



22ND DISTRICT AGRICULTURAL ASSOCIATION
State of California

On behalf of the 22nd District Agricultural Association Board of Directors, I am happy to announce the Board's approval of a proposed agreement to submit to the California Coastal Commission for its consideration at its March meeting. The proposed agreement, if approved by the Coastal Commission, will put an end to a long-standing dispute between our agencies and allow us to work collaboratively on Fairground projects. Our Board has agreed to provide millions of dollars to restore wetlands, protect coastal resources, and promote coastal awareness and education.

Under the proposed agreement, the 22nd DAA will agree to:

- Restore the entire South Overflow Lot to wetlands
- Create 100 foot buffers along the southern edge of the South and East Overflow Lots and Golf Driving Range
- Construct a segment of the Coast to Crest Trail on the northern edge of the South Overflow Lot concurrent with restoration
- Remove rip-rap on the northern shore of the San Dieguito River and restore the underlying area
- After restoration, these re-created wetlands and buffer areas will be protected with conservation easements, which will allow a third party such as the San Dieguito River Park Joint Powers Authority (JPA) to manage the environmentally sensitive area
- Provide \$20,000 per year for five years to assist the JPA with its management of the wetlands and a public access trail
- Provide office space at the Fairgrounds for the San Dieguito River Park JPA Ranger until such time as permanent facilities are developed
- Assume all responsibility for trash pick-up and removal along the Coast to Crest Trail on DAA property

The proposed agreement also includes a significant coastal awareness and education component including:

- Installation of 5 interpretive signs along the buffers and restoration areas to be developed with the input and guidance from the San Dieguito River Park JPA

- Complimentary booth space at San Diego County Fair for the California Coastal Commission's public education program, to use for educational and outreach purposes regarding coastal resources
- Inclusion of a coastal conservation component on the Fairgrounds website, including a link to the California Coastal Commission's public education website
- Addition of a coastal conservation component to the San Diego County Fair's Plant/Grow/Eat program and/or its School tours program to be developed in consultation with the California Coastal Commission's public education program
- Sponsorship of an annual San Dieguito River Park cleanup west of I-5

During the Coastal Development Permit process the 22nd DAA may continue using the East Overflow lots for parking and temporary events year round. The 22nd DAA will agree to use the South Overflow Lot for parking as needed during the Fair and Races only. Additionally the 22nd DAA will begin implementing an aggressive program to encourage alternative modes of transportation to the San Diego County Fair and live horse race meet. If this agreement is approved by the California Coastal Commission in March, the 22nd DAA will begin an ambitious planning process with aggressive timeframes to ensure that these coastal resource enhancements to the Fairground/Racetrack properties are accomplished.

- Within six months, the DAA will submit Restoration Plans for all of its buffer and wetlands work.
- The DAA will apply for coastal development permits for various ongoing activities on the Fairgrounds within six months to one year.

The estimated total cost of these improvements, funded through 2020, is \$4,500,000.00.

We encourage the public to review the agreement and attend the public hearing before the CCC in March and offer comments.



 Adam Day
 President
 22nd District Agricultural Association

Feb. 15, 2012

 Dated

(The agreement follows on the next 28 pages.)

CONSENT CEASE AND DESIST ORDER NO. CCC-12-CD-02
AND RESTORATION ORDER NO. CCC-12-RO-02

1.0. CONSENT CEASE AND DESIST ORDER CCC-12-CD-02

Pursuant to its authority under Public Resources Code (“PRC”) Section 30810, the California Coastal Commission (“Commission”) hereby authorizes and orders the 22nd District Agricultural Association, all its successors, assigns, employees, agents, contractors, and any persons acting in concert with any of the foregoing (hereinafter collectively referred to as “DAA”) to:

- 1.1 Cease and desist from performing any new development, as that term is defined in Coastal Act Section 30106, that requires a permit, on property identified in Section 6.0 below (“Subject Properties”), and from expanding or altering extant development on the Subject Properties, unless authorized pursuant to the Coastal Act, PRC Sections 30000-30900, which includes through these Consent Orders. Nothing herein precludes DAA from applying separately for future development not referenced in these Consent Orders. Furthermore, nothing in these Consent Orders prohibits the DAA from continuing Current Operational Activities (as defined in 3.4.A.2) during the Interim Use Period defined in Section 3.4.A.1 of these Consent Orders, provided that DAA furnishes the Executive Director with the list of contemplated activities per Section 3.4.B of these Consent Orders, and provided that all protective measures set forth in Section 3.4.C of these Consent Orders are implemented as required and that current activities are not expanded. This authorization terminates at the end of the Interim Use Period.
- 1.2 Remove, pursuant to an approved removal plan discussed in Section 4.0 below, and pursuant to the terms and conditions set forth herein, the following from the Subject Properties:

All physical items placed or allowed to come to rest on the Subject Properties as a result of unpermitted development, including billboards and other forms of advertising visible from Interstate-5 on the Golf Driving Range; landform alteration within wetlands related to the operation of an unpermitted truck driving school; and rip rap in the southwestern portion of the subject properties adjacent to the San Dieguito River.

Through the execution of Consent Cease and Desist Order CCC-12-CD-02, below, DAA agrees to comply with its terms and conditions.

2.0 CONSENT RESTORATION ORDER CCC-12-RO-02

Pursuant to its authority under PRC Section 30811, the Commission hereby orders and authorizes DAA to restore the subject properties as described in Section 4.0 below. Through the execution of Consent Restoration Order CCC-12-RO-02, below, DAA agrees to comply with its terms and conditions.

PROVISIONS COMMON TO BOTH ORDERS

CCC-12-CD-02 and CCC-12-RO-02 are herein after collectively referred to as the Consent Orders.

3.0 TERMS AND CONDITIONS

3.1 Least Tern Nesting Sites. On October 13, 2005, DAA obtained Commission approval of CDP amendment 6-84-525-A1, which superceded and replaced Special Condition 1 of CDP 6-84-525. As of the effective date of these Consent Orders, DAA is in compliance with obligations of CDP 6-84-525-A1. To ensure continued compliance with CDP 6-84-525-A1, DAA agrees to continue implementation of the Monitoring Program prepared in accordance with Special Condition 2 of CDP 6-84-525-A1 and to comply with all remaining requirements of CDP 6-84-525-A1.

3.2 Overflow Lots, Surf and Turf, and Golf Driving Range

A. Definitions

1. East Overflow Lot (“EOL”): The unpaved area that has been used recently for parking and as a year-round facility for unpermitted temporary events which occupies property identified by San Diego Assessor’s Parcel Number (“APN”) 299-042-02, the western portion of APN 299-042-01, and a southwestern portion of APN299-030-04, and which is bounded to the west by Jimmy Durante Boulevard, to the South by the San Dieguito River and to the east by the Golf Driving Range and the Surf and Turf property.
2. South Overflow Lot (“SOL”): The unpaved area that has been used recently for parking that occupies parcels known as APNs 299-071-04, 299-201-01, and the southeastern portion of APN 299-030-01, and which is bounded to the south by the San Dieguito River and the north by Jimmy Durante Boulevard.

