

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877



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Staff: Robert S. Merrill
Staff Report: February 24, 2012
Hearing Date: March 9, 2012
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-10-040**

APPLICANTS: City of Eureka.

PROJECT LOCATION: At Halvorsen Park along the Humboldt Bay shoreline adjacent to the Humboldt Bay Rowing Club boat dock, Eureka, Humboldt County (APN 002-241-006).

PROJECT DESCRIPTION: Repair an existing rock slope shoreline protective device by placing approximately 10 cubic yards of quarry rock along the damaged 35-foot-long section of the shoreline protective device above the Mean High Water line.

OTHER APPROVALS RECEIVED: (1) Humboldt Bay Harbor, Recreation, & Conservation District Administrative Approval No. A-2011-01;
(2) U.S. Army Corps of Engineers Nationwide Permit No. 13 – Bank Stabilization; and
(3) Regional Water Quality Control Board 401 Water Quality Certification.

OTHER APPROVALS REQUIRED: None

SUBSTANTIVE FILE DOCUMENTS: City of Eureka Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with conditions of the coastal development permit application for the proposed project on the basis that, as conditioned by the Commission, the project is consistent with the Chapter 3 policies of the Coastal Act.

The proposed development involves the repair of an existing rock slope shoreline protective device at Halvorson Park along the Eureka waterfront. The revetment was initially installed in 1985 pursuant to a Commission granted coastal development permit. Unusually high tides have encroached above the existing rock slope revetment, causing erosion that destabilized a 35-foot-long section of the revetment and dislodged some of the rock. The erosion and partial collapse of the existing revetment is undermining an existing public shoreline pathway and the landing to a recreational boat dock. As proposed, the City of Eureka would repair the shoreline protective device by placing approximately 10 cubic yards of quarry rock meeting engineering specifications on top of the existing rock slope protective device to restore its original 1.5 horizontal to 1 vertical slope. To assure the structural integrity and stability of the repaired rock slope shoreline protective device, the repairs have been engineered. The design and the quarry rock to be used in the repairs meet Caltrans specifications. The project site is partially within intertidal habitat and a band of eelgrass habitat occurs within the adjacent mudflat. The mudflat and eelgrass habitat would be avoided as the footprint of the existing rock slope revetment would not be expanded and construction would be performed from positions on land above the rock slope revetment.

Staff has evaluated the proposed method of repair and maintenance pursuant to Coastal Act 30610(d) and CCR Section 13252 and recommends Special Condition Nos. 1 through 3. To ensure that the repairs conform to the engineered plans and minimize risk of geologic hazard, Special Condition No. 1 requires that the repairs to the shoreline protective device be performed consistent with the submitted plans. To protect the integrity of the rock slope shoreline protective device over time, Special Condition No. 3 requires the applicant to maintain the existing revetment in its approved state. The condition also indicates that, should it be determined that additional maintenance of the proposed structures is required in the future, the applicant shall contact the Commission to determine if permits for such maintenance are required. Special Condition No. 2 requires implementation of various water quality and marine resource protection best management practices proposed by the applicant and adherence to a number of additional construction standards and responsibilities to protect water quality and the adjacent intertidal habitat.

As conditioned, all feasible mitigation measures will be provided to minimize adverse environmental effects consistent with Sections 30230, 30231, 30232, and 30233 of the Coastal Act. Staff believes the proposed project as conditioned, is consistent with the Chapter 3 policies of the Coastal Act and recommends approval of the project with the above-described special conditions.

The Motion to adopt the Staff Recommendation of Approval with Conditions is found on pages 4-5 below.

STAFF NOTES

1. Standard of Review.

The proposed project is located within the city limits of the City of Eureka along the shoreline of Humboldt Bay. The City of Eureka has a certified Local Coastal Program, but the proposed project is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Filled former tidelands subject to the public trust are within the Commission's retained coastal development permit jurisdiction. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

I. MOTION, STAFF RECOMMENDATIONS, & RESOLUTIONS:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-10-040 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 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 either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment; or (2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS:

1. Conformance To Plan and No Seaward Extension.

The repairs to the shoreline protective device shall be performed consistent with the typical cross-section of the repair project prepared by LACO Associates, titled, "Halvorsen Park RSP Repair-Typical Section @ Shoreline," dated October 26, 2011, and the footprint of the shoreline protective device shall not be extended bayward of the existing footprint of the existing device. Any proposed changes to the plan shall be reported to the Executive Director. No changes to the plan shall occur without a Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Construction Responsibilities:

The permittee shall comply with the following construction-related requirements:

- a. Construction work shall be performed during the dry season between April 15 and October 15;
- b. Construction work shall be limited to periods of low tides;
- c. Heavy equipment shall not operate in the bay or intertidal wetlands. All placement of material and construction shall be performed from the upland shore;
- d. No construction materials, debris, or waste shall be placed or stored where it may be subject to entering waters of Humboldt Bay or intertidal wetlands;
- e. Any debris from the project area discharged into coastal waters shall be recovered immediately and disposed of properly. Non-buoyant debris discharged into coastal waters shall be recovered by divers if necessary;
- f. During construction, all trash shall be properly contained, removed from the work site, and disposed of on a regular basis to avoid contamination of habitat during restoration activities;

- g. All construction debris, waste, or trash shall be removed from the site and disposed of in an upland location at an approved disposal facility within 10 days of project completion;
- h. Any fueling and maintenance of construction equipment shall occur within upland areas outside of coastal waters and wetland areas or within designated staging areas;
- i. Fuels, lubricants, and solvents shall not be allowed to enter the coastal waters or wetlands. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/ remediation service shall be locally available on call;
- j. All on-site stockpiles of construction debris shall be covered and contained at all times to prevent polluted water runoff; and
- k. Any rock placed as part of the repair of the shoreline protective device that that may become inadvertently dislodged during construction and roll beyond the footprint of the original shoreline protective device shall be recovered immediately and either placed back into position or removed from the site and disposed of in an upland location at an approved disposal facility;

3. Future Maintenance.

The permittee shall maintain the existing revetment in its approved state. Any change in the design of the revetment or future additions/reinforcement of the revetment beyond exempt maintenance as defined in Section 13252 of Title 14 of the California Code of Regulations to restore the structure to its original condition will require a coastal development permit. However, in all cases, if after inspection, it is apparent that repair and maintenance is necessary, the permittee shall contact the Executive Director to determine whether a coastal development permit or an amendment to this permit is legally required, and, if required, shall subsequently apply for a coastal development permit or permit amendment for the required maintenance.

