

Drakes Bay Oyster Company

17171 Sir Francis Drake Boulevard

Inverness, CA 94937

(415) 669-1149

kevin@drakesbayoyster.com

nancy@drakesbayoyster.com

April 4, 2011

To: Permitting Agencies

From: Kevin Lunny

Re: Drakes Bay Oyster Farm Emergency Repair Project Description

Before commencement of work, erosion control measures will be put in place. Erosion control will consist of a combination of silt fence and straw wattles.

Setting Tanks:

Remove setting tanks by hand. Expose existing plumbing by hand and cut pipes cleanly. Remove any sediment that accumulated under the tanks when they were dislodged. Put tanks back in place, connect pipelines and backfill. No import or export of materials will be required to complete work.

Work Platform:

Demolish existing wood platform oyster wash system and conveyor with an excavator. All debris will be removed from site, recycled, or disposed of in an approved landfill. Some minor seawater, freshwater and electrical conduits will be necessarily removed with the platform.

Drill 10 - 18" x 8' holes. Install cages (reinforcement) into holes and pour piers up to the grade of the bottom of the 8" x 12" tie beams. Install plumbing. Form outside of slab and face of curb, install all reinforcing steel, pour slab. The 6" perimeter curb will provide additional protection to Drakes Estero. The curb will help manage shell fragments, sediments and tunicate fragments during daily shellstock washing. Currently, the wash water containing these sediments is returned to Drakes Estero. Following placement of the concrete work platform, solid materials will be collected and removed from site. The concrete work platform will also reduce the need for maintenance dredging in the future.

Cast in place piers with tie beams will create the foundation necessary to anchor the floating dock. I beams will protrude from the face of the platform facing the water to serve as the connection to the ramps.

Replacement conveyor and washing system will be placed on work platform once all concrete work is completed.

Ramps:

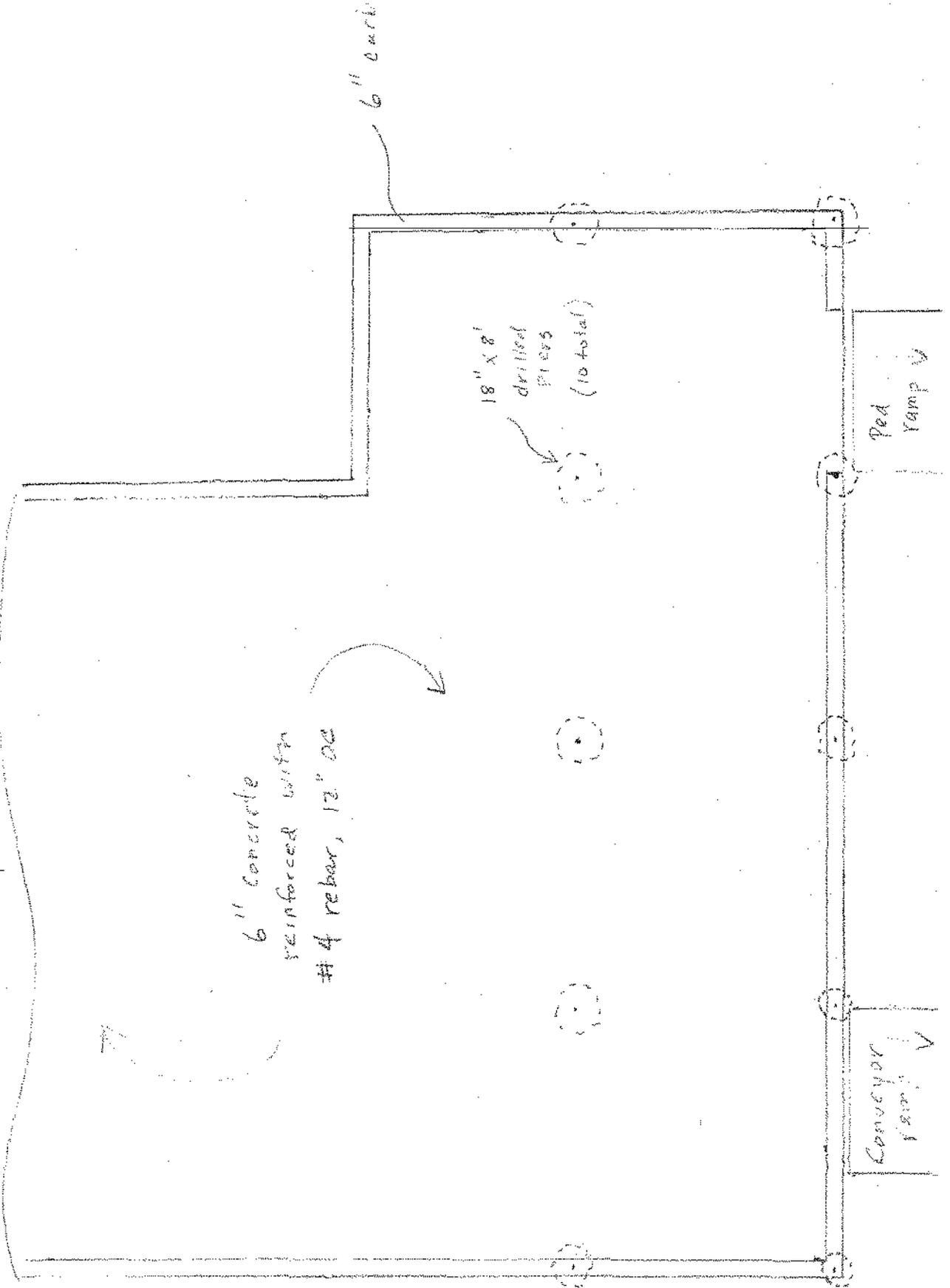
The pedestrian ramp and the conveyor ramp will be constructed with steel frames that will attach to both the work platform and the floating dock. The ramps will serve as the connection to the floating dock so that pilings will not be required. The ramps will be decked with 2" x 6" lumber. Hand rails will be provided on the pedestrian ramp.

Floating Dock:

The 12' x 60' wood framed floating dock will be replaced with a 12' x 32' floating dock. The dock will be framed in wood and decked in wood. Floatation will be provided by Styrofoam blocks attached to the bottom of the dock structure. The floating dock will be attached to the concrete work platform by the pedestrian and conveyor ramps.

1/4" = 1'

Work Platform



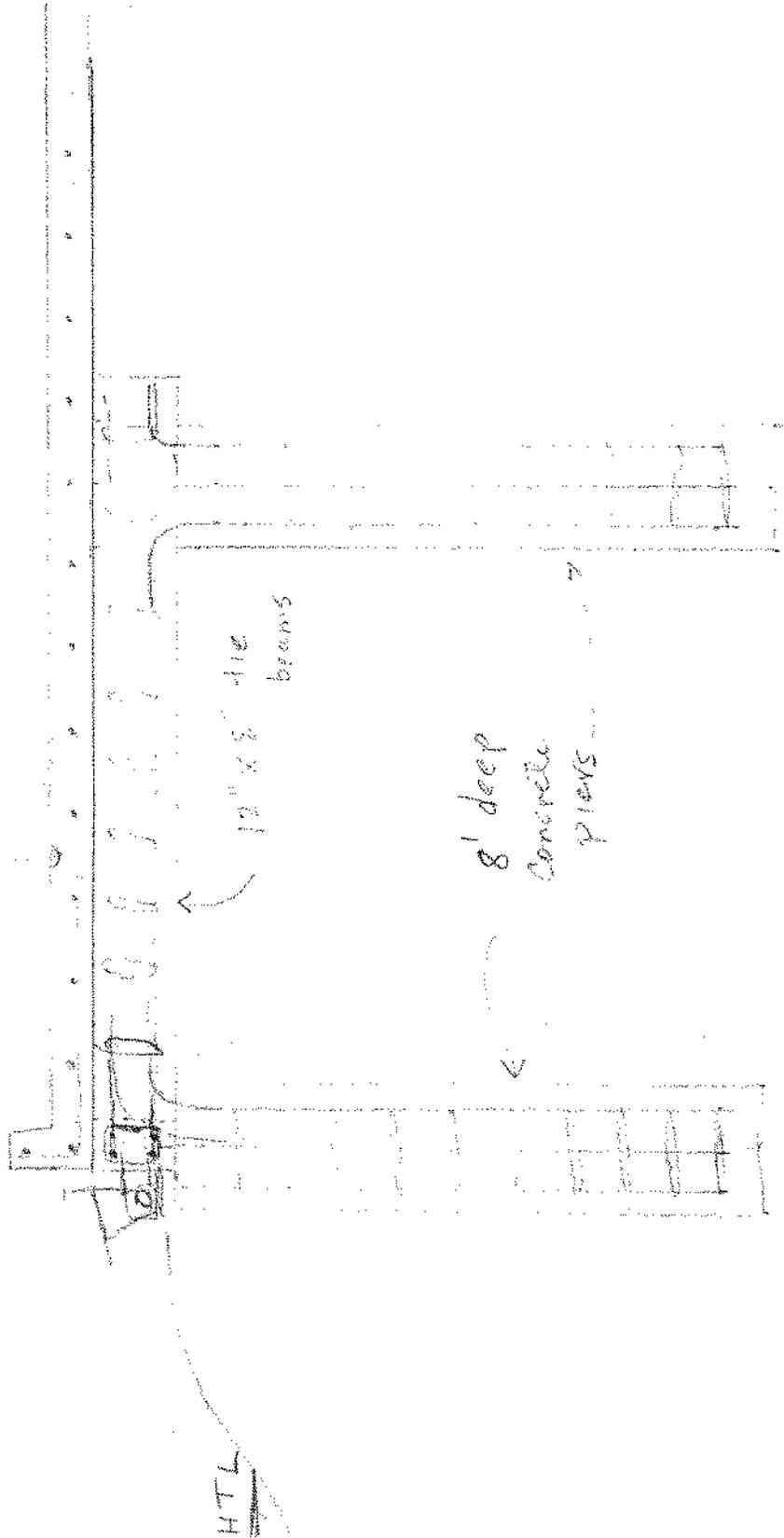
Work Platform Section View

1/2" = 1'