3. Fair and Races: For the purposes of these Consent Orders, “Fair” is referential to the San Diego County Fair held at the Del Mar Fairgrounds yearly from early June through early July, as determined by the Board of Directors. “Races” refers to the yearly thoroughbred horse racing season events held at the Del Mar Racetrack.
 - a. Fair and Races additionally encompasses the limited scale blading and earth movement historically associated with the preparation for the San Diego County Fair since prior to the Coastal Act.
 4. Surf and Turf: That portion of the Del Mar Fairgrounds which occupies APN 299-042-02 and lies east of Jimmy Durante Boulevard, west of Interstate-5, north of the Golf Driving Range, and south of the Del Mar Hilton parking lot.
 5. Golf Driving Range (“GDR”): The eastern portion of APN 299-042-01, bounded to the west by the EOL, to the north by the Surf and Turf lot, to the east by Interstate-5, and to the south by the San Dieguito River, and which is utilized as a golf driving range and for overflow parking during the Fair and Races.
 6. Fairgrounds: That portion of land bounded by Via De La Valle to the north, Jimmy Durante Boulevard to the east and south, the San Dieguito River to the south, and Stevens Creek to the west.
- B. Within six (6) months of the effective date of the Consent Orders, DAA shall submit, and allow to be processed to Commission hearing under its normal procedures, a complete coastal development permit (“CDP”) application for approval (in some cases after-the-fact) of any of the following development DAA wishes to undertake, retain or continue to perform¹:
1. On the EOL:
 - a. Installation of semi-permeable surfacing;

¹ The parties acknowledge that nothing herein is intended to prejudge the approvability of any of the development listed in this Section, to suggest whether the Commission will approve it, or to constitute pre-approval of it. Additionally, nothing herein precludes DAA from applying separately for future development not referenced in these Consent Orders.

- b. Conducting of temporary events that do not trigger the need for parking on the SOL, along with a proposal that any temporary events with tents or other structures that exceed fifty (50) feet in height shall be located in the northern portion of the EOL in a manner that maintains views of the river corridor and that any signage for a temporary event shall be integrated within the event structures and shall not intrude into the viewshed of the river valley; and
 - c. Year-round parking and intermittent truck storage.
 2. On the GDR and Surf and Turf Lot:
 - a. Installation of sod, grass-crete or other permeable surfacing that is designed to infiltrate all run-off onsite;
 - b. Year-round parking
 - c. Intermittent truck storage with the clarification that no banners, billboards or other signs, whether on trucks or other equipment, shall be placed so as to be visible to I-5 traffic, and trucks with a logo, brand name or other similar type of information can be parked for storage purposes but shall not be placed for purposes of advertising to I-5 traffic (e.g. parking a truck with a large logo away from other trucks and facing I-5 shall be considered placed for advertising purposes);
 - d. An ADA-accessible restroom facility;
 - e. A swimming pool (constructed in the early 1980s);
 - f. A previously permitted (permit expired) 13,500 square foot fabric tent for volleyball activities; and
 - g. Placement of banners/signs for Fair and Races.
 3. On the SOL:
 - a. Construction of a vehicular route, concurrent with the restoration of the SOL pursuant to the Restoration Plan described in Section 3.2.H, with semi-permeable or

permeable surfacing from the EOL to the SOL existing driveway located as close to Jimmy Durante Blvd. as allowable under local road design standards and no wider than twenty (20) feet; and a surfaced driveway just north of the bridge over the San Dieguito River and a surfaced one-lane road from the proposed driveway to the existing driveway, located as close to Jimmy Durante Blvd. as allowable under local road design standards for a bus lane and drop-off point.

C. In addition to all information and requirements of the Commission's permit application form, DAA shall include the following documents, information, and proposals as part of the CDP application:

1. Wetland delineation, completed pursuant to Coastal Commission protocol, of the Subject Properties submitted for review and approval of the Executive Director.
2. Scaled site plan showing areas to be used for temporary events DAA applies to continue undertaking, with a description of the typical types of structures, including dimensions thereof, and uses for which authorization is being sought, event and trail parking, ingress/egress, bus lane, truck storage and the one hundred (100) foot wetland buffer areas described below in Section 3.2.F.
3. A plan to allow parking for trail users, outside of the time of the Fair and Races, in the bus lane of the SOL
4. A plan to phase out use of the SOL for parking and to grade it to wetland appropriate elevations consistent with Section 3.2.H below²
5. A plan to use the SOL for parking during this phase-out period only for the Fair and Races, and even then only if needed.
6. Transportation demand management plan that includes incentives to reduce vehicle miles traveled to and from the Del Mar Fairgrounds and encourages non-automobile circulation, addresses off-site parking and shuttle programs, and includes transportation demand measures such as

² Parking cessation will necessarily precede restoration; however both must be achieved to effectuate the complete restoration of the SOL as mandated by Section 3.2.H below.

bicycle facilities, employee transit subsidies, discounted carpool parking, etc.

7. Provision of twenty (20) parking spaces outside of when the Fair and Races occur for Coast to Crest Trail ("Trail") users when and if a Trail is constructed.
 8. Grading and drainage plan to the extent applicable, for EOL, GDR, driveways and bus lane, identifying materials and method of installation of semi-permeable or permeable surfacing and other Best Management Practices for drainage and runoff control; and
 9. List of typical temporary events scheduled for the Interim Use Period within the EOL that DAA applies to continue undertaking, with a description of the "typical" types of structures and uses for which authorization is being sought; and
 10. Parking management plan for events and Trail users showing how SOL will be used only during the Fair and Races, and then only if needed, and access to the trail parking will be available free of charge at all times, except during Fair and Races.
- D. The CDP application discussed in Sections 3.2.B & C shall only be for the development identified therein. However, nothing in these Consent Orders precludes DAA from separately seeking authorization from the Commission for other development. If DAA seeks a permit for other development not identified in these Consent Orders, it shall apply to the Commission for such development in a separate application.
- E. The parties agree that normal permitting procedures pursuant to the Coastal Act and the Commission's regulations, including Section 13166, apply to and will govern these procedures.
- F. Within six (6) months of the effective date of these Consent Orders, DAA shall submit, for the review and approval of the Commission's Executive Director, a plan for removal of materials from, and restoration of, a one hundred (100) foot wide buffer along the southern edge of the EOL, GDR, and SOL, measured from the river bank or upland edge of the riparian or wetland vegetation, whichever extends farther from the centerline of the river, and around the wetlands to be restored by the DAA pursuant to Army Corps of Engineers direction, but only extending up to Jimmy Durante Boulevard (the "Buffer Restoration Plan").

