

**CALIFORNIA COASTAL COMMISSION**

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



# W9

**Prepared January 7, 2021 (for January 13, 2021 Hearing)**

**To:** Coastal Commissioners and Interested Persons  
**From:** Alison Dettmer, North Coast District Director  
**Subject:** **North Coast District Director's Report for January 2021**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, and emergency CDPs for the North Coast District Office are being reported to the Commission on January 13, 2021. 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 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 January 13<sup>th</sup>.

**As a result of the COVID-19 emergency and the Governor's Executive Orders [N-29-20](#) and [N-33-20](#), this Coastal Commission meeting will occur virtually through video and teleconference.** Please see the **Coastal Commission's Virtual Hearing Procedures** posted on the Coastal Commission's webpage at [www.coastal.ca.gov](http://www.coastal.ca.gov) for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

With respect to the January 13<sup>th</sup> hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the 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).

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**Items being reported on January 13, 2021 (see attached)**

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**CDP Immaterial Amendments**

- 1-07-013-A4, Caltrans, Expand paving of traffic island at the intersection of Highway 101 and 200 just north of the Highway 101 bridges over the Mad River, Humboldt Co.

**Emergency Permit Waivers**

- G-1-20-0008-W, Caltrans, Emergency placement of temporary culverts, southbound U.S. Highway 101 near the Jacoby Creek Bridge, Arcata, Humboldt Co.

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# NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** December 29, 2020  
**To:** All Interested Parties  
**From:** Bob Merrill, North Coast District Manager  
Amber Leavitt, Transportation Program Analyst  
**Subject:** **Amendment to Coastal Development Permit (CDP) 1-07-013**  
Applicant: California Department of Transportation (Caltrans)

**Location:** Within the State Highway Right of Way, immediately north of the Highway 101 bridges over the Mad River (from Post Mile 89.9 to 89.9), at the intersection of a Highway 101 northbound off-ramp (Exit 718), Highway 200, and Central Avenue, within the McKinleyville area in unincorporated Humboldt County.

## Original CDP Approval

CDP 1-07-013 was originally approved by the Coastal Commission on January 11, 2008 for the construction of two new cast-in-place concrete box girder bridges over the Mad River; reconfiguration of on and off-ramps and the Central Avenue/Highway 200 intersection; and demolition of the existing bridges. The original CDP has previously been amended three times. The first amendment authorized relocation of a gas pipeline to accommodate bridge reconstruction; the second amendment authorized retention of portions of the former bridges' piers in the river; and the third amendment approved final compensatory mitigation plans to satisfy special conditions of the original permit.

## Proposed CDP Amendment

(1) Clean and seal 1,850 square feet of existing stamped concrete, and place 5,000 square feet of additional minor concrete within the traffic island to control vegetation and improve sight distance for motorists; and (2) modify Special Condition 16 of the original permit to clarify that an archaeological monitor is not required for the work permitted under this amendment.

## Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The proposed work is on a relatively flat to moderately sloping (0-15% grade) traffic island vegetated with herbaceous ruderal grasses that is currently managed by regular mowing. The purpose of the proposed work is to improve traffic safety by replacing vegetation with minor concrete where necessary to increase the visibility of the raised traffic island to motorists. The additional concrete will not cause adverse visual impacts

as the proposed paving will be colored and stamped to match the existing paving at the site, and most of the traffic island will remain unpaved and vegetated. The proposed project will also not impair water quality as the additional concrete will be placed adjacent to an existing bioswale with adequate capacity to accommodate the increased runoff from the additional impervious surface, and Best Management Practices (BMPs) will be used to minimize erosion and sedimentation during project construction, consistent with the special conditions of the permit. The proposed work will require temporary closure of the northbound Highway 101 offramp (Exit 718) over approximately three days, but will minimize disruptions to public access by including night work, avoiding peak hours, and using portable changeable message signs placed in advance to notify the public of the closure.

The original permit includes a special condition (Special Condition 16) that requires archeological monitoring during excavation activities and dictates protocols for the inadvertent discovery of archaeological resources. However, given that ground disturbance will not exceed a depth of one and a half feet, and the site is previously disturbed, Caltrans staff is requesting that this condition be revised to not require a monitor for the work proposed under this amendment. The Blue Lake Rancheria, Wiyot Tribe, and Bear River Band of the Rohnerville Rancheria tribal historic preservation officers were contacted by Commission staff regarding the proposed work and modified special condition, and one response was received indicating agreement. Therefore, Special Condition 16 is modified as shown in Attachment A to exempt only the work proposed under this amendment from archeological monitoring; the existing protocols for inadvertent discovery of archaeological resources will continue to apply. The amended development, as conditioned, will continue to provide reasonable mitigation measures consistent with Coastal Act Section 30244.

