

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 September 2021

Prepared September 3, 2021 (for the September 9, 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 September 9, 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 September 9th.

With respect to the September 9th 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 September 9, 2021 (see attached)

Waivers

- 1-21-0276-W, City of Fortuna – Geotechnical Investigation (Fortuna, Humboldt County)
- 1-21-0616-W, Humboldt County & Bracut Lumber Co. – Lot Line Adjustment (Between Arcata and Eureka, Humboldt County)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: September 3, 2021

To: All Interested Parties

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

Subject: **Coastal Development Permit (CDP) Waiver 1-21-0276-W**

Applicant: City of Fortuna

Location: Easterly end of East Ferry Road, within and adjacent to the Eel River, Fortuna area, Humboldt County (APNs: 106-041-015; 106-041-016; 200-352-009; 200-352-006)

Proposed Development

Evaluate the site suitability for potential land-disposal of treated wastewater from the City's wastewater treatment facility by conducting geotechnical investigations that involve: (1) drilling five borings ranging from 75 feet to 200 feet deep to observe subsurface materials and sample for geotechnical conditions; and (2) temporarily placing a series of 96 seismic detecting geophones (which consist of three-inch plastic caps on six-inch metal spikes) in the ground spaced at five-foot intervals and interconnected by a network cable.

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 project will provide data for evaluating the feasibility of using land-disposal as an alternative to the current discharge of treated wastewater directly into the Eel River, which has raised water quality concerns during low river flow conditions. Although the proposed geotechnical investigations will occur both within the riverbed and on the upland river terrace adjacent to the river, the project as proposed avoids ESHA for several reasons. First, work will occur in the late summer/fall season at the end of the dry season outside of the wetted channel and riparian areas. Second, work will occur outside of the western snowy plover nesting season to avoid any potential disturbance to sensitive plover nesting sites that are known to occur along the lower Eel River. Third, the project requires no grading or major vegetation removal. Finally, the

drill sites on the upper terrace are confined to a previously disturbed area that is devoid of riparian forest habitat. Additionally, the project as proposed will not conflict with agricultural uses, because the drilling sites on the terrace are in an area that is not used for agricultural purposes. Following drilling, each boring will be closed with grout piped from the bottom of the open borehole to the ground surface, and drill cuttings and fluid will be contained within steel drums and disposed of at an appropriate upland facility. All disturbed areas will be restored to pre-project conditions. The seismic detectors will remain in the ground for approximately five days and will be removed immediately following the completion of geophysical surveys. 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, September 9, 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: Andrea Hilton, GHD (Agent)
Humboldt County Planning & Building Dept

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NOTICE OF PROPOSED PERMIT WAIVER

Date: September 3, 2021

To: All Interested Parties

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

Subject: **Coastal Development Permit (CDP) Waiver 1-21-0616-W**

Applicants: **Humboldt County Public Works Department; Bracut Lumber Company**

Location: 4061 Highway 101 at Bracut, between Eureka and Arcata, adjacent to Humboldt Bay, Humboldt County (APNs: 501-241-031; 501-241-030; and 501-241-033)

Proposed Development

(1) Lot Line Adjustment between two parcels involving the transfer of 0.23 acres from Parcel A (501-241-030) to Parcel B (501-241-033), reducing the size of Parcel A from 5.63 to 5.40 acres, and increasing the size of Parcel B from 23.73 to 23.96 acres; and (2) construction of a six-foot-high, approximately 2,200-foot-long welded-wire fence along the western boundary of an adjacent lot owned by Bracut Lumber Company (APN 501-241-031) to separate the privately owned industrial property from the adjacent public right-of-way where a public recreational trail is proposed for development under a separate CDP application.

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 LLA will adjust the boundary between Parcel A and Parcel B to facilitate Humboldt County's acquisition of the majority of Parcel A. An approximately 10,000-square-foot upland portion of existing Parcel A is currently undeveloped but used for parking trailers associated with an existing adjacent commercial business located on Parcel B, and this 10,000-square-foot area will be adjusted to be merged with Parcel B, which also is mostly upland and developed with existing industrial and commercial uses. Parcel B will continue to be owned by Bracut Industrial Company and used for the general industrial and commercial uses that currently are operating on site. The

remaining portion of Parcel A is being acquired by Humboldt County in connection with the purchase of the land for public access and recreational uses (development of a segment of a 4-mile-long segment of coastal trail along Humboldt Bay as proposed under pending CDP Application No. 1-20-0560). Although Parcel A as adjusted will consist of mostly wetland habitats associated with the Humboldt Bay shoreline, the local designation and zoning of the land for Natural Resources uses will restrict future development of the site only to those uses that can be developed consistent with section 30233 of the Coastal Act. The proposed six-foot-tall cable-barrier security fence will not adversely affect views from the Highway, because the design is visually permeable, compatible with the character of the surrounding area, and will not block public views of the bay. The proposed fence will in part replace existing dilapidated cable fencing on the site. In addition, the fence will not affect existing public access to Bracut Marsh, owned by the State Coastal Conservancy, that abuts the northwest corner of the subject properties, as the public will continue to be afforded access to the publicly owned marsh site through the existing driveway entrance. Finally, the proposed fence construction will not impact wetlands, riparian areas, or other types of ESHA and requires no grading or major vegetation removal. 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.

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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