

CALIFORNIA COASTAL COMMISSION
Central Coast
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RECORD PACKET COPY

THIA

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Staff: L. Otter/cm
Staff Report: 11/21/95 1724P
Hearing Date: 12/12-15/95
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 3-85-202-A2

APPLICANT: CALTRANS (Calif. Dept. of Transportation)
AGENT: Lisa Schicker

PROJECT LOCATION: On State Highway Route 1, 1/4 mile north of McWay Canyon in Julia Pfeiffer Burns State Park, approx. 9 miles south of Big Sur Village, in the Big Sur Coast area of Monterey County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Permit to cover the following items completed as an "Emergency Opening" by Caltrans: removal of earthslide (3.75 million cubic yards), ocean disposal of excess spoils at site, and reconstruction of 1.0 mile of Highway 1.

DESCRIPTION OF AMENDMENT: Minor highway realignment, construction of 105 ft. long sidehill viaduct, installation of additional drainage system components including 4-ft. diameter culvert and additional down drain, and associated grading and revegetation to minimize erosion of slide debris field.

LOCAL APPROVALS RECEIVED: None required.

SUBSTANTIVE FILE DOCUMENTS:

- o Big Sur Coast Land Use Plan (part of certified Monterey County LCP)
- o 3-85-202 Caltrans -- J.P. Burns Slide file

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the amendment, subject to additional conditions requiring the Landscape Rehabilitation Plan to be updated; identifying procedures for disposal of any excess spoils; and specifying that (in addition to the standards already established in the original permit) direct marine disposal of excavated spoils is prohibited unless a NOAA permit is obtained for such use in the Monterey Bay National Marine Sanctuary. The proposed work comprises refinements based on a decade of experience since "The Big Slide" occurred. The amendment provides for permanent improvements that will assure Highway 1's continued viability as the primary public access corridor along the Big Sur Coast; and, will address the surface water erosion which has added to the turbidity of ocean waters within J.P. Burns State Park and threatens to undermine the highway itself.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,

2) objection is made to the Executive Director's determination of immateriality, or

3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby approves the amendment to the coastal development permit, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to implement its Local Coastal Program in conformance with the provisions of Chapter 3 of the Coastal Act, is located (in part) seaward of the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions. (See attached Exhibit 1.)

III. Special Conditions. (The already-adopted Special Conditions are listed in the original staff report, attached as Exhibit 5.)

1. Final Plans. PRIOR TO COMMENCEMENT OF CONSTRUCTION, permittee shall submit for review and approval by the Executive Director, final project plans. Such plans shall identify the final cross section of the sidehill structure. Such structure may be a sidehill viaduct or may extend to full bridge width. In either case, a shoulder-to-shoulder roadbed width of 32 feet is authorized.

2. Updated Landscape Rehabilitation Plan. WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS AMENDMENT, permittee shall submit, for review, and approval, an updated or supplemental landscaping and site rehabilitation plan. Such plan supplement shall specify the specific erosion control measures to be employed during and following construction activity, including erosion control plantings on (accessible) barren soil areas. The plan supplement shall also specify: any further native landscape plantings needed to conform the viaduct project site to the native species plantings already specified; irrigation

source; installation schedule, such that all plantings are completed prior to the winter season following completion of construction; and a program to monitor for, and eradicate, invasive pest species such as pampas grass and broom. All measures requiring operations on State Parks lands will be subject to concurrence by the Calif. Dept. of Parks and Recreation.

3. Disposal of Spoils. Permittee shall take care to avoid sidestepping of excavated spoils which would directly spill into or likely erode into the marine environment. PRIOR TO COMMENCEMENT OF GRADING, permittee shall specify the disposal site(s) for both excess spoils and removed pavement; if the disposal site(s) are within the Coastal Zone, such disposal method shall be subject to review and approval by the Executive Director PRIOR TO TRANSPORT. This requirement applies even if all excess materials are placed on the designated on-site spoils disposal area. Marine disposal is not authorized, except as provided in Special Condition No. 3 of the permit as originally approved -- and with the added requirement that marine disposal is specifically prohibited unless a permit has been approved by the U.S. Dept. of Commerce-NOAA for such use within the Monterey Bay National Marine Sanctuary.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

1. Amendment Description and Background.

The project as originally approved by the Coastal Commission was for the purpose of re-opening State Highway Route 1 across the largest earthslide (3.75 million cubic yards) to occur since the highway first opened. Direct ocean disposal was the primary method of clearing the slide. Approximately 1.0 mile of Highway 1 through Julia Pfeiffer Burns State Park had to be completely reconstructed. A subsequent immaterial amendment (3-85-202-A) for interim drainage structures was approved Oct. 25, 1994.

Conditions of the permit as originally approved included the preparation and implementation of a detailed Landscape Rehabilitation Plan; a formal 5-year Marine Resources Study to assess the impacts of marine disposal of slide debris on the underwater environment; and a prohibition on additional direct disposal of spoils into the ocean, unless particular environmental and procedural standards are met. The Marine Resources Study is being performed under contract with CSU-Moss Landing Marine Laboratories, and has been recently extended. The Study to date has yielded a wealth of data and insight regarding sedimentation in the marine environment, not previously available. This information assumes increased importance, now that the marine environment of the Big Sur Coast falls within the boundary of the Monterey Bay National Marine Sanctuary.

The proposed amendment would allow the construction of a 105-ft. long sidehill viaduct, to cross a particularly unstable portion of the slide. This bridge-like structure will obviate the need to continually add new fill to

offset the effects of earth movement and erosion. A minor realignment, a shift of about 10 feet, will be needed to align the highway with the viaduct. Also included is a new 4-ft. diameter culvert parallel to the highway, to replace interim drainage measures previously installed. This culvert will connect to the two existing 30-inch diameter downdrains which convey runoff down the face of the bluff, and a third downdrain will be added to better accommodate peak runoff volumes. A relatively minor amount of grading, and revegetation for erosion control will also be necessary.

Updated engineering analysis from Caltrans indicates that the sidehill viaduct (essentially, a "half bridge") may have to be extended to a full bridge width. The impacts will be the same, regardless of whether the structure spans only half the highway width or the entire highway width. Accordingly, this permit is conditioned to allow the structure at any roadway width (up to 32 ft.), including full bridge width, subject to submittal of final plans for review and approval by the Executive Director. References to the sidehill viaduct elsewhere in these findings shall be understood to include the full-width (bridge) alternative.

