

CALIFORNIA COASTAL COMMISSION

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**F 3a****RECORD PACKET COPY****F 4a**

February 25, 1999

To: Commissioners and Interested Persons

From: Steven Scholl, Deputy Director
Robert Merrill, North Coast District Manager
Jack Liebster, Coastal Planner

Subject: Item F3a Appeal No. A-1-FTB-99-6 (Caltrans, Fort Bragg)
Item F4a Application No. 1-98-100 (Caltrans, Fort Bragg)

Items F3a and F4a are two separate agenda items related to the same project, the proposal of Caltrans District 3 to replace the Highway One Noyo River Bridge in Fort Bragg.

Item F3a is an appeal of the decision of the City of Fort Bragg to grant a permit with conditions for the portion of the project within the City's coastal development permit jurisdiction. Item F4a concerns the application made directly to the Commission for the portion of the project within the Commission's retained coastal development permit jurisdiction.

For ease of reference, and to enable us to save paper by combining all report exhibits into one common set that only needs to be reproduced once, we have attached to this memo all the materials related to the project. In order, these materials include:

1. Staff Report for Item F3a Appeal No. A-1-FTB-99-6 (Caltrans, Fort Bragg)
2. Staff Report for Item F4a Application No. 1-98-100 (Caltrans, Fort Bragg)
3. Exhibits

For further information, contact Jack Liebster at the North Coast District Office (415) 904-5260. Correspondence should be sent to the District Office at the above address.

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F 3a

Filed: February 5, 1999
49th Day: March 26, 1999
Staff: J. Liebster
Staff Report: February 25, 1999
Hearing Date: March 12, 1999
Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Fort Bragg

DECISION: Approval with Conditions

APPEAL NO.: A-1-FTB-99-06

APPLICANTS: CALIFORNIA DEPARTMENT OF
TRANSPORTATION, DISTRICT 3

PROJECT LOCATION: Highway One Noyo River Bridge within the City of Fort
Bragg, Mendocino County

PROJECT DESCRIPTION: As approved by the City of Fort Bragg, the project would
replace the existing two-lane, 36-foot-wide Noyo River
Bridge with an 86.6-ft.-wide, 875-ft.-long, concrete box
girder bridge. The proposed bridge would accommodate
four 11.8-ft. lanes and a 10+ ft. median, with 8-ft outside
shoulders and 5.5-ft sidewalks placed on both sides. The
majority of the project, including approximately 700 ft. of
the central part of the structure, is within the Commission's
permanent jurisdiction. The portion of the project subject
to this appeal includes bridge approaches, bridge abutments
on the bluffs, approximately 175 feet of bridge span, and
portions of the construction staging area.

APPEAL NO.: A-1-FTB-99-06

APPLICANT: CAL. DEPT. OF TRANSPORTATION, DISTRICT 3

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APPELLANTS: California Coastal Commissioner Rusty Areias
California Coastal Commissioner Mike Reilly
Sierra Club Mendocino/Lake Group and Friends of Fort
Bragg

SUBSTANTIVE FILE DOCUMENTS:

1. City of Fort Bragg CDP24-98 Preparation and Certification of Record of Proceedings (received 2/22/99 from City of Fort Bragg);
2. City of Fort Bragg Local Coastal Program;
3. Notice of Final Action on Coastal Development Permit CDP20-98;
4. Noyo River Bridge Replacement (Negative Declaration, Initial Study/Environmental Assessment (November 1998);
5. Noyo River Bridge Replacement (Initial Study/Environmental Assessment (August 1998);
6. Programmatic Section 4(f) Analysis for the Noyo River bridge Replacement Project on State Route 1;
7. Report – Alternate Access Feasibility Traffic Analysis for the City of Fort Bragg ;
8. Historic Property Survey Report – Negative Findings;
9. Vehicle Crash Tests of the Aesthetic See-Through Concrete Bridge Rail with Sidewalk, Type 80SW;
10. Project Scope Summary Report Structural Rehabilitation (Functional PSR);
11. Highway Design Manual – Chapter 100 Basic Design Policies

SUMMARY OF STAFF RECOMMENDATION:

1. **SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE**

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed, and that the Commission hold a de novo hearing, because the appellants have raised a substantial issue with the local government's action and its consistency with the certified LCP.

The majority of the project, including approximately 700 ft. of the central part of the structure, is within the Commission's permanent jurisdiction. The portion of the project subject to this appeal includes bridge approaches, bridge abutments on the bluffs, approximately 175 feet of bridge span, and portions of the construction staging area.

The appellants each contend that the project is not consistent with the City's LCP, and have three main areas of concern, (1) visual resources and special communities, (2) alteration of landforms and erosion, and (3) public works capacity. In addition, the Sierra Club Mendocino/Lake Group and Friends of Fort Bragg contend the project approval does not conform with California Environmental Quality Act (CEQA) Guidelines section 15082, and also raise concerns about the public participation process.

Commission staff thus believes the project, as approved by the City, raises a substantial issue with regard to conformance with the visual resources and special communities, alteration of landforms and erosion, and public works policies of the City's LCP. However, staff believes that the appellants Sierra Club Mendocino/Lake Group and Friends of Fort Bragg contentions regarding compliance with the California Environmental Quality Act, and the adequacy of the public participation process are invalid grounds for appeal as they do not allege that the approval is inconsistent with the certified LCP or the public access policies of the Coastal Act.

The Motion to adopt the Staff Recommendation of Substantial Issue is found on Page 6.

2. SUMMARY OF STAFF RECOMMENDATION DE NOVO: APPROVAL WITH CONDTIONS

The staff recommends that the Commission approve with conditions the coastal development permit for the proposed project on the basis that, as conditioned by the Commission, the project is consistent with the City's certified LCP and with the public access and public recreation policies of the Coastal Act.

To address the impairment of views from the bridge, from surrounding public vantage points and the greater shading of recreational areas resulting from the design of the bridge and its railing, staff recommends that the Commission attach Special Condition No. 6. This condition would require Caltrans to either acquire and develop a bluff top parcel on the south side of Noyo Bay for use as a public viewing area, or deposit an amount of money equivalent to what would be necessary to provide the public viewing area in an account for use in developing this or another public viewing area. To prevent water quality impacts from erosion and sedimentation or stormwater runoff, staff recommends that the Commission attach special conditions requiring the submittal for review and approval of the Executive Director of erosion control and water pollution control plans.

The Motion to adopt the Staff Recommendation of Approval with Conditions is found on Page 20.

STAFF NOTES:

1. Appeal Process.

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603.)

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff, or those located in a sensitive coastal resource area.

Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or City. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access and public recreation policies set forth in the Coastal Act.

The subject development is appealable to the Commission because the proposed development is located between the sea and the first public road paralleling the sea, is also within 300 feet of the mean high tide line and the top of the seaward face of a coastal bluff.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a de novo hearing on the appeal, because the proposed development is between the first road and the sea, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission on the substantial issue question are the applicants, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

2. Filing of Appeal.

The appellants filed an appeal to the Commission in a timely manner on February 5 and February 8, 1999, within ten working days of the City's issuance of the Notice of Final Action, which was received in the Commission's offices on January 28, 1998.

3. Related Agenda Item.

The subject project is intersected by the boundaries between the permit jurisdiction of the Commission and the City of Fort Bragg. The portion of the project subject to this appeal includes bridge approaches, bridge abutments on the bluffs, the opposite ends of the bridge span totaling approximately 175 feet, and portions of the construction staging area. upslope areas of the proposed redivision which are in the City's coastal development permit jurisdiction. However, at the March 12, 1999 meeting, the Commission will also conduct a hearing on related Coastal Development Permit Application No. 1-98-100. That application seeks Coastal Commission authorization for the portions of the proposed project that are within the Commission's retained jurisdiction. The areas of the subject property that are located within the Coastal Commission's retained jurisdiction include submerged areas, tidelands, or areas subject to the public trust (Exhibit No. 4).

4. Emphasis Added

In various locations in the staff report, **bold type** indicates emphasis added to quoted text.

PART ONE – SUBSTANTIAL ISSUE

I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

Pursuant to Section 30603(b) of the Coastal Act and as discussed below, the staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

MOTION:

I move that the Commission determine that Appeal No. A-1-FTB-99-06 raises NO substantial issue as to conformity with the certified Local Coastal Program with respect to the grounds on which an appeal has been filed pursuant to Section 30603 of the Coastal Act.

Staff recommends a NO vote. To pass the motion, a majority vote of Commissioners present is required. Approval of the motion means that the City permit is final.

II. Findings and Declarations.

The Commission hereby finds and declares:

A. APPELLANTS' CONTENTIONS.

The Commission received from California Coastal Commissioner Rusty Areias, California Coastal Commissioner Mike Reilly, and the Sierra Club Mendocino/Lake Group and Friends of Fort Bragg ("the appellants") appeals of the City of Fort Bragg's decision to approve the project. The City of Fort Bragg approved a coastal development permit to replace the existing two-lane, 36-foot wide Noyo River Bridge with a 86.6 ft.-wide, 875-ft.-long, concrete box girder bridge. The proposed bridge would accommodate four 11.8-ft. lanes and a 10+ ft. median, with 8-ft outside shoulders and 5.5 ft sidewalks placed on both sides. The appellants' contentions involve inconsistency with the City's LCP policies regarding visual resources and special communities, alteration of landforms and erosion, and public works capacity. In addition, the Sierra Club Mendocino/Lake Group and Friends of Fort Bragg contend the project approval does not conform with California Environmental Quality Act (CEQA) Guidelines section 15082, and also raise concerns about the public participation process. The appellants' contentions are summarized below, and the full text of the contentions are included as Exhibit No. 33 and 34.

1. Visual Resources and Special Communities.

Appellants Areias and Reilly contend the project as approved by the City of Fort Bragg "would be a massive construction, nearly three times the width of the existing Noyo Harbor Bridge and more representative of a congested, heavily urbanized central-city area than the eclectic, unpretentious small-scale charm of Noyo Harbor. Noyo Harbor is enjoying a growing attraction as a visitor-serving destination. It would be very visible from the restaurants and other viewing spots in the harbor, as well as views from the recreational areas along and at the mouth of the Noyo River where it meets the sea. The

thick horizontal beams and wide vertical supports of the so-called "see-through" concrete barrier also could diminish the views to and along the coast afforded by the current bridge (one of the few places in the City where the ocean is visible from Highway 1). For these reasons the appellants contend that the project as approved requires careful review for its potential impacts and inconsistencies with LUP Policy XIV-1, Scenic Corridor Combining Zone Section 18.58.05 (C) and Zoning Code Section 18.61.028."

The Sierra Club Mendocino/Lake Group and Friends of Fort Bragg also cite Section 18.61.028, and contend "we have a great concern about the massive design of the proposed bridge which is above and beyond that needed for vehicle, safety, and pedestrian use. We have a very great concern about the sheer ugliness of the bridge and the impact of this monstrosity on this small rural community. Details that were overlooked by Caltrans throughout the process (because it never did conduct a real hearing on the project) such as lighting on the bridge, real wheelchair accessibility, and other design options were added at the last minute at the City Council hearing. The public then never did have an opportunity to address the new lighting as revealed for the first time in graphic form at the City Council hearing. The lighting is too much and must be reviewed for its danger and blinding impact on boats entering and leaving the harbor at night and vehicles coming from a dark unlit rural Highway 1 into massively lit area with no time for the eyes to adjust."

2. Alteration of Landforms and Erosion:

Each of the appellants cite the LCP's chapter XIV to contend that the LCP identifies the bluffs at the Noyo River area "as areas of special aesthetic importance" requiring "special review procedures ... for bluff and riparian vegetation and minimizing the modification of natural land forms ... to preserve the aesthetic values in that area." The appellants contend the modifications to the Noyo River bluffs that would occur through widening the Noyo Bridge as approved by the City of Fort Bragg raise a conflict with these provisions of the LCP.

3. Public Works Capacity

Appellants Areias and Reilly contend "the project as approved will significantly increase highway capacity by doubling the number of lanes on Highway 1 in this area. Widening the bridge is directly related to planned road capacity expansions south of Noyo River, although these projects were piecemealed, and not treated as a single development. Regarding road capacity in this area, the LCP calls for 'a detailed highway improvement study for this area,' and states that 'to implement the specific design proposals produced in that study, development in the area should be called upon to pay a portion of the circulation system improvements needed.' The fact that no such arrangement for shared funding of the costly highway capacity improvements by potential developers has been

approved raises a potential conflict with the LCP. Further, cost-sharing as required by these provisions of the LCP might improve the financial feasibility of alternatives more consistent with LCP policies, and should be considered before the project is finally approved.”

4. California Environmental Quality Act (CEQA)/Public Participation

The Sierra Club Mendocino/Lake Group and Friends of Fort Bragg contend the project approval does not conform with Act (CEQA) Guidelines section 15082, and cite various alleged inadequacies concerning CEQA-related and other aspects of the public participation process. These include the contentions that “[w]hile Caltrans did publish notices of its two public meetings in the *Fort Bragg Advocate News*, it never included pictures of the proposed bridge in the local newspaper for the public to see. At its CEQA scoping session (which Caltrans calls a public hearing) all of 4 or 5 people showed up. The notice was buried in such bureaucratic language that I doubt that anyone other than the most sophisticated in governmental procedure could even interpret what the notice meant... Since so much of the proposed bridge was changed and added to at the last minute in terms of impacts (lighting for example) ...we believe that another period of review will do no harm, but will allow many mistakes to be worked out beforehand.”

B. LOCAL GOVERNMENT ACTION.

The City of Fort Bragg filed the Caltrans application for the Noyo River Bridge project as CDP 24-98 on November 16, 1998. The Fort Bragg Planning Commission held a public hearing on December 30, 1998, and denied the CDP on a 4-1 vote , finding, in part that:

The project is not in conformity [with the LCP]. Specifically, the aesthetic considerations related to the design of the bridge do not conform to the provisions... which require that development... shall be visually compatible with the character of surrounding area, shall be sited and designed to protect views to and along the ocean and scenic coastal areas, and , wherever feasible, restore and enhance visual quality in visually degraded areas...

Approval will permit a use which will not be compatible with other uses in the area...the design of the project as proposed, is out of scale, too massive and not in character with the surrounding coastal community...

It does not protect views from the bluffs at the mouth of the Noyo...and does not give adequate consideration to the bluffs on Noyo Point...

The haste in developing the design and construction schedule...has left insufficient time for adequate consideration of the long term aesthetic impacts of

the project on the very scenic setting at the mouth of the Noyo and ...to and from the harbor community, the surrounding bluffs, the ocean, and from the bridge itself....

Caltrans appealed the denial to the City Council. The City Council, in a special meeting on January 26, 1999, held a public hearing and approved the project with conditions on a 4-0 vote. The City Council's approval (see Notice of Final Action, Exhibit No. 32) included the following findings:

2. *The project development is in conformity with the certified Land Use Plan of the City of Fort Bragg's Local Coastal Plan. The project, with its improvements, will improve the level of service for traffic circulation which is consistent with the City's Local Coastal Plan. Such consideration is addressed in Sections II.1 and XV.D.2. of the Land Use Plan of the Local Coastal Plan.*

5. *Approval will permit a use which will be compatible with other uses in the area, and which will not be detrimental to other uses, rights or properties in the area. The use is existing and will continue in the same manner although expanded in physical size. Improvements are necessary for both the existing and future bridge safety, bridge maintenance and traffic circulation within the City limits providing access and service to uses on both sides of the river in keeping with pending roadway improvements as well as along the Highway 1 corridor along this section of the coast.*

7. *The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will enhance general traffic flow and public access through the Highway 1 corridor in the Fort Bragg areas in support of access to various features along this part of the coast. The project provides and supports public access under the structure itself by preserving access along the north side of the Noyo River and to the beach and related parking area.*

9. *...Caltrans has incorporated design enhancements to make the bridge more visually compatible with the character of the surrounding area. These include:*

- *decorative pedestrian lighting on the bridge,*
- *an improved bridge rail with see-through windows,*
- *all the parts of the bridge are well integrated into the design, producing an aesthetically pleasing design,*
- *the angled face of columns will reflect different shades, enhancing a slender impression*

- *the use of shadows running parallel with the girder, plus the use of flared soffits complements the impression of thinness,*
- *the parabolic haunches (connection of superstructure to piers) were enlarged which further increases structure depth at the piers to produce a pleasing arched affect,*
- *it will also tie directly to the approved road widening projects on both sides of the bridge."*

10. *Be sited and designed to protect views to and along the ocean and scenic coastal areas. A more slender structure than the existing bridge, views toward the ocean from the harbor area will be improved and views from the bluff at the north of the Noyo River and Noyo Point will not be degraded. Improved availability of access to pedestrians, bicyclists and the handicapped will enhance opportunities to enjoy the views of the river, bluffs, and oceans.*

11. *Wherever feasible, restore and enhance visual quality in visually degraded areas. The slender design of the bridge improves views toward the ocean or harbor and does not visually degrade the visual quality of the area.*

The City Council attached two special conditions to the coastal permit:

1. *All Mitigation Measures in the Negative Declaration shall be conditions of this Coastal Development Permit.*
2. *Caltrans will sign an agreement that in the future the bridge will not be widened to 6 travel lanes nor will other widening be initiated in the City unless approved by the fort Bragg City Council seated at that time.*

The Notice of Final Action was sent to the Commission, and received January 28, 1999. Appeals of the local action were filed on February 5 and 8, 1999, and the Commission requested a copy of the local record from the City. The record was received by the Commission February 22, 1999.

C. PROJECT SETTING, DESCRIPTION, AND HISTORY.

1. Project and Site Description.

As approved by the City of Fort Bragg, the project would replace the existing two-lane, 36-foot wide Noyo River Bridge with a 86.6 ft.wide, 875 ft.-long, concrete box girder bridge. The proposed bridge would accommodate four 11.8 ft. lanes and a 10+ ft. median, with 8 ft outside shoulders and 5.5 ft sidewalks placed on both sides. The majority of the project, including approximately 700 ft. of the central part of the

structure, is within the Commission's permanent jurisdiction. The portion of the project subject to this appeal includes bridge approaches, bridge abutments on the bluffs, approximately 175 feet of bridge span, and portions of the construction staging area. The project in its entirety is described in the staff report for Commission CDP Application No. 1-98-100.

The existing Noyo River Bridge was built in 1948 and provides the main access to Fort Bragg from the south. In this area, the coastal zone boundary is located along the easterly side of the Highway 1 right-of-way. (Exhibit 2). The bridge crosses the Noyo River between the 110-ft-high bluffs above the Noyo Harbor entrance.

The California Department of Transportation (Caltrans) proposes to replace the existing steel bridge with a concrete bridge to provide an earthquake and corrosion resistant structure. Caltrans states the existing bridge is vulnerable to collapse during large seismic events, and that the threat of liquefaction potential of the underlying soils adds to the risk of collapse. It states the existing bridge has extensive corrosion which limits its expected remain life to 20 years if it were left in place.

Exhibit 7 shows renderings of the existing and proposed bridges.

The supports for the existing bridge rest within the Commission's permanent jurisdiction in the tidal zone of the river. That portion of the proposed bridge, and the temporary trestles and falsework associated with its construction are not part of this appeal.

Within the appeal area, the southern slope of the Noyo River bluffs traversed by the bridge is vegetated with Bishop pine, planted Monterey pine, tan bark oak, Sitka willow (*Salix sitchensis*), coyote brush (*Baccharis pilularis*), western sword fern and various herbaceous and berry species. The northern slope is vegetated with non-native species, including black acacia, french broom, scotch broom, pampas grass, and eucalyptus trees.

With the exception of temporary construction easements and the area around the Pier 2 footing, the project area is within Caltrans' right of way. The Fort Bragg LCP (Exhibit 12) zones the area on both sides of the northern bridge abutment as Highway Visitor Commercial. The Harbor Lite Lodge and a gasoline station are located in this area at northeast end of the bridge. A third hotel (North Cliff Motel) has recently been completed at the northwest end of the bridge. One corner of North Cliff Motel appears to be less than 3 ft. from the state right of way. There is a Pomo rancheria approximately 500 ft. west of the north abutment of the bridge.

Ocean Front Park lies along the north bank of the river west of the bridge. The lands further west on either side of the mouth of the Noyo Harbor are zoned PD-CZ. The Noyo Harbor District incorporates most of the river shoreline east of the bridge. The south

bank bluff face and the strip of riverfront extending under the south part of the bridge and along the river to the east is zoned Open Space. Two mobile home parks to the south of the bridge are located in close proximity to Route 1 and to the bridge. There is one restaurant, The Cliff House Restaurant, located at the southwest end of the bridge and within 2 ft. of the right of way line. The entrance to the restaurant faces the highway. A small café faces the highway at the southeast end of the bridge.

D. SUBSTANTIAL ISSUE ANALYSIS.

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

1. Appellants' Contentions That Raise a Substantial Issue.

The contentions raised in the appeal regarding conformance of the project as approved with LCP policies concerning visual resources and special communities, alteration of landforms and erosion, and public works present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP. The Commission finds that a substantial issue is raised with regard to these policies.

Public Resources Code section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term substantial issue is not defined in the Coastal Act or its implementing regulations. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code Regs., tit. 14, section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;

2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even where the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the City presents a substantial issue with regard to the appellants' contentions regarding visual resources and special communities, alteration of landforms and erosion, and public works, due to the extent and scope of the development as approved by the local government and the significance of the coastal resources affected by that decision. The extent and scope of the approved bridge development is major not only because of its massive scale and significant effect on the character of the area, but also because the bridge will be a landmark physical feature of this part of the coast for decades to come. The bridge would impact the visual resources of Noyo Harbor, which is significant and growing in importance as a visitor-serving coastal destination. The bluff landforms to be displaced to accommodate the widened bridge also are significant coastal resources affected by the decision to approve this development.

The approved bridge design raises not only local issues, but issues of regional and statewide significance. Highway 1 is specifically identified in the LCP and Coastal Act as especially important to the character of the coast. The law recognizes that driving Highway 1 is a distinct and special coastal experience. The LCP and Act do not require that the Highway be maintained as a two lane road in the urban area of Fort Bragg, but neither can the character of this segment of the Highway be divorced from the overall experience of California's signature coastal road. Each section of the road is integral to the regional and statewide fabric that makes driving Highway a recreation and visitor attraction in and of itself. Proposing to change the character of the road in one area has regional and statewide significance that raises a substantial issue.

Finally, the Commission in any event must act on a CDP for the portion of the project within its permanent jurisdiction. The portions of the bridge subject to appeal are integral to, and essentially inseparable from, the portions subject to the Commission's permanent jurisdiction. Finding substantial issue on the appeal will allow the Commission to unite the two parts of the project into a coordinated, consistent coastal review process.

a. Visual Resources and Special Communities.

The appellants contentions are set out in detail in section II.A. above (Findings and Declarations, Appellants' Contentions) and are incorporated here by reference.

In summary, the appellants contend that the project as approved is out of scale, too massive and not in character with the surrounding coastal community, including the Noyo River/ Harbor area which is important and growing as a visitor-serving destination. The project would be very visible from the restaurants and other viewing spots in the harbor, as well from recreational areas, and does not protect views to and from the bluffs, the very scenic setting at the mouth of the of the Noyo, the harbor community, the ocean, and from the bridge itself.

The Sierra Club Mendocino/Lake Group and Friends of Fort Bragg also contend that new lighting elements are too intense and may pose danger of a "blinding impact on boats entering and leaving the harbor at night and vehicles coming from a dark unlit rural Highway 1 into massively lit area with no time for the eyes to adjust."

LCP Policies.

The Fort Bragg LCP addresses visual resource and community character issues in part by recapitulating Sections 30251 and 30253 of the Coastal Act in LUP Chapter XIV: Coastal Visual Resources and Special Communities.

LUP Policy XIV-1 states the "General Policy on Visual Resources":

New development within the City's coastal zone shall be sited and designed to protect views to and along the ocean, be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

In introducing this policy, the LUP cites Coastal Act Policies 30106, 30251, and 30253, and goes on to state: "along Highway 1 the City's Scenic Corridor Design Review system should be used to implement this Coastal Act Policy," thereby incorporating these Coastal Act policies as certified LCP policies.

The text of LUP Chapter XIV, section E specifically cites the aesthetic importance of the area affected by the proposed project:

There are several areas of special aesthetic importance within the annexed areas; ... (2) the bluffs on Noyo Point; (3) the bluffs on Todd Point...

LUP Policy XIV-3 states :

The views from the bluffs at the mouth of the Noyo River shall be protected.

The Fort Bragg LCP zoning map applies the Scenic Corridor combining zone to the area around the Noyo River Bridge (Exhibit 12).

As incorporated into the LCP, the **Scenic Corridor Combining Zone, Section 18.58.050 (C)** sets standards for the design and appearance of new development:

1. *The structure shall be so designed that it in general contributes to the character and image of the city as a place of beauty, spaciousness and balance.*
2. *The exterior design and appearance of the structure is not of a quality or scale so as to cause the nature of the neighborhood to materially depreciate in appearance and value.*
3. *The structure is in harmony with proposed adjacent development in the area and the Scenic Corridor Zone and in conformity with the general plan of the city.*

Zoning Code Section 18.61.028 (Coastal visual resources and special communities) specifically identifies the project vicinity as a scenic area:

A. *The following shall be considered Coastal scenic corridors:*

1. *Along the west side of Highway One.*
2. *Along the bluff of the Noyo River including any area within viewing distance from the bluff,...*

B. *Permitted development within the Coastal scenic corridor, where otherwise consistent with the Coastal Land Use Plan, shall, as determined by the approving authority:*

1. *Minimize the alteration of natural landforms.*

2. *Be visually compatible with the character of the surrounding area.*
3. *Be sited and designed to protect views to and along the ocean and scenic coastal areas.*
4. *Wherever feasible, restore and enhance visual quality in visually degraded areas.*

Discussion.

As previously discussed, the City found the project consistent with the visual resource and community character provisions of the LCP. However, as approved, the development will have visual impacts that raise a substantial issue of conformance to LCP policies.

The new bridge approved would indisputably introduce a significantly enlarged, heavily urban structure into the views from the visitor destination and recreational areas of the Noyo River area. It would be highly visible from visitor destinations such as the hotels, restaurants and other viewing spots in the harbor, as well from recreational areas, and would affect views to and from the bluffs, the very scenic setting at the mouth of the Noyo, and the ocean. The project as approved is nearly two and a half times as wide as the existing bridge, and substantially more massive; its imposing presence raises an issue of conformance with Zoning Code Section 18.61.028, which requires that development be visually compatible with the surrounding area.

The approved project would also remove the existing bridge, which itself currently helps define the character of the area. The existing bridge is featured in postcards, visitor promotion materials, brochures, advertisements and web-sites for many of the area's hotels, motels and restaurants (including the City's own home page) as a unique symbol of character and image of the City. Removing such a symbol, and replacing it with a structure whose contribution to the "beauty, spaciousness and balance" of the city has been called into question, raises a substantial issue of conformance with LCP Section 18.58.05 (C). This section requires that structures be designed to "contribute to the character and image of the City as a place of beauty, spaciousness and balance"

Zoning Code Section 18.61.028 specifically identifies the Noyo bluff area and the area west of Highway One as coastal scenic corridors. Under this definition, the area west of the highway around the mouth of the Noyo River and Noyo Bay are coastal scenic corridors. In addition, the Noyo Harbor/ Noyo River area east of the Highway is also a coastal scenic corridor because it is "within viewing distance from the bluff [of the

Noyo].” The approved project would reduce views to an along the ocean and the Noyo Harbor/ Noyo River “coastal scenic area” that are currently available from the existing bridge, and from within the Noyo Harbor/ Noyo River area itself.

The project as approved would reduce motorists’ views currently available from the bridge in two ways. First, the proposed design of the bridge railing barrier would block a portion of the view now provided by the present barrier, as illustrated in **Exhibit 5**. Second, the increased width of the proposed new shoulders and sidewalk (a total of 13.5 ft., as compared to the existing 4+ feet) would place vehicle occupants further from the edge of the bridge, creating additional view blockage. Travelers would see more roadway and railing, and less of the ocean, and the river and harbor scenic areas.

The increased size of the bridge as approved would also block more of the view than the current bridge from various locations within the Noyo Harbor/ Noyo River area to the ocean, the Noyo bluff, and to other locations within the “coastal scenic area.” For these reasons, project raises a substantial issue of conformance with Section 18.61.028 which requires that development within the “coastal scenic corridor” be sited and designed to protect views to and along the ocean and scenic coastal areas.

Additionally, LUP Policy XIV-3 states that “the views from the bluffs at the mouth ... the Noyo River shall be protected.” As discussed above, the project will reduce these views, in a manner that raises a substantial issue of conformance with LUP Policy XIV-3.

Thus, the Commission finds that the project as approved by the City raises a substantial issue with respect to conformance of the approved project with the LCP policies regarding visual resources and special communities.

2. Alteration of Landforms and Erosion

The appellants contend that the significant alteration of landform to accommodate the widening of the bridge as approved raises a substantial issue. LCP Zoning Code Section 18.61.028 (B)(1) requires that permitted development “minimize the alteration of natural landforms.” The approved bridge would alter the natural landform of the scenic Noyo River bluffs by displacing approximately 1.1 acres of blufftop at its southern abutment and approximately 2.2 acres at its northern end, raising a substantial issue of conformance with LCP Zoning Code Section 18.61.028 (B)(1) that requires such alteration be minimized.

Therefore, the Commission finds that the project as approved by the City raises a substantial issue with respect to conformance of the approved project with the LCP Zoning Code Section 18.61.028 (B)(1).

3. Public Works

The appellants contend that the LCP requires arrangements for shared funding of the highway capacity improvements on the bridge and in the area to the south by potential larger-scale development, and that no such program has been included in the approved project as required by LUP Policy XV-14.

LCP policies

Fort Bragg LUP Policy XV-14 states:

Policy XV-14: Any proposed new development between the Noyo River and Hare Creek and any proposed development on the two parcels located along Highway 20 which would increase traffic by more than one percent above existing levels, shall not be constructed until at least one of the following occurs: (1) The design of specific, long-term circulation improvements for the area have been developed and approved by the City of Fort Bragg, the County of Mendocino (to the extent that the improvements are outside the City Limits), and Caltrans; (2) a specific proposal for shared funding of the improvements has been approved by the governmental agencies and developer(s) involved; or (3) the developer has committed to pay for his appropriate pro rata share of the improvement costs. (emphasis added)

LUP section XV.D.2 further states:

... the following long-term capacity improvements should receive increasing attention as time goes on. Since they all concern improvements to be made outside of the scope of this plan, they are not included here as Coastal Plan recommendations, but are only an advisory listing of capacity improvements that appear feasible, would provide capacity beyond that needed in the near term future, and should be examined in future planning programs...

5. (If ever) widening of the Highway 1 crossings of the Noyo River and Hare Creek.

The feasibility and wisdom of those improvements, including their land use and environmental impacts, should be evaluated in a circulation study focusing on regional thoroughfare improvements... (emphasis added)

Discussion

LUP Policy XV-14 and LUP section XV.D.2 together provide for the expansion of Highway 1 capacity south of the bridge only after a "detailed highway improvement study" that includes "a specific proposal for shared funding of the improvements" by both "governmental agencies and developers."

The project as approved contains no such proposal for shared funding, and thus raises a substantial issue of the conformance with LUP Policy XV-14. Moreover, such a shared funding arrangement could have provided additional funds to enable the project to better conform to the policies of the LCP.

Thus, the Commission finds that the project as approved by the City raises a substantial issue with respect to conformance of the approved project with the LCP policies regarding visual and scenic resources.

6. Appellants' Contentions That Are Not Valid Grounds for Appeal

The Sierra Club Mendocino/Lake Group and Friends of Fort Bragg contend the project approval does not conform with Act (CEQA) Guidelines section 15082, and cite various alleged inadequacies concerning CEQA-related and other aspects of the public participation process.

These contentions are not valid grounds for an appeal under Coastal Act section 30603 as they do not allege that the approval is inconsistent with the certified LCP or Chapter 3 access policies. A challenge based on grounds unrelated to the certified LCP or Chapter 3 access policies is outside the scope of the Commission's appellate review.

Conclusion.

The Commission finds that, as discussed above, the appeal raises a substantial issue with respect to conformance of the approved project with the visual and scenic resource policies of the LCP.

PART TWO – DE NOVO ACTION ON APPEAL

Notes

1. Procedure.

If the Commission finds that a locally approved coastal development permit raises a Substantial Issue with respect to the policies of the certified LCP, the local government's approval no longer governs, and the Commission must consider the merits of the project with the LCP de novo. The Commission may approve, approve with conditions (including conditions different than those imposed by the City), or deny the application.

2. Incorporation of Substantial Issue Findings.

The Commission hereby incorporates by reference the Substantial Issue Findings above.

I. MOTION, STAFF RECOMMENDATION DE NOVO, AND RESOLUTION:

1. Motion:

I move that the Commission approve Coastal Development Permit No. A-1-FTB-99-06 subject to conditions.

2. Staff Recommendation of Approval:

Staff recommends a YES vote and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

3. Resolution to Approve Permit:

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, is in conformance with the certified City of Fort Bragg LCP, is located between the sea and the nearest public road to the sea and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached.

III. Special Conditions:

Note: The following list includes conditions required by Coastal Development Permit No. 1-98-100, Coastal Development Permit A-1-FTB-99-06, or both. As they are all requirements pertaining to construction of the Noyo River Bridge, for ease of reference all of the conditions are listed here. However, only Special Conditions 1-10 are conditions of Coastal Development Permit No. 1-98-100, and only Special Conditions 5-11 are conditions of Coastal Development Permit No. A-1-FTB-99-06.

1. State Lands Commission Review.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director a written determination from the State Lands Commission that:

- a. No State lands are involved in the development; or
- b. State lands are involved in the development and all permits required by the State Lands Commission have been obtained; or
- c. State lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

2. California Dept. of Fish and Game Review.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit to the Executive Director evidence of an approved 1601 streambed alteration agreement for the project from the California Department of Fish and Game.

3. Measures to Minimize Impact on Coho Salmon.

The applicant shall comply with the "Terms and Conditions" specified in the US Department of Commerce, National Marine Fisheries Service's Biological Opinion letter of December 22, 1998, and attached as Exhibit 15 of the staff report for Permit Application No. 1-98-100, and shall Caltrans implement a marine mammal monitoring program as specified in the National Marine Fisheries Service's letter of December 2, 1998 letter and attached as Exhibit 16 of the staff report for Permit Application No. 1-98-100.

4. Use of Wooden Trestle.

The temporary trestle system shall be constructed as described in the application and shall be completely removed upon project completion. All piles shall be pulled up and completely removed without digging them out.

5. Implementation of CEQA Mitigation Measures.

The applicant shall comply with all Mitigation Measures specified in the adopted Mitigated Negative Declaration attached as Exhibit 17 of the staff report for Permit Application No. 1-98-100.

6. Off-Site Mitigation Program.

Within 90 days of Commission approval, the applicant shall indicate by letter to the Executive Director a commitment to either (a) acquire and develop as a public viewing area the southern headland west of the proposed project (consisting of the Shaw Trust, APN 018-440-10-00 and Kime Trust, APNs 018-440-01-00 and 018-440-02-00 properties) or (b) deposit \$2 million in an interest bearing account designated by the Executive Director for the purpose of providing funds for either the acquisition and improvement of the project described in (a) above or implementation of another project determined by the Executive Director to be comparable in terms of adequately offsetting the impacts of the new bridge on visual resources and public recreational opportunities.

Option (a).

If the applicant chooses Option (a) to acquire and develop a public scenic viewing area along the southern headland west of the bridge, the applicant shall meet the following additional requirements:

- (1) Within 18 months following Commission action the applicant shall submit evidence in a form and content acceptable to the Executive Director that Caltrans has purchased sufficient rights over the parcels to develop, operate, and maintain the public viewing area improvements outlined below;
- (2) Within 24 months following Commission action the viewing area shall be constructed and open to the public, unless that deadline is extended by the Executive Director for good cause;
- (3) Prior to filing an application with the appropriate coastal permitting agency for construction of the viewing area, the applicant shall submit for the review and approval of the Executive Director final construction plans for development of the required viewing area improvements. The plans shall include, at a minimum, the construction of a paved access driveway connecting the site to Ocean View Drive, the construction of a paved parking lot with at least 15 parking spaces oriented towards Noyo Bay, fencing or other barriers to keep motorized vehicles from accessing other parts of the property besides the parking area and driveway, a trail along the entire blufftop of the property, and measures to control soil erosion on the site;
- (4) The applicant may transfer the responsibility for operation and maintenance of the viewing area to another public agency or a non-profit group approved by the Executive Director.

Option (b).

If the applicant chooses Option (b) to fund the construction by another entity of a public viewing area, the applicant shall submit evidence within 6 months following Commission action, in a form and content acceptable to the Executive Director, that a mitigation fee of \$2 million has been deposited in an interest-bearing account designated by the Executive Director. The California Coastal Commission shall be named as trustee of this account. All interest earned on the fee will be payable to the account.

The purpose of the account shall be to create and/or improve the public's ability to view the Pacific Ocean from a site in the Fort Bragg or Mendocino County area. The funds shall be used solely to acquire and improve land as a public recreational area offering views of the Pacific Ocean. The Executive Director of the Coastal Commission shall release the funds only upon approval of an appropriate project. The funds shall be released as provided for in a memorandum of agreement (MOA) between the Commission and a public agency or non-profit entity, setting forth terms and conditions to assure that the in-lieu fee will be expended in the manner intended by the Commission.

The mitigation fee may be refunded to Caltrans in whole or in part if, within 24 months of Commission action on this coastal development permit, Caltrans or another entity has completed a mitigation project that has been approved by the Executive Director as fully meeting this condition. The Executive Director may extend the above deadline for obtaining a refund if the permittee has obtained all necessary permits by the deadline for construction of the public viewing area project.

7. Amendments.

Any future modification of the bridge, railings, sidewalks, shoulders, traffic lanes or median area will require a Commission amendment to this coastal development permit.

8. Disposal of Construction Debris.

All construction dredge material and debris shall be removed from the site upon completion of the project. Disposal of any of this material in the coastal zone at a location other than in a licensed landfill will require a coastal development permit.

9. Monitoring and Reporting.

As proposed by the applicant, during and following construction activities, the applicant shall field monitor the project for condition compliance for a period of 3 years. Annually after project completion, the various impact locations shall be reviewed to assess the success of project mitigation measures. Brief summary reports with photographs shall be forwarded to the Coastal Commission by May 15th annually in 2000, 2001, and the final report in the year 2002.

10. Pollution Prevention

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit, for the review and approval of the Executive Director, a pollution prevention plan designed to prevent polluted runoff or other waste materials from entering the Noyo River.

11. Erosion control and vegetation

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit, for the review and approval of the Executive Director, an erosion control and revegetation plan for all areas disturbed by construction and including the correction of existing erosion problems in the Caltrans right of way surrounding the bridge. The revegetation plan shall demonstrate how all non-native species will be prevented from establishing in the revegetation area.

The site shall be monitored for the first five years following planting, and a monitoring report shall be submitted by September 1 of each year for the review and approval of the Executive Director of the Coastal Commission. The monitoring report will document the health of the planted and existing trees and recommend any needed corrective actions to achieve compliance with the requirements of this condition.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

1. Project and Site Description:

As detailed in the Substantial Issue portion of this report, and hereby incorporated by reference, the proposed project would replace the existing two-lane, 36-foot wide Noyo River Bridge with a 86.6 ft. wide, 875 ft.-long, concrete box girder bridge. The new bridge would accommodate four lanes and a 10+ ft. median, with 8 ft outside shoulders and 5.5 ft sidewalks placed on both sides. The central part of the project is within the Commission's permanent jurisdiction. The portion of the project subject to this appeal includes bridge approaches, bridge abutments on the bluffs, the north and south ends of the bridge span, and portions of the construction staging area.

2. Visual Resources and Special Communities

The Fort Bragg LCP addresses visual resource and community character issues in part by recapitulating Sections 30251 and 30253 of the Coastal Act in LUP Chapter XIV: Coastal Visual Resources and Special Communities.

LUP Policy XIV-1 states the "General Policy on Visual Resources":

New development within the City's coastal zone shall be sited and designed to protect views to and along the ocean, be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

In introducing this policy, the LUP cites Coastal Act Policies 30106, 30251, and 30253, and goes on to state: "along Highway 1 the City's Scenic Corridor Design Review system should be used to implement this Coastal Act Policy," thereby incorporating these Coastal Act policies as certified LCP policies.

The text of LUP Chapter XIV, section E specifically cites the aesthetic importance of the area affected by the proposed project:

There are several areas of special aesthetic importance within the annexed areas; ... (2) the bluffs on Noyo Point; (3) the bluffs on Todd Point...

LUP Policy XIV-3 states :

The views from the bluffs at the mouth of the Noyo River shall be protected.

The Fort Bragg LCP zoning map applies the Scenic Corridor combining zone to the area around the Noyo River Bridge (Exhibit 12).

As incorporated into the LCP, the **Scenic Corridor Combining Zone, Section 18.58.050 (C)** sets standards for the design and appearance of new development:

4. *The structure shall be so designed that it in general contributes to the character and image of the city as a place of beauty, spaciousness and balance.*
5. *The exterior design and appearance of the structure is not of a quality or scale so as to cause the nature of the neighborhood to materially depreciate in appearance and value.*
6. *The structure is in harmony with proposed adjacent development in the area and the Scenic Corridor Zone and in conformity with the general plan of the city.*

Zoning Code Section 18.61.028 (Coastal visual resources and special communities) specifically identifies the project vicinity as a scenic area:

- C. *The following shall be considered Coastal scenic corridors:*

1. *Along the west side of Highway One.*
 2. *Along the bluff of the Noyo River including any area within viewing distance from the bluff,...*
- D. *Permitted development within the Coastal scenic corridor, where otherwise consistent with the Coastal Land Use Plan, shall, as determined by the approving authority:*
1. *Minimize the alteration of natural landforms.*
 2. *Be visually compatible with the character of the surrounding area.*
 3. *Be sited and designed to protect views to and along the ocean and scenic coastal areas.*
 4. *Wherever feasible, restore and enhance visual quality in visually degraded areas.*

Discussion.

The area framed by the Noyo River bluffs in and around Noyo Harbor, the mouth of the river and Noyo Bay is an area of exceptional visual interest and scenic qualities. This fact is fully reflected in the Fort Bragg LCP , which designates the area a scenic corridor and an area of special aesthetic importance. In both general and very specific language as cited above, it calls for the protection of these scenic values and views.

