

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

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RECORD PACKET COPY

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Application No.: 1-00-019

Date: June 23, 2000

ADMINISTRATIVE PERMIT

APPLICANT: MARK STANILAND

PROJECT DESCRIPTION: Repair an existing boat dock by replacing six rotting wooden piles with steel or concrete piles.

PROJECT LOCATION: #3 Gunther (Indian) Island, within Humboldt Bay, in the City of Eureka, Humboldt County, APN 405-021-10

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:

JULY 14, 2000 9:00 a.m.
 Marin County Board of Supervisors Chambers
 Administrative Bldg., Room 322
 Marin County Civic Center
 San Rafael, CA 94903

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

J. S. Tauber

By: Tiffany S. Tauber
 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. 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.

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, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, 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:

A. Project Description

The proposed project involves the repair of a boat dock serving a private residence at #3 Gunther (Indian) Island in the middle of Humboldt Bay. The residence and boat dock have been in existence for many years. The island is only accessible by boat, as there are no bridges linking the island to the mainland. The applicant proposes to replace six deteriorated wood piles that support the dock with steel or concrete piles that will be driven using a hydraulic vibrator. The piles to be repaired will be accessed from a crane-barge tied to the face of an adjacent floating dock.

B. Protection of Water Quality and Marine Resources

The project site is located at Gunther (Indian) Island within the waters of Humboldt Bay. Section 30231 of the Coastal Act sets forth policies that protect the biological productivity and quality of coastal waters. Section 30231 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.

The proposed development includes removing six deteriorated wood piles and replacing them with steel or concrete piles. If the portions of the existing dock to be removed and other construction debris were not properly disposed of, the debris could end up within Humboldt Bay and adversely affect water quality, adversely affect the appearance of the Bay shoreline, and become a hazard to navigation. To avoid such impacts, Special Condition No. 1 has been imposed to require that all portions of the dock to be removed and all construction debris be removed and disposed of in a lawful manner either outside the coastal zone or at an approved disposal site. In addition, if the crane-barge used to access the site for the proposed dock repair were to rest on the bottom, it could crush benthic organisms that inhabit the mudflats. To avoid adverse impacts to biological productivity in Bay waters, Special Condition No. 2 requires that the crane-barge be positioned and anchored such that it will float in deep water and not rest on the mud flats at any time during project construction.

Another potential adverse impact often related to pile replacement projects is the leaching of wood preservatives used to treat wood piles into the surrounding waters. Creosote is a common wood preservative used to treat piles that is known to have adverse impacts to water quality. Alternative treatments for wood piles that are more protective of water quality do exist. Although the applicant is not proposing to use wood piles and intends to use either concrete or steel piles, the applicant has not yet procured the piles to be used. To ensure that the Commission would have the ability to review any proposed change to the project in the future that would involve the use of wood piles for consistency with Section 30231, the Executive Director attaches Special Condition No. 3. This condition requires the applicant to apply for an amendment for any proposed changes to the project, including changing from concrete or steel piles to wood piles. As conditioned, the project will not result in pile preservatives leaching into the waters of Humboldt Bay and adversely impacting the quality of coastal waters.

As conditioned, the Executive Director finds that the proposed project will not adversely impact the biological productivity or quality of coastal waters and therefore, is consistent with Section 30231 of the Coastal Act.

C. Public Access

Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. In applying Section 30211 and 30212, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

Although the project is located between the first public road and the sea, it will not adversely affect public access. There are no trails or other public roads that provide shoreline access within the vicinity of the project. Furthermore, the proposed boat dock repair project will not change the nature, density or intensity of use, and thus will not create any new demand for public access or otherwise create any additional burdens on public access.

Therefore, the Commission finds that the proposed project does not have any adverse effect on public access, and that the project as proposed is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212.

SPECIAL CONDITIONS1. Debris Disposal

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

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the site and be disposed of in a lawful manner outside of the coastal zone or at an approved disposal site.

2. Positioning of Barge

The crane-barge employed for purposes of the proposed development shall be tied in such a manner that it will float in deep water so as to avoid resting on the mud flats at any time during project construction.

