

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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Th6b

MEMORANDUM

Date: August 12, 2009

To: Commissioners and Interested Parties

From: Peter Douglas, Executive Director
Robert S. Merrill, District Manager – North Coast District

Subject: **Addendum to Commission Meeting for Thursday, August 13, 2009
North Coast District Item Th6b, CDP Application No. 1-08-049
(Trinidad Rancheria)**

Staff is proposing to make certain changes to the staff recommendation on Coastal Development Permit Amendment Application No. 1-08-049, the application of the Trinidad Rancheria to install a public restroom and replace an existing septic system serving a restaurant and other uses at Trinidad Harbor. Staff is revising the staff recommendation to (1) modify Special Condition No. 4, "Area of Archaeological Significance," to require that in the event that any archaeological resources are discovered at the site during ground disturbance activities, the required Native American cultural monitor who will be monitoring the excavation work for the presence of such resources would also be required to be consulted in the analysis of the significance of the find and in the preparation of the required archaeological plan for protecting the resource. In addition, staff is making certain corrections to the report.

Staff continues to recommend that the Commission approve the project with the special conditions included in the staff recommendation of July 30, 2009, as modified by the revisions described below.

I. REVISIONS TO STAFF RECOMMENDATION

The revisions to the staff report dated July 30, 2009, are shown below. Text to be deleted is shown in ~~strike through~~; text to be added appears in **bold double-underline**.

- **Revise Special Condition No. 4, "Area of Archaeological Significance," on pages 7-8 as follows:**

4. **Area of Archaeological Significance**

- A. A cultural monitor of the Yurok Tribe or the Tsurai Ancestral Society and certified by the Yurok Tribal Historic Preservation Officer shall be present to oversee all activities in which there will be ground disturbance.
- B. If an area of historic or prehistoric cultural resources or human remains are discovered during the course of the project, all construction shall cease and shall not recommence except as provided in subsection (2) hereof, and a qualified cultural resource specialist shall analyze the significance of the find **in consultation with the cultural monitor**.
- C. A permittee seeking to recommence construction following discovery of the cultural deposits shall submit an archaeological plan **prepared in consultation with the cultural monitor** for the review and approval of the Executive Director.
- 1). If the Executive Director approves the archaeological plan and determines that the archaeological plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, construction may recommence after this determination is made by the Executive Director.
 - 2). If the Executive Director approves the archaeological plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission.

REASON FOR CHANGE: After publication of the staff report, staff received comments from a member of the Tsurai Ancestral Society noting that although Special Condition No. 4 would require that a cultural monitor of the Yurok Tribe or the Tsurai Ancestral Society and certified by the Yurok Tribal Historic Preservation Officer be present to monitor all ground disturbance associated with the development, the condition as written would not specifically require that the cultural monitor be involved in the analysis and development of mitigation measures to protect any cultural resources that might be discovered. Staff believes that as the cultural monitor is required to be a qualified monitor that is a descendant of the Native American people that historically inhabited the area and who would therefore likely have particular knowledge or expertise regarding the significance of cultural artifacts that might be discovered, it is appropriate to

require that the monitor be consulted in the analysis and development of mitigation measures to protect any resources that might be found. Therefore, staff is modifying Special Condition No. 4 to require that in the event that any archaeological resources are discovered at the site during ground disturbance activities, the cultural monitor who will be monitoring the excavation work for the presence of such resources would also be required to be consulted in the analysis of the significance of the find and in the preparation of the required archaeological plan for protecting the resource.

- ***Correct the fourth sentence of the second full paragraph on page 11 (3rd paragraph of Finding 2, “Project Description,”) as follows:***

The system is designed so that wastewater from the restaurant would first pass through a grease interceptor where the majority of the fats, oils, and greases from the restaurant would be removed from the waste stream. Wastewater from the restroom and vacation rental house and the discharge from the grease interceptor would flow into the primary treatment tanks. From the primary treatment tanks, the effluent would be pumped to the Orenco AdevanTex Treatment units for secondary treatment. These treatment units utilize a textile filters to ~~remove~~ **promote the** biological processes ~~which produce a clear, odorless effluent~~ **that breakdown impurities in the water.** Effluent from the treatment units would then be denitrified in an upflow filter prior to being dispersed into a new leach field. The new leach field would be built as a shallow dispersal system over the top of the existing dispersal system which would be abandoned. The grease interceptor, primary treatment tanks, and secondary treatment units would all be located along the south side of the existing harbor parking lot. Some of these components would be installed below ground underneath the parking lot and others below ground adjacent to the parking lot. The dispersal field would be located approximately 100 feet to the west buried into a grassy slope adjacent to Lighthouse Drive (see Exhibit 5). All of the existing septic system components would be abandoned and/or removed.

REASON FOR CHANGE: The revision simply corrects the sentence to more accurately reflect how the Orenco AdevanTex treatment units contribute to the sewage treatment process provided by the proposed advanced sewage treatment system.

- ***Globally change references in the report to the proposed “package sewage treatment plant” to the proposed “advanced sewage treatment system.”***

REASON FOR CHANGE: Since publication of the staff report, the applicant's consultant has informed staff that although the project as originally proposed involved replacing the existing deteriorated septic system that serves the harbor area with a new "package sewage treatment plant," the system currently proposed is not properly described as a package sewage treatment plant, but rather as an "advanced sewage treatment system."

- *Globally change references in the report to the proposed height of the proposed retaining wall from "5 to 10-foot-high" to "5 to 12.5-foot-high."*

REASON FOR CHANGE: Since publication of the staff report, the applicant's consultant has informed staff that portions of the proposed 250-foot-long retaining wall will extend to a height of 12.5 feet, rather than 10 feet

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Th6b

Filed: July 28, 2009
49th Day: September 15, 2009
180th Day: January 24, 2010
Hearing Opened: September 7, 2007
Staff: Robert S. Merrill
Staff Report: July 30, 2009
Hearing Date: August 13, 2009

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 1-08-049

APPLICANT: Trinidad Rancheria

PROJECT LOCATION: Trinidad Harbor, 1 Bay Street, Trinidad, Humboldt County (APNs 042-071-008 & 042-071-012).

PROJECT DESCRIPTION: Replace a restaurant septic system with a new package sewage treatment system, construct an approximately 1,300-square-foot public restroom, and install an approximately 250-foot-long, 5 to 10-foot-high retaining wall.

LOCAL APPROVALS RECEIVED: City of Trinidad Design Review and Grading Permit (2009-01)

OTHER APPROVALS REQUIRED: (1) Humboldt County Department of Environmental Health permit for leach field; and (2) North Coast Regional Water Quality Control Board Waste Discharge Permit.

SUBSTANTIVE FILE DOCUMENTS: (1) City of Trinidad Design Review and Grading Permit (2009-01); (2) City of Trinidad certified Local Coastal Program.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve with conditions the coastal development permit application for the proposed septic system replacement and public restroom installation project at Trinidad Harbor in the City of Trinidad. The project site is located in an area of deferred certification and thus, the standard of review is the Coastal Act.

The proposed project is primarily intended to correct existing water quality problems at Trinidad Harbor. In recent years, portions of the existing septic system leach field have had to be taken out of service due to surfacing effluent caused by degraded soil conditions. During an inspection in April of 2009, personnel from the Humboldt County Division of Environmental Health, discovered excessive accumulations of grease in portions of the active disposal field, suggesting that the disposal field had been receiving inadequately treated wastewater from the restaurant for a considerable time, further impacting soil conditions. In addition, the Harbor has lacked a public restroom and has relied on the use of portable toilets. The portable toilets have not accommodated the full demand for bathroom facilities, resulting in pollution from human waste. Furthermore, portable toilets are subject to spills during servicing operations.

These problems with the existing septic system and lack of sufficient public restrooms lead the applicant to undertake the current project to replace the septic system with a new package sewage treatment plant and install a public restroom. The new package sewage treatment system will improve the sewage treatment at the harbor by providing advanced treatment measures. The proposed public restroom will better serve the public and users of the harbor and reduce pollution from human waste.

Although the proposed development is designed to correct existing water quality problems, construction of the proposed development could have its own impacts on coastal resources if adequate mitigation measures are not incorporated into the project. Staff is recommending Special Conditions 1-8 to mitigate potential impacts on coastal resources. Special Condition No. 1 requires the submittal of a landscaping plan to provide for the planting of native plants along the proposed retaining wall to make the 250-foot-long wall more visually compatible with the vegetated hillside that the wall will be set against. Special Condition No. 2 limits the extent of lighting to be used so that the project does not create excessive glare. To protect water quality, Special Condition No. 5 requires the use of certain erosion and sediment control best management practices to ensure that runoff during construction does not adversely affect water quality. In addition, Special Condition No. 6 requires the submittal of a debris disposal plan to ensure that the excess excavated material from the hillside and construction debris is disposed of in an authorized disposal site where these materials will not contribute to water quality impacts. Special Condition No. 3 limits landscaping and revegetation to native species and prohibits the use of rodenticides to protect nearby environmentally sensitive habitat areas and wildlife. Special Condition No. 4 requires that a cultural monitor be present during ground disturbing activities and that construction stop in the

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event cultural resources are discovered, and that construction not resume until an archaeological plan has been prepared and approved to protect the archaeological/cultural resources. The staff recommendation also includes Special Conditions 7 and 8 which require that evidence of approval of the package sewage treatment system improvements by the Regional Water Quality Control Board and County Department of Environmental Health be provide prior to the commencement of development.

