CEQA EXEMPTION / NEPA CATEGORICAL EXCLUSION
DETERMINATION FORM (rev. 05/2020)

Project Information

Project Name (if applicable):

DIST-CO-RTE: 05-MON-1 **PM/PM:** 7.4- 7.9. & 9.2

EA: 05-1R190 **Federal-Aid Project Number:** 0523000167

Project Description: Large swells and high tides hit the Central Coast during the week of December 24th, 2023. Wave erosion from the high seas damaged slopes supporting Highway 1 along the Big Sur Coast, causing significant damage to existing rock slope protection (RSP) revetments and gabion wall shoreline protection at Shale Point, located between Ragged Point and Gorda. In addition, Mud Creek Landslide loss approximately 6 tons of rock protection. *See Continuation Page for additional Project Description and Measures.*

Caltrans CEQA Determination (Check one)

☐ **Not Applicable** – Caltrans is not the CEQA Lead Agency
☐ **Not Applicable** – Caltrans has prepared an IS or EIR under CEQA

Based on an examination of this proposal and supporting information, the project is:
X **Exempt by Statute.** (PRC 21080[b]; 14 CCR 15260 et seq.)
☐ **Categorically Exempt. Class** Enter class. (PRC 21084; 14 CCR 15300 et seq.)
  ☐ No exceptions apply that would bar the use of a categorical exemption (PRC 21084 and 14 CCR 15300.2). See the SER Chapter 34 for exceptions.
☐ **Covered by the Common Sense Exemption**. This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (14 CCR 15061[b][3].)

Senior Environmental Planner or Environmental Branch Chief

Sunny McBride	Sunny McBride	7/1/2024
Print Name	Signature	Date

Project Manager

Victor Devens	Victor Devens	7/1/24
Print Name	Signature	Date

Caltrans NEPA Determination (Check one)

Caltrans has determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). See SER Chapter 30 for unusual circumstances. As such, the project is categorically excluded from the requirements to prepare an EA or EIS under NEPA and is included under the following:

X **23 USC 326:** Caltrans has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to 23 USC 326 and the Memorandum of Understanding dated April 18, 2019, executed between FHWA and Caltrans. Caltrans has determined that the project is a Categorical Exclusion under:

- X **23 CFR 771.117(c): activity (c)(9i)**
- ☐ **23 CFR 771.117(d): activity (d)(Enter activity number)**
- ☐ **Activity Enter activity number listed in Appendix A of the MOU between FHWA and Caltrans**

☐ **23 USC 327:** Based on an examination of this proposal and supporting information, Caltrans has determined that the project is a Categorical Exclusion under 23 USC 327. The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated December 23, 2016 and executed by FHWA and Caltrans.

Senior Environmental Planner or Environmental Branch Chief

Sunny McBride	Sunny McBride	7/1/2024
Print Name	Signature	Date

Project Manager/ DLA Engineer

Victor Devens		7/1/24
Print Name	Signature	Date

Continuation sheet:

The shoreline north and south of Shale Point is armored from the Pacific Ocean with RSP designed to prevent wave action from eroding the slopes that support Highway 1. Two gabion basket walls at the north end of the northern beach also provide armoring along with naturally occurring rock that accumulates along the northern shoreline. The combined high tides and very large waves in late 2023 evacuated RSP from the revetments and caused rotation of the South Gabion Wall, allowing wave runup and splash to scour and undermine the now unprotected slopes. Evidence of slope failures advancing toward the Highway is apparent and worsening as continued winter swells and high tides persist into January 2024. Mud Creek Landslide revetment experienced large wave events and hightides at the end of 2023, which caused damage to several areas where wave energy concentrates, again requiring replenishment of evacuated rock.

Protection of the slopes by re-armoring the toe at the ocean elevation is required to prevent slope retreat into the roadway prism. Replacement of the evacuated RSP at Mud Creek and at Shale Point South and North Revetments, including armoring the failed South Gabion Wall with RSP are recommended to halt the current damage and protect the Highway from continued slope failures caused by wave action.

Avoidance and Minimization Measures:

1. Please follow the terms and conditions in accordance with the **U.S. Army Corps Permit File Number: SPN-2011-00149.**

2. Please follow the terms and conditions in accordance with the National Oceanic and Atmospheric Administration Office of National Marine Sanctuaries Program (ONMS) as outlined in the approved the issuance of authorization number **MBNMS-2024-002** to conduct certain authorized activities within Monterey Bay National Marine Sanctuary (sanctuary) that would otherwise be prohibited. Activities are to be conducted in accordance with the authorization application and all supporting materials submitted to the sanctuary, and the terms and conditions of authorization number MBNMS-2024-002.

3. Please follow the terms and conditions in accordance with the Emergency Coastal Development Permit **Emergency CDP G-3-24-0013 (Shale Point Revetments) issued March 13, 2024** and the Emergency Coastal Development Permit that will be issued prior to the work at the Mud Creek location.

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

January 26, 2024

Regulatory Division

SUBJECT: File Number 2011-00149 (Big Sur Shale Emergency Repair Highway 1 Project)

Ms. Allison Donatello
California Department of Transportation (Caltrans)
District 5
50 Higuera Street
San Luis Obispo, California 93401
Allison.Donatello@dot.ca.gov

Dear Ms. Donatello:

This letter is written in response to your submittals of January 18 and 24, 2024, concerning Department of the Army authorization to repair significant damage to slopes supporting Highway 1. The project is centrally located on Highway 1 at postmile markers (PMs) PM 7.25, PM 7.6, PM 7.85, and PM 8.7 along Shale Point, in Monterey County, California (PM 7.25: Lat: 35.850988, Long: -121.409512, PM 7.6 Lat: 35.855379 Long: -121.411990, PM 7.85 Lat: 35.857845Long: -121.415178, PM 8.7 Lat: 35.862601 Long: -121.428750).

Based on a review of the information you submitted, your project qualifies for authorization under Department of the Army Regional General Permit (RGP) No. 5 for Repair and Protection Activities in Emergency Situations, pursuant to Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 *et seq*.). A copy is located on our website at: https://www.spn.usace.army.mil/Portals/68/docs/regulatory/Emergency%20Permits/RGP05_2019.pdf. All work shall be completed in accordance with the attached plans and drawings titled “USACE File 2011-00149, Caltrans Big Sur Shale Emergency Repair Highway 1 Project, Monterey County, Sheets 7 and dated January 25, 2024. See Enclosure 1.

The project must be in compliance with the General and Special Conditions cited in the RGP for the authorization to remain valid. Non-compliance with any condition could result in the suspension, modification, or revocation of the authorization for your project, thereby requiring you to obtain a Nationwide or Individual Permit from the Corps. State Water Quality Certification (WQC) has been issued for work performed under the provisions of the RGP. In order for this authorization to remain valid, you must follow the limitations and conditions stated in the WQC attached to the RGP. This RGP authorization does not obviate the need to obtain other State or local approvals required by law.

Work must be initiated within seven days of receiving this letter. RGP5 authorization will remain valid until March 1, 2024, unless the RGP is suspended, modified, or revoked. All work must be completed by this date and the associated post-activity report forwarded within 45 days of project completion (as required by RGP 5 General Condition 26). Upon completion of the project and all associated mitigation requirements, you shall sign and return the enclosed Certification of Compliance, Enclosure 2, verifying that you have complied with the terms and conditions of the permit.

In order to ensure compliance with this RGP authorization, the following special conditions shall be implemented:

1. To minimize the potential for project-related impacts to federally listed species and designated critical habitat you shall adhere to the discretionary recommendations provided by the USFWS in enclosures 3.

2. You shall implement the special conditions sent by the NOAA's Monterey Bay National Marine Sanctuary Office on January 25, 2024 (enclosure 4). You shall consider such conditions to be an integral part of the RGP5 authorization for your project.

3. You shall install only the minimum amount of rock slope protection (RSP) necessary to alleviate the immediate emergency to complete project construction. Based on the review of the Post Construction report, the Corps may request additional mitigative actions including revegetation.

4. You shall implement the special conditions sent by the Central Coast Regional Water Quality Control Board on January 23, 2024 (enclosure 5). You shall consider such conditions to be an integral part of the RGP5 authorization for your project.

5. Excavation equipment shall work from an upland site (e.g., from the top of the bank, the roadbed of the bridge, or culverted road crossing) to minimize adding fill into waters of the U.S. If temporary access routes and or staging areas are required to be constructed within jurisdictional waters for the heavy equipment. The permittee shall only use heavy equipment where necessary and shall remove equipment from the site at the earliest opportunity.

6. Any change in the project design, materials, or construction methods, must be approved by the Corps in writing.

7. A post-construction report shall be submitted 45 days after the conclusion of construction activities. The report shall document construction activities and contain as-built drawings (if different from drawings submitted with application) and include before and after photos. Photographs will include upstream and downstream photos that display condition of the adjacent riverbank post construction. The report shall also document any deviation from the estimated impacts to waters of the U. S. and shall include an accurate description of project impacts, including the amount of fill discharged into waters of the U. S. (both temporary and permanent).

You may refer any questions on this matter to Michael Orellana by telephone at (415) 503-6769 or by e-mail at michael.s.orellana@usace.army.mil. All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter.

The San Francisco District is committed to improving service to our customers. The Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website: www.spn.usace.army.mil/Missions/Regulatory.aspx

Sincerely,

Katerina Galacatos, Ph.D.
South Branch Chief, Regulatory Division

Enclosures

Electronic copies furnished:

CCRWQCB, San Luis Obispo, CA (Attn: Alia Ajina, Alia.Ajina@Waterboards.ca.gov and Phillip Hammer, Phillip.Hammer@waterboards.ca.gov)
NOAA Monterey Bay Marine Sanctuary Office, Monterey, CA (Attn: Karen Grimmer, karen.grimmer@noaa.gov)
USFWS, Ventura, CA (Attn: Robert McMorran, robert_mcmorran@fws.gov)

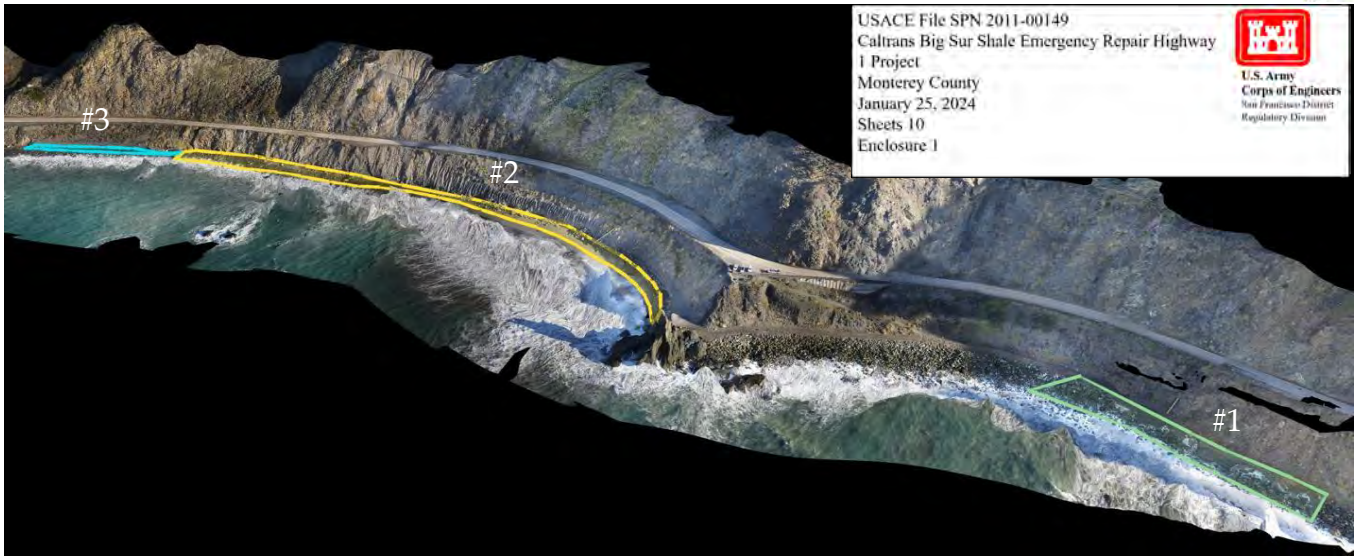

FIGURE 1A. LOCATION #1-3: UAS MODEL OF SHALE POINT. DAMAGED AREAS OF THE LOCATION #1 SHALE POINT SOUTH REVETMENT (GREEN), #2 SHALE POINT NORTH REVETMENT (YELLOW) AND #3 SOUTH GABION WALL (BLUE) ARE HIGHLIGHTED.

