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Staff:	Robert S. Merrill
Staff Report:	April 30, 2004
Hearing Date:	May 13, 2004
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:	**1-97-078**
APPLICANT:	**CALIFORNIA DEPARTMENT OF TRANSPORTATION**
PROJECT LOCATION:	Near the mouth of Hardy Creek, along a section of Highway One, 20 miles north of Fort Bragg, Mendocino County.
PROJECT DESCRIPTION:	After-the-fact permanent authorization for the placement of approximately 9,000 cubic yards of 8-ton rock slope protection over 1.5 acres along the base of a coastal bluff as part of the repair of a failing section of Highway One.
LOCAL APPROVALS:	Mendocino County emergency coastal development permit granted for initial installation of portion of rock slope protection and other reconstruction work on the highway in certified area; Mendocino County Coastal Development Permit No. CDU 33-97 granted in 1998 for

	the permanent authorization of the development in the area governed by the certified Local Coastal program.
OTHER APPROVALS RECEIVED:	(1) U.S. Army Corps of Engineers Nationwide Permit; and (2) Regional Water Quality Control Board Waiver of Waste Discharge Requirements.
SUBSTANTIVE FILE DOCUMENTS:	(1) Emergency Coastal Development Permit Nos. E-1-98-043-G, (2) Humboldt County LCP.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions of the coastal development permit application submitted by the California Department of Transportation (Caltrans) to permanently authorize the placement of approximately 9,000 cubic yards of 8-ton rock slope protection over 1.5 acres along the base of a high coastal bluff as part of the repair of a failing section of Highway One along the northern Mendocino County coastline near the mouth of Hardy Creek.

The project was completed pursuant to an emergency permit granted by the Executive Director in 1998. The highway facility in area of the constructed revetment is in danger from coastal bluff erosion. Caltrans determined in 1997 prior to construction of the rock slope protection that the roadway would not survive another storm season without significant damage from bluff retreat, and that the bluff needed to be protected with rock slope protection prior to completion of the regular permit application process.

The highway was clearly in danger from bluff retreat at the time of construction and continues to need the protection of the constructed rock slope protection. In addition, an analysis of alternatives indicates that there is not a feasible less environmentally damaging alternative for protecting the highway facilities. Moreover, the installation of the revetment is not resulting in significant adverse effect on shoreline sand supply. Therefore, staff believes the Commission is required to approve a shoreline-altering device to protect the highway facilities pursuant to Section 30235.

Staff has determined that with the conditions recommended below, the project is consistent with all other applicable Coastal Act policies. The recommended special

Conditions would require monitoring and maintenance of the revetment to ensure that the revetment does not become destabilized over time and lead to greater erosion problems and ensure consistency with section 30253 of the Coastal Act. In addition, the conditions would require Caltrans to assume all risk associated with the installation of the rock slope protection. The installation of the rock slope protection covered approximately 1.5 acres of beach area and affected use of an informal trail from the highway to the beach that some members of the public have indicated they used to gain access to the beach. To mitigate for the adverse impacts of the rock slope protection project on public access, Caltrans proposes to enhance public access at the existing Vista Point on Highway One, located 3.5 miles south of Westport, and approximately 9 miles south of the site of the rock slope protection project. The enhancements would consist of certain trail, viewing area, interpretive display, and landscaping improvements to the minimal existing facilities at the Vista Point for enhanced public access use. Special Condition No. 4 is recommended to require Caltrans to implement the enhancement project at the Vista Point and ensure consistency with the coastal access policies of the Coastal Act.

As conditioned, staff recommends that the Commission find that the revised project is consistent with the Chapter 3 policies of the Coastal Act.

The Motion to adopt the Staff Recommendation of Approval with Conditions is found on page 4.

STAFF NOTES:

1. Jurisdiction and Standard of Review

The project site is bisected by the boundary between the coastal development permit jurisdiction of the Commission and Mendocino County. This application seeks Coastal Commission authorization for the portions of the project that are within the Commission's retained jurisdiction where there are tidelands or areas subject to the public trust. The portion of the subject development within the Commission's retained jurisdiction includes the lower portions of the rock slope protection. The standard of review that the Commission must apply to Coastal Development Permit Application No. 1-97-078 is the Chapter 3 policies of the Coastal Act.

2. Commission Action Necessary

The Commission must act on the application at the May 14, 2004 meeting to meet the requirements of the Permit Streamlining Act.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-97-078 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 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 THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.

II. STANDARD CONDITIONS: **See Attachment A.**

III. SPECIAL CONDITIONS:

1. Shoreline Protection Monitoring Plan

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit a monitoring plan, prepared by a licensed geologist, or civil or geotechnical engineer for the review and [written] approval of the

Executive Director. The plan shall be sufficient to assess the stability of the revetment for the life of the structure and shall include at a minimum:

1. A description of the approved shoreline protection device;

2. A discussion of the goals and objectives of the plan, which shall include maintaining the stability and integrity of the revetment;

3. Provisions for taking measurements of the distance between the toe of the revetment and the highway, including identification of exactly where such measurements will be taken, e.g. by reference to benchmarks, survey positions, points shown on an exhibit, etc. and the frequency with which such measurements will be taken;

4. "As-built" plans, showing the permitted structure in relation to the existing topography and showing the measurements described in subsection (b)(3) above;

5. Provisions for inspection of the condition of the shoreline protection device by a licensed geologist, or civil or geotechnical engineer, including the scope and frequency of such inspections.

B. By May 1 of every third year for the life of the structure, the permittee shall submit a monitoring report that has been prepared by a licensed geologist, or civil or geotechnical engineer. Each monitoring report shall contain the following:

1. An evaluation of the condition and performance of the approved shoreline protection device, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the device,

2. All measurements taken in conformance with the approved monitoring plan,

3. An analysis of erosion trends, annual retreat, or rate of retreat of the bluff based upon the measurements and in conformance with the approved monitoring plan,

4. A description of any migration or movement of rock that has occurred on the site, and

5. Recommendations for repair, maintenance, modifications or other work to the device.

If a monitoring report contains recommendations for repair, maintenance or other work, the permittee shall contact the Coastal Commission District Office to determine whether such work requires a coastal development permit.

C Ten years after Commission approval of Coastal Development Permit No. 1-97-078, the applicant shall submit, for the review and approval of the Commission, an evaluation of the monitoring program and the need for continuing or modifying the monitoring program through an amendment of the permit condition.

D. The permittee shall undertake development in accordance with the approved final plan. 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.

2. Maintenance Activities and Future Alterations

The permittee shall maintain the approved shoreline protection for the life of the structure. The permittee shall be responsible for removing or redepositing any debris, rock or material that becomes dislodged after completion of the approved shoreline protection as soon as possible after such displacement occurs. The permittee shall contact the Coastal Commission District Office immediately to determine whether such activities require a coastal development permit.

3. Assumption of Risk, Waiver of Liability and Indemnity Agreement

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, landslides, bluff retreat, erosion, and earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

B. **PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT,** the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject

to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

4. **Completion of Public Access Enhancements at Mendocino Vista Point**

Within two years of Commission approval of Coastal Development Permit No. 1-97-078, the applicant shall complete all public access enhancements authorized by Mendocino County Coastal Development Use Permit No. CDU 2-2002 to enhance the Mendocino Vista Point along Highway One three miles south of Westport at Post Mile Marker 74.1 including, but not limited to all trail improvements, viewing areas, landscaping, kiosks, and interpretive signs.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares

1. Site Description and Background

The project site is located along Highway One near the mouth of Hardy Creek, approximately 20 miles north of Fort Bragg between Post Mile Markers 83 and 83.5 (See Exhibits 1-3). At this location, the highway is located on a steep bluff 127 feet above the ocean. The existing roadbed was excavated from the side of the mountain. Beach erosion at the base of the bluff caused by winter storms has undercut the toe of the slope below the highway. Aerial photographs from 1966 to 1988 indicate that the slope below the roadway was retreating from wave action at a rate of approximately three feet per year. In the 20 years prior to installation of the rock revetment, the slope eroded over 60 feet horizontally resulting in damage to the highway on numerous occasions. Previous repairs

generally consisted of moving the highway easterly away from the eroding slope. However, Caltrans engineers determined that the roadway could not be relocated inland again.

