



# EMERGENCY PERMIT

## 07EMP-00000-00007

**Montecito:**

Subject to the requirements of Section 35.472.080 of the Santa Barbara County Montecito Land Use & Development Code

**Case Name:** Sycamore Canyon Landslide Emergency Repair (Phase 1)

**Case Number:** 07EMP-00000-00007

**Site Addresses:** 75 Canon View Road, 85 Canon View Road, 125 Canon View Road, 155 Canon View Road, 570 Sycamore Vista Road, 575 Sycamore Vista Road, 151 South Sierra Vista, 161 South Sierra Vista, 1750 Sycamore Canyon Road

**APNs:** 013-166-002, 013-166-003, 013-163-006, 013-163-007, 013-166-005, 013-164-013, 013-163-003, 013-163-004, 013-163-005, 013-166-004, 013-163-016

**Applicant/Agent Name:** Suzanne Elledge Planning & Permitting Services

**Owner Name:** Landslide Repair Foundation, Inc.

South County Office

123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2000

Energy Division

123 E. Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2040

North County Office

624 W. Foster Road  
Santa Maria, CA 93454  
(805) 934-6250

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## **PERMIT APPROVAL:**

This is to inform you that an Emergency Permit has been approved for Phase I of the following project:

### ***Introduction***

The Sycamore Ranchito Landslide Repair Project is a 50 million dollar construction project designed and engineered to repair the ongoing active and incipient landslide zones and active and incipient rock toppling zones above Sycamore Canyon and Ranchito Vista Roads and to re-establish vehicle access to property owners lost as a result of the landslide and toppling. The proposed construction is designed in seven stages and is tentatively scheduled to begin with Phase I in December 2007. The project will consist of constructing a series of 25-foot high fully embedded reinforced shotcrete retaining walls which are anchored by 180-foot inclined and fully grouted tieback anchors into the existing hillside at the upper end of the landslide and rock toppling zones. A similar retaining wall will be strategically placed at the lower end of the landslide and approximately 125 fully embedded reinforced concrete shear pins will be installed at intervals between the upper and lower retaining walls as designed by the project engineer to stabilize the landslide mass. Upon completion of the lower retaining wall, several thousand cubic yards of soil to be stockpiled along Highway 154 will be reintroduced to the site, re-compacted with the native soil and geotextile reinforcement to counterbalance the driving forces of the landslide mass.

Beginning at the upper end of the landslide, as the arresting and stabilization portions of the project are completed, the sections of Sycamore Vista and Canon View Roads will be re-constructed as soon as possible to re-establish access to the properties above the landslide for use by emergency services and property owners. Other phases of the project will include utility annexations to create easements for property owners to connect sewer lines to the City of Santa Barbara sewage treatment system and other Public utilities if necessary.

The project will be permitted and built in seven phases specifically as follows. The current Emergency Permit would permit construction activities under Phase I only.

- |                 |                                 |
|-----------------|---------------------------------|
| <b>Phase I:</b> | <b>Arrest upslope expansion</b> |
| Phase II:       | Restore Upper Roads             |
| Phase III:      | Pin incipient landslide         |
| Phase IV:       | Protect lower roads with wall   |
| Phase V:        | Buttress landslide with fill    |
| Phase VI:       | Pin landslide body              |
| Phase VII:      | Sewer, landscape repave         |

### ***Phase I Summary Description***

The Landslide Repair Foundation, Inc. (LRF) has been granted an Emergency Permit to implement Phase I of the multi-phase landslide repair project described above, on a site that lies above Sycamore Canyon Road (State Highway 144) in the Montecito Planning Area. The complete landslide repair project will involve multiple residential parcels under the jurisdiction of the County of Santa Barbara

and the City of Santa Barbara. Phase I of the landslide repair project will be located entirely on parcels that are within the County's jurisdiction.

The overall goal of Phase I is to repair the upslope expansion of the landslide. In their November 27, 2007 letter, the project's geotechnical engineers, Cotton, Shires & Associates, Inc., recommend that Phase I be implemented immediately on an emergency basis in order to address the imminent threat to health and safety posed by the existing, unrepaired landslide. According to Cotton, Shires & Associates, no significant mitigation measures have occurred to stabilize the landslide since the winter of 2004-2005, when significant earth movement and rock toppling damaged or destroyed multiple homes and blocked access to the area. Surface and subsurface monitoring indicates continued movement to this day. According to Cotton, Shires & Associates, we are faced with the likelihood of another catastrophic failure in the event of normal to heavy rains, or a large seismic event. For these reasons, Planning & Development agrees that an Emergency Permit is justified to allow work to begin on Phase I of the landslide repair project. Under the Emergency Permit (07EMP-00000-00007), Phase I would begin in December of 2007 with an expected duration of eight months.

