

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

W 18b

12/11



Filed: May 20, 1996
 49th Day: July 8, 1996
 180th Day: November 16, 1996
 Staff: James Muth
 Staff Report: May 24, 1996
 Hearing Date: June 12, 1996
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 1-96-08

APPLICANT: CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 1

PROJECT LOCATION: Highway 101 bridge over the Little River, 3 miles south of the City of Trinidad, Humboldt County.

PROJECT DESCRIPTION: Retrofit the Little River Bridge to meet current seismic safety standards by: (1) constructing two temporary accessways on the northeast and on the southeast banks of the river so that construction equipment can access the river channel; (2) installing two temporary, water diversion structures within the riverbed to alternately route the low-flow channel around two de-watered work areas; (3) widening and lengthening 8 pier walls under the bridge; (4) connecting the bridge decks of the north and southbound lanes together to form a 13.5-foot-wide, 410-foot-long, covered median; (5) restoring the two temporary access road sites to their previously existing condition; (6) restoring the river channel to its previous condition; and (7) creating an 80-square-foot wetland and a 600-square-foot riparian mitigation areas along the banks of the river to offset habitat loss. The project also includes a general safety improvement that creates a 10-foot-wide, 410-foot-long shoulder for the northbound lane of Highway 101.

LOCAL APPROVALS RECEIVED: County approval not needed.

OTHER APPROVALS RECEIVED: U.S. Army Corps of Engineers Nationwide 23 Permit.

OTHER APPROVALS REQUIRED: (1) State Lands Commission review, (2) Department of Fish & Game Streambed Alteration Agreement, and (3) Regional Water Quality Control Board Waste Discharge Requirements.

SUBSTANTIVE FILE DOCUMENTS: Humboldt County LCP, Permit No. 1-90-205, and Emergency Permit No. 1-96-03G, as revised.

1-96-08
CALTRANS, DISTRICT 1
Page Two

SUMMARY OF STAFF RECOMMENDATION:

The application before the Commission is a follow-up application to Emergency Permit No. 1-96-03G, issued by the Executive Director for reconstruction of the Little River Bridge (see Exhibit No. 6).

The staff recommends that the Commission approve the project with conditions requiring: (1) submission of a streambed alteration agreement from the California Department of Fish and Game to minimize disruption to fisheries resources; (2) submission of a revised habitat restoration and mitigation plan providing for the revegetation of all habitat areas disturbed by temporary construction impacts and for the creation of a total of less than 1,000 square feet of new habitat area to mitigate for the permanent fill impacts of the project; (3) restoration of the riverbed upon completion of the project to minimize changes to the geomorphology of the riverbed; (4) limiting the work season from June 1 to November 15 to minimize adverse impacts to migratory fish; (5) proper disposal of construction debris to protect the environment, and; (6) review by the State Lands Commission to ensure that the applicant has the legal ability to carry out the project.

Although the applicant is largely agreeable to the proposed terms and conditions of the staff recommendation, the applicant has expressed concerns to staff about two aspects of Special Condition No. 2 regarding the preparation and implementation of a revised habitat restoration and mitigation plan.

The applicant is concerned about having to: (a) create 255 square feet of open water habitat to compensate for the loss of 255 square feet of structural fill in the open water area of the river channel, and (b) create an additional 32.5 square feet of wetlands in full sun to compensate for the equivalent loss of the biological productivity of 945 square feet of partially shaded wetlands located in the median area between the two bridges (which will be completely shaded out by the proposed 13.5-foot-wide, 410-foot-long, median cover).

The applicant does not dispute the fact that the project will result in these impacts and that providing the mitigation is feasible. However, the applicant is reluctant to provide the requested mitigation because it believes that the habitat impacts are insignificant and that it may establish an unwelcome precedent. The Coastal Act requires mitigation for projects which result in adverse impacts, either individually or cumulatively, to wetlands and other environmentally sensitive habitat areas. Staff agrees the impacts of the structural fill in open water and the shading of wetland vegetation are individually limited. However, the impacts are cumulatively considerable, especially in light of the numerous other seismic upgrade projects proposed by the applicant that are in various planning stages.

1-96-08
CALTRANS, DISTRICT 1
Page Three

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution;

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal act of 1976, is located between the sea and 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.

III. Special Conditions.

1. California Dept. of Fish and Game Review.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit to the Executive Director evidence of an approved 1601 streambed alteration agreement for the project from the California Department of Fish and Game.

2. Revised Habitat Restoration and Mitigation Plan.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit a revised habitat restoration and mitigation plan for the review and approval of the Executive Director. For the permanent impacts to habitat areas, the plan shall provide the following mitigation: (a) 255 square feet of open water area, (b) 112.5 square feet of wetland area, and (c) 600 square feet of riparian area. Alternatively, a lesser extent of mitigation will be acceptable if applicant can demonstrate to the satisfaction of the Executive Director that it is not feasible to provide the full extent and kind of above requested mitigation at the site.

For the temporary impacts to habitat areas, the plan shall provide that all disturbed areas will be revegetated to at least the same extent and quality as that which existed prior to disturbance. The success standard for the herbaceous wetlands and the riparian areas shall be 80% of representative density for that habitat in full sun. The mitigation for the riparian area shall include the establishment of 16 willows and 4 alders. The plan shall provide that all gravel from the temporary accessways shall be removed from the site. The plan shall include: (a) a narrative describing all of the procedures to be followed in reestablishing vegetation at the site, (b) a

planting plan that details the location, size, and species of all plants to be planted, (c) a monitoring plan that provides for the submittal of yearly monitoring reports for the review and approval of the Executive Director until habitat values have been fully restored at the site, and (d) a procedure for redressing problems in reestablishing habitat values identified by future monitoring reports.

3. Riverbed Restoration.

Upon completion of the seismic retrofit work underneath the bridge and prior to the commencement of the rainy season, the applicant shall reestablish the original low flow channel of the river that existed prior to construction of the diversion, and shall reestablish the previously existing contours of the riverbank. Any existing gravel material in the bed of the river which is displaced by the structural fill of the widened pier walls in the waters of the river shall be used as backfill material to reestablish the previously existing contours of the riverbed, and any surplus gravel material shall be removed from the project site.

4. Limits of Work Season.

All construction activity within the channel of Little River shall be limited to the period of the year between June 1 and November 15 to minimize adverse impacts on migratory fish.

5. Disposal of Construction Debris.

All construction debris shall be removed from the site upon completion of the project. Disposal of any of this material in the coastal zone at a location other than in a licensed landfill will require a coastal development permit.

6. State Lands Commission Review.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit to the Executive Director a written determination from the State Lands Commission that:

- a. No State lands are involved in the development; or
- b. State lands are involved in the development and all permits required by the State Lands Commission have been obtained; or
- c. State lands may be involved in the development, but pending a final determination an agreement has been made with the State lands Commission for the project to proceed without prejudice to that determination.

1-96-08
CALTRANS, DISTRICT 1
Page Five

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

1. Emergency Permit.

Application No. 1-96-08 is an application for a regular coastal permit for the work authorized on an emergency basis by the Executive Director under Emergency Permit No. 1-96-03G, as issued on March 7, 1996 and revised on May 10, 1996.

The development involves retrofitting the Little River Bridge within Humboldt County to meet current seismic safety standards. The applicant has undertaken a major program to seismically upgrade the State's highway bridges. Many of these projects are in various stages of the planning and permitting process, and some have already been approved. The specific development proposed at the Little River Bridge includes widening and lengthening eight pier walls and their foundations under the bridge and by connecting the two bridge decks together with a 13.5-foot-wide, 410-foot-long, covered median. The development also includes a general safety improvement that creates a 10-foot-wide, 410-foot-long, shoulder on the east side of the bridge for safe pedestrian/bicycle access over the bridge and for a vehicular breakdown lane for northbound traffic on Highway 101. (A similar 10-foot-wide, 410-foot-long, shoulder was created on the west side of the bridge for the southbound traffic under Permit No. 1-90-205.)

A copy of Emergency Permit No. 1-96-03G, as revised, is attached as Exhibit No. 6. The emergency permit was granted by the Executive Director partly on the basis that the bridge in its current condition could fail in a major earthquake and partly as a way of satisfying the time limits of Senate Bill 805, which requires state permitting agencies to either issue or deny a permit for a seismic retrofit project within 15 working days of receiving an application. Caltrans submitted an incomplete application on February 14, 1996. As the 15-working-day time limit was not long enough for the staff to receive from the applicant the necessary information to complete the application and for the application to be scheduled for consideration by the Commission as a regular application at the next available Commission meeting, the March meeting, the Executive Director granted the emergency permit.

