

CALIFORNIA COASTAL COMMISSION

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Date Filed: January 12, 2004
49th Day: March 1, 2004
180th Day: July 10, 2004
Staff: Carrie A. Bluth
Staff Report: March 25, 2005
Hearing Date: April 15, 2005
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-04-003**

APPLICANT: **Humboldt County Public Works Department**

PROJECT LOCATION: East of New Navy Base Road at Post Mile 0.22, adjacent to Humboldt Bay, along the Samoa Peninsula, Humboldt County (APN 401-141-04).

PROJECT DESCRIPTION: Permanent authorization for a rock slope protection revetment constructed along approximately 40-feet of shoreline of Humboldt Bay, pursuant to an Emergency Permit to protect buried public utilities threatened from bank erosion.

LOCAL APPROVALS: (1) Humboldt County Coastal Development Permit
(2) Humboldt Bay Harbor, Recreation and Conservation District Permit

OTHER APPROVALS:

- (1) U.S. Army Corps of Engineers Section 404 Permit;
- (2) Regional Water Quality Control Board Water Quality Certification

SUBSTANTIVE FILE DOCUMENTS:

Emergency Coastal Development Permit No. 1-04-002-G; Humboldt County LCP.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve with conditions Coastal Development Permit No. 1-04-003, to permanently authorize a rock revetment on a stretch of shoreline along Humboldt Bay on the Samoa Peninsula. This improvement was temporarily approved by the Executive Director under Emergency Permit No. 1-04-002-G, on January 26th, 2004. As such, the development has already been completed.

The rock slope protection (RSP) was installed along a 40-foot long stretch of sand bank and shoreline. This stretch of shoreline has suffered severe erosion, which exposed and threatened electric and water public utility lines. The aforementioned Emergency Permit was approved to allow the applicant to protect the threatened utilities.

The development undertaken in accordance with the Emergency Permit, and for which the applicant now seeks permanent authorization involves: (1) the placement of approximately 90 cubic yards of 2-ton quarry rock over filter fabric, tied into the end of an existing rock slope protection (RSP) feature to the south and to the natural bank on the north, and (2) the placement of approximately 90 cubic yards of imported sand as backfill, over the exposed utilities and between the eroded shoreline and the 2-ton rock.

The proposed development involves fill in coastal waters. The project is for an incidental public service purpose and therefore an allowable use under Section 30233 of the Coastal Act, and the development, as conditioned is in conformance with all applicable resource protection policies of the Coastal Act. The fill was placed in an area recently eroded by wave and current action, and as such, did not cover any salt marsh or other vegetation and does not extend into the Bay further than the former shoreline. With respect to visual resources, the re-established bank is the same level as the pre-existing bank, thus there are no visual impacts on views from the road to the Bay. Furthermore, quarry rock was used which blends in with the existing RSP feature immediately to the south. The proposed development does not have any significant adverse impact on public access to the shoreline or Bay. Staff recommends the attachment of Special Conditions pertaining to re-constructing the end of the revetment to minimize erosion of the backfill material that is undermining the revetment, maintenance of the revetment to protect its integrity,

and assumption of risks associated with installation of the revetment. As conditioned, staff believes that the project is fully consistent with the Chapter 3 policies of the Coastal Act.

The motion to adopt the staff recommendation of approval with conditions is found on page 3.

STAFF NOTES:

1. **Jurisdiction and Standard of Review**

The project site is within the Commission's retained jurisdiction where there are tidelands or areas subject to the public trust. Therefore the applicable standard of review for Coastal Development Permit application No. 1-04-003 is the Chapter 3 policies of the Coastal Act.

2. **Commission Action Necessary**

The commission must act on the application at the April 15, 2005 meeting to meet the requirements of the Permit Streamlining Act.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-04-003 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.

II. **STANDARD CONDITIONS:** See Attachment A.

III. **SPECIAL CONDITIONS:**

1. **Revetment Terminus Plan**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit for review and approval of the Executive Director, a plan for re-engineering and constructing the northerly end of the proposed revetment to either: a) create an end return on the structure, tying it into the bank or b) taper/feather the revetment along the bank.

(1) The plan shall be consistent with the following criteria and specifications:

- (a) The plan shall be designed by a certified engineer and must be designed in accordance with recognized industry standard principles appropriate for the option selected.
- (b) The plan shall be designed to minimize erosion at the end of the revetment.
- (c) Completion of the project shall occur prior to the next storm season, specifically in advance of October 15th, 2005.
- (d) All construction activities shall occur during periods of low tide to minimize potential adverse impacts on aquatic resources in the Bay.

(2) The plan shall include, at a minimum, the following components:

- (a) A narrative description of the construction procedures.

- (b) A site plan and cross-sectional representation of the proposed re-construction option; and
 - (c) A schedule for implementing the plan.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Maintenance Activities and Future Alterations

The permittee shall maintain the approved shoreline protection for the life of the structure. The permittee shall be responsible for removing or re-depositing any debris, rock or material that becomes dislodged after completion of the approved shoreline protection as soon as possible after such displacement occurs. Prior to commencement of such activity, the permittee shall contact the Coastal Commission District Office to determine whether such activities require a coastal development permit.

