

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

MAILING ADDRESS:

710 E STREET • SUITE 200

P. O. BOX 4908

EUREKA, CA 95501-1865

EUREKA, CA 95502-4908

PHONE (707) 445-7833

FACSIMILE (707) 445-7877

RSM

**RECORD PACKET COPY**

W17a

W17b

February 2, 2000

To: Commissioners and Interested Persons

From: Steven Scholl, Deputy Director
Robert Merrill, North Coast District Manager
Jim Baskin, Coastal Planner

Subject: Item W17a Appeal No. A-1-FTB-99-06 (Caltrans, Fort Bragg)
Item W17b Application No. 1-98-100 (Caltrans, Fort Bragg)

Items W17a and W17b are two separate revised findings agenda items for the same project, the proposal of Caltrans District 3 to replace the Highway One Noyo River Bridge in Fort Bragg. The Commission approved the project with special conditions on March 12, 1999.

Item W17a is the revised findings for 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 W17b concerns the revised findings for 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 and project conditions into one common set that needs to be reproduced only once, we have attached to this memo all the materials related to revised findings for the project. In order, these materials include:

1. Staff Report for Item W17a Appeal No. A-1-MEN-99-06 (Caltrans Fort Bragg)
2. Staff Report for Item W17b Application No. 1-98-100 (Caltrans, Fort Bragg)
3. Exhibits

For further information, contact Jim Baskin at the North Coast District Office (707) 445-7833. Correspondence should be sent to the District Office at the above address.

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W17a

Staff: Jim Baskin
Staff Report: January 21, 2000
Hearing on
Revised Findings: February 16, 2000
Commission Action
On Revised Findings:

STAFF REPORT: REVISED FINDINGS

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

APPLICANTS: CALIFORNIA DEPARTMENT OF
TRANSPORTATION, DISTRICT 3

LOCAL GOVERNMENT: City of Fort Bragg

DECISION: Approval with Conditions

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

PROJECT DESCRIPTION: Replace the existing two-lane, 36-ft.-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 the appeal includes bridge
approaches, bridge abutments on the bluffs,
approximately 175 ft. of bridge span, and portions
of the construction staging area.

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

COMMISSIONERS ON THE
PREVAILING SIDE: Dettloff, Johnson, Potter, Reilly, Tuttle

SUMMARY OF COMMISSION
ACTION: Finding of substantial issue on March 12, 1999.
Approval with conditions of Coastal Development
Permit No. A-1-MEN-99-06 on March 12, 1999.

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 CDP24-98;
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

STAFF NOTE:

1. Procedure.

The Commission held a public hearing and acted on this appeal at its meeting on March 12 1999. The Commission found the appeal raised a substantial issue with respect to the grounds on which the appeal was filed and went immediately into a de novo hearing. At the conclusion of the de novo hearing, the Commission conditionally granted a coastal development permit for the project. Several changes to the special project conditions were made by the Commission, most notably was the reduction in the visual impact in-lieu fee from \$2 million to \$1 million. Other minor changes were also made to the special conditions of the written recommendation by staff prior to the Commission's deliberation on the appeal. These conditions relate to the type of construction trestle,

exceptions to permit amendment requirements, and control of non-native plants during revegetation of the site. All changes to the conditions were reflected in the Notice of Intent to Issue a Permit that was issued shortly after approval of the original project.

As the Commission's action differed from the written staff recommendation, the following revised findings have been prepared for the Commission's consideration as the needed findings to support its action. These findings reflect the action taken by the Commission at its meeting of March 12, 1999 on the de novo portion of the hearing. As the Commission found that a substantial issue had been raised by the appeal consistent with staff's written recommendation dated February 25, 1999, and made no revisions to those recommended findings, the Substantial Issue portion of the report is not attached, but is incorporated by reference.

2. Hearing on Revised Findings.

The Commission will hold a public hearing and vote on the revised findings at its February 16, 2000 meeting. The purpose of the hearing is to consider whether the revised findings accurately reflect the Commission's previous action rather than to reconsider whether the appeal raised a substantial issue or to reconsider the merits of the project or the appropriateness of the adopted conditions. Public testimony will be limited accordingly.

3. CTC Approval of Mitigation Funds.

Since Commission action on the permit and the related appeal, the Caltrans District 3 staff sought and obtained approval from the California Transportation Commission (CTC). By letter dated September 8, 1999 (Exhibit 35), Caltrans staff notified the Commission of the authorization for the expenditure of one million dollars to provide the mitigation for the visual impacts of the project.

4. Revised Construction Schedule.

Since the Commission acted on the proposed project, Caltrans has revised its construction schedule. Thus, the dates stated in the findings section of this report for the advertisement of construction bids (May 10, 1999) and on-set of bridge construction (August 1, 1999) are no longer current. Caltrans now plans to advertise the bids on January 25, 2000 and begin work in the river by the summer of 2000.

DE NOVO ACTION ON APPEAL

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action on March 12, 1999 to approve the project with conditions. The proper motion is:

MOTION:

I move that the Commission adopt the revised findings, in support of the Commission's action on March 12, 1999, concerning the approval with conditions of Coastal Development Permit No. A-1-FTB-99-06.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the March 12, 1999 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

RESOLUTION TO APPROVE REVISED FINDINGS:

The Commission hereby adopts the findings for Coastal Development Permit No. A-1-FTB-99-06 set forth below on the grounds that the revised findings support the Commission's decision made on March 12, 1999 and accurately reflect the reasons for it.

I. **STANDARD CONDITIONS:** See attached.

II. **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 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 one million dollars (\$1,000,000.00) 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 one million dollars (\$1,000,000.00) 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 Revegetation.

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 during the first five years following planting.

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.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. PROJECT AND SITE DESCRIPTION

The project would replace the existing two-lane, 36-ft.-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 the Commission's de novo review 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 the area addressed by Coastal Development Permit A-1-FTB-99-06.

Within the area addressed by Coastal Development Permit A-1-FTB-99-06, the southern slope of the Noyo River bluffs traversed by the bridge is vegetated with Bishop pine (*Pinus muricata*), planted Monterey pine (*Pinus radiata*), tanoak (*Lithocarpus desiflorus*), Sitka willow (*Salix sitchensis*), coyote brush (*Baccharis pilularis*), western swordfern (*Polystichum munitum*) 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.

B. 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:

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.(emphasis added)*
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,...(emphases added)*
- 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.

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 those 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, would block 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. To some degree, this affect would be offset by the crowning of the bridge deck (shown in the proposed cross-section of the bridge, Exhibit 6) which places a vehicle occupant at a slightly higher elevation relative to the barrier. However, the mitigated Negative Declaration prepared for the project documents that even with the offsetting crowning effect, views would be diminished significantly.

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). Caltrans found a new design that was already in the process of being considered for approval. Caltrans was able to obtain 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 provide 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 findings for Coastal Development Permit No. 1-98-100, and incorporated by reference here. However, Caltrans has also taken the position that these alternatives are not acceptable because it is not known if these alternatives meet 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).

Special Condition No. 6: As discussed in detail in Section D.1 (Alternatives Analysis) of the accompanying report for Application 1-98-100 following, offsetting the effects on visual resources through structural alterations to the replacement bridge or retrofitting of the existing bridge have been found to be infeasible. Consequently, other approaches to mitigating project impacts have been researched. 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, or deposit a fee of \$1 million in-lieu of acting as the implementing agency for the mitigation.

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. If acquired, it could provide visitors increased opportunity to view 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, this issue would not preclude acquisition of the site for public viewing purposes. 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 this property are approximately \$1 million. This estimate takes into account the current (1999) 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. Table 1, below, gives a rough estimate of the acquisition costs associated with the South Noyo Bluffs site:

Table 1: Estimated Acquisition Costs for the South Noyo Bluffs Mitigation Site

Property to be Acquired	Amount (US\$)
Shaw Revocable Trust Property (APN 018-440-10-00)	842,188.00 ¹
Kime Properties (APNs 018-440-01-00 & 018-440-02-00)	549,000.00 ²
Total:	1,391,188.00

- Sources:
1. Mendocino County Assessors Office
 2. Multiple Listing Service, Mendocino County Board of Realtors

It should be emphasized that these figures do not directly correlate to the purchase costs for the properties. The amount stated for the Shaw property is the County's assessed value of the property for taxation purposes. Ad-valorem taxation assessment applies a general formula for property of this land use category which does not fully take into account the various development constraints that would greatly limit potential development of the site, and as a result its value for purposes of sale, transfer or financing. These factors include the need to maintain bluff setbacks for geologic reasons and how much of the site may be subject to a prescriptive rights easement given its long use by the public for public access purposes. An assessor's estimate is not based upon a property-specific appraisal, as would be involved in a public lands acquisition transaction.

With respect to the Kime properties, a similar situation applies. The amount stated is the "asking price" for the property provided by the owner's realtor. An appraisal of these property would also consider any encumbrances on the land, such as geologically unstable areas or public access rights.

Given the preliminary nature of all these estimates, it is plausible that the property can be acquired (and even partially developed) for less than \$1,000,000. Perhaps the most substantive and immediate benefit of the in-lieu fee would be in the securing the properties for future public use. This would assure that a mitigation site has been reserved to offset the views diminished by the replacement structure and aid in implementing the previously-referenced LCP policies for enhancing public coastal access and recreation in the area. In-lieu fees remaining after the land acquisition, if any, can be applied alongside funding from other sources for the ultimate development of a vista point and blufftop trail. Accordingly, \$1 million is seen as a reasonable cap amount for Caltrans to provide in-lieu of direct acquisition and development of the viewing area taking into account the extent views will be diminished by the proposed project.

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 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 improve traffic circulation. 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 \$1 million in-lieu of acting as the implementing agency for the mitigation. As discussed above, this in-lieu fee amount has been determined to be reasonable as it: a) will cover the substantial initial costs of acquiring and reserving the views comparable to those lost for public use; b) can be applied alongside funding from other sources for the ultimate development and management of a vista and coastal access point; and c) is not excessive in comparison to the project's overall budget.

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.

As new bridge components are designed and developed, it is important to note that the effects on coastal visual resources of replacements and upgrades to the approved bridge must be similarly considered. Any future modifications to the bridge, railings, sidewalks, median barriers, etc. could create additional or different impacts on visual resources. For

example, replacement of the railings or median barrier with railings and barriers that are less see through could greatly compromise the more limited views of the ocean and Noyo Harbor that the replacement bridge still provides.

As required by Standard Condition 3, all development must occur in strict compliance with the proposal as set forth in the permit application subject to the conditions imposed by the Commission. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval. In addition, Special Condition No. 7 has been included to clarify that any future modification of the bridge, railings, sidewalks, shoulders, and traffic lanes or median area will require a Commission amendment to the permit. However, Special Condition No. 7 specifically excludes from the amendment requirement any development that is otherwise exempt from permit requirements pursuant to the repair and maintenance exemption found in Section 30610(d) of the Coastal Act. In practice, the Commission would expect Caltrans to review any proposed changes to the bridge with Commission staff to determine whether any amendment is needed consistent with the terms of Special Condition No. 7.

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 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; and
- 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. (emphases 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, 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 Internet websites 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 summary, 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.

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 offsite mitigation to offset the proposed project's impact on views in light of the infeasibility of direct structural modifications to the bridge (see Section D.1 of the report for CDP-1-98-100, following). Specifically Special Condition No. 6 will: a) 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 b) 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.

C. 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. (emphases added)

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 of water quality in coastal areas. The proposed project would affect the Noyo River bluffs' landform by significantly 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 (*Pinus muricata*), planted Monterey pine (*Pinus radiata*), tanoak (*Lithocarpus densiflorus*), Sitka willow (*Salix sitchensis*), coyote brush (*Baccharis pilularis*), western swordfern (*Polystichum minutum*) 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 less environmentally less damaging 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 currently 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 by the runoff of wash water from the construction process into the river. The North Coast Regional Water Quality Control Board is currently 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.

D. 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. (emphases 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...(emphases added)

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. (emphases 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 add two lanes on Highway 1 across the bridge.

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.

As further discussed in the findings for Coastal Development Permit No. 1-98-100, which are incorporated here by reference, the bridge improvements will eliminate a "bottleneck" circulation problem without increasing capacity and will allow the section of Highway One between Hare Creek and the Noyo River to function more smoothly to serve existing and already planned development. The four lanes of the replacement bridge will be consistent with the previously approved upgrade of Highway One north and south of the bridge to four lanes. 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.

As the proposed project will be designed to achieve uniform highway service levels between the Noyo River and Hare Creek, the Commission finds that the project is consistent with the Public Works policies of the certified LCP.

E. 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.

The certified City of Fort Bragg LCP includes policies that essentially reiterate these standards for providing and maintaining public access

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 m² (4,305 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 105m² (1,132.8 ft.²) will become part of the Ocean Front Park thus offsetting the 400 m² (4,305 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 m² (3,175 ft.²).

In addition, approximately 70 m² (100 yd³) 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; and

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.

F. GEOLOGIC STABILITY

Fort Bragg LUP Policy XI-1 requires in applicable part that development neither creates a geologic hazard nor diminishes 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 Policy XI-1 of the certified Fort Bragg LCP.

G. 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, and to offset the adverse effects on coastal

viewsheds. As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment.

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.

IV. EXHIBITS

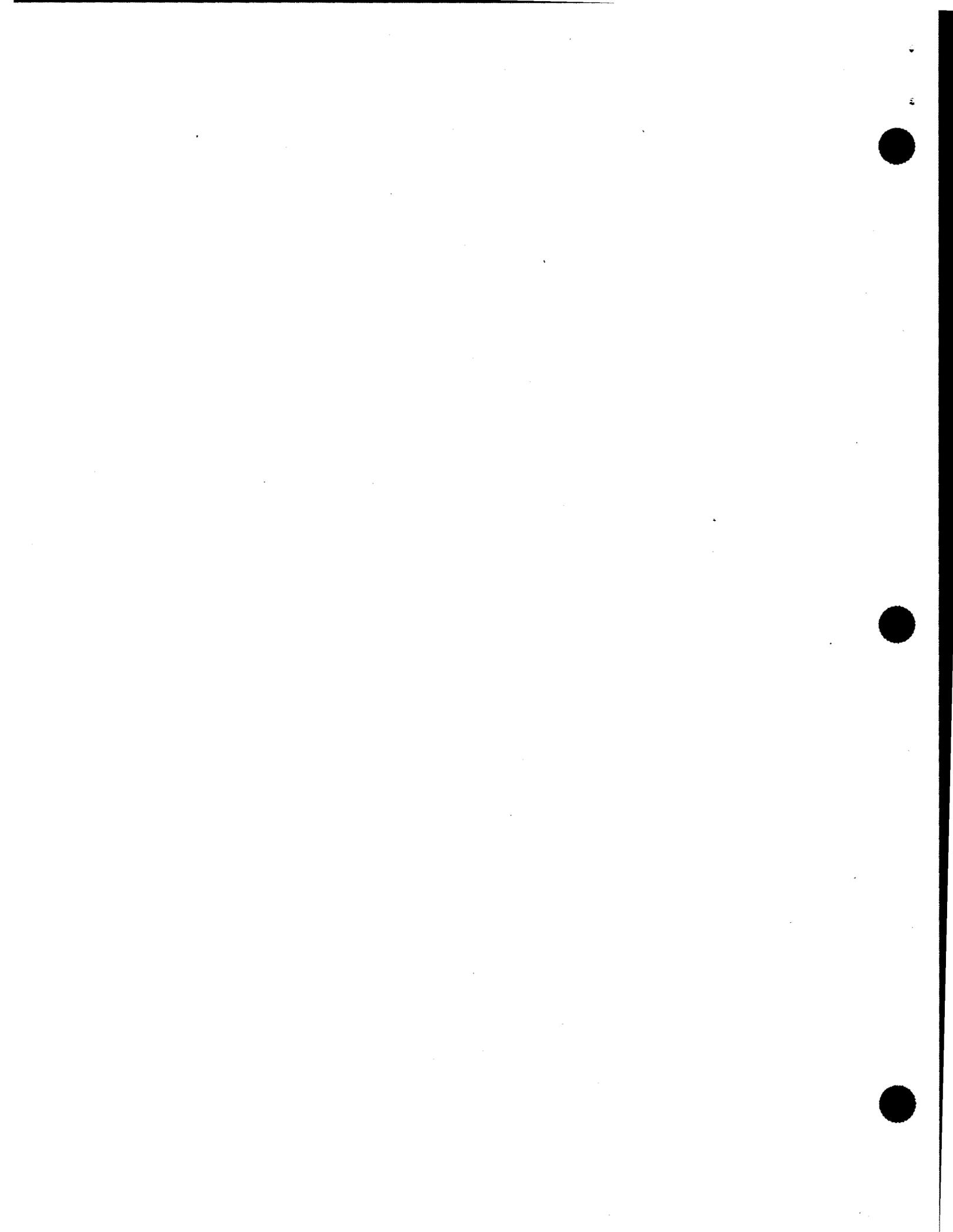
1. Regional Location
2. Vicinity Map
3. Project Area
4. Boundary Determination: Retained Jurisdiction/Appeal Area
5. Ocean Front Park and Developments in Vicinity
6. Project Plan: Trestle Layout
7. Renderings of Existing and Proposed Bridge
8. Existing Bridge from Ocean Front Park
9. Proposed Bridge 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
37. Excerpt, A-1-MEN-99-06 / 1-98-100 Hearing Transcript, March 12, 1999

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

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

MAILING ADDRESS:
P. O. BOX 4908
EUREKA, CA 95502-4908



W17b

Staff: Jim Baskin
Staff Report: January 28, 2000
Hearing on
Revised Findings: February 16, 2000
Commission Action
On Revised Findings:

STAFF REPORT: REVISED FINDINGS

REGULAR CALENDAR - COASTAL DEVELOPMENT PERMIT

DECISION: Approval with Conditions

APPLICATION NO.: 1-98-100

APPLICANTS: CALIFORNIA DEPARTMENT OF
TRANSPORTATION DISTRICT 3

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

PROJECT DESCRIPTION: Replace the existing two-lane, 36-ft.-wide Noyo River
Bridge with an 86.6-ft.-wide, 875-ft.-long, triple cast-in-
place (CIP) concrete box girder bridge. The proposed
bridge would 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 piers displacing approximately 2,000 sq. ft. of
the river; and 2) constructing an approximately 30,000 sq.
ft. 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.

COMMISSIONERS ON THE PREVAILING SIDE: Dettloff, Johnson, Potter, Reilly, Tuttle

SUMMARY OF COMMISSION ACTION: Approval with conditions of Coastal Development Permit No. 1-98-100 on March 12, 1999.

STAFF NOTES

1. Procedure.

The Commission held a public hearing and acted on this permit and a related appeal at its meeting on March 12, 1999. The Commission found the project proposed on appeal and in the Commission's retained jurisdiction consistent with the policies of Chapter 3 of the Coastal Act provided specific conditions were included with the approval. Several changes to the special project conditions were made by the Commission, most notably was the reduction in the visual impact in-lieu fee from \$2 million to \$1 million. Other minor changes were also made to the special conditions at staff's request to clarify their scope and application to the project originally submitted. These conditions related to the type of construction trestle, exceptions to permit amendment requirements, and control of non-native plants during revegetation of the site. All changes to the conditions were reflected in the Notice of Intent to Issue a Permit that was issued shortly after approval of the original project.

As the Commission's action differed from the written staff recommendation, the following revised findings have been prepared for the Commission's consideration as the needed findings to support its action. Staff has also made other miscellaneous edits to the findings in various places to make them more accurate and internally consistent. The Commission will hold a public hearing and vote on the revised findings at its February 15-18, 2000 meeting. The purpose of the hearing is to consider the adequacy of the revised findings rather than to reconsider the issuance of the permit. Public testimony will be limited accordingly.

2. CTC Approval of Mitigation Funds.

Since Commission action on the permit and the related appeal, the Caltrans District 3 staff sought and obtained approval from the California Transportation Commission

(CTC). By letter dated September 8, 1999 (Exhibit 35), Caltrans staff notified the Commission of the authorization for the expenditure of 1 million dollars to provide the mitigation for the visual impacts of the project.

3. Revised Construction Schedule.

After the Commission acted on the proposed project, staff learned that the construction dates stated in the findings section of this report for the advertisement of construction bids (May 10, 1999) and on-set of bridge construction (August 1, 1999) are no longer current. Caltrans now plans to advertise the project on January 25, 2000 and begin work in the river by the summer of 2000. The dates for awarding the bids and completion of the structure have not been established. Caltrans hopes to undertake the replacement of the Ten Mile River Bridge sometime during its 2000-2004 funding cycle.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

The staff recommends that the Commission adopt the revised findings in support of the Commission's action on March 12, 1999. The proper motion is:

MOTION:

I move that the Commission adopt the revised findings, in support of the Commission's determination on March 12, 1999, concerning the approval with conditions of Coastal Development Permit No. 1-98-100.

STAFF RECOMMENDATION OF APPROVAL.

Staff recommends a YES vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the March 12, 1999 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby adopts the findings set forth below for the approval with conditions of Coastal Development Permit No. 1-98-06 on the ground that the findings support the Commission's decision made on March 12, 1999 and accurately reflect the reasons for it.

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 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 one million dollars (\$1,000,000.00) 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 one million dollars (\$1,000,000.00) 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 Revegetation.

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 during the first five years following planting.

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. REVISED FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. 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

B. 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 twenty 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 an 86-ft-wide, 875-ft.-long, concrete box girder bridge (please see Exhibits 4, 6). The total estimated cost of the proposed bridge is \$24.4 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 being dismantled, and a concrete box girder

structure built and connected between them (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 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 (*Pinus muricata*), planted Monterey pine (*Pinus radiata*), tan oak (*Lithocarpus densiflora*), Sitka willow (*Salix sitchensis*), coyote brush (*Baccharis pilularis*), western sword fern (*Polystichum munitum*), 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 feet from the state right of way (Exhibit 5). There is a Pomo rancheria approximately 500 feet 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 Planned Development (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 feet 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.

C. 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:

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.

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:

- be sited and designed to protect views to and along the ocean and scenic coastal areas;
- be visually compatible with the character of surrounding areas;
- protect areas of unique character that are popular visitor destination points for recreational uses; and
- minimize the alteration of natural landforms.

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.

1. Protection of Views To and Along the Coast.

Views from the Bridge: The design of the proposed bridge would reduce the motorists' views from those 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, would block 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 feet, 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. To some degree, this affect would be offset by the "crowning" of the bridge deck (shown in the proposed cross-section of the bridge, Exhibit 6) which places a vehicle occupant at a slightly higher elevation relative to the barrier. However, the mitigated Negative Declaration prepared for the project documents that even with the offsetting crowning effect, views would be diminished significantly.

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 American Association of State Highway Transportation Officials (AASHTO) guidelines" and are accepted by the Federal Highway Administration (FHWA). Caltrans found a new design that was already in the process of being considered for approval. Caltrans was able to obtain 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 provide 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 two to four 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 and because it is not known if these alternatives meet 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.

2. Special Condition No. 6.

As discussed under Section D.1, below, offsetting the effects on visual resources through structural alterations to the replacement bridge or retrofitting of the existing bridge has been found to be infeasible. Consequently, other approaches to mitigating project impacts have been researched. 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 or deposit \$1 million in-lieu of acting as the implementing agency for the mitigation.

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. If acquired, it could provide visitors increased opportunities to view 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 (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, this issue would not preclude acquisition of the site for public viewing purposes. 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 estimate of the cost of acquiring this property is approximately \$1million. This estimate takes into account the current (1999) assessed values of the properties, their history of use, and the probable costs of acquiring the site for public viewing use. Table 1, below, gives a rough estimate of the acquisition costs associated with the South Noyo Bluffs site:

Table 1: Estimated Acquisition Costs for the South Noyo Bluffs Mitigation Site

Properties to be Acquired	Amount (US\$)
Shaw Revocable Trust Property (APN 018-440-10-00)	842,188.00 ¹
Kime Properties (APNs 018-440-01-00 & 018-440-02-00)	549,000.00 ²
Total:	1,391,188.00

Sources: 1. Mendocino County Assessors Office
2. Multiple Listing Service, Mendocino County Board of Realtors

It should be emphasized that these figures do not directly correlate to the purchase costs for the properties. The amount stated for the Shaw property is the County's assessed value of the property for taxation purposes. Ad-valorem taxation assessment applies a general formula for property of this land use category which does not fully take into account the various development constraints that would greatly limit potential development of the site, and as a result its value for purposes of sale, transfer or financing. These factors include the need to maintain bluff setbacks for geologic reasons and how much of the site may be subject to a prescriptive rights easement given its long use by the public for public access purposes. An assessor's estimate is not based upon a property-specific appraisal, as would be involved in a public lands acquisition transaction.

With respect to the Kime properties, a similar situation applies. The amount stated is the "asking price" for the property provided by the owner's realtor. An appraisal of these property would also consider any encumbrances on the land, such as geologically unstable areas or public access rights.

Given the preliminary nature of all these estimates, it is plausible that the property can be acquired (and even partially developed) for less than \$1,000,000. Perhaps the most substantive and immediate benefit of the in-lieu fee would be in the securing the properties for future public use. This would assure that a mitigation site has been reserved to offset the views diminished by the replacement structure and aid in implementing the previously-referenced LCP policies for enhancing public coastal access and recreation in the area. In-lieu fees remaining after the land acquisition, if any, can be applied alongside funding from other sources for the ultimate development of a vista point and blufftop trail. Accordingly, \$1 million is seen as a reasonable cap amount for Caltrans to provide in-lieu of direct acquisition and development of the viewing area taking into account the extent views will be diminished by the proposed project.

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 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 improve traffic circulation. The widening of the bridge must thus be considered as part of the circulation 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 \$1 million in-lieu of acting as the implementing agency for the mitigation. As discussed above, this in-lieu fee amount has been determined to be reasonable as it: a) will cover the substantial initial costs of acquiring and reserving views comparable to those lost for public use; b) can be applied alongside funding from other sources for the ultimate development and management of a vista and coastal access point; and c) is not excessive in comparison to the project's overall budget.

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.

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 C. 2 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 new bridge components are designed and developed, it is important to note that the effects on coastal visual resources of replacements and upgrades to the approved bridge must be similarly considered. Any future modifications to the bridge, railings, sidewalks, median barriers, etc. could create additional or different impacts on visual resources. For example, replacement of the railings or median barrier with railings and barriers that are less see through could greatly compromise the more limited views of the ocean and Noyo Harbor that the replacement bridge still provides.

As required by Standard Condition 3, all development must occur in strict compliance with the proposal as set forth in the permit application subject to the conditions imposed by the Commission. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval. In addition, Special Condition No. 7 has been included to clarify that any future modification of the bridge, railings, sidewalks, shoulders, and traffic lanes or median area will require a Commission amendment to the permit. However, Special Condition No. 7 specifically excludes from the amendment requirement any development that is otherwise exempt from permit requirements pursuant to the repair and maintenance exemption found in Section 30610(d) of the Coastal Act. In practice, the Commission would expect Caltrans to review any proposed changes to the bridge with Commission staff to determine whether any amendment is needed consistent with the terms of Special Condition No. 7.

3. 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 reiterates 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, as guided by the relevant LCP policies, 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 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; and
- 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 Coastal Development Permit No. 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 proper 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 Internet websites 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.

4. 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.

5. 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 offsite mitigation to offset the proposed project's impact on views in light of the infeasibility of direct structural modifications to the bridge (see Section D.1 below). Specifically Special Condition No. 6 will: a) 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 b) 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. 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 approximately 2.2 feet below the current bottom of the riverbed, (Exhibit 22). At this depth, the piling cap will be below the habitat zone of burrowing marine fauna who typically inhabit the upper 50 cm (1.65 ft.) of cobble substrate. It is expected that once the pilings and footings are in place they would be re-buried by river cobbles, allowing for re-colonization by benthic organisms. Only the two columns of Pier 2 would emerge from the bottom of the river, covering an estimated 490 square feet 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.

1. **Alternative Analysis.**

Note: Although this section primarily involves determining if any feasible less environmentally damaging alternatives exist with respect to the fill-in-coastal-waters aspects of the project, the analysis is similarly applicable to ascertaining whether or not there are any other practical options to lessen the project's bulk and size to mitigate its effects on visual resources, as discussed under Section C, above.

The first test of Section 30233(a) is whether there are feasible less environmentally damaging alternatives to the proposed project. Coastal Act Section 30108 defines "feasible" as follows:

'Feasible' means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, social, and technological factors.'

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:

- a. **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;
- b. **Alternative 2 (Design Variation):** A design variation involving the staged construction of a two-lane bridge;
- c. **Alternative 3:** Constructing a one-lane bridge on each side of the existing bridge with the provision for future connection of these bridges;
- d. **Alternative 4:** No Build Alternative;
- e. **Alternative 5:** Build a Steel Bridge; and
- f. **Alternative 6:** Retrofit Existing Bridge.

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

- g. **Arched Bridge/No Fill:** Constructing an arched bridge or other different kind of bridge in a manner that does not require placing bridge supports within the river; and
- h. **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:

- a. Alternative 1: Single Phase Bridge Replacement

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 feet 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 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 defined under Section 30108 of the Coastal Act, feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. As it is now a matter of State law to enhance as soon as possible the seismic safety of bridges such as the Noyo River Bridge, the Commission finds that what is considered a reasonable period of time necessary for accomplishing this seismic retrofit project in a successful manner is thus relatively short in comparison with other projects. The Commission further finds Alternative 1 is not feasible as it would not achieve the project objectives to complete seismic upgrades within a reasonable amount of time.

b. 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 feet 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 feet 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 feasible environmentally damaging alternative to the proposed project.

c. Alternative 3: Two One-Lane Replacement Bridges

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, an 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 of 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 feasible environmentally damaging alternative to the proposed project.

d. Alternative 4: No Project

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 as it does not accomplish project objectives in a successful manner. Therefore, the Commission finds that this alternative is not a less feasible environmentally damaging alternative to the proposed project.

e. Alternative 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 are 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.

f. Alternative 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.

Caltrans rejected this alternative 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 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 result in less total fill in the river than the proposed project. In addition, as discussed in the Visual Resources section, this alternative would have less visual impact. However, 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 adversely affect public access to the coast. Furthermore, although the retrofit alternative would require less total fill in the river, the amount of fill in the river above the mud line for the proposed bridge project is no greater than the existing and proposed structural fill above the mud line associated with 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 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. Note: retrofit of the existing bridge would not require a collar or other reinforcement around the existing piers, requiring additional fill; new piers would need to be sunk (see Initial Study / Environmental Assessment, Exhibit 17).

Moreover, the fill associated with the proposed project (490 sq. ft.) does not result in any greater environmentally damaging impact to river habitat than the existing (± 500 sq. ft.) and new fill associated with retrofitting the existing bridge. With respect to the Pier 2 pilings and footings, these portions of the bridge structure will be placed at depths

ranging from -3 ft. to -150 ft. msl, with the top of the pile cap lying approximately 2.2 feet below the mudline (-8 ft. msl). At these depths, habitat for benthic macro-fauna will not be permanent displaced as these organisms typically inhabit the upper 50 cm (± 1.64 ft.) of cobble substrate. Subsequently, once river sediments are re-deposited over the constructed pilings and footings, benthic habitat values can be fully re-established.

g. Arched Bridge/No Fill Alternative:

This option involves constructing an arched bridge or another 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, although by spanning the river entirely to eliminate the fill the alternative would be less damaging to habitat than other alternatives, an arched or similar new bridge would still result in similar view impairment impacts as the bridge design proposed by Caltrans. Any 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, the Commission finds that this alternative is not a feasible less environmentally damaging alternative to the project as approved.

h. Narrower Bridge Design Variation Alternative:

Variations on Caltrans' preferred alternative could provide for construction of a reduced-width bridge, with narrower footings and thus less fill, as well as diminishing other adverse environmental affects. Such an alternative would still include the four lanes, but would reduce the median strip, shoulders and/or one of the sidewalks of the of the proposed project.

Vince Taylor of the Dharma Cloud Foundation (see Exhibit No. 36) has further described such an alternative. Mr. Taylor's version involves a reduction in the replacement bridge's over-all width from 86.5 feet to 70 feet through the removal of the proposed bridge shoulders and the median. In addition to requiring less fill, this configuration would reduce both the visual expression of the bridge on the viewshed, and allow for an enhanced viewing angle from vehicles on the bridge.

However, Caltrans states that eight-foot width shoulders are necessary to meet Caltrans' Design Manual standards, that a narrower bridge would result in an unnecessary and

unacceptable impact to non-motorized traffic during construction, and would unacceptably delay completion of the bridge as the time needed to redesign the bridge and obtain all necessary approvals would be substantial. As discussed in the analysis of Alternative 1, delays in completion of the project affect the feasibility of the project under the definition of feasibility in the Coastal Act. As it is now a matter of State law to enhance as soon as possible the seismic safety of bridges, the Commission finds that what is considered a reasonable period of time necessary for accomplishing this seismic retrofit project in a successful manner is thus relatively short in comparison with other projects. The Commission further finds that this alternative is not feasible as it would not achieve the project objectives to complete seismic upgrades within a reasonable period of time.

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

2. 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 relevant 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 bridge will allow for 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 allow for vehicular capacity on the bridge beyond the already permitted capacity of the widened connecting highway segments leading to the bridge. The bridge improvement project will eliminate a "bottleneck" circulation problem without increasing capacity and will allow this section of Highway 1 to smoothly serve approved development. The project can therefore be considered necessary to maintain existing traffic capacity. As discussed in the previous section, no other feasible less environmentally damaging alternative exists.

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.

