



ADDENDUM NO. 2

TO: All Plan Holders and Prospective Bidders

FROM: City of Capitola Public Works

DATE: August 31, 2021

RE: **ADDENDUM NO. 2**
CAPITOLA WHARF RESILIENCY AND PUBLIC ACCESS IMPROVEMENT PROJECT –
PHASE 1

ADDENDUM NO. 2

City of Capitola, California

This Addendum shall be considered as a part of the bid documents for the subject project as though it had been issued at the same time and shall be incorporated integrally therewith. Where provisions of the following supplementary data differ from those of the original documents, this Addendum shall govern and take precedence.

Contractors are hereby notified that they shall make any necessary adjustments in their proposals on account of this Addendum. It will be construed that each proposal is submitted with full knowledge of all modifications and supplemental data specified herein.

Receipt of this Addendum must be acknowledged on the Addendum Acknowledgement form. Signature on said Bid Form indicates acknowledgement of receipt of Addendum No. 2, and that said Addendum No. 2 was properly evaluated in bidder's proposal. Any proposal not in compliance with this requirement may be rejected.

Steven E. Jesberg, Public Works Director

The following is hereby added and/or amended:

Addendum No. 2 – Clarification of Scope for Bid Item 5. The permits obtained for this project address a scope of work larger than the Phase 1 project. To highlight which conditions, apply to this phase of the project please see the attached “Permit Conditions Summary Table”. All the highlighted rows are conditions which should be included in the scope of work for Bid Item 5 – Permit Compliance and Monitoring.

ADDENDUM 2

Capitola Wharf Resiliency and Public Access Improvement Project - Phase 1

PERMIT CONDITIONS SUMMARY TABLE

The following pages provide a summary of the permit conditions from the agencies listed below for all phases of the Capitola Wharf Resiliency and Public Access Improvement Project, the **highlighted** conditions apply to this Phase 1 project that is included in the Contractors Scope (Bid Item 5). These conditions shall be met through the implementation of the necessary best management practices and monitoring.

Permits:

- ARMY COPRS OF ENGINEERS
- US Fish & Wildlife
- National Marine Fisheries Service
- CEQA/California Fish & Wildlife
- Coastal Commission
- Regional Water Quality Control Board

PERMIT CONDITIONS SUMMARY TABLE - Capitola Wharf Resiliency and Public Access Improvement Project Phase 1

| Agency | Condition Number | Condition Language | Responsible Party | | Timeline | | | Notes |
|--------|------------------|--|-------------------|--------------------|-------------|----------------|--------------|--|
| | | | City Staff | Contractor/Monitor | Pre Project | During Project | Post Project | |
| USACOE | 1 | The USFWS and NMFS concurred with the determination that the project was not likely to adversely affect southern sea otter (<i>Enhydra lutris neries</i>), CCC coho salmon (<i>Oncorhynchus kisutch</i>), CCC steelhead (<i>O. mykiss</i>), North American green sturgeon (<i>Acipenser medirostris</i>), green sea turtle (<i>Chelonia mydas</i>), leatherback sea turtle (<i>Dermochelys coriacea</i>), loggerhead sea turtle (<i>Caretta caretta</i>), Olive Ridley sea turtle (<i>Lepidochelys olivacea</i>), Guadalupe fur seal (<i>Arctocephalus townsendi</i>), blue whale (<i>Balaenoptera musculus</i>), gray whale (<i>Eschrichtius robustus</i>), humpback whale (<i>Megaptera novaeangliae</i>), killer whale (<i>Orcinus orca</i>), North Pacific right whale (<i>Eubalaena japonica</i>), Sei whale (<i>B. borealis</i>) and sperm whale (<i>Physeter catodon</i>), and designated critical habitat for these species. This concurrence was premised, in part, on project work restrictions outlined in enclosures 3 and 4, respectively . These work restrictions are incorporated as special conditions to this authorization for your project to ensure unauthorized incidental take of species and loss of critical habitat does not occur. | X | X | X | X | X | This condition points to Enclosures 3 & 4. Enclosure 3 are the USFWS conditions listed below. Enclosure 4 are the NMFS conditions listed below. |
| USACOE | 2 | To minimize potential impacts to cultural resources, the permittee shall coordinate with the Coastanoan Ohlone Rumsen-Mutsun Tribe to retain a qualified cultural tribal monitor for the project's ground-disturbing activities, including pile removal work above mean higher high water. The permittee shall provide this monitor with the construction schedule at least two weeks prior to the start of ground disturbing activities that would require monitoring, and give the monitor access to the construction site. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| USACOE | 3 | The permittee must submit a post-construction report documenting the completion of the wharf widening activities 45 days after the conclusion of these activities. The report shall contain as-built drawings (if different from drawings submitted with application) and include before and after photos. | X | | | | X | City will prepare and submit the report. |
| USACOE | 4 | The permittee shall submit annual reports on January 31 of each year for the previous year's maintenance activities to the Corps. This report shall include a summary of the repair activities conducted by type and confirmation of compliance with all the conservation measures outlined in the correspondence from the U.S. Fish and Wildlife Service dated February 3, 2021, and from the National Marine Fisheries Service, dated June 4, 2021. | X | X | | | X | City will submit the report. Information provided by the monitor will be required to supplement the report. |
| USFWS | 1 | A biologist, approved by the U.S. Fish and Wildlife Service (Service), will monitor activities to determine if southern sea otters are being disturbed. Monitoring will occur at all times when work is occurring (a) in water, or (b) onshore within 100 feet of tidal waters. The biological monitor will have the authority to stop project activities if southern sea otters approach or enter the exclusion zone or if, in the professional judgment of the monitor, sea otters outside the exclusion zone display a significant and alarming reaction to construction activity. Biological monitoring will begin 0.5 hour before work begins and will continue until 0.5 hour after work is completed each day. Work will commence only with approval of the biological monitor to ensure that no southern sea otters are present in the exclusion zone. | | X | X | X | | After contract award, but prior to initiating construction the Contractor shall coordinate with the City to receive USFWS approval for the proposed monitor/s. The Biological Monitor will be on site as needed based upon daily work activities. |
| USFWS | 2 | An exclusion zone will be implemented at all times when construction work is occurring (a) in water, or (b) onshore within 100 feet of tidal waters. The radius of the exclusion zone will be a minimum of 49 feet to prevent the injury of southern sea otters from machinery. If construction activities (such as pile driving) generate underwater noise, an exclusion zone will be implemented that includes all areas where underwater sound pressure levels are expected to reach or exceed 160 dB re 1 µPa. For this project, the applicant expects underwater noise will reach 160 dB re 1 µPa up to 63 meters from the source of timber pile impact driving, so the exclusion zone will be at least 63 meters from the source of noise. If a sea otter enters the exclusion zone during pile driving work, work will stop until the animal leaves the exclusion zone. Pile extraction or driving will not commence (or re-commence following a shutdown) until sea otters are not sighted within the exclusion zone for a 15-minute period. | | X | | X | | The Biological Monitor will be on site as needed based upon daily work activities. |
| USFWS | 3 | To reduce the risk of potentially startling southern sea otters with a sudden intensive sound, the construction contractor will begin construction activities gradually each day by moving around the project area and starting tractors or other heavy equipment one at a time. | | X | | X | | As needed based upon daily work activities. |
| USFWS | 4 | If southern sea otters are present within the work area, they will be allowed to leave on their own volition. | | X | | X | | As needed based upon daily work activities. |