3. Assumption of Risk, Waiver of Liability and Indemnity Agreement

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from Bay currents, waves, landslides, bank retreat, erosion, and earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. **PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and

(2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. FINDINGS AND DECLARATIONS

1. Project & Site Description / Background

The general project area is on the Samoa Peninsula or North Spit of Humboldt Bay, west of the City of Eureka, and approximately one mile southwest of the Town of Fairhaven (see Exhibit No.1). The specific project site is a 40-foot long stretch of Bay shoreline, east of New Navy Base Road at post mile 0.22 (see Exhibit No. 2). The entire Samoa Peninsula is a sand spit with remnant dunes. The project site consists mainly of hard packed sand supporting some coastal scrub. The shoreline slopes upward to an eroding bank; a field fence along the scoured bank was the only structure on the site. The shoreline immediately to the south of the project site was stabilized from erosion with 2-ton rock slope protection (RSP) several years ago. This previously installed RSP extends approximately 930 feet to the south to Samoa Boat Ramp County Park, where the shoreline turns eastward extending into the Bay. The bank north of the project site is in a natural state, and turns more to the northeast, causing the shoreline between New Navy Base Road and the Bay to widen considerably.

In December of 2002, the Humboldt County Public Works Department observed erosion along the 40-foot long stretch of bank immediately north of the existing RSP feature, which had exposed a portion of PG&E's underground high voltage power line, threatened a water main of the Humboldt Bay Municipal Water District, and suspended the existing field fence along the bank. The eroded area measured 40-feet long x 6-feet deep x 10-20-feet wide, depending on the tidal stage. The distance from the eroding bank to the roadway (New Navy Base Rd.) is 23-feet and this area, along the top of the bank, is covered mainly with grass and weeds. Prior to the commencement of development, the site was surveyed by County and U.S. Fish & Wildlife Service Botanists to determine the

presence of habitat for Menzie's Wallflower and Beach Layia. The botanists concluded that the site does not contain suitable habitat for either species.

In order to protect the PG&E power line and the Humboldt Bay Municipal Water District line, the Executive Director granted Emergency Permit No. 1-04-002-G, on January 26th, 2004 (see Exhibit No. 5). The Emergency Permit authorized (1) the placement of approximately 90 cubic yards of 2-ton rock tied into the end of the existing RSP feature to the south and to the natural bank on the north, and (2) the placement of approximately 90 cubic yards of imported sand as backfill over the exposed utilities and between the eroded shoreline and the 2-ton rock (see Exhibit Nos. 3 & 4 depicting the site plan and a cross-section of the proposed revetment). The proposed development appears to have been constructed, in large part, according to plan, however, the northerly end of the revetment, where it was supposed to tie into the natural bank, is either unfinished or in disrepair, allowing Bay waters to flow behind the revetment and erode the back-filled area.

The applicant seeks permanent authorization for the development approved on a temporary basis under the Emergency Permit.

2. Protection of Coastal & Marine Resources

Constructing the proposed rock revetment involved placing approximately 30 cubic yards of rock slope protection material below the mean high tide line. As such, the development includes the placement of fill in coastal waters and is subject to Section 30233 of the Coastal Act, which sets forth specific standards with regard to development involving the fill of coastal waters.

Coastal Act Section 30233 allows fill in coastal waters only where there is no feasible less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and where the project is limited to one of eight specified uses.

Section 30233 of the Coastal Act provides as follows, in applicable part:

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

...

- (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

Section 30233 sets forth a number of different limitations on what development projects may be allowed in coastal waters. For analysis purposes, the limitations can be grouped into four general categories or tests. These tests are:

1. That the purpose of the filling, diking, or dredging is for one of the eight uses allowed under Section 30233;
2. That feasible mitigation measures have been provided to minimize adverse environmental effects;
3. That the project has no feasible less environmentally damaging alternative; and
4. That the biological productivity and functional capacity of the habitat shall be maintained and enhanced where feasible.

(1) Allowable Use

The first test for a proposed fill/dredging project is whether the fill/dredging is for one of the eight allowable uses under Section 30233(a). The relevant category of use listed under Section 30233(a) that relates to the proposed rock revetment is subcategory (5), stated as follows:

- (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

To determine if the proposed fill is for an incidental public service purpose, the Commission must first determine that the proposed fill is for a public service purpose. Since construction of the rock revetment was conducted by a public agency in order to protect the structural and functional integrity of public utilities that were threatened by erosion, the Commission finds that the fill expressly serves a public service purpose consistent with Section 30233(a)(5).

