

F5a

CALIFORNIA COASTAL COMMISSION
NORTH COAST AREA
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

Page: 1 of 6
Date: September 20, 1996
Permit Application No. **1-96-41**

**ADMINISTRATIVE PERMIT**

APPLICANT: CROWLEY MARINE SERVICES, INC.

PROJECT DESCRIPTION: Demolish and remove the "Crowley Dock", a 1,000± square-foot marine pier with a wooden piling and two small wooden structures atop the pier.

PROJECT LOCATION: Northeast side of the inner breakwater in the Crescent City Harbor, Del Norte County.

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. 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 Commission at the following time and place:

Date: October 11, 1996 **Tel. No.** (310) 642-1111
Time: Meeting begins at 10:00 a.m., Item **F 5a**
Place: Sheraton Hotel, LAX
6101 W. Century Blvd.
Los Angeles, CA 90045

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

Pursuant to 14 Cal. Admin. 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 acknowledgment 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.

PETER DOUGLAS
Executive Director

By: James J. Muth
Title: Coastal Planner

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 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

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 provisions of Chapter 3 of the Coastal Act of 1976, is in conformity with the provisions of the Humboldt County and will not have any significant 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.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

1. Project/Site Description

The applicant proposes to demolish and remove the "Crowley Dock", a marine pier with a wooden piling and two small wooden structures atop the pier. The 1,000± square-foot pier is approximately 20 feet wide and 50 feet long. The pier is located on the northeast side of the inner breakwater in the Crescent City Harbor. See Exhibits No. 1 through 4.

Up until 1983, the pier had been used to transfer fuel from oil tankers/barges to a land based tank farm formerly located opposite the Crescent City Harbor area on the east side of Highway 101. The pier was last used in 1983. "No Trespassing" signs have been posted at the site. The fuel tanks at the farm were removed several years ago. The pier is being removed because it is no longer needed by the applicant and because it has become a potential liability as an attractive nuisance.

The pier area is leased by the applicant from the Crescent City Harbor District. The Board of Harbor Commissioners has indicated that they do not object to the demolition and removal of the pier. The applicant has obtained a local building/demolition permit from Del Norte County. Demolition and removal of the pier will be performed by West Coast Contractors of Coos Bay, Oregon. West Coast Contractors indicate that it will take 3 to 4 days to demolish the pier. The contractors propose to demolish the pier by using a barge-mounted crane and tug. The wooden piling that supports the pier will be either pulled out or broken off at or below the mudline. The debris will be loaded from the barge to the dock with the crane. The debris material will then be loaded onto trucks using a front end loader and hauled to the Redwood Landfill located at 8950 Redwood Highway in Navato, California. The landfill is located outside of the coastal zone.

Abalone International has an active lease area located about 200 feet north of the subject pier at the end of the breakwater. Abalone International raises abalone from seed to market size in floating rafts in the harbor. A U.S. Coast Guard dock and facility are located about 200 feet south of the subject pier towards the south end of the breakwater. See Exhibits No. 3 and 4. Ron Warner, a fisheries biologist with the California Dept. of Fish and Game in Eureka, indicates that herring spawn in the waters of the harbor between January 15th and March 24th of each year.

2. Protection of Water Quality, Biological Productivity, & Marine Organisms.

Section 30230 of the Coastal Act states in applicable part that marine resources be maintained and that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters and maintain healthy populations of all species of marine organisms for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states in applicable part that the biological productivity and the quality of coastal waters be protected to maintain human health and optimum populations of marine organisms.

Section 30232 of the Coastal Act states:

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.

Lastly, Section 30234.5 of the Coastal Act states:

The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

Demolition of the pier may result in floating debris. Demolition of the pier may also result in possible petroleum residues coming in contact with the harbor waters as the facility was previously used to transfer fuel. The Executive Director therefore attaches Special Condition No. 1 to the permit which requires in part that a temporary floating boom be placed in the water around the pier and work area, prior to the start of demolition activity. The purpose of the temporary boom is threefold: (1) to contain any floating debris and possible petroleum residues so as to aid in their removal, (2) to prevent those materials from interfering with water quality and the biological productivity of marine organisms within the harbor, including but not limited to, abalone and herring, and (3) to prevent those materials from becoming a navigational hazard with search and rescue vehicles from the adjacent U.S. Coast Guard facility and with other recreational and fishing vehicles within the harbor.

