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STAFF REPORT: MATERIAL AMENDMENT

Application No.:	**1-16-0278 –A1**
Applicant:	**Noyo Harbor District**
Agent:	SHN Consulting Engineers and Geologists, lnc.
Location:	The Harbor District boat launch at the terminus of South Harbor Drive on the Noyo River and the adjacent parking lot between South Harbor Drive and Basin Street (APNs 018-240-26; 018-240-22; and 018-250-19).
Description of Previously Approved Project:	Reconstruction of the Noyo River Boat Launch Facility and associated eelgrass monitoring and wetland fill mitigation.
Proposed Amendment:	Modify stormwater runoff control by substituting development and use of a bio-retention basin for previously-approved installation of permeable pavement in the facility's parking lot.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

On March 9, 2017, the Commission approved Coastal Development Permit (CDP) No. 1-16-0278 for the reconstruction of the Noyo River Boat Launch Facility. Specifically, the approval was to

replace the existing boat launch, resurface with permeable pavement and stripe the existing parking lot, construct a bathroom in the parking lot, and construct a new ADA-compliant path from the parking lot to the boat launch.

The amendment proposes to modify the approved stormwater runoff treatment system by developing a bio-retention basin to capture and treat runoff from the launch ramp parking lot and an adjoining area instead of installing permeable pavement within the parking lot to infiltrate runoff into the ground. The proposed bio-retention basin is designed to treat the 85th percentile, 24-hour storm event for the Noyo Harbor District (NHD) Boat Launch Facility. The District is proposing the changes to the stormwater runoff treatment system to reduce costs associated with the maintenance of permeable pavement for effective stormwater runoff treatment and to increase the durability of the parking lot surface.

A 6,095square-foot portion of the driveway connecting the parking lot to the launch ramp will continue to be repaved with permeable pavement. Some deteriorated portions of the boat launch facility parking lot and an adjoining parking area would be repaved with standard AC pavement. No other changes are proposed. The originally approved reconstruction of the launch ramp and re-pavement of the driveway is unaffected by the amendment.

Staff believes the proposed modifications to the stormwater runoff treatment system will better protect the water quality of the Noyo River than the originally approved permeable pavement system, as the proposed bio-retention basin treatment system (1) will provide stormwater runoff treatment that is as effective as the originally approved system, and (2) will collect and treat runoff from additional existing paved areas adjoining the boat launching ramp parking lot, reducing the discharge of pollutants into the Noyo River estuary. Thus, the amended development will provide feasible mitigation measures to maintain the biological productivity and the quality of coastal waters consistent with Sections 30230 and 30231 of the Coastal Act.

Staff believes that the proposed amendment, as conditioned, is consistent with all Chapter 3 Policies of the Coastal Act. The motion to adopt the staff recommendation of **approval** of Coastal Development Permit (CDP) amendment 1-16-0278-A1 with special conditions is found on page 4.

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APPENDICES

EXHIBITS

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit 1-16-0278 subject to the conditions set forth in 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 the coastal development permit amendment on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment.

II. STANDARD & SPECIAL CONDITIONS

NOTE: Coastal Development Permit (CDP) No. 1-16-0278 was approved on March 9, 2017 pursuant to five (5) standard conditions and ten (10) special conditions. Standard Conditions 1-5 and Special Conditions 1-4 and 6-9 of CDP 1-16-0278 remain in full force and effect. Special Conditions 5 and 10 (CDP 1-16-0278) are being modified as shown below. New Special Condition 11 is added to this amendment (CDP 1-16-0278-A1), also as shown below. New conditions and modifications to existing conditions imposed in this action on Amendment No. 1-16-0278-A1 are shown in **~~bold strikethrough~~** text and bold **underlined text**. **Appendix B**, attached, includes all standard and special conditions that apply to the amended development, as approved by the Commission in its original action and as modified and/or supplemented by this amendment.

5. Maintenance and Monitoring Plan for Permeable Pavement.

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT **AMENDMENT** NO. 1-16-0278-**A1**, the applicant shall submit, for the review and approval of the Executive Director, a final plan for the maintenance and monitoring of the **~~61,980~~**

6,095-square-foot area[1] of permeable pavement to be installed at the Noyo River Boat Launch Facility. The plan shall demonstrate the following:

i. Testing: A test to verify that the permeable pavement is infiltrating properly shall be conducted immediately after construction, and annually thereafter to detect any reduction in the infiltration rate, thereby determining the appropriate frequency of maintenance or the need for remediation. A simple test may be used, such as pouring a bucket of water onto the pavement and documenting how long it takes for the water to soak in, the size of the water mark that is left, and whether any water runs off.

ii. Monitoring & Maintenance:

a. Routine maintenance shall be conducted monthly, at a minimum, including a visual inspection of the pavement to ensure it is free of sediment and debris, and prompt removal of any pore-clogging materials deposited onto the permeable pavement;

b. At least one inspection of the pavement each year shall take place after a large storm, when puddles will make any clogging obvious; and

c. Periodic maintenance to reduce clogging shall be conducted at least twice annually, including flushing or power-washing the surface of the porous asphalt pavement. Use of chemicals to clean the permeable pavement shall be avoided, to prevent harm to the biological component of the permeable pavement system, pollution of the groundwater, or damage to the permeable pavement itself.

