

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> September 26, 2012	9:00 A.M.	<b>Agenda Item No.:</b> 1
<b>Project Description:</b> Combined Development Permit consisting of: 1) a Coastal Development Permit to allow the Wetland and Public Access Enhancement at Whistlestop Lagoon. This project will include two key elements: a) Replacing three failed culverts located under the existing 325 foot long Whistlestop levee with a new 20 foot long bridge to maintain muted tidal flow in Whistlestop Lagoon, improve water quality and fish passage, and maintain/improved trail safety for recreational users in the area; b) Relocating an existing dock that extends off the Whistlestop levee to deeper water to reduce disturbance to mudflat habitat at low tides and improve boat access to Parsons Slough; 2) a Coastal Development Permit to allow development with positive archaeological reports; and 3) a Coastal Development Permit to allow development within 100 feet of a known environmentally sensitive habitat area. Grading of approximately 1,350 cubic yards of cut and fill.		
<b>Project Location:</b> 1698 Elkhorn Road, Royal Oaks		<b>APN:</b> 131-051-001-000 and 131-051-067-000
<b>Planning File Number:</b> PLN110472		<b>Owner:</b> State of California – Dept. of Fish and Game <b>Agent:</b> Andrea Woolfolk
<b>Planning Area:</b> North County Land Use Plan		<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> : “RC (CZ)” [Resource Conservation within the Coastal Zone]		
<b>CEQA Action:</b> Consider Mitigated Negative Declaration		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Consider the adopted Mitigated Negative Declaration;
- 2) Approve PLN110472, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and
- 3) Adopt the attached Mitigation Monitoring and Reporting Program.

### PROJECT OVERVIEW:

The project is located at 1698 Elkhorn Road, Royal Oaks within the Elkhorn Slough Estuary. The Whistlestop levee is used by Estuary staff to access Parsons slough. The levee is crucial in providing sufficient flushing to maintain water quality conditions, increase habitat diversity in Parsons Slough and provide sufficient passage to larger fish. The proposed project consists of two elements: (1) replacing the existing culverts located in the Whistlestop levee with an approximately 20-foot long bridge to improve water quality, fish passage, and trail safety for recreational users in the area; and (2) relocating an existing dock that extends off the Whistlestop levee to deeper water to reduce disturbance to mudflat habitat at low tides and improve boat access to Parsons Slough. (**For detailed Description See Exhibit B**)

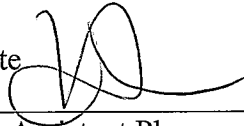
**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- Environmental Health Bureau
- Water Resources Agency
- North County Fire Protection District
- Parks Department
- California Coastal Commission

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by RMA-Public Works Department have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

Note: The decision on this project is appealable to the Board of Supervisors and Coastal Commission.

/S/ Valerie Negrete



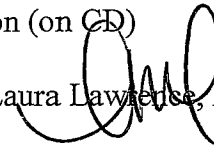
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September 13, 2012

cc: Front Counter Copy; Planning Commission; North County Fire Protection District; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Valerie Negrete, Project Planner; Carol Allen, Senior Secretary; State of California-Department of Fish and Game, Owner; Andrea Woolfolk, Agent; April Zohn, Environmental Consultant; The Open Monterey Project; LandWatch; Planning File PLN110472

Attachments: Exhibit A Project Data Sheet  
Exhibit B Project Discussion  
Exhibit C Draft Resolution, including:  
• Conditions of Approval and Mitigation Monitoring and Reporting Program  
• Site Plan  
Exhibit D Vicinity Map  
Exhibit E California Department of Fish and Game Approval on June 4, 2012  
Exhibit F Adopted Mitigated Negative Declaration (on CD)

This report was reviewed by Delinda Robinson, Senior Planner and Laura Lawrence, Planning Services Manager

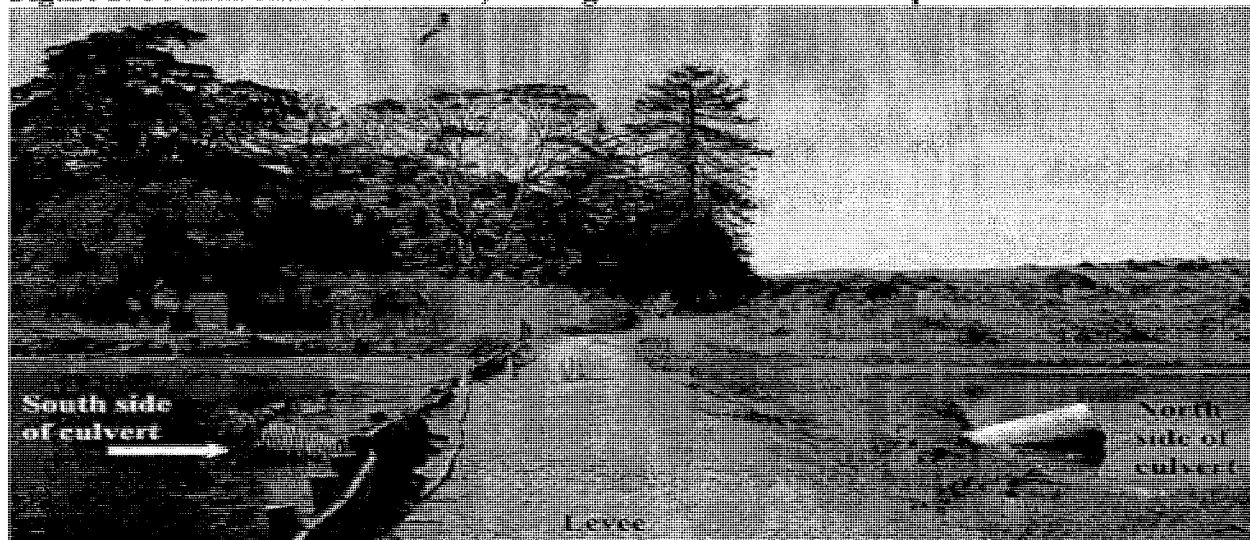


## EXHIBIT B DISCUSSION

### Project Description

Whistlestop Lagoon is a 14.2-acre tidal environment located about 3.5 miles east of Moss Landing in Elkhorn Slough, Monterey County, California, in the northern portion of the Parsons Slough Complex (see below). The Whistlestop levee divides Whistlestop Lagoon from the adjacent Parsons Slough.

**Figure 1: 36-inch diameter culvert, looking west across Whistlestop levee**



The proposed project entails the removal of up to three failed culverts (two (2) 24" and one (1) 36") in the Whistlestop levee and replaces a section of the 325-foot long levee with a 15 to 20-foot long bridge. Figure 1 below shows the largest of the culvert as seen from the Whistlestop levee. To install the bridge, an approximately 20-foot section of the existing levee would be breached, and earth fill removed. The opening of tidal exchange under the bridge would improve water quality in Whistlestop Lagoon by increasing nutrient and energy exchange with the rest of the estuary. Also, the opening would improve access and passage for fish and wildlife between Whistlestop Lagoon and the adjacent estuarine habitat (Parsons Complex). Rock placed under the bridge would provide additional hard substrate to support native oysters, and would minimize the potential for tidal scour and erosion. Placement of a bridge at this location would improve safety of Elkhorn Slough National Estuarine Research Reserve (ESNERR) staff and the public when accessing Hummingbird Island on the west side of the levee.

The project also proposes to relocate the existing 50-foot dock adjacent to the Whistlestop levee to the central portion of the levee. The dock would be extended to include a 35-foot "T" section at its seaward (southern) end. The dock would be secured with seven new posts (4"x4" or 6"x6" wooden timbers) driven into the channel bed. Relocation and extension of the existing dock would increase the footprint of the dock over open water and intertidal mudflat by approximately 400 square feet.

All maintenance and monitoring will be conducted by the staff at ESNERR.

EXHIBIT A

Project Information for PLN110472

Project Information:

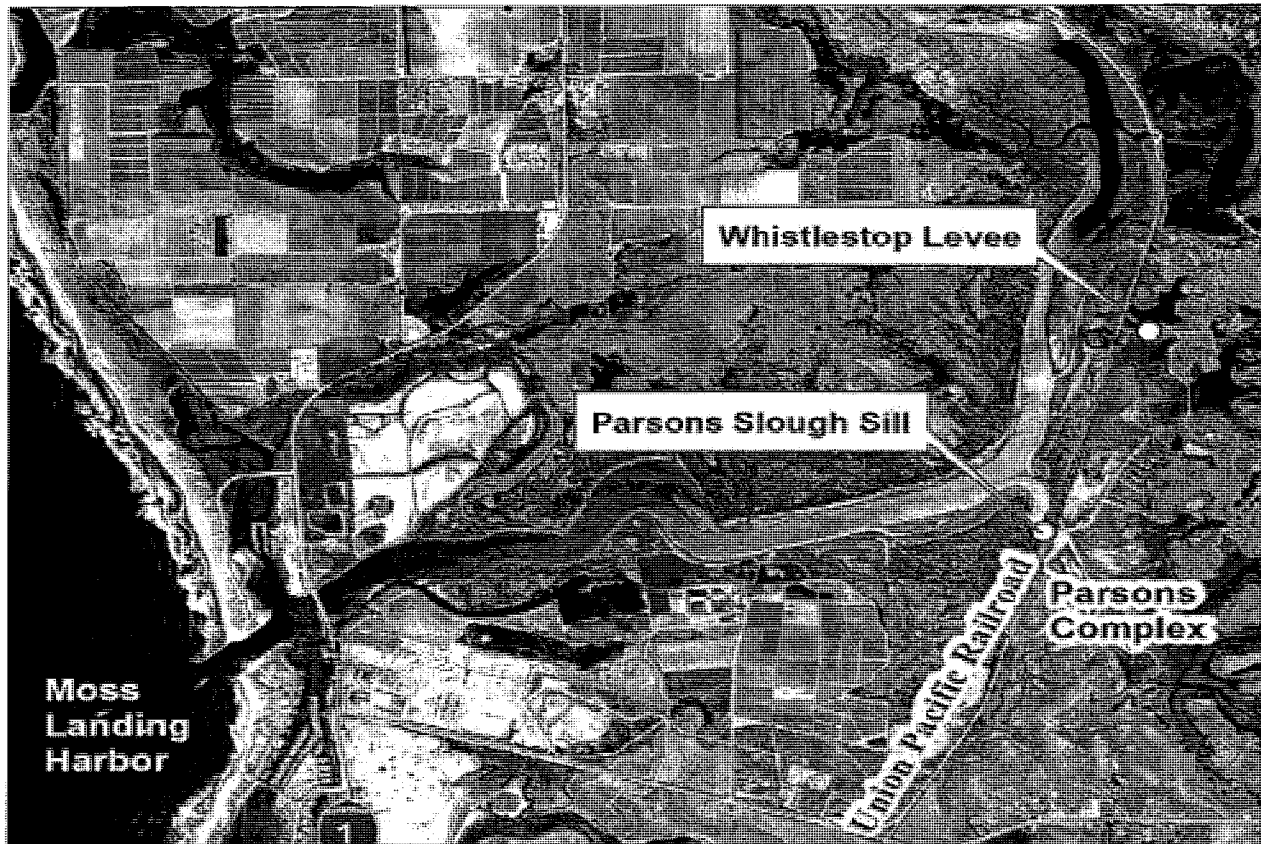
Project Name: STATE OF CALIFORNIA  
Location: 1698 ELKHORN RD ROYAL OAKS  
Permit Type: Combined Development Permit  
Environmental Status: Mitigated Negative Declaration  
Final Action Deadline (884): 12/25/2012  
Existing Structures (sf): 620  
Coverage Allowed: 5%  
Proposed Structures (sf): 20  
Coverage Proposed: NA  
Total Sq. Ft.: 20  
Height Allowed: 30'  
Tree Removal: None  
Height Proposed: NA  
Water Source: N/A  
FAR Allowed: NA  
Water Purveyor: N/A  
FAR Proposed: NA  
Sewage Disposal (method): N/A  
Lot Size: 14.2  
Sewer District: N/A  
Grading (cubic yds.): 1350

