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Date Filed: May 22, 2001
49th Day: July 10, 2001
180th Day: November 11, 2001
Staff: Tiffany S. Tauber
Staff Report: June 29, 2001
Hearing Date: July 11, 2001
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-01-017**

APPLICANT: **HUMBOLDT COMMUNITY SERVICES DISTRICT**

AGENTS: Winzler & Kelly Consulting Engineers

PROJECT LOCATION: In grazed seasonal wetlands near Elk River, south of Elk River Road to Humboldt Hill Road on the east side of Highway 101, just south of the City of Eureka, in Humboldt County (APNs 305-031-10, 305-031-11, 305-181-04).

PROJECT DESCRIPTION: (1) Excavate a 2-foot-wide by 4-foot-deep trench within an existing easement for a length of approximately one mile, (2) install an 8-inch-diameter water pipeline from the District's well field in the Humboldt Hill area to its transmission pipeline on the south side of Pine Hill Road, (3) replace a 10-inch-diameter pipe with a 16-inch-diameter pipe crossing over Elk River, and (4) backfill the trench with pea gravel and native material and restore the site to pre-project conditions.

GENERAL PLAN DESIGNATION: Agriculture Exclusive

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ZONING DESIGNATION: Agriculture Exclusive

LOCAL APPROVALS RECEIVED: Humboldt County Coastal Development Permit and Conditional Use Permit (CDP-00-36 & CUP-00-20)

OTHER APPROVALS RECEIVED: Department of Fish and Game 1603 Streambed Alteration Agreement

OTHER APPROVALS REQUIRED: (1) Army Corps of Engineers; (2) Water Quality Certification

SUBSTANTIVE FILE DOCUMENTS: (1) Humboldt County Local Coastal Program; (2) Mitigated Negative Declaration prepared by Winzler & Kelly Consulting Engineers (February 2001); (3) Department of Fish and Game 1603 Streambed Alteration Agreement

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions of the proposed installation by the Humboldt Community Services District of water pipeline within grazed seasonal wetlands bisected by the Elk River just south of Eureka. The proposed pipeline would be buried adjacent to an existing pipeline and would result in temporary impacts to seasonal wetlands. The staff recommends that this approval be subject to conditions that ensure the protection of coastal wetlands and water quality.

The Humboldt Community Services District (District) proposes to install an additional water main to increase the District's ability to deliver well water from their existing well field in Humboldt Hill to northern portions of the service area. This improved delivery ability of well water would offset the same amount of higher-cost water that is currently purchased from the City of Eureka and the Humboldt Bay Municipal Water District. The project would not result in an increase in the amount of water used, an expansion of the District's service area, an increase in the amount of water available from the well field, or growth-inducing impacts. Rather, the project would only facilitate a change in the supply source which the District must purchase from external sources of water to lower-cost well water already owned by the District.

The project site encompasses grazed seasonal wetlands and the Elk River on the east side of Highway 101 which separates the site from Humboldt Bay. The proposed development includes installation of approximately one mile of 8-inch-diameter water main and modification of the pipeline crossing over Elk River. Approximately 0.12 acres of the project area over and adjacent to the Elk River falls within the Commission's permitting jurisdiction. The water line would be installed through the seasonal wetlands within an excavated trench in an existing 10-foot-wide easement. The work would be performed using a backhoe and auger operating from the existing

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easement and is proposed to occur during the dry season when impacts to seasonal wetlands would be minimized. The trench would be backfilled with native material and restored to pre-project conditions. All surplus excavated material not used for backfilling the trench would be disposed of in an approved upland location. The project does not involve the installation of any additional above-ground structures that would result in new permanent wetland fill. The applicant proposes to secure the new pipeline to existing support structures within the channel of the Elk River, eliminating the need for any new structural or other fill within the river.

The proposed excavation and installation of the pipeline involves the filling and dredging of wetlands for an incidental public service purpose because a public agency will bury the pipeline as part of its public service mission. In addition, the installation of the pipeline to change water sources is incidental to the purpose of the existing water system to deliver water from the District's well field and other sources to customers within the District's existing service area. Therefore, the project is an allowable use for dredging and filling of wetlands consistent with Coastal Act Sections 30233(a)(5).

To ensure that the proposed project does not result in adverse impacts to wetland habitat values or water quality consistent with the resource protection provisions of Section 30233, staff recommends five special conditions. Recommended Special Condition No. 1 sets forth construction responsibilities requiring that: (a) no construction materials, equipment, debris, or waste be placed or stored where it may be subject to entering Elk River; (b) no machinery or construction materials be allowed at any time in Elk River; (c) all construction equipment operation be confined to within the ten-foot-wide easement and outside of adjacent wetland areas; (d) any and all surplus excavated material shall be removed from the site within 5 days of project completion and shall be disposed of in the upland location identified by the applicant; and (e) the project ground site shall be restored to pre-construction contours with no pits or mounds following project completion. Special Condition No. 2 requires that all project construction be completed during the non-rainy season, between June 1 and October 31, to minimize wetland impacts. Special Condition No. 3 requires that all excavated topsoil be temporarily stockpiled and replaced along the length of the pipeline following installation of the pipeline as proposed. Special Condition No. 4 requires the applicant to submit a monitoring report, completed by a qualified botanist, 18 months after completion of the water pipeline project to ensure the vegetation in the disturbed area has successfully reestablished. Special Condition No. 5 requires the permittee to provide to the Executive Director, prior to commencement of construction, a copy of a permit issued by U.S. Army Corps of Engineers, or letter of permission, or evidence that no permit or permission is required. As conditioned, the project provides adequate mitigation and is the least environmentally damaging feasible alternative.

As conditioned, staff has determined that the proposed development would be consistent with the Chapter 3 policies of the Coastal Act.

STAFF NOTES:

1. Standard of Review

The portion of the proposed development that is the subject of the application to the Commission is located over and adjacent to the Elk River in an area that is partially subject to tidal action and entirely within an area shown on State Lands Commission maps over which the state retains a public trust interest. Thus, the proposed development is within the Commission's retained coastal development permit jurisdiction. Therefore, the standard of review for the permit application is the Coastal Act.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-01-017 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS:

1. Construction Responsibilities

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

- (a) No construction materials, equipment, debris, or waste shall be placed or stored where it could enter Elk River;
- (b) No machinery or construction materials shall be allowed at any time in Elk River;
- (c) All construction equipment operation shall be confined to within the ten-foot-wide easement and outside of adjacent wetland areas;
- (d) Any and all surplus excavated material shall be removed from the site within 5 days of project completion and shall be disposed of in the upland location identified by the applicant. No side-casting of excavated material is allowed. Any proposed changes to the approved disposal site shall be reported to the Executive Director. Any proposed disposal in the coastal zone shall require an amendment to Permit No. 1-01-017 from the Coastal Commission and/or an additional coastal development permit from the Commission or applicable certified local government.
- (e) The project ground site shall be restored to pre-construction contours with no pits or mounds following project completion.

2. Timing of Construction

All work must be performed and completed during the non-rainy season between June 1 and October 15.

3. Replacement of Excavated Material

All excavated topsoil shall be temporarily stockpiled along the 10-foot-wide easement during project construction. Following installation of the water pipeline, all excavated topsoil shall be replaced and the disturbed area recontoured to pre-project conditions.