iii. Repairs: The porous asphalt shall at no time be sealed, coated, or repaved with impervious materials, including top coat sealers, asphalt sealers, crack sealers, or repaving with conventional asphalt.

iv. Documentation: The Harbor District shall maintain a maintenance log documenting all testing dates, observations, and maintenance activities. The log shall be available for inspection upon request by either the County of Mendocino or the Executive Director of the Coastal Commission.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

10. Protection of Archeological Resources

A. AT LEAST TWO WEEKS PRIOR TO COMMENCEMENT OF GROUND-DISTURBING ACTIVITIES AUTHORIZED BY COASTAL DEVELOPMENT PERMIT **AMENDMENT NO.** 1-16-0278-**A1**, the permittee shall notify the Tribal Historical Preservation Officer (THPO) from the Sherwood Valley Band of Pomo Indians of the construction schedule and arrange for tribal representative(s) to be present to observe ground-disturbing activities if deemed necessary by the THPO.

[1] Area 6 (Red highlighted; Sheet SW-1)(Exhibit 6)

B. A cultural resources monitor approved by the Sherwood Valley Band of Pomo Indians shall be present to oversee all ground disturbing authorized by Coastal Development Permit **Amendment No.** 1-16-0278-**A1** unless evidence has been submitted for the review and approval of the Executive Director that the THPO of the tribe has agreed that a cultural resources monitor need not be present.

C. If an area of cultural deposits or human remains is discovered during the course of the project, all construction shall cease and shall not re-commence until a qualified cultural resource specialist, in consultation with the THPO of the Sherwood Valley Band of Pomo Indians, analyzes the significance of the find and prepares a supplementary archaeological plan for the review and approval of the Executive Director, and either: (a) the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, or (b) the Executive Director reviews the Supplementary Archaeological Plan, determines that the changes proposed therein are not *de minimis*, and the permittee has thereafter obtained an amendment to coastal development permit **amendment no.** 1-16-0278.

11. Maintenance Plan for Bio-Retention Basin Stormwater Runoff Control System.

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-16-0278-A1, the applicant shall submit, for the review and approval of the Executive Director, a final plan for the maintenance of the bio-retention basin stormwater runoff control system designed to treat stormwater runoff from the Noyo River Boat Launch Facility parking lot and an adjoining paved area totaling 94,200 square feet in size and as depicted in Exhibits 6, 7, and 8 of the staff recommendation. The plan shall demonstrate the following:

i. Monitoring & Maintenance:

a. All vegetation within the bio-retention basin shall be maintained in a litter-free, weed-free, and healthy growing condition throughout the life of the project, and, whenever necessary, shall be replaced with new plant materials.

b. Only native plant species shall be planted within the bio-retention basin. All proposed plantings shall be obtained from local genetic stocks within Mendocino County. If documentation is provided to the Executive Director that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside of the local area may be used. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be shall be planted or allowed to naturalize or persist on the site.

c. The use of rodenticides within the bio-retention basin containing any anticoagulant compounds is prohibited

d. The inlet to the overflow drain shall be kept free of clogging materials.

e. Routine maintenance shall be conducted monthly, at a minimum, including a visual inspection of the bio-retention basin to ensure the basin is free of litter and weeds, the bio-retention vegetation is in a healthy growing condition, and the inlet to the overflow drain is kept free of clogging materials.

ii. Documentation: The Harbor District shall maintain a maintenance log documenting all observations and maintenance activities. The log shall be available for inspection upon request by either the County of Mendocino or the Executive Director of the Coastal Commission.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. PERMITTING HISTORY

On March 9, 2017, the Commission approved Coastal Development Permit (CDP) No. 1-16-0278 for the reconstruction of the Noyo River Boat Launch Facility, which is used primarily to launch recreational sport-fishing vessels with occasional use by commercial fishing vessels. Specifically, the approval was to replace the existing boat launch, resurface and stripe the existing parking lot, construct a bathroom in the parking lot, and construct a new ADA-compliant path from the parking lot to the boat launch.

The conditions of approval of the original permit that were required to be satisfied prior to issuance of the permit were satisfied, and the permit was issued on October 31, 2017. However, development has not yet commenced.

Waterside Portion of the Facility

The existing boat launch is severely degraded, not compliant with the Americans with Disabilities Act (ADA), and rendered inoperable during extreme high and low tides. The launch includes a 22.5-foot-wide, 76.6-foot-long, single-lane concrete ramp and a 6-foot-wide, 57-foot-long wooden boarding float. The Harbor District proposes to demolish and remove the existing ramp, float, and two associated piles (See **Exhibit 4**).

The original permit approved replacement of the boat launch ramp and boarding float in the same location with a new 28-foot-wide, 83.5-foot-long concrete launch ramp and a 6-foot-wide, 80-foot-long fiberglass boarding float. The approved project includes the placement of approximately 11.7 cubic yards of rock slope protection (RSP) along the edges of the ramp to protect the facility (See **Exhibit 4**).

The approved replacement of the boat launch ramp will result in an additional 341 square feet of fill in Noyo River due to the extension of the length of the ramp and the placement of RSP on the sides of the ramp. To mitigate for the additional fill in mudflat habitat, the District proposed, and the permit conditions require, the removal of at least 341 square feet of debris from a 1,800-square-foot area of nearby mudflat habitat. Construction of the boat launch improvements was approved to occur over approximately 30 work days between July 15th and October 15th, to ensure that the peak salmonid migration periods for both spawning adults and out-migrating smolts are avoided, as well as to minimize the potential for impacts to green sturgeon.

