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RECORD PACKET COPY



F 6a

April 27, 2001

To: Commissioners and Interested Persons

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

Subject: Item F 6a Permit Amendment Nos. 1-98-100-A1 and A-1-FTB-99-006-A1
(Caltrans, Fort Bragg)

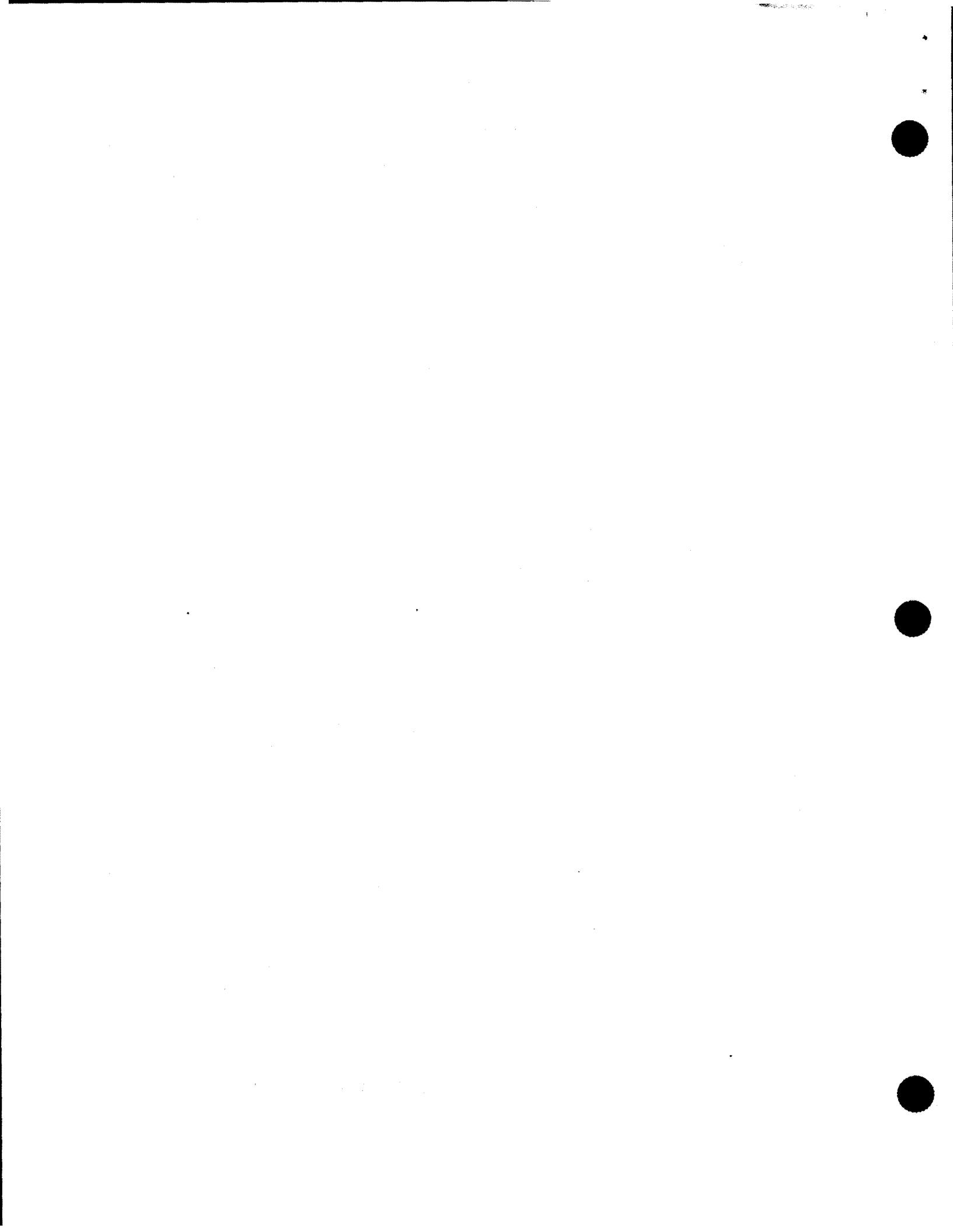
Permit Amendment Nos. 1-98-100-A1 and A-1-FTB-99-006-A1 are two separate permit amendment agenda item requests related to the same project, the proposal of Caltrans District 3 to replace the Highway One Noyo River Bridge in Fort Bragg. The Commission approved the original project with special conditions on March 12, 1999. Revised findings for the two permits were adopted by the Commission on February 16, 2000.

Permit Amendment Request No. 1-98-100-A1 is the request to amend the permit granted with conditions for the portion of the project within the Commission's retained coastal development permit jurisdiction. Permit Amendment Request No. A-1-FTB-99-006-A1 is the request to amend the permit granted with conditions for the portion of the project within the City of Fort Bragg's coastal development permit jurisdiction.

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

1. Staff Report for Permit Amendment No. 1-98-100-A1 (Caltrans, Fort Bragg)
2. Staff Report for Permit Amendment No. A-1-MEN-99-006-A1 (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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F6a

Date Filed:	March 28, 2001
49 th Day:	May 16, 2001
180 th Day:	September 24, 2001
Staff:	Jim Baskin
Staff Report:	April 27, 2001
Hearing Date:	May 11, 2001
Commission Action:	

STAFF REPORT:
PERMIT AMENDMENT

APPLICATION NO.: 1-98-100-A1

APPLICANTS: CALIFORNIA DEPARTMENT OF TRANSPORTATION
(CALTRANS) DISTRICT 3

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

**DESCRIPTION OF PROJECT
PREVIOUSLY APPROVED:** 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.

**DESCRIPTION OF
AMENDMENT REQUEST:** (1) close public access to Ocean Front Park for the full bridge construction period (\pm 910 calendar-days); (2) use the eastern

14,500 sq. ft. of the park's parking lot as a construction staging area to place a temporary office trailer, store materials, and fabricate bridge components; (3) designate approximately 1.25 acres of the Noyo River upland dredge spoils disposal basin as a construction staging area; (4) reconfigure the North Harbor Drive entrance to the park; and (5) temporarily reconfigure the existing 25 parking spaces in the western half of the Ocean Front Park parking lot to provide 21 spaces plus 2 handicapped spaces during construction.

**SUBSTANTIVE FILE
DOCUMENTS:**

1. Noyo River Bridge Replacement Negative Declaration, Initial Study/Environmental Assessment (November, 1998);
2. Programmatic Section 4(f) Analysis for the Noyo River Bridge Replacement Project on State Route 1;
3. Project Scope Summary Report Structural Rehabilitation (Functional PSR).

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve with conditions, the requested amendment to the coastal development permit originally granted for the replacement of the Highway 1 bridge over the Noyo River within the City of Fort Bragg. The original permit was subject to ten special conditions and seven standard conditions. The conditions included the standard condition that all development must occur in strict compliance with the proposal as set forth in the application for permit. In addition, Special Condition No. 5 required the applicant to comply with all Mitigation Measures specified in the adopted Mitigated Negative Declaration attached as Exhibit No. 17 of the staff report for Permit Application No. 1-98-100. The bridge replacement project as originally proposed and permitted did not identify Ocean Front Park or the adjacent dredge spoils disposal basin for use as construction staging areas. Furthermore, the Mitigated Negative Declaration stated that Ocean Front Park would remain open during bridge construction, except for certain short-term, temporary closures of its North Harbor Drive entrance.

Caltrans now proposes to amend the bridge replacement project to specifically identify areas to be occupied and used for construction staging activities. Caltrans believes that establishing the staging area is a necessary feature which must be included in the Commission's permit authorization in order for the bridge replacement project to be feasibly conducted in a safe and efficient manner. A specific request for a staging area was not included in the original permit application. The amended project also proposes to close Ocean Front Park for use during the entire estimated 910-day bridge construction

period. The applicant states that their amendment request is also made in the interest of protecting public safety and maximizing construction site efficiency. After returning the park site to its original condition, the applicant proposes to upgrade several park facilities, including the restrooms, drainage culverts, vehicular accessways, and parking lot once bridge construction has been completed.

As part of the alternatives analysis submitted with the amendment request, Caltrans indicated that it would be feasible to keep the park open (except for the 14,500 square-foot staging area) for public access use during construction for all but four separate one-month periods and occasional intermittent closures of less than 30-minute duration, if the total construction period were extended by 10-20% (91-182 days). Caltrans does not favor this alternative because of the longer construction period required. Caltrans also points out that closing the park for the entire construction period would minimize the total length of time that the project would be affecting public access use of the park, either by partial occupation of the park for the staging area or by temporary closures.

The originally approved bridge replacement project included the placement of a total of approximately 3,600 square-feet of fill in the river for construction of bridge footings and revetment. The proposed use of portions of Ocean Front Park for construction staging and closure of the rest of the park to public access are direct environmental effects of this fill project as proposed to be amended. Section 30233 of the Coastal Act requires that a proposed fill project can only be approved if the project involves the least environmentally damaging feasible alternative. Staff believes that the alternative of keeping the park open during the construction period, even though it would extend the total construction period by 10-20% is the least environmentally damaging feasible alternative. Furthermore, this alternative maximizes public access consistent with Section 30210, which states in applicable part that maximum access and recreational opportunities shall be provided consistent with public safety needs. In the staff's view, the effects of a longer construction period on public access are less significant than the effects of a complete closure of the park for nearly 2½ years. Ocean Front Park is a major recreational resource serving the Fort Bragg area, providing direct access to the river and ocean, a sandy beach, and significant views of the harbor, headlands, and the bridge itself. Therefore, the staff recommendation imposes conditions that would require Caltrans to follow the alternative that would keep all but the 14,500 square-foot portion of the park to be used as a staging area open for the entire construction period except for the necessary four 1-month closures over the extended 2¾ to 3-year construction period and occasional intermittent closures of the park entrance road of less than 30-minute duration. In addition, the staff recommendation requires Caltrans to submit for the approval and review of the Executive Director a revised Water Pollution Control Plan to include best management practices for avoiding polluted runoff from the proposed construction staging areas. Furthermore, the staff recommendation includes provisions requiring Caltrans to restore public roadways utilized for construction access to useable condition upon the completion of the project. As conditioned, staff believes the project as amended would remain consistent with the Coastal Act.

STAFF NOTES:**1. Background**

On March 12, 1999, Coastal Permit No. 1-98-100 (Caltrans) was approved by the Commission with ten special conditions intended to address public trust concerns, environmentally sensitive habitat, public access, and visual, water quality, and other coastal resource issues. A copy of the revised findings for approval of the report containing the adopted special conditions is attached as Exhibit No. 11 of this report. Special Condition No. 1 requires clearance of the project from the State Lands Commission prior to issuance of the coastal permit. Special Condition No. 2 requires submittal of a copy of the approved Streambed Alteration Agreement issued by the California Department of Fish and Game for the project prior to commencing construction. Special Condition No. 3 requires the applicant to comply with the terms and conditions of the National Marine Fisheries Service (NMFS) Biological Opinion regarding the recommended marine mammal monitoring program (see Exhibit Nos. 15 & 16). Special Condition No. 4 requires that the temporary trestle system be constructed per the application and promptly removed upon project completion, along with pulling up all piles. Special Condition No. 5 requires the applicant to comply with all mitigation measures identified within the Mitigated Negative Declaration adopted for the project. Special Condition No. 6 gave the option to Caltrans to construct a public scenic viewing area at the Noyo Headlands or provide a \$1 million in-lieu mitigation fee that could be used by an approved third party to construct the viewing area or a similar public access improvement elsewhere in the Fort Bragg coastal zone to offset visual resource impacts of the replacement bridge. Special Condition No. 7 established that any future modifications to the replacement bridge, its railings, sidewalks, shoulders, traffic lanes, or median would require a permit amendment to be secured from the Commission. Special Condition No. 8 required that all construction debris be promptly removed from the site following completion of construction and disposed of at an authorized disposal site. Special Condition No. 9 requires the applicant to monitor and report on the condition compliance for a period of three years during and after construction. Finally, Special Condition No. 10 requires Caltrans to submit and receive approval from the Executive Director of a pollution prevention plan prior to commencing construction.

Upon satisfying all prior-to-issuance conditions, the coastal development permit was issued on March 25, 1999. Revised findings for the permit were adopted by the Commission on February 16, 2000. On February 9, 2001, all prior-to-commencement-of-construction conditions were satisfied. On October 10, 2001, citing changes in circumstances that would make construction of the replacement bridge under the terms of the existing permit infeasible, Caltrans applied for the subject permit amendment.

2. Procedural Note.

Section 13166 of the California Code of Regulations states that the Executive Director shall reject an amendment request if: (a) it lessens or avoids the intent of the approved permit; unless (b) the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

Regarding the first prong of these permit amendment acceptance criteria, the Executive Director has determined that the proposed amendment would lessen or avoid the intent of the originally approved permit with regard to coastal access and recreational facilities. The original permit issued by the Commission contemplated that: 1) only small portions of the Ocean Front Park parking lot directly adjacent to Pier 3 would be occupied by construction staging activities; and 2) Ocean Front Park would remain open for public use during construction of the replacement bridge, except for temporary, short-term closures. Accordingly, the proposed amendment request is not consistent with the intent of the originally approved permit as it would: 1) authorize occupation of a significant portion of the Ocean Front Park parking lot that would have been available for park users under the original permit; and 2) close access to Ocean Front Park for nearly a 2½-year period, reducing public access afforded under the original permit during bridge construction.

With respect to the second test, whether newly discovered material information has been presented which the applicant could not, with reasonable diligence, have discovered and produced before the permit was granted, the Executive Director has determined that the applicant has provided such previously unavailable information. The original permit application was prepared by Caltrans and considered by the Commission under an accelerated time schedule: Only 2½ months elapsed between when Caltrans submitted its application and the Commission took action on the permit. Permit processing had been driven by recognition of the compelling need to expedite permit issuance so that a crucial surface transportation structure could be replaced without delay. Specifically, the design of the existing bridge had been found to lack seismic integrity and posed an impending threat to public safety from potentially collapsing during a major earthquake. Accordingly, the original permit proposal focused on the coastal resource issues associated with the replacement bridge once built (i.e., visual and environmentally sensitive resource impacts) with less consideration being given to the construction phase activities.

Since the granting of the permit, Caltrans has awarded a contract to MCM Construction, Inc. to construct the replacement bridge. Although the bridge must ultimately be constructed to state and federal highway specifications, the contractor is granted significant latitude in the exact manner by which the bridge is to be constructed. In preparing its construction plans, the contractor subsequently discovered that several aspects of the construction scenario initially envisioned by Caltrans could not feasibly be

accomplished given the project's budget and site constraints. For example, the original scenario had not fully considered how some bridge components such as reinforcement bar caging for the replacement piers are bulky, relatively fragile structures that cannot easily be prefabricated elsewhere and transported to the construction site. They must be assembled in proximity to where they will be erected into place, taking up substantial area. In addition, trucks delivering other large bridge construction materials, such as steel beaming, piping, and pre-cast culverts, would similarly require significant area in which to have their cargo safely unloaded. Given the spatial confines around the Pier 3 site, persons traveling through the North Harbor Drive entrance into Ocean Front Park would come into close proximity to construction site hazards, raising safety concerns.

This situation caused Caltrans to reevaluate the construction logistics and determine that certain amendments to the permit were needed in order for the bridge replacement project to remain viable. In addition to needing to formally designate specific areas to be occupied as construction staging areas, Commission staff also discovered that certain crucial details regarding materials storage and fabrication operations had also been omitted from the original permit application's project description and consequently were not included within the scope of the Commission's authorization. For these reasons, Caltrans has applied for the subject permit amendment.

Therefore, based on the information presented by Caltrans and its contractor, and for the reasons discussed above, the Executive Director has found that the proposed amendment is based on newly discovered material information, which the applicant could not, with reasonable diligence, have discovered and produced before the permit was granted. Accordingly, the Executive Director accepted the amendment request for processing.

3. **Concurrent Review of Coastal Development Permit Amendment Request No. A-1-FTB-99-006-A1.**

The Noyo River Bridge replacement project is bisected by the boundary between the Commission's area of retained coastal development permit jurisdiction and the permit jurisdiction of the City of Fort Bragg. Accordingly, pursuant to Section 30600 *et seq.* of the Coastal Act, the applicant must obtain separate coastal development permits for each portion of the project lying within the two jurisdictions. Amendments to these permits are to be issued separately, each addressing only those portions of the original permit lying within the respective jurisdiction, if any, affected by the amendment. In this case, the proposed revised project entails changes to authorized development within both the Commission's original and appellate permit jurisdiction areas. Accordingly, the Commission must consider and take action on two separate, but functionally related permit amendments.

The applicant has submitted a site plan and related information that propose to amend the originally approved project description. For those portions of the bridge replacement project within the Commission's original permit jurisdiction, the revised site plan

proposes to: (a) close public access to Ocean Front Park for the full bridge construction period (± 910 calendar-days); (b) utilize the eastern 14,500 sq. ft. of the park's parking lot as a construction staging area to place a temporary office trailer, store materials, and fabricate bridge components; (c) designate approximately 1.25 acres of the Noyo River upland dredge spoils disposal basin modify as a construction staging area; (d) reconfigure the North Harbor Drive entrance to the park; and (e) temporarily reconfigure the existing 25 parking spaces in the western half of the Ocean Front Park parking lot to provide 21 spaces plus 1 handicapped spaces during construction along the north shore of the Noyo River at the Highway 1 bridge crossing. All other issues of the proposed permit amendment concerning access to the Pier 3 construction site along North Harbor Drive and those portions of the staging areas within the City of Fort Bragg permit jurisdiction are addressed in the associated staff report for Coastal Development Permit Amendment No. A-1-FTB-99-006-A1.

4. Impacts of Construction Traffic.

In their letter of April 20, 2001 (see Exhibit No. 13), a concern was raised by the City of Fort Bragg regarding traffic congestion impacts that construction traffic may have on the Highway 1 and city streets. Although the project may adversely affect traffic flow, the congestion of streets within the City will not have a significant adverse effect on the public's ability to access the coast, because the impacts associated with the proposed development are temporary construction phase traffic impacts that will ultimately result in the safe ability of the public to access this area of the coast.

5. Commission Jurisdiction and Standard of Review.

The site of those portions of the proposed bridge replacement project subject to this coastal development permit amendment are located within the Coastal Commission's area of original or retained jurisdiction adjacent to the banks of the Noyo River, beneath and just downstream of the State Highway 1 bridge. Therefore, the standard of review is the applicable Chapter 3 policies of the Coastal Act.

