



Please reply to: **Mike Schaller**  
(650) 363-1849

July 6, 2004

**ENVIRONMENTAL  
SERVICES  
AGENCY**

Oscar Braun  
1589 Higgins Canyon Road  
Half Moon Bay, CA 94019

**Notice of Final Local Decision**

Agricultural  
Commissioner/ Sealer of  
Weights & Measures

**Subject: Devil's Slide Tunnel Project**  
**Location: State Route 1, Pacifica**

Dear Mr. Braun:

Animal Control  
Cooperative Extension  
Fire Protection  
LAFCo  
Library  
Parks & Recreation  
Planning & Building

On July 6, 2004, the San Mateo County Board of Supervisors considered your appeal of the Planning Commission's decision to approve a Coastal Development Permit to construct the Devil's Slide Tunnel project. This project is appealable to the California Coastal Commission.

Based on the information provided by staff and evidence presented at the hearing, the Board of Supervisors denied the appeal, upheld the decision of the Planning Commission, adopted the Resolution, approved the Coastal Development Permit, made the findings and adopted conditions of approval as attached.

This permit approval is appealable to the California Coastal Commission. Any aggrieved person who has exhausted local appeals may appeal this decision to the California Coastal Commission within 10 working days following the Coastal Commission's receipt of this notice. Please contact the Coastal Commission's North Central Coast District Office at (415) 904-5260 for further information concerning the Commission's appeal process. The County and Coastal Commission appeal periods run consecutively, not concurrently, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

**Commissioners:**

David Bomberger  
Steve Dworetzky  
Ralph Nobles  
Jon Silver  
William Wong

**PLANNING COMMISSION**

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COUNTY OF SAN MATEO  
ENVIRONMENTAL SERVICES AGENCY

**FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number:  
PLN 2003-00428

Board Meeting Date: July 6, 2004

Prepared By: Michael Schaller

For Adopted By: Board of Supervisors

**FINDINGS**

Regarding the Environmental Review, Found:

1. That the Board, acting as a responsible agency under the California Environmental Quality Act, has reviewed and considered the 1986 Environmental Impact Statement/Environmental Impact Report for the Devil's Slide Improvement Project, and the First Supplement and Second Supplement thereto (collectively, the "Devil's Slide EIS/EIR").
2. Adopt the attached resolution making findings for each significant environmental impact identified in the Devil's Slide EIS/EIR, and approving the attached mitigation monitoring and reporting program for construction of the Devil's Slide Improvement Project.

Regarding the Coastal Development Permit, Found:

3. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.
4. That the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30,200 of the Public Resources Code), for the reasons stated on page 33 of the staff report dated May 26, 2004.

**CONDITIONS OF APPROVAL**

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Board of Supervisors. Minor revisions or modifications to the project, which have no potential to adversely affect coastal resources, including public access, may be made subject to the review and approval of the Planning Director. Any modification of this project that has a potential to adversely affect coastal resources shall require an amendment to this Coastal Development Permit.

## Erosion Control and Revegetation

6. Prior to the beginning of any construction associated with this permit, the applicant shall implement the construction phase sediment and stormwater control plan, as shown on the plans entitled "Conceptual Water Quality Plan: Water Pollution Control" and included as Attachments 3-B1 through 3-B11 of the November 20, 2003 plan submittal. (Note: Because of the high amount of detail and color in the full-size plans, reductions were not included in this staff report as they would not have been readable. The plans are in the project file and are available for public review upon request. These plans are incorporated by reference into this project. These plans will be available at the July 6, 2004 hearing.)
7. Upon completion of construction within a given project area, the applicant shall implement the post-construction erosion controls as shown on the plans entitled "Conceptual Water Quality Plan: Erosion Control" and included as Attachments 3-A1 through 3-A9 of the November 20, 2003 plan submittal. (Note: Because of the high amount of detail and color in the full-size plans, reductions were not included in this staff report as they would not have been readable. The plans are in the project file and are available for public review upon request. These plans are incorporated by reference into this project. These plans will be available at the July 6, 2004 hearing.)
8. Within one year of project approval, the applicant shall submit a final revegetation plan for review and approval by the County Planning Division, in consultation with the Coastal Commission. Said plan shall reflect the draft revegetation plan as indicated in the project staff report as Attachments J-1 and J-2. Specifically, the final plan shall include:
  - a. A clear statement of the goals of the restoration, including:
    - (1) The desired habitat types.
    - (2) Major vegetation components.
    - (3) Hydrological regime for wetlands (as applicable).
    - (4) Wildlife support functions.
  - b. The plan shall establish clear performance goals by which the success of the plan can be judged. These goals shall be:
    - (1) After the first year of revegetation efforts, 50% plant cover of native species shall be established. If plant cover falls below this percentage, supplemental planting will be required. Additional container plants (one per 36 sq. ft. of bare ground) shall be planted.