Landside Portion of the Facility
The existing paved parking lot for the boat launch is degraded with numerous potholes, and lacks stormwater management infrastructure to control and filter runoff. In addition, the parking lot lacks striping to designate parking places and is not ADA compliant. The existing facility also lacks a public restroom and an ADA-compliant path leading from the elevated parking lot to the boat launch below.

The approved project included repaving the 61,980-square-foot existing parking lot with permeable pavement and stripe the lot for 18 vehicles and 48 vehicle-trailer parking spaces, including ADA-accessible spaces (See **Exhibit 4**). The approved project also included construction of a 6-foot-wide, 315-foot-long, ADA-accessible path from the parking lot to the boat launch's boarding float, and the installation of an ADA-accessible, prefabricated restroom adjacent to the resurfaced parking spaces, installation of a dedication sign for the boat launching facility, directional signage, and educational signage to inform the public of boating best management practices to reduce the environmental impact of boating activities (See **Exhibit 4**).

Construction of the landside improvements was approved to occur between July 15th and October 15th to coincide with the dry season and to avoid impacting the area during the July 4th Salmon Barbeque, an annual event that utilizes the subject parking lot.

B. CURRENT AMENDMENT

Following the 2017 approval of the original project, a revision is now being proposed. A bio-retention basin stormwater runoff treatment system is being proposed to serve the parking lot as an alternative to the installation and use of permeable pavement that was designed to allow stormwater to infiltrate into the ground below rather than run off into the Noyo River. The reason for the proposed project revision is in response to concerns voiced by the California Department of Boating and Waterways (DBW) and NHD regarding the low durability and high maintenance associated with permeable pavement. Bio-retention was not considered during the original design and permitting process because area bio-retention basin system was not within the original project scope, and funding for design and construction had not been secured.

The bio-retention basin has been designed to treat runoff from the 85th percentile, 24-hour storm event for the Noyo Harbor District (NHD) Boat Launch Facility (See **Exhibit 5**). The proposed bio-retention basin would be located within an existing paved parking area that was not constructed to serve the boat launching ramp, but lies adjacent to, and immediately east of the boat launching ramp parking area. The proposed bio-retention basin site is within a paved area that has sunk as a result of settlement of the unconsolidated fill upon which it was installed, and

often collects water due to inadequate drainage. The site is the natural low point for the entire parking lot and is the most logical and economical site for a bio-retention basin. The bio-retention basin will collect and capture stormwater runoff from the boat launch ramp parking lot and a portion of the adjoining paved parking area to the east, shown in **Exhibit 6** as the drainage management area, and treat the runoff – through filtration through plants, gravel, soil, and rock as the collected runoff infiltrates into the ground below. Any excess runoff that exceeds the capacity of the bio-retention basin would be drained from the site via an existing drainage pipe that would be fitted with a new drainage inlet at the level of the adjoining parking lot and that discharges to the Noyo River.

As noted above, the bio-retention basin stormwater runoff control system is proposed in lieu of the installation and use of permeable pavement. The vast majority of the previously paved area that was approved under the original permit to be repaved with permeable pavement is now proposed to either be retained in its current paved condition or repaved with new asphalt concrete (AC) pavement. The one area where the originally approved permeable pavement will still be installed is an approximately 6,095-square-foot area located along the northern portion of the driveway leading down from the parking lot to the launch ramp. The driveway is at a lower elevation than the parking lot and the bio-retention basin, so any runoff collected from the driveway would require pumping to convey the collected runoff up to the bio-retention basin which the District has determined would be infeasible. Therefore, this section of the driveway will be repaved with permeable pavement as originally approved to ensure stormwater runoff in this area will be treated as originally planned.

The proposed change to a bio-retention basin stormwater runoff treatment system from a permeable pavement treatment system no longer requires repaving the entire boat launch ramp parking lot as originally authorized. Some of the existing AC pavement within the boat launch ramp parking lot is in good shape and does not need to be replaced if it is no longer going to be converted to permeable pavement. Other portions of the existing AC pavement in the parking lot are not in good shape. These areas of pavement contain potholes and exhibit other signs of deterioration. Therefore, the permit amendment makes changes to the authorized repaving work authorized under the original permit within the boat launch ramp parking lot. In addition, the permit amendment expands the project area to the adjoining parking area to the east between the boat launch ramp parking lot and the Noyo Harbor Marina to include not only the installation of the bio-retention basin as discussed above, but also repaving portions of this adjoining parking lot. The changes to the repavement activities proposed in each area of the combined parking lots are summarized below. The numbered areas are shown in Sheet SW-10 (**Exhibit 6**). The changes are summarized as follows:

- Area 1 – The revision proposes to leave the majority of the southern portion of the existing parking lot (35,818 square feet) as is without altering the existing asphalt concrete (AC) pavement. This area will not be repaved with permeable pavement as previously proposed and approved (see Purple highlighted area (Area 1), Sheet SW-1). This area drains to the proposed bio-retention area.
- Area 2 – The majority of the northern portion of the previously-approved project area (19,312 square feet) would be repaved with new AC pavement instead of new permeable

pavement as previously proposed and approved (see Blue highlighted area (Area 2), Sheet SW-1) – this area drains to the proposed bio-retention basin.

