

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

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Hearing Date:	June 13, 1997
Commission Action:	

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: **1-97-18**

APPLICANTS: **JOEL MARTIN**

PROJECT LOCATION: 10439 Highway One, Jenner, Sonoma County, APN 099-120-005

PROJECT DESCRIPTION: Place 780 cubic yards of rock rip rap (2- to 4-foot pieces) underlaid with filter fabric, for controlling erosion by the Russian River, over a 180-foot length of failing river bank, and install an 8-inch diameter drainage pipe with drop inlet.

PLAN/ZONING DESIGNATION: Commercial Tourist/CS-CC (Rural Services - Coastal Combining)

LOCAL APPROVALS RECEIVED: County of Sonoma Mitigated Negative Declaration, February 18, 1997

SUBSTANTIVE FILE DOCUMENTS: Sonoma County Local Coastal Program

STAFF NOTES:1. Standard of Review:

The proposed project is located on the north bank of the Russian River in the town of Jenner, near the mouth of the river. Sonoma County has a certified LCP, but the project site is in tidal areas within the Commission's retained jurisdiction. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

2. Summary of Staff Recommendation:

Major issues raised by the proposed project include fill in coastal river waters, the protection of water quality, and the protection of visual resources. Staff recommends approval of the project with conditions requiring that construction activity be limited to the dry season and low water

conditions to minimize erosion and impacts on fisheries, and that measures be taken to prevent construction debris and stormwater runoff from polluting the waters of the river. Other conditions recommended by staff include requirements pertaining to additional review of this project by the Dept. of Fish and Game and the U.S. Army Corps of Engineers, and to Coastal Commission review of any project alterations proposed in the future. Staff recommends that the Commission finds that the proposed development, as conditioned, is consistent with the Coastal Act, including Coastal Act requirements that public coastal access not be adversely affected by development.

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, 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 Attachment A.

III. Special Conditions.

1. Limits of Work Season.

All construction activities shall be limited to the period of year between June 1 and October 15 and to times within that period when water levels have not risen above the toe of the proposed rip rap revetment as a result of the build up of the barrier beach at the mouth of the river and the subsequent impoundment of river water.

2. Maintenance.

Maintenance of the rip rap armour shall be the responsibility of the applicant. Any rocks which become dislodged after construction completion shall be resecured in place. Any rocks which migrate riverward from the rip rap installation shall be retrieved as possible and repositioned, or replaced by equivalent rock, in place.

3. Construction Debris Removal.

All construction debris shall be removed from the site and disposed of at a lawful disposal site. Any floating debris allowed to enter the waters of the Russian River shall be retrieved and lawfully disposed of.

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4. Drainage Pipe Plans.

Prior to the commencement of construction, the applicant shall submit to the Executive Director for review and approval final drainage plans that provide for the incorporation of water quality inlet features into the drainage pipe's drop inlet that are designed to capture petroleum hydrocarbon contaminants such as absorbent sand filters or oil/grit separators.

5. Future Alterations.

Any change in the design of the project, including but not limited to future additions to reinforcement of the project, changes in shoreline revetment materials or configuration, and any changes to the landscaping required by the Sonoma County Planning Commission that result in anything but low growing vegetation will require an amendment to Coastal Development Permit No. 1-97-018.

6. Dept. of Fish and Game Streambed Alteration Agreement.

PRIOR TO ISSUANCE of the coastal development permit, the applicant shall submit to the Executive Director a copy of an approved streambed alteration agreement from the California Department of Fish and Game. Any changes to the project as conditionally approved by the Commission which the Executive Director determines to be significant shall require an amendment to this permit.

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

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicants shall provide to the Executive Director a copy of a U.S. Army Corps of Engineers permit, letter of permission, or nationwide permit granted for the project.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

1. Project and Site Description.

The proposed development site is a 20,800 square-foot parcel on the northeast bank of the Russian River, in the town of Jenner. See Exhibits 1 and 2. The parcel is bounded by Highway One on the east, by the river on the west and south, and by property owned by the State Department of Parks and Recreation on the north. The State Parks property contains the Jenner Visitor Center, a structure built on piers over the river.