Zoning Code Section 18.61.028 identifies the area west of Highway One as a coastal scenic corridor. The entire area of the Noyo bluffs, the Noyo River and the Noyo Bay lying west of the highway are thus designated as "coastal scenic corridors." Additionally, the LCP zoning map (Exhibit 12) designates parcels both west and east of the bridge as "SC", Scenic Corridor. Finally the text of LUP Chapter XIV, LUP Policy XIV-3, and LCP zoning code section 18.61.028(A)(2) specifically identify the Noyo River bluffs and "any area within viewing distance from the bluff," as scenic areas where views must be protected.

The proposed bridge would introduce a significantly enlarged, urban-type structure into the views of this scenic corridor area. The proposed bridge would be highly visible from visitor destinations such as the hotels, restaurants and other viewing spots in the harbor, as well from recreational areas, and would affect views to and from the bluffs, the scenic setting at the mouth of the Noyo, and the ocean.

The proposed development would also remove the existing bridge, which itself currently helps define the scenic qualities of the area. The existing bridge is featured in postcards, visitor promotion materials, brochures, advertisements and web-sites for many of the area's hotels, motels and restaurants as a unique symbol of character and image of the City.

Views from the Bridge: The bridge design as approved would reduce the motorists' views from the currently available from the existing bridge in two ways. First, the proposed design of the bridge railing barrier would block a portion of the view provided by the present barrier, as illustrated in Exhibit 10. As best as can be determined from the information provided, the proposed "see-through" railing, faced straight on, blocks somewhat more than 60% between the top of the sidewalk and the top of the rail. Due to the increased thickness of the concrete barrier elements, a greater proportion of the area is blocked when viewed at an angle. The current bridge rail blocks approximately 25% of the area between the base and top of the rail, and because it is considerably thinner, obscures less area when viewed at an angle.

Second, the increased width of the proposed new shoulders and sidewalk (a total of 13.5 ft., as compared to the existing 4+ feet) would place vehicle occupants further from the edge of the bridge, creating additional view blockage. Travelers would see more roadway and railing, and less of the ocean, river and harbor.

Caltrans has made a significant effort to accommodate ocean and harbor views in the current project. Caltrans had originally proposed a concrete barrier and hand railing design that blocked substantially more of the current views (Exhibit 11). In response to local concerns over the loss of views that this design would cause, Caltrans sought to find a more "see-through" railing. Caltrans' policy is that "all bridge railings must be crashworthy by testing following AASHTO [American Association of State Highway Transportation Officials] guidelines" and be accepted by the Federal Highway Administration (FHWA). Fortunately, Caltrans found a new design that was already in the process of being considered for approval. Caltrans was able to accelerate the process and obtained approval of the new design for conditions with limited speeds, such as the proposed bridge. Caltrans presented the "see-through" design in their November 1998 Initial Study/Environmental Assessment for the Noyo Bridge replacement Project.

As discussed above, however, this design does not fully protect views as required by the LCP policies cited above. Alternative designs that provides for increased visibility certainly exist. Many current railings on other roads and bridges provide for more visibility than the "see-through" design incorporated in the proposed project (the Golden Gate Bridge is but one notable example). However, Caltrans points out that its safety standards have changed, and the "see-through" barrier incorporated in the project is the

only one currently approved. Caltrans estimates that the design, crash testing and approval process for an improved "see-through" barrier could take from 2 to 4 years. Caltrans has taken the position that such a delay is not acceptable (Exhibit 18).

Certain alternatives could better protect views from the bridge, including the Retrofit alternatives discussed in detail in the Alternatives Analysis of the accompanying report on Application 1-98-100, and incorporated by reference here. However, Caltrans has also taken the position that these alternatives are not acceptable. Thus, no available feasible alternative railing design currently exists that meets the necessary safety criteria. However, other measures can mitigate the impacts of the proposed project on views from the bridge to and along the coast. One such measure would be to provide increased opportunities for viewing the coast and ocean at another location to offset the reduction in views from the bridge caused by the proposed project. The Commission therefore attaches Special Condition No. 6, described in detail below, to provide such opportunities. Special Condition No. 6 also serves to mitigate other effects of the proposed project; these are detailed in each applicable section of this report. As conditioned, the Commission finds that the project would protect views to and along the ocean consistent with LUP Policy XIV-1 and Zoning Code Section 18.61.028(B)(4).

The Commission notes that the need for a barrier design that would protect both lives and views is not unique to the Noyo River Bridge. The issue has arisen many times before, several times in the scenic Big Sur area alone. Additional bridge reconstruction projects will raise the issue again in the future. For example, Caltrans proposes to replace the Ten Mile River bridge at the mouth of the highly scenic Ten Mile River estuary approximately ten miles north of Fort Bragg sometime in the next two years. Caltrans has the capacity, creativity and skill to achieve a breakthrough in this area of design if it were to commit to the challenge. By doing so, it would perform an outstanding service not only to users of the coast, but potentially to the designers of the new Bay Bridge, and indeed to travelers in scenic areas everywhere. The Commission urges Caltrans to take on this task with the vigor and resourcefulness it has displayed on the present project.

Views Within the Scenic Corridor: As described above, the certified Fort Bragg LCP requires that new development within the City's coastal zone shall be sited and designed to be **visually compatible** with the character of the surrounding areas, and, where feasible, restore and enhance visual quality in visually degraded areas.

In determining whether the proposed project meets these requirements of the LCP, the Commission is faced with both objective facts and subjective judgements. It is a fact that the proposed bridge would be two and a half times the width of the existing bridge. It is a fact that the bridge would be a dominant part of the view towards the ocean and other scenic areas from the restaurants and other viewing spots in the harbor, as well from the recreational areas along the Noyo River.

The issue of how the location, size, and architectural design of the proposed bridge would affect the character of the area is more a matter of subjective judgement.

Would the new bridge be, as some have said,

- “a souless concrete viaduct,”
- “a brutally conventional freeway design,” or
- “more characteristic of a crowded big city than the small-scale magic that brings visitors to Noyo Harbor,”

Or would the bridge, as the City Council found in its approval, “incorporate design enhancements to make the bridge more visually compatible with the character of the surrounding area, [including]:

- decorative pedestrian lighting on the bridge,
- an improved bridge rail with see-through windows,
- all the parts of the bridge are well integrated into the design, producing an aesthetically pleasing design,
- the angled face of columns will reflect different shades, enhancing a slender impression
- the use of shadows running parallel with the girder, plus the use of flared soffits complements the impression of thinness,
- the parabolic haunches (connection of superstructure to piers) were enlarged which further increases structure depth at the piers to produce a pleasing arched affect,
- it will also tie directly to the approved road widening projects on both sides of the bridge.”

The last point is perhaps the most telling in determining whether the proposed bridge would fit in with the surrounding area consistent with the LCP. The character of part of that surrounding area has already been committed to change through the coastal planning process. Both the certified LCP, and a recent Coastal Development Permit (CDP 20-98) approved pursuant to it, have committed this section of Fort Bragg to a more urbanized, intensely developed character. While the Coastal Act is the standard of review for the part of the project within the Commission’s retained jurisdiction, the LCP provides guidance in the interpretation of those policies. The LUP states:

... the legislative mandate that State Highway Route One remain a “scenic two-lane road” does not apply to Fort Bragg proper, because it is not considered to be in a “rural area” covered by the Legislature’s mandate.

... In order to minimize the impact of urban services on the entire Mendocino Coast, they should, in general, be provided in Fort Bragg proper.

But the LUP goes on to say:

Beyond the major widening project already proposed by the State Department of Transportation for downtown Fort Bragg, the main focus of capacity improvements in Fort Bragg should be to achieve, to the greatest extent possible, uniform service levels and capacities throughout the City, rather than looking to new additional major capacity improvements. One of the largest bottlenecks in the area, and one destined to becoming increasingly important, is the area between the Noyo and Hare Creek bridges. Unfortunately, this is also an area where jurisdictions meet. It is imperative that the City of Fort Bragg, the County of Mendocino, the State Department of Transportation, and possibly the Office of Traffic Safety cooperate on a detailed highway improvement study for this area. In order to implement the specific design proposals produced in that study, development in the area should be called upon to pay a portion of the circulation system improvements needed.

A strict reading of the LUP text would conclude that a "detailed highway improvement study" that "called upon [development] to pay a portion of the circulation system improvements needed" should have been completed prior to authorizing the widening of Highway 1 between the Noyo River and Hare Creek. As discussed in detail in the Public Works section of this report, a comprehensive plan such as that called for in the LCP could have analyzed long range alternatives (including different architectural treatments for the bridge), and provided a mechanism to fund those alternatives through cost sharing by the development that stands to benefit from the expansion in capacity.

However, such a planning process was not followed. The commitment to widening the Highway has nevertheless already been made.

On October 28, 1998 the City of Fort Bragg City Council approved Permit CDP 20-98, the State Route 1 Main Street improvements project. This project will, among other improvements, widen Route 1 from the north end of Hare Creek Bridge to Oak Street to provide a total of five lanes (four through lanes, and a continuous turn lane or left-turn pockets). The project does not include the Noyo Bridge, and will include a lane reduction to the existing two-lane Noyo Bridge.

Widening the Highway will enable intensification and urbanization of the areas north and south of the bridge to densities at least at the level anticipated in the land use designations and zoning certified in the LCP. Thus the character of the area surrounding the proposed project, outside of the Noyo Harbor/Noyo River area itself will be one of increased

urbanization. The Commission finds the widening and replacement of the bridge is compatible with this character.

The character of the Noyo Harbor/Noyo River area is somewhat different. The lower Noyo River forms a valley that is to a significant degree physically and visually separated from the more urbanizing terrace areas of Fort Bragg described above. This area includes the harbor, the shoreline and mouth of the river, Noyo Bay and its opening to the ocean, Ocean Front Park, Jetty Beach, and the bluffs that frame the valley, including the blufftop area at both ends of the existing bridge. The harbor area itself is a working fishing village, with development that includes a variety of architectural styles. The area's open spaces, including the river itself and along the bluff faces, are also an important part of its character.

Moreover, the existing bridge itself is an important part of the character of the area as addressed in zoning code section 18.61.028 (B) (2) cited above. The fact that the existing bridge is featured in postcards, visitor promotion materials, brochures, advertisements and web-sites for many of the area's hotels, motels and restaurants (including the City's own home page) is evidence of how much it is a unique symbol of the area's character, and how it contributes to what makes the area popular for visitors. Nevertheless, as Caltrans indicated in its historical and architectural evaluation of the bridge, it would be a highly subjective determination to assert that it is an outstanding example of beauty and grace.

In sum, the character of the area may best be described as "eclectic." In view of this variety of styles, the replacement of the existing bridge with the proposed new design cannot, from a strictly architectural point of view, be determined to be out of character with the surrounding area. The Commission therefore finds that the proposed project is consistent with the LCP's provisions regarding compatibility with the surrounding area.

Temporary Visual Effects: The project would also have temporary effects on the visual character of the area. During construction, the temporary falsework (the high level framework and platform constructed to hold forms for the cast-in-place superstructure of the new bridge, and to support the new bridge while the concrete dries), the temporary trestle (the low level construction platform over part of the river and its banks), construction roads and fences, and construction equipment and materials would all intrude into the scenic view. However, the temporary nature of this visual impact limits its significance. The project is planned for a maximum of two construction seasons, and all construction debris would be removed upon project completion. The Commission therefore finds that this part of the proposed project is consistent with the certified Fort Bragg LCP visual resource provisions.

Special Condition No. 6: Special Condition No. 6 provides a feasible mitigation measure to offset several different kinds of the proposed projects' impact to allow the project to be found consistent with the Coastal Act. It requires Caltrans to acquire and develop a substantial scenic viewing and view protection area within the City of Fort Bragg.

A potential mitigation site (hereafter called the "South Noyo Bluffs site") is comprised of Assessor Parcel Nos. (APN) 018-440-10 currently owned by the Shaw Revocable Trust, and APNs 018-440-01 and 018-440-02 currently owned by the Kime Trust. The 20 acre site is located on the south shore of the Noyo River, and extends on a magnificent sweep along the bluffs from the Cliff House Restaurant adjacent to the southeast side of the bridge past Noyo Bay and out to the ocean. This blufftop area currently provides significant informal visual access to the ocean. However, since the site is currently in private ownership and not specifically developed for viewing use, vehicles driven on and across the site are disturbing the soil and vegetation and creating ruts and scars on the land. Properly developed however, it could provide visitors unimpeded views to the ocean and Noyo River to offset the reduced views from the new bridge. By acquiring the property, the scenic qualities that make it such an important part of the view in the Noyo River area could be permanently protected to compensate for the new bridge's impacts on views.

The South Noyo Bluffs site is particularly appropriate for mitigating the view impacts of the project for several reasons. The site provides views to, along and within the same "viewshed" that would be affected by the proposed project impacts. The site would provide a viewing point for the motoring public, a group that would be significantly affected by the project's impacts on reducing the views now available while driving across the existing bridge. By assuring that the site will be kept largely in its present scenic condition, a highly visible and significant portion of the viewshed would be permanently protected to offset the project's impacts on coastal views. In addition, the site is identified as desirable for acquisition in Fort Bragg LUP Policies III- 9 and III-10, as further discussed in the Public Recreation section below. Finally, the site is recommended as a desirable mitigation location by Fort Bragg City Council member Dan Gjerde, in his letter of Feb. 16, 1999 (Exhibit 30). In that letter Councilman Gjerde points out that the 1992 Noyo Harbor District Plan, citing the Mendocino County LCP, called for acquiring the site for a pedestrian trail and suitably designed public parking area (please see Exhibit 31).

The extensive historic public use of the site does raise the issue of prescriptive rights. This issue may well affect any future residential development that might be proposed under the site's current Planned Development (PD-CZ) zoning. However, it is possible the issue would not preclude such development. Acquiring the site would avoid the visual impacts that residential or other PD-CZ development could have, and assure the

site's current scenic qualities would be preserved to offset the visual impacts of the proposed bridge.

The best available preliminary estimates for the cost of acquiring and appropriately developing this property are approximately \$2 million. This estimate takes into account the current assessed values of the properties, their history of use, and the probable costs of acquiring and preparing the site for public viewing use, based on similar projects in the area and elsewhere in the state.

Special Condition No. 6 is also specifically designed to recognize that these estimates are indeed very preliminary, and to provide for a refund of funds not required to complete the project. Many factors, such as acquisition and timing considerations, necessary geologic setbacks, and other design questions, would affect the cost of completing the project. By including provision for refund of funds, the condition essentially sets an upper cap for the mitigation cost to Caltrans, and allows for flexibility in determining costs, and keeping them to the minimum necessary as the condition is implemented. The condition also incorporates flexibility for the ultimate location of the mitigation project. While the southern Noyo Bluffs site is preferable for the reasons discussed above, if it should prove infeasible to accomplish the mitigation at this site, an alternative that provides comparable mitigation could be substituted. The Glass Beach project currently being planned by the Mendocino Land Trust and the State Coastal Conservancy is one such example.

As further discussed in the Public Works section of this report, the Commission notes that Fort Bragg LUP Policy XV-14 calls for shared funding of highway capacity improvements by the involved "governmental agencies and developer(s)" in the area south of the bridge. Without the widening of the bridge proposed in the current project, highway widening improvements south of the bridge would not effectively increase traffic capacity to the proposed levels. The widening of the bridge must thus be considered as part of the capacity improvements addressed by LUP Policy XV-14. Therefore, the City should consider requiring future larger-scale development in the area to share a portion of the bridge project cost, consistent with that policy. The cost of mitigation is part of the total project cost. Preparation by the City of Fort Bragg of a shared-funding plan as provided for in LUP Policy XV-14 could provide an additional source of funds to acquire, develop and ultimately to manage the viewing area required by Special Condition No. 6. Should the City and Caltrans agree, the City could even provide reimbursement to Caltrans for mitigation or other project costs.

Finally, Special Condition No. 6 also provides Caltrans the alternative of depositing a fee of \$2 million in-lieu of acting as the implementing agency for the mitigation. The fee would be deposited in the standard manner to enable an appropriate agency or organization acceptable to the Executive Director of the Commission, such as the City of

Fort Bragg, the Mendocino Land Trust or the State Coastal Conservancy to carry out a mitigation plan that the Executive Director determines has equivalent value in mitigating the adverse environmental effects of the project.

Conclusion

In conclusion, the Commission finds that the proposed project, as conditioned, is consistent with the visual resources and special communities provisions of the certified City of Fort Bragg LCP because the proposed development will be compatible with the character of the area and Special Condition No. 6 will provide for mitigation to offset the proposed project's impact on views. Specifically Special Condition No. 6 will (1) provide improved viewing opportunities to offset the loss of views from the existing bridge to and along the ocean and the scenic Noyo River/Noyo Harbor coastal area; and (2) will ensure that the existing scenic qualities of the mitigation site will be fully protected to offset the impact of the project itself on views from recreational use areas such as Ocean Front Park and visitor destination points such as the restaurants, hotels, inns and other visitor-serving accommodations in and around Noyo Harbor.

3. Alteration of Landforms and Erosion

Chapter XIV of the certified Fort Bragg LUP states:

... along the bluffs at the Noyo River area...special review procedures set out in this document for bluff and riparian vegetation and minimizing the modification of natural land forms should be sufficient to preserve the aesthetic values in that area.

Policy VI-5/XI-2 specifically addresses the alteration of bluffs as follows:

The alteration of cliffs, bluff tops, faces or bases, and other natural land forms shall be minimized in the Coastal Zone, and especially in runoff ("RO") special review areas. Such changes may be allowed only if mitigation measures sufficient to allow for the interception of any material eroded as a result of the proposed development have been provided.

LUP Policy VI-6 provides:

Erosion Near the Noyo Bridge. The State Department of Transportation should correct the erosion problem occurring on the bluff along and underneath the Noyo Bridge...

LCP Zoning Code Section 18.61.028 (B)(1) requires that permitted development "minimize the alteration of natural landforms."

These provisions require the protection of environmentally sensitive habitat areas, minimizing the modification of natural landforms, and protection water quality in coastal areas. The proposed project would affect the Noyo River bluffs' landform by significant widening the bridge abutments, and disturbing other parts of the bluffs. Construction activities could also cause potential impacts on water quality, including erosion and the release or discharge of materials from construction activities above and around the river.

The potentially affected area of the southern bluff of the Noyo River is vegetated with Bishop pine, planted Monterey pine, tan bark oak, Sitka willow (*Salix sitchensis*), coyote brush (*Baccharis pilularis*), western sword fern and various herbaceous and berry species. The northern slope is vegetated with non-native species, including black acacia, french broom, scotch broom, pampas grass, and eucalyptus trees. The proposed project would potentially disturb approximately 1.1 acres of coastal scrub and 2.2 acres of ruderal, non-native vegetation. Caltrans has also determined that the slopes on both sides of the river have lead contamination, and proposes to remove and dispose of contaminated soil during construction within the 3.3 acre total area that would potentially be disturbed.

This landform alteration could have potential effects on erosion, water quality and vegetation. LUP Policy VI-5/XI-2 and LCP Zoning Code Section 18.61.028 (B)(1) require such alteration to be minimized and any associated erosion effectively mitigated. As discussed in the review of alternatives in the accompanying report on Application 1-98-100 and incorporated by reference here, there is no feasible alternative that would reduce the size of the proposed bridge, and thereby reduce the associated amount of landform alteration.

However the impacts associated with the proposed landform alteration can be mitigated consistent with the LCP requirements cited above. Caltrans proposes to implement erosion control measures to prevent runoff into the river during construction, to restore the temporarily impacted areas at the completion of construction, and to replant the affected area with native vegetation. Special Condition No. 11 requires a specific erosion control and revegetation plan for all areas disturbed by construction, including the correction of existing erosion problems in the Caltrans right of way surrounding the bridge. Since the area presently contains some non-native invasive species that could provide propagation sources to further expand into areas disturbed by the project, the revegetation plan must show how such species will be prevented from establishing in the revegetation area. Special Condition No. 8 additionally requires the cleanup of the area after construction. Special Condition No. 9 requires the monitoring of all permit conditions to assure the success of these mitigation measures.

In addition to the potential water pollution associated with erosion, the project may affect water quality in other ways, including the runoff of wash water from the construction process into the river. The North Coast Regional Water Quality Control Board is

presently considering the Waste Discharge Requirements for the proposed project. The preliminary requirements include a provision that "the discharge of any waste to the Noyo River and its tributaries is prohibited." Consistent with Section 30231, Special Condition No. 10 requires a pollution prevention plan to prevent entry of any waste and pollution from entering the Noyo River.

Caltrans proposes that during and following construction activities, Caltrans environmental staff will field monitor this project to assure the success of the mitigation measures. for a period of 3 years. Annually after project completion, the various impact locations will be reviewed to assess the success of project mitigation measures. The revegetation effort will be considered successful if vegetation is being reestablished to the previously existing condition at an acceptable rate. Brief summary reports with photographs are proposed to be forwarded to the State Coastal Commission by May 15th annually in 1998, 1999, and the final report in the year 2000.

Therefore, the Commission finds that the proposed project as conditioned is consistent with LUP Policy VI-5/XI-2 and LCP Zoning Code Section 18.61.028 (B)(1) as the quality of coastal waters will be protected, no riparian habitat will be adversely affected by the project, and the alteration of landforms will be minimized.

4. Public Works Capacity

The text of the LUP Public Works section D.1 states in part:

... the legislative mandate that State Highway Route One remain a "scenic two-lane road" does not apply to Fort Bragg proper, because it is not considered to be in a "rural area" covered by the Legislature's mandate.

... In order to minimize the impact of urban services on the entire Mendocino Coast, they should, in general, be provided in Fort Bragg proper.

But the LUP goes on to say:

Beyond the major widening project already proposed by the State Department of Transportation for downtown Fort Bragg, the main focus of capacity improvements in Fort Bragg should be to achieve, to the greatest extent possible, uniform service levels and capacities throughout the City, rather than looking to new additional major capacity improvements. One of the largest bottlenecks in the area, and one destined to becoming increasingly important, is the area between the Noyo and Hare Creek bridges. Unfortunately, this is also an area where jurisdictions meet. It is imperative that the City of Fort Bragg, the County

of Mendocino, the State Department of Transportation, and possibly the Office of Traffic Safety cooperate on a detailed highway improvement study for this area. In order to implement the specific design proposals produced in that study, development in the area should be called upon to pay a portion of the circulation system improvements needed.

LUP section XV.D.2 further states:

... the following long-term capacity improvements should receive increasing attention as time goes on. Since they all concern improvements to be made outside of the scope of this plan, they are not included here as Coastal Plan recommendations, but are only an advisory listing of capacity improvements that appear feasible, would provide capacity beyond that needed in the near term future, and should be examined in future planning programs...

5. (If ever) widening of the Highway 1 crossings of the Noyo River and Hare Creek.

The feasibility and wisdom of those improvements, including their land use and environmental impacts, should be evaluated in a circulation study focusing on regional thoroughfare improvements...

Fort Bragg LUP Policy XV-14 states:

Any proposed new development between the Noyo River and Hare Creek and any proposed development on the two parcels located along Highway 20 which would increase traffic by more than one percent above existing levels, shall not be constructed until at least one of the following occurs: (1) The design of specific, long-term circulation improvements for the area have been developed and approved by the City of Fort Bragg, the County of Mendocino (to the extent that the improvements are outside the City Limits), and Caltrans; (2) a specific proposal for shared funding of the improvements has been approved by the governmental agencies and developer(s) involved; or (3) the developer has committed to pay for his appropriate pro rata share of the improvement costs.

The primary purpose and need for the project is for public safety, to provide a bridge that will be less prone to collapse or damage in a strong earthquake. However, in addition to serving this purpose, the proposed project would significantly increase highway capacity by doubling the number of lanes on Highway 1 across the bridge. Widening the bridge is directly related to already-approved road capacity expansions south of Noyo River. Since the project is in an urban rather than rural area, as the LUP notes, the Coastal Act's limitation of Highway 1 to a scenic two-lane road does not apply. However, the above-

cited sections of the LCP specify policies for how the expansion of Highway 1 capacity should occur.

Caltrans' application states:

The proposed bridge is consistent with the City of Fort Bragg's General Plan. The bridge will accommodate current and planned residential/commercial development...potentially larger commercial developments of possibly higher densities are geographically localized and are subject to appropriate CEQA review. The bridge replacement's impact on subsequent development, growth and density is not considered significant.

The project is not considered to be growth inducing to the Fort Bragg area. The Coastal Element of the Mendocino County General Plan (Sec 4.4) identifies areas south of the city limits for potential growth and development as being outside of the coastal zone (defined as inland 1.5 miles from Route 1). The Coastal Element also lays out the limitations to growth in this area. For growth to take place: 1) zoning designations have to be changed; 2) water and sewer service must be provided for each property; and 3) the area must be annexed by Fort Bragg. The Coastal Act further limits development by designating State Route 1 as a Scenic Highway and limited to two lanes in rural areas. The proposed project to replace the Noyo River Bridge with a four-lane structure will improve the existing traffic conditions primarily within the City of Fort Bragg.

The nature of road capacity is that it is increased in increments. Caltrans has determined that traffic is already approaching the capacity of the existing two-lane configuration of the bridge. Lanes cannot be added in fractional amounts to create a capacity that is limited precisely to the amount approved in the LCP. Therefore, even if the increase to four lanes may actually provide capacity in excess of that needed to accommodate buildout of the area's LCPs, this increase is effectively the smallest design increment available.

The Commission notes, however, that LUP Policy XV-14 says, in effect, that widening the Highway south of the bridge, and of the bridge itself, should be done as part of a coordinated regional plan that includes cost-sharing by larger-scale developers. This has not happened. Rather, since Caltrans would provide the bulk of the funding both for widening the Highway south of Noyo River and for the proposed new four-lane bridge, the state, would subsidize potential new larger-scale development in the area, despite the provisions Policy XV-14.

A comprehensive plan such as that called for in the LCP could have analyzed long range alternatives and view mitigations (including different architectural treatments for the

bridge), and provided a mechanism to fund those alternatives through cost-sharing by development that would benefit from the expansion in capacity. Without such a plan, the Commission now has limited choices.

5. Public Access and Recreation.

Projects located within the coastal development permit jurisdiction of a local government are subject to the coastal access policies of both the Coastal Act and the LCP. Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

In its application of these policies, the Commission is limited by the need to show that any denial of a permit application based on this section, or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

Ocean Front Park lies under and along the shoreline extending to the northwest of the existing Noyo River Bridge (Exhibits 3,5). The park includes a paved road along the north side of the harbor that leads to a viewpoint, restroom facility, and a parking lot at the sea entrance to Noyo Harbor. Public recreational uses include access to Noyo Jetty Beach and viewing the boats coming in and out of the harbor. The recreational and access facilities at Ocean Front Park were developed in part through a grant representing a significant public investment by the State Coastal Conservancy. Trails from the bluffs down to the parkland area exist on both the north and south side. However, this area southwest of the harbor is not considered part of Ocean Front Park. The harbor district extends to the area west and east on the north side of the harbor. The harbor district is associated with sport and commercial fishing activities. There are also tourist-related commercial sites in the district such as retail shops for bait and supplies and restaurants.

The unimproved trail from the top of the bluff down to the harbor on the north side appears to be used as a shortcut for pedestrians wanting to avoid the long circuitous walk up North Harbor Drive. There is another trail that leads up to/from the Harbor Lite

Lodge. This trail on the north abutment slope from the Harbor Lite Lodge will be enclosed and lighted through the work area to protect pedestrians. The trail is developed with stairs and pavement in some places. The Harbor Lite Lodge has a permit allowing the path to be partially within Caltrans right of way. Depending on the construction activity, the trail may need to be temporarily closed at times.

The project as approved has the potential for both temporary and permanent impacts on public access during the proposed construction period. The Programmatic Section 4(f) Analysis for the Noyo River Bridge Replacement Project on State Route 1 prepared by Caltrans discusses some of these impacts:

The temporary impacts include:

Falsework

The temporary construction falsework on the northside of the proposed bridge will impact the park. The impacts will be 10 m² (108 ft.²). Public access to the Ocean Front Park will be maintained during construction of Pier 3.

Trestle Work

The temporary trestles will temporarily impact the existing park. The total trestle impacts for the proposed project will be 2,787 m² (30,000 ft.²). Of this total, only 400 m² (4,306 ft.²) of trestle work will impact Ocean Front Park at Pier 3.

Excavation for Pier Footings

There will be temporary excavation impacts to the park for the pier footing for the two new columns that will be located within the park. Temporary excavation for the pier footings will be 700 m² (7,535 ft.²).

Temporary Realignment of North Harbor Drive

The North Harbor Drive will be temporarily realigned north of Pier 3 during construction of the new bridge. The temporary impact will be 545 m² (5,867 ft.²).

Temporary Fencing

There will be 80 m (262 ft) of temporary fencing on each side of the new bridge.

Permanent Impacts

New Pier Columns

The two north pier columns of the proposed bridge will permanently impact the existing Ocean Front Park. The new pier columns will be placed south of the existing Pier 3. The new pier columns will permanently impact 70 m² (753 ft.²) of

the existing park. Since the footing of the pier columns will be underground, only the pier columns would be considered permanent impact. However, the new columns are not considered in the total impact to Ocean Front Park because the columns are within Caltrans right of way.

Permanent Realignment of North Harbor Drive

The existing North Harbor Drive roadway will be permanently realigned between the new bridge pier and existing restroom facility to allow for construction of the new bridge pier... There will be 400 m^2 ($4,305\text{ ft.}^2$) of permanent impact required for the additional road. However, this impact will be less with the purchase of right of way from the Harbor Lite Hotel. The right of way purchase of 105 m^2 ($1,132.8\text{ ft.}^2$) will become part of the Ocean Front Park thus offsetting the 400 m^2 ($4,305\text{ ft.}^2$) of permanent impact. As a result of the Harbor Lite Hotel right of way purchase, the new permanent impact from the realignment of North Harbor Drive will be 295 m^2 ($3,175\text{ ft.}^2$).

In addition, approximately 70 m^2 (100 yd^3) of rock will be added to the existing rock slope protection at the south end of the new piers. However, this will not have any impact on Ocean Front Park since there are existing rocks at this location.

To mitigate these impacts, the project as approved will include the following "Measures to Minimize Harm" specified in the Programmatic Section 4(f) report and Negative Declaration:

- 1. Temporarily reconfigure the twelve parking spaces to accommodate the temporary access to parking during construction of the new bridge;*
- 2. placing portable restrooms during the temporary closure of the existing restrooms*
- 3. providing flaggers to minimize traffic disruptions during the temporary closure of North Harbor Drive;*
- 4. revegetating the slope north of Pier 3 with natural seed mix for erosion control;*
- 5. replace and upgrade the existing culvert immediately east of the existing restrooms to west of the existing restrooms;*
- 6. restripe and resurface the existing parking lot;*

7. *extend the existing culvert immediately west of the restrooms;*
8. *provide Racon Navigation aids for boaters.*

Special Condition No. 5 requires Caltrans to implement these mitigation measures. However, in addition to the impacts listed by Caltrans, the proposed project would have lasting effects on the recreational use of Ocean Front Park, Jetty Beach, Noyo Harbor other portions of the Noyo River shoreline in the vicinity. The proposed bridge's mass and bulk would be much larger than the existing bridge, and would create a dominating presence impacting the coastal recreational experience afforded by these areas. It would also have the physical affect of shading out a larger area than the existing bridge. These impacts are especially significant in view of the significant public investment made by the State Coastal Conservancy to enhance the recreational values of the area. Special Condition No. 6 provides for development of an offsite ocean viewing and public access area which, in addition to mitigating visual resource impacts, would also serve to offset the impacts of the project on recreation and public access.

Therefore, the Commission finds that the project as conditioned is consistent with the certified Fort Bragg LCP and the public access and recreation policies of the Coastal Act, because Special Conditions No. 5 and No. 6 will mitigate all public access and recreation impacts of the project.

6. **Geologic Stability**

Fort Bragg LUP Policy XI-1 requires in applicable part that neither create a geologic hazard nor diminish the stability of the area..

The project is proposed in part as a seismic retrofit safety project to reduce the risks to life and property associated with earthquakes. Given the purpose of the project, the Commission finds that the proposed project is consistent with the certified Fort Bragg LCP.

7. **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)(A) 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 effect which the activity may have on the environment.

As discussed above, the project has been mitigated to avoid significant impacts on the anadromous fish and channel bottom habitat. The project, as conditioned, will not have a significant adverse effect on the environment, within the meaning of CEQA.

For purposes of CEQA, the lead agency for the project is the California Department of Transportation (Caltrans), District 1. Caltrans has prepared a Negative Declaration for the project.

EXHIBITS

1. Regional Location
2. Vicinity Map
3. Project Area
4. Boundary Determination: Retained Jurisdiction/Appeal Area
5. Ocean Front Park and Developments in Vicinity
6. Project Plan: Trestle Layout
7. Renderings of Existing and Proposed Bridge
8. Existing Bridge from Ocean Front Park
9. Proposed Bridge from Ocean Front Park
10. Existing and Proposed Railings-Views to Ocean from Bridge
11. Originally Proposed Bridge Barrier and Railing
12. Fort Bragg LCP Zoning Map
13. Highway 1/Main Street Widening Project Map
14. US Army Corps of Engineers Permit and Special Conditions
15. NMFS Biological Opinion Terms and Conditions
16. NMFS Marine Mammal Monitoring
17. Caltrans Negative Declaration Mitigation Measures
18. Letter of Caltrans District Director Rick Knapp
19. Caltrans Noyo Bridge Project Frequently Asked Questions
20. Proposed Project Stage 1
21. Proposed Project Construction Stages

APPEAL NO.: A-1-FTB-99-06

APPLICANT: CAL. DEPT. OF TRANSPORTATION, DISTRICT 3

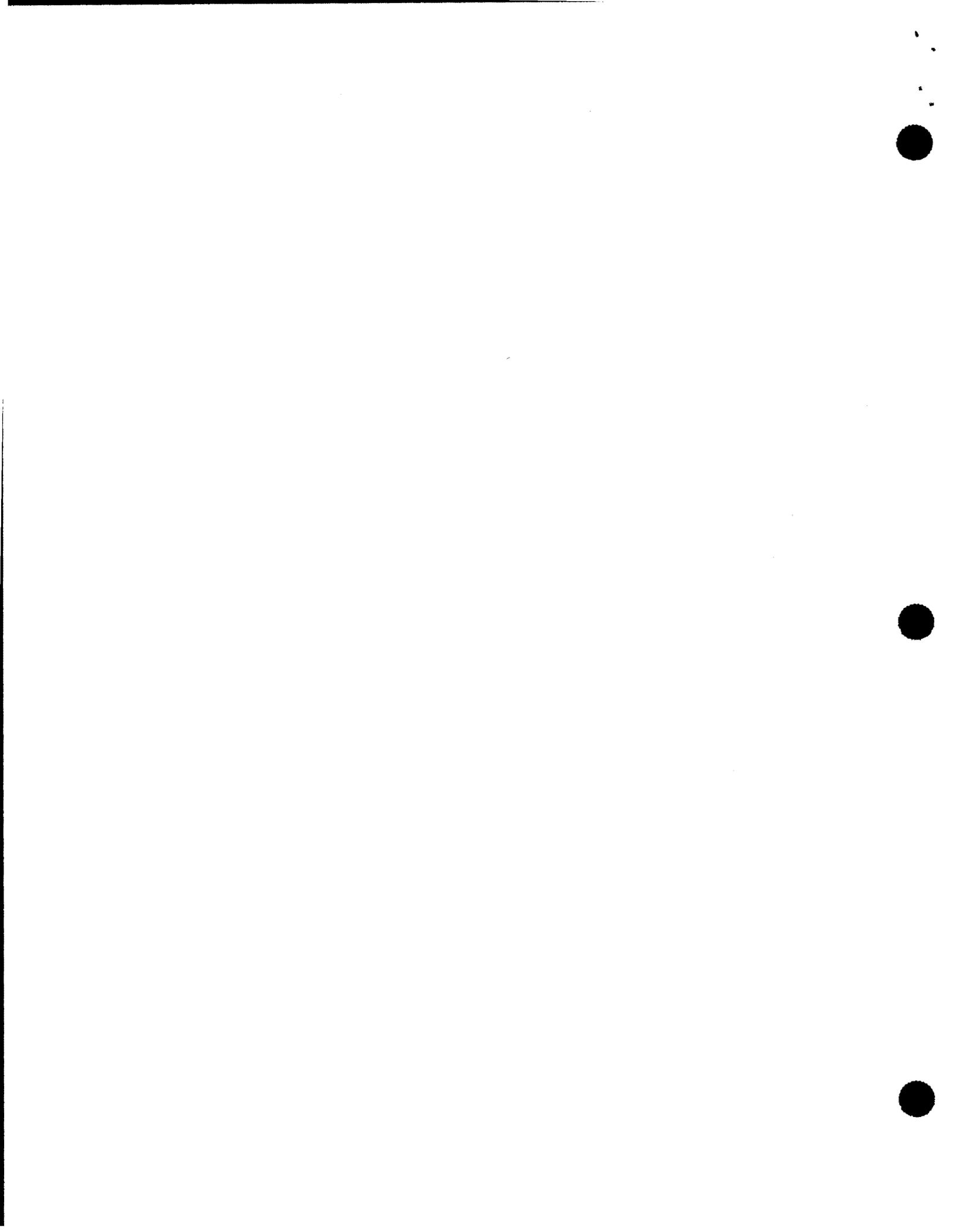
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22. Proposed Project Pilings and Footings
23. Alternative 1
24. Alternative 2 Design Variation
25. Alternative 2 Variation Completed Configuration
26. Alternative 3
27. Alternative 6
28. Excavation and Fill Amounts of Alternatives
29. Mitigation Site
30. Letter of Fort Bragg City Councilman Dan Gjerde
31. Recreation Map, Noyo Harbor Plan
32. City of Fort Bragg Notice of Final Action
33. Appeal of Commissioners Areias and Reilly
34. Appeal of Sierra Club Mendocino/Lake Group & Friends of Fort Bragg
35. Correspondence, Public Officials
36. Correspondence

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.



CALIFORNIA COASTAL COMMISSION

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**F 4a**

Filed:	February 4, 1999
49th Day:	March 25, 1999
180th Day:	August 3, 1999
Staff:	Jack Liebster
Staff Report:	February 24, 1999
Hearing Date:	March 12, 1999
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 1-98-100

APPLICANT: CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 3

PROJECT LOCATION: Highway One Noyo River Bridge near the south end of the City of Fort Bragg, Mendocino County.

PROJECT DESCRIPTION: Replace the existing two-lanes, 36-foot-wide Highway One Noyo River Bridge with a 86.6 ft.wide, 875-ft.-long, triple cast-in place (CIP) concrete box girder bridge. The proposed bridge will accommodate four 12 ft lanes, a 12 ft. median, 8 ft outside shoulders with 6 ft sidewalks placed on both sides. Construction of the bridge will require the installation and subsequent removal of temporary falsework and trestles involving (1) the driving of approximately 224 temporary piles displacing approximately 2000 sq. ft. of the river and, (2) constructing an approximately 30,000-square-foot temporary trestle for construction access.

LOCAL APPROVALS RECEIVED: The Fort Bragg City Council approved the Coastal Development Permit for the project (CDP 24-98) on January 26, 1999.

OTHER APPROVALS REQUIRED: (1) State Lands Commission Dredging Permit, (2) Department of Fish & Game Streambed Alteration Agreement, (3) Noyo Harbor Commission, (4) U.S. Coast Guard Permit, (5) North Coast Regional Water Quality Control Board Waste Discharge Requirements, and (6) U.S. Army Corps of Engineers Nationwide Permit No. 15.

SUMMARY OF STAFF RECOMMENDATION:

The major issues raised by the portion of the project within the Commission's jurisdiction are: (1) visual resource and view protection issues related to views from the proposed new bridge and views of the bridge

itself, (2) the encroachment into environmentally sensitive river habitat for the Federally listed threatened Coho salmon, as well as the steelhead population to create temporary access facilities for construction equipment, and (3) the permanent displacement of approximately 490 sq. ft. of riverbed by the new bridge footings. The applicant proposes to minimize damage to river habitat by timing construction activities to avoid spawning periods and constructing a temporary trestle to provide equipment access, rather than placing earthen fill material in the river channel for this purpose. At the conclusion of construction, all temporary structures will be removed and appropriate areas will be revegetated with native species. Proposed conditions require compliance with the measures agreed upon between Caltrans and other reviewing State and Federal agencies. Staff believes that as conditioned, the proposed project's impacts on views to and along the ocean and local scenic coastal areas will be offset by the required mitigation; environmentally sensitive habitat will be adequately protected, and the project will be consistent with the Coastal Act. Therefore, staff recommends approval with the proposed conditions.

STAFF NOTES

1. Standard of Review.

The project site is divided by the boundary between the coastal development permit jurisdiction of the City of Fort Bragg and that of the Coastal Commission, with the majority of the project being within the Coastal Commission's retained permit jurisdiction (Exhibit 4). Permit Application No. 1-98-100 addresses the portion of the development within the Commission's retained jurisdiction. Therefore, the standard of review for the proposed development is Chapter 3 of the Coastal Act.

2. Related Agenda Item.

At the March 12, 1999 meeting, the Commission will also consider a related matter, Appeal No. A-1-FTB-99-06. This item is an appeal of the decision of the City of Fort Bragg to grant a coastal development permit with conditions to the applicant for the portion of the project within the City's coastal development permit jurisdiction. A separate hearing on the appeal will be held just prior to the Commission's consideration of this coastal development permit application.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:

1. Motion:

I move that the Commission approve Coastal Development Permit No. 1-98-100, subject to conditions.

2. Staff Recommendation of Approval:

Staff recommends a YES vote and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of Commissioners present.

3. Resolution to Approve Permit:

The Commission hereby grants, subject to the condition below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the nearest public road and the sea and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions. See Attached.

III. Special Conditions.

Note: The following list includes conditions required by Coastal Development Permit No. 1-98-100, Coastal Development Permit A-1-FTB-99-06, or both. As they are all requirements pertaining to construction of the Noyo River Bridge, for ease of reference all of the conditions are listed here. However, only Special Conditions 1-10 are conditions of Coastal Development Permit No. 1-98-100, and only Special Conditions 5-11 are conditions of Coastal Development Permit No. A-1-FTB-99-06.

1. State Lands Commission Review.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director a written determination from the State Lands Commission that:

- a. No State lands are involved in the development; or
- b. State lands are involved in the development and all permits required by the State Lands Commission have been obtained; or
- c. State lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

2. California Dept. of Fish and Game Review.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit to the Executive Director evidence of an approved 1601 streambed alteration agreement for the project from the California Department of Fish and Game.

3. Measures to Minimize Impact on Coho Salmon.

The applicant shall comply with the "Terms and Conditions" specified in the US Department of Commerce, National Marine Fisheries Service's Biological Opinion letter of December 22, 1998, and attached as Exhibit 15 of the staff report for Permit Application No. 1-98-100, and shall Caltrans implement a marine mammal monitoring program as specified in the National Marine Fisheries Service's letter of December 2, 1998 letter and attached as Exhibit 16 of the staff report for Permit Application No. 1-98-100.

