

CALIFORNIA COASTAL COMMISSION

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

www.coastal.ca.gov

W15

NORTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

October Meeting of the California Coastal Commission

MEMORANDUM

Date: October 7, 2009

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 October 7, 2009 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.

DE MINIMIS WAIVERS

1. 1-09-040-W Crescent City Harbor District, Attn: Richard Young (Crescent City, Del Norte County)
2. 1-09-043-W City Of Arcata Public Works Department (Arcata, Humboldt County)

EMERGENCY PERMITS

1. 1-09-042-G Eureka Broadcasting, Attn: Hugo Papstein (Humboldt County)

TOTAL OF 3 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
1-09-040-W Crescent City Harbor District, Attn: Richard Young	Perform a geotechnical subsurface exploration for planned improvements to the Crescent City Harbor that includes performing three borings within the inner harbor over water from a barge, and three borings on land.	101 Citizens Dock Road, Crescent City (Del Norte County)
1-09-043-W City Of Arcata Public Works Department	Excavate 440 cubic yards of soil to create a 268-foot-long, 12-foot-wide trench in an upland area, and install engineered rock within the trench for possible future use as rock slope protection (RSP) along the Klopp Lake parking lot located at the foot of South I Street. In addition to the engineered rock, the trench will be filled with 240 cubic yards of earthen material (excavated backfill), an approximately 920-square-foot area will be revegetated with sod to match the surrounding grassy surface, and an approximately 3,100-square-foot area will be repaved with asphalt to match the existing asphalt parking lot grade.	South I Street parking lot at Klopp Lake, Arcata (Humboldt County)

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>
1-09-042-G Eureka Broadcasting, Attn: Hugo Papstein	Replacement of two (2) 245-foot-high radio broadcasting antennae and appurtenant facilities.	North of north end of Marsh Road, Humboldt County

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: October 6, 2009
TO: Crescent City Harbor District, Attn: Richard Young
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 1-09-040-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: Crescent City Harbor District, Attn: Richard Young
LOCATION: 101 Citizens Dock Road, Crescent City (Del Norte County) (APN(s) 117-020-16)
DESCRIPTION: Perform a geotechnical subsurface exploration for planned improvements to the Crescent City Harbor that includes performing three borings within the inner harbor over water from a barge, and three borings on land.
RATIONALE: The proposed borings would be installed in a manner to prevent water quality impacts. The borings over water would be performed from a barge through a steel casing that would extend below the mud line to create a seal. All drilling fluids and soil cuttings would be contained within the casing and extracted up through the casing for containment within a re-circulation tank and 55-gallon drums. The deck of the barge would be lined with visqueen or a similar water-tight material. Upon completion of the borings, the holes would be backfilled and plugged with a bentonite grout or chips. Absorbent oil spill containment booms would be available on the barge for deployment in the event of a spill. Drilling fluids and soil cuttings from the proposed borings over land would be similarly contained. A spill contingency plan has been prepared. Therefore, the project involves no significant adverse impacts on coastal resources and is consistent with all applicable Chapter 3 policies of the Coastal Act.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Wednesday, October 7, 2009, in Oceanside. If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director


By: JIM BASKIN
Coastal Program Analyst

cc: Local Planning Dept.

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: October 5, 2009
TO: City Of Arcata Public Works Department
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 1-09-043-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: City Of Arcata Public Works Department

LOCATION: South I Street parking lot at Klopp Lake, Arcata (Humboldt County) (APN(s) 503-241-10)

DESCRIPTION: Excavate 440 cubic yards of soil to create a 268-foot-long, 12-foot-wide trench in an upland area, and install engineered rock within the trench for possible future use as rock slope protection (RSP) along the Klopp Lake parking lot located at the foot of South I Street. In addition to the engineered rock, the trench will be filled with 240 cubic yards of earthen material (excavated backfill), an approximately 920-square-foot area will be revegetated with sod to match the surrounding grassy surface, and an approximately 3,100-square-foot area will be repaved with asphalt to match the existing asphalt parking lot grade.

RATIONALE: The proposed work is an addition to a larger-FEMA-funded levee repair project located along the exterior and interior of Klopp Lake and the wastewater pond levee system previously permitted by the Commission designed to prevent further storm damage erosion to the face of the existing levee system and to protect the public recreational opportunities in and around Klopp Lake. The additional development now proposed will not impact marine resources or sensitive habitats, because the new RSP and earthen fill will be placed within a trench outside of tidal areas within upland areas, primarily within the footprint of the existing asphalt parking lot, which will be reconfigured to maintain the existing parking capacity. Furthermore, the applicant proposes to implement temporary soil stabilization and sediment control BMPs during construction activities and post-construction, and to complete the work prior to the onset of the rainy season. Moreover, the project will not impact the public enjoyment of the upland grassy area adjacent to the bay, as existing interpretive signage and picnic tables will remain for public use following completion of construction. Finally, the site will not appear visually different than the current setting, as the new RSP area will be overlain with sod on the west side to revegetate and match the surrounding grassy surface and with gravel and asphalt on the east side to blend with the parking lot area. Therefore, as proposed the project will not adversely affect coastal resources and is consistent with all Chapter 3 policies of the Coastal Act.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Wednesday, October 7, 2009, in Oceanside. If four Commissioners object to this waiver, a coastal development permit will be required.

