

CALIFORNIA COASTAL COMMISSION

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



Th9

Prepared January 25, 2024 (for the February 8, 2024 Hearing)

To: Commissioners and Interested Parties
From: Shana Gray, North Coast District Deputy Director
Subject: **North Coast District Deputy Director's Report for February 2024**

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 8, 2024. 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 8.

With respect to the February 8th 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 8, 2024 (see attached)

Emergency Permits

- G-1-23-0083, Abbie & Larry Colbert – Demolition of structure and disposal of debris (Noyo Harbor, Fort Bragg, Mendocino Co.)
- G-1-23-0084, CUE IV LLC – Culvert & tide gate replacement (Humboldt Bay, Humboldt Co.)
- G-1-24-0002, Outfront Media – Billboard repair (Indianola Cutoff, Eureka-Arcata Highway 101 Corridor, Humboldt Co.)
- G-1-24-0003, California Department of Fish and Wildlife & County of Del Norte – Sandbar breach (Lake Earl/Tolowa lagoon complex, Del Norte Co.)

Immaterial Amendments

- 1-88-185-A3, Dunlap – Special condition removal and after-the-fact ADU conversion to amend CDP 1-88-185 (Fort Bragg area, Mendocino Co.)

Waivers

- 1-23-0880-W, Cropper – Domestic well installation (Trinidad area, Humboldt Co.)
- 1-24-0037-W, Wilson – Removal of hazardous Monterey pine tree (Big Lagoon area, Humboldt Co.)

Emergency Permit Waivers

- G-1-24-0003-W, Humboldt Bay Municipal Water District – Pipeline repair and protection (Samoa area, Humboldt Co.)

Time Extensions and LCP Certifications - None

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EMERGENCY PERMIT (REVISED)

Issue Date: December 28, 2023
Emergency Permit Number: G-1-23-0083

APPLICANT:

Abbie & Larry Colbert
34561 Pelican Way
Fort Bragg, CA 95437

LOCATION OF EMERGENCY:

19290 S. Harbor Dr, Fort Bragg (Mendocino County) (APN(s): 018-150-21)

EMERGENCY WORK:

Demolition of a collapsing building adjacent to Noyo River and disposal of debris at authorized facilities. Work will involve installing plywood sheets on the north side of the structure to prevent debris from entering the river during demolition and using an excavator and cabling to pull down the remainder of the building away from the river. A licensed contractor certified in the handling of hazardous materials will separate materials containing asbestos and/or lead and dispose hazardous waste at Solid Waste of Willits. The remainder of the structure will be crushed and loaded into approximately ten (10) debris containers and sent to C&S Waste Solutions in Ukiah. No work will occur over open water. Demolition and debris loading is anticipated to take approximately three (3) days.

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 high winds on November 21, 2023 caused the inward collapse of approximately 1,700 square feet of roofing on an old fish processing warehouse containing asbestos and lead (the structure was built in several sections beginning in 1946), leaving the structure unstable and posing a threat of structure collapse, exposure to hazardous materials, and risk of waste discharge to the Noyo River at 19290 S. Harbor Dr., Fort Bragg (Mendocino County), 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

Emergency Permit Number:
G-1-23-0083

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,

Kate Hucklebridge
Executive Director

A handwritten signature in black ink, appearing to read 'TG', with a long horizontal stroke extending to the right.

Tamara Gedik
North Coast District Supervisor

Cc: Commissioners, Mendocino County Planning and Building Services

Enclosure: Acceptance Form

Emergency Permit Number:
G-1-23-0083

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office prior to onset of activity and within 15 days. This ECDP is not valid unless and until the acceptance form has been received in the North Coast District Office.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Work is further limited to the minimum necessary to abate the emergency and as detailed in the emergency application materials received via electronic mail by Abbie Colbert ("pelicanstorage@comcast.net") on December 27, 2023. Any additional work requires separate authorization from the Executive Director.
3. The permittee shall use all best management practices (BMPs) and development limitations proposed in the emergency permit application to protect marine resources and water quality during demolition and disposal work as detailed in Item 15 of the application materials. These include, but are not limited to the following:
 - a. No work shall occur in or over water.
 - b. All construction and demolition activities that result in discharge of materials, polluted runoff, or wastes to the Noyo River or the adjacent marine environment shall be prohibited. Equipment washing, refueling, and/or servicing shall not take place on the site. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each workday.
 - c. Tarps shall be used to cover the debris until it is disposed of.
 - d. Construction and demolition activities shall not occur during heavy rain or wind.
 - e. There shall be no excavation, grading or ground disturbance.
4. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access including by, at a minimum, adhering to the following additional construction and demolition requirements:
 - a. All construction activities shall take place during daylight hours (i.e., from one hour before sunrise to one hour after sunset).

Emergency Permit Number:

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- b. The contractor shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain (including covering exposed piles of debris and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction and demolition debris from the site; etc.).
5. The work authorized by this permit must be completed within 45 days of the date of this permit (i.e., by February 11, 2024), which shall become null and void unless extended by the Executive Director for good cause.
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, unless the Executive Director determines that no follow up CDP is required. 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, the County of Mendocino, Noyo Harbor District, the North Coast Regional Water Quality Control Board, and the California State Lands Commission.
9. Within 30 days of completion of demolition and removal authorized by this ECDP, the Permittee shall submit photos showing the project site before the emergency, during emergency development demolition activities, and after the work authorized by this ECDP is complete.
10. If the Executive Director determines that a follow up CDP is required, then within 90 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall submit a follow-up Coastal Development Permit application to the North Coast District

Emergency Permit Number:
G-1-23-0083

office requesting authorization for the development. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the Executive Director informs the applicant that the application is incomplete, the emergency-permitted development shall be removed and all affected areas restored to their prior condition, after consultation with CCC staff and consistent with the Coastal Act, within 180 days, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.