As conditioned, staff recommends that the Commission finds that the development as will avoid significant adverse impacts to coastal resources and is consistent with the Chapter 3 policies of the Coastal Act.

In addition to acting on the permit itself, the Commission will need to act on a request by the applicant that the Commission reduce the permit application fee of twelve thousand dollars (\$12,000) applicable to the project to six thousand dollars (\$6,000) (see Exhibit No. 9). In this case, the filing fee is \$12,000, comprised of a \$10,000 base fee for the development based on the proposed project's \$1,700,000 projected development cost, and an additional \$2,000 fee for the proposed grading associated with the development. The applicant notes that the Commission has increased its permit application fees since the applicant first applied for a grant under the Clean Beaches grant program of the State Water Resources Control Board in 2007 to fund the project. The budget for the grant assumed that the coastal development permit application fee for the project would be \$6,000, based on the Commission's fee schedule in place at the time of the budgeting process.

Staff recommends that the Commission not grant the fee reduction request and keep the fee at the \$12,000 applicable to the project under the Commission's current fee schedule. Although the staff supports the project and acknowledges that the proposed replacement of the septic system with an advanced package sewage treatment plant and the installation of a public restroom will result in important water quality and public access benefits, the Commission's fees are not based on the relative benefit the project has for the public and coastal resources but rather on a schedule proportionately representative of costs to the Commission of processing the application. In addition, the permit application was submitted to the Commission in November of 2008, approximately eight months after the new fee schedule became effective. Furthermore, the funding source for the project has changed. In a letter dated June 10, 2009, the applicant indicates that the State Water Resources Control Board suspended bond funding for this project and many others under the Clean Beaches grant program due to the state's budget difficulties. To salvage the project, the applicant has now applied for and received commitments for funding under the federal American Recovery and Reinvestment Act of 2009 (AARA). At the time this most recent funding request was made, the Commission's current fee schedule had become effective and the current permit application fees applicable to the project were known. Therefore staff does not recommend approval of the fee reduction request and recommends Special Condition No. 9 be attached to the permit to require that the applicant submit the appropriate fee prior to issuance of the coastal development permit consistent with the requirements of Section 13055(i) of the Commission's regulations.

The Motions to adopt the Staff Recommendation are found on pages 4-5 below.

STAFF NOTES:

1. Standard of Review

The proposed project is located within the incorporated boundaries of the City of Trinidad within the upland area of Trinidad Harbor, in Humboldt County. The City of Trinidad has a certified LCP, but the project site is within the “Trinidad Harbor and Upland Support Area,” an Area of Deferred Certification (ADC) over which the Commission retains coastal development permit jurisdiction. Therefore, the standard of review that the Commission must apply to the project is the Coastal Act.

I. MOTIONS, STAFF RECOMMENDATIONS, & RESOLUTIONS:

A. MOTION, STAFF RECOMMENDATION, & RESOLUTION FOR APPROVAL OF COASTAL DEVELOPMENT PERMIT NO. 1-08-049 AS CONDITIONED

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-08-049 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.

B. MOTION, STAFF RECOMMENDATION, & RESOLUTION TO DENY REDUCTION OF APPLICATION FEE

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission direct the Executive Director to reduce the permit application fee for Coastal Development Permit No. 1-08-049 from twelve thousand dollars (\$12,000) to six thousand dollars (\$6,000).

Staff Recommendation of Approval:

Staff recommends a **NO** vote. Failure of this motion consistent with the staff recommendation will result in a permit filing fee consistent with the Commission's current fee schedule. Approval of this motion contrary to the staff recommendation will result in the permit application fee being reduced to six thousand dollars (\$6,000.00). The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Deny a Fee Reduction Request

The Commission hereby determines that the permit application fee for Coastal Development Permit No. 1-08-049 shall not be reduced to six thousand dollars (\$6,000.00) and shall remain twelve thousand dollars (\$12,000.00).

II. STANDARD CONDITIONS: See Appendix A.

III. SPECIAL CONDITIONS:

1. Landscaping Plan

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-08-049, the applicant shall submit to the Executive Director, for review and written approval, a final landscaping plan that provides for the following:

- i. Landscaping shall be planted and maintained that includes either (a) native vines along the top of the retaining wall that will hang over and partially cover the wall, and/or (b) native shrubs spaced on at least 10-foot centers

planted at the base of the wall that will grow upwards and partially screen the wall.

- ii. All plantings shall be maintained in good condition throughout the life of the project to ensure continued compliance with the approved final landscape plan. If any of the plants to be planted according to the plan die, become decadent, rotten, or weakened by decay or disease, or are removed for any reason, they shall be replaced no later than May 1st of the next spring season in-kind or with another native species common to the coastal Humboldt County area that will grow to a similar or greater height;
 - iii. All proposed plantings shall be obtained from local genetic stocks within Humboldt County. If documentation is provided to the Executive Director that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be planted or allowed to naturalize or persist on the property. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property;
 - iv. Rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used;
 - v. The final landscape site plan shall show the species, size, and location of all plant materials that will be retained and newly planted on the developed site, any irrigation system, delineation of the approved development, and all other landscape features such as, but not limited to, site topography, horticultural plantings, and/or raised beds.
- B. The permittees shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Lighting Restrictions

All exterior lights, including any lights attached to the outside of the restroom building or retaining wall, shall be the minimum necessary for the safe ingress, egress, and use of the

structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will be directed to shine beyond the boundaries of the subject parcel.

3. Landscaping Restrictions

- A. All proposed plantings shall be obtained from local genetic stocks within Humboldt County. If documentation is provided to the Executive Director that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used.
- B. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or by the State of California shall be employed or allowed to naturalize or persist at the site of the proposed amended development. No plant species listed as a ‘noxious weed’ by the State of California or the U.S. Federal Government shall be utilized within the property.
- C. Rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used.

4. Area of Archaeological Significance

- A. A cultural monitor of the Yurok Tribe or the Tsurai Ancestral Society and certified by the Yurok Tribal Historic Preservation Officer shall be present to oversee all activities in which there will be ground disturbance.
- B. If an area of historic or prehistoric cultural resources or human remains are discovered during the course of the project, all construction shall cease and shall not recommence except as provided in subsection (2) hereof, and a qualified cultural resource specialist shall analyze the significance of the find.
- C. A permittee seeking to recommence construction following discovery of the cultural deposits shall submit an archaeological plan for the review and approval of the Executive Director.
 - 1). If the Executive Director approves the archaeological plan and determines that the archaeological plan’s recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, construction may recommence after this determination is made by the Executive Director.

- 2). If the Executive Director approves the archaeological plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission.

5. Best Management Practices and Construction Responsibilities

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

- A. Silt fences, fiber rolls, or erosion control blankets with weed-free straw shall be installed prior to, and maintained throughout, the construction period to contain runoff from construction areas, trap entrained sediment and other pollutants, and prevent discharge of sediment and pollutants to coastal waters;
- B. Any excess excavated material and construction debris resulting from construction activities shall be disposed of at a disposal site outside the coastal zone or within the coastal zone pursuant to a valid coastal development permit;
- C. On-site vegetation shall be maintained to the maximum extent possible during construction activities;
- D. All grading activity shall be limited to the dry season between April 15th and October 31st;
- E. All on-site stockpiles of soil and construction debris shall be contained at all times; and
- F. Any disturbed areas shall be replanted with native vegetation immediately following project completion.

6. Excavated Material and Debris Disposal Plan

- A. **PRIOR TO THE ISSUANCE OF PERMIT NO. 1-08-049**, the applicant shall submit, for the review and approval of the Executive Director, a plan for the disposal of excess excavated material and construction-related debris from the development. The plan shall describe the manner by which the material will be removed from the construction site and identify an authorized disposal site where materials may be lawfully disposed.

- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without an amendment to Coastal Development Permit No. 1-08-049.

7. Regional Water Quality Control Board Approval

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall provide to the Executive Director a copy of Waste Discharge Requirements for the proposed development issued by the Regional Water Quality Control Board, or evidence that no permit or permission is required for the development. The permittee shall inform the Executive Director of any changes to the project required by the Regional Water Quality Control Board. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

8. Humboldt County Department of Environmental Health Approval

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the permittee shall provide to the Executive Director a copy of an approval issued by the Humboldt County Department of Environmental Health, or evidence that no permit or permission is required for the development. The permittee shall inform the Executive Director of any changes to the project required by the Department of Environmental Health. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

9. Submittal of Balance of Permit Application Fee

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-08-049, the permittee shall submit the entire coastal development permit application fee applicable to the project pursuant to the resolution adopted by the Commission.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

1. Site Description

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The project site is located at Trinidad Harbor on Trinidad Bay, in the City of Trinidad, between the landforms of Trinidad Head and Little (Trinidad) Head (see Exhibits 1-3). The site is within the privately owned harbor complex, which includes the 450-ft.-long Trinidad Pier, Seascape Restaurant, bait shop, two former residences used as vacation rentals, a gift and tackle shop, boat launch facilities, storage sheds and a public parking lot. In 2000, the harbor properties and improvements were purchased by the Trinidad Rancheria. Although owned by a tribal entity, petition for acceptance of the property into trust lands status by the federal government has not been pursued by the Trinidad Rancheria. Accordingly, the proposed development is subject to the California Coastal Act's coastal development permitting requirements.

