

MBARI/MARS PROJECT
PLN050542
December 9, 2005



Attached is the final resolution for this project. This cover sheet is included in the packet to those individuals that have conditions or raised issues. It is intended to streamline your review.

- **Public Works/Bryce Hori:** See condition #7.
- **Water Resources Agency/Mike Logsdon:** See condition #3 and last bullet (3rd column) for conditions 12, 21, 22 and 23.
- **Monterey Bay Unified Air Pollution Control District/Jean Getchell:** See condition #5.
- **Co-Lead Agency: California State Lands Commission/Nancy Quesada:** See conditions that were originally some of the mitigation measures or protective measures in the EIR/EIS. These are #9 (training) and # 13, 14, 15, 16, 17 and 18 (related to the HDD operation). Based on language in the EIR/EIS and a conversation with Mandy Allen with MBARI, a representative from CSLC will serve as the “environmental monitor” during implementation of these measures (one time only – no long-term monitoring is required). We are flexible if your designee (e.g., someone from another firm) will do the monitoring as long as it’s not the applicant. Call me if there are any questions.
- **Co-Lead Agency/Monterey Bay National Marine Sanctuary/Deirdre Hall:** FYI only.
- **Applicant & Representative: Mandy Allen (MBARI) & Adrienne Fink (Ecology & Environment, Inc):** We have a conference call to review condition compliance & any unresolved issues or questions you may have on Thursday, December 15th from 10 – 11 AM. The plan is you will call me in my office at 831.755.5194.

RESOLUTION NO. 050542

A.P. # 133-252-001-000 133-242-008-000
133-242-001-000 133-242-009-000
133-242-010-000 133-232-001-000
133-232-011-000

FINDINGS & DECISION

In the matter of the application of
MONTEREY BAY AQUARIUM RESEARCH (PLN050542)

for a Coastal Administrative Permit and Design Approval in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), to allow construction of a 160-square foot on-shore data collection facility/structure; placement of a fiber optic line/conduit underground to transmit oceanographic data to the Monterey Bay Aquarium Research Institute; and a horizontal drill operation to place the cable underground from the structure to the mean high tide line of Monterey Bay. The project is for the Monterey accelerated research system cabled observatory located in Monterey Bay. An EIR/EIS was certified for the project by the State Lands Commission and the Monterey Bay National Marine Sanctuary. The County of Monterey is a responsible (permitting) Agency for that part of the project located on land. The property is located on the leeward side of Sandholdt Spit, and North County Area, Moss Landing Island, Coastal Zone.

Said Director of Planning and Building Inspection, having considered the application and the evidence presented relating thereto,

1. FINDING - PROJECT DESCRIPTION:

- A. Horizontal Directional Drill (HDD).** As proposed, the Coastal Administrative Permit allows for an HDD operation to install a cable and conduit underground from the on-shore facility (modular building) to the HDD entry point landward of the MHTL. From the HDD entry point, the cable would be installed underground across the beach to the HDD exit point offshore. The cable would then extend approximately 32 miles from the shoreline into Monterey Bay and ultimately connect to the proposed Monterey Accelerated Research System or MARS cabled observatory. The component of the project below the MHTL is subject to approval by the California Coastal Commission. During the HDD procedure on the landward side, within the County's permit jurisdiction, approximately 93 cubic yards of material would be removed from the drill hole and transported to an approved disposal site.
- B. Modular On-Shore Structure.** The 160 square-foot fiberglass/modular on-shore structure, approximately 11 feet in height, is used to collect, store and transmit data from the cable located below the MHTL to the Monterey Bay Aquarium Research Institute (MBARI) on Moss Landing Island. The modular facility also provides power supplies, circuit breakers, a related system to shutdown operations in the event of an emergency; it also includes equipment to feed power and communications to the observatory cable. The on-shore fiberglass building is located on Assessor's

- C. Parcel Number: 133-252-001-000 and requires 2 to 4 cubic yards of cut and fill to install.
- D. **Underground Fiber Optic Line.** A new underground fiber optic line, approximately 826 feet in length, is located roughly 150 feet west of Sandholdt Road, a portion of which crosses disturbed dunes. The new underground fiber optic line transmits oceanographic data from the on-shore structure to the existing fiber optic line (existing conduit is approximately 650 feet in length, use of which negates the need for additional trenching). The existing fiber optic line terminates adjacent to Building D of the MBARI facility. The length of the entire cable is 1,476 linear feet, when both new and existing lines, are connected. The cable follows the most direct route to the existing fiber optic line, approximately 984 feet south of the 160-square foot on-shore structure. The fiber optic line would be placed in a larger conduit, buried within a trench approximately 18" wide and 36" deep, and would cross Assessor's Parcel Numbers (APNs): 1) 133-242-001-000; 2) 133-242-008-000; and 3) 133-252-001-000. The existing conduit crosses APNs: 1) 133-242-009-000; 2) 133-242-010-000; 3) 133-232-001-000; and 4) 133-232-011-000. Approximately 25 cubic yards of material is removed during trenching activity. Following placement of the conduit underground, the same earth material is used to cover the fiber optic line.
- E. **Exterior Lighting.** No permanent exterior lighting is part of this project. Also, during construction, lighting is not necessary since work will occur during daylight hours only; however, temporary lighting may be used in the event that there is an emergency situation which requires construction activities to continue on the weekend or after dark. Any lighting would not interfere with nautical vehicle's ingress/egress to either Moss Landing Harbor or the North Harbor.
- F. **Timeframe to Complete Construction Activities.** Completion of construction activities for all aspects of this project including placement of the fiber optic line, the HDD operation and construction of the 160-square foot on-shore structure will last roughly 15 days. However, it is possible that construction may occur on a 24-hour basis in order to reduce the number of days estimated to complete the project to meet construction deadlines.

EVIDENCE: Following findings, supporting evidence, permit conditions, permit application, certified EIR/EIS and administrative record.

2. FINDING - CONSISTENCY ANALYSIS:

- A. **Applicable Policies & Regulations.** This project provides an opportunity for coastal dependent research with minor or negligible impacts to the environment and community on Moss Landing Island. Based on staff's review of the project, the application filed by MBARI for a Coastal Administrative Permit and Design Approval (PLN050542), as described in Finding 1 and Condition 1 and as conditioned, are consistent with Monterey County's Local Coastal Program (LCP), specifically: 1) policies and land use designations in the North County Land Use Plan; 2) the Moss Landing Community Plan Guidelines; 3) Regulations for Development in the North County Land Use Plan Area (Part 2 of the LCP, Chapter 20.144); 4) Title 20 / Coastal Zoning Ordinance (i.e., Part 1 of the LCP / Coastal Implementation Plan); and 5) other applicable County Ordinances included in Part 6 "Appendices" of the adopted LCP.

Specific regulations that relate to this project include, but are not limited to, the following:

- B. Regulation 20.144.030.B.9** in the "Regulations for Development in the North County Land Use Plan Area" (Part 2 of the Coastal Implementation Plan) begins with the sentence stating that "new utility and transmission lines shall be placed underground." (Reference Policy 2.2.3.5 of the North County Land Use Plan)
- C. Regulation 20.144.040.B.1** in the "Regulations for Development in the North County Land Use Plan Area" (Part 2 of the Coastal Implementation Plan) also begins with the sentence stating that "all development, including vegetation removal, excavation, grading [and] filling . . . shall be prohibited in the following environmentally sensitive habitat areas: . . . dunes . . . [and] other wildlife breeding . . . areas identified as environmentally sensitive. As an exception, resource dependent uses, including nature education, may be allowed within [an] environmentally sensitive habitat if it has been determined through [a] biological survey that impacts of the development will not harm the habitat's long-term maintenance." (Reference Policy 2.3.2.1 of the North County Land Use Plan)
- D. Public Viewshed.** The project, as designed and conditioned, does not have a significant adverse effect on the public viewshed and is not visible from Hwy 1.
- E. Floodplain.** This parcel is located partially within Zone V2, 100-year coastal floodplain with velocity of the Pacific Ocean, as shown on the effective FEMA Flood Insurance Rate Map 060195-0035E and 060195-0055F, map revised August 5, 1986 (BFE=17 ft MSL). The proposed building is located in Zone B. The project as conditioned (see condition 3) is consistent with the County Water Resources Agency requirements pertaining to construction of a building in this zone.

EVIDENCE:

- A. Coastal Administrative Permit Application.** Staff's review of the application, plans and environmental documents submitted for the Coastal Administrative Permit and Design Approval in project file PLN050542 located at the Monterey County Planning and Building Inspection Department. The application was filed on September 20, 2005, and approved by the County of Monterey on November 17, 2005.
- B. Design Review.** Staff's review of the Design Application submitted to the Monterey County Planning and Building Inspection Department with drawings, elevations and a statement of exterior structural materials and colors in project file PLN050542. The 160-square foot pre-fabricated structure is made of fiberglass in a medium to dark brown earth-tone color.
- C. Moss Landing Community Plan Design Standards.** The project is located within an overlay-zoning district that mandates Design Review; much of Moss Landing is also within an historic district adopted by the Board of Supervisors in 1976. The landscaping requirement, as specified in condition no. 21, is required in lieu of certain changes to the architectural features of the 160-square foot modular structure, which are deemed infeasible due to the fiberglass building material. Landscaping is required to soften the appearance of the structure, consistent with the Moss Landing Community Plan Design Standards. These standards require aesthetic compatibility with the historic character and design of nearby structures on Moss Landing Island, and at the same time ensure that visual impacts are minimized.
- D. Zoning & Land Use Designation.** MBARI is located at 7700 Sandholdt Road, Moss Landing Island, North Monterey County, Coastal Zone. All seven of the Assessor's

Parcels affected by this project are zoned "LI (CZ)" or Light Industrial, Coastal Zone. The project is consistent with the site development standards and regulations for the "LI" Zoning District pursuant to Part 1, Section 20.26 of Monterey County's LCP.

E. Archaeological Monitor. Condition No. 11 requires the applicant to retain a qualified archaeologist to monitor all trenching activity for the underground fiber optic line in order to determine if any cultural resources are present. An archaeologist previously surveyed other project areas and no resources were found. If resources are found, work shall be stopped immediately and special measures shall be developed and implemented based on the magnitude of the discovery and recommendations of the archaeologist. The archaeologist may determine that an alternative location for the conduit may be necessary to avoid cultural resources entirely.

F. Regulation 20.144.030.B.9 (see finding 2-B above) of the "Regulations for Development in the North County Land Use Plan Area" (Part 2 of the Coastal Implementation Plan) begins with the sentence stating that "new utility and transmission lines shall be placed underground."

Consistency Analysis. The current application shows that the conduit is placed underground, consistent with this regulation. In addition, the purpose and intent of the policy and regulation is to minimize visual blight as new development occurs by placing new utility lines underground. Placement of the fiber optic line underground establishes consistency with the primary purpose and intent of this regulation.

G. Regulation 20.144.040.B.1 (see finding 2-C above) of the "Regulations for Development in the North County Land Use Plan Area" (Part 2 of the Coastal Implementation Plan) is cited above. The new alignment (as shown in the application submitted on September 20, 2005) for the fiber optic line now crosses dunes; in addition, other environmentally sensitive habitat may exist. The regulation cites two exceptions:

Consistency Analysis.

- 1. Resource Dependent Use.** The regulation provides an exception if a project is for a resource dependent use, even if it located on sand dunes and a biological survey has been prepared. This project is dependent on coastal and aquatic resources, intended to augment our collective knowledge of aquatic and marine life and seismic activity, among other things. Therefore the project as revised is consistent with the above regulation.
- 2. Protection of Sand Dunes and Environmentally Sensitive Habitat.** The regulation also allows an exception if the conclusions of a biological survey establish that development would not harm the dunes or any environmentally sensitive habitat. In response to this regulation, ABA Consultants conducted a supplemental biological survey of the realigned trench on October 25, 2005. Completion of a supplemental survey was necessary to establish consistency with the regulation cited in finding 2-C above, and the relocated site of the trench for the realigned fiber optic line was not identified or analyzed in the EIR/EIS prepared for this project.

Based on the survey, the biologist concludes that the site is highly disturbed and "trenching along the proposed [relocated] route will displace few native plant species and none of any special value. The primary impacted native plant would be beach bur. . . . The site [is poor] habitat for birds; . . . Gulls rarely occupy the site." The conclusions of the biologist provide evidence that support the project's consistency with policies and regulations of the County's LCP. In addition, this

modification to the project, which was not analyzed in the EIR/EIS, would not result in any adverse impacts during trenching activity.

The biologist recommends that MBARI collect local beach pea seeds for propagation and/or direct seeding of adjacent restoration projects on Moss Landing State Beach Dunes; this recommendation is included as condition no. 20.

- H. **Site Visits.** Planning staff conducted site visits on September 22 and October 18, 2005, to verify that the project complies with applicable policies of the County's LCP and that it does not have a significant adverse affect on the public viewshed.
- I. **Correspondence from the General Public.** No written request for a public hearing was made and no evidence of public controversy or public opposition exists, as described in Section 20.76.060 of Title 20, Coastal Zoning Ordinance (Part 1 of the Monterey County Coastal Implementation Plan).

3. **FINDING - SITE SUITABILITY:** The site is suitable for the proposed use.
EVIDENCE:

A. **Local Land Use Agency Review.** The project has been reviewed for suitability by the applicable local Monterey County land use agencies including:

- 1. Planning and Building Inspection Department
- 2. Water Resources Agency
- 3. Public Works Department
- 4. Division of Environmental Health

B. **Other Land Use Agency Review.** Other private, federal, state and local public agencies, some of which are also Responsible Agencies, have reviewed the project in its entirety. These agencies include, but are not necessarily limited to:

- 1. North County Fire Protection District (NCFPD)
- 2. U.S. Army Corps of Engineers (ACOE)
- 3. California Coastal Commission (CCC)
- 4. State Office of Historic Preservation (SHPO)
- 5. California State Parks
- 6. Regional Water Quality Control Board, District 5 (RWQCB)
- 7. Monterey Bay Aquarium Research Institute (MBARI)
- 8. U.S. Department of Commerce/MBNMS
- 9. U.S. Fish and Wildlife Service (U.S. F&W)
- 10. California State Lands Commission (CSLN)
- 11. Duke Energy Power Plant
- 12. San Jose State University/Moss Landing Marine Lab (MLML)

C. **Agency Comments.** These private, local, state and federal public agencies (including other Responsible Agencies) have all indicated that the site is suitable for the proposed use. Conditions recommended by these agencies are incorporated as conditions of this permit. Many, if not all, of the other discretionary permits and/or clearances have been obtained by the applicant from the other Responsible Agencies.

