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Filed:	March 10, 2004
49th Day:	April 28, 2004
180th Day:	September 6, 2004
Staff:	Jim Baskin
Staff Report:	April 30, 2004
Hearing Date:	May 13, 2004
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:	**1-04-001**
APPLICANT:	**County of Del Norte**
AGENT:	MFG, Inc. Consulting Scientists and Engineers Attn: Fred Charles PhD, PE
PROJECT LOCATION:	At the County of Del Norte Klamath Townsite Boat Launching Facility, situated on the north side of the Klamath River at River Mile 2.5, approximately ¾ mile downstream from the Highway 101 Bridge, near the old townsite of Klamath, Del Norte County. APN 140-060-04.
PROJECT DESCRIPTION:	Replacement of the existing ±5,750-square-foot Klamath Townsite boat ramp, damaged during flooding in January 1997. The ±7,004-square-foot replacement boat ramp would be constructed at an angle of approximately 45 degrees to the downstream riverbank instead of the existing ramp's perpendicular configuration to create a quiet backwater area in which watercraft could more safely be launched. Approximately 3,000 cubic yards of rock slope protection would be installed over a roughly 6,886-square-foot area along the riverbank to prevent erosion of the ramp area.

	Following completion of the ramp construction, approximately 32,605-square-feet of area sounding the new ramp would be revegetated with native grasses and willow sprigs.
LOCAL APPROVALS RECEIVED:	(1) Adoption of CEQA Mitigated Negative Declaration by Del Norte County; and (2) Del Norte County Coastal Grading Permit No. GP2003-26C, issued September 3, 2003.
OTHER APPROVALS RECEIVED:	(1) Army Corps of Engineers Nationwide Permit Nos. 3 and 13; (2) National Marine Fisheries Service Section 7 Consultation under the Endangered Species Act; (3) North Coast Regional Water Quality Control Board FCWA Section 401 certification; and (4) California Department of Fish and Game CFGC Section 1601 Agreement.
SUBSTANTIVE FILE DOCUMENTS:	Del Norte County LCP

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve with conditions this application for the replacement of the County of Del Norte's existing recreational boat ramp on the lower Klamath River at the former townsite of Klamath.

The project would entail the complete replacement of the existing approximately 5,750-square-foot concrete boat ramp damaged by floodwater flows in the winter of 1997. In addition, approximately 6,886-square-feet of rock slope protection would be placed above, around and below the new ramp to protect the structure from the erosive forces of the river.

Unlike the existing boat ramp that is oriented perpendicular to the river and its flows, the new 7,004-square-foot concrete ramp would be set in a diagonal configuration at an approximately 45° downstream angle. Reorienting the ramp would provide greater safety for boat launching, especially during outgoing tides when the river flow velocity increases, by creating a calm backwater area where boaters could more precisely pilot their watercraft without having to simultaneously struggle against the lateral hydraulic forces of the river, as is currently experienced with the existing ramp. With the proposed slipstream design, the new ramp's foundation would also be less susceptible to damage by scouring than the existing ramp, reducing the need for potentially resource impacting in-water repair and maintenance activities.

The proposed project would upgrade a public boat launching facility for recreational boating consistent with the provisions of Sections 30234 of the Coastal Act which provide that facilities serving recreational boating shall be protected and where feasible, upgraded, and with the provisions of Section 30223 that increased recreational boating use of coastal water shall be encouraged by increasing public launching facilities.

The project is also an allowable use of fill pursuant to Coastal Act Section 30233(a), because it is intended to rehabilitate an existing recreational boating facility. Staff also has concluded that the proposed project is the least environmentally damaging feasible alternative and that all feasible mitigation measures have been either included in the project description or made conditions of permit issuance, consistent with Section 30233.

With the recommended special conditions, the proposed project would have no significant adverse environmental impacts. Although an additional 7,462-square-feet of aquatic riverbed would be covered by a longer replacement ramp and fortified bank slope protection, this area represents a high-energy environment that affords only nominal habitat to aquatic species. Impacts to endangered and threatened salmonids would be avoided by limiting the construction period to times of the year when spawning salmonids are not present in the river. The project also incorporates a suite of water quality best management practices to ensure that coastal waters are not degraded during construction. In addition, after the ramp in completed, the applicants propose to both revegetate all areas disturbed during construction, and plant an additional approximately 7,500-square-foot area of denuded floodplain terrace with willow cuttings as mitigation for the approximately 2,500-square-feet of riparian vegetation displaced by the new ramp and rock slope revetment materials.

Special Condition No. 1 limits the construction season to the period of June 1 to October 15 to avoid adverse impacts on sensitive salmonid fish species during principal periods of migration. In addition, all in-river demolition activities shall be completed by August 31

Special Condition No. 2 requires that prior to the start of construction activities, a demolition disposal management plan be prepared and submitted for the approval of the Executive Director detailing the location where the debris from the existing ramp, rock slope protection, and excavated soil materials would be disposed following their removal from the site.

Special Condition No. 3 identifies water quality best management practices to be employed during demolition and construction, including the installation of containment barriers to prevent entry of debris into river waters and that any materials that should enter the river be immediately extricated, requiring prompt removal of debris from the site to an authorized disposal site. Special Condition No. 2 also sets standards for the staging, operation, fueling, hydraulic fluid type, and hazardous material spill prevention and clean-up contingencies to prevent similar entry of hydrocarbon products into coastal waters.

Special Condition No. 4 directs that the development be implemented in strict compliance with the proposal set forth in the permit application as modified by the special conditions. Any deviations in boat ramp or rock slope protection materials, or to the configuration of the facility that further encroaches into the river, or any other changes are subject to securing a permit amendment, as determined by the Executive Director.

As conditioned, staff believes the proposed project is consistent with the Chapter 3 policies of the Coastal Act and recommend approval of the project with the above-described special conditions.

STAFF NOTES

1. Jurisdiction and Standard of Review.

Portions of the proposed project at and below Ordinary High Water (+2.58′ NGVD29) elevation along and within the Klamath River are located in submerged and tidal waters subject to the Commission's area of original or retained coastal development permit jurisdiction.

The standard of review that the Commission must apply to the portions of the project within its permit jurisdiction is the Chapter 3 policies of the Coastal Act.

All other portions of the project site are within Del Norte County's coastal permit jurisdiction. The County has already approved a coastal development permit for those portions of the project. The County's approval was not appealed to the Commission

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 Coastal Development Permit No. 1-04-001 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 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.

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 be limited to the period between June 1 and October 15. In-river demolition activities shall be completed prior to August 31.

2. Construction Debris Removal and Disposal

A. **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-04-001**, the permittee shall submit for the review and approval of the Executive Director a plan for the disposal of construction-related debris and excavated materials. The plan shall be consistent with the requirements of Special Condition No. 2. The plan shall describe the manner by which the material will be removed from the construction site and identify all temporary stockpiling and permit disposal sites that will be utilized. The plan shall demonstrate that all stockpiling and disposal sites are in upland areas where construction-related debris from this project may be lawfully stockpiled and disposed.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a

Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Construction Responsibilities**

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

(a) All construction materials and debris originating from the project shall be stored and/or contained in a manner to preclude their uncontrolled entry and dispersion to the waters of the Klamath River. Any debris resulting from construction activities that should inadvertently enter the river shall be removed from harbor waters immediately;

(b) Any and all debris resulting from construction activities shall be removed from the project site within 10 days of project completion and in accordance with the construction debris removal and disposal plan required by Special Condition No. 2;

(c) Silt screens, straw bales, coir-rolls, and/or water bladder walls appropriate for use in riverbank and floodplain settings applications shall be installed at the toe of the slope and around the perimeter of the area to be graded prior to the initiation of grading activities and shall be maintained throughout project construction. Additional siltation barrier materials shall be kept at the site and deployed as needed to reinforce sediment containment structures should unseasonable rainfall occur;

(d) The excavator used during the construction process shall not enter the Klamath River channel;

(e) No excavated materials shall be side-cast during blading operations at the site;

(f) If rainfall is forecast during the time construction activities are being performed, all exposed soil areas shall be promptly mulched before the onset of precipitation;

(g) Any fueling of construction equipment shall occur within the adjoining parking lot at a minimum of 100 feet from the ordinary high water line of the river; and

(h) Fuels, lubricants, and solvents shall not be allowed to enter the waters of the Klamath River. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional

hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up. All heavy equipment operating in or near the water's edge shall utilize vegetable oil as hydraulic fluid.

4. Permit Amendment

All development authorized by Coastal Development Permit No. 1-04-001 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 materials for the boat launching ramp or the shoreline protection quarry rock, to install the ramping or riprap in a manner that requires further encroachment into the waters of the Klamath River, 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. Site and Project Description.

The project site is located on the east side of the Klamath River, approximately 2½ miles upstream from its entrance to the Pacific Ocean, in Del Norte County. The project parcel is located on the 100-year floodplain terrace at the northern terminus of a frontage road that runs between Highway 101 and the Klamath River (see Exhibit Nos. 1-3).

Vegetation cover is composed of a mixture of red alder (Alnus rubra), arroyo willow (Salix lasiolepis), and black cottonwood (Populus balsamifera) with a dense understory of California blackberry (Rubus discolor), coyote brush (Baccharis pilularis), twinberry (Lonicera involucrata) and California man-root (Marah fabaceus), and interspersed with openings of upland grasses and forbs. Damper areas adjacent to the river are vegetated with a variety of sedges (Carex sp.), poison hemlock (Conium maculatum), and Persian speedwell (Veronica persica).

Though below the elevation of the Highway 101 roadway, views of the project site and the river from the highway are obscured by the intervening mature vegetation within the bank slope of the roadbed. Only limited views to and along the river to the northwest are afforded from the northern end of the facility's parking lot and from the lower end of the ramp. Because of the dense river bottom riparian vegetation, views of the site are limited to the areas within the river in proximity to the boat launch ramp and from the south abutment of the former Redwood highway bridge crossing approximately ¼ mile to the south-southwest.

The project parcel comprises a non-tribal in-holding within the ancestral lands of the Yurok people and is situated within the boundaries of the Yurok Reservation. A cultural resources review performed by the Yurok Tribal Heritage Preservation Office (YTHPO) found no records of previously recorded historical resources within the project area. Noting the disturbed state of the site the YTHPO assessed the site has having a low to moderate probability of containing unrecorded cultural resources. Conditions were attached to the County's coastal grading permit detailing contingencies for ceasing project activities and notifying and consulting with appropriate parties should undocumented cultural relicts or remains be encountered construction

The County of Del Norte's Klamath Townsite Boat Ramp is one of two such public facilities that provide free access to the lower river for a variety of recreational boating uses. Extending down the right bank from the northern end of the 40-space upland parking lot, the existing boat launching facility consists of a concrete ramp that extends perpendicularly into the submerged waters for a distance of approximately 35 feet (see Exhibit No. 4). Built in 1990, the ramp is comprised of a series of twenty 30-foot-wide concrete panels set at a roughly 15% graded incline. The periphery of the ramp and surrounding riverbank areas is armored with ¼-ton quarry stone revetment. The ramp is designed to enable up to two vehicles to maneuver their trailers side-by-side down into the river at a time to launch or retrieve watercraft.

In January 1997, a series of strong winter storms passed over the Klamath-Trinity River basin. The resulting floodwaters generated by these storms approximated that of the flows experienced during the notorious 1964 "Christmas Eve Flood" (±580,000 cubic-feet/second) that devastated the original Klamath Townsite. As a result of hydraulic scouring at the base of the ramp, the lower portions of ramp were undermined and became dislocated into the river. Less dramatic subsidence of the lower ramp panels also occurs on an on-going basis from erosion during non-flood stage flows as well, requiring periodic maintenance. In addition, the protruding design of the existing ramp and the abrupt edge between the intact and dislodged lower ramp panels makes boat launching difficult, especially on out-going tides, exposing watercraft users to unnecessary risks caused by the eroded areas and strong currents.

To repair the past storm damage, and provide a boat launch that would better withstand the river's erosive forces and require less periodic maintenance, the County proposes to upgrade the facility by constructing a new ramp set at an approximately 45° angle to the downstream bank. The existing 165-foot-long ramp would first be removed. The upper concrete slab and the caisson panels and metal rails that comprise the lower portion of the existing ramp would be removed using an excavator staged on the upper portion (outside of the wetted channel) of the existing ramp. This work would be done at low tide to allow maximum visibility and exposure of the lower panels.

Once the current ramp has been demolished, the site would be cleared to create an area for the modified ramp, which would be routed diagonally from the westside of the

parking lot down to the river at a roughly 45° angle to the downstream riverbank. The area to be graded was previously disturbed/filled when the existing ramp was installed, but was subsequently replanted with willows and alders, and upon completion of construction would again need to be removed prior to grading. The total area of vegetation removal is estimated to be one-half acre, with 0.32 acres taken on the upstream side of the existing ramp and 0.18 acres on the downstream side of the existing ramp down to the water's edge.