6. Scope.

This staff report addresses only the coastal resource issues affected by the proposed permit amendment, provides recommended special conditions to reduce and mitigate significant impacts to coastal resources and achieve consistency with the Chapter 3 policies of the Coastal Act, and provides findings for conditional approval of the amended project. All other analysis, findings, and conditions related to the originally permitted project, except as specifically affected by the proposed permit amendment and addressed herein, remain as adopted by the Commission on February 16, 2000 [see Revised Findings Staff Report for Coastal Development Permit No. 1-98-100, dated January 21, 2000].

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:

Motion:

I move that the Commission approve the proposed amendment to Coastal Development Permit No. 1-98-100 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve with Conditions:

The Commission hereby approves the proposed amendment to the coastal development permit on the grounds that the development as amended and subject to conditions will be in conformity with the provisions of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because all feasible mitigation measures and alternatives have been incorporated to substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS: See attached.

III. SPECIAL CONDITIONS:

Note: Special conditions Nos. 1-10 of the original permit remain in force and are included in Exhibit No. 11. Special Conditions Nos. 12-16 below, are additional conditions imposed as part of Coastal Development Permit Amendment No. 1-98-100-A1.

12. Revised Water Pollution Control Plan for Park and Staging Areas.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit a revised Water Pollution Control Plan for Ocean Front Park and the construction staging areas to the Executive Director for review and approval. The plan shall be designed to prevent polluted runoff or other waste materials from entering the Noyo River. All sources and

types of wastes and polluted runoff not previously addressed in the plan formerly approved pursuant to Special Condition No. 10 of the original permit (i.e., grading for park entrance road detour, dripping fuel and lubricants at the vehicular parking areas) shall be addressed in the revised plan. The plan shall be reviewed and approved by the project engineer to ensure the plan is in conformance with the engineer's recommendations. The plan shall include, but not be limited to, the following criteria and contents:

- 1) The revised plan control plan shall demonstrate that:
 - a. Runoff from all construction staging, fabrication, materials storage, parking areas, roadways and other impervious surfaces shall be collected and directed through a system of filters. The filter elements shall be designed to: (1) trap sediment, particulates, and other solids; and (2) remove or mitigate contaminants. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the construction site in non-erosive manner;
 - b. At least the following temporary erosion and sedimentation control measures shall be used during construction: straw bale barriers and silt fencing;
 - c. Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and resources through the use of re-seeding and mulching of bare soil areas with a native grass seed mix;
 - d. Run-off from the project site shall not increase sedimentation in waters of the Noyo River or the Pacific Ocean;
 - e. Best Management Practices (BMPs) shall be used to prevent entry of stormwater runoff into the construction site, the entrainment of excavated materials leaving the site, and to prevent the entry of polluted stormwater runoff into coastal waters during and following construction; and
 - f. The plan is not in conflict with the Discharge Permit Requirements of the Regional Water Quality Control Board, the California Water Resources Control Board, or the pending revised Biological Opinion and Incidental Take Statements of the National Marine Fisheries Service.

- 2) The revised plan shall include, at a minimum, the following components:
 - a. A narrative report describing all water pollution prevention, and run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control, referencing relevant best

management practices (BMPs) as detailed in the "Amendment 1 Water Pollution Control Plan," as prepared by Guy Preston, PE, California Department of Transportation, dated January 14, 2001;

- b. Revised site plans showing the location of all approved construction staging areas, construction access corridor (North Harbor Drive), and erosion and pollution control measures, and the location of all permanent erosion control measures (i.e., parking lot culvert upgrades, revegetated areas);
 - c. A schedule for installation and removal of the temporary erosion control measures, and structural and non-structural BMPs; and
 - d. A schedule for installation and maintenance of the permanent erosion and water pollution control structural and nonstructural BMPs.
- B. The permittee shall undertake development in accordance with both the approved final plans for this permit amendment and the approved Water Pollution Control Plan for the original permit. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

13. Revised Revegetation Plan for Ocean Front Park and Staging Areas.

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit, for the review and approval of the Executive Director, a plan for revegetating areas disturbed by the construction staging area use and construction of the modified entrance to Ocean Front Park. All project areas and types of ground disturbance not previously addressed in the plan formerly approved pursuant to Special Condition No. 11 of the original permit (i.e., grading for park entrance road detour) shall be addressed in the revised plan. The plan shall be prepared by a licensed landscape architect.

- 1) The plan shall demonstrate that:
 - a. All vegetation planted on the site will consist of native, drought-tolerant plants;
 - b. All planting will be completed within three (3) months after completion of construction;
 - c. All required plantings will be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the revegetation plan; and

- d. The revegetation work conducted under the amended permit will be undertaken in coordination with and not conflict with the Noyo River North Bank Revegetation Plan approved for the original permit (Laura Lazzarotta, LA, California Department of Transportation, dated May 4, 2000).
- 2) The plan shall include, at a minimum, the following components:
 - a. A map showing the type, size, and location of all plant materials that will be placed on ground disturbed sites, the irrigation system, topography of the developed site, and all other landscape features;
 - b. A schedule for installation of plants;
 - c. Demonstration of how all non-native species will be prevented from establishing in the revegetation area during the first five years following planting; and
 - d. A monitoring program for the first five years following planting, wherein 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 plantings and recommend any needed corrective actions to achieve compliance with the requirements of this condition.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- 14. Limits on Construction Activities Within Ocean Front Park.**
- A. To avoid adverse impacts on coastal access and recreational uses, use of the construction staging areas at the Pier 3 site and the dredge spoils disposal basin shall occur consistent with "Option 3," as described in the letter from John D. Webb, Chief, North Region Environmental Services, California Department of Transportation, dated December 1, 2000. Specifically, public access to those portions of Ocean Front Park not occupied by the construction staging area via the North Harbor Drive entrance shall be maintained during all phases of construction, subject to the following allowances and conditions for periods of heightened public safety risks:
- 1) Public access to Ocean Front Park via the North Harbor Drive entrance may be closed during the erection and removal of falsework, and during bridge demolition, for no more than four (4) temporary closures not to exceed 35 consecutive days duration each;

- 2) At least two (2) weeks prior to the commencement of any scheduled closure of the park, pursuant to subsection 1) above, the permittee shall distribute information bulletins advising the public of the forthcoming closure date and duration. At a minimum, the bulletins shall be published as a public notice within a newspaper of general circulation serving the City of Fort Bragg area, broadcast as a public service announcement on local public access television, and prominently posted at the Ocean Front Park entrance; and
 - 3) Temporary closures of the North Harbor Drive park entrance, not to exceed 30 minutes duration, may be undertaken as needed during various phases of construction. To minimize traffic disruptions, safety flagging personnel shall be present at the park entrance to guide vehicular ingress and egress during the closures.
 - 4) No closure of Ocean Front Park, provided under subsection 1) or 3) above, or Part B of this condition is permitted during the three-day Memorial Day and Labor Day holiday weekends, and Independence Day.
- B. The permittee may undertake additional construction closures of Ocean Front Park during bridge replacement not to exceed a total of ten (10) additional days for good cause only upon obtaining the written approval of the Executive Director authorizing such closures on specified dates. Permission for additional closures beyond the ten days for good cause authorized by the Executive Director shall be secured only through a coastal permit amendment. Any such amendment request submitted for such additional closures shall include information explaining why the closure is necessary, why the closure was not previously anticipated, assessing the scope and nature of the closure of the park, and identifying what mitigation measures will be taken to offset the additional interference with coastal public access to Ocean Front Park and Noyo Beach.
- C. All other time limits imposed on other construction activities shall remain in force.

15. Construction Staging Area and Construction Access.

To minimize significant adverse impacts to public access, recreational facilities, and coastal-dependent uses, the permittee shall comply with the following construction-related requirements during use of the Ocean Front Park construction staging area and North Harbor Drive construction access:

A. Ocean Front Park Staging Area

- 1) All storage of construction equipment and construction staging activities shall occur only within the 14,500-square-foot area of the existing eastern portion of the Ocean Front Park parking lot and the approximately 1.75-acre area comprising the western portion of the dredge spoils disposal basin, except during the periods identified in Special Condition No. 14 when the entire park may be closed and used for construction related activities.
- 2) Access to Ocean Front Park shall be provided through a detour constructed at the North Harbor Drive entrance to the park, as proposed by the permittee.
- 3) A temporary reconfigured parking lot consisting of twenty-one (21) standard spaces and one (1) handicapped spaces within the western half of Ocean Front Park parking lot shall be developed for park users as proposed by the permittee.
- 4) Compensatory improvements to the park's restrooms, culverts, parking lot overlays, stripping, gating, and entry drive, as proposed by the permittee, shall be installed within three (3) months following cessation of the construction staging area use.
- 5) All portions of Ocean Front Park disturbed by the construction staging area use shall be fully repaired, revegetated, and reopened to public use, as proposed by the permittee within three (3) months of bridge completion.

B. North Harbor Drive Construction Access

- 1) Permittee shall perform all necessary repairs before, during and upon cessation of the use of North Harbor Drive for construction access to maintain North Harbor Drive in a usable condition as a public street.

16. Regional Water Quality Control Board Approval.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall provide to the Executive Director a copy of the Waste Discharge Requirements issued by the North Coast Regional Water Quality Control Board (NCRWQCB) for the amended project, or letter of permission, or evidence that no revised discharge permit will be issued. The applicant shall inform the Executive Director of any changes to the project required by the NCRWQCB. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

IV. 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 (see Exhibit No. 4). Therefore, the permit amendment request is being processed by the Commission using the policies of Chapter 3 of the Coastal Act as the standard of review. Those portions of the project as amended within the Commission's retained jurisdiction and addressed herein include the central bridge span, piers, and abutments (generally, the portions of the bridge that extend over the river, bluff faces, totaling approximately 700 lineal feet), temporary construction trestle, and the construction staging area access road detour, and parking lot improvements within Ocean Front Park. 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 lineal 175 feet). The coastal development permit approved by the City for the portions of the original project within the City's coastal development permit jurisdiction was appealed to the Commission and acted upon by the Commission *de novo*. Only the Commission may grant an amendment to a permit previously issued by the Commission. Therefore, the Commission is concurrently reviewing Coastal Development Permit Amendment No. A-1-FTB-99-006-A1 for those portions of the proposed amendment of the project that are within the City's coastal development permit jurisdiction.

B. Site Description.

The site of the proposed amended project consists of areas within and adjacent to the State Route 1 crossing of the Noyo River. 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 [see Exhibit No. 2]. The bridge crosses the Noyo River between the 110-ft-high bluffs above the Noyo Harbor entrance. Noyo Harbor is an important regional commercial fishing center and is developed with a variety of coastal-dependent commercial-industrial and visitor-serving facilities. The port provides the only "harbor of refuge" along the California Northcoast between Bodega Bay and Humboldt Bay.

North Harbor Drive, the proposed construction access route, is a narrow, two-lane local street that intersects with State Route 1 just north of the Noyo River Bridge. From this intersection, the street runs east and southeasterly for about ½ mile descending down the approximately 110-foot-high northern river bluff into the Noyo Harbor area. At the base

of the bluff, the street switchbacks in a northwesterly direction and runs parallel to the river through the harbor area terminating just below the Noyo River Bridge at the entrance to Ocean Front Park.

Ocean Front Park, owned and managed by the Noyo Harbor District, lies along the north bank of the river west of the bridge. With the exception of a 38-space parking lot, restrooms, and a trail to the adjoining City-owned/managed Noyo Beach, the park is unimproved. Recreational use of the park is primarily limited to beach access and viewing of marine traffic transiting the river jetties. Overnight parking and camping is prohibited. Vehicles are prohibited on the beach except by City permit. Wood cutting and removal is permitted. Adjoining the park on a mid-slope terrace to the north is the 4±-acre Noyo River dredge spoils upland disposal site.

The Noyo River northern bank slope is vegetated with non-native trees, shrubs, and a mixture of ruderal forbs and grass species, including black wattle (Acacia melanoxylon), eucalyptus (Eucalyptus sp.), french broom (Genista monspessulana), scotch broom (Cytisus scoparius), and pampas grass (Cortaderia sp.), and perennial ryegrass (Lolium perenne).

C. Project Description.

The original permit as approved by the Commission authorized replacing 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 replacement 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 would 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) the construction of an approximately 30,000 sq. ft. temporary trestle for construction access.

Under the originally approved, Coastal Development Permit No. 1-98-100, an area totaling approximately 12,702 square feet would be occupied by equipment and materials during bridge replacement work near Pier 3. The original permit also authorized Caltrans to construct temporary and permanent 24-ft-wide, approximately 200-ft-length (±4,800 sq. ft. paving coverage) detour roads around the site of the new Pier 3 at the North Harbor Drive entrance to Ocean Front Park. The scope of the original permit also limited disruption of the park's 38-space parking lot to that related to the minor reconfiguring and re-striping of parking spaces associated with construction of the temporary park entrance detour. A plan drawing submitted with the original application did depict the boundary of a "construction easement," ostensibly for ingress and egress by construction workers and equipment, as applying over the Ocean Front Park area. However, no authorization for another construction staging area in the vicinity of Ocean Front Park was either specifically requested by the applicant or approved by the Commission. In addition, with the exception of several short-term closures, the original permit application

stated that public access to Ocean Front Park was to be maintained during construction at the Pier 3 site.

Proposed Construction Staging Area

The proposed amended project would allow a construction staging area to be established within the eastern 14,500 square feet of the Ocean Front Park parking lot and within the western ± 1.75 acres of the Noyo River dredge spoils disposal basin. Approximately 1.25 acres of the proposed dredge spoils basin staging area lies within the Commissions area of retained coastal development permit jurisdiction. Caltrans proposes to use the combined area of the two staging areas for placing one contractor's trailer office and fabrication of bridge components, including reinforcement bar cages, casings, form work, coffer dams, trestle assemblies, and the temporary bridge for use during the pier's construction.

Materials and equipment to be stored within the designated construction staging areas include, but are not limited to steel and timber beams, wood, sheet and pipe piles, steel cables and rigging, rebar and rebar cages, fencing, K-rail, bagged cement, pile casings, miscellaneous steel pipe and conduit, water and sewer piping, rail forms, pre-stress strand and conduit, pre-cast drainage inlets and culverts, burlene, concrete curing compound and additives, tape dust containment materials, stripped vegetation and stumps, excavated soil, aggregate, bridge demolition steel parts, strawbales, carpet and filter fabric, sprinkler system, pumps, generators, compressors, plastic sheeting, trucks, personnel vehicles, fuel and lube trucks, loaders, excavators, cranes, backhoes, concrete screed and pumpers and mixers, pavers, rollers, pile drill rig, forklift, personnel bucket hoist, scaffolding, spoils storage tanks, railroad flat cars (2-90-ft.-length), light plants, sign panels, equipment diapers and spill kits, fire fighting equipment, and other miscellaneous equipment and materials for bridge demolition and construction.

Revised Park Entrance Road Alignment

Caltrans also proposes to amend the configuration of the detour road at the entrance to Ocean Front Park. Instead of an approximately 300 foot-long, 24 foot-wide, two-lane detour road arcing northerly around the existing Pier 3 and returning to the parking lot just past the existing restrooms, and comprising some 7,200 sq. ft. of paving coverage, under the revised project proposal, the detour route would be extended westerly flanking the northern side of the existing parking lot before splitting into two one-way lanes each entering and exiting the parking lot, for a total length of 625 feet and involving approximately 13,200 sq. ft. of paving coverage.

Parking Lot Reconfiguration

To minimize impacts to the Ocean Front parking lot from establishment of the construction staging area within a portion of the existing parking lot, Caltrans proposes to reconfigure the westerly 25 single-row, perpendicular parking spaces into 19 standard, 2 compact, and 1 handicapped-accessible diagonal spaces. Under this plan, only 16

standard and 1 handicapped-accessible spaces would be unavailable during occupation of the eastern half of the parking lot by the construction staging area use.

Closure of Ocean Park

In addition to physically occupying the eastern half of the park, extending the entrance road detour, and reconfiguring the parking lot, Caltrans also proposes to close access to Ocean Front Park for the full bridge replacement construction period, estimated to span 910 days. Caltrans believes that full closure of the park is necessary so maximum safety can be afforded to the public from construction-related hazards and to increase the overall efficiency of the construction project by eliminating interruptions due to concurrent use of the park. Furthermore, Caltrans states that by allowing the construction to proceed without delays associated with traffic control to accommodate park user traffic, full access to all portions of the park would be renewed earlier than by keeping the park open during construction.

Post-construction Park Improvements

Once bridge construction has been completed, Caltrans proposes to vacate the construction staging areas and restore Ocean Front Park to full public use. In addition to restoring the occupied areas, Caltrans is proposing to conduct the following improvements:

- restore currently vandalized and inoperative restrooms to workable condition before being placed back in service;
- revegetate areas disturbed by construction activities with seed mix for erosion control;
- replace, relocate, and upgrade the existing undersized culvert located east of the existing restrooms to a location immediately west of the restrooms;
- extend the existing undersized culvert currently located immediately west of the restrooms;
- repair and replace all damaged and removed curbs associated with reconfiguring the parking lot;
- resurface and re-stripe the parking lot to its existing single-row, 38 perpendicular space configuration, and gate and leave the proposed revised park entrance detour as an alternative access for use by emergency vehicles.

D. Fill in Coastal Waters and Wetlands.

Section 30108.2 of the Coastal Act defines fill as:

...earth or any other substance or material ... placed in a submerged area.

Section 30233(a) of the Coastal Act reads as follows:

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 [including]: ...

- (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.*

Section 30230 of the Coastal Act provides:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 provides, in part:

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...

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

- that the purpose of the filling, diking, or dredging is for one of the eight uses allowed under Section 30233;
- that feasible mitigation measures have been provided to minimize adverse environmental effects;
- that the project has no feasible less environmentally damaging alternative; and
- that the biological productivity and functional capacity of the habitat shall be maintained and enhanced where feasible.

The originally permitted bridge replacement project entails the diking, filling, and/or dredging of coastal waters. Although there would be no additional diking, filling, or dredging of coastal waters associated with the proposed project amendment, the construction staging area use is functionally-related to and will serve the primary project. Accordingly, Commission must make findings that the project as amended remains consistent with the applicable provisions of Coastal Act Sections 30230, 30231, and 30233 in order for the Commission to authorize the amended project.

1. Alternative Analysis

The second 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.