The geotechnical investigation prepared for the landslide repair project by Cotton, Shires & Associates, dated July 2007, provides a detailed characterization and assessment of the landslide's site conditions, and a description of the construction phases with full details prepared for Phase I. Completion of the entire multi-phased project is anticipated to take approximately two years from the commencement date of Phase I, pursuant to the anticipated construction schedule.

This initial phase of work is intended to repair the upslope expansion of the landslide, as described in the Cotton, Shires & Associates report dated July 2007. Phase I consists of the construction of two, below grade, 25-ft high, reinforced shotcrete walls with five rows of tieback anchors. A temporary bypass road will be constructed at the base of the upper Phase I tieback wall (Wall 1 on the plans) to allow access for Canon View Road residents that live southwest of 85 Canon View Road during construction of the lower Phase I tieback wall (Wall 2) and during construction of another wall that will be proposed in Phase II.

Each of the property owners where Phase I will occur has been provided with a Construction Easement document. Upon execution, the Construction Easement document will authorize, in part, a "temporary easement for the purpose of constructing, altering, grading, earth movement, excavation, and slant drilling, together with the erection of subterranean and above ground retention walls, including but not limited to the right to cut, trim, and remove trees and other shrubbery, along with fences, structures or other obstructions or facilities that interfere with proper and efficient construction of landslide repair improvements...". LRF will secure executed Construction Easement documents prior to initiating work on any specific parcel under Phase I.

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As discussed above, this situation constitutes an emergency in accordance with the applicable Development Code indicated above and immediate action is warranted to begin repair of the landslide under Phase I of the proposed project. As the required findings (listed below) can be made, the emergency work is hereby approved, subject to compliance with the attached conditions of approval. This permit is not valid until signed by the owner/applicant and subsequently issued by the Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

Sincerely,

JOHN BAKER  
Director of Planning and Development

APPROVAL DATE: \_\_\_\_\_, 2007



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**OWNER/APPLICANT AGREEMENT:**

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions of approval incorporated herein. The undersigned also acknowledges and agrees that:

- This Emergency Permit provides only temporary authorization for the proposed action and other applicable permits (such as a Conditional Use Permit, Coastal Development Permit, Land Use Permit, Building Permit) are required by law to validate the emergency work as permanent.
- Any evidence or findings contained herein, or upon which this permit relies, shall not constitute any limitation on the authority of the County to issue, grant, deny, rescind, or revoke this permit or any future permit(s) required for the activities described herein, or on the authority of the County to analyze, mitigate, or condition any future permit(s) required for the activities described herein.
- This permit does not authorize any work or construction activities outside of the scope of the project as indicated in the project description, conditions of approval and approved plans.
- This permit shall not be construed to authorize any violation of County ordinance or policy, or the violation of any State or Federal regulation.

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Print Name

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Signature

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Date

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**PERMIT ISSUANCE:**

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Print Name

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Signature

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Date

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## **BACKGROUND:**

The Landslide Repair Foundation, Inc. (LRF) proposes a complex, multi-phase landslide repair project on a site that lies above Sycamore Canyon Road (State Highway 144) in the Montecito Planning Area. The complete landslide repair project will involve multiple residential parcels under the jurisdiction of the County of Santa Barbara and the City of Santa Barbara, including the following parcels that are under the County's jurisdiction: APNs 013-166-002, 013-166-003, 013-163-006, 013-163-007, 013-166-005, 013-164-013, 013-163-003, 013-163-004, 013-163-005, 013-166-004, 013-163-016.

The overall goal of Phase I is to repair the upslope expansion of the landslide. In their November 27, 2007 letter, the project's geotechnical engineers, Cotton, Shires & Associates, Inc., recommend that Phase I be implemented immediately on an emergency basis in order to address the imminent threat to health and safety posed by the existing, unrepaired landslide. According to Cotton, Shires & Associates, no significant mitigation measures have occurred to stabilize the landslide since the winter of 2004-2005, when significant earth movement and rock toppling damaged or destroyed multiple homes and blocked access to the area. Surface and subsurface monitoring indicate continued movement to this day. According to Cotton, Shires & Associates, we are faced with the likelihood of another catastrophic failure in the event of normal to heavy rains, or a large seismic event. For these reasons, Planning & Development agrees that an Emergency Permit is justified to allow work to begin on Phase I of the landslide repair project without delay