Once stripped of vegetation, approximately 3,000 cubic yards of riverbank fill would then be removed to form the roughly 350-foot run for the new boat launching structure. Heavy equipment, consisting of a track-mounted excavator and 10-cubic-yard dump truck, would be staged on the top of banks to perform the excavation. In addition to the 800 cubic yards extracted for the ramp slot, a bench would be excavated at the base of the graded slopes and along the ramp bottom to serve as a foundation for setting the bottom row of riprap. The bench would be approximately 250 feet in length on the upstream side of the existing ramp, and 170 feet in length on the downstream side of the ramp. The riverbank would also be excavated on both sides of the existing ramp alignment.

Prior to constructing the ramp and placing the rock slope protection, the underlying native materials would be consolidated with a vibratory compactor. Areas where riprap is to be installed would be lined with geo-textile fabric. Over-excavation and installation of an engineered gravel base may be required if native material does not reach desired compaction.

An excavator would then be staged on the existing ramp and fitted with an auger. To anchor the boat ramp, two or three holes would be drilled at the bottom edge of the replacement ramp extending to a depth of approximately six feet deep below riverbed level. A rail would be placed in each hole to secure the base of the new ramp. Each hole would be filled with a marine concrete slurry. This work would be done at low tide, and the controlled concrete pour would not occur underwater. Rails would be placed on the finish grade and pre-cast concrete panels would be slid down the rails into position to form the ramp. The panels would have brackets attached to accept helical piles ("chance anchors"), which would be installed from above the surface of the river water. The remainder of the ramp near the upper portion would be poured monolithically between the head of the ramp at the parking lot edge and the pre-cast panels.

To adequately armor the boat launch structure and prevent the adjoining downstream riverbank from being scoured by any gyre backflows generated by the replacement ramp's angled configuration, approximately 3,000 cubic yards of one-half-ton quarry stone riprap and/or open-block slope protection would be placed over a roughly 6,886-square-foot area comprising the submerged perimeter of the ramp and the exposed soils at/below a +12 msl elevation, the "run-up zone," representing the shoreline subject to wind, wave and tidal influence. The revetment materials would be keyed into the bench at the base of the slopes to provide permanent stabilization on both sides of the ramp. The

total area requiring slope protection placement covers approximately 0.25 acres comprising 0.17 acres upstream and 0.08 acres downstream of the existing ramp.

Revegetation activities would be conducted at the conclusion of construction activities, focusing on the areas where existing vegetation would be removed. A Pure Live Seed-basis native grass mix would be applied at a rate of five to ten pounds per acre. The mix would include native red fescue (Festuca rubra) and Slough sedge {Carex obnupta), or other native alternative grass species suitable for a riparian corridor setting. The seeding would either be applied by dry broadcast or hydro-seeding. If dry broadcast is used, the seed would be lightly raked into the soil. If hydro-seeded, the mixture would contain mulch and nutrient binding agents that would allow the mix to be applied directly to the ground surface. After installation, the planted and seeded areas would be watered daily for a period of one week to ensure successful sprouting and initial rooting growth.

As mitigation for the riverbank areas covered with the rock slope protection, the applicant proposes to plant willows at a spacing of seven to eight feet (725/acre) both within the area disturbed to construct the replacement boat launch structure and in adjoining undisturbed grassy areas to a distance of 100 feet downstream from the boat ramp site. These plantings would take the form of one-inch-diameter cuttings pruned from the riparian vegetation upstream and downstream from the replacement boat ramp area. Altogether, a total of 25,144-square feet of area would be revegetated and enhanced with the willow cuttings at a mitigation ratio of 2.4 to 1.

Only those portions of the project at and below the Ordinary High Water Line along the north bank of the Klamath River are within the Commission's permit jurisdiction. These project components comprise the lower 45 feet of the ramp and approximately 6,886-square-feet of the proposed riprap materials. The bulk of the project improvements, encompassing the upper 230± feet of the ramp and approximately 6,908-square-feet of the revetment are located within the County of Del Norte's permit jurisdiction. On September 3, 2003, the County approved with conditions Coastal Grading Permit No. 2003-26 for the portions of the project within its jurisdiction. The permit approval was not appealed to the Commission.

B. Recreational Boating Facilities.

Section 30224 of the Coastal Act states:

> *Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural*

> *harbors, new protected water areas, and in areas dredged from dry land.* [emphasis added]

Coastal Act Section 30234 further provides that:

> *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.* [emphases added]

The primary objective of the project are to conduct repairs on an existing boat launching facility by replacing the structure with a more sturdy ramp structure that would better withstand the hydraulic forces of the river during higher flow regimes, such that repeated damage and closures for repairs would be reduced. In addition, a new angled ramp configuration would be constructed so that a quiet backwater alcove would be formed in which boating recreationists might have an area in which to safely launch and beach their craft without having to fight the lateral push of the river during out-going tides. To realize these goals, the more durable ramp and revetment materials would be installed both along the existing riverbank and on a sloping bench graded back into upland areas on the adjoining floodplain terrace. As such, the project would upgrade the existing recreational boating facility and would encourage increased recreational boating.

The lower Klamath River is a highly popular recreational fishing destination. In addition tribal members utilize the lower river and estuary as a subsistence gill-net fishery. However, since the closing in the 1930s of the numerous canneries that lined the banks of the lower Klamath in the vicinity of the town of Requa a mile below the project site, there has not been a commercial fishing industry based on the river for over a half-century. The only remaining fishing-related commercial enterprises in the area are the numerous drift boat guide services that provide private recreational fishing charter excursions on the lower river. These guide services operate primarily during the spring (March-April) and fall (September-November) runs of salmon and steelhead are underway, launching from a variety of private and public launches between Klamath Glen and the mouth of the Klamath. Accordingly, as the development would be constructed during the off-season between the spring and fall runs, and as other boat launching facilities are available for the river guides to use within a reasonable distance of the project site, the proposed boating facilities are designed and located in such a fashion so as not to interfere with the needs of the commercial fishing industry.

Therefore, the Commission finds that the project is consistent with Section 30224 of the Coastal Act as recreational boating would be encouraged by increasing public boat

launching facilities. The Commission also finds the project is consistent with Section 30234 of the Coastal Act requiring that recreational boating facilities shall be protected, and where feasible, upgraded, as the proposed development would upgrade a boat ramp facility for improved safety and operation.

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 boat ramp and rock slope protection components would be placed in submerged areas, the proposed boat launch facility constitutes fill.

The project involves both dredging and fill in open coastal waters and riverine wetlands to remove the lower portions of the existing ramp and ¼-ton riprap materials at and below an elevation of +2.58' NGVD29, the Ordinary High Water Line (OHWL) along this portion of the river, and to install the new ramp and ½-ton revetment materials within and along the river banks, respectively. The majority of these new fill materials would be placed on areas excavated from dry land atop the former locations of the existing ramp and riprap once these structures had been removed, somewhat reducing the net increase of new fill in the river. Table One below, summarizes the pre- and post construction fill quantities:

Table One: Pre and Post-Construction Fill Quantities (ft^2)

Fill Element	Before Construction		After Construction	
	At/Below OHWL	Above OHWL	At/Below OHWL	Above OHWL
Ramp panels, rails, and piles	875	4,375	1,575	8,050
Rock slope protection	124	357	6,886	6,908
Totals:	**999**	**4,732**	**8,461**	**14,958**

The project would result in a total of an additional 7,462-square-feet of fill being placed over areas of aquatic bed wetlands at and below the Ordinary High Water Line. It should be noted that although the fill would cover this additional amount of bottom area, most of the additional fill would not extend completely through the water column to the surface. The ramp is designed to have water flow over parts of it and the rock slope protection would extend into the river in a similar fashion. Thus, the surface area of the river would be reduced by a much smaller amount than 7,462-square-feet. The area in which the new fill would be placed is currently composed of a mixture of cobbles, and sand inter-layered with silt fines of varying depth, and extends approximately 10 to 20 feet into the river beyond the outward edge of the existing ramp and revetment materials. This type of substrate is not utilized for spawning by anadromous fish, who instead prefer well-sorted gravel areas more commonly found further up the watershed from the project site.

Similarly, because of size of the sediments and the high-energy environment that these riverbed materials are exposed, they to do not provide habitat for aquatic micro invertebrates such as mayflies (Ephemeroptera sp.), stoneflies (Plecoptera sp.), and caddisflies (Trichoptera sp.), referred to collectively as "EPT," who prefer gravel to cobble sized particles in less vigorous flow settings.

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(a) of the Coastal Act provides as follows, in applicable part:

> *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:*
>
> ...
>
> *(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 uses enumerated in Section 30233(a);
- 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.

1. 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 replacement of the boat ramp would help restore and improve the Klamath Townsite Boat Ramp. The boat launch provides safe ingress and egress to the lower Klamath River for a variety of recreational watercraft ranging from one-person canoes and kayaks to auto trailer winch-mounted motorized "party boats." Thus, the proposed replacement of the boat ramp would provide a slightly enlarged recreational boating facility.

The proposed rock slope protection is needed to armor the boat launch structure and protect the adjacent bank from being scoured by any gyre backflows generated by the replacement ramp. Therefore, the rock slope protection fill is ancillary to, and a necessary part of, the boat ramp facility.

Therefore, the Commission finds that the filling associated with the proposed replacement of the boat ramp is for an expanded boating facility, and thus, is an allowable use for fill pursuant to Section 30233(a)(4) of the Coastal Act.

2. Least Environmentally Damaging Feasible Alternative

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 project options, 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 boat

launch structure; and (2) the "no project" alternative. Commission staff also surveyed the lower river for other suitable sites river where a boat ramp might be developed without the need for substantial riparian vegetation removal, grading, and/or the placement of shoreline protective devices. However, because all of the alternate sites identified are under either federal, tribal, or state ownership, the legal and economic barriers to their acquisition by the County render these sites infeasible as project alternatives.

a. In-kind Replacement of the Damaged Sections of the Existing Ramp Only

One alternative to the proposed project would be to replace only the damaged portions of the existing ramp. This alternative would minimize the initial site disturbance and the amount of new fill required in the river. However, this alternative would not address the inherent problems associated with the design of the existing ramp. The existing Klamath Townsite Boat Launching Facility is permanently damaged and has safety hazards associated with its use. The toe of the ramp requires yearly maintenance to provide adequate footing for boat trailers and to reposition the pre-cast panels that have shifted. During winter flows, the toe of the ramp is scoured and creates a ledge that snags boat trailer tires. Another problem is the high flow velocities that occur during low tides, which create a strong crosscurrent for the launching of boats. Because of these problems, it is difficult for people unfamiliar with the ramp configuration to use the facility. The orientation of the existing ramp, perpendicular to river flow, continually exposes the facility to further damage during periods of high flow and jeopardizes the safety of boat launch users.

Any temporary repairs to the existing ramp would extend its utility by only a few years and would not address safety concerns. With the only other public boat launching facility on the Lower Klamath in disrepair and located nearly four miles upstream at Klamath Glen, the County has determined that this site requires a long-term solution. Del Norte County's proposed project would address the inherent design flaws of the existing ramp by removing the existing ramp and replacing it with a new ramp that is safer and more stable. These plans include orienting the replacement ramp approximately 45 degrees from the downstream riverbank The proposed alignment would provide the needed structural stability to minimize erosion and maximize boater safety that simply replacing the damaged portions of the existing ramp would not provide.

Additionally, although the repair in-kind alternative would cause less initial disturbance of the riverine habitat, there would be a greatly increased level of disturbance to tidal waters and marine resources over time as these sections of the boat ramp repeatedly fail and need to be fixed. Repeated disturbance of the habitat would result in greater cumulative adverse impacts and would not alleviate the boating safety problems inherent with the current ramp configuration.

Therefore, replacing damaged sections of the existing boat ramp in-kind is not a feasible less environmentally damaging alternative.

b. No Project Alternative

The no project alternative means that no improvements would occur to the Klamath Townsite Boat Ramp. The objective of the proposed project—to replace the boat ramp would not be met. Without the proposed improvement, the launching facility would eventually be closed down, as continued use as a public access support facility would become untenable due to the increased liability risk the County would accrue. Such a closure would cause a significant impact to public access and recreational boating opportunities on the lower Klamath River.

Moreover, in its damaged state, the detached ramp panels would constitute an obstruction in the river that would contribute to scour leading to further erosion to the ramp and surrounding banks, and leading to navigational and safety hazards for boats using this portion of the river that could result in damage to the craft and a greater risk of spills of vessel fuels and oils from boats that run aground or are even capsized. If no action is taken, ongoing erosion processes and water quality impacts will continue to result from the current boat ramp. Therefore, the no project alternative is not a less environmentally damaging feasible alternative, as it would not accomplish the project objectives of alleviating hazardous conditions for recreational boaters who use the ramp and to halt the continued erosion at the site.

Based on the alternatives analysis above, the Commission concludes that the proposed project is the least environmentally damaging feasible alternative.