The relatively level riverside terrace property is underlain by at least 15 feet of old fill (Geotechnical Investigation, Bauer Associates, July 1989). In the southern portion of the terrace area is a one story structure containing a gift shop and deli, with an attached deck and adjacent lawn area

for outdoor eating. In the northwest portion of the parcel, separated from the gift shop/deli by a parking lot, is the town's post office housed in a manufactured trailer-size facility. See Exhibit 3.

The developed terrace portion of the site is nearly level, at an elevation approximately 9 feet above the river's "ordinary high water mark," as indicated on Exhibit 3, and approximately 10.75 feet above mean sea level (USGS Datum). This exhibit shows also the locations of the post office, less than 10-feet from the top edge of the river bank, and the gift shop/deli structure, approximately 20 feet from the edge.

Water levels alongside the property are higher during periods of high riverflow and during periods when the river is dammed by a naturally occurring barrier beach that periodically forms at the mouth of the river. The barrier beach is created by the on-shore movement of sediment originally discharged from the river to the ocean during peak precipitation and runoff events, and transported back to the mouth of the river by long, low-energy waves that reach the shore during low precipitation, minimum runoff periods.

For several years, the Sonoma County Department of Roads, and more recently the Sonoma County Water Agency, have artificially breached the barrier beach to alleviate flood situations created as river water has backed up behind it. In September 1996, the Commission approved Coastal Development Permit No. 1-96-09, which provides long-term authorization to the Water Agency for periodic breaching of the barrier beach, by bulldozer, when high water reaches an elevation between 4.5-7 feet above sea level.

To control erosion of the site's failing river bank, the applicant proposes to place 780 cubic yards of rock rip rap (2- to 4-foot-diameter pieces), underlaid with filter fabric, over a continuous 180-foot length of the site's riverfront exposure. The erosion situation is described by the applicant's engineer as follows:

When the mouth of the river is opened, there is a rapid draw down which removes the fine material from the river banks. The rise and fall of water against the unprotected banks on this property is causing erosion. The rip rap is proposed as a protective measure. (Dan Wright, R.C.E., Dimensions 4 Engineering, Inc., 11/27/96.)

The proposed rip rap armour is depicted on Exhibit 3 (plan view) and Exhibit 4 (section views). The rip rap's placement is being limited to river bank elevations from 2-feet at the toe to approximately 10.7-feet at the top edge of the bank. The project also includes backfilling eroded areas at the top of the bank with native soil and installing an 8-inch diameter stormwater drain pipe under the upper portion of rip rap, to drain storm water runoff from portions of the site behind the rip rap.

2. Fill in Coastal Waters and Protection of Marine Resources.

The Coastal Act defines fill as including "earth or any other substance or material ... placed in a submerged area." The proposed project includes the placement of fill in coastal waters in the form of rip rap and filter fabric placed along a riverbank that becomes partly or wholly submerged during periods of river backup when the naturally formed barrier beach described above is in place at the river's mouth, and also during periods of high riverflows. The filter fabric and rip rap will cover a total of approximately 2,700-square-feet.

Sections 30233 and 30235 of the Coastal Act address the placement of fill within coastal waters and the construction of seawalls and similar shoreline construction. Section 30233(a) 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:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(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.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

Section 30235 provides, in applicable part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local sand supply.

The above policies set forth a number of different limitations on what shoreline protection fill projects may be allowed in coastal waters. For analysis purposes, the limitations can be grouped into four general categories or tests. These tests are:

- a. that the purpose of the fill is either for one of eight uses allowed under Section 30233, to serve coastal dependent uses, or to protect existing structures or public beaches in danger from erosion; and
- b. that the project is designed to eliminate or mitigate adverse impacts on local sand supply; and
- c. that the project has no feasible less environmentally damaging alternative; and
- d. that adequate mitigation measures to minimize the adverse impacts of the proposed project on habitat values have been provided.

