

CALIFORNIA COASTAL COMMISSION

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

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NORTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the
December 2016 Meeting of the California Coastal Commission*

December 2, 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 December 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.

Applicant	Project Description	Project Location
<p>1-16-0175-W The Wildlands Conservancy, Attn: Dan York</p>	<p>The proposed development is the follow-up to Emergency Permit G-1-15-0046 proposing to permanently authorize the disposal of approximately 400 cubic yards of sand onto a privately owned sandy beach. The sand was dredged out of a ditch that drains multiple agricultural properties into Centerville Slough, after high tides and storm events in the winter of 2015/2016 resulted in 25-foot ocean waves breaching sand dunes and washing sand material inland of the beach preventing it from draining properly.</p>	<p>Approximately 1 mile north of Centerville Beach County Park, approximately three miles west of the City of Ferndale, Humboldt County (APNs: 100-131-04, 100-143-01, and 100-143-08)</p>
<p>1-16-0971-W Outfront Media, Attn: Jeff McCuen</p>	<p>Remove five outdoor advertising displays, including all supporting structure, framing and infrastructure for accessing and maintaining the displays.</p>	<p>At four locations along the west side of the Eureka-Arcata Highway 101 corridor adjacent to Bracut Industrial Park at Post Miles 82.99L, 83.13L, 83.31L, and 83.64L; and at one location on the east side of the corridor at Post Mile 83.07R north of Indianola Cutoff in Humboldt County. (APNs: 501-241-30, 501-241-31, 501-261-39)</p>

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.

Applicant	Project Description	Project Location
<p>G-1-16-0073 Humboldt Bay Harbor, Recreation, and Conservation District, Attn: Jack Crider</p>	<p>Remove from Humboldt Bay, and temporarily dry-dock, a 264-ton, 158-foot-long unseaworthy World War II-era landing craft, which currently is at risk of sinking, especially with oncoming winter storms, rain, and wave action. The vessel is too large to be accommodated in any existing Humboldt Bay haul-out facility. The applicant is coordinating with marine services contractors to tow the vessel across the bay and use land-based heavy equipment to pull the vessel from the water during the next day-time King Tide. Debarked logs would be used as rollers to move the vessel, using heavy equipment, from the bay water to its temporary storage location.</p>	<p>Humboldt Bay, extending from a commercial dock off of Commercial Street (Englund Marine) in the City of Eureka, across the bay to a temporary haul-out site at Redwood Marine Terminal Berth 1 in the Samoa area (APN: 401-031-40)</p>
<p>G-1-16-0072 Chevron USA, Inc.</p>	<p>Replace a stolen flow regulator on an air sparge well and replace the rusted standpipe protecting the well.</p>	<p>3400 Christie St, Eureka (APN: 007-071-08)</p>

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December 1, 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: 1-16-0175-W

Applicant: The Wildlands Conservancy; Attn: Dan York
Russ Ranch and Timber Co. LLC: Attn: Jay Russ

Location: Approximately 1 mile north of Centerville Beach County Park, approximately three miles west of the City of Ferndale, Humboldt County (APNs: 100-131-04, 100-143-01, and 100-143-08)

Proposed Development: The proposed development is the follow-up to Emergency Permit G-1-15-0046 proposing to permanently authorize the disposal of approximately 400 cubic yards of sand onto a privately owned sandy beach. The sand was dredged out of the Western Drainage ditch (WDD), a ditch that drains both freshwater flowing off the Wildcat Mountains and saltwater overwash from the Pacific Ocean, through multiple agricultural properties, into Centerville Slough, Cut-off Slough, the Salt River, and eventually into the Eel River and its southern estuary. The emergency dredging project, authorized under the referenced emergency permit, was performed after high tides and storm events in the winter of 2015/2016 resulted in 25-foot ocean waves breaching sand dunes and washing sand material inland of the beach onto agricultural land, and into the WDD, which plugged the ditch and prevented it from draining properly. The sand spoils dredged out of the WDD under the emergency permit were placed along the back beach west of and adjacent to the WDD.