3. 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 Klamath River. The project could have potential impacts to: (1) invertebrate and macro algae habitat associated with the existing boat ramp; (2) migrating salmonid fish species; (3) riverine water quality from siltation associated with grading on the riverbank edge or sediment entrained in stormwater runoff from the construction site; and (4) aquatic life from fuel or hydraulic spills. The potential impacts and their mitigations are discussed in the following five sections:

a. Macro-Invertebrate, Macro-algal, and Aquatic Bed Wetland Habitats

The surfaces of the existing ramp and rock slope protection submerged in the river typically support certain common macro-invertebrate organisms (e.g., mayflies (Ephemeroptera sp.), stoneflies (Plecoptera sp.), and caddisflies (Trichoptera sp.) or "EPT") and algae. As discussed above, because of their grain size and exposure to currents, these organisms do not utilize the open riverbed areas beyond the existing ramp and riprap surfaces. Demolition of the existing ramp and revetment would remove habitat for these organisms. The community of organisms, although low in density, that exist on the boat ramp and revetment would be lost as a result of the construction of the new ramp and rock slope protection. However, organisms that are found along the existing ramp and revetment surfaces are common and abundant species that would quickly colonize on the new concrete and rock substrate once submerged in the river. It is likely that the smooth surface of the concrete may preclude some sessile species from attaching to it. However, the proposed rock slope protection to be placed as part of the replacement boat ramp project would provide surfaces for these organisms to colonize in amounts greater than would be lost from the removal of the existing ramp and revetment surfaces. Therefore, the Commission finds that no additional mitigation is necessary for the loss of emergent and aquatic bed wetland habitat associated with the proposed project.

b. Sensitive Fish Species

According to the staff of National Marine Fisheries Service (NOAA Fisheries), spawning runs of steelhead (*Oncorhynchus mykiss*) and coho salmon (*Oncorhynchus kisutch*) are known to occur in the Klamath River as the rivers rise during the first seasonal rains that occur in the fall of the year and throughout the months of January, February and March. The proposed project would adversely impact sensitive fish species by increasing water turbidity through disturbance of bottom sediments. According to NOAA Fisheries, 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 drilling the ramp panel railings would be injurious to eggs and alevins in the gravel. Furthermore, installation of the new boat ramp would 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.

c. Riverine Water Quality

Construction activities in and adjacent to the river would result in degradation of water quality through the entry of soil materials either directly or entrained in runoff passing over ground disturbed areas. At the bottom of the slope protection zone, a bench would be excavated to provide toe stability. Turbidity may be elevated in the work area during this period of excavation at the toe. However, the levels of suspended sediment are anticipated to be minor and would be diluted soon after leaving the disturbed area. For the third construction phase, pre-cast replacement panels would be installed below the water surface. A limited amount of existing river sediment may be disturbed during this step. Turbidity may be locally elevated in the work area during this period, but these increases would be for very short infrequent periods and would be diluted soon after leaving the work area.

To prevent sediment discharge from upland sources into the river, the applicant proposes to install silt fences at the toe of graded slopes to prevent movement of sediment into the river. In addition, water quality could be affected if construction debris and construction equipment is allowed to enter the river. Therefore, the Commission attaches Special Condition No. 3 which requires the applicant to follow certain best management practices to avoid and minimize impacts to water quality. Among other things, this condition requires the applicants to (a) install the proposed silt fences prior to grading and maintain the silt fences during construction, and (b) contain all construction materials, equipment and debris in a manner that precludes entry into the water and to remove any such material, debris and equipment that inadvertently enters the water.

Re-fueling of the equipment during project construction is not anticipated. Should re-fueling of equipment become necessary, Special Condition 3g requires that the re-fueling occur at the adjoining parking lot 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 onto the paved surface of the parking lot, Special Condition No. 3h is included to requires that a registered haz-mat first response service be retained on call. Special Condition No. 3h also requires that all hydraulic equipment used in proximity of the river's edge 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.

4. 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 Klamath River. The mitigation measures incorporated into the project and required by the Special Conditions discussed above will ensure that the replacement of the boat ramp would not adversely affect the biological productivity and functional capacity of the tidal waters or marine resources. Furthermore, by aiding the re-establishment of riparian vegetation canopy along a denuded stretch of the eastern riverbank that will provide shade during and help cool the waters of the river, as discussed below, the in-river habitat for temperature-sensitive fish species such as Chinook and coho salmon and steelhead will be enhanced. This riparian vegetative restoration as well as the sheltered interstitial areas within the in the new revetment materials installed in the aquatic bed areas would also provide cover and substrate for other aquatic organisms such as macro-invertebrates and algae on which these fish species feed. Therefore, the Commission finds that the project, as conditioned, will maintain and enhance the biological productivity and functional capacity of the habitat consistent with the requirements of Section 30233 and 30231 of the Coastal Act.

5. Conclusion

The Commission thus finds that the project is for 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. Protection of Environmentally Sensitive Riparian Habitat Areas.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and 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 habitat and recreation areas.

Coastal Act Section 30107.7 defines "environmentally sensitive area as meaning:

> *...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Section 30240 of the Coastal Act states that development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat areas.

The proposed project involves development activities in and in proximity to riparian vegetation on the adjacent floodplain terraces.

The condition of the riparian vegetation habitat along the Klamath River in the vicinity of the project was analyzed in wildlife and botanical analyses prepared by the spring of 2003 by Pacific Northwestern Biological Resource Consultants, Inc. and botanists Greg Jennings, respectively (see Exhibit Nos. 5 and 6). Additional endangered and threatened species habitat inventory work for listed salmonid species that addresses some of the adjoining terrestrial setting was also completed by Alice Berg and Associates during the summer of 2003. In summary, this information indicates that the lower reach of Klamath River (which includes the County of Del Norte Boat Launching Facility) was heavily inundated by erosion and sedimentation during the 1964 flood, and has since been in a very gradual recovery, cutting through the deposited sediments to re-establish a stable meander pattern. To stabilize eroded areas and to prevent possible future damage to the Highway 101 roadway, the U.S. Army Corps of Engineers armored with riprap and backfilled much of the east and north bank of the river from the town of Klamath down to the confluence with Mynot Creek. Over the last several decades, alders, willows, and cottonwood have re-established themselves along the banks forming an early-seral forested riparian corridor with scattered grassy openings covered in a mixture of upland grasses and forbs dominated by exotic ruderal species (see Exhibit Nos. 3 and 6).

The portion of the Klamath River that flows by the boat launch area offers excellent over-wintering habitat and high-water refugia in the form of side channels, meander cutoffs, and open forest canopy vegetated flood plains. Although there appear to be three raptor nests in trees on the far bank of river, no apparent nesting activity was observed in the riparian area in the project vicinity. The wildlife assessment noted that eagles and red-

tail hawks, the most likely large raptor species to inhabit the lower river, regularly exchange, abandon, and relocate their nesting sites. Furthermore, the botanical records check and survey found no sensitive plant species inhabiting the riparian area.

The project would not introduce a new use into the riparian vegetation ESHA since a boat ramp currently exists on the site. To construct the replacement ramp and revetment, approximately ½ acre of riparian vegetation would need to be removed from above and below the existing ramp. The applicants propose to promptly re-seed the portions of project area disturbed by construction beyond the areas that would be covered by the new ramp and revetment with a native seed mixture. This area as well as an additional 7,461 square feet of currently open grassy area down river of the construction site would be planted with willow sprig plugs at a density of 725 stems/acre (roughly on 7- to 8-foot centers) pruned and cultured from the surrounding willow trees. With the proposed mitigation, the habitat along the riparian floodplain terrace would be both protected and enhanced. The Commission notes that all of the riparian vegetation that would be removed and replanted is located within the County of Del Norte's permit jurisdiction and that approved Coastal Grading Permit No. 2003-26 included conditions requiring that the proposed riparian replanting plan be carried out to mitigate the impacts of project construction on riparian ESHA.

The Commission thus finds that the environmentally sensitive habitat areas adjacent to the development would be protected against any significant disruption of habitat values, and only uses dependent on those resources would be developed within those areas. In addition, the proposed recreation facility would be sited and designed to prevent impacts that would significantly degrade environmentally sensitive areas, and would be compatible with the continuance of those habitat and recreation areas. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Section 30240 of the Coastal Act.

E. 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 areas.

Consistent with this policy, the project as designed and sited would not significantly obstruct any views to or along the ocean and the Klamath River estuary. There is no view through the site from Highway 101 because of the intervening trees along the slope up to the roadway. The only other views through the site are those oriented downriver towards the estuary from the boat ramp parking lot area itself. Although views downriver from the northern end of the ramp's parking lot would be affected by the riparian vegetation planting proposed as mitigation for the removal of similar vegetation in the County's permit jurisdiction, this vegetative screen would not be out of character with the

surrounding area as the planted trees would resemble similar bankside vegetation immediately to the southwest and northeast of the mitigation area. In addition, the views downriver would still be afforded from the river's edge, a short 100-foot walk through the planted trees from parking lot. Moreover, the views currently afforded to boaters both up and down stream from within the river would remain unaffected by the development.

The proposed project as sited and designed would also not result in any appreciable alteration of any landforms. Although the project involves a certain amount of grading and excavation to install the new facility, the new facility would replace the existing one and not significantly alter the shape and form of the riverbank from that that currently exists at the site.

The project has also been designed to be visually compatible with the character of the surrounding area. The replacement boat ramp and riprap structures would be somewhat greater in size than the existing ramp and riprap and would therefore appear somewhat more prominent from public vantage points. However, the willow sprigs to be planted as part of the proposed riparian corridor mitigation component would serve to screen and soften the appearance of the new ramp and rock slope protection while not blocking any additional views of the river from the shoreline. Furthermore, the materials and colors proposed to replace the boat ramp and form the shoreline revetment would blend with the riverbank materials, and with the character of the surrounding riparian corridor.

Special Condition No. 4 is added to ensure that the proposed neutral gray concrete ramp panels and greenstone quarry rock are used for the project, and that any deviation from the plan proposal, including, but not limited to a change in the color of the ramp or revetment materials would require an amendment to the permit, unless the Executive Director determines that no amendment is legally required. This condition will ensure that the Commission can review any changes to the project for conformance with Section 30251. Therefore, the Commission finds that the proposed development, as conditioned, will protect views to and along the ocean and scenic coastal areas, minimize the alteration of landforms, and be compatible with the character of the surrounding area consistent with Section 30251 of the Coastal Act.

F. <u>Public Access and Coastal Recreational Opportunities</u>.

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.

As discussed in Finding Section IV.B above, the proposed development entails replacement construction of a recreational boat launch, a form of coastal access support facility. In addition, the project as designed will not result in any significant interference with public access. With the exception of the immediate construction site around the existing ramp and roughly one-half of the parking lot being closed off for the staging and routing of construction equipment, the construction work would not significantly obstruct shoreline access in the vicinity of the former Klamath Townsite area. Although there may be limited and temporary restrictions on boating activity during installation of the new launching facility, these impacts are only of a temporary duration that will have no long-term impact on access. The project work would span an approximate three-week timeframe and be undertaken between July 1 and August 31, a relatively low-use time of year for anglers prior to the start of the fall runs of Chinook salmon in September. In addition, informal launching areas for smaller personal watercraft that do not require trailer transport, such as canoes and kayaks, are afforded at numerous points along the lower river. 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.

G. Geologic Stability.

The Coastal Act contains policies to assure that new development provides structural integrity, minimizes risks to life and property in areas of high flood hazard, and does not create or contribute to erosion. Section 30253 of the Coastal Act states in applicable part:

> *New development shall:*
>
> (l) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
>
> (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.* [emphasis added]

Coastal Act Section 30253 requires the project to assure long-term stability and structural integrity, minimize future risk, and avoid additional, more substantial protective measures in the future. This requirement is particularly relevant to the proposed project given the dynamic shoreline environment within which the proposed project would be placed. Since hydraulic forces increase with the square of the water height, a small increase in water depth and wind wave height can cause a significant increase in wave energy and potential structural damage. Thus, a small rise in river stage can expose river development to increased live and static hydraulic forces associated with inundation, scour, and wave attack.

The project would involve construction activities along approximately 210 lineal feet of the banks of the Klamath River, the second largest waterway in California. Comprising an approximately 9.5-million-acre basin area, during flood events, the lower Klamath conveys flows that approximate the average discharge of the Mississippi River at its delta (±550,000 cubic-feet/second). During the 1997 flood event that damaged the subject boat ramp, the river in the vicinity of the project site rose to a 32-foot height, inundating the launching facility parking lot area to a depth of twelve feet and generating flow velocities upwards of 10.5 feet/second.

Although the 1997 flood was comparable in discharge volumes to the 1964 "Christmas Eve Flood," generally considered to be the "100-year flood" for purposes of federal floodplain management purposes, it is noted that floods of similar magnitude have also occurred on the Klamath River in 1955, 1974, and 1986, roughly every ten years. Accordingly, as the economic lifespan of the boat launching facility is intended for a period of time greater than ten years, designing the ramp to withstand floodwater forces similar to that that caused the damage to the ramp in 1997 is both an economic and environmental necessity.