D. **County Land Use Agency Requirements:**

- 1. The County Public Works Department requires that the applicant submit a Traffic Management Plan for review and approval prior to initiating any construction activity on Moss Landing Island.
- 2. The Monterey County Water Resources Agency (WRA) requires recordation of a flood plain notice prior to any construction activity.

3. The WRA also requires mandatory water conservation regulations. Specifically, in the case of this project, landscape or restoration plan requiring irrigation during the plant establishment period shall apply xeriscape principles, including such techniques and materials as native, low water use or drought tolerant plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices.
- E. **EIR/EIS.** Conclusions and analysis in the EIR/EIS prepared for the entire project, including the specific component subject to Monterey County's approval as a Coastal Administrative Permit and Design Approval.
- F. **Site Visits.** Staff from the Planning Division of the Monterey County Planning and Building Inspection Department conducted site visits on September 22 and October 18, 2005, to verify that the site is suitable for the proposed use.
- G. **Supplemental Biological Survey.** A biological survey was prepared by ABA Consultants on October 25, 2005, for the realignment of the proposed fiber optic line. The report concludes that the site is highly disturbed. For more detail, please refer to "Finding 2-C" and the supporting evidence cited above.

4. **FINDING - PUBLIC ACCESS:**

- A. **LCP Consistency.** The project is in conformance with the public access and public recreation policies of the Coastal Act and the County's Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- B. **Public Access Requirement.** No access is required as part of the project, since no substantial adverse impact to access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated or would be impacted.

EVIDENCE:

- A. **Historic Public Use.** No evidence or documentation has been submitted or found showing the existence of a historic public use or trust rights over this property.
- B. **EIR/EIS.** Conclusions and analysis in the Final EIR and EIS prepared for the HDD operation of the project.
- C. **Application** materials in file.
- D. **Site Visits.** Staff site visits on September 22 and October 18, 2005.
- E. **Limited disruption HDD Operation.** A very limited portion of the beach area may be restricted to public use during the HDD operation and potential trenching activity across the disturbed dunes approximately 150 feet to the west of Sandholdt Road. The disruption of potential public access is limited to a very small area and would not last more than roughly 2 weeks.

5. **FINDING - CEQA (Exempt):**

- A. **No adverse impact.** The project, as conditioned, would not adversely impact the environment or the Moss Landing community.

- B. **EIR/EIS.** The project, as conditioned and described in Finding and Condition #1, is consistent with the conclusions and mitigations in the certified Environmental Impact Report/Environmental Impact Statement (FEIR/EIS) prepared for this project by the California State Lands Commission and Monterey Bay National Marine Sanctuary, both of which are designated as lead agencies. A dual EIR/EIS was required due to local and federal permitting requirements and to evaluate and mitigate potentially significant adverse project related impacts pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The County of Monterey is designated as a Responsible Agency pursuant to the terms and definitions of CEQA and discretionary permit requirements per the LCP.

EVIDENCE:

- A. **Section 15306 of the CEQA Guidelines.** Section 15306 of CEQA categorically exempts the proposed development from environmental review. The proposed modular structure, HDD operation to the MHTL and subterranean cable qualify for a categorical exemption since they belong to a class of projects that includes data collection, research, experimental management, and resource evaluation that would have insignificant impacts to the environment and community on Moss Landing Island. Once construction is complete, impacts due to the operation of MARS would be non-existent or, at worst, negligible.
- B. **No Unusual Circumstances.** There are no unusual circumstances associated with the placement of the modular shore facility, HDD operation to the MHTL, or subterranean fiber optic cable on Moss Landing Island that would result in a potentially significant adverse impact to the environment and community.
- C. **EIR/EIS Certification.** The State Lands Commission certified the final EIR component of the combined EIR/EIS on August 8, 2005 pursuant to CEQA. The Monterey Bay National Marine Sanctuary or MBNMS, federal co-lead agency subject to NEPA, certified the EIS component on October 26, 2005.
- D. **Mitigation Measures** that apply to this component of the project, are included in the EIR/EIS (see Table 6.5-1, page 6-5, MM AQ-1 and NOI-1) prepared for the entire project. These mitigations address air quality and minimizing noise disturbances during construction and are included as conditions in this permit (see conditions 5 and 6). Other protective measures are identified by the lead agencies in the EIR/EIS. While “protective measures” are not technically mitigation measures they are included in the monitoring program, which is part of the EIR/EIS, and accordingly are part of the conditions adopted for this project (see conditions 9, 13, 14, 15, 16, 17 and 22). There were 4 changes to mitigations between the draft document was circulated for public review and the final EIR/EIS was certified. However, the 4 changes pertain to the project’s sea route, which is not within the County’s permit jurisdiction. For informational purposes, these mitigations address commercial and recreational fisheries, specifically gear entanglement and recovery, as well as development and implementation of a Marine Mammal Monitoring Program by MBARI.

- E. Potential Environmental Concerns that May have an Impact.** Conclusions in the EIR/EIS and staff's review of the project indicate that there are a few land use issues related to construction activity that may adversely affect the site. However, as conditioned, this project does not have the potential for a significant adverse impact. Primary issues pertaining to the portion of the project located on the landward side of Monterey Bay include:
1. Impacts to cultural resources, environmentally sensitive habitat and sand dunes during construction and trenching activities.
 2. Air quality impacts and noise generating activity during construction.
 3. Erosion, run-off and sedimentation during all activities, especially during the horizontal directional drill (HDD) operation and trenching activities.
 4. Traffic, parking and circulation impacts to local business, tourism and construction workers during all phases of construction activity, including the use of project staging areas.
- F. Special Conditions.** Several special conditions, unique to this project, are included to address the above issues and ensure this project does not have any potential for a significant adverse impact. These are:
1. Limit hours and days of construction activity (condition 4).
 2. Implementation of air quality protection measures during construction (condition 5).
 3. Minimize noise impacts by muffling, sealing and/or enclosing noise-generating equipment (condition 6).
 4. Implement Traffic Management Plan, approved by the Monterey County Public Works Department, during construction (condition 7).
 5. Provide environmental training by a qualified specialist for construction personnel to ensure permit conditions are adequately implemented (condition 9).
 6. Post notification for the general public around areas subject to construction activity to provide a contact in the event of project related problems (condition 8).
 7. Retain a qualified Archaeologist to monitor all activity on-site during trenching operations; based on the monitoring results, appropriate measures may be required prior to, during and/or after all trenching activity, including the potential for relocating the proposed fiber optic line alignment (condition 11).
 8. Restoration of the site(s) and implementation of erosion control measures during and after construction activity (conditions 12, 14, 20, 22, 23, 24 and 25).
 9. Protection of the visual character of the Moss Landing Island by partially screening the on-shore 160-square foot fiberglass modular structure with landscaping indigenous to the area (condition 21).
- G. Differences between the Certified EIR/EIS and the Project Application.**
1. **Description of Changes.** There are a few differences between the EIR/EIS, as certified, and the project application submitted on September 20, 2005.
 - a. **New Underground Fiber Optic Line as Opposed to Overhead.** Essentially, the proposed fiber optic line would be placed underground at a depth below grade of approximately 3 feet (see permit application submitted to the County of Monterey on September 20, 2005) as opposed to overhead as shown in figure 2.1.9 of the final EIR/EIS.

- b. **Relocation of underground conduit roughly 150 feet closer to Monterey Bay.** The applicant also proposes a new alignment for the underground conduit, located approximately 150 feet west of Sandholdt Road, closer to Monterey Bay (again, see permit application submitted to the County of Monterey on September 20, 2005). In contrast figure 2.1.9 of the final EIR/EIS shows that the new portion of the fiber optic line would generally be located parallel to Sandholdt Road. As shown on maps submitted with the application by MBARI, the conduit would follow the most direct route to the existing fiber optic line, approximately 984 feet south of the 160-square foot on-shore structure, thereby resulting in less land disturbance.
- 2. **Conditions & supplemental documentation to ensure the project will not have a potentially adverse impact on the environment.** Since land disturbance, as described above, is currently proposed to place the fiber optic line underground in a new location conditions are included to ensure that there would not be any adverse impacts to cultural resources, environmentally sensitive habitat, or increase the erosion rate, sedimentation and runoff.
 - a. **Archaeological Monitor. Condition No. 11** requires the applicant to retain a qualified archaeologist to monitor all trenching activity in order to determine if any cultural resources are present. If resources are found, work shall be stopped immediately and special measures developed and implemented based on the magnitude of the discovery and recommendations of the archaeologist. An alternative location for the conduit may be recommended to avoid the cultural resources entirely.
 - b. **The supplemental biological survey** prepared by ABA Consultants on October 25, 2005, for the realignment of the proposed fiber optic line, concludes that the site is highly disturbed and "trenching along the proposed [relocated] route will displace few native plant species and none of any special value. The primary impacted native plant would be beach bur. . . . The site [is poor] habitat for birds. . . . Gulls rarely occupy the site."
 - c. **Erosion Control and Restoration.** Conditions 12, 14, 20, 22, 23, 24 and 25 require implementation of erosion control measures and site restoration using native drought-tolerant plant species indigenous to Moss Landing Island and the surrounding dunes. Implementation of Best Management Practices to control erosion and related site restoration will occur during and after all phases of construction. These conditions ensure that erosion, run-off and sedimentation will be minimized during construction activity.

6. **FINDING - VIOLATION:**

- A. **Non-compliance with Previous Conditions of Permit Approval.** MBARI has not complied with Condition no. 4 of PLN010235. Therefore, condition compliance is required as part of this permit (see condition 23 in the following matrix) in order to clear the condition previously adopted when PLN010235 was approved. This condition requires restoration of disturbed areas on APN: 133-252-001-000. The permit (PLN010235) expired in 2003, although the conditions run with the land.
- B. **No other Violations.** Except as noted above, all other subject properties are in compliance with rules and regulations pertaining to zoning uses, subdivisions, policies and other applicable provisions of Monterey County's LCP. Zoning violation abatement costs, if any, have been paid.

EVIDENCE:

- A. Applicable References from Title 20.** Sections 20.26.020 and 20.44.020 of the Monterey County Zoning Ordinance apply to permit, land use and building violations. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no other violations exist on subject properties, with the exception of non-compliance with condition number 4 of PLN010235. This condition is currently included as number 23 of this permit (PLN050542).
- B. Background for Condition no. 4 of PLN010235.** PLN010235 is a "Minor & Trivial Amendment" to MBARI's Combined Coastal Development Permit, known as SH93003. SH93003 was previously amended by PLN990085. Subsequently the Combined Coastal Development Permit, as amended, was amended again and is also subject to permit requirements in PLN010235.
- The following project description, as it relates to condition #4, is taken verbatim from permit PLN010235. PLN010235 is a "permit amendment [to] allow temporary use of Assessor's Parcel Number 133-252-001-000 for parking (22 spaces) for a period of up to 24 months [from date of permit approval which occurred on 12/19/01 – temporary use ceased 24 months later or on 12/19/03]. The temporary parking site, commonly known as the Garner site, is currently being used [in 2001] as a construction staging area and will not require additional grading or the construction of any structures. The properties are located on Sandholdt Road, in the Moss Landing area. The main MBARI facility (APN: 133-232-011-000) is located at 7700 Sandholdt Road [and is not subject to restoration based on the language in the condition]. The Garner site (APN: 133-252-001-000) is the northernmost parcel on the west side of Sandholdt Road."
- C. Synopsis of Condition No. 23 of PLN050542 previously referred to as Condition No. 4 of PLN010235.** Based on the language in the condition (#23) adopted as part of this permit (#23), the applicant shall submit a landscaping plan that addresses the restoration of disturbed areas on APN 133-252-001-000. Depending on the proposed "end use" of the site, the Monterey County Planning and Building Inspection Department shall determine the appropriateness and completeness of restoration efforts and may require additional monitoring and restoration activities as needed.

7. FINDING - PUBLIC NOTICE:

Public notice of the pending Coastal Administrative Permit was provided pursuant to Section 20.76.040 of Title 20, Coastal Zoning Ordinance (Part 1 of the Monterey County Coastal Implementation Plan).

EVIDENCE: Administrative record and materials in file PLN050542.

8. FINDING - HEALTH AND SAFETY:

The establishment, maintenance, and operation of the MBARI/MARS project (PLN050542) under the circumstances of the particular case, is found to not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or the general welfare of the County.

EVIDENCE: Preceding findings, supporting evidence, permit conditions, application, certified EIR/EIS and administrative record.

9. **FINDING – PERMIT CONDITIONS RUN WITH THE LAND IN PERPETUITY (unless a “sunset date” is specified):**

Typically conditions of permit approval run with the land in perpetuity. However, this project (PLN050542), in its entirety, has a life expectancy of 25 years, at which time all on and off shore project components will be removed.

EVIDENCE:

- A. Permit application by MBARI and administrative record.
- B. Parcels affected by this project on shore shall be restored pursuant to condition no. 25.
- C. Once restoration is complete, the permit (PLN050542) including the permit conditions, adopted by the County of Monterey shall be null and void.

10. **FINDING - APPEALABILITY:**

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

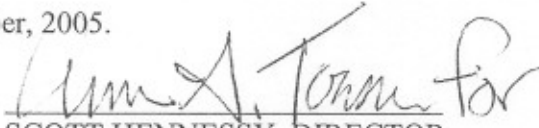
EVIDENCE:

- A. Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance.
- B. The project is located between the sea and the first public road paralleling the sea.

DECISION

THEREFORE, it is the decision of said Director, Planning and Building Inspection, that said application for an Administrative Permit be granted as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 9th Day of December, 2005.


SCOTT HENNESSY, DIRECTOR
PLANNING & BUILDING INSPECTION

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE BOARD OF SUPERVISORS AND THE CALIFORNIA COASTAL COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

*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 Planning Commission 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 and Building Inspection Department office in Salinas.

