

CALIFORNIA COASTAL COMMISSION

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W5

**BEACH AND COASTAL DUNES DISCUSSION
PRESENTATION ON COASTAL PROCESSES BY
COMMISSION TECHNICAL STAFF AND USGS**

MAY 10, 2017

CORRESPONDENCE

Melissa,

There are significant effects that your April 2016 (and apparently other) communications with County Planning staff have had on our coastal resources. You to state that the Commission has granted its approval for removing coastal vegetation without a permit. This has been done without any clarified support or even recollection (from your April 2017 communications with me). The communications in question are a direct part of two ongoing permit reviews and were presented in that context. It also needs to be acknowledged that your communications are being repeated by county planner Estlow who was originally the assigned planner for one of the permits (CDP 06-49 MMX) currently under review. Mr. Estlow as you may know is married to the restoration manager of one of the applicants (FOD). He also has served as a board member for FOD for several years.

As you may be aware there has been extensive vegetation removal taking place on parcels currently owned by FOD that has not been authorized. Back dune areas east of the permanent wetlands have had significant plant removal even after the County Code Enforcement Officer Young had reached an agreement (2010) with FOD to suspend such activities in response to a Manila resident's lawsuit. These activities also directly contradict FODs own restoration plan.

It would appear from the communications (see highlighted below) the Commission has somehow granted FOD its blessing to conduct this unauthorized vegetation removal. In addition, several FOD owned parcels that include foredune areas have been stripped of vegetation within wetland buffer areas also without authorization and contrary to the CDP 06-49MMX.

It also appears that the initial communications between county environmental director Seeman and planner Estlow suggest that Mr. Estlow has been intimately involved with the unauthorized activities at the South Spit over the 14 year course of the project. This would support the conclusion that your unsupported opinion regarding the need for a permit has had a direct effect on significant and unauthorized coastal vegetation removal conducted at two different sites.

You have promoted the unauthorized removal of coastal vegetation contrary to strict and related guidelines recommended by agencies like FEMA and the County of Humboldt. This has been very unfortunate on many levels. The abuse of authority is clear and your unwillingness to address this in a direct way is not in the best interest of resolution.

Below are emails related to this issue.

I request a timely reply including suggestions for resolution.

Regards,

Uri Driscoll

From Melissa Kraemer to then acting Planning Director Rob Wall April 2016

I think the difference in how we deal with this versus how the County deals with it is the standard of review: ours is the Coastal Act, yours is the LCP. The Coastal Act doesn't define "major vegetation" whereas the LCP specifically does in the two sections cited by Steve (including "B" combining zone regs). So in our determinations of whether or not activities in our jurisdiction require permits, we look at it on a case by case basis. If the activities on the South Spit weren't undertaken as federal activities (Word copies of approvals of south spit through our federal process attached) and instead had to go through the CDP process, I would imagine we'd find that due to the potential impacts on coastal resources from 700 people digging up plants in the dunes, we'd determine the proposed veg removal to be "major" and require a permit. I can't recall if/where we've dealt directly with proposals for hand-removal of *Ammophila* on non-federal lands - certainly not to the same scale as the south spit activities. I believe BLM lands in Manila, Samoa, and FWS lands west of Arcata all have had restoration activities reviewed through our federal consistency process (see attached email related to Ma-L'e'l). The County has processed CDPs for restoration activities on Manila dunes owned by the MCSD and on the Friends of the Dunes-owned lands in Manila. **I think there was some *Ammophila* hand-removal of activities proposed within our CDP jurisdiction on FOD lands that we determined not to be "major" and therefore no permit required.** Also attached is an email sent from me to NOAA staff (NOAA oversees the federal CZMA, including our federal coastal program) in response to an inquiry we received from NOAA after last year's Ocean Day protest by a vocal minority.

Included with the email attachment is information from the FWS on dune management in the region and earlier responses to Uri Driscoll's questions on this topic.

Again, let me know if you have any further questions.

