

MINUTE ITEM

This Calendar Item No. 14
was approved as Minute Item
No. 14 by the State Lands
Commission by a vote of
to 0 at its 2-28-80
meeting.

CALENDAR ITEM

14.

2/80
PRC 1956.9
De La Cruz

AMENDMENT TO
GENERAL PERMIT
PUBLIC AGENCY USE

APPLICANT: Humboldt Bay Harbor Recreation and
Conservation District
P.O. Box 134
Eureka, California 95501

AREA, TYPE LAND AND LOCATION: A 290 acre parcel of tide and submerged
land in the Pacific Ocean, Humboldt County.

LAND USE: Construction and maintenance of a small
craft launching facility; maintenance of
an existing mooring area; improvement and
maintenance of an existing rock mound break-
water; and removal of rock from the intertidal
zone in front of Dead Man's Gulch for the
purpose of improving the existing breakwater.

TERMS: Initial period: 25 years from June 1,
1979.

CONSIDERATION: Public Use and benefit, with the State
reserving the right to set a monetary rental
if the Commission finds such action is
in the State's best interest.

AMENDED PERMIT:

LAND USE: Construction and maintenance of a small
craft launching facility; maintenance of
an existing mooring area; improvement and
maintenance of an existing rock mound break-
water; removal of rock 1½ feet or greater
in diameter between the Ordinary High Water
Mark and elevation +3 feet M.L.L.W., within
the area located between the existing breakwater
and Point No Pass.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

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(Added, 2/25/80)

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OTHER PERTINENT INFORMATION:

1. The permit is being amended to reflect the following:
 - a. Revision of the rock removal area.
 - b. Revision of the amount and size of rocks to be removed from the reef area in front of Dead Man's Gulch.
2. The Commission at its meeting of July 17, 1979, as Calendar Item 1, approved an Assignment and Amendment to Permit PRC 1956.9 from Mr. Mario Machi to the Humboldt Bay Harbor, Recreation and Conservation District for improvements to launching facilities and an existing breakwater at Shelter Cove, Humboldt County.
3. As part of this approval, the Commission authorized the removal of rock from the reef area in front of Dead Man's Gulch subject to the following conditions:
 - a. That prior to using intertidal rock the District shall utilize all suitable rocks located landward of the intertidal zone, for which the Harbor District has removal authority pursuant to their 1978 North Coast Regional Coastal Permit. This condition does not contemplate mining.
 - b. That rock removal from the intertidal zone of Dead Man's reef be limited to the northerly one-half of such zone; that side closest to the breakwater.
 - c. That rock removal be limited to no more than 570 of the larger rocks (24-inch maximum) located within such northerly area.
 - d. That rock removal be limited to the upper layer of the intertidal rock delta and that a mining operation not be conducted.

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4. In order to refrain from further delay in completing the Shelter Cove improvements, the Harbor District, with input from representatives of the Surfing Community, reapplied to the North Regional Coastal Commission for a permit to construct the improvements to the launching facilities and utilize the rock borrow site at Dead Man's Reef and other areas within Shelter Cove.
5. The Regional Coastal Commission has approved the Harbor Districts permit. The Harbor District, as conditioned by their Coastal Permit, can remove all rock 1½ feet or greater in diameter between the base of the bluff and elevation +3 feet above M.L.L.W., from an area located between the existing break-water and Point No Pass. The permit also requires that the District remove only 250 rocks 1½ feet or greater in diameter from the northwesterly one-half of Dead Man's Reef within the area stated above. No rock shall be removed from the southwesterly one-half of Dead Man's Reef below the Mean High tide line.
6. Prior to the removal of any rock authorized under their permit, the District must submit a rock removal plan to the Executive Director of the North Regional Commission for review and approval. Representatives of the Surfing Community are agreeable to the conditions imposed by the Coastal Commission.
7. The Harbor District's Coastal permit allows them to remove rock from intertidal areas not previously authorized by the State Lands Commission. Since the revised Coastal Permit is conditioned to ensure the surfing resources at Dead Man's reef are protected against adverse effects and is agreeable to all concerned parties, Staff is recommending

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that Permit PRC 1956.9 to the Harbor District be amended to conform to the Coastal permit.

8. The rock removal sites located outside of the reef area were not addressed in the Negative Declaration prepared by the Harbor District. In view of this, an addendum to the Negative Declaration has been prepared by the Commission's Staff in compliance with C.E.Q.A. and implementing guidelines.
9. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class A, which authorizes Restricted Use.