IV. FINDINGS & DECLARATIONS:

The Commission hereby finds and declares as follows:

A. Site Description & Project Background

The project site is located along a section of an existing rock slope shoreline protective device on the shoreline of the Eureka Inner Channel of Humboldt Bay at Halvorsen Park within the City of Eureka (APN 002-241-06). The site is adjacent to an existing boat dock operated by the Humboldt Bay Rowing Association (HBRA) which consists of an 8-10-foot-wide gangway and causeway connected to a 100-ft-x-8-ft floating dock. The boat dock is used by HBRA members and the public by permission. The revetment protects the dock gangway landing and an adjoining 8-foot-wide paved public access pathway that extends along the top of the bank along the approximately half mile length of Halvorsen Park, a 3.5-acre city park. Unusually high tides have encroached above the existing rock slope protection, causing erosion that destabilized a 35-foot-long section of the revetment and dislodged some of the rock of the revetment. The damage to the revetment has in turn undermined and damaged the existing trail creating a public safety concern that adversely affects public access along the Bay. In addition, the destabilized revetment also threatens the stability of the dock gangway landing.

The existing rock slope shoreline protective device was installed in 1985 pursuant to Coastal Development Permit No. 1-84-119, granted by the Commission to the City of Eureka in 1984. CDP No. 1-84-119 authorized the placement of approximately 2,000 cubic yards of rock slope protection along approximately half a mile of the shoreline between M and S Streets as well as the installation of drainage improvements and the development of the shoreline public pedestrian walkway that runs adjacent to the revetment. Prior to placement of the rock slope shoreline protective device, the shoreline area consisted of a collection of dilapidated timber bulkheads, docks, old fill, and offshore piles. As part of the project, CDP No. 1-84-119 authorized the selective removal of portions of these remnant features of past harbor development, grading of the shoreline embankment to create a uniform slope, placement of a filter fabric, and placement of a 1.5 to 2-foot thick blanket of 5 to 300 pound rock. No special conditions affecting the development of the rock slope shoreline protective device were imposed in the permit

The channel habitat adjoining the revetment consists of intertidal mudflat. A narrow band of eelgrass (*Zostera marina*) is growing in an irregularly shaped band in the mudflat between the shoreline rock slope protection and the existing dock. Eelgrass beds are considered to be a type of environmentally sensitive habitat worthy of protection because they function as important shelter, foraging, and in some cases spawning habitats for a variety of fish species. The long, green leaves of the aquatic flowering plant also are an important food source for certain birds, such as black brant (small migratory geese). Eelgrass growth is sensitive and susceptible to human-related direct and indirect impacts.

Halvorsen park is a large open grassy area that is mostly undeveloped except for a boathouse associated with the Humboldt Rowing Club dock and the Sacco amphitheater. Existing land uses surrounding the subject property and park include the Adorni Recreational Center to the west, Waterfront Drive and a mixture of commercial and

residential uses to the south, a public parking lot and public boat launch located approximately 350 feet to the east adjacent to the State Route 255 bridge, and the Woodley Island Marina across the bay to the north (see Exhibit Nos. 1 & 2). There also is another public boat launch, the Bonnie Gool public dock, located approximately 1,000 feet west of the subject site.

B. Project Description

The applicant proposes to repair the existing shoreline protective device by placing approximately 10 cubic yards of half ton quarry rock along a damaged 35-foot-long section of the shoreline protective device above the Mean High Water line. The rock would be placed on top of the remaining rock of the existing revetment to restore the 1.5 horizontal to 1 vertical slope of the rock slope shoreline protective device as it was originally constructed.

The rock would be delivered to the site by dump truck and placed by backhoe and by hand where necessary. The equipment would be positioned on top of the bank and no equipment would be operated from within the bay. All work would be performed during periods of low tide and during the dry season and standard best management practices would be employed to minimize sedimentation of bay waters. Access to the adjacent trail along the top of the bank and access to the Humboldt Bay Rowing Club dock would be limited during the approximately four-hour period when repair activities will be performed.

The applicant would perform related work to repair the existing trail and temporarily remove and then reinstall existing benches at the same time. These related repair activities to be performed adjacent to the rock slope protection repairs to be authorized by CDP 1-10-040 have been determined by the Executive Director and the City to be exempt from coastal development permit requirements pursuant to Section 30610(d) of the Coastal Act and Section II(C) of the document entitled Repair, Maintenance and Utility Hookups, adopted by the Commission on September 5, 1978 as routine maintenance of a park facility including repair or modification of existing public facilities where the level or type of public use or the size of structures will not be altered.

C. Permit Authority, Extraordinary Methods of Repair & Maintenance

Coastal Act Section 30610(d) generally exempts from Coastal Act permitting requirements the repair or maintenance of structures that does not result in an addition to, or enlargement or expansion of, the structure being repaired or maintained. However, the Commission retains authority to review certain extraordinary methods of repair and maintenance of existing structures that involve a risk of substantial adverse environmental impact as enumerated in Section 13252 of the Commission regulations.

Section 30610 of the Coastal Act provides, in relevant part (emphasis added):

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

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

Section 13252 of the Commission administrative regulations (14 CCR 13000 *et seq.*) provides, in relevant part (emphasis added):

For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:...

(3) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

(A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;

(B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

All repair and maintenance activities governed by the above provisions shall be subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and emergency permits. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Public Resources Code section 30700 unless so provided elsewhere in these regulations. The provisions of this section shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean....

The proposed project is a repair and maintenance project because it does not involve an addition to or enlargement of the subject rock slope shoreline protective device, which was originally installed in 1985. Although certain types of repair projects are exempt from CDP requirements, Section 13252 of the regulations requires a coastal development permit for extraordinary methods of repair and maintenance enumerated in the regulation. The proposed repair work involves the placement of construction materials and removal and placement of solid materials within 50 feet of a coastal bluff and within 20 feet of

coastal waters. The proposed repair project therefore requires a coastal development permit under CCR Section 13252(a)(1).

In considering a permit application for a repair or maintenance project pursuant to the above-cited authority, the Commission reviews whether the proposed method of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act. The Commission's evaluation of such repair and maintenance projects does not extend to an evaluation of the conformity with the Coastal Act of the underlying existing development.

