

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET • SUITE 200  
EUREKA, CA 95501-1865  
VOICE (707) 445-7833  
FACSIMILE (707) 445-7877

MAILING ADDRESS:  
P. O. BOX 4908  
EUREKA, CA 95502-4908

**RECORD PACKET COPY****W3a**

Filed:	June 11, 2002
49 <sup>th</sup> Day:	July 30, 2002
180 <sup>th</sup> Day:	December 8, 2002
Staff:	Randall Stemler
Staff Report:	August 23, 2002
Hearing Date:	September 11, 2002
Commission Action:	

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NO.: 1-01-042****APPLICANT: Noyo Harbor District**

**PROJECT LOCATION:** At the Noyo River Mooring Basin along the south side of the river approximately ½ mile upstream from the entrance to Noyo River Harbor, near Fort Bragg, Mendocino County. APNs 018-230-09, 018-240-22.

**PROJECT DESCRIPTION:** Resurfacing the existing trash barrier bulkhead by installing approximately 1,100-lineal-feet of vinyl sheet piling on the riverside face of the existing wooden plank and piling bulkhead.

**LOCAL APPROVALS:** None Required.

**OTHER APPROVALS RECEIVED:** (1) Army Corps of Engineers Nationwide Permit 3(i); (2) National Marine Fisheries Service Section 7 Consultation under the Endangered Species Act; (3) North Coast Regional Water Quality Control Board Waiver of Waste Discharge Report; (4) CEQA Categorical Exemption; and (5) Department of Fish and Game 1601 Agreement.

SUBSTANTIVE FILE  
DOCUMENTS:

Emergency Permit No. 1-02-039-G;  
Mendocino County LCP

---

### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission approve with conditions this application for the previous installation by emergency permit issued August 1, 2002 of vinyl sheet piling on the riverside face of the existing trash barrier bulkhead, a wooden plank and piling wall separating the Noyo River Mooring Basin from the main channel of the river that serves to prevent sediment and debris from entering the mooring basin.

The 1,100-lineal-feet of interlocking vinyl sheet panels are a form of fill within submerged tidal waters. The project is an allowable use of fill pursuant to Coastal Act Section 30233(a), because it is intended to rehabilitate an existing commercial fishing and recreational boating facility.

With the recommended conditions, the proposed project would have no significant adverse impacts. The eel-grass and surf-grass vegetation beds in the area would not be adversely impacted because the floating construction barge would be restricted from resting on the channel bottom, and the anchoring points for the barge would cause only minimal disturbance to the channel bottom. Impacts to salmonids would be avoided by limiting the construction period to times of the year when spawning salmonids are not present in the river. Protected marine mammals that sometimes visit the Noyo Harbor area would not be significantly affected by the proposed project due to their habituation to high levels of activity and noise. Finally, adverse impacts from oil or fuel spillage would be avoided by a recommended special condition that would limit fueling to the established fuel dock. Additionally, the applicant would be required by special condition to have haz-mat materials including containment booms and absorbent pads available on-site, and to retain a registered first-response, professional haz-mat service on call.

As conditioned, staff believes the proposed project is consistent with the Chapter 3 policies of the Coastal Act.

### **STAFF NOTES**

1. **Jurisdiction and Standard of Review.**

The proposed project is located in the Noyo Harbor within submerged and tidal waters subject to the Commission's area of original or retained coastal development permit jurisdiction. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION**

The staff recommends that the Commission adopt the following resolution:

**Motion:**

I move that the Commission approve the coastal development permit application included on the consent calendar in accordance with the staff recommendations.

**Staff Recommendation of Approval:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of the majority of the Commissioners present.

**Resolution to Approve 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 feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.

**II. STANDARD CONDITIONS: See attached.**

**III. SPECIAL CONDITIONS:**

**1. Timing of Construction.**

To avoid adverse impacts on sensitive salmonid fish species during principal periods of migration, construction shall not occur between October 15 and June 1.

**2. Construction Responsibilities and Debris Removal.**

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

- (a) All construction materials and debris originating from the project shall be contained in a manner to preclude uncontrolled entry and dispersion to the waters of the Noyo River, and all debris resulting from construction activities that enters the river shall be removed from harbor waters immediately;

- (b) any and all debris resulting from construction activities including, but not limited to, any portions of remnant vinyl sheet piling, shall be collected and removed from the harbor for disposal at an authorized disposal site within one week of completion of construction;
- (c) the floating barge used during the construction process shall not rest on the bottom of the Noyo River channel;
- (d) any fueling of construction equipment shall occur at the fuel dock located approximately 1,000-lineal-feet downstream of the entrance to the mooring basin;
- (e) fuels, lubricants, and solvents shall not be allowed to enter tidal waters of the Noyo River. Haz-mat materials including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional haz-mat service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up. Hydraulic fluid used in the Lt Vibro Hammer® shall be vegetable oil.

**3. Permit Amendment**

All development must occur in strict compliance with the proposal as set forth in the application for the permit as modified by the special conditions. Any deviation from the plan proposal, including a change in the color of the vinyl sheet piling from the proposed brown to another color, or to install the sheet piling in a manner that causes the finished height and length of the piling to exceed to exceed the height and length of the existing bulkhead, or to make any other changes to the proposed project shall require an amendment to this permit, unless the Executive Director determines that no amendment is legally required.

