

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



W 20a

Filed: May 16, 1996
 49th Day: July 4, 1996
 180th Day: November 12, 1996
 Staff Report: June 21, 1996
 Hearing Date: July 10, 1996
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 1-96-10

APPLICANT: CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 1

PROJECT LOCATION: Highway 101 (Dr. Fine) Bridge over the Smith River, 8 miles north of Crescent City, Del Norte County.

PROJECT DESCRIPTION: Retrofit the Highway 101 (Dr. Fine) Bridge over the Smith River to meet current seismic safety standards by: (1) constructing a temporary accessway on the north bank and two temporary accessways on the south bank of the river so that construction equipment can access the area under the bridge; (2) constructing infill walls at piers 5, 6, 9, 10, & 16 and enlarging the footings of these piers with additional concrete and steel piles; (3) installing 6-ft-diameter CIDH piles at the abutments; (4) installing confinement collars at piers 11 and 15; (5) providing additional longitudinal and transverse restraints at the deck level for span 12; (6) strengthening the joints between the approach spans and the girders of the bridge to reduce movement during an earthquake; and (7) mitigating for the disturbance to riparian habitat from the construction of the temporary access roads by removing the fill and/or wooden ramps used to access the work areas and by replanting riparian vegetation in selected areas.

LOCAL APPROVALS RECEIVED: County approval not needed.

OTHER APPROVALS REQUIRED: (1) State Lands Commission review, (2) Department of Fish & Game Streambed Alteration Agreement, (3) Regional Water Quality Control Board Waste Discharge Requirements, and (4) U.S. Army Corps of Engineers review.

SUBSTANTIVE FILE DOCUMENTS: Del Norte County LCP and Emergency Permit No. 1-96-08G.

1-96-10

CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 1

PAGE 2

SUMMARY OF STAFF RECOMMENDATION:

The major issue raised by the project is the temporary encroachment into environmentally sensitive riparian habitat areas to create access roads for construction equipment. The applicant proposes to mitigate for the damage to the riparian areas by replanting vegetation at a 1 to 1 ratio in the areas disturbed by the construction. Staff believes that 1 to 1 ratio is appropriate and is proposing special conditions requiring the applicant to implement the mitigation proposals and minimize the disturbance to the habitat areas. Other proposed conditions require the submittal of evidence of approval by other reviewing State and Federal agencies prior to project commencement. Staff believes that as conditioned, the project is consistent with the Coastal Act and recommends approval.

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, will be in conformity with the Del Norte County Local Coastal Program, 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. 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.

3. 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.

4. State Lands Commission Review.

PRIOR TO ISSUANCE of the coastal development permit, 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.

5. Protection of Riparian Vegetation.

a. Field Flagging to Delineate Perimeter of Construction Areas. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Applicant shall delineate on the ground at the site with flags, or other obvious markers, the perimeter of the temporary accessways and construction areas which will be disturbed by the project as generally shown on the submitted site plans. The applicant shall maintain the markers in place during project construction. All construction operations shall be conducted in a manner that will minimize disturbance of any riparian vegetation that is adjacent to, and outside of, the project's accessway and construction areas. All construction workers who will be working at the site shall be instructed of the need to minimize disturbance to riparian vegetation.

b. Mitigation of Habitat Impacts From Construction of Access Road on the Southwest End of the Bridge. The applicant shall protect and restore the riparian habitat in the location of the temporary access road to be constructed off the southwest end of the bridge (at Location "A" on the site plan) in the manner described in the applicant's submittal dated May 10, 1996. Specifically, the vegetation that needs to be cleared shall be cut to ground level or crushed rather than grubbed out, a temporary wooden access ramp shall be constructed over the cleared area, and the ramp shall be removed upon project completion.

c. Revised Riparian Habitat Restoration and Mitigation Plan. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit, for the review and approval of the Executive Director, a revised riparian habitat restoration and mitigation plan for the habitat affected by the construction of temporary access roads in the area under the south side of the bridge structure identified as Location "B" on the site plan in the applicant's submittal dated May 10, 1996, and the area off of the northwest end of the bridge indentified as Location "D" on the site plan, and the area under the north end of the bridge identified as Location "E" on the site plan. The revised plan shall provide for revegetating the project's temporary accessways and construction work areas with riparian vegetation at an equivalent, size of coverage, number, density, and species type that currently exists at the site. The revised plan shall provide for monitoring of the success of the replanted riparian vegetation in meeting these standards over at least a three year period. The revised plan shall provide that all gravel placed within the temporary accessways shall be removed from the site. The revised plan shall provide for the placement of topsoil at least one foot deep over the expanded and below grade footings at bents 5, 6, 9, 10, and 16. The revised plan shall be prepared by a biologist or botanist who is knowledgeable about riparian vegetation and its restoration. The revised plan shall be prepared in consultation with the Department of Fish and Game. The revised plan shall include: (1) a list of the riparian plant species which will be disturbed by the project; (2) a map of the area that shows where restoration will occur; (3) measurements of the size of coverage (in square feet), number, and average density of the existing populations of the riparian plant species which will be disturbed by the project; (4) measurements of the size of coverage (in square feet), number, and average density of the proposed populations of the riparian plant species which will replace the riparian plant species disturbed by the project; (5) a narrative describing all of the procedures to be followed in creating the required new area of riparian vegetation, including time of planting; (6) a planting plan that details the location, size, and species of all plants to be planted; (7) an erosion control element that details how the soil surface will be stabilized while the new riparian plantings are becoming established; (8) a monitoring schedule that provides for the submittal of yearly monitoring reports for the review and approval of the Executive Director; and (9) a procedure for redressing problems in reestablishing habitat values identified by future monitoring reports. The applicant shall implement the revised plan approved by the Executive Director.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

1-96-10

CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 1

PAGE 5

1. Emergency Permit.

Application No. 1-96-10 is an application for a regular coastal permit for the work authorized on an emergency basis by the Executive Director under Emergency Permit No. 1-96-08G, as issued on May 15, 1996.