3. 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: a) impacts to visual resources; b) degradation of water

quality; c) disturbance of migratory fish; and d) loss of river bottom wetland habitat. As discussed in Finding IV.C.2 above, feasible mitigation is available and is required pursuant to Special Condition No. 6 to minimize the proposed fill project's impacts on visual resources. In addition, as discussed in Finding E below, feasible mitigation is available and is required pursuant to Special Condition No. 10 to prevent the project from degrading water quality. Furthermore, feasible mitigation measures can be employed to minimize these potential adverse environmental effects on migratory fish and wetland habitat below a level of significance.

a. 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.

b. 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. To the extent that the cobble area is colonized by invertebrates and shellfish, as discussed above, the proposed piles and pile cap of the proposed new bridge will be constructed at a sufficient depth below the mud line to allow all the area above except for that portion to be occupied by the bridge columns to be re-colonized by these species. 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 sea 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.

4. 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.

E. HABITAT AND WATER QUALITY PROTECTION

Several other sections of the Coastal Act address 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.

F. 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 add two lanes on Highway 1 across the bridge. As discussed in Finding IV.D.2 above, the project would not allow for vehicular capacity on the bridge beyond the already permitted capacity of connecting highway segments leading to the bridge. The bridge improvement project will eliminate a "bottleneck" circulation problem without increasing capacity and will allow the section of Highway One between Hare Creek and the Noyo River to function more smoothly to serve existing and already planned development. 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 "*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.*"

The application must demonstrate how the proposed replacement bridge is "limited to accommodate needs generated by development." Caltrans does, however, 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.

Therefore the Commission finds that the project as conditioned is consistent with Section 30254 in that it is designed to be limited to the needs generated by development approved under the applicable certified LCPs.

G. 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 m² (4,305 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 105m² (1,132.8 ft.²) will become part of the Ocean Front Park thus offsetting the 400 m² (4,305 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 m² (3,175 ft.²).

In addition, approximately 70 m² (100 yd³) 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 the west of the existing restrooms;
6. Restripe and resurface the existing parking lot;
7. Extend the existing culvert immediately west of the restrooms; and
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, and 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 that, 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.

H. 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.

I. 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. 1, which requires that the project be reviewed and where necessary approved by the State Lands Commission prior to the issuance of a permit.

J. 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 that 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, and to offset the adverse effects on coastal

viewsheds. As conditioned, there are no feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact that the activity may have on the environment.

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.

V. 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

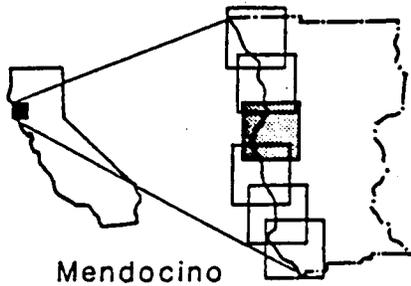
25. Alternative 2 Variation Completed Configuration
26. Alternative 3
27. Alternative 6
28. Excavation and Fill Amounts of Alternatives
29. Mitigation Site
30. Letter of Fort Bragg City Councilman Dan Gjerde
31. Recreation Map, Noyo Harbor Plan
32. City of Fort Bragg Notice of Final Action
33. Appeal of Commissioners Areias and Reilly
34. Appeal of Sierra Club Mendocino/Lake Group & Friends of Fort Bragg
35. Correspondence, Public Officials
36. Correspondence
37. Excerpt, A-1-MEN-99-06 / 1-98-100 Hearing Transcript, March 12, 1999

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

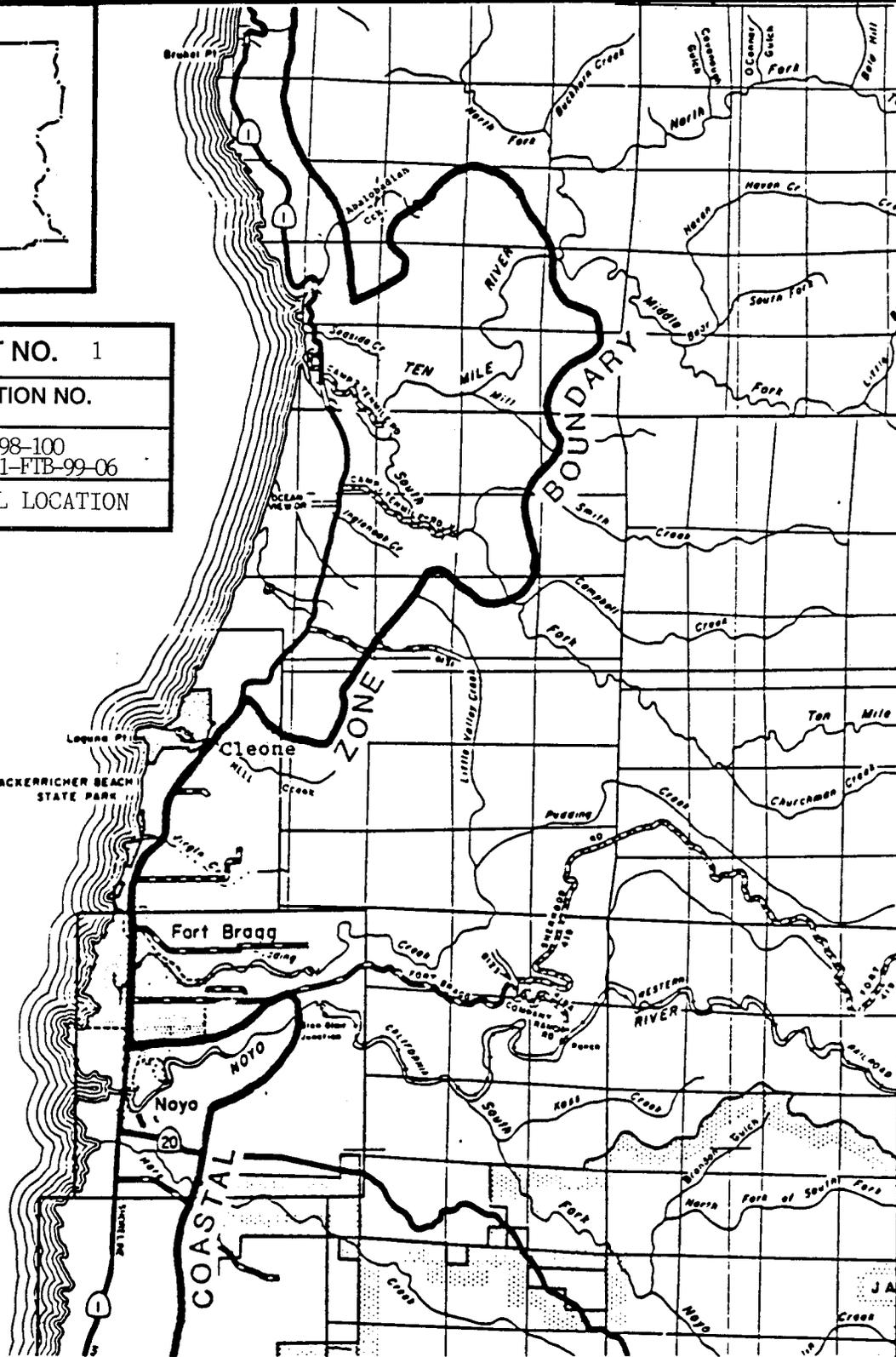
EXHIBIT NO. 1

APPLICATION NO.

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

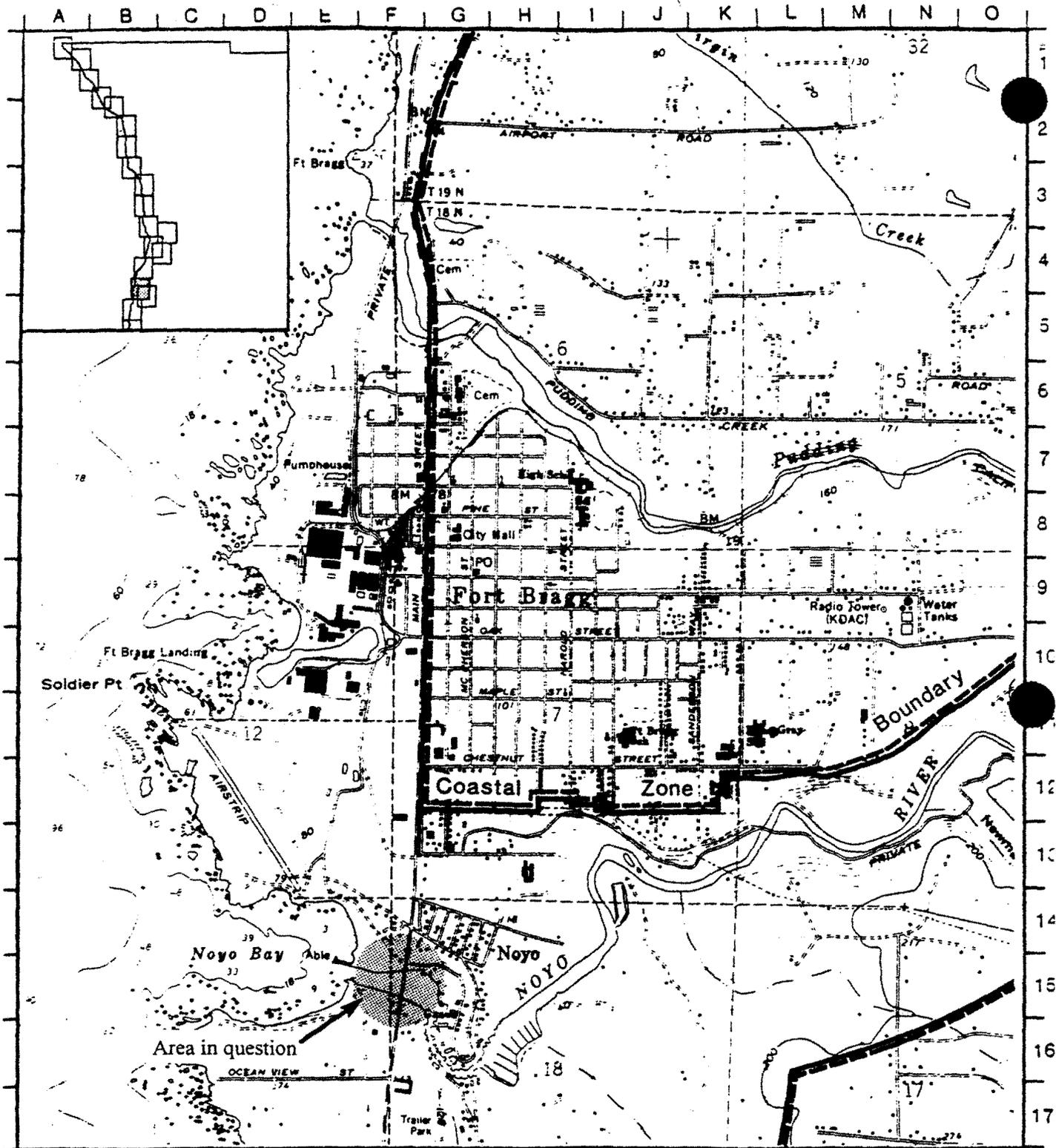
REGIONAL LOCATION

PACIFIC



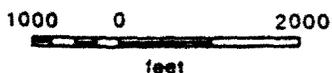
LOCATION MAP





BD 12-98
Noyo River Area

Portion of Coastal Zone Boundary Map
Map # 31 (Ft. Bragg)

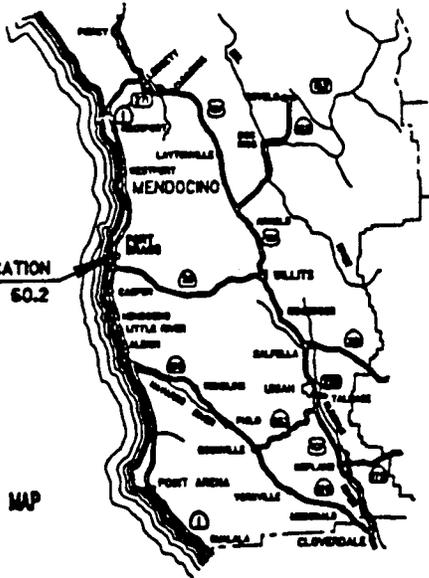


County of Mendocino

EXHIBIT NO. 2
APPLICATION NO.
Permit 1-98-100 Appeal A-1-FTB-99-06
VICINITY MAP

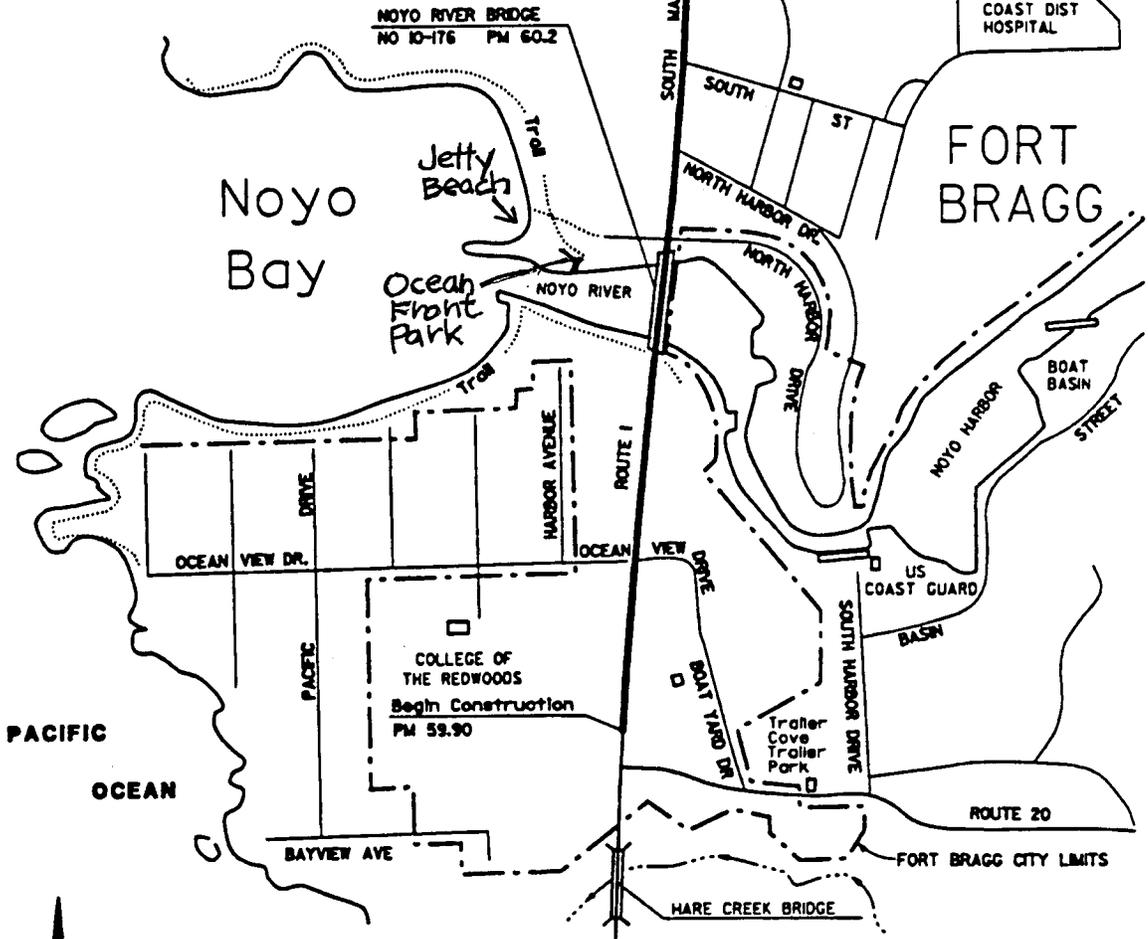
PROJECT LOCATION
ROUTE 1 PM 60.2

LOCATION MAP



NOYO RIVER BRIDGE
NO 10-176 PM 60.2

End Construction
PM 60.65



PACIFIC
OCEAN

COLLEGE OF
THE REDWOODS
Begin Construction
PM 59.90

FORT
BRAGG

US
COAST
GUARD
BASIN

ROUTE 20
FORT BRAGG CITY LIMITS



No Scale

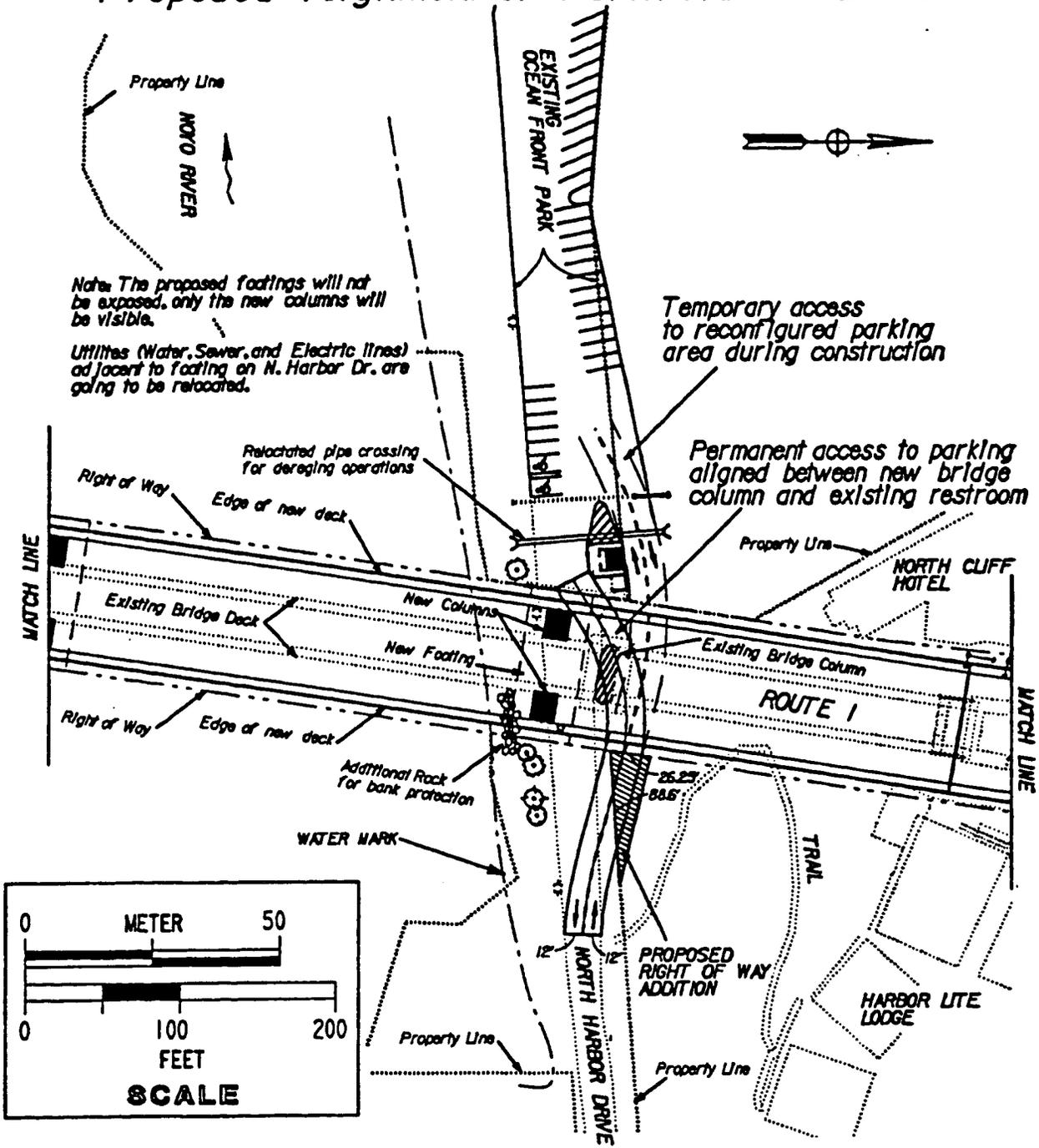
EXHIBIT NO. 3

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

PROJECT AREA

Noyo River Bridge Replacement Project

Proposed Alignment of North Harbor Drive



Note: The proposed footings will not be exposed, only the new columns will be visible.

Utilities (Water, Sewer, and Electric lines) adjacent to footing on N. Harbor Dr. are going to be relocated.

Temporary access to reconfigured parking area during construction

Permanent access to parking aligned between new bridge column and existing restroom

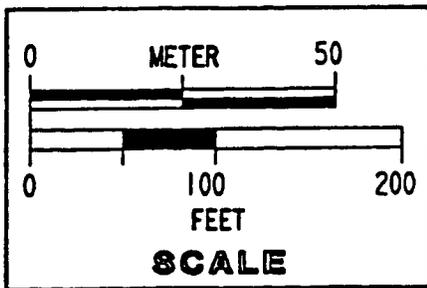


EXHIBIT NO. 5
APPLICATION NO. 1-98-100/A-1-FTB-99-06
Ocean Front Park & Developments in Vicinity

vehicular Traffic

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

Temporary Vertical Clearance	Width of Traffic Opening
1. <u>One-way</u>	30 ft
2. <u>Two-way</u>	

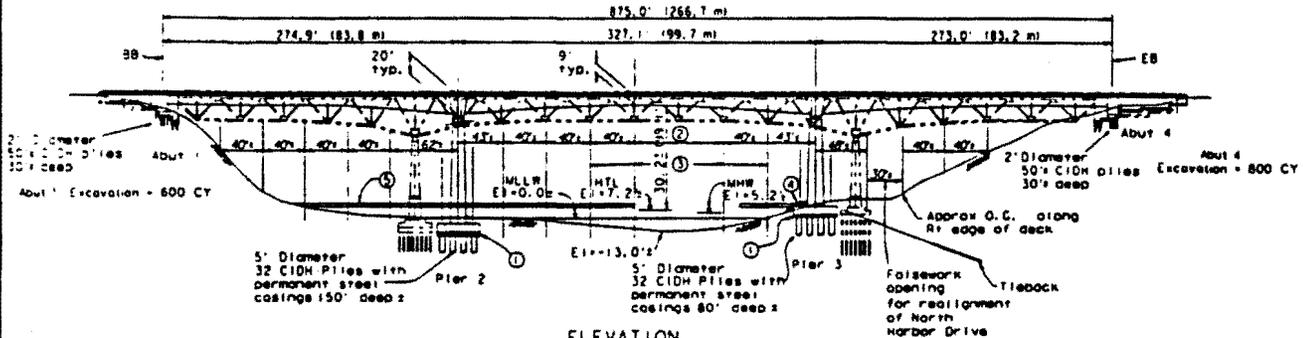
C. Temporary traffic lane reduction needed for footing excavation.

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

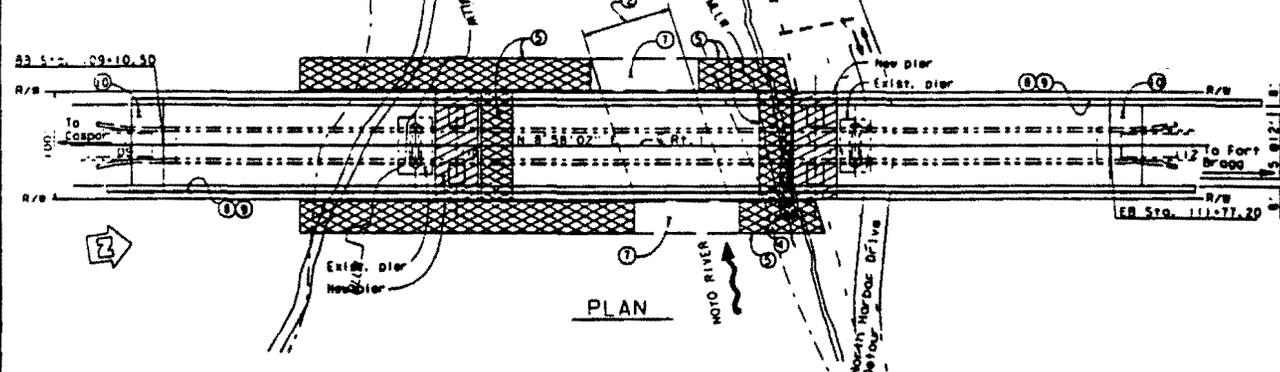


LEGEND

- 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 A.
 - ⑦ Temporary connection.
 - ⑧ Paint bridge name "Noyo River Bridge".
 - ⑨ Paint "Bridge No. 10-176".
 - ⑩ Structure approach slab.
- ▨ Proposed new pier footing (permanent) total = 8000 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 HTL = 9200 CY. Total excavation for piers = 11,000 CY. Total concrete added below HTL = 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 Mail 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-FTB-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-FTB-99-06

Existing Bridge from
Ocean Front Park

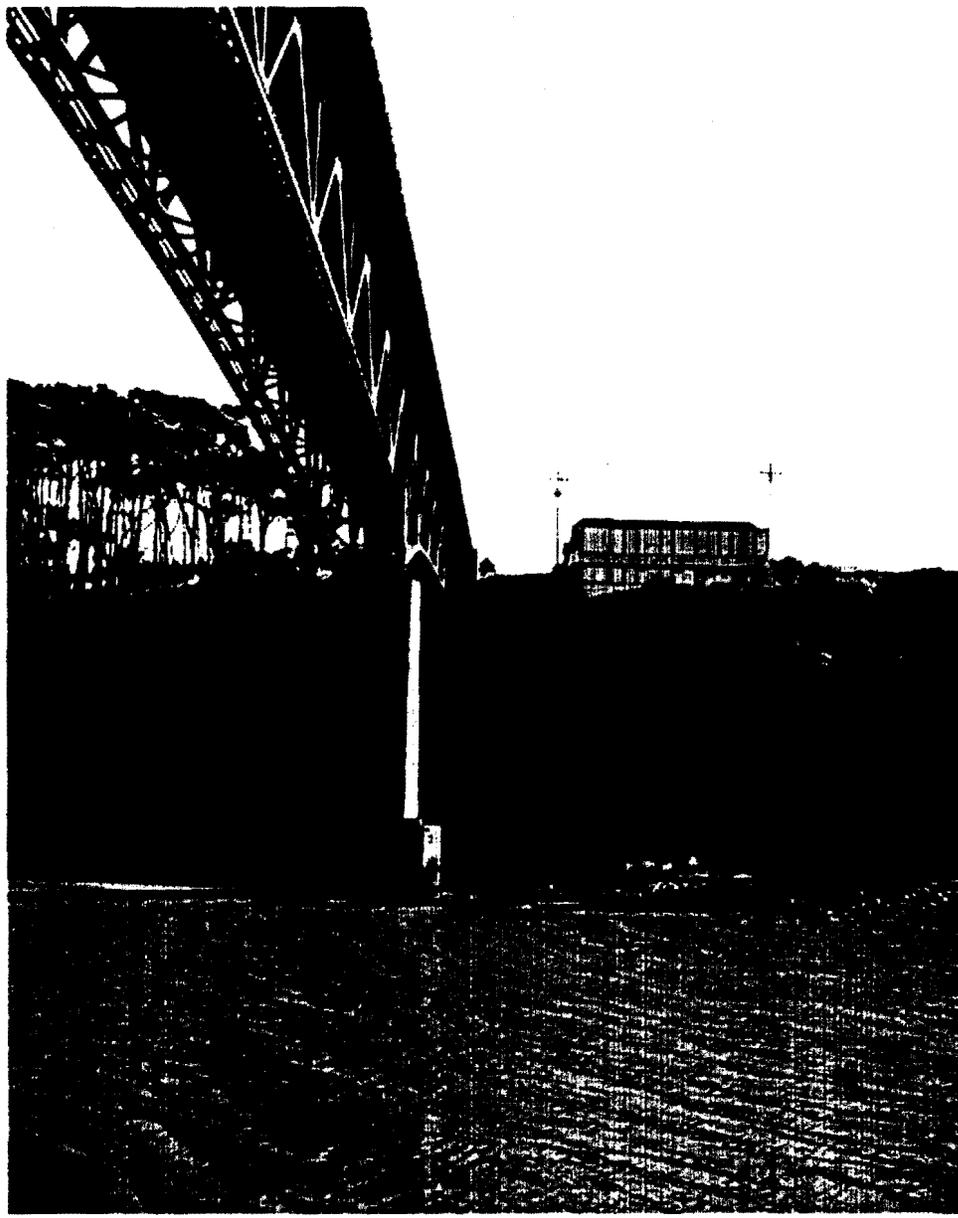


EXHIBIT NO. 9

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

Proposed Bridge from

Ocean Front Park

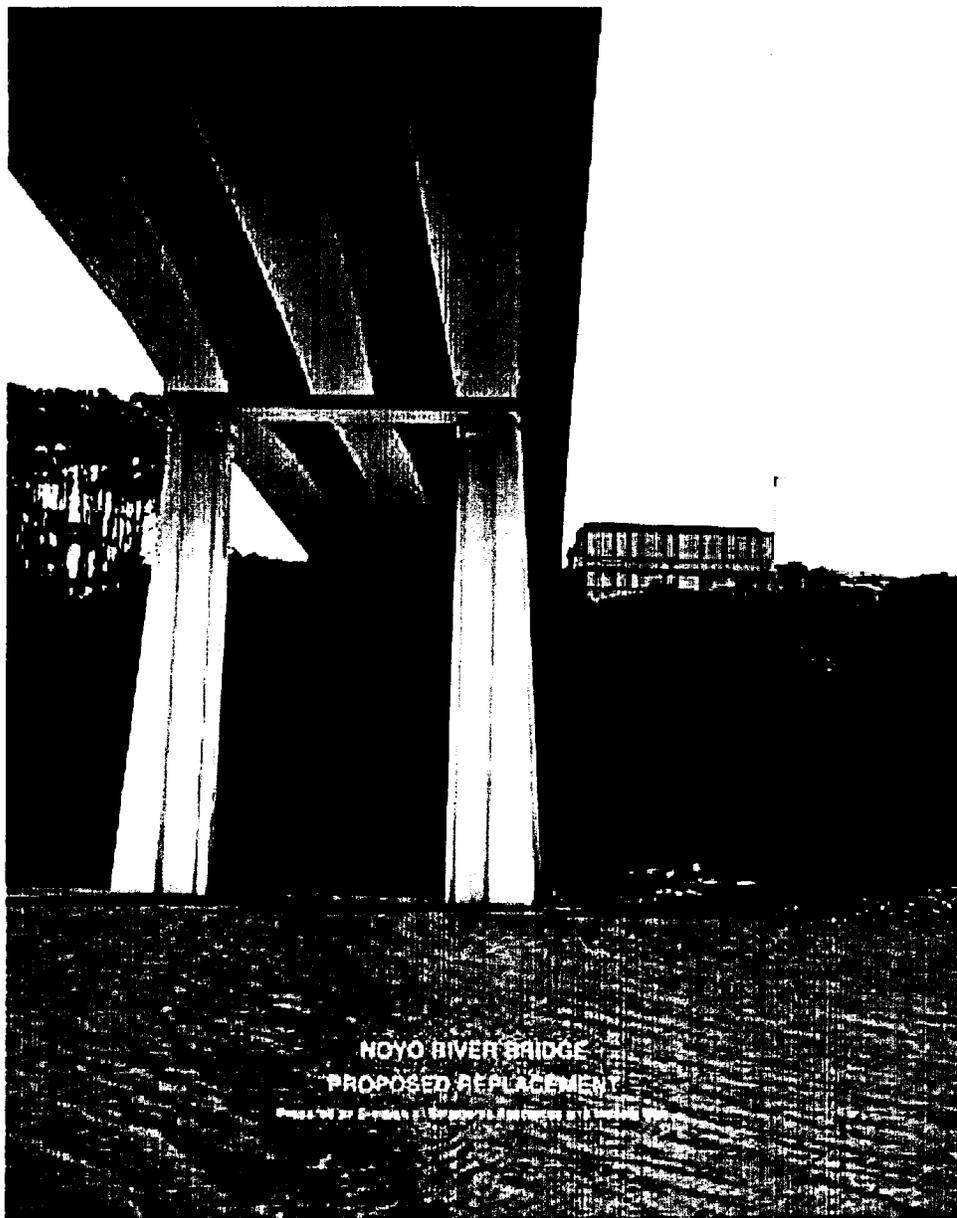


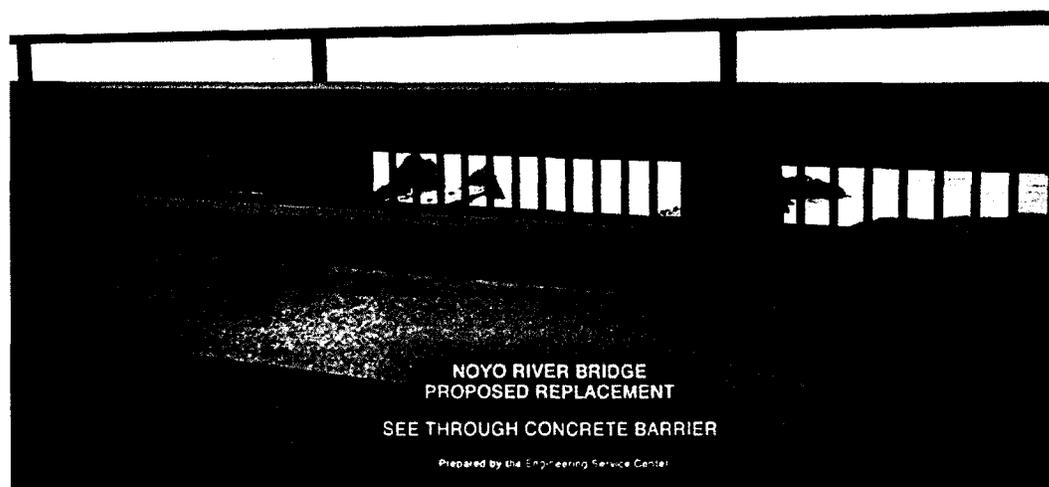
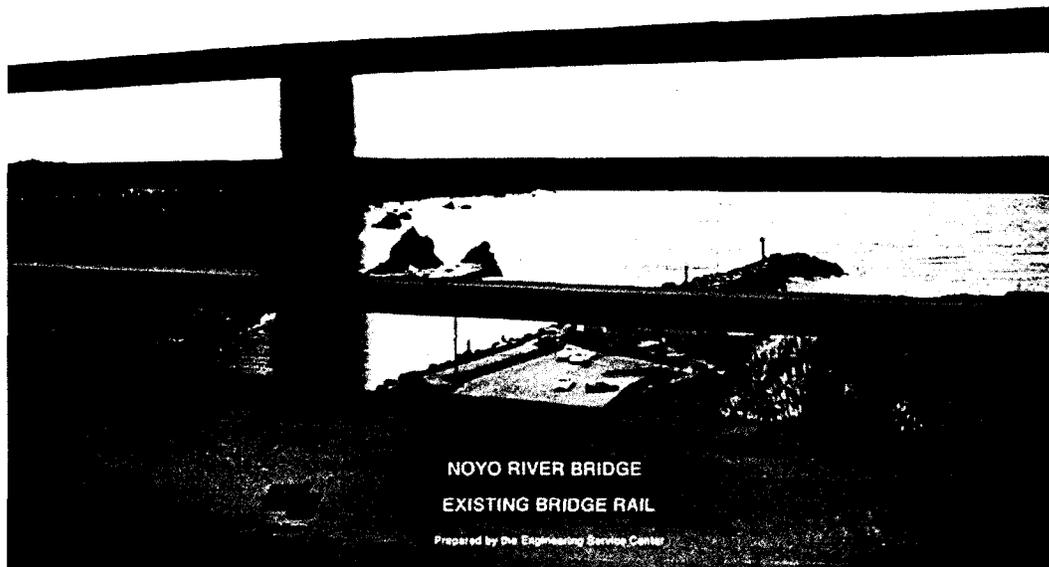
EXHIBIT NO. 10

