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Filed:	August 9, 2006
49 th Day:	September 27, 2006
180 th Day:	February 5, 2007
Staff:	Jim Baskin
Staff Report:	August 31, 2006
Hearing Date:	September 15, 2006
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:	1-06-011
APPLICANT:	California Department of Boating and Waterways
PROJECT LOCATION:	At the County of Humboldt Pedrazzini Park Boat Launching Facility, situated on the north bank of the Roper's Slough arm of the lower Eel River adjacent to Cock Robin Island Road, Humboldt County. APN 100-011-09.
PROJECT DESCRIPTION:	Renovate the existing Pedrazzini Park boat launching facility. A 3,200-square-foot combination pre-fabricated "push slab" and cast-in-place boat ramp approach apron would be constructed at the location of the existing gravel surfaced boat launching slope. Eighty cubic yards of gravel base would be installed beneath the new ramp and approximately 120 cubic yards of rock slope protection would be placed around the lower perimeter of the new ramp to protect the facility from scour. Approximately 150 cubic yards of river-run gravel and sand materials will be excavated from the area surrounding the existing launching slope and, along with 800 cubic yards of imported river-run gravel, graded onto the existing adjoining gravel parking area to raising its level by

1½ feet to match the grade of the new ramp. Two small isolated patches of alder trees and ruderal vegetation growing in the middle of the parking area totally approximately 3,200 square feet would also be cleared to facilitate great ease of maneuvering boat trailers for launching watercraft. The removed trees would be placed into the adjoining river areas as a “large woody debris” habitat enhancement for anadromous fish. Other facility improvements include the under-grounding of a high-voltage electrical transmission line through the site and installation of project signage.

LOCAL APPROVALS RECEIVED: None required.

OTHER APPROVALS RECEIVED: (1) Army Corps of Engineers Nationwide Permit Nos. 3 and 13, issued April 28, 2006; (2) North Coast Regional Water Quality Control Board FCWA Section 401 Certification No. 1B06018WNHU, issued July 10, 2006; and (3) California Department of Fish and Game CFGC Section 1602(a)(4)(D) Streambed Alteration Notification No. R1-06-0101, issued April 28, 2006.

SUBSTANTIVE FILE
DOCUMENTS:

Humboldt County LCP

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve with conditions this application for the replacement of the County of Humboldt’s existing recreational boat ramp on the lower Eel River at Pedrazzini Park near the unincorporated town of Loleta.

The project would entail the installation of a 3,200-square-foot concrete boat ramp, and approach pad and apron in the area of the existing gravel boat launching slope. Approximately 150 cubic yards of sand, gravel, and debris materials and would first be excavated from the site of the existing slope and spread over the adjoining parking area. Eighty cubic yards of gravel base would then be placed within the excavated area to form a foundation for the new ramp. A 20-foot-wide by 60-foot-long pre-fabricated “push slab” would be slid into the river to its low water elevation over the gravel bed with a 100-foot length of cast-in-place concrete formed on the landward approach apron leading to the push slab. In addition, approximately 120 square feet of rock slope protection would be placed around the periphery of the new ramp to protect the structure from the

erosive forces of the river. Two patches of alder trees and ruderal vegetation, covering a combined area of approximately 3,200 square feet, would also be removed to facilitate greater maneuvering of boat trailers for launching watercraft from the new ramp. These materials would be placed within the adjoining river area as a large woody debris fish habitat enhancement.

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 approximate 300 square feet of aquatic riverbed would be covered by a new ramp and rock 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.

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.

Special Condition No. 2 identifies water quality best management practices for minimizing or avoiding impacts to water quality and environmentally sensitive habitat areas (ESHA) to be employed during grading and construction of the new boat ramp, including, prohibiting concrete delivery truck wash-out maintenance at the site, the installation of containment barriers to prevent entry of debris into river waters and ESHA that any materials that should enter these areas 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 and riparian ESHA.

Special Condition No. 3 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 the adjoining riparian ESHA, 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.

The proposed project is located at and below the Ordinary High Water elevation along and within the Eel River comprising submerged and tidal waters subject to the Commission's area of original or retained coastal development permit jurisdiction. In addition, the project includes development in adjoining areas shown on the State Lands Commission over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the development is the Chapter 3 policies of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-06-011 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 excavation activities shall be completed prior to October 1.

2. 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 Eel River and the riparian habitat adjoining the project site. Any debris resulting from construction activities that should inadvertently enter the river or the adjoining riparian habitat shall be removed from coastal waters immediately;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 10 days of project completion;
- (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 Eel River channel or the riparian habitat along the project site;

- (e) No excavated materials shall be side-cast into the river or riparian habitat 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 the edge of the riparian habitat;
- (h) Fuels, lubricants, and solvents shall not be allowed to enter the waters of the Eel River or the adjoining riparian habitat. 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 or near the riparian habitat shall utilize vegetable oil as hydraulic fluid; and
- (i) All concrete delivery vehicle wash-out maintenance shall be conducted at an off-site location where wash runoff can be discharged into a sanitary sewer system.

3. Need for Permit Amendment

All development authorized by Coastal Development Permit No. 1-06-011 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 Eel River, to remove any of the riparian vegetation surrounding the boat ramp parking lot, 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. Project Background.

The existing boat launch ramp is commonly known as the Pedrazzini Boat Launch and has been used for 40 years as a launch for small fishing boats, canoes, kayaks, rowboats and other passive recreational uses, providing one of the principal points of access to the lower Eel River estuary. In March of 1966, Albert Pedrazzini and Charles Pedrazzini, owners of the adjacent uplands, entered into a five-year agreement with the County of Humboldt to allow free and unhindered public use of a portion of the family's land as a parking area and boating access point to the Eel River. This agreement provided approximately one acre of land on the lower Eel River adjacent to the northern abutment of the Cock Robin Island Bridge, on the lower reach of Roper's Slough that had become the river's main channel in 1960. The original 1966 agreement allowed the County to construct and maintain an access road to the site as well. Later that summer, the one-acre area was subsequently cleared of riparian vegetation with an approximately ½-acre parking lot graded out with a ramp slope formed down into the river waters.

During the floods of 1986, the Roper's Slough channel on which the boat launch facility fronts was deepened by scour and captured the majority of flows down through this portion of the lower river. The former main channel of the river along the south side of Cock Robin Island aggraded into a series of shallow braided channels. As a consequence of this avulsion and the ramp's location on the outer track of a meander bend and within the eddy area downstream of the Cock Robin Island Bridge, the Pedrazzini Park facility has been subject to intensified scour and debris deposition over the last 20 years, resulting in further damage to the launching ramp slope and parking area.

Despite these added maintenance difficulties, in July 2002, the County authorized the execution of a new agreement with Charles Pedrazzini, for the continued use of a portion of the parcel for parking of vehicles, owned by users of the boat ramp, as well as for the boat ramp access to the Eel River. Upon subsequently determining that the site comprised sovereign state lands, on August 8, 2005, the State Land Commission issued, for public agency use, a general lease for a 20-year-term over the boat launch facility area. Following the award of 2000 Park Bonds Act and revolving fund grant monies to upgrade the facility by the California Department of Parks and Recreation and the Department of Boating and Waterways, respectively, the County included the project as part of its adopted 2006-07 budget. Upon securing these funds, on June 26, 2006, the State Lands Commission amended the site lease to conform to the layout of proposed facility improvements (see Exhibit No. 5).