4. Vegetation Monitoring

The permittee shall submit a monitoring report to the Executive Director within 18 months after completion of construction of the water pipeline. The monitoring report must be prepared by a qualified biologist or botanist and shall evaluate whether the objective of reestablishing

vegetation in areas of project construction to a level of coverage and density equivalent to vegetation coverage and density of surrounding undisturbed areas has been achieved. If the report indicates that the natural revegetation of the disturbed area has not been successful, in part, or in whole, the applicant shall submit for the review and approval of the Executive Director a reseeding program to achieve the objective. The revised reseeding program shall require an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Army Corps of Engineers Approval

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall provide to the Executive Director a copy of a permit issued by U.S. Army Corps of Engineers, a letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the U.S. Army Corps of Engineers. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

1. Site & Project Description

The Humboldt Community Services District (District) proposes to construct an additional 8-inch water main, adjacent to an existing 8-inch water main extending from the District's well field in the Humboldt Hill area to its transmission pipeline on the south side of Pine Hill Road. The project site is located in an unincorporated area of Humboldt County just south of the City of Eureka adjacent to Highway 101. The project involves the construction of approximately 1 mile of 8-inch water main from the south side of Pine Hill Road, south across Elk River to Humboldt Hill Road at the Highway 101 northbound onramp. (Exhibits No. 1-3)

The project site is located in an area of grazed seasonal wetlands bisected by the Elk River in an area largely surrounded by agricultural land uses and rural residential development. The project site includes seasonal wetlands, Elk River, a small slough channel, and an existing roadway. The proposed project would temporarily impact 5,300 square feet of wetlands, or approximately 0.12 acres, within the Commission's permit jurisdiction over and adjacent to the Elk River. The project site includes isolated brackish areas that provide potential habitat for two sensitive plant species: Humboldt Bay owl's clover (*Castilleja ambigua*, ssp. *Humboldtiensis*) and Pt. Reyes bird's beak (*Cordylanthus maritimus* ssp. *Palustris*). The applicant recently conducted a pre-construction vegetation survey and determined that these sensitive species are not present within the project area. The Elk River provides habitat for endangered fish species including Chinook, Coho salmon, and steelhead trout.

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The Humboldt Community Services District proposes to install the additional water main to increase the District's ability to deliver well water from their existing well field in Humboldt Hill to northern portions of the service area. The additional water pipeline would transfer well water to the areas of Cutten, Ridgewood, Myrtle town, and Freshwater. Of these portions of the District's service area that would be served by the proposed water line, approximately 75% falls outside of the coastal zone. This improved delivery ability of well water would offset the same amount of higher-cost water that is currently purchased from the City of Eureka and the Humboldt Bay Municipal Water District. The project would not result in an increase in the amount of water used, or result in an expansion of the District's service area. Rather, the project would only change the supply source from which water is purchased from a high cost external source to a lower-cost well water already owned by the District. The applicant indicates that the existing well field is currently underutilized. The proposed pipeline would give the District direct control over a greater share of the water supplied within the District, while diversifying its supplies in case of an emergency interruption of the supply from the City of Eureka or the Humboldt Bay Municipal Water District.

The proposed pipeline would parallel an existing 8-inch water main originally constructed by the County of Humboldt in 1960. The proposed new pipeline would be constructed within the same existing 10-foot-wide recorded easement. The applicant indicates that extensive cattle grazing at the site has resulted in an uneven ground surface that makes walking, working, or heavy equipment operation difficult and unsafe. To create an adequate work area for installation of the proposed pipeline, the applicant proposes to grade the top 2 to 4 inches of existing native material and stockpile the material approximately every 50' along the easement to create a smooth working surface.

The pipeline trench would be excavated using a backhoe and would be approximately 2-foot-wide and 4-foot-deep (3' of cover over the pipeline). Imported pea gravel would be placed in the bottom 22 inches of the trench (4-inches under the pipe, 8-inches at the pipe zone and 12-inches over the pipe). Pea gravel bedding is a standard pipeline construction method used to provide uniform pipe support and prevent excessive deflection and to assist in locating the pipeline for maintenance purposes. Following placement of the pipeline, the trench (the top 24") would be backfilled with the native material and compacted to approximately 85% relative compaction (Exhibit No. 4).

An existing 10-inch welded steel water main crosses over Elk River and is supported on steel piles filled with concrete (Exhibit No. 5). The existing 10-inch pipeline across the river would be removed by crane or excavator located above the river bank and replaced with a 16-inch ductile iron pipe. The new 16-inch pipeline would consist of the existing and proposed 8-inch pipes joined together at the same location that the existing pipe enters and exits the ground adjacent to the river. The existing piles supporting the existing water main would be used to support the new 16-inch pipe crossing and no additional permanent structures would be placed in or near the river. To accommodate the larger diameter pipeline, the existing pipe anchors attaching the pipeline to the pile supports would be modified. This modification would involve changing the attachment hardware and grouting the existing pipe saddle indentation to a level

surface to receive the top plate. The pipeline over Elk River would be accessed using a crane and a cherry-picker from the bank and would not involve soil disturbance along the edge of the river or equipment operating from within the flowing channel. A small fence would be attached to the pipeline above the Elk River to prevent unauthorized access across the pipeline. No portion of the fence would be placed in the river or adjacent wetlands.

The applicant proposes to complete the project in the dry season and monitor the site during the winter for problems with erosion, siltation, or revegetation. Final grading would consist of redistributing the stockpiled topsoil containing seed stocks and returning the site to pre-project contours and elevations void of mounds or depressions. Any excess excavated material would be hauled offsite to the Cummings Road Landfill to be used as landfill cover. Construction equipment would be staged offsite in paved or graveled areas at the Fish & Game refuge area near the existing buildings and/or at the Caltrans overlook area at Humboldt Hill. The project is proposed to be constructed between July 1 and October 31, 2001.

2. Filling and Dredging in Coastal Wetlands

The proposed project involves excavating a trench within a grazed seasonal wetland for the installation of a water pipeline. The excavated trench would be backfilled with the native material following placement of the water line. The temporary excavation and placement of the pipeline within the wetland are forms of filling and dredging in wetlands. There are no permanent structures associated with this project, other than the underground pipeline, that would constitute wetland fill. Coastal Act Section 30233 allows filling and dredging in wetlands only where there is no feasible less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and where the project is limited to one of eight specified uses.

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(a) of the Coastal Act states, in applicable part:

(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:

...

(5) 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.

...

(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...

The above policies set forth a number of different limitations on what development projects may be allowed in coastal wetlands. For analysis purposes, the limitations can be grouped into four general categories or tests. These tests are:

- a. that the purpose of the filling, diking, or dredging is for one of the eight uses allowed under Section 30233;
- b. that the project has no feasible less environmentally damaging alternative;
- c. that feasible mitigation measures have been provided to minimize adverse environmental effects; and
- d. that the biological productivity and functional capacity of the habitat shall be maintained and enhanced where feasible.