Special Condition No. 1 also requires that all debris, including petroleum residue, be removed from the site upon completion of the project, and that placement of the debris in the coastal zone at a location other than in a licensed landfill will require a coastal development permit. The Crescent City Harbor District has pads and booms to contain and absorb oil spills.

As previously indicated, the waters of the harbor are used by spawning herring between January 15th and March 24th of each year. The Executive Director therefore attaches Special Condition No. 2 to the permit which requires that demolition activity not take place during the period of time between January 15th to March 24th to avoid interference with the seasonal spawning of herring in the waters of the harbor.

West Coast Contractors indicate that the wooden piling that supports the pier will be removed either in its entirety or by breaking off individual piles at or below the mudline. The proposed method of pile removal by the contractor

will ensure that the subsurface water area below the former pier will not become a navigational hazard. Therefore, to avoid these potential hazards and to ensure that the piling is removed as proposed, the Executive Director attaches Special Condition No. 3 to the permit which requires that the wooden piling that supports the pier be either pulled out in their entirety or broken off at or below the mudline.

As conditioned by Special Conditions Nos. 1, 2, and 3, the Executive Director finds that the proposed project meets the requirements of Sections 30230, 30231, 30232, and 30234.5 of the Coastal Act: (1) as water quality and the biological productivity of coastal waters in the harbor will be maintained to sustain optimum populations of marine organisms, including but not limited to, abalone and herring, as required by Sections 30230 and 30231, (2) as effective containment and cleanup mechanisms will be available to contain and remove floating debris, including possible petroleum residues, as required by Section 30232, and (3) as avoiding the creation of a navigational hazard within the area of the former pier will serve to protect the economic, commercial, and recreational importance of fishing activities as required by Section 30234.5.

3. U.S. Army Corps of Engineers Review.

The project requires review and approval by the U.S. Army Corps of Engineers. Pursuant to the Federal Coastal Management Act, any permit issued by a federal agency for activities that affect the coastal zone must be consistent with the coastal zone management program for that state. Under agreements between the Coastal Commission and the U.S. Army Corps of Engineers, the Corps will not issue a permit until the Coastal Commission approves a federal consistency certification for the project or approves a permit. To ensure that the project ultimately approved by the Corps is the same as the project authorized herein, the Executive Director attaches Special Condition No. 4 which requires the applicant to submit to the Executive Director evidence of U.S. Army Corps of Engineers review of the project prior to commencement of demolition.

4. California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

No other feasible alternatives to the proposed project that would result in less environmental damage have been identified. The "no project" alternative would result in a continuing liability problem for the applicant as the pier could become an attractive nuisance. Moreover, the failure of the applicant

to demolish and remove the pier under controlled circumstances (as proposed and conditioned herein) would eventually result in the collapse of the pier, particularly during a severe winter storm. The sudden collapse of the pier could easily result in a navigational hazard and potential harm to water quality and the biological productivity of marine organisms within the harbor. Special Conditions Nos. 1, 2, and 3 are clearly feasible mitigation measures that are designed to avoid and/or lessen the project's potential harm to and use of the marine environment. As conditioned herein, no other potentially significant, adverse environmental impacts from the project have been identified. Therefore, as conditioned and discussed above, the project will not result in a significant adverse effect on the environment within the meaning of CEQA.

SPECIAL CONDITIONS:

1. Containment and Disposal of Floating Debris and Petroleum Residue.

Prior to the start of demolition activity, a temporary floating boom shall be placed in the waters around the pier and work area to contain any floating debris, including possible petroleum residue. All debris, including any petroleum residue, shall be removed from the site upon completion of the project. Placement of the debris in the coastal zone at a location other than in a licensed landfill will require a coastal development permit.

2. Protection of Herring.

Demolition activity shall not take place during the period of time between January 15th to March 24th to avoid interference with herring runs that seasonally spawn in the harbor waters.

3. Removal of Wooden Piles.

The wooden piles that support the pier shall be either pulled out in their entirety or broken off at or below the mudline.