With respect to considering project alternatives and their variable environmental effects, the primary aspect of "the environment" affected by the proposed permit amendment is the amount and degree of public access to recreational facilities that would be maintained during project construction, particularly at Ocean Front Park and Noyo Beach. In addition to the proposed, preferred project ("Option 2"), involving closing the entire park during the entire construction period (an estimated 910 days), three other possible alternatives, some of which might potentially result in less environmental damage, were identified by Caltrans in their permit amendment application:

- a. **Option 1: Keep Ocean Front Park open during the entire Noyo River Bridge Construction Period (No project amendment alternative):** Under this alternative, the applicant would not amend the original permit as regards designating the Ocean Front Park staging area. Only small portions directly adjacent to the existing and new Pier 3 locations would be occupied by construction equipment and materials. The temporary park entrance detour would only be routed to clear the Pier 3 area, and the parking lot would only be affected during construction re-routing of the detour. Ocean Front Park would remain open to public use, except for occasional short-term closures of 15-30 minute duration.
- b. **Option 2: Full closure of Ocean Front Park during the entire Noyo River Bridge Construction Period (Preferred Alternative):** Ocean Front Park would be closed for the entire 910-day estimated bridge construction period. The eastern $\pm 14,500$ sq. ft. of the park's parking lot and western ± 1.75 acres of the dredge spoils disposal pond would be used as construction staging areas with the western portion reconfigured into 23 spaces. The park entrance detour would be extended

westerly and would be retained after construction for use as a secondary emergency vehicle access.

- c. **Option 3: Partial closure of Ocean Front Park with several intermittent complete closures:** This alternative would provide for concurrent public access and use of Ocean Front Park during bridge construction except for four intermittent full closures of one-month duration each during crucial phases of the bridge's demolition and replacement, and temporary short-term partial closures of North Harbor Drive at other times of 30 minutes or less duration. The use of the parking lot and sedimentation basin for staging areas, realignment of the park entrance road, and reconfiguration of the western half of the parking lot would be the same as that proposed under Option 2.
- d. **Option 4: Develop alternative access to Ocean Front Park from the west side of State Route 1.** Under this alternative, an alternate public access would be provided from the west side of State Route 1 down into the western half of Ocean Front Park while the eastern portion of the park was being utilized for a construction staging area. The use of the parking lot and sedimentation basin for staging areas, realignment of the park entrance road, and reconfiguration of the western half of the parking lot would be the same as that proposed under Option 2.

a. Option 1: Keep Ocean Front Park Open During Bridge Construction

This alternative would effectively limit the applicant to occupying for construction purposes only those areas adjacent to the existing and new Pier 3 and within Ocean Front Park explicitly authorized within the original permit, totaling approximately 12,702 square feet. Other areas within the Noyo River dredge spoils upland sedimentation basin designated as a "temporary construction easement" were limited to ingress and egress, or as use for dewatering excavated materials. With the exception of temporary park access road closures of 30-minute duration, public access to Ocean Front Park would be maintained through the construction of Pier 3. Caltrans rejected this alternative because:

- The previously approved construction areas do not provide adequate space for the construction materials storage or onsite fabrication of bridge components. Without adequate room to store and assemble bridge materials, this alternative cannot be considered feasible.
- The previously approved provision for keeping Ocean Front Park open for concurrent public use except for short-term 30-minute closures would expose park users to hazardous conditions at the Pier 3 site during particularly dangerous phases of construction. This would create a significant public safety hazard and liability for the applicant and its contractor. As noted elsewhere in this report, Caltrans had not foreseen that such hazards and liabilities would be present at the Pier 3 site when it requested the original approval, as the construction scenario on which the application

was based had not anticipated the degree and intensity of fabrication and materials handling necessary to conduct construction in this area.

Although this alternative would involve less interference with coastal public access and protect oceanfront sites suitable for public recreational uses, its constraints on construction would effectively make bridge construction infeasible. In addition, public safety could be compromised if unrestricted access during particularly hazardous phases of the construction is allowed. Accordingly, the Commission finds Option 1 is not a feasible less environmentally damaging alternative to the proposed project.

b. Option 2: Close Ocean Front Park Open During Bridge Construction

This option is Caltrans preferred construction scenario for the Ocean Front Park area. The applicant states that this alternative would provide maximum safety to the public and allow a staging area to be used in a manner that would increase overall efficiency, helping the contractor to ensure timely completion of the project. By eliminating conflicts between public access and construction activities, risks to public safety would be minimized, including exposure to hazardous materials associated with both the materials to be stored at the staging area and the cleanup of heavy metals and petroleum contaminated soils that would be remediated during construction. Cleanup of the contaminated area, caused by the accumulation of lead-based paint chips and solvents from years of bridge maintenance, was approved as part of the original permit.

The applicant further contends that by eliminating interruptions to construction activities, overall impacts to public access would be reduced. Each time that public traffic is moved through the construction zone, construction workers and equipment will experience idle time when no work is occurring. Additional time would be taken up moving equipment out of the way of park traffic. This procedure repeated over and over creates an overall delay of the project and lengthens the time until bridge construction can be completed and full access to the park restored.

However, this alternative would result in substantial interference with public access and have significant adverse impacts on coastal recreational facilities. The public would be excluded from using Ocean Front Park for a full 2½-year period, with no nearby alternative public access being provided. Therefore, when compared with other alternatives (see Option 3, following), the Commission finds that this alternative is not a feasible less environmentally damaging alternative to the proposed project.

c. Option 3: Keep Ocean Front Park Open with Provisional Intermittent Closures

Under this alternative, access to Ocean Front Park would be maintained during many phases of bridge construction. An entrance road detour around the Pier 3 construction site would be developed and flaggers would be provided to minimize traffic disruptions during the temporary, 30-minute or less closures of North Harbor Drive entrance that

would still be needed to perform the bridge work. In addition, for increased safety to the public, access would need to be temporarily closed during falsework erection and removal and bridge demolition. Caltrans estimates that four temporary closures of one-month duration each would be required. Emergency vehicles would continue to have 24-hour access through the detour. The applicant indicates that several additional shorter duration closures of undisclosed length or frequency would also be necessary, but they would be negotiated with the Noyo Harbor District during construction. Caltrans would advise the District and the public of any pending closures at least two weeks prior to the closure.

Although Caltrans would prefer to fully close the park and perform bridge construction in the most expeditious manner with a minimum of disruptions, the agency has indicated that this alternative is feasible. Furthermore, the applicant has expressed its willingness to follow this alternative if its preferred alternative (Option 2) cannot be supported. Caltrans notes that this alternative would require the construction schedule to be extended by 10 to 20% (91 to 182 days), which would delay the eventual restoration of full access and use of the park by 3 to 6 months. However, in comparison with the other alternatives as discussed in subsections a. - c. above and d. below, and as conditioned as described in Section IV.D.2 below, the Commission finds that this alternative is the least environmentally damaging feasible alternative.

d. Alternative 4: Develop Alternate Access from the Westside of Highway One

Under this alternative, alternative access for the public into Ocean Front Park would be developed for use during the 910-day closure of the park's North Harbor Drive entrance. Caltrans rejected this alternative as being infeasible because the Georgia Pacific Corporation owns and controls all of the land west of State Route 1 and has declined to allow public access through its lumber mill site. Subsequently, without the approval of the property owner, Caltrans would have to resort to using its eminent domain powers to obtain a temporary public access easement through this private property. Condemnation proceedings and conducting associated appraisals to establish compensatory payment amounts would cause significant delays to the start date of construction, adversely affect project costs, and expose public highway users to seismic-related risks for a greater period of time. Accordingly, the Commission concurs with the applicant and finds that this alternative is not a feasible less environmentally damaging alternative to the proposed project.

e. Conclusion

In conclusion, the Commission finds that a feasible less environmentally damaging alternative to the proposed amended project exists in the form of "Option 3." Accordingly, the Commission attaches Special Condition No. 12, requiring Caltrans to conduct the project in the manner described under Option 3. By conditioning the project to provide for concurrent public use and allowing provisions for closures during crucial

construction phases, the amended project as conditioned is the least environmentally damaging feasible alternative.

2. 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. Although there will be no additional diking, filling, or dredging of coastal waters associated with the proposed project amendment, the proposed amended project will have additional potentially significant, adverse environmental effects on the environment, including: a) interference with public access from the closure of road access to Ocean Front Park and the occupation of portions of the Ocean Front Park grounds; b) degradation of water quality from further ground disturbances associated with the construction of an extended park entrance access road detour; and c) use of parts of the park for construction staging and storage of hazardous materials used in construction; and d) interference with public access by damaging the only road providing public access to the north Noyo Harbor area from the weight of construction trucks.

Concurrent Mitigating Impacts on Public Access at Ocean Front Park

The proposed use of Ocean Front Park for a construction staging area will interfere with coastal access both in terms of the unavailability of areas within this regionally significant recreational facility occupied by the staging area areas and through limitations placed on the times the park is open to the public.

Although not the preferred alternative ("Option 2"), Caltrans has identified a feasible alternative whereby concurrent access and use of unoccupied portions of Ocean Front Park could be provided during construction activities at the Pier 3 site (i.e., "Option 3"). Modifying bridge construction plans to accommodate coexisting park use would require Caltrans to extend the estimated 910-day construction schedule by 10-20% to approximately 1,001 to 1,092 days duration. Although full closures of the park for four one-month periods during particularly dangerous phases of the project and additional closures of undisclosed duration or frequency would still be necessary, the public would not be deprived of use of Ocean Front Park for a full 2½-year period as would be the case under the proposed project alternative. Caltrans has stated its willingness to perform the bridge construction work under the provisions of Option 3 if its preferred alternative to fully close Ocean Front Park for the entire construction period is found to not be supportable by the Commission.

As the alternative has been determined by the applicant to be feasible and would minimize the adverse effects of the project as proposed to be amended on public access use of Ocean Front Park, the Commission finds that managing access use in the manner described under Option 3 would constitute a feasible and necessary mitigation measure consistent with the provisions of Section 30233 regarding feasible mitigation. Therefore,

the Commission imposes Special Condition No. 14 which requires that Option 3 be implemented. Special Condition No. 14 also includes limits on the additional undisclosed closures, limiting them to a total of ten days for good cause, and prohibiting closure during summer holiday weekends. Any additional closures beyond this allowance would cause significant adverse cumulative adverse effects to coastal access. Accordingly, Special Condition No. 14 requires that such additional closures be subject to securing a permit amendment from the Commission.

In addition, the applicant proposes to temporarily reconfigure the remaining parking spaces unoccupied by the construction staging area and develop temporary access to parking to accommodate park patrons during construction of the new bridge. This mitigation measure would further minimize the impacts of the project as amended on public access use of Ocean Front Park. Therefore the Commission imposes Special Condition No.15 requiring Caltrans to provide these temporary improvements.

In addition to post-construction actions identified within the adopted Negative Declaration Mitigation Plan [see Exhibit No. 12], that were proposed and required to be undertaken as part of the original project as conditioned, Caltrans proposes several new mitigation measures to restore and improve conditions within the park once the construction staging use has ceased. These new measures entail:

- Restoring the permanent restrooms to workable condition (they are currently vandalized and would require maintenance before being put back into service);
- Revegetating appropriate areas disturbed by construction activities with natural seed mix for erosion control;
- Replacing and upgrading the existing culvert immediately east of the existing restrooms to immediately west of the existing restrooms;
- Extending the existing culvert immediately west of the restrooms to discharge at a more appropriate energy-dissipating location at the base of the rock slope protection;
- Repairing and/or replacing all damaged and removed curbs to reconfigure the parking lot to its final layout [see Exhibit Nos. 5 and 6];
- Restriping and resurfacing the existing parking lot; and
- Gating and leaving the proposed revised detour as an alternate access for use by emergency vehicles.

These mitigation measures would help offset the effects to public access use of Ocean Front Park that would result even with implementation of the other public access

mitigation measures discussed above. The Commission attaches Special Condition No. 15 to require that these additional measures be performed as proposed by the applicant. The Commission finds that as conditioned to require (a) use of the project alternative that minimizes closure of the park to public access, (b) maximizing the public access facilities available to the public during use of portions of the park for staging activities, and (c) permanent improvements to the park upon project completion, the amended project as conditioned would provide feasible mitigation measures for the impacts of the amended project on public access use of Ocean Front park consistent with the mitigation requirements of Section 30233 of the Coastal Act.

Mitigating Impacts to Water Quality

Approximately 5,000 square feet of additional paving associated with development of the temporary park entrance road / permanent secondary emergency access would be placed under the amended project. Ground disturbances associated with this grading could result in additional sediment runoff into the Noyo River if not mitigated. In addition, as discussed in Finding IV B, the construction staging area will contain a variety of hazardous materials spill risks. Caltrans has submitted a draft Water Pollution Control Plan to address the potential sources of polluted runoff from the road grading and construction staging areas and identify measures to prevent, respond to, and cleanup accidental spills of hazardous materials. The Commission attaches Special Condition Nos. 12 and 13, discussed in more detail in Finding IV E, that require the applicant to amend its previously approved water pollution control, erosion control, and revegetation plans to incorporate necessary best management practices to control the water quality impacts of the amended project. The conditions require that the water pollution and erosion control plans identify best management practices to prevent and minimize polluted runoff, trap sediment, and other particulates and solids, remove or mitigate contaminants, discharge runoff from the construction site only in non-erosive manner, and following construction, control erosion by re-seeding and mulching disturbed areas with a native grass seed mix. The revegetation plan requires that all vegetation plantings consist of native, drought-tolerant plants, be completed within three (3) months after completion of construction, maintained and replaced as needed through-out the life of the project undertaken in coordination with Noyo River North Bank Revegetation Plan approved for the original permit. The conditions require that the revised plans be submitted for the review and approval of the Executive Director. As conditioned, the project as amended will minimize adverse impacts to water quality consistent with the mitigation requirements of Section 30233 of the Coastal Act.

Mitigating Impacts to North Harbor Drive

Although the majority of the construction access road is located within the appeal area of the City of Fort Bragg's permit jurisdiction for which a related permit amendment is concurrently being reviewed, the project as amended would also have adverse effects on coastal access through impacts to North Harbor Drive from construction traffic.

Additional surface deterioration would occur to this local street from increased construction traffic, especially from heavily laden vehicles such as concrete delivery trucks. These deteriorated areas will require repairs from time to time during the construction period, involving excavation of surface paving, recompaction of the subgrade, and installation of a new asphalt surface.

Although Caltrans has stated its intent to "maintain the existing condition of the roadway through(out) the construction project," the agency has not proposed specific repairs that it would perform on North Harbor Drive. Moreover, without knowing the specific degree of repair work being proposed, the Commission cannot fully conclude that potential impacts to coastal access have been adequately mitigated. Therefore, the Commission includes within the attached Special Condition No. 15 a requirement that the applicant perform all necessary repairs before, during and upon cessation of the use of North Harbor Drive for construction access so as to maintain North Harbor Drive in a usable condition as a public street. As so conditioned, the project as amended will minimize adverse impacts to coastal access consistent with the requirements of Section 30210, 30211, and 30212 of the Coastal Act.

4. Conclusion.

In conclusion, the Commission finds there will be no additional diking, filling, or dredging of coastal waters associated with the proposed project amendment. The Commission also finds that the proposed amended fill project, as conditioned, is consistent with Section 30233 of the Coastal Act in that: (1) the project would be conducted in a manner consistent with the least environmentally damaging feasible alternative; and (2) the project as conditioned will employ feasible mitigation measures to minimize adverse environmental effects.

E. WATER QUALITY PROTECTION

Section 30231 of the Coastal Act provides:

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.

These provisions of the Coastal Act require the protection of water quality in coastal areas from polluted runoff. Construction activities in the proposed construction staging

areas could cause potential impacts on water quality, such as the runoff of wash water from the construction process into the river.

Consistent with Section 30231, Special Condition No. 12 requires the applicant to submit for the review and approval of the Executive Director a revised Water Pollution Control Plan for Ocean Front Park and the construction staging areas to prevent entry of any hazardous wastes and pollution from the Noyo River. In addition, Special Condition No. 13 requires the applicant to submit an Erosion Control and Revegetation Plan to prevent and minimize non-point source pollutants, such as sediment from ground disturbed areas and fuel and lubricant drippings from vehicular parking lots from entering coastal waters.

Caltrans has submitted a water pollution control plan for dealing with the runoff issues associated with the staging area and paving work proposed. Overall, the plan is comprehensive and identifies numerous measures to be undertaken to effectively protect water quality. Numerous best management practices are specified to address a wide assortment of water discharges and effluent types and sources. However, the plan was submitted prior to the most recent refinements to the amended project description, and contains several internal inconsistencies, especially with regard to the location of the proposed construction access.

A similar situation also exists with respect to the Caltrans proposal to revegetate bare soil areas disturbed by construction staging activities with a native grass seed mix upon completion of the staging area use. Although the proposed use of native revegetation is laudable as it would help restore and protect habitat values within the park, unless the revegetated area is maintained to prevent the introduction of non-native species, these benefits would only be temporary in nature. 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. In addition, the lack of effort to prevent non-native species from being established in the revegetated construction staging area may negatively affect the success of similar native revegetation efforts at the adjoining Noyo River North Bank remediation site as required under the Special Condition No. 11 of the original permit (see Exhibit No. 10).

In order for these plans to be adequately implemented as clear, understandable, and non-conflicting mitigation programs, these internal inconsistencies would need to be corrected in a finalized plan. Accordingly, it is necessary to impose a condition requiring a revised water pollution control plan and a revegetation plan for this area to achieve consistency with Section 30231. Therefore, the Commission attaches Special Condition No. 13, requiring the applicant to prepare and submit for the approval of the Executive Director a revised revegetation plan. The plan would detail both how areas disturbed by the proposed project would be revegetated with native plantings and how these efforts would be coordinated with the revegetation plan for the adjacent riverbank hazardous materials remediation area. The plan would require the permittee to monitor the success of the

native plantings for the first five years and submission of an annual report to the Commission documenting revegetation efforts.

Under the Federal Clean Water Act and the California Water Code, the North Coast Regional Water Quality Control Board (NCRWQCB) has regulatory jurisdiction over development projects that may affect the beneficial uses of "waters of the United States." Section 30412 of the Coastal Act prevents the Commission from modifying, adopting conditions, or taking any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality. Staff consulted with the NCRWQCB about permitting requirements and potential impacts resulting from the proposed project. The NCRWQCB have indicated that they are currently reviewing whether modifications to the Waste Discharge Requirements issued as Order No. 99-IB98097RMEN for the original project in February, 1999 would be appropriate for the proposed amended project. Among other specified conditions and receiving water limitations, the Board's requirements for the originally permitted project include a provision that "the discharge of any waste to the Noyo River and its tributaries is prohibited." Although the original project's Waste Discharge Requirements focused primarily on in-water construction activities (i.e., pier and piling excavations and fill), the requirements also addressed measures to control runoff from construction sites on shore. No action has been formally taken at this time, thus the Waste Discharge Requirements under Order No. 99-IB98097RMEN remain in force.