The project setting comprises a small coastal community seaport with significant use by both commercial fishing and recreational boaters (See Exhibit 4). The developed town is located up a steep road (Bay Street) above the harbor area. The City of Trinidad is developed primarily with an assortment of residential, retail commercial, and civic uses. Along the waterfront to the east and west of the project site are beach areas primarily in open space uses. These include Indian Beach, the site of the Yurok village of *t'surai*, located approximately 1/8 mile to the east, and Trinidad State Beach, located approximately 1/4 mile to the northwest of the project site.

The project site is situated partially along the lower slopes of Trinidad Head, including the proposed sewage treatment system dispersal field, and on the adjacent graded flat along the southern edge of the parking lot, including the proposed restroom/storage building and the package sewage treatment plant. The proposed restroom/storage building would be nestled into the base of the lower slope of the head by excavating out a portion of the base and supporting the excavated slope with a new retaining wall (See Exhibit 4).

All portions of the proposed project, including its excavations-at-depth would be located above the mean high tide line (+3.18 msl NGVD) and do not involve activities within coastal waters. The confined area of the project site contains no known environmentally sensitive habitat, although the waters of Trinidad Harbor and an adjoining beach are classified as an area of special biological significance (ASBS) because of its diversity of habitat types, the close assemblage and association of sea birds, marine mammals, intertidal plants and animals, and the dense beds of bull kelp that are relatively rare along the coast of northern California.

2. Project Description

The proposed project involves replacing the existing sewage septic system serving the existing restaurant and other facilities at the harbor with a new package sewage treatment system, constructing an approximately 1,300-square-foot, 16-foot-high public restroom and storage building, and installing an approximately 250-foot-long, 5 to 10-foot-high

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retaining wall necessary to accommodate installation of the public restroom (See Exhibits 5-8).

According to the applicant, the existing septic system serving the Seascope Restaurant and other harbor facilities is failing due to its age and deteriorated condition. The proposed package sewage treatment system that will replace the failing septic system includes the installation of (a) additional primary biological treatment tankage, (b) Orenco AdvanTex Treatment units to provide secondary biological treatment; (c) a denitrification upflow filter; and a new dispersal field. The new system would have a capacity of 10-15,000 gallons per day and is designed to serve the existing restaurant, a proposed new public restroom, the two vacation rentals, and a future boat washing station.

The system is designed so that wastewater from the restaurant would first pass through a grease interceptor where the majority of the fats, oils, and greases from the restaurant would be removed from the waste stream. Wastewater from the restroom and vacation rental house and the discharge from the grease interceptor would flow into the primary treatment tanks. From the primary treatment tanks, the effluent would be pumped to the Orenco AdvanTex Treatment units for secondary treatment. These treatment units utilize a textile filter to remove biological processes which produce a clear, odorless effluent. Effluent from the treatment units would then be denitrified in an upflow filter prior to being dispersed into a new leach field. The new leach field would be built as a shallow dispersal system over the top of the existing dispersal system which would be abandoned. The grease interceptor, primary treatment tanks, and secondary treatment units would all be located along the south side of the existing harbor parking lot. Some of these components would be installed below ground underneath the parking lot and others below ground adjacent to the parking lot. The dispersal field would be located approximately 100 feet to the west buried into a grassy slope adjacent to Lighthouse Drive (see Exhibit 5). All of the existing septic system components would be abandoned and/or removed.

The proposed public restroom would be the first such facility to serve the harbor area. The restroom building would replace an existing storage shed, and the new building would include a 957-square-foot storage room to house janitorial supplies currently stored in the existing shed. The shed to be removed and the proposed 47-foot-long by 28-foot-wide restroom building are located along the base of the small hillside along the south side of the parking lot. The exterior of the building would be finished with horizontal khaki brown hardiplank siding with timber bark hardiplank trim (see Exhibit 7). An interpretive panel displaying information about the existing Offshore Rock National Monument administered by the Bureau of Land Management would be installed along the northeast wall of the restroom building. The roof would be 30-year composite

roofing to match the roofing of the existing restaurant and guest house buildings at the harbor.

To accommodate the installation of the restroom/storage building along the base of the hillside and portions of the new package sewage treatment plant system, a portion of the base of the hillside would be excavated and the hillside would be stabilized by a new approximately 250-foot-long, 5-10-foot-high concrete retaining wall. The retaining wall would, in part, form the southern wall of the restroom building. The outer surface of the retaining wall would be faced with an artificial rock veneer composed of dark gray colors to improve its appearance. The veneer would be extended as a skirt around the building perimeter for visual continuity.

Other site improvements include a sidewalk to be constructed adjacent to the restroom, a new chain link fence with green slats that will extend east from the restroom building that is intended to keep pedestrians and vehicles out of a portion of the area that will support the new package sewage treatment system plant, a paved employee parking area just west of the new restroom building that would include an ADA parking space and employee parking, and buried utility lines. The project requires the grading of approximately 2,300 cubic yards of material, including 1,700 yards of cut and 600 yards of fill.

3. Protection of Water Quality

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 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act Sections 30230 and 30231 protect the biological productivity and quality of

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coastal waters, streams, and wetlands through, among other means, minimizing adverse effects of waste water discharge, controlling runoff and maintaining natural vegetation.

As described above, the proposed project is primarily intended to correct existing water quality problems at Trinidad Harbor. The proposed project involves replacing the existing sewage septic system serving the existing restaurant and other facilities at the harbor with a new package sewage treatment system, as well as installing a public restroom. In recent years, portions of the existing septic system leach field have had to be taken out of service due to surfacing effluent caused by degraded soil conditions. During an inspection in April of 2009, personnel from the Humboldt County Division of Environmental Health discovered excessive accumulation of grease in portions of the active disposal field, suggesting that the disposal field had been receiving inadequately treated wastewater from the restaurant for a considerable time, further impacting soil conditions. In addition, the Harbor has lacked a public restroom and has relied on the use of portable toilets. The portable toilets have not accommodated the full demand for bathroom facilities, resulting in pollution from human waste. Furthermore, portable toilets are subject to spills during servicing operations.

These problems with the existing septic system and lack of sufficient public restrooms lead the applicant to undertake the current project to replace the septic system with a new package sewage treatment plant and install a public restroom. The new package sewage treatment system will improve the sewage treatment at the harbor by providing advanced treatment measures. The system is designed so that wastewater from the restaurant would first pass through a grease interceptor where the majority of the fats, oils, and greases from the restaurant would be removed from the waste stream. Wastewater from the restroom and vacation rental house and the discharge from the grease interceptor would flow into the primary treatment tanks. From the primary treatment tanks, the effluent would be pumped to the Orenco AdvanTex Treatment units for secondary treatment. These treatment units utilize a textile filter to remove biological processes which produce a clear, odorless effluent. Effluent from the treatment units would then be denitrified in an upflow filter prior to being dispersed into a new leach field. The proposed public restroom will better serve the public and users of the harbor and reduce pollution from human waste.

The proposed package sewage treatment system requires the approval of the Regional Water Quality Control Board (Regional Board). The Regional Board staff has reviewed preliminary plans for the proposed Orenco AdvanTex Treatment system and has indicated to Commission staff that the proposed system addresses all of the Regional Board's staff concerns, is very well designed, and will be very effective in treating the sewage from the harbor. The Humboldt County Department of Environmental Health must (DEH) also approve the proposed new effluent dispersal field. DEH staff has indicated to Commission staff that they have reviewed preliminary plans for the dispersal field and DEH staff also believes the dispersal field will adequately disperse treated effluent from the package sewage treatment system.

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As the proposed package sewage treatment system and public restroom will significantly upgrade the collection and treatment of sewage from harbor facilities in a manner that Regional Board and DEH staff will adequately protect water quality, the Commission finds that the proposed development will protect the biological productivity and quality of coastal waters by minimizing adverse effects of waste water discharge consistent with Sections 30230 and 30231 of the Coastal Act.

To ensure that any changes to the treatment system and dispersal field required by the Regional Board or DEH during their review of final plans for the facilities do not conflict with the terms and conditions of this coastal development permit, the Commission attaches Special Condition Nos. 7 and 8. These conditions require that any changes required by the Regional Board or DEH are reported to the Executive Director and that such changes are not incorporated into the project until the applicant obtains an amendment to the coastal development permit unless the Executive Director determines no amendment is legally required.

Although the proposed development is designed to correct existing water quality concerns, construction of the proposed development would have its own water quality impacts if runoff from the construction site is not adequately controlled. Sediment and other pollutants entrained in runoff from the development that reaches the beach and ocean would contribute to degradation of the quality of marine waters and any intervening sensitive habitat. Sediment is considered a pollutant that affects visibility through the water, and affects plant productivity, animal behavior (such as foraging) and reproduction, and the ability of animals to obtain adequate oxygen from the water. Sediments may physically alter or reduce the amount of habitat available in a watercourse by replacing the pre-existing habitat structure with a stream-bottom habitat composed of substrate materials unsuitable for the pre-existing aquatic community. In addition, sediment is the medium by which many other pollutants are delivered to aquatic environments, as many pollutants are chemically or physically associated with these sediment particles.