4. U.S. Army Corps of Engineers Review.

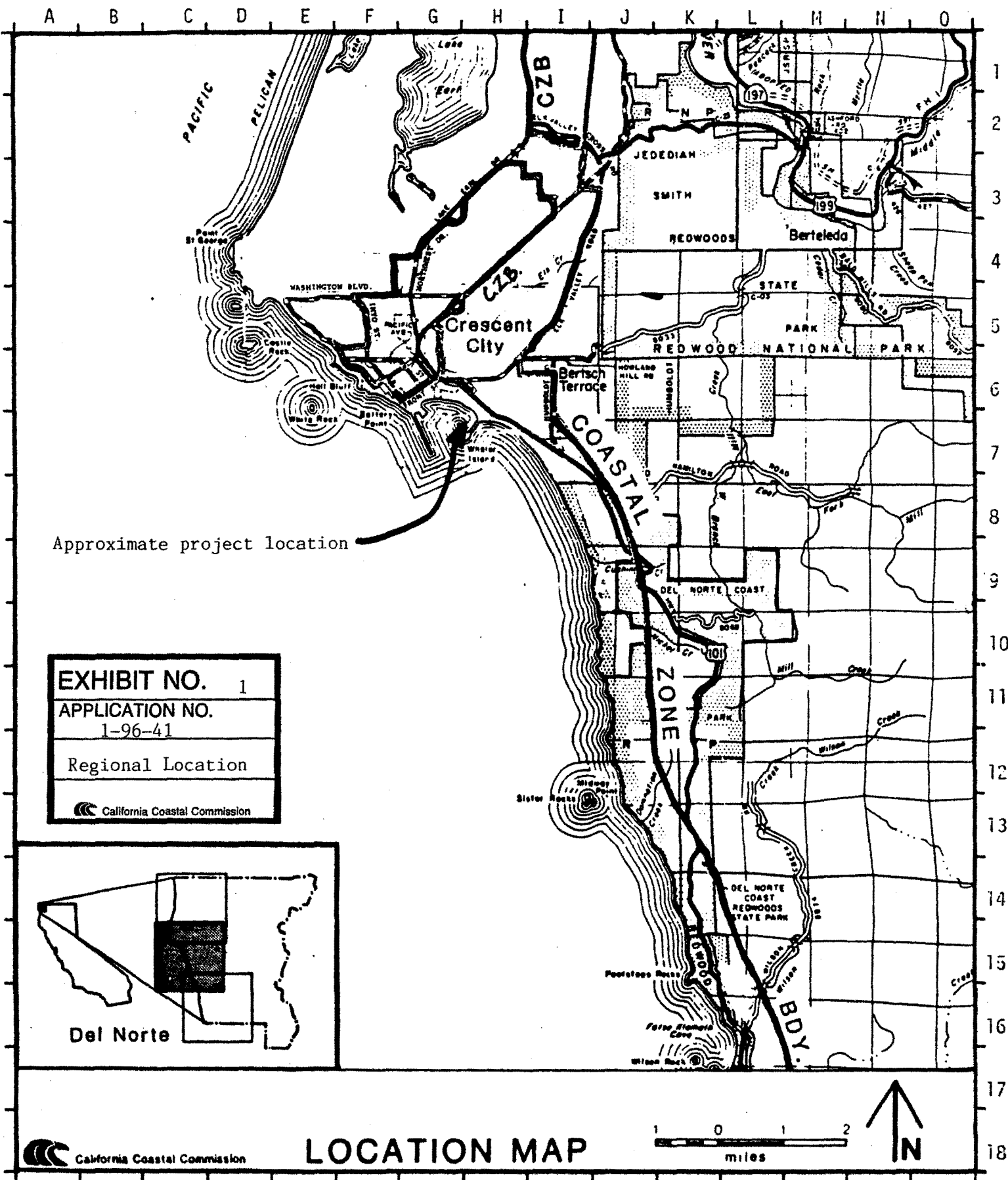
PRIOR TO COMMENCEMENT OF DEMOLITION ACTIVITY, the applicant shall provide to the Executive Director a copy of a U.S. Army Corps of Engineers permit, or a letter of permission, or evidence that no Corps permit is necessary.

ACKNOWLEDGMENT 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.

