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7-24-96

CALIFORNIA COASTAL COMMISSION

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Staff Report 7/24/96
Hearing Date: 8/15/96
Commission Action:

**STAFF REPORT
CONSENT CALENDAR**

APPLICATION NUMBER: 3-96-004

APPLICANT: **CALTRANS** (California Dept. of Transportation)
Raymond Suen, District 4 Project Engineer

PROJECT LOCATION: Highway One from Struve Slough Bridge to Pajaro River Bridge, southern Santa Cruz and northern Monterey Counties.

PROJECT DESCRIPTION: Widen 1.3 miles of highway by approximately 1 1/2 feet in each direction, widen the paired Pajaro River bridges by 11.3 feet each, realign and selectively widen the Route 129/Route 1 interchange, replace guardrails, and repave (see Finding #1 for more detail).

LOCAL APPROVALS RECEIVED: None necessary (retained jurisdiction of the Coastal Commission)

SUBSTANTIVE FILE DOCUMENTS: *Pajaro River Corridor Management and Restoration Plan (Phase I Report); Biological Assessment; Species of Concern: Bridge Widening & Pavement Overlay Project...; Santa Cruz County 1994 General Plan and Local Coastal Program; North [Monterey] County Land Use Plan; Coastal Permit #3-96-007 for CALTRANS Mitigation Bank.*

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, **approve** the proposal with conditions addressing final plans and other approvals, coordination with other work in the vicinity, and future monitoring and maintenance. The purpose of the project is to enhance traffic and seismic safety, which conforms with Coastal Act policy objectives.

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EXHIBITS

1. Location Maps
2. Project Plans
3. Environmental Mitigations: Conditions of Clearance and Fish & Game Agreements

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, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, and the relevant Local Coastal Programs, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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 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 this 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.

B. Special Conditions

Note: If the authorized work is separated into multiple contracts, the following condition compliance requirements may be satisfied separately for each contract area at different times:

1. Evidence of Authority

Prior To Commencement Of Any Work Beyond The CALTRANS Right-Of-Way, the permittee shall provide to the Executive Director evidence of permission to access the subject area.

2. Final Plans

Prior To Commencement Of Clearing, Grading, or Construction, the permittee shall submit for review and approval by the Executive Director relevant excerpts from a final set of plans and specifications that incorporate, illustrate, or specify the following for the portion of the project within the Coastal Zone:

- a) mitigation measures imposed by the Department of Fish and Game or incorporated into the project (see finding #2);
- b) additional mitigations for the endangered tidewater goby (see conditions # 3 and #9);
- c) locations of disposal sites for excavated materials; of equipment staging areas; of temporary fencing; of concrete washdown facility (a minimum 100 feet from the River); and of any other facilities not shown on the draft plans submitted with the application in a manner to avoid riparian or crop damage and water pollution;
- d) Best Management Practices (Stormwater Pollution Prevention Program or equivalent) to prevent polluted runoff from entering waterways during and post- construction (e.g., oil/water separators, sediment/grease traps, runoff diversions);
- e) marked detour for bicycle and pedestrian traffic on the Pajaro River levee;
- f) revegetation (pursuant to condition # 3 and finding #2).

The permittee shall also submit written evidence to the Executive Director that the construction contractor(s) has been briefed on all mitigation measures and permit conditions.

3. Biological Mitigation and Monitoring Programs

Prior To Commencement Of Clearing Or Grading, the permittee shall submit for review and approval by the Executive Director these outstanding biological items:

- a) final supplemental biological assessment including final wetland delineation, calculation for amount of wetland disturbance, and mitigations for endangered tidewater goby;
- b) final wetland mitigation plan with a minimum of one-to-one in-kind replacement, performance standards for success, monitoring criteria and methodology, and a procedure for redressing any failures to meet standards.

4. Environmental Monitor

Prior to commencement of clearing or construction, permittee shall submit the name, address, telephone number, and qualifications of a project environmental and condition compliance monitor to the Executive Director for review and approval, along with a work program which will guide the activities of the monitor. The monitor shall be either (or both) a regular CALTRANS employee or an independent consultant/contractor funded and provided by the permittee. The monitor is to be present on-site during work within or adjacent to the delineated environmentally sensitive areas in order to see that the mitigation measures remain in place, functioning, and maintained throughout the life of the project. The monitor shall have the authority to suspend any construction activity that is not being performed in accordance with plans or that is harming any wildlife or vegetation to be protected.

5. Maintenance of Restoration Measures

The permittee shall be responsible for the following:

- a) removing all equipment, debris, and temporary facilities (e.g., fences, coffer dams, access roads) promptly after construction completion, except any material specified to remain for habitat purposes in the supplemental biological assessment;
- b) returning disturbed river areas to their pre-construction state;
- c) replanting in accordance with the required revegetation plan;
- d) maintaining restoration plantings for at least three years or until they become established, whichever is first;
- e) maintaining mitigation planting areas by annual (or more frequent) inspection for and eradication of, invasive exotic vegetation (e.g., pampas grass, broom, German ivy, Kikuyu grass, etc.);
- f) preparing a baseline report including as-built drawings, produced immediately after revegetation completion and three annual reports, the first due one year from the date of the required submittal of the baseline report;
- g) providing, and conforming to, a schedule for the above steps.

6. Coordination with Pajaro River Corridor Management and Restoration Planning

Prior to Commencement of Revegetation at the Pajaro River, permittee shall provide evidence of consultation with appropriate Santa Cruz and Monterey County officials to ensure that its plans agree with those of the two Counties with regard to *Pajaro River Corridor Management and Restoration* planning. Notwithstanding any other conditions, permittee, with Executive Director approval, may satisfy revegetation mitigation requirements in an alternative in-system (i.e., within the Pajaro River corridor) manner to which the parties agree (e.g., defer revegetation until the Counties undertake theirs, contribute in lieu funds to the Counties to perform the revegetation; undertake revegetation elsewhere along the River pursuant to the *Restoration Plan*). Or, if permittee wishes to substitute use of the Carmel River mitigation bank for in-system mitigation, permittee must apply for an amendment to this permit, after or concurrently with Commission approval of the mitigation bank agreement pursuant to coastal permit #3-96-007.