(Note: The restoration manager shall not assign different phases of the restoration to different contractors without his/her direct onsite supervision.)

- d. A grading plan.
- e. A weed and exotic plant species eradication plan.
- f. A planting plan. This shall identify:
  - (1) The natural habitat type that is the model for the restoration.
  - (2) The relative abundance of desired species.
  - (3) Whether planting will be by seeding or installation of container plants.
  - (4) Details about tree replacement (species, location, etc.).
  - (5) The source of plant stock (plant propagules shall come from local native stock).
  - (6) If supplemental watering is planned (the method and timing of watering shall be described).
- g. An interim monitoring plan. This shall include:
  - (1) Maintenance and remediation activities.
  - (2) Interim performance goals.
  - (3) Assessment methods.
  - (4) Schedule.
  - (5) Monitoring shall be monthly until plants are established and quarterly thereafter.
  - (6) Weeding shall be frequent, and continuous throughout the monitoring period. Weeding will target invasive species that are identified in surrounding areas where revegetation efforts take place. At a minimum, weeding will be required once a month for the first six months, once every other month from months 7-12 and then quarterly throughout the duration of monitoring. Weed presence at final

operating, maintaining, or otherwise managing the public access. Said Task Force shall meet regularly until either (1) a plan for transition of responsibility for the access is completed to the satisfaction of Caltrans and the County of San Mateo, or (2) the tunnel is complete and open to traffic. The plan developed by the Task Force shall, at a minimum:

- a. Advise Caltrans in the development of the operations plan required in Condition 10;
  - b. Identify opportunities for the final trail connection at the southern end of the OMC building site; and
  - c. Make recommendations, as soon as possible, but in no case more than one year from opening of the tunnel for public use, to the current owner of the old highway recreational trail for the proper management of the Devil's Slide Bunker area. The Task Force shall evaluate whether or not public access could be provided and managed at the Devil's Slide Bunker in a manner that would protect sensitive biological resources and public safety. Caltrans shall prepare and submit the necessary biological and hazards studies to assist this evaluation. If the Task Force decides that public access would not impact sensitive biological resources based upon these studies, then the Task Force shall evaluate whether public access can be accommodated in a safe manner. If the Task Force concludes that access can be provided in a safe manner, then it shall prepare a public access plan for the Bunker area. If the Task Force determines that public access to the Bunker site is not appropriate because of sensitive biological resource or public safety concerns, then the Task Force shall recommend to the agency operating the old highway trail, a long-term plan to protect the area, including the replacement of the existing chain-link fence with an aesthetically suitable alternative. Upon the receipt, the agency operating this facility shall be responsible for implementing the Task Force's recommendations, including applying for any necessary permits.
12. If, by the time the access improvements are completed, there is no plan for transition of responsibility for the public access acceptable to Caltrans and the County of San Mateo, then the access shall be relinquished as a non-motorized trail (not as a road) to the County of San Mateo, which shall accept responsibility for opening and operating the access. Such access shall be opened upon completion of the improvements referenced in Condition 10, and shall be incorporated into the San Mateo County Parks System for the purposes of operation and maintenance. The facility shall remain a part of the San Mateo County Parks System until such time as responsibility for operation and maintenance of the access is transferred to a permanent custodian.

