

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400

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NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

December Meeting of the California Coastal Commission

MEMORANDUM

Date: December 16, 2010

TO: Commissioners and Interested Parties
FROM: Charles Lester, North Central 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 Central Coast District Office for the December 16, 2010 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 Central Coast District.

EMERGENCY PERMITS

1. 2-10-038-G Jane Hofstetter (Duncan Mills, Sonoma County)

TOTAL OF 1 ITEM

DETAIL OF ATTACHED MATERIALS

REPORT OF EMERGENCY PERMITS

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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
2-10-038-G Jane Hofstetter	Restoration of the unpermitted excavated riverbank to the original profile using bioengineering techniques involving the use of gravel-filled coir and live-willow lifts (Coir Lifts).	The bank of the Russian River located at 25705 Freezout Road, Duncan Mills (Sonoma County)

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EMERGENCY PERMIT

Jane Hofstetter
308 Dawson Dr.
Santa Clara, CA 95051

Date: November 22, 2010
Emergency Permit No. 2-10-038-G

LOCATION OF EMERGENCY

The bank of the Russian River located at 25705 Freezout Rd, Duncan Mills, CA 95430
APNs 096-120-031

EMERGENCY WORK

Restoration of the unpermitted excavated riverbank to the original profile using bioengineering techniques involving the use of gravel-filled coir and live-willow lifts (Coir Lifts).

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 that an unpermitted passageway was cut through the riverbank for boat access through the riverbank, which resulted in initiation of enforcement action by Commission staff, a Cleanup and Abatement Order from the California Regional Water Quality Control Board North Coast Region, as well as actions by other government agencies. If not restored to the original profile before the flood season, this cut will concentrate floodplain flows returning to the river on the recession of a flood, which will erode the bank either side. Depending on the size of the flood, the erosion could be quite severe and remove a substantial length of bank, depositing fine sediments into the river. This situation requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Douglas", followed by the word "(for)" in parentheses.

PETER M. DOUGLAS

Executive Director

cc: Dave Hardy, Sonoma County PRMD

John Gardener, bioengineering Associates, Inc.
Steve Borchard

Enclosure: Acceptance Form

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific location listed above is authorized. Work is limited to restoration work as described on the Riverbank Cross Section and Plot Plan for the Hofstetter Residence, 25708 Freezeout Rd, Duncans Mills, CA, signed and stamped by Dennis Wilson on 11/9/10; the Bioengineering Associates Stream Bank Stabilization, Riparian Re-Vegetation and Fish Habitat Construction Cross Section dated 1/12/10; Final Draft of Workplan, dated Friday November 19, 2010; and Regional Water Quality Control Board Clean-up and Abatement Order # R1-2010-0089. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 60 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
4. The applicant recognizes that the emergency work is considered temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly.
5. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Game, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.

Construction Responsibilities:

7. The work period for completing the work in the riparian corridor shall be restricted to periods of dry weather. Work shall not begin unless a forecast for no precipitation is obtained.
8. Work shall be performed in isolation from the flowing stream. No heavy equipment may operate in the live stream. During construction, the Contractor shall deploy a silt curtain in the river around the excavation site to prevent heavily silted water from impacting areas downstream from the project site. The silt curtain shall be maintained throughout the excavation, rock placement and back fill phases of the project.
9. Erosion control measures shall be utilized throughout all phases of operation where sediment and runoff from exposed soil threatens to enter the Russian River. At no time shall silt laden runoff be allowed to enter the stream or directed to where it may enter the stream. Erosion control structures shall be monitored for effectiveness and shall be repaired or replaced as needed.
10. Gravel, and/or other materials shall not be imported to, taken from or moved within the bed or banks of the stream, except as specified in the project description.
11. Fill construction materials other than on-site alluvium, shall consist of clean silt-free gravel or river rock.
12. The contractor shall have readily available plastic sheeting or visquine and will cover exposed spoil piles and exposed areas to prevent these areas from losing loose soil into the stream. These covering materials shall be applied when it is evident rainy conditions threaten to erode loose soils into the stream.
13. Any equipment or vehicles driven and/or operated within or adjacent to the river shall be cleaned of all external oil, grease, and materials that, if introduced to water, could be deleterious to aquatic life, wildlife or riparian habitat. Equipment or vehicles driven and/or operated adjacent to the river shall be checked and maintained daily to prevent leaks of pollutants which may be deleterious to aquatic life, wildlife, or riparian habitat. Vehicles shall be moved away from the stream prior to refueling and lubrication.
14. Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the river shall be positioned over drip pans.
15. All construction debris and associated materials shall be removed from the work site upon completion of this project.
16. The extent work area shall be delineated with construction flagging or fencing. Woody perennial stream bank vegetation may not be removed or damaged outside the flagged work area.

17. The disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. Precautions shall be taken to avoid other damage to vegetation by people or equipment. No vegetation with a diameter at breast height (DBH) in excess of 4 inches shall be removed or damaged without approval of the Executive Director.
18. All areas cleared of vegetation shall be revegetated with native riparian species specific for that location. To ensure a successful revegetation effort, all plants shall be monitored and maintained as necessary for five years. All planting shall have a minimum of 85% survival at the end of 5 years, and shall attain 75% coverage after 5 years. If the survival and/or cover requirements are not meeting these goals, the Permittee is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for five years after planting. An annual status report on the mitigation shall be provided to the Executive Director by December 31 of each year. This report shall include the survival, percent cover, and height of both tree and shrub species. The number by species of plants replaced, an overview of the revegetation effort, and the method used to assess these parameters shall also be included. Photos from designated photo stations shall be included.
19. The planting, seed or otherwise, of introduce invasive exotic plant species in the project area is prohibited. Exotic plant species not to be used include those species listed on Lists A & B of the California Exotic Pest Plant Council's list of "Exotic Pest Plants of Greatest Ecological Concern in California as of August 1996." A copy of the complete list can be obtained by contacting the California Exotic Pest Plant Council at <http://www.caleppc.org>.
20. A copy of the signed Emergency Permit shall be maintained in a conspicuous location at the staging area site at all times, and such copy shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the Emergency Permit, including all of its terms and conditions, prior to commencement of construction.

Post-Construction Responsibilities:

21. Within seven days of completion of the work authorized by the Emergency Permit, the City shall submit photographic evidence of compliance with the Emergency Permit.
22. Within 30 days of completion of the construction authorized by this Emergency Permit, the permittee shall submit "as-built" site plans and cross sections prepared by a certified civil engineer or engineering geologist, clearly identifying the work completed under the emergency authorization and a narrative description of all emergency construction activities undertaken pursuant to this Emergency Permit.

23. Within 60 days of the date of this Emergency Permit, the permittee shall apply for a regular coastal development permit to have the emergency work be considered permanent. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit unless waived by the Director.
24. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

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EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSION
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RE: **Emergency Permit No. 2-10-038-G (Hoffstetter)**

INSTRUCTIONS: After reading the Emergency Permit, please sign this form and return to the North Central Coast District Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Permit is necessary for any permanent installation. I agree to apply for a regular Coastal Permit by January 21, 2011.

RECEIVED
NOV 24 2010
CALIFORNIA
COASTAL COMMISSION

Jane R. Hoffstetter
Signature of applicant or
Authorized Representative

JANE R. HOFSTETTER
Name

308 DAUNSON DR
Address

SANTA CLARA, CA
95051

11/23/10
Date of Signing