## **FINDINGS OF APPROVAL:**

1. The approval of this project shall not be held to permit or to be an approval of a violation of any provision of any County Ordinance or State Law.
2. Pursuant to Section 35.472.080 of the Montecito Land Use & Development Code, an Emergency Permit may be granted if the Director makes the following findings:
  - a. *An emergency exists and requires action more quickly than provided for by the procedures for permit processing.*

In their November 27, 2007 letter, the project's geotechnical engineers, Cotton, Shires & Associates, Inc., recommend that Phase I of the landslide repair project be implemented immediately in order to address the imminent threat to health and safety posed by the existing, unrepaired landslide. In the winter of 2004-2005, significant earth movement and rock toppling damaged or destroyed multiple homes and blocked access to the area. Surface and subsurface monitoring indicates continued movement to this day. According to Cotton, Shires & Associates, we are faced with the likelihood of another catastrophic failure in the event of normal to heavy rains, or a large seismic event. For these reasons, Planning & Development agrees that an emergency situation exists in the landslide area. Immediate action is required to begin repair of the landslide under a timeline that could not be provided for by the standard procedures for permit processing.

- b. The action proposed is consistent with the policies of the Comprehensive Plan, including any applicable community or area plan and the requirements of the Development Code.*

The proposed project would be consistent with the Comprehensive and Montecito Community Plans, as it would work to restore safety and emergency access to an area that has been severely impacted by the unrepaired landslide. The Montecito Community Plan discusses Sycamore Canyon Road as a major two lane road that serves an important use for local residents in traversing the foothills. The existing, unrepaired landslide has blocked major portions of Sycamore Canyon Road, making it impassable for residential and emergency access. The proposed emergency project would allow repair work to begin on the landslide that will lead to the restoration and reopening of Sycamore Canyon Road, with the goal of preventing other failures in the future.

Land Use Development Policy 4 of the Comprehensive Plan requires that adequate services, including access, will be available to serve development. Residences have been permitted by the County and constructed in the area of the Sycamore Canyon. Subsequently, they have lost their access due to the major landslide that occurred in the winter of 2004/2005. The landslide repair project will work to restore access to these existing residences, as required by the policies of the Comprehensive Plan. Access will be maintained during the course of construction activities with the use of flag men and on-site staging areas. Hillside and Watershed Protection Policies 1 and 2 of the Comprehensive Plan require that grading and site preparation be kept to an absolute minimum, and that natural landforms be preserved to the maximum extent feasible. In addition, Montecito Community Plan Policy GEO-M-1.2 requires the minimization of grading to guard against earth slippage, erosion, and other safety risks. For the landslide repair project, grading and site preparation have been kept to the minimum amount necessary to achieve the project objectives of repairing the landslide in order to restore safety and access to the existing residents of the area. This project will work to stabilize the area, with the goal of preventing other catastrophic failures of the natural landform in the future.

The project is also consistent with the following policies of the Montecito Community Plan. AQ-M-1.3 requires air pollution from construction activities to be minimized. To address this issue, standard conditions have been placed on the project to control dust and run-off generated by the project's construction activities. In addition, N-M-1.1 requires the protection of noise-sensitive uses. Standard conditions have been placed on the project to limit the hours of noise generating construction activities and off-site hauling to protect the surrounding residences from noise impacts during construction.

The proposed landslide repair project does not conflict with any requirements of the Montecito Land Use & Development Code.

- c. Public comment on the proposed emergency action has been reviewed.*

The owners of several neighboring properties have provided comments on the Emergency Permit related to noise, access, safety, dust, and the condition of Ranchito Vista Road . We have reviewed all of the comments. To the extent feasible, we have worked with the project applicant to address the neighbors' comments within the project description and standard conditions of approval.

3. This action is not subject to the provisions of the California Environmental Quality Act, pursuant to State CEQA Guidelines Section 15269, statutory exemption for emergency projects.

## **EMERGENCY PERMIT CONDITIONS OF APPROVAL**

1. This Emergency Permit is based upon and limited to compliance with the project description, and the conditions of approval set forth below. Any deviations from the project description or conditions must be reviewed and approved by the County for conformity with this approval. Deviations without the above-described approval will constitute a violation of permit approval. If it is determined that project activity is occurring in violation of any or all of the following conditions, the Director may revoke this permit and all authorization for development. The decision of the Director to revoke the Emergency Permit may be appealed to the Montecito Planning Commission.