**IV. FINDINGS AND DECLARATIONS.**

**A. Emergency Permit.**

Application No. 1-01-042 is an application for a regular coastal permit for the work authorized on an emergency basis by the Executive Director under Emergency Permit No. 1-02-039-G granted on August 1, 2002(Exhibit 4).

The proposed development is located at the Noyo River Mooring Basin, approximately ½ mile upstream from the entrance to Noyo River Harbor and involves the Noyo Harbor District's project to resurface the south, riverside-face of an existing trash barrier bulkhead by installing approximately 1,100-lineal-feet of interlocking vinyl sheet piling.

A copy of Emergency Permit No. 1-02-039-G is attached as Exhibit 4. The emergency permit was granted by the Executive Director on the basis that failure to repair the bulkhead in a timely manner and restore its ability to divert accumulating sediment from the mooring basin for another year would jeopardize the integrity of the facility; increase the potential of a toxic spill, or damage to watercraft moored within the harbor; potentially cause navigational hazards; and compromise the safety of mooring harborage. The permitting agencies have prohibited work from occurring between October 15 and June 1 to avoid significant adverse impacts to threatened migratory salmon species. As the project would require approximately two months to complete, Coastal Development Permit Application No. 1-01-042 which had been submitted by the applicant for authorization of the project could not be processed and scheduled for Commission action in time to allow the project to be completed before the October 15 deadline. Failure to complete the project by then would mean the project could not be constructed until next summer, nearly a year later. For these reasons, immediate action was required to prevent or mitigate loss or damage to life, health, property or essential public services (Title 14, Cal. Admin. Code, Section 13009).

In accordance with the Commission's regulations, the Commission staff continued to process Application No. 1-01-042 after the emergency permit was granted by the Executive Director to allow the project to be reviewed by the Commission and the public through the normal hearing process. The current application is subject to all of the provisions of the Coastal Act and may be conditioned accordingly.

**B. Site and Project Description.**

The project site is located on the south side of the Noyo River, approximately ½ mile upstream from the entrance to the Noyo Harbor, in Mendocino County. The existing wooden plank and piling bulkhead extends into submerged waters for a distance of approximately 1,100-lineal-feet separating the Noyo Harbor Mooring Basin from the main channel of the Noyo River. The marina consists of seven mooring docks partially enclosed by the trash barrier bulkhead on the north side, which helps protect the mooring basin from sediment aggradation.

The existing trash barrier bulkhead structure was examined by divers, who were able to verify that numerous wooden planks have begun to rot away, thereby allowing silt and debris to accumulate in the mooring basin. Due to potential damage to the docks, potential loss of service of the facility, and safety risks to vessels, Noyo Harbor District proposes to resurface the existing trash barrier bulkhead by installing approximately 1,100-lineal-feet of brown-colored, Northstar® Series 9400 interlocking vinyl sheet piling. The sheet piling would be installed using a vibrating hammer (Lt Vibro Hammer®) controlled by a small crane operated from a small floating barge. Each individual, interlocking, vinyl panel would be pushed five to seven feet into the substrate to the depth of the existing wall, and bolted to the wall as shown in Exhibit 3. The existing wooden bulkhead pilings, framing, and planking would remain in place. No

additional support structures would need to be constructed. No new structures would be placed in the river, and the riverbed would not be altered.

**C. Protection of Marine Resources and Coastal Water Quality.**

Section 30108.2 defines "fill" as the placement of earth or any other substance or material in a submerged area. As the vinyl sheet pilings would be placed in submerged areas, the proposed vinyl panels constitute fill.

Section 30230 of the Coastal Act states, in applicable part:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30233 of the Coastal Act provides as follows, 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:*

*(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*

...

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

Section 30231 of the Coastal Act addresses the protection of coastal water quality and marine resources in conjunction with development and other land use activities. 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 the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion*

*of ground water supplies and substantial interference with the surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

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:

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

a. **Permissible Use for Fill**

The first test for a proposed project involving fill is whether the fill is for one of the eight allowable uses under Section 30233(a). The resurfacing of the trash barrier bulkhead would help maintain the Noyo Harbor Mooring Basin in serviceable condition. The mooring basin provides safe moorage for commercial fishing and recreational vessels. Thus, the proposed resurfacing of the trash barrier bulkhead would slightly enlarge an existing structure that serves a commercial fishing and recreational boating facility.

Therefore, the Commission finds that the filling associated with the proposed resurfacing of the trash barrier bulkhead is for an expanded commercial fishing facility and boating facility, and thus, is an allowable use for fill pursuant to Sections 30233(a)(1) and (4) of the Coastal Act.

b. **Alternatives Analysis**

The second test of Section 30233(a) is whether there are feasible less environmentally damaging alternatives to the proposed project. In this case, the Commission has considered the various identified alternatives, and determines that there are no feasible less environmentally damaging alternatives to the project as conditioned. Alternatives that have been identified include: (1) partially replacing only damaged sections of the existing wooden structure; (2) removal of the entire existing wooden structure and replacement with a new wooden structure; and (3) the "no project" alternative.