The development involves retrofitting the Highway 101 (Dr. Fine) Bridge over the Smith River in Del Norte 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.

A copy of Emergency Permit No. 1-96-08G is attached as Exhibit No. 5. 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 expedite the issuance of permits for seismic retrofit projects.

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 1-96-08G itself required the submission of the current follow-up application.

With one exception, the special conditions imposed herein are identical to the special conditions of Emergency Permit No. 1-96-08G. The one exception is the addition of a special condition that simply requires that 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 Smith 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 (Dr. Fine) Bridge over the Smith River, which is located about eight miles north of the City of Crescent City in Del Norte County. In this area of Del Norte County, the coastal zone boundary is located along the easterly side of the Highway 101 right-of-way. See Exhibits 1-3.

The project requires construction activity on both the north and south sides of the river. The north river bank rises about 30 feet above the ordinary water elevation of the river, well above the normal flood elevation of the river. The south river bank is only seven to ten feet above the ordinary water elevation of the river, and lands on the south side of the river are subject to flooding.

The project area is bounded on the southeast by land that is owned by Palmer Westbrook and used for a gravel stockpile and processing operation. The project area is bounded on the southwest by lands that are owned by Lawrence Flaten and occupied by a residence and a small store. The project area is bounded on the northeast by lands that are owned by Tony and Erika Quick and are heavily forested and occupied by a single-family residence. Finally, the project area is bounded on the northwest by lands owned by Randy Morgan that are used for another gravel stockpile and processing operation.

The proposed seismic retrofit work would require: (1) constructing a temporary accessway on the north bank and two temporary accessways on the south bank of the river so that construction equipment can access the area under the bridge; (2) constructing infill walls at piers 5, 6, 9, 10, & 16 and enlarging the footings of these bents with additional concrete and steel piles; (3) installing 6-foot-diameter, cast-in-drilled-hole (CIDH) piles at the abutments; (4) installing confinement collars at piers 11 and 15; (5) providing additional longitudinal and transverse restraints at the deck level for span 12; (6) strengthening the joints between the approach spans and the girders of the bridge to reduce movement during an earthquake; and (7) mitigating for the disturbance to riparian habitat from the construction of the temporary access roads by removing the fill and/or wooden ramps used to access the work areas and by replanting riparian vegetation in selected areas.

As shown on the site plan in Exhibit No. 3, five areas will be subject to temporary disruption and construction activity. Construction areas "A", "B", and "C" are located on the south side of the river. Areas "A" and "C" consist of two temporary accessways on either side of the bridge that are needed to reach Area "B", the area under the bridge where seismic strengthening will occur. Construction areas "D" and "E" are located on the north side of the river. Area "D" consists of a temporary accessway on the west side of the bridge that is needed to reach Areas "E", the area under the bridge where seismic strengthening will occur.

Location "A" is situated below the bridge structure and within the existing Caltrans right of way. At location "A", the applicant proposes to install a temporary accessway, consisting of a 20-foot-wide, 120-foot-long, wooden access ramp located on the west side of the bridge and extending from South Bank Road (a paved county road) in a southerly direction for a distance of 120 feet. The purpose of the temporary accessway is to allow equipment to reach piers No. 5, 6, 9, and 10. Equipment will include a backhoe, piledriver, and possibly a cement truck. Area "A" is vegetated with an overstory of willow, (*Salix* species), and thimbleberry, (*Rubus parviflorus*). The willows are three

1-96-10

CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 1

PAGE 7

to eight feet in height. Understory plants are stinging nettle, (*Urtica gracilis*), sword fern (*Polystichum* species), and wild cucumber (*Marah* species). Approximately 2,400 square feet of vegetation will be impacted by the temporary access road at location "A". The willows, which need to be cleared for access and staging, will be cut to the ground level or crushed in place, rather than grubbed out prior to being covered by a wooden access ramp. The applicant indicates that the willows should resprout rapidly after the temporary access ramp is removed, and that they should re-establish a "thicket" in about one to two years.

Location "B" under the bridge is the work area around piers 5, 6, 9, 10, and 11. No work will take place within the live waters of the river because all of these piers and their foundations are located above the ordinary high water elevation of the river. Enlarged foundations and in-fill walls will be constructed at piers 5, 6, 9, and 10. A confinement collar will be installed at pier 11. Location "B" is vegetated with willows, about three to eight feet in height, and Himalaya berry (*Rubus discolor*). The eastern portion of this work area appears to be degraded by the adjacent gravel piles and gravel plant operation just outside of the existing highway right of way to the east. Project impacts at location "B" are temporary. Piers 5 and 6 will have temporary construction disturbance to an approximate 30 by 70-foot area around each pier, or 2,100 square feet each. Piers 9 and 10 will have a slight smaller area of temporary disturbance with approximately 2,000 square feet of disturbed area around each pier. The total temporary impacts to vegetation in location "B" is 8,200 square feet for the disturbed access areas around the piers and 1,880 square feet for the expanded footings of the piers. After project completion, the applicant proposes to plant willow cuttings on 10 foot centers within the western 4,100 square foot, disturbed area. The applicant also proposes to place topsoil around each of the enlarged pier footings to a depth that will allow the natural re-establishment of thimbleberry and other species at the site.

