

CALIFORNIA COASTAL COMMISSION

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

W 19b



Filed: August 2, 1996
 49th Day: September 20, 1996
 180th Day: January 29, 1997
 Staff: Jo Ginsberg
 Staff Report: August 23, 1996
 Hearing Date: Sept. 11, 1996
 Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 1-94-114-A
 APPLICANT: CALIFORNIA DEPARTMENT OF
 TRANSPORTATION (CALTRANS), DISTRICT 1

PROJECT LOCATION: At the Highway One bridge over the Big River, in the
 Town of Mendocino, Mendocino County.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Retrofit of the Big River Bridge to meet current seismic safety standards by: (1) creating a temporary construction staging area and sedimentation basin within the Caltrans right-of-way east of the bridge along the north shore of the river; (2) installing a temporary wooden trestle structure in the river to provide access to the bridge piers during construction; (3) modifying bridge footings and abutments; and (4) encasing the bridge piers with steel jackets.

DESCRIPTION OF AMENDMENT: Revise Special Condition No. 7, which requires that the buried ends of the trestle piles may remain in place if cut at the mud line and driven down into the substrate, such that the remaining trestle pile ends may stay in place until they become exposed or are determined to be a hazard, at which time they will either be lowered or removed as expeditiously as possible.

SUBSTANTIVE FILE DOCUMENTS: Emergency Permit No. 1-94-26G.

1. PROCEDURAL AND BACKGROUND NOTE: Pursuant to Section 13166 of the California Code of Regulations, the Executive Director has determined that this amendment is material and therefore is bringing it to the Commission for

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CALTRANS

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its review. If the applicants or objector so request, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Code Reg. 13166.

Section 13166 of the Regulations also states that the Executive Director shall reject an amendment request if it lessens or avoids the intent of the approved permit unless the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

Coastal Permit No. 1-94-114 was approved by the Commission on January 11, 1995 with a number of special conditions intended to address the visual impacts of the project and to ensure minimal impacts on habitat values in the fill area. This permit was the required follow-up to Emergency Permit No. 1-94-26G, which, at the Executive Director's behest, authorized emergency seismic retrofit work.

The project included constructing a temporary wooden trestle in the river next to the Highway One Bridge to provide access for construction. This amendment request seeks to revise Special Condition No. 7, which required that the trestle and its piles be completely removed, but allowed the buried ends of the trestle piles to remain in place if cut at the mud line and driven down into the substrate. The amendment would eliminate the requirement to drive the ends of the piles into the substrate and instead allow the cut ends of the piles to stay in place until they become exposed or are determined to be a hazard, at which time they will either be lowered or entirely removed as expeditiously as possible. Most of the piles have been removed completely, but approximately 22 piles were cut at the mud line and the ends remain embedded in the sand and mud at the bottom of the river. Caltrans staff has informed us that when the piles were installed, they were driven into the substrate to the point of refusal, and thus the remaining piles cannot be driven any farther into the substrate. To remove them completely would be financially prohibitive, and so Caltrans wishes to revise the condition that requires that the piles be either completely removed or driven down into the substrate.

The intent of Special Condition No. 7 was to avoid left over portions of the trestle and its piling creating a hazard to the numerous kayakers, canoeists, and other recreational boaters that use the river by removing all piles or having them be driven down into the substrate. Caltrans has suggested an alternative method of eliminating the hazard and protecting recreational boaters. Since this amendment request would not necessarily result in a lessening or avoidance of the intent of the approved permit, the Executive Director accepted the amendment request for processing.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions:

The Commission hereby approves the amendment to the coastal development permit, subject to the conditions below, for the proposed development on the grounds that the development as amended will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of Mendocino County to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, 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:

All conditions attached to Coastal Permit No. 1-94-114 remain in effect, with the exception of Special Condition No. 7, which is replaced by the following special condition No. 1. In addition, two new special conditions are added to this amendment, one for monitoring and one for assumption of risk.

1. Disposal of Excess Materials.

All temporary structures built to facilitate retrofitting the Big River Bridge to meet seismic safety standards shall be removed. The buried ends of the temporary trestle piles may be cut flush to the river bottom and remain in place until such time as they become exposed, at which time they will either be lowered to at least flush with the river bottom existing at that time, or removed entirely. If any pile end becomes exposed, warning markers shall be placed immediately at the exposed trestle pile, and lowering or removal shall take place within 15 days of when the permittee becomes aware that the pile is exposed.

2. Monitoring.

No less than twice yearly, once during the spring and once during the early winter, Caltrans shall conduct a monitoring visit to the site to determine if any piles have become exposed. Monitoring reports shall be submitted to the Executive Director twice yearly, following each visit, by May 15 in the spring and by January 15 in the early winter.

3. Assumption of Risk, Waiver of Liability, and Indemnification Agreement.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a signed agreement in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the site is subject to hazard including river fluctuation, winds, wave action, and erosion and the applicant hereby assumes the liability from such hazards; (b) the applicant unconditionally waives any future claims of liability against the California Coastal Commission, its successors in interest, advisors, officers, agents, and employees for any damage from such hazards or arising out of any work performed in connection with the permitted project; (c) the applicant agrees to indemnify and hold harmless the California Coastal Commission, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project, including without limitation any and all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and (d) the applicant agrees that any adverse impacts to property caused by the permitted project shall be fully the responsibility of the applicant.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Coastal Zone Jurisdiction.

The project site is located partially within the Commission's retained jurisdictional area along Big River, partly within the uncertified Town of Mendocino segment of the Mendocino County LCP (along the north side of the river), and partly within a certified area of the Mendocino County LCP (along the south side of the river). However, as all of the work within the certified area, along the south side of the river, qualifies for an exemption from coastal development permit requirements, no locally issued coastal development permit was required for the project. Therefore, given that all of the development requiring a coastal development permit is either within the Commission's retained jurisdiction or within an area of deferred certification, the original permit application was processed by the Commission using the policies of Chapter 3 of the Coastal Act as the standard of review. This amendment request affects the portion of the site that is completely within the Commission's retained permit jurisdiction; therefore the Coastal Act is once again the standard of review.

2. Project and Site Description.

The project site is at the Highway One bridge over Big River, at the south end of the Town of Mendocino.

The bridge is highly visible from Main Street in the Town of Mendocino and from Mendocino Headlands State Park. The sandy beach and upland areas adjacent to the bridge on the north side of the river within both rights-of-way are heavily used by public access users, who access the site via North Big River Road which intersects Highway One a short distance north of the bridge. The river is also heavily used by kayakers, canoeists, and other recreational boaters.

Big River is subject to tidal action in this location, but this part of the river contains no salt marsh or eelgrass resources, only a non-vegetated sandy bottom that provides habitat for benthic organisms, a sandy beach along the north side of the river, and ruderal coastal scrub vegetation and Bishop and Monterey pines along the south side of the river.

Coastal Development Permit No. 1-94-114 was granted to Caltrans to upgrade the bridge to current seismic standards by encasing the bridge piers with steel jackets, enlarging and strengthening the bridge footings within the river, and strengthening the upland bridge abutments at each end of the bridge. To provide construction access to the bridge piers and footings, Caltrans installed a 7,500-square-foot temporary wooden trestle structure extending from the north shoreline to each of the piers (see Exhibit 7). Cofferdams were constructed around each of the pier footings to keep river water out of the construction areas. Both the trestle and the cofferdams were to be removed upon completion of the pier and footing work. A construction staging yard and a 1,000-square-foot sedimentation basin were established on the north side of the river within Caltrans' right-of-way. The sediment basin was used to place excavated material from de-watering the pier footings.