- Area 3 – An 11,230-square-foot area of existing parking lot that was outside of the previous project area and directly east of the boat launch ramp parking lot is now proposed to be repaved with new AC pavement (see Brown highlighted area (Area 3), Sheet SW-1). This area drains to the bio-retention basin.
- Area 5 – In the northwest project corner, a 5,930-square-foot area of existing AC pavement that had been previously proposed and approved to be repaved with new AC pavement is still proposed to be repaved with new AC pavement under the revised project (no change from the previously approved project in this area) (see Yellow highlighted area, Sheet SW-1). This area drains to the concrete swale that runs along the boat ramp.
- Area 6 – Another 6,095 -square-foot along the driveway leading to the launch ramp would be repaved with new permeable pavement – as previously proposed and approved (see Red highlighted area (Area 6), Sheet SW-1). This area drains to a concrete swale that runs along the boat ramp.

No other project changes are proposed by the amendment. The waterside portion of the approved project (replacement of boat launch ramp facilities) would not be affected by the proposed project revision.

C. PROJECT BACKGROUND & SETTING

The Noyo Harbor is a fishing port located in unincorporated Mendocino County adjacent to the southern end of the City of Fort Bragg near the mouth of the Noyo River (**Exhibits 1 & 2**). Noyo Harbor is one of four main harbors between San Francisco and the Oregon border, and is the only port of refuge between Bodega Bay in Sonoma County and Humboldt Bay in Humboldt County. The Noyo Harbor supports a large commercial fishing fleet as well as many sport fishermen and recreational boaters. Properties in Noyo Harbor have a zoning and land use classification of Fishing Village to ensure that the limited available space on the flats at Noyo is reserved for industries that must be on or near the water (Mendocino County General Plan Coastal Element).

The applicant, the Noyo Harbor District, is a designated port district that receives its authority from the Harbors and Navigation Code of the State of California. The Harbor District is governed by an appointed five-person Commission that is charged to organize, fund, build, administer, and maintain the Noyo Harbor and has the authority to pass and enforce ordinances to meet those ends. Tide and submerged lands within and along the Noyo River were granted to the Harbor District in 1961 by the state legislature. Infrastructure managed by the Harbor District is primarily located along the south side of the river, and includes the subject boat launch ramp as well as a second public launch ramp (owned by the State Department of Boating and Waterways), a harbor office building, parking and storage areas, park facilities, public restrooms and shower, a work hoist, an oil recycling center, and the Noyo Harbor Marina. The Noyo Harbor Marina is located upriver from the subject boat launch facility, and includes a main pier and eight docks supporting 265 berths. Further upriver is the Dolphin Isle Marina and RV Park, a private marina that provides berths for about 150 boats. The harbor also features a Coast Guard search and rescue station and numerous fishing support facilities including bait/tackle shops, boat building/repair shops, charter operations, fish buyers, and fish processing plants, fish markets, an ice plant, marine supply/repair stores, and seafood restaurants.

The area around the Noyo River was originally inhabited by the Pomo Indians, who relied heavily on salmon, shellfish, and marine mammals for sustenance. The first sawmill on California's North Coast was built at the mouth of the Noyo River in 1852, and Fort Bragg was developed as a logging town in the late 1800s. The fishing industry grew along with the timber industry, and by the 1920s fishermen were landing millions of pounds of salmon that were processed and marketed in Fort Bragg. In 1950, the Noyo Harbor District was established, and in the 1960s, the Noyo Harbor Marina, the privately owned Dolphin Isle Marina, and the subject Noyo River Boat Launch Facility opened. Highway One historically crossed directly over the river on the river flats at the location of the subject boat ramp, until 1949 when a high-span bridge over Noyo Cove was built.

Today recreational anglers pursue an annual round of fisheries that primarily include salmon, groundfish, abalone, crab, and albacore. Commercial fisheries include the groundfish trawl, urchin dive, Chinook salmon troll, Dungeness crab pot, and sablefish and rockfish/lingcod hook-and-line and trap fisheries. Although fishing remains an important part of the local economy and identity, commercial and recreation fishing has experienced a decline over the past 30 years due in part to declining fish populations.

The Noyo Harbor receives tidal influence and functions as a fully saltwater section of the Noyo River estuary during the low flow summer season. The Noyo River estuary supports important commercial and recreational fisheries and is designated critical habitat for Chinook salmon (*Onchorynchus tshawytscha)*, Coho salmon (*Onchorynchus kisutch),* steelhead *(Oncorhynchus mykiss),* and green sturgeon (*Acipenser medirostris*). The Noyo River estuary also contains native eelgrass (*Zostera marina*).

D. STANDARD OF REVIEW

The project area is bisected by the boundary between the retained coastal development permit (CDP) jurisdiction of the Commission and the CDP jurisdiction delegated to Mendocino County by the Commission through the County's certified Local Coastal Program. Section 30601.3 of the Coastal Act authorizes the Commission to process a consolidated CDP application when requested by the local government and the applicant and approved by the Executive Director for projects that would otherwise require coastal development permits from both the Commission and from a local government with a certified LCP. In this case, the applicant requested a consolidated permit process, and the Mendocino Board of Supervisors adopted a resolution (Resolution No. 16-086) on July 21, 2016 consenting to the request. The Executive Director also agreed to the consolidated permit processing request.

