencies are obtained.

iv. All construction activities shall occur during periods of dry weather only. No work shall occur within 72 hours of 50% or greater forecast of rain by the National Weather Service.

C. Minimize Erosion and Sediment Discharge**.** During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:

i. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.

ii. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.

D. Minimize Discharge of Construction Pollutants. The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:

i. Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum:

a) Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.

b) Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.

c) Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.

d) Prompt removal of all construction debris from the project area. Any excess excavated material and other construction debris resulting

from construction activities shall be removed immediately upon completion of component construction and disposed of at a disposal site outside the coastal zone or within the coastal zone pursuant to a valid coastal development permit.

ii. BMPs for concrete paving and grinding operations and storm drain inlet protection shall be employed to prevent concrete grindings, concrete slurry, and paving rinseate from entering drop inlets or sheet-flowing into coastal waters. No concrete shall be poured below mean high water (MHW).

E. Minimize Other Impacts of Construction Activities. Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:

i. The damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction shall be minimized, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control; and

iii. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.

iv. Only wildlife-friendly, 100-percent biodegradable erosion and sediment control products that will not entrap or harm wildlife shall be used. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) shall not incorporate synthetic netting (such as plastic, polypropylene, nylon, polyethylene, polyester, or other synthetic fibers), including photo- or biodegradable plastic netting, to prevent wildlife entanglement and plastic debris pollution. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

F. Hazardous Materials Management

i. Fuels, lubricants, and solvents shall not be allowed to enter coastal waters.

ii. All equipment used during construction shall be free of oil and fuel leaks at all times.

iii. Staging and storage of construction equipment and materials (including debris) shall not take place on the beach. Staging and storage of construction equipment and materials shall occur on paved

surfaces at least 50 feet from coastal waters, drainage courses, and storm drain outlets.

iv. Hazardous materials management equipment including absorbent pads shall be available and immediately on-hand at the project site. Any accidental spill shall be contained rapidly and cleaned up fully. In the event of a spill, the Permittee shall notify the appropriate regulatory agencies immediately.

G. Protection of beach access. All beaches, beach access points, and other recreational use areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.

2. Wolf's Evening-Primrose Mitigation and Monitoring.

A. The permittee shall implement and adhere to all measures included in the Mitigation Monitoring and Reporting Plan (MMRP), dated July 31, 2026, and prepared by CA Department of Fish and Wildlife (CDFW). Based on the MMRP and subsequent discussions with CDFW, the following performance standards shall be achieved by the end of the proposed five-year monitoring timeline following completion of the project construction:

i. Create a 3,825 square-foot mitigation area, comprised of one site or multiple sites of suitable coastal bluff habitat for Wolf's evening-primrose, through removal of invasive species and restoration of pre-invasion conditions.

ii. Establish self-sustaining populations of Wolf's evening-primrose within the mitigation area. This will be demonstrated by: 1) establishment of Wolf's evening-primrose at restoration sites in years 1-2 though seeding and other management methods; and 2) numbers of Wolf's evening-primrose in year 5 that are equal to or greater than the number of individuals present in monitoring year 3, including juveniles and reproductive individuals.

iii. Promote suitable native plant species, such that native species cover within the mitigation area shall be greater than 90 percent relative cover.

iv. Manage invasive species such that total absolute cover of Cal-IPC ranked species will be equal to or less than 5% (excluding annual grasses).

v. Remove hybrid primrose individuals such that none shall occur within the mitigation area.

B. Beginning the first year following completion of construction, the permittee shall submit annual monitoring reports to the Executive Director by January 31st (or on a later date to be extended by the Executive Director for good cause) for a total of five monitoring years. The annual monitoring reports shall include the following information for the mitigation area:

   a. an estimate of the Wolf's evening-primrose population size/coverage;

   b. a description of Wolf's evening-primrose population trends;

   c. native and invasive plant species relative cover;

   d. number of suspected hybrid primrose and related management actions

   e. any challenges encountered during the monitoring year including any adaptive management or maintenance activities needed; and

   f. documentation showing the completion of the restoration work, including photographs showing the pre- and post-condition of treatment areas and surrounding habitat.

C. Monitoring of and reporting on the mitigation area shall occur annually and for at least three (3) years following the conclusion of all remediation and maintenance activities other than weeding, whichever is later.

D. The final monitoring report shall detail the relative success or failure of the restoration/enhancement efforts, including whether performance standards were achieved. If the final monitoring report indicates that the habitat restoration project has been unsuccessful, in part or in whole, based on the approved goals, objectives, and success standards set forth in the approved final Plan, the permittee shall submit a revised or supplemental plan to compensate for those portions of the original plan that did not meet the approved goals, objectives, and performance standards. The revised or supplemental plan shall be processed as an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

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

3. Archaeological and Tribal Cultural Resource Protection.

A. **AT LEAST THIRTY DAYS PRIOR TO COMMENCEMENT OF PROJECT ACTIVITIES PURSUANT TO CDP NO. 1-25-0901**, the Permittee, or its

authorized representatives, shall notify interested Tribes that removal of the concrete walkway, landings, and signs are planned and arrange to contract with a Tribal Monitor to be on-site during these activities. The 30-day timeframe may be shorter if the Permittee, or its authorized representatives, and interested Tribes mutually agree to the revision in writing. Copies of written correspondence documenting advance notification to interested Tribes and any agreements to commence activities sooner than the 30-day timeframe shall be made available to the Executive Director upon request.