Coastal Commission staff had originally thought that the proposed project would be completed during the summer and fall of 1996, and before the start of the winter rainy season. Later on, however, the applicant indicated that a longer period of time may be needed to complete the project and that construction of the project could extend into 1997. Therefore, at the request of Caltrans staff, a corrected emergency permit was issued on May 10, 1996 to extend the deadline for completion of the project from "8 months after

1-96-08
CALTRANS, DISTRICT 1
Page Six

issuance of the emergency permit" to "December 31, 1997". Caltrans and Coastal Commission staff also agreed to revise a sampling technique to determine the relative biological productivity of a partially shaded wetland which would be impacted by the project. Specifically, the sampling technique was revised to establish a dry weight, comparative ratio of biological productivity between a partially shaded wetland in the median area under the bridge (which will be shaded out by the proposed median cover) and another nearby wetland of the same type in full sun.

In accordance with Section 13142 of the Commission's regulations, the current follow-up application was submitted after the emergency permit was granted by the Executive Director to allow the project to be reviewed by the Commission and the public through the normal hearing process. In addition, Emergency Permit 1-96-03G itself required the submission of the current follow-up application.

With four exceptions, the following special conditions are identical to the special conditions of Emergency Permit No. 1-96-03G. Two of the conditions of the emergency permit have since been complied with and are no longer needed. These conditions include a condition requiring the applicant to submit a botanical survey and a condition requiring the applicant to submit to the Executive Director evidence that the U.S. Army Corps of Engineers has granted authorization to construct the project.

The third difference between the special conditions of Section A and the emergency permit is that Special Condition No. 2 requires 255 square feet of open water mitigation instead of 200 as the emergency permit did to reflect revised calculations submitted by the applicant of the amount of permanent open water fill.

Finally, Special Condition No. 6 is a new condition that was not included in the emergency permit. The added special condition simply requires evidence be submitted of any needed review of the project by the State Lands Commission to ensure that the applicant has the legal ability to carry out the project.

2. Coastal Zone Jurisdiction.

The project site is located within the Coastal Commission's retained jurisdictional area along the Little River. Therefore, the permit application is being processed by the Commission using the policies of Chapter 3 of the Coastal Act as the standard of review.

3. Project and Site Description.

The project site is at the Highway 101 bridge over the Little River, which is located about three miles south of the City of Trinidad in Humboldt County. (See Exhibits 1-3).

1-96-08
CALTRANS, DISTRICT 1
Page Seven

The bridge is bounded on the west by Little River State Beach. The bridge is located about 1,600 feet inland from the Pacific Ocean. The view to the west from the bridge includes a wide expanse of blue ocean waters in the distance. In the foreground, the view to the west from the bridge includes the waters of the Little River and a mosaic of low-lying and vegetated sand dunes and brackish water wetlands that are subject to tidal influence. Some riparian vegetation, consisting primarily of willows and alders, is located along the highway embankment at each end of the bridge.

The bridge is bounded on the east by private lands that are designated and zoned as natural resource lands, agricultural lands, rural residential development, and commercial timberlands in the County's LCP. Very little development is located near the bridge. The riparian vegetation on the east side of the bridge is more widespread and more developed than the riparian vegetation that exists on the west side of the bridge. This is primarily because the riparian vegetation on the east side of the bridge is more protected from the prevailing ocean winds and is more protected from higher salinities due to salt spray and storm events.

The proposed seismic retrofit work would require: (1) constructing two temporary accessways on the northeast and on the southeast banks of the river so that construction equipment can access the river channel; (2) installing two temporary water diversion structures within the riverbed to alternately route the low-flow channel around two de-watered work areas; (3) widening and lengthening 8 pier walls under the bridge; (4) connecting the bridge decks of the north and southbound lanes together to form a 13.5-foot-wide, 410-foot-long, covered median; (5) restoring the two temporary access road sites to their previously existing condition; (6) restoring the river channel to its previous condition; and (7) creating an 80-square-foot wetland and a 600-square-foot riparian mitigation area along the banks of the river to offset habitat loss. In addition, the proposed project also includes a general safety improvement that creates a 10-foot-wide, 410-foot-long shoulder for the northbound lane of Highway 101.

The overall site plan for the project is shown in Exhibit No. 3. More specific site plans for the north bank and the south bank of the river as shown in Exhibits No. 4 and 5.

The project has both temporary and permanent impacts to wetlands and riparian vegetation. The temporary impacts of the project are associated with the fill used to install the two access roads on each bank of the river and the placement of a coffer dam around each supporting pier wall (also known as bents) within the live waters of the river. The two access ramps will require a total of 1,600 cubic yards of fill. In addition, coffer dams will be constructed around each of the pier footings to keep river water out of the construction areas. The coffer dams will also be removed upon completion of the pier and footing work.

1-96-08
CALTRANS, DISTRICT 1
Page Eight

As discussed below, the project will result in four types of permanent impacts to wetland, riparian, and open coastal water habitat areas in the project area. For example, a 40-square-foot area of wetlands will be lost due to structural fill placed around the foundations of pier walls No. 8 and 9 on the north bank of the river. The applicant proposes to offset this loss at a 2 to 1 ratio by lowering the elevation of the land to create an 80-square-foot, wetland mitigation area in the southwest corner of the bridge area. This area presently has a 40-square-foot, wetland mitigation area which was required due to the impacts of structural fill on wetlands under Permit No. 1-90-205.

A 600-square-foot area of riparian vegetation will be lost due to combination of: (a) structural fill to enlarge the foundations of a pier wall on the north bank of the river, (b) shade impacts due to a wider bridge (caused by the creation of a 10-foot-wide shoulder on the east side of the bridge), and (c) periodic maintenance practices by the applicant that trim any riparian vegetation growing below or beside the bridge. The applicant proposes to offset this loss at a 1 to 1 ratio by creating a 600-square-foot, riparian mitigation area in the southwest corner of the bridge area. Although the proposed 600-square-foot, riparian mitigation area may also be subject to periodic cutting by the applicant (because it is still located within the highway right-of-way), the applicant indicates that the cutting should be less since the riparian mitigation area is located further from the bridge than the riparian vegetation which will be impacted by the project. In addition, the riparian mitigation area is located in full sun.

An open coastal water area with a sand and gravel bottom, encompassing a total 255 square feet of area, will be displaced by structural fill for enlarged foundations of the pier walls within the waters of the river. The applicant does not propose any mitigation for this fill in open coastal waters.

Lastly, a 945-square-foot area containing partially shaded wetlands located on the north bank of the river and in the median area below the bridge decks, will be lost due to the shade impacts of a 13.5-foot-wide, 410-foot-long, median cover that will link the two bridge decks together. (This lost wetland area under the bridge could be used to create the open water habitat mitigation area discussed above.) The applicant does not propose any mitigation for loss of the partially shaded wetlands due to the shade impact of the proposed median cover.

The bank areas on either side and at each end of the bridge have distinct vegetation types. The southwest bank of the river and the adjacent highway embankment are vegetated with a coastal scrub plant community. The plants include Baccharis species, Raphanus species, Lupinus aboreus, Rubus species, and various annual grasses. The habitat values associated with this vegetation within the highway embankment are relatively low. The grassy areas are periodically mowed by the applicant. The woody vegetation is periodically

cut by the applicant and it ranges from 3 to 7 feet in height. Except for an existing, 40-square-foot, wetland mitigation area located in the southwest corner of the bridge area, the biomass production and habitat value of the rest of the vegetation on the highway embankment and the southwest bank of the river is relatively low.

The northwest bank of the river and the adjacent highway embankment are primarily vegetated with *Baccharis* species, *Salix* species (willows), and *Rubus* species (blackberries). Plant heights range from 3 to 10 feet. Wildlife habitat values are moderate. At the toe of the highway embankment and along the northwest bank of the river is a 50-foot-wide strip of brackish water wetland or marsh. Plant species in the wetland habitat include *Potentilla pacifica*, *Deschampsia caepitosa*, *Distichleis spicata*, and *Carex* species. This wetland is located in a relatively productive estuarine system. This wetland also has high wildlife and fisheries habitat values, including a moderate value as a foraging habitat for wading and passerine birds.

The southeast bank of the river and the adjacent highway embankment will be affected by the fill for a 25-foot-wide, 110-foot-long, temporary access ramp. There is very little vegetation in this area due to the placement of rock slope protection to stabilize the steep embankment next to the bridge. The vegetation that does exist typical of the coastal scrub plant community that is found on the southeast bank of the river. However, a small, 100-square-foot area of riparian vegetation (*Salix* species) will be impacted due to the fill that is used for the temporary access road.

The northeast bank of the river and the adjacent highway embankment will also be affected by the fill for a 25-foot-wide, 160-foot-long, temporary access ramp. This area is vegetated with two main plant communities. A 10-foot-wide, sparsely vegetated area immediately adjacent to the east side of the bridge is dominated by *Baccharis* species and *Rubus* species. A few small *Salix* species and a sapling alder (*Alnus oregona*) are also grown in this area. Rock slope protection used within this 10-foot-wide area to protect the bridge. The rock slope protection, and the ruins of an old bridge, prevent significant vegetation growth in this portion of the area that is designated for the access ramp route. The next 15 feet outward from the east side of the bridge is more densely vegetated with *Salix* species and *Rubus* species. This vegetation is classic riparian habitat in terms of plant composition, structure, and wildlife habitat value.

