

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
April 2016 Meeting of the California Coastal Commission*

Date: April 13, 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 April 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
1-16-0166-W SCOPA Holdings LLC dba North Coast Ocean Sports & Grill	Construct a 52-foot-long wooden fence and a freestanding sign on the east side of an existing restaurant building in the Crescent City Harbor. The fence will step down to three feet in height as it approaches Anchor Way.	110 Anchor Way, Crescent City, Del Norte County (APN(s): 117-020-16)
1-16-0193-W Salt River Watershed Council	Drill an agricultural well.	1700 Port Kenyon Road, Ferndale, Humboldt County (APN(s): 100-281-02)
1-16-0236-W CA Dept. of Transportation – District 1	Repair and rehabilitate portions of the Albion River Bridge by repairing a horizontal transverse beam; resurfacing the bridge deck; replacing or repairing bolted connections and hardware along the timber substructure; repairing incipient spall along the north half of the concrete tower; and installing seat extenders as a seismic retrofit measure.	Albion River Bridge on Highway 1, Albion, Mendocino County

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.

Applicant	Project Description	Project Location
<p>1-86-002-A11 Bower Limited Partnership</p>	<p>Make accessibility upgrades to public restroom facilities, pathways, and parking at an existing shopping center.</p>	<p>39140 S. Highway 1, Gualala, Mendocino County (APN(s): 145-200-05, 145-261-11)</p>
<p>1-92-127-A1 City of Arcata, Environmental Services</p>	<p>Construct an outdoor amphitheater to serve the Arcata Marsh Interpretive Center (AMIC), including bench seating for approx. 40 people, a campfire ring, storage, a podium with removable projection screen and underground electrical conduit along the trail connecting to the AMIC.</p>	<p>Arcata Marsh and Wildlife Sanctuary, 569 S. G St, Arcata, Humboldt County (APN(s): 503-241-01, 503-241-16)</p>

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March 28, 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: 1-16-0166-W

Applicant: SCOPA Holdings LLC dba North Coast Ocean Sports & Grill

Location: 110 Anchor Way Crescent City (Del Norte County) (APN 117-020-16)

Proposed Development: Construct a 52-foot long wooden perimeter fence and a freestanding surfboard sign on the east side of an existing restaurant building in the Crescent City Harbor. The rear 30-foot section of the fence will be six feet in height, stepping down to three feet in height as the fence approaches Anchor Way. The surfboard sign will be 7-feet tall and 7-feet wide.

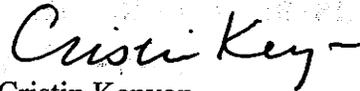
Rationale: The fence and sign will be constructed on a flat, developed, visitor-serving commercial property in an upland area, over 60 feet from coastal waters, separated from Crescent City's South Beach by a roadway (Anchor Way). The fence will be left in its natural wood color, consistent with the exterior materials and colors of the existing restaurant, and no additional exterior lighting is proposed. Because of its location to the rear of an existing building and fence, the proposed fence will not block additional views of the harbor and ocean. To avoid release of potentially toxic wood preservative chemicals into coastal waters, the applicant is proposing to use copper arzole treated wood which is an arsenic-free pressure-treated wood. During installation of the fence and sign, all debris generated will be contained and disposed of at an authorized location. Therefore, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with all applicable 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. If four (4)

Coastal Development Permit De Minimis Waiver
1-16-0166-W

Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth
Acting Executive Director



Cristin Kenyon
Coastal Program Analyst

cc: Ken Cowan, Cowan Construction

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April 8, 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: 1-16-0193-W

Applicant: Salt River Watershed Council

Location: APN 100-281-02; 1700 Port Kenyon Road, Ferndale (Humboldt County)

Proposed Development: Drill an agricultural well.

Rationale: The proposed new well will serve an undeveloped agricultural property that currently lacks water. The new well will be located adjacent to an existing fence in an upland agricultural pasture and will be used to fill water troughs for grazing cattle. All equipment will be staged on the access road immediately adjacent to the well site. The extraction of water will support the agricultural use of the site and will not affect wetlands or other environmentally sensitive habitat areas. The proposed well will not result in any visual changes to the scenic nature of the area. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities and is consistent with all applicable Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their April 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

A handwritten signature in black ink, appearing to read "Melissa Kraemer", written over the typed name and title.

