CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
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Th11b

MEMORANDUM

Date: **July 8, 2016**

To: Commissioners and Interested Persons

From: Alison Dettmer, Deputy Director
Bob Merrill, District Manager
Cristin Kenyon, Coastal Program Analyst

Subject: **Addendum to Commission Meeting for Thursday, July 14, 2016**
North Coast District Item Th11b
CDP 1-16-0262 (Crescent City Harbor District)

This addendum presents certain revisions to the staff recommendation for approval of the project with conditions mailed on June 24, 2016, including modifications to **Special Condition 4** and associated findings related to the use of pressure-treated wood in the marine environment. The revisions were made in response to requests by the applicant (the Crescent City Harbor District) after publication of the staff recommendation (see Attachment A). The addendum does not otherwise alter staff's recommendation of approval with conditions. The applicant agrees with the staff recommendation, and staff is recommending that the application be moved to, and then approved on, the Commission's consent calendar.

Text to be deleted is shown in **~~bold strikethrough~~**, text to be added appears in **bold double-underline.**

Modifications to Special Conditions

- *Special Condition 4 on page 6 of the staff recommendation is modified as follows:*

4. **Pressure-Treated Wood in the Marine Environment.** The permittee shall comply with the following requirements related to the removal of existing treated wood piles and the installation of new pressure-treated wood elements in the marine environment:
   A. Each new pressure-treated pile installed shall be ammoniacal copper zinc arsenate (ACZA) or chromated copper arsenate (CCA) pressure-treated wood pre-coated and cured with a marine-grade polyurea coating. The coating shall extend from

above the **ordinary high water level at** ~~**top of**~~ the pile to a point on each pile that will be driven to a depth at least 3 feet below the mudline;

B. The treated wood added to the dock shall be certified by a third party inspection program, as indicated by the presence of a BMP Quality Mark or Certificate of Compliance, to have been produced in accordance with industry BMP standards designed to minimize adverse impacts in aquatic environments; at a minimum, the treated wood shall have been produced in accordance with the *Best Management Practices for the Use of Treated Wood in Aquatic and Wetland Environments* (2012), or current revision thereof, by the Western Wood Preservers Institute et al.[1] **Previously purchased and treated wood piles without a BMP Quality Mark or Certificate of Compliance may be utilized provided that they are pre-coated and cured with a marine-grade polyuria coating in accordance with Section (A) above.**

C. Appropriate BMPs shall be implemented that meet standards for the treatment, storage, and construction practices for use of preservative-treated wood in aquatic environments; at a minimum, BMPs shall be implemented that meet those standards for the treatment, storage, and construction practices for use of preservative-treated wood in aquatic environments identified by the Western Wood Preservers Institute et al. in *Treated Wood in Aquatic Environments: A Specification and Environmental Guide to Selecting, Installing and Managing Wood Preservation Systems in Aquatic and Wetland Environments* (2012)[2] or current revision thereof.

D. Treated wood used in the project shall be labeled for the appropriate Use Category for the intended use, as specified by the American Wood Protection Association Standard U1, to ensure the wood has been treated to the proper preservative retention level. To minimize the amount of preservative present in the treated wood that may subsequently leach into the aquatic environment, wood treated to the standards for a higher Use Category (i.e., with a higher preservative retention level) than is necessary for that component shall not be used;

E. Whenever possible, cutting or drilling of treated wood shall occur in the designated staging area at least 50 feet away from coastal waters, and any sawdust, drill shavings, and wood scraps shall be contained and collected in order to prevent the discharge of treated wood into the marine environment; and

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[1] Western Wood Preservers Institute; Wood Preservation Canada; Southern Pressure Treaters' Association; and Southern Forest Products Association. (2012). *Best Management Practices for the Use of Treated Wood in Aquatic and Wetland Environments.* http://www.wwpinstitute.org/documents/BMP_Revise_4.3.12.pdf

[2] Western Wood Preservers Institute; Wood Preservation Canada; Southern Pressure Treaters' Association; and Southern Forest Products Association. (2012). *Treated Wood in Aquatic Environments: A Specification and Environmental Guide to Selecting, Installing and Managing Wood Preservation Systems in Aquatic and Wetland Environments.* http://www.wwpinstitute.org/documents/TWinAquaticEnvironments-withLinks12.20.12.pdf

F. Existing wooden piles and framing to be removed shall be removed and disposed of at a landfill authorized to accept such chemically treated waste.

Reasons for recommended modification to Special Condition 4(A): The Crescent City Harbor District (Harbor District) proposes and Special Condition 4 requires coating the 13 proposed new pressure-treated timber piles to be installed at Citizens' Dock with a marine-grade polyurea coating. The purpose of applying a marine-grade polyurea coating to treated-wood piles is to reduce the leaching of biocides in wood preservatives (including copper, chromium, and arsenic) into coastal waters, and also to reduce surface dislodgment of the preservative chemicals. The Harbor District has requested that Special Condition 4(A) be modified to require that the coating extend to a point on each pile above the water level rather than to the top of each pile. The applicant requested this change because: (a) one manufacturer has recommended that the top of each pile be left open so that water that is absorbed into the pile can migrate and evaporate out through the top of the pile, which could expand the usable life of the pile; (b) there are cost savings associated with reducing the area of pile coating; and (c) portions of the piles that are not in regular contact with sea water do not demand the same level of protection as submerged portions. Commission staff agrees with the applicant that the portions of the piles that are not in regular contact with sea water are less likely to leach wood preservatives into coastal waters. Therefore Commission staff concurs with modifying Special Condition 4(A) to allow the tops of the piles above the high water mark to remain uncoated.

Reasons for recommended modifications to Special Condition 4(B): The Harbor District purchased ACZA-treated piles sometime prior to 2011 that do not carry the BMP Quality Mark required by Special Condition 4(B). The Harbor District would like to use these existing piles for the subject dock repair project rather than purchase new piles. Commission staff believes the use of these existing piles is acceptable given that: (a) with the passage of time, the existing piles have likely already leached much of their preservatives; and (b) they will be pre-coated and cured with a marine-grade polyurea coating prior to installation. Therefore Commission staff concurs with modifying Special Condition 4(B) to allow the Harbor District to use previously purchased ACZA-treated piles.

Modifications to Findings

- *On pages 15-16 of the staff recommendation, subsection (c) of the section titled "Feasible Mitigation Measures" under Finding F, "Fill in Coastal Waters & Protection of Marine Resources," shall be modified as follows:*

c. Impacts on water quality from the use of pressure-treated wood
The applicant proposes to replace 13 pressure-treated wood piles, associated chocks, and other related dock elements. Chemicals in the wood preservative such as copper and arsenic could potentially leach into the water column where they could be absorbed by

fish and other aquatic organisms with adverse consequences. To avoid releases of potentially toxic wood preservative chemicals into coastal waters, the applicant proposes to precoat and cure new pressure-treated piles with marine-grade polyurea coating. The Commission attaches **Special Condition 4** to require that the coating extend from **above** the **ordinary high water level at ~~top of~~** the pile to a point on each pile that will be driven to a depth at least 3 feet below the mudline. Special Condition 4 also includes a number of other requirements to minimize water quality impacts from the use of new pressure-treated wood and the removal of old treated piles, including requirements that: (a) the treated wood added to the dock shall be certified by a third party inspection program to have been produced in accordance with industry BMP standards designed to minimize adverse impacts in aquatic environments **except for previously purchased and treated wood piles that are pre-coated and cured with a marine-grade polyuria coating as described above**; (b) appropriate BMPs shall be implemented that meet Western Wood Preservers Institute standards for the treatment, storage, and construction practices for use of preservative-treated wood in aquatic environments; (c) ACZA pressure-treated wood used in the project shall be labeled for the appropriate Use Category for the intended use, as specified by the American Wood Protection Association Standard U1; (d) whenever possible, cutting or drilling of treated wood shall occur at least 50 feet away from coastal waters, and any sawdust, drill shavings, and wood scraps shall be contained and collected to prevent the discharge of treated wood into the marine environment; and (e) existing wooden piles and framing to be removed shall be removed and disposed of at a landfill authorized to accept such chemically treated waste. Given that the project as conditioned will result in the replacement of 13 uncoated pressure-treated wood piles with new coated piles and best management practices will be utilized in selecting, treating, cutting, drilling, and disposing of pressure-treated wood, the use of pressure-treated wood will not have a significant adverse impact on the water quality of the Crescent City Harbor. The Commission thus finds that the proposed method of repair and maintenance, as conditioned, provides feasible mitigation measures to minimize potential adverse environmental impacts of pressure-treated wood on the biological productivity and quality of coastal waters.