## Visual

17. Within one year of final project approval, Caltrans shall submit for review and approval by the County Planning Division a final signage plan. Signage plan shall include, but not be limited to, directional signs for trail parking areas and connecting trails, interpretive signs regarding the history and natural resources of the area, and "no overnight camping" (per LCP Policy 11.22) signs for the parking areas. This plan shall only cover signage for the recreational facilities and is not applicable to construction or traffic safety signage. The signage plan shall also show location of signs to avoid impacts to scenic views and sensitive resources. This signage shall be carefully designed to harmonize with the scenic qualities of scenic corridors.
18. The Operations and Maintenance (OMC) building shall be constructed as proposed in the project Staff Report's Attachments N-1 through N-4. All exterior concrete walls shall be left in a neutral gray color. No polished or reflective materials shall be used.
19. The North Portal bridges shall be constructed as proposed in the project Staff Report's Attachment O. The applicant shall employ a neutral gray shade of concrete to construct this bridge.
20. For the North and South Portals and the South Rock Cut retaining wall, the applicant shall employ surface texturing and color treatments that match the surrounding rock coloration. The applicant shall install a 10-foot by 20-foot sample of the proposed texturing and color treatment near each portal and the South Rock Cut retaining wall. The proposed texturing and color treatment shall be reviewed and approved by Planning staff prior to application across all portals and retaining walls. County review and approval time frames will commence with the County's determination that the submittals have complete information and will be completed within 60 days.

## Sensitive Habitat Protection and Mitigation

21. Within six months of this approval, the applicant shall submit a final wetlands mitigation plan for review and approval by the County Planning Division, in consultation with the Coastal Commission, for the "Charthouse mitigation site." Said plan shall include the following:
  - a. Mitigation goals, objectives and performance standards including quantitative criteria to assess the attainment of goals/objectives.

B11 of the November 20, 2003 plan submittal, shall be protected from all construction related disturbances. The only additional vegetation removal permitted by this approval is for invasive vegetation control and must be in adherence with previously conditioned plan. (Note: Because of the high amount of detail and color in the full-size plans, reductions were not included in this staff report as they would not have been readable. The plans are in the project file and are available for public review upon request. These plans are incorporated by reference into this project. These plans will be available at the July 6, 2004 hearing.)

23. To protect the California-red legged frog and its habitat from direct impacts due to construction, the applicant shall fully comply with the Biological Opinion issued by the United States Fish and Wildlife Service, dated December, 2000 and revised by letter from the USFWS dated March 25, 2004. The Biological Opinion authorizes take of the California red-legged frog. The applicant shall submit to San Mateo County copies of any monitoring reports required pursuant to the Biological Opinion. Any proposed revisions to the conditions of the Biological Opinion shall be based on continuing field research and studies and shall be made only in consultation with the USFWS.
24. To avoid direct impacts to the California red-legged frog due to construction and minimize indirect impacts due to sedimentation, the following measures are required:
  - a. A frog exclusion fence shall be installed around the immediate perimeter of the north pond, and all other areas indicated on Attachments 3-B1 through 3-B11 of the November 20, 2003 plan submittal, prior to initiation of any construction activities within those areas. Said fence shall include one-way funnels that allow frogs that might be in the adjacent construction areas to "escape" to non-construction areas. Minor modifications to the location of this fence shall not require Planning Division approval so long as said modifications have been approved by the USFWS or their representative.
  - b. Either prior to or concurrently with the installation of the frog exclusion fence, ESA fencing will be installed, as indicated on Attachments 3-B1 through 3-B11 of the November 20, 2003 plan submittal. This fence will be installed along segments of the temporary construction access roads. High visibility orange polypropylene fabric can be used along portions of the ESA. These fences must be completely in place prior to access road construction at the North Portal and approaches. Minor modifications to the location of this fence shall not require Planning Division approval so long as said modifications have been approved by the USFWS or their representative.
  - c. The sediment barrier fence will be designed so that surface runoff within the construction zones will drain into small temporary de-silting basins spaced along the