B. **Inadvertent Discovery**. If an area of archeological and/or tribal cultural resources is discovered during the course of the project, project activities shall cease and shall not recommence except as provided in subsection (D) hereof, and the permittee shall immediately notify and retain a tribal cultural resource specialist and qualified archaeologist to analyze the significance of the find in consultation with Native American Tribes listed on the Native American Heritage Commission (NAHC) contact list. Significance testing may be carried out only if acceptable to the affected Native American Tribe(s), in accordance with a Significance Testing Plan. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area that includes a reasonable buffer zone recommended by the monitor(s) no less than a 25-foot radius around the discovery area. Project activities may continue outside of the exclusion zone.

C. **Human Remains** Should human remains be discovered on-site during the course of the project, immediately after such discovery, the onsite archaeologist and/or Native American monitor shall notify the County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. An "exclusion zone" may be established around the discovery area. If the county coroner determines that the human remains are those of a Native American, the coroner shall contact the NAHC within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the identification process pursuant to Public Resources Code Section 5097.98. The landowner/ permittee shall comply with the requirements of Section 5097.98 and work with the MLD person(s) to preserve the remains in place, move the remains elsewhere onsite, relinquish the remains to the descendants for treatment, or determine other culturally appropriate treatment. Within five (5) calendar days of such notification, the permittee/landowner shall notify the Coastal Commission's Executive Director of the discovery of human remains and identify any changes to the proposed development or mitigation measures that may be needed related to the inadvertent discovery. The Executive Director shall maintain confidentiality regarding the presence of human remains on the project site. The Executive Director shall determine whether the identified changes are de minimis in nature and scope.

D. **Recommencing Activities Following a Discovery**. A permittee seeking to recommence project activities within an exclusion zone following discovery of resources (excluding the discovery of human remains, which shall follow Section 5097.98 as noted in (C) above) shall submit a Supplementary Archaeological Plan (SAP) prepared by the project archaeologist in consultation with the Native American Tribes listed on the NAHC list. The SAP shall be submitted for the review and written approval of the Executive Director. If the Executive Director approves the SAP and determines that the SAP'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 in writing. If the Executive Director approves the SAP 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.

4. Lighting Restrictions. Not less than 30 days prior to installation or retrofit of any lighting, the applicant shall submit to the Executive Director for review and written approval one full size set of revised lighting plans that demonstrate the following:

A. Maximum color temperature of lighting fixtures shall contain a maximum color temperature of 2,700 degrees Kelvin (K) or less, unless it can be demonstrated that such features would not meet required safety measures. In no case shall lighting exceed a correlated color temperature of 3,000 K.

B. All lighting fixtures shall be the minimum lumens required for safety and security to minimize impacts on natural areas (e.g., below 1,000 lumens). No non-security or non-safety lighting and no lighting for aesthetic purposes is allowed.

C. All lighting fixtures shall be shielded and directed downward to minimize light shining on adjacent properties or natural areas. Shielded shall mean that the light rays are directed onto the site, and the light source (e.g., bulb, tube, etc.) is not visible beyond the property boundary of the site of the light source.

D. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness.

5. Assumption of Risk, Waiver of Liability, and Indemnity Agreement. By acceptance of this permit, the permittee acknowledges and agrees (a) that the site may be subject to hazards from earth movement, earthquake shaking, liquefaction, differential settlement, erosion, flooding, and other geologic and flood hazards, some of which will worsen with future sea level rise; (b) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (c) 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 (d) 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.

6. **Debris Removal and Clean Up.** In the event that the development is damaged or destroyed from waves, erosion, storm conditions, flooding, sea level rise or other natural hazards in the future, and is threatened to fall to the beach, the Permittee shall remove the subject portions of the development before it falls to the beach, when feasible. If portions of the development fall to the beach before they are removed, the Permittee shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal may require a Coastal Development Permit unless the Executive Director determines that no CDP is legally required.

IV. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project Description

As part of the proposed Pebble Beach Staircase Public Access Improvement Project (hereafter "Project"), the applicant, California Department of Fish and Wildlife (CDFW), aims to improve public access at its property along South Pebble Beach Drive in Crescent City by rehabilitating and improving the staircase and parking area. CDFW staff coordinated early in the permit application process on the design and application submittal. The Project includes removing and replacing the 15-foot-long and 5-foot-wide concrete access and walkway at the top of the staircase. Next to the concrete walkway, an interpretive sign panel will be replaced, and an additional new interpretive sign will be installed. The Project also includes replacing the handrails along the staircase with 42-inch-tall stainless steel pipe railing. The vertical components of the railings will be set in concrete post foundations that will be a maximum of 8 feet apart. The Project includes placing a new concrete overlay on the existing 5-foot-wide staircase, which spans a length of approximately 90 feet for the main staircase and 43 feet long and 45 feet long for the two extensions that branch perpendicular to the north and south, respectively, of the main staircase (Exhibit 2). The applicant is also proposing to demolish existing landings and install new five-foot-wide and three-foot-long landings at the bottom of the north and south stairs on the beach. The concrete landings will be reinforced with rebar, and the rebar will be further embedded into the staircase.