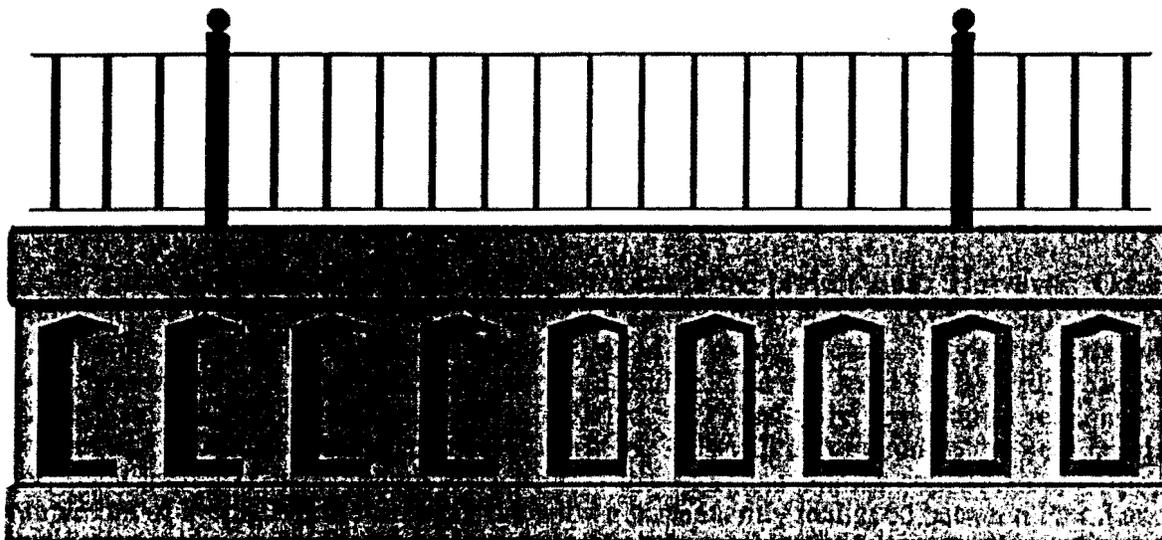
APPLICATION NO.
1-98-100/A-1-FIB-99-06

Existing & Proposed

Bridge Railings -
Views to Ocean

Bridge Rails - Various Views





NOYO RIVER BRIDGE
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

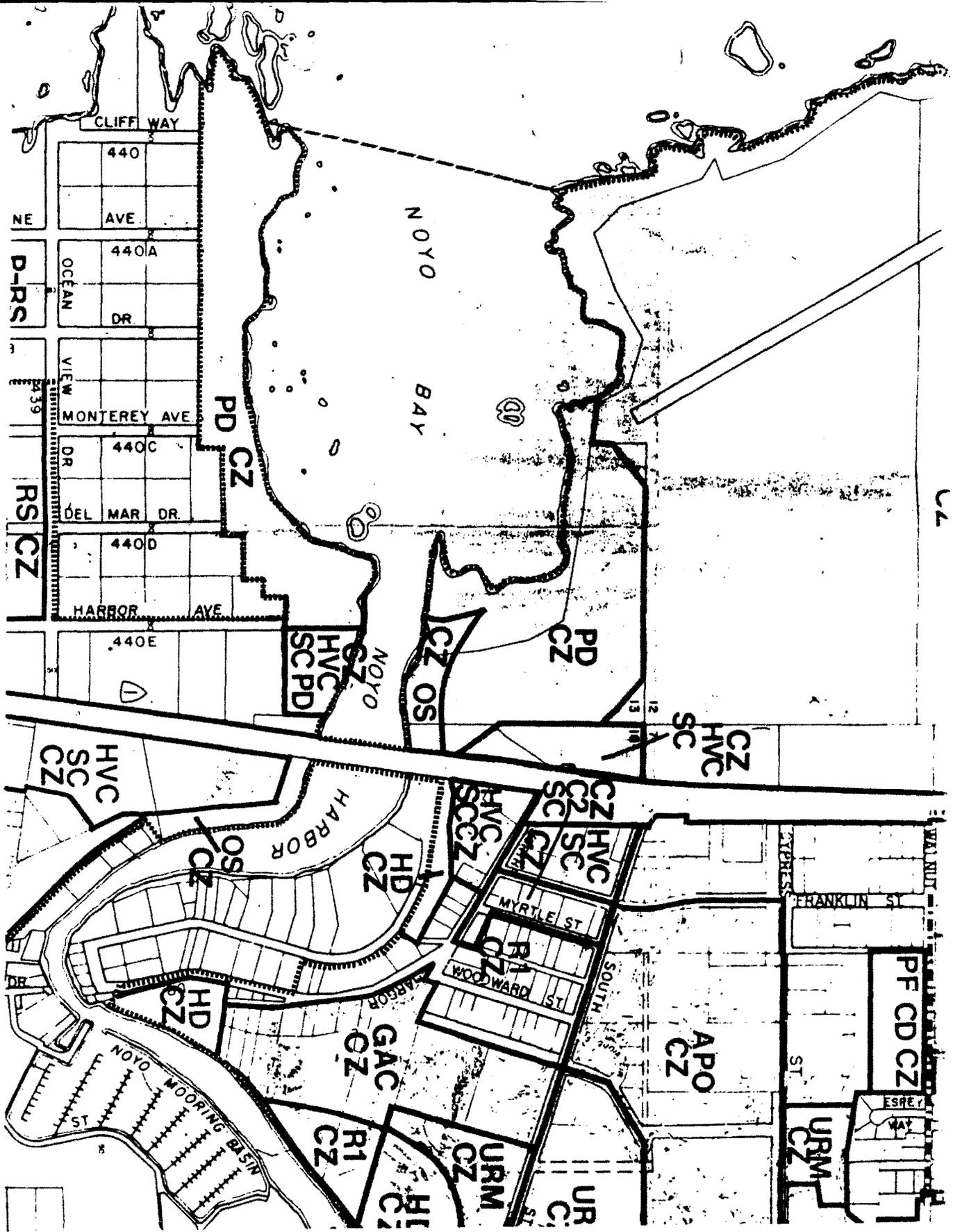


EXHIBIT NO. 12
APPLICATION NO.
Permit 1-98-100 Appeal A-1-FTB-99-06
FORT BRAGG LCP ZONING

Exhibit 3

Project Location Map

Fort Bragg and Vicinity

SCALE: 1" = 2000'

Map copyrighted 1/93 by the California State Automobile Association. Reproduced by Permission.



END PROJECT
(P.M. 62.1)

MODIFY EXISTING SIGNALS

END WIDENING
MODIFY EXISTING SIGNALS

MODIFY EXISTING SIGNALS

MODIFY EXISTING SIGNALS

BEGIN PROJECT
BEGIN WIDENING
(P.M. 59.8)

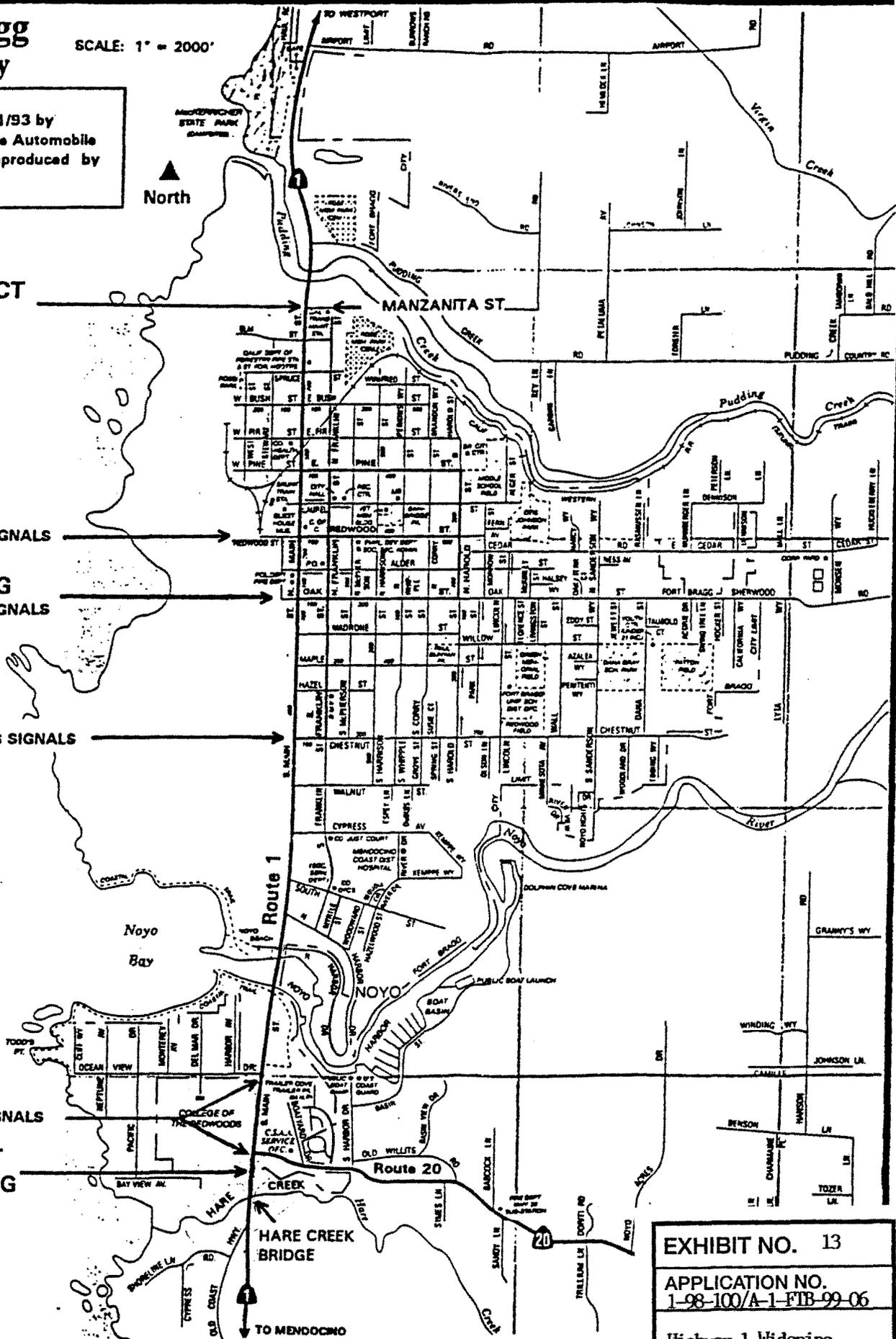


EXHIBIT NO. 13
APPLICATION NO. 1-98-100/A-1-FTB-99-06
Highway 1 Widening



REPLY TO
ATTENTION OF:

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

DEC 07 1998

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

Regulatory Branch

SUBJECT: File Number 23244N

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

RECEIVED
DEC 10 1998
CALIFORNIA
COASTAL COMMISSION

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,

SIGNED

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

RECEIVED
 FEB 04 1999

CALIFORNIA
 COASTAL COMMISSION



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

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,

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-FTB-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 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 minimum 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

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

January 13, 1999

Page 3

replacement project that would conform to the highway at either end and could be constructed without affecting traffic and that could be constructed entirely within the Caltrans right of way. (Most alternatives to this proposal would impact adjacent businesses.)

Once Karen developed this concept and received my support to pursue it, she worked tirelessly internally to obtain all the necessary approvals, as it is not normal for a seismic retrofit/ replacement project to yield a bridge that would result in additional lanes. In seeking conceptual approval, she made the point that the bridge steel has deteriorated, that we need to periodically paint the bridge at a very high cost, that we need to provide for the disabled without diminishing the strength of the bridge to carry permit loads, and that the proposed bridge would meet the needs of the disabled, pedestrians, bicyclists, disabled vehicles, and would conform to the roadway at either end. Against all odds, Karen was able to secure conceptual approval of this project, which will cost \$24 million in lieu of an expenditure of \$8 million which would have met our structural needs and the needs of the disabled.

Once we had conceptual approval internally, Karen approached the Fort Bragg City Council with the idea, securing unanimous support for the project on August 25, 1997, including a Resolution of Support, No. 2233-97. This resolution expressed unanimous support for the proposed project and urged Caltrans to proceed with the project at the earliest possible date. It further resolved support for the 4-lane bridge, emphasizing the importance of meeting the seismic safety needs of the community, the jobs the project would bring to the area, and the fact that it could be constructed within existing State right of way. We have proceeded with this project based upon the unwavering support of the City Council, endeavoring to make the project the best one possible for the City. Karen worked with all the functional areas within Caltrans to assure this project was given top priority by all staff involved.

In spite of this commitment, we have heard criticism that we are providing a "cookie cutter" or typical "highway overcrossing" design, and that the location deserves a "signature bridge." While, there are more exotic designs available, we believe we have provided a very attractive and suitable design for this bridge and its setting. And, we are already spending three times what is required to meet our structural needs. It is unreasonable to conclude that we should commit another \$15-20 million that it would cost to develop a "signature bridge," such as a concrete arch. Such a bridge, with its construction complexities, would require moving the existing bridge during construction, if we are to stay within existing right of way, thereby closing Route 1 to traffic for several days, at a minimum. We do not believe the public would be supportive of a project that would result in such an action if there is an alternative that would not. Also of major concern is sending us back to the drawing board, causing delay to a project of paramount safety importance. Both, the environmental document and the design would have to be redone, potentially delaying the project for two years, and costing another \$4 million in project development costs.

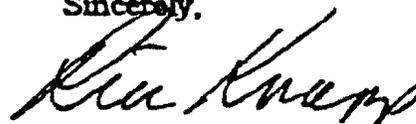
The Planning Commission in its findings concluded that the project is "out of scale, too massive and not in character with the surrounding coastal community." It is difficult to imagine how a bridge that will conform exactly to the roadway on each side would be considered "out of scale." To build one that was not the same width could

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.

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.

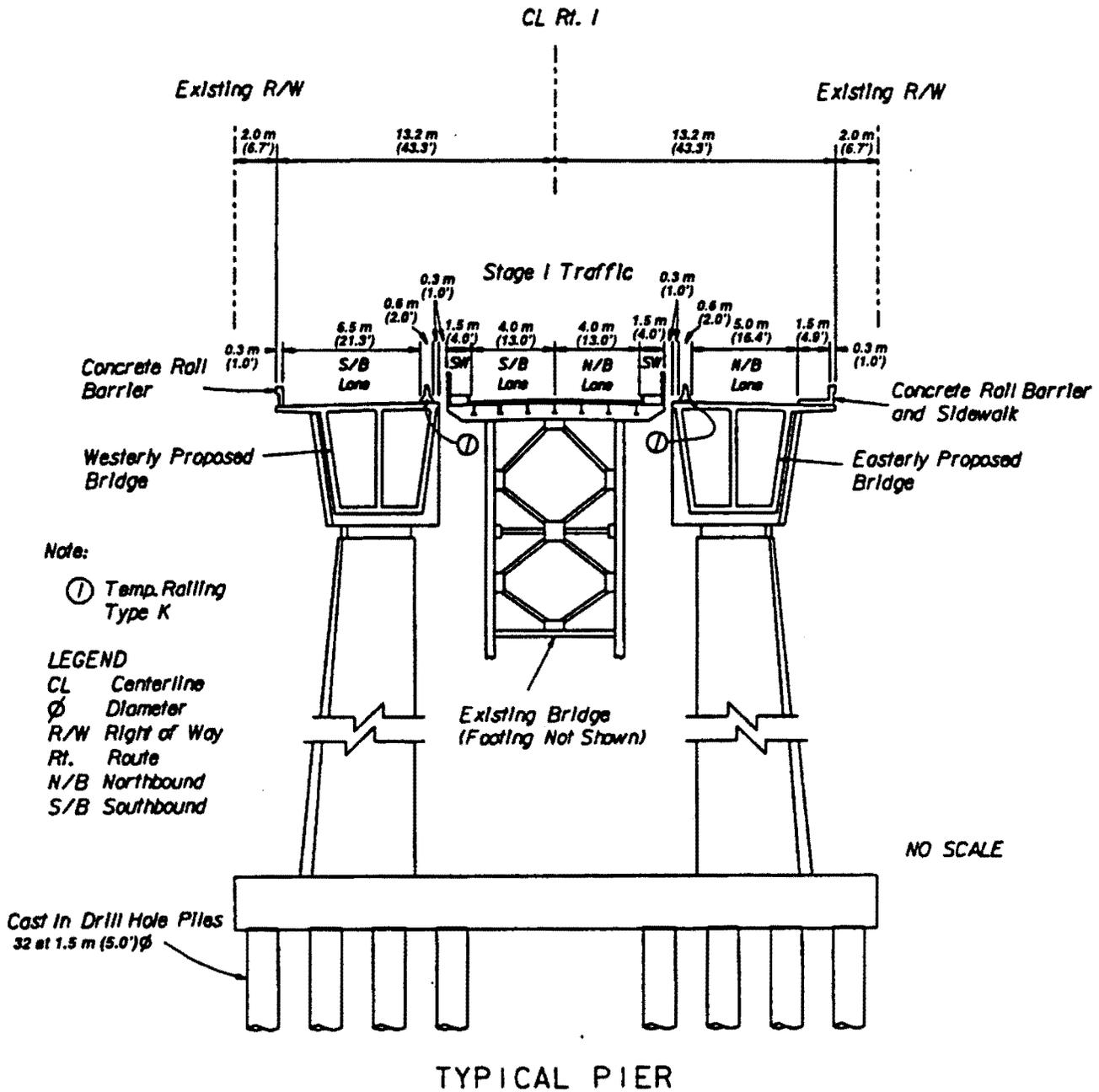
11. Could Caltrans decide to retrofit the bridge instead of replace it?

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 Tutman 2/99



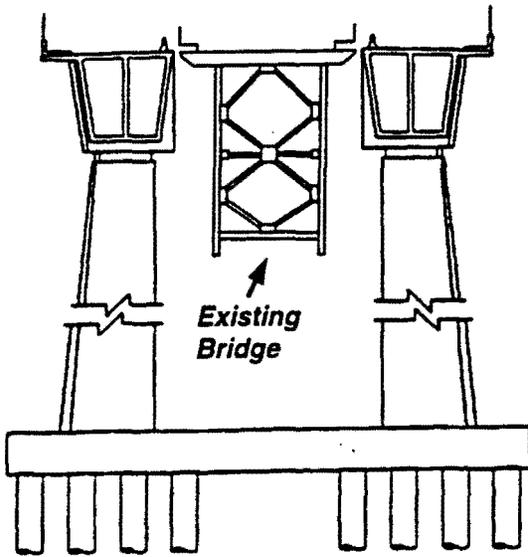
DEFERRED ALTERNATIVE STAGE ONE



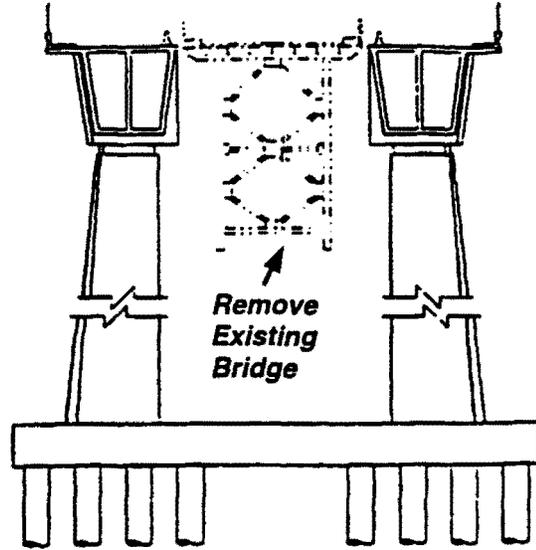
ALTERNATIVE 2: FOUR LANE TRIPLE CAST-IN-PLACE CONCRETE BOX GIRDER BRIDGE

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

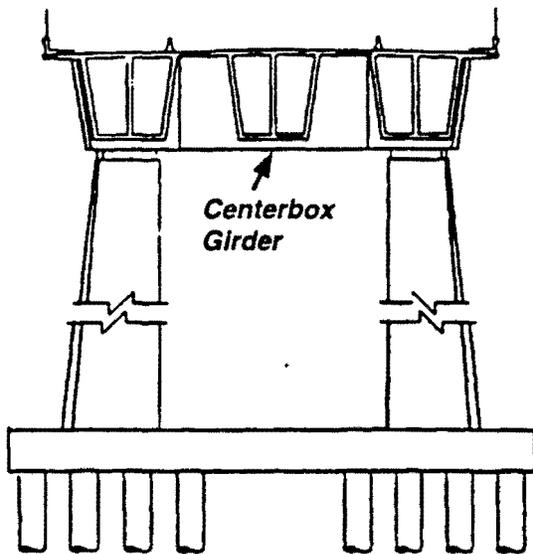
EXHIBIT NO.	20
APPLICATION NO.	1-98-100/A-1-FIB-99-06
PROPOSED PROJECT	
STAGE 1	



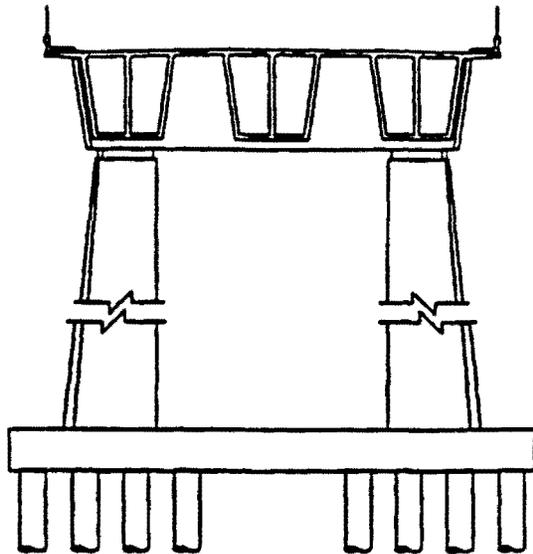
STAGE 1
Construction of
Exterior Box Girders



STAGE 2A
Dismantle
Existing Bridge



STAGE 2B
Construction of
Center Box Girders

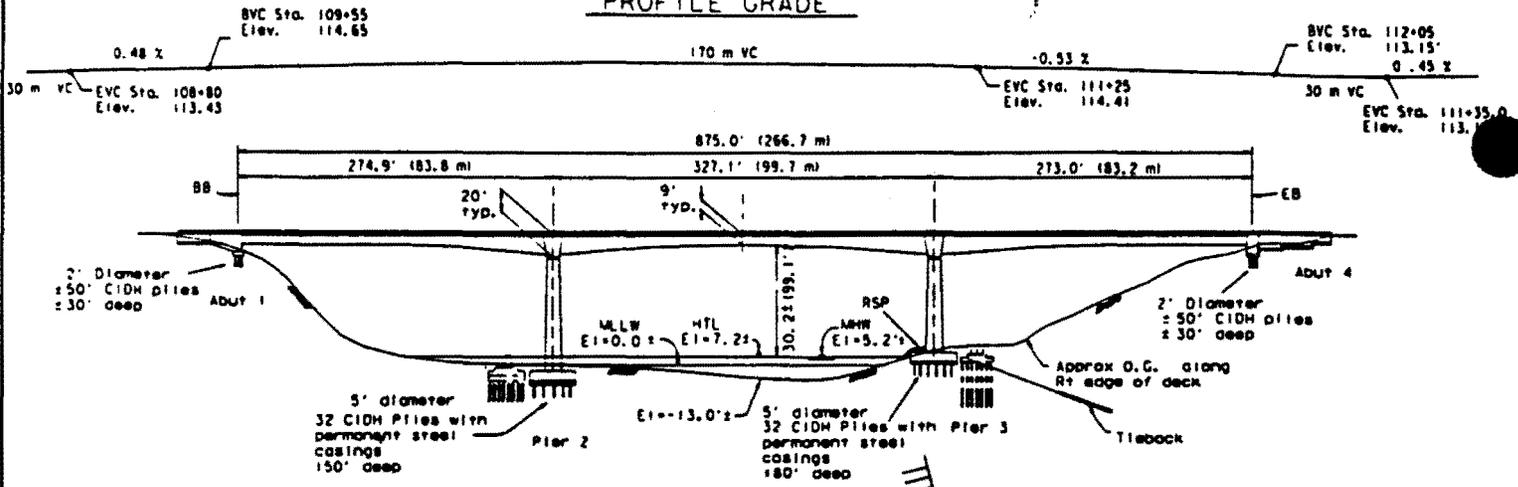


FINAL STAGE
Completion of
Noyo River Bridge

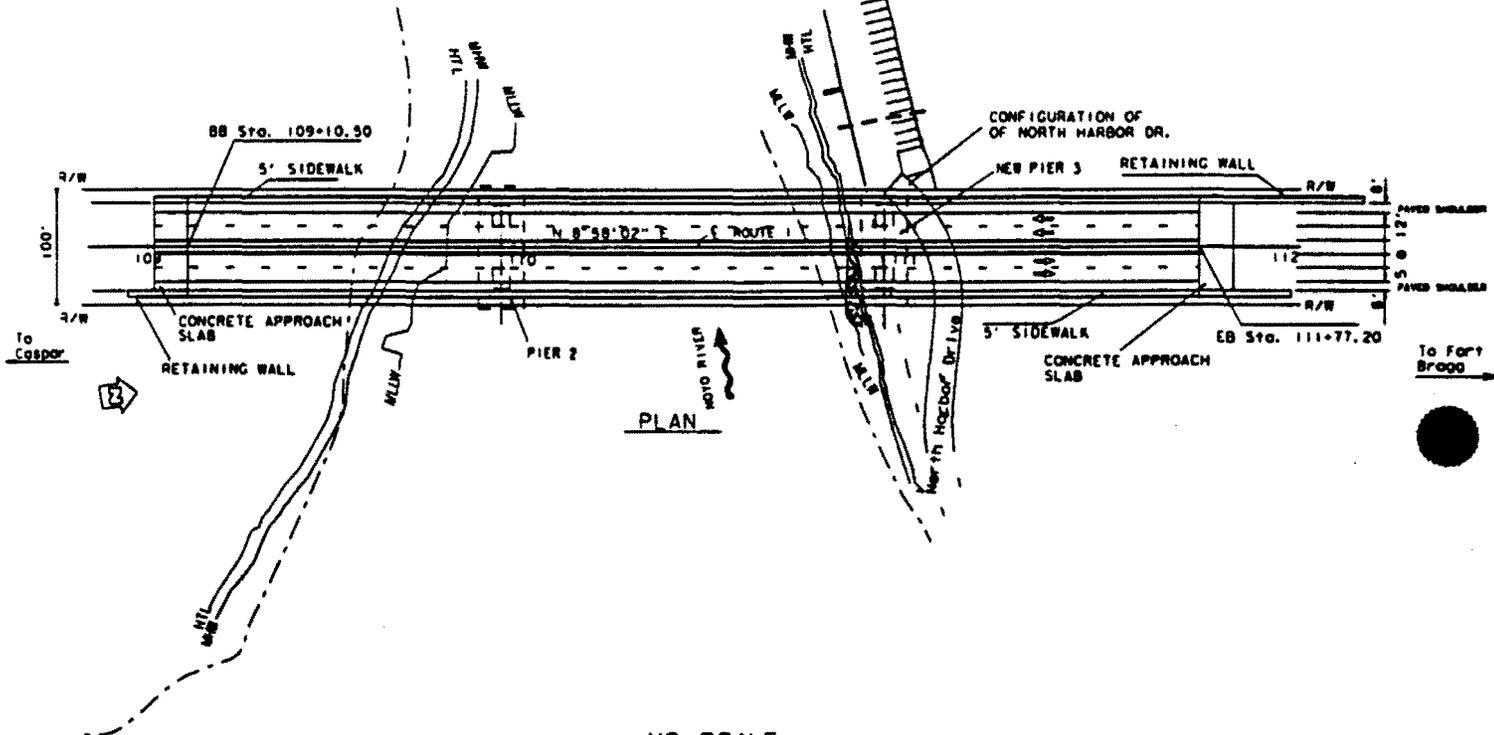
No Scale

EXHIBIT NO.	21
APPLICATION NO.	1-98-100/A-1-FTB-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



