

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

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Filed:	February 13, 1996
49th Day:	April 3, 1996
180th Day:	August 12, 1996
Staff:	James Muth
Staff Report:	February 23, 1996
Hearing Date:	March 14, 1996
Commission Action:	

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: **1-88-161-A**

APPLICANT: **Abalone International**

AGENT: Chris Van Hook, General Manager

PROJECT LOCATION: Within a 0.252-acre lease area on Whaler Island, Crescent City Harbor District, Del Norte County.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Placement of three, 8-foot-wide, 80-foot-long, floating docks within a 0.44 lease area of the waters of the Crescent City Harbor near Whaler Island to raise abalone from seed to market size for sale.

DESCRIPTION OF AMENDMENT: Expand an existing abalone farm within a 0.252-acre lease area on Whaler Island by: (1) constructing a 16-foot-high, 1,440-square-foot (24 ft. by 60 ft.) modular building with office area to package and ship abalone; (2) constructing a 1,200-square-foot (44 ft. by 60 ft) structure to provide cover for parking and additional nursery tanks to grow abalone seed; (3) installing a 14-foot-high, 20-foot-wide water tank; (4) installing a pump house structure with intake and discharge lines for running sea water; (5) installing a public exhibit and display tank area; and (6) installing a 6-foot-high, 420-foot-long, chain-link fence with gate around the perimeter of the 0.252-acre lease area on Whaler Island.

SUBSTANTIVE FILE DOCUMENTS: Crescent City Harbor Segment of Del Norte County's LCP and Coastal Development Permit No. 1-88-161.

SUMMARY OF STAFF RECOMMENDATION.

Staff recommends approval of the project as the proposed project as conditioned is consistent with the Coastal Act. The project involves the installation of an abalone hatchery and other facilities that will augment an existing an aquaculture operation. Section 30411(c) of the Coastal Act encourages the establishment of such aquaculture uses. As proposed, the project will not displace public access or any other priority use, and the Regional Water Quality Control Board has determined that the project will have no adverse effect on water quality. The recommended special condition would simply require the applicant to provide the Executive Director with a copy of a U.S. Army Corps of Engineers approval or evidence that no Corps permit is necessary prior to commencement of project construction to ensure that the project ultimately approved by the Corps is the same as the project authorized herein by the Commission.

STAFF NOTES.

1. Procedure.

Pursuant to Section 13106 of the California Code of Regulations, the Executive Director has determined that this amendment is material and therefore is bringing it to the Commission for its review. If the applicant or an objector so request, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Reg. 13166.

Section 13166 of the Regulations also states that the Executive Director shall reject an amendment request if it lessens or avoids the intent of the approved permit unless the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

The permit amendment seeks to expand an existing abalone farm that is located within a leased area over the waters of the Crescent City Harbor near Whaler Island. The proposed expansion includes the construction or installation at a nearby upland area of: (1) an abalone nursery/hatchery structure with water tanks to grow abalone seed for later transplantation to the floating rafts at the abalone farm, and (2) a modular building for office and packaging space to ship out mature abalone from the farm.

The original permit was issued with one special condition. The abalone farm is located within a known storm hazard area where anchored rafts could break loose from their moorings during a storm and cause damage to surrounding boats and property. Special Condition No. 1 states:

"In accepting this permit, the applicant hereby understands that the project area may be subject to extraordinary coastal storm and flooding hazards and that the applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards."

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The proposed development that is being requested under the permit amendment does not seek to avoid or lessen the intent of the assumption of risk condition and does not otherwise conflict with the terms and conditions of Permit No. 1-88-161. Consequently, the Executive Director has accepted the permit amendment for processing as it will not result in a lessening or avoidance of the intent of the previously approved permit.

2. Standard of Review.

The project site is located within the Coastal Commission's original or retained permit jurisdiction. Consequently, the standard of review are the Chapter 3 policies of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution;

I. Approval with Conditions:

The Commission hereby approves the amendment to the coastal development permit, subject to the conditions below, on the grounds that the development with the proposed amendment, as conditioned, is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976, is consistent with the provisions of the Harbor Segment of the Del Norte County Local Coastal Program, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See Attached.

III. Special Conditions:

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

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

1. Project Location and Description.

The project site is located on the landward or harbor side of Whaler Island on lands that are leased from the Crescent City Harbor District in Del Norte County. "Whaler Island" was originally an off-shore, rocky island or outcropping. Through the historic development of the harbor area, Whaler Island is now connected to the mainland by a filled breakwater or causeway that is approximately 200 feet wide and 1,700 feet long. The landward side of Whaler Island has been previously quarried, leveled, and is partially paved.

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The project site is located at the base of the quarry area over a flat grassy area and the end of a parking lot. The project site contains no environmentally sensitive habitat. The project site has an "HDR" (Harbor Dependent Recreational) land use plan and zoning district designation in the Crescent City Harbor Segment of Del Norte County's LCP.

