CALIFORNIA COASTAL COMMISSION
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Staff: C Kenyon–A
Date: May23, 2014

ADMINISTRATIVE PERMIT

Application No.: **1-14-0519**

Applicant: **City of Eureka**

Location: A dock over the waters of Humboldt Bay at the foot of Commercial Street, Eureka, Humboldt County (APN 003-011-001).

Project Description: Rehabilitate and improve a marine fueling station dock by: (1) repairing or replacing and installing plastic bumpers on 11 piles; (2) repairing 80 linear feet of damaged beams attached to leading edge of dock; and (3) installing a 20' x 4' mooring float.

I. EXECUTIVE DIRECTOR'S DETERMINATION:

The findings for this determination and any special conditions appear on subsequent pages.

Note: Public Resources Code Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Coastal Commission at the following time and place:
Wednesday, June 11, 2014 – 9:00 AM
Huntington Beach City Hall
2000 Main St.
Huntington Beach, CA 92648

IMPORTANT: Before you may proceed with development, the following must occur:

Pursuant to Title 14, California Administrative Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the policies of Chapter 3 of the California Coastal Act, including those policies regarding public access and coastal recreation opportunities, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

CHARLES LESTER
Executive Director

By: _____
CRISTIN KENYON
Coastal Program Analyst

II. STANDARD CONDITIONS:

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgement.** 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 is not commenced, the permit will expire two years from the date this permit is reported to the Commission. 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 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.

III. SPECIAL CONDITIONS:

This permit is granted subject to the following special conditions:

1. Construction Responsibilities. The permittee shall comply with the following construction-related requirements when installing the bumpers:

(A) Certified welders will conduct the welding work to minimize the amount of sparks and slag created.

(B) Welding will only occur when winds are 5 mph or less, thereby keeping the area where welding material could enter the bay within close proximity to the pile where welding is occurring.

(C) A modified catch basin will be placed around the piles during welding to capture slag and sparks, thus preventing welding waste from entering Humboldt Bay.

(D) 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. No construction materials, debris, or waste of any kind shall be placed or stored where it may be subject to entering waters of Humboldt Bay. Welding rod stubs will be placed in a container for off-site disposal.

(E) Fuels, lubricants, and solvents shall not be allowed to enter waters of Humboldt Bay. 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. Any accidental spill shall be rapidly contained and cleaned.

2. Bumper Monitoring and Maintenance. The bumper strips shall be maintained in good condition throughout the life of the development. Regular annual inspections of the bumper strips shall be conducted, and the bumper strips shall be replaced if damage or deterioration is observed that has the potential to release plastic fragments into the marine environment.

3. Alternatives to Plastic. By acceptance of this permit, the applicant agrees to submit an application for an amendment to this permit or a new coastal development permit if new information becomes available that indicates that plastic has harmful effects on the marine environment, and that environmentally superior, feasible alternative(s) are available. The amendment or new coastal development shall include measures to eliminate or significantly reduce the adverse impacts of the plastic including, if necessary, the replacement of the bumpers.

IV. FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

A. PROJECT DESCRIPTION

The project involves the rehabilitation and improvement of an existing dock located at the foot of Commercial Street on the east side of Humboldt Bay in the City of Eureka (**Exhibit 1**). The dock is owned and maintained by the City of Eureka (the City) and leased to Pacific Choice Seafood Inc. and Englund Marine Supply Company. The proposed project involves the portion of the dock where Englund Marine operates a marine fueling station that serves the local commercial fishing industry, the U.S. Coast Guard, the California Department of Fish and Wildlife, Humboldt State University, and recreational vessels. The facility is zoned Water Development (WD).

The City is seeking a coastal development permit for (1) permanent authorization of dock repair work successfully completed without incident in March 2014 under Emergency Permit No. G-1-14-0004 as described below; and (2) installation of bumpers on the eleven repaired or replaced piles.

Dock Repair Work Performed Under Emergency Permit

The City began working on a coastal development permit application last year for repairs to the dock when the structure began to deteriorate at an accelerated rate, losing a number of piles in a short period of time. The piles do not support any structure; their purpose is to protect the dock from large vessels that tie up while fueling or offloading fishing product. After receiving reports of boats being damaged as a result of the missing piles and exposed bolts on the outside edge of the dock, the City sought an emergency permit from the Commission. Pursuant to Title 14 of the California code of Regulations, Section 13009, the Commission issued Emergency Permit No. G-1-14-0004 to the City on February 26, 2014 for repairs to the existing dock.

The emergency work was performed at low tide between the hours of 0800 and 1700 on March 10-19, 2014. The emergency work included (1) repairing five damaged piles; (2) replacing six missing piles; (3) repairing approximately 80 linear feet of damaged beams attached to the leading edge of the dock; and (4) installing a 20-foot by 4-foot mooring float.

First, the five damaged piles were cut by a chainsaw to a height slightly above the waterline at low tide. Tarps were placed around the bottom of the piles to capture any wood debris or sawdust generated by the work. Next, a 30-ton hydraulic crane was used to slip 20-inch-diameter, 40-foot-long steel pipe sleeves over the remaining parts of the five damaged piles. Six additional sleeves were also installed to replace six missing piles for a total of eleven new sleeves. The sleeves were tied to the pier and allowed to sink into the mud before a vibratory hammer was used to vibrate them 15 to 18 inches into the substrate. Once the sleeves were vibrated into the bay bottom, a pump was used to dewater the sleeves. Next, concrete was slowly discharged from a truck and down a chute into the piles, with placement into the piles being controlled by hand with a shovel. A catch basin was installed at the top of the pipes to capture any additional water that was pushed out as the concrete filled the sleeves. In addition to the repair and replacement of

the piles, damaged beams on the leading edge of the pier were replaced and attached with rods embedded in concrete.