The repair and maintenance of shoreline protective devices, such as is proposed under the subject CDP application, can have adverse impacts on coastal resources, in this case primarily tidal wetlands and coastal waters adjacent to the project area, if not properly undertaken with appropriate mitigation. As described above, the applicant proposes to repair and maintain the existing rock slope shoreline protective device by placing approximately 10 cubic yards of half ton quarry rock along a damaged 35-foot-long section above the Mean High Water line. The rock will be placed on top of the remaining rock of the existing revetment to restore the 1.5 horizontal to 1 vertical slope of the rock slope protection revetment as it was originally constructed. The applicant has included a number of mitigation measures as part of its proposal, as discussed above, such as limiting work to the dry season and at periods of low tide, positioning heavy equipment needed to perform the repairs on the adjoining upland bank rather than in the intertidal area, and using standard appropriate Best Management Practices (BMPs) to avoid sediment discharges to Humboldt Bay. Although these and other measures proposed by the City are appropriate, additional measures are needed to avoid or minimize potential project impacts on water quality and adjacent wetland habitats. The conditions required to meet these standards are discussed in the following findings relevant to water quality and marine resources. Therefore, as conditioned, the Commission finds that the proposed project is consistent with all applicable Chapter 3 policies of the Coastal Act.

D. Protection of Water Quality & Marine Resources

Section 30230 of the Coastal Act states as follows:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states as follows:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the

protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act states as follows:

Protection against the spillage of crude oil, gas, petroleum products or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30233 of the Coastal Act, in pertinent part, requires the evaluation of alternatives to the proposed project, and the adequacy of proposed measures to lessen or mitigate impacts to wetlands as follows:

(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...

As discussed above, the project site is located adjacent to the Eureka Inner Channel of Humboldt Bay. Most of the rock proposed to be placed to repair the existing rock slope protection will be placed in areas that are covered at least periodically with shallow tidal water and are considered wetlands pursuant to Section 30121 of the Coastal Act and Section 13577(b) of the Commission's regulations. The existing rock slope shoreline protective device provides rocky intertidal habitat. The channel adjoining the rock slope shoreline protective device consists of intertidal mudflat habitat. A narrow band of eelgrass (*Zostera marina*) is growing in an irregularly shaped band within this mudflat habitat between the rock slope shoreline protective device and the existing dock in the mudflat. Eelgrass beds are considered to be a type of environmentally sensitive habitat worthy of protection because they function as important shelter, foraging, and in some cases spawning habitats for a variety of fish species. The long, green leaves of the aquatic flowering plant also are an important food source for certain birds, such as black brant (small migratory geese). Eelgrass growth is sensitive and susceptible to human-related direct and indirect impacts.

Sections 30230 and 30231 of the Coastal Act require in part the maintenance of the biological productivity and quality of marine resources, coastal waters, streams, wetlands, and estuaries necessary to maintain optimum populations of all species of marine organisms and for the protection of human health. Section 30232 of the Coastal Act requires that permitted development provide for the protection against the spillage of crude oil, gas, petroleum products, or other hazardous substances and that effective containment and cleanup facilities and procedures be provided for accidental spills that may occur. Section 30233 of the Coastal Act requires in part that wetland fill may only be approved when there is no feasible less

environmentally damaging alternative and when feasible mitigation measures have been provided to minimize adverse environmental effects.

The proposed repair and maintenance of the existing rock slope shoreline protective device will result in the transportation and placement of 10 cubic yards of half ton quarry rock along the shoreline and the use of staging areas for vehicles and equipment staging and for material stockpiling. Because the proposed work area is within and adjacent to intertidal wetlands, there is a potential for project activities to adversely impact the water quality and habitat function of these adjacent habitat areas. Unless appropriate protocols are followed, the proposed project could result in the discharge or release of sediment, loose rock, construction materials and debris, coolants and petroleum products leaked from construction equipment, trash, or other pollutants into coastal waters and wetland habitat causing adverse impacts on water quality and marine resources within and adjacent to the project site. Of particular concern is the potential for discharged pollutants and loose rock to enter and/or bury sensitive eelgrass habitat within the tidal mudflat.

As discussed above, the applicant has proposed a number of measures to protect water quality and sensitive habitats. These measures include limiting work to the dry season and at periods of low tide, positioning heavy equipment needed to perform the repairs on the adjoining upland area above the bank rather than in the intertidal area, and using standard appropriate Best Management Practices (BMPs) to avoid sediment discharges to Humboldt Bay.

In general, the use of erosion and sedimentation control measures as proposed by the applicant would be appropriate to protect water quality and sensitive habitats. However, the particular best management practices proposed to be used have not been specified by the applicant. To ensure that appropriate erosion and sedimentation control measures needed to protect water quality and sensitive habitat from construction-related impacts are implemented, the Commission attaches Special Condition No. 2. This special condition outlines general construction standards and responsibilities that must be adhered to. These standards and responsibilities include (a) conducting the authorized work only during the dry season period of April 15 through October 15 to minimize entrainment of sediment from construction in stormwater runoff; (b) limiting construction to periods of low tide to avoid entrainment of sediment in rising tidal waters; (c) operating heavy equipment only from the top of bank on upland areas to avoid direct disturbance to the mudflat and releasing mudflat sediment into the water column; (d) placing or storing construction materials, debris, and waste be placed or stored in a manner that will prevent these materials from entering Bay waters; (e) recovering any debris discharged into coastal waters immediately and disposing of it properly; (f) managing trash collection and disposal to keep trash from polluting intertidal habitats, (g) removing and disposing of all construction debris, waste, or trash within 10 days of project completion, (h) limiting fueling and maintenance of construction equipment to upland areas outside of coastal waters and wetlands, (i) maintaining a spill prevention and clean-up kit available on-site for immediate use in case of an accidental spill; (j) covering and containing all on-site stockpiles of construction debris to prevent polluted water

runoff; and (k) recovering any rock placed as part of the repair project that that becomes dislodged during construction and rolls beyond the footprint of the original shoreline where it may enter and cover mudflat or eelgrass habitat.

Therefore, the Commission finds that as conditioned, all feasible mitigation measures have been provided to minimize adverse environmental effects and the development is consistent with Sections 30230, 30231, 30232, and 30233 of the Coastal Act.

The applicant proposes to place approximately 10 cubic yards of quarry rock on the existing shoreline revetment in areas that are covered at least periodically with shallow tidal water and are considered to be wetlands. As set forth above, Coastal Act Section 30233 requires that projects proposing to fill wetlands be evaluated to ensure that the least damaging feasible alternative is proposed.

Two alternatives to the proposed project exist, including (a) the no project alternative, and (b) placing sufficiently greater additional rock material on the existing shoreline protective device to reduce its steepness and reduce the risk of further erosion and collapse.