Reasons for recommended changes: The changes to the findings reflect the change to Special Condition 4 described above.

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Job Number: 4389

RECEIVED
JUL - 6 2016
CALIFORNIA COASTAL COMMISSION NORTH COAST DISTRICT

6 July 2016

RE: Request for modification to Staff Report
Application No.: 1-16-0262

Dear Ms. Kenyon:

The Crescent City Harbor District is requesting that two modifications be made to the Staff Report regarding the structural repairs to Citizens' Dock.

1. We request that the last sentence of Special Condition 4. A. be modified as follows:
   "The coating shall extend from *above* the *ordinary high water level at* ~~top of~~ the pile to a point on each pile that will be driven to a depth of at least 3 feet below the mudline;"

One manufacturer has recommended that the top of the pile be left open so that water that does enter the pile can migrate and evaporate out through the top and not be trapped inside the pile coating. This typically expands the usable life of the pile according to the manufacturer. Additionally, portions of the piles that are not in regular contact with sea water do not demand the same level of protection as the submerged portions. There are also cost saving associated with limiting the pile coating to those sections that demand protection.

2. We request that the following be added to Special Condition 4. B:
   "The Crescent City Harbor District may utilize previously purchased and treated wood piles provided that they are pre-coated and cured with a marine-grade polyuria coating in accordance with Condition 4. A. above;"

The District purchased ACZA treated piles sometime prior to 2011. To our knowledge these piles do not carry the BMP Quality Mark required by condition 4. B. The piles are sound and, according to the polyuria coating supplier, could be coated with polyuria. This would allow the District to recycle existing materials instead of causing all new materials to be used. Allowing the use of existing materials generates both environmental and economic benefits.

Very truly yours,

STOVER ENGINEERING

Jon Olson, PE
Project Engineer

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ATTACHMENT A

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Th11b

Filed:	5/20/16
180th day:	11/16/16
Staff:	C. Kenyon-A
Staff Report:	6/24/16
Hearing Date:	7/14/16

STAFF REPORT: REGULAR CALENDAR

Application No.:	**1-16-0262**
Applicant:	**Crescent City Harbor District**
Agent:	Stover Engineering
Location:	Citizens' Dock in the Crescent City Harbor District's Outer Boat Basin, at the terminus of Citizens' Dock Road, Crescent City, Del Norte County (APN 117-020-16).
Project Description:	Structural repairs to Citizens' Dock involving replacement of 13 fender piles and associated chocks.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The Crescent City Harbor District is proposing to perform repairs to Citizens' Dock in the Crescent City Harbor's Outer Boat Basin in Del Norte County. The repairs consist of the in-kind replacement of 13 fender piles and associated chocks and other dock elements, resulting in approximately 10 square feet of replacement fill.

The proposed work constitutes a repair and maintenance project pursuant to Section 30610(d) of the Coastal Act and Section 13252 of the Commission's regulations because the project will not involve an addition, enlargement or expansion of the dock, and less than 50% of the structure will be replaced. In its consideration of a repair and maintenance project, the Commission reviews

whether the proposed method of repair and maintenance of the existing development is consistent with the Chapter 3 policies of the Coastal Act.

The coastal waters of the Crescent City Harbor support threatened salmonid species and marine mammals and contain areas of sensitive eelgrass habitat. Unless feasible mitigation measures are employed, the proposed method of repair and maintenance could have potential adverse effects on the biological productivity and quality of coastal waters, including effects from construction and demolition activities over harbor waters, and from the use of pressure-treated wood in the marine environment. To address potential adverse effects, staff recommends that the Commission attach **Special Conditions 1-4**, requiring: (1) restrictions on the timing of construction, (2) adherence to construction-related responsibilities, (3) limitations related to pile extraction and installation, and (4) limitations related to the use of pressure-treated wood in the marine environment.

Staff believes that the proposed method of repair and maintenance, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act. The motion to adopt the staff recommendation of **approval** of Coastal Development Permit (CDP) 1-16-0262 with special conditions is found on **page 4**.

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I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve coastal development permit 1-16-0262 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment**: The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration**: If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation**: Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment**: The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land**: These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Timing of Construction. The permittee shall comply with the following restrictions on the timing of construction:

A. In accordance with the applicant's proposal, in-water construction activities authorized by this permit shall be conducted during the period of July 1st through October 15th to minimize conflicts with anadromous fish species and Steller sea lions; and

B. All construction activities shall occur during periods of dry weather only.

2. Construction Responsibilities. The permittee shall comply with the following construction-related requirements:

A. No work shall occur in areas containing eelgrass (*Zostera marina*) without a Commission amendment to this coastal development permit unless the Executive Director determines no amendment is legally required;

B. The permittee shall make all reasonable efforts to prevent construction debris from entering coastal waters. Floating containment booms shall be deployed around the area under construction to contain any debris that does enter coastal waters, and any debris discharged shall be removed as soon as possible but no later than the end of each day;

C. 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. No construction materials, debris, or waste of any kind shall be placed or stored where it may be subject to entering coastal waters. All materials and debris stockpiled onsite shall be contained at all times, and covered with plastic sheeting during high winds and/or precipitation;

D. Debris, waste, and other excess material generated by the authorized work shall be lawfully disposed of outside of the coastal zone at an authorized disposal site capable of receiving such materials within 10 days of project completion. Side casting or placing any construction debris, soils, or any other debris or waste within any wetland or environmentally sensitive habitat area is prohibited;

E. Fuels, lubricants, and solvents shall not be allowed to enter coastal waters. All equipment shall be inspected for leaks prior to commencing work. Spill containment trays shall be placed around the crane and any other heavy equipment located on the dock or skiff/floating platform. Spill kits equipped with enough material to provide preliminary containment for a volume of material that can reasonably be expected to spill shall be maintained on the dock. 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; and

F. Construction equipment shall be fueled, maintained, and washed in confined areas specifically designed to control runoff and located more than 50 feet away from the mean high tide line.

3. Pile Installation and Extraction. The permittee shall comply with the following requirements related to the removal and replacement of piles:

A. Piles shall be installed and extracted with a vibratory hammer. Pile-driving with an impact hammer is prohibited; and

B. The permittee shall remove timber piles proposed for removal in their entirety. Piles that cannot be removed in their entirety shall be cut off at least one foot below the level of the mudline.

4. Pressure-Treated Wood in the Marine Environment. The permittee shall comply with the following requirements related to the removal of existing treated wood piles and the installation of new pressure-treated wood elements in the marine environment:

A. Each new pressure-treated pile installed shall be ammoniacal copper zinc arsenate (ACZA) or chromated copper arsenate (CCA) pressure-treated wood pre-coated and cured with a marine-grade polyurea coating. The coating shall extend from the top of the pile to a point on each pile that will be driven to a depth at least 3 feet below the mudline;

B. The treated wood added to the dock shall be certified by a third party inspection program, as indicated by the presence of a BMP Quality Mark or Certificate of Compliance, to have been produced in accordance with industry BMP standards designed to minimize adverse impacts in aquatic environments; at a minimum, the treated wood shall have been produced in accordance with the *Best Management Practices for the Use of Treated Wood in Aquatic and Wetland Environments* (2012), or current revision thereof, by the Western Wood Preservers Institute et al.[1]

C. Appropriate BMPs shall be implemented that meet standards for the treatment, storage, and construction practices for use of preservative-treated wood in aquatic environments; at a minimum, BMPs shall be implemented that meet those standards for the treatment, storage, and construction practices for use of preservative-treated wood in aquatic environments identified by the Western Wood Preservers Institute et al. in *Treated Wood in Aquatic Environments: A Specification and Environmental Guide to Selecting, Installing and Managing Wood Preservation Systems in Aquatic and Wetland Environments* (2012)[2] or current revision thereof.

