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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO: **1-05-038**

APPLICANT: **California Department of Transportation**

PROJECT LOCATION: Within pipeline easement that traverses grazed seasonal wetlands east of Highway 101 and west of Old Arcata Road, from Arcata to Eureka in Humboldt County, and east of Caltrans' Bracut Maintenance Station.

PROJECT DESCRIPTION: Install approximately 1,400 linear feet of new domestic and fire suppression water pipelines, to replace the existing 4-inch potable water line serving the Caltrans Bracut Maintenance Station & one adjacent private property. New lines would include separate four-inch replacement potable water line for Caltrans and a new 1.5-inch potable water line for adjacent private property, and add a new ten-inch waterline reserved exclusively for fire suppression purposes at the maintenance station. The existing 4-inch Asbestos Concrete Pipe potable water line would be abandoned in place. Includes approximately 3,100 cu. yds. of total grading.

RECOMMENDATION: **Approval with Conditions.**

MOTION & RESOLUTION: **Page 4**

OTHER APPROVALS: Humboldt County CDP for the Bracut Maintenance Station improvements that require the waterline upgrade (only the water line is in the area of the Commission's retained

jurisdiction); Regional Water Quality Control Board Section 401 Water Quality Certification (pending); Army Corps of Engineers preliminary Section 404 authorization, dated November 8, 2005

SUBSTANTIVE FILE DOCUMENTS: CDP 1-02-07 (City of Eureka); CEQA Negative Declaration prepared by Caltrans July 20, 2005; Letter from Humboldt County Planning Department dated September 6, 2005; Copy of Humboldt County Division of Environmental Health memorandum, dated September 23, 2005; Correspondence from Department of Transportation, dated November 14 and December 20, 2005 providing additional information concerning the proposed project description and construction methods.

SUMMARY

Caltrans previously constructed substantial improvements at the Bracut Maintenance Station, located just east of Highway 101 north of Eureka and south of Arcata. The improvements were undertaken in the area of Humboldt County's Local Coastal Program jurisdiction, without benefit of a coastal development permit. Caltrans has explained that at the time of the construction, Caltrans representatives believed that because Caltrans is a state agency, no permits from the local government were required. Caltrans subsequently determined that a CDP from Humboldt County was necessary, and has applied for the necessary permits. A permit for the water line portion of the project, only, was approved by the County (Humboldt County CDP-05-18) on November 17, 2005 (the subsequent appeal period has expired).

Caltrans states (letter dated August 16, 2005) that the improvements at the maintenance station include a new mechanic's facility, new wash rack facility, enclosed equipment and materials storage, open canopies for material storage, crew room expansions, remodeling and re-allocation of existing facilities, yard regrading and repaving, sewage system upgrade, and installation of a storm water runoff control detention basin. Caltrans staff further noted that the work included cleanup of hydrocarbon-contaminated soils discovered at the site.

After the improvements were completed, the State Fire Marshall inspected the facility and determined that the existing water supply does not deliver adequate volume or pressure to meet fire suppression standards. To address this deficiency, Caltrans proposes to install a new 10-inch water line dedicated exclusively for fire suppression. The water line would run approximately 1,400 linear feet from the Caltrans facility, through a Caltrans easement across private pasturelands east of the facility, and terminate at the City of Eureka's existing Mad River Pipeline (as does the existing 4-inch line presently serving the facility). Most of the proposed run would traverse the area of the Commission's retained permit jurisdiction, hence the subject application

(CDP Application No. 1-05-038), in addition to the applications for County coastal development permits for the water line and improvements to the maintenance station.

The proposed 10-inch emergency supply line would traverse the same easement that contains the existing 4-inch water line presently serving the Bracut Maintenance Station. The existing line is an older type of pipe called Asbestos Concrete Pipe, which not only contains asbestos, but is brittle and can easily fracture when adjacent trenching is undertaken for construction of the new 10-inch line. Caltrans therefore proposes to replace the existing asbestos concrete line with a new 4-inch potable water supply line at the same time the proposed 10-inch line is installed, in the same trench. The existing concrete pipe would be abandoned in place, mapped, and capped with concrete at each end, in accordance with standards recommended by the Humboldt County Division of Environmental Health.

The existing 4-inch water line serving the Bracut Maintenance Station is presently metered by the City of Eureka. According to Caltrans, an adjacent private property owner taps off of the Caltrans waterline, and is metered privately by Caltrans through a 1.5-inch meter. Caltrans initially proposed to install a completely separate new 2-inch water line for the adjacent property owner, in the same trench that would be excavated for the Caltrans water line installation. Providing a separate water line for the Wilkins property would allow Caltrans to discontinue private metering and billing for the water use tapped from the Caltrans line; the City of Eureka would meter the new line after installation. The 2-inch line and meter would, however, potentially increase the water supply to the private property. To ensure that the supply is not increased above the existing baseline, which could result in growth-inducing effects and potentially be inconsistent with the requirements of Coastal Act Section 30250 (cumulative impacts), Caltrans has notified Commission staff verbally (December 27, 2005, per Richard Mullen, project manager, Caltrans) that Caltrans is amending the proposal to install a 1.5-inch water line for the neighboring property, instead of the originally-proposed 2-inch water line. Thus, the 1.5-inch metering will continue, albeit by the City of Eureka instead of Caltrans after the new lines and associated meters are installed pursuant to the pending coastal development permit application.

The route from the Bracut Station to the City of Eureka's Mad River Pipeline, where the new lines would tap from, runs through a grazed wetland and small watercourse within the area of the Commission's retained jurisdiction. Since the proposed project would be undertaken by a public agency, primarily to ensure the adequate delivery of water to suppress fire in accordance with the requirements of the State Fire Marshall, at an existing public facility, the fill/dredging expressly serves a public service purpose consistent with Section 30233(a)(5). To ensure that proposed project is undertaken in a manner protective of wetlands and water quality, a number of special conditions are recommended, as listed below. Staff concludes that the proposed development would be consistent with the applicable polices of Chapter 3 of the Coastal Act if conditioned as recommended.

STAFF NOTE

Standard of Review

The subject area of the proposed project (construction of new water lines; abandonment of old water line) is located within the Commission's area of retained permit jurisdiction. Humboldt County has a certified Local Coastal Program (LCP), but the proposed project is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

I. MOTION and RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion: I move that the Commission approve Coastal Development Permit 1-05-038, with conditions, pursuant to the staff recommendation.