Parking area improvements include striping parking spaces, adding curbs, adding an American with Disabilities Act (ADA) accessible parking location and sign, removing a concrete barrier, and relocating a guardrail. The applicant proposes to replace a 20-foot-tall light pole near the parking area. The proposed light pole will be between 15 and

20 feet tall, and the light will be downcast, shielded, and have a maximum color temperature between 2,700 and 3,000 Kelvin.

The Project also includes restoring native coastal bluff habitat adjacent to the staircase and at a nearby site by removing invasive plant species and planting native coastal species. Restoration includes removing a concrete barrier fence, replacing the fencing with split-rail fencing, and relocating the fencing five to ten feet landward to demarcate the edge of the bluff and to separate native bluff habitat from the public access area.

Construction of the project is anticipated to take up to four weeks and will require closure of both the parking area and staircase. Signage will be posted that specifies the approximate closure window and redirects the public to nearby coastal access areas. Staging will occur within the existing parking area.

B. Environmental Setting

The subject site is located within unincorporated Del Norte County, approximately 2,000 feet north of the city limits of Crescent City, and approximately seventeen miles south of the California-Oregon border (Exhibit 1). The California Department of Fish and Wildlife (CDFW) owns the 6.87-acre oceanfront blufftop property, which spans 1,600 feet of frontage on Pebble Beach Drive and extends downslope to the shoreline. Pebble Beach Drive is a coastal road that affords expansive ocean views, spanning from Point Saint George to the north to Crescent City to the south. Surrounding land uses are residential to the east along Pebble Beach Drive, and mostly open space north and south on the coastal side of Pebble Beach Drive.

CDFW acquired the subject property in 1962 to provide public beach and fishing access. CDFW contracted with Del Norte County to build and manage the parking area, walkways, restroom, and stairs to the beach, which were constructed in 1964. In 1985, the restroom and septic system were removed and replaced with a waterless sanitation unit due to prior storm damage. The staircase, walkway, signs, and parking area were rehabilitated in 1985. The County filed a CEQA Notice of Exemption for the 1985 rehabilitation project and completed the construction work. At some unknown point in time after that, the waterless sanitation unit was removed and never replaced.

The site is used for clam digging, surf and rock fishing, and general recreation. The site provides access to approximately one mile of beach extending to the north, and access to a pocket beach to the south. The staircase is in visible need of repair.

C. Jurisdiction and Standard of Review

The majority of the proposed development is located within Del Norte County's delegated coastal development permitting jurisdiction subject to its certified Local Coastal Program. A portion of the proposed development extends into state tidelands and is therefore within the Commission's retained jurisdiction. Pursuant to Coastal Act Section 30601.3, the applicant, the County, and the Commission (through its Executive Director) have all agreed to process the required CDP as a consolidated CDP

application before the Commission. Del Norte County's certified Local Coastal Program may be used as guidance.

D. Other Agency Approvals

The applicant contacted other appropriate agencies for review of the proposed project to determine whether separate agency approvals or actions are necessary. Other agency approvals are not required for the proposed project.

E. Public Access and Recreation

Coastal Act section 30210 states:

> In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act section 30212(a) states, in part:

> Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected.

Coastal Act section 30213 states, in part:

> Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Coastal Act section 30214 states in part:

> (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:
>
> (1) Topographic and geologic site characteristics.
>
> (2) The capacity of the site to sustain use and at what level of intensity.
>
> (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

> (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.
>
> (b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public s constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution…

Coastal Act section 30221 states:

> Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The purpose of the proposed project is to improve a coastal public access point by repairing deteriorating infrastructure and adding parking and interpretive amenities that increase accessibility. Pebble Beach Staircase Public Access is a popular coastal access point for residents and visitors. The site provides benches and an overlook, with stunning views of the ocean, and access to Pebble Beach via the staircase for surfing, fishing, and other recreational uses. The existing concrete staircase, constructed in 1964, is cracked and in poor condition, and most of the pipe handrails are corroded and broken, with rope being used in place of missing pipe sections in several places. The improvements will provide safe access to Pebble Beach, and improved amenities in the parking area, including a marked ADA accessible parking space and updated interpretive signage.

