

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

Filed: 9/8/97
49th Day: 10/27/97
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Staff: MV-LB
Staff Report: 9/18/97
Hearing Date: 10/7-10/97
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-97-230

RECORD PACKET COPY

APPLICANT: City of Newport Beach

AGENT: Don Webb, Director of Public Works

PROJECT LOCATION: Balboa Island Bridge (Marine Avenue) over the Beacon Bay reach of Newport Bay - between Balboa Island and the intersection of Jamboree Road and Bayside Drive, Newport Beach, Orange County.

PROJECT DESCRIPTION:

Seismic retrofit of Balboa Island Bridge. 1.5 meter (5.0 foot) diameter piles will be driven in the channel on both sides of the bridge center line along the bents. Up to 20 piles will be driven. The piles will consist of open ended steel shells driven from a floating barge, except near the bridge abutments where the barge mounted rig cannot reach. Near the abutments, at Bent 20, and possibly at Bents 1 and 18, piles will be driven from the shore by wheel or track mounted equipment unloaded from the barge. The soil inside each driven shell is excavated and removed from the site on the barge. A rebar steel cage is placed inside the steel shell, which is then filled with concrete. The new piles will extend as high above water as do the existing piles. The piles will be connected at the top with pile caps doweled into the existing 2.1 meter (7.0 foot) wide pile caps. There will also be concrete work under the deck to construct some transverse shear keys at bents 2, 4, 6, 8 and 9, 12, and 13, 15, 17 and 19.

LOCAL APPROVALS RECEIVED: Categorical Exemption, Class I (Existing Facilities) (Sec. 21084(a); 15301(c)), City of Newport Beach.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan.

Summary of Staff Recommendation:

Staff recommends approval of the proposed project with special conditions requiring that the mitigation measures are implemented as proposed.

Balboa Island Bridge Retrofit
City of Newport Beach
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STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions 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.

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction 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 construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of 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.

III. Special Conditions.

1. Time Limit on Construction

No work shall occur between April 1 and September 1. The bridge shall remain open to traffic during that period.

2. Disposal Site

Prior to issuance of the coastal development permit, the applicant shall identify in writing, for the review and approval of the Executive Director, the location of the disposal site of the excavated soil resulting from the proposed project. Disposal shall occur at the approved disposal site.

3. Implementation of Best Management Practices

The project must be constructed as proposed, with implementation of all best management practices proposed to minimize adverse impacts on marine resources and water quality. Such measures include, but are not limited to:

Prior to the Contractor starting work, the Resident Engineer is to review specifications and permits with the Contractor to assure complete understanding of the environmental concerns relating to constructing the seismic retrofit.

Eelgrass is to be located, and its area buoyed and protected for the duration of the contract.

Material removed from the inside of the steel shell driven piles shall be disposed of outside of the project limits.

Debris screens are to be placed on the underside of the bridge to collect falling construction material and prevent it from falling into the water.

During concrete placing operations, care shall be taken to prevent concrete from dropping into the water.

All construction debris is to be removed from the channel bottom prior to the acceptance of the completed construction work.

4. Implementation of Least Environmentally Damaging Techniques

The proposed project must be constructed as proposed with implementation of all measures designed to minimize adverse impacts on marine resources and water quality. Such measures include, but are not limited to:

Vessels should not encroach upon the existing eelgrass beds and smaller patches that begin 3.0 to 4.5 meters (10 - 15 feet) away from the bridge.

Prior to construction, the inshore and offshore boundaries of the eelgrass meadow shall be marked with buoys so that equipment and vessel operators can avoid unnecessary damage to eelgrass.

Barges and other vessels shall be anchored outside of eelgrass habitat. Anchors and anchor chains shall not impinge upon any eelgrass vegetation.

Barges or work boats should transit over the eelgrass habitat on higher tides to prevent grounding and potential damage to eelgrass.

All construction debris shall be removed from the seafloor following the completion of construction.

5. Biological Monitor

As proposed, a biological monitor shall be present at the project site at all times during construction.

6. Post-Construction Survey

The post-construction eelgrass reconnaissance survey shall be submitted for the review and approval of the Executive Director within 2 weeks of completion of construction. If the post-construction survey indicates the loss of eelgrass as a result of the proposed project, revegetation shall occur consistent with the National Marine Fisheries Service "Southern California Eelgrass Mitigation Policy (adopted July 31, 1992, revised 1996).

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description

The applicant proposes to construct seismic retrofit improvements to Balboa Island Bridge. 1.5 meter (5.0 foot) diameter piles will be driven in the channel on both sides of the bridge center line along the bents. Up to 20 piles will be driven. The piles will consist of open ended steel shells driven from a floating barge, except near the bridge abutments where the barge mounted rig cannot reach. Near the abutments, at Bent 20, and possibly at Bents 1 and 18, piles will be driven from the shore by wheel or track mounted equipment unloaded from the barge. The soil inside each driven shell is proposed to be excavated and removed from the site on the barge. A rebar steel cage is placed inside the steel shell, which is then filled with concrete. The new piles will extend as high above water as do the existing piles. The piles will be connected at the top with pile caps doweled into the existing 2.1 meter (7.0 foot) wide pile caps. There will also be concrete work under the deck to construct some transverse shear keys at bents 2, 4, 6, 8 and 9, 12, and 13, 15, 17 and 19. No public parking will be lost due to the proposed project.

Aside from the ferry from the Balboa Peninsula, the Balboa Island bridge provides the only access onto Balboa Island. The City has indicated that it is extremely important to keep the bridge functional at all times, and especially after an earthquake, because the bridge provides the sole roadway access to the island.

