

CALIFORNIA COASTAL COMMISSION

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



W10

Prepared April 25, 2024 (for the May 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 May 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 May 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 May 8.

With respect to the May 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 May 8, 2024 (see attached)

Waivers

- 1-24-0086-W, CUE IV LLC (agent: Humboldt Reclamation District 768) – Follow-up emergency permit for culvert replacement (Humboldt County)
- 1-24-0228-W, Port O' Pints Brewing Company – game and tap room conversion (Del Norte County)
- 1-24-0290-W, City of Crescent City – Pump track ADA walkway (Del Norte County)
- 1-24-0292-W, California State Coastal Conservancy – Soil boring, sediment, and water samples (Humboldt County)

Immaterial Amendments

- A-1-MEN-01-043-A2, Knittel – Single family residence (Mendocino County)

- A-1-EUR-02-166-A8, Target – EV charging station (Humboldt County)
- 1-07-013-A6, Caltrans District 1 – Special Condition 19 MOU modification (Humboldt County)
- 1-07-038-A2, Caltrans District 1 - Special Condition 11 MOU modification (Humboldt County)
- 1-20-0560-A2, Humboldt County Department of Public Works – Pile driving modifications (Humboldt County)

Time Extensions

- 1-17-0200-E4, Loleta Community Services District – Wastewater Treatment discharge standards (Humboldt County)

Emergency Permits, and LCP Certifications - None

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April 24, 2024

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If at a later date this information is found to be incorrect or the plans revised, this decision will become invalid, and any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Subject: Coastal Development Permit (CDP) Waiver No. 1-24-0086-W

Applicant: CUE IV LLC (Agent Reclamation District 768, Attn: Dyllan Forbes)

Location: Along an agricultural dike on the north end of Humboldt Bay near Mad River Slough, Humboldt County (APN: 506-051-009)

Proposed Development

Follow-up to Emergency CDP No. G-1-23-0084 to replace in-kind a 36-inch, 60-foot-long culvert with tide gate with a new culvert with tide gate of the same size in the same location.

Executive Director's Waiver Determination

The new culvert replaced a failed culvert that rusted out and its tide gate had broken off on one side allowing tidal water from Humboldt Bay to flood agricultural pasturelands inland of the dike. The emergency work was conducted in December of 2023 during a single day during a minus tide using an excavator stationed on top of the 15-ft-wide dike. During the emergency culvert replacement work, the existing riprap and rocks on the bayward side of the dike were temporarily removed to allow access to the culvert, and upon completion of culvert replacement, rocks were replaced in their original footprint on the bayward side of the dike. No additional riprap material was added. Commission staff verified through an on-site inspection following completion of emergency work that appropriate erosion control devices were used during and post-construction, and areas of temporary impacts were reseeded and covered with straw mulch to revegetate to pre-project conditions and avoid any discharge of sediment to coastal waters. The project resulted in no major vegetation removal, and disturbed areas were confined to the top and sides of the existing agricultural dike.

Coastal Development Permit De Minimis Waiver
1-24-0086-W

Therefore, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until 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, May 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.

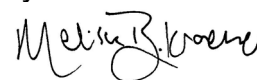
The in-person hearing will be held at **Sovereign Nation of the Elk Valley Rancheria at 2332 Howland Hill Rd., Crescent City, CA 95531.** The Commission still strongly encourages continued participation virtually through video and teleconferencing to reduce our carbon footprint. **To view the live stream 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 Melissa Kraemer in the North Coast District office at Melissa.Kraemer@coastal.ca.gov.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

By:



Melissa B. Kraemer
Coastal Program Manager

cc: Humboldt County Planning & Building Dept.

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April 24, 2024

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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Subject: Coastal Development Permit (CDP) Waiver No. 1-24-0228-W

Applicant: Dr. John H. Kirk, Port O'Pints Brewing Company, LLC

Location: 201 Citizens Dock Road, Crescent City, in Del Norte County (APN: 117-170-011)

Proposed Development

Change the use of an existing 4,720-square-foot building from a retail store to a game room and taproom; add a 4,281-square-foot external fenced patio; and install a free-standing, 88-square-foot LED sign adjacent to the building atop two 14-foot tall poles. As proposed, the LED sign will be turned off 30 minutes after closing every night.

Conversion of the building includes the following components: (1a) bar and accompanying plumbing; (1b) axe-throwing lanes; (1c) non-load bearing wall; and (1d) electrical enhancements. Development in the proposed patio area includes the following: (2a) Alcoholic Beverage Control (ABC)-compliant 6-foot-tall hog wire fence enclosing patio area with entry gate; (2b) two refrigeration units (8'Wx20'Lx8'H); (2c) up to three food trucks; (2d) decomposed granite, grass, and compacted road base areas; (2e) seating; (2f) concrete planters; and (2g) exterior lighting. Exterior lighting includes: (1) Four (4) LED area lights with a color temperature of 2,700K where feasible and not to exceed 3,000K; (2) Four (4) sets of LED string lights with a color temperature of 2,500K; and (3) Six (6) LED path lights with a color temperature of 2,700K. All lighting will be non-reflective, downcast, and shielded.

Executive Director's Waiver Determination

Pursuant to Public Resources Code Section 30624.7 and Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted

Coastal Development Permit De Minimis Waiver 1-24-0228-W

by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed development is minor in nature and located within a fully developed portion of Crescent City Harbor. The change in use from a retail store to a game room and taproom is consistent with both the Harbor Dependent Commercial land use designation and the Harbor Visitor Serving Commercial zoning district of the Harbor segment of Del Norte County's certified Local Coastal Program. No expansion of the existing building footprint is proposed. The proposed modifications to the existing building will not increase the building's current exposure to flood or tsunami hazards. The interior building and exterior patio improvements will not affect public views to and along the ocean and the project design is compatible with the character of the surrounding area. Work will not encroach into any Environmentally Sensitive Habitat Areas. All proposed lighting is within the range of color temperature (2,000-3,000 Kelvin) recommended by environmental groups, dark sky organizations, and the American Medical Association to reduce biological impacts associated with LED lighting. Additionally, the illuminated sign and all proposed lighting not needed for safe ingress and egress will be turned off 30 minutes after closing every night.