3. Background Information.

In November of 1995, seismic retrofit construction of the Big River Bridge was completed. As noted above, Special Condition No. 7 of the permit required that the temporary bridge trestle piles be completely removed but allowed the ends of the piles to remain in place if cut at the mud line and driven down into the substrate. The construction contractor was able to completely remove most, but not all, of the trestle piles after construction. The remaining piles were broken off at or below the existing river sand bottom, but not below the mud line. Since the piles were initially driven to the point of resistance to support the trestle, the broken-off piles could not be driven farther into the substrate.

The river is a dynamic environment, and seasonal fluctuations in sand accumulation along the bottom of the river occur in response to changing river flow volumes, tidal conditions, and prevailing winds. During the spring of 1996 high river flow substantially eroded the river sand bottom. As a result of the erosion, approximately 22 piles (which is most if not all of the remaining trestle piles, according to Caltrans) became exposed above the river sand bottom. The U.S. Coast Guard directed Caltrans to immediately remediate the hazard caused by the exposed piles. A small boat rental operation is located on the south side of the Big River near the Big River Bridge (Catch-A-Canoe), and the area is frequented by recreational boaters in kayaks, canoes, etc., which are vulnerable to being punctured by exposed pile ends hidden below the water's surface. To alert boaters to the potential hazard, warning markers were placed at the exposed trestle piles. On July 20, 1996 the 22 exposed piles were cut flush to the river bottom, removing the jagged, broken-off pile ends.

To eliminate the cut piles from becoming a hazard again, Caltrans considered the possibility of cutting the remaining trestle piles below the mud line or excavating them out completely. Caltrans estimated the cost would be approximately \$150,000, with an additional \$37,100 necessary for planning and engineering staff. According to Caltrans, because the river bottom sand overlaying the mud line is up to six-to-eight feet deep, and since the piles are subject to constant tidal action and river current, the work would require heavy construction equipment to operate in the active river channel in order to dredge and shore up the sand and mud. Isolating the river, half the width at a time, would need to be done in order to access the piles. Shoring up the sand and mud would require one, or some combination, of the following: sheet pile coffer dams, mud curtains, booms, or sediment curtains with floats. Agency permits might be required from Fish and Game, Regional Water Quality Control Board, and U.S. Army Corps, with additional permit possibly required from Mendocino County, State Lands Commission, California State Parks, National Marine Fisheries Service, and U.S. Coast Guard.

According to Caltrans, the approximate cost of instead cutting one exposed pile, on an as-needed basis as proposed by the amendment request, is \$55. Moreover, to totally remove the remaining ends of the trestle piles in the manner done initially is not possible, as the unbroken piles were vibrated and removed with a crane. Because the remaining piles have already been cut and are substantially shorter in length, they cannot be removed in this manner.

Caltrans thus proposes to revise Special Condition No. 7 such that the remaining ends of the trestle piles may stay in place until they become exposed or are determined to be a hazard, at which time they will either be lowered or removed.

4. Public Access and Recreation:

Section 30210 of the Coastal Act states that maximum access and recreational opportunities shall be provided for all the people. Section 30220 states that coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Coastal Permit No. 1-94-114 for the seismic retrofit of the Big River Bridge authorized construction of a temporary wooden trestle and required removal of the trestle piles unless they were driven into the substrate. All but 22 of the trestle piles temporarily in place during construction were removed pursuant to the permit's conditions. These 22 remaining piles have been cut to the river bottom. It is possible that changes due to storms, flooding, tidal fluctuations, and the river's natural processes could result in some of these remaining piles becoming exposed at some point in the future, posing a possible hazard to canoes or other small boats that use the river channel, which are vulnerable to being punctured by exposed trestle piles.

The proposed amendment seeks to change Special Condition No. 7 of the original permit such that the remaining ends of the trestle piles can remain until they become exposed. Caltrans indicates that to completely remove all remaining piles now, after they have been cut in a manner that precludes removing them by crane, would be prohibitively expensive and could result in significant adverse impacts to coastal resources. As noted above, due to the build-up of sand along the river bottom, and because the piles are subject to constant tidal action and river current, removal of all piles would require heavy construction equipment to operate in the active river channel in order to dredge and shore up the sand and mud, necessitating the use of sheet pile coffer dams, mud curtains, booms, and/or sediment curtains with floats. This work could result in environmental damage and adverse impacts to the river habitat.

The Commission thus finds that Caltrans's proposed amendment would result in an environmentally less damaging method of eliminating a potential problem while having nearly the same effectiveness, so long as Caltrans effectively monitors the site and responds quickly to remove or lower any piles that might become exposed. To ensure that no hazard to boaters exists and thus public boating access and recreational use is not inhibited, the Commission attaches Special Condition No. 1 to this amended permit, requiring that if any pile end becomes exposed, warning markers shall be placed immediately at the exposed trestle pile, and lowering to at least flush with the river bottom or complete removal shall take place within 15 days of when the permittee becomes aware that the pile end is exposed. Special Condition No. 2 of this permit amendment requires that Caltrans monitor the subject site no less than twice yearly, once during the spring and once during the early winter, to determine if any piles have become exposed. Monitoring reports shall be submitted to the Executive Director twice yearly, following each visit.

As conditioned, therefore, the proposed amended project is consistent with Coastal Act Sections 30210 and 30220, as public boating access and recreational opportunities will be protected.

5. Hazards.

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

New development shall:

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

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

As discussed above, removing the remaining ends of the trestle piles in the manner done initially is no longer feasible. Caltrans has instead proposed to monitor the site and either lower or remove the trestle pile ends if and when they become a hazard. The Commission has attached Special Conditions 1 and 2 to minimize the risk of any hazard consistent with Coastal Act Sections 30210, 30220, and 30253.

In this case, however, flooding, tidal fluctuations, or erosion could result in one or more of the remaining piles becoming exposed. As such, the risk from these hazards cannot be completely eliminated. Though Caltrans may decide that the benefits of its proposed development outweigh the risk of harm which may occur from the identified hazards, the Commission should not be held liable for the applicant's decision to develop. Therefore, as conditioned, Caltrans must agree that it is aware of and appreciates the nature of the hazards on the site, that it assumes all risks of damage, and that it waives and indemnifies the Commission against any potential claim of liability against the Commission for any damage or economic harm suffered as a result of its decision to develop.

Specifically, Special Condition No. 3 requires the applicant to submit a written agreement, prior to the issuance of the coastal development permit in a form and content acceptable to the Executive Director, which provides that the applicant understands that the site may be subject to hazards and the applicant assumes the liability from such hazards, and provides that the applicant unconditionally waives any claim of liability on the part of the

Commission and agrees to indemnify and hold harmless the Commission, its officers, agents and employees relative to the Commission's approval of the project for any damage due to natural hazards. Only as conditioned can the Commission find the proposed development consistent with the Coastal Act.

6. 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 and hazards. The project, as conditioned, will not have a significant adverse effect on the environment, within the meaning of CEQA.