The Commission must next determine if the fill is "incidental" to the public service purpose identified. In the present case, the Commission finds the public safety and protection purpose of the proposed fill is indeed incidental to "something else as primary," that is, the public utility lines. The severe erosion at the project site has necessitated the rock revetment in order to protect the structure and function of the utilities, and also prevent the lines from becoming a public safety hazard. A stabilized

bank in this location is, therefore, necessary and incidental to the integrity of the public utilities.

The Commission finds that for the reasons discussed above, the fill associated with construction of the rock revetment is for an incidental public service purpose, and thus, is an allowable use pursuant to Section 30233(a)(5) of the Coastal Act.

(2) Feasible Mitigation Measures

The second test set forth by Section 30233 is whether feasible mitigation measures have been provided to minimize any adverse environmental impacts of the project. The marine environment in Humboldt Bay is known to provide habitat for a variety of sensitive and federally listed species including Tidewater Goby, Chinook and Coho Salmon, and Steelhead. Although construction of the revetment involves placing approximately 30 cubic yards of rip-rap below the mean high tide line, the development is not expected to cause significant adverse impacts, as proposed, for the following reasons. The development was constructed during periods of low tide, thereby avoiding any work in the water, which minimized the potential for disturbance of aquatic resources. Further, no significant loss of aquatic habitat has resulted from the revetment, as the rip-rap does not extend any further into the Bay than the bank did, prior to the severe scour that has caused the bank to be eroded away. Furthermore, the rock adds some structural habitat diversity to the tidal zone.

Therefore, the Commission finds that the development proposed, and as conditioned includes measures, where feasible, to minimize significant adverse impacts to aquatic habitat consistent with Section 30233 of the Coastal Act.

(3) Alternatives Analysis

The third test of Section 30233(a) is whether there are feasible less environmentally damaging alternatives to the proposed project. Possible alternatives include: (1) the no project alternative, (2) constructing a sheet pile wall, or (3) using a bio-engineered or "soft" stabilization technique. The Commission finds, as discussed below, that there is no feasible less environmentally damaging alternative to the project as conditioned.

Option No. 1, the "no project" alternative is not a feasible option in this location, because of the public service utilities that have been exposed and threatened by the erosion, which include a PG&E high voltage power line, and a Humboldt Bay Municipal Water District line which serves the Coast Guard Station, the County Park to the south, and other development. Leaving the bank unprotected could thus result in disrupting or severing public service to these utilities, and create a public safety hazard from the exposed lines. Option No. 2, constructing a sheet pile wall as a type of armoring is not likely an appropriate type of device for this site because of the soft nature of the project site. Finally, at the time of the Emergency Permit, time constraints precluded Option No. 3, a

“soft” alternative such as a bio-engineered stabilization technique, which typically involves a re-vegetation component that takes time to become effective. As a permanent option, this alternative is also not likely to be appropriate in this location due to the combined factors of the close proximity of the utilities and road to the shoreline in this location, the effect of the RSP to the south, and the strong erosive forces of the Bay currents and wave action on the shore here. Therefore, none of the identified alternatives are feasible less environmentally damaging alternatives.

Therefore, the proposed development is the least environmentally damaging alternative feasible to sufficiently protect the public utilities and roadway from erosion.

(4) Maintenance and Enhancement of Habitat Values

The fourth general limitation set by Section 30233 is that any proposed dredge or fill project in coastal waters must maintain and enhance the biological productivity and functional capacity of the habitat, where feasible.

The marine environment in Humboldt Bay is known to provide habitat for a variety of sensitive and federally listed species including Tidewater Goby, Chinook and Coho Salmon, and Steelhead. However, as proposed the development was constructed during periods of low tide thereby avoiding any work in the water. Additional construction work required by Special Condition No. 1 is also required to be conducted during periods of low tide. Therefore, potential impacts such as disturbance of sediment, and resulting turbidity in the water column, or other physical or elemental disturbances to aquatic resources associated with operating equipment in the water, have been and will be, avoided. A portion of the rock rip-rap has been placed below the mean high-tide line, however it does not extend any further into the Bay than the bank did prior to the severe scour that has caused the bank to be eroded away. Furthermore, the rock adds some structural habitat diversity to the shoreline. The Commission, therefore, finds that the project will maintain the biological productivity and functional capacity of the aquatic habitat consistent with the requirements of Section 30233 of the Coastal Act.

The Commission thus finds that the proposed fill is for an allowable use, that there is no feasible less environmentally damaging alternative, that feasible measures have been incorporated to mitigate potential impacts associated with the placement of fill into coastal waters, and that aquatic habitat values will be maintained or enhanced. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Section 30233 of the Coastal Act.

2. Geologic Hazards

Section 30253 of the Coastal Act states, in applicable part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 30253 requires that new development minimize risks to life and property in areas of high geologic hazard, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or require the construction of protective devices.