1. Removal and restoration shall not apply to the areas of the buffer directly occupied by the Trail.
 - a. In such instances the buffer shall extend the requisite one hundred (100) foot breadth inclusive of the as-permitted Trail.
2. Removal and restoration requirements of the Buffer Restoration Plan shall not apply to the existing pedestrian ramp and walkway located at the northern section of the SOL connecting to the crosswalk on Jimmy Durante Blvd., and which provides the primary pedestrian access between the SOL and the Fairgrounds until the requirements of Section 3.2.H apply. At that time, DAA shall remove the pedestrian ramp and restore the underlying area concurrently with the SOL Restoration Plan pursuant to the requirements of Section 3.2.H.
3. If the wetland delineation required by these Consent Orders demonstrates that restoration of the 100 foot buffer described in this section would prevent vehicular movement between the EOL and SOL, then DAA shall restore the buffer at the access point between the EOL and SOL (as depicted in Attachment 1) to the extent feasible while maintaining access between the lots, pursuant to the requirements of this section and Section 4.0. If the 100 foot buffer cannot be fully restored at the southern edge of the access point while maintaining access between the EOL and SOL as described herein, the parties agree that the DAA shall conform the buffer to the 100 foot standard upon completion of the SOL Restoration Plan pursuant to the requirements of Section 3.2.H. Nothing in this section shall limit DAA's ability to perform the development discussed in Section 3.2.B.3.a of these Consent Orders, if authorized by the Commission and undertaken concurrently with the implementation of the SOL Restoration Plan.
4. Removal of materials from, and restoration of, the one hundred (100) foot wide buffer along the southern edge of the EOL, GDR, and SOL shall be undertaken pursuant to an approved Restoration Plan consistent with the provisions of Section 4.0.
5. The Buffer Restoration Plan shall include authorization to allow future development within the buffer by an easement holder if approved in a subsequent coastal development permit by the easement holder and limited to public access and recreational improvements.

- G. Within one (1) year of the effective date of these Consent Orders, DAA shall record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to the San Dieguito River Park Joint Powers Authority (“JPA”) or other public agency or private association approved by the Executive Director an open space and conservation easement(s) over buffer areas associated with the EOL, SOL, and GDR, as described in Section 3.2.F. The easement(s) shall prohibit development, as defined in PRC Section 30106, except for development authorized pursuant to the Coastal Act necessary for resource management, restoration, and public access projects. The offer to dedicate (“OTD”) shall include a graphic depiction and narrative legal descriptions of the parcels on which the easements are to be located and the easement areas. The offer shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of twenty-one (21) years, such period running from the date of recording.
- H. Within (six) 6 months of the effective date of these Consent Orders, DAA shall submit, for the review and approval of the Commission’s Executive Director, a Removal, Restoration, Revegetation, and Monitoring Plan (“SOL Restoration Plan”) for the restoration of the SOL to a fully tidal saltmarsh within thirty (30) months of Commission approval of a CDP for development or use on the EOL. DAA suggests that Coastal Commission support/approval of a temporary or permanent rail platform may allow the required restoration to occur earlier than identified above. This SOL Restoration Plan shall be harmonious with the San Dieguito Restoration Plan detailed in CDP 6-04-088, and shall be prepared in accordance with Section 4.0 below, except as specifically exempted.
1. If the permit application discussed in 3.2.B is approved, within thirty (30) days of commencement of the SOL Restoration Plan and Monitoring Program, DAA shall record a document, in a form and content acceptable to the Executive Director, amending the offer to dedicate an easement (if not yet accepted) or the easement (if it has been accepted), described in Section 3.2.G above, to record an open space and conservation easement over all portions of the SOL held by the DAA. The easement shall preclude all development, as defined in PRC Section 30106, except for development, authorized pursuant to the Coastal Act,

necessary for resource management, restoration, and public access projects.

- a. The offer to dedicate (“OTD”) shall include a graphic depiction and narrative legal descriptions of the parcel(s) on which the easement is to be located and the easement area. The offer shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of twenty-one (21) years, such period running from the date of recording.
- I. If the Commission approves the CDP application identified in Section 3.2.B of these Consent Orders, DAA shall undertake all of the development authorized by that permit and identified in Section 3.2.C of these Consent Orders no later than two (2) years from approval and comply with all terms, conditions, and deadlines of the approved CDP.
 1. Development authorized by Section 3.2.B.3.a of these Consent Orders shall be excepted from this requirement; DAA shall undertake development pursuant to Section 3.2.B.3.a concurrently with the SOL Restoration Plan.

3.3 Fairgrounds

- A. Within six (6) months of the effective date of these Consent Orders, DAA shall submit a complete Restoration Plan (the “Rip-Rap Restoration Plan”) in accordance with Section 4.0 of these Consent Orders for the following development:
 1. Removal of rip rap placed on the northern shore of the San Dieguito River east of the Railroad and west of the Jimmy Durante Bridge³; and
 2. Restoration of the area impacted by the unpermitted rip rap.

B. Comprehensive Permit:

Within twelve (12) months of the effective date of these Consent Orders, DAA shall submit, and allow to be processed to Commission

³ Removal of rip rap may precede submittal of the Restoration Plan.

hearing under its normal procedures, a complete coastal development permit application for permanent authorization of typical short-term events to be held within the Fairgrounds that DAA wishes to retain or continue to perform and for which CCC staff has determined, after consultation with DAA, a permit to be necessary.⁴ This comprehensive permitting requirement excludes the Fair and Races as defined in Section 3.2.A.3 of these Consent Orders.

1. Prior to the submittal of the permit application as required by this Section, DAA shall consult with San Diego Coastal Commission permitting staff to determine the scope of events, undertakings, and structures that will require a permit and therefore must be included in the aforementioned application, based on the nature and location of each event etc.
2. In addition to all information and requirements of the Commission's permit application form, DAA shall include the following documents and information as part of the permit application:
 - a. A description of the typical short-term events to be conducted including the timing and duration of each;
 - b. A scaled map of the Fairgrounds depicting the location of the events described in 3.3.B.2.a within the Fairgrounds including, but not limited to an analysis of measures to avoid sensitive habitat areas and to minimize impacts to species that use such habitat; and
 - c. A description of the measures to accommodate and mitigate for the increased parking and traffic demands resultant from the temporary events described in 3.3.B.2.a above.

3.4 Interim Use

A. Definitions

1. Interim Use Period: The period of time from the effective date of these Consent Orders until the Commission takes final action on the abovementioned CDPs described in Sections 3.2.B and 3.3.B, or twenty-one (21) months for the Fairgrounds and fifteen (15) months for the remainder of the Subject Properties, whichever is less.

⁴ The parties acknowledge that nothing herein is intended to constitute pre-approval of any of the below-mentioned development.