Failure to a) submit a complete follow-up CDP Application that complies with Condition 10 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit¹, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP² will constitute a knowing and intentional violation of the Coastal Act³ and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

¹ In some instances, a permit may also be required for removal.

² As noted above, in some instances, a permit may also be required for removal.

³ The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

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**EMERGENCY PERMIT**

Issue Date: December 21, 2023
Emergency Permit No.: G-1-23-0084

APPLICANT:

CUE IV LLC
323 5th Street
Eureka, CA 95501

AGENT:

Dyllan Forbes, Reclamation District 768
1740 Freshwater Rd.
Eureka, CA 95503

LOCATION OF EMERGENCY:

On an agricultural dike on Humboldt Bay near Mad River Slough, south of State Highway 255 (APNs: 506-051-03, 506-051-09, 506-051-10)

EMERGENCY WORK:

Replace in-kind a 36-inch, 60-foot-long culvert with tide gate located in an existing agricultural dike with a new culvert with tide gate of the same size in the same location. The existing culvert has rusted out, and the tide gate has broken off on one side allowing tidal water from Humboldt Bay to flood agricultural lands inland of the dike. Work will be conducted using an excavator stationed on top of the approximately 15-ft-wide dike. The existing riprap and rocks will be removed from the bay side of the dike and temporarily placed on top of the dike.

Excavation within the dike will occur to access the culvert for replacement. After in-kind culvert replacement, the riprap will then be replaced around the culvert and tide gate on the bay side of the dike. Work will be conducted during a minus tide to minimize the potential for impacts to marine resources and water quality.

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 a failure of a culvert and associated tide gate is posing a threat to structures and farmland on the property identified above and 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

Emergency Permit Number:
G-1-23-0084

(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,

Kate Hucklebridge
Executive Director

Original on File signed by:

A handwritten signature in black ink, appearing to read "Melissa B. Kraemer". The signature is fluid and cursive, with the first name "Melissa" being the most prominent.

Melissa B. Kraemer
Coastal Program Manager

cc: Commissioners/Humboldt County Planning & Building Department

Enclosures: 1) Acceptance Form;
2) Regular Permit Application Form

Emergency Permit Number:
G-1-23-0084

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. Work is further limited to the minimum necessary to abate the emergency and as detailed in the emergency application materials received electronically on December 19, 2023. 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, including intertidal species, and to minimize impacts to public access.
4. Culvert replacement work shall take place during periods of low tides only and shall be completed within a single day during a minus tide. Equipment washing, refueling, and/or servicing shall not take place on the site.
5. This emergency permit does not authorize the placement of any additional riprap on the dike beyond existing legally authorized riprap material. Existing riprap temporarily removed for culvert replacement work may be replaced following culvert replacement in the same location on the dike.
6. Effective best management practices (BMPs) shall be implemented to control erosion and runoff from areas associated with the emergency project, including access roads. All areas of temporary impacts and all other areas of temporary disturbance that could result in a discharge of sediment and pollutants to coastal waters must be restored to pre-project conditions immediately following emergency work. Restoration must include, at a minimum, revegetation of disturbed areas with appropriate species and placement of straw mulch over disturbed areas.
7. The work authorized by this permit must be completed within 60 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
8. The applicant recognizes that the emergency work is considered temporary and subject to removal unless and until a regular coastal development permit

Emergency Permit Number:
G-1-23-0084

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.

9. 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.
10. 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, U.S. Army Corps of Engineers, Humboldt Bay Harbor, Recreation, and Conservation District, and the California State Lands Commission.
11. Within 90 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall either: (a) remove all of the materials placed or installed in connection with the emergency development authorized in this Permit and restore all affected areas to their prior condition after consultation with California Coastal Commission staff, and consistent with the Coastal Act. In some instances, a permit may be needed for removal; or (b) submit a complete follow-up Coastal Development Permit (CDP) that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the Executive Director informs the applicant that the application is incomplete, the emergency-permitted development shall be removed and all affected areas restored to their prior condition, after consultation with CCC staff and consistent with the Coastal Act, within 270 days, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.

Failure to a) submit a complete follow-up CDP Application that complies with Condition 8 above, or b) remove the emergency development and restore all affected areas to their prior

Emergency Permit Number:
G-1-23-0084

condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit¹, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP² will constitute a knowing and intentional violation of the Coastal Act³ and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

¹ In some instances, a permit may also be required for removal.

² As noted above, in some instances, a permit may also be required for removal.

³ The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

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NORTH COAST DISTRICT OFFICE
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ARCATA, CALIFORNIA 95521-5967
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December 21, 2023

EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSION
North Coast District Office
1385 8th Street, Suite 130
Arcata, California 95521-5967

RE: Emergency Permit No. G-1-23-0084

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. I agree to complete the regular Coastal Development Permit application within 180 days of the date of the emergency permit or I will remove the emergency work in its entirety within 270 days of the date of the emergency permit (i.e., by September 16, 2024). Finally, I understand that my failure either to:

- a) Submit a complete follow-up Coastal Development Permit (CDP) Application that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations by the date specified in this Emergency Permit, which date may be extended by the Executive Director for good cause, or
- b) Remove the emergency development and restore all affected areas to their prior condition after consultation with Coastal Commission staff as you identified consistent with the Coastal Act, will constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Commission or the Executive Director.