The steep hillside in the location of the rock slope protection contains coastal shrubs and grasses. (See Exhibit 4) The rock slope protection was placed over a sandy beach. The mouth of Hardy Creek is approximately 300 feet to the east of the northern end of the rock slope protection. Although an environmentally sensitive riparian habitat area exists along portions of the creek, no environmentally sensitive habitat area exists within the project area. In addition, no archaeological resources are known to exist in and around the project site.

Although Caltrans owns a right-of-way along the highway, areas between the right-of-way and the ocean are privately owned. Caltrans performed the highway repairs and rock slope protection installation pursuant to a construction easement.

2. Project Description

The coastal development permit application seeks authorization for revetment development previously performed under Emergency Permit No. 1-98-043-G granted by the Commission to protect the bluff supporting Highway One near the mouth of Hardy Creek in northern Mendocino County (see Exhibit 8).

The constructed rock slope protection involved the placement of earthen fill along the over-steepened bluff face and the placement of 8-ton rock along approximately 1,100 feet of the base of the bluff (See Exhibits 5-6). A total of approximately 9,000 cubic yards of rock slope protection was placed in an approximately 1.5-acre area below the high tide line within the Commission's jurisdiction. To install the rock, a temporary construction access road was installed near the north end of the site to allow heavy equipment to be brought to the base of the slope. The access road was later removed upon completion of the installation of the rock slope protection. The Highway repair also involved lowering the elevation of the existing highway approximately 20 feet and slightly realigning the highway to improve curves and void cutting into the cut slope on the east side. In addition, horizontal drains and an under drain were installed on the new slope.

The project site is bisected by the boundary between the Commission's retained permit jurisdiction and the coastal development permit jurisdiction of Mendocino County. The portion of the development within the Commission's jurisdiction consists of the lower portions of the rock slope protection. The portion of the development within the certified coastal development permit jurisdiction of Mendocino County was permanently approved by Mendocino Coastal Development Permit No. CDU No. 33-97.

The placement of the rock slope protection as part of the highway repair project affected public use of the project site for public access purposes. The revetment covered over an

informal pathway that some people indicate they had used to gain access from the highway down to the beach at the base of the bluff. In addition, the rock slope protection covered a total of approximately 1.5 acres of beach area.

To mitigate for the adverse impacts of the rock slope protection project, Caltrans proposes to enhance public access at the existing Vista Point on Highway One, located 3.5 miles south of Westport, and approximately 9 miles south of the site of the rock slope protection that is the subject of this application (See Exhibit 7). The Vista Point property is owned by Caltrans and was acquired in part as a location to place earthen slide debris material affecting Highway One. Slide debris has been used in the past to create and expand a fill pad in an upland area adjacent to the highway that has been paved and utilized as a parking area. The Vista Point parcel extends from the highway to the ocean and has frontage along approximately half a mile along the shoreline. Apart from the paved parking area, the remainder of the Vista Point property has remained unimproved. The public is allowed access to and along the bluff through the Vista Point property over volunteer trails, although the trails are not ideally located for avoiding wetlands and other resource areas, are limited in extent, and can be difficult for some to negotiate.

The proposed enhancement project at the Vista Point would include the following improvements:

- A 150-square-foot viewing area with several benches and kiosk with interpretive signage containing information on local features;
- Improvement of a trail from the existing parking area to the edge of the bluff. The trail would be three to four feet wide with a variable slope from 5% to 12%, and would be composed of a mix of concrete and soil from the site that would match the existing soil color;
- Improvement of a trail from the parking lot to the south. This new trail would provide views of the ocean away from the parking lot for persons of limited mobility. The trail would be 300 feet long with a bench every 100 feet. The trail would be four feet wide and have a maximum 2% slop to meet American Disabilities Act (ADA) accessibility requirements;
- Boulders would be placed every 8 to 10 feet apart along the edge of the parking lot;
- A four-foot-wide trail would be improved on the west side of the boulders to provide access between the southern viewing trail to a new the kiosk/interpretive sign/viewing area and also to the bluffs;
- The existing pavement of the parking lot would be striped for 20 spaces, including two van accessible handicapped spaces;
- Planting of low native groundcover plantings near the parking and kiosk viewing area; and
- Removal of young non-native pine trees near the parking lot and elsewhere to enhance the view shed.

The Vista point is located within Mendocino County' coastal development permit jurisdiction. Caltrans has obtained a coastal development permit from Mendocino County (CDU No. 2-2002) to develop the access improvements at the Vista Point. The permit was not appealed to the Commission.

3. Permitted Revetment

Section 30235 of the Coastal Act states, in part:

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

Coastal Act Section 30235 requires that seawalls, revetments, cliff retaining walls, groins and other such structures be approved under certain circumstances. However, Section 30235 also acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" solutions alter natural shoreline processes. Thus, such devices are required to be approved only when the devices (1) are necessary to serve coastal-dependent uses or to protect existing structures or public beaches, and (2) designed to eliminate or mitigate adverse impacts on shoreline sand supply. The Coastal Act does not require the Commission to approve shoreline altering devices to protect vacant land or in connection with construction of new development.

A. Needed to Protect Existing Structures or Public Beaches

The applicant seeks permanent authorization for a shoreline revetment granted temporary authorization under Emergency Permit No. 1-98-043-G s issued in 1998. AS described in more detail above in the Project Description Finding, the constructed revetment is composed of 8-ton quarry rock, and extends approximately 1,100 feet along the base of the coastal bluff face that supports the highway.

As discussed above, beach erosion from winter storms had been undercutting the toe of the slope below the highway continuously since the highway was constructed. Aerial photographs from 1966 to 1988 indicate that the bluff face was retreating at a rate of three feet per year, and over the 20 years prior to installation of the rock slope protection the bluff retreated approximately 60 feet. After the rainy season of 1995, the highway surface was distressed by the unraveling slope face. At the time of installation, Caltrans anticipated that the southbound lane of the highway and possibly the northbound lane would have been damaged during the next rainy season. The revetment was clearly needed to prevent the bluff from eroding and undermining the highway facility.

Therefore, the revetment for which the applicant is seeking permanent authorization protects existing structures (the highway facilities) consistent with the purposes specified in Section 30235 for which revetments must be approved.

B. Alternatives

The applicant analyzed a range of alternatives to protect the highway prior to constructing the revetment. These alternatives included (1) relocating Highway One away from the threatened bluff, (2) design variations, and (3) the no project alternative.

The alternative of relocating Highway 101 would have an extremely high construction cost. The mountainous terrain is very rugged and affords few obvious choices for locating a bypass route. Constructing a bypass around the affected area may require relocating the road a long distance inland. Even relocating the road a great distance inland would not avoid construction through the Coast Range and require landform alteration, denuding of steep slopes, and impacts to water quality. Thus, constructing a new segment of road to by pass the threatened bluff area would itself have significant environmental impacts.

Caltrans considered variants to the design of the rock slope protection. However, none of these designs were determined to be environmentally less damaging feasible alternatives. As designed and constructed, the affected section of highway was lowered approximately 20 feet in elevation. The west-facing slope was then buttressed by placing earthen fill excavated from the project site along the existing slope to create a uniform slope of 1 vertical to 1.5 horizontal. The rock slope protection was placed outboard of the base of the fill. One design alternative considered was to reconstruct the slope in the same manner, but not lower the elevation of the highway. This design alternative, however, would result in much greater impact to public use of the beach as the footprint of the fill and rock slope protection would cover approximately twice as much area as the constructed project does.

A second design alternative would have been to lower the roadway in a manner similar to the way the project was constructed, but only include a minimal buttressing fill. This alternative would have covered less of the beach area at the footprint of the fill slope and rock slope protection. However, Caltrans rejected this alternative as not providing for the long-term stability of the bluff and the highway. The slope was already over-steepend, increasing the likelihood of continuing landslides and rock falls and the need to make additional repairs to the highway much sooner in the future. Such additional repairs would likely require the placement of more fill and buttressing material that ultimately may exceed the total amount placed as part of the constructed project.

Finally, Caltrans considered a design variation that would have moved the roadway further inland into the bluff face on the inland side of the highway. To move the highway further into the bluff face would have required carving away at the bluff on the inland

side of the highway and constructing a large retaining wall on the inland side of the highway. As in the previous design alternative discussed, this alternative would have only included a minimal buttressing fill, thereby reducing the area of beach affected by the project. For reasons similar to why it rejected the previous alternative, Caltrans rejected this alternative, because this alternative would not provide for the long-term stability of the bluff and the highway. The slope was already over-steepend, increasing the likelihood of continuing landslides and rock falls and the need to make additional repairs to the highway much sooner in the future. Such additional repairs would likely require the placement of more fill and buttressing material that ultimately may exceed the total amount placed as part of the constructed project. Furthermore, at the time, the condition of the highway was such that Caltrans determined it did not have the necessary time available to perform the additional geotechnical studies and design work needed to design a satisfactory retaining wall to support the portion of the inland bluff face that would be excavated.