To ensure that the plan required under this condition is not in conflict with the actions of the State Water Resources Control Board (and Regional Boards), the Commission attaches Special Condition No. 16, requiring that any Waste Discharge Requirements ultimately adopted by the North Coast Regional Water Quality Control Board (NCRWQCB) be submitted to the Executive Director prior to the establishment of the staging area. Any changes required by the NCRWQCB shall require a Commission approved coastal permit amendment. In addition, as discussed above, to ensure that adverse impacts to the biological productivity and water quality of the Noyo River estuary from contaminated storm water runoff are minimized, the Commission has also attached Special Condition No. 13, requiring Caltrans to submit a revised water pollution control plan for review and approval by the Executive Director. Special Condition No. 13, requiring the revised water pollution control plan, also includes a requirement that the plan not conflict with the provisions of the pending Waste Discharge Requirements. In this manner, the Commission assures that its requirements will not conflict with the future requirements of the Regional Board, while assuring that the project has been conditioned to maintain biological productivity and the quality of coastal waters consistent with the provisions of the Coastal Act.

Therefore, the Commission finds that the proposed amended project as conditioned is consistent with Section 30231 of the Coastal Act as the quality of coastal waters will be protected.

F. PUBLIC ACCESS AND RECREATION

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

Section 30210 of the Coastal Act states:

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

Coastal Act Section 30211 provides:

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.

Coastal Act Section 30212(a) further states, in applicable part:

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

Section 30221 of the Coastal Act provides:

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 [see Exhibits No. 3 and 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 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 to the Noyo

Harbor District representing a significant public investment by the State Coastal Conservancy.

Interference with Coastal Access

The amended project as proposed has the potential for temporary adverse impacts on public access during the proposed construction period. These temporary impacts include the following:

- 1) Staging Area
The easterly 14,500 square feet of the Ocean Front Park parking lot would be occupied for use as a construction staging and fabrication area.
- 2) Park Closure
Public access to the Ocean Front Park would be closed for 2½ years during project construction.
- 3) Construction Access
Potential damage to North Harbor Drive would occur from the additional construction traffic, especially from heavy construction vehicles such as concrete delivery trucks. North Harbor Drive is the sole public street leading to Ocean Front Park and the Noyo Harbor area from most of the City.

To mitigate for these temporary impacts, Caltrans proposes certain permanent improvements to enhance public access use of the area:

- At the request of the Noyo Harbor District, the temporary North Harbor Drive park entrance detour roadway would be permanently retained to provide a secondary emergency vehicle accessway construction to the park;
- Restoration of the permanent restrooms to workable condition (they are currently vandalized and would require maintenance before being put back into service);
- Revegetation of appropriate areas disturbed by construction activities with natural seed mix for erosion control;
- Replacement and upgrading of the existing undersized culvert immediately east of the existing restrooms to immediately west of the existing restrooms;
- Extension of the existing culvert immediately west of the restrooms to discharge at a more appropriate energy dissipating location at the base of the rock slope protection;

- Repairing and/or replacing all damaged and removed curbs to reconfigure the parking lot to its final layout [see Exhibit Nos. 5 and 6];
- Restriping and resurfacing the existing parking lot;
- Gating the permanently retained park entrance detour roadway as an alternate access for use by emergency vehicles and other authorized vehicles; and
- Conducting unspecified repairs to North Harbor Drive, before, during and after use of the street as a construction access route to "maintain the existing condition of the roadway through (*sic*) the life of the construction project.

However, as discussed under Finding IV.D.2, the proposed amended project would have significant effects on the recreational use of Ocean Front Park and Noyo Beach for an estimated 2½-year period if the bridge construction were to be performed pursuant to the applicant's preferred alternative scenario. 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. Accordingly, the Commission attaches Special Condition Nos. 14 and 15 which require Caltrans to utilize a less environmentally damaging feasible construction alternative that provides for concurrent public access use of Ocean Front Park and Noyo Beach, and requires the proposed permanent improvements to be implemented, thus serving to offset the temporary impacts of the project on recreation and public access at Ocean Front Park.

Construction Access Route Turning Movement Conflicts

In addition to potential roadway damage, the City of Fort Bragg has expressed its concerns regarding the proposed route of the construction corridor [see Exhibit No. 13]. Contrary to the findings of the applicant's traffic assessment, the City is concerned that turning movement conflicts will result at the un-signalized North Harbor Drive / State Route 1 intersection, especially from those southbound construction vehicles on the highway turning left onto North Harbor Drive. Accordingly, the City has recommended that the upper entry to the construction corridor route be revised such that in-bound vehicles use the signalized intersection of State Route 1 with Cypress Avenue, two blocks further to the north. Under the City's alternate route, in-bound construction traffic would turn onto Cypress Avenue and travel east for one block, turn right on Franklin Street, and travel two blocks south along Franklin Street before turning left onto North Harbor Drive.

In responding to this concern, Caltrans staff have reiterated the findings of the traffic analysis, and contend that given the relatively low volume of the additional construction-related traffic, the presence of a continuous left-turn lane and adequate site distance at the subject intersection, the potential for turning movement conflicts noted by the City would not be likely. Caltrans has stated that it routinely takes an adaptive management

approach to use of its construction corridors and will revise the route of construction traffic should problems arise.

Although traffic congestion is an important factor in considering new development, the particular routing of traffic flow proposed in the amended project is a coastal resource issue only insofar as the flow of traffic may affect coastal access. In this situation, the choice of the City's recommended construction access route may provide some improvement in overall traffic flow. For example, under the City's recommended route, in-bound construction vehicles coming from the north would turn at the Cypress Avenue signalized intersection, rather than at the North Harbor Drive uncontrolled intersection with Highway 1. Left-turning vehicles would be conveyed only through a left-turn pocket during the relevant phase of the signal light's sequence rather than randomly from the continuous left-turn lane at North Harbor Drive. This would conceivably alleviate any queuing backup effects during peak traffic times on the highway. In addition, under the City's suggested route, vehicles would have nominal higher mobility along North Harbor Drive as in-bound construction vehicles would have to yield the right-of-way at the Franklin Street intersection, more so than if construction vehicles were entering from North Harbor Drive.

However, in this case, the traffic flow impacts on coastal access that would result from Caltran's proposed construction access corridor are nominal. The volume of construction traffic is estimated at 18 additional vehicles per day, spread throughout the contractor's 8 to 10-hour working day. Furthermore, unlike other situations where a sole access route is being affected, there are numerous alternative routes on several city streets that coastal access users may follow in getting to the segment of North Harbor Drive leading to and from the Noyo Harbor area. For example, if a harbor-bound coastal patron driving south on Highway 1 noticed numerous construction vehicles waiting to turn at the North Harbor Drive intersection, they could detour around the congestion on one of the numerous city streets that parallel the construction access route (i.e., South Street, Cypress Avenue, Walnut Street, etc.) to enter North Harbor Drive by way of Franklin, Myrtle, or Woodward Streets, Sequoia Circle or Hazelwood Street [see Exhibit No. 14].

Moreover, the traffic impacts resulting from the construction activities are temporary in nature and replacement of the Noyo River Bridge will ensure that safe public access continues to be provided to all the coastal areas linked by the Highway 1 bridge. Consequently, use of the route proposed by Caltrans for construction access would not result in significant adverse impacts on coastal access.

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

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 that the activity may have on the environment.

The Commission incorporates its findings on conformity with the Coastal Act at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project which have been received as of preparation of this staff report. As discussed herein, in the findings addressing the consistency of the proposed project with the Coastal Act, the proposed project has been conditioned in order to be found consistent with the Coastal Act. Mitigation measures which will minimize all adverse environmental impacts have been required. 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. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

EXHIBITS:

1. Regional Location
2. Vicinity Map
3. Project Area
4. Boundary Determination No BD-12-98: Retained Jurisdiction/Appeal Area
5. Proposed Staging Area and Parking Lot
6. Final Configuration of North Harbor Drive
7. Proposed Parking Area
8. Proposed North Harbor Drive Construction Corridor
9. Traffic Impact Analysis
10. Original Project Staff Report – Coastal Development Permit No. A-1-FTB-99-006
11. Original Project Staff Report – Coastal Development Permit No.1-98-100
12. Negative Declaration Mitigation Measures
13. Correspondence
14. Excerpt, Street Map of Fort Bragg, North Harbor Drive Vicinity

APPENDIX A:

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. 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 amount of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.
4. 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.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



CALIFORNIA COASTAL COMMISSION

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F6a

Date Filed: March 28, 2001
49th Day: May 16, 2001
180th Day: September 24, 2001
Staff: Jim Baskin
Staff Report: April 27, 2001
Hearing Date: May 11, 2001
Commission Action:

STAFF REPORT:
PERMIT AMENDMENT

APPLICATION NO.: **A-1-FTB-99-006-A1**

APPLICANTS: **CALIFORNIA DEPARTMENT OF TRANSPORTATION
(CALTRANS) DISTRICT 3**

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

DESCRIPTION OF PROJECT
PREVIOUSLY APPROVED: 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.

DESCRIPTION OF
AMENDMENT REQUEST: Request by Caltrans to: 1) use North Harbor Drive as the construction access route for work at the Pier 3 site; and 2)

designate approximately 0.5 acre of the Noyo River upland dredge spoils disposal basin as a construction staging area.

SUBSTANTIVE FILE
DOCUMENTS:

1. Noyo River Bridge Replacement Negative Declaration, Initial Study/Environmental Assessment (November, 1998);
2. Programmatic Section 4(f) Analysis for the Noyo River Bridge Replacement Project on State Route 1;
3. Project Scope Summary Report Structural Rehabilitation (Functional PSR);

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve with conditions, the requested amendment to the coastal development permit originally granted for the replacement of the Highway 1 bridge over the Noyo River within the City of Fort Bragg. The original permit was subject to eleven special conditions and seven standard conditions. The conditions included the standard condition that all development must occur in strict compliance with the proposal as set forth in the application for permit. In addition, Special Condition No. 5 required the applicant to comply with all Mitigation Measures specified in the adopted Mitigated Negative Declaration attached as Exhibit No. 17 of the staff report for Permit Application No. 1-98-100. The bridge replacement project as originally proposed and permitted did not identify North Harbor Drive as the construction access route for the estimated 16,400 total vehicular trips (± 18 average daily trips) to the Pier 3 construction site on the north bank of the Noyo River, or identify specific construction staging areas. Furthermore, the Mitigated Negative Declaration stated that construction of the bridge would not independently generate additional traffic, or impact existing transportation systems and patterns of circulation except in beneficial ways.

Caltrans now proposes to amend the bridge replacement project to specifically identify using North Harbor Drive as the construction access route. Caltrans believes that establishing the construction access is a necessary feature that must be included in the Commission's permit authorization in order for the bridge replacement project to be feasibly conducted in a safe and efficient manner. Unfortunately, a specific construction access route area was not included in the original permit application. To mitigate for impacts to the roadway, the applicant proposes to maintain the road in its existing condition throughout the life of the construction project.

Staff believes that, as conditioned, the development with the proposed amendment is consistent with the City of Fort Bragg's certified Local Coastal Program and the access policies of the Coastal Act and will not result in significant adverse impacts to coastal resources, such as the public access afforded by North Harbor Drive, during construction

of the replacement bridge, or the water quality of the Noyo River from construction staging area related runoff.

The staff recommendation imposes conditions that would minimize interference with public coastal access and impacts to road infrastructure, allowing the applicant to utilize North Harbor Drive as a construction corridor subject to repairs being made to keep the route useable for public street access to high priority coastal-dependent, visitor-serving, and recreational uses within the Noyo Harbor area. In addition, the staff recommendation requires Caltrans to submit for the approval and review of the Executive Director a revised Water Pollution Control Plan to include best management practices for avoiding polluted runoff from the proposed construction staging areas.

STAFF NOTES:

1. Background.

On March 12, 1999, Coastal Permit No. A-1-FTB-99-006 (Caltrans) was approved by the Commission with seven special conditions intended to address public trust concerns, environmentally sensitive habitat, public access, visual, water quality, and other coastal resource issues. A copy of the revised findings for approval of the report containing the adopted special conditions is attached as Exhibit No. 10 of this report. Special Condition No. 5 requires the applicant to comply with all mitigation measures identified within the Mitigated Negative Declaration adopted for the project. Special Condition No. 6 gave the option to Caltrans to construct a public scenic viewing area at the Noyo Headlands or provide a \$1 million in-lieu mitigation fee that could be used by an approved third party to construct the viewing area or a similar public access improvement elsewhere in the Fort Bragg coastal zone to offset visual resource impacts of the replacement bridge. Special Condition No. 7 established that any future modifications to the replacement bridge, its railings, sidewalks, shoulders, traffic lanes, or median would require a permit amendment to be secured from the Commission. Special Condition No. 8 required that all construction debris be promptly removed from the site following completion of construction and disposed of at an authorized disposal site. Special Condition No. 9 requires the applicant to monitor and report on the condition compliance for a period of three years during and after construction. Finally, Special Condition No. 10 requires Caltrans to submit and receive approval from the Executive Director of a pollution prevention plan prior to commencing construction. Finally, Special Condition No. 11 similarly required Caltrans, prior to commencement of construction, to submit and obtain Executive Director approval of an erosion control and revegetation plan.

The conditions of the original permit were met and remain in effect. Upon satisfying all prior-to-issuance conditions, the coastal development permit was issued on March 25, 1999. Revised findings for the permit were adopted by the Commission on February 16,

2000. On February 9, 2001, all prior-to-commencement-of-construction conditions were satisfied. On October 10, 2001, citing changes in circumstances that would make construction of the replacement bridge under the terms of the existing permit infeasible, Caltrans applied for the subject permit amendment.

2. Procedural Note.

Section 13166 of the California Code of Regulations states that the Executive Director shall reject an amendment request if: (a) it lessens or avoids the intent of the approved permit; unless (b) the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

Regarding the first prong of the permit amendment acceptance criteria, the Executive Director has determined that the proposed amendment would lessen or avoid the intent of the originally approved permit with regard to coastal access, recreational facilities, and water quality. The original permit issued by the Commission contemplated that: 1) construction of the bridge would not independently generate additional traffic; and 2) existing transportation systems or present patterns of circulation would not be impacted except in a beneficial manner. Accordingly, the proposed amendment request is not consistent with the intent of the originally approved permit as it would result in potentially significant impacts to the sole road access to coastal-dependent uses within the Noyo Harbor Area from use of North Harbor Drive as the construction corridor route to the Pier 3 site that had not been described in the original permit application.

With respect to the second test, whether newly discovered material information has been presented which the applicant could not, with reasonable diligence, have discovered and produced before the permit was granted, the Executive Director has determined that the applicant has provided such previously unavailable information. The original permit application was prepared by Caltrans and considered by the Commission under an accelerated time schedule. Only five weeks elapsed between when the appeal of the City of Fort Bragg's action to approve the permit with conditions was filed and the Commission took action on the *de novo* permit. Permit processing had been driven by recognition of the compelling need to expedite permit issuance so that a crucial surface transportation structure could be replaced without delay. Specifically, the design of the existing bridge had been found to lack seismic integrity and posed an impending threat to public safety from potentially collapsing during a major earthquake. Accordingly, the original permit proposal focused on the coastal resource issues associated with the replacement bridge once built (i.e., visual and environmentally sensitive resource impacts) with less consideration being given to the construction phase activities.

Since the granting of the permit, Caltrans has awarded a contract to MCM Construction, Inc. to construct the replacement bridge. Although the bridge must ultimately be constructed to state and federal highway specifications, the contractor is granted

significant latitude in the exact manner by which the bridge is to be constructed. In preparing its construction plans, the contractor subsequently discovered that several aspects of the construction scenario initially envisioned by Caltrans could not feasibly be accomplished given the project's budget and site constraints. For example, the original scenario had not fully considered the specific access route by which construction-related vehicles, equipment, and supplies would access the bridge construction site.

This situation caused Caltrans to reevaluate the construction logistics and determine that certain amendments to the permit were needed in order for the bridge replacement project to remain viable. Additionally, Commission staff have discovered that certain crucial details regarding access to construction staging, storage, and fabrication sites were omitted in the original permit application's project description and consequently were not included within the scope of the Commission's authorization. For these reasons, Caltrans has applied for the subject permit amendment.

Therefore, based on the information presented by Caltrans, the Executive Director has found that the proposed amendment is based on newly discovered material information, which the applicant could not, with reasonable diligence, have discovered and produced before the permit was granted. Accordingly, the Executive Director has accepted the amendment request for processing.

3. **Concurrent Review of Coastal Development Permit Amendment Request No. 1-98-100-A1.**

The Noyo River Bridge replacement project is bisected by the boundary between the Commission's area of retained coastal development permit jurisdiction and the permit jurisdiction of the City of Fort Bragg. Accordingly, pursuant to Section 30600 *et seq.* of the Coastal Act, the applicant must obtain separate coastal development permits for each portion of the project lying within the two jurisdictions. Amendments to these permits are to be issued separately, each addressing only those portions of the original permit lying within the respective jurisdiction, if any, affected by the amendment. In this case, the proposed revised project entails changes to authorized development within both the Commission's original and appellate jurisdiction areas. Accordingly, the Commission must consider and take action on two separate, but functionally related permit amendments.

The applicant has submitted site plans and related information and materials that propose to amend the originally approved project description. For those portions of the bridge replacement project within the appeal area of the City of Fort Bragg permit jurisdiction, the revised site plan proposes to: (a) utilize North Harbor Drive as the construction corridor route to the Ocean Front Park construction staging area; and (b) designate approximately .50 acres of the Noyo River upland dredge spoils disposal basin as a construction staging area. All other issues of the proposed permit amendment concerning access to the Pier 3 construction site along North Harbor Drive and those portions of the

staging areas within the Commission's original permit jurisdiction are addressed in the associated staff report for Coastal Development Permit Amendment No. 1-98-100-A1.