The proposed rock revetment is a type of armoring device similar in design to the shoreline protective feature situated immediately to the south, which has been in place and functioning for several years now. The revetment is designed to be stable, and was proposed to tie into the natural bank to the north. However, on a recent site visit staff observed that the northerly end of the revetment appears to be either unfinished or in disrepair. Bay waters can flow behind a portion of the rock revetment and the sand back fill material that was placed is eroding. In order to contain the backfill behind the revetment and thereby maintain the stability of the bank and the efficacy of the revetment itself as is required by Section 30253, the end of revetment must be reconstructed. Therefore, Special Condition No. 1 requires the applicant to submit and adhere to a plan for reconstructing the end of the revetment by creating either an end return or by tapering the revetment along the bank to minimize the erosion resulting from its current condition.

Even when designed and constructed to be stable, the integrity of this type of shoreline protective feature could be compromised if it is not adequately maintained over the life of the structure. If the revetment were damaged in the future (e.g. as a result of wave action, storms, etc.) the damage could threaten the stability of the site and/or cause a public safety hazard, which could lead to the need for more shoreline alteration. Therefore, in order to find the proposed revetment consistent with Section 30253, the Commission finds that the condition of the revetment in its approved state must be maintained for the life of the structure. Special Condition No. 2 notifies the applicants that they are responsible for maintenance of the rock revetment approved herein, and requires the applicant to contact the Commission to determine if permits are required for any such maintenance or repair activity.

Shoreline protective features often can exacerbate scour and erosion down coast of such devices, creating a ripple effect with respect to the need for shoreline armoring. A common end effect can come from the reflection of waves off the device, which can

magnify the wave energy affecting adjacent unprotected parts of the coast. However, due to the uneven surface area inherent in a rip-rap revetment, much of the wave energy can be reflected in different directions as a result of the varied angles and crevices, with the structure effectively absorbing much of the energy. Further, in the case at hand, the shoreline north of the proposed revetment widens considerably, as the public utility lines and New Navy Base Road diverge from the Bay, bending westward. Therefore, because the shoreline broadens so substantially north of the proposed revetment, natural erosive forces, even if aggravated by the armoring of the bank along the project site, are not expected to result in the need for further shoreline protective features in or near this location for the foreseeable future. Moreover, because the area between the shoreline and the utility lines and road to the north is much wider than exists at the project site, alternatives to armoring, such as bio-engineered stabilization techniques may be available to address any possible future erosion problems to the north. The Commission therefore finds that the proposed development is not likely to create a situation which would require further shoreline protective devices, or armoring to protect existing public utilities, roads, or other structures, in the foreseeable future.

Finally, due to the inherent risk of shoreline development, the Commission attaches Special Condition No. 3, which requires the applicant to assume the risks of development, waive any claim of liability against the Commission and indemnify the Commission against any damages that might result from the proposed revetment or its construction. The risks of the proposed development include the possibility that the proposed revetment will not protect against damage to the utilities from bank failure and erosion. In addition, the structures themselves may cause damage either at the project site or to neighboring properties by increasing erosion of the bank. Such damage may also result from ocean current or wave action that damages the revetment. Although the Commission has sought to minimize these risks, such risks can never be eliminated entirely. Given that the applicants have chosen to construct the proposed shoreline device despite these risks, the applicants must assume the risks. Special Condition No. 3 requires the applicant to submit a written agreement incorporating all of the requirements specified therein. Special Condition No. 3 also requires the applicant to record a deed restriction imposing the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property in the event that the property is conveyed to another party.

Therefore, the Commission finds that as conditioned the proposed project can be found consistent with Section 30253 of the Coastal Act.

3. Public Access

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from over use. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the

shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214 of the Coastal Act, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on public access.

Although the project is located between the first public road and Humboldt Bay, an inlet of the sea, the project would not significantly adversely affect public access. There are no trails or other access points within the project site itself. The Samoa Boat Ramp County Park provides public access to the Bay, and is located just 930 feet south of the project area; this access point will not be affected by the proposed development. In addition, the revetment does not cover a beach. Furthermore, the proposed project would not create any new demand for public access or otherwise create any additional burdens on public access.

Therefore, the Commission finds that the proposed project does not have any significant adverse effect on public access, and that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

4. Visual Resources

Section 30251 of the Coastal Act requires that new development be sited and designed to protect views to and along the coast, minimize the alteration of natural landforms, and be visually compatible with the character of the surrounding areas. Upon completion, the reconstructed bank will be the same level as the existing ground, and therefore will not affect views of the Bay from New Navy Base Road. While the development will be visible from the Bay, the material to be used is quarry rock, which will blend in with the existing rock slope protection feature to the immediate south. Therefore, the Commission finds that the proposed project is consistent with Coastal Act Section 30251 as the development would not block views to and along the coast, will not involve any significant alteration of landforms, and would be visually compatible with the character of surrounding areas.