In some instances, a permit may be required for removal (if required by this Emergency Permit) by the date specified in this Emergency Permit. This formal action could include a recordation of a Notice of Violation on my property; the issuance of a Cease and Desist Order and/or Restoration Order; imposition of administrative penalties for violations involving public access, and/or a civil lawsuit, which may result in the

Emergency Permit Acceptance Form
G-1-23-0084

imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

By:



Melissa B. Kraemer
Coastal Program Manager

cc: Commissioners/File



Signature of Property Owner or
Authorized Representative

Dyllan Forbes

Print Name

Address: 1740 Freshwater rd
Eureka CA 95503

12/21/2023

Date of Signing

CALIFORNIA COASTAL COMMISSION

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EMERGENCY PERMIT (REVISED)

Issue Date: January 10, 2024
Emergency Permit Number: G-1-24-0002

APPLICANT:

Outfront Media
1695 Eastshore Hwy.
Berkeley, CA 94710

AGENT

Allpoints Advertising, Inc.
2408 Jacobs Ave.
Eureka, CA 95501

LOCATION OF EMERGENCY:

On tidelands of Humboldt Bay adjacent to southbound Highway 101 at Indianola Cutoff between Eureka and Arcata, Humboldt County (APN: 501-241-05)

EMERGENCY WORK:

Repair wind-damaged billboard that was damaged in a storm on January 8th and further damaged during King Tides, January 9-10. The billboard needs emergency work to prevent its destruction. Emergency work will be limited to up-righting the billboard with winch, re-securing the structure, and installing temporary support systems as needed. Nine out of 12 posts still stand. There will be no ground disturbance.

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 heavy winds on January 8th damaged and partially broke off supports for an existing billboard, which is posing a threat to the billboard structure, Humboldt Bay tidelands, and traveling motorists along Highway 101. This work 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

Emergency Permit Number:
G-1-24-0002

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,

Kate Hucklebridge
Executive Director

By:

A handwritten signature in black ink that reads "Melissa B. Kraemer". The signature is written in a cursive style with a large, looped initial "M".

Melissa B. Kraemer
Coastal Program Manager

cc: Commissioners/Humboldt County Planning & Building Department

Enclosures: 1) Acceptance Form;
2) Regular Permit Application Form

Emergency Permit Number:
G-1-24-0002

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. Work is further limited to periods of low tides and to the minimum amount of work needed to abate the emergency. 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, including intertidal species, and to minimize impacts to public access.
4. 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.
5. WITHIN 30 DAYS OF COMPLETION OF EMERGENCY WORK, the applicant should provide an as-built report describing the full extent of repairs completed, quantifying the amount or percentage of the structure repaired relative to the whole, and documenting the types and amounts of removed/discarded materials and the disposal location of those materials.
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, U.S. Army Corps of Engineers, and the California State Lands Commission.
9. Within 60 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall

Emergency Permit Number:
G-1-24-0002

either: (a) remove all of the materials placed or installed in connection with the emergency development authorized in this Permit and restore all affected areas to their prior condition after consultation with California Coastal Commission staff, and consistent with the Coastal Act. In some instances, a permit may be needed for removal; or (b) submit a complete follow-up Coastal Development Permit (CDP) that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the Executive Director informs the applicant that the application is incomplete, the emergency-permitted development shall be removed and all affected areas restored to their prior condition, after consultation with CCC staff and consistent with the Coastal Act, within 180 days, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.

Failure to a) submit a complete follow-up CDP Application that complies with Condition 8 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit¹, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP² will constitute a knowing and intentional violation of the Coastal Act³ and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

¹ In some instances, a permit may also be required for removal.

² As noted above, in some instances, a permit may also be required for removal.

³ The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

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January 10, 2024

EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSION
North Coast District Office
1385 8th Street, Suite 130
Arcata, California 95521-5967

RE: Emergency Permit No. G-1-24-0002

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. I agree to complete the regular Coastal Development Permit application within 60 days of the date of the emergency permit or I will remove the emergency work in its entirety within 180 days of the date of the emergency permit (i.e., by July 8, 2023). Finally, I understand that my failure either to:

- a) Submit a complete follow-up Coastal Development Permit (CDP) Application that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations by the date specified in this Emergency Permit, which date may be extended by the Executive Director for good cause, or
- b) Remove the emergency development and restore all affected areas to their prior condition after consultation with Coastal Commission staff as you identified consistent with the Coastal Act, will constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Commission or the Executive Director.

In some instances, a permit may be required for removal (if required by this Emergency Permit) by the date specified in this Emergency Permit. This formal action could include a recordation of a Notice of Violation on my property; the issuance of a Cease and Desist Order and/or Restoration Order; imposition of administrative penalties for

Emergency Permit Acceptance Form
G-1-24-0002

violations involving public access, and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

By:



Melissa Kraemer
Coastal Program Manager

cc: Commissioners/File



Signature of Property Owner or
Authorized Representative

Jeff McCuan

Print Name

Address: 804 East Media
1645 Eastshore Hwy
Berkeley CA 94710

1/10/24
Date of Signing

CALIFORNIA COASTAL COMMISSION

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

**EMERGENCY PERMIT**

Issue Date: January 12, 2024
Emergency Permit Number: G-1-24-0003

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.