Parcel Information:

Primary APN: 131-051-001-000  
Seismic Hazard Zone: VI  
Applicable Plan: North County LUP  
Erosion Hazard Zone: Low  
Advisory Committee: North County-Coastal Advisory Committee  
Fire Hazard Zone: Moderate  
Zoning: RC(CZ)  
Flood Hazard Zone: AE  
Land Use Designation: Resource Conservation  
Archaeological Sensitivity: high  
Coastal Zone: North County LCP  
Viewshed: No  
Fire District: North County FPD  
Special Setbacks on Parcel: N

Reports on Project Parcel:

Soils Report #: MND  
Biological Report #: MND  
Geologic Report #: MND  
Forest Management Rpt. #: MND  
Archaeological Report #: MND  
Traffic Report #: MND



### **Project Issues**

The main issues addressed within the Mitigated Negative Declaration, adopted by the State of California on June 4, 2012, were cultural resources, water quality and biological resources. Mitigation measures have been applied to the project to decrease impacts to water quality and biological resources to a level less-than-significant through construction-related best management practices (BMP's) and special-status species avoidance and minimization measures. In addition, to ensure impacts to cultural resources are less than significant, an archaeologist will be on site during construction. Issues such as transportation, geology, floodplain, and public access are considered less-than-significant impacts.

### **Environmental Review**

A Mitigated Negative Declaration (MND) (**Exhibit F**) was prepared by the State of California – Department of Fish and Game and circulated from April 13, 2012 through May 29, 2012 (SCH No. 2012041041). The Department of Fish and Game is the Lead Agency pursuant to 15051, Section 15051 states in part that the public agency that has the greatest responsibility for supervising or approving the project as a whole shall be the Lead Agency. Because of the biological considerations involved, the MND was prepared as the State of California – Department of Fish and Game being the lead agency. The RMA- Planning Department is a Responsible Agency pursuant to CEQA section 15050 (b), whereas the Planning Commission is the decision making body to consider the adopted MND. The MND and mitigation and monitoring plan were adopted by the State of California on June 4, 2012 (**Exhibit E**). The Planning Commission is being asked to consider the respective MND with the approval of the Combined Development Permit.

**EXHIBIT C  
DRAFT RESOLUTION**

**Before the Planning Department in and for the  
County of Monterey, State of California**

In the matter of the application of:

**State of California (PLN110472)**

**RESOLUTION NO. [REDACTED]**

Resolution by the Monterey County Hearing Body:

- 1) Considering the adopted Mitigated Negative Declaration;
- 2) Approving a Combined Development Permit consisting of: 1) a Coastal Development Permit to allow the Wetland and Public Access Enhancement at Whistlestop Lagoon. This project will include two key elements: a) Replacing three failed culverts located under the existing 325 foot long Whistlestop levee with a new 20 foot long bridge to maintain muted tidal flow in Whistlestop Lagoon, improve water quality and fish passage, and maintain/improved trail safety for recreational users in the area; b) Relocating an existing dock that extends off the Whistlestop levee to deeper water to reduce disturbance to mudflat habitat at low tides and improve boat access to Parsons Slough; 2) a Coastal Development Permit to allow development with positive archaeological reports; and 3) a Coastal Development Permit to allow development within 100 feet of a known environmentally sensitive habitat area. Grading of approximately 1,350 cubic yards of cut and fill.
- 3) Adopt the attached Mitigation Monitoring and Reporting Program.

[PLN110472, State of California, 1698 Elkhorn Road, Royal Oaks, North County Land Use Plan (APN: 131-051-001-000 and 131-051-067-000)]

**The Combined Development Permit application (PLN110472) came on for public hearing before the Monterey County Planning Commission on September 26, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:**
- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
    - the 1982 Monterey County General Plan;
    - North County Land Use Plan;
    - Monterey County Coastal Implementation Plan Part 2;
    - Monterey County Zoning Ordinance (Title 20);No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
  - b) The property is located at 1698 Elkhorn Road, Royal Oaks (Assessor's Parcel Number 131-051-001-000 and 131-051-067-000), North County Land Use Plan. The parcel is zoned "RC (CZ)" Resource Conservation within the Coastal Zone], which allows repairs to existing levees and docks.
  - c) The project planner conducted a site inspection on October 4, 2011 and March 27, 2012 to verify that the project on the subject parcel conforms to the plans listed above.
  - d) Pursuant to Monterey County Code 20.36.050.F, uses subject to State approved facilities and area management plans are an allowed use subject to a Coastal Development Permit. The Elkhorn Slough National Estuarine Research Reserve (Elkhorn Slough NERR) is a seven-mile arm of the Monterey Bay located half way between the cities of Santa Cruz and Monterey. The Elkhorn Slough's first management plan was approved by the California Department of Fish and Game (CDFG) and the National Oceanic and Atmospheric Administration (NOAA) in 1985. This plan was revised again in 2006. The Elkhorn Slough NERR is protected for long-term research, water-quality monitoring, education and coastal stewardship. The Reserve also offers opportunities for public access and is home to an award-winning visitor's center. The property features several well-maintained hiking trails and has boardwalks, a wildlife viewing blind, and a fully-accessible scenic overlook.
  - e) Pursuant to Monterey County Code Section 20.36.030.F a Coastal Development Permit to allow development with positive archaeological reports. According to Monterey County Geographic Information Systems (GIS), the subject property as being within 750 feet from a known archaeological resource (**See Finding 5 for discussion**).
  - f) Pursuant to Monterey County Code Section 20.36.030.E. a Coastal Development Permit required to allow development within 100 feet of a known environmentally sensitive habitat area. The Elkhorn Slough is an estuary extending inland for 7 miles from the midpoint of Monterey Bay in Central California which contains approximately 2,690 acres of distinctive habitat types including subtidal channels, tidal creeks, mudflats, salt marshes, and tidal brackish marshes. An Initial Study was prepared by the Department of Fish and Game. Three mitigations will be necessary to ensure impacts to these biological resources are less than significant (See Finding 5 for discussion).

- g) The project includes the replacement of three failed culverts located under an existing 325 foot long Whistlestop levee, with a new 20 foot long bridge over the Whistlestop Lagoon which maintains tidal flow. The replacement is also necessary to improve water quality and fish passage. Two of the three culverts have failed within the past several years resulting in sink holes along the pedestrian bridge causing a safety issue. When the largest 36 inch corrugated metal pipe failed, as an emergency measure to slow erosion and stop the creation of additional sink holes, the 36 inch culvert was capped. The capping lead to additional tidal muting, a substantial reduction in tidal range and a significant reduction in tidal flow into the Lagoon which eventually lead to anoxic conditions and killed fish. The cap on the culvert was subsequently removed. The other two culverts are a 24" high density polyethylene pipe with corrugated interior and a 24" corrugated plastic pipe with smooth interior which failed and continues to convey no flow (See Finding 8 for further discussion).
- h) The project also includes relocating a 50 foot loading dock that extends off the southeast corner of Whistlestop levee to deeper water to reduce disturbance to mudflat habitat at low tides and improve boat access to Parsons Slough. Placement of a dock at this location would improve safety of Elkhorn Slough National Estuarine Research Reserve (ESNERR) staff and the public when accessing Hummingbird Island on the west side of the levee.
- i) Policy 5.4.3.6 of the North County Land Use Plan designates improved public accessways within the Elkhorn Slough. The subject culvert replacement and dock relocation will improve public access. Policy 2.3.2.7 states in part that where public access exists or is permitted in areas of environmentally sensitive habitats, it shall be limited to low intensity recreation and located to appropriate areas on designated trails and paths. The subject culvert and bridge replacement is designated on an existing trail and will improve existing access to Parsons Slough for Elkhorn Slough staff and visitors.
- j) General Policy 2.4.2.4 of the North County Land Use Plan states in part that diking, dredging, or filling in Elkhorn Slough and Parson's Slough shall maintain or enhance the biological productivity of the wetland or estuary. Any alteration of the coastal estuaries and wetlands in North County shall be limited to restorative measures and appropriate facilities associated with access, research, education, and aquaculture according to specific criteria designated in a wetland management plan. The subject culvert replacement and dock relocation may impact subtidal channels, tidal creeks, mudflats, salt marshes, and tidal brackish marshes. With three mitigations for Construction-Related Best Management Practices, an on-site biologist monitoring construction activities, and construction scheduling with appropriate staging area impacts to biological resources will be less than significant (See Finding 5 for further discussion). The subject culvert and bridge replacement is designated on an existing trail and will improve existing access to Parsons Slough for Elkhorn Slough staff and visitors.
- k) Whistlestop Lagoon is part of the scenic Elkhorn Slough complex, which is characterized by channels, wetlands, and surrounding open



space and agriculture. Elkhorn Slough is an environmentally sensitive area with high visual quality and recreational importance. At high tide, much of the slough appears as open water surrounded by agricultural and undeveloped open space characterized by grasses and trees. Potentially sensitive visual receptors accessing Hummingbird Island via the trail on the levee will not be impacted during construction activities as the area will be closed during construction.

- l) The project was referred to the North County Coastal Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC, but due to three meeting cancellations made by the members of the LUAC, the project was not reviewed by the committee.
- m) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110472.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, North County Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - b) Staff identified potential impacts to Biological Resources, Hydrology/Water Quality and Archaeological Resources. Technical reports by outside consultants were prepared and incorporated in the MND adopted by the Department of Fish and Game (**See Finding 5 for Discussion**). There were no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed the Initial Study and concurs with their conclusions.
  - c) Staff conducted site inspections on October 4, 2011 and March 27, 2012 to verify that the site is suitable for this use.
  - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110472.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning Department, North County Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Necessary public facilities are currently provided. Though the project is to modify and restore an existing levee and dock for public access within Elkhorn Slough, the public access is part of the Elkhorn Slough National Estuarine Research Reserve which has existing utilities and facilities that adequately serve the needs of the employees and public on-site. The project will not impact or modify existing water and sewage services.
  - c) Preceding findings and supporting evidence for PLN110472.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
  - b) Staff conducted site inspections on October 4, 2011 and March 27, 2012 and researched County records to assess if any violation exists on the subject property.
  - c) There are no known violations on the subject parcel.
  - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110472.

5. **FINDING:** **CEQA (Previously Adopted Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is substantial evidence that the proposed project as designed, conditioned and mitigated, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis made by the State of California Department of Fish and Game (lead agency) with review for consistency by the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) The State of California Department of Fish and Game prepared an Initial Study. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN110472).
  - c) The Elkhorn Slough Estuary is managed by a partnership of state, Federal, and non-profit partners, and includes three State Marine Reserves, a State Ecological Reserve and Wildlife Management Area, a National Estuarine Research Reserve, and is part of a National Marine

Sanctuary.