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 the 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 either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

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

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or 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.

III. **SPECIAL CONDITIONS**

1. **PERMIT OBLIGATIONS:**

In accepting Coastal Development Permit 1-05-038, the permittee agrees and accepts that:

- A. If the approved project will be contracted out for implementation, it is the permittee's responsibility to ensure that the relevant bidding documents include the requirement that the contractor and any employees, subcontractors, agents, or other representatives of the contractor who are responsible for constructing any portion of the project, shall undertake such activities in full compliance with the project approved pursuant to Coastal Development Permit No. 1-05-038, including all terms and conditions attached to the permit by the Commission. A copy of CDP No. 1-05-038, and a copy of all final approved plans or other measures required to be completed prior to issuance of CDP No. 1-05-038, shall be attached to the bidding documents for reference by potential bidders.
- B. After the contract is awarded, it is the permittee's responsibility to verify that the selected contractor(s), subcontractor(s), or other parties designated to implement any portion of the project approved pursuant to CDP No. 1-05-038, are fully informed of the obligations of CDP No. 1-05-038, including all terms and conditions attached to the permit by the Commission. The permittee shall provide a copy of CDP No. 1-05-038, including the conditions of approval, and a copy of the final approved plans, to each contractor undertaking any portion of the development authorized pursuant to CDP No. 1-05-038.
- C. All activities associated with performing the development authorized by CDP No. 1-05-038 shall be undertaken in accordance with the terms and conditions of approval of the permit and with the final approved plans required by these conditions.

D. 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 Coastal Commission-approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

2. Monitoring, Briefing & Reporting Requirements

A qualified biologist employed or retained by the permittee and approved by the Executive Director (hereinafter "monitor") in writing not less than thirty (30) days prior to commencement of construction, shall be present when any activities are undertaken within 100 linear feet of the culvertized streamcourse east of the Bracut Maintenance Station. The monitor shall ensure that all de-watering and/or pumping activities, species or habitat enclosures or handling, fencing, erosion and water quality control measures are undertaken or placed properly and that all personnel comply with all requirements of Coastal Development Permit No. 1-05-038. The monitor shall notify the Executive Director not less than ten (10) working days prior to commencement of construction within this portion of the project site. The monitor shall maintain a log of all on-site briefings of personnel regarding the requirements of CDP No. 1-05-038 and shall additionally log any incidents of non-compliance with CDP No. 1-5-038 and immediately notify the Supervising or Resident Engineer and the Executive Director.

3. Final Project Plans

PRIOR to ISSUANCE of CDP 1-05-038: The applicant shall submit final, to-scale project plans prepared and stamped by a licensed civil engineer for the review and approval of the Executive Director.

The plans shall include or demonstrate that:

- A. Locations to be fenced to prevent intrusion into sensitive habitat;
- B. Location and limits of areas not closer than 100 linear feet from any watercourse or grazed wetlands east of the Bracut Maintenance Station, to be designated for equipment parking and materials staging/stockpiling (graded materials, gravel, etc.), and concrete mixing/washout activities (no re-fueling or concrete mixing or washout shall be allowed in any off-pavement areas, nor allowed to drain to areas downgradient of the paved areas at the Bracut Maintenance Station or other paved location authorized in the final approved plans);
- C. Location and limits of areas for the appropriate discharge of pH-neutral, de-chlorinated test water generated by testing and placing the new water lines in service, including measures to prevent erosion at the point of discharge (discharge into, or draining into, the culvertized watercourse on site shall not be allowed);
- D. Location and limits of the trench to be excavated, including cross sections, and the location and dimensions of the native material "plugs" that will be preserved or placed at intervals up and down-gradient of the culvertized watercourse crossing, and

adjacent and below the culvert when it is re-seated after the new lines are installed, in sufficient number and location to protect against inadvertent creation of a drainage system that would adversely affect the wetlands or watercourse;

- E. Location and limits of sediment basin for potential use during de-watering of culvert crossing area;
- F. Revised plans to change the proposed 2-inch water pipeline to serve the Wilkins property to a 1.5-inch pipeline;
- G. Detailed construction specifications to undertake construction in the portion of the trench and pipeline installation crossing the culvert area of the watercourse, and return culvert to service.
- H. Any grazed seasonal wetland areas disturbed by construction materials and equipment staging shall be de-compacted and reseeded following project completion, and the plan shall include a narrative description of the methods to be used for decompacting disturbed areas and the seed mix to be utilized;
- I. Access routes shall be limited to the minimum necessary and shall be delineated on the plan. Portions of access routes within wetlands that are excessively wet or soft shall be covered with: (a) heavy synthetic mats or other acceptable non-toxic material that can be readily laid down along equipment access routes and immediately removed following construction and (b) shall be the minimum width and length necessary to allow movement of equipment to and from the project site.
- J. The plan shall include evidence to demonstrate that the applicant has obtained all legal right, interest, or entitlement to use the property that will be used for staging activities and access routes consistent with all conditions of CDP No. 1-05-038. The plan shall also include evidence demonstrating that all necessary state and local regulatory approvals have been obtained.

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.

4. Final Plan: Asbestos Concrete Pipe Abandonment.

Within ninety (90) days following completion of construction, the permittee shall prepare, and submit copies as required below, a to-scale, "as-built" plan of the footprint of the existing Asbestos Concrete Pipe water line presently serving Caltrans, from the point of connection to the Mad River Pipeline to the point of termination at Bracut Maintenance Station, and any taps thereof, including cross sections. The plan shall be derived from on-site location information derived during excavation of the trench for the new water lines. The plan shall include the locations of the concrete plugs placed to seal all termination points of the abandoned line, and shall be prepared and stamped by a licensed civil engineer. The plan shall also show the locations of the new water lines constructed in accordance with CDP 1-05-038. Caltrans shall permanently retain a copy of the resultant as-built plan, and shall provide full-sized copies to the Humboldt

County Division of Environmental Health, and to the Executive Director for the project file. Caltrans shall also provide each recipient with a reduced set of the plans, for file reference.