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

EXHIBIT “C” - Monterey County Planning and Building Inspection / Mitigation & Protective Measures, Monitoring Actions & Condition Compliance Reporting Program

Project: Monterey Bay Aquarium Research Institute’s (MBARI) Monterey Accelerated Research System (MARS)

File No: PLN050542

APNs: 133-252-001-000; 133-242-001-000; 133-242-008-000; 133-242-009-000; 133-242-010-000;
133-232-001-000 & 133-232-011-000

Approval by: Director of the Planning & Building Inspection Department or designee

Date: December 9, 2005

Acronym Definitions:

P&BI = Monterey County Planning & Building Inspection Dept/Assigned to Project for condition clearance - Ann Towner, 831.755.5194

O/A = Owner/Applicant

ENVIRONMENTAL MONITOR = A qualified individual to remain on site prior to, during & after construction is complete to monitor various actions, included as conditions below, to evaluate the criteria for effectiveness relative to monitoring actions. In the event monitoring criteria are not effective, the Environmental Monitor may recommend implementation of alternative measures to remedy the situation, while at the same time ensure that alternative methods would not result in a potentially adverse impact to the environment. Wherever a monitoring action refers to the Environmental Monitor it is inferred that s/he is a qualified individual from either the California State Lands Commission (CSLC) or the Monterey Bay National Marine Sanctuary (MBNMS). The Monitor is not a representative or an employee of the owner/applicant (i.e., MBARI).

MM = Mitigation Measure from table 6.5.1 (Mitigation Monitoring Program), page 6-5 of EIR/EIS

PM = Protective Measures from table 6.5.1 (Mitigation Monitoring Program), page 6-5 of EIR/EIS

CONSTRUCTION ACTIVITY = Includes all 3 aspects of the project including construction of the on-shore structure, trenching, placement of the fiber optic line underground & HDD operation.

P/W = Monterey County Public Works Department/Person Assigned to Project for condition clearance is Bryce Hori, 831.755.4920

WRA = Monterey County Water Resources Agency/Person Assigned to Project for condition clearance is Mike Logsdon, 831.755.4876

MBUAPCD = Monterey Bay Unified Air Pollution Control District

CSLC = California State Lands Commission (Co-lead agency under CEQA responsible for preparation of the EIR/EIS for this project).

MBNMS = Monterey Bay National Marine Sanctuary (Co-lead agency under NEPA responsible for preparation of the EIR/EIS for this project).

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

Notes:

1. Condition Compliance and/or Monitoring Actions that Apply to Different Stages of the Project Development

Using the Same Condition. Several conditions have different compliance or monitoring actions that are to be performed during different phases of the development. When this occurs, each separate action is **numbered in large, bold, shaded font**. The numbers in the compliance or monitoring action column (4th column) correspond with the numbers in the 6th column, which stipulate the timing for compliance or monitoring to occur.

2. Monitoring Report Summary:

- **Archaeologist** on-site submits a monitoring report as specified in condition #11. If no resources are discovered, a brief memo indicating the results is sufficient. Monitoring actions would be complete relative to condition #11, once the archaeologist submits the memo indicating there are no resources on site. However, a detailed monitoring report and potential monitoring in the future are required if resources are discovered.
- **Environmental Monitor** shall submit a monitoring report following all construction activity describing the protective measure, criteria used to determine the effectiveness of minimizing or entirely eliminating the potential environmental impact. The report shall also indicate if implementation of the monitoring actions was a success or was not effective in terms of addressing the impact. If the latter is the case, the Environmental Monitor should describe the alternative methods that were implemented to minimize the identified impact and the effectiveness of the alternative measures. A one-page summary describing the above for conditions # 5, 6, 9, 13, 14, 15, 16 and 17 is sufficient and should conclude the work of the Environmental Monitoring. No further monitoring is required unless circumstances occur during development of the project on the landward side of Monterey Bay that warrant additional monitoring.
- **Landscape Architect and/or Biologist** shall submit a Monitoring Report on an annual basis (month for submittal of the monitoring report to be determined by the landscape architect or biologist) for a 5-year period, unless it is determined by the Monitor that the success criteria has been met and therefore monitoring does not need to continue for 5 years. Conditions in this permit that require monitoring are: # 12, 20, 21, 22, 23 and 24. The annual report, which may include plans and photos, shall describe the success rate for the establishment of plants and grasses to meet the goals of the condition or mitigation measure. These include but may not be limited to: visual screening, erosion, sedimentation and run-off control, off-site mitigation recommended by the biologist and efforts to restore several areas. The effectiveness criteria to be addressed in each monitoring report for each condition is set forth in each of the 6 conditions referenced above.

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
----------	---------	--	-----------------------------------	---	--------	------------

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

CONDITION FOR INFORMATIONAL PURPOSES ONLY. COMPLIANCE IS ONGOING

1		PBD029: PROJECT DESCRIPTION - DEVELOPMENT LIMITED TO SPECIFIC USES DESCRIBED BELOW & IN FINDING #1 Project Description: The Monterey Bay Aquarium Research Institute (MBARI) Monterey Accelerated Research System (MARS) Coastal Administrative Permit & Design Approval (PLN050542) allow for the following on the landward side, above the Mean High Tide Line, (MHTL) of Monterey Bay: 1) Horizontal Directional Drilling (HDD). A cable and conduit will be installed underground from the proposed 160 square-foot modular structure to the HDD entry point located landward of the Monterey Bay's MHTL. From the HDD entry point, the cable would be installed underground across the beach to the HDD exit point offshore. The cable is used to collect, store and transmit data from the MARS cabled observatory in Monterey Bay to the existing MBARI facility located on Moss Landing Island. 2) A 160 square-foot fiberglass/modular on-shore structure, approximately 11 feet in height, to collect, store and transmit data to the Monterey Bay Aquarium Research Institute (MBARI) on Moss Landing Island from the cable located below the MHTL, extending 32 miles under Monterey Bay to the MARS cabled observatory.	Informational purposes only. Owner/Applicant shall adhere to conditions and uses specified in the permit, unless the permit is amended or the use ceases.	Owner/Applicant	Ongoing	
---	--	--	--	-----------------	---------	--

Cond. #.	MM/ PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
		3) A new underground fiber optic line, 826 feet in length, (650 linear feet of the fiber optic line exists) approximately 150 feet west (at the farthest point) of Sandholdt Road, a portion of which would cross sand dunes. The fiber optic line collects information from the 160-square foot modular on-shore structure and transmits the oceanographic data to the existing fiber optic line that terminates in Building D of the MBARI facility. A detailed description of the project is also included in finding #1. Condition: 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 Planning and Building Inspection. 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, are allowed unless the appropriate authority approves additional permits or amendments. (P&BI)				

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
----------	---------	--	-----------------------------------	---	--------	------------

**CONDITION COMPLIANCE REQUIRED PRIOR TO ANY CONSTRUCTION ACTIVITY
AND/OR ISSUANCE OF A BUILDING PERMIT**

(Certain conditions also require compliance during & after construction activity as noted below).

1. Conditions requiring compliance/clearance prior to any construction activity and/or issuance of a building permit:
Numbers: 2, 3, 5, 6, 7, 8 and 9
2. Conditions requiring compliance/clearance (if applicable) during construction activity:
Numbers: 4 (if applicable), 5, 6 (HDD Operation only) and 7
3. Conditions requiring compliance/clearance once construction activity is complete & MBARI simultaneously submits a notice (see condition #19) stating accordingly:
Numbers: 5 and 8

2		PBD025 - NOTICE-PERMIT APPROVAL Condition: The applicant shall record a notice which states: "A permit (Resolution No. 050542) was approved by the Director of Planning and Building Inspection for Assessor's Parcel Numbers 133-252-001-000; 133-242-001-000; 133-242-008-000; 133-242-009; 133-242-010-000; 133-232-001-000, and 133-232-011-000 on December 9, 2005. The permit was granted subject to 25 conditions of approval that run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation shall be furnished to the Director of the Planning and Building Inspection Department, or designee, prior to issuance of a building permit. (P&BI)	P&BI: The "Permit Approval Notice" template shall be sent to the owner/applicant with the language in italicized font between quotation marks (see column to the left). Owner/Applicant completes & signs form & delivers to the Monterey County Recorder's Office for recordation. Owner/Applicant provides proof of recordation of the notice to P&BI. <i>[Tip: Ask the Recorder's Office the approximate time it will take to forward the recorded document to the P&BI Dept for the file. If it will</i>	P&BI Owner/ Applicant	Prior to issuance of a building permit and/or any construction activity	
---	--	---	---	-----------------------------	---	--

Cond. #.	MM/ PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
---------------------	---------------------	---	--	--	---------------	-------------------

			take quite some time, ask to make a copy before leaving after the recorder has stamped the document and return the copy to your project planner for condition clearance.] P&BI clears condition after receiving a recorded copy of the document.			
3		WR0022 FLOODPLAIN RECORDATION (WR) Prior to issuance of any building permits or initiating construction activity, the owner/applicant shall provide the Monterey County Water Resources Agency (WRA) with a recorded Floodplain Notice stating that: <i>“The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions.”</i> (Water Resources Agency)	WRA: The template for the “Flood Plain Permit Approval Notice” may be obtained from WRA. Please contact Mike Logsdon a <u>831.755.4876</u> to obtain the form. & Owner/Applicant receives instructions from WRA (Mike Logsdon – see above for number) to complete, record & submit notice to comply with the condition. WRA will notify P&BI once the condition is cleared. If applicable, see “tip” in brackets above for condition #1.	WRA Owner/ Applicant	Prior to issuance of a building permit and/or any construction activity	

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

4		Non-Standard: LIMITATION ON HOURS OF CONSTRUCTION ACTIVITY Impact: Extension of construction activity to weekends and evening hours is limited to the minimal amount of time necessary and shall be reasonable so as to not significantly impact the applicant, tourists and residents, particularly those residing in Moss Landing Harbor. Condition: Construction activity shall occur between 7 AM and 7 PM on weekdays only. (Tourist traffic often conflicts with regular traffic and parking on Moss Landing Island on weekends.) (P&BI)	1. Owner/Applicant: Prior to any construction, a note shall be placed on plans or a separate sheet informing construction personnel & Mgr in charge of operations of approved days & hours for construction activity. O/A submits a copy of the notice to P&BI for review, approval & condition clearance. O/A shall also address this requirement as part of the training program (see condition #9). 2. O/A: In the event there is an emergency & construction activity must extend into a weekend(s) and/or during evening hours due to unanticipated construction delays, the owner applicant must contact P&BI at 755-5025 at least 48 hours prior to doing the work to request authorization to extend construction activity beyond the specified time P&BI: Authorization by	Owner/ Applicant Construction Personnel P&BI	1. Prior to issuance of a building permit and/or any construction activity 2. During construction activity. O/A submits request to extend construction days/hours at least 48 hours before extending work hours. P&BI is responsible for approving or denying MBARI's request 48 hours after receipt of request, but prior to applicant officially changing	
----------	--	---	---	---	--	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

			P&BI to extend construction days & hours will be based in part on past performance standards, including the number and magnitude of previous complaints, if any. P&BI is responsible for extending construction days & hours, if applicable, within 48 hours of receipt of request.		construction schedule.	
5	MM AQ-1a and AQ-1b	Non-Standard: AIR QUALITY PROTECTION MEASURES DURING ALL CONSTRUCTION ACTIVITY Impact: Equipment used for construction and decommissioning may exceed daily emission thresholds for ozone precursors and particulate matter. (EIR/EIS) Condition & MM: Owner/Applicant shall use low-emission fuel on all diesel-powered and other types of construction equipment. This condition applies to all construction activity, especially the HDD operation. With the use of low-emission fuel, NOx exhaust emissions will be reduced. (P&BI/MM AQ-1a) Condition & MM: Owner/Applicant (MBARI) shall contribute funds to an off-site NOx emission reduction program identified by the MBUAPCD. This program is also intended reduce exhaust emissions elsewhere in Monterey County. (P&BI & MM AQ-1b)	1.a Owner/Applicant shall ensure that all diesel-powered and other types of construction equipment shall use low-emission fuel prior to any construction activity. Owner/Applicant: Prior to any construction, notes shall be placed on plans or a separate sheet informing construction personnel & Manager in charge of operations re: this requirement & to retain receipts for fuel costs to ensure low-emission fuel was used. O/A submits a copy of the notice & a statement indicating that all diesel powered equipment shall use low emission fuel to P&BI for	Owner/ Applicant Construction Personnel P&BI MBUAPCD	1.a Prior to issuance of a building permit and/or any construction activity 2. During Construction 3. (1.a & 1.b) At the same time MBARI files a notice with P&BI (see condition 19) that construction is finished, the O/A shall provide documentation	

Cond. #.	MM/ PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
---------------------	---------------------	---	--	--	---------------	-------------------

			review & approval prior to construction activity. O/A shall also address this requirement as part of the training program (see condition #9). 2. O/A shall direct construction contractors to retain receipts of fuel purchases to verify use of CARB on diesel fuel during construction activity. 3. (1.a & 1.b) O/A shall provide a copy of the statement/receipts to P&BI upon completion of construction activity to ensure compliance with this one-time monitoring action. Owner/Applicant receives evidence from the MBUAPCD re: MBARI's funding contribution to the off-site emission reduction program & submits evidentiary documentation from the MPUAPCD to P&BI for review, approval & clearance of mitigation AQ-1b.		to P&BI as set forth in no. 3 in the preceding column of this row.	
--	--	--	---	--	--	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

			P&BI shall clear condition/mitigation (AQ-1a) after receiving receipts & reviewing the documents to determine compliance with the condition/MM.			
6	MM NOI-1	Non-Standard: MINIMIZE NOISE DURING ALL CONSTRUCTION ACTIVITIES Impact: Construction equipment could result in noise levels that exceed the 85-dBA limit of Monterey County policies relating to noise control. (EIR/EIS) Condition: A. All construction equipment, especially during the HDD operation, shall be muffled, shielded, or enclosed. (P&BI & MM NOI-1) B. The owner/applicant shall measure the noise level 50 feet from the HDD site to ensure the level of noise is below 85 dBA at all times. If at any time the noise level exceeds 85 dBA the O/A shall implement additional techniques to reduce the noise to an acceptable level. (P&BI/M NOI-1)	1.a Owner/Applicant shall ensure that all construction equipment, especially equipment used during the HDD operation, shall be muffled, shielded, or enclosed prior to construction. Owner/Applicant: Prior to any construction, notes shall be placed on plans or a separate sheet informing construction personnel & Mgr in charge of operations of this condition. O/A submits a copy of the notice to P&BI for review & approval prior to any construction activity, along with a statement by construction personnel that all equipment is muffled O/A shall also address this requirement as part of the training program (see	Owner/Applicant Construction Personnel P&BI	1.a Prior to issuance of a building permit and/or any construction activity 2.b O/A measures noise levels at the onset of the HDD operation. Additional measurements may be warranted at other times during HDD activities in the event additional motorized equipment is used or use of	.

