

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 8TH STREET, SUITE 130
ARCATA, CALIFORNIA 95521-5967
(707) 826-8950 FAX (707) 826-8960
WWW.COASTAL.CA.GOV



F7

North Coast District Deputy Director's Report for November 2022

Prepared November 3, 2022 (for the November 18, 2022 Hearing)

To: Commissioners and Interested Parties
From: Shana Gray, 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 November 18, 2022. 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 November 18th.

With respect to the November 18th 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 November 18, 2022 (see attached)

Waivers

- 1-22-0863-W, Caltrans – Vegetation removal (Hwy 101 near Murray Field, Humboldt Co.)
- 1-22-0871-W, Humboldt Co. Public Works – Clam Beach access mat (Clam Beach County Park, Humboldt Co.)
- 1-22-0890-W, Caltrans – Tuluwat hwy. turnouts (Hwy 255, Tuluwat Island, Humboldt Co.)

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



NOTICE OF PROPOSED PERMIT WAIVER

Date: November 3, 2022

To: All Interested Parties

From: Melissa B. Kraemer, North Coast District Manager
Amber Leavitt, Transportation Program Analyst

Subject: **Coastal Development Permit (CDP) Waiver 1-22-0863-W**

Applicant: California Department of Transportation (Caltrans)

Location: Caltrans Highway 101 right of way (post mile 81.1 to 81.2), near Murray Field airport and Fay Slough, within the City of Eureka and the Eureka-Arcata Highway 101 corridor, Humboldt County.

Proposed Development

Remove two large wax myrtle shrubs using hand tools and a stump grinder and replant with shorter native vegetation to meet aviation safety requirements.

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 development consists of major vegetation removal, specifically the removal of two large wax myrtle shrubs, located adjacent to a tidally influenced drainage channel associated with Fay Slough, and replacement planting with shorter native vegetation. The vegetation removal will be completed using a chain saw, a chipper, and a chipper truck, and a stump grinder will be used to remove the stumps. The wood chips will be disposed of at an appropriate off-site location. The purpose of the project is to complete vegetation management to meet safety requirements for takeoff/landing sight visibility in proximity to the airport runway. Caltrans will implement a revegetation plan for the replacement of the wax myrtles with native shrubby vegetation, such as coyote brush and twinberry, that will spread laterally with a lower profile that will avoid encroachment into the aviation airspace but which will provide habitat values for the nearby slough and visual screening for development inland of the highway otherwise visible to traveling motorists. To ensure the revegetation efforts are successful, the initial planting will occur during the winter months, and Caltrans will monitor and water

Coastal Development Permit (CDP) Waiver 1-22-0863-W

Page 2 of 2

the plants periodically for two years or until the plants are established. As the project site will be revegetated, the visual impacts will be short-term.

No wetlands or ESHA will be impacted by the project and soil disturbance will be minimal. To protect adjacent sensitive habitat areas, temporary high visibility fencing or flagging will be used to delineate the boundaries of the work area, and hand tools will be used to remove the wax myrtles. The chipper and chipper truck will remain on the pavement during the work activities. If the work is completed during the bird nesting season, a qualified biologist will resurvey for nesting birds no more than five days prior to the commencement of work and if any nesting birds are present the work will be delayed until nesting activities are complete. There are no known archaeological or cultural resources at the site, but in the event of an inadvertent discovery, Caltrans will follow their standard incidental discovery protocol. The vegetation trimming and removal work will last approximately one to two days and will require a temporary closure of the shoulder, but pedestrian and cyclist access will remain open. Therefore, the proposed project will not adversely affect coastal resources, public access, or public recreation opportunities and is consistent with all applicable 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, November 18, 2022.** If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

PLEASE NOTE THAT THIS WILL BE A HYBRID MEETING, WITH BOTH VIRTUAL AND IN PERSON PARTICIPATION ALLOWED. Please see the Coastal Commission's Hybrid 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 Hybrid Hearing Procedures, please email northcoast@coastal.ca.gov or call 415-904-5202.