Staff has coordinated this project with those agencies and organizations who nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

10. This project is consistent with the provisions of Article 6.5 of the Commission's regulations. A coastal development permit has been issued by the Regional Coastal Zone Commission.

APPROVALS OBTAINED:

North Coast Regional Coastal Commission
United States Corp of Engineers

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Amended Negative Declaration, including Borrow Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS PROJECT BUT THAT AN AMENDED NEGATIVE DECLARATION HAS BEEN PREPARED BY THE COMMISSION'S STAFF.

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2. CERTIFY THAT THE AMENDED NEGATIVE DECLARATION NO. 258 HAS BEEN COMPLETED IN COMPLIANCE WITH THE CEQA OF 1970, AS AMENDED, AND THE STATE EIR GUIDELINES, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5, OF TITLE 2, OF THE CAL. ADM. CODE.
5. FIND THAT GRANTING OF THIS PERMIT AMENDMENT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
6. APPROVE THE AMENDMENT OF PERMIT PRC 1956.9 TO THE HUMBOLDT BAY HARBOR RECREATION AND CONSERVATION DISTRICT, EFFECTIVE FEBRUARY 28, 1980, FOR REMOVAL OF ROCK FROM THE INTERTIDAL ZONE; BEING THAT AREA BETWEEN THE ORDINARY HIGH WATER MARK AND ELEVATION +3 FEET M.L.L.W., LOCATED FROM THE EXISTING BREAKWATER TO POINT NO PASS, ALL ACTIVITIES TO BE PERFORMED WITHIN LANDS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SUBJECT TO THE CONDITIONS SET FORTH IN PARAGRAPH 7 BELOW.
7. IMPOSE THE FOLLOWING CONDITIONS ON THE HARBOR DISTRICT'S REMOVAL OF ROCK FROM THE INTERTIDAL ZONE DESCRIBED IN FINDING 6 ABOVE.
 - a. THE HARBOR DISTRICT SHALL UTILIZE ALL SUITABLE ROCKS LOCATED WITHIN THE INTERTIDAL ZONE, FOR WHICH THE HARBOR DISTRICT HAS REMOVAL AUTHORITY PURSUANT TO THEIR NORTH COAST REGIONAL COASTAL PERMIT. THIS CONDITION DOES NOT CONTEMPLATE MINING.
 - b. THAT ROCK REMOVAL FROM THE INTERTIDAL ZONE OF DEADMAN'S REEF BE LIMITED TO THE NORTHWESTERLY ONE-HALF OF SUCH ZONE FROM THE ORDINARY HIGH WATER MARK TO ELEVATION +3 FEET M.L.L.W.
 - c. THAT ROCK REMOVAL BE LIMITED TO NO MORE THAN 250 ROCKS OF ONE AND ONE-HALF FEET OR GREATER IN DIAMETER LOCATED WITHIN SUCH NORTHWESTERLY AREA OF THE REEF.

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- d. THAT ROCK REMOVAL BE LIMITED TO UPPER LAYER OF THE INTERTIDAL ROCK AND THAT A MINING OPERATION NOT BE CONDUCTED.

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EXHIBIT "A"

LAND DESCRIPTION

W 21813

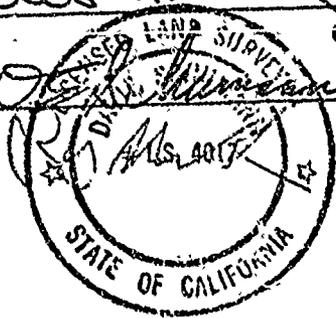
A parcel of tide and submerged land lying in the Pacific Ocean, situated in T5S, RTE, NM, Humboldt County, State of California, more particularly described as follows:

COMMENCING at the section corner common to Sections 9, 10, 15 and 16; thence S 20° 04' 26" W 4,312 feet to the ordinary high water mark at the southern tip of Point Delgado, said point being the POINT OF BEGINNING of this parcel; thence from said point of beginning south 890 feet to the intersection with the protracted section line common to Sections 16 and 21, thence along said protracted section line east to the ordinary high water mark of the Pacific Ocean; thence northwesterly along said ordinary high water mark to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

END OF DESCRIPTION

Prepared Cris N. Perry Checked J. K. & J. J. J.
Reviewed [Signature] Date 4/10/79