The project will not adversely impact public access to and use of the water or beach. The existing parking lot can accommodate ten parking spaces, including two ADA-compliant spaces. Overflow parking is available in the adjacent harbor parking lot in the inner boat basin area owned by the Crescent City Harbor District. The harbor parking lot contains ample surplus parking without disrupting existing commercial fishing, public access, or recreational boating harbor access.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until 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, May 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

Coastal Development Permit De Minimis Waiver
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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 **Sovereign Nation of the Elk Valley Rancheria 2332 Howland Hill Rd, Crescent City CA 95531**. 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 Rebecca Jacobson in the North Coast District office at Rebecca.Jacobson@coastal.ca.gov.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

By:



Rebecca Jacobson
Coastal Program Analyst

cc: Tim Petrick, CEO/Harbormaster, Crescent City Harbor District

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April 24, 2024

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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Subject: Coastal Development Permit (CDP) Waiver No. 1-24-0290-W

Applicant: City of Crescent City

Location: Beachfront Park (Southwest of intersection of D Street & Front Street; east of Howe Drive), Crescent City (Del Norte County) (APN(s): 118-020-031)

Proposed Development

Install approximately 1,300 lineal feet of ADA-compliant Portland cement surfaced concrete sidewalks extending from the Front Street sidewalk to provide access to the bicycle pump track and the California Coastal Trail. The project also includes constructing a new 1,190-square-foot Pump Track Plaza and a 1,700-square-foot concrete pad adjacent to the previously authorized bicycle pump track facility (refer to prior CDP Waiver No. 1-23-0660-W, issued September 9, 2023); and extending water, sewer, and electrical utilities to the concrete pad to support the future installation of restroom facilities.

Executive Director's Waiver Determination

Pursuant to Public Resources Code Section 30624.7 and Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed pedestrian amenities would enhance public access. The sidewalk extension will be located in two sections: around the perimeter of the existing dog park, and along Howe Drive connecting the existing dog park parking lot to the California Coastal Trail to the south along the shoreline. Extending the sidewalk will add a recreational amenity to the park consistent with the locally adopted Beachfront Park

Coastal Development Permit De Minimis Waiver 1-24-0290-W

Master Plan and complete a one-mile loop trail around the perimeter of Beachfront Park. The concrete pad and utility extensions will support the future installation of restroom facilities which will also further public access to Beachfront Park.

The City will protect the biological productivity and quality of nearby coastal waters during construction and staging by using appropriate best management practices including surrounding exposed soil with silt fences, and hydroseeding and covering fill with straw mulch. Views to and along the coast including views from the multimodal section of the California Coastal Trail that runs through the park will not be obstructed. There are no Environmentally Sensitive Habitat Areas (ESHAs) within the footprint of the project. Wolf's evening primrose will be avoided. Construction of the sidewalk extension, concrete pad, and utility extensions will not increase the risk of coastal hazards such as coastal erosion or tsunamis. Project activities will not interfere with the public's ability to access the sea. The sidewalk along the south side of Front Street may be inaccessible during active construction. The City will place signage directing pedestrians to alternative access routes during temporary periods of active construction at the site.

Therefore, the proposed development will not result in any significant adverse impacts to sensitive habitat, visual resources, or public access. Therefore, the proposed development is consistent with all applicable Chapter Three 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, May 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.

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Coastal Development Permit De Minimis Waiver
1-24-0290-W

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 Rebecca Jacobson in the North Coast District office at Rebecca.Jacobson@coastal.ca.gov.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

By:

A handwritten signature in cursive script that reads "Rebecca Jacobson".

Rebecca Jacobson
Coastal Program Analyst

cc: Matt Robart, Camas LLC, Agent

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April 24, 2024

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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Subject: Coastal Development Permit (CDP) Waiver No. 1-24-0292-W

Applicant: California State Coastal Conservancy

Location: Bracut Marsh, west of Highway 101 between Arcata and Eureka, Humboldt County (APN: 501-241-012)

Proposed Development

Conduct 15 soil boring samples and six sediment and surface water samples within the 13-acre marsh to determine if constituents of concern from past lumber milling activity remain in the soil, groundwater, surface water, and sediment.

Executive Director's Waiver Determination

Background

The subject site contains tidal inlets, ponds, and former tideland areas (uplands) that have been filled and diked. The site is in a commercial area and bounded by Humboldt Bay and the Bracut Industrial Park. The site was used as a lumber mill yard for approximately 20 years starting in the mid-1950s. Historical aerial photographs and other information identify a conical burner adjacent to the site as well as buildings of unknown use in the northeastern corner of the site. Additionally, four underground storage tanks (USTs) were present around the site.

In 1981, the applicant acquired the site and began marsh restoration efforts. The site was restored to a tidal marsh and riparian habitat in the 1980s and 1990s by breaching the dike around the property in two places, excavating a channel through the property, and removing fill from the property. However, no environmental investigation or cleanup

Coastal Development Permit De Minimis Waiver 1-24-0292-W

of potential contamination from historical lumber mill activities at the site was performed before restoration.

In preparation for the Humboldt Bay Trail Project, an Initial Site Assessment was conducted on a trail segment on and adjacent to the Site and included collection of soil and groundwater samples in 2017. The Initial Site Assessment identified petroleum hydrocarbons, semivolatile organic compounds (SVOC), chlorinated solvents, dioxins and furans, and metals as potential soil and groundwater contaminants at the site (also, as mentioned, USTs are known to have been present on the site).

Purpose of Project and Measures to Protect Coastal Resources

Thus, the purpose of the proposed project is to conduct a targeted Brownfields assessment to identify, characterize, and define potential hazards associated with the site. The applicant will follow a Sampling and Analysis Plan (Toeroek Associates, Inc. and Tetra Tech) that identifies methods and locations of sampling, sampling analysis, and screening levels. Sampling results will be compared to appropriate site screening levels to assess the degree of contamination and need for further investigation, evaluation, or remediation. If a screening level is exceeded, the data and project goals will be re-evaluated to determine whether a cleanup action is warranted (cleanup action would be separately authorized under a future CDP). Samples will be analyzed to determine disposal requirements with respect to toxicity (e.g., to assess if characterized as hazardous waste).

