

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 EIGHTH STREET, SUITE 130  
ARCATA, CALIFORNIA 95521-5967  
(707) 826-8950 FAX (707) 826-8960  
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# W8

**Prepared April 5, 2019 (for the April 10, 2019 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Alison Dettmer, North Coast District Deputy Director  
**Subject:** **North Coast District Deputy Director's Report for April 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 April 10, 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 April 10th.

With respect to the April 10th 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 April 10, 2019 (see attached)**

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**Waivers**

- 1-18-1158-W, Caltrans - Dr. Fine Bridge Geotech Drilling Project (In The Vicinity Of The Highway 101, Dr. Fine Bridge, Smith River, Del Norte County)
- 1-19-0259-W, ADE Crescent City LLC – Rooftop Solar Panel Project (On Nine Buildings Within Crescent City Harbor, Along Starfish Way, Marine Way, and Citizen's Dock Rock, Crescent City, Del Norte County)

**Immaterial Amendments**

- 1-15-2054-A2, City of Eureka - Boat Ramp Interpretive Features (Along The Western Bank Of Eureka Slough, Just North Of The US 101 Eureka Slough Bridge, In Eureka, Humboldt County)

**Emergency Permits**

- G-1-19-0014, Caltrans - Eureka Slough Tide Gate Emergency Repair (Off Airport Road Where The 101 Drainage Outlets To Eureka Slough (Behind The Farm Store On Jacobs Avenue - Near Highway 101, Eureka, Humboldt County)

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March 29, 2019

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 1-18-1158-W

**Applicant:** California Department of Transportation (Caltrans), District 1, Attn.: Rachele Hadley

**Location:** Within the Caltrans right-of-way in the vicinity of Smith River Bridge (also known as the Dr. Fine Bridge), Highway 101, and one location at 3180 S Fred D Haight Drive, Smith River (APN: 105-020-87), Del Norte County.

**Proposed Development:** Perform geotechnical investigations to further the engineering design of the future replacement of the Highway 101 Smith River Bridge (Dr. Fine Bridge), using Standard Penetration Test (SPT) and mud-rotary boring explorations with an outside diameter of 5.5 inches. Geotechnical investigations will occur at eight locations, including: one boring in the southwest quadrant of the Calvary Chapel of the Redwood's property (drilling location 1), two drilling locations on the west shoulder along Highway 101 (drilling locations 2 and 3), one location within the unpaved dirt road underneath the bridge (drilling location 4), one location west of the edge of the traveled way along South Bank Road (drilling location 5), and three locations within the Highway 101 shoulder south of the bridge (drilling locations 6, 7, and 8). Upon completion of drilling, piezometers will be installed in each borehole to obtain groundwater information.

**Procedural Note:** Because this project is bisected by the Commission's retained jurisdiction and the Del Norte County's LCP jurisdiction boundary, the Applicant, the County, and the Executive Director have agreed to process and act upon a consolidated CDP application pursuant to Coastal Act Section 30601.3(a)(2).

**Rationale:** The geologic investigations are necessary to gather additional subsurface data needed to inform the proposed bridge replacement design along a new alignment alternative. The project is designed to avoid impacts to biological resources and water quality. The project involves no vegetation removal, and most drilling will occur in ruderal upland vegetation within existing unpaved shoulders (drilling locations 2, 3, 5, 6, 7, and 8) and an unpaved dirt road (accessed from the paved South Bank Road) underneath the bridge (drilling location 4). Drilling location 1 involves