FIGURE 1B. LOCATION #4: SITE OVERVIEW OF THE ACTIVE MUD CREEK LANDSLIDE.

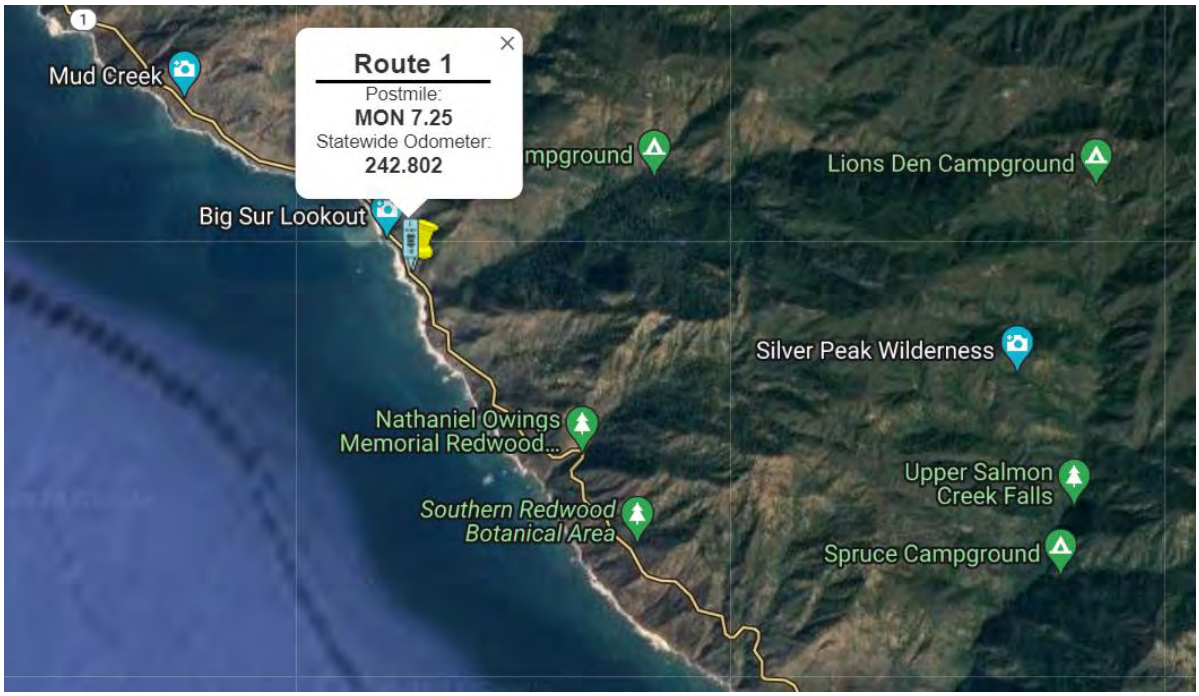

FIGURE 2- LOCATION #1: SHALE POINT SOUTH-MON-1-7.2/7.3, USGS-**35° 51′ 3.6″ N, 121° 24′ 34.2″ W**

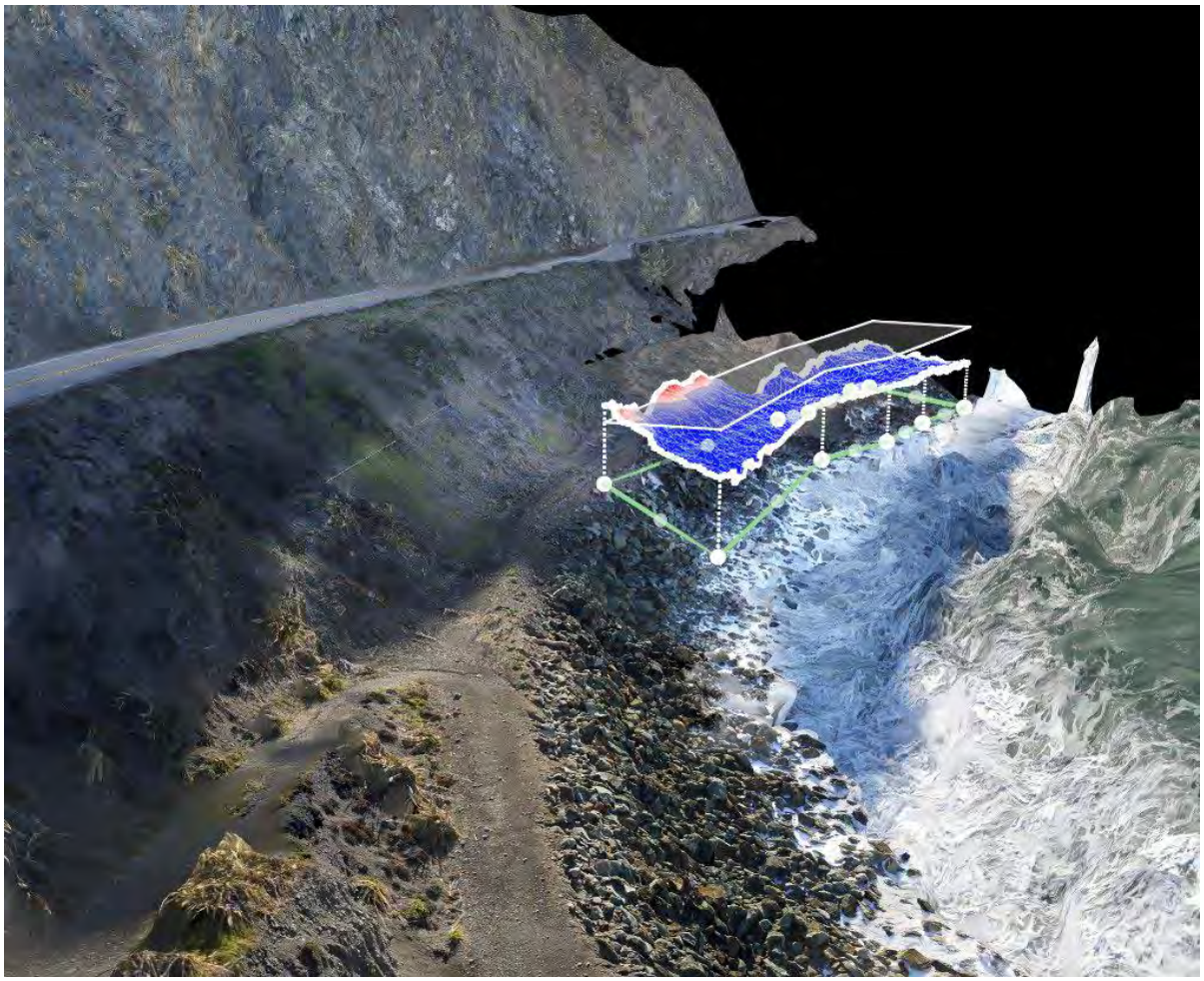

FIGURE 3- LOCATION #1 SHALE POINT SOUTH, RSP LIMITS -VOLUME OF RSP = 20,000 CY, Q = 34,000 TON

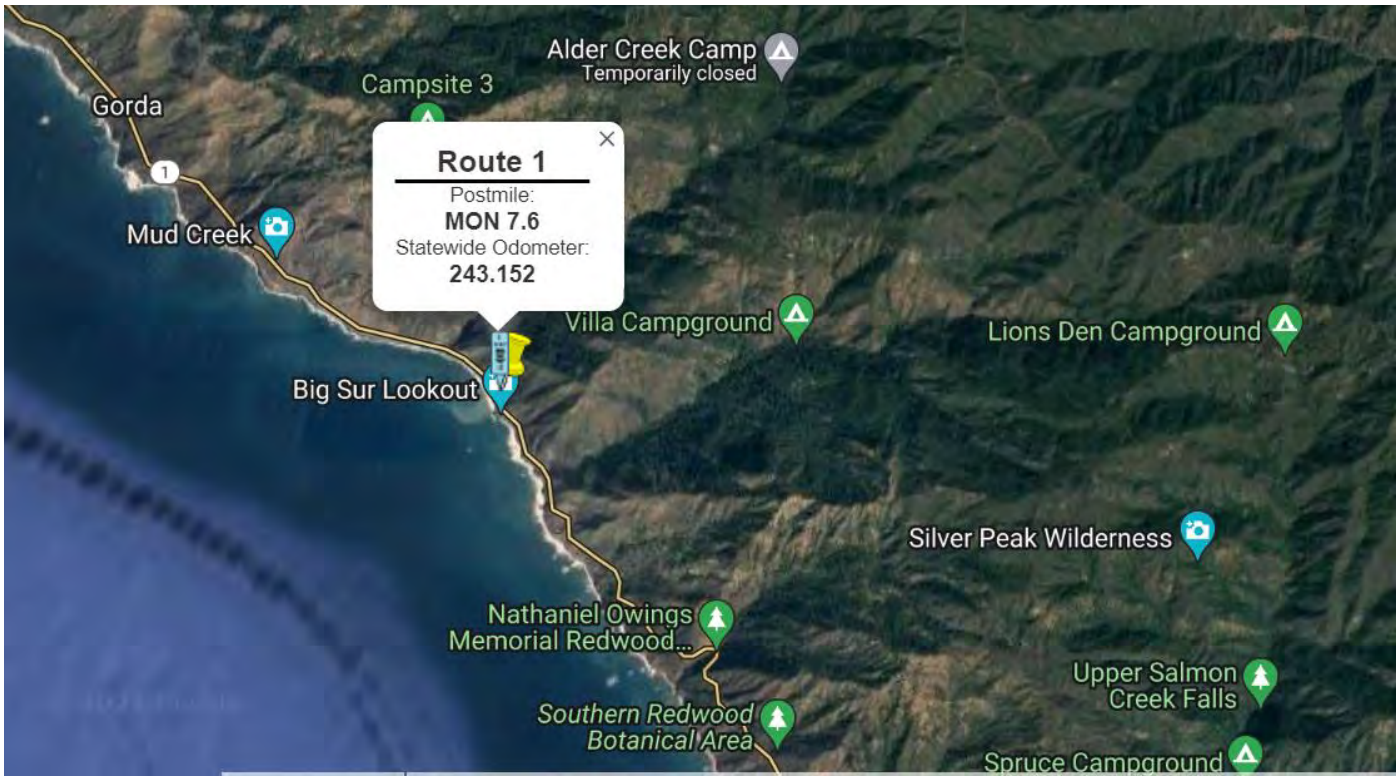

FIGURE 4- LOCATION #2: SHALE POINT NORTH-MON-1-7.5/7.7, USGS-**35° 51' 19.4" N, 121° 24' 43.2" W**

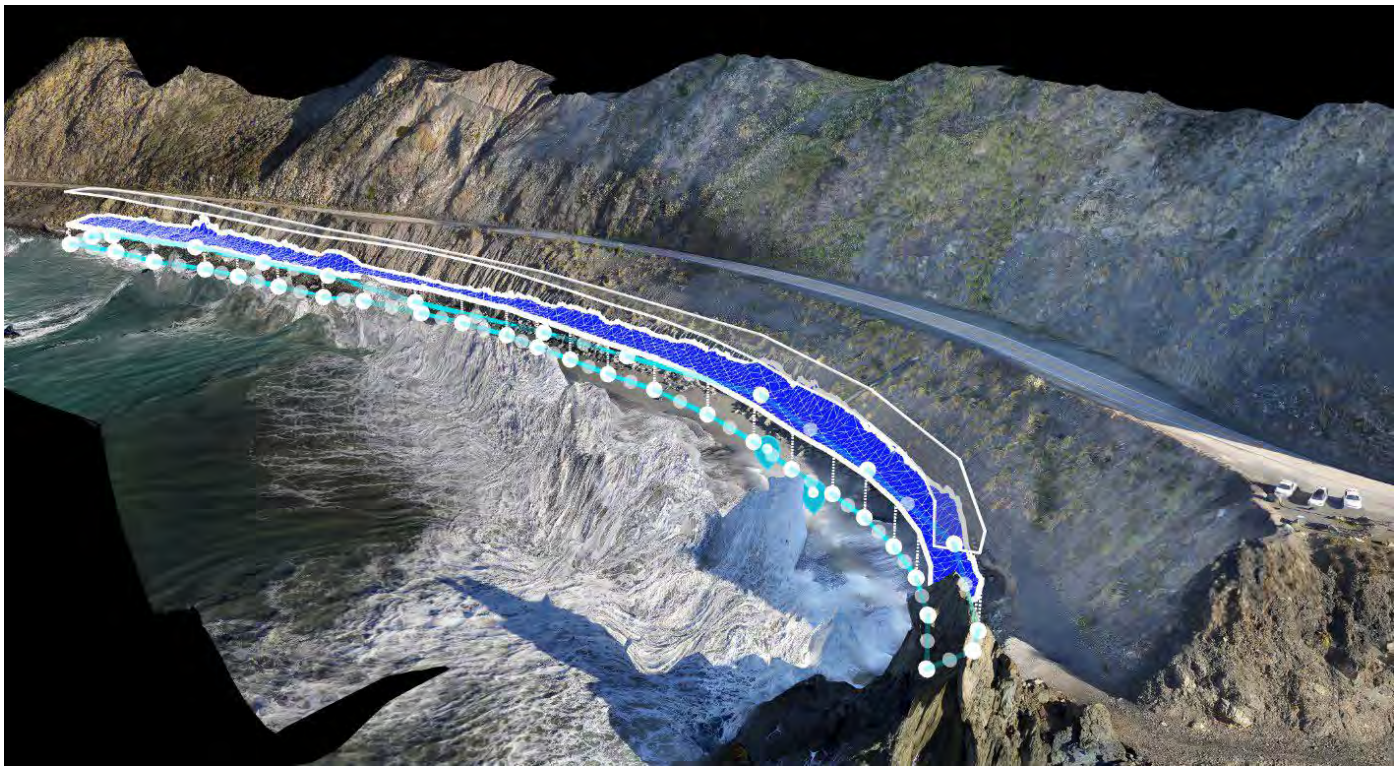

FIGURE 5- LOCATION #2: SHALE POINT NORTH- RSP LIMITS - VOLUME OF RSP = 67,000 CY, Q = 114,000 TONS

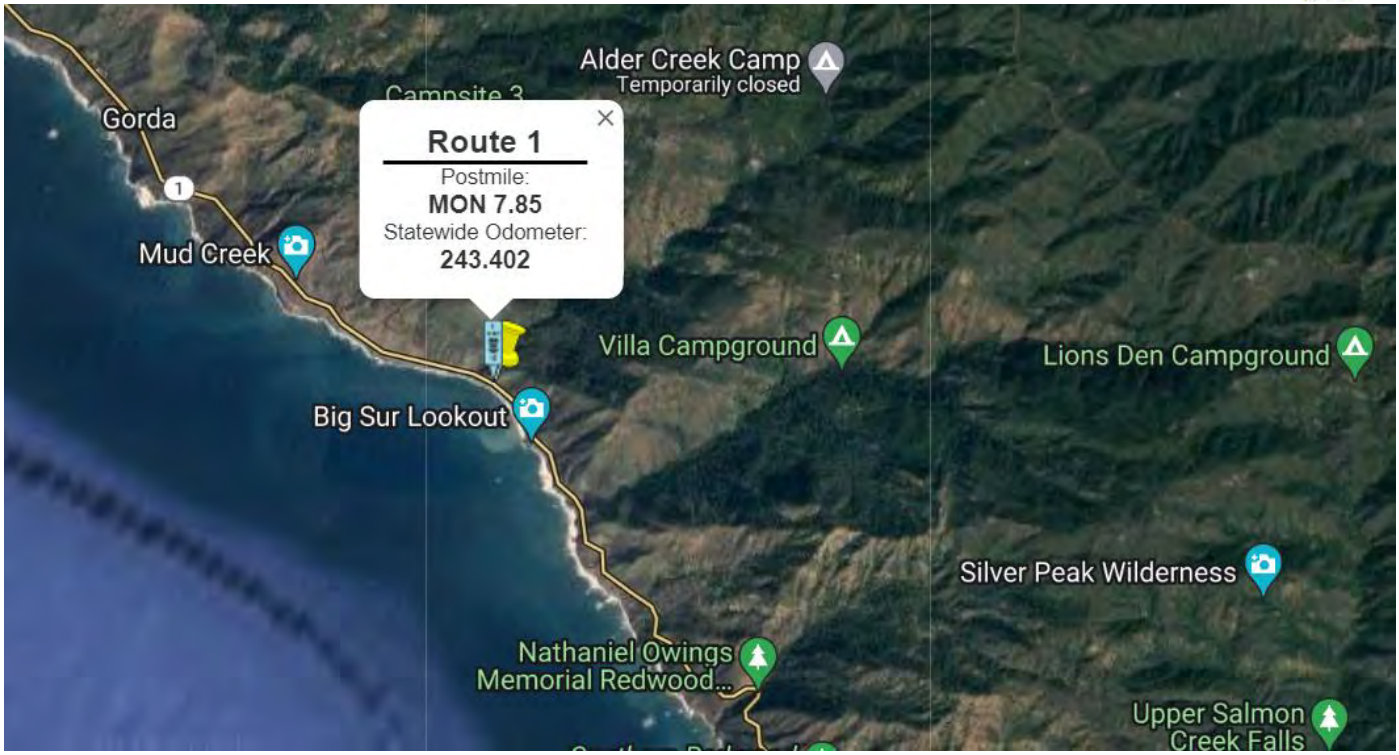