4. Use of Wooden Trestle.

The temporary trestle system shall be constructed as described in the application and shall be completely removed upon project completion. All piles shall be pulled up and completely removed without digging them out.

5. Implementation of CEQA Mitigation Measures.

The applicant shall comply with all Mitigation Measures specified in the adopted Mitigated Negative Declaration attached as Exhibit 17 of the staff report for Permit Application No. 1-98-100.

6. Off-Site Mitigation Program..

Within 90 days of Commission approval, the applicant shall indicate by letter to the Executive Director a commitment to either (a) acquire and develop as a public viewing area the southern headland west of the proposed project (consisting of the Shaw Trust, APN 018-440-10-00 and Kime Trust, APNs 018-440-01-00 and 018-440-02-00 properties) or (b) deposit \$2 million in an interest bearing account designated by the Executive Director for the purpose of providing funds for either the acquisition and improvement of the project described in (a) above or implementation of another project determined by the Executive Director to be comparable in terms of adequately offsetting the impacts of the new bridge on visual resources and public recreational opportunities.

Option (a).

If the applicant chooses Option (a) to acquire and develop a public scenic viewing area along the southern headland west of the bridge, the applicant shall meet the following additional requirements:

- (1) Within 18 months following Commission action the applicant shall submit evidence in a form and content acceptable to the Executive Director that Caltrans has purchased sufficient rights over the parcels to develop, operate, and maintain the public viewing area improvements outlined below;
- (2) Within 24 months following Commission action the viewing area shall be constructed and open to the public, unless that deadline is extended by the Executive Director for good cause;
- (3) Prior to filing an application with the appropriate coastal permitting agency for construction of the viewing area, the applicant shall submit for the review and approval of the Executive Director final construction plans for development of the required viewing area improvements. The plans shall include, at a minimum, the construction of a paved access driveway connecting the site to Ocean View Drive, the construction of a paved parking lot with at least 15 parking spaces oriented towards Noyo Bay, fencing or other barriers to keep motorized vehicles from accessing other parts of the property besides the parking area and driveway, a trail along the entire blufftop of the property, and measures to control soil erosion on the site;
- (4) The applicant may transfer the responsibility for operation and maintenance of the viewing area to another public agency or a non-profit group approved by the Executive Director.

Option (b).

If the applicant chooses Option (b) to fund the construction by another entity of a public viewing area, the applicant shall submit evidence within 6 months following Commission action, in a form and content acceptable to the Executive Director, that a mitigation fee of \$2 million has been deposited in an interest-bearing account designated by the Executive Director. The California Coastal Commission shall be named as trustee of this account. All interest earned on the fee will be payable to the account.

The purpose of the account shall be to create and/or improve the public's ability to view the Pacific Ocean from a site in the Fort Bragg or Mendocino County area. The funds shall be used solely to acquire and improve land as a public recreational area offering views of the Pacific Ocean. The Executive Director of the Coastal Commission shall release the funds only upon approval of an appropriate project. The funds shall be released as provided for in a memorandum of agreement (MOA) between the Commission and a public agency or non-profit entity, setting forth terms and conditions to assure that the in-lieu fee will be expended in the manner intended by the Commission.

The mitigation fee may be refunded to Caltrans in whole or in part if, within 24 months of Commission action on this coastal development permit, Caltrans or another entity has completed a mitigation project that has been approved by the Executive Director as fully meeting this condition. The Executive Director may extend the above deadline for obtaining a refund if the permittee has obtained all necessary permits by the deadline for construction of the public viewing area project.

7. Amendments.

Any future modification of the bridge, railings, sidewalks, shoulders, traffic lanes or median area will require a Commission amendment to this coastal development permit.

8. Disposal of Construction Debris.

All construction dredge material and debris shall be removed from the site upon completion of the project. Disposal of any of this material in the coastal zone at a location other than in a licensed landfill will require a coastal development permit.

9. Monitoring and Reporting.

As proposed by the applicant, during and following construction activities, the applicant shall field monitor the project for condition compliance for a period of 3 years. Annually after project completion, the various impact locations shall be reviewed to assess the success of project mitigation measures. Brief summary reports with photographs shall be forwarded to the Coastal Commission by May 15th annually in 2000, 2001, and the final report in the year 2002.

10. Pollution Prevention

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit, for the review and approval of the Executive Director, a pollution prevention plan designed to prevent polluted runoff or other waste materials from entering the Noyo River.

11. Erosion control and vegetation

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit, for the review and approval of the Executive Director, an erosion control and revegetation plan for all areas disturbed by construction and including the correction of existing erosion problems in the Caltrans right of way surrounding the bridge. The revegetation plan shall demonstrate how all non-native species will be prevented from establishing in the revegetation area.

The site shall be monitored for the first five years following planting, and a monitoring report shall be submitted by September 1 of each year for the review and approval of the Executive Director of the Coastal Commission. The monitoring report will document the health of the planted and existing trees and recommend any needed corrective actions to achieve compliance with the requirements of this condition.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Coastal Zone Jurisdiction.

The portion of the project authorized herein is located within the Coastal Commission's retained jurisdictional area at Noyo River (Exhibit 4). Therefore, the permit application is being processed by the Commission using the policies of Chapter 3 of the Coastal Act as the standard of review. Other portions of the project are within the coastal development jurisdiction of the City of Fort Bragg, including the bridge approaches, bridge abutments on the bluffs, the two ends of the bridge span (generally, the portions of the bridge that extend over the bluff faces and bluff tops, totaling approximately 175 feet), and portions of the construction staging area

2. Project and Site Description.

The development involves replacing the Highway One Noyo River Bridge near the southern end of Fort Bragg to meet current seismic safety standards, and widening the bridge to accommodate two additional vehicle travel lanes, additional shoulder area and wider pedestrian/bicycle/wheelchair access across the bridge.

The existing Noyo River Bridge was built in 1948 and provides the main access to Fort Bragg from the south. (Please see Exhibit 2). The bridge crosses the Noyo River from the tops of the 110-ft-high bluffs above the Noyo Harbor entrance. State Route 20 from Willits meets State Route 1 about 2,000 ft south of the Noyo River Bridge.

The California Department of Transportation (Caltrans) proposes to replace the existing steel bridge with a concrete bridge to provide an earthquake and corrosion resistant structure. Caltrans states the existing bridge is vulnerable to collapse during large seismic events, and that the threat of liquefaction potential of the underlying soils adds to the risk of collapse. It states the existing bridge has extensive corrosion which limits its expected remaining life to 20 years if it were left in place.

The existing bridge was determined ineligible for the National Register of Historic Places as a part of the 1987 Caltrans Historic Bridge Inventory. The bridge was reevaluated in 1996 with the same conclusion.

As approved by the City of Fort Bragg, the project would replace the existing two-lane, 36-foot-wide Noyo River Bridge with a 86-ft-wide, 875-ft.-long, concrete box girder bridge (please see Exhibits 4, 6). The total estimated cost of the proposed bridge is \$24 million. The first stage of the project would be construction of two one-lane bridge pieces on each side of the existing bridge (Exhibit 20). Traffic would then use these structures while the existing bridge is dismantled, and a wide concrete box girder structure is built between them and connected to the outside pieces (Exhibit 21). Temporary construction of falsework and trestles would be required in the construction of this new bridge, including driving approximately 224 temporary piles displacing approximately 2000 sq. ft. of the river and constructing an approximately 30,000-square-foot temporary trestle for construction access, as shown in Exhibit 6.

Caltrans plans to advertise the project on May 10, 1999, award the contract on July 1, 1999, and begin work in the river by August 1, 1999. Completion of construction is planned for October 1, 2000. The

proposed bridge would then accommodate four 11.8-ft.-lanes and an approximately 10-ft-wide median, with 8-ft outside shoulders and 5.5-ft sidewalks placed on both sides. Exhibits 7, 8 and 9 show renderings of the existing and proposed bridges.

Caltrans further states that walkways on each side of the existing bridge do not meet Americans with Disabilities Act (ADA) accessibility requirements. The disabled community, represented by Fort Bragg's Disabled in Action League (DIAL), expressed a need for wheelchair access to the bridge. The existing two-lane bridge has narrow, three-foot wide walkways which provide poor traction for some users. Its one-foot wide shoulders are not designed for pedestrians or bicycles, although they are used by both. The proposed project would increase the walkways to five feet and the shoulders to eight feet in width, to make the bridge safer and more accessible to wheelchairs, pedestrians, and bicycles.

According to Caltrans, the current two-lane design has required the restriction of selected turning movements at both ends of the bridge.

Caltrans has stated it would be unreasonable to replace the existing bridge with a bridge that does not match the five lanes on north/south side of the bridge that would be constructed as a result of CDP 20-98 which has recently been finally approved. This road widening project extends north of the bridge through the central business district, and south of the bridge to Hare Creek, the southern extension of the city limits. The replacement of the bridge with a widened structure as approved would provide lane consistency and add highway capacity within the city limits of Fort Bragg.

The supports for the existing bridge rest within the tidal zone of the river. The river bottom in this location is composed of rock cobbles and is vegetated with green and brown algae. The southern slope of the Noyo River bluffs traversed by the bridge is vegetated with Bishop pine, planted Monterey pine, tan bark oak, Sitka willow (*Salix sitchensis*), coyote brush (*Baccharis pilularis*), western sword fern and various herbaceous and berry species. The northern slope is vegetated with non-native species, including black acacia, french broom, scotch broom, pampas grass, and eucalyptus trees.

With the exception of temporary construction easements and the area around the Pier 2 footing, the project area is within Caltrans' right of way. The Fort Bragg LCP (Exhibit 12) zones the area on both sides of the northern bridge abutment as Highway Visitor Commercial. The Harbor Lite Lodge and a gasoline station are located in this area at the northeast end of the bridge. A third hotel (North Cliff Motel) has recently been completed at the northwest end of the bridge. One corner of North Cliff Motel appears to be less than 3 ft. from the state right of way (Exhibit 5). There is a Pomo rancheria approximately 500 ft. west of the north abutment of the bridge.

Ocean Front Park lies along the north bank of the river beneath and to the west of the bridge. The lands further west on either side of the mouth of the Noyo Harbor are zoned PD-CZ. The Noyo Harbor District incorporates most of the river shoreline east of the bridge. The south bank and bluff face strip of riverfront extending under the south part of the bridge and along the river to the east is zoned Open Space. Two mobile home parks to the south of the bridge are located in close proximity to Route 1 and to the bridge. There is one restaurant, The Cliff House Restaurant, located at the southwest end of the

bridge and within 2 ft. of the right of way line. The entrance to the restaurant faces the highway. A small café faces the highway at the southeast end of the bridge.

3. Visual Resources/Unique Character.

The project would replace the existing two-lane, 36-foot-wide Noyo River Bridge with a new 86.6-ft-wide concrete bridge (Exhibit 20). The roadbed of the proposed bridge would be slightly wider than the deck of the Golden Gate Bridge. Exhibit 4 shows profiles of the existing and proposed bridges.

Section 30251 of the Coastal Act establishes the standards for protection of the scenic and visual qualities of coastal areas:

Section 30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 addresses protection of special communities and visitor destination points.

Section 30253.

New development shall:...

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

In summary, the applicable standards of the Coastal Act require that the proposed bridge:

- (A) be sited and designed to protect views to and along the ocean and scenic coastal areas;
- (B) be visually compatible with the character of surrounding areas;
- (C) protect areas of unique character that are popular visitor destination points for recreational uses
- (D) minimize the alteration of natural land forms,

The particular configuration and design of the existing bridge, especially the high visibility afforded by its current railings, affords generous views for motorists from the bridge itself to and along the ocean and the scenic coastal area of Noyo Harbor and the Noyo River. The bridge is in fact one of the few places in

Fort Bragg where the ocean is visible from Highway 1. The bridge is also a highly visible feature of coastal views afforded from visitor destination points and recreational areas in and around Noyo River. The prominence of the bridge makes the bridge one of the most significant elements defining the character of the area.

(A) Protection of Views To and Along the Coast

Views from the Bridge. The design of the proposed bridge would reduce the motorists' views from the currently available from the existing bridge in two ways. First, the proposed design of the bridge railing barrier would block a portion of the view provided by the present barrier, as illustrated in Exhibit 10. As best as can be determined from the information provided, the proposed "see-through" railing, faced straight on, blocks somewhat more than 60% between the top of the sidewalk and the top of the rail. Due to the increased thickness of the concrete barrier elements, a greater proportion of the area is blocked when viewed at an angle. The current bridge rail blocks approximately 25% of the area between the base and top of the rail, and because it is considerably thinner, obscures less area when viewed at an angle.

Second, the increased width of the proposed new shoulders and sidewalk (a total of 13.5 ft., as compared to the existing 4+ feet) would place vehicle occupants further from the edge of the bridge, creating additional view blockage. Travelers would see more roadway and railing, and less of the ocean, river and harbor.

Caltrans has made a significant effort to accommodate ocean and harbor views in the current project. Caltrans had originally proposed a concrete barrier and hand railing design that blocked substantially more of the current views (Exhibit 11). In response to local concerns over the loss of views that this design would cause, Caltrans sought to find a more "see-through" railing. Caltrans' policy is that "all bridge railings must be crashworthy by testing following AASHTO [American Association of State Highway Transportation Officials] guidelines" and be accepted by the Federal Highway Administration (FHWA). Fortunately, Caltrans found a new design that was already in the process of being considered for approval. Caltrans was able to accelerate the process and obtained approval of the new design for conditions with limited speeds, such as the proposed bridge. Caltrans presented the "see-through" design in their November 1998 Initial Study/Environmental Assessment for the Noyo Bridge replacement Project.

As discussed above, however, this design does not fully protect views as required by Section 30251. Alternative designs that provides for increased visibility certainly exist. Many current railings on other roads and bridges provide for more visibility than the "see-through" design incorporated in the proposed project (the Golden Gate Bridge is but one notable example). However, Caltrans points out that its safety standards have changed, and the "see-through" barrier incorporated in the project is the only one currently approved. Caltrans estimates that the design, crash testing and approval process for an improved "see-through" barrier could take from 2 to 4 years. Caltrans has taken the position that such a delay is not acceptable.

Certain alternatives could better protect views from the bridge, including the Retrofit alternatives discussed in detail in the Alternatives Analysis of this report. However, Caltrans has also taken the

position that these alternatives are not acceptable. Thus, no available feasible alternative railing design currently exists that meets the necessary safety criteria. However, other measures can mitigate the impacts of the proposed project on views from the bridge to and along the coast. One such measure would be to provide increased opportunities for viewing the coast and ocean at another location to offset the reduction in views from the bridge caused by the proposed project. The Commission therefore attaches Special Condition No. 6, described in detail in **Finding 3 (B)** below, to provide such opportunities. Special Condition No. 6 also serves to mitigate other effects of the proposed project; these are detailed in each applicable section of this report.

The Commission notes that the need for a barrier design that would protect both lives and views is not unique to the Noyo River Bridge. The issue has arisen many times before, several times in the scenic Big Sur area alone. Additional bridge reconstruction projects will raise the issue again in the future. For example, Caltrans proposes to replace the Ten Mile River bridge at the mouth of the highly scenic Ten Mile River estuary approximately ten miles north of Fort Bragg sometime in the next two years. Caltrans has the capacity, creativity and skill to achieve a breakthrough in this area of design if it were to commit to the challenge. By doing so, it would perform an outstanding service not only to users of the coast, but potentially to the designers of the new Bay Bridge, and indeed to travelers in scenic areas everywhere. The Commission urges Caltrans to take on this task with the vigor and resourcefulness it has displayed on the present project.

Compatibility with Character of the Area: As noted, Section 30251 of the Coastal Act requires that development protect views to the ocean and scenic coastal areas and be visually compatible with the character of surrounding areas. Section 30253 requires protection of areas which, because of their unique characteristics, are popular visitor destination points for recreational uses.

While the Coastal Act is the standard of review for the part of the project within the Commission's retained jurisdiction, the certified Fort Bragg LCP provides guidance in the interpretation of those policies. With regard to visual and community character issues, the Fort Bragg LCP in part recapitulates Sections 30251 and 30253 of the Coastal Act. LUP Policy XIV-1 states that new development within the City's coastal zone shall be sited and designed to protect views to and along the ocean, be visually compatible with the character of surrounding areas, and, where feasible, restore and enhance visual quality in visually degraded areas. In introducing this policy, the LUP cites Coastal Act Policies 30106, 30251, and 30253, and goes on to state: "along Highway 1 the City's Scenic Corridor Design Review system should be used to implement this Coastal Act Policy," thereby incorporating these Coastal Act policies as certified LCP policies. The zoning map applies the Scenic Corridor combining zone to the area around the Noyo River Bridge (Exhibit 12).

As incorporated into the LCP, the Scenic Corridor Combining Zone, Section 18.58.05 (C) states that a structure shall be so designed that it, in general, contributes to the character and image of the City as a place of beauty, spaciousness and balance; that the exterior design and appearance of the structure is not of a quality or scale so as to cause the nature of the neighborhood to materially depreciate in appearance and value; and that the structure is in harmony with proposed adjacent development in the area and the Scenic Corridor Zone and in conformity with the LCP.

Zoning Code Section 18.61.028 (Coastal visual resources and special communities) states that permitted development within the coastal scenic corridor shall minimize the alteration of natural landforms, be visually compatible with the character of the surrounding area, be sited and designed to protect views to and along the ocean and scenic coastal areas, and, wherever feasible, restore and enhance visual quality in visually degraded areas.

Additionally, LUP Policy XIV-3 states that "the views from the bluffs at the mouth of Pudding Creek and the Noyo River shall be protected."

In determining whether the proposed project meets the requirements of the relevant portions of Coastal Act sections 30251 and 30253 and the LCP guidance, the Commission is faced with both objective facts and subjective judgements. It is a fact that the proposed bridge would be two and a half times the width of the existing bridge. It is a fact that the bridge would be a dominant part of the view towards the ocean and other scenic areas from the restaurants and other viewing spots in the harbor, as well from the recreational areas along the Noyo River.

As to how the location, size, and architectural design of the bridge as proposed would affect the character of the area, is more a matter of subjective judgement.

Would the new bridge be, as some have said,

- "a souless concrete viaduct,"
- "a brutally conventional freeway design," or
- "more characteristic of a crowded big city than the small-scale magic that brings visitors to Noyo Harbor,"

Or would the bridge, as the City Council found in its approval, "incorporate design enhancements to make the bridge more visually compatible with the character of the surrounding area, [including]:

- decorative pedestrian lighting on the bridge,
- an improved bridge rail with see-through windows,
- all the parts of the bridge are well integrated into the design, producing an aesthetically pleasing design,
- the angled face of columns will reflect different shades, enhancing a slender impression
- the use of shadows running parallel with the girder, plus the use of flared soffits complements the impression of thinness,
- the parabolic haunches (connection of superstructure to piers) were enlarged which further increases structure depth at the piers to produce a pleasing arched affect,
- it will also tie directly to the approved road widening projects on both sides of the bridge."

The last point is perhaps the most telling in determining whether the proposed bridge would fit in with the surrounding area consistent with sections 30251 and 30253. The character of part of that surrounding

area has already been committed to change through the coastal planning process. Both the certified LCP, and a recent Coastal Development Permit (CDP 20-98) approved pursuant to it, have committed this section of Fort Bragg to a more urbanized, intensely developed character. While the Coastal Act is the standard of review for the part of the project within the Commission's retained jurisdiction, the LCP provides guidance in the interpretation of those policies. The LUP states:

... the legislative mandate that State Highway Route One remain a "scenic two-lane road" does not apply to Fort Bragg proper, because it is not considered to be in a "rural area" covered by the Legislature's mandate.

... In order to minimize the impact of urban services on the entire Mendocino Coast, they should, in general, be provided in Fort Bragg proper.

But the LUP goes on to say:

Beyond the major widening project already proposed by the State Department of Transportation for downtown Fort Bragg, the main focus of capacity improvements in Fort Bragg should be to achieve, to the greatest extent possible, uniform service levels and capacities throughout the City, rather than looking to new additional major capacity improvements. One of the largest bottlenecks in the area, and one destined to becoming increasingly important, is the area between the Noyo and Hare Creek bridges. Unfortunately, this is also an area where jurisdictions meet. It is imperative that the City of Fort Bragg, the County of Mendocino, the State Department of Transportation, and possibly the Office of Traffic Safety cooperate on a detailed highway improvement study for this area. In order to implement the specific design proposals produced in that study, development in the area should be called upon to pay a portion of the circulation system improvements needed. (emphasis added)

A strict reading of the LUP text would conclude that a "detailed highway improvement study" that "called upon [development] to pay a portion of the circulation system improvements needed" should have been completed prior to authorizing the widening of Highway 1 between the Noyo River and Hare Creek. As discussed in detail in the Public Works section of this report, a comprehensive plan such as that called for in the LCP could have analyzed long range alternatives (including different architectural treatments for the bridge), and provided a mechanism to fund those alternatives through cost sharing by the development that stands to benefit from the expansion in capacity.

However, that did not happen. The commitment to widening the Highway has nevertheless already been made.

On October 28, 1998 the City of Fort Bragg City Council approved Permit CDP 20-98, the State Route 1 Main Street improvements project. This project will, among other improvements, widen Route 1 from the north end of Hare Creek Bridge to Oak Street to provide a total of five lanes (four through lanes, and a continuous turn lane or left-turn pockets). The project does not include the Noyo Bridge, and will include a lane reduction to the existing two-lane Noyo Bridge.

Widening the Highway will enable intensification and urbanization of the areas north and south of the bridge to densities at least at the level anticipated in the land use designations and zoning certified in the LCP. Thus the character of the area surrounding the proposed project, outside of the Noyo Harbor/Noyo River area itself will be one of increased urbanization. The Commission finds the widening and replacement of the bridge is compatible with this character.

The character of the Noyo Harbor/Noyo River area is somewhat different. The lower Noyo River forms a valley that is to a significant degree physically and visually separated from the more urbanizing terrace areas of Fort Bragg described above. This area includes the harbor, the shoreline and mouth of the river, Noyo Bay and its opening to the ocean, Ocean Front Park, Jetty Beach, and the bluffs that frame the valley, including the blufftop area at both ends of the existing bridge. The harbor area itself is a working fishing village, with development that includes a variety of architectural styles. The area's open spaces, including the river itself and along the bluff faces, are also an important part of its character.

Moreover, the existing bridge itself is one of the "unique characteristics" of the area as addressed in Section 30253. The fact that it is featured in postcards, visitor promotion materials, brochures, advertisements and web-sites for many of the area's hotels, motels and restaurants (including the City's own home page) is evidence of how much it is a unique symbol of the area's character, and how it contributes to what makes the area popular for visitors. Nevertheless, as Caltrans indicated in its historical and architectural evaluation of the bridge, it would be a highly subjective determination to assert that it is an outstanding example of beauty and grace.

In sum, the character of the area may best be described as "eclectic." In view of this variety of styles, the replacement of the existing bridge with the proposed new design cannot, from a strictly architectural point of view, be determined to be out of character with the surrounding area. The Commission therefore finds that the proposed project is consistent with Section 30251's provisions regarding compatibility with the surrounding area.

Temporary Visual Effects: The project would also have temporary effects on the visual character of the area. During construction, the temporary falsework (the high level framework and platform constructed to hold forms for the cast-in-place superstructure of the new bridge, and to support the new bridge while the concrete dries), the temporary trestle (the low level construction platform over part of the river and its banks), construction roads and fences, and construction equipment and materials would all intrude into the scenic view. However, the temporary nature of this impact limits its significance. The project is planned for a maximum of two construction seasons, and all construction debris would be removed upon project completion. The Commission therefore finds that this part of the proposed project is consistent with Section 30251 of the Coastal Act.

(B) Special Condition No. 6

Special Condition No. 6 provides a feasible mitigation measure to offset several different kinds of the proposed projects' impact to allow the project to be found consistent with the Coastal Act. It requires Caltrans to acquire and develop a substantial scenic viewing area within the City of Fort Bragg.

A potential mitigation site (hereafter called the "South Noyo Bluffs site") is comprised of Assessor Parcel Nos. (APN) 018-440-10 currently owned by the Shaw Revocable Trust, and APNs 018-440-01 and 018-440-02 currently owned by the Kime Trust. The 20 acre site is located on the south shore of the Noyo River, and extends on a magnificent sweep along the bluffs from the Cliff House Restaurant adjacent to the southeast side of the bridge past Noyo Bay and out to the ocean. This blufftop area currently provides significant informal visual access to the ocean. However, since the site is currently in private ownership and not specifically developed for viewing use, vehicles driven on and across the site are disturbing the soil and vegetation and creating ruts and scars on the land. Properly developed however, it could provide visitors unimpeded views to the ocean and Noyo River to offset the reduced views from the new bridge. By acquiring the property, the scenic qualities that make it such an important part of the view in the Noyo River area could be permanently protected to compensate for the new bridge's impacts on views.

The South Noyo Bluffs site is particularly appropriate for mitigating the view impacts of the project for several reasons. The site provides views to, along and within the same "viewshed" that would be affected by the proposed project impacts. The site would provide a viewing point for the motoring public, a group that would be significantly affected by the project's impacts on reducing the views now available while driving across the existing bridge. By assuring that the site will be kept largely in its present scenic condition, a highly visible and significant portion of the viewshed would be permanently protected to offset the project's impacts on coastal views. In addition, the site is identified as desirable for acquisition in Fort Bragg LUP Policies III- 9 and III-10, as further discussed in the Public Recreation section below. Finally, the site is recommended as a desirable mitigation location by Fort Bragg City Council member Dan Gjerde, in his letter of Feb. 16, 1999 (Exhibit 30). In that letter Councilman Gjerde points out that the 1992 Noyo Harbor District Plan, citing the Mendocino County LCP, called for acquiring the site for a pedestrian trail and suitably designed public parking area (please see Exhibit 31).

The extensive historic public use of the site does raise the issue of prescriptive rights. This issue may well affect any future residential development that might be proposed under the site's current Planned Development (PD-CZ) zoning. However, it is possible the issue would not preclude such development. Acquiring the site would avoid the visual impacts that residential or other PD-CZ development could have, and assure the site's current scenic qualities would be preserved to offset the visual impacts of the proposed bridge.

The best available preliminary estimates for the cost of acquiring and appropriately developing this property are approximately \$2 million. This estimate takes into account the current assessed values of the properties, their history of use, and the probable costs of acquiring and preparing the site for public viewing use, based on similar projects in the area and elsewhere in the state.

Special Condition No. 6 is also specifically designed to recognize that these estimates are indeed very preliminary, and to provide for a refund of funds not required to complete the project. Many factors,

such as acquisition and timing considerations, necessary geologic setbacks, and other design questions, would affect the cost of completing the project. By including provision for refund of funds, the condition essentially sets an upper cap for the mitigation cost to Caltrans, and allows for flexibility in determining costs, and keeping them to the minimum necessary as the condition is implemented. The condition also incorporates flexibility for the ultimate location of the mitigation project. While the southern Noyo Bluffs site is preferable for the reasons discussed above, if it should prove infeasible to accomplish the mitigation at this site, an alternative that provides comparable mitigation could be substituted. The Glass Beach project currently being planned by the Mendocino Land Trust and the State Coastal Conservancy is one such example.

As further discussed in the Public Works section of this report, the Commission notes that Fort Bragg LUP Policy XV-14 calls for shared funding of highway capacity improvements by the involved "governmental agencies and developer(s)" in the area south of the bridge. Without the widening of the bridge proposed in the current project, highway widening improvements south of the bridge would not effectively increase traffic capacity to the proposed levels. The widening of the bridge must thus be considered as part of the capacity improvements addressed by LUP Policy XV-14. Therefore, the City should consider requiring future larger-scale development in the area to share a portion of the bridge project cost, consistent with that policy. The cost of mitigation is part of the total project cost. Preparation by the City of Fort Bragg of a shared-funding plan as provided for in LUP Policy XV-14 could provide an additional source of funds to acquire, develop and ultimately to manage the viewing area required by Special Condition No. 6. Should the City and Caltrans agree, the City could even provide reimbursement to Caltrans for mitigation or other project costs.

Finally, Special Condition No. 6 also provides Caltrans the alternative of depositing a fee of \$2 million in-lieu of acting as the implementing agency for the mitigation. The fee would be deposited in the standard manner to enable an appropriate agency or organization acceptable to the Executive Director of the Commission, such as the City of Fort Bragg, the Mendocino Land Trust or the State Coastal Conservancy to carry out a mitigation plan that the Executive Director determines has equivalent value in mitigating the adverse environmental effects of the project.

(C) Conclusion

In conclusion, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act because Special Condition No. 6 will provide for mitigation to offset the proposed project's impact on views. Specifically Special Condition No. 6 will (1) provide improved viewing opportunities to offset the loss of views from the existing bridge to and along the ocean and the scenic Noyo River/Noyo Harbor coastal area; and (2) will ensure that the existing scenic qualities of the mitigation site will be fully protected to offset the impact of the project itself on views from recreational use areas such as Ocean Front Park and visitor destination points such as the restaurants, hotels, inns and other visitor-serving accommodations in and around Noyo Harbor.

(D) Minimize the alteration of natural land forms

Within the Commission's retained jurisdiction, the proposed project would temporarily alter the river bottom as the new bridge pilings, footings and support columns are installed, and the temporary construction pilings are installed and later removed. However, upon completion of the project, the river bottom would remain in its same configuration and elevation. The extensive footing system put in place below the grade of the river bottom would be completely buried and not visible above the river bottom surface. Therefore, the proposed support and footing work would not permanently alter landforms.

Within the Commission's appeal jurisdiction, the proposed bridge would displace approximately 1.1 acres of blufftop at its southern abutment and approximately 2.2 acres at its northern end. These alterations of natural landform are directly correlated to the width and size of the bridge, and do not extend to adjoining areas. Therefore, as conditioned, the project is designed to minimize landform alteration in a manner consistent with the Section 30251.

2. Fill in Coastal Waters and Wetlands.

The Coastal Act defines fill as including "earth or any other substance or material ... placed in a submerged area." Exhibit 28 summarizes the dredging (excavation) and fill associated with various project alternatives, including the "proposed project." The project would require excavation of 5,400 cubic yards of material from a 4,800-square-foot section of the river bottom for the placement of the pilings and footings for the bridge's southern support columns (called Pier 2 in Caltrans' plans). However, these footings and piles would be situated below the current bottom of the riverbed, (Exhibit 22) and it is expected that they would become buried by river cobbles, so that only the two columns of Pier 2 would emerge from the bottom of the river, covering an estimated 490 sq. ft. of riverbed. The northern bridge support (Pier 3) would be constructed on an upland area along the riverbank in Ocean Front Park, but would require the placement of approximately 600 square feet of rock revetment in tidal areas on top of existing revetment to protect the north pier from river scour. An additional amount of temporary fill would cover a 3,000-square-foot area of the river bottom to drive temporary support piles for the construction trestle and falsework.

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

- (a) *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*
- (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.*
- (b) *Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.*

The above-referenced policies of the Coastal Act set forth a three part test for all projects involving the filling of coastal waters and wetlands. A proposed fill project must satisfy all three tests to be consistent with Section 30233. The three tests are:

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

A. Alternative Analysis

The first test of Section 30233(a) is whether there are feasible less environmentally damaging alternatives to the proposed project. A number of possible alternatives, certain of which might potentially result in

less environmental damage, were identified by Caltrans in the Initial Study/Environmental Assessment/Negative Declaration on the project. **Alternative 2** is the project proposed by Caltrans as approved by the City Council in its CDP 24-98. All of the other alternatives, and design variations of them, were rejected by Caltrans as too costly, involving too much delay, or otherwise unacceptable. A January 13, 1998 letter from Caltrans District Director Rick Knapp to Fort Bragg Mayor Michelle White sets out in overview why Caltrans takes the position that approving the project as proposed is the only alternative acceptable (Exhibit 18). Additional details supporting the proposed project design, including why the bridge cannot be replaced with a narrower structure, why it includes 8-ft shoulders and a median, why Caltrans does not consider it out of scale or too massive, and why neither a two-lane bridge nor an arch structure could be built are included in a Caltrans information document attached as Exhibit 19. The rejected alternatives to the proposed project include:

- (1) **Alternative 1:** Replacement with a new two-lane bridge on either side of the existing Noyo River bridge, which would be closed and removed following construction.
- (2) **Alternative 2 Design Variation:** A design variation involving the staged construction of a two lane bridge.
- (3) **Alternative 3:** Constructing a one lane bridge on each side of the existing bridge with the provision for future connection of these bridges.
- (4) **No Build Alternative**
- (5) **Build a Steel Bridge**
- (6) **Retrofit Existing Bridge**

In addition, two other alternatives were considered in the process of preparing this staff recommendation:

- (7) **Arched Bridge/No Fill Alternative:** Constructing an arched bridge or other different kind of bridge in a manner that does not require placing bridge supports within the river.
- (8) **Narrowed Design Variation of the Proposed project:** Constructing a narrower bridge, with reduced widths for the median and/or shoulders.

These Alternatives/Design Variations were considered by Caltrans but rejected for the following reasons:

(1) Alternative 1

This alternative (shown in Exhibit 23) consists of replacement with a new two-lane bridge on either side of the existing Noyo River bridge, which would be closed and removed following construction. Caltrans rejected this alternative because:

- It would require acquisition of an additional 21.9 ft. minimum of right of way, including the modification or purchase of the Cliff House restaurant, a newly constructed hotel, or the Harbor Lite Lodge, and a small business. The purchase of properties would cause an unnecessary impact on the community. There would be a magnitude of socioeconomic impacts associated with this alternative.
- It would create an undesirable roadway alignment and transition from four to two lanes then back to four lanes. The combination of an offset horizontal roadway alignment and traffic merging from four to two lanes may also raise traffic operational concerns. This design may necessitate permanent restriction on vehicle turn movements in the vicinity of the bridge.
- The time needed to acquire right of way for this alternative would delay completion of the proposed new bridge to at least the end of the year 2001. This one year delay increases the risk of the present bridge still being in service during an earthquake. The loss of this vital structure would prove devastating to the Fort Bragg community.

This alternative would involve somewhat less fill as the proposed alternative, and would be slightly narrower. However, in enacting Senate Bill 805 into law, the state legislature declared that the seismic retrofitting of substandard bridges is necessary for the immediate preservation of public safety. As it is now a matter of State law to enhance the seismic safety of bridges such as the Noyo River Bridge, the Commission finds that Alternative 1 is not feasible as it would not achieve the project objectives to complete seismic upgrades as rapidly as possible.

(2) Alternative 2: Design variation-Twin Cast-in-Place Segmental Box Girder Bridge

This design (shown in Exhibits 24 and 25) would result in the same cross-sectional configuration of the proposed project design, but would be built in different stages. In the first stage, half of the full new bridge (accommodating the final configuration of two full lanes, shoulders and sidewalks) would be built next to the existing bridge. When ready, traffic would be diverted to that half, the existing bridge would be dismantled, and the second half of the bridge would be built in its place. To accommodate the full planned width, however, the bridge alignment would need to shift 21.9 ft. to the east.

Caltrans rejected this design for the following reasons:

- Proposed bridge pier footings of the new bridge would interfere with existing footings.
- Shifting the bridge alignment 21.9 ft. eastwardly would have the same right-of-way and delay problems described for Alternative 1.

This alternative would not reduce the amount of fill, the size of the bridge, nor degree of visual impact compared to the proposed project. Therefore, the Commission finds that this alternative is not a less environmentally damaging alternative to the proposed project.

(3) Alternative 3

This alternative (Exhibit 26) consists of constructing a standard width one lane bridge on each side of the existing bridge with the provision for future connection of these bridges. Each new bridge would have a 5 ft. inside shoulder, a 12 ft. lane, a 8 ft. outside shoulder, and a 5 ft. sidewalk with a 1 ft. rail. However, this alternative was rejected for the following reasons:

- This alternative would require a minimum of 3.3 ft of additional right of way at the approaches on each side the highway to make room for the new bridges. At the piers, an additional 10.5 ft. of right of way would be required. This alternative would require the modification or purchase of at least one established business (Cliff House Restaurant) in the southwest quadrant. In addition, right of way would be required for falsework construction at the bridge abutments in the other quadrants, which would impact the Harbor Lite Lodge and the recently established hotel.
- This alternative would have the same roadway alignment and transition problems as Alternative 1 and in addition, would create a traffic weave movement to the outside separated structures.
- It would involve similar delay, at least the end of the year 2001, with the added risk of exposure to earthquake.

This alternative would not reduce the amount of fill, the size of the bridge nor degree of visual impact when compared to the proposed project. Therefore, the Commission finds that this alternative is not a less environmentally damaging alternative to the proposed project.

(4) No Build Alternative

Caltrans rejected this alternative as not meeting the purpose and need for the proposed project, stating the existing bridge may eventually fail due to seismic activity and weathering. This alternative would do nothing to enhance the seismic safety of the bridge. In enacting Senate Bill 805 into law, the state legislature declared that the seismic retrofitting of substandard bridges is necessary for the immediate preservation of public safety. As it is now a matter of State law to enhance the seismic safety of bridges such as the Noyo River Bridge, the Commission finds that the no project alternative is unacceptable.

(5) Build a Steel Bridge

Caltrans considered and rejected this alternative because both the initial cost of a steel structure and the long term maintenance cost of a steel bridge is much higher than a concrete structure. Assuming the same size of bridge, this alternative would not reduce the amount of fill, the size of the bridge nor degree of visual impact when compared to the proposed project. Therefore, the Commission finds that this alternative is not a less environmentally damaging alternative to the proposed project.

(6) Retrofit the Existing Bridge

The existing steel bridge is 34 ft. wide and 894 ft. long, with a 26 ft. wide roadway, 3 ft. sidewalks, and a 1 ft. railing on each side of the bridge.

This alternative consists of painting, widening, and seismic retrofitting the existing steel bridge (Exhibit 27). The seismic retrofitting of the bridge includes installing base isolation bearing pads, replacing the rocker bearings, constructing a concrete collar at the top the piers and adding eight 36 inch piles to each footing.

This alternative was rejected by Caltrans for the following reasons:

- The existing Noyo River Bridge is functionally obsolete and deterioration has resulted in an estimated 10 percent section loss in some of the main structural steel members. Caltrans estimates that these two factors reduce the remaining useful life of the existing steel bridge to 20 years (assuming the bridge would be well-maintained during that time), which Caltrans maintains makes the seismic retrofitting, painting, and widening an unreasonable use of funds.
- Widening the bridge's walkways to 5.5 ft. would satisfy Fort Bragg's Disabled In Action League (DIAL) concerns. However, Caltrans has documented that the existing bridge cannot be widened without reducing its current permit rating. This would be unacceptable to both Caltrans and the community of Fort Bragg since this is the only available crossing of Noyo River on State Route 1 for overweight equipment that cannot be transported any other way.
- This alternative would not satisfy the Caltrans Route Concept Report for Highway 1 in this area and would be contrary to the local city and county governments endorsement of the preferred bridge design.

However, Caltrans has subsequently stated that this alternative is feasible (please see Exhibit 19, item 11), and that, if the proposed project were not approved, that Caltrans would proceed with a strictly retrofit project (letter of District Director Knapp, Exhibit 18, page 4). This alternative would not result in any more structural fill in the river above the river bottom than the proposed project. In addition, as discussed in the Visual Resources section, this alternative would have less impact. However, in recent discussions Caltrans and City representatives have asserted that this alternative would require longer periods of one lane traffic across the bridge which would create unacceptable traffic delays. Given that Highway One is the lifeline for Fort Bragg, and there is no other way to cross the river for many miles inland, the impact becomes severe. In addition to these delays, and the increased difficulty that emergency vehicles would have responding to emergency calls across the bridge, such delays would also it adversely affect public access to the coast. Therefore, the Commission finds that this alternative is not a feasible less environmentally damaging alternative to the project as approved.

(7) Arched Bridge/No Fill Alternative:

This option involves constructing an arched bridge or other different kind of bridge in a manner that does not require placing bridge supports within the river. Many existing bridges span a distance greater than the width of Noyo River without requiring supports placed mid-span. For example an arched bridge, suspension bridge or cable-stayed design could span the Noyo without requiring fill in the river. The existing bridge could be replaced with an entirely new bridge of such a design. However, Caltrans estimates the cost of an arched bridge, for example, could amount to \$40 million, nearly double that of the proposed alternative. Other designs would likely be equally or more costly. In view of this great cost differential and the tremendous number of bridges statewide that are in need of retrofitting to enhance seismic safety, the Commission finds that this alternative is infeasible. Furthermore, any new bridge would result in similar view impairment impacts as the bridge design proposed by Caltrans as a new bridge would require a similar railing design as that proposed and would be constructed in a manner that would separate motorists from the edge of the bridge to a similar degree, thereby reducing the angle of view to the motorists by a similar amount. Therefore, this alternative would not be less environmentally damaging.

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

B. Permissible Use for Fill

The second test for a proposed fill project is whether the fill is for one of the eight allowable uses under Section 30233(a). The only category of use listed under Section 30233(a) that relates to the proposed bridge replacement project is subcategory (5), stated as follows:

(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.

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

The Commission must next determine if the fill is "incidental." The Commission has in the past determined that certain bridge seismic retrofit projects constitute "incidental" public service purposes under Section 30233(a)(5). For example, in Application 1-96-71 (Caltrans' seismic retrofit of the Pudding Creek Bridge in Fort Bragg), the Commission found that "for a public service to be incidental, it must not be the primary part of the project or the impacts must have a temporary duration." In the present case, the Commission finds the public safety purpose of the proposed bridge replacement project is incidental to "something else as primary," that is, the transportation service provided by the existing bridge.

The primary purpose and need for the project is for public safety, to provide a bridge that will be less prone to collapse or damage in a strong earthquake. The Commission notes that in addition to this purpose, the proposed project will also serve to increase the capacity of the bridge by adding two additional lanes of traffic.

The Commission notes that the Statewide Interpretive Guidelines on Wetlands adopted by the Commission February 4, 1981 (Wetlands and Other Wet Environmentally Sensitive Habitat Areas, - Section IV(A)(5)) discussed "incidental" as follows:

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

Footnote 3, elaborating on the limited situations where the Commission would consider a road or bridge as an exception to this policy, states:

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

The Interpretive Guidelines are advisory to the Commission, and where the Commission has subsequently certified a Local Coastal Plan, as in this case, weight also must be given to the provisions of that LCP. As discussed in the Public Works Capacity section, the Fort Bragg LCP, under certain conditions, anticipates the widening of the bridge, and thus the fill necessary to support that widening.

