

CALIFORNIA COASTAL COMMISSION

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



Th7

Prepared May 30, 2024 (for the June 13, 2024 Hearing)

To: Commissioners and Interested Parties
From: Shana Gray, North Coast District Deputy Director
Subject: **North Coast District Deputy Director's Report for June 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 June 13, 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 June 13.

With respect to the June 13th 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 June 13, 2024 (see attached)

Waivers

- 1-24-0143-W, Cooper/Lauderdale – Septic replacement, merger, and lot line adjustment (Trinidad area, Humboldt County)
- 1-24-0430-W, Russell – Major vegetation removal (Mendocino, Mendocino County)

Immaterial Amendments

- 1-20-0560-A3, Humboldt County Public Works – Humboldt Bay Trail pile driving work window adjustment (northeastern Humboldt Bay, Humboldt County)

Time Extensions, Emergency Permits, and LCP Certifications - None

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 8TH STREET, SUITE 130
ARCATA, CALIFORNIA 95521-5967
PHONE: (707) 826-8950
WWW.COASTAL.CA.GOV



May 30, 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. 1-24-0143-W

Applicant: Curt Cooper and Sarah Lauderdale

Location: 382 6th Avenue, Westhaven, 2.5 miles south of the City of Trinidad, Humboldt County (APNs: 514-154-007; 514-153-009; 514-141-015; 514-142-033; 514-161-001; 514-152-006, 514-154-004, 514-154-003; 514-154-006).

Proposed Development

(1) Decommission existing septic tank and leach line and install a new 1,200-gallon septic tank and leach field consisting of two 50-foot-long leach lines; (2) remove one Douglas fir tree and limb up to three adjacent trees; (3) merge five "paper lot" APNs for resultant parcel 1 and four "paper lot" APNs for resultant parcel 2, including merger of portions of abandoned roadways (Highland Avenue, Midway Avenue, and Beach Avenue) and adjust resulting lot lines between adjacent parcels to result in two parcels approximately 1.84 -acres and 1.28-acres in size.

Procedural Note

The project is bisected by the County of Humboldt's LCP jurisdiction boundary and the Commission's retained jurisdiction (an area of deferred certification). The County and the Executive Director have agreed that the Commission will process a consolidated CDP application for the project pursuant to Coastal Act Section 30601.3(a)(2).

Coastal Development Permit De Minimis Waiver 1-24-0143-W

Executive Director's Waiver Determination

To support the application for the local approvals required for the proposed mergers and lot line adjustment, the County required the applicant to hire a licensed land surveyor to perform a legal parcel review to confirm the legality of the subject parcels. The proposed development will not increase development intensity in the subject area. The purpose of the proposed mergers is to consolidate residual lands that were fragmented by the Highway 101 realignment in the late 1960s and various "paper lots" and portions of abandoned "paper roads" laid out as part of the pre-Coastal Act Westhaven subdivision. The portions of the paper roads – Highland Avenue, Midway Avenue, and Beach Avenue – proposed to be merged were formally abandoned by Humboldt County in various actions taken in 1969, 1979, 1980, and 1981. The paper roads have never been developed as actual roadways or used for public access and have only ever been used for private residential uses. The road areas to be abandoned are not between the sea and the first public road. Though the subject site is adjacent to the 6th Avenue Trail, which connects the Westhaven community with Scenic Drive, the proposed development will not affect or interfere with public access.

After the proposed merger and lot line adjustment, one of the resultant parcels (accessed off 6th Ave.) will be developed with an existing single-family residence, a septic system proposed to be decommissioned, and the proposed new septic system. The other resultant lot (accessed off Loop Place) will be undeveloped except for an old horse stable and could support a future single-family residential use, which is consistent with the local land use and zoning for the site. Both resultant lots are currently or will be served with municipal water provided by the Westhaven CSD (there are two active water allotments available to serve the two resultant lots). The resultant undeveloped lot has been demonstrated to have a flat, upland area about a quarter-acre in size suitable for the development of a residence and onsite wastewater treatment system.

Finally, the proposed tree removal and limbing, which is necessary for the development of the new septic system to support the existing residential use, will be conducted outside of the bird nesting season (generally March 15 – August 15) to prevent any adverse impacts to nesting birds. 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**

Coastal Development Permit De Minimis Waiver
1-24-0143-W

Commission on Thursday, June 13, 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 **Inn at Morro Bay, 60 State Park Road, Morro Bay CA 93442**. 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



Rebecca Jacobson
Coastal Program Analyst

cc: Curt Cooper and Sarah Lauderdale, Applicants
Humboldt County Planning & Building Dept.