2. Public Access. Highway 1 is the primary corridor for public access along the Big Sur Coast. And, there is no inland alternative for residents, businesses and governmental traffic. While the highway is closed virtually every year on one or more occasions (earthslides, rockfall, fires, Big Sur Marathon), Caltrans labors mightily to minimize the disruption of service. The most severe blockage in the highway's history resulted from the J.P. Burns "Big Slide," which closed Highway 1 for over a year.

The amendment will provide for permanent improvements at the site of the Big Slide. While these improvements will not guarantee against future earth movement, they will minimize the risk of erosion-induced highway failure. The proposed viaduct will support a roadbed 32 feet in width, sufficient to accommodate two lanes of automobile traffic and shoulders each 4 ft. in width for bicycle traffic. Accordingly, the project as amended will assure the continued viability of Highway 1 as a public access corridor, and is designed to provide for non-automobile traffic as well. Therefore, the project as amended conforms with Coastal Act Sections 30210-30214 regarding the provision of public access to and along the coast.

3. Marine Resource Protection. The permit as originally approved contained a detailed consideration of the impacts resulting from the marine disposal of excavated landslide materials. While it is now generally appreciated that the process of earthslides contributing sediments to the marine environment is a natural phenomenon along the Big Sur Coast, there is not yet available a systematic analysis that reliably distinguishes the artificially induced sedimentation impacts from those which occur naturally. The Marine Resources Study required as a condition of the original permit greatly enhances our understanding of the impacts of the Big Slide on the underwater portion of Julia Pfeiffer Burns State Park (now, also part of Monterey Bay National Marine Sanctuary). This Caltrans-funded study is being carried out by CSU-Moss Landing Marine Laboratories, and in April 1994 was extended another five years.

The additional work proposed under this amendment will improve drainage facilities by installing a large-diameter permanent collector culvert under the north-bound lane. The new culvert will reduce the risk of peak runoff from the slide slope overflowing the highway and eroding the downhill slope above the shoreline. This unstable downhill slope will be further protected by extending the existing downdrain lines to the toe of the slope, and adding a third downdrain to handle the expected amount of runoff.

In addition, Caltrans will require the contractor to prepare and obtain approval of a Stormwater Pollution Prevention Plan, to prevent erosion impacts during construction. And, the Caltrans Landscape Architecture unit will prepare an Erosion Control Plan to be implemented following construction, to ensure that additional sediments do not enter the Marine Sanctuary. These measures are consistent with the conditions on the permit as originally conditioned, and are reinforced by additional conditions attached to this amendment. These additional conditions call for an updated Landscape Rehabilitation Plan, incorporating the erosion control measures to be followed during and after construction.

Additionally, permittee is required to specify the disposal location for removed pavement and any excess excavated spoils. The disposal process is made subject to Executive Director review and approval, in order to minimize the risk of further impacts on the marine environment. While no marine disposal is currently contemplated for this portion of the project, the previously-adopted prohibition on marine disposal is reiterated, with the specific amplification that such use can not be authorized in the National Marine Sanctuary without a NOAA-approved permit. Accordingly, the project design, together with the extended Marine Resource Study and updated permit conditions attached to this amendment, will together assure compliance with Coastal Act Sections 30230, 30231, and 30240 regarding the protection of the marine environment.

4. Scenic Resources. Highway 1 along the Big Sur Coast is a designated State Scenic Highway. The protection of public views as seen from the highway is a primary concern of the Big Sur Coast Land Use Plan, part of the certified Monterey County Local Coastal Program. The project site also falls entirely within Julia Pfeiffer Burns State Park, established in part for the protection of this highly scenic shoreline.

The permit as originally conditioned recognized the need to protect these important scenic resources. These conditions required the preparation and implementation of a comprehensive Landscape Rehabilitation Plan. Significant erosion control and native plant establishment work has already been accomplished. A massive campaign was undertaken to eradicate pampas grass and other invasive exotics. However, the slide still has a raw and rugged look pending stabilization of the slide and full implementation of the Landscape Rehabilitation Plan.

As amended, the permit will require preparation and submittal of an updated Landscape Rehabilitation Plan or supplement specific to the authorized additional construction work. In addition, Caltrans will undertake to design the viaduct/bridge edge rails to "conform with current design standards and agree with the character of other bridges and viaducts in Big Sur." The specific rail design will be shown on final project plans to be submitted for Executive Director review and approval.

Accordingly, as conditioned, the visual impacts of the slide and subsequent construction activities will be softened, as necessary to mitigate visual impacts within J.P. Burns State Park. Therefore, the project as amended and conditioned will conform with Coastal Act Section 30251 regarding the protection of public views to and along the coast.

5. CEQA/LCP. The adopted findings attached to the permit as originally approved detail the status of the project with respect to the certified Monterey County Local Coastal Program (LCP) and the California Environmental Quality Act (CEQA). Since then, Monterey County achieved full certification of its LCP and issues its own coastal development permits. The Commission in this instance retains jurisdiction because: a) the project, in part, lies within the Commission's original jurisdiction (where the slide has moved the landform seaward of the old shoreline); and, b) the present project represents a modification of the previously-permitted work rather than a new project. The project as amended and conditioned will nonetheless conform with the applicable LCP policies.

With respect to that portion of the project covered by this amendment, Caltrans on March 20, 1995, issued a formal determination of CEQA Categorical Exemption. Regardless of this determination, the conditions attached to this amendment, along with the previously-cited erosion control and landscape plans, bridge rail design review, and extended Marine Resource Study, all being undertaken by Caltrans, will together mitigate potential project impacts within the meaning of CEQA.

EXHIBITS

- 1 - Standard Conditions
- 2 - Location Map
- 3 - Site Plan
- 4 - Structural Cross Section
- 5 - Adopted Findings and Conditions for CDP 3-85-202 (Staff Report as revised 3/11/86) (Exhibits omitted)

EXHIBIT- 1

RECOMMENDED CONDITIONS

STANDARD CONDITIONS:

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

EXHIBIT NO. 1

APPLICATION NO.