B. Public Access and Recreation

Section 30210 of the Coastal Act states:

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

Balboa Island provides a popular visitor serving destination along its commercial area on Marine Avenue. In addition, there is a public walkway around the perimeter of the island. Also, the island is connected to the Balboa Peninsula by a popular car ferry. The ferry lands on the peninsula side at the Balboa Fun Zone which is also a popular tourist destination. The peninsula also contains numerous public walkways along the water and miles of public beach.

Traffic Impacts due to Construction

Adverse traffic impacts on access to Balboa Island during the peak visitor use summer months would adversely effect public access. If traffic were significantly slowed or halted during this period, visitor's abilities to access the popular visitor destinations on the island and vicinity would be significantly curtailed. As the project is proposed no work will occur between April 1 and September 1 to avoid adverse environmental impacts. The bridge will remain open during the April 1 to September 1 period during which no work will occur. The proposed cessation of work during the peak visitor use period will adequately protect public access to visitor amenities. During the period between September 2 and March 31 one lane of the two lane bridge may be closed periodically. One lane will always remain open to traffic.

To assure the work ceases during this period as proposed, a special condition requires that, as proposed, no work shall occur between April 1 and September 1 and that the bridge shall remain open to traffic during that time. As conditioned, the project is consistent with Section 30210 of the Coastal Act public access related to traffic.

Navigation

There are three navigation channels under the bridge. The expected duration of construction for the project is seven months. Consequently, the proposed project must be reviewed for possible adverse impacts on navigation.

Pile placement at the central column bents will require one channel to be closed while the other two remain open (e.g. while constructing piling at Bent 10, the navigation channel between Bents 11 and 12 will remain open). Navigation channel closures may be required for a short period of time (approximately one week). Because no work will occur on the project between April 1 and September 1, no adverse impacts to navigation will occur during the peak use summer months. Navigation will remain open during the majority of the 7 month construction period. Closure for one week out of a seven month construction period during the slower recreational season will not result in

significant adverse impacts to navigation. In addition, the new piles will not constrict the width of the existing channels, because the outside width of the existing piles at the bridge bents, 1.5 meters (5 feet), is the same as the width between the proposed piles. As proposed, the project will not have adverse impacts on navigation.

Therefore, the Commission finds that the proposed project, as conditioned to require that no construction occur between April 1 and September 1 and that the bridge shall remain open to traffic during that time, is consistent with Section 30210 of the Coastal Act regarding the provision of maximum public access.

C. Marine Resources

Section 30230 and 30231 of the Coastal Act require that marine resources be maintained and that biological productivity be protected. In addition, Section 30233 of the Coastal Act prohibits fill of open coastal waters unless the fill is for one of the eight identified uses. Fill for one of these uses must be the least environmentally damaging feasible alternative, and its impacts must be mitigated.

The proposed project includes fill of open coastal waters in the form of up to 20 new bridge piles. The proposed piles are 1.5 meters (5 feet) in diameter. The piles consist of open ended steel shells. The soil inside each driven shell is excavated and removed from the site on the barge. A rebar steel cage will be placed inside the steel shell, which will then be filled with concrete. The new piles will extend as high above water as do the existing piles. The proposed project is a seismic retrofit project, necessary to make the bridge (which provides the only roadway access to Balboa Island) earthquake safe.

The location of the disposal site for the soil which will be removed from the interior of the steel shells is not identified. The location of the disposal site must be identified in order to determine whether disposal would result in adverse impacts to marine resources. In order to assure that the excavated soil is disposed of properly, the site must be identified for review and approval by the Executive Director. As a condition of approval, the applicant shall submit in writing, for the review and approval of the Executive Director, the location of the disposal site for the soil excavated in conjunction with the proposed project.

Section 30233(a)(5) of the coastal Act allows fill of open coastal waters for incidental public service purposes. The proposed seismic retrofit is necessary to make the bridge safe for the public use. The bridge is a public road. The proposed addition of piles is incidental to the existing bridge. Therefore, the placement of the pilings in conjunction with the seismic retrofit constitutes an incidental public service use which is an allowable use under the Coastal Act.

A Marine Resources Report and Mitigation Plan was prepared for the proposed project by Coastal Resources Management, dated December 18, 1996. The report evaluated the potential impacts the proposed development may have on the marine biological resource communities that inhabit the channel in the project vicinity. The report identified eelgrass in the vicinity of the proposed project. Regarding impacts the proposed project may have on the nearby eelgrass, the Marine Resources Report states:

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The seismic retrofitting project could potentially affect small patches of eelgrass nearby the project site during the retrofitting process. No eelgrass is located directly under the bridge and there will be no direct construction-related burial or removal of eelgrass during the retrofitting process. However, if barges or other work vessels anchor at the project site and are positioned over eelgrass beds, the presence of the vessels could reduce the intensity of sunlight that reaches the seafloor and could limit eelgrass growth in the short-term. Anchor chains, anchors and the action of vessel propellers may produce seafloor scars. These are potentially injurious to eelgrass habitat. Minor amounts of silt may periodically accumulate on eelgrass blades, which will ultimately be redistributed into the water column through tidal current and wind wave activity. These impacts are expected to be less than significant, based upon the amount of work to be conducted and the relatively short time frame for the project.

Regarding impacts to water quality the Marine Resources Report states:

During seismic retrofitting of the Balboa Bridge, water quality in the Balboa Channel could be temporarily degraded when bottom sediments are disturbed, resuspended into the water column, and the resulting turbidity plume dispersed into the channel with tidal movement. This impact is likely to have a short-term and less than significant impact upon water quality or marine life.

The Marine Resources Report also makes the following conclusions:

The turbidity plume caused by any project activity could temporarily affect the breathing and filtering apparatus of invertebrates, and result in short term irritations to the gills of fishes. These impacts are expected to be minor and short-term impacts on invertebrates and fishes.

No long-term losses of plants, invertebrates, fishes, are anticipated as a result of the seismic retrofitting project.