**Coastal Development Permit De Minimis Waiver**

1-18-1158-W

drilling a borehole up to 5.5 inches in diameter within a grassy field that is mowed and used by Calvary Chapel of the Redwoods for recreational and sporting events. The boring location will be accessed using an existing informal access road, and the geotechnical boring will result in 0.000004 acre of temporary impact to palustrine emergent wetland during drilling operations. Work at drilling location 1 will be limited to the dry season (after May 15 and before October 15). The drilling operations pose no potential risks to water quality. The drilling fluid will be fully contained and recirculated, and continually monitored for leaks. BMPs for runoff control and spill control and containment will be implemented. Excess spoils and mud from the mud-rotary explorations will be contained within 55-gallon steel drums that will be disposed of at an appropriate landfill disposal site. Mud-rotary borings will be backfilled in accordance with California Water Code requirements. Noise levels will not be significant, as sound levels 50 feet away are expected to be between 69 and 73 dB for both SPT explorations and drilling operations, and will be short-term. Except for drilling location 1, the drill rig, water tender and trailer will be transported off the drilling site and will be stored at Caltrans' maintenance yard at the end of each day. At drilling location 1, the drill rig and some of the small support equipment such as the mud tank and trailer may remain on site until the borings are completed; approximately ten feet of casing will remain in the borehole above the ground surface and be capped and secured to the drill rig at the end of each day. None of the drilling operations require a lane closure, and only temporary closures of shoulders are needed at drilling locations 2, 3, 6, 7, and 8. The proposed drilling operations will be temporary and occur over a short duration (approximately 4 weeks). During operations at drilling location 4, public access to the river from an area underneath the bridge off of South Bank Road will be temporarily (up to one week) blocked and redirected using posted notices to other river access points located nearby. To make the drilling operation more efficient and reduce the duration, work may occur during daylight hours from Monday through Sunday for up to ten continuous days at a time.

Therefore, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities and is consistent with past Commission actions in the area and all applicable Chapter Three policies of the Coastal Act.

**This waiver will not become effective until reported to the Commission at its April 10, 2019 meeting in Salinas and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations.** The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Executive Director



Tamara Gedik  
Coastal Program Analyst

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April 5, 2019

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 1-19-0259-W

**Applicant:** American Diversified Energy (ADE) Crescent City LLC

**Location:** Within Crescent City Harbor near Highway 101, on nine existing buildings at various locations along Starfish Way, Marine Way, and Citizen's Dock Road, Crescent City (APN: 117-020-16).

**Proposed Development:** Installation of 1,007 rooftop solar photovoltaic panels rated for 377.625kW on nine existing buildings. The solar panels will be mounted onto racks that are in turn mounted to the rooftops, covering a total area of approximately 20,976 square feet. No grading or vegetation removal is proposed.

**Rationale:** The proposed development is minor in nature and located entirely within a fully developed portion of Crescent City Harbor. The rooftop solar arrays are not expected to be visible from Highway 101. The overall height above each roof is about nine inches, depending on the roof type (corrugated vs. flat roof). Tilt of the arrays will match the grade of the existing roof angle (panels are to be mounted flat on the roof and not angled with respect to the roof). Weatherproof electrical connections will be run through conduits along the arrays and out of sight from ground level. Conduits will run down one side of each building in the most inconspicuous area while still yielding an efficient design to inverters that will convert the solar DC power to AC power, and allow energy produced to feed into the existing utility electrical grid. From inverters typically located in a central area within an existing paved parking area, conduit will run underground to the nearest utility trenches. No grading other than trenching will be required, and no vegetation will be removed or disturbed from trenching or installing any solar equipment. All trenching occurs on either asphalt or dirt areas. All the excavated trenches will be backfilled and the surface returned to its previous state and appearance once conduit is laid. Additionally, Best Management Practices will be implemented throughout construction, including placement of sandbags and filter waddles around trenched areas during installation of utilities, and disposal of any excess spoils from trenching at an authorized

**Coastal Development Permit De Minimis Waiver**

1-19-0259-W

facility. As proposed, this project will not result in any significant adverse impacts to sensitive habitat, water quality, visual resources, or public access. Therefore, the proposed development is consistent with all applicable Chapter Three policies of the Coastal Act.