3-85-202-A2

CALTRANS

Standard Conditions

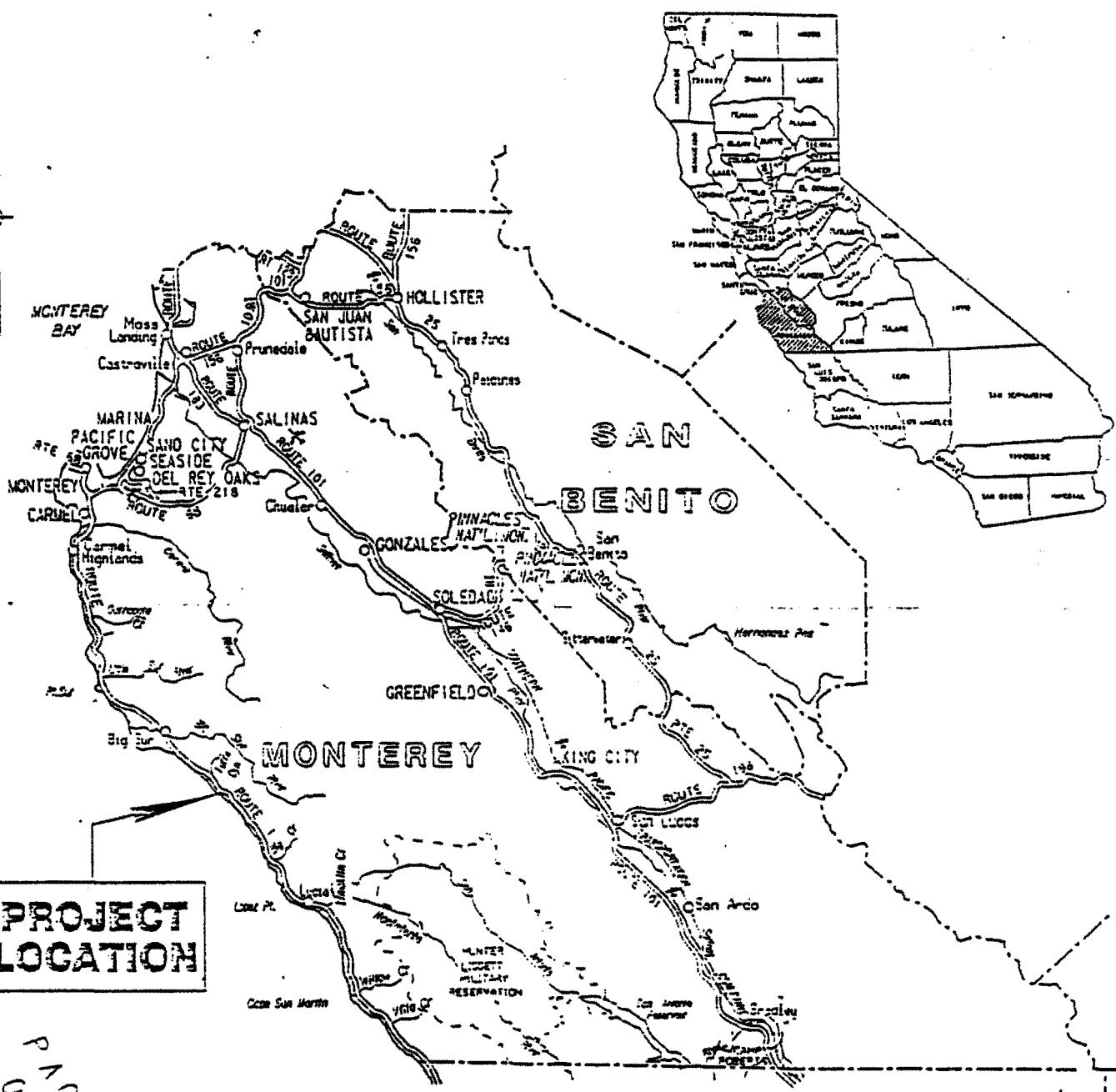


California Coastal Commission



**PROJECT
LOCATION**

PACIFIC
OCEAN



DISTRICT 5
MON-001 KP 58.3 (PM 36.2)
IN MONTEREY COUNTY
14.48 KM (9 MILES) SOUTH OF
BIG SUR VILLAGE
**REALIGN ROADWAY
&
REPLACE CULVERT**

VICINITY MAP



EXHIBIT NO. 2
APPLICATION NO. 3-85-202-A2
CALTRANS - J.P. BURNS S.P. SLIDE LOCATION MAP

PACIFIC OCEAN



REGISTERED CIVIL ENGINEER

M. R. Kroon
15895
12-31-98
CIVIL
State of California

PLANS APPROVAL DATE

The plans of this project are the work of the engineer and he is responsible for the accuracy or completeness of statements made in this plan sheet.