5. Final Plan: Water Line Testing and Wastewater Containment & Disposal

PRIOR to ISSUANCE of CDP 1-05-038: The applicant shall submit a final plan for the review and approval of the Executive Director for testing and placing in service the water lines installed pursuant to CDP 1-05-038. The plan shall include: a) detailed outline of the steps the selected contractor shall implement to pressure test and chlorinate the new lines, including specific measures to subsequently dechlorinate the residual water in the lines, and to prevent discharge of chlorinated water in any location that drains to the watercourse and grazed wetlands east of the Bracut Maintenance Station, and measures to neutralize or properly dispose of any residual superchlorinated effluent generated by testing and treating the pipelines.

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.

6. Timing of Construction

All development, as defined in Section 30106 of the Coastal Act, must be undertaken during the dry season between June 15 and October 15.

7. Construction Methods

All pipeline construction shall be performed consistent with the following provisions, and no changes to these procedures shall be authorized without a Coastal Commission-approved amendment to this permit:

- A. Backfill within the pipeline trench in the grazed seasonal wetlands shall include only the native material excavated from the trench. In areas where the native substrate is of a composition that would not support the weight of the pipeline (e.g. organic material), engineered backfill may be placed to support the pipeline but shall be limited to the location(s) where it is specifically required. All required engineered backfill shall be placed below at least six inches of native topsoil.
- B. The top six inches (6") of excavated material within grazed seasonal wetlands (which contains the root masses, rhizomes, seeds, and accumulated organic material of the vegetation that dominates these seasonal wetlands) shall be separately stockpiled by the contractor, and the contractor shall assure that this

stockpiled soil material is kept moist and that the material is restored to the trench as soon as is feasible. This topsoil material shall be reintroduced as the top fill material in the restored trench section.

- C. Following the completion of backfilling and equipment removal, the contractor shall sow the construction corridor and any other disturbed sites, including any construction access routes within the grazed seasonal wetlands not following established roadways, with a commercially available seed mixture composed of the same grass species that dominate the perennial grasslands at the present time.
- D. The contractor shall implement erosion control techniques around the temporarily stored spoil material and shall deploy artificial containment (such as coir rolls or straw bales) around temporary settling basins to which water from the trench will be pumped during dewatering activities.
- E. At the culvertized crossing of the watercourse east of the Bracut Maintenance Station, the contractor shall deploy silt curtains within the water features up- and down-gradient of the culvert crossing area construction corridor, extending from the water surface to the channel bottom, anchored to the channel bottom and secured on each bank.
- F. Prior to commencement of construction within the watercourse area pursuant to "E" above, a qualified biologist shall determine whether any fish are present, and if so, shall remove the fish via seining and/or electrofishing consistent with requirements of the Department of Fish and Game. All captured fish shall be removed, transferred to a "live bucket," and transported to a location in the same water body away from the construction site, where the hydrology and salinity will support fish survival during the period of construction that will affect the watercourse.
- G. At the watercourse crossing, backfill within the pipeline trench shall include only the native material excavated from the trench. In areas where the native substrate is of a composition that would not support the weight of the pipeline (e.g. organic material), engineered backfill may be placed to support the pipeline but shall be limited to the location(s) where it is specifically required. All required engineered backfill shall be placed below at least six inches of native topsoil. In addition to replacing native material in the streambed and banks, the contractor shall place washed gravel of sizes adequate to withstand local water velocities on the streambed to prevent the pipeline from becoming exposed from erosion of the overlying backfill material.
- H. The top six inches (6") of excavated material (which contains the root masses, rhizomes, seeds, and accumulated organic material of the streambank vegetation) shall be separately stockpiled by the contractor, and the contractor shall assure that this stockpiled soil material is kept moist and that the material is

restored to the streambanks as soon as is feasible. The contractor shall restore the original streambed and streambank contours following construction. The streambanks shall be revegetated to restore pre-construction conditions. Any coarse woody debris present at the crossing location prior to construction shall be replaced. The disturbed area of the affected watercourse shall be restored as soon as feasible following the completion of construction, but in no case later than October 15 of the year of disturbance of the affected area of watercourse.

- I. All project activities that must be undertaken during de-watering management of the watercourse and culvert site shall be compressed into the shortest time possible, and shall only commence when continuous work days will allow full completion and elimination of dewatering activities before a pause in construction (such as a weekend if work will cease or be limited during the weekend) to minimize disturbance and to ensure that de-watering management is supervised continuously.

8. Soil Broadcasting and Site Grading

A qualified engineer shall be on site during final grading and recontouring activities to ensure that the construction corridor is graded and recontoured consistent with the elevation of the adjacent grazed seasonal wetlands and that no depressions, ridges, or mounds result.

9. Debris Disposal Plan

- A. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the permittee shall submit, for the review and approval of the Executive Director, a plan for the disposal of excess construction related debris, including excess soil from the construction of the trench. The plan shall describe the manner by which the material will be removed from the construction site and identify a disposal site that is in an upland area where materials may be lawfully disposed.
- 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.

10. Grazed Seasonal Wetland Vegetation Monitoring

The permittee shall submit a vegetation monitoring report for the review and written approval of the Executive Director within 18 months after completion of construction of the portion of the water pipelines approved under CDP No. 1-05-038. The monitoring report shall be prepared by a qualified biologist or botanist and shall evaluate whether the objective of reestablishing vegetation in the grazed seasonal wetland areas and watercourse crossing impacted by project construction to a level of coverage and

density equivalent to vegetation coverage and density of the surrounding undisturbed areas has been achieved. If the report indicates that the revegetation of any of the disturbed areas including the construction corridor and staging areas or access routes has not been successful, in part, or in whole, the permittee shall submit a revised revegetation program to achieve the objective. The revised revegetation program shall require an amendment to this coastal development permit.