The "no project" alternative would not have provided any protection of the highway from bluff erosion. As noted previously, Caltrans anticipated that the southbound lane, and northbound lane would have been directly damaged by the end of the next rainy season following installation of the rock slope protection. Caltrans estimated that the entire roadway in this location would be completely destroyed within ten years had the rock slope protection not been installed. Since Highway One is the primary north and south thoroughfare along the coast, the closure of the road would have a significant adverse impact on local residents, tourists, and the area economy.

Therefore, none of the identified alternatives are feasible less environmentally damaging alternatives that would still protect the highway facilities threatened by erosion. Therefore, the proposed revetment is required to protect existing structures in danger of erosion.

C. Impacts on Shoreline Sand Supply

Although retention of the seawall on a permanent basis is required to protect the existing highway, Section 30235 of the Coastal Act requires that shoreline protection be approved only if it is designed to eliminate or mitigate adverse impacts on local shoreline sand supply. There are a number of potential adverse impacts to public resources associated with the construction of shoreline protection. The natural shoreline processes referenced in Section 30235, such as the formation and retention of sandy beaches, can be significantly altered by construction of as seawall, since bluff retreat is one of several ways that beach area and beach quality sand is added to the shoreline. This retreat is a natural process resulting from many different factors such as erosion by wave action causing cave formation, enlargement and eventual collapse, saturation of the bluff soil from ground water causing the bluff to slough off and natural bluff deterioration. When a seawall is constructed on the beach at the toe of the bluff, it directly impedes these natural processes.

Longshore drift along this portion of the coastline is from south to north. According to the applicant, beach sand at the Hardy Creek area is generally well-rounded, suggesting ocean transport by longshore drift and an origin to the south. The sand likely originates from stream flow through numerous creeks that flow through the sandy marine terraces south of the site to the ocean, and by longshore drift to the Hardy Creek area. Although the rock slope protection would reduce the contribution of sediments from the bluff face to the total amount of sediment contained in the longshore drift, Caltrans believes that the primary sediment source in the project area for beach development is derived from Hardy Creek. The project has had no effect on sediment delivery from Hardy Creek. Therefore, the revetment does not significantly affect shoreline sand supply.

D. Conclusion

In conclusion, the highway facility in area of the constructed revetment is in danger from erosion. In addition, an analysis of alternatives indicates that there is not a feasible less environmentally damaging alternative for protecting the highway facilities. Moreover, the installation of the revetment is not resulting in significant adverse effect on shoreline sand supply. Therefore, the Commission is required to approve a shoreline-altering device to protect the highway facilities pursuant to Section 30235. As discussed in the other findings below, the Commission finds that the project as conditioned, is consistent with all other applicable Coastal Act policies. Even so, if the Commission had found that the project were inconsistent with an applicable Coastal Act policy, the Commission would nonetheless have been required to approve the project pursuant to Section 30235.

4. Geologic Hazards

Section 30253 of the Coastal Act states, in applicable part:

> *New development shall:*
>
> *(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
>
> *(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 30253 requires that new development minimize risks to life and property in areas of high geologic hazard, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or require the construction of protective devices.

The revetment was designed to be stable. The rock slope protection structure was designed by Caltrans engineers pursuant to geotechnical investigations performed by Caltans staff. The project has been designed to avoid creating further geologic instability or destruction of the site and surrounding area. The construction of revetments often leads to increased erosion of banks or bluff areas adjacent to the ends of the revetment. In this case, however, the revetment was designed to minimize such end-erosion effects. The southern end of the rock slope protection ties into another similar large rock slope protection structure constructed approximately 20 years earlier to protect the portion of Highway One just to the south of the project site. Thus, any increase of erosional forces generated by the new rock slope protection structure around the south end of the revetment would be absorbed by the previously existing revetment. The north end of the new revetment extends partially around the base of the bluff where the bluff turns inland along the Hardy Creek drainage. Any increase of erosional forces generated by the new rock slope protection structure around the north end of the revetment would be muted by the change in the orientation of the bluff face to a direction more perpendicular to the ocean.

However, even though the revetment may have been designed to be stable, it may not remain so if the revetment is not adequately maintained over the life of the project. If the revetment were damaged in the future as a result of storms, it could threaten the stability of the site, which could lead to the need for more bluff alteration. In addition, damage to the revetment could adversely affect the surrounding beach area by leaving debris in the beach and/or creating a hazard to the public using the beach. Therefore, in order to find the proposed seawall consistent with the Coastal Act, the Commission finds that the condition of the seawall in its approved state must be maintained for the life of the seawall. Further, in order to ensure that the permittee and the Commission know when repairs or maintenance are required, the permittee must monitor and report on the condition of the seawall annually, for three years and at three-year intervals for the life of the structure. The monitoring will ensure that the permittee and the Commission are aware of any damage to or weathering of the seawall wall will identify whether repairs or other actions are necessary to maintain the seawall in its approved state.

Therefore, Special Condition No.1 requires the applicant to monitor and submit a monitoring report which evaluates the condition and performance of the seawall and below-grade upper retention system and overall site stability, every third year for the life of the structure with recommendations, if any, for necessary maintenance, repair, changes or modifications to the project. In addition, the condition requires the applicant to perform the necessary repairs through the coastal development permit process.

Special Condition No. 2 notifies the applicants that they are responsible for maintenance of the herein approved shore and bluff protection to include removal of debris deposited on the beach after construction of the structures. The condition also indicates that, should it be determined that maintenance of the proposed structures are required in the future,

including maintenance of the color and texture, the applicant shall contact the Commission to determine if permits are required.

Also, due to the inherent risk of shoreline development, Special Condition No. 3 requires the applicant to assume the risks of development, waive any claim of liability against the Commission and indemnify the Commission against any damages that might result from the proposed revetment or its construction. The risks of the proposed development include that the proposed revetment will not protect against damage to the highway facilities from bluff failure and erosion. In addition, the structures themselves may cause damage to neighboring properties by increasing erosion of the bluffs. Such damage may also result from wave action that damages the seawall. Although the Commission has sought to minimize these risks, such risks can never be eliminated entirely. Given that the applicants have chosen to construct the proposed shoreline devices despite these risks, the applicants must assume the risks. Special Condition No. 3 requires the applicant to submit a written agreement incorporating all of the requirements of Special Condition No. 3. Special Condition No. 3 also requires the applicant shall record a deed restriction imposing the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property in the event that the property is conveyed to another party. Only as conditioned can the proposed project be found consistent with Sections 30235 and 30253 of the Coastal Act.

In summary, the applicant has documented that the existing highway was and is in danger from erosion and subsequent bluff collapse. In addition, Caltrans has provided substantial evidence that the revetment does not contribute significantly to geologic instability, erosion or destruction of the surrounding area. As conditioned, there are no other less damaging alternatives available to reduce the risk from bluff erosion or minimize impacts on shoreline sand supply. Therefore, as conditioned, the Commission finds that the proposed seawall is consistent with Sections 30235 and 30253 of the Coastal Act.

5. Public Access

(This finding will be included in an addendum to be distributed at the May 14, 2004 public hearing)

6. 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 requirement 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 the proposed development may have on the environment.