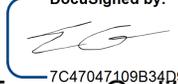
This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of winter storms has resulted in rising lagoon levels that pose a flooding threat that 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,

Kate Huckelbridge
Executive Director

DocuSigned by:

7C47047109B34D9...
Tamara Gedik
North Coast District Supervisor

Enclosure: 1) Acceptance Form

Emergency Permit Number:
G-1-24-0003

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, either through the use of aerial drone photography or at established photo points on land, (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-1-24-0003

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.

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT
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PHONE: (707) 826-8950
WEB: WWW.COASTAL.CA.GOV



NOTICE OF PROPOSED PERMIT AMENDMENT

Date: January 25, 2024

To: All Interested Parties

From: Melissa B. Kraemer, District Manager
Tamara Gedik, North Coast District Supervisor
Tatiana Garcia, Coastal Program Analyst

Subject: Amendment to Coastal Development Permit (CDP) 1-88-185
Applicant: Stephen Dunlap

Project Site

32301 Pearl Drive, Fort Bragg area, Mendocino County (APN 017-230-77)

Original CDP Approval

CDP 1-88-185 was approved by the Commission on November 15, 1988 and authorized the division of a 5± acre parcel into two parcels of approximately 2.5 acres each, separating the subject site's existing single-family residence, well, and septic system ("proposed Parcel #2") from an existing barn ("proposed Parcel #1"); CDP 1-88-185-A1 was withdrawn; and CDP 1-88-185-A2, approved on January 10, 1990, authorized construction of a guest cottage on Parcel 2.

Proposed CDP Amendment

Amend CDP 1-88-185 to: (1) delete Special Condition No. 1 of CDP No. 1-88-185-A2, which required recordation of a deed restriction limiting the use of the guest cottage to be without kitchen or cooking facilities and disallowed its use as a second residential unit; and (2) authorize, after-the-fact (ATF), development of a kitchen in the guest cottage and conversion of the guest cottage to an accessory dwelling unit (ADU). The Commission's reference number for this proposed amendment is **1-88-185-A3**. Proposed changes to CDP conditions are set forth below.

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:

The subject parcel is located east of Highway One, about 1.5 miles south of Fort Bragg in Mendocino County. The Mendocino County certified Land Use Plan designates the site Rural Residential, one parcel per five acres, with an underlying designation of Rural Residential, one parcel per two acres, if there is adequate water. At the time that CDP amendment 1-88-185-A2 was approved, the LCP for Mendocino County was not yet

certified. The Commission in past actions routinely did not allow the construction of second residential units on properties in Mendocino County due to density concerns and potential cumulative impacts related to highway capacity, groundwater resources, and scenic values in the County, inconsistent with Coastal Act section 30250(a). Thus, the Commission imposed Special Condition No. 1 of CDP amendment 1-88-185-A2 requiring the recordation of a deed restriction against the property restricting the use of the guest cottage to "...be without kitchen or cooking facilities, clearly subordinate and incidental to the main house, and... not be separately rented, let, or leased..."

The Commission effectively certified the Mendocino County LCP in 1992, and in 2021 the Commission certified LCP Amendment No. LCP-1-MEN-20-0021-1 to regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with state law. The currently certified ADU regulations allow a maximum of 500 ADUs (and unlimited JADUs) throughout the unincorporated County's coastal zone in all zoning districts which allow single-family dwellings. The County's ADU regulations disallow ADUs to be used as vacation rentals and require recordation of a deed restriction prohibiting on the use of any dwelling on the property for transient habitation.

The applicant has provided evidence demonstrating that the existing well and septic system are adequate to serve both the existing residence and ADU. Additionally, Commission staff outreach to County staff and confirmed that capacity within the 500-unit cap exists to accommodate an ADU at this site because fewer than a dozen ADUs have been permitted by the County since 2021. Therefore, conversion of the existing guest cottage to living space would not affect water and septic services or traffic capacity.

The subject site is east of Highway 1 and is not located within a designated highly scenic area. Additionally, there are no known ESHAs on site and no new development is requested which would impact ESHA. Thus, the requested after-the-fact development is consistent with the visual resources and ESHA protection policies of the Mendocino County certified LCP.

Permit conditions will be revised as shown below and in Appendix A, as agreed to by the applicant and consistent with the County's certified Mendocino County Code section 20.458.020(F)(2) requirement for recordation of a deed restriction, prior to issuance of a building permit, to include the prohibition on renting the unit for transient occupancy and other pertinent restrictions. All other conditions of the permit will remain in full force and effect. Text to be deleted is shown in ~~strike through~~, and text to be added appears in underline.

~~1. Second Structures:~~

~~PRIOR TO ISSUANCE of the Coastal Development Permit Amendment, permittee shall submit for review and approval of the Executive Director and shall subsequently record, a deed restriction stating that the guest cottage shall be without kitchen or cooking facilities, clearly subordinate and incidental to the main house, on the same building site, and not to be separately rented, let, or leased, whether compensation be direct or indirect.~~

~~This deed restriction shall be recorded with the deed to the parcel APN 017-230-77 and shall bind all successors and assigns of the permittee. Any change in the use of the structure shall require a separate coastal permit or another amendment to Commission Permit 1-88-185.~~

1. Pursuant to Mendocino County Code section 20.458.020(F)(2), use of an ADU or JADU or any dwelling on the property for transient habitation shall be prohibited. WITHIN 180 DAYS OF ISSUANCE OF CDP AMENDMENT 1-88-185-A3 unless extended by the Executive Director for good cause, and prior to obtaining a building permit the permittee shall submit to the Executive Director for review evidence that pursuant to Mendocino County certified Coastal Zoning Code section 20.458.020(F)(2), the permittee has recorded with the County Recorder's office a deed restriction prohibiting the use of any dwelling on the property for transient habitation.

