

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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LONG BEACH, CA 90802-4416
(310) 590-5071

Fr Ha
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Permit Application No. 5-96-097
Date July 25, 1996

ADMINISTRATIVE PERMIT

APPLICANT: California Department of Fish and Game

PROJECT DESCRIPTION: Construction of three foot bridges, a 10'x20'x14' interpretive exhibit kiosk, and interpretive signs at nine locations along an existing trail; removal of an existing footbridge and revegetation of the area; and widening and enhancement of the existing trail by using a decomposed granite base to meet requirements of the Americans with Disabilities Act.

PROJECT LOCATION: The mouth of Big Canyon, Upper Newport Bay Ecological Reserve, City of Newport Beach, County of Orange

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:
Friday, August 16, 1996 at 9:00 a.m.
Crowne Plaza-Holiday Inn
5985 West Century Boulevard, Losangeles (310) 642-7500

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

John T. Auyong

By: John T. Auyong
Title: Staff Analyst

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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 this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

The applicant is the Interpretive Services Division of the California Department of Fish and Game ("DFG"). The site is within the Upper Newport Bay Ecological Reserve owned by the DFG. The applicant proposes to construct three foot bridges with wooden safety side rails, a 10'x20'x14' interpretive exhibit, interpretive signs at eight locations (See Exhibit B), and upgrade the existing Big Canyon trail to meet Americans with Disabilities Act ("ADA") requirements.

One proposed bridge (50' long) would cross a tidal creek, one bridge (35'-1 1/2" long) would cross a freshwater marsh, and one bridge (65' long) would cross a cement spillway. The proposed bridge over the cement spillway would contain one support piling sunk into the cement. Also proposed is the removal of an existing footbridge with revegetation of the area around/beneath this footbridge.

The existing Big Canyon dirt trail leading to the proposed bridges would be widened to six feet and upgraded with 1/8th inch decomposed granite compacted between wood sidings to meet the requirements of the ADA. The trail currently varies from 4-6 feet. The 4"x6" (girth) wood sidings would serve as trail borders. The trail as it exists and is proposed would be a foot trail not intended for bicycle or horse use.

The proposed interpretive kiosk (see Exhibit C) will be constructed on a dirt lot area adjacent to the existing paved parking area (see Exhibit B). Each of the proposed nine interpretive signs would have an 18"x24" graphic display mounted on a 4'x4' steel post on a 1'x1' concrete pad.

B. Environmentally Sensitive Habitat Areas/Wetlands

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30231 requires that water quality in coastal waters be maintained and enhanced, where feasible. Section 30233 of the Coastal Act contains requirements for the protection of wetlands, including allowable fill in wetlands.

The subject site is the mouth of Big Canyon, part of the Upper Newport Bay Ecological Reserve which is listed pursuant to Section 30233(c) as a coastal wetland afforded special protection. It is considered an environmentally sensitive habitat (ESHA) in the City of Newport Beach certified land use plan.

The proposed bridges would be constructed using manual labor using winches and temporary scaffolding, without the need for machinery to be in riparian area. Construction would only take two days. Therefore, any construction impacts would be temporary and minimal.

In addition, the proposed bridges would not involve fill of wetlands nor result in loss of ESHA. Further, to mitigate for potential adverse impacts to the marsh due to shadows cast by the proposed bridge over the marsh, an existing footbridge which crosses the marsh closer to the spillway would be removed, and the area around/beneath it revegetated with native plants.

The 65 foot long bridge (the longest of the three proposed bridges) over the cement spillway would be supported midway by a single piling set into the cement. Therefore, no soft bottom habitat would be impacted or wetlands filled. The Department of Fish and Game has issued Streambed Alteration Agreement 5-127-96 for the placement of the piling. Further, if designed without a piling for support, the bridge would have to be constructed with larger beams, requiring the use of a large crane during construction and resulting in adverse impacts on adjacent habitat.

The dirt lot area, which is currently delineated by existing posts, where the proposed interpretive exhibit kiosk would be constructed would be contoured on existing dredge spoils to prevent erosion. The storage site for construction materials is adjacent to the existing trailhead parking lot away from the sensitive resource areas. Also, because the existing dirt trail would be upgraded using decomposed granite rather than asphalt, there would not be adverse impacts resulting from oil, sealants, or other toxics leaking into coastal waters or ESHA.