PRELIMINARY PLANS
SUBJECT TO REVISION

CONSTRUCT 900 mm
DOWN DRAIN

EXTEND EXISTING
750 mm PIPE DOWN DRAINS

CONSTRUCT 1200 mm RCP
CULVERT

CONSTRUCT 600 mm RCP
CULVERT

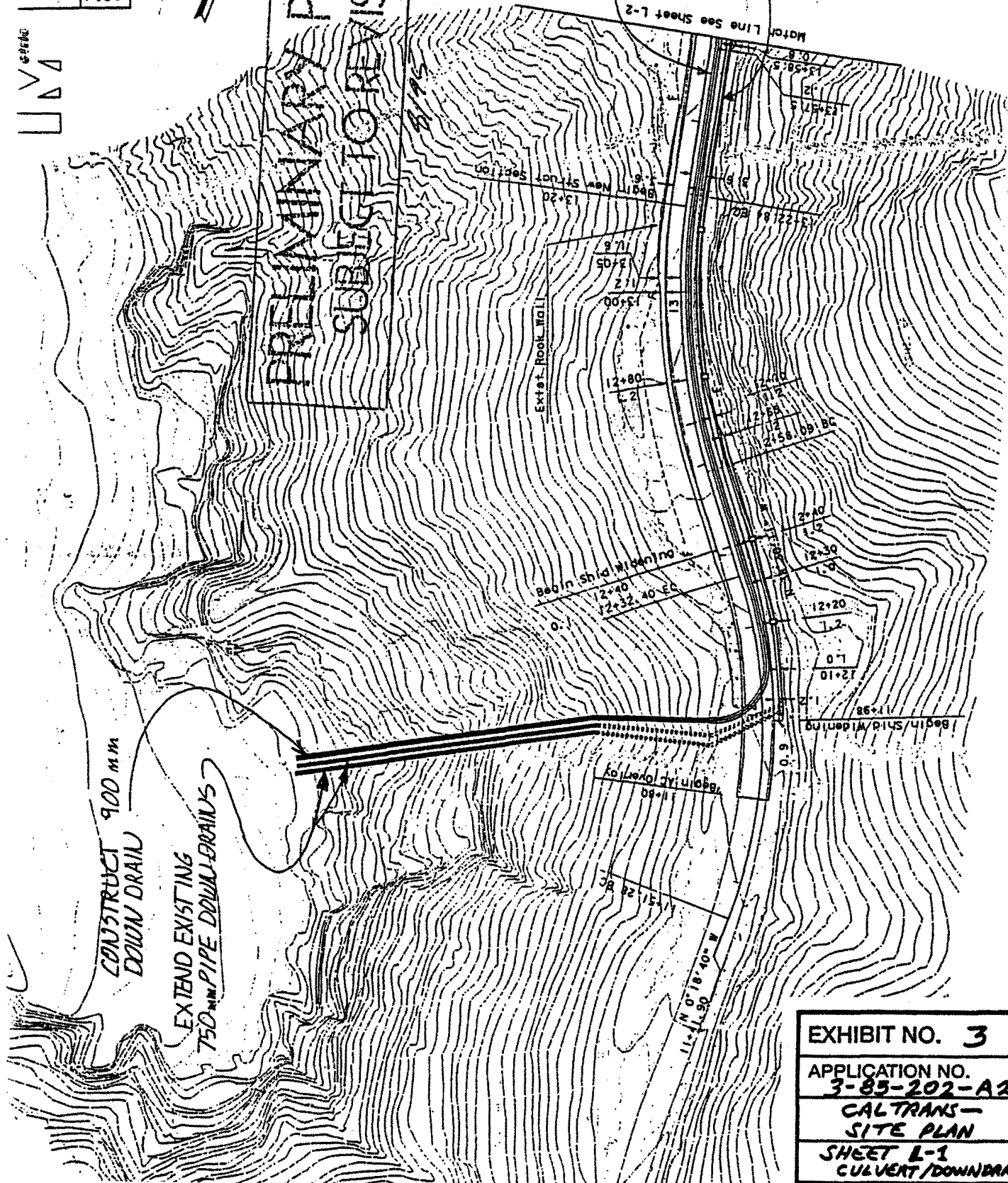


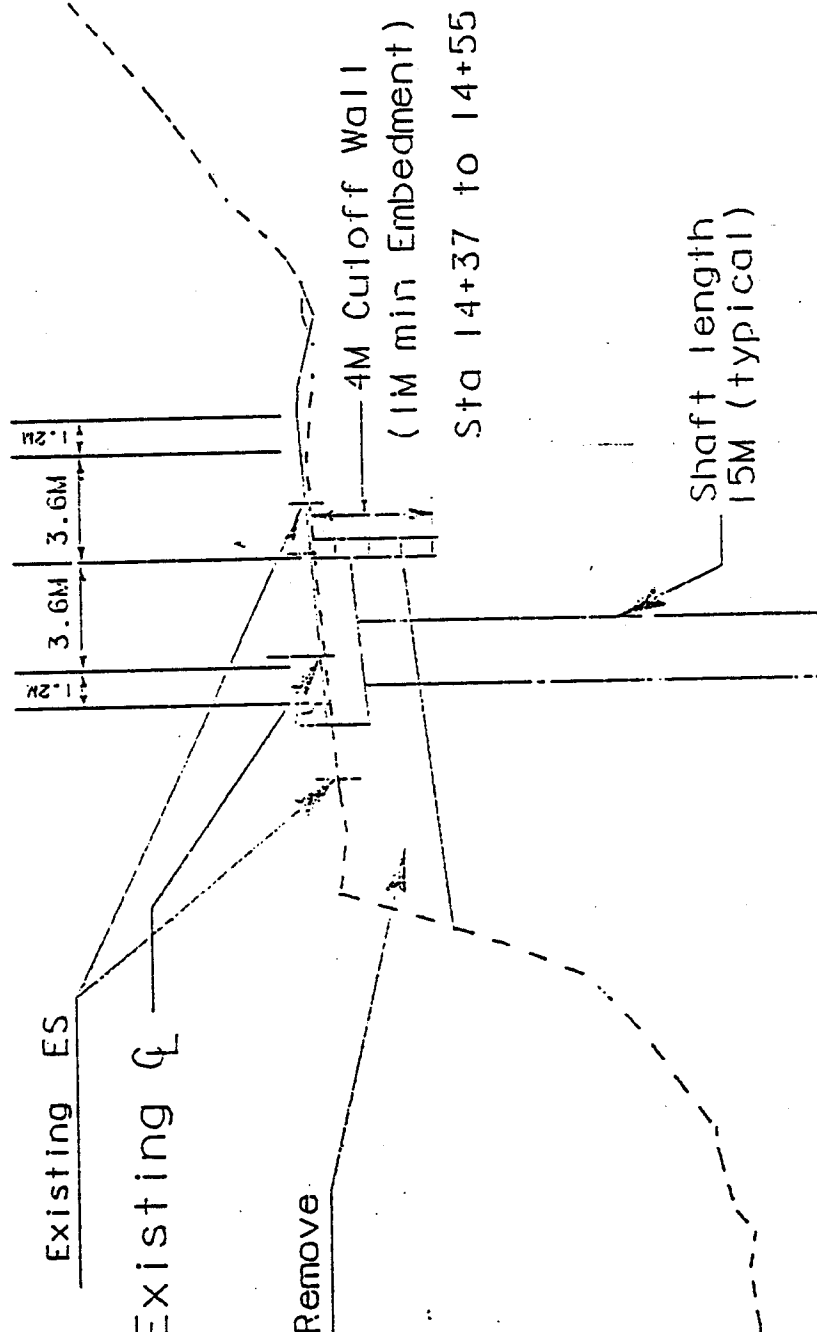
EXHIBIT NO. 3

APPLICATION NO.
3-85-202-A2

CALTRANS -
SITE PLAN

SHEET L-1
CULVERT/DOWN DRAINS

Proposed

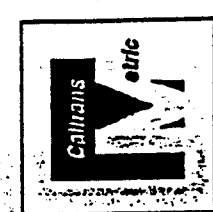


SIDEHILL VIADUCT

STA 14+28 TO STA 14+60



EXHIBIT NO. 4
APPLICATION NO. 3-85-202-A2
CALTRANS - CROSS SECTION
SIDEHILL VIADUCT



CALIFORNIA COASTAL COMMISSION
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STAFF: LO/cm
DOCUMENT NO.: 0203P

REGULAR CALENDAR

STAFF REPORT

PROJECT INFORMATION

APPLICANT: CALTRANS (California Dept. of Transportation)

APPLICATION NUMBER: 3-85-202

PROJECT LOCATION: On State Highway Route 1, 1/4 mile north of McWay Canyon in Julia Pfeiffer Burns State Park, approx. 10 miles south of Big Sur Village, in the Big Sur Coast area of Monterey County

PROJECT DESCRIPTION: Permit to cover the following items completed as an "Emergency Opening" by Caltrans; removal of earthslide (3.75 million cubic yards), ocean disposal of excess spoils at site, and reconstruction of 1.0 mile of Highway 1.