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[1] Western Wood Preservers Institute; Wood Preservation Canada; Southern Pressure Treaters' Association; and Southern Forest Products Association. (2012). *Best Management Practices for the Use of Treated Wood in Aquatic and Wetland Environments.* http://www.wwpinstitute.org/documents/BMP_Revise_4.3.12.pdf

[2] Western Wood Preservers Institute; Wood Preservation Canada; Southern Pressure Treaters' Association; and Southern Forest Products Association. (2012). *Treated Wood in Aquatic Environments: A Specification and Environmental Guide to Selecting, Installing and Managing Wood Preservation Systems in Aquatic and Wetland Environments.* http://www.wwpinstitute.org/documents/TWinAquaticEnvironments-withLinks12.20.12.pdf

D. Treated wood used in the project shall be labeled for the appropriate Use Category for the intended use, as specified by the American Wood Protection Association Standard U1, to ensure the wood has been treated to the proper preservative retention level. To minimize the amount of preservative present in the treated wood that may subsequently leach into the aquatic environment, wood treated to the standards for a higher Use Category (i.e., with a higher preservative retention level) than is necessary for that component shall not be used;

E. Whenever possible, cutting or drilling of treated wood shall occur in the designated staging area at least 50 feet away from coastal waters, and any sawdust, drill shavings, and wood scraps shall be contained and collected in order to prevent the discharge of treated wood into the marine environment; and

F. Existing wooden piles and framing to be removed shall be removed and disposed of at a landfill authorized to accept such chemically treated waste.

5. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees: (i) that the site may be subject to hazards from wave action, tsunami inundation, and other hazards; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. PROJECT DESCRIPTION

The Crescent City Harbor District is proposing to replace 13 missing and damaged fender piles, their associated chocks, and other related dock elements on Citizens' Dock at the terminus of Citizens' Dock Road in the Crescent City Harbor's Outer Boat Basin in Del Norte County (APN 117-020-16; **Exhibits 1-3**). Fender piles are nonstructural piles located on the exterior perimeter of the dock that cushion the dock from vessel impacts, protect the outer row of structural piles from damage, and protect the hulls of crafts moored at the dock from undue abrasion. Chocks are braces placed between fender piles that hold the piles in position and provide lateral stability.

The Harbor District proposes to remove existing fender piles and install new piles from the dock surface with a crane fitted with a vibratory pile driver. A skiff or small floating platform would be used to install the chocks and to ensure any debris that may fall into the water would be contained and removed. The replacement piles would be 25-feet long with a 12-inch diameter, and would be composed of ammoniacal copper zinc arsenate (ACZA) pressure-treated wood coated with Specguard's Marine Grade Polyurea coating.

Staging would occur in the Harbor District's parking lot directly adjacent to the landward end of the dock as shown in **Exhibit 5**. To avoid the discharge of debris into coastal waters, cutting, drilling, and boring of wood would be performed to the maximum extent feasible from the staging area. Extracted piles and all other debris resulting from construction activities would be removed from the harbor and disposed of at a landfill authorized to accept such waste.

B. PROJECT BACKGROUND & SETTING

Citizens' Dock is used by commercial and recreational fishermen for offloading and transfer of fish, shrimp, crab, and other seafood. The Y-shaped dock consists of a timber trestle connected to two timber wharfs, South Wharf and West Wharf (formerly known as Fish Wharf and Lumber Wharf). The South Wharf supports several fish buying stations, while the West Wharf supports a fish buying station and a commercial ice plant for the fishing fleet. The approach trestle provides access to both wharfs and also serves as the fuel facility for the commercial fleet. Two of the thirteen piles proposed to be replaced protect the South Wharf and eleven protect the West Wharf (See **Exhibit 4** for Project Plans).

Opened in 1950, the dock has undergone various repairs and improvements over the years. Most recently, thirteen fender piles, associated chocks, and two ladders were replaced in 2014 under CDP 1-13-003 after the March 11, 2011 tsunami generated by the Tohoku Earthquake damaged the piles. The replacement fender piles installed in 2014 are composed of fiber reinforced plastic; the remainder of the approximately 100 fender piles around the dock are composed of untreated eucalyptus or pressure treated wood treated with creosote, ACZA or chromated copper arsenate (CCA). Existing fender piles range in length from 20 to 40 feet and range in diameter from approximately 11 to 16 inches.

Citizens' Dock is located in the Crescent City Harbor Outer Boat Basin at the end of Citizens' Dock Road (**Exhibits 2-3**). Crescent City Harbor is California's northern-most port, located approximately 20 miles south of the California-Oregon border in west-central Del Norte County. The harbor lies within a crescent-shaped bay, with Battery Point as the upcoast (western) limit and Anchor Way, which connects to the former offshore Whaler Island, as the downcoast (eastern) limit. A significant anadromous fish-bearing watercourse, Elk Creek, enters the harbor on its northeastern shoreline.

The harbor provides habitat to a variety of sensitive fish and wildlife species. Coho salmon (Oncorhynchus kisutch) pass seasonally through the harbor as they make their migration to and from spawning grounds within the Elk Creek drainage, and marine mammals, including the Steller sea lion (*Eumetopias jubatus*), utilize harbor sites as haul-outs and for feeding. The Outer Boat Basin where Citizens' Dock is located contains native eelgrass (*Zostera marina*); however, no eelgrass beds exist in the immediate project vicinity.

The Crescent City Harbor District is a political subdivision of the State of California, organized and empowered as an independent special district by its authorizing statutes in the California Harbors and Navigation Code, section 6000 et seq. The Harbor District has broad powers to manage public use areas (marinas, piers, restrooms, boat launch facilities, parking, moorings, etc.) as well as commercial, recreational, and industrial activities within the harbor.

C. STANDARD OF REVIEW

The proposed project is located in the Crescent City Harbor, on tidelands and submerged lands over which the state retains a public trust interest. Therefore, the site is within the Commission's area of retained jurisdiction, and the standard of review that the Commission must apply to the development is the Chapter 3 policies of the Coastal Act.

D. OTHER AGENCY APPROVALS

North Coast Regional Water Quality Control Board

The Regional Board requires a water quality certification (WQC) for projects involving dredging and/or filling activities under Section 401 of the Clean Water Act. On April 22, 2016, the Regional Board issued an amendment to a previous Water Quality Certification approved on May 9, 2013 for repairs to fender piles at Citizens' Dock (WDID 1A13027WNHU). The amendment allows for the replacement of an additional 13 fender piles.

U.S. Army Corps of Engineers

The Army Corps has regulatory authority over the proposed project under Section 10 of the Rivers and Harbors Act of 1899 (*33 U.S.C. 1344*) which regulates the diking, filling, and placement of structures in navigable waterways, and Section 404 of the Clean Water Act which regulates the discharge of dredged or fill material in waters of the United States. The Army Corps determined that the proposed work is covered under an existing Department of the Army Nationwide Permit (NWP) 3 (Maintenance) issued March 14, 2013 for repairs to Citizens' Dock (File No. 2012-00019).

California State Lands Commission (CSLC)

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. The proposed project is located within tide and submerged lands that were legislatively granted to the Crescent City Harbor District on July 13, 1963, by Senate Bill No. 1383. CSLC issued a jurisdictional determination for a previous fender pile repair project at Citizens' Dock on May 8, 2013 stating that the CSLC does not impose any leasing requirements and the Crescent City Harbor District, as grantee, has jurisdiction over the project (G 03-01). CSLC staff has indicated that this previous determination applies to the proposed project and a new jurisdictional determination is not needed.

