

CALIFORNIA COASTAL COMMISSION

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



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Prepared May 2, 2023 (for the May 12, 2023 Hearing)

To: Commissioners and Interested Parties
From: Shana Gray, North Coast District Deputy Director
Subject: **North Coast District Deputy Director's Report for May 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 May 12, 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 May 12th.

With respect to the May 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 May 12, 2023 (see attached)

Immaterial Amendments

- 1-20-0560-A1, Humboldt County Dept. of Public Works – Trail construction. (Humboldt Bay between Arcata & Eureka, Humboldt County)
- 1-99-077-A5, City of Eureka – Dock demo. Wharf, boardwalk, and floating dock construction. (Humboldt Bay at City of Eureka, Humboldt County)

Time Extensions

- 1-17-0200-E3, Loleta Community Services District – 1 year extension of wastewater treatment improvements. (City of Loleta, Humboldt County)

Emergency Permits and LCP Certifications - None

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: April 28, 2023
To: All Interested Parties
From: Melissa B. Kraemer, North Coast District Manager
Catherine Mitchell, Coastal Program Analyst
Subject: **Amendment to Coastal Development Permit (CDP) 1-20-0560**
Applicant: Humboldt County Dept. of Public Works

Project Site

Along the existing railroad on the northeastern shore of Humboldt Bay between the existing Humboldt Bay Trail North at Brainard Slough, Arcata and the existing Eureka Waterfront Trail at Y Street, Eureka, with separately permitted offsite wetland mitigation at Tuluwat Island, Eureka and at a 70-acre agricultural property west of Arcata.

Original CDP Approval

The original permit was approved in April 2022 to construct 4.25 miles of Class 1 multi-use trail as part of the California Coastal Trail including three bridges, up to two viewing platforms, interpretive signs, fencing, drainage improvements, removal of approximately 200 Eucalyptus trees, and repair and maintenance of eroding segments of existing railroad berm.

Proposed CDP Amendment

Permit Amendment No. 1-20-0560-A1 would modify Special Conditions 13 and 16 to provide more flexibility for staging and stockpile area locations. See Attachment A for the proposed changes to the above conditions.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

As depicted in Attachment A, two special conditions of the original permit address staging and stockpiling during construction. The conditions require certain measures to protect marine resources and water quality, including locating staging and stockpiling areas at least 50 feet from coastal waters, drainage courses, and all other wetlands (Condition 13), using appropriate BMPs, and completion of a construction stockpiling and debris disposal plan (Condition 16). The two proposed staging areas for trail construction are located on existing developed areas at Bracut and Brainard. Both areas are separated from Humboldt Bay by existing levees that separate upland sites from the bay and prevent runoff from developed areas from draining into the bay. The

Coastal Development Permit (CDP) Amendment 1-20-0560-A1

proposed amendment would amend the referenced special conditions to allow staging and stockpile areas to be located within 50 feet of waters, drainage courses, and wetlands when locating these areas further than 50 feet would not be feasible and only if it can be demonstrated that doing so would pose no increased risk to water quality. The conditions as amended will continue to require silt fencing to be installed around all temporary staging and stockpile areas, and for stockpiles to be contained with appropriate BMPs to prevent any discharge of pollutants in order to protect adjacent waters and wetlands. The existing levee surrounding each of the staging areas would serve as an additional barrier between staging areas and the bay. As the amended development does not have a potential for adverse impacts, either individually or cumulatively on coastal resources or public access, the Executive Director has determined that the proposed amendment is immaterial.

Coastal Commission Review Procedure

The CDP may be amended as proposed if no written objections are received in the North Coast District office within ten working days of the date of this notice. In addition to the regular means required by the regulations or statute, please make sure that you also send a copy of all correspondence or other documents electronically to NorthCoast@coastal.ca.gov. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission at its meeting on Friday, May 12, 2023. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

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/mtgcurr.html 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 707-826-8950.

The in-person hearing will be held at **CA Natural Resources Agency, 715 P Street, Sacramento, CA 95814**. The Commission still strongly encourages continued participation virtually through video and teleconferencing to reduce our carbon footprint. **To view the live stream of the hearing, please visit <https://cal-span.org/>.**

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

Attachment A: Amendments to Special Conditions

Coastal Development Permit (CDP) Amendment 1-20-0560-A1

Attachment A

AMENDMENTS TO SPECIAL CONDITIONS OF

CDP No. 1-20-0560-A1

Text to be deleted is shown in strikethrough, and text to be added appears in **bold underline**.