Caltrans

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

FINISHED CONDITION

IN: NOYO RIVER

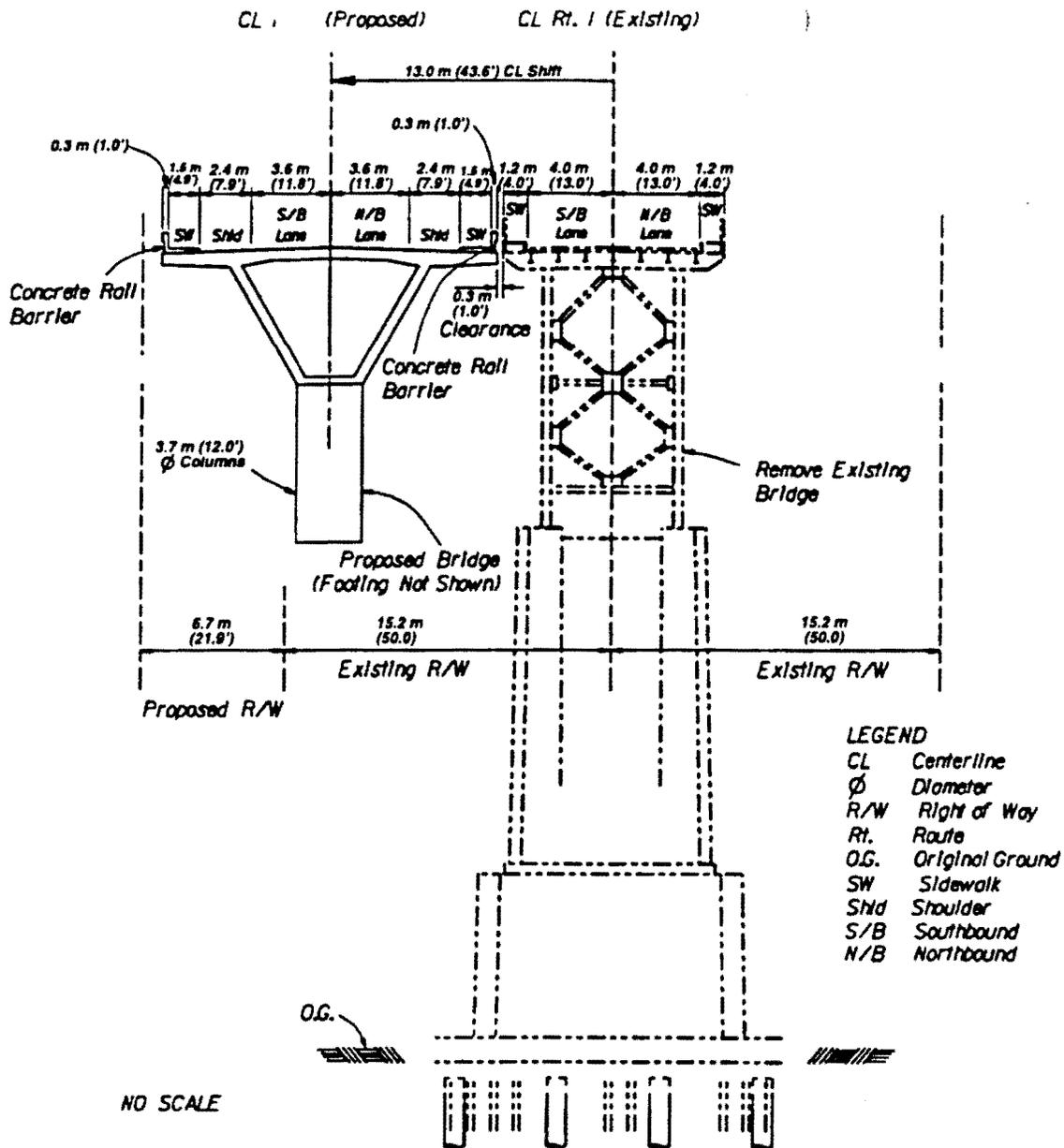
AT: ROUTE 1, PM 60.2

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	



TYPICAL PIER

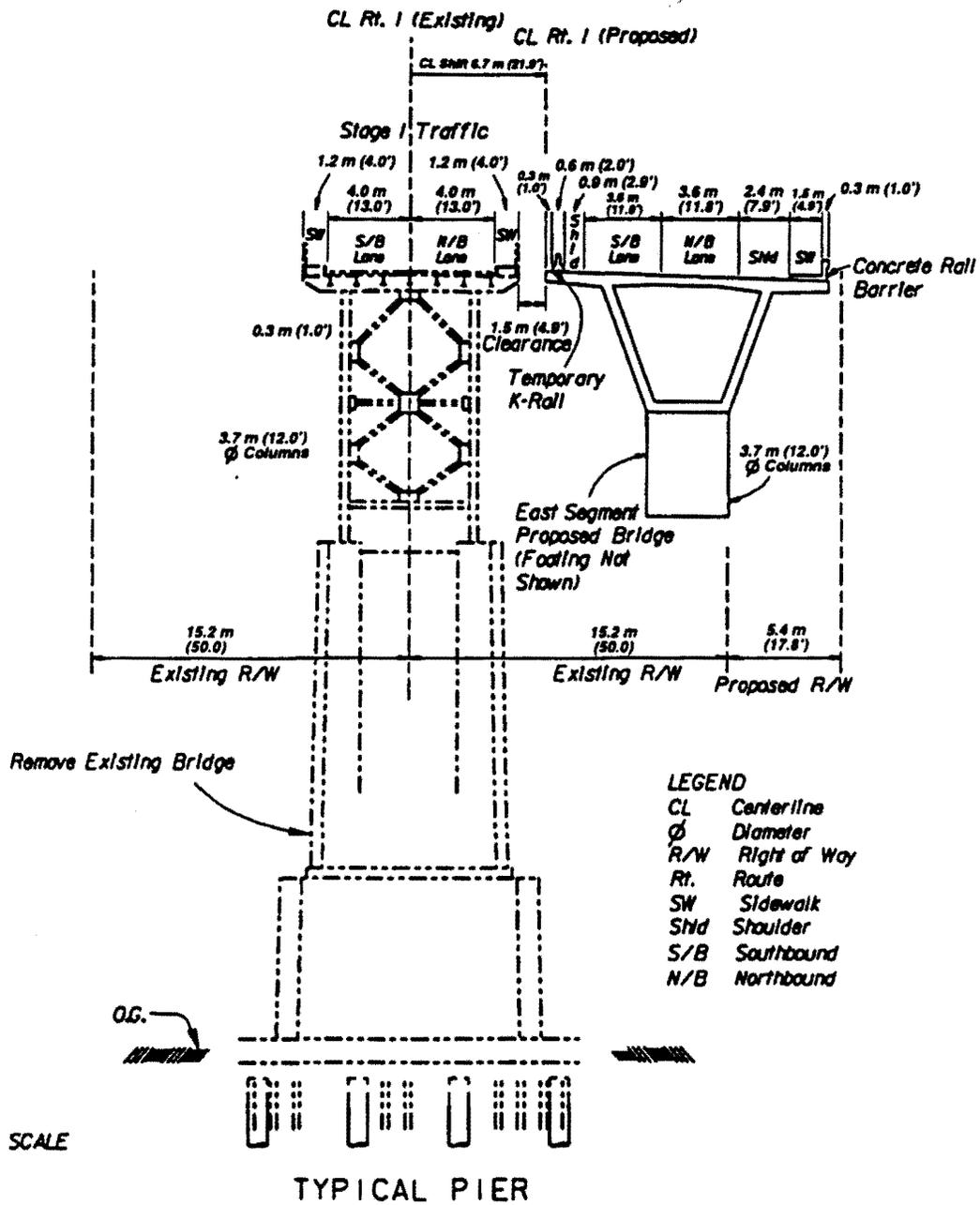
**ALTERNATIVE 1b: TWO LANE
CAST-IN-PLACE CONCRETE BOX GIRDER BRIDGE**

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-FIB-99-06
ALTERNATIVE 1	



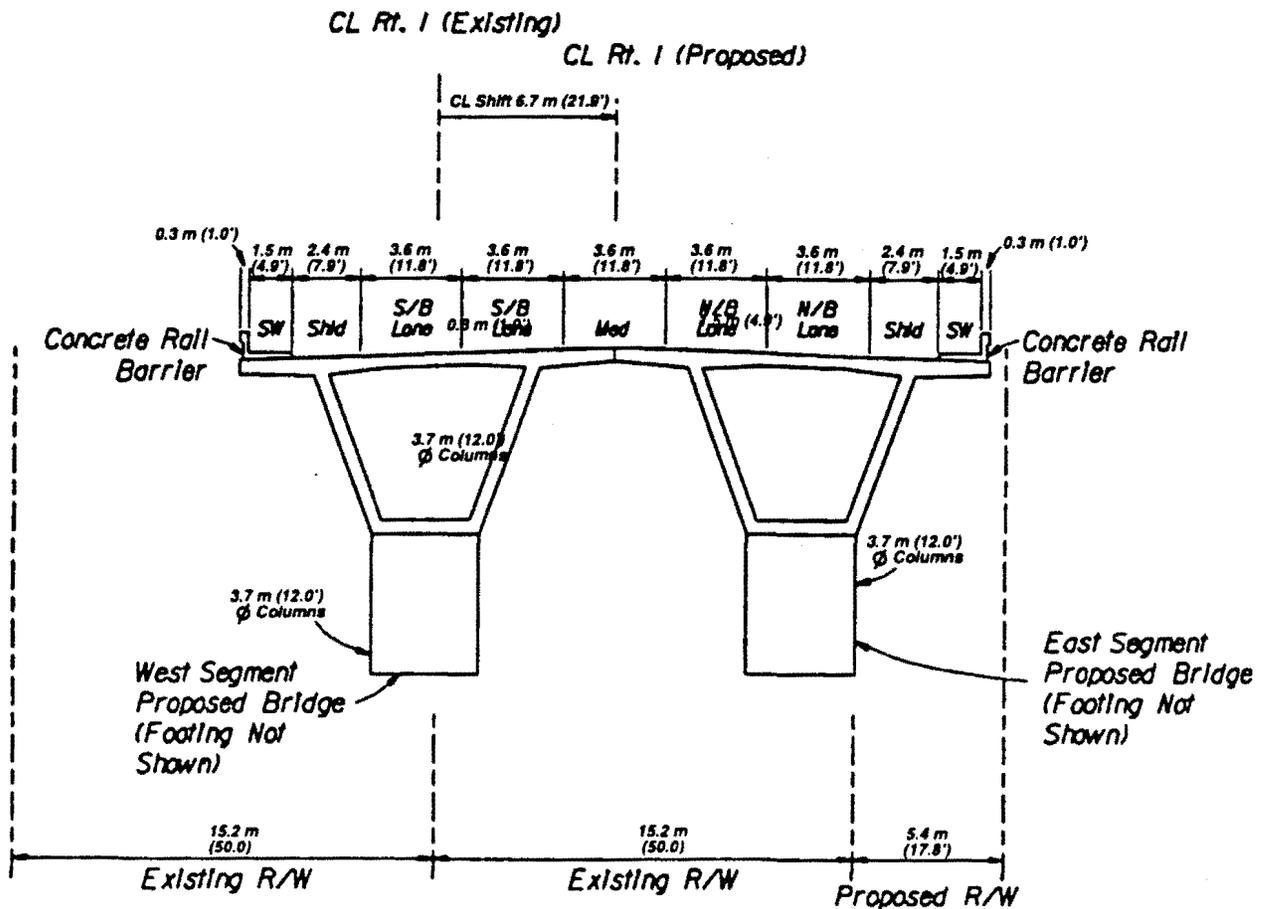
DESIGN VARIATION: TWIN LANE CAST-IN-PLACE SEGMENTAL BOX GIRDER BRIDGE

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	



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

NO SCALE

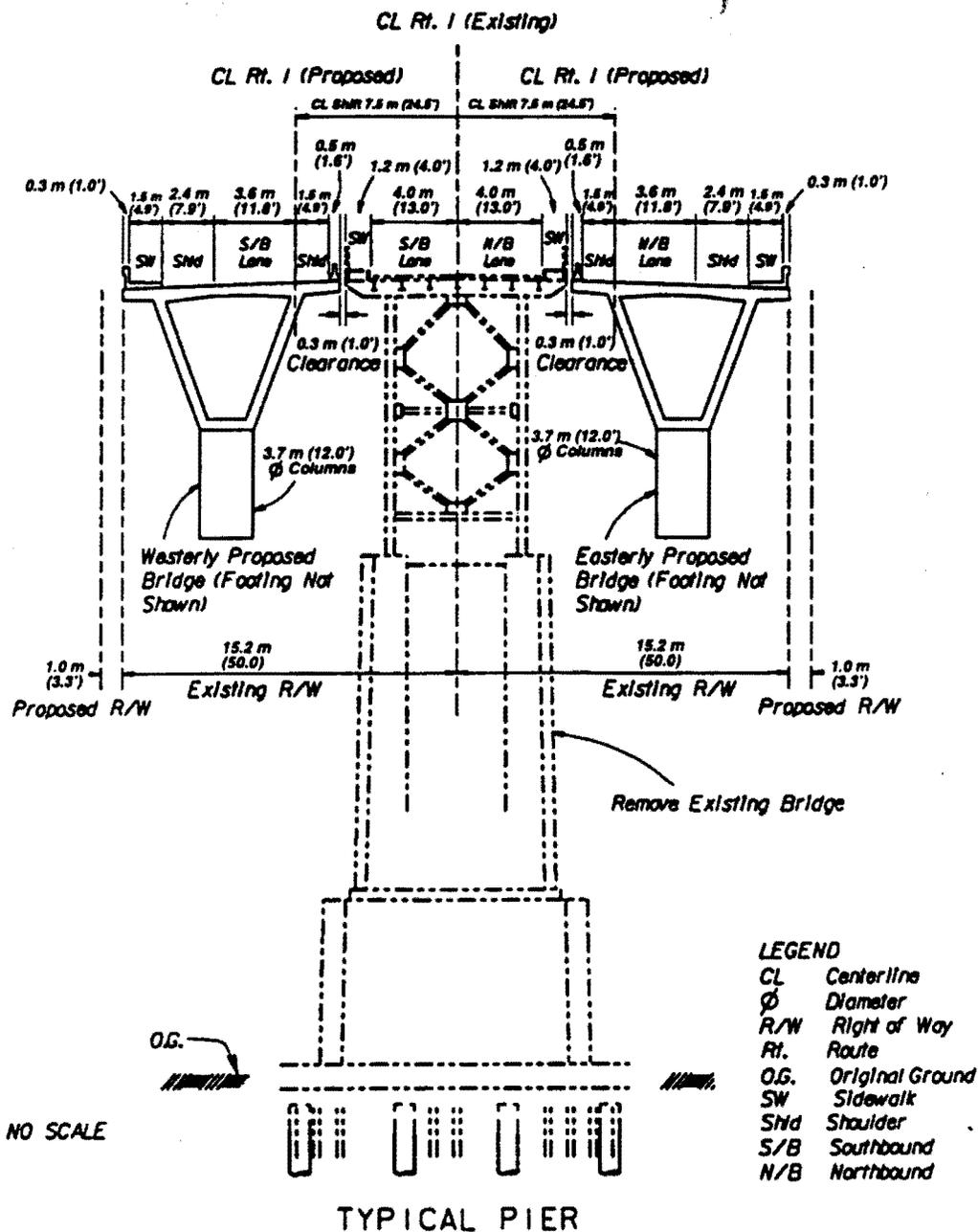
DESIGN VARIATION: TWIN LANE CAST-IN-PLACE SEGMENTAL BOX GIRDER BRIDGE

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



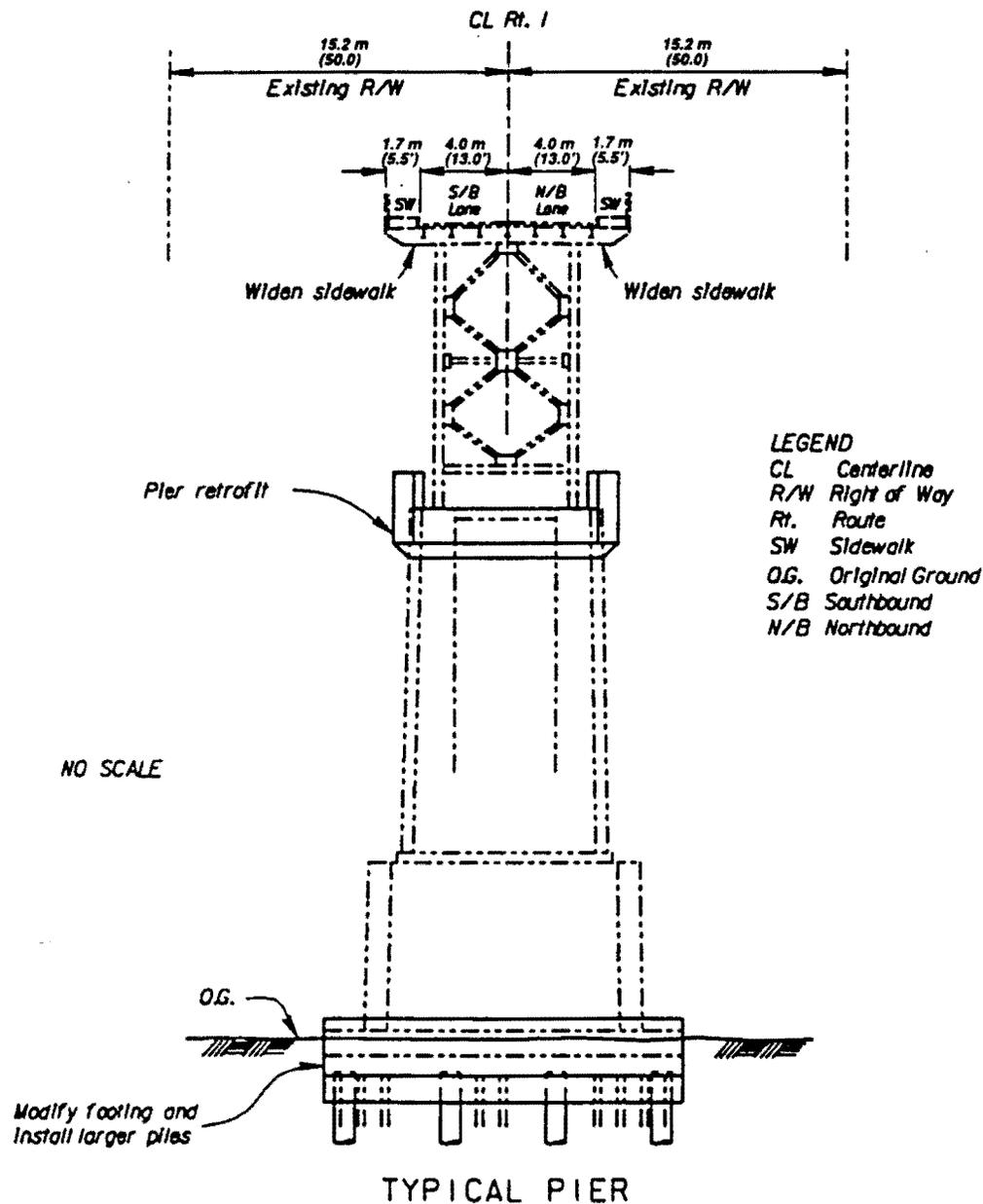
ALTERNATIVE 3: TWIN SINGLE LANE CAST-IN-PLACE CONCRETE BOX GIRDER BRIDGE

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	Footling Excavation		Pile Excavation/Fill		Footling 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-FTB-99-06
EXCAVATION AND FILL
AMOUNTS OF ALTERNATIVES

TOTAL P.02

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.

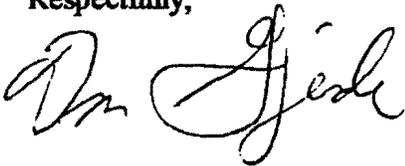
It should also be noted that conditioning an off-site mitigation would in no way delay the construction schedule for the bridge.

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 **XX 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

ADMINISTRATION/ENGINEERING
(707) 961-2823

FINANCE/WATER WORKS
(707) 961-2825

ECONC

EXHIBIT NO. 32
APPLICATION NO. 1-98-100/A-1-FTR-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.I 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-FTB-99-06
APPEAL OF COASTAL COMMISSIONERS ARETAS & 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, B2, 3+4, LCP POLICY XIV-3, XIVc.(2), and CEQA SECTION 15082 (GUIDELINES)

SEE ATTACHED LETTER (43 pages)

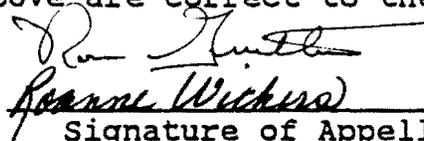
Appeal by fax (415) 357-3787

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 the 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



4400 MacArthur Boulevard
Suite 300
Newport Beach, CA 92660
(714) 477-0873
FAX (714) 476-2075

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:

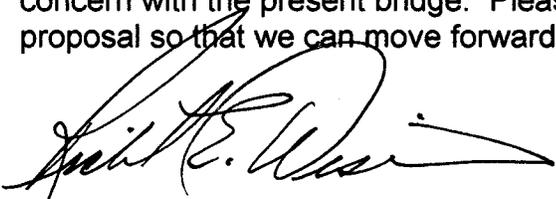
I am writing this letter regarding the Coastal Commissions hearing on the Noyo River Bridge Project. Based upon the present bridges configuration of two traffic lanes I have many Public Safety concerns. I have attached a copy of a letter written to the Fort Bragg City Council which addresses some of 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-FTB-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.

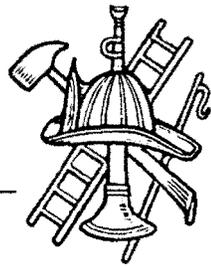
As stated in other letters, I as the Chief of Police feel it is my obligation to address the Public Safety view and it is my hope that you will consider this when voting on this issue. Public Safety responses for all agencies becomes a valid concern with the present bridge. Please help us by voting for 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". The signature is fluid and cursive, with a large initial "R" and "W".

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 25 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.

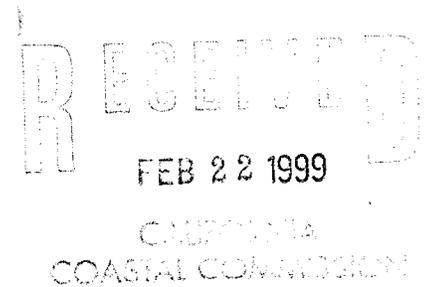
Speaking as the chief of the fire department, I hope that you will understand the safety aspects for us today and for our future. The replacement will last for many years to come and will get us across the river in a safe fashion, as it is intended to do. I personally find the design in very good taste.

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



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

DEPARTMENT OF TRANSPORTATION
NORTH REGION-RIGHT OF WAY
P. O. BOX 911
MARYSVILLE, CA 95901
FAX (530) 741-4274
TDD Telephone (530) 741-4509
Telephone (530) 741-5312

RECEIVED
SEP 13 1999



September 8, 1999

CALIFORNIA
COASTAL COMMISSION

Mr. Robert S. Merrill
North Coast District Manager
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

File: Men-1-PM 59.9/60.6
Noyo River Bridge Replacement
EA 01-378001

Attn: Steve Scholl

Dear Sir:

It is the intent of the California Department of Transportation to proceed with Option (b), deposit of \$1-million into an interest bearing account designated by the California Coastal Commission, as written Coastal Development Permit No. 1-98-100 and No. A-1-FTB-99-06. Funds have been allocated and will be transferred to the appropriate account upon written notification from the Commission that:

- (a) an account has been established with the State Controller's Offices to receive said funds naming the California Coastal Commission as trustee;
- (b) said funds will be used to offset the impact of a new state highway bridge, to be constructed over the Noyo River in the City of Fort Bragg, on visual resources and public recreational opportunities.

If you have any questions regarding this issue, please contact me at (530) 741-5312.

Sincerely,

Handwritten signature of Jeffrey C. Mathews in cursive.

Jeffrey C. Mathews, Chief
North Region Right of Way Planning and Management

JCM:bdl

cc: Rick Knapp
Doris Alkebulan

**Testimony on the Proposed Noyo River Bridge
To the California Coastal Commission**

**By
Vince Taylor
March 9, 1999**

Re: Permit Numbers A-1-FTB-99-06 and 1-98-100



Dharma Cloud Foundation

P.O. Box 37

Caspar, CA 95420

Tel 707 964-6456 Fax 707 964-7520

EXHIBIT NO. 36
APPLICATION NO.
Permit 1-98-100 Appeal A-1-FTB-99-06
CORRESPONDENCE

0 Introduction and Recommendations

Deficiencies in the Staff Report

In recommending approval of the proposed Noyo Bridge, with conditions, the staff report errs in three crucial respects:

1. The staff report ignores the bridge's violation of the Fort Bragg LCP Scenic Corridor Combining Zone, Section 18.58.050(C), which includes the following requirements (emphasis added):
 - The structure shall be so designed that it in general contributes to the character and image of the city as a place beauty, **spaciousness and balance**.
 - 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.

The bridge violates these provisions because it would be wider than the Golden Gate Bridge, practically fill the entire highway right-of-way, and come within 10 feet of a restaurant and a motel, both located on the Noyo bluffs to the seaward side of the bridge. Rather than contributing to a sense of **spaciousness and balance**, the bridge would **crowd and unbalance** the entrance to the city and **materially depreciate the appearance** of the neighborhood.

2. The staff report fails to recognize that **the width of the proposed bridge substantially exceeds that required to support four lanes of automobile traffic plus bicycle and pedestrian lanes**. The proposed bridge has not four but seven traffic lanes (four driving lanes, one unused median lane, plus two shoulder lanes).

The staff report therefore fails to recommend the single condition of approval that would contribute most to reducing the negative impacts of the proposed bridge: **narrow the width of the bridge from 86.6 feet to 70 feet, a width that would generously meet vehicular, bicycle, and pedestrian traffic needs**.

3. The staff report fails to recognize that **alternative bridge designs are currently available that would provide the vehicle crash protection required by Caltrans, while improving pedestrian and cyclist safety and providing drivers with harbor views better than those from the present bridge**. Because the report fails to consider these alternative designs, it fails to recommend as a condition of approval that the new bridge maintain drivers' views at least equal to those from the current bridge.

Recommended Added Conditions for Approval

It is recommended that the Commission add the following special conditions to approval of the permit for construction of the Noyo Bridge (following the numbering in the staff report:

III-11. Maximum Width

The maximum width of the bridge shall be 70 feet.

III-12. Maintenance of Existing Views

The bridge shall be constructed in a manner that will allow drivers in the outermost lanes to have a downward angle of view that is no less than the angle of view from the present bridge. The railing shall be of a design that provides drivers with views at least as good as from the present bridge (allowing for the fact that narrow railing verticals are not visible to moving drivers).

Local Political Support for Caltrans Bridge Based on Caltrans's Fear Campaign and Should Be Disregarded by the Commission

Bragg City Council received over 1000 signatures on a petition to approve the Caltrans bridge design. The Coastal Commission is likely to receive a similar petition, perhaps with even more names, and to hear from many local citizens and politicians fervently supporting the bridge. This outpouring of support is the result of a campaign orchestrated by Caltrans that convinced most people in Fort Bragg that Caltrans would cancel the four-lane bridge if its design were not approved immediately. Almost everyone wants a bridge with more traffic capacity; thus Caltrans's explicit threats of cancellation were very effective in marshalling political support for its bridge design.

The Coastal Commission should not be swayed by Caltrans's fear campaign. Its threat of cancellation is empty. Caltrans very much wants to build a new bridge because this will cost the state much less than the alternative of retrofitting the bridge. Eighty percent of a new bridge will be paid from federal funds; whereas Caltrans would need to use state funds to pay for the entire cost of a retrofit and the much higher future maintenance costs of the existing as compared to the new bridge. The new bridge is Caltrans most cost-effective solution.

By requiring that Caltrans provide a four-lane bridge design that protects coastal views and is less than or equal to 70 feet in width, the Coastal Commission can both fulfill its mandate to protect coastal resources *and* meet the desires of Fort Bragg for a bridge with greater traffic capacity and safety.

1 Bridge Excessively and Unnecessarily Wide

Excessive Width Unacceptably Degrades Coastal Resources

There is no possible way to make the present bridge design conform to the requirements of Fort Bragg's or the state's coastal protection laws. The fundamental problem with the current design is its excessive width. The present bridge is 34 feet wide. The proposed bridge is 87 feet wide, two and a half times as wide as the current bridge and wider than the Golden Gate Bridge! The bridge almost entirely fills Caltrans right of way and comes within ten feet of a restaurant and a motel.

Detracts from spaciousness, balance, and appearance. Because of its excessive width, the proposed bridge cannot possibly conform to Fort Bragg LCP Scenic Corridor Combining Zone, Section 18.58.050(C), which includes the following requirements (emphasis added):

4. The structure shall be so designed that it in general contributes to the character and image of the city as a place 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**.

Rather than contributing to a sense of **spaciousness and balance**, the bridge would **crowd up against the existing buildings and destroy the balance between open spaces and structures, materially depreciating the appearance** of the neighborhood. All of this would occur in an area of exceptionally important coastal resources.

Makes impossible the preservation of valuable coastal views. Major contributors to the excessive width of the bridge are two eight-foot shoulder lanes. The shoulders plus pedestrian lanes total 13.5 feet, compared to 4.5 feet on the current bridge; thus drivers are moved 8.5 feet further away from the edge and have a significantly shallower downward angle of view.

The staff report recognizes the decreased downward angle of view (p. 17), but does not recognize that maintaining the downward angle of view is critically important to maintaining the harbor views. The boundary between the water and buildings in the harbor is relatively close to the bridge. To see the pilings of the piers requires the present downward angle. On the proposed bridge, drivers would be unable to see the waters of the harbor even if there were no railing at all.

As explained in a later section, if the shoulders are removed from the bridge and a safety barrier is placed at the edge of the traffic lanes, a pedestrian and bicycle lane of 8 feet would be consistent with maintaining the present downward angle of view. Thus, decreasing the width of the bridge is essential to maintaining the present coastal views while meeting the needs for safe pedestrian and cyclist access.

Excessive Width of the Proposed Bridge Completely Unnecessary

Over time, Caltrans has moved from one supposed justification to another for the excessive width of the proposed bridge. None of the reasons put forth by Caltrans have sufficient benefits to justify the great harm that the excessive width would cause to extremely valuable coastal resources.

Bridge width not justified by need to maintain two-way traffic. Initially, Caltrans maintained that the width of the proposed bridge was the minimum width consistent with maintaining two-way traffic during construction.¹ Exhibit II-g of the final Caltrans EIR (November 1998), however, shows lanes on each side equal to 24.3 feet, well in excess of the 18 feet that would be needed to provide a traffic lane plus a temporary 4 foot pedestrian lane plus 2 feet for edge barriers.

Indeed, the Caltrans plan has a pedestrian lane only on one side of the bridge. The other side contains a 21.3-foot roadway, which will be used for two-way traffic during part of the bridge construction. Two conclusions can be drawn from this: 1) Caltrans does not consider it necessary to provide pedestrian/bicycle lanes on both sides of the bridge during construction; 2) Caltrans considers a 10.7 foot lane to adequately safe during construction of the bridge.

Bridge width not justified by need to dismantle the existing bridge. In verbal testimony before the Fort Bragg Planning Commission, December 9, Karen Tatman explained that the 21.3-foot temporary roadway would be used for two-way traffic during dismantling of the existing bridge. The other new lane would be used during this time to hold dismantling equipment.

Dismantling of the existing bridge could be accomplished without utilizing one of the newly constructed lanes. According to John Anderson, Bragg Crane Company, Richmond, CA, cranes are available that could do the job without needing to be placed on the new traffic lanes.

Safety considerations do not justify the excessive width. The existing two-lane bridge has experienced very few instances when traffic has been entirely blocked for any extended period. An accident that would seriously block all four traffic lanes of the proposed bridge would be a rare event indeed. The proposed addition to the bridge of shoulders and an unused central median would provide a small margin of additional safety – but at an extremely high cost in terms of degradation of exceptional coastal resources. Only those who attach little value to the Noyo Harbor scenic values could consider the added margin of safety worthwhile.

¹ “Caltrans Responds to Noyo Bridge Concerns,” Karen Tatman, *Fort Bragg Advocate News*, October 29, 1998. Further, in a letter response (to Alberta Cottrell, 10/23/99) answering objections to the proposed bridge, Ms. Tatman stated: “In order to avoid long term one-way traffic control we are planning to build the outsides of the bridge first. These two pieces need to be wide enough to handle one lane of traffic plus bicycles and need to be situated a few feet away from the edges of the existing bridge. Once the existing bridge is removed, these pieces are connected. All in all, this results in some extra width, which is being used as a median.” (Emphasis added.)

Alignment with roads to north and south provides no justification for excessive width. Caltrans has argued that the proposed width of the bridge is justified because it will duplicate the planned configuration of the roadways on both ends of the bridge.. In considering this argument, it is useful to consider the median and the shoulders separately.

Removal of bridge shoulders would have no affect on traffic flow. The shoulders are only for emergency use. Normal traffic would not experience any change moving to or from the bridge if the shoulders were eliminated from the bridge.

Removal of the bridge median would have a relatively imperceptible affect on traffic movement. The proposed median is 11 feet wide. If it were eliminated, the traffic lanes would need to adjust by 5.5 feet entering and exiting the bridge. If the transitions were made over 250 feet, drivers would need to shift only 1" every four feet, hardly a traffic hazard.

2 Modified Design Meets Traffic Objectives, Improves Safety, Preserves Coastal Resources, and Reduces Construction Costs

A straightforward modification of the Caltrans design meets all of the important traffic and safety concerns of Caltrans, while maintaining coastal views and greatly reducing the negative impact of the bridge on the spaciousness, balance, and appearance of the area in which it is placed. Further, the modified design will significantly improve the safety of pedestrians and bicyclists. Because the modified bridge will be smaller than the proposed bridge, it would cost less to build.

Safety barrier key element in modified design. The modified design provides four twelve-foot vehicle lanes and two eight-foot pedestrian/cyclist lanes. The vehicle lanes are separated from the pedestrian/cyclist lane on each side by a one-foot wide safety barrier. Placing the safety barrier adjacent to the traffic lanes has extremely important benefits:

- Pedestrians and cyclists are protected from vehicle accidents. With the Caltrans design, any vehicle that loses control to the extent that it crashes into the railing will cross both the cyclist and pedestrian lanes, sometimes killing those unfortunate enough to be in these lanes. Thus, **the modified design would save lives lost with the proposed Caltrans design.**
- A relatively lightweight iron railing could be used on the outside of the pedestrian bicycle lane, because it would not need to withstand vehicle impacts. The type of railing used on the Golden Gate Bridge and many other older bridges could be used.
 - **An iron railing would provide almost unobstructed views,** because the vertical rods in such railings are not visible to moving drivers.
 - **An iron railing would give the bridge a traditional look, helping to preserve the “earlier-era” appearance of Noyo Harbor.**
- The pedestrian/cyclist lane could be at the same level as the vehicle lanes, one foot lower than in the proposed design. This puts the edge of the bridge one-foot lower relative to drivers’ eyes, increasing their downward angle of vision. They would have the same downward view on the proposed bridge with an eight-foot pedestrian/cyclist lane as on the present bridge with its four-foot pedestrian walkway. In contrast, because of the shoulders and the raised sidewalks, the proposed Caltrans design wouldn’t allow drivers any views of the harbor waters, even were it not for the additional view blockage caused by its concrete railing.

Modified design preserves harbor views. Figures 1 and 2, appended, contrast drivers’ views of the harbor from the modified-design bridge and the proposed Caltrans bridge.

(Vertical elements of the railings have been omitted because they would not be perceived by drivers moving across the bridge.) These Figures show how the modified design preserves the important harbor views, whereas the Caltrans design badly degrades these views.

Modified bridge would better contribute to spaciousness and balance. In contrast to the Caltrans design, the modified design would not crowd up against the buildings around it. The North Cliff Motel and Cliff House Restaurant would be less than 10 feet from the Caltrans bridge. The modified design nearly doubles the space between the bridge and these buildings. As required by the Fort Bragg LCP, the modified design better “contributes to the character and image of the city as a place of beauty, **spaciousness and balance.**” (Emphasis added.)

Modified bridge would be cheaper to construct. The modified bridge would be 70 feet wide, compared to 86.6 feet for the Caltrans design. This is a reduction of 20 percent in width. A significant proportion of the costs of the bridge will be proportional to its width, because not only the road would be scaled down but also the supporting piers. The bridge is estimated to cost \$24 million; thus a 20 percent reduction in costs would represent a savings of almost \$5 million. Because not all costs are proportional to width, actual savings would be somewhat less.

4. Commission Should Disregard Local Political Support Generated by Caltrans Fear Campaign

Bragg City Council has received over 1000 signatures on a petition to approve the Caltrans bridge design. The Coastal Commission is likely to receive a similar petition, perhaps with even more names, and to hear from many local citizens and politicians fervently supporting the bridge.

Local support for the Caltrans design was entirely absent at the end of 1998. A September 1998 public hearing held by Caltrans in Fort Bragg generated 77 comments from citizens. *Not a single person endorsed the Caltrans design without changes.* Most of the comments were highly critical of the design. At a December 1998 hearing of Fort Bragg Planning Commission, where most people in attendance opposed the Caltrans design. The Planning Commission voted 4 to 1 to deny the permit, expecting to work with Caltrans to develop a design that better preserved the important coastal values of Noyo Harbor.

Rather than beginning a dialogue with the Planning Commission, Caltrans appealed the permit and orchestrated a campaign to develop local political support for its design. The Caltrans campaign used the threat of loss of the new bridge if the Caltrans design was not immediately approved. Rick Knapp, Caltrans District Director, made this threat very explicit in a letter to the Mayor of Fort Bragg Council dated January 13, 1999:

If we cannot get the necessary permits to build this project, we will have to reconsider retrofit of the existing bridge... 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... to initiated and orchestrated by Caltrans after its permit application was denied.