ASSESSOR'S PARCEL NUMBER(S): 420-021-22

LOT AREA: n.a.

ZONING: —

BUILDING COVERAGE: n.a.

LCP JURISDICTION: Monterey
County — Big Sur Coast segment

PAVEMENT COVERAGE: 26-32 ft. in
width (variable) x approx. one mile

PLAN DESIGNATION: Outdoor
Recreation

LANDSCAPE COVERAGE: —

PROJECT DENSITY: n.a.

HEIGHT ABV. FIN. GRADE: approx. 1,000 ft. (highway surface to top of cut)

LOCAL APPROVALS RECEIVED: None required

SUBSTANTIVE FILE DOCUMENTS:

1. Big Sur Coast Land Use Plan as certified subject to modifications, Jan. 9, 1986.
2. Coastal Development Permits No. P-78-597 and P-79-414, Oct. 15, 1979, to Caltrans for removal of talus from Waddell Bluffs, Santa Cruz County.
3. "Environmental and Monitoring Studies for Caltrans Ocean Disposal Near Waddell Creek, California—Phase II Final Report", Robert E. Arnal, Ph.D., 1979.
4. San Mateo County Major Amendment No. 1-85, to Certified LCP to allow Caltrans' proposed Devil's Slide Bypass.

PTT: None

EXHIBIT NO. 5
APPLICATION NO. 3-85-202-A2
CALTRANS
ORIGINAL, ADOPTED FINDINGS & CONDITIONS

STAFF RECOMMENDATION

The Staff recommends that the Commission adopt the following Resolution:

Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will comply with the California Environmental Quality Act to the maximum extent feasible.

RECOMMENDED CONDITIONSStandard Conditions

See Exhibit A.

Special Conditions1. Landscape Rehabilitation Plan

WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS PERMIT, the permittee shall submit to the Executive Director for review and approval, a final landscaping and site rehabilitation plan which contains the following elements:

- a. completion of landscape rehabilitation on temporary construction roads on the inland side of Highway 1, in the manner specified by Caltrans letter of Jan. 30, 1984 (Exhibit C, attached);
- b. repeat hydro-seeding or other erosion control planting on barren areas (except rock outcrops, areas containing sufficient ungerminated seed, highway shoulders, and other inappropriate sites), with particular attention to repeat plantings on unstable or eroding surfaces; specify application rate and species (annual rye grass or other non-invasive type);
- c. selective placement of local topsoil as required for landscaping on the three lower (accessible) benches, commencing with the highway bench and 100-ft. bench (see Exhibit B), as suitable topsoil becomes available from other slides or construction activities in the Big Sur Coast area;
- d. selective landscape plantings of Monterey pine and species native to J.P. Burns State Park, located so as to resemble the natural distribution of such vegetation; specify species, amount, and size or type of plantings, as well as location (should include the area seaward of highway, the 100-ft. bench, and at least two other benches); specify irrigation source and method to establish plantings;

- e. periodic monitoring for, and eradication of, invasive pest species such as pampas grass and broom;
- f. relocation of replacement power poles, from the skyline back to the existing utility easement or other less visually intrusive alignment acceptable to the Dept. of Parks and Recreation;
- g. immediate exclusion of vehicles from fill area seaward of Highway 1, except for areas designated for shoulder parking and other delineated parking areas adjacent to highway; such closure to be effected by, among other means, placement of boulders in a manner that resembles natural rock outcrops as specified by the Big Sur Coast Land Use Plan and Exhibit C;
- h. coordination with the Dept. of Parks and Recreation to provide an explanatory exhibit for the nearby vista point, concerning the big slide, Caltrans' effort to reopen Highway 1, the landscape rehabilitation program, and the marine resource study;
- i. brief annual progress report (until completion report accepted by Coastal Commission, or other mutually agreed-upon date); plus, after third winter season, joint reevaluation (by Caltrans, Coastal Commission, and Dept. of Parks & Recreation) of public use potential of fill area and identification of any additional stabilization or landscape rehabilitation measures which may be necessary and appropriate; and,
- j. a letter of agreement which commits permittee to carrying out the above measures, along with an implementation schedule.

All measures requiring operations on State Parks lands will be subject to concurrence by the California Dept. of Parks and Recreation.

2. Marine Resources Study

WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS PERMIT, the permittee shall submit to the Executive Director for review and approval, a letter of agreement which commits permittee to carrying out the following measures:

- a. implementation of the Julia Pfeiffer Burns Underwater Park/A.S.B.S. (Area of Special Biological Significance) Mitigation Plan and Five-Year Underwater Study (as detailed in Exhibit E, attached); and,
- b. provision of qualified technical coordinator of studies for duration of study, and diving safety tenders (as needed) in accordance with Cal-OSHA and U.S. Coast Guard safety regulations.

The letter of agreement shall include a proposed budget, and a schedule for implementation at the earliest feasible time.

3. Prohibition on Additional Spoils Disposal

Except for importation of topsoil in accordance with Condition No. 1 above, no additional spoils or similar materials originating off site shall be placed on the spoil disposal area or dumped into the ocean at this location. This prohibition may be waived by the Executive Director in event that the marine resources study required in Condition No. 2 above demonstrates that no significant disruption of environmentally sensitive habitat would result, consent of the California Dept. of Parks and Recreation is secured, and, in the case of marine disposal of spoils, a coastal development permit has been approved.

FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

1. Project Location and Description

Applicant has requested an "after-the-fact" coastal development permit to cover the work performed to reopen State Highway Route 1, following a massive earthslide at Julia Pfeiffer Burns State Park on the Big Sur Coast, May 1, 1983. The application indicates that 3.75 million cubic yards of material were moved; the fact that significant portions of the material had to be moved more than once may account for published reports of 6-7 million cubic yards of earthwork at the site. Of this amount, applicant indicates that approximately 30,000 cubic yards were directly disposed into the Pacific Ocean. As the excess spoils erode from the disposal area, this amount would be expected to increase with time. The extent of the cut and fill areas, as well as the original and new shorelines, are shown on Exhibit B.

Other developments which are included in the application — and have been completed to date as part of the "Emergency Opening" effort — are: rebuilding and resurfacing approx. 1.0 miles of the Highway 1 road surface (P.M. 35.7 to P.M. 36.7); installation of various drainage structures (including a 680-ft., 42-54"-diameter culvert for discharge of runoff to the ocean); and minor landscaping and replacement planting. The highway was officially re-opened on April 11, 1984. Additional work is required to carry out various environmental mitigation measures listed in a letter to the California Dept. of Parks and Recreation, dated Jan. 30, 1984 (Exhibit C). These items include various erosion control measures, reestablishing native plant growth, contouring of highly visible areas to a more natural appearance, placement of an aesthetic boulder barrier along the seaward side of the highway, and restoration of the existing State Park water supply line. Additional mitigation measures are indicated, as explained below.

The mountainside which was cut away was almost entirely landward of the State Highway right-of-way; the top of the cut, at elevation 1,324 ft., extends an estimated 1,000 ft. into the State Park. On

the westerly side of the project, the marine disposal site extends an estimated 200 ft. seaward of the former shoreline. An "after-the-fact" Corps of Engineers permit was requested for work in this area; however, the Corps determined not to pursue the matter (see Exhibit D, attached).

2. Scenic Resources

Section 30251 of the Coastal Act provides that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic area such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Big Sur Coast has long been identified as a scenic resource of national significance; Route 1 at the subject site is designated a State Scenic Highway. The highly scenic Julia Pfeiffer Burns State Park area is shown as part of the Big Sur landscape preservation area in the California Coastline Preservation and Recreation Plan. While U.S. Forest Service data indicates that pleasure driving to witness the spectacular scenery is the primary recreational pursuit in the area, substantial public use also occurs within the adjacent portion of the State Park — especially at the highway vista point approx. 1/4 mile north of the slide and at the McWay Canyon picnic/day use area immediately to the south.

View protection is a primary concern of Monterey County's planning efforts for the Big Sur Coast. The Commission certified the Big Sur Coast Land Use Plan (LUP), subject to modifications, on January 9, 1986; and the Monterey County Board of Supervisors adopted the modified LUP in March 1986. As certified subject to modifications, the LUP contains the following applicable policies:

3.2.1 Key Policy

Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in

perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible. To this end, it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed) ... This applies to all structures, the construction of public and private roads, utilities, lighting, grading and removal of extraction of natural materials.

3.2.3 Critical Viewshed Policies

- A.5 In the event of significant landslides or other natural disturbances of land within the Critical Viewshed, the responsible agency or property owner shall secure a use permit for reclamation and restoration of the damaged area. The permit shall guarantee that the original scenic quality of the area is preserved, including appropriate revegetation.

3.2.5 Exceptions to Key Policy—Public Highway Facilities

- C.1 Road capacity, safety and aesthetic improvements shall be allowed, as set forth below, provided they are consistent with Section 4.1.1, 4.1.2, and 4.1.3 of this plan. Signs, guardrails, and restrooms shall be of a design complementary to the rural setting and character of Big Sur, with preference for natural materials. Protective barriers constructed by Caltrans should utilize boulders or walls of rock construction. ...

4.1.2 Highway One—General Policies

2. A principal objective of management, maintenance, and construction activities within the Highway 1 right-of-way shall be to maintain the highest possible standard of visual beauty and interest.

4.1.3 Specific Policies—Aesthetic Improvements

- B.2 ... Native vegetation that does not obscure the public view should be re-established on bare areas.

The project, however necessary, produced a radical and massive alteration to the adjoining State Park lands. The alternatives of continual removal of slide material from a reconstructed roadway or leaving the highway closed until the mountainside stabilized were discarded by Caltrans engineers, in favor of removal of the entire slide. Since the top of the slide was approximately 0.2 miles inland from the former Highway 1 location, such removal meant that a major intrusion into Julia Pfeiffer Burns State Park was necessary. As a result, a substantial area of the Park (roughly 40 acres) was converted to barren cut and fill slopes, and additional areas were impacted by the temporary construction access roads.

While the massive cut and fill areas are unsightly and comprise a major impact on this highly scenic area, a variety of mitigation measures are feasible. These measures include:

- a. complete implementation of the landscape mitigation measures outlined in Caltrans' letter of Jan. 30, 1984 (Exhibit C, attached), particularly with respect to rehabilitation of temporary construction roads, erosion control measures, hydro-seeding, revegetation with native seedlings, and erection of a vehicle barrier of boulders (placed and partially buried to resemble natural rock outcroppings);
- b. placement of local topsoil on areas to be planted, where suitable soil can be salvaged from other slides or construction projects on the Big Sur Coast;
- c. supplemental seeding and landscape plantings to augment and complete earlier efforts, including plantings of Monterey pine and native trees and shrubs on the spoils disposal area seaward of Highway 1, as well as on the benches above the highway;
- d. monitoring for, and eradication of invasive, non-native species (which often colonize disturbed areas);
- e. relocation of the replacement power poles, which presently are profiled against the skyline and represent a significant intrusion into public view compared to the original alignment; and,
- f. an exhibit for the nearby formal vista point, to explain the Big Slide, the effort to reopen Highway 1, and the mitigation measures underway (a similar exhibit was prepared for the Waddell Bluffs marine disposal in Santa Cruz County, pursuant to the conditions of Coastal Development Permit No. P-79-414 to Caltrans);

These measures are listed as elements of an overall Landscape Rehabilitation Program required by the conditions of this permit. Ample water is available on the site for initial irrigation to establish new plantings. The permit conditions also require submission of progress reports, implementation schedule, and a letter of agreement which commits permittee to completing the required mitigation measures. Evaluation of the effectiveness of all measures and identification of any other measures is to take place after the third winter season. These steps, taken together, will assure that the project will be consistent — to the maximum extent feasible — with the policies of the Big Sur Coast Land use Plan which promote, "... the restoration of the natural beauty of visually degraded areas wherever possible." Similarly, these measures will collectively provide for conformance — to the maximum extent feasible — with Coastal Act Section 30251 regarding protection of highly scenic coastal areas.