(1) **Partial Replacement of the Existing Wooden Structure in Damaged Sections Only**

This alternative would offer the short-term benefit of providing a more immediate remedy by patching only those areas where the existing wooden planks have rotted away. Additionally, the width and length of treated area would be minimized. However, there would be a greatly increased level of disturbance to tidal waters and marine resources over time as other sections of the trash wall fail, and need to be fixed. Repeated disturbance of the habitat would result in greater cumulative adverse impacts.

(2) Removal and Replacement of the Entire Wooden Structure

This alternative would involve significantly greater disturbance to the river channel substrate, and marine resources of the lower Noyo River. Removing all of the existing structural material, including pilings and planking would require extensive excavation around the existing structure that would both disturb the bottom habitat and contribute a much greater amount of turbidity to the water column. In addition, the replacement structure would not occupy appreciably less area than the project as proposed. If the existing bulkhead were completely removed, a new supporting framework for the sheet piling would need to be installed, and would occupy a similar amount of area as the existing bulkhead.

(3) No Project Alternative

The no project alternative means that no improvements would occur to the Noyo River Harbor Trash Barrier Wall. The objective of the proposed project—to resurface the wall—would not be met. Without the proposed improvement, the mooring facility would risk being damaged by the inability of the trash wall to divert sediment from the marina, resulting in aggradation of the basin, leading to navigational hazards for boats using the marina, potential damage to the docks and boats, and a greater risk of spills of vessel fuels and oils from boats that run aground in the aggraded basin. Therefore, the no project alternative is not a feasible alternative to the proposed project.

c. Feasible Mitigation Measures

The third test set forth by Section 30230 and 30233 is whether feasible mitigation measures have been provided to minimize adverse environmental impacts.

Depending on the manner in which the proposed improvements are conducted, the proposed project could have five potential adverse effects on the marine environment of the Noyo River. The project could have potential impacts to: (1) invertebrate and macro algae habitat associated with the existing trash wall; (2) vegetation beds; (3) salmonids; (4) protected marine mammals; and (5) marine life from fuel or hydraulic spills. The potential impacts and their mitigations are discussed in the following five sections:



(1) Invertebrate and Macro algae Habitat

The surfaces of the existing wooden bulkhead support certain common invertebrate organisms and algae. Installation of the vinyl sheet panels against the existing wooden wall would result in reduced water flow and light intensity for organisms trapped between these structures. The community of organisms, although low in density, that exist on the wooden trash wall will be lost as a result of the vinyl sheet installation. The organisms that are found along the existing wall are common and abundant species that quickly colonize suitable rock and wood substrates in estuaries. It is likely that the smooth surface of the vinyl sheeting may preclude some sedentary species from attaching to it; however, Noyo Harbor contains numerous wooden pilings and other structures that provide suitable habitat for invertebrates and algae. The loss of organisms that occur along the existing trash wall is considered a less-than-significant impact, therefore, the Commission finds that no additional mitigation is necessary for the loss of invertebrate and macro algae habitat associated with the proposed project.

(2) Vegetation Beds

The use of a barge to install the vinyl sheet piling could affect surf-grass and/or eelgrass vegetation beds. Linear patches of both surf-grass (*Phyllospadix* sp.) and eel-grass (*Zostera* sp.) beds exist approximately 15 feet from the upstream end of the bulkhead. Eel-grass and surf-grass beds are important habitat for marine life, providing shelter and foraging habitat for fish among other benefits. The proposed project would be accomplished using equipment mounted on a floating barge. The barge would be anchored in place with two 12" pipe "spuds", which slide up and down to hold the floating barge in position while the hydraulic vibrating hammer forces the vinyl sheet panels into the channel substrate up against the existing trash wall. In the few instances where the pipe "spud" anchors may be in or near vegetation beds, the area affected would only be a few square feet and the anchoring would not result in a significant adverse effect on the surf-grass and eel-grass beds. In most instances, the barge would be able to entirely avoid the vegetation beds altogether, and as proposed, at no time would the barge rest on the bottom. To ensure protection of the existing vegetation beds, the Commission attaches Special Condition No. 2c, which, as proposed, prohibits the barge from resting on the bottom of the channel.

(3) Sensitive Fish Species

According to the staff of the U.S. Fish and Wildlife Service, the Noyo River in the vicinity of the project is not likely to be habitat for the tidewater goby (*Eucyclogobius newberryi*), a federally listed threatened fish species sometimes found in North Coast waterways. However, activity associated with vinyl sheet panel installation may affect federally listed threatened salmonids. Spawning runs of steelhead (*Oncorhynchus*

*mykiss*) and coho salmon (*Oncorhynchus kisutch*) are known to occur in the Noyo River as the rivers rise during the first seasonal rains and throughout the months of January, February and March. The proposed project could adversely impact sensitive fish species by increasing water turbidity through disturbance of bottom sediments. According to the National Marine Fisheries Service, suspended sediments can make salmonid prey and predator detection difficult, reduce feeding opportunities, induce behavioral modifications, cause respiratory problems for fish, and smother incubating eggs or juvenile fish or spawning habitat. Additionally, direct impact and/or vibrations resulting from driving the casing could be injurious to eggs and alevins in the gravel. Furthermore, installation of vinyl sheet panels along the existing trash wall could temporarily obstruct migrating anadromous fish or spook fish during the spawning period. Therefore, the Commission attaches Special Condition No. 1 to limit the construction period during times when spawning and migrating salmonids are not present in the river. Therefore, the Commission finds that the proposed project, as conditioned, would minimize disturbance to sensitive anadromous fish by restricting the timing of the in-stream work

(4) Protected Marine Mammals

California sea lions and harbor seals are common in Noyo Harbor. Sea lions regularly haul out on docks and navigational aids, and have become habituated to commercial and recreational fishing boat activity in the harbor. However, the disturbance of the proposed construction activity would not be unlike that created by passing boats. Vibration and noise associated with the project would be similar to that caused by boat traffic in the harbor, and would not likely result in significant disturbance impacts to sea lions or harbor seals. Therefore, the potential temporary impacts to marine mammals are considered less-than-significant, and no mitigation measures are necessary.