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

			condition #9). 2.b HDD Operation Only (O/A): If at any time, noise levels exceed 85 dBA, when measured 50 feet from the HDD operation (e.g., if the use of motorized equipment increases causing noise levels to increase commensurately), the O/A shall take additional steps to lower the noise level below the maximum level of 85 dBA.		existing equipment is accelerated.	
7		Non-Standard: TRAFFIC MANAGEMENT DURING CONSTRUCTION Impact: Minimize impacts from construction traffic (e.g., construction workers traveling to & from the site, truck traffic and construction equipment in parking areas, etc) on area roadways. Condition: Prior to any construction activity, the applicant shall submit a Traffic Management Plan for implementation during construction activities subject to the approval of the Public Works Department. The plan shall identify measures to minimize traffic and parking conflicts during construction activities. (P/W)	1. Owner/Applicant shall ensure that all traffic, parking and circulation impacts to Moss Landing Island which may adversely impact local business, tourism and construction workers during all phases of construction activity, including the use of project staging areas, are minimized in accordance with the Traffic Management Plan. Owner/Applicant prepares a Traffic Management Plan and submits it to the County P/W Dept for review & approval. O/A also includes notes on plans or a separate sheet informing construction	Owner/Applicant Construction Personnel Public Works	1. Prior to issuance of a building permit and/or any construction activity 2. During Construction Activity	

Cond. #.	MM/ PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
---------------------	---------------------	---	--	--	---------------	-------------------

			personnel & Manager in charge of operations of this condition & implementation measures to reduce or eliminate conflicts on roads and/or parking for construction workers, local businesses and tourists. P/W shall review and approve the Traffic Management Plan and notice and recommend any additional measures to reduce traffic impacts, at which time the condition may be cleared. O/A shall also address this requirement as part of the training program (see condition #9). 2. O/A implements plan during the course of all construction activity. Note: If at any time complaints are received re: traffic or parking conflicts, the O/A shall take additional steps to remedy this problem. The O/A should consult with the County Dept. of P/W for suggestions before initiating any changes to measures set			
--	--	--	--	--	--	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

			forth in the approved Traffic Management Plan.			
8		Non-Standard: PUBLIC NOTICE DURING CONSTRUCTION ACTIVITIES Impact: Examples of potential annoyances to local businesses, residents in the area, as well as those residing in Moss Landing Harbor include, but are not necessarily limited to: impacts to air quality; excessive noise; night operations; construction vehicles blocking public rights-of-way; obtrusive lighting in the evening; and perceived damage to environmentally sensitive habitat and/or cultural resources. Condition: The applicant shall post approximately 5 to 10 legible public notices in locations that are visible and accessible to the general public. The notice shall essentially state the following: <i>Name and phone number of the Manager in charge of the project in the event that work at the site is causing a nuisance to the general public</i>, as described in the above “impact.” The notices shall also include language explaining the duration (e.g., approximately 15 days, 7 AM to 7 PM) of construction activity for that part of the project subject to the County’s permit authority, as well as the type of construction that will occur (i.e., construction of the 160 sq. ft. on shore fiberglass structure; trenching for placement of the fiber optic line underground and the HDD operation to the Mean High Tide Line of Monterey Bay. A small map showing the location of the construction activity may also be appropriate. The applicant shall remove notices once all construction activity is complete and construction equipment pertaining to the County’s permit is removed. Construction	1. Owner/Applicant shall post 5-10 legible public notices. The notice shall clearly explain the terms and activities outlined in the preceding column identified as “condition,” especially the language & terms <i>in italicized font</i>. The notices shall be posted in locations clearly visible and accessible to the general public. Owner/Applicant shall place notes or a copy of the notice on plans or a separate sheet informing construction personnel & Manager in charge of operations of the notice in the event personnel is contacted by a person(s) with a grievance. O/A submits a copy of the notice and a map showing locations where notice is posted to P&BI for review, approval & condition clearance.	Owner/ Applicant Construction Personnel P&BI	1. Prior to issuance of a building permit and/or any construction activity 2. After completion of all construction activity	

Cond. #.	MM/ PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
---------------------	---------------------	---	--	--	---------------	-------------------

		workers involved with this project shall be made aware of the public notification on or adjacent to the site during the pre-operation training session, in they event they are approached by a person with a grievance. (P&BI)	O/A shall also address this requirement as part of the training program (see condition #9). 2. O/A shall remove notices once construction activity is complete and construction equipment is removed, only as they relate to the County's permit.			
--	--	---	---	--	--	--

9	PM (# 5 on page 6-9 of EIR/ EIS)	Non-Standard: TRAINING CONSTRUCTION PERSONNEL Protective Measure: Topics to address during the training session include, but are not limited to: public notices posted during construction in the event an employee is approached by a person with a grievance (condition 8); limitations on construction activities during weekends & evening hours (condition 4); air quality protective measures (condition 5); noise reduction techniques (condition 6); implementation of the traffic management plan during construction (condition 7); archaeological monitor on site at all times during trenching (condition 11); erosion control measures during trenching (condition 12); on-shore modular structure landscape screening (condition 21); and all conditions pertaining to the HDD operation (conditions 9, 13, 14, 15, 16, 17 and 18) & site restoration. The above topics relate to the County's permit only. Condition: Prior to any construction activity, including trenching & (most important) before initiating the HDD operation, the Owner/Applicant shall select a qualified Environmental Monitor or Specialist, such as a monitor from the California State Land's Commission, to conduct a training session sponsored by MBARI for construction personnel, the Manager in charge of operations & any other personnel involved in this project. Topics to be addressed are stated above. (P&BI & PM #5 on page 6-9 of the EIR/EIS)	Owner/Applicant shall select a qualified Environmental Monitor or Specialist, such as the monitor from the California State Land's Commission, to conduct a training session sponsored by MBARI for construction personnel, the Manager in charge of operations and any other personnel involved in this project. Topics to be addressed are clearly stated in the protective measure in the preceding column. Owner/Applicant in conjunction with the Environmental Specialist shall prepare and submit an agenda and other training materials to P&BI in advance of the training session for review and comment. In addition to the topics to be addressed listed in the preceding column, the agenda shall also state the day, time and location for the training. P&BI: Once P&BI reviews and approves the agenda, and training occurs, the condition may be cleared.	Owner/ Applicant Construction Personnel Environment al Specialist from the California State Lands Commission P&BI	Prior to issuance of a building permit and/or any construction activity, most significantly the HDD operation.	
---	--	--	---	---	---	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

**CONDITION COMPLIANCE SPECIFICALLY REQUIRED PRIOR TO TRENCHING ACTIVITIES
(Certain conditions also require compliance during & after trenching activities as noted below).**

1. Conditions requiring compliance/clearance prior to any trenching activity:
Numbers: 10, 11 and 12
2. Conditions requiring compliance/clearance during trenching activity:
Numbers: 1 and 12
3. Conditions requiring compliance/clearance after trenching activity:
Numbers: 11 and 12

10		Non-Standard: DUKE ENERGY & MOSS LANDING MARINE LAB AUTHORIZATION Protective Measure: Not all of the parcels affected by this project are owned by MBARI. Therefore, <u>if applicable</u> that MBARI has authorization to conduct the proposed use and place the fiber optic line & conduit on property parcel owned by Duke Energy and/or San Jose State University/Moss Landing Marine Lab. Condition: Prior to any trenching activities for placement of the fiber optic line and conduit underground on parcels owned by either Duke Energy and/or San Jose State University/Moss Landing Marine Lab (MLML), the O/A shall obtain documentation & submit copies to the P&BI indicating that MBARI is authorized to: • Complete trenching activities on these parcels under separate ownership, <u>if applicable</u>. • Place a fiber optic line and conduit underground. • Provide for ongoing maintenance of the fiber optic transmittal line when and if necessary. • Fully operate the use or complete project on either or both properties.	Owner/Applicant shall obtain documentation that Duke Energy and the MLML have granted MBARI authorization to begin trenching; place the conduit underground; provide for ongoing maintenance; and complete or initiate the use on property owned by Duke Energy and/or MLML. Owner/Applicant submits documentation from Duke Energy & MLML to P&BI indicating that MBARI has authorization to undertake the 4 bulleted items listed in the preceding column. P&BI reviews & approves documentation, as described above & clears condition.	Owner/ Applicant Duke Energy Moss Landing Marine Lab P&BI	Prior to any trenching activities for placement of the fiber optic line & conduit underground on parcels under separate ownership	
-----------	--	--	---	---	--	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

		The parcels under separate ownership include, but may not be limited to: APN: 133-242-004-000; 133-242-009-000 and 133-242-010-000. (P&BI)				
11		Non-Standard: STOP WORK IF CULTURAL RESOURCES ARE DISCOVERED DURING TRENCHING ACTIVITY Impact: The Moss Landing area contains significant archaeological and historical resources. There are several designated archaeological sites and pre-historic burial grounds recognized by the State in the area. In addition, the Monterey County Board of Supervisors placed the Moss Landing community and island in an historic district in 1976. The potential for discovery of archaeological and historical resources is high due to the known resources within the area. The proposed trench alignment has never been surveyed for these resources before. Other areas proposed for development on the landward side were surveyed as part of the environmental review process for this project and it was determined by the archaeologist that no resources exist in these areas. . Condition: The O/A shall hire a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) to remain on-site and monitor all trenching activities for placement of the fiber optic line approximately 3 feet underground within an 18-inch wide trench. (P & BI)	1. Owner/Applicant enters into an agreement or some other binding contract with a qualified archaeologist to monitor all trenching activities described in the condition in the preceding column and provides a copy of the document to P&BI to ensure that the applicant has retained an archaeologist to remain on-site to monitor all trenching activity. The O/A should ensure that the archaeologist is aware that if any significant historical resources are discovered a qualified historian must evaluate the discovery. 2. O/A & Archaeologist: Should any cultural, archaeological, historical and/or paleontological resources be discovered (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until the	Owner/ Applicant Archaeologist P&BI	1. Prior to any trenching activity 2. During trenching activity & burial of the fiber optic line. 3. After completion of trenching, conduit is buried, and trench is filled with dirt and compacted.	

Cond. #.	MM/ PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
---------------------	---------------------	---	--	--	---------------	-------------------

			qualified professional archaeologist and/or historian (in the event historical resources are discovered) can evaluate the resource(s). The O/A or archaeologist on-site shall immediately contact P&BI. Once contacted, the project planner and the archaeologist shall examine the site to determine the extent of the resources & develop proper mitigation measures for the discovery. If necessary the alignment currently proposed for the fiber optic line would be relocated to avoid the resources entirely, depending on the magnitude of the discovery and the archaeologist's recommendations. 3. a) If resources are discovered and work is stopped during trenching activities, the archaeologist and/or historian shall submit a letter or an abbreviated report to P&BI stating his or her findings, tribal contacts (if applicable), mitigation measures, DPR inventory for site identification by the State and any other pertinent			
--	--	--	--	--	--	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

			information. b) If there weren't any resources discovered, a very brief memo should be sent to P&BI by the archaeologist stating the outcome.			
12		Non-Standard – EROSION & RUNOFF CONTROL DURING & AFTER TRENCHING Impact: a) The new 3-foot deep trench for the fiber optic line may increase erosion and runoff, particularly exacerbating shoreline erosion rates, prior to placement of the fiber optic line underground. Impacts may be greater if trenching activity occurs during the rainy season which may result in a gully effect in the trench. b) In addition following burial of the fiber optic line underground permanent erosion control measures are required to prevent runoff and erosion and the remote possibility of exposing the fiber optic line. Condition: a) The O/A shall submit 3 copies of an erosion control & restoration plan (long-term) or prior to any trenching activity as an interim erosion control measure, <u>if applicable</u>. The plan shall identify the best approach to control erosion as an interim measure while the trench is open, <u>if applicable</u>, as well as the restoration of the 984-foot long 18-feet wide cut once it is covered. b) Short-term or Interim Measure. <u>If applicable</u> or as an interim measure, once the 3 foot trench is complete, but the conduit has not been buried underground, the erosion control plan shall include appropriate interim measures to prevent the trenched area from covering itself or resulting in	1 (a & b) Short-term/Interim Measures. O/A submits 3 copies of a short-term interim erosion control plan, <u>if applicable (see underlined text in condition 11.b in the preceding column)</u> prepared by either the Environmental Monitor, Ecologist, Landscape Architect or Biologist <u>for interim erosion control measures, if applicable</u>. This plan is subject to review and approval by P&BI before any trenching activity takes place. 2 (a) Short-term/interim measures. <u>O /A implements interim measures as specified in the plan only if the trench remains open for a significant amount of time (i.e., > 48 hrs) or during rainy weather. Otherwise this condition does not apply. O/A notifies P&BI once the interim measures are</u>	Owner/Applicant Environmental Monitor, Ecologist, Landscape Architect or Biologist (for preparation of plan & monitoring) P&BI	1 (a & b) Short-term/interim measures. <u>If applicable, O/A</u> submits the interim/short-term erosion control plan to P&BI for review and approval at least one week prior to starting any trenching activity. 2 (a) Short-term/interim measures <u>If applicable, O/A</u> implements the interim or short-term plan during construction & provides	

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
----------	---------	--	-----------------------------------	---	--------	------------

		a significantly eroded state due to work during the rainy season. Suggestions to eliminate this possibility, include the use of jute netting, straw bales placed in and along the sides of the trench, placement of plastic barriers that line the trench and/or use of silt fences. <u>The interim measure for erosion control may not be necessary or applicable if trenching and placement of the conduit occur simultaneously or if placement of the conduit occurs within 48 hours of trenching and during dry weather.</u> c) Long-term. Once the trench is covered and the soil compacted, long-term erosion control and restoration shall primarily include grasses or ground cover unique and indigenous to the Moss Landing dunes. The plan shall address the following: • Type of seeding and/or groundcover. • Amount of seeds or groundcover necessary to cover the 984-foot long and 18-feet wide covered trench. • General location of grasses or plants to be used. Seeds and groundcover should be placed in a somewhat random area rather than exclusively in a straight line following the trench alignment. • Description of the best time to seed the disturbed area. • Length of time it will take to complete the job. • An estimate of the time it will take for the establishment of erosion control and restoration measures. • If irrigation is necessary to ensure the plants are established, the County's mandatory water conservation measures apply to landscape and/or restoration plans. The plan shall apply xeriscape principles, including such techniques and materials as native or low water use & drought tolerant plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing	in place either by submittal of a short memo and/or photos. 3 (c) Long-term Restoration. Once the trench is covered and the soil compacted, at least one week prior to completion of construction activity, the O/A shall submit 3 copies of a long-term restoration plan prepared by either the Environmental Monitor, Ecologist, Landscape Architect or Biologist <u>for the long-term restoration of land disturbance created due to trenching activity.</u> This plan is subject to review and approval by P&BI before any restoration activity takes place. 4. Long-term Restoration. O/A shall proceed with implementation of the long term erosion control and restoration plan. Once the plan is implemented, the O/A informs P&BI & submits a short memo with photos documenting implementation of the project.		documentation to P&BI that it's place. 3(c) Long-term restoration. At least one week prior to completion of construction activity O/A submits the <u>long-term restoration plan.</u> 4. Long-term Restoration. Within 2 months of completing construction activity (see condition # 19) the O/A or professional, implements the restoration plan and notifies P&BI that the planting is complete.	
--	--	--	--	--	--	--