Finally, a new 20-foot by 4-foot mooring float was added to provide safer access to the dock for small boats. Without a mooring float, smaller boats had slid under the dock in the past, creating a significant safety risk. The new mooring float is anchored to two of the new sleeved piles closest to the ladder utilized by boaters to access the pier. The mooring float is constructed of a galvanized steel frame, with decking consisting of arsenic-free pressure treated wood.

Bumper Installation

Customers of both Englund Marine and Pacific Choice Seafood have expressed concern that the new steel piles will damage wood and fiberglass boats that tie to the dock. The City therefore is proposing to install plastic bumpers on the eleven new piles. Each bumper will be comprised of a piece of UHMW plastic that is 6 inches wide, 10 feet long, and 1.5 inches thick. In order to install the bumpers, a steel channel will be welded to each pile and then a bumper will be bolted to each channel. The channel will be hung down the face of the pile from the dock by a forklift or similar equipment, and the welding will be performed from a basket extended from the dock. In order to prevent welding slag and sparks from entering Humboldt Bay, the City will use certified welders, allow welding only during low winds, install a modified catch basin around each pile during the welding process, and collect welding rod stubs in a container for upland disposal.

B. STANDARD OF REVIEW

The proposed project is located in the Commission's retained jurisdiction within tidelands and submerged areas. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

C. LOCAL GOVERNMENT AND OTHER APPROVALS

City of Eureka

The proposed development meets all zoning requirements of the City and needs no local permits other than building permits.

Humboldt Bay Harbor, Recreation, and Conservation District

The District is a county-wide agency with permit jurisdiction over all tidelands, submerged lands, and other lands granted to the District, including all of Humboldt Bay. The City of Eureka received an emergency permit from the District (Emergency Permit No. E-2014-01) dated March 3, 2014 for the repairs to the Englund Marine Dock.

California Department of Fish and Wildlife (CDFW)

CDFW, in its administration of the California Endangered Species Act (CESA), requires an Incidental Take Permit (ITP) for "take" of listed species incidental to otherwise lawful development projects. The City consulted with CDFW on the project but did not need a permit.

North Coast Regional Water Quality Control Board

The Regional Board requires a water quality certification (WQC) for projects involving dredging and/or filling activities under Section 401 of the Clean Water Act. The Regional Board issued a 401Water Quality Certification for the project dated March 5, 2014 (WDID No. 1B14011WNHU).

U.S. Army Corps of Engineers

The Corps has regulatory authority over the proposed project under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 1344) which regulates work occurring below the plane of mean high water in tidal waters of the United States, including construction of structures, excavation, dredging, and discharges of dredged or fill material. Pursuant to Section 10 of the Rivers and Harbors Act, the proposed project received authorization under Department of the Army Nationwide Permit 3 (*Maintenance*) dated February 12, 2014 (File No. 2014-00049N).

D. FILL OF COASTAL WATERS; PROTECTION OF WATER QUALITY AND MARINE RESOURCES

Section 30230 of the Coastal Act states:

> *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:

> *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 30233 of the Coastal Act states, in applicable part, 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, and shall be limited to the following:*
>
> *(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
>
> *(2) Maintaining existing, or restoring previously dredged depths on existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) 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.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

…

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary…

Coastal Act Section 30108.2 defines "fill" as "*earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area*." As part of this project, the applicant is seeking permanent authorization for installing eleven 20-inch-diameter steel pipe sleeves into the muddy intertidal bottom of the bay and filling them with concrete. Five of these sleeves encase damaged 17-inch diameter wood piles, and six replace previously existing wood piles. The applicant is also seeking permanent authorization for the installation of a mooring float covering approximately 80 square-feet of water surface. Installation of the piles and mooring float in Humboldt Bay constitutes "fill" of estuarine waters as defined in the Coastal Act. The area of new fill resulting from the piles is approximately 16 square feet (0.6 square feet for the additional diameter around each of the five damaged piles, and 2.18 square feet for each of the six replacement piles). Thus, in total, 96 square-feet of fill is proposed under the project.

The Commission may authorize a project that includes filling of estuarine waters if the project meets the three tests of Coastal Act Section 30233. The first test requires that the proposed activity fit within one of seven use categories described in Coastal Act Section 30233(a)(1)-(7). The second test requires that no feasible less environmentally damaging alternative exists. The third and final test mandates that feasible mitigation measures are provided to minimize any of the project's adverse environmental effects.

Allowable Use

The purpose of the project is to repair and upgrade a boat fueling dock that serves the local commercial fishing industry, the U.S. Coast Guard, the California Department of Fish and Wildlife, Humboldt State University, and recreational vessels. Thus, the proposed project can be considered a boating facility and a commercial fishing facility. New or expanded boating facilities and commercial fishing facilities are allowable uses of fill under Coastal Act Section 30233(a)(3) and Section 30233(a)(1), respectively. Therefore, the Executive Director finds that the project meets the allowable use test for fill of estuarine waters under the Coastal Act.