4. Fill in Coastal Waters and Wetlands.

The Coastal Act defines fill as including "earth or any other substance or material ... placed in a submerged area." The proposed project involves dredging materials from around the existing pier footings and placing concrete fill materials in coastal waters. Both the expanded footings and the coffer

1-96-08
CALTRANS, DISTRICT 1
Page Ten

dams will be placed within submerged areas. The total amount of permanent fill proposed in coastal waters is approximately 200 cubic yards. The concrete fill for the expanded pier footings in the live waters of the river will collectively result in the loss of 255 square feet of bottom habitat area consisting of sand and cobbles.

Approximately 40 square feet of vegetated wetlands will be lost due to the structural fill of the expanded pier footings.

Section 30233 of the Coastal Act provides as follows, in applicable 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 [eight purposes, including...]

(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....

The above policy essentially sets forth a three part test for all projects involving the filling of coastal waters and wetlands. A proposed fill project must satisfy all three tests to be consistent with Section 30233. The three tests are:

1. that the project has no feasible less environmentally damaging alternative;
2. That the project is for one of the eight stated uses permissible under Section 30233; and
3. that adequate mitigation measures have been provided to minimize adverse environmental effects of the proposed project.

A. Alternative Analysis

With regard to the first test of Section 30233(a), it appears that there are no other feasible less environmentally damaging alternatives to the proposed project. A total of three possible alternatives have been identified which might result in less fill, including (1) the no project alternative, (2) retrofitting the bridge in a different manner, and (3) constructing a suspension bridge or a different kind of bridge in a manner that does not

require placing bridge supports within the river. As explained below, each of these possible alternatives have problems that make them infeasible.

i. The No Project Alternative. This alternative would do nothing to enhance the seismic safety of the bridge. In enacting Senate Bill 805 into law, the state legislature declared that the seismic retrofitting of substandard bridges is necessary for the immediate preservation of public safety. As it is now a matter of State law to enhance the seismic safety of bridges such as the Little River Bridge, the Commission finds that the no project alternative is unacceptable.

ii. Retrofitting the Bridge in a Different Manner to Minimize Fill. This alternative would involve finding a different engineering solution to upgrade the bridge to current seismic safety standards but doing it in a manner that would result in less fill. The proposed project will result in a total of 255 square feet of permanent fill in the open coastal waters, a total of 40 square feet of permanent fill in adjacent wetlands, and the loss of 945 square feet of partially shaded wetlands as a result of the structural fill which supports the median cover. Thus, the total amount of permanent new fill is relatively small. Although there may be other engineering solutions that would provide an equal amount of safety for future bridge users involving the installation of additional supports, no engineering solution has been identified to date that would result in any less fill than that involved in the proposed project. Therefore, the Commission finds that this alternative is infeasible.

iii. Constructing a New Bridge Without New Piers Extending Into the River. Many existing bridges span a distance greater than the width of the Little River without requiring supports placed mid-span. The existing bridge could be replaced with an entirely new bridge of such a design. However, given (1) the enormous cost differential between constructing an entirely new bridge and the cost of the proposed retrofit project, and (2) the tremendous number of bridges statewide that are in need of retrofitting to enhance seismic safety, the Commission finds that this alternative is infeasible.

In conclusion, the Commission finds that there are no feasible less environmentally damaging alternatives to the proposed fill project.

B. Permissible Use for Fill

The proposed project satisfies the second test for approvable fill projects set forth by Section 30233 as the proposed fill is allowable for "incidental public service purposes" under Section 30233(a)(5). To provide further guidance in implementing Section 30233(a), the Commission has adopted Statewide Interpretive Guidelines on Wetlands (Wetlands and Other Wet Environmentally Sensitive Habitat Areas, adopted February 4, 1981 - Section IV(A)(5)). Specifically, the Guidelines explained "incidental" as:

1-96-08
CALTRANS, DISTRICT 1
Page Twelve

Incidental public services purposes which temporarily impact the resources of the area, which include, but are not limited to, burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines (roads do not qualify).³

The footnote (footnote 3) elaborating on the limited situations where the Commission would consider a road as an exception to this policy states:

When no other alternatives exist, and when consistent with the other provisions of this section, limited expansion of roadbeds and bridges necessary to maintain existing traffic capacity may be permitted.

The footnote allowing fill for limited expansions of bridges where necessary to maintain existing traffic capacity applies in this case. The proposed project is designed to accomplish two safety objectives. First, there is the objective to increase seismic safety and reduce the chances of the existing bridge collapsing in an earthquake. Second, there is the objective of providing for improved traffic safety by creating a 10-foot-wide, 410-foot-long shoulder on the east side of the bridge for safe pedestrian/bicycle access and for a vehicular breakdown lane on the east side of the bridge for northbound traffic. The project does not expand the vehicular capacity of the bridge, it only makes the bridge safer.

To determine if the proposed fill is an incidental public service, the Commission must determine that the proposed fill is both incidental and for a public service purpose. Since the bridge retrofit project will be constructed by a public agency to improve public safety, the project expressly serves a public service purpose under Section 30233(a)(5).

For a public service to be incidental, it must not be the primary part of the project or the impacts must have a temporary duration. The Commission finds the public safety purpose of the proposed bridge retrofit project is incidental to "something else as primary," the transportation service provided by the existing bridge. Therefore, the Commission finds that the proposed bridge retrofit project is an incidental public service, and thus is an allowable use pursuant to Section 30233(a)(5) of the Coastal Act.

C. Feasible Mitigation Measures.

The third test set forth under Section 30233 is whether feasible mitigation measures can be employed to minimize the proposed fill project's adverse environmental effects. The proposed fill work has both real and potentially significant, adverse environmental effects on the estuarine environment, including: (1) disturbance of migratory fish, (2) loss of vegetated wetlands, (3) loss of bottom habitat of open coastal waters, and (3) degradation of water quality. Feasible mitigation measures can be employed to minimize these potential adverse environmental effects below a level of significance.

1-96-08
CALTRANS, DISTRICT 1
Page Thirteen

i. Migratory Fish. The installation of coffer dams and other construction in the river channel during the period when anadromous fish are migrating up or down the river could adversely affect fisheries. To minimize disturbance of the migratory fish species that tend to use the river at that time of the year, the Commission attaches Special Condition A4. The condition limits all construction on the portions of the project that are proposed within the river itself to the period between June 1 and November 15 to minimize adverse impacts upon migratory fish. In addition, Special Condition A1 requires the applicant to submit to the Executive Director evidence of an approved streambed alteration agreement from the California Department of Fish and Game prior to construction of the project.

ii. Open Coastal Waters and River Bottom Habitat. The coffer dams and the construction activity around the pier footings will be located on a river bottom habitat area. This habitat area supports a variety of worms, mollusks, and other benthic organisms, as well as provide an anchor for aquatic vegetation. Much of the proposed fill is temporary in nature, and will not have any long term adverse impacts on the habitat of the river bottom. The coffer dams and fill for the temporary access roads will all be removed upon completion of the project. However, the project will result in the loss of 255 square feet of river bottom habitat area.

A feasible way to mitigate for this permanent impact would be to create such a habitat area at a 1 to 1 ratio under the bridge. It would be fairly easy to dredge a 255 square foot area on the north bank of the river beneath the bridge. The subject area acts as an overflow channel during periodic storm events, and it only needs to be lowered a foot or two to be within the ordinary live waters of the river and to re-create the bottom habitat area. The applicant has acknowledged to Commission staff that such dredging can be accomplished without harming the foundations of the piers which support the bridge. Although it is possible the site may silt in in the future, the mitigation measure would provide beneficial habitat values in the short term. Therefore, the Commission attaches Special Condition No. A2, which requires the applicant to submit for the review and approval of the Executive Director, prior to construction of the project, a revised habitat restoration and mitigation plan, which, among other things, requires the applicant to provide mitigation for 255 square feet of open water and river bottom habitat.

Under Permit No. 1-90-205, the Commission allowed the applicant to create a 10-foot-wide, 410-foot-long shoulder on the west side of the bridge next to the southbound traffic lanes. It was necessary to extend the piers under the bridge which support the road deck to now include support under the 10-foot-wide shoulder. This resulted in 150 square feet of structural fill being placed in open coastal waters and river bottom habitat, and the loss of that habitat. Although the impact was acknowledged in the staff report, no mitigation was requested because the impact was fairly minor, and the

Commission was not aware that an additional bridge project resulting in 255 square feet of additional permanent fill of this kind would be forthcoming so soon. Arguably, the impact of the 255 square feet of new permanent fill is also minor. However, the Commission now knows that there are larger cumulative impacts associated with the permanent fill. With the advent of the seismic upgrade program, the Commission now knows that a large number of these projects will be constructed and will result in the filling of open coastal waters and the loss of valuable habitat. In Mendocino County alone, at least eight bridge retrofit projects are proposed, several of which will certainly involve permanent fill in open coastal waters. Therefore, mitigation for the cumulative loss of valuable habitat must be provided as required by the Coastal Act.

iii. Filled Vegetated Wetlands. The project will result in structural fill in 40 square feet of vegetated wetlands. The applicant proposes to provide an 80-square-foot, vegetated wetland mitigation area in the southwest corner of the project (bridge) area. The two to one ratio of mitigation to impact reflects the greater difficulty of restoring wetland vegetation (not including riparian vegetation) and will more likely ensure that the actual habitat values achieved with the restoration will match the habitat value lost by the fill. Since this mitigation measure will adequately compensate for the loss of habitat values and since it is feasible to provide this mitigation, the proposed 80 square foot mitigation area has been incorporated into the requirements of Special Condition No. 2A regarding a revised habitat restoration and mitigation plan.

iv. Shaded Wetlands. The project will result in the loss of 945 square feet of partially shaded wetland vegetation located on the north bank of the river and in the median area below the two bridge decks. The applicant is not agreeable to providing mitigation for these shading impacts to wetland vegetation.