The remainder of the island consists of a 40-foot-high, rocky outcropping which is a popular public recreation area and contains environmentally sensitive habitat. This part of the island is designated and zone as "G" (Greenery) in the LCP. See locational Exhibits No. 1 and 2.

Public access is provided over the entire length of the causeway to Whaler Island and to the west side of the outer boat basin. The causeway contains a boat launching ramp, an expansive public parking lot, the Chartroom Restaurant, Sandie's Marine Bait and Tackle shop, a pay for fish cleaning and crab net rental facility, and two "do-it-yourself" open air fish cleaning stations. Public parking for boat trailers is provided at the end of the causeway and over a paved portion of the harbor or landward side of Whaler Island.

Using the rafts approved under Permit No. 1-88-161, Abalone International raises red abalone to market size from seed purchased in Ventura County. The abalone seed is placed in 55 gallon plastic barrels with mesh netting suspended beneath floating docks. The abalone is feed local kelp. The docks are anchored in place. The applicant has an aquaculture registration and kelp harvester's license from the California Department of Fish and Game.

The development proposed under the requested permit amendment would expand the existing abalone farm by: (1) constructing a 16-foot-high, 1,440-square-foot (24 ft. by 60 ft.) modular building to be used as an office and packaging area to ship out mature abalone; (2) constructing a 1,200-square-foot (44 ft. by 60 ft) structure to provide cover for parking and cover for additional nursery/hatchery tanks to grow abalone seed; (3) installing a 14-foot-high, 20-foot-wide water tank; (4) installing a pump house structure with intake and discharge lines to supply the nursery/hatchery tanks with running sea water; (5) installing a public exhibit and display tank area; and (6) installing a 6-foot-high, 420±foot-long, chain-link fence with a gate around the perimeter of the 0.252-acre lease area on Whaler Island.

The proposed development will not be open for retail sales to the public or for general public access. However, the proposed development will include a public viewing and display area where the different growth states of the abalone can be seen and the final product may be eaten at various restuarants.

The Crescent City Harbor District was formed in 1935 under the authority of the State of California Harbors and Navigation Code. This legislation empowered the District to function on a county-wide basis to form a general plan for the harbor and to modify and improve the plan as needed consistent with the public trust.

2. New Development.

Section 30250 of the Coastal Act states in applicable part that new development be located within, contiguous with, or in close proximity to, existing developed areas that have adequate public services to accommodate the new development and where the new development will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The project is located within an existing developed area. Water and sewer facilities in the area are provided by the City of Crescent City. The Crescent City Department of Public Works has indicated that it can provide water and sewer service for the proposed facility. Such service is needed for a washroom/bathroom in the office area of the proposed facility.

The applicant estimates that with the proposed improvements there may be up to 7 employees working at the hatchery at any one time, all of whom require parking. A few of the existing spaces at the end of the existing parking lot will be lost due to construction of the facility. Notwithstanding, because of the large size of the little used parking lot, adequate parking will still exist for prospective employees and visitors, as well as for users of other coastal dependent and coastal related uses in the area. The Commission finds that the project is consistent with Section 30250(a) of the Coastal Act as it is located within an existing developed area that has adequate public services able to accommodate it. As discussed in the findings below, the Commission finds that the project will not result in any significant adverse impacts on coastal resources.

3. Aquaculture Use.

Section 30411(c) of the Coastal Act states in applicable part that the Legislature finds and declares that salt water or brackish water aquaculture is a coastal dependent use which should be encouraged to augment food supplies.

As the proposed project involves the establishment of an abalone hatchery and other facilities designed to augment an existing aquaculture operation, the Commission finds that the proposed project is fully consistent with Section 30411(c) of the Coastal Act.

4. Marine Resources.

Section 30230 of the Coastal Act requires in applicable part that: (a) marine resources be maintained, enhanced, and where feasible restored, and (b) uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters and will maintain healthy populations of all species or marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

The project includes an intake line from the outer harbor to pump sea water to the site. From there, the sea water will run through the nursery/hatchery

tanks that are used to grow the abalone seed. After passing through the nursery the seawater will be discharged back into the outer harbor about 200 feet north of the intake area. The only additive would be kelp, which is used to feed for the abalone. Wastes discharged would consist of excess food (kelp) and the metabolic wastes of the abalone. When fully operational, the estimated flow rate will be approximately 100 gallons per minute. No chemical treatments are used in the operation. The abalone will be placed in floating cages in the harbor when they reach a size of about 1.25 inches in diameter. The Regional Water Quality Control Board has determined that the project will not result in any adverse effects on water quality. See Exhibit No. 6.

