

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 February 2021

Prepared February 4, 2021 (for the February 12, 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 February 12, 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 February 12th.

With respect to the February 12th 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 February 12, 2021 (see attached)

Waivers

- 1-21-0034-W, Humboldt County - Install 13 Temporary Groundwater Monitoring Wells (within Humboldt County road rights-of-way in the Lower Eel River Basin in areas near Alton, Fortuna, Loleta, and Ferndale, Humboldt County)

Emergency Permits

- G-1-21-0002, Del Norte County - Lake Earl Emergency Breaching (Sandbar between Lakes Earl/Tolowa at the Pacific Ocean, Del Norte County)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: February 3, 2021

To: All Interested Parties

From: Bob Merrill, North Coast District Manager
Melissa Kraemer, Supervising Analyst

Subject: **Coastal Development Permit (CDP) Waiver 1-21-0034-W**
Applicant: Humboldt County Department of Public Works

Location: At 13 separate locations within Humboldt County road rights-of-way in the Lower Eel River Basin in areas near Alton, Fortuna, Loleta, and Ferndale, including: (1) Sandy Prairie Rd. between Hansen Ln. and Fowler Ln. in Alton; (2) Goble Ln. east of Fulmor Rd., north of Ferndale; (3) near the intersection of Waddington Rd. and Substation Rd. near Fernbridge; (4) Grizzly Bluff Rd. north of Blue Slide Rd. near the Van Duzen River confluence; (5) Grizzly Bluff Rd. east of Church Ln., east of Ferndale; (6) Grizzly Bluff Rd. east of Williams Creek, east of Ferndale; (7) Grizzly Bluff Rd. between Regli Ln. and Harbers Ln.; (8) Sandy Prairie Rd. south of Drake Hill Rd., west of Fortuna; (9) River Walk Dr. near Alamar Way in Fortuna; (10) Pleasant Point Rd. north of Renner Ln., between Ferndale and Fortuna; (11) Cannibal Island Rd. west of Hawks Hill Rd., west of Loleta; (12) Cannibal Island Rd. near Niles Ln.; and (13) Port Kenyon Rd. between Rasmusen Ln. and California St., north of Ferndale.

Proposed Development

Install 13 temporary groundwater monitoring wells consisting of PVC pipes installed to varying depths to collect data on the stratigraphy, aquifer characteristics, surface and groundwater interactions, and groundwater elevations within the Basin (which extends inland of the coastal zone boundary) to be used in developing a groundwater sustainability plan in compliance with the state Sustainability Groundwater Management Act (SGMA). Three wells will be 2-inches-in-diameter up to 250 feet deep, and ten wells will be 1-inch-in-diameter up to 60 feet deep. All wells will be installed using a drill rig.

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 proposed wells are essentially piezometers used only to monitor and not to pump groundwater for the purpose of data collection to support the development of the Eel River Valley Groundwater Sustainability Plan as required under the SGMA. There are no secondary improvements associated with the proposed work and all well locations are immediately adjacent to County roads within disturbed right-of-way areas. Drill rig access to all well sites will be via existing paved County roads and no grading or vegetation removal is proposed. The bore holes will be no more than 4 inches in diameter and will involve minimal ground disturbance and no major vegetation removal. Most wells will be flush mounted with the existing ground surface with a 6-inch well box set in small concrete or mounted with a small box raised at most a couple of feet above ground level. The development will not result in significant adverse impacts on public access to shoreline areas as the subject roads all are rural with low traffic volumes, and each well will take less than a day to be installed. The wells will be removed upon the end of their service life or at the conclusion of their utility for the Eel River Valley Groundwater Basin studies. 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, February 12, 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.

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**EMERGENCY PERMIT**

Issue Date: January 15, 2021
Emergency Permit Number: G-1-21-0002

APPLICANT:

The County of Del Norte

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

DocuSigned by:

Bob Merrill

Bob Merrill, North Coast District Manager

Enclosures: 1) Acceptance Form

Emergency Permit Number:
G-1-21-0002

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.

Emergency Permit Number:
G-1-21-0002

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.