As the amended development does not have a potential for adverse impacts, either individually or cumulatively on coastal resources or public access, the Executive Director has determined that the proposed amendment is immaterial.

#### **Coastal Commission Review Procedure**

The CDP may be amended as proposed if no written objections are received in the North Coast District office within ten working days of the date of this notice. In addition to the regular means required by the regulations or statute, please make sure that you also send a copy of all correspondence or other documents electronically to [NorthCoast@coastal.ca.gov](mailto:NorthCoast@coastal.ca.gov). If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on January 13, 2020. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

#### **IMPORTANT! PLEASE NOTE THAT THIS WILL BE A VIRTUAL MEETING.**

As a result of the COVID-19 emergency and the Governor's Executive Orders N-29-20

and N-33-20, this Coastal Commission meeting will occur virtually through video and teleconference. Please see the Coastal Commission's Virtual Hearing Procedures posted on the Coastal Commission's webpage at [www.coastal.ca.gov](http://www.coastal.ca.gov) for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

**If you have any questions about the proposal or wish to register an objection, please contact Amber Leavitt in the North Coast District office at [amber.leavitt@coastal.ca.gov](mailto:amber.leavitt@coastal.ca.gov).**

**Attachment A: Amendment to Special Condition 16 of CDP 1-07-013**

cc: California Department of Transportation, District 1

Attachment A

**AMENDMENT TO SPECIAL CONDITION 16 OF CDP 1-07-013  
(CDP Amendment 1-07-013-A4)**

Special Condition 16 of the original permit is modified as shown below and reimposed as a condition of CDP Amendment 1-07-013-A4. All other special conditions of the original permit, as modified by the previous three amendments, remain in full force and effect. Text to be deleted is shown in ~~strikethrough~~, and text to be added appears in **bold double-underline**.

**CONDITION 16. CULTURAL REMAINS.**

~~**Excepting those activities authorized under CDP Amendment No. 1-07-013-A4, which are confined to previously disturbed areas, a**~~ A-Caltrans archaeologist shall observe all excavation activities at the subject site in consultation with the Resident Engineer, based on Caltrans' understanding of the potential proximity of the remains of a Native American village site. ~~**For all activities authorized under this permit as amended, if**~~ cultural ~~**deposits or human**~~ remains are discovered, excavation or other ground disturbance shall cease and shall not re-commence until ~~**the Commission approves**~~ an ~~**additional**~~ amendment of CDP 1-07-013 supported by a cultural preservation plan prepared by a qualified archaeologist ~~**in consultation with the Tribal Historic Preservation Officers of the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria,**~~ is approved by the Commission.

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1385 EIGHTH STREET, SUITE 130  
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January 8, 2020

Jason Meyer, Senior Environmental Planner/Branch Chief E3  
Caltrans District 1  
North Region Environmental  
P.O. Box 3700  
Eureka, CA 95502-3700

RE: Emergency Culvert Placement, U.S. Highway 101 (Commission Emergency Waiver No. G-1-20-0008-W)

Dear Mr. Meyer:

On November 19, 2020, the Executive Director received notification from Caltrans that emergency work would be conducted the following day or shortly thereafter along southbound U.S. Highway 101 near the Jacoby Creek Bridge within the City of Arcata, Humboldt County. The emergency work involved temporarily redirecting water ponding in the traveled way by cutting through areas of new fill and installing two culverts to let the water filter into the median. This work was required to maintain function of the highway and to ensure public safety; failure to take immediate action would have resulted in flooding, lane closures, and a threat to the traveling public. The emergency work was subsequently implemented at the end of November. The purpose of this letter is to formally notify Caltrans that the Executive Director has, for the reasons discussed below, determined that this work qualifies for an emergency coastal development permit (CDP) waiver under Section 30611 of the Coastal Act.

Section 30611 waives the requirements for obtaining a CDP in cases when immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger or in other cases of emergency and when the development does not involve permanent development valued at more than \$25,000. Section 13144 of the Commission's regulations requires notification of the Executive Director within seven days of taking action as to why the emergency action was taken and providing verification that the action complied with the expenditure limits set forth in Section 30611.