- i. A 3-year monitoring plan shall be implemented following the roadway construction to assess and evaluate the California red-legged frog population and the effects of the proposed mitigation measures. A copy of the monitoring plan shall be submitted to the San Mateo County Planning Division.
  - j. The koi carp population shall be removed from the south pond (at the North Portal work site) to eliminate predation on red-legged frog eggs and tadpoles.
  - k. The face of the south pond dam (at the North Portal work site) shall be restored and stabilized to ensure that the habitat functions associated with the pond will continue into the future.
  - l. The applicant shall conduct regular inspections of the fence around the construction access road and the north pond to ensure that red-legged frogs do not cross the road and enter the north pond. The applicant shall install an electric fence around the new pond fence to prevent mammalian predation.
25. The existing earthen impoundment (dam) at the south ranch pond (on Shamrock Ranch) shall be repaired upon completion of construction of the North Portal and approach bridges. Vegetation shall be removed from the dam and spillway area, the face of the dam will be re-graded, and slope protection fabric and a system of drainage pipes will be installed.
26. As required by the Federal Migratory Bird Treaty Act, the applicant shall develop and implement a monitoring plan for the peregrine falcon nesting site adjacent to the South Portal work area. Said plan shall be submitted to the County Planning Division for review and approval prior to the beginning of construction at the South Portal work area.
27. If it is determined during monitoring that project activities are interrupting egg incubation or the feeding of the chicks at the peregrine falcon nest(s), then construction activities shall be suspended or the eggs or chicks shall be removed.
28. If it is necessary to remove eggs from the nest(s), then the eggs are to be artificially incubated at a facility such as that operated by the Santa Cruz Predatory Bird Research Group (SCPBRG). Any chicks that hatched out are to be "hacked-out" to occupied nests. In the event that construction activities interrupt the raising of hatched chicks, those chicks shall be removed and hacked-out to other nests, if it is determined by a qualified biologist that this is the best course of action.

part of this project.

32. All water transmission and storage improvements permitted herein shall be restricted solely to serve the development specifically authorized by this Coastal Development Permit, including the tunnel, OMC building, and public access facilities. The permitted water transmission and storage facilities shall not be used to serve any development other than that authorized by this permit, including, but not limited to, existing, new, or expanded residential, commercial, or agricultural development or uses.

### Noise and Light

33. The applicant shall employ noise suppression devices on all equipment and vehicles to be used for this project. Because of the proximity of sensitive receptors at the North Portal work site, construction activities will be limited to daylight hours and all work at this location shall be prohibited on Sundays and National Holidays. Due to the lack of nearby sensitive receptors at the South Portal, no such restrictions shall exist.
34. Prior to the beginning of construction of the tunnel bores, the applicant shall submit a lighting plan for review and approval by the County Planning Division. Said plan shall address both interior (within) and exterior lighting. Lighting at the exterior of the portal entrances shall be limited to that necessary to provide safe illumination of the tunnel approaches. All exterior lighting shall be hooded and directed downward and/or away from surrounding urban areas. The entire lighting system shall be computer controlled and have an uninterruptible power supply. The approved plan shall be implemented prior to the opening of the tunnel for regular public use.

### Water Quality

35. All temporary construction roads for this project shall employ aggregate surfacing to reduce stormwater sedimentation, dust, and visual impacts. No asphalt paving shall be used unless aggregate surfacing is not possible due to field conditions. The applicant shall maintain all temporary construction roads and install additional aggregate as necessary.
36. The applicant shall install sediment control structures around the perimeter of the dirt access road where runoff is likely to drain to any of the three ponds or the creek at the North Portal work site. Any silt control structures that breach or become damaged during a storm event shall be repaired or replaced within 24 hours. Any straw/hay bales that may be used for sediment control shall be as weed free as possible.

### Trails

43. During construction of the tunnel, Caltrans shall maintain all public trail access affected by the project. Access shall be maintained by means of trail detours during construction of the tunnel. After construction, any trail affected by the project, including the impacted section of the old Half Moon Bay-Colma Road Trail, shall be re-established or realigned and reconnected to maintain trail continuity. All reconnection of severed trails shall occur prior to the opening of the tunnel for public use.