Fieldwork is estimated to take five to six days to complete and will occur during the dry summer months. A small, light-weight drill rig will be used to conduct the boring samples. A hand-auger may be used in the most sensitive locations to minimize impacts to wetland habitat areas. A pre-construction rare plant survey will be conducted by qualified biologists and will map observations and occurrences of rare species with known presence in the marsh (Point Reyes bird's-beach and Humboldt Bay owl's clover). If any rare plants are found, they will be flagged and buffered with pin flags for avoidance. The site is accessible to the public, but due to the short-term sampling window and the fact that the public will not be excluded from accessing the site during sampling efforts, the development as proposed will not adversely affect public access.

Therefore, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until 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

Coastal Development Permit De Minimis Waiver
1-24-0292-W

days prior to the Commission hearing. **This waiver is proposed to be reported to the Commission on Wednesday, May 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.

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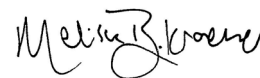
The in-person hearing will be held at **Sovereign Nation of the Elk Valley Rancheria at 2332 Howland Hill Rd., Crescent City, CA 95531.** The Commission still strongly encourages continued participation virtually through video and teleconferencing to reduce our carbon footprint. **To view the live stream 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 Melissa Kraemer in the North Coast District office at Melissa.Kraemer@coastal.ca.gov.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

By:



Melissa B. Kraemer
Coastal Program Manager

cc: Humboldt County Planning & Building Dept.

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: April 24, 2024

To: All Interested Parties

From: Melissa B. Kraemer, District Manager
Tamara Gedik, North Coast District Supervisor

Subject: Amendment to Coastal Development Permit (CDP) A-1-MEN-01-043
Applicant: Brian Knittel

Project Site

45501 Headlands Dr., Little River (Mendocino County) (APN 121-260-10)

Original CDP Approval

CDP A-1-MEN-01-043, approved by the Commission on May 10, 2002, authorized construction of a 2,550-square-foot, 18-foot-high, single-family residence with a 625-square-foot detached garage, onsite sewage disposal system, extension of utilities, and installation of 2,500-square-feet of paving for a driveway. CDP Amendment A-1-MEN-01-043-A1, approved on June 13, 2003, authorized increasing the size of the home to 3,594 square feet, increasing the size of the garage to 643 square feet and making the garage an attached garage; adding perimeter fencing; and installing a 2,200-square-foot permeable pavement driveway in place of the previously approved 2,500 square feet of impervious concrete.

Proposed CDP Amendment

Amend CDP A-1-MEN-01-043 to add a roof-mounted solar photovoltaic system consisting of 40 solar modules to be installed on the south, east, and west facing roofs of the existing residence and mount eight (8) battery storage units to the exterior of the residence within an existing courtyard, as detailed in project plans. The Commission's reference number for this proposed amendment is **A-1-MEN-01-043-A2**.

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 project requires a permit because it involves improvements to a structure located within 50 feet of the bluff edge. No expansion of the existing building footprint is proposed. The solar modules will be mounted on an existing single-family residence and thus will not encroach any closer to the bluff edge than the existing residence. The addition of the solar arrays to the existing residence will not result in an increase in

Coastal Development Permit Amendment A-1-MEN-01-043-A2

Page 2 of 2

height of the development approved by A-1-MEN-01-043. The modules will be oriented flush with the roof (not tilted up) and consist of all-black aluminum-framing and low-reflectivity glass mounted on a typical all-black aluminum rail system. Electrical conduit mounted on the roof surface will be painted to match the color of the roof surface. The battery units will be wall-mounted on the exterior of the building within a courtyard and enclosed within a cabinet matching the existing siding to cover the batteries. Due to its location west of Highway One on a private road closed to non-residents, no views to and along the ocean from the project site are available to the public and thus the solar arrays in the locations proposed by the applicant will not be visible from public vantage points along Highway One or elsewhere.

As the amended development would not result in adverse effects on coastal resources and is consistent with the policies of the certified Mendocino County Local Coastal Program, 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 Wednesday, May 8, 2024 at **Sovereign Nation of the Elk Valley Rancheria at 2332 Howland Hill Rd., Crescent City, CA 95531**. 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.

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If you have any questions about the proposal or wish to register an objection, please contact Tamara Gedik in the North Coast District office at Tamara.Gedik@coastal.ca.gov or by calling (707) 826-8950.

cc: Mendocino County Planning & Building Services Dept.

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: April 24, 2024

To: All Interested Parties

From: Melissa B. Kraemer, North Coast District Manager
Amber Leavitt, Coastal Resiliency Supervisor

Subject: **Amendment to Coastal Development Permit (CDP) A-1-EUR-02-166**
Applicant: Target Corporation
Agent: Will Hughen (Tesla, Inc.)

Location: 2525 4th St, Eureka, Humboldt County (APN: 002-201-008)

Original CDP Approval and Past Amendments

CDP A-1-EUR-02-166 was approved by the Commission on April 9, 2003 and authorized the demolition of the existing vacant Montgomery Ward building and construction of a new 126,563-square-foot retail store (Target) with an 8,081-square-foot attached garden center, repaving of the existing parking area, the addition of landscaping, and construction and dedication of public access parking and trails along Eureka Slough (Eureka Waterfront Trail) and to the existing boat ramp. The development was approved subject to 21 special conditions.

Seven immaterial amendments have been processed since the original permit was approved. The first amendment request was withdrawn; the second added refrigeration units, enhanced security systems, crosswalk curb-cut ramp inserts, and concrete bollards at the store entry; the third modified the building façade and exterior signage; the fourth modified the interior store and exterior parking configurations, added a new refrigeration condensing unit on the building's rooftop, and installed new ADA signage in the parking lot; the fifth permitted installation of a power generator system and utility cabinet adjacent to the Target building; the sixth altered the parking lot configuration and added coastal access parking signs at three dedicated parking spaces behind the Target store; and the seventh amendment authorized the re-roofing of the non-pitched portions of the Target building using materials that matched the existing roof in materials and color.

Proposed CDP Amendment

Install a new electric vehicle (EV) charging station within the northwest portion of the existing Target parking lot, including one switchboard, three AC-DC cabinets, 12 charging posts, three light fixtures, and associated Americans with Disabilities Act (ADA) access features; update and reconfigure an existing ADA access route; remove two landscaping trees and a portion of hedges to accommodate new charging station;

and add two trash bins. **The Commission's reference number for this proposed amendment is A-1-EUR-02-166-A8.**

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 proposed new EV charging station will be located within a portion of the existing Target parking lot in a developed area of Eureka. The removal of two landscaping trees and a portion of hedges to accommodate the new charging station will not impact the visual quality of the area as they represent a minor portion of the existing landscaping at the site. The proposed new lighting consists of three pole lights and the illuminated Tesla logo on each charging post. The pole lights will be shielded, down-cast, and low wattage, consistent with the lighting requirements of the existing permit.