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March 28, 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: 1-16-0236-W

Applicant: Caltrans/ Frank Demling, Project Manager

Location: Albion River Bridge (No. 10-136) on Highway One, Albion (Post Marker MEN-001-043.74)

Proposed Development: Repair and rehabilitate the Albion River Bridge (10-136), by: (1) repairing the horizontal transverse beam at the base of the legs of Bents 27 and 29 by removing decayed wood using hand tools and a vacuum containment system then injecting epoxy resin to fill all voids; (2) grinding the existing asphalt concrete (AC) roadway surface along the timber plank bridge deck and overlaying with new AC; (3) removing and replacing, or repairing, bolted connections and hardware along the timber sub-structure; (4) repairing incipient spall along the northeast corner of Column 2 in Bent 14 (the north half of the concrete tower) using concrete applied by hand (using hand trowels); and (5) performing an interim seismic retrofit by installing seat extenders with falsework anchored to the concrete tower.

Rationale: The proposed roadway resurfacing work will not result in any changes to the lane configuration that would increase traffic capacity. Bridge maintenance and repair work will replace existing infrastructure with similar materials, and the approximately 1-foot by 2-foot seat extenders installed for seismic retrofits will not substantially increase the bulk of the bridge structure. Therefore, the proposed project will not block views to and along the coast, or be incompatible with the character of its surroundings. Containment measures and best management practices have been included in the project proposal, and debris will be removed and disposed of at authorized facilities to avoid impacts to water quality. The bridge will remain open to one-way controlled traffic during maintenance activities to ensure continued coastal access. Therefore, the proposed project will have no adverse impacts on coastal resources and is consistent with all applicable Chapter 3 policies of the Coastal Act.

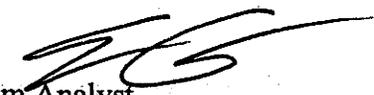
This waiver will not become effective until reported to the Commission at their April 2016 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until

Coastal Development Permit De Minimis Waiver

1-16-0236-W

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.

John Ainsworth,
Acting Executive Director

Tamara Gedik 
Coastal Program Analyst

cc: Commissioners/file

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NOTICE OF PROPOSED PERMIT AMENDMENT (Immaterial)
Coastal Development Permit Amendment 1-86-002-A11

DATE: April 1, 2016

TO: All Interested Parties

FROM: John Ainsworth, Acting Executive Director

SUBJECT: Proposed Amendment to Coastal Development Permit (CDP) 1-86-002
Applicant: Bower Limited Partnership

Project Site: 39140 South Highway One, Gualala, Mendocino County (APN: 145-261-11)

Original CDP Approval: Construction of a 32-unit motel, 80-seat restaurant and cocktail lounge, and septic system. (Subsequently modified by Permit Amendment No. 1-86-002-A2, in part, to delete restaurant and add two commercial buildings, one on adjacent parcel; and by Permit Amendment No. 1-86-002-A6, in part, to allow 48-seat restaurant in the approved commercial building)

Proposed CDP Amendment: The requested amendment involves: (1) expanding an existing café (“Trinks”) and kitchen into the existing adjacent retail space (approximately 651 s.f.), as depicted on Sheets 1-6 dated February 26, 2016 prepared by Stephen Brodie; (2) upgrading to American Disability Association (ADA) Standards the public restroom facilities (as depicted on Sheet A1.0 “Accessibility Toilet Room Upgrades” dated and signed March 30, 2016 by Craig Williams) and path of travel and parking accessibility (as depicted on Sheet A1.0 “Accessibility Site Upgrades” dated March 14, 2016 and signed March 30, 2016 by Craig Williams); and (3) authorizing after-the-fact the conversion of an upstairs restaurant into gallery space.

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:

No expansion of the existing building footprints are proposed. Building retrofits will utilize CalGreen Building Standards, including installation of low-flow fixtures and toilets. The use of water-saving devices associated with the café remodel, and the elimination of the upstairs restaurant use will not result in any increased demand on water supply. The ADA accessibility upgrades and remodeling of existing commercial spaces will not result in any additional resource impacts that were not evaluated under the original approved development. As the amended development would

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 1-86-002 (Bower Limited Partnership)

Proposed Amendment 1-86-002-A11

Page 2 of 2

not result in adverse effects on coastal resources and is consistent with the policies of the certified Mendocino County Local Coastal Program, the Executive Director has determined that the proposed amendment is immaterial.

