

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET, SUITE 200  
EUREKA, CA 95501  
(707) 445-7833



RECORD PACKET COPY

**Th 12.5a****ADMINISTRATIVE PERMIT**Page: 1 of 7Date: June 27, 2003Permit Application: **1-03-041****APPLICANT(S):**

City of Crescent City

**PROJECT DESCRIPTION:**

Install subsurface access port on an existing wastewater outfall line and perform inspection and testing of outfall line. The access port is required to install a closed circuit television camera for pipe inspection and maintenance equipment.

**PROJECT LOCATION:**

Battery Point and Battery Point Lighthouse, Crescent City (Del Norte County)

**EXECUTIVE DIRECTOR'S DETERMINATION:**

The findings for this determination, and for any special conditions, appear on subsequent pages.

*NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.*

This permit will be reported to the Commission at the following time and place:

DATE: July 10, 2003

PHONE: (707) 283-2909

TIME: Meeting begins at 9:00 a.m.

PLACE: The Petaluma Sheraton, 745 Baywood Drive, Petaluma, CA 94954

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

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

**BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.**

PETER M. DOUGLAS  
Executive Director

By: RANDALL STEMLER  
Coastal Program Analyst



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 is not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit.

Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Site and Project Description

The project site, as shown in Exhibit 2, is along a section of Crescent City's existing wastewater outfall line, located between the Battery Point parking lot and the tip of Lighthouse Island in Crescent City. The approximately 1,700-foot-long, twelve-inch diameter cast iron pipeline delivers treated wastewater from the City's sewage treatment plant to the discharge outfall southeast of the lighthouse. Work would be performed at two locations along the pipeline, one in a rocky shoreline area about 400 feet from the discharge end of the pipeline, and the other in a sandy beach area about 800 feet from the end.

The project as proposed is a maintenance and monitoring activity that would perform certain investigative, testing, and maintenance work on the Crescent City Outfall, including the

City of Crescent City

Battery Point and Battery Point Lighthouse

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installation of an access port. Heavy equipment, machinery, and other tools that would be used to perform the work would include a hydraulic excavator, rubber-tired front-end loader, portable concrete mixer, portable generator, electric hand tools, and 4x4 pickup truck. One site, located about 800-feet from the ocean outfall, would be exposed for a length of approximately 10 lineal feet and opened up for inspection and structural testing. The other site, located about 400 feet from the ocean discharge, would be exposed for an approximate length of 15 lineal feet, and opened up to perform inspection and structural testing, and retrofitted with a port as shown in Exhibit 3 for future inspection and maintenance. Internal pipeline inspection would be performed from this location by insertion of a closed circuit television camera. At both locations, the work areas would be returned to their natural state upon completion of the proposed work. In the first case, the excavation would be filled as soon as the testing work is completed, which would take a few hours. In the second case, the access port would be terminated below grade and the excavated area would be restored to natural conditions within two to three days. On completion, only a small portion of the access port would be visible at ground level. The work performed would not increase the capacity of the pipeline. The purpose of the proposed work is only to allow for inspection and routine maintenance of the existing outfall facility. While public access to the actual work site would be restricted for safety reasons during performance of the project, public access to the Battery Point Lighthouse and along the shoreline would not be blocked.

B. 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. Since the work to be performed at the portion of the project site 400 feet from the ocean discharge would be performed in a rocky shoreline area subject to tidal influence and submersion and would involve the placement of new pipe and concrete to reconstruct portions of the pipeline to be removed, the proposed project includes 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:*

...  
(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.*

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.

The proposed project would excavate and inspect the Crescent City sewage treatment outfall line at two locations, and install a subsurface access port for long-term inspection and maintenance. Consistent with Section 30233 of the Coastal Act, fill is allowed for incidental public service purposes, including inspection and maintenance of existing intake and outfall lines. Therefore, the Commission finds that the filling associated with the proposed project is an allowable use for fill pursuant to Sections 30233(a)(5) of the Coastal Act.