Ramps



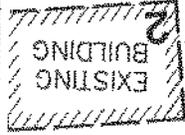
6" slab



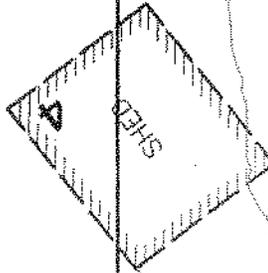
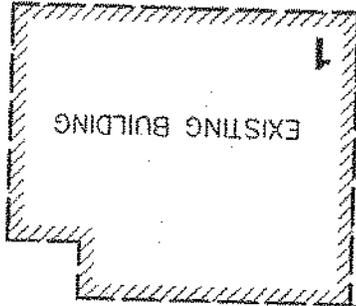
HTL

12" x 2" tie beams

8' deep concrete piers



Drukes Bay Oyster Farm



High Tide Line

S00°49'46"E
(N 209' W) 1.3

238.01

Water Piped Sewer

Conveyor ramp

Pedestrian Ramp

Floating dock

Mean High Water

20'

12'

6'±12'

Drakes Bay Oyster Company

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March 25, 2011

Re: Emergency Repair Permit Applications for Damages Caused by the March 19 & 20, 2011 Wind Storm

To All Permitting Agencies,

High winds, clocked at 92 miles per hour at the Point Reyes Lighthouse, caused significant damages to the Drakes Bay Oyster Company (DBOC) facilities, as described in the attached Point Reyes National Seashore (PRNS) trip report. These damages include displacement of hatchery seed setting tanks, the annihilation of a floating dock, severe harm to an oyster processing work platform, partial destruction of a conveyor system located on the work platform, the fall of both a roof section and the north wall of the stringing shed, and further damage to an unused and dilapidated pier known as the "South Pier". These wind storm losses have eliminated the normal access for oyster farm staff to deliver harvested shellfish to the processing facility. The ability to process oysters on the working platform has also been lost. Additionally, the damage has prohibited the commencement of seed production until the displaced hatchery tanks are put back in place. Debris from the floating dock structure and barges that were attached to the floating dock were blown by the super high winds into the stringing shed, causing structural damage to the shed.

DBOC has consulted with a local, licensed contractor, experienced in marine construction, who has determined the most environmentally-sensitive, cost efficient and expedient solutions. (Please refer to the attached letter from Robert A. Arndt Construction.)

The storm damage repairs can be phased. The first phase will incorporate the repairs and replacement of infrastructure which are immediately required to resume hatchery, processing and harvesting operations. The second phase will include storm damage repairs that are less time sensitive, and may be completed within the next few months. The following describes work required for each phase.

Phase One:

- Setting Tanks: Disconnect plumbing and electrical lines and remove the three setting tanks that were dislodged during the wind storm. Reset tank base pads to remove silt and debris. Repair and replace damaged plumbing, reinstall tanks,

reconnect plumbing and electrical, and backfill around the tanks with excavated material. No imported or exported materials will be required for this process. A total of approximately 3-5 CY of material will be excavated and backfilled.

- Floating Dock: Remove and dispose of final portions of the destroyed 12' x 60' dock. Replace floating dock with dock of similar materials and exact dimensions. The new floating dock will be anchored to the end of the new work platform. Because the new dock will be anchored to the new platform, no new pilings will be necessary to replace pilings lost during the wind storm.
- Work Platform: As the existing wood platform is damaged beyond repair, a total replacement is required. The two replacement options are wood or concrete.
 - A wooden platform requires more excavation, underpinning, labor and costs and necessitates less readily available materials. Additionally, a wooden platform replacement would continue to allow broken shell debris and sediments to pass through open spaces between deck boards.
 - A concrete platform requires far less labor, less costs and would have DBOC fully operational in a much shorter time frame time than the wood alternative. Concrete also allows for the control of broken shell debris and sediments, limiting their entry into the waters of Drakes Estero through sweeping and cleaning. A concrete deck is also far less vulnerable to storm damage in the future.

DBOC cannot afford the additional downtime or the additional costs of wood replacement, therefore, is applying for the concrete platform in its application for emergency repairs. The balance of the wooden platform will be removed and properly disposed of. A 6" reinforced concrete slab will replace the previous wooden platform. The new concrete platform will occupy the same footprint as the former wooden platform. Several drilled and cast-in-place reinforced concrete piers will buttress the new concrete work platform and serve as anchors for the floating dock as well. All concrete work will take place on grade in an area set back from the mean high tide level. During this process, no soil, concrete or cement tailings will enter the waters of Drakes Estero. The existing damaged conveyor and oyster washing system will also be replaced.

Phase Two:

- Stringing Shed: Remove and properly dispose of damaged sections. Replace sections with similar materials in the exact footprint. The stringing shed can continue to be used by DBOC for seed stringing operations while damaged.
- South Pier: Remove and properly dispose of remaining portions of the pier. DBOC does not plan to replace the South Pier.

Lastly, DBOC has one request related to, yet not directly caused by, the wind storm. An important and historical component to consider is that oyster washing and processing on the wooden work platform resulted in significant sedimentation of the area directly adjacent to the work platform and under the floating dock. Until 2005, when DBOC assumed operations, the previous oyster farm operators performed routine maintenance dredging on an annual basis. DBOC has not performed any dredging. Today, approximately 100 cubic yards of shell debris is in need of removal from this location. DBOC, therefore, requests permission to perform this maintenance dredging work which is now timely considering the circumstances: DBOC operations are currently temporarily suspended and the floating dock is absent due to the wind storm. Understanding that this work cannot qualify as an emergency measure, DBOC respectfully requests expedited permission to perform the cyclic maintenance dredging at this time. With the replacement of the wooden platform with a concrete platform, the routine maintenance dredging may no longer be necessary in the future.

Sincerely,

Kevin & Nancy Lunny

ROBERT A. ARNDT CONSTRUCTION

LICENSE NO. 706627

15020 SIR FRANCIS DRAKE BLVD., INVERNESS, CA 94937

PHONE: 415-669-1181 FAX: 415-669-7578

March 23, 2011

Dear Kevin,

On Monday, March 21, 2011, I came out and saw the damage to the wooden deck at Drakes Bay Oyster Farm. The wind damage is obviously quite extensive. You have asked me to provide an estimate to repair the existing pier structure. First of all, I would not describe this structure as a "pier". It is set back from the high water's edge and is entirely on land. A "pier" would suggest that the structure was over water. I do not believe that repairing this wooden deck structure is possible as there is nothing there for me to repair. Because of the wind damage, the loss of much of the structure and the fact that there is nothing for me to tie into, I would recommend removal of the rest of the existing damaged platform and installation of a total replacement. Certainly, any attempt to reconstruct the existing structure would not only cost significantly more than a full replacement, it would also require much more time to obtain the necessary materials and to provide the labor for the more complex and time consuming procedure.

I propose building the replacement deck out of concrete. It will be much more cost effective because you could pour the concrete in place, reinforce it with steel and drill some piers to hold the concrete in place which will be strong enough to hold the floating dock with minimal cost. Due to the fact that this is an emergency repair to get your business up and running, concrete would be a much simpler and expeditious solution. To replace it with wood, I would have to have some type of an engineered foundation, significant excavation, extreme costs of stainless steel brackets or something similar to hold beams to support the deck joists, to support the decking, and the costs and time frame to do this would be substantially greater. If I was to build with wood I think it would take 4-6 weeks to get your business back up and running on the pier. If I was to pour a concrete slab on grade with a thickened edge and piers, I feel I can complete this project in 1-2 weeks. Additionally, Marin County does not require permits for slab on grade where we would have to get permits for a wood structure. Also, in the event of a similar storm in the future, a concrete slab work area would not be damaged. I could not make the same guarantee for a wooden deck.

Sincerely,

Rob

Site Visit Report - Pt. Reyes National Seashore

Location: Drakes Bay Oyster Company, Schooner Bay (Drakes Estero)

Date of Site Visit: Tuesday March 22, 2011

Date of Report: Thursday March 24, 2011

Time at Site: 11:40 to 12:30

Weather: overcast with occasional rain showers; temperature in mid 50s F

Attendees

Drakes Bay Oyster Company: Kevin Lunny (Owner); also, a few employees and family members were present for portions of the 50-minute site visit

Pt. Reyes National Seashore (PORE): Dave Brouillette (Chief of Facilities); David Demko (Park Engineer); David Schifsky (Chief Law Enforcement Ranger); Kevin McKay (Special Park Uses)

California Coastal Commission: Cassidy Teufel (arrived near 12:25)

Attendee note: Two staff members/photographers of the *Pt. Reyes Light* newspaper were present for approximately the first half of the site visit

Background/Purpose

Drakes Bay Oyster Company waterfront property sustained damaged during the storm of March 19-20, 2011. PORE staff visited the Drakes Bay Oyster Company site to document damage. Dimensions given are typically rounded to the nearest foot and were taken by PORE staff. Following is a description of current conditions observed during the site visit.

Observations and Photographs

The following structures and waterfront components of the Drakes Bay Oyster Company property were recorded:

1. Two (2) timber-framed barges: These two barges are ashore adjacent to the damaged stringing shed. The barges (with plywood decks on timber frames) are measured as 8 feet x 30 feet and 8 feet x 17 feet, in plan. See two photos below.

