

**CALIFORNIA COASTAL COMMISSION**

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

[www.coastal.ca.gov](http://www.coastal.ca.gov)

**F4**

# NORTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the*

## *November Meeting of the California Coastal Commission*

MEMORANDUM

Date: November 4, 2011

TO: Commissioners and Interested Parties  
FROM: Charles Lester, 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 November 4, 2011 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.

***EMERGENCY PERMITS***

1. 1-11-038-G Humboldt County Public Works, Attn: Hank Seemann (, Humboldt County)
2. 1-11-040-G Humboldt County Department Of Public Works, Attn: Doug Dinsmore (Ferndale, Humboldt County)

***IMMATERIAL AMENDMENTS***

1. 1-08-032-A2 Abbie & Larry Colbert (, Mendocino County)

**TOTAL OF 3 ITEMS**

## 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>
<p><b>1-11-038-G</b> Humboldt County Public Works, Attn: Hank Seemann</p>	<p>As described in detail in the project description dated September 9, 2011 received at the North Coast District Office on September 20, 2011, the proposed work includes: (1) removal of approximately 1,000 cubic yards of existing sediment from an approximately 1,300-foot-long by 8-foot-wide by 2.5-foot-deep reach Francis Creek channel; (2) reestablishment of a berm at the junction of Francis Creek and the cross-pasture ditch constructed under Commission Emergency Permit No. 1-10-035-G to limit flows to the ditch to periods of high water overflow; (3) removal of approximately 125 cubic yards of material to create an approximately 110-foot-long by 8-foot-wide by 2.5-foot-deep connecting low-flow channel between the historical Francis Creek channel near the Ferndale wastewater treatment plant and the existing remnant low-flow channel of the Salt River; and (4) temporarily stockpiling excavated material on adjacent uplands to be removed in October 2011 in conjunction with the City of Ferndale's wastewater treatment plan construction</p>	<p>In and along Francis Creek and on agricultural lands in the vicinity of Port Kenyon Road and the Ferndale wastewater treatment plant in an unincorporated area north of Ferndale, Humboldt County</p>
<p><b>1-11-040-G</b> Humboldt County Department Of Public Works, Attn: Doug Dinsmore</p>	<p>As described in detail in the revised project description received at the North Coast District office on September 27, 2011, the emergency development includes: (1) reconstruction of two salmon migration route trenches constructed under Commission Emergency Permit No. 1-10-029-G in the fall of 2010 to connect two unpermitted gravel pits, which are the subject of Coastal Act Violation File No. V-1-04-025, to the main river channel; (2) placement of the anticipated 100-225 cubic yards of material excavated from the trenches into the unpermitted pits to expedite reclamation of the gravel bar by the natural aggradation of river-deposited sediments into the pits, thereby minimizing chances of the future stranding of additional salmonids and other fish; and (3) re-grading of the upstream and left bank sides of pit #2 (the upstream pit) to a less severe slope to alleviate the potential for scour during high flows. The trenches will be reconstructed to the capillary fringe, equal to the lowest points in the unpermitted pits, the floor of each trench will be 8-9 feet in width, and the sides of the trenches will be sloped back 1:1 or to the natural angle of repose. Access to the site will be via an existing access road on the Miranda property, and no new access roads will be constructed. Equipment staging, fueling, and maintenance will be located in an existing developed area at the end of the access road adjacent to a riparian area</p>	<p>Ferndale (Humboldt County)</p>

**REPORT OF IMMATERIAL AMENDMENTS**

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>1-08-032-A2</b> Abbie & Larry Colbert	Install three additional monitoring wells on the adjacent property located at 19280 South Harbor Drive (APN 018-150-22). Monitoring well MW-6 will be advanced to 25 feet; MW-7 and MW-8 will be advanced to 15 feet. Drilling and well installation activities will be supervised by a California Professional Geologist.	19290 South Harbor Drive (Noyo Harbor area of Fort Bragg), Mendocino County

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## EMERGENCY PERMIT

Humboldt County Public Works Dept.  
Attn: Hank Seemann  
1106 Second Street  
Eureka, CA 95501

Date: October 7, 2011  
Emergency Permit No. 1-11-038-G

### LOCATION OF EMERGENCY WORK:

In and along Francis Creek and on agricultural lands in the vicinity of Port Kenyon Road and the Ferndale wastewater treatment plant in an unincorporated area north of Ferndale, Humboldt County.