No impacts to endangered species (California least terns and California brown pelicans) are anticipated. However, all construction activities should be completed prior to April 1, or after September 1, which will preclude any potential impacts to California least terns that may arrive and forage in the project waters.

The report recommends that environmentally sensitive construction methods and best management practices be employed as part of the project to effectively reduce the potential for short-term and long-term impacts to nearby eelgrass and marine communities. The applicant has incorporated the recommended environmentally sensitive construction methods and best management practices into the scope of the proposed project.

The proposed project includes the following best management practices:

Prior to the Contractor starting work, the Resident Engineer is to review specifications and permits with the Contractor to assure complete understanding of the environmental concerns relating to constructing the seismic retrofit.

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Eelgrass is to be located, and its area buoyed and protected for the duration of the contract.

Material removed from the inside of the steel shell driven piles shall be disposed of outside of the project limits.

Debris screens are to be placed on the underside of the bridge to collect falling construction material and prevent it from falling into the water.

During concrete placing operations, care shall be taken to prevent concrete from dropping into the water.

All construction debris is to be removed from the channel bottom prior to the acceptance of the completed construction work.

The least environmentally damaging techniques proposed as part of the project include the following:

Vessels should not encroach upon the existing eelgrass beds and smaller patches that begin 3.0 to 4.5 meters (10 - 15 feet) away from the bridge.

Prior to construction, the inshore and offshore boundaries of the eelgrass meadow shall be marked with buoys so that equipment and vessel operators can avoid unnecessary damage to eelgrass.

Barges and other vessels shall be anchored outside of eelgrass habitat. Anchors and anchor chains shall not impinge upon any eelgrass vegetation.

Barges or work boats should transit over the eelgrass habitat on higher tides to prevent grounding and potential damage to eelgrass.

All construction debris shall be removed from the seafloor following the completion of construction.

In addition to the above, the applicant is proposing to have a biological monitor present during construction. The applicant also proposes that no work will occur between April 1 and September 1 in order to avoid adverse impacts on California least tern foraging which occurs during that time.

A pre-construction eelgrass survey has been conducted (see exhibit D). The project is not expected to adversely effect the nearby eelgrass. However, the applicant is proposing preparation of a post-construction eelgrass reconnaissance survey to verify that no eelgrass habitat has been affected or removed as a result of the project. The reconnaissance survey is proposed to be completed within two weeks after construction is completed. If it is determined, based on the results of the survey, that the areal cover of eelgrass has been reduced as a result of the project, an eelgrass mitigation program will be implemented following the guidelines of the National Marine Fisheries Service "Southern California Eelgrass Mitigation Policy" (adopted July 31, 1992, revised 1996).

The incorporation of best management practices and least environmentally damaging techniques as part of the project, the presence of a biological monitor during construction, the provision that no work occur between April 1

Balboa Island Bridge Retrofit

City of Newport Beach

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and September 1, completion of a post-construction eelgrass survey and revegetation of eelgrass if disturbed during construction, all provide adequate mitigation to offset any adverse impacts to marine resources and water quality.

Alternatives to the retrofit project as proposed were considered. Replacement of the existing bridge with a bridge that meets the current seismic design standards was considered. This alternative was rejected due to extensive staging and property impacts. In addition, a new bridge in the same location and maintaining the same vertical clearance between the water and the bridge would require the construction of six bents (foundation locations) within the channel. Foundation construction would require temporary coffer dams, dewatering the work area, and excavating.

Another alternative considered was retrofitting the existing bridge by adding shear walls that surround the piles of consecutive bents at several locations. This alternative was rejected because the shear wall construction would require building temporary coffer dams, dewatering the work area, excavating, and constructing substantial foundations at each of the wall locations. Also, the shear walls would eliminate the existing openings beneath some spans.

Retrofitting the bridge by adding additional columns at every other bent was considered and rejected because the foundation construction would require coffer dams, dewatering, excavating and substantial foundation construction.

The foundation construction for the selected alternative is the least environmentally damaging, since disruption to the natural environment is substantially complete after the steel shell piles are driven. This eliminates the need for coffer dams and dewatering required of the other alternatives. Also, the foundation construction for the selected alternative may be completed in less than half the time it would take to construct any of the other alternatives. Therefore, the Commission finds that the project as proposed is the least environmentally damaging, feasible alternative.

The proposed project includes mitigation measures which will minimize adverse impacts to marine resources and water quality. Thus, if the project is constructed as proposed, its impacts on marine resources and water quality will be consistent with the Coastal Act. It is important that the project be constructed as proposed because any changes could potentially result in adverse impacts that would make the project inconsistent with the Coastal Act. For example, if the proposed project were constructed without the best management practices proposed, water quality would be adversely impacted. If work were to occur between April 1 and September 1, the California least tern may be adversely impacted. Without the post-construction eelgrass survey and proposed revegetation if necessary, adverse impacts to eelgrass may occur. Therefore, the permit is being conditioned to require that the project be constructed exactly as proposed, with implementation of all proposed measures to minimize adverse impacts on marine resources and water quality. As conditioned, the Commission finds the proposed project consistent with Sections 30230, 30231, and 30233 of the Coastal Act.

D. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a

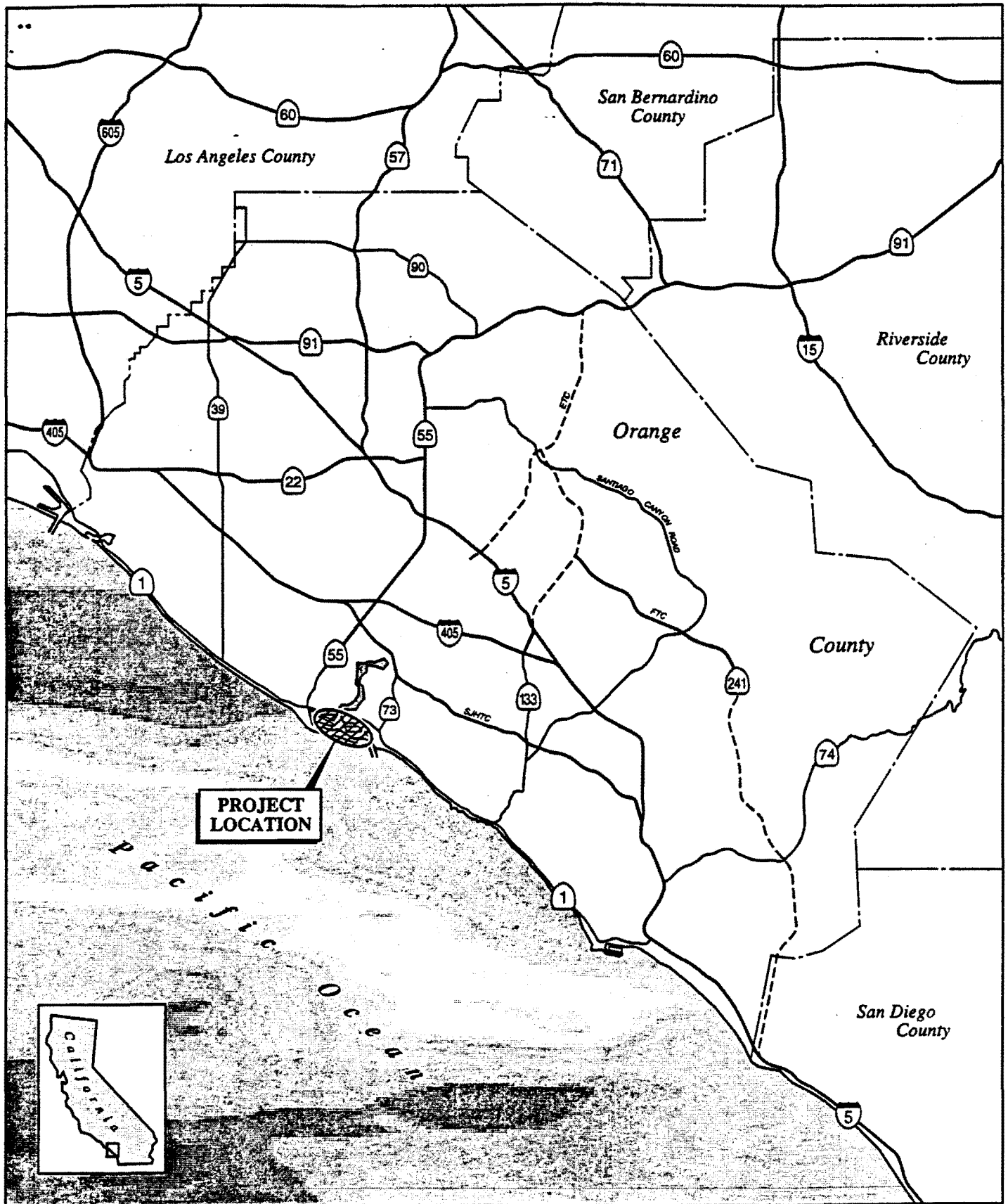
Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was certified on May 19, 1982. The project as conditioned is consistent with the Chapter 3 policies of the Coastal Act. The proposed development will not prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned 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.

The project is located between the sea and the first public road. the project is proposed in an existing urbanized area. the proposed development has been conditioned to assure that mitigation measures will be implemented so that the project will not have a significant adverse impact on the environment. As conditioned, this development will not result in adverse impacts to coastal access or resources. The proposed development is consistent with the Chapter 3 policies of the Coastal Act. The project as proposed is the least environmentally damaging alternative. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



5/20/97(DEC632)

