California Coastal Commission

COASTAL DEVELOPMENT PERMIT

CDP 3-13-012 (Piedras Blancas Realignment))

Issue Date: November 20, 2014

Coastal development permit (CDP) number 3-13-012 was approved by the California Coastal Commission on July 11, 2014. CDP 3-13-012 provides for the realignment of 2.8 miles of Highway One up to 475 feet inland, including removal of the existing Highway One in this area, demolition of two existing single-family houses, construction of a new inland alignment of Highway One, development of an off-road California Coastal Trail west of the Highway, and resource restoration and enhancement (along the alignment and at Arroyo de la Cruz) between mile markers 64.0 and 66.9 of State Highway Route 1, north of the Piedras Blancas Light Station in northern San Luis Obispo County. (all as more specifically described in the Commission's CDP file). CDP 3-13-012 is subject to certain terms and conditions, including the standard and special conditions beginning on page 2 of this CDP.

As of November 20, 2014, all of the CDP's prior to issuance requirements have been met, and the CDP can now be issued. Thus, by my signature below, the CDP is issued on behalf of the California Coastal Commission:

Susan Craig

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

Acknowledgement

The undersigned Permittees acknowledge receipt of this coastal development permit and agree to abide by all terms and conditions thereof. The undersigned Permittees acknowledge that Government Code Section 818.4 (that states in pertinent part that "a public entity is not liable for injury caused by the issuance of any permit") applies to the issuance of this coastal development permit.

11/25/14

Permittee: Caltrans Representative — Date

Please note that this coastal development permit is not valid unless and until a copy of it with the signed acknowledgement has been returned to the California Coastal Commission's Central Coast District Office (14 Cal. Admin. Code Section 13158(a)).

Standard Conditions

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

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director 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.

Special Conditions

This permit is granted subject to the following special conditions:

1. **Scope of Work.** This CDP authorizes the following development subject to the terms and conditions of this CDP:

   a. **New Highway 1.** Construction of a new Highway 1 roadway and related features (i.e., bridges, drainages, fencing, landscaping, undergrounding of utilities, etc.), as well as associated temporary construction-related development (i.e., grading, trestles, haul roads, etc.).

   b. **Old Highway 1.** Removal of the existing Highway 1 roadway prism (except for those roadway segments specifically identified for reuse for trail and other recreational access purposes) and restoration of the affected area after roadway prism removal.

   c. **Habitat Restoration and Enhancement.** Habitat restoration and enhancement at Arroyo de la Cruz.

   d. **Residential Demolition.** Demolition and removal of two residences (on Sani Parcels 1 and 2, APNs 011-231-013 and 011-231-014), restoration of the affected demolition area, and associated development related to the demolition, removal, and restoration.

   e. **California Coastal Trail.** Construction of an off-highway California Coastal Trail along with associated development (i.e., grading, landscaping, etc.) and features (i.e., parking areas, signs,

bridges, boardwalks, benches, etc.).

f. **EIR Avoidance, Minimization and Mitigation Measures.** Implementation of the avoidance, minimization and mitigation measures of the project EIR (SCH# 2008031059) that are consistent with the terms and conditions of this CDP.

2. **Revised Final Plans.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two sets of Revised Final Plans for Executive Director review and approval showing all development authorized by this CDP, except for the new California Coastal Trail portion of the project covered by Special Condition 5. The Revised Final Plans shall be in substantial conformance with the submitted project plans (consisting primarily of plan sheets showing layout, construction details, erosion control, grading, drainage, utilities and planting) and narratives received in the Coastal Commission's Central Coast District Office on August 21, 2013 except that they shall be revised as follows:

   a. **Highway 1 Shoulder Widths.** Shoulders shall be paved and 8 feet wide, with no additional area of shoulder backing.

   b. **Northern Alignment Modifications.** The northernmost part of the new roadway (approximately from stations 420 to 449) shall be modified to provide safe ingress and egress to the Northern Trailhead Parking Access area (as generally illustrated in Exhibit 5) for both directions of travel from the realigned highway, including any necessary connector lanes. A left turn lane should be considered for such access unless it can be demonstrated that equivalent, safe ingress and egress from/to the highway may be achieved given expected traffic and parking lot use patterns at this location through the existing or an alternate design. As part of this evaluation, opportunities for reducing landform alteration and grading to the maximum extent feasible (e.g., through a possible combination of modified cut slopes, narrower cross sections, steeper longitudinal profiles, more road curvature, etc.) should be considered for incorporation into the design.

   c. **Southern Trailhead (Piedras Blancas/Surfer Beach) Parking Access.** Safe ingress and egress to the Southern Trailhead Parking Access area (as generally illustrated in Exhibit 5) for both directions of travel from the realigned highway, including any necessary connector lanes, shall be included in the final plans. A left turn lane should be considered for such access unless it can be demonstrated that equivalent, safe ingress and egress from/to the highway may be achieved given expected traffic and parking lot use patterns at this location through the existing or an alternate design.

   d. **Fencing.** The inland fence separating the grazing use from the roadway use shall be located no more than 30 feet from the edge of the roadway shoulder, except where additional distance is necessary to allow for maintenance or to protect wetlands, and shall be of a rustic ranch design that meets the specifications and requirements of a commercial grazing operation to prevent cattle from entering the highway. The seaward fence adjacent to State Parks property shall be of a similar rustic ranch design. Caltrans and State Parks shall work cooperatively with the Hearst Corporation to pursue changes to the underlying scenic and conservation easement that applies west of the Highway that will allow for fencing that does not include barbed wire on at least the seaward side of the highway. Caltrans shall submit the Revised Final Plans with evidence of a modified easement agreement or, in the alternative, evidence of their good faith efforts to pursue

such changes with the Hearst Corporation. If the easement cannot be modified in this way at this time, then barbed wire may be allowed until the time when the easement is changed. All fences shall be sited and designed so that they integrate seamlessly with the surrounding landscape, and so that they minimize impacts on public views, both to the maximum extent feasible. A photo simulation of the fencing, as well as product brochures and specifications, shall be included as part of the Revised Final Plans.