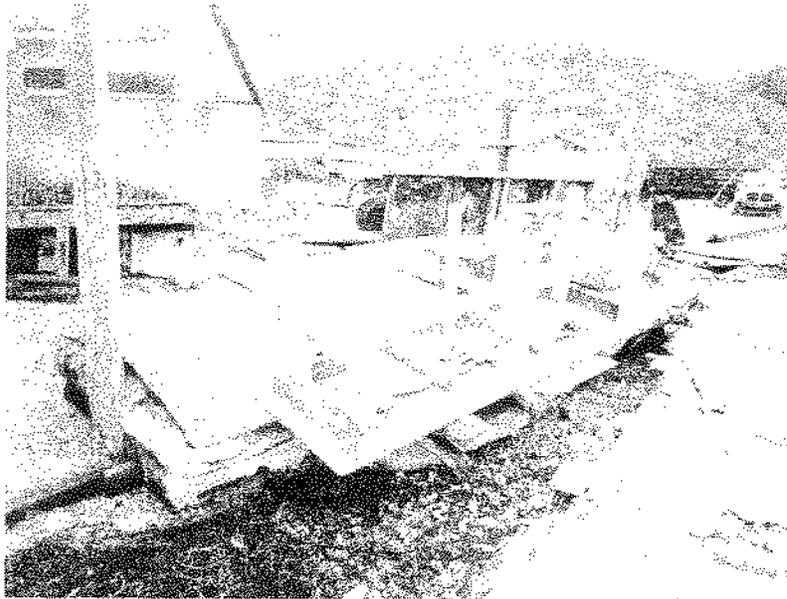


Photo above: 8' x 17' barge, adjacent to stringing shed

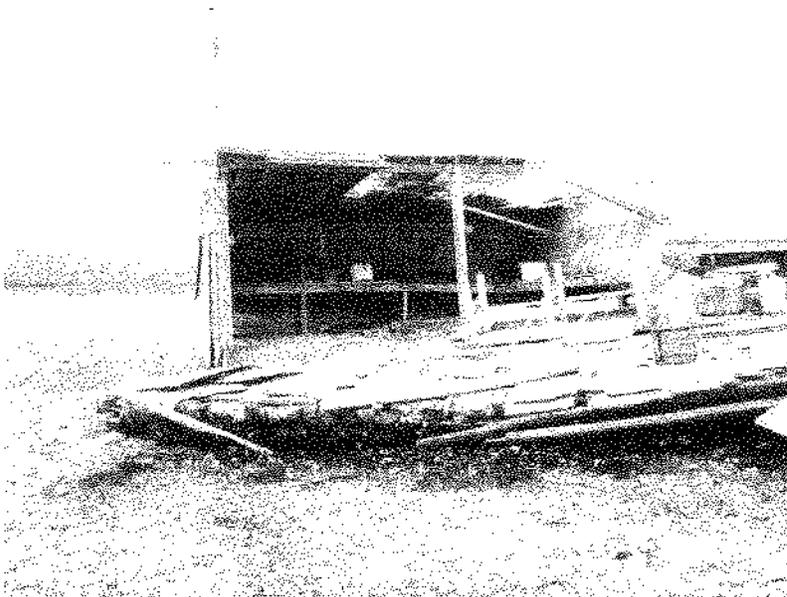


Photo above: portion of the 8' x 30' barge, with stringing shed in background

2. Stringing Shed: This approximate 17 feet x 24 feet structure (with 13 feet x 12 feet appendage) is damaged on its north (30 feet long), east (12 feet long), and return wall (about 13 feet long). See photos below and also previous photos of the barges.



Photo above: northern, damaged side of the stringing shed

3. Main Pier: This 55 feet long x 24 feet wide (with an estimated 8 feet, north-south, x 15 feet, east-west, dog leg) "pier" is a timber structure on-grade and is pile-supported only near high tide line. Portions of the timber-decked structure are uneven and the western end is damaged. Extent of damage cannot be confirmed due to ramps and debris on the pier. This pier is used to access water via two (2) 4-foot wide timber ramps at the west, bay side. Also note the presence of a conveyor belt (supported on steel frames) to aid in the oyster operation. The ramps (with apparent limited damage) are measured as 4 feet x 17.5 feet (pedestrian ramp) and 4 feet x 20 feet (former conveyor ramp, with plywood decking). A seawater pipe (2-inch diameter, Schedule 40 PVC) is also damaged; this piping is under the west side of the pier, partially buried in the sand near the high tide line. See four pier and ramp photos below.

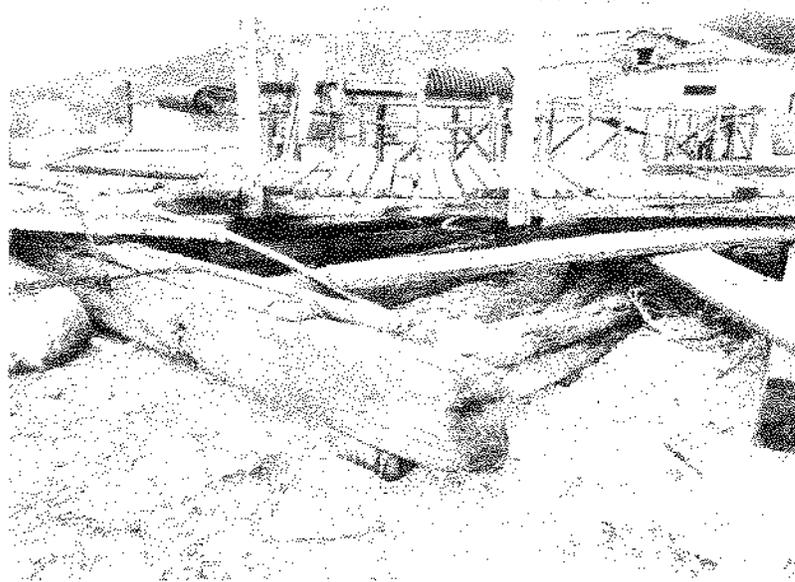


Photo above: southwest side of timber pier, looking northeast with pedestrian ramp atop damaged pier framing

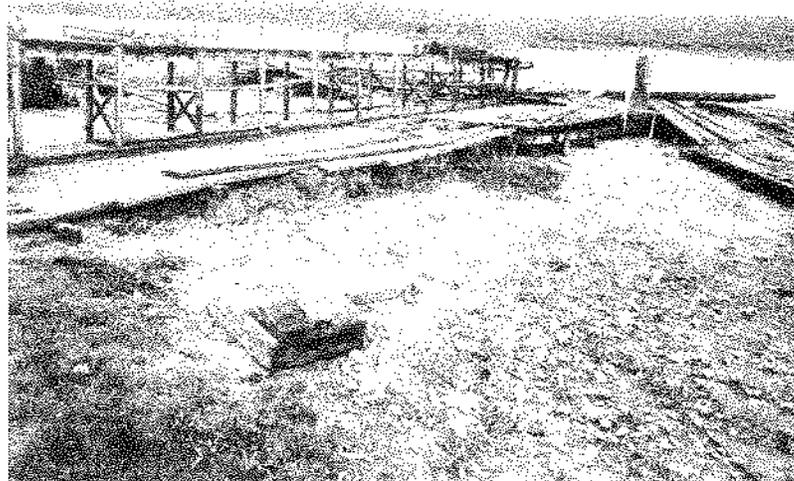


Photo above: north side of timber pier, looking southwest

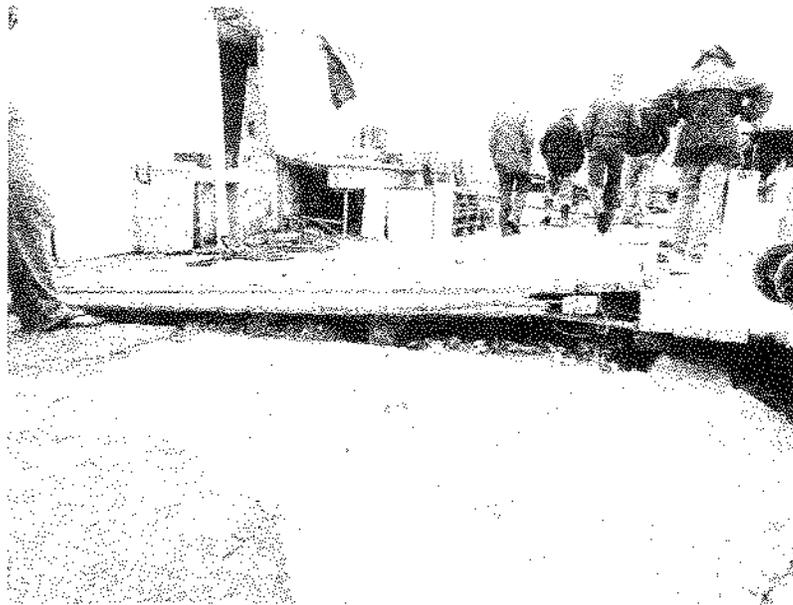


Photo above: east side of timber pier, looking west

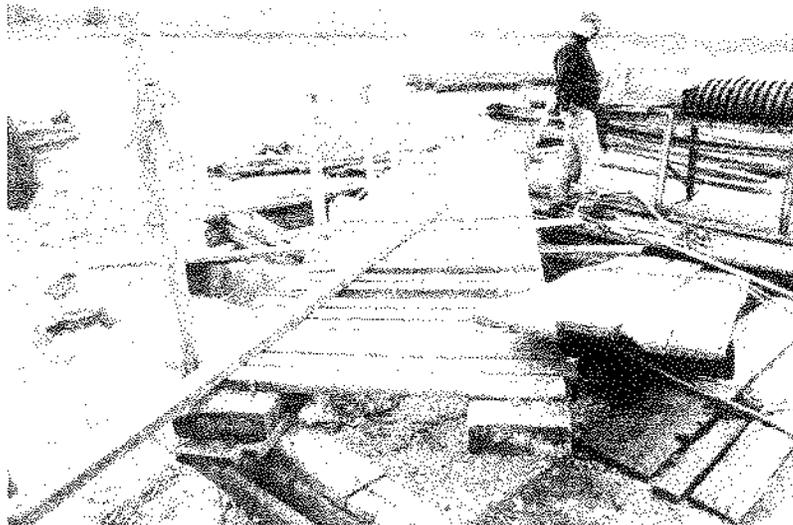


Photo above: timber pedestrian ramp (foreground) atop former conveyor ramp in background, looking northwest

4. Floating dock: There are three (3) or four (4) pieces or sections of timber-framed dock seen. One section is 25-foot long x 12 feet wide. The total length of the dock cannot be confirmed today. There is a small amount of foam flotation attached to the timber frame of the floating dock. It appears that the dock was secured using boating rope tied

to the timber pier and at least one steel pipe driven into the tidal zone. See two photos below for portions of the 12-foot wide dock.