B. Site and Project Description.

1. Project Setting and Surroundings

The County of Humboldt's Pedrazzini Park Boat Ramp is one of nearly a dozen free access points to the lower river for recreational boating. Built in 1966, the launch ramp is a dirt and gravel facility consisting of a 12-foot-wide and 30-foot-long graded slope. The periphery of the ramp slope and surrounding riverbank areas downstream of the ramp

slope are armored with 1- to 2-ton quarry stone revetment. The upland area consists of a half-acre graveled parking lot bordering a riparian area (see Exhibit Nos. 1-3).

The roughly one-acre project parcel is located within the 100-year floodplain terrace alongside Cock Robin Island Road, a County road that runs between Cannibal Island Road to the north, the area's major farm road running west from the unincorporated town of Loleta, and Cock Robin Island, one of several low relief islands within the Eel River delta. The project site is located on the north side of the Roper's Slough channel of the lower Eel River, approximately 2½ miles upstream from its entrance to the Pacific Ocean, in Humboldt County. The lower Eel River delta, comprising over 33,000 acres of tidewater estuary, consists of over 130 miles of seasonally-fluctuating fresh and salt water channels that meander through pasturelands and forms an intricate network of sloughs, freshwater wetlands, salt marsh, Sitka spruce forest, and coastal dune strand. The project area lies just upriver from the upper extent of saltmarsh vegetation which has been slowly forming on the riverbanks over the last several decades due to greater ocean water intrusion into the aggraded lower delta. The approximate limit of tidal influence on the Eel River is Fernbridge, another four miles further up-river from the project site.

Vegetation cover in the riparian area adjoining the boat launching facility is composed of a mixture of red alder (Alnus rubra), arroyo willow (Salix lasiolepis), and black cottonwood (Populus balsamifera) with a dense understory of coast red elderberry (Sambucus callicarpa), California blackberry (Rubus discolor), coyote brush (Baccharis pilularis), and interspersed with openings of upland grasses and forbs. Damper areas adjacent to the river are vegetated with a variety of facultative wetland species including, scouring rush (Equisetum hyemale) and poison hemlock (Conium maculatum). The river bottom at the end of the current boat launching slope where the new boat ramp would be developed is subject to scour and is virtually devoid of vegetation.

Though situated below the elevation of the adjoining roadway, views of the project site and the river from the Cock Robin Island Road are partially obscured by the intervening mature vegetation within the bank slope between the roadbed and the launching facility. Only limited views to and along the river to the southwest are afforded from the southern end of the facility's parking lot and from the lower end of the ramp. Because of the dense riparian vegetation along the river, 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 Cock Robin Island Road Bridge crossing approximately 100 yards to the south-southeast.

2. Project Proposal

The applicant proposes to upgrade the facility by constructing a new ramp and making improvements to the parking lot premises. The existing ramp slope would first be graded out with the existing rock slope materials set aside for replacement along the periphery of the new ramp. Approximately 150 cubic yards of sand and gravel materials would be graded out from the existing launch incline to form a 15% slope for the new launching

ramp. Approximately 80 cubic yards of river-run gravel would then be put in place to form the sub-base for the ramp. A 20-foot-wide by 60-foot-long pre-fabricated concrete “push panel” and metal rail assembly would then be slid into place to a depth of two feet below mean sea level (msl). This work would be done at low tide to allow maximum visibility and exposure of the lower panel. Landward of the lower ramp panel, a 20-foot-wide by 40-foot-long cast-in-place concrete approach pad would be constructed at a matching 15% slope, followed by a 20-foot-wide by 60-foot-long concrete apron set with a 2% back slope away from the river (see Exhibit No. 4)

To adequately armor the boat launch structure, approximately 120 cubic yards of one-half-ton quarry stone riprap and/or open-block slope protection would be placed over a roughly 500-square-foot area comprising the submerged perimeter of the ramp and the exposed sediments at/below a 10 msl elevation, the “run-up zone,” representing the shoreline subject to wind, wave and tidal influence.

For greater ease in maneuvering boat trailers into position for launching watercraft, two isolated patches of vegetation consisting of five alder trees and attending ruderal vegetation covering approximately 3,200 square feet of area would be removed from the middle of the parking lot. The alder trees would then be placed in the river down stream of the new ramp as “large woody debris” for enhancing fish habitat. To raise the grade of the parking lot to match that for the new ramp and its approach, the 150 cubic yards of material excavated from the existing ramp slope would be applied to the adjoining parking area along with an additional 800 cubic yards of imported gravel, raising the parking lot by 1½ feet to a final elevation of approximately 13 feet msl. In addition, 300 lineal feet of overhead high-voltage electrical transmission line running through the site would be placed in an underground trench. A 3’2”-tall by 9’-wide project sign would also be erected along the entrance drive into the boat launch facility.

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.
[Emphases 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.]

Historically, the lower Eel River hosted a robust commercial fishing industry, reaching its peak during the period from 1884 to 1913 when as many as eight seining operations and seven canneries were in simultaneous operation. Estimates based upon cannery records indicate the salmon harvest averaged roughly 93,000 fish annually between 1857 and 1921. 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 fall and winter (November-April) when runs of salmon and steelhead are underway, launching from a variety of private and public launches between Fortuna and the mouth of the Eel. The area is also a highly popular private recreational fishing destination. In addition, in later years, the lower Eel River has become a popular destination for water-oriented recreational pursuits, including canoeing, kayaking, and small boat-based bird and wildlife watching. One such ecological/historical river guide service operates on the lower river.

Through installing the concrete boat ramp structure, the proposed development is specifically intended to encourage increased recreational boating use of coastal waters and improve public boat launching facilities in accordance with Coastal Act Section 30224. Furthermore, the new ramp as well as the associated parking lot improvements would serve to protect and enhance facilities utilized by recreational boating enthusiasts, consistent with Section 30234. In addition, as the development would be constructed primarily during the off-season before the peak of the fall/winter 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 guide industry.

Therefore, the Commission finds that the project is consistent with Section 30224 of the Coastal Act as recreational boating would be encouraged by improving 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 Estuarine 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 grade the lower portions of the existing ramp slope and to install the new ramp and revetment materials along the periphery of the new ramp. The majority of these new fill materials would be placed on areas excavated from dry land atop the former locations of the existing filled ramp slope, riprap, and gravel parking lot once these structures had been removed, somewhat reducing the net increase of new fill in the river. In addition, the placement into the river of the five alder trees to be cleared from the middle of the parking lot for fish habitat enhancement also represents a form of fill in coastal waters.

The project would result in a total of an additional 300 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 300 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 to which riverbed materials are exposed, the sediments 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...*
- (7) Restoration purposes...*

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 Pedrazzini Park Boat Ramp. The boat launch provides safe ingress and egress to the lower Eel 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 upstream by the adjoining bridge or downstream by replacement ramp. Therefore, the rock slope protection fill is ancillary to, and a necessary part of, the boat ramp facility.