e. **Well Access.** The separate well access entrances for Sani Parcel 3 and the Welsh Parcel (APNs 011-231-015 and 011-231-017) seaward of the new Highway alignment shall be eliminated and shall be replaced by a single consolidated well access entry route from the new roadway sited and designed to serve intermittent well access. Such well access route shall be sited and designed to minimize impacts on public views to the maximum extent feasible, including that: it shall be limited to one, informal rangeland farm road (e.g., jeep trail); it shall be unpaved; and it shall not extend seaward of the remaining wells.

f. **Driveway Access.** Driveway access for Sani Parcel 3 and the Welsh Parcel (APNs 011-231-015 and 011-231-017) inland of the new Highway alignment shall be sited and designed to minimize impacts on public views to the maximum extent feasible, including that such access shall be as narrow as possible and shall not include large pedestals or identifiers (other than required address). Only those driveway and related elements that cannot feasibly be removed shall be allowed in this area. All other driveways and related development, both seaward and inland of the new Highway alignment shall be removed and the area restored to match the surrounding landscape.

g. **Residential Demolition.** Demolition and removal of the two existing houses and all related development (including associated structural components, landscaping, gates, and all utilities, except for the remaining wells providing water to the home located on APN 011-231-015 and necessary well infrastructure) on Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014) shall be shown on the Revised Final Plans. Except for (1) the remaining wells, (2) access to the wells (described above), (3) the California Coastal Trail (see Special Condition 5 below), and (4) any associated public access improvements, the portions of these parcels seaward of the new highway shall be restored to wetland habitat to the greatest extent feasible, utilizing natural soil profiles wherever possible and importing clay soils where an impermeable layer is needed for wetland hydrology. The remainder of the undeveloped portions of these parcels not restored to wetland, both seaward and landward of the new highway, other than vegetation screening inland of the Highway if required in this area per the approved Landscape Screening Plans (see Special Condition 3) shall be restored to native coastal prairie. (See also Special Condition 14 (Mitigation and Monitoring Plan)).

h. **Trail and Parking Accommodation.** The Revised Final Plans shall identify how removal of the existing Highway 1 roadway prism and associated grading and planting shall be carried out in a manner that will not impede or conflict with the location, highway re-use or dimensions of the California Coastal Trail alignment identified in Special Condition 5, including providing evidence that State Parks agrees.

i. **Parking Facilities.** The Revised Final Plans shall show all vehicle parking facilities, which shall include, at a minimum, preservation of the existing Piedras Blancas Motel Parking Access, establishment of the Southern Trailhead Parking Access at the Piedras Blancas Lighthouse/Surfer's Beach trailhead/lighthouse vista point with no less than 20 spaces, and the Northern Trailhead Parking Access at the existing Arroyo de la Cruz pullout with no less than 30 spaces. The Southern Trailhead Parking Access and the Northern Trailhead Parking Access shall be surfaced with class 2 road base or similar permeable aggregate material. These two parking areas shall be safely accessible from Highway 1 and shall be constructed by Caltrans. Upon their completion, State Parks shall be responsible for continuous maintenance of these parking areas for the life of the project. The Revised Final Plans shall indicate how safe entry and egress to the highway will be provided for automobiles and bicycles at each parking access. The remainder of the informal pullout area near Arroyo de la Cruz, which contains space for approximately 60 cars adjacent to the Northern Trailhead Parking Access, shall not be modified in any manner that prevents potential future parking improvements at this location. Parking areas shall be sited and designed to minimize impairment of public views from the realigned Highway 1 and the CCT, and shall utilize existing topography, sensitively-designed berms, and/or mottled landscaping to minimize visual impacts while ensuring public views are not significantly impaired. At the Piedras Blancas Motel, all parking and roadway pavement shall be retained as shown on Exhibit 5 to allow for continued public access.

j. **Water Quality Features.** The Revised Final Plans shall be modified to show the following:

1. Vegetated Buffer Strips (VBS) shall be replaced with Biofiltration Strips (BFS) at locations where runoff is directed to wetlands (e.g., from Stations 296+25 to 311+50).

2. All runoff from bridge decks shall be directed to vegetated slopes or swales (e.g., VBS or BFS).

3. VBS and BFS near Sani parcels 1 and 2 (APNs 011-231-013 and 011-231-014) shall be modified to conform to the residential demolition and restoration components of the Revised Final Plans.

4. The permeable filter blanket in the road prism between stations 379+33 and 382+23 shall be increased in height to the extent feasible, in order to maximize the amount of surface water draining to the ephemeral wetland feature, as opposed to directly into Arroyo del Oso.

All requirements above and all requirements of the approved Revised Final Plans shall be enforceable components of this CDP. The Permittee shall undertake all development in accordance with this condition and the approved Revised Final Plans.

3. **Landscape Screening Plan.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two sets of a Preliminary Landscape Screening Plan to the Executive Director for review and approval. Within two years of commencement of construction, the Final Landscape Screening Plan shall be submitted to the Executive Director for review and approval. The Preliminary and Final plans shall indicate the timing of landscaping completion and shall provide for landscaping (at maturity) that is the minimum necessary to fully screen any remaining residences and associated residentially-related

development on Sani Parcels 1, 2 and 3 and the Welsh parcel (APNs 011-231-013, 011-231-014, 011-231-015 and 011-231-017), as well as any approved aboveground utility infrastructure along the realigned highway, as seen from the Highway and the California Coastal Trail for the life of the project. Landscape screening shall be designed to blend with the surrounding environment and shall minimize impacts on public views, including of the hillsides to the east. The final plan shall identify all plant materials (i.e., size, species, quantity, etc.), all irrigation systems, and all proposed maintenance measures, including providing for modification and adaptation as necessary to achieve required screening. All plant materials shall be native and non-invasive species selected to be complimentary with the mix of native species in the project vicinity, to prevent the spread of exotic invasive plant species, and to avoid contamination of the local native plant community gene pool. All landscaped areas shall be continuously maintained in a litter-free, weed-free, and healthy growing condition by the Permittee, and shall be replaced as necessary to maintain compliance with this CDP. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist. All requirements above and all requirements of the approved Landscape Screening Plan shall be enforceable components of this CDP. All requirements above and all requirements of the approved Preliminary and Final Landscape Screening Plans shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Preliminary and Final Landscape Screening Plans.