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

ATTACHMENT A

Standard Conditions

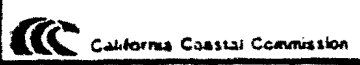
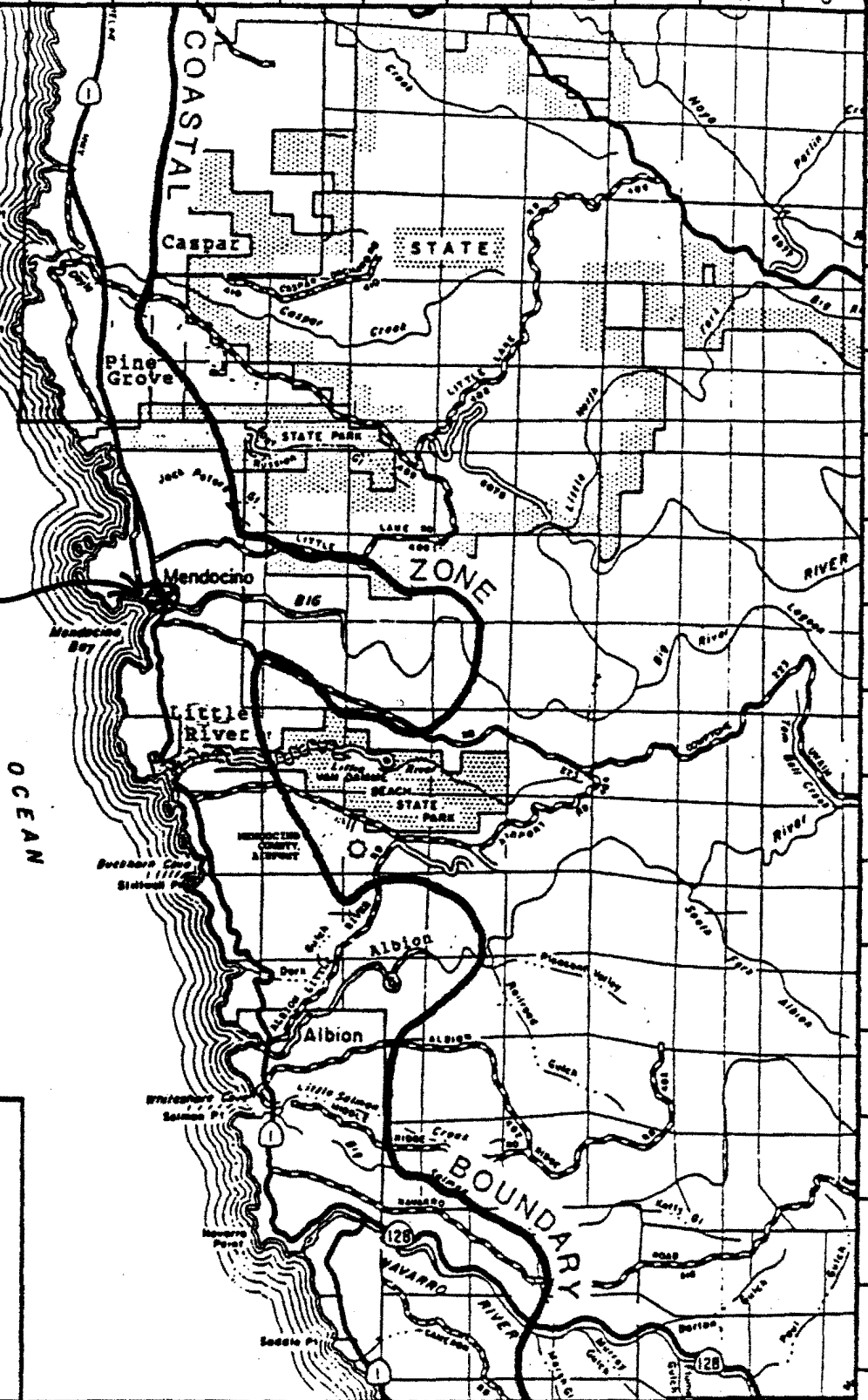
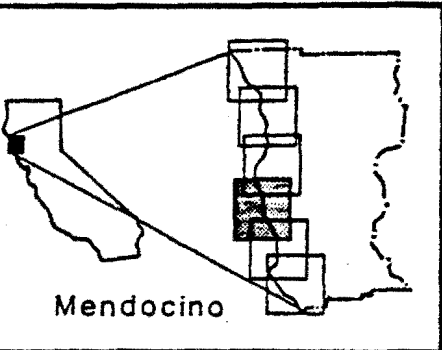
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration.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

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

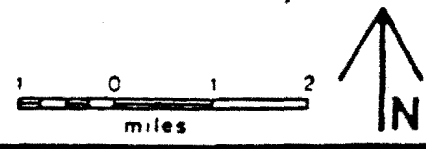
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PROJECT SITE