Although public access will be temporarily affected during project construction, the proposed project, when completed, will not adversely affect, but rather will enhance coastal access and recreational facilities at the site, and will not affect the availability of any other coastal access points in the area. Construction of the project is anticipated to take up to four weeks and will require closure of both the parking area and staircase. During construction, a temporary barrier will be established adjacent to the parking area (along South Pebble Beach Drive) and will include signage indicating: (1) the approximate dates the parking area and staircase will be closed; and (2) locations (including a map) of the closest alternative public access points during the closure period. The applicant anticipates redirecting the public during the temporary closure to the Women’s Club Picnic Area, located about 0.1 mile to the south of the Pebble Beach parking area, for parking and picnicking amenities at the bluff, and/or to Preston Island, located about 0.5 mile to the south of the Pebble Beach parking area, for parking and beach access. The same northern stretch of Pebble Beach that is available via the subject staircase can also be accessed from a gravel parking area on Pebble Beach Drive approximately 0.7 miles north of the proposed project.

Therefore, as (1) project construction that would affect public access use will be of relatively short duration, (2) public access will remain available near the project area, and (3) nearby parking would remain accessible during construction, the Commission finds the proposed development does not have any significant adverse effect on public access, and that the project as proposed is consistent with the coastal access and recreation policies of the Coastal Act.

F. Permit Authority for Repair and Maintenance

Section 30610 of the Coastal Act provides, in relevant part:

> Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: ...
>
> (d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

Although Coastal Act Section 30610(d) generally exempts from Coastal Act permitting requirements repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities, the Commission retains authority to require CDP review over certain extraordinary methods of repair and maintenance that involve a risk of substantial adverse environmental impact, as enumerated in Section 13252 of the Commission regulations.

Section 13252 specifies, in relevant part:

> (a) For purposes of Public Resources Code Section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:
>
> …
>
> 3) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include: (A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; (B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.
> …

In this case, the work for the staircase would include work adjacent to rare plant environmentally sensitive habitat areas (ESHA), and the work involves the placement of “solid materials” and use of “mechanized equipment and construction materials.” The construction work will also temporarily impact public access. Therefore, the repair and maintenance activities here do require a CDP approval, however as detailed below, the CDP approval only goes to the method of proposed repair and maintenance activities, not to the underlying structure itself.

The evaluation of the consistency of the project with Coastal Act policies is affected by whether the project qualifies as a repair and maintenance activity to an existing structure, rather than a proposal for a new structure. When considering a permit application for an extraordinary method of repair or maintenance, all of which are identified in section 13252 of the Commission’s regulations, noted above, the Commission reviews whether the proposed method of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act (e.g. least environmentally damaging alternative), rather than the existing underlying structure itself. Primarily, the Commission’s evaluation of such repair and maintenance projects does not extend to an evaluation of whether the existing development conforms to the Coastal Act.

The proposed repair and maintenance activities here include placing a concrete overlay on top of the existing staircase and replacing damaged handrails. These are repair and maintenance activities under Section 30610 because the project is adding a concrete overlay on top of an existing staircase structure and does not involve replacing more than 50 percent of the structure. The staircase component of the project does not include any new structures or expand or enlarge any existing structures. The other components of the project are not considered repair and maintenance activities under Section 30610, including: demolishing and replacing the upper walkway; demolishing and replacing the lower landings; and removing a concrete fence and replacing it with a split-rail fence five to ten feet landward of the existing concrete fence. These components are therefore considered new and are evaluated as new proposed developments.

If not properly undertaken with feasible mitigation, the necessary methods of the staircase repair activities could have adverse impacts on coastal resources, including ESHA. As such, the applicable provisions of the Coastal Act cited below require that the method of proposed repair and maintenance activities: (1) use the least environmentally damaging feasible alternative; (2) provide feasible mitigation measures to minimize adverse environmental effects; (3) protect the biological productivity and the quality of coastal waters; and (4) protect environmentally sensitive habitat areas against any significant disruption of habitat values. The project’s proposed repair and maintenance activities and the consistency of that work with these Coastal Act provisions are discussed in the respective sections below.

G. Environmentally Sensitive Habitat Areas

Section 30240 of the Coastal Act states:

a. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

b. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Coastal Act section 30107.5 states:

> "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

This parcel supports a population of Wolf's evening-primrose (*Oenothera wolfii*), a rare plant with a state ranking of S1[3] and a California Rare Plant Rank of 1B.1.[4] Wolf's evening-primrose is found in coastal sand dunes, bluffs, and sandy roadsides along the Pacific coast north of Cape Mendocino in northern California and southern Oregon. One important threat to this rare, native species is hybridization with *Oenothera glazioviana*, an introduced ornamental primrose species. The hybrid primrose appears to be more aggressive than either parent, often displacing the native Wolf's evening-primrose and threatening its genetic integrity. Because of the serious threat of genetic dilution to the endemic Pacific coast's Wolf's evening-primrose posed by hybrid primrose, the habitats of these hybrid plants are not considered to be Environmentally Sensitive Habitat Area (ESHA), whereas Wolf's evening primrose are ESHA due to the rare and sensitive status of the species. Because Wolf's evening-primrose genetic integrity and persistence is threatened by hybridization, the establishment of genetically pure populations in areas isolated from *Oenothera glazioviana* and hybrid individuals is critical to saving this rare species.[5]

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[3] Plants with an S1 rank are critically imperiled in California.