To ensure that the replacement launching facility is designed to withstand these river forces, the County contracted civil and geo-technical engineering investigations for the replacement ramp. Based on discharge data, the surveyed bathymetry of the river in proximity to the replacement ramp, and other relevant factors such as wind loading and tidal bore, these analyses calculated the materials sizing specifications for the new ramp, including its foundation pilings and revetment.

Most notable of the design changes that resulted from these investigations was a boat ramp configuration that is oriented diagonally downstream to the river rather than the perpendicular arrangement of the existing ramp. In addition, requirements for the rock slope protection materials was up-graded from the current ¼-ton quarry stone to ½-ton based upon design standards taken from the 1996 edition of the California Department of Transportation's (CDOT) *California Bank and Shore Rock Slope Protection Design* manual. The extent of the replacement revetment materials was similarly expanded to extend to a design depth of -13′ NGVD29, based upon a calculated scour depth of five

feet below the end elevation of the ramp and spanning up to the +20'NGVD contour to armor against wind wave attack. The longitudinal extent of the new revetment was also stipulated to extend 100 to 120 feet along the shoreline above and below the new ramp to protect these riverbank areas from erosion due to scour and eddies produced by the ramp obstruction.

The project as proposed would assure stability and structural integrity, primarily because the replacement ramp and revetment have been designed with site-specific conditions taken into account, utilizing established design principles to ensure the structures can adequately withstand the floodwater forces that they would be exposed to during the economic lifespan of the improvements. Therefore, the Commission finds the project as designed would minimize risks to life and property in areas of high flood hazard, and assure stability and structural integrity of the site and its surroundings so that the need for further or additional shoreline protective works would be avoided, as required by Section 30253.

H. 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. Those 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. Site Aerial Photograph
4. Project Site and Revegetation Plans
5. Wildlife Survey
6. Botanical Survey
7. Cultural Resources Inventory
8. Agency Review Correspondence
9. General Correspondence

APPENDIX A

STANDARD CONDITIONS

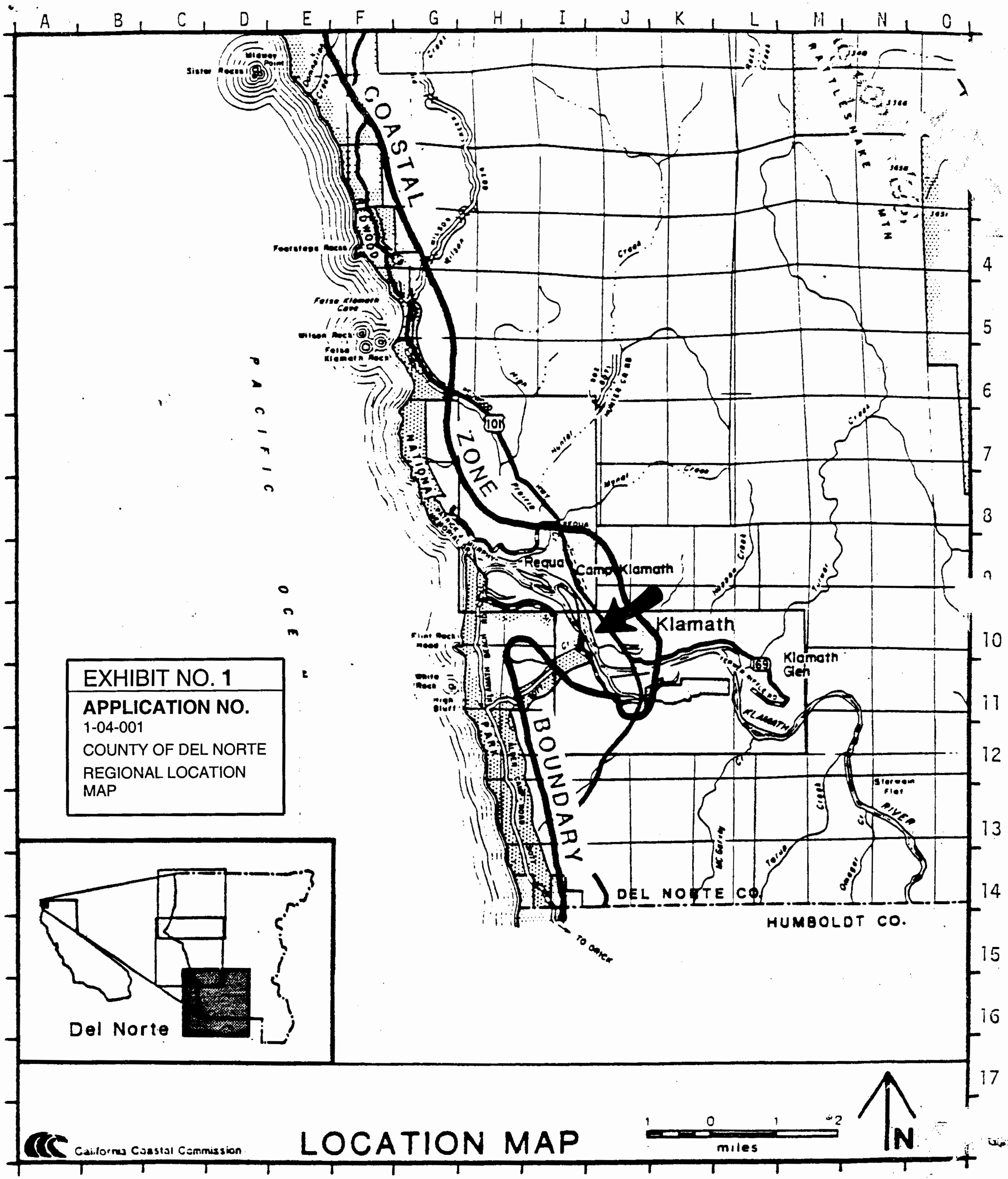
1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

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.

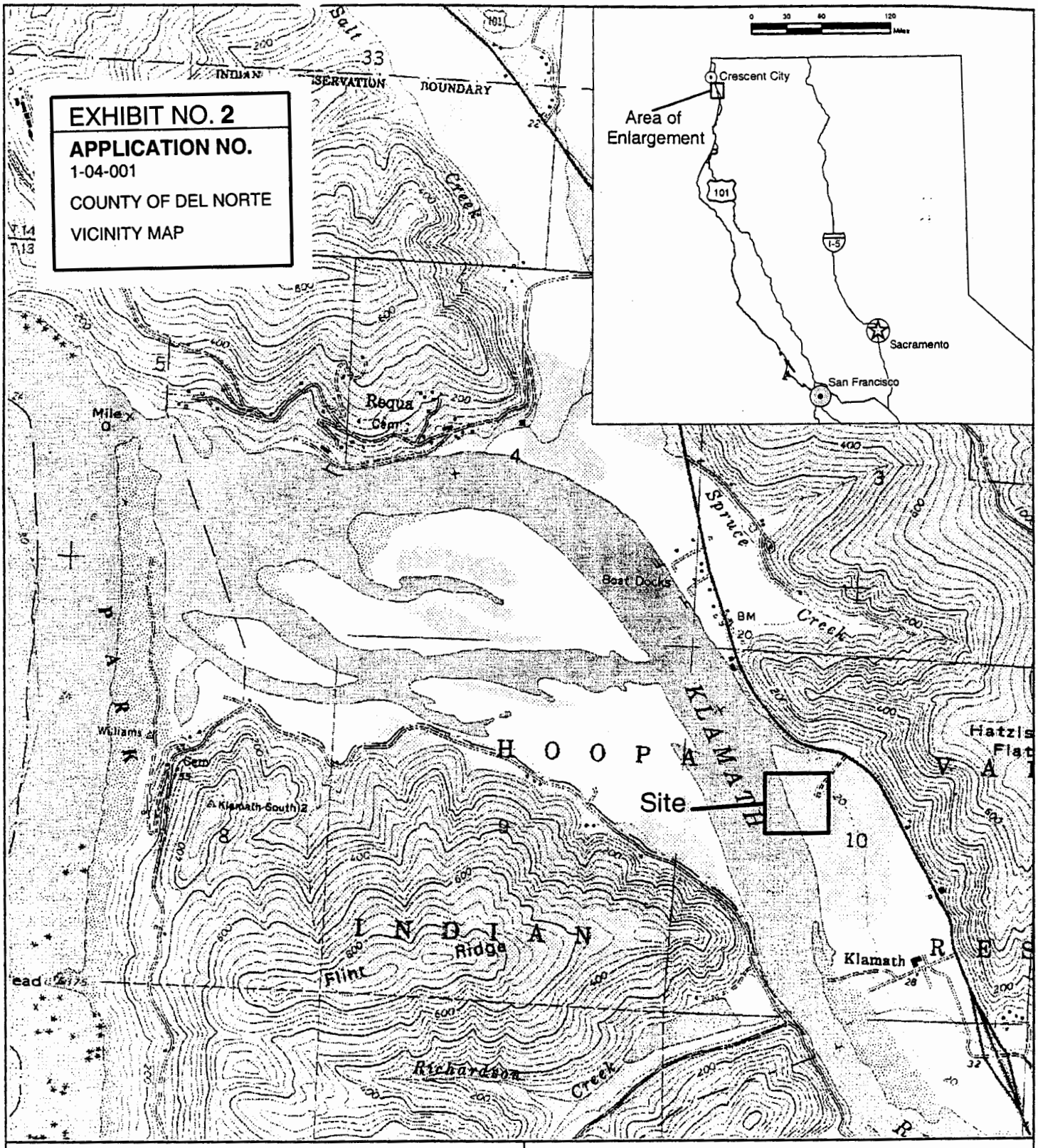
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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.



County of Del Norte

Sheet 3 of 3



Source: USGS 24k DRG, Requa Quad
Year - 1987

T 13N, R 1E, Sec 10

0 1,000 2,000 4,000 Feet

1 inch equals 2,000 feet

SITE LOCATION MAP
Klamath Boat Ramp
Klamath, CA
Del Norte County

Project No. 240008	By: I. Pryor	Figure 1
Date: 5/28/03	Checked: S. Thiesen	

MFG, Inc.
consulting scientists and engineers

EXHIBIT NO. 3

APPLICATION NO.
1-04-001
COUNTY OF DEL NORTE
SITE AERIAL PHOTOGRAPH

0 1,000 2,000 4,000
Feet

1 inch equals 2,000 feet

SITE AERIAL PHOTOGRAPH

Klamath Boat Ramp
Klamath, CA

Project No. 240008	By: I. Pryor	Figure 2
Date: 5/28/03	Checked: S. Thiesen	

MFG, Inc.
consulting scientists and engineers

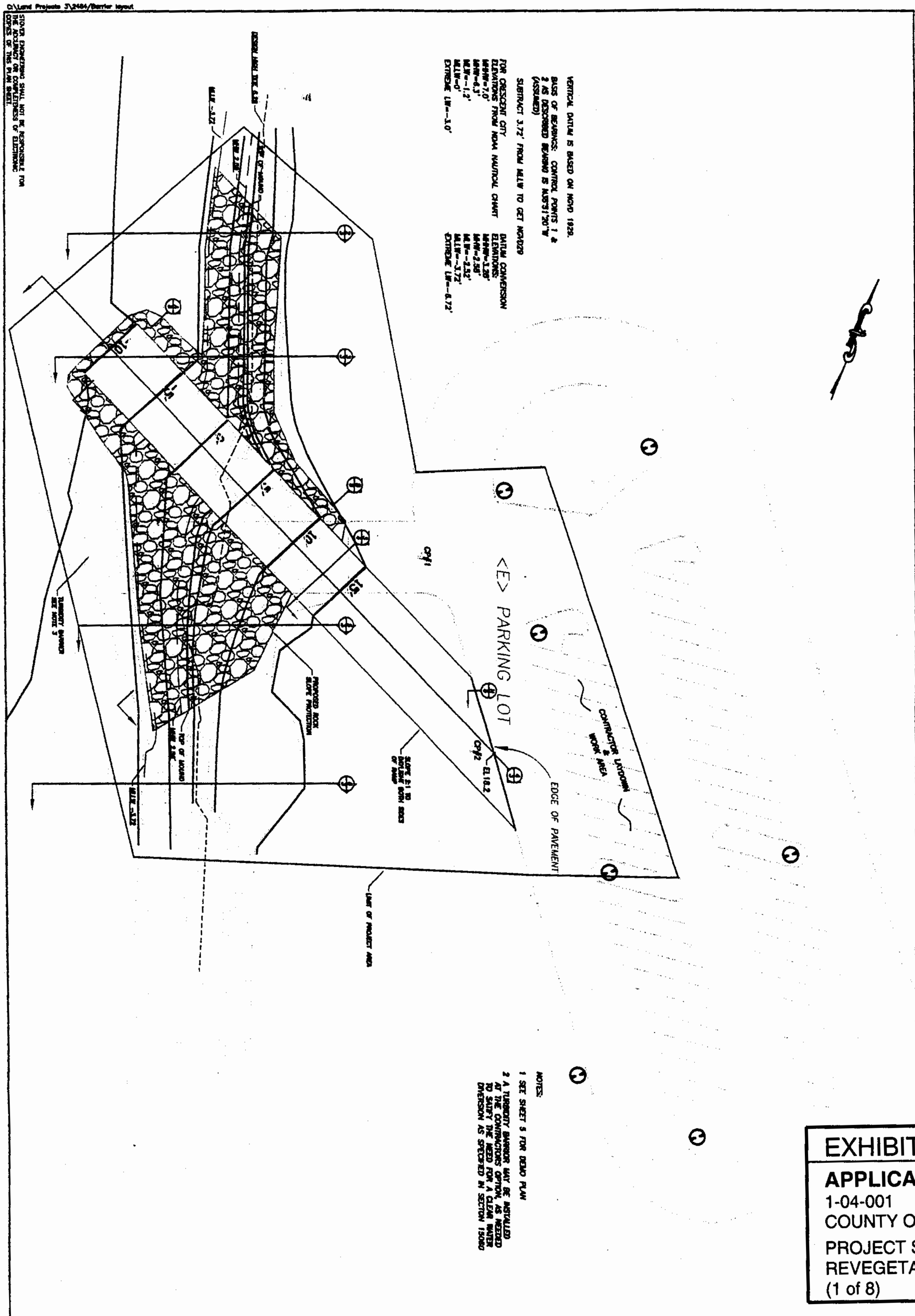


EXHIBIT NO. 4

APPLICATION NO.
1-04-001
COUNTY OF DEL NORTE
PROJECT SITE AND REVEGETATION PLANS
(1 of 8)