The Commission incorporates its findings on conformity with the Chapter 3 policies of 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 that were received prior to preparation of the staff report. As discussed herein, in the findings addressing the consistency of the proposed project with the Chapter 3 policies of the Coastal Act, the proposed project has been conditioned 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 feasible mitigation measures available, beyond those required, 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. Location Map
3. Project Site
4. Resources
5. Project Section
6. RSP Section
7. Vista Point Access Plans
8. Emergency Permit

ATTACHMENT

Standard Conditions:

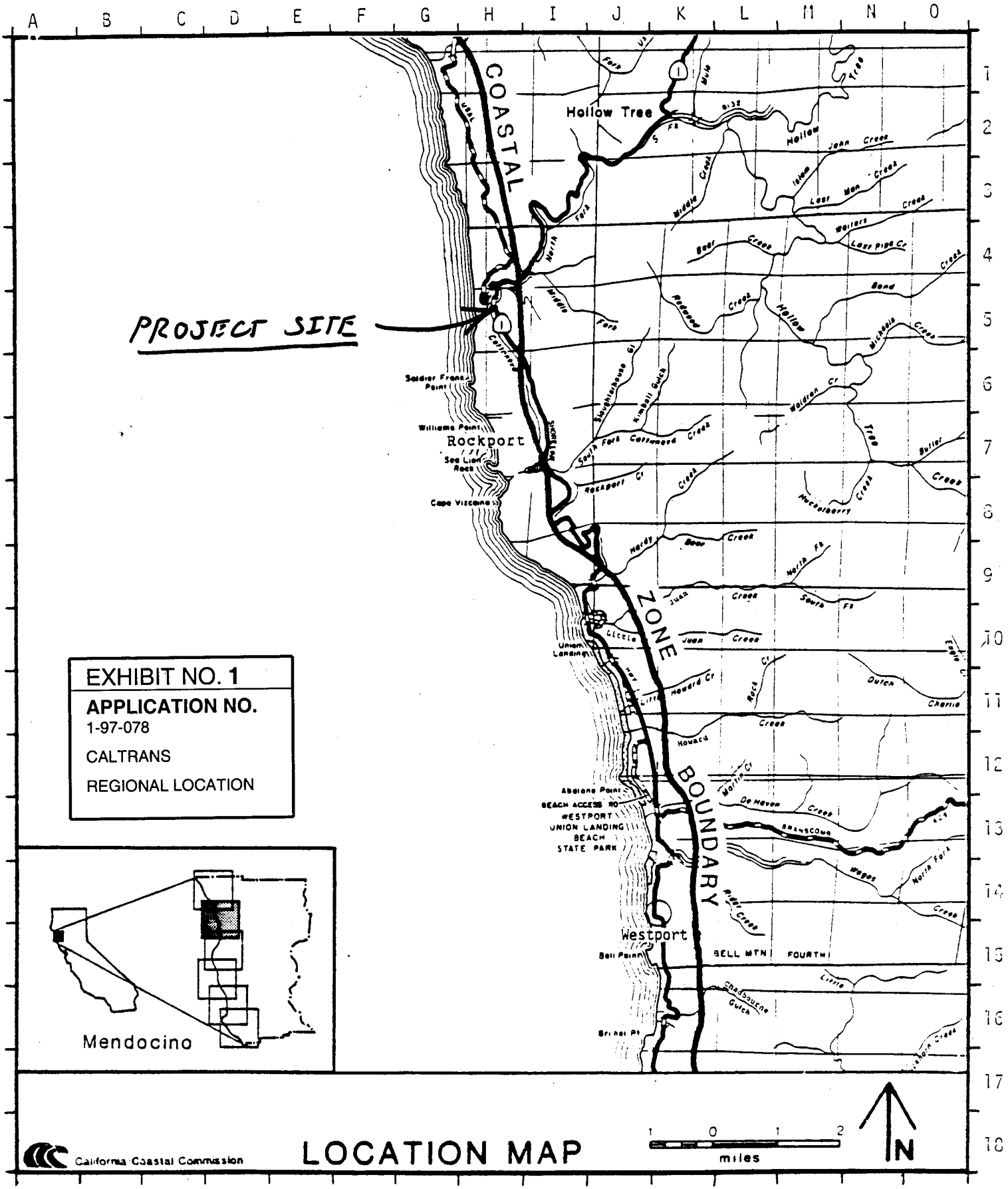
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

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. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or 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.



County of Mendocino

Sheet 2 of 6

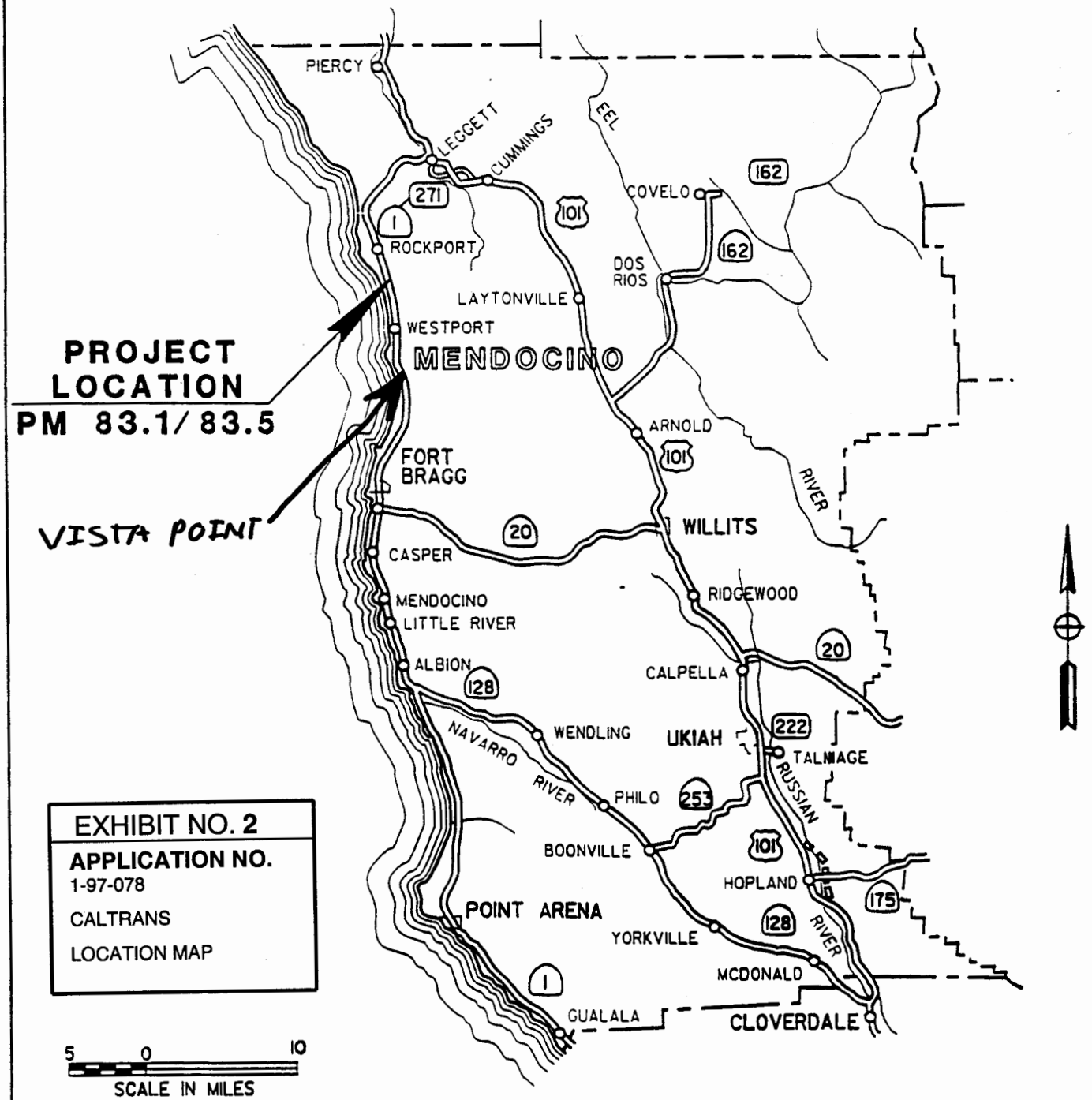


EXHIBIT NO. 2

APPLICATION NO.
1-97-078

CALTRANS

LOCATION MAP

PURPOSE: REPAIR SLOPE BEING ERODED BY OCEAN WAVE ACTION

DATUM: HORIZ.: NAD83
VERT. : 1988 NAVD

ADJACENT PROPERTY OWNERS:

