

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CALIFORNIA 95521-5967
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North Coast District Deputy Director's Report for October 2021

Prepared October 08, 2021 (for the October 15, 2021 Hearing)

To: Commissioners and Interested Parties
From: Kate Huckelbridge, North Coast District Deputy Director

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 October 15, 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 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 October 15th.

With respect to the October 15th 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 October 15, 2021 (see attached)

Waivers

- 1-21-0598-W, Hum. Co. Public Works - Guardrails (Within Public Road Rights-of-Way at Seven Separate Locations in and Around Arcata, Eureka, And Fortuna)
- 1-21-0658-W, Caltrans - Salt River Bridge Guardrails and Other Minor Improvements (On State Route 211, near Ferndale, Humboldt County)
- 1-21-0721-W, Decker – Removal of Four Trees (Off Patricks Point Drive, Trinidad Area, Humboldt County).

Emergency Permits

- G-1-21-0034, PG&E - Emergency Vegetation Management (Bayside, Humboldt County)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: October 8, 2021

To: All Interested Parties

From: Bob Merrill, North Coast District Manager
Melissa Kraemer, District Supervisor

Subject: **Coastal Development Permit (CDP) Waiver 1-21-0598-W**

Applicant: **Humboldt County Department of Public Works**

Location: At seven separate locations within County and City public road rights-of-way in areas in and around Arcata, Eureka, and Fortuna, including: (1) an existing 38-ft.-long guardrail segment on South G St. near the Arcata wastewater treatment plant in Arcata; (2) two existing guardrail sites (a 63-ft.-long segment and 229-ft.-long segment) on Old Arcata Rd. between Buttermilk Ln. and Anderson Ln. in Arcata; (3) three existing guardrail segments along Myrtle Ave., including a 250-ft.-long segment at Post Mile 2.25 at Devoy Rd., a 150-ft.-long segment at PM 2.47 at Spears Rd., and a 1,800-ft.-long segment between PM 2.60 and 2.66 between Pigeon Pt. Rd. and Bettie Ln.; and (4) an existing 238-ft.-long guardrail segment on South Riverwalk Dr. near its intersection with Kenmar Rd. in Fortuna.

Proposed Development

Replace aging or damaged segments of existing metal beam guardrail and associated end treatments with upgraded Midwest Guardrail System (MGS) meeting current safety standards at each location by: (1) removing and disposing of existing guardrail; (2) installing new guardrail and associated terminal and end treatments within the same footprint as the existing guardrail and associated end treatment segments; and (3) installing at South G St. in Arcata an additional approximately 100-ft.-long segment of MGS guardrail and associated terminal and end treatments extending beyond the existing guardrail footprint to separate the roadway from adjacent utility poles and lines.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The project is funded by the federal Highway Safety Improvement Program (HSIP), a program aimed at reducing traffic fatalities and serious injuries on public roads. The County obtained the funding and is managing/implementing the proposed project both in incorporated areas on behalf of the cities and unincorporated areas (there are a total of 31 sites, seven of which are in the coastal zone). Existing guardrails to be replaced are damaged in the form of rusted, bent, or contorted beams; split or rotten posts and blocks; and general poor condition of terminal end treatments.