Coastal Commission Review Procedure: The amended permit will not become effective until the 10-working-day noticing period has completed and the permit amendment has been issued. 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 April 15, 2016 in Santa Rosa. 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 Tamara Gedik at the phone number provided above.

cc: Joshua Levine, North Coast District Enforcement Analyst, Coastal Commission
Local Planning and Building Dept.
Craig Williams, agent
Stephen Brodie, agent
Jana Wareham, agent
George Rau, agent

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NOTICE OF PROPOSED PERMIT AMENDMENT (Immaterial)
Coastal Development Permit Amendment 1-92-127-A1

DATE: April 1, 2016

TO: All Interested Parties

FROM: John Ainsworth, Acting Executive Director *by Crista Key*

SUBJECT: Proposed Amendment to Coastal Development Permit (CDP) 1-92-127
Applicant: City of Arcata

Project Site: At the Arcata Marsh Interpretive Center, within the Arcata Marsh and Wildlife Sanctuary, off of South "G" Street, Arcata, Humboldt County (APN 503-241-01).

Original CDP Approval: Develop a marsh interpretive center by (1) constructing a 1,540 square foot interpretive center building, (2) graveling a 20,000-square-foot parking area, (3) installing a 400-square foot floating boardwalk, (4) replacing a culverted slough crossing with a 360-square-foot bridge, (5) improving pedestrian access trails, and (6) converting a 400-square-foot upland area to wetland for wetland fill mitigation.

Proposed CDP Amendment: Construct an approximately 700-square-foot outdoor amphitheater along an existing trail approximately 180 feet northwest of the Arcata Marsh Interpretive Center (AMIC). The project includes 14 benches, a campfire ring, a storage box, a podium with a removable projection screen, and underground electrical conduit along the trail connecting to the AMIC (See Attachment A). The City will use hand tools to smooth the relatively flat site and remove existing vegetation, including small shrubs, grasses, and their root structures. Weed cloth will be installed over the project area and covered by approximately 25 cubic yards of gravel fill. 28 footings will be dug and poured with concrete (approximately 8" X 8" area and 24"- 30" depth) to install the 14 benches. Additionally, less than 50 square feet of concrete will be poured on grade in order to install a base for the podium (2' X 2' X 4' tall) and storage box (8' long X 2.5' deep X 4' tall). Trenching will occur along the existing gravel trail for the electrical conduit to the interpretive center. The project is designed to meet ADA accessibility standards.

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:

NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 1-92-127 (City of Arcata)

Proposed Amendment 1-92-127-A1

Page 2 of 2

The purpose of the amphitheater is to enhance public access and recreation and educational programs at the interpretive center by providing an outdoor campfire-type assembly area for groups of visitors. The development has been sited in an upland area with a 50-foot minimum setback from adjacent coastal waters (Butcher's Slough). The approximately 700-square foot area contains no special status plants or other sensitive habitat. Any vegetation at the project site likely to support nesting birds will be removed prior to the active nesting season, or surveys will be conducted and any nests that are identified will be avoided. No permanent lighting will be installed as part of the project that could impact nesting birds and other wildlife. Staging will occur at an existing nearby parking lot, and the site will be accessed along an existing trail without disturbing adjacent vegetation. Construction will occur during the dry season. To avoid disturbance of adjacent coastal waters, no heavy equipment will be utilized, and a silt fence will be installed alongside Butcher's Slough adjacent to the project site to prevent any sediment, construction debris, or hazardous materials from washing into the estuary. Benches will be built off-site at the City Corporation Yard in order to minimize power tool noise disturbance and construction debris. After project completion, any remaining exposed soil is expected to naturally revegetate, or will be mulched or graveled. Any construction debris or spoils will be disposed of at the City Corporation yard, or another appropriate waste disposal facility. No pressure-treated wood will be utilized that could potentially release toxic wood preservative chemicals into coastal waters. Local Tribal Historic Preservation Officers (Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria, and Wiyot Tribe) were consulted regarding the project, and the City has agreed to cease work and adhere to standard protocol upon inadvertent discovery of archaeological resources. Construction activities are expected to last less than two weeks and will not require trail closures. As the proposed amendment will not have adverse impacts, either individually or cumulatively, on coastal resources or public access to and along the shoreline, the Executive Director has determined that the proposed amendment is immaterial.