Purpose of Shoreline Revetment Fill

The proposed project, although not an allowable use for fill under Section 30233(a), meets the first limitation regarding project purpose as the purpose of the project is to protect an existing structure from erosion, consistent with Section 30235. The revetment is needed to protect the existing gift shop and deli which is situated less than 20 feet from the eroding bank.

Protection of Sand Supply

The project also meets Section 30235 criteria regarding the protection of local shoreline sand supply because there is no evidence the project will have any effect on existing local shoreline sand supplies. The river shoreline in the vicinity of the project site contains a few pocket beaches, but they are gravelly, and sometimes silty, not sandy beaches. The sand supplies for the sandy beaches just outside the river's mouth, at the state-owned North Jenner Beaches approximately one mile northwest of the site, are strongly affected by

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ocean wave dynamics, and not primarily by river currents or the occasional wave action against the river's banks. The proposed rip rap armour, limited to elevations of two feet and above, and only intermittently submerged, will not affect ocean wave dynamics.

Alternatives

No feasible alternatives to the proposed project resulting in less environmental damage have been identified. The "no project" alternative would eventually result in further deterioration of the riverbank. The applicant's "alternatives" discussion notes that in a "no project" scenario:

Without remedial measures the continued erosion of the river bank will eventually cause the existing buildings to be damaged. It is conceivable that if the erosion continues long enough, a majority of the subject property and adjoining properties (State park and recreation building and State Highway 1) will be affected.

Therefore, the no project alternative is neither feasible nor a less environmentally damaging alternative as it will not accomplish the project objectives of protecting the existing site development from erosion.

The applicant considered a "biotechnical application" where vegetation would be used as a primary stabilization material but rejected that alternative because:

The property owner has planted a number of various plants on the river bank over the years, but due to the brackish river water, the plants have all died. The bank ... is being flooded, undermined and is collapsing on itself making it an inhospitable planting area.

Given that vegetative solutions have been attempted without success in the past, the Commission finds that a biotechnical application for shoreline stabilization is not a feasible alternative to the proposed rip rap revetment.

The applicant also has investigated the alternative of armoring the eroding bank with a concrete or pile driven retaining wall or bulkhead, and found that "the high cost and permanent visual impact make it an undesirable option." According to the applicant's agent, the retaining wall alternative would cost several times the project cost of \$20,000 stated in the coastal development permit application for the rip rap proposal. Therefore, the Commission finds that a bulkhead is not a feasible alternative to the proposed rip rap revetment.

No other feasible alternatives for protecting the existing structure have been identified that would involve less fill and less disruption to the river edge environment.

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Adequate Mitigation Measures

The fourth test set forth by Sections 30233 and 30235 is that adequate mitigation for the adverse impacts of the proposed project on habitat values must be provided.

Significant adverse impact often associated with the placement of fill include the coverage of bottom habitat and the loss of estuary surface area and volume. The area to receive the fill consists of 2,700 square-feet of mostly unvegetated river bank, consisting of silty and clayey sands and gravel. The area proposed to be filled is an area that has been rapidly eroding, and was an upland area until very recently. Thus, the area proposed to be filled contains little habitat value. The only vegetation present in this area is non-native grass which spills down from the subject parcel's terrace lawn area. Thus, the fill area, all above the "ordinary high water mark" (elev. 1.75-feet above mean sea level), provides little habitat value. In addition, the fill will replace old fill that had been placed many years ago to create a flat land area for commercial development and the approximately 2,700-square-foot fill area is relatively small, less than .07 of an acre. Therefore, the proposed project will not have a significant impact on habitat at the fill site, and the loss of estuary surface area and volume is minimal. No mitigation is necessary for these kinds of impacts.