EXHIBIT NO.	1
APPLICATION NO.	1-94-114-A (CALTRANS)
LOCATION MAP	



LOCATION MAP



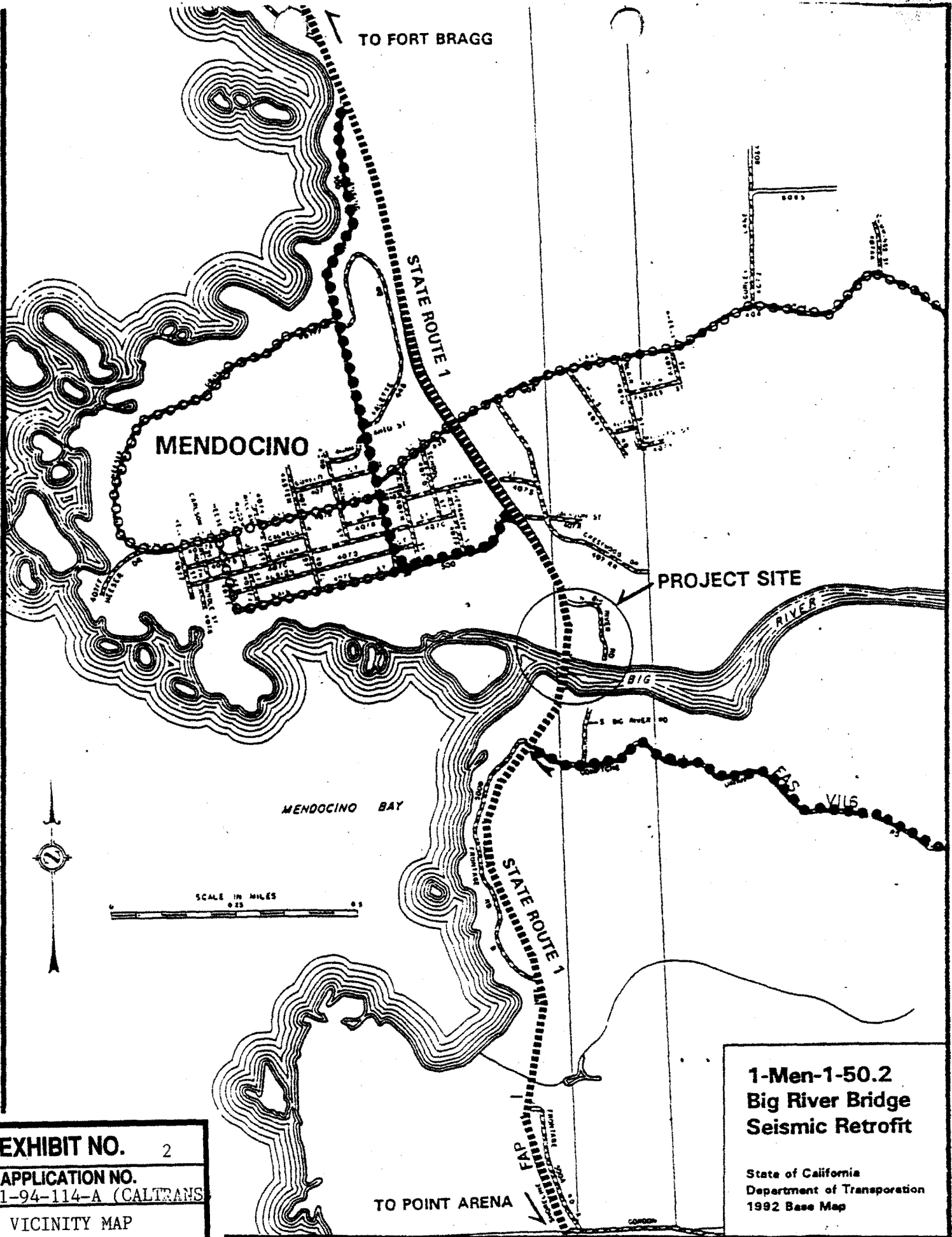
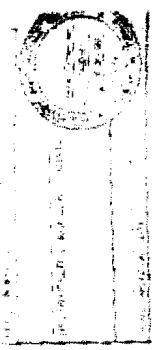
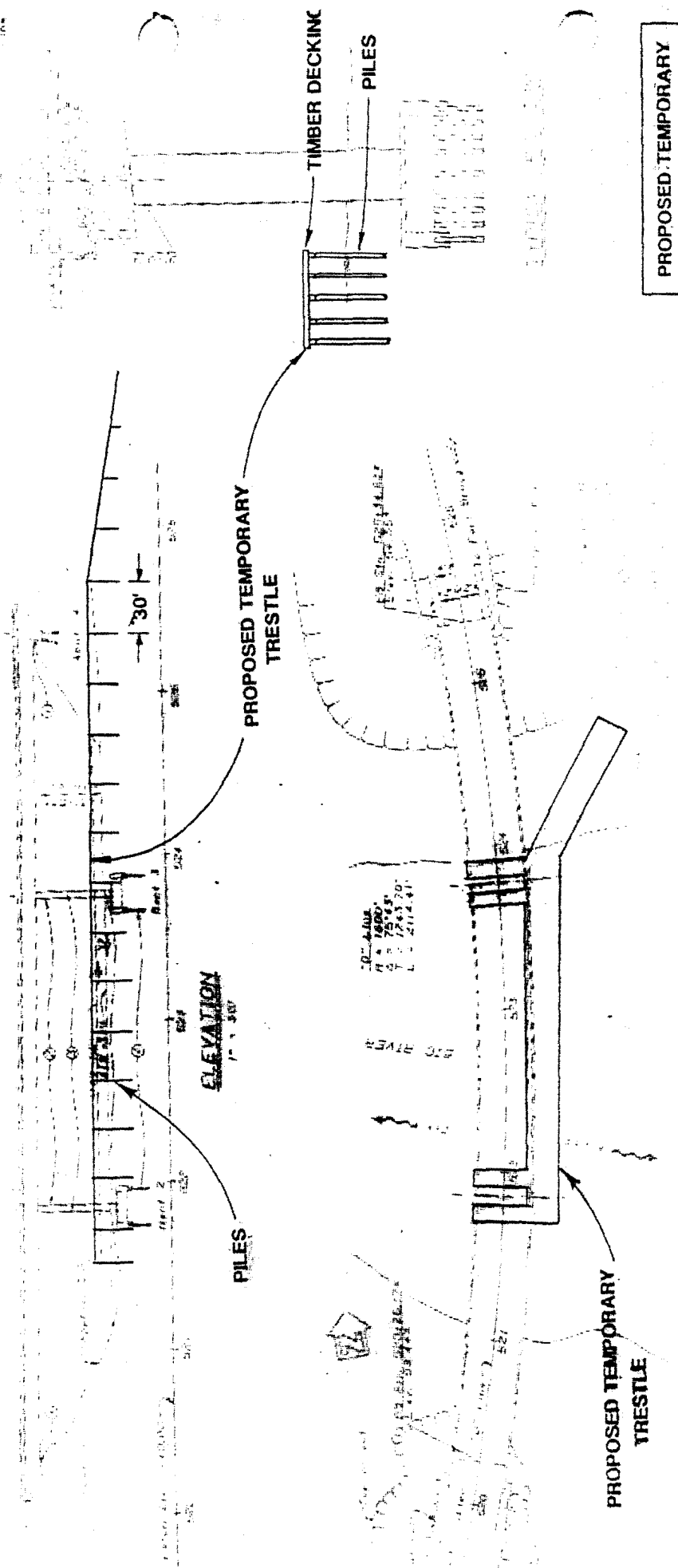


EXHIBIT NO.	2
APPLICATION NO.	1-94-114-A (CALTRANS)
VICINITY MAP	



PS&E



PROPOSED TEMPORARY CONSTRUCTION ACCESS
BIG RIVER BRIDGE

EXHIBIT NO. 3
APPLICATION NO. 1-94-114-A (CALTRANS)
TEMPORARY CONSTRUCTION ACCESS

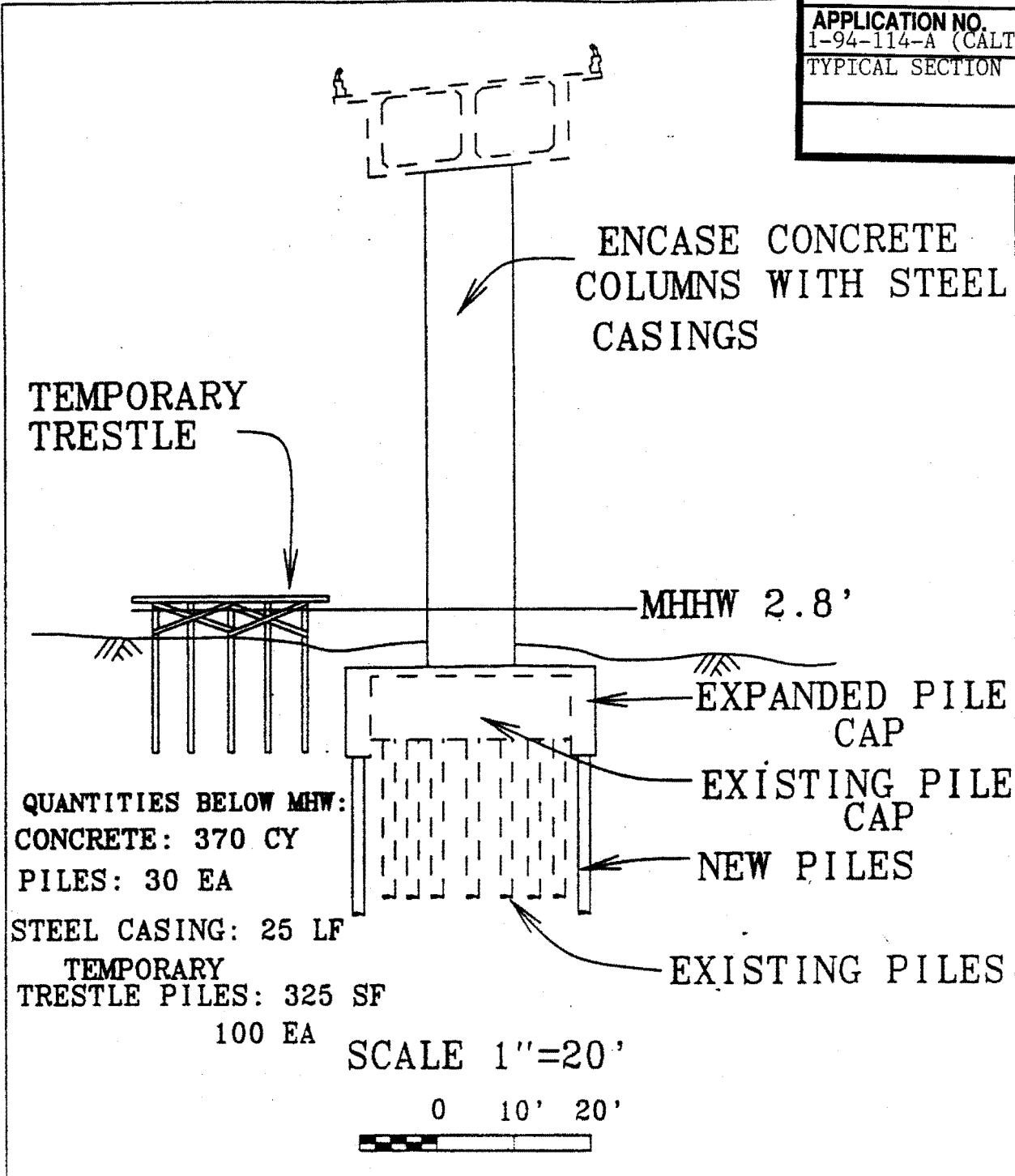
EXHIBIT NO.