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| USFWS | 5 | In-water construction work will occur during daylight hours when feasible. If work is tidal dependent, it will occur within 1 hour before sunrise and 1 hour after sunset. | | X | | X | X | Daily BMP |
| USFWS | 6 | Numerous best management practices will be followed, as detailed in Dudek 2020 and Moffatt and Nichol 2020 , to avoid impacts to water quality and accidental discharges of materials of liquids. | | X | X | X | | The conditioneds referenced are included as the CDFW Conditions below. |
| NMFS | 1 | Pile driving will commence with a soft start procedure in order to alert nearby wildlife, allowing them to move out of the area. For impact pile driving, contractors will be required to provide an initial set of strikes from the hammer at reduced percent energy, each strike followed by no less than a 30 second waiting period. This procedure will be repeated two additional times before impact pile driving begins. If a vibratory hammer is used, contractors will initiate sound from the vibratory hammers for 15 seconds at reduced energy followed by a 1-minute waiting period. This procedure will be repeated two additional times before full energy may be achieved. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| NMFS | 2 | During the active migratory window for listed steelhead (December 1-June 15), and after the Soquel Creek sandbar breaches, impact pile driving will be limited to an hour after sunrise to an hour prior to sunset. Pile driving will cease during stormflow events indicated by elevated streamflow (generally greater than 10 cfs) at the USGS gage in Soquel Village and rainfall. Impact pile driving may resume the day after the descending limb of stormflow has passed, the storm event has ended, and after streamflow has declined for approximately 8 hours after the latest peak of the stormflow at the stream gage. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| NMFS | 3 | The Applicant will establish an underwater marine mammal "exclusion zone" defined as the distance where underwater noise levels will exceed 120 decibel root-mean-squared (dB RMS) for continuous noise (410 meters) or 160 dB RMS for impact noise (63 meters). Vibratory and impact pile installation will not occur if any part of the exclusion zones are obscured by weather or sea conditions. Marine mammal monitoring of the exclusion zone will be conducted prior to start of the pile installation. A qualified protected species observer (PSO) will determine the appropriate observation location for monitoring (likely from the Wharf deck). If necessary, observations may occur from two locations simultaneously. The PSO will document and report any marine mammal that approaches or enters an exclusion zone throughout the day. The PSO will scan the exclusion zone using binoculars for the presence of marine mammals 30 minutes before, during, and for 30 minutes after vibratory and impact pile installation activities. The PSO will notify construction personnel to immediately stop operations if a marine mammal approaches or enters the exclusion zone. Pile installation will not begin until there are no sightings of marine mammals for 15 minutes within the exclusion zone. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| NMFS | 4 | In addition to marine mammal exclusion zones, a 100-meter underwater exclusion zone will be established for all sea turtles during pile driving activities to avoid interaction between pile driving equipment and sea turtles. Visual monitoring will begin 30 minutes prior to start of pile driving activities each day and after each break of more than 30 minutes. All in-water Project activities will cease if a sea turtle is observed within the monitoring zone. In-water activities will not begin until 15 minutes have passed since the turtle was last seen in the monitoring zone. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| NMFS | 5 | Biological monitoring reports will be submitted to NMFS within 60 days from completion of construction activities for the calendar year. | X | X | | X | X | City will submit the report. Information provided by the monitor will be required to supplement the report. |

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| NMFS | 6 | The Applicant has proposed the implementation of general avoidance and minimization measures for the Project. Tarps or other appropriate debris collection devices will be used to capture debris, sawdust, particulates, oil, grease, rust, dirt, and spills. Land-based equipment will be the primary method used. In-water work will be avoided to the maximum extent possible and limited to pile installation/removal and pile repair. The Applicant will retain a response vessel ready to retrieve construction materials that fall into the ocean within 10 to 20 minutes of the incident. Divers will be available during the construction period and will be used to retrieve material that sinks to the ocean floor. A spill plan with appropriate control and clean-up materials (e.g., oil absorbent pads) will be retained on site. All construction vehicles and equipment used on site will be checked daily for fuel, oil and hydraulic fluid leaks and maintained accordingly. All creosote treated material, pile stubs and associated sediments (if any) will be disposed of by the contractor at an appropriate landfill. Installation and application of epoxy, resin, or cementitious grout/fill will be conducted when predicted weather and ocean conditions allow effective control and full containment, and will remain dry until cured. Pile jackets will be installed during low tide to the extent feasible. Work will cease during inclement weather (large waves or heavy rain). Environmental training for construction crews will occur prior to in-water construction regarding the status and sensitivity of the listed species. | | X | | X | | Daily BMP |
| CDFW | BIO - 1 | BIO-1 A biologist shall lead on-site environmental training for work crews prior to the start of the proposed Project. Any new crew members brought onto the job prior to Project commencement must undergo the environmental training before starting work on the Project. Pre-construction training shall involve discussion on the status and sensitivity of the target species in the area and the actions to be taken to avoid or minimize impacts in the event of a target species entering the work area. This measure shall be included on the construction plans. | | X | X | X | | Daily BMP. Contractor shall maintain and supply a training log. |
| CDFW | BIO - 2 | BIO-2 The contractor shall use a wood cushion block, or other comparable noise dampening device, during pile driving activities. This measure shall be included on the construction plans. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| CDFW | BIO - 3 | BIO-3 A pile installation "exclusion zone" defined as the distance where underwater and in-air sound levels exceed the Level B harassment threshold (160 dB RMS threshold for impulse noise; and 120 dB RMS for continuous noise) shall be established. The exclusion zone distance(s) shall be from the active pile driving/installation source as detailed below or an alternative distance(s) if required by the Project's regulatory permits. Exclusion zones by pile type and installation method are as follows: Underwater exclusion zone 1. Fiberglass pile vibratory installation – 410 meters 2. Fiberglass pile impact proofing – 8.8 meters 3. Timber pile impact driving – 63 meters In-air exclusion zone 1. Fiberglass pile vibratory installation – 7.1 meters (seals) and 2.8 meters (sealions) 2. Fiberglass pile impact proofing – 30.3 meters (seals) and 12.1 meters (sealions) 3. Timber pile impact driving – 11.4 meters (seals) and 4.5 meters (sealions) Marine mammal monitoring of the exclusion zone shall be conducted prior to commencement of pile installation. Pile-installation activities shall not commence until marine mammals are not sighted in the exclusion zone for 15 minutes. This measure shall be included on the construction plans. | X | | | | | This condition does NOT apply to the Phase 1 Project. |

