

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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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 16, 2010

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 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 Coast District.

DE MINIMIS WAIVERS

1. 1-10-040-W Bill Tilch (Eureka, Humboldt County)

EMERGENCY PERMITS

1. 1-10-037-G The Wildlands Conservancy, Attn: David Clendenen & Dan York (, Humboldt County)

TOTAL OF 2 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF DE MINIMIS WAIVERS

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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
1-10-040-W Bill Tilch	Construction of a new 20 ft. by 20 ft., maximum 13-ft.-high carport immediately adjacent to an existing garage. The carport will consist of four wooden support beams, two of which will be placed within 2-ft-diameter concrete-filled post holes, and gable truss roofing with Class B composition shingles.	2838 Spears Road, Eureka (Humboldt County)

REPORT OF EMERGENCY PERMITS

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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
1-10-037-G The Wildlands Conservancy, Attn: David Clendenen & Dan York	As described in detail in the emergency permit application dated November 29, 2010 and the amendment to the emergency permit application received on December 3, 2010 by fax and email (including attachment prepared by Whitchurch Engineering, Inc.), the proposed emergency work includes: (1) removal of the culvert and associated fill material at Site #1 (an estimated 80 cubic yards of fill will be removed); (2) installation of a new 40-foot-long by 12-foot-wide HS-20 bridge spanning Cutoff Slough with concrete abutments (size to be determined pending soils analyses) at Site #1; (3) removal of the culvert and associated fill material (approximately 55 cubic yards) at Site #4; and (4) placement of the excavated material at an upland location near the planned future ranger station on the southeast end of the property and/or along an existing upland levee adjacent to Site #4.	Eel River Estuary Preserve, 770 Russ Lane, in the Ferndale area, specifically at two sites on the preserved labeled Site #1 (a failing culvert on Cutoff Slough) and Site #4 (a failing culvert on Centerville Slough, Humboldt County)

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: December 13, 2010
TO: Bill Tilch
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 1-10-040-W

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

APPLICANT: Bill Tilch

LOCATION: 2838 Spears Road, Eureka (Humboldt County) (APN(s) 403-022-45)

DESCRIPTION: Construction of a new 20 ft. by 20 ft., maximum 13-ft.-high carport immediately adjacent to an existing garage. The carport will consist of four wooden support beams, two of which will be placed within 2-ft-diameter concrete-filled post holes, and gable truss roofing with Class B composition shingles.

RATIONALE: The proposed new carport will be located on flat upland terrain in an existing graveled driveway area adjacent to an existing garage. To ensure that no sediment-laden stormwater runoff leaves the construction site, a straw wattle will be placed around the perimeter of the work area, and any disturbed soils will be seeded with erosion-control grass seed upon completion of construction activities. The project site is located near the inland edge of the coastal zone, and the proposed new carport will not affect views to or along the coast or scenic coastal areas. Thus, the proposed project will have no adverse impact on coastal resources and is consistent with all applicable Chapter 3 policies of the Coastal Act.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Thursday, December 16, 2010, 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: MELISSA KRAEMER
Coastal Program Analyst

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NORTH COAST DISTRICT OFFICE

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EMERGENCY PERMIT

The Wildlands Conservancy
Messrs. David Clendenen & Dan York
P.O. Box 189
Maricopa, CA 93252

Date: December 3, 2010
Emergency Permit No. 1-10-037-G

LOCATION OF EMERGENCY WORK:

The proposed emergency work is located on the Eel River Estuary Preserve, 770 Russ Lane, in the Ferndale area of Humboldt County (APN 100-143-01), specifically at two sites on the preserve labeled "Site #1" (a failing culvert on Cutoff Slough) and "Site #4" (a failing culvert on Centerville Slough), as shown on the map included with the emergency permit application.

WORK PROPOSED:

As described in detail in the emergency permit application dated November 29, 2010 and the amendment to the emergency permit application received on December 3, 2010 by fax and email (including attachment prepared by Whitchurch Engineering, Inc.), the proposed emergency work includes: (1) removal of the culvert and associated fill material at Site #1 (an estimated 80 cubic yards of fill will be removed); (2) installation of a new 40-foot-long by 12-foot-wide HS-20 bridge spanning Cutoff Slough with concrete abutments (size to be determined pending soils analyses) at Site #1; (3) removal of the culvert and associated fill material (approximately 55 cubic yards) at Site #4; and (4) placement of the excavated material at an upland location near the planned future ranger station on the southeast end of the property and/or along an existing upland levee adjacent to Site #4.