Coastal Commission Review Procedure: The amended permit will not become effective until the 10-working-day noticing period has completed and the permit amendment has been issued. 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 April 15, 2016 in Santa Rosa. 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 Cristin Kenyon at the phone number provided above.

Attachment A: Proposed Site Plan



April 13, 2016

Robert Merrill, North Coast District Manager
California Coastal Commission
1385 Eighth Street, #130
Arcata, CA 95521

Re: City of Arcata's Proposed Immaterial Amendment to CDP 1-92-127

Dear Mr. Merrill,

I am writing this letter on behalf of Humboldt Baykeeper, which was launched in 2004 with a mission to safeguard coastal resources for the health, enjoyment, and economic strength of the Humboldt Bay community through education, scientific research, and enforcement of laws to fight pollution.

Humboldt Baykeeper objects to the City of Arcata's request for an Immaterial Amendment to CDP 1-92-127 to build an outdoor amphitheater at the Arcata Marsh Wildlife Sanctuary to benefit Humboldt County youth, school groups, the general public and out of town visitors. We are not opposed to the project per se, indeed we support it – but not before soil samples are analyzed for dioxins, the known toxic contaminants left behind by the former mills that once occupied the project area.

The proposed project is in very close proximity to (and possibly on the exact site of) the teepee burner that is visible in 1970 aerial photos. Dioxins have been detected at very high levels at the nearby Little Lake Industries property along Butcher's Slough just upstream from the project site. Humboldt Baykeeper disagrees that the project is unlikely to be of concern in the absence of soil sampling to determine the extent and concentration of contamination, in particular from dioxins from the former mill that operated during the era when pentachlorophenol was commonly used.

Dioxins are extremely toxic, very long-lasting compounds that can cause reproductive damage and cancer. These compounds bind to sediments, slowly moving through the Bay on tides. Dioxins in Humboldt Bay bioaccumulate in fish and shellfish, becoming more concentrated as they move up the food chain, potentially harming humans and wildlife alike. Humboldt Bay was designated as impaired by dioxins under Section 303(d) of the Clean Water Act in 2006.

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www.humboldtbykeeper.org



Humboldt Baykeeper advocates for appropriate review and investigation of potential dioxin contamination in projects that have the potential to impact human health and/or the environment.

In the Humboldt Bay area, dioxin hotspots remain from lumber mills that used the wood preservative pentachlorophenol ("penta") from the 1950s through the 1980s, when it was banned except for use on power poles. Primary sources are the dip tanks and surrounding areas where lumber was treated and stored, as well as areas where used wood treatment chemicals were disposed of illegally. Secondary sources are "teepee burners" where treated wood waste was burned.

While using hand tools rather than heavy equipment is less likely to mobilize contaminated soil into the adjacent wetlands and streams, the increase in use of the area by the public – particularly children, who are more inclined to be in close contact with the ground – poses a potential risk of exposure to contaminated soil.

Since the City's Community Development Department granted an exemption from CEQA, and instead relies on outdated CEQA documents from the early 1990s, the proposed project has not been adequately reviewed by agencies responsible for assessing potential impacts of public exposure to contamination at the site.

Adding this project as an immaterial amendment to a CDP from 1992 is inappropriate since the potential impacts of increasing public use of a likely contaminated site have not been adequately analyzed. Until the site is sampled for soil contamination by dioxins and other constituents known to be found in former lumber mill sites, we respectfully request that the immaterial amendment be denied to provide the opportunity for appropriate agency and public review and comment.

We appreciate the opportunity to comment on the proposed Immaterial Amendment, and we hope to work with your staff and the City in the near future to address our concerns so that the project can move forward as soon as possible.

Please do not hesitate to contact me for more information about our concerns.

Sincerely,

**_____
_s/
Jennifer Kalt, Director
jkalt@humboldtbykeeper.org
(707) 499-3678**