3. Permit Amendment

The permittee shall undertake development in accordance with the proposal as set forth in the application for permit, as conditioned. No changes to the approved project, including substitution of wooden piles for the proposed use of steel or concrete piles, shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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

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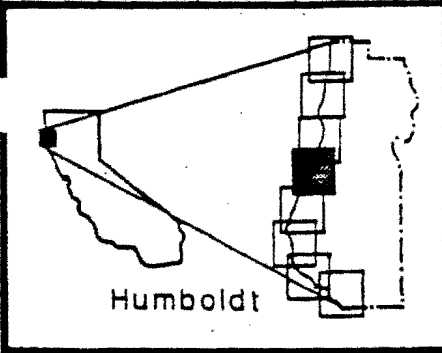
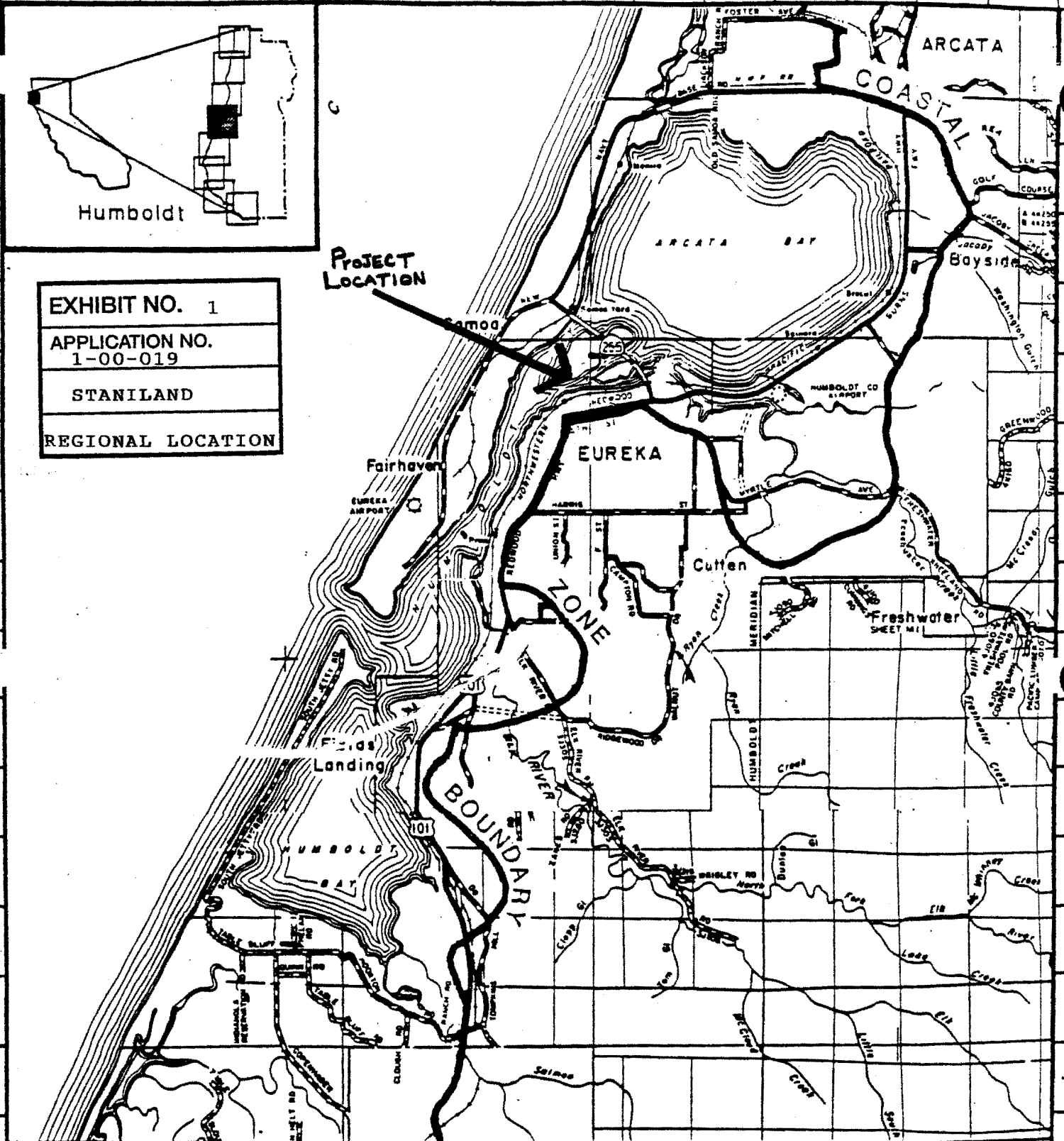