(a) Allowable Use for Dredging and Filling of Wetlands

The first test set forth above is that any proposed filling, diking or dredging in wetlands must be for an allowable purpose as specified under Section 30233 of the Coastal Act. Section 30233(a)(5) allows filling and dredging for incidental public service purposes. The project involves installing a new water pipeline adjacent to an existing water line within an existing easement. The waterline would be installed by the services district in order to distribute water from the existing well field to northern parts of the District's service area in the southern Eureka area. Therefore, the proposed fill would be undertaken by a public agency in pursuit of its public service mission. In addition, the project would not result in an increase in the amount of water used, result in an expansion of the District's service area, or the formation of a new special district. Rather, the project would only change the supply source from higher-cost purchased water to lower-cost well water. The proposed pipeline would give the District direct control over a greater share of the water supplied within the District, while diversifying its supplies in case of an emergency interruption of the supply from the City of Eureka or the Humboldt Bay Municipal Water District. Therefore, the installation of the pipeline to change water sources is incidental to

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the purpose of the existing water system to deliver water from the District's well field and other sources to customers within the District's existing service area. Furthermore, because the proposed project involves temporary excavation and placement of a pipeline, the project constitutes burying pipe, which is an activity specifically listed in Section 30233(a)(5) as an incidental public service purpose for which filling and dredging in wetlands is allowed.

Therefore, as conditioned herein, the project is consistent with the use limitations of Section 30233 on filling and dredging in wetlands, as the project is for an incidental public service purpose.

(b) Project Alternatives

The second test set forth by the Commission's fill policies is that the proposed fill project must have no feasible less environmentally damaging alternative. Commission staff and the applicant have considered the various identified alternatives and determined that there is no feasible less environmentally damaging alternative to the project as conditioned. Alternatives that have been identified include (1) directional drilling, (2) locating the pipeline outside of wetland areas, (3) developing an additional well field, and (4) no project. As explained below, each of these alternatives are infeasible and/or do not result in a project that is less environmentally damaging than the proposed project.

(i) Directional Drilling

The applicant considered installing the proposed water line using directional drilling construction methods that would avoid the need for excavating a trench through the wetlands for the entire length of the pipeline. The applicant indicates that this alternative would require excavating 10-foot-wide x 20-foot-long boring and receiving pits every 500 to 1000 feet. Although the directional drilling method may result in less total area of wetland disturbance relative to excavating a trench along the entire length of the pipeline as proposed, directional drilling would still result in some temporary disturbance to wetlands. The existing wetland is largely disturbed by cattle grazing and does not exhibit great species diversity or habitat complexity. The proposed pipeline would be completely buried with no permanent structures located in the seasonal wetland that would displace wetland habitat. As proposed and conditioned, the excavated topsoil would be temporarily stockpiled and replaced following project completion allowing the site to restore to pre-project conditions. Neither alternative would result in significant environmental damage. Thus, the directional drilling method would not result in appreciably less environmental damage than the proposed construction method. The applicant further indicates that directional drilling would require a specialty contractor from out of the area and would cost \$300,000.00 more than the proposed construction methods. Additionally, directional drilling often requires the use of drilling fluids that can leak into sensitive environments and waterways and result in adverse environmental impacts. Therefore, directional drilling is not a less environmentally damaging feasible alternative.

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(ii) Locate the Pipeline Outside of Wetlands

The proposed pipeline location parallels an existing pipeline within a 10-foot-wide easement. The proposed pipeline would connect the existing well field at Humboldt Hill to the transmission pipeline south of Pine Hill Road. The applicant indicates that there is no non-wetland pipeline alignment between the water supply and distribution connection points other than the Caltrans right of way along Highway 101 and extending within County easements along Herrick Avenue and Elk River Road. Placing the pipeline within the road right of way would be less environmentally damaging because it would not involve dredging or filling in wetlands. The applicant indicates that it would most likely be feasible to obtain encroachment permits from the County to place the pipe along Herrick Avenue and Elk River Road. However, the majority of the pipeline from the well field near Humboldt Hill would need to extend along Highway 101. The applicant indicates that placing utilities in the road paralleling the Highway 101 right of way would require a "longitudinal encroachment" permit from Caltrans. These permits are generally granted only for emergency uses of the right of way or for placement of services that would directly serve the roadway in some manner (i.e. rest areas). The proposed pipeline is not an emergency service nor would it service the Highway in any way. Moreover, locating the pipeline parallel to the Highway would pose a major safety hazard should the pipeline leak or break, potentially flooding the highway. Therefore, this alternative is not the least environmentally damaging feasible alternative.

(iii) Develop a New Well Field

The potential development of an additional District well in an area where distribution lines would not have to cross through wetlands would be a less environmentally damaging alternative. The District indicates that they have done exploratory investigation into locating additional municipal quality and quantity water supply wells within their jurisdiction. The applicant indicates that to date, no suitable well sites have been found. Therefore, this alternative is not the least environmentally damaging feasible alternative.

(iv) No Project

The no project alternative would not meet the goals of improving the water supply distribution from the District's existing well field to decrease their reliance on purchased water from other sources. The ability to supply their service area with water from their existing well field would reduce costs and prevent an interruption of service in the event of emergency interruption of the supply from the City of Eureka or the Humboldt Bay Municipal Water District.

Therefore, the Commission finds that the proposed water pipeline, as conditioned, involves the least environmentally damaging feasible alternative as required by Section 30233(a).

(c) Protection of Coastal Wetlands and Water Quality

The third test set forth by Section 30233 is whether feasible mitigation measures have been provided to minimize adverse environmental impacts. Depending on the manner in which the proposed maintenance is conducted, the project could have potential adverse impacts to wetland habitat, sensitive fish species, and water quality. The potential impacts and their mitigation are discussed in the following sections:

(i) Wetland Habitat

The proposed project is located within a grazed seasonal wetland bisected by the Elk River on the east side of Highway 101 which separates the site from Humboldt Bay. The project site was originally subject to tidal action but like much of the land around Humboldt Bay, it was diked off decades ago and reclaimed for agricultural use. Due to its low elevation, the project area is subject to seasonal ponding from rain and runoff and also has a high groundwater table. The wetland vegetation on the site is not particularly abundant or diverse in comparison with other wetland habitats around Humboldt Bay because of its current and historic use as pasture for cattle grazing. The applicant recently completed a vegetation survey that indicates that there are no sensitive plant species present at the project site. Nonetheless, the area does provide some wetland habitat.

Commission staff has consulted with the Department of Fish and Game (DFG) to assess potential impacts and appropriate mitigation at the site. The DFG has indicated that they have no concerns about the project and that impacts are minimal and temporary. The DFG indicated that it would not be necessary to require the area to be revegetated and/or monitored following project completion as the vegetation present would rapidly reestablish on its own.

The Commission finds that although the vegetation directly impacted by the excavation activity would rapidly reestablish, the heavy equipment could cause significant adverse impacts to a larger area of wetland vegetation if it is operated from or stored within the wetland area outside of the existing 10-foot-wide easement. To ensure that adverse impacts to the wetland are minimized, the Commission attaches Special Condition No. 1(a) that requires all equipment required for project completion (i.e. backhoe) to be operated from within the 10-foot-wide easement and outside of the adjacent wetlands to minimize the area of wetland impact.