1. George J. Engler
2. Robert L. Fetzer
3. Barbara L. Olson
4. Louisiana Pacific Corporation

Caltrans

Application By Caltrans Dist. 1
Box 3700 Eureka Ca. 95502-3700

LOCATION MAP

IN: PACIFIC OCEAN

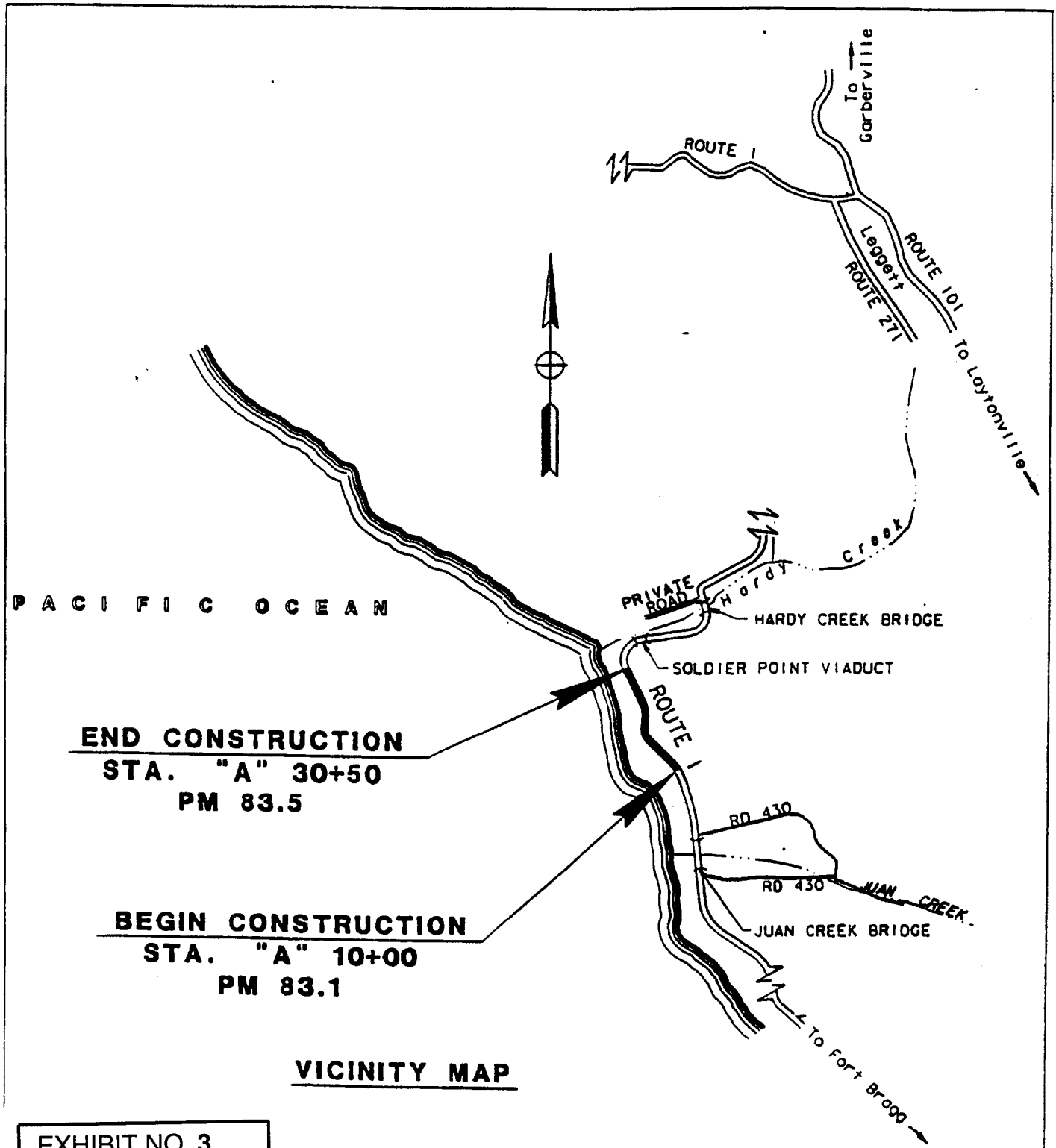
AT: ROUTE 1, PM 83.1/83.5

COUNTY OF: MENDOCINO

APPLICATION BY: CALTRANS

SHEET 14 OF 15 PREPARED 1/27/98

01-MEN-1
P.M. 83.0/83.5
Slope Stabilization Project



VICINITY MAP

EXHIBIT NO. 3
APPLICATION NO.
1-97-078
CALTRANS
PROJECT SITE

Resource Mapping for Slope Stabilization Project.
State Route 1, Postmiles 83.0/83.5
01-MEN-01