Location "C" is situated outside of the existing highway right of way and will require a temporary easement from the gravel operator at the southeast corner of the project area. Construction equipment will use this location to gain access to the Caltrans right of way under the bridge superstructure with minimal impact to riparian vegetation. This location has been previously disturbed and currently has gravel stockpiles on the site. With the exception of a very few scattered ruderal species, the botanical study for the project did not reveal any other vegetation at this location. Thus, there will be no project impacts at this location.

Location "D" is also situated outside of the existing highway right of way and will require a temporary easement from the gravel operator at the northwest corner of the project area. The applicant proposes to install a temporary accessway in this area, consisting of a 25-foot-wide, 175-foot-long accessway. The applicant will need to acquire a temporary easement from a private landowner for equipment access to the north end of the bridge. Construction of the temporary accessway will involve removal of vegetation,

1-96-10

CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 1

PAGE 8

minor grading, and laying down a gravel base suitable for equipment access. From beginning to end, the temporary accessway will be located over a downward grade that slopes toward the river. The vegetation at location "D" is best described as a high terrace riverine riparian plant community, which is typical of large areas along the lower Smith River. The overstory vegetation is approximately 40 to 50 feet in height and consists of red alder (*Alnus rubra*). Thirty-seven trees are located within location "D", and they consist of 20 trees that are two inches in dbh (diameter at breast height), ten trees that are four inches in dbh, and seven trees that are six inches dbh. A five to six-foot-high, understory is formed by a few of the following species: red elderberry (*Sambucus racemosa*), twinberry (*Lonicera involucrata*), willow, and thimbleberry. Other understory vegetation consists primarily of the following species: ferns, Himalaya berry, blackberry (*Rubus ursinus*), soft rush (*Juncus effusus*), current (*Ribes* species), *Ranunculus* species, stinging nettle (*Urtica holosericea*), hedge nettle (*Stachys* species), coast fireweed (*Erechtites* species) and sedge (*Carex* species). Just west of location "D", and outside of the limits of the proposed temporary accessway, are several large, mature trees consisting of: a black cottonwood (*Populus balsamifera* species), a California bay tree, a coast redwood (*Sequoia sempervirens*), and a Sitka spruce (*Picea sitchensis*).

Approximately 4,375 square feet (25 by 175 feet) of riparian woodland will be removed to prepare the temporary accessway at Location "D". Adjacent conifers and mature trees to the west of the proposed accessway will not be impacted. Upon project completion, the applicant proposes to remove the temporary accessway, treat the area for erosion control, and plant approximately 100, two-foot-tall, evenly spaced, red alders. This restoration work will provide at least a 1:1 replacement ratio for the sapling size red alders impacted by the project.

Finally, Location "E" is situated on the north bank of the river and under the bridge superstructure at piers 15 and 16. A confinement collar will be placed around pier 15. Pier 16 will receive an infill wall and an expanded footing. Although this work area is below the ordinary high water elevation of the river, the area is still seven feet above the elevation of the river at the time of construction activity. The subject area does not have any wetland plants, and the vegetation that exists is a mix of ruderal and native plant species which are subject of seasonal river inundation and scour. The overstory vegetation is 60 percent willow that ranges from eight to 12 feet in height. The remainder of the overstory vegetation consists of three to five-foot-high thimble berry and a few small cascara trees (*Rhamnus purshiana*). The understory vegetation is comprised of the following plants: Brome (*Brome* species), red canary grass (*Phalaris* species), stinging nettle, miterwork (*Mitella breweri*), thistle (*Sonchus* species), yarrow (*Achillea millefolium*), twinberry, coast fireweed, mustard (*Barssica* species), mugwort (*Artemisia douglasiana*), buttercup (*Ranunculus* species), speedweel (*Veronica* species), sedge (*Cyperus* species), dock (*Rumex* species), blackberry, spurge (*Euphorbia peplus*) and wild radish (*Raphanus sativus*). The construction activity at location "E" will temporarily disturb a 2,100-square-foot area.

4. 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 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 presents 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.

Although the seismic retrofit of the existing bridge will not result in any permanent impacts to riparian habitat areas, the project will result in temporary impacts. The applicant proposes to restore the temporarily impacted areas to their former status, providing a 1 to 1 compensation ratio.

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.

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 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 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 by 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.

The principal visual impacts of the project are its temporary effects on the visual character of the area. During construction, the temporary accessways, construction equipment, materials, etc. will all intrude into the scenic view of motorists who pass over the bridge. However, the temporary nature of this impact does not make it significant. The project will only last for a period of up to 18 months, all construction debris will be removed upon project completion, and riparian habitat areas will be revegetated. In addition, most the construction activity is taking place under the bridge and will not be readily noticeable by motorists who pass over the bridge. Furthermore, the permanent improvements associated with the project will not be readily noticeable. 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 will have temporary impacts on public access during the proposed construction period. Highway 101 has two travel lanes over the Smith River Bridge. Although one of these lanes may 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.