The no project alternative would allow the erosion and collapse of the existing rock slope shoreline protective device to continue. Further failure of the rock slope shoreline protective device would further undermine the shoreline pathway and benches that are positioned along the pathway with resulting adverse effects on shoreline public access use. As discussed above, the pathway and benches are already in need of repair. In addition, further collapse of the rock slope shoreline protective device would expose the soils of the upland fill area to greater erosion and entrainment in stormwater runoff and wave wash, which in turn would cause sedimentation and burial of intertidal habitat. Therefore, the Commission finds that the no project alternative is not a feasible less environmentally damaging alternative.

The second alternative of replacing the rock slope shoreline protective device with a vertical bulkhead reducing the slope of the revetment from its originally constructed 1.5 horizontal to 1 vertical slope to a shallower slope would reduce the risk of erosion and collapse of the rock slope shoreline protective device in the future. However, to reduce the slope, the foot of the rock slope would need to be extended further out onto the mudflat and significantly greater quantities of rock would need to be placed, resulting in elimination of substantial amounts of existing mudflat habitat and the possible burial of the band of eelgrass growing parallel to the shoreline just offshore. Therefore, the Commission finds that the alternative of reducing the slope of the rock slope protective device to reduce the risk of further failure of the shoreline protective device is not a feasible, less environmentally damaging alternative.

Therefore, for the reasons described above, the Commission finds that the proposed project is the alternative that best protects intertidal habitat and water quality from adverse effects of sedimentation erosion and best protects existing public access facilities from erosion. In

addition, as described above, the applicant proposes and the special conditions require a range of protective measures to limit adverse project impacts on sensitive coastal resources that might otherwise arise. There are no alternatives or mitigation measures that would further reduce the project's potential adverse impacts. Therefore the Commission finds that the proposed project is the least environmentally damaging feasible alternative as required by Section 30233(a) of the Coastal Act.

D. Geologic Hazards

Coastal Act Section 30253 states in applicable part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) 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.*

Coastal Act Section 30253 requires in applicable part that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard and neither create nor contribute significantly to erosion or geologic instability.

The existing rock slope shoreline protective device is located in an area of high geologic and flood hazard from waves and tidal action, and the repair project is necessary to repair previous damage from these hazards. To assure the structural integrity and stability of the repaired rock slope shoreline protective device, the repairs have been engineered. The quarry rock to be used in the repairs and the design meet Caltrans specifications. The plans have been reviewed by the Commission's engineer, Lesley Ewing, who finds them acceptable. To ensure that the repairs conform to the plans that have been determined to be acceptable, the Commission attaches Special Condition No. 1. This condition requires that the repairs to the shoreline protective device be performed consistent with the submitted plans and that no changes to the plan shall occur without a Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

Rock Slope shoreline protective devices require maintenance over time to prevent dislodged revetment materials loosened by wave action or other forces from destabilizing the structure. In order to protect the integrity of the rock slope shoreline protective device, Special Condition No 3 requires the permittee to maintain the existing revetment in its approved state. The condition also indicates that, should it be determined that additional maintenance of the proposed structures is required in the future, the applicant shall contact the Commission to determine if permits for such maintenance are required.

The Commission finds that as conditioned, the project will minimize risks to life and property from geologic and flood hazards, will assure stability and structural integrity, and will neither create nor contribute significantly to erosion, geologic instability, or erosion of the site or surrounding area consistent with the requirements of Section 30253 of the Coastal Act.

E. 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 overuse. 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 right of the public 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, 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 existing or potential access.

The project site is located along the shoreline of the Eureka Inner Channel of Humboldt Bay at an existing public park. The rock slope shoreline protective device to be repaired currently protects an existing public access pathway lined with occasional benches that extends along the shoreline of the park adjacent to the shoreline protective device. As discussed above, the damage to the shoreline protective device has in turn undermined and damaged the existing pathway, creating a public safety concern that adversely affects public access along the Bay. In addition, the destabilized rock slope shoreline protective device also threatens the stability of an adjoining dock gangway landing that provides access to the Humboldt Bay Rowing Association boat dock. As discussed above, the dock is made available by permission to the general public and facilitates recreational use on the Bay of skulls, kayaks, canoes, and other small vessels. Therefore, the proposed repair and maintenance project will help protect the public's continued use and enjoyment of existing shoreline public access and recreational boating facilities.

Construction to repair the rock slope shoreline protective device will require the temporary closure of the dock and the public access pathway in the immediate vicinity of the work area. However, the applicant indicates that the pathway and dock will only need to be closed approximately four hours to accommodate the repairs. An alternative boat launching facility, the Bonnie Gool public dock, is located approximately 1,000 feet west of the subject site. In addition, closure of the pathway will not completely block pedestrian passage along the shoreline during construction. Pedestrians would be able to walk around the construction site

on the grassy open space area that extends inland several hundred feet from the shoreline at Halvorson Park. The proposed project will not create any new demand for public access or otherwise create any additional burdens on public access.

Therefore, as the closure of the existing pathway and dock will be of relatively short duration and alternative means to access the shoreline in the vicinity of the project site for pedestrian and recreational boating use exists, the Commission finds that the adverse impacts of the development on public access are not significant. In addition, by preventing the trail and dock landing from continuing to be undermined by erosion, the development will help protect public access use in the future. Therefore, for all of the reasons set forth above, the Commission finds that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

F. California Environmental Quality Act (CEQA)

The City of Eureka served as the lead agency for the project for CEQA purposes. The City determined that the project is exempt from the need to prepare an environmental impact report under CEQA pursuant to a Class 1 categorical exemption (Section 15301 existing Facilities).

Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, is 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 any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. The 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 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 required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

I. EXHIBITS:

- (1) Regional Location Map
- (2) Project Vicinity Map
- (3) Subject Parcel
- (4) Photos of Work Area
- (5) Project Plans

APPENDIX 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 of interpretation of any condition will be resolved by the Executive Director or 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.