4. Impacts of Construction Traffic.

In their letter of April 20, 2001 (see Exhibit No. 13), a concern was raised by the City of Fort Bragg regarding traffic congestion impacts that construction traffic may have on the Highway 1 and city streets. Although the project may adversely affect traffic flow, the congestion of streets within the City will not have a significant adverse effect on the public's ability to access the coast, because the impacts associated with the proposed development are temporary construction phase traffic impacts that will ultimately result in the safe ability of the public to access this area of the coast.

5. Commission Jurisdiction and Standard of Review.

The portions of the bridge replacement project subject to this coastal development permit amendment are located within the coastal development permit jurisdiction of the City of Fort Bragg. The Coastal Commission effectively certified Fort Bragg's LCP in October of 1992. Pursuant to Section 30604(b) of the Coastal Act, after effective certification of a certified LCP, the standard of review for all coastal permits and permit amendments within the certified area is the certified LCP and the public access policies of the Coastal Act.

6. Scope.

This staff report addresses only the coastal resource issues affected by the proposed permit amendment, provides recommended special conditions to reduce and mitigate significant impacts to coastal resources and achieve consistency with the certified LCP and the public access and recreation policies of the Coastal Act, and provides findings for conditional approval of the amended project. All other analysis, findings, and conditions related to the originally permitted project, except as specifically affected by the proposed permit amendment and addressed herein, remain as adopted by the Commission on February 16, 2000 [see Revised Findings Staff Report for Coastal Development Permit No. A-1-FTB-99-006, dated January 21, 2000].

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:

Motion:

I move that the Commission approve the proposed amendment to Coastal Development Permit No. A-1-FTB-99-006 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve with Conditions:

The Commission hereby approves the proposed amendment to the coastal development permit, subject to the conditions below, on the grounds that the development with the proposed amendment, as conditioned, will be in conformity with the certified City of Fort Bragg LCP and the public access policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because all feasible mitigation measures and alternatives have been incorporated to substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS: See attached.

III. SPECIAL CONDITIONS:

Note: Special conditions Nos. 5-11 of the original permit remain in force and are included in Exhibit Nos. 10. Special Conditions Nos. 12, 15, and 16 below, are additional conditions imposed as part of Coastal Development Permit Amendment No. A-1-FTB-99-006-A1.

12. Revised Water Pollution Control Plan for Park and Staging Areas.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit a revised Water Pollution Control Plan for Ocean Front Park and the construction staging areas to the Executive Director for review and approval. The plan shall be designed to prevent polluted runoff or other waste materials from entering the Noyo River. All sources and types of wastes and polluted runoff not previously addressed in the plan formerly approved pursuant to Special Condition No. 10 of the original permit (i.e., grading for park entrance road detour, dripping fuel and lubricants at the vehicular parking areas) shall be addressed in the revised plan. The plan shall be reviewed and approved by the project engineer to ensure the plan is in conformance with the engineer's recommendations. The plan shall include, but not be limited to, the following criteria and contents:

- 1) The revised plan control plan shall demonstrate that:
 - a. Runoff from all construction staging, fabrication, materials storage, parking areas, roadways and other impervious surfaces shall be collected and directed through a system of filters. The filter elements shall be designed to: (1) trap sediment, particulates, and other solids; and (2) remove or mitigate contaminants. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the construction site in non-erosive manner;
 - b. At least the following temporary erosion and sedimentation control measures shall be used during construction: straw bale barriers and silt fencing;
 - c. Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and resources through the use of re-seeding and mulching of bare soil areas with a native grass seed mix;
 - d. Run-off from the project site shall not increase sedimentation in waters of the Noyo River or the Pacific Ocean;
 - e. Best Management Practices (BMPs) shall be used to prevent entry of stormwater runoff into the construction site, the entrainment of excavated materials leaving the site, and to prevent the entry of polluted stormwater runoff into coastal waters during and following construction; and
 - f. The plan is not in conflict with the Discharge Permit Requirements of the Regional Water Quality Control Board, the California Water Resources Control Board, or the pending revised Biological Opinion and Incidental Take Statements of the National Marine Fisheries Service.

- 2) The revised plan shall include, at a minimum, the following components:
 - a. A narrative report describing all water pollution prevention, and run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control, referencing relevant best management practices (BMPs) as detailed in the "Amendment 1 Water Pollution Control Plan," as prepared by Guy Preston, PE, California Department of Transportation, dated January 14, 2001;
 - b. Revised site plans showing the location of all approved construction staging areas, the construction access corridor (North Harbor Drive), and erosion and pollution control measures, and the location of all permanent erosion control measures (i.e., parking lot culvert upgrades, revegetated areas);

- c. A schedule for installation and removal of the temporary erosion control measures, and structural and non-structural BMPs; and
 - d. A schedule for installation and maintenance of the permanent erosion and water pollution control structural and nonstructural BMPs.
- B. The permittee shall undertake development in accordance with both the approved final plans for this permit amendment and the approved Water Pollution Control Plan for the original permit. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

15. Construction Staging Area and Construction Access.

To minimize significant adverse impacts to public access, recreational facilities, and coastal-dependent uses, the permittee shall comply with the following construction-related requirements during use of the Ocean Front Park construction staging area and North Harbor Drive construction access:

A. Ocean Front Park Staging Area

- 1) All storage of construction equipment and construction staging activities shall occur only within the 14,500-square-foot area of the existing eastern portion of the Ocean Front Park parking lot and the approximately 1.75-acre area comprising the western portion of the dredge spoils disposal basin, except during the periods identified in Special Condition No. 14 when the entire park may be closed and used for construction related activities.
- 2) Access to Ocean Front Park shall be provided through a detour constructed at the North Harbor Drive entrance to the park, as proposed by the permittee.
- 3) A temporary reconfigured parking lot consisting of twenty-one (21) standard spaces and one (1) handicapped spaces within the western half of Ocean Front Park parking lot shall be developed for park users as proposed by the permittee.
- 4) Compensatory improvements to the park's restrooms, culverts, parking lot overlays, stripping, gating, and entry drive, as proposed by the permittee, shall be installed within three (3) months following cessation of the construction staging area use.
- 5) All portions of Ocean Front Park disturbed by the construction staging area use shall be fully repaired, revegetated, and reopened to public use, as proposed by the permittee within three (3) months of bridge completion.

B. North Harbor Drive Construction Access

- 1) Permittee shall perform all necessary repairs before, during and upon cessation of the use of North Harbor Drive for construction access to maintain North Harbor Drive in a usable condition as a public street.

16. Regional Water Quality Control Board Approval.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall provide to the Executive Director a copy of the Waste Discharge Requirements issued by the North Coast Regional Water Quality Control Board (NCRWQCB) for the amended project, or letter of permission, or evidence that no revised discharge permit will be issued. The applicant shall inform the Executive Director of any changes to the project required by the NCRWQCB. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares the following:

A. Coastal Zone Jurisdiction.

The portion of the amended project authorized herein, consisting of the use of North Harbor Drive for construction access and establishment of a 0.5-acre portion of a proposed construction staging area in the Noyo River upland dredge spoils disposal basin, are located within the appeal area of the City of Fort Bragg's certified Local Coastal Program (see Exhibit No. 4). Therefore, the permit amendment request is being processed by the Commission using the policies of certified LCP and the public access policies of the Coastal Act as the standard of review. Other portions of the amended project, including the remainder of the proposed staging area in the dredge spoils disposal basin, the 14,500 sq. ft. construction staging area within Ocean Front Park, the access road detour, and parking lot improvements within Ocean Front Park, are within the Commission's original coastal development jurisdiction. Those portions of the amended project are addressed in the associated staff report for Coastal Development Permit Amendment No. 1-98-100-A1.

B. Site Description.

The site of the proposed amended project consists of areas within and adjacent to the State Route 1 crossing of the Noyo River. 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 [see Exhibit No. 2]. The bridge crosses the Noyo River between the 110-ft-high bluffs above the Noyo Harbor entrance. Noyo Harbor is an important regional commercial fishing center and is developed with a variety of coastal-dependent commercial-industrial and visitor-serving facilities. The port provides the only "harbor of refuge" along the California Northcoast between Bodega Bay and Humboldt Bay.

North Harbor Drive, the proposed construction access route, is a narrow, two-lane local street that intersects with State Route 1 just north of the Noyo River Bridge. From this intersection, the street runs east and southeasterly for about ½ mile descending down the approximately 110-foot-high northern river bluff into the Noyo Harbor area. At the base of the bluff, the street switchbacks in a northwesterly direction and runs parallel to the river through the harbor area terminating just below the Noyo River Bridge at the entrance to Ocean Front Park. The road is presently in poor condition, with numerous ruts and potholes within its chip-seal overlay over its entire length.

Noyo Harbor is an important regional commercial fishing center and is developed with a variety of coastal-dependent commercial-industrial and visitor-serving facilities. The port provides the only "harbor of refuge" along the California Northcoast between Bodega Bay and Humboldt Bay.

Ocean Front Park, owned and managed by the Noyo Harbor District, lies along the north bank of the river west of the bridge. With the exception of a 38-space parking lot, restrooms, and a trail to the adjoining City-owned/managed Noyo Beach, the park is unimproved. Recreational use of the park is primarily limited to beach access and viewing of marine traffic transiting the river jetties. Overnight parking and camping is prohibited. Vehicles are prohibited on the beach except by City permit. Wood cutting and removal is permitted. Adjoining the park on a mid-slope terrace to the north is the 4±-acre Noyo River dredge spoils upland disposal site.

The Noyo River northern bank slope is vegetated with non-native trees, shrubs, and a mixture of ruderal forbs and grass species, including black wattle (Acacia melanoxylon), eucalyptus (Eucalyptus sp.), french broom (Genista monspessulana), scotch broom (Cytisus scoparius), and pampas grass (Cortaderia sp.), and perennial ryegrass (Lolium perenne).

C. Project Description.

The original permit as approved by the Commission authorized replacing 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 replacement 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 would 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) the construction of an approximately 30,000 sq. ft. temporary trestle for construction access.

Under the originally approved Coastal Development Permit No. A-1-FTB-99-006, Caltrans was authorized to construct those portions of the replacement bridge located within the coastal permit jurisdiction of the City of Fort Bragg. A plan drawing submitted with the original application did depict the boundary of a "construction easement," ostensibly for ingress and egress by construction workers and equipment, as applying over the Ocean Front Park and Noyo River dredge spoils disposal basin areas. However, no authorization for a particular construction access route to the Ocean Front Park construction site was either specifically requested by the applicant or approved by the Commission.

Construction Vehicle Access Route

The proposed amended project would allow North Harbor Drive to be used as the construction access route to the Pier 3 construction staging area at Ocean Front Park. Construction related traffic, estimated at a total of an additional 16,400 total trips (± 18 Average Trips Daily (ATD)) to traffic levels on North Harbor Drive over the 910-day construction period. Of the estimated 16,400 trips, approximately 3,600 (22%) would be concrete delivery trucks, roughly 3,700 (23%) would be delivery trucks containing materials, supplies, and equipment, and about 9,000 (55%) would be light trucks and passenger vehicles entering and leaving the construction site. As proposed, construction related vehicles travel through town on Main Street (State Route 1), turn left at an un-signalized intersection onto North Harbor Drive and proceed down North Harbor Drive the Noyo Harbor area to the Pier 3 construction staging area at the eastern entrance to Ocean Front Park. The return route for the vehicles would be the reverse of the in-haul route. Caltrans proposes to "maintain the existing condition of the roadway through (*sic*) the life of the construction project," but has not provided specific information as to the amount and type of road improvements that they would undertake to carry out this portion of the proposed amended project. Caltrans has indicated that the agency will coordinate with the City on repairing construction traffic related damage to the roadway.

Proposed Construction Staging Area

The proposed amended project would allow a construction staging area to be established within the eastern 14,500 square feet of the Ocean Front Park parking lot and within the western ± 1.75 acres of the Noyo River dredge spoils disposal basin. Approximately 0.5 acre of the proposed dredge spoils basin staging area lies within the coastal development permit jurisdiction of the City of Fort Bragg. Caltrans proposes to use the combined area of the two staging areas for placing one contractor's trailer office and fabrication of bridge components, including reinforcement bar cages, casings, form work, coffer dams, trestle assemblies, and the temporary bridge for use during the pier's construction.

Materials and equipment to be stored within the designated construction staging areas include, but are not limited to steel and timber beams, wood, sheet and pipe piles, steel cables and rigging, rebar and rebar cages, fencing, K-rail, bagged cement, pile casings, miscellaneous steel pipe and conduit, water and sewer piping, rail forms, pre-stress strand and conduit, pre-cast drainage inlets and culverts, burlene, concrete curing compound and additives, tape dust containment materials, stripped vegetation and stumps, excavated soil, aggregate, bridge demolition steel parts, strawbales, carpet and filter fabric, sprinkler system, pumps, generators, compressors, plastic sheeting, trucks, personnel vehicles, fuel and lube trucks, loaders, excavators, cranes, backhoes, concrete screed and pumpers and mixers, pavers, rollers, pile drill rig, forklift, personnel bucket hoist, scaffolding, spoils storage tanks, railroad flat cars (2-90-ft.-length), light plants, sign panels, equipment diapers and spill kits, fire fighting equipment, and other miscellaneous equipment and materials for bridge demolition and construction.

D. Public Access.

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

Section 30210 of the Coastal Act states:

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

Coastal Act Section 30211 provides:

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.

Coastal Act Section 30212(a) further states, in applicable part:

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

Section 30221 of the Coastal Act provides:

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.

The public access and recreation policies of the City of Fort Bragg's certified LCP include the following:

Policy III-11: Vertical Access from North Harbor Drive. One vertical access from the bottom of North Harbor Drive to the proposed lateral access along the Noyo River shall be required as a condition of permit approval.

Policy III-15: Prescriptive Rights. The City will protect the public's constitutionally guaranteed rights of access to and along the shoreline by ensuring that new development will not interfere with the public's right of access where acquired through use.

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 [see Exhibits No. 3 and 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 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 to the Noyo Harbor District representing a significant public investment by the State Coastal Conservancy.

The amended project as proposed has the potential for temporary adverse impacts on public access during the proposed construction period. These temporary impacts include the following:

- 1) Construction Access
Potential damage to North Harbor Drive would occur from the additional construction traffic, especially from heavy construction vehicles such as concrete delivery trucks. North Harbor Drive is the sole public street leading to Ocean Front Park and the Noyo Harbor area from most of the City.

To mitigate for these temporary impacts, Caltrans proposes:

- Conducting unspecified repairs to North Harbor Drive, before, during and after use of the street as a construction access route to "maintain the existing condition of the roadway through (*sic*) the life of the construction project; and
- Revegetation of appropriate areas disturbed by construction activities with natural seed mix for erosion control.

Interference with Coastal Access

Although a traffic assessment has been prepared concluding that the traffic volume will not have significant effects to the level of service on North Harbor Drive, use of this local street as the construction corridor route for the anticipated 16,400 construction related vehicle trips could significantly contribute to roadway section impacts and accelerate the need for maintenance. Due to the existing degraded roadbed conditions, the substantial weight of concrete delivery trucks that would be traveling this route, and the lack of detail regarding Caltrans intentions to maintain the roadway, the City of Fort Bragg has expressed its concerns regarding the continued viability of North Harbor Drive to function as the Noyo Harbor's sole public street access.

Accordingly, given the importance for maintaining public vehicular access to the Noyo Harbor area for its coastal-dependent uses, and visitor-serving and public recreational facilities, Commission attaches Special Condition No. 15. Special Condition No. 15 requires the applicant perform all necessary repairs before, during and upon cessation of the use of North Harbor Drive for construction access so as to maintain North Harbor Drive in a usable condition as a public street. As so conditioned, the project as amended will minimize adverse impacts to coastal access consistent with the requirements of Section 30210, 30211, and 30212 of the Coastal Act.

Construction Access Route Turning Movement Conflicts

In addition to potential roadway damage, the City of Fort Bragg has expressed its concerns regarding the proposed route of the construction corridor [see Exhibit No. 13]. Contrary to the findings of the applicant's traffic assessment, the City is concerned that turning movement conflicts will result at the un-signalized North Harbor Drive / State Route 1 intersection, especially from those southbound construction vehicles on the highway turning left onto North Harbor Drive. Accordingly, the City has recommended that the upper entry to the construction corridor route be revised such that in-bound vehicles use the signalized intersection of State Route 1 with Cypress Avenue, two blocks further to the north. Under the City's alternate route, in-bound construction traffic would turn onto Cypress Avenue and travel east for one block, turn right on Franklin Street, and travel two blocks south along Franklin Street before turning left onto North Harbor Drive.

In responding to this concern, Caltrans staff have reiterated the findings of the traffic analysis, and contend that given the relatively low volume of the additional construction-related traffic, the presence of a continuous left-turn lane and adequate site distance at the

subject intersection, the potential for turning movement conflicts noted by the City would not be likely. Caltrans has stated that it routinely takes an adaptive management approach to use of its construction corridors and will revise the route of construction traffic should problems arise.

Although traffic congestion is an important factor in considering new development, the particular routing of traffic flow proposed in the amended project is a coastal resource issue only insofar as the flow of traffic may affect coastal access. In this situation, the choice of the City's recommended construction access route may provide some improvement in overall traffic flow. For example, under the City's recommended route, in-bound construction vehicles coming from the north would turn at the Cypress Avenue signalized intersection, rather than at the North Harbor Drive uncontrolled intersection with Highway 1. Left-turning vehicles would be conveyed only through a left-turn pocket during the relevant phase of the signal light's sequence rather than randomly from the continuous left-turn lane at North Harbor Drive. This would conceivably alleviate any queuing backup effects during peak traffic times on the highway. In addition, under the City's suggested route, vehicles would have nominal higher mobility along North Harbor Drive as in-bound construction vehicles would have to yield the right-of-way at the Franklin Street intersection, more so than if construction vehicles were entering from North Harbor Drive.

However, in this case, the traffic flow impacts on coastal access that would result from Caltrans's proposed construction access corridor are nominal. The volume of construction traffic is estimated at 18 additional vehicles per day, spread throughout the contractor's 8 to 10-hour working day. Furthermore, unlike other situations where a sole access route is being affected, there are numerous alternative routes on several city streets that coastal access users may follow in getting to the segment of North Harbor Drive leading to and from the Noyo Harbor area. For example, if a harbor-bound coastal patron driving south on Highway 1 noticed numerous construction vehicles waiting to turn at the North Harbor Drive intersection, they could detour around the congestion on one of the numerous city streets that parallel the construction access route (i.e., South Street, Cypress Avenue, Walnut Street, etc.) to enter North Harbor Drive by way of Franklin, Myrtle, or Woodward Streets, Sequoia Circle or Hazelwood Street [see Exhibit No. 14].