Therefore, the Executive Director determines that the proposed development to be consistent with Sections 30231, 30233, and 30240 of the Coastal Act regarding water quality, wetlands, and ESHAs.

C. Public Access/Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 of the Coastal Act encourages the provision of lower cost visitor and recreational facilities.

The project site is publicly owned and is open to the general public. The proposed interpretive kiosk and one of the proposed footbridges would be located between the first public road and the waters of Upper Newport Bay. The proposed development would enhance public access and recreation opportunities by expanding access to persons with disabilities, increasing linkages in the trail system through stream crossings via the proposed footbridges, and increasing interpretive opportunities through the construction of signs and an exhibit kiosk.

Construction materials would be stored in a dirt staging area where no parking is allowed. Parking thus would not be impacted during construction activities. Therefore, the Executive Director determines that the proposed development to be consistent with Sections 30210 and 30213 of the Coastal Act.

D. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a local coastal program ("LCP") which conforms with the Chapter Three policies of the Coastal Act.

The City of Newport Beach Land Use Plan (LUP) was originally certified on May 19, 1982. The proposed development is consistent with the public access/recreation and wetlands/water quality/ESHA policies of Chapter 3 of the Coastal Act. Therefore, the Executive Director determines that approval of the proposed development as conditioned would not prejudice the City's ability to prepare a local coastal program consistent with the Chapter 3 policies of the Coastal Act.

E. California Environmental Quality Act

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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.

The proposed development is located in a public ecological reserve. Development already exists on the subject site. All infrastructure necessary to serve the site exist in the area. No wetlands would be filled nor ESHA lost, nor would there be water quality impacts as a result of the proposed development. The proposed project is consistent with the ESHA, water quality, wetlands, public access and recreation policies of Chapter Three of the Coastal Act.

There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Executive Director determines that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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SPECIAL CONDITIONS: None

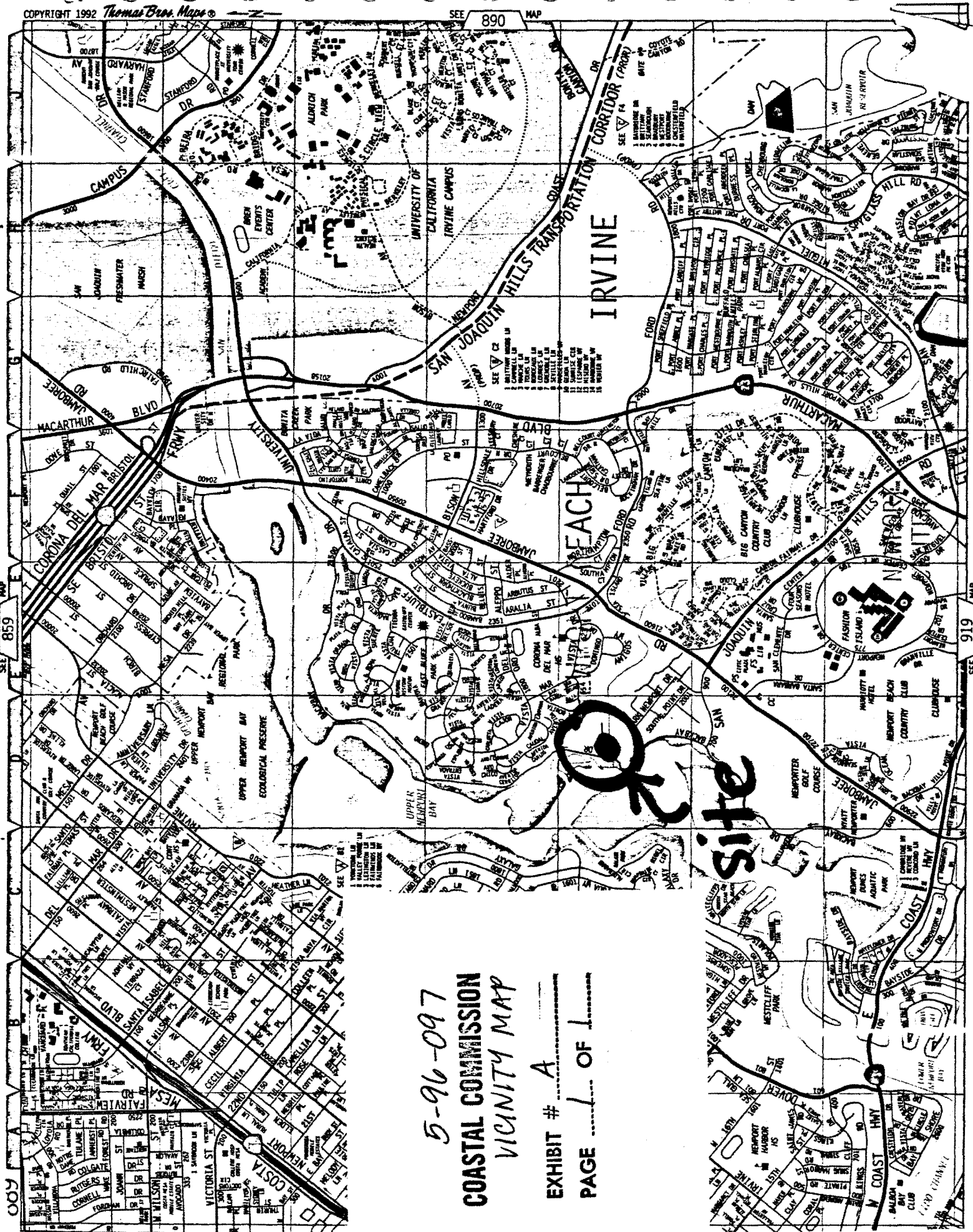
ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