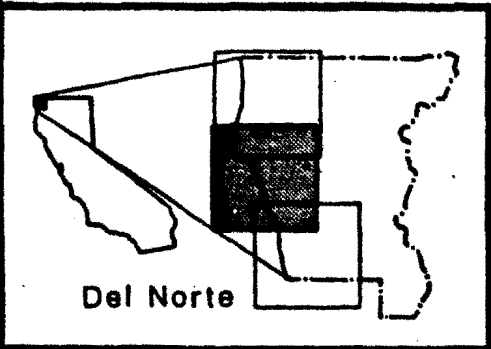
Applicant's Signature

Date of Signing



Approximate project location

EXHIBIT NO.	1
APPLICATION NO.	1-96-41
Regional Location	
 California Coastal Commission	



Del Norte

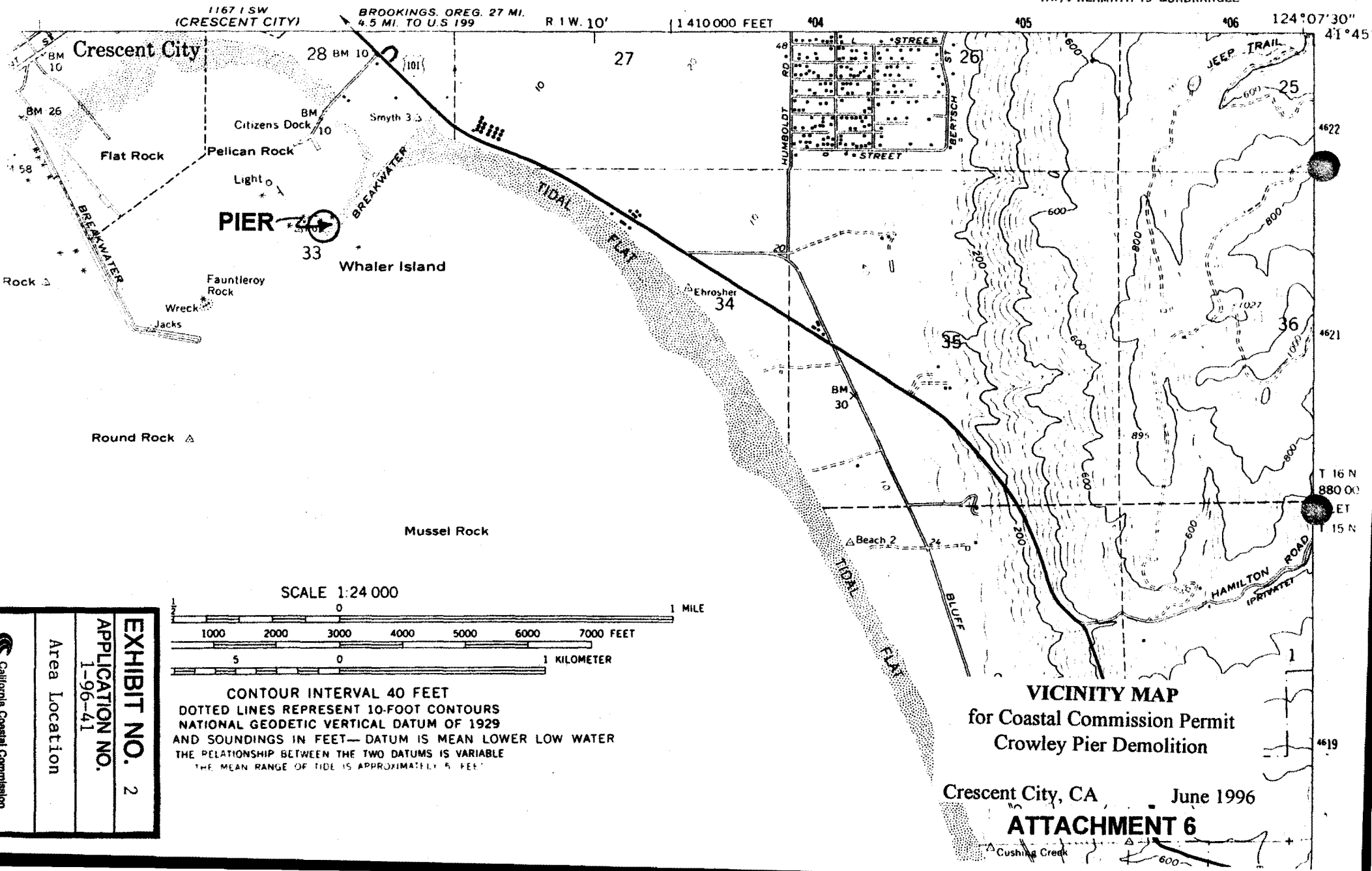