SHEET 2 OF 6	JOB NO 2484 SCALE: 1"=20' DATE: 8/2/03	DEL NORTE COUNTY KLAMATH BOAT RAMP CRESCENT CITY, CA PRELIMINARY PLAN SHEET	STOVER ENGINEERING Civil Engineers and Consultants PO BOX 783 · 711 H STREET CRESCENT CITY, CA. 95531 · 707-465-6742

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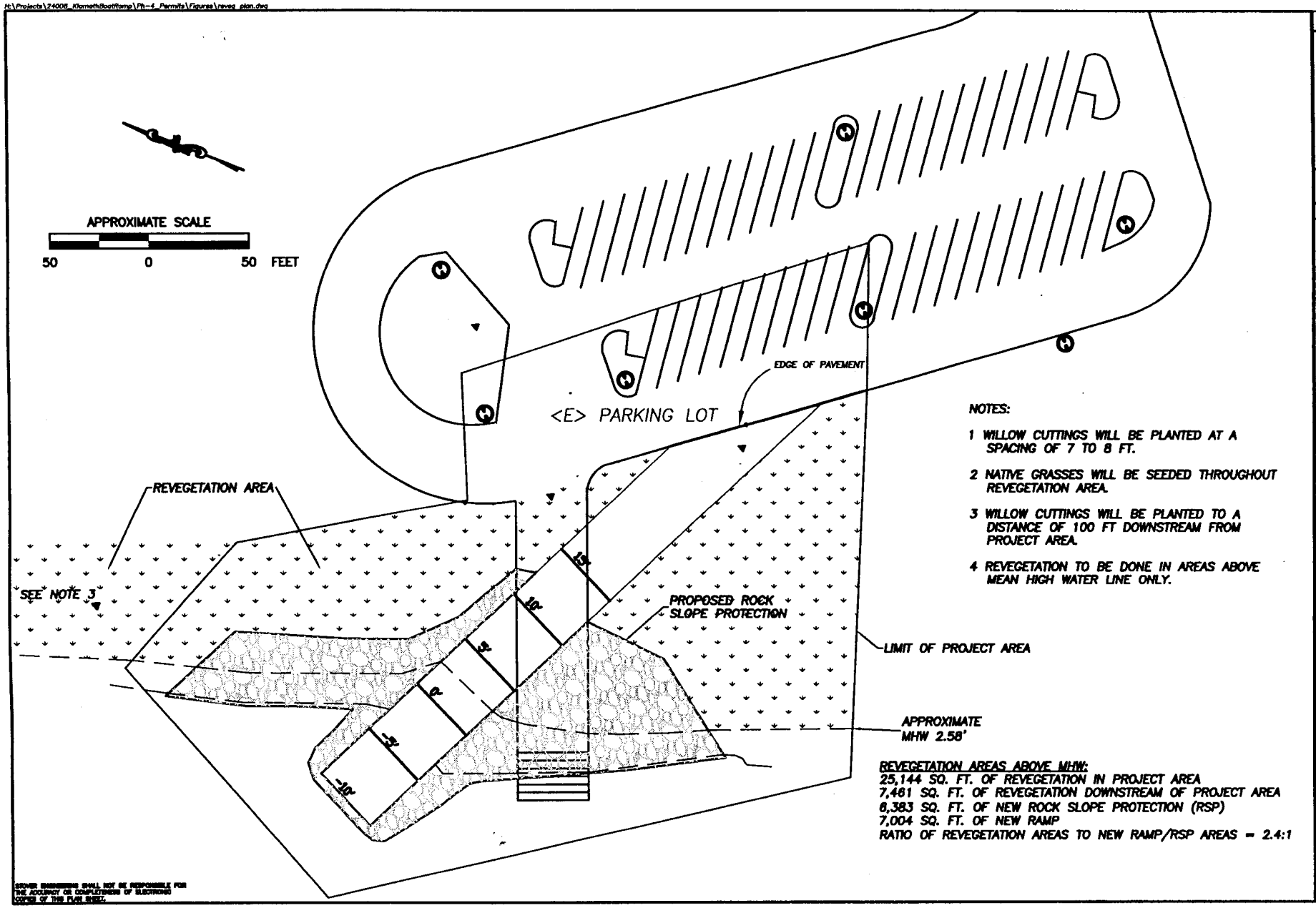


NOTES:

1 WILLOW CUTTINGS WILL BE PLANTED AT A SPACING OF 7 TO 8 FT.

2 NATIVE GRASSES WILL BE SEEDED THROUGHOUT REVEGETATION AREA.

3 WILLOW CUTTINGS WILL BE PLANTED TO A DISTANCE OF 100 FT DOWNSTREAM FROM PROJECT AREA.

4 REVEGETATION TO BE DONE IN AREAS ABOVE MEAN HIGH WATER LINE ONLY.

REVEGETATION AREAS ABOVE MHW:
25,144 SQ. FT. OF REVEGETATION IN PROJECT AREA
7,461 SQ. FT. OF REVEGETATION DOWNSTREAM OF PROJECT AREA
6,383 SQ. FT. OF NEW ROCK SLOPE PROTECTION (RSP)
7,004 SQ. FT. OF NEW RAMP
RATIO OF REVEGETATION AREAS TO NEW RAMP/RSP AREAS = 2.4:1

STOVER ENGINEERING
Civil Engineers and Consultants
PO BOX 783 - 711 H STREET
CRESCENT CITY, CA. 95531 - 707-465-6742

DEL NORTE COUNTY
KLAMATH BOAT RAMP
CRESCENT CITY, CA

REVEGETATION PLAN

JOB NO. 2484
SCALE:
DATE: 3/2/04
SHEET 2 OF 6

2484

Revegetation Site Plan
Klamath Townsite Replacement Boat Ramp Project

Revegetation activities will be conducted at the conclusion of construction activities within the project influence area of the Klamath Townsite Replacement Boat Ramp Project. Revegetation will focus on areas around the new ramp and immediately upstream and downstream of the ramp as close to the active channel as the existing vegetation that will be removed. Revegetation activities will not be conducted on the ramp itself nor on the rock slope protection (i.e., riprap) adjacent to the ramp, as these surfaces cannot support vegetation. The attached figure shows the revegetation plan area.

Willow cuttings will be planted and native grasses seeded as part of the revegetation program at the site. The plan includes planting willow cuttings in the project influence area at a spacing of 7 to 8 feet (density of 725/acre). Also, a native grass mix will be broadcast seeded at a rate of 5 to 10 pounds per acre (Pure Live Seed basis). Species will include Native red fescue (*Festuca rubra*) and Slough sedge (*Carex obnupta*) or other native alternative per Six Rivers Restoration (707-668-1821) or the California Conservation Corps (Klamath, 707-482-2941).

Willow staking will be used to plant willow cuttings. This method is a widely practiced riparian stabilization technique used by the California Conservation Corps, Redwood Community Action Agency, and other experienced tree planters. Qualified planters will be used to revegetate the area or a qualified professional will direct the revegetation effort. Willow staking involves using willow cuttings that are approximately four feet long with a diameter of one inch. Existing riparian vegetation upstream and downstream from the replacement boat ramp area will be used as source material for the plantings. The cuttings will be taken from healthy, live plants and should be reasonably straight. The selected cuttings should not be taken from the ends of branches. The ends of each cutting should be unsplit. Prior to planting, the bottom end of each cutting should be cut diagonally to facilitate water uptake and stake driving. The bottom one foot of the willow stakes should be kept wet prior to planting in the revegetation area by placing them in buckets of water, or covering the stakes in wet burlap sacks.

Seeding of the native grasses will be done by dry broadcast or hydroseeding. If dry broadcast is used for seeding, the seed will be lightly raked into the soil. After installation, the planted and seeded areas will be watered daily for a period of one week.

1

FILE 5550_1

KLAMATH BOAT RAMP

RIPARIAN VEGETATION MITIGATION PLAN

Prepared for:

Del Norte County Parks and Recreation Department
1005 H Street
Crescent City, Ca 95531

Prepared by:

OSCAR LARSON & ASSOCIATES
317 THIRD STREET
Eureka, CA 95501
(707) 445-2043

498

DEL NORTE COUNTY PARKS AND RECREATION DEPARTMENT

KLAMATH BOAT RAMP

RIPARIAN VEGETATION MITIGATION PLAN

BACKGROUND: The following plan has been prepared as a required element of a Coastal Development Permit (CDP) application for the Klamath Boat Ramp project. Figure #A illustrates the project location. The project includes construction of a small boat launching facility, adjacent parking, public restrooms, and an access road. The California Coastal Commission retains permit jurisdiction over a portion of the total project and has required an approved CDP prior to construction. Figure #B illustrates the proposed project conceptual layout.

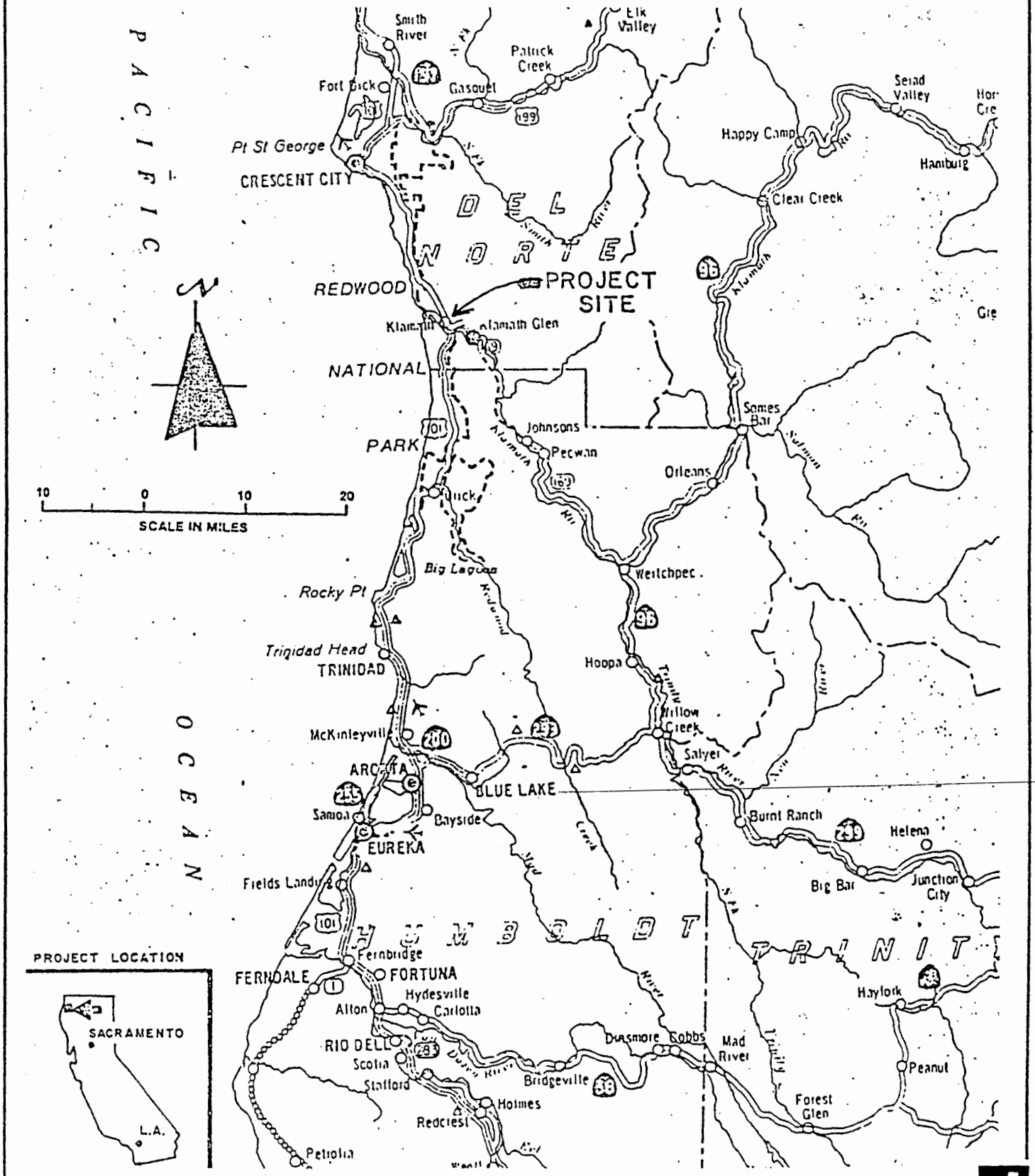
The Coastal Commission has retained jurisdiction over the entire boat ramp and therefore this Mitigation Plan addresses potentially impacted vegetation in the area of the proposed ramp. The enclosed plan sheet, Attachment #1, identifies the location of the area of retained jurisdiction regulated by the Coastal Commission.