2. **Current Operational Activities:** Those ongoing and planned events and corresponding development, as itemized pursuant to Section 3.4.B of these Consent Orders, which do not expand current operations and which conform to the resource protection measures set forth in Section 3.4.C below.
- B. Within forty-five (45) days of the effective date of these Consent Orders, DAA shall submit, for review by the Commission's Executive Director, a list of all planned activities and events to be undertaken on the Subject Properties during the Interim Use Period.
1. Any activities not captured by the above mentioned list shall be submitted for the review and approval of the Commission's Executive Director at least thirty (30) days in advance of the planned event.
- C. During the Interim Use Period, the DAA shall take steps to minimize impacts to coastal resources, including implementing the following measures to minimize potential resource impacts to water quality, environmentally sensitive habitat, coastal views, and biological productivity.
1. **Coastal Views:** For the purposes of these Consents Orders, to abate impacts of temporary events on coastal views, no temporary structures greater than twenty-five (25) feet tall, installed for activities and events itemized pursuant to Section 3.4.B of these Orders, shall be located on the EOL south of the Crosby Gate entrance to the Fairgrounds from Jimmy Durante Blvd.
 2. **Water Quality:** To prevent the degradation of water quality in the San Dieguito River, within forty-five (45) days of the effective date of these Orders, DAA shall submit for the review and approval of the Commission's Executive Director a plan depicting erosion control measures and water quality BMPs to be employed on the Fairgrounds, EOL and SOL. This plan shall detail types and locations of each measure.
 - a. DAA shall implement approved erosion control measures and BMPs within fifteen (15) days of approval by the Commission's Executive Director.
 - b. Should approvable plans fail to be submitted pursuant this Section within forty-five (45) days, DAA shall

implement erosion control measures and BMPs at the direction of Commission staff biologists.

3. **Environmentally Sensitive Habitat:** To ensure protection of biological productivity and environmentally sensitive habitat within and along the San Dieguito River and Stevens Creek, within thirty (30) days of the effective date of these Consent Orders, DAA shall demarcate a buffer of varying width , averaging twenty-five (25) feet, from the riparian vegetation of Stevens Creek from Point C to Point B (see Attachment 2) and along the San Dieguito River west of Jimmy Durante Boulevard, and a one hundred (100) foot wide buffer from wetlands and/or the San Dieguito River east of Jimmy Durante Boulevard. No development shall be placed nor events held within the buffer.

All temporary lighting installed on the EOL, SOL, and within twenty-five (25) feet of the riparian vegetation associated with Stevens Creek, shall be shielded at time of installation to prevent spillover impacts to biota.

Within forty-five (45) days of the effective date of these Consent Orders, DAA shall submit a sound control plan for the review and approval of the Commission's Executive Director, to minimize adverse impacts on biological resources within and adjacent to the Subject Properties.

- a. DAA shall implement the approved sound control plan within fifteen (15) days of approval by the Commission's Executive Director.
- b. Should approvable plans fail to be submitted pursuant this Section within forty-five (45) days, DAA shall implement sound control measures at the direction of a Commission staff.

3.5 Horsepark

On March 22, 2005, the Commission granted DAA CDP 6-04-29 for the after-the-fact authorization of unpermitted development, and DAA fulfilled the prior-to-issuance conditions such that the permit was issued on February 16, 2007. As of the effective date of these Consent Orders, DAA is in compliance with its obligations under CDP 6-04-29. Therefore, to ensure the continued compliance with CDP 6-04-29, DAA agrees to continue its compliance with the terms and conditions of CDP 6-04-29,

including the completion of the wetland buffer establishment/enhancement plan.

3.6 Mitigation

- A. DAA shall include the alignment of the Trail, from its terminus at the existing Boardwalk through the northern portion of the SOL, in the CDP application identified in Section 3.2.B of these Consent Orders. DAA will be responsible for construction of the trail, which shall be completed within thirty (30) days of completion of revegetation of the SOL pursuant to Section 4.4 of these Consent Orders. Within thirty (30) days of the completion of the Trail, DAA shall submit a document to California Department of General Services (DGS), in a form and content acceptable to the Commission's Executive Director, irrevocably offering to dedicate to the San Dieguito River Park Joint Powers Authority ("JPA") or other public agency or private association approved by the Executive Director, an easement over the Trail in compliance with the requirements, excluding the timing provision, imposed for the OTD discussed in Section 3.2.G above. Within thirty (30) days of approval of the document by DGS, DAA shall record said offer to dedicate. If DGS rejects the offer to dedicate, DAA shall work with DGS and the Commission's Executive Director to develop terms of an offer to dedicate that is acceptable to both agencies, and shall record the offer to dedicate within thirty (30) days of approval. The conservation easement granted would only allow the easement holder to undertake resource management, restoration, and public access projects authorized pursuant to the Coastal Act, and which are consistent with and necessary for the purposes enumerated in the easement.
- B. Within thirty (30) days of the effective date of these Consent Orders, DAA shall submit a document to DGS, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to the San Dieguito River Park Joint Powers Authority ("JPA") or other public agency or private association approved by the Executive Director, an easement over a varying width buffer area, in compliance with the requirements, excluding the timing provision, imposed for the OTD discussed in Section 3.2.G above. Within thirty (30) days of approval of the document by DGS, DAA shall record said offer to dedicate. If DGS rejects the offer to dedicate, DAA shall work with DGS and the Commission's Executive Director to develop terms of an offer to dedicate that is acceptable to both agencies, and shall record the offer to dedicate within thirty (30) days of approval. The offer to dedicate an easement shall be for a varying width buffer area averaging thirty (30) feet, on the southern side of the property running

from the Jimmy Durante Bridge (refer to Point A in Attachment 2) west to the end of the property (Point B). The conservation easement granted would only allow the easement holder to undertake resource management, restoration, and public access projects authorized pursuant to the Coastal Act, and which are consistent with and necessary for the purposes enumerated in the easement.

1. As the exhibit halls on the Subject Properties are redeveloped and facilities reworked, the parties agree that the buffer in this area shall be conformed to the one hundred (100) foot standard.
- C. Within thirty (30) days of the effective date of these Consent Orders, DAA shall submit a document to DGS, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to the San Dieguito River Park Joint Powers Authority (“JPA”) or other public agency or private association approved by the Executive Director an easement for a varying width buffer, from 8-feet to 25-feet, area on the western edge of the property running from the end of the area described in 3.6.B (refer to Point B in Attachment 2) to Point C, in compliance with the requirements, excluding the timing provision, imposed for the OTD discussed in Section 3.2.G above. Within thirty (30) days of approval of the document by DGS, DAA shall record said offer to dedicate. If DGS rejects the offer to dedicate, DAA shall work with DGS and the Commission’s Executive Director to develop terms of an offer to dedicate that is acceptable to both agencies, and shall record the offer to dedicate within thirty (30) days of approval. The conservation easement granted will total 35,000 sq feet and would only allow the easement holder to undertake resource management, restoration, public access projects authorized pursuant to the Coastal Act, and which are consistent with and necessary for the purposes enumerated in the easement.
- D. DAA shall include a plan to install five (5) interpretive signs along buffer areas and/or restoration areas on the Subject Properties in the CDP application identified in Section 3.2.B of these Consent Orders.
- E. To help address the funding shortfall in the San Dieguito River Park JPA budget, experienced when the City of San Diego withdrew its annual funding, DAA shall provide \$20,000 per year funding to the San Dieguito River Park JPA for five (5) years commencing in 2013. This funding shall be for the fulfillment of the JPA’s mandate to preserve open space, protect and interpret biological and cultural resources, and provide and maintain a public access trail.