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| CDFW | BIO - 4 | BIO-4 If Project construction occurs outside of nesting bird season, no additional mitigation is required. If Project construction occurs within the nesting bird season (e.g. February 15 – September 15), nesting bird surveys shall be conducted. No more than 7 days prior to initiation of construction activities OR within 14 days after start of nesting bird season if construction activities have already commenced, a qualified biologist with at least 5 years of experience conducting nesting bird surveys shall conduct a nesting bird survey out to 500 feet from construction to determine if active nests of bird species protected by the Migratory Bird Treaty Act, Endangered Species Act, and/or the California Fish and Game Code are present. In addition, periodic surveys for active nests shall be conducted within this same area every 14 days during Project construction within the nesting season. The extent of the survey monitoring area is shown on Figure 5 . If active nests are found, construction activities within 300 feet from nests of MBTA protected species and within 500 feet from nests of ESA listed species and raptors (or other sufficient distance pending field conditions as determined by the qualified biologist) shall be modified, postponed or halted, until the nest is vacated, the young have fledged, and/or there is no evidence of a second attempt at nesting. Alternatively, the biological monitor shall establish a behavioral baseline of all identified active nests and continuously monitor the nests during active construction for signs of Project-related behavioral changes. If behavioral changes are not observed, work may proceed. If behavioral changes are observed, work shall be halted or postponed until modifications demonstrate to the biologist's satisfaction that Project-related activities are no longer causing behavioral changes. Monitoring shall not extend beyond Cliff Drive because the effects and noise environment beyond that location is dominated by roadway and train effects. | | X | | X | | The Biological Monitor will be on site as needed based upon daily work activities. Figure 5 is attached to this document. |
| CDFW | CUL - 1 | CUL-1 Prior to City approval of the Project's final 100% design plans, the City's Architectural & Site Review Committee shall perform a focused review of the draft 100% design plans for consistency with the design plans reviewed and recommendations provided in the Project's April 2020 (or as amended) Secretary of the Interior's Standards and Historic Integrity Review. The City's focused review shall evaluate consistency with the following elements: a. Compatible texture and finish of proposed exterior of the new piles and repaired piles; b. Compatible design, scale, materials, location, etc., of the prefabricated restrooms; c. Design, scale, materials, etc., of the altered entrance gates; and d. Design, scale, materials, etc., of the new security gates. Should the focused review determine the above listed elements in the draft 100% design plans are consistent with the design plans reviewed and recommendations provided in the Secretary of the Interior's Standards and Historic Integrity Review, no additional mitigation shall be required. Should an inconsistency be identified, modifications to the draft 100% design plans shall be made until the Architectural & Site Review Committee determines consistency has been met. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| CDFW | HWQ - 1 | HWQ-1 The City shall obtain all necessary permits from applicable agencies with jurisdiction over the Project. The contractor will implement and document compliance with permit conditions and BMP practices required by the permits per agency requirements and for City records. Proof of implementation may include but is not limited to the use of before-and after photo documentation, copies of receipts and/or construction management logs. | | X | | X | | Daily BMP |
| CDFW | HWQ - 2 | HWQ-2 If ACZA treated polyurea coated piles are not used for this Project, no mitigation is required. If ACZA treated polyurea coated piles are used, the City shall implement a monitoring and maintenance plan to annually assess the integrity of the polyurea coating on all piles added as part of the Project. The monitoring plan shall be incorporated into an existing City maintenance plan or created as a new maintenance plan within 90 days after completing project construction. The monitoring and maintenance plan will include annual inspection after each winter storm season to assess the integrity of the polyurea coating and repair of any damage to the coating that may have occurred. | X | | | | | This condition does NOT apply to the Phase 1 Project. |

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| | | | City Staff | Contractor/Monitor | Pre Project | During Project | Post Project | |
| CDFW | NOI - 1 | NOI-1 Pile Driving Notification Plan – The City shall implement a pile driving notification plan as described herein to keep residents informed of the Project’s pile driving schedule. Prior to pile driving activities and within 2 weeks after award and execution of the construction contract, the Contractor shall provide the City with a pile driving schedule that identifies: (1) start date of pile driving, (2) anticipated weekly work zones by estimated date shown on an aerial map (or plan sheet overview), (3) estimated pile driving completion date, and (4) website address for accessing the pile driving schedule on-line. The Contractor shall be required to post and maintain the schedule onsite near the Wharf Foot. The Contractor shall update the schedule at least every two weeks and provide the schedule to the City by the following day for posting on the City’s website. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| CDFW | NOI - 2 | NOI-2 Pile Driving Soft Start – Pile-driving shall commence with a soft start procedure (ramping up) in order to reduce the potential for startle and annoyance of nearby receptors. This shall be noted on the Project’s construction plans. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| | | | | | | | | |
| Coastal Commission | SC 1 | Approved Project. This CDP authorizes Capitola Wharf improvements as specified in the proposed project materials (see “Application for Coastal Development Permit for the Capitola Wharf Resiliency and Public Access Improvement Project including Maintenance” dated received in the Commission’s Central Coast District Office on July 21, 2020; see Appendix A) as modified by the terms and conditions of the CDP. Following completion of initial construction activities, the wharf shall remain open for general public use and enjoyment 24 hours/day and 365 days/year, except (a) that the portion of the wharf seaward of the security gate (see Exhibit 3) may be closed to general public use during nighttime hours (i.e., from one-hour after sunset to one hour before sunrise); and (b) when the wharf must closed for limited periods of time due to documented public safety reasons, subject to Executive Director concurrence. | X | | | | | |
| Coastal Commission | SC 2 | Hydroacoustic Testing Plan. PRIOR TO ISSUANCE OF THIS CDP, the Permittee shall submit two copies of a Hydroacoustic Testing Plan (HTP) for review and written approval by the Executive Director. The HTP shall outline an underwater hydroacoustic testing program to be implemented during the installation of an initial subset of timber and fiberglass piles using an impact hammer and/or a vibratory hammer to determine the appropriate exclusion zones specific to individual marine species (i.e. cetaceans, sea turtles, sea otters, sea lions, harbor seals, etc.) to be implemented during all future pile driving and related activities at the Capitola Wharf. The HTP shall provide for and include the following elements: | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| Coastal Commission | SC 2 | a. Determining Exclusion Zones for Future Pile Driving. The HTP shall identify all underwater hydroacoustic testing parameters to be used for establishing exclusion zones (during the installation of an initial subset of a small number of timber and fiberglass piles using an impact hammer and/or a vibratory hammer) that will be implemented in all future piling installation that uses a vibratory or an impact hammer. Such exclusion zones shall be defined by the distance between the work site and the locations at which the maximum recorded peak sound pressure level (SPL) or cumulative sound exposure level (SEL) falls below the temporary threshold shift (TTS) and permanent threshold shift (PTS) levels for marine species in the area. The maximum SPL or SEL thresholds used to determine the exclusion zones shall be based on the best available science on TTS and PTS levels for special status fish species and the National Oceanic and Atmospheric Administration’s (NOAA) most up-to-date Marine Mammal Acoustic Technical Guidance. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| Coastal Commission | SC 2 | b. Exclusion Zones to be Implemented During Hydroacoustic Testing. The following minimum exclusion zones (EZs) (consistent with the requirements of National Marine Fisheries Service) shall be implemented during all pile driving activities done concurrently with hydroacoustic testing: 1) a 410-meter EZ for all marine mammals species (except sea otters) during fiberglass or timber pile installation with a vibratory hammer; 2) a 100-meter EZ for sea turtles during all pile driving activities regardless of pile or hammer type; 3) a 63-meter EZ for all marine mammals (except sea otters) during timber pile installation with an impact hammer; and 4) a 63-meter EZ for sea otters during all pile driving activities regardless of pile or hammer type. | X | | | | | This condition does NOT apply to the Phase 1 Project. |