4. **Maximum Number of Lanes.** The approved highway shall be limited to a two-lane highway in perpetuity as required by Coastal Act Section 30254.

5. **California Coastal Trail.** PRIOR TO CONSTRUCTION OF THE REALIGNED HIGHWAY APPROVED PURSUANT TO THIS CDP, the Permittee shall submit written documentation that demonstrates that the Permittee and State Parks have entered into a Memorandum of Agreement (MOA) that is consistent with the requirements of this CDP and its terms and conditions. Prior to State Parks and the Permittee executing this MOA, it shall be submitted for review and approval by the Executive Director. The roles and responsibilities of State Parks and Caltrans under the MOA shall be clearly identified.

   Within six months of the Executive Director's approval of the MOA, the Permittee shall submit to the Executive Director evidence that a nonrefundable public access mitigation fee of $1.4 million has been transferred to State Parks and deposited into a separate, interest-bearing account created solely to implement the MOA described herein. The sole purpose of the funds shall be to construct a segment of the California Coastal Trail (CCT) and directly related public access improvements over the length of the project limits (as described in subsection (a) below). After Caltrans has transferred the $1.4 million mitigation fee to State Parks, constructed the northern and southern trailhead parking areas and entered into the Executive Director-approved MOA, their obligation toward all aspects of trail construction is finalized except to the extent that the MOA identifies some continuing obligation. Caltrans will not be held responsible thereafter for any aspect of the development, construction, maintenance, environmental compliance (including NEPA/CEQA review, permitting,

and mitigation) and any other components toward the completion of the CCT except to the extent that the MOA identifies some continuing obligation. The MOA between Caltrans and State Parks shall comply with the following minimum provisions, which are a requirement of this CDP:

a. **CCT Scope.** The MOA shall cover all aspects of ensuring that a continuous CCT (an off-highway public trail) and associated public parking is built and opened as soon as possible, but in no case more than 2 years after the realigned Highway 1 is opened. The CCT shall extend from the public parking area nearest the point where the paved surface of the realigned highway segment departs from the existing paved highway surface, to the corresponding point at which it rejoins the existing highway. As identified on submitted plans, these limits are approximately demarcated as Station 303+75, north of Post Mile (PM) 64.0 and the gated entrance to Piedras Blancas Light Station, to Station 432+10 on the existing alignment, south of the existing Arroyo de la Cruz bridge.

b. **CCT Plans.** The MOA shall provide for Final CCT Plans in compliance with the terms and conditions of this CDP to be submitted by State Parks to the Executive Director for review and approval within one year of the transfer of funds from Caltrans to State Parks for the construction of the trail. The Final CCT Plans shall be in substantial conformance with the draft CCT conceptual plans received in the Coastal Commission's Central Coast District Office on August 21, 2013, as modified to conform to this CDP and its terms and conditions.

   The Final CCT Plans shall clearly describe the manner by which public CCT access is to be provided and managed, with the objective of maximizing public access and recreational use and enjoyment of the CCT, including all associated and related elements and amenities (i.e., parking areas, picnic tables, benches, etc.) as described in this special condition. These Final CCT plans shall at a minimum include:

   1. **Alignment.** The CCT alignment and the location of the public parking areas shall generally be as shown on the schematic map entitled "California Coastal Trail & State Highway Realignment—Piedras Blancas," prepared by State Parks and dated June 25, 2014 (attached as pages 3-6 of Exhibit 4) and identified as the "Proposed California Coastal Trail". The CCT system includes reuse of certain segments of the existing Highway 1 as generally identified by State Parks in Exhibit 4. The CCT must be continuous, completing the connection between the southern public parking area to the northern public parking area, and connecting to existing blufftop trails. Between the swale north of the Piedras Blancas Motel and Arroyo del Oso, the alignment of the CCT shall be continuous, well-separated from the new highway alignment and generally following the seaward margin of the second-level coastal terrace (at approximately the 36-foot contour on submitted plans where it crosses Sani Parcels 1 and 2 and then clearly connecting across the Welsh Parcel in manner that allows for easy continuity for trail users). State Parks shall specify which culverts north of Arroyo del Oso must be retained for CCT crossings and shall commit to being fully responsible for their maintenance.

2. **Overall Coastal Trail Character.** The CCT shall be designed and aligned so as to provide the impression of a natural surface path in a rural environment with curvilinear features, a compacted but unpaved surface, and widths generally not exceeding 6 feet.

3. **Parking.** The Final CCT Plans shall show all vehicle parking facilities, which shall include, at a minimum, all of the parking facilities described in Special Condition 2 and shown on the approved Revised Final Plans (see Special Condition 2). Upon completion of the parking facilities per the approved Revised Final Plans, State Parks shall be responsible for continuous maintenance of these facilities and related development (e.g., vegetation screening, public use amenities, etc.) for the life of the project. The remainder of the informal pullout area near Arroyo de la Cruz, which contains space for approximately 60 cars adjacent to the Northern Trailhead Parking Access, shall not be modified in any manner that prevents potential future parking improvements at this location. Parking areas shall be sited and designed to minimize impairment of public views from the realigned Highway 1 and the CCT, and shall be at least partially screened with mottled landscaping to minimize visual impacts while ensuring public views are not significantly impaired. At the Piedras Blancas Motel, all parking and roadway pavement shall be retained as shown on Exhibit 5 to allow for continued public access; final trail management plans shall depict how the entire pavement area will be used for current parking and circulation needs, or reserved for future access uses.