### Traffic Measures

44. To minimize significant delays to recreational traffic, the applicant shall restrict truck trips (for the supply and removal of equipment and materials) to the time periods of: (1) 3:00 p.m. to 6:00 p.m. on Mondays through Thursdays, (2) 3:00 p.m. to 7:00 p.m. on Fridays, and (3) 9:00 a.m. to 9:00 p.m. on Saturdays, Sundays, and days preceding designated legal holidays and special events. On designated legal holidays and special events days, truck trips will be restricted the entire day and night. Public notices and the posting of roadway signs will be implemented to alert the public of any temporary road closures, lane reductions, or other construction scenarios that may affect traffic movement.
45. Prior to the beginning of any construction covered by this permit, the applicant shall submit a traffic management plan for review and approval. Said plan shall address the following:
  - a. Restrict all truck traffic associated with this project as indicated on Condition 43, above. The plan shall detail how this restriction shall be effectively implemented.
  - b. Parking for construction workers and equipment delivery. The plan shall clearly delineate where workers will park and equipment delivered.
  - c. Lane closures. All lane closures shall be limited to non-peak (recreational or commute) hours.
46. No off-site hauling of material is allowed. All spoils resulting from this project shall be disposed of at the "Fill Disposal Site" as designated on the accompanying plans. No off-site hauling of tunnel spoils is allowed.

### **Air Quality**

47. The applicant shall incorporate jet fan units into the construction of the tunnels, as shown on the November 20, 2003 plan submittal, to provide acceptable air quality conditions for bicyclists. The proposed tunnel design will also include a "real time" air quality monitoring system that includes variable message signs to advise bicyclists if unacceptable air quality conditions exist in the tunnel.

### **Socioeconomic**

48. In accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the California Relocation Act (Chapter 16, Section 7260 et seq. of the Government Code), Caltrans will provide relocation assistance to any person, business, farm or non-profit organization displaced as a result of the acquisition of real property for public use.

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37. Prior to the beginning of construction activities, the applicant shall submit a revised site plan designating construction staging areas. This plan shall be reviewed and approved by the San Mateo County Planning Division, California Department of Fish and Game, and USFWS staff prior to implementation. Stockpiling of construction materials, including portable equipment, vehicles and supplies, including chemicals, will be restricted to these designated areas only. These areas shall be designed to contain runoff. County review and approval time frames will commence with the County's determination that the submittals have complete information and will be completed within 60 days.
38. Refueling of construction equipment and vehicles may not occur within 300 feet of any water body or anywhere that spilled fuel could drain to a water body. The applicant shall check and maintain equipment and vehicles operated in the project area daily to prevent leaks of fuels, lubricants or other fluids. The vehicle and equipment fueling and maintenance areas shall be designed to contain runoff.
39. Equipment may not be washed in a place where wash water could drain to the creek or the ponds. The washing areas shall be designed to contain runoff.
40. Prior to the beginning of any construction associated with this permit, the applicant shall submit copies of all permits obtained from other State and Federal agencies, including a Stormwater Pollution Prevention Plan (SWPPP). County review and approval time frames will commence with the County's determination that the submittals have complete information and will be completed within 60 days.
41. The applicant shall clean hazardous material spills immediately. Such spills shall be reported to the County and the U. S. Fish and Wildlife Service immediately. Spill cleanup and remediation shall be detailed in post-construction compliance reports. Copies of said reports shall be submitted to the USFWS and the San Mateo County Planning Division. The perimeter of cleanup areas shall include appropriate barriers to contain and collect wash waters.
42. The applicant shall remove litter and construction debris from the construction site on a regular basis and contain the waste at an appropriate site. All collected trash that may attract predators shall be securely covered at all times in locking metal containers, removed from the work site and disposed regularly. Following construction, all trash and construction debris shall be removed from the work areas.