Moreover, the traffic impacts resulting from the construction activities are temporary in nature and replacement of the Noyo River Bridge will ensure that safe public access continues to be provided to all the coastal areas linked by the Highway 1 bridge. Consequently, use of the route proposed by Caltrans for construction access would not result in significant adverse impacts on coastal access.

Therefore, the Commission finds that the project as conditioned is consistent with the public access and recreation policies of both the certified LCP and Chapter 3 of the Coastal Act.

E. PROTECTION OF NOYO RIVER

Section 18.61.0205 of the Zoning Ordinance of the City of Fort Bragg's certified LCP states, in applicable part:

- A. *The City shall protect all environmentally sensitive habitat areas against any significant disruption of habitat values.*
 - 1. *Development in areas adjacent to environmentally sensitive areas shall be sited and designed to prevent impacts which would significantly degrade such areas...*
- B. *Specific Criteria. The following standards provide guidelines for development occurring near a sensitive habitat area:*
 - 1. *Sensitive habitat areas. Environmentally sensitive habitat areas shall include, but not be limited to the following:*
 - a. *Intertidal and marine areas...*

These LCP provisions require the protection of environmentally sensitive habitat area values from development in adjacent areas. The proposed amended project lies adjacent to the mouth of the Noyo River. As this portion of the river is a intertidal and marine area, it is an environmentally sensitive habitat area as defined by Section 18.61.0205(B)(1) of the Zoning Code. Therefore, the proposed construction staging area at the Noyo River upland dredge spoils disposal basin constitutes development adjacent to an environmentally sensitive habitat area.

Construction activities in the proposed construction staging areas could cause potential impacts on water quality, such as the runoff of wash water from the construction process into the river. Caltrans has submitted a water pollution control plan for dealing with the runoff issues associated with the proposed staging area. Overall, the plan is comprehensive and identifies numerous measures to be undertaken to effectively protect water quality. Numerous best management practices are specified to address a wide assortment of water discharges and effluent types and sources. However, the plan was submitted prior to the most recent refinements to the amended project description, and contains several internal inconsistencies, especially with regard to the location of the proposed construction access.

In order for the plan to be adequately implemented as a clear, understandable, and non-conflicting mitigation program, these internal inconsistencies would need to be corrected in a finalized plan. Accordingly, it is necessary to impose a condition requiring a revised water pollution control plan and a revegetation plan for this area to achieve consistency with Section 30231. Therefore, the Commission attaches Special Condition No. 12. Special Condition No. 12 requires that the applicant to submit for the review and

approval of the Executive Director a revised Water Pollution Control Plan for Ocean Front Park and the construction staging areas to prevent entry of any hazardous wastes and pollution into the Noyo River.

Under the Federal Clean Water Act and the California Water Code, the North Coast Regional Water Quality Control Board (NCRWQCB) has regulatory jurisdiction over development projects that may affect the beneficial uses of "waters of the United States." Section 30412 of the Coastal Act prevents the Commission from modifying, adopting conditions, or taking any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality. Staff consulted with the NCRWQCB about permitting requirements and potential impacts resulting from the proposed project. The NCRWQCB have indicated that they are currently reviewing whether modifications to the Waste Discharge Requirements issued as Order No. 99-IB98097RMEN for the original project in February, 1999 would be appropriate for the proposed amended project. Among other specified conditions and receiving water limitations, the Board's requirements for the originally permitted project include a provision that "the discharge of any waste to the Noyo River and its tributaries is prohibited." Although the original project's Waste Discharge Requirements focused primarily on in-water construction activities (i.e., pier and piling excavations and fill), the requirements also addressed measures to control runoff from construction sites on shore. No action has been formally taken at this time, thus the Waste Discharge Requirements under Order No. 99-IB98097RMEN remain in force.

To ensure that the plan required under this condition is not in conflict with the actions of the State Water Resources Control Board (and Regional Boards), the Commission attaches Special Condition No. 16, requiring that any Waste Discharge Requirements ultimately adopted by the North Coast Regional Water Quality Control Board (NCRWQCB) be submitted to the Executive Director prior to the establishment of the staging area. Any changes required by the NCRWQCB shall require a Commission approved coastal permit amendment. In addition, as discussed above, to ensure that adverse impacts to the biological productivity and water quality of the Noyo River estuary from contaminated storm water runoff are minimized, the Commission has also attached Special Condition No. 12, requiring Caltrans to submit a revised water pollution control plan for review and approval by the Executive Director. Special Condition No. 12, requiring the revised water pollution control plan, also includes a requirement that the plan not conflict with the provisions of the pending Waste Discharge Requirements. In this manner, the Commission assures that its requirements will not conflict with the future requirements of the Regional Board, while assuring that the project has been conditioned to maintain biological productivity and the quality of coastal waters consistent with the provisions of the Coastal Act.

Therefore, the Commission finds that the proposed amended project as conditioned is consistent with Section 18.61.0205 of the Zoning Ordinance of the City of Fort Bragg's

certified LCP as environmentally sensitive habitat areas would be protected against any significant disruption of habitat values.

F. California Environmental Quality Act:

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.

The Commission incorporates its findings on conformity with the Coastal Act at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project which have been received as of preparation of this staff report. As discussed herein, in the findings addressing the consistency of the proposed project with the Coastal Act, the proposed project has been conditioned in order to be found consistent with the Coastal Act. Mitigation measures which will minimize all adverse environmental impacts have been required. 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. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

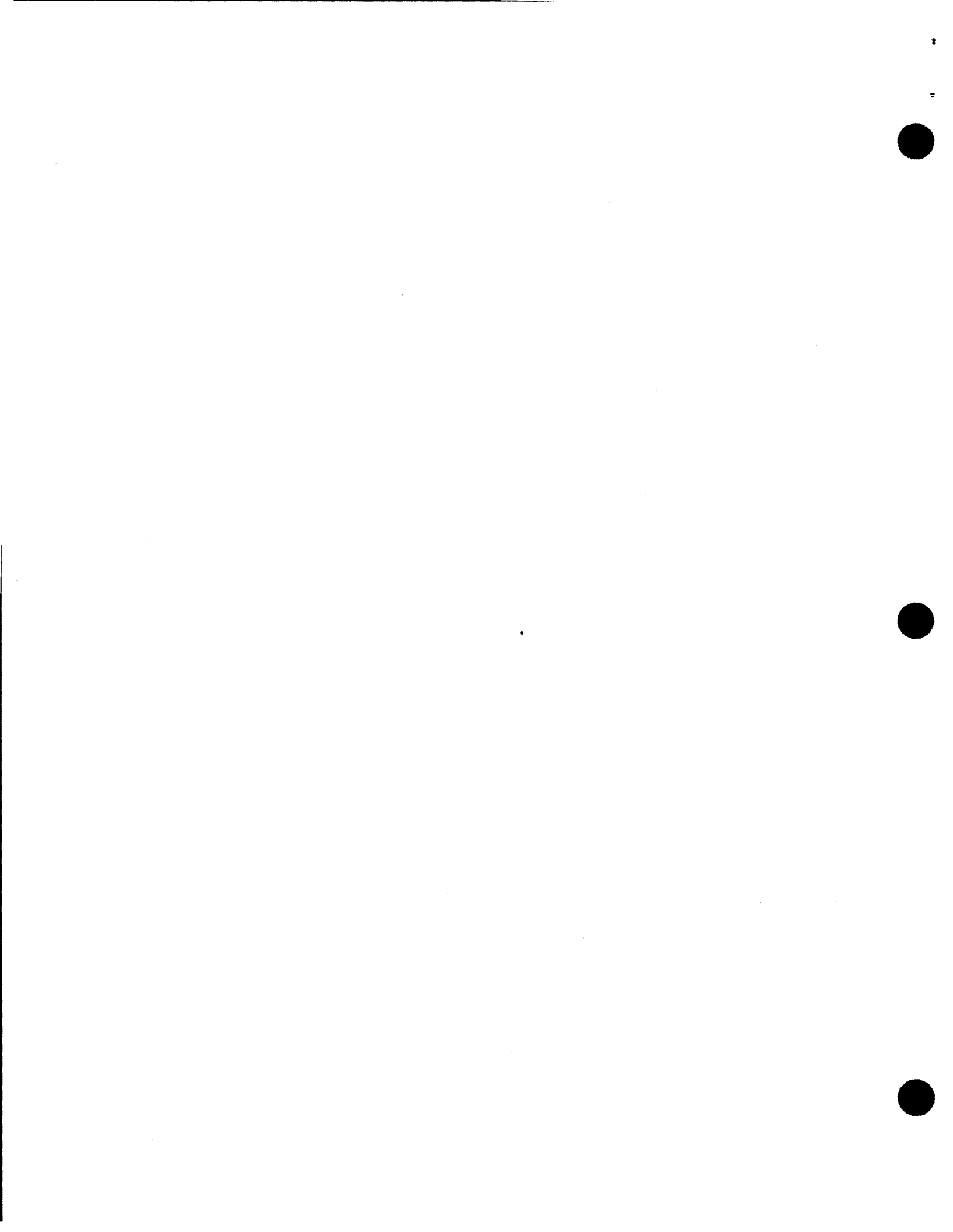
EXHIBITS:

1. Regional Location
2. Vicinity Map
3. Project Area
4. Boundary Determination No BD-12-98: Retained Jurisdiction/Appeal Area
5. Proposed Staging Area and Parking Lot
6. Final Configuration of North Harbor Drive
7. Proposed Parking Area
8. Proposed North Harbor Drive Construction Corridor
9. Traffic Impact Analysis
10. Original Project Staff Report – Coastal Development Permit No. A-1-FTB-99-006
11. Original Project Staff Report – Coastal Development Permit No. 1-98-100
12. Negative Declaration Mitigation Measures
13. Correspondence
14. Excerpt, Street Map of Fort Bragg, North Harbor Drive Vicinity

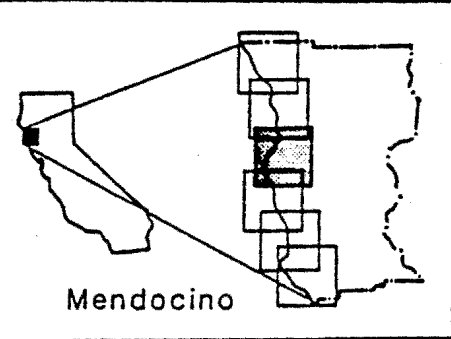
APPENDIX A:

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. 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 amount of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.
4. 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.
5. 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.



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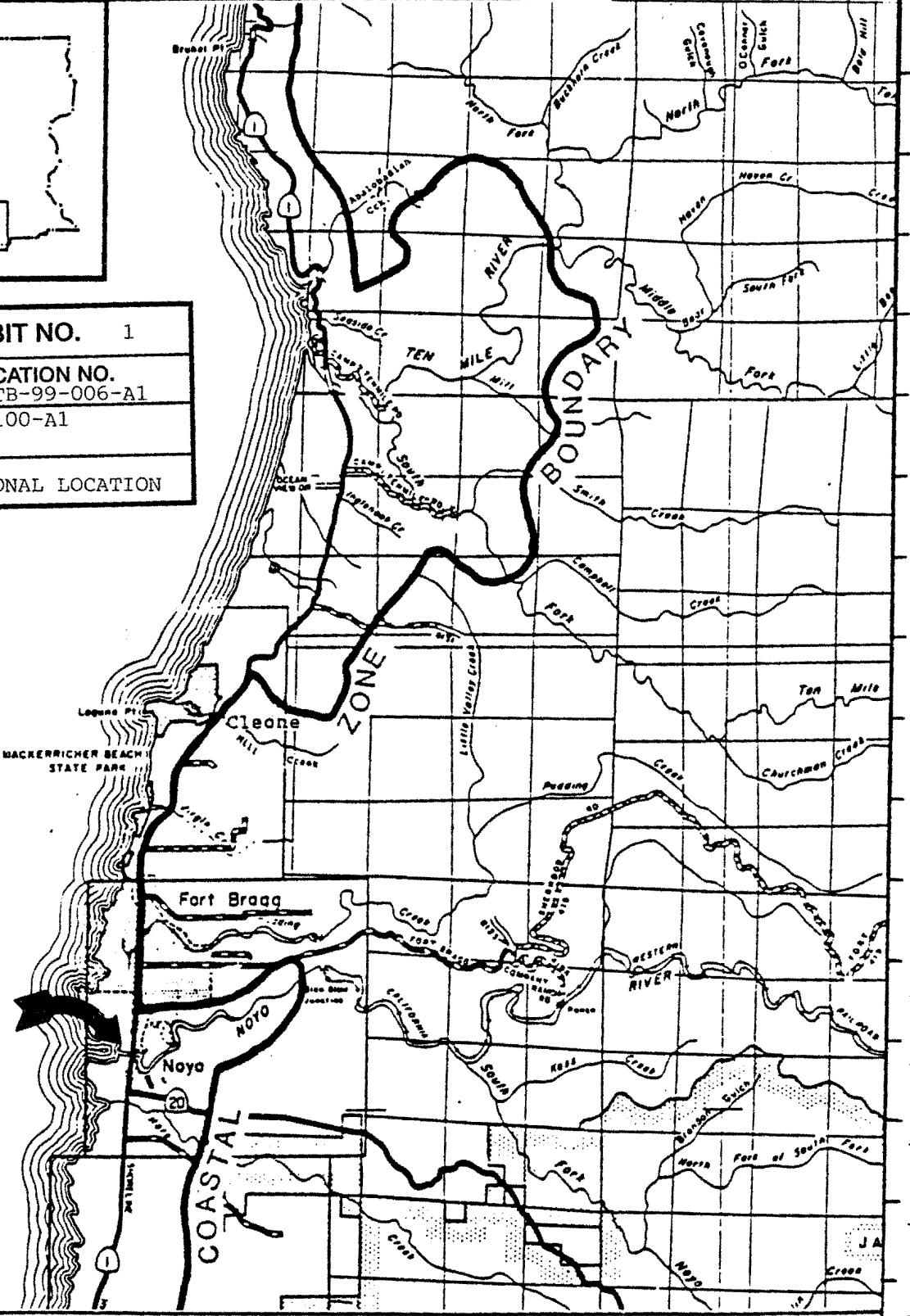