Among other things, the proposed development will alleviate the need for the applicant to import abalone seed from out of the area for use in its abalone nursery. The use of locally produced seed is beneficial as it: (1) gives the applicant more control over his operation, particularly when seed from distant sources is difficult to obtain, (2) reduces the risk of mortality due to the introduction of diseased seed, and (3) results in a product that is more easily acclimatized to the area. In addition, the applicant's lease with the Crescent City Harbor District requires the applicant to make available, at no cost, at least ten percent (10%) of its production of abalone hatchery stock for replanting in waters off the coast of Del Norte County by appropriate government, nonprofit, or private enterprise for the purposes of re-introducing abalone into the natural environment. According to an August 3, 1994 article in the Triplicate, a local newspaper serving Del Norte County and the Crescent City area, the proposed project could raise 200,000 to 500,000 abalone seed a year. As a result, a substantial amount of local seed will be produced and made available for replanting in local waters which greatly benefit local marine resources.

The Commission finds that the project is consistent with Section 30230 of the Coastal Act as marine resources will be maintained or enhanced and as the proposed use of the marine environment will be carried out in a manner that will sustain the biological productivity of coastal waters.

5. Fill in Coastal Waters.

Section 30233 of the Coastal Act provides in applicable part that the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes be permitted where there is no feasible less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and where limited to eight specific uses, including the following:...

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

The proposed intake and outfall lines for sea water constitute fill in open coastal waters. Aquaculture is one the eight specifically enumerated uses that allows fill in open coastal waters under Section 30233 of the Coastal Act, and such lines are clearly necessary to support the nursery/hatchery

portion of the expanded aquaculture project. As located, the proposed intake and outfall lines have no feasible less environmentally damaging alternative and no feasible mitigation measures are necessary because the proposed lines do not create any adverse environmental effects. The Commission therefore finds that the project is consistent with Section 30233 of the Coastal Act.

6. Public Access.

Section 30210 of the Coastal Act requires in applicable part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 of the Coastal Act requires in applicable part that development not interfere with the public's right of access to the sea where acquired through use. Section 30212 of the Coastal Act requires in applicable part that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, as when adequate access exists nearby. In applying Sections 30210, 30211, and 30212, the Commission is limited by the need to show that any denial of a permit application based on those 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 impacts on existing or potential public access.

The seaward side of Whaler Island is a local promontory that juts out into the sea and marks the south side of the entrance to the Crescent City Harbor. An unimproved trail traverses the seaward side of the island to a high point approximately 40 feet above the elevation of the quarried area on the landward or harbor side of Whaler Island. The trail and promontory has been used by the general public on a continuous basis for public viewing of the sea and the harbor area.

The proposed project will not affect the historically used trail on the seaward side of Whaler Island. In addition, except for the seawater intake and outfall lines, the proposed facility will be located about 50 feet back from the harbor waters. Consequently, the facility will not interfere with public access to the harbor waters. The proposed project does not create any additional demand for public access from the first public road (Highway 101) to the sea. As a result, the project will not have any adverse impacts on existing or potential public access. The Commission finds that the project is consistent with Sections 30210, 30211 and 30212 as no additional public access is necessary.

7. Visual Resources.

Section 30251 of the Coastal Act requires in applicable part that permitted development: (a) be sited and designed to protect views to and along the ocean and scenic coastal areas, (b) minimize the alteration of natural land forms, and (c) be visually compatible with the character of the surrounding area.

As viewed from Highway 101 and the harbor area, the proposed project will not interfere with the public's view of the sea as the non-quarried area of Whaler Island acts as a backdrop to the proposed development. The development does not require any landform alteration and its small size and scale is visually compatible with the character of the surrounding structures in the harbor area. The Commission therefore finds that the proposed development is consistent with Section 30251 of the Coastal Act.

8. Hazards.

Section 30253 of the Coastal Act requires in applicable part that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The proposed project minimizes risks to life and property in an area of high flood hazard to the extent that the project site is protected from direct wave attack by the 40-foot-high, unquarried portion of Whaler Island which is located between the project site and the sea. Still, the project site could be subject to general flooding from severe coastal storms or tsunami.

Special Condition No. 1 of the original permit requires the applicant to assume the risk of storm and flood hazards. The proposed amendment is subject to the same condition. Thus, in accepting this permit as now amended, the applicant will acknowledge that he understands, once again, that the project area on Whaler Island may be subject to extraordinary coastal storm and flooding hazards and the applicant will waive any future claims of liability against the Commission or its successors in interest for damage from such hazards. With this condition, the Commission therefore finds that the project is consistent with Section 30253.

9. Project Review by Other Agencies.

The applicant has obtained an approved lease from the Crescent City Harbor District for the proposed project. The lease runs for 14 years with two additional options to extend the lease. The applicant has obtained approval for the project from the California Department of Fish and Game. See Exhibit No. 5. In addition, the applicant has obtained approval from the California Regional Water Quality Board. The Board has determined that the proposed project does not require a waste discharge permit. See Exhibit No. 6.