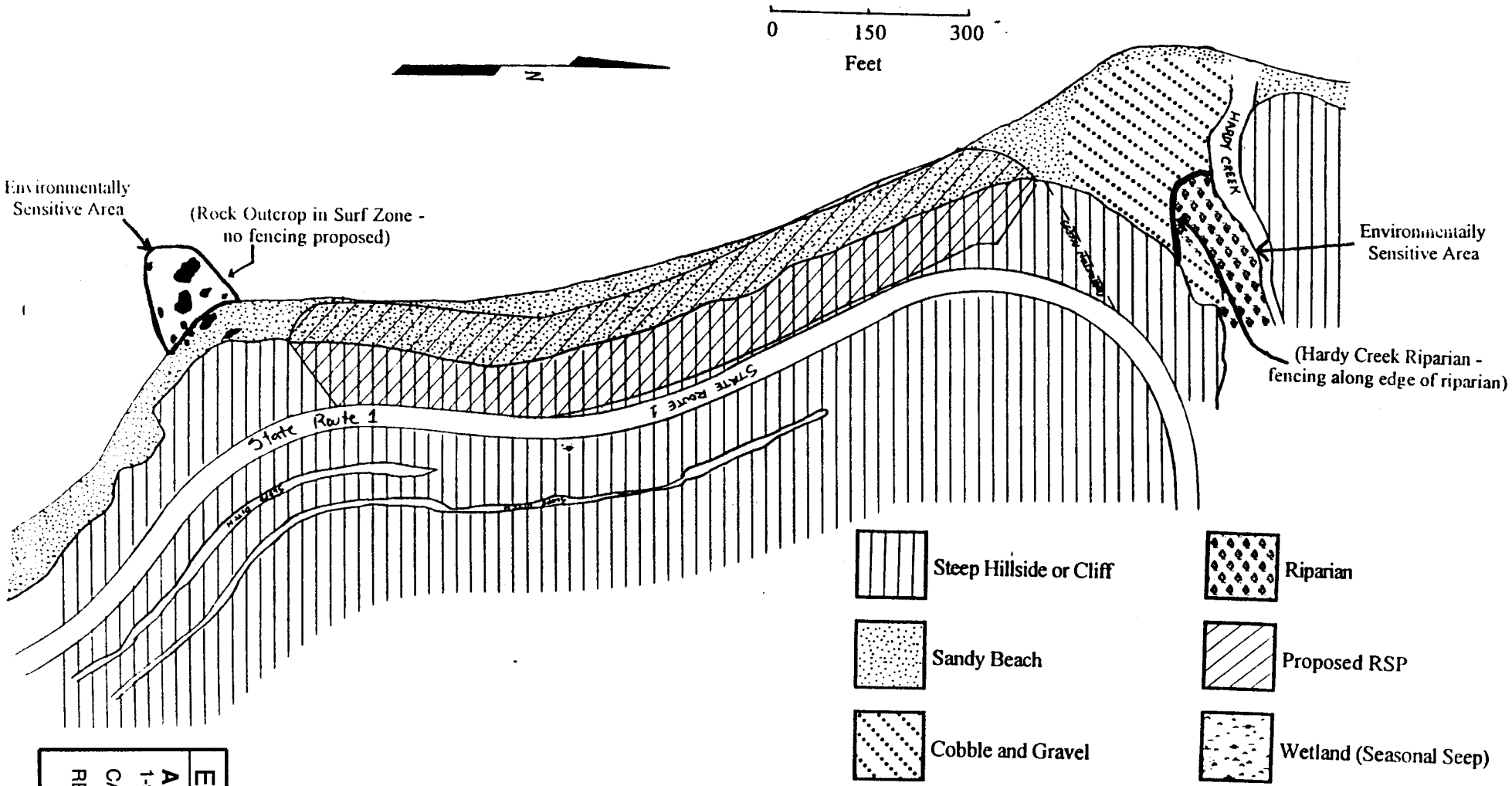


EXHIBIT NO. 4
APPLICATION NO.
1-97-078
CALTRANS
RESOURCES

EXHIBIT NO. 5
APPLICATION NO.
1-97-078
CALTRANS
PROJECT SECTION

Contract No. 01-391804 1998

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
01	Men	1	83.1/83.5	2	30

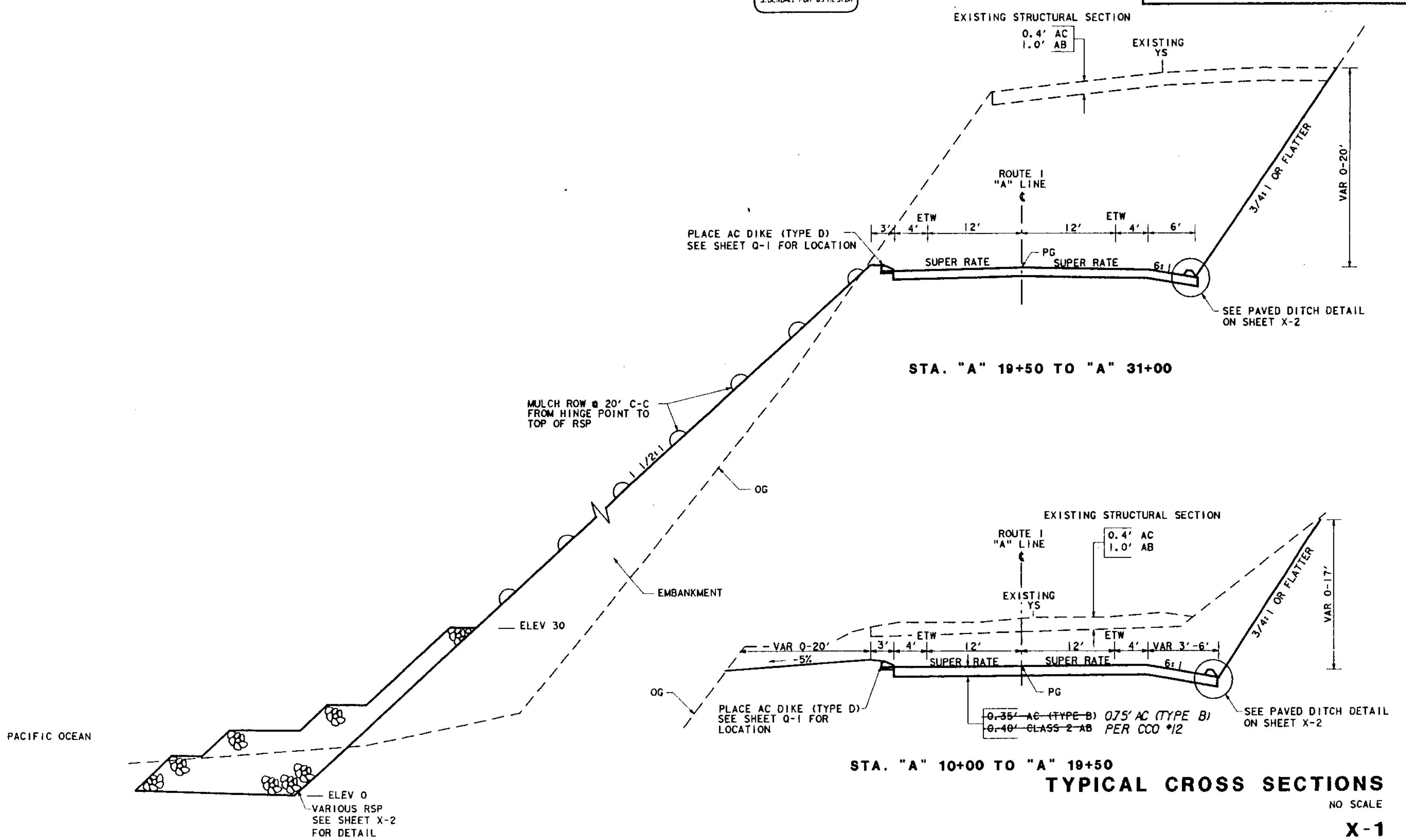
REGISTERED CIVIL ENGINEER 2-25-98
4-27-98
PLANS APPROVAL DATE

The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.

M.D. EAGAN No. 22957 Exp. 12-31-01 CIVIL STATE OF CALIFORNIA

AS-BUILT
Guy Preston
01-391804
1998
S. DENDAL FOR G. PRESTON

...ONS OF THE STRUCTURAL SECTIONS ARE SUBJECT TO ...ICES SPECIFIED IN THE STANDARD SPECIFICATIONS.
...EVATION AS SHOWN OR AS DIRECTED BY THE ENGINEER.



TYPICAL CROSS SECTIONS

NO SCALE

X-1

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	PROJECT ENGINEER	CALCULATED/DESIGNED BY	DATE	REVISED BY
Caltrans DESIGN	MIKE EAGAN	CHECKED BY		DATE REVISED

FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES 0 1 2 3

USER NAME => tilinda
DGN FILE => 1391806t26:03819

03230

EA 391801

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
01	Men	1	83.1/83.5	3	30

Michael O Eagan 2-25-98
REGISTERED CIVIL ENGINEER

4-27-98
PLANS APPROVAL DATE

REGISTERED PROFESSIONAL ENGINEER
M. D. EAGAN
No. 22957
Exp. 12-31-01
CIVIL
STATE OF CALIFORNIA

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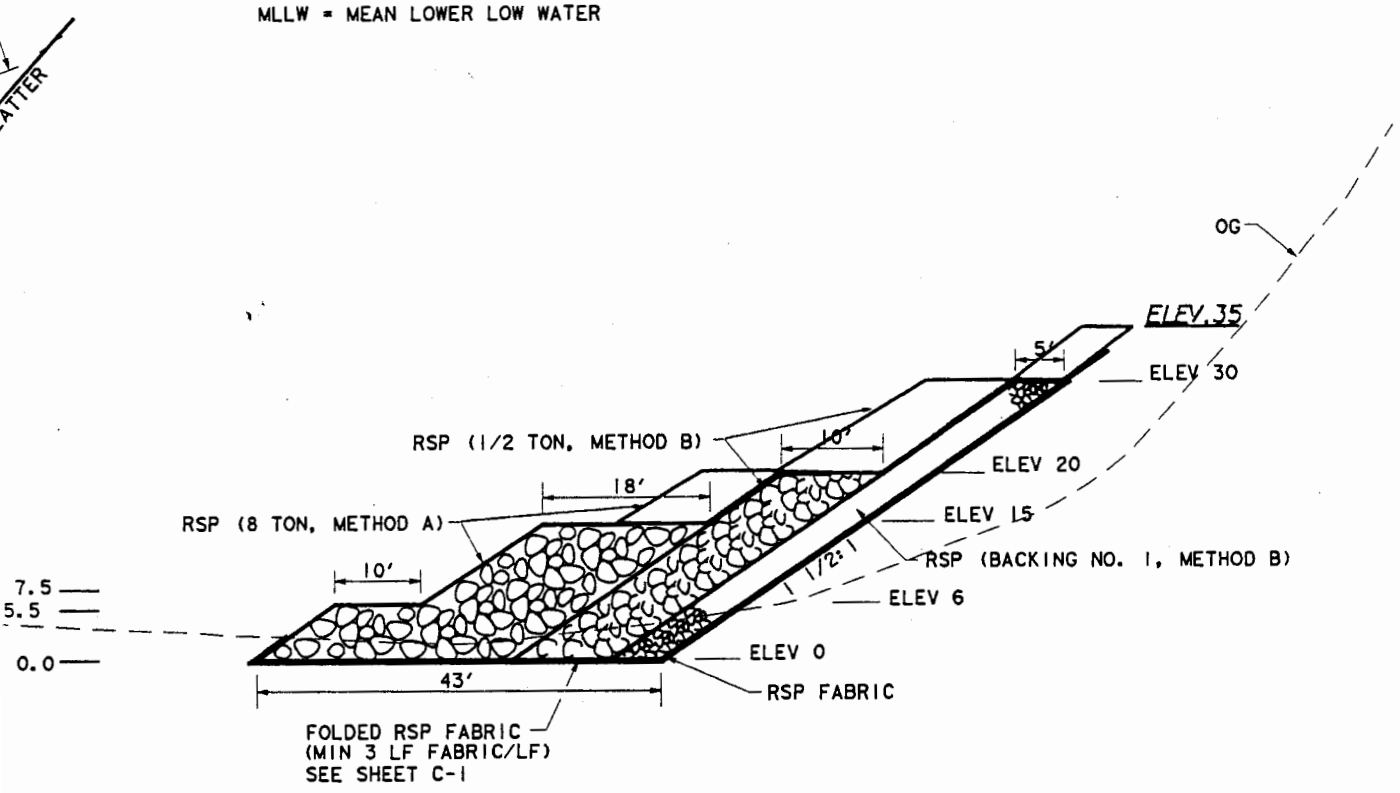
AS-BUILT
Guy Preston
01-391804
1998
S. DENDALL FOR G. PRESTON