Moreover, the determination of existing traffic capacity must take into account the expansion of the highway traffic capacity to the north and south of the bridge already approved pursuant to the Coastal Act, as discussed in detail in the Visual Resources section. The project would not expand the vehicular capacity of the bridge beyond the capacity the widened connecting highway segments will have when their construction is complete. The project can therefore be considered as consistent with capacity that will exist at that time.

Retrofitting the existing bridge is a feasible alternative that would not increase traffic capacity. However, the net fill associated with the proposed project can be considered equivalent to that necessary for the retrofit alternative. The proposed new footings and pilings would be much larger than the footings and pilings of the existing bridge. However, all of the footings and pilings would be installed either in upland areas or below the bottom surface of the river. Those installed within the river will be buried beneath new cobble washed down the river. Thus, the footings and pilings of the proposed bridge supports do not contribute to an increase in the net amount of fill in the river itself, the submerged or tidal areas above the current bottom of the river.

As noted previously, the north pier of the proposed new bridge will be constructed in upland areas along the north bank of the river. A small amount of rock revetment fill would be placed in a tidal area around

the north pier. However, the area where the rock would be placed is already covered with rock revetment and there would be no further encroachment into the river.

The southern pier of the existing bridge has a cross-sectional area of approximately 500 sq. ft. where it meets the riverbed. The two columns of the new pier would have a total cross-section of approximately 490 sq. ft. (personal communication, G. Setberg, Caltrans, 2/17/99). Since the existing piers would be removed as part of the project, there would be a net decrease in the amount of the riverbed surface taken up for bridge supports as a result of the proposed project. Thus, whether or not there were an increase of capacity associated with the project, the amount of net fill in the river would be the same. There is no extra amount of net fill attributable to the capacity expansion to be provided by the new bridge. Therefore, the fill can be attributed to seismic needs rather than traffic capacity, and thereby qualifies as an incidental public service purpose.

This is not the case for the footings and pilings required for the proposed project. The existing bridge footings and pilings would not be removed as part of the proposed project. However past actions of the Commission as reflected in the cited Interpretive Guidelines have considered burying cables, pipes and similar structures as temporary impacts. In this case, the new bridge's footings and pilings would be constructed below the level of the current river bottom, and would subsequently be buried by the river's action. They can be considered a temporary impact similar to buried cables and pipes, and therefore consistent with Section 30233(a)(5).

Therefore, the Commission finds that for all the reasons discussed above, the proposed filling and dredging (excavation) for the proposed project constitutes an incidental public service, and thus is an allowable use pursuant to Section 30233(a)(5) of the Coastal Act.

C. Feasible Mitigation Measures.

The third test set forth under Section 30233 is whether feasible mitigation measures can be employed to minimize the proposed fill project's adverse environmental effects. The proposed fill work has potentially significant, adverse environmental effects on the estuarine environment, including: (1) disturbance of migratory fish, and (2) loss of river bottom wetland habitat. Feasible mitigation measures can be employed to minimize these potential adverse environmental effects below a level of significance.

1. Migratory Fish

Coho Salmon and northern California steelhead trout occur within the project area. The coho salmon is listed as a federally threatened species under the Endangered Species Act (ESA). The northern California steelhead trout was recently a federal candidate species, but was not listed under the ESA. These species are present in late fall when the fish use the estuary and await the first fall rains before migrating upstream to spawn. The species is also present in the late spring during migration. Juveniles may rear in the estuary in the summer months before migrating to the ocean.

Construction in the river channel during the period when anadromous fish are migrating up or down the river could adversely affect fisheries, including the threatened Coho salmon. Special Condition No. 4 provides feasible measures to minimize disturbance of the migratory fish by providing for a temporary trestle system to keep construction activities out of the stream channel while allowing for unrestricted upstream and downstream movement of fish. Special Condition No. 3 incorporates terms and conditions as specified by the National Marine Fisheries Service and included in Exhibit 15. These conditions provide feasible measures to minimize disturbance of the migratory fish by, among other actions, prohibiting in-channel work during the migration for Coho salmon. These measures would also help protect steelhead populations. In addition, Special Condition No. 2 requires the applicant to submit to the Executive Director evidence of an approved streambed alteration agreement from the California Department of Fish and Game prior to construction of the project.

2. Wetlands and River Bottom Habitat

A total area of at least 8300 sq. ft. of riverbed would be disturbed by excavation and driving piles. After project completion, the new bridge's support columns would take up an estimated 490 sq. ft. of riverbed, and displace a volume of the river's water column that would vary with the tides and river flow. The net fill above the bed of the river resulting from the project would be equivalent to the amount of structural fill that currently exists with the old bridge which would be removed as part of the project.

The river bottom habitat in this area consists of a depth of rocky cobble. According to Caltrans' biological evaluation, the area below the river bottom that would be displaced by the buried footings and pilings has low levels of biological productivity, especially compared to river bottoms comprised of mud or sand. The primary biological value of the riverbed is as a hard surface to which aquatic vegetation including green and brown algae attach. The installation of the new columns would create a replacement hard surface that will readily be recolonized by these algae. The temporary trestles would not have any long term adverse impacts on the habitat of the river bottom as they are proposed to be pulled up and removed in their entirety. Thus, there will be no permanent loss of the current river bottom habitat. Special Condition No. 4 requires the applicant to remove the trestle piles in their entirety without digging them out to minimize the temporary impact.

The California seal lion and the harbor seal are also known to occur in the Noyo Harbor area. These species may potentially enter the construction area. Pursuant to the Marine Mammal Protection Act (50 CFR 216.22) "a State or local government official or employee may take a marine mammal in the normal course of his duties as an official or employee, and no permit shall be required, if such taking follows several guidelines outlined in the Code of Federal Regulations." Based on this section, Caltrans has the ability to remove marine mammals that may enter the construction area, as long as the removal is coordinated with the National Marine Fisheries Service (NMFS) and complies with methods proposed in 50 CFR Part 216 Deterrence Regulations and Guidelines. In a December 2, 1998 letter (Exhibit 16) NMFS "concluded that the likelihood that marine mammals will be incidentally taken (including harassed)...is small," and that an incidental harassment authorization (IHA) was not needed as long as Caltrans implemented a specified marine mammal monitoring program. Special Condition No. 3 incorporates the terms of this program as a condition of project approval.

D. Conclusion

In conclusion, the Commission finds that the proposed fill project, as conditioned, is consistent with Section 30233 of the Coastal Act in that: (1) the proposed fill is for "an incidental public service purpose," a permissible use for fill under subsection (5) of Section 30233(a); (2) no feasible less environmentally damaging alternatives have been identified; and (3) the project as conditioned will employ feasible mitigation measures to minimize adverse environmental effects.

5. Habitat and Water Quality Protection

The Coastal Act addresses additional aspects of the protection of riparian habitat and water quality in the following policies:

Section 30231:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30251:

... Permitted development shall be sited and designed... to minimize the alteration of natural land forms...

These provisions require the protection of water quality in coastal areas, including environmentally sensitive habitat values that could be disrupted by polluted runoff. Construction activities in and over the river could cause potential impacts on water quality, such as the runoff of wash water from the construction process into the river. The North Coast Regional Water Quality Control Board is presently

considering the Waste Discharge Requirements for the proposed project. The preliminary requirements include a provision that "the discharge of any waste to the Noyo River and its tributaries is prohibited." Consistent with Section 30231, Special Condition No. 10 requires a pollution prevention plan to prevent entry of any waste and pollution from entering the Noyo River.

Therefore, the Commission finds that the proposed project as conditioned is consistent with Section 30231, 30240 and 30251 of the Coastal Act as the quality of coastal waters will be protected, no environmentally sensitive habitat within the Commission's jurisdiction will be adversely affected by the project, and the alteration of landforms will be minimized.

3. Public Works Capacity

Section 30254 of the Coastal Act states:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

LUP Policy XV-14 states:

Any proposed new development between the Noyo River and Hare Creek and any proposed development on the two parcels located along Highway 20 which would increase traffic by more than one percent above existing levels, shall not be constructed until at least one of the following occurs: (1) The design of specific, long-term circulation improvements for the area have been developed and approved by the City of Fort Bragg, the County of Mendocino (to the extent that the improvements are outside the City Limits), and Caltrans; (2) a specific proposal for shared funding of the improvements has been approved by the governmental agencies and developer(s) involved; or (3) the developer has committed to pay for his appropriate pro rata share of the improvement costs. (emphasis added)

The primary purpose and need for the project is for public safety, to provide a bridge that will be less prone to collapse or damage in a strong earthquake. However, in addition to serving this purpose, the proposed project would significantly increase highway capacity by doubling the number of lanes on Highway 1 across the bridge. Widening the bridge is directly related to already-approved road capacity expansions south of Noyo River. Since the project is in an urban rather than rural area, Section 30254's

limitation of Highway 1 to a scenic two-lane road does not apply. However, Section 30254 also requires that "*expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division.*"

The application does not specifically show how the expanded capacity of the bridge is "limited to accommodate needs generated by development." Caltrans does, however, state:

The proposed bridge is consistent with the City of Fort Bragg's General Plan. The bridge will accommodate current and planned residential/commercial development...potentially larger commercial developments of possibly higher densities are geographically localized and are subject to appropriate CEQA review. The bridge replacement's impact on subsequent development, growth and density is not considered significant.

The project is not considered to be growth inducing to the Fort Bragg area. The Coastal Element of the Mendocino County General Plan (Sec 4.4) identifies areas south of the city limits for potential growth and development as being outside of the coastal zone (defined as inland 1.5 miles from Route 1). The Coastal Element also lays out the limitations to growth in this area. For growth to take Place: 1) zoning designations have to be changed; 2) water and sewer service must be provided for each property; and 3) the area must be annexed by Fort Bragg. The Coastal Act further limits development by designating State Route 1 as a Scenic Highway and limited to two lanes in rural areas. The proposed project to replace the Noyo River Bridge with a four-lane structure will improve the existing traffic conditions primarily within the City of Fort Bragg.

The nature of road capacity is that it is increased in increments. Caltrans has determined that traffic is already approaching the capacity of the existing two-lane configuration of the bridge. Lanes cannot be added in fractional amounts to create a capacity that is limited precisely to the amount approved in the LCP. Therefore, even if the increase to four lanes may actually provide capacity in excess of that needed to accommodate buildout of the area's LCPs, this increase is effectively the smallest design increment available. Therefore the Commission finds that the project as conditioned is consistent with Section 30254 in that, to the degree possible, it is designed to be limited to the needs generated by development approved under the applicable certified LCPs.

The Commission notes that LUP Policy XV-14 says, in effect, that widening the Highway south of the bridge, and of the bridge itself, should be done as part of a coordinated regional plan that includes cost-sharing by larger-scale developers. This has not happened. Rather, since Caltrans would provide the bulk of the funding both for widening the Highway south of Noyo River and for the proposed new four-lane bridge, the state, would subsidize potential new larger-scale development in the area, despite the provisions Policy XV-14.

A comprehensive plan such as that called for in the LCP could have analyzed long range alternatives and view mitigations (including different architectural treatments for the bridge), and provided a mechanism to fund those alternatives through cost-sharing by development that would benefit from the expansion in capacity. Without such a plan, the Commission now has limited choices.

7. Public Access and Recreation.

The public access and recreation policies of the Coastal Act provide, in part, as follows:

Section 30211:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a):

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30221:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

In applying the above public access policies of the Coastal Act, the Commission is limited by the need to show that any denial of a permit application based on this section, or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

Ocean Front Park lies under and along the shoreline extending to the northwest of the existing Noyo River Bridge (Exhibits 3,5). The park includes a paved road along the north side of the harbor that leads to a viewpoint, restroom facility, and a parking lot at the sea entrance to Noyo Harbor. Public recreational uses include access to Noyo Jetty Beach and viewing the boats coming in and out of the harbor. The recreational and access facilities at Ocean Front Park were developed in part through a grant representing a significant public investment by the State Coastal Conservancy. Trails from the bluffs down to the parkland area exist on both the north and south side. However, this area southwest of the harbor is not considered part of Ocean Front Park. The harbor district extends to the area west and east on the north side of the harbor. The harbor district is associated with sport and commercial fishing activities. There are also tourist-related commercial sites in the district such as retail shops for bait and supplies and restaurants.

The unimproved trail from the top of the bluff down to the harbor on the north side appears to be used as a shortcut for pedestrians wanting to avoid the long circuitous walk up North Harbor Drive. There is

another trail that leads up to/from the Harbor Lite Lodge. This trail on the north abutment slope from the Harbor Lite Lodge will be enclosed and lighted through the work area to protect pedestrians. The trail is developed with stairs and pavement in some places. The Harbor Lite Lodge has a permit allowing the path to be partially within Caltrans right of way. Depending on the construction activity, the trail may need to be temporarily closed at times.

The project as approved has the potential for both temporary and permanent impacts on public access during the proposed construction period. The Programmatic Section 4(f) Analysis for the Noyo River Bridge Replacement Project on State Route 1 prepared by Caltrans discusses some of these impacts:

The temporary impacts include:

Falsework

The temporary construction falsework on the northside of the proposed bridge will impact the park. The impacts will be 10 m² (108 ft.²).

Public access to the Ocean Front Park will be maintained during construction of Pier 3.

Trestle Work

The temporary trestles will temporarily impact the existing park. The total trestle impacts for the proposed project will be 2,787 m² (30,000 ft.²). Of this total, only 400 m² (4,306 ft.²) of trestle work will impact Ocean Front Park at Pier 3.

Excavation for Pier Footings

There will be temporary excavation impacts to the park for the pier footing for the two new columns that will be located within the park. Temporary excavation for the pier footings will be 700 m² (7,535 ft.²).

Temporary Realignment of North Harbor Drive

The North Harbor Drive will be temporarily realigned north of Pier 3 during construction of the new bridge. The temporary impact will be 545 m² (5,867 ft.²).

Temporary Fencing

There will be 80 m (262 ft) of temporary fencing on each side of the new bridge.

Permanent Impacts

New Pier Columns

The two north pier columns of the proposed bridge will permanently impact the existing Ocean Front Park. The new pier columns will be placed south of the existing Pier 3. The new pier columns will permanently impact 70 m² (753 ft.²) of the existing park. Since the footing of the pier columns will be underground, only the pier columns would be considered permanent impact. However, the new columns are not considered in the total impact to Ocean Front Park because the columns are within Caltrans right of way.

Permanent Realignment of North Harbor Drive

The existing North Harbor Drive roadway will be permanently realigned between the new bridge pier and existing restroom facility to allow for construction of the new bridge pier... There will be 400 m^2 ($4,305\text{ ft.}^2$) of permanent impact required for the additional road. However, this impact will be less with the purchase of right of way from the Harbor Lite Hotel. The right of way purchase of 105 m^2 ($1,132.8\text{ ft.}^2$) will become part of the Ocean Front Park thus offsetting the 400 m^2 ($4,305\text{ ft.}^2$) of permanent impact. As a result of the Harbor Lite Hotel right of way purchase, the new permanent impact from the realignment of North Harbor Drive will be 295 m^2 ($3,175\text{ ft.}^2$).

In addition, approximately 70 m^2 (100 yd^3) of rock will be added to the existing rock slope protection at the south end of the new piers. However, this will not have any impact on Ocean Front Park since there are existing rocks at this location.

To mitigate these impacts, the project as approved will include the following "Measures to Minimize Harm" specified in the Programmatic Section 4(f) report:

1. *Temporarily reconfigure the twelve parking spaces to accommodate the temporary access to parking during construction of the new bridge;*
2. *placing portable restrooms during the temporary closure of the existing restrooms*
3. *providing flaggers to minimize traffic disruptions during the temporary closure of North Harbor Drive;*
4. *revegetating the slope north of Pier 3 with natural seed mix for erosion control;*
5. *replace and upgrade the existing culvert immediately east of the existing restrooms to west of the existing restrooms;*
6. *restripe and resurface the existing parking lot;*
7. *extend the existing culvert immediately west of the restrooms;*
8. *provide Racon Navigation aids for boaters.*

However, in addition to the impacts listed by Caltrans, the proposed project would have lasting effects on the recreational use of Ocean Front Park, Jetty Beach, Noyo Harbor other portions of the Noyo River shoreline in the vicinity. The proposed bridge's mass and bulk would be much larger than the existing bridge, and would create a dominating presence impacting the coastal recreational experience afforded by these areas. It would also have the physical affect of shading out a larger area than the existing bridge. These impacts are especially significant in view of the significant public investment made by the State

Coastal Conservancy to enhance the recreational values of the area. Special Condition No. 6 provides for development of an offsite ocean viewing and public access area which, in addition to mitigating visual resource impacts, would also serve to offset the impacts of the project on recreation and public access.

Therefore, the Commission finds that the project as conditioned is consistent with the public access and recreation policies of the Coastal Act.

8. Geologic Stability

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

New development shall:

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

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

The project is proposed in part as a seismic retrofit safety project to reduce the risks to life and property associated with earthquakes. Given the purpose of the project, the Commission finds that the *proposed project* is consistent with Section 30253 of the Coastal Act.

9. State Waters.

Portions of the project site are in areas that are State-owned waters or were otherwise subject to the public trust.

Therefore, to ensure that the applicant has the necessary to undertake all aspects of the project on these public lands, the Commission attaches Special Condition No. 5, which requires that the project be reviewed by the State Lands Commission prior to the issuance of a permit.

10. 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)(A) 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 effect which the activity may have on the environment.

As discussed above, the project has been mitigated to avoid significant impacts on the anadromous fish and channel bottom habitat. The project, as conditioned, will not have a significant adverse effect on the environment, within the meaning of CEQA.

For purposes of CEQA, the lead agency for the project is the California Department of Transportation (Caltrans), District 1. Caltrans has prepared a Negative Declaration for the project.

EXHIBITS

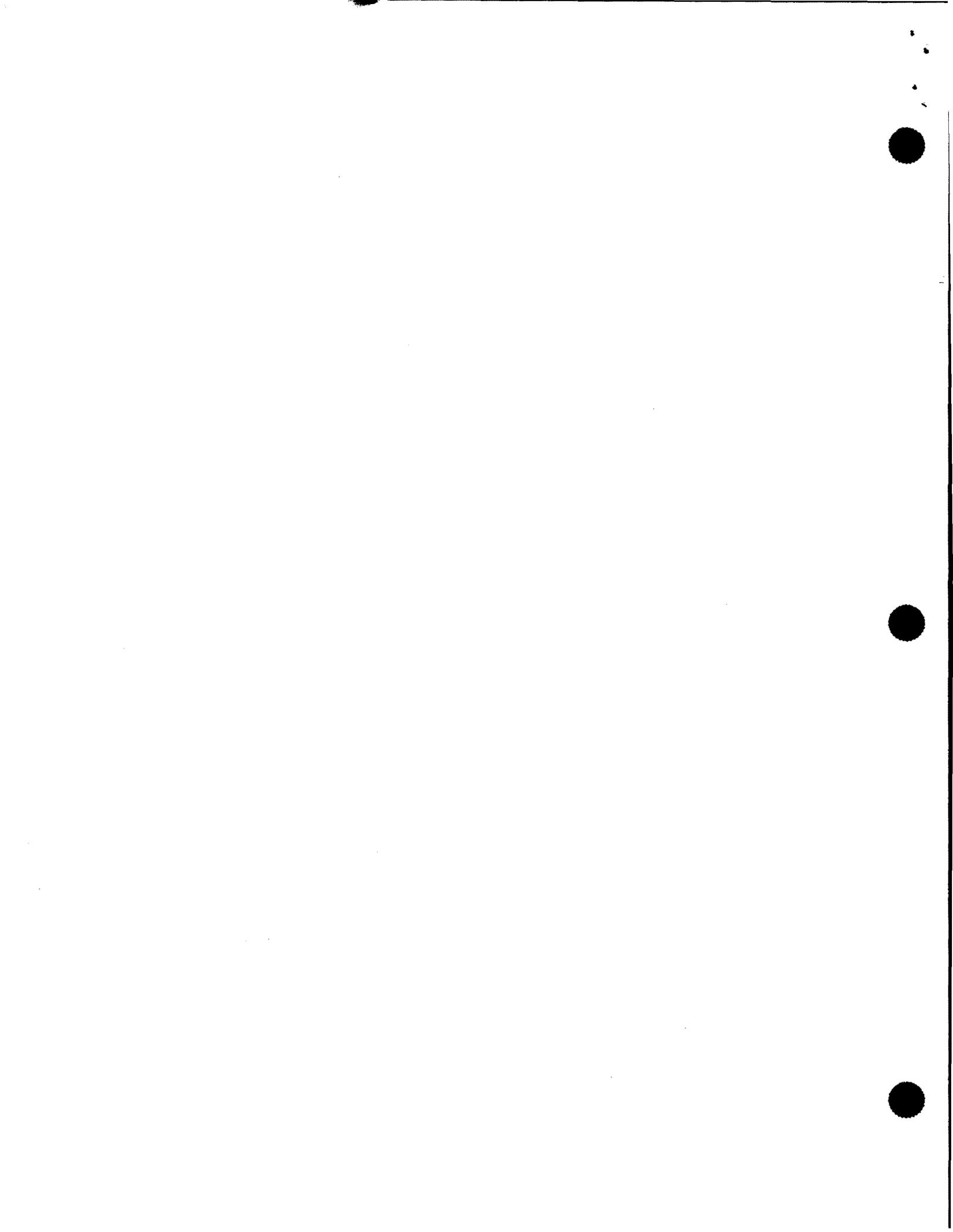
1. Regional Location
2. Vicinity Map
3. Project Area
4. Boundary Determination: Retained Jurisdiction/Appeal Area
5. Ocean Front Park and Developments in Vicinity
6. Project Plan: Trestle Layout
7. Renderings of Existing and Proposed Bridge
8. Existing Bridge from Ocean Front Park
9. Proposed Bridge from Ocean Front Park
10. Existing and Proposed Railings-Views to Ocean from Bridge
11. Originally Proposed Bridge Barrier and Railing
12. Fort Bragg LCP Zoning Map
13. Highway 1/Main Street Widening Project Map
14. US Army Corps of Engineers Permit and Special Conditions
15. NMFS Biological Opinion Terms and Conditions
16. NMFS Marine Mammal Monitoring
17. Caltrans Negative Declaration Mitigation Measures
18. Letter of Caltrans District Director Rick Knapp
19. Caltrans Noyo Bridge Project Frequently Asked Questions
20. Proposed Project Stage 1
21. Proposed Project Construction Stages
22. Proposed Project Pilings and Footings
23. Alternative 1
24. Alternative 2 Design Variation
25. Alternative 2 Variation Completed Configuration
26. Alternative 3
27. Alternative 6

28. Excavation and Fill Amounts of Alternatives
29. Mitigation Site
30. Letter of Fort Bragg City Councilman Dan Gjerde
31. Recreation Map, Noyo Harbor Plan
32. City of Fort Bragg Notice of Final Action
33. Appeal of Commissioners Areias and Reilly
34. Appeal of Sierra Club Mendocino/Lake Group & Friends of Fort Bragg
35. Correspondence, Public Officials
36. Correspondence

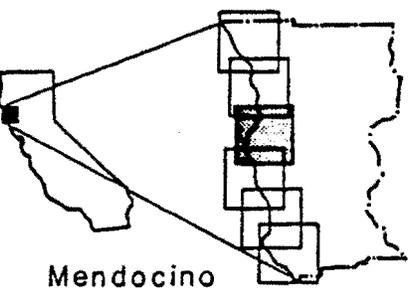
ATTACHMENT A

Standard Conditions

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



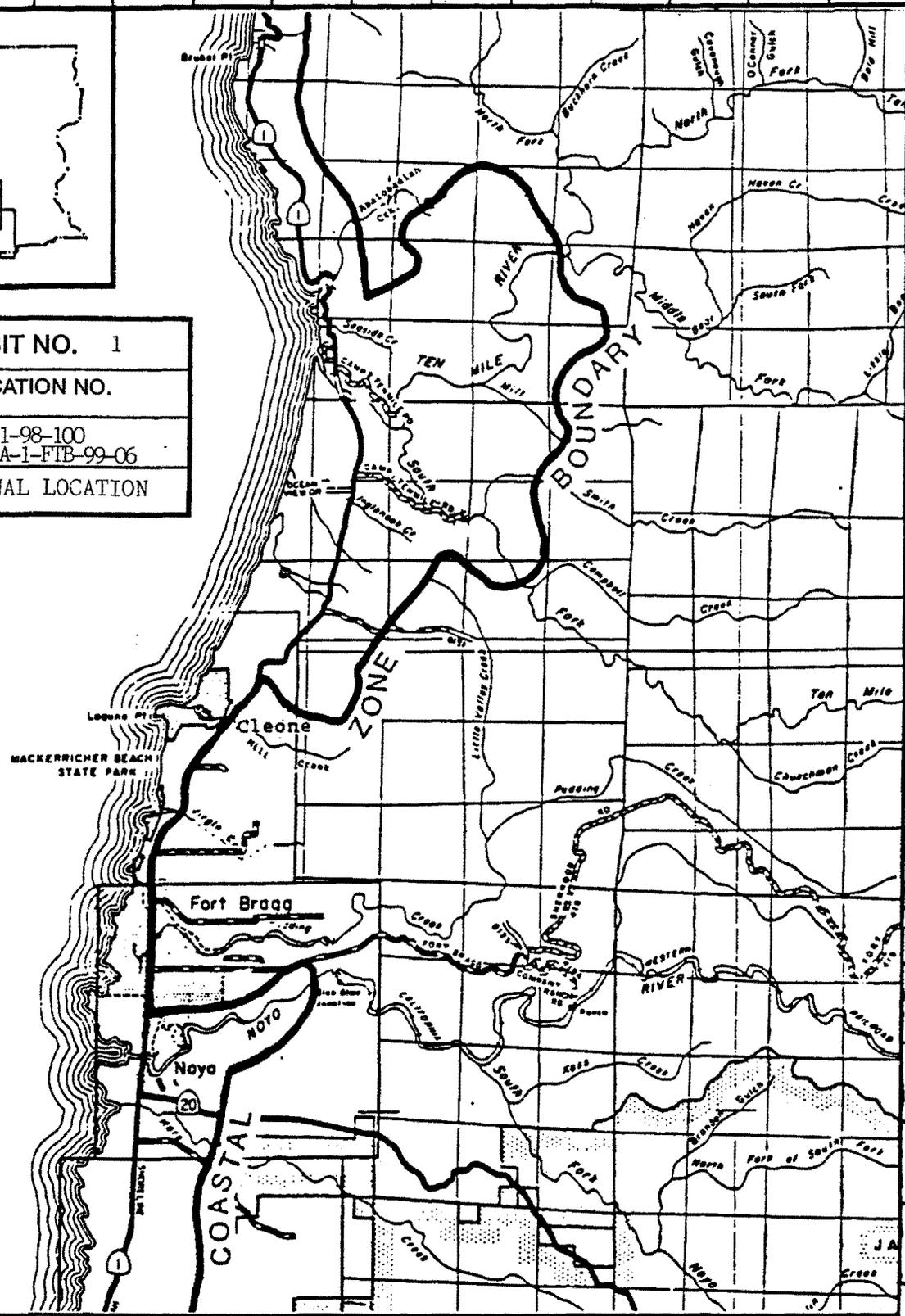
A B C D E F G H I J K L M N O



Mendocino

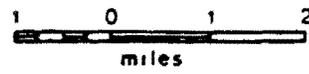
EXHIBIT NO. 1
APPLICATION NO.
Permit 1-98-100 Appeal A-1-FTB-99-06
REGIONAL LOCATION

PACIFIC



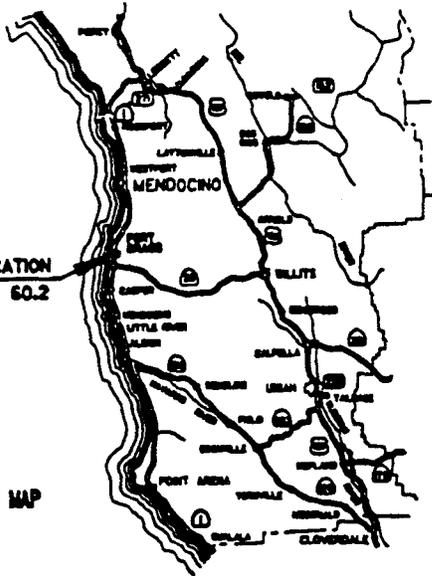
California Coastal Commission

LOCATION MAP



PROJECT LOCATION
ROUTE 1 PM 60.2

LOCATION MAP



End Construction
PM 60.85

Noyo Bay

Jetty Beach

Ocean Front Park

FORT BRAGG

NOYO RIVER BRIDGE
NO 10-176 PM 60.2

NOYO RIVER

SOUTH MAIN ST

WALNUT ST

CYPRESS AVE

MENDOCINO COAST DIST HOSPITAL

SOUTH ST

NORTH HARBOR DR

NORTH HARBOR DRIVE

NOYO HARBOR

BOAT BASIN

US COAST GUARD

BASIN

BOAT YARD DR

SOUTH HARBOR DRIVE

ROUTE 20

FORT BRAGG CITY LIMITS

HARE CREEK BRIDGE

PACIFIC OCEAN

COLLEGE OF THE REDWOODS
Begin Construction
PM 59.90

BAYVIEW AVE

OCEAN VIEW DR.

PACIFIC DRIVE

HARBOR AVENUE

ROUTE 1

OCEAN VIEW DRIVE



No Scale

EXHIBIT NO. 3

APPLICATION NO.
1-98-100/A-1-FIB-99-06

PROJECT AREA

BD 12-98
 Noyo River Area

 Permit Jurisdiction

 Appeal Jurisdiction

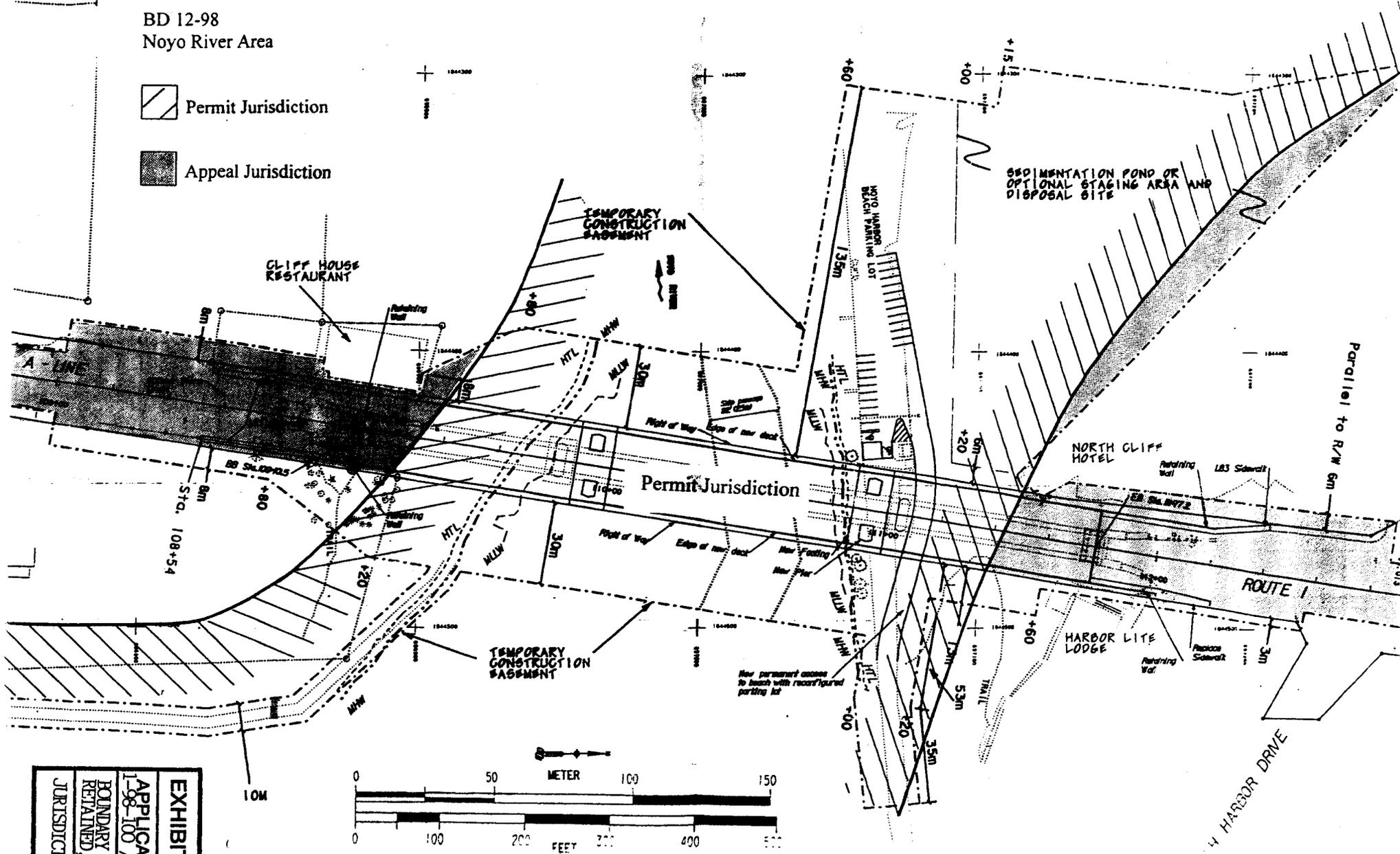


EXHIBIT NO. 4
 APPLICATION NO. 128-100 / A-1-FTB-991
 BOUNDARY DETERMINATION
 RETAINED, APPEAL
 JURISDICTIONS

Noyo River Bridge Replacement Project

Proposed Alignment of North Harbor Drive

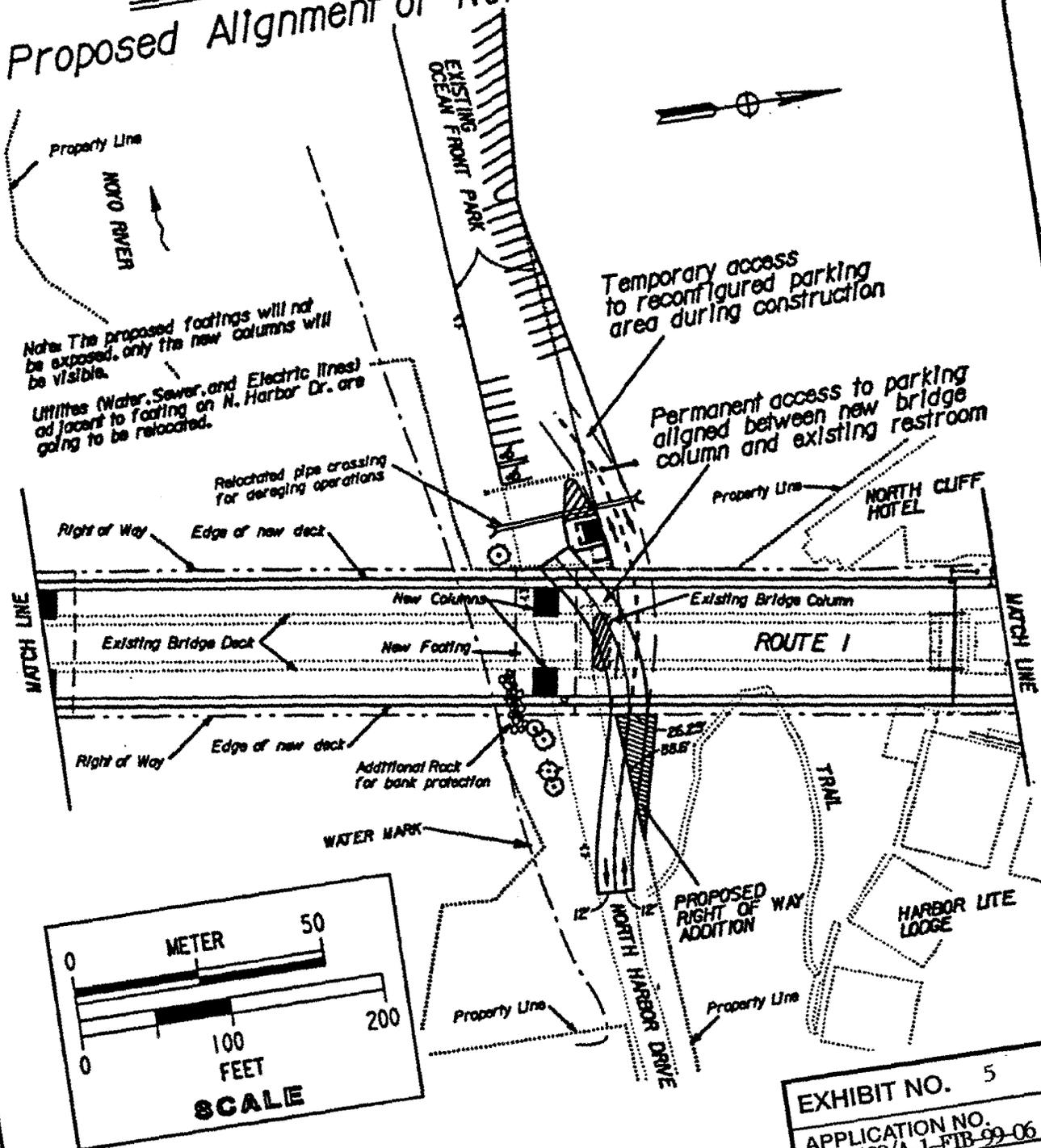


EXHIBIT NO. 5
APPLICATION NO.
1-98-100/A-1-FIB-99-06
Ocean Front Park &
Developments in
Vicinity

Vehicle Traffic

1. Slope construction will be required.
 2. Traffic will pass under the structure on North Harbor Drive.
 A. No falsework allowed over traffic. (Name of St. or Hwy.)
 B. Falsework opening(s) required:

Temporary Vertical Clearance	Width of Traffic Opening
2-lane	30 ft

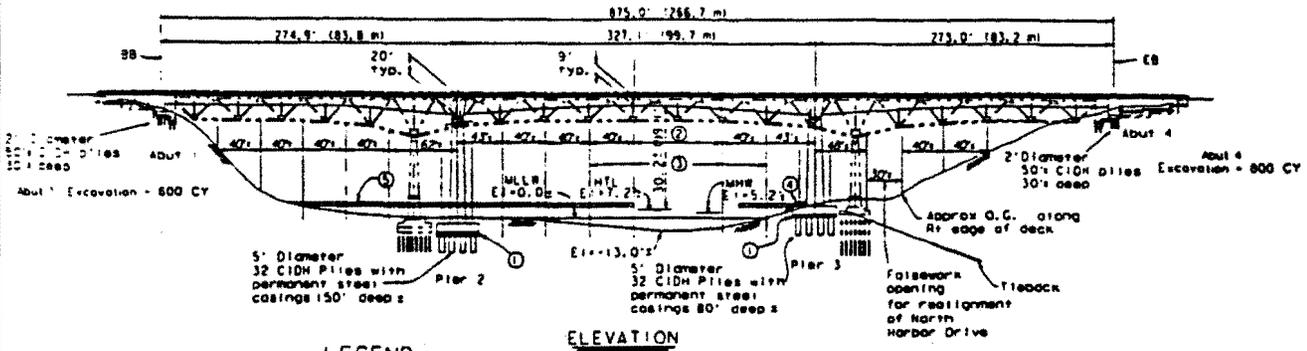
C. Temporary traffic lane reduction needed for footing excavation.

Pedestrian Traffic

Falsework opening required on NORTH HARBOR DR. (Name of St.)
 Location Height Width

Marine Traffic

Falsework opening required over NOYO RIVER (Name)
 Vertical Clearance Horizontal Clear Width
 92 ft 82 ft

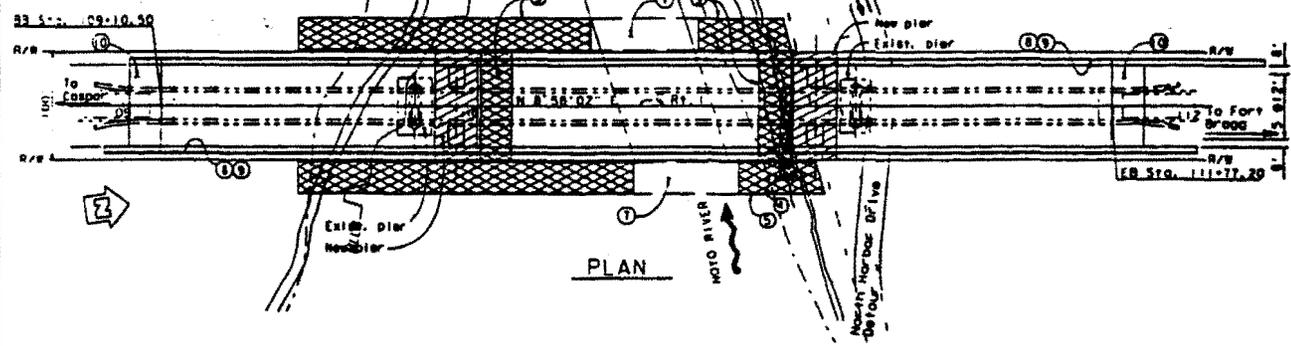


LEGEND

- ① Seal course.
 - ② 25m (82.0') falsework opening
 - ③ Typical falsework bent consisting of 2-3 ft @ steel pipe piles @ 6'-9" o.c.
 - ④ Additional rock slope protection.
 - ⑤ Construction trestle.
 - ⑥ Temporary railing type K.
 - ⑦ Temporary connection.
 - ⑧ Point bridge name "Noyo River Bridge".
 - ⑨ Point "Bridge No. 10-176".
 - ⑩ Structure approach slab.
- Proposed new pier footing (permanent) total = 6000 ft²
 - Rock slope protection (permanent) = 100 cy
 - Construction trestle (temporary) = 30,000 ft²

NOTES:

1. Falsework and trestle layout shown is conceptual only. Actual layout to be determined by contractor.
2. Excavation below HIL = 9200 CY
 Total excavation for piers = 11,000 CY
 Total concrete added below HIL = 7800 CY.
3. No decrease in vertical clearance due to falsework.
4. Alignment stationing is metric.



No Scale

PURPOSE: TO REDUCE SAFETY HAZARD CAUSED BY PROBABLE SEISMIC ACTIVITY BY REPLACING NOYO RIVER BRIDGE

DATUM: 1929 USCS&GS (MSL) (MLLW=0 NGVD)

ADJACENT PROPERTY OWNERS:

1. CITY OF FORT BRAGG
2. NOYO HARBOR DISTRICT
3. DOMINIC AFFINITO

Application By Caltrans District 3
 Box 942874 Mall Station #41
 Sacramento, CA. 94274-0001

TRESTLE LAYOUT

IN: NOYO RIVER
 AT: ROUTE 1, PM 60.2
 COUNTY OF: MENDOCINO

APPLICATION BY: CALTRANS

SHEET 4 OF 11 PREPARED 9/24/98

EXHIBIT NO. 6

APPLICATION NO.