### WORK PROPOSED:

As described in detail in the project description dated September 9, 2011 received at the North Coast District Office on September 20, 2011, the proposed work includes: (1) removal of approximately 1,000 cubic yards of existing sediment from an approximately 1,300-foot-long by 8-foot-wide by 2.5-foot-deep reach Francis Creek channel; (2) reestablishment of a berm at the junction of Francis Creek and the cross-pasture ditch constructed under Commission Emergency Permit No. 1-10-035-G to limit flows to the ditch to periods of high water overflow; (3) removal of approximately 125 cubic yards of material to create an approximately 110-foot-long by 8-foot-wide by 2.5-foot-deep connecting low-flow channel between the historical Francis Creek channel near the Ferndale wastewater treatment plant and the existing remnant low-flow channel of the Salt River; and (4) temporarily stockpiling excavated material on adjacent uplands to be removed in October 2011 in conjunction with the City of Ferndale's wastewater treatment plan construction

### PERMIT RATIONALE:

This letter constitutes approval of the emergency work you have requested to be done at the location listed above. I understand from your information that due to the high potential for severe flooding during the on-coming rainy season and the limited time left to perform needed preventative measures before rainy weather would exacerbate erosion and sedimentation impacts from grading activities, there is an imminent threat to residential structures, public roads, essential services, life, and health in the vicinity of Port Kenyon Road north of Ferndale. Therefore, the situation requires immediate action to prevent damage to private property and public infrastructure.

Pursuant to Title 14 of the California code of Regulations, Section 13009, the Executive Director of the Coastal Commission hereby finds that:

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



Emergency Permit Number: 1-11-038-G

Date: October 7, 2011

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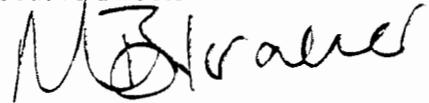
and

- (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 below and on the attached pages.

Sincerely,

CHARLES LESTER  
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 15 days.
2. Only work specifically described in this permit and for the specific property listed above is authorized. The project shall be undertaken in accordance with the plans and other information submitted to the Coastal Commission and in accordance with the conditions of this emergency permit. Any additional work requires separate authorization from the Executive Director.
3. The emergency work authorized by this permit must be completed within 60 days from the date of permit issuance. A Coastal Development Permit (CDP) or permit amendment must be obtained prior to implementation of any maintenance work or other development associated with the emergency implementation measures authorized by this emergency permit.
4. Any construction activities shall be subject to the following conditions: (1) All work shall cease upon the onset of precipitation at the project site and shall not recommence until the predicted chance of rain is less than 50 percent for the Ferndale area portion of the National Weather Service's forecast for Northwestern California; (2) The work site(s) shall be winterized between work cessation periods by installing stormwater runoff and erosion control barriers around the perimeter of each construction site to prevent the entrainment of sediment into coastal waters; and (3) Adequate stocks of stormwater runoff and erosion control barrier materials shall be kept onsite and made available for immediate use.
5. Any fueling and maintenance of construction equipment shall occur within upland areas only and outside of environmentally sensitive habitat areas.