As the permit amendment 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 Thursday, February 8, 2024 at **Oceanside City Council Chambers 300 North Coast Hwy. Oceanside, CA 92054**. 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

Coastal Development Permit Amendment 1-88-185-A3

Page 4 of 5

would like to receive a paper copy of the Coastal Commission's Hybrid Hearing Procedures, please email ExecutiveStaff@coastal.ca.gov or call 415-904-5202.

The in-person hearing will be held at **Oceanside City Council Chambers 300 North Coast Hwy. Oceanside, CA 92054**. 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 Tatiana Garcia in the North Coast District office at Tatiana.Garcia@coastal.ca.gov or by calling (707) 826-8950.

Appendix A: All Conditions of 1-88-185 as Amended through -A3

cc: Commissioners/File
Mendocino County Planning & Building Services Dept.

APPENDIX A

CONDITIONS OF CDP No. 1-88-185 AS AMENDED THROUGH AMENDMENT -A3

CDP No. 1-88-185-A3

STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Pursuant to Mendocino County Code section 20.458.020(F)(2), use of an ADU or JADU or any dwelling on the property for transient habitation shall be prohibited. WITHIN 180 DAYS OF ISSUANCE OF CDP AMENDMENT 1-88-185-A3 unless extended by the Executive Director for good cause, and prior to obtaining a building permit the permittee shall submit to the Executive Director for review evidence that pursuant to Mendocino County certified Coastal Zoning Code section 20.458.020(F)(2), the permittee has recorded with the County Recorder's office a deed restriction prohibiting the use of any dwelling on the property for transient habitation.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: January 25, 2024

To: All Interested Parties

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

Subject: **Coastal Development Permit (CDP) Waiver 1-23-0880-W**

Applicant: Gilbert Warren Cropper

Location: 191 Bazemore Lane, Trinidad area, Humboldt County (APN: 517-081-009).

Proposed Development

Drill a new 10-inch diameter domestic well and install an associated five-inch well casing, submersible pump, and new waterline to replace an existing well that is no longer productive.

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 0.5-acre residential property is developed with one single-family residence, garage, driveway, and septic system. Water was previously provided to the residence by another well on the property that had to be decommissioned due to proximity to a neighboring septic system. The proposed new well on the subject property will be installed in an upland lawn area at least 100 feet from the septic system on the subject property and on neighboring properties. All proposed work and staging areas will occur outside of Environmentally Sensitive Habitat Areas (ESHAs) and will involve no major vegetation removal. The proposed well and accessory structures (casing, pump, and waterline) will not result in any visual impacts, as they will not be visible from the public roadway or any other public vantage points. The proposed project will not adversely affect coastal resources or public access and is consistent with past Commission actions and 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, February 8, 2024.** 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/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 ExecutiveStaff@coastal.ca.gov or call 415-904-5202.

The in-person hearing will be held at **Oceanside City Council Chambers, 300 North Coast Hwy., Oceanside CA 92054.** 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.

cc: Gilbert Warren Cropper, Applicant
Rich Well Drilling & Pump Service, Inc., Agent
Humboldt County Planning & Building Dept

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NOTICE OF PROPOSED PERMIT WAIVER

Date: January 25, 2024

To: All Interested Parties

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

Subject: **Coastal Development Permit (CDP) Waiver 1-24-0037-W**

Applicant: Robert and Patricia Wilson

Location: 396 Roundhouse Creek Road, Big Lagoon area, Humboldt County (APN: 517-251-006).

Proposed Development

Removal of one approximately 40-foot-tall Monterey pine tree deemed hazardous to life and property by a certified arborist due to susceptibility to windfall.

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 tree proposed for removal is hazardous due to susceptibility to windfall and proximity to existing structures, as documented by a Certified Arborist who inspected the tree. The tree proposed to be removed is within close proximity to existing structures on the subject property and neighboring properties, and fallen branches from the tree could severely damage life and property associated with residential development, including existing single-family residences. The tree does not constitute environmentally sensitive habitat and will be removed outside of the bird breeding and nesting seasons to avoid adverse impacts to any nesting habitat that may be present. The tree does not screen development on the subject property from public views and is not visible from the first public road parallel to the sea, Roundhouse Creek Road, or any other public vantage points. The proposed tree removal will have no significant impact on visual resources. The proposed project will not adversely affect coastal resources or public access and is consistent with past Commission actions and 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 Wednesday, Thursday, February 8, 2024.** 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/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 ExecutiveStaff@coastal.ca.gov or call 415-904-5202.

The in-person hearing will be held at **Oceanside City Council Chambers, 300 North Coast Hwy., Oceanside CA 92054.** 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.

cc: Robert and Patricia Wilson, Applicants
Humboldt County Planning & Building Dept

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950



January 25, 2024

John Friedenbach, General Manager
Humboldt Bay Municipal Water District
828 Seventh Street
Eureka, CA 95501

RE: Emergency sand replenishment to address the Humboldt Bay Municipal Water District's threatened water main along New Navy Base Road, approximately a half mile north of the U.S. Coast Guard Station on the western shoreline of Humboldt Bay, APN 401-141-004 (Emergency CDP Waiver No. G-1-24-0003-W)

Dear Mr. Friedenbach:

The purpose of this letter is to formally notify the Humboldt Bay Municipal Water District (HBMWD) that the Executive Director has determined that the subject emergency work qualifies for an emergency coastal development permit (CDP) waiver under section 30611 of the Coastal Act.