4

APPLICATION NO.

1-94-114-A (CALTRANS)

TYPICAL SECTION



ENCASE CONCRETE
COLUMNS WITH STEEL
CASINGS

TEMPORARY
TRESTLE

MHW 2.8'

EXPANDED PILE
CAP

EXISTING PILE
CAP

NEW PILES

EXISTING PILES

QUANTITIES BELOW MHW:

CONCRETE: 370 CY

PILES: 30 EA

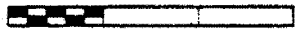
STEEL CASING: 25 LF

TEMPORARY
TRESTLE PILES: 325 SF

100 EA

SCALE 1"=20'

0 10' 20'



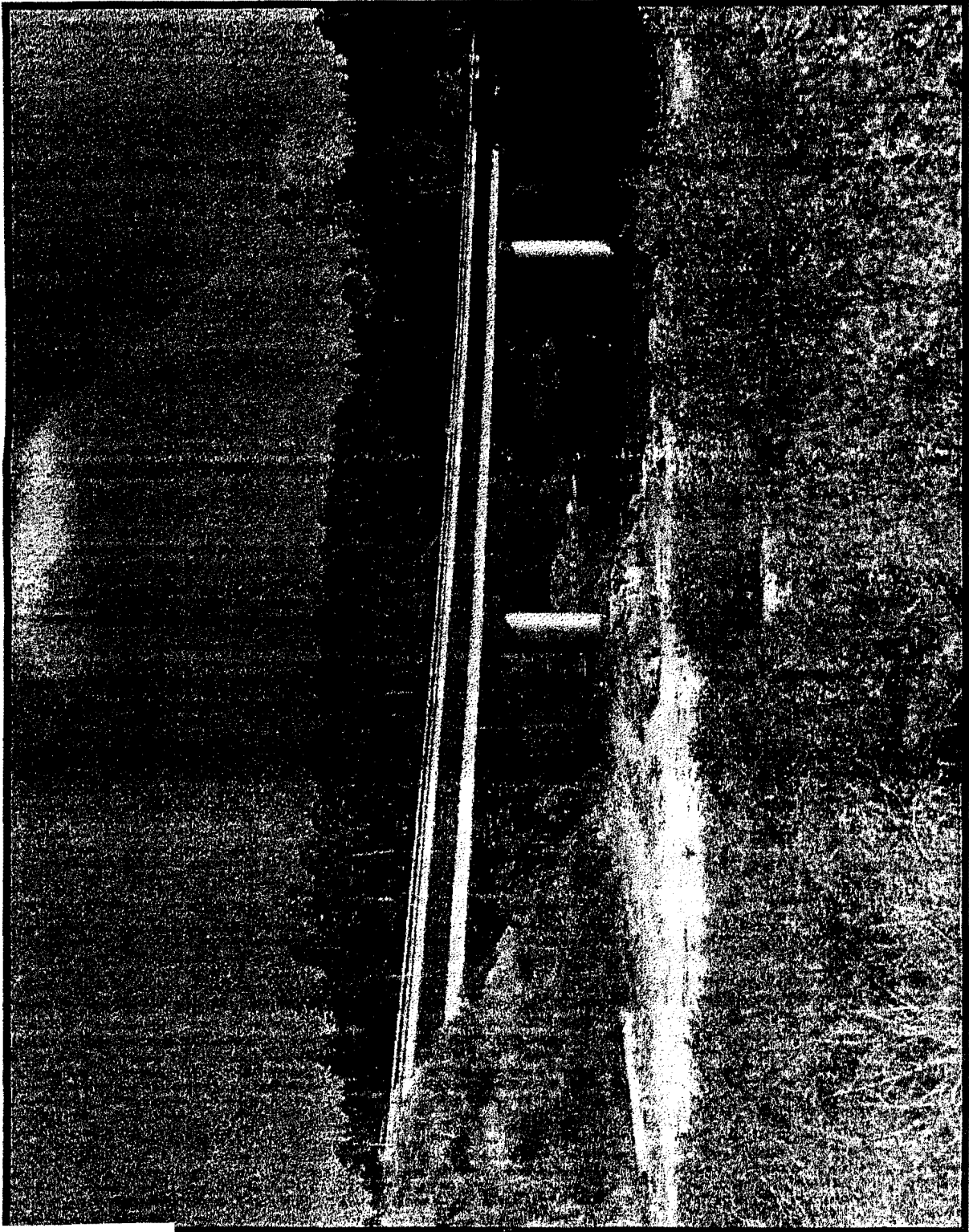
PURPOSE:
SEISMIC RETROFIT
OF EXISTING BRIDGE

TYPICAL SECTION
CALTRANS, DISTRICT 1
1656 UNION STREET
EUREKA, CA 95501

SEISMIC RETROFIT

AT: BIG RIVER BRIDGE NO. 10-148
ON ROUTE 1 AT P.M. 50.1
COUNTY OF MENDOCINO, CA

APPLICATION BY: CALTRANS
DATE: 10-4-94



STATE ROUTE 1 BIG RIVER BRIDGE SEISMIC RETROFIT

EXHIBIT NO.	5
APPLICATION NO.	1-94-114-A (CALTRANS)
BIG RIVER BRIDGE SEISMIC RETROFIT	

EXHIBIT NO. 6**APPLICATION NO.**
1-94-114-A (CALTRANS)

ORIGINAL STAFF

REPORT

L COMMISSION



Staff: Robert Merrill
 Staff Report: December 30, 1994
 Hearing Date: January 11, 1995
 Commission Action: Approved with
 conditions 1/11/95

REVISED FINDINGS

APPLICATION NO.: 1-94-114

APPLICANTS: CALIFORNIA DEPARTMENT OF
TRANSPORTATION, DISTRICT 1

PROJECT LOCATION: At the Highway One bridge over Big River, in the Town
of Mendocino, Mendocino County.

PROJECT DESCRIPTION: Retrofit the Big River Bridge to meet current seismic
safety standards by: (1) creating a temporary
construction staging area and sedimentation basin
within the Caltrans right-of-way east of the bridge
along the north shore of the river; (2) installing a
temporary wooden trestle structure in the river to
provide access to the bridge piers during
construction; (3) modifying bridge footings and
abutments; and (4) encasing the bridge piers with
steel jackets,

LOCAL APPROVALS RECEIVED: No County Approvals Required

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

SUBSTANTIVE FILE DOCUMENTS: Mendocino County Land Use Plan; Emergency Permit
No. 1-94-26G.