(5) Fuel or Hydraulic Spills

Re-fueling of the equipment during project construction is not anticipated. Should re-fueling of equipment become necessary, Special Condition 2d requires that the re-fueling occur at the existing fuel dock on the Noyo River where procedures are in place to minimize the occurrence and magnitude of impact of fueling spills. In the event that any petroleum-based products are spilled into the water, Special Condition No. 2e is included to require that a registered haz-mat first response service be retained on call. Special Condition No. 2e also requires that all hydraulic equipment used during the project be operated with vegetable oil. Vegetable oil is approved for use in work in or over water, since it is biodegradable and essentially harmless in small amounts. As conditioned, potential adverse impacts from fuel or oil spills to marine resources will be reduced to less-than-significant levels. Requiring the Special Conditions discussed above to minimize adverse impacts to water quality does not conflict with any determination by the State Water Resources Control Board or any California Regional Water Quality Control Board determination in matters relating to water quality as required by Section 30412 of the Coastal Act.

As conditioned, the Commission finds that feasible mitigation is required to minimize all significant adverse impacts associated with the proposed filling of coastal waters.

**d. Maintenance and Enhancement of Marine Habitat Values**

The fourth general limitation set by Section 30233 and 30231 is that any proposed filling in tidal waters or submerged land must maintain and enhance the biological productivity and functional capacity of the habitat, where feasible.

As discussed above, the conditions of the permit will ensure that the project will not have significant adverse impacts on the riverine or marine resources of the Noyo River. The mitigation measures incorporated into the project and required by the Special Conditions discussed above will ensure that the resurfacing of the trash barrier wall would not adversely affect the biological productivity and functional capacity of the tidal waters or marine resources. Therefore, the Commission finds that the project, as conditioned, will maintain the biological productivity and functional capacity of the habitat consistent with the requirements of Section 30233 and 30231 of the Coastal Act.

**e. 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 to minimize all significant adverse impacts associated with the filling in tidal waters, and that wetland habitat values will be maintained or enhanced. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Sections 30233 and 30231 of the Coastal Act.

**D. Visual Resources.**

Coastal Act Section 30251 requires permitted development to be designed and sited 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 structures.

Consistent with this policy, the project as designed and sited would not obstruct any views to or along the ocean, and would not alter any landforms. The materials and colors proposed to resurface the Noyo Harbor Mooring Basin trash bulkhead would blend with the existing wooden bulkhead structure, and with the character of surrounding structures in the harbor. The height and length of the resurfaced trash barrier structure would not exceed the height and length of the existing wooden structure, and therefore, the proposed project would not significantly alter the bulk of the existing structure and would not block any additional views of the river and harbor from the shoreline. Special Condition No. 3 is added to ensure that as proposed, brown-colored vinyl panels are used

for the project, and that any deviation from the plan proposal, including a change in the color of the vinyl sheet piling from the proposed brown to another color or installation of the sheet piling in a manner that causes the finished height and length of the piling to exceed the height and length of the existing bulkhead shall require an amendment to this permit, unless the Executive Director determines that no amendment is legally required. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Sections 30251 of the Coastal Act.

**E. Public Access and Coastal Recreational Opportunities.**

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions.

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 30211 requires in applicable part that development not interfere with the public's right of access to the sea where acquired through use (i.e., potential prescriptive rights or rights of implied dedication). Section 30212 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, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety.

In applying Sections 30211 and 30212, the Commission is 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 public access.

The project as designed and sited will not result in any interference with public access. The construction work would not obstruct any shoreline access, and although there may be limited and temporary restrictions on boating activity during installation of the vinyl panels, these impacts are only of a temporary duration that will have no significant impact on access. Therefore, the Commission finds that the proposed project as conditioned, which does not include substantial new public access, is consistent with the public access policies of the Coastal Act.

**F. California Environmental Quality Act.**

Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any 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. The findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts, which the activity may 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. Vicinity Map
3. Project Site Plans
4. Emergency Permit

APPENDIX A

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development 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 amount 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 of 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.