Alternatives

The Commission must further find that there is no feasible less environmentally damaging alternative to placing fill in estuarine waters. Coastal Act Section 30108 defines "feasible" as "*…capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors*." In this case, alternatives that have been identified include: (1) the "no project" alternative and (2) strict in-kind, one-to-one replacement or repair of the wood piles without the steel sleeves, the mooring float, or the pile bumpers.

a. No project alternative

When the Commission issued Emergency Permit No. G-1-14-0004, six of the dock's piles were missing, five were in need of repair, and boats were being damaged due to the missing piles and exposed bolts on the outside edge of the dock. Under the "no project" alternative, the dock would continue to deteriorate, with more of the existing creosote-treated piles becoming damaged and eventually being swept away. Allowing the dock to deteriorate further would result in an even greater safety hazard for boats that rely on the fueling station, and would eventually result in the closure of this high-priority coastal-dependent facility. In addition, failing to encase damaged piles in cement-filled steel sleeves would result in additional exposure of the marine environment to the existing creosote-treated piles. The slow dissolution of some creosote components in water, and the physical breakdown of the treated wood, can be toxic for organisms in the surrounding water and sediment. Therefore, this alternative is not a feasible less environmentally damaging alternative than the proposed project.

b. One-to-one, in-kind replacement

The City could also choose a reduced project alternative in which the wood piles would be replaced and repaired in-kind, without the use of steel sleeves or the addition of the mooring float and pile bumpers. Steel piles are better able than wood piles to withstand the crushing forces associated with impacts from large vessels mooring at the dock. Therefore a one-to-one replacement of the wood piles would likely result in the need for more frequent dock repair, entailing more frequent disturbance of the aquatic wetland area in which the dock is sited. In addition, under this project alternative, the five damaged piles would need to be completely replaced with five new wood piles rather than sleeved; thus, the pile installation would result in more disturbance of the bay bottom for the installation of the five new wood piles and the removal of the old piles. Furthermore, under the one-to-one, in-kind replacement alternative, there would be no mooring float or pile bumpers. Without a mooring float for mooring, small boats would be at risk of sliding under the Englund Marine dock, creating a significant safety risk. Without bumpers to soften the steel piles, wood and fiberglass boats could be damaged by contact with the harder material of the piles. Therefore, this alternative is not a feasible less environmentally damaging alternative.

For the reasons described above, the Executive Director finds that the proposed project is the least environmentally damaging feasible alternative, and therefore the second test of Coastal Act Section 30233(a) is satisfied.

Mitigation Measures

A third requirement of Coastal Act Section 30233(a) is that filling of coastal waters may be permitted if feasible mitigation measures have been provided to minimize any adverse environmental impacts. The proposed project could have a number of potential adverse effects on the environment of Humboldt Bay. The repair work completed under Emergency Permit No. G-1-14-0004 could have potentially resulted in (1) impacts to fish and their habitat, (2) loss of intertidal mudflat, (3) impacts to water quality from the use of treated wood, and (4) impacts to water quality from construction activities. The proposed installation of bumpers on the new steel pile sleeves could also result in construction-related impacts to water quality, as well as impacts from the use of plastic in the marine environment. The potential adverse impacts and their mitigation are discussed in the following sections:

a. Impacts to fish and their habitat

The waters of Humboldt Bay provide habitat to 110 species of fish, including a variety of commercially significant and environmentally sensitive species including coho salmon (*Oncorhynchus kisutch*), California Coastal ESU Chinook salmon (*O. tshawytscha*), and Northern California ESU steelhead (*O. mykiss*). One of the most important habitat substrates within the bay for these species are the extensive eelgrass (*Zostera marina*) beds that are situated on the shallow mudflats and channel margins. The installation and repair of the eleven piles under the emergency permit could have resulted in impacts to fish and their habitat from (1) disturbed sediments around the piles as the pile sleeves were vibrated into the substrate, and (2) an increase in noise and vibration as a result of the pile driving. Based on the project work window and the ambient levels of noise associated with the high use of the existing dock, there is a low probability that adult or juvenile salmonid species in the project area.

The installation of the mooring float could also have shaded potential eelgrass habitat. However, a preliminary eelgrass survey conducted on September 19, 2013 by Pacific Watershed Associates found that no eelgrass or eelgrass habitat exists in the vicinity of the project site; the closest eelgrass patches are 150 feet east of the proposed project. In addition, the survey determined that the mooring float would not create any new shading impacts on eelgrass habitat because the range of water depths adjacent to the mooring float are well below the maximum depths capable of supporting eelgrass in Humboldt Bay. Given the low probability of adult or juvenile salmonid species in the project area, and the absence of eelgrass within the immediate vicinity of the site where the pile sleeves were installed by vibratory pile-driving, no significant impacts to environmentally sensitive fish species or their critical habitat resulted from this project. Accordingly, no further mitigation is needed to lessen project impacts to fish and their habitat.

b. Loss of intertidal mudflat

As discussed above, the dock repair work for which the City is seeking permanent authorization resulted in the displacement of approximately 16 square feet of intertidal mudflat wetlands due to the placement of eleven cement-filled pipe sleeves into the muddy intertidal bottom of the Eureka channel. The placement of the approximately 80 square-foot float atop the water surface of the channel also shaded a small amount of

intertidal area. The community of benthic organisms that inhabit the channel bottom in the dock area, though low in density, could be impacted as a result of the installation of the new dock materials. However, as the piles and surface decking material comprise a small amount of fill relative to the thousands of acres of mudflat within Humboldt Bay, the Commission finds that the impact to muddy intertidal marine wetlands is not significant. In addition, the new piles and mooring float may themselves become new habitat for encrusting marine organisms, such as barnacles and tube worms. Accordingly, no mitigation is necessary for the loss of intertidal mudflat habitat associated with the project.