The placement of the alder trees removed from the parking lot is proposed at the recommendation of the National Marine Fisheries Service in the interest of enhancing holding habitat for salmonid species. Accordingly, the purpose for this fill constitutes a form of “restoration,” as the intention for placing the materials is to provide cover for salmon, steelhead, and other anadromous fish, to increase their chance of survival toward restoring these fisheries to their historic population levels.

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 Sections 30233(a)(4) and (7) 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 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 Slope 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 Pedrazzini Park Boat Launching Facility is subject to significant repeated damage associated with flooding events on the river which result in periodic closures and/or the presence of safety hazards associated with its use. This damage has become more significant since 1986 when the former slough channel upon which it was built captured the main channel flow. The erodible toe of the ramp slope requires yearly maintenance to provide adequate footing for boat trailers. Winter flows scour the toe of the ramp and create a ledge that snags boat trailer tires.

The current practice of conducting repeated annual repairs to the existing ramp would only extend its utility until damage occurs during the next significant flood event and would not address the ongoing safety concerns. With the dearth of other similar public boat launching facilities on the Lower Eel that don't involve long portages or require all-terrain vehicle access to access the river's edge for launching, the County and the Department of Boating and Waterways have determined that this site requires a long-term solution. The proposed project would address the inherent susceptibility to damage of the existing ramp slope by installing a new ramp that is safer and more stable. This concrete ramp structure would provide the needed structural stability to minimize erosion and maximize boater safety that simply repeated repairs to the damaged portions of the existing ramp slope 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 slope repeatedly fail and need to be regraded. Repeated disturbance of the habitat would result in greater cumulative adverse impacts and would not alleviate the boating safety problems inherent with the current level of ramp improvement. Therefore, replacing damaged sections of the existing boat ramp slope 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 Pedrazzini Park Boat Ramp. The objective of the proposed project—to upgrade the boat ramp would not be met. Without the proposed improvement, the launching facility would continue to be available for use only by very small watercraft. Moreover, the nearly annual damage and subsequent closures of the facility during the times following damage by floodwaters and when repairs were

completed, would continue to significantly limit public access to water-related recreational opportunities on the lower Eel River.

Therefore, the no project alternative is not a less environmentally damaging feasible alternative, as it would not accomplish the project objectives of improving 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 Eel 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 lower ramp slope and revetment 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. Grading of the existing ramp slope and extrication of the revetment would remove habitat for these organisms. The community of organisms, although low in density, that exist on the boat ramp slope 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 and re-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 Eel River as the river rises 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, installation of the new boat ramp could temporarily obstruct migrating anadromous fish or alarm 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. Turbidity may be elevated in the work area during grading of the slope for new ramp. However, the levels of suspended sediment are anticipated to be minor and would be diluted soon after leaving the disturbed area. As the pre-cast push 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 impacts to water quality that could result from construction debris and construction equipment being allowed to enter the river, the Commission attaches Special Condition No. 2. Special Condition No. 2 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) stage all heavy mechanized from on-land locations and not allow any such equipment to enter the river; (b) install silt fences prior to grading and maintain the silt fences during construction of the ramp and parking lot improvements, and (c) 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 2g 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. 2h is included to require that a registered haz-mat first response service be retained on call. Special Condition No. 2h 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 action by the State Water Resources Control Board or any California Regional Water Quality Control Board (see Exhibit No. 5) in matters relating to water quality, as mandated by Section 30412 of the Coastal Act. Therefore, 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 Eel River. The mitigation measures incorporated into the project and required by the Special Conditions discussed above will ensure that the upgrading of the boat launching would not adversely affect the biological productivity and functional capacity of the tidal waters or marine resources. Furthermore, by placing the five alder trees large to be removed from the parking lot as large woody debris within the river, the aquatic habitat for anadromous fish species such as Chinook and coho salmon and steelhead will be enhanced. This habitat restoration 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 riparian vegetation habitat along the Eel River in the vicinity of the project contains one of the largest riparian forests remaining on the North coast. Fox, deer, river otter and marine mammals such as are among the 250 species of birds and 35 species of mammals found therein.

The portion of the Eel 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 much of the surrounding area on Cock Robin Island on the far bank of the river to the south has been acquired for the

Eel River Wildlife Area, no apparent nesting activity was observed in the riparian area in the project vicinity.

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 parking lot improvements, two isolated patches of vegetation comprised of five alder trees and attending ruderal understory species encompassing an area of approximately 3,200 square feet, would be removed. These vegetated patches have grown up within the graveled parking area since the boat launch and parking area was cleared in 1966. The five 6- to 16-inch diameter-at-breast-height alder trees are estimated to be approximately fifteen to eighteen years old. The Commission notes that, due to their size, age, spatial discontinuity with the riverside riparian corridor to the east and west (they are surrounded by other portions of the parking lot), and their lack of plant species diversity and habitat potential, the patches of vegetation within the parking lot do not represent habitat that is either rare or especially valuable because of its special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Therefore, the patches of vegetation slated for removal do not constitute riparian ESHA. No removal of vegetation from within the adjoining established riparian corridor is proposed.

To prevent impacts to riverine and riparian ESHAs that could result from project construction, the Commission attaches Special Condition Nos. 2 and 3. Special Condition No. 2 requires the applicant to follow certain best management practices to avoid and minimize impacts to environmentally sensitive areas within the river and the adjoining riparian corridor. Among other things, this condition requires the applicants to (a) stage all heavy mechanized from on-land locations and not allow any such equipment to enter the river or riparian areas; (b) install silt fences prior to grading and maintain the silt fences during construction of the ramp and parking lot improvements, and (c) contain all construction materials, equipment and debris in a manner that precludes entry into river waters or riparian areas and to remove any such material, debris and equipment that inadvertently enters the water or the adjoining riparian corridor. Special Condition No. 3 requires the applicant to conduct the project as described within the permit application and that any deviation from that described scope of work be reviewed by the Executive Director for the need for first securing a permit amendment. This enables the Commission to review the effects any project changes may have on the development's consistency with Section 30240.

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 Eel River estuary. There are only limited views through the site from Cock Robin Island Road 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 removal of vegetation from within the parking lot, removing this vegetative screen would actually result in greater views of the river from both the adjoining public road and from within the boat launching facility and would not significantly alter the visual resources of the area out of character with the surrounding area. With the exception of the presence of the slightly enlarged boat ramp, 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 ramp and upgrade the facility, these improvements would not significantly alter the shape and form of the riverbank or adjacent floodplain areas 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 new boat ramp would be somewhat greater in size than the existing ramp would therefore appear somewhat more prominent from public vantage points. However, the materials and colors proposed for the boat ramp and shoreline revetment would blend with the riverbank materials, and with the character of the surrounding riparian corridor.

Special Condition No. 3 is added to ensure that the proposed neutral gray concrete ramp panels and 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. Public Access and Coastal Recreational Opportunities.

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

Coastal Act Section 30210 requires in applicable part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires in applicable part that development not interfere with the public's right of access to the sea where acquired through use (i.e., potential prescriptive rights or rights of implied dedication). Section 30212 requires in applicable part that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety.

