

CALIFORNIA COASTAL COMMISSION

North Coast District Office
1385 Eighth Street, Suite 130
Arcata, California 95521
(707) 826-8950 FAX (707) 826-8960

**W7****NORTH COAST DISTRICT
DEPUTY DIRECTOR'S REPORT**

*For the
September Meeting of the California Coastal Commission*

MEMORANDUM

Date: September 08, 2014

TO: Commissioners and Interested Parties
FROM: Alison Dettmer, 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 September 2014 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.

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>
1-14-1587-W Chevron, Attn: Scott Parsons	Replace two missing piles and three damaged piles at the Chevron Terminal Dock.	3400 Christie, Eureka, CA 95501 (APN(s) 007-071-08, 007-071-13)

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>
<p>1-13-009-A2 Border Coast Regional Airport Authority, Attn: James Bernard or Susan Daugherty</p>	<p>Modify permit granted for construction of runway safety areas to modify condition for protection of breeding northern red-legged frogs to clarify that limits on construction activities apply to actual breeding areas when breeding is occurring.</p>	<p>150 Dale Rupert Rd., Crescent City (APN(s) 110-001-10, 110-001-17, 110-001-21)</p>

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September 5, 2014

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments-Section 30624.7 of the Coastal Act

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit (CDP) pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid, and any development occurring must cease until a CDP is obtained or any discrepancy is resolved in writing.

WAIVER#: 1-14-1587-W

APPLICANT: Chevron (Attn: Scott Parsons)

LOCATION: At the Chevron Terminal dock, on the eastern shore of Humboldt Bay, on a tideland parcel adjacent to 3400 Christie Street, Eureka (APN 007-071-13).

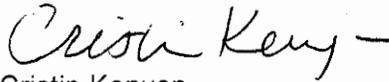
PROPOSED DEVELOPMENT: Replace two missing piles and three severely damaged piles on the Chevron Terminal dock. The dock will be deconstructed as necessary to access the piles, including the removal of pile caps, stringers, bull rail, decking, and equipment attached thereto. Any of the structural elements detached to access the piles that are deemed unfit to be reused will be replaced in-kind. The old piles will be removed and the new piles installed using a vibratory hammer. If a pile is not able to be removed in its entirety, it will be cut off one-foot below the mudline. The new piles will be placed in the footprint of the old piles or as close to the original pile locations as possible. New piles will be composed of ammoniacal copper zinc arsenate (ACZA) pressure-treated wood and will be coated with Specguard's Marine Grade Polyurea coating. All work will be performed from a barge, maneuvered by a tugboat. A crane positioned on the barge will be used to remove and install elements of the dock. All materials removed from the dock and debris generated during the project will be held in a containment area on the barge until transferred to the staging area at Schneider Dock (990 W. Waterfront, Eureka), where they will be placed in water-tight containers. When the containers are full, they will be transported to a landfill in Anderson, CA.

RATIONALE: Approximately 80% of the fuel used by the greater Eureka area is delivered via barge to the Chevron Terminal dock. The proposed repairs are necessary to maintain the structural integrity of the dock, preventing the rupture of fuel transfer lines and other potential environmental impacts of dock failure. The piles to be removed will also be used in a study of the dock's ability to withstand a significant seismic event and potential resulting soil liquefaction. Work will be completed by October 15th of this year to minimize the number of listed fish species in Humboldt Bay during the project, and no impact pile driving will occur to avoid hydroacoustic impacts to marine life. In addition, no activity will take place along the portion of the dock where there is extensive eelgrass habitat and under no circumstance will the barge or tugboat enter the intertidal zone where there is the potential to impact eelgrass. Best Management Practices are proposed to avoid construction debris entering coastal waters, and booms will be used to contain any spilled debris. Spill containment trays will be placed around equipment on the barge deck and spill kits

with contents appropriate for the types of hazardous materials present will be maintained on the barge and the dock. Except for the crane, equipment used over the water will utilize biodiesel and vegetable-based hydraulic oil. Best Management practices will also be implemented to avoid water quality impacts from the use of treated wood in the marine environment. New piles will be coated with Specguard's Marine Grade Polyurea coating from the top of the pile to five feet below the mudline to avoid contact of treated wood with coastal waters. The project is an allowable use of fill in coastal waters pursuant to Coastal Act Section 30233(a)(1), because it is intended to rehabilitate an existing shipping terminal. For all of the above reasons, the proposed project is consistent with Chapter 3 of the Coastal Act.