c. Treated wood in the marine environment

As part of the emergency dock repair work under consideration, the City added a mooring float constructed of a galvanized steel frame and wood decking. To avoid releases of potentially toxic wood preservative chemicals into coastal waters, the City constructed the mooring float's decking out of arsenic-free pressure-treated wood. As the Alkaline Copper Quaternary treated wood the City used is not expected to leach harmful preservatives into the environment, no mitigation is necessary.

d. Construction impacts on water quality

The dock repair work for which the City is seeking permanent authorization involved cutting five damaged wood piles with a chainsaw, installing eleven pile sleeves using a hydraulic crane and vibratory hammer, pumping water out of the sleeves, and filling the sleeves with cement. These activities could have potentially resulted in creosote-treated wood entering the bay and/or bay water coming into contact with curing concrete, both of which could have exposed bay waters to contamination. Therefore the emergency permit contained a number of conditions to avoid potential adverse impacts to water quality during construction. In order to prevent any wood debris from the existing creosote-treated piles from entering the bay, tarps were installed between the water and the work area while the five damaged piles were being cut. To prevent discharges of wet cement into coastal waters, concrete was delivered extra-dry and slowly discharged from a truck and down a chute into the piles, with placement into the piles being controlled by hand with a shovel. In addition, catch basins were installed at the top of the pile sleeves to contain residual water pushed out of the pipe during the concrete filling process. Finally, the emergency permit included a number of special conditions that required the use of best management practices (BMPs) to protect Humboldt Bay from water quality impacts during construction. According to the applicant, all construction BMPs were adhered to and proved successful in preventing contaminants from entering Humboldt Bay without incident.

To minimize damage to boats coming in contact with the steel sleeves of the eleven new or repaired piles authorized under the emergency permit, the applicant is proposing to install plastic bumpers. The bumpers will be installed by welding a steel channel to each pile and then bolting a bumper to each channel. The channel will be hung down the face of the pile from the dock by a forklift or similar equipment, and the welding will be done from a basket extended from the dock. Welding is necessary to create a bond strong enough to withstand the forces the bumpers will be subject to from vessels bumping up

against them and water action in the bay. During welding, sparks along with a small amount of molten steel from the welding rods will be released. To ensure welding sparks and slag are captured and do not enter the bay, the applicant has included a number of BMPs in their project description that have been imposed under **Special Condition No. 1** of this permit. These BMPs include (1) having certified welders conduct the welding work; (2) only welding when winds are 5 mph or less; (3) placing a modified catch basin around the piles during welding to capture slag and sparks; and (4) placing welding rod stubs into a container for disposal. Special Condition No. 1 also includes more general requirements to prevent all hazardous materials, construction debris, and other pollutants generated during construction from entering coastal waters and affecting the water quality of the bay. These construction responsibilities require that (1) all trash shall be properly contained, removed from the work site, and disposed of on a regular basis during construction to avoid contamination of habitat; (2) no construction materials, debris, or waste shall be placed or stored where it may be subject to entering waters of Humboldt Bay; and (3) fuels, lubricants, and solvents shall not be allowed to enter waters of Humboldt Bay and any accidental spill shall be rapidly contained and cleaned. The Commission finds that the development, as conditioned, provides feasible mitigation measures to minimize potential adverse environmental impacts of construction, and is therefore consistent with Section 30233 of the Coastal Act.

e. Plastic in the marine environment

The proposed project includes the installation of eleven bumpers comprised of UHMW plastic, which is a high density polyethylene plastic. In the past, the Commission has expressed concern about the use of plastic in the marine environment, namely that chemicals from the plastic could potentially leach into marine waters and affect water quality, and that pieces of plastic debris could break off of structures and be ingested by marine organisms. The City has submitted a material safety data sheet and factsheets from the manufacturer Quadrant Plastics that indicate the plastic will not absorb water or leach chemicals into waterways. According to the manufacturer, the product is very corrosion-resistant, it can endure over 20 maintenance-free years in saltwater, sunlight, and extremely cold weather, and can withstand fuel and chemical spills. Based on this information, the proposed UHMW plastic can be expected to withstand anticipated long-term exposure to sun, cold, and saltwater, and contact with boats. In addition, given the relatively small amount of plastic material and the low-hazard plastic utilized, the bumpers are not expected to leach into the marine environment.

In past actions, the Commission has accepted plastic in the marine environment when monitoring is included and when future alternatives are considered. Consequently, the plastic bumpers must be monitored to ensure that they are maintained in an environmentally safe operating condition and replaced when damage or degradation has occurred. To minimize the potential of the plastic sheet piles breaking apart and entering the water due to damage or deterioration, **Special Condition No. 2** requires that the bumper strips are (1) maintained in good condition throughout the life of the development, (2) inspected annually, and (3) replaced if damage or deterioration is observed that has the potential to release plastic fragments into the marine environment. Further, **Special Condition No. 3** requires the applicant to submit an application for an

amendment to this permit or a new coastal development permit if new information becomes available that indicates that the plastic has harmful effects on the marine environment, and that environmentally superior, feasible alternative(s) are available. Therefore the potential adverse impacts to marine resources from the use of plastic will be reduced to less-than-significant levels.