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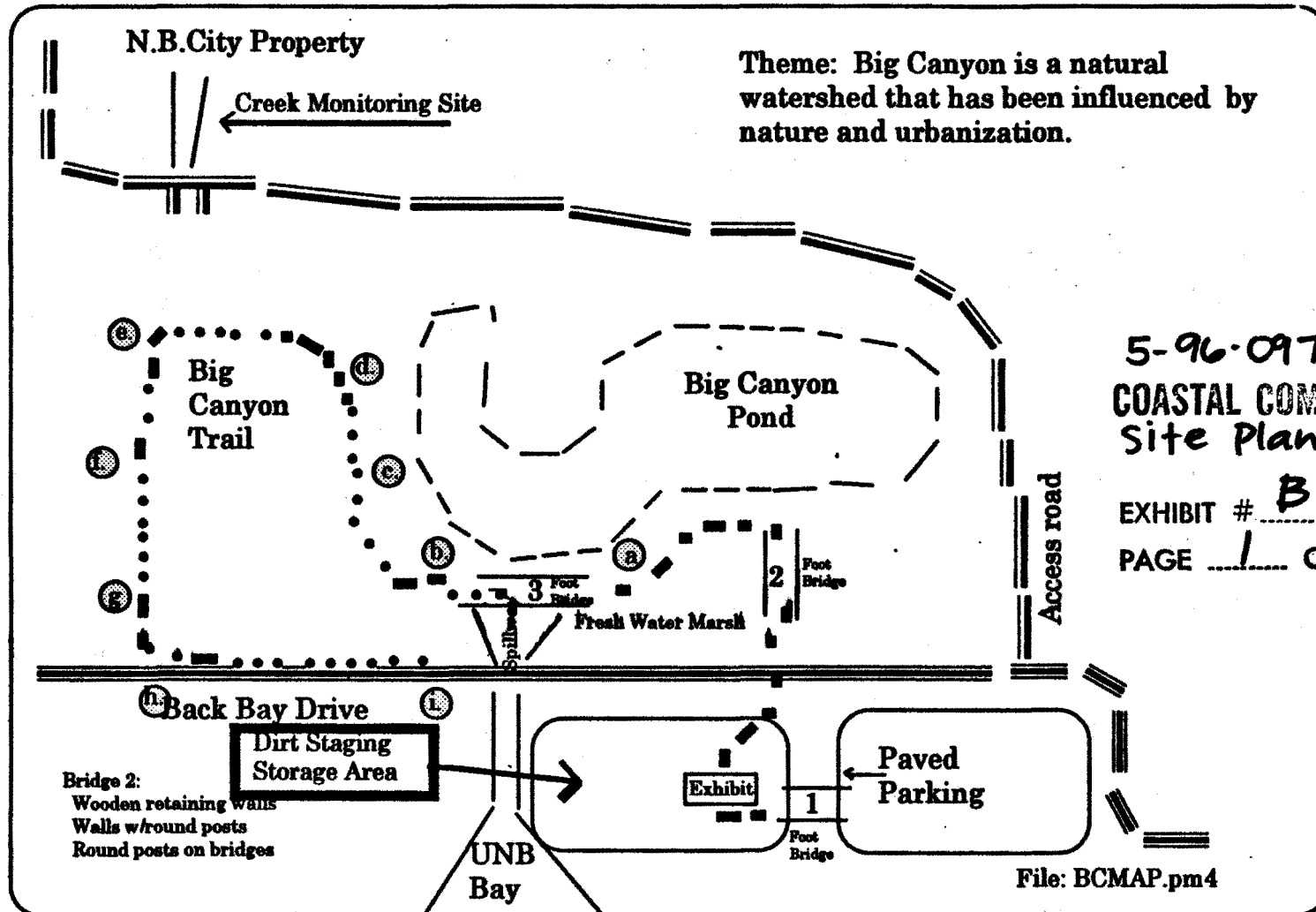