A B C D E F G H I J K L M N O

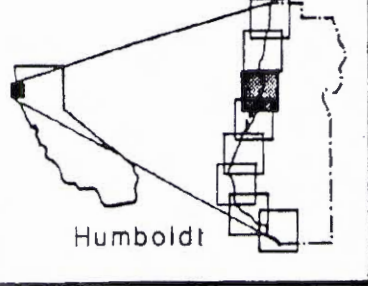
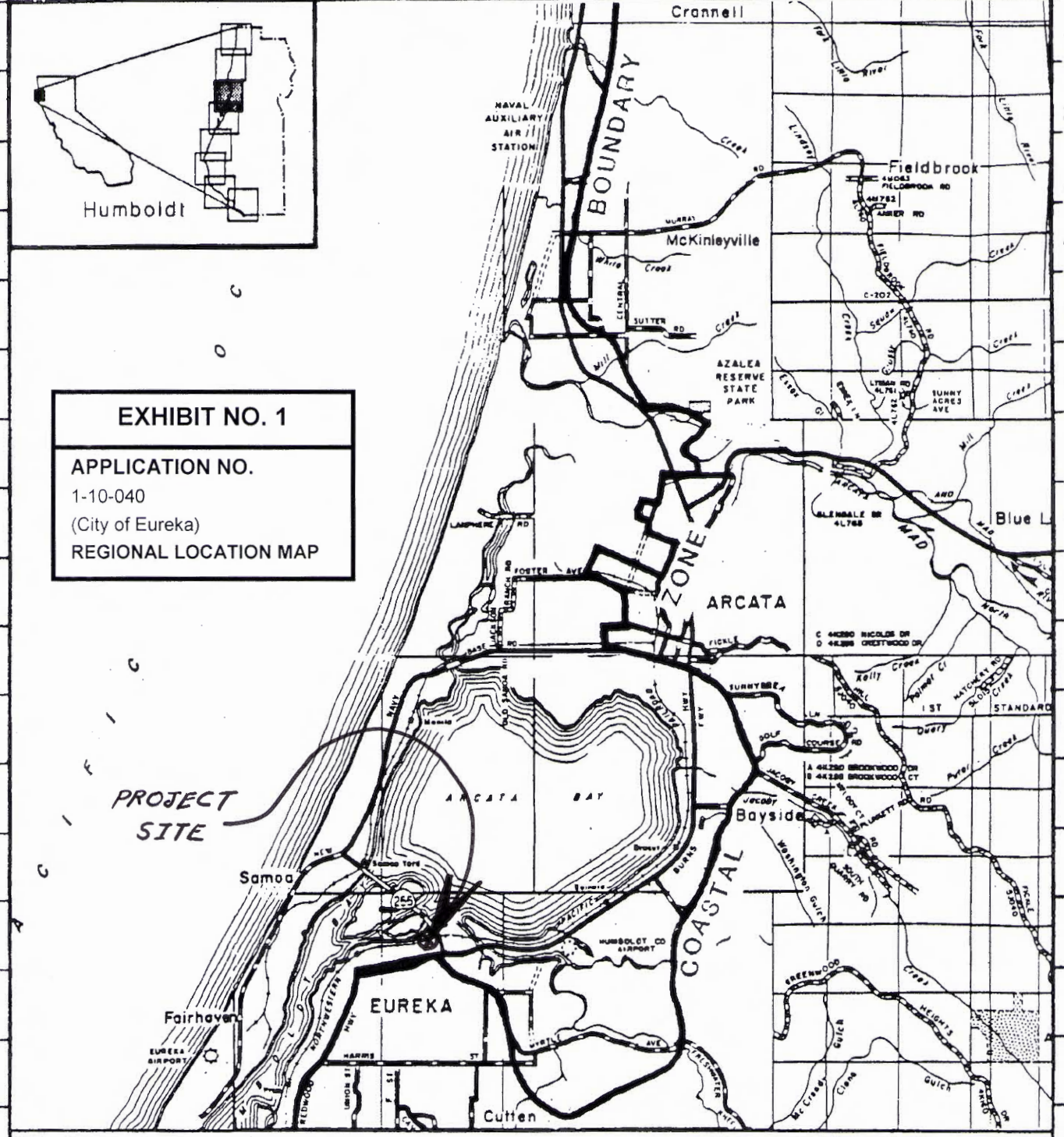
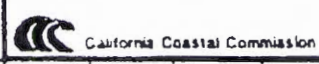


EXHIBIT NO. 1
APPLICATION NO.
1-10-040
(City of Eureka)
REGIONAL LOCATION MAP



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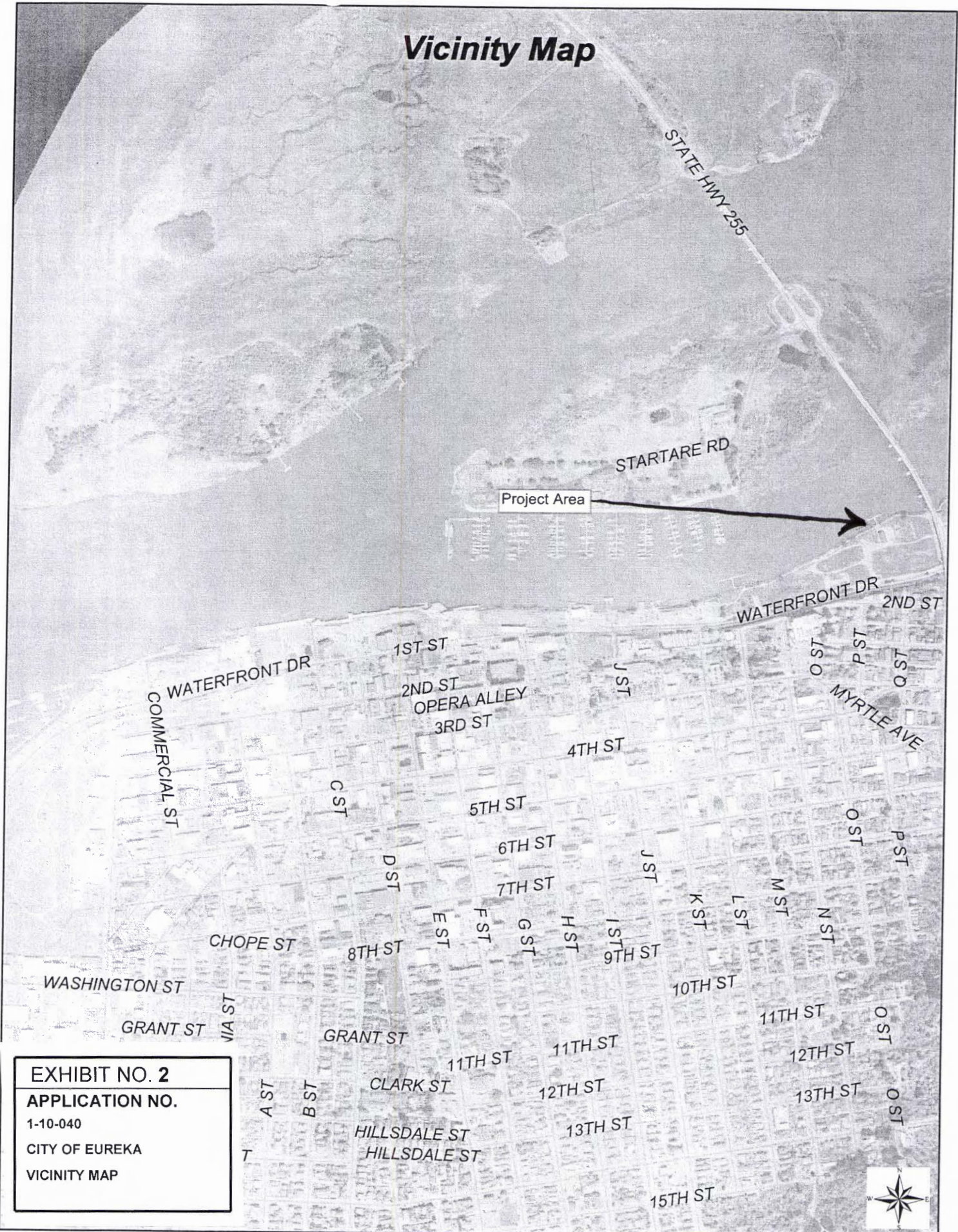