4. **Operations and Maintenance Plans.** Operation and maintenance components of the trail plans shall specify that the CCT is available for bicyclist and pedestrian use; that it is open for free public access 365 days a year, except for temporary hazards closings; that it provides for elephant seal protection as necessary; and that it directs users against any hazardous conditions that may be encountered on the trail. Caltrans and State Parks shall work cooperatively with the Hearst Corporation to pursue changes to the underlying scenic and conservation easement that applies west of the Highway that will allow for use of the CCT at night for passive recreational use, but not camping. State Parks shall submit the Final CCT Plans with evidence of a modified easement agreement or, in the alternative, evidence of their good faith efforts to pursue such changes with the Hearst Corporation. If the easement cannot be modified in this way at this time, then the CCT shall be open daylight hours (i.e., one hour after sunset to one hour before sunrise) until the time when the easement is changed to allow passive recreational use at night. State Parks overall management of the CCT system and parking areas, including use of any areas for lighthouse tour staging and the opening of any public uses at the Piedras Blancas Motel Site, shall also be described in these plans. Improvements to support the trail uses such as benches, picnic tables or other developments shall be indicated on the plan.

5. **Signage.** The Final CCT Plans shall identify all signs and any other project elements that will be used to facilitate, manage, and provide public access to the CCT, including identification of all public education/interpretation features that will be provided on the site (educational displays, interpretive signage, etc.). Sign details showing the location, materials, design, and text of all public access signs shall be provided. The signs shall be sited and designed so as to

provide clear information without impacting public views and site character. The location of CCT signage and other interpretive signs, including: a description of the CCT connections to the north and the south of the project site; education of visitors about the natural ecology and safe viewing and protection of potential elephant seal haul out areas; and, a discussion of the realignment project as an example of the State's adaptive management response to changing conditions from sea level rise, shall be identified on the Final CCT Plans. The proposed content of the signs shall be included in the submitted plans. CCT signage shall include the California Coastal Trail, California Coastal Conservancy, and California Coastal Commission emblems and recognition of Caltrans, State Parks, California Coastal Conservancy, and the Coastal Commission's role in providing public access at this location.

6. **Elephant Seal Fencing.** Elephant seal-resistant fencing that does not obstruct views shall be provided where needed to avoid conflicts from elephant seals potentially entering public use areas and to protect the marine mammals from harassment and accidents with motor vehicles. The design and placement of such fencing shall be determined in collaboration with the California Department of Fish and Wildlife, the National Marine Fisheries Service and the Monterey Bay National Marine Sanctuary. Due consideration shall be given to maintaining beach access, minimizing visual impacts, and preventing obstruction of wildlife movement of other species. Potential locations include Arroyo del Oso, the wet swale north of the Piedras Blancas Motel, Arroyo del Corral, and Arroyo de los Playanos.

7. **Water Quality Protection.** Bridges shall be constructed to extend a minimum of 10 feet beyond delineated wetland boundaries. The trail shall be constructed using standard building techniques that grade the surface to avoid concentration of drainage flows. Where concentrated flows cannot be avoided, appropriate energy dissipation shall be used that favors bio-engineering over hard solutions.

8. **Archaeological Resources**. The Final CCT Plans shall provide for archaeological protection via submittal of the same type of plan required for the realignment project pursuant to Special Condition 16.

c. **Additional State Parks Responsibilities.** The MOA shall describe the roles and responsibilities of State Parks as the administrator of the CCT funds. State Parks shall be responsible for complying with any additional permitting requirements from other agencies for the construction of the CCT.

d. **Reporting.** The MOA shall provide for annual written reports to be submitted by State Parks to the Executive Director of the Coastal Commission on the progress made toward the completion of the overall CCT and parking access improvements until such time that all improvements have been completed and opened to the public as required by this CDP.

e. **Contingency.** The MOA shall include provisions to address any failure by the Permittee and State Parks to implement the MOA consistent with the requirements of this CDP, including but

not limited to transfer of the funds to an alternate Executive Director-approved entity able to construct the CCT as described in the MOA.

f. **Utilities Undergrounded.** The MOA shall specify that all utility poles at the Piedras Blancas motel, café, and the South Ranger House shall be removed and utilities placed underground. No overhead utility lines shall remain seaward of the realigned Highway 1.

g. **Plan Coordination.** The MOA shall ensure that the Final CCT plans are coordinated with Caltrans final habitat mitigation plans (see Special Condition 14).

h. **Interpretation.** Unless resolved by the Executive Director, any dispute concerning compliance with or interpretation of any provision of the MOA shall be resolved by the Coastal Commission.

Minor adjustments to the MOA and the Final CCT Plans that are in substantial conformance with the terms and conditions of this CDP may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. All requirements above and all requirements of the approved MOA and the approved Final CCT Plans shall be enforceable components of this CDP. The Permittee and State Parks shall undertake all development in accordance with this condition and the approved MOA and approved Final CCT Plans.

6. **Construction Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit two sets of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:

   a. **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, all storage areas, all construction access corridors (to the construction site and staging areas), and all public pedestrian access corridors. All such areas within which construction activities and/or staging are to take place shall be minimized in order to minimize construction encroachment on all publicly available pathways and beach access points, to have the least impact on public access. In addition, staging and storage areas shall be screened to the extent feasible (through berming, vegetation, or other natural features), shall be located outside important public viewshed areas, and shall be kept neat and orderly at all times.

   b. **Construction Methods and Timing.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from public recreational use areas, including using unobtrusive fencing (or equivalent measures) to delineate construction areas, and including all methods to be used to protect coastal waters. In addition, the Construction Plan shall specify a construction phasing schedule that minimizes the area of disturbance in a given timeframe, with a description and timeline of significant land disturbance activities.

   c. **Detour Plan.** The Construction Plan shall include a detour plan that provides for continuous safe pedestrian and bicycle access through the project site for the duration of construction.

   d. **Construction-Phase BMPs.** The Construction Plan shall include a BMP plan (which may be in the form of a NPDES-compliant Storm Water Pollution Prevention Plan (SWPPP)) wherein all

erosion control/water quality best management practices to be implemented during construction and their location shall be noted, including the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins), and a schedule for the inspection and maintenance of construction-phase BMPs, including temporary erosion and sediment control BMPs. At a minimum, the following BMPs that will be implemented to minimize erosion and sedimentation during construction activities shall be identified:

1. BMPs deployed to stabilize soil during construction.
2. BMPs deployed to control erosion and sedimentation during construction. Plastic netting shall be prohibited in all erosion and sediment control products.
3. A schedule for installation and removal of temporary erosion and sediment control BMPs, and identification of temporary BMPs that will be converted to permanent post-development BMPs will be provided. At a minimum, all erosion and sediment controls shall be ready for implementation prior to the commencement of construction and deployed as specified in the BMP Plan.
4. BMPs will be deployed to minimize land disturbance, avoid inadvertent soil compaction in temporary impact areas, and protect vegetation.
5. BMPs will be implemented to protect stockpiled soil and other materials.

e. **Construction Requirements.** The Construction Plan shall include the following construction requirements specified by written notes on the Construction Plan. Minor adjustments to the following construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

1. All work shall take place during daylight hours, with the exception of traffic shifts from the old to new alignment. Lighting of the beach area is prohibited.
2. Grading shall be minimized during the rainy season (from October 15 through March 15) as much as feasible.
3. 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.
4. Equipment washing and servicing shall only be allowed at a designated inland location as noted on the Plan. Vehicle refueling, staging and storage areas for equipment, materials, fuels, lubricants, and solvents shall be located a minimum of 100-feet outside of coastal waters and wetlands, and to the extent possible, on previously disturbed ground. Stationary equipment such as cranes, motors, pumps, generators, compressors, and welders located within or adjacent to coastal waters or wetlands, shall be positioned over drip pans. Vehicles shall be moved away from the coastal waters and wetlands prior to refueling and lubrication. Appropriate best management practices shall be used to ensure that no spills of petroleum

products or other chemicals take place during these activities.

5. 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.).

6. Removal of road crossing fills and culverts from drainages on the old highway shall be overseen in the field by a qualified geologist or other expert that specializes in wetland and hydrology alterations, subject to the approval of the Executive Director. The appointed expert shall be authorized to direct and modify excavation activities to ensure natural drainage channels are preserved to the maximum extent feasible. As fill is excavated, original bed and bank elements buried under the fill during construction of the original highway shall be used to identify appropriate excavation limits. To the extent feasible, excavation shall leave the original bed and bank elements (such as cobble, woody debris and substrate) in place, and shall match the original gradient and planform.

7. The Permittee shall include all applicable CDP terms and conditions within bid solicitations and final contracts for the project work. Contractors shall insure that work crews are carefully briefed on the importance of observing all appropriate precautions to ensure that work is done consistent with the terms and conditions of this CDP. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of remediating violations of this CDP.

8. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least three working days in advance of commencement of construction or maintenance activities, and immediately upon completion of construction or maintenance activities.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Construction Plan.

7. **Construction Site Documents & Construction Coordinator.** DURING ALL CONSTRUCTION:

   a. **Construction Site Documents.** Copies of the signed CDP and the approved Construction Plan 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 the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.

   b. **Construction Coordinator.** 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 the coordinator's 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 an 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.

8. **Post-Construction Water Quality Management Plan.** PRIOR TO THE ISSUANCE OF THE CDP, the Permittee shall submit two sets of a Water Quality Management Plan (WQMP) for the post-construction project site to the Executive Director for review and approval. The WQMP shall integrate and supplement the information contained in the Storm Water Data Report Long Form (finalized by Marissa Nishikawa, Regional Design SW Coordinator, dated 5/21/2013) and the TBMP + VBS Mapping (Biofiltration Locations by station and Vegetated Buffer Strip Locations), 05 0000 0576-4, supplied by Pete Riegeluth, D-5 SW Coordinator, on June 6, 2014. The WQMP shall include documentation of the items specified in this special condition, including calculations for reduced impervious surfaces on road shoulders, increasing the number or lengths of Biofiltration Strips (BFS), providing BFS vegetated slopes or swales (e.g., VBS or BFS) where runoff leaves bridges, and revising the stormwater BMPs provided at APNs 011-231-013 and 011-231-014. The plans shall incorporate the final location and configuration of long-term post-construction Bio-Filtration Strips (BFS) and Vegetated Buffer Strips (VBS). Minor adjustments to the following requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. The plan shall be in substantial conformance with the following requirements:

   a. **BMP Repair and Maintenance.** All BMPs, including Vegetated Buffer Strips (VBS) and Biofiltration Strips (BFS), and energy dissipaters shall be designed, installed, and maintained for the life of the project in accordance with accepted design principles and guidelines, such as those contained in the *Caltrans Stormwater Quality Handbook*. Should any of the project's BMPs fail to effectively arrest erosion, or result in accelerated erosion, the Permittee shall be responsible for any necessary repairs to the BMPs and restoration of the affected area. This requirement shall apply to all BMPs. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Permittee shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new CDP is required to authorize such work.

   b. **Minimum Maintenance Schedule.** At a minimum, all BMPs shall be inspected and cleaned/repaired or otherwise maintained in accordance with the following schedule: (1) prior to the start of the winter storm season, no later than October 15th each year, (2) monthly thereafter for the duration of the rainy season (October 15th - April 30), and cleaned/maintained as necessary based on inspection and, (3) as needed throughout the dry season.

   c. **Proper Disposal.** Sediment and debris removed from treatment BMPs during clean out shall be disposed of in a proper manner.

d. **Irrigation/Fertilizers.** Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized.

e. **Biofiltration Strips.** Biofiltration strips (BFS) shall be sized to treat the amount of runoff produced by all storms up to and including the 85th percentile 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of two or greater) for flow-based BMPs.

All requirements above and all requirements of the approved WQMP shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved WQMP.