7. Coordination With Flood Control Work

Prior to Commencement of Work at Pajaro River, permittee shall provide written evidence of coordination with Santa Cruz County Public Works Department with regard to any work that the Department is performing for flood control purposes in the vicinity of the subject project .

8. Other Approvals

Prior to commencement of construction, the permittee shall submit, for Executive Director review, evidence of the following agency approvals of the proposed project and wetland and tidewater goby mitigations, or evidence that such approvals are not required:

- a) Section 404 Clean Water Act permit from the U.S. Army Corps of Engineers;
- b) U.S. Fish and Wildlife Service incidental take permit for endangered species.

II. FINDINGS AND DECLARATIONS

The Coastal Commission hereby finds and declares:

A. Project Description and Background

The proposed project is a highway rehabilitation project involving four pairs of bridges, only one of which is in the Coastal Zone. The project's stated purpose "is to replace deteriorating pavement, and to improve the road to current standards." Earthquake retrofit will also occur on the Pajaro River bridges. The project location is Highway One, primarily in southern Santa Cruz County, beginning south of the Struve Slough bridge and continuing south past the County line into northern Monterey County (see Exhibit 1). Total project length is approximately 1.7 miles. However, an approximate 2,400 foot segment of the project area (encompassing the Beach Road overcrossing, West Watsonville Overhead, and Watsonville Slough crossing) is outside of the Coastal Zone within or adjacent to the City of Watsonville and hence not subject to this permit. A full set of draft project plans is on file at the Commission's Santa Cruz office. The project includes the following elements:

- resurfacing and widening a portion of the existing four-lane, divided highway approximately 1 1/2 feet each direction (.48 meters);
- widening the Pajaro River bridges by 11.3 feet each direction (1.5 meters at medians; 1.9435 meters at outside shoulders) (see Exhibit 2);
- installing new prestressed concrete girders, pier walls, footings and piles and seismic retrofit upgrade at Pajaro River bridge;
- installing temporary cofferdams in the Pajaro River;
- replacing the existing bridge railings with concrete barriers;
- realigning the northbound on-ramp from Route 129 and the southbound off-ramp to route 129 at the route 129/1 Separation;
- reconstructing the existing shoulder at the southbound on-loop ramp from Route 129 to Route 1 at the Route 129/1 Separation.

The subject project is located in an area of the Coastal Commission's retained jurisdiction for coastal permit processing pursuant to the Coastal Act. The standard of permit review is the Coastal Act; and

for the area beyond the Commission's retained jurisdiction, the certified local coastal programs. The following additional permits are required:

- Section 404 Clean Water Act permit from the U.S. Army Corps of Engineers;
- Section 1601/03 Streambed Alteration Agreement from California Department of Fish and Game (already obtained for the Pajaro River 3/11/96 and Watsonville Slough 2/24/96);
- Regional Water Quality Control Board Section 401 certification (already obtained 2/1/96)
- U.S. Fish and Wildlife Service incidental take permit.

B. Applicable Coastal Act Policy Analysis

1. Seismic Safety

The following excerpted policies from the Coastal Act are applicable:

Section 30253. *New development shall:*

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

As, in part, an earthquake retrofit, the proposed project conforms with this section of the Coastal Act.

2. Wetland and Riparian Resources

The following excerpted policies from the Coastal Act are applicable:

Section 30230. *Marine resources shall be maintained, enhanced, and where feasible, restored....*

Section 30231. *The biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organism and for the protection of human health shall be maintained . . .*

Section 30233. *(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:...*

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

(7) Restoration purposes....

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

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary

Section 30240. *(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.

Santa Cruz County 1994 General Plan and Local Coastal Program repeats Sections 30233(a)(5) (policy 5.4.12) and 30240(a) (policies 5.1.6 and 5.1.7) and contains specific additional protective measures including, for example,

- *requiring the installation and maintenance of sediment basins, and/or other strict erosion control measures, as needed to prevent siltation of streams (policy 5.7.4);*
- *requiring approval of an a erosion control plan with vegetation removal minimized (policy 6.3.4);*
- *encouraging removal of invasive species (policy 5.1.14);*
- *requiring evidence of approval for development from the US Army Corps of Engineers, California Department of Fish and Game, and other federal or state agencies that may have regulatory authority over activities within riparian corridors (policy 5.2.3).*

North [Monterey] County Land Use Plan provides in part that:

- *riparian plant communities be protected (policy 2.3.3.B.1)*
- *work within stream corridors be limited to certain flood control and water supply activities , and resource-dependent uses (policy 2.3.3.B1)*
- *construction activities be conducted so as to avoid breeding seasons and other critical phases in the life cycles of commercial species of fish and other rare, endangered, and threatened indigenous species. (policy 2.2.3B6)*
- *removal of indigenous vegetation and land disturbance in or adjacent to environmentally sensitive habitat areas restricted to the minimum amount necessary for structural improvements (policy 2.3.2.8)*

The proposed project is located in the vicinity of riparian areas. Generally, the project is designed to avoid these areas. Three Environmentally Sensitive Areas have been established by CALTRANS at Struve Slough, the Pajaro River, and the west side of the southbound off-ramp at Route 129. These areas are to be identified on the plans as off-limits to the contractor, with exception of the Pajaro River corridor at the bridge.

The proposed project involves excavating materials from around the existing pier foundations and placing concrete fill material in coastal waters of the Pajaro River. The concrete fill for the expanded pier footings in the live waters of the river will permanently cover approximately 200 square feet of bottom habitat area. The proposed project also involves temporary fill for coffer dams. Some riparian vegetation will also be affected on the order of 1,000 square feet during construction. It is proposed to be cut at ground level, so it can regenerate after construction activities are completed. Most of the riparian vegetation in the vicinity has already been cleared after the 1995 flood. A final wetland delineation is currently being prepared by CALTRANS which will determine exact acreages of wetland disturbance.

Permissible Use for Fill

The proposed project fits under the category of "incidental public service purposes" as a permissible use under Section 30233(a)(5). As it has for similar projects, the Commission finds that the proposed project serves a public service in providing transportation and specifically in improving safety through a seismic upgrade. The proposed fill is incidental to these purposes and is a very small part of the total project. The project will not increase traffic capacity.