This waiver will not become effective until reported to the Commission at their June 11, 2014 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

CHARLES LESTER,
Executive Director


Cristin Kenyon
Coastal Program Analyst

cc: Commissioners/File
Pacific Affiliates (Attn: Corey Matson)

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**NOTICE OF PROPOSED PERMIT AMENDMENT (Immaterial)**

DATE: August 26, 2014

TO: All Interested Parties

FROM: Charles Lester, Executive Director

SUBJECT: **Proposed Amendment to Coastal Development Permit (CDP) 1-13-009**
Applicant: Border Coast Regional Airport Authority, Attn: James Bernard, Airport Director

PROJECT LOCATION AT AIRPORT SITE

Jack McNamara Field, Del Norte County Regional Airport (CEC), 150 Dale Rupert Road, approximately 2 miles northwest of Crescent City (Del Norte County).

ORIGINAL CDP APPROVAL

CDP 1-13-009 was approved by the Coastal Commission on September 12, 2013 authorizing the following development: (1) maintaining the airport in compliance with FAA standards by constructing runway safety areas; and (2) performing mitigation work on-site and at off-site locations within the region which may include Pacific Shores, Point Saint George, Bay Meadows, and other locations.

PROPOSED CDP AMENDMENT

The amendment affects only development at the Airport site. Special Condition No. 11-F of CDP 1-13-009 would be amended to (1) clarify that construction activities in or within 100 feet of the slough sedge wetlands mapped on EIR Figure 3-11 at the end of Runway 29 shall be limited to the latter part of the dry season (July through October) to avoid disturbance to breeding northern red-legged frogs, and (2) specify that if, on or after March 15, no egg masses or other evidence of northern red-legged frog breeding activity is present in the slough sedge wetlands at the end of Runway 29 as confirmed by a preconstruction survey, ground disturbing activities may commence. The Commission's reference number for this proposed amendment is 1-13-009-A2.

EXECUTIVE DIRECTOR'S IMMATERIALITY DETERMINATION

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations (CCR), the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is IMMATERIAL for the following reasons:

The proposed amendment would not lessen or avoid the intent of the original permit to avoid disturbance to breeding northern red-legged frogs. Special Condition No. 11 currently limits all construction activities throughout the project area to the latter part of the dry season to avoid disturbance to breeding northern red-legged frogs. The proposed amendment would confine these seasonal work limitations to the EIR-mapped slough sedge wetland locations at

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 1-13-009 (BCRAA)

Proposed Amendment 1-13-009-A2

Page 2 of 2

the end of runway 29 where breeding habitat occurs within the RSA project area as well as within a 100 foot buffer area from such areas.

The amendment would also allow ground-disturbing activities to commence on or after March 15th in or within 100 feet of the slough sedge wetlands mapped on EIR Figure 3-11 at the end of runway 29 if pre-construction surveys conducted on or after that date confirm the absence of northern red-legged frog breeding activity by that time. According to the California Department of Fish and Wildlife, northern red-legged frog breeding activities are initiated prior to early March when rainfall and ponding is prevalent. Thus, construction activities on or after March 15th would not affect northern red-legged frog breeding activities if no breeding activity has been initiated by that date.

As amended, the special conditions would continue to prohibit construction activities until July in breeding areas where pre-construction surveys confirm that breeding activities have been initiated prior to March 15th. As amended, special condition 11-G also would continue to require that no more than one week prior to commencement of ground disturbance in any particular work area anywhere on the site, a qualified biologist shall survey the ground-disturbance area for northern red-legged frog and western pond turtle and shall coordinate with California Department of Fish and Wildlife staff to relocate any animals that occur within the work impact zone to nearby suitable habitats.