Cond. #.	MM/ PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
---------------------	---------------------	---	--	--	---------------	-------------------

		devices. The professional responsible for preparation of the plan should include an explanation demonstrating compliance with this specific item if any form irrigation is proposed. Both the interim (<u>if applicable</u>) and long-term plans shall demonstrate that the proposed erosion control measures are adequate and consistent with Monterey County's Erosion Control (Chapter 16.12) and Grading (Chapter 16.08) Ordinances. The basic requirements of both ordinances are identified in the "bulleted" list above. (P&BI)	5. Monitoring actions for long-term restoration. The Environmental Monitor, Ecologist, Landscape Architect or Biologist shall submit a report to P&BI indicating if the plants and/or seeds covering the trench are established or within one year of trenching activity, whichever occurs first. P&BI shall determine the appropriateness and completeness of restoration efforts and may require additional monitoring and restoration activities as needed.		(Note: If the professional responsible for restoration knows another time of year would be more appropriate to complete the restoration P&BI would be flexible, provided documentation is submitted stating the appropriate time and why.) 5. Monitoring Actions for long-term restoration. See # 5 in column 4.	
--	--	---	--	--	--	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
----------	---------	--	-----------------------------------	---	--------	------------

**CONDITION COMPLIANCE SPECIFICALLY REQUIRED PRIOR TO HDD OPERATION
(Certain conditions also require compliance during & after HDD operation as noted below)**

1. Conditions requiring compliance/clearance prior to HDD Operation:
Numbers: 13, 14, 15, 16 and 17
2. Condition requiring compliance/clearance during assembly of the drill rig:
Number: 15
2. Conditions requiring compliance/clearance during HDD Operation:
Numbers: 13, 14 and 17
3. Conditions requiring compliance/clearance shortly after or before concluding HDD Operation:
Number: 13, 14, 16, 17 and 18

13	PM (# 4 on page 6-9 of EIR/EIS)	Non-Standard – CONTAINMENT OF POTENTIAL OIL SPILLS Impact: Potential oil spills Condition: Place plastic barriers under drilling equipment and oil absorbent blankets around hydraulic components to add protection between the rig and ground surface in order to contain potential spills. (P&BI & PM # 4 on page 6-9 of EIR/EIS)	1. Owner/Applicant confirms the placement of barriers and blankets prior to the initiation of drilling 2. Owner/Applicant: In the event of a spill verify that the installed barriers and blankets are effective in containing the spill. If not, the O/A shall take immediate action to contain the spill using other methods recommended by the Environmental Monitor (CSLC). 3. Upon completion of the HDD operation for that part of the project pertaining to the	Owner/Applicant Environmental Monitor from California State Lands Commission (CSLC) P&BI	1. Prior to initiating HDD operation 2. During the HDD operation. 3. Upon completion of the HDD operation	
----	------------------------------------	---	--	---	---	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

			County's permit, the O/A shall submit to P&BI, on behalf of the Environmental Monitor (CSLC) a report re: the effectiveness criteria in relation to the monitoring/reporting action described above. Once P&BI receives an adequate monitoring report that covers the duration of the HDD operation, the condition may be cleared by P&BI.			
14	PM (# 1 on page 6-10 of EIR/EIS)	Non-Standard – EROSION AND SEDIMENTATION CONTROL Impact: Minimize erosion, sedimentation and runoff onto the shoreline that may be generated due to the HDD sump pit, mud system and activities within the overall work area. Condition: Once all the HDD equipment is in place, place silt fence and hay bales around the perimeter of the work area & the sump pit & mud system. (P&BI & PM # 1 on page 6-10 of EIR/EIS)	1. Owner/Applicant places silt fence and hay bales around the perimeter of the work area & the sump pit & mud system once HDD equipment is in place. Environmental Monitor (CSLC) confirms that silt fences & hay bales are placed in locations described above & are adequate for the HDD operation to begin. 2. During HDD operations the CSLC Environmental Monitor verifies that the fencing & hay bales are effective in minimizing erosion. If the adequacy of the fencing and hay bales is questionable or is not effective	Owner/Applicant Environmental Monitor from CSLC P&BI	1. After HDD equipment is in place & prior to actual HDD operation 2. During the HDD operation. 3. Upon completion of the HDD operation	

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

			the CS LC Monitor may recommend additional measures as necessary. 3. Upon completion of the HDD operation for that part of the project pertaining to the County's permit, the O/A shall submit to P&BI, on behalf of the Environmental Monitor (CSLC) a report re: the effectiveness criteria in relation to the monitoring/reporting action described above. Once P&BI receives an adequate monitoring report that covers the duration of the HDD operation, the condition may be cleared by P&BI.			
15	PM (# 2 on page 6-10 of EIR/EIS)	Non-Standard – PREVENTION OF DEBRIS IN PIPE JOINTS DURING HDD OPERATION Impact: Cable installation may be hindered as a result of debris introduced into the conduit as each joint pipe is placed on the drill rig. Condition: During the HDD operation, as each joint of pipe is set onto the drill rig, perform a visual inspection to make sure no debris is sent down the pipe that could cause a problem during cable installation. (P&BI & PM # 2 on page 6-10 of EIR/EIS)	1. Owner/Applicant directs HDD personnel to visually inspect each pipe joint as it is placed on the drill rig, to ensure that debris did not enter the pipe during assembly of the rig & that debris will be precluded from entering during use of the rig. 2. Owner/Applicant and/or Environmental Monitor verify with HDD personnel	Owner/Applicant HDD personnel Environmental Monitor from CSLC P&BI	1. During assembly of the drill rig. 2. Prior to beginning HDD operations.	

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

			that visual inspections were conducted as each pipe joint was installed. 3. Upon completion of the HDD operation for that part of the project pertaining to the County's permit, the O/A shall submit to P&BI, on behalf of the Environmental Monitor (CSLC) a report re: the effectiveness of the criteria used in relation to the monitoring/reporting action described above. If other steps were taken because cable installation was hindered due to debris, the Environmental Monitor shall describe other measures that were implemented & the means in which impacts to the environment were negligible. Once P&BI receives an adequate monitoring report that covers the duration of the HDD operation, the condition may be cleared by P&BI.			
16	PM (# 3 on page 6-10)	Non-Standard –PREVENTION OF SURFACE RELEASE OF DRILLING FLUID DURING HDD OPERATION Impact: Inadvertent surface release of drilling fluid on the	1. Owner/Applicant or Environmental Monitor informs construction personnel re: methods to prevent surface release of drilling fluid on the	O/A HDD Personnel Environment	1. Prior to initiating HDD operation 2. During the HDD	

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

	of EIR/ EIS)	shoreline. Condition: During the HDD operation, constantly monitor the drill path for surface releases and maintain constant communication between the monitoring vessel and the control cab at all times. (P&BI & PM # 3 on page 6-10 of EIR/EIS)	shoreline. Essentially the monitoring action requires that the Environmental Monitor or other qualified personnel be trained to constantly monitor on a regular basis per day at intervals specified by the Environmental Monitor the drill path for surface releases and maintain constant communication between the monitoring vessel and the control cab at all times. HDD personnel will also be informed to know what to look for in the event of an inadvertent release of drilling fluids. This requirement shall also be conveyed by the O/A & Environmental Monitor as part of the training program (see condition #9) for HDD personnel. Owner/Applicant: Prior to beginning HDD operations, notes shall be placed on plans or a separate sheet informing construction personnel & Operator of containment and transfer procedures and who to contact in the event of a release on land. O/A submits a copy of the	al Monitor P&BI	operation.	3. Upon completion of the HDD operation
--	--------------	--	--	--------------------	------------	---

Cond. #.	MM/ PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
---------------------	---------------------	---	--	--	---------------	-------------------

			notice on the plans and a brief description of training methods by the Environmental Monitor as described above to P&BI for review & approval prior to beginning the HDD operation. 2. Environmental Monitor or designee shall be kept continually informed of the drill head during the HDD process in order to focus on any inadvertent release of fluids. If the steps described in the condition are not effective to prevent a release of drilling fluids, the Environmental Monitor shall: a) verify whether the monitor(s) are able to expeditiously identify the release based on info provided re: the drill head location. b) If a surface release(s) of drilling fluid does occur, the Environmental Monitor shall immediately suggest alternative measures to ensure that the drilling fluids will not impact the shoreline and the fluids are quickly contained and the shoreline is cleaned.			
--	--	--	--	--	--	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

			3. The Environmental Monitor shall submit a brief report as described, verifying the effectiveness criteria for the prevention of releasing drilling fluids and, if necessary, describe the prompt implementation of alternative criteria to prevent damage to the shoreline. Any alternative measures suggested by the Environmental Monitor that may improve or may be successful in the event the criteria set forth in the EIR/EIS for containment and removal of drilling fluid on the surface were not successful, shall be included in the concluding monitoring summary prepared by the Environmental Monitor .			
17	PM (#5 on page 6-10 of EIR/EIS)	Non-Standard – CONTAINMENT OF BENTONITE IF A RELEASE OCCURS ON LAND Impact: Inadvertent bentonite release on land. Condition: In the event of a bentonite release on land, immediately contain the release and transfer the fluid back to the drill site for reuse or into a storage tank and remove from the site. (P&BI & PM # 5 on page 6-10 of EIR/EIS)	1. Owner/Applicant or Environmental Monitor informs construction personnel re: methods for the safe transfer of bentonite in the event it is released on land. This requirement may be conveyed by the O/A & Environmental Monitor as part of the training program (see condition #9) for HDD	Owner/Applicant Environmental Monitor Construction Personnel & Manager in charge of ops.	1. Prior to initiating HDD operation 2. During HDD operation. 3. Upon completion of the HDD operation	

Cond. #.	MM/ PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
---------------------	---------------------	---	--	--	---------------	-------------------

			personnel. Owner/Applicant: Prior to beginning HDD operations, notes shall be placed on plans or a separate sheet informing construction personnel & Manager in charge of operations of containment and transfer procedures and who to contact in the event of a release on land. . O/A submits a copy of the notice on the plans and a brief description of training methods by the Environmental Monitor as described above to P&BI for review & approval prior to beginning the HDD operation. 2. Environmental Monitor shall oversee the HDD operation to ensure the bentonite is contained and, in the event of a release on land, the safe and standard practices for transfer & removal of the bentonite. If the steps described in the condition are not effective to contain the bentonite the Environmental Monitor shall immediately	P&BI		
--	--	--	---	------	--	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

			suggest alternative measures to ensure there is no impact. 3. The Environmental Monitor shall submit a brief report as described verifying the effectiveness criteria for the containment process and, if necessary, describe the prompt implementation of criteria to ensure that the bentonite is fully retrieved. Any alternative measures suggested by the Environmental Monitor to improve the criteria for containment and transfer of bentonite in the event of a land release should be included in the concluding monitoring summary.			
18		Non-Standard – REMOVAL OF TOXIC MATERIALS & SEDIMENTATION GENERATED BY THE HDD OPERATION Impact: Toxic materials including excess drilling fluid and sediment excavated during the drilling operation. HDD operation trash such as the concrete anchor used to stabilize the drilling rig would adversely impact the shoreline if not removed, marine mammals, wildlife & native plant species. Condition: Removal of toxic materials, drilling rig, drilling fluid, excavated sediment, trash and debris generated by the HDD operation, including the concrete anchor, to a County approved landfill or dump site. (P&BI)	1. O/A shall obtain the appropriate approval from the County (e.g., Grading/Building Official or designee or County Environmental Health Hazardous Materials Specialist) to determine an appropriate site in proximity to Moss Landing such as a local landfill or dump area to dispose of toxic materials, sediment, trash, drilling fluid.	Owner/ Applicant P&BI or County Environmental Health/ Hazardous Waste Specialist	1. At least one week before the HDD operation is complete, the O/A & Environ. Monitor shall obtain approval by the appropriate professional	

Cond. #.	MM/ PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
---------------------	---------------------	---	--	--	---------------	-------------------

			2. The O/A files a notice that the HDD operation is complete (see condition #19). 3. The O/A shall clean up the site and remove all the materials described in the condition to the appropriate landfill or other approved site. Truck trips for removal of the drill rig and other materials shall be minimized or staggered during different times of the day. All materials leaving the site in a truck shall be covered to minimize impacts to air quality. 4. Once removal of the debris and toxic materials is complete O/A shall submit a letter to P&BI stating that MBARI complied with this condition (before/after photos are also appropriate). This letter is subject to review and approval by the P&BI prior to condition clearance.		identified in column 4 for disposal of garbage, toxic materials, excess drilling fluid, etc generated by the HDD operation. 2. Within 2 months after MBARI files documentation indicating construction activity is complete, the O/A shall complete the removal of all material listed in column 4.	
--	--	--	--	--	---	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
----------	---------	--	-----------------------------------	---	--------	------------

CONDITION COMPLIANCE REQUIRED ONCE ALL CONSTRUCTION ACTIVITY ALLOWED PURSUANT TO THIS PERMIT IS FINISHED

(Certain conditions require compliance 2 - 3 months following completion of construction activity as noted below)

1. Conditions requiring compliance/clearance approximately one week before all construction activity is complete:
Numbers: 12 (see above) 18 (see above) 20, 21, 22 and 23
2. Condition requiring compliance/clearance as soon as all construction activity allowed pursuant to this permit is finished:
Number: 19
3. Conditions requiring compliance/clearance within 2 months following construction activity (only as they relate to the County's Permit):
Number: 12 (see above) 18 (see above) 20, 21, 22 and 23
4. Conditions requiring long-term monitoring (up to as many as 5 years):
Numbers: 12 (see above) 20, 21, 22 and 23