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| Coastal Commission | SC 2 | c. Hydroacoustic Testing Report. No more than 30 days after the completion of the required initial hydroacoustic testing activities, the Permittee shall submit a hydroacoustic testing report to the Executive Director for review and approval. The report shall include a description of all initial pile driving activities, a description of the hydroacoustic testing equipment and protocols that were used during such activities, the results of the hydroacoustic testing, a determination of the necessary marine wildlife exclusion zones to be implemented during all future pile driving activities, and a description of any observable marine wildlife behavior that took place during hydroacoustic testing activities. The Executive Director shall sign off on all exclusion zones prior to commencement of future pile driving activities. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| Coastal Commission | SC 2 | d. Hydroacoustic Testing Parameters. The HTP shall fully describe the underwater hydroacoustic testing program, the monitoring equipment, the number of proposed hydroacoustic testing sessions, the hydrophone locations along the wharf and in the ocean waters off of the wharf, the distance of hydrophones from active pile work areas, the type of pilings being installed, the type of pile driving hammers being used, and the rationale for how the program will capture a representative amount of readings that address changes in bathymetry and substrate in the waters surrounding the wharf. During hydroacoustic testing, underwater hydroacoustic testing devices (capable of recording both SPL and SEL at the frequencies corresponding with the hearing capabilities of special status fish species and other marine wildlife anticipated to be present in the project area) shall be placed at an array of increasing distances from the site of active pile driving to fully monitor the project area and allow for multiple readings of the SPL and SEL levels associated with temporary and permanent threshold shifts (TTS and PTS). | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| Coastal Commission | SC 2 | e. Modifying Exclusion Zones. If during hydroacoustic testing the SPL or SEL threshold levels are exceeded beyond the exclusion zones used during HTP implementation and/or if the Marine Wildlife Monitor (see Special Condition 3) observes dead or injured fish in the vicinity of active pile driving operations or otherwise finds that the size of the exclusion zones should be adjusted to be greater than defined in subsection (b) above, the EZs shall be expanded and/or the Permittee shall implement additional feasible power reduction and/or sound dampening measures, and the Permittee shall notify the Executive Director of the change. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| Coastal Commission | SC 2 | f. Marine Wildlife Monitor (MWM). The HTP shall identify protocols for communicating hydroacoustic testing results, including any changes in the boundaries of the exclusion zones, to the MWM. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| Coastal Commission | SC 3 | 3. Marine Wildlife Protection. PRIOR TO ISSUANCE OF THIS CDP, the Permittee shall prepare a Marine Wildlife Protection Plan (MWPP) for review and written approval by the Executive Director. The MWPP shall incorporate the following parameters to be implemented during all pile driving activities (including during hydroacoustic testing activities) that are done using an impact or a vibratory hammer: | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| Coastal Commission | SC 3 | a. Soft Starts. An initial ramp-up period or "soft start" procedure at the commencement of any impact hammer pile-driving activities, or after a break in impact hammer driving of 30 minutes or more, shall be implemented to avoid potential impacts to marine species that may be present in the exclusion zones. The "soft start" shall consist of an initial set of three strikes made by the impact hammer at 40 percent energy, followed by a one-minute waiting period, then two subsequent three-strike sets, before initiating continuous driving. In addition, the pile driver shall employ sound dampening techniques and/or devices (such as wooden blocks, pile cushions, and/or caps) during all impact hammer pile driving activities. An initial ramp-up period or "soft start" procedure shall also apply to vibratory pile-driving activities, except that this shall constitute a gradual ramp up of vibratory intensity. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| Coastal Commission | SC 3 | b. Marine Wildlife Monitor. One qualified marine wildlife monitor (MWM), or more if required to effectively observe all of the identified exclusion zones, shall be present to conduct observations during all pile driving activities. Each MWM shall be a qualified wildlife biologist, approved by the Executive Director, with experience observing marine wildlife and differentiating normal behavior from signs of injury or distress. MWM duties shall be dedicated to observing marine wildlife only, and MWMs shall not be assigned other duties. MWMs shall have the appropriate safety and monitoring equipment (e.g., binoculars) adequate to conduct monitoring activities and shall be located at an effective vantage point in order to observe all exclusion zones without obstruction. | X | | | | | This condition does NOT apply to the Phase 1 Project. |