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COASTAL COMMISSION
VICINITY MAP

EXHIBIT # A
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Big Canyon Site Plan



Interpretive Stops:

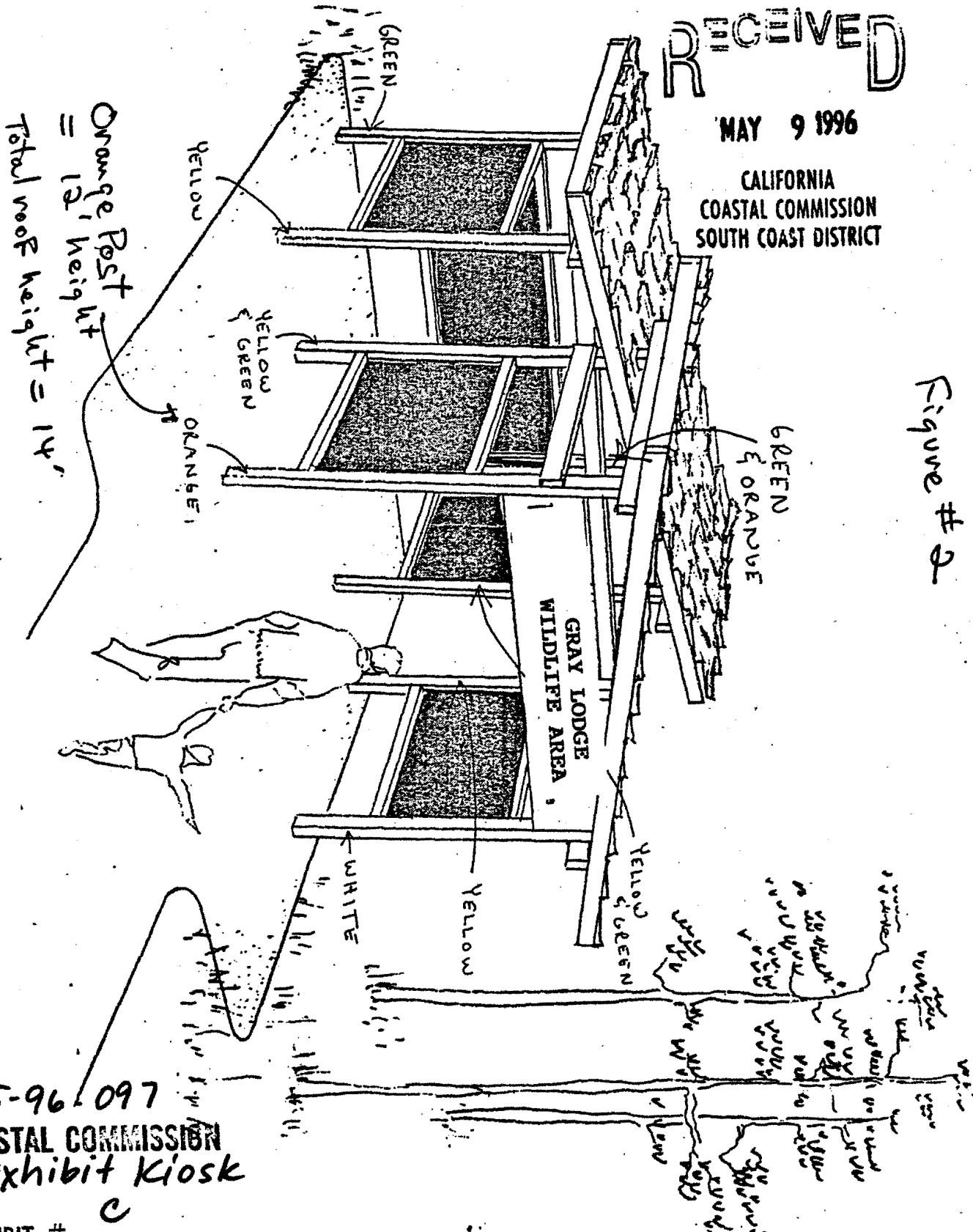
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|----------------------|--------------------------|-----------------------|
| a. Pond Environment | d. Native American Homes | g. Early Big Canyon |
| b. Wildlife Tracking | e. Plant Communities | h. Creeks |
| c. Marsh Habitat | f. Exotic plants/animals | i. Living on the edge |

