

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

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NORTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

December Meeting of the California Coastal Commission

MEMORANDUM

Date: December 10, 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 December 10, 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. 1-09-035-W Pacific Power, Attn: Lorelei Phillips; Tree's Incorporated, Attn: Mike Allen (Fort Dick, Del Norte County)

EMERGENCY PERMITS

1. 1-09-043-G City Of Eureka, Attn: Lisa D. Shikany (, Humboldt County)

EXTENSION - IMMATERIAL

1. A-1-MEN-01-051-A1-E2 Loke Tan (Fort Bragg, Mendocino County)

<i>TOTAL OF 3 ITEMS</i>

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.

1-09-035-W Pacific Power, Attn: Lorelei Phillips Tree's Incorporated, Attn: Mike Allen	Perform vegetation management work along an existing 69kv transmission power line to maintain vegetation clearances and to ensure service reliability by selectively removing a total of 7 pine and 5 spruce trees and pruning the crowns or sides of 25 other trees. All work would be performed either by a hand crew or from a lift truck stationed on existing roads with an aerial boom, and would be performed prior to March 1, 2010. Larger logs would be left on site to decay and other cut vegetation would be chipped and removed.	Along Tell Boulevard & Kellog Road, Within The Pacific Shores Subdivision, Fort Dick (Del Norte County)
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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.

1-09-043-G City Of Eureka, Attn: Lisa D. Shikany	Stabilize the existing Elk River Wastewater Treatment Plant outfall pipe exposed as a result of sudden dune erosion by placing approximately 1650 tons of revetment material (800 tons of ½-ton armor rock and 850 tons of No.1 backing rock, or approximately 400 cubic yards of each) over and around the outfall pipe between the stand pipe and the existing dune face.	Along the shoreline of Humboldt Bay at the Elk River Spit, along the City of Eureka Wastewater Treatment Plant outfall pipe, at 4301 Hilfiker Lane, Humboldt County
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REPORT OF EXTENSION - IMMATERIAL

A-1-MEN-01-051-A1- Loke Tan	Modify the design of the approved house resulting in a 6,933-square-foot, two-story, 26-foot-high residence with an 857-square-foot attached garage to be located entirely within the previously approved building envelope, driveway, water supply system from existing well, septic system and utility shed.	17230 Ocean Drive, Fort Bragg (Mendocino County)
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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: December 8, 2009
TO: Pacific Power, Attn: Lorelei Phillips; Tree's Incorporated, Attn: Mike Allen
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 1-09-035-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: Pacific Power, Attn: Lorelei Phillips; Tree's Incorporated, Attn: Mike Allen
LOCATION: Along Tell Boulevard & Kellogg Road, Within The Pacific Shores Subdivision, Fort Dick (Del Norte County)
DESCRIPTION: Perform vegetation management work along an existing 69kv transmission power line to maintain vegetation clearances and to ensure service reliability by selectively removing a total of 7 pine and 5 spruce trees and pruning the crowns or sides of 25 other trees. All work would be performed either by a hand crew or from a lift truck stationed on existing roads with an aerial boom, and would be performed prior to March 1, 2010. Larger logs would be left on site to decay and other cut vegetation would be chipped and removed.
RATIONALE: The proposed vegetation removal and pruning would avoid impacts to sensitive habitat by (1) minimizing the required tree removal and pruning work, (2) limiting work to the time period prior to the avian nesting season and prior to the growth of perennial plants that provide habitat for rare butterfly species, and (3) performing all work by hand or from vehicles with aerial booms stationed on existing roads to avoid damage to wetland habitat. The proposed development will not adversely affect coastal resources or public access to the shoreline 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 Thursday, December 10, 2009, in San Francisco. 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: ROBERT MERRILL
District Manager

cc: Local Planning Dept.

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EMERGENCY PERMIT

Lisa D. Shikany
City Of Eureka
531 K Street
Eureka, CA 95501

Date: November 6, 2009
Emergency Permit No. 1-09-043-G

LOCATION OF EMERGENCY WORK:

Along the shoreline of Humboldt Bay at the Elk River Spit, along the City of Eureka Wastewater Treatment Plant outfall pipe, at 4301 Hilfiker Lane, Eureka, Humboldt County.

WORK PROPOSED:

Stabilize the existing Elk River Wastewater Treatment Plant outfall pipe exposed as a result of sudden dune erosion by placing approximately 1650 tons of revetment material (800 tons of ½-ton armor rock and 850 tons of No.1 backing rock, or approximately 400 cubic yards of each) over and around the outfall pipe between the stand pipe and the existing dune face.

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 sudden shoreline erosion that has uncovered a previously buried section of outfall pipe exposing the section of pipe to wave attack and strong currents that threaten to undermine and break the outfall pipe allowing uncontrolled releases of treated effluent into Humboldt Bay. Therefore, the situation requires immediate action to prevent loss of marine life and/or damage to property and constitutes an emergency as defined by 14 Cal. Admin. Code 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;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (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


By: ROBERT MERRILL
District Manager

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the APPLICANT and returned to our office within 15 days.
2. Only that 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 applicant shall retrieve and remove from the bay any demolition debris or project materials that enter the water.
4. All debris and other waste from the project shall be disposed of at appropriately licensed facilities for accepting such waste or recyclable material.
5. Any lighting used for performing the repair work at night shall be shielded and directionally cast downward so as not to shine beyond the construction site.
6. A follow-up regular application seeking authorization to have the emergency work become a permanent development shall be submitted within 60 days. Any needed engineering and biological studies to support the application must be submitted within 180 days of issuance of the emergency permit.
7. Construction activities shall be conducted during periods of low tide only.
8. Any fueling and maintenance of construction equipment shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas.
9. Fuels, lubricants, and solvents shall not be allowed to enter coastal waters or wetlands. 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.

Emergency Permit Number: 1-09-043-G

Date: 11/6/09

Page 3 of 3

10. All new revetment material to be used shall consist only of clean rock that is free of debris and fine sediment.
11. 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 restoration activities. Following construction, all trash and construction debris shall be removed from work areas and disposed of properly.
12. 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.
13. 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, or other applicable agencies.

The emergency work is considered to be temporary work done in an emergency situation. **If the permittee wishes to have the emergency work become a permanent development, a regular Coastal Development Permit or permit amendment 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. 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.

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 w/out encl.: David Ammerman, U.S. Army Corps of Engineers, Eureka
Michael van Hattem, Department of Fish and Game, Eureka
Dean Prat, Regional Water Quality Control Board, Santa Rosa

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December 7, 2009

NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that: **Loke Tan**

has applied for a one year extension of Permit No: **A-1-MEN-01-051-A1-E2**

granted by the California Coastal Commission on: November 15, 2006

for **Modify the design of the approved house resulting in a 6,933-square-foot, two-story, 26-foot-high residence with an 857-square-foot attached garage to be located entirely within the previously approved building envelope, driveway, water supply system from existing well, septic system and utility shed.**

at **17230 Ocean Drive, Fort Bragg (Mendocino County) (APN 017-330-10)**

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 black ink, appearing to read "Robert Merrill".

By: ROBERT MERRILL
District Manager