E. PERMIT AUTHORITY FOR REPAIR & MAINTENANCE DEVELOPMENT

Section 30610 of the Coastal Act states, in relevant part (<u>emphasis added</u>):

> *Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: . . .*
>
> *(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities;*

> *provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.*

Section 13252 of the Commission administrative regulations (14 CCR 13000 *et seq*.) provides, in relevant part (emphasis added):

> *(a) For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:*
>
> … … …
>
> *(3) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:*
>
> *(A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;*
>
> *(B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.*
>
> *All repair and maintenance activities governed by the above provisions shall be subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and emergency permits. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Public Resources Code section 30700 unless so provided elsewhere in these regulations. The provisions of this section shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.*
>
> *(b) Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.*

The proposed in-kind replacement of 13 fender piles and associated chocks and other related dock elements on Citizens' Dock constitutes a repair and maintenance project under Section 30601(d) of the Coastal Act and Section 13252(b) of the Commission's regulations because (a) the project does not involve an addition to or enlargement or expansion of the subject dock, and (b) the number of piles and chocks to be replaced consists of much less than 50 percent of the total number of such elements on the dock.

Although certain types of repair projects are exempt from CDP requirements, Section 13252 of the Commission's administrative regulations requires a CDP for extraordinary methods of repair and maintenance enumerated in the regulation. The proposed repair work involves the presence of construction materials and placement and removal of solid materials within 20 feet of coastal waters. The proposed repair project therefore requires a CDP under CCR Section 13252(a)(3) of the Commission's regulations.

In considering a permit application for a repair or maintenance project pursuant to the above-cited authority, the Commission reviews whether the proposed *method* of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act. The Commission's evaluation of such repair and maintenance projects does not extend to an evaluation of the conformity with the Coastal Act of the existing development.

The repair and maintenance of pilings and other dock facilities, such as is proposed under the subject CDP application, can have adverse impacts on coastal resources, in this case primarily on sensitive fish species, marine mammals, and coastal water quality. While the applicant has proposed some mitigation measures to protect coastal resources, more specific measures are needed to further minimize the project's expected and potential impacts on coastal waters and marine resources. The conditions required to meet these standards are discussed in the following findings relevant to fill in coastal waters and protection of marine resources. Therefore, as conditioned in these findings, the Commission finds that the proposed method of repair and maintenance development is consistent with all applicable Chapter 3 policies of the Coastal Act.

F. FILL IN COASTAL WATERS & PROTECTION OF MARINE RESOURCES

Section 30230 of the Coastal Act states, in applicable part:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30233 of the Coastal Act states, in applicable part:

> *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects…*

Coastal Act Section 30108.2 defines "fill" as "*earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area*." The proposed repair and maintenance project involves the in-kind replacement of 13 fender piles on Citizens' Dock, resulting in approximately 10 square feet of replacement fill.[3] The Commission must consider whether authorizing this proposed method of repair and maintenance is consistent with Coastal Act policies addressing the protection of the marine environment, including applicable provisions of Sections 30230, 32031, and 30233 of the Coastal Act.

The applicable provisions of Sections 30230, 30231, and 30233 of the Coastal Act cited above require that the method of proposed repair and maintenance: (1) use the least environmentally damaging feasible alternative; (2) provide feasible mitigation measures to minimize adverse environmental effects; and (3) protect the biological productivity and the quality of coastal waters.

Least Environmentally Damaging Feasible Alternative

As mentioned above, the Commission must ensure that the method of repair and maintenance be the least environmentally damaging feasible alternative consistent with Section 30233 of the Coastal Act. Coastal Act Section 30108 defines "feasible" as "*…capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors*." In this case, alternatives that have been identified include: (1) the "no project" alternative; (2) alternative material types; and (3) alternative pile installation methods.

a. <u>No project alternative</u>

One alternative to the proposed development is the "no project" alternative, which means not replacing the damaged and missing fender piles. Under the "no project" alternative, the dock would continue to deteriorate with more of the existing piles becoming damaged and eventually being swept away. Allowing the dock to deteriorate further would result in an even greater safety hazard for boats that rely on the dock, and would eventually result in the closure of this high-priority commercial and recreational fishing facility. Thus, the no project alternative is not a less environmentally damaging feasible alternative to the proposed project as conditioned.

b. <u>Alternative material types</u>

The applicant proposes to replace damaged fender piles with new ACZA-treated timber piles. To prevent the wood preservative from leaching toxic chemicals into coastal waters,

[3] The existing piles range in diameter from 11 to 16 inches while the new piles to be installed have a 12 inch diameter. The fill area of a single pile is estimated at 0.8 square feet.

the applicant proposes to seal new pressure-treated piles with Specguard's Marine Grade Polyurea coating prior to installation. Polyurea coatings have been used on a number of pile replacement projects along the California coast and the Commission's Water Quality Unit currently supports coating treated piles in this fashion. As discussed below in "Feasible Mitigation Measures", the Commission attaches **Special Condition 4** to further reduce the potential for water quality impacts from leaching wood preservative chemicals.

In 2014, the Harbor District replaced thirteen fender piles at Citizens Dock with piles composed of fiber reinforced plastic (CDP 1-13-003). Fiber reinforced plastic is currently believed to be more inert in the marine environment than pressure-treated wood and therefore its use would further minimize the chance of water quality impairment. However, the Harbor District has indicated that the use of fiber reinforced plastic piles is cost prohibitive. The use of steel or concrete piles instead of wood piles would similarly further minimize the chance of water quality impairment. However, steel or concrete fender piles could potentially damage wood and fiberglass boats that tie to the dock and therefore are not feasible alternative pile materials. Therefore the use of alternative material types is not a less environmentally damaging feasible alternative to the proposed project as conditioned.

c. Alternative pile installation methods

The applicant proposes to remove 13 existing piles and install 13 new piles with a vibratory hammer rather than a traditional impact hammer. The use of the less powerful vibratory hammer is feasible in this case because the piles to be replaced are fender piles that do not support the dock and therefore do not need to be driven into the bedrock below the mudflat, which would require use of an impact hammer. Pile driving with an impact hammer generates hydroacoustic pressure impulses and particle velocities that can cause effects on fish ranging from altered behavior, hearing loss, and tissue injuries to immediate mortality. In contrast, vibratory hammers produce peak sound levels that are substantially lower than those produced by impact hammers and as such are a less environmentally damaging alternative than impact pile driving.[4] Therefore, utilizing alternate pile installation methods is not a less environmentally damaging feasible alternative to the proposed project as conditioned.

Feasible Mitigation Measures

The Commission must ensure that the method of repair and maintenance minimizes adverse environmental effects consistent with Section 30233 and protects the biological productivity and the quality of coastal wetlands consistent with the requirements of Sections 30230 and 30231. The proposed method of repair and maintenance could have a number of potential adverse effects on the environment of the harbor, including (1) fill of harbor waters; (2) construction-related impacts to the biological productivity and quality of coastal waters; and (3) impacts on water quality from the use of treated wood. The potential impacts and their mitigations are discussed in the following sections:

[4] California Department of Transportation, 2009, p. 2-26.

a. Fill of Harbor waters

As discussed above, the proposed repair work involves approximately 10 square feet of replacement fill from the in-kind replacement of 13 fender piles. The area surrounding the dock where the piles will be placed is periodically dredged to a depth of minus 15 feet mean lower low water (MLLW) and consists of bay mud devoid of eelgrass habitat. To ensure that the total area of displacement of mudflat is minimized, the Commission attaches **Special Condition 3(B)** requiring that all existing piles proposed to be removed be removed in their entirety, and that any piles that cannot be removed in their entirety be cut off one-foot below the mudline. Removal of the piles in this manner will enable sediment to eventually settle in the holes from which the piles will be removed and reestablish mudflat within the areas previously displaced by the piles. Thus, as the piles will be replaced in-kind with no net gain of fill, the proposed method of repair and maintenance, as conditioned, will minimize adverse environmental effects from the fill of coastal waters.

b. Construction-related impacts to the biological productivity and quality of coastal waters

The project as proposed involves the removal and placement of materials and the use of heavy equipment in and around the Crescent City Harbor Outer Boat Basin that could result in sediments, debris, or hazardous materials entering harbor waters and impacting sensitive fish species, marine mammals, and their habitat, including the water quality of the harbor.