LOCATION MAP



County of Humboldt

Vicinity Map



Project Area

STATE HWY 255

STARTARE RD

WATERFRONT DR

WATERFRONT DR

COMMERCIAL ST

1ST ST

2ND ST
OPERA ALLEY
3RD ST

4TH ST

5TH ST

6TH ST

7TH ST

CHOPE ST

8TH ST

WASHINGTON ST

GRANT ST

VIA ST

GRANT ST

11TH ST

11TH ST

11TH ST

12TH ST

13TH ST

CLARK ST

12TH ST

HILLSDALE ST
HILLSDALE ST

13TH ST

15TH ST



EXHIBIT NO. 2
APPLICATION NO.
1-10-040
CITY OF EUREKA
VICINITY MAP

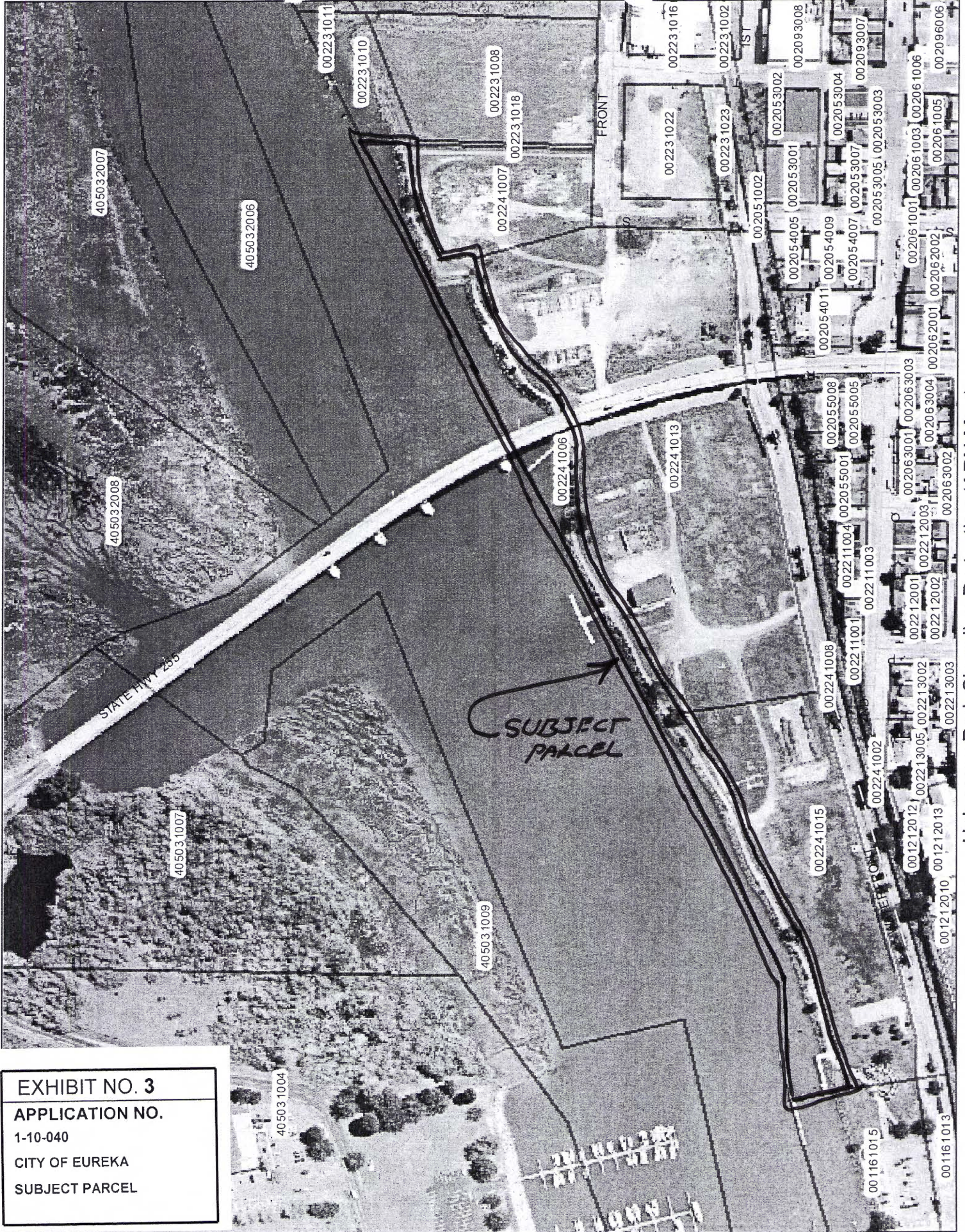


EXHIBIT NO. 3
APPLICATION NO.
1-10-040
CITY OF EUREKA
SUBJECT PARCEL

Halvorson Park Shoreline Protection (APN Map)