Conclusion

The project, as conditioned, will maintain marine resources and the biological productivity and quality of coastal waters and estuarine habitats. In addition, the fill in coastal waters associated with the project is for an allowable use, is the least environmentally damaging feasible alternative, and includes feasible mitigation measures to minimize adverse environmental effects. Therefore, the Executive Director finds the project, as conditioned, is consistent with Sections 30230, 30231, and 30233 of the Coastal Act.

E. PUBLIC ACCESS AND RECREATION

Pursuant to Coastal Action Section 30604(c), because of the project's location between the nearest public road and the sea, a coastal development permit issued for the project must include a specific finding that the development is in conformity with the Coastal Act's public access and recreation policies.

Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.* [PRC §30210]
>
> *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.* [PRC §30211]
>
> *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects…* [PRC §30212(a)]
>
> *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.* [PRC §30213]
>
> *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.* [PRC § 30221]

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division... [PRC §30224]

Public Access

Although the public may moor boats for fueling at the Englund Marine dock, the dock itself does not provide public access for viewing the bay and other passive recreational pursuits. The public cannot access the dock from land. The project will not adversely affect public access. No existing public access will be blocked. In addition, the project will not increase demand for public access facilities, as it will not increase population density in the area and will not otherwise draw more people to the waterfront. The Commission therefore finds that the proposed development, as conditioned, will not have any significant adverse effects on public access, and is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212.

Public Recreation

The fueling station is a vital facility for the City and the entire north coast region as it is the only marine fueling station between Fort Bragg and Crescent City capable of fueling commercial-size vessels. The fueling station serves the local commercial fishing industry and recreational fishermen, as well as the U.S. Coast Guard, the California Department of Fish and Wildlife, and Humboldt State University. As the fueling station serves recreational boaters, the facility can be considered to be a coastal recreational amenity, and through the proposed project, this amenity will remain functional and will also be safer. The past repairs and proposed future upgrades to the dock both have short term impacts on use of the dock, but will insure safer, ongoing boating access to the dock in the future. Thus, the Commission concludes that the project, as conditioned, will protect recreational boating priority uses consistent with the public recreational policies of the Coastal Act including Sections 30210, 30213, 30221, and 30224.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City served as the lead agency for the project for CEQA purposes. The City filed a notice of exemption for the project on February 18, 2014 pursuant to Section 15301 of CEQA Guidelines (Existing Facilities) which exempts the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

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 Executive Director incorporates its findings on conformity with the Chapter 3 policies of the Coastal Act 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 development has been

conditioned to be found consistent with the policies of the Coastal Act. Mitigation measures, which will minimize all adverse environmental impacts, have been required as permit special conditions. 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 Executive Director finds that the development as conditioned to mitigate the identified impacts can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature	**Date of Signing**

EXHIBITS

Exhibit 1 – Regional Location Map
Exhibit 2 – Vicinity Map
Exhibit 3 – Site Plan
Exhibit 4 – Emergency Permit No. G-1-14-0004