On January 4, 2024, you notified the North Coast District Office, on behalf of the HBMWD, that the District planned to conduct emergency erosion control work at the subject shoreline site prior to King Tide conditions on January 9th to protect a threatened waterline that runs adjacent to New Navy Base Road on the Samoa Peninsula between Fairhaven and the Coast Guard Station. The emergency work consisted of placing approximately 65 cubic yards of sand over a portion of six-inch water pipeline and related infrastructure that had become partially exposed due to storm surges, large swells, and erosive end effects related to emergency riprap armoring immediately adjacent to the site placed by the Humboldt County Public Works Department last year. The emergency sand replenishment work was necessary to prevent the waterline from becoming further exposed, which likely would result in breakage and interruption in service to the fire hydrants and downline customers. To address the emergency, the District purchased sand from a local supplier and placed it over the exposed pipe and related infrastructure to re-establish the sand prism that had recently eroded. Construction staging was located on an existing roadside paved parking area.

All emergency repair work was deemed necessary to maintain essential public water service to users and facilities in the area, including the Samoa Boat Ramp and Campground and the U.S. Coast Guard Station on Humboldt Bay. As confirmed through follow-up site visits on January 14th and January 22nd and information submitted on January 25th (attached), the completed emergency work involved no permanent erection of structures valued at more than twenty-five thousand dollars (\$25,000).

G-1-24-0003-W
Humboldt Bay Municipal Water District

Section 30611 waives the requirements for obtaining a CDP in cases when immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger or in other cases of emergency and when the development does not involve permanent development valued at more than \$25,000. Section 13144 of the Commission's regulations requires notification of the Executive Director within seven days of taking action as to why the emergency action was taken and providing verification that the action complied with the expenditure limits set forth in section 30611.

The Executive Director has determined that the emergency water main protection work described in submittals on January 4th, 5th, and 25th complies with the requirements of section 30611. As such, the requirement to obtain a CDP for the project as described is waived.

The Executive Director will be reporting this determination to the Commission at its public meeting on February 8th, 2024.

Thank you for communicating and coordinating with us during this emergency. We look forward to further coordinating with the District and the County on longer-term solutions for improving the resiliency of utility infrastructure and County roadway segments along this stretch of the Humboldt Bay coastline. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa B. Kraemer". The signature is fluid and cursive, with the first name "Melissa" being the most prominent part.

Melissa B. Kraemer
North Coast District Manager

Att. Information received related to the emergency

Cc: Commissioners/File
Humboldt County Planning and Building Dept.

Application for Emergency Permit – Additional Sheets

Humboldt Bay Municipal Water District, New Navy Base Road Pipeline Emergency Fill

1. *Date/Time*

See application cover sheet.

2. *Contact Information*

See application cover sheet.

3. *Location of emergency work*

New Navy Base Road on the Samoa Peninsula in Humboldt County, CA. APN 401-141-004. See the Site Plan on page 4 and the Vicinity Map on page 5.

4. *Nature and cause of emergency*

New Navy Base Road runs along the Humboldt Bay on the southern end of the Samoa Peninsula in Humboldt County, CA. The distance from the road to the water can be as close as approximately 20 feet or less depending on the tide. The Humboldt Bay Municipal Water District (HBMWD) owns a 6-inch waterline that serves multiple fire hydrants and the US Coast Guard Station at the southern end of the peninsula. The pipeline alignment parallels New Navy Base Rd along the east side (Humboldt Bay side) of the road at the project area. When there are high tides, particularly king tides, combined with storm surges and large swells, wave action from the bay has historically eroded away the bank. In the past, this has led to occurrences of exposure of HBMWD's pipeline and fears of the wave action eroding away New Navy Base Road, which is the only vehicular access route to and from the southern end of the peninsula. Because of this, Humboldt County, who owns and maintains New Navy Base Road, has previously installed K-rail and rock slope protection along portions of the bank to limit erosion from wave action. However, during the recent king tides in early January 2024, significant erosion of the bank protecting HBMWD's pipeline occurred (see the photos beginning on page 7), exposing an existing valve and nearly exposing the existing pipeline.

5. *The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.*

Pipelines require material cover over them for protection. If nothing was done, HBMWD's pipeline in this area could likely have been exposed, as has occurred in the past. If exposed, the pipeline would be extremely vulnerable to damage from loss of soil support underneath the pipe, wave action, and debris hitting the pipe. This waterline is the only service to the fire hydrants and Coast Guard station mentioned above, and a break in the waterline would mean that these critical services would not have access to potable water. Furthermore, if the waterline were to break, it would likely occur during a high tide, meaning that 1) untreated saltwater would enter the pipe, and 2) a repair could not be performed until the tide receded. The saltwater entering the pipe would require significant flushing and disinfection after the pipeline repair before the waterline could be placed back into service, meaning that there would likely be no water service to the southern end of the peninsula for several days. Additionally, the cost for repairs would be a financial burden on HBMWD, which would in turn be a financial burden on the local ratepayers.

