

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
 SOUTH CALIFORNIA ST., SUITE 200  
 OYLER, CA 93001  
 (805) 641-0142

Filed: 1/13/98  
 49th Day: 3/3/98  
 180th Day: 7/12/98  
 Staff: MHC  
 Staff Report: 1/13/98  
 Hearing Date: 2/3-6/98  
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-97-230

APPLICANT: Union Pacific Railroad AGENT: Paul Manault

PROJECT LOCATION: Intersection of San Antonio Creek and Union Pacific Railroad, approximately 3/4 mile inland of the Pacific Ocean, Vandenberg Air Force Base, Santa Barbara County

PROJECT DESCRIPTION: Replacement of structural elements of Union Pacific Railroad bridge over San Antonio Creek and revegetation of railroad right-of-way.

Lot area:	Not applicable
Building coverage:	Not applicable
Pavement coverage:	Not applicable
Zoning:	None
Plan designation:	None
Project density:	Not applicable
Ht abv fin grade:	80 feet

LOCAL APPROVALS RECEIVED: None

SUBSTANTIVE FILE DOCUMENTS: SP/UP Railroad Right-of-Way Site Restoration Plan for the San Antonio Creek Crossing, Vandenberg Air Force Base, Santa Barbara County, California prepared by LynneDee Oyler and V.L. Holland, August 1997.

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, is located between the sea and the first public road nearest the shoreline and is 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.

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 or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

1. Waiver of Liability.

Prior to the issuance of a coastal development permit, the applicant shall submit for the review and approval of the Executive Director a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

2. Condition Compliance.

All requirements specified in the above conditions that the applicant is required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 60 days of the Commission action. Failure to comply with such additional time as may be granted by the Executive Director for good cause will nullify this permit approval.

IV Findings and Declarations.

1. Project Description

The Union Pacific Railroad proposes to replace certain structural elements (beams, braces, girders, etc.) of the Union Pacific Railroad bridge over San Antonio Creek and to revegetate the 100 foot right-of-way under the bridge with native plant species to restore previously cleared areas and to control erosion. The bridge repairs will be conducted from the bridge itself, and will take approximately three years to complete; the clearing of the railroad-right of way has been completed, and an interim erosion control plan and the initial phases of a revegetation plan have been initiated. The work on the bridge and the clearing of the railroad right-of-way was begun without obtaining a coastal development permit.

The project is subject to the permitting jurisdiction of the Commission because the railroad right-of-way is a private holding within the boundaries of Vandenberg Air Force Base, and is not included within the County of Santa Barbara's certified Local Coastal Program. The project, which includes the removal of major native vegetation, therefore constitutes a development which is subject to the Commission's original permit jurisdiction and requires a coastal development permit.

2. Coastal Issues

Environmentally Sensitive Habitats

PRC Section 30231 provides, in part, that:

The biological productivity and quality of coastal waters, streams, wetland, estuaries, . . . appropriate to maintain optimum populations of marine organisms . . . shall be maintained, and where feasible, restored, through among other means, minimizing adverse effects of waste water discharges, controlling run off, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

PRC Section 30240 provides, in part, that:

Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values . . .

The proposed project consists of two distinct, but related elements: (1) the replacement of structural elements of the Union Pacific Railroad bridge over San Antonio Creek, and (2) the removal of native vegetation within the 100 foot right-of-way under the railroad bridge and the re-vegetation of the right-of-way. The replacement of structural elements of the bridge will be conducted from mobile platforms suspended from the bridge structure and will not itself have any significant adverse impact on biological resources. However, in the course of initiating this work the railroad right-of-way under the bridge was grubbed of all vegetation to gain access to the trestle pilings and to reduce the possibility of setting fires from sparks generated during the bridge work and from the normal braking operations of the Union Pacific trains.