The Caltrans threat was quickly spread throughout Fort Bragg in newspaper articles and letters and in a door-to-door petition campaign. The message was clear, "Support Caltrans or lose the new bridge!" Almost everyone in Fort Bragg wants an earthquake-safe bridge with more traffic capacity; thus Caltrans's fear campaign was very effective in marshalling political support for its bridge design.

The Coastal Commission should not be swayed by Caltrans's fear campaign. Its threat of cancellation is empty. Caltrans very much wants to build a new bridge because this will cost the state much less than the alternative of retrofitting the bridge. Eighty percent of a new bridge will be paid from federal funds; whereas Caltrans would need to use state funds to pay for the entire cost of a retrofit and the much higher future maintenance costs of the existing as compared to the new bridge. The new bridge is Caltrans most cost-effective solution.

By requiring that Caltrans provide a four-lane bridge design that protects coastal views and is less than or equal to 70 feet in width, the Coastal Commission can both fulfill its mandate to protect coastal resources and meet the desires of Fort Bragg for a bridge with greater traffic capacity and safety.

Exhibits

**Modified New Noyo Bridge
Safety Barrier & Iron Railing
Small Sedan View**

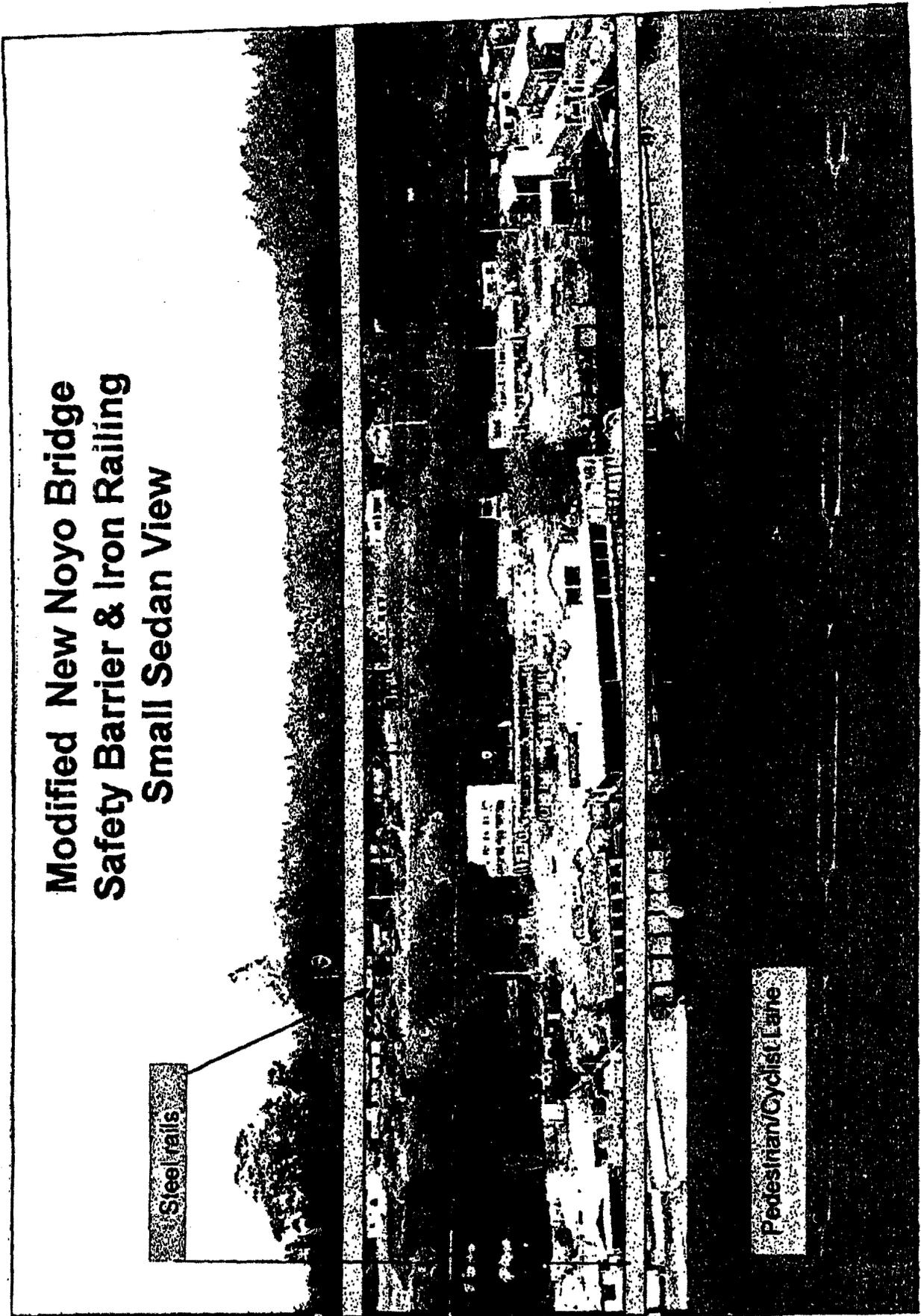
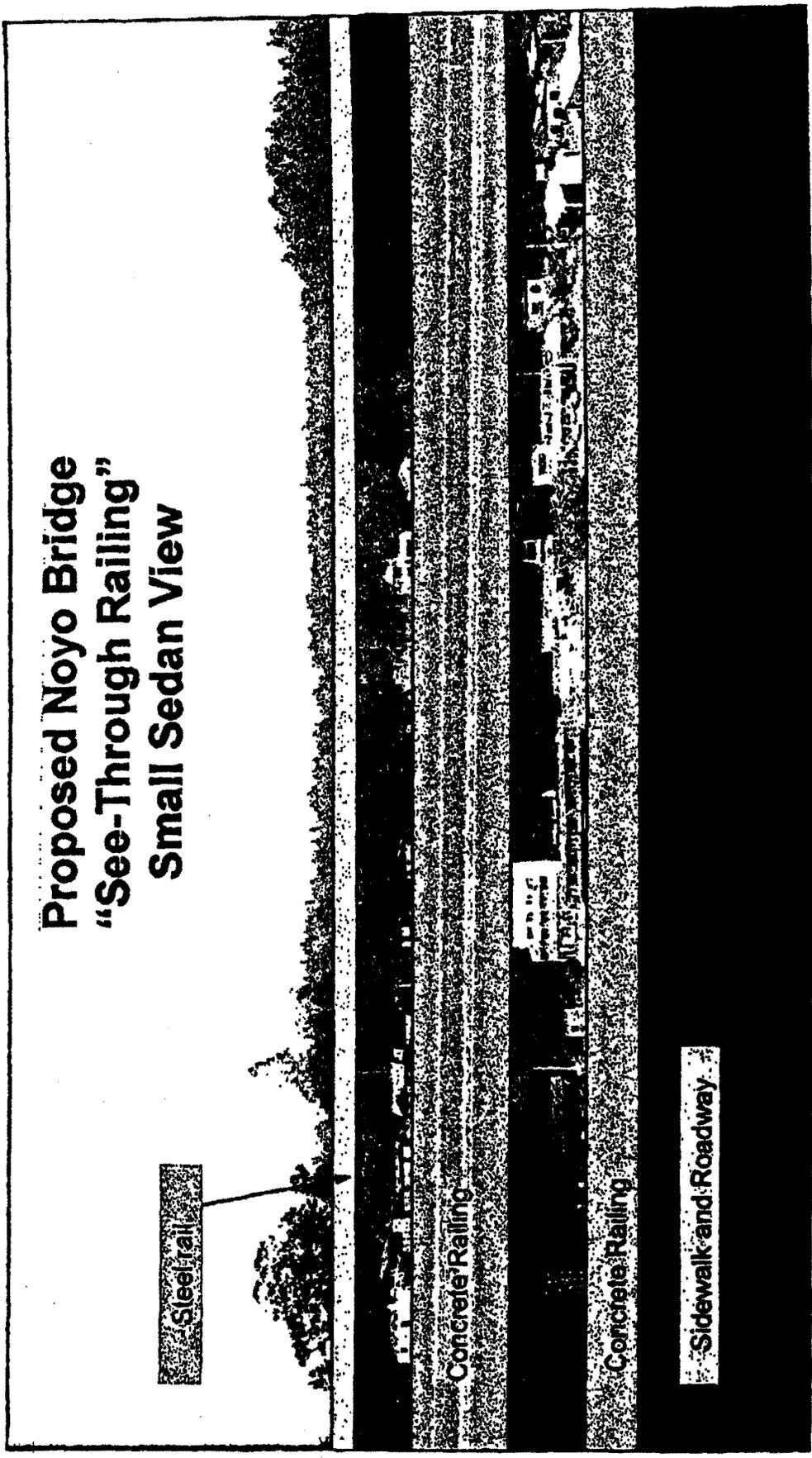


Figure 1

Vince Taylor, Dharma Cloud Foundation
March 8, 1999

Proposed Noyo Bridge "See-Through Railing" Small Sedan View



Vince Taylor, Dharma Cloud Foundation
March 8, 1999

Figure 2

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STATE OF CALIFORNIA
COASTAL COMMISSION

COPY

CALTRANS)	Appeal No. A-1-99-06 and Application No. 1-98-100
CITY OF FORT BRAGG)	
COUNTY OF MENDOCINO)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Friday
March 12, 1999

Agenda Items Nos. 3.a. & 4.a.

Carmel Mission Inn
3665 Rio Road
Carmel, California

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

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COMMISSIONERS

Sara Wan, Chair
Dave Potter, Vice Chair
Christina Desser
Shirley Dettloff
Terry Johnson, Alternate
Cynthia McClain-Hill
Pedro Nava
Mike Reilly
Andrea Tuttle

STAFF

Peter Douglas, Executive Director
Ralph Faust, Chief Counsel
Robert Merrill, District Manager
Jack Leibster, Coastal Staff Analyst
Matthew Rodriguez, Deputy Attorney General

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PRISCILLA PIKE

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California Coastal Commission
March 12, 1999
Caltrans, Fort Bragg; -- Appeal No. A-1-99-66, and
Application No. 1-98-100

* * * * *

CHAIR WAN: Staff, that brings us to the first item on the agenda.

DISTRICT MANAGER MERRILL: Thank you, Madam Chair. Items 3.a. and 4.a. on the agenda both relate to the same project, and as much as possible we would like to try to hold a combined hearing on the two of them.

The project is the replacement of the Highway One bridge over the Noyo River at the south end of the City of Fort Bragg, and the new bridge would be approximately 875-feet long, 87-feet wide, and include a wide median, four traffic lanes, two 8-foot shoulders, and two 8-foot sidewalks.

To give you a road map of our presentation here, I am going to, in my introductory remarks, mention the various items of correspondence that you have before you, and then I also will take a moment to respond to some of the specific recommendations, or suggestions of Caltrans to our staff recommendation. They have some suggestions on changing conditions, some of which we are happy to make, others, not so.

1 And, then I'll say a word about procedure, and
2 then I will introduce Jack Liebster, who is our permit
3 analyst, who was the one that actually wrote the reports, and
4 has been the most involved with the projects.

5 So, first, in terms of housekeeping, and the items
6 that you have in front of you, there is the staff report,
7 dated February 25, and a word on the staff report. You will
8 notice that there is one stapled document, but it actually
9 contains both reports, the report on the appeal, and the
10 report on the retained jurisdiction permit application, and
11 so you will find that there are two sets of numbers. It goes
12 from 1 to 45, or so, for the appeal, and then it starts all
13 over again with the other staff report. The exhibits are at
14 the very end, and since they are common to both, we thought
15 it would save paper, and help organize things to attach these
16 all together.

17 The special conditions, also, just for ease of
18 reference, there are 11 special conditions. The first 10 of
19 which apply to the retained jurisdiction report, and 5
20 through 11 applying only to the appeal de novo report. We
21 listed them all together, just so that it wouldn't get as
22 confusing, we hope, but just be aware that only the first 10
23 apply to the retained jurisdiction, and 5 through 11 apply to
24 the appeal.

25 Then, in addition to the staff report, there was a

1 green addendum, which was distributed I believe on Wednesday,
2 containing letters, and this is the one with the letter from
3 the Caltrans staff, which is the very first letter in the
4 packet.

5 There is also an addendum that we distributed this
6 morning, in the blue cover, which contains additional
7 letters. And, I would also point out that the green addendum
8 includes excerpts from several petitions that people have
9 filed. The petitions are much longer than what we
10 reproduced, but to give you a sense of what the argument is
11 in the petition, we just included excerpts from it.

12 Okay, then if I could ask you to turn your
13 attention to the Caltrans letter, which as I said is the
14 first letter in the green addendum, and there are about 7 or
15 8 items that Caltrans takes up, and they suggest certain
16 changes to the conditions.

17 And, the first item, they simply mention that our
18 condition No. 4 is headed, referring to removal of the wooden
19 trestle, when in fact it may not be wooden, so we are happy
20 to make that change to the staff report, where you simply
21 strike the word "wooden" from the heading.

22 Then, next is their commentary on our off-site
23 mitigation condition, and for reasons that Jack will go into,
24 we are not inclined to want to remove that condition.

25 The third item they list refers to Special

1 Condition No. 7, which is a condition which points out that
2 future modifications to the bridge would require an amendment
3 to the permits, and they simply point out that -- Caltrans
4 points out that that is certainly tempered by the fact that
5 there are certain exemptions within the Coastal Act and your
6 regulations for repair and maintenance activities, and other
7 normal maintenance, and we certainly concur with that.

8 The point of our condition was simply to highlight
9 the fact, and emphasize that if there were changes, say, to
10 the railing design, or to add lanes, or other real modifi-
11 cations, over what might get approved today, that that is the
12 type of activity that would need a permit. We may come back
13 to you with revised findings, and if so, then we would
14 probably explain that more clearly in the revised findings.

15 The fifth point that Caltrans raises is in
16 relation to Special Condition 10. They make the point that
17 since they are already required by the Regional Water Quality
18 Control Board to prepare a non-point source pollution control
19 plan, that it seems redundant to have Special Condition No.
20 10 in the Commission's permit.

21 And, our sense is that, well, the Commission is
22 the agency that is responsible for implementing the terms of
23 the Coastal Act within its jurisdiction, and that while other
24 agencies may have similar interests, it is still incumbent
25 upon the Commission to insure that its requirements under the

1 Coastal Act are carried out, and if there is another report
2 required by the Regional Board, then fine, hopefully the two
3 will be so similar that it won't require actually doing
4 something different. We would certainly endeavor to
5 coordinate with the Regional Board staff to make sure that we
6 are reviewing it in the same manner, and not causing
7 conflicting conditions.

8 Then, the last comment they make is with regard to
9 Condition 11, which is the erosion control, and vegetation
10 condition, and on that there is a concern raised, a
11 legitimate concern, about how non-native species are abundant
12 in the area around the bridge. The purpose of the condition
13 was to require revegetation of areas that would be disturbed
14 by the construction activity.

15 Our main intent was to recognize the fact that
16 once an area is disturbed, it is even more prone to being
17 invaded by non-native species, and our intent was to insure
18 that the area be revegetated and reestablished with native
19 plants, so that there is not an increased opportunity for
20 invasion. So, we think we can make that clear, and limit it
21 in a way that hopefully will meet much of Caltrans' concern.

22 And, the change that I would propose, if you turn
23 to Special Condition 11 in the staff report, on page 24, the
24 second sentence says:

25 ///

1 "The revegetation plan shall demonstrate
2 how all non-native species will be prevented
3 from establishing in the revegetation area."

4 We would simply add to that sentence the words:
5 "during the first five years following planting."

6 And the rationale for that is that as you read on
7 in the condition, they are required to monitor for five
8 years. They will be looking at the area, and making other
9 corrective actions, and it seemed reasonable to us to address
10 the non-native species coming into the revegetation area over
11 that five-year period. And, again, we think by then native
12 plants will be reestablished to the point where you will get
13 back to the status quo, and not have a situation where it is
14 more easily invaded by non-natives.

15 Now, a word about procedure, and what we would
16 like to do is to hold a combined hearing; but, as you have
17 before you an appeal and a retained jurisdiction permit
18 application, it would be important to deal with the
19 substantial issue question of the appeal at the outset.

20 Under your regulations, and under the Coastal Act,
21 the Act presumes that an appeal raises a substantial issue,
22 unless the Commission recommends that a hearing be held on
23 the substantial issue question, and arguments be heard with
24 respect to that.

25 We recommend that you don't hold a separate

1 hearing on the substantial issue. We think the controversial
2 nature of the project certainly indicates that it is a
3 project raising substantial issues, and we recommend that you
4 just simply move right into the de novo.

5 And, this may be an appropriate time. Unless
6 there are three Commissioners that would like to hold a
7 hearing on substantial issue, then we will move into the de
8 novo.

9 CHAIR WAN: Are there three Commissioners who --
10 three or more Commissioners who would like to hear a
11 discussion on substantial issue?

12 [No Response.]

13 If not, we will move directly to the de novo
14 hearing.

15 DISTRICT MANAGER MERRILL: Okay, thank you.

16 And, with that, then, I would like to introduce
17 Jack Liebster, who is our permit analyst, that has been
18 working on this project. Jack is one of our north coast
19 analyst, and he has worked very hard on this project, and he
20 will give his presentation, focusing mainly on what we view
21 as the principle issue, which is, in our estimation, the
22 visual issue -- views both from the bridge, and views of the
23 bridge from areas around the site.

24 Jack.

25 COASTAL STAFF ANALYST LIEBSTER: Thank you, Bob,

1 and good morning, Commissioners.

2 I am going to be referring to a couple of the
3 exhibits that you have. I do have overheads for some of
4 them, but we are never really sure if those will show up
5 well, so let me just orient you to the ones that I will be
6 referring to right now.

7 About two-thirds, a little more than half-way into
8 the report, the exhibits begin, and I am going to be
9 referring to Exhibits 5 through 10.

10 Now, also in the blue addendum, that you just
11 received, at the back of it, there are four color images,
12 which are a little clearer than -- the one of bridge rails,
13 at least, is a little clearer than the one you have in your
14 staff report.

15 [Overhead Presentation]

16 And, then there are a couple of images -- I'll
17 just show it to you here. This is the railing we will be
18 talking about, the crash testing of the railing, and the
19 actual sequence of the crash testing, and I think those give
20 you a good picture of what the proposed see-through railing
21 looks like.

22 So, with that paper work behind us, our basic
23 analysis on this project could be summarized with regard to
24 the visual policies, both of the Coastal Act, and of the LCP,
25 as follows: The project does impact important views. There

1 are no alternatives for the physical design of the project,
2 that can be accomplished within the time frame that Caltrans
3 has proposed for project completion.

4 Therefore, to attain a project that is approvable
5 under the Coastal Act, we sought mitigation to off-set the
6 visual impacts, and that is the mitigation that is in Special
7 Condition No. 6 that we have submitted to you.

8 In discussing the visual impacts, we really don't
9 go into the aesthetics of the bridge, per se: is it pretty?
10 is it not pretty? is it prettier than the existing bridge?
11 That, we found just to be very subjective. But, there are
12 some basic features of the bridge, its width, its mass, and
13 its railings, that all combine to impact views.

14 So, as Bob alluded to, the visual impacts fall
15 into two categories, with regard to the Coastal Act and the
16 LCP: those views to the ocean, and designated scenic coastal
17 areas from the bridge; and the view of the bridge from the
18 scenic coastal, and visitor-serving areas, that are in Noyo
19 Harbor, and in the vicinity.

20 And, I would like to start the slides, if I could.

21 [Slide Presentation]

22 Okay, we are now on Highway One, having just
23 entered Fort Bragg, approaching the Noyo River Bridge.

24 Just getting onto it, the report refers to the
25 Harbor Light Hotel, you see it there, just through the

1 bridge.

2 And, I probably --

3 Pardon me? oh, we are going north at this point.

4 Thank you.

5 And, I probably couldn't say it better than
6 Caltrans did in its own visual assessment, which I'll quote
7 from right now.

8 "Existing views while driving over the bridge
9 suddenly changes as the bridge spans the bay,
10 opening up views directly to the ocean below.
11 The metal railing is distracting, but is less
12 noticeable when driving. When focusing on the
13 background, the railing becomes out of focus,
14 and in motion. Views of the ocean are
15 spectacular while driving over the bridge.
16 This view is identified by the public as a
17 particularly scenic corridor."

18 And, introducing the view from the other side,
19 this is looking east, down to the Noyo Harbor, Caltrans
20 writes:

21 "Views of the harbor give character to the
22 town, and an are attraction to tourists."

23 I am going to need you to go up there, Bob.

24 The entire Noyo Harbor area, at both the harbor
25 and west of the bridge, the mouth of the Noyo River and what

1 is referred to as Noyo Bay, and then into the ocean, is a
2 scenic coastal area as defined by the Coastal Act, and also
3 as specifically designated under the LCP.

4 The basic fact is that the bridge, the proposed
5 bridge would be much larger than the present one. It would
6 be 86.5-feet wide. And, just a note, I think Bob said
7 something about 8 foot sidewalks. They are actually 5.5-foot
8 sidewalks. But, the bridge would be 86.5-feet wide, as
9 compared to the present width of the bridge at 34 feet.

10 [Overhead Presentation]

11 The staff report does include various exhibits to
12 try to convey this marked change in the scale. And, as I
13 mentioned, you have them in your staff report -- and if we
14 could have the overheads now -- this schematic shows the
15 existing bridge, and Bob will point to it here, in a planned
16 view from above.

17 And, the little dotted lines there are the
18 boundaries of the existing 34-foot wide bridge. The outer
19 lines are the proposed replacement bridge.

20 Can I have the next overhead, please.

21 That was in Exhibit 6 of the staff report.

22 Exhibit 7, which was prepared by Caltrans -- we
23 copied it from Caltrans -- as are all of those which show the
24 renderings of the new bridge, contrast the two from the
25 location somewhere in the harbor.

1 Let's have the next one, if I could.

2 These are Exhibits 9 and 10, which show the
3 southern abutment of the bridge, just to try to give you a
4 sense of scale. That is the Cliff House Restaurant, and
5 comparing the existing, and proposed bridges.

6 Now, I will need to go back to the slide projector
7 for a moment.

8 [Slide Presentation]

9 I particularly found it difficult to get a sense
10 of how big the bridge would be, even with the help of those
11 visuals. So, this is something that a lot of people may be
12 familiar with, a slide of the Golden Gate Bridge. It may
13 help you get some scale. From one pedestrian barrier to the
14 other, the travel lanes of the bridge, where the cars are,
15 that is 66 feet. Compared to about 75.5 feet that would be
16 between of the edge, the inside edge of the sidewalks of the
17 proposed bridge.

18 The overall width of the Golden Gate Bridge is 90
19 feet, compared to the 86.5 feet of the proposed bridge.

20 And, now, one last, if we could go back to the
21 overhead again.

22 [Overhead Presentation]

23 A feature of the proposed design that has been
24 very important, is the design of the proposed bridge rails,
25 themselves. As you can see from this illustration -- and

1 this is also included in your blue addendum, if you can't see
2 it as clearly -- the upper photo shows what the view is right
3 now. And, the lower photo shows the most current version
4 that we have of what Caltrans proposes as the see-through
5 design for the bridge railing.

6 But, this figure doesn't really show the whole
7 story, because the added width of the bridge will move
8 occupants in a vehicle, passengers, will move them farther
9 from the edge of the bridge, so they will be seeing more
10 bridge deck, and less of the scenic area.

11 And, now for the last time, I can go back to the
12 slides. Thank you.

13 [Slide Presentation]

14 So, now I am going to ask you to do some mental
15 transpositions, while we look at the bridge as it exists from
16 various areas.

17 This is the bridge from Jetty Park, which has
18 recently been improved by the State Coastal Conservancy
19 within the past several years, for public use. And, if you
20 can kind of project the new bridge onto it, you can begin to
21 get a sense of the impacts.

22 This is a view of the bridge going down Harbor
23 Drive. Now, in this particular view, which we have seen a
24 lot of, you see the bridge straight on, and that tends to
25 give one view, but if we go a little further down, this is

1 from the historic lodge at Noyo River, one of the bed and
2 breakfasts in the area, a view out from their property.

3 And, going further on down, now we are at the
4 waterfront at Noyo Harbor, and I believe this is the Wharf
5 Restaurant, and you can see here that you begin to see the
6 underside of the bridge, and also a greater perspective. So,
7 from this view you would see a lot more bridge.

8 This is from the inside of the restaurant, from
9 the dining area looking out at the bridge.

10 Now, one of the things that we looked at was what
11 kind of alternatives would be available to avoid the impacts
12 from the proposed design of the bridge. But, basically,
13 anything that we really could suggest, in terms of physical
14 changes, was not considered acceptable by Caltrans, for the
15 simple fact that it would delay the construction of the
16 bridge.

17 What is true is that there are different bridge
18 rail designs out in the world. This is the Navarro Bridge,
19 the Navarro River.

20 This is a design that, as a matter of fact, this
21 is from Richardson Bay, and these are older bridge rail
22 designs, but they tend to show more of an open character, and
23 reveal more of the landscape.

24 And, this is another potential design, a
25 combination of a barrier to protect pedestrians and

1 bicyclists, and people in wheelchairs from traffic, combined
2 with, perhaps, a more see-through type of a bridge restraint.

3 We also looked at the impact -- or the possibility
4 of a narrowed design of the bridge, but underlying all of
5 these suggestions, or alternatives, was the simple fact that
6 all of these would require some change in the existing plans,
7 and also most likely a lot of study, and exceptions to the
8 present approval, or actual changes in the present Caltrans
9 guidelines that could not be accomplished within the timing
10 that Caltrans preferred for this project.

11 So, without the ready availability of a physical
12 alternative, we were left with trying to find ways to
13 mitigate, or offset the significant visual impacts; and in
14 fact, in some ways that approach provides us more
15 flexibility.

16 And, our basic recommendation here is to adopt a
17 mitigation strategy that would qualitatively open up views to
18 the ocean and the scenic attributes of the area, to offset
19 the views lost from the bridge, and at the same time to
20 protect and secure significant parts of the remaining scenic
21 qualities of the area, to compensate for the effects of the
22 enlarged bridge on those qualities within the Noyo Harbor,
23 and Noyo Bay area.

24 And, this is the site that we suggested, and
25 called the South Noyo Bluff site. I'll just walk you through

1 it a little bit.

2 This is the view from the other side of the
3 bridge, over to the South Noyo Bluffs.

4 Here, we are out on the bluff, itself, looking
5 back towards the bridge from relatively close to the bridge,
6 and as we move away we get different perspectives.

7 Looking out across Noyo Bay to the GP lands to the
8 north.

9 And, now at the far west end, looking out to the
10 ocean, itself.

11 The area is currently used significantly by the
12 public. It is in private hands. There are, probably, very,
13 very, strong prescriptive rights established over the area by
14 the public, and essentially all of that ponding and removal
15 of vegetation is because people freely drive out to the edge
16 right now -- and in some case out over the edge.

17 So, this shows you the current status. It is
18 very, very severely impacted by auto traffic, or by people --
19 just for a matter of scale there, some of the ruts that exist
20 in the area.

21 Now, one of the things that we also recognized is
22 that it probably is not a good strategy to just identify one
23 place, because then you get into one buyer and one seller,
24 and that does not make for a good market. There is also a
25 strong argument that the visual impacts of the bridge are

1 really to the community as a whole, so in our condition we
2 say that an alternative site could be considered, and we
3 mention one.

4 This is the Glass Beach site, that was mentioned
5 in the staff report, and in the condition. It is Glass Beach
6 because it used to be the dumping ground for the city dump,
7 and a lot of glass got dumped there, and it has been churned
8 around by the ocean, and now is quite the desirable
9 collector's item. So, there are people out there all the
10 time, picking up these great pieces of glass.

11 I would like to emphasize that with regard to
12 Special Condition No. 6, it is set up so that Caltrans can do
13 the project itself, likely for less. There has been a lot of
14 discussion about the cap that we established of \$2 million.
15 The \$2 million is an in-lieu fee. We think that is an
16 outside number, and there is a provision in the special
17 condition that if Caltrans can complete the project for less,
18 then they obviously don't have to spend the \$2 million. Or,
19 if someone else does it using the in-lieu fee, that unused
20 funds would be refunded to Caltrans.

21 We believe this flexible approach best meets the
22 seismic retrofit objectives of the project, while at the same
23 time offsetting the impacts in a way that conforms with the
24 Coastal Act and the LCP, and I can answer any questions after
25 the rest of the presentations.

1 Thank you very much.

2 CHAIR WAN: Does that complete the staff?

3 DISTRICT MANAGER MERRILL: Yes.

4 CHAIR WAN: Okay.

5 With that, I will open the public hearing.

6 I will call on Caltrans. I have a speaker slip
7 here that says, "if needed". Do you wish to speak? You have
8 got four or five speakers here. Does Caltrans want to come
9 up, and can you tell me how long you will need for your
10 presentation?

11 MR. KNAPP: Yes, Madam Chair, members of the
12 Commission, my name is Rick Knapp. I am the District
13 Director for Caltrans, and District One in Eureka, and I
14 would like to make the presentation for Caltrans, and I would
15 like to have 30 minutes, if at all possible, and that would
16 include any rebuttal that might be required.

17 CHAIR WAN: I think 30 minutes is really quite a
18 bit long. I have got a lot of speaker slips here, and
19 generally we limit that to about 15 minutes. So, I am going
20 to have to limit you to 15 minutes.

21 MR. KNAPP: I will try to do that. It is very
22 difficult when staff presents 30 minutes, and you are not
23 sure what they are going to say, and we have consolidated our
24 presentation, and I am sure that you will have some
25 questions, but I will do my best to stay within 15 minutes.

1 CHAIR WAN: Thank you.

2 MR. KNAPP: Thank you.

3 I also have with me today, Karen Tatman, my
4 project manager, who will be available. She is our project
5 manager, and will be available to help answer any specific
6 questions you may have.

7 We have some overhead slides that will help you
8 with orientation. Some of what we have up have already been
9 covered in more detail by your staff, so it won't be
10 necessary to make much reference to them.

11 [Slide Presentation]

12 This is a critically important seismic safety
13 project. It is one of only 27 of the 1155 safety seismic
14 projects that are left to be built in the state. We have a
15 legislative mandate. We were required to be done with all of
16 the retrofits by December of '97, so we are down to the real
17 tough ones. And, as you are aware, there are some projects
18 like this in the Humboldt Bay Bridge, and the Bay Bridge in
19 San Francisco, that are still in the development stage.

20 This existing bridge -- which Lupe will put up on
21 the screen -- is susceptible to collapse under the maximum
22 credible earthquake, and I am sure you have had a lot of
23 presentation about the maximum credible earthquake, but I
24 would be happy to explain it, if anybody has any questions on
25 that. It must be replaced as quickly as possible. We are

1 done with the environmental process, with the design process,
2 with the public phase of the project, and we are down to the
3 acquisition of the final permits, this one, and the permit
4 from the Coast Guard, and then we will have this project
5 underway in July of '99.

6 We can't afford any further delays if we are going
7 to get this project underway this season. We have short work
8 windows, due to the Cojo, and other environmental constraints
9 on the project, and we can't work past October 15 in the
10 stream. We are now in the 5th month of our effort to get the
11 coastal permits for this project.

12 While we could retrofit the existing bridge, we
13 would be investing about \$18 million in a bridge that will
14 still be functionally, and structurally, obsolete.

15 I think you can see from this slide, it is not
16 real easy to see, but there is a tremendous amount of rust.
17 We are going to have to reconstruct the bridge, if we are
18 going to keep the existing bridge there, and there is a lot
19 of rust that you can't see, and we can't see, but we know
20 that we are going to have. So in all of these joints, and
21 places where the bolts are, we will have to do all of that
22 work, if we have to retrofit that bridge.

23 There are a lot of deficiencies with respect to
24 the existing bridge, and if we were to retrofit the bridge,
25 because of additional steel that we will have to add,

PRISCILLA PIKE

Court Reporting Services

39672 WHISPERING WAY
OAKHURST, CA 93644

TELEPHONE
(559) 683-8230

1 additional footing work, we will actually have a bridge that
2 weighs more than it does now, and we may have to limit truck
3 traffic on this bridge, with no other alternative, except
4 over 100-mile circuitous route. So, essentially, we will
5 have a bridge that isn't as good as the one we have today, as
6 far as the traffic carrying capability. It would be
7 seismically safe, so it wouldn't collapse in an earthquake.

8 It is very important to recognize that a retrofit
9 project of the existing bridge would require extended lane
10 closures, and this is the bottleneck for traffic in the Fort
11 Bragg area, so this will cause lane closures, and
12 intermittent full closures of the bridge.

13 The proposed project, as constructed, which does
14 end up with a width that nears the Golden Gate, as was
15 pointed out, it requires the construction of a bridge on each
16 side of the existing bridge, to accommodate one lane of
17 traffic, a shoulder and a sidewalk. That will allow for safe
18 and continuous flow of traffic, while we tear down the
19 existing bridge. Then, we will be closing in the two.

20 It is also important to recognize that we have a
21 project that will be in process this summer, that will do
22 widening at various locations through the City of Fort Bragg.
23 We will exactly be matching the roadway to the north and the
24 south of this bridge. So, there have been suggestions that
25 the bridge is out of scale. I would suggest that if it

1 doesn't match the roadway on either side it would be out of
2 scale, so it is not bigger. It is not narrower. It is going
3 to be exactly the same.

4 Both the state and local coastal plans recognize
5 that the Fort Bragg area is the place for growth to occur.
6 That is where growth is occurring. By accommodating the
7 growth, the thing we will be able to do is reduce the amount
8 of growth that will be occurring in the rural areas.

9 Later, I will be talking about the Condition 6,
10 and just in case I don't -- in case I happen to forget, or
11 run out of time, I want to point out that there was this
12 proposal that we would somehow, maybe, get reimbursed for \$2
13 million of investment should local developers try to kick in
14 money later.