Feasible Least Environmentally Damaging Alternative

The proposed project has minimal environmental impact and can be considered the least environmentally damaging. An alternative project which replaced the Pajaro River bridge with one without piers in the river and with less impediment for flood flows would have some positive environmental benefits. However, such a project is greatly beyond the scope of what is being proposed and thus not feasible. Construction impacts would likely be greater than the proposed project.

Feasible Mitigations for Wetland/Riparian Loss Incorporated

The proposed project incorporates and can be conditioned for measures to minimize adverse effects of the wetland fill specifically and to minimize other potential impacts on environmentally sensitive habitats, such as from non-point source pollution. The proposed project has the potential to adversely affect the riparian environment in the following ways:

- disturbance of migratory fish or disruption of migratory route;
- loss of bottom habitat of open coastal waters;
- loss of riparian habitat;
- degradation of water quality.

The following mitigation measures are designed into the project and/or conditioned by Fish and Game's streambed alteration agreements (see Exhibit 3):

- cofferdams to be installed upstream and downstream of the work site in the Pajaro River to protect steelhead trout habitat and so as not to impair water flow;
- project limits of 120 feet upstream and 50 feet downstream of Pajaro River bridge to be marked by temporary construction fence;
- no work allowed on the Pajaro River banks;
- staging areas on the upstream side of the Pajaro River bridge on the benches or above;
- all stockpiled excavated materials to be separated from the Pajaro River with a silt barrier keyed into the ground;
- one access road on each side of the Pajaro River limited to 25 feet wide;
- erosion control plan with all bare soils covered by October 15th and erosion control maintained in working condition throughout the winter and prior to and during all rains;
- water quality monitoring plan;
- containment basins for all equipment/project waste fluids to be installed;
- no debris, etc. allowed to enter the Pajaro River;
- off-site disposal outside of any riparian and wetland area;
- swallows protected and/or prevented from nesting on the bridge by removal of nests prior to the start of work or prior to laying of eggs or appearance of hatchlings or netting of structures (see Exhibit 2);
- no concrete washdown or equipment refueling/regreasing in or over the channel;
- floatable construction materials to be contained and removed after use;
- seasonal limits of work established by Fish and Game (July through October at Pajaro River);
- wetland replacement area;
- riparian vegetation enhancement; revegetation plan required; maintained for three years with a 100 percent survival rate at Pajaro River.

Taken together these measures establish the basic appropriate mitigation. However, refinements and safeguards are necessary to ensure that the mitigation measures are sufficient to minimize adverse environmental effects, based on previous Commission experience and U. S. Environmental Protection Agency guidance for non-point source pollution prevention.

First, more detailed criteria are required to specify a minimum distance (100 feet) away from the channel for concrete washdown, to ensure that excavated materials do not spill over or render ineffective the silt barriers, and to prevent stormwater from polluting the waters once the project is operational..

Second, the concepts listed need to be incorporated into the final plans and specifications. For example, locations for containment basins, construction staging areas, and wetlands replacement need to be mapped on the final plans.

Third, a process needs to be specified for ensuring that the listed measures are implemented throughout the project duration (and beyond for restoration activities). This can be accomplished by preparing a monitoring and maintenance plan that includes an on-site environmental monitor, a procedure for taking remedial actions, and standards for revegetation. As noted, a revegetation plan is required, but has not yet been prepared. This will occur after the U. S. Army Corps of Engineers approves the final wetland delineation and dictates a required mitigation ratio.

Coordination With Other Mitigation Efforts

As a condition for flood-related work undertaken in 1995 along the Pajaro River, a U.S. Army Corps of Engineers' permit requires the re-establishment and maintenance of natural riparian vegetation bands. Santa Cruz County is currently sponsoring a planning effort to accomplish this (see following flood finding). Thus, the CALTRANS mitigation should be coordinated with this other required mitigation since they are proximate. It may prove advantageous for CALTRANS to defer its mitigation to occur concurrently with the County's or to modify its plans to fit into the County's overall plans.

Alternatively, CALTRANS may propose to use its Carmel River lagoon mitigation bank for this project as opposed to performing on-site mitigation. The Commission has approved the restoration work at the mitigation bank site (coastal permit #3-96-007), but the mitigation bank agreement (i.e., the rules for its use and operation; the geographic limits of applicability). has not yet been completed. Such agreement must occur prior to CALTRANS requesting the bank's use for this or any other subject project (see #3-96-007 findings and conditions).

Tidewater Goby: Endangered Species

Following the initial environmental reviews for the project, the tidewater goby was listed as an endangered species. The Pajaro River is habitat for this fish. A supplemental environmental assessment is being prepared, which will detail additional mitigation measures that must be taken to protect the goby. This will entail capturing and releasing any fish that are trapped between the coffer dams. The possible presence of the goby does not affect the basic project design.

Conclusion

As conditioned for final plans incorporating environmental mitigations, mitigation specifications, monitoring, and interagency coordination, the proposed project meets the three-prong test of Section

30233a and is also consistent with the other cited Coastal Act habitat sections and with the relevant local coastal program policies. Although the proposed work in the River would not be an allowed use under Monterey County's local coastal program, the Coastal Act governs and the intent of the County's policies is met.

3. Flood Hazard

The following excerpted policy from the Coastal Act is applicable:

Section 30253: (a) *New development shall: (1) Minimize risks to life and property in area of high geologic, flood, and fire hazard.*

Santa Cruz County 1994 General Plan and Local Coastal Program objective 6.4 states:

To protect new and existing structures from flood hazards in order to minimize economic damages and threats to public health and safety, and to prevent adverse impacts on floodplains, and maintain their beneficial function for flood water storage and transport and for biotic resource protection.

Further detail is provided in County Code Section 16.10.070 including limitations of new fill in floodplains and capability of resisting hydrostatic and hydronamic loads. Similar provisions are found in *North [Monterey] County Land Use Plan* and County Code Chapter 16.16.

A component of the proposed project is located within the Pajaro River floodplain at the boundary of Reach B and Reach C. A serious flood occurred in Spring of 1995. A hydrologic evaluation for this project found that "the bridge will not be overtopped since the levees are much lower. The water will overtop the levees and flow to the surrounding farmland which is at a lower elevation." The Highway One road embankments do act as a dam causing the river waters to back up upstream. Removal of the embankments and construction of a longer span bridge would be a major project completely beyond the scope of the current project. Flood hazard reduction planning has periodically been underway, but there is no comprehensive watershed planning process at this time. Thus, it is not imperative for CALTRANS to defer this project until overall flood solutions are devised and accepted by all responsible parties. There are alternatives to removing the bridge embankment, such as levee breaching or redirecting the flows, that could be considered if a comprehensive, watershed-based, flood hazard reduction program is ever undertaken.