3. Marine Environment and Environmentally Sensitive Habitat

Section 30230 of the Coastal Act provides that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

The marine disposal site for this project falls within the seaward portion of J.P. Burns State Park, which is designated as a State Underwater Park. The Underwater Park features an outstanding assemblage of marine life in a context of kelp beds, nearshore reefs, offshore rocks, sea caves, and tidepools. Several species of marine mammals are resident here, including the California sea otter (Federal classification: Threatened). Adjacent to the shoreline at the slide site was a commercial kelp harvesting tract (Kelco No. 214). The entire Underwater Park is also designated as an Area of Special Biological Significance (ASBS) by the State Water Resources Control Board, and is part of the California Sea Otter State Fish and Game Refuge. Therefore, this location is one of the most environmentally sensitive habitats on the Big Sur Coast.

With respect to such habitats, Coastal Act Section 30240 provides that:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Because the project physically obliterated a significant amount of the environmentally sensitive habitat (4-5 acres, estimated), a significant disruption of such habitat has occurred. In addition, adjacent portions of the Underwater Park are subject to turbidity and sedimentation resulting from erosion of the loosely-consolidated disposal material. While the Corps of Engineers' letter characterizes the increased turbidity as "minor" (see Exhibit D), no on-site biologic studies have been conducted with respect to this assertion.

It should be noted that both large and small landslides are common along the generally unstable Big Sur Coast. The processes of slope failure and shoreline erosion naturally result in disruption of the marine environment from time to time. By undercutting steep, unstable slopes, Highway 1 contributes to an existing natural process. Seen in this context, the ocean disposal of spoils at this site may be viewed as an acceleration of what would have occurred naturally. However, the degree to which the rocky shoreline biota is adapted to such catastrophic events, and the recovery rate of the habitat is unknown. Such data would be invaluable in evaluating methods of earthslide disposal along the Big Sur Coast, and would improve our ability to predict the true impacts of ocean disposal of spoils elsewhere in rocky shoreline environments.

In a previous case (Coastal Development Permit No. P-79-414 to Caltrans), the Commission approved the marine disposal of 10,000 cubic yards of shale talus per year at Waddell Bluffs in Santa Cruz County. While this project is dwarfed by the magnitude of the J.P. Burns State Park operation (3.75 million cubic yards, 4-5 acres of seabed covered and approximately 30,000 cu. yds of marine disposal), even larger Highway 1 marine disposal projects are proposed (e.g., the "Marine Disposal Alternative" at Devil's Slide in San Mateo County, with up to 14.5 million cubic yards and 28 acres of seabed covered). Valuable experience was gained from P-79-414 and the earlier permit P-78-597, which were conditioned to require monitoring of the marine environment for impacts such as sedimentation, beach sand supply, increased turbidity, and changes in the diversity of marine life at Waddell Bluffs. Under a contract with Caltrans, the underwater research was conducted and a report submitted (Dr. Robt. E. Arnal/Moss Landing Marine Laboratories, 1979). The report concluded that within 3 months of disposal time, the impacts on the biologic community were no longer noticeable — and recommended that a follow-up study be conducted 5 to 10 years later to detect any long-term detrimental effects.

Unfortunately, the conclusions of the Waddell Bluffs study are not necessarily applicable to J.P. Burns State Underwater Park. In contrast to the shoreline at Waddell Bluffs, J.P. Burns' marine environment features a rocky substrate instead of mud and sand. As a result, different marine organisms are present. Unlike J.P. Burns, the Waddell Bluffs spoils are easily-dispersed mudstone and shale. How will impacts differ on a rocky substrate? How will the marine habitat change over a period of several years? Can the results of small-scale marine disposal projects be successfully projected to predict the impacts of large-scale projects?

A unique opportunity exists at J.P. Burns State Park to answer these questions — particularly because a biologic baseline study was conducted prior to the slide (ASBS Marine Study, Oct. 1980). Therefore, unlike most underwater locations which might be subject to such a catastrophic event, there is documentation of original

site conditions prior to the big slide. A proposal to conduct follow-up research has been prepared by a committee of eminent marine resource specialists, together with Dept. of Transportation and Dept. of Parks and Recreation staff representatives. The objectives of the study are summarized in a memorandum addressed to the Dept. of Transportation:

"... The objective and value of the proposed study is to assess whether or not major damage has occurred in the marine community."

"The study will also give a good indication of the rate of recovery of the marine ecosystem ... In this regard, the study will be beneficial equally to the Department of Transportation as well as the Department of Parks and Recreation. Kelp bed #214, leased to Kelco Corporation, has been entirely wiped out. This is an important commercial resource. The study will be able to estimate when this marine resource again will become commercially productive ..."

Portions of the proposed mitigation plan and study proposal are attached as Exhibit E.

At this point in time it is not feasible to remove the fill or to provide for other conventional forms of mitigation. However, the proposed marine resource study will provide partial mitigation, in that the recovery process will be scientifically monitored and will yield essential information useful in future decisions by Caltrans, the Dept. of Parks and Recreation, and the Coastal Commission. Therefore, as conditioned to require implementation of a marine resource study, the project is consistent, to the degree currently feasible, with the requirements of Coastal Act Sections 30230 and 30240.

4. Filling of Open Coastal Waters

The Coastal Act specifically addresses the issue of placing fill in open coastal waters; Section 30233 states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. ...

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines ...

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems ...

An estimated 4-5 acres of ocean disposal of excess spoils has been placed within the State Underwater Park. Coastal Act Section 30233 limits such spoils disposal, as cited above. While the project can arguably be viewed as a "restoration purpose" (a)(7) with respect to reestablishing Highway 1 in a manner comparable to the maintenance of "existing navigational channels" (a)(2), or that the project is "resource dependent" (a)(8) in that Highway 1 can not be feasibly relocated, the ocean disposal of excess spoils at this location can not be found fully in conformance with this section of the Coastal Act — particularly part (b) with respect to avoiding significant disruption of marine habitats.