In applying these policies, 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 renovation 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 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 Pedrazzini Park area. Although there may be limited and temporary restrictions on use of the facility during installation of the new launching ramp and parking lot improvements, 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 September 18 and October 15, a relatively low-use time of year for anglers prior to the start of the fall runs of Chinook salmon in mid-October. 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.

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.

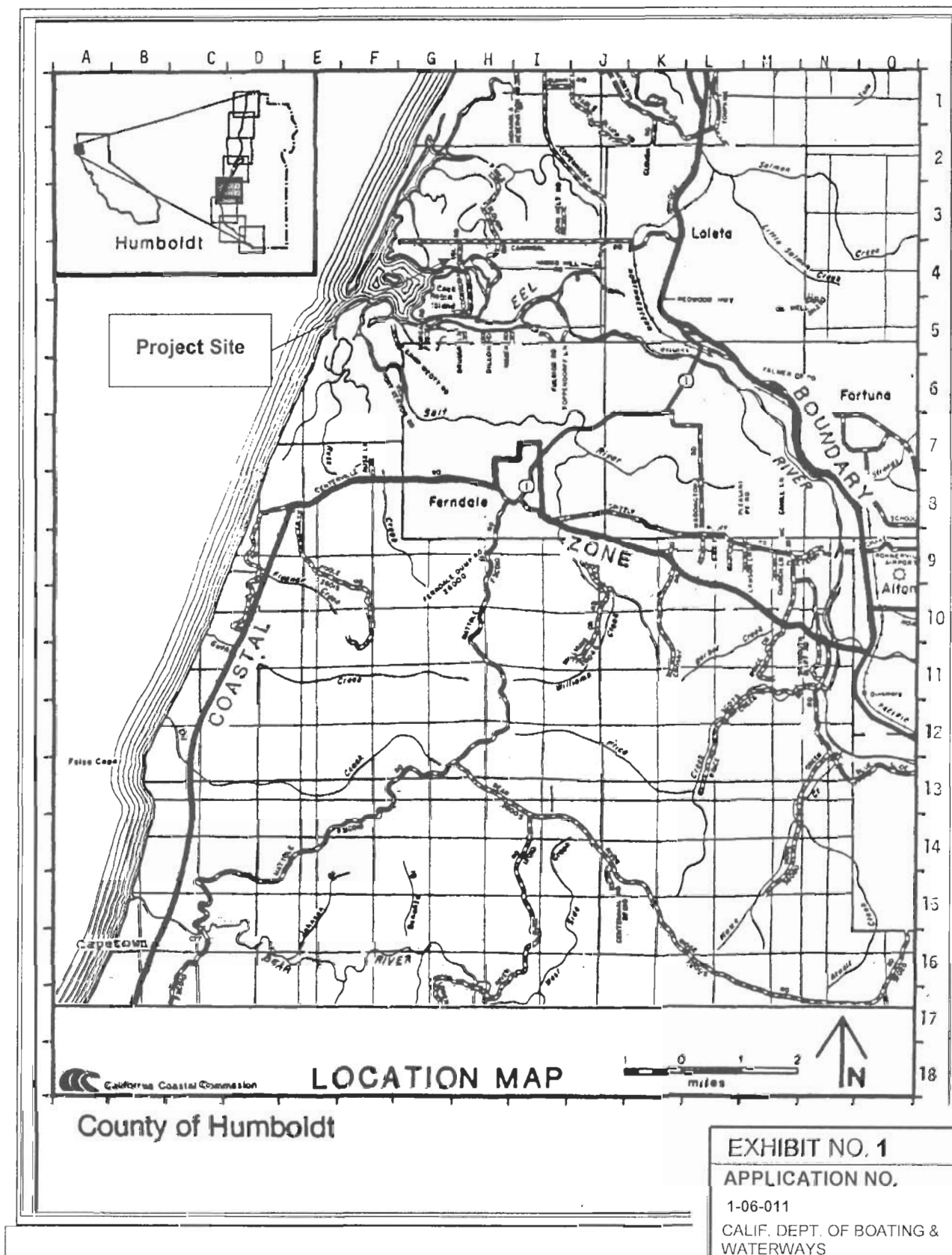
EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Site Aerial Photograph
4. Project Site, Elevation, and Cross-sectional Plans
5. Agency Review 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.



APPLICATION NO.