The area effected by the grubbing encompasses approximately 1.43 acres, and consists primarily of native dune scrub vegetation under the bridge (e.g., California sagebrush, Coastal buckwheat, Coastal silver lupine, etc.) and several riparian species adjacent to the San Antonio Creek channel (e.g., Arroyo willow, Elderberry, etc.). Sensitive plant species which have been observed adjacent to the cleared area include San Luis Obsipo monardella, a species which has been consider for listing by the U.S. Fish and Wildlife Service under the Endangered Species Act. San Antonio Creek also supports several sensitive species, including the Red-legged frog (federally listed as threatened) and the Tidewater goby (federally listed as endangered). In addition to directly impacting the native plant community through grubbing of the right-of-way, denuding the right-of-way has increased the potential for elevated erosion, and sedimentation into San Antonio Creek.

To address these impacts the applicant has developed and begun to institute a revegetation and erosion control plan under orders from the U.S. Environmental Protection Agency. The plan consists of the following elements which are to be carried out in four phases:

Phase I, September 1 - September 30, 1997:

Sandy Slopes: Stabilize sandy areas on steep north and south slopes above San Antonio Creek through a variety of measures including hydroseeding with native seed mix, install erosion control fabric, and cocomat. Additionally, 525 native plants in one-gallon size containers would be installed on the south slope and 275 native plants on the north slope, and irrigated from water provided in a storage tank at the staging area near the railroad tracks.

Riparian Zone: Install willow cuttings on 5 foot centers and an additional 200 plants from container stock of riparian associated native species along San Antonio Creek.

Phase II, October 1 - October 15, 1997:

Install 400 native perennial plants in one gallon containers on the south slope, complete installation of wetland material adjacent to San Antonio Creek. Remove weeds by hand-hoe, hand-pulling, and shover.

Phase III, January 1-15, 1998:

Replace plant material that did not become established during phase I and II. Expected canopy at this phase should be between 10% and 20% of it ultimate canopy coverage. Install propagated San Luis Obsipo monardella on the south slope.

Phase IV, January 1998 - January 2003:

Maintain revegetation/restoration site. Conduct regular weed control, and a drip irrigation system on the south slope for the first two summers. Monitor maintenance of restoration efforts for at least five years, from January 1998 to January 2003 by a qualified biologist or restoration ecologist.

The monitoring program contains provisions to address the success of the erosion control measures, revegetation of the north and south slopes, and to evaluate the annual variation in natural successional processes. At the end of the five year period, the entire area will be evaluated to see if the basic goals of the revegetation plan has been reached: the re-establishment of a healthy native plant cover and the control of unnatural erosion on the north and south slopes. If the goals are not achieved in five years, additional monitoring and remedial measures will be required until they are reached.

Due to the timing of the completion of the restoration plan (Summer 1997), only the interim erosion control measures, hydroseeding, and planting of willows has occurred as part of the planned phases to date.)

The interim erosion control measures, and related monitoring and provisions for making adjustments to the erosion control measures are adequate to control elevated levels of erosion to San Antonio Creek while the native vegetation becomes re-established. The proposed revegetation and monitoring program cover the entire area impacted by the grubbing operation and is intended to fully revegetate and restore the impacted area. The revegetation plan contains an appropriate mix and density of native species which mirror the conditions of the adjacent naturally vegetated areas on either side of the Union Pacific Railroad right-of-way. The monitoring program contains adequate provisions to ensure the successful completion of the revegetation plan, and the restoration of the site to its pre-project conditions.

The Commission finds that the proposed project, as conditioned, is consistent with and adequate to carry out the provisions of PRC Sections 30231 and 30240.

#### Hazards

PRC Section 30253 provides, in part, that:

New development shall:

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

(2) Assure the stability and structural stability, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area . . .

The project consists of repairing an existing railroad bridge owned and operated by the Union Pacific Railroad (Structure No. E 294.65) which was built in 1897. The bridge is approximately 721 feet long, and suspended approximately 80 feet above the San Antonio Creek. The bridge is equipped with two cat-walks. The bridge is on the main north-south coastal line of the Union Pacific Railroad and is used for both freight and passenger service. The project consists of repairing deteriorated portions of the bridge structure as part of a standard procedure for older bridges of this design.