19		Non-Standard – NOTIFICATION BY O/A THAT ALL CONSTRUCTION ACTIVITY IS FINISHED Condition: O/A submits notification to P&BI (e.g., in the form of a letter or memorandum) as soon as all construction activity related to this permit is finished. (P&BI) Note: The purpose of this condition is to establish a trigger date for completion of all other restoration activities since proposed construction is estimated to last a very short time.	None	Owner/Applicant submittal P&BI reviews and if document is approved clears the condition	Document is submitted as soon as construction activity allowed pursuant to this permit is finished.	
----	--	--	------	---	---	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
20		Non-Standard – OFF-SITE MITIGATION TO AUGMENT RESTORATION PROJECTS ON MOSS LANDING STATE BEACH DUNES. Condition: Based on the biological survey, which analyzed potential plant and wildlife species in the area of the relocated trench, MBARI shall collect beach pea seeds for propagation and/or direct seeding to augment adjacent off-site restoration projects on Moss Landing State Beach Dunes. Moss Landing Marine Lab dune ecologists will assist MBARI with seed collection, propagation and direct seeding. (P&BI)	1. O/A submits 3 copies of a plan to P&BI showing the type, distribution, amount, general location, timing and respective roles for MBARI & MLML personnel to collect beach pea seeds for propagation, and direct seeding of the Moss Landing State Beach Dunes to augment the off-site restoration. The plan shall also specify the best time (month) of the year to collect the seeds for propagation and the best time of year (month) for direct seeding. The plan shall be prepared by a dune specialist, MLML Ecologist or a Biologist. The plan is subject to review and approval by P&BI. 2. Seeds are collected for propagation and direct seeding occurs in accordance with the timeline specified on the approved plan. O/A notifies P&BI that compliance with this condition has occurred & P&BI clears condition.	Owner/ Applicant P&BI MBARI & MLML Ecologists	1. O/A submits plan prepared by a dune specialist, MLML Ecologist or a Biologist to P&BI for review and approval at least one week prior to completing construction. 2. Seeds are collected for propagation and direct seeding occurs in accordance with the timeline specified on the approved plan. Once seeding has occurred, O/A notifies P&BI that compliance with this	

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

			No further monitoring actions are required.		condition has occurred	
21		Non-Standard - COMMUNITY CHARACTER - LANDSCAPING PERIMETER OF STRUCTURE Consistency: To enhance the visual character of the area, and ensure consistency with the Moss Landing Community Plan design guidelines contained in the North County Land Use Plan visual screening of the 160-sq. ft. modular structure is required. Condition: O/A shall landscape the area surrounding the 160-foot modular structure to soften the appearance of the fiber glass structure. Landscaping shall include and/or describe the following: • Native plants, typically of a bush variety, indigenous to the plant species found on Moss Landing dunes. • Landscaping shall include species that would grow to screen the perimeter of at least the lower half of the fiberglass structure. Plants shall be placed randomly around the structure to provide a natural appearance, as opposed to a straight row. • Type and Number of plants. • Height to which the plants that are selected typically grow. • General location of plants (i.e., in proximity to the structure. • Estimated time and materials required for maintenance. • Best time to plant the area. • Length of time it will take to complete the job. • An estimate of the time it will take for plant establishment.	1. O/A submits 3 copies of a landscape plan, as described in the preceding column, prepared by an Ecologist, Landscape Architect or Biologist for review and approval by P&BI at least one week prior to completing construction. 2. O/A implements the landscape plan as shown on the document approved by P&BI. O/A notifies P&BI once the landscaping is in place either by submittal of a short memo and/or photos or staff will conduct a site visit. The condition is cleared. 3. Monitoring actions: The Ecologist, Landscape Architect or Biologist shall submit a Monitoring Report on an annual basis (month for submittal of the monitoring report to be determined by the person(s) that prepared the plan and/or the monitor) for a	Owner/ Applicant Ecologist, Landscape Architect or Biologist (for preparation of plan & monitoring) P&BI	1 O/A submits landscape plan as described in the preceding columns to P&BI for review and approval at least one week prior to completing all construction activity. 2. Within 2 months of completing construction activity (see condition # 19) the O/A or professional installs the landscaping and notifies P&BI that planting is complete.	

Cond. #.	MM/ PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
---------------------	---------------------	---	--	--	---------------	-------------------

		If irrigation is necessary to ensure that the plants are established, the County's mandatory water conservation measures apply to landscape and/or restoration plans. The plan shall apply xeriscape principles, including such techniques and materials as native or low water use & drought tolerant plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. The professional responsible for preparation of the plan should include an explanation demonstrating compliance with this specific item if any form irrigation is proposed.	5-year period, unless it is determined by the Monitor that long-term monitoring for the full 5 years is not required since the landscaping meets the success criteria. Each annual report shall also document the health of the landscaping and maintenance required. Success criteria for establishment of annual monitoring thresholds are as follows: Year 1: Landscaping is installed and established. A 10 % increase in growth occurs. Year 2: A minimum increase in growth to 20% of the maximum height. Year 3: A minimum increase in growth to 30 to 40 % of the plant's maximum height. Year 4: A minimum increase in growth to 50 to 60 % of the plant's maximum height. Year 5: Ultimate goal is growth to 90 % of the plant's typical maximum height. There may be legitimate		(Note: If the professional responsible for landscaping knows that another time of year would be more appropriate to complete the landscaping, P&BI would be flexible, provided documentation is submitted stating the appropriate time. 3. Monitoring Actions. See # 3 in column 4 for timing, success criteria and requirement.	
--	--	--	---	--	---	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

			reasons why the plants do not grow to their maximum height of roughly 5 and a half feet tall, which is the threshold for success. If so an explanation(s) should be provided in the annual report.			
22 a/b	PM (#1 on page 6-11 of EIR/ EIS)	Non-Standard - RESTORATION OF NATURAL MATERIALS & EROSION CONTROL Impact: Minimize short and long-term beach erosion, sedimentation & run-off, improve the safety and appearance of Moss Landing Island, as well as protect and enhance public access, environmentally sensitive habitat, terrestrial and marine wildlife, sand dunes and other resources specifically those located on Moss Landing Island, Moss Landing Harbor & Monterey Bay. Condition: a) Upon completion of development of all disturbed areas, with the exception of those areas already addressed by separate conditions, the area shall be restored using plant species indigenous to the Moss Landing shoreline. <u>Plants, shrubs, groundcover and/or grasses shall be placed randomly to provide a natural appearance.</u> The restoration plan shall delineate and/or describe the following: Type and number of plants, shrubs, groundcover and/or	1. O/A submits 3 copies of a restoration plan, as described in the preceding column for condition 22 a & b, prepared by an Ecologist, Landscape Architect or Biologist to P&BI for review and approval at least one week prior to completing construction. 2. O/A implements both components of the restoration plan as shown on the plan approved by P&BI. O/A notifies P&BI once the restoration of disturbed areas, not covered by other conditions in this permit, is complete either by submittal of a short memo and/or photos or staff will conduct a site visit. The condition is cleared. 3. Monitoring actions: The Environmental Monitor, Ecologist, Landscape Architect or Biologist shall submit a	Owner/ Applicant Ecologist, Landscape Architect or Biologist (for preparation of plan & monitoring) P&BI	1. O/A submits both components of the restoration plan at least one week prior to completing construction activity to P&BI for review and approval. 2. Within 2 months of completing construction activity (see condition # 19) the O/A or professional implements the restoration plan and notifies P&BI that the	

Cond. #.	MM/ PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-------------	-------------	--	--------------------------------------	---	--------	------------

		grasses. • General location of plants, shrubs, groundcover, grasses. • Estimated time and materials required for maintenance. • Description of the best time of year to restore the area. • Length of time it will take to complete the job. • An estimate of the time it will take for plant establishment • If irrigation is necessary to ensure the plants are established, the County's mandatory water conservation measures apply to landscape and/or restoration plans. The plans shall include xeriscape principles, including such techniques and materials as native or low water use & drought tolerant plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. The professional responsible for preparation of the plan should include an explanation demonstrating compliance with this specific item if any form irrigation is proposed. Note: The restoration plan described above shall demonstrate that the proposed erosion control measures are adequate and consistent with Monterey County's Erosion Control (Chapter 16.12) and Grading (Chapter 16.08) Ordinances. The basic requirements of both ordinances are identified in the "bulleted" list above. (P&BI) b) Once the HDD operation is complete, return the work area to its original condition or better to the satisfaction of all permitting agencies, especially P&BI, Environmental Monitor and supervising engineer. (P&BI & PM #1 on page 6-11 of EIR/EIS) It may be appropriate to include in the plan for restoration	Monitoring Report on an annual basis (month for submittal of the monitoring report to be determined by the person(s) that prepared the plan and/or monitor) for a 5-year period, unless it is determined by the Monitor that long-term restoration is successful and monitoring is not required for the full 5 years. Success criteria for establishment of annual monitoring thresholds are as follows: Year 1: Restoration planting is established with up to 20 % increase in native species. Sand dune is stabilized based on possible sand replenishment/contouring program as part of the restoration of the HDD site. After the first year no additional monitoring is required for the HDD site, since planting is not likely to occur in this area. Year 2: A minimum increase of 30% of native species planted as part of restoration efforts. Past restoration is		planting is complete. (Note: If the professional responsible for restoration knows another time of year would be more appropriate to complete the restoration P&BI would be flexible, provided documentation is submitted stating the appropriate time and why.) 3. Monitoring Actions. See # 3 in column 4 for timing, success criteria, requirements, etc.	
--	--	---	--	--	--	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

		of the HDD site a sand replenishment program and contouring procedure so the disturbed dune is similar in size and shape to the others in the area. (P&BI) Both restoration plans may be combined as one although different resources will be used for the restoration (e.g., sand versus plants).	stabilized and restoration is maintained in a healthy manner. Year 3: A minimum increase of 40 – 50 % of native species planted as part of restoration efforts. Past restoration continues to be stabilized and restoration is maintained in a healthy manner. Year 4: A minimum increase of 60 – 70 % of native species planted as part of restoration efforts. Year 5: Ultimate goal is a 90 percent success/increase rate. * There may be legitimate reasons why the restoration does not meet the success criteria, If so an explanation(s) should be provided in the annual report.			
23		Non-Standard – CONDITION NO. 4 (NON-COMPLIANCE) OF MBAR'S PERMIT (PLN010235) REQUIRING RESTORATION OF TEMPORARY PARKING AREA (22 SPACES) Impacts: Same as “impact” discussion above (bottom of page 52) for condition 22. Condition: All disturbed areas on APN 133-252-001-000 shall be restored using native plant species indigenous to the Moss Landing Island. Plants, shrubs, groundcover and/or grasses shall be placed randomly across disturbed areas to provide a natural appearance.	1. O/A submits 3 copies of a restoration plan, as described in the preceding column for condition 23 (formerly known as condition no. 4 of PLN010235) prepared by an Ecologist, Landscape Architect or Biologist to P&BI for review and approval at least one week prior to completing construction. Based on the proposed end use of the site,	Owner/ Applicant Ecologist, Landscape Architect or Biologist (for preparation of plan & monitoring) P&BI	1. O/A submits both components of the restoration plan at least one week prior to completing construction activity to P&BI for review and approval.	

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

		The restoration plan shall delineate and/or describe the following: • Type and amount of seeding and/or number of plants, shrubs, groundcover and grasses. • General location of plants, shrubs, groundcover, grasses; estimated time and materials required for maintenance. • Description of the best time of year to restore the area. • Length of time it will take to complete the job. • Estimate of the time it will take for plant establishment. • If irrigation is necessary to ensure plants are established, the County's mandatory water conservation measures apply to landscape and/or restoration plans. The plans shall include xeriscape principles, including such techniques & materials as native or low water use & drought tolerant plants & low precipitation sprinkler heads, bubblers, drip irrigation systems & timing devices. The professional responsible for preparation of the plan should include an explanation demonstrating compliance with this specific item if any form irrigation is proposed. The restoration plan for this site shall demonstrate that the proposed erosion control measures are adequate and consistent with Monterey County's Erosion Control (Chapter 16.12) and Grading (Chapter 16.08) Ordinances. The basic requirements of both ordinances are identified in the "bulleted" list above. (P&BI)	the P&BI shall determine the appropriateness and completeness of restoration efforts and may require additional monitoring and restoration activities as needed. 2. O/A implements the restoration plan as shown on the plan approved by P&BI. O/A notifies P&BI once the restoration is complete either by submittal of a short memo and/or photos or staff will conduct a site visit. The condition is cleared. 3. Monitoring actions: The Environmental Monitor, Ecologist, Landscape Architect or Biologist shall submit a Monitoring Report on an annual basis (month for submittal of the monitoring report to be determined by the person(s) that prepared the plan and/or monitor) for a 5-year period, unless it is determined by the Monitor that long-term restoration is successful and monitoring is not required for the full 5		2. Within 2 months of completing construction activity (see condition # 19) the O/A or professional implements the restoration plan and notifies P&BI that the planting is complete. (Note: If the professional responsible for restoration knows another time of year would be more appropriate to complete the restoration P&BI would be flexible, provided documentation is submitted stating the appropriate time and why.)	
--	--	---	---	--	---	--

Cond. #.	MM/ PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
---------------------	---------------------	---	--	--	---------------	-------------------

			years. Success criteria for establishment of annual monitoring thresholds are as follows: Year 1: Restoration planting is established with up to 20 % increase in native species. Year 2: A minimum increase of 30% of native species planted as part of restoration efforts. Past restoration efforts are stable and restoration is maintained in a healthy manner. Year 3: A minimum increase of 40 – 50 % of native species planted as part of restoration efforts. Year 4: A minimum increase of 60 – 70 % of native species planted as part of restoration efforts. Year 5: Ultimate goal is a 90 percent success/increase rate. There may be legitimate reasons why the restoration does not meet the success criteria, If so an explanation(s) should be provided in the annual report.		3. Monitoring Actions. See # 3 in column 4 for timing, success criteria, requirements, etc.	
--	--	--	---	--	---	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