**This waiver will not become effective until reported to the Commission at its April 10, 2019 meeting in Salinas and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations.** The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Executive Director



Tamara Gedik  
Coastal Program Analyst

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## NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **1-15-2054-A2**

March 26, 2019

**To:** All Interested Parties

**From:** John Ainsworth, Executive Director

**Subject:** Permit Amendment No. **1-15-2054-A2** requested by the **City of Eureka**, amending the original permit for construction of 3.75 miles of Class 1 multi-use trail as part of the California Coastal Trail including a boardwalk, seven bridges, interpretive signs, playgrounds, outdoor workout equipment, landscaping, street crossings, fencing, and drainage improvements; and mitigation for wetland fill impacts at a 4:1 ratio by reestablishing 1.28-acres of tidal salt marsh habitat.

**Project Site:** The public boat ramp and adjacent segment of the California Coastal Trail (known locally as the Eureka Waterfront Trail) along the western bank of Eureka Slough, just north of the US 101 Eureka Slough Bridge, in Eureka, Humboldt County (APN 002-201-08)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Add sea-level-rise-related interpretive features including (1) a ceramic tile mural mounted to the existing boat ramp railing; (2) a pole/tide gauge displaying tidal heights attached to the existing cement wall at the base of the boat ramp; and (3) a mural painted along the adjacent trail displaying future tidal inundation levels at the site.

### FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing. This amendment has been considered "immaterial" for the following reason(s):

## **Notice of Proposed Immaterial Permit Amendment**

1-15-2054-A2

The proposed project will add a recreational amenity to the California Coastal Trail (CCT). The interpretive features are funded by the Coastal Commission's Whale Tail Grant Program. Project construction will not require any temporary closure of the trail or adjacent public boat ramp. All proposed additions will be confined to the existing development footprint of the boat ramp and adjacent trail segment, and no ground disturbance will be necessary as the sign panel will be mounted with brackets to an existing railing and the pole/tide gauge will be anchored to an existing cement structure. As the proposed improvements will either be attached to existing structures or painted on the ground, no additional views of the bay will be blocked from the adjacent CCT. To minimize temporary construction impacts to the biological productivity and quality of nearby coastal waters, all work will be performed by hand and will avoid contact with adjacent tidal waters.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

If you have any questions about the proposal or wish to register an objection, please contact Cristin Kenyon at the phone number provided above.

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MAR 27 2019

CALIFORNIA  
 COASTAL COMMISSION  
 NORTH COAST DISTRICT

**EMERGENCY PERMIT**

Issue Date: March 22, 2019  
 Emergency Permit No. G-1-19-0014

**APPLICANT:**

Caltrans, District 1  
 Attn: Tom Fitzgerald  
 1656 Union Street  
 Eureka, CA 95501

**LOCATION OF EMERGENCY:**

Off Airport Road where the Highway 101 drainage outlets to Eureka Slough (behind the Farm Store on Jacobs Avenue – near Highway 101, Post Mile (PM) 80.8).

**WORK PROPOSED:**

Remove and replace a failing dual tide gate system with a fish-friendly tide gate system. Work is <sup>5 to 8</sup> ~~1 to 2~~ days expected to begin during the low flow period of the outgoing tide and is expected to take <sup>8</sup> ~~1 to 2~~ days to complete. The approximately 52-foot-long by 5-foot-wide work area will be isolated from the slough channel with a temporary diversion dam that consists of a steel/wood baffle inserted into the slats that hold the existing debris racks (chain link barrier) at the upstream side of the inlet headwall. The work area will be dewatered using pumps fitted with screens to avoid uptake of aquatic life. All work will take place within the footprint of the existing structure. No excavation will occur, and no new concrete will be added to the structure. The new tide gate has been designed to optimize fish passage and ensure proper muted tidal flow to maintain fish habitat with appropriate salinity levels. Fisheries biologists from the California Department of Fish and Wildlife will be onsite during construction in the unlikely event that listed fish species require removal from the work area prior to construction. Work is being coordinated with NOAA-Fisheries and the US Fish & Wildlife Service, which have reviewed the proposed tide gate design and emergency work schedule and have concluded that the emergency project is unlikely to result in "take" of any federally listed fish species.

