

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT
1385 8TH STREET, SUITE 130
ARCATA, CA 95521
PHONE: (707) 826-8950
WWW.COASTAL.CA.GOV



F7

Prepared January 27, 2023 (for the February 10, 2023 Hearing)

To: Commissioners and Interested Parties
From: Shana Gray, North Coast District Deputy Director
Subject: **North Coast District Deputy Director's Report for February 2023**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs, and local government acceptance of modifications for LCP certification for the North Coast District Office are being reported to the Commission on February 10, 2023. 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 waivers, immaterial amendments, and time extensions. The other items are presented for the Commission's information. Staff will report any objections received and any other relevant information on these items to the Commission when it considers the North Coast District Deputy Director's report on February 10.

With respect to the February 10th 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 10, 2023 (see attached)

Waivers

- 1-22-0508-W, PG&E – Major Vegetation Removal (Mendocino County)
- 1-22-0743-W, City of Fort Bragg – Raw Water Line Replacement Project (Fort Bragg area, Mendocino Co.)
- 1-23-0079-W, Caltrans – Trinidad CAPM: Highway 101/Airport Road Sidewalk (McKinleyville area, Humboldt Co.)

Emergency Permits

- G-1-23-0002, California Department of Fish & Wildlife and County of Del Norte – Lake Earl Emergency Breach (Lake Earl / Lake Tolowa lagoon, Del Norte Co.)

Time Extensions, Immaterial Amendments and LCP Certifications - None

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NOTICE OF PROPOSED PERMIT WAIVER

Date: January 27, 2023
To: All Interested Parties
From: Melissa Kraemer, North Coast District Manager
Daniel Nathan, Wildfire Resilience Coordinator
Subject: Coastal Development Permit (CDP) Waiver 1-22-0508-W
Applicant: Pacific Gas and Electric Company

Location: Along the Big River 1101 12 kilovolt distribution line on Johnson Park Road in Caspar, Mendocino County, adjacent to:
44301 Johnson Park Road, Caspar, Mendocino County (APN: 118-070-30)
15051 Cypress Lane, Caspar, Mendocino County (APN: 118-070-28)
Along the Big River 1101 12 kilovolt distribution line on Surfwood Drive, Mendocino, Mendocino County, adjacent to:
43350 Little Lake Road, Mendocino, Mendocino County (APN: 119-430-01)
43400 Little Lake Road, Mendocino, Mendocino County (APN: 119-390-29)

Proposed Development

Trimming of one Mendocino Cypress tree and removal of three Mendocino Cypress trees.

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 is located along the roadside with heavy machinery to remain outside of vegetated areas. Crews will remove and/or trim subject trees using hand tools only for necessary maintenance, leaving stumps in place to avoid ground disturbance, with chipped material to be scattered at the subject sites. No herbicides are proposed for use and biological protection measures, such as surveys to identify and avoid sensitive species, will be implemented prior to development. No cultural resources were identified within the immediate areas proposed for work. Additionally, the applicant has proposed in lieu fee mitigation for the presence of crews and removal of trees within mapped environmentally-sensitive habitat areas containing Pygmy Cypress habitat. The in lieu fee payment shall go to Save the Redwoods League for fire and forest resiliency improvements within the 84-acre Micky Trust parcel. The project is consistent with all applicable Chapter 3 policies of the Coastal Act and no adverse impacts to coastal resources are anticipated.

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 Friday, February 10, 2023.** 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. The Commission is conducting this meeting virtually, in part to implement its goal of reducing the Commission's carbon footprint. The hearing will be held virtually on the Cal-Span website: <https://cal-span.org/>. Please see the Coastal Commission's 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 Hearing Procedures, please email northcoast@coastal.ca.gov or call 415-904-5202.

If you have any questions about the proposal, please contact Daniel Nathan in the Commission's Statewide Planning Unit at daniel.nathan@coastal.ca.gov.

cc: Mendocino County Planning & Building Dept.

Commissioners/File

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NOTICE OF PROPOSED PERMIT WAIVER

Date: January 27, 2023

To: All Interested Parties

From: Melissa Kraemer, North Coast District Manager
Tatiana Garcia, Coastal Program Analyst

Subject: **Coastal Development Permit (CDP) Waiver 1-22-0743-W**
Applicants: (1) City of Fort Bragg, (2) Charles A. and Ana R. Peavy, and
(3) Redwood Timber Company

Location: Within and adjacent to the Noyo River within the City of Fort Bragg's water line easement near 31300 E. Chestnut Street and 20000 Summers Lane, Fort Bragg, Mendocino County
(APNs: 019-610-01, 019-690-12, 019-640-01, -04, and 019-630-05)

Proposed Development

Repair and maintain an existing approximately 750-foot-long segment of municipal raw water line by installing through directional boring internal lining within the existing pipeline. Two 10-foot by 10-foot by 6-foot-deep pits (one on each side of the river) generating approximately 1,900 cubic yards of material, will be excavated for the bore pits to enable access to the water pipeline river crossing.