Work will typically be conducted on weekdays and during daylight hours, with temporary one-way controlled traffic required at some sites during construction. However, no road closure is required for construction, and there will be no impacts to coastal access parking. In addition, there is no major vegetation removal associated with the project at any of the sites, and only minor mowing of perennial grasses and trimming of shrubs will be required in some areas to expose the work area. No work will occur within wetlands, riparian areas, or other types of ESHA. Work adjacent to aquatic, wetland, and riparian habitats (including South G St. and Devoy Rd.) will utilize Best Management Practices (BMPs) for erosion and runoff control and water quality protection, including, but not limited to: (1) mulching and seeding any exposed soils with sterile hybrid grass seed following completion of construction; (2) not working during rainfall events; (3) employing appropriate erosion control measures during construction; (4) restricting construction and staging/storage areas to the minimum necessary for project completion, (5) confining staging/storage areas to existing roadways or turnouts and outside of ESHA; (6) minimizing the removal and trimming of vegetation removal; (7) ensuring any necessary fueling of equipment occurs only in upland areas outside of ESHA; (8) maintaining hazardous materials response "spill kits" on site during all phases of construction; and (9) disposing of construction debris, including existing metal guardrails to be removed, at authorized disposal and recycling facilities capable of receiving such materials. Although the new guardrails will be several inches taller than the existing guardrails, in the proposed locations the new guardrails will not have significant adverse impacts on views to and along the coast. Finally, after consultation with local Tribes, the County incorporated recommendations received from the Blue Lake Rancheria and Wiyot Tribe related to inadvertent discovery of archaeological resources into the project description and contract specifications. 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 Chapter 3 policies of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until it has been reported to the Coastal Commission and the site of the proposed development has been appropriately noticed, pursuant to sec. 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. **This waiver is proposed to be reported to the**

Commission on Friday, October 15, 2021. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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 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, please contact Melissa Kraemer in the North Coast District office at Melissa.Kraemer@coastal.ca.gov.

cc: Humboldt County Planning & Building Dept.
City of Arcata Community Development Dept.
City of Fortuna Community Development Dept.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: October 8, 2021

To: All Interested Parties

From: Robert Merrill, North Coast District Manager
Amber Leavitt, Transportation Program Analyst

Subject: **Coastal Development Permit (CDP) Waiver 1-21-0658-W**

Applicant: California Department of Transportation (Caltrans)

Location: Within Caltrans right-of-way at the Highway 211 bridge over the Salt River (post mile 75.15), near Ferndale, Humboldt County.

Proposed Development

Extend the life of the Highway 211 bridge over the Salt River in Humboldt County by: (1) repairing and replacing unsound concrete, deck seal, and joint seal; (2) upgrading the existing 75-foot-long, 19 to 26-inch-tall "Metal Beam Guardrail" system on all four corners of the bridge to the 30 to 32-inch-tall "Midwest Guardrail System" (MGS) design; (3) installing minor concrete as vegetation control on all four guardrail end treatments; (4) removing existing asphalt dikes (curbs) in three locations to accommodate the installation of MGS; (5) removing an asphalt overside drain from an area west of the bridge; (6) abandoning two pipe down-drains from an area east of the bridge; and (7) restriping lane lines to widen the shoulders of the bridge for bicycle and pedestrian use.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

No work or staging will occur within wetlands or other environmentally sensitive areas, and there will be no impacts to sensitive species. Ground disturbance outside of existing paved areas will be minimal and vegetation removal will be limited to less than 200 square feet of ruderal plant species beneath the guardrail system, which will be replaced with a strip of minor concrete for vegetation control, as described above. Construction best management practices will be employed to minimize erosion and sedimentation to protect water quality. Incidental discovery protocols will also be implemented to protect cultural resources.

There will be no adverse impacts to visual resources as: (1) the upgraded guardrail will be the same length and in the same footprint as the existing guardrail; (2) the upgraded guardrail, which will be as much as 13 inches taller than the existing guardrail, will not block any coastal views; and (3) the proposed concrete to be installed within the footprint of the MGS will be colored to blend and be compatible with the surrounding setting.

The project as proposed will protect and enhance public access because (a) the highway will remain open to vehicles and bicycles, with traffic control measures resulting in traffic delays of only a maximum of ten minutes, (b) the project will improve safety because it will address maintenance needs and provide new guardrails that are high enough to prevent errant vehicles from climbing over the guardrail, and (c) the bridge lanes will be restriped to provide a wider shoulder for improved pedestrian bicycle access.