Extent of Work Area

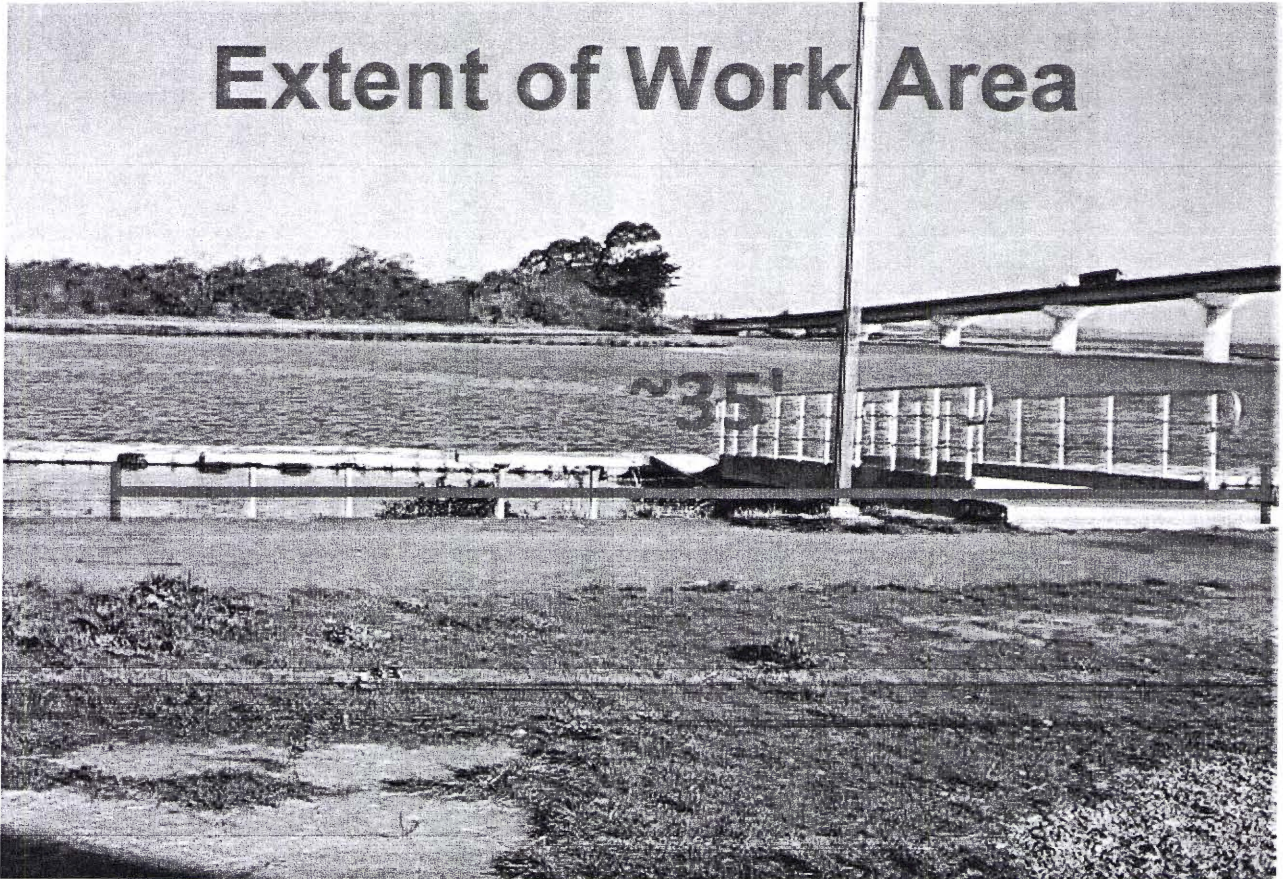
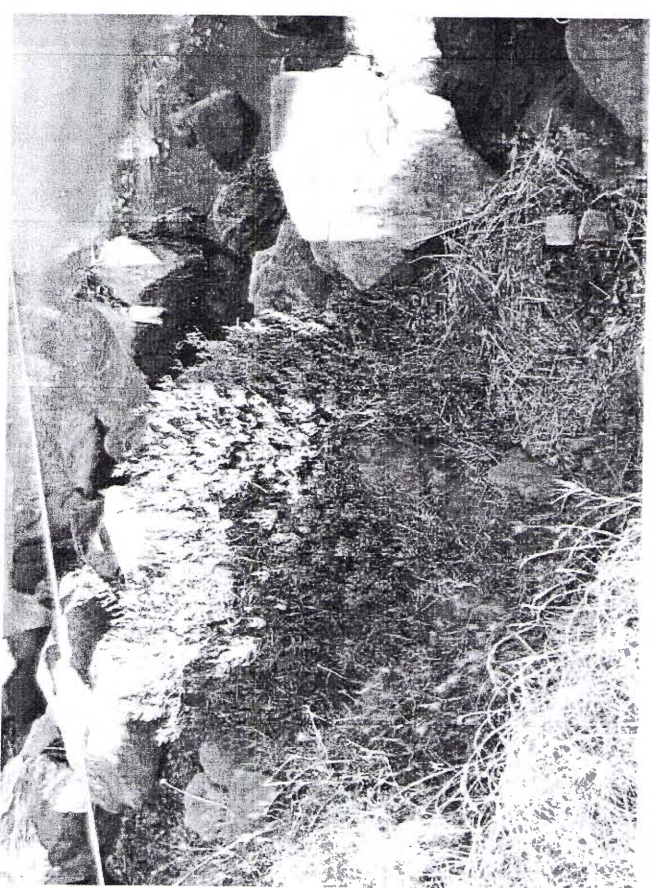
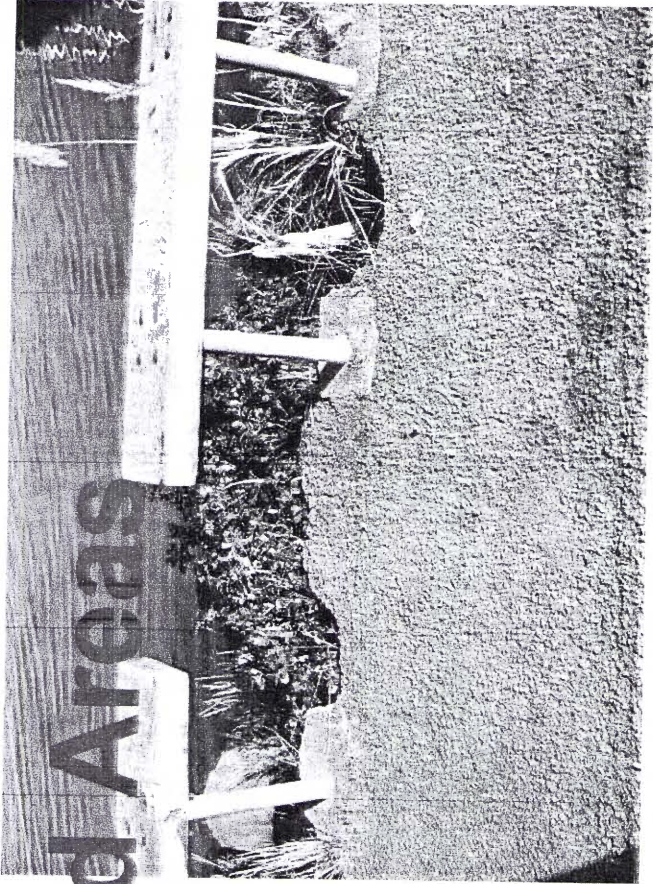