The policies of Chapter 3 of the Coastal Act provide the legal standard of review for a consolidated coastal development permit application submitted pursuant to Section 30601.3. The local government's certified LCP may be used as guidance.

E. OTHER AGENCY APPROVALS

North Coast Regional Water Quality Control Board

The North Coast Regional Water Quality Control Board (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 September 15, 2016, the Regional Board issued a WQC for the original project. The Regional Board staff has determined that an amendment of the WQC is not required for the changes to the project authorized by this CDP amendment.

F. MAINTENANCE OF BIOLOGICAL PRODUCTIVITY & WATER QUALITY

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.*

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

The development, as amended, involves construction adjacent to the Noyo River estuary that could result in sediments, debris, or hazardous materials entering coastal waters and impacting sensitive fish species, marine mammals, and their habitat, including the water quality of the estuary. As approved and conditioned under the original permit, the Harbor District will employ a suite of best management practices (BMPs) and avoidance and minimization measures to minimize temporary impacts from construction, as described in the project document "Noyo Harbor District Boat Launch Ramp and Parking Facilities Project Description," prepared by SHN and dated February 11, 2016 and discussed in the original permit findings (See **Exhibit 11**).

To avoid the wet season and Coho salmon, steelhead, and Chinook salmon which spawn in the Noyo River watershed, the Harbor District will limit construction work to the period of July 15th to October 15th before the majority of the upstream adult spawning migrations and after the downstream migration of smolts has occurred. In addition, to minimize the generation of suspended sediment during construction, the Harbor District will perform all construction activities occurring below high water mark during low tides only, and to install a full-depth turbidity screen around the waterside edge of construction. To prevent sediments, debris, and

hazardous materials generated from landside construction activities from entering the Noyo River estuary, the Harbor District also will install, prior to construction, a sand bag berm at the top of the ramp, a silt fence between South Harbor Drive and the river, and fiber rolls between the parking lot and the river, perpendicular to the slope of the land (See **Exhibit 4**). The Harbor District also will (1) to stage construction materials in a flat, paved designated staging area at least 100 feet from Noyo River (see **Exhibit 9**); (2) contain stockpiles at all times and cover before the onset of precipitation; and (3) dispose of all construction debris at an authorized upland disposal location within 10 days of project completion and/ or prior to the onset of the rainy season, whichever is earlier. Special Condition 2 was imposed as part of the original CDP authorization to ensure that the Harbor District implements these and other best management practices (BMPs). **Special Condition** 2 remains in full force and effect in the permit as amended, and applies both to the original and expanded project area addressed in the amendment.

The project includes the use of heavy equipment including an excavator, crane, backhoe, dump truck, and paving equipment. To ensure that adverse water quality impacts associated with hazardous material leaks and spills are minimized, the Harbor District proposed and **Special Condition 2** requires that: (1) heavy equipment shall only be operated from upland areas; (2) fuels, lubricants, and solvents shall not be allowed to enter Noyo River; (3) equipment used during construction shall be free of oil and fuel leaks at all times; (4) any fueling, equipment maintenance, concrete washout, and washing of construction equipment shall occur at least 100 feet away from the high water mark; (5) equipment used over the water will use biodiesel and vegetable based hydraulic oil; (6) hazardous materials management equipment shall be available and immediately on-hand at the project site; (7) a registered first-response, professional, hazardous materials clean-up/remediation service shall be locally available on call; (8) any accidental spill shall be rapidly contained and cleaned up; (9) BMPs for concrete paving and grinding operations and storm drain inlet protection shall be employed to prevent concrete grindings, concrete slurry, and paving rinseate from entering drop inlets or sheet-flowing into coastal waters; and (10) no concrete shall be poured below the high water mark.

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

Impacts on water quality from post-construction stormwater runoff

The amended development involves repaving a total of approximately 66,360 square feet of parking lot area and roadway in close proximity to the Noyo River estuary. The boat launch ramp parking lot also includes an additional 35,818 square feet of area where the existing pavement will remain in place and will not be resurfaced. The parking lot areas are elevated five to six feet above South Harbor Drive where South Harbor Drive curves around the western and northern sides of the parking lot, between the parking lot and the boat ramp (the boat ramp is located to the northwest of the parking lot). The entire facility is currently covered with impermeable concrete (the boat launch) and asphalt (the parking lot and road up to the launch), except for the western and northern side slopes of the parking lot which are covered in ruderal vegetation (See **Exhibit 3, pg. 3** for a picture of the existing parking lot). Impervious surfaces block the natural infiltration of rainfall into the ground, which increases the volume and rate of stormwater runoff, changes the timing and duration of runoff flows, and impedes the filtration of pollutants that naturally occurs

in soil. These changes in stormwater runoff may lead to problems in the watershed such as flooding, diminished groundwater replenishment, decreased stream base flows, higher stream temperatures, altered salinity in estuaries, and increased pollutant transport to waterways and the ocean.

To prevent stormwater runoff from the resurfaced parking lot resulting in the conveyance of sediment, debris, and pollutants into the adjacent Noyo River estuary, the Harbor District was authorized in the original permit to resurface the entire 61,980-square-foot boat launch ramp parking lot with permeable pavement. The District continues to propose to use standard pavement for the 5,950-square-foot area at the head of the boat ramp as high traffic loading and the potential for high groundwater would prevent the permeable pavement from functioning effectively in that location. In total, the Harbor District proposes to use permeable pavement for 93% of the project paving.