CALIF. DEPT. OF BOATING &
WATERWAYS

VICINITY MAP

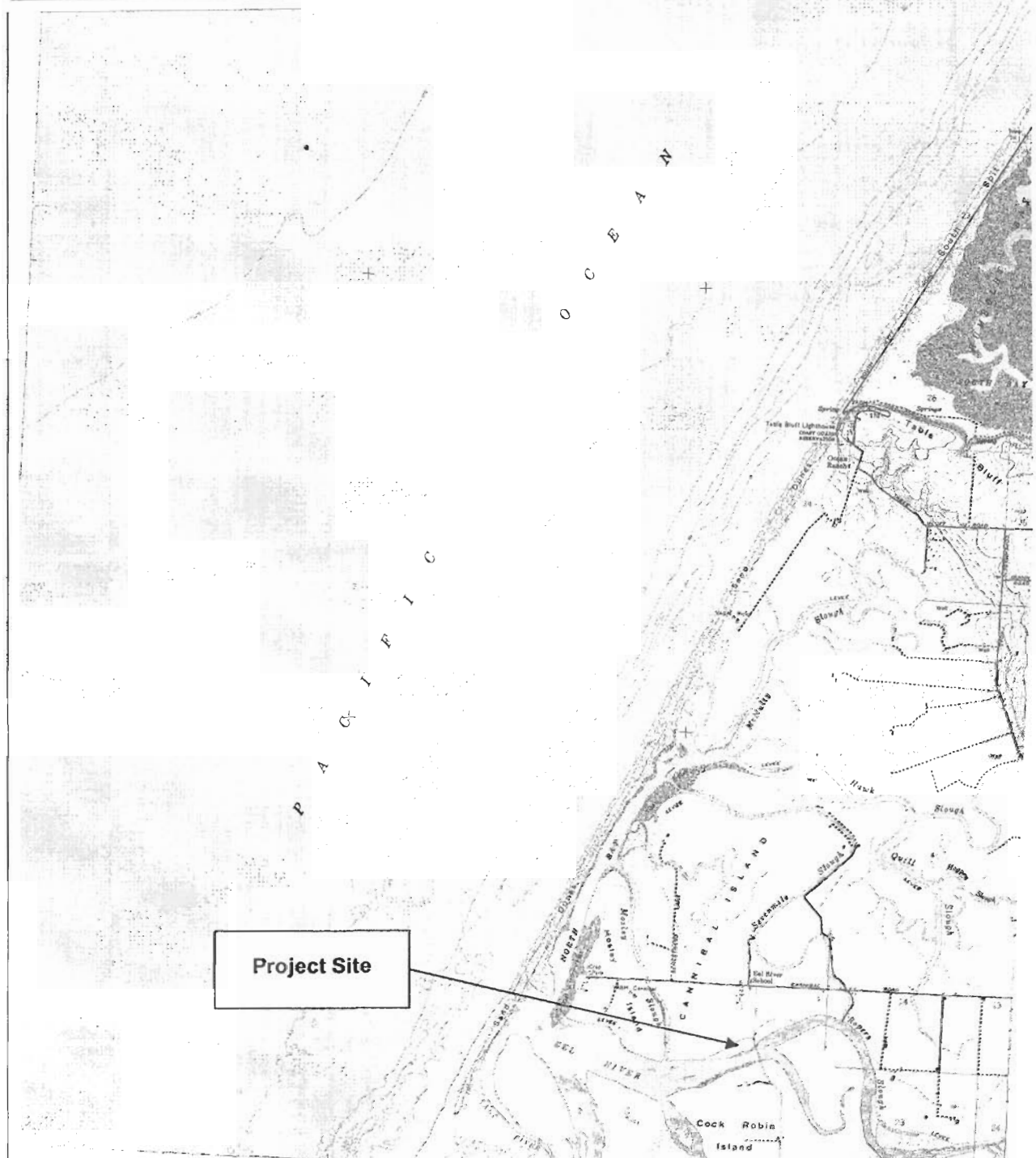


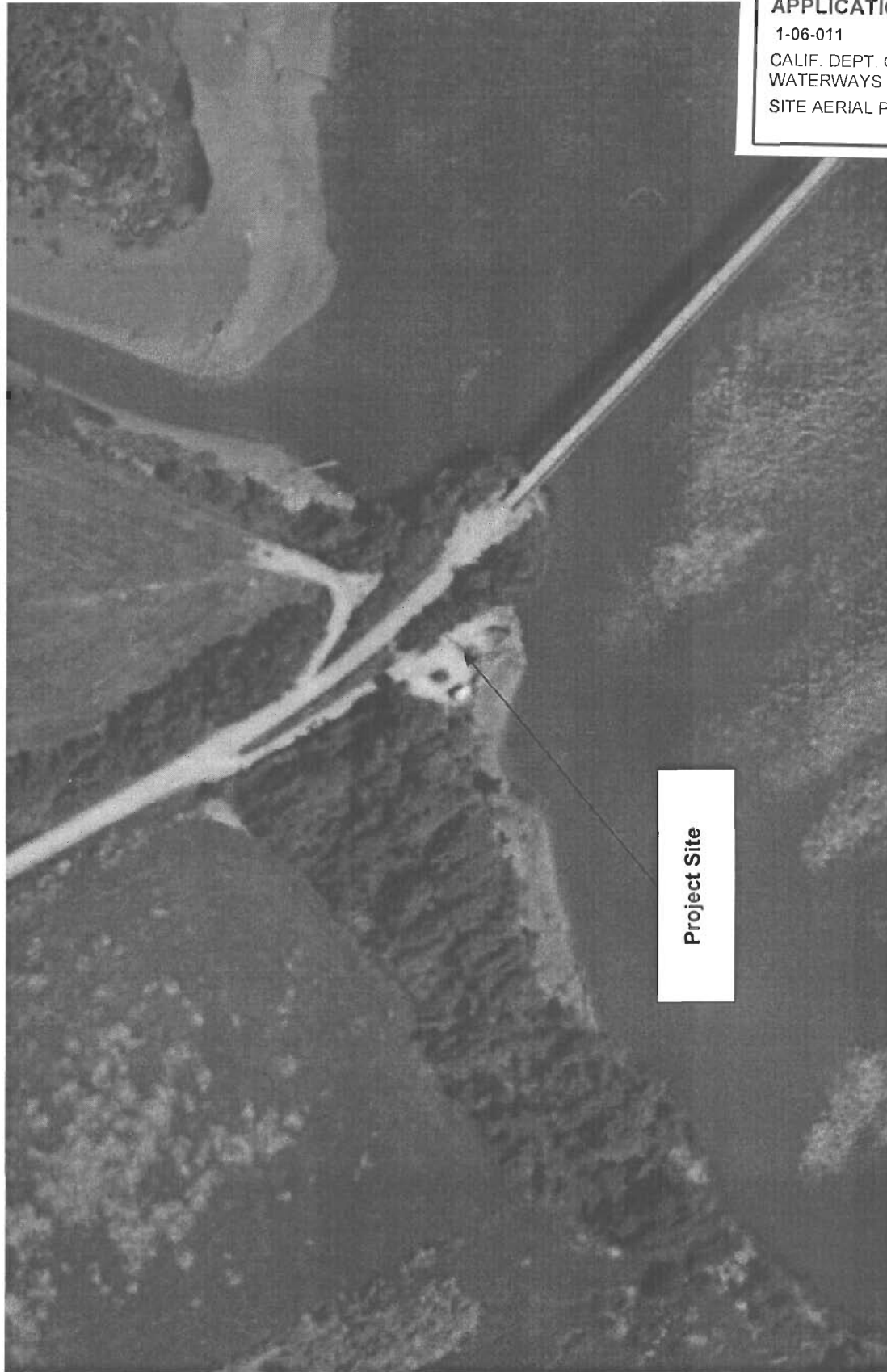
EXHIBIT NO. 3

APPLICATION NO.

1-06-011

CALIF. DEPT. OF BOATING &
WATERWAYS

SITE AERIAL PHOTOGRAPH



Project Site

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**REVISED SITE PLAN AND PROJECT DETAIL
MAPS WILL BE PROVIDED IN A SUBSEQUENT
REPORT ADDENDUM**

EXHIBIT NO. 4
APPLICATION NO. 1-06-011 CALIF. DEPT. OF BOATING & WATERWAYS PROJECT SITE, ELEVATION, AND CROSS-SECTIONAL PLANS



California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman



Linda S. Adams
Agency Secretary

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

Arnold
Schwarzenegger
Governor

July 10, 2006

Ms. Terri Ely
California Department of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, CA 95815-3888

EXHIBIT NO. 5

APPLICATION NO.

1-06-011

CALIF. DEPT. OF BOATING &
WATERWAYS

AGENCY REVIEW
CORRESPONDENCE (1 of 14)

Dear Ms. Ely:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the California Department of Boating and Waterways, Pedrazzini Boat Launch

File: California Department of Boating and Waterways – Pedrazzini Boat Launch
WDID No. 1B06018WNHU

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341); in response to your request (applicant) for Water Quality Certification for the California Department of Boating and Waterways, Pedrazzini Boat located near the community of Loleta, Humboldt County. On February 23, 2006, the Regional Water Board received your application and a \$500.00 processing fee. On May 3, 2006, we posted information describing the project on the Regional Water Board's website for a 21-day public review and comment period. During the comment period, it came to our attention that the original public notice was incomplete and additional concerns arose regarding Army Corps of Engineers conditions. On June 14, 2006, we posted a revised public notice for your project on our website. We did not receive any public comments on this project.

