

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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NORTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

September Meeting of the California Coastal Commission

MEMORANDUM

Date: September 7, 2007

TO: Commissioners and Interested Parties
FROM: Peter Douglas, North Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Coast District Office for the September 7, 2007 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the North Coast District.

EMERGENCY PERMITS

1. 1-07-035-G North Coast Railroad Authority (, Humboldt County)

IMMATERIAL AMENDMENTS

1. 1-04-005-A1 Humboldt County Public Works Department, Attn: Hank Seeman (Orick, Humboldt County)

EXTENSION - IMMATERIAL

1. 1-03-059-E1 California Department Of Transportation, Attn: Kevin Flannery (, Mendocino County)

TOTAL OF 3 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF EMERGENCY PERMITS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13142 of the California Code of Regulations because the development is necessary to protect life and public property or to maintain public services.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
1-07-035-G North Coast Railroad Authority	Reconstruct a 500-foot-long section of the wave-eroded railroad embankment and replace the adjoining shoreline revetment protecting the embankment by (1) removing and disposing off-site approximately 750 cubic yards of the substandard and collapsing existing revetment along the bayward side of the railroad embankment, (2) retrieving and regarding eroded existing sand and gravel fill from the embankment dispersed east of the tracks to restore and realign the fill prism of the railroad embankment, (3) placing geofabric or quarry spalls to a thickness of one foot between the sections of earthen embankment repaired on the bay side of the levee and the proposed revetment materials, and (4) placing revetment materials in two layers along the bayward side of the earthen railroad embankment, including ½-ton rock a minimum of 3.3-feet thick against the embankment and 2-ton armor rock a minimum of 5-feet thick against the layer of ½ ton rock. The maximum elevation of the top of the new revetment would be 16 feet above mean sea level with a minimum 5-foot width at the crest.	Along approximately 500 feet of the North Coast Railroad Authority railroad embankment on the east shoreline of Humboldt Bay, just north of the Humboldt Bay Power Plant, in the King Salmon area (SBE 853-12-21L, Parcel 35), Humboldt

REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
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<p>1-04-005-A1 Humboldt County Public Works Department, Attn: Hank Seeman</p>	<p>Allow additional vegetation management techniques, including mechanical removal and controlled burning, to reduce labor intensity, increase worker safety, and increase maintenance efficiency for the Redwood Creek Flood Control Project. Mechanical removal of vegetation will be accomplished using a bulldozer equipped with a brush rake to remove both above- and below-ground (root mass) portions of woody vegetation. Protective measures for this additional vegetation management technique include, but are not limited to, (1) flagging the extent of trees to be removed; (2) briefing operators prior to work on the required protective measures and work area boundaries; (3) establishing setback areas to avoid disturbing the bank of the low-flow channel and to avoid encouraging stream braiding; (4) leaving a mosaic of vegetation, and not using heavy equipment within 30 feet of the edge of bank; (5) using erosion control measures such as silt fencing or wattles as needed; (6) cleaning equipment prior to use and regularly monitoring equipment for leaks; in the event of an identified leak, the equipment will be immediately taken off site for repair; (7) having spill response kits readily accessible on site; and (8) no fueling or equipment maintenance within the project area (except in emergencies). The controlled burning is aimed at controlling the Himalayan blackberry which dominates the upper portion of the levee slope. The band of willows and alders at the toe of the levee slope will not be burned, and a minimum five-foot buffer will be maintained between the levee toe (or upward extent of woody vegetation) and the lower boundary of the burn area. Other protective measures for controlled burning include, but are not limited to, using experienced CDF crews for fire control, cutting firebreak corridors manually above the buffer zone, conducting burning only on permissive burn days with suitable weather conditions and with a burn permit from the North Coast Unified Air Quality Management District, no fuel handling on the levee slope, conducting fueling activities on an impermeable surface to contain drips, and having spill kits and a 3,000-gallon water truck on site as a contingency.</p>	<p>Along the lower 2.5 miles of Redwood Creek, downstream of, Orick (Humboldt County)</p>
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REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<p>1-03-059-E1 California Department Of Transportation, Attn: Kevin Flannery</p>	<p>Construction of an approximately 100 foot long retaining wall below grade along an existing shoulder of Highway 128 (post mile 1.6), including approximately 200 cubic yards of grading, with guard rail extending approximately 1.5 feet maximum above finished grade, including planting native shrubs to screen river corridor views as seen from downslope.</p>	<p>Post Mile 1.6 on Highway 128, approximately 21 miles west of Philo, Mendocino County</p>

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EMERGENCY PERMIT

North Coast Railroad Authority
c/o David Anderson
3125 Frye Street
Oakland, CA 94602-4040

Date: August 22, 2007
Emergency Permit No. 1-07-035-G

LOCATION OF EMERGENCY WORK:

Along approximately 500 feet of the North Coast Railroad Authority railroad embankment on the east shoreline of Humboldt Bay, just north of the Humboldt Bay Power Plant, in the King Salmon area (SBE 853-12-21L, Parcel 35), Humboldt County.