The Commission finds that the proposed project will have no long term adverse affects on public access use of the Smith 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. 4, 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 not yet been reviewed and approved by the U.S. Army Corps of Engineers. Therefore, the Commission attaches Special Condition No. 2 to ensure that the project is consistent with the coastal zone management program for the State of California. The addition requires the applicant to submit evidence of U.S. Army Corps of Engineers approval of the project prior to the commencement of construction.

11. Del Norte County LUP.

Although Del Norte 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 Del Norte County LCP policies are considered advisory and are not binding in this case.

Policy No. 4a on page 67 of the Del Norte County LUP states:

Riparian vegetation shall be maintained along streams, creeks, and sloughs and other water courses within the coastal zone for their qualities as wildlife habitat, stream buffer zones, and bank stabilization.

Policy Nos. 2a and 2b on page 51 of the Del Norte County LUP state:

Land Use Criteria: Standards for designating land uses in and adjacent to sensitive habitats and criteria for acceptable levels of use of these areas are proposed below:

- a. Land uses and levels of use in and adjacent to biologically sensitive habitats shall not adversely alter or contribute significantly to a cumulative alteration of the overall biological productivity of the area.
- b. Land uses and levels of use in and adjacent to biologically sensitive habitats shall not adversely impact or contribute significantly to a cumulative impact on the viability of flora and fauna inhabiting or utilizing the area.

Chapter 21.11A of the County's coastal zoning ordinance applies to areas that are zoned as "designated resource conservation areas", or RCA-2 zoned areas. These areas include riparian habitat areas. Section 21.11A.030(E)(5) of the LCP indicates that existing "roads, road maintenance and repair" are allowed as principally permitted use in riparian areas. In addition, Section 21.11A.070(E)(1) states in applicable part that:

Roads and bridges necessary to cross streams and rivers may be permitted if there is no feasible less environmentally damaging alternative and if feasible mitigation measures have been provided to minimize adverse environmental effects.

The project is consistent with Policy No. 4a on page 67 of the Del Norte County LUP because the riparian habitat restoration work that is required under Special Condition No. 5 will ensure that vegetation continues to serve as wildlife habitat, as a stream buffer zone, and as bank stabilization. The project is consistent with Policy Nos. 2a and 2b on page 51 of the Del Norte County LUP because the temporary impacts to riparian habitat will not adversely alter or contribute significantly to a cumulative alteration of the overall biological productivity of the area, including the flora and fauna which inhabit or use the area. The project is consistent with Chapter 21.11A of the County's coastal zoning ordinance because "road maintenance and repair" is allowed as a principally permitted use in riparian areas. The project is also consistent with Section 21.11A.070(E)(1) of the coastal zoning ordinance because roads and bridges that are necessary to cross rivers may be permitted if there is no feasible less environmentally damaging alternative and if

1-96-10

CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 1

PAGE 14

feasible mitigation measures have been provided to minimize adverse environmental effects. As conditioned, the Commission finds that the proposed project is consistent with the above referenced provisions of the County's certified LCP.

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 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.

8851p

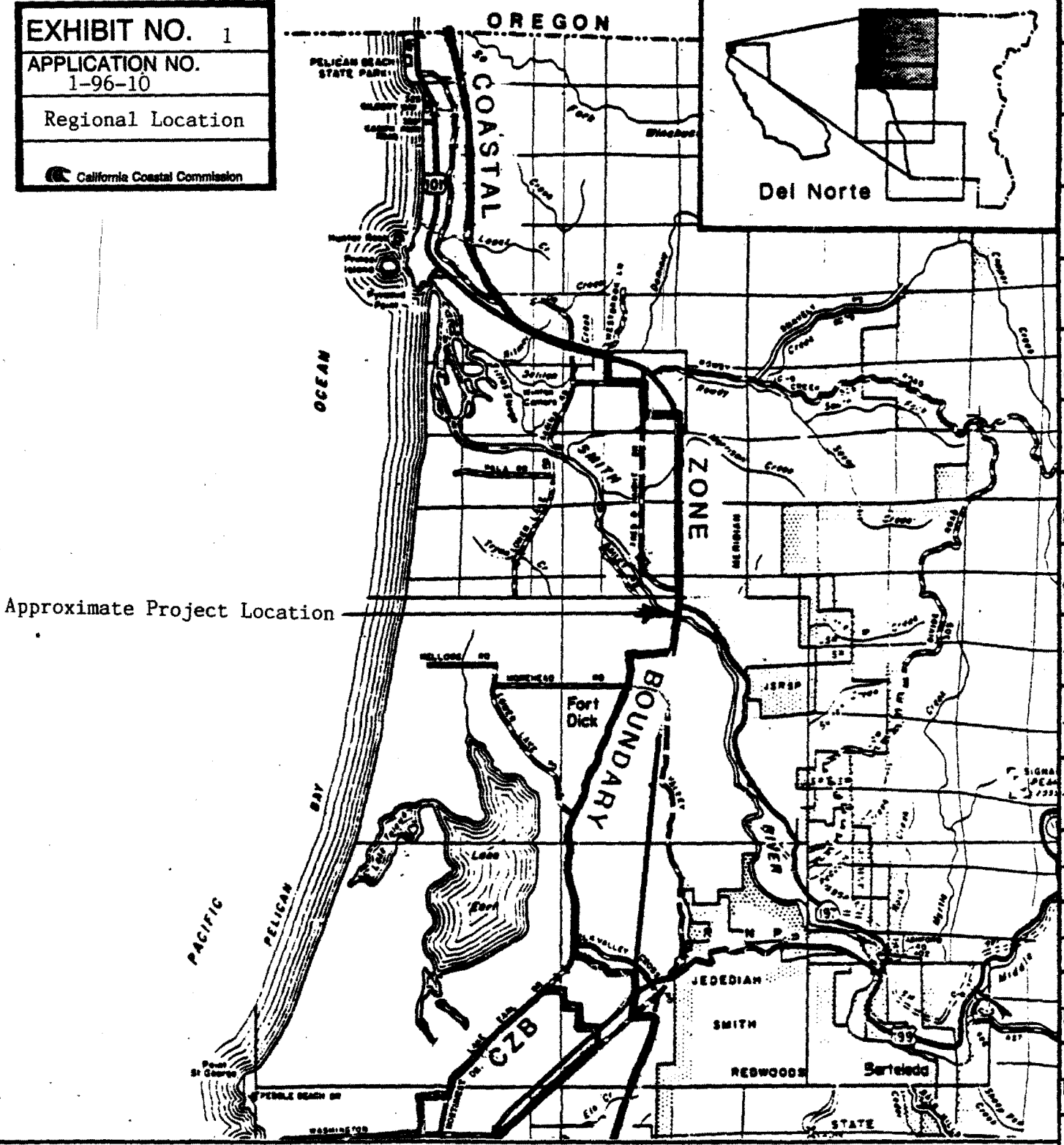
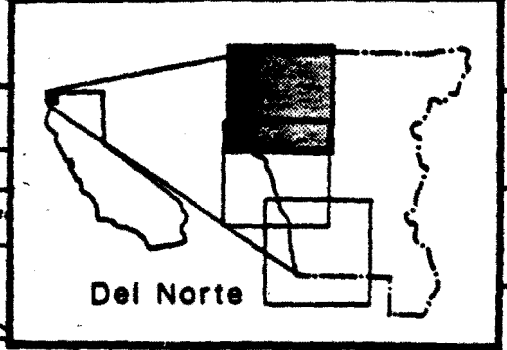
ATTACHMENT A