The Executive Director has considered the various alternatives, and determines that there are no feasible less environmentally damaging alternatives to the project as conditioned. Alternatives that have been identified include (1) the "no project" alternative, and (2) full pipeline replacement. The "no project" alternative is not a feasible alternative to the proposed project because the objective of the proposed project, to perform inspection and appropriate maintenance and install an access port for future inspection and maintenance of the facility, would not be met. Without the proposed project, the outfall pipeline would risk being damaged by lack of maintenance, resulting in potential uncontrolled discharge that could lead to degradation of the marine environment and health and safety hazards. Full pipeline replacement is an alternative to the proposed inspection and maintenance, but is not a feasible less environmentally damaging alternative because it would involve far greater disturbance to the shoreline environment.

Consistent with Section 30230 and 30233, feasible mitigation measures will be provided to minimize adverse environmental impacts. The work would be limited to two small inspection and maintenance locations and would be limited to a short duration of time. The work would be accomplished at low tide. To protect water quality, the Executive Director attaches Special Condition No. 2, which requires the use of Best Management Practices (BMPs) to protect water quality. To minimize leaching of fresh cement into coastal waters, it is important that any freshly poured concrete has ample time to cure well before submersion by the tides. To accomplish this, Special Condition No. 2 requires that work shall only be conducted during low tides, and adequate planning must occur to ensure that all forms are ready as soon as practicable for receiving a fresh pour. Special Condition No. 1 requires that: (1) equipment be mobilized near the beach or on the Lighthouse Island prior to commencing construction; (2) all equipment and materials be prepared and ready for use for efficient construction timing; (3) all equipment be cleaned prior to use to prevent transfer of dirt and any oil or grease onto the beach or into the ocean; (4) the City ensure that procedures are in place to minimize the occurrence and magnitude of impact of spills; (5) re-fueling of equipment occur only at an approved location, and not at the job site, or in the intertidal area; (6) appropriate Hazmat materials be available at the work site to

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capture or cleanup any incidental spills of oil, grease, fuel, or hydraulic liquids; (7) the City empty tanks within the wastewater treatment plant, for use during the duration of the proposed work, so that all wastewater would be diverted from the outfall pipeline to the tanks for temporary storage; and (8) there be no discharge during the proposed project work. As conditioned, potential adverse impacts to water quality and 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.

To further ensure that construction debris does not pollute marine waters, the Executive Director attaches Special Condition No. 1. The condition requires that all debris be removed from the site and transported to approved locations. As conditioned, the Commission finds that feasible mitigation is required to minimize all significant adverse impacts associated with the proposed filling of coastal waters.

Section 30233 and 30231 of the Coastal Act require 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 would ensure that the project would not have significant adverse impacts on the marine resources of coastal waters. The mitigation measures incorporated into the project and required by the Special Conditions discussed above would ensure that the pipeline inspection and maintenance activities would not adversely affect the biological productivity and functional capacity of the tidal waters or marine resources. Therefore, the Executive Director finds that the project, as conditioned, would maintain the biological productivity and functional capacity of the habitat consistent with the requirements of Section 30233 and 30231 of the Coastal Act.

The Executive Director 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 Executive Director finds that the proposed development, as conditioned, is consistent with Sections 30233 and 30231 of the Coastal Act.

#### C. Public Access

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. 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 Sections 30210, 30211 and 30212, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The subject property is located between the Battery Point parking lot and the tip of Lighthouse Island at the south end of Crescent City just north of the Crescent City Harbor. Public access currently is provided to the lighthouse and to the beach and shoreline area that connects the

island to the mainland. The proposed project involves inspection and structural testing of an existing outfall pipeline at two specific locations, and would not increase the intensity of use of the site. The City would temporarily mark off or barricade the specific construction area to protect the public from the work zone. However, the City would maintain access to the Lighthouse Island along the up-coast side of the beach area and the public could walk around the barricaded work area. Therefore, the Executive Director finds that the project as proposed would not have a significant adverse impact on public access and is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212, and the coastal access policies of the City's certified LCP.

D. Protection of Visual Resources

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance; and that new development be sited and designed to protect views to and along the ocean and scenic coastal areas, minimize alteration of natural land forms, and be visually compatible with the character of surrounding areas. New development shall be subordinate to the character of its setting.