The project will result in a net loss of two parking spaces (four regular parking spaces will be removed and two ADA parking spaces will be added). However, ample parking will continue to exist to serve the surrounding development and there will be no changes to the existing dedicated public access parking along the Eureka Waterfront Trail, adjacent to the boat ramp, on the opposite end of the site behind Target.

As the amended development would not result in 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 Wednesday, May 8, 2024 at **Sovereign Nation of the Elk Valley Rancheria at 2332 Howland Hill Rd., Crescent City, CA 95531**. 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 ExecutiveStaff@coastal.ca.gov or call 415-904-5202.

The in-person hearing will be held at **Sovereign Nation of the Elk Valley Rancheria at 2332 Howland Hill Rd., Crescent City, CA 95531**. 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 Amber Leavitt in the North Coast District office at Amber.Leavitt@coastal.ca.gov.

cc: City of Eureka Development Services

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 8TH STREET, SUITE 130
ARCATA, CALIFORNIA 95521-5967
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**NOTICE OF PROPOSED PERMIT AMENDMENT**

Date: April 24, 2024

To: All Interested Parties

From: Peter Allen, Statewide Transportation Program Manager
Melissa B. Kraemer, North Coast District Manager
Abbie Strickland, Transportation Program Analyst

Subject: Amendment to Coastal Development Permit (CDP) 1-07-013
Applicant: California Dept. of Transportation (District 1)
Attn.: Liza Walker

Location:

US Highway 101 Post Miles 89.1/R90.4 at the bridges over the Mad River between Arcata and McKinleyville, Humboldt County.

Original CDP Approval

The original permit was approved in January 2008 to construct two new cast-in-place concrete box girder bridges over the Mad River, reconfigure new on and off ramps and Central/Route 200 intersection, and demolish the existing bridges. The new bridges are 750 feet long, each with two 12-foot-wide traffic lanes, a 5-foot-wide inner shoulder and a 10-foot-wide outside shoulder. The new northbound structure also includes an additional 8-foot-wide multi-modal (bicycle/pedestrian) corridor on the eastward side and landings at each end of the bridge. The CDP also authorized demolish of an existing residence and outbuildings, relocation of utilities, and upgrade/installation of 10 culverts. The five previous amendments to the original CDP authorized relocating a gas pipeline; retaining portions of the former bridges' piers in the river; changes to final compensatory mitigation plans for fish habitat impacts; cleaning and sealing of existing concrete and placing additional minor concrete for vegetation control; and authorizing after-the-fact the installation of an approximately 853-foot-long and up to 14-foot-wide permanent paved access road along the alignment of the temporary dirt construction access road authorized by the first amendment and installation of four-foot-tall, see-through, metal pipe field fence along the length of the access road with a gate near the north end to block unauthorized vehicular access.

Proposed CDP Amendment

Amend Special Condition 19 related to the final agreement (Memorandum of Understanding) that was set up between Caltrans, College of the Redwoods, and the Commission as part of the agricultural mitigation program required by CDP 1-07-013 for

the Highway 101 Mad River Bridges Project and by CDP 1-07-038 (approved by the Commission in June of 2008) for the Highway 101 Alton Interchange Project. The MOU limits how the main endowment established by the MOU must be used to fund an agricultural teaching position at College of the Redwoods in Eureka, and the change to the special condition would allow for the MOU to be modified to allow funds to be used to support the salary of a farm manager at the college's 38-acre organic Shively Farm rather than the salary of a full-time teaching position in the college's agricultural program. The farm manager of the Shively Farm is responsible for much of the college's agricultural educational program as well as managing the farm. Proposed changes to the CDP condition are shown below. **The Commission's reference number for this proposed amendment is 1-07-013-A6.**

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:

Background

Because the original project approved in 2008 permanently converted to highway use approximately 3.6 acres of prime agricultural lands, the Commission required Caltrans to provide agricultural mitigation in the form of a two-million-dollar non-refundable endowment paid to the College of the Redwoods (CR) to finance the preservation of the college's 38-acre Shively Educational Farm (this mitigation requirement also was required for impacts to 42 acres of prime agricultural lands permanently converted to highway use for construction of Caltrans's Highway 101 Alton Interchange Project approved by the Commission under CDP 1-07-038 in June of 2008). The farm had been bequeathed to the college in 1995 with the condition that the farm be used for agricultural education, and if the college failed to use the farm for this purpose, the donor's will specified that the college would forfeit the land to the Save the Redwoods League, and the land would be planted with redwoods and maintained as a park. While the college had hired a farm manager and had been investing in improvements the farm needed to operate as a sustainable organic teaching farm, the college had financial problems sustaining the farm. The funds that had been bequeathed with the land had been exhausted, college enrollments had declined, agricultural teaching faculty had retired, and overall, CR's agricultural program was under consideration for closure. Given the peril faced by the Shively Farm's funding status and the waning agricultural program at college, the Commission determined, in its approval of the original CDP, that funding the preservation of the Shively Farm through CR was appropriate mitigation for the conversion of agricultural lands associated with the development of the Mad River Bridges project. Specifically, the Commission made the following findings to support its conclusion that the MOU funding mechanism was adequate to address the impacts from the project:

First, all of the 38 acres of agricultural land that would be protected at the Shively Farm consists of prime agricultural land. In addition, the Caltrans proposal to endow the agricultural education program at the

College of the Redwoods in a manner that is focused on bolstering and revitalizing the Shively Farm provides other agricultural benefits to the broader community of the north coast as well. The College's program would protect and enhance the agricultural teaching function of the Shively Farm. The training of farmers will help sustain the area's agricultural economy by providing knowledgeable farmers to the region who will produce agricultural products that can sustain agricultural use of the region's agricultural lands. The permanent teaching position would anchor faculty continuity and long-term planning of the educational program to maximize the use of the Shively Farm. Finally, the program would provide outreach to the community in matters of agricultural sustainability.