 California Coastal Commission

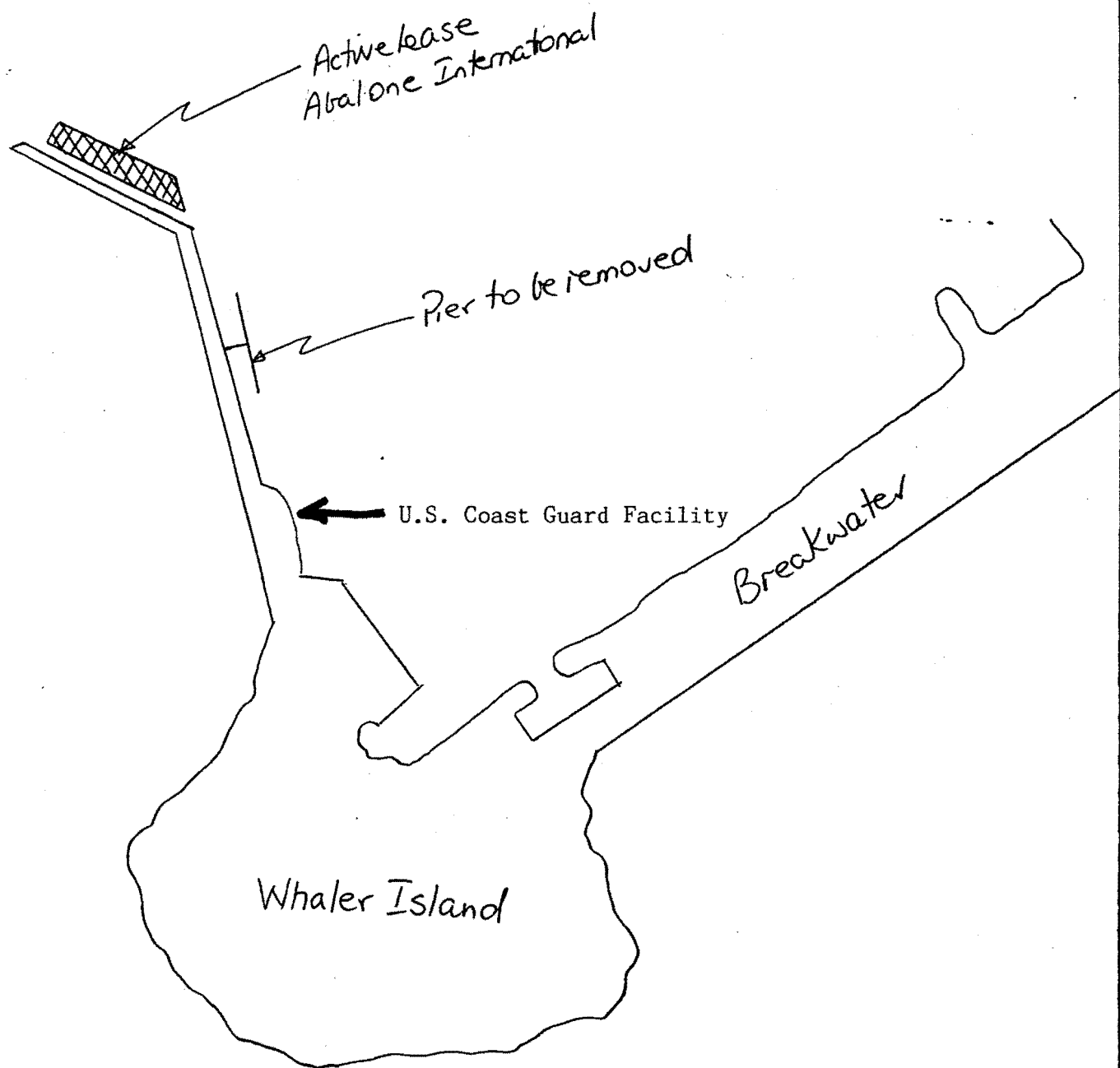
LOCATION MAP



STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

SISTER ROCKS QUADRANGLE
CALIFORNIA—DEL NORTE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
NW/4 KLAMATH 15' QUADRANGLE