PROJECT IMPACTS: Construction of the proposed boat ramp may impact existing riparian vegetation in an area approximately 150'x 50' for a total area of 7,500 square feet. Coastal Commission staff have indicated that similar projects recently approved by the Coastal Commission have required mitigation plans to compensate for any impacted riparian vegetation at a ratio of two square feet planted for each existing square foot of vegetation impacted. Therefore this Mitigation Plan proposes to revegetate an area twice as large as the potentially impacted ramp area for a total area of 15,000 square feet. Attachment #1 illustrates the proposed riparian vegetation mitigation area.

Existing riparian vegetation on the project site primarily consists of a mixture of alders, willows and cottonwoods. Past firewood gathering and flood events have disturbed the integrity of the riparian vegetation. The proposed revegetation activity will help restore prior riparian habitat values on the project site and meet the requirements of the Coastal Commission Coastal Development Permit application.

ATTACHMENT "A"

PROJECT LOCATION MAP

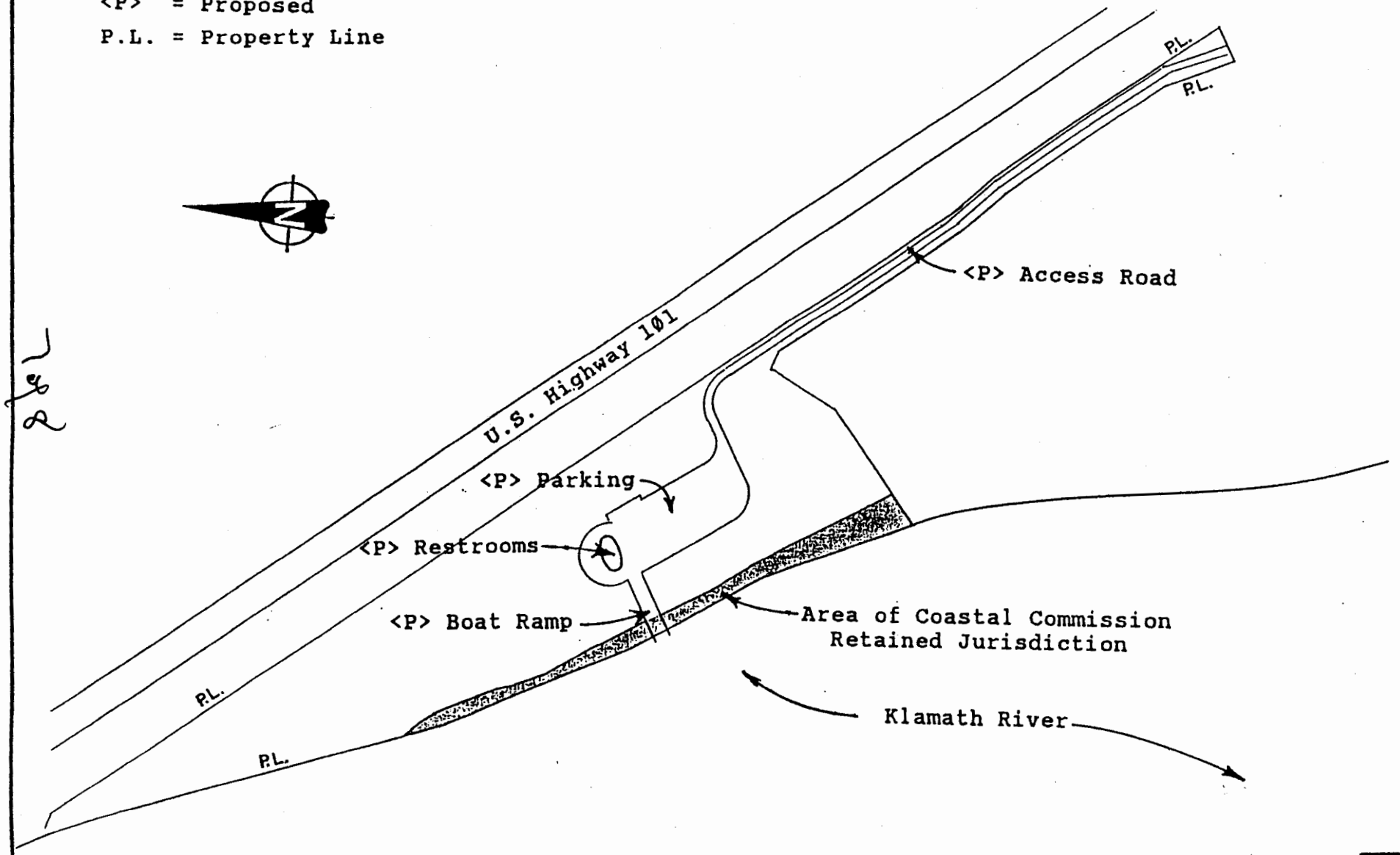


JN 5550.1 * 5/90 * DEL NORTE COUNTY

OSCAR LARSON & ASSOCIATES

KLAMATH BOAT RAMP
SITE PLAN

<P> = Proposed
P.L. = Property Line



JN 5550.1 * 5/90 * DEL NORTE COUNTY

OSCAR LARSON & ASSOCIATES

PROPOSED MITIGATION PLANTING: The applicant proposes to use a mitigation technique known as willow staking, a widely practiced riparian stabilization technique used by the California Conservation Corp, Redwood Community Action Agency, and other experienced tree-planters. Qualified planters should be used to revegetate the area or a qualified professional should direct the revegetation effort.

This method uses willow stakes approximately four feet (4') long with a diameter of one-inch (1"). These stakes should be obtained on the project site during site clearing activities. Existing riparian vegetation in the area of the proposed boat ramp and project access road should be used as source material for the proposed replanting area.

The cuttings should be taken from healthy, live plants and should be reasonably straight. The ends of the cuttings should be unsplit. Prior to planting, the bottom end of each cutting should be cut diagonally to facilitate water uptake and stake driving. The selected cuttings should not be taken from the ends of branches.

The willow stakes should be planted at a density of 725/acre. This will require installation of approximately 250 willow stakes in the proposed 15,000 square foot mitigation area. This mitigation plan recommends that approximately 300 willow stakes be prepared to ensure adequate material for the replanting area.

The bottom one-foot of the willow stakes should be kept wet prior to planting in the revegetation area by placing them in buckets of water, or covering the stakes in wet burlap stacks. Attachment A provides the proposed revegetation site. The willow stakes should be planted as per the planting diagram (Detail #1) and spaced at eight-foot (8') intervals as per the spacing diagram (Detail #2). No vegetation should be removed outside the areas of improvement (i.e. parking area, access road, and boat ramp). Also, all vegetation should be obtained from on the project site

After installation, the revegetation area should be watered daily for a period of one week.

PACIFIC NORTHWESTERN BIOLOGICAL
RESOURCES CONSULTANTS, Inc.
P.O. Box 150, Trinidad, California 95570-0150 - Phone or Fax: (707) 839-4643

May 26, 2003

Fred Charles, Senior Engineer
MFG, Inc.
1165 G St., Suite E
Arcata, CA

RE: Klamath Townsite Boat Ramp Replacement

Dear Mr. Charles,

This letter responds to your request for a site visit and preliminary analysis of potential effects to wildlife species other than fishes, as suggested by the U.S. Fish and Wildlife Service (USFWS letter, Michael Long to Alice Berg, April 23, 2003).

On May 23, 2003, I examined the project area including the existing boat ramp, the area of proposed new construction and adjacent areas. The grounds were searched thoroughly, and considerable time was also spent scanning the river, sky and distant hills for wildlife activity. Conditions were favorable: warm, sunny, with a slight breeze, and fog only at the river mouth.

Except for the patch of sedges near the existing parking lot, at the top of the proposed ramp, the plant community which will be disturbed is ruderal, with some pioneering native species but dominated by alien weeds. This terrestrial habitat immediately adjacent to the project area provides some suitable breeding or foraging opportunities for songbirds or rodents, but much more suitable conifer, hardwood and willow habitats exist within a few hundred yards on both sides of the Klamath River.

Invertebrates

The mardon skipper uses a variety of grasses and herbs, many of which are common and some of which are aliens. In Del Norte County the species is montane, and apparently restricted to serpentine grassland. The substrate in the project area is sand, and prior human disturbance has fostered development of common ruderal vegetation which is not appropriate habitat, though it may include potentially suitable forage species. Two species of larger butterflies were seen on-site on May 23, 2003, but no skippers were present.

Terrestrial Vertebrates

Three nest trees were visible across the river to the west and south. These appeared to be osprey nests, but no birds were observed at the nests, and only two were seen perched near them. Throughout the field visit ospreys were present in the air, and as many as five at one time were seen circling together. They patrolled the skies and attacked other raptors, including red-tail hawks, a red-shouldered hawk and the only individual of a listed species which was seen: a young bald eagle (federally threatened, proposed for delisting) being chased up-river by an adult osprey. Its age based on plumage was intermediate between one and two years.

It is not uncommon for eagles and ospreys to exchange nests from year to year, but eagles nest earlier in the season and young or adults should have been visible if any eagles were nesting. Even if bald eagles were to take over the observed nest trees in the future, the distance to the

project, its small scale and its location in a residential/commercial zone near Highway 101 mean that eagles would react to construction activity as a normal human activity for the area. There is no evidence that the hardwood trees and small spruces around the project are used as nesting or perch trees for either raptor.

No other listed or otherwise sensitive birds were observed, with the exception of several double-crested cormorants (a California "species of special concern-rookeries") seen flying or floating along the river. No nesting activity was observed in the area. No habitat for the snowy plover or northern spotted owl is present where it will be affected by the project. The western yellow-billed cuckoo is an accidental visitor not associated with any northcoast habitat. The only bird which exhibited territorial behavior on-site was a song sparrow.

Aquatic Vertebrates

It is conceivable that unregulated operations at the river's edge might indirectly effect riverine or even marine species in some way, but regulatory oversight and use of best management practices in ramp construction make such impacts unlikely. Further, because water quality issues and potential impacts to listed fish species which may be affected by this project will also be assessed and addressed, it is quite unlikely that any substantial biological impacts to any species dependent on the aquatic habitat will occur. The marine mammals, turtles and several birds on the USFWS list do indeed inhabit waters "downstream" from the project, but far beyond the distance at which any direct or indirect project effects could be measured.

Conclusion

At least for the animal species considered here (all but fishes), it is not clear that this project can be considered a major action under federal law. There is no evidence that it may have a significant impact on their individual or collective survival. The project to replace one small ramp with another seems minor when both the project footprint and intensity of the proposed action are considered in context.

In conclusion, evaluation of habitat needs of the species listed in the USFWS letter (April 23, 2003--Enclosure A, attached), combined with evaluation of the habitat in and immediately surrounding your proposed project site during a field review on May 23, 2003, provides no reason to believe that any species will suffer adverse impacts from the proposed construction or use of the new boat ramp. Neither "take" of individuals of listed species, nor adverse effects sufficient to jeopardize the continued existence of unlisted sensitive species are at all likely.