FIGURE 6: LOCATION #3: SOUTH GABION WALL-MON-1-7.8/7.9, USGS-**35° 51′ 28.2″ N, 121° 24′ 54.6″** W

FIGURE 7: LOCATION #3: SOUTH GABION WALL-RSP LIMITS-- VOLUME OF RSP = 5,600 CY, Q = 10,000 TONS

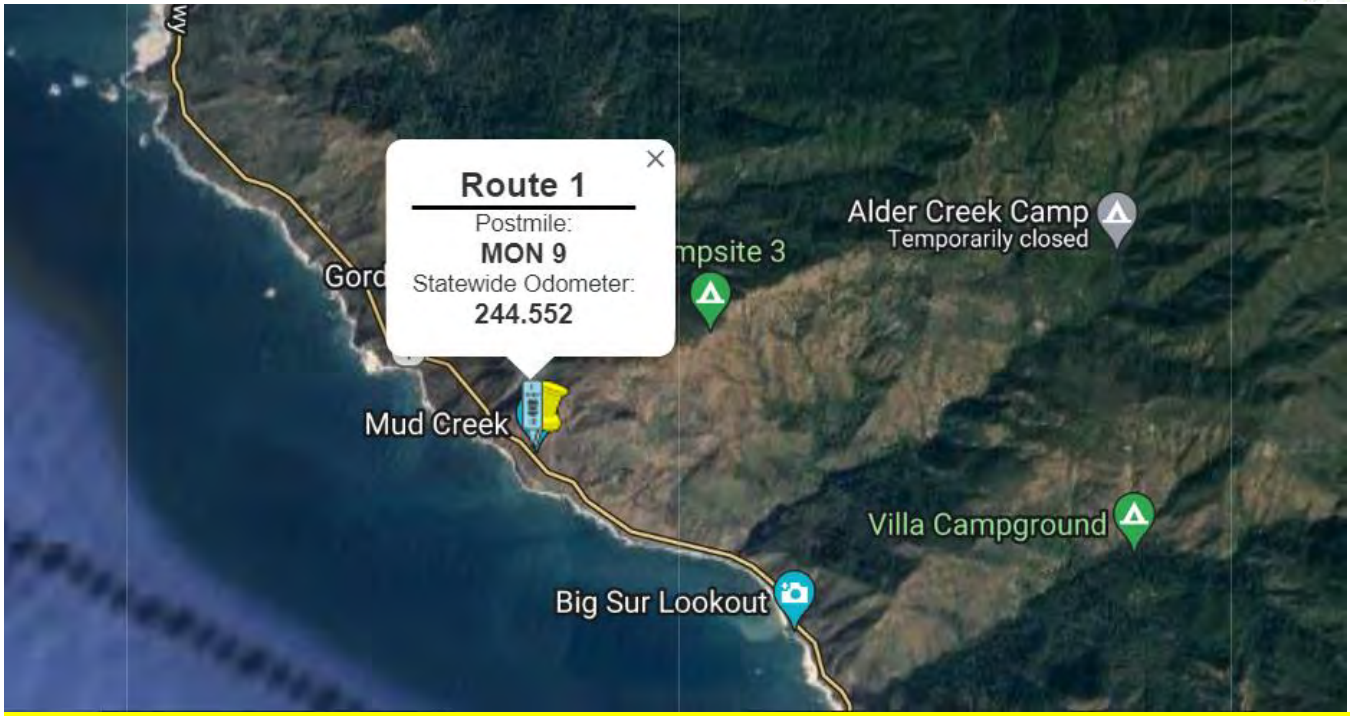

FIGURE 8: LOCATION #4: MUD CREEK LANDSLIDE PM 8.7/9.2. USGS-**35° 51' 55.5" N, 121° 25' 57.7" W**

FIGURE 9A: LOCATION #4: MUD CREEK LANDSLIDE -ACCESS ROADS AND CATCHMENT BENCHES TO BE CLEARED ABOVE HWY 1.

FIGURE 9B: LOCATION #4: MUD CREEK LANDSLIDE BELOW HWY 1. NOTE: THE IRREGULAR SHAPE OF THE RSP ALONG THE SHORELINE, INDICATING EVACUATION OF RSP.RSP PRE-POSITIONED FOR REPAIRS IS STOCKPILED AGAINST THE TOE OF THE NORTH EMBANKMENT SLOPE.