11. Implementation of Storm Water Pollution Prevention Plan

PRIOR TO THE ISSUANCE OF CDP No. 1-05-038, the applicant shall submit a Storm Water Pollution Prevention Plan for the review and approval of the Executive Director. All project activities shall be undertaken 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 plans shall occur without a Coastal Commission-approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

12. Area of Archaeological Significance

- A. In accordance with the applicant's proposal, and due to the proximity of the proposed project to an area of known cultural significance, a Native American Monitor will be present during all ground-disturbing activities;
- B. If an area of cultural deposits is discovered during the course of the project all construction shall cease and shall not recommence except as provided in subsection (c) hereof; and a qualified cultural resource specialist shall analyze the significance of the find;
- C. A permittee seeking to recommence construction following discovery of the cultural deposits shall submit a supplementary archaeological plan for the review and approval of the Executive Director;
- D. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director;
- E. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

13. Department of Fish and Game Approval

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall submit a copy of any necessary Section 1603 Streambed Alteration Agreement or other approval

required by the Department of Fish and Game for the project, or written evidence from the Department of Fish and Game stating that no approval is required for the development proposed pursuant to CDP No. 1-05-038. The applicant shall inform the Executive Director of any changes to the project required by the Department of Fish and Game. 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

1. Background, Site and Project Description

Caltrans operates a road maintenance station (Bracut Maintenance Station) just east of U.S. Highway 101, several miles north of Eureka, and south of Arcata. Caltrans previously constructed substantial improvements at the station, within the area of Humboldt County's certified Local Coastal Program. As the result of confusion of Caltrans staff regarding the need to seek coastal permits from the local government, substantial improvements were undertaken in the area of Humboldt County's Local Coastal Program jurisdiction, without benefit of a coastal development permit. Discovering subsequently that such permits were needed, Caltrans applied to Humboldt County for the necessary coastal development permits. A permit for the water line portion of the project, only, was approved by the County (Humboldt County CDP-05-18) on November 17, 2005 (the subsequent appeal period has expired); the remaining application for the maintenance station improvements remains pending.

Caltrans states (letter dated August 16, 2005) that the improvements at the maintenance station include a new mechanic's facility, new wash rack facility, enclosed equipment and materials storage, open canopies for material storage, crew room expansions, remodeling and re-allocation of existing facilities, yard regrading and repaving, sewage system upgrade, and installation of a storm water runoff control detention basin. Caltrans staff further noted that the work included cleanup of soils contaminated with hydrocarbons that were discovered at the site.

Caltrans explained that after the improvements were completed, the State Fire Marshall inspected the facility and determined that the existing water supply does not deliver adequate volume or pressure to meet fire suppression standards. To address this deficiency, Caltrans proposes to install a new 10-inch water line dedicated exclusively for fire suppression. The water line would run approximately 1,400 linear feet from the Caltrans facility, through a Caltrans easement across private pasturelands east of the facility, and terminate at the City of Eureka's existing Mad River Pipeline (as does the existing 4-inch line presently serving the facility). Most of the proposed run would traverse the area of the Commission's retained permit jurisdiction, hence the subject application (CDP Application No. 1-05-038), in addition to the coastal permit from the County for the portion of the water lines terminating in area of the site subject to the County's coastal permit authority, and the pending

application to the County for a coastal development permit for the maintenance station improvements.

The proposed 10-inch emergency supply line would traverse the same easement that contains the existing 4-inch water line presently serving the Bracut Maintenance Station. The existing line is an older type of pipe called Asbestos Concrete Pipe, which not only contains asbestos, but is brittle and can easily fracture when adjacent trenching is undertaken for construction of the new 10-inch line. Caltrans therefore proposes to replace the existing asbestos concrete line with a new 4-inch potable water supply line at the same time the proposed 10-inch line is installed, in the same trench. The existing concrete pipe would be abandoned in place, mapped, and capped with concrete at each end, in accordance with standards recommended by the Humboldt County Division of Environmental Health.

The existing 4-inch water line serving the Bracut Maintenance Station is presently metered by the City of Eureka. According to Caltrans, an adjacent private property owner taps off of the Caltrans waterline, and is metered privately by Caltrans through a 1.5-inch meter. Caltrans initially proposed to install a completely separate new 2-inch water line for the adjacent property owner, in the same trench that would be excavated for the Caltrans water line installation. Providing a separate water line for the Wilkins property would allow Caltrans to discontinue private metering and billing for the water use tapped from the Caltrans line; the City of Eureka would meter the new line after installation. The 2-inch line and meter would, however, potentially increase the water supply to the private property. To ensure that the supply is not increased above the existing baseline, which could otherwise result in growth-inducing effects and potentially be inconsistent with the requirements of Coastal Act Section 30250 (cumulative impacts), Caltrans has notified Commission staff verbally (December 27, 2005, per Richard Mullen, project manager, Caltrans) that Caltrans is amending the proposal to install a 1.5-inch water line for the neighboring property, instead of the originally-proposed 2-inch water line. Thus, the 1.5-inch metering will continue, albeit by the City of Eureka instead of Caltrans after the new lines and associated meters are installed pursuant to the pending coastal development permit application. **Special Condition 3** requires that this change be incorporated into the final plans to be submitted for review and approval of the Executive Director.

The route from the Bracut Station to the City of Eureka's Mad River Pipeline, where the new lines would tap from, runs through a grazed wetland pastureland and small watercourse within the area of the Commission's retained jurisdiction. Most of the run of the existing water line corridor traverses grazed and tilled seasonal wetlands (diked former tidelands) that are used for pastureland grazing and occasional tillage for hay production. The trench (and lines) will traverse a shallow watercourse, which may have been a manmade feature associated with draining the wetlands originally for agricultural purposes, that is only a few feet wide and filled with slow moving or standing water. The water sources include moderate tidal influence (from leaky tidal

gates), groundwater seepage, and sheetflow runoff from adjacent pastureland and upgradient properties, depending on the season and tidal conditions.

The wetlands and watercourse have been surveyed in the appropriate seasons by Caltrans biologists to evaluate the potential presence of sensitive species. No rare plants were detected within the area proposed for temporary disturbance; several dead stickleback fish were discovered in the streamcourse in October 2004, and according to Caltrans likely entered the area through leaking tidal gates at high tide at some point in the previous summer. Caltrans has surveyed the points of connection of the watercourse with tidal tributaries from Humboldt Bay and the adjacent slough systems, and found that the watercourse is sealed off by tidal gates at all times, limiting tidal influence, as stated, to the occasional overtopping by high tides, or leakage.

Only temporary disturbance to the wetlands would occur during construction activities, and restoration of all disturbed areas is proposed by Caltrans immediately after completion of the pipeline installation work. According to Caltrans, work in the culvertized area of the watercourse will be completed within approximately 24 hours of commencement of construction activities in that area; the overall project will require approximately two weeks. Moreover, all construction will occur during the late summer dry season to further minimize disruption by undertaking the work when rainfall runoff is minimal in the adjacent watercourse and the pasturelands are relatively dry.