The applicant proposes to contain debris generated from construction and demolition activities with a floating boom and to remove all debris from the water by hand or with a net. The applicant also proposes to stage construction materials and temporarily stockpile construction debris, including the extracted piles, onshore in a temporary staging area and to dispose of all construction debris at an authorized landfill upon project completion. To ensure that the applicant implements these proposed best management practices (BMPs), the Commission includes the measures in **Special Condition 2, "Construction Responsibilities**." In addition, **Special Condition 2(B)** requires the permittee to make all reasonable efforts to prevent debris from entering the water in the first place. **Special Condition 2(C)** also requires that construction materials and debris stockpiled onsite be contained at all times and covered with plastic sheeting during high winds and/or precipitation, and **Special Condition 2(D)** requires that debris, waste, and other excess material generated by the authorized work be lawfully disposed of outside of the coastal zone at an authorized disposal site capable of receiving such materials within 10 days of project completion.

The proposed project includes the use of heavy equipment including a crane and vibratory pile driving hammer. To ensure that adverse water quality impacts associated with hazardous material leaks and spills are minimized, **Special Condition 2(E)** requires that: (1) fuels, lubricants, and solvents shall not be allowed to enter coastal waters; (2) hazardous materials management equipment shall be available immediately on-hand at the project site; (3) a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call; and (4) any accidental spill shall

be rapidly contained and cleaned up. Additionally**,** **Special Condition 2(F)** requires that any fueling, maintenance, and washing of construction equipment shall occur in confined areas specifically designed to control runoff and located more than 50 feet away from the mean high tide line.

The waters of Crescent City Harbor provide habitat for a number of commercially significant and environmentally sensitive fish species that could be impacted by disturbed sediments and increased noise and vibration during construction. The harbor is also home to various marine mammals including Steller sea lions, a species listed as threatened under the federal Endangered Species Act. To protect anadromous fish species and Steller sea lions, **Special Condition 1** limits over-water construction activities to the period of July 1st to October 15th of each year, when sensitive anadromous fish species are least likely to be present in the area (i.e. before the majority of the upstream adult spawning migrations and after the downstream migration of smolts have occurred), and when Steller sea lions have completed their breeding season (which is known to occur from late May to early July). In addition, to minimize the generation of suspended sediment during construction, Special Condition 1 also requires the permittee to perform all construction activities during periods of dry weather. Finally, to minimize the hydroacoustic effects of pile installation and removal on any fish or other marine organisms that are present during the construction window, **Special Condition 3(A)** prohibits the use of an impact hammer for pile replacement.

Crescent City Harbor's Outer Boat Basin also contains native eelgrass which is essential to the health and productivity of the harbor as it provides many ecological benefits, including stabilization of bottom sediments; a substrate for epiphytic algae and invertebrates; spawning surfaces, foraging areas, and shelter for fish and invertebrates; and food for migratory waterfowl. The areas surrounding Citizens' Dock have a design depth of minus 15-feet MLLW which is beyond the normal depths at which eelgrass grows locally. The applicant has provided a recent eelgrass survey performed in June 2015 as a condition of a previous CDP for dredging, rock slope protection, and dock replacement work in the Outer Boat Basin (CDP 1-12-004). The survey confirms that there is no eelgrass or eelgrass habitat in the immediate project area (**Exhibit 6**). To ensure eelgrass is avoided, **Special Condition 2(A)** requires that no work shall occur in areas containing eelgrass without a Commission amendment to this coastal development permit unless the Executive Director determines no amendment is legally required.

The Commission thus finds that the proposed method of repair and maintenance, as conditioned, provides feasible mitigation measures to minimize potential adverse environmental impacts of construction on the biological productivity and quality of coastal waters.

c. Impacts on water quality from the use of pressure-treated wood

The applicant proposes to replace 13 pressure-treated wood piles, associated chocks, and other related dock elements. Chemicals in the wood preservative such as copper and arsenic could potentially leach into the water column where they could be absorbed by fish and other aquatic organisms with adverse consequences. To avoid releases of

potentially toxic wood preservative chemicals into coastal waters, the applicant proposes to precoat and cure new pressure-treated piles with marine-grade polyurea coating. The Commission attaches **Special Condition 4** to require that the coating extend from the top of the pile to a point on each pile that will be driven to a depth at least 3 feet below the mudline. Special Condition 4 also includes a number of other requirements to minimize water quality impacts from the use of new pressure-treated wood and the removal of old treated piles, including requirements that: (a) the treated wood added to the dock shall be certified by a third party inspection program to have been produced in accordance with industry BMP standards designed to minimize adverse impacts in aquatic environments; (b) appropriate BMPs shall be implemented that meet Western Wood Preservers Institute standards for the treatment, storage, and construction practices for use of preservative-treated wood in aquatic environments; (c) ACZA pressure-treated wood used in the project shall be labeled for the appropriate Use Category for the intended use, as specified by the American Wood Protection Association Standard U1; (d) whenever possible, cutting or drilling of treated wood shall occur at least 50 feet away from coastal waters, and any sawdust, drill shavings, and wood scraps shall be contained and collected to prevent the discharge of treated wood into the marine environment; and (e) existing wooden piles and framing to be removed shall be removed and disposed of at a landfill authorized to accept such chemically treated waste. Given that the project as conditioned will result in the replacement of 13 uncoated pressure-treated wood piles with new coated piles and best management practices will be utilized in selecting, treating, cutting, drilling, and disposing of pressure-treated wood, the use of pressure-treated wood will not have a significant adverse impact on the water quality of the Crescent City Harbor. The Commission thus finds that the proposed method of repair and maintenance, as conditioned, provides feasible mitigation measures to minimize potential adverse environmental impacts of pressure-treated wood on the biological productivity and quality of coastal waters.

Conclusion

In conclusion, the Commission finds that the method of proposed repair and maintenance as conditioned herein (1) uses the least environmentally damaging feasible alternative; (2) provides feasible mitigation measures to minimize adverse environmental effects; and (3) protects the biological productivity and the quality of coastal wetlands and waters, consistent with Sections 30230, 30231, and 30233 of the Coastal Act.

G. PROTECTION OF COMMERCIAL FISHING & RECREATIONAL BOATING

Section 30224 of the Coastal Act states (emphasis added):

> *Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

Section 30234 of the Coastal Act states, in relevant part (emphasis added):

> *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded…*

Crescent City Harbor has long been used as a launch site for commercial and recreational fishermen, and provides the only harbor of refuge from the common northwesterly winds and seas between Brookings, Oregon and Trinidad Bay in Humboldt County. Located in the Harbor's Outer Boat Basin, Citizens' Dock is used by commercial and recreational fishermen for offloading and transfer of fish, shrimp, crab, and other seafood, and is the facility where the majority of all seafood caught in the region is offloaded. The dock is now 66 years old and in need of ongoing maintenance. The dock's missing and damaged fender piles endanger the safety of fishing boats mooring at the dock and leave the dock vulnerable to further damage. The proposed maintenance project will extend the life of Citizens' Dock allowing both recreational and commercial fishing activities to continue.

To minimize conflicts with biological resources, the proposed in-water construction activities have been conditioned to occur between July 1 and October 15. Commercial and sport fishing is most common during late spring through mid-fall, and again in late fall through winter during the crab season. Although the project would overlap with the fishing season, the project would only take approximately one month to complete with the total amount of time on the dock itself expected to take less than five working days. Only small portions of the dock would be blocked for any period of time, and the Harbor District would communicate directly with commercial users of the dock to attempt to minimize closures during peak usage times. Because the impact is short-term and temporary, and the rehabilitation of Citizens' Dock will maintain and restore boat mooring capacity and improve vessel access and safety over the long-term, the Commission finds that the project as conditioned will protect a commercial fishing and recreational boating facility, consistent with Coastal Act Sections 30224 and 30234.

H. HAZARDS

Section 30253 of the Coastal Act states in applicable part:

> *New development shall do all of the following:*
>
> *(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
>
> *(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs…*

The existing dock is located in an area of high hazard from wave action and tsunami inundation, and the proposed repair and maintenance project is necessary to address previous damage from

these hazards and to protect and restore the structural integrity of the dock. Due to the uncertain nature and inherent risk associated with the construction of improvements in high energy coastal environments, the Commission attaches **Special Condition 5**. Special Condition 5 requires the applicant to assume the risks of extraordinary wave and tsunami hazards in the harbor and waive any claim of liability on the part of the Commission. Given that the applicant has chosen to implement the project despite these risks, the applicant must assume the risks. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for the development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand hazards. The Commission finds that as conditioned, the repair and maintenance project will minimize risks to life and property from geologic and flood hazards, will assure stability and structural integrity, and will neither create nor contribute significantly to geologic instability or erosion of the site or surrounding area consistent with the requirements of Section 30253 of the Coastal Act.