Rationale: The sandy material placed on the beach west of the drainage ditch is compatible with the existing beach sands, as it is the same sand material that originated from the beach prior to the overwash event. The material was placed in a manner that is compatible with existing nearby dune topography. While western snowy plovers are known to winter and nest on the subject beach, the material was not placed within environmentally sensitive western snowy plover nesting habitat based on a confirmation site visit by a U.S. Fish and Wildlife Service biologist. The placement of the material does not impact public access because (1) although the subject lands are privately owned, they are not fenced to prevent public users of Centerville Beach County Park to the south from accessing the wet and dry sand portions of the subject properties, and such public access use is

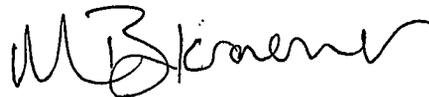
Coastal Development Permit De Minimis Waiver
1-16-0175-W

maintained with the proposed sand placement, and (2) it does not interfere with the passive recreational use of the beach by members of the public who on occasion are invited onto the Wildlands Conservancy property for nature study purposes. The proposed development 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 December 2016 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. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Acting Executive Director



Melissa Kraemer
Supervising Analyst

cc: File

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December 1, 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: 1-16-0971-W

Applicant: Outfront Media

Location: At four locations along the west side of the Eureka-Arcata Highway 101 corridor adjacent to Bracut Industrial Park at Post Miles 82.99L, 83.13L, 83.31L, and 83.64L; and at one location on the east side of the Eureka-Arcata Highway 101 corridor on agricultural land at Post Mile 83.07R north of Indianola Cutoff in Humboldt County.

Proposed Development: Removal of five outdoor advertising displays.

Rationale: The applicant proposes to remove five highway billboards in their entirety including supporting superstructure and framing as well as any other infrastructure constructed for the purpose of accessing or maintaining the displays. The applicant proposes best management practices (BMPs) to ensure demolition occurs without impact to coastal resources, including nearby wetlands and coastal waters of Humboldt Bay and its tributaries. Each of the signs will be dismantled using chainsaws, reciprocating saws, hammers, and crowbars; and tarps will be placed on the ground below areas where cutting will be occurring and under temporary stockpiles of construction debris. Demolition work will be conducted during dry weather only and, if precipitation is forecast after demolition work has begun, adequate erosion and sediment control devices will be installed prior to the onset of precipitation. Any and all debris resulting from construction will be carried by hand from the sign location to a dump trailer staged on the paved shoulder of Highway 101, removed from the project site immediately upon cessation of construction activities, and disposed of at an authorized upland disposal site. Disruption of the area around the signs and between the signs and the highway shoulder will be minimized. The proposed development 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.

Coastal Development Permit De Minimis Waiver

1-16-0971-W

This waiver will not become effective until reported to the Commission at their December 2016 meeting in Ventura 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. 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 Analyst

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**EMERGENCY PERMIT**

Issue Date: December 1, 2016
Emergency Permit No. G-1-16-0073

APPLICANT:

Humboldt Bay Harbor, Recreation, and Conservation District
Post Office Box 1030
Eureka, CA 95502-1030

LOCATION OF EMERGENCY:

Humboldt Bay, extending from a commercial dock off of Commercial Street (Englund Marine) in the City of Eureka, across the bay to a temporary haul-out site at Redwood Marine Terminal Berth 1 in the Samoa area (APN: 401-031-40)

EMERGENCY WORK:

Remove from Humboldt Bay, and temporarily dry-dock, a 264-ton, 158-foot-long unseaworthy vessel known as the LCL1091. The vessel is a flat-bottomed World War II-era landing craft owned by the Humboldt Bay Naval Sea/Air Museum, a 501-C3 nonprofit organization, which currently is docked at a commercial dock in the City of Eureka. The vessel has leaks and is at risk of sinking, especially with oncoming winter storms, rain, and wave action. The vessel is too large to be accommodated in any existing Humboldt Bay haul-out facility and is not sufficiently seaworthy to be transported out of the bay. The applicant, in cooperation with the City of Eureka, is coordinating with marine services contractors to tow the vessel across the bay and use land-based heavy equipment to pull the vessel from the water to the temporary haul-out site on the applicant's Redwood Marine Terminal Berth 1 property. To minimize disturbance to tidal mudflats and eelgrass, the planned haul-out date is the next day-time King Tide (December 15, 2016, with a high tide of approximately 8.4 feet peaking at approximately 12:30 p.m.). Debarked logs would be placed across an approximately 145-foot distance between just below the shoreline to the upland landing site. The logs would be used as rollers to move the vessel, using heavy equipment, from the bay water to its temporary storage location on an approximately ~7,500-square-foot asphalt-covered vacant portion of a coastal-dependent industrial property. No repairs to the vessel are proposed to occur at the temporary storage site unless and until a follow-up coastal development permit is obtained.