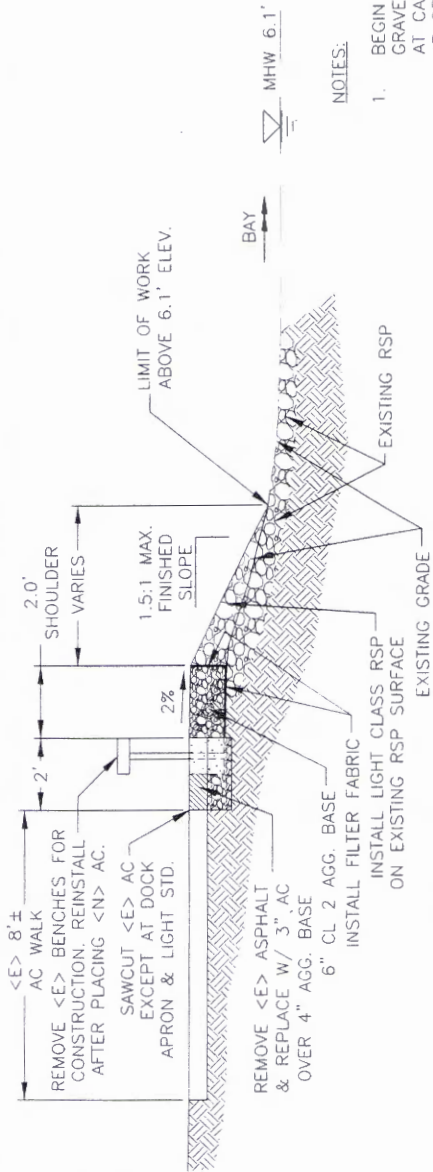
EXHIBIT NO. 4
APPLICATION NO.
1-10-040
CITY OF EUREKA
PHOTOS OF WORK AREA
(1 of 2)

Depleted Areas



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EXHIBIT NO. 5
APPLICATION NO.
 1-10-040
CITY OF EUREKA
PROJECT PLANS

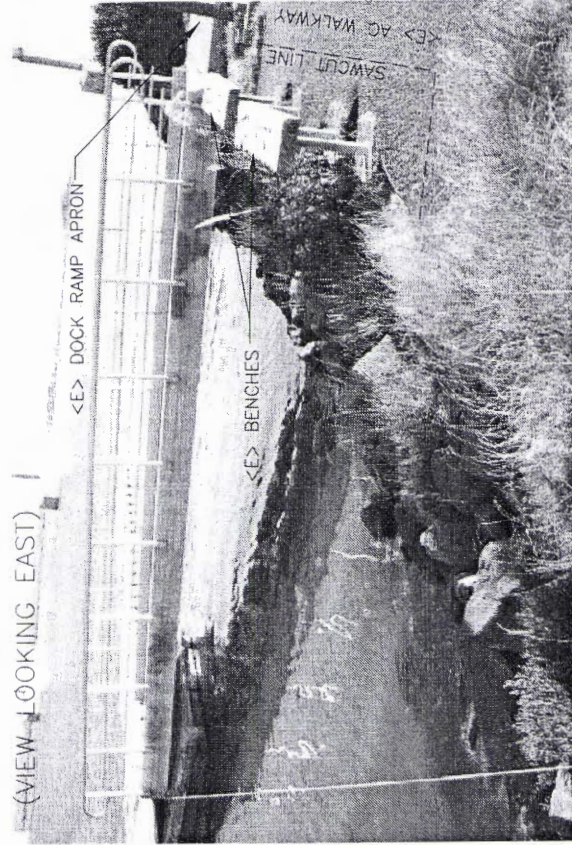
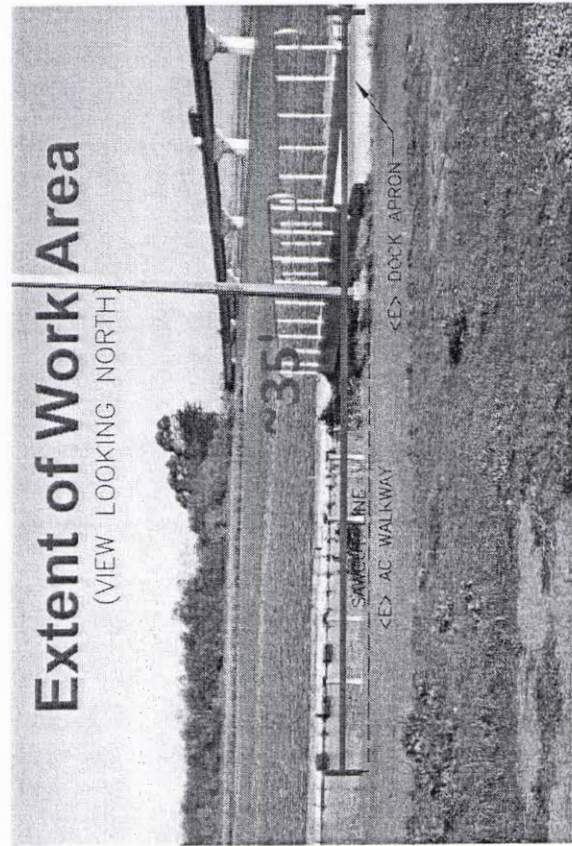


NOTES:

1. BEGIN 1.5:1.0 RSP REPAIR AT EDGE OF GRAVEL SHOULDER. END RSP REPAIR AT CATCH POINT ON EXISTING SURFACE AT OR ABOVE ELEVATION 6.1 FEET.
2. LIGHT CLASS RSP AND INSTALLATION SHALL MEET CALTRANS SPECIFICATIONS.
3. RSP REPAIR WORK SHALL EXTEND BELOW DOCK RAMP TO EAST SIDE AS SHOWN.

TYPICAL SECTION
ROCK SLOPE PROTECTION REPAIR
 NOT TO SCALE

A



PROJECT:	HALVORSEN PARK RSP REPAIR
CITY:	CITY OF EUREKA
LOCATION:	HALVORSEN PARK
TITLE:	TYPICAL SECTION @ SHORELINE
DATE:	10/26/11
CHECK:	CJR
SCALE:	NONE
JOB NO.:	0999.00

LACO ASSOCIATES
 EUREKA OFFICE
 CONSULTING ENGINEERS
 1-800-515-5054
 WWW.LACOAASSOCIATES.COM