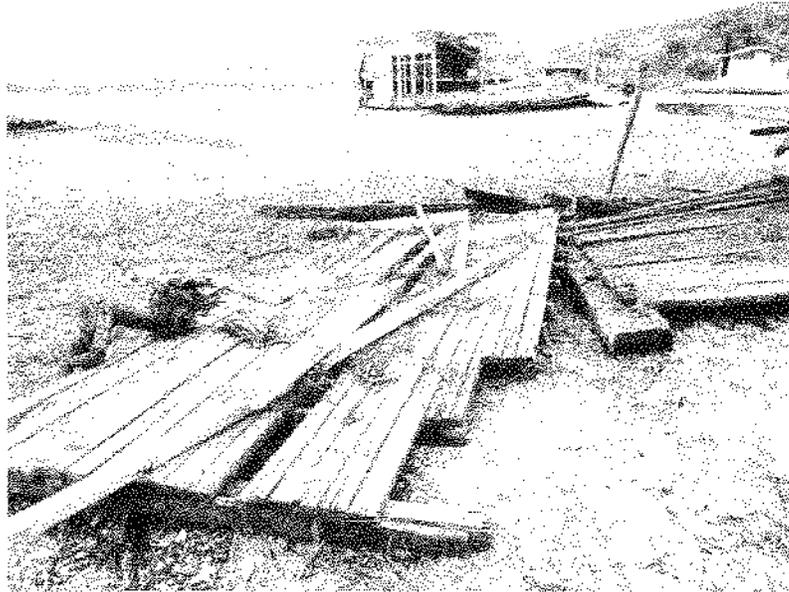


Photo above: Two portions of the floating dock, looking north



Photo above: One portion of the floating dock, looking southwest

5. Fiberglass seed setting tanks: There are five (5) fiberglass, circular tanks on-grade above the high tide line. These tanks appear shifted and rotated ; PVC plumbing and electrical damage can be seen. The grade beneath the tanks is disturbed. There are two (2) 10.5-foot diameter and three (3) 8-foot diameter tanks. See photo below.

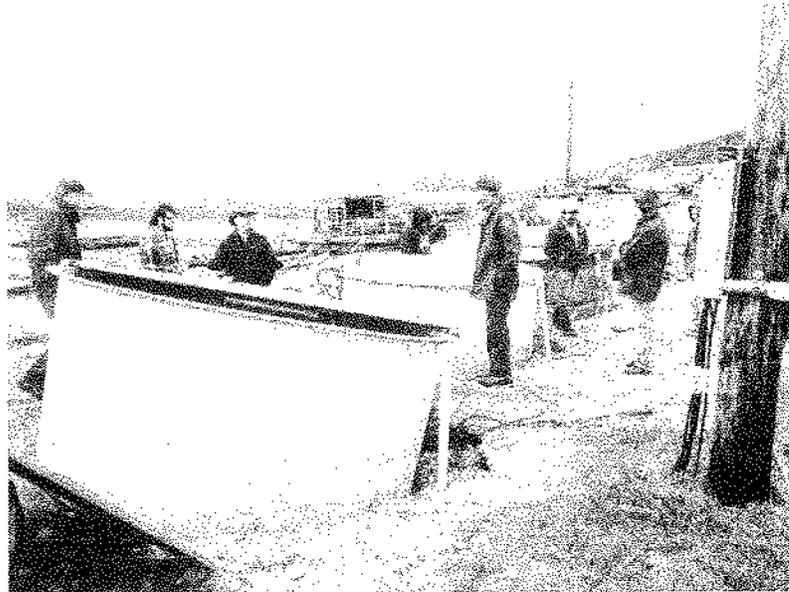


Photo above: Rotated seed setting tanks, looking north

6. Former south pier: A remnant frame remains of a 6 feet (north-south) x 24 feet (east-west) pressure treated (PT) timber structure. The pier is now within the tidal zone. No decking is present. See photo below.

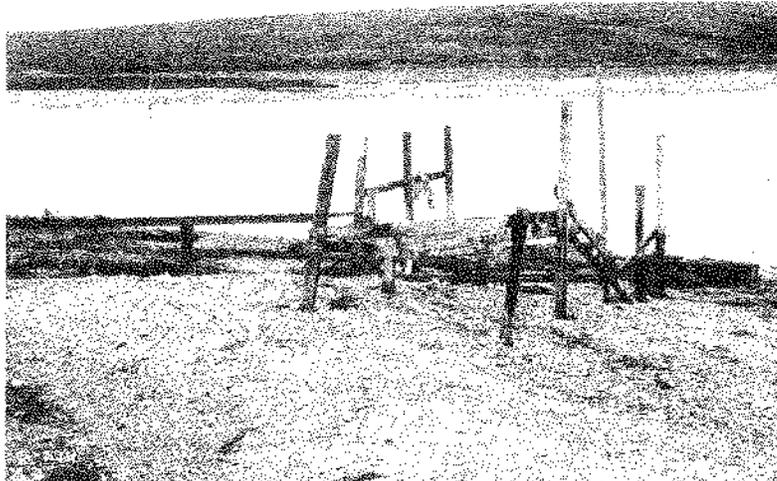
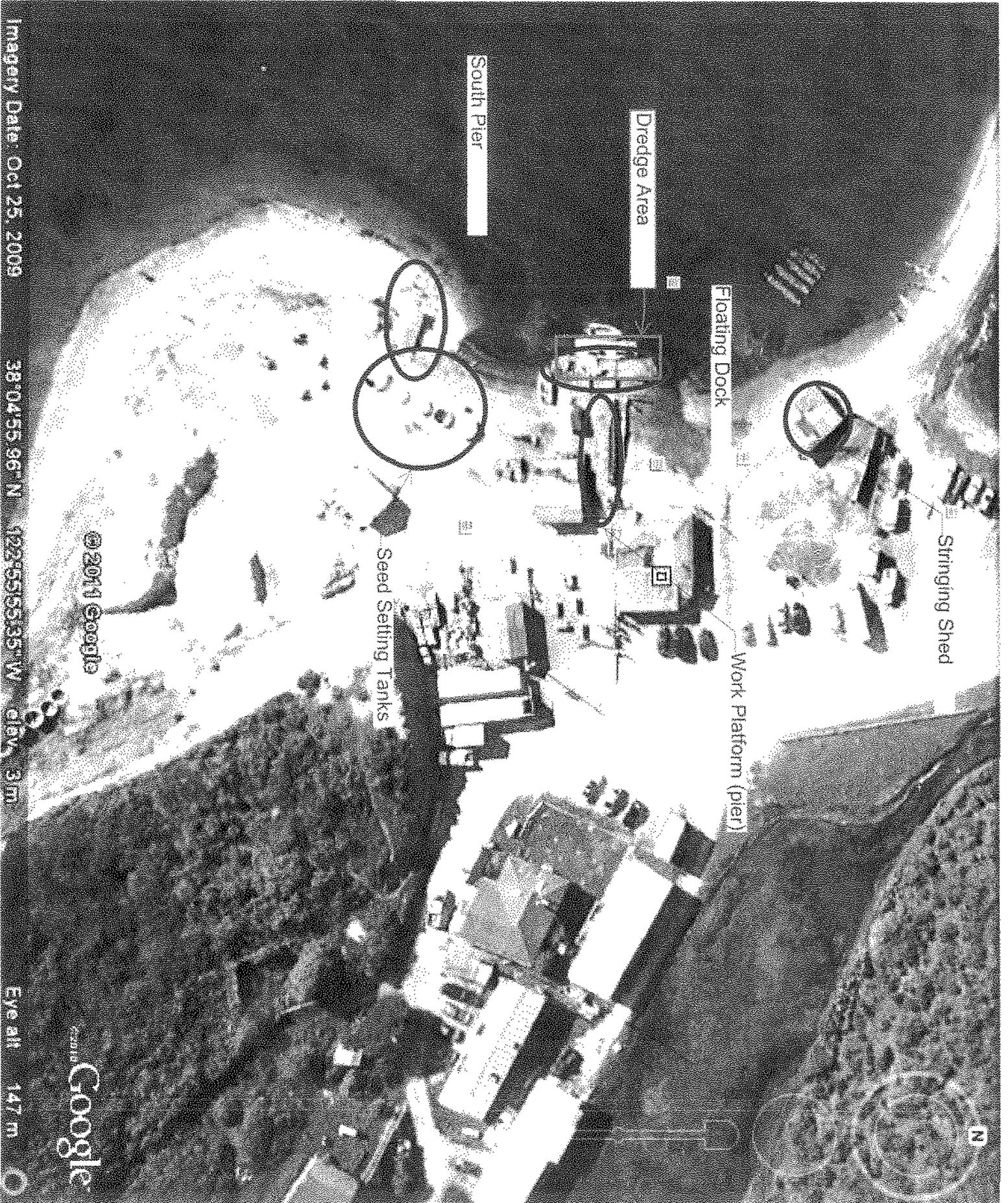


Photo above: Former south pier framing, looking west

This site visit report constitutes the official record of the items observed during my visit to the Drakes Bay Oyster Company. This report was prepared by David Demko of Pt. Reyes National Seashore.

David E. Demko, PE
Park Engineer
Pt. Reyes National Seashore
Tel. (415) 464-5151

END OF DOCUMENT



Imagery Date: Oct 25, 2009

38°04'55.96" N

122°55'55.35" W

elev. 31m

© 2011 Google

Eye alt

147 m

Google

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

SECTION I. APPLICANT

1. Name, mailing address, and telephone number of all applicants.

Drakes Bay Oyster Company
 17171 Sir Francis Drake Blvd.
 Inverness, CA 94937 415-669-1149
(Area code/daytime phone number)

Note: All applicants for the development must complete Appendix A, the declaration of campaign contributions.

2. Name, mailing address and telephone number of applicant's representatives, if any. Please include all representatives who will communicate on behalf of the applicant or the applicant's business partners, for compensation, with the Commission or the staff. (It is the applicant's responsibility to update this list, as appropriate, including after the application is accepted for filing. Failure to provide this information prior to communication with the Commission or staff may result in denial of the permit or criminal penalties.)

Kevin Lunny, President

415-662-9848
(Area code/daytime phone number)

SECTION II. PROPOSED DEVELOPMENT

Please answer all questions. Where questions do not apply to your project (for instance, project height for a land division), indicate **Not Applicable** or **N.A.**

1. **Project Location.** Include street address, city, and/or county. If there is no street address, include other description such as nearest cross streets.