By Caltrans providing funding to maintain the CR Shively Farm program, the agricultural lands would also be prevented from being converted to a non-agricultural use. Thus, the Commission imposed Special Condition 19 requiring Caltrans to provide to the College of the Redwood Foundation a non-refundable mitigation fee in the sum of two million dollars to benefit the college's Shively Farm, which consists of 38 acres of prime agricultural land, and to benefit the college's agricultural program in general through the funding of a full-time teaching position.

The final mitigation plan required to be implemented by Special Condition 19 required Caltrans to fund an endowment with the College of the Redwoods Foundation for the benefit of the college's agricultural program. The terms of the agreement establishing the endowment specified that \$1.5 million of the \$2 million dollar endowment would be set aside, and the annual accrued interest would be used to support, a full-time agriculture teaching position at College of the Redwoods in Eureka. The remaining \$0.5-million component would be reserved (including the re-investment of interest and income from this portion of the fund) for infrastructure improvements at the Shively Farm considered essential to enhancing the agricultural education function of Shively Education Center (Shively Farm) and for the purchase of up to two "green" (hybrid, clean air, high mileage) vans for the transportation of students attending the College of the Redwoods agricultural education program to and from classes and activities at the Shively Farm.

To date, the financial support to the college's agricultural program afforded by the endowment has been successful in improving the college's ability to offer additional horticulture courses and in increasing vegetable production efforts at the Shively Farm. Vegetables and hay grown on the farm also earn revenue for the college's agricultural program. Farm equipment expenditures funded by the mitigation endowment to date include, but are not limited to, a mulch-layer, waterwheel transplanter, irrigation system upgrades, cultivating tractor, seeder, pack shed/shade building, tandem disc and roller, and utility truck.

Proposed Changes to Special Condition 19

Allowing flexibility in the use of the mitigation funds to support not only teaching staff but also managerial staff associated with the operation of the Shively Farm would not lessen or avoid the intent of the originally approved permit to mitigate the conversion of agricultural lands at the Alton Interchange and Mad River Bridges projects. As noted in the Commission's findings when it approved the original CDP, the Commission's intent in requiring the funding of an agriculture teacher at CR was to train farmers to help sustain the area's agricultural economy by providing knowledgeable farmers to the region who will produce agricultural products that can sustain agricultural use of the region's agricultural lands and to maximize use of Shively Farm. The current Agriculture Production Manager (farm manager) of the Shively Farm has complied with the intent of the special condition. Notably, the farm manager is responsible for much of the college's agricultural educational program, has some teaching duties, and manages the farm to ensure its educational mission can continue. Not only do students in the college's agricultural program take field trips to the farm throughout the academic year to experience a working farm, but students may also gain credits through Agricultural Work Experience at the farm, which the farm manager supervises. As noted in the job description for the farm manager, in addition to running the productive organic farm, the farm manager supports the instruction of students engaged in agricultural studies, resides on the farm and provides security of property, assets, and crops on an around-the-clock basis, and applies knowledge of agricultural and agribusiness operations to sustain a diversified farm that educates students while offering a service to the college community. Therefore, Commission staff believes that the farm manager is adequately training farmers to help sustain the area's agricultural economy and lands and is maximizing the use of Shively Farm to sustain its prime agricultural lands.

Permit conditions will be revised as shown below. All other conditions of the permit will remain in full force and effect. Text to be deleted is shown in ~~strikethrough~~, and text to be added appears in **bold underline**.

19. AGRICULTURAL MITIGATION.

- A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT CDP 1-07-013, an authorized representative of Caltrans shall submit written documentation evidencing Caltrans' agreement to be bound by the requirements of Subsection B.
- B. PRIOR TO COMMENCEMENT OF ANY DEVELOPMENT AUTHORIZED BY CDP 1-07-013, but only after the Executive Director has indicated that the Commission has entered into an agreement (the "Agreement") with the College of the Redwoods Foundation, the permittee shall provide to the College of the Redwoods Foundation, through a financial instrument subject to the review and approval of the Executive Director, a non-refundable mitigation fee in the sum of \$2 million dollars (\$2,000,000) payable to the College of the Redwoods Foundation. This mitigation fee shall solely be used for agricultural purposes as an endowment for the

benefit of the Shively Education Center (Shively Farm) and to fund a managerial position, educational staff, and a full-time teaching position for the purpose of agricultural education at the College of the Redwoods in accordance with the terms and Conditions of the Agreement, which, at a minimum, shall include the following provisions:

- (1) The subject \$2 million agricultural mitigation fee must be deposited in a separate and independent interest bearing account created solely to manage the funds consistent with the Agreement as well as prescribe the use of the funds for administrative purposes;
- (2) The College of the Redwoods Foundation shall provide a report to the Executive Director annually describing the financial status of the fund and all expenditures from the fund during the previous year;
- (3) The fund shall be segregated into two components: a \$1.5 million component that shall be reserved, including the re-investment of interest and income from this portion of the fund, for the purpose of ~~permanently endowing a full-time teaching position for the purpose of agricultural education programs~~ funding a managerial position, educational staff, and a full-time teaching position at the College of the Redwoods, and a \$0.5 million component that shall be reserved, including the re-investment of interest and income from this portion of the fund, for infrastructure improvements at the Shively Education Center (Shively Farm) considered essential to enhancing the agricultural education function of Shively Education Center (Shively Farm) and for the purchase of up to two (2) "green" (hybrid, clean air, high mileage) vans for the transportation of students attending the College of the Redwoods agricultural education program to and from classes and activities at the Shively Education Center (Shively Farm);
- (4) The managerial, educational, and teaching positions shall be filled by a candidate, as shall future candidates, with a combination of education, teaching experience, and field experience that provides an excellent foundation for guiding the agricultural education program focused on the use of and support of the Shively Education Center (Shively Farm) as an agricultural teaching facility, including community agricultural outreach and education programs to enhance the skills and success of local agriculturalists;
- (5) The agricultural teaching program shall be conducted in a manner that prioritizes revitalizing and sustaining the Shively Education Center (Shively Farm) and increases the farm's relevance and benefits to the County as a source of agricultural education for

students, agriculturalists, community supported agricultural programs, farmers' markets, schools, and residents/gardeners;

- (6) Fuel expenses and vehicle maintenance shall be funded by the College of the Redwoods from other funding sources; and.
- (7) The Agreement shall include provisions to address any failure by the College of the Redwoods Foundation to implement the Agreement, including but not limited transfer of the funds to an alternate entity able to implement the Agreement, or, if approved by an amendment to this coastal development permit, to apply the nonrefundable funds to alternative agricultural mitigation.