### Conservation Easements

29. Caltrans is required to submit evidence, in a form and content acceptable to the County Planning Division, that it has legally-binding agreements with the owners of the north and south ponds, as well as the new pond, and the Charthouse wetland mitigation site and has executed an irrevocable offer to dedicate to a public agency or private association acceptable to the County Planning Division, in consultation with the Coastal Commission, a conservation easement for habitat restoration, habitat maintenance, open space, view preservation and habitat protection over each of the four sites. In the case of the three ponds, this evidence shall be submitted prior to the commencement of construction of the bridge and, in the case of the Charthouse wetland site, this evidence shall be submitted prior to the commencement of construction of the tunnel. The easement shall:
- a. Permit the applicant, its agents, and/or the accepting agency to enter the property when necessary to create and maintain habitat, revegetate portions of the area, and fence the newly created/revegetated area in order to protect such habitats.
  - b. Restrict all development as defined by the San Mateo County LCP (except any required and approved for habitat restoration and interpretation purposes), vegetation clearance, fuel modification and grading within the easement area.
  - c. Permit County or Coastal Commission staff to enter and inspect for purposes of determining compliance with Coastal Development Permit PLN 2003-00428.
  - d. The easement area shall be described in metes and bounds. The offer shall be recorded free of prior liens and encumbrances which the County Planning Division Director, in consultation with the Coastal Commission, determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

### Utilities

30. In compliance with LCP Policy 11.20, the applicant shall provide drinking water facilities at both proposed parking areas for the trail. The access improvement plans and water supply plans shall be modified to reflect this requirement.
31. All new utilities associated with this project shall be placed underground as shown on Exhibit 9 of the November 20, 2003 plan submittal. No new aboveground utilities are permitted as

construction side of the fence. The spacing of these basins will reflect the locations shown on Attachments 3-B1 through 3-B11 of the November 20, 2003 plan submittal. Silt deposits will be removed once they fill more than one third of any basin or if the integrity of the sediment barrier fence is threatened.

- d. Construction of temporary access roads and pier foundations will be limited primarily to the dry season (April 15 to October 15) to reduce the likelihood of a large-scale silt deposition on the valley floor. However, construction of temporary access roads and pier foundations within the valley floor from October 15 to April 15 will be allowed in accordance to limitations for Disturbed Soil Areas (DSAs) outlined in the water pollution control provisions in the applicant's contract plans and specifications.
- e. After construction is completed, the construction access roads will be re-graded to match the original ground contours as close as possible. Restoration of the plant communities within all disturbed areas will begin, including the use of erosion control fabric, where applicable, and a fabric silt fence, as required, to prevent any loose soil from entering the pond basin. All disturbed areas will then be hydro-seeded with a non-invasive seed mix.
- f. During the operational phase, the majority of roadway runoff from the bridges will be contained and directed northward to a drainage on the existing Route 1 roadway which will include a water quality basin and which does not drain to the ponds and their surrounding habitats.
- g. Following completion of the project, a one-time, silt removal project will be implemented at the north pond in order to lessen the current heavy silt load in this basin. This operation shall be implemented consistent with the requirements of the Biological Opinion referenced in Condition 24 above. Prior to the silt removal operations, the applicant shall trap and remove from the pond, as many California red-legged frogs as possible, in order to prevent their take.
- h. To ensure that the north pond does not continue to dry up in mid-summer, thereby negating successful metamorphosis of any California red-legged frog larval crop, the pond shall be supplied with a pressurized water line and a heavy duty float valve system. In addition, the shoreline and inshore areas will be planted with a complex of indigenous emergent reed, sedge, and forb species. These actions shall create a permanent pond habitat in which perennial inshore vegetation will continue to grow and provide frog protection, and where the frog can complete larval metamorphosis, even during drought years.

- b. An ecological assessment of the existing habitat, functions and values of the mitigation sites.
  - c. A site plan and design with specific elements and construction methods for:
    - (1) Hydrology (water control structures, channels).
    - (2) Soil (sediment composition, top soil conservation).
    - (3) Ground elevation changes (grading, erosion or sedimentation).
    - (4) Buffer areas, vegetation (species composition, exotics removal, sources of seeds).
  - d. A contingency plan that includes the acknowledgment that an approved Coastal Development Permit amendment will be needed if success criteria or mitigation performance standards are not achieved.
  - e. Long-term maintenance plan (irrigation, weeding, erosion control). Seed mixes will be made up of native herbaceous and shrub species appropriate to the habitat types, except that sterile, non-invasive annual cereal grains that will not persist or perpetuate may be used to provide quick soil stabilization.
  - f. A monitoring plan that addresses:
    - (1) Hydrology, soils, water quality, plants and animals.
    - (2) Success criteria for physical and chemical attributes.
    - (3) A timetable for reporting results.
  - g. Implementation schedule:
    - (1) Construction.
    - (2) Monitoring.
  - h. **Wetland mitigation shall occur according to the approved plan.**
22. Vegetation removal for this project shall be limited to those areas that will be disturbed by construction activities. Areas within ESA fencing, as shown on Attachments 3-B1 through 3-

