

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 EIGHTH STREET, SUITE 130  
ARCATA, CA 95521  
(707) 826-8950 FAX (707) 826-8960

www.coastal.ca.gov



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## NORTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*for the*

*November 2016 Meeting of the California Coastal Commission*

**Date:** October 28, 2016

**To:** Commissioners and Interested Parties

**From:** Alison Dettmer, North Coast District Deputy Director

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Coast District Office for the November 2016 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**

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.

<b>Applicant</b>	<b>Project Description</b>	<b>Project Location</b>
<b>1-16-0746-W</b> Renner Petroleum Company, Attn: Mike Renner	Proposed work includes the merging of two parcels: APNs 002-112-06 & 002-112-07.	1976 5th Street, Eureka (APN(s): 002-112-06, 002-112-07)

**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.

<b>Applicant</b>	<b>Project Description</b>	<b>Project Location</b>
<b>G-1-16-0065</b> Meadowbrook Apartments, Attn: Steve Strombeck	Remove unpermitted, unconsolidated fill from Grotzman Creek that threatens the biological productivity and quality of the creek and threatened salmonid fish species during the fall migration period. The emergency permit will also temporarily permit the placement of a pyramid of burlap sacks filled with clean soil in place of the unpermitted fill to cut off water flow to a side channel to prevent further fish stranding.	115 Samoa Blvd, Arcata (APN(s): 501-042-21)
<b>G-1-16-0070</b> Del Norte County Community Development Department, Attn: Heidi Kunstal and CA Dept. of Fish and Wildlife, Attn: Steve Burton	Mechanically breach the sandbar between Lake Earl/Tolowa and the Pacific Ocean to prevent flooding of County roads that are needed to provide emergency access for local residents.	Sandbar between the Pacific Ocean and the Lake Earl lagoon complex (APN(s): 106-010-34)

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October 26, 2016

## **Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7**

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 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 coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 1-16-0746-W

**Applicant:** Renner Petroleum Company, Attn: Mike Renner

**Location:** 1976 5th Street, Eureka, Humboldt County (APNs: 002-112-06 and 002-112-07)

**Proposed Development:** Merge two parcels, APNs 002-112-06 and 002-112-07.

**Rationale:**

The applicant proposes to merge a 0.64-acre parcel at the corner of 5<sup>th</sup> Street (Highway 101 North) and T Street in Eureka that is the site of an existing gas station with the adjacent 0.23-acre vacant parcel to the south. The purpose of the merger is to facilitate future development of a bathroom for the gas station on the parcel that is currently vacant (APN 002-112-006) which will be subject to a separate coastal development permit. No physical development of the site is proposed as part of this permit application and the merger of the parcels will reduce the overall potential density of future development and impacts on coastal resources. The proposed merger will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

**This waiver will not become effective until reported to the Commission at their meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations.** The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing.

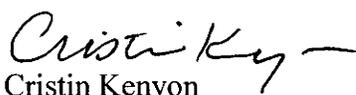
**Coastal Development Permit De Minimis Waiver**

1-16-0746-W

If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Acting Executive Director

  
Cristin Kenyon  
Coastal Program Analyst

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**EMERGENCY PERMIT**

Issue Date: October 7, 2016  
Emergency Permit No. G-1-16-0065

**APPLICANT:** Steve Strombeck

**LOCATION OF EMERGENCY:** 115 Samoa Blvd., Arcata, Humboldt County (APN 501-042-21)

**EMERGENCY WORK:** Remove unpermitted, unconsolidated fill including plastic sandbags, sediment, and concrete/asphalt rubble placed at a bend in Grotzman Creek and replace with a pyramid of soil-filled burlap sacks to cut off water flow to a creek side channel to prevent further fish stranding.

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 unexpected occurrence at the above location in the form of unpermitted fill placed in Grotzman Creek that could become dislodged during the significant rainfall predicted next week and cause downstream turbidity poses a threat to the biological productivity and quality of the creek including migrating salmonids and 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,

*Cristikey - for*

John Ainsworth  
Acting Executive Director

By: Alison Dettmer, Deputy Director

cc: Local Planning Department

Enclosures: 1) Acceptance Form;  
2) Regular Permit Application 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 property listed above is authorized. Work is further limited to the placement of a temporary plywood barrier between the main channel of the creek and the unpermitted fill, the removal of the unpermitted fill, and the placement of a pyramid of soil-filled burlap sacks to block stream flow to the secondary creek channel. Any additional work requires separate authorization from the Executive Director.
3. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access.
4. All work shall be performed by hand. Staging and storage of construction materials and debris shall occur at least 50 feet from the creek behind the berm that separates the creek from the adjacent apartments. All stockpiles of construction materials and debris shall be contained at all times and shall be covered during storm events to minimize discharge of sediment and other pollutants. Any excess excavated material and other construction debris resulting from construction activities shall be removed immediately upon completion of component construction, and shall be disposed of at a disposal site outside the coastal zone or within the coastal zone pursuant to a valid coastal development permit.
5. The work authorized by this permit must be completed within 15 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
6. 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. These conditions may include provisions for public access (such as offers to dedicate, easements, in-lieu fees, etc.) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.
7. 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.
8. 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 & Wildlife,

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**EMERGENCY PERMIT**

Issue Date: October 26, 2016  
Emergency Permit No. G-1-16-0070

**APPLICANTS:** The County of Del Norte and California Department of Fish and Wildlife

**LOCATION OF EMERGENCY:** Sandbar between the Pacific Ocean and the Lake Earl/ Lake Tolowa lagoon complex (APN: 106-010-34)

**EMERGENCY WORK:** Mechanically breach the sandbar between the Lake Earl/ Lake Tolowa lagoon complex and the Pacific Ocean.

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 unexpected occurrence in the form of winter storms has resulted in rising lagoon levels that pose a flooding threat that 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,

John Ainsworth  
Acting Executive Director

A handwritten signature in cursive script, appearing to read "Robert Merrill".

By: Robert Merrill, North Coast District Manager

Enclosures: 1) Acceptance Form;  
2) Regular Permit Application 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 property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. All work shall take place in a time and manner to minimize any potential damages to any resources, and to minimize impacts to public access. The emergency breaching shall be performed in the specific location and manner described in the emergency permit application, including, but not limited to, proposed protocols for flushing Western snowy plovers, brown pelican, and other birds from the breach site; and for surveying disconnected ponds of water remaining below the maximum elevation of the lagoon after the breach for tidewater gobies and anadromous salmonids and returning stranded fish to the main basin of the lagoon.
4. The sandbar shall be breached in the middle of the open sandy area and midway between the existing vegetated areas on either side of the breaching site.
5. The work authorized by this permit must be completed within 30 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
6. The applicant recognizes that the emergency work temporarily authorized by this emergency permit is considered to be temporary work done in an emergency situation. If the applicants or property owner wish to have the emergency work become a permanent development, a regular coastal development permit must be obtained. A regular permit 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 offers to dedicate, easements, in-lieu fees, etc.) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.
7. 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.
8. 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 & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.