One concern about mitigating for the shading impact is determining how much mitigation area should be provided. The shaded vegetation isn't totally obliterated, just reduced in productivity, and providing an equivalent size area of vegetation in full sun to the area shaded would likely result in far greater habitat values created than habitat values lost due to the shading. Thus a one to one ratio may over-compensate for the impact. The applicant has determined the comparative biological productivity between the partially shaded wetlands under the bridge and the same type of wetlands located nearby in full sun. The comparative analysis was reached by taking all of the live vegetative matter within a representative, one-square-foot area of the partially shaded wetlands under the bridge and by taking a similar sample of the same type of wetlands located nearby in full sun. Based on the dry weight of the samples, the wetlands in full sun were determined to be 29 times more biologically productive than the partially shaded wetlands under the bridge.

Thus, to determine how much restoration area in full sun needs to be provided to mitigate for the loss of the 945 square feet of partially shaded wetlands, one should divide the area of shading, 945 square feet, by 29, which equals 32.5. Thus, 32.5 square feet of wetlands located in full sun has approximately the same biological productivity of the 945 square feet of partially shaded wetlands in the median area between the two bridge decks. The Commission finds that it is feasible to provide an additional 32.5 square feet of wetlands in the southwest portion of the project area, and to combine it with the 80 square feet of wetlands mitigation already proposed by the applicant for direct fill impact to the wetland vegetation. The Commission therefore attaches Special Condition No. A2 which adds the 80 square feet of wetlands mitigation proposed by the applicant with another 32.5 square feet of wetland vegetation mitigation for a total of 112.5 square feet of wetland vegetation mitigation.

v. Water Quality. Grading and construction work performed during the rainy season could cause intensive erosion and lead to greater sedimentation within the river. Such sedimentation would adversely affect water quality.

To reduce the potential for such sedimentation impacts, the Commission attaches Special Condition No. A4, which limits all construction activities within the river to the dry period of the year, June 1 and November 15. Avoiding the rainy season will reduce the exposure of the construction zone to runoff and resulting erosion and sedimentation.

D. Conclusion

In conclusion, the Commission finds that the proposed fill project, as conditioned, is consistent with Section 30233 of the Coastal Act in that (1) the proposed fill is for "an incidental public service purpose," a permissible use for fill under subsection (5) of Section 30233(a), (2) no feasible less environmentally damaging alternatives have been identified; and (3) the project as conditioned will employ feasible mitigation measures to minimize adverse environmental effects.

5. Environmentally Sensitive Riparian Habitat Areas and Resolving Conflicts Among Competing Coastal Act Policies

The Commission has often been confronted with situations where it has been asked to reconcile the public's need for safe roads and bridges with other Chapter 3 policies on resource protection, such as avoiding significant disruption to environmentally sensitive habitat areas. Simply put, access bridge or road projects are frequently point-to-point projects that do not inherently possess the same flexibility, as least in terms of route, that other projects have. As a result, the Commission has been asked to approve repair projects which pass through or near environmentally sensitive resource

1-96-08

CALTRANS, DISTRICT 1

Page Sixteen

areas, such as riparian habitat areas located along streams and rivers. In these situations the Commission also has been asked to consider that these projects often serve the principal (and frequently competing) policies of the Coastal Act promoting geologically safe access to and along the coast.

The proposed seismic retrofit of the existing bridge and the widening of the shoulder to safely accommodate bicycle and pedestrian access present such a conflict between the public's need for safe bridges which minimize risks to life and property and assure structural stability consistent with Section 30253 of the Coastal Act, and the resource protection policy requirements of Section 30240 of the Coastal Act. The Commission has a history of acknowledging that riparian vegetation is a type of environmentally sensitive habitat area (ESHA). Section 30240 requires in applicable part that: (1) ESHA's be protected against any significant disruption of habitat values, (2) only uses dependent on those resources be allowed in those areas, (3) development in areas adjacent to ESHA's be sited and designed to prevent impacts which would significantly degrade those areas and, (4) such development be compatible with the continuance of those habitat areas.

The seismic retrofit of the existing bridge and the widening of the shoulder to safely accommodate bicycle and pedestrian access will result in both temporary and permanent impacts to riparian habitat areas. The applicant proposes to restore the temporarily impacted areas to their former status. The applicant also proposes to provide a 600-square-foot, riparian mitigation area in the southwest corner of the bridge (project) area to provide a 1 to 1 compensation ratio for the loss of the same amount of riparian vegetation due to a combination of structural fill, shading impacts from a widened bridge, and periodic maintenance trimming by the applicant.

The Coastal Act envisions situations such as this where there may be a conflict between Chapter 3 policies and provides specific guidance on how these conflicts should be resolved. Section 30007.5 states:

The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislative 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.

1-96-08
CALTRANS, DISTRICT 1
Page Seventeen

Echoing the concern about such conflicts, Section 30200(b), the first section in Chapter 3, the chapter containing the substantive policies of the Act, declares:

(b) Where the commission or any other local government in implementing the provisions of this division identifies a conflict between the policies for this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.

The Commission agrees that this project presents a conflict between competing policies of the Act that requires resolution in conformity with the provisions of Sections 30007.5 and 30200. In addition to providing a safe bridge which minimizes risk to life and property and assures structural stability consistent with Section 30253 of the Coastal Act, Highway 101 provides public access and recreation to and along the coast, as called for by public access and recreation policies of Sections 30210, 30211, 30212, 30212.5, 30213, 30252 and 30254 of the Coastal Act. These benefits will be lost, or subject to serious jeopardy, if the seismic retrofit of the existing bridge and the widening of the shoulder are not approved, and the bridge subsequently collapses or incurs major damage in an earthquake.

Balanced against these beneficial aspects of the project is the competing fact that the project will cause temporary and permanent adverse impacts to riparian vegetation. However, these impacts to riparian habitat will be mitigated by a revised habitat restoration and mitigation plan which will replace the lost riparian vegetation at a 1 to 1 ratio. Given that riparian vegetation is relatively easy to re-establish in north coast areas where rainfall is abundant, a 1 to 1 replacement ratio is appropriate.

For these reasons the Commission finds, pursuant to Sections 30007.5 and 30200 of the Coastal Act, that on balance it is more protective of coastal resources to resolve this conflict by approving the project and allowing the proposed relatively small amounts of riparian habitat destruction. The Commission therefore finds that the project is consistent with the Coastal Act in reliance on the conflict resolution provisions of Section 30007.5 and 30200.

6. Visual Resources.

Section 30251 of the Coastal Act provides in applicable part that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall: (a) be sited and designed to protect views to and along the ocean and scenic coastal areas, and (b) be visually compatible with the character of surrounding areas.

1-96-08

CALTRANS, DISTRICT 1

Page Eighteen

The principal visual impacts of the project are its temporary effects on the visual character of the area. During construction, the temporary access ramps, coffer dams, construction equipment and materials, etc. will all intrude into the scenic view of motorists who pass over the bridge. The project will also be visible from the Little River State Beach which runs parallel to Highway 101. However, the temporary nature of this impact does not make it significant. The project will only last for 18 months, all construction debris will be removed upon project completion, and habitat areas will be revegetated.

The permanent improvements associated with the project will not be readily noticeable. The most permanent visible impacts are likely to be the 13.5-foot-wide, 410-foot-long, median cover that connects the two bridge decks together and the 10-foot-wide, 410-foot-long, shoulder on the east side of the bridge. However, these impacts are typical of bridge improvements, and will be compatible with the character of the area, which includes the existing bridge. The Commission therefore finds that the proposed project will preserve the visual character of the area and will be consistent with Section 30251 of the Coastal Act.

7. Public Access.

Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. In applying Section 30211 and 30212, the Commission is also limited by the need to show that any denial of a permit application based on this section, or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

The proposed seismic retrofit of the existing bridge and the widening of the shoulder to safely accommodate bicycle and pedestrian access will have temporary impacts on public access during the proposed construction period. Highway 101 has four travel lanes over the Little River Bridge. The easterly bridge deck has two lanes for northbound traffic. The westerly bridge deck has two lanes for southbound traffic. Although one or more of these lanes will be closed during construction activity, access over the bridge for both north and south bound traffic will still occur without having to take a lengthy detour around the area. In short, construction activity should only be a minor inconvenience to passing motorists. In addition, it should be noted that construction of the 10-foot-wide, 410-foot-long shoulder on the east side of the bridge will enhance public access and recreation by providing a much safer crossing for pedestrian and bicycle traffic.