WORK PROPOSED:

Reconstruct a 500-foot-long section of the wave-eroded railroad embankment and replace the adjoining shoreline revetment protecting the embankment by (1) removing and disposing off-site approximately 750 cubic yards of the substandard and collapsing existing revetment along the bayward side of the railroad embankment, (2) retrieving and regarding eroded existing sand and gravel fill from the embankment dispersed east of the tracks to restore and realign the fill prism of the railroad embankment, (3) placing geofabric or quarry spalls to a thickness of one foot between the sections of earthen embankment repaired on the bay side of the levee and the proposed revetment materials, and (4) placing revetment materials in two layers along the bayward side of the earthen railroad embankment, including ½-ton rock a minimum of 3.3-feet thick against the embankment and 2-ton armor rock a minimum of 5-feet thick against the layer of ½ ton rock. The maximum elevation of the top of the new revetment would be 16 feet above mean sea level with a minimum 5-foot width at the crest.

PERMIT RATIONALE:

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of storm surge and high tidal inundation related erosion has resulted in compromising the long-term structural integrity of the railroad embankment, which also serves as a bayfront levee in this location. Consequently, if timely repairs to the most significantly damaged portions of the embankment/levee are not conducted within an expedited timeframe, the likelihood that a catastrophic breach in the embankment/levee during the on-coming winter season would be substantially increased. Such a breach could result in the severing of the parallel and adjacent Humboldt Community Services District sewer line and inundation of significant areas of coastal agricultural lands, commercial property and public roads by tidal waters. Therefore, the situation requires immediate action to prevent damage to property.



Emergency Permit Number: 1-07-035-G
Date: 8/22/07
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Pursuant to Title 14 of the California code of Regulations, Section 13009, the Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of this permit; and
- (b) Public comment on the proposed emergency action has been reviewed as time allows; and
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

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

Sincerely,

PETER M. DOUGLAS
Executive Director



ROBERT S. MERRILL
North Coast District Manager



CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the APPLICANT and returned within 15 days.
2. Only work specifically described in this permit and for the specific property listed above is authorized. The project shall be undertaken in accordance with the plans and other information submitted to the Coastal Commission. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 60 days of the date of this permit (i.e., by October 21, 2007).
4. Prior to the commencement of construction, the permittee shall survey the existing configuration of the 500-foot-long section of rail embankment and revetment to be reconstructed, delineating the footprint of the existing revetment, the centerline of the existing track, and footprint of the existing embankment shown relative to the mean high tide and the boundaries of the railroad right-of-way. The permittee shall submit plans depicting the features indicated above in plan view and with as many cross-sections as necessary to depict the information. The plans shall be submitted within 60 days of the date of this permit, or by October 21, 2007.
5. Upon completion of the project, the permittee shall submit as-built plans of the 500-foot-long section of rail embankment and revetment as reconstructed, delineating the footprint of the reconstructed revetment, the centerline of the realigned track, and footprint of the reconstructed embankment shown relative to the mean high tide and the boundaries of the railroad right-of-way. The permittee shall submit plans depicting the features indicated above in plan view and with as many cross-sections as necessary to depict the information. Plans showing a comparison of the existing and as-built condition of the rail line and revetment shall also be submitted. The plans shall be submitted within 60 days of project completion, or by December 20, whichever is earlier.
6. Temporary construction fencing to delineate the work area shall be installed five feet west of the inboard edge of the right-of-way to insure that the adjacent wetlands are not disturbed by construction. Construction activities shall be confined within the delineated work area.
7. Silt fences or equivalent devices shall be installed along the inboard perimeter of the repair site prior to any grading or placement of fill materials to reduce the discharge of fill materials and sediment laden runoff into the wetlands on the inboard sides of the damaged levees. The installed silt fences or equivalent devices shall be maintained during project construction and removed upon completion of the project.



8. To prevent and address spills of equipment fuels, lubricants, and similar materials, the repair work shall incorporate the following measures: (a) no equipment fueling shall occur on the site or elsewhere along the levees; (b) all equipment used during construction shall be free of oil and fuel leaks at all times; (c) oil absorbent booms and/or pads shall be on site at all times during project construction and deployed if necessary in the event of a spill; and (d) all spills shall be reported immediately to the appropriate public and emergency services response agencies.
9. No stockpiling of construction materials or debris shall occur in wetland areas, including tidelands and the grazed seasonal wetlands on the agricultural lands adjoining the levees to be repaired.
10. Heavy equipment shall be operated from the inboard side or top of the levee/embankment and no such equipment shall be operated within tidal waters or within the grazed seasonal wetlands on the agricultural lands adjoining the levees to be repaired.
11. All construction and demolition debris shall be removed from the site and disposed of only at an authorized disposal site. Any hazardous materials removed from the site, including creosote treated rail ties, shall be taken to an appropriate disposal site licensed to accept hazardous materials of this kind.
12. All new revetment material to be used shall consist of clean quarry rock that is free of concrete slabs, debris and waste materials. The revetment materials shall not be greater than three feet in any one direction and shall utilize a layer of at least 1.6-ton stone at a minimum thickness of 5 feet on the seaward slope of the revetment with a layer of ½-ton stone at a minimum thickness of 3.3 feet between the outer layer and the levee/embankment. A layer of quarry spalls and/or filter fabric shall be placed on the embankment slope prior to placing the layer of ½ ton stone.
13. The seaward slope of the reconstructed revetment shall be no steeper than 2.0H:1V.
14. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless of any liabilities for damage to public or private properties or personal injury that may result from the project.
15. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including the U.S. Army Corps of Engineers, the California Department of Fish and Game, the County of Humboldt, or the Humboldt Bay Harbor, Recreation, and Conservation District.