17171 Sir Francis Drake Blvd

 Inverness Marin

Assessor's Parcel Number(s) (obtainable from tax bill or County Assessor):

APN 109-130-17

<p><i>FOR OFFICE USE ONLY</i></p> <p style="text-align: center;">APPLICATION NUMBER</p>	<p>RECEIVED _____</p> <p>FILED _____</p> <p>FEE _____</p> <p>DATE PAID _____</p>
--	--

2. Describe the proposed development in detail. Include secondary improvements such as grading, septic tanks, water wells, roads, driveways, outbuildings, fences, etc. (Attach additional sheets as necessary.)

Repair or replace structures damaged by 92 MPH wind and high tide. Work includes reinstalling 3 10' diameter seed setting tanks, replacement of 1450 square foot wooden work platform located on grade, above mean high tide line, with reinforced concrete slab on grade, replacing conveyor and oyster wash system, replace 12' x 60' floating dock, repair stringing shed roof and walls, maintenance dredging of approximately 100 cubic yards. Maintenance dredging and repairs to the stringing shed are not an emergency. Dredging will be performed by a hydraulic excavator, located on shore, at low tide to remove shell and sediment discharged from shellfish processing operations. Although dredging is not emergency work, it is sensible and will have less impact on ongoing shellfish operations if the work is performed during this temporary shutdown and while there is no floating dock that will obstruct access. All excavated material will be loaded on trucks and hauled out of the coastal zone. See attached documents.

a. If multi-family residential, state:

Number of units			Number of bedrooms per unit (both existing and proposed)	Type of ownership proposed
Existing units	Proposed new units	Net number of units on completion of project		
				<input type="checkbox"/> rental <input type="checkbox"/> condominium <input type="checkbox"/> stock cooperative <input type="checkbox"/> time share <input type="checkbox"/> other _____

b. If land division or lot line adjustment, indicate:

Number of lots			Size of lots to be created (indicate <i>net</i> or <i>gross acreage</i>)	
Existing Lots	Proposed new lots	Net number of lots on completion of project	Existing	Proposed

- 3. Estimated cost of development (not including cost of land) \$ 80,000.00
- 4. Project height: Maximum height of structure (ft.)
 - above existing (natural) grade
 - above finished grade
 - as measured from centerline of frontage road
- 5. Total number of floors in structure, including subterranean floors, lofts, and mezzanines
- 6. Gross floor area excluding parking (sq.ft.).....
 Gross floor area including covered parking and accessory buildings (sq.ft.).....
- 7. Lot area (within property lines) (sq.ft. or acre).....

Lot coverage	Existing (sq.ft. or acre)	New proposed (sq.ft. or acre)	Total (sq.ft. or acre)
Building			
Paved area			
Landscaped area			
Unimproved area			
<i>Grand Total (should equal lot area as shown in #7 above)</i>			

- 8. Is any grading proposed? Yes No

<i>If yes, complete the following.</i>			
a) Amount of cut Maintenance Dredging	100	cu. yds.	d) Maximum height of cut slope ft.
b) Amount of fill		cu. yds.	e) Maximum height of fill slope ft.
c) Amount of export	100	cu. yds.	f) Location of disposal site Nicasio, CA

Grading, drainage, and erosion control plans must be included with this application, if applicable. In certain areas, an engineering geology report must also be included. See page 7, items # 7 and 11.

Please list any geologic or other technical reports of which you are aware that apply to this property:

9. Parking:

Number of parking spaces (indicate whether standard or compact)		
Existing Spaces	Proposed new spaces	Net number of spaces on completion of project

Is any existing parking being removed? Yes No

If yes, how many spaces? _____ size _____

Is tandem parking existing and/or proposed? Yes No

If yes, how many tandem sets? _____ size _____

10 Are utility extensions for the following needed to serve the project? (Please check **yes** or **no**)

- | | | | | |
|--|--|--|--|--|
| a) water | b) gas | c) sewer | d) electric | e) telephone |
| <input type="checkbox"/> Yes |
| <input checked="" type="checkbox"/> No |

Will electric or telephone extensions be above-ground? Yes No

11. Does project include removal of trees or other vegetation? Yes No

If yes, indicate **number, type** and **size** of trees _____

or **type** and **area** of other vegetation _____

SECTION III. ADDITIONAL INFORMATION

The relationship of the development to the applicable items below must be explained fully. Attach additional sheets if necessary.

1. Present use of property.

a. Are there existing structures on the property? Yes No

<i>If yes, describe</i>
This emergency work is to repair or replace existing improvements damaged by extreme Winds. Emergency work will not change the original footprint of the damaged structures.

- b. Will any existing structures be demolished? Yes No
 Will any existing structures be removed? Yes No

If yes to either question, describe the type of development to be demolished or removed, including the relocation site, if applicable.

Existing wooden pier is damaged by the March 19 – 20, 2011 wind storm. Damage is beyond repair. The remaining portion of the wooden pier will be removed in order to construct its Replacement.

2. Is the proposed development to be governed by any Development Agreement?..... Yes No
3. Has any application for development on this site including any subdivision been submitted previously to the California Coastal Zone Conservation Commission or the Coastal Commission? Yes No

If yes, state previous application number(s) 2-06-003

4. a. Is the development between the first public road and the sea (including lagoons, bays, and other bodies of water connected to the sea) Yes No
- b. If yes, is public access to the shoreline and along the coast currently available on the site or near the site? Yes No

If yes, indicate the location and nature of the access, including the distance from the project site, if applicable.

Drakes Bay Oyster Farm is a popular site for roughly 50,000 visitors per year. Visitors have access to the shoreline at the site. The emergency repairs will not change the public access.

- c. Will the project have an effect on public access to and along the shoreline, either directly or indirectly (e.g., removing parking used for access to the beach)? Yes No

If yes, describe the effect

5. Does the development involve diking, filling, draining, dredging or placing structures in open coastal waters, wetlands, estuaries, or lakes? (Please check **yes** or **no**)

a) *diking* b) *filling* c) *dredging* d) *placement of structures*

- | | | | |
|--|--|---|------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Yes |
| <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> No | <input type="checkbox"/> No | <input type="checkbox"/> No |

Amount of material to be **dredged** or **filled** (indicate which) Dredge approx 100 cu. yds

Location of dredged material disposal site Nicasio Rock Quarry, Nicasio, CA

Has a U.S. Army Corps of Engineers' permit been applied for? Yes No

6. Will the development extend onto or adjoin any beach, tidelands, submerged lands or public trust lands? Yes No

For projects on State-owned lands, additional information may be required as set forth in Section IV, paragraph 10.

7. Will the development protect existing lower-cost visitor and recreational facilities? Yes No

Will the development provide public or private recreational opportunities? .. Yes No

<i>If yes, explain.</i>
Making necessary repairs will protect the public's opportunity to visit the farm, purchase Shellfish produced in Drakes Estero and to learn about sustainable seafood, shellfish farming and the history of agriculture within Point Reyes National Seashore – Interpretive services provided by DBOC at no cost to the visiting public.

8. Will the proposed development convert land currently or previously used for agriculture to another use? Yes No

If yes, how many acres will be converted? _____

9. Is the proposed development in or near:

- | | | |
|---|---|--|
| a. Sensitive habitat areas (Biological survey may be required) | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| b. Areas of state or federally listed rare, threatened, or endangered species | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| c. 100-year floodplain (Hydrologic mapping may be required) | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| d. Park or recreation area | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

10. Is the proposed development visible from:

- | | | |
|--|------------------------------|--|
| a. State Highway 1 or other scenic route | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
|--|------------------------------|--|

- b. Park, beach, or recreation area Yes No
- c. Harbor area Yes No
- 11. Does the site contain any: (If yes to any of the following, please explain on an attached sheet.)
 - a. Historic resources Yes No
 - b. Archaeological resources Yes No
 - c. Paleontological resources Yes No

12. Where a stream or spring is to be diverted, provide the following information:

Estimated streamflow or spring yield (gpm) _____

If well is to be used, existing yield (gpm) _____

If water source is on adjacent property, attach Division of Water Rights approval and property owner's approval.

SECTION IV. REQUIRED ATTACHMENTS

The following items must be submitted with this form as part of the application.

1. **Proof of the applicant's legal interest in the property.** A copy of any of the following will be acceptable: current tax bill, recorded deed, lease, easement, or current policy of title insurance. Preliminary title reports will not be accepted for this purpose. Documentation reflecting intent to purchase such as a signed Offer to Purchase along with a receipt of deposit or signed final escrow document is also acceptable, but in such a case, issuance of the permit may be contingent on submission of evidence satisfactory to the Executive Director that the sale has been completed.

The identity of all persons or entities which have an ownership interest in the property superior to that of the applicant must be provided.
2. **Assessor's parcel map(s)** showing the page number, the applicant's property, and all other properties within 100 feet (excluding roads) of the property lines of the project site. (Available from the County Assessor.)
3. Copies of required **local approvals** for the proposed project, including zoning variances, use permits, etc., as noted on Local Agency Review Form, Appendix B. Appendix B must be completed and signed by the local government in whose jurisdiction the project site is located.
4. **Stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and assessor's parcel numbers of same.** The envelopes must be plain (i.e., no return address), and regular business size (9 1/2" x 4 1/8"). Include first class postage on each one. **Metered postage is not acceptable.** Use Appendix C, attached, for the listing of names and addresses. (Alternate notice provisions may be employed at the discretion of the District Director under extraordinary circumstances.)

5. **Stamped, addressed envelopes (no metered postage, please) and a list of names and addresses of all other parties known to the applicant to be interested in the proposed development** (such as persons expressing interest at a local government hearing, etc.).
6. **A vicinity or location map** (copy of Thomas Bros. or other road map or USGS quad map) with the project site clearly marked.
7. Copy(s) of plans drawn to scale, including (as applicable):
 - site plans
 - floor plans
 - building elevations
 - grading, drainage, and erosion control plans
 - landscape plans
 - septic system plans

Trees to be removed must be marked on the site plan. In addition, a reduced site plan, 8 1/2" x 11" in size, must be submitted. Reduced copies of complete project plans will be required for large projects. NOTE: See Instruction page for number of sets of plans required.