15 It is sort of like loaning money to your son for
16 \$100,000 but he says, "If I hit the Lotto, I promise to pay
17 you back." There is absolutely no chance we would get any of
18 that money back, and I thought that it was not extremely
19 responsible to suggest that that might be paid back.

20 We have worked very closely with the community
21 over the last 18 months on this project. We have determined
22 that replacement of the bridge made a lot more sense than a
23 retrofit, spending \$24 million versus \$18 million, and ending
24 up with a bridge that will really meet all of the needs: the
25 traffic, the needs for bikes, for pedestrians, and the

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OAKHURST, CA 93644

TELEPHONE
(559) 683-8230

1 disabled. And, I will talk about that in a little bit more
2 in the future.

3 Through the project development process, we worked
4 closely with the city, every interested agency, and the
5 public. We have had open houses, public scoping meetings,
6 individual consultations with every agency that asked us, and
7 we sought out every agency and interest group to participate
8 in this process.

9 These efforts are outlined in my letter to the
10 mayor of Fort Bragg, dated January 13, as Exhibit 18 in your
11 packet, because there were questions about how we work with
12 the local communities, and why we didn't do this, or why we
13 didn't do that, and we pointed out that, in fact, we did do
14 all of those things, but some people choose not to get
15 involved.

16 Judging from the number of letters that you have
17 in support of this project, and was just handed out today --
18 and I haven't even seen all of these letters -- there are
19 dozens of letters in here where the community is telling you
20 that Caltrans has worked closely with the community, and has
21 a project they like, and they believe will be an asset to the
22 community and the coast, and they urge you to support the
23 project the way it is proposed.

24 In that your staff is recommending approval of the
25 project, you know, I am focusing most of my remarks on the

1 conditions that are suggested, and we also would take issue
2 with the idea that there is a substantial issue. But, since
3 that has already been decided, I guess that is moot, but we
4 don't really agree with the staff recommendation.

5 When we talk about the \$2 million proposed off-
6 site mitigation, you saw the location, this is a proposal
7 that was never suggested to Caltrans, was never raised by any
8 citizen, by any agency, including the Coastal Commission
9 staff, until 2.5 weeks ago, well into the permit process for
10 this, well into the dialogue for this. It was just out of
11 the blue.

12 This project has a negative declaration, and a
13 finding of no significant impact both approved by Caltrans
14 and FHWA, Federal Highway Administration. In developing this
15 project, we have included \$3.5 million for enhancements and
16 mitigations on a pro-active basis, so that your Commission
17 wouldn't have to go back and say, "Why don't you include
18 facilities for bicycles? why don't you include facilities for
19 the pedestrians? why aren't you including the see-through
20 rail?"

21 Those enhancements and mitigations relate to
22 aesthetics, coastal access, and establishment of coastal
23 viewing opportunities. A list of measures is included that
24 adds up to \$3.5 million. It doesn't include the cost for the
25 shoulders, because the shoulders would have been a standard,

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but those are providing for bicyclists.

Condition No. 6 says that Caltrans should either acquire three specific parcels, and develop an off-site vista point, southwest of the bridge, or pay the Coastal Commission \$2 million up front, so it can arrange for its development, or some other project at the choosing of the Executive Director, at some other location in Mendocino County. The stated basis is the lost of motorists' view for this project.

It is important to recognize we have already included these several enhancements, and I think that all of these enhancements are very responsive to the local and state plan. We are providing some unique viewing opportunities.

We have included the first ever see-through bridge railing in response to concerns expressed by the public. While it does not provide the visibility as you saw of the existing railing, the existing railing does not meet safety standards, and for an agency that pays over \$50 million a year in tort liability, we don't go out and build railings that don't meet safety standards. We cannot do it. We would be paying many, many, many millions more.

The other railings that Mr. Liebster showed you do not meet current standards. The Golden Gate Bridge does not meet current standards, and if it were built today it would be 150-foot wide. Now, it is important -- and the Bay Bridge will be somewhere in the 175-foot wide. So, you know,

1 looking at bridges that were build 75 years ago isn't, you
2 know, is not the standard we use to determine what we should
3 build today. And, we have to recognize that bridge is going
4 to be there for 50 years. We want to build something that
5 meets today's standard, and certainly not build something
6 that doesn't even meet today's standard, and is going to be
7 there for 50 years.

8 We have included an 8-foot shoulder on each side
9 of the bridge, will safely accommodate bicycles. That is an
10 important element in your coastal plan. The current has no
11 shoulder. The bicyclists must share the lane with the
12 motorist, and as you can see, there are many, many
13 recreational vehicles. It is a very difficult situation
14 there. We have heard that. We have responded.

15 We have included 5.5-foot wide sidewalks. The
16 federal standard would be to build one 4-foot sidewalk. We
17 are putting 5.5-foot sidewalks on both sides. It will not
18 only allow for pedestrians, but will be accessible for
19 two-way wheelchair access. And, we did that on our own. We
20 took the initiative. No one asked us to do that, but we said
21 that we think we want to provide something that will meet the
22 future needs.

23 While there are many, many viewing opportunities
24 up and down the Mendocino coast, there are very few
25 opportunities for pedestrians and bicyclists -- excuse me, I

1 should say pedestrians and the disabled. We are creating
2 something here that will, in fact, do that. And, I think
3 that is really important to notice.

4 You know, the Golden Gate was suggested, I think
5 we all know that the good viewing opportunities on the Golden
6 Gate are from the sidewalk, not driving it. It is pretty
7 scary to be trying to collect views while you are driving
8 that.

9 The 3-foot emergency walkway with steel diamond
10 plate surface is not accessible to the handicapped. This
11 enhancement will provide a unique opportunity, as I
12 indicated, for quality viewing, superior to those that exist,
13 because even though we have photographs that show that view,
14 it is much more difficult to --

15 COMMISSIONER REILLY: Mr. Knapp, you have got
16 about four minutes left.

17 MR. KNAPP: Okay, thank you.

18 I think your staff, and your Commission, will
19 normally decide that if you can mitigate onsite, you mitigate
20 onsite. That is what we are doing. We feel we have done
21 that. We don't think that spending \$2 million in suggesting
22 that people go down the road, and turn here, go down the road
23 again, and then park in a parking lot, and then get out of
24 their car and walk, because there is going to have to be
25 100-foot setbacks, and that is where you are going to get

1 your view. You can park. There are many, many parking
2 spaces -- as indicated on this slide -- within a block of our
3 bridge, underutilized, and available. People can park, and
4 go out, enjoy this view.

5 I will wrap up here very quickly.

6 I am concerned about the idea of this off site.
7 We may have to end up in condemnation. We never condemn for
8 a site that is not required for the project. To go out and
9 take somebody's property away and say, whether they want to
10 sell it or not, we are going to condemn your property and
11 build a parking lot.

12 We are very interested in working with the
13 Commission, and the city, if they would like to acquire
14 parcels for this kind of development. The Transportation
15 Enhancement Activities Program is available, and there are
16 funds available. It is an enhancement for the project.

17 We have already exceeded the cost that was
18 programmed for this project by 20 percent. That is the
19 maximum we can go. We will have to go back to the California
20 Transportation Commission. If we don't get the money -- you
21 know, if we need additional money for conditions, and I can't
22 tell you what the fate of the project will be. It is very,
23 very difficult to go back and get additional money. And, I
24 am very concerned that we may end up having to retrofit the
25 existing bridge, and I don't want to see that happen, because

1 I think this is the best project for Caltrans, the community,
2 and the traveling public.

3 [overhead Presentation]

4 The last thing was the conditions. Let's throw
5 those conditions up. I think, you know, I heard from Mr.
6 Merrill, that most of those conditions they agreed to change.
7 No. 4, so that is a moot point.

8 What was No. 7? Bridge modifications, he is
9 indicating that they are willing to redefine that so we
10 understand it. We certainly are not going to change the
11 number of lanes, or tear the railing out without going
12 through you, so that is fine.

13 No. 10, I think we can live with suggestions that
14 were made, that we would coordinate closely with the Regional
15 Water Quality Control Board.

16 And, lastly, No. 11, it was pointed out that we
17 are being asked for five years to keep exotic species out of
18 our planting area, and I want to point out that due to
19 concerns from the public, and the board of supervisors, who
20 unanimously -- they didn't unanimously, but they voted to
21 direct me not to use herbicides in their county. And, I
22 supported -- I agreed to do that, and I am not using
23 herbicides, so I cannot guarantee that non-native species
24 aren't going to come into this area, because that is how you
25 can control them.

1 That concludes my presentation on the project, and
2 permit conditions. I hope you will agree with me that we
3 have a good project, one that has strong support of the
4 community, that will serve as an enhancement to the
5 community, and that is supportive of the goals and objectives
6 of the state and local coastal plan.

7 If you agree, we ask you to approve the permit at
8 this meeting, and modify conditions as suggested by staff and
9 by me.

10 I am sorry I took about 20 minutes, but I
11 appreciate you giving me that time.

12 CHAIR WAN: Thank you.

13 I am going to give --

14 COMMISSIONER REILLY: Question?

15 COMMISSIONER TUTTLE: Question?

16 CHAIR WAN: Oh, I am sorry.

17 Commissioner Tuttle.

18 COMMISSIONER TUTTLE: Yes, and this doesn't count
19 against your time.

20 One of your overheads -- maybe you could even put
21 it back up again, or at least the Commissioners could look at
22 the packet. It is the one regarding what you are defining as
23 enhancements and mitigations --

24 MR. KNAPP: Yes.

25 COMMISSIONER TUTTLE: -- that you are attributing

1 to this project.

2 And, you use these as a way to compute the
3 percentage that you say is over and above what you would
4 otherwise do --

5 MR. KNAPP: Normally have to do.

6 COMMISSIONER TUTTLE: -- that they are -- normally
7 have to do, and when I go through them -- no, it is a
8 handout. It is enhancements and mitigations.

9 MR. KNAPP: The one that adds up --

10 COMMISSIONER TUTTLE: Yes, it is --

11 MR. KNAPP: -- to \$3.5 million.

12 COMMISSIONER TUTTLE: -- Commissioners, it is in
13 your green addendum --

14 CHAIR WAN: Yes, there it is.

15 COMMISSIONER TUTTLE: -- about the second or third
16 page in.

17 When I go through these, I have a hard time really
18 defining them in the way that I would -- just using my basic
19 instinct -- call them enhancements. To me, they are just
20 things that you have to do as part of a project, and the only
21 truly big ticket items are the sidewalks for view and access,
22 and that one I can see how that could be defined as an
23 enhancement to a project.

24 And, then the other big ticket item is the bridge
25 aesthetic treatment, and I would like you to talk about that,

1 just what is included in that.

2 But, when I go down through the rest of them,
3 first of all they are not -- given the cost of bridges these
4 days, the are not really big ticket items, and putting a
5 navigation aid in, I mean, to me that is just part of the
6 project. I wouldn't define it as an enhancement. So, I
7 would question even including them in there, but could you
8 describe to me what the bridge aesthetic treatments are that
9 would be over and above what you otherwise would do?

10 MR. KNAPP: Yes, and I think I will ask my project
11 manager, Karan Tatman, to do that, and I think -- do we have
12 an overhead slide that list those, Lupe, because -- and she
13 may have some other exhibits that she will show you.

14 COMMISSIONER TUTTLE: What is the total cost of
15 the project?

16 MR. KNAPP: The total cost is \$24.4 million.

17 COMMISSIONER TUTTLE: Including this --

18 MR. KNAPP: Including --

19 COMMISSIONER TUTTLE: -- \$3.5 that you are --

20 MR. KNAPP: That is correct.

21 And, I think that what we are saying, and some
22 people suggested, we read things in the newspaper that said,
23 oh, we were providing a typical freeway over-crossing type
24 bridge here, and we went to the city council and we showed
25 them what kind of bridge was basic, and then the things, the

1 enhancements that we have added, the \$1.1 million in response
2 to the kinds of community concerns that we have had.

3 It is not to suggest that we wouldn't have done
4 some of those, anyway, but we continue to enhance those to
5 improve the aesthetics of the bridge.

6 The sidewalks, you know, that is two-thirds of the
7 whole project, as listed here, because the bridge has to
8 actually be wider to accommodate those sidewalks.

9 Some of the other aspects, the Racon navigational
10 aid, that was added because we were working closely with the
11 Harbor District, and they were concerned about some
12 provisions, and I don't know if those are even, you know,
13 available today, what we are placing on that bridge for
14 navigation. So, in fact, it is an enhancement.

15 What?

16 CHAIR WAN: Do you think your project manager
17 would be able to --

18 MR. KNAPP: I think she was trying to find the
19 specific listing, but she has got some information.

20 MS. TATMAN: Good morning, Commissioners, I think
21 the question you were asking was specifically about the \$1.1
22 million in bridge aesthetic treatments?

23 COMMISSIONER TUTTLE: More generally, how you
24 define all of these --

25 MS. TATMAN: Okay.

1 COMMISSIONER TUTTLE: -- we don't need to spend a
2 lot of time on them.

3 MS. TATMAN: Sure. Let me just run through them
4 quickly.

5 Standard railing would only cost about \$200,000 -
6 \$250,000 on this bridge, and by standard railing I mean the
7 solid concrete, what we term as Type 26 railing. The
8 additional cost to build this see-through railing is another
9 \$220,000, so the cost of providing -- or the see-through
10 railing is costing over and above by \$220,000, about that
11 cost.

12 It is important to point out that because the
13 see-through railing has never been built before, the
14 contractors don't have the forms. When they build concrete
15 rails, they just normally slip-form it. They have got the
16 forms already made. They are sitting in a yard somewhere.
17 They build a little bit, build a little bit, build a little
18 bit, as they move down the bridge. This rail has never been
19 built before, so the forms aren't readily available, so a
20 contractor is going to have to create those forms. That is
21 what makes it so much more expensive.

22 The sidewalks for view and access, I believe Rick
23 explained that. The shoulders are no additional cost.

24 Because we had some concerns about what people
25 call this the McDonald of bridges, and a standard freeway

1 overpass, we prepared some exhibits that reflect the amount
2 of concrete that is necessary for a new bridge to meet
3 seismic standards.

4 [Slide Presentation]

5 And, you will note specifically they are pretty
6 slender, straight round. They are just slender, round
7 columns. All that is necessary -- you have a little bit of
8 flare here. That is all that is necessary to meet the
9 standards of bridge building.

10 What we have provided is actually some enhance-
11 ments, specifically, right in here, the columns are a very
12 kind of specialized shape, with lots of angles, and lots of
13 lines to enhance the aesthetics.

14 And, early in the project, in November '97
15 specifically, there were some comments about couldn't we add
16 even more flare and arch affect, so we did that, as well.

17 So, what there is, is an additional \$1.1 million
18 of extra concrete and steel. That isn't necessary to meet
19 the seismic design standards, but it does provide a lot of
20 shadows, additional flares, additional texture, contrast, et
21 cetera, to help give the bridge a more pleasing appearance.

22 I think we have one other view, that might help
23 you see that, as well. In fact, I think this one shows it
24 even better. Here is just straight round columns, with
25 almost no treatment here, as opposed to all of this

1 treatment. And, you can really see the lines that we have
2 added to the columns for aesthetic treatments. That is the
3 additional \$1.1 million.

4 The decorative lighting, for \$20,000 -- would you
5 like me to go through what you are defining as the smaller
6 ticket items?

7 COMMISSIONER TUTTLE: No, no.

8 MS. TATMAN: Okay, did that answer your questions?

9 CHAIR WAN: All right, thank you.

10 I am going to proceed to the rest of the public
11 testimony. The general public is going to have two minutes
12 each to speak; however, in fairness to the appellants, if you
13 have a prepared presentation, you will be given the same 15
14 minutes for your prepared presentation. Members of the
15 general public, on both sides, will be given two minutes.

16 Jerry Melo.

17 MR. MELO: Good morning, Madam Chair, members of
18 the Commission. My name is Jerry Melo. I am the mayor
19 pro-tem for the City of Fort Bragg.

20 This morning, I distributed a letter from our
21 mayor, which is dated March 8, and it indicates a no changed
22 position from our city council vote of January 26.

23 I also distributed a letter written yesterday by
24 Council Member Lindy Peters, who is our former mayor. He
25 supports approval of the project, expresses concern about

1 current safety issues, believes that we do have favorable
2 access, and improved access for pedestrians and handicapped,
3 and expresses a concern about Mitigation Measure No. 6.

4 You also have a letter from me, dated February 23,
5 primarily outlining the same things. You also have letters
6 from our police department, and our fire department, which
7 express the public safety concerns of our current bridge.

8 I have reviewed the staff report, and I generally
9 agree. I do have a concern that Mitigation Measure No. 6
10 could lead to a project that would become infeasible, and I
11 agree with Mr. Knapp, that a retrofitted bridge does not meet
12 our needs, nor does it meet the needs of the public that
13 visits our area.

14 On January 26, when our city council considered
15 this matter, we got a large amount of community support, and
16 it was incumbent upon us, I think as a city council, to
17 somehow come down here and express to you that measure of
18 support.

19 We have a large number of petitions, most of them
20 from people on the Mendocino coast, many of them from
21 visitors who come to our bed and breakfasts, and other
22 tourist-serving facilities, who support a new bridge. We
23 also have a group of Fort Braggers here. You will hear from
24 them later on.

25 I would like to appeal to you, at this point, to

1 approve the project as approved by our city council, and let
2 us get a safe bridge, and one that will adequately serve for
3 traffic and public safety measures.

4 Thank you very much.

5 CHAIR WAN: Thank you.

6 Patricia Campbell, followed by Barbara Clark.

7 MS. CAMPBELL: Good morning Madam Chair and
8 Commissioners. My name is Patty Campbell. I am currently
9 serving my first term as county supervisor for Mendocino
10 County. I have served six years on the city council of Fort
11 Bragg, and the last two years being the Mayor of the City of
12 Fort Bragg.

13 Most of the Noyo Harbor is in the county's
14 jurisdiction. When you go down the hill to approach the Noyo
15 Flats it becomes county, and when you go to the bridge,
16 underneath the bridge, out to the beach area, is city.

17 The Noyo Bridge issue was brought up to the
18 Mendocino County Board at least twice, and there has not been
19 any opposition from the board of supervisors.

20 I also serve on the Mendocino Council of
21 Governments, for four years. I currently serve as the chair
22 of this regional transportation planning agency.

23 Funding alternatives and securing funding for
24 these transportation projects is time consuming, very
25 complex, and really competitive. For these reasons, I am

1 concerned about the unintended consequences of the Condition
2 No. 6, found in your packet. Caltrans also had made a
3 presentation to our Council of Governments, and there was no
4 opposition from the directors. Mendocino Council of
5 Governments also funded an alternative study for the City of
6 Fort Bragg, looking at a bypass.

7 The design of the new bridge adequately addresses
8 the issue of viewing opportunities for the public, and the
9 mitigation for any loss of view has already added millions of
10 dollars to the project, and adding Condition No. 6 could be
11 seen as mixing transportation dollars with enhancement
12 dollars, and will add cost to the project, and could
13 jeopardize the allocation from the California Transportation
14 Commission on this project.

15 I am a six-generation Californian, and a resident
16 of Fort Bragg for over 40 years. Will I be sad to lose the
17 old bridge? The answer is "Yes, I will." However, I feel
18 more than compensated for this loss, when I think of the
19 safety improvements of this new design, the accessibility of
20 the disabled, the ability to ride bicycles across the bridge
21 with a greater degree of safety and comfort, and the ability
22 to walk across the bridge --

23 EXECUTIVE DIRECTOR DOUGLAS: Two minutes.

24 MS. CAMPBELL: -- and perhaps stop along the way
25 --

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1 CHAIR WAN: You are going to have to wind up.

2 MS. CAMPBELL: -- and truly experience a breath-
3 taking, viewing opportunity.

4 I'll take my last minute to say that again.

5 CHAIR WAN: No, you have already --

6 MS. CAMPBELL: The ability to --

7 CHAIR WAN: -- done your two minutes. Your time
8 is up.

9 MS. CAMPBELL: I thank you very much --

10 CHAIR WAN: Thank you.

11 MS. CAMPBELL: -- for the opportunity to speak --

12 CHAIR WAN: Barbara Clark.

13 MS. CAMPBELL: -- to you.

14 CHAIR WAN: Followed by Wendy Squires.

15 MS. CLARK: Madam Chair and Commission, I am
16 Barbara Clark. I am a citizen of the Fort Bragg area.

17 I would like to say that the coast, together -- we
18 are all together, which is a very exciting thing in
19 proceeding with the acquisition of the 37 acres of the Glass
20 Beach Blend property, which is very nice. So, I would like
21 Item 6 not to be a factor for this, because I believe that is
22 something we will all work together to get.

23 I was looking at my age now. I have noticed, when
24 crossing the bridge, if I look at the view, that I have a
25 tendency to drift toward the center line. I think it is part

1 of the aging process that goes on. And, I would like you to
2 know safety is the issue on this. We shouldn't be looking
3 out at the view, and it is truly something I do, and make a
4 point to do when I cross the bridge, either way, is to look
5 straight forward.

6 So, I would like to say that it is an extreme
7 safety issue, especially due to the fact that people are
8 living longer, thank goodness, and it is a retirement area
9 that we are into.

10 Also, would like to look to the future with the
11 new bridge, and for the safety, the less maintenance, and it
12 will be good for another 50 years, plus, or more.

13 And, another thing, too, is that would we not make
14 changes to the Golden Gate Bridge, should it be able to be
15 changed today?

16 I was going to say, also, that I would be more
17 than happy to have Caltrans offer our money for replacement
18 lands, if this does not jeopardize our bridge in the name of
19 safety, should Caltrans choose not to do this. Please don't
20 hold us hostage. We need this bridge.

21 I believe we will need to understand that
22 acquisition is one thing, but the access and maintenance of
23 properties acquired, or donated, are another. We have many
24 deeded easements for coastal access that are still not under
25 anyone's care, because of the liability issue.

1 So, I thank you for your time to look to the
2 future, and the planning for generations to come. The birth
3 of babies, and the longevity of life, is something we cannot
4 control. We will have increased population, so let's plan
5 wisely. Please let the project go forward.

6 Thank you.

7 CHAIR WAN: Thank you.

8 Wendy Squires, followed by Paul Clark.

9 MS. SQUIRES: Madam Chair and Commissioners, thank
10 you for your time. My name is Wendy Squires. I represent
11 myself and the Mendocino County Employers Council, which I
12 serve as vice-chair on. We are an organization that
13 represents 154 businesses in Mendocino County, and 5,000
14 employees.

15 I would like to shed a little different light on
16 this. Right now, we are dealing with an aesthetic item, and
17 a view where the important thing is the use of our bridge and
18 safety.

19 A couple of items to remember is the current view
20 only exist when you are driving over the bridge, and that is
21 not safe. The new views provide a wider, safer, ADA
22 accessible sidewalks, and we have several miles of viewing
23 already accessible to the public, and the residents of Fort
24 Bragg.

25 I would like to read you a letter, and then some

1 other comments that were added by the other businesses in
2 town, and then submit to you the letters that I received
3 before I came down here.

4 "We are a business that depends on the Noyo
5 Bridge to deliver products up and down the
6 Mendocino coast. If the new bridge is not
7 built, we will face the probability of a
8 reduced load limit on the Noyo Bridge, which
9 will, in turn, limit our ability to haul our
10 product. We would be forced to haul our
11 products on smaller trucks, which would
12 cause a significant increase in the cost
13 of goods to the citizens of the Mendocino
14 coast. Those of us who deliver out of the
15 area would find it impossible to be competitive
16 in our prices. We urge you to approve
17 the Caltrans project as proposed, and not
18 sacrifice our much needed bridge for a few
19 who believe a \$2 million scenic vista is
20 more important than the safety and services
21 for the locals and visitors to our area."

22 A few other comments that came with this letter:
23 "Contrary to the opinion of the very vocal
24 minority opposed to this project, the people
25 of the Mendocino coast, who regularly use

1 the Noyo Bridge recognize the critical nature
2 of this project, with regards to safety,
3 commerce, and emergency services."

4 This is from one of our three propane companies,
5 that sit north of the bridge:

6 "It would be unsafe if Chemgas was forced
7 to haul propane fuel over the Ligget Road,
8 which is our other access into Fort Bragg,
9 from Highway 101 to Fort Bragg. The
10 additional 2.5 to 3 hour drive, alone,
11 would push our hazardous materials drivers
12 over their maximum driving time allowed in
13 one day."

14 EXECUTIVE DIRECTOR DOUGLAS: Two minutes.

15 CHAIR WAN: Thank you very much.

16 MS. SQUIRES: Thank you.

17 CHAIR WAN: Paul Clark, followed by Lila Hayter.

18 MR. CLARK: Thank you for the time. The assistant
19 over here said I might be able to ask that these photographs
20 be passed around.

21 CHAIR WAN: Yes, if you will give it to the staff.

22 MR. CLARK: Okay, fine.

23 Thank you. These photographs, basically, show
24 what the average tourist, or visitor to the coast will see
25 whether they approach from the --

1 CHAIR WAN: Would you state your name for the
2 record.

3 MR. CLARK: Oh, I am sorry. Paul Clark.

4 CHAIR WAN: Thank you.

5 MR. CLARK: You saw a beach coming across, and
6 then come down through Westport, you are allowed to see some
7 beautiful views, vistas from all directions.

8 The same thing, if you come up from the south of
9 Fort Bragg -- I mean south -- coming in Highway 128 up
10 through the Navarro River, the Navarro Bay, and everything
11 else up through Albion, Mendocino, Casper.

12 I did a little quick research, and these pictures
13 will kind of show. I think, to quote my grandson, you are
14 kind of being spoofed here. There is a tremendous amount of
15 available property that is already in state ownership. The
16 Sinkyone Wilderness State Park on the north end, Westport
17 Union Landing, MacKerricher, Jug Handle, Russian Gulch,
18 Casper Headlands, Mendocino Headlands, Van Damme State Park,
19 Navarro Redwoods, Navarro Beach, Botanical Gardens, all of
20 which are in public ownership.

21 The main one, which is an easily accessible
22 property to the Noyo Bridge, is the MacKerricher State Park,
23 which I think you are all familiar with the trestle? It is
24 over -- I learned on the internet a couple of days ago, it is
25 over 1530 acres, relatively undeveloped.

1 The Ten-Mile coastal trail, which -- a little
2 notation in here says that it is 7 miles, multi-use trail for
3 hikers, hikers, bicyclists, and equestrians. January 1990,
4 the California Department of Trans -- Caltrans -- I am
5 obviously nervous -- transferred funds necessary to complete
6 the environmental impact review. They have already
7 participated.

8 The simplest solution of all to any public access
9 issues can be solved easily, I bet, for about \$10,000 by
10 Caltrans, on the prevailing wages, is to have a sign that
11 says, "Coastal access next right" and then go right down to
12 where the staff person indicated to the Jetty Park. It is
13 totally underutilized. There are at least 35 marked, paved
14 parking places, just directly below Noyo Bridge. It is
15 already paid for. There is no reason. At some point, you
16 have to draw the line, how much land is enough land?

17 Thank you.

18 CHAIR WAN: Lila Hayter, followed by Philip Dow.

19 MS. HAYTER: Madam Chair and Commissioners, my
20 name is Lila Hayter, and I am a resident of Fort Bragg.

21 And, I would like to read the petition that I have
22 brought:

23 "We, the undersigned, travel across the Noyo
24 Bridge on a regular basis, and feel it needs
25 to be replaced as soon as possible.

1 Furthermore, we feel that Caltrans has made
2 a concerted effort to design the new bridge
3 in the best interest of the City of Fort Bragg,
4 and its citizens. The new bridge will allow
5 for better traffic circulation, and earthquake
6 design, a special lane for emergency vehicle
7 use, pedestrian, disabled access, and finally,
8 a modified railing to allow better views of
9 the ocean and Noyo Harbor. We also feel the
10 appeal of the project is nothing more than a
11 delaying tactic in hopes that Caltrans will
12 decide to do nothing more than the required
13 retrofit, leaving Fort Bragg with an outdated
14 and deteriorating bridge still in need of costly
15 annual maintenance."

16 We have collected over 3470 signatures. The first
17 petition, we collected 1175, the second 2295, out of a
18 population of 6000, and this does not include the outlying
19 areas. These people do not care about the view. These are
20 people that have lived in Fort Bragg for many, many, many
21 years. They want a safe and efficient bridge.

22 There was an accident a week ago, just a slight
23 four-car bumper, and it tied up the traffic for over an hour,
24 just for four cars, and a little plastic trash can that flew
25 on the bridge. Now, if that had been a major accident, you

1 couldn't get in or out, or you couldn't get in an emergency
2 vehicle, so I think we really do need the bridge, and thank
3 you very much.

4 CHAIR WAN: Thank you.

5 Phillip Dow, followed by Heather Drumm.

6 MR. DOW: Madam Chairman, members of the
7 Commission, my name is Phil Dow, and for the past 18 years I
8 have served as planning staff to the Mendocino Council of
9 Governments. I have been doing it under contract for 13
10 years. I want to go over a few points with you.

11 Congestion and safety in Fort Bragg, and at Noyo
12 Bridge, in particular, has long been identified as a regional
13 transportation issue in the Mendocino County Regional
14 Transportation Plan. MCOG, the Mendocino Council of
15 Governments, funded an alternative access study, which was
16 completed in 1997, which found, in essence, that widening of
17 the existing bridge was really the best alternative.

18 During seismic retrofit evaluation, Caltrans
19 proposed replacement, received concurrence from Fort Bragg,
20 and then designed the project. Late in the game, Fort Bragg
21 voiced some concerns over the project's scope and impacts.
22 Caltrans mitigated those concerns, producing a mitigated
23 design, which was overwhelmingly supported by the community,
24 and gained unanimous support and approval by the Fort Bragg
25 City Council. A fully mitigated project with an approved

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1 negative declaration is now before the Coastal Commission for
2 consideration.

3 Now, a new condition has been recommended by
4 Coastal Commission staff, which may require, depending on the
5 scope, significant new funding. This new condition, which is
6 No. 6, appears to be conceptual only. There is not a well-
7 conceived project, only a suggested off-site vista point west
8 of the bridge.

9 Moreover, the concept would clearly provide an
10 enhancement to the project, and therefore is not essential to
11 this already, fully mitigated and approved project.

12 Fortunately, there are now available several
13 funding sources, which may be available for the development
14 of enhancement type projects. First of all, there is -- for
15 a number of years there has been the environmental mitigation
16 enhancement program. It is \$10 million, funded annually, by
17 the state.

18 EXECUTIVE DIRECTOR DOUGLAS: Two minutes.

19 MR. DOW: Thank you very much.

20 CHAIR WAN: Thank you.

21 MR. DOW: I totally support the fully mitigated
22 project before the Commission for consideration. It should
23 stand on its own merits, and be approved.

24 Thank you.

25 CHAIR WAN: Hold on a moment. Commissioner Nava

1 has a question for you.

2 COMMISSIONER NAVA: Sir.

3 CHAIR WAN: Sir, Mr. Dow.

4 COMMISSIONER NAVA: Thank you.

5 MR. DOW: Yes.

6 COMMISSIONER NAVA: I am over here.

7 And, you represent? you are a planner with what
8 entity?

9 MR. DOW: The Mendocino Council of Governments.

10 COMMISSIONER NAVA: Okay.

11 MR. DOW: This is the regional transportation
12 planning agency.

13 COMMISSIONER NAVA: Now, in our staff report, on
14 page 8, there is reference to the Fort Bragg Planning
15 Commission, that held a hearing, and on a 4 to 1 vote denied
16 the CDP. Were you aware of that?

17 MR. DOW: I attended that meeting.

18 COMMISSIONER NAVA: Okay, and so is what is said
19 in our staff report accurate? that the Fort Bragg Planning
20 Commission found the project not in conformity with the LCP?

21 MR. DOW: That is true.

22 COMMISSIONER NAVA: Okay, thank you.

23 CHAIR WAN: Heather Drumm, followed by Karen
24 Markard.

25 MS. DRUMM: Good morning, Madam Chairman, and

1 Commissioners. My name is Heather Drumm, and I am a business
2 owner in Fort Bragg. I have lived there for 50 years.

3 In regards to the Noyo Bridge project, in all of
4 my years of living in Fort Bragg I have only seen one other
5 issue generate so much community involvement, and that was
6 the offshore oil hearings many years ago. Our community
7 gathered together and we did what we believed was right, and
8 I believe that is what is happening today.

9 I have our local newspaper here, and our city
10 council voted on a 4 - 0 vote to approve this project. The
11 majority of the people in the audience were in support of
12 this project, and I see the project as a gift to the city of
13 the people of Fort Bragg.

14 This is a great deal of money. This money, as we
15 all know, is not available very easily to any of us anymore
16 for projects. I am very concerned that if we allow this
17 money to escape us while it is available, that some day I am
18 going to leave this debt for my children, and my grand-
19 children, and I don't want to have that happen.

20 As I drive to work, three times a day I go over
21 this bridge, and I too am looking at the car in front of me.
22 I would much prefer to be able to park my car, and walk on a
23 sidewalk that is safe. Right now, you are looking at about,
24 maybe 2.5 feet of a little area where you can stand to look
25 over the bridge, with no protection from the vehicles, what-

1 soever.

2 So, I ask you please to support this project, and
3 do not support the mitigation of No. 6. I don't believe
4 there is the community support for that.

5 Thank you.

6 CHAIR WAN: Karen Markard, followed by Mark
7 Massara.

8 MS. MARKARD: Boy, do I feel lonely. I came, and
9 I drove down here, and I -- Karen Markard, I own a business
10 in Fort Bragg. I live south of Fort Bragg in an unincorp-
11 orated area, a couple of miles down.

12 I know that we do need a bridge, that is -- you
13 know, what I think what really upsets me about this project,
14 and where I thought this is the appropriate body to come is,
15 is that yeah, I do think Caltrans needs to do some
16 mitigating. I think that, you know, everyday when I drive
17 over that bridge, the views that your staff analyst brought
18 out are the views I see.