I. PUBLIC ACCESS

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects, except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or where adequate access exists nearby. Section 30211 of the Coastal Act requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214, the Commission is also limited by the need to show that any denial of a permit application based on these sections or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

The proposed repair project is necessary to maintain an existing public dock at the Crescent City Harbor. Public use of the project area will be restricted on a very limited basis during project construction, which is expected to take approximately one month, with work on the dock itself taking less than five working days. The Harbor District proposes to communicate dock closures to the public by posting signs noting the expected times that the dock will be closed. During this time surrounding public access and recreational facilities will remain open for use by the public, including the Inner Boat Basin Marina, Outer Boat Basin launch ramp and other docks, and the California Coastal Trail. Therefore, as the closure of the dock will be of relatively short duration and adequate public access and recreational facilities exist nearby that can be used instead, the Commission finds that the temporary adverse impacts of construction on public access are not significant. The Commission thus finds that the proposed method of repair and maintenance, as conditioned, will not have any significant adverse effects on public access, and is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

J. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The project qualifies for exemption from CEQA review under Sections 15301 (Existing Facilities). Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. No public comments regarding potential significant adverse environmental effects of the project amendment were received prior to preparation of the staff report. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A
SUBSTANTIVE FILE DOCUMENTS

Application File for Coastal Development Permit No. 1-16-0262.

California Department of Transportation. (2009, February). Technical guidance for assessment and mitigation of the hydroacoustic effects of pile driving on fish. Sacramento, CA: ICF Jones & Stokes, Illinworth & Rodkin.

National Marine Fisheries Service. (2014, October). California Eelgrass Mitigation Policy and Implementing Guidelines.

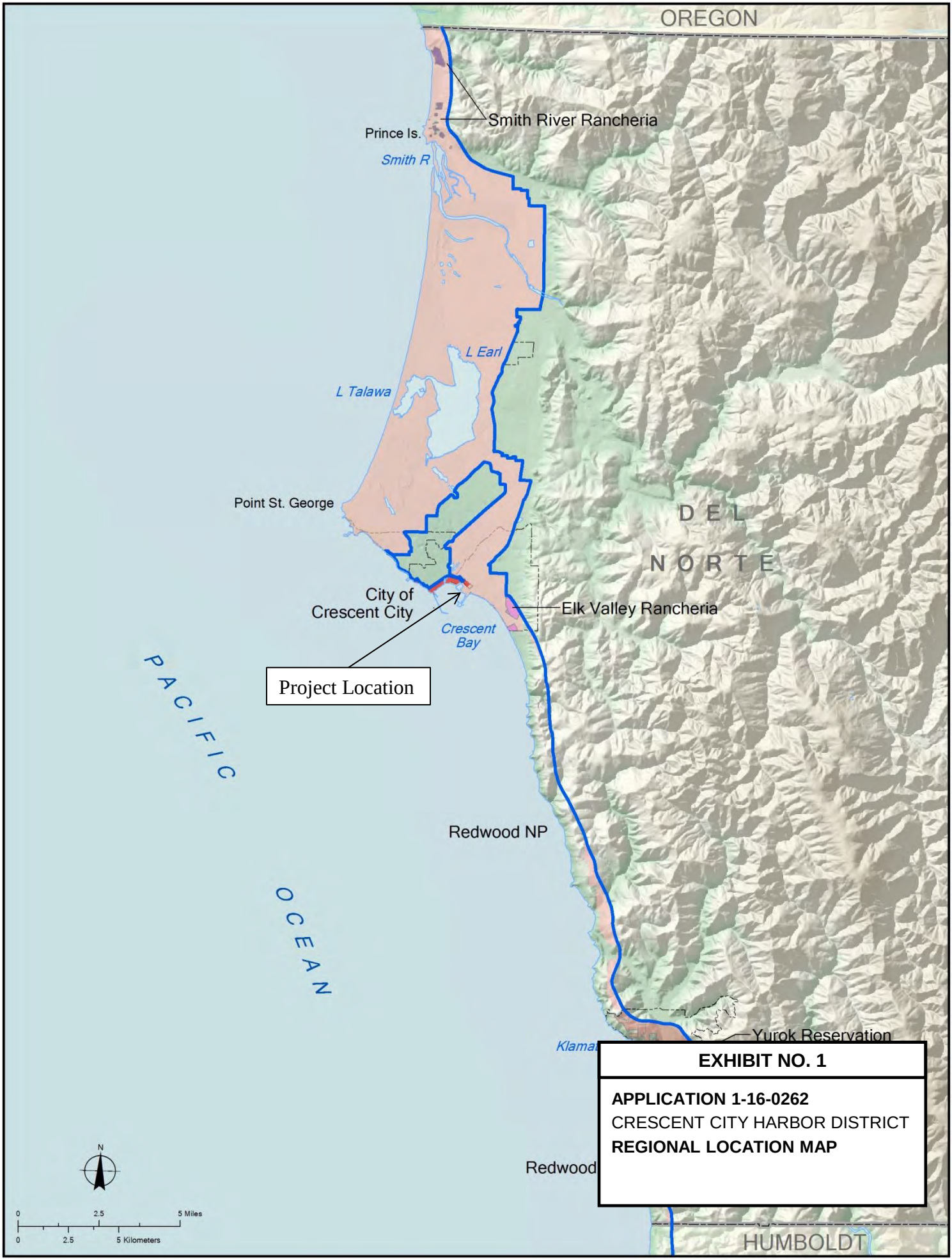


EXHIBIT NO. 1

APPLICATION 1-16-0262
CRESCENT CITY HARBOR DISTRICT
REGIONAL LOCATION MAP

EXHIBIT NO. 2

APPLICATION 1-16-0262
CRESCENT CITY HARBOR DISTRICT
VICINITY MAP

EXHIBIT NO. 3

APPLICATION 1-16-0262

CRESCENT CITY HARBOR DISTRICT

AERIAL PHOTOGRAPH OF VICINITY

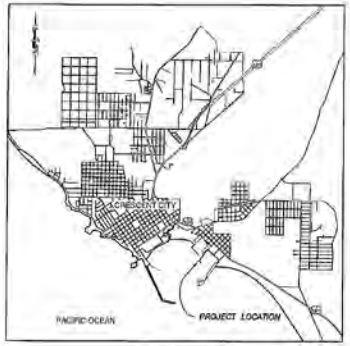
CRESCENT CITY HARBOR DISTRICT

CITIZENS' DOCK FENDER REPAIRS (2016)

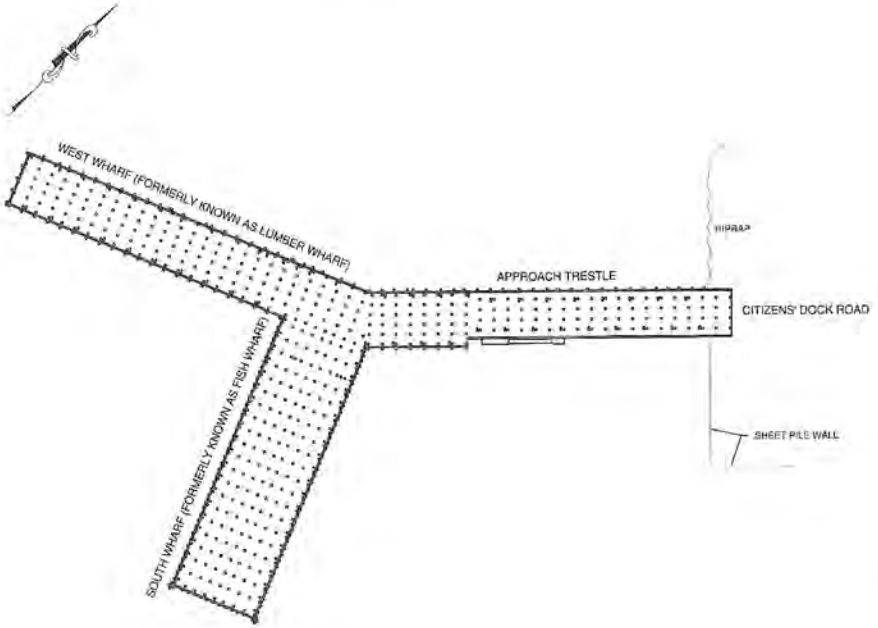
CRESCENT CITY, CA

STATE MAP
NTS

COUNTY MAP
NTS



CITY MAP
NTS



CITIZENS' DOCK
1"=40'

SHEET INDEX

EXHIBIT NO. 4

APPLICATION 1-16-0262

CRESCENT CITY HARBOR DISTRICT

PROJECT PLANS

Page 1 of 3

No.	Date	Revision	Aprvd.