### **The project description is as follows:**

#### ***Phase I***

This initial phase of work is intended to repair the upslope expansion of the landslide, as described in the Cotton, Shires & Associates report dated July 2007. Phase I consists of the construction of two, below grade, 25-ft high, reinforced shotcrete walls with five rows of tieback anchors. A temporary bypass road will be constructed at the base of the upper Phase I tieback wall (Wall 1 on the plans) to allow access for Canon View Road residents that live southwest of 85 Canon View Road during construction of the lower Phase I tieback wall (Wall 2) and during construction of another wall that will be proposed in Phase II.

#### ***Earthwork***

Phase I will require approximately 19,200 CY of cut and 14,600 CY of fill. Approximately 9,000 to 10,000 CY of excavated material will be temporarily stockpiled on a parcel adjacent to the work area (APN 013-163-016) until the material is used to backfill the retaining walls after they are constructed onsite. Approximately 9,000 to 10,000 CY of excavated material will be hauled to an existing Caltrans stockpile located at Highway 154 and Cathedral Oaks Road using the haul route depicted on sheet C-17 of the project plans. Approximately 14,600 CY of material will be backfilled onsite as part of Phase I. The remainder of the excavated materials will remain offsite at the Caltrans stockpile until they are used in future phases of the landslide repair project.

#### ***Drainage Improvements & Erosion Control***

Drainage improvements proposed to be installed under Phase I are shown on sheets C-6, C-11 and C-16 of the project plans, and erosion control measures (Storm Water Pollution Prevention Plan) will be implemented as shown on sheets C-18 and C-19 of the project plans.

#### ***Hours & Duration of Off-Site Hauling***

Off-site hauling will be restricted to the hours of 7:30 a.m. to 4:30 p.m. during the weekdays only, excluding holidays and weekends. Off-site hauling will not occur outside of these hours except in the case of emergency as determined by the project's geotechnical engineers. It is anticipated that off-site hauling will occur for several days at a time separated by periods (lasting approximately weeks in duration) when no off-site hauling activities will occur.



***Construction Staging***

The construction staging area will be located outside the open road right-of-ways for Sycamore Canyon (Highway 144) and Ranchito Vista Road. All construction vehicles and equipment will be parked, stored and maintained within the boundaries of the construction staging area. No staging activities will occur within any of the open road right-of-ways, with the exception of temporary unloading of equipment and materials from vehicles that cannot access the staging area. In the event of temporary unloading in the open road right-of-ways, LRF will ensure safe and timely traffic flow through the area. To these ends, LRF will station a flagman along the affected right-of way to monitor traffic and to ensure that all property owners, guests, and service providers have safe and timely access to their homes. The flagman will be contracted and funded by LRF.

***Ranchito Vista Road***

Prior to the commencement of all grading and construction activities, LRF will submit a plan of Ranchito Vista Road, including the road right-of-way and the extents of paving, to County Planning and Development. The site plan will depict the 20 foot wide access easement that is held by LRF which overlays the eastern portion of Ranchito Vista Road. No area that lies outside of this 20 foot wide access easement will be used as a haul route for the landslide repair project.

The above-mentioned detailed site plan of Ranchito Vista Road will also depict the location of all existing utility lines, boxes, and connections along and within the right-of-way. This submittal will include a plan for fencing and protection of all existing utilities during all grading and construction activities for the landslide repair project. Any damage that occurs to the existing utility lines, boxes, and connections along Ranchito Vista Road will be repaired immediately. The repair work will be contracted and funded by LRF.

Prior to the commencement of all grading and construction activities, LRF will document the existing condition of Ranchito Vista Road with sufficient video tape and photographs to accurately depict the condition of the road. This documentation will run the length of Ranchito Vista Road, from its juncture with the proposed haul route to the intersection of Sycamore Canyon Road. Upon completion of the entire multi phased landslide repair project (Phase VII), Ranchito Vista Road will be restored to a condition equal to or better than the condition documented in the video tape and photographs. Restoration will occur within 30 days of the completion of Phase VII and will be contracted and funded by LRF.

During all phases of construction when the 20-foot wide easement along Ranchito Vista Road is in use, a flagman will be stationed along Ranchito Vista Road to monitor construction traffic and to ensure that all property owners, guests, and service providers have safe and timely access to their homes. The flagman will be contracted and funded by LRF.

**Standard Emergency Permit Conditions:**

2. An application(s) for the required permits necessary to validate the emergency work as permanent shall be submitted by the applicant to the Department no later than 30 days following the issuance

of this Emergency Permit. The permits required for the proposed emergency work include a Land Use Permit pursuant to Section 35.472.100 of the Montecito Land Use Development Code.