Project Description: The purpose of the project is to replace the existing gravel boat launch, stabilize erosion along the bank, and make improvements to the parking lot. The applicant will replace the gravel boat ramp with a 20 x 40 foot push slab concrete ramp. Prior to installation of the ramp, the applicant will remove approximately 130 to 150 cubic yards of soil from the ramp area and replace it with 80 cubic yards of compacted gravel, in order to provide a base for the concrete ramp. The ramp will be pushed into place when the channel is low, typically in late summer. The upper 20 x 40 foot portion of the ramp and the 20 x 60 apron will be cast in place. These activities will occur during the dry season and during low flow events.

Cement wash out activities will be conducted offsite. The material removed for ramp preparation will be placed in the parking lot area along with 800 cubic yards of gravel. Vegetation will be removed

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from the parking lot, located approximately 25 feet from the channel. Six alder trees removed from the parking lot, measuring 6 to 16 inches in diameter, will be placed in the Eel River below the boat ramp per the Army Corps of Engineers permit (No. 299880N) and the National Oceanic Atmospheric Administration (NOAA); NOAA staff indicate that this material will benefit salmonid habitat. In order to control streambank erosion, 140 tons of riprap will be placed to armor approximately 150 feet of eroded bank immediately adjacent to the ramp. This project will not require dewatering. All equipment staging will occur in the parking lot area. The total area of impact to waters of the United States resulting from the ramp replacement is 0.09 acres. The project is estimated to begin in August 2006.

Compensatory mitigation is not required for this project. Non-compensatory mitigation measures include implementation of Best Management Practices for sediment and erosion control. All equipment staging will occur in upland areas. The project is estimated to begin in August of 2006.

Receiving Waters:	Eel River in the Ferndale Hydrologic Subarea No. 111.11.
Filled or Excavated Area:	Area Temporarily Impacted: 0.25 acre located 25 feet from channel (parking lot area) Area Permanently Impacted: 0.09-acre ramp installation Total Area Impacted: 0.34 acre
Federal Permit:	U.S. Army Corps of Engineers Nationwide Permit 13 for <i>Bank Stabilization</i> and Nationwide Permit 36 for <i>Boat Ramps</i> .
Compensatory Mitigation:	None required for this project.
Non-compensatory Mitigation:	Non-compensatory mitigation measures include implementation of Best Management Practices (BMP) to prevent or minimize impacts to Waters of the United States from construction related erosion, stormwater runoff, or accidental spills associated with equipment, as described in Section 3 of the " <i>California Stormwater Best Management Practices Handbook</i> ."
CEQA Compliance:	The California Department of Boating and Waterways, as lead California Environmental Quality Act (CEQA) agency, has prepared a Notice of Exemption (Class 1, Section 15301) for <i>Existing Facilities</i> with the State Office of Planning and Research for this project.

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.
- 2) This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3) The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions: Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The applicant shall notify Regional Water Board staff at least five working days (working days are Monday – Friday) prior to the commencement of the project, with details regarding the schedule of operations, to allow staff the opportunity to be present onsite and to answer any public inquiries that may arise regarding the project.
- 2) A copy of this permit must be provided to all contractors and subcontractors conducting work on this project, and a copy must be in their possession at the work site. It is the applicant's responsibility to ensure that the contractor and all subcontractors are provided a copy of this permit.
- 3) Adequate Best Management Practices for sediment and turbidity control shall be implemented and in place during and after construction in order to ensure that no silt or sediment enters surface waters.
- 4) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and Regional Water Board staff shall be notified promptly.
- 5) No debris, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit,

shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.

- 6) The Applicant shall comply with the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activities and shall implement an adequate Storm Water Pollution Prevention Plan.
- 7) Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality.
- 8) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 9) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 10) All activities and Best Management Practices will be conducted as described in this Permit and the application for this project.
- 11) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address, and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the California Department of Boating and Waterways- Pedrazzini Boat Launch Project (Facility No. 1B06018WNHU) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341

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(a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on July 10, 2011. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Diana Henriouille of our staff at (707) 576-2350 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman
Executive Officer

071006_CEW_CADBW_Pedrazzini_401cert.doc

Enclosure: State Water Resources Control Board Order No. 2003-0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification"

cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street, San Francisco, CA 94599
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502
Mr. Oscar Balaguer, 401 Program Manager, Water Quality Certification Unit, SWRCB, 1001 I Street, 15th Floor, Sacramento, CA 95814

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FOR INFORMATION, PLEASE CONTACT
Lynda Smallwood
100 Howe Avenue, Suite 100-South
Sacramento, California 95825-8202
smallwl@slc.ca.gov
(TDD/TT) 1-800-735-2929
(916) 574-1923

AGENDA AND ITEMS ARE AVAILABLE
ON CSLC WEB SITE: www.slc.ca.gov

IN ATTENDANCE:
Steve Westly, Chair
State Controller
Cindy Aronberg, Alternate
Office of the State Controller
Lorena Gonzalez, Alternate
Office of the Lt. Governor
Anne Sheehan, Alternate
Dept. of Finance

AGENDA

VOTING RECORD

MEETING OF THE CALIFORNIA STATE LANDS COMMISSION

**Preservation Park
Nile Hall
668 13th Street
Oakland, CA 94612**

STEVE WESTLY, STATE CONTROLLER, CHAIR
CRUZ M. BUSTAMANTE, LIEUTENANT GOVERNOR, MEMBER
MICHAEL C. GENEST, DIRECTOR OF FINANCE, MEMBER

JUNE 26, 2006

THE MINUTES OF THE APRIL 17, 2006 MEETING WERE APPROVED BY A VOTE OF 3-0.

CONSENT CALENDAR: CALENDAR ITEMS C73, C84 AND C85 WERE POSTPONED. ALL OTHER ITEMS WERE APPROVED BY A VOTE OF 3-0.

REGULAR ITEMS: ITEM 86 WAS DEFERRED. ITEM 87 WAS APPROVED BY A VOTE OF 3-0.

ORDER OF BUSINESS

- I. **10:00 A.M. - OPEN SESSION** CALENDAR ITEM REFERENCES TO AB 884 DENOTE THE PERMIT STREAMLINING ACT (CALIFORNIA GOVERNMENT CODE SECTION 65920 ET SEQ.).

A SIGN LANGUAGE INTERPRETER WILL BE PROVIDED UPON ADVANCE NOTIFICATION OF NEED BY A DEAF OR HEARING IMPAIRED PERSON. SUCH NOTIFICATION SHOULD BE MADE AS SOON AS POSSIBLE PRIOR TO DATE OF THE EVENT.