6. *Construction method and a detailed description of preventive work requested (e.g., rip-rap, bulkhead, etc.) including plans or drawings if available.*

The construction method for emergency protection of the existing pipe is shown in the Site Plan on page 4. The result of the construction can be seen in the pre-repair and post-repair photos beginning on page 7. To summarize the construction with narrative, sand fill was placed over the exposed valve and nearly exposed pipeline and compacted to provide a protective cover over the pipe and temporarily re-stabilize the bank that had eroded away.

It should be noted that this construction was a temporary emergency measure. The sand fill is not a permanent measure, and the sand that was placed will erode with time. A more permanent measure for protecting the pipeline needs to be implemented. Moving the pipeline to the west side of New Navy Base Road would be a very expensive measure, the financial impacts of which would be borne by the ratepayers in the local disadvantaged communities. Additionally, moving the pipeline to the west side of New Navy Base Road could also have significant impacts on environmentally sensitive habitat area (ESHA), which is very common in the coastal dune habitat that surrounds the project area. Finally, moving the pipeline is inconsequential if New Navy Base Road is not protected. It is highly critical that the California Coastal Commission, Humboldt County, and HBMWD work together toward a solution for more permanent stabilization of the bank in this area to protect New Navy Base Road, HBMWD's waterline, and the community's critical infrastructure that this road and waterline serve.

7. *Timing of emergency work (estimate as to when work will be performed – generally a period of 24 to 72 hours after the emergency occurrence).*

The emergency work occurred on January 9, 2024.

Required Attachments

8. *Evidence of applicant's interest in property on which emergency work is to be performed (e.g., property tax bill).*

HBMWD has a waterline easement through the property for the waterline shown in the photos that begin on page 7.

9. *Site plan showing proposed and existing development on the subject parcel.*

See page 4.

10. *Vicinity map (road map) with location of project site marked. For rural areas, please also provide a parcel map.*

See page 5.

11. *An application fee of \$1,471 (as of July 1, 2023). The emergency application fee is credited toward the follow-up permit application fee.*

Noted.

Supplemental Attachments

12. *Evidence of approval by local planning department.*

Not applicable due to California Government Code Sections 53091.d and 53091.e.

13. *Documentation of the emergency, including photographs.*

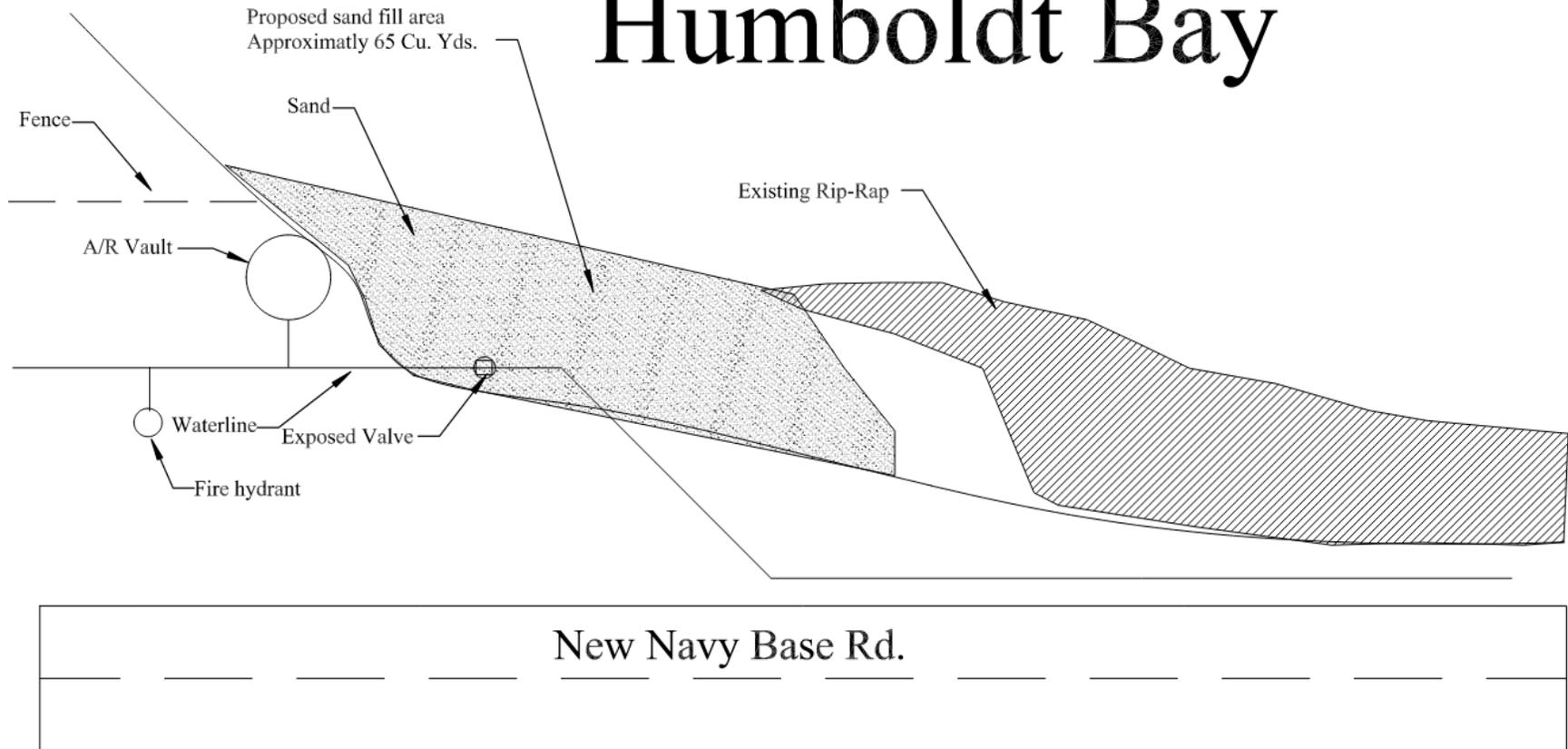
See page 7.