The permeable pavement design consists of porous asphalt atop a 12-inch subgrade layer composed of drain rock (See Plan Sheet C-7, **Exhibit 4, pg. 645**). This design allows storm water to pass through the pavement's surface and be temporarily stored in a sub-surface stone-filled reservoir, before infiltrating slowly into the underlying soil subgrade. The Harbor District designed the originally approved system to capture and retain the 85th percentile storm event for the parking lot area. The runoff captured and stored in the permeable pavement subgrade section should percolate at a sufficient rate into the underlying soils. By capturing and infiltrating runoff, the permeable pavement will prevent sediments and pollutants from the parking lot from discharging into the Noyo River.

As discussed above, the permit amendment substitutes a bio-retention basin stormwater runoff system for most of the originally approved permeable pavement stormwater runoff treatment system. The change in treatment systems is in response to concerns voiced by the California Department of Boating and Waterways (DBW) and NHD regarding the low durability and high maintenance associated with permeable pavement. Bio-retention was not considered during the original design and permitting process because area bio-retention basin system was not within the original project scope, and funding for design and construction had not been secured.

A 4,501 -square-foot bio-retention basin would be installed to capture and treat runoff from the launch ramp parking lot and an adjoining area instead of installing permeable pavement within the parking lot to allow runoff to infiltrate into the ground below the parking lot. The proposed bio-retention basin has been designed to treat runoff from the 85th percentile, 24-hour storm event for the Noyo Harbor District (NHD) Boat Launch Facility (See **Exhibit 5**). The proposed bio-retention basin would be located within an existing paved parking area that was not constructed to serve the boat launching ramp, but lies adjacent to, and immediately east of the boat launching ramp parking area. The proposed bio-retention basin site is within a paved area that has sunk as a result of settlement of the unconsolidated fill upon which it was installed, and often collects water due to inadequate drainage. The site is the natural low point for the entire parking lot and is the most logical and economical site for a bio-retention basin. The bio-retention basin will collect and capture stormwater runoff from the boat launch ramp parking lot and a portion of the adjoining paved parking area to the east, shown in **Exhibit 8** as the drainage management area, and treat the runoff through filtration through plants, gravel, soil, and rock as the collected runoff

infiltrates into the ground below. Any excess runoff that exceeds the capacity of the bio-retention basin would be drained from the site via an existing drainage pipe that would be fitted with a new drainage inlet at the level of the adjoining parking lot and
that discharges to the Noyo River.

As noted above, the bio-retention basin stormwater runoff control system is proposed in lieu of the installation and use of permeable pavement. The vast majority of the previously paved area that was approved under the original permit to be repaved with permeable pavement is now proposed to either be retained in its current paved condition or repaved with new asphalt concrete (AC) pavement. The one area where the originally approved permeable pavement will still be installed is an approximately 6,095-square-foot area located along the northern portion of the driveway leading down from the parking lot to the launch ramp. The driveway is at a lower elevation than the parking lot and the bio-retention basin, so any runoff collected from the driveway would require pumping to convey the collected runoff up to the bio-retention basin which the District has determined would be infeasible. Therefore, this section of the driveway will be repaved with permeable pavement as originally approved to ensure stormwater runoff in this area will be treated as originally planned.

Permeable pavement can become clogged over time and stop functioning properly. To ensure that permeable pavement continues to effectively infiltrate stormwater for the life of the project, the Commission attached **Special Condition 5** to the original permit requiring a final maintenance and monitoring plan for the permeable pavement that includes monthly monitoring, annual testing, and twice annual maintenance including flushing or power-washing the surface of the porous asphalt pavement. Special Condition 5 also requires that porous asphalt shall at no time be sealed, coated, or repaved with impervious materials, including top coat sealers, asphalt sealers, crack sealers, or repaving with conventional asphalt. The condition is being modified under this permit amendment to only apply to the one remaining area that will be repaved with permeable pavement, the 6.095 square foot portion of the driveway connecting the parking lot with the boat launch ramp (Area 6).

The bio-retention area is sized to treat 94,200 square feet of impermeable area, of which 30,540 square feet is part of the proposed project. The remaining capacity is designed to treat 63,660 square feet of additional existing parking lot that adjoins the boat launching ramp parking lot to the east. Therefore, the amendment will capture more runoff and prevent more pollutants from entering the waterway that the original approved permeable pavement treatment system. In addition, the bio-retention basin will be easier to maintain than the previously-approved permeable pavement system and will thus provide greater assurance that water quality will be continuously protected.

The bio-retention basin must also be maintained to ensure that it will function effectively over time and continue to filter and infiltrate storm water runoff to keep pollutants from washing into the Noyo River. The Commission attaches **Special Condition No. 11** requiring the submittal of a maintenance and monitoring plan for the bio-retention basin that includes monthly inspections to ensure that (1) the bio-retention basin is kept free of litter and weeds, (2) the bio-retention vegetation is in a healthy growing condition and replaced if necessary, and (3) that the inlet to the overflow drain is kept free of clogging materials.

The Commission finds that as amended and conditioned, the amended development will improve stormwater detention and infiltration at the Noyo River Boat Launch facility, reducing the amount of stormwater pollutants entering the Noyo River estuary. The Commission thus finds that the amended development, as conditioned, provides feasible mitigation measures to minimize potential adverse environmental impacts on water quality from stormwater runoff. As discussed in the above findings, the Commission finds that the development, as conditioned, will maintain and enhance the biological productivity and functional capacity of the habitat, maintain and restore optimum populations of marine organisms, and protect human health consistent with Sections 30230 and 30231.