See Attachment A for the proposed changes to the above condition. See Attachment B for a map of slough sedge wetlands mapped on EIR figure 3-11 at the end of runway 29

COASTAL COMMISSION REVIEW PROCEDURE

The permit will be amended as proposed if no written objections are received at the North Coast District Office within ten (10) working days of the date of this notice. If an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on September 10, 2014 in Smith River. If three Commissioners object to the Executive Director's determination of immateriality at that time, the application shall be processed as a material CDP amendment at a subsequent Commission hearing.

If you have any questions about the proposal or wish to register an objection, please contact Melissa Kraemer at the phone number provided above.

Attachment A: Amendments to Special Conditions

Attachment B: Slough Sedge Wetlands Mapped on EIR Figure 3-11 at the end of runway 29

Attachment A

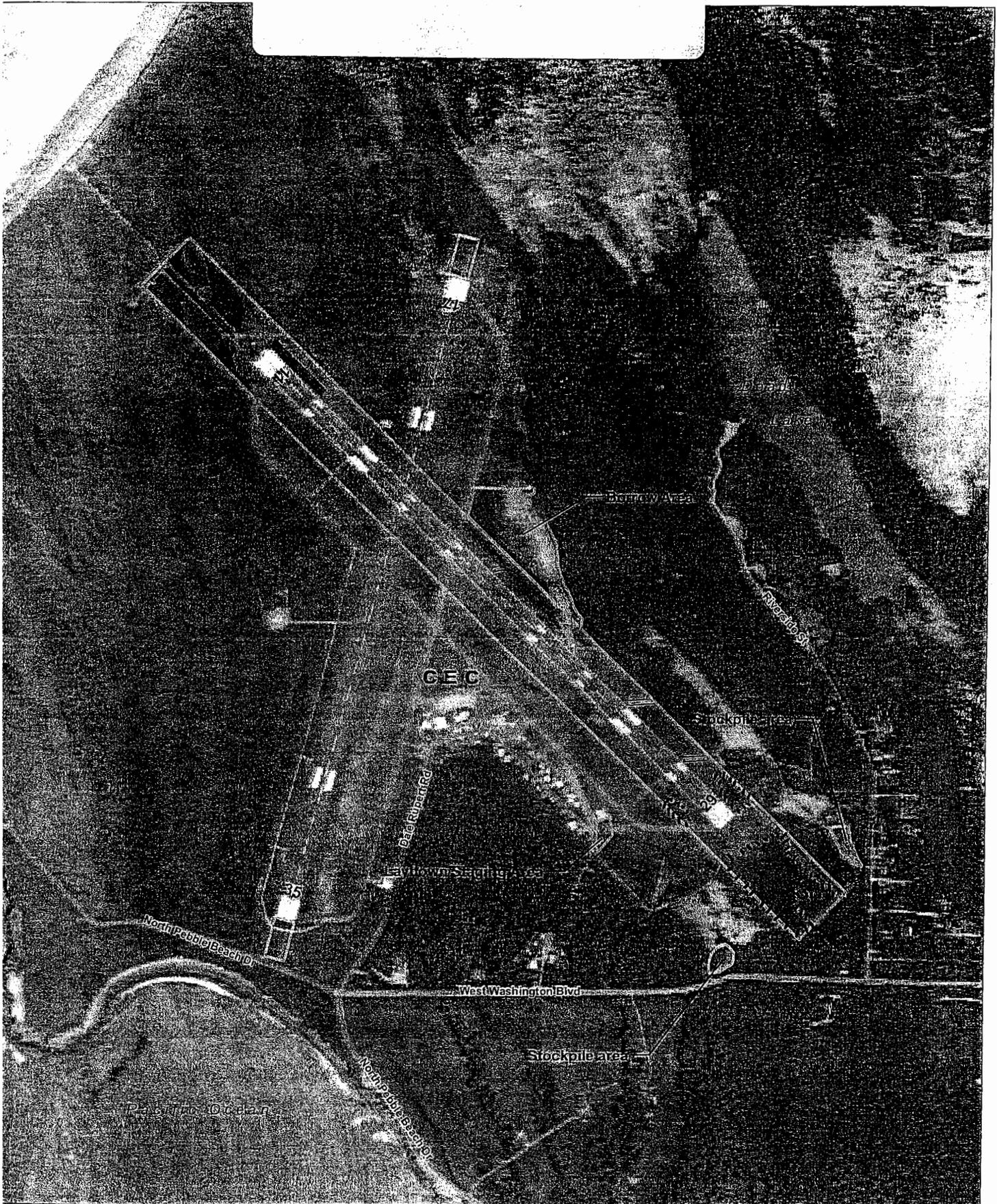
AMENDMENTS TO SPECIAL CONDITIONS OF CDP 1-13-009 (CDP Amendment 1-13-009-A2)