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 Chapter Three policies of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until it has been reported to the Coastal Commission 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. **This waiver is proposed to be reported to the Commission on Friday, October 15, 2021.** If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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 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.

cc: Humboldt County Planning and Building Department

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NOTICE OF PROPOSED PERMIT WAIVER

Date: October 8, 2021

To: All Interested Parties

From: Bob Merrill, North Coast District Manager
Catherine Holloway, Coastal Planner

Subject: **Coastal Development Permit (CDP) Waiver 1-21-0721-W**

Applicant: Paul and Kristen Decker

Location: 3058 Patricks Point Drive, Trinidad area, Humboldt County (APN: 517-271-008).

Proposed Development

(1) Removal of four alder trees ranging in size from approximately 15 inches to 23 inches in diameter-at-breast-height (dbh) and (2) paving an approximately 3,000-square-foot portion of an existing gravel driveway.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The four trees proposed for removal are hazardous due to trunk decay, susceptibility to windfall, and proximity to existing structures, as documented by a Certified Arborist who inspected the trees. The toppling of the trees could severely damage property associated with residential development, including water tanks, a pump house, residential structures, and parking areas.

The trees proposed for removal are located within or adjacent to the developed portions of the property and are located approximately 100 feet from a larger forest stand along the southern boundary of the property. Proposed tree removal will occur outside of the bird breeding and nesting seasons to avoid any nesting birds that may be present. The proposed tree removal will have no significant impact on visual resources as the trees do not screen development on the subject property from public views and their removal will not impact the public's view of the sea from the first public road, Patricks Point Drive, or any other public vantage points. The proposed driveway paving is limited to a sloped, curved portion of gravel driveway in between the public road and a visitor-

serving cabin. Portions of the existing driveway are rutted and damaged, and repairs to an approximately 3,000-square-foot portion of the driveway will facilitate access between Patricks Point Drive and existing cabins. Driveway paving will occur during dry weather and Best Management Practices (BMPs) will be utilized during paving activities to protect coastal resources. The portion of driveway to be paved drains towards existing vegetated uplands and landscaping where infiltration will protect water quality. The proposed development will have no impact on environmentally sensitive habitat (ESHA), as the four alders to be removed are not considered ESHA, and the driveway paving will occur in an upland area that contains no known ESHA. Therefore, the proposed project will not adversely affect coastal resources or public access and is consistent with all applicable Chapter 3 policies of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission and the site of the proposed development has been appropriately noticed, pursuant to sec. 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. **This waiver is proposed to be reported to the Commission on Friday, October 15, 2021.** If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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 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 Catherine Holloway in the North Coast District office at catherine.holloway@coastal.ca.gov.

cc: Humboldt County Planning & Building Dept

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**EMERGENCY PERMIT**

Issue Date: September 9, 2021
Emergency Permit Number: G-1-21-0034

APPLICANT:

PG&E, Attn: Nicole Reese
2730 Gateway Oaks Drive
Sacramento, CA 95833
Email: NRM6@pge.com

LOCATION OF EMERGENCY:

North and South of Samoa Blvd., east of the intersection with Highway 101, at the Arcata Sports Complex and along a portion of Jacoby Creek (APN(s): 503-202-003, 503-202-004, 501-061-001, and 501-061-023), Humboldt County

EMERGENCY WORK:

Clearing vegetation around electrical distribution and transmission lines at up to 45 sites (including removal of three trees each less than 12 inches dbh (diameter at breast height), trimming/topping of 48 trees, and trimming of 29 "brush units").

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 rampant vegetation growth and encroachment within proximity of critical safety minimum clearance requirements posing a threat to electrical distribution and transmission structures at the Arcata Sports Complex and within a portion of the Jacoby Creek Gannon Slough Wildlife Area 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.