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.

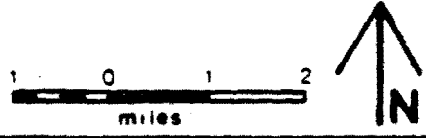
A B C D E F G H I J K L M N O

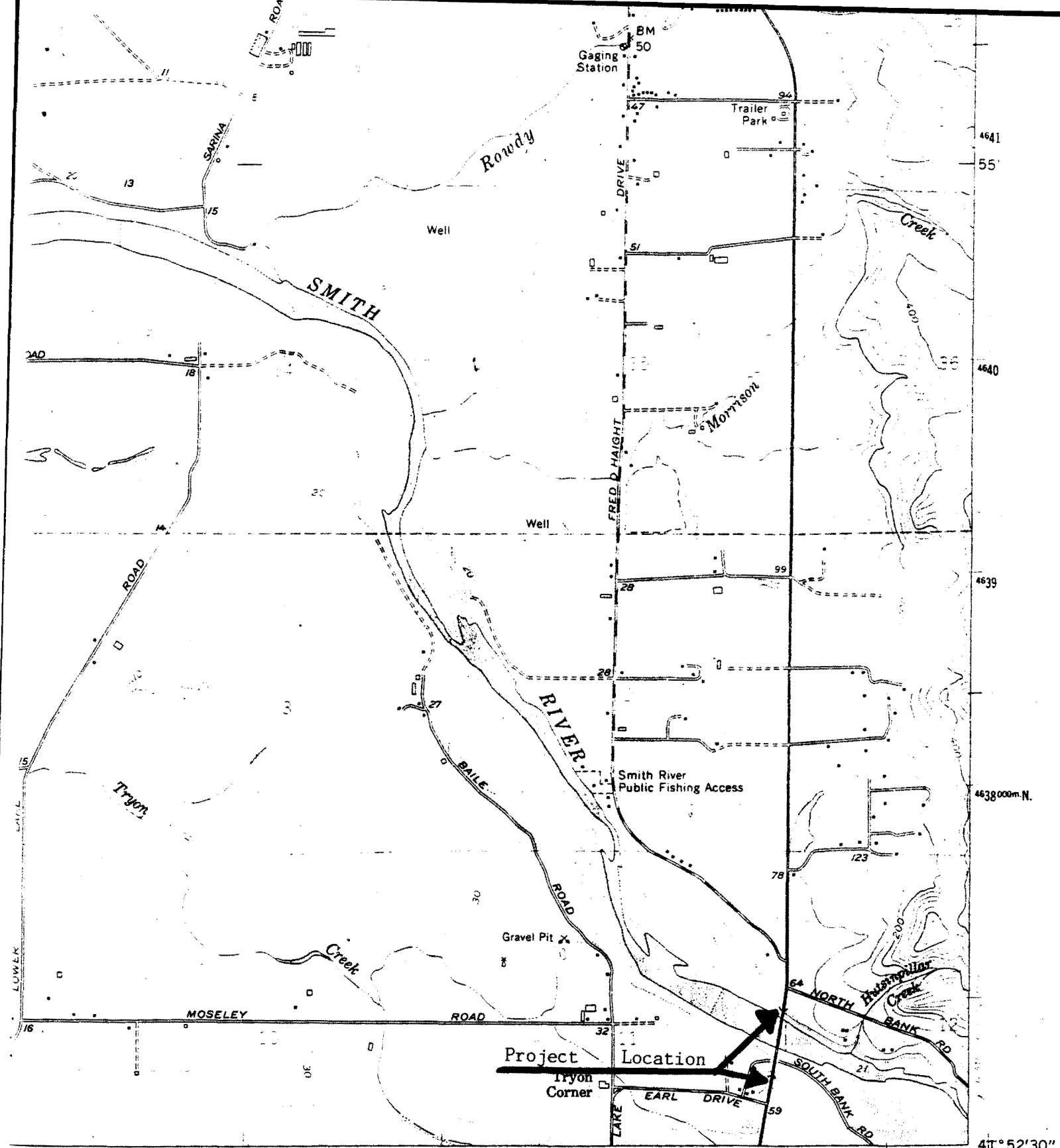
EXHIBIT NO. 1
APPLICATION NO. 1-96-10
Regional Location
California Coastal Commission