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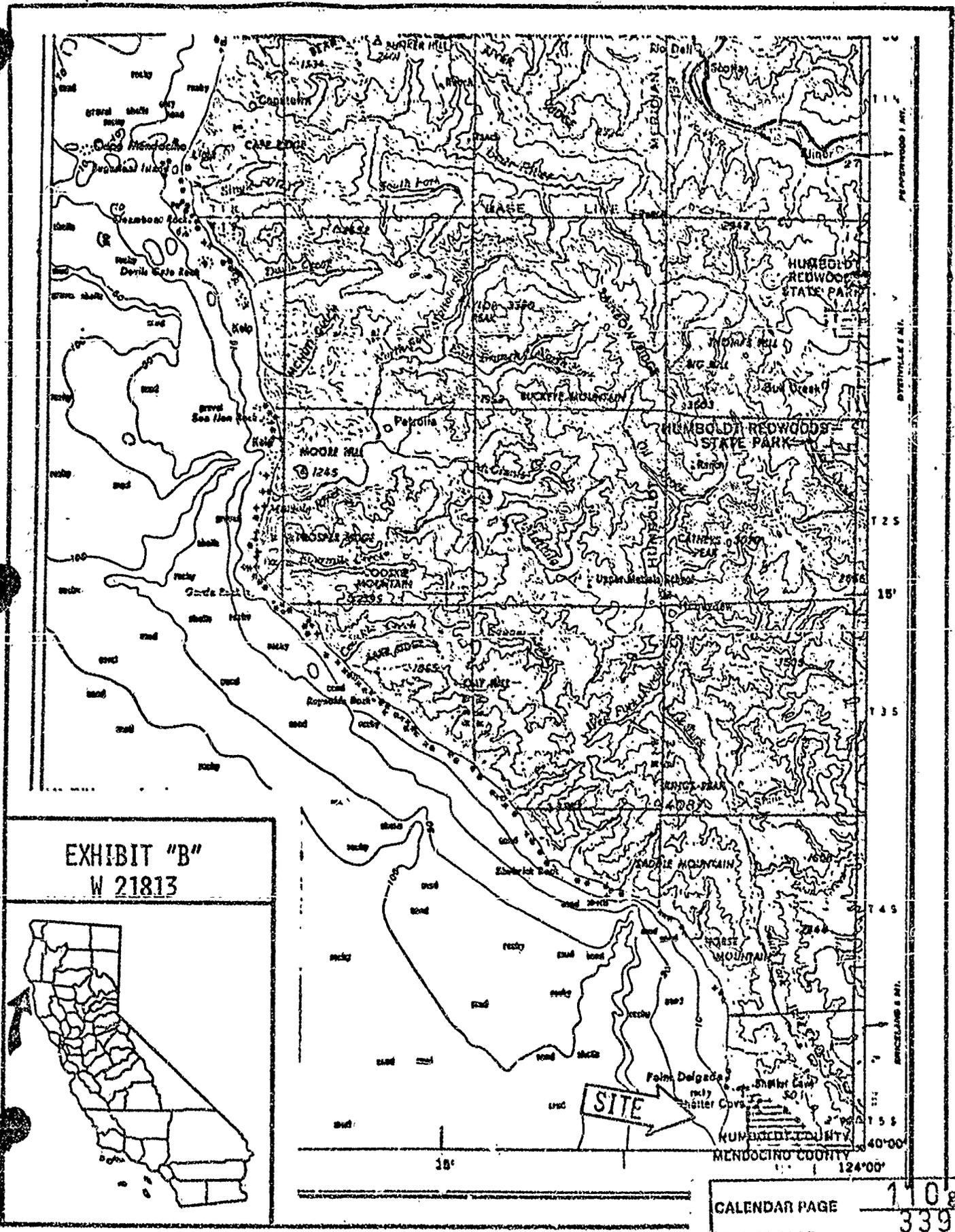


EXHIBIT "B"
W 21813



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EXHIBIT "C"

STATE OF CALIFORNIA

EDMUND G. BROWN, JR., Governor

STATE LANDS COMMISSION

ANNETH CORY, Controller
MIKE CURB, Lieutenant Governor
MARY ANN GRAVES, Director of Finance

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, California 95814

WILLIAM F. NORTHRUP
Executive Officer



File Ref.: PRC 1956.9
ND 258

Clearinghouse Ref.: 77062142

ADDENDUM TO NEGATIVE DECLARATION

Project Applicant: Humboldt Bay Harbor, Recreation and Conservation District
Post Office Box 134
Eureka, California 95501

Project Location: Shelter Cove on the Pacific Coast approximately 23 miles
west of Highway 101 at Garberville, Humboldt County.