DRAWING INFO: DESIGNED BY: JDG DRAWN BY: GLH CHECKED BY: WLS

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STOVER ENGINEERING
Civil Engineers and Consultants
PO BOX 783 - 711 H STREET
CRESCENT CITY, CA 95531 707-465-6742

PRELIMINARY

CRESCENT CITY HARBOR DISTRICT
CITIZENS' DOCK FENDER REPAIRS
CRESCENT CITY, CA

COVER SHEET

JOB NO. 4389
SCALE: NTS
DATE: 02/23/16
SHEET
G1.01

LEGEND

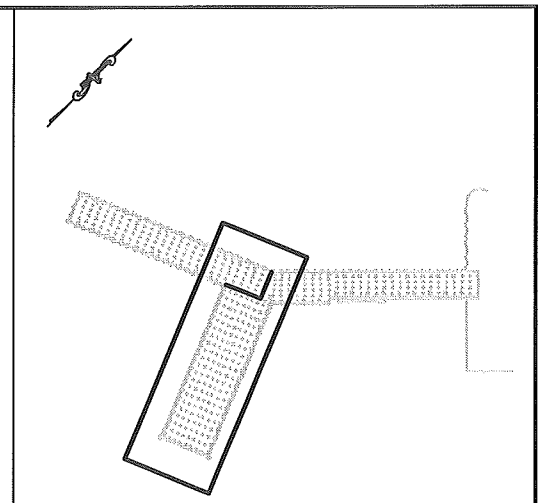
- <E> PILE
- <E> BATTER PILE
- <E> LADDER
- <E> TIMBER CHOCK
- <N> HARBOR SUPPLIED PILE
- NEW HARBOR SUPPLIED CHOCK

GENERAL NOTES

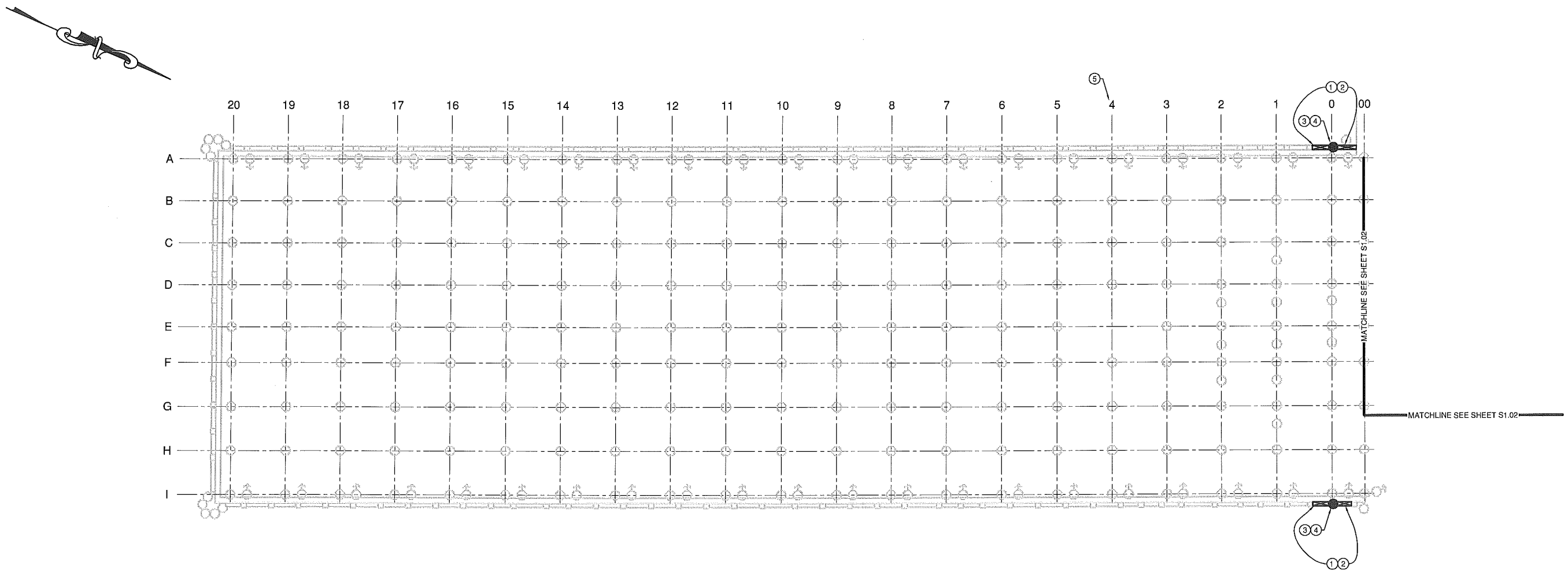
1. REPLACEMENT FILE LENGTHS SHALL BE 35.0'.
2. PILES BY OWNER.
3. CHOCKS BY OWNER.
4. PLAN VIEWS ARE DIAGRAMMATIC.
5. PILES AND CHOCKS TO BE REMOVED WILL BE MARKED FOR CLARITY BY OWNER.
6. LOCATION OF NEW PILES WILL BE MARKED BY OWNER.

KEY NOTES

(1) REMOVE CHOCKS.
(2) NEW CHOCKS, SEE 1/S1.02, TYP.
(3) REMOVE <E> PILE OR CUT OFF 3.0' BELOW MUDLINE. REMOVE <E> HARDWARE.
(4) NEW PILE.
(5) BENT NUMBER, TYP.



KEY MAP
NTS



No.	Date	Revision	Aprvd.