California Coastal Commission

LOCATION MAP





12 403 10' 404
 4641
 55'
 4640
 4639
 4638 000m N.
 41° 52' 30"
 124° 07' 30"
 INTERIOR—GEOLOGICAL SURVEY RESTON, VIRGINIA—1979
 CRESCENT CITY 9 M. 406000m E
 1 MILE
 00 6000 7000 FEET
 1 KILOMETER
 OURS
 1929
 LOWER LOW WATER
 HIGH WATER
 ET

EXHIBIT NO. 2
APPLICATION NO. 1-96-10
 Area Location
 California Coastal Commission

ROAD CLASSIFICATION
 Heavy-duty _____ Light-duty _____
 Medium-duty _____ Unimproved dirt _____
 U. S. Route

SMITH RIVER, CALIF.—OREG.
 NW/4 CRESCENT CITY 15' QUADRANGLE
 N4152.5—W12407.5/7.5

(HIDUCHI)
 1167152

Specific Project Locations are indicated by Letters:

- "A": Equipment Access & Staging, within highway right of way.
- "B": Location of bents #5, 6, 9, & 10, under bridge structure.
- "C": Equipment Access, temporary easement from gravel operator.
- "D": Equipment Access road, temporary easement.
- "E": Location of bent #16 under bridge structure, below OHWE.
[OHWE-ordinary high water elevation]