The proposed project would expose short segments of a buried pipeline for inspection and testing, and after the project is complete, restore the work site to its pre-project appearance. On completion, only a small portion of the access port would be visible at ground level. Therefore, the Executive Director finds that the proposed project would protect visual resources consistent with the requirements of Coastal Act Section 30251.

SPECIAL CONDITIONS

1. Debris Disposal

All pipe scrap and concrete encasement debris and other debris generated from conducting the project work shall be removed from the site and disposed of in a lawful manner either outside the coastal zone or hauled to an approved disposal site. No debris, or waste including cement washout, shall be placed or stored where it may enter coastal waters.

2. Water Quality

The City shall use Best Management Practices (BMPs) for protection of marine resources and coastal water quality. The work shall only be conducted during low tides, and pouring of fresh concrete shall be timed so that it has ample time to cure before coming in contact with tidal waters. Equipment and materials shall be mobilized near the beach or on the Lighthouse Island and made ready for use prior to the commencement of each phase of work to maximize the efficiency of construction. All equipment shall be properly functioning, and cleaned prior to use to prevent transfer of dirt and any oil or grease at the work site, onto the beach, or into the ocean. The City shall ensure that procedures are in place to minimize the occurrence and magnitude of impact of spills. Fueling and lubrication of equipment shall only occur at an approved location, and not at the job site, or in the intertidal area. Appropriate Hazmat materials shall be immediately available at the work site, and personnel shall be trained in the proper techniques to immediately capture or cleanup any incidental spills of oil, grease, fuel, or hydraulic liquids. All debris shall be removed from the site and transported to approved

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locations. Prior to project construction, the City shall empty tanks within the wastewater treatment plant, for use during the duration of the proposed work, so that all wastewater will be diverted from the outfall pipeline to the tanks for temporary storage. There shall be no discharge of wastewater during the proposed project work. No debris, or waste shall be placed or stored where it may enter coastal waters, including cement encasement debris, pipe debris, pipeline clean-out debris, or cement wash-out.

3. Permit Amendment

The permittee shall conduct the project in accordance with the proposal as set forth in the application for permit, as conditioned. No changes to the approved project, including but not limited to the proposed duration of the project, or size of the project, shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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**ACKNOWLEDGEMENT OF PERMIT RECEIPT / ACCEPTANCE OF CONTENTS:**

I / We acknowledge that I / we received a copy of this permit and have accepted its contents including all conditions.