- d) For purposes of approving the subject Combined Development Permit, the RMA-County of Monterey Planning Department is a “Responsible Agency”, whom by definition is a public agency which proposes to approve a project for which a “Lead Agency” is preparing environmental review. CDFG is also a landowner and co-manager of Elkhorn Slough National Estuarine Research Reserve and is acting as the State “Lead Agency” under CEQA. The “Lead Agency” is the public agency which has the principal responsibility for carrying out or approving a project. The MND and mitigation and monitoring plan was adopted by the State of California on June 4, 2012. The Planning Commission is being asked to consider the respective MND with the approval of the Combined Development Permit, as a Responsible Agency.
- e) The Initial Study identified several potentially significant effects, but applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN110472).
- f) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval. In this case, the Department of Fish and Game will oversee and ensure that the four (4) mitigations adopted are adhered to. The County will receive verification from the applicant of compliance with said mitigations prior to the issuance of any grading or building permits (dock/culvert replacement).
- g) The Draft Mitigated Negative Declaration (“MND”) for PLN110145 was prepared by the California Department of Fish and Game in accordance was circulated for public review from April 13, 2012 through May 29, 2012 (SCH#: 2012041041).
- h) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utility/service systems.
- i) Biological Resources – The Whistlestop lagoon is a 14.2 acre tidal environment which provides habitat for benthic invertebrates, fish (including halibut, leopard sharks, and bat rays), egrets, and a variety of sea birds. The project includes (1) replacing the existing culverts located in the Whistlestop levee with a 15 to 20-foot long bridge; and (2) relocating an existing dock that extends off the Whistlestop levee to deeper water. The existing floating dock is used by ESNERR staff for water access to Parsons Slough. The deck would be moved to its new

location and anchored in place with up to seven new posts installed in the channel bed using an impact or vibratory hammer. A Mitigated Negative Declaration (MND) was prepared and considered both a 'bridge only option' and a 'bridge with sill option' to provide a comprehensive assessment of the potential effects of the proposed project. The replacement of culverts would have the most substantive changes in intertidal mudflat and subtidal habitat types. The increase in intertidal mudflat habitat would more closely reflect historic habitat conditions that may have been present in Whistlestop Lagoon prior to the construction of the levee. During construction, a Mitigation Measure (**#MM001-Biological Resources**) requiring the project applicant to implement Best Management Practices such as dewatering during construction, working during low tide, having a staging area, stockpile of materials not be left longer than 72 hours and removal of any construction materials that may spill into water bodies or storm drains will be implemented. The applicant will produce a Spill Management Plan, a plan for Equipment and Vehicle Maintenance and an On-Site Hazardous Materials Management. To reduce potentially significant impacts to special-status species during construction, a designated biologist will be on-site daily while construction activities (**#MM002-Biological Resources**) avoid adverse effects on special-status species, including fish, marine mammals, amphibians, and birds. To reduce potential impacts to special status amphibians, construction will be scheduled between April 15 and October 15 (**#MM003-Biological Resources**), all work will be performed during day time hours, and a qualified biologist will be present during construction. Review of mitigation measures will be submitted to the Department of Fish and Game prior to construction and the applicant will provide the RMA-Planning Department written verification from the Department of Fish and Game successful implementation of said mitigation.

- j) Cultural Resources - Prehistoric and historic resources of the project area were assessed in a cultural resources evaluation prepared by Holman & Associates in January 2010 (Holman & Associates 2010) and Denise Bradley in December 2011. Although it was concluded that there remains a slight chance that buried archaeological resources including human remains could be uncovered during mechanical excavation in previously undisturbed sediments, a mitigation will be implemented to ensure that an archaeologist be present during any mechanical excavation (**#MM004-Cultural Resources**). Review of mitigation measures will be submitted to the Department of Fish and Game prior to construction and the applicant will provide the RMA-Planning Department written verification from the Department of Fish and Game successful implementation of said mitigation.
- k) Hydrology/ Water Quality - The proposed project lies within the 100-year floodplain of Elkhorn Slough, and is regularly inundated with water during tidal cycles. Improving connectivity between Parsons Slough and Whistlestop Lagoon would likely benefit floodplain function, which would be consistent with floodplain management requirements outlined by the Federal Emergency Management Agency (FEMA). In-water construction activities (e.g., installation of wooden

piles, placement of rock rip-rap) and ground disturbance at the upland staging area have the potential to result in temporary, short-term increases in sedimentation rates and turbidity concentrations in channels and downstream of the project area, which may adversely affect water quality and channel substrate composition. As found in the biological resources section of the MND there may be an increased sedimentation and turbidity which can adversely affect water quality by construction in a tidal system. With the implementation of the Biological Resources Mitigation Measure (**#MM001-Biological Resources**) impacts to hydrology and water quality will be less than significant. In addition, the applicant will produce a Spill Management Plan, a plan for Equipment and Vehicle Maintenance and an On-Site Hazardous Materials Management the impact to water quality can be less than significant. Review of mitigation measures will be submitted to the Department of Fish and Game prior to construction and the applicant will provide the RMA-Planning Department written verification from the Department of Fish and Game successful implementation of said mitigation.

- l) Evidence that has been received and considered includes: the application, adopted MND along with their references (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN110472) and are hereby incorporated herein by reference.
- m) Analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. State Department of Fish and Game has reviewed the adopted the MND and will be monitoring the respective mitigation measures (**See Finding 5 g-k for discussion**) protecting biological, cultural and hydrological resources in this area.
- n) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, has a copy of the adopted MND in File Number PLN110472. The custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based is the State of California Department of Fish and Game.

6.       **FINDING:**       **ESHA** – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
- EVIDENCE:**   a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the North County Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
- b) Key Policy 2.3.1 of the North County Land Use Plan states that environmentally sensitive habitats of North County be protected, maintained, and, where possible, enhanced and restored. The subject application is being requested in order to improve water quality, fish

passage, and provide trail safety for recreational users in the area. The dock replacement that extends off the Whistlestop levee will reduce disturbance to mudflat habitat at low tides.

- c) Policies 2.3.2.1 & 2 protect development in environmentally sensitive habitats unless the development is for the long term maintenance of the habitat or will not cause significant disruption of habitat values. The levee is crucial in providing sufficient flushing to maintain water quality conditions, increase habitat diversity in Parsons Slough and provide sufficient passage to larger fish. A Mitigated Negative Declaration (MND) was prepared by the State of California – Department of Fish and Game and circulated from April 13, 2012 through May 29, 2012 (SCH No. 2012041041). The MND was prepared as the State of California – Department of Fish and Game being the lead agency. The MND and mitigation and monitoring plan was adopted by the State of California on June 4, 2012. Impacts to biological resources were found to be less than significant with implementation of three (3) mitigations for monitoring, staging areas and construction worker training.
- d) Policy 2.3.2.8 states that where development is permitted in or adjacent to environmentally sensitive habitat areas (consistent with all other resource protection policies), the County, through the development review process, shall restrict the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) to the minimum amount necessary for structural improvements. The applicant has designed the project to ensure the least amount of disturbance to indigenous habitats and land disturbance. A Mitigated Negative Declaration (MND) was prepared by the State of California – Department of Fish and Game and impacts to biological, cultural and water/hydrology were found to be less than significant with mitigations (**See Finding 5**).
- e) The project planner conducted site inspections on October 4, 2011 and March 27, 2012 to verify ESHA locations and potential project impacts to ESHA.
- f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110472.

7. **FINDING:**

**VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- a) Pursuant to Section 20.144.030.B.2 of the Monterey County Coastal Implementation Plan (Part 2), all development within public viewing area and along the shoreline of Elkhorn Slough requires proper location and siting by the planner to ensure the viewshed is protected and visibility is minimized.
- b) Specific Policy 5.6.3 states that Elkhorn Slough should be officially designated as a State Scenic Waterway, and its visual character should be preserved. On-water public access to Whistlestop Lagoon (or Parsons Slough) is prohibited however visitors can access Hummingbird Island via the trail on the levee. The dock replacement will provide access for Elkhorn slough staff for maintenance.

- c) After implementation of the proposed project, the physical appearance of Whistlestop Lagoon would change. At lower tides visitors would see mudflats and some wetland and marsh vegetation, rather than open water. There would be no substantial change with the project rather the ending aesthetic will mirror the visual character of the adjacent Parsons Slough.
- d) The project as proposed, conditioned, and mitigated is consistent with policies of the North County Area Land Use Plan dealing with visual resources and will have no significant impact on the highly sensitive public viewshed.
- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110472.
- f) The project planner conducted site inspections on October 4, 2011 and March 27, 2012 to verify that the project minimizes development within the viewshed or to identify methods to minimize the development.

**8. FINDING:**

**PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- b) The subject property is described as an area where the Local Coastal Program requires public access (Figure 6 in the North County Area Plan). Policy 6.3.1 provides that public access to Elkhorn Slough be maintained.
- c) Policy 2.3.2.7 states that where public access exists or is permitted in areas of environmentally sensitive habitats, it shall be limited to low intensity recreation, scientific or education uses such as nature study and observation, education programs in which collecting is restricted, photography, and hiking. Access in such locations shall be confined to appropriate areas on designated trails and paths. Further no access shall be approved which results in significant disruption of habitat. On-water public access to Whistlestop Lagoon (or Parsons Slough) is prohibited however visitors can access Hummingbird Island via the trail on the levee.
- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110472.
- f) The project planner conducted site inspections on October 4, 2011 and March 27, 2012.

**FINDING:**

**APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:**

- a) Section 20.86.030.A, Monterey County Zoning Ordinance (Board of Supervisors).
- b) Section 20.86.080.A (2), Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because the project is within 100 feet of a wetland, Elkhorn Slough and the project is a conditioned use.

**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

1. Consider the adopted Mitigated Negative Declaration (SCH No. 2012041041);
2. Approve a Coastal Development Permit to allow the Wetland and Public Access Enhancement at Whistlestop Lagoon. This project will include two key elements: a) Replacing three failed culverts located under the existing 325 foot long Whistlestop levee with a new 20 foot long bridge to maintain muted tidal flow in Whistlestop Lagoon, improve water quality and fish passage, and maintain/improved trail safety for recreational users in the area; b) Relocating an existing dock that extends off the Whistlestop levee to deeper water to reduce disturbance to mudflat habitat at low tides and improve boat access to Parsons Slough; 2) a Coastal Development Permit to allow development with positive archaeological reports; and 3) a Coastal Development Permit to allow development within 100 feet of a known environmentally sensitive habitat area, in general conformance with the attached project plans and subject to the attached conditions, all being attached hereto and incorporated herein by reference; and
3. Adopt the attached Mitigation Monitoring and Reporting Program

**PASSED AND ADOPTED** this 26th day of September, 2012 upon motion of ~~xxxx~~, seconded by ~~xxxx~~, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON ~~DATE~~

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE ~~[DATE]~~

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

**NOTES**



1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

# Monterey County Planning Department

## DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN110472

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit consisting of: 1) a Coastal Development Permit to allow the Wetland and Public Access Enhancement at Whistlestop Lagoon. This project will include two key elements: a) Replacing three failed culverts located under the existing 325 foot long Whistlestop levee with a new 20 foot long bridge to maintain muted tidal flow in Whistlestop Lagoon, improve water quality and fish passage, and maintain/improved trail safety for recreational users in the area; b) Relocating an existing dock that extends off the Whistlestop levee to deeper water to reduce disturbance to mudflat habitat at low tides and improve boat access to Parsons Slough; 2) a Coastal Development Permit to allow development with positive archaeological reports; and 3) a Coastal Development Permit to allow development within 100 feet of a known environmentally sensitive habitat area. Grading of approximately 1,350 cubic yards of cut and fill. The property is located at 1698 Elkhorn Road, Royal Oaks (Assessor's Parcel Numbers 131-051-001-000 and 131-051-067-000), North County Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a notice which states: "A permit (Resolution \_\_\_\_\_) was approved by the Planning Commission for Assessor's Parcel Numbers 131-051-001-000 and 131-051-067-000 on September 12, 2012. The permit was granted subject to 6 conditions of approval and 4 mitigation measures which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

### 3. PD004 - INDEMNIFICATION AGREEMENT

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless.  
(RMA - Planning Department)

**Compliance or  
Monitoring  
Action to be Performed:**

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

### 4. PD006 - MITIGATION MONITORING

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14 Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement.  
(RMA - Planning Department)

**Compliance or  
Monitoring  
Action to be Performed:**

Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into agreement with the County to implement a Mitigation Monitoring Program.
- 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.