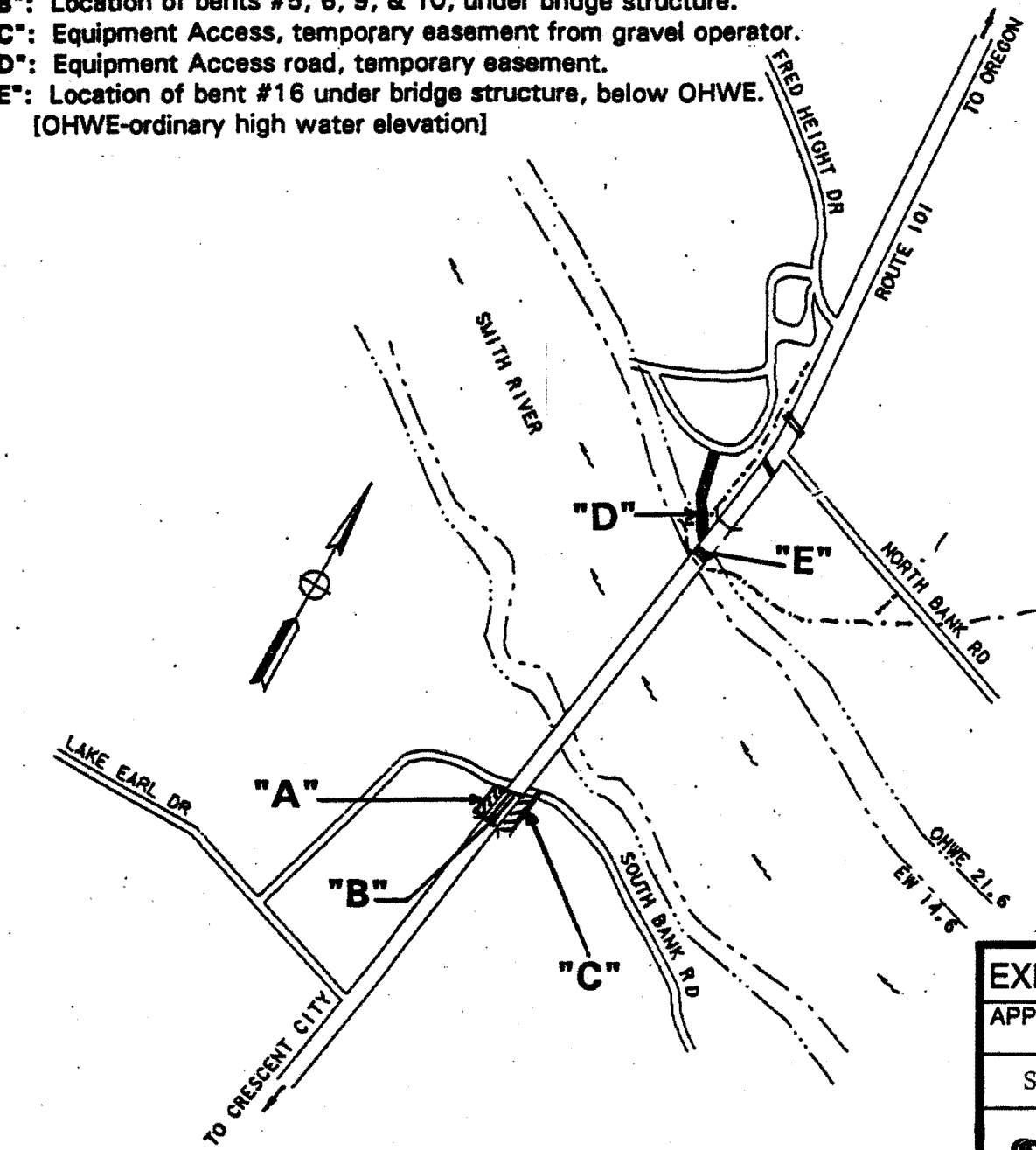


EXHIBIT NO. 3
APPLICATION NO. 1-96-10
Site Plan
California Coastal Commission



OHWE - Ordinary High Water Elevation.
EW - Edge of Water.

PURPOSE: TO REDUCE THE ONGOING SAFETY HAZARD CAUSED BY PROBABLE SEISMIC ACTIVITY BY REINFORCING THE BRIDGE FOOTINGS AND COLUMNS.

DATUM: 1929 USCS&GS (MSL)

ADJACENT PROPERTY OWNERS:

1. Randy Morgan
2. Tony Quick
3. Palmer Westbrook
4. Lawrence Flaten



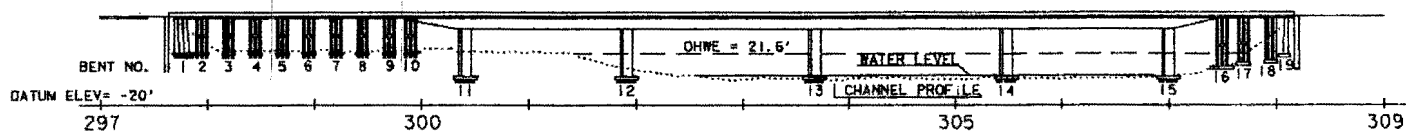
Application By Caltrans Dist. 1
Box 3700 Eureka Ca. 95502-3700

VICINITY MAP

IN: SMITH RIVER AT BENT 16
AT: ROUTE 101. PM 36.1/36.2
COUNTY OF: DEL NORTE
APPLICATION BY: CALTRANS

SHEET 2 OF 7 PREPARED 1/31/96

LOOKING DOWNRIVER
(WEST)



NOTE:
ONLY WORK AT BENT 16 INVOLVES
CONSTRUCTION BELOW OHWE

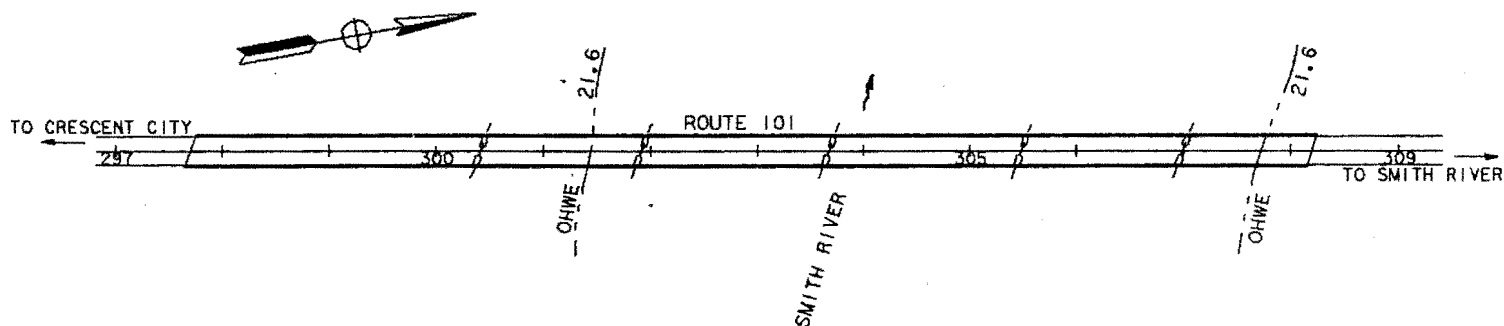


EXHIBIT NO. 4
APPLICATION NO. 1-96-10
Bridge Elevation
California Coastal Commission

PURPOSE: TO REDUCE THE ONGOING SAFETY HAZARD CAUSED BY PROBABLE SEISMIC ACTIVITY BY REINFORCING THE BRIDGE FOOTINGS AND COLUMNS.

DATUM: 1929 USCS&GS (MSL)

ADJACENT PROPERTY OWNERS:

1. Randy Morgan
2. Tony Quick
3. Palmer Westbrook
4. Lawrence Flaten



Caltrans

Application By Caltrans Dist. 1
Box 3700 Eureka Ca. 95502-3700

BRIDGE DETAIL

IN: SMITH RIVER AT BENT 16

AT: ROUTE 101, PM 36.1/36.2

COUNTY OF: DEL NORTE

APPLICATION BY: CALTRANS

SHEET 3 OF 7 PREPARED 1/31/96

CALIFORNIA COASTAL COMMISSION

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

EMERGENCY PERMIT

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

May 15, 1996

Date

1-96-08G

(Emergency Permit No.)