- F. To provide a cost and personnel savings to the San Dieguito River Park JPA, DAA shall undertake trash pick-up and removal along the Trail on the Subject Properties.
- G. Pursuant to its suggestion, DAA shall provide several projects to promote coastal awareness and education including:
 - 1. a complimentary booth space at the San Diego County Fair for the California Coastal Commission's public education program, to use for educational and outreach purposes regarding coastal resources;
 - 2. a coastal conservation component on the Del Mar Fairgrounds website, including a link to the California Coastal Commission's public education website; and
 - 3. adding a coastal conservation component, developed in consultation with California Coastal Commission's public education program, to the educational curriculum to be integrated into the DAA's Plant/Grow/Eat program and/or School Tours program.
- H. DAA shall sponsor an annual San Dieguito River Park cleanup west of Interstate 5.
- I. DAA shall provide office space/trailer at the Fairgrounds for the San Dieguito River Park JPA Ranger until such time as permanent facilities are developed.

4.0 RESTORATION PLAN

These Consent Orders require the preparation and implementation of three restoration plans applicable to the Subject Properties as follows: (1) the Buffer Restoration Plan, (2) the Rip-Rap Restoration Plan, and (3) the SOL Restoration Plan (collectively "Restoration Plans"). Each provision set forth in this section shall apply to the Restoration Plans, except that the timing requirements set forth in Section 4.2.C, 4.3.B, 4.4.H and 4.6 shall not apply to the SOL Restoration Plan, which is governed by the timing requirements set forth in Section 3.2.H. The Restoration Plans shall outline all proposed removal activities, proposed remedial grading, and proposed vegetation restoration activities, in the subject area, as well as monitoring plans, and shall include the following elements and requirements:

4.1 General Provisions

- A. The Restoration Plans shall be prepared by a qualified restoration ecologist(s) or resource specialist(s) (“Specialist”). Prior to the preparation of the Restoration Plans, DAA shall submit for the Executive Director’s review and approval the qualification of the proposed Specialist, including a description of the proposed Specialist’s educational background, training and experience.
- B. The Restoration Plans shall include a schedule/timeline of activities, the procedures to be used, and identification of the parties who will be conducting the restoration activities.
- C. The Restoration Plans shall include a detailed description of all equipment to be used. All tools utilized shall be hand tools unless the Specialist demonstrates to the satisfaction of the Executive Director that mechanized equipment is needed and will not significantly impact resources protected under the Coastal Act, including, but not limited to: geological stability, integrity of landforms, freedom from erosion, and the existing native vegetation.
 - 1. If the use of mechanized equipment is proposed, the Restoration Plans shall include limitations on the hours of operation for all equipment and a contingency plan that addresses: 1) impacts from equipment use; 2) potential spills of fuel or other hazardous releases that may result from the use of mechanized equipment and responses thereto; and 3) any water quality concerns. The Restoration Plans shall designate areas for staging of any construction equipment and materials, including receptacles and temporary stockpiles of graded materials, all of which shall be covered on a daily basis.
- D. The Restoration Plans shall identify the location of the disposal site(s) for the disposal of all materials removed from the site and all waste generated during restoration activities pursuant to these Consent Orders. If a disposal site is located in the Coastal Zone and is not an existing sanitary landfill, a coastal development permit is required for such disposal. All hazardous waste must be disposed of at a suitable licensed disposal facility.
- E. The Restoration Plans shall specify the methods to be used during and after restoration to stabilize the soil and make it capable of supporting native vegetation. Such methods shall not include the placement of retaining walls or other permanent structures, grout, geogrid or similar materials. Any soil stabilizers identified for erosion control shall be compatible with native plant recruitment and establishment. The Restoration Plans shall specify the type and location of erosion control measures that will be installed on the subject properties and maintained

until the impacted areas have been revegetated to minimize erosion and transport of sediment.

- F. The Restoration Plans shall identify all areas on which the Restoration Plans are to be implemented, and upon which the restoration will occur (“Restoration Area”). The Restoration Plans shall also state that prior to the initiation of any restoration or removal activities, the boundaries of the Restoration Area shall be physically delineated in the field, using temporary measures such as fencing, stakes, colored flags, or colored tape. The Restoration Plan shall state further that all delineation materials shall be removed when no longer needed and verification of such removal shall be provided in the annual monitoring report that corresponds to the reporting period during which the removal occurred.

4.2 Removal Plan

- A. DAA shall submit a Removal Plan, prepared by a qualified Specialist, as part of each of the Restoration Plans, to govern the removal and off-site disposal of all unpermitted development, which the parties currently understand to be limited to rip-rap, required to be removed pursuant to these Consent Orders, unpermitted development for which no authorization is sought by the deadlines established in these Consent Orders, and unpermitted development for which authorization is denied by the Commission.
1. The Removal Plans shall include a site plan showing the location and identity of all unpermitted development to be removed from the subject properties.
- B. The Removal Plans shall indicate that removal activities shall not disturb areas outside the Restoration Area. Measures for the restoration of any area disturbed by the removal activities shall be included within the Revegetation Plans. These measures shall include the restoration of the areas from which the unpermitted development was removed, and any areas disturbed by those removal activities.
- C. The plan shall indicate that DAA shall commence removal of the unpermitted development by commencing implementation of the Removal Plan no more than fifteen (15) days of approval of the Restoration Plan, or if State law bidding requirements are applicable, the DAA shall inform the CCC and this deadline shall commence within fifteen (15) days of the awarding of the bid for the removal.