PERMIT RATIONALE:

This letter constitutes approval of the emergency work you have requested be done at the locations listed above. I understand from your information that due to the fact that the old metal culvert at Site #1 has corroded and collapsed, damaging the road to the point that it is now too narrow to support vehicular passage and causing the fill associated with the culvert crossing to actively slough off into coastal waters. If the culvert fill material continues to erode and collapse into the slough during the severe rains and high flows expected in the oncoming rainy season, there is a substantial risk of flooding of adjacent properties (especially Bertha Russ Lytel Foundation property) as well as the potential for direct adverse impacts to water quality, threatened and endangered species, including tidewater goby and various species of salmonids, and environmentally sensitive habitat. Furthermore, road passage at Site #1 is essential to management of the 1,100-acre Preserve, as road passage at this site provides access to the entire northern half of the property, including all beach and dune areas west of Cutoff and Centerville Sloughs. Access to these areas is necessary for all land management activities including, but not limited to, (1) maintaining the Cutoff Slough tide gate, (2) patrolling the beach and dune areas of the property to enforce prohibition on OHV use in environmentally sensitive dune habitats, (3) patrolling the property for illegal duck hunting, (4) managing cattle across different pastures in agricultural production (including the northern pasture located north



of the collapsing culvert at Site #1), and (5) the on-going control and eradication of invasive dense-flowered cord grass, *Spartina densiflora*, which encroaches upon native salt marsh habitat on the Preserve.

I further understand from your information that the culvert at Site #4 has collapsed completely, which if not removed prior to the onset of the winter rains, will increase the risk of flooding of the adjacent properties upstream (Russ and Halley properties) as well as Centerville Beach Road.

Finally, I understand that the project site underwent a biological evaluation and surveys for wetlands and sensitive species in May-August of 2010 by Mad River Biologists, and it has been determined that (a) a total of 0.031-acre and 0.048-acre of wetlands occur within the areas of potential impact at Site #1 and Site #4, respectively; (b) the proposed emergency work will not affect beach layia, Humboldt Bay owl's-clover, Point Reyes bird's-beak, or any other sensitive plant species; (c) a total of 0.025-acre and 0.048-acre of salt marsh habitat may be disturbed at Site #1 and Site #4 respectively; and (d) impacts to tidewater gobies may occur (most likely during seining of fish in an attempt to isolate the emergency work areas from the active channels), but the Fish and Wildlife Service has been consulted on the proposed emergency work and has recommended various mitigation measures to minimize impacts to tidewater goby and tidewater goby critical habitat.

Therefore, the situation requires immediate corrective action to prevent damage to property from the imminent flooding risks and loss of access to the northern portion of the Preserve and constitutes an emergency as defined by California Code of Regulations Section 13009.

The Executive Director of the Coastal Commission hereby finds that:

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

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

Sincerely,

PETER M. DOUGLAS
Executive Director


MELISSA B. KRAEMER
Coastal Planner



CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the APPLICANT and returned within 10 days.
2. Only work specifically described in this permit and for the specific property listed above is authorized.
3. Equipment shall not be operated from directly within tidal waters or stream channels of flowing streams.
4. Work shall be done only during periods of low tide when no water or fish are present to prevent fish species of concern from gaining access to the vicinity of the work area. If water is present, the work area (around the culverts) shall be seined, and a temporary fish barrier shall be installed to isolate the work area. In order to minimize potentially adverse effects to tidewater gobies, all translocation/removal of tidewater gobies shall be conducted by qualified biologist approved by the U.S. Fish & Wildlife Service and/or the Department of Fish & Game.
5. The temporary fish barrier installed pursuant to Condition No. 4 above shall be removed during low tide, if possible, upon completion of the authorized emergency work.
6. Effective runoff and erosion control measures shall be in place at all times during construction, including installation of appropriate runoff and erosion control devices in upland staging and stockpiling areas. If the erosion control measures are not adequately containing sediment, as determined by visual observation, construction activities shall cease until remedial measures are implemented to prevent sediment from entering coastal waters.
7. Turbid water shall be contained and prevented from being transported in amounts that are deleterious to fish, or in amounts that could violate state pollution laws. Silt fences or water diversion structures shall be used to contain sediment. If sediment is not being contained adequately, the activity shall cease.
8. Excess water shall be pumped into the surrounding fields to prevent sediment-laden water from entering coastal waters.
9. All areas of exposed soil resulting from the authorized emergency work shall be mulched and seeded with an appropriate seed mix composed of native and/or non-invasive species upon completion of the authorized emergency work. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be utilized. No plant species listed as a "noxious weed" by the governments of the State of California or the United States shall be utilized.
10. Construction materials, debris, or waste shall not be placed or stored where it may be subject to entering into coastal waters or being washed into coastal waters via stormwater runoff.