1-96-08
CALTRANS, DISTRICT 1
Page Nineteen

The Commission finds that the proposed project will have no long term adverse affects on public access use of the Little River area. The temporary adverse effects of the proposed project on public access use will be minimized. Therefore, the Commission finds that the proposed project is consistent with the public access policies of the Coastal Act.

8. Geologic Stability

The Coastal Act contains policies to assure that new development does not create erosion, and to minimize risks to life and property. Section 30253 of the Coastal Act states in applicable part:

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 land forms along bluffs and cliffs.

The proposed seismic retrofit portion of the project is proposed as a safety project to reduce the risks to life and property associated with earthquakes. Given the purpose of the project, the Commission finds that the proposed project is fully consistent with Section 30253 of the Coastal Act.

9. State Waters.

Portions of the project site are in areas that are State-owned waters or were otherwise subject to the public trust.

Therefore, to ensure that the applicant has the legal authority to undertake all aspects of the project, the Commission attaches Special Condition No. B1, which requires that the project be reviewed by the State Lands Commission.

10. U.S. Army Corps of Engineers Review.

Pursuant to the Federal Coastal Zone Management Act, any permit issued by a federal agency for activities that affect the coastal zone must be consistent with the coastal zone management program for that state. Under agreements between the Coastal Commission and the U.S. Army Corps of Engineers, the Corps will not issue a permit until the Coastal Commission approves a federal consistency certification for the project or approves a permit.

The project has been reviewed and approved by the U.S. Army Corps of Engineers under a Nationwide 23 permit. The approval will become effective when a Section 410 water quality certification or a waiver of certification has been obtained from the North Coast Regional Water Quality Control Board, and a coastal zone consistency certification (or coastal development permit) has been obtained from the Coastal Commission. See Exhibit No. 7. As conditioned, the Commission finds that approval of the project is consistent with the coastal zone management program for the State of California.

11. Humboldt County LUP.

Although Humboldt County has a certified LCP, the project site is within the Commission's retained coastal development permit jurisdiction. Therefore, the standard of review that the Commission is applying in its consideration of the application is the Coastal Act. The Humboldt County LCP policies are considered advisory and are not binding in this case.

Policy 3.41(C) of the McKinleyville Area LUP for Humboldt County limits new development within wetland areas to eight permissible uses that are allowed by Coastal Act Section 30233(a). Policy 3.41(E) applies to road construction within watersheds containing wetlands. Among other things, Policy 3.41(E) requires specific measures to prevent erosion and to minimize surface run-off, including but not limited to, immediate vegetative plantings of disturbed slopes at finished grades. Policy 3.41(F)(3) applies to new development within stream channels and it requires that such development be allowed when there is no less environmentally damaging feasible alternative and where the best feasible mitigation measures have been provided to minimize adverse environmental effects. As discussed in Finding 4, "Filling of Coastal Waters," the proposed fill qualifies under Section 30233(a)(5) of the Coastal Act as fill for "an incidental public service purpose". In addition, no feasible less environmentally damaging alternative has been identified, and as conditioned, the project will employ mitigation measures to minimize the adverse environmental effects. Therefore the project is consistent with Policies 3.41(C), 3.41(E), and 3.41(F)(3) of the Humboldt County LUP.

Coastal Act Section 30604(a) authorizes permit issuance if the Commission finds that the proposed development is in conformity with the provisions of Chapter 3 of the Coastal Act and if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare or implement a local coastal program that is in conformance with Chapter 3 of the Coastal Act. As discussed above, approval of the project, as conditioned, is consistent with Chapter 3 of the Coastal Act, and thus will not prejudice local government's ability to implement a certifiable LCP for this area.

12. California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed above, the project has been mitigated to avoid significant impacts on coastal waters, migratory fish, wetlands, and riparian habitat areas. The project, as conditioned, will not have a significant adverse effect on the environment, within the meaning of CEQA.

For purposes of CEQA, the lead agency for the project is the California Department of Transportation (Caltrans), District 1. Caltrans has determined that the proposed project is categorically exempt from the need for an environmental impact report under Class 1 of the State CEQA Guidelines.

ATTACHMENT A

Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the 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.

A B C D E F G H I J K L M N O

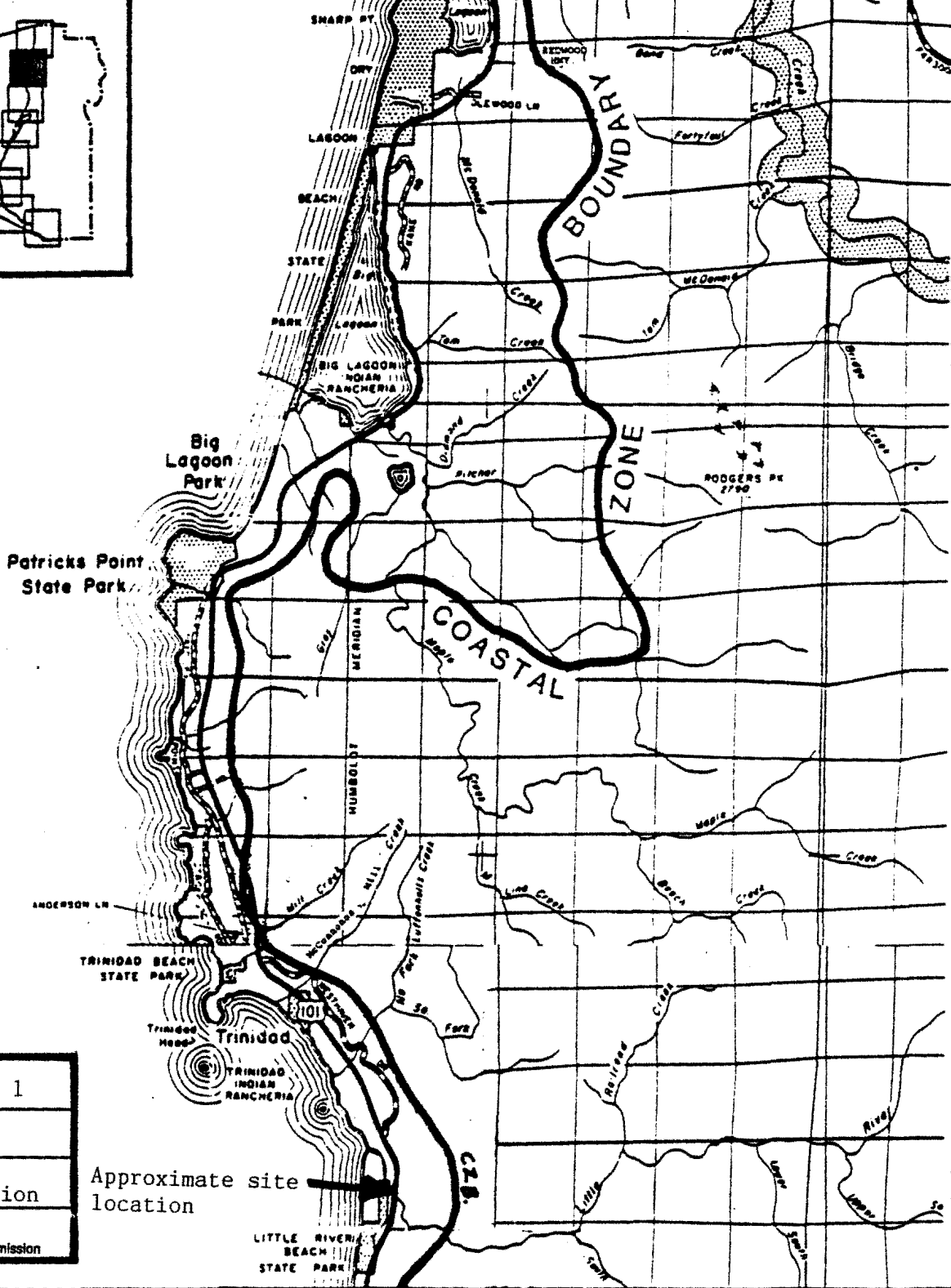
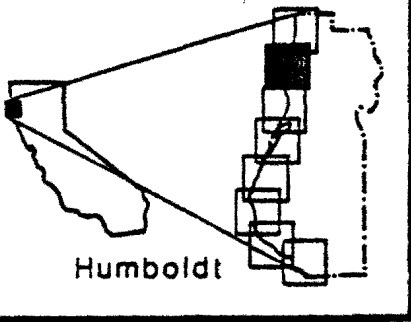