8. Where septic systems are proposed, evidence of County approval or Regional Water Quality Control Board approval. Where water wells are proposed, evidence of County review and approval.
9. A copy of any **Draft or Final Negative Declaration, Environmental Impact Report (EIR) or Environmental Impact Statement (EIS)** prepared for the project. If available, comments of all reviewing agencies and responses to comments must be included.
10. **Verification of all other permits, permissions or approvals** applied for or granted by public agencies such as:
 - Department of Fish and Game
 - State Lands Commission
 - Army Corps of Engineers
 - U.S. Coast Guard

For projects such as seawalls located on or near state tidelands or public trust lands, the Coastal Commission must have a written determination from the State Lands Commission whether the project would encroach onto such lands and, if so, whether the State Lands Commission has approved such encroachment.

11. For development on a bluff face, bluff top, or in any area of high geologic risk, a comprehensive, site-specific **geology and soils report** (including maps) prepared in accordance with the Coastal Commission's Interpretive Guidelines. Copies of the guidelines are available from the District Office.

SECTION V. NOTICE TO APPLICANTS

Under certain circumstances, additional material may be required prior to issuance of a coastal development permit. For example, where offers of access or open space dedication are required,

preliminary title reports, land surveys, legal descriptions, subordination agreements, and other outside agreements will be required prior to issuance of the permit.

In addition, the Commission may adopt or amend regulations affecting the issuance of coastal development permits. If you would like notice of such proposals during the pendency of this application, if such proposals are reasonably related to this application, indicate that desire.....

Yes No

SECTION VI. COMMUNICATION WITH COMMISSIONERS

Decisions of the Coastal Commission must be made on the basis of information in the public record available to all commissioners and the public. Permit applicants and interested parties and their representatives may contact individual commissioners to discuss permit matters outside the public hearing (an "ex parte" communication). However, the commissioner must provide a complete description of the communication either in writing prior to the hearing or at the public hearing, to assure that such communication does not jeopardize the fairness of the hearing or potentially result in invalidation of the Commission's decision by a court. Any written material sent to a commissioner should also be sent to the commission's office in San Francisco and the appropriate district office for inclusion in the public record and distribution to other commissioners.

SECTION VII. CERTIFICATION

1. I hereby certify that I, or my authorized representative, have completed and posted or will post the **Notice of Pending Permit** stock card in a conspicuous place on the property within three days of submitting the application to the Commission office.
2. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attached appendices and exhibits is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the Commission.
3. I hereby authorize representatives of the California Coastal Commission to conduct site inspections on my property. Unless arranged otherwise, these site inspections shall take place between the hours of 8:00 A.M. and 5:00 P.M.

[Handwritten Signature]

Signature of Authorized Agent(s) or if no agent, signature of Applicant

NOTE: IF SIGNED ABOVE BY AGENT, APPLICANT MUST SIGN BELOW.

SECTION VIII. AUTHORIZATION OF AGENT

I hereby authorize _____ to act as my representative and to bind me in all matters concerning this application.

Signature of Applicant(s)
(Only the applicant(s) may sign here to authorize an agent)

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

APPENDIX A

DECLARATION OF CAMPAIGN CONTRIBUTIONS

Government Code Section 84308 prohibits any Commissioner from voting on a project if he or she has received campaign contributions in excess of \$250 within the past year from project proponents or opponents, their agents, employees or family, or any person with a financial interest in the project.

In the event of such contributions, a Commissioner must disqualify himself or herself from voting on the project.

Each applicant must declare below whether any such contributions have been made to any of the listed **Commissioners** or **Alternates** (see last page).

CHECK ONE

The applicants, their agents, employees, family and/or any person with a financial interest in the project **have not contributed** over \$250 to any Commissioner(s) or Alternate(s) within the past year.

The applicants, their agents, employees, family, and/or any person with a financial interest in the project **have contributed** over \$250 to the Commissioner(s) or Alternate(s) listed below within the past year.

Commissioner or Alternate _____

Commissioner or Alternate _____

Commissioner or Alternate _____



Signature of Applicant or Authorized Agent

3/25/11

Date

Please type or print your name Kevin Lunny

APPENDIX B

LOCAL AGENCY REVIEW FORM

SECTION A (TO BE COMPLETED BY APPLICANT)

Applicant Drakes Bay Oyster Company

Project Description Emergency repairs and reconstruction due to storm damage

Location 17171 Sir Francis Drake Blvd.

Inverness, CA 94937

Assessor's Parcel Number 109-130-17

SECTION B (TO BE COMPLETED BY LOCAL PLANNING OR BUILDING INSPECTION DEPARTMENT)

Zoning Designation _____ du/ac

General or Community Plan Designation _____ du/ac

Local Discretionary Approvals

Proposed development meets all zoning requirements and needs no local permits other than building permits.

Proposed development needs local discretionary approvals noted below.

Needed *Received*

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Design/Architectural review |
| <input type="checkbox"/> | <input type="checkbox"/> | Variance for _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Rezone from _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Tentative Subdivision/Parcel Map No. _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Grading/Land Development Permit No. _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Planned Residential/Commercial Development Approval |
| <input type="checkbox"/> | <input type="checkbox"/> | Site Plan Review |
| <input type="checkbox"/> | <input type="checkbox"/> | Condominium Conversion Permit |
| <input type="checkbox"/> | <input type="checkbox"/> | Conditional, Special, or Major Use Permit No. _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Other _____ |

CEQA Status

Categorically Exempt Class _____ Item _____

Negative Declaration Granted (Date) _____

Environmental Impact Report Required, Final Report Certified (Date) _____

Other _____

Prepared for the City/County of _____ by _____

Date _____ Title _____

Application No. _____

APPENDIX C

LIST OF PROPERTY OWNERS AND OCCUPANTS WITHIN 100 FEET AND THEIR ADDRESSES
(MAKE ADDITIONAL COPIES OF THIS SHEET AS NECESSARY)

APPENDIX D
(Permit Application)

DECLARATION OF POSTING

Prior to or at the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, notice that an application for the proposed development has been submitted to the Commission. Such notice shall contain a general description of the nature of the proposed development. The Commission furnishes the applicant with a standardized form to be used for such posting. If the applicant fails to post the completed notice form and sign the Declaration of Posting, the Executive Director of the Commission shall refuse to file the application. 14 Cal. Code Regs. Section 13054(d).

Please sign and date this Declaration of Posting form when the site is posted; it serves as proof of posting. It should be returned to our office with the application.

Pursuant to the requirements of California Administrative Code Section 13054(b), I hereby certify that on, 3/25/11 I or my authorized representative posted the **Notice**
(date of posting)

of Pending Permit for application to obtain a coastal development permit for the development of
Drakes Bay Oyster Company
Storm Damage Repairs
(description of development)

Located at 17171 Sir Francis Drake Blvd., Inverness, CA 94937
APN 109-130-17
(address of development or assessor's parcel number)

The public notice was posted at 17171 Sir Francis Drake Blvd., Inverness, CA 94937
(a conspicuous place, easily seen by the public and as close as possible to the site of the proposed development)

(signature)

(date)

NOTE: Your application cannot be processed until this Declaration of Posting is signed and returned to this office.

FOR OFFICE USE ONLY

PERMIT NUMBER..... _____

RECEIVED _____

DECLARATION COMPLETE..... _____

APPENDIX E

FILING FEE SCHEDULE

(EFFECTIVE MARCH 17, 2008)

FEES WILL BE ADJUSTED EACH YEAR ON JULY 1, ACCORDING TO THE CALIFORNIA CONSUMER PRICE INDEX

- Pursuant to Government Code section 6103, public entities are exempt from the fees set forth in this schedule.
- Permits shall not be issued without full payment for all applicable fees. If overpayment of a fee occurs, a refund will be issued. Fees are assessed at the time of application, based on the project as proposed initially. If the size or scope of a proposed development is amended during the application review process, the fee may be changed. If a permit application is withdrawn, a refund will be due only if no significant staff review time has been expended (e.g., the staff report has not yet been prepared). Denial of a permit application by the Commission is not grounds for a refund.
- If different types of development are included on one site under one application, the fee is based on the sum of each fee that would apply if each development were applied for separately, not to exceed \$100,000 for residential development and \$250,000 for all other types of development.
- Fees for after-the-fact (ATF) permit applications shall be five times the regular permit application fee unless the Executive Director reduces the fee to no less than two times the regular permit application fee. The Executive Director may reduce the fee if it is determined that either: (1) the ATF application can be processed by staff without significant additional review time (as compared to the time required for the processing of a regular permit,) or (2) the owner did not undertake the development for which the owner is seeking the ATF permit.
- In addition to the above fees, the Commission may require the applicant to reimburse it for any additional reasonable expenses incurred in its consideration of the permit application, including the costs of providing public notice.
- The Executive Director shall waive the application fee where requested by resolution of the Commission. Fees for green buildings or affordable housing projects may be reduced, pursuant to Section 13055(h) of the Commission's regulations.

**SEE SECTION 13055 OF THE COMMISSION'S REGULATIONS
(CALIFORNIA CODE OF REGULATIONS, TITLE 14)
FOR FULL TEXT OF THE REQUIREMENTS**

I. RESIDENTIAL DEVELOPMENT¹

- De minimis waiver \$ 500
- Administrative permit..... \$ 2,500²

A. Detached residential development

Regular calendar for up to 4 detached, single-family dwelling(s)^{3,4}

- 1,500 square feet or less \$ 3,000/ea
- 1,501 to 5,000 square feet \$ 4,500/ea
- 5,001 to 10,000 square feet \$ 6,000/ea
- 10,001 or more square feet \$ 7,500/ea

Regular calendar for more than 4 detached, single-family dwellings^{3,4}

- 1,500 square feet or less \$ 15,000 or \$1,000/ea⁵
whichever is greater
- 1,501 to 5,000 square feet \$ 22,500 or \$1,500/ea⁵
whichever is greater
- 5,001 to 10,000 square feet \$ 30,000 or \$2,000/ea⁵
whichever is greater
- 10,001 or more square feet \$ 37,500 or \$2,500/ea⁵
whichever is greater

B. Attached residential development

- 2-4 units..... \$ 7,500
- More than 4 units..... \$ 10,000 or \$750/ea⁶
whichever is greater

C. Additions or improvements

If **not** a waiver or an amendment to a previous coastal development permit, the fee is assessed according to the schedule in A. above (i.e., based on the calendar and/or size of the addition, plus the grading fee, if applicable).