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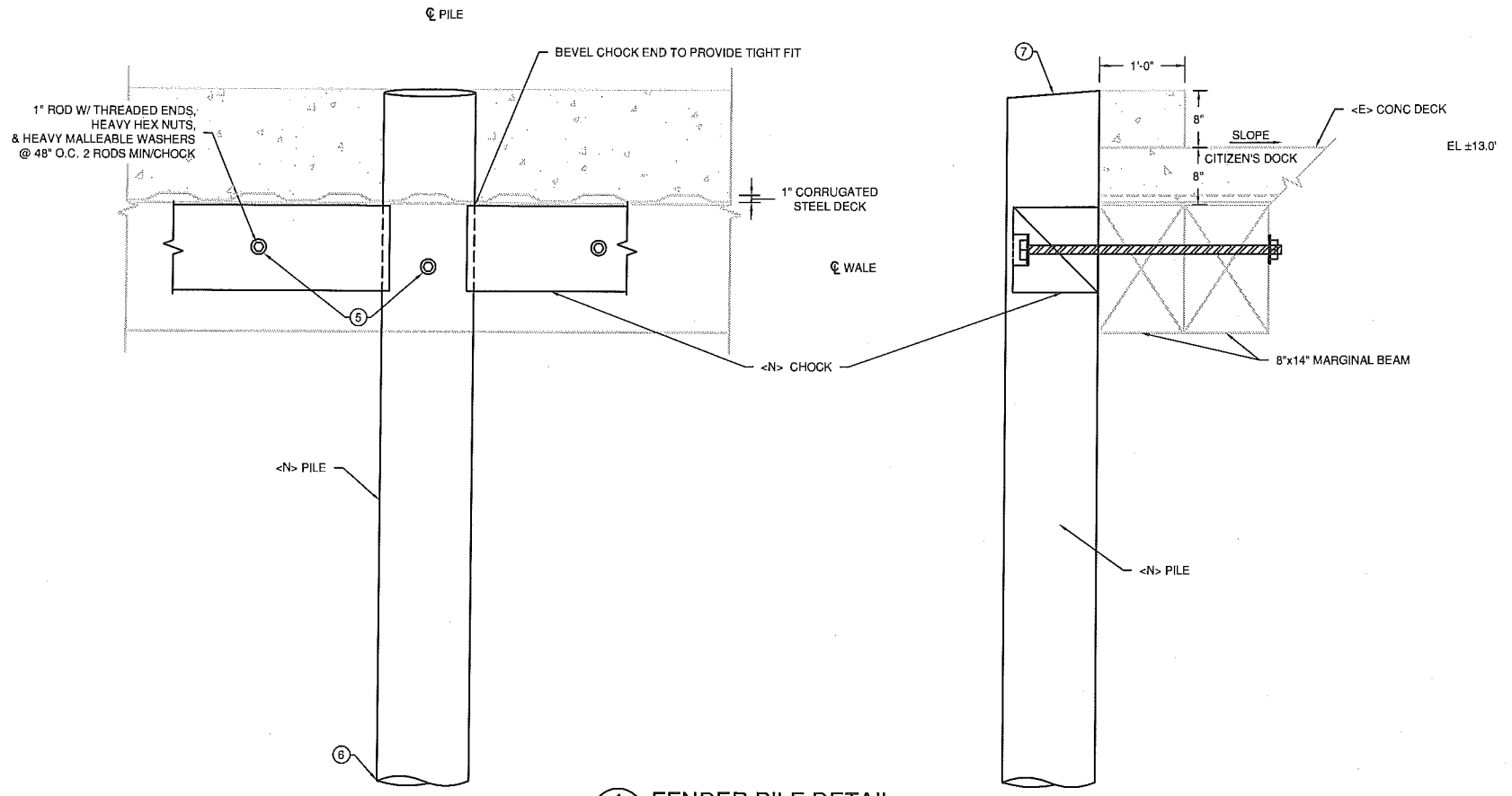
PRELIMINARY
REGISTERED PROFESSIONAL ENGINEER JONATHAN D. OLSON No. CIVIL STATE OF CALIFORNIA

CRESCENT CITY HARBOR

CRESCENT CITY HARBOR DISTRICT
CITIZENS' DOCK FENDER REPAIRS
CRESCENT CITY, CA

PILE PLAN - SOUTH WHARF

JOB NO. 4389
SCALE: 1"=10'
DATE: 02/25/16
SHEET
S1.01



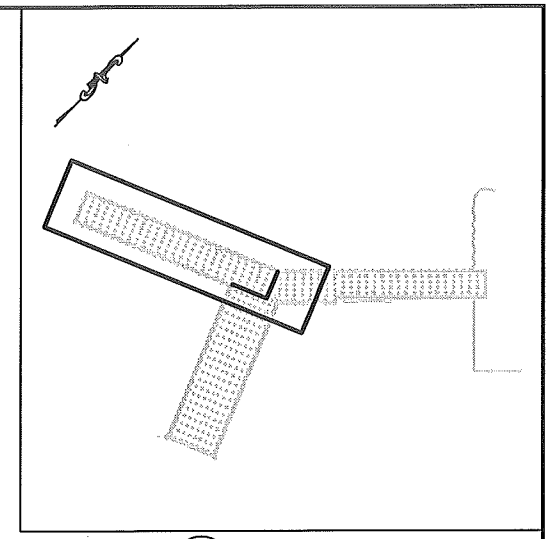
1 — 1"=1' FENDER PILE DETAIL

KEY NOTES

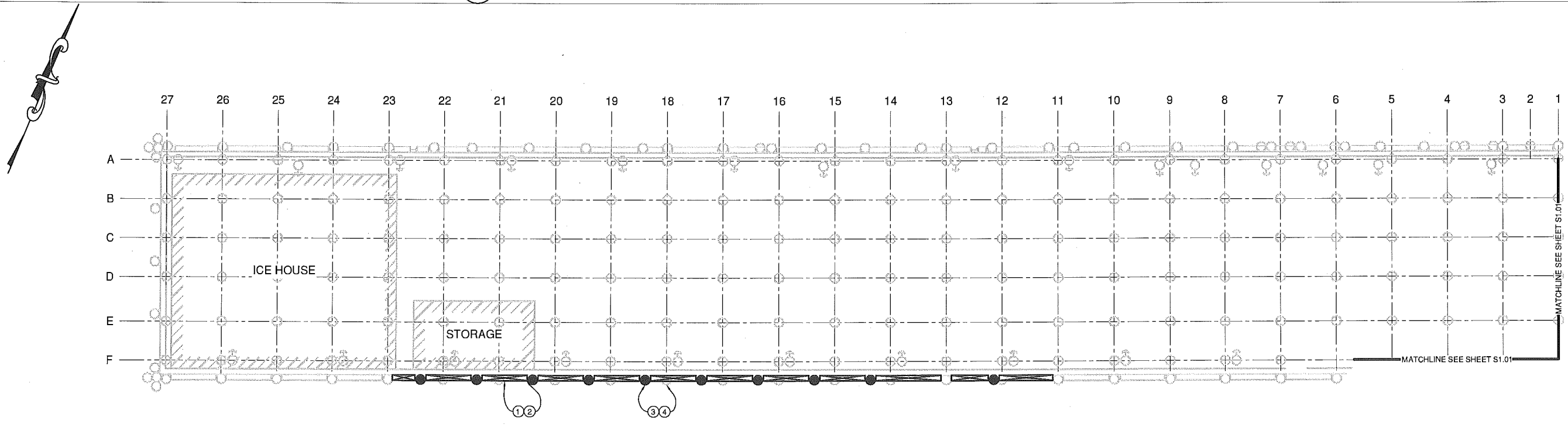
1. REMOVE EXISTING CHOCKS, TYP
2. NEW CHOCKS, SEE 1/S1.02, TYP
3. REMOVE EXISTING PILES OR CUT OFF 3.0' BELOW MUDLINE. REMOVE <E> HARDWARE, TYP
4. NEW PILES INSTALLED OFFSET FROM EXISTING LOCATIONS, TYP
5. COUNTER SINK BOLT TO ENSURE HEAD IS NOT EXPOSED, TYP
6. DRIVE PILE TO BEDROCK OR REFUSAL, APPROX ELEV -20.0'
7. CUT OFF PILES AT 1:13 SLOPE, TYP

LEGEND

- <E> PILE
- <E> BATTER PILE
- <E> LADDER
- <E> TIMBER CHOCK
- <N> HARBOR SUPPLIED PILE
- NEW HARBOR SUPPLIED CHOCK



KEY MAP
NTS



No.	Date	Revision	Aprvd.

DRAWING INFO: DESIGNED BY: JDO DRAWN BY: GLH CHECKED BY: WLS

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REGISTERED PROFESSIONAL ENGINEER JONATHAN D. OLSON No. CIVIL STATE OF CALIFORNIA — PRELIMINARY

CRESCENT CITY HARBOR

CRESCENT CITY HARBOR DISTRICT
CITIZENS' DOCK FENDER REPAIRS
CRESCENT CITY, CA

PILE PLAN - WEST WHARF

JOB NO. 4389
SCALE: 1"=10'
DATE: 02/25/16
SHEET
S1.02

EXHIBIT NO. 5

APPLICATION 1-16-0262
CRESCENT CITY HARBOR DISTRICT
STAGING AREA

EXHIBIT NO. 6

APPLICATION 1-16-0262

CRESCENT CITY HARBOR DISTRICT

MAP OF EELGRASS IN OUTER BOAT BASIN

Figure 1. 2015 year 2 post-mitigation extent of eelgrass beds ZOMA-1, ZOMA-2, ZOMA-6, and the transplanted mitigation bed relative to 2013 eelgrass distribution, dredge boundary, and rock slope protection areas in the Crescent City Outer Harbor, Crescent City, California.