Caltrans proposes to excavate an approximately 1,400-ft.-long, 5-ft.-wide, 5-ft.-deep trench along the easement corridor between the Bracut Maintenance Station and the Mad River Pipeline to the east. Construction of the trench will include approximately 1,146 cu. yds. of excavation of native soils, fill (return to trench) of approximately 742 cu. yds. of native soils, import of approximately 404 cu. yds. of sand (for placement in the bottom 2.5 ft. portion of the trench along much of the corridor, to ensure sufficient support for the weight of the new lines) and export of the remaining 404 cu. yds. of native soils. The total grading is approximately 3,100 cu. yds.

The water line serving the Caltrans facility is an aging Asbestos Concrete Pipe (AsCP). Caltrans determined that installing the fire supply line in the same trench would likely cause damage to the existing pipe, and therefore proposes to install a new potable water line to replace the existing line at the same time the new fire suppression line is installed. In addition, as discussed previously, the proposed project includes installation of separate water line for the adjacent property owner, to be placed in the same trench with the other lines proposed by Caltrans.

Thus, the existing 4-inch potable water line will be replaced with a new 4-inch line, a new 10-inch line will be installed exclusively for fire suppression purposes at the Bracut Maintenance Station, and the existing 1.5-inch metered tap of the Caltrans 4-inch water line will be replaced by a separate 1.5-inch water line back to the Mad River

Pipeline, and will subsequently be metered directly by the City of Eureka utilizing a 1.5-inch meter.

The County Division of Environmental Health requests that the Asbestos Concrete Pipe (AsCP) be abandoned properly in place, including supervision of the abandonment process by the site construction engineer (a Caltrans employee), accurate mapping and archival recordation of the existing (to be abandoned) AsCP lines, and sealing and capping with concrete any visible broken or cracked areas – and the ends of - the AsCP line. These requirements are addressed in **Special Condition 4**.

At a site visit in October 2005, Caltrans staff indicated that during construction of the new waterlines, tablets of chlorine would be placed inside the new sections of pipeline as the sections are placed in the trench during installation. The lines would then be pressure tested, in sections, with superchlorinated water to check pipeline integrity and to disinfect the new lines before placing the lines in service. The concern raised by this new information was that the test procedure could potentially discharge highly chlorinated waters into the wetland channel and pasturelands traversed by the new pipeline, thus adversely affecting wetland habitat and coastal waters. As a result, Caltrans revised the project description to incorporate pressure testing of the new lines with non-chlorinated water, and subsequent chlorination to clean the new potable water lines only after pipeline integrity has been established. This procedure will minimize the risk of release of chlorinated waters to wetland areas traversed by the new pipelines.

The proposed project will not affect public coastal visual, recreation, or public access resources.

2. Filling and Dredging in Coastal Waters and Wetlands

The proposed project includes various activities that are a form of filling and dredging in wetlands. The main portion of the project involves excavating a trench within grazed seasonal wetlands, and across a shallow watercourse at the foot of the grazed pasturelands, for the installation of three water pipelines. The excavated trench would be backfilled with the sand at the lower levels of the trench (bottom 2.5 feet) and with native material above that layer. In designated areas of the trench, up and down gradient of the watercourse the trench traverses, and on the lateral shoulders of the trench where on either side of the culvert in the watercourse, plugs of native material would remain, or backfill would be comprised entirely of native material. Caltrans amended the proposed project description to add this feature as protection against inadvertent creation of a drainage system that would function as a “French drain” adjacent to the wetlands habitat (**Special Condition 3** requires incorporation of this change in the final project plans). The pastureland wetlands have historically been

highly disturbed, and are presently used for grazing, and are tilled annually for production of a hay crop. No permanent loss of the wetlands would occur.

In total, the proposed project involves the temporary disturbance of approximately 6,000 square feet of grazed wetlands and approximately 35 square feet of watercourse (where an existing culvert would be temporarily removed and pipelines installed below the culvert footprint, with the same culvert returned to place immediately thereafter). The areas to be temporarily disturbed by construction activities are proposed to be restored to wetlands upon completion of the pipeline installation work, and as specified by **Special Conditions 7, 8 and 10**. Coastal Act Section 30233 allows filling and dredging in wetlands only where there is no feasible less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and where the project is limited to one of eight specified uses. Additionally, Coastal Act Sections 30230 and 30231 address protection of the biological productivity and water quality of the marine environment from the impacts of development.

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:

...

(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 states, in applicable part:

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 of the Coastal Act addresses the protection of coastal water quality and marine resources in conjunction with development and other land use activities. Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms

and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantially interference with the surface water flow, encouraging, wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. (emphasis added)

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

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

A. Permissible Use for Fill

The first test set forth above is that any proposed filling, diking or dredging in wetlands must be for an allowable purpose as specified under Section 30233 of the Coastal Act. The relevant category of use listed under Section 30233(a) that relates to the proposed construction of the water pipeline 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/dredging is for an incidental public service purpose, the Commission must first determine that the proposed filling/dredging is for a public service purpose. The primary purpose of the project involves installing a water pipeline adjacent to an existing water line within an existing easement that serves the Caltrans Bracut Maintenance Station, and incidentally, tapped off the same line, an adjacent property. The pipeline would be installed by the Caltrans parallel to the existing pipeline, which delivers an inadequate supply of water for emergency fire fighting purposes, according to the State Fire Marshall, as cited by Caltrans. In addition, the existing pipeline (which serves potable water supply both to Caltrans and an adjacent property owner) is comprised of an aging, Asbestos Concrete Pipe. That material is considered substandard, and is prone to cracking while the trench to install the new firefighting supply line is installed. Caltrans therefore proposes to replace that line with a new potable water supply line at the same time, and to abandon the existing line in place. While the trench is open, a separate supply line (1.5-inch) would also be

installed to serve the property presently tapped off the line that will be abandoned. Therefore, since the proposed project would be undertaken by a public agency, primarily to ensure the adequate delivery of water to suppress fire in accordance with the requirements of the State Fire Marshall, at an existing public facility, the Commission finds that the fill/dredging expressly serves a public service purpose consistent with Section 30233(a)(5).

The Commission must next determine if the fill/dredging is for an "incidental" public service purpose. The project would not result in an increase in the amount of potable water used, result in an expansion of the City's service area, or the formation of a new special district. Rather, the project would only establish a source of fire fighting water should an emergency arise, and would otherwise only supply the same potable water capacity as presently exists. Therefore, the Commission finds that the installation of the pipeline is incidental to the existing water system as the pipeline construction will only improve the reliability of the existing water delivery system and provide a backup source of water to fight fire should an emergency arise. The proposed project does not expand service to areas not already served by the existing system, or increase the existing supply/capacity.