If handled as an amendment to a previous coastal development permit, see Amendments (in Section III.F).

¹ Additional fee for grading applies. (See Section III.A of this fee schedule.)
² Additional fee will apply if the project is removed from the Administrative Calendar and rescheduled on the Regular Calendar.
³ "Square footage" includes gross internal floor space of main house and attached garage(s), plus any detached structures (e.g., guest houses, detached bedrooms, in-law units, garages, barns, art studios, tool sheds, and other outbuildings).
⁴ For developments that include residences of different sizes, the fee shall be based upon the average square footage of all the residences.
⁵ Not to exceed \$100,000.
⁶ Not to exceed \$50,000.

II. OFFICE, COMMERCIAL, CONVENTION, INDUSTRIAL (INCLUDING ENERGY FACILITIES), AND OTHER DEVELOPMENT NOT OTHERWISE IDENTIFIED IN THIS SECTION^{7,8,9}

A. Based on Gross Square Footage

1,000 square feet (gross) or less	<input type="checkbox"/>	\$ 5,000
1,001 to 10,000 square feet (gross)	<input type="checkbox"/>	\$ 10,000
10,001 to 25,000 square feet (gross)	<input type="checkbox"/>	\$ 15,000
25,001 to 50,000 square feet (gross)	<input type="checkbox"/>	\$ 20,000
50,001 to 100,000 square feet (gross)	<input type="checkbox"/>	\$ 30,000
100,001 or more square feet (gross)	<input type="checkbox"/>	\$ 50,000

B. Based on Development Cost¹⁰

Development cost up to and including \$100,000	<input type="checkbox"/>	\$ 3,000
\$100,001 to \$500,000	<input type="checkbox"/>	\$ 6,000
\$500,001 to \$2,000,000	<input type="checkbox"/>	\$ 10,000
\$2,000,001 to \$5,000,000	<input type="checkbox"/>	\$ 20,000
\$5,000,001 to \$10,000,000	<input type="checkbox"/>	\$ 25,000
\$10,000,001 to \$25,000,000	<input type="checkbox"/>	\$ 30,000
\$25,000,001 to \$50,000,000	<input type="checkbox"/>	\$ 50,000
\$50,000,001 to \$100,000,000	<input type="checkbox"/>	\$ 100,000
\$100,000,001 or more	<input type="checkbox"/>	\$ 250,000

III. OTHER FEES

A. Grading¹¹

50 cubic yards or less	<input type="checkbox"/>	\$ 0
51 to 100 cubic yards	<input type="checkbox"/>	\$ 500
101 to 1,000 cubic yards	<input type="checkbox"/>	\$ 1,000
1,001 to 10,000 cubic yards	<input type="checkbox"/>	\$ 2,000
10,001 to 100,000 cubic yards	<input type="checkbox"/>	\$ 3,000
100,001 to 200,000 cubic yards	<input type="checkbox"/>	\$ 5,000
200,001 or more cubic yards	<input type="checkbox"/>	\$ 10,000

⁷ The fee shall be based on either the gross square footage or the development cost, whichever is greater.

⁸ Additional fee for grading applies. (See section III.A of this schedule).

⁹ Pursuant to section 13055(a)(5) of the Commission's regulations, this category includes all development not otherwise identified in this section, such as seawalls, docks and water wells.

¹⁰ Development cost includes all expenditures, including the cost for planning, engineering, architectural, and other services, made or to be made for designing the project plus the estimated cost of construction of all aspects of the project both inside and outside the Commission's jurisdiction.

¹¹ The fee for grading is based on the cubic yards of cut, plus the cubic yards of fill.

- B. Lot line adjustment¹²..... \$ 3,000
- C. Subdivision¹³
 - Up to 4 new lots..... \$ 3,000/ea
 - More than 4 new lots..... \$ 12,000 plus \$1,000
for each lot above 4
- D. Administrative permit..... \$ 2,500¹⁴
- E. Emergency permit..... \$ 1,000¹⁵
- F. Amendment
 - Immaterial amendment..... \$ 1,000
 - Material amendment..... \$ _____
[50% of fee applicable to underlying permit if it were submitted today] (calculate fee)
- G. Temporary event which requires a permit pursuant to Public Resources Code section 30610(i)
 - If scheduled on administrative calendar..... \$ 1,000
 - If not scheduled on administrative calendar..... \$ 2,500
- H. Extension¹⁶ and Reconsideration
 - Single-family residence..... \$ 500
 - All other development..... \$ 1,000
- I. Request for continuance
 - 1st request..... No charge
 - Each subsequent request (where Commission approves the continuance)..... \$ 1,000
- J. De minimis or other waivers..... \$ 500
- K. Federal Consistency Certification¹⁷
[The fee is assessed according to sections I, II, and III, above]..... \$ _____
- L. Appeal of a denial of a permit by a local government¹⁸
[The fee is assessed according to sections I, II, and III, above]..... \$ _____

¹² A lot line adjustment is between adjoining parcels where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.

¹³ The fee is charged for each parcel created in addition to the parcels that originally existed.

¹⁴ Additional fee will apply if the project is removed from the Administrative Calendar and rescheduled on the Regular Calendar.

¹⁵ The emergency application fee is credited toward the follow-up permit application fee.

¹⁶ If permit extension is objected to by the Commission and the application is set for a new hearing, then a new application fee is required, based on type of development and/or applicable calendar.

¹⁷ Fees for federal consistency items will be assessed now that the Commission has received approval from NOAA to amend the California Coastal Management Program.

¹⁸ Pursuant to Public Resources Code section 30602 or 30603(a)(5).

- M. Written Permit Exemption \$ 250
- N. Written Boundary Determination..... \$ 250
- O. Coastal Zone Boundary Adjustment..... \$ 5,000

TOTAL SUBMITTED	\$ 1,000.00
------------------------	--------------------

TO BE COMPLETED BY STAFF

<i>SUBMITTED FEE VERIFIED BY:</i>	<i>DATE:</i>
<i>IS SUBMITTED AMOUNT CORRECT?</i>	
<input type="checkbox"/> Yes. Applicant has correctly characterized the development, and payment is appropriate.	<input type="checkbox"/> Applicant did not fill out form, thus staff has marked the form to compute the fee, and applicant has paid fee. <input type="checkbox"/> No. Why? _____ _____
<i>REFUND OR ADDITIONAL FEE REQUIRED? (STATE REASON)</i>	
<input type="checkbox"/> Refund amount (_____)	
<input type="checkbox"/> Additional fee amount (_____)	
REMINDER: RECORD FEE PAYMENT IN PERMIT LOG	
<i>FINAL FEE VERIFIED BY: (TO BE COMPLETED AFTER COMMISSION ACTION)</i>	<i>DATE:</i>

NOTICE OF PENDING PERMIT

A PERMIT APPLICATION FOR DEVELOPMENT ON THIS SITE IS PENDING BEFORE THE CALIFORNIA COASTAL COMMISSION.

PROPOSED DEVELOPMENT:

Development of 100,000 sq. ft. of office space and 100,000 sq. ft. of retail space on the site of the former Drakes Bay Oyster Farm, 17171 Sir Francis Drake Blvd., Inverness, CA 94937.

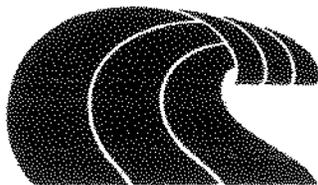
LOCATION: Drakes Bay Oyster Farm, 17171 Sir Francis Drake Blvd., Inverness, CA 94937

APPLICANT: Drakes Bay Oyster Company

APPLICATION NUMBER: _____

DATE NOTICE POSTED: March 25, 2011

FOR FURTHER INFORMATION, PLEASE PHONE OR WRITE THE OFFICE LISTED BELOW BETWEEN 8 A.M. AND 5 P.M., WEEKDAYS.



PRINT ON YELLOW STOCK CARD

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

**PUBLIC RESOURCES CODE
(Coastal Commission Act)**

Section 30610 Developments authorized without permit

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

(a) Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter.

(b) Improvements to any structure other than a single-family residence or a public works facility; provided, however, that the commission shall specify, by regulation, those types of improvements which (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division. Any improvement so specified by the commission shall require a coastal development permit.

(c) Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

(e) Any category of development, or any category of development within a specifically defined geographic area, that the commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where the exclusion precedes certification of the applicable local coastal program, that the exclusion will not impair the ability of local government to prepare a local coastal program.

(f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any

development approved pursuant to this division; provided, however, that the commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

(g) (1) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

(2) As used in this subdivision:

(A) "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

(B) "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(C) "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

(h) Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.

(i) (1) Any proposed development which the executive director finds to be a temporary event which does not have any significant adverse impact upon coastal resources within the meaning of guidelines adopted pursuant to this subdivision by the commission. The commission shall, after public hearing, adopt guidelines to implement this subdivision to assist local governments and persons planning temporary events in complying with this division by specifying the standards which the executive director shall use in determining whether a temporary event is excluded from permit requirements pursuant to this subdivision. The guidelines adopted pursuant to this subdivision shall be exempt from the review of the Office of Administrative Law and from the requirements of Chapter 5.5 (commencing

with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) Exclusion or waiver from the coastal development permit requirements of this division pursuant to this subdivision does not diminish, waive, or otherwise prevent the commission from asserting and exercising its coastal development permit jurisdiction over any temporary event at any time if the commission determines that the exercise of its jurisdiction is necessary to implement the coastal resource protection policies of Chapter 3 (commencing with Section 30200).

(Amended by: Ch. 1075, Stats. 1978; Ch. 919, Stats. 1979; Ch. 43, Stats. 1982; Ch. 1470, Stats. 1982; Ch. 1088, Stats. 1992; Ch. 697, Stats. 2004.)