Melissa

-----Original Message-----

From: Kraemer, Melissa@Coastal [mailto:Melissa.Kraemer@coastal.ca.gov]
Sent: Tuesday, April 19, 2016 1:43 PM
To: Werner, Steve; Estlow, Trevor; Seemann, Hank
Cc: Wall, Robert; Delaplaine, Mark@Coastal
Subject: RE: Touching base on Table Bluff County Park coordinated activities

I believe BLM has gone through our federal consistency division for their annual Ocean Day and associated hand-pulling of Ammophila on the South Spit. I can dig that up if needed. If the BLM is responsible for the activities on County park land this year, that perhaps could be added through our fed con process as an ND with a letter from BLM, though I'm cc-ing our federal consistency program manager Mark Delaplaine to weigh in. Aside from federal activities, **the Commission typically has NOT considered the hand pulling of invasive species to be "development" that requires a CDP**. Feel free to contact me (or Mark) with questions.

Thanks
Melissa

-----Original Message-----

From: Estlow, Trevor
Sent: Friday, April 15, 2016 12:25 PM
To: Seemann, Hank
Cc: Wall, Robert; Werner, Steve
Subject: RE: Touching base on Table Bluff County Park coordinated activities

Hi Hank-

Sorry for the late response, I must have missed this email. I believe that **Melissa Kraemer weighed in that pulling beachgrass did not constitute development some time ago**, but I've been trying to keep my distance from these projects. Steve Werner has been looking into this so I would defer to his response.

Thanks.

-Trevor

[Uri Driscoll <humboldthorse@yahoo.com>](mailto:humboldthorse@yahoo.com)

To

['Melissa.Kraemer@coastal.ca.gov'](mailto:Melissa.Kraemer@coastal.ca.gov)

Apr 26 at 8:25 PM

Melissa,

It is important that you clarify the statement you made in the April 19, 2016 letter to then acting Planning Director Wall

" I think there was some ammophila hand removal of activities proposed within our CDP jurisdiction that we determined to not be "major" and thus required no permit"

This statement seems to be being used by county staff to indicate that there is no need to acquire permits to do ammophila removal. I need for you to identify who the "we" is and when/how that determination was made. Please provide clarification for which specific projects that this determination was made.

Thank you

Uri

[Kraemer, Melissa@Coastal <Melissa.Kraemer@coastal.ca.gov>](mailto:Melissa.Kraemer@coastal.ca.gov)

To

['Uri Driscoll'](mailto:humboldthorse@yahoo.com)

Apr 27 at 8:39 AM

Uri

As I mentioned I don't recall the statement I made to Rob Wall a year ago or its context and we have no file reference for this matter that I am aware of. If you are reporting a violation I will direct you to our enforcement unit and specific location and details on alleged violation will be needed to investigate. If there are permitting questions regarding activities in County jurisdiction I refer you to the County Planning & Building Department. Due to workload priorities and limited staff resources we are unable to devote significant time responding to recurring email inquiries investigating land management activities on someone else's property. Perhaps consulting the landowner for the information you seek would be useful.

Melissa

From: Kraemer, Melissa@Coastal
Sent: Thursday, May 04, 2017 6:17 AM
To: Uri Driscoll
Cc: Simon, Larry@Coastal; Delaplaine, Mark@Coastal; Sundberg, Ryan@Humboldt; Rex Bohn; John Ford; Ewing, Lesley@Coastal
Subject: RE: promoting unauthorized projects

Uri

Under the Coastal Act there is no definition of "major vegetation removal" - each proposal is evaluated on a case by case basis. There have been times where based on the facts at hand, for vegetation removal proposals in the Commission's CDP jurisdiction, we have made the determination that based on the scope, methods, and type of vegetation proposed for removal, the activities do not constitute "development" under Section 30106 of the Coastal Act. The County's coastal zoning regulations include detailed standards for "major vegetation removal," including details on what constitutes "major." The Commission uses the County's regulations as guidance for its determinations and decision-making.

I have forwarded your letter to the Commission staff leading the Beach and Dunes discussion at next week's Commission meeting (agenda item W5).

Thanks
Melissa

From: Uri Driscoll [humboldthorse@yahoo.com]
Sent: Monday, May 01, 2017 5:33 PM
To: Kraemer, Melissa@Coastal
Cc: Simon, Larry@Coastal; Delaplaine, Mark@Coastal; Sundberg, Ryan@Humboldt; Rex Bohn; John Ford
Subject: promoting unauthorized projects

Melissa,

Please see attached. I would like this letter submitted to the Coastal Commission meeting that is taking place this month during the State wide beach and dune discussion portion of the meeting. If I need to send it through another source please advise.

Thank you

Uri

Uri Driscoll