The Commission further finds that construction of the proposed project during the rainy season when the wetlands are most sensitive to disturbance could result in adverse wetland impacts from sedimentation and compaction. The applicant proposes to construct the project in the dry season between July 1 and October 31. The Department of Fish and Game 1603 Streambed Alteration Agreement obtained by the applicant restricts the construction period to June 1 through October 15. Therefore, to minimize potential adverse impacts to wetland habitat and be consistent with the requirements imposed by the Department of Fish and Game, the Commission attaches Special Condition No. 2 which requires project construction to be completed between June 1 and October 15.

The applicant proposes to temporarily stockpile the excavated topsoil and replace the material following placement of the pipeline. This would allow the seedbank contained in the topsoil to naturally revegetate the disturbed area to pre-project conditions following project completion. Therefore, the Commission attaches Special Condition No. 3 requiring the applicant to temporarily stockpile the excavated topsoil and replace the material in the disturbed areas along the entire length of the pipeline as proposed. Furthermore, the applicant proposes to monitor the site during the spring following project completion to ensure that the vegetation has reestablished. To ensure that the area is restored to pre-project conditions as proposed, the Commission attaches Special Condition No. 4 that requires the applicant to submit a monitoring report to the Executive Director within 18 months after completion of the water pipeline. The monitoring report must be prepared by a qualified biologist or botanist and must evaluate whether the objective of reestablishing vegetation in areas of project construction to a level of coverage and density equivalent to vegetation coverage and density of surrounding undisturbed areas has been achieved. If the report indicates that the natural revegetation of the disturbed area has not been successful, in part, or in whole, the applicant is required to submit for the review and approval of the Executive Director a reseeding program to achieve the objective. The revised reseeding program shall require an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

(ii) Sensitive Fish Species

The riparian zone within 100 feet of the Elk River is considered "Essential Fish Habitat" for federally listed salmonids. The two federally endangered species expected to occur within Elk River are Chinook and Coho salmon and steelhead trout. NMFS has indicated to Commission staff that they do not expect the project to result in significant adverse impacts to sensitive fish species and they anticipate processing an informal Section 7 consultation for the project in conjunction with the required Army Corps of Engineers permit. The applicant proposes to modify the pipe crossing over Elk River using a crane and a cherry-picker operating from the bank of the river. No equipment would be operated from within the flowing river channel and no soil disturbance would occur adjacent to the river. Furthermore, work would be performed in the dry season to minimize sedimentation concerns. Moreover, there is no riparian vegetation (i.e. willows or alders) along the river at this location. As discussed in the project description, the new water line would be installed parallel to the existing line. At the Elk River crossing, the two lines would be joined together and the new 16-inch-diameter line would be connected at the same locations where the current pipe emerges and re-enters on either side of the river.

The Commission finds that although the applicant proposes to operate all construction equipment away from the banks of the river, adverse impacts to fish from direct impact or increased turbidity and sedimentation could occur if construction equipment were to enter the flowing river channel. To ensure that adverse impacts to sensitive fish species are minimized, the Commission attaches Special Condition No. 1(b) that requires that no machinery or construction materials be allowed in Elk River at any time. Moreover, to minimize sedimentation concerns, the Commission attaches Special Condition No. 2, which requires all project work to be performed and completed within the dry season, June 1 to October 15. These conditions are consistent with

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and completed within the dry season, June 1 to October 15. These conditions are consistent with requirements of the Department of Fish and Game 1603 Streambed Alteration Agreement obtained by the applicant for the project.

(iii) Water Quality

A portion of the proposed project involves replacing an existing pipeline crossing over Elk River. Potential adverse impacts to the water quality of Elk River could occur in the form of sedimentation or debris from the project being allowed to enter the river.

To ensure that adverse impacts to water quality are minimized, the Commission attaches Special Condition No. 1(d). Special Condition No. 1(d) requires that any and all surplus excavated material and debris resulting from construction activities be removed from the site within 5 days of project completion and be disposed of in the upland location specified by the applicant. Furthermore, to ensure that the project site is restored to its pre-construction hydrological regime, the Commission attaches Special Condition No. 1(e) which requires the applicant to restore the ground elevation to pre-construction contours with no mounds or pits. Moreover, to minimize sedimentation impacts, the Commission attaches Special Condition No. 2 which requires all project work to be performed and completed within the dry season.

The Commission finds that as conditioned, all potential significant adverse impacts on coastal resources have been minimized to the maximum extent feasible.

(d) Maintenance and Enhancement of Marine Habitat Values

The fourth general limitation set by Sections 30231 and 30233 is that any proposed dredging or filling in coastal wetlands must maintain and enhance the biological productivity and functional capacity of the habitat, where feasible.

As discussed above in the section of this finding on mitigation, the conditions of the permit would ensure that the project will not have significant adverse impacts on the grazed wetland or water quality. The Department of Fish and Game has also indicated that the proposed project would not adversely affect the biological productivity and functional capacity of the wetland. The Commission finds that the project, as conditioned, would maintain the biological productivity and functional capacity of the habitat consistent with the requirements of Sections 30231 and 30233 of the Coastal Act.

Conclusion

The Commission thus finds that the project is an allowable use, that there is no feasible less environmentally damaging alternative, that feasible mitigation is required for potential impacts associated with the dredging and filling of coastal wetlands, and that marine habitat values will be maintained or enhanced. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Sections 30231 and 30233 of the Coastal Act.

3. Potential Growth Inducing Impacts

Coastal Act Section 30250(a) states in applicable part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Coastal Act Section 30254 states as follows:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of permitted new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Section 30250 of the Coastal Act encourages new development to occur where public services are available. Section 30254 of the Act provides that new public works facilities be designed and limited to accommodate needs generated by development consistent with the Act. Special districts are not to be formed except where the proposed service wouldn't induce new development inconsistent with the Act.

The installation of the proposed additional water main would increase the District's ability to deliver well water from their existing well field in Humboldt Hill to northern portions of the service area. This improved ability to deliver well water would allow the District to reduce purchases of higher-cost water that is currently purchased from the City of Eureka and the Humboldt Bay Municipal Water District. The project would not result in an increase in the amount of water used, result in an expansion of the District's service area, or the formation of a new special district. Rather, the project would only change the supply source from higher-cost purchased water to lower-cost well water. The proposed pipeline would give the District direct control over a greater share of the water supplied within the District, while diversifying its

HUMBOLDT COMMUNITY SERVICES DISTRICT

1-01-017

Page 16

supplies in case of an emergency interruption of the supply from the City of Eureka or the Humboldt Bay Municipal Water District. The applicant indicates that the existing well field is currently underutilized and the new pipeline would allow them to more fully utilize the well capacity. No new mainline extension or other significant new upgrade to accommodate increased development is proposed.

The project would not extend new water service to any area, nor would it promote growth or remove any impediment to growth that may exist now. The proposed project would not change the capacity of the well field and the project would not increase the amount of water available. Water availability has not been a constraint to growth within the District's service area because the District has been able to purchase the needed amounts of water from other sources including the Humboldt Bay Municipal Water District and the City of Eureka. Therefore, the proposed waterline is designed and limited to only accommodate needs generated by development consistent with the Coastal Act.

The Commission also notes that the additional water pipeline would transfer well water to the areas of Cutten, Ridgewood, Myrtlewood, and Freshwater. Of these portions of the District's service area that would be served by the proposed water line, approximately 75% falls outside of the coastal zone. Therefore, if the additional pipeline were to result in any growth-inducing impacts, they would primarily occur outside of the coastal zone.