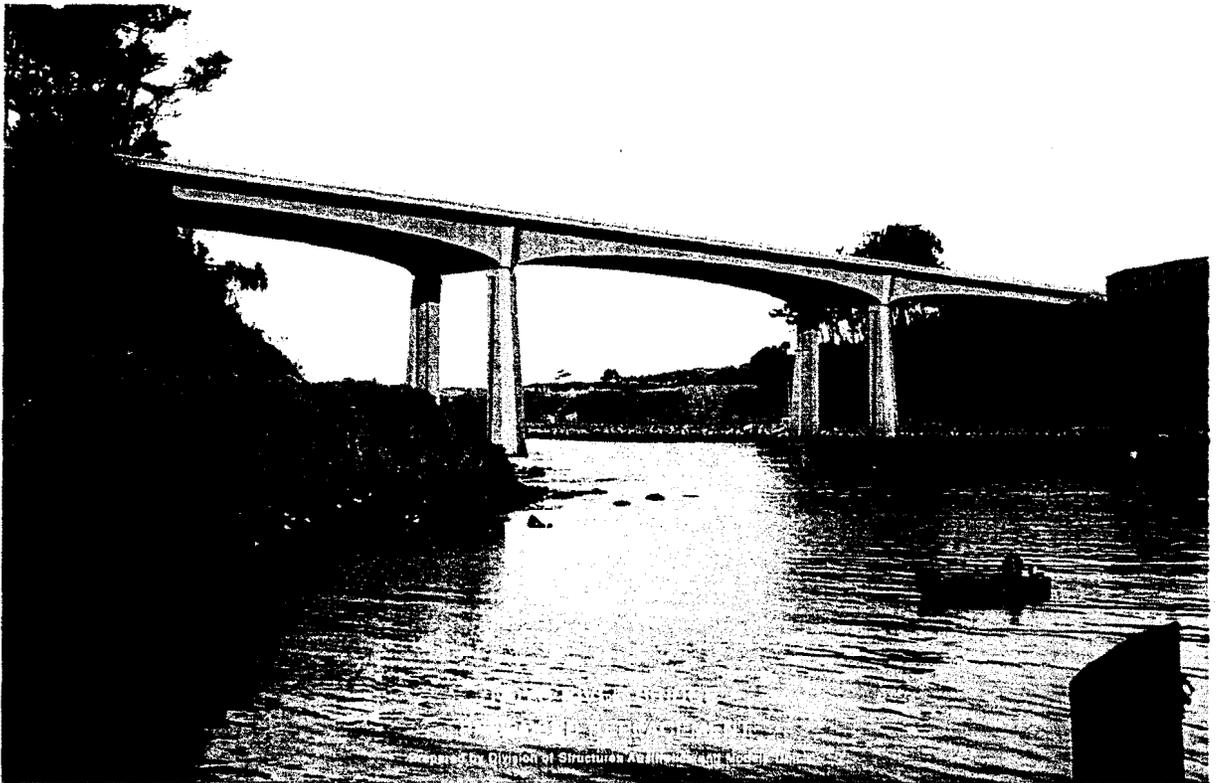
PERMIT 1-98-100
 APPEAL A-1-FIB-99-06

PROJECT PLAN:
 TRESTLE LAYOUT

1.



2.



1. The existing steel bridge looking northwest.
2. The proposed concrete design looking northwest.

EXHIBIT NO. 7
APPLICATION NO. 1-98-100/A-1-FTB-99-06
Existing Bridge
Rendering/Proposed Bridge

EXHIBIT NO. 8
APPLICATION NO.
1-98-100/A-1-FIB-99-06
Existing Bridge from
Ocean Front Park

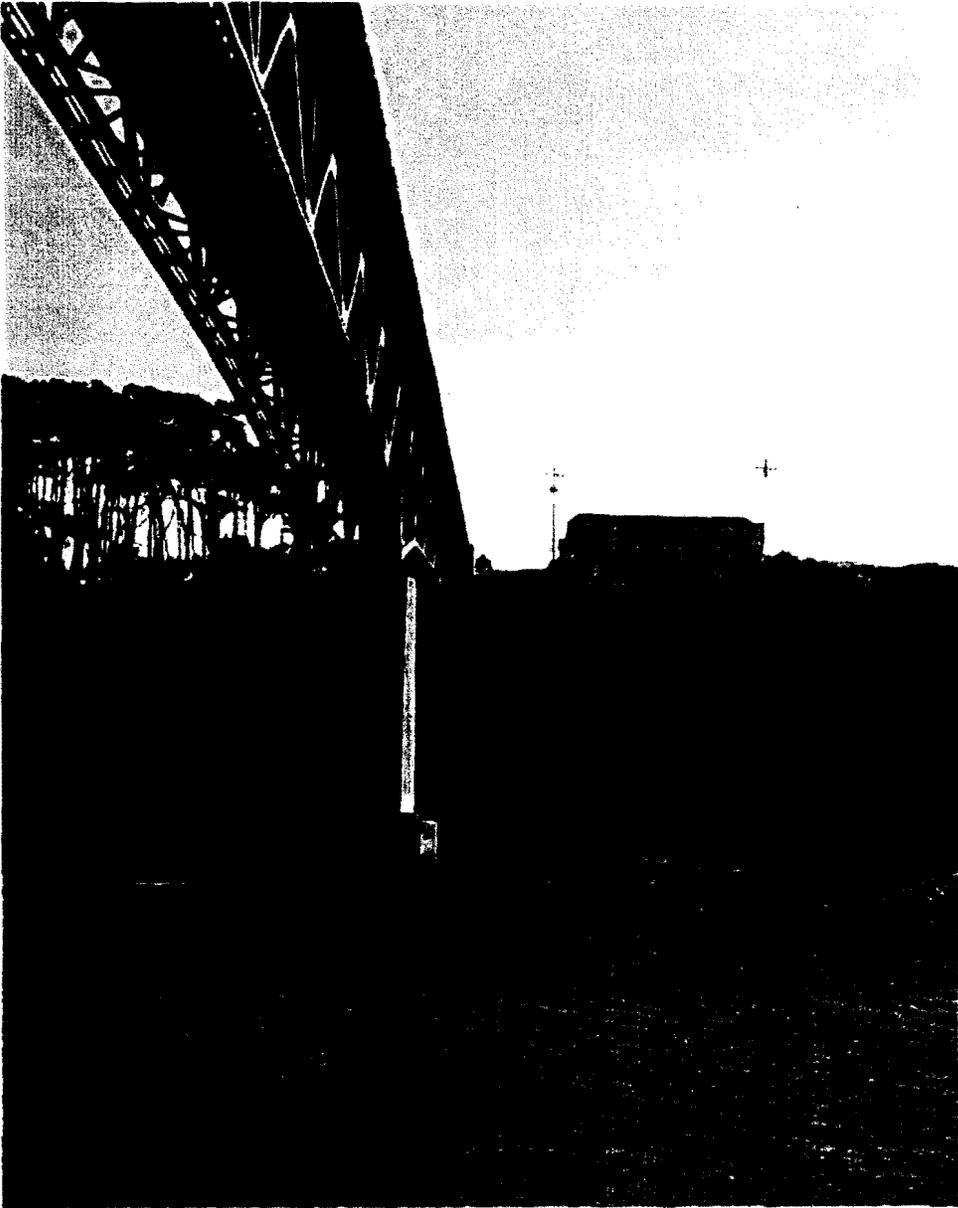
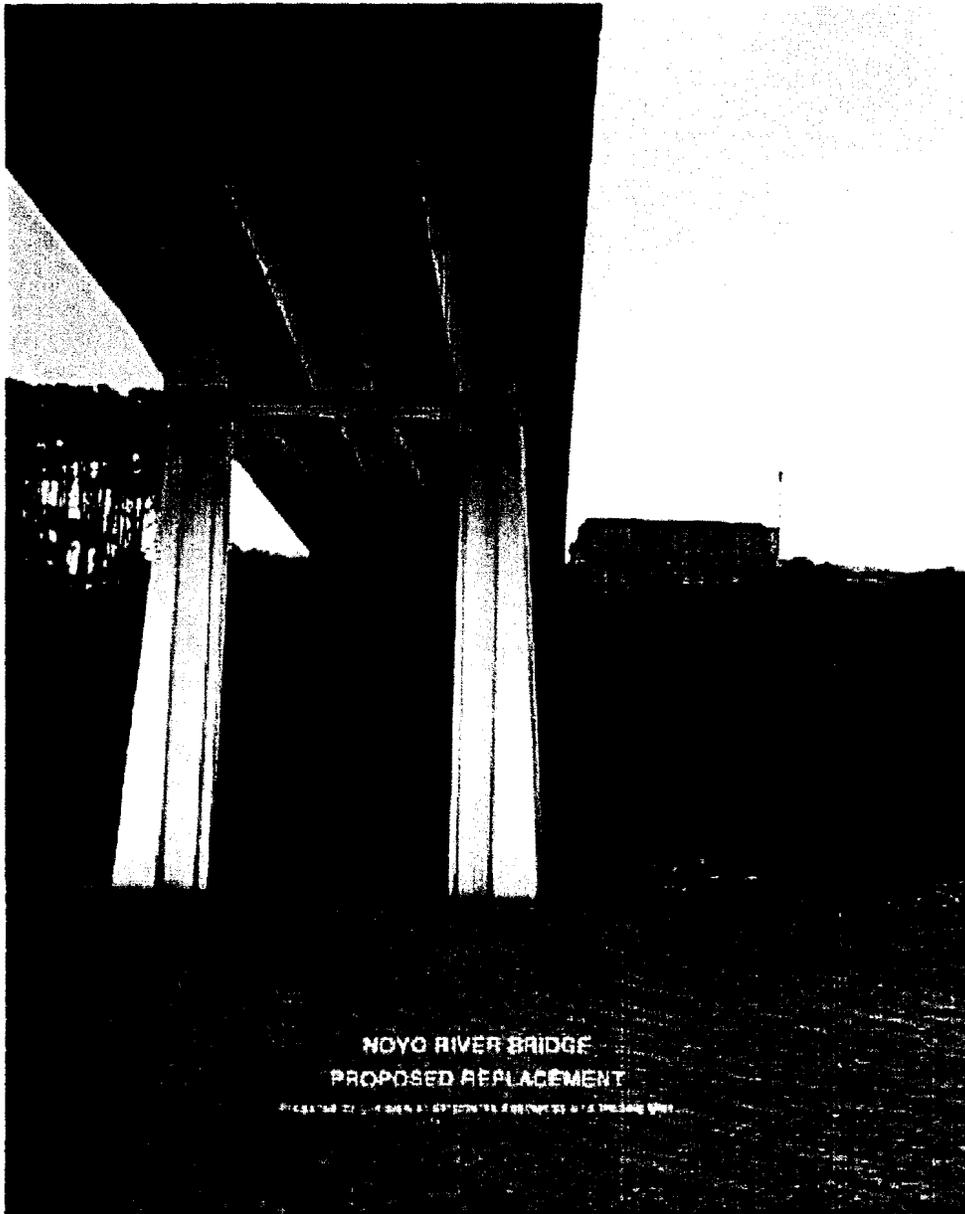


EXHIBIT NO. 9

APPLICATION NO.
1-98-100/A-1-FIB-99-06

Proposed Bridge from

Ocean Front Park

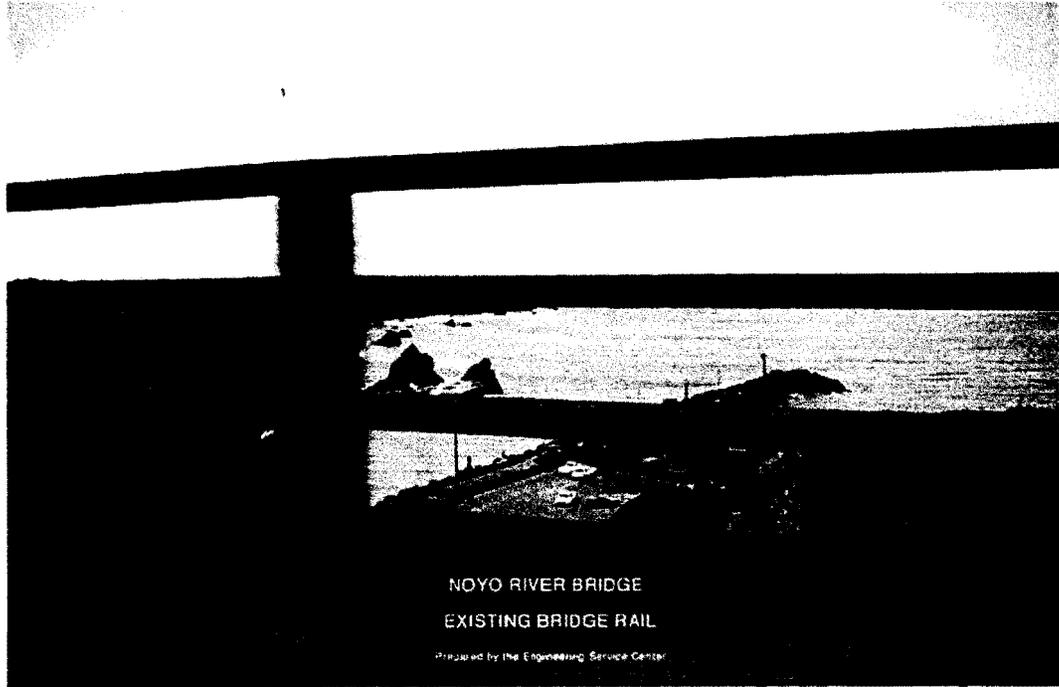


NOYO RIVER BRIDGE
PROPOSED REPLACEMENT

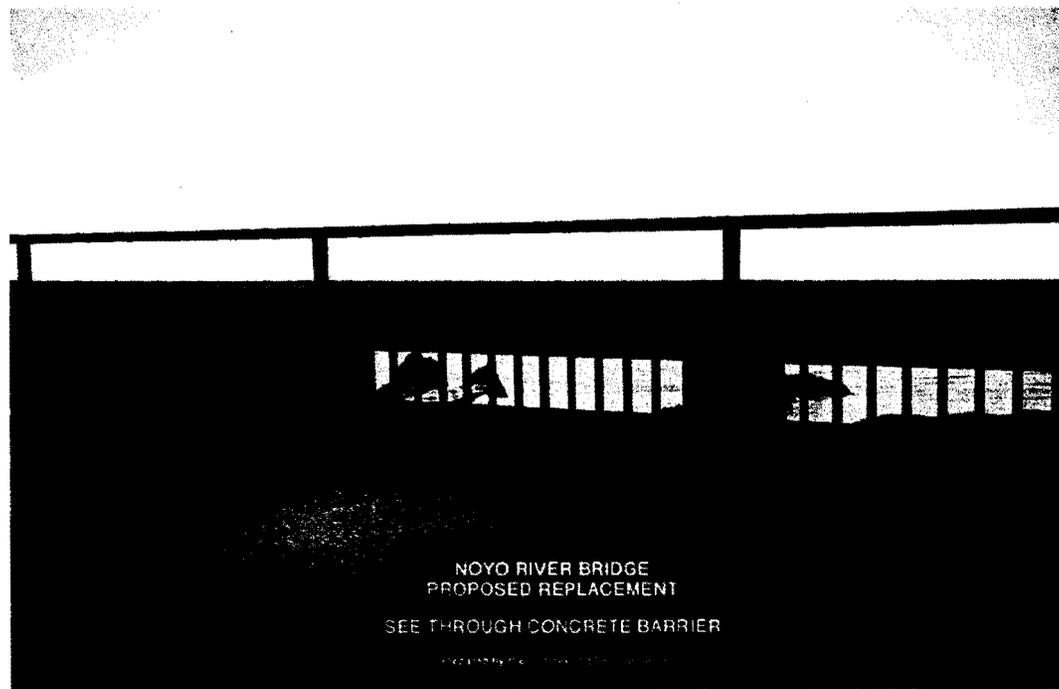
FIGURE 21 - PLAN OF PROPOSED BRIDGE AND TRUSS SPAN

EXHIBIT NO. 10
APPLICATION NO. 1-98-100/A-1-FIB-99-06
Existing & Proposed Bridge Railings - Views to Ocean

Bridge Rails - Various Views

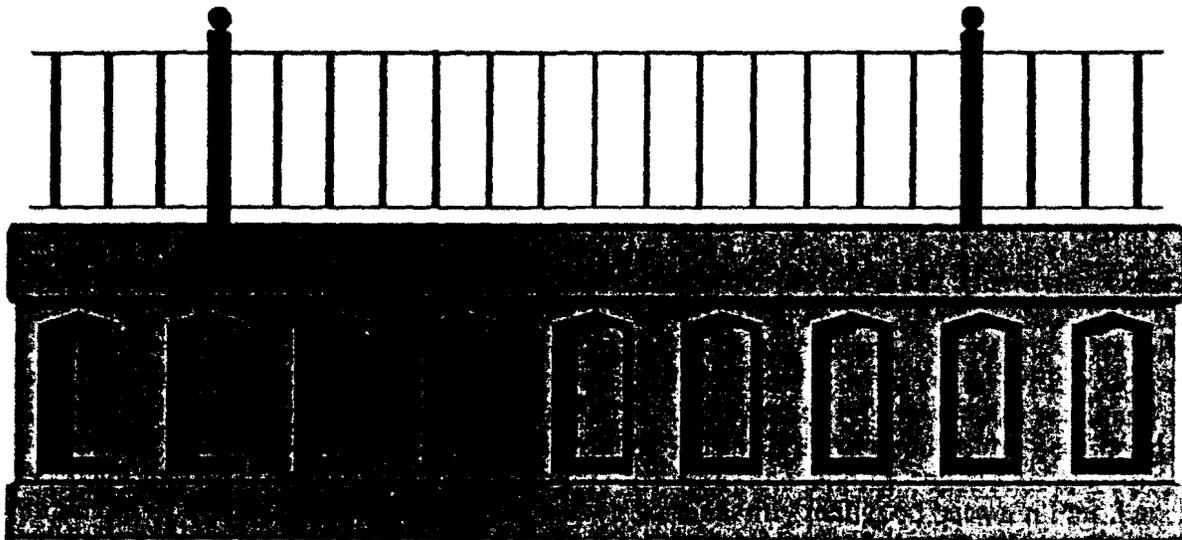


NOYO RIVER BRIDGE
EXISTING BRIDGE RAIL
Prepared by the Engineering Service Center



NOYO RIVER BRIDGE
PROPOSED REPLACEMENT
SEE THROUGH CONCRETE BARRIER
Prepared by the Engineering Service Center





NOYO RIVER BRIDGE
PROPOSED CONCRETE BARRIER AND HAND RAILING

No Scale

EXHIBIT NO. 11

APPLICATION NO.

Permit 1-98-100
Appeal A-1-FTB-99-06

ORIGINALLY PROPOSED
BARRIER & RAILING

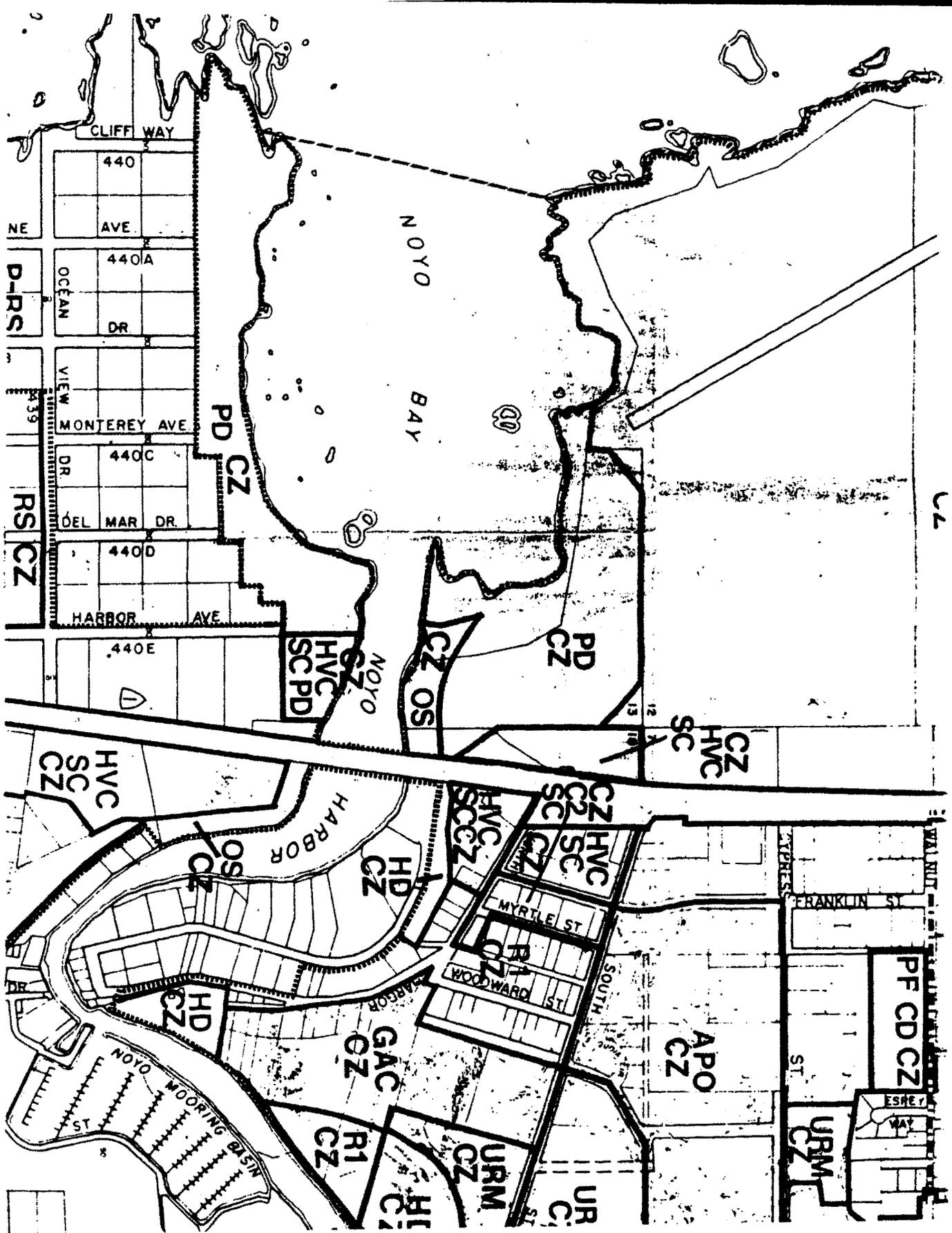


EXHIBIT NO. 12
APPLICATION NO.
Permit 1-98-100 Appeal A-1-FIB-99-06
FORT BRAGG LCP ZONING





DEPARTMENT OF THE ARMY
 SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
 333 MARKET STREET
 SAN FRANCISCO, CALIFORNIA 94105-2197

EXHIBIT NO. 14
APPLICATION NO.
PERMIT 1-98-100 APPEAL A-1-FIB-99-06
US ARMY CORPS SPECIAL CONDITIONS

REPLY TO
ATTENTION OF

DEC 07 1998

RECEIVED
DEC 10 1998

Regulatory Branch

SUBJECT: File Number 23244N

CALIFORNIA
COASTAL COMMISSION

Mr. John Webb
 California Department of Transportation
 District 3, Sacramento Area Office MS 41
 P.O. Box 942874
 Sacramento, California 94274-0001

Dear Mr. Webb:

This is in reference to your submittal of November 5, 1998, concerning Department of the Army authorization to replace the Noyo River Bridge on State Route 1 near the Fort Bragg in Mendocino County, California (Attachment 1). The project involves the replacement of the existing bridge structure (Attachment 2) with an 86.6-foot wide, 877-foot long triple cast-in-place concrete box girder bridge (Attachment 3). Temporary falsework and trestles will be erected to facilitate the new bridge construction and existing bridge demolition (Attachment 4). The project would result in both permanent and temporary impacts to Corps jurisdiction. Permanent impacts include placement of approximately 5,400 cubic yards (CY) of concrete to construct new bridge footings and 20 CY of rock slope protection (RSP) to armor the footing at Pier 3 (Attachment 5 and 6). These activities would affect 0.12 acre within Corps jurisdiction. Construction of temporary access trestles and bridge falsework would temporarily affect 0.07 acre within Corps jurisdiction.

The California Department of Transportation (Caltrans), through the U.S. Federal Highway Administration (FHWA), entered into formal consultation with the National Marine Fisheries Service (NMFS), pursuant to Section 7 of the Endangered Species Act (ESA), as amended, with the regarding potential project impacts to coho salmon (*Oncorhynchus kisutch*). Caltrans, through the FHWA, also conferenced on proposed critical habitat for the coho salmon. The NMFS provided the Corps with a copy of the draft terms and conditions of the Biological Opinion (BO) by facsimile on December 3, 1998 (attached). A copy of the final BO will be provided to the Corps by NMFS upon completion.

This Corps permit does not authorize you to take an endangered species, in particular coho salmon. In order to legally take a listed species, you must have separate authorization under the ESA from the NMFS. The NMFS BO contains mandatory terms and conditions to implement the reasonable and prudent measures. Your authorization under this Corps permit is conditional upon your compliance with the mandatory terms and conditions of the BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions of the BO would constitute an unauthorized take, and would cause you to be in non-compliance with your Corps permit. The NMFS is the authority on

compliance with the terms and conditions in the BO. For further clarification on this point, you should contact the NMFS.

Based on a review of the information you submitted, our March 12, 1998, inspection of the project site, and upon our receipt of the BO from NMFS, your project qualifies for authorization under Department of the Army Nationwide Permit 15 for U.S. Coast Guard Approved Bridges, (61 FR 65874, Dec. 13, 1996), pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Pursuant to the Department of Transportation Act of 1966 (P.L. 89-670), (49 CFR 1.4(a)(3)) and the Truman-Hobbs Act of 1940 (54 Stat. 497; 33 U.S.C. 511 et seq) (as amended), the U.S. Coast Guard will assume jurisdiction pursuant to Section 9 of the Rivers and Harbors Act of 1899.

The project must be in compliance with the General Conditions cited in Enclosure 1 and all Special Conditions specified in this letter for the nationwide permit authorization to remain valid. **Upon completion of the project and all associated mitigation requirements, you shall sign and return the enclosed Certification of Compliance**, Enclosure 2, verifying that you have complied with the terms and conditions of the permit. Non-compliance with any condition could result in the revocation, suspension or modification of the authorization for your project, thereby requiring you to obtain an individual permit from the Corps. This nationwide permit authorization does not obviate the need to obtain other State or local approvals required by law.

This authorization will remain valid for a period of **two (2) years from the date of this letter**, unless the nationwide permit is modified, suspended or revoked. If you have commenced work or are under contract to commence work prior to the suspension, or revocation of the nationwide permit and the project would not comply with the resulting nationwide permit authorization, you have twelve (12) months from that date to complete the project under the present terms and conditions of the nationwide permit.

This authorization will not be effective until you have obtained Section 401 water quality certification or a waiver of certification from the North Coast Regional Water Quality Control Board (RWQCB). If the RWQCB fails to act on a valid request for certification within two (2) months after receipt, the Corps will presume a waiver of water quality certification has been obtained. You shall submit a copy of the certification or waiver to the Corps prior to the commencement of work.

To ensure compliance with the nationwide permit, the following special conditions shall be implemented:

1. Prior to the onset of construction activities, temporary erosion control measures (i.e., silt fencing and/or hay bales) shall be placed downslope of areas where disturbance of native soil is anticipated. The erosion control measures shall be maintained in a functional condition until soil disturbance activities are completed and permanent erosion control measures are in place.

2. Immediately prior to the onset of winter storms (October 15) and at project completion, all exposed areas shall be seeded with California native plant seed mix and mulched to help minimize soil erosion and sedimentation.
3. All material and debris generated as a result of project construction shall be disposed off-site in an approved location located outside Corps jurisdiction. All sedimentation basins shall be located in an upland location outside Corps jurisdiction. Holding vessels and equipment used to transport sediment-laden water shall be isolated from the river channel to ensure sediments are not discharged into waters of the United States.
4. Sediment in sediment basins shall be removed prior to or at project completion. Sediments shall be disposed of in an approved off-site location located outside Corps jurisdiction.
5. Temporary trestles, falsework and sheetpile coffer dams will be placed and maintained in such a manner so as to minimize impact on river and tidal flows.
6. Construction of the coffer dam for the new Pier 2 shall be performed under the direct supervision of an individual approved by NMFS to ensure that no coho salmon or other fish are trapped in the coffer dam.
7. Nesting holes for pigeon guillemots on the existing bridge will be blocked prior to the onset of project construction with a suitable material (e.g., fiberglass wool) to prevent nesting during new bridge construction and dismantling of the existing bridge.
8. Accumulated floating debris shall be removed during high flow periods as necessary to maintain flow through the project area and prevent backwater effects upstream.
9. No debris, oil, petroleum products or other organic material resulting from construction activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States.
10. Any temporary structures used to dewater work areas shall consist of driven sheet piles or other similar material. Dewatering shall not consist of fill materials comprised of soil, gravel or other erodible material unless a Nationwide Permit 33 for Temporary Construction, Access and Dewatering is obtained from the Corps.
11. All project staging and equipment storage areas shall be located outside Corps jurisdiction.
12. Where possible, all access to the work site shall be accomplished using existing access roads.

13. Temporary fills and stockpiles shall be completely removed from the project area at project completion.

14. In an effort to minimize potential impacts to coho salmon the following measures shall be implemented as part of the terms and conditions of the NMFS BO:

a) All necessary pile-driving and pile removal and coffer dam installation and removal shall be conducted between June 1 and October 15.

b) Pile driving and pile removal within completed (dry) coffer dams may be conducted throughout the year.

c) Pumps used to dewater the area inside cofferdams and other areas shall be equipped with screen which meets the criteria stated in the NMFS Biological Opinion (BO).

d) When the coffer dam at Pier 2 is in place, and the work area has been isolated to prevent immigration and emigration of fish, a NMFS approved biologist shall rescue fish from inside the coffer dam using methods described in the BO.

e) Construction activities shall not block the flow of water in the river

f) A report, including all fish relocation activities, species, age classes, fish mortality and other pertinent information shall be compiled and submitted to NMFS Attention: Thomas Daugherty, 777 Sonoma Ave., Santa Rosa, California 95404, on or before January 1, 2000.

You may refer all questions to Victoria Alvarez of our Regulatory Branch at 415-977-8472. All correspondence should reference the file number 23244N.

Sincerely,

CALVIN C. FONG

By

Calvin C. Fong

Calvin C. Fong
Chief, Regulatory Branch

Enclosures



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

FEB 22 1999

F/SWR:TKD

EXHIBIT NO. 15
APPLICATION NO.
PERMIT 1-98-100 APPEAL A-1-FTB-99-06
NMFS BIOLOGICAL OPINION TERMS AND CONDITIONS

Jeffery A. Lindely
Division Administrator
U.S. Department of Transportation
Federal Highway Administration
California Division
980 Ninth Street, Suite 400
Sacramento, California 95814-2724

Dear Mr. Lindely:

Enclosed is the National Marine Fisheries Service's (NMFS) biological opinion on the effects of the California Department of Transportation's proposal to replace the State Route 1 bridge over the Noyo River on threatened central California coast coho salmon and proposed coho salmon critical habitat.

The biological opinion concludes that the replacement of the Noyo River Bridge in Mendocino County is not likely to jeopardize the continued existence of the threatened central California coast coho salmon or adversely affect proposed coho salmon critical habitat. However, because NMFS thinks there could be some incidental take of federally listed coho salmon, an Incidental Take Statement is also attached. The Incidental Take Statement includes reasonable and prudent measures that NMFS believes are necessary and appropriate to reduce, minimize, and monitor project impacts.

If you have any questions concerning the Biological Opinion or Incidental Take Statement, please contact Mr. Thomas Daugherty at (707) 575-6069.

Sincerely,

William T. Hogarth, Ph.D.
Regional Administrator

cc: J. Lecky, NMFS - F/SWO3
J. Webb, Caltrans

RECEIVED
FEB 04 1999
CALIFORNIA
COASTAL COMMISSION



INCIDENTAL TAKE STATEMENT

Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and 7(o)(2), taking that is incidental to and not intended as part of the proposed action is not considered to be prohibited taking under the Act provided that such taking is in compliance with this Incidental Take Statement.

The measures described below are nondiscretionary, and must be undertaken by FHWA so that they become binding conditions of any grant or permit issued to Caltrans, as appropriate, for the exemption in section 7(o)(2) to apply. The FHWA has a continuing duty to regulate the activity covered by this incidental take statement. If the FHWA (1) fails to assume and implement the terms and conditions or (2) fails to require Caltrans to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, Caltrans must report the progress of the action and its impact on the species to NMFS as specified in the incidental take statement. (50 CFR §402.14 (I) (3))

AMOUNT OR EXTENT OF TAKE

NMFS anticipates incidental take of central California coast coho salmon will be difficult to detect for the following reasons: Incidental take of actual species numbers may be difficult to detect when the species is wide-ranging; has small body size; finding a dead or impaired specimen is unlikely; losses may be masked by seasonal fluctuations in numbers or other causes; or the species occurs in habitat that makes detection difficult. In such situations the amount of incidental take is determined to be "unquantifiable".

EFFECT OF THE TAKE

In the accompanying biological and conference opinion, NMFS determined that this level of anticipated take is not likely to result in jeopardy or adverse modification to the species or destruction or adverse modification of proposed critical habitat.

REASONABLE AND PRUDENT MEASURES

NMFS believes the following reasonable and prudent measures are necessary and appropriate to minimize take of central California coast coho salmon:

1. Measures shall be taken to reduce the impacts to coho salmon from the project activities.
2. Measures shall be taken to rescue coho salmon that become trapped in project cofferdam.
3. Measures shall be taken to reduce the impact of sediment generated from bridge construction activities.

TERMS AND CONDITIONS

The permittee must comply with the following terms and conditions, which implement the reasonable and prudent measures described above and outline required reporting/monitoring requirements. These terms and conditions are non-discretionary.

1. Caltrans shall conduct all necessary pile-driving and pile removal, and cofferdam installation and removal between the period of June 1 and October 15.
 - a. Pile diving and pile removal within the completed (dry) cofferdam at Pier 2 can be conducted throughout the year.
2. Pumps used to dewater the cofferdam at Pier 2 or other areas of the Noyo River shall be equipped with screens which meet the following NMFS fish screening criteria:

- a. Perforated plate: screen openings shall not exceed 3/32 inches (2.38mm), measured in diameter.
- b. Woven Wire: screen openings shall not exceed 3/32 inches (2.38 mm measured diagonally).
- c. Screen material shall provide a minimum of 27% open area.
- d. Approach velocity shall not exceed 0.33 feet per second.

3. As soon as the cofferdam at Pier 2 is in place, and the work area has been isolated to prevent immigration and emigration of fish, a NMFS approved biologist will rescue fish from the cofferdam utilizing one of the following methods (or an alternate method approved by NMFS Santa Rosa Office) :

Seining:

- Seining must be conducted by biologists with seining experience. After seining, individuals should monitor the cofferdam for fish that were not captured during seining efforts, and repeat if necessary.
- Captured fish will be released to the Noyo River as soon as possible.

Electrofishing:

- Electrofishing efforts should start with voltage, pulse width, and pulse rate set at minimums values needed to capture fish. Settings should gradually be increased only to immobilized fish for capture.
 - Individuals that are netting immobilized fish should remove fish immediately from the water and not allow the fish to remain in the electrical field for an extended period of time.
 - Captured fish should be released to the Noyo River as soon as possible.
4. Water from the cofferdam at Pier 2 shall be pumped into a

sediment basin. The existing sediment basin to the north or an alternate location may be used within the project area. The alternate sediment basin will be constructed with sandbags and plastic (or other suitable material) and shall be located above the High Tide Line and above areas subject to wave action.

5. Any water pumped from the cofferdam at Pier 3 shall be pumped into a sediment basin. The existing sediment basin to the north or an alternate location may be used within the project area. The alternate sediment basin will be constructed with sandbags and plastic (or other suitable material) and shall be located above the High Tide Line and above areas subject to wave action.

6. Sediment within the sediment basins shall be removed prior to completing the project. All sediment that is removed from sediment basins shall be disposed of at an upland site.

7. The 12 inch slurry line that is used to transport sediment or other slurry materials shall be in good working condition during use and shall be checked for defects or poor condition before and after use.

8. Construction activities shall not block the flow of water in the Noyo River.

9. A State 401 water quality certification/waiver shall be obtained prior to conducting any in-channel activities.

10. All slopes that are disturbed will be revegetated with native vegetation following construction. During construction, erosion control measures shall be implemented to stabilize disturbed areas and prevent sediment delivery to the Noyo River. Erosion control measures shall include silt fences, hay bales, hydro seeding and straw mulch that follow Caltrans Standard Specifications..

11. A report, including all Caltrans fish relocation activities, sampling methods, species and species age classes captured and relocated, and fish species mortalities shall be prepared and submitted to the National Marine Fisheries Service, Attention: Dick Butler, 777 Sonoma Ave., Santa Rosa, California 95404, by January 1, 2000.

REINITIATION NOTICE

As provided in 50 CFR §402.16, reinitiation of formal consultation is required if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered in this opinion; (3) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

DEC 2 1998

F/SW031:CCF

Mr. John D. Webb
Chief, Office of Environmental Management
Department of Transportation
District 3, Sacramento Area Office - MS 41
P.O. Box 942874
Sacramento, California 94274-0001

Dear Mr. Webb:

This letter responds to your August 20, 1998, request for an incidental harassment authorization (IHA) for the Noyo River Bridge Replacement Project in Fort Bragg, California.

After reviewing the Environmental Assessment and the Natural Environment Study for the Noyo River Bridge Replacement, I have concluded that the likelihood that marine mammals will be incidentally taken (including harassed) by the bridge replacement project is small. For these reasons, I do not recommend that you obtain an IHA from the National Marine Fisheries Service (NMFS) under the Marine Mammal Protection Act, as long as you implement the suggested actions specified below.

NMFS supports the development and implementation of a marine mammal monitoring program to study pinnipeds on nearby haulout areas during the bridge replacement project. Data should be collected 2-3 times per week for approximately one tidal cycle each day at the haulout areas. The following data should be recorded: (1) identification of marine mammal species; (2) the number of pinnipeds on site; and (3) details of any observed disturbances resulting from the project. Data should be reported weekly to NMFS, Southwest Region, and should be collected by a biologist trained in marine mammal observations. Based on the results of the monitoring studies, NMFS may recommend that you apply for an IHA in the future.

Thank you for coordinating with our office. If you have any questions regarding these comments, please contact Ms. Christina Fahy at (562) 980-4023.

Sincerely,

for J. T. Hogarth

William T. Hogarth, Ph.D.
Regional Administrator

cc: F/PR - K. Hollingshead

EXHIBIT NO.	16
APPLICATION NO.	1-98-100/A-1-FIB-99-06
NMFS: Marine Mammal	
Monitoring	

VIII. Mitigation Measures and Permits Required

The following measures have been developed to minimize the environmental impacts of the project:

Air/Noise

Air pollutants during construction is regulated in accordance with Section 7-1.01F (Air Pollution Control) and Section 10.1 (Dust Control) of the current Caltrans' Standard Specifications.

Construction noise from the contractor's equipment is unavoidable. However, this is a temporary noise source regulated by Caltrans' Standard Specifications, Section 7-1.01.I, which is included as part of the contract. The contractor is required to comply with all local sound control and noise level rules, regulations, and ordinances.

Biological Resources

Mitigation for the coho salmon and other fish species occurring in the project area will include avoidance and minimization measures that will reduce impacts to the species. Mitigation includes restricting work within the river channel to the work window of June 1 to October 15 in order to avoid the critical spawning and outmigration movements of the species. This mitigation measure has been discussed with the National Marine Fisheries Service and the California Department of Fish and Game.

Construction of the cofferdam for the new Pier 2 will require measures that will minimize impacts to the coho salmon. An individual, approved by the National Marine Fisheries Service, will be required to ensure that as the cofferdam is assembled no coho

EXHIBIT NO.	17
APPLICATION NO.	1-98-100/A-1-FIB-99-06
CALTRANS Negative Dec.	
Mitigation Measures	

salmon or other fish are trapped in the cofferdam. Methods used to remove the fish from the cofferdam will be approved by the National Marine Fisheries Service.

Additionally, all slopes that are disturbed below the bridge will be revegetated with native vegetation following construction. During construction, erosion control measures will be implemented to prevent runoff into the river. Erosion control measures may include silt fences and hay bales. If the slopes are exposed over the winter, hydroseeding or straw mulch will be applied to stabilize the slope surfaces and prevent runoff. A mitigation monitoring plan will be has been developed to restore and monitor the impacted areas.

Approximately 0.45 ha (1.1 acres) of coastal scrub and approximately 0.89 ha (2.2 acres) of ruderal, non-native vegetation would potentially be disturbed by the construction of the Noyo River Bridge. The California Department of Transportation has determined that the slopes on the north and south side of Noyo River have lead contamination and the extent of the lead within the soil is being determined. During construction, the contaminated soil removed from the site would be appropriately disposed of. The actual amount of area disturbed by the construction of the bridge would depend on the method of construction selected by the contractor, which would not exceed the approximate amount of disturbance to coastal scrub and ruderal, non-native vegetation. Once the area of disturbance can be measured following construction activities, the actual area of revegetation would be determined and implemented. A plant list with appropriate native species and proposed densities of each species has been developed. The plantings would be monitored for survival and qualitatively ranked on health and vigor. The California Department of Transportation will coordinate with the California Department of Fish and Game on the final mitigation and monitoring plan.

The existing Noyo Bridge columns support nesting Pigeon Guillemots in the earthquake restrainer cable anchors on the columns. These earthquake restrainer cables were installed within the last decade, so the nesting areas are recently developed. Construction activities may disturb nesting birds, therefore, the nesting holes will be blocked with suitable material (e.g., fiberglass wool) to prevent nesting during construction of the new bridge and dismantling of the existing bridge.

There is the potential that the California sea lions may enter the construction area and pose a risk to the construction operations for the bridge. These species are protected under the Marine Mammal Protection Act. Pursuant to the Marine Mammal Protection Act (50 CFR 216.22) "a State or local government official or employee may take a marine mammal in the normal course of his duties as an official or employee, and no permit shall be required, if such taking follows several guidelines outlined in the Code of Federal Regulations". Per the provisions of this section, Caltrans has the ability to remove marine mammals that may enter the construction area. This removal would need to be coordinated with the National Marine Fisheries Service and comply with methods proposed in 50 CFR Part 216, Deterrence Regulations and Guidelines. Removal of the marine mammals would consist of moving the animals out of the work area and preventing them from entering an area where construction activity was ongoing. This type of impact is considered an "intentional take" by the National Marine Fisheries Service.

