

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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NORTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

May Meeting of the California Coastal Commission

MEMORANDUM

Date: May 12, 2011

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 May 12, 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. 1-11-015-G The Wildlands Conservancy, Attn: Dan York & David Clendenen (, Humboldt County)

IMMATERIAL AMENDMENTS

1. 1-08-032-A1 Abbie M. & Larry Colbert (Fort Bragg, Mendocino County)

TOTAL OF 2 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>
1-11-015-G The Wildlands Conservancy, Attn: Dan York & David Clendenen	During early February, runoff from heavy winter rains caused a failure in the levee on Russ Creek, at the point its channel turns west immediately after entering the Eel River Estuary Preserve. Russ Creek now flows north into prime agricultural land and freshwater ponds, depositing its sediments before dispersing and seeping in the ground. In addition, the banks of Russ Creek forming the abutments of a small bridge ~25 feet before the breach have been badly eroded, which could potentially lead to collapse of this bridge.	Russ Creek, on Eel River Estuary Preserve, Humboldt County

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>
1-08-032-A1 Abbie M. & Larry Colbert	(1) Modify the locations of the four groundwater monitoring wells including the location of one well off-site on the neighboring property (APN 018-150-22); (2) add one additional groundwater monitoring well to the neighboring property (APN 018-150-22); (3) install a piezometer in the former excavation location to monitor tidal influences on groundwater beneath the site; and (4) add a piezometer/monitoring station on the dock of the Colbert building to monitor tidal fluctuations to compare to the groundwater levels beneath the site.	19280 & 19290 South Harbor Drive, Fort Bragg (Mendocino County)

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EMERGENCY PERMIT

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

Date: April 22, 2011
Emergency Permit No. 1-11-015-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 100-131-03), specifically at Russ Creek between its 90-degree "elbow" near the southern property boundary and its confluence with 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 April 11, 2011, the proposed emergency work includes: (1) removing accumulated sediment from the near downstream portions of Russ Creek; (2) repairing the breached levee on Russ Creek using soils pushed from the west along the levee and sediment removed from the near downstream portion of Russ Creek; and (3) repairing the eroded banks of Russ Creek around the abutments to the small bridge that is located adjacent to the levee breach area to prevent the collapse of the bridge.

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 high flows and heavy runoff from winter rains, a failure in the levee along Russ Creek occurred at the point that the channel turns west near the southern boundary of the Preserve property. As a result, Russ Creek now flows north at this location rather than west, which has resulted in the dewatering of the portion of the creek channel that flows westward into Centerville Slough and the disconnection of the creek from the downstream estuary. The levee breach has contributed to significant erosion to the banks of Russ Creek immediately upstream of the breach site, including the banks upon which the abutments of a small bridge are located, thereby threatening the integrity of the bridge. In addition, the lack of water flowing into the estuary from Russ Creek as a result of the levee breach could lead to significant mortality of federally endangered tidewater gobies, which are known to inhabit Cutoff Slough downstream of the dewatered channel reach. Furthermore, the flow of Russ Creek through the breached levee is presently carrying significant quantities of sediment from upstream sources into valuable freshwater pond habitat on the Preserve property, degrading this important habitat for tundra swans and other waterfowl, breeding red-legged frogs, and other sensitive species. Moreover, the lack of connectivity between Russ Creek and the downstream estuary resulting from the levee breach eliminates the ability of anadromous fish such as coastal cutthroat trout to move in and out of the estuary. Thus, it is my understanding that the situation requires immediate corrective action to prevent direct adverse impacts to threatened and endangered species, environmentally sensitive habitat, and structural property in the area and constitutes an emergency as defined



Emergency Permit Number: 1-11-015-G
Date: April 22, 2011
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by California Code of Regulations Section 13009.

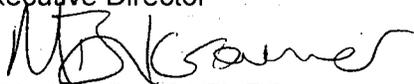
The Executive Director of the Coastal Commission hereby finds that:

- (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 below and 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 when no water or fish are present to prevent fish species of concern from gaining access to the work area. If water is present, the work area shall be seined, and a temporary fish barrier shall be installed to isolate the work area. In order to minimize potentially adverse effects to fish species of concern, all translocation/removal of special-status fish species shall be conducted by a qualified biologist approved by the Department of Fish & Game.
5. 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, construction activities shall cease until remedial measures are implemented to prevent sediment from entering coastal waters and adjacent wetlands.