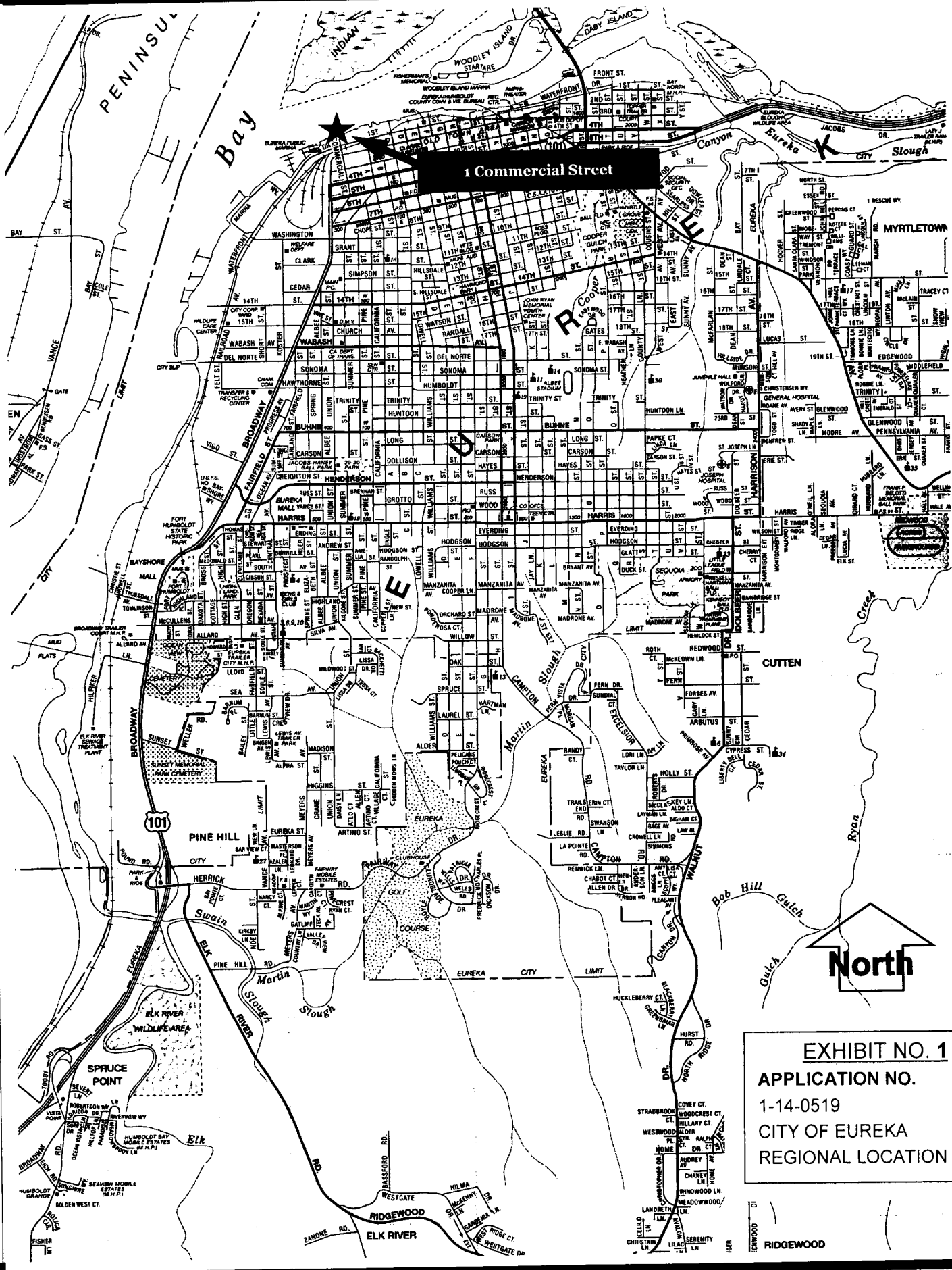


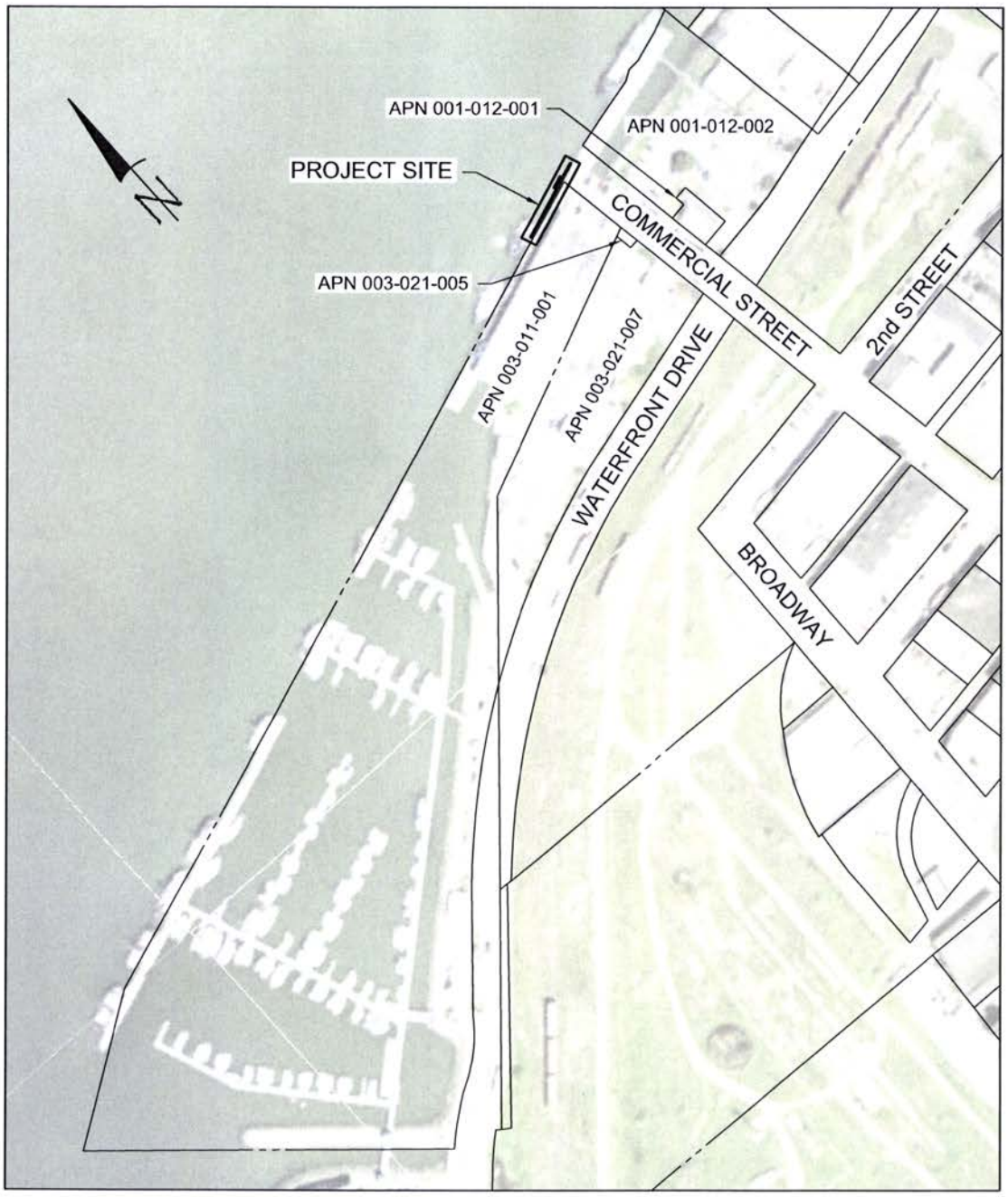
EXHIBIT NO. 1

APPLICATION NO.