The Santa Cruz County Flood Control and Water Conservation District Zone 7 and the Monterey County Water Resources Agency are responsible for flood protection. They have been undertaking more geographically limited planning. The latest product is the *Pajaro River Corridor Management and Restoration Plan Phase I Report*. The study objectives are to maximize hydraulic capacity of the River and re-establish riparian vegetation to a comparable level that existed when the flood control project was constructed in 1949. The counties may be undertaking or planning to undertake flood control work in the project area. Therefore, these agencies should be consulted to ensure that the proposed project is consistent with their floodway management plans and that neither project interferes with the other.

As so conditioned, the proposed project is consistent with the cited Coastal Act section and the relevant local coastal program provisions.

4. Public Access

The following excerpts from the Coastal Act are applicable:

Section 30210. *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 30212. (a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
- (2) adequate access exists nearby, or,*
- (3) agriculture would be adversely affected.*

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30214. a) *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access ...*

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Santa Cruz County 1994 General Plan and Local Coastal Program shows the Pajaro River levee as a designated bikeway on the Master Plan of County Bikeways (Figure 3-1).

The proposed project will affect both vehicular access over Highway One and bicycle and pedestrian access under the Pajaro River bridge along the northern levee. CALTRANS has provided vehicular detour plans. Highway One is the through coastal route. In the long-run, the proposed project will be a positive safety contribution to coastal visitors using this major coastal accessway.

The proposed project will also affect bicycle and pedestrian access under the Parajo River bridge along the northern river levee. This existing levee-top bike path provides vertical access from inland (e.g., Watsonville) almost to the shoreline. There are few ingress and egress points in the project vicinity. CALTRANS has indicated that the levee-top bike path will have to be closed during construction. In order to minimize bicyclist and pedestrian inconvenience and confusion, CALTRANS should appropriately sign a detour at the nearest access points and/or provide a bypass. As so conditioned, the proposed project is consistent with the cited Coastal Act sections and with the Santa Cruz County local coastal program.

5. Agricultural Lands

The following excerpts from the Coastal Act are applicable:

Section 30241. *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:...*

Santa Cruz County 1994 General Plan and Local Coastal Program policy 5.13.27 states:

Structures shall be sited to minimize possible conflicts with agriculture in the area. Where structures are located on agricultural land, the structures shall be sited in such a manner to remove as little land as possible from production.

North [Monterey] County Land Use Plan 's key agricultural policy is to support the permanent preservation of prime agricultural soils (policy 2.6.1).

The proposed project is located adjacent to productive agricultural lands. Access to the highway will likely require going on farm roads. If possible CALTRANS' contractor(s) should chose a construction staging area outside of agricultural lands in order to conform to Coastal Act policies. As so conditioned, and as conditioned to require evidence of permission to work on or access private farmlands, the proposed project is consistent with the cited Coastal Act section and with the intent of the cited local coastal program policies.

C. California Environmental Quality Act (CEQA)

The applicant determined that the proposed project was categorically exempt from CEQA, but conditions described in the above findings were attached to the environmental clearance for the project on May 28, 1996 (see Exhibit 3). Additional mitigation measures emanate from the two Department of Fish and Game Streambed Alteration agreements, the forthcoming U.S. Fish and Wildlife Service endangered species consultation following the supplemental biological investigation, and the ground swallow protection measures,. The Commission finds that, with all of these mitigation measures along with the additional measures specified in this permit, this proposal, as conditioned, can be found consistent with CEQA in that all significant impacts will be reduced to a level of insignificance.

