

CALIFORNIA COASTAL COMMISSION

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

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

Date: February 05, 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 February 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.

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
G-1-16-0003 City of Eureka, Attn: Brian Gerving	Install approximately 2000 tons of rock slope protection along a 300-foot stretch of Humboldt Bay shoreline to protect a pressure sewer main from wave erosion in an area that has experienced unexpected significant shoreline retreat related to El Nino.	Along 300 feet of Humboldt Bay shoreline near the mouth of the Elk River, within the City of Eureka, Humboldt County.

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**EMERGENCY PERMIT**

Issue Date: January 8, 2016
Emergency Permit No. G-1-16-0003

APPLICANT:

City of Eureka, Attn: Brian Gerving
531 K Street
Eureka, CA 95501

LOCATION OF EMERGENCY:

Along a 300-foot-long stretch of Humboldt Bay shoreline near the mouth of the Elk River between Truesdale Street and Hilfiker Lane, within the City of Eureka, Humboldt County. (APNs 007-091-02 & 007-091-03)

EMERGENCY WORK:

Install approximately 2000 tons of rock slope protection (RSP) along a 10-foot-wide by 300-foot-long stretch of Humboldt Bay shoreline near the mouth of the Elk River to protect a pressure sewer main that runs from the City's pump station near Truesdale Street along the Hikshari Trail (California Coastal Trail) parallel to the shoreline. Some areas of eroded shoreline will be backfilled prior to placement of the RSP to provide the minimum width of shoreline necessary between the sewer line and the RSP to prevent imminent threat to the integrity of the line. The area where the RSP will be placed will first be excavated to provide a secure key. The graded shoreline embankment may be covered with geotextile fabric. The RSP will be quarry rock of a similar size as the adjacent RSP to the north.

This letter constitutes approval of the emergency work the City of Eureka has requested to be done at the location listed above. I understand from your information that high tides and wave action from winter storm events have resulted in unexpected significant shoreline retreat in a short period of time, posing a threat to a 36-inch pressure sewer main that runs from a City pump station near Truesdale Street south along the shoreline. If the line were to fail, City sewage would be released into the Bay. Protection needs to be extended approximately 300 feet from the southern limit of the existing RSP at Truesdale Vista Point to just south of an exposed manhole to prevent potential exposure of the sewer line to wave and tidal action. Because of the extent of erosion to within a few feet of the sewer line in many locations and forecasted upcoming tides and wave run-up, the situation requires immediate action to prevent or mitigate loss or damage to

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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,

Charles Lester
Executive Director



By: Robert Merrill, North Coast District Manager

Enclosures: 1) Acceptance Form;
2) Regular Permit Application Form

January 08, 2016

Emergency Permit No.: G-1-16-0003

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the APPLICANT 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. The project shall be undertaken in accordance with the information provided to the Coastal Commission by Brian Gerving via email and telephone on January 8, 2016 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 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. The work authorized by this permit must be completed within 30 days of the date of this permit (i.e., by 02/07/16), which shall become null and void unless extended by the Executive Director for good cause.
5. 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.
6. 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.
7. 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.
8. Within 60 days of issuance of this Emergency Permit (i.e., by 03/08/16), 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 150 days (i.e., by 06/06/16), subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.

9. Failure to a) submit a complete follow-up CDP Application that complies with Condition 8 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.
10. The permittee shall limit the amount of backfill and RSP to be placed at the site to the minimum amount necessary to address the immediate threat to the adjacent sewer main.

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.

11. The permittee shall perform work from land and avoid use of heavy equipment in tidal areas to the maximum extent feasible.
12. The permittee shall perform work during low tides and during dry weather to the maximum extent feasible.
13. The permittee shall use relevant best management practices (BMPs) to protect Humboldt Bay from water quality impacts during construction as detailed in the California Stormwater Best Management Handbooks.
14. The permittee shall post signs to notify Coastal Trail users of trail closure in the area and to direct people to alternate trailheads.
15. No construction materials, debris, or waste shall be placed or stored where it may be subject to entering waters of Humboldt Bay.
16. 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 emergency activities. Following construction, all trash and construction debris shall be removed and disposed of in an upland location outside of the coastal zone or at a disposal facility authorized to accept such debris and any contaminants contained within the debris.
17. Any fueling and maintenance of construction equipment shall occur within upland areas only and outside of environmentally sensitive habitat areas.
18. Fuels, lubricants, and solvents shall not be allowed to enter waters of Humboldt Bay. 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. Any accidental spill shall be rapidly contained and cleaned.

If you have any questions about the provisions of this emergency permit, please call Cristin Kenyon at the Commission's North Coast District Office at (707) 826-8950.