FIGURE 9C: LOCATION #4: MUD CREEK LANDSLIDE -RESTORE RSP INTO THE IRREGULAR SHAPED AREAS WHERE RSP WAS EVACUATED BY LARGE WAVE ACTION BELOW HWY 1.

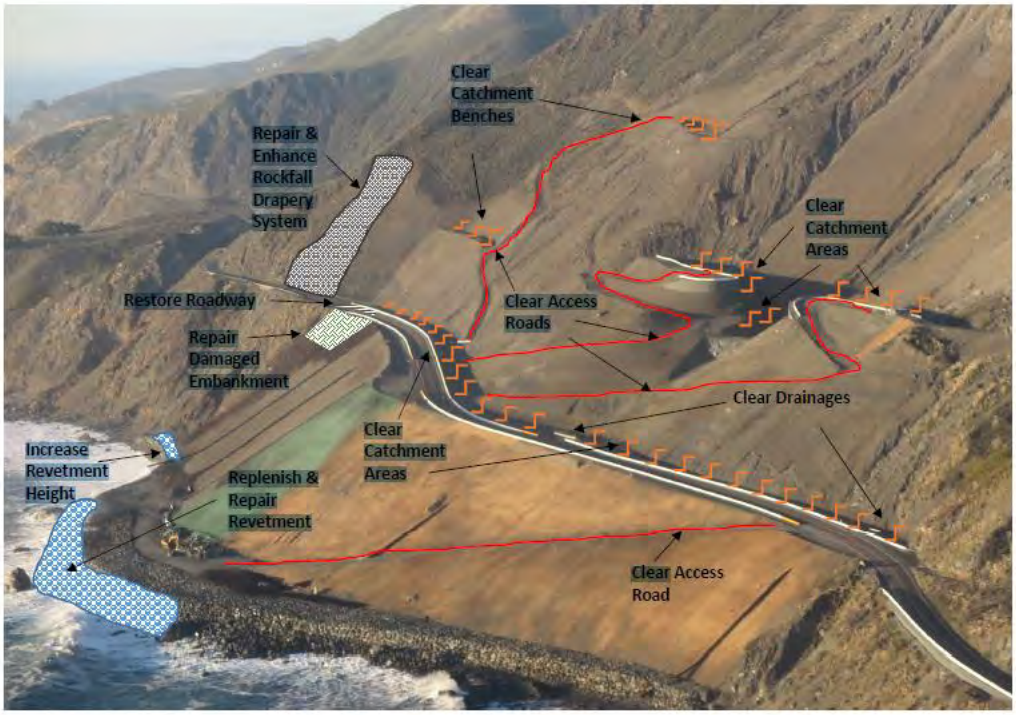

FIGURE 10: 2017 MUD CREEK LANDSLIDE PROJECT-WORK TO RESTORE THE HIGHWAY, ENHANCE REVETMENT AND STABLIZE THE SLOPES ABOVE AND BELOW THE HIGHWAY.

FIGURE 11: LOCATION #2: CURRENT CONDITION OF SHALE POINT NORTH-MISSING RSP

FIGURE 12: LOCATION #2: CURRENT CONDITION OF SHALE POINT NORTH-MISSING RSP

FIGURE 13: LOCATION #1 CURRENT CONDITION OF SHALE POINT SOUTH-MISSING RSP

Figure 14

05-1R190_
0523000167
05-Mon-1-7.2/9.2
Rock Slope Protection

RSP ESTIMATED ROCK QUANTITIES

1. Shale Point South

Total Volume per Drone Data 20,000 CY = 540,000 CUBIC FEET

		CY	CF	VOID RATIO %	Adjusted V CUBIC FEET	Unit Weight LB/FT	WEIGHT TON	
Gabion	5%	1000	27000	0.2	21600	165	1782	
2-4 ton	15%	3000	81000	0.3	56700	165	4678	
6-8 ton	20%	4000	108000	0.3	75600	165	6237	
10-20 ton	60%	12000	324000	0.25	243000	175	21263	
		20000	540000		396900		33959	TON
						SAY	34,000	TON

2. Shale Point North

Total Volume per Drone Data 67,000 CY = 1,809,000 CUBIC FEET

		CY	CF	VOID RATIO %	Adjusted V CUBIC FEET	Unit Weight LB/FT	WEIGHT TON	
Gabion	5%	3350	90450	0.2	72360	165	5970	
2-4 ton	15%	10050	271350	0.3	189945	165	15670	
6-8 ton	20%	13400	361800	0.3	253260	165	20894	
10-20 ton	60%	40200	1085400	0.25	814050	175	71229	
		67000	1809000		1329615		113763	TON
						SAY	114,000	TON

3. Alder Creek South Gabion Wall

Total Volume per Drone Data 5,600 CY = 151,200 CUBIC FEET

		CY	CF	VOID RATIO %	Adjusted V CUBIC FEET	Unit Weight LB/FT	WEIGHT TON	
Gabion	5%	280	7560	0.2	6048	165	499	
2-4 ton	15%	840	22680	0.3	15876	165	1310	
6-8 ton	20%	1120	30240	0.3	21168	165	1746	
10-20 ton	60%	3360	90720	0.25	68040	175	5954	
		5,600	151200		111132		9509	TON
						SAY	10,000	TON

4. Mud Creek RSP Repair

10-20 ton	State owned stockpiled 10-20 ton RSP on site	SAY	6000	TON

From:	McMorran, Robert
To:	Orellana, Michael S CIV USARMY CESPN (USA)
Cc:	Takano, Leilani
Subject:	[Non-DoD Source] Re: RGP5 Emergency Authorization Notification for SPN-2011-00149 (MON Co./Big Sur Shale Point Emergency Embankment Repair Project)
Date:	Wednesday, January 24, 2024 1:21:07 PM

Dear Michael Orellana,

We have reviewed your notification (attached) of the Corps' proposed authorization of California Department of Transportation (applicant), to repair significant damage to slopes supporting Highway 1 along the Big Sur Coast in Monterey County. The project is centrally located on Highway 1 at postmile markers (PMs) PM 7.25, PM 7.6, and PM 7.85, along Shale Point, in Monterey County, California (PM 7.25: Lat: 35.850988, Long: -121.409512, PM 7.6 Lat: 35.855379 Long: -121.411990, PM 7.85 Lat: 35.857845Long: -121.415178). Crews would place approximately 20,000 cubic yards of RSP at the South Revetment (0.46-acre), 67,000 cubic yards of RSP at the North Revetment (0.81-acre), and 6,000 yards of cubic yards at the South Gabion Wall (0.35-acre). In total approximately 93,000-cubic yards of fill would be placed within approximately 1.62-acres of coastline of the Pacific Ocean. Our receipt of your notification initiates emergency consultation procedures pursuant to the regulations implementing section 7 of the Endangered Species Act of 1973, as amended (50 CFR 402.05) (Act). The endangered Smith's blue butterfly is known to occur within or adjacent to the project area. Therefore, we are providing additional measures to avoid or minimize the effects on this species during emergency repairs. **Because you have determined that an imminent threat exists to life and/or property without the proposed action, under no circumstances should any of the measures be implemented if doing so will interfere with alleviating the emergency.**

Smith's blue butterfly

Minimization of Adverse Effects for Emergency Repair Activities

Smith’s blue butterfly: During Emergency Repair Activities

1. If possible, ensure that emergency repair projects will be implemented to avoid or reduce adverse effects to Smith’s blue butterflies and their habitat wherever possible.
2. If possible avoid work between June 15 and September 15, when Smith’s blue butterfly adults, eggs, and larvae may be present. Pupae may be present throughout the year, but are immobile and unlikely to be present far from buckwheat host plants.
3. If possible, ensure that ground disturbance for emergency repair project activities will not begin within or adjacent to stands of buckwheat host plants, seacliff buckwheat (*Eriogonum parvifolium*) or seaside buckwheat (*Eriogonum latifolium*), until a U.S. Fish and Wildlife Service (Service)-approved biologist is on site.
4. Ensure that only qualified biologists will participate in capture, handling, and monitoring of the Smith's blue butterfly, in all of its life stages, and the handling of buckwheat host plants.
5. If possible, for emergency repair activities within or adjacent to stands of buckwheat host plants, a qualified biologist will survey the work site before the onset of ground disturbance. If any life stage of the Smith's blue butterfly or its buckwheat host plants

are found and are likely to be killed or injured by work activities, the approved biologist will relocate buckwheat host plants, duff, and/or soil, from the site before work activities begin the shortest distance possible to a location that contains suitable habitat and will not be affected by activities associated with the proposed project. The buckwheat host plants, duff, and/or soil will be hand removed and placed as close as possible to, but not on, living buckwheat host plants. The qualified biologist will maintain detailed records of the number and location of buckwheat host plants that are moved.

6. If possible, before any maintenance or project activity work begins within stands of buckwheat, a qualified biologist will provide training to all field personnel. At a minimum, the training will include a description of the Smith's blue butterfly and its habitat, the specific measures that are being implemented to conserve the Smith's blue butterfly, and boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
7. The number of access routes, size of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the project goal. Environmentally Sensitive Areas will be established to confine access routes and construction areas to the minimum area necessary to complete construction, and minimize the impact to Smith's blue butterfly and buckwheat host plants.
8. A qualified biologist will be present at the work site for emergency repair project activities within or adjacent to stands of buckwheat host plants until all Smith's blue butterflies and buckwheat host plants that are at risk due to project activities have been removed, workers have been instructed, and disturbance to habitat has been completed.

Smith’s blue butterfly: After Completion of Emergency Repair Activities

1. Conduct revegetation efforts in all disturbed areas including those that are outside of those impacted by buckwheat host plant removal. Develop and implement a restoration and erosion control plan for disturbed sites. An assemblage of native species will be used for revegetation of disturbed sites that includes the appropriate locally-procured buckwheat seed for the site. Buckwheat host plant seed or individuals will only be placed outside the vegetation control areas located within 10 feet of either side of the developed roadway or shoulder. Monitor these disturbed areas and the immediate vicinity for invasive weed species every 6 months for the first year and annually thereafter for a total of 5 years. Any invasive weed species present, including seedlings, will be removed without damaging buckwheat host plants. A 10-foot no spray buffer will be established around Smith's blue butterfly host plants within which invasive species will be controlled by hand.
2. The spread of invasive weeds during revegetation efforts will be controlled according to the Vegetation Management Guidelines (California Department of Transportation 2002) developed as part of the Big Sur Coast Highway Management Plan (California Department of Transportation 2004).
3. Prohibit mowing and broadcast spraying of herbicide in or adjacent to stands of buckwheat host plants. Within areas that contain buckwheat host plants, control of invasive weeds, which is beneficial to buckwheat host plants, will be achieved by spot spraying of herbicide and/or hand clearing.
4. Ensure that best management practices are implemented according to the most current approved guidelines to control erosion and sedimentation during and after project implementation. Under the California Interagency Noxious Weed Free Forage and Mulch Program (http://www.iscc.ca.gov/), California is taking steps to make noxious weed-free hay and straw widely available. Under this program, weed-free hay and straw

bales would be used for erosion control measures when they become available.

5. Submit to the Service a project report that will include the size and location of the disturbed sites, the number and location of Smith's blue butterfly individuals captured and relocated, or killed or injured, the number and location of relocated buckwheat host plants, and site restoration and erosion control plan.