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Figure # 2



Orange Post
= 12' height
Total roof height = 14'

Perspective sketch of the kiosk proposed for Modoc National Wildlife Refuge.

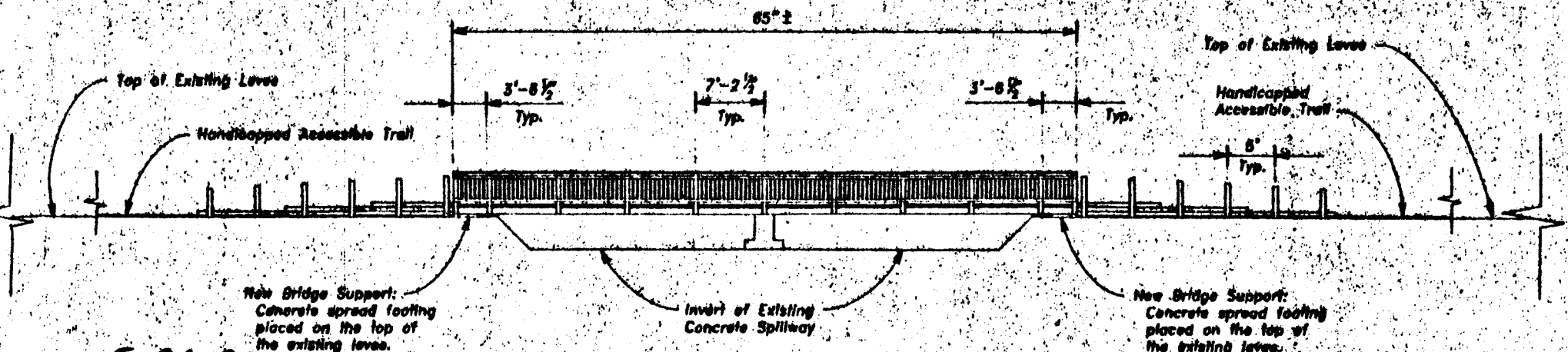
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Exhibit Kiosk

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PLAN - BRIDGE #2

Scale: 1" = 10'



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COASTAL COMMISSION WEST ELEVATION - BRIDGE #2
Bridge across spillway

Scale: 1" = 10'

EXHIBIT # D

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