Gordon Ponting
Associate Biologist

Animal Species Observed
on, above or adjacent to the
Klamath Townsite Boat Ramp Project Site

May 23, 2003

California Tortoise-shell Butterfly
White Butterfly

Double-crested Cormorant
Green Heron
Black Scoter
Common Merganser
Turkey Vulture
Red-shouldered Hawk
Red-tailed Hawk
Bald Eagle
Osprey
unidentified Sandpiper
unidentified Gull
Caspian Tern
Band-tailed Pigeon
Belted Kingfisher
Common Raven
Steller's Jay
Northern Rough-winged Swallow
Violet-green Swallow
Cliff Swallow
Barn Swallow
Fox Sparrow
Song Sparrow
American Goldfinch

Harbor Seal

Specific References Used

Garth, J.S. and J.W. Tilden. 1985. California Butterflies. University of California Press, Berkeley, CA.

Opler, P.A., J. Fleckenstein and D. Schweitzer.1998. Mardon Skipper Ecology and Life History, <http://www.NatureServe.org>.

Sibley, David A. 2000. National Audubon Society The Sibley Guide to Birds. Alfred A. Knopf, Inc. New York, N.Y.

Stewart, Bob. 1997. Common Butterflies of California. West Coast Lady Press, Point Reyes Station, CA.

Zeiner, David C., *et.al.* 1990. California's Wildlife. California Department of Fish and Game. Sacramento, CA.

Klamath Boat Ramp Botanical Survey
Prepared by: Greg Jennings

All species on lists 1 – 3 of California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants of California 6th Edition were reviewed to determine potential presence in the project vicinity. Database queries were limited by the following parameters: habitats possibly present within the project area (i.e., riparian scrub, riparian woodland, riparian forest, coastal bluff scrub, coastal scrub, marshes and swamps, meadows, and coastal dunes), and an area defined by an approximate 14-mile radius (9 topo quads). Based on the California Natural Diversity Data Base (CNDDB) and CNPS Inventory records, 21 sensitive species are known to occur within the specified habitats and area (table 1). These were considered to be the most likely sensitive species to occur in the project area and were specifically targeted during surveys.

A complete survey of the project area was conducted on May 26th, 2003. Thirty vascular plant species were identified during the field visit (table 2). In general, the site is well vegetated. Upstream from the existing ramp the riverbank is occupied by willow, alder and cottonwood with a dense thicket of Himalayan blackberry behind the immediate riverbank canopy. A dense population of water sedge (*Carex aquatilis*) occupies much of the site between the blackberry thicket and the parking lot. Downstream from the ramp the riverbank is more highly eroded with only intermittent tree cover. Downstream vegetation is dominated by graminoids and forbs. Most of the project area is either disturbed and/or dominated by exotic species. Overall habitat quality for sensitive plants is poor to moderate. No sensitive species were located during the May 26th field inspection and the implementation of this project as planned will have no impact on sensitive plant species or habitat.

EXHIBIT NO. 6
APPLICATION NO.
1-04-001
COUNTY OF DEL NORTE
BOTANICAL SURVEY
(1 of 4)

Table 1. Sensitive Species (CNPS lists 1 – 3) known to occur in the vicinity of the mouth of the Klamath.

Scientific Name	Common Name	CNPS List
Abronia umbellata ssp. *breviflora*	pink sand-verbena	1B
Carex leptalea	flaccid sedge	2
Carex lyngbyei	Lyngbye's sedge	2
Carex viridula var. *viridula*	green sedge	2
Castilleja affinis ssp. *litoralis*	Oregon coast Indian paintbrush	2
Discelium nudum	naked flag-moss	2
Empetrum nigrum ssp. *hermaphroditum*	black crowberry	2
Eriogonum nudum var. *paralinum*	Del Norte buckwheat	2
Gilia capitata ssp. *pacifica*	Pacific gilia	1B
Gilia millefoliata	dark-eyed gilia	1B
Lathyrus japonicus	sand pea	2
Lathyrus palustris	marsh pea	2
Lilium occidentale	western lily	1B
Mitella caulescens	leafy-stemmed mitrewort	2
Oenothera wolfii	Wolf's evening-primrose	1B
Potamogeton foliosus var. *fibrillosus*	fibrous pondweed	2
Romanzoffia tracyi	Tracy's romanzoffia	2
Sidalcea malachroides	maple-leaved checkerbloom	1B
Trientalis arctica	arctic starflower	2
Triquetrella californica	coastal triquetrella	1B
Viola palustris	marsh violet 2	2

Table 2. Complete list of vascular plant species occuring within project area (* denotes exotic, ** denotes invasive/noxious weed).

Trees	
Populus balsamifera	black cottonwood
Alnus rubra	red alder
Salix lasiolepis	arroyo willow
Shrubs	
Baccharis pilularis	coyote brush
Lonicera involucrata	twinberry
*Rubus discolor***	Himalayan blackberry
Forbs	
*Medicago polymorpha**	California burclover
*Conium maculatum**	poison hemlock
*Foeniculum vulgare**	fennel
*Plantago lanceolata**	English plantain
*Geranium dissectum**	geranium
*Taraxacum officinale**	dandelion
*Anagallis arvensis**	scarlet pimpernel
*Veronica persica**	Persian speedwell
*Raphanus raphanistrum**	jointed charlock
Marah fabaceus	California man-root
Artemesia suksdorfii	coastal mugwort
*Bellis perennis**	English daisy
*Trifolium repens**	white clover
Graminoids	
*Dactylis glomerata**	orchard grass
*Avena fatua**	wild oat
*Lolium perenne**	perennial ryegrass
Vulpia microstachys	annual fescue
*Anthoxanthum odoratum**	sweet vernal grass
*Holcus lanatus**	common velvet grass
*Festuca pratensis**	meadow fescue
*Bromus diandrus**	ripgut
*Cortaderia jubata***	pampus grass
Carex aquatilis	water sedge
Carex praegracilis	clustered field sedge

Enclosure A
Listed/Proposed Threatened and Endangered Species for the REQUA Quad (Candidates Included)

April 23,2003

TYPE	SCIENTIFIC NAME	COMMON NAME	CATEGORY	CRITICAL HABITAT
Invertebrates				
	Polites mardon	mardon skipper	C	N
Fish				
*	*Sebastes paucispinis*	bocaccio	C	N
	Eucyclogobius newberryi	tidewater goby	E	Y
*	*Oncorhynchus tshawytscha*	CA coastal chinook salmon	T	N
*	*Oncorhynchus kisutch*	S. OR/N. CA coho salmon	T	Y
Reptiles				
*	*Dermochelys coriacea*	leatherback turtle	E	Y
*	*Chelonia mydas (incl. agassizi)*	green turtle	T	N
*	*Lepidochelys olivacea*	olive (=Pacific) ridley sea turtle	T	N
*	*Caretta caretta*	loggerhead turtle	T	N
Birds				
	Coccyzus americanus	Western yellow-billed cuckoo	C	N
	Pelecanus occidentalis californicus	California brown pelican	E	N
	Phoebastris albatrus	short-tailed albatross	E	N
	Haliaeetus leucocephalus	bald eagle	T	N
	Strix occidentalis caurina	northern spotted owl	T	Y
	Charadrius alexandrinus nivosus	western snowy plover	T	Y
	Brachyramphus marmoratus	marbled murrelet	T	Y
Mammals				
*	*Physeter macrocephalus*	sperm whale	E	N
*	*Balaenoptera musculus*	blue whale	E	N
*	*Megaptera novaengliae*	humpback whale	E	N
*	*Balaenoptera physalus*	fin whale	E	N
*	*Balaenoptera borealis*	sei whale	E	N
*	*Eumetopias jubatus*	Steller (=northern) sea-lion	T	Y

KEY:		
	(PE) Proposed Endangered	Proposed in the Federal Register as being in danger of extinction
	(PT) Proposed Threatened	Proposed as likely to become endangered within the foreseeable future
	(E) Endangered	Listed in the Federal Register as being in danger of extinction
	(T) Threatened	Listed as likely to become endangered within the foreseeable future
	(C) Candidate	Candidate which may become a proposed species
	Critical Habitat	Y = Designated, P = Proposed, N = None Designated
	*	Denotes a species Listed by the National Marine Fisheries Service

YUROK TRIBAL HERITAGE PRESERVATION OFFICE

15900 Highway 101 North
Klamath, CA 95548
Phone: (707) 482-1822
Fax: (707) 482-1722

TRIBAL INVENTORY

April 16, 2003 File Number: Thiesen 03-01

Stan Thiesen
MFG, Inc. a
Tetra Tech Company
1165 G Street, Suite E
Arcata, CA 95521-5817

Re: Klamath Townsite Replacement Boat Ramp, Del Norte County, CA

Dear Mr. Thiesen,

Per your request of April 15, 2003 a rapid response records search was conducted for the area that you indicated on the attached map. This record search included review of previous studies conducted in the vicinity of the project, review of any previously recorded site records (archeological and historic), review of historic maps, and review of applicable historic and ethnographic documents.

Previous Studies Conducted in Vicinity
The following reports and accompanying survey areas have been plotted on your attached map in green. Any relevant information is summarized below.

YT-10-90	No sites.
YT-44-97	No sites.
YT-92-99	No sites.

Historic and Cultural Resources
This Office has no records of previously recorded historic resources that have been found in your project area.

Literature Review
The following literature and maps were reviewed for possible unrecorded historic resources. No further information was obtained from these sources.

Yurok Geography(Waterman)	No sites.
California Inventory of Historic Resources (OHP)	No sites.
California Historic Property Inventory (OHP)	No sites.
1889 GLO Land Plat Map	No sites.

EXHIBIT NO. 7
APPLICATION NO.
1-04-001
COUNTY OF DEL NORTE
CULTURAL RESOURCES INVENTORY (1 of 4)

Recommendations
These recommendations are based only on the information on file in this office. There is always the possibility that additional documents and records exist elsewhere or that unrecorded historic and cultural resources exist within your project area. We predict that there is a **low to medium** probability of finding sites or other evidence of human cultural activity in the following areas of your project area.

Please be advised that the locations of historic and cultural resources do not always follow predictive patterns.

If unrecorded sites or other evidence of human historic or cultural activities is discovered within the project area, then such resources are to be recorded on State of California DPR 523 forms. All mitigation or preservation efforts need to be reviewed and approved by a CDF archeologist. Following plan approval from CDF, all final reports and associated site records must be sent to this office for accession into the information center files (14 CCR 929.1(f).

Thank you for your efforts to preserve Northwest Californian historic and cultural resources. Should you have further question concerning your project or this correspondence please do not hesitate to call us at (707) 482 1822.

Sincerely,

Thomas Gates

Dr. Thomas Gates
Yurok Tribal Heritage Preservation Officer

BIBLIOGRAPHY

YT-10-90 (S-12227)

1990 Smith, Ann King Cultural Resources Survey of the Proposed Boat Ramp Facility at Klamath, California, for County of Del Norte Parks and Recreation. On file at North Coastal Information Center.

YT-44-97

1997 Gates, Thomas "Yurok Tribal Heritage Preservation Officer Concurrence Gensaw Parcel Transfer of Fee to Trust Status." On file at North Coastal Information Center.

YT-92-99

1999 McConnell, Robert. Archaeological Clearance Report-Yurok Housing Authority-Klamath Townsite Parcels. On file at North Coastal Information Center.

Waterman, T.T.

1993 Yurok Geography. University of California; Publications in American Archaeology and Ethnology, volume 16, no. 5, pp. 177-315. Trinidad Museum Society (reprint).

Office of Historic Preservation

2002 California Historic Property Inventory. On file at North Coastal Information Center.

Office of Historic Preservation

2002 California Inventory of Historic Resources. On file at North Coastal Information Center.

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Sec 10

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
333 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105-2197

AUG 2 8 2003

EXHIBIT NO. 8
APPLICATION NO.
1-04-001
COUNTY OF DEL NORTE
AGENCY REVIEW
CORRESPONDENCE
(1 of 8)

Regulatory Branch (1145b)

SUBJECT: File Number 27826N

Mr. Jay Sarina
County of Del Norte
981 H Street, Suite 110
Crescent City, California 95531

Dear Mr. Sarina:

This letter is in reference to your permit application submitted on May 13, 2003, concerning Department of the Army authorization to discharge fill below the High Tide Line into navigable waters of the United States in connection with the repair and modification of the existing Klamath Townsite Boat Launch Ramp. The project site is located west of Highway 101 at the end of Chapman Road (via the Klamath Glen/Hwy 101 exit), on the right bank of the Klamath River, in the town of Klamath, Del Norte County, California. The work involves placement of approximately 3,000 cubic yards (CY) of ½ ton rock slope protection to protect the river bank and the boat ramp and place 225 CY of concrete to repair the full length of the boat ramp, cut off walls and rail restraint blocks (approximately 140 lineal feet). The project as described above is shown on the attached drawings marked, "Purpose: Boat Ramp Repair & Modification, At: Klamath Townsite, In: Klamath River, County: Del Norte, State: CA, Application By: County of Del Norte" in three (3) sheets dated 5/2/03 (Enclosure 1).