After the emergency has abated (i.e., the emergency repair work has been completed) the Corps should assess whether any adverse effects to Smith's blue butterfly occurred and report your findings to us. As soon as possible, you should submit to us a letter describing the actions taken and your assessment of the effects on the Smith's blue butterfly, if any. We will either issue our concurrence if you have determined that no adverse effects occurred, if we agree, or we will initiate formal consultation on the actions that resulted in adverse effects. We have assigned number **2024-0040485** to this action for future reference.

If you have any questions or updates, please contact me.

Thank you,

Robert

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Robert McMorran

U.S. Fish and Wildlife Service

2493 Portola Rd, Suite B

Ventura, CA 93003

robert_mcmorran@fws.gov

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From: Karen Grimmer - NOAA Federal
To: Orellana, Michael S CIV USARMY CESPN (USA)
Subject: Re: [Non-DoD Source] RGP5 Emergency Authorization Notification for SPN-2011-00149 (MON Co./Big Sur Shale Point Emergency Embankment Repair Project)
Date: Thursday, January 25, 2024 12:50:12 PM

Hi Michael,

I'm sharing our draft authorized activity description and special terms and conditions for your awareness.
Please let me know if any questions on any of them.

Best,
Karen

Karen Grimmer
Resource Protection/Emergency Response Coordinator
NOAA's Monterey Bay National Marine Sanctuary

Authorized Activity Description:

The following activities are allowed under this authorization**:**

Discharging into the sanctuary (15 C.F.R. § 922.132(a)(2)(i)) and altering the submerged lands of the sanctuary (15 C.F.R. § 922.132(a)(4)) specifically limited to:

Placement of rocks and gabion to repair rock slope protection (RSP)

All activities are to be conducted in accordance with this authorization and the US Army Corps Permit File Number: SPN-2011-00149.

No further activities prohibited by sanctuary regulations are allowed.

Authorized Activity Location:

The authorized activity is allowed only in the following location(s):

Along Highway 1 Big Sur Coast at postmile markers (PMs) 7.2 to 7.0 and 8.7 to 9.2 along Shale Point and Mud Creek, in Monterey County, California. Wave erosion led to the evacuation of the existing rock slope protection (RSP) revetments and gabion wall shoreline protection at Shale Point and Mud Creek located between Ragged Point and Gorda.

Special Terms and Conditions:

1. **All authorized activities may be conducted from January 24, 2024 through January 23, 2029. The authorization holder may request an amendment from the MBNMS Superintendent in advance of this expiration date, to extend the effective date of this authorization.**

2. **Placement of no more than 164,000 tons of material for RSP including 34,000 tons at Shale Point South, 114,000 tons at Shale Point North, 10 tons at Alder Creek South Gabion Wall and 6,000 tons at Mud Creek.**

3. **Material shall be placed only in the RSP area (outlined in Emergency Declaration Form 05-1R190/0523000167-4 Locations).**

4. **Sediment stored on the seaward side of Highway 1 above the sites shall be contained from runoff. The sediment from the project area shall not be discharged at any other site(s) within or affecting MBNMS.**

5. **If at any time the MBNMS Superintendent determines continued the RSP is adversely affecting resources of MBNMS, the Superintendent shall inform Caltrans in writing, and Caltrans shall immediately cease operations under this authorization. Caltrans shall not resume such operations until and unless the MBNMS Superintendent determines additional information shows there will be no further adverse effect from the repair operation upon Sanctuary resources.**

6. **This authorization is limited to discharge as described in the authorization application and US Army Corps Permit File Number: SPN-2011-00149. Disturbance of any other sanctuary resources is prohibited.**

7. **No activity authorized by this authorization shall disturb or impact any historical or marine archaeological resources of the sanctuary. If historical or marine archaeological resources are encountered at any time, the authorization holder shall cease all further activities under this authorization and immediately contact the MBNMS Superintendent.**

8. **Reporting Requirements**:

- The authorization holder shall complete all reporting requirements required by US Army Corps Permit File Number: SPN-2011-00149, as amended, and shall submit copies of all required reports to the MBNMS Permit Coordinator at mbnms.permits@noaa.gov.

- No later than April 1 of each year this authorization is valid, the authorization holder must submit to the MBNMS Permit Coordinator, a written maintenance report which includes the following information: summary of the deposited volume; total volume (cubic yards) of sediments deposited into the RSP; techniques employed; problems encountered; timing of repair activities; daily maximum tidal elevations; general daytime weather observations for each day of marine operations, accidental or unauthorized discharges/deposits of matter into the sanctuary; or any other significant occurrence throughout the authorization period.

9. **This activity may also require permission from other agencies. The enclosed authorization is not valid until all other necessary permits and/or authorizations are obtained. Any direct or incidental harassment of marine mammals requires a permit from the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service. Direct or incidental harassment of seabirds requires a permit from the U.S. Fish and Wildlife Service.**

10. **Any scientific publications and/or reports resulting from activities conducted under the authority of this authorization must include the notation the activity was conducted under authorization number MBNMS-2024-002. Copies of/or links to any publications resulting from work conducted under this authorization shall be submitted to the MBNMS Permit Coordinator, at mbnms.permits@noaa.gov. Additionally, the authorization holder is required to acknowledge activities occurred within the sanctuary and under authorization during any media coverage (press releases, video/photo, social media, or other means).**

11. **All activities are to be conducted in accordance with the authorized activity description, authorized activity location, and all special and general terms and conditions of this authorization. Activities not explicitly addressed in this authorization shall be conducted in accordance with the specific methods (including any sampling) detailed in the application (i.e. US Army Corps Permit File Number SPN-2011-00149) and any additional information submitted or correspondence between the authorization holder, their agent, or their representative and MBNMS staff. If any changes are made to the project methods or if methods deviate from those provided to MBNMS, the authorization holder shall notify the MBNMS Permit Coordinator at mbnms.permits@noaa.gov. Upon such notification, MBNMS staff shall re-review the project and provide a supplementary determination.**

On Jan 25, 2024, at 12:02 PM, Orellana, Michael S CIV USARMY CESPN (USA) <Michael.S.Orellana@usace.army.mil> wrote:

Good afternoon Karen,
Yes, that is the file number. I am going to be sending an updated request for comments emergency notification to the agencies again. This updated notification includes the new work at Mud Creek Landslide. I will be sending it out shortly, with a request for comments to be submitted by noon tomorrow January 26, 2024.

Michael

From: Karen Grimmer - NOAA Federal <karen.grimmer@noaa.gov>
Sent: Thursday, January 25, 2024 11:56 AM
To: Orellana, Michael S CIV USARMY CESPN (USA) <Michael.S.Orellana@usace.army.mil>
Subject: Re: [Non-DoD Source] RGP5 Emergency Authorization Notification for SPN-2011-00149 (MON Co./Big Sur Shale Point Emergency Embankment Repair Project)

Thank you Michael. Confirming the Army Corps permit number is SPN-2011-00149? I will insert this into our authorization, which is under review.
Karen

On Jan 25, 2024, at 6:40 AM, Orellana, Michael S CIV USARMY CESPN (USA) <Michael.S.Orellana@usace.army.mil> wrote:

Good Morning Karen,
I will make sure to copy you when we send the permit.

Michael

From: Karen Grimmer - NOAA Federal <karen.grimmer@noaa.gov>
Sent: Wednesday, January 24, 2024 3:31 PM
To: Orellana, Michael S CIV USARMY CESPN (USA) <Michael.S.Orellana@usace.army.mil>
Subject: Re: [Non-DoD Source] RGP5 Emergency Authorization Notification for SPN-2011-00149 (MON Co./Big Sur Shale Point Emergency Embankment Repair Project)

Hi again Michael,

Would you please copy me on the permit you send to Caltrans? I will need to reference it in our authorization.

Thanks!
Karen

On Jan 24, 2024, at 12:00 PM, Karen Grimmer - NOAA Federal <karen.grimmer@noaa.gov> wrote:

Hi Michael,

I believe we will need a bit more time, and aiming for Friday for an authorization. Is the Corps permit the only one

being issued? If so, we will be authorizing your permit. I ask as last time we authorized the CDP. Good to know on the prep work.

Karen

> On Jan 24, 2024, at 10:47 AM, Orellana, Michael S CIV USARMY CESPN (USA) <Michael.S.Orellana@usace.army.mil> wrote:
>
> Good morning Karen,
> I believe that they have started some of the prep work. We are working on having this permit out by this afternoon.
>
> Best,
> Michael Orellana
>
> ---
>
> **From:** Karen Grimmer - NOAA Federal <karen.grimmer@noaa.gov>
> **Sent:** Wednesday, January 24, 2024 10:45 AM
> **To:** Orellana, Michael S CIV USARMY CESPN (USA) <Michael.S.Orellana@usace.army.mil>
> **Cc:** Weightman, Craig@Wildlife <Craig.Weightman@wildlife.ca.gov>; Hammer, Phillip@Waterboards <Phillip.Hammer@waterboards.ca.gov>; Ajina, Alia@Waterboards <Alia.Ajina@Waterboards.ca.gov>; Chan, Zoe <Chan.Zoe@epa.gov>; Susan@Coastal Craig <Susan.Craig@coastal.ca.gov>; Kahn, Kevin@Coastal <kevin.kahn@coastal.ca.gov>; Allen, Peter@Coastal <Peter.Allen@coastal.ca.gov>; FW8VenturaSection7@fws.gov; Mandy Ingham - NOAA Federal <mandy.ingham@noaa.gov>; Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>; Donatello, <Allison.Donatello@dot.ca.gov>; Carrie Swanberg <Carrie.Swanberg@wildlife.ca.gov>; Paulson, Kimberly@Wildlife <Kimberly.Paulson@wildlife.ca.gov>
> **Subject:** [Non-DoD Source] Re: RGP5 Emergency Authorization Notification for SPN-2011-00149 (MON Co./Big Sur Shale Point Emergency Embankment Repair Project)
>
> Good morning Michael,
>
> Since the original EFN indicates in Box 5 that material will be deposited below MHW, MBNMS will need to authorize the repair work again. We previously authorized the Coastal Commission CDP in 2010 for repair work at this location. We will provide some terms and special conditions to protect sanctuary resources in the authorization. We can provide those to you shortly.
>
> Did the work begin yesterday, as indicated in the ENF?
>
> Thanks,
> Karen
> ---
> Karen Grimmer
> Resource Protection/Emergency Response Coordinator
> NOAA's Monterey Bay National Marine Sanctuary
>
> > On Jan 23, 2024, at 12:39 PM, Weightman, Craig@Wildlife <Craig.Weightman@wildlife.ca.gov> wrote:
> >
> > Adding in Carrie Swanberg and Sarah Paulson for CDFW as this is in CDFW Region 4 and I cover CDFW Region 3.
> > Please include them in any response or future correspondence. CDFW Region 3 is Santa Cruz to Sonoma and CDFW Region 4 is Monterey to San Luis Obispo.
> > https://wildlife.ca.gov/Regions
> >
> > Thank You
> > Craig
> >
> > Craig J. Weightman
> > Habitat Conservation
> > Environmental Program Manager
> > California Department of Fish and Wildlife