Therefore, the Commission finds that the proposed project is consistent with Coastal Act Sections 30250 and 30254 because the water line is designed and limited to only accommodate needs generated by development permitted consistent with the Act.

4. Visual Resources

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas. Furthermore, Section 30240(b) of the Coastal Act states that development in areas adjacent to parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those recreation areas.

The project site is on the east side of Highway 101 and is visible from the Highway and from several vantage points in and around Humboldt Bay. The site is located in an area characterized by agricultural land use and rural residential development. The proposed pipeline would be located underground with the exception of the crossing at Elk River. No new permanent structures are proposed at the site with the exception of the fence along the pipeline to prevent unauthorized access across the pipe at the Elk River crossing. The fence would be minor in scale and bulk and would not result in a significant adverse impact to visual resources. Although there may be temporary visual impacts associated with the project from the use of heavy equipment at

the site and from soil and vegetation disturbance, the project itself would not result in a change to the site that would adversely impact coastal views to or from Humboldt Bay.

Therefore, the Commission finds that the proposed development is consistent with Section 30251 of the Coastal Act as the development would not block views to and along the coast, would not involve any alteration of land forms, and the proposed pipeline would not result in any change to the visual character of the Humboldt Bay area.

5. Public Access

Coastal Act Section 30210 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 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 these sections of the Coastal Act, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The proposed project is located within a diked wetland area adjacent to Humboldt Bay just south of the City of Eureka. Portions of the pipeline would extend through the Elk River Wildlife Area owned by the Department of Fish and Game. However, as discussed previously, the pipeline would be constructed within a 10-foot-wide easement and would not adversely effect public access to the wildlife area. Although the project is located between the first public road, and Elk River, which empties to Humboldt Bay, it would not adversely affect existing public access. There are no public trails or other public roads that provide shoreline access within the vicinity of the project. The pipeline crossing over Elk River would not interfere with kayak or canoe traffic on the river, as the height of the crossing is approximately three feet above the water surface and would not change as a result of the proposed crossing modifications. Furthermore, the proposed pipeline project would not change the nature or intensity of visitor-serving commercial use, and thus would 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 without public access is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212.

6. U.S. Army Corps of Engineers Approval

The project requires review and approval by the U.S. Army Corps of Engineers. 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 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 Commission attaches Special Condition No. 3 which requires the permittee to submit to the Executive Director evidence of U.S. Army Corps of Engineers approval of the project prior to the commencement of work.

7. California Environmental Quality Act

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is consistent with any applicable requirement 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 the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project which have been received as of the writing of this staff report. As discussed above, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. Mitigation measures, which will minimize or avoid all significant adverse environmental impact have been required. 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 would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

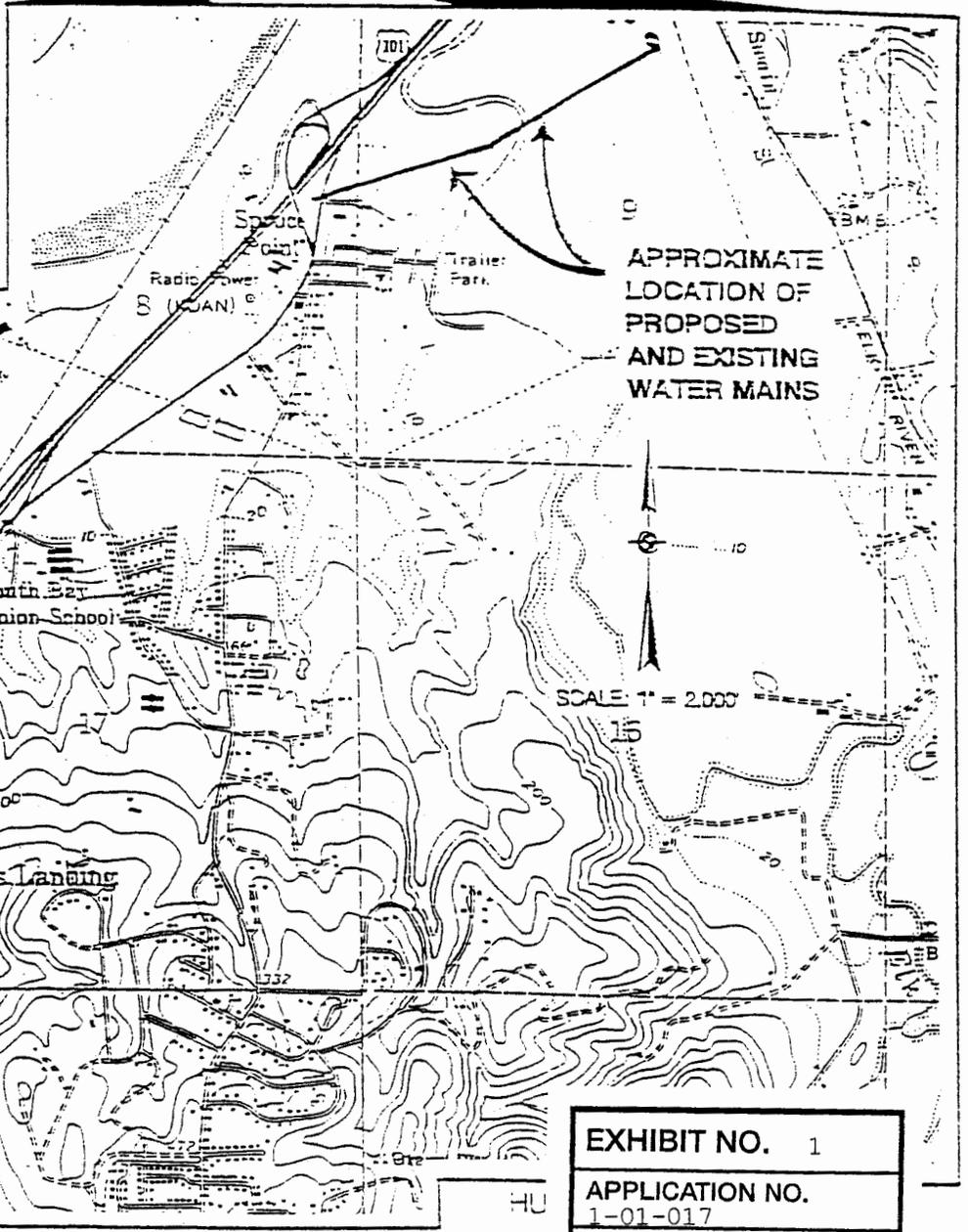
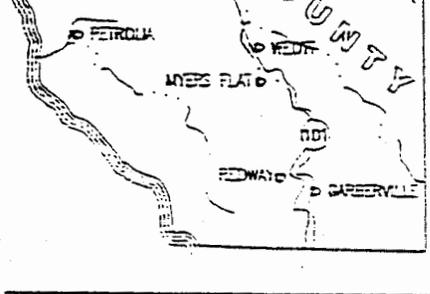
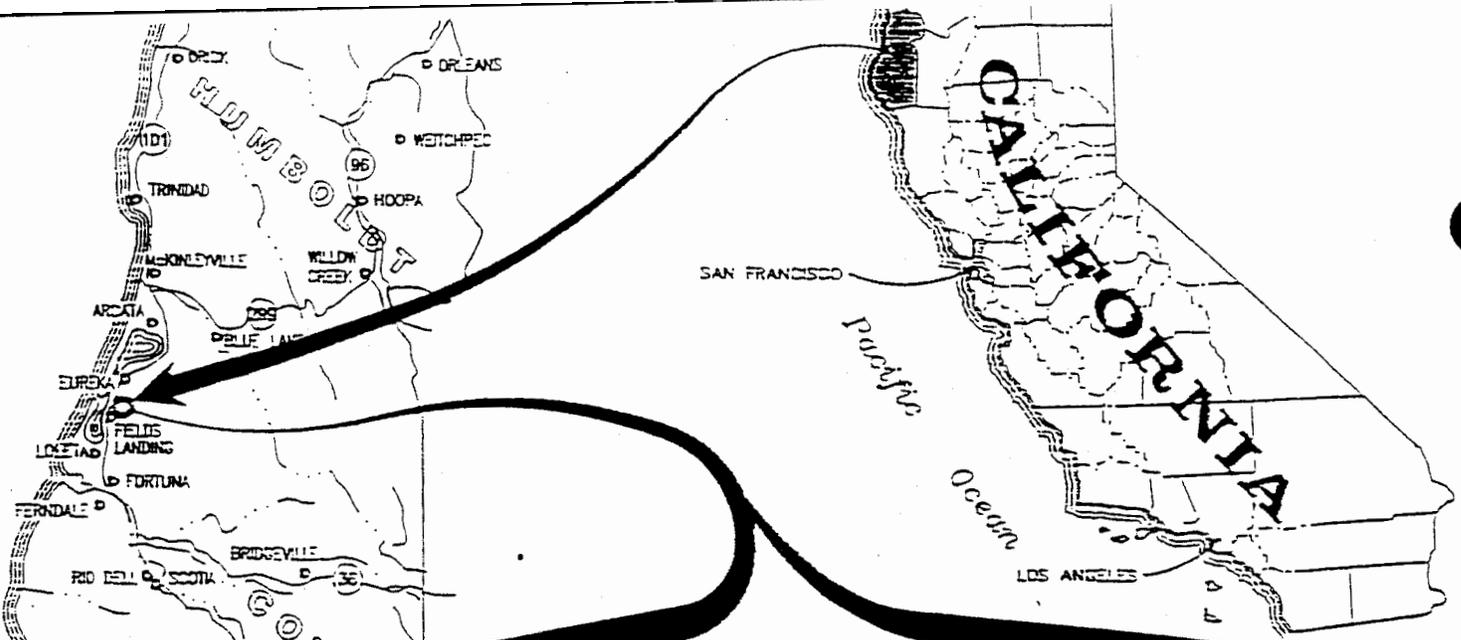
EXHIBITS:

1. Regional Location Map
2. Site Location
3. Site Plan
4. Elk River Crossing
5. Trench Typical

ATTACHMENT A

Standard Conditions:

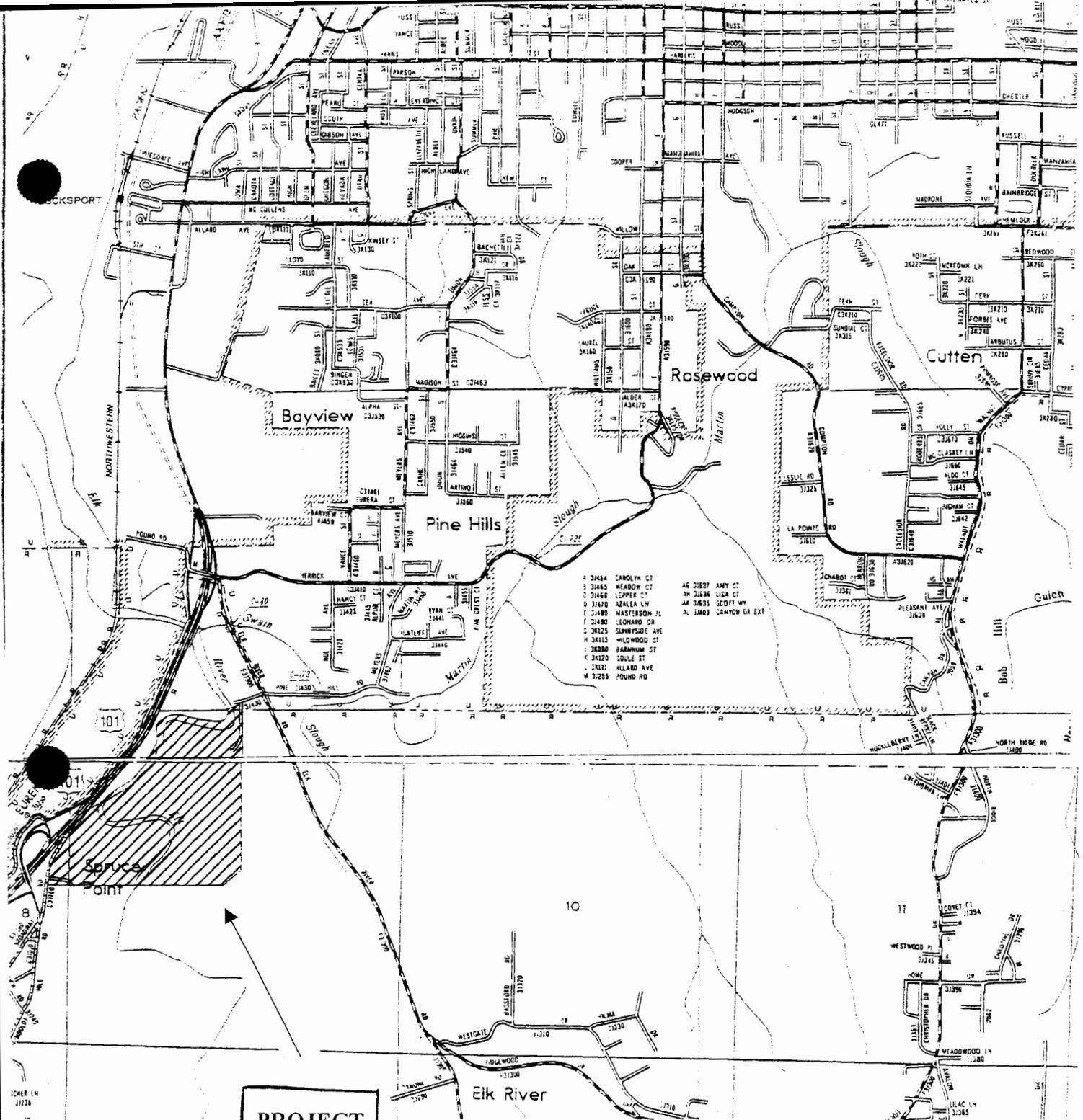
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. 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. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



SOURCE: FIELDS LANDING QUADRANGLE MAP (7.5 Min.)