14. *Plans or drawings depicting or describing the necessary work.*
See page 4.

9. **Site Plan**

Sketch of work planned for protection of pipeline on NNB Rd.

Humboldt Bay

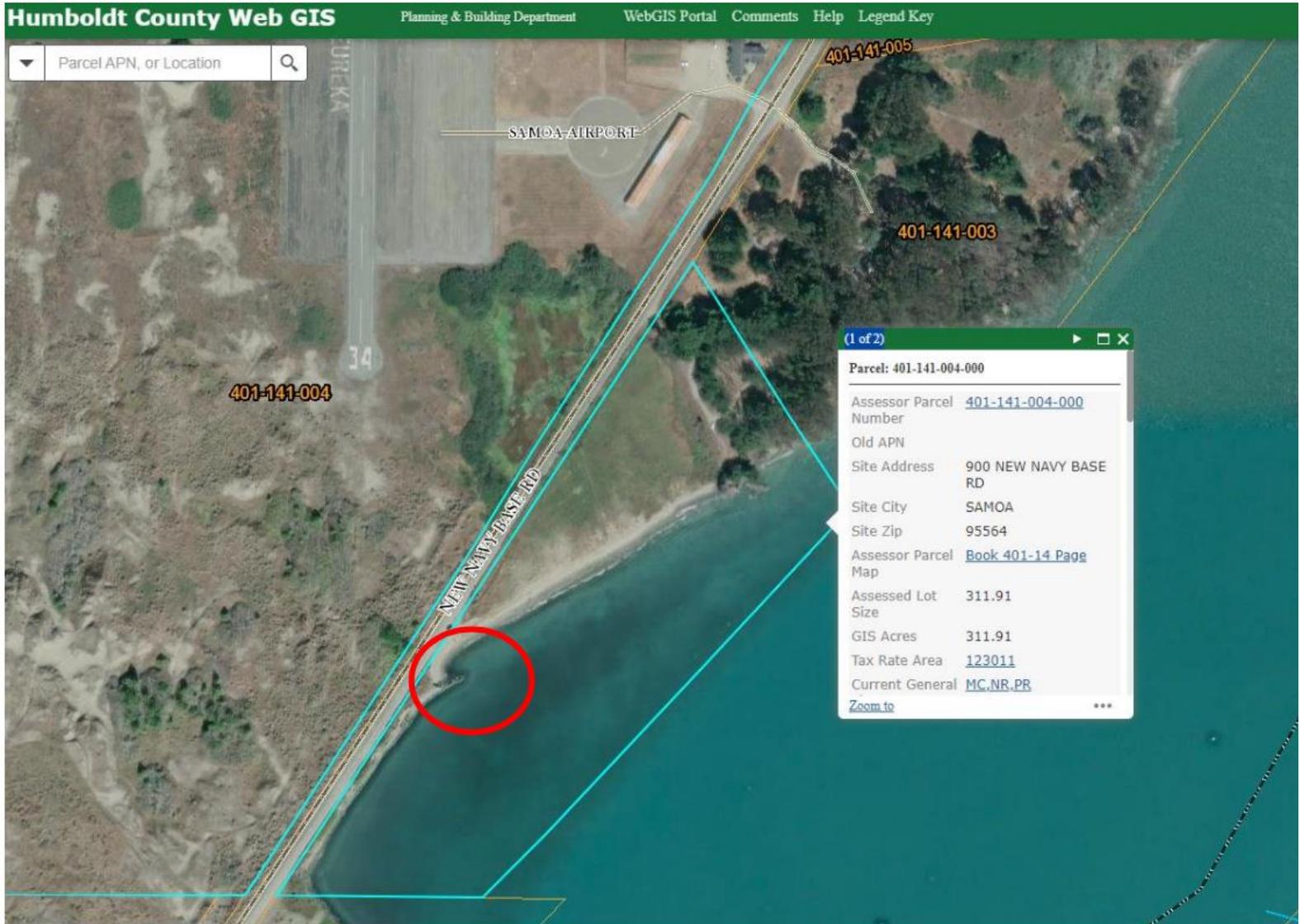


Not to Scale

10. Vicinity Map and Parcel Map



Vicinity Map



APN: 401-141-004

construction area = 

New Navy Base Road

Parcel Map

13. Documentation of the Emergency (Photographs)

Pre-Repair Photos:



Valve exposed
from wave action

Photo 1 (pre-repair)



Eroded
bank

Photo 2 (pre-repair)



Blue paint and flagging showing pipeline alignment through eroded section

Photo 3 (pre-repair)



Valve exposed from wave action

Pipe exposed with minimal hand digging

Photo 4 (pre-repair)

Post-Repair Photos:

New sand fill to temporarily protect pipe



Photo 5 (post-repair)

New sand fill to temporarily protect pipe



Photo 6 (post-repair)



Photo 7 (post-repair)