The Highway 101 (Dr. Fine) Bridge over the Smith River, Del Norte County
Location of Emergency Work

Retrofit the Highway 101 Bridge over the Smith River to meet current seismic safety standards by: (1) constructing a temporary accessway on the north bank and two on the south bank of the river so that construction equipment can access the area under the bridge; (2) constructing infill walls at bents 5, 6, 9, 10, & 16 and enlarging the footings of these bents with additional concrete and steel piles; (3) installing 6-foot-diameter CIDH piles at the abutments; (4) installing confinement collars at bents 11 and 15; (5) providing additional longitudinal and transverse restraints at the deck level for span 12; and (6) strengthening the joints between the approach spans and the girders of the bridge to reduce movement during an earthquake; and (7) mitigating for the disturbance to riparian habitat from the construction of the temporary access roads by removing the fill and/or wooden ramps used to access the work areas and by replanting riparian vegetation in selected areas.

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 potential for existing Highway 101 Bridge over the Smith 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 conditions listed on the reverse.

Very Truly Yours,

Peter M. Douglas
Executive Director

By: JAMES J. MUTH
Title: Coastal Planner

EXHIBIT NO. 5

APPLICATION NO.
1-96-10

Emergency Permit
1-96-08G

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 the Smith River/Highway 101 Bridge Retrofit Project:

7. California Dept. of Fish & Game Stream Bed Alteration Agreement.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Applicant shall submit to the Executive Director evidence of an approved stream bed 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. Protection of Riparian Vegetation.

- a. Field Flagging to Delineate Perimeter of Construction Areas.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Applicant shall delineate on the ground at the site with flags, or other obvious markers, the perimeter of the temporary accessways and construction areas which will be disturbed by the project as generally shown on the submitted site plans. The applicant shall maintain the markers in place during project construction. All construction operations shall be conducted in a manner that will minimize disturbance of any riparian vegetation that is adjacent to, and outside of, the project's accessway and construction areas. All construction workers who will be working at the site shall be instructed of the need to minimize disturbance to riparian vegetation.

b. Mitigation of Habitat Impacts From Construction of Access Road on the Southwest End of the Bridge. The applicant shall protect and restore the riparian habitat in the location of the temporary access road to be constructed off the southwest end of the bridge (at Location "A" on the site plan) in the manner described in the applicant's submittal dated May 10, 1996. Specifically, the vegetation that needs to be cleared shall be cut to ground level or crushed rather than grubbed out, a temporary wooden access ramp shall be constructed over the cleared area, and the ramp shall be removed upon project completion.

c. Revised Riparian Habitat Restoration and Mitigation Plan. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit, for the review and approval of the Executive Director, a revised riparian habitat restoration and mitigation plan for the habitat affected by the construction of temporary access roads in the area under the south side of the bridge structure identified as Location "B" on the site plan in the applicant's submittal dated May 10, 1996, and the area off of the northwest end of the bridge indentified as Location "D" on the site plan, and the area under the north end of the bridge identified as Location "E" on the site plan. The revised plan shall provide for revegetating the project's temporary accessways and construction work areas with riparian vegetation at the same, or an equivalent, size of coverage, number, density, and species type that currently exists at the site. The revised plan shall provide for monitoring of the success of the replanted riparian vegetation in meeting these standards over at least a three year period. The revised plan shall provide that all gravel placed within the temporary accessways shall be removed from the site. The revised plan shall provide for the placement of topsoil at least one foot deep over the expanded and below grade footings at bents 5, 6, 9, 10, and 16. The revised plan shall be prepared by a biologist or botanist who is knowledgeable about riparian vegetation and its restoration. The revised plan shall be prepared in consultation with the Department of Fish and Game. The revised plan shall include: (1) a list of the riparian plant species which will be disturbed by the project; (2) a map of the area that shows where restoration will occur; (3) measurements of the size of coverage (in square feet), number, and average density of the existing populations of the riparian plant species which will be disturbed by the project; (4) measurements of the size of coverage (in square feet), number, and average density of the proposed populations of the riparian plant species which will replace the riparian plant species disturbed by the project; (5) a narrative describing all of the procedures to be followed in creating the required new area of riparian vegetation, including time of planting; (6) a planting plan that details the location, size, and species of all plants to be planted; (7) an erosion control element that details how the

soil surface will be stabilized while the new riparian plantings are becoming established; (8) a monitoring schedule that provides for the submittal of yearly monitoring reports for the review and approval of the Executive Director; and (9) a procedure for redressing problems in reestablishing habitat values identified by future monitoring reports. The applicant shall implement the revised plan approved by the Executive Director.

10. 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: Del Norte County Dept. of Community Development, Attn: Ernie Perry
Department of Fish and Game, Attn: Karen Kovacs
U.S. Army Corps of Engineers, Attn: Dave Ammerman
Emergency Permit File No. 1-96-08G

JJM/
8750p

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



EMERGENCY PERMIT ACCEPTANCE FORM

Emergency Permit No. **1-96-08G**

Instructions: After reading the attached Emergency Permit, please sign this form and return within 15 working days from the Permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them. I understand that the emergency work is temporary and a regular Coastal Permit is necessary to make it a permanent installation.

Signature of property owner or
authorized representative.

Name

Address

Date of Signing

F3: 4/88