

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 August 2021

Prepared August 06, 2021 (for the August 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 August 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 August 12th.

With respect to the August 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 August 12, 2021 (see attached

Waivers

- 1-21-0405-W, Peyton-Dahlberg – Tree Removal (Trinidad, Humboldt County)
- 1-21-0492-W, Caltrans - Guardrail Safety Project (Along Highway 101 from McKinleyville to North of Trinidad, Humboldt County)
- 1-21-0493-W, Caltrans - Highway 255 Gates (Tulawat Island, Eureka, Humboldt County)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: August 6, 2021

To: All Interested Parties

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

Subject: **Coastal Development Permit (CDP) Waiver 1-21-0405-W**

Applicant: Carolyn Peyton-Dahlberg

Location: 2585 Patricks Point Drive, Trinidad area, Humboldt County (APNs: 517-271-006; 517-271-004).

Proposed Development

Removal of four Sitka spruce trees ranging in diameter-at-breast-height (dbh) from approximately 17 inches to 35 inches.

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 and public spaces, including a residential gate, public road, and power lines running along Patricks Point Drive. The proposed tree removal will not diminish or degrade the overall habitat matrix of the spruce grove. Removing the trees inflicted with fungal growth and rot will minimize the spread to other healthy trees and improve the overall health of the forest. The proposed tree removal will further enhance the surrounding habitat by leaving cut tree stumps as snags, where feasible, and by leaving cut sections of tree on the forest floor to provide habitat for understory species. Proposed tree removal will occur outside of the bird breeding and nesting seasons to avoid any nesting birds that may be present. The trees do not screen development on the subject property from public views and 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 tree removal will have no significant impact on visual resources. 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 Thursday, August 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 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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NOTICE OF PROPOSED PERMIT WAIVER

Date: August 6, 2021

To: All Interested Parties

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

Subject: **Coastal Development Permit (CDP) Waiver 1-21-0492-W**

Applicant: California Department of Transportation (Caltrans)

Location: Disjunct segments of Caltrans Highway 101 right-of-way from the McKinleyville area to north of Trinidad (post miles 91.46-109.29), and Caltrans right-of-way on School and Murray Roads in the McKinleyville area, Humboldt County.

Proposed Development

Improve segments of Highway 101 in Humboldt County for public safety and public access improvement purposes by (1) lengthening existing guardrail using the "Midwest Guardrail System" (MGS) design and adding associated terminal and end treatments; (2) removing existing herbaceous ruderal vegetation within the guardrail footprint and replacing it with a concrete strip that will anchor the new guardrail system and control vegetation; and (3) upgrading existing curb ramps on School Road and Murray Road to current ADA accessibility standards by adjusting the grade.

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:

Ground disturbance outside of existing paved areas will be minimal, and most disturbed soil will remain onsite and compacted. Any excess soil and debris from the construction work will be disposed of at an authorized facility. No work or staging will occur within wetlands or other environmentally sensitive habitat areas. Vegetation removal will be limited to ruderal vegetation (grass) beneath the guardrail system, which will be replaced with a concrete strip, as described above. Construction Best Management Practices (BMPs) are proposed, including, but not limited to, the use of (a) fiber rolls and silt fencing for erosion control, (b) construction fencing between work areas and adjacent to ESHA, and (c) spill avoidance and containment protocols to protect water

quality. Measures will also be taken to protect documented nesting habitat for marbled murrelet and northern spotted owl, including avoiding construction within a visual line-of-sight from known nests and minimizing the use of high noise generating construction activities during the nesting season. The new guardrail will not block any coastal views and will match adjacent guardrail. To ensure that the proposed concrete to be installed within the footprint of the MGS will be compatible with the character of the surrounding scenic area, the concrete will be colored to blend with the surrounding setting. The project as proposed will protect and enhance public access because (a) the highway will remain open to travel with traffic control measures through the construction zone, resulting in only minimal traffic delays, (b) the project will provide improved ADA-accessible pedestrian sidewalk access along Murray and School Roads, and (c) the project will improve safety for drivers and passengers along this section of Highway 101. 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 Thursday, August 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.

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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 Dept.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: August 6, 2021

To: All Interested Parties

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

Subject: Coastal Development Permit (CDP) Waiver 1-21-0493-W

Applicant: California Department of Transportation (Caltrans)

Location: On both sides of Highway 255 (post miles 1.0-1.1), within Caltrans' right-of-way, on Tuluwat Island, within Humboldt Bay, in the City of Eureka, Humboldt County.

Proposed Development

Installation of two six-foot-high by twelve-foot-wide, swinging, lockable gates on the Highway 255 roadway fill prism, replacing portions of the existing fence lines. The purpose of the project is to provide for ingress/egress of personnel, equipment, and supplies for the Humboldt Bay Area Mitigation Spartina Removal Project, which will provide wetland mitigation for Caltrans' Eureka-Arcata Route 101 Corridor Improvement Project that was approved by the Commission under CDP 1-18-1078 at its August 2019 hearing.

The design of the gates will be consistent with Caltrans' standard chain link gate dimensions (2018 Revised Standard Plan A86) with posts and braces angled to support the gates. Posts and braces will be secured with concrete that fills the eight-inch-wide and up to two-and-a-half-feet-deep excavated post holes.

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 will occur completely within the Highway 255 roadway fill prism and will avoid all wetlands and environmentally sensitive habitat areas (ESHAs). The gates have been positioned at locations where vegetation removal/maintenance will be minimal. Ground disturbance will be limited to the removal of approximately eight square feet of herbaceous ruderal vegetation and 20 cubic feet of soil. Minor vegetation trimming of native shrubs, including coyote brush (*Baccharis pilularis*) and twinberry (*Lonicera involucrata*) using brush cutters and/or loppers may be necessary. The project is overall beneficial to biological resources as the purpose of the project is to provide

ingress/egress to restore and enhance adjacent wetlands, as mentioned above. However, to ensure the protection of adjacent sensitive biological resources during the gate installation activities, best management practices will be implemented, including standard erosion control and spill prevention measures, and Temporary High Visibility Fencing (THVF) and/or flagging would be installed around sensitive natural communities, ESHAs, rare plant occurrences, intermittent streams, and wetlands and other waters, where appropriate, prior to the start of construction.

Tuluwat Island is of significant cultural importance to the Wiyot Tribe. Therefore, Caltrans coordinated with representatives from the Wiyot Tribe and a Caltrans Archaeologist will be present to monitor for archaeological resources during ground disturbing activities. If cultural resources are unearthed during construction, work will be immediately halted in the area of the discovery until an evaluation by a qualified archaeologist is completed. There will be no adverse impacts to visual resources as the gates will be the same height as the existing fences and will have a see-through wire mesh that will match the size and material of the existing woven wire fencing; however, a slightly thicker metal gauge will be used to prevent potential damage from unauthorized entry. There will be no adverse impacts to public access as the existing fences already block unauthorized access to the sensitive wetlands on the other side, the work is limited to two days, and no traffic control measures are needed.

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

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cc: Humboldt County Planning and Building Dept.
City of Eureka Community Development Dept