5-97-230

Figure 1



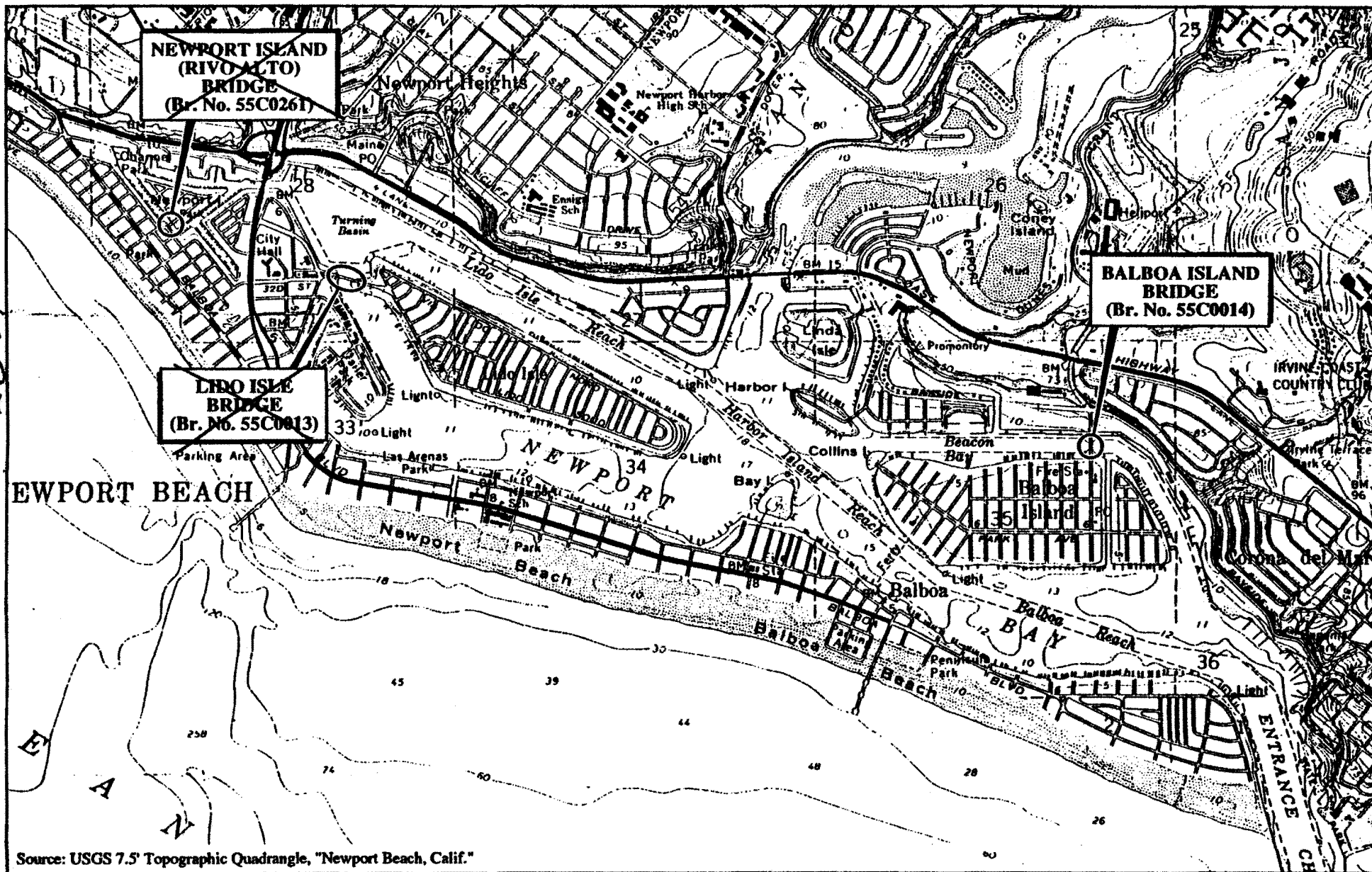
LSA

0 8 Scale in Kilometers
0 5 Scale in Miles

Exhibit A
City of Newport Beach
Seismic Retrofit Projects
Regional Location

5-97-230

Exhibit B



Source: USGS 7.5' Topographic Quadrangle, "Newport Beach, Calif."

5/20/97(DEC632)



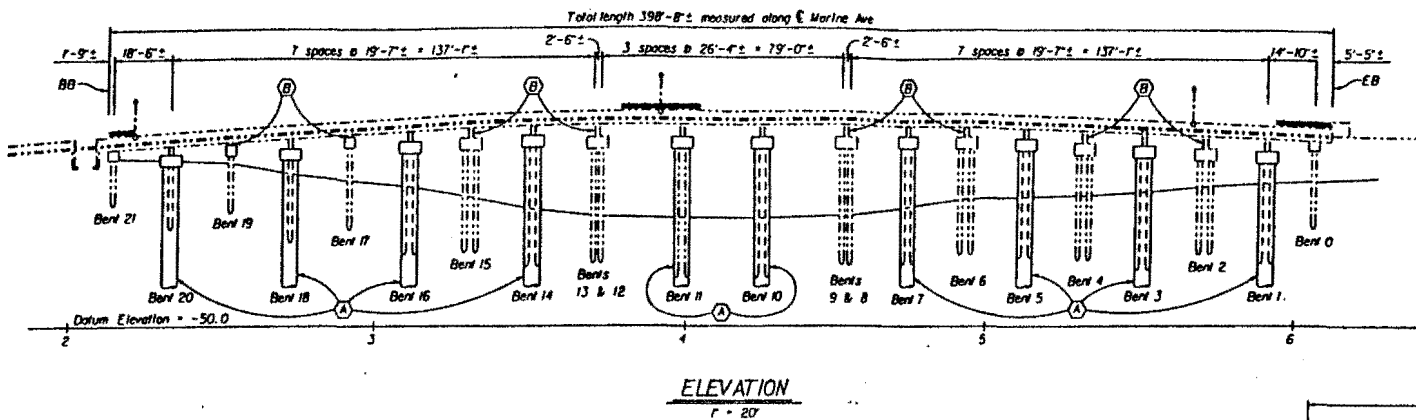
0 305 610 Scale in Meters
0 1000 2000 Scale in Feet

Figure 2

City of Newport Beach
Seismic Retrofit Projects
Vicinity Map

5-97-230

Exhibit C

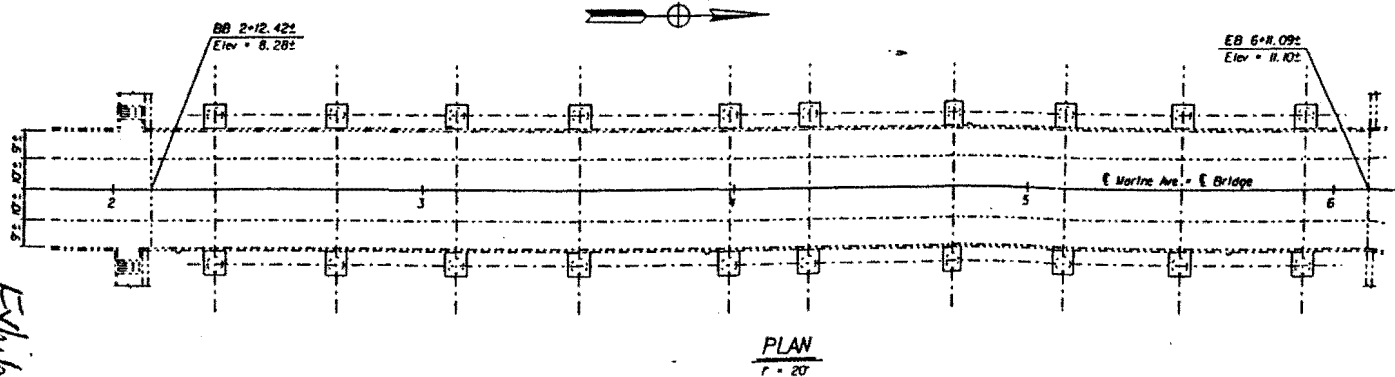
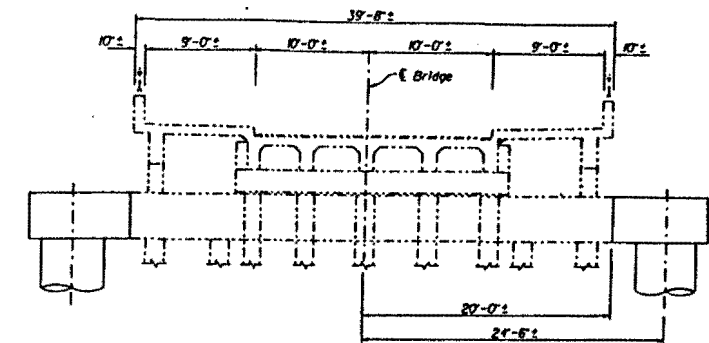