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 Noyo crossing raw waterline repair and maintenance project (which is a small part of a much larger waterline replacement project separately permitted by Mendocino County) is to extend the life of the City's existing waterline in a manner that minimizes impacts to riverine and riparian resources. The existing waterline crossing at the Noyo River was installed in 1905 and crosses through redwood forests along former logging roads. The proposed work will minimize disturbance to the forest understory and riverine habitats by accessing work sites using existing logging roads and by limiting excavation to only a single bore pit on each side of the river outside of the wetted channel to enable access to the waterline via directional boring. Rather than replacing the pipeline or installing a new redundant line at the river crossing, a new liner will be installed through the bore pits to line the interior of the existing pipeline. Vegetation removal will be minimized to the greatest extent possible within access corridors and at each bore pit, and standard Best Management Practices (BMPs) will be employed to

minimize impacts. Proposed BMPs include, but are not limited to, restricting staging of equipment and materials to existing disturbed areas outside of environmentally sensitive habitat areas, avoiding tree removal, and restoring temporarily disturbed areas to original conditions upon completion of work. As proposed, the project will not block any public view corridors or interfere with public access or public recreation opportunities. Furthermore, the proposed development is the least environmentally damaging alternative that would allow for continued access to the City of Fort Bragg's water supply.

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 Friday, February 10, 2023.** 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, please contact Marlene Alvarado in the Commission's Transportation Program at tatiana.garcia@coastal.ca.gov.

cc: Mendocino County Planning & Building Services

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NOTICE OF PROPOSED PERMIT WAIVER

Date: January 27, 2023
To: All Interested Parties
From: Melissa Kraemer, North Coast District Manager
Marlene Alvarado, Transportation Program Analyst
Subject: **Coastal Development Permit (CDP) Waiver 1-23-0079-W**
Applicant: California Department of Transportation (Caltrans) – District 1

Location: Highway 101 at Airport Road, McKinleyville, Humboldt County

Proposed Development

Construct an approximately 250-foot-long, six- to eight- foot-wide concrete pedestrian and cyclist pathway that passes under Highway 101 on Airport Road for public safety and public access improvement purposes. The undercrossing will provide a connection from McKinleyville and areas east of Highway 101 to the Hammond Coastal trail and other areas of the coast. The pathway will run across a vegetated slope under the highway and requires a new approximately 180-foot long retaining wall with an approximate maximum six-foot height (with approximately five to 5.5 feet above ground) that will cut through the existing embankment slope of the bridges to support the proposed sidewalk. An approximately four-foot-high and 30-foot-long cable railing will be installed between an existing culvert and the proposed sidewalk adjacent to the northbound offramp for safety. New curb ramps will be installed on either ends of the pathway to facilitate safe and accessible crossing (two curb ramps will be located at the northbound off-ramp, and two will be on the southbound on-ramp). Restriping is proposed on the northbound off-ramp to shorten the length pedestrians must cross and eliminate the free right turn for vehicles. Vertical delineators will delineate the pathway across the previous right turn lane. Signs will be relocated outside of the sidewalk footprint as needed. Existing metal beam guardrail will be replaced with new Midwest Guardrail systems and end terminals on the westbound and eastbound shoulders. Existing drainage patterns will be maintained and remain undisturbed.

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:

All proposed work and staging will occur within the existing highway right-of-way. No project-related work or staging will occur within wetlands or other environmentally sensitive habitat areas. Staging will be on existing paved and gravel areas. Vegetation

removal will be limited to ruderal vegetation (grass) and one small willow bush, which is commonly trimmed and maintained within the highway facility, all of which is under the highway crossing, to place the pedestrian walkway. Any excess soil and debris from the construction work will be disposed of at an authorized facility. Construction Best Management Practices (BMPs) are proposed, including, but not limited to, the use of fiber rolls, silt fencing, equipment leakage prevention and spill control, and a water pollution control plan. The project as proposed will protect and enhance public access because it will improve public safety and connectivity to public trails and coastal access. 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 Friday, February 10, 2023.** 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. The Commission is conducting this meeting virtually, in part to implement its goal of reducing the Commission's carbon footprint. The hearing will be held virtually on the Cal-Span website: <https://cal-span.org/>. Please see the Coastal Commission's 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 Hearing Procedures, please email northcoast@coastal.ca.gov or call 415-904-5202.

If you have any questions about the proposal, please contact Marlene Alvarado in the Commission's Transportation Program at marlene.alvarado@coastal.ca.gov.

cc: Humboldt County Planning & Building Dept.

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**EMERGENCY PERMIT**

Issue Date: January 6, 2023
Emergency Permit Number: G-1-23-0002

APPLICANTS:

California Department of Fish and Wildlife and 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

Doyle Coyne

Doyle Coyne, Coastal Program Analyst

Enclosures: 1) Acceptance Form

Emergency Permit Number:
G-1-23-0002

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 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-1-23-0002

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 Service, U.S. Army Corps of Engineers, NOAA-Fisheries (NMFS), Regional Water Quality Control Board, and the California State Lands Commission.

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January 6, 2023

EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSISON
North Coast District Office
1385 Eighth Street, Suite 130
Arcata, California 95521-5967

RE: Emergency Permit No. G-1-23-0002

RECEIVED
JAN 11 2023
CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the North Coast District Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Development Permit is necessary for any permanent installation.

Sincerely,

John Ainsworth
Executive Director

Doyle Coyne

By: Doyle Coyne
Coastal Program Analyst

cc: Commissioners/File

Heidi Kunstal

Signature of Property Owner or
Authorized Representative

HEIDI KUNSTAL

Print Name

Address: *981 H St. 5K110*
Crescent City, CA 95531

1-8-2023

Date of Signing