Additionally, known haul-out areas for California sea lions up river from the project area present the potential for incidental harassment. Disturbance from the proposed construction may cause the California sea lions to leave the haul-out areas and, thus, be considered "harassment" of these marine mammals. The National Marine Fisheries Service issues an Incidental Harassment Authorization for this type of impact. ~~A description of the proposed construction will be evaluated by the National Marine Fisheries Service to~~

determine the type of authorization required, if any. The National Marine Fisheries Service has determined that an Incidental Harassment Authorization will not be required. The level of harassment that may occur during construction is not expected to be greater than current disturbance to the California sea lions from the normal activities of the harbor. The impact to marine mammals will be less than significant.

~~Caltrans does not expect a significant adverse impact to the California sea lions utilizing Noyo River, however, in the course of project design, the National Marine Fisheries Service may determine that an Incidental Harassment Authorization would be required at which time Caltrans will initiate the Incidental Harassment Authorization process.~~

The operation of the bridge, following construction, would not affect the marine mammals utilizing the harbor area.

In order to be exempt from the prohibitions of Section 9 of the Endangered Species Act (ESA), the Federal Highway Way Administration (FHWA) is responsible for Caltrans' compliance with the following terms and conditions that implement the reasonable and prudent measures:

Terms and Conditions

In order to be exempt from the prohibitions of section 9 of the ESA, FHWA is responsible for Caltrans' compliance with the following terms and conditions that implement the reasonable and prudent measures:

1. Caltrans will conduct all necessary pile-driving and pile removal between the period of June 1 and October 15.
2. Pumps used to dewater the cofferdam or other areas of the Noyo River shall be equipped with screens which meet the following National Marine Fisheries Service (NMFS) fish screening criteria:
 - a. Perforated plate: screen openings shall not exceed 3/32 inches (2.38 mm), measured in diameter.
 - b. Woven Wire: screen opening shall not exceed 3/32 inches (2.38 mm measured diagonally).
 - c. Screen material shall provide a minimum of 27% open area.
 - d. Approach velocity shall not exceed 0.33 feet per second.
3. As soon as the cofferdam at Pier 2 is in place, and the work area has been isolated to prevent immigration and emigration of fish, a NMFS approved biologist will rescue fish from the coffer dam utilizing one of the following methods (or an alternate method approved by the NMFS).

Seining:

- Seining must be conducted by experienced individuals. After seining, individuals should monitor the cofferdam for fish that were not captured during seining efforts, and repeat if necessary.
- Captured fish will be released to the Noyo River as soon as possible.

Electrofishing:

- Electrofishing efforts should start with voltage, pulse width, and pulse rate set at minimums values needed to capture fish. Settings should gradually be increased only to where the fish are immobilized for capture.
 - Individuals that are netting immobilized fish should remove fish immediately from the water, and not allow the fish to remain in the electrical field for an extended period of time.
 - Water temperature in containers holding captured fish should be kept within a healthy range for salmonids.
 - Captured fish should be released to the Noyo River as soon as possible.
4. Water from the cofferdam at Pier 2 shall be pumped into a sediment basin. The existing sediment basin to the north may be used or an alternate location within the project area. The alternate sediment basin will be constructed with sandbags and plastic (or other suitable material) and shall be located above the High Tide Line (HTL) and above areas subject to wave action.
 5. Any water pumped from the cofferdam at Pier 3 shall be pumped into a sediment basin. The existing sediment basin to the north may be used or an alternate location, within the project area. The alternate sediment basin will be constructed with sandbags and plastic (or other suitable material) and shall be located above the High Tide Line (HTL) and above areas subject to wave action.
 6. Sediment within the sediment basins shall be removed prior to completing the project. All sediment that is removed from sediment basins shall be disposed of at an appropriate upland site.
 7. Construction activities shall not block the flow of water in the river.
 8. A state 401 water quality certification/waiver shall be obtained prior to conducting any in-channel activities.
 9. All slopes that are disturbed will be revegetated with native vegetation following construction. During construction, erosion control measures shall be implemented to stabilize disturbed areas and prevent sediment delivery to the Noyo River.
 10. A report, including all of Caltrans fish relocation activities, including species and species age classes, fish species mortalities, methods, and other pertinent information shall be prepared and submitted to the National Marine Fisheries Service, Attention: Thomas Daugherty, 777 Sonoma Ave., Santa Rosa, California 95404, by January 1, 2000.

Cultural Resources

If buried cultural remains are encountered during construction, Caltrans Cultural Resources Policy requires that work in the area be terminated until a qualified archaeologist can determine the significance of the find.

An archaeological monitor will be required during construction excavation in the portion north of the Noyo River, especially near existing Pier 3 and the proposed northern bridge abutment.

Floodplain

Measures to minimize floodplain impacts are related to the presence of the temporary trestles and falsework, which may remain in place for two winter seasons. The contractor will be required to design and maintain the temporary trestles and falsework to maintain the maximum practicable channel flow area to minimize the impact on the river and tidal flows and their influence on upstream resources. The contractor will be required to remove accumulated floating debris during periods of high flow, if necessary to maintain the channel flow area, to prevent backwater effects upstream.

Hazardous Waste

If the Contractor encounters hazardous waste, contractor will be required to take appropriate actions such as:

- loading contaminated soil directly into trucks and hauling to an appropriate offsite facility for testing and proper disposal;
- containerizing and testing all groundwater generated from Pier 3 dewatering activities prior to proper disposal;
- all hazardous waste leaving the site will be manifested to insure legal disposal and cradle to grave accountability;
- the Contractor will prepare a Health and Safety Plan signed by a Certified Industrial Hygienist and a Registered Engineer to ensure construction workers and the public are protected;
- air monitoring will be conducted by the contractor to ensure construction workers and the public are not exposed to health threatening concentrations of vapors, metals, total dust, and
- excavated materials will be covered to minimize the release of odors and airborne dust during transportation offsite for disposal.

Visual/Landscape

The visual impacts will be lessened by incorporating the following mitigation measures:

-
- Screen the Cliff House Restaurant entrance from the new bridge, by providing a permanent architectural screening, which will reduce visual impacts of the encroaching bridge. Incorporate plant screening between the bridge overhang and the restaurant walkway.
 - Screen the north Cliff Motel from viewing the abutment. The impact of the abutment can be alleviated by tall screen plantings.
 - There are currently erosion problems along the north slope under the proposed bridge. After construction, there should be erosion control measures applied to the slope such as stabilizing and revegetation.
 - The south slope under the bridge should be revegetated with native plants.

Water Quality

The project will be in compliance with all applicable water quality standards. The following measures will be implemented:

- Prior to excavation activities at Abutments 1 and 4, temporary erosion control fencing will be placed downslope of areas where disturbance of native soil is anticipated. This temporary fence will be maintained in a functional condition until soil disturbance activities are completed, and permanent erosion control measures are in place. Permanent erosion control measures will consist of seeding and mulching of all disturbed soil areas that will not be covered by paving.
- Excavated soil from both abutments will be hauled away from the job site, and disposed of at an appropriate permitted disposal facility.
- All excavation at Pier 2 will be within the bed of the Noyo River. This will require the construction of a cofferdam around the footing excavation area. Saturated material excavated from within the cofferdam will be either placed in an adjacent temporary sediment basin, pumped into a material barge for offsite disposal, or transported under the river via a submerged slurry line to a temporary sediment basin/disposal site.
- Access to Pier 2 will be by construction of a temporary trestle. The temporary trestle will require the placement of temporary support piles. The contractor will be required to comply with water pollution protection provisions of Section 7-1.01G of the Caltrans Standard Specifications, as well as all conditions contained in the Department of Fish and Game Section 1601 Agreement.
- The footing excavation for Pier 3 will also be contained within a cofferdam, since the bottom of the footing will be 2.1 m (7 ft) below the high tide level. Soil excavated from within the cofferdam is expected to be contaminated with lead and petroleum hydrocarbon wastes. Consequently, it will have to be loaded directly into trucks and hauled to an appropriate offsite facility for testing and proper disposal. Water pumped from within the cofferdam is also expected

-
- providing flaggers to minimize traffic disruption during the temporary closure of North Harbor Drive;
 - revegetating the slope north of pier 3 with natural seed mix for erosion control;
 - replace and upgrade the existing culvert located east of the existing restrooms to immediately west of the existing restrooms;
 - restripe and resurface the parking lot;
 - extend the existing culvert immediately west of the restrooms;
 - provide Racon Navigation aids for boaters, and
 - Caltrans will restore the Ocean Front Park as close to original condition as possible.

DEPARTMENT OF TRANSPORTATION
DISTRICT 1, P.O. BOX 3700
EUREKA, CA 95502-3700
TDD Phone 707/445-6463
Phone: 707/445-6445

COPY TO
COUNCIL BOXES



January 13, 1999

EXHIBIT NO.	18
APPLICATION NO.	1-98-100/A-1-FIB-99-06
Letter of Caltrans District Director Rick Knapp	

The Honorable Michele White
Mayor of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437

Dear Mayor White:

As we discussed today, I am writing to provide additional information on the proposed Noyo River Bridge Replacement Project, which may be helpful to you and your City Council. At the upcoming January 26, 1999 Council meeting, you will be conducting a public hearing on the Caltrans appeal of Coastal Development Permit CDP 24-98 and Negative Declaration Findings, which were denied at the December 30, 1998 Fort Bragg Planning Commission meeting. My staff prepared and submitted an appeal to the City Clerk on January 8, 1999.

First, I must emphasize that we have a Legislative mandate to seismically retrofit every bridge that is vulnerable to major damage or collapse in the event of the maximum credible earthquake (i.e., the one that would generate the maximum expected ground acceleration at that particular location). Of the 1,155 State highway bridges in the State requiring retrofit under our Phase II Seismic Program, there are only 27 remaining that have not been completed or under construction. It is critical that the remaining structures be completed as soon as humanly possible to protect the safety of the traveling public.

Some have suggested that Caltrans was rushing this design through, not considering the needs of the community. While we have done everything we could to expedite the project, we have not done so to the detriment of the design or the community. We put extra resources on this project to accelerate its development because we considered it a high priority. This project has been developed in close coordination with the City. Fort Bragg's own 1997 Alternate Access Feasibility Traffic Analysis, which generated strong support at a March 1997 community workshop attended by over 60 people, recommended replacing the Noyo River Bridge with a new four lane bridge.

Between August 1997 and the present, Caltrans has held two public meetings, public agency meetings, made presentations to service clubs, participated in radio/TV/newspaper interviews, solicited community comments, and has responded specifically to every comment received. We even created a web site to solicit and respond to comments. We also coordinated closely with the Noyo Harbor Commission and reflected its concerns in our design. We developed a thorough environmental

January 13, 1999

Page 2

document for this project. We held a well-advertised, well-attended public meeting in Fort Bragg on September 16, 1998. We accepted comments at that meeting on the proposed design and environmental document, as well as comments following the meeting. The vast majority of comments we received related to the need for a "see-through" railing. At that meeting, Caltrans committed to include a see-through railing design if we could get an approved, safety-tested design before construction of the project. Subsequent to the meeting, a design was safety-tested and approved by Caltrans and the Federal Highway Administration which has a "see-through" component. While some are not happy with the proposed railing, I must emphasize that we do not have the luxury to provide railings that do not meet State and Federal safety standards. To do so would be to accept avoidable tort liability for the State of California. It is no simple matter to construct a railing that you can see through and that will still prevent an errant vehicle from going through it. However, we are continuing to make aesthetic treatments to the railing to make it more appealing. We will show you an updated artist's rendering at the January 26th meeting.

We have made many revisions to the bridge to respond to community concerns, including adding pedestrian lighting, the see-through rail, a subtle arched treatment to the box girder, the use of angles on the face of columns, flared soffits and shadows to enhance the slender appearance and improve the overall aesthetics of the structure, and even a Raycon navigation device to help safely guide your fishing fleet into port. Based upon the lack of significant adverse effects of the project and the mitigation measures included, Caltrans approved a Negative Declaration and the Federal Highway Administration has approved the Finding of No Significant Impact (FONSI) for the project.

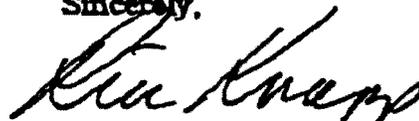
I must emphasize that my Project Manager, Karen Tatman, has done everything humanly possible to get the best possible project for the City of Fort Bragg. She would be embarrassed to have me brag about the job she has done, but I assure you she did a tremendous job on the City's behalf to get this project. We could have developed a pure retrofit project of the bridge, which would have cost approximately \$2.8 million. Karen noted that the bridge was going to have to be painted soon at a cost of about \$3.5 million. She found that the steel in the present bridge had decayed, and was going to require considerable repair work prior to painting. We were committed to try to widen to provide sidewalks on both sides to accommodate the disabled to respond to concerns expressed by the Disabled In Action League (DIAL), and concerns expressed by the Mayor of Fort Bragg by letter dated December 18, 1991. That would cost about \$1.6 million. Karen found that widening to provide sidewalks would add additional load to the existing bridge, reducing the ability of the bridge to carry "permit loads" (overweight vehicles). Overall, we would be spending \$8 million on the existing bridge and would yield a bridge that was more functionally obsolete than it was before the retrofit. Additionally, she was concerned that the existing bridge would not meet the needs of the community in that the operational project to be constructed through Fort Bragg this year (also closely coordinated with the community and the City Council) would result in a four lane roadway with continuous left turn lane on each side of the bridge that would transition to a two lane bridge. Given all of these concerns, she conceived a bridge

more easily be considered out of scale. As for the character of the surrounding community, Caltrans has made every effort to incorporate the previously noted design enhancements to ensure that the new bridge will fit nicely into the Noyo Bay setting.

Another matter that needs to be addressed is the issue of funding assurance. Some have speculated that the City either needs to accept this project, or the funding will be lost. Others have speculated that the funding will be there regardless of how long it takes to reach community consensus on the project. What I can tell you is that we are committed to responding to the seismic safety issues with the existing bridge. If we cannot get the necessary permits to build this project, we will have to reconsider retrofit of the existing bridge. Such a project could be completed relatively quickly in that it has been thoroughly studied and would have minimal environmental impacts. If we expend \$8 million on the existing bridge, you cannot expect the bridge to be replaced or improved in the next 20 years. If it is ever replaced in the future, it is conceivable that only a two-lane bridge would be provided unless the Mendocino Council of Governments (MCOG) chose to program State highway funds that are allocated to it to allow the additional funding in excess of a simple replacement project. Regional agencies such as MCOG are now in control of 75% of funding that is available for "capacity-increasing" projects on State highways. The other 25% is controlled by the State, and is typically directed on principal arterial routes, such as Route 101.

In conclusion, I hope the Fort Bragg City Council will again demonstrate its support by finding in favor of our appeal. In doing so, you will be permitting Caltrans to complete this project, which is very important to the safety of the traveling public, and which I believe is strongly supported by the vast majority of your community. If any of you have any questions about this project, please feel free to call me. I would be happy to clarify any points in this letter. And, I will be in attendance for the appeals hearing. I have provided copies of this letter to other public officials that have been in contact with members of your Council on this subject. I apologize for the length of this letter, but it seems necessary in order that we share a common understanding of the facts.

Sincerely,



RICK KNAPP
District Director

cc: James Murphey, City Manager
Colleen Henderson, Assemblywoman Virginia Strom-Martin's Office
Jennifer Puser, Senator Wes Chesbro's Office
Patti Campbell, District 4 Supervisor
Phil Dow, MCOG Consultant
Fort Bragg Advocate
Disabled In Action League

Noyo River Bridge Replacement Project Frequently Asked Questions

Men-1-PM 59.8/60.3, EA 01-378001

EXHIBIT NO.	19
APPLICATION NO.	1-98-100/A-1-FIB-99-06
Noyo Bridge Project Frequently Asked Questions	

1. Why is the bridge being replaced?

- It is vulnerable to major seismic damage in its existing condition.
- It needs to be sandblasted and painted.
- It needs to be structurally repaired.
- It needs to be widened to allow access for disabled individuals.
- Maintenance costs on this 50-year old bridge continue to rise.
- If the existing bridge were to be widened, it would need to be structurally improved, increasing the bridge weight and reducing its ability to carry "permit" loads such as large trucks and equipment.
- The remaining service life is estimated at 20 years maximum.
- An analysis of the costs to seismically retrofit, paint, widen, and maintain the existing bridge shows that construction of a new bridge is more cost effective.

2. How will the new bridge be constructed?

The first stage of construction would build the outer sections of the new bridge to accommodate one lane of traffic in each direction. This is necessary so that existing traffic isn't delayed by one way traffic control or stopped altogether.

Following completion of the first stage, traffic would be moved off of the existing bridge and onto the new partially completed bridge structures.

The second stage of construction would remove the existing bridge and connect the two outer bridge sections to create the final configuration.

The existing structure cannot be removed or even partially removed to create more space. There are no detours available and the existing bridge cannot be partially dismantled to reduce the existing width or create more room.

3. Can it be replaced with a narrower structure?

No. Not without accepting major impacts to motorized and/or non-motorized traffic during construction.

The existing bridge is 34' wide and carries 2 lanes of traffic. The edges of the existing deck are each 17' from the roadway centerline. Caltrans owns 100' of right of way or 50' west and east of centerline.

Space is needed between the edge of the existing structure and the edge of the new bridge sections in Stage 1. We would normally allow up to 5' of space between bridge decks due to safety, construction, and seismic needs. On this project, we are allowing 1' of space between the edge of the existing bridge and any new construction. This leaves 32' of space available on each side of the existing bridge for construction of the new bridge sections.

Noyo River Bridge Replacement Project Frequently Asked Questions

The easterly bridge section needs to carry one lane of traffic and accommodate non-motorized traffic. It also needs bridge rail and sidewalk to the outside plus a temporary rail on the inside and some additional width inside for construction workers to stand on during the next construction stage. The easterly bridge section will be 25.3' wide; 1.6' rail, 5' sidewalk, 4' shoulder, 12' lane, 2' temporary k-rail, and 0.7' bridge overhang. This width is necessary for construction safety of traffic, non-motorized traffic, and construction workers.

The westerly bridge section will match the easterly bridge section and carry one lane of traffic also, but with one exception. It will not have a sidewalk built initially. The additional width will be used to accommodate two lanes of traffic during a limited period of time when a large piece of equipment will need to sit on the easterly bridge section to begin dismantling the existing bridge. During this time, the easterly bridge will not be available to traffic during the day. The westerly bridge section will be 25.3' wide; 1.6' rail, 5' outside shoulder, 12' lane, 4' inside shoulder, 2' temporary k-rail, and 0.7' bridge overhang.

To provide less than these temporary construction widths would mean that either some or all of the pedestrian, disabled, bicycle, and motorized traffic would be subject to major delays or would be unable to get across the bridge altogether during construction.

Other construction staging scenarios that allow narrower structures impact the adjacent businesses by going outside of existing state right of way. These are discussed in the final environmental document.

4. Why is there a median?

After striping the bridge for 8' shoulders, and four 12' lanes, there is enough room in the center to create a median. On this bridge, a median will:

- Provide space between opposing lanes of traffic that helps reduce the potential for head on accidents.
- Match up with the median on either side of the bridge that provides either left turn channelization at intersections or a two way left turn lane between intersections.

5. Why 8' shoulders?

In general, shoulders are placed to accommodate stopped vehicles and for emergency use. Eight-foot shoulders are standard for both two lane and four lane new structures. At this location, within a city and on the Pacific Coast Bike Route, the need to accommodate bicycle traffic is further justification for adhering to these standards. Exceptions to standard 8' shoulders may be made in instances where they cannot reasonably be constructed or the cost is exorbitant.

6. Is the proposed bridge out of scale or too massive?

The proposed new bridge will match the roadway cross section at each end upon completion of the Route 1 Main Street operational improvements project scheduled to start in the summer of 1999. To provide anything less would be out of scale. The Main

Noyo River Bridge Replacement Project Frequently Asked Questions

Street project, approved by the City of Fort Bragg, will widen, repave and re-stripe the roadway from the Route 20/1 intersection to Oak Street to include four 12' traffic lanes, a 12' median, two 8' shoulders with sidewalks in the downtown. The four traffic lanes, median, shoulders, and sidewalks on the proposed replacement Noyo River Bridge are all important elements in providing a safe design which will serve vehicles (both trucks and autos), bicycles, pedestrians, and the disabled and provide emergency access in times of need. The new bridge replacement project will meet the seismic safety needs of the traveling public and solve many of the long-term maintenance problems that now plague the deteriorating existing steel structure.

7. Does a four-lane bridge meet the community's existing and future needs?

A new bridge provides an opportunity to meet community needs. The bridge as designed meets existing and future needs of motorized and non-motorized traffic.

In response to local concerns regarding congestion across Noyo River Bridge, Mendocino Council of Governments (MCOG) had hired Wtrans, a transportation consultant, to study the cost and feasibility of possible connections between Route 20 and Fort Bragg with a recommendation to be presented to the Fort Bragg City Council. Local citizens expressed concern about the impacts to residential areas of the proposed alternative routes. The final report, dated July 25, 1997 recommended replacement of the Noyo River Bridge with a four lane structure. If the existing bridge were to be retrofitted or replaced with a two-lane bridge, local concerns regarding congestion across the existing bridge would remain unaddressed.

DIAL, Disabled In Action League, has expressed a need for wheelchair access to the bridge. The existing bridge has narrow walkways not designed for pedestrians or bicycles, although it is used by both. As far back as December 1991, the mayor of Fort Bragg had requested that Caltrans provide improved facilities for non-motorized traffic on the bridge. The proposed structure would provide 8 foot shoulders for bicycles and 5.5 foot sidewalks for wheelchairs and pedestrians, thus improving safety and access for non-motorized traffic across the bridge. The sidewalk width was increase from 5' to 5.5' in late January 1999 to assure that two wheelchairs can pass eachother on the 900' long bridge.

The structure as proposed will match the roadway cross section on either end of the bridge and therefor provides continuity to the highway.

8. Can you build an arch structure?

A concrete arch proposal was briefly studied, but was eliminated due to high cost (\$40-45 million compared to \$24 million for the proposed project). At this time it is not known for sure if an arch bridge is feasible at this location. Further foundation borings would be required to determine if the bedrock can carry the thrust exerted upon it by the arch footings. The seismic design of an arch would provide a unique challenge and an extensive design study would be required to determine if a concrete arch would be an appropriate structure for a high seismic zone.

Noyo River Bridge Replacement Project Frequently Asked Questions

To design a concrete arch bridge would require us to start our process over, with another \$4 million in design and environmental study costs and a two year schedule delay as well as a major construction cost increase. The increased costs and the increased risk to the traveling public while we perform foundation studies, redesign the bridge, and redo our environmental document cannot be justified since aesthetics are the only potential benefit. In addition, among those who believe a more aesthetic bridge design is warranted, there is no consensus that an arch bridge would be best.

9. Why can't you build a two-lane bridge?

A two-lane bridge cannot be constructed within existing state right of way without major impacts to traffic.

In order to stay within the existing right of way, the existing bridge would need to be removed or relocated and a new bridge constructed in the same location. The new two-lane structure would be a minimum of 53' wide, including two 12' traffic lanes, two 8' shoulders, two 5' sidewalks, and bridge rail. It would need to be wider at the ends to match the four-lane roadway cross section on either side and to accommodate future left turn channelization at North Harbor Drive. This would provide an inconsistent appearance.

A two-lane bridge can be constructed alongside the existing bridge if the state acquires an additional 22' of new right of way and accepts impacts to the existing pier footings. New right of way would mean permanent impacts not only to the businesses adjacent to the bridge, but also a distance north and south as the roadway centerline is shifted 44'.

A two-lane bridge built in 2 stages still requires new right of way. Because a two lane bridge would be supported by single columns due to economics and because the loading needs to be symmetric or very close, almost all of the bridge width would have to be constructed in the first stage. It is possible to add up to a 6-foot wide overhang in stage 2, leaving a minimum of 47' width to be constructed in the first stage. This would require a minimum 16' of additional right of way and a centerline shift of 38'.

10. What is the current construction schedule?

Ready to List	5/1/99
(no standard 6 week listing period)	
Advertise	5/11/99
(six week advertisement period, instead of standard 8 week advertisement period)	
Open Bids	6/22/99
Award	6/30/99
Start Work	7/1/99
Begin river work	8/1/99

With the contractor working seven days per week, it is possible that all of the water work (trestle construction, falsework piles driven in the river, and cofferdams placed) could be completed by October 15, 1999 within the requirements of construction permits. This would allow the contractor to work all winter constructing the new footings and the new abutments.

Noyo River Bridge Replacement Project Frequently Asked Questions

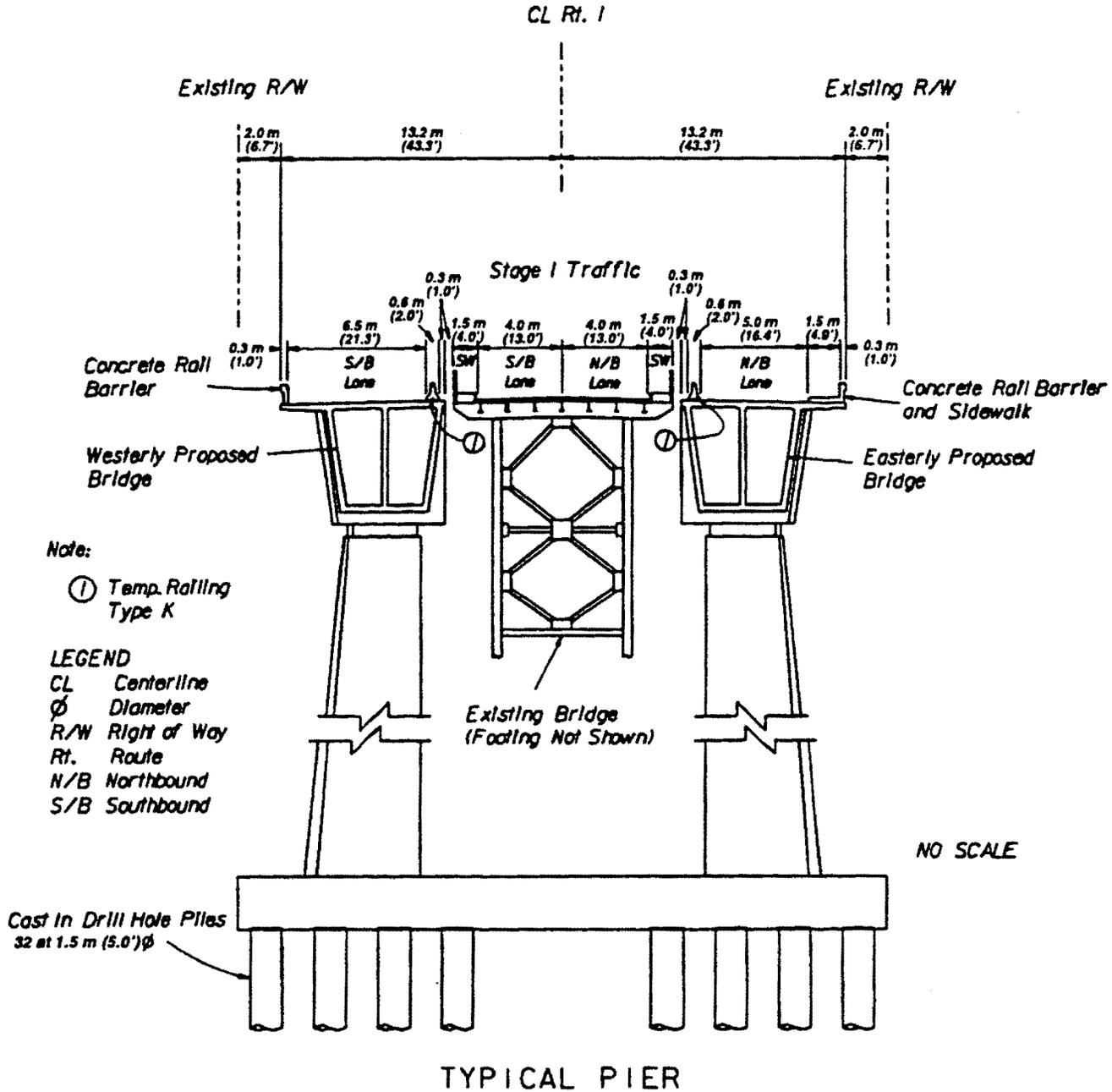
11. Could Caltrans decide to retrofit the bridge instead of replace it?

Yes. This project's main purpose and need is to provide a structure that is resistant to earthquake loads and will not collapse during the maximum credible earthquake. If the issues surrounding replacement of the bridge cannot be resolved, Caltrans must make a decision to retrofit the existing bridge or close it in response to the risks to the traveling public. As the department responsible for the integrity of the State Highway System, we have a duty to respond to the overall needs of the community and the traveling public. The Governor and Legislature of California mandated that all structures on the State Highway System would be seismically safe by December 31, 1997. Under the existing schedule, this mandate will be met by June 1, 2000. This bridge is one of 28 remaining bridges statewide not yet retrofitted.

Karen Tatman 2/99



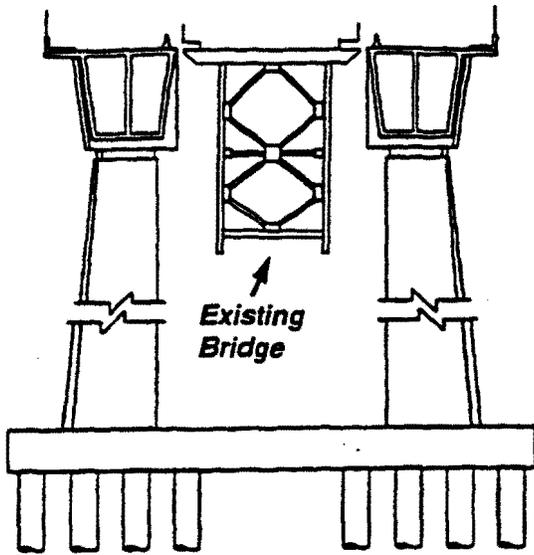
PREFERRED ALTERNATIVE STAGE ONE



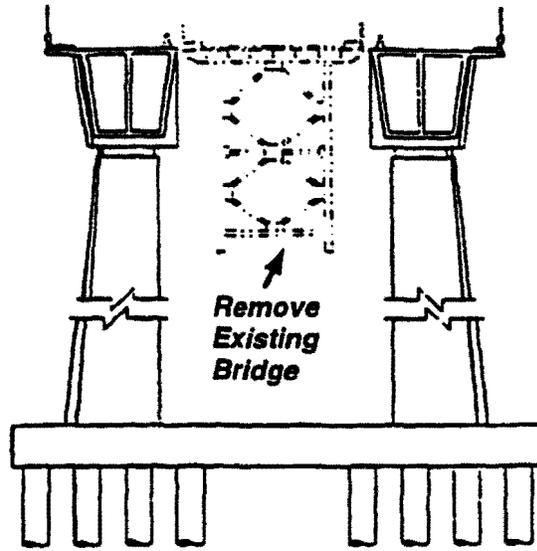
ALTERNATIVE 2: FOUR LANE TRIPLE CAST-IN-PLACE CONCRETE BOX GIRDER BRIDGE

Stage One: Build new bridge pieces on both sides of existing bridge

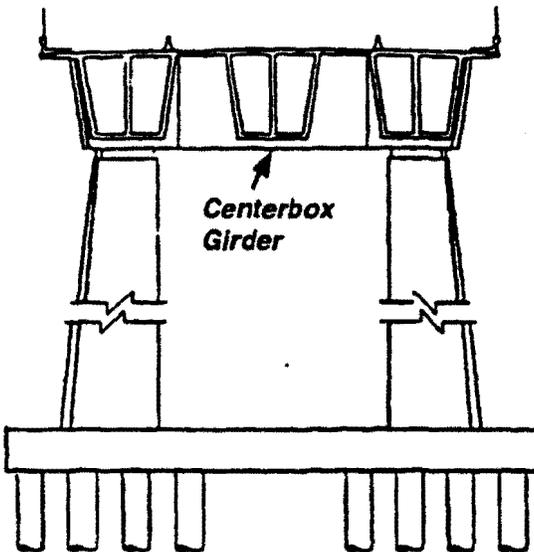
EXHIBIT NO.	20
APPLICATION NO.	1-98-100/A-1-FTB-99-06
PROPOSED PROJECT	STAGE 1



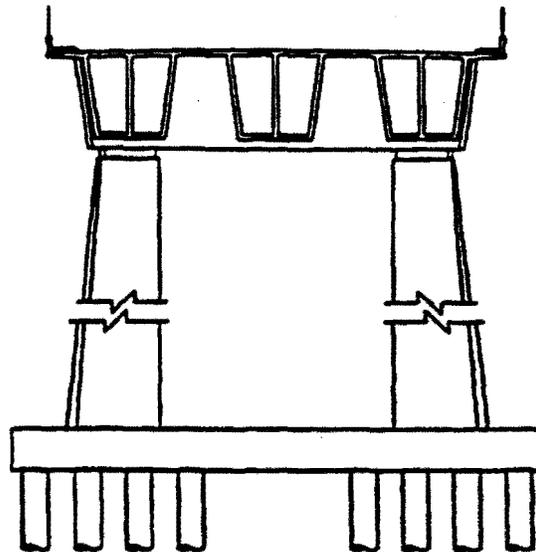
STAGE 1
Construction of
Exterior Box Girders



STAGE 2A
Dismantle
Existing Bridge



STAGE 2B
Construction of
Center Box Girders

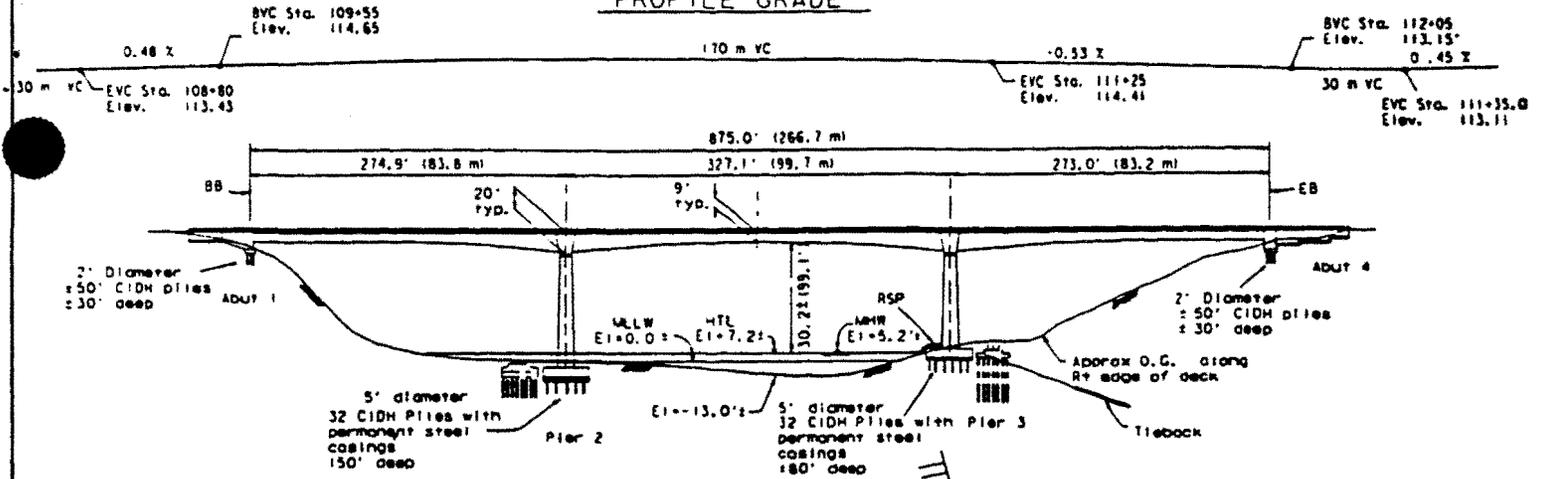


FINAL STAGE
Completion of
Noyo River Bridge

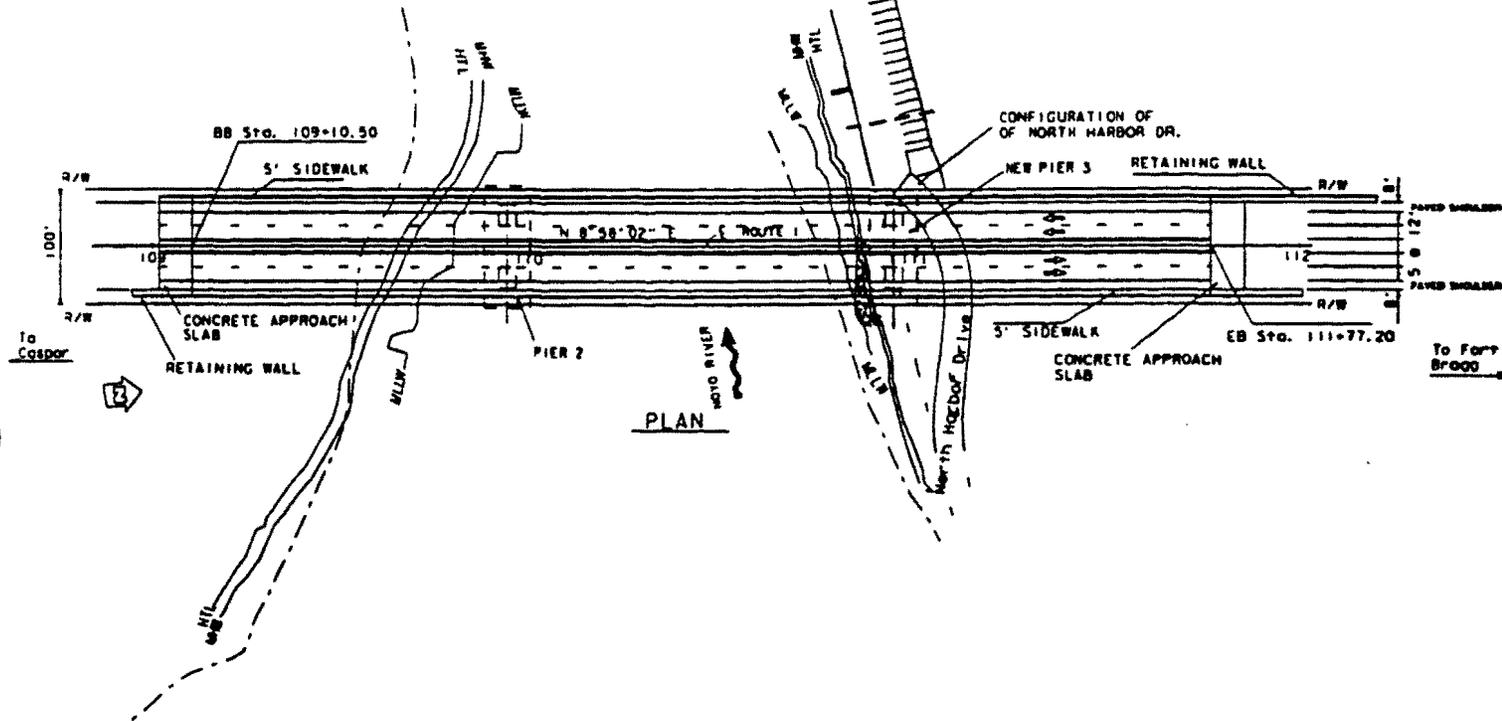
No Scale

EXHIBIT NO.	21
APPLICATION NO.	1-98-100/A-1-FIB-99-06
Proposed Project Construction Stages	

PROFILE GRADE



ELEVATION



NO SCALE

PURPOSE: TO REDUCE SAFETY HAZARD CAUSED BY PROBABLE SEISMIC ACTIVITY BY REPLACING NOYO RIVER BRIDGE

DATUM: 1929 USCS&GS (MSL) (MLLW=0 NGVD)

ADJACENT PROPERTY OWNERS:

1. CITY OF FORT BRAGG
2. NOYO HARBOR DISTRICT
3. DOMINIC AFFINITO



Application By Caltrans District 3
Box 942874 Mail Station #41
Sacramento, CA. 94274-0001

FINISHED CONDITION

IN: NOYO RIVER

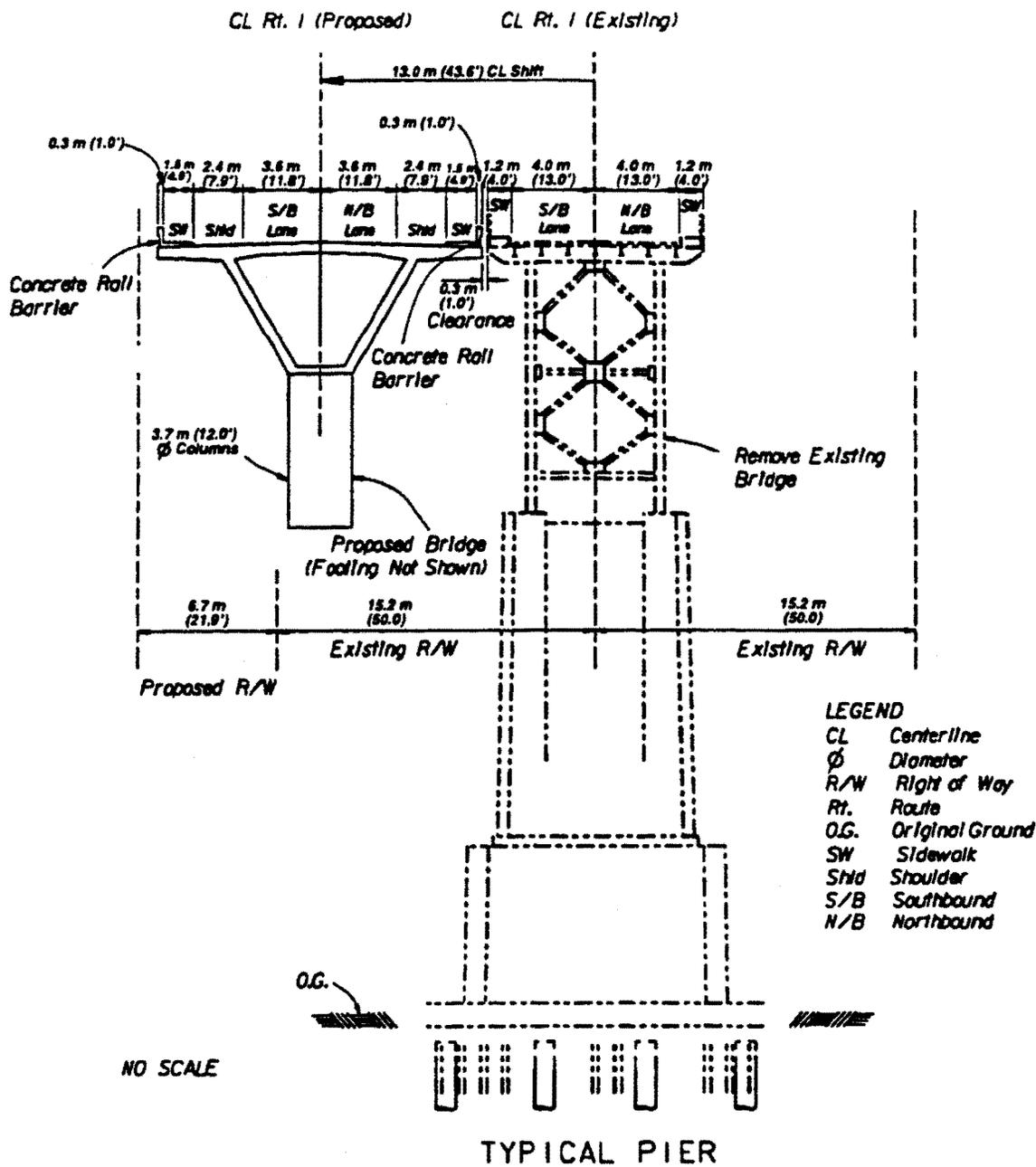
AT: ROUTE 1, PM 60.2

COUNTY OF: MENDOCINO

APPLICATION BY: CALTRANS

SHEET 11 OF 11 PREPARED 9/24/98

EXHIBIT NO.	22
APPLICATION NO.	1-98-100/A-1-FIB-99-06
Proposed Project Piling and Footings	



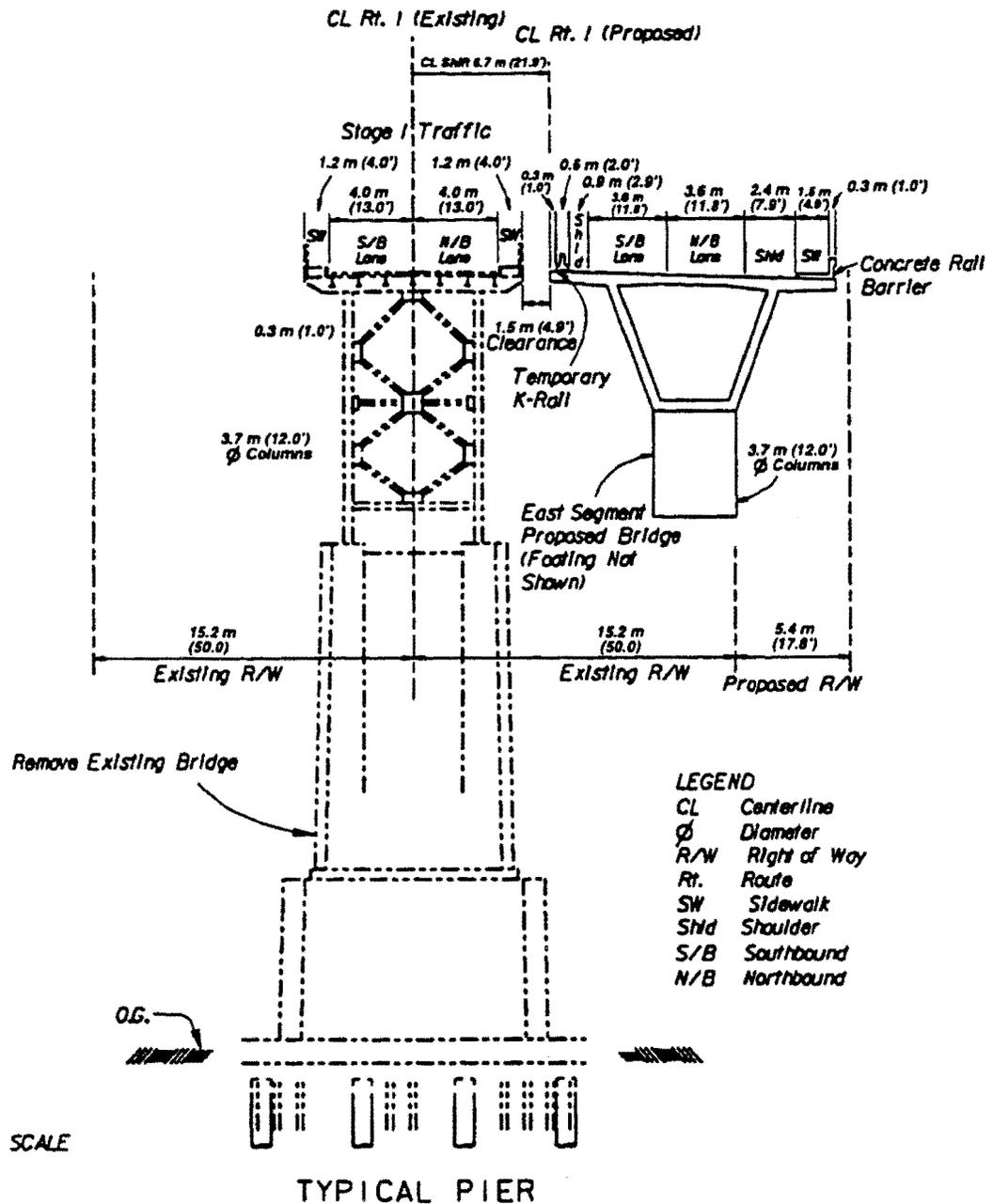
**ALTERNATIVE 1b: TWO LANE
CAST-IN-PLACE CONCRETE BOX GIRDER BRIDGE**

Build two lane bridge to the west side of existing structure

Alternative 1b rejected because it:

1. Requires the acquisition of 6.7 m (21.9') or R/W on the west side of the bridge;
2. Conflicts with the proposed State Route 1 (Main Street) improvement project, and;
3. Would result in an unacceptable delay in the completion of the Noyo River Bridge replacement.