LOCATION MAP

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| EXHIBIT NO. | 1 |
| APPLICATION NO. | 1-01-017 |
| HUMBOLDT COMMUNITY SERVICES DISTRICT | |
| REGIONAL LOCATION | |



- A 21434 CAROLYN CT
- B 21435 MEADOW CT
- C 21436 LEPER CT
- D 21437 AZALEA LN
- E 21438 WASHINGTON PL
- F 21439 LEONARD DR
- G 21425 SUMMERSIDE AVE
- H 21415 MIDWOOD ST
- I 21400 BARNUM ST
- J 21420 COULE ST
- K 21421 ALLARD AVE
- M 21255 POUND RD
- AG 21257 AMY CT
- AH 21236 LISA CT
- AK 21235 SCOTT WY
- AL 21203 CANYON DR EXT

PROJECT SITE

EXHIBIT NO. 2

APPLICATION NO. 1-01-017

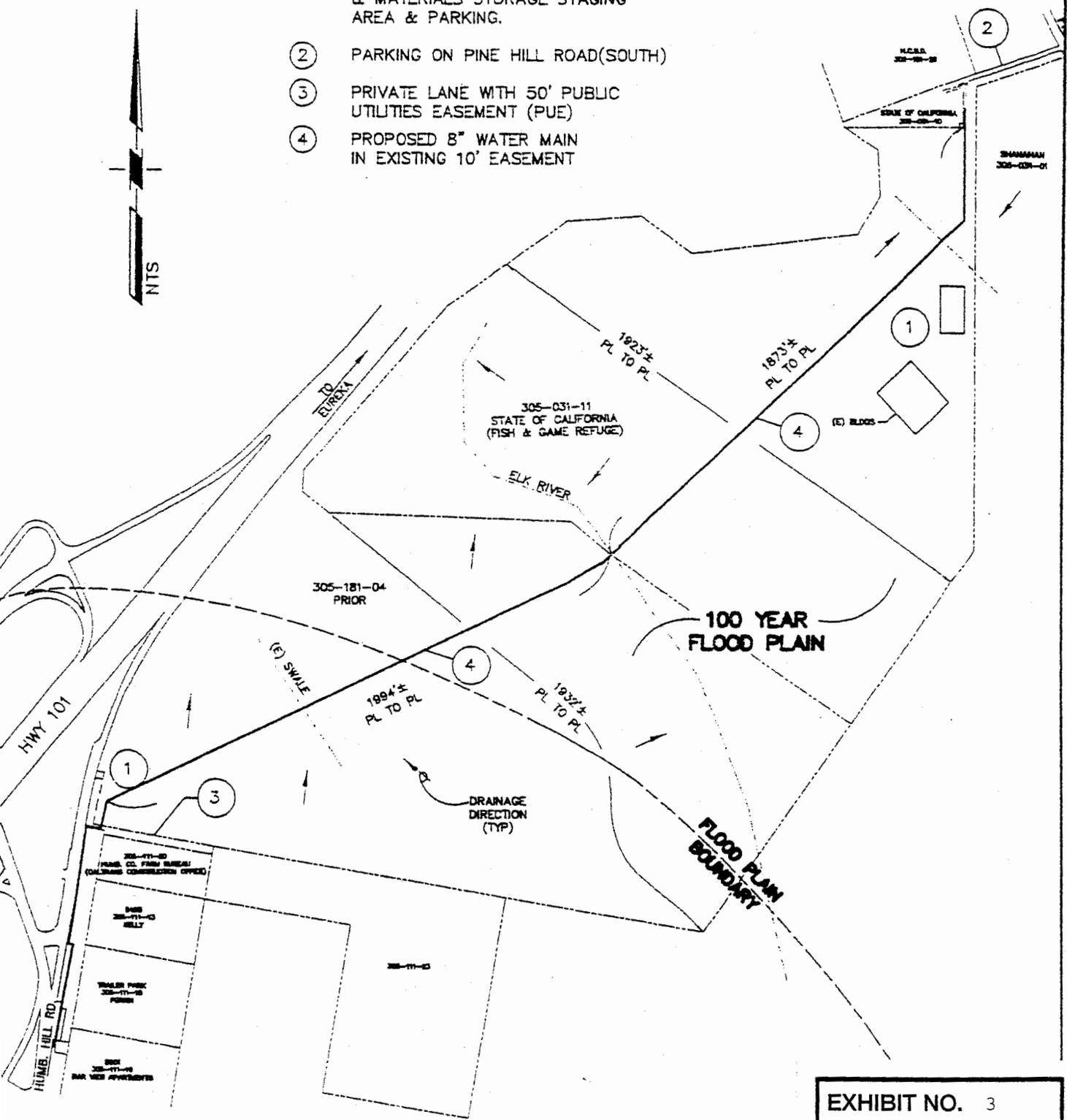
HUMBOLDT COMMUNITY SERVICES DISTRICT

SITE LOCATION



Map is not drawn to scale.

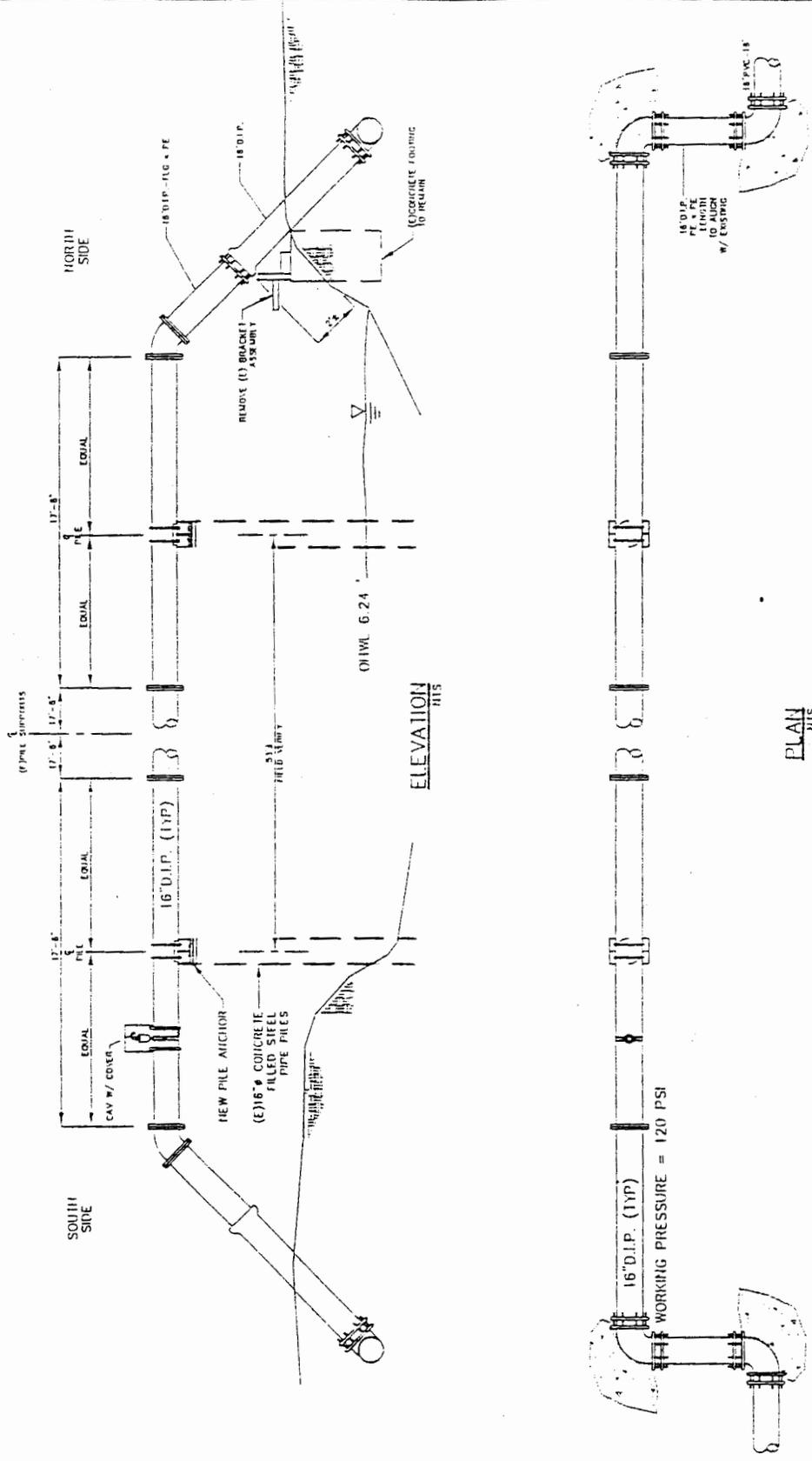
- ① PORTABLE BATHROOM, EQUIPMENT & MATERIALS STORAGE STAGING AREA & PARKING.
- ② PARKING ON PINE HILL ROAD(SOUTH)
- ③ PRIVATE LANE WITH 50' PUBLIC UTILITIES EASEMENT (PUE)
- ④ PROPOSED 8" WATER MAIN IN EXISTING 10' EASEMENT