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 the imminent sinking of a leaking, unseaworthy docked ship with the oncoming stormy season posing a threat to structures and navigation in Humboldt Bay 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:

December 1, 2016

Emergency Permit No.: G-1-16-0073

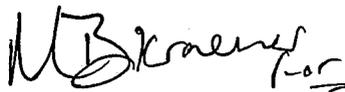
(a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and

(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



By: Alison Dettmer, Deputy Director

cc: Steve Werner, Humboldt County Planning & Building Department
Andrew Whitney, City of Eureka

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, including, but not limited to, conducting repairs to the vessel or storing the vessel on the subject site longer than 90 days of the date from the date of this permit, requires separate authorization.
3. Vessel haul-out shall only occur during periods of the highest annual tides to avoid impacts to mudflat and eelgrass habitats. Emergency work shall avoid placement of logs or other equipment on mudflat and eelgrass habitats. Any equipment and materials used for vessel haul-out that extend into the bay or that inadvertently fall into the bay shall be immediately removed as soon as feasible. Photographic documentation of the condition of the exposed mudflat habitat taken at low tides before and after the emergency haul-out work shall be provided to the Executive Director to demonstrate compliance with this condition. Any

damage caused to mudflat or eelgrass habitats shall be restored under the follow-up coastal development permit required by Condition 9.

4. 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.
5. The hauling-out of the vessel from the bay and the temporary placement and storage of log rollers and heavy equipment associated with the haul out must be completed within 90 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, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.
9. Within 90 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall either: (a) remove all of the materials placed or installed in connection with the emergency development authorized in this Permit and restore all affected areas to their prior condition after consultation with California Coastal Commission staff, and consistent with the Coastal Act. In some instances, a permit may be needed for removal; or (b) submit a complete follow-up Coastal Development Permit (CDP) that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the Executive Director informs the applicant that the application is incomplete, the emergency-permitted development shall be removed and all affected areas restored to their prior

December 1, 2016

Emergency Permit No.: G-1-16-0073

condition, after consultation with CCC staff and consistent with the Coastal Act, within 180 days, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.

10. Failure to (a) submit a complete follow-up CDP Application that complies with Condition 9 above, or (b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit¹, or (c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or (d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP² will constitute a knowing and intentional violation of the Coastal Act³ and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

¹ In some instances, a permit may also be required for removal.

² As noted above, in some instances, a permit may also be required for removal.

³ The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

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**EMERGENCY PERMIT**

Issue Date: November 18, 2016
Emergency Permit No. G-1-16-0072

APPLICANT: Chevron USA Inc.

LOCATION OF EMERGENCY: 3400 Christie Street, Eureka, CA (APN: 007-071-08)

EMERGENCY WORK: Replace a stolen flow regulator on an air sparge well and replace the rusted standpipe protecting the well.

I understand from your information that an unexpected occurrence in the form of vandalism and corrosion of an air sparge well has occurred on the intertidal sandy shore at the Chevron Marine Terminal in the City of Eureka. The well is part of an air sparge remediation system installed to address hydrocarbon contamination at the site. The current damage to the well poses a threat to the biological productivity and quality of the waters of Humboldt Bay 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,

John Ainsworth
Acting Executive Director

A handwritten signature in black ink, appearing to read "Robert Merrill".

By: Robert Merrill, North Coast District Manager

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 capping the portion of the well that was vandalized, removing the concrete apron that holds the protective standpipe in place with a jackhammer and hand tools, removing and replacing the standpipe, and securing the new standpipe with a poured concrete base. 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. Emergency work shall be performed during low tides and dry weather only. Cast-in-place concrete shall be isolated from coastal waters until cured and no uncured concrete or runoff from uncured concrete shall be allowed to enter coastal waters.
4. No construction materials, debris, or waste shall be placed or stored where it may be subject to entering waters of Humboldt Bay. All construction debris from well repair activities shall be transported offsite and disposed of at an upland 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 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 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,

November 18, 2016

Emergency Permit No.: G-1-16-0072

U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.

9. Within ninety (90) days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall either: (a) remove all of the materials placed or installed in connection with the emergency development authorized in this Permit and restore all affected areas to their prior condition after consultation with California Coastal Commission staff, and consistent with the Coastal Act. In some instances, a permit may be needed for removal; or (b) submit a complete follow-up Coastal Development Permit (CDP) that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the Executive Director informs the applicant that the application is incomplete, the emergency-permitted development shall be removed and all affected areas restored to their prior condition, after consultation with CCC staff and consistent with the Coastal Act, within 90 days, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.

10. Failure to a) submit a complete follow-up CDP Application that complies with Condition 9 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit¹, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP² will constitute a knowing and intentional violation of the Coastal Act³ and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and

¹ In some instances, a permit may also be required for removal.

² As noted above, in some instances, a permit may also be required for removal.

³ The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

November 18, 2016

Emergency Permit No.: G-1-16-0072

other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.