A B C D E F G H I J K L M N O

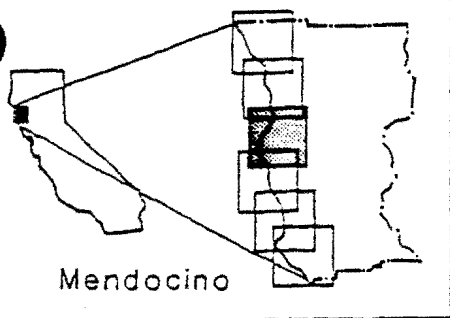
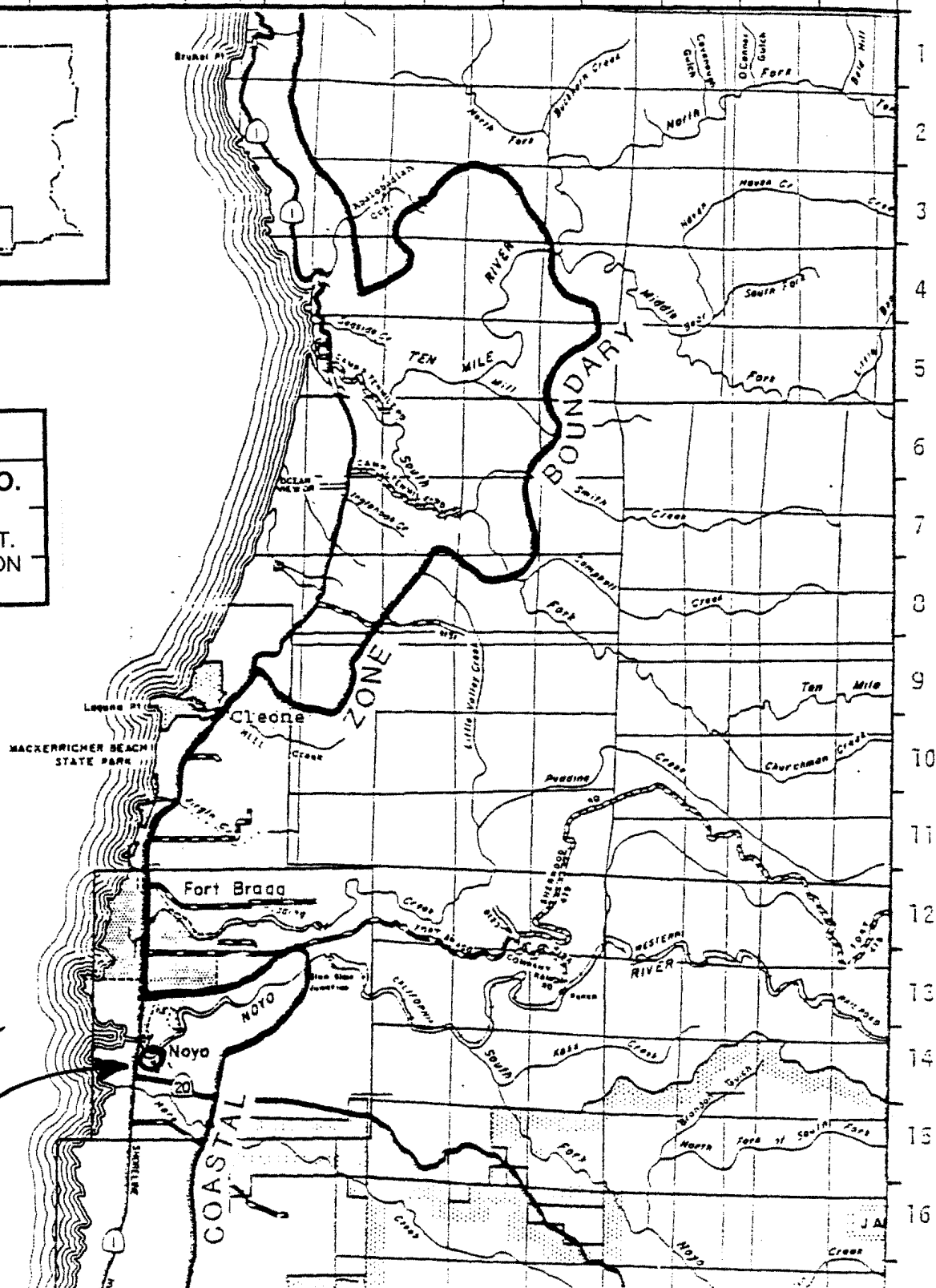
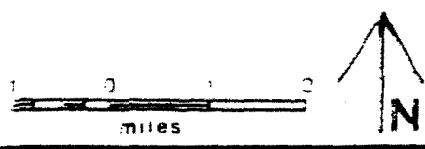