2825 Cordelia Road, Ste. 100
Fairfield, CA 94534

(707) 339-1332 cell

From: Orellana, Michael S CIV USARMY CESPN (USA) <Michael.S.Orellana@usace.army.mil>
Sent: Tuesday, January 23, 2024 12:26 PM
To: Hammer, Phillip@Waterboards <Phillip.Hammer@waterboards.ca.gov>; Ajina, Alia@Waterboards <Alia.Ajina@Waterboards.ca.gov>; Chan, Zoe <Chan.Zoe@epa.gov>; Susan.Craig@coastal.ca.gov; Kahn, Kevin@Coastal <kevin.kahn@coastal.ca.gov>; Allen, Peter@Coastal <Peter.Allen@coastal.ca.gov>; Weightman, Craig@Wildlife <Craig.Weightman@wildlife.ca.gov>; FW8VenturaSection7@fws.gov; Mandy Ingham - NOAA Federal <mandy.ingham@noaa.gov>; Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>; Karen Grimmer - NOAA Federal <karen.grimmer@noaa.gov>
Cc: Donatello, Allison@DOT <Allison.Donatello@dot.ca.gov>
Subject: RGP5 Emergency Authorization Notification for SPN-2011-00149 (MON Co./Big Sur Shale Point Emergency Embankment Repair Project)

You don't often get email from michael.s.orellana@usace.army.mil. Learn why this is important

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hello Agencies,

The California Department of Transportation (Caltrans), requests emergency authorization under Regional General Permit 5 (RGP 5) to repair significant damage to slopes supporting Highway 1 along the Big Sur Coast in Monterey County. As a result of large swells and high tides hitting the Central Coast during the week of December 24, 2023. Wave erosion led to the evacuation of the existing rock slope protection (RSP) revetments and gabion wall shoreline protection at Shale Point between Ragged Point and Gorda. Based on the damage from wave run up and splash to scour and undermine the now unprotected slopes, and slope failures advancing toward Highway 1 leading to potentially worsening conditions. Caltrans deems this project an emergency in need of immediate repair. The emergency project must be immediately repaired to stabilize the slope and prevent road failure of Highway 1. The project is centrally located on Highway 1 at postmile markers (PMs) PM 7.25, PM 7.6, and PM 7.85, along Shale Point, in Monterey County, California (PM 7.25: Lat: 35.850988, Long: -121.409512, PM 7.6 Lat: 35.855379 Long: -121.411990, PM 7.85 Lat: 35.857845Long: -121.415178). The purpose of the project is to immediately address slope failures to prevent potential road and shoulder failure that could disrupt an important highway for the public.

Project Description:

Caltrans crews would replace the evacuated RSP in the South and North revetments and armor the failed South Gabion Wall with RSP to repair the current damage and protect the Highway from continued slope failures caused by wave action. Caltrans utilized a UAS model to estimate the volume and tonnage of RSP required to reconstruct the revetments and armor the South Gabion Wall. Crews would place approximately 20,000 cubic yards of RSP at the South Revetment (0.46-acre), 67,000 cubic yards of RSP at the North Revetment (0.81-acre), and 6,000 yards of cubic yards at the South Gabion Wall (0.35-acre). In total approximately 93,000-cubic yards of fill would be placed within approximately -1.62-acres of Coastline of the Pacific Ocean. Additionally, crews would install RSP that is of similar color to the existing RSP to minimize impacts to visual resources that may occur as a result of the proposed project. All necessary structures would be constructed and colored to match the natural surroundings and reduce reflectivity. Caltrans would implement all appropriate erosion best management practices to minimize impacts to resources and listed species and regrade and re-contour all disturbed area to pre-construction topography. Additional details can be found in Enclosure 1.

All proposed work would be completed from highway 101, Right of Way, and along other temporary access roads. Details of the project activities are provided in the enclosures 1.

ESA Species:

The following ESA protected species and their designated critical habitat, including Essential Fish Habitat (EFH) may be present within the vicinity of the project locations:

USFWS:

Smith's blue butterfly (*Euphilotes enoptes smithi*)

NMFS:

steelhead - south-central California coast DPS (*Oncorhynchus mykiss irideus*)

EFH

Coastal Pelagic Species

NOAA National Marine Protected Areas

Monterey Bay National Marine Sanctuary

If your agency has additional species information, comments - including any additional minimization measures - please provide them to me as soon as possible. If possible, by 12:00 noon on Wednesday, January 24, 2024.

A post activity report will be available within 45 days of the project completion as required by the Corps' RGP 5 permit.

Thank you for your help with this project authorization.

Sincerely,

Michael S Orellana
Regulatory Project Manager- South Branch
San Francisco District, U.S. Army Corps of Engineers
450 Golden Gate Avenue, 4th Floor
San Francisco, California 94102-3404
Michael.S.Orellana@usace.army.mil
O:415-503-6769

From:	Ajina, Alia@Waterboards
To:	Orellana, Michael S CIV USARMY CESPN (USA)
Cc:	Hammer, Phillip@Waterboards
Subject:	[Non-DoD Source] RE: RGP5 Emergency Authorization Notification for SPN-2011-00149 (MON Co./Big Sur Shale Point Emergency Embankment Repair Project)
Date:	Tuesday, January 23, 2024 5:00:44 PM

Hello Michael,

Thank you for the opportunity to review and comment on the above-referenced Emergency RGP 5 Notification.

Among other requirements listed in the Technically Conditioned 401 Certification of Regional General Permit 5, the applicant is required to do the following:

1. Provide the Central Coast Water Board with a fee of $2,985.
2. Pursuant to section IX.F.6, implement effective best management practices to control erosion and runoff from areas associated with the emergency project, including access roads. All areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the U.S. and/or state must be restored. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species.
3. Pursuant to section IX.D.6, all repairs and construction shall be kept to the minimum necessary to alleviate the immediate emergency and limited to in-kind replacement or refurbishment of on-site features. Minor upgrading may be considered if the Enrollee uses bioremediation or other environmentally sensitive solutions. Permanent restoration work other than that performed as an associated part of the emergency operations, including any minor upgrades, shall not be performed without prior approval and authorization by the Water Boards.
4. Fill in and submit within 45 days the Notice of Completion form (Attachment E) to the Central Coast Water Board and the State Water Board.

Central Coast Water Board staff has reviewed the proposed emergency action and finds the project has the potential to negatively impact water quality and beneficial uses due to potential discharges to waters of the state. We therefore request that the U.S. Army Corps of Engineers add the following conditions to its permit:

1. Caltrans shall quantify whether this project's RSP footprint is larger than the RSP that was placed in the 2010/2011 project at the same locations and provide this information to Central Coast Water Board staff.
    a. For each location separately, the South revetment, North revetment, and South Gabion Wall, Caltrans shall quantify, in volume and acreage, the RSP that will be new/larger than the previous project's footprint.
    b. Caltrans shall identify if said RSP is within the mean higher high water line, and quantify the amount, in volume and acreage, within the mean higher high water line.
2. Caltrans shall assess if they can use gravel filters instead of RSP fabric between the native slope and rock section where the new RSP revetment is in contact with the

exposed soil slope above the beach.

3. Caltrans shall stabilize all bare soils created as a result of the project upon completion of the project. Stabilization shall consist of erosion control measures such as seeding with a native seed mix, and stabilization with fiber rolls and erosion control blankets in a manner that does not allow discharges to waters of the State.
4. Caltrans shall photo-document the project site before, during and after construction of the Project. All photos shall be included in the Notice of Completion.
5. All work shall be as described in the U.S. Army Corps of Engineers email from Michael Orellana to Central Coast Water Board staff on January 23, 2024 at 12:26 PM.

The Technically Conditioned 401 Water Quality Certification of RGP 5 (Certification) and Attachments can be found at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.shtml

If the applicant does not implement the project in accordance with these conditions, the project has the potential to cause violations of water quality standards.

Thank you,

Best,
Alia

Alia Ajina (she/her)
Environmental Scientist | 401 Unit
Central Coast Regional Water Quality Control Board
Phone: 805-542-4646

From: Orellana, Michael S CIV USARMY CESPN (USA) <Michael.S.Orellana@usace.army.mil>
Sent: Tuesday, January 23, 2024 12:26 PM
To: Hammer, Phillip@Waterboards <Phillip.Hammer@waterboards.ca.gov>; Ajina, Alia@Waterboards <Alia.Ajina@Waterboards.ca.gov>; Chan, Zoe <Chan.Zoe@epa.gov>; Susan.Craig@coastal.ca.gov; Kahn, Kevin@Coastal <kevin.kahn@coastal.ca.gov>; Allen, Peter@Coastal <Peter.Allen@coastal.ca.gov>; Weightman, Craig@Wildlife <Craig.Weightman@wildlife.ca.gov>; FW8VenturaSection7@fws.gov; Mandy Ingham - NOAA Federal <mandy.ingham@noaa.gov>; Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>; karen.grimmer <karen.grimmer@noaa.gov>
Cc: Donatello, Allison@DOT <Allison.Donatello@dot.ca.gov>
Subject: RGP5 Emergency Authorization Notification for SPN-2011-00149 (MON Co./Big Sur Shale Point Emergency Embankment Repair Project)

EXTERNAL:

Hello Agencies,

The California Department of Transportation (Caltrans), requests emergency authorization under Regional General Permit 5 (RGP 5) to repair significant damage to slopes supporting Highway 1 along the Big Sur Coast in Monterey County. As a result of large swells and high tides hitting the Central

Coast during the week of December 24, 2023. Wave erosion led to the evacuation of the existing rock slope protection (RSP) revetments and gabion wall shoreline protection at Shale Point between Ragged Point and Gorda. Based on the damage from wave run up and splash to scour and undermine the now unprotected slopes, and slope failures advancing toward Highway 1 leading to potentially worsening conditions. Caltrans deems this project an emergency in need of immediate repair. The emergency project must be immediately repaired to stabilize the slope and prevent road failure of Highway 1. The project is centrally located on Highway 1 at postmile markers (PMs) PM 7.25, PM 7.6, and PM 7.85, along Shale Point, in Monterey County, California (PM 7.25: Lat: 35.850988, Long: -121.409512, PM 7.6 Lat: 35.855379 Long: -121.411990, PM 7.85 Lat: 35.857845Long: -121.415178). The purpose of the project is to immediately address slope failures to prevent potential road and shoulder failure that could disrupt an important highway for the public.

Project Description:

Caltrans crews would replace the evacuated RSP in the South and North revetments and armor the failed South Gabion Wall with RSP to repair the current damage and protect the Highway from continued slope failures caused by wave action. Caltrans utilized a UAS model to estimate the volume and tonnage of RSP required to reconstruct the revetments and armor the South Gabion Wall. Crews would place approximately 20,000 cubic yards of RSP at the South Revetment (0.46-acre), 67,000 cubic yards of RSP at the North Revetment (0.81-acre), and 6,000 yards of cubic yards at the South Gabion Wall (0.35-acre). In total approximately 93,000-cubic yards of fill would be placed within approximately -1.62-acres of Coastline of the Pacific Ocean. Additionally, crews would install RSP that is of similar color to the existing RSP to minimize impacts to visual resources that may occur as a result of the proposed project. All necessary structures would be constructed and colored to match the natural surroundings and reduce reflectivity. Caltrans would implement all appropriate erosion best management practices to minimize impacts to resources and listed species and regrade and re-contour all disturbed area to pre-construction topography. Additional details can be found in Enclosure 1.

All proposed work would be completed from highway 101, Right of Way, and along other temporary access roads. Details of the project activities are provided in the enclosures 1.