Text to be deleted is shown in ~~striketthrough~~, and text to be added appears in **bold double-underline**. Only relevant portions of special condition 11 are shown.

11. **Construction Responsibilities.** The authorized development shall be implemented consistent with the following construction-related responsibilities. PRIOR TO COMMENCEMENT OF ANY DEVELOPMENT AUTHORIZED BY THIS PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, evidence that all of the following construction-related water quality and wildlife protection measures have been incorporated into the final construction plans, Stormwater Pollution Prevention Plan (SWPPP), and erosion and sediment control plans for the project:
- A. The permittee shall ensure that all on-site workers and contractors understand and agree to observe the standards for work outlined in this permit and in the detailed project description included as part of the application submittal and as revised by these conditions;
 - B. Prior to commencement of ground-disturbing activities, appropriate erosion, sediment, and runoff control measures shall be deployed in accordance with the final SWPPP and erosion control plans, and all measures shall be properly maintained throughout the duration of construction activities;
 - C. Vegetation clearing and ground disturbance associated with the authorized fence installation on the west side of the airport shall be minimized;
 - D. Fence installation shall be restricted to the latter part of the dry season (July through October) and to periods when the ground is driest to minimize wetland soil compaction during installation activities;
 - E. Alaska violet plants and other identified rare plants adjacent to the fence construction area as shall be flagged for avoidance by a qualified botanist prior to commencement of installation of the new securing/wildlife fencing;
 - F. Construction activities **in or within 100 feet of the slough sedge wetlands mapped on EIR Figure 3-11 at the end of Runway 29** shall be limited to the latter part of the dry season (July through October) to avoid disturbance to breeding northern red-legged frogs. **However if on or after March 15, no egg masses or other evidence of northern red-legged frog breeding activity is present in the slough sedge wetlands at the end of Runway 29 as confirmed by a preconstruction survey, ground disturbing activities may commence;**
 - G. No more than one week prior to commencement of ground disturbance in a particular work area, a qualified biologist shall survey the ground-disturbance area for northern red-legged frog and western pond turtle and shall coordinate with California Department of Fish and Wildlife staff to relocate any animals that occur within the work impact zone to nearby suitable habitats;

... ..

ATTACHMENT B



- RSA Alternative A
- California Coastal Commission wetland (17.929 acres)
 - Drainage Channels (0.016 acres)
 - Mixed Willow Series (Hooker Willow)/Lacustrine Scrub/Shrub Wetland (0.18 acres)
 - Sedge Series (Slough Sedge)/Palustrine Persistent Emergent Freshwater Wetland (47,700 sq ft)

IMPACTS TO CALIFORNIA COASTAL COMMISSION WETLANDS - ALTERNATIVE A

February 2011
28067666

Del Norte County Regional Airport,
Jack McNamara Field
Runway Safety Area Project Draft EIR

FIGURE 3-11

at the end of runway 29