EXHIBIT NO.	23
APPLICATION NO.	1-98-100/A-1-ETB-99-06
ALTERNATIVE 1	



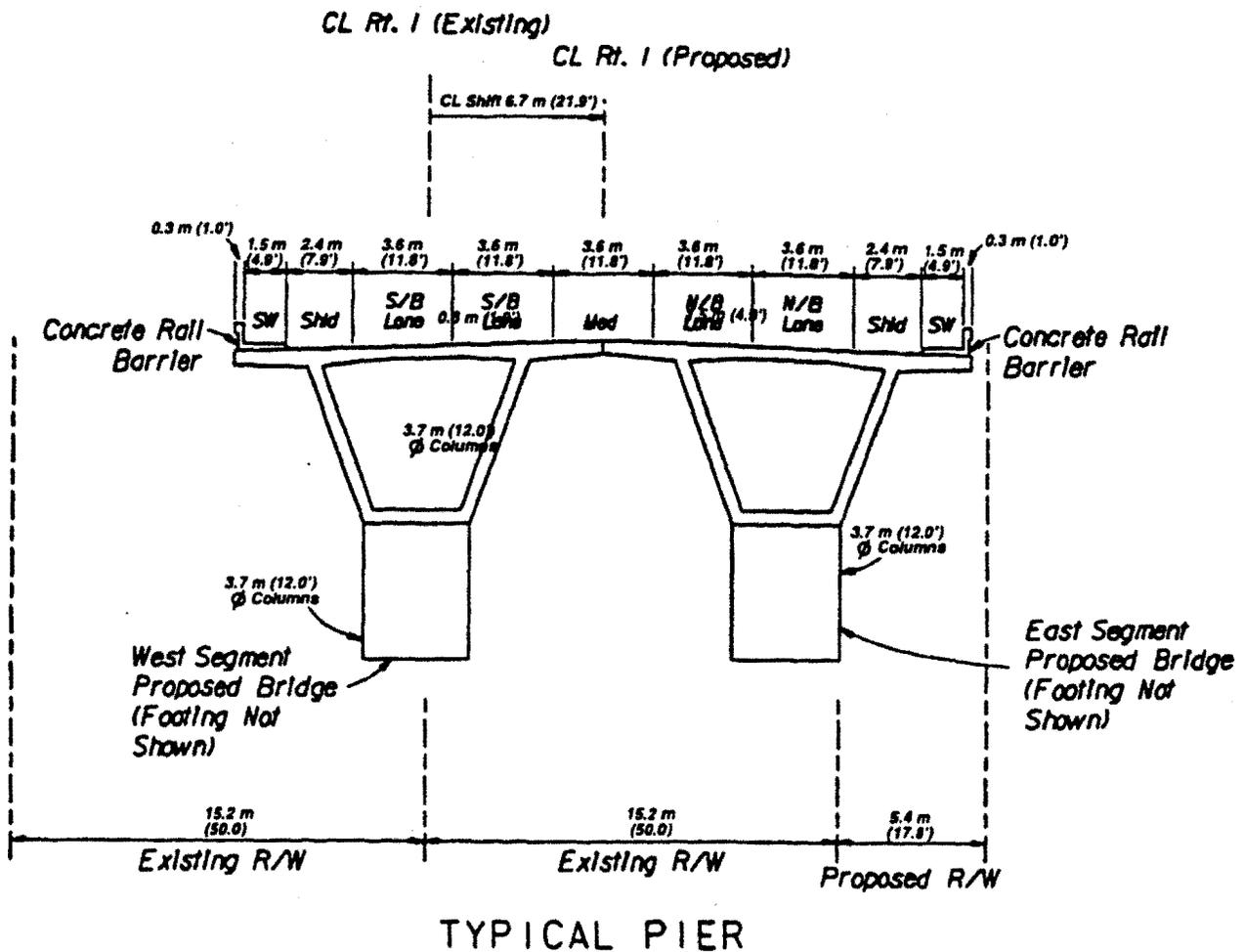
**DESIGN VARIATION: TWIN LANE
CAST-IN-PLACE SEGMENTAL BOX GIRDER BRIDGE**

Stage One: Build a two lane bridge east of the existing structure

Design Variation rejected because it(s):

1. Pier footings interfere with the existing footings.
2. Requires the bridge alignment to shift 6.7 m (21.9') to the east.

EXHIBIT NO.	24
APPLICATION NO.	1-98-100/A-1-FTB-99-06
ALTERNATIVE 2	DESIGN VARIATION



TYPICAL PIER

LEGEND	
CL Centerline	Med Median
∅ Diameter	SW Sidewalk
R/W Right of Way	Shld Shoulder
Rt. Route	S/B Southbound
	N/B Northbound

NO SCALE

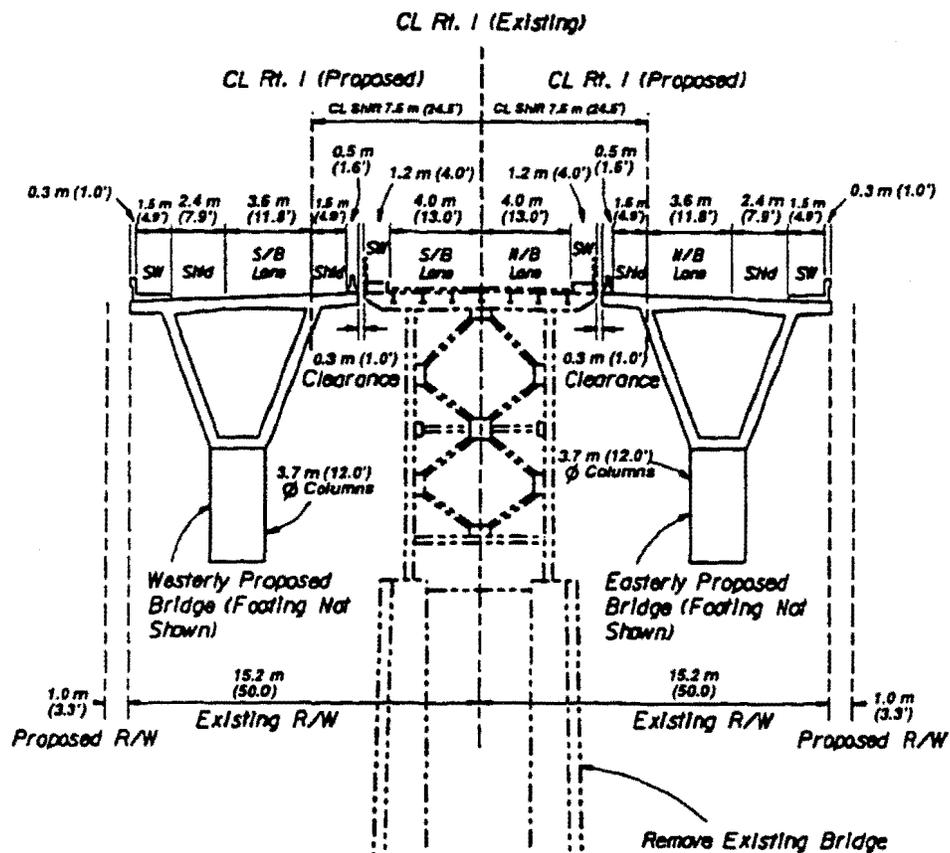
DESIGN VARIATION: TWIN LANE CAST-IN-PLACE SEGMENTAL BOX GIRDER BRIDGE

Stage Two: Reroute traffic onto east bridge segment,
dismantle existing bridge, and build western gridge segment

Design Variation rejected because it(s):

1. Pier footings interfere with the existing footings.
2. Requires the bridge alignment to shift 6.7 m (21.9') to the east.

EXHIBIT NO. 25
APPLICATION NO. 1-98-100/A-1-FIB-99-06
ALTERNATIVE 2 VARIATION COMPLETED CONFIGURATION



NO SCALE

- LEGEND**
- CL Centerline
 - ∅ Diameter
 - R/W Right of Way
 - Rt. Route
 - O.G. Original Ground
 - SW Sidewalk
 - Shd Shoulder
 - S/B Southbound
 - N/B Northbound

TYPICAL PIER

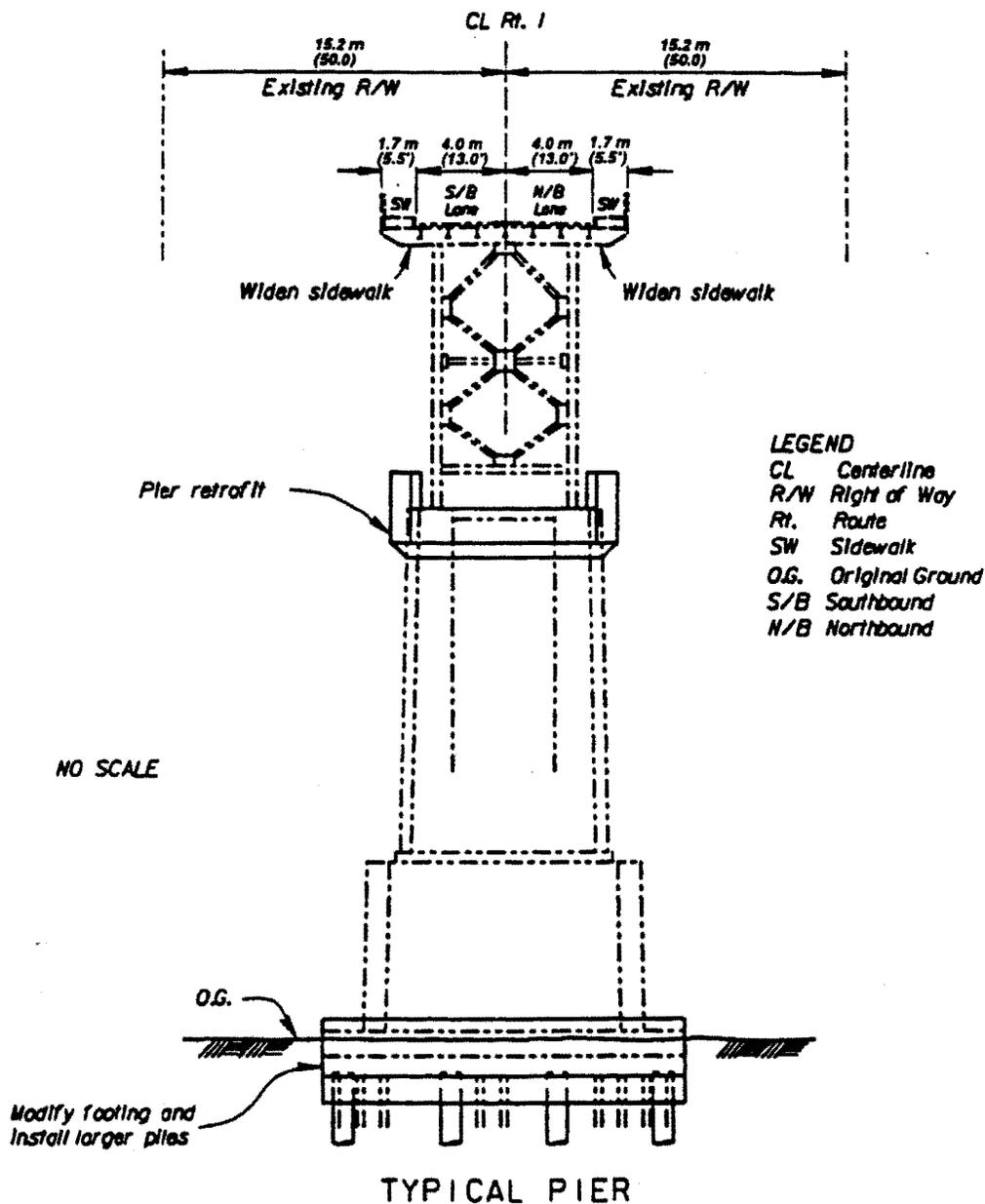
**ALTERNATIVE 3: TWIN SINGLE LANE
CAST-IN-PLACE CONCRETE BOX GIRDER BRIDGE**

Build two single lane bridges on both sides of the existing structure

Alternative 3 rejected because it:

1. Requires the acquisition of 1.0 m (3.3') or R/W on each side of the bridge, except no R/W is required at the southwest abutment;
2. Conflicts with the proposed State Route 1 (Main Street) improvement project, and;
3. Would result in an unacceptable delay in the completion of the Noyo River Bridge replacement.

EXHIBIT NO.	26
APPLICATION NO.	1-98-100/A-1-FIB-99-06
ALTERNATIVE 3	



ALTERNATIVE: SEISMIC RETROFIT OF EXISTING BRIDGE

Widen, paint, and perform seismic retrofit of existing bridge

Alternative rejected because it:

1. Would result in escalating maintenance costs.
2. Is functionally obsolete.
3. Would need replacement in 20 years.

EXHIBIT NO.	27
APPLICATION NO.	1-98-100/A-1-FTB-99-06
ALTERNATIVE 6	

FEB-17-1999 17:36 FROM DIST 3 SAC AREA OFFICE TO 914159045400 P.02

Summary of fills for CCC						Date: 2-17-99						
Alternative	Footing Excavation		Pile Excavation/Fill		Footing Concrete (excl. piles)		Construction Trestle (piles only)		Falsework Piles		Concrete Removal	
	Area	Volume	Area	Volume	Area	Volume	Area	Volume	Area	Volume	Area	Volume
	SF	CY	SF	CY	SF	CY	SF	CY	SF	CY	SF	CY
2-Ln Br either side	3200	2200	500	1500	3100	1500	750	1100	1300	2000	500	210
Proposed Project	4800	3200	700	2200	4600	2200	1000	1500	2000	3000	500	210
1-Ln Br each side	4800	3200	700	2200	4600	2200	1000	1500	1600	2400	500	210
Design Variation (CIP Segmental)	4800	3200	700	2200	4600	2200	800	1200	200	300	500	210
Retrofit Existing Bridge	3300	1250	60	250	2650	800*	600	1000	0	0	0	0
Design Variation (steel)	No impacts analyzed. Rejected due to cost and maintenance problems.											
Arch Structure	No impacts analyzed. Rejected due to cost.											

Rip Rap - 50 cubic yards, 600 square feet - would apply to first four alternatives above
 *Includes pile quantities

FEB-17-1999 17:36 FROM DIST 3 SAC AREA OFFICE TO 914159045400 P.01

Jack,

Per your request attached is the corrected table showing the fill impacts. Please disregard item number 3 of the letter that was previously sent to your office on February 4, 1999. The calculations erroneously included pier 3 (land pier) in the calculations. The corrected table is attached.

Per your other concern regarding the process of approving a rail design, it usually take about 2 years for approving a bridge rail design.

If you have any questions, please call me at (916) 324-5829.

EXHIBIT NO. 28
APPLICATION NO.
PERMIT 1-98-100
APPEAL A-1-FIB-99-06
EXCAVATION AND FILL
AMOUNTS OF ALTERNATIVES

TOTAL P.02

EXHIBIT NO. 29.

APPLICATION NO.

PERMIT 1-98-100

APPEAL A-1-FTB-99-06

MITIGATION SITE

TRW+REDI
1-800-345-7334

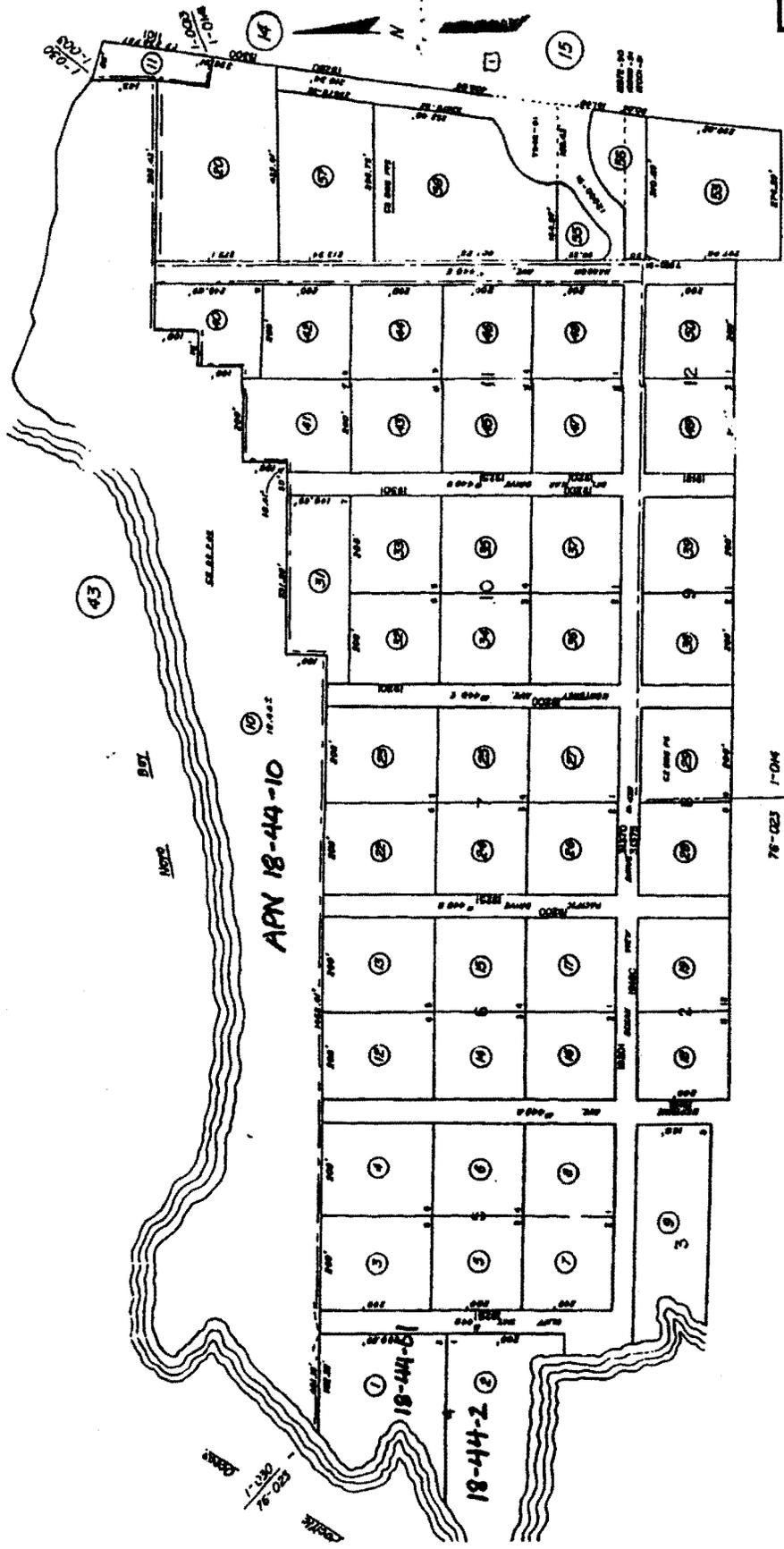


SCALE IN 1/16 OF AN INCH

Por of Sec 13 T18N R18W M D B B M
TODD SUBDIVISION

1-003
76-023
014
1-030

18-44



Assessor's Map
County of Mendocino, Calif.
March, 1974

NOTE: This map was prepared for
information purposes only. Its liability
is assumed for the date indicated.

45

Dan Gjerde

158 N. Sanderson Way
Fort Bragg, CA 95437
FAX: (707) 964-4312

California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

February 16, 1999

EXHIBIT NO. 30

APPLICATION NO.

PERMIT 1-98-100
APPEAL A-1-FTB-99-06

COUNCIL MEMBER
DAN GJERDE LETTER

Dear Commissioners:

As one of the four Fort Bragg city council members who voted for Caltrans' Noyo Bridge CDP 24-98, I would like to share with you my personal thoughts regarding Commission Appeal No. A-1-FTB-99-006 and its sister hearing for CDP 1-98-100:

1) Please retain the city's condition number two, which Caltrans Regional Director Rick Knapp testified he supported. This condition requires Caltrans to sign an agreement with the city which would only allow additional vehicular traffic lanes on the bridge or on Main Street (Hwy. One) – either through re-striping or construction – if additional lanes are supported by the city council. Director Knapp testified he always seeks local support for such changes anyway, but this agreement will give local residents at least some level of assurance that they will have the ability to control traffic and growth in the future.

2) If Caltrans' claim that it is under a tight deadline is true, then I would prefer an off-site mitigation over significant alterations to the bridge.

I read with interest local news reports that Coastal Commission staff has concerns similar to those expressed by several, though certainly not all, Fort Bragg Planning Commission and City Council Members: Among other things, that the new bridge would obliterate our most treasured coastal views (practically the only coastal views, from a publicly-owned site) within Fort Bragg.

For the record, I did not propose conditions to alter the bridge because the city was repeatedly told such changes would cause Caltrans to retrofit the existing bridge. Unfortunately, I could not obtain any information to either support or contradict Caltrans' implied threat. This ambiguity revolving around Caltrans' deadlines led me to vote for the permit.

The ambiguity around Caltrans' deadline also leads me to propose this alternative to changing the bridge -- specifically, to require an off-site, off-setting mitigation. If the Coastal Commission can legally require Caltrans to provide for off-site mitigations, my recommendation is that the Commission require Caltrans to appropriate \$2 million for either the Mendocino Land Trust or the City of Fort Bragg to acquire and manage a coastal property for use as a viewing area to offset the visual impacts of the proposed bridge. In my mind, two coastal properties located within city limits stand out which would accomplish this goal.

One is an 18 acre parcel located on the south shore of Noyo River. This bluff-top parcel, number 018-440-10, is included in the Noyo Harbor District's Plan as a site for a pedestrian trail and for

a public parking lot. The property is currently undeveloped, but people nonetheless drive their vehicles onto its dirt "roads" to view harbor activities.

The other location is a 37 acre parcel called Glass Beach, which is located across the Pudding Creek Trestle from MacKerricher State Park. Just six blocks from Fort Bragg's Central Business District, Glass Beach is constantly enjoyed by pedestrians. The Mendocino Land Trust, with support from the City of Fort Bragg, is actively fundraising to purchase this land.

By way of comparison, Director Knapp, in his January 13 letter to Mayor Michele White, estimated the paper work alone for a major redesign of the bridge could cost Caltrans \$4 million, two times the amount I am suggesting for an off-site mitigation. Knapp estimated building a true signature bridge could increase construction costs by some \$15 million to \$20 million. Taking this into account, \$2 million for an off-site mitigation would only cost Caltrans approximately one-tenth of what it might need to spend for a signature bridge.

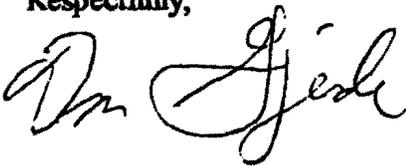
It should also be noted that conditioning an off-site mitigation would in no way delay the construction schedule for the bridge.

And finally, if it would be legal in this case to require an off-site mitigation, I think you should consider this: Adoption of this condition would demonstrate the state government is not exempting its own agencies from the standards which we rightfully hold up for similar, privately-owned developments. Private sector development should be in harmony with our coast; therefore, public sector development should be in harmony with our coast.

I think you should ask your staff what they think. Does your staff believe this project could be subject to off-site mitigations? What does General Counsel Ralph Faust or Deputy Attorney General Joe Rusconi think?

Again, these are my personal observations. Thank you for your time, and good luck on your deliberations.

Respectfully,



Dan Gjerde
Fort Bragg City Council Member

attachments: Information from the Noyo Harbor Plan
Information from the Feb. 1, 1999 Administrative Draft
of Fort Bragg's new General Plan
Information about Glass Beach, a Fort Bragg coastal property
Rick Knapp's Jan. 13 letter to Mayor Michele White

cc: Jack Liebster, Coastal Program Analyst
Michele White, Mayor of Fort Bragg



CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin St.
Fort Bragg, CA 95437
FAX 707-961-2802

RECEIVED

JAN 28 1999

CALIFORNIA
COASTAL COMMISSION

**NOTICE OF FINAL ACTION
ON COASTAL DEVELOPMENT PERMIT**

CDP 24-98

The following project is located within the Coastal Zone of the City of Fort Bragg. On January 26, 1999, final action was taken by the City on the following application:

ASSESSOR PARCEL NUMBER: Noyo River Bridge, City of Fort Bragg
APPLICANT: Department of Transportation (Caltrans)
MAILING ADDRESS: John Webb (California Department of Transportation)
P O Box 942874, MS41
Sacramento, CA 94274-0001

DESCRIPTION AND LOCATION: The project proposes to replace the State Route 1 Noyo River Bridge with a 26.4 m (86.6 ft) wide, 266.7 m (875 ft) long, Triple Cast-in-Place (CIP) Concrete Box Girder bridge. Temporary construction of falsework and trestles will be required in the construction of this new bridge. The proposed bridge will accommodate four 3.6 m (12 ft) lanes, a 3.6 m (12 ft) median, 2.4 m (8 ft) outside shoulders with 1.8 m (6 ft) sidewalks placed on both sides; Noyo River Bridge; City of Fort Bragg

Application File Number(s): CDP 24-98, filed November 16, 1998

Action was taken by the Fort Bragg City Council

ACTION: Approved Denied Approved with conditions

See notification attached, and hereby made a part of this notice for the full findings and decision.

This project is: Not appealable to the Coastal Commission.

XX Appealable to Coastal Commission pursuant to Public Resources Code Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within ten working days of Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission District office.

DeeLynn R. Carpenter, CMC
City Clerk

cc: Permit file
Applicant
Coastal Commission

EXHIBIT NO. 32
APPLICATION NO. 1-98-100/A-1-FTB-99-06
CITY OF FORT BRAGG NOTICE OF FINAL ACTION
(1 of 3)



CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin St.
Fort Bragg, CA 95437
FAX 707-961-2802

PERMIT STATUS NOTIFICATION

This document constitutes notification of the decision as indicated below. If you have any questions, please contact Scott Cochran, Planning Director, or Betty Partridge, Administrative Assistant at City Hall.

SUBJECT

CDP 24-98; Department of Transportation (Caltrans); Noyo River Bridge; City of Fort Bragg; The project proposes to replace the State Route 1 Noyo River Bridge with a 26.4 m (86.6 ft) wide, 266.7 m (875 ft) long, Triple Cast-in-Place (CIP) Concrete Box Girder bridge. Temporary construction of falsework and trestles will be required in the construction of this new bridge. The proposed bridge will accommodate four 3.6 m (12 ft) lanes, a 3.6 m (12 ft) median, 2.4 m (8 ft) outside shoulders with 1.8 m (6 ft) sidewalks placed on both sides.

DECISION

*Moved by Melo, seconded by Peters, to reverse the Planning Commission decision of December 30, 1998, and approve CDP 24-98 and adopt the Negative Declaration, based on the current Caltrans design, with the following findings and conditions:

COASTAL DEVELOPMENT PERMIT FINDINGS

1. Project is not located within an environmentally sensitive habitat area. The Negative Declaration, with its Mitigation Measures, will not have a significant impact on an environmentally sensitive habitat.
2. The project development is in conformity with the certified Land Use Plan of the City of Fort Bragg's Local Coastal Plan. The project, with its improvements, will improve the level of service for traffic circulation which is consistent with the City's Local Coastal Plan. Such consideration is addressed in Sections II.1 and XV.D.2. of the Land Use Plan of the Local Coastal Plan.
3. The proposed use is consistent with the intent and purpose of the zoning district in which the property is located. The project is not in a specific zoning district and is not subject to the zoning ordinance; therefore this finding is not pertinent.
4. Approval is necessary to protect a substantial property right of the applicant. Not applicable.
5. Approval will permit a use which will be compatible with other uses in the area, and which will not be detrimental to other uses, rights or properties in the area. The use is existing and will continue in the same manner although expanded in physical size. Improvements are necessary for both the existing and future bridge safety, bridge maintenance and traffic circulation within the City limits providing access and service to uses on both sides of the river in keeping with pending roadway improvements as well as along the Highway 1 corridor along this section of the coast.
6. The proposed use is one of the specifically enumerated uses allowed in the zoning district specified. The use is not in a specified zoning district per se. It is the right of way of State Route 1 and a bridge has been and will continue to be required for the crossing of Noyo River.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will enhance general traffic flow and public access through the Highway 1 corridor in the Fort Bragg area in support of access to various features along this part of the coast. The project provides and supports public access under the structure itself by preserving access along the north side of the Noyo River and to the beach and related parking area.

And as per FBMC Section 18.61.028.

8. Minimizes alteration of natural landforms. As stated in the environmental evaluation, the proposed project will not destroy, cover, or modify any unique geologic or physical features.
9. Be visually compatible with the character of the surrounding area. Caltrans has incorporated design enhancements to make the bridge more visually compatible with the character of the surrounding area. These include:
 - decorative pedestrian lighting on the bridge
 - an improved bridge rail with see-through windows
 - all the parts of the bridge are well integrated into the design, producing an aesthetically pleasing design
 - the angled face of columns will reflect different shades, enhancing a slender impression

ADMINISTRATION/ENGINEERING
(707) 961-2823

FINANCE/WATER WORKS
(707) 961-2825

ECONOMIC/COMMUNITY DEVELOPMENT
(707) 961-2828

- the use of shadows running parallel with the girder, plus the use of flared soffits, complements the impression of thinness
 - the parabolic haunches (connection of superstructure to piers) were enlarged, which further increases structure depth at the piers to produce a pleasing arched effect
 - It will also tie directly in to the approved road widening projects on both sides of the bridge
10. Be sited and designed to protect views to and along the ocean and scenic coastal areas. A more slender structure than the existing bridge, views toward the ocean from the harbor area will be improved and views from the bluff at the north of the Noyo River and Noyo Point will not be degraded. Improved availability of access to pedestrians, bicyclists and the handicapped will enhance opportunities to enjoy the views of the river, bluffs, and oceans.
11. Wherever feasible, restore and enhance visual quality in visually degraded areas. The slender design of the bridge improves views toward the ocean or harbor and does not visually degrade the visual quality of the area.

NEGATIVE DECLARATION FINDINGS

Based on the content of the Initial Study/Environmental Assessment as prepared by the State of California Department of Transportation and the Federal Highway Administration and dated November 1998, including the Negative Declaration (CEQA) dated November 24, 1998, it is found that, with the mitigation measures as prescribed, the proposed project will not have a significant adverse effect on the environment and that the following findings are true:

- A. The project will not have the potential to degrade the quality of the environment.
- B. The project will not achieve short-term, to the disadvantage of the long-term, environmental goals.
- C. It will have no impacts which are individually limited, but cumulatively considerable.
- D. It will not cause substantial adverse effects on human beings, either directly or indirectly. (Section 15082, CEQA Guidelines).

CONDITIONS

- 1. All Mitigation Measures in the Negative Declaration shall be conditions of this Coastal Development Permit.
- 2. Caltrans will sign an agreement that in the future the bridge will not be widened to 6 travel lanes nor will other widening be initiated in the City unless approved by the Fort Bragg City Council seated at that time.

VOTE: Ayes: Councilmembers Malo, Gjerde, Peters, and Mayor White.
 Absent: Councilmember Benedetti."

Local appeal process and fee schedule: The project is under the appeal authority of the California Coastal Commission. An appeal to the Commission may be filed after the exhaustion of the local appeal process and within 10 days of Coastal Commission receipt of the Notice of Final City Action (FBMC 18.61.064 & 065).

DECISION BY:

Fort Bragg City Council

NOTIFICATION MAILED TO:

John D. Webb, Department of Transportation, P. O. Box 942874 MS-41, Sacramento, CA 94274-0001

DATE OF DECISION:

January 26, 1999

DATE OF MAILING:

January 28, 1999

COPIES OF NOTIFICATION MAILED TO:

- cc: County Building Inspector (2)
 Permit File
 Deputy City Administrator/City Clerk
 City Administrator
 Coastal Commission
 Fort Bragg Fire Department

II.

2. Application of California Department Of Transportation to replace the State Route 1 Noyo River Bridge with a 86.6 ft.wide, 875 ft.-long, triple cast-in place (CIP) concrete box girder bridge. Temporary construction of falsework and trestles will be required in the construction of this new bridge. The proposed bridge will accommodate four 12 ft lanes, a 12 ft. median, 8 ft outside shoulders with 6 ft sidewalks placed on both sides. The total estimated cost of the proposed project design, Triple Cast-in-Place Concrete Box Girder Bridge is \$24 million. The first stage of the project will be construction of two one-lane bridge pieces on each side of the existing bridge. Traffic will then use these structures while the existing bridge is dismantled, and wide concrete box girder structure is built between them and connected to the outside pieces (2) installing approximately 224 temporary piles taking up approximately 2000 sq. ft. of the Noyo River waterway during construction, (3) constructing an approximately 30,000-square-foot temporary trestle for construction access, (4) removing temporary construction access improvements, (5) mitigating for the permanent loss of channel bottom by excavating approximately 100 square feet of creek bank to expand the channel.

3. Highway One Noyo River Bridge within the City of Fort Bragg, Mendocino County.

Section IV

1. Visual Resources

The Fort Bragg LUP Policy XIV-1 states that new development within the City's coastal zone shall be sited and designed to protect views to and along the ocean, be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. In introducing this policy, the LUP cites Coastal Act Policies 30106, 30251, and 30253 (Exhibit 1), and states: "along Highway 1 the City's Scenic Corridor Design Review system should be used to implement this Coastal Act Policy," thereby incorporating these Coastal Act policies as certified LCP policies.

LUP Policy XIV-3 states that " the views from the bluffs at the mouth of Pudding Creek and the Noyo River shall be protected."

As incorporated into the LCP, the Scenic Corridor Combining Zone, Section 18.58.05 (C) states that a structure shall be so designed that it, in general, contributes to the character and image of the City as a place of beauty, spaciousness and balance; that the exterior design and appearance of the structure is not of a quality or scale so as to cause the nature of the neighborhood to materially depreciate in appearance and value; and that the structure is in harmony with proposed adjacent development in the area and the Scenic Corridor Zone and in conformity with the LCP.

EXHIBIT NO. 33
APPLICATION NO. 1-98-100/A-1-ETB-09-06
APPEAL OF COASTAL COMMISSIONERS ARELAS & RILEY

Zoning Code Section 18.61.028 (Coastal visual resources and special communities) states that permitted development within the coastal scenic corridor shall minimize the alteration of natural landforms, be visually compatible with the character of the surrounding area, be sited and designed to protect views to and along the ocean and scenic coastal areas, and, wherever feasible, restore and enhance visual quality in visually degraded areas.

The project as approved by the City of Fort Bragg would be a massive construction, nearly three times the width of the existing Noyo Harbor Bridge and more representative of a congested, heavily urbanized central-city area than the eclectic, unpretentious small-scale charm of Noyo Harbor. Noyo Harbor is enjoying a growing attraction as a visitor-serving destination. It would be very visible from the restaurants and other viewing spots in the harbor, as well as views from the recreational areas along and at the mouth of the Noyo River where it meets the sea. The thick horizontal beams and wide vertical supports of the so-called "see-through" concrete barrier also could diminish the views to and along the coast afforded by the current bridge (one of the few places in the City where the ocean is visible from Highway 1). For these reasons the appellants contend that the project as approved requires careful review for its potential impacts and inconsistencies with LUP Policy XIV-1, Scenic Corridor Combining Zone Section 18.58.05 (C) and Zoning Code Section 18.61.028.

2. Alteration of Landforms and Erosion:

Policy VI-5/XI-2 addresses the alteration of bluffs as follows:

The alteration of cliffs, bluff tops, faces or bases, and other natural land forms shall be minimized in the Coastal Zone, and especially in runoff ("RO") special review areas. Such changes may be allowed only if mitigation measures sufficient to allow for the interception of any material eroded as a result of the proposed development have been provided.

Policy VI-6 provides:

Erosion Near the Noyo Bridge. The State Department of Transportation should correct the erosion problem occurring on the bluff along and underneath the Noyo Bridge...

As discussed above, the LCP's chapter XIV incorporates Coastal Act Policies 30106, 30251, and 30253, and states: "the other major area where such policies are important is along the bluffs at the Noyo River area....special review procedures set out in this document for bluff and riparian vegetation and minimizing the modification of natural land forms should be sufficient to preserve the aesthetic values in that area."

Taken together, these provisions of the LCP require minimizing the modification of natural land forms, especially in the Noyo River area. The massive modifications to the

Noyo River bluffs that would occur by tripling the width of the Noyo Bridge as approved by the City of Fort Bragg raise a potential conflict with these policies.

3. Public Works Capacity

The project as approved will significantly increase highway capacity by doubling the number of lanes on Highway 1 in this area. Widening the bridge is directly related to planned road capacity expansions south of Noyo River, although these projects were piecemealed, and not treated as a single development. Regarding road capacity in this area, the LCP calls for "a detailed highway improvement study for this area," and states that "to implement the specific design proposals produced in that study, development in the area should be called upon to pay a portion of the circulation system improvements needed."

The fact that no such arrangement for shared funding of the costly highway capacity improvements by potential developers has been approved raises a potential conflict with the LCP. Further, cost-sharing as required by these provisions of the LCP might improve the financial feasibility of alternatives more consistent with LCP policies, and should be considered before the project is finally approved.