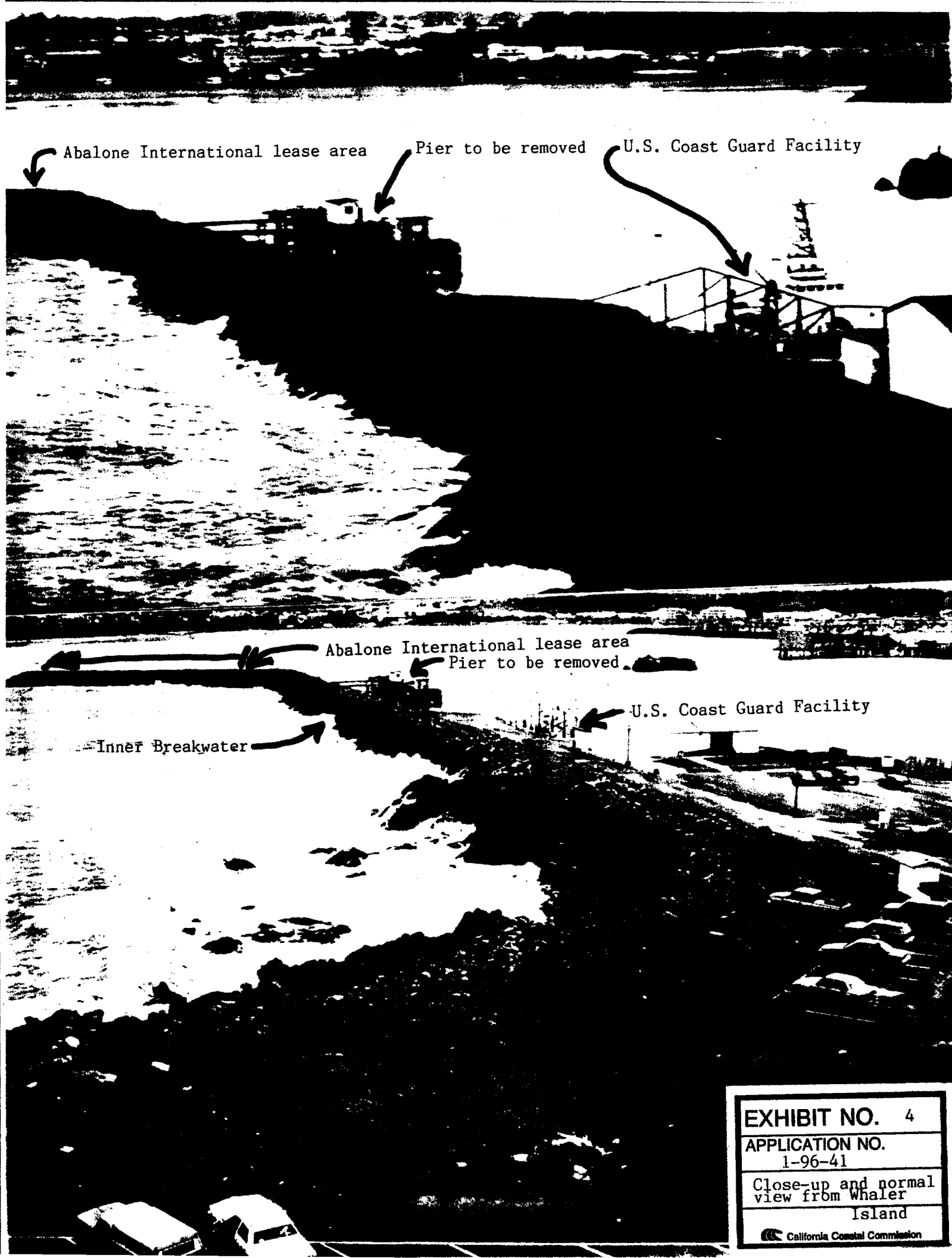


SCALE 1" = 300'
APPROXIMATELY

EXHIBIT NO. 3

APPLICATION NO.
1-96-41

Harbor Location



Abalone International lease area

Pier to be removed

U.S. Coast Guard Facility

Abalone International lease area
Pier to be removed

U.S. Coast Guard Facility

Inner Breakwater

EXHIBIT NO. 4

APPLICATION NO.
1-96-41

Close-up and normal
view from Whaler
Island

California Coastal Commission