

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 EIGHTH STREET, SUITE 130  
ARCATA, CALIFORNIA 95521-5967  
(707) 826-8950 FAX (707) 826-8960  
WWW.COASTAL.CA.GOV



# Th5

**Prepared February 28, 2019 (for the March 07, 2019 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Alison Dettmer, North Coast District Deputy Director  
**Subject:** **North Coast District Deputy Director's Report for March 2019**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the North Coast District Office are being reported to the Commission on March 07, 2019. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's North Coast District Office in Arcata. Staff is asking for the Commission's concurrence on the items in the North Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on March 7th.

With respect to the March 7th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on March 07, 2019 (see attached)**

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**Emergency Permits**

- G-1-19-0007, County Of Del Norte –Breach The Sandbar Between The Lakes Earl/ Lake Tolowa Lagoon Complex And The Pacific Ocean

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**EMERGENCY PERMIT**

Issue Date: February 6, 2019  
Emergency Permit No. G-1-19-0007

**APPLICANTS:** The County of Del Norte and California Department of Fish and Wildlife

**LOCATION OF EMERGENCY:**

Sandbar between the Pacific Ocean and the Lake Earl/ Lake Tolowa lagoon complex (APN: 106-010-34)

**EMERGENCY WORK:**

Mechanically breach the sandbar between the Lake Earl/ Lake Tolowa lagoon complex and the Pacific Ocean.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of winter storms has resulted in rising lagoon levels that pose a flooding threat that requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency work is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,

John Ainsworth  
Executive Director

A handwritten signature in black ink, appearing to read "Robert D. Merrill".

By: Robert Merrill, North Coast District Manager

Enclosures: 1) Acceptance Form;

**CONDITIONS OF APPROVAL:**

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. All work shall take place in a time and manner to minimize any potential damages to any resources, and to minimize impacts to public access. The emergency breaching shall be performed in the specific location and manner described in the emergency permit application, including, but not limited to, proposed protocols for flushing Western snowy plovers, brown pelican, and other birds from the breach site; and for surveying disconnected ponds of water remaining below the maximum elevation of the lagoon after the breach for tidewater gobies and anadromous salmonids and returning stranded fish to the main basin of the lagoon.
4. The sandbar shall be breached in the middle of the open sandy area and midway between the existing vegetated areas on either side of the breaching site.
5. The permittee shall monitor and document the following every month after the sand bar is breached until such time that the lagoon mouth closes again:
  - a. lagoon elevation;
  - b. location of the lagoon mouth relative to the breach location to determine if the mouth is migrating; and
  - c. depth of mouth of lagoon relative to the surrounding sand bar to determine how quickly the mouth is closing.

Documentation shall include at a minimum: (a) photographs of the breach site and current lagoon mouth at established photo points, (b) recordation of the lagoon level, (c) recordation of the time and date of the each data collection event, (d) an estimate of the location of the lagoon mouth relative to the breach location, and (d) an estimate of the depth of the mouth of lagoon relative to the surrounding sand bar. Monitoring results shall be submitted to the Executive Director each month after each data collection event with the documentation required above. The work authorized by this permit must be completed within 30 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.

6. The applicant recognizes that the emergency work is considered temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the

work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as offers to dedicate, easements, in-lieu fees, etc.) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

7. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
8. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.

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## EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSISON  
North Coast District Office  
1385 Eighth Street, Suite 130  
Arcata, California 95521-5967

# RECEIVED

FEB 12 2019

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

RE: Emergency Permit No. G-1-19-0007

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the North Coast District Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them. Failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Development Permit is necessary for any permanent installation.

Heidi Kunstal  
Signature of Property Owner or  
 Authorized Representative

HEIDI KUNSTAL  
Print Name

De Norte County  
Address: Community Development Dept  
981 H. St., Ste 110  
Crescent City, CA 95531

2-7-2019  
Date of Signing