13. When relinquished to a permanent custodian, the access and related improvements referenced above shall remain open to the public and operated and maintained by the agency or organization to which they are permanently transferred, in accordance with the operational plan and parameters developed by the Devil's Slide Coastal Access Task Force and approved by the County Planning Division.
14. When the old highway recreational trail is relinquished in fee to a permanent operating entity, Caltrans shall include provisions in the transfer agreement to ensure that the public access trails and related required improvements referenced above shall then remain open to the public and operated and maintained by the agency or organization to which they are permanently transferred, in accordance with the approved operations plan required pursuant to Condition 10. Prior to executing this transfer agreement, Caltrans shall consult with the California Coastal Commission and shall submit the draft transfer agreement to the County Planning Division for review and approval.
15. In the event of a catastrophic failure of this public trail (Old Highway 1 Trail) which renders all or a part of it, in the opinion of the agency or organization which then has operational responsibility for it, unusable, un-repairable or un-maintainable, and such agency or organization further determines that repairs to restore the access to the pre-failure condition would not be feasible, or that the creation of an alternative, passable pedestrian and/or bike trail is not feasible, that agency or organization shall not be required to return the access to its pre-failure condition. The agency or organization that owns the land and has operational responsibility for the trail shall immediately apply for a separate Coastal Development Permit to modify the nature, extent and operational parameters of the coastal access in a manner consistent with the then existing conditions, the requirements of the Coastal Act and the San Mateo County Local Coastal Program.

#### Dust Control

16. Prior to the beginning of any construction, the applicant shall submit for review and approval by the County Planning Division, a construction dust control plan. The approved plan shall be implemented by the applicant prior to construction and is required during all phases of construction. County review and approval time frames will commence with the County's determination that the submittals have complete information and will be completed within 60 days.

- monitoring will be limited to no more than 10% of the total area revegetated and will be consistent with the species diversity percentage goal under B above.
- (7) Photographs shall be taken from fixed points on fixed azimuths during each monitoring period.
  - (8) Quantitative monitoring shall take place once a year.
- h. A "Final" monitoring report. This report is intended to determine whether the restoration has been successful and shall take place after at least three years with no remediation or maintenance other than weeding. The final monitoring report shall include data verifying that specific and/or relative performance criteria have been met and shall be submitted to the County Planning Division for review and approval, in consultation with the Coastal Commission.

#### Post-Construction Recreational Access

9. Caltrans shall construct the proposed public access improvements, as shown in the project taff report as Attachments L-1 and L-2. Said improvements shall be completed as soon as possible, but in no case more than one year from opening of the tunnel for public use. These improvements shall include parking areas, pedestrian signal lights, traffic signage, trash receptacles, guardrails, barriers, and entry gates, water hookups, and signage as approved under Condition 17.
10. Within one year of project approval, Caltrans shall submit for review and approval by the County Planning Division an operations plan for the coastal access facilities based on consultations with the Devil's Slide Coastal Access Task Force. Said plan shall cover facility use for free public access 365 days a year and include, but not be limited to, such things as provisions for the opening and closing of barrier gates one hour before sunrise and one hour after sunset; trash management and removal; restroom/drinking fountain design, construction and maintenance; trail monitoring, operations, and repair; and the maintenance of the existing de-watering system. Any modifications to the plan desired by the Devil's Slide Coastal Access Task Force must be submitted to the County Planning Division for review and approval.
11. To facilitate relinquishment of the public access facility and required improvements referenced in Condition 9 above, the County of San Mateo shall, immediately following final approval of this Coastal Development Permit, convene a Devil's Slide Coastal Access Task Force consisting of representatives of public agencies with an interest in, or responsibility for,