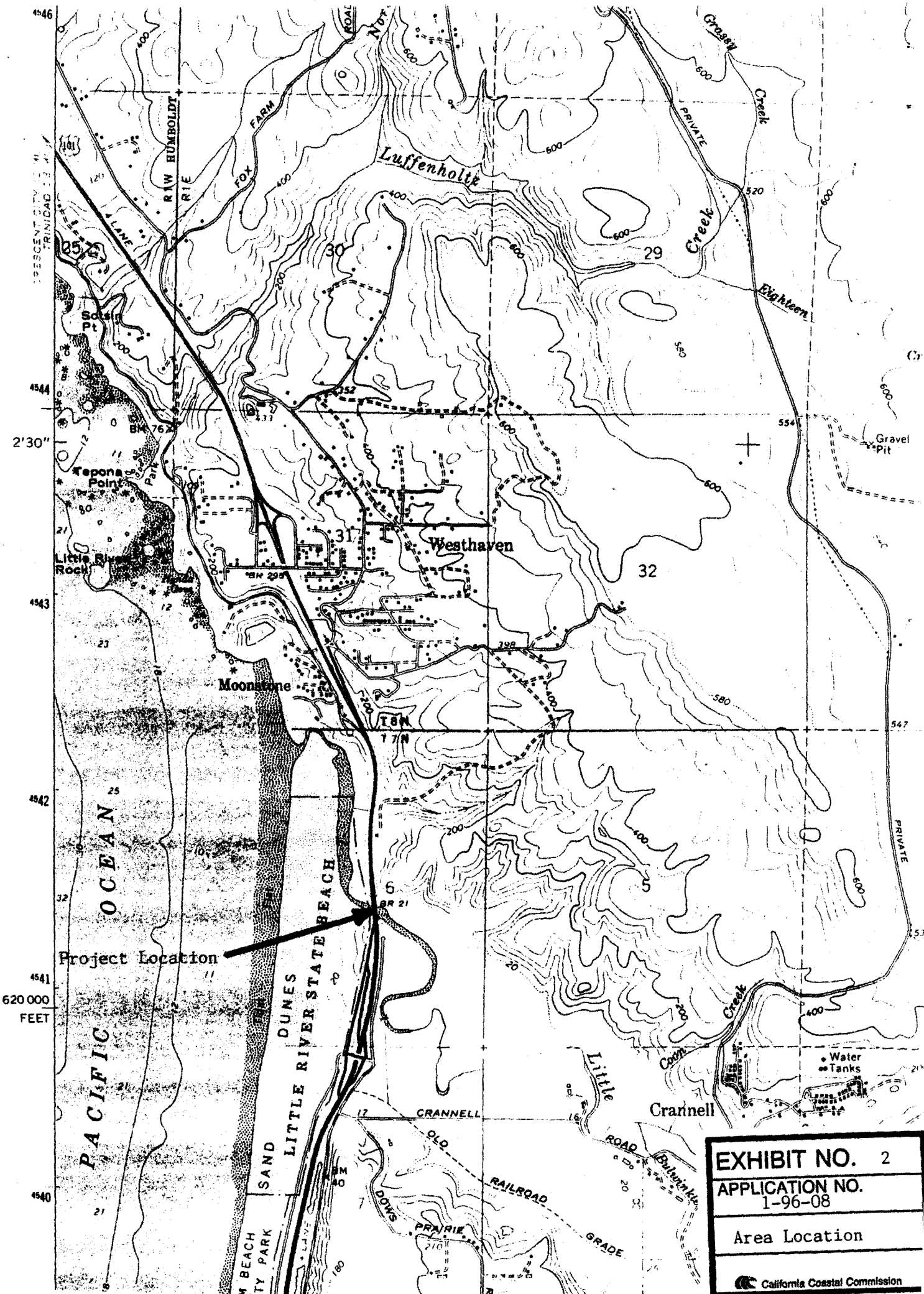
EXHIBIT NO. 1
APPLICATION NO.
 1-96-08
Regional location
 California Coastal Commission

Approximate site location

California Coastal Commission

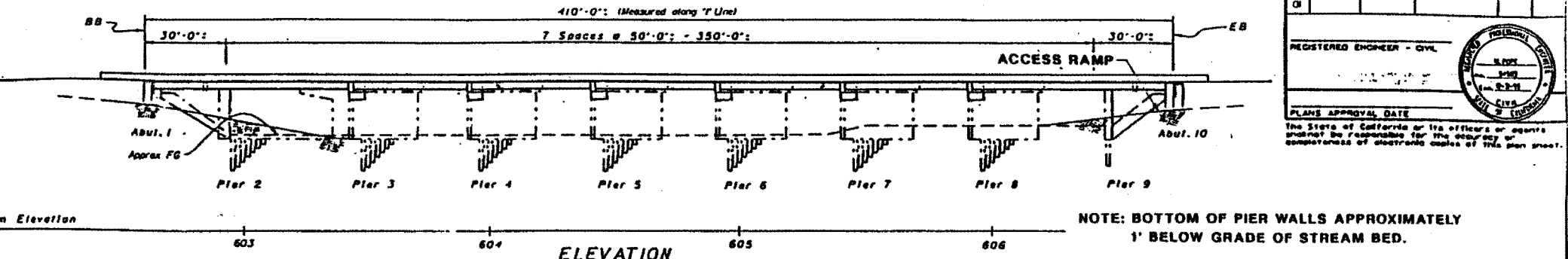
LOCATION MAP





4546
 4544
 2'30"
 4543
 4542
 4541
 620 000
 FEET
 4540

EXHIBIT NO. 2
APPLICATION NO. 1-96-08
Area Location
California Coastal Commission



REGISTERED ENGINEER - CIVIL

PLANS APPROVAL DATE

The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.

NOTE: BOTTOM OF PIER WALLS APPROXIMATELY 1' BELOW GRADE OF STREAM BED.

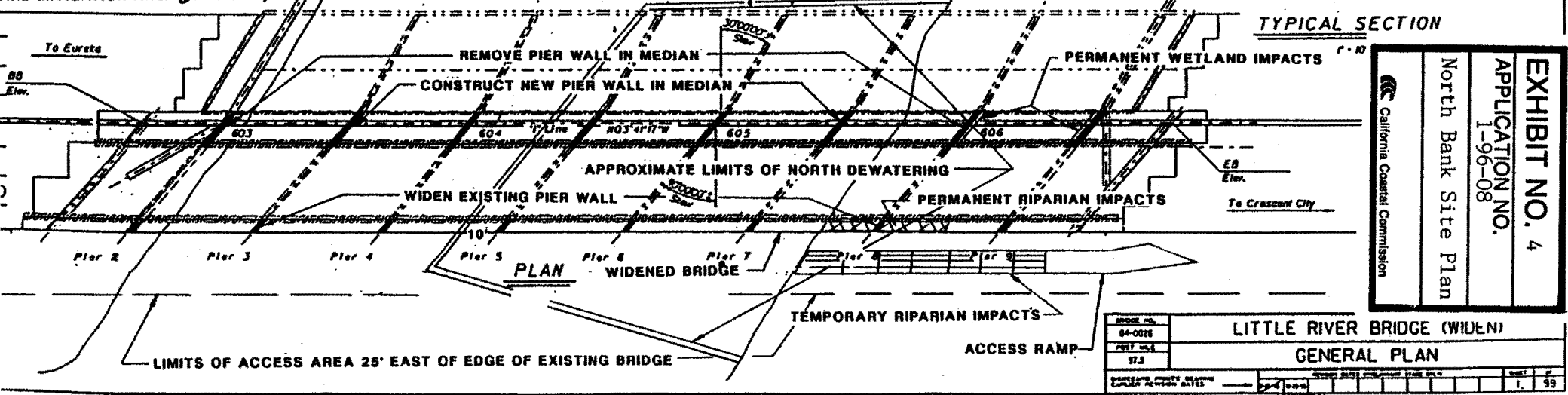
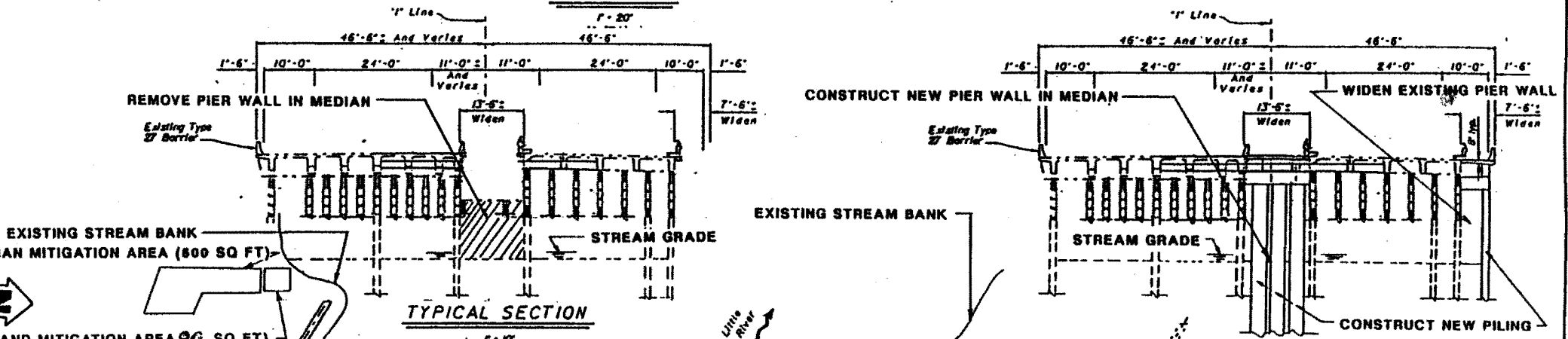