3. Any materials required for a completed application, as identified in the initial review of the original application required pursuant to Condition #2 above, shall be submitted within 90 days after written notification of the application deficiencies is provided to the applicant. This time period may be extended by the Director.
4. Only that emergency work specifically requested and deemed an emergency for the specific property mentioned is authorized. Any additional emergency work requires separate authorization from the Director. The work authorized by this permit must be commenced within 30 days of the date of issuance of the emergency permit.
5. This permit does not preclude the necessity to obtain authorization and/or permits from other Departments or agencies.
6. The Director may order the work authorized under this emergency permit to stop immediately if it is determined that unanticipated and substantial adverse environmental effects may occur with continued construction.

**Planning & Development Standard Permit Conditions:**

7. The applicant shall ensure that all grading and construction activities comply with the approved project description, plans, and conditions of approval including those which must be monitored during and after construction. To accomplish this the applicant agrees to:
  - a. Contact P&D Building & Safety staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - b. Contact P&D Building & Safety staff prior to commencement of all grading and construction activities to schedule an on-site pre-construction meeting with the owner and with key construction personnel.
8. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site throughout all grading and construction activities. The project shall follow the dust control measures listed below, when deemed safe by the project engineer.
  - a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.

- c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

**MONITORING:** County Building & Safety staff shall monitor and perform site inspections to ensure compliance throughout all grading and construction activities.

9. The applicant shall designate a person or persons to monitor the dust control program and to order increased watering as necessary when deemed safe by the project engineer, to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress. **Plan Requirements:** The name and telephone number of such persons shall be provided to County Building & Safety staff prior to the commencement of all grading and construction activities. **MONITORING:** County Building & Safety staff shall contact the designated monitor as necessary to ensure compliance with dust control measures throughout all grading and construction activities.
10. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion and sediment control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion when deemed safe by the project engineer. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **MONITORING:** County Building & Safety staff shall monitor and perform site inspections to ensure compliance throughout all grading and construction activities.
11. Grading, erosion, and sediment control plans shall be designed to minimize erosion and shall include the following, when deemed safe by the project engineer:
  - a. All entrances/exits to the construction site shall be stabilized (e.g. using rumble plates, gravel beds or other best available technology) to reduce transport of sediment off site. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.
  - b. Storm drain inlets shall be protected from sediment-laden waters by the use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps.

**MONITORING:** County Building & Safety staff shall monitor and perform site inspections to ensure compliance throughout all grading and construction activities.

12. Construction activity for site preparation and for future development shall be limited to the hours between 7:30 a.m. and 4:30 p.m., Monday through Friday. No construction shall occur on Planning & Development observed holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as painting are not subject to these restrictions. **Plan Requirements:** Signs stating these restrictions shall be provided by the applicant and posted on site at a minimum of ten locations visible from the public street. **Timing:** Signs shall be in place prior to beginning of all grading and construction activities, and shall remain in place through the duration of all grading and construction activities. Violations may result in suspension of permits.

**MONITORING:** County Building & Safety staff shall monitor and perform site inspections to ensure compliance throughout all grading and construction activities.

13. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to County Building & Safety staff's satisfaction and shall be located at a minimum of 50 feet from occupied residences. **MONITORING:** County Building & Safety staff shall monitor and perform site inspections to ensure compliance throughout all grading and construction activities.
14. Construction and hauling routes for the project shall be limited to those depicted on the approved plans. The applicant shall provide the County and all adjacent property owners with a construction activity schedule and construction routes 10 days in advance of the commencement of all grading and construction activities. Any alterations or additions to the distributed schedule shall require five day notification unless an emergency is deemed by the project engineer. **Plan Requirements and Timing:** The applicant shall submit copy of schedule and mailing list to County Building & Safety staff prior to the commencement of all grading and construction activities. **MONITORING:** County Building & Safety staff shall monitor and perform site inspections to ensure compliance throughout all grading and construction activities.
15. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain all applicable Building and Grading Permits from Planning and Development.
16. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Land Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
17. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed. **Just a reminder to include a number of standard conditions in all our CDPs and LUPs in addition to any project specific conditions. Specifically, we need to remember to use the standard project description condition as well as the County rules and regulations and legal requirement conditions. Here be careful, not all apply; you'll mostly use the additional permits required, sometimes the mitigation monitoring required, change of use, indemnity and separation clauses and legal challenge.**

Attachments:

A. Site Plan

cc: Supervisor Carbajal, First District  
P&D Deputy Director, Dave Ward  
Supervising Planner, P&D, Anne Almy  
P&D Geologist, Fugro West c/o Greg Denlinger  
P&D Planner, Lisa Hosale

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