Furthermore, because the proposed project involves temporary excavation and placement of a pipeline and associated temporary fill for watercourse crossings and construction staging activities necessary to construct the pipeline, the project constitutes burying pipe, which is an activity specifically listed in Section 30233(a)(5) as an incidental public service purpose for which filling and dredging in wetlands is allowed.

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

B. Alternatives Analysis

The second test set forth by the Commission's fill policies is that the proposed fill project must have no feasible less environmentally damaging alternative. 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.'

Caltrans proposes to install the water supply lines within a trench that would be opened within the existing easement containing the existing pipeline. The route is the most direct route between the main Mad River Pipeline and the primary facility that would be served. There is no other route that would lessen the extent of trenching necessary to undertake the proposed project. Slant drilling beneath the shallow watercourse at the foot of the slope descending to the grazed wetlands would not minimize impacts to the

watercourse because the increased size of the take-off and emergence excavation areas would exceed the area of the watercourse that must be dewatered to remove the existing culvert, trench beneath it, install the lines, and replace the culvert. The “no project alternative” would not supply adequate fire suppression water in accordance with the State Fire Marshall’s requirements. The Commission finds, as discussed below, that there is no feasible less environmentally damaging alternative to the project as conditioned. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative as required by Section 30233(a).

C. Feasible Mitigation Measures

The third test set forth by Section 30233 is whether feasible mitigation measures have been provided to minimize adverse environmental impacts. The pipeline would be located within grazed seasonal wetlands and would cross a shallow watercourse east of the maintenance station, at the foot of the slope descending into the grazed wetland pasturelands. Caltrans biologists have surveyed the subject area and determined that while wetland habitat exists, no sensitive species are present that could be adversely affected by project construction. Nevertheless, Caltrans proposes a number of preventative measures to ensure that if fish or amphibian species should be present at the time of construction (scheduled for the driest season, June 15 – October 15), dewatering of the watercourse will be coordinated with measures to relocate fish or amphibian species, and water pumping will be undertaken in a manner that avoids impacts to fish. These and other measures set forth in **Special Conditions 2, 3, 5, 7, 8, 10, and 11** will ensure that the project is implemented in a manner protective of sensitive habitat and water quality.

(1) Wetland Habitat

(a) Seasonal Wetlands

The proposed project includes various activities that are a form of filling and dredging in wetlands. The main portion of the project involves excavating a trench within grazed seasonal wetlands, and across a shallow watercourse at the foot of the grazed pasturelands, for the installation of three water pipelines. The excavated trench would be backfilled with the sand at the lower levels of the trench (bottom 2.5 feet) and with native material above that layer. In designated areas of the trench, up and down gradient of the watercourse the trench traverses, and on the lateral shoulders of the trench where on either side of the culvert in the watercourse, plugs of native material would remain, or backfill would be comprised entirely of native material. Caltrans amended the proposed project description to add this feature as protection against inadvertent creation of a drainage system that would function as a “French drain” adjacent to the wetlands habitat (**Special Condition 3** requires incorporation of this change in the final project plans). The pastureland wetlands have historically been highly disturbed, and are presently used for grazing, and are tilled annually for production of a hay crop. No permanent loss of the wetlands would occur.

In total, the proposed project involves the temporary disturbance of approximately 6,000 square feet of grazed wetlands and approximately 35 square feet of watercourse (where an existing culvert would be temporarily removed and pipelines installed below the culvert footprint, with the same culvert returned to place immediately thereafter). The areas to be temporarily disturbed by construction activities are proposed to be restored to wetlands upon completion of the pipeline installation work, and as specified by **Special Conditions 7, 8 and 10**.

The project site was originally subject to tidal action, but like much of the land around Humboldt Bay, the site was diked off decades ago and reclaimed for agricultural use. Due to its low elevation, the project area is subject to seasonal ponding from rain and runoff and also has a high groundwater table. Leaking tidal gates also allow some intrusion of brackish water at high tides. The wetland vegetation on the site is not particularly abundant or diverse in comparison with other wetland habitats around Humboldt Bay because of its current and historic use as pasture for cattle grazing. Nonetheless, the area does provide some wetland habitat including foraging habitat for a diversity of water-associated wildlife including waterfowl, wading birds, and shorebirds.

The wetlands also function to provide a certain degree of water quality protection, as they temporarily detain rainwater runoff and allow for the removal of impurities entrained in stormwater flowing over the pasture lands.

Special Conditions 1, 7, 8, and 10 require Caltrans to restore all of the grazed seasonal wetlands disturbed by project construction to pre-project conditions by recontouring the construction corridor to approximate the original grade, replacing the original topsoil in the trench, and decompacting and reseeding the construction corridor as described below.

To ensure that seasonal wetland habitat and functions are restored following project construction, the special conditions require Caltrans to separately stockpile the top six inches of excavated material, which contains the root masses, rhizomes, seeds, and accumulated organic material of the vegetation that dominates the seasonal wetlands. Caltrans would also sow the completed pipeline trench location and all areas in which equipment and subsoil materials would be placed with a commercially prepared seed mixture composed of the same grass species that dominate the area to restore existing wetland foraging habitat. The grazed seasonal wetlands have been diked off from the tidal influence of Humboldt Bay and used for agricultural grazing for well over 100 years and thus, the dominant grass species in the area consist largely of introduced species that have a high value for livestock foraging. By restoring the native topsoil and reseeding the construction corridor, the vegetation common to the area would rapidly reestablish to pre-project conditions.

Approximately half of the excavated subsoil material would be replaced within the trench. However, because the pipeline would occupy a volume within the trench that would no longer be available for soil, and because the Caltrans geotechnical staff indicate that a sublayer of sand is necessary to ensure that the pipelines are adequately supported, there would be some excess soil material (approximately 400 cu. yards). **Special Condition 9** requires preparation of a final plan for debris disposal, including excess soil from the trench, to ensure that the material is properly disposed without adverse effects, such as sedimentation of waterways, that may result from improper dumping of such material.