STAFF NOTE:

The Commission held a public hearing and acted on this project at the meeting of January 11, 1995. The resolution and findings below were adopted by the Commission upon conclusion of the public hearing. The findings differ slightly from those contained in the written staff recommendation dated December 30, 1994, but only to the extent that typographical errors have been corrected.

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SUMMARY OF COMMISSION ACTION:

The Commission approved the application with conditions. The principal issues raised by the application were: (1) the impacts of the proposed fill in coastal waters, (2) the impacts of the project on the appearance of the bridge as viewed from the Town of Mendocino, and (3) the temporary impacts of construction on existing public access use. The habitat values in the proposed fill area are minimal and the proposed permanent fill that will be above the mud line will be so minor in nature that no mitigation was required. Impacts on visual resources will be minimized through the requirements of Special Condition No. II-A-3 that the color of the new casings to be added to the existing bridge piers be similar to that of the rest of the structure. Finally, the proposed project will have no permanent impact on public access, and temporary impacts will be mitigated through conditions to require containment of the staging area to a limited area, the installation of a temporary access detour around the work area, and the installation of warning buoys for kayakers.

ADOPTED RESOLUTION AND FINDINGS:

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 not prejudice the ability of Mendocino County to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, 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 Incorporated From Emergency Permit No. 1-94-26G.

All of the following special conditions in Sections A and B are conditions of approval of Permit No. 1-94-114. Section A lists all of the special conditions imposed in Emergency Permit No. 1-94-26G that are incorporated into Permit No. 1-94-114. Section B includes two other special conditions attached to Permit No. 1-94-114, including one condition originally imposed in Emergency Permit No. 1-94-26G that has been modified and one additional condition not previously imposed in the emergency permit.

A. Applicable Special Conditions From Emergency Permit No. 1-94-26G

1 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.

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2 Revised Temporary Pedestrian Access Detour Plan:

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit for the review and approval of the Executive Director a revised plan for providing a temporary pedestrian access detour from the informal parking area at the end of North Big River Road running underneath the Big River Bridge to Mendocino Headlands State Park. The plan shall minimize fencing along the access detour by limiting fencing to only the side of the access detour adjacent to the construction staging area and sedimentation basin with a parallel fence only in the vicinity of the north bridge abutment and only if installed in such a way as to leave at least a six foot-wide passageway for pedestrians between the fences.

3 Coloring of Bridge Column Jacket Casings:

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit for the review and approval of the Executive Director a plan for coloring the proposed bridge column jacket casings with a color that will match or blend with the general coloring of the rest of the exposed bridge structure. Once approved, the applicant shall implement the plan and shall re-color the column casings as needed in the future to permanently maintain the desired appearance.

4 Revegetation/Erosion Control Plan:

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit for the review and approval of the Executive Director a revegetation/erosion control plan for the slopes below the abutments disturbed by construction of abutment improvements. A plan shall be submitted that proposes native and/or naturalized non-native plant species that are known to be effective in stabilizing bare slopes. The plan shall provide for revegetation of the affected area within two weeks of the completion of abutment construction, the installation of any necessary erosion control devices prior to revegetation, and long-term maintenance of the vegetation to be planted and any permanent erosion control devices to be installed.

5. Location of Construction Staging Area.

The proposed construction staging area and sedimentation basin shall be contained within the applicant's right of way and shall not encroach into the adjacent County of Mendocino owned right of way to minimize disruption of the informal public access parking area at the end of North Big River Road.

6. Vessel Warning Buoys:

The applicant shall install vessel warning buoys or warning signs along both sides of the temporary construction trestle to alert kayakers and operators of other small water craft in the river of the presence of the trestle. The rope buoy proposed in the original permit application shall not be installed.

7. Disposal of Excess Materials.

The temporary trestle, the coffer dams, the construction staging yard and sedimentation basin and all other surplus or excavated materials and debris shall be removed from the site upon completion of the project. The buried ends of the trestle piles may remain in place if cut at the mud line and driven down into the substrate. Placement of any of this material in the coastal zone at a location other than in a licensed landfill will require a coastal development permit.

8. Archaeologic Discovery.

Should archaeological resources be discovered on the site during construction of the proposed development, all work that could damage or destroy these resources shall be suspended. The applicant shall then have a qualified archaeologist inspect the project site, determine the nature and significance of the archaeological materials, and if he or she deems it necessary, develop appropriate mitigation measures using standards of the State Historic Preservation Office.

Should the archaeologist determine that mitigation measures are necessary, the applicant shall apply to the Commission for additional authorization from the Commission to include the mitigation plan proposed by the archaeologist. The plan shall provide for monitoring, evaluation and protection of the archaeological resources on site, and shall define specific mitigation measures. Should the archaeologist determine that no mitigation measures are necessary, work may be resumed.

B. Additional Special Conditions or Conditions From Emergency Permit No. 1-94-26G That Have Been Modified

1. Limits of Work Season.

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

2. Public Access Detour Sign.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit for the review and approval of the Executive Director a public access detour sign plan calling for the installation of a sign at each end of the temporary pedestrian access detour that will run from the informal parking area at the end of North Big River Road to Mendocino Headlands State Park. The sign shall clearly indicate that the detour is open and available for public use and shall be designed in a manner that does not inhibit public use.

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V. Findings and Declarations.

The Commission hereby finds and declares as follows:

1. Emergency Permit.

Application No. 1-94-114 is an application for a regular coastal permit for the work authorized on an emergency basis by the Executive Director under Emergency Permit No. 1-94-26G.

The development involves retrofitting the Big River Bridge within the Town of Mendocino to meet current seismic safety standards by modifying bridge footings and abutments and encasing the bridge piers with steel jackets. A copy of Emergency Permit No. 1-94-26G is attached as Exhibit 12. 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 dealing with the time limits of Senate Bill 805, which requires state permitting agencies to either issue or deny a permit for a seismic retrofit project within 15 working days of receiving an application. Caltrans submitted an incomplete application on November 17, 1994. In its cover letter, Caltrans indicated it was not at that time invoking the 15-day processing limit provided by Senate Bill 805. However, in a letter received December 9, 1994, Caltrans indicated that it had decided to invoke the 15-day time limit after all. As the 15-day time limit was not long enough for the staff to schedule the application for consideration by the Commission as a regular application at the next available Commission meeting, the January meeting, the Executive Director granted the emergency permit.

In accordance with the Commission's regulations, the current 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. The current application is subject to all of the provisions of the Coastal Act and may be conditioned accordingly. Although the emergency permit was issued without benefit of a public hearing before the Commission, Caltrans did conduct a public meeting on the project in the local area on November 29, 1994.

The Emergency permit was limited by a total of 10 special conditions addressing the particular impacts of this project. All but two of these conditions have been incorporated into Permit No. 1-94-114. Special Condition No. 6 of the Emergency permit, which limited work within the river channel to the period of the year between June 1 and November 15 to minimize adverse impacts on migratory fish is superceded by Special Condition No. II-B-1, which moves the beginning of the work period up to April 15. As explained in the permit findings, the more generous work window was granted to make it consistent with seasonal limits imposed by the Department of Fish & Game, which had determined that the earlier starting time would not adversely affect migratory fish. Special Condition No. 1 of the emergency permit, which required the submittal of a copy of an approved Streambed Alteration Agreement

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from Fish & Game has not been incorporated herein as the applicant has since fulfilled this requirement. Permit 1-94-114 includes an additional condition not found in the emergency permit that requires the installation of approved public access walkway detour signs.