4.3 Remedial Grading Plan

- A. The Remedial Grading Plan shall include sections showing original and finished grades, a quantitative breakdown of grading amounts (cut/fill), drawn to scale with contours that clearly illustrate, as accurately as possible, the topography necessary to achieve a fully tidal saltmarsh for the SOL Restoration, and appropriate transitional topography within the buffer areas and along the area impacted by the removal of rip-rap. The Remedial Grading Plan shall demonstrate how the proposed remedial grading will restore the subject properties to their original, pre-development topography, as determined in consultation with Commission staff biologists.
 1. If the Specialist determines that alterations to the original topography are necessary to ensure a successful restoration of the wetland habitat, the Remedial Grading Plan shall also include this proposed topography and a narrative report that explains the justification for needing to alter the topography from the original contours.
- B. The plan shall indicate that DAA shall commence restoration of the properties' topography by implementing the Remedial Grading Plan no more than forty-five (45) days of approval of the Restoration Plan, or if State law bidding requirements are applicable, the DAA shall inform the CCC and this deadline shall commence within forty-five (45) days of the awarding of the bid for the remedial grading.

4.4 Revegetation Plan

- A. DAA shall submit a Revegetation Plan, prepared by a qualified Specialist, as part each of the Restoration Plans, outlining the measures necessary to revegetate the Restoration Area(s). The Revegetation Plans shall include detailed descriptions, including graphic representations, narrative reports, and photographic evidence as necessary, of vegetation in the Restoration Area prior to any development undertaken on the subject properties, to the extent records are available, and the current state of the subject properties. The Revegetation Plan shall demonstrate that the areas impacted by development on the subject properties will be restored using plant species endemic to and appropriate for the subject site.
- B. The Revegetation Plans shall identify the natural habitat type that is the model for the restoration and describe the desired relative abundance of particular species in each vegetation layer. This section shall explicitly lay out the restoration goals and objectives for the revegetation. Based on these goals, the plan shall identify the species that are to be planted (plant "palette"), and provide a rationale for and describe the size and number of container plants and the rate and method of seed application. The

Revegetation Plan shall indicate that plant propagules must come from local native stock.

1. If plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are of local origin and are not cultivars and the Revegetation Plan shall provide specifications for preparation of nursery stock. Technical details of planting methods (e.g., spacing, micorrhyzal inoculation, etc.) shall be included.
- C. The Revegetation Plans shall include a detailed description of the methods that shall be utilized to restore the pre-development habitats on the subject properties to the condition in which it existed prior to development to the extent records are available.
- D. The Revegetation Plans shall include a map showing the type, size, and location of all plant materials that will be planted in the restoration area; the location of all invasive and non-native plants to be removed from the restoration area; the topography of all other landscape features on the site; and the location of photograph site that will provide reliable photographic evidence for annual monitoring reports, as described in Section 4.5.B below.
- E. The Revegetation Plans shall include a detailed explanation of the performance standards that will be utilized to determine the success of the restoration. The performance standards shall identify that 'x' native species appropriate to the habitat should be present, each with at least 'y' percent cover or with a density of at least 'z' individuals per square meter. The description of restoration success analysis shall be described in sufficient detail to enable an independent specialist to duplicate it.
- F. The Revegetation Plans shall include a schedule for installation of plants and removal of invasive and/or non-native plants. DAA shall not employ invasive plant species, which could supplant native plant species in the Restoration Area.
1. If the planting schedule requires planting to occur at a certain time of year beyond deadlines set forth herein, the Executive Director may, at the written request of DAA, extend the deadlines as set forth in Section 14.0 of these Consent Orders in order to achieve optimal growth of the vegetation.
 2. The Revegetation Plans shall demonstrate that all non-native vegetation within the areas subject to the revegetation will be eradicated prior to any remedial grading and revegetation activities on the subject properties. In addition, the Plan shall

specify that non-native and invasive species removal shall occur on a monthly basis during the rainy season (January through April) for the duration of the restoration project, pursuant to Section 4.5.B.

G. The Revegetation Plans shall describe the proposed use of artificial inputs, such as irrigation, fertilizer or herbicides, including the full range of amounts of the inputs that may be utilized. The minimum amount necessary to support the establishment of the plantings for successful restoration shall be utilized. No permanent irrigation system is allowed in the Restoration Area. Temporary above ground irrigation to provide for the establishment of plantings is allowed for a maximum of three (3) years or until the revegetation has become established, whichever comes first.

1. If, after the three (3) year time limit, the vegetation planted pursuant to the Revegetation Plans has not become established, the Executive Director may, upon receipt of a written request from DAA, allow for the continued use of the temporary irrigation system. The written request shall outline the need for and duration of the proposed extension.

H. DAA shall commence revegetation by implementing the Revegetation Plans no more than sixty (60) days after approval of the Restoration Plans, or if State law bidding requirements apply, the DAA shall inform the CCC and this deadline shall commence within sixty (60) days of the awarding of the bid for the revegetation.

4.5 Monitoring Plan

A. The plan shall indicate that DAA shall submit a Monitoring Plan, as part of each of the Restoration Plans, that describes the monitoring and maintenance methodology, including sampling procedures, sampling frequency, and contingency plans to address potential problems with restoration activities or unsuccessful restoration of the area. The Monitoring Plan shall specify that the restoration Specialist shall conduct at least four site visits annually for the duration of the monitoring period set forth in Section 4.5.B, at intervals specified in the Restoration Plans, for the purposes of inspecting and maintaining, at a minimum, the following: all erosion control measures; non-native and invasive species eradication; trash and debris removal; original and/or replacement plantings.

B. DAA shall submit, on an annual basis and during the same one-month period of each year (no later than December 31st of the first year), for five (5) years from the approval date of each of the Restoration Plan, according to the procedure set forth under Section 4.8, a written report,

for the review and approval of the Executive Director, prepared by a qualified Specialist, evaluating compliance with each the approved Restoration Plan. The annual reports shall include notes from the Specialist's periodic inspections and recommendations and requirements for additional restoration activities, as necessary, to meet the objectives of the Restoration Plan. These reports shall also include photographs taken annually, at the same time of year, from the same pre-designated locations (as identified on the map submitted pursuant to Section 4.4.D) indicating the progress of recovery in the Restoration Area.

1. The locations from which the photographs are taken shall not change over the course of the monitoring period unless recommended changes are approved by the Executive Director, pursuant to Section 14.0 of these Consent Orders.
- C. If periodic inspections or the monitoring reports indicate that the restoration project or a portion thereof is not in conformance with the applicable Restoration Plan or has failed to meet the goals and/or performance standards specified in the Plan, DAA shall submit a revised or supplemental Restoration Plan for review and approval by the Executive Director. The revised Restoration Plan shall be prepared by a qualified Specialist, and shall specify measures to correct those portions of the remediation that have failed or are not in conformance with the original approved Plan. The Executive Director will then determine whether the revised or supplemental Restoration Plan must be processed as a modification of these Consent Orders, new Restoration Order, or a new or amended CDP. After the revised or supplemental Restoration Plan has been approved, these measures, and any subsequent measures necessary to carry out the original approved Plan, shall be undertaken by DAA in coordination with the Executive Director until the goals of the original approved Restoration Plan have been met. Following completion of the revised Restoration Plan's implementation, the duration of the monitoring period, as set forth in Section 4.5, shall be extended for at least a period of time equal to that during which the project remained out of compliance, but in no case less than two reporting periods.
- D. At the end of the five (5) year monitoring period (or other duration, if the monitoring period is extended pursuant to Section 4.5.C), DAA shall submit, according to the procedure set forth under Section 4.8, a final detailed report prepared by a qualified Specialist for the review and approval of the Executive Director.
1. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the requirements of

the approved Restoration Plans, DAA shall submit a revised or supplemental Restoration Plans, in accordance with the requirements of Section 4.5 of these Consent Orders, and the monitoring program shall be revised accordingly.