The proposal to modify the language of the Special Condition as shown above would not raise any coastal resource issues that were not previously considered and addressed by the Commission through CDP No. 1-07-013 and would not lessen or avoid the intent of the originally approved permit. As the amended development would not result in 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 Wednesday May 8, 2024, at **Sovereign Nation of the Elk Valley Rancheria at 2332 Howland Hill Rd., Crescent City, CA 95531**. 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 ExecutiveStaff@coastal.ca.gov or call 415-904-5202.

The in-person hearing will be held at the **Sovereign Nation of the Elk Valley Rancheria at 2332 Howland Hill Rd., Crescent City, CA 95531**. 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 Abbie Strickland in the North Coast District office at Abigail.Strickland@coastal.ca.gov or by calling (707) 826-8950.

cc: Humboldt County Planning & Building Dept.

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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**NOTICE OF PROPOSED PERMIT AMENDMENT**

Date: April 24, 2024

To: All Interested Parties

From: Peter Allen, Statewide Transportation Program Manager
Melissa Kraemer, North Coast District Manager
Abbie Strickland, Transportation Program Analyst

Subject: Amendment to Coastal Development Permit (CDP) 1-07-038
Applicant: California Dept. of Transportation (District 1)
Attn.: Liza Walker

Location:

US Highway 101 Post Mile 57.0 to just north of the intersection of Highway 101/Drake Hill Road Post Mile 59.1, Humboldt County.

Original CDP Approval

The original permit was approved in June of 2008 for the conversion of an existing segment of Highway 101 from a four-lane expressway to a four-lane freeway, from just north of the Van Duzen River Bridge (post mile 57.0) to just north of the intersection of Highway 101/Drake Hill Road (post mile 59.1); construction of an elevated interchange with ramps at the existing at-grade intersection of Highway 101 and Route 36; closure of seven at-grade intersections; construction of frontage roads west of Highway 101; installation of median barriers, lighting, and new pavement overlay; demolition (burning) of an existing residence and numerous commercial structures; permanent removal of eight billboards (no replacements would be allowed by Caltrans); after-the-fact demolition of a vintage redwood barn near the southwestern quadrant of the proposed interchange; and the removal of a gate, boulders, and signage that were blocking a coastal access road to the Van Duzen River.

Proposed CDP Amendment

Amend Special Condition 11 related to the final agreement (Memorandum of Understanding) that was set up between Caltrans, College of the Redwoods, and the Commission as part of the agricultural mitigation program required by CDP 1-07-038 for the Highway 101 Alton Interchange Project and by CDP 1-07-013 (approved by the Commission in January of 2008) for the Highway 101 Mad River Bridges Project. Under the CDPs, the agricultural mitigation program was intended to support an agricultural educational program at the college's 38-acre organic Shively Farm. Special Condition 11 and the MOU limits the main endowment to the funding of an agricultural teaching

position at College of the Redwoods in Eureka, and the change to the special condition would allow for the MOU to allow funds to be used to support the salary of a farm manager at the Shively Farm as well as a full-time teaching position. The farm manager of the Shively Farm is responsible for much of the college's agricultural educational program, some teaching duties, and managing the farm. Proposed changes to the CDP condition are shown below. The Commission's reference number for this proposed amendment is **1-07-038-A2**.

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:

Background

Because the original project approved in 2008 permanently converted to highway use approximately 42 acres of prime agricultural lands, the Commission required Caltrans to provide agricultural mitigation in the form of a two-million-dollar non-refundable endowment paid to the College of the Redwoods (CR) to finance the preservation of the college's 38-acre Shively Educational Farm (this mitigation requirement also was required for impacts to 3.6 acres of prime agricultural lands permanently converted to highway use for construction of Caltrans's Mad River Bridges Project approved by the Commission under CDP 1-07-013 in January of 2008). The farm had been bequeathed to the college in 1995 with the condition that the farm be used for agricultural education, and if the college failed to use the farm for this purpose, the donor's will specified that the college would forfeit the land to the Save the Redwoods League, and the land would be planted with redwoods and maintained as a park. While the college had hired a farm manager and had been investing in improvements the farm needed to operate as a sustainable organic teaching farm, the college had financial problems sustaining the farm. The funds that had been bequeathed with the land had been exhausted, college enrollments had declined, agricultural teaching faculty had retired, and overall, CR's agricultural program was under consideration for closure. Given the peril faced by the Shively Farm's funding status and the waning agricultural program at college, the Commission determined, in its approval of the original CDP, that funding the preservation of the Shively Farm through CR was appropriate mitigation for the conversion of agricultural lands associated with the development of the Mad River Bridges project. Specifically, the Commission made the following findings to support its conclusion that the MOU funding mechanism was adequate to address the impacts from the project:

First, all of the 38 acres of agricultural land that would be protected at the Shively Farm consists of prime agricultural land. In addition, the Caltrans proposal to endow the agricultural education program at the College of the Redwoods in a manner that is focused on bolstering and revitalizing the Shively Farm provides other agricultural benefits to the broader community of the north coast as well. The College's program would protect and enhance the agricultural teaching function of the

Shively Farm. The training of farmers will help sustain the area's agricultural economy by providing knowledgeable farmers to the region who will produce agricultural products that can sustain agricultural use of the region's agricultural lands. The permanent teaching position would anchor faculty continuity and long-term planning of the educational program to maximize the use of the Shively Farm. Finally, the program would provide outreach to the community in matters of agricultural sustainability.

By Caltrans providing funding to maintain the CR Shively Farm program, the agricultural lands would also be prevented from being converted to a non-agricultural use. Thus, the Commission imposed Special Condition 11 requiring Caltrans to provide to the College of the Redwood Foundation a non-refundable mitigation fee in the sum of two million dollars to benefit the college's Shively Farm, which consists of 38 acres of prime agricultural land, and to benefit the college's agricultural program in general through the funding of a full-time teaching position.