LEGEND

HTL = HIGH TIDE LINE
MHW = MEAN HIGH WATER
MLLW = MEAN LOWER LOW WATER



RSP DETAIL
STA. "A" 19+50 TO "A" 30+00
SCALE: 1" = 10'

EXHIBIT NO. 6
APPLICATION NO.
1-97-078
CALTRANS
RSP SECTION

TYPICAL CROSS SECTIONS

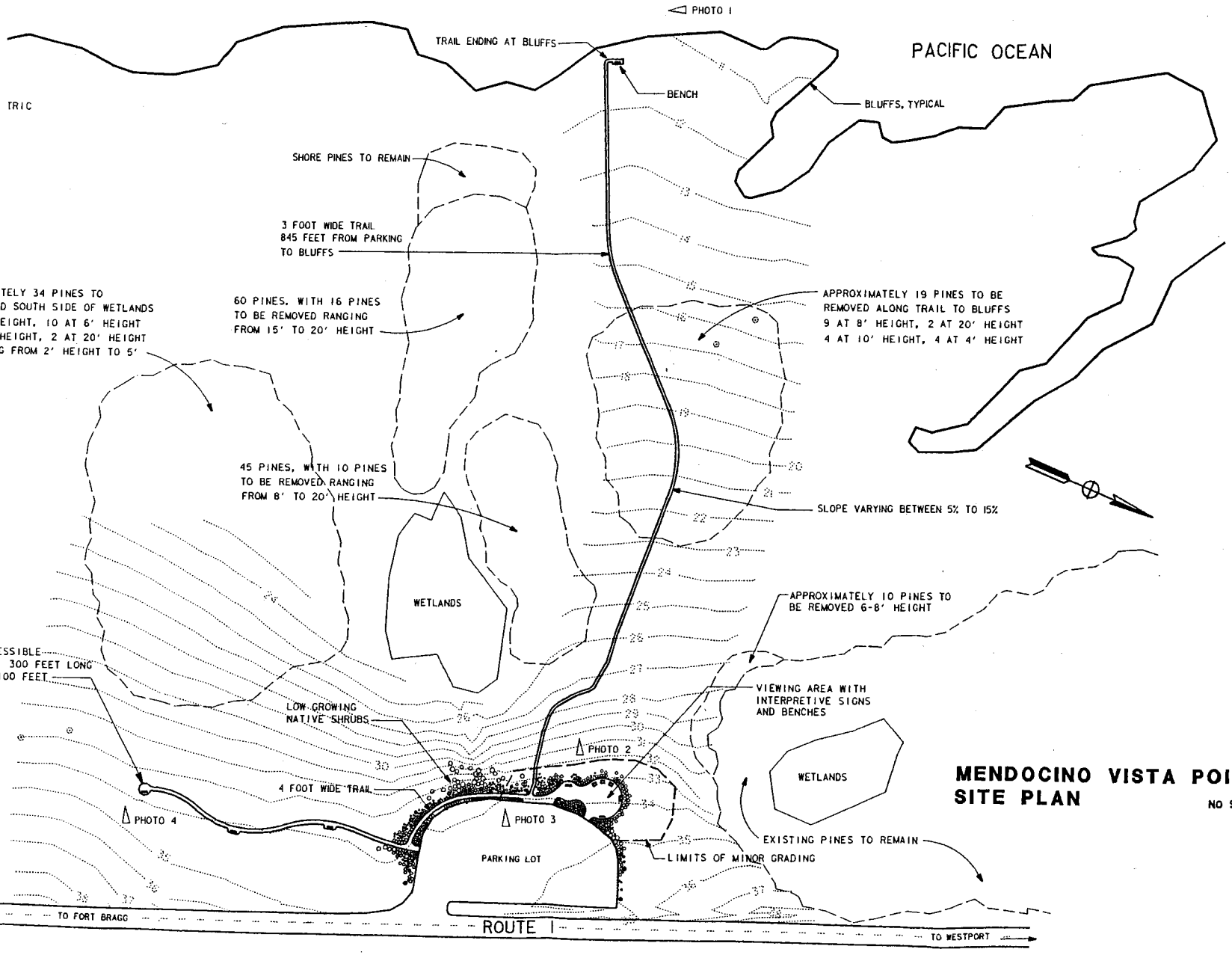
SCALE AS SHOWN

X-2

LAST REVISION 00-00-00
DATE PLOTTED => 26-Feb-2001
TIME PLOTTED => 10:10

EXHIBIT NO. 7

APPLICATION NO.
1-97-078
CALTRANS
VISTA POINT ACCESS
PLANS (1 of 4)



MENDOCINO VISTA POINT
SITE PLAN
NO SCALE

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans

LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
⊙	ARCTOSTAPHYLOS UVA-URSI	BEARBERRY	1 GALLON
(BB)	BACCHARIS PILULARIS	COYOTE BRUSH	1 GALLON
(B)	BACCHARIS P. 'PIGEON POINT'	DWARF COYOTE BRUSH	1 GALLON
(C)	CEANOTHUS 'JOYCE COULTER'	WILD LILAC	5 GALLON
∘	ERIOGONUM LATIFOLIUM	BEACH BUCKWHEAT	1 GALLON
(E)	ERIOGONUM GIGANTEUM	ST. CATHERINE'S LACE	1 GALLON
(G)	GARRYA ELLIPTICA	SILK TASSLE TREE	5 GALLON
*	CALAMAGROSTIS ACUTIFOLIA	FEATHER REED GRASS	1 GALLON
*	DESCHAMPSIA CAESPITOSA	COASTAL GRASS	1 GALLON

TRAIL TO BLUFFS

INTERPRETIVE SIGNS (TYP)

BENCHES (TYP)

BOULDERS (TYP)

PARKING LOT

ROUTE 1

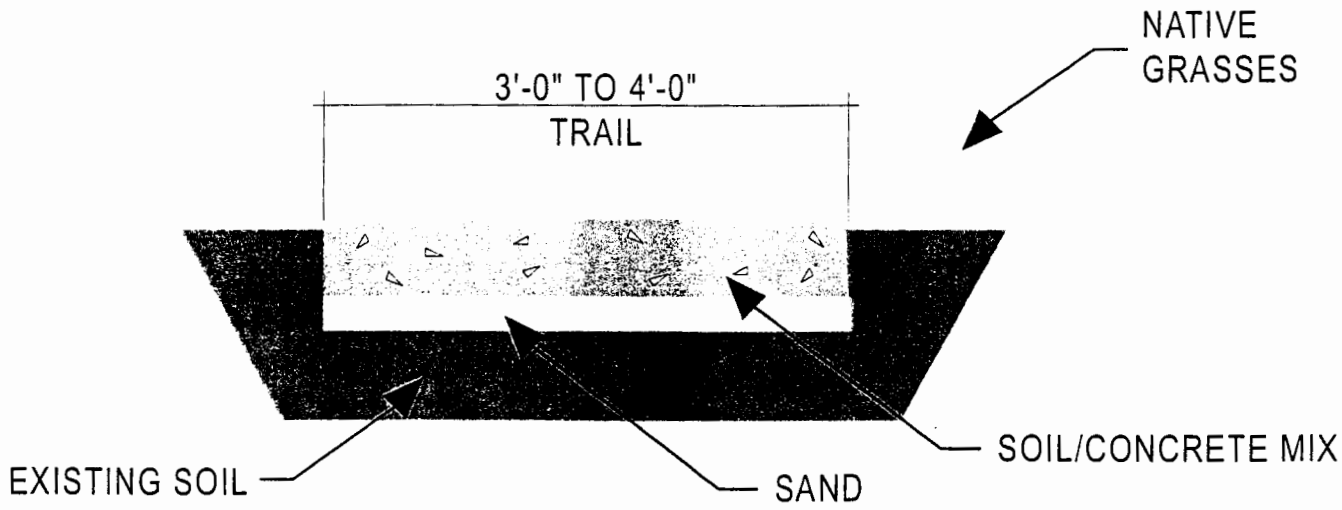
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