The proposed fill project could potentially have other adverse environmental effects on the estuary environment. First and foremost, the project could degrade the water quality of the river by releasing large quantities of sediment into the water column if grading and filling activities occurred during either the rainy season when stormwater runoff could wash sediment into the river or when water levels rise above the toe of the excavation and fill area during the dry season as a result of the build up of the barrier beach at the mouth of the river and the subsequent impoundment of river water. Besides discoloring the river and reducing its value for recreational pursuits, increased sedimentation of the river would result in certain habitat impacts. According to the Department of Fish and Game, the Russian River supports viable populations of coho salmon, a federally listed threatened species, other salmon species, and a variety of other game and non-game fish species. Increased sedimentation can interfere with fish passage spawning, and other aspects of fish life cycles.

Feasible mitigation measures can be employed to minimize these erosion and sedimentation related adverse effects of the project. Mr. Bill Cox, the Fish and Game Representative, has suggested to staff (May 13, 1997) that risks of erosion impacts occurring during construction (e.g., river bank silts and gravel, loosened by keyway trenching and rock placement, entering the river) could be minimized if construction activities did not take place during periods of high river flows, high tide, or when river waters are backed up by the barrier beach at the mouth of the river. Mr. Cox suggested that limiting construction activity to the period June 1 through mid-October and at times during those months when the barrier beach has been breached should ensure

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that such risks are minimized. The Commission therefore attaches Special Condition No. 1 to avoid any adverse construction impacts to "live stream" conditions. This condition limits construction activity to the period of June 1 to October 15, and further prohibits construction activity during any time within that period when water levels rise to the level of the toe of the rip rap.

Even with conformance to that condition, however, the water quality of the Russian River could be adversely impacted by construction debris remaining on site that might later be carried away by river waters during periods of high river flows that occur during the winter. The Commission therefore attaches Special Conditions No. 2 which requires all construction debris to be removed from the site and lawfully disposed of, including any floating debris that enters the river.

The river's water quality also could be adversely impacted by site runoff that will be directed off the terrace by way of the proposed 8-inch diameter stormwater drain pipe. See Exhibit 4. The purpose of the pipe is to allow drainage of terrace surface water which otherwise could build up behind the rip rap armour. The pipe will prevent surface water from contributing to armour failure which would greatly increase erosion and sedimentation. However, since the pipe will drain the entire site, including the existing parking area, there is also the potential for polluted runoff to enter the river through the drain pipe. During storms, rainfall either infiltrates into the soil or runs off the site as surface flow, carrying with it contaminants such as petroleum hydrocarbons found in motor oil that has dripped from vehicles parked in the parking lot.

Coastal Act Section 30231 provides in applicable part that the biological productivity of coastal waters be maintained by minimizing adverse effects of waste water discharges and controlling runoff. Adverse impacts on river waters from contaminants carried in runoff from the developed terrace portion of the site could be minimized if captured before being discharged from the proposed drain pipe. One such means of "urban runoff" contaminant capture, that is recommended by the U.S. Environmental Protection Agency (EPA) as a "structural Best Management Practice" (BMP), is the provision of a "water quality inlet (e.g., ... catch basin with sand filter, oil/grit separator)." A Best Management Practice, as defined in the Code of Federal Regulations (Title 40, C.F.R. Section 130.2[m]), is:

- (1) A practice or combination of practices that are determined to be the most effective and practicable means of controlling point and nonpoint pollutants at levels compatible with environmental quality goals.
- (2) A method, measure or practice selected by an agency to meet its nonpoint source control needs (including but not limited to) structural and nonstructural controls and operation and maintenance procedures.

There are several types of catch basin filter systems available, such as ones that consist of the installation of easily accessible troughs, just below

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curbside drainage drop inlets, designed to hold contaminant-absorbing materials. The absorbants are periodically inspected, removed as they become saturated, and replaced with fresh absorbants. Such systems provide a simple means to deal with stormwater runoff impacts, and are relatively low-cost, especially when included as part of initial drainage installations rather than as retrofits.