To ensure that Best Management Practices (BMPs) are implemented during the project to avoid such impacts, the Commission imposes Special Condition No. 14 that sets forth construction-related responsibilities that require the use of certain BMPs. These required BMPs include (a) installing silt fences, fiber rolls, or erosion control blankets with weed-free straw to prevent the entrainment of sediment and the entry of polluted stormwater runoff into coastal waters, (b) disposing of any excess excavated material and construction debris resulting from construction activities at a disposal site outside the coastal zone or within the coastal zone pursuant to a valid coastal development permit; (c) maintaining on-site vegetation to the maximum extent possible during construction activities; (d) limiting all grading activity to the dry season between April 15th and October 31st; (e) containing all on-site stockpiles of soil and construction debris at all times; and (f) replanting any disturbed areas with native vegetation immediately

following project completion as proposed. The implementation of these types of Best Management Practices (BMPs) would result in the interception and containment of sediment during the construction of the project and would also reduce potential erosion prior to the full establishment of permanent vegetation on the exposed embankment.

The excavation of the base of the slope at the project site to accommodate the proposed restroom and portions of the packages sewage treatment system will produce approximately 1,100 cubic yards of excess earthen material. In addition, the project will generate a certain amount of construction debris. No disposal site for such material is available at the harbor. Disposal of such material within the harbor area would result in either direct pollution of coastal waters or allow for indirect pollution by the entrainment of such wastes into runoff flowing to coastal waters. Therefore, the Commission attaches Special Condition No. 6. The special condition requires the applicant to submit to the Executive Director for review and approval (prior to the issuance of the permit) an excavated material and debris disposal plan demonstrating that all excess excavated material and construction debris from the development that will be removed from the site and disposed of at an appropriate disposal facility.

Therefore, as conditioned, the Commission finds that the biological productivity and quality of coastal waters will be maintained and the project, as conditioned, is consistent with Sections 30230 and 30231 of the Coastal Act.

4 Priority Uses

Coastal Act Section 30234 states the following:

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.

Coastal Act Section 30222 states the following:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

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Sections 30234 and 30222 give priority to commercial fishing, recreational boating, visitor-serving commercial recreation, and public access over other potential uses of coastal lands.

Trinidad Harbor comprises a small coastal community seaport with significant use by both commercial fishing and recreational boaters. The restaurant is also a regionally significant visitor destination with a restaurant, lodging, and other commercial recreational facilities that serve visitors. Furthermore, the waterfront to the east and west of the harbor contains beach areas primarily in open space uses. These beaches include Indian Beach, the site of the Yurok village of *t'surai*, located approximately 1/8 mile to the east, and Trinidad State Beach, located approximately 1/4 mile to the northwest of the project site. Thus, the harbor supports commercial fishing, recreational boating, visitor-serving commercial recreation, and public access consistent with the priority use policies of the Coastal Act.

The proposed project is designed to improve and provide services that will support the priority uses of the harbor. The new public restroom will upgrade toilet facilities at the harbor and be available to commercial fishermen, recreational boaters, and visitors to the area. The new package sewage treatment system will ensure that sewage generated by priority used of the harbor will be adequately treated.

Therefore, the Commission finds that the proposed project will provide services that support commercial fishing, recreational boating, visitor-serving commercial recreation, and public access consistent with the priority use provisions of Sections 30234 and 30222 of the Coastal Act.

5. Visual Resources

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas...shall be subordinate to the character of its setting.

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance and requires, in applicable part, that permitted development be sited and designed 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.

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Much of the proposed development involves the installation of underground sewage treatment and dispersal facilities that will not be visible from public vantage points upon the completion of the project. However, the proposed public restroom/storage building retaining wall, and associated facilities will be permanently visible from various public vantage points in and around Trinidad Harbor, including from the parking lot, the beaches adjacent to the harbor, the hiking trails on Trinidad Head, and from public streets on the bluff to the north of the harbor.

As proposed, the project is designed to reduce visual impacts. The above ground portions of the development will be setback into the adjoining hillside and will be limited in height to a maximum of 16 feet. This positioning of the building and its limited height will ensure the structure will not significantly block views to the bay and will largely screen the building from view from the pier, the beach on the south side of the harbor, and other vantage points from the south. To make the building more compatible with the character of surrounding development, the roof will be constructed of 30-year composite roofing material to match the existing roofs of the nearby vacation rentals at the top of the slope and the restaurant building. In addition, the retaining wall will be surfaced with a rock faced veneer colored in various dark grays. Furthermore, the restroom/storage building will sided with horizontal khaki brown hardiplank siding with timber bark hardiplank trim (see Exhibit 7) designed to mimic natural wood, and will have a skirt comprised of the same rock veneer material that will face the retaining wall. These surface materials which will be finished in brown and gray colors will help blend the development into its natural surroundings.

The Commission finds that even with these design measures, the proposed 250-foot-long retaining wall would not be fully visually compatible with the character of surrounding area. The wall will extend a significant distance along the base of what is now a vegetated hillside (See Exhibit 4), and the appearance of the vertical gray stone-like wall will contrast with the natural appearance of the hillside. To ensure that the retaining wall will be visually compatible with the character or its immediate surroundings, the Commission attaches Special Condition No. 1. The special condition requires the submittal of a landscaping plan for the review and approval of the Executive Director that provides for the planting and maintenance of either (a) native vines along the top of the retaining wall that will hang over and partially cover the wall, and/or (b) native shrubs spaced on at least 10-foot centers planted at the base of the wall that will grow upwards and partially screen the wall. The installation of such landscaping will help break up the expanse of the wall and help blend its appearance with the surrounding vegetation on the hillside.

No specific lighting improvements have been proposed. However, lighting of the proposed restroom may be desirable. To prevent the installation of lighting that would create unnecessary glare and detract from the visual compatibility of the development with its surroundings, the Commission attaches Special Condition No. 2. The special condition requires that all exterior lights, including any lights attached to the outside of

the restroom building or retaining wall, shall be the minimum necessary for the safe ingress, egress, and use of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will be directed to shine beyond the boundaries of the subject parcel.

Section 30251 requires that the alteration of natural land forms be minimized. As described above, the proposed development includes excavation into the base of the hillside adjoining the parking lot to allow the restroom/storage building and components of the sewage treatment system to be setback into the hillside. Limited space is available at the harbor for the proposed sewage treatment system and restroom/storage building improvements. Setting the development into the hillside is necessary to avoid displacing parking for public access, commercial and recreational boating, visitor-serving commercial development, and other priority uses of the harbor. By designing many of the package sewage treatment system components to be subterranean features placed below the existing parking lot, encroachment into the hillside has been minimized. As proposed, only the base of the hillside will be excavated. The excavation will not extend to the top of the hillside and the hillside landform will retain its basic shape and character. Therefore, the development minimizes the alteration of natural land forms.

The Commission finds that the project, as conditioned, is consistent with Section 30251 of the Coastal Act as the project will not adversely affect any existing views to or along the coast, will be compatible with the character of the surrounding area, and will minimize the alteration of natural land forms.

6. Protection of Environmentally Sensitive Habitat Areas (ESHA)

Coastal Act Section 30240 states the following:

(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 30107.5 states the following:

“Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special

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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 immediate project site does not contain any known environmentally sensitive habitat areas. However, according to the California Native Plant Society (CNPS 2007), the coastal bluffs in the Trinidad area are known to contain rare plant species including Oregon coast Indian paintbrush (*Castilleja affinis* ssp. *littoralis*), Mendocino coast Indian paintbrush (*C. mendocinensis*), black crowberry (*Empetrum nigrum* ssp. *hermaphroditum*), and Wolf's evening-primrose (*Oenothera wolffi*). The Commission finds that ESHA located near the site could be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could physically spread into ESHA and displace native and/or rare vegetation thereby disrupting the values and functions of the ESHAs. The seeds of exotic invasive plants could also be spread to nearby ESHA by wind dispersal or by birds and other wildlife. The applicant is not proposing any landscaping as part of the proposed project except to reseed areas disturbed by construction for erosion control. To ensure that ESHA near the site is not significantly degraded by such reseeded areas that would contain invasive exotic species, the Commission attaches Special Condition No. 3, which requires that only native and/or non-invasive plant species be planted at the site. As discussed above, Special Condition No. 1 also requires that the applicant submit a landscaping plan providing for the planting of vines and/or shrubs to make the appearance of the proposed retaining wall more compatible with its surroundings. Special Condition No. 1 also requires that only native plant species be planted as part of the landscaping plan.

In addition, the Commission notes that certain rodenticides, particularly those utilizing blood anticoagulant compounds such as brodifacoum, bromadiolone and diphacinone, have been found to pose significant primary and secondary risks to non-target wildlife present in urban and urban/wildland interface areas. As raptors or other environmentally sensitive predators and scavengers prey upon these target species, the pest control compounds can bio-accumulate in the animals that have consumed the rodents to concentrations toxic to the ingesting non-target species. To avoid this potential cumulative impact to environmentally sensitive wildlife species, Special Condition Nos. 1 and 3 contain prohibitions on the use of such anticoagulant-based rodenticides.