2. Coastal Zone Jurisdiction.

The project site is located partially within the Commission's retained jurisdictional area along Big River, partly within the uncertified Town of Mendocino segment of the Mendocino County LCP (along the north side of the river), and partly within a certified area of the Mendocino County LCP (along the south side of the river). However, as all of the work along the south side of the river qualifies for an exemption from coastal development permit requirements, no locally issued coastal development permit was required for the project. Therefore, given that all of the development requiring a coastal development permit is either within the Commission's retained jurisdiction or within an area of deferred certification, 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 One bridge over Big River, at the south end of the Town of Mendocino (See Exhibits 1-3).

The bridge is highly visible from Main Street in the Town of Mendocino and from Mendocino Headlands State Park. The Caltrans right-of-way is bordered on its east side by road right-of-way owned by Mendocino County. The sandy beach and upland areas within both rights-of-way are heavily used by public access users, who access the site via North Big River Road which intersects Highway One a short distance north of the bridge. Public access users often park in the upland portions of both rights-of-way and the beach and an informal trail that leads under the bridge to Mendocino Headlands State Park is well-used year round.

Big River is subject to tidal action in this location, but this part of the river contains no salt marsh or eelgrass resources, only a non-vegetated sandy bottom that provides habitat for benthic organisms, a sandy beach along the north side of the river, and ruderal coastal scrub vegetation and Bishop and Monterey Pines along the south side of the river.

To upgrade the bridge to current seismic standards, Caltrans proposes to encase the bridge piers with steel jackets, enlarge and strengthen the bridge footings within the river, and strengthen the upland bridge abutments at each end of the bridge (See Exhibits 5-11). To provide access to the bridge piers and footings, Caltrans proposes to install a 7,500 square foot temporary wooden trestle structure extending from the north shoreline to each of the piers (see Exhibit 7). Cofferdams will be constructed around each of the pier footings to keep river water out of the construction areas. Both the trestle and the cofferdams will be removed upon completion of the pier and

footing work. A construction staging yard and a 1,000-square-foot sedimentation basin will be established on the north side of the river within Caltrans' right-of-way (see Exhibit 5). The sediment basin will be used to place excavated material from de-watering the pier footings.

4. Fill in Coastal Waters and Wetlands.

The Coastal Act defines fill as including "earth or any other substance or material ... placed in a submerged area." The proposed project involves dredging materials from around the existing pier footings and placing fill materials in coastal waters, as the proposed pier jacket casings, expanded footings, and the temporary access trestle and coffer dams will all be placed within submerged areas. The total amount of permanent fill proposed in coastal waters is approximately 1,000 cubic yards. As noted previously, the fill for the trestle and coffer dams will be removed upon project completion. The fill for the pier footings will all be below grade beneath the bottom of the river. Thus, the only permanent reduction of surface area and volume of the river is the area that will be displaced by the steel casings around each pier.

Section 30233 of the Coastal Act provides as follows, in applicable part:

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

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

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

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

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A. Alternative Analysis

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

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

ii. Retrofitting the Bridge in a Different Manner to Minimize Fill. This alternative would involve finding a different engineering solution to upgrade the bridge to current seismic safety standards but doing it in a manner that would result in less fill. The proposed project will only result in a total of less than 400 square feet of permanent fill above the mudline of the river, which is the total involved in adding the steel casings to the existing bridge piers. Although there may be other engineering solutions that would provide an equal amount of safety for future bridge users involving the installation of additional supports, no engineering solution has been identified to date that would result in any less fill than that involved in the proposed project. Therefore, the Commission finds that this alternative is infeasible.

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

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

B. Permissible Use for Fill

The proposed project satisfies the second test for approvable fill projects set forth by Section 30233 as the proposed fill is allowable for "incidental public service purposes" under Section 30233(a)(5). To provide further guidance in implementing Section 30233(a), the Commission has adopted

Statewide Interpretive Guidelines on Wetlands (Wetlands and Other Wet Environmentally Sensitive Habitat Areas, adopted February 4, 1981 - Section IV(A)(5)). Specifically, the Guidelines explained "incidental" as:

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

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

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

The footnote allowing fill for limited expansions of bridges where necessary to maintain existing traffic capacity applies in this case. The proposed project is designed as a seismic safety project to reduce the chances of the bridge collapsing in an earthquake, not to expand capacity. The proposed fill will not result in any additional through lanes for the highway, just a strengthened bridge. The project is needed to maintain existing traffic capacity with a higher degree of safety for motorists.

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

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

C. Feasible Mitigation Measures.

The third test set forth under Section 30233 is whether feasible mitigation measures can be employed to minimize the proposed fill project's adverse environmental effects. The proposed fill work could potentially have several adverse environmental effects on the estuarine environment, including (1) disturbance of migratory fish, (2) disturbance of mud flat habitat, and (3) degradation of water quality. Feasible mitigation measures can be employed to minimize these potential adverse environmental effects below a level of significance.

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Migratory Fish. Performing pile driving or other construction in the river channel during the period when anadromous fish are migrating up or down the river could adversely affect fisheries. To minimize disturbance of the migratory fish species that tend to use the river at that time of the year, the Commission attaches Special Condition No. II-B-1. The condition limits all construction on the portions of the project that are proposed within the river itself to the period between April 15 and November 15. These limits to the construction season have been recommended by the Department of Fish & Game. (This seasonal limit allows an earlier seasonal start than that allowed by Special Condition No. 8-f of the emergency permit to make the construction period consistent with that allowed by the Department of Fish & Game. The emergency permit was issued prior to when the Commission received a copy of the Streambed Alteration Agreement signed by the Department of Fish & Game.)

Mud flat Habitat. Pier footings, pier casings, temporary access trestle, and coffer dams will be located on unvegetated mud flat areas. Such mud flats support a variety of worms, mollusks, and other benthic organisms. Much of the proposed fill is temporary in nature, and will not have any long term adverse impacts on mud flat habitat. The wooden access trestle and the coffer dams will all be removed upon completion of the bridge pier and footings work. In addition, the proposed fill for the expanded bridge footings will all be placed below grade, under the bottom of the river (see Exhibit 9). The only permanent fill that will be placed above grade is the small amount of fill associated with the steel jackets that will be wrapped around the existing bridge piers, approximately 400 square feet. The minor loss of mud flat area to be displaced by the steel jackets is not proposed to be offset by the removal of other material. The impacts from the steel jackets on benthic organisms will be offset by the new habitat that the surface area of the steel jackets is expected to provide for such invertebrates as barnacles and mussels, and for isopods, and algae. In previous permit actions, the Commission has often determined that piles and similar improvements can enhance habitat values in this manner, and the Commission has often not required mitigation for loss of mud flat habitat due to the installation of such improvements as wooden piles.

Water Quality. Grading and construction work performed during the rainy season could cause intensive erosion and lead to greater sedimentation within the river. Proposed construction and grading in the vicinity of the bridge abutments would be particularly vulnerable to erosion given the steep slope below the abutments. Such sedimentation would adversely affect water quality.