6. All excess sediments dredged from Russ Creek pursuant to this emergency permit shall be either (a) used to repair the breached levee on Russ Creek in the vicinity of the 90-degree "elbow"; (b) temporarily stockpiled at an upland location on the Preserve property for later disposal or reuse; and/or (c) hauled off-site for disposal at an authorized disposal location within 10 days of completion of the authorized emergency work. No fill shall be placed on existing access roads, agricultural lands, or in coastal wetlands beyond the immediate levee breach repair site and bridge abutment repair sites.
7. The emergency levee repair work shall not extend beyond the footprint of the existing levee or result in a widening of the levee base beyond its "pre-breach" configuration. The levee repairs shall be limited to the breach site in the vicinity of the 90-degree "elbow" of Russ Creek.
8. 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.
9. Construction materials, debris, or waste shall not be placed or stored where it may be subject to entering into coastal waters or wetlands or subject to being washed into coastal waters via stormwater runoff.
10. 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.
11. Best Management Practices (BMPs) shall be implemented at all times during construction 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. Construction must not commence until all temporary erosion control measures are in place.
12. 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. 8 above.
13. The authorized emergency work must be completed by no later than 75 days from the date of this permit. If possible, work shall be conducted only during dry weather and shall



not commence until the ground in the area has dried and hardened to facilitate construction access and to reduce impacts to agricultural lands and seasonal wetlands.

14. Within 30 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 summary report and as-built plans shall include all of the following: (a) details on volumes of materials dredged from the creek and placed for the repair of the levee breach and creek banks at bridge abutments; (b) typical cross sections showing levee configuration at the breach site and adjacent (existing) levee configuration, both before the levee breach occurred and after the completion of the emergency levee repairs; and (c) excess spoils disposal location(s) and 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; and (iii) 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.

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.

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/or 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., repaired levee area) 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.: Steve Werner, Humboldt County Planning Division,
SWerner@co.humboldt.ca.us; Scott Bauer, Dept. of Fish & Game,
SBAUER@dfg.ca.gov; David Ammerman, U.S. Army Corps of Engineers,
David.A.Ammerman@usace.army.mil



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**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Peter Douglas, Executive Director
DATE: April 28, 2011
SUBJECT: **Permit No: 1-08-032-A1**
Granted to: Abbie M. & Larry 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)**

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

(1) Modify the locations of the four groundwater monitoring wells including the location of one well off-site on the neighboring property (APN 018-150-22); (2) add one additional groundwater monitoring well to the neighboring property (APN 018-150-22); (3) install a piezometer in the former excavation location to monitor tidal influences on groundwater beneath the site; and (4) add a piezometer/monitoring station on the dock of the Colbert building to monitor tidal fluctuations to compare to the groundwater levels beneath the site.

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 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 a relocation of groundwater monitoring wells within the same project sites as were evaluated under the originally-approved permit. The relocation is the result of discovery of an additional underground storage tank during site remediation and a December 15, 2010 requirement by the North Coast Regional Water Quality Control Board to address data gaps in the site conceptual model and to refine the extent of impacted soil and groundwater at and adjacent to the subject site. The "Work Plan for Additional Site Assessment" dated February 28, 2011 by Taber Consultants was approved by the North Coast Regional Water Quality Control Board on March 9, 2011. The relocation of the

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**NOTICE OF PROPOSED PERMIT AMENDMENT**

groundwater monitoring wells and the addition of one groundwater monitoring will not result in any additional resource impacts that were not evaluated under the original approved development. Because one piezometer will be attached to an existing building and one piezometer will be installed at a former excavation location, there will be no additional impacts resulting from this amendment activity. 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 Gedik at the North Coast District office.

cc: Local Planning Dept.

Taber Consultants, Attn: Susie Nesseler