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| Coastal Commission | SC 3 | c. Construction Halts. If the MWM(s) observe any marine wildlife within the specified exclusion zones, then the MWM(s) shall notify City staff and/or the pile driving contractor staff as appropriate and require an immediate shut down of pile driving activities. Such activities may restart once such wildlife are observed to have left the specified exclusion zones or are not observed within the specified exclusion zones for at least 30 minutes. If the exclusion zones are not entirely visible (e.g., due to darkness, fog, etc.), pile driving shall not commence or continue to proceed (if it is underway) until visual conditions have improved and the entirety of the exclusion zones is visible to the MWMs. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| Coastal Commission | SC 3 | d. Reporting. MWMs shall maintain a daily log of observed marine wildlife behavior that shall be of sufficient detail to determine whether the project causes observable effects to marine wildlife. A copy of the MWM's logs shall be submitted to the Executive Director when mitigation measures (i.e., shut down or delay of pile driving activities) are implemented five or more times within a seven-day period. At a minimum, the daily log observations shall include: (1) the date and time that monitored pile driving activity begins and ends; (2) pile driving activities (e.g., the number and type of piles being driven and their location on the wharf, the type of hammer being used (i.e. impact or vibratory) occurring during each observation period); (3) weather parameters (e.g., wind speed and direction, percent sky cover, visibility, precipitation, etc.); (4) ocean conditions (e.g., water level fluctuation, tide, etc.); (5) a map showing species, numbers, location, and, if possible, sex and age class of all observed marine wildlife; (6) a description of any observable marine wildlife behavior patterns, including those in response to pile driving activities, including their location and distance relative to the work site, direction of travel, and if possible, the correlation of behavior to SPLs; (7) a description of implementation of any required mitigation measures (e.g., shutdown or delay of piling driving activities, etc.); and (8) a description of other human activities in the area (e.g., fishing, diving, swimming, etc.). A final report summarizing the results of monitoring activities shall be submitted to the Executive Director following completion of construction activities. The report shall include daily log observations from MWMs, descriptions of any project delays or cessation of operations due to the presence in the project area of marine wildlife subject to protection, and an evaluation of monitoring protocol effectiveness all determined by the MWMs. The requirements of the approved MWPP shall be implemented during all pile driving activities at the wharf. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| Coastal Commission | SC 4 | 4. Nesting Bird Protection. Nesting birds and their nests shall be protected during construction by use of the following measures: a. Nesting Bird Surveys. For any construction work that would occur during the avian breeding season (i.e., February 15th to September 1st), pre-construction surveys shall be completed by a qualified wildlife biologist, approved by the Executive Director, with experience in observing reproductive and nesting behavior to identify displays of nesting behavior and/or active nests (i.e., as occupied by eggs or nestlings). The following shall apply: 1. Timing. Surveys shall commence no more than 30 days prior to the initiation of construction and may occur weekly thereafter over the breeding season, with the last survey occurring no more than 72 hours prior to the start of construction in any given area. The Permittee shall submit all nesting bird surveys to the Executive Director within 7 days of completion. 2. Coverage. Surveys may be focused on specific work areas rather than necessarily covering the entire wharf, and they may be sequenced as needed to address specific work areas and schedules over the course of the breeding season. Surveys shall be performed extending 300 feet from the project work area to locate any active non-raptor nests and within 500 feet to locate any active raptor (bird of prey) nests, including areas above the wharf's deck (e.g., rooftops, eaves, etc.) and below the wharf's deck (e.g., substructures viewed from the water), as well as adjacent bluffs meeting the distance criteria. | | X | | X | | After contract award, but prior to initiating construction the Contractor shall coordinate with the City to receive Coastal Commission approval for the proposed monitor/s. The Biological Monitor will be on site as needed based upon daily work activities. |

PERMIT CONDITIONS SUMMARY TABLE - Capitola Wharf Resiliency and Public Access Improvement Project Phase 1

| Agency | Condition Number | Condition Language | Responsible Party | | Timeline | | | Notes |
|--------------------|------------------|---|-------------------|--------------------|-------------|----------------|--------------|---|
| | | | City Staff | Contractor/Monitor | Pre Project | During Project | Post Project | |
| Coastal Commission | SC 4 | b. Nest Identification and Buffers. If it is determined that construction may affect active nests, the qualified biologist shall establish a no-disturbance buffer around the nests and all project work shall halt within the buffer until the qualified biologist determines the nest is no longer in use. These buffer distances are 300 feet for non-raptors and 500 feet for raptors, unless evidence is provided to the Executive Director to conclusively show that a different distance is appropriate, and the Executive Director concurs with that determination. Maps identifying the location of any active nests detected shall be provided, showing the date of survey and nest stage (e.g., eggs, nestlings, etc.) and all buffers. | | X | | X | | The Biological Monitor will be on site as needed based upon daily work activities. |
| Coastal Commission | SC 4 | c. Buffer Exceptions. Minor maintenance and repair efforts limited to the use of hand tools and light power tools (e.g., hand drills but not jack-hammers or power saws) is allowed within established buffers, provided that a buffer of no less than 50 feet within which no activity is allowed shall be applied to active nests in consultation with the qualified biologist. In addition, blinds and similar materials shall be placed between the active nests and the work area to avoid visually disturbing nesting birds. The placement of the blinds shall be overseen by the qualified biologist, who will observe nest sites and parent behavior over the course of activities, or until he/she is satisfied that the nesting birds will not be significantly disturbed by the work in that area. Any birds that begin nesting within an active construction area or buffers amid construction activities may be assumed to be habituated to construction-related noise and disturbance levels. No prescribed buffers are required to be established around active nests in these cases; however, further encroachment shall be avoided, the nests shall continue to be monitored by the qualified biologist and if the nesting birds begin to show distress associated with construction activities, then the prescribed nodisturbance buffers shall be reestablished. | | X | | X | | The Biological Monitor will be on site as needed based upon daily work activities. |
| Coastal Commission | SC 4 | d. Construction Halts. If under any circumstances either construction staff or the qualified biologist observe signs of nesting distress (e.g., parents flush from the nest and do not readily return as activities continue, anxious warning calls, etc.), then work shall be stopped immediately, and the qualified biologist shall consult with the Executive Director to determine necessary modifications to activities. Activities shall resume only after the biologist is satisfied that the modifications are sufficient to avoid continued disturbance to the nests. | | X | | X | | The Biological Monitor will be on site as needed based upon daily work activities. |
| Coastal Commission | SC 4 | e. Reporting. Annual monitoring reports shall be provided to the Executive Director within 90 days of construction completion and shall include: the maps from each nest survey conducted that year; a brief narrative describing the survey methods and observations of the species' tolerances to noise, vibration, and visual disturbance cues; a record of maintenance and repair activities carried out during the nesting season, including their location relative to active nests; and a discussion of any incidents have resulted in a need for further consultation with the qualified biologist and/or the Executive Director. | X | X | | | X | City will submit the report. Information provided by the monitor will be required to supplement the report. |
| Coastal Commission | SC 5 | PRIOR TO CONSTRUCTION, the Permittee shall submit two copies of a Construction Plan to the Executive Director for review and written approval. The Construction Plan shall, at a minimum, include and provide for the following: | X | X | X | X | X | See rows below. |
| Coastal Commission | SC 5 | a. Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the fullest extent feasible in order to have the least impact on public access to and along Capitola Main Beach, Hoopers Beach, the Pacific Ocean, and other coastal resources. Special attention shall be given to siting and designing construction areas in order to minimize impacts on the ambiance and aesthetic values of the shoreline area, including but not limited to public views in the beach area. | | X | | X | | See attached Construction Plan Map with markup showing photo monitoring points, pedestrian exclusion area, and staging area locations. |
| Coastal Commission | SC 5 | b. Construction Methods. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep construction areas separated from public use areas as much as possible (including through use of nonobtrusive fencing and/or other similar measures to delineate construction areas). The plan shall also include verification that equipment operation and equipment and material storage will not significantly degrade public views during construction. The Plan shall limit construction activities to avoid coastal resource impacts as much as possible. | | X | | X | | Construction Schedule to be provided by the contractor. See attached Construction Plan Map with markup showing photo monitoring points, pedestrian exclusion area, and staging area locations. |