APPLICANT
HUMBOLDT COMMUNITY SERVICES DISTRICT

HCSO PROPOSED ELK RIVER WATER MAIN

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|--------------------------------------|
| EXHIBIT NO. 3 |
| APPLICATION NO. 1-01-017 |
| HUMBOLDT COMMUNITY SERVICES DISTRICT |
| SITE PLAN |



ELK RIVER BRIDGE
 CROSSING DETAIL
 APPROXIMATE S.H.: 21+50 to 22+50

PURPOSE: INSTALLATION OF 3" WATER MAIN

FIGURE 4
CROSS SECTIONS

- DATUM: MSL
- ADJACENT PROPERTY OWNERS:
- ① STATE OF CALIFORNIA, APN 305-031-11
 - ② PRIOR, APN 305-181-04
 - ③

OWNER:

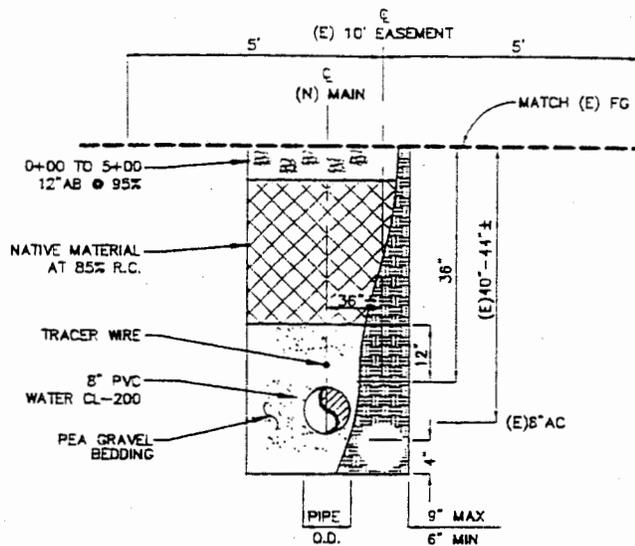
HUMBOLDT COMMUNITY SERVICES DISTRICT

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| EXHIBIT NO. 4 |
| APPLICATION NO. 1-01-017 |
| HUMBOLDT COMMUNITY SERVICES DISTRICT |
| ELK RIVER CROSSING |



TYPICAL
TRENCH SECTION NTS
 NON-PAVED AREA STA 5+00 TO 43+00

SPECIAL NOTES

1. IF ANY ARCHEOLOGICAL OR CULTURAL RESOURCES ARE OBSERVED OR FOUND DURING CONSTRUCTION, ALL WORK SHALL STOP IMMEDIATELY AND THE DISTRICT SHALL BE NOTIFIED.
2. NO TRENCH SPOILS OR OTHER MATERIALS SHALL BE ALLOWED TO ENTER LIVE CREEKS. CONTRACTOR SHALL MAINTAIN 5 FOOT CLEARANCE FROM TOP OF CREEK BANK AND IMPLEMENT EROSION CONTROL MEASURES.
3. CONTRACTOR SHALL LIMIT NUMBER OF VEHICLES AND CONSTRUCTION EQUIPMENT TO MINIMUM NECESSARY TO CONDUCT OPERATIONS. LABORERS SHALL BE TRANSPORTED TO PROJECT WORK SITE BY CARPOOL.
4. ALL PVC SHALL BE CLASS 200, C-900. ALL D.I.P. SHALL BE CLASS 52.
5. CONTRACTOR SHALL POTHOLE AND DETERMINE EXACT LOCATION OF EXISTING 8" AC WATER MAIN. UPON EXISTING ALIGNMENT DETERMINATION, CONTRACTOR SHALL GRADE 10' SMOOTH WIDTH CENTERED OVER (E) PIPELINE TO EXPEDITE NEW PIPELINE INSTALLATION. STOCKPILING STRIPPINGS IN PILES EVERY 50' TO 100'. 30 DAYS AFTER INSTALLATION, CONTRACTOR SHALL RE-GRADE PIPELINE TRENCH SMOOTH TO MATCH (E) GROUND AND REDISTRIBUTE STOCKPILED STRIPPINGS FOR SEED REGENERATION- SEE ENVIRONMENTAL DOCUMENTS.
6. CONTRACTOR SHALL PLACE WATER LINE MARKERS EVERY 500' AND AT EVERY ANGLE POINT.
7. REFERENCE NEGATIVE DECLARATION DOCUMENT FOR ENVIRONMENTAL MITIGATION MEASURES.
8. DISTRICT AND BRIDGE REPLACEMENT CONTRACTOR SHALL CONFORM TO ALL CONDITIONS IN NEGATIVE DECLARATION AND APPROVED PERMITS.
9. NO WATER MAIN SHALL BE CONSTRUCTED BETWEEN STATION 5+00 TO 43+00 PRIOR TO RECEIVING STATE COASTAL AND ARMY CORP PERMITS.
10. USE ONLY MATERIALS STOCKPILE LOCATIONS AS DESIGNATED IN THE FIELD BY THE DISTRICT ENGINEER.

PURPOSE: INSTALLATION OF 8" WATER MAIN

FIGURE 5
CROSS SECTIONS

DATUM: MSL

ADJACENT PROPERTY OWNERS:

- ① STATE OF CALIFORNIA, APN 305-031-11
- ② PRIOR, APN 305-181-04
- ③

OWNER:

HUMBOLDT COMMUNITY SERVICES DISTRICT
 P.O. BOX 158
 CUTTEN, CA 95534

IN ELI
AT EU
COUN' APPLK
 St

EXHIBIT NO. 5

APPLICATION NO.
 1-01-017

HUMBOLDT COMMUNITY SERVICES DISTRICT

TRENCH TYPICAL