19 I have people under my employ, we drive over the
20 bridge because we deliver all over the coast. We drive over
21 that bridge probably 40 or 50 times a week, between our staff
22 vehicles, and it is an important thing. And, we are giving
23 up something to have a safer, bigger bridge, you know, and I,
24 you know, I can't say I don't want the bridge, but I do think
25 that Caltrans came to the town with a plan already made. It

1 is an engineering feat. It is wonderful, and from their
2 point of view, it is economical and efficient. You know, and
3 they have made some concessions to the town, but basically
4 they came with a plan already done, and they really, you
5 know, don't want to consider, you know, what the emotional
6 impact is on people who really love our harbor, love our
7 view, the people who are sitting down in those restaurants,
8 that you saw the slides from, that is a very important part
9 of our daily life.

10 I mean, we live in a very isolated, beautiful
11 community for a reason, and the reason is the beauty. It is
12 not because, you know, it is accessible, we have great
13 shopping, or you know, it is not Monterey. I mean, and we
14 know that. We know why we live there, and it is the scenic
15 beauty that brings us all there, and this is going to impact
16 upon us.

17 I am not opposed to the bridge, but I do think
18 that Caltrans has got to help us keep our coast somewhat -- I
19 know that is your job, to try and keep our coast as open as
20 they can.

21 Yeah, there are plenty of areas, ten miles north
22 of Fort Bragg, it is absolutely beautiful and open --

23 EXECUTIVE DIRECTOR DOUGLAS: Two minutes.

24 CHAIR WAN: Your two minutes are up.

25 MS. MARKARD: -- but I don't drive there anymore,

1 so, thanks.

2 CHAIR WAN: Thank you.

3 Mark Massara, representing the appellants.

4 MR. MASSARA: Good morning, Madam Chair, Commis-
5 sioners. I am Mark Massara, and I represent appellants
6 Sierra Club, and Friends of Fort Bragg. We have prepared a
7 coordinated presentation, and will likely not need the entire
8 15 minutes. I'll speak first, and I'll take approximately 5
9 minutes.

10 We support --

11 CHAIR WAN: Which other speakers are part of your
12 presentation?

13 MR. MASSARA: Vince Taylor.

14 CHAIR WAN: Okay.

15 MR. MASSARA: We support the project, and we
16 support your staff, and we urge you to go further.

17 The Noyo Bridge is a spectacular scenic and
18 historic landmark on California's north coast, and provides
19 views of the ocean, river, and harbor. Driving this old
20 bridge provides a unique and distinctive coastal experience,
21 like the Golden Gate Bridge, or the Bixby Bridge in Big Sur,
22 which dramatically shapes and influences coastal experiences,
23 for local residents and visitors from across the state, and
24 throughout the country.

25 The LCP, moreover, plainly requires that

1 development protect, and enhance visual resources. Rather
2 than a discussion of how much worse the views are going to
3 be, we view this as an opportunity. This project is an
4 opportunity to improve views, and the visual experience for
5 the millions who will travel across this physical landmark in
6 the decades to come.

7 Unfortunately, Caltrans proposed concrete, boxed,
8 girder bridge will negatively impact views, will degrade and
9 ruin priceless view sheds, and will set a miserable standard
10 for review of numerous upcoming bridge projects that will be
11 before this Commission in the next ten years.

12 In an effort to make this project into something
13 we can all take pride in, we want to focus on two critical
14 aspects: the bridge's width, and views.

15 The proposed width of the bridge is 86.5 feet,
16 almost three times wider than the existing 34-foot wide
17 bridge, and wider than most bridges nationwide, including the
18 Golden Gate Bridge. It is so incredibly wide that it begs
19 the question of why this remote rural region requires a
20 bridge of such mammoth and massive scale?

21 As to what can be done about it, Commissioners
22 need look no further than the outstanding analysis submitted
23 by Vince Taylor. This fellow, whom I have just met, should
24 be hired by Caltrans as a consultant, in my opinion. His
25 thorough written analysis demonstrates that all of Caltrans'

1 goals can be accomplished with a bridge of just 70 feet,
2 thereby shrinking the bridge over 16 feet.

3 This narrowing is crucial, because the LCP's
4 provisions require, among other things, that development be
5 designed to the city's scale, and have a feel of spaciousness
6 and beauty and balance, and narrowing will result in LCP
7 compliance.

8 This is also crucial, because it has everything to
9 do with the second point of our focus, that of protecting
10 views to coastal resources, because narrowing the bridge
11 width gets cars closer to the railing, by eliminating
12 unnecessary shoulders and service lanes, it improves view
13 angles. Thus, you can kill two birds by narrowing the width
14 of the bridge. It will result in LCP compliance, and
15 improving views.

16 But, more can be done, much more, if you address
17 the railings, and with respect to the rails, both staff and
18 Mr. Taylor, again, have hit the nail on the head.

19 Staff points out that alternative rail designs
20 exist that would improve views. The Golden Gate Bridge is
21 but one example. It is simply impossible for Caltrans to
22 maintain that a sub-contractor would have to invent a new
23 rail in order to improve views. There are examples up and
24 down this state coastal zone of bridges that have better
25 railings.

1 More importantly, even better view protecting
2 rails can and are being developed. Caltrans says it will
3 take approximately 2 years to invent better rails. You have
4 compelling incentive to force this issue now, that being the
5 dozens of coastal bridge projects that will come before you
6 over the next decade.

7 Conversely, if you capitulate and subvert view
8 protection policies for this concrete, box girder style
9 bridge at Noyo, you create a miserable precedent that will
10 adversely affect many future projects and miles of the
11 California coast.

12 In other words, let's go the extra mile now,
13 improve our rail designs here and now, and we will benefit
14 exponentially, and in spades, for generations to come.

15 Lastly, we want to support staff, with respect to
16 the proposed mitigation through acquisition of scenic view
17 properties. In this case, simple economics aptly
18 demonstrates the cost-benefit value of this proposal. A
19 simple bridge retrofit here, which would have to be paid
20 entirely by California State taxpayers, would cost between \$8
21 and \$14 million. Because federal dollars will pay the lion's
22 share of a new bridge, state taxpayers, and Caltrans, are
23 only required to pay \$4 million for the new bridge; thus,
24 even if the entire \$2 million access fund is spent, it is
25 still millions of dollars cheaper than a simple retrofit.

1 With that, I want to turn the remainder of our
2 time over to Mr. Vince Taylor.

3 Thank you.

4 CHAIR WAN: How much time is remaining?

5 EXECUTIVE DIRECTOR DOUGLAS: He took 6 minutes.

6 CHAIR WAN: All right.

7 MR. TAYLOR: Yes, thank you.

8 CHAIR WAN: You have a total of 9 minutes.

9 MR. TAYLOR: Okay, thank you.

10 CHAIR WAN: State your name for the record.

11 MR. TAYLOR: My name is Vince Taylor, and I am
12 hoping to show what this bridge project really represents, is
13 really more than just concrete. It is really a challenge to
14 your authority as Coastal Commissioners.

15 Caltrans, since the very inception of this
16 project, has shown a complete contempt for the provisions of
17 the Coastal Act, where your vote today is really going to
18 decide whether Caltrans can use its own internal rules and
19 regulations to thumb its nose at the Coastal Act. I hope
20 that you won't do that.

21 The Noyo Harbor is, undoubtedly, as you have seen,
22 an unmistakably a coastal treasure. Yet, when Caltrans came
23 to design this bridge, it came with its state-wide manual of
24 design standards, that sets standards for building freeways,
25 for 75-mile-an-hour traffic in urban areas, and it came up

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1 with a bridge that meets those standards exactly, plus the
2 additions of some sidewalks.

3 When people began to ask, can you change any of
4 this, the answer has always been, "No". And, they have one
5 reason after another, but when they come down to the final
6 thing, and you get rid of it, you say, "Oh, you could make it
7 narrower. You don't need this extra section." They say it
8 doesn't meet Caltran requirements.

9 Now, that argument is just that they don't want to
10 change to meet the Coastal Act. They want to be consistent
11 with their own internal requirements.

12 Now, when the Fort Bragg Planning Commission voted
13 it down, 4 to 1, saying -- for all of the reasons that you
14 have heard from Mark -- that didn't really meet the
15 requirements of the Coastal Act. What did Caltrans do?
16 Instead of actually entering into a dialogue of how we could
17 change this to make it meet, what they did is appeal it to
18 the city council, and write a letter to the mayor of Fort
19 Bragg threatening cancellation of the project, and
20 retrofitting of the old bridge, unless this project was
21 immediately approved.

22 And, I want to just quote from the letter that
23 Rick Knapp wrote to the mayor, and see how you would take it,
24 if you were in that position?

25 ///

1 Quote:

2 "If we cannot get the necessary to build
3 this project, we will have to reconsider
4 retrofit of the existing bridge. If we
5 expend \$8 million on the existing bridge,
6 you cannot expect the bridge to be replaced
7 or improved in the next 20 years."

8 Now, Fort Bragg is a working town of poor people.
9 A \$20 million project is a big deal to them. So, this
10 campaign that was launched in the town to convince everybody
11 that you needed to pass this bridge right away, or you were
12 going to lose it. And, as you can see from the people that
13 are here, and the vote of the city council, it was a very
14 effective campaign.

15 But, as Coastal Commissioners, I ask you to ignore
16 this fear campaign, and ask yourselves, is this the best
17 bridge, in terms of meeting your requirements to defend the
18 provisions of the Coastal Act? And, the answer is clearly,
19 no.

20 In my testimony, which I submitted in writing, I
21 propose an alternative design, that was a 70-foot bridge. It
22 has 4 lanes of traffic, so it meets the future traffic needs.
23 It has two 8-foot sidewalks, which could accommodate
24 pedestrians and bicyclists safely. It puts the barrier
25 between the traffic lane and the pedestrians, so that it is

1 much safer for the pedestrians and traffic. Right now there
2 is a one-foot sidewalk, a car goes out of control, it kills
3 pedestrians and bicyclists. This way, it doesn't happen.
4 Like it is on the Golden Gate Bridge, the traffic barrier is
5 there. You could then have an iron railing, like on the
6 Golden Gate Bridge, that would basically be invisible, all of
7 the verticals, and you have the same view that you have now
8 -- actually a better view.

9 [Slide Presentation]

10 And, I want to take a moment just to show what the
11 view looks like.

12 This is the view looking into the harbor through
13 the proposed see-through railing that Caltrans proposes.

14 Now, let's look at the next slide, which just
15 shows what you would see with the proposed. Now you see
16 there is actually a harbor, otherwise people driving across
17 the bridge wouldn't even know this harbor ever exists.

18 So, what it comes down to now, in my testimony, I
19 have documented all of the reasons why this is perfectly
20 feasible to build, but Caltrans says, "You can't do this.
21 You can't get rid of the shoulders." Why? because all new
22 bridges need to have 8-foot shoulders. That's what Karen
23 Tatman told me. They are not negotiable.

24 You can't -- what about getting rid of the median?
25 They have a 12-foot median that is never used by traffic on

1 this bridge. You can't get rid of it? why? Because it lines
2 up with the highway that they are planning to build on either
3 end of this.

4 So, you can't have a see-through railing, why?
5 Because it doesn't meet their safety requirements. Well, I
6 talked to the people in charge of the Golden Gate Bridge.
7 They have never had any vehicle, in all of its history, go
8 over their barrier and penetrate the railing.

9 And, I said, "Oh, really?"

10 And, then the person who was in charge said, "No,
11 and I don't think, actually, any vehicle has ever even gotten
12 up onto the sidewalk."

13 So, then I talked to the traffic person in Fort
14 Bragg. Here we have got a 1-foot sidewalk railing, plus this
15 kind of what looks like an unsafe barrier, and I said, "Well,
16 have you ever had any accidents that have gone through the
17 railing there?" No.

18 In fact, then the man said, "I have only been here
19 for 17 years, but I don't think we have ever even had a
20 vehicle that has gone up over the 1-foot barrier."

21 So, in terms of true safety, there is no real
22 safety issue with the proposed bridge, and there is no real
23 engineering requirements that require the bridge to be this
24 big. They say that they can't maintain two-way traffic,
25 unless they build this bridge this wide, but when you look at

1 it, it is not true. You can build two 16-foot lanes on each
2 side, that is 32 feet, plus a little spacing and things, that
3 is 64 - 68 feet. That does the job.

4 They have one reason after another, but what it
5 really comes down to in the end is that Caltrans says it is
6 our rules, our regulations that are going to determine this,
7 not the Coastal Act.

8 Now, as Commissioners, I am really asking you,
9 from the bottom of my heart, for the future of the coast, for
10 the north coast, for all of California, that you say to
11 Caltrans, it is time to stop letting your own internal rules
12 and regulations control this.

13 They have it totally within their power to make
14 exceptions to any of these rules and regulations. It is laid
15 right out in their design manual, to make an application for
16 an exception, and all that it requires to get that approved
17 is a signature of the project manager, and the project
18 development coordinator, another internal Caltrans official.
19 So, there is no reason they can't do it, if you make them do
20 it, and I say it is time now, because you are going to have
21 bridges on Ten-Mile, we are going to have the Albion River
22 bridge, you are going to have bridges all up and down the
23 coast, and if you let them get away from this one, we are
24 going to just have it again, and again, and again.

25 Thank you.

1 CHAIR WAN: Thank you.

2 Commissioner Dettloff.

3 COMMISSIONER DETTLOFF: A question of the speaker.

4 I was wondering, you seem to be very, very,
5 knowledgeable in this area. Could you tell us some of your
6 credentials, or what your background is?

7 MR. TAYLOR: Well, I am, by background, I have a
8 degree in physics from the California Institute of
9 Technology, and I have a Ph.D. in economics from MIT, and I
10 spent 10 years at the Rand Corporation in Santa Monica doing
11 policy analysis on a great variety of different projects, and
12 then I ran a software business of my own for 10 years.

13 COMMISSIONER DETTLOFF: Thank you very much.

14 MR. TAYLOR: Yes.

15 CHAIR WAN: Thank you.

16 The following speakers are limited to two minutes:
17 Stanley Miklose --

18 MR. MIKLOSE: Miklose.

19 CHAIR WAN: -- Miklose, followed by Dan Gerde.

20 MR. MIKLOSE: Good morning, my name is Stanley
21 Miklose. I am a resident of Fort Bragg. Ladies and
22 gentlemen of the Coastal Commission I am here today to
23 support off-site mitigation for the proposed construction of
24 the Noyo River Bridge in Mendocino County.

25 The Mendocino coastline offers stunning views of

1 oceans, and ocean bluffs, to both tourists and residents
2 motoring along the north - south Highway One route. It is
3 the reason that most residents have chosen to live here, and
4 the reason that most tourists have to visit.

5 The view of the Noyo Harbor, the mouth of the Noyo
6 River, and the jetty are familiar to all of us who live here.
7 We have witnessed heroic acts of navigation, and the
8 consequences of driving seas. We have watched as the fishing
9 industry dwindled, and the summer fishing fleet shrank, as we
10 daily crossed the Noyo Bridge.

11 Shortly, we will have an 86-foot wide thorough-
12 fare, which will whisk travelers from the intersection of
13 Highway 20 and Highway One, 2000 feet south of the bridge,
14 north to Fort Bragg city center, over the Noyo Bridge, which
15 will allow, virtually, no view of either the harbor or the
16 mouth of the river.

17 Caltrans' contention that this loss of view will
18 be mitigated by pedestrian foot traffic overlooks the fact
19 that there is no public parking considered for motorists, and
20 there is only private motel parking near the bridge.

21 The newly constructed North Cliff Motel occupies
22 200 feet at the north end of the Noyo Bridge, on the west
23 side of Highway One, above the mouth of the river. This
24 motel stands above the 35-foot height limit of the protected
25 coastal zone. There is currently litigation before the

1 Coastal Commission concerning this loss of view.

2 EXECUTIVE DIRECTOR DOUGLAS: Two minutes.

3 MR. MIKLOSE: I urge the Commissioners to --

4 CHAIR WAN: You have to finish up.

5 MR. MIKLOSE: -- I urge the Commissioners consider
6 that this off-site mitigation is consistent with, and
7 supports your current litigation, concerning this North Cliff
8 Motel.

9 CHAIR WAN: Thank you.

10 Dan Gerde, followed by David Dilworth.

11 MR. GERDE: Hi, my name is Dan Gerde. My family
12 has lived on the Mendocino coast for six generations, and I
13 can tell you that we do care about our coastal resources.

14 As one of the Fort Bragg city council members who
15 voted for Caltrans' Coastal Development Permit, I hope you
16 approve a permit for the project at today's hearing, but I
17 hope you also approve the off-site mitigation condition,
18 Special Condition No. 6.

19 In testimony before the Fort Bragg Planning
20 Commission and City Council, Caltrans' officials noted the
21 state is only spending \$4 million for the new bridge. The
22 rest comes from federal funds. This \$4 million figure is in
23 stark contrast to the \$18 million to \$19 million of state
24 funds that they will have to spend to retrofit the old
25 bridge, if they retrofit.

1 So, even if Caltrans spends \$2 million for coastal
2 land acquisition, and even if this off-site mitigation
3 viewing area is paid for entirely with state tax dollars, a
4 \$6 million price tag, it still means the State of California
5 will save money on the new bridge.

6 What pot of funds would Caltrans tap into for the
7 \$2 million off-site viewing area? I don't know the answer to
8 that question, but you should know that Mr. Knapp testified
9 before the city council, separate from this bridge project,
10 his regional district budget was recently awarded an
11 additional funding of up to some \$25 million, perhaps that is
12 the source of the other \$2 million.

13 Again, I would like to express my wholehearted
14 support for your staff's terrific work, and my support for
15 the special conditions as proposed for this project.

16 I wish the city council had been represented with
17 half of the information your board has been presented with.
18 Perhaps our decision would have been different.

19 Finally, I would like to reiterate something I
20 alluded to in my letter of February 16. In that letter I
21 emphasized my belief that we should hold up public sector
22 development to the same standards we rightfully hold up for
23 private sector development.

24 This point was not lost on a class of middle school
25 students I spoke to on Tuesday. A student asked, "If you

1 won't be able to see past the new bridge from your car, why
2 do we care about the North Cliff Motel?"

3 One way or another, the city council and the
4 Coastal Commission need to be able to answer that question.
5 The off-site mitigation, or perhaps a new railing, would
6 certainly provide an answer to that question.

7 Thank you for your time.

8 CHAIR WAN: Thank you.

9 David Dilworth.

10 MR. DILWORTH: Good evening -- afternoon, wherever
11 we are. David Dilworth. I am just representing myself. I
12 am a local resident here in the Monterey Peninsula.

13 First off, my hat is off to you. There aren't many
14 people who can say that they have slowed down the Marines,
15 and maybe helped stop an aircraft carrier.

16 I heard a comment that Caltrans has shown complete
17 contempt for the Coastal Act. That sounds like our local
18 Caltrans. It is interesting to hear that it goes up and down
19 the state.

20 There was one thing Caltrans said, that was at the
21 very least misleading, and possibly wrong. I heard the woman
22 say, "We have never done a see-through bridge before."

23 Well, that is at least misleading. They have done
24 see-through before. If you take a look just here on our
25 local coast, Wildcat Canyon Bridge used to be a see-through

1 bridge. It is now a solid one. You can't see -- just three
2 miles down the coast. All of the historic bridges that are
3 being retrofitted in Big Sur have the see-through design.
4 They have done see-through before.

5 There was a terrible accident you might have seen
6 on the news, where a crane operator made a mistake and the
7 crane fell over the side of one of the bridges. I believe it
8 was at Rocky Creek. And, it crushed the see-through bridge
9 rail. And, recently, about 6 months ago, Caltrans' new
10 district director -- who I have high hopes for -- gave his
11 promise to restore that bridge to the same see-through design
12 that now exists.

13 So, Caltrans already has, not just the will, but
14 apparently the ability to do this. And, it seems like if
15 there is a coordinated effort up and down the state, we could
16 retain these see-through bridges without much trouble.

17 I also heard a comment that this is going to be a
18 safety issue. Well, I would like to point out that about
19 three days ago, I was being driven down the coast, over these
20 very two bridges, and as a passenger it was pretty safe for
21 me to look through the bridges, and that is exactly what I
22 did, and I darn well really enjoyed those views.

23 EXECUTIVE DIRECTOR DOUGLAS: Two minutes.

24 MR. DILWORTH: Thank you.

25 CHAIR WAN: Thank you.

1 Caltrans, even though you went over your time, I
2 will give you two minutes for rebuttal. You will have to
3 stick to that, pretty tight.

4 MR. KNAPP: I will rebut a couple of things that I
5 heard.

6 The suggestion from Mr. Taylor that we could just
7 eliminate the shoulders, yes, we can do exceptions, but we
8 don't do exceptions to eliminate safety features if there is
9 a feasible -- you know, if it is feasible to construct them.

10 And, certainly, the shoulders -- and I heard the
11 comment of disdain for the Coastal Act. You know better than
12 I do the implications and indications that we should be
13 providing for bicycles along the Pacific Coast bike route.
14 We have been required with numerous conditions on your
15 projects to dedicate right-of-way in order to accommodate
16 future bicycle trails, and bicycle lanes, and we have done
17 that, and we have tried every chance we could to add
18 shoulders to do that, so that suggestion would eliminate all
19 shoulders, any emergency operation.

20 I keep hearing this thing about federal funds, and
21 if the federal funds are provided, then what do we care. We
22 program all of our funds. I can't even tell you for sure
23 which source they will come out of. We have seismic bond
24 measures, we have state gas tax funds, and other state
25 revenues, and we have federal funds. And, we can mix and

1 match. We have an approved federal document. We will be
2 using state and federal funds, for sure. If we have run out
3 of the seismic bond measures between now and then, we will
4 use state funding, and federal funding. It doesn't matter.
5 All of that money is already programmed for projects. If we
6 have to come up with \$2 million, it will have to come from
7 another project.

8 I would be happy to respond to any other comments
9 that were raised that challenged things that Caltrans has
10 done. One would be, I guess, the see-through railing.
11 Certainly, there are numerous see-through railings. They
12 don't meet standards. And, we don't get to set standards in
13 Fort Bragg, you know, for national highways, federally
14 supported highways. We go through rigorous testing of
15 railings, and we were able to be successful in accelerating
16 that testing process, in order to get the first see-through
17 safety railing approved.

18 EXECUTIVE DIRECTOR DOUGLAS: Two minutes.

19 MR. KNAPP: As was pointed out by your last speaker

20 --

21 CHAIR WAN: You will have to wind up.

22 MR. KNAPP: -- there are lots of solid ones that
23 are being built. And, that is why, because we didn't have an
24 approved safety one.

25 CHAIR WAN: Thank you.

1 MR. KNAPP: Thank you.

2 CHAIR WAN: I am going to go back to staff.

3 EXECUTIVE DIRECTOR DOUGLAS: Just a couple of
4 comments.

5 First of all, the staff was very aware of the
6 safety issue here, and that is why we support the construc-
7 tion of a new bridge, and we applaud many of the features
8 that are built into the design of the bridge that provide
9 physical access. We didn't have a problem with that.

10 We did wrestle with the question of design, and
11 scale, and, you know, how it would fit into the community,
12 but we were also told, in no uncertain terms, that any delay
13 or redesign like that would defeat the new bridge.

14 And, so we really narrowed our focus on the
15 question of visual resources, and how to mitigate the impacts
16 of the bridge, and the rail, on visual resources, and that is
17 how we came up with the Condition No. 6. And, that is really
18 the only issue, I think, in contention. We don't disagree
19 with the construction of a new bridge. It would be nice if
20 it could be smaller, but that is not something that we
21 decided to focus on.

22 The Commission has faced, on numerous occasions,
23 Caltrans' projects where your conditions of mitigation were
24 argued, or characterized as conditions that would kill the
25 project, only to find that somehow there was a way found to

1 make both the project work, and implement mitigation
2 measures.

3 We tried to craft a condition here that mitigates
4 for adverse impacts on visual resources, that is workable,
5 that is reasonable, and feasible. We didn't have a lot of
6 time to do that. We are certainly open to any suggestions
7 from the Commission. We will answer any questions that you
8 may have. It is, obviously, a judgment call for you to make,
9 in terms of whether or not you think that this condition is,
10 first of all, necessary, or whether or not it ought to be
11 modified in a manner that would work.

12 I was intrigued by the comments from the Caltrans'
13 representative that there are funds available for, what they
14 called, enhancements, that could lead to carrying out this
15 condition, but something that works so that we don't just
16 lose the visual resource without some sort of offset. That
17 is what we are concerned about.

18 CHAIR WAN: Thank you.

19 Commissioner Desser.

20 COMMISSIONER DESSER: Listening to this discussion,
21 both with regard to our staff, and Caltrans, I am reminded of
22 the expression that when all you have is a hammer, everything
23 looks like a nail.

24 I think that I found the testimony of Mr. Taylor
25 quite compelling, and I am interested in a site-specific

1 solution to this, and I think that what makes our coast
2 unique is its very visual and topological characteristics,
3 and I am not persuaded that because these are the kinds of
4 techniques that are used other places to build bridges,
5 clearly that hasn't been -- one of the letters pointed out --
6 satisfying to the mayors of Oakland and San Francisco.
7 Similarly, I don't think that it is going to be satisfying in
8 this case, here.

9 And, as to our staff, I don't think that finding
10 another place for views really gets at the problem that is
11 raised by constructing a bridge in this way.

12 I also do not appreciate the tactics -- if indeed
13 that is what they are -- that have been used by Caltrans to
14 threaten interminable delays, if we don't agree to these
15 designs.

16 So, I would like to hear a little bit more about
17 why site-specific design isn't appropriate, or possible in
18 this case.

19 EXECUTIVE DIRECTOR DOUGLAS: I think we would ask
20 the Caltrans' representative to respond.

21 Our staff did have discussions with them, about a
22 redesign, narrowing of the bridge, and other kinds of issues
23 that deal with the scale, and we were told that that delay
24 and the costs associated with that would probably kill the
25 project, and so we relied on that.

1 COMMISSIONER DESSER: And, I guess I just want to
2 point out that either way, we are going to be living with
3 this bridge for a very, very long time, so if it takes a
4 little bit longer to design the right thing, that we are
5 going to be living with for the next 40 years, that seems
6 like a small price to pay up front.

7 CHAIR WAN: Did you want to have the gentleman from
8 Caltrans come up?

9 MR. KNAPP: Thank you. I want to mention one brief
10 thing, and then ask Karen to come up and explain exactly why
11 the bridge needs to be the width it is, and the config-
12 uration.

13 The comment about the tactics, I have heard this
14 kind of thing, in which we were using scare tactics, and we
15 were threatening that we were going to take away the project,
16 and that sort of thing, and that concerned me very much, and
17 that is the reason I wrote the January 13 letter, which is
18 Exhibit 18 in your package. I would urge you to take a close
19 look at that, and I said -- you know, I was even, in the
20 January 24, after I explained that entire thing, somebody got
21 up and said, "You are trying to use scare tactics on us. You
22 are trying to twist the arms of the public, of the city
23 council," and to me, you know, kind of suggests that the city
24 council doesn't have a mind of its own, that they didn't
25 conclude that this was a good project. They, in fact,

1 overturned the planning commission's denial of the appeal. I
2 attended that meeting. I explained all of this stuff, and as
3 a matter of fact I got an opportunity to get up and ask and
4 respond to the question that we were using fear tactics.

5 What I am saying is that I can't tell you. I am
6 not the California Transportation Commission. I cannot tell
7 you, if I go back and say, "We increased the cost of this
8 project by 20 percent already, from \$20 million to \$24
9 million," that was the maximum flexibility we had, "we've
10 spent \$4 million more, and I need \$2 million more."

11 I cannot tell you, and I know how excruciatingly
12 painful it is when we go back and ask for more money, so I
13 know management of our organization will have to look at it
14 and say, "Do we want to go back and ask for that additional
15 money?"

16 And, I also know that that project that is
17 suggested by staff is not necessarily feasible. We go out
18 and appraise a piece of property, and we say that property is
19 worth \$250,000 we cannot give someone \$1 million for it,
20 because it is a gift of public funds; therefore, it is not
21 feasible. Then you are going off some other place to build
22 some unknown project somewhere.

23 I hope that explains -- I really and truly -- I
24 went to the meeting on the 24th. I spent a long time, a lot
25 more time than I had the opportunity to spend today to

1 explain and answer every single question, and we have had
2 numerous meetings, open houses, on this project. We have a
3 Web Page, an interactive Web Page so that we would deal with
4 every single comment and question that came up.

5 And, I asked the city council, if you can point to
6 a single project in your community that has had the kind of
7 community outreach and involvement than our project, please
8 tell me what project that is. And, no one came forward with
9 anything like that.

10 Somebody stood up and said there were a lot of
11 opponents, or there are some opponents to this project, and
12 an individual said, "I've talked to those people that are the
13 opponents, and not one of them seemed to agree with one
14 another on what we should build." And, I think you are
15 seeing that with the Bay Bridge in San Francisco, there are a
16 lot of differences of opinion, and your staff indicated it is
17 a judgment decision on the type of bridge.

18 Karen could easily explain to you again about the
19 segmented approach, where you have to build the bridge on
20 each side. If we have to build a bridge on each side, and
21 not just stop traffic, in order to do all of this retrofit
22 work, then we have to have enough room to provide for one
23 lane of traffic, and a shoulder. And, if we don't have that,
24 then we are going to have a situation that will not meet the
25 safety needs of the public, the pedestrians, the bicyclists,

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1 and the motorists.

2 And, if you could give Karen about a minute, I
3 think she could really clarify that for you.

4 Thank you very much.

5 EXECUTIVE DIRECTOR DOUGLAS: You can take the
6 microphone, please.

7 MS. TATMAN: Oh, yes.

8 EXECUTIVE DIRECTOR DOUGLAS: We need this on the
9 record.

10 MS. TATMAN: Thank you, sorry about that. I'm not
11 used to working with microphones.

12 I would direct your attention to Exhibit 19, which
13 is titled Noyo River Bridge Replacement Project Frequently
14 Asked Questions, as you can imagine this has been a
15 frequently asked question.

16 Caltrans owns 100-feet of right-of-way through that
17 area of Fort Bragg, and as you probably noted in the
18 pictures, and as staff recognizes, there are several
19 businesses, very close to our right-of-way. In fact, the one
20 on the south-west corner, the Cliff House Restaurant, is
21 barely 6-feet outside of our right-of-way. In fact, they
22 even have a walkway with, kind of an overhang protection
23 thing that actually comes very close to our right-of-way, and
24 their landscaping is actually on our right-of-way. We have
25 extremely limited room to build a new bridge in here, and

1 that is what is driving the issue.

2 In order to maintain one lane of traffic in each
3 direction, we can't touch the existing bridge. It can't be
4 partially dismantled. You can't strip off one little piece,
5 and leave the rest. There is only 26 feet available for
6 traffic right now. Any less than that doesn't make sense.
7 You can't go down to one-lane traffic control, because there
8 is no detour around, so we have to leave the existing bridge
9 alone, so that we maintain one lane in each direction.

10 So, what we do is build the minimum amount of
11 bridge outside, and we build it in pieces. Stage 1, we are
12 actually building 25.3 feet of bridge. And, that is
13 accounted for, again, in Exhibit 19, and Vince Taylor
14 mentioned only building 16 feet of bridge width. In fact,
15 that is what we are building, but that 16 feet is from here
16 to here. What Vince doesn't recognize, and hasn't recognized
17 throughout our discussions -- I've been talking with Vince
18 since last August. We have had some very nice discussions --
19 we also need, because you have the end of the bridge here,
20 you have to have some k-rail to keep people from driving into
21 the existing bridge. We are going to have to have some
22 construction workers on that side of the k-rail walking
23 along, so we have to provide that. We are only providing
24 one-foot of width.

25 COMMISSIONER DESSER: Can I ask you a question?

1 MS. TATMAN: Certainly.

2 COMMISSIONER DESSER: I drive a lot on Highway One,
3 all up and down, and drive back and forth between the Bay
4 area and Pt. Reyes, and depending on the way I go, often I
5 find that a lane is cut down to one --

6 MS. TATMAN: Yes.

7 COMMISSIONER DESSER: -- and there are Caltrans
8 crews that are stopping traffic, in one direction or another,
9 while traffic is coming through. Why can't you do -- this is
10 substantially cheaper, too, I should think. Why can't you do
11 that kind of a solution here?

12 MS. TATMAN: Our traffic studies show that if we go
13 down to one lane of traffic, anytime between 6:00 a.m. and
14 9:00 p.m., that we will back traffic up all the way through
15 town.

16 The unique situation here is there are no detours.
17 Local traffic can't just go another way around and bypass the
18 construction.

19 And, we are talking about --

20 COMMISSIONER DESSER: I live in Sausalito, and I --
21 and traffic sometimes gets backed up --

22 MS. TATMAN: Okay.

23 COMMISSIONER DESSER: -- and that is the price we
24 pay.

25 MS. TATMAN: We are also talking about a very long

1 term situation here. We are not talking about a day, or a
2 week's worth. We are talking about two years worth of
3 construction. The locals of Fort Bragg have told us that
4 they don't want to see one lane of construction.

5 In fact, when we shut down one lane to do some
6 paving through town, Rick Knapp could probably tell you how
7 many phone calls he got about people upset being delayed
8 going through town.

9 What we have developed here is a plan that doesn't
10 delay traffic at all, and if we can accomplish that, and meet
11 the needs, and do these enhancements of shoulders, sidewalks,
12 and match the roadway on either side, that is the plan we
13 were looking for, and a plan that doesn't impact the adjacent
14 businesses. That is what we have strived for, and that is
15 what we have achieved.

16 COMMISSIONER DESSER: Did you consider traffic
17 delays in the EIR that you did? was that anything? what kind
18 of delays are your talking about?