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6	Bent Details No. 4
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8	Shear Key Details No. 2
9	Shear Key Details No. 3

PILE DATA - 60" CONCRETE FILLED STEEL SHELL PILES, 1" WALL THICKNESS

Bent	1	3	5	7	10	11	14	16	18	20
Cutoff elev.	2.64	4.26	6.45	7.41	6.83	6.78	7.37	5.74	3.54	1.24
Specified tip elev.	-52.0	-52.0	-54.0	-61.0	-61.0	-61.0	-61.0	-55.0	-45.0	-45.0



Retrolit Legend

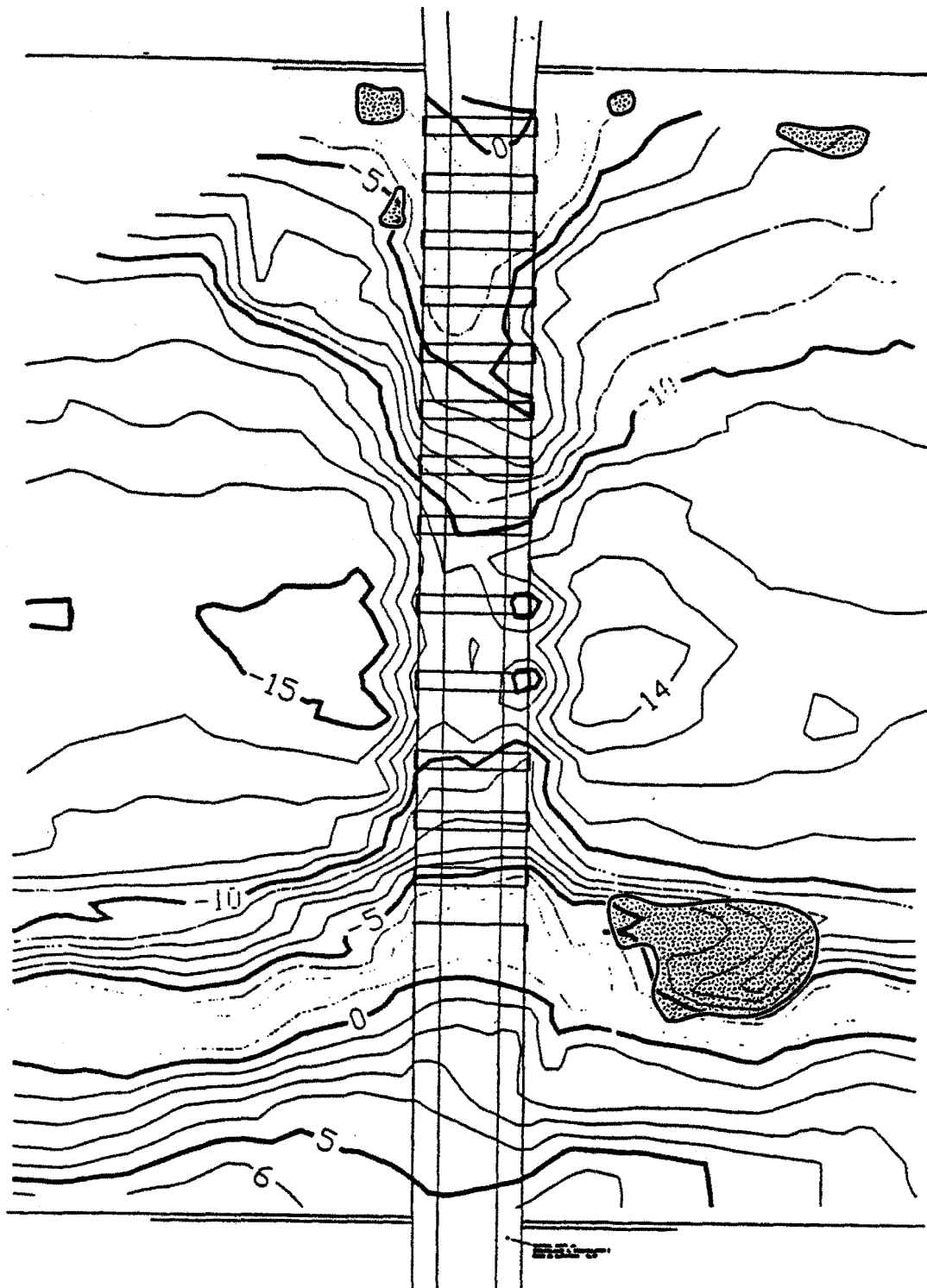
- (A) Bent retrolit
- (B) Shear key

DATE				BY				REVISIONS				PUBLIC WORKS DEPARTMENT			
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BALBOA ISLAND BRIDGE
GENERAL PLAN
CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT

LEGEND:

 Eelgrass Beds



Base Map Source: Pelagos Corp. (Survey Date 11/27/96).
Eelgrass Mapping: Coastal Resources Management (Survey Date 12/6/96).