The project may be subject to review by the U.S. Army Corps of Engineers as it is adjacent to navigable waters, and a portion of the project includes the placement of water intake and discharge lines into the harbor waters. Pursuant to the Federal Coastal Zone 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 permit or a federal consistency certification for the project. To ensure that the project

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ultimately approved by the Corps is the same as the project authorized herein, the Commission attaches Special Condition No. 1 to the amended permit which requires the applicant to provide to the Executive Director a copy of a U.S. Army Corps of Engineers permit, letter of permission, or evidence that no Corps permit is necessary, prior to the commencement of project construction.

10. Del Norte County LCP.

The water area leased for the floating rafts in the harbor under Coastal Development Permit No. 1-88-161 is designated and zoned in the Crescent City Harbor Segment of the County's LCP as "HD", meaning Harbor Dependent. Harbor dependent uses include all harbor dependent commercial and all harbor dependent recreational uses. The LCP requires that such uses must be dependent upon the activities of products generated by the Crescent City Harbor, and aquaculture is specifically mentioned as a harbor dependent commercial use. Consequently, the previously approved project is consistent with the HD designation.

The area leased for the upland facilities under this permit amendment has been designated and zoned as "HDR", meaning Harbor Dependent Recreational. The LCP requires that harbor dependent recreational uses must comply with requirements of harbor dependent uses and must also be directed towards recreational utilization of the harbor. Uses which meet these requirements include, but are not limited to, custom fish processing plants. The proposed development under this permit amendment is consistent with the HDR designation as aquaculture is a HD use that has been combined with a customized processing component.

The Executive Director finds that the proposed amendment is consistent with the policies of the certified LCP.

11. California Environmental Quality Act (CEQA).

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned 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 of feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As conditioned, the proposed project is consistent with the policies of the Coastal Act. Except for the existing special condition regarding the applicant's assumption of risk in an area that is subject to flood hazards, additional mitigation measures are not necessary to minimize adverse environmental effects. In addition, there are no feasible alternatives or feasible mitigation measures available, beyond those previously required, which would substantially lessen any significant adverse impact which the

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Abalone International
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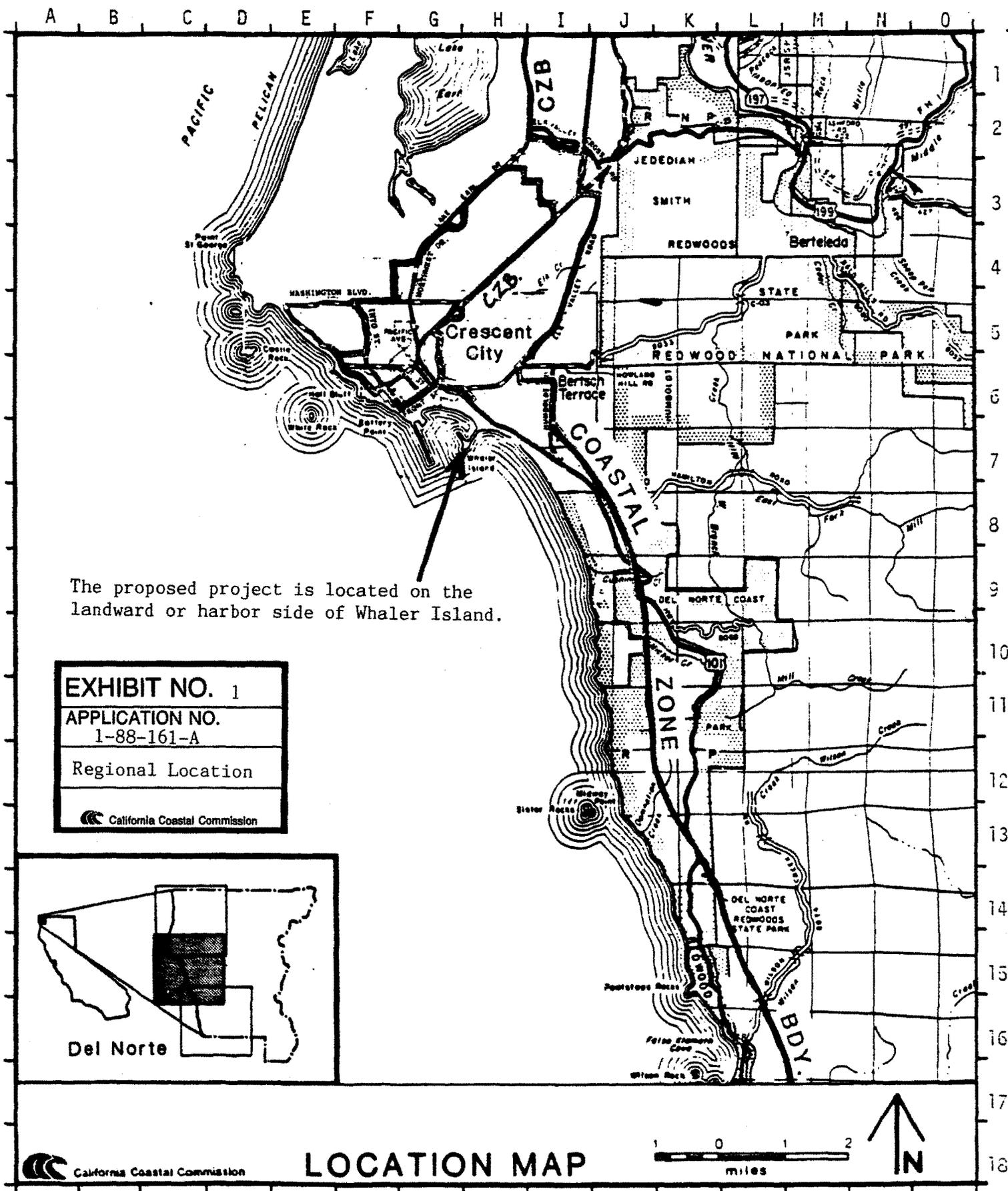
activity may have on the environment. The Commission therefore finds that the proposed project, as conditioned, is consistent with the requirements of the Coastal Act and to conform to CEQA.