6. Fuels, lubricants, and solvents shall not be allowed to enter coastal waters or wetlands. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call.
7. The permittee shall use relevant best management practices (BMPs) as detailed in the "California Storm Water Best Management (Construction and Industrial/Commercial) Handbooks, developed by Camp, Dresser & McKee, et al. for the Storm Water Quality Task Force (see <http://www.cabmphandbooks.com>).
8. Effective erosion control measures shall be in place at all times during construction. Construction must not commence until all temporary erosion control devices are in place. A supply of erosion control materials shall be maintained on site to facilitate a quick response to unanticipated storm events or emergencies. If continued erosion is likely to occur after construction is completed, then appropriate erosion prevention measures shall be implemented and maintained until erosion has subsided. Erosion control devices are temporary structures and shall be removed after completion of construction.
9. Appropriate erosion controls shall be used to protect and stabilize stockpiles and exposed soils to prevent movement of materials.
10. After project completion, all exposed soils present in and around the project site which may deliver sediment to the creek or a coastal wetland shall be stabilized with mulch, seeding, and/or placement of erosion control blankets. Erosion control seeding shall include only native, regionally appropriate species or noninvasive agricultural species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the governments of the State of California or the United States shall be utilized within the property.
11. During construction, all trash shall be properly contained, removed from the work site, and disposed of on a regular basis to avoid contamination of habitat during restoration activities. Following construction, all trash and construction debris shall be removed from work areas and disposed of properly.
12. All construction debris shall be removed and disposed of in an upland location at an approved disposal facility within ten (10) days of project completion.
13. No riparian vegetation removal is authorized under this permit.
14. The applicant shall not depend on the issuance of additional emergency permit authorization for any anticipated sediment excavation and related development for flood control in Francis Creek and the project vicinity in 2012. The applicant shall instead apply for regular coastal development permit authorization for such development by no



later than August 1, 2012 to allow time for the coastal development permit to be processed prior to the time the development needs to be performed.

15. 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.
16. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including the U.S. Army Corps of Engineers, the California Department of Fish and Game, the County of Humboldt, the North Coast Regional Water Quality Control Board, and other applicable agencies.
17. The emergency work is considered to be temporary work done in an emergency situation. If the permittee wishes to have the emergency work (including the newly graded ditches, berms, stockpiled materials, etc.) become a permanent development, a regular Coastal Development Permit or permit amendment must be obtained. If not, then the development authorized by this emergency permit (including the newly graded ditches, berms, stockpiled materials, etc.) must be removed. A CDP or permit amendment must be obtained prior to removal or modification of any development implemented by this emergency permit. A regular CDP or permit amendment would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include mitigation for wetlands filled or impacted, a requirement that a deed restriction be placed on the property assuming liability for damages incurred from flood hazards, and/or other special conditions.
18. A follow-up CDP application to make any of the development performed under the emergency permit permanent must be received within 90 days of issuance of this emergency permit. A regular permit or permit amendment would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly.

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

Encl.: Emergency Permit Acceptance Form, Regular Application Form

cc w/out encl.: Humboldt County Planning Division  
David Ammerman, U.S. Army Corps of Engineers  
Scott Bauer, Department of Fish and Game  
Donna Chambers, Humboldt County Resource Conservation District



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## EMERGENCY PERMIT

Humboldt County Public Works Dept.  
Attn: Doug Dinsmore  
1106 Second Street  
Eureka, CA 95501

Date: October 14, 2011  
Emergency Permit No. 1-11-040-G

### LOCATION OF EMERGENCY WORK:

The proposed emergency work is located in Humboldt County, within an active secondary channel of the Eel River, below the ordinary high water mark, 1.7 miles northwest of Fortuna, approximately one mile upstream of Fernbridge, on an exposed (dry), mostly unvegetated gravel bar known as the South Worswick Bar, on County-owned property (APNs 106-031-038 and 106-041-011).

### WORK PROPOSED:

As described in detail in the revised project description received at the North Coast District office on September 27, 2011, the emergency development includes: (1) reconstruction of two salmon migration route trenches constructed under Commission Emergency Permit No. 1-10-029-G in the fall of 2010 to connect two unpermitted gravel pits, which are the subject of Coastal Act Violation File No. V-1-04-025, to the main river channel; (2) placement of the anticipated 100-225 cubic yards of material excavated from the trenches into the unpermitted pits to expedite reclamation of the gravel bar by the natural aggradation of river-deposited sediments into the pits, thereby minimizing chances of the future stranding of additional salmonids and other fish; and (3) re-grading of the upstream and left bank sides of pit #2 (the upstream pit) to a less severe slope to alleviate the potential for scour during high flows. The trenches will be reconstructed to the capillary fringe, equal to the lowest points in the unpermitted pits, the floor of each trench will be 8-9 feet in width, and the sides of the trenches will be sloped back 1:1 or to the natural angle of repose. Access to the site will be via an existing access road on the Miranda property, and no new access roads will be constructed. Equipment staging, fueling, and maintenance will be located in an existing developed area at the end of the access road adjacent to a riparian area.