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\_\_\_\_\_

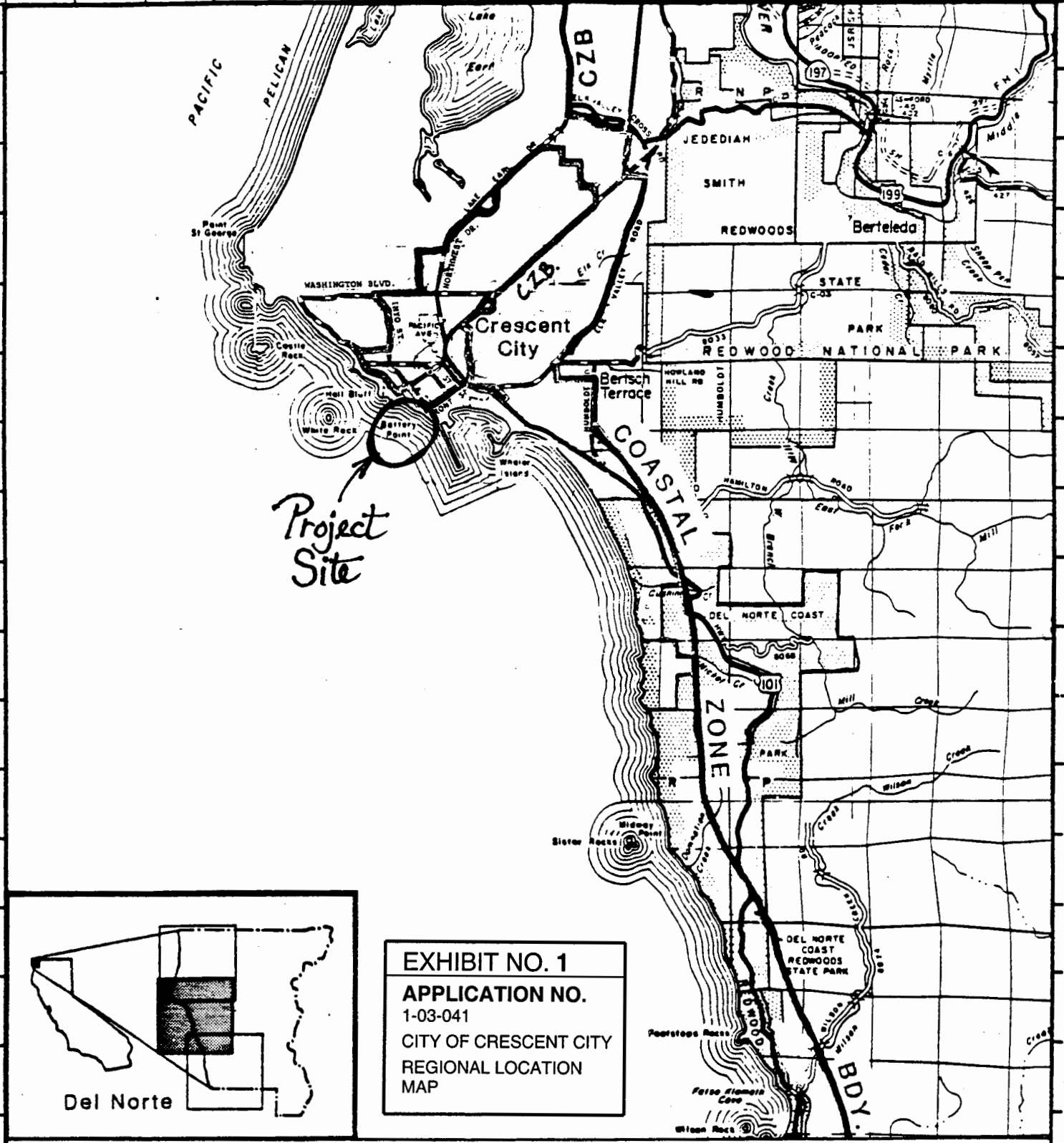
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Applicant's Signature