## 5. PD010 - EROSION CONTROL PLAN

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.  
(RMA - Planning Department and RMA - Building Services Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

## 6. PW0044 - CONSTRUCTION MANAGEMENT PLAN

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the Construction/grading phase of the project.

**Compliance or Monitoring Action to be Performed:** 1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/ Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.

2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

**7. MM001 - BIOLOGICAL RESOURCES (Cont.)**

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

BIO-1 (continued)

2. As appropriate, containers will be properly labeled with a "Hazardous Waste" label and hazardous waste will be properly recycled or disposed of off-site.
3. Contact of chemicals with precipitation will be minimized by storing chemicals in watertight containers or in a storage shed (completely enclosed), with appropriate secondary containment to prevent any spillage or leakage.
4. Quantities of equipment fuels and lubricants greater than 55 gallons shall be provided with secondary containment that is capable of containing 110 percent of the volume of primary container(s).
5. Petroleum products, chemicals, cement, fuels, lubricants, and non-storm drainage water or water contaminated with the aforementioned materials shall not be allowed to enter receiving waters or the storm drainage system.
6. Sanitation facilities (e.g., portable toilets) will be surrounded by a berm, and a direct connection to the storm drainage system or receiving water will be avoided.
7. Sanitation facilities will be regularly cleaned and/or replaced, and inspected regularly for leaks and spills.
8. Waste disposal containers will be covered when they are not in use, and a direct connection to the storm drainage system or receiving water will be avoided.
9. All trash that is brought to a project site during construction activities (e.g., plastic water bottles, plastic lunch bags) will be removed from the site daily.

BMP - 7

Fire Prevention

1. All earthmoving and portable equipment with internal combustion engines will be equipped with spark arrestors.
2. During the high fire danger period (April 1 - December 1), work crews will have appropriate fire suppression equipment available at the work site.
3. On days when the fire danger is high, flammable materials will be kept at least 10 feet away from any equipment that could produce a spark, fire, or flame.
4. On days when the fire danger is high, portable tools powered by gasoline-fueled internal combustion engines will not be used within 25 feet of any flammable materials unless at least one round-point shovel or fire extinguisher is within immediate reach of the work crew (no more 25 feet away from the work area).

BMP - 8

Work Site Housekeeping

1. The work site will be maintained in a neat and orderly condition, and left in a neat, clean, and orderly condition when work is complete.
2. Materials or equipment left on the site overnight will be stored as inconspicuously as possible, and will be neatly arranged.

**Compliance or  
Monitoring  
Action to be Performed:**

Prior to the commencement of construction activities, the applicant must submit to the RMA - Planning Department for review and approval evidence that all contractors have been trained to minimize environmental and water quality impacts and how to implement BMPs for protection of water quality. The evidence must reflect the California Department of Fish and Game review and approval of said training.

## 7. MM001 - BIOLOGICAL RESOURCES #1

**Responsible Department:** Planning Department

**Condition/Mitigation** Mitigation Measure BIO-1

**Monitoring Measure:**

The project applicant shall implement the BMPs outlined below to minimize stormwater runoff, erosion, and potential water quality impacts associated with construction activities. In addition, all contractors working in a capacity that could increase the potential for adverse water quality impacts shall receive training regarding the environmental sensitivity of the site and need to minimize impacts. Contractors also shall be trained in implementation of stormwater BMPs for protection of water quality.

### BMP -1

#### Erosion Control and Construction- Related Turbidity

1. Traffic speeds on unpaved roads will be limited to 15 mph.
2. If dewatering is required during construction, a silt curtain will be installed in Whistlestop Lagoon to filter and decant water removed during dewatering activities.
3. In-water construction activities will occur during slack or rising tides.
4. Sandbags or other erosion control measures will be employed to prevent runoff and construction-related turbidity.
5. Upland soils exposed due to construction activities will be seeded and stabilized using erosion control fabric or hydroseeding. Areas below the mean high water mark are exempt from this BMP.
6. Erosion control fabric will consist of natural fibers that will biodegrade over time. No plastic or other non-porous material will be used as part of a permanent erosion control approach.
7. Erosion control fabric will be anchored in place. Anchors can include U-shaped wire staples, metal geotextiles stake pins, or triangular wooden stakes.
8. Other erosion control measures shall be implemented as necessary to ensure that sediment or other contaminants do not reach surface water bodies for stockpiled or reused/disposed sediments.

### BMP -2

#### Staging and Stockpiling of Materials

1. All construction equipment will be staged in upland areas, away from sensitive natural communities or habitats.
2. All construction-related items, including equipment, stockpiled material, temporary erosion control treatments, and trash will be removed within 72 hours of project completion. All residual soils and/or materials will be cleared from the project site.
3. Building materials and other construction-related materials, including chemicals, will not be stockpiled or stored where they could spill into water bodies or storm drains, or where they could cover aquatic or riparian vegetation.

### BMP - 3

#### Spill Prevention and Response Plan

A Spill Prevention and Response Plan shall be developed prior to commencement of construction activities, and will summarize the measures described below. The work site will be routinely inspected to verify that the Spill Prevention and Response Plan is properly implemented and maintained. Contractors will be notified immediately if there is a noncompliance issue.

1. Equipment and materials for cleanup of spills will be available on site.
2. All spills and leaks will be cleaned up immediately and disposed of properly.
3. Prior to entering the work site, all field personnel shall be appropriately trained in spill prevention, hazardous material control, and cleanup of accidental spills.
4. Field personnel shall implement measures to ensure that hazardous materials are properly handled and the quality of water resources is protected by all reasonable means.
5. Spill prevention kits shall always be in close proximity when using hazardous materials (e.g., crew trucks and other logical locations). All field personnel shall be advised of these locations and trained in their appropriate use.

(continue)

**Compliance or  
Monitoring  
Action to be Performed:**

Prior to the commencement of construction activities, the applicant must submit to the RMA - Planning Department for review and approval evidence that all contractors have been trained to minimize environmental and water quality impacts and how to implement BMPs for protection of water quality. The evidence must reflect the California Department of Fish and Game review and approval of said training.

## 7. MM001 - BIOLOGICAL RESOURCES (Cont.)

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:** MITIGATION MEASURE BIO-1 (continued)

6. Absorbent materials will be used on small spills located on impervious surfaces rather than hosing down the spill; wash waters shall not discharge to surface waters. For small spills on pervious surfaces such as soils, wet materials will be excavated and properly disposed of rather than buried. The absorbent materials will be collected and disposed of properly and promptly.

7. As defined in 40 CFR 110, a federal reportable spill of petroleum products is the spilled quantity that:

- violates applicable water quality standards;
- causes a film or sheen on, or discoloration of, the water surface or adjoining shoreline; or
- causes a sludge or emulsion to be deposited beneath the surface of the water or adjoining shorelines.

If a spill is reportable, the contractor's superintendent will notify ESNERR, and ESNERR will take action to contact the appropriate safety and cleanup crews to ensure that the Spill Prevention and Response Plan is followed. A written description of reportable releases must be submitted to the appropriate RWQCB and the California Department of Toxic Substances Control (DTSC). This submittal must contain a description of the release, including the type of material and an estimate of the amount spilled, the date of the release, an explanation of why the spill occurred, and a description of the steps taken to prevent and control future releases. The releases will be documented on a spill report form. If an appreciable spill has occurred, and results determine that project activities have adversely affected surface water or groundwater quality, a detailed analysis will be performed to the specifications of DTSC to identify the likely cause of contamination. This analysis will include recommendations for reducing or eliminating the source or mechanisms of contamination. Based on this analysis, ESNERR or contractors will select and implement measures to control contamination, with a performance standard that surface and groundwater quality must be returned to baseline conditions. These measures will be subject to approval by ESNERR, DTSC, and the RWQCB.

### BMP - 4

#### Equipment and Vehicle Maintenance and Cleaning

1. All vehicles and equipment will be kept clean. Excessive build-up of oil or grease will be prevented.
2. Vehicle and equipment maintenance activities will be conducted in a designated area to prevent inadvertent fluid spills from adversely impacting water quality. This area will be clearly designated with berms, sandbags, or other barriers.
3. Secondary containment, such as a drain pan or drop cloth, to catch spills or leaks will be used when removing or changing fluids. Fluids will be stored in appropriate containers with covers, and properly recycled or disposed of off-site.
4. Cracked batteries will be stored in a non-leaking secondary container and removed from the site.
5. Spill cleanup materials will be stockpiled where they are readily accessible.
6. Incoming vehicles and equipment will be checked for leaking oil and fluids (including delivery trucks and employee and subcontractor vehicles). Leaking vehicles or equipment will not be allowed on-site.
7. Vehicles and equipment will not be washed on-site. Vehicle and equipment washing will occur at an appropriate wash station.

### BMP - 5

#### Refueling

1. All fueling sites shall be equipped with secondary containment and avoid a direct connection to underlying soil, surface water, or the storm drainage system.
2. For stationary equipment that must be fueled on-site, secondary containment such as a drain pan or drop cloth shall be provided in such a manner to prevent accidental spill of fuels to underlying soil, surface water, or the storm drainage system.



BMP -6

On-Site Hazardous Materials Management

1. The products used and/or expected to be used and the end products that are produced and/or expected to be produced after their use will be inventoried.

(continue)

**Compliance or  
Monitoring  
Action to be Performed:**

Prior to the commencement of construction activities, the applicant must submit to the RMA - Planning Department for review and approval evidence that all contractors have been trained to minimize environmental and water quality impacts and how to implement BMPs for protection of water quality. The evidence must reflect the California Department of Fish and Game review and approval of said training.

**8. MM002 - BIOLOGICAL RESOURCES #2**

**Responsible Department:** Planning Department

**Condition/Mitigation** Mitigation Measure BIO-2

**Monitoring Measure:** A designated biologist will be on-site daily while construction activities, including pile driving, are taking place to (1) avoid adverse effects on special-status species, including fish, marine mammals, amphibians, and birds; (2) check for compliance with all mitigation and avoidance measures; and (3) ensure that signs, stakes, and fenced areas are intact, and that human activities are restricted outside of these protective zones.