The in-person hearing will be held at **Monterey County Board of Supervisors Chambers, 168 West Alisal Street, 1st Floor, Salinas, CA 93901.** The Commission strongly encourages continued participation virtually through video and teleconferencing due to changing Covid-19 conditions.

If you have any questions about the proposal, please contact Amber Leavitt in the North Coast District office at Amber.Leavitt@coastal.ca.gov.

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



NOTICE OF PROPOSED PERMIT WAIVER

Date: November 3, 2022

To: All Interested Parties

From: Melissa B. Kraemer, North Coast District Manager
Catherine Mitchell, Coastal Planner

Subject: **Coastal Development Permit (CDP) Waiver 1-22-0871-W**

Applicant: Humboldt County Department of Public Works

Location: Clam Beach County Park, northern day-use access point, off of Clam Beach Drive, west of U.S. Highway 101 and McKinleyville, Humboldt County (APNs: 513-161-01 & -06)

Proposed Development

Develop an accessible route along an existing beach trail by: (1) clearing vegetation, including willow limbs and branches, and widening portions of the trail corridor; and (2) installing 600 linear feet of five-foot-wide recycled polyester accessible beach mats (in 30 and 50-foot segments) from the northern day-use access point parking lot to a point above the wave slope. The beach mats will be anchored into the sand using 10-inch and 20-inch-long stainless-steel spikes.

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 recycled polyester beach mats, which will be colored brown to blend with the natural landscape, will be placed between the existing paved parking lot and the sandy beach above the high tide line (above the wrack line) to create Americans with Disability Act (ADA) accessible public access to the shoreline for pedestrians, wheelchair users, strollers, and other mobility-impaired users. The mats will be installed within and adjacent to an existing, popular sandy vertical trail that leads to Clam Beach. Although installation of the access mats will involve removing a portion of the limbs and branches of two willow shrubs that overhang the existing trail, the percentage of vegetation to be affected represents only a small portion of each willow plant (approximately 15% total), and vegetation trimming will avoid impacts to nesting birds (by either occurring outside of the bird nesting season or by including pre-construction

surveys by a qualified biologist). Additional vegetation will be cleared using a rubber-tired backhoe for widening and constructing a portion of the existing sand path (an approximately 1,020-square-foot area), but the majority of the vegetation to be impacted consists of invasive species (primarily European Beachgrass and Yellow Bush Lupine), which, upon removal, will facilitate revegetation of areas next to the improved trail with native dune species that occur in the surrounding area. Furthermore, the beach mat alignment will not impact federally listed western snowy plover habitat areas, because recent surveys have not detected nesting plovers in the area, and the mat will be placed along an existing moderately trafficked trail corridor where future plover nest attempts are unlikely. Moreover, a qualified biologist will be on site during construction to ensure any nesting plovers, if present, are not disturbed. Thus, the development as proposed, which is a nature study trail use dependent on the beach and dune resources in which the trail is located, will be sited and designed to protect environmentally sensitive beach and dune habitat areas.

Finally, the beach mats and spikes are easily removable and will be adjusted on a seasonal basis to account for high tides, blowing sand, and potential displacement by the public. Ongoing maintenance will be necessary to keep the beach mat route accessible and will consist of trimming willow branches approximately one time per year, smoothing sand underneath the mats as necessary, and brushing sand off the mats with hand tools approximately ten times per year. 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.

Procedural Note

The project site is bisected by the boundary between the Commission's retained jurisdiction and Humboldt County's certified LCP jurisdiction. The Applicant, the County, and the Executive Director have agreed to the processing of a consolidated CDP application by the Commission pursuant to Coastal Act Section 30601.3(a)(2).

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, November 18, 2022.** If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

PLEASE NOTE THAT THIS WILL BE A HYBRID MEETING, WITH BOTH VIRTUAL AND IN PERSON PARTICIPATION ALLOWED. Please see the Coastal Commission's Hybrid 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 Hybrid Hearing Procedures, please email northcoast@coastal.ca.gov or call 415-904-5202.