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Date of Signing

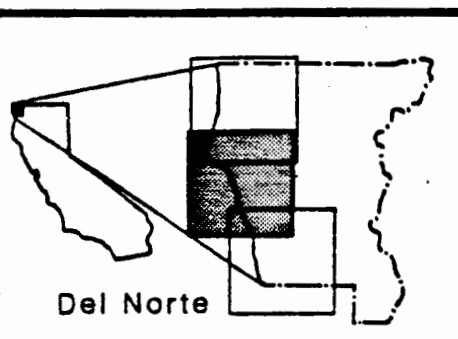


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*Project Site*



Del Norte

**EXHIBIT NO. 1**  
**APPLICATION NO.**  
 1-03-041  
**CITY OF CRESCENT CITY**  
**REGIONAL LOCATION**  
**MAP**

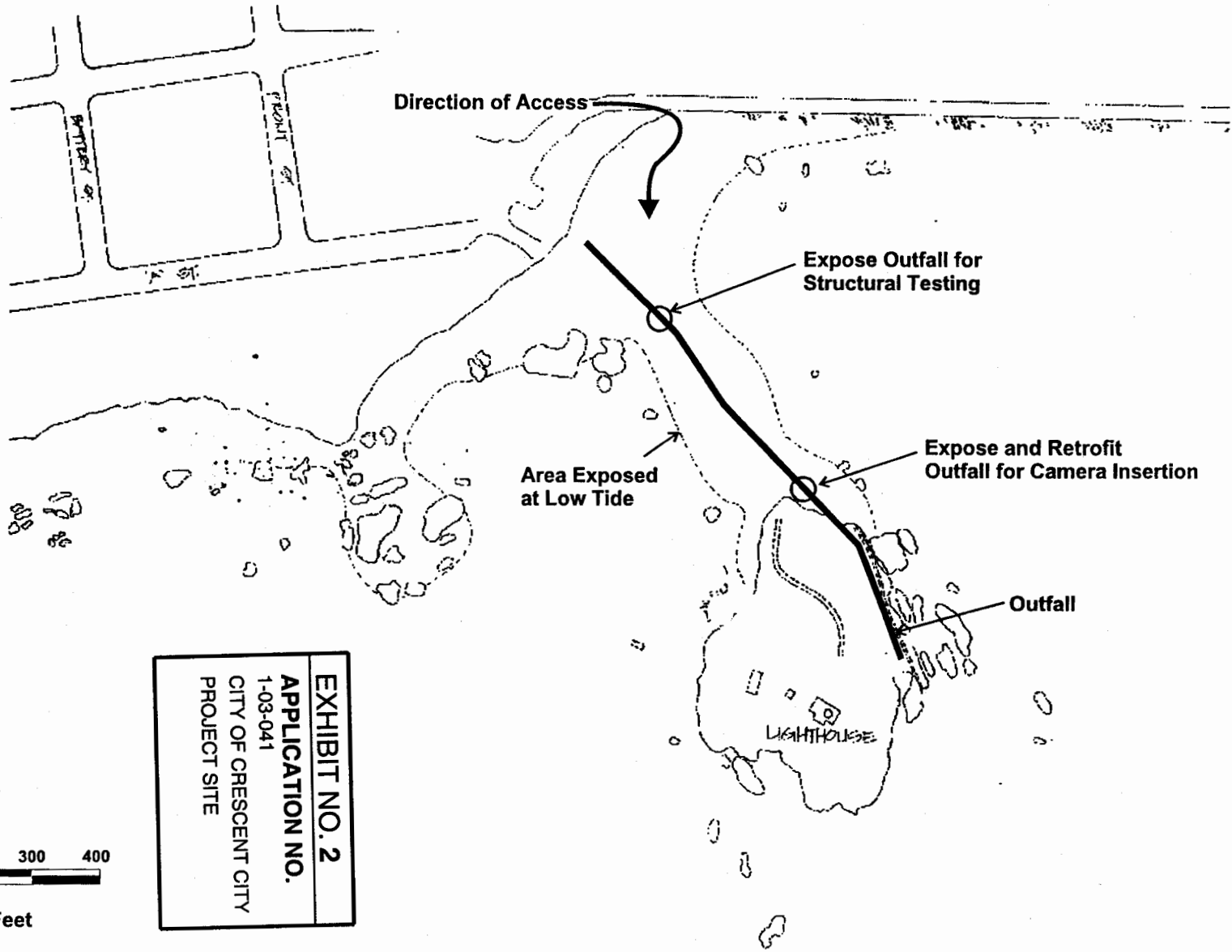


# LOCATION MAP

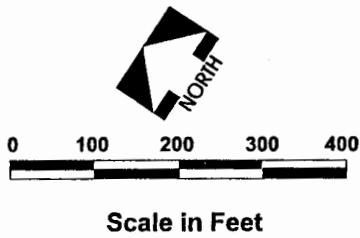


## County of Del Norte

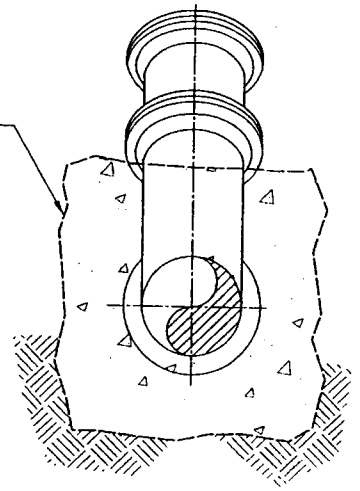
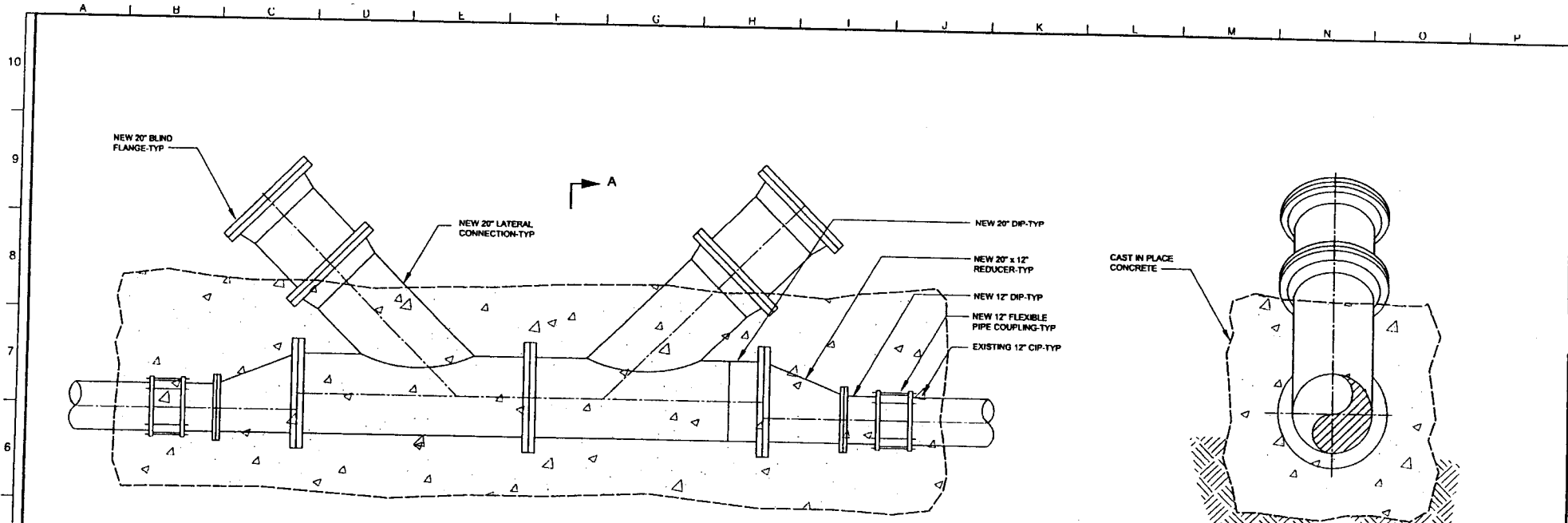




**EXHIBIT NO. 2**  
**APPLICATION NO.**  
 1-03-041  
 CITY OF CRESCENT CITY  
 PROJECT SITE



|                               |                      |               |  |
|-------------------------------|----------------------|---------------|--|
| <b>BROWN AND<br/>CALDWELL</b> | DATE<br>May 27, 2003 | SITE<br><br>  | <b>Crescent City Ocean Discharge<br/>Outfall Investigation and Testing</b> |
|                               | PROJECT<br>22782-32  | TITLE<br><br> |  |



OUTFALL ACCESS  
ELEVATION  
SCALE: 1" = 1'-0"

SECTION A-A  
SCALE: 1" = 1'-0"

**EXHIBIT NO. 3**  
**APPLICATION NO.**  
1-03-041  
CITY OF CRESCENT CITY  
PIPELINE ACCESS PORT

**BROWN AND CALDWELL**  
SUBMITTED: PROJECT NUMBER: DATE:  
APPROVED: PROJECT NUMBER: DATE:  
APPROVED: PROJECT NUMBER: DATE:

LINE IS 2 INCHES AT FIELD SIZE OF 1/4" = 1'-0" SCALE ACCORDINGLY.  
FILE: 22182  
DRAWN: TCH/MB  
DESIGNED: MB  
CHECKED: WKF  
CHECKED:

| REVISIONS |     |             |    |      |
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| ZONE      | REV | DESCRIPTION | BY | DATE |
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CITY OF CRESCENT CITY  
CALIFORNIA  
**OUTFALL MODIFICATIONS**

**INSPECTION AND CLEANING ACCESS**

SCALE AS SHOWN  
DRAWING NUMBER **0-1**  
SHEET NUMBER 1/1