To ensure that the project will provide mitigation to minimize the adverse effects on water quality caused by the discharge of stormwater runoff through the outfall pipe, the Commission therefore attaches Special Condition No. 4 which requires the applicant to submit to the Executive Director for review and approval, prior to the commencement of construction, final drainage plans that provide for the incorporation of water quality inlet features into the drainage pipe's drop inlet, that are designed to reduce the volume of petroleum hydrocarbon contaminants being discharged through the pipe into river waters.

Conclusion

The Commission thus finds that the project, although not one of the allowable uses for fill of coastal waters under Section 30233(a), is allowable as a shoreline revetment required to protect existing structures under Section 30235, will not create adverse impacts on local shoreline sand supplies, is the least environmentally damaging feasible alternative, and includes adequate mitigation for water quality impacts and the minor impacts associated with project construction activities. Therefore, the Commission finds that the proposed development is consistent with Sections 30231, 30233 and 30235 of the Coastal Act.

3. Geologic Stability.

The Coastal Act contains policies to assure that new development assures structural integrity, minimizes risks to life and property in areas of high flood hazard, and does not create erosion. 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 landforms along bluffs and cliffs.

The engineered design for the proposed rip rap armour method of erosion control is based on a site-specific geotechnical investigation and report (Bauer Associates, 1989). The report concluded that a rip rap armour solution

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would provide adequate protection from the summer flooding erosion if the rip rap is satisfactorily keyed into river edge supporting material to prevent slope failures and to minimize the risk of scour undercutting the supporting soils.

As proposed, 2- to 4-foot diameter rocks will be keyed into the river bank, at the toe of the rip rap, above which will be stacked more of the same size rock rip rap along the existing slope. See Exhibits 3 and 4, which illustrate the "keyway" in plan and section views. The applicant further describes the construction method as follows:

The structural nature of the stacked rock rip rap will stabilize the bank and fully absorb the small wave action that occurs when the river mouth is closed. The rock rip rap will be placed above the existing bank levels in order to account for future settlement. Although the rock rip rap will settle as time passes, there will be no rock displacement caused by the small wave action that currently erodes the bank during river mouth closures. The minimal nature of the erosive wave action makes it highly unlikely that the rock rip rap placement will have any effect on adjoining properties. The rock rip rap is being limited to elevation 2 and above. This will minimize any effect on the river habitat.

It is still possible, however, that now and then individual pieces of rip rap rock could become dislodged and eventually make their way into river waters. Any such migration of rock from the revetment construction could adversely affect the structural integrity of the revetment and diminish its ability to protect the site against flooding and erosion hazards. Additionally, migrating rocks could interfere with existing public access along the strand adjacent to the proposed revetment's toe and furthermore could adversely impact aquatic life and habitat. The Commission therefore attaches Special Condition No. 3, which requires that the rip rap armour be maintained over time to prevent such adverse impacts from migrating rock.

4. Visual Resources.

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas.

The rip rap armour project will not result in any blockage of public views to the ocean as it is below the level of the land between Highway One and the ocean. The proposed rip rap will not substantially alter existing site landforms since it will be placed essentially as a blanket over the riverbank's existing slope (Exhibit 4), not as a protrusion beyond the riverbank. Views along the shoreline that are available to anyone at the shore riverward of the project's toe thus will not be disrupted.

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However, a rip rap revetment in this location could potentially be visually incompatible with the character of the surrounding area. The Mitigated Negative Declaration for the project, adopted by the Sonoma County Environmental Review Committee, includes a discussion on the project's "aesthetics":

Highway One is a designated Scenic Corridor in the County General Plan, and visual impact is an important consideration. Although not directly facing Highway One, the site is very visible from Highway One as you enter Jenner. Compared to other alternatives such as a concrete wall, the rip-rap is more aesthetically pleasing and will appear more natural, particularly if the rock color can closely match the soil When the rip-rap is complete, it is recommended that some low-growing native vegetation be planted at the top of the bank.

Corresponding mitigations adopted by the Environmental Review Committee as part of its approval of the project include conditions requiring that:

3. The rip-rap shall be of similar color to the site soils to the extent possible so as to blend into the bank.
4. A revegetation plan shall be approved by Permit and Resource Management Department (based on review by Fish & Game) prior to permit issuance, and shall be planted prior to final approval of the grading permit.