6 of 14
1

- C 68 CONOCOPHILLIPS (LESSEE):** Consider the continuation of rent for Lease No. PRC 7859.1, a General Lease – Right of Way Use, of sovereign lands located in Pacheco Slough, near the city of Martinez, Contra Costa County; for an existing eight-inch pipeline to transport refined petroleum products. (PRC 7859.1) (A 11; S 7) (Negotiator: N. Smith)
- **Agenda Item** MS Word Adobe Acrobat
 - **Exhibit A** MS Word Adobe Acrobat
- C 69 RIDGEWOOD PROPERTY OWNERS ASSOCIATION (LESSEE):** Consider revision of rent to Lease No. PRC 4967.1, a General Lease – Recreational Use, of sovereign lands located in Lake Tahoe, Carnelian Bay, Placer County; for an existing pier, 15 mooring buoys, and one swim float. (PRC 4967.1) (A 4; S 1) (Negotiator: B. Terry)
- **Agenda Item** MS Word Adobe Acrobat
 - **Exhibit A** MS Word Adobe Acrobat
- C 70 EDWARD R. FRAZER (APPLICANT):** Consider application for a new General Lease - Recreational Use, of sovereign lands located in Lake Tahoe, Carnelian Bay, Placer County; for an existing pier, a portion of a cabin, boat lift, and two mooring buoys previously authorized by the Commission. (WP 5177.1; RA# 12205) (A 4; S 1) (Negotiator: B. Terry)
- **Agenda Item** MS Word Adobe Acrobat
 - **Exhibit A** MS Word Adobe Acrobat
- C 71 REVX-431, INC. (APPLICANT):** Consider application for a new General Lease - Recreational Use of sovereign lands located in Lake Tahoe, near Tahoma, El Dorado County; for an existing pier and two mooring buoys. (W 26141; RA# 25105) (A 4; S 1) (Negotiator: B. Terry)
- **Agenda Item** MS Word Adobe Acrobat
 - **Exhibit A** MS Word Adobe Acrobat
- C 72 COUNTY OF HUMBOLDT (LESSEE):** Consider application for an amendment to Lease No. PRC 8629.9, a General Lease - Public Agency Use, of sovereign lands located in the Eel River, near Loleta, Humboldt County; to amend the authorized use and improvements to include construction of a new boat launching facility and improvements to the existing parking area, and river bank protection near Pedrazzini County Park. (WP 8629.9; RA# 20505) (A 01; S 02) (Negotiator: S. Young)
- **Agenda Item** MS Word Adobe Acrobat
 - **Exhibit A** MS Word Adobe Acrobat

**CALENDAR ITEM
C72**

A 01

06/26/06
PRC 8629.9
S. Young

S 02

AMENDMENT OF LEASE

LESSEE:

County of Humboldt
825 Fifth Street, Room 111
Eureka, CA 95501

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Eel River, adjacent to Pedrazzini County Park, near the town of Loleta, Humboldt County.

AUTHORIZED USE:

The use and maintenance of an existing unimproved boat launch ramp, adjacent to the Eel River.

LEASE TERM:

20 years, beginning August 8, 2005.

CONSIDERATION:

The public use and benefit with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

PROPOSED AMENDMENT:

Amend the authorized use and authorized improvements on the Lease Premises to include the construction, installation and maintenance of a new boat launching facility consisting of a new concrete push slab and apron; and to include the existing parking lot with its grading and with placement of 800 cubic yards of gravel; and placement of additional rock riprap where necessary to the existing riprap to protect the river bank. No ancillary features or provisions for pump out and bilge water disposal will be provided; six trees and a small area scrub vegetation to be removed. In order to facilitate river bank stabilization and to provide wildlife habitat, Lessee will make a reasonable effort to include native riparian vegetation, where feasible, along the banks of the Eel River adjacent to

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CALENDAR ITEM NO. **C72** (CONT'D)

the proposed new boat launching facility. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee has an agreement with the party claiming ownership of the uplands adjoining the lease premises.
2. On August 8, 2005, the Commission approved the issuance to the County of Humboldt (County) of a 20-year General Lease – Public Agency Use for the use and maintenance of an existing unimproved dirt and gravel boat launch ramp adjacent the Eel River and the Pedrazzini County Park, near the town of Loleta. The existing unimproved facilities have been used for 40 years as a launch for small fishing boats, canoes, kayaks, rowboats and for other passive recreation uses, thus providing access to the lower Eel River and estuary. In partnership with the California Department of Boating and Waterways, the County has obtained the necessary funding to replace the existing gravel boat ramp with a 20-foot wide and 100-foot long cement ramp with 20-foot by 60-foot apron, in addition to making improvements to the parking lot and adding additional rock riprap protection for the ramp and the adjacent river bank. As part of the proposed new construction, it will be necessary to remove six trees and a small area of scrub vegetation. The County is now applying for amendment to the existing lease to provide for the proposed improvements located on State-owned sovereign lands. In order to facilitate the river bank stabilization and to provide wildlife habitat, staff is recommending that the County make a reasonable effort to include native riparian vegetation where feasible along the river bank.
3. **Boat Launch Ramp and Parking Lot:** Pursuant to the Commission's delegation of authority and the State CEQ Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; Title 14, California Code of Regulations, section 15302.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

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CALENDAR ITEM NO. **C72** (CONT'D)

4. **Bank Stabilization:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land: Title 14, California Code of Regulations, section 15304.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

U.S. Army Corps of Engineers
California Department of Boating and Waterways

EXHIBIT:

A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

September 20, 2006

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

BOAT LAUNCH RAMP AND PARKING LOT: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT CLASS 2, REPLACEMENT OR RECONSTRUCTION; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15302.

BANK STABILIZATION: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15062 AS A

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CALENDAR ITEM NO. **C72** (CONT'D)

CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR
ALTERNATIONS TO LAND; TITLE 14, CALIFORNIA CODE OF
REGULATIONS, SECTION 15304.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE
CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE
LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,
ET SEQ.

AUTHORIZATION:

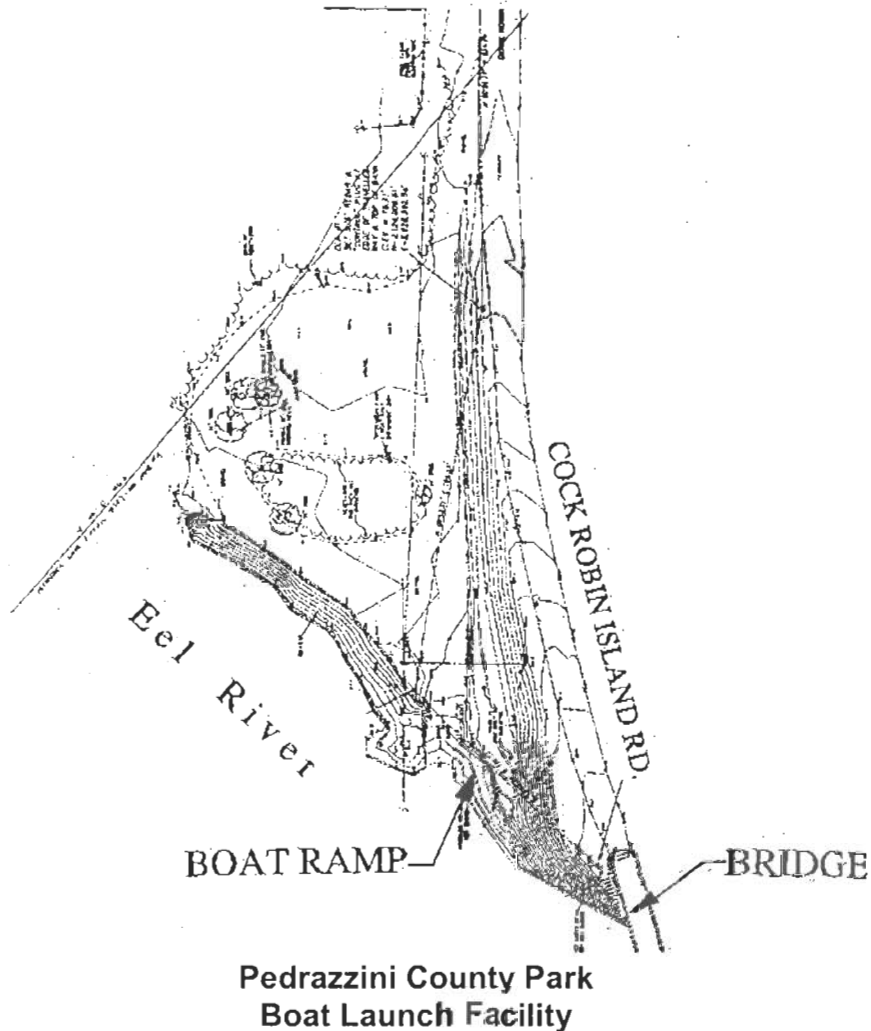
AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8629.9, A
GENERAL LEASE - PUBLIC AGENCY USE, OF LANDS SHOWN ON
EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART
HEREOF, EFFECTIVE JUNE 26, 2006, TO AUTHORIZE THE
CONSTRUCTION, USE, AND MAINTENANCE OF A BOAT LAUNCHING
FACILITY CONSISTING OF A NEW CONCRETE PUSH SLAB AND
APRON; AND TO AUTHORIZE THE EXISTING PARKING LOT WITH ITS
GRADING AND WITH PLACEMENT OF 800 CUBIC YARDS OF
GRAVEL AND PLACEMENT OF ADDITIONAL ROCK RIPRAP TO
PROTECT THE RIVER BANK; ALL OTHER TERMS AND CONDITIONS
OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