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ATTACHMENT A

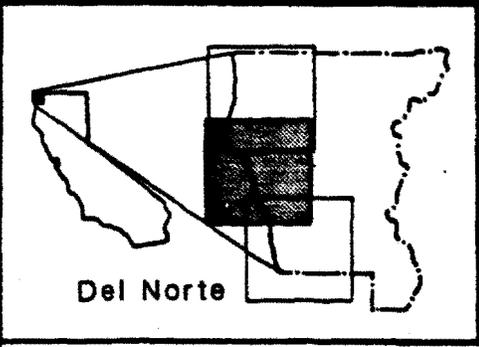
Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. 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 of 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 development during construction, 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.



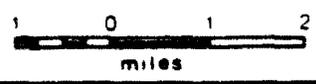
The proposed project is located on the landward or harbor side of Whaler Island.

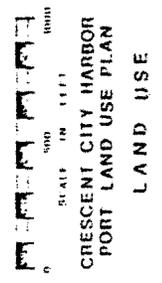
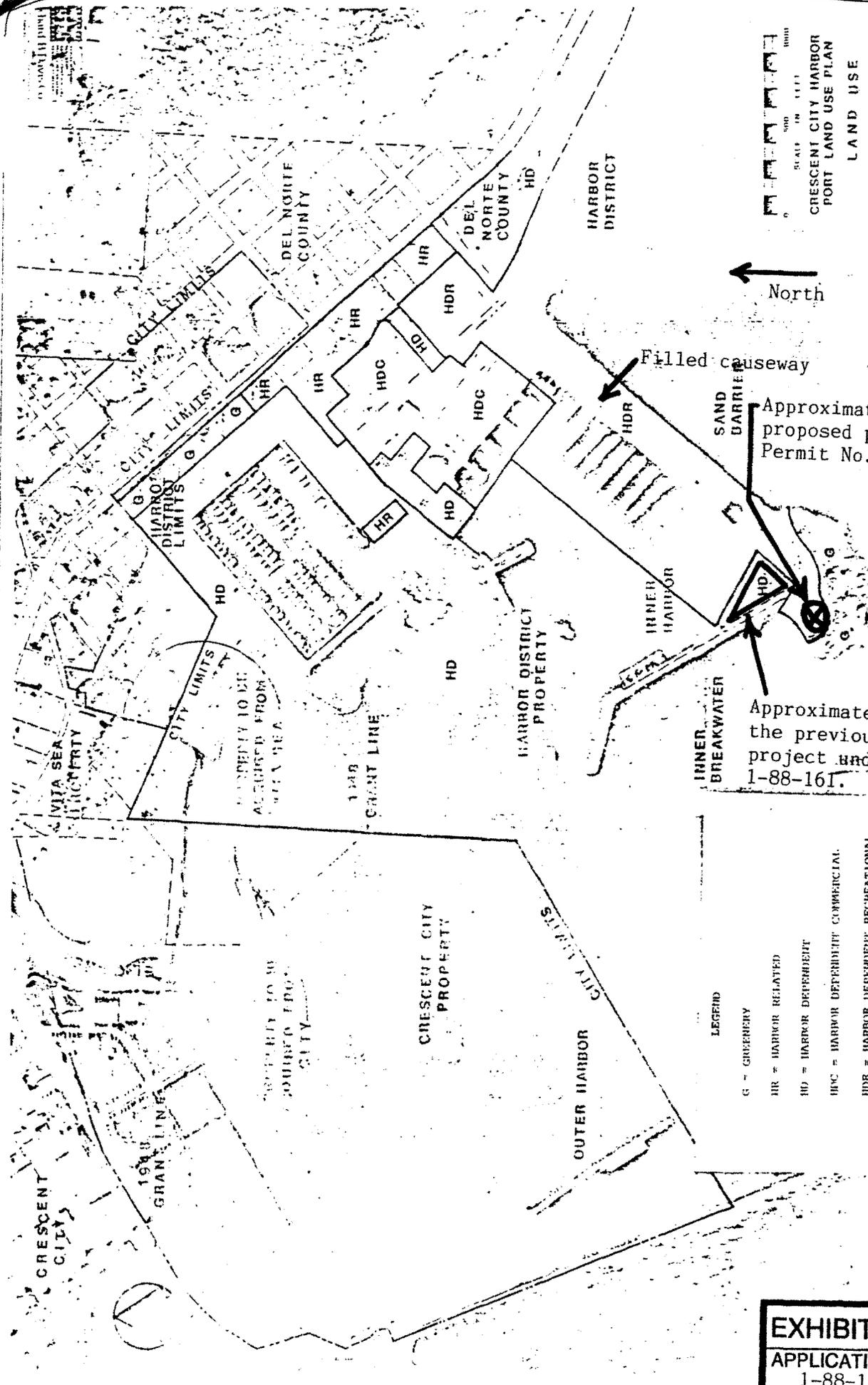
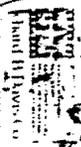
EXHIBIT NO. 1
APPLICATION NO. 1-88-161-A
Regional Location
California Coastal Commission