- 4.6 Upon approval of the Restoration Plan (including the Removal, Remedial Grading, Revegetation, and Monitoring Plans) by the Executive Director, DAA shall fully implement each phase of the Restoration Plan consistent with all of its terms, and the terms set forth herein. DAA shall complete implementation of each phase of the Restoration Plan within the schedule specified therein, and by the deadlines included in Sections 4.2.C, 4.3.B and 4.4.H of these Consent Orders. At a minimum, DAA shall complete all work described in the Restoration Plan no later than seventy five (75) days after the Restoration Plan is approved. The Executive Director may extend this deadline or modify the approved schedule for good cause pursuant to Section 14.0 of these Consent Orders.
- 4.7 Within thirty (30) days of the completion of the work described in the Removal Plan, Remedial Grading Plan, and Revegetation Plan, DAA shall submit, according to the procedure set forth under Section 4.8, a written report, prepared by a qualified Specialist, for the review and approval of the Executive Director, documenting all restoration work performed on the subject properties. This report shall include a summary of dates when work was performed and photographs taken from the pre-designated locations (as identified on the map submitted pursuant to Sections 4.4.D) documenting implementation of the respective components of the Restoration Plan, as well as photographs of the subject properties before the work commenced and after it was completed.
- 4.8 All plans, reports, photographs and other materials required by these Consent Orders shall be sent to:

California Coastal Commission
Attn: Heather Johnston
45 Fremont Street, Ste 2000
San Francisco, CA 94105

With a copy sent to:

California Coastal Commission
Attn: N. Patrick Veasart
89 S. California Street, Ste 200
Ventura, California 93001

5.0 REVISIONS OF DELIVERABLES

The Executive Director may require revisions to deliverables required under these Consent Orders, and DAA shall revise any such deliverables consistent with the Executive Director's specifications, and resubmit them for further review and approval by the Executive Director, by the deadline established by the modification request from the Executive Director. The Executive Director may extend the time for submittals upon a written request and a showing of good cause, pursuant to Section 14.0 of these Consent Orders.

6.0 IDENTIFICATION OF THE PROPERTY

The property that is the subject of these Consent Orders is the 22nd District Agricultural Association's facility at the Del Mar Fairgrounds, 2260 Jimmy Durante Boulevard, Del Mar, California, including the main fairgrounds to the west of Jimmy Durante Blvd., the South Overflow Lot to the west and south of Jimmy Durante Blvd., and the East Overflow Lot and Golf Driving Range to the east of Jimmy Durante Blvd, which are also identified by APNs 302-090-011; 298-260-015; 298-260-035; 298-271-03; 299-030-01; 299-030-04; 299-030-05; 299-042-02; and 299-042-01.

7.0 PERSONS SUBJECT TO THIS ORDER

22nd District Agricultural Association owns and operates the subject properties and has taken responsibility for the violations alleged in Section 8.0, below. By executing these Consent Orders, 22nd District Agricultural Association attests that it has the authority to conduct the work on the subject properties required by these Consent Orders and agrees to obtain all necessary permissions (access, etc.) to conduct and complete the work required to resolve the violations addressed herein. 22nd District Agricultural Association; its current and future employees and agents; and any persons acting in concert with any of the foregoing are jointly and severally subject to all the requirements of these Consent Orders. DAA agrees to undertake the work required herein, and agree to cause their current and future employees and agents, and any contractors performing any of the work contemplated or required herein and any persons acting in concert with any of these entities to comply with the terms and conditions of these Consent Orders.

8.0 DESCRIPTION OF THE UNPERMITTED DEVELOPMENT⁵

8.1 Fairgrounds

⁵ The description herein of the violation at issue is not necessarily a complete list of all development on the subject properties that is in violation of the Coastal Act and/or that may be of concern to the Commission. Accordingly, Commission's silence regarding (or failure to address) other development on the subject properties is not indicative of Commission acceptance of, or acquiescence in, any such development.

- A. Change in the intensity of use of the EOL, SOL and the GDR from their pre-Coastal Act use, including:
1. parking during times of the year except historic Fair and Race usage;
 2. various impermanent events year-round on the EOL;
 3. year-round truck and trailer storage on the EOL and Golf and GDR; and
 4. placement of billboards and other forms of advertising (including banners and signage attached to truck trailers) visible from Interstate-5 on the GDR.
- B. Landform alteration within wetlands related to the operation of an unpermitted truck driving school in the SOL, as well as the operation of a truck driving school on the SOL.
- C. Placement of riprap in two locations along the northern shore of the San Dieguito River on Del Mar Fairgrounds property, east of the railroad and west of the Jimmy Durante Bridge.
- D. Construction of concert stage at western end of Fairgrounds adjacent to wetlands.

8.2 Surf and Turf

- A. Use of a previously permitted (permit expired) 13,500 square foot fabric tent for youth volleyball activities; construction of an ADA compliant restroom; construction of swimming pool (in the early 1980s); operation of a swimming school and associated 2,500 square foot fabric tent, placement of billboards and other forms of advertising (including banners and signage attached to truck trailers) visible from Interstate-5 at Del Mar Fairgrounds “Surf & Turf” facility, at 15555 Jimmy Durante Blvd., San Diego County, also identified by APN 299-042-01.

9.0 EFFECTIVE DATE

The effective date of these Consent Orders is the date these Consent Orders are issued by the Commission. These Consent Orders shall remain in effect permanently unless and until rescinded by the Commission.

10.0 COMMISSION JURISDICTION

The Commission has jurisdiction over resolution of the alleged Coastal Act violations described in Section 8.0 pursuant to PRC section 30810 and section 30811. In light of the desire to settle these matters, DAA agrees to not contest the Commission's jurisdiction to issue or enforce these Consent Orders.

11.0 FINDINGS

These Consent Orders are issued on the basis of the findings adopted by the Commission at its March 08, 2012 meeting, as set forth in the document entitled "Staff Report and Findings for Consent Cease and Desist Order No. CCC-12-CD-02 and Restoration Order No. CCC-12-RO-02." The activities authorized and required in these Consent Orders are consistent with the resource protection policies set forth in Chapter 3 of the Coastal Act. The Commission has authorized the activities required in these Consent Orders as being consistent with the resource protection policies set forth in Chapter 3 of the Coastal Act.