Because there are hazards inherent in the operation of a railroad bridge of this height and length from both natural and man-made causes, and these hazards may be increased as a result of the age and condition of the bridge it

is necessary to indemnify the Commission against any claims of liability arising out of the design, operation, or failure of the bridge, or any work performed under the terms of this permit.

Special Condition #1 requires that the applicant, Union Pacific Railroad, submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

The Commission finds that the proposed project, as conditioned, is consistent with and adequate to carry out the provisions of PRC Sections 30253.

#### Access

PRC Section 30210 provides that:

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

PRC Section 30214 provides, in part, that:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but limited to the following:

(2) The capacity of the site to sustain use and at what level of intensity.

The project site is situated approximately 3/4 of a mile inland of the shoreline, between the first public road paralleling the shoreline (U.S. Highway 1) and the ocean. The site is situated within the boundaries of Vandenberg Air Force Base and is generally not available to the general public because of national security reasons, hazards associated with military operations, including missile launches, and the sensitivity of the natural resources of the undeveloped portions of the base. (Public access for specific research activities is allowed on a case-by-case basis, and for occasional guided tours.)

The proposed project is intended to ensure the continued operation of the north-south coastal line of the Union Pacific Railroad which is an important means of public transportation to and along the coast. The project would not change or alter public accessibility to the surrounding Vandenberg Air Force Base, but would prolong the life of the railroad bridge over San Antonio Creek, and thus serve to facilitate travel to and along the coast. The project would therefore not adversely affect public access, but serve to support access along the coast.

The Commission finds that the proposed project, as conditioned, is consistent with and adequate to carry out the provisions of PRC Sections 30210 and 30214.

### 3. CEQA

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

The proposed project incorporates the least environmentally damaging feasible alternatives to carrying out the project, and will fully mitigate any temporary adverse impacts associated with the project.

The proposed development, as conditioned, would not cause significant adverse environmental impacts which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

### 4. Violation

Although development has taken place prior to the submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

Because the proposed project entails after-the-fact development which requires a coastal development permit in order to be in compliance with the Coastal Act, the Commission finds it necessary to require the applicant to fulfill all of the special conditions as a prerequisite to the issuance of this permit. Special Condition #2 requires the applicant to fulfill any such conditions within 60 days of the Commission action.

The Commission finds the proposed project, as conditioned, is consistent with PRC Sections 30211, 30214, 30231, 30240, and 30253.

8276A

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

<b>EXHIBIT NO. 1</b>
<b>APPLICATION NO.</b>
4-97-230
Union Pacific

PACIFIC

SAN LUIS OBISPO CO

Guadalupe

RANCHO

GUADALUPE

Bethelvia

CASMALIA

POINT SAL BEACH STATE PARK

HILLS

ZONE

RANCHO

PUNTA

DE LA

LAGUNA

Casmalia

RANCHO

TOSOS

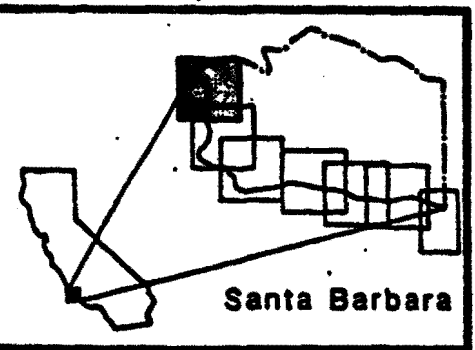
SAN ANTONIO

VANDENBERG

FORCE

BASE

BOUNDARY



Project Location

California Coastal Commission

LOCATION MAP



County of Santa Barbara



Map indicating topography of site. Map provided by Delta Research Corporation in Santa Maria.