5. California Environmental Quality Act (CEQA)

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission incorporates its findings on conformity with LCP policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed project has been conditioned so as to be found consistent with the Coastal Act. As specifically discussed in these above findings which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been made requirements of project approval. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

EXHIBITS:

1. Regional Location Map
2. Specific Location Map
3. Site Plan
4. Cross Section (RSP)
5. Emergency Permit (1-04-002-G)

ATTACHMENT A:

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



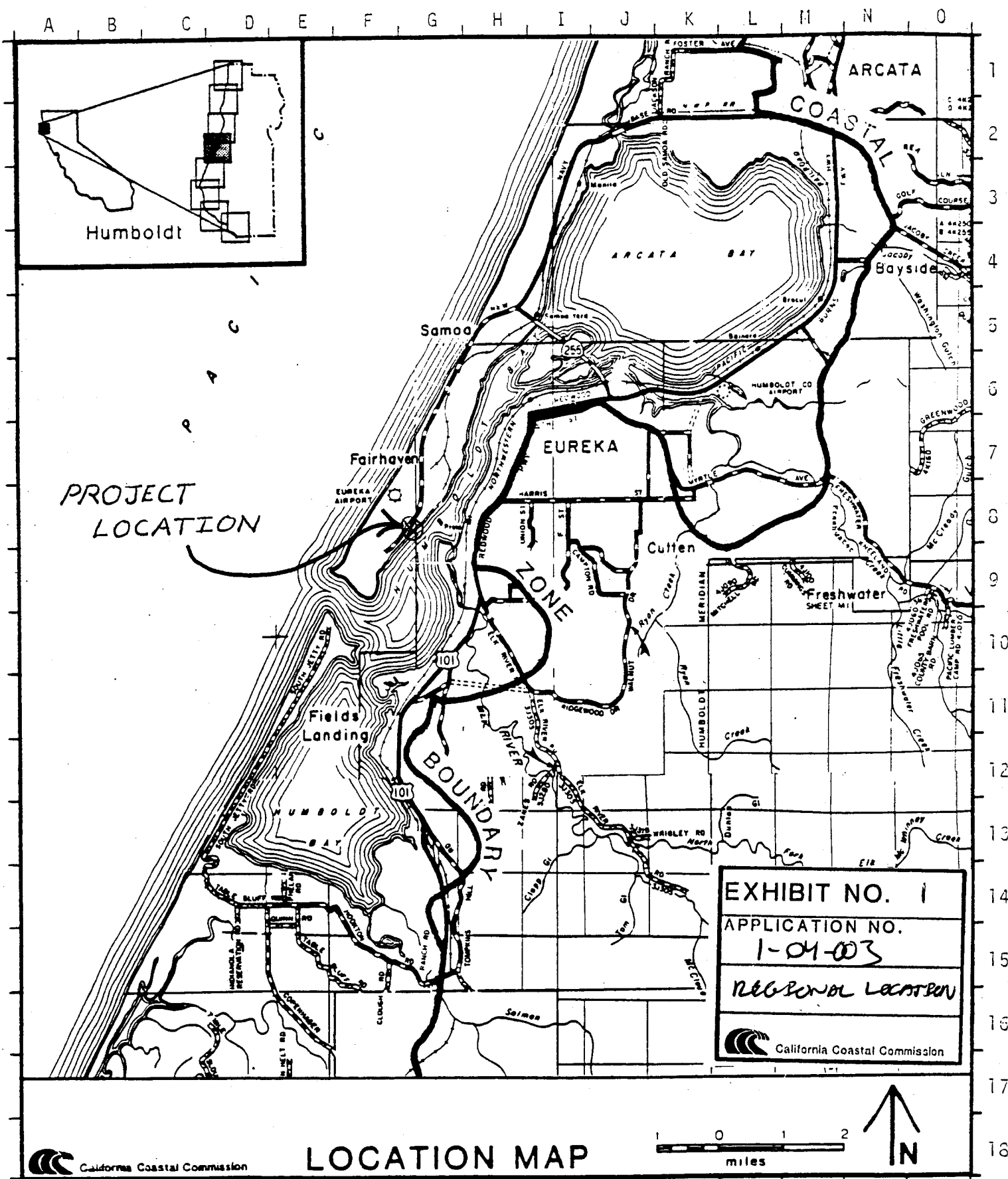


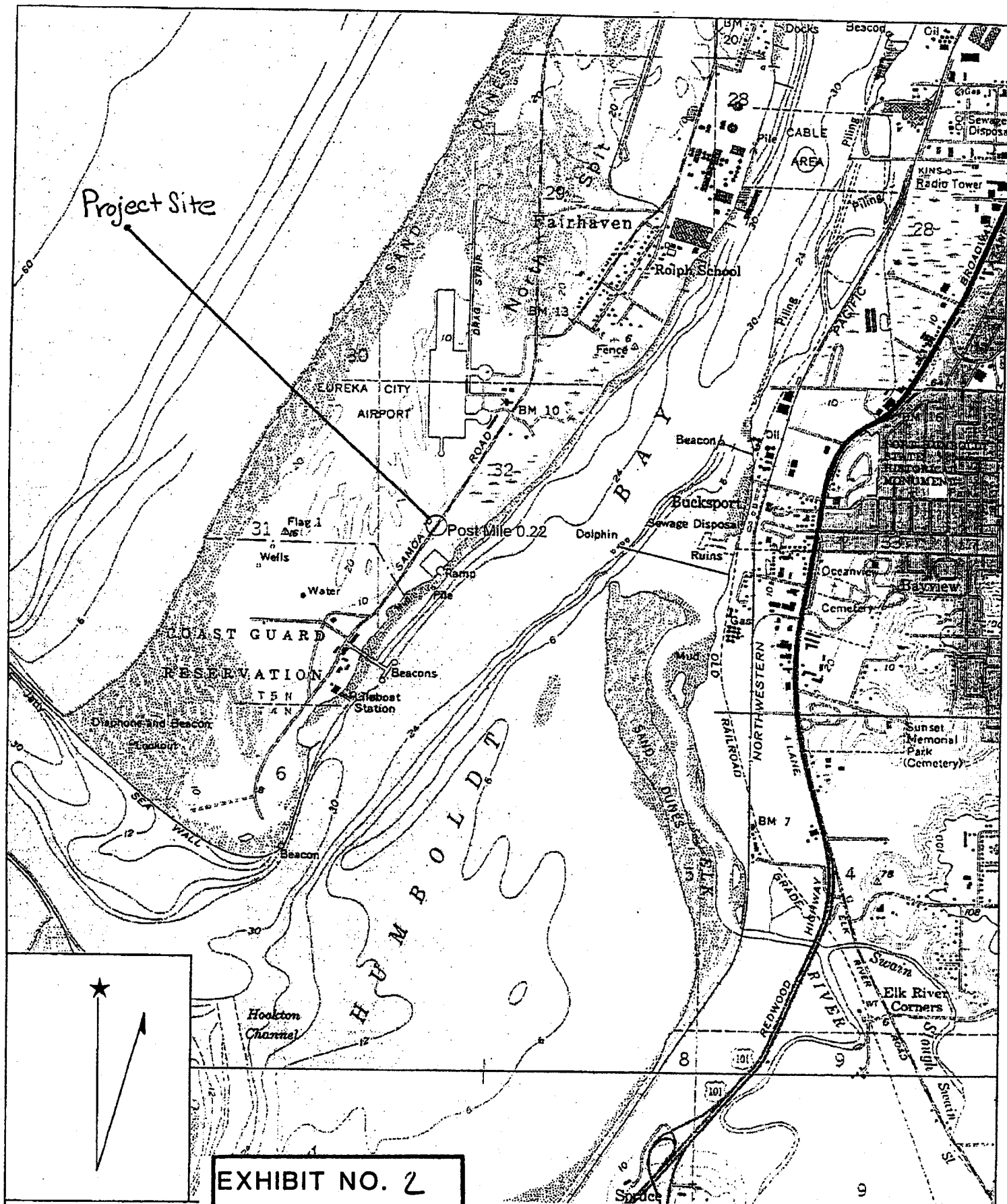
EXHIBIT NO. 1
APPLICATION NO.
1-04-003
REGIONAL LOCATION
California Coastal Commission

California Coastal Commission

LOCATION MAP

County of Humboldt

Sheet 4 of 8



Name: EUREKA
 Date: 8/19/2003
 Scale: 1 inch equals 2

EXHIBIT NO. 2

APPLICATION NO.