EXHIBIT NO. 4

APPLICATION NO. 1-96-08

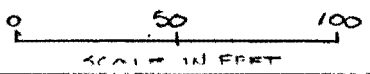
North Bank Site Plan

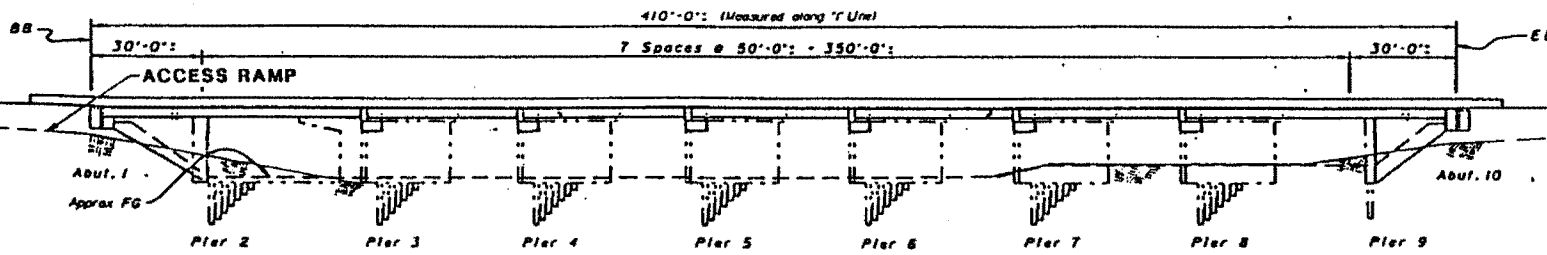
California Coastal Commission

PROJECT NO. 04-0026	LITTLE RIVER BRIDGE (WIDEN)	
POST NO. 573	GENERAL PLAN	
DATE OF PREPARED DRAWING	DATE OF FIELD WORK	SHEET NO. 1 OF 39

California Department of Transportation
 Coastal Development Permit Application

North Bank Plan
 Little River Bridge
 Seismic Retrofit and Widening





REGISTERED ENGINEER - CIVIL

PLANS APPROVAL DATE

The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.

NOTE: BOTTOM OF PIER WALLS APPROXIMATELY 1' BELOW GRADE OF STREAM BED.

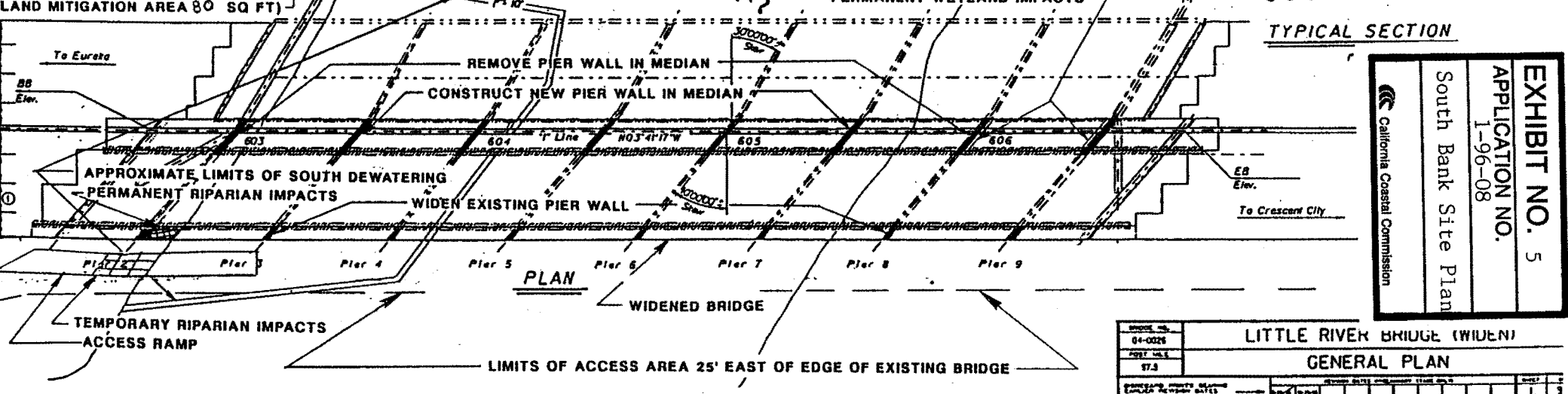
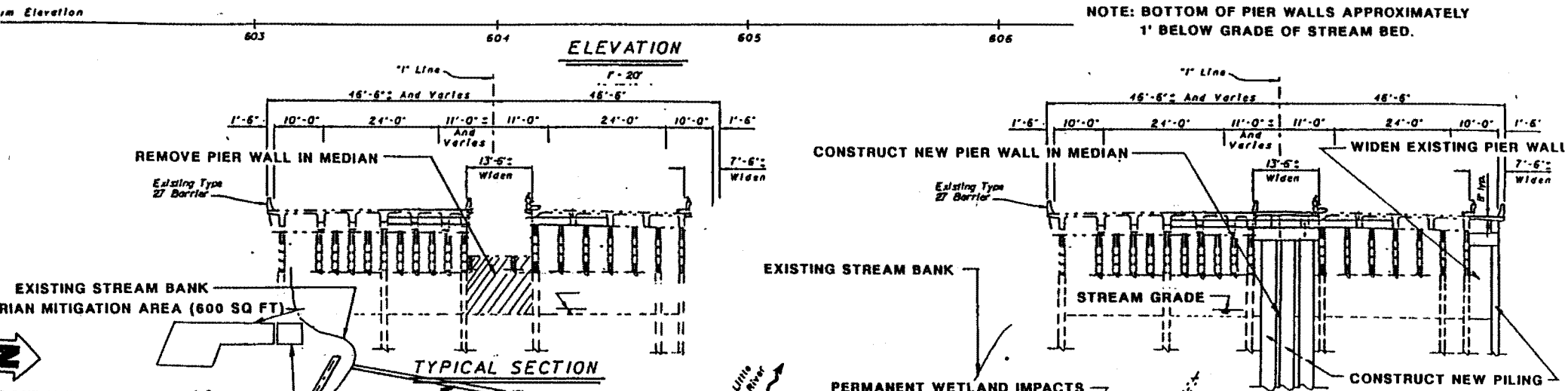


EXHIBIT NO. 5

APPLICATION NO. 1-96-08

South Bank Site Plan

California Coastal Commission

PROJECT NO. 04-0026	LITTLE RIVER BRIDGE (WIDEN)
PROJECT TITLE 97.3	
DATE OF PREPARATION 11/15/95	
DESIGNED BY	PROJECT TITLE (SEE PREVIOUS SHEETS)
CHECKED BY	DATE
APPROVED BY	DATE

California Department of Transportation
Coastal Development Permit Application

South Bank Plan

Little River Bridge
Seismic Retrofit and Widening

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260



May 10, 1996

Deborah L. Harmon, Chief
Environmental Management Office
CALTRANS, District 1
P.O. Box 3700
Eureka, CA 95502-3700


SUBJECT: Corrected Emergency Permit for the Seismic Retrofit of the
Highway 101 Bridge Over Little River.

Please find enclosed Corrected Emergency Permit No. 1-96-03G, issued for the above referenced project: The corrected emergency permit replaces Emergency Permit No. 1-96-03G, dated March 7, 1996.

When the earlier permit was issued, we had been under the mistaken impression that the project would be completed this summer. Tim Ash indicates that the project may actually need a longer period of time to complete. Therefore, this latest version of the emergency permit changes the completion deadline required by Condition No. 3 to December 31, 1997. In addition, Condition No. 9 has been modified to revise the sampling technique to establish the comparative ratio of biological productivity between a shaded wetland under the bridge (which will be impacted by the project) and a nearby wetland of the same type in full sun. Lastly, Condition No. 10 has been modified to revise the figures for the required amount of wetland and riparian mitigation, based on a more accurate analysis of the project's impact to those resources at the site. In all other respects, the current version of the emergency permit is the same as the corrected emergency permit dated May 10, 1996.

If you have any questions, please don't hesitate to contact me.


Sincerely,


JAMES J. MUTH
Coastal Planner

Enclosure

cc: Humboldt County Planning & Building Services, Attn: Steve Werner
Department of Fish and Game, Attn: Karen Kovacs
U.S. Army Corps of Engineers, Attn: Dave Ammerman
Emergency Permit File No. 1-96-03G

8764p

EXHIBIT NO. 6
APPLICATION NO. 1-96-08
Emergency Permit No. 1-96-03G
 California Coastal Commission

CALIFORNIA COASTAL COMMISSION **CORRECTED**
 NORTH COAST AREA
EMERGENCY PERMIT



45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

Deborah L. Harmon, Chief
 Environmental Management Office
 CALTRANS, District 1
 P.O. Box 3700
 Eureka, CA 95502-3700

May 10, 1996

Date

1-96-03G

(Emergency Permit No.)