EXHIBIT NO. 1  
 APPLICATION NO.  
 1-01-042  
 NOYO HARBOR DIST.  
 REGIONAL LOCATION  
 MAP

PROJECT  
 SITE



LOCATION MAP



County of Mendocino

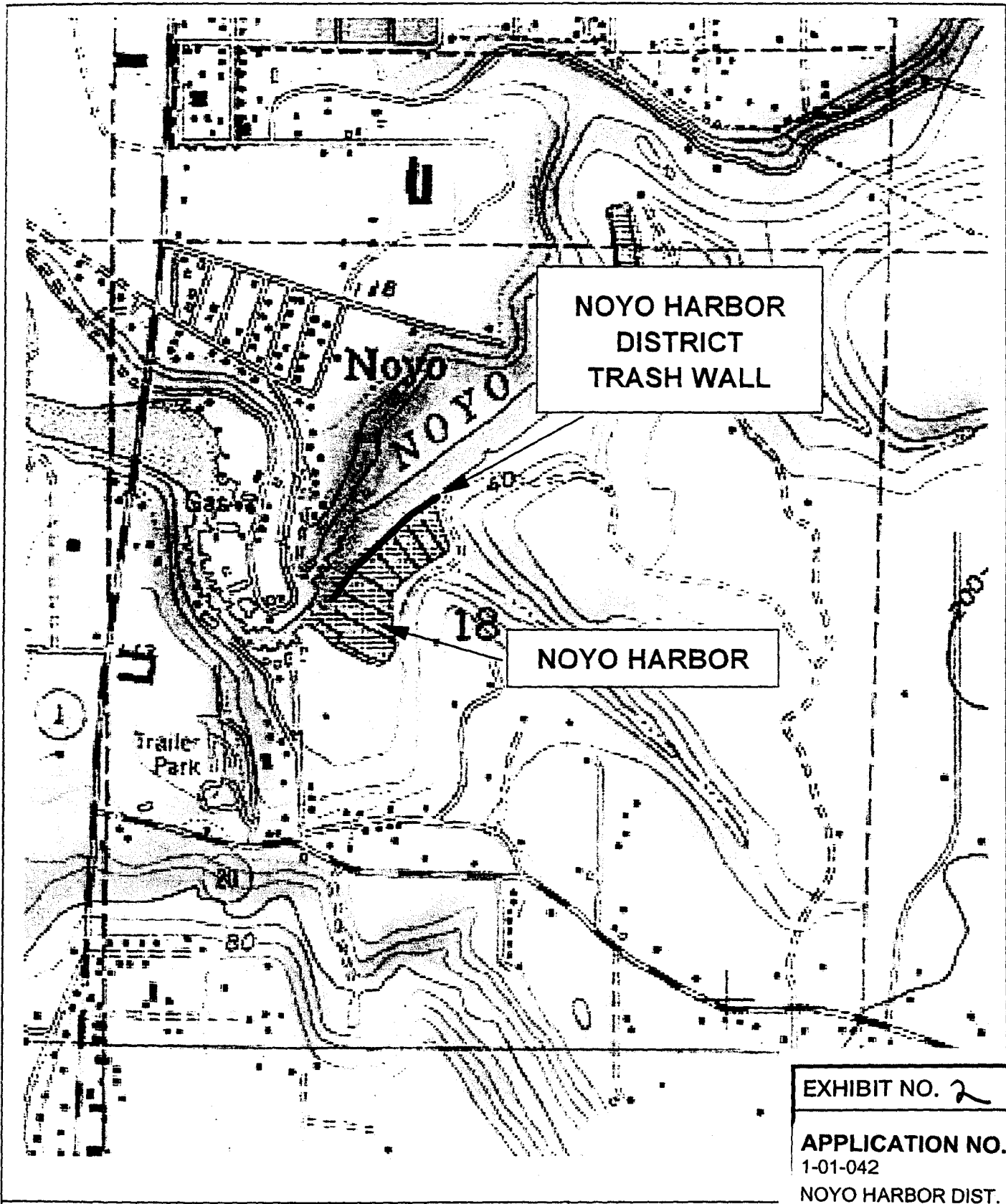


EXHIBIT NO. 2

APPLICATION NO.