1-04-003

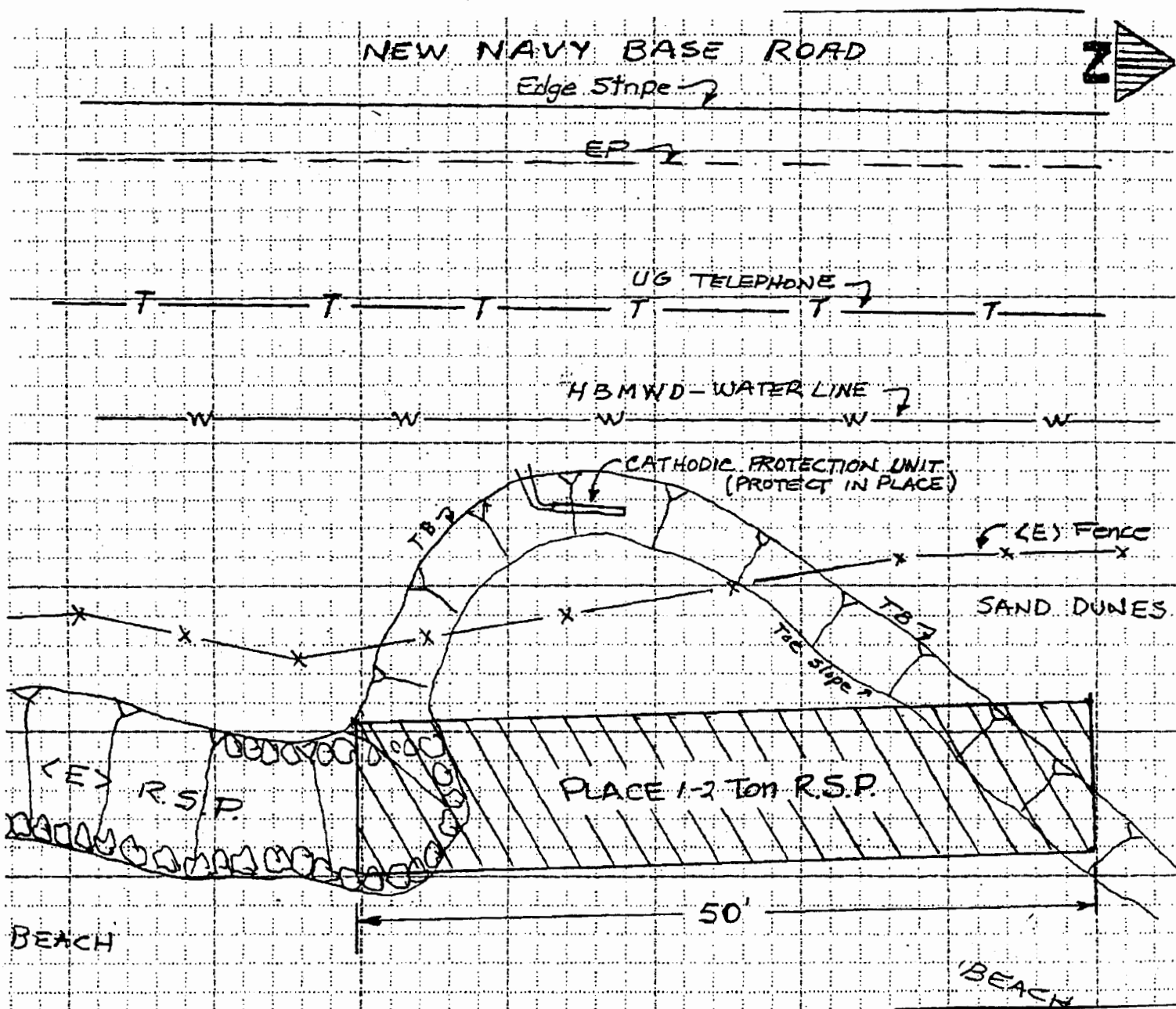
SPECIAL LOCATION
 MAP



California Coastal Commission


Location: 040° 46' 13.5" N 124° 12' 26.5" W
 Caption: Project: New Navy Base Road Post Mile 0.22
 Applicant: Humboldt County Public Works

1997, Maptech, Inc.



SITE PLAN

SCALE: $\pm 1" = 10'$

EXHIBIT NO. 3
APPLICATION NO. 1-04-05
SITE PLAN
 California Coastal Commission



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
1106 SECOND STREET • EUREKA, CA 95501
PHONE (707) 445-7377 FAX (707) 445-7409