19 MS. TATMAN: Did we quantify the traffic delays?

20 UNIDENTIFIED SPEAKER: (Member of the audience off
21 the microphone.)

22 MS. TATMAN: Yes, we did. It is considered in the
23 negative declaration.

24 COMMISSIONER DESSER: What kind of numbers did you
25 -- how long? what was the traffic delay?

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1 MS. TATMAN: I am sorry, I don't have the
2 availability of the technical studies.

3 My understanding, through downtown, from talking to
4 our traffic folks, is that if we delay, if we drop down to
5 one-lane traffic control, between the hours of 6:00 a.m. and
6 9:00 p.m. traffic will back up all the way through town,
7 which is a couple of miles.

8 CHAIR WAN: Just a quick question, as a follow up
9 on what Commissioner Desser said.

10 You have two -- the two outside structures?

11 MS. TATMAN: Yes, here and here.

12 CHAIR WAN: Are each of those two lanes?

13 MS. TATMAN: No, each of those --

14 CHAIR WAN: Each of those is --

15 MS. TATMAN: -- is carrying one --

16 CHAIR WAN: -- one lane?

17 MS. TATMAN: -- lane. They will carry a -- from the
18 inside edge of this k-rail, there is a 12-foot lane, a 4-foot
19 narrow shoulder, which we consider 4-foot shoulder to be
20 acceptable during construction, and then we also construct
21 the sidewalk.

22 On one of the bridges, the westerly structure, we
23 actually don't build the sidewalk in the first stage, and the
24 reason is that a crane, in order to dismantle the existing
25 structure -- which we start to do in stage 2 -- only during

1 the day. We end up having to put, for a short period of
2 time, 2 lanes of traffic on this westerly structure, because
3 the crane needs to sit on the easterly structure. That is a
4 very limited period of time, in which that happens.

5 And, I believe Vince Taylor, in his information to
6 you, says he has talked to some crane operators, and there
7 are actually some cranes that can dismantle this bridge and
8 don't need to sit up there at all, so therefore we can build
9 less width.

10 But, I would point out to you that we are concerned
11 also about pedestrian access and bicycle access during
12 construction, not just the final configuration, but also
13 during construction, and that is why we are providing a
14 12-foot lane, and a 4-foot shoulder, and building one of the
15 sidewalks during the first stage of construction.

16 COMMISSIONER DESSER: And, how long do you
17 anticipate construction taking under these various scenarios?

18 MS. TATMAN: Altogether, about two years. I think
19 about a year to get these, this first stage done, then
20 probably a month or two to dismantle the existing structure,
21 and then another like 10 to 12 months to get this --

22 CHAIR WAN: All right, If you don't mind --

23 MS. TATMAN: -- center piece built.

24 CHAIR WAN: -- I am going to move on to the next
25 question.

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1 Commissioner Dettloff.

2 COMMISSIONER DETTLOFF: This is a question of
3 staff, and I just really want some clarification, in my own
4 mind.

5 You, then, the staff, I am going to assume, came to
6 the conclusion that although you have made suggestions this
7 morning on the design of the railings, that because I don't
8 see a condition that directly addresses that, you came to the
9 conclusion that the design of this particular system that
10 Caltrans is proposing, with some views, would be acceptable.

11 And, then the width of the bridge was not something
12 that became a point of study with the Commission. And, I am
13 wondering if you had access to the statements, or the
14 proposals made by Mr. Taylor, when you were going over?

15 EXECUTIVE DIRECTOR DOUGLAS: Well, first of all,
16 relative to the design of the rail, we did discuss with
17 Caltrans the possibility of a redesign, and they went through
18 what it would take to meet the safety standards, the crash
19 tests, and all of that, and that that delay, and the costs,
20 would make it prohibitive.

21 So, we pretty much felt that there wasn't a
22 feasible alternative to the rail design, even though we
23 thought that technically there probably could be a more see-
24 through kind of rail, and that is why we focused on the
25 mitigation of the visual --

1 COMMISSIONER DETTLOFF: Exactly.

2 EXECUTIVE DIRECTOR DOUGLAS: -- impacts, and that
3 is how we came up with Condition 6.

4 COMMISSIONER DETTLOFF: So, we really have come
5 down to what the Coastal Act demands of both the staff and
6 the Commission, and that is visual resources, and thus
7 Condition No. 6.

8 EXECUTIVE DIRECTOR DOUGLAS: That's right.

9 COMMISSIONER DETTLOFF: So, we have taken it down
10 to, we have narrowed our focus as to what our requirements to
11 meet the Coastal Act are.

12 EXECUTIVE DIRECTOR DOUGLAS: That was our view of
13 it, because we felt that we weren't expert to redesign and
14 exactly what you were presented was presented to us, and we
15 pretty much had to take what they represented.

16 COMMISSIONER DETTLOFF: So, we have had several
17 examples, by public comment, on various railings that are
18 being used around the state, but I think the comment made
19 during their presentation by Caltrans that many of those
20 railings no longer meet state or federal safety requirements.
21 Is that a true statement?

22 EXECUTIVE DIRECTOR DOUGLAS: That is what we were
23 told, yes, and we have no reason to question that.

24 COMMISSIONER DETTLOFF: Thank you.

25 CHAIR WAN: Commissioner Nava.

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1 COMMISSIONER NAVA: I guess either a question for
2 staff, or Mr. Massara.

3 I am taking a look at an attachment, Section 4
4 Reasons for Supporting Appeal, Sierra Mendocino/Lake Group,
5 and in looking at that first paragraph -- this is a letter
6 signed by Roanne Withers, for Friends of Fort Bragg.

7 There is a reference to:

8 "Heretofore, the community has consistently
9 been told by Caltrans that the Noyo Bridge
10 would never be replaced in most of our
11 lifetimes."

12 And, then that is followed by another sentence that
13 says:

14 "A Caltrans evaluation conducted a few years
15 before stated the bridge was safe."

16 Can anyone address the accuracy of that representa-
17 tion in this letter?

18 EXECUTIVE DIRECTOR DOUGLAS: We can't.

19 COMMISSIONER NAVA: Well, does anybody know when
20 this Caltrans evaluation conducted a few years ago before
21 stating the bridge was safe, the currency of that statement?
22 [No Response.]

23 Nobody can? Thank you.

24 UNIDENTIFIED SPEAKER: [Speaking off the
25 microphone, and out of hearing range.]

1 COMMISSIONER REILLY: Can't do that.

2 CHAIR WAN: No, we can't do that.

3 COMMISSIONER NAVA: All right, thank you.

4 CHAIR WAN: Commissioner McClain-Hill.

5 COMMISSIONER MC CLAIN-HILL: I'm sorry, I'm simply
6 trying to, in my own mind, just be clear as to the issue, or
7 what the remedy is designed to address?

8 And, with respect to the visual impacts, am I
9 correct in understanding that it is both the impact of the
10 new railing, in terms of views as you cross the bridge? and
11 the impact from looking, views from off of the bridge,
12 looking across?

13 EXECUTIVE DIRECTOR DOUGLAS: Yes, it is a
14 combination of lost, or impaired, visual experiences on the
15 bridge as you are crossing it; also, other visual resources,
16 because of the size and intrusion of this bridge from other
17 locations.

18 That is why we felt if they are not going to be
19 able to redesign the rail, then an off-site mitigation
20 measure that would enhance public recreational, and visual
21 resources would be an appropriate tradeoff.

22 COMMISSIONER MC CLAIN-HILL: Except -- okay, and is
23 it also -- what is your view with respect to the sidewalk,
24 and the viewing opportunity, in terms of the enhancement that
25 they suggest, with respect to widening the sidewalk, making

1 it wheelchair accessible, and what's been represented here by
2 both Caltrans and members of the community, that in fact in
3 doing that they have created an opportunity for pedestrian
4 viewing that didn't previously exist?

5 EXECUTIVE DIRECTOR DOUGLAS: And, that is one of
6 the features that we applauded, and we would think that that
7 ought to be as a matter of course, included in these kinds of
8 bridges.

9 So, that is a benefit, no question about it, but it
10 doesn't, it seemed to us --

11 COMMISSIONER MC CLAIN-HILL: To fully mitigate.

12 EXECUTIVE DIRECTOR DOUGLAS: -- right, right.

13 COMMISSIONER MC CLAIN-HILL: But, you would concur,
14 that it --

15 EXECUTIVE DIRECTOR DOUGLAS: Oh, it is a benefit --

16 COMMISSIONER MC CLAIN-HILL: -- does create some
17 partial mitigation?

18 COMMISSIONER REILLY: Madam Chair.

19 EXECUTIVE DIRECTOR DOUGLAS: -- well, it is a
20 benefit, but in terms of mitigation, I am not sure that that
21 is the correct characterization, because it seems to us, if
22 you are going to build a new bridge here that it ought to
23 include sidewalks, and be accessible to handicapped users.

24 CHAIR WAN: Commissioner Reilly.

25 COMMISSIONER REILLY: Thank you.

1 Just a question of staff, and I know that this was
2 cobbled together, in terms of the conditions, in a fairly
3 short amount of time, but how did you come up with the magic
4 number of \$2 million?

5 EXECUTIVE DIRECTOR DOUGLAS: Well, I'll ask Jack to
6 give it a go.

7 COASTAL STAFF ANALYST LIEBSTER: You are exactly
8 right. We had to put this together. Once we determined that
9 we weren't going to go for physical changes in the bridge, we
10 had to put together an off-site mitigation package very
11 quickly.

12 We think that number -- well, basically, that
13 number came from looking at the available properties. Now, I
14 cannot tell you what that property -- there are three parcels
15 there. I can tell you the two properties, the Kime [sic.]
16 properties, at the very end at the coast, are currently for
17 sale by a willing seller. We got a lot of support from the
18 realtor for those two properties, for \$549,000.

19 The other property, we did talk with the -- that is
20 the Shaw property, the big long parcel that runs all the way
21 along the bluff top, and Mr. Shaw was very happy to hear that
22 someone was interested in purchasing his property. It is
23 assessed at \$820,000, or something -- somewhere around
24 \$800,000. We have no idea what its real value is.

25 And, part of what the first part of our process

1 would be, would be to establish actual values, perhaps, for
2 those properties, and others.

3 And, we would have to take into account, for
4 example, the fact that they are covered with prescriptive
5 rights. There is no question about prescriptive rights on
6 these properties. That there is erosion going on -- and we
7 want to make sure that we are looking at a property that
8 isn't going to fall into the ocean in the next 10 years.

9 So, there is a lot of give in that number, but a
10 very important part of what we had in the condition is to
11 find a mechanism where if the condition is done by Caltrans,
12 fine, they can spend whatever they need to do, but if they
13 put up money in an in-lieu fee, that we find a way that if
14 there is unneeded money, and through hard negotiating, and
15 careful planning, we think we could probably bring in a
16 project for much less than the \$2 million, that that money
17 either reduns back to Caltrans, or other projects.

18 EXECUTIVE DIRECTOR DOUGLAS: Let me -- a couple of
19 other considerations, as we were discussing this.

20 We did feel there needed to be a cap. Normally,
21 when we have an in-lieu fee, we try to peg that fee to what
22 we think is a doable project. That is, that if you
23 reasonably project the use of those fees, you will get a
24 completed project. We just didn't know the answer here. We
25 know that Caltrans cannot pay more than what the appraised

1 value is. We know that they are not going to use eminent
2 domain power for the acquisition of a property like this, so
3 it would have to be with a willing seller.

4 That is why we had the option of putting an in-lieu
5 fee forward, that somebody like the Coastal Conservancy could
6 utilize, negotiate -- and they don't use eminent domain
7 either -- and we understand that there are willing sellers
8 there.

9 That is why we crafted it the way that we did, and
10 that if, in fact, it can be done for less than the \$2
11 million, if, for example, a fee were the option that would be
12 selected, then the remainder would be returned to Caltrans.

13 Now, the other possibility is here, that the
14 Commission could look at -- and this, by the way, includes
15 both our projection for acquisition and improvement -- the
16 Commission could look at, since there are funds, other funds
17 available for the actual improvement of access, opportun-
18 ities, you could look at it in terms of just for acquisition,
19 and maybe reduce that cap. That is up to you.

20 But, that is what we were wrestling with trying to
21 put something together that would enable the project to
22 proceed, but still mitigate for the visual impacts.

23 COMMISSIONER REILLY: I think that answers my
24 question, thank you, Mr. Douglas.

25 Just a comment. I am convinced that there does

1 exist a public safety issue requiring replacement of the
2 current bridge, and I think Caltrans has made that represent-
3 ation. I have no reason not to believe that, in terms of the
4 seismic issues. And, I think it would be dysfunctional for
5 what is still a logging town to have a restriction on trucks
6 going across that bridge, and I don't know how that would
7 work.

8 There is a number of motions, I think that we are
9 going to have to have staff walk through with us, in terms of
10 both dealing with the appeal, and dealing with, you know, the
11 application itself.

12 But, as it relates to Condition No. 6, I think that
13 we have to exact some toll for the view-shed impacts that
14 this project is going to have. We need to do that in order
15 to uphold the Coastal Act.

16 I think the amount, probably, the amount that I
17 would support would be \$1 million, as opposed to \$2 million,
18 as a cap, for a couple of reasons. One is that the \$2
19 million is fairly arbitrary in the first place, as staff has
20 related. And, the second thing is that, you know, in terms
21 of having to go back to the Department of Transportation,
22 somebody else, I think the \$1 million is enough to send a
23 message to Caltrans that we are serious about the view-shed
24 impacts, and it will not jeopardize the bridge project, and
25 so that is where I am at with it.

1 CHAIR WAN: Commissioner Johnson.

2 COMMISSIONER JOHNSON: Yes, Mr. Douglas, just one
3 question.

4 When you were considering the trade offs for the
5 view versus the pedestrian accessibility, did you also
6 consider the amount of increased traffic that will be
7 generated as a result of going from two lanes to four lanes?
8 and, the needs of some type of a crash barrier, in reference
9 to lane changes and just increased population, and increased
10 transportation going over the bridge?

11 COASTAL STAFF ANALYST LIEBSTER: I am not sure
12 exactly -- I am sorry, I didn't get the question. Did we
13 look at --

14 COMMISSIONER JOHNSON: Did you consider the need
15 for a crash barrier, when you are looking at also the
16 increased --

17 COASTAL STAFF ANALYST LIEBSTER: Oh, yes.

18 COMMISSIONER JOHNSON: -- transportation need, and
19 load going across the bridge --

20 COASTAL STAFF ANALYST LIEBSTER: Oh, certainly.

21 COMMISSIONER JOHNSON: -- and possible lane
22 changes?

23 COASTAL STAFF ANALYST LIEBSTER: Yes.

24 On the question of a crash barrier, we are not
25 taking issue with the fact --

1 COMMISSIONER JOHNSON: I understand.

2 COASTAL STAFF ANALYST LIEBSTER: -- that there
3 needs to be --

4 COMMISSIONER JOHNSON: Just answer the question.

5 COASTAL STAFF ANALYST LIEBSTER: -- there needs to
6 be a barrier.

7 If we were to take issue with anything, we would
8 question it with the increased pedestrian use, whether there
9 should not, in fact, be a barrier that protects the pedes-
10 trian, which is not currently included.

11 One of the things that we did say in our staff
12 report is that we think we need to work with Caltrans on
13 coming up with a more acceptable barrier, see-through system.
14 We are not trying to do that in this case, and so we are not
15 going to -- we didn't really take up the issue of, is this a
16 good one? is this the best one?

17 COMMISSIONER JOHNSON: Okay, thank you.

18 CHAIR WAN: Commissioner Potter.

19 COMMISSIONER POTTER: I am prepared to move this
20 item, and I am prepared to move per staff, but with a
21 modification as Commissioner Reilly has suggested, regarding
22 the \$1 million versus \$2 million cap, but I would ask staff,
23 guide me to the correct place for the appropriate motions.

24 CHAIR WAN: Is it on page 20?

25 EXECUTIVE DIRECTOR DOUGLAS: Yes, I think the first

1 item is the de novo action on the appeal permit. That would
2 be A-1-FTB-99-6, and you would move per staff, and then there
3 would be an amending motion to deal with Special Condition
4 No. 6.

5 [MOTION]

6 COMMISSIONER POTTER: Okay, so I will move that the
7 Commission approve Coastal Development Permit No. A-1-FTB-
8 99-06, subject to conditions, recommend a "Yes" vote.

9 COMMISSIONER REILLY: Second.

10 COMMISSIONER POTTER: Okay I want to speak to this
11 briefly.

12 And, that is this whole thing revolves around the
13 visual resources side of the Coastal Act for me. I think
14 this is a precedent-setting project. I think that we have
15 to, as we acknowledged, recognize there will be other bridge
16 projects here.

17 And, I have heard this argument that you can't
18 build a safe rail that addresses the visual issue. I would
19 suspect that, you know, you can. The building contractor in
20 me says that there is way to do it. I mean, we can build
21 glass that stops bullets. It seems to me that there must be
22 a way to address the visual side of this.

23 And, I can't set any store in the argument that the
24 coast is a distraction, as a driver. It is an attraction.
25 If we took that argument that you were really being

1 distracted as you drove down the coast, we would be allowing
2 sound walls down the entire west side of the coast. So, I
3 don't think we can advocate for, you know, a concrete
4 pipeline as we go down Highway One.

5 And, so I think, from that standpoint there is
6 justification to use this project as the precedent setter, to
7 go ahead and either construct or design a more appropriate
8 rail, or have an off-site mitigation that deals with the
9 public's access and visual side of the Coastal Act.

10 CHAIR WAN: Commissioner Reilly.

11 COMMISSIONER REILLY: I don't have a lot to add to
12 what I said before, but I would like staff to look into the
13 processes that Caltrans is going through, in terms of
14 designing other bridges along the coast, and find out if
15 there is some way, that either through staff or the
16 Commission, we can get involved with some of these
17 discussions around design, and stuff, in earlier stages of
18 the game, so that we are not sitting here at the last minute
19 looking at, you know, a given that we absolutely no input
20 into. I think that we need to get involved much, much
21 earlier in the process, in order to have, you know, our
22 wishes at least weighed in the balance of things.

23 EXECUTIVE DIRECTOR DOUGLAS: Madam Chair.

24 CHAIR WAN: Yes.

25 EXECUTIVE DIRECTOR DOUGLAS: You will need an

1 amending motion, if that is --

2 CHAIR WAN: Yes, before --

3 EXECUTIVE DIRECTOR DOUGLAS: -- your pleasure.

4 CHAIR WAN: -- we are just discussing this right
5 now --

6 EXECUTIVE DIRECTOR DOUGLAS: Right.

7 CHAIR WAN: -- the motion, and I recognize that
8 there is going to be an amending motion.

9 Commissioner Tuttle, did you have something to say?

10 COMMISSIONER TUTTLE: Just with respect to what
11 Commissioner Reilly just said, on getting involved in these
12 projects earlier. That, indeed, would be one of the benefits
13 of having a north coast office.

14 CHAIR WAN: Well, I just would like to make a
15 comment that I don't consider myself a bridge designer, but I
16 do realize that we need a bridge here, but I take the
17 position that I keep hearing that there are unmitigated
18 impacts along that bridge, that there may possibly be a
19 better way to design this, that we need to get involved in
20 this earlier, but that the real reason we can't deal with it
21 is because it is too late in the process, Caltrans has
22 already got all of their permits, and this would delay
23 everything. Well, that kind of bothers me, in the sense that
24 we hear that repeatedly, by the time it comes to us,
25 presumably it is too late for us to do anything about it.

1 This is our opportunity to do something about it,
2 just as it was yesterday, we were told, "Well, you know, we
3 made a negative declaration, and the operation is two days
4 from now, so it is too late for you to do anything about it."

5 I cannot support it for that reason. It isn't that
6 I don't support the building of the bridge, but I don't like
7 to be told that there are possible alternatives, I just can't
8 deal with it because it hasn't been brought to me in a timely
9 way.

10 Did you want to make an amending motion?

11 [MOTION]

12 COMMISSIONER REILLY: Yeah, I'll move to amend
13 Special Condition No. 6 to set the cap at \$1 million, as
14 opposed to \$2 million.

15 COMMISSIONER JOHNSON: Second.

16 CHAIR WAN: Do I have a "second"?

17 COMMISSIONER MC CLAIN-HILL: We need a "second"
18 first.

19 COMMISSIONER POTTER: I think Terry did.

20 COMMISSIONER JOHNSON: I seconded it.

21 CHAIR WAN: Okay, did you want to speak.

22 COMMISSIONER MC CLAIN-HILL: Yes.

23 Essentially, I will be voting against this motion,
24 and I will be voting against the motion for the following
25 reasons: first, with respect to the staff recommendation,

1 either at \$1 million or \$2 million, it seems somewhat
2 speculative to me, under any circumstances, and I am not --
3 and that causes me a great deal of concern.

4 With respect to Caltrans, while I appreciate that
5 it would be useful were we to all figure out how, as sort of
6 members of the civic family, to work together, so that we
7 don't have these kinds of misunderstandings, disputes, or
8 essentially we are not at loggerheads in situations like
9 this, I also firmly believe that every other review -- well,
10 it is clear to me that other reviewing bodies have come to
11 the conclusion that this is a public safety matter, that the
12 bridge, in fact, meets -- and that there are constraints that
13 are dictated by public safety concerns, and that those
14 constraints may very well result in views that are not what
15 we would like them to be.

16 Additionally, it seems to me that we are -- also, I
17 put a lot of stock in issues raised with respect to funding,
18 and the fact of the matter is this state is facing a
19 tremendous crisis with respect to infrastructure investment,
20 and dollars are very hard to come by. And, you know, a
21 million here, a million there, after awhile it is real money,
22 and so in my view we really do need to balance that issue,
23 vis-a-vis what we gain, by an uncertain mitigation measure,
24 with respect to, you know, what properties are available,
25 where it might be, what it is going to cost.

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1 And, moreover, we are also at a -- there is a
2 certain, in my view, perversity with respect to the need to
3 mitigate what is in essence the replacement of one manmade
4 structure, with another manmade structure, and after a point
5 I do believe that we have to make some compromises that
6 suggest that we live in a real world, where a number of
7 things have to be balanced.

8 And, so with that, I am supportive of the building,
9 or replacement of this bridge, and frankly disturbed at the
10 additional imposition of a fee, with respect to Caltrans
11 moving forward.

12 CHAIR WAN: Commissioner Nava.

13 COMMISSIONER NAVA: Yeah, I am opposed to the
14 amendment, because it reduces the amount of money available
15 for mitigation. And, I also have some issues, with respect
16 to view shed.

17 One of the first things that came up when I started
18 my term as a Commissioner, had to do with the construction of
19 a home, and the roof line was going to interfere with a view
20 of the ocean horizon, and that matter came up before us, I
21 think, in April of 1997, and it was at that juncture that I
22 made reference to the fact that all of the views, from
23 whatever vantage point, constitute links of the chain, and
24 that every time that we interfere, impede, with one of those
25 links of the chain, we destroy the integrity of this

1 coastline.

2 And, it is just beyond my ability to believe that
3 Caltrans, with all of the engineers, and all of the degrees,
4 and all of the science, and all of the materials, and all of
5 its ability to accomplish good work, can't come up with a
6 bridge design that is esthetically attractive, that maintains
7 the ambience of the community, that contributes to the
8 glorification of this coast, rather than the urbanization of
9 it.

10 And, so I am opposed to both the amendment and the
11 main motion.

12 COMMISSIONER REILLY: Madam Chair.

13 CHAIR WAN: Yes, Commissioner Reilly.

14 COMMISSIONER REILLY: Since my amending motion is
15 being opposed by one of my fellow Commissioners because it is
16 not enough money, and by another because it is too much, I
17 suggest that we move forward in a vote on this, and find out,
18 you know, what direction we are going on this issue.

19 CHAIR WAN: All right.

20 COMMISSIONER JOHNSON: Call the question.

21 CHAIR WAN: Call the roll, and the maker of the
22 motion to amend the staff recommendation from \$2 million to
23 \$1 million is recommending a "Yes" vote.

24 SECRETARY GOEHLER: Commissioner Dettloff?

25 COMMISSIONER DETTLOFF: Yes.

1 SECRETARY GOEHLER: Commissioner Johnson?

2 COMMISSIONER JOHNSON: Yes.

3 SECRETARY GOEHLER: Commissioner McClain-Hill?

4 COMMISSIONER MC CLAIN-HILL: No.

5 SECRETARY GOEHLER: Commissioner Nava.

6 COMMISSIONER NAVA: No.

7 SECRETARY GOEHLER: Commissioner Potter?

8 COMMISSIONER POTTER: Aye.

9 SECRETARY GOEHLER: Commissioner Reilly?

10 COMMISSIONER REILLY: Yes.

11 SECRETARY GOEHLER: Commissioner Tuttle?

12 COMMISSIONER TUTTLE: Yes.

13 SECRETARY GOEHLER: Commissioner Desser?

14 COMMISSIONER DESSER: No.

15 SECRETARY GOEHLER: Chairman Wan?

16 CHAIR WAN: No.

17 SECRETARY GOEHLER: Five, four.

18 CHAIR WAN: We are now at the main motion.

19 COMMISSIONER TUTTLE: What is the --

20 CHAIR WAN: No, the amending motion passed.

21 Okay, we are now at the main motion.

22 EXECUTIVE DIRECTOR DOUGLAS: And, I might just --

23 and I am sure that Commissioner McClain-Hill knows this, but

24 just in case, if you do wish to delete this condition

25 altogether, this would be the time to make an amending motion

1 to do that.

2 CHAIR WAN: Yes, you do have the right to make an
3 amending motion, if you wish to delete the condition
4 altogether.

5 [No Response.]

6 COMMISSIONER POTTER: The math is still there, yes.

7 COMMISSIONER REILLY: I think we just had a vote on
8 that.

9 COMMISSIONER MC CLAIN-HILL: It is not going to
10 pass.

11 CHAIR WAN: You can take the vote, regardless.

12 COMMISSIONER MC CLAIN-HILL: I'll pass.

13 CHAIR WAN: Okay, she passed.

14 We are back to the main motion.

15 Secretary, call the roll on the main motion,
16 please.

17 SECRETARY GOEHLER: Commissioner Johnson?

18 COMMISSIONER JOHNSON: No.

19 SECRETARY GOEHLER: Commissioner McClain-Hill?

20 [No Response.]

21 COMMISSIONER POTTER: Just for clarity, let me --

22 CHAIR WAN: Better clarify this --

23 COMMISSIONER POTTER: -- go back and reread the
24 motion. It was about a month ago I made it.

25 CHAIR WAN: Okay.

1 COMMISSIONER POTTER: I move that the Commission
2 approve Coastal Development Permit No. A-1-FTB-99-06, subject
3 to conditions, and recommending a "Yes" vote.

4 CHAIR WAN: Yes, what this does, is this would now
5 approve the project as modified, and the modification would
6 be as per staff, with the exception that the amount of money
7 would be now \$1 million, versus \$2 million. That is what you
8 are voting on, and the maker of the motion --

9 COMMISSIONER JOHNSON: No, no, it is not --

10 COMMISSIONER MC CLAIN-HILL: It is back to \$2
11 million.

12 CHAIR WAN: No. Oh, no.

13 [General discussion.]

14 No, it won. The amending motion passed, therefore
15 it is now a project in which it is as per staff, with the
16 exception that the amount of money is \$1 million, versus \$2
17 million, and the maker of the motion is recommending a "Yes"
18 vote.

19 Is that not correct, Mr. Douglas.

20 EXECUTIVE DIRECTOR DOUGLAS: That is correct, and I
21 should note that the \$1 million is a cap.

22 CHAIR WAN: As a \$1 million cap.

23 EXECUTIVE DIRECTOR DOUGLAS: Right.

24 CHAIR WAN: Okay.

25 COMMISSIONER REILLY: And, it also would include

1 the staff presentations on changes that they have accepted to
2 the special conditions --

3 EXECUTIVE DIRECTOR DOUGLAS: Yes, those are --

4 COMMISSIONER REILLY: -- as given at the beginning
5 of the staff report.

6 EXECUTIVE DIRECTOR DOUGLAS: Yes, those are
7 incorporated in the --

8 CHAIR WAN: And, it includes all --

9 EXECUTIVE DIRECTOR DOUGLAS: -- staff
10 recommendation.

11 COMMISSIONER REILLY: Right.

12 CHAIR WAN: -- of the staff modifications, with the
13 exception of the change in the amount of the money.

14 EXECUTIVE DIRECTOR DOUGLAS: And, we continue to --

15 CHAIR WAN: And everybody has --

16 EXECUTIVE DIRECTOR DOUGLAS: -- recommend a --

17 CHAIR WAN: -- got that clear, so --

18 EXECUTIVE DIRECTOR DOUGLAS: -- "Yes" vote.

19 CHAIR WAN: -- let's call the roll call again.

20 Start the roll call again, please.

21 SECRETARY GOEHLER: Commissioner Johnson?

22 COMMISSIONER JOHNSON: Yes.

23 SECRETARY GOEHLER: Commissioner McClain-Hill?

24 COMMISSIONER MC CLAIN-HILL: No.

25 SECRETARY GOEHLER: Commissioner Nava?

1 COMMISSIONER NAVA: Pass.

2 SECRETARY GOEHLER: Commissioner Potter?

3 COMMISSIONER POTTER: Aye.

4 SECRETARY GOEHLER: Commissioner Reilly?

5 COMMISSIONER REILLY: Yes.

6 SECRETARY GOEHLER: Commissioner Tuttle?

7 COMMISSIONER TUTTLE: Yes.

8 SECRETARY GOEHLER: Commissioner Desser?

9 COMMISSIONER DESSER: No.

10 SECRETARY GOEHLER: Commissioner Dettloff?

11 COMMISSIONER DETTLOFF: Yes.

12 SECRETARY GOEHLER: Commissioner Nava?

13 COMMISSIONER NAVA: No.

14 SECRETARY GOEHLER: Chairman Wan?

15 CHAIR WAN: No.

16 SECRETARY GOEHLER: Commissioner Five, four.

17 CHAIR WAN: It passes.

18 EXECUTIVE DIRECTOR DOUGLAS: Then you would have to
19 have the other permit matter that is within the Commission's
20 original permit jurisdiction. You will need a motion on
21 that.

22 CHAIR WAN: What is the next motion that we need?
23 where is this?

24 COMMISSIONER DESSER: Could I just add one more
25 thing. Could we direct staff to get a list of bridges that

1 are going to be affected by this, over the next -- well, five
2 to ten years, so that we can start anticipating earlier in
3 the process on this?

4 COMMISSIONER NAVA: Can I add to that, Madam Chair?

5 CHAIR WAN: Yes, go ahead, Commissioner Nava.

6 COMMISSIONER NAVA: It seems to me since what we
7 have said is that we have some concerns with respect to
8 engineering, design, and alternatives, that this might be a
9 good topic for a workshop, so, one, that we can have some
10 idea as to the nature, character, and quality of the existing
11 bridges, that are targeted for this modification,
12 gentrification, urbanization, and we can have presentations
13 by engineers who have alternative views as to what can be
14 done in these sites.

15 CHAIR WAN: Okay.

16 The next motions are with regard to --

17 EXECUTIVE DIRECTOR DOUGLAS: Madam Chair.

18 CHAIR WAN: Yes?

19 EXECUTIVE DIRECTOR DOUGLAS: Excuse me, as has been
20 our policy in the past, when individual Commissioners make
21 requests that really impose a workload on the staff, we take
22 direction from the entire Commission.

23 And, if that is the will of the Commission, fine,
24 we'll do it, but I just want to make sure that there is no
25 misunderstanding, unless the Commission directs us to do it,

1 we will try, but, so what is your pleasure?

2 CHAIR WAN: Without objection, the Commission would
3 like to see this --

4 EXECUTIVE DIRECTOR DOUGLAS: All right.

5 CHAIR WAN: -- because visual impacts are
6 important.

7 EXECUTIVE DIRECTOR DOUGLAS: Right.

8 CHAIR WAN: The next motion, we have to go to page
9 2, I believe, of Item 4.a.

10 And, if you can find that motion, do you want to
11 make that, Commissioner Potter?

12 EXECUTIVE DIRECTOR DOUGLAS: But, before you make
13 the motion, let us, for the record, modify our recommendation
14 to reflect what you just did on the previous item, so --

15 CHAIR WAN: That is fine.

16 EXECUTIVE DIRECTOR DOUGLAS: -- that it tracks
17 that.

18 CHAIR WAN: Make it consistent.

19 Commissioner Potter.

20 [MOTION]

21 COMMISSIONER POTTER: I move that the Commission
22 approve Coastal Development Permit No. 1-98-100, subject to
23 conditions, recommend a "Yes" vote.

24 CHAIR WAN: Do I have a "second"?

25 COMMISSIONER REILLY: Yes.

1 COMMISSIONER JOHNSON: Second.

2 CHAIR WAN: Moved by Commissioner Potter, seconded
3 by Commissioner Reilly.

4 Any objection --

5 COMMISSIONER POTTER: I just have one comment, just
6 for the record.

7 CHAIR WAN: Go ahead.

8 COMMISSIONER POTTER: I just want to go on the
9 record as quite frankly I am sorry to see this existing
10 bridge go. I am surprised it didn't have historic
11 designation. I think it is an attractive structure.

12 The new one looks just a little bit too much like
13 the next millennium for me. Maybe it is my age, or maybe it
14 is the fact that I am from New England, but we still even
15 have some old covered bridges around this country that are of
16 incredible historic value.

17 We just designated three very similar truss
18 designed bridges in Monterey County as historic resources, so
19 that they would be preserved in perpetuity. So, I am truly
20 sorry to see this, in the name of progress, and in a desire
21 to move more vehicles more quickly, creating a concrete
22 structure of this type.

23 CHAIR WAN: Okay, is there any objection to
24 substituting the prior roll call.

25 [No Response.]

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Seeing none, so ordered.

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[Whereupon the hearing was concluded.]