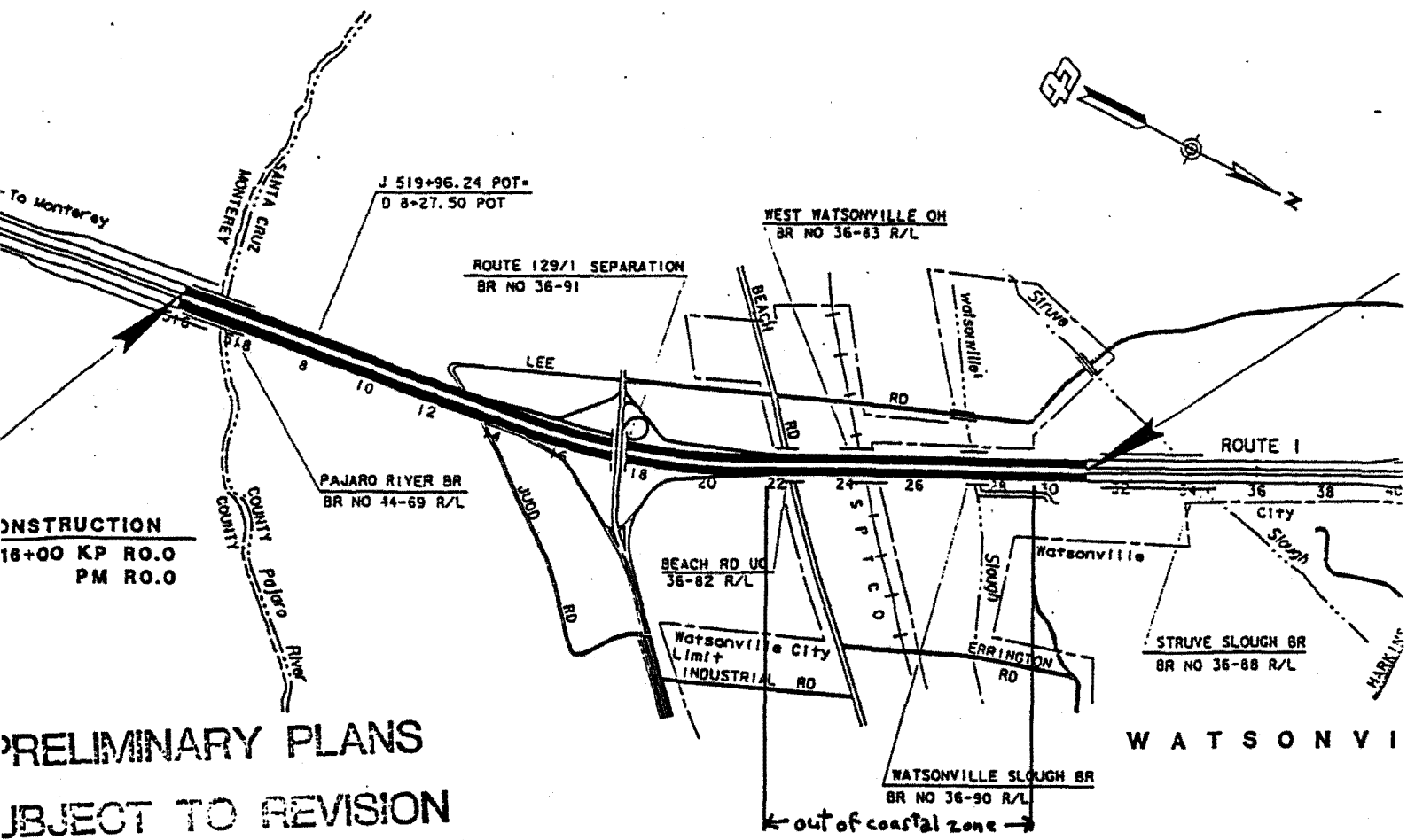
SHEETS

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
 PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY
 IN SANTA CRUZ COUNTY
 IN AND NEAR WATSONVILLE
 FROM PAJARO RIVER TO STRUVE SLOUGH BRIDGE

To be supplemented by Standard Plans dated July, 1995

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1996

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CONSTRUCTION
16+00 KP RO.O
PM RO.O

PRELIMINARY PLANS
SUBJECT TO REVISION

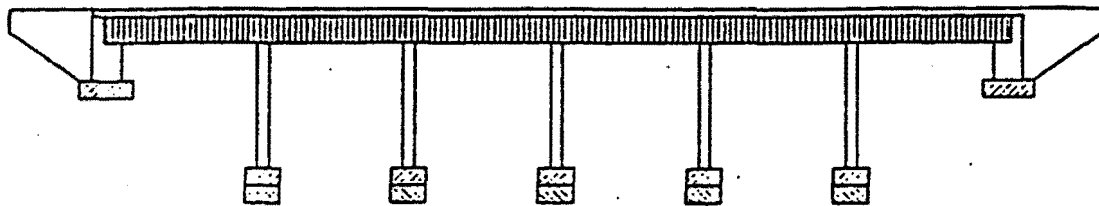
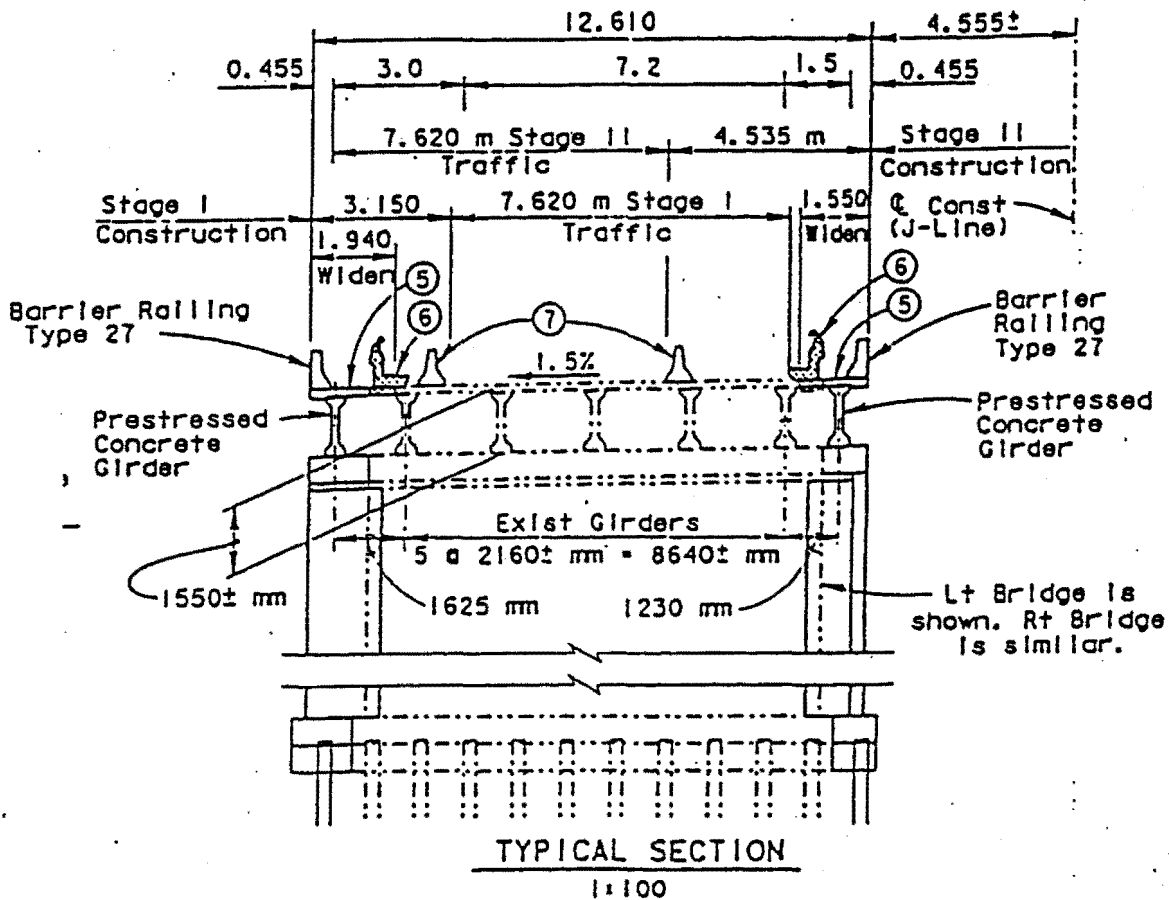
possess the Class (or classes) of license
'Notice to Contractors'.