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| Agency | Condition Number | Condition Language | Responsible Party | | Timeline | | | Notes |
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| | | | City Staff | Contractor/Monitor | Pre Project | During Project | Post Project | |
| Coastal Commission | SC 5 | c. Construction Timing. The Construction Plan shall provide that all work shall take place during non-weekend/holiday and non-summer (i.e., the day after Labor Day to the Friday prior to Memorial Day weekend, inclusive) days during daylight hours (i.e., from one-hour before sunrise to one-hour after sunset) except that wharf widening and rehabilitation may include work on Saturdays. The Executive Director may also authorize non-pile-driving and non-in-water nighttime work due to demonstration of extenuating circumstances, and subject to all appropriate mitigation measures to minimize lighting of coastal water and beaches, and to avoid coastal resources impacts, as much as possible. | | X | | X | | Construction Schedule to be provided by the contractor. Daily BMP |
| Coastal Commission | SC 5 | d. Construction Best Management Practices (BMPs). The Construction Plan shall identify the type and location of erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality and related coastal resources, including at a minimum all of the following: | | X | | X | | Daily BMP, also see Plan sheet G-002 |
| Coastal Commission | SC 5 | d-1. Equipment BMPs. Equipment washing, refueling, and/or servicing shall take place at an appropriate location inland of the beach to prevent leaks and spills of hazardous materials at the project site, preferably on an existing hard surface area (e.g., a road) or an area where collection of materials is facilitated. All construction equipment shall also be inspected and maintained at a similar inland location to prevent leaks and spills of hazardous materials at the project site. | | X | | X | | Daily BMP, also see Plan sheet G-002 |
| Coastal Commission | SC 5 | d-2. Good Housekeeping BMPs. The construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the project site; etc.). | | X | | X | | Daily BMP, also see Plan sheet G-002 |
| Coastal Commission | SC 5 | d-3. Selection of Treated Wood. For all components of the wharf that the applicant proposes to construct using preservative-treated wood, a type of treated wood shall be selected that minimizes the risk of aquatic and sediment toxicity. | | X | | X | | See Plan sheet G-002 with Lumber details provided & Bid Packet sheet with description of bid items. |
| Coastal Commission | SC 5 | d-3a. All treated wood shall be treated to the standards of the lowest appropriate "Use Category" for each component, to ensure that the treated wood does not exceed the minimum preservative retention level. This will minimize the amount of preservative in the wood that may leach into coastal waters. Use Categories, as specified by the American Wood Protection Association, are based on factors such as whether the wood is subject to saltwater splash vs. immersion, and whether the component is critical and difficult to replace. | | X | | X | | See Plan sheet G-002 with Lumber details provided & Bid Packet sheet with description of bid items. |
| Coastal Commission | SC 5 | d-3b. Where available, only treated wood that has been certified as produced for use in aquatic environments shall be used (as indicated by a BMP Quality Mark or Certificate of Compliance), in accordance with industry standards such as the Best Management Practices for the Use of Treated Wood in Aquatic and Wetland Environments by the Western Wood Preservers Institute, et al. | | X | | X | | See Plan sheet G-002 with Lumber details provided & Bid Packet sheet with description of bid items. |
| Coastal Commission | SC 5 | d-4. Construction Using Treated Wood in the Aquatic Environment. Treated wood sawdust and debris shall not be allowed to enter coastal waters. If treated wood is saw-cut, drilled, or sanded during demolition, removal, installation, or maintenance of the docks, all sawdust and debris generated shall be contained and removed. Field-treatment of Copper Naphthenate preservative shall be applied sparingly to cut ends and drilled holes in treated wood, and drips or spills of Copper Naphthenate shall not be allowed to enter coastal waters. Treated wood and treated wood debris shall be stored a minimum of 50 feet from coastal waters, drainage courses, and storm drain inlets; shall be stored on an impervious surface; and shall be covered during rain events. | | X | | X | | See Plan sheet G-002 with Lumber details provided & Bid Packet sheet with description of bid items. |
| Coastal Commission | SC 5 | d-5. Rubber-tired Construction Vehicles. Only rubber-tired construction vehicles are allowed on the beach and in the intertidal zone, except track vehicles may be used if the Executive Director determines that they are required to safely carry out construction. | | X | | X | | Daily BMP |
| Coastal Commission | SC 5 | d-6. Construction Material Storage. All construction materials and equipment placed on or adjacent to the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from these areas by one hour after sunset each day that work occurs. | | X | | X | | See attached Construction Plan Map with markup showing photo monitoring points, pedestrian exclusion area, and staging area locations. |