9. **CCT Access Dedication.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director for review and approval evidence that a dedication to State Parks of a fee interest or easement(s) for lateral public access has been executed and recorded against Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014) and the Welsh Parcel (APN 011-231-017) that provide a direct public access route from the CCT connections to the north and south, along the alignment approved pursuant to Special Condition 5 (California Coastal Trail). The CCT Access Dedication area shall be ambulatory, including that the trail shall move inland if relocation and/or reconstruction of access amenities in these areas is necessary to retain their continuity and/or utility. With respect to the Welsh Parcel, if the Permittee acquires the portion of the Welsh Parcel west of the new Highway right-of-way, then the access dedication shall apply to the acquired property. If the Permittee does not acquire the portion of the Welsh Parcel west of the new Highway right-of-way, then the existing Highway right-of-way area on the Welsh property shall continue to be used as the CCT until one of the following three things happens, whichever comes first: (1) the end of Caltrans' 5-year plant establishment, restoration and monitoring period; (2) the existing highway easement is terminated and the property reverts to the underlying owner of the property through operation of law; or (3) it is no longer suitable for a trail (e.g., it is in danger from erosion, etc.).

In addition, PRIOR TO COMMENCEMENT OF CONSTRUCTION the Permittee shall dedicate to State Parks a fee interest or easement for lateral public access over the westernmost portion of the new Highway right-of-way. The CCT Access Dedication area shall be of a sufficient width to allow for construction and maintenance of the CCT pursuant to the terms and conditions of this CDP. The CCT Access Dedication shall be recorded free of all prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The CCT Access Dedication shall include a legal description and graphic depiction of the legal parcels subject to the CDP and a metes and bounds legal description and graphic depiction of the CCT Access Dedication area prepared by a licensed surveyor based on an on-site inspection, drawn to scale, and approved by the Executive Director.

10. **Evidence of CDP Amendments.**

a. **Sani Parcels 1, 2 and 3:** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall provide evidence that San Luis Obispo County has amended CDP COAL 90-137, as

reconsidered and amended in D010029P and MUP D020333P to: allow for the highway to be constructed in the new alignment approved by this CDP; prohibit development on Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014) other than demolition, restoration, well access, public access and recreation improvements, and CCT development approved by this CDP; reflect screening requirements of Special Condition 3; and retain all other development limitations included in existing deed restrictions/scenic easements/mitigation agreements as they currently pertain to the undeveloped areas outside of the existing development envelope, but modify the area to which they apply to be all areas on the properties outside of the new highway right-of-way. Any amendment approval shall be based on the future conditions of the site after the rock slope protection is removed, as required by CDPs 3-97-039 and 3-07-030, including future erosion rates associated with the unprotected shoreline.

b. **Welsh Parcel:** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall provide evidence that the Coastal Commission has amended CDP A-3-SLO-00-119 to allow for the highway to be constructed in the new alignment approved by this CDP; to prohibit development on that portion of the parcel seaward of the realigned Highway other than restoration, well access, and CCT development approved by this CDP; reflect screening requirements of Special Condition 3; and retain all other development limitations included in the existing scenic easement as it currently pertains to the undeveloped areas outside of the existing development envelope and extend these limitations to the remainder of the portion of the property seaward of the new highway right-of-way. The amendment approval shall be based on the future conditions of the site after the rock slope protection is removed, as required by CDPs 3-97-039 and 3-07-030, including future erosion rates associated with the unprotected shoreline.

11. **Evidence of Amendments to Recorded Documents.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit evidence that that the landowner(s) has executed and recorded deed restrictions against Sani Parcels 1 and 2 (APNs 011-231-013 and 011-231-014, or as may be renumbered), and the Welsh Parcel (APN 011-231-017, including any roadway that reverts to the property, and as may be renumbered), in a form and content acceptable to the Executive Director, prohibiting all development, as defined in Section 30106 of the Coastal Act, outside of the new Highway 1 alignment right-of-way, as shown on the Revised Final Plans, except:

    1. Construction of a CCT west of the new Highway 1 alignment right-of-way and associated infrastructure and improvements (e.g. trails, bridges, interpretive signage, restrooms, garbage cans, parking, fencing, etc.).

    2. Recreation and associated infrastructure (e.g., low-cost visitor-serving camping, restrooms, parking, signage, support services, etc.).

    3. Restoration (all types – wetland, coastal prairie, other).

    4. Vegetation screening. Vegetation screening shall provide for landscaping (at maturity) that is the minimum necessary to fully screen any remaining residences and associated residentially-related development (e.g., well heads and aboveground infrastructure) on Sani Parcels 1, 2 and 3 and the Welsh Parcel (APNs 011-231-013, 011-231-014, 011-231-015 and 011-231-017), as well as any

approved aboveground utility infrastructure along the realigned highway, as seen from the Highway and the California Coastal Trail for the life of the project. Landscape screening shall be designed to blend with the surrounding environment and shall minimize impacts on public views, including of the hillsides to the east. Landscape screening shall be maintained for the life of the project, including replacement of dead or diseased trees and shrubs, irrigation, trimming and pruning and other such care as required to ensure that landscaping will fully screen development, such that no residential development will be visible in public views. The use of vegetation screening shall be limited to that which is necessary to provide the necessary screening.

5. Consolidated access to and maintenance of existing wells from Highway 1. The consolidated well access shall be sited and designed to minimize impacts on public views to the maximum extent feasible, including that: it shall be limited to one, narrow, informal rangeland farm road (e.g., jeep trail); it shall be unpaved; and it shall not extend seaward of the remaining wells.

6. Driveway access inland of the new Highway alignment that is be sited and designed to minimize impacts on public views to the maximum extent feasible, including that such access shall be as narrow as possible and shall not include large pedestals or other identifiers (other than required address). Only those driveway and related elements that cannot feasibly be removed shall be allowed in this area. All other driveways and related development, both seaward and inland of the new Highway alignment are not allowed.

7. New wells or relocation of wells inland of existing wells, subject to CDP requirements.

8. A water storage tank, water well, septic system, underground utilities, drainage, landscaping, fire protection measures, and agricultural uses, all subject to obtaining necessary permits.