G. PUBLIC ACCESS & RECREATIONAL BOATING

Coastal Act Section 30210 states:

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Coastal Act Section 30211 states:

> *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Coastal Act Section 30212(a) states, in part:

> *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected.*

Section 30213 of the Coastal Act states, in part:

> *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Section 30220 of the Coastal Act states:

> *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Coastal Act Section 30224 states:

> *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.*

Coastal Act Section 30234 states:

> *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

The project as originally approved upgrades a low cost recreational amenity that provides access to the Noyo River estuary for recreational boaters and the public at large. The project replaces an existing, deteriorated public boat launch facility with a new ADA-compliant facility that meets Department of Boating and Waterways guidelines for small craft boat launching facilities. The 49-year-old existing facility, comprised of a parking lot and boat launch ramp, is open to the public free of charge and is used primarily to launch recreational sport fishing vessels with occasional use by commercial fishermen. Currently, use of the facility is diminished due to its deteriorated condition. The project will replace the existing boat launch ramp with a longer ramp that will allow boats to launch during lower tides. The repaving of the parking lot will also address severe potholing and the parking lot will be striped to designate parking spaces providing for more efficient use. In addition, a restroom will be installed in the parking lot and an ADA-compliant path will be constructed leading from the parking lot to the waterfront. These improvements will make the boat launch facility more accessible and safe for a wider array of users, improving public access to the Noyo Harbor and encouraging increased recreational boating use.

The project as amended will continue to provide the same public access benefits of the originally approved project. The approved improvements to the boat launch facility are not changing except to substitute the installation and use of a bio-retention basin stormwater runoff treatment system for the originally approved use of permeable pavement to reduce the conveyance of contaminants to the river by enabling runoff to infiltrate directly into the ground. The bio-retention basin approved as part of the permit amendment will displace a 4,501-square-foot area of paving that is part of a larger paved parking area immediately east of the boat launch parking lot. As discussed above, the affected area is outside of the original project boundary and is within a large parking area used to serve visitors to the harbor.

The placement and construction of the bio-retention basin will permanently change an area of the parking lot that was used in the past for parking. However, the site is within an area of the parking lot that has sunk as a result of settlement of the unconsolidated fill it was built upon, and often collects water (see **Exhibit 3, pg. 3**) due to improper drainage. Thus this portion of the parking lot is not readily available for parking. In addition, the site only displaces a 4,501-square-

foot area of a continuous parking area with abundant parking extending from South Harbor Drive several hundred feet to the Noyo Harbor District's marina totaling several acres in size. Therefore the loss of an approximately 0.10-acre area of pavement for the bio-retention basin will not significantly affect the availability of public access parking.

As discussed in the findings for the original permit approval (See **pages 30-31 of Exhibit 11**) the boat launch and parking facility will be closed during construction for approximately three months. According to the Harbor District, construction of the boat launch improvements, the in-water portion of the project, will take approximately 30 days and will occur between July 15th and October 15th to avoid the peak salmonid migration window. The Harbor District also proposes to begin the landside work (i.e., the parking lot, bathroom, and ADA pathway construction) at the same time. A 60-day construction window is anticipated for landside work, resulting in the completion of the entire project before the onset of the rainy season. The project amendment will not alter this schedule. The bio-retention basin and revised pavement work are all anticipated to be completed within the originally proposed three month construction period when the boat launch facility would be closed.

Although the proposed summer construction window is a time of high use for the facility, the impact is short-term and temporary, and the project will maintain and restore a recreational boating facility and improve public access to the Noyo River over the long-term. Furthermore, the Harbor District manages a second public launch facility upstream of the project site, just past the Noyo Harbor marina (See **Exhibit 2**). This second boat launch ramp and parking lot can be accessed by traveling one half mile northeast on Basin Street from the subject boat launch facility. During the construction period, signage will be posted at the entrance of the parking lot to notify boaters of the temporary shut-down of the ramp and provide directions to the alternative facility upstream. As the closure of the dock will be for a relatively short duration and alternative public access and recreational boating facilities exist nearby, the Commission finds that the temporary adverse impacts of construction on public access and recreational boating are not significant.

The Commission thus finds that the amended development, as conditioned, is consistent with Coastal Act Policies 30210, 30211, 30212, 30213, 30220, 30224, and 30234.

H. VISUAL RESOURCES

Section 30251 of the Coastal Act states in applicable part:

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality of visually degraded areas.*

The changes to the project authorized by the permit amendment will not adversely affect visual resources and the project as amended will continue to be consistent with Section 30251. The change in some instances from permeable to non-permeable pavement will not affect views and

will not be particularly noticeable. Although additional area will be repaved adjacent and to the east of the boat launch parking lot, the additional area or repaving will simply replace an existing paved area and the project will remain visually compatible with the relatively open, industrial, fishing and boating-oriented character of the surrounding area. The bio-retention basin has been sited within an existing depression which will minimize its impact on the visual setting. The vegetation and other features of the bio-retention basin will be low enough that the facility will not impair views of the Noyo River from any location. Furthermore, the addition of a landscaped bio-retention basin in a portion of the previously-paved parking lot will enhance the appearance of the parking lot by breaking up expanses of pavement with natural vegetation that is compatible with the heavily vegetated slopes of the canyon that contain the Noyo River and are a significant contributor to the visual character of the area. The project will not result in the alteration of natural landforms, as the existing parking lot will not be significantly regraded and as the bio-retention basin will be sited within the depression in the parking lot, returning the apparent ground elevation of the depression area to its original elevation when the parking lot was first constructed in the 1960s.