Nonetheless, it is apparent that there was an over-riding public interest in re-opening Highway 1, and that a hazard-free design required the complete removal of the slide. Given these objectives, no feasible less environmentally damaging alternatives have been identified. For such situations, Section 30007.5 of the Coastal Act states:

The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

The Commission hereby invokes this section of the Coastal Act, finding that in this particular instance the public interest in maintaining public access along the Big Sur Coast (as provided by Coastal Act Section 30212), in a manner which minimizes risks to life and property in an area of high geologic hazard (Coastal Act Section 30253(1), requires that the conflict with Section 30233 be resolved in terms of the broader public interest. Other alternatives (not submitted but potential) may have greater adverse environmental impacts. Furthermore, as conditioned to provide for partial mitigation of impacts on visual resources and environmentally sensitive habitat, adverse environmental effects will be minimized over the long run to the greatest extent possible. Accordingly, conformance with Coastal Act Section 30233(a) is achieved to the maximum extent feasible.

5. Geologic Stability/Shoreline Structures

With respect to assuring geologic stability, Section 30253 of the Coastal Act states:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs ...

Section 30235 of the Coastal Act provides:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply ...

Because Highway 1 would continue to be exposed to collapse or massive landslides if reconstructed across the unstable surface of the May 1, 1983, slide, Caltrans engineers determined that the only safe way to reconstruct the highway would be to remove the entire 3.75 million cubic foot slide. The excavated spoils were used to build a buttress, which extends substantially seaward of the original shoreline. This measure has yielded a stable location for Highway 1. At the same time, it has also resulted in the destruction of adjacent portions of Julia Pfeiffer Burns State Park, as detailed in the above findings.

The requirements of Section 30253 are partially met by the design of the project, which includes terracing, drainage features, and hydromulching of cut slopes. Additional stabilization will result from the restoration and landscape measures required as conditions of this permit. Risks to visitors using the spoils disposal area seaward of the highway can likewise be minimized. As conditioned, disposal of additional imported spoils at this site is prohibited.

However, these measures are not sufficient for complete conformance with Section 30253, as the extensive barren surfaces may contribute significantly to erosion; the seaward edge of spoils disposal area remains geologically unstable due to undercutting of unconsolidated spoils by wave action; and destruction of a portion of J.P. Burns State Underwater Park, and alteration of the natural shoreline landforms, is evident. At the same time, the spoils disposal area can be considered a buttress against shoreline erosion — and therefore a "shoreline protection device" which is allowed by Coastal Act Section 30235 for the protection of existing structures (in this case, Highway 1).

In a previous action (San Mateo County Major Amendment No. 1-85 to Certified LCP, for Devil's Slide Bypass), the Commission found that the marine disposal alternative "clearly qualifies as an allowable use under the Coastal Act, since the major function of the buttress would be to act as a cliff retaining wall to protect Highway 1 from erosion ..." — provided that adverse impacts on sand transport are eliminated or mitigated. Because there were no sandy beaches prior to the slide, there is no apparent issue of interference with local shoreline sand supply at J.P. Burns State Park.

In conclusion, in order to find conformance with Chapter 3 of the Coastal Act regarding geologic stability, it is necessary that Sections 30235 and 30253 be read together; that the permit be conditioned to insure that all reasonable erosion control and landscape rehabilitation measures are completed and that additional dumping from off-site sources be prohibited; and that the conflict with Coastal Act Section 30233 resulting from placement of fill in the marine environment be resolved through the "balancing" provisions of Section 30007.5 as in Finding No. 4 above.

6. Public Access

Section 30212 of the Coastal Act requires that:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby ...

The re-opening of Highway 1 on April 11, 1984, once again allowed continuous access along the Big Sur Coast. This event restored former public usage levels which were estimated at 3 million visits per year prior to 1983. The highway as rebuilt also includes a 4-foot paved shoulder suitable for bicycle use. In these respects, the project is highly supportive of public access to and along the coast.

Coastal Act Section 30212(b)(5) excludes certain repair projects which need a coastal permit from the requirement to provide additional shoreline access. However, because this project extends beyond a simple "repair" of Highway 1, the desirability of additional public access facilities has been considered nonetheless. First, pedestrian access to the shoreline is ruled out for public safety reasons because the steep, unconsolidated face of the spoil disposal site gets even steeper near the base (due to undercutting by wave action). Furthermore, measures are needed to exclude vehicles from the top edge of the disposal area.

Excellent existing access facilities are located nearby. An outstanding blufftop access, with safe parking on the east side of the highway, is already available at McWay Canyon immediately adjacent to the south. And, one-quarter mile to the north is an excellent developed vista point with views substantially superior to those obtained from atop the spoil disposal area. An additional vista point is not needed. Also, until the spoils disposal area is demonstrated to be geologically stable, development of another vista point would be premature.

Therefore, with respect to public access, this permit is conditioned to establish an aesthetic boulder barrier for vehicle exclusion on the spoil disposal area, and to provide for a 3-agency joint reevaluation of public use potential after the third winter season. No other access facilities appear necessary for this location at the present time. All lands in the area are already State-owned; therefore, flexibility exists if in the future public safety problems can be overcome and the site is needed for public access facilities. On this basis, the project is found to be consistent with the public access policies of the Coastal Act, particularly Section 30212 regarding provision of access to and along the shoreline.

7. LCP/CEQA

As detailed in Finding 2 above, the Land Use Plan (LUP) for the Big Sur Coast segment of Monterey County's Local Coastal Program (LCP) was certified subject to modifications on January 9, 1986. As conditioned to provide for landscape stabilization and scenic restoration, and to provide for a marine resource study within the adjacent environmentally sensitive Underwater Park, the project will conform to the maximum degree feasible with the modified LUP, and will not prejudice the County's ability to complete their LCP in conformity with Chapter 3 of the Coastal Act.

Regarding compliance with the California Environmental Quality Act (CEQA), no environmental documents or findings were submitted with this permit application; the application states that the documents are "not required" for "emergency action". Without environmental documents, it is generally difficult to assess which alternative is least environmentally damaging. In this case, the only major alternatives to the project would be: 1) leave Highway 1 closed indefinitely (considered unacceptable); 2) reconstruct on the unstable slide surface (also considered unacceptable); and, 3) transport the 3.75 million cubic yards of spoils elsewhere (believed infeasible). Therefore, as previously noted, the significant adverse impacts of the project are partially mitigated by the attached permit conditions; no additional, feasible mitigation measures have been identified; and no acceptable alternatives are evident. Accordingly, the project is found to comply with CEQA to the maximum extent feasible.

0203P

EXHIBIT 5

ORIGINAL
[Exhibits omitted
for brevity]