4. Significance of the Development

In previous decisions on appeals, the Commission has been guided in part by the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; and whether the appeal raises issues of regional and statewide significance. Each of these criteria warrant a determination of substantial issue in this case. The extent and scope of the proposed bridge development is major not only because of its massive scale and significant affect on the character of the area, but also because it will be a landmark physical feature of this part of the coast for decades to come. It would impact the significant coastal visual resources of Noyo Harbor, which is growing in importance as a visitor-serving coastal destination. The riparian habitat and riverbed to be displaced to accommodate the widened bridge also are significant coastal resources affected by the decision to approve this development. Finally, the approved bridge design raises not only local issues, but issues of regional and statewide significance. Highway 1 is specifically identified in the LCP and Coastal Act as especially important to the character of the coast. The law recognizes what all coastal visitors know: that driving Highway 1 is a distinct and special coastal experience. The LCP and Act do not require that the Highway be maintained as a two lane road in the urban area of Fort Bragg, but neither can the character of this segment of the Highway be divorced from the overall experience of California's signature coastal road. Each section of the road is integral to the regional and statewide fabric that makes driving Highway a recreation and visitor attraction in and of itself. Proposing to change the character of the road in one area has regional and statewide significance that raises a substantial issue.

G/NK/J/Noyo Bridge Appeal

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

THE PROPOSED BRIDGE IS NOT IN CONFORMITY WITH THE
PROVISIONS OF THE FORT BRAGG MUNI. CODE (ADOPTED AS PART OF THE LCP)
SECTIONS 18.61028, B.2, 3+4, LCP POLICY XIV-3, XIVc.(2), and
CEQA SECTION 15082 (GUIDELINES)

SEE ATTACHED LETTER (43 pages)

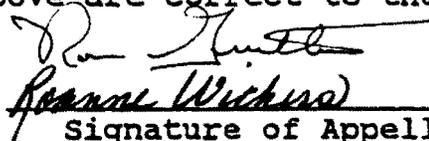
Appeal by fax (415) 357-3787

HARD COPY BY MAIL 2-4-99

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or
Authorized Agent

Date 2/3/99

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of A

Date _____

EXHIBIT NO. 34

APPLICATION NO.
1-98-100/A-1-FIB-99-06

APPEAL OF SIERRA CLUB
MENDOCINO LAKE GROUP &
FRIENDS OF FORT BRAGG

Attachment
Section IV. Reasons Supporting Appeal
Sierra Club Mendocino/Lake Group
Friends of Fort Bragg

Members of the Coastal Commission,

Since the Caltrans Noyo River Bridge replacement was introduced to the small coastal community of Fort Bragg (6,000 pop.) in the latter part of 1997 there has been little communication by Caltrans as to the size, scope and design of its Noyo Bridge replacement project. Heretofore, the community has consistently been told by Caltrans that the Noyo Bridge would never be replaced in most of our lifetimes. A Caltrans evaluation conducted a few years before stated the bridge was safe.

Fort Bragg is primarily a low-income working class community (40% of its population has an income below federal poverty level according to the 1990 census) that cannot take time from work to participate in many of its local government meetings. At the time, (1997) the KDAC radio station which produced a daily community call-in talk show and the *Fort Bragg Advocate News* were the two primary sources of information for this community. (As of 1998 KDAC is no longer a daily community talk radio station.)

In the later part of 1997, the Noyo Bridge Project Manager, Karen Tatman, was interviewed on KDAC about the bridge replacement project. She discussed the bridge replacement as if it were a "done deal". While we do not necessarily expect Caltrans to educate the public on its rights under a participatory democracy (though we think it should), we do expect Caltrans to tell the public what type of permits it needed to receive, and environmental review that needed to occur, before it could honestly tell the public the project really was a "done deal". This would at least inform some that indeed, democracy was alive and the community had some say in its future.

I (Roanne Withers), as one of a handful in this community who understand state law on such projects, was so appalled at the deliberate misleading and chilling of the public's participation by Tatman during this show that I called the radio station (during the show) and asked her if CEQA review had been completed. She responded that the project wouldn't need CEQA review. I then called the Caltrans number for information in Sacramento listed on its Web site and complained about her intentional misleading of the public on this matter. Within five minutes of hanging up, I received a call from Caltrans North District Office assuring me that all environmental review would be done and permits would be obtained. I knew this. However, the listening public was left with impression that, in fact, the proposed bridge was a done deal and it had no voice in the matter.

While Caltrans did publish notices of its two public meetings in the *Fort Bragg Advocate News*, it never included pictures of the proposed bridge in the local newspaper for the public to see. At its CEQA scoping session (which Caltrans calls a public hearing) all of 4 or 5 people showed up. The notice was buried in such bureaucratic language that I doubt that anyone other than the most sophisticated in governmental procedure could even interpret what the notice meant. Caltrans interprets this as "the community liked the bridge".

In a late summer/early fall of 1998 presentation to the then Fort Bragg City Council, Caltrans never displayed pictures before this City Council (that the public could see) when it informed the City of its financial obligation for water and sewer infrastructure when the bridge was replaced. While Friends of Fort Bragg and Sierra Club Mendocino/Lake Group were sent copies of the draft EIR, we (and no other member of the public that we know of) were never sent a copy of the Visual Assessment Study.

Finally, due to a handful of people who took the time to raise a concern about the size and design of the bridge in "Letters to the Editor" in the *Fort Bragg Advocate News*, 60 to 100 people did attend the Caltrans presentation in September 1998 from 3 to 8 pm (or so). There I discover one copy of the Caltrans Visual Assessment Study lying on the floor near some boxes. This was the first time I was aware of a visual comparison study of what would not be visible with the new bridge. I was astounded. No one else at this "hearing" was given this information in the misleading visual diagrams displayed by Caltrans on the wall.

Caltrans orchestrated this "hearing" by having a dozen or more of its staff stationed in various places in the room with some rather technical displays that gave almost no perspective of the bridge as compared to its surroundings. The public could walk around and discuss its concerns with individual staff members, each of which gave varying responses depending on their area of expertise. This effectively isolated the public concerns from each other and disappeared them into a void, except for a handful who began to write community forum articles for the paper trying to provide the size and design information in terms that the public could understand. I know for a fact that the majority of public comment (Caltrans had comment sheets available which were put into a box) was that of outrage. I stood at the comment table for several hours and talked with folks writing their concerns. Caltrans never mentions the negative feedback they received, stating only "the public participated".

In November of 1998, a new majority of "reform" Fort Bragg City Council members were elected. Each had expressed to us their concerns about the bridge design before the election. In December, their newly appointed City of Fort Bragg Planning Commission heard testimony regarding the bridge. Ms. Tatman had family obligations and could not attend. The Caltrans representative in attendance could not answer the Planning Commissioners' many questions about design features and options, including a wider sidewalk for wheelchair access. Given no choice and lacking any information from Caltrans other than "this is it", the Planning Commissioners denied (4-0) the Coastal Development Permit for the bridge based on its size and design as "out of character with its setting". The Commissioners were supportive of the four lanes for traffic. No objection to the four lanes was raised by the public. As I listened to the Planning Commissioners they were excited about the opportunity to work with Caltrans on the bridge at the beginning of the hearing. By the end of the hearing they dismayed and visibly upset that their questions and very important concerns could not even be minimally addressed by Caltrans.

Somehow it became the notion in town that Caltrans was not going to replace the bridge at all and intended to simply retrofit the existing 2 lane bridge if, on Caltrans' appeal, the City Council delayed its approval on design considerations. Developers, who stand to gain from decreased traffic mitigation costs for their proposed developments based on the expansion of the bridge to four lanes, became concerned that the bridge would indeed remain two lanes if the Council had design concerns. They added the frightening specter of an earthquake destroying the existing bridge leaving the town stranded, and began

to circulate petitions for people to sign "supporting the bridge". There was an outcry from the public who thought that a new bridge would be lost altogether and the current bridge was dangerous to cross. Petitions were gathered with nearly 1000 signature based on this incorrect information and turned in at the City Council hearing.

We were able to ascertain that the bridge funding would not disappear and encouraged City Council members to confirm this with Karen Tatman before the hearing. Mayor Michele White then explained at the City Council hearing that the appropriation was not at risk. However, Rick Knapp, District Director from Caltrans stated at the hearing that he personally would lobby in Sacramento for denial of the appropriation for a four lane bridge and request only an appropriation for a retrofit of the existing two lane bridge if the Council delayed based on design considerations.

Under this outrageous threat combined with Caltrans' deliberate orchestration of dysfunctional public "hearings" and its disinformation campaign the City Council members had no choice but to approve the bridge as designed. (We will forward a copy of the video tape of this meeting if you or your staff desires.) This small community of 3,000 voters carries little weight in the machinations of state government. Our Planning Commissioners and City Council members are, in essence, lay person volunteers and not well versed in the ways of the enormous and well financed state bureaucracy like Caltrans. Caltrans engaged in brute bureaucratic tyranny of this little town at every opportunity.

Sierra Club Mendocino/Lake Group and Friends of Fort Bragg do not oppose a four lane bridge. However, we have a great concern about the massive design of the proposed bridge which is above and beyond that needed for vehicle, safety, and pedestrian use. We have a very great concern about the sheer ugliness of the bridge and the impact of this monstrosity on this small rural community. Details that were overlooked by Caltrans throughout the process (because it never did conduct a real hearing on the project) such as lighting on the bridge, real wheelchair accessibility, and other design options were added at the last minute at the City Council hearing. The public then never did have an opportunity to address the new lighting as revealed for the first time in graphic form at the City Council hearing. The lighting is too much and must be reviewed for its danger and blinding impact on boats entering and leaving the harbor at night and vehicles coming from a dark unlit rural Highway 1 into a massively lit area with no time for the eyes to adjust.

— Allow us to say just a word for the extraordinary night sky and stars which will disappear along with day time views of the ocean and harbor, all of which have historically connected the locals and visitors alike to the natural surroundings of this small community. The freeway overpass style of bridge will sever this connection forever. Losing this last vestige of view within the town's limits will condemn the once unique Fort Bragg to become an urban "anywhere". What a tragedy in the making. —

Since so much of the proposed bridge was changed and added to at the last minute in terms of impacts (lighting for example), and the City's Planning Commission did not have an opportunity to work with Caltrans on its design concerns based on the absence of Project Coordinator Karen Tatman at its hearing, we believe that another period of review will do no harm, but will allow many mistakes to be worked out beforehand. Mistakes corrected before they happen will assist in protecting the interest of taxpayers as well.

Our request is that if the Commission thinks that it cannot outright deny this travesty called a bridge then at the very least, the Coastal Commission can send the project back to the City of Fort Bragg for further design review by its Planning Commission for a limited period of time. A one year delay in a project which promises unspeakable impacts on this community, impacts that have not been considered but could easily be rectified if given a chance for real review, is not too much to ask.

Sincerely,



Roanne Withers for Friends of Fort Bragg



Ron Guenther, Chair

Sierra Club Mendocino/Lake Group



Koll
Real Estate
Group

September 29, 1997

Mr. Chuck Damm, South Coast District Director
CALIFORNIA COASTAL COMMISSION
200 Oceangate, 10th Floor
Long Beach, CA 90802

RECEIVED
OCT 6 1997

CALIFORNIA
COASTAL COMMISSION

RE: Bolsa Chica Fence Permit -
October 7th Agenda - Item 15A

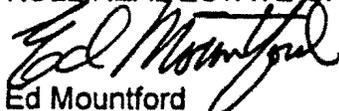
Dear Mr. Damm:

The purpose of this letter is to request a continuance of the Bolsa Chica Fence Permit item to the Commission's November 1997 meeting. It appears more appropriate to consider this permit in view of the Commission's action on the Bolsa Chica LCP on October 9th.

I appreciate your consideration of this request.

Sincerely,

KOLL REAL ESTATE GROUP


Ed Mountford
Vice President

EM:jm





RECEIVED
FEB 23 1999
CALIFORNIA
COASTAL COMMISSION



Fort Bragg Police Department

Richard E. Wiseman

250 Cypress Street
Fort Bragg, CA 95437-5437

Bus: (707) 961-2800
Fax: (707) 961-2806

Chief of Police

February 19, 1999

Steve Scholl – Northern California District
California Coastal Commission
45 Fremont Street
San Francisco, Ca. 94105

Dear Sir:

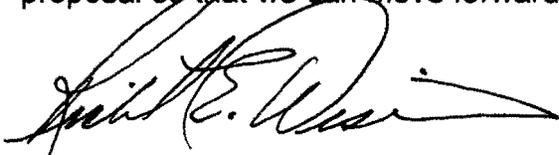
I am writing this letter regarding the Coastal Commissions hearing on the Noyo River Bridge Project. Based upon the present bridges configuration of two traffic lanes I have many Public Safety concerns. I have attached a copy of a letter written to the Fort Bragg City Council which addresses some of those concerns. In addition, I have concerns about the present bridges structural safety over the next many years as well as the funding for our bridge project at the State, Federal and Local governmental levels. The new Noyo River Bridge is badly needed by the community as this is our primary route into the City of Fort Bragg. If the bridge was to collapse or otherwise be designated as unsafe, we would suffer a huge economic loss. This loss coupled with our present economically depressed condition would devastate the City of Fort Bragg's economy both commercially as well as tourist based.

Currently we have public safety concerns over Emergency Vehicle access and other dangerous bridge situations. The Fort Bragg Fire Department, the Police Department, the Sheriff's Office, the California Highway Patrol and the Ambulance Services are also greatly affected by the current Bridge configuration. Having one lane in each direction on a main Highway route is unsafe and inefficient for public safety concerns. I have continually worried about highway access during any emergency situation and the current Noyo River Bridge has been a topic of several Tabletop Emergency exercises for many years. The exercise usually starts off with, "There has been a major earthquake and the Noyo River Bridge has collapsed" or "A Tsunami has just taken out the Noyo River Bridge" etc, etc... This is primarily because the bridge is such a significant main artery for the City of Fort Bragg.

EXHIBIT NO. 35
APPLICATION NO. 1-98-100/A-1-FIB-99-06
CORRESPONDENCE, PUBLIC OFFICIALS

We in the City of Fort Bragg do not need a Signature Bridge or a Bridge that people can look through while driving across it. This within itself creates the possibility of more injury accidents due to people not attending to their driving. We need a bridge that addresses all our Public Safety issues. We should be building this Bridge to address these long needed public safety concerns and not to satisfy those who want a Signature Bridge or may believe the bridge is too large for the City of Fort Bragg. Currently there is no **safe** bicycle access over the bridge or Wheelchair accessible walkways. This remains a liability for the State of California as well as the City of Fort Bragg.

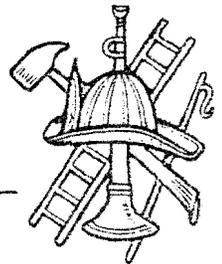
As stated in other letters, I as the Chief of Police feel it is my obligation to address the Public Safety view and it is my hope that you will consider this when voting on this issue. Public Safety responses for all agencies becomes a valid concern with the present bridge. Please help us by voting for this new bridge proposal so that we can move forward with this much needed project.

A handwritten signature in black ink, appearing to read "Richard E. Wiseman", written over a faint, illegible typed name.

Richard E. Wiseman
Chief of Police

FORT BRAGG FIRE PROTECTION AUTHORITY

141 N. Main Street
Fort Bragg, California 95437
(707) 961-2831
Fax (707) 961-2821



WILL PHENIX
Fire Chief

FEB 23 1999

MEMO

To: Steve Scholl, Director,
Northern California District
California Coastal Commission

From: Fire Chief, Will Phenix

Date: 2/19/99

Subject: Noyo Bridge Replacement

This issue has caused a lot of controversy for the past several months. The question is, do we want a bridge now or years from now? I believe Caltrans, who proposed the bridge at its present state, has done a very good job. I believe that safety concerns must be the number one priority on this bridge project: getting people across the bridge and allowing traffic to continue across the bridge without any bottlenecks.

A lot of work has been done in the design of the bridge. The City of Fort Bragg has a minimal amount of money to help out with this project. I think this is the time to go ahead with it as it is and accept that we're no longer going to be able to see the ocean from the bridge. People who want to see the ocean or Noyo Harbor can get out of their vehicles and walk on the bridge to take their pictures, etc. I state again that safety has to be the number one priority. We don't know how long the old bridge is going to last. It is rusting badly. If the "big" earthquake comes, we are going to be isolated here for quite a long time.

To get back to the safety issue, having four lanes and an emergency meridian for safety and emergency apparatus is a vast improvement over what we have now, where if you have a head-on collision it could take up both lanes. We have had calls where we've had to stop traffic for up to an hour to clear an accident on the bridge. Speaking for the Fire Department, we are the ones who do the emergency responses and must deal with extricating people from cars and putting out vehicle fires which result from collisions. Additionally, having eight foot shoulders on both sides will give cars a place to pull over for emergencies such as flat tires.

At the present time, as the fire department approaches the bridge heading south to any emergency, all personnel are advised to turn off their sirens because some people will stop right on the bridge which creates a hazard for everyone traveling on the bridge at the time. Siren/ red light use is resumed when the emergency vehicle is off the bridge.

Continuing with the safety aspects, a driver should be paying attention to the road, and not the scenery, as he passes over the bridge. There have been lots of rear-end accidents on the bridge where someone is looking at the view and the person behind that vehicle is not paying attention and crashes into the back of the first vehicle.

Another aspect is that if people want to see from the bridge, they will be able to walk more safely on the new bridge. It will also allow handicapped people to cross the bridge and enjoy the views; something that isn't possible now. The bridge is not intended to be a "scenic vista point." If people want to enjoy the beauty they can go down to the jetty or out to Todd's Point to see the bay and the ocean from there.

I also want to mention the delays and major inconvenience of trying to cross the present bridge over the 4th of July weekend, with the barbeque and the fire works going on. Traffic is slowed to a virtual standstill for hours. On weekends during the summer, traffic can back up over the bridge. And this is just "regular" traffic.

Speaking as the chief of the fire department, I hope that you will understand the safety aspects for us today and for our future. The replacement will last for many years to come and will get us across the river in a safe fashion, as it is intended to do. I personally find the design in very good taste.

In closing, I hope you will consider the safety aspects, and not the view, in making your decision. Please consider the future of Fort Bragg as far as earthquakes etc., are concerned.



CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin St.
Fort Bragg, CA 95437
FAX 707-961-2802

RECEIVED
FEB 22 1999
CALIFORNIA
COASTAL COMMISSION

February 18, 1999

Steve Scholl
Director of Northern California District
California Coastal Commission
45 Fremont St.
San Francisco CA 94105

Dear Mr. Scholl:

As Director of Public Works, I deal with a wide range of projects and concerns city wide, and one of the main issues is circulation and traffic safety. The Police Chief, City Engineer and myself continuously review traffic and pedestrian circulation and make recommendations and changes that we feel increase the safety of the community. The Noyo Bridge Replacement, is just such a project that can alleviate some of the access and safety concerns within the City of Fort Bragg. Some of the items I see as high priority and could be resolved with the installation of a new bridge are, emergency access, increased traffic circulation, pedestrian access and handicap access on both sides of the bridge. I understand that aesthetics is also a part of this project, but I don't feel it should carry as much weight as these other issues, or be used as a reason to eliminate the replacement project.

City personnel are constantly training for emergency preparedness in the event of some natural disaster, and one of the main topics that always comes up is, will the bridge be there in the event of a major earthquake? This bridge is vital to the community and to replace it with a seismically sound new bridge will eliminate many of the concerns expressed by emergency staff and citizens of the area. Due to the concern for the integrity of the bridge, the City of Fort Bragg acquired funding through MCOG to conduct an alternate access study. This study was to review potential routes east of Fort Bragg for feasibility of access and how they may reduce the traffic load on the Noyo Bridge. As you know, the result of that study recommends replacement of the Noyo Bridge with a wider and seismically designed structure. The City Council directed me, as the MCOG TAC representative, to pursue getting a bridge replacement project included in the State Transportation Improvement Program (STIP) for future consideration and funding. As this process was being undertaken, CalTrans came to the City with the idea of replacing the bridge rather than retrofitting. This was exactly what the Council had wanted, and was exactly what the East Fort Bragg Alternate Access Study recommended.

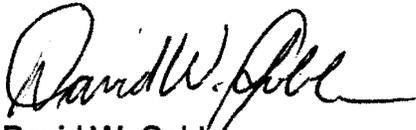
February 18, 1999

I have been involved in the design and review process with CalTrans from the beginning of the project, along with representatives from all utilities and numerous State agencies. All input has been compiled and used to design the most efficient and economical bridge that would best serve the community. Design of a structure like the Noyo Bridge requires the expertise of many design professionals, and no aspect is taken lightly. One of the driving factors for any design, whether it is a bridge or a street, is to provide the best possible design, giving the longest life expectancy, in the most economically way possible for the tax payers. I feel this is exactly what has been done during the design of the new proposed Noyo Bridge.

My biggest concern at this point is with the funding and how any delay or denial of the current project may cause a shift or loss of funds that would eliminate the new bridge project. I will admit that I don't understand all the State funding process, but the design and administrative people that I deal with on a regular basis are concerned about the funding, and have expressed their concern to me as to how any denial of this project would effect the funding. City Staff has developed a very good working relationship with CalTrans personnel and have completed joint projects together, such as Chestnut Street Intersection and Cypress Street Intersection Projects. We work closely on all aspects of many projects, and I believe they have put together a very good and sound design for the Noyo Bridge Replacement.

If the new bridge is not built and the City of Fort Bragg decides at a later date to seek funding for a bridge replacement, it would have to go through the same process as the Willits or Hopland Bypass projects and be approved by MCOG for funding. This will be a very lengthy and competitive process, and the odds of acquiring funds for a new bridge in the near future is unlikely. The current proposal from CalTrans is the best possible solution for bridge replacement and resolution to numerous safety concerns, and I urge the Coast Commission to approve the permits to allow this project to move forward.

Sincerely,



David W. Goble
Director of Public Works

7 Feb 99

California Coastal Commission

Re: Replacement of Mayo River Bridge Hwy
East Briggs, Mendocino County,

Would you please approve the
new bridge as designed.

There has been enough delays
already - and if the old bridge falls
because of our next quake we'll all
be isolated for a "long time".

Your bridges are already taken
care of - please take care of ours.

Sincerely

Alan Sussex
PO Box 340
Mendocino Co
95460

707-937-0193

EXHIBIT NO. 36
APPLICATION NO. 1-98-100/A-1-FEB-99-06
CORRESPONDENCE

Fort Bragg, California

February 12, 1999

Steve Scholl
Director No. Calif. District
45 Fremont Street
San Francisco, Ca., 94105

Dear Mr. Scholl:

It is crucial to the future of this area that the new Fort Bragg bridge be built. Cal Trans has submitted a beautiful and functional design. The new bridge is needed to ensure continued commerce, tourism, and the general well-being of all residents of Fort Bragg.

If the old bridge is retrofitted, and goes to load limits, Fort Bragg residents will suffer.

The new bridge design compliments the view while ensuring safety. For a closer view, one may always drive down to the harbor. Please give Cal Trans the needed permit(s) to build the new four lane bridge.

Sincerely,
James & Lillian Mole

James & Lillian Mole
980 Stewart Street
Fort Bragg, Ca., 95437

A bridge is... 1-14-99

EDITOR — For heavens sake, let's stop acting like children about the Noyo bridge! A bridge, is a bridge, is a bridge. It is meant to get people and cars, from one point to another. Sure it's great to have a view, I'm all for it, but that is not the reason for a bridge. You cannot have everything, and everyone cannot be pleased. You want more tourists, you need to widen the bridge. Don't keep fussing around about a view so long that we lose the Caltrans money allotted for this project, or until, even worse, we have an earthquake that will disable, or destroy the present bridge. Don't be foolish, let's get on with it!

Lilly Bobbitt
Fort Bragg

The above "letter to the Editor" I sent, describes my feelings exactly, regarding the bridge. Again I say, lets get on with it!

Lily M. Bobbitt

RECEIVED

FEB 16 1999

CALIFORNIA
COASTAL COMMISSION

B
Lily M Bobbitt
301 Cypress St Apt 107
Fort Bragg CA 95437

2-13-99



January 30, 1999

To Whom It May Concern:

I appeal to you, The California Coastal Commission, to overturn the decision by The Ft. Bragg City Council to approve The Noyo Bridge with The conditions as written in the letters sent out after The meeting, Tues. Jan 26, 1999.

I attended The meeting and There was a tremendous amount of coercion going on - no council member could say no w/o feeling downright intimidated. It was not just a group of citizens, but The CALTRANS representatives as well.

Meanwhile, This bridge remains too large for This area - unless a continuation of growth which will NOT contribute to the integrity of This still beautiful northern coast, is desired.

I believe that with more efforts, a bridge could be engineered which could eliminate one pedestrian etc. lane (6 feet) and cut over the median (now 12 feet!). I am sure that, with some imagination and creativity, there is a way to build 2 lanes first, so that traffic will not be obstructed, even if the roadway has to swing over to one side when the bridge is finished. This could eliminate the huge median, for sure.

I fear that a bridge This size will encourage the kind of growth that will hurt this environment.

CALTRANS presented two alternatives - This bridge or NO new bridge, but more retrofitting of existing structure. Period. No further discussion or changes allowed. Well, that certainly does not stand well with quite a few folks in this area.

This bridge is exceedingly important. Please look at it in terms of this area, where highway 1 is a single lane in each direction, north of town, and where people already drive too fast, encroach on wildlife habitat, etc. Any reduction of size on this bridge is not only helpful, but necessary.

Growth, rampant growth, just doesn't happen. It comes from little steps all along the way. The size of this bridge

does matter. It has been stated that its width conforms with the road on each side - but that is not quite true. It conforms with the road - as planned to be - which again, will add to the general tone of growth in the area.

People visit this area because it still has natural beauty - is less travelled than many other places - is close enough to large metropolitan areas to get to easily. The hotels going up, the roadway widening, slowly creeps into the overall feel and specifically cuts out views and changes mini-environments with each step. If you build a road, people will come! Wider road, more people, etc.

That median lane, at some future date, could be turned into another lane, removal of a pedestrian lane + a bike lane budget will be upon us!

Please help us who care about this area to stop every extra inch of unnecessary growth now.

Please tell CALTRANS to make appropriate changes. Please tell CALTRANS they cannot threaten, bully their new budget onto us or give us zero -

Seems like bigger is better has seeped into our protective Coastal Commission thinking and the councils, etc. I hope not. It may be just too hard to say no to some of the new prospects around. I hope not. Perhaps the Coastal Commission does not have the power to fight some of the developers and their ideas. I hope not.

For many of us, you are our "last hope" and I certainly beseech you to help us out on this one.

Thank you for your attention.
Sincerely,
Hyla S. Bolsta
Hyla S. Bolsta

Ed McKinley

Permit and Construction Consulting
237 Morrow Street, Fort Bragg, CA 95437
Telephone/Fax/Voice Mail: 707 964 2537
e-mail: edmc@mcn.org

February 12, 1999

California Coastal Commission
Rusty Areias, Chairperson
45 Fremont Suite 2000
San Francisco, CA 94105-2219

RECEIVED
FEB 16 1999
CALIFORNIA
COASTAL COMMISSION

RE: Noyo River Bridge Replacement
City of Fort Bragg CDP 24-98
Appeal to California Coastal Commission

I am in support of the Department of Transportation's proposal to replace the current Noyo River Bridge.

I am a supporter of the Coastal Act and the Local Coastal Programs of both the City of Fort Bragg and Mendocino County. I formerly served as chairperson on the Fort Bragg Main Street Program, Community Design Committee and Board of Directors. I formerly served on the city's Scenic Corridor Design Review Committee. I made a presentation of revised Scenic Corridor ordinances and guidelines to the City Council in the late 80's trying to install mandatory guide lines for the historic downtown.

I and my wife, Suzanne, served on the Community Design Element CAC for the upcoming General Plan update. This committee recommended strong ordinances and revised guidelines for the Main Street Corridor through the entire city. My wife, Suzanne, is currently serving on a committee to finalize the General Plan update. We believe in the Local Coastal program and strong design, landscaping and sign ordinances.

The proposed bridge design, in my opinion, will not be out of character with our Scenic Corridor goals and policies. The bridge will conform to the width of Main street and, in fact, it should not be any less wide. We should not make the same mistakes made with the Golden Gate Bridge; it was built too narrow and a rapid transit deck was deleted. Serious issues of safety and traffic congestion associated with the current bridge will be resolved by this replacement.

The proposed plan, as presented to the City Council on January 26th, includes design features such as vertical balustrade, shadow line details in the concrete

work and subtle arching of the box beams which address design concerns as much as is financially feasible.

Some say that CalTrans is shoving this design down our throats. Actually the opposite is true. Against all odds CalTrans came up with the funding for a replacement bridge at a time when infrastructure money is tight. It would be fiscally irresponsible to retrofit the existing bridge and have it be somewhat less functional than at present. Current traffic studies show this bridge to be a Level Of Service F. Why should any money be spent on a bridge that will be subjected to substantial increased traffic over the next 40 years?

It may also be irresponsible to ask for any additional money for expensive design features for this bridge when there are thousands of other bridges needing replacement. My observations of federal and state funding processes tells me CalTrans is not likely and possibly legally unable to make costly additions to this bridge design.

I am seriously worried that denial of CDP 24-98 and the Negative Declaration may cause the Department of Transportation to cancel or delay the new bridge construction. It would be a real tragedy and a traffic nightmare if the existing bridge were to be retorfitted. Please deny the appeal to CDP 24-98. Thank you.

adm ck mly

CC: Steven Scholl
Director, Northern California District

Jack Liebster
Coastal Planner
Northern California District

Enclosure: Fort Bragg Advocate News
"Community Forum" 1-14-99

LOCALLY OPERATED MEMBER

DONREY MEDIA GROUP

Donald W. Reynolds, Founder



Fort Bragg

Advocate-News

Sharon Brewer, Publisher

Katherine Lee, Editor

Lisa Whipple, Office Manager

Antonio Garcia, Circulation Manager

450 N. Franklin St., Fort Bragg, CA 95437 — 964-5642



Letter

'So what are we going to do with this \$25 million gift?'

Submitted by
ED MCKINLEY

Out of the blue the Mendocino Coast has been given a gift; a new bridge. It is a miracle, or at least a very exceptional set of circumstances, that makes available \$25 million to replace the Noyo Bridge. I am concerned that we may be placing this gift in jeopardy.

Three months before the announcement was made by Caltrans I was discussing traffic improvement options with a member of LAFCO because the east Fort Bragg bypass traffic studies resulted in a recommendation that replacing the Noyo Bridge was the only option to relieve highway congestion. Most traffic is north/south. Our bridge is very low on the Mendocino County priority list for standard highway project funding. It could be 20 years, or more, before

money is available. MCOG member Phil Dow confirmed this at the Planning Commission hearing.

Now we have a one-time opportunity to get the job done and people are unhappy.

Issues that have been raised include width, design and existing buildings close the roadway.

The proposed design is a clever resolution to the original error of placing the bridge in the center of the right-of-way. The width is a result of this solution.

Some are concerned we will have a bridge wider than the Golden Gate. Two mistakes were made with the Golden Gate. Estimates of future population increases were faulty resulting in a roadway too narrow and they deleted the light rail deck.

The Bay Area demands, and will get, a bridge with style for their replacement of

Community Forum

the Bay Bridge. Why don't we do the same? The Bay Area must have a population of nearly 3,000,000. That is a voting block with clout. They also do something down there that we don't. They pay for their bridge every day at the toll booth.

I understand the concerns of the four businesses with buildings that will be close to the bridge, however, the property owners chose to build next to the right-of-way and the greater need of the community should have priority.

This bridge must be economical in design because highway infrastructure in this state

is in bad shape and the money has to be spread around. I have driven over 100,000 miles in rural areas of nine of the geological provinces of this state. There are hundreds if not thousands of narrow, dilapidated bridges needing replacement. Spending excess money on this bridge means others won't get their fair share.

I hope most people are in agreement that we need a four-lane bridge with adequate room for pedestrians and bicycles. I am concerned that some think limiting the highway and bridge width will restrict development. At the Living Communities workshop held in November 1997 as part of the county general plan rewrite process, we were told the population of the central valley will triple by 2040. In the same time period the 101 corridor population will double including Mendocino County. We can't

keep people and development out simply by choking them off at the highways. They will come whether we build it or not.

It would be very nice indeed if we could have an architectural masterpiece and no one can discount the importance of this bridge to tourism and our city's self image. However, my fear is that if we lose this funding now because of a dispute over design issues we will be stuck with the dangerous condition we now have until the bridge is finally condemned. Or worse yet, we may make it financially attractive for Caltrans to retrofit the existing bridge. Then we will have a problem for the next 40 years.

So what are we going to do with this \$25 million gift? Do we know if we are putting this project at risk of cancellation? How long will the offer stand? It seems to me it is a dangerous game we are playing.

Fax: (415) 904-5400

California Coastal Commission
Attn: Jo Ginsberg

RE: CALTRANS Noyo Bridge plans

February 16, 1999

The CalTrans Noyo Bridge proposal is out of scale for the site and for the area. Fort Bragg does not need a bridge wider than the Golden Gate but without any of the attraction of that bridge as an entrance to San Francisco. The Caltrans design is excessive, unnecessary and totally inappropriate as an entrance to this small north coast town. Caltrans seems to forget that both ends of Fort Bragg connect to a dedicated 2 lane scenic highway which will not be enlarged to suit their whims.

The current bridge can easily be retrofit and bike and walkways added by cantilevering out from the current bridge. Thus an appropriate and attractive entrance to Fort Bragg could be preserved. Does Fort Bragg deserve less than Oakland?



Joan Curry

PO Box 457

Mendocino, CA 95460

(707) 937-1649

To: Jack Liebster
re: appeal no.
1-FTB-99-006

Diana Stuart
Chair, Fort Bragg Planning Commission
PO Box 769
Fort Bragg, CA 95437
(707)964-0016
1/13/99

Karen Tatman, Project Manager
CalTrans
PO Box 911
Marysville, CA 95901

Re: CDP 24-98/SCR 13-98
Noyo River Bridge Replacement

Dear Ms. Tatman,

At our December 30, 1998 Fort Bragg Planning Commission meeting on the Noyo River Bridge and also in your proposed Negative Declaration, I do not believe CalTrans adequately addressed the issue of the existing bridge's eligibility for both the National Register of Historic Places and/or the California Historic Resources Register.

CalTrans representatives adequately addressed the issue of eligibility from a technical standpoint. However the historic resources evaluation report does not address the contextual aspects of the bridge. I believe it is eligible because of its cultural aspects. It is part of the fabric of the community and if it is going to be torn down, needs to be replaced by a bridge that will fulfill the same role.

The bridge was depicted in the Centennial posters of both the City of Fort Bragg and the Fort Bragg Volunteer Fire Department. It is also depicted in a multitude of postcards and brochures about Fort Bragg, Noyo Harbor, the Mendocino Coast and the California Coast. As such, the existing bridge is part of the historical and cultural fabric of Fort Bragg and visually represents the area to many people throughout the state, as well as to the residents of the area.

It is the primary spot in Fort Bragg to view the ocean and the harbor and it establishes the town's relationship with the ocean and the harbor.

Since it was evaluated in 1996, two significant events have taken place: 1)the bridge became 50 years old and 2) Governor Wilson signed legislation creating the California Register of Historical Resources, for which the existing bridge should be eligible.

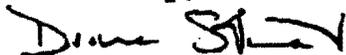
CalTrans did not produce the Historic Resources Evaluation Report until the end of our planning commission meeting, so the planning commissioners did not have the opportunity to adequately review it.

If the existing bridge must be replaced, the mitigation for tearing down a bridge of this importance is to design a new bridge that will have similar qualities of character and representation.

I believe that the proposed bridge should be redesigned and look forward to your cooperation in this process.

Thank you for your time.

Sincerely,



Diana Stuart
Chair, Fort Bragg Planning Commission

cc: State Historic Preservation Officer
Fort Bragg City Council
Fort Bragg Planning Commission
Senator Wesley Chesboro
Assemblywoman Virginia Strom-Martin

Stan Miklose
Down Home Foods
115 S. Franklin St.
Fort Bragg, CA 95437

Feb. 16, 1999

Mike Reilly
California Coastal Commission
FAX: (415) 904-5400

Dear Mr. Reilly,

I am writing about Commission Appeal No. A-1-FTB-99-006, and I am hoping the Commission will do something to make the new bridge more palatable.

The current design is just a gussied up freeway overpass. The bridge has few, if any, distinguishing characteristics.

It also eliminates virtually all view we now have of the harbor and ocean. When you look at the dimensions of Caltrans' proposed railing, you will notice it will provide less than one-fourth the view we now have from the bridge. The view will be even less than these numbers suggest, however, because the bridge will be so wide that, even it were to have the current bridge's railing, the view would be diminished.

Any way you look at it, this bridge does not conform to the goals of the California Coastal Act. In no way does it protect or enhance the public's coastal resources.

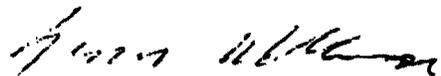
This is the opinion of most people I have spoken to, but Caltrans has silenced many of these voices with their skillful manipulation of the local media. After the Fort Bragg Planning Commission denied the bridge permit, Caltrans enlisted city and county transportation consultants to mislead the public. (I'm enclosing newspaper articles, which show how this was done.) These local "experts" repeatedly called the local newspaper and gave Caltrans' spin on the planning commission's vote. Funding for the new bridge was in jeopardy, these experts told the newspaper, and if the city council upheld the planning commission's vote, Caltrans would retrofit the existing bridge, rather than alter the design of the new bridge. In the end, the \$24 million Caltrans would spend on the new bridge was just too great a financial gift for this community to put at risk.

However, I believe Caltrans would rather spend millions more improving the new bridge than to retrofit the existing bridge, for two reasons. First of all, Caltrans is in the midst of spending several million dollars widening Highway One on either side of the Noyo Bridge, so the existing two-lane bridge will soon be obsolete. Secondly, the state bears all the financial burden of retrofitting bridges. The retrofit of the existing bridge would cost between \$8 million and \$14 million of state tax dollars. In contrast, of the \$24 million price tag for this new bridge, less than \$4 million comes from state tax dollars. (The rest is federal funds.)

This means that, conservatively, you can force Caltrans to spend an additional \$3 million to \$9 million, and the retrofit option would still appear unattractive to Caltrans.

Surely something can be done to improve this project with \$3 to \$9 million.

Sincerely,



Stan Miklose

RECEIVED

FEB 16 1999

CALIFORNIA
COASTAL COMMISSION

159 Jewett Street
Fort Bragg, CA 95437
February 15, 1999

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105 - 2219

Re: A-1-FTB-99-006

Dear Commissioners:

I am writing to express my concern about the loss of ocean and harbor views from the proposed Noyo Bridge, and to ask you to do whatever you can to improve the project in this regard.

The "see-through" railing proposed by CalTrans will in fact provide very little viewing space for the motoring public. Perhaps it cannot be made better. If this should be the case, then should not the public be compensated for the loss of this "million dollar" view?

It may be impossible to put a dollar value on such a loss, but a sizeable contribution toward the purchase of "Glass Beach", on the northern boundary of Fort Bragg, would be mitigating.

Glass Beach is a 37-acre beach-front property kept as open space for over 100 years by the local mill. It is now owned by an individual and is for sale. It is heavily used by Fort Bragg residents, like myself, for walking, beach-combing, fishing, wildlife observation, etc. Several species of rare plants grow on the bluffs, which also provide nesting and foraging habitats for several state-listed bird species, and which include an extensive wetlands. Community support for the acquisition of this land is very strong. The Fort Bragg City Council has recently voted unanimously in support of its purchase, but funds are lacking. I believe it is reasonable to consider CalTrans as a source for some of the needed money, as mitigation for the loss of views at the Noyo Bridge site.

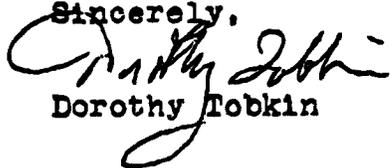
Thank you for considering my ideas.

RECEIVED

FEB 16 1999

CALIFORNIA
COASTAL COMMISSION

Sincerely,


Dorothy Tobkin

Feb. 16, 1999

Dear Steve Scholl,

I'm very concerned about the Ioyo Bridge. We really need this bridge and the New Design that Caltrans has was perfect. The Bridge should be wider for safety reasons.

I can't believe a handful of people (Friends of Fort Bragg) can change the City Council okay on the permit.

I hope you will listen to all of the people of Fort Bragg and not just a few.

We really need this New Bridge and I hope you won't scrap the NEW PLANS. The bridge we have is very dangerous so I hope you will consider the safety of the NEW BRIDGE when you take your discussion.

Thank you from a very concerned citizen of Ft. Bragg.

Attie E Corsi
212 Wall St
Ft. Bragg Ca. 95437

Feb. 16, 1999

Dear Steve Scholl,

I'm very concerned about the Noyo Bridge. We really need this bridge and the New Design that Caltrans has was perfect. The Bridge should be wider for safety reasons.

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We really need this New Bridge and I hope you won't scrap the NEW PLANS. The Bridge we have is very dangerous so I hope you will consider the safety of the NEW BRIDGE when you make your discussion.

Thank you from a very concerned citizen of Ft. Bragg. I'm also the 1st. Ass. Chief and the safety of this NEW BRIDGE would be a great help to all of us.

Jannie R. Dasi

212 WALL ST.

FORT BRAGG CA. 95437

GOOD CONNECTIONS

Mark Safron

260 N. Harold St. Fort Bragg CA 95437

**Fax
Transmission**

- Please call to confirm receipt
- Please respond by return fax
- Call only if transmission is incomplete

Date: 2/15/1999

To: Coastal Commissioners

RE: Noyo Bridge

Fax number: (415) 904-5400.

From: M. Safron

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COASTAL COMMISSION

Coastal Commissioners:

Please note my opposition to the current Caltrans Noyo Bridge as proposed. Although I support the concept of a new 4 lane bridge, I feel that what has been designed for the Noyo River is, in plain terms, too wide and too mundane. It is wider than the Golden Gate Bridge and has all the style of a freeway overpass. The majority of the public wants a new structure but, do we need the one that Caltrans is trying shove down our throats? According to that dept. it's a take it or leave it situation. They claim there's no more money to redesign the bridge. Surely if 4 lanes with walkways instead of 5 lanes with two 8 ft. shoulders were built there would be plenty of money left over for either a redesign by staff or for conducting a competition.

As you know, this area of the coast has a dwindling supply of timber and fish and is trying to encourage tourism which is a relatively non-polluting industry. Therefore let us make sure that we get a bridge that will be attractive.

I appreciate your consideration in this matter.

Respectfully,

Mark Safron
Fort Bragg CA