[4] Plants with a 1B rank are rare, threatened, or endangered throughout their range and are eligible for listing under the California Endangered Species Act. The 0.1 threat rank indicates that the species is seriously threatened in California (over 80% of occurrences threatened/ high degree and immediacy of threat).

[5] Center for Plant Conservation (2010). CPC National Collection Plant Profile: Oenothera wolfii. Retrieved from https://web.archive.org/web/20150918173701/http:/www.centerforplantconservation.org/Collection/CPC_ViewProfile.asp?CPCNum=3004

In this case, as discussed above, the proposed concrete overlay and handrail replacement on the existing staircase qualifies as repair and maintenance activities. In considering a permit application for a repair or maintenance project pursuant to the above-cited authority, the Commission's review is limited to whether the proposed method of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act. The Commission's evaluation of such repair and maintenance projects does not extend to an evaluation of the conformity with the Coastal Act of the underlying existing development, in this case, the staircase itself. The Commission does consider alternatives with respect to repair and maintenance activities and mitigation measures, which are discussed below.

Wolf's evening-primrose is typically a biennial, germinating during the first year and producing rosettes that then bolt in the spring of the second growing season and produce flowers by May or June. Seed set typically occurs in August and September, followed by senescence (Imper, 1997). Disturbance of any primrose habitat prior to the natural dispersal of seed from the plants would impair the regeneration of native primrose at the site. If instead the primrose individuals are allowed to naturally disperse seed prior to construction, primrose plants would have the opportunity to regenerate in accordance with the plant's normal life cycle and the subsequent disturbance is less likely to cause any significant adverse harm to the species.

CDFW completed botanical surveys for the subject parcel in July 2024 (Exhibit 4), and prepared a Mitigation, Monitoring, and Reporting Plan (MMRP) for Wolf's evening-primrose (CDFW, 2024; CDFW, 2026). A total of 55 suspected Wolf's evening-primrose plants were observed within the study area during botanical surveys (Exhibit 3). Of the 55 suspected plants, 47 at the top of the bluff within the grassy lawn area were mowed, and the potential for hybrid primrose occurrences was not possible to determine. The surveys found eight likely pure Wolf's evening-primrose individuals on the steep bluff, where management (e.g., mowing) does not occur, reflecting their occurrence within intact, steep, unmanaged habitat.

The majority of the proposed development, including new signage and pathway improvements, will occur on the top of the bluff in areas that currently do not support Wolf's evening-primrose. The project impact footprint is estimated to extend within a 10-foot-wide impact area encompassing the new split-rail fence barrier installation location, and from two feet to a maximum of three feet on either side of the existing staircase for access and concrete form construction. Much of the impact area for Wolf's evening-primrose includes plants growing immediately adjacent to the existing staircase proposed to be repaired and maintained (concrete overlay applied). Seeds from Wolf's evening-primrose are proposed to be collected and planted in suitable nearby habitat and monitored for success to mitigate for this impact to ESHA, as described further below.

All other components of the project other than the concrete overlay and handrails on the existing staircase are considered new development, including: demolishing and replacing the upper walkway; demolishing and replacing the lower landings; and removing a concrete fence and replacing it with a split-rail fence five to ten feet

landward of the existing concrete fence. The vertical components of the proposed new hand railings will be set in concrete post foundations within the existing footprint of the staircase. The demolition and replacement of the walkway leading to the top of the staircase is within the same footprint of the existing walkway. The demolition and replacement of the lower landings on the beach are outside of the area of potential rare plant ESHA. Therefore, the walkway and lower landings will not significantly disrupt the primrose habitat value. The existing concrete fence will be removed and replaced with a split-rail fence which will be relocated five to ten feet landward. The fence is being relocated to protect one of the proposed restoration sites for rare plant ESHA within the mitigation area, which is a resource-dependent use. Additionally, the applicant will avoid impacting Wolf's evening-primrose while placing new fence posts into the ground.

The MMRP treats all impacts to Wolf's evening-primrose as permanent for mitigation purposes because plants within the project area will be removed and may or may not recolonize the disturbance area without active planting and management. Wolf's evening-primrose is a biennial species, has highly variable year-to-year populations, and there is uncertainty around hybrid primrose occurrence in the mowed area. Therefore, mitigation area calculations within the MMRP are based on an area of potential Wolf's evening-primrose habitat impacts by the project, rather than a specified number of individuals impacted by the project. An impact area mitigation approach (rather than a one-for-one individual plant mitigation approach) also addresses the impacts of regular and ongoing mowing and recreation impacts on the Wolf's evening-primrose population in the area. Using suitable habitat (as measured by suspected Wolf's evening-primrose occupation) and the project impact footprints described above, CDFW estimates that there will be 1,275 square feet of impacts to suitable Wolf's evening-primrose habitat as a result of the proposed project activities.