Emergency Permit Number:
G-1-21-0034

Sincerely,

John Ainsworth
Executive Director

DocuSigned by:

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Tamara Gedik, Coastal Program Analyst

cc: David Loya, Community Development Director, City of Arcata
Emily Sinkhorn, ES Deputy Director of Community Services, City of Arcata
Mike Rice, Park Facilities Natural Resources Supervisor, City of Arcata

Enclosure: Acceptance Form

Emergency Permit Number:
G-1-21-0034

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PERMITTEE and returned to our office prior to onset of activity and within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Work is further limited to the minimum necessary to abate the emergency and as detailed in the emergency application materials received electronically by PG&E Interim Supervisor Nicole Reese on August 27, 2021. Any additional work requires separate authorization from the Executive Director.
3. The permittee shall use relevant best management practices (BMPs) to protect on-site wetlands and other environmentally sensitive habitat areas from water quality impacts during vegetation removal activities as detailed in Attachment E of PG&E's emergency permit application ("Proposed Measures").
4. All staging of equipment shall be limited to the existing parking areas.
5. No vehicles or other mechanized equipment needed for the tree pruning and removal operations shall be driven or operated within (a) riparian habitat areas, and (b) landscaped areas and paved pathways of the Arcata Sports Complex facility, except that mechanized vehicles with track-mounted wheels and all-terrain quad vehicles may be used to access landscaped areas at the Sports Complex facility outside the field of play and within 12 feet of the fence line adjacent to the vegetation corridor.
6. Equipment used to remove vegetation shall be limited to chainsaws and other non-mechanized hand tools.
7. No stockpiling of removed vegetation parts shall occur within the landscaped areas of the Arcata Sports Complex property except in areas that are both outside the field of play and within 12 feet of the fence lines adjacent to the vegetation corridors.
8. No chipping of cut tree parts shall be performed on the subject properties.
9. All debris shall be removed from the sites within two days and disposed of lawfully at licensed disposal facilities.

Emergency Permit Number:
G-1-21-0034

10. The work authorized by this permit must be completed within 60 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
11. The applicant recognizes that the emergency work is considered temporary 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.
12. 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.
13. 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.
14. Within 90 days of issuance of this Emergency Permit, or as extended by the Executive Director for good cause, the permittee shall submit, for the review and approval of the Executive Director, documentation of vegetation management work performed pursuant to the emergency permit that includes a summary report and photo-documentation for the authorized emergency work. The summary report shall include a description of (i) the dates and timing of the emergency work conducted; (ii) the vegetation pruning or removal work performed at each specific location within the project area, noting any differences between locations where work was performed and those proposed in the emergency permit application; (iii) the total area (in square feet) of wetland and riparian vegetation affected by the work performed and the total volume (in cubic yards) of vegetation removed at both the Arcata Sports Complex and within the Jacoby Creek Gannon Slough Wildlife Area; the BMPs and erosion control measures employed through the course of the emergency work; (iv) the location(s) where debris were disposed of; and (v) any handling of and observed impacts to sensitive, threatened, or endangered plant and animal species that occurred through the course of the authorized emergency work.

The photo-documentation shall include (a) representative photographs of locations where vegetation clearing and pruning was performed around the transmission lines and distribution lines at both the Sports Complex facility and

Emergency Permit Number:
G-1-21-0034

within the Jacoby Creek Gannon Slough Wildlife Area and around the footings of transmission facilities at both locations, and (b) all locations where staging and stockpiling occurred.

15. Within 90 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall submit a complete application for one or both of the following: (a) a follow-up Coastal Development Permit (CDP) that satisfies the requirements of section 13056 of Title 14 of the California Code of Regulations (CCR), or (b) a public works long-range land use development plan ("Public Works Plan") that satisfies the requirements of 14 CCR sections 13350 et seq. The application(s) shall additionally include a mitigation and monitoring plan to compensate for temporal and permanent loss of riparian wetland habitat resulting from project activities and shall specify locations for mitigation where project impacts will occur.

If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the Executive Director informs the applicant that the application is incomplete, all affected areas restored to their prior condition, after consultation with CCC staff and consistent with the Coastal Act, within 180 days, subject to any regulatory approvals necessary for such restoration.

Failure to a) submit a complete follow-up application that complies with Condition 15 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 Permit¹, 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 CDP² will constitute a

¹ In some instances, a permit may also be required for removal.

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

Emergency Permit Number:
G-1-21-0034

knowing and intentional violation of the Coastal Act³ 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.

³ 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.