1-14-0519

CITY OF EUREKA

REGIONAL LOCATION MAP



PROJECT AREA OVERVIEW

Scale: 1" = 250'

LEGEND

PROPERTY LINE

REVISION	BY	APPROVED	DATE

CITY OF EUREKA
Engineering Department

CITY OF EUREKA EXHIBIT

ENGLUND MARINE DOCK REPAIR
PROJECT AREA OVERVIEW

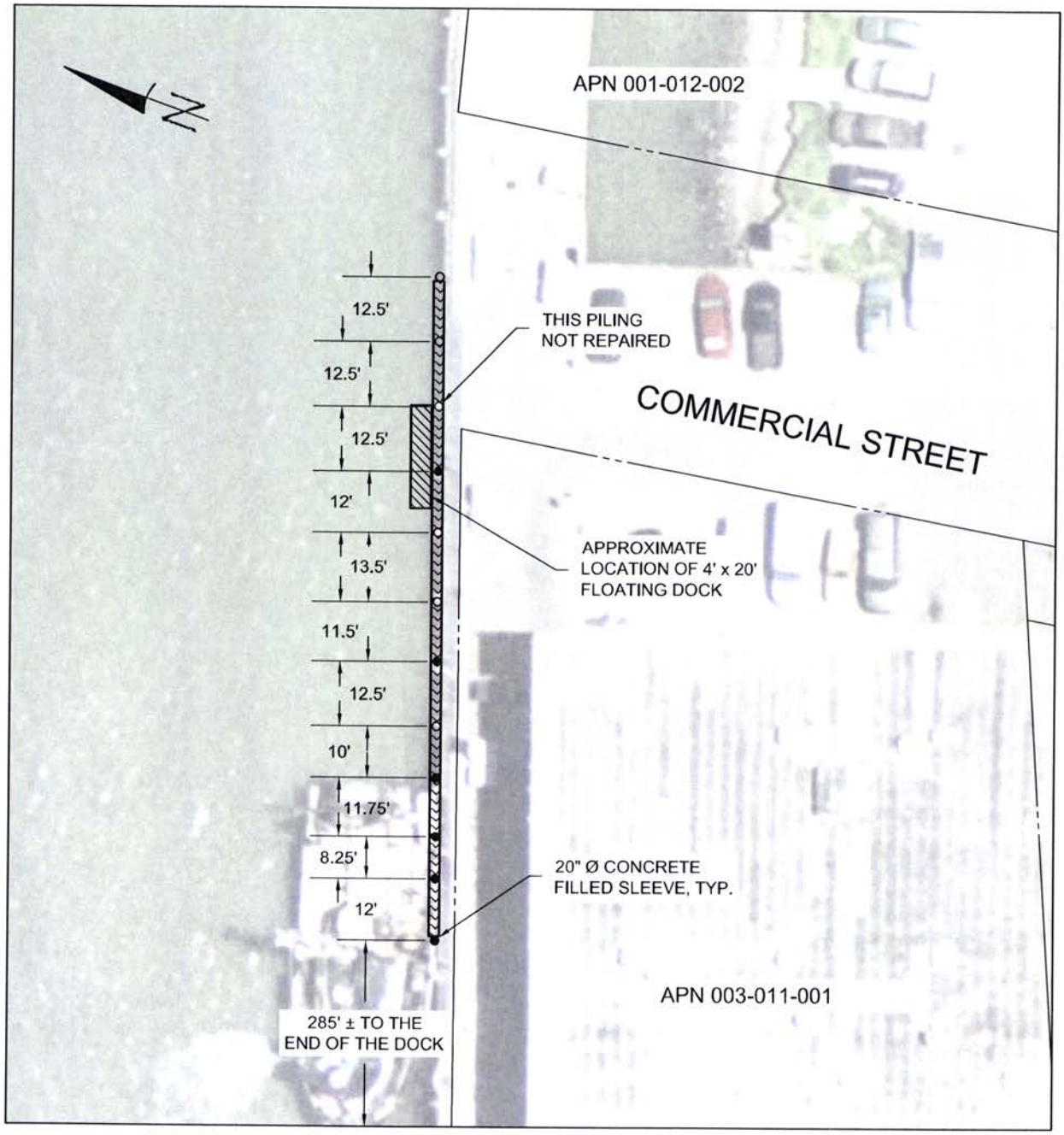
EXHIBIT NO. **2**

APPLICATION NO.

1-14-0519

CITY OF EUREKA

VICINITY MAP



SITE PLAN

Scale: 1" = 30'

LEGEND

- ● MISSING PILING REINSTALLED
- ○ DAMAGED PILING REPAIRED
- PROPERTY LINE
- REPAIRED DOCK EDGE

REVISION	BY	APPROVED	DATE

CITY OF EUREKA
Engineering Department

CITY OF EUREKA EXHIBIT

ENGLUND MARINE DOCK REPAIR
SITE PLAN

EXHIBIT NO. 3
APPLICATION NO.
1-14-0519
CITY OF EUREKA
SITE PLAN

STATE OF CALIFORNIA -- NATURAL RESOURCES AGENCY
CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET • SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FACSIMILE (707) 826-8960
www.coastal.ca.gov

EXHIBIT NO. 4
APPLICATION NO.
1-14-0519 - CITY OF EUREKA
EMERGENCY PERMIT NO.
G-1-14-0004 (1 of 4)

EMERGENCY PERMIT

City of Eureka
Attn: Lisa D. Shikany
531 K St.
Eureka, CA 95501

Date: February 26, 2014
Emergency Permit No. **G-1-14-0004**

LOCATION OF EMERGENCY WORK:
The proposed emergency work is located along the shoreline of Humboldt Bay at the City-owned dock at the foot of Commercial Street, Englund Marine Dock, Eureka, Humboldt County (APN 003-011-001).