California Coastal Commission

LOCATION MAP





North

Filled causeway

SAND BARRIER

Approximate location of proposed project under Permit No. 1-88-161-A.

Whaler Island

INNER BREAKWATER

Approximate location of the previously approved project under Permit No. 1-88-161.

LEGEND

- G = GREENBERY
- HR = HARBOR RELATED
- HD = HARBOR DEPENDENT
- HDC = HARBOR DEPENDENT COMMERCIAL
- HDR = HARBOR DEPENDENT RECREATIONAL

FIGURE 1

EXHIBIT NO. 2

APPLICATION NO.
1-88-161-A

Harbor Location

Whaler
Island

Ocean

Scale: (1) Square side = 4.43 ft
Perimeter fenced with 6ft Chain Link

Top View

Abalone International
P.O. Box 1640
117 Downing Street
Crescent City, CA 95531
(707) 464-6913

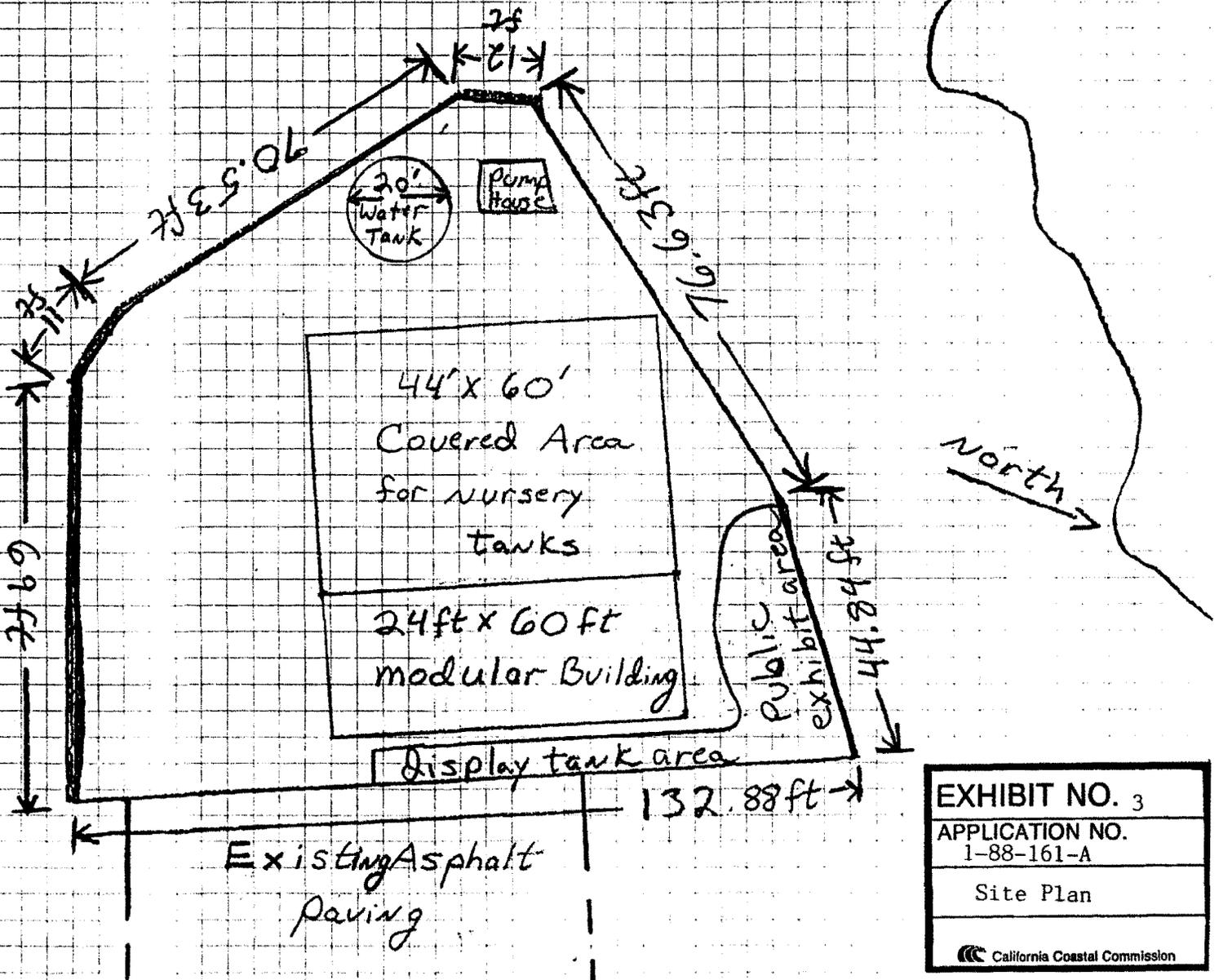


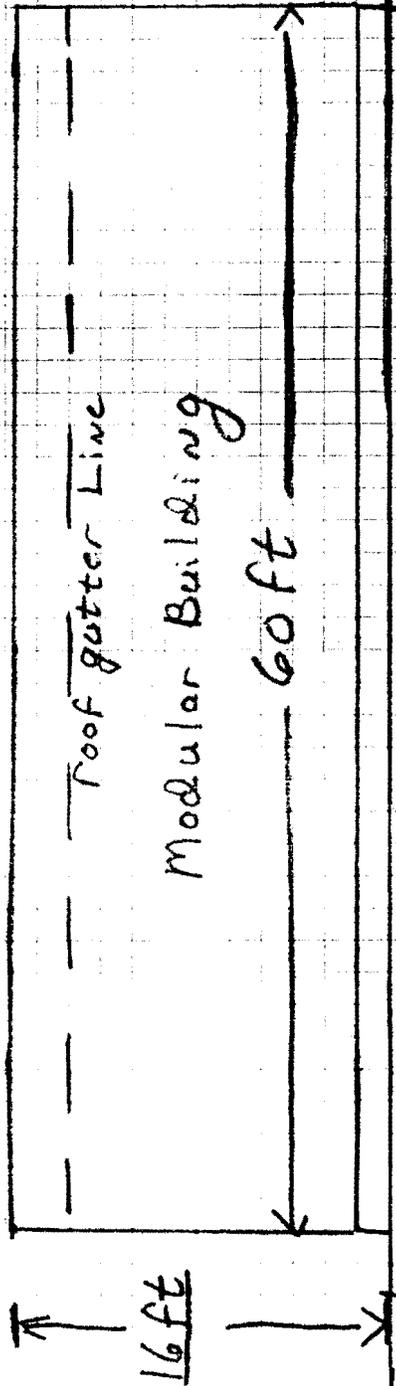
EXHIBIT NO. 3
APPLICATION NO. 1-88-161-A
Site Plan
California Coastal Commission

Abalone International
P.O. Box 1640
117 Downing Street
Crescent City, CA 95531

Side Views

Scale: (1) square = 1.50 ft

East Side



North Side

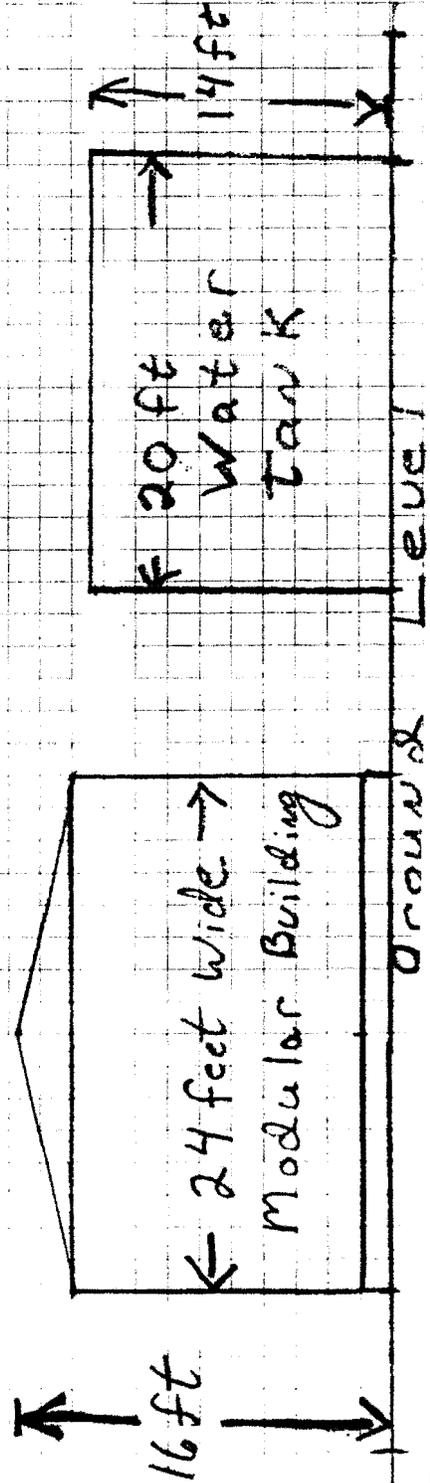


EXHIBIT NO. 4
APPLICATION NO. 1-88-161-A
Building Elevation
 California Coastal Commission