1/20/97(DEC632)

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5-97-230

Figure 3

EXHIBIT D

LSA

0 15.24 Scale in Meters
0 25 50 Scale in Feet

City of Newport Beach
Seismic Retrofits Projects
Balboa Island Bridge - Eelgrass Beds

DEPARTMENT OF FISH AND GAME

1416 NINTH STREET

P.O. BOX 944209

SACRAMENTO, CA 94244-2090
(916) 653-4875

September 11, 1997

RECEIVED
SEP 16 1997CALIFORNIA
COASTAL COMMISSION

Ms. Meg Vaughn
California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor, Suite 100
Long Beach, California 90802-4302

Dear Ms. Vaughn:

Department of Fish and Game (DFG) personnel have reviewed the Categorical Exemption/Categorical Exclusion for the City of Newport Beach Seismic Retrofit Projects. As outlined in this document, the proposed retrofit of the Balboa Island Bridge could result in an impact to existing eelgrass beds. Appendix A of this document is a description of existing eelgrass beds at the project site and includes recommendations which would reduce and mitigate for potential impacts, should they occur, to these eelgrass beds.

With the inclusion of specific measures to avoid or reduce disturbances, and mitigation to compensate for any loss of eelgrass, as outlined in Appendix A of the Categorical Exemption/Categorical Exclusion document, the DFG does not object to the issuance of a Coastal Permit for the project as currently proposed.

Should you have any questions, please contact Mr. Richard Nitsos, Environmental Specialist, Environmental Services Division, Department of Fish and Game, 330 Golden Shore, Suite 50, Long Beach, California 90802, telephone (562) 590-5174.

Sincerely,

Larry L. Eng, Assistant Chief
Environmental Services Division

cc: See next page.

5-97-230

EXHIBIT E

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

3737 MAIN STREET, SUITE 500
RIVERSIDE, CA 92501-3339
PHONE: (909) 782-4130
FAX: (909) 781-6288



May 30, 1997

RECEIVED
RYISA INC.
JUN 01 1997

Mr. Lloyd Dalton, P.E.
Design Engineer
City of Newport Beach
Public Works Dept.
3300 Newport Blvd.
Newport Beach, CA 92658-8915

**REQUEST FOR 401 CERTIFICATION FOR THE PROPOSED SEISMIC RETROFIT OF THREE
BRIDGES, NEWPORT BEACH, ORANGE COUNTY (NO ACOE REFERENCE NUMBER)**

Dear Mr. Dalton:

On May 21, 1997, we received a transmittal dated May 20, 1997 from your agent, LSA Associates, Inc., requesting a water quality standards certification under Section 401 of the Clean Water Act for the above-referenced project. We subsequently requested and received on May 27, 1997 a copy of the permit application to the Army Corps of Engineers. We received all requested materials for a complete application as of May 27, 1997. Because this is a seismic retrofit project, we are issuing this waiver in advance of our 21-day public response period.

The City of Newport Beach (City) is proposing to perform seismic retrofit of three bridges within Newport Harbor: the West Lido Channel, Newport Island, and Balboa Island Channel. Only the Balboa Island Channel bridge will require construction activity in waters subject to U.S. Army Corps of Engineers (ACOE) jurisdiction, while structural improvements planned for the other two bridges will not require any work within the channels nor will they result in any discharge into the harbor.

Mitigation measures have been proposed to protect the water quality of Lower Newport Bay, including implementing dredging Best Management Practices to limit the dispersion of the turbidity plume and floatable debris and to reduce the potential for leakage of petroleum and other contaminants into Newport Bay. For the West Lido Channel and Newport Island bridges, runoff will be prevented from entering the channels.

There are stands of eelgrass near the project area. The City will take appropriate steps to minimize damage to the eelgrass beds and has proposed a 1.2:1 revegetation ratio for any damaged habitat. Approximately 0.009 acres of channel will be permanently impacted by the project.

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EXHIBIT F
1/2

Mr. Lloyd Dalton, P.E.
City of Newport Beach
May 30, 1997

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You have submitted an application for a Nationwide 15 permit to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act and have requested a determination from the California Coastal Commission that this project will be exempt from coastal development permit requirements. A request has also been made to the U.S. Coast Guard Bridge Team regarding whether this project is exempt from permitting requirements established by Section 9 of the Rivers and Harbors Act of 1899. The proposed construction activities are exempt from the requirements of CEQA under Section 15301(c).

Resolution No. 96-9 (copy enclosed) provides that waste discharge requirements for certain types of discharges are waived provided that criteria and conditions specified in the Resolution are met. Provided that the criteria and conditions for Bridge Seismic Retrofitting specified on page 1 (of Attachment "A" to the Resolution), Projects Which Impact Wetlands and/or Riparian Habitats specified on page 2, and the general conditions specified on page 4 are met, waste discharge requirements are waived for this project. At this time, no further action will be taken on your application. However, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

Should there be any questions, please contact Hope Smythe at (909) 782-4493 or Linda Garcia at (909) 782-4469.