1-01-042

NOYO HARBOR DIST.  
VICINITY MAP



SPOLLS SITE

TO  
EARN  
Hwy 1 - NOYO BRIDGE

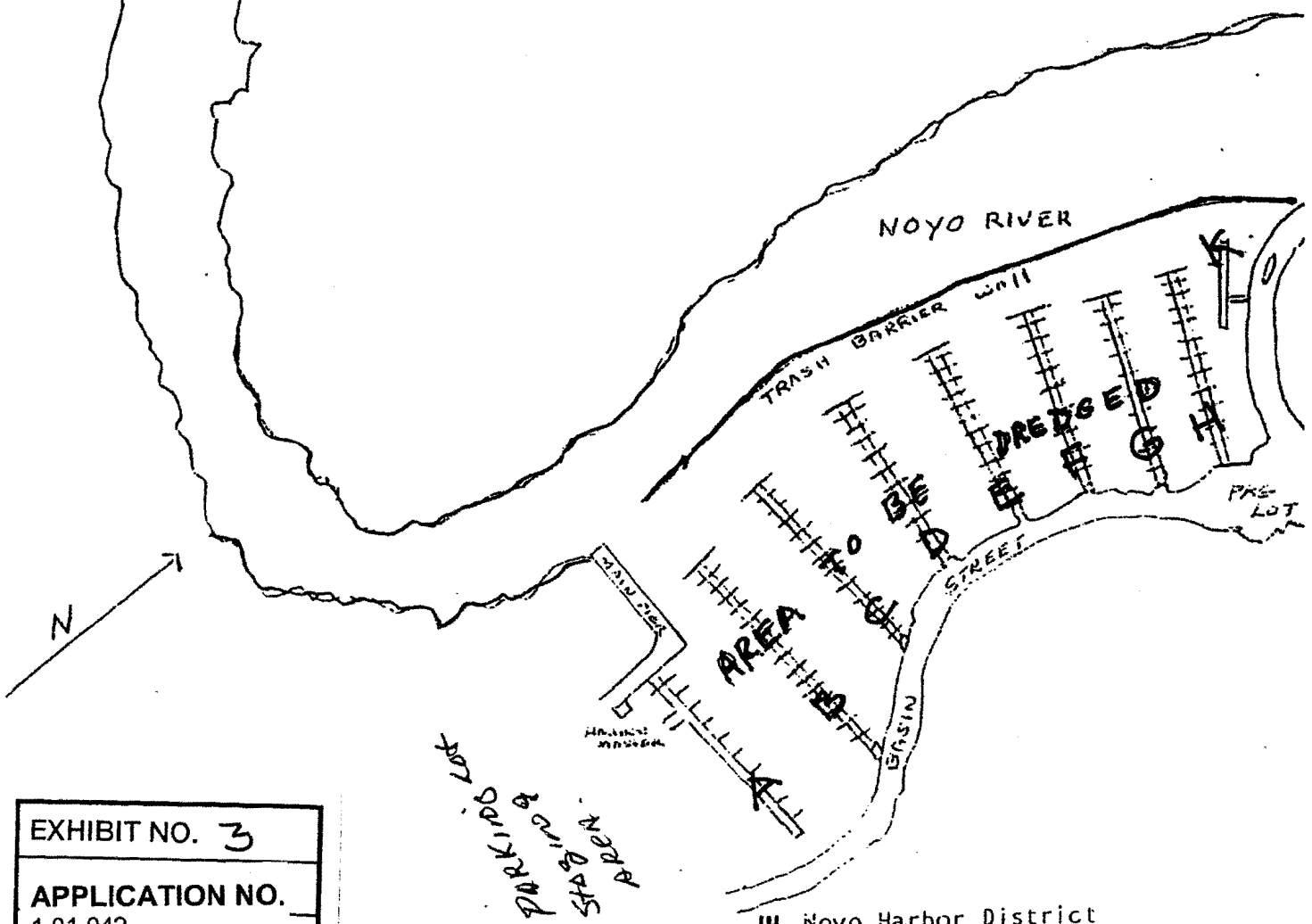
↑  
CITY OF FORT BRAGG

NOYO RIVER

RECEIVED

MAY 10 2002

CALIFORNIA  
COASTAL COMMISSION

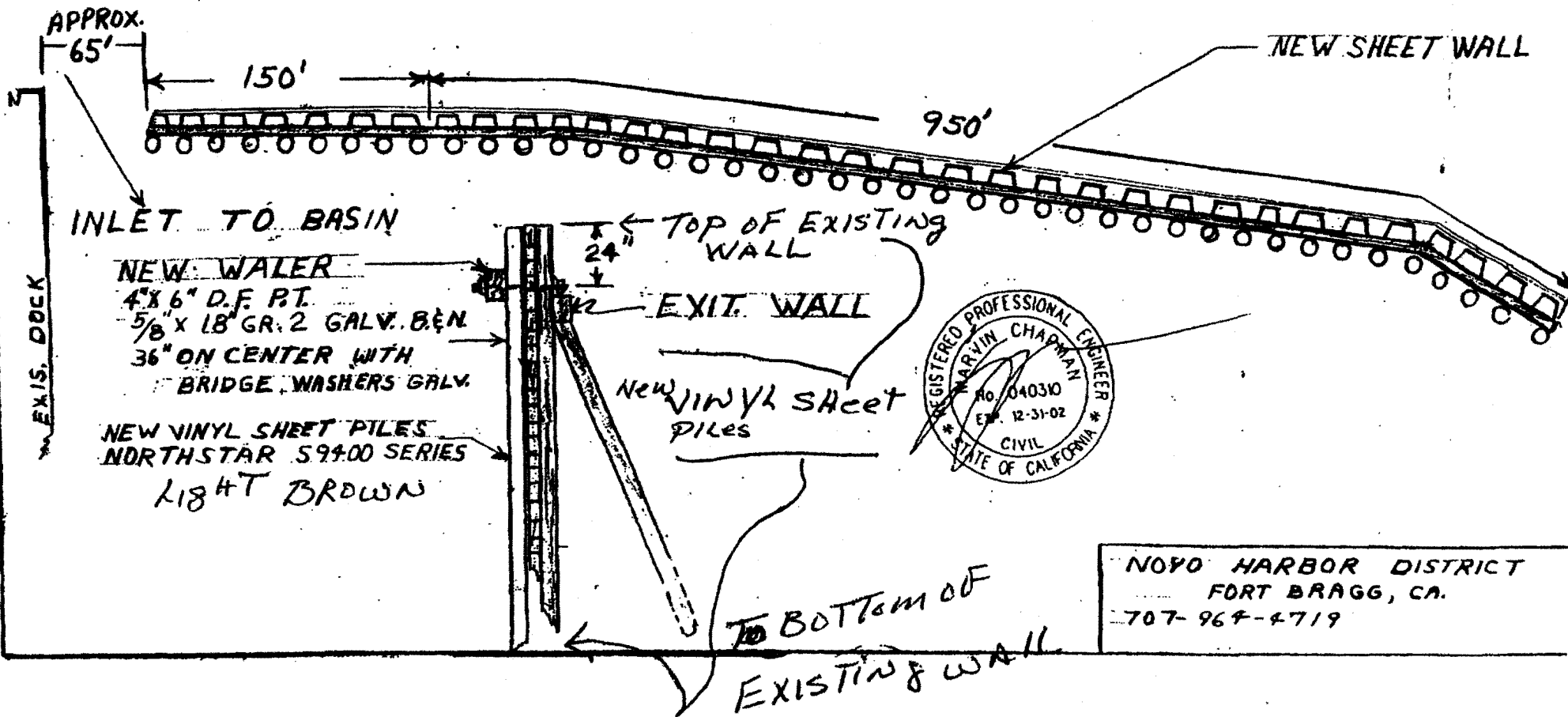


*LODGING & CAMP AREA*

EXHIBIT NO. 3
APPLICATION NO. 1-01-042
NOYO HARBOR DIST. SITE PLANS (1 of 2)