Mendocino

EXHIBIT NO.	1
APPLICATION NO.	A-1-FTB-99-006-A1
	1-98-100-A1
REGIONAL LOCATION	

PROJECT SITE

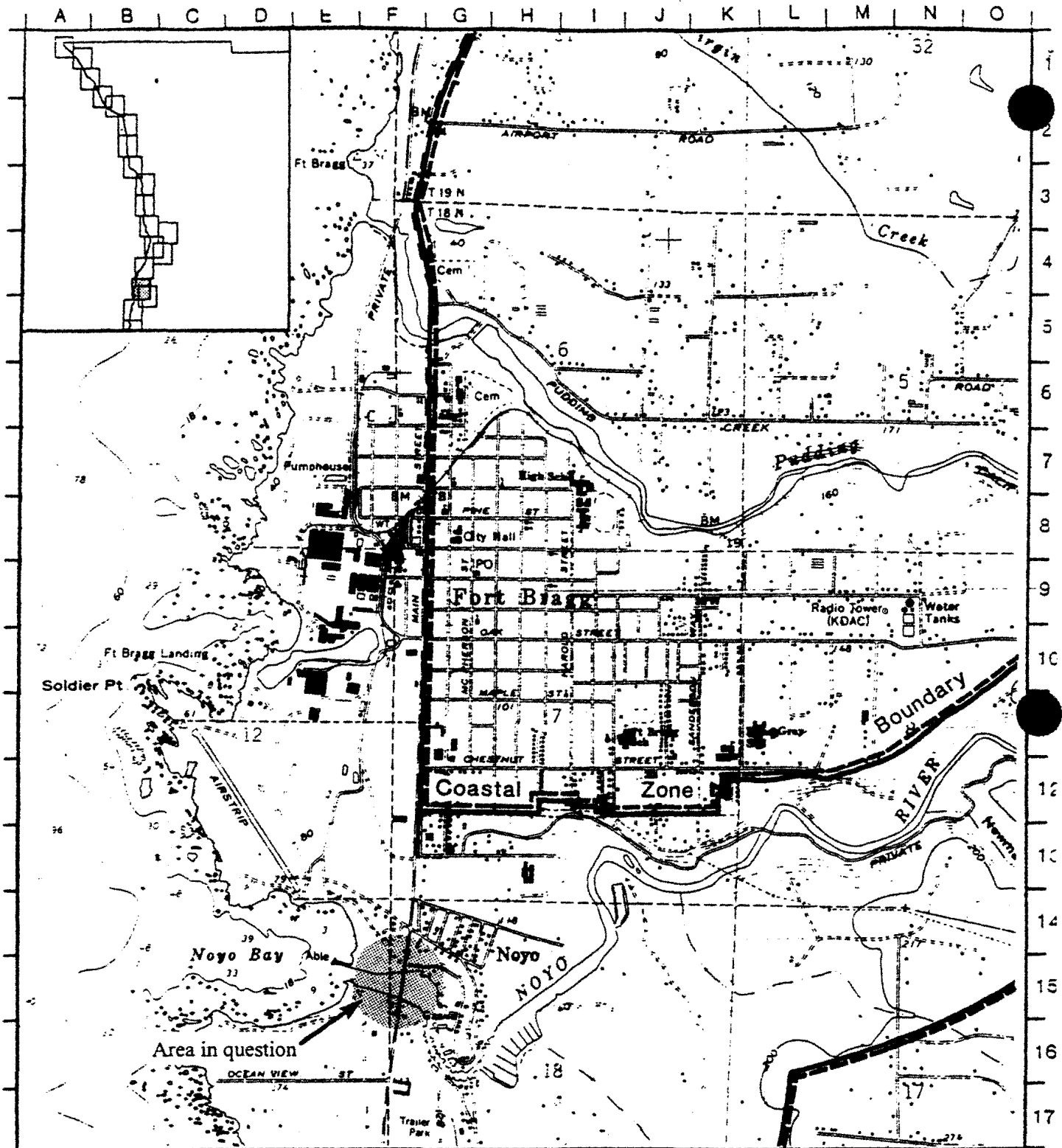
PACIFIC



California Coastal Commission

LOCATION MAP





BD 12-98
Noyo River Area

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



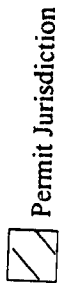
California Coastal Commission



County of Mendocino

EXHIBIT NO.	2
APPLICATION NO.	A-1-FTB-99-006-A1
	1-98-100-A1
VICINITY MAP	

BD 12-98
Noyo River Area



Permit Jurisdiction



Appeal Jurisdiction

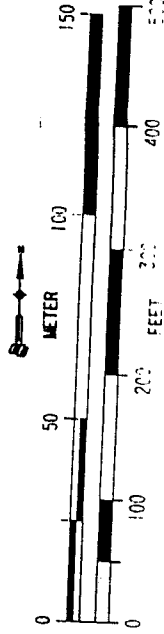
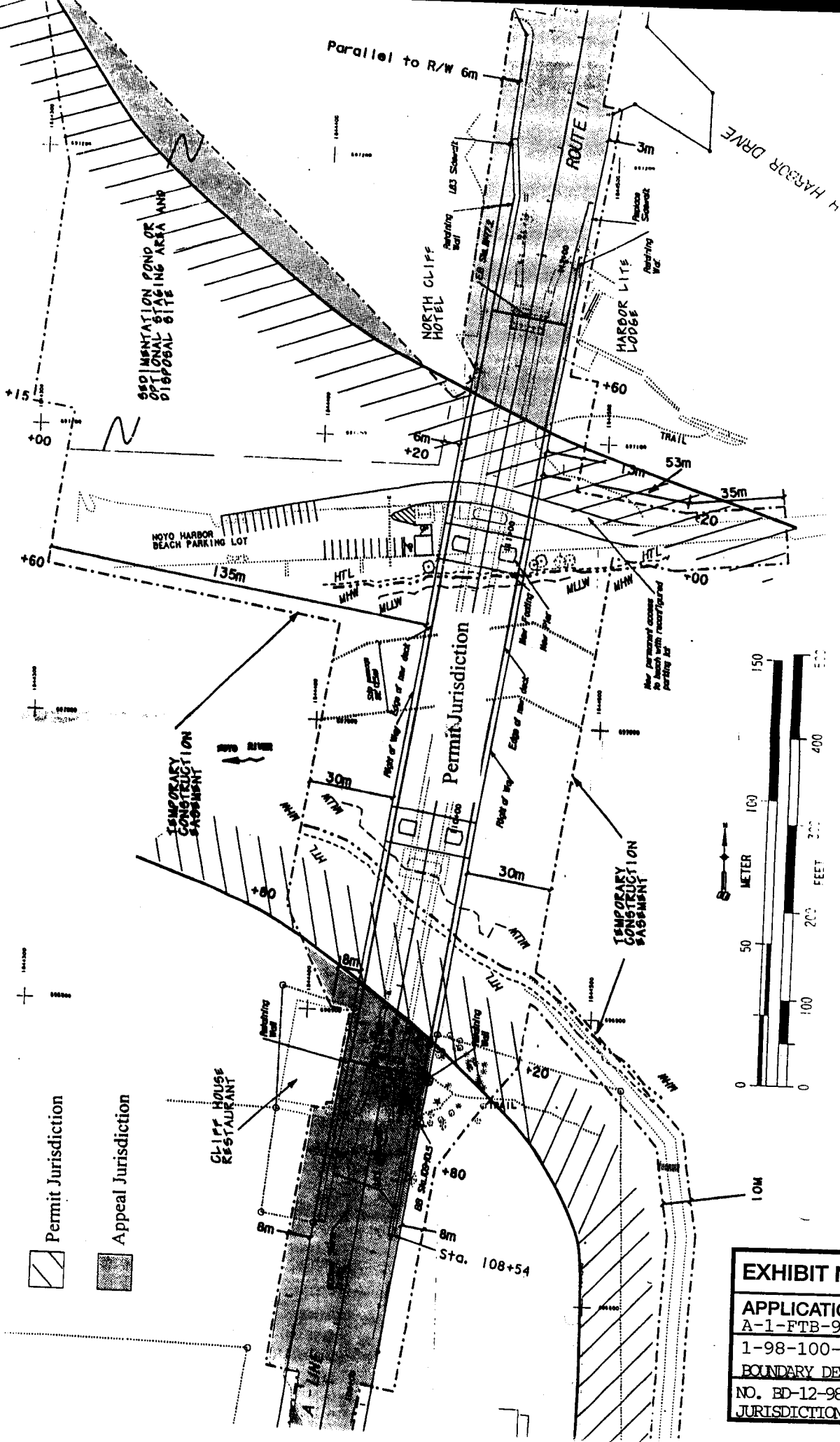


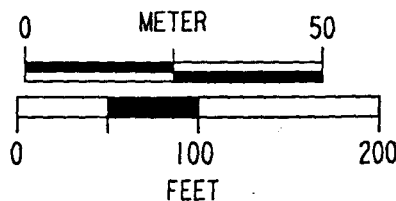
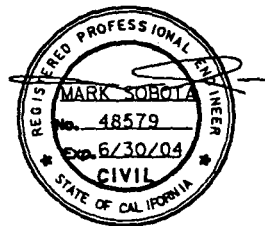
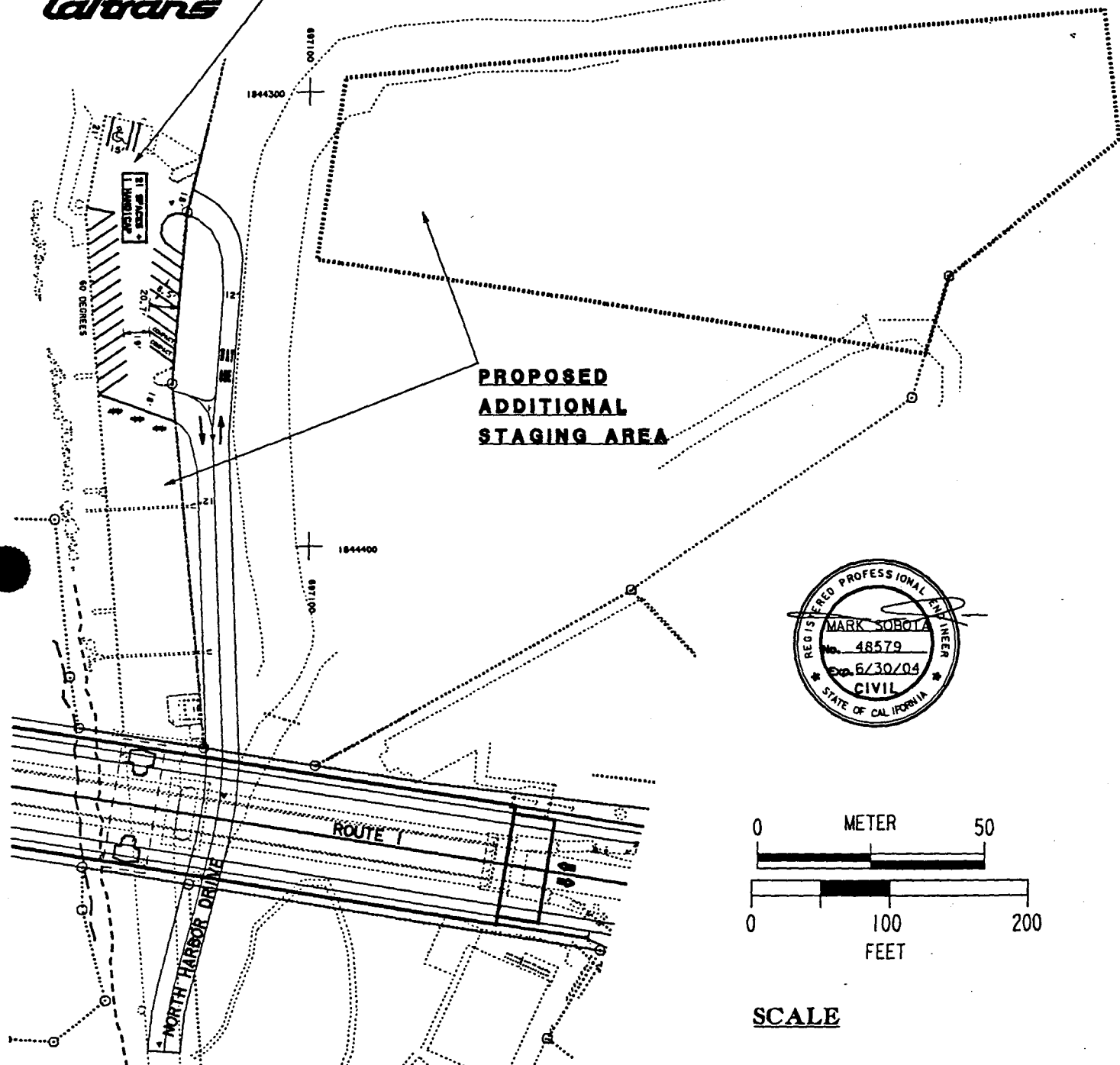
EXHIBIT NO.	4
APPLICATION NO.	A-1-FTB-99-006-A1
	1-98-100-A1
BOUNDARY DETERMINATION	
NO. BD-12-98; RETAINED	
JURISDICTION/APPEAL AREA	



**RECONFIGURED
PARKING**



EXHIBIT NO. 5
APPLICATION NO. A-1-FTB-99-006-A1 1-98-100-A1
PROPOSED STAGING AREA & PARKING LOT



SCALE

PROPOSED STAGING AREA & PARKING LOT

PURPOSE: To reduce
by hazard caused by
probable seismic activity.

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

**CALTRANS
D·E·S·I·G·N**

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

The Noyo River Bridge
In Mendocino County
On Route 1, PM 60.2
Fort Bragg, CA

DATE:
02-14-01

SHEET NAME:
PARKING LOT

SHEET NUMBER:
C-1

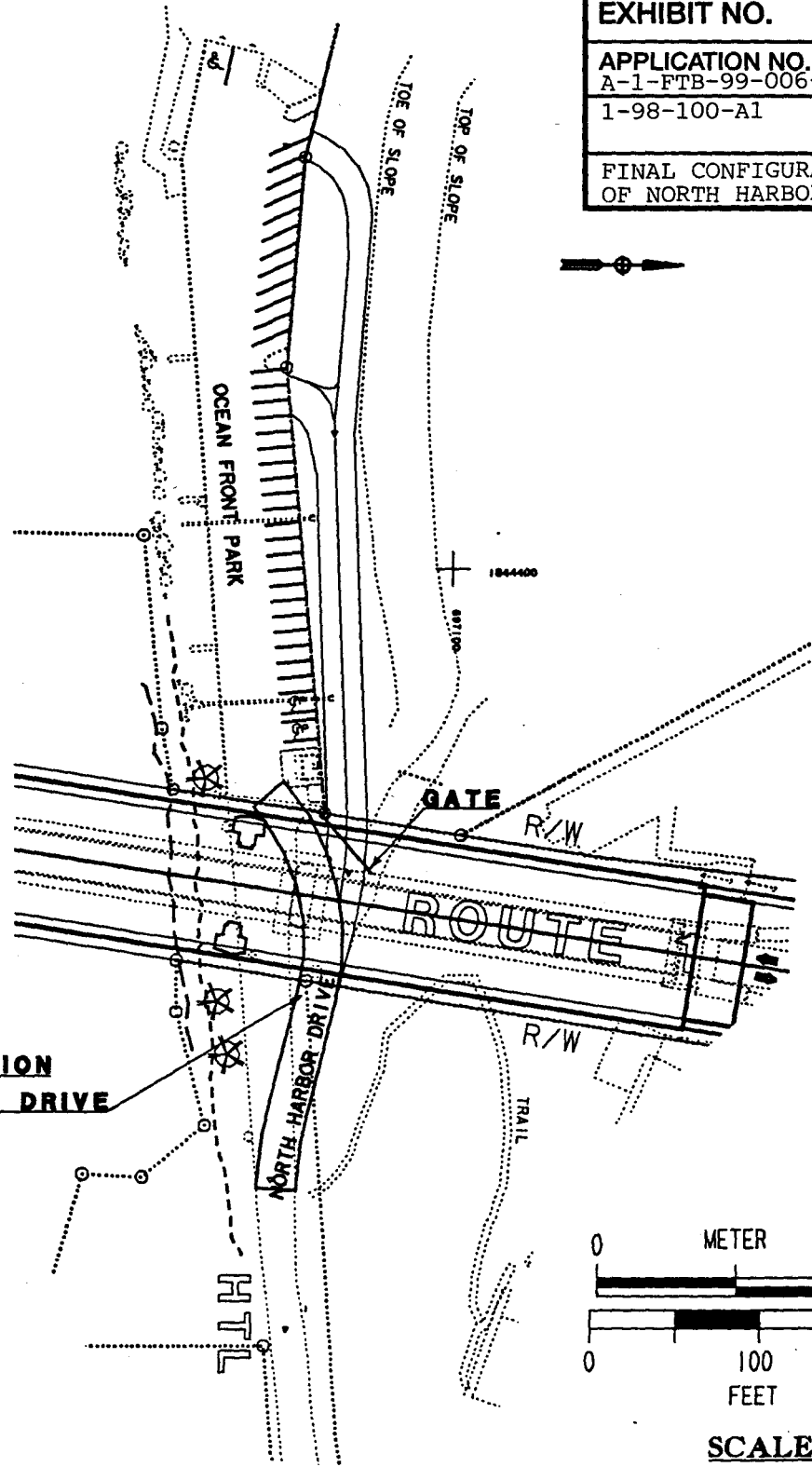


EXHIBIT NO. 6

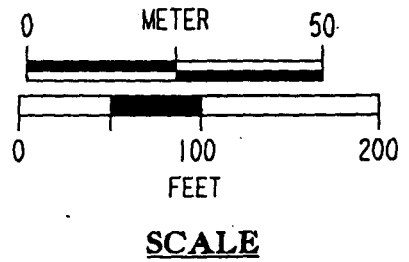
APPLICATION NO.
A-1-FTB-99-006-A1

1-98-100-A1

FINAL CONFIGURATION
OF NORTH HARBOR DR.



**FINAL CONFIGURATION
OF NORTH HARBOR DRIVE**



FINAL CONFIGURATION OF NORTH HARBOR DRIVE

PURPOSE: To reduce
safety hazard caused by
possible seismic activity.

DATUM:
1929 USCS&GS (MSL)
MILLW-0 NGVD)

**CALTRANS
D·E·S·I·G·N**

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

The Noyo River Bridge
In Mendocino County
On Route 1, PM 60.2
Fort Bragg, CA

DATE:
02-15-01

SHEET NAME:
N. HARBOR DR.

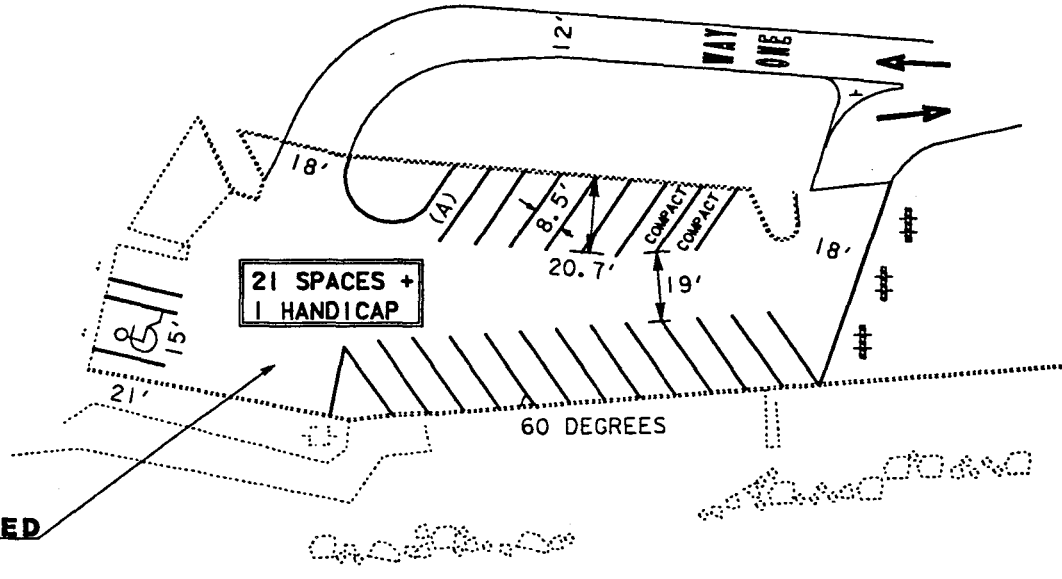
SHEET NUMBER:
C-2



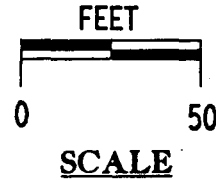
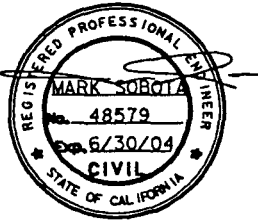
EXHIBIT NO. 7

APPLICATION NO.
A-1-FTB-99-006-A1
1-98-100-A1

PROPOSED PARKING
AREA



RECONFIGURED
PARKING



NOTE: SPACE (A) REQUIRES ADDITIONAL MANEUVERABILITY.
SIGHT DISTANCE IS GOOD. TRAFFIC FLOW IS GOOD.

PROPOSED PARKING AREA

PROPOSE: To reduce hazard caused by probable seismic activity.

CALTRANS
D·E·S·I·G·N

The Noyo River Bridge
In Mendocino County
On Route 1, PM 60.2
Fort Bragg, CA

DATE: 02-15-01
SHEET NAME: PARKING AREA
SHEET NUMBER: C-3

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

DATUM:
1929 USCS&GS (MSL)
OMLLW-0 NGVD

EXHIBIT NO. 9

APPLICATION NO.

A-1-FTB-99-006-A1

1-98-100-A1

TRAFFIC IMPACT
ANALYSIS (1 of 3)

Ocean Front Park

Traffic Impact Analysis

State of California, Department of Transportation
District 1 - Office of Traffic Operations, March 2001

Summary

This study finds that North Harbor Drive in the City of Fort Bragg currently operates at level-of-service B and that the addition of the construction-related traffic due to work on The Noyo River Bridge will not significantly impact traffic using the roadway. Level-of-service, LOS, B through the intersections of North Harbor Drive at Main Street and at South Franklin Street is an indication of stable flow. At level-of-service B, motorists experience slight delay. Vehicle platoons form and motorists begin to feel somewhat restricted within a group of vehicles.