ESA Species:

The following ESA protected species and their designated critical habitat, including Essential Fish Habitat (EFH) may be present within the vicinity of the project locations:

USFWS:

Smith's blue butterfly (*Euphilotes enoptes smithi*)

NMFS:

steelhead - south-central California coast DPS (*Oncorhynchus mykiss irideus*)

EFH

Coastal Pelagic Species

NOAA National Marine Protected Areas

Monterey Bay National Marine Sanctuary

If your agency has additional species information, comments - including any additional minimization measures - please provide them to me as soon as possible. If possible, by 12:00 noon on Wednesday, January 24, 2024.

A post activity report will be available within 45 days of the project completion as required by the Corps' RGP 5 permit.

Thank you for your help with this project authorization.

Sincerely,

Michael S Orellana
Regulatory Project Manager- South Branch
San Francisco District, U.S. Army Corps of Engineers
450 Golden Gate Avenue, 4th Floor
San Francisco, California 94102-3404
Michael.S.Orellana@usace.army.mil
O:415-503-6769

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Monterey Bay National Marine Sanctuary
99 Pacific Street, Building 455A
Monterey, California 93940

January 26, 2024

Sunny McBride
California Department of Transportation (Caltrans)
50 Higuera Street
San Luis Obispo, CA 93401

Dear Ms. McBride:

The National Oceanic and Atmospheric Administration Office of National Marine Sanctuaries Program (ONMS) has approved the issuance of authorization number MBNMS-2024-002 to conduct certain authorized activities within Monterey Bay National Marine Sanctuary (sanctuary) that would otherwise be prohibited. Activities are to be conducted in accordance with the authorization application and all supporting materials submitted to the sanctuary, and the terms and conditions of authorization number MBNMS-2024-002 (enclosed).

This authorization is not valid until signed and returned to ONMS. Retain one signed copy and carry it with you while conducting the authorized activities. Additional copies must be signed and returned, by either mail or email, to the following individual within 30 days of issuance and before commencing any activity under this authorization:

Permit Coordinator
Monterey Bay National Marine Sanctuary
99 Pacific Street, Building 455A
Monterey, California 93940
mbnms.permits@noaa.gov

Your authorization contains specific terms, conditions and reporting requirements. Review them closely and fully comply with them while undertaking the authorized activities.

If you have any questions, please contact Karen Grimmer at karen.grimmer@noaa.gov. Thank you for your continued cooperation with ONMS.

Sincerely,

Lisa Wooninck, Ph.D.
Superintendent

Enclosure

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Monterey Bay National Marine Sanctuary
99 Pacific Street, Building 455A
Monterey, California 93940

MONTEREY BAY NATIONAL MARINE SANCTUARY AUTHORIZATION

Authorization Holder:
Sunny McBride
California Department of Transportation (Caltrans)
50 Higuera Street
San Luis Obispo, CA 93401

Authorization #: MBNMS-2024-002
Effective Date: January 26, 2024
Expiration Date: January 25, 2029

Project Title: Shale Point & Mud Creek Emergency Embankment Repair along Big Sur Highway One

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This authorization is issued for activities in accordance with the National Marine Sanctuaries Act (NMSA), 16 USC §§ 1431 *et seq.*, and regulations thereunder (15 CFR Part 922). All activities must be conducted in accordance with those regulations and law. No activity prohibited in 15 CFR Part 922 is allowed except as specified in the activity description below.

Subject to the terms and conditions of this authorization, the National Oceanic and Atmospheric Administration (NOAA) Office of National Marine Sanctuaries (ONMS) hereby authorizes the authorization holder listed above to conduct activities within Monterey Bay National Marine Sanctuary (MBNMS or sanctuary) as listed below. All activities are to be conducted in accordance with this authorization and the January 24, 2024 Emergency Notification Form and all subsequently submitted information. The application package is incorporated into this authorization and made a part hereof; provided, however, if there are any conflicts between the authorization application and the terms and conditions of this authorization, the terms and conditions of this authorization shall be controlling.

Authorized Activity Description:
The following activities are allowed under this authorization**:**

Discharging into the sanctuary (15 C.F.R. § 922.132(a)(2)(i)) and altering the submerged lands of the sanctuary (15 C.F.R. § 922.132(a)(4)) specifically limited to:

Placement of rocks and gabion to repair rock slope protection (RSP)

All activities are to be conducted in accordance with this authorization and the U.S. Army Corps Permit File Number: SPN-2011-00149.

No further activities prohibited by sanctuary regulations are allowed.

Authorized Activity Location:
The authorized activity is allowed only in the following location(s):
Along Highway 1 Big Sur Coast at postmile markers (PMs) 7.2 to 7.0 and 8.7 to 9.2 along Shale Point and Mud Creek, in Monterey County, California. Wave erosion led to the

evacuation of the existing rock slope protection (RSP) revetments and gabion wall shoreline protection at Shale Point and Mud Creek located between Ragged Point and Gorda.

Special Terms and Conditions:

1. All authorized activities may be conducted from January 26, 2024 through January 25 2029. The authorization holder may request an amendment from the MBNMS Superintendent in advance of this expiration date, to extend the effective date of this authorization.

2. Placement of no more than 164,000 tons of material for RSP including 34,000 tons at Shale Point South, 114,000 tons at Shale Point North, 10 tons at Alder Creek South Gabion Wall and 6,000 tons at Mud Creek.

3. Material shall be placed only in the RSP area (outlined in Emergency Declaration Form 05-1R190/0523000167-4 Locations).

4. Sediment stored on the seaward side of Highway 1 above the sites shall be contained from runoff. The sediment from the project area shall not be discharged at any other site(s) within or affecting MBNMS.

5. If at any time the MBNMS Superintendent determines the placement of rocks and gabion in the sanctuary as repair of the RSP is adversely affecting resources of MBNMS, the Superintendent shall inform Caltrans in writing, and Caltrans shall immediately cease operations under this authorization. Caltrans shall not resume such operations until and unless the MBNMS Superintendent determines additional information shows there will be no further adverse effect from the repair operation upon sanctuary resources.

6. This authorization is limited to discharge as described in the authorization application and US Army Corps Permit File Number: SPN-2011-00149. Disturbance of any other sanctuary resources is prohibited.

7. No activity authorized by this authorization shall disturb or impact any historical or marine archaeological resources of the sanctuary. If historical or marine archaeological resources are encountered at any time, the authorization holder shall cease all further activities under this authorization and immediately contact the MBNMS Superintendent.

8. Reporting Requirements:

    - The authorization holder shall complete all reporting requirements required by U.S. Army Corps Permit File Number: SPN-2011-00149, as amended, and shall submit copies of all required reports to the MBNMS Permit Coordinator at mbnms.permits@noaa.gov.

    - No later than April 1 of each year this authorization is valid, the authorization holder must submit to the MBNMS Permit Coordinator, a written maintenance report which includes the following information: summary of the deposited volume; total volume (cubic yards) of sediments deposited into the RSP; techniques employed; problems

encountered; timing of repair activities; daily maximum tidal elevations; general daytime weather observations for each day of marine operations, accidental or unauthorized discharges/deposits of matter into the sanctuary; or any other significant occurrence throughout the authorization period.

9. This activity may also require permission from other agencies. The enclosed authorization is not valid until all other necessary permits and/or authorizations are obtained. Any direct or incidental harassment of marine mammals requires a permit from the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service. Direct or incidental harassment of seabirds requires a permit from the U.S. Fish and Wildlife Service.

10. Any scientific publications and/or reports resulting from activities conducted under the authority of this authorization must include the notation the activity was conducted under authorization number MBNMS-2024-002. Copies of/or links to any publications resulting from work conducted under this authorization shall be submitted to the MBNMS Permit Coordinator, at mbnms.permits@noaa.gov. Additionally, the authorization holder is required to acknowledge activities occurred within the sanctuary and under authorization during any media coverage (press releases, video/photo, social media, or other means).

11. All activities are to be conducted in accordance with the authorized activity description, authorized activity location, and all special and general terms and conditions of this authorization. Activities not explicitly addressed in this authorization shall be conducted in accordance with the specific methods (including any sampling) detailed in the application (i.e. U.S. Army Corps Permit File Number SPN-2011-00149) and any additional information submitted or correspondence between the authorization holder, their agent, or their representative and MBNMS staff. If any changes are made to the project methods or if methods deviate from those provided to MBNMS, the authorization holder shall notify the MBNMS Permit Coordinator at mbnms.permits@noaa.gov. Upon such notification, MBNMS staff shall re-review the project and provide a supplementary determination.

General Terms and Conditions:

1. Within 30 (thirty) days of the date of issuance, the authorization holder must sign and date this authorization for it to be considered valid. Once signed, the authorization holder must send copies, by either mail or email, to the following individual:

   Permit Coordinator
   Monterey Bay National Marine Sanctuary
   99 Pacific Street, Building 455A
   Monterey, California 93940
   mbnms.permits@noaa.gov

2. It is a violation of this authorization to conduct any activity allowed by this authorization prior to the ONMS having received a copy signed by the authorization holder.

3. This authorization may only be amended by the Office of National Marine Sanctuaries. The authorization holder may not change or amend any part of this authorization at any time. The terms of the authorization must be accepted in full, without revision; otherwise, the authorization holder must return the authorization to the sanctuary office unsigned with a written explanation for its rejection. Amendments to this authorization must be requested in the same manner the original request was made.

4. All persons participating in the authorized activity must be under the supervision of the authorization holder, and the authorization holder is responsible for any violation of this authorization, the NMSA, and sanctuary regulations for activities conducted under, or in junction with, this authorization. The authorization holder must assure that all persons performing activities under this authorization are fully aware of the conditions herein.

5. This authorization is non-transferable and must be carried by the authorization holder at all times while engaging in any activity authorized by this authorization.

6. This authorization may be suspended, revoked, or modified for violation of the terms and conditions of this authorization, the regulations at 15 CFR Part 922, the NMSA, or for other good cause. Such action will be communicated in writing to the applicant or authorization holder, and will set forth the reason(s) for the action taken.

7. This authorization may be suspended, revoked or modified if requirements from previous Office of National Marine Sanctuaries permits or authorizations issued to the authorization holder are not fulfilled by their due date.

8. Permit applications for any future activities in the sanctuary or any other sanctuary in the system by the authorization holder might not be considered until all requirements from this authorization are fulfilled.

9. This authorization does not authorize the conduct of any activity prohibited by 15 CFR § 922, other than those specifically described in the "Authorized Activity Description" section of this authorization. If the authorization holder or any person acting under the authorization holder's supervision conducts, or causes to be conducted, any activity in the sanctuary not in accordance with the terms and conditions set forth in this authorization, or who otherwise violates such terms and conditions, the authorization holder may be subject to civil penalties, forfeiture, costs, and all other remedies under the NMSA and its implementing regulations at 15 CFR Part 922.

10. Any publications and/or reports resulting from activities conducted under the authority of this authorization must include the notation that the activity was conducted under Office of National Marine Sanctuaries authorization MBNMS-2024-002 and be sent to the ONMS official listed in general condition number 1.

11. This authorization does not relieve the authorization holder of responsibility to comply with all other federal, state and local laws and regulations, and this authorization is not valid until all other necessary permits, authorizations, and approvals are obtained. Particularly, this authorization does not allow disturbance of marine mammals or seabirds

protected under provisions of the Endangered Species Act, Marine Mammal Protection Act, or Migratory Bird Treaty Act. Authorization for incidental or direct harassment of species protected by these acts must be secured from the U.S. Fish and Wildlife Service and/or NOAA Fisheries, depending upon the species affected.