24		Non-Standard - DEBRIS REMOVAL Impacts: Minimize short and long-term beach erosion, sedimentation & improve the safety and appearance of Moss Landing Island by removing junk, scrap metal, garbage and/or other debris from washing off-shore and/or on-shore potentially causing damage to Moss Landing Island, Moss Landing Harbor & Monterey Bay. Improve the overall appearance of Moss Landing Island in the short-term, as well as encourage beach access by the public & augment efforts toward redevelopment. Condition: As part of site restoration conditions (see # 22 & 23 above) the owner/applicant shall remove, neatly store and/or organize all junk, including scrap metals & materials, garbage, debris or similar materials located on the seven (7) Assessor's Parcels affected by this project. (P&BI)	1. Owner/Applicant removes junk, garbage, debris, etc, as specified in condition 24 in the preceding column. Owner/Applicant completes the removal of junk within two (2) months from of the date MBARI completes & submits a notice to P&BI indicating all construction activity, allowed pursuant to this permit, is complete. 2. After debris, junk, trash, etc, is removed O/A provides documentation (e.g., photos, or a memorandum) to P&BI for review and approval demonstrating compliance with this condition. Once the debris removal is complete, P&BI shall clear the condition.	Owner/ Applicant P&BI	1. The O/A shall remove trash, etc, within 2 months of the date MBARI completes & submits a notice to P&BI indicating all construction activity, allowed pursuant to this permit, is complete. 2. Upon completion of trash removal or within 2 months of the date MBARI completes & submits a notice to P&BI (as described in #1 above), whichever occurs first, the O/A shall submit	
-----------	--	--	--	---------------------------------	---	--

Cond. #.	MM/PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
-----------------	----------------	---	--	--	---------------	-------------------

					documentation (e.g., photos & written statement) to P&BI.	
--	--	--	--	--	---	--

CONDITION COMPLIANCE REQUIRED 25 YEARS LATER (ca. 2030)

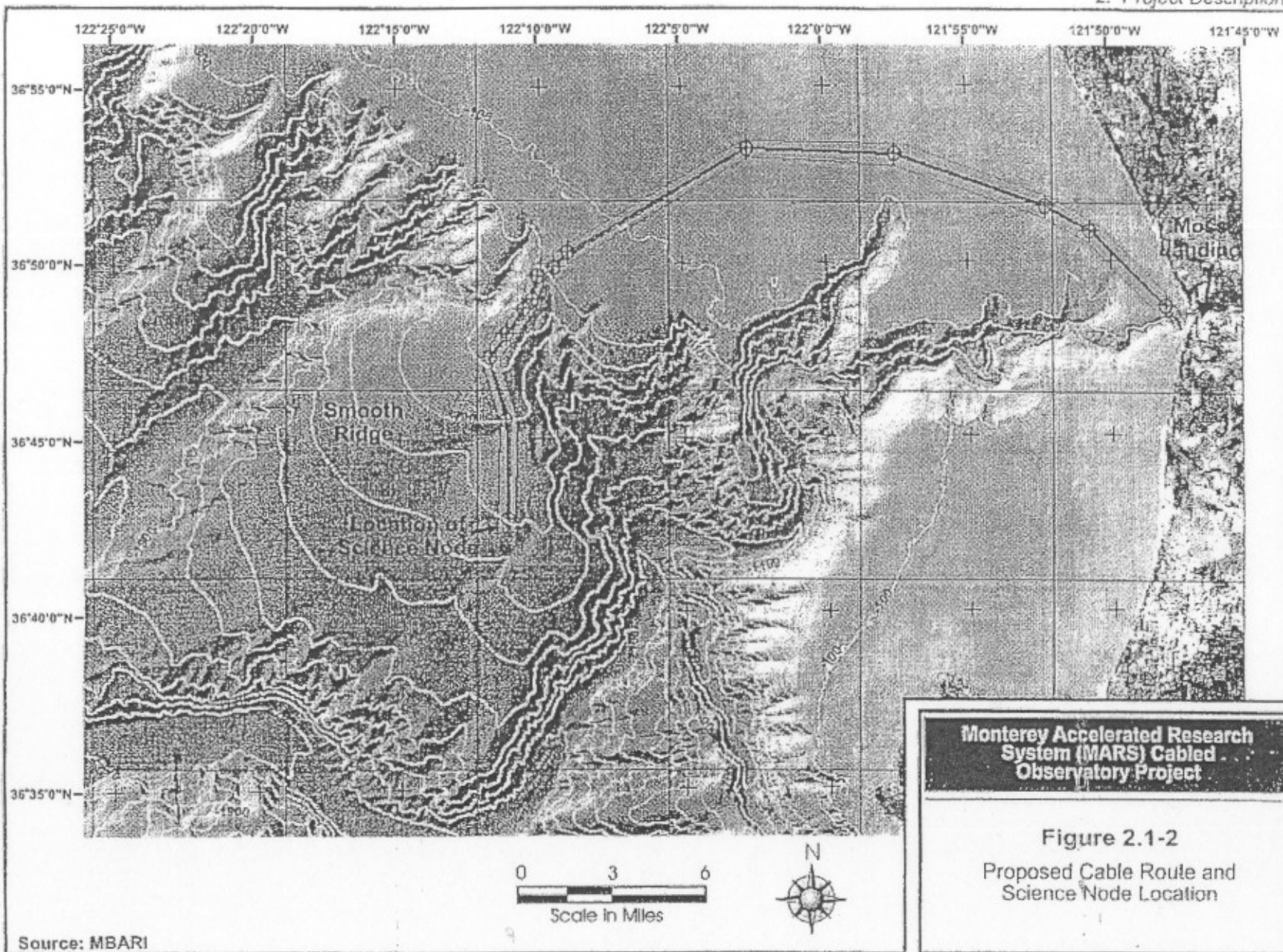
25		Non-Standard – REMOVAL OF THE PROJECT & SITE RESTORATION ONCE PROJECT HAS REACHED ITS LIFE- EXPECTANCY Impacts: Minimize long-term beach erosion, sedimentation & project components from washing off-shore and/or on-shore potentially causing damage to both Moss Landing Island & Monterey Bay. Minimize potential short-term environmental impacts including, but not limited to: safety & noise reduction measures; 4) methods to protect air quality & alleviate traffic congestion generated during removal of the project. Condition: A. The O/A has projected that the project - in its entirety - has a life expectancy of 25 years, at which time all on & offshore components of the project shall be removed, including disconnection of electrical equipment in a safe manner, with the exception of the existing conduit onshore. B. If applicable, following removal of the equipment, the landward side of the project shall be restored by the O/A, subject to review & approval of the appropriate authority, based on the proposed end-use of the parcels.	1. A. Owner/Applicant submits a plan for the safe removal of the project, with the exception of the existing conduit, subject to review and approval by the appropriate governmental or public entity with oversight. B. The plan should identify, among other things: 1) time required & various stages for the complete & safe removal of the project & disconnection of electrical equipment; 2) staging areas for equipment required to remove the project; 3) safety & noise reduction measures; 4) methods to protect air quality & alleviate traffic congestion generated during removal of the project. C. If applicable, the plan shall also include a separate component for site restoration based in part on the proposed	Owner/Applicant If applicable, environmental monitor from CSLC. Appropriate government, agency, public entity or other responsible party with authority to oversee this phase of the project	1. Prior to initiating removal of project & disconnection of electrical equipment. 2. During removal of project & disconnection of electrical equipment. 3. Upon completion of removal of project & disconnection of electrical equip, w/ exception of the existing conduit	
----	--	--	---	---	---	--

Cond. #.	MM/ PM #	Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition	Compliance and Monitoring Actions	Responsible Party to comply w/ and/or clear condition	Timing	Compliance
---------------------	---------------------	---	--	--	---------------	-------------------

			end-use of the parcels. The appropriate authority shall determine the appropriateness & completeness of restoration efforts & may require additional monitoring & restoration activities as needed. 2. Environmental Monitor from CSLC or some other responsible party oversees removal of the equipment to ensure that this phase of the project is safe & complete with minimal impacts. 3. Upon completion of removal of the project and disconnection of electrical equipment, the O/A shall submit to the appropriate authority, on behalf of the Environmental Monitor: 1) brief synopsis of the removal process; 2) statement re: completion of the work; 3) all restoration efforts (Note: restoration plan requires approval at the onset & implementation once the project is removed) and 4) any aspects of this final phase of the project that require		onshore.	
--	--	--	--	--	----------	--

<i>Cond. #.</i>	<i>MM/ PM #</i>	<i>Impact Addressed, Mitigation or Protective Measure from environmental document and/or Permit Condition</i>	<i>Compliance and Monitoring Actions</i>	<i>Responsible Party to comply w/ and/or clear condition</i>	<i>Timing</i>	<i>Compliance</i>
---------------------	---------------------	---	--	--	---------------	-------------------

			monitoring & identification of appropriate mitigations (e.g., erosion control & site restoration). Once the appropriate authority receives an adequate restoration plan, if one is required, the condition may be cleared by the appropriate authority.			
--	--	--	---	--	--	--



[illegible]

26

150-bar Chime

General location of Horizontal Directional Drill operation, above near high tide line of Monterey Bay, submitted as part of this permit application on 9/12/01

☐ All test proposed directions are 45° + 150°

☐ Applicant should consult route

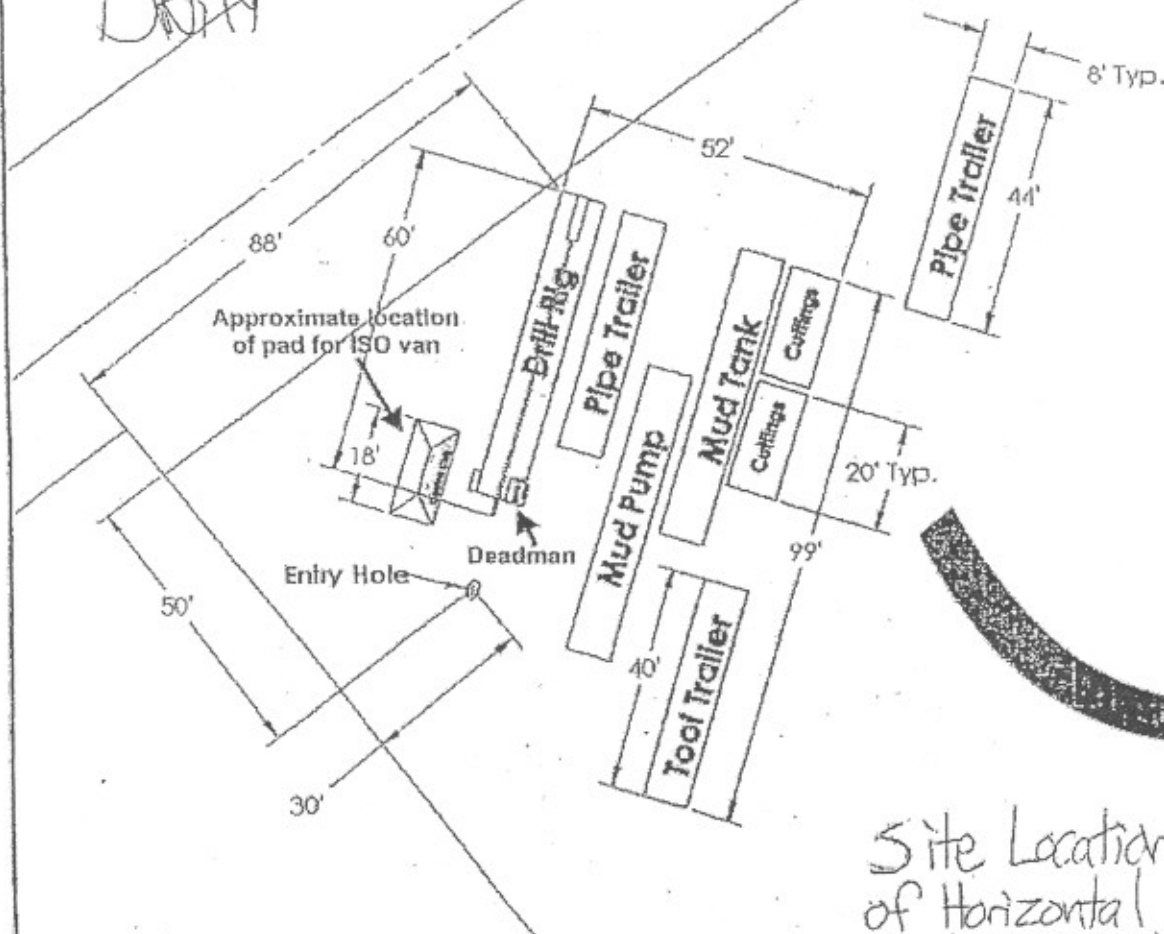
☐ Applicant should consult route

A preceivable location of trench for MARS communication cable.

X = general location of the beginning of the existing fiber-optic line / conduit.

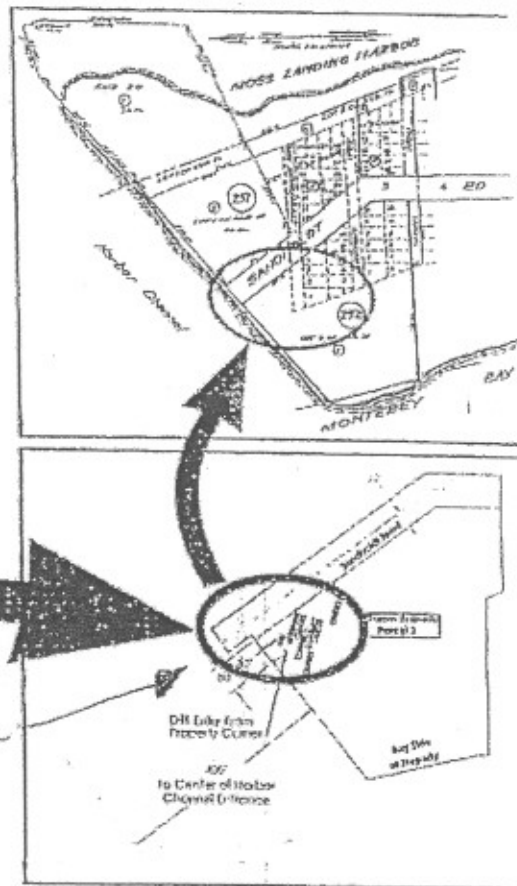


Staging area for Horizontal Directional
Drilling



Monterey Accelerated Research System (MARS) Cabled Observatory Project

Figure 2.2-3

HDD Equipment Layout and
Proposed ISO Van Site Location

Source: MBARI

Monterey Accelerated Research System
(MARS) Cabled Observatory EIR/EIS
v. 1.0p Date: 21 March 2005

From permit application²⁻²² submitted to Monterey County on ^{MARCH} 9/20/05

March 2005

M B A R I

MONTEREY BAY AQUARIUM RESEARCH INSTITUTE

MARS SHORE STATION

H3FL

Holmes & Narver Federal & State Architects

350 Main Street
Seaside, California 93001
(415) 757-8001



Thomas E. Jones
Professional Engineer
No. 12345

Consultants

Agency Approval

Revisions

No.	Description	Date



MOSS LANDING FACILITIES
SANDHOLDT ROAD
MOSS LANDING, CA. 95039

MARS SHORE STATION

COVER SHEET

Drawn by

Checked

Approved

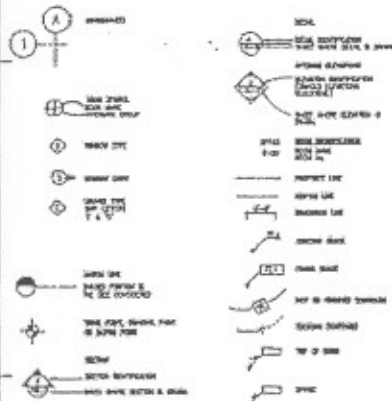
Project No. 04010

Drawing No.