FOR REDUCED PLANS ORIGINAL
SCALE IS IN MILLIMETERS

USERNAME ** P4C68
DGN FILE ** 416220a06124448

EXHIBIT 1

cont
3-96-4



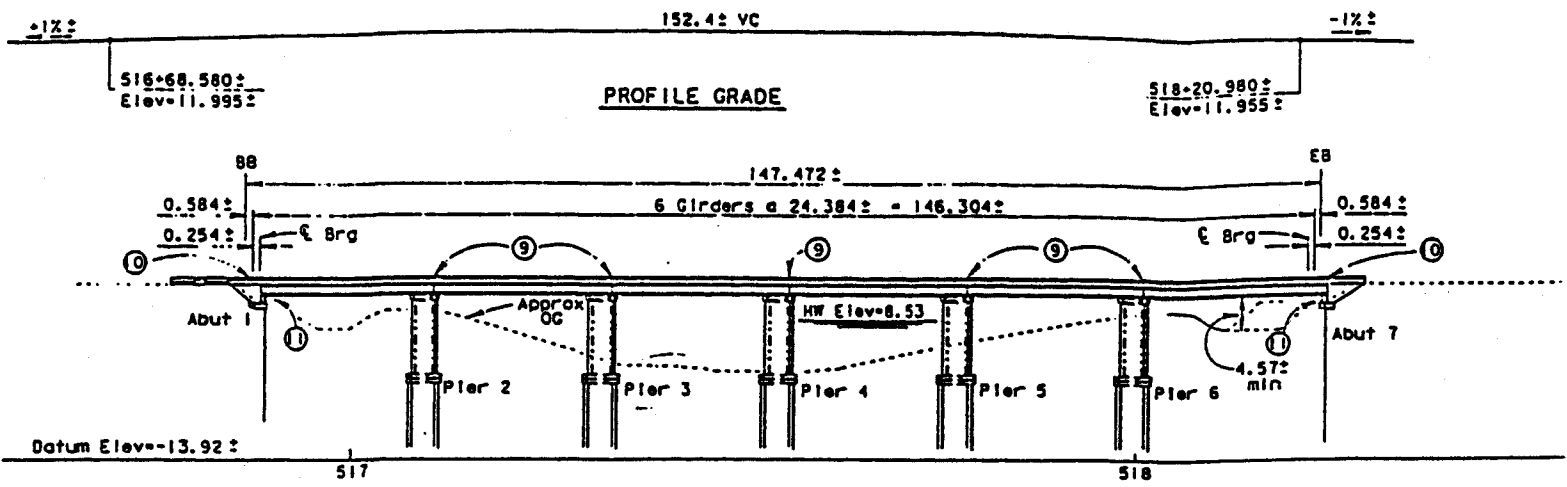
- Furnish PC/PS Concrete I Girder
- Structural Concrete, Bridge
- Structural Concrete, Footing
- Seal Course

CONCRETE TYPE LIMITS

No Scale

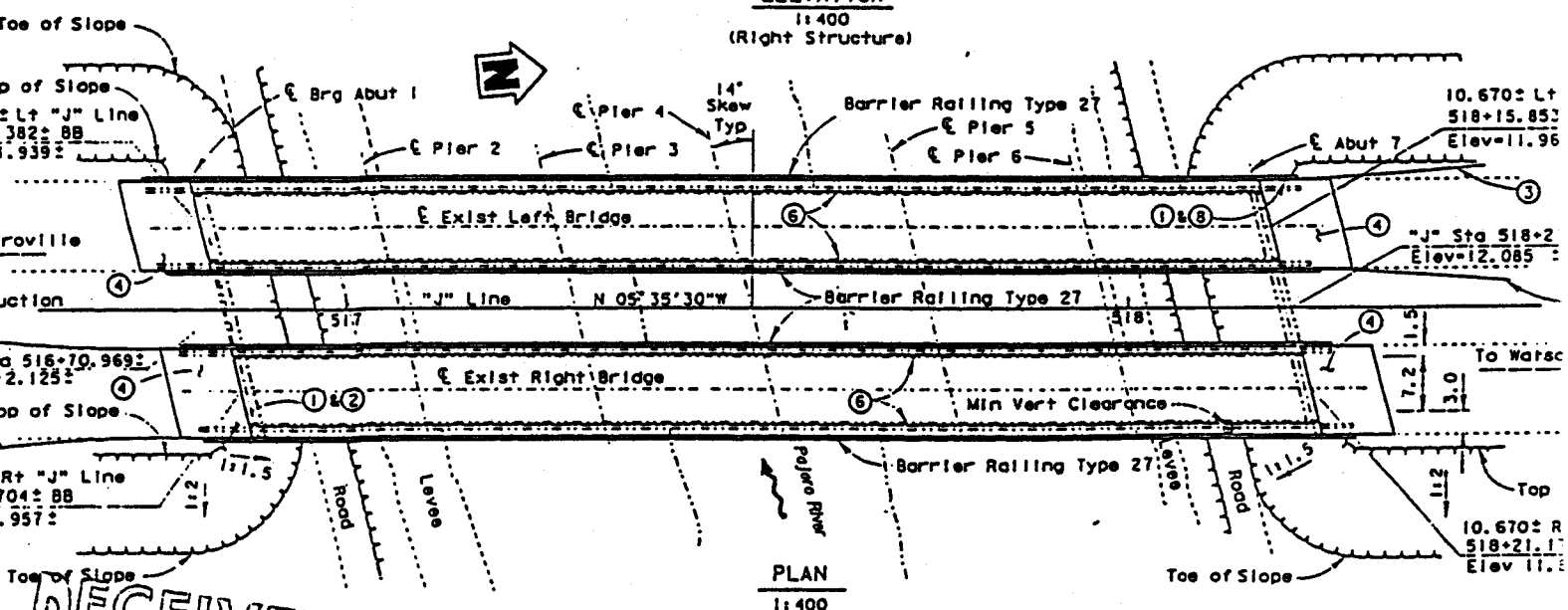
ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SHOWN

EARTHQUAKE RETROFIT PROJECT NO.		EXHIBIT NO. 2
PAJARO RIVER BRIDGE (WIDEN)		
DRAWING NO.	44-69L/R	APPLICATION NO.
REVISION POS.	2/15	3-96-4 CALTRANS
PROJECT NO.	R164.12	GENERAL PLAN
OVERSEER PRINTS BEARING EARLIER REVISION DATES		Project Plans