11. All culverts, fill material, and other spoils removed from Site #1 and Site #4 shall be either (a) hauled off-site for disposal at an authorized disposal location within 10 days of completion of the authorized emergency work, or (b) temporarily stockpiled at an upland location on the preserve property for later disposal or reuse. No fill shall be placed on existing access roads, levees, agricultural lands, or in coastal wetlands. Effective runoff and erosion control measures shall be in place at all times at all temporary stockpiling areas.
12. Equipment shall be cleaned and inspected for leaks off-site prior to use on-site. Any fueling and maintenance of construction equipment shall occur within upland areas only and outside of environmentally sensitive habitat areas. Fuels, lubricants, and solvents shall not be allowed to enter coastal waters, wetlands, or riparian areas.
13. Best Management Practices (BMPs) shall be implemented to prevent entry of storm water runoff into the work sites, the entrainment of excavated materials leaving the site, and to prevent the entry of polluted stormwater runoff into coastal waters during the transportation and storage of excavated materials.
14. Upon completion of the authorized emergency work, disturbed grazed seasonal wetlands shall be de-compacted and seeded as needed, with an appropriate seed mixture composed of the same species that currently dominate the area and in accordance with Condition No. 9 above.
15. 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.
16. Within 180 days of completion of the emergency work authorized by this permit, the permittee shall submit a summary report and as-built plans for the authorized emergency work. The as-built plans shall include all of the following: (a) final bridge design plans including bridge and abutment materials, sizes, and as-built locations; (b) a summary of the quantity of fill material removed from Site #1 and Site #4; and (c) the spoils disposal and/or temporary stockpile location(s). The summary report shall include a description of (i) the dates and timing of the emergency work conducted; (ii) BMPs and erosion control measures employed through the course of the emergency work; (iii) the types and amounts of wetlands filled and temporarily impacted at each site; (iv) the types and amounts of new wetland areas created at each site as a result of the emergency fill removal activities; and (v) any handling of and observed impacts to sensitive, threatened, or endangered plant and animal species that occurred through the course of the authorized emergency work.
17. 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 authorized emergency work.
18. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including the Army Corps of Engineers, Department of Fish and



Game, County of Humboldt, North Coast Regional Water Quality Control Board, State Lands Commission, and other applicable agencies.

The authorized emergency work is considered to be temporary work done in an emergency situation. **If the property owner wishes to have the emergency development work (e.g., new bridge at Site #1, placement of fill spoils within upland sites on the property, etc.) become a permanently authorized development, a follow-up coastal development permit (CDP) must be obtained.** A regular CDP 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 flood hazards.

If you have any questions about the provisions of this emergency permit, please contact Melissa Kraemer at the Commission's North Coast District Office at (707) 445-7833.

Encl.: Emergency Permit Acceptance Form; and
Regular Coastal Development Application Form

cc w/out encl.: Joe Russ, Russ Ranch & Timber Co., LLC, Ferndale

ec w/out encl.: David Clendenan, The Wildlands Conservancy, david.c@twc-ca.org; Dan York, The Wildlands Conservancy, dan.y@twc-ca.org; David Ammerman, U.S. Army Corps of Engineers, David.A.Ammerman@usace.army.mil; Steve Kramer, U.S. Fish & Wildlife Service, Steve_Kramer@fws.gov; Dan Free, NOAA-Fisheries, Dan.Free@noaa.gov; Scott Bauer, Dept. of Fish & Game, SBAUER@dfg.ca.gov; Michael van Hattem, Dept. of Fish & Game, MVANHATTEM@dfg.ca.gov; Steve Werner, Humboldt County Planning Division, SWerner@co.humboldt.ca.us; Dean Prat, North Coast Water Quality Control Board, DPrat@waterboards.ca.gov; Ninette Lee, State Lands Commission, LEEN@slc.ca.gov