The MMRP proposes to restore a total of 3,825 square feet of suitable Wolf's evening-primrose habitat to mitigate for the loss of Wolf's evening-primrose habitat. The proposed mitigation area is on eroded bluff slopes at a site located immediately south of the existing staircase parking lot as well as a site approximately 500 feet south on Pebble Beach Drive near a picnic area. This area will be seeded with Wolf's evening-primrose, other native species will be promoted, and invasives species will be minimized. This will result in a 3:1 replacement of the 1,275 square feet of Wolf's evening-primrose habitat impacted by the proposed project. The proposed habitat restoration locations will occur on steep, dry, windswept bluff slopes, which serve as ideal habitat for Wolf's evening-primrose and the relatively harsh conditions found on these coastal bluffs appear to limit the establishment and growth of hybrid primrose. The proposed mitigation areas are located immediately south of the existing staircase parking lot and immediately south of the southern picnic area parking lot on eroded bluff slopes (Exhibit 3).

The proposed success criteria after five years of monitoring within the coastal bluff mitigation area include: (1) a total of 3,825 square feet of restored habitat, available for Wolf's evening-primrose; (2) establishment of self-sustaining populations of Wolf's evening-primrose, as demonstrated by establishment of Wolf's evening-primrose at restoration sites in monitoring years 1-2 and numbers of individuals in monitoring year 5

that are equal to or greater than the number of individuals present in monitoring year 3; (3) total absolute cover of Cal-IPC ranked invasive species (excluding annual grasses) will be equal to or less than 5%; (4) greater than 90 percent relative cover of native species; and (5) absence of hybrid primrose. To ensure that the applicant implements ESHA protection measures as proposed, the Commission attaches **Special Condition 2**. This condition requires that the permittee undertake development in accordance with the protocols and measures of the MMRP (Exhibit 3), including the submittal of annual monitoring reports to the Executive Director for a total of five monitoring years.

The project proposes to replace a 20-foot light pole near the parking lot. The proposed light pole will be between 15 and 20 feet tall, and the light will be downcast, shielded, and have a maximum color temperature between 2,700K and 3,000K. To ensure that any future lighting is not disruptive to marine biological resources, wildlife, or sensitive areas, the Commission includes **Special Condition 4** which requires that the applicant submits for review and written approval of the Executive Director, a lighting plan that demonstrates the lighting meets the following criteria: (1) a maximum color temperature of 2,700 degrees Kelvin, or if demonstrated to be infeasible, a maximum of 3,000 degrees Kelvin; (2) only for security purposes; and (3) shall be downcast and shielded.

As conditioned, the repair and maintenance component of the project complies with Section 30240(a) and Section 30240(b) of the Coastal Act, because the methods of work as conditioned will minimize potential impacts to ESHA and ensure that any ESHA impacted by project activities will be fully mitigated. With the mitigation measures discussed above, which are designed to minimize and mitigate for any potential impacts to ESHA, the proposed new components of the project as conditioned will not result in a significant disruption of ESHA values. Therefore, the Commission finds that the project, as conditioned, is consistent with the requirements of Coastal Act sections 32040 and 30107.5.

H. Geologic and Flood Hazards

Section 30253 of the Coastal Act states, in applicable part, as follows:

> New development shall do all of the following:
>
> a. Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
>
> b. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs…

Coastal Act section 30270 states:

> The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify,

assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

The project entails development in an area subject to significant exposure to geologic and flood hazards including strong earthquake shaking, liquefaction, erosion, tsunami inundation, and flooding from wave run-up and storm surge.

Flood and Storm Surge Hazards

The proposed staircase landings on the beach and some portions of the staircase extensions are within the flood hazard zone and are subject to impacts from storm surges and wave run-up. The proposed landings on the beach will be reinforced with rebar, and the rebar will also be embedded into the staircase, thereby securing the landings to the staircase. Because the staircase and landings can be removed or relocated if necessary, the inherent risk to the public regarding if and when the structures are subject to coastal hazards risk is relatively low.

Tsunami Hazards

The subject property is shown on emergency planning maps published in 2009 and updated in 2021 by the California Emergency Management Agency, California Geologic Survey, and University of Southern California as being within the zone of potential inundation by a tsunami. The area across the street from the subject property is not within the tsunami hazard area. Crescent City (located approximately 2,000 feet south of the project site) is heavily affected by tsunamis from distant source seismic events, and recent evidence suggests that earthquakes may generate large tsunamis every 300 to 700 years along the Cascadia subduction zone, an area off of the Pacific Northwest coast from Cape Mendocino to Puget Sound, where a crustal plate carrying part of the Pacific Ocean is diving under North America.

The proposed staircase improvements and other developments could be destroyed by a tsunami. Members of the public utilizing the public access area would be subject to the threat of tsunamis. The risk to the public can be minimized through tsunami warning and evacuation efforts.

Tsunami evacuation signage currently exists within and around the project area, as well as throughout Crescent City. Maps are available in both physical and digital format, from Crescent City as well as Del Norte County. The City of Crescent City also engages in public outreach regarding tsunami hazards, including providing fact sheets in hotels/motels, signage along the beaches, mailers to residents, and education in schools. The City of Crescent City also maintains a tsunami evacuation map with tsunami safety information and evacuation routes.[6] The Project would not impact evacuation routes nor the ability to evacuate in the event of a tsunami.