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NO SCALE

SITE



NO SCALE

LOCATION

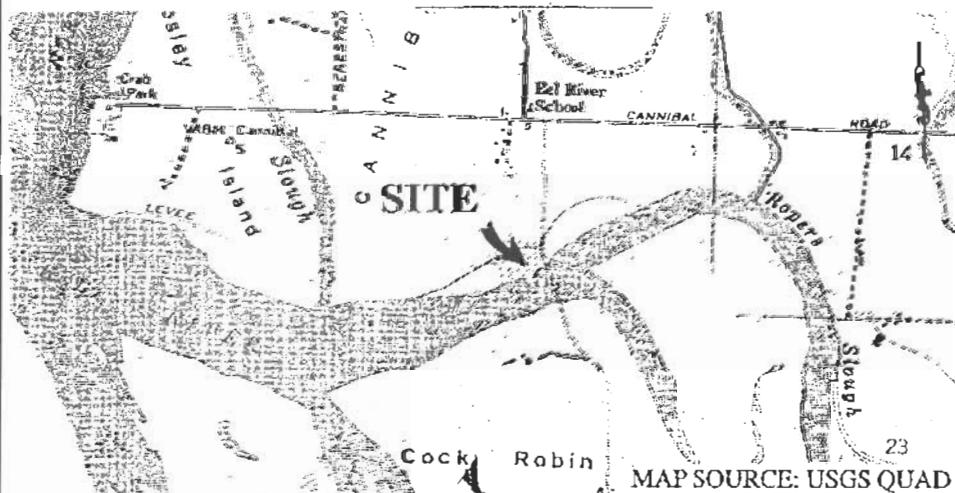


Exhibit A PRC 8629.9

COUNTY OF HUMBOLDT
PUBLIC AGENCY LEASE
EEL RIVER
HUMBOLDT COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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STATE OF CALIFORNIA- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FISH AND GAME<http://www.dfg.ca.gov>

Northern California- North Coast Region
601 Locust Street
Redding, California 96001
(530) 225-2367



April 28, 2006

Ms. Terri Ely
California Department of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, California 95815-3888

Dear Ms. Ely:

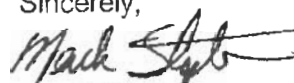
Lake or Streambed Alteration Notification No. R1-06-0101
Eel River, tributary to the Pacific Ocean, Humboldt County

The Department of Fish and Game received the above referenced Notification on **February 22, 2006**, and it was deemed complete on **February 23, 2006**. The purpose of this letter is to inform you that the Department has not met its statutory requirement to provide a Draft Lake or Streambed Alteration Agreement (Agreement) to you within 60 days from the date the Notification was complete. Pursuant to Fish and Game Code Section 1602(a)(4)(D), you may go forward with the project without an Agreement from the Department, provided that you conduct the activity as described in your Notification, including any measures in the Notification package that are intended to protect fish and wildlife. Please note that you are still responsible for complying with all other applicable local, state, and federal laws; including, for example, the state and federal Endangered Species Acts and Fish and Game Code sections 5650 (water pollution) and 5901 (fish passage). If you decide to complete the project as described in your Notification, please keep a copy of this letter and the Notification available at the project site.

Your project proposes to replace an existing gravel/dirt boat ramp with a 20-foot wide by 100-foot long (60 feet of push slab and 40 feet of cast in place) boat ramp with a 20-foot by 60-foot apron at the top. The Notification describes a starting date of **September, 2006** and a termination date of **January, 2007**. If the project changes from the **one described in the original** Notification, including but not limited to the specified work period dates, you will **need to submit** a new notification to the Department for that project.

You must have a copy of this letter **and** your notification with all attachments available at all times at the work site. If you have any questions regarding this **matter**, please contact Environmental Scientist Donna L. Cobb at (530) 225-2314.

Sincerely,


DONALD B. KOCH
Regional Manager

cc: Fish and Game Lieutenant Jonathan Wilcox

Conserving California's Wildlife Since 1870

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

Regulatory Branch

SUBJECT: File No. 299880N

Ms. Terri Ely
California Department of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, California 95815

Dear Ms. Ely:

This letter is in response to your submittal of February 17, 2006, concerning Department of the Army (Corps) authorization to replace an existing gravel boat ramp with a concrete boat ramp (20-feet by 100-feet), improve the parking area, and stabilize 60-feet of the existing bank. About 130-cubic yards (CY) of excavated material would be placed in the parking area/boat ramp base and about 80 CY of this material would be placed in the campsite area. The project site is located in Pedrazzini County Park, Cock Robin Island Road, Loleta, Humboldt County, California.

Based on a review of the information you submitted and an inspection of the project site conducted by Corps personnel on March 29, 2006, your project qualifies for authorization under Department of the Army Nationwide Permits 3 for *Maintenance* and 13 for *Bank Stabilization* (67 Fed. Reg. 2020, January 15, 2002), pursuant to Section 404 of the Clean Water Act (33 U.S.C. Section 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403). See Enclosure 1. All work shall be completed in accordance with the plans and drawings titled: "Push Slab Details" dated April 13, 2006.

The project must be in compliance with the General Conditions cited in Enclosure 2 for this Nationwide Permit authorization to remain valid. Non-compliance with any condition could result in the suspension, modification, or revocation 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 until March 18, 2007, unless the Nationwide Permit is suspended, modified, 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. 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

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