**Compliance or  
Monitoring  
Action to be Performed:** Prior to the commencement of construction activities, the applicant must submit evidence identifying that a certified biologist has been hired/designated to provide daily monitoring during construction activities.

9. MM003 - BIOLOGICAL RESOURCES #3

Responsible Department: Planning Department

Condition/Mitigation  
Monitoring Measure:

Mitigation Measure BIO-3.

1. Seasonal Avoidance. Construction will be scheduled to minimize effects on listed species and habitats. All work will be conducted between April 15 and October 15. No activities shall occur between October 15 or the onset of the rainy season, whichever occurs first, and May 1, except for during periods greater than 72 hours without precipitation. The National Weather Service (NWS) 72-hour forecast for the project area will be monitored. If a 70 percent or greater chance of rainfall is predicted within 72 hours of construction activity, all activities will cease until no further rain is forecast. If rain exceeds ¼ inch during a 24-hour period, work will cease until no further rain is forecast. Activities can only resume after site inspection by a qualified biologist. The rainy season is defined as a frontal system that results in depositing 0.25 inches or more of precipitation in one event.

2. Night Work. All construction activities will occur during daylight hours (sunrise to sunset).

3. Environmental Awareness Training. Prior to the start of construction, a qualified biologist will conduct an educational training program for all construction personnel including contractors and subcontractors. The training will include, at a minimum, a description of California red-legged frog and their habitats; an explanation of the status of this species and protection under state and Federal laws; the avoidance and minimization measures to be implemented to reduce take of these species; communication and work stoppage procedures in case a listed species is observed within the project area; and an explanation of the Environmentally Sensitive Areas and the importance of maintaining the fencing around Environmentally Sensitive Areas. A fact sheet conveying this information will be prepared and distributed to all construction personnel. Upon completion of the program, personnel will sign a form stating that they attended the program and understand all the avoidance and minimization measures.

4. Environmentally Sensitive Area Fencing. Prior to the start of construction, Environmentally Sensitive Areas - defined as areas containing sensitive habitats adjacent to or within construction work areas for which physical disturbance is not allowed - will be clearly delineated using high visibility orange fencing. Construction work areas include the active construction site and all areas providing support for the proposed project, including areas used for vehicle parking, equipment and material storage and staging, access roads, etc. The fencing will remain in place while construction activities are ongoing, and will be regularly inspected and fully maintained at all times. The final project plans will depict all locations where Environmentally Sensitive Area fencing will be installed and will provide installation specifications. The bid solicitation package special provisions will clearly describe acceptable fencing material and prohibited construction-related activities including vehicle operation, material and equipment storage, access roads and other surface-disturbing activities within Environmentally Sensitive Areas. In addition, hydrological features (i.e., topographic depressions, drainage ditches, culverts, etc.) outside of the proposed project footprint will not be manipulated (i.e., re-routed, dredged, filled, graded, etc.). This will avoid potential effects on wetlands and waters outside of the proposed project footprint that are hydrologically connected to aquatic features within the proposed project footprint.

(continued)

Compliance or  
Monitoring  
Action to be Performed:

Prior to the commencement of construction activities, the applicant must submit to the RMA - Planning Department for review and approval evidence that all contractors have been trained to minimize environmental and water quality impacts and how to implement BMPs for protection of water quality. The evidence must reflect the California Department of Fish and Game review and approval of said training.

**9. MM003 - BIOLOGICAL RESOURCE (CONT.)**

**Responsible Department:** Planning Department

**Condition/Mitigation  
Monitoring Measure:**

MITIGATION MEASURE BIO-3 - Continued

5. Wildlife Exclusion Fencing. Prior to the start of construction, Wildlife Exclusion Fencing (WEF) shall be installed along the access road where it passes by guzzler 15 and along the south border of the staging area located east of the levee. The exact length and location, fencing materials, installation specifications, and monitoring and repair criteria shall be approved by USFWS and CDFG prior to start of construction. In general, the fencing will be buried to a depth of 6 inches, will be a minimum of 3.3 feet tall following installation, and will include a barrier lip designed to prevent species, such as California red-legged frog, from climbing over. WEF specifications shall be provided on the final project plans. WEF shall remain in place throughout the duration of construction and shall be regularly inspected and fully maintained. Repairs to the WEF shall be made within 24 hours of discovery. Upon completion of the proposed project, the WEF shall be completely removed, the area cleaned of debris and trash, and returned to natural conditions.

6. Burrow Avoidance. Small mammal burrows will be avoided to the maximum extent possible during installation of the exclusion fencing. Where burrows cannot be avoided, they will be hand excavated by the biologist prior to construction activities.

7. Access and Staging. Vehicles to and from the proposed project site will be confined to existing roadways to minimize disturbance of upland habitat. Prior to movement of a heavy construction equipment into the construction area, a USFWS-approved biologist will make sure the route is clear of amphibians. Staging of vehicles and equipment will be confined to a predetermined area. Prior to movement of heavy construction equipment into the construction area, the staging area will be clearly marked on construction drawings and biologists will supervise the installation of orange barrier fencing separating the staging area from adjacent Environmentally Sensitive Areas. Vehicle speeds will not exceed 15 miles per hour to avoid special-status species on or traversing the access road.

8. Biological Monitoring. A qualified biologist will be present at all times during construction near frog-sensitive areas, including fence installation (see Mitigation Measure BIO-2). If a special-status amphibian species is encountered during excavation, or any proposed project activities that could potentially harm the species, activities will stop immediately until it moves from the construction area of its own accord and USFWS and CDFG are contacted. Project activities would only resume after authorization from USFWS or CDFG is provided. All special-status species sightings will be documented by the monitoring biologist and submitted to the CNDDDB.

9. Daily Inspection of Trenches and Fences. Any open trenches located within 100-feet of guzzlers 15 and 17 will be covered or fully surrounded by silt fences at the end of each work day to prevent accidental entrapment of special-status amphibians. Trenches will be inspected daily prior to construction to ensure that no animals are trapped and that fences are working properly.

10. Restoration of Disturbed Habitat. If suitable upland or wetland habitat is disturbed or removed, the project proponent will restore the suitable habitat back to its original value by covering bare areas with mulch and revegetating all cleared areas with wetland species that are currently found in the proposed project area.

**Compliance or  
Monitoring  
Action to be Performed:**

Prior to the commencement of construction activities, the applicant must submit to the RMA - Planning Department for review and approval evidence that all contractors have been trained to minimize environmental and water quality impacts and how to implement BMPs for protection of water quality. The evidence must reflect the California Department of Fish and Game review and approval of said training.

**10. MM004 - CULTURAL RESOURCES**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** An archaeological monitor shall be retained to observe any mechanical excavation below the grade of the existing levee, and/or at the proposed staging area. The monitor would be responsible for identifying and retrieving any prehistoric archaeological materials uncovered for analysis, as appropriate.

**Compliance or Monitoring Action to be Performed:** Prior to the commencement of construction activities, the applicant must submit evidence to the RMA- Planning Department identifying that a certified archaeologist has been hired to monitor construction activities.

# **EXHIBIT C**

- 1.) Draft Resolution
- 2.) Conditions of Approval
- 3.) Site Plan & Elevations

**PLN110472**

Planning Commission Hearing

Dated: September 26, 2012



# US-CA-485-2 WHISTLESTOP LAGOON LEVEE REPAIR

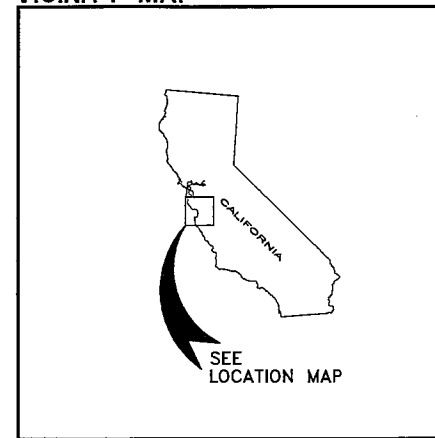
DUCKS UNLIMITED, INC.  
WESTERN REGIONAL OFFICE  
3074 GOLD CANAL DRIVE  
RANCHO CORDOVA, CA. 95670-6116  
PH. (916) 852-2000

**RECEIVED**  
JUN 04 2012  
MONTEREY COUNTY  
PLANNING DEPARTMENT

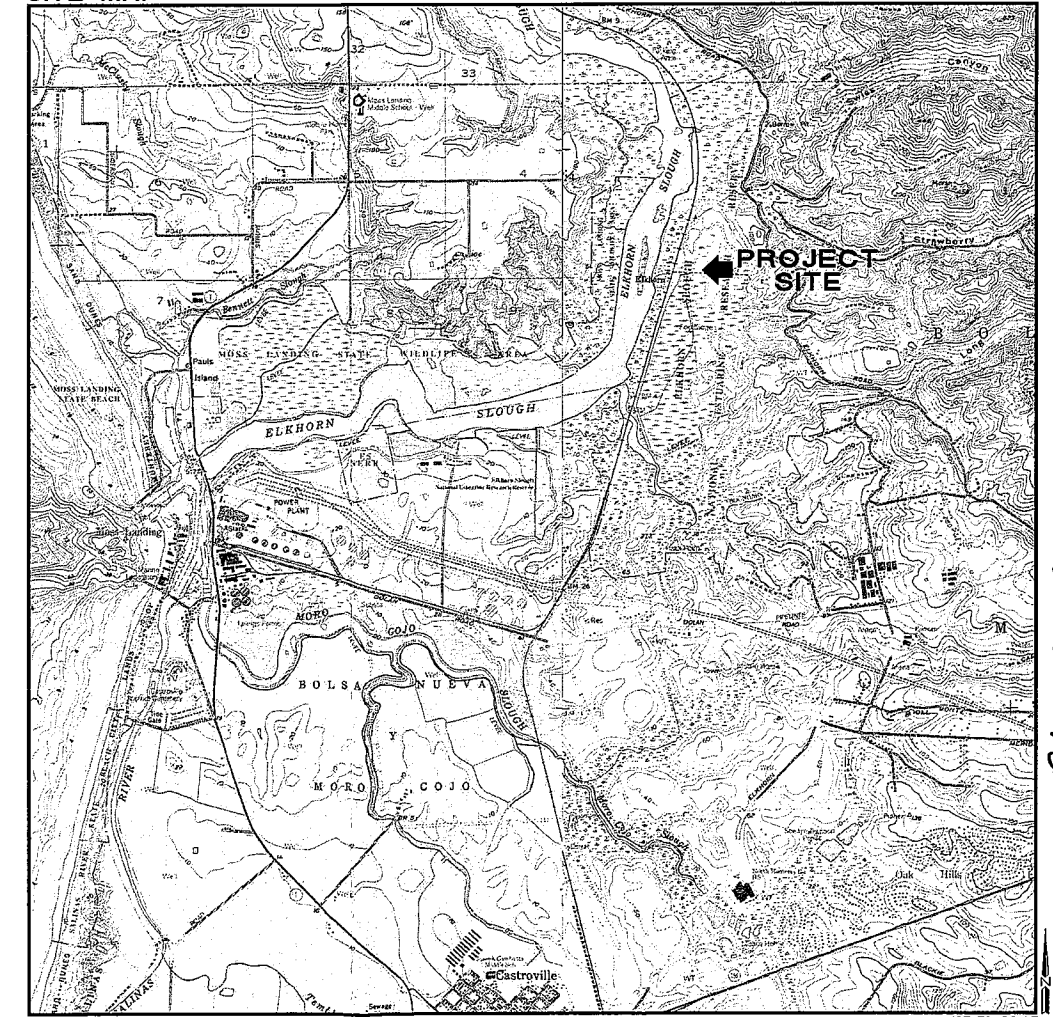
LOCATION MAP



VICINITY MAP



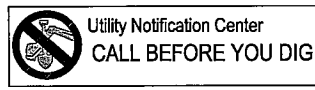
SITE MAP



- SHEET INDEX**
1. COVER SHEET
  2. DEFINITIONS, ABBREVIATIONS & LEGEND
  3. SITE TOPOGRAPHIC SURVEY
  4. SITE PLAN & DETAILS

**PRELIMINARY**  
NOT FOR CONSTRUCTION

PLN110472 - PLANNING



UNAUTHORIZED CHANGES & USES  
THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR OR LIABLE FOR UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.