PERMIT CONDITIONS SUMMARY TABLE - Capitola Wharf Resiliency and Public Access Improvement Project Phase 1

| Agency | Condition Number | Condition Language | Responsible Party | | Timeline | | | Notes |
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| | | | City Staff | Contractor/Monitor | Pre Project | During Project | Post Project | |
| Coastal Commission | SC 5 | d-7. Debris Containment and Disposal. All debris shall be effectively contained, collected, and properly disposed of. For all work over sandy beach areas, containment netting or similar measures shall be placed under the wharf to collect such debris, including to avoid debris contact with beach areas. For all work over ocean areas, such containment netting and/or other floating containment measures (contained via booms, boats, or a combination of same) shall be applied to avoid debris making it into the ocean. Tarps or other devices shall be used to capture all debris, sawdust, oil, grease, rust, dirt, drips, and spills resulting from overwater construction and demolition activities, to protect the quality of coastal waters. Any such debris that makes it to the ocean shall be immediately collected (e.g., from a boat using seine nets). | | X | | X | | Daily BMP |
| Coastal Commission | SC 5 | e. Restoration. All sandy beach and other public recreational use areas and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any native materials impacted shall be filtered as necessary to remove all construction debris. | | X | | X | X | To be completed by contractor with oversight from the City. |
| Coastal Commission | SC 5 | f. Construction Site Documents. The Construction Plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies be available for public review on request. All persons involved with project construction shall be briefed on the content and meaning of the CDP (including explicitly its terms and conditions) and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction. | X | X | X | X | | Copies will be provided to the Construction Team at the Pre-Con meeting and training prior to the initiation of any work activities. Once provided it will be the responsibility of the Contractor to maintain the folder on site. |
| Coastal Commission | SC 5 | g. Construction Coordinator. The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that his/her contact information (i.e., address, phone numbers, email address, etc.) including, at a minimum, a telephone number (with message capabilities) and an email that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. All complaints and all actions taken in response shall be summarized and provided to the Executive Director within one week of receipt of the complaints. | X | | X | X | | The designated Construction Coordinator contact info is shown here and will be posted adjacent to the work area on a laminated sheet readily visible to the public. FOR ANY QUESTIONS OR CONCERNS PLEASE CONTACT THE DESIGNATED CONSTRUCTION COORDINATOR AT THE FOLLOWING Kailash Mozumder City of Capitola Public Works Project Manager 420 Capitola Avenue, Capitola, CA 95010 P: 831.475.7300 Extension 234 kmozumder@ci.capitola.ca.us |
| Coastal Commission | SC 5 | h. Construction Specifications. The construction specifications and materials shall include appropriate provisions that require remediation for any work done inconsistent with the terms and conditions of the CDP. | | X | | X | | See contract Section 4 – Scope of Work and Section 5 – Control of work |
| Coastal Commission | SC 5 | i. Notification. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least three working days in advance of commencement of construction, and immediately upon completion of construction. | X | X | X | | | Construction Schedule to be provided by the contractor. City to coordinate directly with Coastal Commission. |
| Coastal Commission | SC 6 | Ongoing Repair and Maintenance. This CDP authorizes future maintenance as described in this special condition. The Permittees acknowledge and agree on behalf of themselves and all successors and assigns that it is the Permittee's responsibility to: (a) maintain the approved project and all related development in a structurally sound manner, and in their approved and required states. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| RWQCB | A 6 | A copy of this Certification, the application, and supporting documentation must be available at the Project site during construction for review by site personnel and agencies. A copy of this Certification must also be provided to the contractor and all subcontractors who will work at the Project site. All personnel performing work on the proposed Project shall be familiar with the content of this Certification and its posted location on the Project site. | | X | | X | | Daily BMP |
| RWQCB | A 7 | The Permittee shall grant Central Coast Water Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the Project may have on waters of the State. | | X | | X | | Daily BMP |

PERMIT CONDITIONS SUMMARY TABLE - Capitola Wharf Resiliency and Public Access Improvement Project Phase 1