9. All utilities shall be placed underground.

The recorded documents shall include a legal descriptions of Sani Parcels 1 and 2, and the Welsh Parcel, and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, of the areas restricted by the applicable deed restriction. The deed restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction, including, but not limited to: (a) Deed Restriction number 2005-089950 recorded in the San Luis Obispo County Recorder's Office on October 25, 2005; (b) the Mitigation Agreements recorded as document numbers 1994-072466, 1997-019825, and 2008-025068 in the San Luis Obispo County Recorder's office on December 20, 1994, April 21, 1997 and May 14, 2008, respectively; (c) The Covenants, Conditions & Restrictions and Agreement for Pedestrian, Equestrian and Drainage Easements recorded as document number 2008-034839 in the San Luis Obispo County Recorder's office on July 8, 2008; (d) OTD and acceptance of lateral access; (e) Deed Restriction recorded as document number 2008-040425 in the San Luis Obispo County Recorder's office on August 5, 2008; (f) The "Agricultural, Scenic and Conservation Easement" and "Resolution # 2002-109" recorded as document numbers 2002020772 and 2002021797 in the San Luis Obispo County Recorder's office on March 14, 2002 and March 18, 2002 respectively, and; (g) Deed Restriction recorded as document number 2002020744 in the San Luis Obispo County Recorder's office on March 14, 2002.

12. **Other Agency Approvals.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, and/or authorizations for the approved project have been granted, including by the U.S. Army Corps of Engineers, the Monterey Bay National Marine Sanctuary, Regional Water Quality Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service and the California Department of Fish and Wildlife. Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally necessary.

13. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to hazards from episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, coastal flooding, and the interaction of same; (ii) 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; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

14. **Mitigation and Monitoring Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit two copies of a revised Mitigation and Monitoring Plan (Habitat Restoration Plan) that covers on-site and off-site mitigation, including Sani Parcels 1 and 2 and the Welsh Parcel in the case it and/or an interest in it is acquired by the Permittee that requires and/or allows for mitigation work on it, to the Executive Director for review and approval. The plan shall at a minimum include:

    a. **Introduction.** Overview of proposed on-site and off-site mitigation, and figures and exhibits including location maps, proposed project site plans, maps of existing biological resources, and maps comparing existing vs. future site conditions.

    b. **Goals of on-site and off-site mitigation.** A clear statement of the goals of the mitigation, including the desired habitat (including provisions for central (Lucian) coastal sage scrub that will be impacted by the project), major vegetation components (emergent wetland, arrow willow riparian, coastal stream, coastal prairie, and central coastal sage scrub), hydrological regime for wetlands, and wildlife support functions. There shall be a clear narrative description of the characteristics of the habitat type that the on-site and off-site mitigation is intended to provide.

    c. **Characterization of the Desired Habitats.** Although the characteristics of the model habitat may be based on descriptions in the literature, the best approach is to identify an actual habitat that can act both as a model for the required mitigation and as a reference site for developing

success criteria. Reference habitats should be sampled using the methods that will be applied to the mitigation sites. The resultant data shall be included in the Mitigation and Monitoring Plan.

d. **Description of Existing Habitats.** The Mitigation and Monitoring Plan shall include descriptions of existing biological resource conditions.

e. **Grading Plan.** If there is a component to the plan that requires topographic alterations, a formal grading plan covering each such area shall be included.

f. **Erosion Control.** Methods to control erosion and maintain water quality shall be included for any activities where soil or other substrate will be significantly disturbed for any reason.

g. **Weed Eradication Plan.** One of the greatest threats to the success of mitigation (enhancement, restoration, creation) projects and for management of natural habitats is invasion by exotic species. The Mitigation and Monitoring Plan shall include plans for weed eradication for both on-site and off-site mitigation. After the initial mitigation work has taken place, weeding should be very frequent (usually monthly and then quarterly as interim performance criteria are achieved) and intense until the native vegetation is sufficiently well-established to resist continued colonization by exotics.

h. **Planting Plan.** The Mitigation and Monitoring Plan shall identify the natural habitat types that are the model for mitigation (and any planned enhancement, restoration, and/or creation) and describe the desired relative abundance of particular species in each habitat type that is to be enhanced, restored, or created. Based on these goals, the Mitigation and Monitoring Plan shall identify the species that are to be planted (i.e., the plant "palette"), and provide a rationale for and describe the size and number of container plants and the rate and method of seed application. Any plant propagules used shall come from local native stock. If plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are produced in California from the counties of San Luis Obispo, Santa Barbara, or Monterey, and are not cultivars, and the planting plan shall provide specifications for preparation of nursery stock (e.g., container size and shape to develop proper root form, hardening techniques, watering regime, etc.). Technical details of planting methods (e.g., spacing, micorrhyzal inoculation, etc.) shall also be included.

i. **Irrigation Plan.** If supplemental watering is planned, the method and timing of watering should be described. All irrigation infrastructure must be removed by the end of the monitoring period.

j. **Annual Monitoring Plan.** Annual monitoring shall cover maintenance and remediation activities, assessment methods, interim performance goals, and schedule. In general, visual monitoring shall be approximately monthly until plants are established and then quarterly thereafter. Weeding shall be frequent (at least monthly) until plants are established and then quarterly thereafter. Photographs shall be taken from fixed points on fixed azimuths during each monitoring period. Quantitative monitoring shall take place at least once a year.

k. **Final Monitoring Plan.** Final monitoring is intended to determine whether the mitigation (enhancement, restoration, and/or creation) has been successful. In order to help insure that the

habitats are self-sustaining, the Mitigation and Monitoring Plan shall provide that final monitoring for success shall take place after at least 5 years. The Final Monitoring Plan shall include specific ecological performance or "success" criteria that relate logically to the goals of the required mitigation (enhancement, restoration, and/or creation). Generally, these criteria must include standards for species diversity of both perennial and annual plants, and vegetative cover. Success criteria shall insure that the major structure-producing species that characterize the habitats are present and that there is an appropriate diversity of species in the vegetation layers of each habitat type. Habitat elements necessary for particular wildlife species shall be specified in such criteria. For wetlands, such criteria shall include hydrological criteria.