The final mitigation plan required to be implemented by Special Condition 11 required Caltrans to fund an endowment with the College of the Redwoods Foundation for the benefit of the colleges agricultural program. The terms of the agreement establishing the endowment specified that \$1.5 million of the \$2 million dollar endowment would be set aside, and the annual accrued interest would be used, to support a full-time agriculture teaching position at College of the Redwoods in Eureka. The remaining \$0.5-million component would be reserved (including the re-investment of interest and income from this portion of the fund) for infrastructure improvements at the Shively Farm considered essential to enhancing the agricultural education function of Shively Education Center (Shively Farm) and for the purchase of up to two "green" (hybrid, clean air, high mileage) vans for the transportation of students attending the College of the Redwoods agricultural education program to and from classes and activities at the Shively Farm.

To date, the financial support to the college's agricultural program afforded by the endowment has been successful in improving the college's ability to offer additional horticulture courses and in increasing vegetable production efforts at the Shively Farm. Vegetables and hay grown on the farm also earn revenue for the college's agricultural program. Farm equipment expenditures funded by the mitigation endowment to date include, but are not limited to, a mulch-layer, waterwheel transplanter, irrigation system upgrades, cultivating tractor, seeder, pack shed/shade building, tandem disc and roller, and utility truck.

Proposed Changes to Special Condition 11

Allowing flexibility in the use of the mitigation funds to support not only teaching staff but also managerial staff associated with the operation of the Shively Farm would not lessen or avoid the intent of the originally approved permit to mitigate the conversion of agricultural lands at the Alton Interchange and Mad River Bridges projects. As noted in the Commission's findings when it approved the original CDP, the Commission's intent in requiring the funding of an agriculture teacher at CR was to train farmers to help

sustain the area's agricultural economy by providing knowledgeable farmers to the region who will produce agricultural products that can sustain agricultural use of the region's agricultural lands and to maximize use of Shively Farm. The current Agriculture Production Manager (farm manager) of the Shively Farm has complied with the intent of the special condition. Notably, the farm manager is responsible for much of the college's agricultural educational program, has some teaching duties, and manages the farm to ensure its educational mission can continue. Not only do students in the college's agricultural program take field trips to the farm throughout the academic year to experience a working farm, but students may also gain credits through Agricultural Work Experience at the farm, which the farm manager supervises. As noted in the job description for the farm manager, in addition to running the productive organic farm, the farm manager supports the instruction of students engaged in agricultural studies, resides on the farm and provides security of property, assets, and crops on an around-the-clock basis, and applies knowledge of agricultural and agribusiness operations to sustain a diversified farm that educates students while offering a service to the college community. Therefore, Commission staff believes that the farm manager is adequately training farmers to help sustain the area's agricultural economy and lands and is maximizing the use of Shively Farm to sustain its prime agricultural lands.

Permit conditions will be revised as shown below. 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 **bold underline**.

11. AGRICULTURAL MITIGATION.

- A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT CDP 1-07-038, an authorized representative of Caltrans shall submit a written agreement, in a form and content acceptable to the Executive Director, evidencing Caltrans' agreement to be bound by the requirements of Subsection B.
- B. PRIOR TO COMMENCEMENT OF ANY DEVELOPMENT AUTHORIZED BY CDP 1-07-038, but only after the Executive Director has indicated that the Commission has entered into an agreement (the "Agreement") with the College of the Redwoods Foundation, the permittee shall provide to the College of the Redwoods Foundation, through a financial instrument subject to the review and approval of the Executive Director, a non-refundable mitigation fee in the sum of \$2 million dollars (\$2,000,000) payable to the College of the Redwoods Foundation. This mitigation fee to be paid by the applicant to the College of the Redwoods Foundation is the same payment that must be made to satisfy Special Condition 19 of Coastal Development Permit No. 1-07-013 granted by the Commission for the replacement of the U.S. Highway 101 bridges over the Mad River in Humboldt County. This mitigation fee shall solely be used for agricultural purposes as an endowment for the benefit of the Shively Education Center (Shively Farm) and to fund **a managerial position, educational staff, and a** full-time teaching position for the purpose of agricultural education

at the College of the Redwoods in accordance with the terms and Conditions of the Agreement, which, at a minimum, shall include the following provisions:

- (1) The subject \$2 million agricultural mitigation fee must be deposited in a separate and independent interest bearing account created solely to manage the funds consistent with the Agreement as well as prescribe the use of the funds for administrative purposes;
- (2) The College of the Redwoods Foundation shall provide a report to the Executive Director annually describing the financial status of the fund and all expenditures from the fund during the previous year;
- (3) The fund shall be segregated into two components: a \$1.5 million component that shall be reserved, including the re-investment of interest and income from this portion of the fund, for the purpose of ~~permanently endowing a full-time teaching position for the purpose of agricultural education programs~~ **funding a managerial position, educational staff, and a full-time teaching position** at the College of the Redwoods, and a \$0.5 million component that shall be reserved, including the re-investment of interest and income from this portion of the fund, for infrastructure improvements at the Shively Education Center (Shively Farm) considered essential to enhancing the agricultural education function of Shively Education Center (Shively Farm) and for the purchase of up to two (2) "green" (hybrid, clean air, high mileage) vans for the transportation of students attending the College of the Redwoods agricultural education program to and from classes and activities at the Shively Education Center (Shively Farm);
- (4) The **managerial, educational, and teaching positions** shall be filled by a candidate, as shall future candidates, with a combination of education, teaching experience, and field experience that provides an excellent foundation for guiding the agricultural education program focused on the use of and support of the Shively Education Center (Shively Farm) as an agricultural teaching facility, including community agricultural outreach and education programs to enhance the skills and success of local agriculturalists;
- (5) The agricultural teaching program shall be conducted in a manner that prioritizes revitalizing and sustaining the Shively Education Center (Shively Farm) and increases the farm's relevance and benefits to the County as a source of agricultural education for students, agriculturalists, community supported agricultural programs, farmers' markets, schools, and residents/gardeners;

- (6) Fuel expenses and vehicle maintenance shall be funded by the College of the Redwoods from other funding sources; and.
- (7) The Agreement shall include provisions to address any failure by the College of the Redwoods Foundation to implement the Agreement, including but not limited transfer of the funds to an alternate entity able to implement the Agreement, or, if approved by an amendment to this coastal development permit, to apply the nonrefundable funds to alternative agricultural mitigation.