Sincerely,


GERARD J. THIBEAULT
Executive Officer

Attachment

cc (w/out attachment):

- U.S. Environmental Protection Agency, Wetlands and Sediment Management Section - Daniel Meer (W-3-3)
- U.S. Army Corps of Engineers - Mark Sudol
- U.S. Fish and Wildlife Service - Martin Kenney
- State Water Resources Control Board, DWQ-Nonpoint Source Certification and Loans Unit - William R. Campbell, Chief
- California Department of Fish and Game, Long Beach - Troy Kelly
- California Coastal Commission - Meg Vaughn
- ✓ LSA Associates, Inc. - Scott Holbrook

LCG:\data\401\balbrdg.401

EXHIBIT F₂

U.S. Department
of TransportationUnited States
Coast GuardCommander (Pow-2)
Eleventh Coast Guard DistrictCoast Guard Island
Alameda, CA 94501-5100
Staff Symbol (Pow-2)
Phone: (510) 437-3514
FAX: (510) 437 5836

OPTIONAL FORM 80 (7-90)

FAX TRANSMITTAL

of pages

From: <u>Scott Holbrook</u>	To: <u>Susan Worden</u>
Dept./Agency: <u>Newport City</u>	Phone: <u>USCG</u>
FAX: <u>(714) 553-8076</u>	FAX: <u>(510) 437-2961</u>

SEN 7540/01-317-7368

5099-101

GENERAL SERVICES ADMINISTRATION

Mr. Lloyd R. Dalton, P.E.

City of Newport Beach, Public Works

P O BOX 1768

Newport Beach, CA 92658-8915

Dear Mr. Dalton:

RECEIVED
JUL 23 1997CALIFORNIA
COASTAL COMMISSION

5-97-230

I have reviewed your application to repair three bridge structures in Newport Bay and retrofit them to meet seismic standards under the State Seismic Safety Retrofit Bridge Program. It is our determination that the work you propose to do meets the definition of "Bridge Repairs", and as such, is approved under 33 CFR 115.40. Section 115.40 reads: "Repairs to a bridge which do not alter the clearances, type of structure, or any integral part of the substructure or superstructure or navigation conditions, but which consist only in the replacement or worn or obsolete parts, may, if the bridge is a legally approved structure, be made as routine maintenance without formal approval of the U.S. Coast Guard." Please submit as-built drawings for our records upon completion of this work.

The Coast Guard does have an interest in the work evolution which will affect navigation. The placement of any floating equipment should be coordinated with this office at least three weeks prior to the start of work or in conjunction with your contractors pre-construction meeting. This office and the Marine Safety Office, Los Angeles/Long Beach will review and approve the mooring plans for any marine equipment. We will also publish information concerning the work in the Local Notice to Mariners. Work equipment should be moved out of the main navigation span at night or other non-work periods. Please advise me of any pre-construction conferences for this project.

Thank you for the opportunity to review this project. If you have any questions about these Coast Guard requirements, please contact my Project Officer, Susan Worden at (510) 437-3514.

Sincerely,

W. R. Hill

Chief, Bridge Section

U.S. Coast Guard

By direction of the District Commander

Copy to: (1) Marine Safety Office LA/LB 165 N. Pico Ave. Long Beach, CA w/ City of Newport Beach original ltr

(2) ATTN Mark Sudol USACE, LA Dist Reg Br. P O BOX 532711 LA 90035-2325

FAX

5-97-230

EXHIBIT G



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

June 24, 1997

Office of the Chief
Regulatory Branch

City of Newport Beach-Public Works Dept.
c/o LSA Associates, Inc.
Attn: Scott Holbrook, Project Manager
One Park Plaza, Suite 500
Irvine, California 92614

Dear Sirs:

Reference is made to your request (No. 97-00252-SDM) dated May 20, 1997, for Department of the Army authorization to perform seismic retrofit of the Balboa Island Bridge, in Newport Bay, in the City of Newport Beach, Orange County, California.

While this activity, along with the attached special conditions, meets the general terms and conditions for authorization under Nationwide Permit Numbers 03 and 33 [Federal Register, Dec.13, 1996, pp.65874-65922], we note that you do not have Coastal Zone Management (CZM) consistency concurrence from the California Coastal Commission (CCC). Therefore, your request is denied without prejudice.

Your project cannot be authorized until the requirements at 33 CFR 330.4(d)(3) and 330.4(d)(6) are satisfied. These requirements can be satisfied by obtaining CZM consistency concurrence, or providing evidence that 6 months have passed since you applied to the CCC for CZM consistency concurrence. Be aware that any conditions on your CZM consistency concurrence will become conditions on your Nationwide Permit authorization, unless the Corps of Engineers determines that such conditions do not comply with the provisions of 33 CFR 325.4. In the latter case, the Corps of Engineers will consider the conditioned concurrence administratively denied.

When you receive your CZM consistency concurrence (or when 6 months have passed since you applied), you may reapply for authorization. Please reference application 97-00252-SDM in your letter. At that time your authorization could then be issued without further delay or processing.

RECEIVED
PVI & A INC.
JUN 26 1997

RECEIVED
JUL 23 1997
CALIFORNIA
COASTAL COMMISSION
5-97-230

5-97-230

EXHIBIT H

Y3

If you have any questions, please contact Spencer D. MacNeil of my staff at (213) 452-3417.

Sincerely,

A handwritten signature in black ink that reads "Mark Durham". The signature is written in a cursive style with a large, stylized "M" and "D".

Mark Durham
Chief, South Coast Section
Regulatory Branch

Enclosure

EXHIBIT H₂

SPECIAL CONDITIONS FOR PERMIT NO. 97-00252-SDM

1. The permittee shall adhere to all mitigation and monitoring measures proposed in the December 18, 1996 "Marine Resources Report and Mitigation Plan for the City of Newport Beach Balboa Island Bridge Seismic Retrofit Project," prepared by Coastal Resources Management. Consistent with a recommendation made in the referenced report, the permittee shall not perform any waterside construction between April 1-September 1, in order to avoid potential harrassment of foraging California brown pelicans and/or California least terns.
2. The permittee shall receive mooring plan written approval from the United Coast Guard and provide the Corps with a copy of this approval prior to initiation of project work.
3. The permittee shall keep the main navigation span clear of all work equipment during non-work periods.

EXHIBIT H₃