SURVEY DATUM		REVISIONS	
The horizontal datum for this survey is the California Coordinate System of 1983, Zone 4 (0404), NAD 83, Epoch Date 2007.00 in U.S. Survey Feet. The vertical datum for this survey is the North American Vertical Datum of 1988 (NAVD88) computed using GEOD03. Both datums were derived from GPS observations collected on October 29, 2009. Said observations were fixed to local area National Geodetic Survey (NGS) horizontal and vertical control points, respectively.		REV. NO.	DESCRIPTION
CONTOUR INTERVAL: 1 FOOT		DATE	APPROVED

**PRELIMINARY**

	PROJECT NO. US-CA-485-2	DESIGNED BY: SC
	WHISTLESTOP LAGOON LEVEE REPAIR COVER SHEET	DRAWN BY: JS
WESTERN REGIONAL OFFICE		SURVEYED BY: JM
DATE: 04.25.12	SHEET NO. 1 OF 4	CHECKED BY:
	APPROVED BY:	APPROVED BY:

K:\A\A\141\A\141\485-2\110472-2\110472-2.dwg, SHUT, 4/25/2012 12:12:40 PM

**GENERAL NOTES:**

- DUCKS UNLIMITED MAKES NO REPRESENTATIONS AS TO THE EXISTENCE OR NONEXISTENCE OF UTILITIES. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO COMPLY WITH THE PROVISIONS OF ALL APPLICABLE UTILITY NOTIFICATION REGULATIONS. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR WILL BE LIABLE FOR ANY DAMAGE TO UTILITIES CAUSED BY CONSTRUCTION ACTIVITIES.
- IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR THE CONDITIONS OF THE JOB SITE INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF PROPER SHORING OF TRENCHES IN ACCORDANCE WITH OCCUPATIONAL SAFETY LAWS. THE DUTIES OF THE PROJECT ENGINEER DO NOT INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTORS SAFETY IN, ON, OR NEAR THE JOB SITE.
- SHOULD THE CONTRACTOR FIND ANY DISCREPANCIES BETWEEN THE CONDITIONS EXISTING IN THE FIELD AND THE INFORMATION SHOWN ON THE DRAWINGS, HE SHALL NOTIFY THE ENGINEER BEFORE PROCEEDING WITH CONSTRUCTION.
- SHOULD IT APPEAR THAT THE WORK TO BE DONE, OR ANY MATTER RELATIVE THERETO, IS NOT SUFFICIENTLY DETAILED OR EXPLAINED ON THESE PLANS OR IN THE SPECIFICATIONS, THE CONTRACTOR SHALL CONTACT THE PROJECT ENGINEER FOR SUCH FURTHER EXPLANATIONS AS MAY BE NECESSARY.
- CONTRACTOR TO CONTACT UNDERGROUND SERVICE ALERT (U.S.A.) 48 HOURS MINIMUM PRIOR COMMENCING ONSITE ACTIVITIES FOR UTILITY SERVICE LOCATIONS  
PHDNE = 1-800-227-2600 -OR- 1-800-642-2444

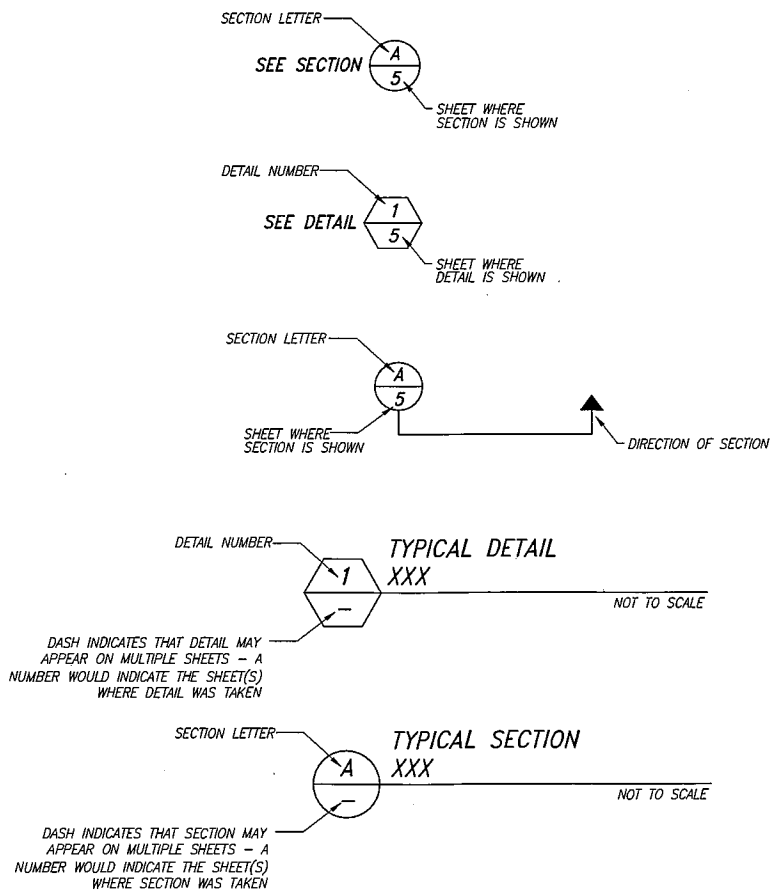
**SURVEY POINT DESCRIPTORS**

CTBM	Bench Mark (permanent)	TFTR	Tree
CTBT	Bench Mark (temporary)	TFVP	Vernal Pool Edge
CTCP	Survey Control Point (permanent)	ELBX	Electric, Box or Pullbox
CTCT	Survey Control Point (temporary)	ELGY	Electric, Guy Wire to Pole
DIFL	Ditch Flowline	ELOH	Electric, Overhead
DIGB	Ditch Grade Break	ELMT	Electric, Meter
DITO	Ditch Toe	ELPP	Electric, Power Pole
DITP	Ditch Top	ELSN	Electric, Warning Sign
SWFL	Swale Flowline	ELTR	Electric, Transformer
SWGB	Swale Grade Break	ELTW	Electric, Tower
SWTO	Swale Toe	ELUG	Electric, Underground
SWTP	Swale Top	ELVT	Electric, Vault
IRCO	Irrigation Concrete Pad	NGMT	Natural Gas, Meter
IRCP	Irrigation Control Panel	NGPI	Natural Gas, Pipe
IRPI	Irrigation Pipe Invert	NGSN	Natural Gas, Warning Sign
IRPM	Irrigation Pump	NGVL	Natural Gas, Valve
IRPT	Irrigation Pipe Top	SDMH	Storm Drain, Manhole
IRVL	Irrigation Valve	SDPI	Storm Drain, Pipe Invert
IRWL	Irrigation Well	SDPT	Storm Drain, Pipe Top
FNAP	Fence Angle Point	SSCO	Sanitary Sewer, Cleanout
FNCR	Fence Corner	SSMH	Sanitary Sewer, Manhole
FNGT	Fence Gate	SSPI	Sanitary Sewer, Pipe Invert
FNLN	Fence Line	SSSV	Sanitary Sewer, Service
LVCL	Levee Centerline	TEGY	Telephone, Guy Wire to Pole
LVGB	Levee Grade Break	TEOH	Telephone, Overhead
LVTO	Levee Toe of Slope	TERI	Telephone, Riser
LVTP	Levee Top of Slope	TESN	Telephone, Warning Sign
RDCL	Road, Centerline	TETP	Telephone, Pole
RDED	Road, Edge of Dirt Road	TEUG	Telephone, Underground
RDEG	Road, Edge of Gravel Road	WTFH	Water Fire Hydrant
RDEP	Road, Edge of Paved Road	WTHW	Water High Water
RDFC	Road, Face of Curb	WTMT	Water Meter
RDFL	Road, Gutter Flowline	WTPI	Water Pipe
RDGB	Road Grade Break	WTPM	Water Pump
RDSH	Road Shoulder	WTVL	Water Valve
RDSN	Road Sign	WTWL	Water Well
ROST	Road, Painted Stripe	WAEW	Edge of Water
ROTC	Road, Top Back of Curb	WAHW	High Water Mark
ROTO	Road, Toe of Slope	WALW	Under Water Ground Shot
ROTP	Road, Top of Slope	WAWW	Water Surface
RDTW	Road, Top Back of Walk	WCFL	Water Control Structure, Flowline/Invert at Structure
TFBL	Building	WCHW	Water Control Structure, Headwall
TFBR	Brush	WCPI	Water Control Structure, Pipe Invert at Outlet
TFCO	Concrete (pad, slab, etc.)	WCPT	Water Control Structure, Pipe Top at Outlet
TFGB	Grade Break	WCST	Water Control Structure, Top of Structure
TFGS	Ground Shot	WCWW	Water Control Structure, Wing Wall
TFRK	Rock Or Rocky Area Boundary		
TFTO	Grade Break at Toe		
TFTP	Grade Break at Top		
TFTL	Tree line		

**ABBREVIATIONS**

A.B.	AGREGATE BASE	MISC	MISCELLANEOUS
AC	ACRE	N	NORTH
CAP	CORRUGATED ALUMINUM PIPE	NTS	NOT TO SCALE
CC	CENTER TO CENTER	OC	ON CENTER
CL	CENTERLINE	OD	OUTSIDE DIAMETER
CMP	CORRUGATED METAL PIPE	PP	POWER POLE
CMPA	CORRUGATED METAL ARCH PIPE	PSI	POUNDS PER SQUARE INCH
CONC	CONCRETE	PVC	POLYVINYL CHLORIDE
DIA	DIAMETER	R	RIGHT
Dp	PIPE DIAMETER	RD	ROAD
Dr	RISER DIAMETER	REF	REFERENCE DIMENSION
DU	DUCKS UNLIMITED, INC.	REQD	REQUIRED
E	EAST	S	SOUTH
EG	EXISTING GROUND	SCH	SCHEDULE
EL	ELEVATION	SF	SQUARE FEET
EX	EXISTING	SP	SPECIAL
FB	FLASHBOARD	SY	SQUARE YARD
FG	FINISH GRADE	STA	STATION
FL	FLOWLINE	TBD	TO BE DETERMINED BY ENGINEER
FT	FOOT, FEET	TE	TOP ELEVATION
FTG	FITTING, FOOTING	TOL	TOP OF LEVEE
GA	GAUGE	TOB	TOP OF BERM
H	HEIGHT	TYP	TYPICAL
HDPE	HIGH-DENSITY POLYETHYLENE	USA	UNDERGROUND SERVICE ALERT
ID	INSIDE DIAMETER	VLV	VALVE
IE	INVERT ELEVATION	W	WIDTH
IN	INCH, INCHES	W	WEST (WHERE APPLICABLE)
L	LENGTH, LEFT	W/	WITH
LBF	POUNDS-FORCE	WCS	WATER CONTROL STRUCTURE
LF	LINEAR FEET	WS	WATER SURFACE
MAX	MAXIMUM	WSEL	WATER SURFACE ELEVATION
MIN	MINIMUM	WWF	WELDED WIRE FABRIC