l. **Basis for Selection of Performance Criteria.** The basis for the selection of each performance criterion shall be explained. Commonly, performance criteria take the form of, for example, "85% vegetative cover at the end of 5 years" without explanation, and this is not satisfactory without appropriate justification. For some habitat types, this is too high, and for others it is too low. There must be some empirical basis for the selection of each performance criterion.

m. **Types of Performance Criteria.** Where there is sufficient information to provide a strong scientific rationale, the performance criteria may be absolute or fixed (e.g., a specified percentage ground cover or relative diversity of species, or a specified average height for a species). Alternatively, relative performance criteria may be specified. Relative criteria are those that require a comparison of the mitigation (enhanced, restored, and/or created) sites with appropriate reference sites to be compared at the same time each year. In the case of relative performance criteria, the rationale for the selection of reference sites shall be described. These sites must be selected and identified in the Mitigation and Monitoring Plan. In addition, a preliminary field sample shall be taken and the results included in the plan.

n. **Procedure for Judging Success.** Regardless of whether performance criteria are absolute or relative, the comparison procedure, and the basis for judging differences to be significant must be specified. If the comparison requires a statistical test (e.g., a one-sample or two-sample t-test), the test shall be described, including the desired magnitude of difference to be detected, the desired statistical power of the test, and the alpha level at which the test will be conducted.

o. **Formal Sampling Design.** The design of the field sampling program shall relate logically to the performance criteria and chosen methods of comparison. The sampling design and the sampling methods shall be described in sufficient detail to enable an independent scientist to duplicate it.

p. **Final Monitoring Report.** A final monitoring report shall be submitted for the review and approval of the Executive Director at the end of the monitoring period (i.e., at least 5 years with no remediation or maintenance activities other than weeding). The final report shall be prepared by a qualified ecologist. The report must evaluate whether the required management, enhancement and/or restoration has achieved the goals and success criteria set forth in the approved Mitigation and Monitoring Plan.

q. **Provision for Possible Further Action.** If the final monitoring report indicates that the project has been unsuccessful, in part or in whole, based on the approved success criteria, the Permittee

shall submit within 90 days a revised or supplemental plan to compensate for those portions of the original plan which did not meet the approved success criteria. The revised plan shall be processed as an amendment to the coastal development permit unless the Executive Director determines that no permit amendment is required.

r. **Public Access Improvements.** The final Mitigation and Monitoring Plan shall not include restoration planting in areas to be developed with the trail or parking, as required by Special Condition 5.

All requirements above and all requirements of the approved Mitigation and Monitoring Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Mitigation and Monitoring Plan.

15. **No Future Armoring.** By acceptance of this Permit, the Permittee agrees, on behalf of itself and all successors and assigns, that no shoreline armoring (including but not limited to seawalls, revetments, groins, etc.) shall be constructed to protect the development approved pursuant to this CDP (including but not limited to the realigned highway, CCT, and associated drainage features) in the event that such development is threatened with damage or destruction from episodic and/or long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, coastal flooding, other natural hazards, and the interaction of same in the future. By acceptance of this Permit, the Permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such armoring that may exist under Public Resources Code Section 30235 or San Luis Obispo County LCP Hazards Policy 4. Notwithstanding the above, the Permittee retains all rights to conduct all necessary emergency work as allowed and required by law, and nothing in this condition or Permit precludes the Permittee from fulfilling and performing its statutory responsibility to seek necessary permits to construct, improve, maintain and provide for use of Highway 1 in the face of such emergency.

16. **Archaeological Resources.** PRIOR TO THE ISSUANCE OF THE CDP, the Permittee shall submit two copies of an archaeological mitigation and monitoring plan prepared by a qualified archaeologist for review and approval of the Executive Director. The Plan shall provide for an archaeological monitor to be present during all ground disturbing activities for the road realignment that will take place within areas of high archaeological sensitivity (i.e., location at and near the three site areas that were evaluated and found ineligible to the National Register of Historic Places (NRHP). Additionally, the Plan shall provide for weekly inspections of the overall project area by the archaeological monitor to identify additional areas where there may be high archeological sensitivity and where the archaeological monitor must also be present during all ground disturbing activities. The Plan shall also include a description of monitoring methods, including provisions for a pre-project survey that includes consultation with qualified local Native Americans, frequency of monitoring, procedures for halting work on the site and a description of reporting procedures that will be implemented during ground disturbing activities to ensure that cultural resources are not disturbed. The Plan shall include a list of the personnel involved in the monitoring activities and their qualifications, and shall include qualified local Native Americans as project monitors as applicable. At a minimum, the Plan shall provide for the following:

a. **Training.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the archaeological monitor shall conduct a training session with construction personnel discussing the cultural sensitivity of the area and the protocol for discovery of cultural resources during construction. The archaeological monitor shall also inform all qualified local Native Americans of the timing of construction and their opportunity to participate in construction monitoring.

b. **Halt Construction.** SHOULD ARCHAEOLOGICAL RESOURCES BE ENCOUNTERED DURING ANY CONSTRUCTION, all activity that could damage or destroy these resources shall be temporarily suspended until a qualified archaeologist has examined the site and mitigation measures have been developed, including in consultation with the Native American community as applicable, that address and proportionately offset the impacts of the project on archaeological resources.

c. **Monitor.** DURING ALL GROUND DISTURBING ACTIVITIES, the Permittee shall retain a qualified archaeologist, approved by the Executive Director, to monitor all earth disturbing activities as described above. The Permittee shall also include qualified local Native Americans as project monitors as applicable. If an area of cultural deposits is discovered during the course of the project, all construction shall cease in the vicinity of the resource, and a new plan shall be submitted that avoids such resources that shall be submitted for the review and approval of the Executive Director.

All requirements above and all requirements of the approved Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Plan.

17. **Landowner Authorization.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall provide written evidence, for the review and approval of the Executive Director, that all other owners of property on which development authorized by this CDP will take place: (1) have provided the Permittee with the legal authority to undertake development on their property pursuant to the terms and conditions of this CDP; (2) have acknowledged that, as landowner of property on which a portion of the development covered by this permit will be undertaken, is bound by all terms and conditions of the CDP applicable to the portions of the project occurring on their property.