Date: 10/5/2009

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Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director


By: MELISSA KRAEMER
Coastal Program Analyst

cc: Local Planning Dept.

L.A.C.O. Associates, Attn: Deirdre Maccllelland & Charles Roecklein

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EMERGENCY PERMIT

Eureka Broadcasting Company
Attn: Hugo Papstein
1101 Marsh Road
Eureka, CA 95501

Date: October 6, 2009
Emergency Permit No. 1-09-042-G

LOCATION OF EMERGENCY WORK:

Within diked former tidelands south of Eureka Slough located northeast of the north end of Marsh Road, just east of Eureka, Humboldt County (APN 014-271-08).

WORK PROPOSED:

Replacement of two 245-foot-high radio broadcasting antennae and appurtenant facilities including guy rods and anchors, antenna radials, and coaxial cables.

PERMIT RATIONALE:

This letter constitutes approval of the emergency work you or your representative has requested be done at the location listed above. I understand from your information that based on recent inspections, the radio antennae towers are in danger of collapse and must be replaced prior to the onset of the rainy season, when wet conditions would impair construction access and further damage the corroded, cracked tower anchoring systems. I further understand that the radio facilities are relied upon by the County of Humboldt Office of Emergency Services, the Humboldt County Sheriff's Office, and the National Weather Service for broadcast of Emergency Alert System (EAS) announcements in the county. KINS Radio is designated as the Local Primary I (LP) station for Humboldt County, which initiates EAS event codes for rebroadcast by other affiliated stations in the area, and further damage to the radio towers could result in the inability to effectively distribute EAS announcements in the county. Therefore, the situation requires immediate action to ensure the EAS signal is available for broadcast to the public by area radio stations, to help prevent loss of life and/or damage to property in case of emergency, and constitutes an emergency as defined by 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.



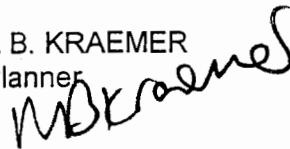
CALIFORNIA COASTAL COMMISSION

Emergency Permit Number: 1-09-042-G
Eureka Broadcasting Company
Date: October 6, 2009
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Sincerely,

PETER M. DOUGLAS
Executive Director

MELISSA B. KRAEMER
Coastal Planner



CALIFORNIA COASTAL COMMISSION

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 30 days or by November 5, 2009.
4. All temporary access roads and staging areas shall be limited to the locations and sizes specified in the permit application.
5. The permittee shall use relevant best management practices (BMPs) as detailed in the "California Storm Water Best Management Practices Handbooks," by Camp, Dresser & McKee, et al. for the Storm Water Quality Task Force (see <http://www.cabmphandbooks.com>).
6. Effective erosion control measures shall be in place at all times during construction. A supply of erosion control materials shall be maintained on site to facilitate a quick response to unanticipated storm events or emergencies. If continued erosion is likely to occur after construction is completed, then appropriate erosion prevention measures shall be implemented and maintained until erosion has subsided. Erosion control devices are temporary structures and shall be removed after completion of construction.
7. Work sites shall be winterized at the end of each day when significant rains are forecast that may cause unfinished excavation to erode.
8. No construction materials, debris, or waste shall be placed or stored where it may be subject to entering coastal waters or seasonal wetlands outside of repair areas and temporary staging areas and access roads.
9. During construction, all trash shall be properly contained, removed from the work site, and disposed of on a regular basis to avoid contamination of habitat during construction activities. Following construction, all trash and construction debris shall be removed from work areas and disposed of properly.
10. All construction debris shall be removed and disposed of in an upland location at an approved disposal facility within 10 days of project completion or by November 15, 2009, whichever is earliest.
11. Any fueling and maintenance of construction equipment shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas.



12. Fuels, lubricants, and solvents shall not be allowed to enter the coastal waters or seasonal wetlands. Hazardous materials management equipment including 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.
13. After project completion, all exposed soils present in and around the project site which may deliver sediment to coastal waters or seasonal wetlands shall be stabilized with mulch, seeding, and/or placement of erosion control blankets. Erosion control seeding shall include only native, regionally appropriate species or noninvasive agricultural species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the governments of the State of California or the United States shall be utilized within the property.
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, the North Coast Regional Water Quality Control Board, and/or other agencies as appropriate.

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 regular Coastal Development Permit must be obtained. A regular permit or permit amendment would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. The permittee has submitted Coastal Development Permit Application No. 1-09-033 seeking permanent authorization for the work authorized by this emergency permit on a temporary basis. If CDP Application No. 1-09-033 or another CDP application seeking permanent authorization for the development is not approved, the owner must obtain a CDP for removal of the development authorized on a temporary basis by this emergency permit.

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.

Encl.: Emergency Permit Acceptance Form, Regular Application Form

Cc: Steve Werner, Humboldt County Planning Division, Eureka
Carol Heidsiek, U.S. Army Corps of Engineers, Eureka
Marty McClelland, Agent, Eureka