**PERMIT RATIONALE:**

This letter constitutes approval of the emergency work you have requested to be done at the location listed above. Temporary repairs were done under and Emergency Waiver (G-1-19-0001-W) reported to the Commission on February 8, 2019. I understand from your information that installation of the fabricated fish-friendly tide gate(s) is necessary to begin on March 25th to avoid failure of the existing, non-functional tide gate. Since initial damage occurred to the tide gate structure during storm events and extreme high tides in December of 2018, Caltrans has been regularly monitoring the failing structure, which has required repeated temporary repairs over the past three months. Based on the condition of the cracked tide gate, the number of repeated repairs that have been required, the continued risk of flooding from the sloughs to the state and local transportation infrastructure and Jacobs Avenue businesses, and the high potential for failure of the tide gate

March 22, 2019

Emergency Permit No.: G-1-19-0014

system within the current rainy season, there is an imminent flood threat that requires immediate corrective action.

Pursuant to Title 14 of the California code of Regulations, Section 13009, the Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of this permit; and
- (b) Public comment on the proposed emergency action has been reviewed as time allows; and
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

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

Sincerely,

John Ainsworth  
Executive Director



Clancy DeSmet, Coastal Program Analyst

cc: City of Eureka Community Development Department  
CDF&W  
North Coast RWQCB, Santa Rosa  
U.S. Army Corps of Engineers, Eureka  
State Lands Commission

Enclosures: 1) Acceptance Form;  
2) Regular Permit Application 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 tide gate repair work requires separate authorization.
3. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access.
4. The work authorized by this permit must be completed within 15 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
5. 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.
6. 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.
7. 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. Army Corps of Engineers, Humboldt Bay Harbor, Recreation, and Conservation District, and the California State Lands Commission.
8. Fuels, lubricants, and solvents shall not be allowed to enter the coastal waters or wetlands. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and 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 up.
9. The permittee shall use relevant best management practices (BMPs) during construction as detailed in the California Storm Water Best Management Handbooks accessible at [http://www.ca\\_bmphandbooks.com](http://www.ca_bmphandbooks.com).
10. Effective runoff and erosion control measures shall be *in place at all times during* construction. Upon completion of construction activities, all bare soil areas shall be seeded with native species and/or with non-persistent nonnative species only

11. All debris shall be recycled or disposed of lawfully at licensed disposal facilities.
12. A follow-up CDP application to authorize the new dual tide-gate system replaced under the emergency permit on a permanent basis must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. **A complete follow-up CDP application shall be submitted within 90 days of issuance of this Emergency Permit.**

Failure to a) submit a complete follow-up CDP Application that complies with Condition 12 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit<sup>1</sup>, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP<sup>2</sup> will constitute a knowing and intentional violation of the Coastal Act<sup>3</sup> and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

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<sup>1</sup> In some instances, a permit may also be required for removal.

<sup>2</sup> As noted above, in some instances, a permit may also be required for removal.

<sup>3</sup> The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

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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

RE: Emergency Permit No. G-1-19-0014

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.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Development Permit is necessary for any permanent installation. I agree to complete the regular Coastal Development Permit application within 90 days of the date of the emergency permit or I will remove the emergency work in its entirety within 90 days of the date of the emergency permit (i.e., by June 20, 2019). Finally, I understand that my failure either to:

- a) submit a complete follow-up Coastal Development Permit (CDP) Application that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations by the date specified in this Emergency Permit, which date may be extended by the Executive Director for good cause, or
- b) Remove the emergency development and restore all affected areas to their prior condition after consultation with Coastal Commission staff as you identified consistent with the Coastal Act, will constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Commission or the Executive Director.

In some instances, a permit may be required for removal (if required by this Emergency Permit) by the date specified in this Emergency Permit. This formal action could include a recordation of a Notice of Violation on my property; the issuance of a Cease and Desist Order and/or Restoration Order; imposition of administrative penalties for violations involving public access, and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

Sherry Constanis  
 Signature of Property Owner or  
 Authorized Representative

Sherry Constanis  
 Print Name

Address: 1656 UNION STREET  
EUREKA, CA 95501

3/26/2019  
 Date of Signing