To reduce the potential for sedimentation impacts, the Commission attaches Special Condition Nos II-B-1, and II-A-4. Special Condition No. II-B-1 limits all construction activities within the river to the dry period of the year, between April 15 and November 15. Avoiding the rainy season will reduce the exposure of the construction zone to runoff and resulting erosion and sedimentation. In addition, the Commission attaches Special Condition No. II-A-4, which requires the applicant to submit an erosion control plan for the slopes below the bridge abutments. Implementation of such a plan will protect the areas most susceptible to erosion and protect water quality.

D. Conclusion

In conclusion, the Commission finds that the proposed fill project, as conditioned, is consistent with Section 30233 of the Coastal Act in that (1) the proposed fill is for "an incidental public service purpose," a permissible use for fill under subsection (4) of Section 30233(a), (2) no feasible less environmentally damaging alternatives have been identified; and (3) the project as conditioned will employ feasible mitigation measures to minimize adverse environmental effects.

5. 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 effects on the visual character of the area. During construction, the temporary wooden trestle, the coffer dams, scaffolding on the bridge piers, and the temporary construction staging area and sedimentation basin will all intrude into the scenic view of the mouth of the Big River that is afforded from Mendocino Headlands State Park and other vantage points. However, the vast majority of this development will either be temporary or hidden from view below the mud level after project completion. The only permanent change to the scene will be the change to the bridge piers, which will be encased by steel jackets. Instead of appearing as four-sided piers as they do now, the piers will appear as slightly bulkier round columns. Views of the bridge before and after construction are shown in Exhibits 11 and 12.

The piers will look somewhat different, but the change in shape of the piers by itself will not cause a significant impact on the picturesque view of the mouth of Big River. However, the project could have a significant adverse impact on visual quality if the bridge casings are noticeably different in color than the color of the existing bridge structure. Therefore, the Commission imposes Special Condition No. II-A-3 which requires the applicant to submit for the Executive Director's review prior to the commencement of construction a plan for coloring the proposed pier jacket casings with a color that will match or blend with the general coloring of the rest of the exposed bridge structure.

As conditioned, the Commission finds that the proposed project will preserve the visual character of the area and will be consistent with Section 30251 of the Coastal Act.

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6. Archaeological Resources.

Section 30244 of the Coastal Act provides in applicable part that reasonable mitigation measures shall be required where development would adversely impact archaeological resources. The site is near an area identified as an archaeological site associated with the Northern Pomo tribe.

Archaeological survey of the immediate project location have been performed in the past, and no archaeological resources were found. Caltrans performed a detailed records search during the planning of the current project and did not find information suggesting archaeological resources exist at the project site. The project site has been disturbed several times in the past during the construction of both the existing bridge and a previous bridge replaced by the current bridge. Thus, it is unlikely that any archaeological resources of value can be found at the project site.

However, the possibility exists that important unknown resources may be present. The Caltrans archaeologist conducting the survey records search has recommended that if buried cultural remains are encountered during construction, work should halt until a qualified archaeologist can determine the significance of the find and offer recommendations for further action. Therefore, the Commission attaches Special Condition No. II-A-8 to this permit. The condition requires that all construction shall cease should any archaeological resources be discovered during construction, and that an archaeologist be consulted and mitigation measures instituted, if the archaeologist deems it necessary. The Commission finds that, as conditioned, the project is consistent with Section 30244 of the Coastal Act, as any archaeological resources that may be discovered on the site will be protected.

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 project will have temporary impacts on public access during the proposed seven month construction period. As noted previously, the public currently uses both the beach and upland areas within the Caltrans bridge right-of-way and the adjoining County right-of-way east of the bridge on the north side of the river for public access purposes. Public access users park their vehicles in the upland area and stroll or lounge on the beach areas. In addition, many people walk along an informal trail that begins east of the

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bridge and continues under the bridge along the shoreline to Mendocino Headlands State Park, west of the bridge. Furthermore, many kayakers enjoy paddling within the river channel. The proposed project will introduce a construction staging yard and sedimentation basin within the Caltrans right-of-way east of the bridge, temporarily affecting many of the public access activities. The temporary access trestle could also pose a hazard to kayakers.

A certain amount of disturbance to public access users is unavoidable during project construction. However, the basic uses of the area that are made by the public can be retained during project construction, albeit with some intrusion by the proposed project. To insure that the public can continue to walk under the bridge to the state park with the least interference from the project as possible, the Commission attaches Special Condition No. II-A-2, which requires the applicant to submit a plan for providing a temporary pedestrian access detour along the route during project construction. The condition asks for a revised plan, as Caltrans had proposed such a detour, but had planned to limit the detour to a narrow six-foot-wide corridor between six to eight foot high chain link fences. To make the detour less inhibiting to use, Special Condition No. II-A-2 requires that the revised plan limit the fencing just to where it is really needed along the side of the detour adjacent to the construction staging area and sedimentation basin, and along a short parallel stretch around the work area on the north bridge abutment. To further encourage use of the detour, Special Condition II-B-2 requires Caltrans to post signs at each end announcing the availability of the detour to continued passage along the shoreline.

To ensure that the effects on public access parking are minimized, Special Condition No. II-A-5 requires that the construction staging area and sedimentation basin be contained within the applicant's right-of-way and not encroach into the County right-of-way. To protect the safety of kayakers, Special Condition No. II-A-6 requires the applicant to install vessel warning buoys or warning signs along the temporary construction trestle to alert kayakers to the presence of the trestle. Use of a rope buoy for this purpose as originally proposed by the applicant is specifically prohibited as local kayakers have expressed concern that the rope buoy may present a significant hazard to kayakers who might get entangled in it.

The Commission finds that the proposed project will have no long term adverse affects on public access use of the Big River area. As conditioned, the temporary adverse effects of the proposed project on public access use will also 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 project is proposed as a safety project to reduce the risks to life and property associated with earthquakes. Given the purpose of the project, and the requirements of Special Condition I-A-4 that an erosion control plan be submitted that provides for protection of the erodible slopes below the bridge abutments during construction, the Commission finds that the proposed project is fully consistent with Section 30253 of the Coastal Act.

9. State Waters.

All of the proposed development will occur within Caltrans' existing right-of-way. However, portions of the project site are in areas that are State-owned waters or were otherwise subject to the public trust.

The applicant has submitted a letter from the staff of the State Lands Commission stating that approval from that Commission is not required. Therefore, the applicant has obtained the necessary property rights to carry out the portions of the project on State-owned waters.

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

The project requires review and approval by the U.S. Army Corps of Engineers. 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. To ensure that the project ultimately approved by the Corps is the same as the project authorized herein, the Commission attaches Special Condition No. II-A-1 which requires the permittee to submit to the Executive Director evidence of U.S. Army Corps of Engineers approval of the project prior to the commencement of work.

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11. Mendocino County LUP.

Policy 3.1-4 of the Mendocino County LUP limits development within wetland areas to the eight permissible uses allowed by Coastal Act Section 30233(a) and states that diking and filling shall only be allowed when there is no less environmentally damaging alternative and when mitigation measures will be used to minimize adverse environmental effects. As discussed in Finding 4, "Filling of Coastal Waters," the proposed fill qualifies under Section 30233(a)(5) of the Coastal Act as fill for "an incidental public service purpose". In addition, no feasible less environmentally damaging alternative has been identified, and as conditioned, the project will employ mitigation measures to minimize the adverse environmental effects. Therefore the project is consistent with Policy 3.1-4.

12. California Environmental Quality Act (CEQA).

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

As discussed above, the project has been mitigated to avoid significant impacts on coastal waters, the visual resources of the coast, and public access and archaeological resources. 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.

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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.

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