[6] Crescent City Tsunami Preparedness Information. Humboldt Earthquake Education Center January 2010.

As (1) the limited use of the site limits human exposure to tsunami events, (2) safe ground above the inundation area is located in very close proximity, and (3) a tsunami warning education and evacuation system is in place, the Commission finds that the proposed development minimizes tsunami hazard risk.

Sea-Level Rise

Although rising sea levels will increase tidal action to Pebble Beach Drive in the future, as discussed below, the rate and effects of sea level rise would be insignificant relative to the location of existing and proposed structures. The California Ocean Protection Council's State of California Sea-Level Rise Guidance 2024 Update,[7] and the Commission's Sea Level Rise Policy Guidance November 2024 Adopted Update,[8] both contain a set of sea level rise scenarios for 14 tide gauges throughout California, and both agencies recommend using these scenarios and related information as best available science on sea level rise in California. The values included in these scenarios are slightly lower than the projections included in the 2018 version of the Sea Level Rise Policy Guidance, reflecting the updated body of research on global and regional sea level rise.

Table 2, below, provides the scenarios for Crescent City (measured at NOAA's North Crescent City Station, ID # 9419750), which has the lowest relative rate of sea level rise in the State due to higher rates of tectonic uplift in that area.

Table 2. Median Values of Sea Level Scenarios* for Crescent City.[9]

	Intermediate	Intermediate-High	High
2030	0.2	0.2	0.2
2050	0.4	0.6	0.8
2070	0.8	1.6	2.3
2100	2.3	3.9	5.6

*Values are displayed in feet

Per the Commission's adopted 2024 Sea Level Rise Guidance, "temporary structures, ancillary development, amenity structures, or moveable or expendable construction may identify a relatively short, expected life such as 25 years or less," and the low risk

https://www.crescentcity.org/media/Emergency%20Preparedness/Tsunami_Preparedness_Crescent_City.pdf

[7] Ocean Protection Council Sea-Level Rise Guidance: 2024 Update is accessible online at: https://opc.ca.gov/wp-content/uploads/2024/05/Item-4-Exhibit-A-Final-Draft-Sea-Level-Rise-Guidance-Update-2024-508.pdf

[8] The California Coastal Commission's Sea Level Rise Guidance November 2024 Adopted Update is accessible online at: https://www.coastal.ca.gov/climate/slrguidance.html

[9] Source: 2024 State of CA https://opc.ca.gov/wp-content/uploads/2024/05/Item-4-Exhibit-A-Final-Draft-Sea-Level-Rise-Guidance-Update-2024-508.pdf

aversion scenario may be used for projects that would have limited consequences or a higher ability to adapt.

As this proposed development does not include critical infrastructure, residential living space, or provide another critical need, but rather involves improvements to a public access point that can be removed or relocated if necessary, the inherent risk to the public regarding if and when the structures are subject to coastal hazards risk is relatively low. However, given the overall hazards present at the site, the Commission includes **Special Condition 5**, which requires the permittee to assume the risks of extraordinary erosion and geologic hazards of the property and waive any claim of liability on the part of the Commission.

Some risks of natural disaster could result in destruction or partial destruction of the development approved by the Commission. As a precaution, in case such an unexpected event occurs on the subject property, **Special Condition 6** also requires the permittee to accept sole responsibility for the removal and disposal of any recoverable debris that fall to the beach and ocean resulting from waves, erosion, storm conditions, flooding, sea level rise, or other natural hazards.

Therefore, the potential for damage to the site and the risk to life and property from flooding has been minimized, consistent with section 30253.

Conclusion

For all the reasons set forth above, the Commission finds that the proposed development, as conditioned, assures stability and structural integrity and minimizes risks of geologic and flood hazards consistent with section 30253 of the Coastal Act. Furthermore, the Commission finds that the proposed project, as conditioned, takes into account the effects of sea level rise consistent with section 30270 of the Coastal Act.

I. Protection of Coastal Waters and Marine Resources

Coastal Act section 30230 states:

> Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes

Coastal Act section 30231 states:

> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion

> of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As cited above, Coastal Act section 30231 addresses the protection of coastal water quality and marine resources in conjunction with development and other land use activities. The proposed development includes concrete work, demolition, and ground disturbance adjacent to coastal waters. The proposal includes removal and replacement of a 15-foot-long and 5-foot-wide concrete walkway at the top of the staircase. It also includes the placement of a concrete overlay on the existing five-foot-wide staircase, which spans a length of approximately 90 feet for the main staircase, and 43 feet long and 45 feet long for the two northern and southern extensions, respectively. It also includes demolition and replacement of the two staircase landings on the beach, each of which will be five feet wide and three feet long. Proposed construction can negatively impact coastal water quality and marine resources if concrete washout is not contained, or if waves came into contact with curing concrete.