DATE	PROJ. NO.	MADE BY	CHK'D BY	PAGE
08/25/03	NEW NAVY BASE RD ^{P/M} 0.22	Q8		

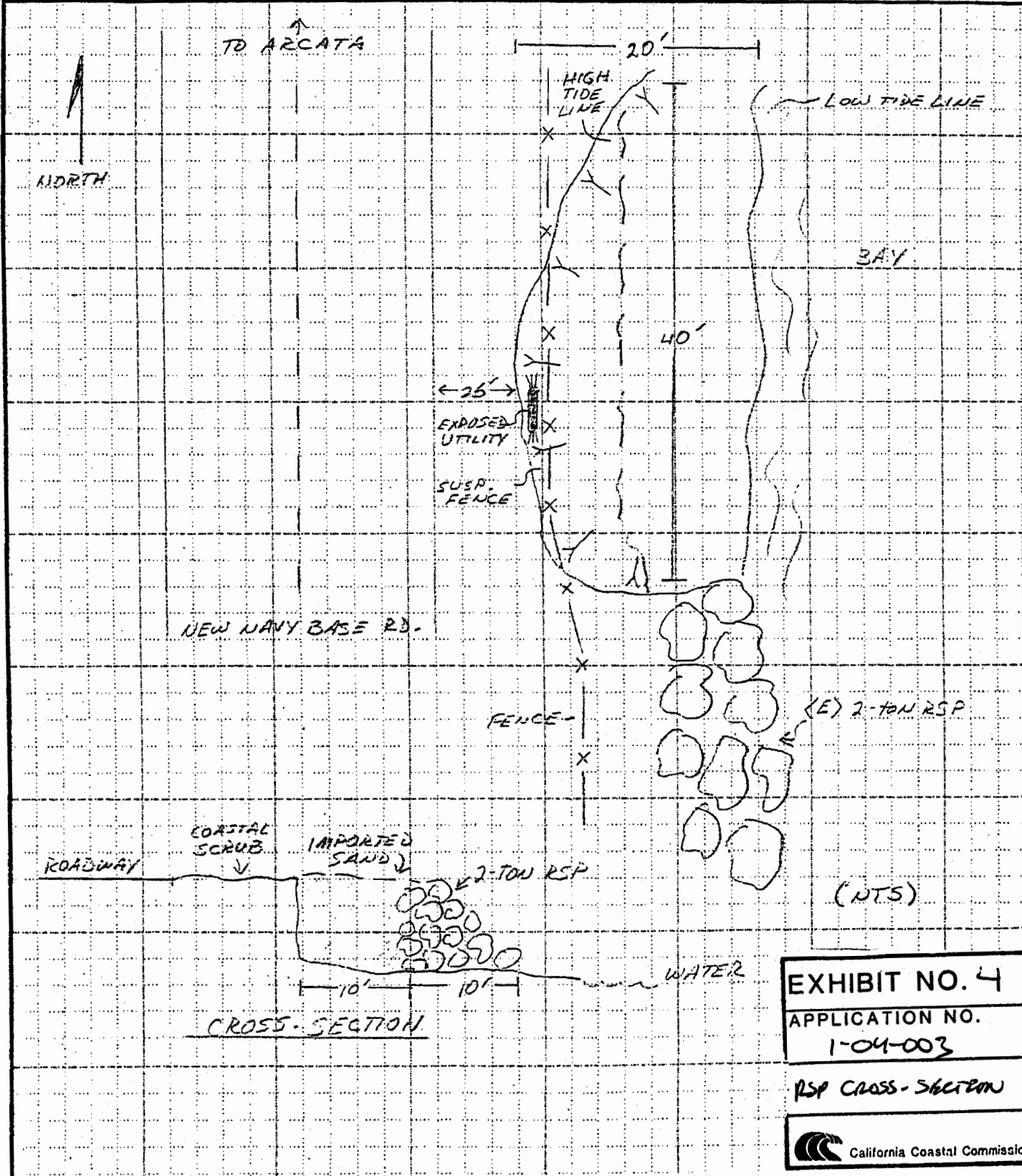


EXHIBIT NO. 4

APPLICATION NO.

1-04-003

RSP CROSS-SECTION



California Coastal Commission

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET, SUITE 200
EUREKA, CA 95501

(707) 445-7833

www.coastal.ca.gov**EMERGENCY PERMIT**

Ann Glubczynski
County of Humboldt Department of Public Works
1106 Second Street
Eureka, CA 95501

Date: January 26, 2004
Emergency Permit No. 1-04-002-G

LOCATION OF EMERGENCY WORK:

Off of the east side of New Navy Base Road, at Post Mile 0.22, 930 feet north of the Samoa Boat Ramp County Park and adjacent of Humboldt Bay along the Samoa Peninsula, Humboldt County (APN(s) 401-141-04)

WORK PROPOSED:

Protect an approximately 40-foot-long stretch of shoreline where erosion is exposing and threatening buried utility lines including a PG&E high voltage power line and a Humboldt Bay Municipal Water District water line by (1) placing approximately 90 cubic yards of 2-ton rock tied into the end of an existing RSP feature to the south and the natural bank to the north, and (2) placing approximately 90 cubic yards of imported sand as backfill over the exposed utilities and between the eroded shoreline and the 2-ton rock.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of rapid shoreline erosion due to recent storms and high winter tides has exposed buried public utility lines buried along the shoreline of the sand spit that forms the Samoa Peninsula including a PG&E high voltage power line and a Humboldt Bay Municipal District water line that serve the Coast Guard Station, the County Park, and other development. The erosion threatens to sever these essential public services and create a public safety hazard. Therefore, the situation requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of this permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.


The work is hereby approved, subject to the conditions listed on the attached page.

Sincerely,

PETER M. DOUGLAS
Executive Director

By: ROBERT MERRILL
District Manager

CALIFORNIA COASTAL COMMISSION

EXHIBIT NO. 5
APPLICATION NO. 1-04-003
EMERGENCY PERMIT
(1 of 2)  California Coastal Commission

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 60 days.
4. The permittee shall obtain a regular Coastal Permit to have the emergency work be considered permanent. The applicant submitted a regular coastal development permit application (CDP Application No. 1-04-003) requesting permanent authorization for the shoreline protection work along with the emergency permit request. If CDP Application No. 1-04-003 is denied by the Commission, the rock and sand and all other materials placed under the emergency permit shall be removed in its entirety within 180 days of the Commission's action on CDP Application No. 1-04-003, unless this requirement is waived in writing by the Executive Director.
5. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (i.e. Dept. of Fish & Game, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, State Lands Commission.)
7. Filter fabric shall be placed underneath the rock to be placed in between the rock and the sand backfill. The rock material to be used shall consist of 2-ton quarry rock and the backfill materials shall consist of imported sand. No broken concrete, asphalt, or other debris may be utilized.

As noted in Condition #4, the emergency work carried out under this permit is considered to be TEMPORARY work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal Permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate and easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission's North Coast District Office at the address and telephone number listed on the first page.

cc: Humboldt County Planning Department

Enclosure: Acceptance Form