ELEVATION

1:400
(Right Structure)



PLAN

1:400

NOTES:

- ① Paint "Pajaro River Bridge"
- ② Paint "Br. No. 44-0069R"
- ③ MBGR See "Road Plans"
- ④ Structure approach Type R(30 S)
- ⑤ Match Existing Grade and Cross Slope
- ⑥ Remove Existing Barrier Rail and Sidewalk, Salvage Metal Rail, Remove Existing Overhang, Transverse Reinforcement to Remain
- ⑦ Temporary Railing (Type K) See "Road Plans"
- ⑧ Paint "Br. No. 44-0069L"
- ⑨ Cable Restrainers
- ⑩ 1525 @ CIDH Piles Behind Abutment Backwall
- ⑪ Concrete Fill in Abutment Gap

For "General Notes" see "Index To Plans" she

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APR 19 1996

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CONTRACTOR SHALL VERIFY ALL
FIELD DIMENSIONS
BEFORE ORDERING OR FABRICATING
ANY MATERIAL.

DESIGNER	W. BUSATH	CHECKER	L. HANK	LOAD FACTOR DESIGN	W. BUSATH	LIVE LOADS, HS 20-44 AND ALTERNATIVE AND PERMIT DESIGN LOAD	W. BUSATH
DRAWN	W. BUSATH	DESIGNED	L. COLUCCI	LAYOUT	L. COLUCCI		
QUALIFIED	W. BUSATH	CONTRACTOR		SPECIFICATIONS			

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

DIVISION OF :
OFFICE OF STRUCTURAL LIAISON AND DESIGN

FOR REDUCED PLANS ORIGINAL SCALE IS IN MILLIMETERS

0 20 40 60 80 100

CU 04
EA 162201

CONDITIONS OF ENVIRONMENTAL CLEARANCE

All conditions outlined below are to be included in the Plans, Specifications and Estimates, and made part of the Resident Engineer's file.

ENVIRONMENTALLY SENSITIVE AREAS

Environmentally Sensitive Areas (ESA) have been established for (1) the Struve Slough, (2) the riparian corridor of the Pajaro River adjacent to the Pajaro River Bridge, and (3) the west side of the southbound off-ramp at Route 129. The Environmentally Sensitive Areas will be identified on the contract plans as off-limits to the contractor.

**NO CONSTRUCTION PERSONNEL, EQUIPMENT
OR ANY ACTIVITIES ARE PERMITTED IN THE
ENVIRONMENTALLY SENSITIVE AREAS.**

The locations of the Environmentally Sensitive Areas are delineated on the attached exhibits.

(1) THE STRUVE SLOUGH

The Struve Slough is considered suitable habitat for the Santa Cruz long-toed salamander, a state and federally listed endangered species. The slough is off-limits to all construction activity.

(2) THE PAJARO RIVER

a) Cofferdams shall be constructed both upstream and downstream of the site to prevent turbid water at the work site from entering the Pajaro River in order to protect steelhead trout habitat. The bridge widening and coffer dam construction shall be done so that water flow is not impaired.

b) Containment basins for all equipment/project waste fluids shall be established at the start of construction. No concrete washdown or equipment refueling/regreasing can be done in or over the channel. Floatable construction materials shall be contained and removed after use.

c) All work within the Pajaro River shall be restricted to the dates set forth in the Streambed Alteration Agreement from DFG.

d) A wetland replacement area will be planned for a portion of the Pajaro River adjacent to the project site so that there will be no net loss in size or type of wetlands.

e) A wetland and riparian revegetation plan shall be formulated in order to replace approximately 5,000 square feet of wetlands and enhance riparian vegetation along the Pajaro River after construction. Riverbank slopes shall be returned to their original condition when bridge widening is completed, except for the replacement area.

EXHIBIT NO. 3
APPLICATION NO. #3-96-4 CALTRANS
<i>Environmental</i>
<i>Mitigations</i>

**(3) THE WEST SIDE OF THE ROUTE 1 SOUTHBOUND OFF-RAMP AT
ROUTE 129**

A location at the southbound Route 1 off-ramp to Route 129 is delineated on the attached exhibit as an environmentally sensitive area and is off-limits to all construction activities.

HAZARDOUS MATERIALS

Should any hazardous materials be discovered during construction, work in the area will be halted until the discovery can be evaluated by a qualified person.

ARCHAEOLOGY

If buried archaeological materials are uncovered during construction, work in the area will be halted until the discovery can be evaluated by a qualified archaeologist.

GEOLOGIC/SEISMIC EXPOSURE

The project is located within seismically active Santa Cruz County. Additions to bridge structures will be designed and constructed to meet current seismic engineering standards.

LANDSCAPING

Highway planting and irrigation systems affected by the project will be replaced as part on the roadway rehabilitation project.

OTHER

No scenic resources are located within the project limits. The project will not affect farmland nor any of its irrigation/drainage facilities. The project will not encroach on a 10 to 100-year floodplain.

PERMITS

A Section 404 nationwide permit from the U.S. Army Corps of Engineers (COE), and a Section 1601/03 Streambed Alteration Agreement from the California Department of Fish & Game (DFG) will be required for work at the Pajaro River. At the Watsonville Slough and Beach Road Undercrossing, there are many small agricultural and roadside drainages that are wetlands but it is unlikely that the COE will take jurisdiction over these drainages. The project will require the approval of the Regional Water Quality Board. The County of Santa Cruz should be contacted about the need for a coastal zone permit.

MONITORING

Mitigation monitoring will be in accordance with Caltrans' standard procedures contained in Article 1-2.4 of the Environmental Handbook, Volume 1.

PLANS SPECIFICATIONS & ESTIMATES REVIEW

Environmental Analysis will need to review the project PS&E prior to its completion to ensure compliance with the conditions and commitments stipulated in the Categorical Exemption/Exclusion.

VII. MITIGATION MEASURES TO MINIMIZE IMPACTS TO SPECIES OF CONCERN

1. Environmentally Sensitive Areas (ESA) are designated for Struve Slough, the riparian corridor of Pajaro River adjacent to the project site, and the State right-of-way for Route 152 at the southeast junction of Route 1 and Route 152 (see Exhibits B, C, and D). No equipment or material storage will be permitted in the ESAs. These areas will be identified on the contract plans as off-limits to the contractor.