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



Emergency Permit Number: 1-07-035-G

Date: 8/22/07

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

cc: Humboldt Community Services District, Attn: Mark Bryant
Humboldt Bay Harbor District, Attn: Dave Hull
Humboldt County Supervisor Jimmy Smith
North Coast Regional Water Quality Control Board, Attn: Dean Pratt
U.S. Army Corps of Engineers, Eureka Office, Attn: David Ammerman
National Marine Fisheries Service, Arcata Area Office, Attn: Diane Ashton
County of Humboldt Community Development Services Department
USFWS Arcata Fish and Wildlife Office
Department of Fish and Game, Eureka Office, Attn: Vicki Frey

Encl: Emergency Permit Acceptance Form, Regular Application Form



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**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Peter Douglas, Executive Director
DATE: September 6, 2007
SUBJECT: **Permit No: 1-04-005-A1**
Granted to: Humboldt County Public Works Department, Attn: Hank Seeman

Original Description:

for **Vegetation and gravel removal as part of long-term, ongoing maintenance program within the Redwood Creek Flood Control Channel**
at **Along the lower 2.5 miles of Redwood Creek, downstream of, Orick (Humboldt County)**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

Allow additional vegetation management techniques, including mechanical removal and controlled burning, to reduce labor intensity, increase worker safety, and increase maintenance efficiency for the Redwood Creek Flood Control Project. Mechanical removal of vegetation will be accomplished using a bulldozer equipped with a brush rake to remove both above- and below-ground (root mass) portions of woody vegetation. Protective measures for this additional vegetation management technique include, but are not limited to, (1) flagging the extent of trees to be removed; (2) briefing operators prior to work on the required protective measures and work area boundaries; (3) establishing setback areas to avoid disturbing the bank of the low-flow channel and to avoid encouraging stream braiding; (4) leaving a mosaic of vegetation, and not using heavy equipment within 30 feet of the edge of bank; (5) using erosion control measures such as silt fencing or wattles as needed; (6) cleaning equipment prior to use and regularly monitoring equipment for leaks; in the event of an identified leak, the equipment will be immediately taken off site for repair; (7) having spill response kits readily accessible on site; and (8) no fueling or equipment maintenance within the project area (except in emergencies). The controlled burning is aimed at controlling the Himalayan blackberry which dominates the upper portion of the levee slope. The band of willows and alders at the toe of the levee slope will not be burned, and a minimum five-foot buffer will be maintained between the levee toe (or upward extent of woody vegetation) and the lower boundary of the burn area. Other protective measures for controlled burning include, but are not limited to, using experienced CDF crews for fire control, cutting firebreak corridors manually above the buffer zone,

conducting burning only on permissive burn days with suitable weather conditions and with a burn permit from the North Coast Unified Air Quality Management District, no fuel handling on the levee slope, conducting fueling activities on an impermeable surface to contain drips, and having spill kits and a 3,000-gallon water truck on site as a contingency.

FINDINGS

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

Various protective measures are proposed for each of the two additional vegetation management techniques to minimize impacts on coastal resources. Additionally, the use of these techniques is subject to the Interagency Review Team's annual review of the applicant's annual maintenance plan for the flood control project, per Special Condition No. 1 of CDP No. 1-04-005. Furthermore, the National Marine Fisheries Service has concluded in their amended Biological Opinion that neither technique will jeopardize listed salmonid species or adversely modify designated critical habitats. Therefore, the proposed amended development would not adversely affect coastal resources and is consistent with the policies of Chapter 3 of the Coastal Act.

If you have any questions about the proposal or wish to register an objection, please contact Melissa Kraemer at the North Coast District office.

cc: Local Planning Dept.

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August 23, 2007

NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that: **California Department Of Transportation, Attn:
Kevin Flannery**

has applied for a one year extension of Permit No: **1-03-059**.

granted by the California Coastal Commission on: **June 8, 2005**

for **Construction of an approximately 100 foot long retaining wall below grade along an existing shoulder of Highway 128 (post mile 1.6), including approximately 200 cubic yards of grading, with guard rail extending approximately 1.5 feet maximum above finished grade, including planting native shrubs to screen river corridor views as seen from downslope.**

at **Post Mile 1.6 on Highway 128, approximately 21 miles west of Philo, Mendocino County**

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,
PETER M. DOUGLAS
Executive Director

A handwritten signature in cursive script that reads "Melanie Faust".

By: MELANIE FAUST
Senior Staff Analyst