With the mitigation measures discussed above, which are designed to minimize any potential impacts to the adjacent environmentally sensitive habitat area, the project, as conditioned, will not significantly degrade adjacent ESHA and will be compatible with the continuance of the habitat area. Therefore, the Commission finds that the project as conditioned is consistent with Coastal Act Section 30240.

7. Archaeological and Cultural Resources

The proposed project area is located within the ethnographic territory of the Yurok Indians. The Yuroks are known to have settled along the Humboldt County coast within the general vicinity of the subject property. The Yurok tribe had settlements extending north from Little River State Beach several miles to the south of the project site, to areas within Del Norte County, including over 50 named villages clustered along the Klamath River and coastal lagoons and creeks, including 17 villages on the coast.

The proposed development is not located within 100 feet of known archaeological/cultural resources such as the Tsurai Study Area. However, the site is located within a culturally sensitive area where the possibility exists that cultural or archaeological resources could be uncovered during grading activities. To ensure protection of any cultural resources that may be discovered during construction of the proposed project, staff recommends Special Condition No. 4, which requires that a cultural monitor of the Yurok Tribe or the Tsurai Ancestral Society and certified by the Yurok Tribal Historic Preservation Officer be present to oversee all activities in which there will be ground disturbance. In addition, if an area of cultural deposits is discovered during the course of the development, the condition requires that all construction cease and a qualified cultural resource specialist must analyze the significance of the find. To recommence construction following discovery of cultural deposits, the permittee is required to submit a supplementary archaeological plan for the review and approval of the Executive Director to determine whether the changes are *de minimis* in nature and scope, or whether an amendment Coastal Development Permit No. 1-08-049 is required.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Section 30244, as the development will not adversely impact archaeological resources.

8. Public Access

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214 of the Coastal Act, the Commission is also limited by the need to show that

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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 public access.

The proposed project is located at Trinidad Harbor which provides access to the waters of Trinidad Bay, several public beaches, trails, and various recreational and visitor serving facilities.

The project will not have significant adverse impacts on public access. As described above, much of the proposed development will be located underground, except for the restroom/storage building and portions of the package sewage treatment system that will be set back into an existing hillside. As a result, no existing access facilities will be permanently affected by the proposed development. Construction of the project will require the temporary closure of the southeast portion of the existing parking lot that accommodates people using the harbor area for public access and recreation. However, as the parking lot is relatively large and is expected to be affected by the construction for only several weeks, the temporary impacts of the development on public access use are not significant. Furthermore, the proposed project will enhance public access use of the Trinidad Harbor area by (1) providing for the first time a permanent public restroom facility that can be used by people coming to the site for public access and recreation purposes, and (2) ensuring that sewage at the harbor will be properly treated and dispersed so sewage waste does not detract from public access and recreational use.

Therefore, the Commission finds that the proposed project does not have any significant adverse effect on public access, and that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

9. Reduction of Application Fee

The applicant has requested that the Commission reduce the permit application fee of twelve thousand dollars (\$12,000) applicable to the project to six thousand dollars (\$6,000) (see Exhibit No. 9). Section 13055(h)(1) of the Commission's regulations allows for modifications of the prescribed fees where requested by resolution of the Commission.

The permit application fee for the development is \$12,000, comprised of a \$10,000 base fee for the development based on the proposed project's \$1,700,000 projected development cost, and an additional \$2,000 fee for the proposed grading associated with the development. The applicant notes that the Commission has increased its permit application fees since the applicant first applied for a grant under the Clean Beaches grant program of the State Water Resources Control Board in 2007 to fund the project. The Commission's new fee schedule went into effect on March 14, 2008. The budget for the

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grant assumed that the coastal development permit application fee for the project would be \$6,000, based on the Commission's fee schedule in place at the time of the budgeting process.

As a general rule, the Commission does not support application fee waiver requests. The Commission acknowledges that the proposed replacement of the septic system with an advanced package sewage treatment plant and the installation of a public restroom will result in important water quality and public access benefits. However, the Commission's fees are not based on the relative benefit the project has for the public and coastal resources, but rather on a schedule proportionately representative of costs to the Commission of processing the application.

Even though application fees are proportionately representative of costs to the Commission of processing an application, the Commission's fee schedule is not directly structured for "at-cost" recovery of the staff time actually spent on applications. The Commission tends to charge applicants less than the amount of the Commission resources that are expended in processing an application. In other words, application fees are already generally lower than the amount it actually costs the Commission to process the application. In part, this is in recognition of the larger public service being provided to the people of the State, including applicants, for a public airing and debate regarding proposed projects in the coastal zone.

In addition, the permit application was submitted to the Commission in November of 2008, approximately eight months after the new fee schedule became effective. Furthermore, the funding source for the project has changed. In a letter dated June 10, 2009, the applicant indicates that the State Water Resources Control Board suspended bond funding for this project and many others under the Clean Beaches grant program due to the state's budget difficulties. To move the project forward, the applicant has now applied for and received commitments for funding under the federal American Recovery and Reinvestment Act of 2009 (AARA). At the time this most recent funding request was made, the Commission's current fee schedule had become effective, and the current permit application fees applicable to the project were known. Therefore, the Commission denies the applicant's request to reduce the applicable permit application fee applicable to the project, and directs that the permit application fee for CDP No. 1-08-049 remain at twelve thousand dollars (\$12,000), which is the current filing fee amount applicable to new development of the proposed cost as the subject development and with the amount of grading proposed. Furthermore, the Commission attaches Special Condition No. 9 to the permit to require that the applicant submit the balance of the application fee prior to issuance of the coastal development permit consistent with the requirements of Section 13055(i) of the Commission's regulations

10. California Environmental Quality Act

The City of Trinidad was the lead agency on the project for the purposes of CEQA review. On October 23, 2007, the City determined that the development was

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categorically exempt from the need to prepare and Environmental Impact Report pursuant to Section 15301 of the CEQA Guidelines which exempts minor additions to existing facilities (the new septic treatment system), Section 15303 which exempts the construction or conversion of small structures (proposed restroom), and Section 15304, which exempts minor land alterations (proposed retaining wall).

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is consistent with any applicable requirement 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 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. As discussed above, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. These 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. Mitigation measures that will minimize or avoid all significant adverse environmental impact have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would 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. Parcel Map
4. Site Photos
5. Site Plans
6. Restroom Floor Plan
7. Restroom Building Elevations
8. Retaining Wall Details