Because the proposed construction is designed to utilize rock rip rap, which has a more natural appearance than other materials such as concrete rubble rip rap or concrete wall construction, the project will be visually compatible with its surroundings. In addition, the requirements of the County's approval that the rock color blend into the riverbank's color and that low growing native vegetation be planted at the top of the bank will further ensure that the proposed project will be visually compatible with the character of the surrounding area. To ensure that the Commission will have the opportunity to review any changes to the project to ensure consistency with the visual resource policy of the Coastal Act, the Commission attaches Special Condition No. 5, which requires additional coastal development permit review for any change in the project's design. The Commission therefore finds that the project as conditioned is consistent with Section 30251 coastal visual resources protection requirements.

5. 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

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30212, the Commission is also limited by the need to show that any denial of a permit application based on these sections, 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.

Although the project is located between the first public road, Highway One, and the Russian River, an arm of the sea, it will not adversely affect public access. A narrow but intermittent band of gravel and sometimes silty beach along the shoreline provides, at lower waters, lateral access riverward of the project's toe. There is no impedence to public use of this beach except when high river waters cover it, such as during times when the river backs up against the barrier beach at the river's mouth, or at times of high river flow. Although the proposed rip rap revetment will encroach slightly onto the beach, the toe of the revetment will still be above the ordinary high water mark, approximately 2 feet above mean sea level, leaving the beach area available for passage during the majority of time. The construction of the rock rip rap armour thus will not interfere with the public's rights to continue this lateral access use of Russian River shoreline.

Furthermore, the proposed shoreline protection project will not change the nature or intensity of visitor-serving commercial use, and thus will not create any new demand for public access or otherwise create any additional burdens on public access. Therefore, the Commission finds that the proposed project does not have any adverse effect on public access, and that the project as proposed is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212.

6. Public Trust.

The State Lands Commission has advised the applicant (letter dated August 1, 1996) that:

The area over which the proposed project will extend may include sovereign lands of the State of California and, therefore, may be subject to lease requirements of the the State Lands Commission.

However, the exact extent of the State's interest has not yet been determined. Since the question of State interest remains unresolved, a lease or permit will not be required at this time. However, a lease may be required when the State determines the extent of its interest in the subject property.

The applicant thus is not required to obtain a permit or lease from the State Lands Commission and has sufficient property rights to carry out the project.

7. Department of Fish and Game Review.

The project requires a streambed alteration agreement from the Department of Fish and Game. The applicant has not yet received the agreement. Therefore,

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to ensure that the project reviewed by the Department of Fish and Game is the same project that was reviewed by the Commission, the Commission attaches Special Condition No. 6 which requires that the applicant submit to the Executive Director a copy of an approved streambed alteration agreement from the Department prior to issuance of the permit.

8. U.S. Army Corps of Engineers Approval.

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. 7 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.

9. 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 prevent construction debris and stormwater runoff from polluting the waters of the Russian River, and to avoid any adverse impacts to the river from construction activity. The project, as conditioned, therefore will not have a significant adverse effect on the environment within the meaning of CEQA.

EXHIBITS:

1. Regional Location Map
2. Site Location Map
3. Site Plan
4. Project Sections

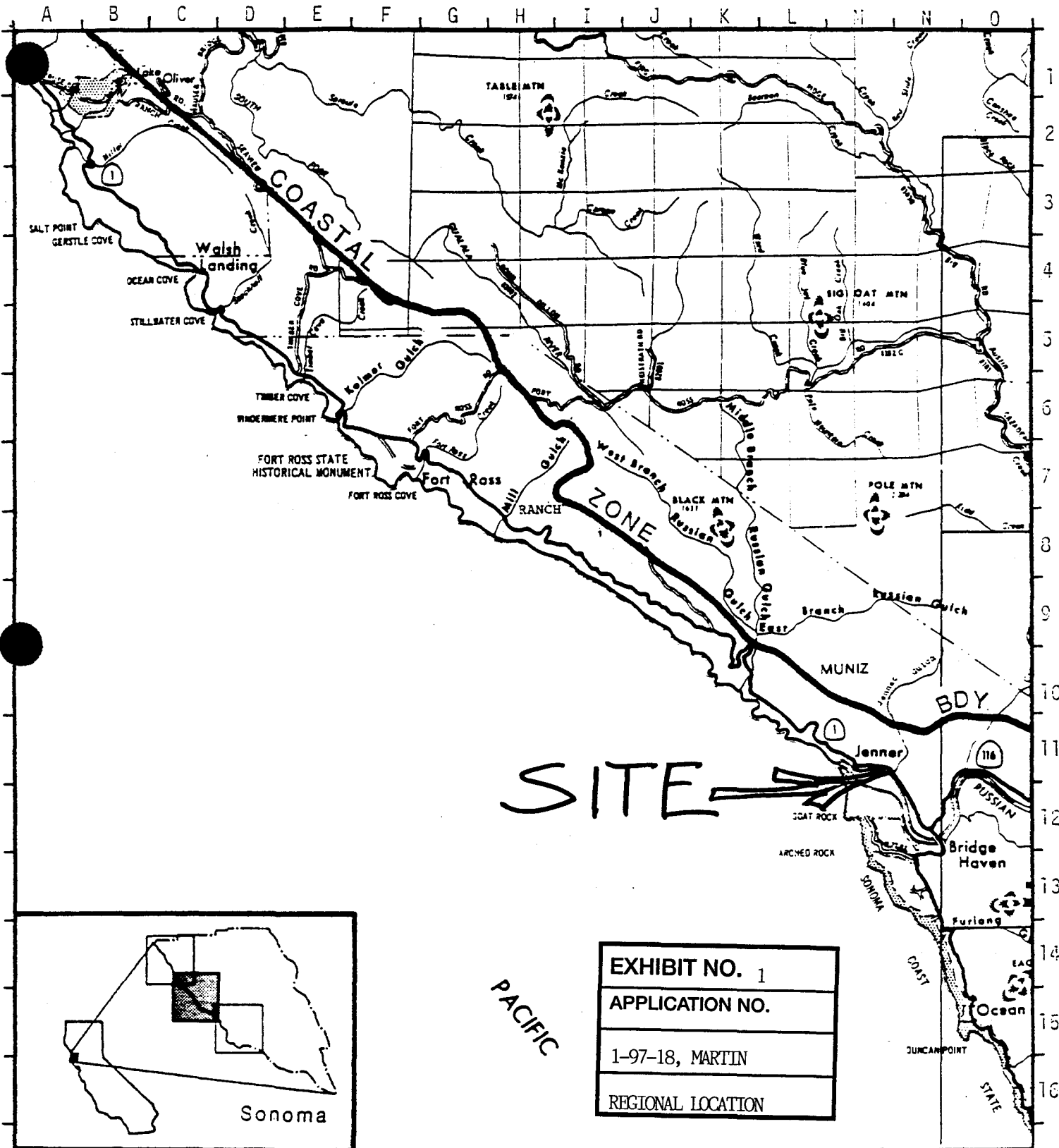
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ATTACHMENT A

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.