The proposal to modify the language of the Special Condition as shown above would not raise any coastal resource issues that were not previously considered and addressed by the Commission through CDP No. 1-07-038 and would not lessen or avoid the intent of the originally approved permit. 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 Wednesday May 8, 2024, at **Sovereign Nation of the Elk Valley Rancheria at 2332 Howland Hill Rd., Crescent City, CA 95531**. 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 ExecutiveStaff@coastal.ca.gov or call 415-904-5202.

The in-person hearing will be held at the **Sovereign Nation of the Elk Valley Rancheria at 2332 Howland Hill Rd., Crescent City, CA 95531**. 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 Abbie Strickland in the North Coast District office at Abigail.Strickland@coastal.ca.gov or by calling (707) 826-8950.

cc: Humboldt County Planning & Building Dept.

CALIFORNIA COASTAL COMMISSION

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



NOTICE OF PROPOSED PERMIT AMENDMENT

Date: April 24, 2024

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

Location:

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. One permit amendment was approved authorizing changes to Special Conditions 13 and 16 to provide more flexibility for staging and stockpile area locations.

Proposed CDP Amendment

Modify Special Conditions 11 and 13 to extend the allowable start dates for in-water pile driving activities. **The Commission's reference number for this proposed amendment is 1-20-0560-A2.**

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 existing permit includes two special conditions that address timing of in-water work, including pile driving. The conditions require in-water work activities associated with bridge construction, including pile driving, to be limited to the period of July 1 – September 31. The purpose of the limited work window in part is to avoid disturbing sensitive fish species, including salmonids, that may be migrating through Humboldt Bay prior to July 1st. Salmonids and other sensitive species may be harmed by hydroacoustic impacts associated with pile driving activities necessary for the bridge installation work.

The applicant has requested increased flexibility in the timing of the bridge construction work to allow the work to begin as early as May 1st for the South CRC bridge and as early as June 1st for the Brainard Slough bridge. The start date would remain July 1st for the North CRC bridge. The reason for this request is to help accelerate the construction schedule and increase the likelihood of completing the project by the end of the construction season.

The applicant has obtained concurrence from the California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service, and National Marine Fisheries Service (NMFS) on the proposed extended in-water work season for the two bridges. NMFS recommended, and the applicant agreed, that pile driving earlier than July 1st at the two bridges would be limited to a four-hour work window during periods of low tide levels to minimize the transmission of acoustic noise. The applicant also agreed that pile driving earlier than July 1st at the two bridges would be limited to periods when tidal inundation levels are such that the edge of the bay waters is at least 50-feet away from the pile being proofed by the impact hammer. With these restrictions, the proposed earlier start dates for in-water work will not impact sensitive fish species. The special conditions of the CDP as amended will continue to include construction requirements and mitigation measures to protect marine resources and water quality, including limiting the use of impact hammer pile driving, installing clear water diversions, and implementing additional water quality and fish protection measures consistent with CDFW and NMFS protocols.

Permit conditions will be revised as shown below. All other conditions of the permit will remain in full force and effect. Text to be deleted is shown in ~~strikethrough~~, and text to be added appears in **bold underline**.

11. Pile Driving Protections. All project activities associated with the installation of temporary or permanent piles or sheet-piles shall be undertaken in accordance with the requirements set forth herein as recommended by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS):

- A. Pile-driving shall be limited to **May 1 – September 31 for the South CRC bridge; June 1 – September 31 for the Brainard Slough bridge; and July 1 – September 31 for the North CRC bridge**, when salmonids are least likely to be present in the north bay.
- B. Pile-driving shall be isolated from coastal waters by installing piles during periods of minus ebb tides.
- C. Piles shall be driven using vibratory methods to the maximum extent possible, with use of impact hammer limited to the final five feet of pile driving if required to verify load capacity.
- D. Clear water diversions (e.g., cofferdams) shall be installed as necessary to ensure cast-in-place concrete elements of the CRC North and Brainard Slough bridges are isolated from coastal waters until cured and thus minimize the transport of sediment and concrete pollution to coastal waters. Clear water diversions shall be installed and removed during

periods of minus ebb tides and consistent with the requirements of Special Condition 13.

...

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 **May 1 – September 31 for the South CRC bridge; June 1 – September 31 for the Brainard Slough bridge; and July 1 – September 31 for the North CRC bridge**, during low tides to avoid sensitive fish species, and to reduce the chance of stormwater runoff occurring during construction.

...

As the amended development would not result in 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 Wednesday, May 8, 2024 at **Sovereign Nation of the Elk Valley Rancheria at 2332 Howland Hill Rd., Crescent City, CA 95531**. 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 ExecutiveStaff@coastal.ca.gov or call 415-904-5202.

The in-person hearing will be held at **Sovereign Nation of the Elk Valley Rancheria at 2332 Howland Hill Rd., Crescent City, CA 95531**. The Commission still strongly encourages continued participation virtually through video and teleconferencing to

Coastal Development Permit (CDP) Amendment 1-20-0560-A2

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 Melissa Kraemer in the North Coast District office at Melissa.Kraemer@coastal.ca.gov.

cc: Humboldt County Planning & Building Dept

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PH (707) 826-8950
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April 24, 2024

**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, originally granted by the California Coastal Commission on April 10, 2019 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: 309-191-012, 309-211-002, 309-211-006, 309-211-007, 309-251-002)

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. This determination shall be reported to the Commission. The permit expiration date shall be extended for one year from the date the permit would otherwise have expired if "(1) no written objection to the executive director's determination is received within 10 working days after mailing notice, and (2) three [or more] commissioners do not object to the executive director's determination." If an objection is received, the executive director shall review such objection to determine whether the objection identifies a changed circumstance that may affect the development's consistency with the Coastal Act. If the executive director concludes that no such circumstance is identified, the determination and conclusion shall be reported to the Commission along with copies of such objections. If three or more Commissioners do not object to the determination, the time for commencement of development shall be extended for one year from the expiration date of the permit.

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.

Notice of Extension Request for Coastal Development Permit

1-17-0200

(Permit Extension No. 1-17-0200-E4)

Sincerely,

Kate Huckelbridge, PhD
Executive Director

By:

A handwritten signature in black ink, appearing to read "Melissa B. Kraemer". The signature is written in a cursive, flowing style.

Melissa B. Kraemer
Coastal Program Manager

cc: Commissioners/File