### PERMIT RATIONALE:

This letter constitutes approval of the emergency work you have requested to be done at the location listed above. I understand from your information that due to the existence of two gravel pits at the site, which were developed through the unpermitted extraction of approximately 7,900 cubic yards of gravel and are the subject of Coastal Act Violation File No. V-1-04-025, there is an imminent threat to federally- and state-listed endangered salmonids and other fish species, which become trapped in the pits as river levels recede below 10 feet. The two pits were developed two years ago without the benefit of a coastal development permit during the low-flow season (when the subject site was exposed), and during the high-flow season the following winter and spring, salmonids, Pacific lamprey, and other fish could access the pits and become stranded in them as the river level receded. The stranded fish then were killed as a result of predation or the inability to access suitable habitat, as the isolated pits eventually dried up



completely during the summer months. In the fall of 2010 an attempt was made, under Commission Emergency Permit No. 1-10-029-G, to restore the unpermitted pits and hasten the filling of the pits and the reclamation of the gravel bar by (1) excavating two salmonid migration trenches to connect the two unpermitted pits to each other and to the main river channel and to form the trenches in a way that would allow them to drain freely with a minimum of depressions; and (2) placing the excavated material into the pits to expedite the filling of the pits and reclamation of the gravel bar. Although the two excavated trenches functioned as designed in that fish that had entered the pits had adequate opportunity to return to the main channel and avoid entrapment prior to the recession of water levels in 2011, pit #2 (the upstream pit) suffered significant scour action and headcutting in 2010-2011, displacing a substantial amount of the material placed there during the 2010 emergency trench construction work. Thus, pit #2 has not been adequately reclaimed (and pit #1 was only partially reclaimed since the 2010 emergency work), and unless the near-vertical banks along the upstream and left-bank sides of pit #2 are re-graded to a less severe slope, the pit will likely continue to scour during high flows due to the substantial difference in elevation between the secondary channel and the pit. To both (1) enable the proposed grading to be performed during a low-flow period when the site is not inundated by river water, and (2) to avoid impacts from the proposed grading to threatened snowy plovers that nest on Eel River gravel bars during the spring and summer months, the proposed grading can only occur during the remainder of the fall before river waters rise again and inundate the site. Therefore, to prevent another opportunity for fish stranding and mortality to occur, the situation requires immediate corrective action.

Pursuant to Title 14 of the California code of Regulations, Section 13009, the Executive Director of the Coastal Commission hereby finds that:

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

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

Sincerely,

CHARLES LESTER  
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. The project shall be undertaken in accordance with the revised plans submitted to the Coastal Commission's North Coast District office on September 27, 2011 and in accordance with the conditions of this emergency permit. Any additional work requires separate authorization from the Executive Director or the Commission.
3. All emergency work shall be conducted in cooperation with and under the direct supervision of staff from the Humboldt County Public Works Department.
4. The emergency work authorized by this permit must be completed before November 15, 2011. A Coastal Development Permit (CDP) must be obtained prior to implementation of any future maintenance work (e.g., removal of sediment blockages from migration route trenches) or other development associated with the emergency implementation measures authorized by this emergency permit.
5. No riparian vegetation shall be removed during the course of the authorized emergency development.
6. Heavy equipment shall not enter the wetted channel.
7. 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.
8. Equipment shall be cleaned and inspected for leaks off-site prior to use on-site.
9. This permit does not authorize any development to occur during the period of March 1 through September 15<sup>th</sup> (western snowy plover breeding season). Vehicles should not access the gravel bar during this period to avoid potential disturbance to breeding plovers. Hazing of plovers shall not occur at any time of year.
10. The permittee shall use relevant best management practices (BMPs) as detailed in the California Storm Water Best Management Handbooks accessible at <http://www.ca/bmphandbooks.com>.
11. 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 areas.
12. All work shall cease upon the onset of precipitation at the project site and shall not recommence until the predicted chance of rain is less than 50 percent for the Ferndale area portion of the National Weather Service's forecast for Northwestern California.