Kevin Lunny

From: Havel, Curtis [CHavel@co.marin.ca.us]
Sent: Wednesday, March 23, 2011 8:18 AM
To: cicely_muldoon@nps.gov
Cc: Kevin Lunny; Lai, Thomas; Poiani, Deborah
Subject: Drakes Bay Oyster Farm

Dear Ms. Muldoon,

It has come to the attention of the Marin County Community Development Agency Planning Division (Planning Division) that elements of the Drakes Bay Oyster Farm sustained significant damage during the storm of March 19th, 2011. Specifically, the pier and dock were destroyed, and the setting tanks and stringing shed structures were severely damaged. It is the further understanding of the Planning Division that the Drakes Bay Oyster Farm cannot conduct their regular business until repairs are made to these structures.

Please confirm whether the Point Reyes National Seashore will retain its permit authority with respect to the needed repairs (along, potentially, with the California Coastal Commission). Should the you request County review, the Community Development Agency's Planning and Building & Safety Divisions are prepared to issue repair permits to allow the Drakes Bay Oyster Farm to resume their normal operations as soon as possible.

If you have any questions, please feel free to contact me at the number listed below.

Regards,

Curtis Havel
Senior Planner
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903
(415) 507-2755
(415) 499-7880 (fax)

Email Disclaimer: <http://www.co.marin.ca.us/nav/misc/EmailDisclaimer.cfm>

3/25/2011

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT (33 CFR 325)		OMB APPROVAL NO. 0710-003	
Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, Searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.			
PRIVACY ACT STATEMENT			
Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States; the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.			
One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the proposed activity. An application that is not completed in full will be returned.			
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)			
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
(ITEMS BELOW TO BE FILLED BY APPLICANT)			
5. APPLICANT'S NAME Kevin Lunny		8. AUTHORIZED AGENT'S NAME & TITLE (an agent is not required)	
6. APPLICANT'S ADDRESS 17171 Sir Francis Drake Blvd. Inverness, CA 94937		9. AGENT'S ADDRESS	
7. APPLICANT'S PHONE NUMBERS WITH AREA CODE a. Residence 415-662-1208 b. Business 415-669-1149		10. AGENT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business	
11. STATEMENT OF AUTHORIZATION			
I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.			
_____ APPLICANT'S SIGNATURE		_____ DATE	
NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY			
12. PROJECT NAME OR TITLE (see instructions) Drakes Bay Oyster Company Storm Damage Repair			
13. NAME OF WATERBODY, IF KNOWN (if applicable) Drakes Estero		14. PROJECT STREET ADDRESS (if applicable) 17171 Sir Francis Drake Blvd Inverness, CA 94937	
15. LOCATION OF PROJECT Marin COUNTY CA STATE			
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)			
17. DIRECTIONS TO THE SITE 9.5 miles west of Highway One on Sir Francis Drake Boulevard			

18. NATURE OF ACTIVITY (Description of project, include all features)

Repair or replace structures damaged by 82 MPH wind and high tide. Work includes reinstalling 3 10' diameter seed setting lanks, replacement of 1450 square foot wooden work platform located on grade, above mean high tide line, with reinforced concrete slab on grade, replacing conveyor and oyster wash system, replace 12' x 60' floating dock, repair stringing shed roof and walls, maintenance dredging of approximately 100 cubic yards. Maintenance dredging and repairs to the stringing shed are not an emergency. Dredging will be performed by a hydraulic excavator located on shore at low tide in various shall.

19. PROJECT PURPOSE (Describe the reason or purpose of the project, see instructions)

The emergency work is necessary to resume hatchery operations, regain boat access to Drakes Estero for shellfish harvesting, replace shore side infrastructure for shellfish washing and processing, and to resume seed stringing operations.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. REASON(S) FOR DISCHARGE

No discharge

21. TYPE(S) OF MATERIAL BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS

N/A

22. SURFACE AREA IN ACRES OF WETLANDS OR OTHER WATERS FILLED (see instructions)

N/A

23. IS ANY PORTION OF THE WORK ALREADY COMPLETE? YES NO IF YES, DESCRIBE THE WORK

24. ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC. WHOSE PROPERTY ADJOINS THE WATERBODY (if more than can be entered here, please attach a supplemental list)

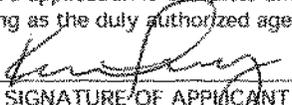
Point Reyes National Seashore, a unit of the National Park Service

25. LIST OF OTHER CERTIFICATIONS OR APPROVALS/DENIALS RECEIVED FROM OTHER FEDERAL, STATE, OR LOCAL AGENCIES FOR WORK DESCRIBED IN THIS APPLICATION

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
NPS	Approval		3/25/11		
CCC	Emergency Permit		3/25/11		

* Would include but is not restricted to zoning, building and flood plain permits.

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.



 SIGNATURE OF APPLICANT

 DATE

 SIGNATURE OF AGENT

 DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**48-HOUR NOTIFICATION FORM FOR TECHNICALLY-CONDITIONED WATER QUALITY
CERTIFICATION REGIONAL GENERAL PERMIT 5 FOR REPAIR AND PROTECTION ACTIVITIES
IN EMERGENCY SITUATIONS (RGP 5)**

Instructions for Attachment C

The prospective permittee must notify the State Water Board and the applicable Regional Water Board at least 48 hours prior to initiating the emergency project, if feasible. Feasibility is to be determined by the State Water Board or the applicable Regional Water Board. This notification must be followed within three (3) business days by submission of all of the information in the 48-hour emergency notification form, provided in **Attachment C**.

The Water Boards recognize there may be situations where imminent threats to life or property occur and the applicant has not received a notice to proceed. If immediate, specific actions, as defined in the California Code of Regulations, Title 14, section 15269(c), are required by an applicant and prior notice to the State Water Board and the applicable Regional Water Board is not possible, then the applicant must contact the State Water Board and the applicable Regional Water Board within one (1) business day of the action. As provided above, this notification must be followed within three (3) business days by submission of all of the information in the 48-hour emergency notification form, provided in **Attachment C**.

Notification may be via telephone, facsimile, e-mail, delivered written notice, or other verifiable means.

- A staff directory that includes contact information for the State and Regional Water Boards is found at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdiracrv.pdf
- For State Water Board, fax to (916) 341-5584 (Atten: DWQ 401 Unit), or leave a message at (916) 341-5506 (Regulatory Office).
- For Regional Water Board map boundaries, see
<http://maps.waterboards.ca.gov/webmap/rwbcounty.htm>

I. Owner of the Land

Name: Point Reyes National Seashore				
Mailing Address: 1 Bear Valley Road				
City: Point Reyes Station	County: Marin	State: CA	Zip: 94956	Phone: 415-464-5111
Contact Person: Kevin McKay				

II. Discharger (if different from owner of the land)

Name: Drakes Bay Oyster Company				
Mailing Address: 17171 Sir Francis Drake Blvd				
City: Inverness	County: Marin	State: CA	Zip: 94937	Phone: 415-668-1149
Contact Person: Kevin Lunny				

Attachment C

III. Site Location

Street (including address, if any): 17171 Sir Francis Drake Blvd., Inverness, CA 94937	
Nearest cross street(s): 3 miles west of Pierce Point Road	
County: Marin	Approximate size of site (acres): yes
Map attached? Yes <input type="checkbox"/> No <input type="checkbox"/>	yes
Photos attached? Yes <input type="checkbox"/> No <input type="checkbox"/>	yes

IV. Discharge Information

Subject	Notes
Name(s) and type(s) of receiving waters: Drakes Estero ocean/estuary/bay	Receiving water types are: river/streambed, lake/reservoir, ocean/estuary/bay, riparian area, wetland Drakes Estero ocean/estuary/bay No discharge anticipated
Project description:	Description of emergency: Repair or replace structures damaged by 92 MPH wind and high tide. The emergency work is necessary to resume hatchery operations, regain boat access to Drakes Estero for shellfish harvesting, replace shore side infrastructure for shellfish washing and processing, and to resume seed stringing operations. Proposed solution to emergency: Work includes reinstalling 3 10' diameter seed setting tanks, replacement of 1450 square foot wooden work platform located on grade, above mean high tide line, with reinforced concrete slab on grade, replacing conveyor and oyster wash system, replace 12' x 60' floating dock, repair stringing shed roof and walls, maintenance dredging of approximately 100 cubic yards. Maintenance dredging and repairs to the stringing shed are not an emergency. Dredging will be performed by a hydraulic excavator, located on shore, at low tide to remove shell and sediment discharged from shellfish processing operations. Although dredging is not emergency work, it is sensible and will have less impact on ongoing shellfish operations if the work is performed during this temporary shutdown and while there is no floating dock that will obstruct access. All excavated material will be loaded on trucks and hauled out of the coastal zone. See attached documents.
Description of how Emergency Definition is satisfied: (i.e., unexpected; potential loss of life or property)	Unexpected storm damage

Attachment C

IV. Discharge Information (cont.)

Exemption Criteria:	Which of these criteria does the project satisfy? (Circle one or more)	<input type="checkbox"/> a. Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with section 8550 of the Government Code. <input type="checkbox"/> b. Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare. <input checked="" type="checkbox"/> c. Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term. <input type="checkbox"/> d. Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This does not apply to highways designated as official State scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide. <input type="checkbox"/> e. Seismic work on highways and bridges pursuant to section 180.2 of the Streets and Highways Code, section 180 et seq.
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Fill and Excavation Discharges: For each water body type listed below indicate in ACRES the area of the estimated discharge to waters of the state, and identify the impact(s) as permanent and/or temporary. For linear discharges to drainage features and shorelines, e.g., bank stabilization, revegetation, and channelization projects, ALSO specify the length of the proposed discharge to waters of the state IN FEET. For dredging activity, indicate total amount of dredged material for the project in cubic yards under permanent impacts.

Water Body Type:	Permanent Impact			Temporary Impact	
	Acres	Linear Feet	Cubic Yards	Acres	Linear Feet
Wetland					
Streambed					
Lake/Reservoir					
Ocean/Estuary/Bay			100		60
Riparian					

V. Certification

<p>"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of these General WDRs will be complied with."</p>	
Signature of Discharger:	Title:
Printed or Typed Name:	Date:

Kevin Lunny President
 Kevin Lunny 3/25/11