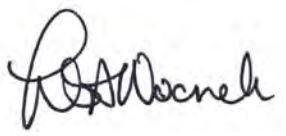
12. The authorization holder shall indemnify and hold harmless the Office of National Marine Sanctuaries, NOAA, the Department of Commerce and the United States for and against any claims arising from the conduct of any authorized activities.

13. Any question of interpretation of any term or condition of this authorization will be resolved by NOAA.

Your signature below, as authorization holder, indicates you accept and agree to comply with all terms and conditions of this authorization. This authorization becomes valid when you, the authorization holder, countersign and date below. Please note that the expiration date on this authorization is already set and will not be extended by a delay in your signing below.

Sunny McBride — 2/2/2024

Sunny McBride — Date
Environmental Stewardship Branch Chief
Caltrans



January 25, 2024

Lisa Wooninck, Ph.D. — Date
Superintendent
Monterey Bay National Marine Sanctuary

CALIFORNIA COASTAL COMMISSION
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EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-24-0013 (Shale Point Revetments)

Issue Date: March 13, 2024

(This ECDP Supersedes and Revises ECDP G-3-24-0013 dated March 6, 2024)

Permittee: California Department of Transportation (Caltrans)

Emergency Location: Approximately ½ mile linear distance on either side of Shale Point at the toe of the bluff below the Highway 1 roadway elevation on the Big Sur coast just south of the town of Gorda (at post miles 7.2 to 7.9) in Monterey County.

Emergency Description: The proposed emergency development is in a historically active area of slope instability below the Highway 1 roadway elevation. The toe of the slope north and south of Shale Point is armored with two revetments covering a distance of about 637 linear feet and 820 linear feet, respectively. In addition, two gabion crib walls, 550 linear feet and 426 linear feet, have been installed on either side of Alder Creek (approximately 1,500 feet and 2,500 feet north of Shale Point). Such existing armoring was approved by the Commission pursuant to CDP 3-10-034 in 2012. Recent storms during the last week of December 2023 and early January 2024 resulted in damage to and loss of rock from the existing revetments and rotation to one of the existing gabion walls, all of which threatens the integrity of the protection for Highway 1. Observations in the weeks since the initial damage was reported in late December 2023 indicate that slope failures are advancing toward the roadway. The proposed emergency development is necessary to continue to ensure public safety and to prevent further damage to coastal resources.

Emergency Development: Caltrans would (1) place approximately 30,000 tons of 2 to 20+ ton rocks on and seaward of the revetment located south of Shale Point; (2) place approximately 50,000 tons of 2 to 20+ ton rocks on and seaward of the revetment located north of Shale Point; (3) extend the revetment located north of Shale Point another roughly 1,000 feet to the north; (4) place approximately 5,000 tons of 2 to 20+ ton rocks on and seaward of the southern gabion crib wall north of Shale Point; and (5) regrade an existing bluff access road between the Highway and Shale Point. All such proposed armoring is necessary to prevent slope failure from impacting Highway 1, and such development is expected to take about 9 months to complete. The Executive Director provided initial authorization for such emergency development on January 25, 2024, and this hard copy ECDP represents the formal ECDP covering all such development.

Executive Director's Determination
The Executive Director of the California Coastal Commission hereby finds that: (a) a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services exists (i.e., an

Enclosure: ECDP Acceptance Form

"emergency" (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) the emergency requires action more quickly than allowed by the procedures for regular CDPs; (c) the emergency development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; (d) the emergency development carried out under this ECDP is considered temporary work done in an emergency situation to abate an emergency and is undertaken at Permittee risk; (e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement and/or if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP; (f) absent obtaining a regular CDP, the emergency development shall be removed and the affected area restored; and (g) Commission staff will review public comment on the proposed emergency development as time allows.

The emergency development is hereby approved, subject to the conditions listed below.

DocuSigned by:
Kevin Kahn
DEE0E587E71C402

Kevin Kahn, Central Coast District Manager, for Kate Huckelbridge, Executive Director

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 ECDP (i.e., by March 28, 2024). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.

2. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated received in the Commission's Central Coast District Office on January 24, 2024. Only that emergency development specifically described in this ECDP and for the specific location listed above is authorized. Any other development requires separate authorization from the Executive Director or the Commission, as applicable.

3. The emergency development authorized on a temporary basis by this ECDP must be completed within 270 days of ECDP issuance (i.e., by December 8, 2024).

4. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., Monterey County, Central Coast Regional Water Quality Control Board, California State Lands Commission, California Department of Fish and Wildlife, Monterey Bay National Marine Sanctuary, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, NOAA-NMFS, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.

5. By exercising this ECDP, Permittee acknowledges and agrees that: (a) the emergency development is temporary, is designed to temporarily abate the emergency, and shall be removed unless and until a regular CDP authorizing the work is approved, and provided the Permittee adheres to such regular CDP's terms

and conditions; and (b) a regular CDP is subject to all of the provisions of the California Coastal Act (as codified in Sections 30000 to 30900 of the Public Resources Code) and any applicable Local Coastal Program (LCP) policies and may be conditioned accordingly to avoid and/or to offset coastal resource impacts consistent with the Coastal Act (and LCP as applicable) (including but not limited to requirements for public access provisions (such as offers to dedicate, easements, in-lieu fees, etc.), assumption/disclosure of risks (including deed restrictions), triggers for relocation/removal, offsetting mitigations, etc.). The Permittee acknowledges that review of the CDP application to determine consistency with the Coastal Act (and LCP as applicable) will be based on the conditions the property was legally in prior to initiation of the temporary emergency development that is the subject of this ECDP.

6. By exercising this ECDP, the Permittee acknowledges and agrees in relation to this ECDP and the emergency development that it authorizes: (a) to assume all risks (including all coastal hazard risks, that include but are not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunami, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise); (b) to unconditionally waive any claim of damage and/or liability against the Commission and/or its officers, employees, agents, successors and/or assigns; (c) to indemnify and hold harmless the Commission and its officers, employees, agents, successors and/or assigns 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, including as it relates to any damages to public and/or private properties and/or personal injury; (d) that any adverse effects to property or people caused by the emergency development shall be fully the responsibility of the Permittee.

7. The Permittee shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that the Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this ECDP, the interpretation and/or enforcement of ECDP terms and conditions, or any other matter related to this ECDP. The Permittee shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns.

8. Within 270 days of ECDP issuance (i.e., by December 8, 2024), the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development, and restore all affected areas to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP); or (b) submit a

complete application (i.e., satisfying the requirements of Title 14 California Code of Regulations Section 13056) for a regular CDP to authorize the emergency development, including submitting all information and materials requested, and as directed, by the Executive Director if/when the Executive Director determines that such application is incomplete. The application shall include photos showing the project site before the emergency, during emergency project construction activities, and after the work authorized by this ECDP has been completed. In addition, the application shall also include a Habitat Mitigation and Monitoring Plan that analyzes all ecological impacts from construction and placement of the armoring, and provides for appropriate on-site and if necessary off-site compensatory mitigation. The application shall also include information on all other project impacts to scenic, public access, and other coastal impacts together with a prescription for mitigation for such impacts. If such regular follow-up CDP application is withdrawn by the Permittee, or is denied by the Commission, or if it remains incomplete for a period of 120 days after the Executive Director informs the Permittee that the application is incomplete, then all of the materials placed and/or installed in connection with the emergency development shall be removed, and all affected areas shall be restored to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP).

9. Failure to meet any of the applicable requirements of Condition 8 above shall constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Executive Director and/or the Commission. Such formal action may include: recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties of up to $11,250 per day per violation; a civil lawsuit (that may result in the imposition of monetary penalties, including daily penalties of up to $15,000 per violation per day); and/or other applicable penalties and relief pursuant to Coastal Act Chapter 9. In addition, failure to follow and meet all terms and conditions of this ECDP shall also constitute a knowing and intentional Coastal Act violation to which the same actions above may be applied.

10. Within 30 days of issuance of this ECDP, the Permittee shall submit a survey to determine the presence of black abalone. The survey area shall include boulder sized or consolidated rocky substrate located within appropriate elevations at Shale Point and south to the edge of the project's proposed footprint. Methodology for these protocol-level pre-construction surveys shall be developed in consultation with NMFS and approved by the Executive Director. If black abalone are observed during the survey, the Permittee shall develop, in consultation with the Executive Director and NMFS, avoidance and minimization measures, and compensatory mitigation, if necessary. These measures may include, but are not limited to, relocation of black abalone and/or protocols to avoid impacts to black abalone and critical habitat. These measures shall be included in the initial survey submitted to the Executive Director, or in a subsequent report submitted within 30 days of the submittal of the black abalone survey.

11. All emergency development shall be limited to the least amount necessary to temporarily abate the emergency, and shall be undertaken in a time and manner that avoids any and all coastal resource impacts as much as possible, including avoiding impacts to public access. The Permittee shall keep the Executive Director informed regarding emergency development progress, including in terms of any issues encountered that may require adjustment.

12. 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 temporarily abate the emergency consistent with the terms and conditions of this ECDP.

13. All emergency construction activities shall limit impacts to coastal resources (including public recreational access and the Pacific Ocean) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements:

    a. All construction activities shall take place during daylight hours (i.e., from one-hour before sunrise to one-hour after sunset). Lighting of the beach and/or intertidal area is prohibited.

    b. Construction work and equipment operations: shall avoid areas seaward of the tidal extent as much as possible; shall be prohibited in ocean waters and/or wetted sand (i.e., areas either wet and/or with a noticeable sheen from tidal and/or wave action) as much as possible; and shall avoid beachgoers and beach recreational areas as much as possible.

    c. Any construction materials and equipment placed on the beach 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 the beach area by one hour after sunset each day that work occurs.

    d. 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, where such areas shall be limited in their spatial extent as much as possible. 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.

    e. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment 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.).

    f. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment shall be prohibited.

Equipment washing, refueling, and/or servicing shall not take place on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each workday.

g. All 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 that is impacted by construction shall be filtered as necessary to remove any construction debris.

h. 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/cleanup of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.

i. The Permittee shall notify staff of the Coastal Commission's Transportation Unit immediately upon completion of construction. If staff should identify reasonable restoration measures, such measures shall be implemented immediately.

14. 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.

15. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing the legal pre-emergency development condition to both the emergency condition and to the post-emergency development condition), and a narrative description of all emergency development activities undertaken pursuant to this ECDP. Photos showing the project site before the emergency (if available), during emergency development construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.

16. 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 construction coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email address and a telephone number (with voice mail capabilities) 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 contact information (e.g., name, address, email, phone number, etc.) 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.

The Permittee shall submit the record of complaints/inquiries and actions taken in response to the Executive Director on a weekly basis, and upon completion of construction activities.

17. Minor adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.

18. By exercising this ECDP, Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property.

19. Failure to comply with the terms and conditions of this ECDP may result in enforcement action under the provisions of Coastal Act Chapter 9. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the property without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Coastal Act Chapter 9.

If you have any questions about the provisions of this ECDP, please contact Eric Stevens of the Commission's Transportation Unit at 301 East Ocean Blvd. Suite 300, Long Beach, CA 90802; eric.stevens@coastal.ca.gov; or the Commission's Central Coast District office at 725 Front Street, Suite 300, Santa Cruz, CA 95060; centralcoast@coastal.ca.gov; and/or (831) 427-4863.