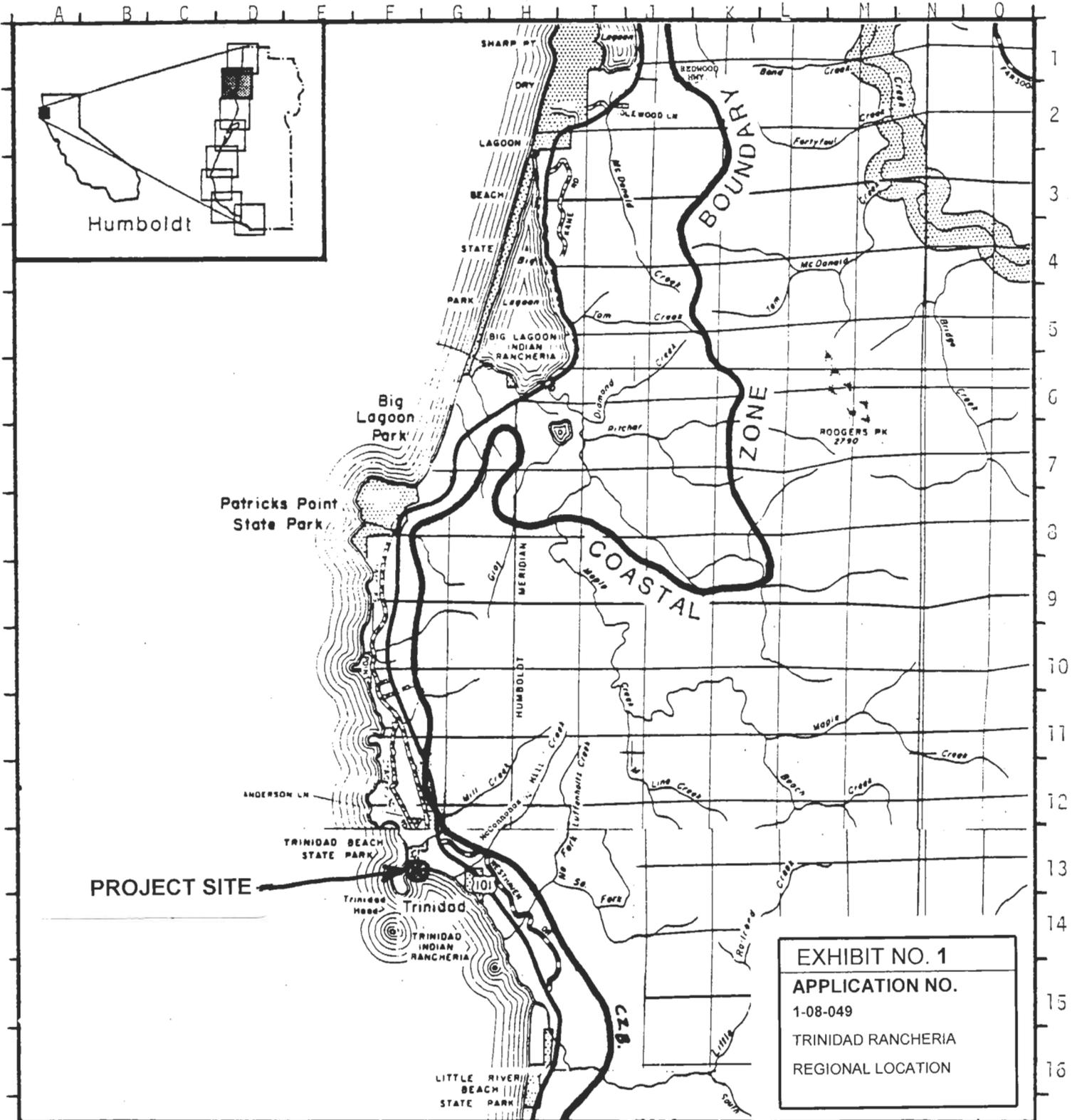
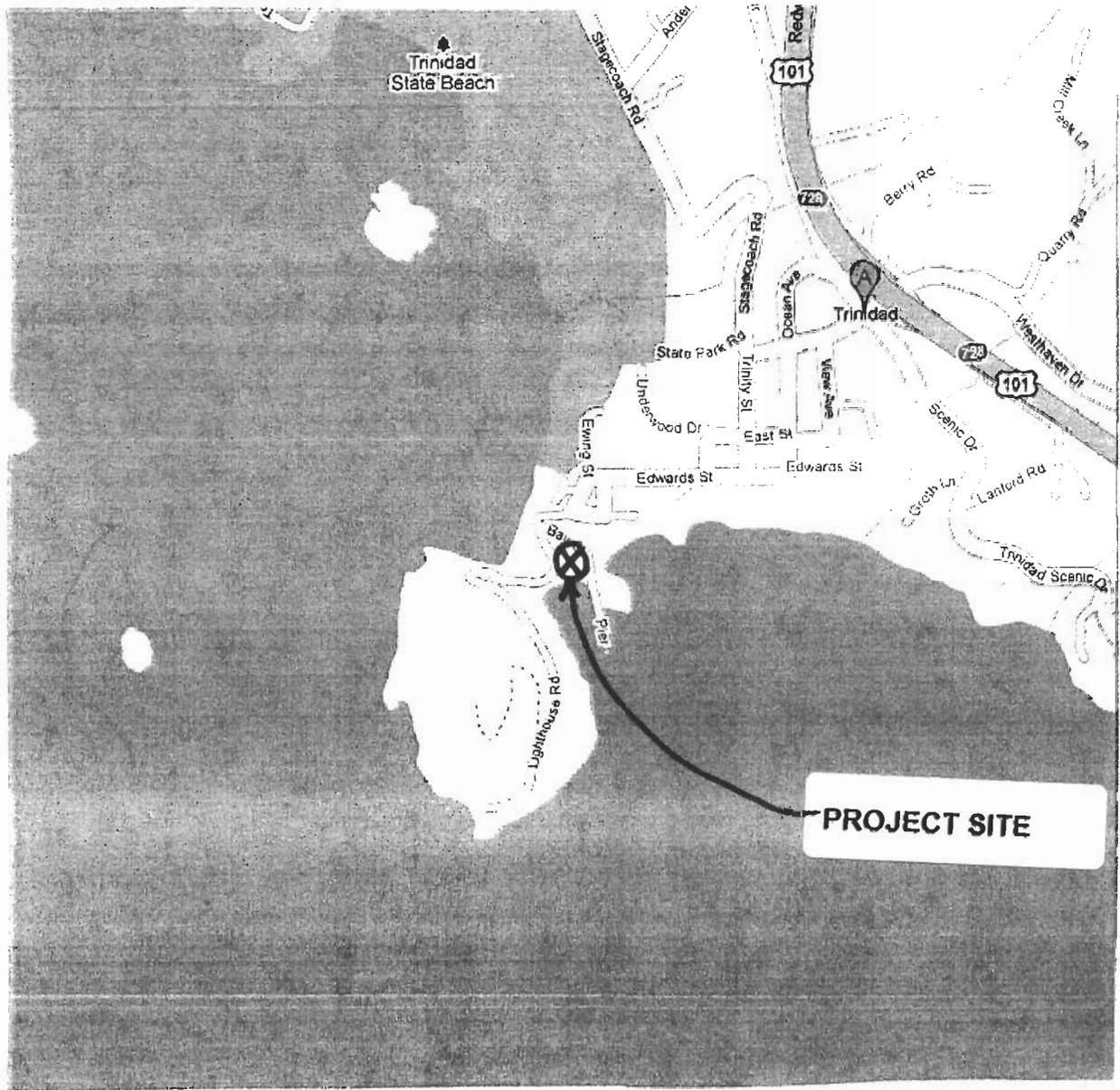


EXHIBIT NO. 1
APPLICATION NO.
 1-08-049
 TRINIDAD RANCHERIA
 REGIONAL LOCATION



LOCATION MAP





PROJECT SITE

EXHIBIT NO. 2
APPLICATION NO.
1-08-049
TRINIDAD RANCHERIA
VICINITY MAP

42-07
1"=100'

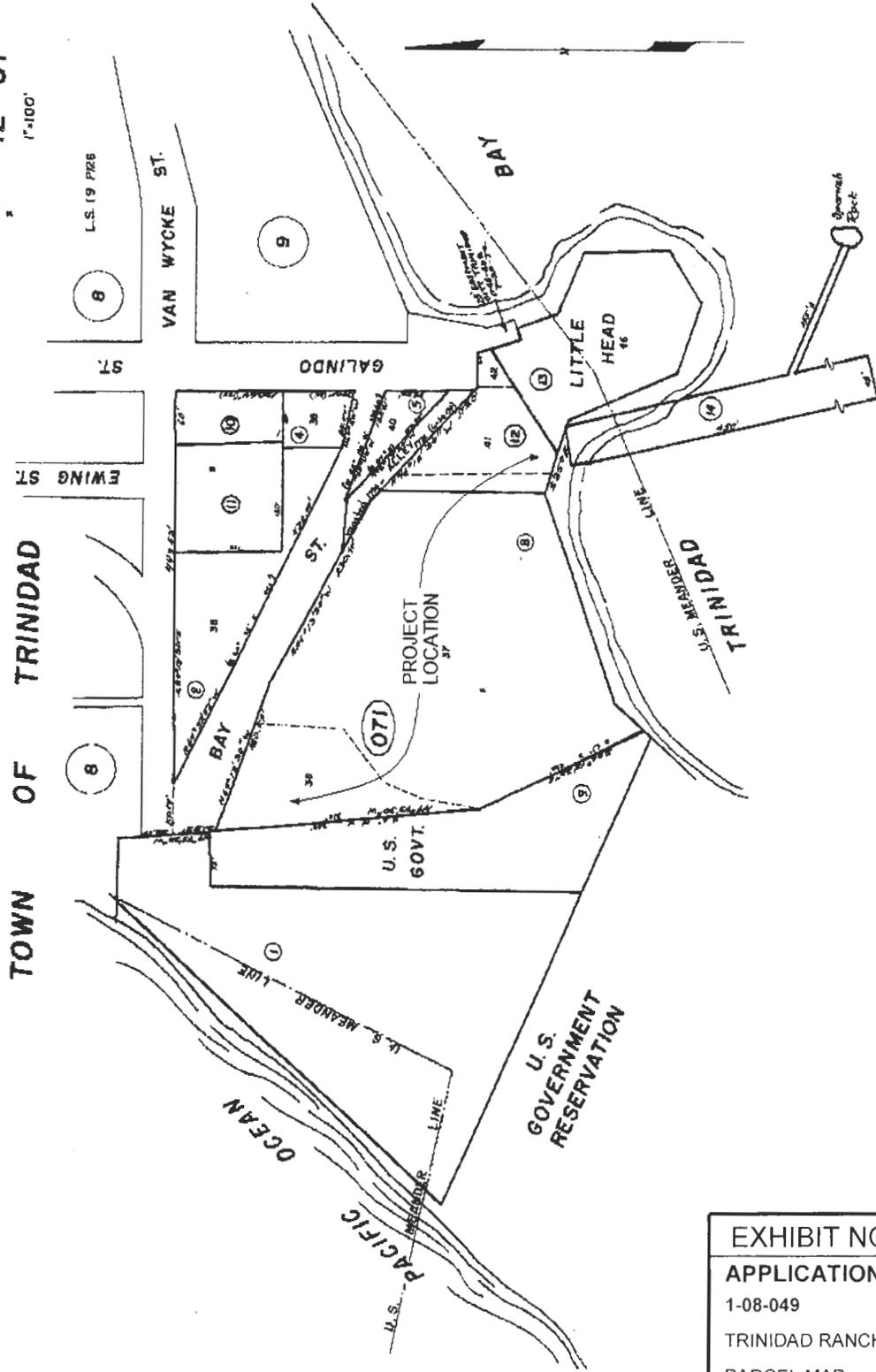


EXHIBIT NO. 3
APPLICATION NO.
1-08-049
TRINIDAD RANCHERIA
PARCEL MAP



Figure 1 - Northerly view of slope to be excavated. Boring B-1 was located upslope of the shrub on the hillside between the Seascope Restaurant and the grey storage shed. Boring B-2 was located on the back left side of the storage shed on the flat ground at the toe of the hillside.