*Need to be  
in place - 1 year  
after tunnel  
opening or  
earlier*

- (2) After the second year, 60% plant cover of native species is required. If plant cover falls below this percentage, supplemental planting will be required. Container plants will be replaced if the survival rate falls below 70% or if the plant cover is below 60%. Between years three and five, 71% cover of native species is required. Supplemental planting will be required if cover falls below this percentage. Container plants also will be replaced if plant survival rates fall below 70% or plant cover is below 71%.
  - (3) At the end of the 5-year monitoring period, a final annual monitoring report will be prepared documenting the achievement of the success criteria. Caltrans will forward the final report to the County Planning Division with a request in writing to schedule a final field review. If individual criteria or goals specified in the revegetation plan are not met, then success of the revegetation efforts will be re-evaluated, in consultation with the County and the Coastal Commission, and the applicant shall obtain a Coastal Development Permit amendment.
  - (4) Success will be evaluated on an annual basis and at year five with a final monitoring determination. Success criteria will be based on measurable criteria and comparisons with reference sites. Measurable criteria will include at a minimum, survivorship of planted species, composition of species and percentage cover. Statistical criteria will be required to support success determinations and included in the annual monitoring reports. A sampling plan will be required that outlines the methodology, frequency and number of samples taken during the course of monitoring.
  - (5) Species diversity and composition will be required and representative of those native species found in both the reference sites and surrounding areas where revegetation efforts are implemented. The species composition will reflect dominant native species found on site. The distribution and percentage make up of any one species in the reference site will serve as a basis for determining similar distribution and percentage make up in the planting design for the revegetation sites.
- c. A qualified individual who will be personally responsible for all phases of the restoration shall be identified by name as the restoration manager. The restoration manager shall be qualified in all phases of restoration and shall be responsible to consult with a qualified biologist to ensure the success of all phases of the restoration plan.

2. Once construction has commenced, this permit shall be valid for the full duration of all project construction. Within one year of project approval, the applicant shall commence construction of the project. Any extension of this permit beyond one year of project approval shall require submittal of an application for permit extension and payment of applicable permit extension fees to the San Mateo County Planning and Building Division.

### **Mitigation Monitoring**

3. The applicant shall submit quarterly mitigation monitoring reports, outlining in detail, compliance with the conditions of approval contained in this attachment, and any conditions that may be attached to this project by subsequent reviewing bodies. The applicant shall submit said monitoring reports for the duration of the project (construction plus restoration period), to the Planning Division. Except as otherwise specified below, the monitoring report shall follow the example provided in Attachment E. Staff shall present said monitoring reports to the Planning Commission in a timely manner upon their receipt.
4. Prior to the beginning of any construction associated with this permit, the applicant shall meet with the County Planning and Building Division for "pre-construction mitigation compliance" meetings. The purpose of said meetings is to review and determine if all applicable conditions of approval, as listed in this attachment, have been complied with, prior to commencement of construction.
5. The applicant shall be required to establish a post-approval inspection deposit account in the amount of \$5,000 with the San Mateo County Planning Division. This deposit will be used to offset all costs incurred by the Planning Division staff resulting from inspections, plan reviews, field meetings, etc., during construction and implementation of this project. The unused balance of the deposit will be released only upon satisfactory completion of the work and acceptance of the work by San Mateo County. Additional deposits may be required and the account shall never be less than \$1,000 at any time. San Mateo County will notify the applicant when the balance approaches \$1,000. At such time, the applicant shall make additional deposits to San Mateo County within thirty (30) days of notice.

Oscar Braun  
July 6, 2004  
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If you have questions regarding this matter, please contact the project planner listed above.

Sincerely,

Kan Dee Rud

Planning Commission Secretary

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cc: Ashnita Narayan, Agenda Coordinator  
Pete Bentley, Public Works  
Jim Eggemeyer, Planning Department  
Bill Cameron, Building Department  
California Coastal Commission  
City of Pacifica  
City of Half Moon Bay  
Skip Sowko, CalTrans  
Kathryn Slater Carter, Chair of Midcoast Community Council  
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