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 8TH STREET, SUITE 130
ARCATA, CALIFORNIA 95521-5967
PHONE: (707) 826-8950
WWW.COASTAL.CA.GOV



May 30, 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. 1-24-0430-W

Applicant: George Russell

Location: 43648 Little Lake Road, Mendocino (APN: 119-390-36)

Proposed Development

Remove two Mendocino cypress trees (*Hesperocyparis pigmaea*) that have partially fallen and uprooted from recent storm damage.

Executive Director's Waiver Determination

The purpose of the proposed major vegetation removal is to remove two large Mendocino cypress trees that already have partially toppled and uprooted due to winter storms and related impacts in January of this year. During those storms, a tree across Little Lake Road fell across the road, downed roadside electrical lines, and temporarily blocked use and passage of the roadway by vehicular traffic. The fall of that tree also impacted the two cypress trees on the subject property resulting in their current uprooting and precarious leaning. In their current state, the damaged trees are partially blocking access to the subject parcel and are threatening to further damage adjacent sensitive species, including additional Mendocino cypress and Bolander pine trees. The proposed tree removal, which will be carefully conducted by a professional tree service and under the oversight of a qualified botanist, will not diminish or degrade the overall habitat matrix of the Mendocino cypress sensitive natural community on the site. The trees do not screen development on the subject property from public views, and their removal will have no significant impact on visual resources. Thus, the proposed project will not adversely affect 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 Development Permit De Minimis Waiver
1-24-0430-W

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, June 13, 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 **Inn at Morro Bay, 60 State Park Road, Morro Bay CA 93442.** 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



Melissa B. Kraemer
Coastal Program Manager

cc: Alison Gardner, Agent
Mendocino 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: May 30, 2024

To: All Interested Parties

From: Melissa B. Kraemer, North Coast District Manager

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 and Past Amendments

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. Amendment -A1 was approved authorizing changes to Special Conditions 13 and 16 to provide more flexibility for staging and stockpile area locations. Amendment -A2 was approved modifying Special Conditions 11 and 13 to extend the allowable start dates for in-water pile driving activities.

Proposed CDP Amendment

Further modify Special Condition 11 related to the timing of in-water pile driving activities. **The Commission's reference number for this proposed amendment is 1-20-0560-A3.**

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 purpose of the request is to further adjust work windows for pile driving necessary for bridge installation to enable the efficient completion of construction of the project while still maintaining effective protections for marine resources. Currently, Condition 11(B) restricts pile-driving activities to "minus ebb tides" (with no datum specified), which means the time interval when tides at the North Spit tide gauge are less than 0

feet (relative to a datum such as MLLW or NAVD88) and going out. Regardless of applicable datum, this restriction unnecessarily limits feasible opportunities to perform work in a manner that is protective of marine resources while allowing for completing construction the project in a single construction season. As currently written, the durations of possible work windows that meet this condition would make it infeasible to work on most days. The existing condition also is more restrictive than the mitigation measures adopted by the County for the project to protect marine resources under CEQA (Mitigation Measure BIO-2), which allows pile driving during a four-hour window centered on both the higher and lower low tides.

Based on recent consultation with the National Marine Fisheries Service, the County requested, and NMFS agreed, that pile-driving work may occur at a wider range of tidal elevations than minus ebb tides or than the 4-hour work window centered on both the higher and lower low tides, provided that impact hammer strikes (which can adversely affect sensitive salmonids and other marine resources) occur only at those low or lower tide levels where the edge of the bay waters is at a distance at least 50 feet away from the subject pile being proofed by impact hammer. The County proposes to limit pile driving activities to periods when the edge of bay waters is at least 100 feet from each pile driving site for vibratory pile driving and at least 200 feet from a pile driving site for impact hammering. Given the limited amount of pile driving associated with the project and the location of pile driving along the higher/outer edge of Humboldt Bay, allowing for less restrictive work windows during periods of low tides based on distance to tidal inundation areas versus minus ebb tides or four-hour work windows is adequately protective of marine resources consistent with sections 30230 and 30231 of the Coastal Act.

Special Condition 11 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~~ **when the edge of bay waters is (i) for vibratory pile driving: at least 100 feet away from the pile driving site, and (ii) for impact hammer driving: at least 200 feet away from the pile driving site.**
- 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.

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, June 13, 2024 at **Inn at Morro Bay, 60 State Park Road, Morro Bay CA 934421**. 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 **Inn at Morro Bay, 60 State Park Road, Morro Bay CA 93442**. 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.

cc: Humboldt County Planning & Building Dept