12.0 SETTLEMENT OF MATTER PRIOR TO HEARING/NONSUBMISSION OF STATEMENT OF DEFENSE

In light of the intent of the parties to resolve these matters in settlement, DAA has elected not to submit a "Statement of Defense" form as provided for in Section 13181 and 13191 of Title 14 of the California Code of Regulations and has agreed not to contest the legal and factual bases, the terms, or the issuance of these Consent Orders, including the allegations of Coastal Act violations identified in Section IV of the Consent Orders. Specifically, DAA has agreed not to contest the issuance or enforcement of these Consent Orders at a public hearing or any other proceeding.

13.0 IMPLEMENTATION OF THE ORDER

In the interest of resolving these issues expeditiously, and settling this matter in this Consent Order, strict compliance with these Consent Orders by all parties subject thereto is required. Failure to comply strictly with any term or condition of these Consent Orders including any deadline contained in these Consent Orders, unless the Executive Director grants an extension under 14.0, will constitute a violation of these Consent Orders and shall result in the DAA being liable for stipulated penalties in the amount of \$1000 per day per violation. DAA shall pay stipulated penalties within 15 days of the date of written demand by the Commission for such penalties regardless of whether DAA has subsequently complied and shall be made payable to the account designated under the Coastal Act. Stipulated penalty payments shall be sent to the Commission to the attention of Heather Johnston at the address listed in Section 13.1, above. If DAA violates these Consent Orders, nothing in these Consent Orders shall be construed as prohibiting, altering, or in any way limiting the ability of the Commission to seek

any other remedies available, including the imposition of civil penalties and other remedies pursuant to PRC Section 30820, 30821.6, and 30822 as a result of the lack of compliance with these Consent Orders and for the underlying Coastal Act violation as described herein.

14.0 DEADLINES

Prior to the expiration of any given deadline established by these Consent Orders, DAA may request from the Executive Director an extension of the unexpired deadline. Such a request shall be made in writing ten days in advance of the deadline and directed to the Executive Director in the San Francisco office of the Commission. The Executive Director may grant an extension of any deadline upon a showing of good cause, if the Executive Director determines that DAA has diligently worked to comply with their obligations under these Consent Orders but cannot meet deadlines due to unforeseen circumstances beyond their control. A violation of deadlines established pursuant to these Consent Orders will result in stipulated penalties, as provided for in Section 13.0, above.

15.0 SETTLEMENT VIA CONSENT ORDERS

In light of the desire to settle this matter via these Consent Orders and avoid litigation, pursuant to the agreement of the parties as set forth in these Consent Orders, DAA hereby agrees not to seek a stay pursuant to PRC section 30803(b) or to challenge the issuance and enforceability of these Consent Orders in a court of law or equity.

16.0 GOVERNMENT LIABILITY

Neither the Commission, nor its employees shall be liable for injuries or damages to persons or property resulting from acts or omissions by DAA in carrying out activities pursuant to these Consent Orders, nor shall the Commission or its employees be held as a party to any contract entered into by DAA or its agents in carrying out activities pursuant to these Consent Orders.

17.0 SUCCESSORS AND ASSIGNS

These Consent Orders shall run with the land binding DAA and all successors in interest, future owners of the subject properties, heirs, and assigns. DAA shall provide notice to all successors in interest, heirs, assigns, and future owners of the subject properties, of any remaining obligations under these Consent Orders.

18.0 MODIFICATIONS AND RESCISSION

Except as provided for in Section 14.0, and for minor, immaterial matters upon mutual written agreement of the Executive Director and DAA, these Consent Orders may be modified or amended only in accordance with the standards and

procedures set forth in section 13188(b) of the Commission's administrative regulations.

19.0 GOVERNING LAW

These Consent Orders shall be interpreted, construed, governed and enforced under and pursuant to the laws of the State of California.

20.0 LIMITATION OF AUTHORITY

Except as expressly provided herein, nothing in these Consent Orders shall limit or restrict the exercise of the Commission's enforcement authority pursuant to Chapter 9 of the Coastal Act, including the authority to require and enforce compliance with these Consent Orders. Failure to enforce any provision of these Consent Orders shall not serve as a waiver of the ability to enforce those provisions or any others at a later time.

Correspondingly, DAA has entered into these Consent Orders and waived their right to contest the factual and legal basis for issuance of these Consent Orders, and the enforcement thereof according to their terms. DAA has agreed not to contest the Commission's jurisdiction to issue and enforce these Consent Orders.

21.0 INTEGRATION

These Consent Orders constitute the entire agreement between the parties and may not be amended, supplemented, or modified except as provided in these Consent Orders.

22.0 SITE ACCESS

DAA shall provide access to the subject properties at all reasonable times to Commission staff and any agency having jurisdiction over the work being performed under these Consent Orders. Nothing in these Consent Orders is intended to limit in any way the right of entry or inspection that any entity may otherwise have by operation of any law. The Commission staff may enter and move freely about the subject properties for purposes including, but not limited to: viewing the areas where development is being performed pursuant to the requirements of these Consent Orders; inspecting records, operating logs, and contracts relating to the site; and overseeing, inspecting and reviewing the progress of DAA in carrying out the terms of these Consent Orders.

23.0 ACKNOWLEDGEMENT OF NOTICE

DAA acknowledges receipt of the Notice of Intent to Commence Cease and Desist Order Proceedings dated October 20, 2011, pursuant to Sections 13181 and

13191 of the Commission's regulations (codified in California Code of Regulations, Title 14, Division 5.5).

24.0 SETTLEMENT OF CLAIMS

Upon completion of all requirements of these Consent Orders, including restoration of the SOL, the Commission and DAA agree that these Consent Orders settle all monetary claims for relief for those violations of the Coastal Act identified in Section 8.0 of the Consent Orders (specifically including but not limited to claims for civil penalties, fines, or damages under the Coastal Act, including Sections 30805, 30820, and 30822), with the exception that, if DAA fails to comply with any term or condition of these Consent Orders, the Commission may seek monetary or other claims for both the underlying violations of the Coastal Act and for the violation of these Consent Orders. However, these Consent Orders do not limit the Commission from taking enforcement action due to Coastal Act violations at the subject properties other than those that are the subject of this order. Additionally, this release does not apply to any future development or the continuation of past development for which Coastal Act authorization is required (including that development addressed in these Consent Orders), and for which complete authorization is not sought, or for which authorization is denied by the Commission.

25.0 STIPULATION

DAA attests that they have reviewed the terms of these Consent Orders and understand that its consent is final, and stipulate to its issuance by the Commission.

IT IS SO STIPULATED AND AGREED:



Adam Day
President
22nd District Agricultural Association

2 / 15 / 12

Dated

Charles Lester
Executive Director
California Coastal Commission

Dated