The Commission therefore finds that the amended project, as conditioned, will be consistent with Section 30251 of the Coastal Act as the project will not adversely affect views to or along the coast, result in major landform alteration, or be incompatible with the character of the surrounding area.

I. ARCHAEOLOGICAL RESOURCES

Section 30244 of the Coastal Act states:

> *Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

The project area lies within the traditional territory of the Northern Pomo, a Hokan speaking indigenous tribal group. There are currently a number of federally recognized Pomo communities in Northern California where members of the Pomo Tribe reside; the closest federally-recognized Native American community to the project area is the Sherwood Valley Rancheria, approximately 25 miles east of the project area. On September 30, 2016, the North Coast District Office of the Coastal Commission received a letter from the Sherwood Valley Band of Pomo Indians requesting that the Phase I & II archaeological investigations be conducted for the originally approved project. As a result, the Harbor District hired Roscoe and Associates to conduct a cultural resource investigation.

In the winter of 2016, Roscoe and Associates reviewed regional archaeological and ethno-geographic literature and historical maps, performed a record search at the California Historical Resources Information System's Northwest Information Center, corresponded with local Native American tribal representatives[2], and conducted a field survey which included both a pedestrian surface survey of the entire project area and subsurface excavations at five locations in the project

[2] In addition to the correspondence with representatives from Sherwood Valley Band of Pomo Indians, representatives of three other local tribal groups were contacted in a written letter but none responded.

footprint to inspect for buried archaeological deposits. The consultant's research did not reveal any previously documented resources in the project area and no archaeological materials were observed during the site investigation. The excavations revealed that the site has been highly disturbed and covered in varying levels of fill. A representative of the Sherwood Valley Band of Pomo Indians participated in the subsurface investigation effort at the project site, and, according to the report prepared by Roscoe and Associates, stated that it is unlikely that Native American archaeological materials will be discovered during project implementation. He did however request that the tribal historic preservation officer (THPO) of the Sherwood Valley Band of Pomo Indians be notified when construction begins so that she may have the opportunity to inspect the area during construction.

Although the archaeological investigation report indicated that it is unlikely that archaeological resources would be discovered, the report offered recommendations for avoiding or reducing impacts to archaeological resources to less than significant levels in the event that archaeological resources are unearthed during project construction. The report recommended that in such an event, work shall be stopped within 66 feet of the discovery and not resumed until a professional archaeologist has evaluated the material and offered recommendations for further action. In addition, Commission staff received correspondence from the THPO of the Sherwood Valley Band of Pomo Indians requesting that the THPO be notified when construction begins so that she may have the opportunity to inspect the area during construction.

In accordance with the recommendations of the archaeological investigation report and the request of the Sherwood Valley Band of Pomo Indians, to ensure protection of any archaeological resources that may be discovered at the site during construction of the proposed project, the Commission attached **Special Condition 10** to the original permit. This special condition requires that the tribe's THPO be notified at least two weeks prior to any ground disturbing activities, and that a cultural resources monitor approved by the tribe be present to oversee all ground disturbing activities authorized by CDP 1-16-0278 unless evidence has been submitted for the review and approval of the Executive Director that the THPO has agreed that a cultural resources monitor need not be present. Also, Special Condition 10 requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease and a qualified cultural resource specialist, in conjunction with the Sherwood Valley Band of Pomo Indians THPO, must analyze the significance of the find. To recommence construction following discovery of cultural deposits, the permittee is required to submit a supplementary archaeological plan for the review and approval of the Executive Director, who determines whether the changes are de minimis in nature and scope, or whether an amendment to this permit is required.

The THPO has been consulted regarding the changes to the project proposed under the project amendment, including the expansion of repaving activities to the parking area adjoining to the east of the boat launch parking lot and the installation of the bio-retention basin within this adjoining parking area. The THPO has not recommended that any additional subsurface investigation be performed

The Commission modifies Special Condition 10 to extend the monitoring provisions of the condition to the expanded project area east of the boat launch ramp parking lot where the additional repaving and bio-retention excavation work will occur. This modification will ensure

that if any archaeological resources are uncovered during ground disturbance activities in the expanded project area, the resources will be recognized and reasonable protection measures will be assessed and incorporated into the project.

Therefore, the Commission finds that the proposed project, as amended and conditioned, includes reasonable mitigation measures consistent with the requirements of Coastal Act section 30244.

J. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The North Coast Regional Water Quality Control Board and the Noyo Harbor District found the originally approved project to be categorically exempt from CEQA pursuant to Section 15301(c)(d) of the CEQA Guidelines (Existing Facilities). The District has found the project as amended to continue to be categorically exempt under the same section of the CEQA Guidelines.

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. The findings address and respond to all public comments regarding potential significant adverse environmental effects of the project on coastal resources that were received prior to preparation of the staff report. 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 amended 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. 1-16-0278 and 1-16-0278-A1

Mendocino County certified Local Coastal Program.