Date 6/11/75

A1

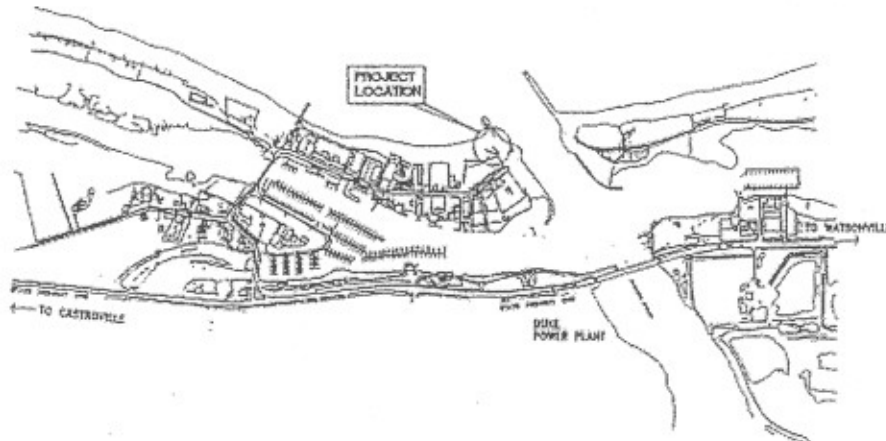
SYMBOLS



SCOPE OF WORK

SITE IMPROVEMENTS
AND INFRASTRUCTURE
STRUCTURE FOR ELECTRICAL
EQUIPMENT

VICINITY MAP



CONSULTANTS

ELECTRICAL
JAMES CONSULTING ENGINEERS
1903 GARDEN ROAD SUITE 120
MONTEREY, CA. 93940
(415) 846-3330

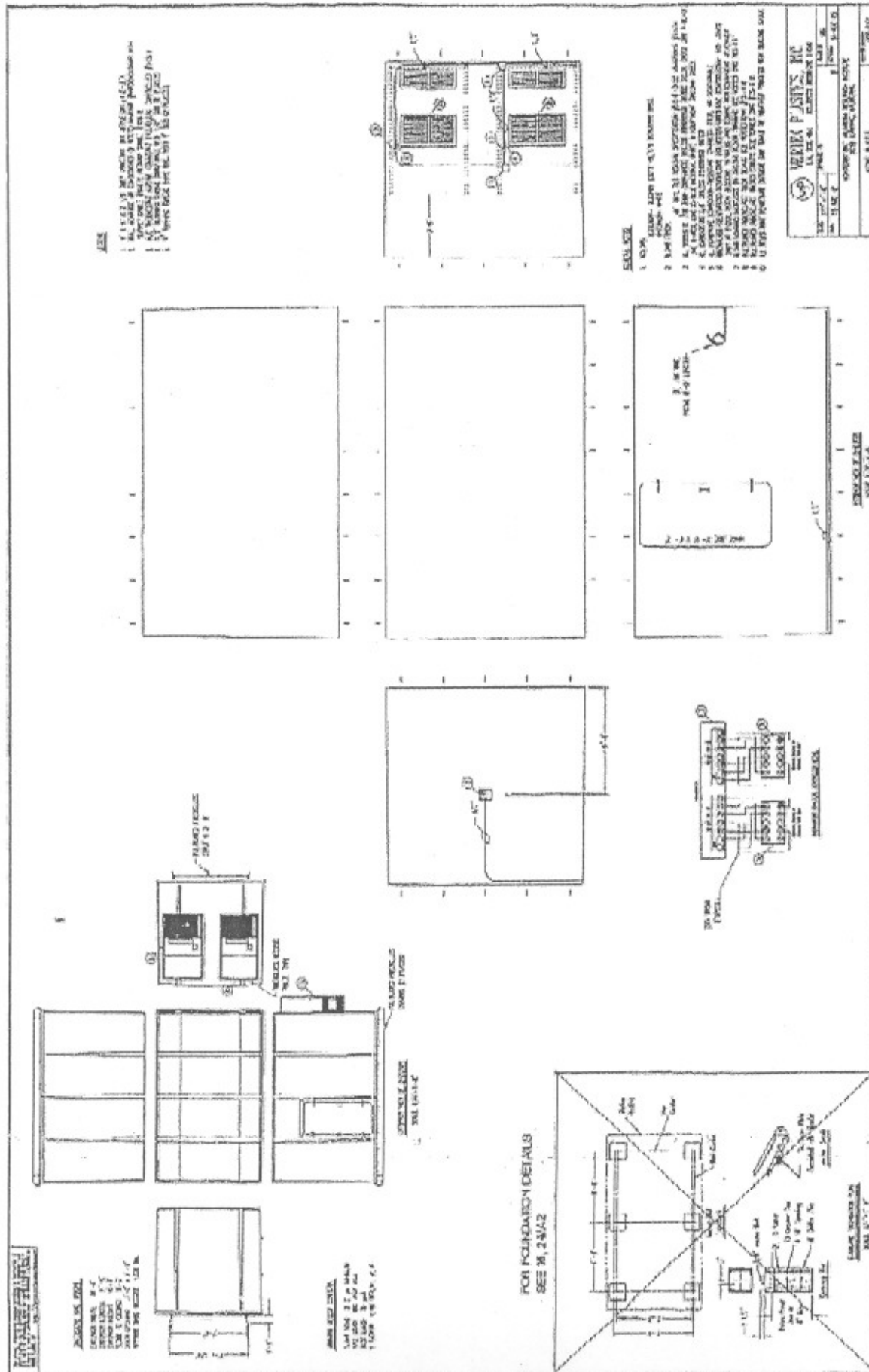
SHEET INDEX

- A1 COVER SHEET
- A2 SITE PLAN & DETAILS
- A3.1 SINGLE LINE, FACTOR & UNIT FLOWING SCHEDULE
- A3.2 ELECTRICAL SITE PLAN
- A4.1 ELECTRICAL PLANS IN JELLY SHEETS
- A4.2 ELECTRICAL, COVENANT, PANEL BOARD SCHEDULES
- A5 PRELIMINARY WORK SHEET INDEX

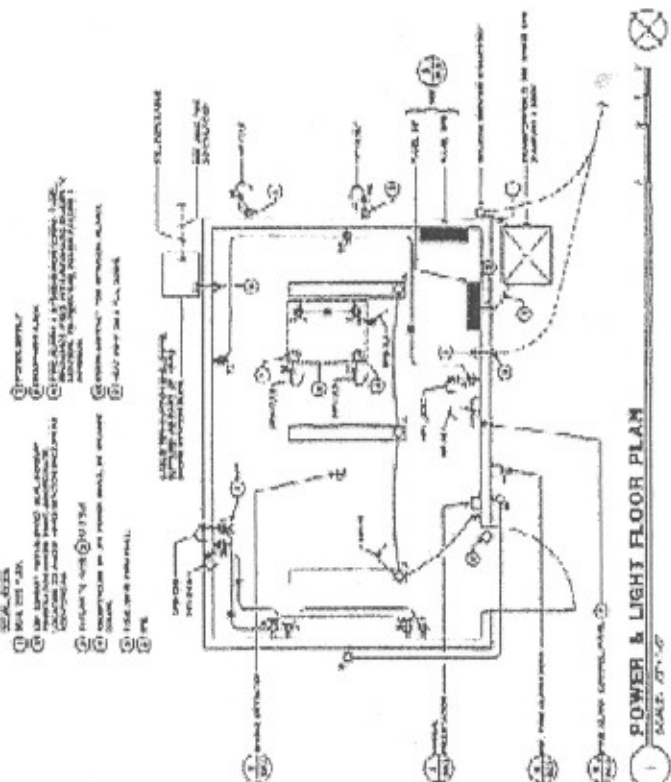
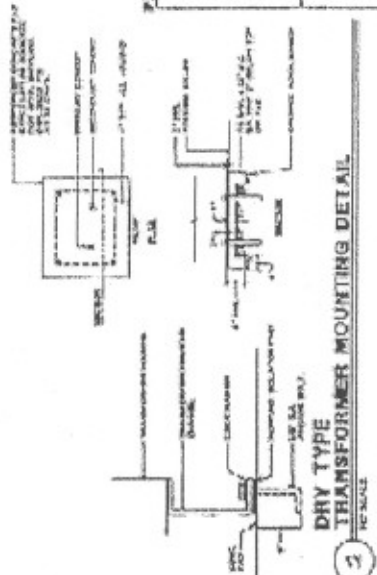
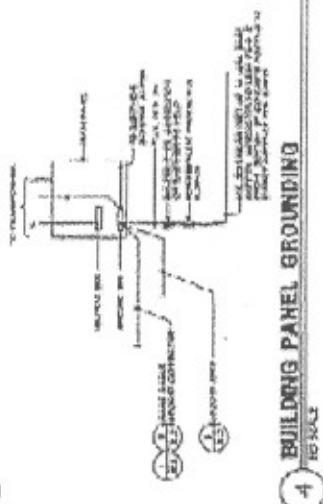
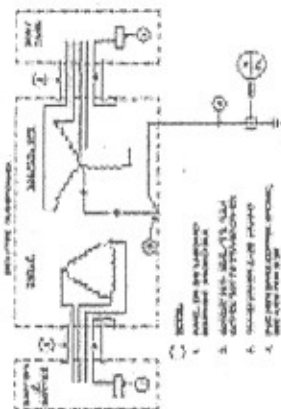
THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE LIMITED TO THE PROJECT AND SITE SHOWN HEREON. ANY OTHER USE, REUSE, REPRODUCTION, OR MODIFICATION OF THESE PLANS OR SPECIFICATIONS WITHOUT THE WRITTEN CONSENT OF THE CONSULTANT IS PROHIBITED. THE CONSULTANT ASSUMES NO LIABILITY FOR ANY DAMAGE, LOSS, OR INJURY RESULTING FROM THE USE OF THESE PLANS OR SPECIFICATIONS.

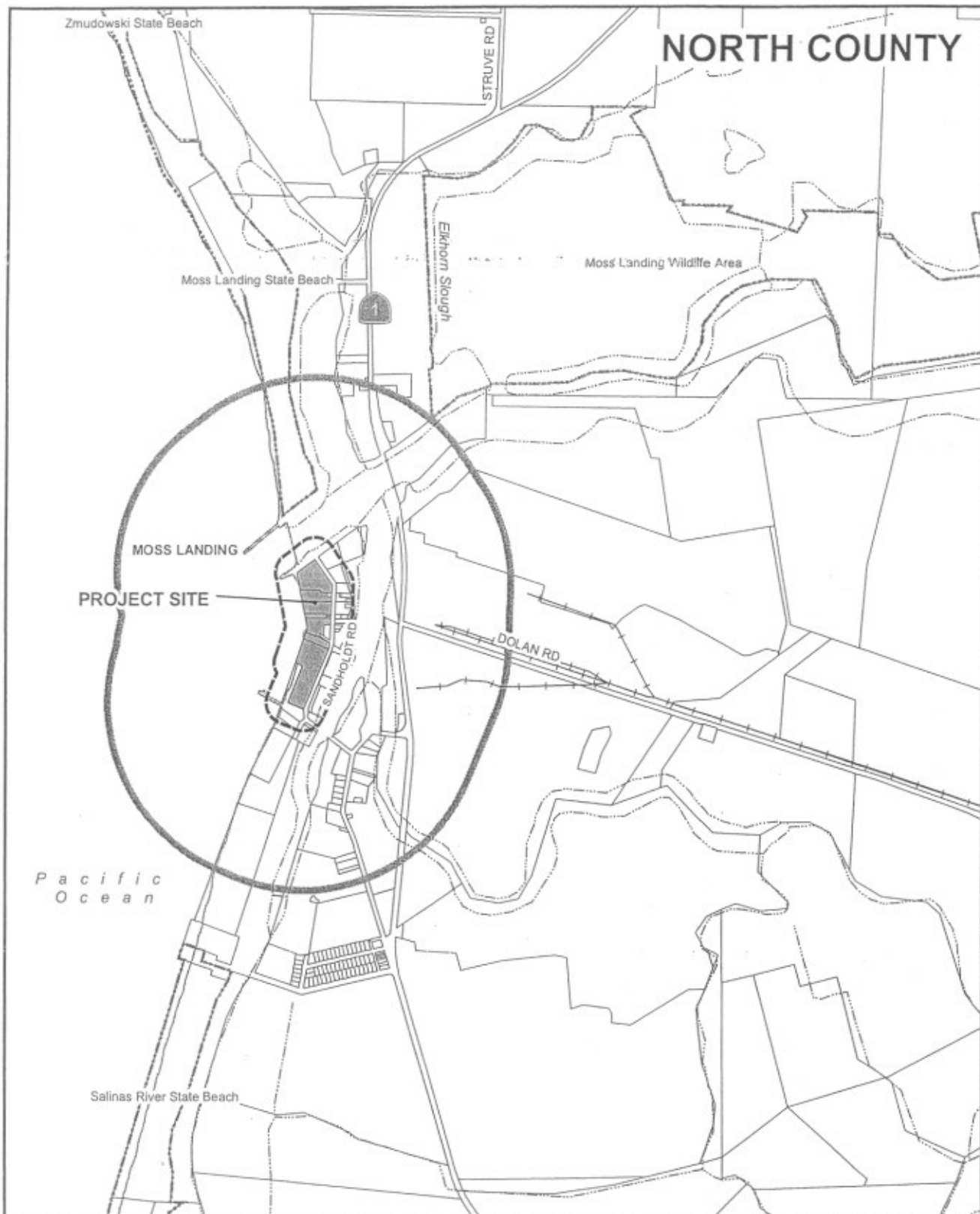
64

Elevations for modular structure



Floor Plan for Modular Structure





APPLICANT: MBARI MARS

APN: 133-252-001-000M

FILE # PLN050542



300' Limit



2500' Limit



City Limits



PLANNER: TOWNER

68