The land surface elevation along the trench at the completion of construction would be approximately the same as the land surface elevation prior to construction, which would maintain the existing hydrological functions of the wetlands. The Commission finds that if the material were not graded and scarified properly, variations in the topography and elevation of the construction corridor could occur relative to the adjacent wetlands that may result in alterations to the hydrology of the seasonal grazed wetlands. These wetlands are essentially flat and are largely fed through a high groundwater table and seasonal rainfall. Depressions, mounds, or ridges could result in changes to water runoff and retention if graded improperly. Therefore, to ensure that the hydrology of the seasonal grazed wetlands is maintained, the Commission attaches **Special Condition No. 8** which requires that a qualified engineer be on site during final grading and recontouring activities to ensure that construction corridor is graded and recontoured consistent with the elevation of the adjacent grazed seasonal wetlands and that no depressions, ridges, or mounds result.

To ensure that the construction area through the seasonal wetlands is revegetated to pre-project conditions as proposed, the Commission attaches **Special Condition No. 10** that requires Caltrans to submit a monitoring report to the Executive Director within 18 months following completion of the water pipeline. The monitoring report must be prepared by a qualified biologist or botanist and must evaluate whether the objective of reestablishing vegetation in areas of project construction to a level of coverage and density equivalent to vegetation coverage and density of surrounding undisturbed areas has been achieved. If the report indicates that the revegetation of the disturbed areas following reseeding has not been successful, in part, or in whole, the applicant is required to submit for the review and approval of the Executive Director a revised reseeding program to achieve the objective. The revised reseeding program shall require an amendment to this coastal development permit.

Excavation of the trench and temporary stockpiling of the material has the potential to result in sediment mobilization, both at the time of construction and during the subsequent rainy season. The measures discussed in Finding (c)(4) below on protection of water quality and the proposed reseeding of the construction corridor would minimize sediment mobilization into adjacent wetlands both at the time of construction and following the onset of the fall rains.

To further minimize significant adverse impacts to the seasonal wetlands and the potential for sediment mobilization, Caltrans proposes to limit project construction to the dry season, or June through October. This seasonal limit on construction is required by **Special Condition No. 6** to ensure that no development occurs outside of the dry period identified as June 15 to October 15.

Although project construction is proposed and conditioned to occur during the dry season, there may be areas along the pipeline alignment that may be excessively wet or soft and unable to support construction equipment. In the event that such areas are encountered during project construction, **Special Condition 3** requires Caltrans to utilize temporary stabilization materials such as reinforced construction stabilization mats, or gravel temporarily placed on an underlying geotextile fabric. The use of stabilizing materials would minimize compaction impacts to the wetlands from construction equipment. **Special Condition No. 3** requires that this construction method be implemented, that access routes be the minimum width necessary to allow movement of equipment to and from the project site, and that all stabilizing materials be removed entirely following project construction.

Special Condition No. 3 further requires that the plan include evidence to demonstrate that the City has obtained all legal right, interest, or entitlement to use the property for the proposed staging activities and access routes and has obtained the authority to comply with all conditions of CDP No. 1-05-038 and evidence demonstrating that all necessary regulatory approvals have been obtained (**Special Condition 13** specifically requires evidence that California Department of Fish and Game has either issued a stream alteration agreement, or has provided written evidence that no such agreement will be required for the development approved pursuant to CDP No. 1-05-038).

Caltrans' biologist anticipates that the temporary disturbance to the watercourse site would not require re-planting but that the site would demonstrate successful natural colonization by wetland plants within the first year following construction. Due to the wet winter climate and the vigorous nature of the wetland vegetation growing contiguous to the proposed mitigation site, the site has a high likelihood of quickly establishing wetland vegetation. To ensure that natural colonization of wetland species occurs as proposed, **Special Condition 10** requires Caltrans to monitor the success of revegetation and to take adaptive management measures (subject to an amendment to the Coastal Development Permit) if revegetation has not been successful.

As noted, the subject development requires temporary disturbance of a watercourse intersected by the proposed pipeline corridor. Thus, the project also requires a Section 1600 Streambed Alteration Agreement from the Department of Fish and Game. To ensure that the project incorporates any additional terms and conditions imposed by the DFG permit, **Special Condition No. 13** requires Caltrans to submit a copy of the Section 1603 agreement obtained from the Department of Fish and Game prior to commencement of construction, or written evidence that CDFG will not require such an agreement for the subject development.

As conditioned, the project includes all feasible mitigation measures to minimize all significant adverse impacts consistent with Section 30233 of the Coastal Act.

(2) Sensitive Plant Species

A rare plant assessment was prepared for the project entitled by Caltrans biologists. No sensitive plant species were identified within the limits of the project area.

(3) Water Quality

As discussed above, the proposed project involves construction in and adjacent to a shallow watercourse intersecting the pipeline alignment. Potential adverse impacts to the water quality of these water bodies could occur in the form of sediment disturbance and transport and from the discharge of groundwater and chlorinated pipeline flushing water.

Caltrans revised the original project proposal, which would have tested the structural integrity of the new pipelines with superchlorinated water inside, with a proposal to test the lines with non-chlorinated water and to then chlorinate the new potable water lines, to disinfect the lines prior to placing in service, only after the integrity of the pipelines has been demonstrated. Caltrans further indicates that any chlorinated water that must be discharged to pasturelands or areas that may drain to pasturelands would be dechlorinated to levels advised by the Regional Water Quality Control Board prior to such discharge. In no case would Caltrans discharge the dechlorinated or other test waters into the watercourse traversed by the pipeline trench below the watercourse). In this way, potential discharge of chlorinated water to sensitive waterways and wetland habitat would be avoided.

As described above, Caltrans proposes specific measures to de-water the section of the watercourse through which the pipeline must be placed for a short period of time (approximately 24 hours) necessary to undertake this phase of the overall construction. The project would include placement of sediment curtains and sandbags, and installation of pumping systems to dewater the construction area into a sediment basin constructed within the adjacent field (grazed wetland). To ensure that the final project plans fully incorporate all measures necessary to undertake this phase of the project in a manner protective of sensitive habitat and water quality, and to ensure that any fish or amphibian species present (not expected) are relocated and protected, **Special Conditions 3 and 7** contain specific provisions that must be incorporated into final project plans and implemented as construction practices. Finally, the special conditions discussed above require restoration of the project area to pre-construction conditions, stabilization of soils, and construction during the dry season to minimize disturbance. In addition, **Special Condition 11** requires the applicant to submit a Storm Water Pollution Prevention Plan or the equivalent for the review and approval of the Executive Director, which will incorporate the best management practices for water quality protection in accordance with Caltrans standard practices under law.