Caltrans

MENDOCINO VISTA POINT
PLANTING PLAN
NO SCALE

EXISTING TRAIL TO BLUFF

TRAIL OF CONCRETE MIXED WITH NATIVE SOIL



TRAIL SECTION

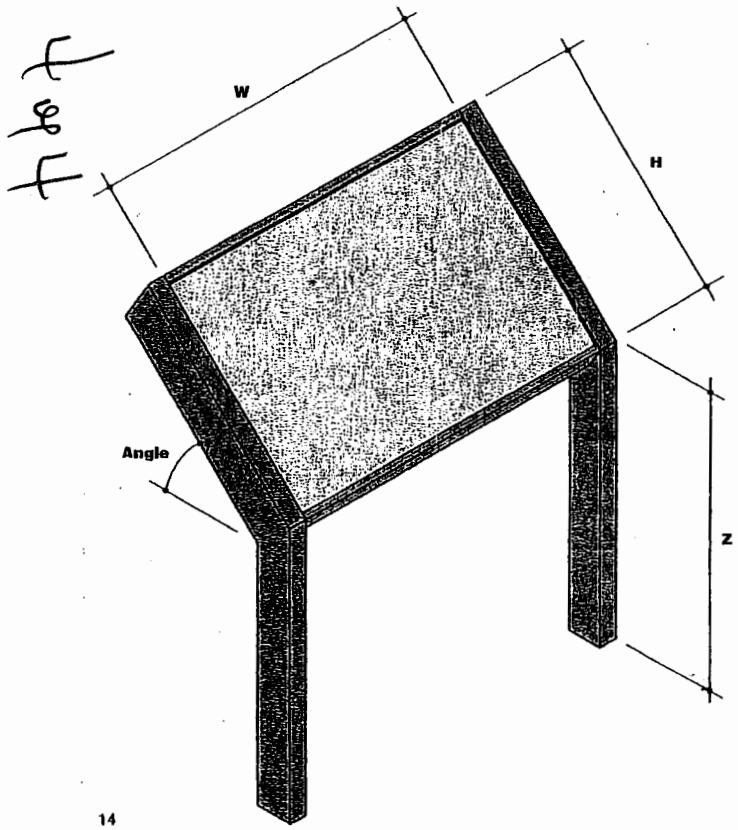
NO SCALE

394

Cantilevered Low Profile Base

This new version of the low profile base has become the preferred style for NPS interpretive exhibits. The base's simple, unadorned form helps to diminish its visual intrusion and makes it appropriate for any park landscape. Made entirely of welded aluminum extrusions, the base assembly will not rust or corrode, even in harsh marine environments. A textured finish, polyurethane enamel paint adds to the base's durability. When necessary, exhibit panels can be easily replaced by removing rivets that secure the top of the frame assembly.

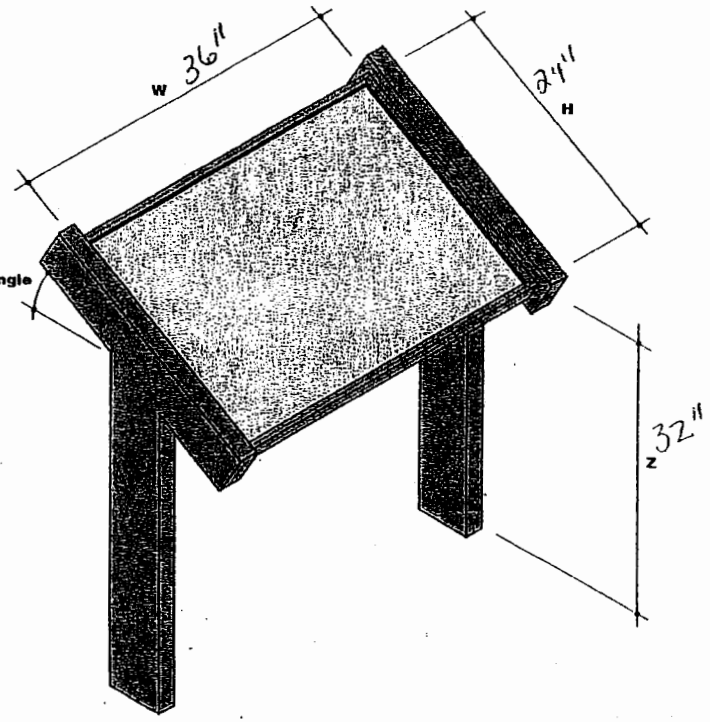
For Panel Sizes (W x H):
24x18, 24x24, 36x24, 42x24", Custom
Front Edge Height Above Grade (Z): 32"
Angle: 30° or 45°
Colors: Medium Gray, Dark Brown, Custom



Traditional Low Profile Base

Introduced into the national parks in the early 1980s, this low profile base quickly became the standard model for interpretive wayside exhibits. Like the newer cantilevered model, the traditional base is made from aluminum, is available in a variety of textured-finish, polyurethane enamel paints, and is engineered to allow easy removal and replacement of exhibit panels. The traditional base does vary slightly in design from the cantilevered style; its legs are larger and extend from the midpoint, rather than the front, of the panel frame.

For Panel Sizes (W x H):
24x18, 24x24, 36x24, 42x24", Custom
Front Edge Height Above Grade (Z): 32"
Angle: 30°
Colors: Medium Gray, Dark Brown, Custom



INTERPRETIVE DISPLAY TABLE DESIGN

CALIFORNIA COASTAL COMMISSION
NORTH COAST AREA
FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

EMERGENCY PERMIT

Lupe Jimenez
State of California
Department of Transportation
District 3
P.O. Box 942874
Sacramento, CA 94274-0001

Date: May 11, 1998
Emergency Permit No. 1-98-043-G

State Route 1, approximately 20 miles north of Fort Bragg, post miles 83.1 to 83.5 in Mendocino County
Location of Emergency Work

Restoration of an existing eroded slope by armoring it with 8-ton rock slope protection (RSP) to prevent further erosion; installation of horizontal drains and an underdrain system to dewater the new cut slope; construction of a temporary access road (approximately 14 feet wide and 200 feet long) within the Caltrans right-of-way so that equipment can be brought to the base of the new slope site.
Work Proposed

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of erosion of the slope over 60 feet horizontally resulting in damage and detorioration to the highway which, if not repaired, will have to be closed requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director hereby finds that:

(a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit;

(b) Public comment on the proposed emergency action has been reviewed if time allows; and

(c) As conditioned the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the reverse.

Very Truly Yours,

Peter M. Douglas
Executive Director

By: JO GINSBERG
Coastal Planner

EXHIBIT NO. 8
APPLICATION NO.
1-97-078
CALTRANS
EMERGENCY PERMIT
(1 of 3)

1. The enclosed form must be signed by the property owner and returned to our office within 15 days.

2. Only that work specifically described above and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.

3. The work authorized by this permit must be completed by October 31, 1998.

4. By August 14, 1998, the permittee shall apply for a regular Coastal Permit to have an emergency work be considered permanent.

5. In exercising this permit the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.

6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies.

For Emergency Shoreline Protection Projects:

7. If rock is used to construct the shoreline protective project, only clean, large rock shall be used. No fill materials or construction spoils shall be used. Applicant shall promptly remove without the aid of heavy machinery any rock that becomes dislodged and deposited on the beach.

8. OTHER: The project shall include a provision for a permanent public pedestrian accessway from the top of the bluff to the beach to be constructed within the Caltrans right-of-way.

Condition #4 indicates that the emergency work is considered to be temporary work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate an easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission Area office.

Enclosures: 1) Acceptance Form; 2) Regular Permit Application Form

cc: Local Planning Department

CALIFORNIA COASTAL COMMISSION
NORTH COAST AREA OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSION
NORTH COAST AREA OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

RE: **Emergency Permit No. 1-98-043-G**

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the North Coast Area Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Permit is necessary to make it a permanent installation. I agree to apply for a regular Coastal Permit within 60 days of the date of the emergency permit (i.e., by), OR I will remove the emergency work authorized by such permit in its entirety within 150 days of the date of the emergency permit (i.e., by).

John D. Webb
Signature of property owner

JOHN D. WEBB
Name

CALTRANS NORTH REGION
Address

SACRAMENTO OFFICE OF ENVIRON. MGMT.

P.O. BOX 942874 MS-41, SACRAMENTO 94274-0001

5-15-98
Date of Signing