

CALIFORNIA COASTAL COMMISSION

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F7a

DATE: April 29, 2022

TO: Coastal Commissioners and Interested Persons

FROM: Shana Gray, Deputy Director, North Coast District
Tamara Gedik, Supervising Analyst

SUBJECT: **Request to waive fee on Coastal Development Permit (CDP) Application No. 1-21-0770 (Trinidad Rancheria)**
For the Commission Meeting of May 13, 2022

SUMMARY OF STAFF RECOMMENDATION

Trinidad Rancheria ("Applicant") requests a waiver of the CDP application filing fee, calculated at \$28,402¹, required for the processing of CDP Application No. 1-21-0770 for its proposed Stormwater Runoff Management and Improvements Project within Trinidad Harbor. The proposed project includes retrofitting and replacing portions of the existing paved parking lot with Low Impact Development (LID) design features to manage stormwater runoff and pollutant discharge from within Trinidad Harbor, a designated Area of Special Biological Significance². LID design features include, among others, the installation of a bioswale, rain gardens, and permeable pavers. The proposed project would improve water quality and address the non-point source pollution associated with runoff from the Trinidad Harbor parking lot.

Pursuant to Section 13055(h)(1) of the California Code of Regulations, the Executive Director shall waive the application fee when requested by resolution of the Coastal Commission.

The CDP application was submitted on November 3, 2021 and filed as incomplete December 3, 2021. No fee was included with the application submittal. Following

¹ The fee charged is based on the total square footage of the project area (which equates to a \$25,820 filing fee) plus an additional grading fee of \$2,582 for the proposed 3,205 cubic yards of cut and fill.

²The Trinidad Head Area of Special Biological Significance (ASBS) includes 297 acres near Trinidad Bay and is one of 34 ocean areas designated under the 1972 Ocean Plan to be monitored and maintained for water quality by the State Water Resources Control Board.

discussions with Commission staff, on April 7, 2022, the Commission received a letter from the Applicant (Appendix A) requesting a waiver of the application fee due to (1) insufficient grant funds to cover the fee; (2) the need to spend the remaining grant funds awarded in 2017 on increased costs of construction materials due to the COVID-19 pandemic and supply shortages; and (3) the fiscal impact of the application fee on the limited General Fund of an economically disadvantaged Tribe.

Commission staff recommends that the Commission approve the fee waiver for the proposed water quality improvement project. The Cher-Ae Heights Indian Community of the Trinidad Rancheria (Trinidad Rancheria) is a federally recognized Indian Tribe with ancestral ties to the Yurok, Wiyot, Tolowa, Chetco, Karuk, and Hupa peoples. The Trinidad Rancheria qualifies as an economically disadvantaged community. Pursuant to Government Code section 6103, public entities are exempt from the Commission's application fee schedule. Although the Applicant does not meet the definition of "public entity" under the Government Code, the funding agency supporting the project does. Public funding for the project to date has been awarded by the State Water Resources Control Board Storm Water Grant Program (SWGP)³

MOTION AND RESOLUTION

Motion:

I move that the Commission direct the Executive Director to waive the permit application fee for Coastal Development Permit Application No. 1-21-0770 pursuant to the staff recommendation.

Staff recommends a YES vote. Passage of this motion will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution Directing Fee Waiver:

The Commission hereby directs the Executive Director to waive the permit application fee for Coastal Development Permit Application No. 1-21-0770 submitted by Trinidad Rancheria.

APPENDIX

[Appendix A: Applicant's letter requesting waiver of permit application filing fee](#)

³ State Water Resources Control Board Proposition 1 Storm Water Grant Program funding includes an award of \$1,215,000 to Trinidad Rancheria for its Trinidad Harbor ASBS SW Runoff Management and Green Infrastructure Project, executed in 2018 (Agreement No. D1712651):

https://www.waterboards.ca.gov/board_info/agendas/2018/nov/final_ed_rpt_112818.pdf