Section 30412 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 Regional Water Quality Control Board (RWQCB) about permitting requirements and potential impacts resulting from the proposed project. The requirements of Special Condition 11 and other special conditions are consistent with the recommendations made to Commission staff by staff of the RWQCB during consultations on the project. The proposed project requires a Section 401 Water Quality Certification from the RWQCB. The RWQCB has not yet acted on this required approval at the time of the writing of this staff report, and therefore, conditions and/or BMPs required by the Commission to minimize adverse impacts to water quality from the proposed pipeline construction activities would not conflict with actions of the RWQCB pursuant to the requirements of Coastal Act Section 30412.

Therefore, as conditioned, the Commission finds that the biological productivity and quality of coastal waters will be maintained and the project, as conditioned, is consistent with Sections 30230 and 30231 of the Coastal Act.

D. Maintenance and Enhancement of Marine Habitat Values

The fourth general limitation set by Section 30233 and 30231 is that any proposed dredging or filling in coastal wetlands must maintain and enhance the biological productivity and functional capacity of the habitat, where feasible.

As discussed above in the section of this finding on least environmentally damaging feasible alternatives and mitigation, the conditions of the permit will ensure that the project will not have significant adverse impacts on the water quality of various watercourses within the project area and will ensure that the construction of the water pipeline will not adversely affect the biological productivity and functional capacity of the wetland environments through which the pipeline will be constructed. Therefore, the Commission finds that the project, as conditioned, will maintain the biological productivity and functional capacity of the habitat consistent with the requirements of Section 30233, 30230, and 30231 of the Coastal Act.

E. Conclusion

The Commission thus finds that the proposed dredging and filling is an allowable use under Section 30233(a) of the Coastal Act, that there is no feasible less environmentally damaging alternative, that feasible mitigation is required to minimize all significant adverse impacts associated with the dredging and filling of coastal wetlands, and that wetland habitat values will be maintained or enhanced. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Sections 30233, 30230 and 30231 of the Coastal Act.

3. Potential Growth Inducing Impacts

Coastal Act Section 30250(a) states in pertinent part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Coastal Act Section 30254 states as follows:

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 permitted 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.

Section 30250 of the Coastal Act encourages new development to occur where public services are available. Section 30254 of the Act provides that new public works facilities be designed and limited to accommodate needs generated by development consistent with the Act. Special districts are not to be formed except where the proposed service wouldn't induce new development inconsistent with the Act.

The installation of the proposed new water pipeline parallel to the existing water pipeline would increase Caltrans' ability to reliably deliver adequate volume and pressure of fire suppression water to its Bracut Maintenance Station under emergency conditions. The new water supply afforded by the proposed new 10-inch fire-fighting water line would be exclusively dedicated for this purpose and would not supply additional potable water to the facility. The new 4-inch water line would only replace the existing 4-inch water line that is comprised of aging Asbestos Concrete Pipe. An adjacent private parcel presently takes water from the existing Caltrans potable water line, via a short tap and a 1.5-inch meter. A separate line of the same size would be placed in the excavated

trench to provide separate metering by the City of Eureka after the project is completed. No increase in potable water supply to the adjacent private property would occur as the result of the proposed project.

Therefore, the Commission finds that the proposed project is consistent with Coastal Act Sections 30250 and 30254 because the water lines are designated only to supply fire suppression water via a dedicated source, and to replace the existing potable water lines to provide the same service capacity presently afforded by the aging water line that would be abandoned as part of the proposed project. Thus the proposed project is designed and limited to only accommodate needs generated by development permitted consistent with the Act and by the County of Humboldt, would not increase the amount of water used, result in an expansion of the City's service area, or the formation of a new special district.

4. Archaeological and Cultural Resources

Coastal Act Section 30244 provides protection of archaeological and paleontological resources and requires reasonable mitigation where development would adversely impact such resources. According to Caltrans, a search of state records of cultural resources in the area yielded no evidence of archaeological resources within the pipeline corridor. However, the Bracut area does have cultural remains in areas not specifically identified to protect against vandalism. To ensure that any cultural remains that might be unexpectedly encountered are properly identified and preserved, Caltrans proposes to have a Native American monitor on site during all excavation activities. **Special Condition 12** incorporates this requirement and specifies procedures to protect any culturally significant discovery that may arise during project implementation.

The condition further requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease and a qualified cultural resource specialist must analyze the significance of the find. To recommence construction following discovery of cultural deposits the applicant is required to submit a supplementary archaeological plan for the review and approval of the Executive Director to determine whether the changes are de minimis in nature and scope, or whether an amendment to this permit is required.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the requirements of Coastal Act Section 30244, as development will not adversely impact archaeological resources.

5. Visual Resources

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding

areas. Furthermore, Section 30240(b) of the Coastal Act states that development in areas adjacent to 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 recreation areas.

The project site is located within agricultural lands between Highway 101 and Old Arcata Road; however, the pipeline alignment will not be significantly visible from these public roads. Some minor temporary visual impacts may be associated with the presence of heavy equipment during the approximately two weeks of project excavation and completion, however the project itself would not result in permanent change to the site or significantly impact views to or from Humboldt Bay. Furthermore, the proposed project involves the restoration of the construction area to pre-project conditions following construction.

Therefore, the Commission finds that the proposed development is consistent with Section 30251 of the Coastal Act as the development would not block views to and along the coast, would not involve any permanent alteration of land forms, and the proposed pipeline would not result in any change to the visual character of the Humboldt Bay area.

6. Public Access

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214 of the Coastal Act, the Commission is also limited by the need to show that any denial of a permit application based on these sections, 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 public access.

Although the project is located between the first public road and several tidal sloughs, inlets of the sea, it would not adversely affect public access. The project site is within a rural, agricultural area used primarily for cattle grazing. There are no trails or other public roads that provide shoreline access within the vicinity of the project that would be affected by the project. Furthermore, the proposed project would not create any new demand for public access or otherwise create any additional burdens on public access.

Therefore, the Commission finds that the proposed project does not have any significant adverse effect on public access, and that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

7. California Environmental Quality Act

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is 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 Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. 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. Mitigation measures that will minimize or avoid all significant adverse environmental impact 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 would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.