**DETAILING CONVENTIONS**



**LEGEND & STANDARD SYMBOLS**

	TULES		EX BLIND
	NEW SLOPE SYMBOL		EX SLOPE SYMBOL
	NEW LEVEE SECTION OR ELEVATION CHANGE POINT		EX LEVEE SECTION OR ELEVATION CHANGE POINT
	NEW ELECTRIC GUY		EX ELECTRIC SIGN
	NEW ELECTRIC GUY WIRE		EX ELECTRIC GUY WIRE
	NEW ELECTRIC METER		EX ELECTRIC METER
	NEW ELECTRIC/TELEPHONE POLE		EX ELECTRIC/TELEPHONE POLE
	NEW ELECTRIC TRANSFORMER		EX ELECTRIC TRANSFORMER
	NEW ELECTRIC TOWER		EX ELECTRIC TOWER
	NEW ELECTRIC VAULT		EX ELECTRIC VAULT
	NEW GATE VALVE		EX GATE VALVE
	NEW PRESSURE REDUCTION VALVE		EX PRESSURE REDUCTION VALVE
	NEW AIR RELIEF VALVE		EX AIR RELIEF VALVE
	NEW BACKFLOW PREVENTER		EX BACKFLOW PREVENTER
	NEW IRRIGATION WELL		EX IRRIGATION WELL
	NEW IRRIGATION PUMP		EX IRRIGATION PUMP
	EX WATER METER		EX FIRE HYDRANT
	EX MANHOLE		EX DRAIN INLET
	EX SEWER CLEANOUT		EX PIPE WITH CANAL GATE
	NEW PIPE WITH CANAL GATE		EX FULL ROUND RISER
	NEW FULL ROUND RISER		EX HALF ROUND RISER
	NEW HALF ROUND RISER		EX PRECAST CONCRETE RISER
	NEW PRECAST CONCRETE RISER		EX WATER CONTROL FLARED END SECTION
	NEW WATER CONTROL FLARED END SECTION		EX WATER CONTROL OUTLET STRUCTURE
	NEW WATER CONTROL OUTLET STRUCTURE		EX NATURAL GAS VALVE
	NEW NATURAL GAS VALVE		EX NATURAL GAS METER
	EX NATURAL GAS METER		EX NATURAL GAS SIGN
	EX NATURAL GAS SIGN		NEW BENCHMARK
	NEW BENCHMARK		EX BENCHMARK
	NEW TEMPORARY BENCHMARK		EX TEMPORARY BENCHMARK
	EX TEMPORARY BENCHMARK		NEW CONTROL POINT
	NEW CONTROL POINT		EX CONTROL POINT
	EX CONTROL POINT		NEW CONTROL POINT
	NEW CONTROL POINT		EX CONTROL POINT
	EX CONTROL POINT		NEW SECTION CORNER
	NEW SECTION CORNER		EX SECTION CORNER
	EX SECTION CORNER		EX FENCE LINE
	EX FENCE LINE		POWER/TELEPHONE OVERHEAD LINES
	POWER/TELEPHONE OVERHEAD LINES		UNDERGROUND GAS LINE
	UNDERGROUND GAS LINE		DITCH TOP / TOE
	DITCH TOP / TOE		EX DITCH FLOWLINE
	EX DITCH FLOWLINE		DITCH TOP / TOE
	DITCH TOP / TOE		LEVEE TOP / TOE
	LEVEE TOP / TOE		EX LEVEE CENTERLINE
	EX LEVEE CENTERLINE		LEVEE TOP / TOE
	LEVEE TOP / TOE		ROAD EDGE
	ROAD EDGE		EX ROAD CENTERLINE
	EX ROAD CENTERLINE		ROAD EDGE
	ROAD EDGE		EX SWALE FLOWLINE
	EX SWALE FLOWLINE		NEW SWALE
	NEW SWALE		NEW LEVEE
	NEW LEVEE		IMPROVED LEVEE
	IMPROVED LEVEE		REMOVE EX LEVEE
	REMOVE EX LEVEE		WATER CONTROL STRUCTURE ID
	WATER CONTROL STRUCTURE ID		REVISION NUMBER IDENTIFIER
	REVISION NUMBER IDENTIFIER		CUT/BORROW AREA/POTHOLE
	CUT/BORROW AREA/POTHOLE		FILL AREA
	FILL AREA		EX TREES
	EX TREES		

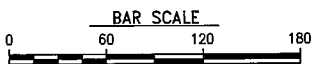
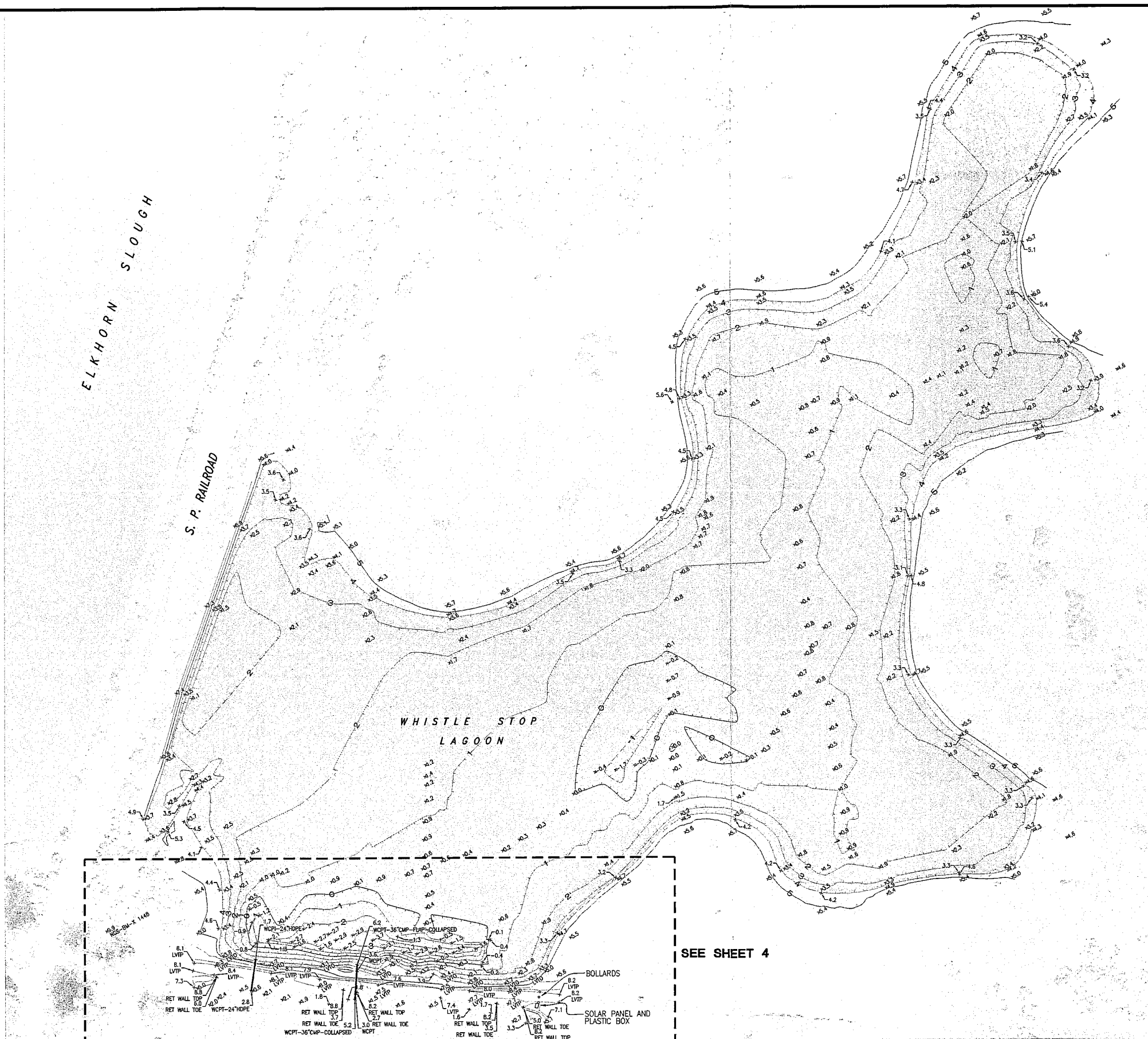
**PRELIMINARY**

UNAUTHORIZED CHANGES & USES  
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SURVEY DATUM		REVISIONS	
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CONTOUR INTERVAL: 1 FOOT			

DATE	APPROVED

 WESTERN REGIONAL OFFICE DATE: 04.25.12	PROJECT NO. US--CA--485--2 <b>WHISTLESTOP LAGOON</b> <b>LEVEE REPAIR</b> DEFINITIONS, ABBREVIATIONS & LEGEND	DESIGNED BY: SC DRAWN BY: JS SURVEYED BY: JM CHECKED BY:
	SHEET NO. 2 OF 4 APPROVED BY:	APPROVED BY:



**PRELIMINARY**

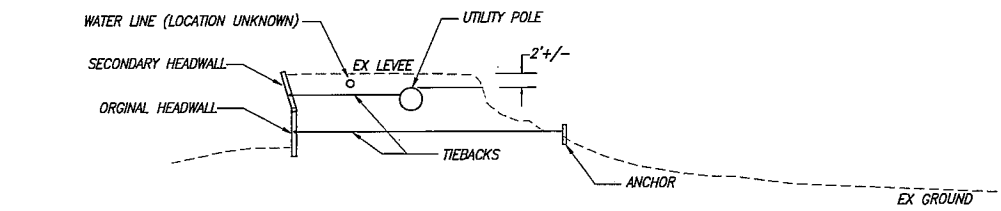
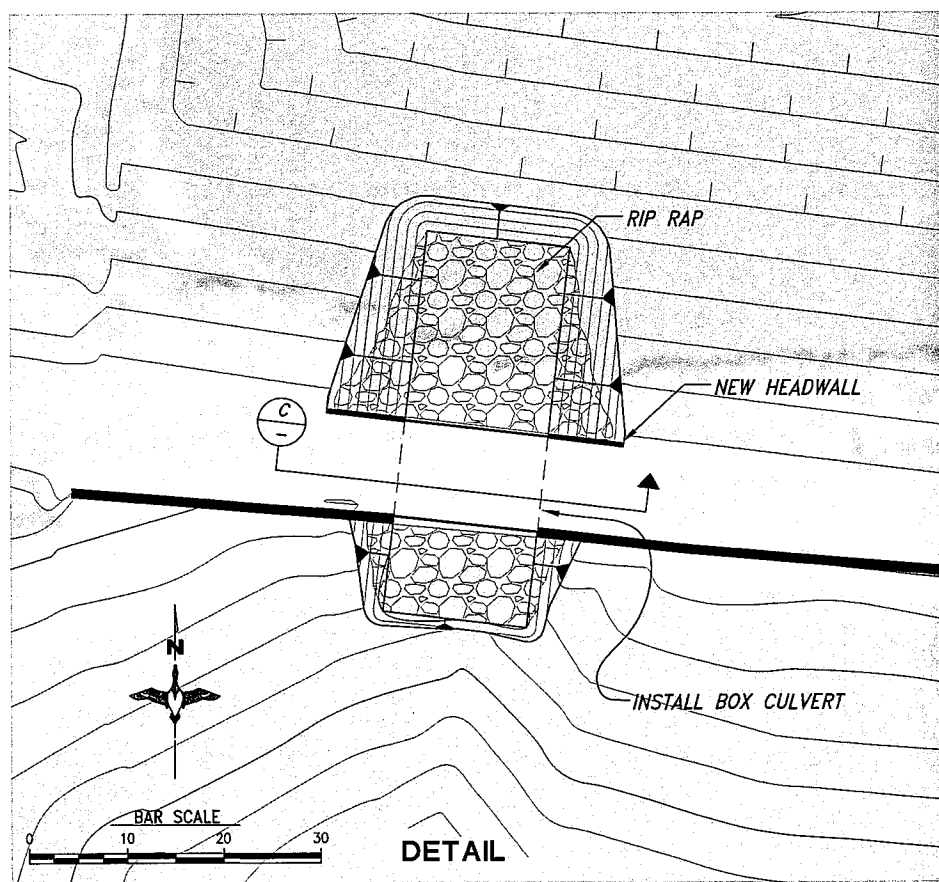
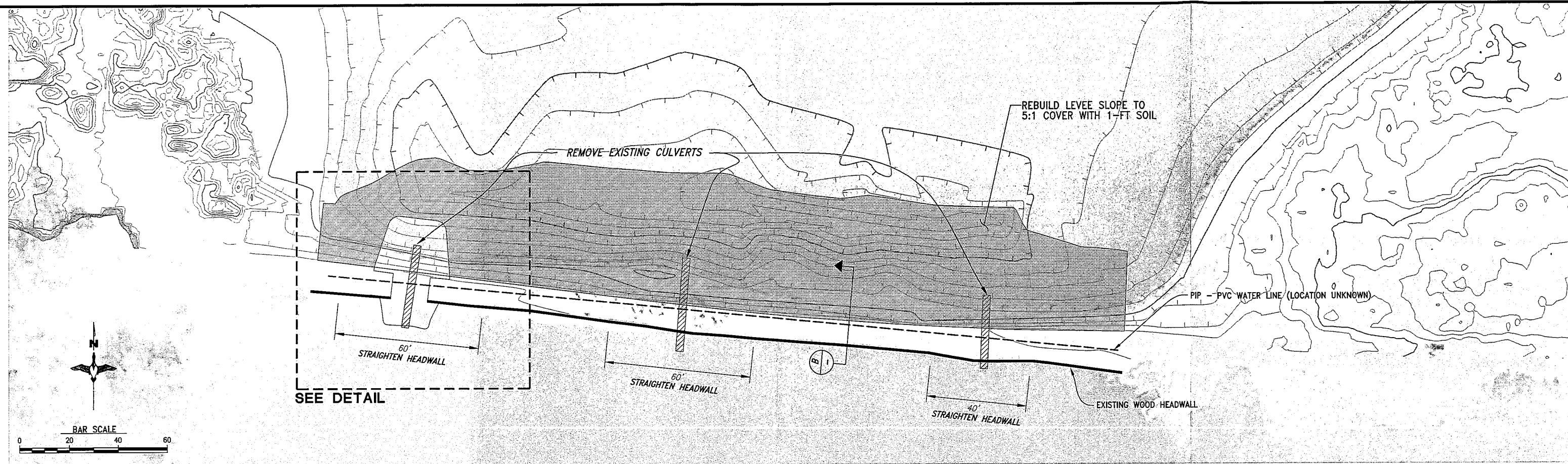
SEE SHEET 4

SURVEY DATUM		REVISIONS				DESIGNED BY: SC	
REV. NO.	DESCRIPTION	DATE	APPROVED	DATE	APPROVED	PROJECT NO. US-CA-485-2	DESIGNED BY: SC
6						<b>WHISTLESTOP LAGOON LEVEE REPAIR TOPOGRAPHIC SURVEY</b>	DRAWN BY: JS
5							SURVEYED BY: JM
4							CHECKED BY:
3							APPROVED BY:
The horizontal datum for this survey is the California Coordinate System of 1983, Zone 4 (0404), NAD 83, Epoch Date 2007.00 in U.S. Survey Feet. The vertical datum for this survey is the North American Vertical Datum of 1988 (NAVD88) computed using GEOID03. Both datums were derived from GPS observations collected on October 29, 2009. Said observations were fixed to local area National Geodetic Survey (NGS) horizontal and vertical control points, respectively.				DUCKS UNLIMITED INC. WESTERN REGIONAL OFFICE		SHEET NO. 3 OF 4	APPROVED BY:
CONTOUR INTERVAL: 1 FOOT				DATE: 04.25.12			

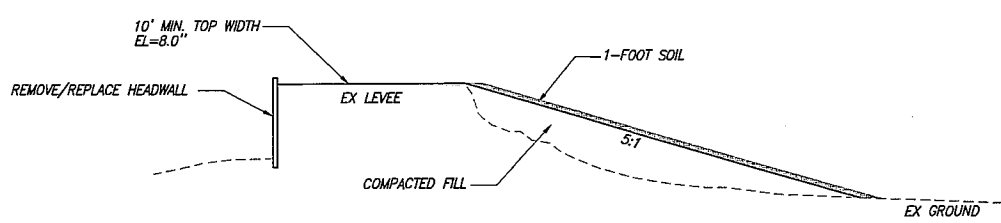
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UNAUTHORIZED CHANGES & USES  
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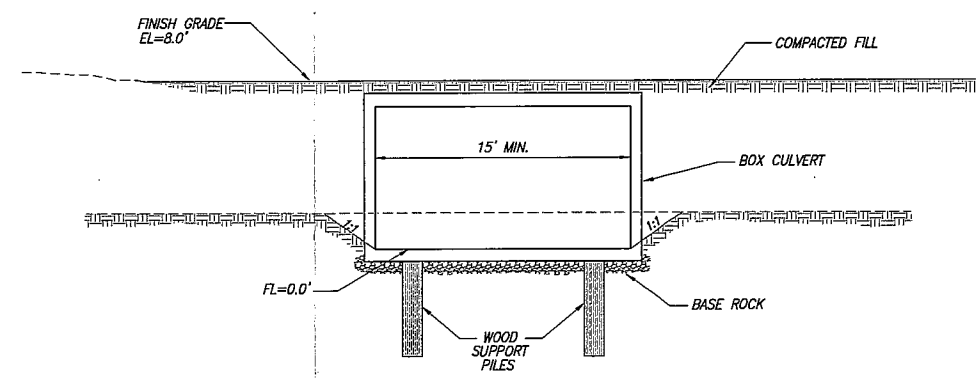




**B**  
TYPICAL SECTION  
EXISTING CONDITIONS  
NOT TO SCALE



**B**  
TYPICAL SECTION  
IMPROVED LEVEE  
NOT TO SCALE



**C**  
CROSSING - BOX CULVERT  
NOT TO SCALE

- NOTES:**
- 1.) REMOVE EXISTING CULVERTS
  - 2.) INSTALL BOX CULVERT
  - 3.) REBUILD LEVEE SLOPE TO 5:1 @ 90%. ADD 1-FOOT SOIL

UNAUTHORIZED CHANGES & USES  
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SURVEY DATUM	
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CONTOUR INTERVAL: 1 FOOT	

REVISIONS		DATE	APPROVED
REV. NO.	DESCRIPTION		

**PRELIMINARY**

	PROJECT NO. US-CA-485-2	DESIGNED BY: SC
	WHISTLESTOP LAGOON LEVEE REPAIR ALT 1A - BOX CULVERT	DRAWN BY: JS
WESTERN REGIONAL OFFICE	APPROVED BY:	CHECKED BY: JM
DATE: 04.25.12	SHEET NO. 4 of 4	APPROVED BY:

**EXHIBIT D**  
Vicinity Map

**PLN110472**  
Planning Commission Hearing  
Dated: September 26, 2012

# NORTH COUNTY

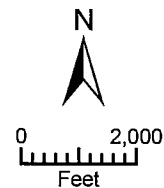


APPLICANT: STATE OF CALIFORNIA

APN: 131-051-001-000 & 131-051-067-000

FILE # PLN110472

Water 2500' Limit 300' Limit City Limits



PLANNER: ROBINSON

# **EXHIBIT E**

California Department of Fish  
and Game Approval on June 4,  
2012

**PLN110472**

Planning Commission Hearing

Dated: September 26, 2012

# Notice of Determination

**TO:**

Office of Planning and Research

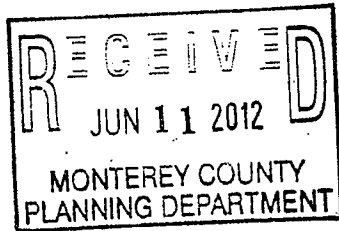
For U.S. Mail:  
P.O. Box 3044  
Sacramento, CA 95812

Street Address:  
1400 Tenth Street  
Sacramento, CA 95814

County Clerk

County of:

Address:



**FROM:**

Public Agency: California Department of Fish and Game

Address: 1234 East Shaw Avenue  
Fresno, CA 93710

Contact: Dave Feliz

Phone: (831) 728-2822, extension 302

Lead Agency (if different from above):

Address:

Contact:

Phone:

**SUBJECT:** *Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.*

State Clearinghouse Number: 2012041041

Project Title: Whistlestop Levee Repair and Public Access Improvement Project.

Project Location (include county): Whistlestop Lagoon, Monterey County, California

Project Description: The Whistlestop Levee Repair and Public Access Improvement Project (proposed project) would include two key elements: (1) replacing the existing culverts located in the Whistlestop levee with an approximately 20-foot long bridge to improve water quality, fish passage, and trail safety for recreational users in the area; and (2) relocating an existing dock that extends off the Whistlestop levee to deeper water to reduce disturbance to mudflat habitat at low tides. The proposed project would be constructed between July and October 2012.

This is to advise that the California Department of Fish and Game ( Lead Agency or  Responsible Agency) has approved the above described project on 6-4-12 and has made the following determinations regarding the above described project:

1. The project [ will  will not] have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ were  were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [ was  was not] adopted for this project.
5. A statement of Overriding Considerations [ was  was not] adopted for this project.
6. Findings [ were  were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at:

California Department of Fish and Game  
20 Lower Ragsdale Drive, Suite 100  
Monterey, CA 93940-5738

Signature *Jeffrey R. Single* Date: 6-4-12  
Jeffrey R. Single, Ph.D., Regional Manager

Date Received for filing at OPR: \_\_\_\_\_

RECEIVED  
JUN 06 2012  
STATE CLEARING HOUSE