



California Coastal Commission

**EMERGENCY COASTAL DEVELOPMENT PERMIT**

**Emergency CDP G-3-14-0039 (Moro Cojo Flap Gates and Culverts)**

Issue Date: November 18, 2014

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This emergency coastal development permit (ECDP) authorizes emergency repair of two of the three existing culvert tide gates that connect Moro Cojo Slough and Moss Landing Harbor at Moss Landing Road in the unincorporated community of Moss Landing, Monterey County (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee, Paul Greenway of Monterey County Public Works, and the Permittee's consultant, Moffatt & Nichol, it appears that the flap gates are leaking saltwater from Moss Landing Harbor into Moro Cojo Slough at a rate not intended by the original design of the culvert system. Initial underwater video footage provided visual evidence that corrosion of two of the three metal flap gates is the source of seawater traveling into the pipe system. Additional evidence of the leak includes elevated salinity in potable water wells on the east side of Highway 1, swirling water behind the headwall of the culvert system, surging water at the intake of the culvert when the flap gates are closed, and loss of supporting soil adjacent to the culvert system. Monterey County intends to remove the two leaking gates at low tide, install temporary "blind flanges" in their place, weld new stainless steel patches onto the damaged areas of the gates, and re-install the gates at low tide to return them to their original functional condition (per CDP 3-89-004). The proposed emergency repairs are necessary to halt saltwater contamination of existing potable wells and prevent potential loss of Moss Landing Road and underground utilities. The situation represents a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, and property. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

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

  
Susan Craig, Central Coastal District Manager for Charles Lester, Executive Director

Enclosures: (1) Emergency Coastal Development Permit Acceptance Form; (2) Regular Permit Application Form

cc (via email): Lisa Mangione, USACE  
Korie Schaeffer, NOAA Fisheries  
Kim Sanders, Central Coast RWQCB  
Jacob Martin, U.S. Fish and Wildlife Service  
Linda Connolly, CA Department of Fish & Wildlife

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## Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by December 3, 2014). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. Only that emergency development specifically described in this ECDP is authorized. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission.
3. The emergency development authorized by this ECDP must be completed within 30 days of the date of this permit (i.e., by December 18, 2014) unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary, and shall be removed if it is not authorized by a regular CDP. Within 60 days of the date of this permit (i.e., by January 17, 2015), the Permittee shall submit a complete application for a regular CDP to have the emergency development be considered permanent. The Permittee is encouraged to submit an application that also requests regular CDP authorization to provide for future maintenance of the culvert system. The emergency development shall be removed in its entirety within 150 days of the date of this permit (i.e., by April 17, 2015) unless before that time the California Coastal Commission has issued a regular CDP for the development authorized by this ECDP. The deadlines in this condition may be extended for good cause by the Executive Director.
5. In exercising this ECDP, the Permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., U.S. Army Corps of Engineers, Central Coastal Regional Water Quality Control Board, U.S. Fish & Wildlife Service, California Department of Fish & Wildlife, NOAA Fisheries, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. The emergency repairs shall be limited in scale and scope to the two culvert flap gates identified in the Moffatt & Nichol memorandum dated October 30, 2014 and dated received in the Coastal Commission's Central Coast District Office on November 6, 2014 via email (hard copy received via mail on November 17, 2014).
8. A licensed civil engineer with experience in coastal structures and processes shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to abate the emergency.
9. All emergency construction activities shall limit impacts to public access and to the Moss Landing Harbor to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal

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resources):

- a. All work shall take place during daylight hours. Lighting of the intertidal area is prohibited.
- b. Construction work and equipment operations shall not be conducted seaward of the mean high water line unless tidal waters have receded from the authorized work areas.
- c. Grading of intertidal areas is prohibited.
- d. Any construction materials and equipment delivered to the intertidal or beach area shall be delivered by rubber-tired construction vehicles. If transiting on any beach area, all such vehicles shall remain as high on the upper beach as possible and avoid contact with harbor waters and intertidal areas.
- e. All construction materials and equipment placed on any beach areas during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from any beach areas by sunset each day that work occurs. The only exceptions shall be for: (1) erosion and sediment controls (e.g., a silt fence at the base of the construction area) as necessary to contain rock and/or sediments in the construction area, where such controls are minimized in their extent; and (2) storage of larger materials beyond the reach of tidal waters for which moving the materials each day would be extremely difficult. Any larger materials intended to be left on any beach areas overnight must be approved in advance by the Executive Director, and shall be subject to a contingency plan for moving said materials in the event of tidal/wave surge reaching them.
- f. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- g. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
- h. All construction activities that result in discharge of materials, polluted runoff, or wastes to the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place on any beach area that may form at low tide. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each work day.
- i. All beach areas and all shoreline access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand in the area that is impacted by construction shall be filtered as necessary to remove all construction debris.
- j. Any exposed slopes and soil surfaces in and/or adjacent to the construction area shall be

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stabilized with erosion control native seed mix, jute netting, straw mulch, or other applicable best management practices (for example, those identified in the California Storm Water Best Management Practice Handbooks (March, 1993)). The use of non-native invasive species (such as ice-plant) is prohibited.

- k. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/clean-up of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
  - l. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and any required beach-area restoration activities. If planning staff should identify additional reasonable measures necessary to restore the beach and beach access points, such measures shall be implemented immediately.
10. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
  11. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and his/her contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
  12. Within 30 days of completion of the construction authorized by this ECDP, the Permittee shall submit site plans and cross sections prepared by a licensed civil engineer with experience in coastal structures and processes clearly identifying all development completed under this emergency authorization (comparing any previously permitted condition to both the emergency condition and to the post-work condition), and a narrative description of all emergency development activities undertaken pursuant to this emergency authorization.
  13. This ECDP shall not constitute a waiver of any public rights which may exist on the property. The Permittee shall not use this ECDP as evidence of a waiver of any public rights which may exist on the property.
  14. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
  15. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal

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Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

As noted in Conditions 4 and 5 above, the emergency development carried out under this ECDP is at the Permittee's risk and is considered to be temporary work done in an emergency situation to abate an emergency. If the Permittee wishes to have the emergency development become a permanent development, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

If you have any questions about the provisions of this ECDP, please contact the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.