SITE →

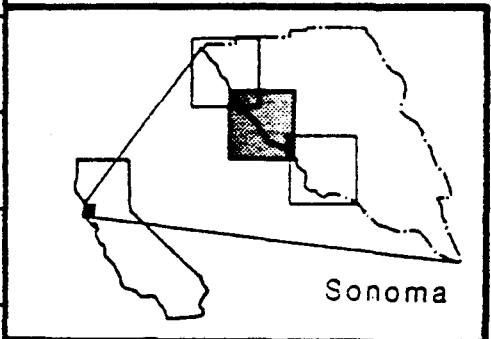


EXHIBIT NO. 1
APPLICATION NO.
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REGIONAL LOCATION

PACIFIC



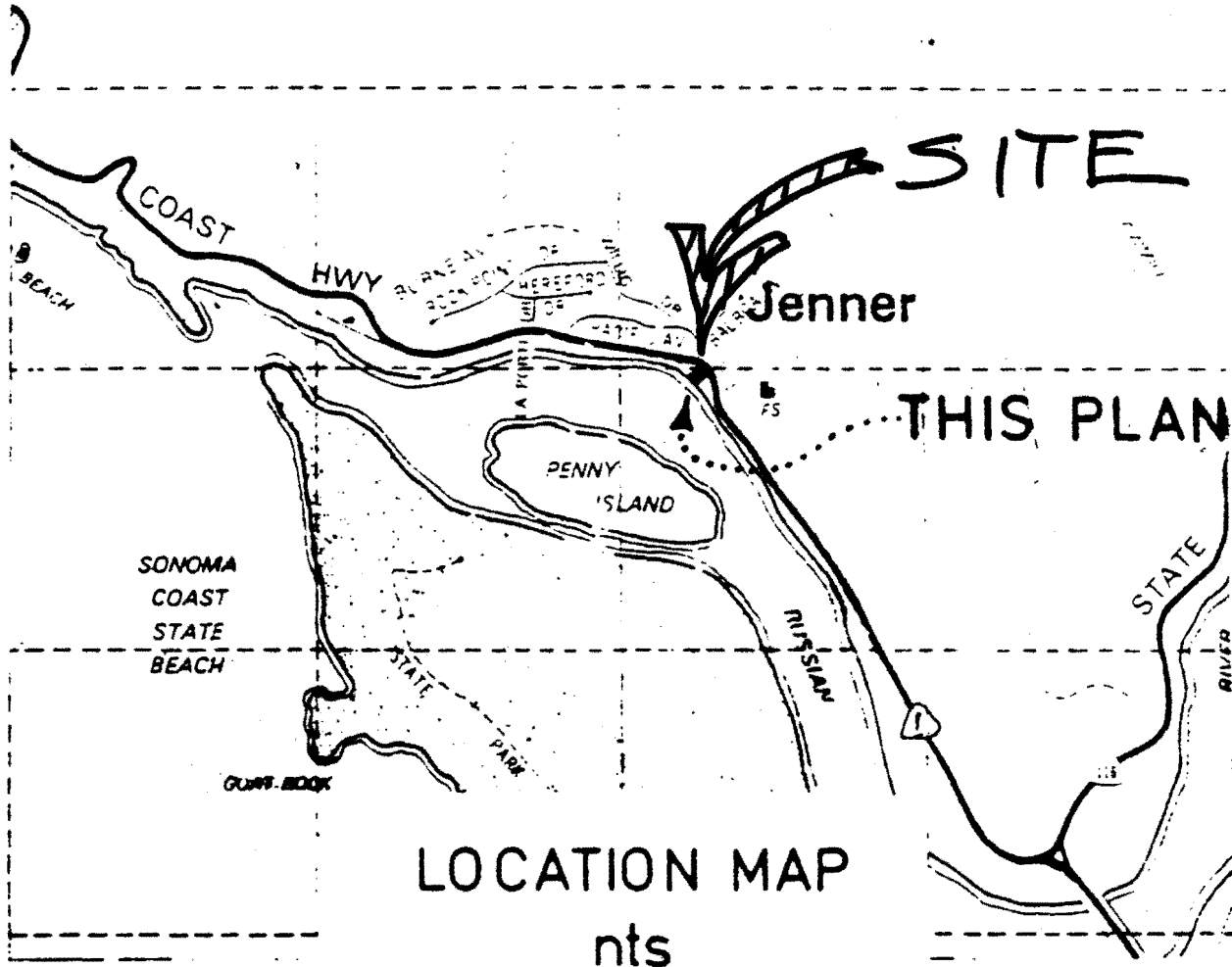


EXHIBIT NO.	2
APPLICATION NO.	
1-97-18, MARTIN	
SITE LOCATION	