13. Construction Requirements to Protect Marine Resources and Water Quality.

A. All mitigation measures proposed by the permittee shall be implemented, including all mitigation measures included in the final "Mitigation Monitoring and Reporting Program" adopted by the County for the project (Exhibit 8) and in permits and/or consultations issued by CDFW, USFWS and NOAA-Fisheries (NMFS), including, but not limited to, the following proposed measures as modified herein:

- i. Timing of Work: Isolation of the in-water work area and construction within stream channels and the bay shall only occur between July 1 and September 31st during low tides to avoid sensitive fish species, and to reduce the chance of stormwater runoff occurring during construction.
- ii. Erosion, Sediment, and Runoff Control:
 - a Staging and stockpile areas shall be located at least 50 feet from coastal waters and drainage courses and all other wetlands, **if feasible. Upon a showing of infeasibility, the permittee may submit a request for review and written approval to the Executive Director for staging and stockpile areas to be located closer than 50 feet if it can be demonstrated that doing so will pose no increased risk to water quality (e.g., if areas are situated behind a levee).** ~~and~~ Silt fencing and/or straw wattles shall be installed around all temporary staging and stockpile areas to prevent sediment- and pollutant-laden runoff from exiting the site(s).

...

16. Final Construction Stockpiling and Debris Disposal Plan.

A. PRIOR TO COMMENCEMENT OF DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT 1-20-0560, the applicant shall submit to the Executive Director for review and written approval a final plan for (1) the temporary stockpiling of construction materials, (2) the disposal of all construction debris, waste, and vegetative spoils expected to be generated by

Coastal Development Permit (CDP) Amendment 1-20-0560-A1

the authorized work, and (3) if applicable, for the stockpiling of railroad infrastructure for future use if required by the NCRA or its successor agency. The plan shall demonstrate that:

- i. All temporary stockpiles of construction debris, excess sediments, vegetative spoils (including Eucalyptus tree slash), and any other debris and waste associated with the authorized work shall be located at least 50 feet from coastal waters and drainage courses, **to the extent feasible,** and limited to areas where stockpiles can feasibly be contained with appropriate BMPs to prevent any discharge of pollutants to surrounding coastal waters and wetlands. **Upon a showing of infeasibility, the permittee may submit a request for review and written approval to the Executive Director for stockpile areas to be located closer than 50 feet if it can be demonstrated that doing so will pose no increased risk to water quality (e.g., if areas are situated behind a levee);** and

...

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: April 28, 2023
To: All Interested Parties
From: Melissa B. Kraemer, District Manager
Bente C. Jansen, Coastal Program Analyst

Subject: Amendment to Coastal Development Permit (CDP) 1-99-077
Applicant: City of Eureka

Project Site

On the eastern shore of Humboldt Bay at the terminus of C Street, City of Eureka, Humboldt County (APNs: 001-011-13, and 001-011-15)

Original CDP Approval and Previous Amendments

CDP 1-99-077 was approved by the Commission on May 10, 2000 authorizing the demolition of all existing dock structures and reconstruction of a 420-foot-long¹ commercial fishing wharf, a 1,190-foot-long trestle public boardwalk, a 530-foot-long recreational boating floating dock, and associated shoreline protective works. Amendments -A1 and -A2 authorized minor adjustments to the layout of the floating dock portions of the project and shortened the length of the commercial fishing wharf by 60 feet. Amendment -A3 authorized the extension of the sheetpile bulkhead, backfilling of an approximately 10,950-square-foot wetland area behind the extended bulkhead and provided a combination of in-kind and out-of-kind intertidal mudflat, rocky, and saltmarsh replacement wetlands at two off-site mitigations sites. Changes proposed in amendment -A4 were administered through condition compliance of amendment -A3.

Proposed CDP Amendment

CDP 1-99-077 would be amended to authorize replacement of 40, 14-inch-diameter failing and damaged wooden fender piles with 40 new polymer composite piles of the same size. The Commission's reference number for this proposed amendment is **1-99-077-A5**.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

¹ As approved under CDP Amendment 1-99-077-A2, this project component was later shortened by approximately sixty feet resulting in a dock length of 362.5 feet.

The proposed development involves maintenance and repairs to the previously authorized commercial fishing wharf. The 40 non-structural fender piles, which protect vessels from drifting into or under the dock while loading or unloading cargo, are either degraded or deteriorated, rendering the facility on the brink of becoming unusable. The wooden fender piles will be replaced with composite piles of the same size and in the same location as existing piles and thus the proposed repairs do not affect the footprint of the existing development.