Figure 2 - Northwesterly view of the slope to be excavated.

EXHIBIT NO. 4
APPLICATION NO. 1-08-049
TRINIDAD RANCHERIA SITE PHOTOS (1 of 2)



Figure 3 - Northwesterly view of the slope to be excavated.



Figure 4 - Westerly view from top of slope to be excavated.

2012

	TRAVIS L. SCHNEIDER ENGINEER 950 WEST WATERFORD DRIVE EMERYVILLE, CA 94608 (925) 445-3001	SITE PLAN	THIS IS AN ORIGINAL, UNALTERED COPY OF THE PLAN. ANY CHANGES OR ALTERATIONS MUST BE APPROVED BY THE ENGINEER.
		SEASCAPE RESTAURANT 1 BAY STREET TRINIDAD, CA 95570	COUNTY: AMY B. 200202 LOCAL: 17-0001 DISTRICT: 1000 SHEET NO.: 1000

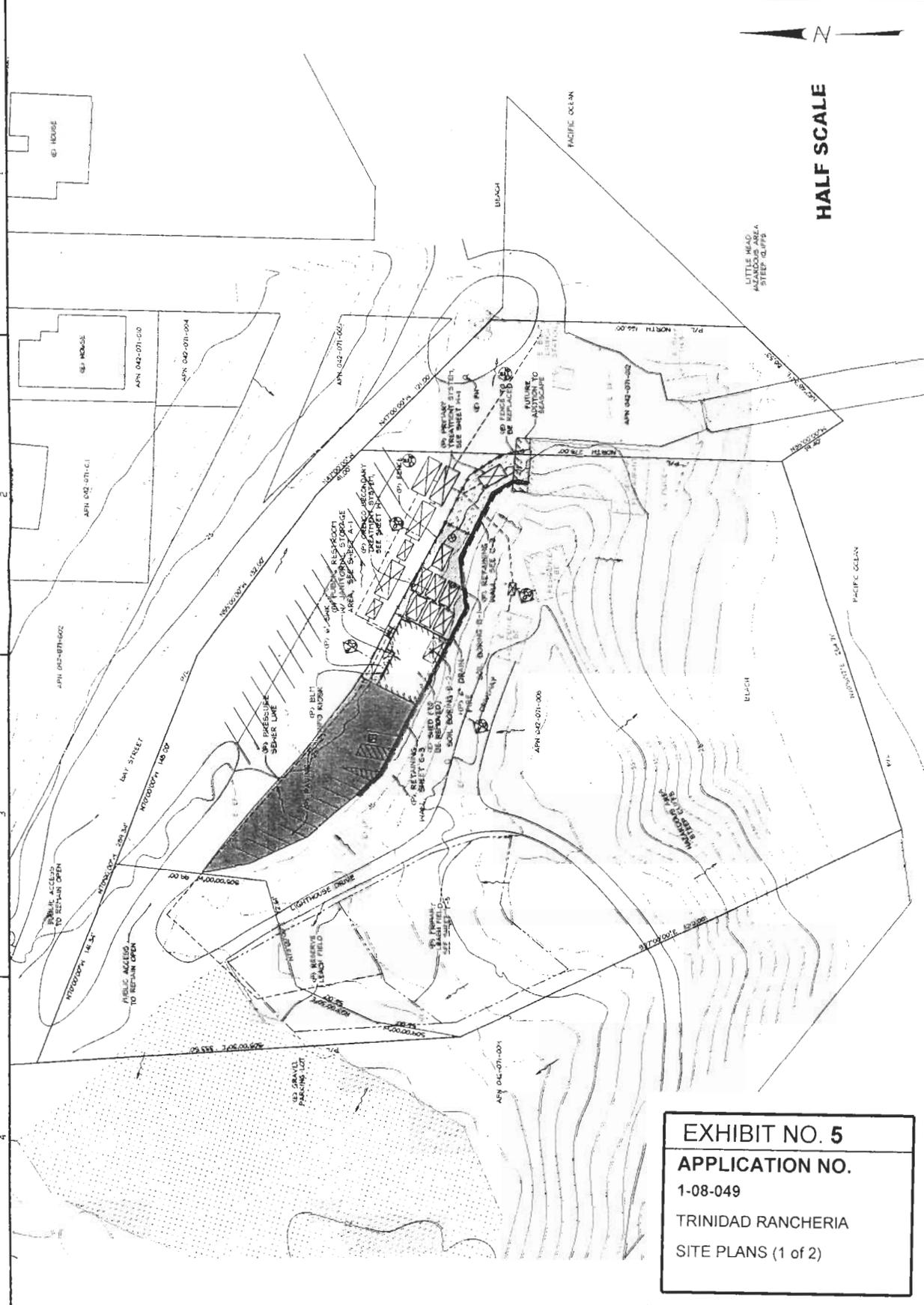


EXHIBIT NO. 5
APPLICATION NO.
 1-08-049
 TRINIDAD RANCHERIA
 SITE PLANS (1 of 2)

HALF SCALE
 SCALE IN FEET
 C-1



EXHIBIT NO. 6
APPLICATION NO.
 1-08-049
 TRINIDAD RANCHERIA
 RESTROOM FLOOR PLAN

TRINIDAD HARBOR AND SEASCAPE RESTAURANT
 PUBLIC RESTROOM BUILDING
 1 BAY STREET
 TRINIDAD, CA 95770
 OWNERS: TRINIDAD RANCHERIA

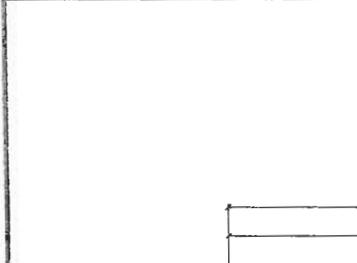
TRAVIS SCHWEDER
 ARCHITECT
 1000 S. GATEWAY AVENUE
 TRINIDAD, CA 95770
 PHONE: (916) 448-3000

DATE: _____
 SCALE: _____
 DRAWN BY: _____
 JOB NO.: _____
 SHEET NO.: _____

REVISIONS

NO.	DATE	DESCRIPTION

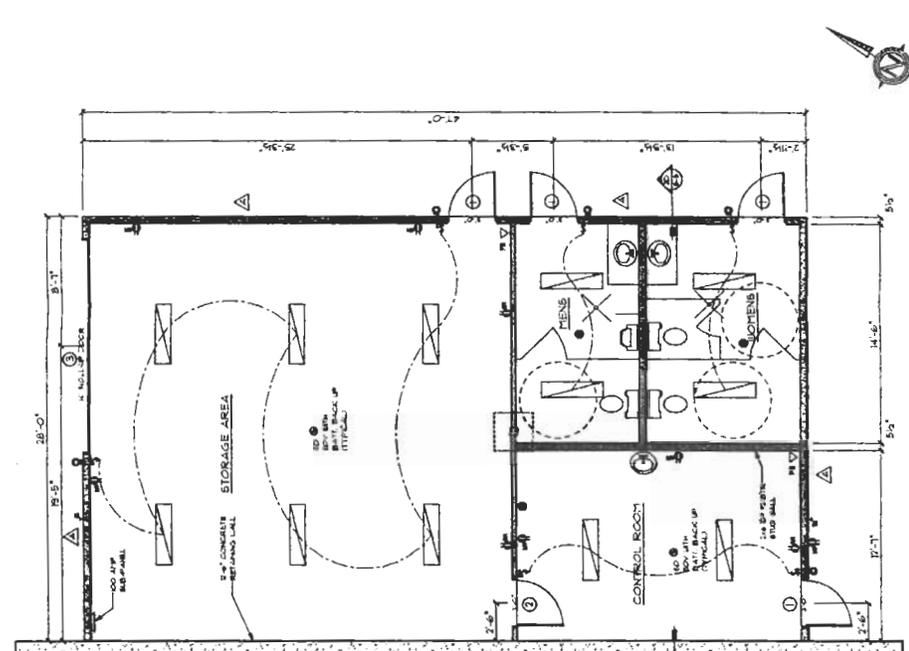
NO.	MATER.	WIDTH	HEIGHT	THICK.	TYPE	RATING	REMARKS
1	WSP	3'-0"	6'-8"	1 3/8"	A	---	12.3.4
2	MAS	3'-0"	6'-8"	3/8"	B	---	12.3.4
3	MRP	14'-0"	10'-0"	1 3/8"	C	---	1



LEGEND

- 1. LIGHTING
- 2. SWITCHES
- 3. RECEPTACLES
- 4. PANELS
- 5. PANELS
- 6. PANELS

HALF SCALE



PLUMBING & HEATING

1. ALL PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH THE CALIFORNIA PLUMBING CODE AND LOCAL ORDINANCES.

2. ALL PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH THE CALIFORNIA PLUMBING CODE AND LOCAL ORDINANCES.

3. ALL PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH THE CALIFORNIA PLUMBING CODE AND LOCAL ORDINANCES.

GENERAL ELECTRICAL NOTES

1. ALL ELECTRICAL INSTALLATIONS SHALL BE IN ACCORDANCE WITH THE CALIFORNIA ELECTRICAL CODE AND LOCAL ORDINANCES.

2. ALL ELECTRICAL INSTALLATIONS SHALL BE IN ACCORDANCE WITH THE CALIFORNIA ELECTRICAL CODE AND LOCAL ORDINANCES.

3. ALL ELECTRICAL INSTALLATIONS SHALL BE IN ACCORDANCE WITH THE CALIFORNIA ELECTRICAL CODE AND LOCAL ORDINANCES.

GENERAL NOTES

1. THE CONTRACTOR SHALL PROVIDE THE ORIGINAL OCCUPANCY PERMITS FOR THIS PROJECT.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