IN Noyo Harbor District  
AT Noyo Mooring Basin  
COUNTY OF Mendocino STATE California  
APPLICATION BY Noyo Harbor District

← NOYO ← RIVER ← FLOW ←



## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE MAILING ADDRESS:

710 E STREET • SUITE 200

P. O. BOX 4908

EUREKA, CA 95501-1865

EUREKA, CA 95502-4908

PHONE (707) 445-7833

FAX (707) 445-7877



## EMERGENCY PERMIT

Noyo Harbor District  
19101 South Harbor Drive  
Fort Bragg, CA 95437

Date: August 1, 2002  
Emergency Permit No.: 1-02-039-G

## LOCATION OF EMERGENCY WORK:

Noyo River Mooring Basin located approximately ½ mile upstream from the entrance to Noyo River Harbor in Fort Bragg, Mendocino County.

## WORK PROPOSED:

Installation of approximately 1,100-lineal-feet of brown-colored, Northstar® Series 9400 interlocking vinyl sheet piling, to resurface the riverside face of the "Trash Barrier Wall," an existing wooden plank and piling retaining-wall intended to prevent sediment and debris from entering the mooring basin. Using a vibrating hammer (Lt Vibro Hammer®) operated from a floating barge, individual vinyl sheets would be pushed five to seven feet into the substrate, and bolted to the existing wall. The existing trash wall pilings, framing and planking would remain in place. No additional support structures would be constructed. The riverbed would not be altered. No new structures would be placed in the river. No riparian vegetation would be damaged or removed as a result of this project.

## PERMIT RATIONALE:

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of delays in obtaining permit approvals would result in forcing the project to occur after an additional winter season creating conditions where (1) normal winter flows could destroy the integrity of the trash wall; (2) the existing damage to the trash wall could trap debris and create a damming effect in the river, that could result in a total failure of the trash wall or cause erosion to the stream bank on the opposite side of the river; (3) the inability of the trash wall to divert the sediment from the mooring basin for another year would increase the potential of a toxic spill, or damage to watercraft moored within the harbor; (4) the loss of the trash wall could slow the flow of the river, creating sand bars that would cause navigational hazards; (5) without the trash wall, the safety of harborage along the North Coast would be severely compromised, since this harbor is the only safe mooring between Eureka and Bodega Bay; and (6) additional silting will impact the Coast Guard's ability to respond in an emergency. For these reasons, immediate action is required to prevent or mitigate loss or damage to life, health, property or essential public services (Title 14, Cal. Admin. Code, Section 13009). The Army Corps of Engineers and National Marine Fisheries Service require the project to be completed before October 15, 2002. Action by the Coastal Commission on the application already submitted for a regular coastal development permit for the project could not occur in time to allow work this season. The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 75 days unless otherwise specified by the terms of this permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows; and
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the attached page.

Sincerely,

PETER M. DOUGLAS  
Executive Director

By: RANDALL STEMLER  
Coastal Program Analyst

cc: Local Planning Department  
Ross Mayfield  
Ed McKinley  
Encl: Acceptance Form

EXHIBIT NO. 4

APPLICATION NO.

1-01-042

NOYO HARBOR DIST.

EMERGENCY PERMIT

(1 of 2)

Emergency Permit Number: 1-02-039-G

Date: August 1, 2002

Page 2 of 2

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed by October 15, 2002.
4. If no Coastal Development Permit is approved by the Coastal Commission for the proposed project within 150 days of the date of this Emergency Permit, then the emergency work performed shall be removed in its entirety unless this requirement is waived in writing by the Executive Director.
5. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (i.e. Dept. of Fish & Game, U.S. Fish & Wildlife Service, National Marine Fisheries Service, U.S. Army Corps of Engineers, State Lands Commission.)
7. After project completion, the finished height of the "Trash Barrier Wall" shall not exceed the current height of the existing "Trash Barrier Wall" before project construction.
8. The project shall incorporate all applicable water quality Best Management Practices, as identified in the *California Stormwater Best Management Practices Handbooks* (Camp, Dresser, and McKee, March 1993) for construction activities, necessary to control and minimize sediment input to tidal waters of the Noyo River.
9. All construction materials and debris shall be contained in a manner to preclude uncontrolled entry and dispersion to the tidal waters of the Noyo River. Upon completion of project construction, all debris and waste materials shall be collected, hauled off-site, and disposed in an approved location not subject to Coastal Commission authority.

As noted in Condition #4, the emergency work to be carried out under this permit is considered to be TEMPORARY work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal Permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate and easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission's North Coast District Office at the address and telephone number listed on the first page.

2 of 2