Emergency Permit Number: 1-11-040-G

Date: October 14, 2011

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13. 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.
14. Within 30 days of completion of the emergency work authorized by this permit, or by December 15, 2011 (whichever is earlier), the permittee shall submit to the Executive Director at the letterhead address documentation that the authorized emergency work has been executed according to the approved plans.
15. Monitoring and maintenance shall occur to ensure the continued effectiveness of the trenches over time and provisions for effectively maintaining the salmonid migration trenches until such time as the unpermitted pits have been successfully reclaimed.
16. 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.
17. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including the U.S. Army Corps of Engineers, the California Department of Fish and Game, the County of Humboldt, the North Coast Regional Water Quality Control Board, and other applicable agencies.
18. Failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.
19. A follow-up CDP application to make the placement of excavated material within the existing pits and on the gravel bar and any other development performed under the emergency permit permanent must be obtained (CDP Application No. 1-11-003 has been submitted in part for this purpose and currently is being processed). A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly.

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

Encl.:                   Emergency Permit Acceptance Form, Regular Application Form

cc:                      Nancy Cave, CCC Statewide Enforcement Program  
                            Tim & Robert Miranda, 965 Waddington Rd., Ferndale  
                            Humboldt County Planning Division  
                            Scott Bauer, Department of Fish and Game  
                            Kelley Reid, U.S. Army Corps of Engineers  
                            Clarence Hostler, NOAA-Fisheries  
                            Jim Watkins, U.S. Fish & Wildlife Service



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**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties  
FROM: Charles Lester, Executive Director  
DATE: October 25, 2011  
SUBJECT: **Permit No. 1-08-032-A2**  
Granted to: Abbie Colbert

**ORIGINAL DESCRIPTION**

For: **(1) Excavating approximately 850 cubic yards of contaminated soil from within an approximately 1,920 square foot area to a depth of approximately 12 feet; (2) install temporary sheet piling around the perimeter of the excavated area; and (3) install four 2-inch diameter groundwater monitoring wells.**

At: 19280 & 19290 South Harbor Drive, Fort Bragg, Mendocino County (APNs: 018-150-21 & 018-150-22)

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above-referenced permit, which would result in the following changes:

**The requested amendment would install three additional monitoring wells on the adjacent property located at 19280 South Harbor Drive (APN 018-150-22). Monitoring well MW-6 will be advanced to 25 feet. Monitoring wells MW-7 and MW-8 will be advanced to 15 feet. Drilling and well installation activities will be supervised by a California Professional Geologist.**

**FINDINGS**

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten (10) working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

**The requested amendment results in the installation of an additional three groundwater monitoring wells within the same project sites as were evaluated under the originally-approved permit and subsequent permit amendment No. 1-08-032-A1. The installation of three additional groundwater monitoring wells is to refine the extent of impacted soil and groundwater at and adjacent to the subject site. The "Work Plan for Additional Well Installation" dated September 14, 2011 by Taber Consultants was approved by the North Coast Regional Water Quality Control Board on October 6, 2011. The addition of three groundwater monitoring wells will not result in any additional resource impacts that were not evaluated under the original approved development. The amended development is consistent with the Chapter 3 policies of the Coastal Act.**

If you have any questions about the proposal or wish to register an objection, please contact Tamara L. Gedik at the North Coast District office.

cc: Local Planning Dept.  
Taber Consultants, Attn: Joseph Krohn