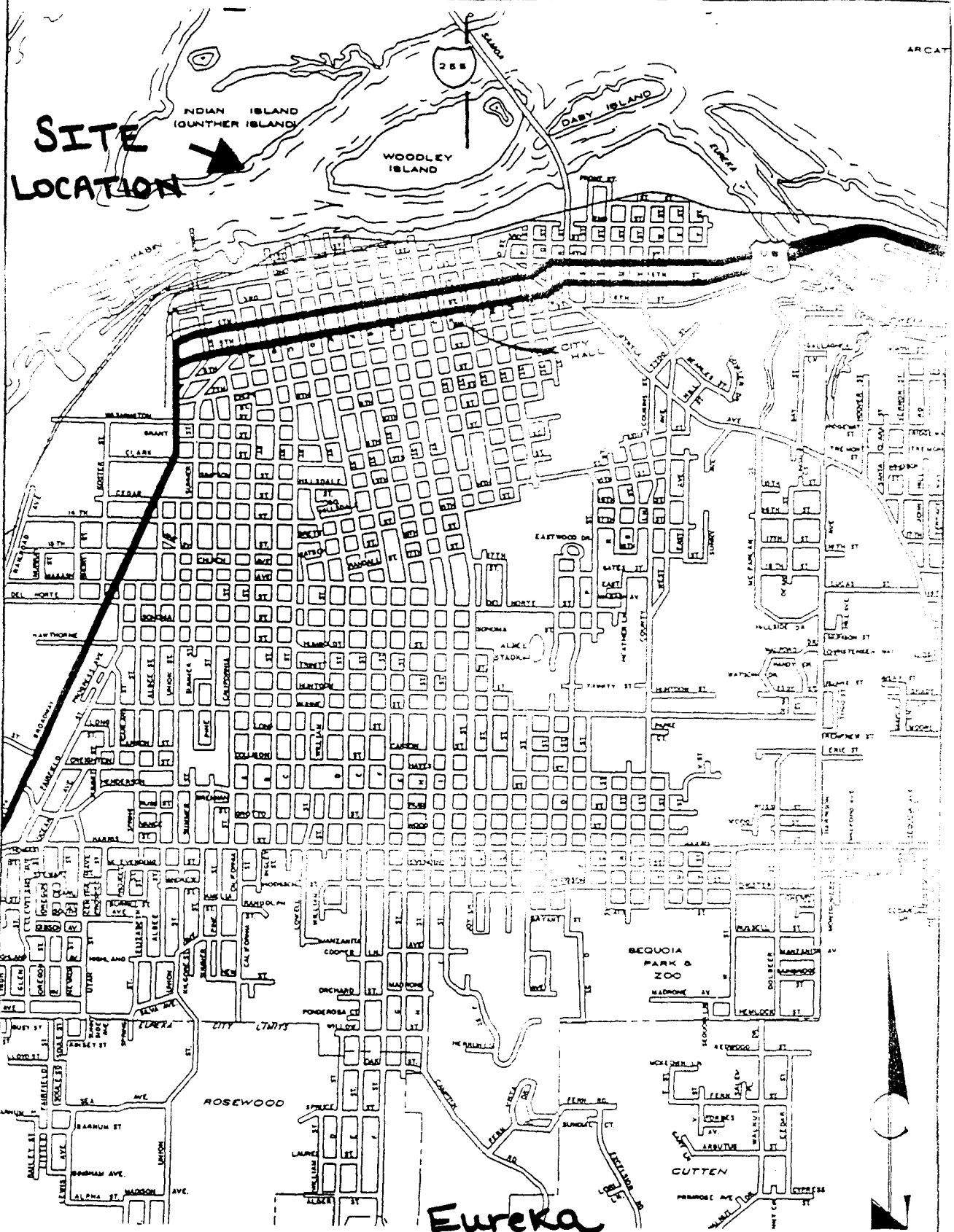


EXHIBIT NO. 1
APPLICATION NO. 1-00-019
STANILAND
REGIONAL LOCATION



**SITE
LOCATION**



Eureka

PILING REPLACEMENT PROJECT

VICINITY MAP

**GUNTER (INDIAN) ISLAND
HUMBOLDT BAY, EUREKA**

EXHIBIT NO.	2
APPLICATION NO.	1-00-019
STANILAND	
VICINITY MAP	

PROPERTY LINE

APN 405-021-10

HOUSE

BULKHEAD

HUMBOLDT BAY

70' +/-

90 X 10 FLOATING DOCK

85' PIER

REPLACE PILING



PILING REPLACEMENT PROJECT
INDIAN (GUNTHER) ISLAND
PLOT PLAN

NO SCALE

EXHIBIT NO.	3
APPLICATION NO.	1-00-019
STANILAND	
SITE PLAN	