On December 1, 2020, Caltrans provided additional information and site plans for the completed emergency work. The submitted information explained that the ponding in the left lane of the traveled way at both ends of the Jacoby Creek Bridge had resulted from recent rain events in combination with fill placed as part of staged construction for the Jacoby Creek Bridge Replacement Project (permitted under CDP 1-18-1078), which had altered surface drainage patterns. To avoid future flooding at this location while the fill associated with staged construction is in place, the emergency work involves the

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Caltrans District 1

redirection of water to the highway median area via the placement of an approximately fifty-foot-long, eight-inch-diameter culvert under the northern bridge approach and an approximately seventy-foot-long, eight-inch-diameter culvert under the southern bridge approach. These temporary structures will remain in place to drain surface water (stormwater) from the highway until work on the Jacoby Creek Bridge Replacement Project resumes in summer 2021. This work results in no significant changes to site hydrology, as the redirected stormwater that now flows through the emergency culverts drains into the same area, the median wetlands, as it had prior to the temporary placement of fill associated with staged construction at the site. The emergency work does not direct stormwater runoff into Jacoby Creek and raises no erosion or sediment concerns due to the long shallow slopes of the median. Since the fill associated with the temporary drainage infrastructure in the median will be removed to re-establish sheet flow off the highway by the end of summer 2021, the emergency work does not involve the permanent erection of structures valued at more than \$25,000.

For these reasons, the Executive Director has determined that the temporary drainage pipe placement described in your email on November 19<sup>th</sup> and subsequent letter and attachments on December 1<sup>st</sup> complies with the requirements of Section 30611 and the requirement to obtain a CDP for the project as described is waived. Staff will be reporting this determination to the Commission at its virtual meeting on January 13<sup>th</sup>.

If you have any questions, please contact me at [amber.leavitt@coastal.ca.gov](mailto:amber.leavitt@coastal.ca.gov).

Sincerely,



Amber Leavitt  
Transportation Program Analyst

Att. Emergency request from Caltrans received December 1, 2020



**DEPARTMENT OF TRANSPORTATION**

NORTH REGION ENVIRONMENTAL  
DISTRICT 1, PO BOX 3700  
EUREKA, CA 95502-3700  
PHONE (707) 572-7039  
[www.dot.ca.gov](http://www.dot.ca.gov)  
TTY 711



*Making Conservation  
a California Way of Life.*

December 1, 2020

Bob Merrill  
North Coast District Manager  
California Coastal Commission  
1385 8th St., Suite 130  
Arcata, CA 95521

Dear Mr. Merrill:

Caltrans is currently performing emergency work along U.S. Highway 101 near Jacoby Creek Bridge, within the City of Arcata, in Humboldt County. The work is being conducted as an emergency to maintain function of the highway and ensure public safety. Failing to take immediate action would result in flooding, lane closures, and threat to the traveling public. This work falls under Section 30611 of the Coastal Act for an emergency waiver.

The southbound left lane of U.S. Highway 101 has experienced ponding in the traveled way at both ends of the Jacoby Creek Bridge. This ponding occurred after recent rain events and was a result of fill placed as part of staged construction at the bridge approaches. To avoid future flooding at this location Caltrans will redirect the water by cutting through the areas of new fill and install a pipe to let the water filter into the median. Stormwater at this location previously drained as sheet flow off the highway into the median. No surface runoff would make its way to Jacoby Creek and no erosion or sediment concerns are anticipated with this solution. This is a temporary measure as work will resume on the Jacoby Creek Bridge Replacement project next season. The temporary fill will be removed to re-establish sheet flow off the highway by the end of next summer. The emergency work would not involve the permanent erection of structures valued at more than \$25,000.

*"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"*

California Department of Transportation—North Region Environmental

District 1  
1656 Union Street, Eureka, CA 95501

District 2  
1657 Riverside Drive, Redding, CA 96001 (DO)  
1031 Butte Street, Redding, CA 96001 (W. Venture)

District 3  
703 B Street, Marysville, CA 95901

Bob Merrill  
North Coast District Manager  
California Coastal Commission  
Flooding Near Jacoby Creek Bridge  
December 1, 2020  
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If you have further questions or need additional information, please contact me at [Jason.meyer@dot.ca.gov](mailto:Jason.meyer@dot.ca.gov) or (707) 572-7039.

Sincerely,



Jason Meyer  
Senior Environmental Planner/Branch Chief E3  
North Region Environmental

Attachment(s):      1.      Jacoby Flooding & Drain Layout  
                                 2.      Jacoby Flooding & Drain  
                                 3.      Photos of Ponding Location

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District 3  
703 B Street, Marysville, CA 95901

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