DEPARTMENT OF FISH AND GAME

1416 NINTH STREET

P.O. BOX 944209

SACRAMENTO, CA 94244-2090

(916) 653-9583



June 30, 1995

Mr. Jim Muth
California Coastal Commission
North Coast Area
45 Fremont, Suite 2000
San Francisco, California 94105-2219

RECEIVED

JUL - 5 1995

PLANNING
COUNTY OF DEL NORTE

Dear Mr. Muth:

This letter is in response to a request from Mr. Chris Van Hook for a comment letter regarding his proposed abalone hatchery at Crescent City Harbor. The hatchery project is proposed as an expansion of his current Department of Fish and Game Aquaculture Registration, which he has held since 1987.

The Department has reviewed Mr. Van Hook's project description, his plan drawings submitted to the Del Norte County Planning Department, and the comment letter from the Regional Water Quality Control Board. No negative impacts on wildlife, or wildlife habitat, have been identified. Mr. Van Hook's operation of his own hatchery will alleviate the need for him to import abalone seed from out of the area for his growout operation. His use of locally produced seed will likely be a benefit in protection of local marine resources.

The hatchery project, as proposed, is approved under Mr. Van Hook's Aquaculture Registration. Please contact me at the letterhead address or phone number if you have questions or would like more information about the Department's approval of this project.

Sincerely,

A handwritten signature in black ink that reads "Bob Hulbrock".

Bob Hulbrock
Aquaculture Coordinator

EXHIBIT NO. 5
APPLICATION NO. 1-88-161-A
Fish & Game letter
California Coastal Commission

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION**

5550 SKYLANE BLVD. SUITE A
SANTA ROSA, CA 95403
PHONE: (707) 576-2220



June 14, 1995

Chris Van Hook
Abalone International Inc.
P.O. Box 1640
Crescent City, CA 95531

Dear Mr. Van Hook:

Subject: Proposed Abalone Nursery, Crescent City Harbor

We have reviewed your proposal to develop an abalone nursery on Whaler Island in Crescent City Harbor. It is your intent to pump seawater from the outer harbor to supply the nursery. After passing through the nursery it will be discharge back to the outer harbor about 200 feet north of the intake area. The flow rate is estimated to be 100 gallons per minute when fully operational. The only additive to the pumped water will be kelp, used as food for the abalone. Wastes discharged would consist of excess food (kelp) and the metabolic wastes of the abalone. No chemical treatments are used in the operation. The abalone will be placed in floating cages located in the harbor when they reach a size of about 1 $\frac{1}{4}$ inches. The existing facilities will be used for this phase of the operation.

The proposal you describe is similar to many of the fish hatcheries and rearing facilities that we have regulated over the years. We anticipate minimal impacts on water quality as a result of your nursery operation.

Section 13260 of the State's Porter Cologne Water Quality Control Act requires the submittal of a Report of Waste Discharge whenever a discharge of waste is proposed that could affect the quality of the waters of the State. Section 13269 provides that the requirement to submit a report and the subsequent adoption of Waste Discharge Requirements may be waived for a specific discharge or type of discharge provided it is not against the public interest. The Regional Board Adopted Resolution 87-113 on September 24, 1987 which waives the filing of a report of waste discharge and the subsequent issuance of waste discharge requirements for specific types of waste discharges. Your project falls within the category of discharges described by the Regional Board. Consequently, your request for a waiver is granted. The waiver is conditional and may be withdrawn at any time.

Please call Bill Rodriguez at (707) 576-2683 if you have any questions.

Sincerely,

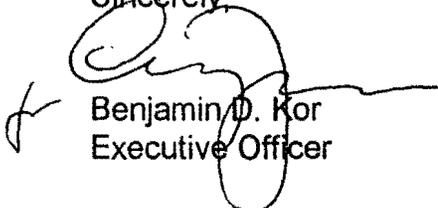

Benjamin D. Kor
Executive Officer

EXHIBIT NO. 6
APPLICATION NO. 1-88-161-A
Water Quality letter
 California Coastal Commission

cc: Jim Muth, California Coastal Commission, North Coast Area, 45 Fremont Street,
Suite 2000, San Francisco, CA 94105-2219