The in-person hearing will be held at **Monterey County Board of Supervisors Chambers, 168 West Alisal Street, 1st Floor, Salinas, CA 93901**. The Commission strongly encourages continued participation virtually through video and teleconferencing due to changing Covid-19 conditions.

If you have any questions about the proposal, please contact Catherine Mitchell in the North Coast District office at Catherine.Mitchell@coastal.ca.gov.

cc: Humboldt County Planning & Building Dept

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



NOTICE OF PROPOSED PERMIT WAIVER

Date: November 3, 2022

To: All Interested Parties

From: Melissa B. Kraemer, North Coast District Manager
Amber Leavitt, Transportation Program Analyst

Subject: **Coastal Development Permit (CDP) Waiver 1-22-0890-W**

Applicant: California Department of Transportation (Caltrans)

Location: On both sides of Highway 255 (post miles 1.0-1.2), within Caltrans' right-of-way, on Tuluwat Island, within Humboldt Bay, in the City of Eureka, Humboldt County.

Proposed Development

Install two temporary approximately 80-foot-long and 12-foot-wide gravel turnouts within the existing roadway fill prism. The work will involve grading/excavation of approximately 36.1 cubic yards of soil material (6-foot-wide and 0.75-foot-deep) and installation of approximately 2,675 square feet of filter fabric, 59 cubic yards of gravel/rock, and 7.14 cubic yards of wood chips.

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 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 and the Humboldt Bay Trail South Project (approved by the Commission under CDPs 1-18-1078 and 1-20-0560). As described above, the turnouts will be constructed by grading/excavating approximately 36.1 cubic yards of soil material (6-foot-wide and 0.75-foot-deep) and installing approximately 2,675 square feet of filter fabric, 59 cubic yards of gravel/rock, and 7.14 cubic yards of wood chips. The turnouts will be constructed completely within the Highway 255 roadway fill prism, which consists of non-native ruderal vegetation, and will avoid adjacent wetlands and environmentally sensitive habitat areas (ESHAs). Minor trimming of adjacent native shrubs, such as red alder (*Alnus rubra*), may be necessary during installation, but work will occur outside of

Coastal Development Permit (CDP) Waiver 1-22-0890-W

Page 2 of 2

the nesting bird season. Excavated soil will be reused on site and confined within the existing fill prism. To ensure the protection of adjacent sensitive biological resources during the turnout installation activities, best management practices will be implemented, including standard erosion control measures, and Temporary High Visibility Fencing and/or flagging will be installed around sensitive habitat areas prior to the start of construction. The turnouts will be removed after the completion of the Spartina Removal Project, which is planned to be completed in 2030.

Tuluwat Island is of significant cultural importance to the Wiyot Tribe. Therefore, Caltrans coordinated with representatives from the Wiyot Tribe and it was agreed that a Caltrans Archaeologist will be present to monitor for archaeological resources during ground disturbing activities. If cultural resources are unearthed during construction, Caltrans will follow their standard incidental discovery protocol. As the turnouts will be temporary, created with gravel, flat to the ground, and will not require major vegetation removal, the visual impacts will be minimal and short term. Installation of the turnouts will take approximately one to two weeks and will require one way traffic control. However, traffic control will be short-term and only in place during work hours (excluding weekends and nights).

For all of these reasons, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities and is consistent with all applicable 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, November 18, 2022.** If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

PLEASE NOTE THAT THIS WILL BE A HYBRID MEETING, WITH BOTH VIRTUAL AND IN PERSON PARTICIPATION ALLOWED. Please see the Coastal Commission's Hybrid 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 Hybrid Hearing Procedures, please email northcoast@coastal.ca.gov or call 415-904-5202.

The in-person hearing will be held at **Monterey County Board of Supervisors Chambers, 168 West Alisal Street, 1st Floor, Salinas, CA 93901.** The Commission strongly encourages continued participation virtually through video and teleconferencing due to changing Covid-19 conditions.

If you have any questions about the proposal, please contact Amber Leavitt in the North Coast District office at Amber.Leavitt@coastal.ca.gov.