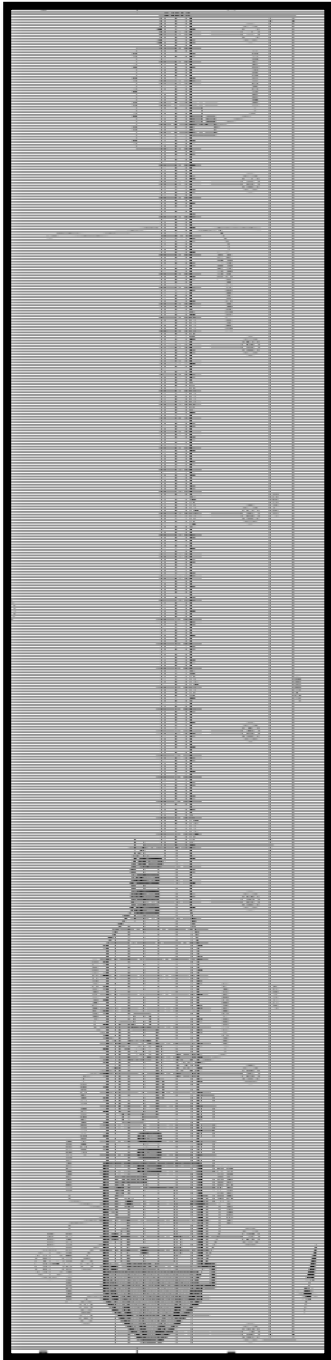
| Agency | Condition Number | Condition Language | Responsible Party | | Timeline | | | Notes |
|--------|------------------|--|-------------------|--------------------|-------------|----------------|--------------|--|
| | | | City Staff | Contractor/Monitor | Pre Project | During Project | Post Project | |
| RWQCB | A 8 | The Permittee must, at all times, fully comply with the application, engineering plans, specifications, and technical reports submitted to support this Certification; all subsequent submittals required as part of this Certification; and the attached Project Information and Conditions. The conditions within this Certification and attachment(s) supersede conflicting provisions within Permittee submittals. | | X | | X | | Daily BMP |
| RWQCB | A 9 | The Permittee shall notify the Central Coast Water Board within 24 hours of any unauthorized discharge to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional BMPs or other measures that will be implemented to prevent future discharges. | | X | | X | | Daily BMP |
| RWQCB | A 10 | This Certification is not transferable to any person except after notice to the Executive Officer of the Central Coast Water Board. The Permittee shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new responsible party containing a specific date for the transfer of this Certification's responsibility and coverage between the current responsible party and the new responsible party. This agreement shall include an acknowledgement that the existing responsible party is liable for compliance and violations up to the transfer date and that the new responsible party is liable from the transfer date on. | X | | | | | |
| RWQCB | C 1 | All personnel who engage in construction activities or their oversight at the project site (superintendent, construction manager, foreman, crew, contractor, biological monitor, etc.) must attend trainings on the conditions of this Certification and how to perform their duties in compliance with those conditions. Every person shall attend an initial training within five working days of their start date at the project site and follow-up trainings annually. Trainings shall be conducted by a qualified individual with expertise in 401 Water Quality Certification conditions and compliance. | | X | X | | | Pre-Con Training Daily BMP |
| RWQCB | C 2 | All work performed within waters of the State shall be completed in a manner that minimizes impacts to beneficial uses and habitat. Measures shall be employed to minimize land disturbances that will adversely impact the water quality of waters of the State. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation. | | X | | X | | Daily BMP |
| RWQCB | C 3 | Construction BMPs shall be implemented and maintained in accordance with all specifications governing their proper design, installation, operation, and maintenance. | | X | | X | | Daily BMP |
| RWQCB | C 4 | Any material stockpiled that is not actively being used during construction shall be covered and surrounded with a linear sediment barrier. | | X | | X | | Daily BMP |
| RWQCB | C 5 | The Permittee shall retain a spill plan and appropriate spill control and clean up materials (e.g., oil absorbent pads) onsite in case spills occur. | | X | | X | | Daily BMP |
| RWQCB | C 6 | The Permittee shall confine all trash and debris in appropriate enclosed bins and dispose of the trash and debris at an approved site daily. | | X | | X | | Daily BMP |
| RWQCB | C 7 | All construction vehicles and equipment used on site shall be well maintained and checked daily for fuel, oil, and hydraulic fluid leaks or other problems that could result in spills of toxic materials. | | X | | X | | Daily BMP |
| RWQCB | C 8 | The Permittee shall designate a staging area for equipment and vehicle fueling and storage at least 100 feet away from waterways, in a location where fluids or accidental discharges cannot flow into waterways. | | X | | X | | Daily BMP |
| RWQCB | C 9 | All vehicle fueling and maintenance activity shall occur at least 100 feet away from waterways and in designated staging areas, unless a requested exception on a case-by case basis granted by prior written approval has been obtained from Central Coast Water Board staff. | | X | | X | | Daily BMP |
| RWQCB | C 10 | Dewatering and diversion measures are not authorized based on the application. If the project requires dewatering or diversion, the Permittee shall submit detailed dewatering/diversion plans for Central Coast Water Board staff approval at least 21 days prior to any dewatering or diversion. Dewatering/diversion plans shall include the area to be dewatered, timing of dewatering, and method of dewatering to be implemented. All temporary dewatering/diversion methods shall be designed to have the minimum necessary impacts to waters of the State to isolate the immediate work area. All dewatering/diversion methods shall be removed immediately upon completion of dewatering/diversion activities. Dewatering or diversion shall not commence until the Permittee has obtained Central Coast Water Board staff approval of the dewatering/diversion plans. Any dewatering/diversion must be implemented in compliance with approved dewatering/diversion plans. | | X | | X | | Daily BMP |
| RWQCB | C 11 | All construction-related equipment, materials, and any temporary BMPs no longer needed shall be removed and cleared from the site upon completion of the project. | | X | | X | X | Daily BMP |
| RWQCB | C 12 | Central Coast Water Board staff shall be notified if mitigations as described in the 401 Water Quality Certification application for this project are altered by the imposition of subsequent permit conditions by any local, state or federal regulatory authority. The Permittee shall inform Central Coast Water Board staff of any modifications that interfere with compliance with this Certification. | X | | | | | This condition does NOT apply to the Phase 1 Project. |
| RWQCB | M 1 | The Permittee shall conduct the following monitoring: 1. Visually inspect the project site and areas of waters of the State adjacent to project impact areas annually to assess impacts on water quality. If the project does cause water quality impacts, contact the Central Coast Water Board staff member overseeing the project. You will be responsible for obtaining any additional permits necessary for implementing plans for restoration to prevent further water quality problems. | X | X | | X | | Daily BMP |

PERMIT CONDITIONS SUMMARY TABLE - Capitola Wharf Resiliency and Public Access Improvement Project Phase 1

| Agency | Condition Number | Condition Language | Responsible Party | | Timeline | | | Notes |
|--------|------------------|---|-------------------|--------------------|-------------|----------------|--------------|---|
| | | | City Staff | Contractor/Monitor | Pre Project | During Project | Post Project | |
| RWQCB | R 1 | The Permittee shall provide the following reporting to RB3_401Reporting@waterboards.ca.gov [Note: Annual fees are based on submittal and approval of reporting item 1 below]: 1. Certification Termination Report – To terminate Certification coverage, the Permittee must submit for Central Coast Water Board staff review and approval a Certification Termination Report demonstrating mitigation and monitoring completion. The Certification Termination Report shall include all information required for Annual Project Status Reports as specified below. The Certification Termination Report may serve as the final Annual Project Status Report. The Certification Termination Report submittal must include "Certification Termination Report" in the title. | X | X | | | X | City will submit the report. Information provided by the monitor will be required to supplement the report. |
| RWQCB | R2 | 2. Annual Project Status Report – The Permittee shall submit to the Central Coast Water Board an Annual Project Status Report by May 31 of each year following the issuance of this Certification, regardless of whether project construction has started or not. At a minimum, Annual Project Status Reports shall address activities conducted during the prior calendar year. The Permittee shall submit Annual Project Status Reports until the Permittee has conducted all required monitoring and mitigation, and the Permittee has submitted a Certification Termination Report. Each Annual Project Status Report shall include at a minimum: a. The status of the project: construction not started, construction started, or construction complete. b. The date of construction initiation, if applicable. c. A description of project construction and maintenance activities including: i. A summary of daily construction and maintenance activities, monitoring and inspection observations, and problems incurred and actions taken; ii. Identification of when site personnel trainings occurred, description of the topics covered during trainings, and confirmation that every person that engaged in construction activities or their oversight at the project site was trained initially and annually thereafter. iii. A description of the results of the annual visual inspection of the project site and areas of waters of the State adjacent to project impact areas, including: 1. Water quality and beneficial use conditions; and 2. Clearly identified photo-documentation of representative construction and maintenance areas, prior to and after project construction. | X | X | | | X | City will submit the report. Information provided by the monitor will be required to supplement the report. |

SUPPORTING INFORMATION

- **CONSTRUCTION PLAN MAP**
 - **Photo Monitoring Points**
 - **Pedestrian Exclusion Areas**
 - **Staging Area Locations**
- **NEST MONITORING MAP**



Construction Plan for Phase 1 Capitola Wharf Resiliency and Public Access Improvement Project



Staging Areas



Photo Points



Pedestrian Exclusion Areas

Example photos from Photo Monitoring Points



Photo Point – 1, top of Hoopers Stairs



Photo Point 2 – Base of Wharf



Photo Point 3 – Head of Wharf



Photo Point – 4 Deck Repair Area

Figure 5: Monitoring Areas



CONSTRUCTION SCHEDULE

PLACE HOLDER