Based on a review of the above permit application you submitted and a site inspection by our Eureka Office staff on May 7, 2003, your project qualifies for authorization under Department of the Army Nationwide Permit 3, Maintenance and Nationwide Permit 13, Bank Stabilization (67 FR 2020, January 15, 2002), pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

The project must be in compliance with the General Conditions cited in Enclosure 2 for this Nationwide Permit authorization to remain valid. **Upon completion of the project and all associated mitigation requirements, you shall sign and return the Certification of Compliance**, Enclosure 3, verifying that you have complied with the terms and conditions of the permit. Non-compliance with any condition could result in the revocation, suspension or modification of the authorization for your project, thereby requiring you to obtain an individual permit from the Corps. This Nationwide Permit authorization does not obviate the need to obtain other State or local approvals required by law.

This authorization will remain valid for two years from the date of this letter unless the Nationwide Permit is modified, suspended or revoked. If you have commenced work or are under contract to commence work prior to the suspension, or revocation of the Nationwide Permit and the project would not comply with the resulting Nationwide Permit authorization, you have twelve (12) months from that date to complete the project under the present terms and conditions of the Nationwide Permit.

This authorization will not be effective until you have obtained Section 401 water quality certification from the United States Environmental Protection Agency (EPA), Region IX, Wetlands Regulatory Office (WTR-8), San Francisco and a concurrence from the California Coastal Commission (unless not required, since the project is on Native American tribal land) with your certification that your project will comply with California's Coastal Zone Management Act. If the EPA fails to act on a valid request for certification within two (2) months after receipt, the Corps will presume that water quality certification has been obtained. If the Commission fails to act on a valid request for concurrence with your certification within six (6) months after receipt, the Corps will presume a concurrence has been obtained. You shall submit a copy of the certification and concurrence to the Corps prior to the commencement of work.

To ensure compliance with the Nationwide Permit, the following special conditions shall be implemented:

1. The permittee shall conduct all in stream work between July 1 and August 31.

2. The permittee shall replant any disturbed or disturbed riparian vegetation with native riparian vegetation on a 1:1 replacement ratio.

3. The permittee shall monitor turbidity levels downstream of the project area every 2-3 hours during in stream work. Work shall cease temporarily if the resulting turbidity levels exceed background levels by more than 20 percent.

4. The permittee shall contact and coordinate with the Yurok Tribe prior to any pre-implementation planning and monitoring activities (including fish presence) associated with the boat ramp modification project.

You may refer all questions to David A. Ammerman of our Eureka Office, Regulatory Branch at 707-443-0855. All correspondence should reference the file number 27826N.

Sincerely,

ORIGINAL SIGNED
BY
CHIEF, NORTH SECTION
FOR

Jane M. Hicks
Chief, North Section

Enclosures

Copies Furnished (w/encl 1 only):

US EPA, San Francisco, CA
US F&WS, Arcata, CA
US NMFS, Arcata, CA

Yurok Tribe
Fisheries Department
15900 Hwy 101 North
Klamath, CA 95548

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

AUG 13 2003

151422SWR03AR8858:BW

Mr. Calvin Fong
Chief, Regulatory Branch
U.S. Army Corps of Engineers
3333 Market Street
San Francisco, California 94105-2197

RE: Informal Consultation on the Klamath Townsite Launching Facility Ramp Repair and Modification on the Klamath River in Del Norte County, California.

Dear Mr. Fong:

On August 1, 2003, the National Marine Fisheries Service (NOAA Fisheries) received a July 30, 2003, letter and biological assessment (BA) from the US Army Corps of Engineers (USACE), requesting informal consultation on the repair and modification of the Klamath Townsite Launching Facility Ramp on the Klamath River (Project), pursuant to section 7(a)(2) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations, 50 CFR § 402. This letter constitutes informal consultation on the Project.

Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*) Evolutionarily Significant Unit (ESU) was listed as threatened under the ESA by NOAA Fisheries on May 6, 1997 (62 FR 24588). Critical habitat for SONCC coho salmon was designated by NOAA Fisheries on May 5, 1999 (64 FR 24049). SONCC coho salmon are likely to occur in the action area and were considered in this consultation. However, the action area of the Project lies entirely within the reservation boundaries of the Yurok Tribe. Tribal lands were excluded from the critical habitat designation; therefore, critical habitat will not be considered in this consultation.

Del Norte County proposes to repair and modify the existing boat ramp on the lower Klamath River at river mile 2.5 in T13N R1E Section 10 in order to address public safety issues at the existing ramp and to improve the design of the ramp to minimize future maintenance needs. Concrete panels and rails that comprise the existing ramp will be removed at low tide using an excavator staged on the upper portion (outside of the wetted channel) of the existing ramp. Modification of the angle of the ramp below the high water mark and the adjacent streambanks for placement of the rock slope protection will require excavation of approximately 3000 cubic yards (cy) of material (500-700 cy of excavation for the ramp and >2000 cy to accommodate placement of rock slope protection). The new ramp will require 2-3 holes (up to 6 feet deep

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below bed level) at the bottom edge. Rails will be placed in each hole and the hole filled with concrete. This work will be done at low tide, but the controlled concrete pour may occur underwater. Rails will be placed on the finish grade and pre-constructed concrete panels will be slid down the rails into position to form the ramp.

A bench will be excavated at the base of the graded slopes and along the ramp bottom to serve as a foundation for setting the bottom row of rip rap (approximately 250 ft. in length on the upstream side of the existing ramp, and 170 ft. on the downstream side). Heavy equipment will be staged on the top of banks to construct the bench. Rip rap (½ ton) will be placed over the graded surfaces and tied into the trench at the base of the slopes to provide permanent stabilization adjacent to the ramp. The total area requiring rip rap placement covers approximately 0.25 acres: 0.17 acre upstream of the existing ramp and 0.08 downstream of the existing ramp. Filter fabric will be placed prior to setting the rip rap. The finished grade of rip rap covered slopes will approximate undisturbed banks up and downstream of the ramp. Slit fences will be installed at the base of existing slopes/banks prior to excavation and grading. All equipment will be staged at the paved boat ramp parking area.

The project will require the removal of 0.5 acres of riparian vegetation, including willows and alders immediately adjacent to the existing boat ramp (0.18 acre on the downstream side of the existing ramp and 0.32 acres on the upstream side of the existing ramp). Vegetation will be replanted on a 1:1 basis around the new ramp and immediately up- and downstream of the ramp as close to the active channel as the existing vegetation that will be removed, and while still allowing for optimum survival.

Direct and indirect adverse effects to SONCC coho salmon from the Project's construction activities are not expected because all instream work will be completed between July 1 and August 31, when SONCC coho salmon are unlikely to be in the action area. Juvenile surveys in the Klamath River estuary indicate that nearly all outmigrating SONCC coho salmon smolts have left the river by mid-June. Over the course of many years, these surveys have detected only a handful of SONCC coho salmon smolts in the estuary after July 1 (Mike Wallace, biologist, California Department of Fish and Game, pers. comm., July 16, 2003). Adult SONCC coho salmon typically do not enter the Klamath River estuary until September, with the peak of the run arriving in the middle of the month (George Guillen, biologist, US Fish and Wildlife Service, pers. comm., July 16, 2003). Adult SONCC coho salmon have occasionally been detected in the Klamath River estuary in late August, but even then these animals represent only 1-5 percent of the total run (George Guillen, biologist, US Fish and Wildlife Service, pers. comm., July 16, 2003).

The remaining source of potential adverse effects to SONCC coho salmon from the Project would be in the form of harm to juvenile coho salmon from loss or degradation of rearing habitat. The current bank configuration within the footprint of the Project will be modified by the removal of riparian vegetation, construction of the bench, and placement of rip rap. Estuary

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surveys suggest that a small number of juvenile SONCC coho salmon move into the action area as early as October of each year and rear there until they outmigrate the following spring (Mike Wallace, biologist, California Department of Fish and Game , pers. comm., July 14, 2003). However, these juveniles tend to be associated with large instream structures and overhanging vegetation, which are present in the action area, but relatively lacking within the footprint of the project. Furthermore, the rip rap that will be used is large in size, and should provide good cover and shading in the interstitial spaces. Finally, all riparian vegetation that will be removed during Project implementation will be replaced at a 1:1 ratio immediately adjacent to both ends of the finished rip rap banks. Therefore, potential for adverse effects to juvenile SONCC coho salmon from degradation of habitat called for in the Project is insignificant.

In summary, effects of the Project on SONCC coho salmon will be discountable or insignificant for the following reasons: (1) all instream work will occur between July 1 and August 31, when SONCC coho salmon are unlikely to be present in the action area; (2) riparian vegetation will be replanted at a 1:1 ratio; (3) the existing habitat that will be modified by the Project is not as suitable for rearing SONCC coho salmon as the habitat immediately upstream and downstream of the Project; and (4) the large rip rap that will be used for bank stabilization will provide cover and shading for juvenile SONCC coho salmon.

Based on available information, NOAA Fisheries concurs with USACE's determination that the Project may affect but is not likely to adversely affect SONCC coho salmon.

This concludes informal ESA consultation in accordance with 50 CFR § 402.14(b)(1) for the Project. However, further consultation may be required if: (1) new information reveals that the Project may affect listed SONCC coho salmon in a manner or to an extent not previously considered; (2) if the Project is subsequently modified in a manner that causes an effect to listed SONCC coho salmon; or (3) a new species is listed or critical habitat designated that is not considered in this consultation and may be affected by the Project.

Essential Fish Habitat Conservation Recommendations

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) and its implementing regulations require Federal agencies to consult with NOAA Fisheries regarding any action or proposed action that may adversely affect Essential Fish Habitat (EFH) for Federally managed fish species. Section 305(b)(4)(A) of the MSFCMA directs NOAA Fisheries to develop and provide USACE and appropriate state agencies with EFH Conservation Recommendations. Section 305(b)(4)(B) of the MSFCMA requires USACE to send NOAA Fisheries a detailed written response within 30 days to these EFH Conservation Recommendations, including a description of measures adopted by USACE to avoid, minimize, or mitigate the impact of the project on EFH (50 CFR 600.920(j)). USACE must explain its reasons for not following any EFH recommendations, including the scientific justification for any

disagreements with NOAA Fisheries over the anticipated effects of the proposed action and the measures needed to avoid, minimize, or mitigate such effects.

The action area of the Project includes areas identified as EFH for Chinook salmon and coho salmon. The Project BA produced by USACE concluded that the Project will not adversely affect EFH for coho salmon of Chinook salmon. However, based on the best available information, NOAA Fisheries has determined that the Project may adversely affect EFH.

During concurrent ESA and EFH consultation on the Project, NOAA Fisheries and Yurok Tribal Fisheries expressed concern about potential adverse effects to Chinook salmon EFH and juvenile Chinook salmon that utilize the river bank rearing habitat within the action area. Del Norte County and their consulting biologist suggested that they would monitor turbidity levels downstream of the Project every 2-3 hours during instream work, and that work will cease temporarily if the resulting turbidity exceed background levels by more than 20 percent. This approach will further minimize adverse impacts to Chinook salmon EFH and juvenile Chinook salmon, which represent an important tribal trust resource. NOAA Fisheries applauds these efforts and thanks the Project applicants for taking pro-active steps to minimize the impacts of the Project.

NOAA Fisheries provides two EFH conservation recommendations to USACE and the California Department of Boating and Waterways (CDBW) below. Please note that the MSFCMA does not require state agencies such as CDBW to provide a written response to EFH Conservation Recommendations.

1. In the process of informal ESA consultation, NOAA Fisheries provided suggestions on alternative designs and approaches for the Project described above that could have further minimized effects to Chinook salmon and coho salmon EFH. Unfortunately, notification of the Project came at such a late date that substantive changes to the Project design were not feasible, as the proposed design had already been approved by CDBW and Project implementation was expected to commence within two months. NOAA Fisheries recommends that USACE, CDBW, their permitees and funding recipients contact NOAA Fisheries for technical assistance on the design of boat ramps and similar instream structures requiring erosion control structures. NOAA Fisheries' Habitat Conservation Division employs experts in aquatic fish habitat that stay abreast of the latest and most environmentally sensitive designs and techniques for projects involving erosion control structures. Early involvement of NOAA Fisheries could help ensure that these projects are designed in a manner that minimizes adverse effects to Chinook salmon and coho salmon EFH.

2. NOAA Fisheries recommends that the instream portion of the project be implemented as early as reasonably possible within the July 1-August 31 construction window to further avoid adverse impacts to adult salmon- particularly Chinook salmon. Adult Chinook salmon begin entering the

Klamath estuary in August, provided that the mouth of the river is open, and early completion of the instream portion of the project will avoid subjecting these fish to elevated turbidity levels. If you have any questions regarding these consultations, please contact Brad Wiley, of my staff, at (707) 825-5169.

Sincerely,

Rodney R. McInnis
Acting Regional Administrator

cc: Jay Sarina, Del Norte County, Crescent City
Chuck Donley, California Department of Boating and Waterways, Sacramento

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