Highway 101 Bridge over Little River, south of Trinidad, Humboldt County.
 Location of Emergency Work

Retrofit the Little River Bridge to meet current seismic safety standards by:
(1) constructing two temporary accessways on the northeast and on the southeast
banks of the river so that construction equipment can access the river channel;
(2) installing two temporary, water diversion structures within the riverbed to
alternately route the low-flow channel around two de-watered work areas;
(3) widening and lengthening 8 pier walls under the bridge; (4) widening the
northbound lane by 10 feet and a distance of 410 feet; (5) connecting the
bridge decks of the north and southbound lanes together to form a
13.5-foot-wide, 410-foot-long, covered median; (6) restoring the two temporary
access road sites to their previously existing condition; (7) restoring the
stream channel to its previous condition; and (8) creating wetland and riparian
mitigation areas along the banks of the river to offset habitat loss.

Work Proposed

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of the potential for the existing Highway 101 Bridge over Little River (which does not meet current seismic standards) to fail in an earthquake and the requirements of Senate Bill 805 that state permitting agencies either issue or deny a permit for a seismic retrofit project within 15 working days of receiving an application, requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows; and
- (c) As conditioned the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the attached conditions listed below.

Very Truly Yours,

Peter M. Douglas
 Executive Director

By: JAMES J. MUTH
 Title: Coastal Planner

F2: 4/88

CONDITIONS OF APPROVAL:

1. The enclosed form must be signed by the property owner and returned to our office within 15 days.
2. Only that work specifically described above and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed by December 31, 1997.
4. Within 30 days of the date of this permit, the permittee shall complete a permit application for a regular Coastal Permit to have the emergency work be considered permanent.
5. In exercising this permit the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies.

Conditions Particular to Little River Bridge Retrofit Project:

7. Dept. of Fish and Game Streambed Alteration Agreement.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Applicant shall submit to the Executive Director evidence of an approved streambed alteration agreement for the project from the California Department of Fish and Game.

8. U.S. Army Corps of Engineers Review.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Applicant shall submit to the Executive Director evidence that the U.S. Army Corps of Engineers has granted permission for the project authorized herein.

9. Botanical Survey of Impacted Wetlands.

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Applicant shall submit for the review and approval of the Executive Director a botanical survey which shows the location and extent (in square feet) of the wetlands which will be disturbed or impacted by the project. To mitigate for the impacts to a shaded wetland located under the bridge, the survey shall establish a comparative ratio of biological productivity between the shaded wetland under the bridge and the same type of herbaceous wetland located nearby in full sun. The comparative ratio shall be established by taking a one-square-foot, representative sample of all of the live vegetation within the wetland located in the shade under the bridge and the wetland located nearby in the sun, and then drying each sample to establish a comparative, dry weight ratio of the biological productivity between the two wetland areas. Representative wetland areas include: (a) a strip of wetlands

located in full sun along the northeast bank of the river that is within the proposed, 25-foot-wide, temporary accessway, and (b) the wetlands located in partial shade on the north bank of the river under the bridge within the median area between the two bridge decks, between pier walls No. 7 and No. 8, and between pier walls No. 8 and No. 9.

10. Habitat Restoration and Mitigation Plan.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Applicant shall submit a revised habitat restoration and mitigation plan for the review and approval of the Executive Director. For the permanent impacts to habitat areas, the plan provide the following mitigation: (a) 200 square feet of open water area, (b) 112.5 square feet of wetland area, and (c) 600 square feet of riparian area. Alternatively, a lesser extent of mitigation will be acceptable if Applicant can demonstrate to the satisfaction of the Executive Director that it is not feasible to provide the full extent and kind of above requested mitigation at the site. For the temporary impacts to habitat areas, the plan shall provide that all disturbed areas will be revegetated to at least the same extent and quality as that which existed prior to disturbance. The success standard for the herbaceous wetlands and the riparian areas shall be 80% of representative density for that habitat in full sun. The mitigation for the riparian area shall include the establishment of 16 willows and 4 alders. The plan shall provide that all gravel from the temporary accessways shall be removed from the site. The plan shall include: (a) a narrative describing all of the procedures to be followed in reestablishing vegetation at the sites, (b) a planting plan that details the location, size, and species of all plants to be planted, (c) a monitoring plan that provides for the submittal of yearly monitoring reports for the review and approval of the Executive Director until habitat values have been fully restored at the site, and (d) a procedure for redressing problems in reestablishing habitat values identified by future monitoring reports.

11. Riverbed Restoration.

Upon completion of the seismic retrofit work underneath the bridge and prior to the commencement of the rainy season, the applicant shall reestablish the original low flow channel of the river that existed prior to construction of the diversion, and shall reestablish previously existing contours of the riverbank. Any existing gravel material in the bed of the river which is displaced by the structural fill of the widened pier walls in the waters of the river shall be used as backfill material to reestablish the previously existing contours of the riverbed, and any surplus gravel material shall be removed from the project site.

12. Limits of Work Season.

All construction activity within the channel of Little River shall be limited to the period of the year between June 1 and November 15 to minimize adverse impacts on migratory fish.

13. Disposal of Construction Debris.

All construction debris shall be removed from the site upon completion of the project. Disposal of any of this material in the coastal zone at a location other than in a licensed landfill will require a coastal development permit.

Condition #4 indicates that the emergency work is considered to be temporary work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate an easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission Area office.

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

cc: Humboldt County Planning & Building Services, Attn: Tom Conlon
U.S. Army Corps of Engineers, Eureka, Attn Dave Ammerman
California Dept. of Fish and Game, Eureka, Attn Karen Kovacs

8763p



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
211 MAIN STREET
SAN FRANCISCO, CALIFORNIA 94105-1905

RECEIVED
MAR 11 1996
CALIFORNIA
COASTAL COMMISSION

REPLY TO
ATTENTION OF:

MAR 11 1996

Regulatory Branch

SUBJECT: File Number 22096N78

Ms. Deborah Harmon, Chief
Office of Environmental Management
California Department of Transportation
P.O. Box 3700
Eureka, California 95502-3700

Dear Ms. Harmon:

This is in reference to your submittal of March 5, 1996, concerning Department of the Army authorization to excavate approximately 200 cubic yards (CY) of riverbed around existing bridge footings; place 30 CY of concrete fill in the riverbed and around existing bridge footings; place approximately 1,500 CY of gravel fill for temporary equipment access ramps on the riverbank and riverbed; and place temporary diversion structures (steel sheetpiles) into the riverbed, in connection with the seismic retrofit of the Highway 101 bridge over Little River, approximately three miles south of the community of Trinidad, in Humboldt County, California.

Based on a review of the information you submitted (List of 13 General nationwide permit conditions; NEPA Categorical Exclusion signed by Federal Highways Administration dated February 16, 1996; a wetlands delineation completed February 2, 1996; project drawings marked, "LITTLE RIVER BRIDGE (WIDEN) GENERAL PLAN" DATED 10-25-95; and a site inspection by our staff on January 17, 1996, your project is authorized under 33 CFR 330 Appendix A, Department of the Army Nationwide Permit 23 Approved Categorical Exclusion, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

This authorization will not be effective until Section 401 water quality certification or a waiver of certification has been obtained from the North Coast Regional Water Quality Control Board and a coastal zone consistency concurrence from the California Coastal Commission. A copy of the certification(s) for the project should be submitted to the Corps to verify compliance.

EXHIBIT NO. 7
APPLICATION NO. 1-96-08
U.S.C.O.E. approval
California Coastal Commission

This authorization will remain valid until January 22, 1997, at which time all nationwide permits are scheduled to be modified, reissued, or revoked. If you commence or are under contract to commence work before the date the nationwide permit is modified or revoked, you will have twelve months from the date of the modification or revocation to complete the project under the present conditions of this nationwide permit.

The project must be in compliance with the General Conditions cited in Enclosure 1 and all Special Conditions that may be specified above for the nationwide permit to remain valid. Non-compliance with any condition could cancel the nationwide permit authorization for your project, thereby requiring you to obtain an individual permit from the Corps. The nationwide permit authorization does not obviate the need to obtain other State or local approvals required by law.

You may refer all questions to David Ammerman of our Eureka Field Office at 707-443-0855. All correspondence should be addressed to the District Engineer, Attention: Regulatory Branch, referencing file number 22096N78.

Sincerely,
ORIGINAL SIGNED

By
Calvin C. Fong

Calvin C. Fong
Chief, Regulatory Branch

Enclosure

Copies Furnished:

US F&WS, Sacramento, CA
US EPA, San Francisco, CA
US NMFS, Santa Rosa, CA
CD F&G, Redding, CA
CA CC, San Francisco, CA
CA RWQCB, Santa Rosa, CA