2. Cofferdams shall be constructed both upstream and downstream of the site to prevent possible turbid water at the work site from entering the Pajaro River in order to protect steelhead trout habitat. The bridge widening and cofferdam construction shall be done so that water flow is not impaired.

3. Containment basins shall be established at the start of construction for all equipment and project waste fluids. No concrete washdown or equipment refueling/regreasing will be

permitted in or over the channel. Floatable construction materials shall be contained and removed after use.

4. All work within Pajaro River shall be restricted to the dates which will be agreed upon in the 1601/03 Streambed Alteration Agreement with CDFG.

5. A wetland replacement area will be planned and a wetland and riparian revegetation plan will be formulated to replace approximately 2,500 square feet of wetlands and enhance riparian vegetation along a portion of the Pajaro River adjacent to the project site so that after construction there will be no net loss in size or type of wetlands. River bank slopes shall be returned to their original condition when bridge widening is completed except for the replacement area.

From: Chuck Morton <t4cmort@t4ws.dot.ca.gov >
To: T4MAIL.T4MAIL1(robinso)
Date: 5/31/96 10:43am
Subject: cliff swallow contract language cliffswallow

Approved methods of control include (1) netting of structures to prevent nesting or (2) removal of nests prior to the start of work or prior to laying of eggs or appearance of hatchlings.

1.a Netting material will be of such size as to prevent birds covered under the MBTA from entering the netted area. This would require a mesh size of 13mm (1/2") or smaller of durable UV-resistant material. Close woven durable fabric would also be an appropriate netting material.

1.b Removal of old nests shall be prior to the installation of the exclusion devices and before March 1.

1.c The netting material must be attached to the bridge so that it does not damage any part of the bridge.

1.d Birds must not be able to get around or through the netting material, or be captured by said material.

1.e If the absence of bats or owls is not confirmed by a qualified biologist just prior to the installation of the exclusionary devices, the devices must be designed to allow any bats/owls in the bridge to escape unharmed and keep bats from returning to the bridge.

1.f After installation, inspection of the exclusionary devices shall occur twice per week, and at least three (3) days apart, until actual construction begins, at which time inspection becomes the duty of the resident engineer. If any major problems are discovered by Caltrans or their representative during the life of the contract, the contractor will be notified and expected to correct the problem within 24 hours. The contractor will be responsible for the maintenance, repair, or replacement of the devices until August 15 or until all of the work on the bridge is complete.

2.a Existing nests will be removed prior to March 1 or the installation of the netting material, whichever ever is first.

2.b Specialist will inspect the bridge every two (2) days and will remove any newly discovered nests until August 15 or until all of the work on the bridge is completed.

2.c If netting is not selected as an exclusionary alternative, nests may be inspected and removed prior to any egg production. **ONCE EGG PRODUCTION HAS STARTED, ALL WORK WHICH MIGHT IMPACT THAT NEST(S) WILL BE HALTED.**

AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department, and Mike Welsh / CALTRANS of Santa Cruz, State of California, hereinafter called the operator, is as follows:

WHEREAS, pursuant to Division 2, Chapter 6 of California Fish and Game Code, the operator, on the 26th day of December, 1995, notified the Department that s/he intends to substantially divert or obstruct the natural flow of, or substantially change the bed, channel, or bank of, or use material from the streambed of, the following water: Pajaro River in the County of Santa Cruz, State of California, S T 12S R 2E

WHEREAS, the Department (represented by C. Babich has made an inspection of subject area and) has determined that such operations may substantially adversely affect existing fish and wildlife resources including: Steelhead, nongame fish, tide water gobbies, swallows, riparian habitat and its related species, reptiles, amphibians, etc.

THEREFORE, the Department hereby proposes measures to protect fish and wildlife during the operator's work. The operator hereby agrees to accept the following recommendations as part of his/her work: Numbers 2, 4, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 19, 20, 21, 22, from the list of recommendations attached to this page and the following special recommendations:

- A. All work in or near the stream or lake shall be confined to the period 7-1-97 through 11-1-97.
B. This agreement is limited to the widening of the "Route 1 Pajaro River Bridge" near Watsonville.
C. Stream turbidity shall not increase from this project.
D. The work area shall be limited to 50 feet down stream from the bridge and 120 feet upstream from the bridge, on each side of the river.
E. Prior to any work, the Operator shall submit an erosion control plan and a water quality monitoring program plan for Department approval.
F. Drill slurry, silt, concrete, cement, concrete coring, debris, etc. shall not enter the river from this project.
G. The Operator shall take whatever legal precautions necessary to protect the swallows and/or prevent them from nesting on the bridge.
H. Trees shall not be removed for this project.

The operator, as designated by the signature on this agreement, shall be responsible for the execution of all elements of this agreement. A copy of this agreement must be provided to contractors and subcontractors and must be in their possession at the work site

If the operator's work changes from that stated in the notification specified above, this agreement is no longer valid and a new notification shall be submitted to the Department of Fish and Game. Failure to comply with the provisions of this agreement and with other pertinent Code Sections, including but not limited to Fish and Game Code Sections 5650, 5652, and 5948, may result in prosecution.

Nothing in this agreement authorizes the operator to trespass on any land or property, nor does it relieve the operator of responsibility for compliance with applicable federal, state, or local laws or ordinances.

THIS AGREEMENT IS NOT INTENDED AS AN APPROVAL OF A PROJECT OR OF SPECIFIC PROJECT FEATURES BY THE DEPARTMENT OF FISH AND GAME. INDEPENDENT REVIEW AND RECOMMENDATIONS WILL BE PROVIDED BY THE DEPARTMENT AS APPROPRIATE ON THOSE PROJECTS WHERE LOCAL, STATE, OR FEDERAL PERMITS OR OTHER ENVIRONMENTAL REPORTS ARE REQUIRED.

This agreement becomes effective when signed by both parties and is valid for one year from that date.

Operator
Title
Organization
Date

Department Representative [Signature] Babich
Title Fish and Game Warden
Department of Fish and Game, State of CA
Date 3-11-96