To protect nearby marine resources, the applicant proposes several pollution prevention measures during project construction including: (a) concrete placement at the lower landings and stair areas will be timed with the tide to allow maximum concrete cure time without contact with tidal waters; (b) concrete will be prevented from splashing or spilling out of forms, and a leakproof portable container will be used to direct any accidental concrete stream; and (c) concrete truck and tool washout will be contained in an EPA-approved temporary basin onsite and disposed of in accordance with the law or captured on the truck by the supplier and returned to the plant for recycling.

To ensure that the applicant adheres to appropriate construction-related BMPs for concrete containment and other water quality protection measures, the Commission attaches **Special Condition 1**. This condition requires, in part, the proper disposal of construction-related debris, the covering of stockpiles whenever there is a potential for rain to prevent polluted water runoff from the site, and the use of appropriate BMPs for erosion and runoff control as detailed in the current California Storm Water Quality Best Management Handbooks.

With the mitigation measures discussed above, which are designed to minimize any potential impacts to coastal waters, the project as conditioned will protect water quality. Therefore, the Commission finds that the project, as conditioned, is consistent with the requirements of Coastal Act sections 30231.

J. Archaeological and Cultural Resources / Tribal Consultation

Section 30244 of the Coastal Act states:

> Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

For centuries before the arrival of Europeans, ancestors of the present-day Tolowa people occupied and used the headlands and bluffs and surrounding areas. The Tolowa territory includes the area from along the Pacific Coast in California between the watersheds of Wilson Creek to the southwest and Smith River to the southeast, and continuing into Oregon along the Winchuck, Chetco, Pistol, Rogue, Elk and Sixes Rivers, and inland up the Rogue River throughout the Applegate Valley in Oregon.[10]

The proposed project is within a known cultural site. The Pebble Beach settlement, which was occupied into the late nineteenth century, originally included redwood huts, a sweat house, a ceremonial dancing pit, and a burial area.[11] No trace of the settlement currently remains on the ground surface, and no subsurface deposits were encountered when excavations were conducted in 1979. There is a plaque commemorating the site of "Tolowa Indian Settlements" located on Pebble Beach Drive between Pacific Avenue and Freeman Street, located adjacent to the parking area within the project site. The plaque and the settlements it represents were registered as California Historical Landmark #649 in 1958, and the plaque was installed in 1965.

The applicant coordinated with the Tolowa Dee-ni' Nation on the proposed project, including interpretive signage design and cultural monitoring.

Consistent with the Commission's Tribal Consultation Policy, Commission staff outreached to cultural and environmental representatives from Tolowa Dee-ni' Nation and Elk Valley Rancheria on March 5, 2026, to formally inform them of the proposed project and solicit input. The Tribal Historic Preservation Officer (THPO) of the Tolowa Dee-ni' Nation informed Commission staff via email on March 5, 2026, that the Tribe participated in early coordination and planning of the project. The Tribe is in concurrence with the project with certain specified conditions. The conditions include inadvertent discovery protocol, that a tribal cultural monitor be on-site during the removal of the concrete walkway and landings and any proposed signage work, and the tribal cultural monitor be accounted for in the project budget.

To ensure the protection of cultural resources, the Commission includes **Special Condition 3** (Protection of Archaeological and Tribal Cultural Resources). This condition requires notifying tribes at least 30 days prior to commencement of construction; requires inviting tribes to contract with the applicant for tribal cultural monitoring and to be present for monitoring during the removal of the concrete walkway and staircase landings; discovery protocol in case archeological and/or tribal resources are discovered; and protocol for recommencing activities following a discovery. This condition is imposed to reduce the potential for impacts to cultural resources during ground disturbing activities.

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[10] Accessed October 15, 2026, from Tolowa Dee-Ni Nation website at: https://www.tolowa.gov/246/OUR-LANDS

[11] Helix Environmental Planning, Inc., July 2025

As conditioned, the proposed development will not have an adverse impact on archeological, cultural or paleontological resources. Therefore, the Commission finds that the development, as proposed and conditioned, is consistent with Coastal Act section 30244, as reasonable mitigation measures have been provided to minimize impacts to archaeological and tribal cultural resources.

K. California Environmental Quality Act (CEQA)

California Department of Fish and Wildlife is the lead agency for the project under CEQA and determined the project was Categorically Exempt under section 15301, Class 1 (Existing Facilities); and section 15302, Class 2 (Replacement or Reconstruction).

Section 13906 of the Commission's regulations requires Coastal Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits any proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the Chapter 3 policies of the Coastal Act. As specifically discussed in these above findings, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

Coastal Development Permit (CDP) Application File No. 1-25-0901

Del Norte County certified Local Coastal Program

Imper, D.K. (1997). Ecology and conservation of Wolf's evening primrose in northwestern California. In Kaye, T.N., A. Liston, R.M. Love, D.L. Luoma, R.J. Meinke, and M.V. Wilson, eds. Conservation and management of native plants and fungi. Native Plant Society of Oregon, Corvallis, Oregon.