Project Description: To acquire a public right of way across private property creating free public access to ocean boat launching facilities, to widen the existing launch ramp access removing material and moving the bluff face back up to five feet above the ramp access creating better drainage and stabilizing the area, paving the launch ramp access and turn around area, stabilizing the bluff face below the launch ramp access to eliminate erosion, to improve the wave energy dissipator utilizing local rock from the intertidal area from the existing breakwater to Point No Pass, excluding the southwesterly half of Dead Mans Reef and Third Reef as shown on Exhibit "A" and to provide free public day use parking for 24 automobile/trailer combination, 12 single spaces, public restrooms and picnic facilities. Prior to any rock removal the applicant shall submit Rock Removal Plans to the Executive Director of the North Coast Regional Coastal Commission.

This addendum is required in that the Negative Declaration (77062142) previously prepared and circulated by the Humboldt Bay Harbor, Recreation and Conservation District addressed only the removal of rock from Dead Mans Reef.

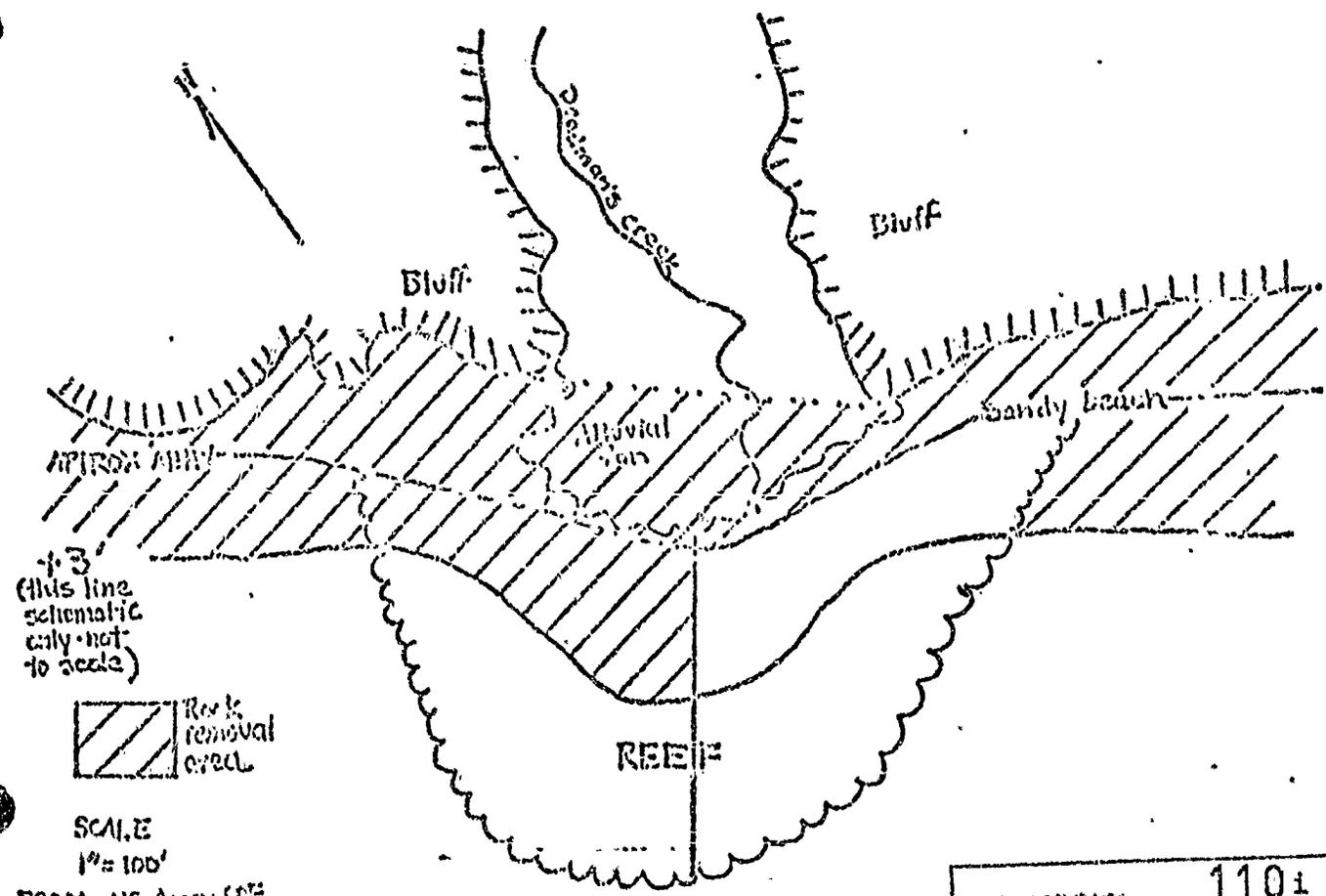
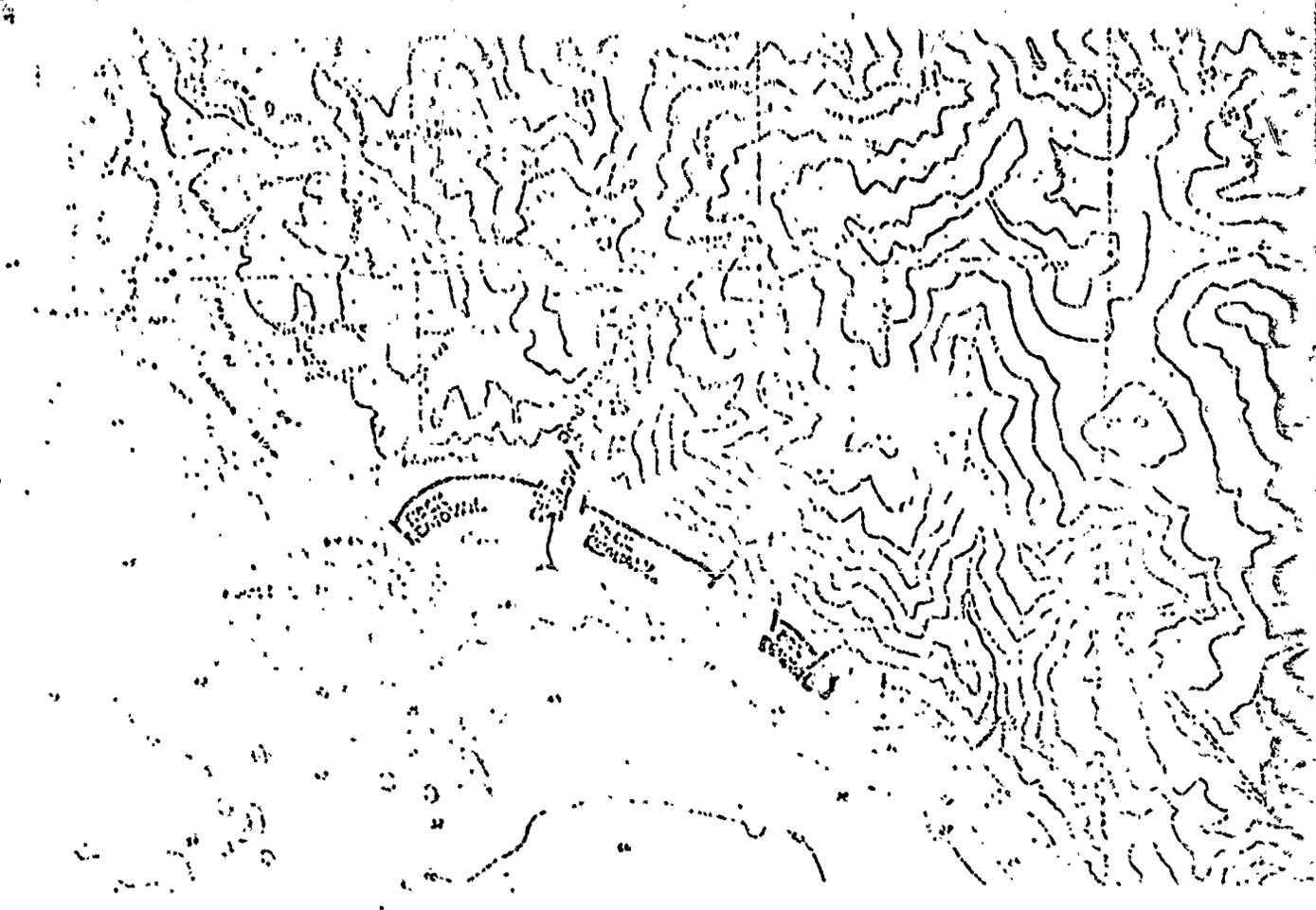
This NEGATIVE DECLARATION ADDENDUM is prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et. seq. of the Public Resources Code), the State EIR Guidelines (Title 14, Section 15000 et. seq. of California Administrative Code), and the State Lands Commission regulations (Section 2901 et. seq. of California Administrative Code).

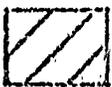
Based upon initial contacts with the appropriate responsible agencies, the Commission finds that the project will not have a significant effect on the environment.

Contact Person: Ted Fukushima, State Lands Commission, 1807 - 13th Street,
Sacramento, California, 95814, (916) 322-7813.

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 Rock removal area

SCALE
 1" = 100'

FROM US Army COE
 WETROD permit at Shelter Cove.

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(Added, 2/25/80)