WORK PROPOSED:
As described in the emergency permit application received at the North Coast District office on August 16, 2014, the emergency repair of the dock includes: (1) repairing five damaged pilings; (2) replacing six missing pilings; (3) repairing approximately 80 linear feet of damaged beams attached to the leading edge of the dock; and (4) installing a 20-foot by 4-foot floating dock. First, the five damaged pilings will be cut by a chainsaw to a height that is slightly above the waterline at low tide. Next, steel pipe sleeves with a 20-inch diameter will be slipped over the damaged pilings, and six additional sleeves will be installed to replace the missing pilings. A 30-ton hydraulic crane will be used to place all eleven of the sleeves, and a vibratory hammer will be used to vibrate the sleeves 15 to 18 inches into the substrate. Once the sleeves are in place, water will be pumped out of them and then they will be filled with concrete. In addition to the repair and replacement of the pilings, damaged beams on the leading edge of the pier will be replaced and attached with rods embedded in concrete. Finally, a new floating dock will be added to the pier to provide for safer access by small boats. The floating dock will be anchored to two of the new sleeved pilings. The dock will be constructed of a galvanized steel frame, with decking consisting of arsenic-free pressure treated wood or other material such as plastic, fiberglass, concrete, or similar material.

PERMIT RATIONALE:
This letter constitutes approval of the emergency work you have requested to be done at the location listed above. I understand from your information that the Englund Marine dock has unexpectedly begun to deteriorate at an accelerated rate, losing a number of pilings in a short period of time. There are recent reports of boats being damaged as a result of the missing pilings and exposed bolts on the outside edge of the dock. In addition, without a floating dock for mooring, smaller boats have slid under the dock creating a significant safety risk. This dock is the only marine fueling facility between Fort Bragg and Crescent City capable of fueling commercial-size vessels and it serves the local commercial fishing industry, Coast Guard, Department of Fish and Game, Humboldt State University, and recreational vessels. The fueling station is a vital facility for the City of Eureka and the entire north coast region. As such, immediate repairs are necessary to prevent further loss or damage to life, health, property or essential public services. Pursuant to Title 14 of the California code of Regulations, 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 as 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 below and on the attached page.

Sincerely,

CHARLES LESTER
Executive Director

ROBERT S. MERRILL
North Coast District Manager

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the APPLICANT 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. The project shall be undertaken in accordance with the plans and other information submitted to the Coastal Commission and in accordance with the conditions of this emergency permit. Any additional work requires separate authorization from the Executive Director or the Commission.

3. The work authorized by this permit must be completed within 30 days of the date of this permit (i.e., by 3/28/14)

4. Within 60 days of the date of this permit (i.e., by 4/27/14), the permittee shall apply for a regular Coastal Permit to have the emergency work be considered permanent. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit (i.e., by 7/26/14), 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 authorized emergency work.

6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including the U.S. Army Corps of Engineers, State Land Commission, North Coast Regional Water Quality Control Board, and other applicable agencies.

7. The permittee shall use relevant best management practices (BMPs) to protect Humboldt Bay from water quality impacts during construction as detailed in the California Stormwater Best Management Handbooks accessible at http://www.cabmphandbooks.com.

8. No construction materials, debris, or waste shall be placed or stored where it may be subject to entering waters of Humboldt Bay.

9. 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 emergency activities. Following construction, all trash and construction debris shall be removed and disposed of in an upland location outside of the coastal zone or at a disposal facility authorized to accept such debris and any contaminants contained within the debris.

10. Any fueling and maintenance of construction equipment shall occur within upland areas only and outside of environmentally sensitive habitat areas.

11. Fuels, lubricants, and solvents shall not be allowed to enter waters of Humboldt Bay. 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. Any accidental spill shall be rapidly contained and cleaned.

12. The piles to be installed shall be installed using a vibratory hammer as proposed.

13. The floating dock decking to be installed shall be constructed using arsenic-free wood or other material such as plastic, fiberglass, or concrete, as proposed.

14. Tarps, heavy-duty mesh containment netting, or other barriers shall be installed between the water and the work areas to prevent any wood debris or sawdust from the existing creosote-treated pilings from entering Humboldt Bay.

15. Cement shall be prepared and poured in a manner that will prevent discharges of wet cement into coastal waters including, but not limited to, the placement of catch basins at the top of pipe sleeves within which concrete will be poured to prevent spills or over-pours from entering coastal waters.

16. Rinsate from the cleaning of cement mixing equipment shall be contained and handled only in upland areas located a minimum of 50 feet from the high tide line, and otherwise outside of any environmentally sensitive habitat area.

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.

If you have any questions about the provisions of this emergency permit, please call Cristin Kenyon at the Commission's North Coast District Office at (707) 826-8950.

Encl.: Emergency Permit Acceptance Form