REVISIONS	BY

PACIFIC AFFILIATES
 A CONSULTING ENGINEERING CORP.
 990 WEST WATERFRONT DRIVE
 FRESNO, CA 93701
 (707) 445-2001

ENGINEER
TRAVIS L. SCHNEIDER
 990 WEST WATERFRONT DRIVE
 FRESNO, CA 93701
 (707) 445-2001

BUILDING ELEVATIONS

SEASCAP RESTAURANT
 1 BAY STREET
 TRINIDAD, CA 95570
 APN 043-071-008 & 013

Date: June 9, 2007
 Scale: 1/8" = 1'-0"
 Title: Exhibit No. 7

SHEET NUMBER
A-2

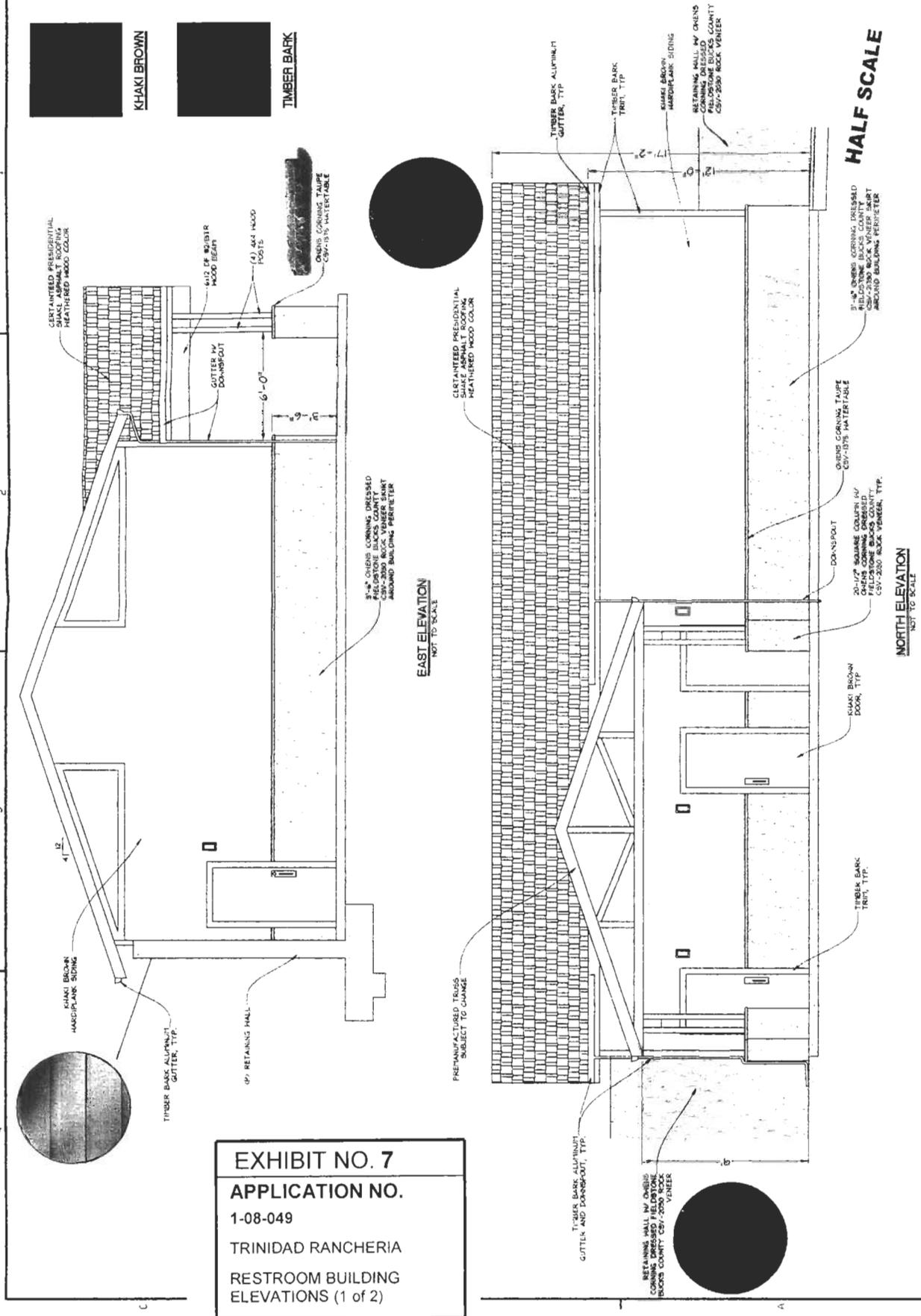
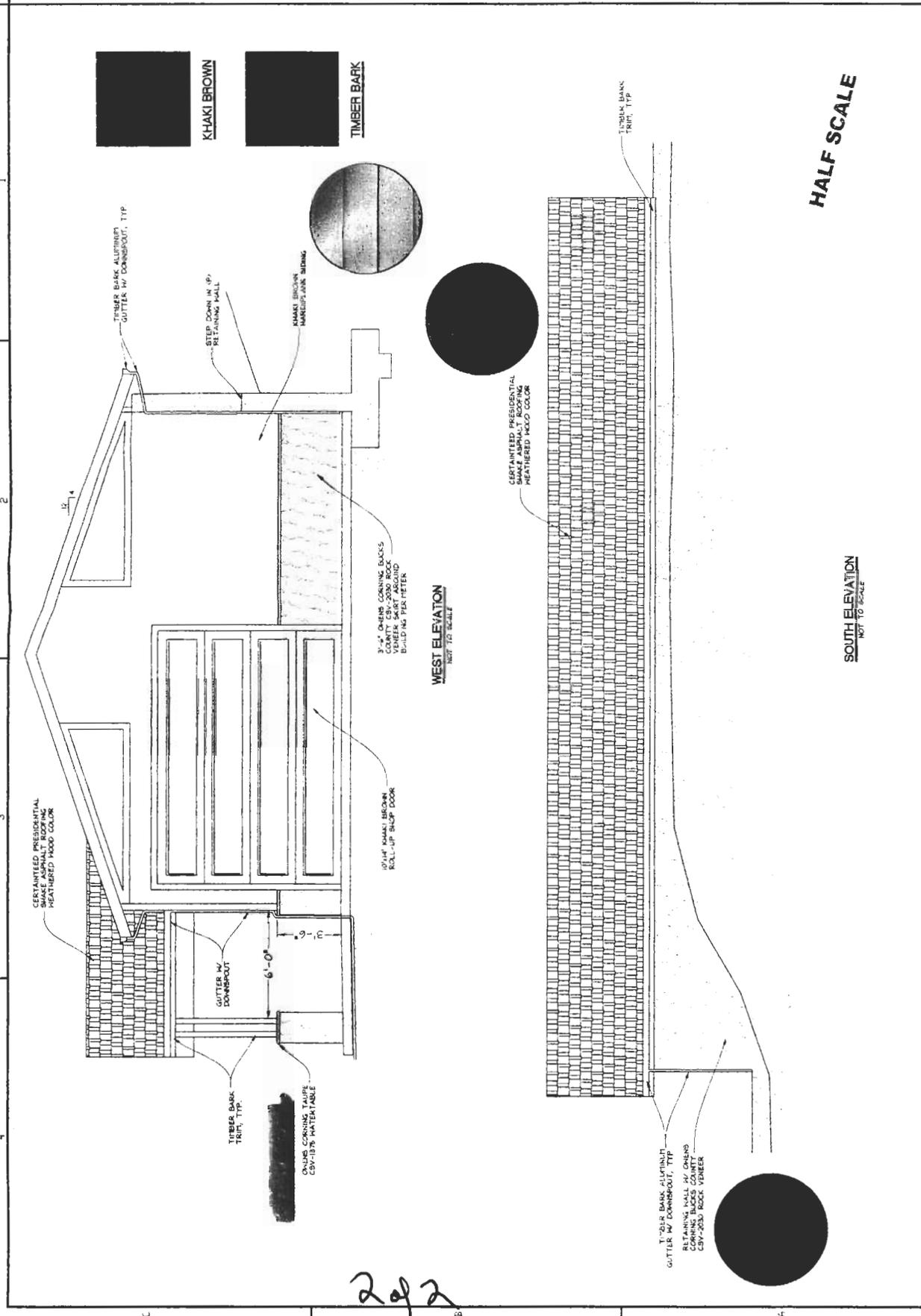


EXHIBIT NO. 7
APPLICATION NO.
 1-08-049
 TRINIDAD RANCHERIA
 RESTROOM BUILDING
 ELEVATIONS (1 of 2)

REVISIONS	BY



HALF SCALE

SOUTH ELEVATION
 NOT TO SCALE

2 of 2