The maintenance and repairs to the commercial fishing wharf will not result in any additional resource impacts that were not evaluated under the original approved development. Project activities will occur outside of eelgrass habitat that was previously evaluated under CDP 1-99-077 as amended. The original project approved dredging a deep-water channel (26 feet deep) adjacent to the dock for ship/boat passage, resulting in permanent impacts to eelgrass and other habitats that were mitigated offsite. Thus, the locations where fender piles are to be replaced are not suitable habitat for eelgrass due to depths achieved from regular maintenance dredging. All pile replacement work will be conducted from either the adjacent dock or from a barge located in deep water adjacent to the dock. No barge, anchor, or other material will be placed on or nearby mudflat or eelgrass habitat.

The amended project would continue to be subject to the operational standards and special conditions of the originally approved permit, as previously amended. Special Condition 3 of the amended permit requires specific construction responsibilities and debris removal including, but not limited to, the following: a) no construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion; b) any and all debris resulting from construction activities shall be removed from the bay immediately; c) staging and storage of construction machinery and storage of debris shall not take place on any adjacent coastal access support facilities; d) any fueling of construction equipment shall occur on the paved areas within the adjoining former boat yard structures on the site at a minimum of 100 feet landward from the Mean High High Water line of the bay; and e) a floating surface boom will be used to immediately capture any floating surface debris. Special Condition 4 of the original permit required, and the permittee satisfied, submittal of erosion and run-off control plans. By conducting the project work consistent with the formerly proposed and approved erosion and runoff control plans, the potential adverse impacts to estuarine water quality are mitigated to less than significant levels.

The applicant has also proposed the same measures and Best Management Practices (BMPs) for construction that were considered and required by the original permit, thus further protecting water quality and minimizing the potential for fish impacts. First, the applicant will time construction to occur at low tides during the dry season and outside of salmonid spawning migrations (i.e., in-water construction will be limited to the period of July 1st through October 15th), as required by Special Condition 4. Second, piles will

be installed and removed using primarily² vibratory methods to minimize the potential for hydroacoustic impacts to fish. Third, piles that have broken and cannot be removed will be cut at least one foot below the mudline. Fourth, a transport container will be used as a containment area for removed piles and any associated sediment removed during pile removal. Finally, all demolition debris and waste will be appropriately disposed of at a licensed facility capable of receiving the debris.

Additionally, the proposed project will not adversely affect public access or recreation. Staging will be confined to the barge and the existing commercial fisherman's parking lot inland of the dock (where materials supporting the commercial fishing industry are stored). The project will temporarily impact use of the dock by commercial and local fishermen for a short duration (work is anticipated to occur for approximately three weeks), however, nearby alternative sites remain available for fishermen to use during construction, including the Pacific Seafood dock and the Caito Fisheries dock in Eureka, both of which are under a quarter mile away.

Therefore, as the proposed amended development does not have a potential for adverse impacts, either individually or cumulatively on coastal resources or public access, the Executive Director has determined that the proposed amendment is immaterial.

Coastal Commission Review Procedure

The CDP may be amended as proposed if no written objections are received in the North Coast District office within ten working days of the date of this notice. In addition to the regular means required by the regulations or statute, please make sure that you also send a copy of all correspondence or other documents electronically to NorthCoast@coastal.ca.gov. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Friday, May 12, 2023. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

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 707-826-8950.

The in-person hearing will be held at **CA Natural Resources Agency, 715 P Street,**

² The use of an impact hammer may be used if required depths for the piles are not able to be achieved using the vibratory hammer. The use of an impact hammer is a last resort.

Sacramento, CA 95814. The Commission strongly encourages continued participation virtually through video and teleconferencing to reduce our carbon footprint. **To view the live stream of the hearing, please visit <https://cal-span.org/>.**

If you have any questions about the proposal or wish to register an objection, please contact Bente Jansen in the North Coast District office at Bente.Jansen@coastal.ca.gov.

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April 28, 2023

**NOTICE OF EXTENSION REQUEST
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that Loleta Community Services District has applied for a one year extension of 1-17-0200 granted by the California Coastal Commission on April 10, 2021 for:

Application of Loleta Community Services District to improve Loleta's wastewater treatment system to meet discharge standards by: (1) upgrading existing wastewater treatment facility with new influent pump station, pre-screening rotary drum screen, extended aeration secondary treatment, and ultraviolet disinfection system; (2) repairing existing subsurface pipe that discharges treated wastewater to wetland tributary of Eel River; and (3) installing new land application system for irrigation of approx. 50 acres of agricultural land with treated wastewater.

at: 2656 Eel River Rd, Loleta (Humboldt County) (APNs: 309-191-12, 309-211-02, 309-211-06, 309-211-07, 309-251-02)

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

A handwritten signature in cursive script that reads "Catherine Mitchell".

Catherine Mitchell
Coastal Program Analyst

cc: Commissioners/File