Introduction

The response letter from Jim Baskin of the North Coast District Office of the California Coastal Commission regarding the Ocean Front Park Area permit amendment for the Noyo River Bridge Replacement Project stated that Caltrans identified the total number and daily arithmetic mean of trips generated by construction delivery and worker vehicles, but that no actual impacts were identified within the assessment. By inspection, the low number of trips did not yield a significant impact; therefore, no impacts were identified. Though it is felt that the commission's request for a revised traffic assessment that identifies construction-related impacts on surrounding roadways is not necessary in this instance, we will apply traffic principles to an existing traffic study by W-Trans from 1997 as well as traffic turning movement counts collected in March 2001 to identify a theoretical upper end for traffic impacts caused by construction work in the vicinity of Ocean Front Park.

It should be noted; however, that we ourselves do not require a traffic impact study for projects on State Highways that generate traffic volumes as low as those generated by construction work at this location. Our own Traffic Impact Study Guidelines state that when a roadway is currently experiencing LOS A or B conditions, no study is needed for projects generating less than 50 peak hour trips.

Scope of Assessment

This revised Traffic Impact Analysis shall include:

- LOS assessment of Construction traffic using 2001 midday intersection counts for the Route 1/North Harbor Drive and North Harbor Drive/South Franklin Street intersection.
- LOS assessment of haul traffic using 1996 intersection turning movement counts for PM peak hour traffic on a Friday in August.
- LOS assessments of any vehicle entering North Harbor Drive from side streets and parking lots with de facto side street stop sign control.

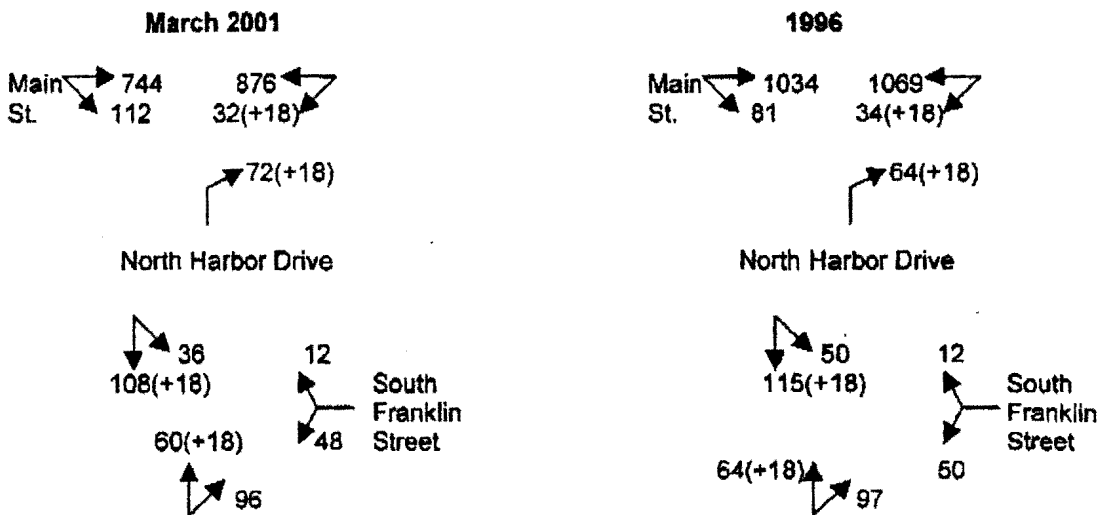
The revised Traffic Impact Analysis shall not contain an analysis of the physical effects that the construction traffic will have on the roadway. As discussed elsewhere, the physical effects are impossible to discern due to several factors, including the poor condition of the existing roadway.

Construction-Related Traffic

The significant traffic pattern due to construction traffic will be cement trucks. These trucks will be coming from a batch plant north of town, drive south on Main Street (State Route 1), turn left on North Harbor Drive, and then proceed to the work site. Upon return these trucks shall proceed up North Harbor Drive and turn right onto northbound Main Street. For the purpose of this study, we will make a course assumption that the eighteen inbound and eighteen outbound construction-related vehicles all come from the north of town and arrive and leave during the hour under study. This is a conservative assumption and should provide a theoretical upper end to the impacts caused by construction-related traffic. In actuality, the arrival of cement trucks would be spaced out over the work shift.

Traffic Volumes used for the Study

The intersection turning movement volumes shown on the left below were collected from spot counts on Wednesday, March 21, 2001 during the midday period at the Main Street and South Franklin intersections on North Harbor Drive. The numbers in parentheses are the construction-related traffic. The volumes shown on the right were collected on Friday August 16, 1996 for the Main Street/North Harbor Drive intersection. Since 1996, left turns from North Harbor Drive onto Main Street have been prohibited. This movement was reassigned to enter Main Street to the North. The volumes shown on the North Harbor Drive/South Franklin Street intersection for 1996 were generated using the volumes from the Main Street intersection and the traffic patterns from the March 2001 data. These counts show hourly volumes on North Harbor of 350 vehicles. An analysis was done assuming the volumes on North Harbor reach 600 vehicles per hour to determine the control delay for crossing vehicles under such circumstances.



LOS Assessment

The table below shows the level of service calculations for these two stop sign-controlled intersections on North Harbor Drive. These calculations were made using 1994 Highway Capacity Manual software. The LOS shown is for the turning movement with the longest delay through the intersection. The calculations determined that for at least 95% of the time queuing would not develop at the intersections.

The analysis also shows, assuming 600 vehicles per hour on North Harbor, left-turning vehicles crossing North Harbor wait an average of 14.7 seconds and experience LOS B.

	LOS TABLE			
	Wednesday Midday 3/21/01		1996 Friday Peak	
	Count	Plus Const. Traffic	Count	Plus Const. Traffic
Main Street/ North Harbor Intersection	LOS B	LOS B	LOS B	LOS C
	12.8 sec Delay	13.2 sec Delay	14.9 sec Delay	15.4 sec Delay
	No Queue	No Queue	No Queue	No Queue
North Harbor/ South Franklin Intersection	LOS B	LOS B	LOS B	LOS B
	10.5 sec Delay	10.8 sec Delay	11.4 sec Delay	11.8 sec Delay
	No Queue	No Queue	No Queue	No Queue

North Harbor / Cross Traffic (Assume 600 vehicles per hour on North Harbor)	LOS B
	14.7 sec Delay
	No Queue

Level-of-Service B was explained in the Summary. Level-of-Service C is stable flow with acceptable delay. Backups may develop behind turning vehicles. Most drivers feel somewhat restricted.

Safety Hazards

The roadway on North Harbor Drive does not contain any sharp curves that would be difficult for a cement truck to navigate. Properly maintained concrete trucks do not drop debris while driving. The contractor's sweeper will be responsible for clearing debris left by haul vehicles. This should minimize any safety hazard caused by debris from haul vehicles.

Conclusion

Based on these results, improvements are not needed to address turning movement conflicts.



CALIFORNIA COASTAL COMMISSION

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EXHIBIT NO. 10
APPLICATION NO. A-1-FTB-99-006-A1 I-98-100-A1
ORIGINAL PROJECT STAFF
REPORT - CDP NO. A-1-FTB-99-006 (1 of 31)

W17a

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

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

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

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

1. Temporarily reconfigure the twelve parking spaces to accommodate the temporary access to parking during construction of the new bridge;
2. Placing portable restrooms during the temporary closure of the existing restrooms;
3. Providing flaggers to minimize traffic disruptions during the temporary closure of North Harbor Drive;
4. Revegetating the slope north of Pier 3 with natural seed mix for erosion control;
5. Replace and upgrade the existing culvert immediately east of the existing restrooms to west of the existing restrooms;
6. Restripe and resurface the existing parking lot;
7. Extend the existing culvert immediately west of the restrooms; 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 MAILING ADDRESS:
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EXHIBIT NO.	11
APPLICATION NO.	A-1-FTB-99-006-A1
	1-98-100-A1
ORIGINAL PROJECT STAFF	
REPORT - CDP NO.	1-98-100 (1 of 42)

W17b

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

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

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 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 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 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.

EXHIBIT NO.	12
APPLICATION NO.	A-1-FTB-99-006-A1
1-98-100-A1	
NEGATIVE DECLARATION MITIGATION MEASURES (1 of 8)	

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 contractors 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 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 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 Incident 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 (refer to attached National Marine Fisheries Service letter dated December 2, 1998.) 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 (refer to attached National Marine Fisheries Service's biological opinion dated December 22, 1998):

1. Caltrans will conduct all necessary pile driving and pile removal between the period from June 1 to 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 (0.10 m).
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 the NMFS).

Seining:

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

Electrofishing:

- Electrofishing efforts should start with voltage, pulse width, and pulse rate set at minimums values needed to capture fish. Settings should gradually be increased only to where the fish are immobilized for capture.

- Individuals that are netting immobilized fish should remove fish immediately from the water, and not allow the fish to remain in the electrical field for an extended period of time.
 - Water temperature in containers holding captured fish should be kept within a healthy range for salmonids.
 - Captured fish should be released to the Noyo River as soon as possible.
4. Water from the cofferdam at Pier 2 shall be pumped into a sediment basin. The existing sediment basin to the north may be used or an alternate location within the project area. The alternate sediment basin will be constructed with sandbags and plastic (or other suitable material) and shall be located above the High Tide Line (HTL) and above areas subject to wave action.
 5. Any water pumped from the cofferdam at Pier 3 shall be pumped into a sediment basin. The existing sediment basin to the north may be used or a temporary sediment basin at an alternate location, within the project area. The temporary sediment basin will be constructed within 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 temporary 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, 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 to be contaminated and will be discharged into a portable storage tank where it will be tested for appropriate offsite disposal.

- Additional rock slope protection will be placed around the southeast corner of Pier 3 to provide protection from scour during periods of high flows in the river.
- Roadway and bridge deck drainage will outlet under the bridge abutments onto energy dissipaters to prevent slope erosion.

Safety Precautions

The following measures will improve safety to the public:

- Stop bars may be added to North Harbor Drive on each side of Pier 3.
- The trail that winds down the east side of the north abutment slope from the Harbor Lite Lodge will be enclosed and lighted through the work area to protect pedestrians.
- Construction signs will be placed to inform the public of the type and location of work to occur.
- Temporary fences will be erected around construction areas to protect the public.
- Navigational lighting and protection fenders for the trestle work will be in accordance with Coast Guard requirements.
- Racon Navigation aid will be installed to facilitate passage of boats through the channel opening.
- Erosion control will be applied to excavated areas under the abutments.

The concrete on the bridge deck will have to be jackhammered off and precautions such as flaggers or overhead netting will be necessary to insure safe usage of North Harbor Drive below the bridge. Protective netting will also be expected for work above the navigable channel.

Coast Guard policy requires that piles (for trestle and falsework) be removed in their entirety once bridge construction is completed. The pilings and other material from the existing bridge must be removed to the natural bottom of the waterway, or such elevation as may be specified by the Corps. (The Coast Guard recommends removing material to a few feet below the natural bottom to minimize the possibility that scour would later expose portions of the bridge piers).

Ocean Front Park

To compensate for impacts to the Ocean Front Park, Caltrans proposes to mitigate impacts by:

- Temporarily reconfiguring the twelve parking spaces in the park;
- placing portable bathrooms during the temporary closure of the existing restrooms;

- 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.



CITY OF FORT BRAGG

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

EXHIBIT NO.	13
APPLICATION NO.	A-1-FTB-99-006-A1
	1-98-100-A1
CORRESPONDENCE	(1 of 2)

April 20, 2001

Jim Baskins, Coastal Planner
 California Coastal Commission
 North Coast District Office
 P.O. Box 4908
 Eureka, CA 95501-4908

RECEIVED
 APR 20 2001
 CALIFORNIA
 COASTAL COMMISSION

Re: Review of CDP for Noyo Bridge Replacement Project

Dear Mr. Baskins:

This letter responds to your request in our conversation last week for comments from the City on CalTrans' recent Noyo Bridge permit amendment application relating to traffic and other impacts. The City Council will consider this matter at their meeting next Monday evening and we expect to have additional comments from the Council.

As we discussed, CalTrans proposes to route all construction traffic from Main Street directly onto North Harbor Drive and continue to the bridge. This creates serious concerns for the City as outlined below. The following items should be included in your review of the permit amendment:

1. Use the existing access road to the dredge spoils site (The City of Fort Bragg has a 30 foot easement from Georgia Pacific) and reconstruct the old roadway from the dredge spoils site to the base of the bridge. This route could be used in the dry season without an asphalt surface for incoming traffic and North Harbor Drive would be used for exiting vehicles only. I have discussed this option on site with CalTrans personnel, and at that time, they agreed that it was a reasonable solution. This route would decrease the impact on existing roadway surfaces as well as maintain the level of service at intersections. This alternative continues to be the City's strong preference to avoid traffic congestion and deterioration of City streets.
2. In the event that the dredge spoils access road cannot be used, construction vehicles should be routed to use the signal at Cypress Street and Main Street; use Cypress to Franklin; use Franklin to North Harbor Drive and then follow North Harbor Drive to the bridge.

Regardless of which route is used during construction, additional surface deterioration is going to occur on City streets due to the increased construction traffic. Specific areas along North Harbor Drive will require structural repairs before introducing continuous heavy weighted vehicles to the construction site. Throughout the duration of the project, additional roadway deterioration may occur due to increased axle loads and truck traffic. These deteriorated areas

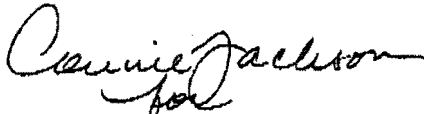
April 20, 2001

will require repairs from time to time during the construction period. The type of repair will include digout and over excavation of the surface, compaction of subgrade to City standards and installation of new asphalt surface. The City will conduct regular review of the road surfaces to identify necessary repairs and the City will require encroachment permits for all repair work which will include review and inspection of the repairs.

In addition to the above procedure for necessary repair and in lieu of extensive testing to determine subgrade condition/damage for the length of the route, the City will require that the route be overlaid. The City views the route to be from State Highway 1 to the bridge construction site. To mitigate unknown damage of the subgrade, instead of street reconstruction, an overlay increasing the structural section to stabilize the street surface is an acceptable solution. The City's Engineering Department requires review of any improvement drawings to verify not only pavement design but to review conform paving areas for any potential drainage concerns.

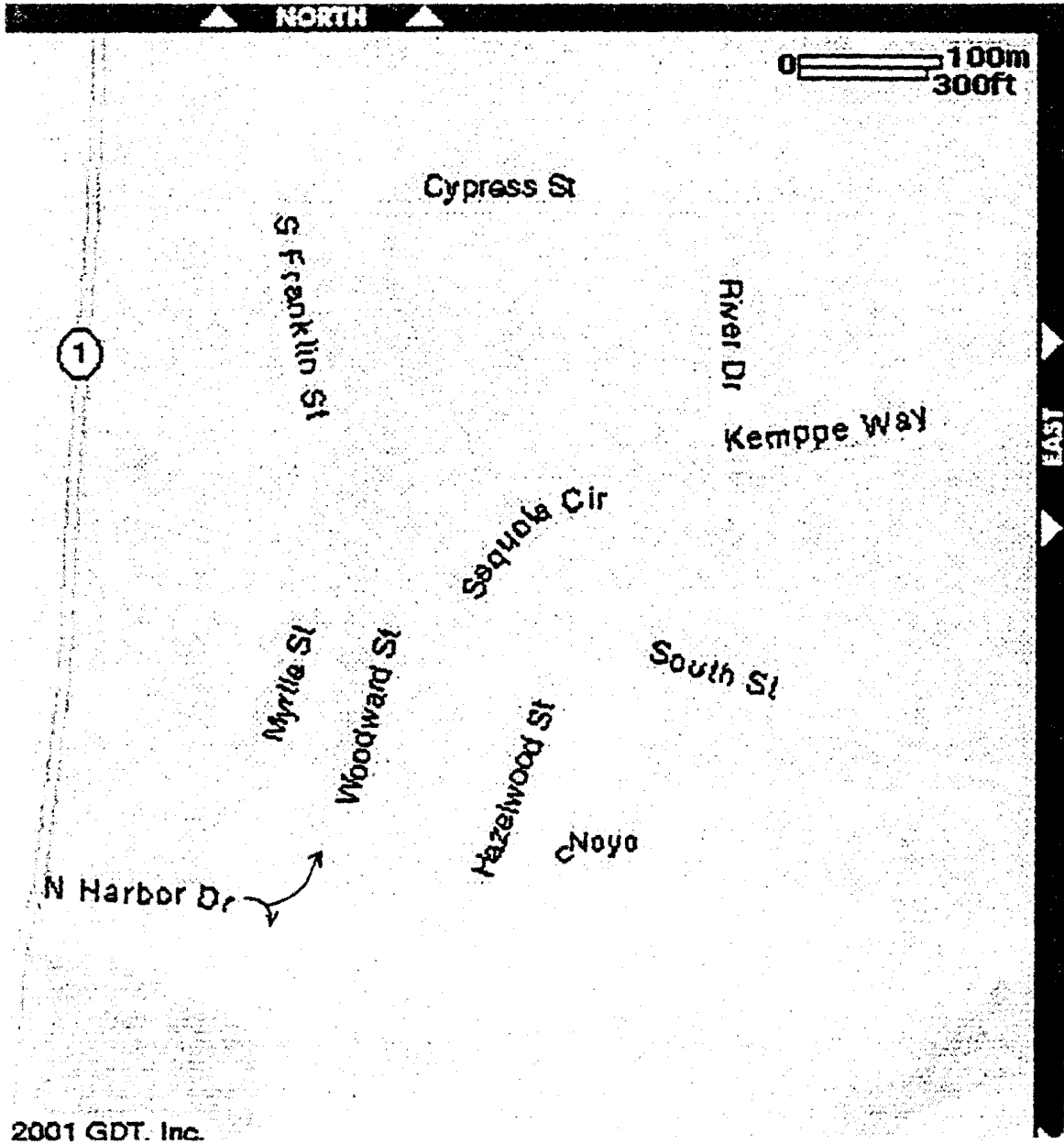
We believe that the items addressed above are essential for consideration during the Coastal Development Permit review process. Use of a construction traffic route through the dredge spoils site will minimize construction related street impacts. Surface repairs and overlay of the construction route should be required as a condition of the permit.

Sincerely,



David W. Goble
Director of Public Works

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EXHIBIT NO. 14
APPLICATION NO. A-1-FTR-99-006-A1
1-98-100-A1 EXCERPT, STREET MAP OF FORT BRAGG, NORTH HARBOR DR. VICINITY

