

CALIFORNIA COASTAL COMMISSION

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F 5a & 6a

DATE: June 1, 2006

TO: Coastal Commissioners and Interested Persons

FROM: Peter Douglas, Executive Director &
Interim Deputy Director, North Coast District
Robert Merrill, North Coast District Manager
Melanie Faust, Senior Planner, North Coast District

SUBJECT: **NEW PUBLIC WORKS PLAN 1-06-PWP for realigned Highway 1 segment on both sides of Ten Mile River Bridge, including new parking turnout, and Specific Public Works Project PWP 1-06-01, Mendocino County, approx. 7 miles north of Fort Bragg.** For public hearing and Commission action at its meeting of June 16, 2006, Items 5a and 6a, to be held at the Fountain Grove Inn, 101 Fountain Grove Parkway, Santa Rosa, CA.

STAFF RECOMMENDATION:

Proposed Public Works Plan 1-06-PWP: **approve with modifications.**
Specific Public Works Plan Project 1-06-001: **approve with conditions.**

Motions and Resolutions Commence on Pages 13 and 19, respectively.



JURISDICTION AND STANDARD OF REVIEW:

Although the proposed bridge replacement and associated Highway 1 realignment are one project, the physical project 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 area covered by Mendocino County's certified Local Coastal Program (LCP). Such areas are the upland areas of the project site, rather than the tidelands and areas subject to the public trust which are within the Commission's retained jurisdiction.

The standard of review for the Public Works Plan is that it must be consistent with Mendocino County's certified LCP (Coastal Act Section 30605).

Section 30605 of the Coastal Act states in pertinent part:

If any...plan for public works is submitted after the certification of local coastal programs, any such plan shall be approved by the Commission only if it finds, after full consultation with the affected local governments, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works...

Section 30605 of the Coastal Act establishes the standard of review for a Specific Public Works Plan Project that is contained within a Public Works Plan approved by the Commission: such projects must be consistent with the approved Public Works Plan. Section 30605 also states that projects submitted pursuant to a certified PWP can be conditioned by the Commission, but cannot be denied.

Section 30605 of the Coastal Act further states in pertinent part:

...Where a plan for a public works...has been certified by the Commission, any subsequent review by the Commission of a specific project contained in the certified plan shall be limited to imposing conditions consistent with Section 30607 and 30607.1...

Thus, upon certification, the Public Works Plan remains in full force and effect. A future project proposed within the physical area covered by the certified PWP would require the submittal of a new application for a Specific PWP Project. If the Executive Director determined that the new proposal was not consistent with the certified PWP, the application would not be filed until a PWP amendment was certified by the Commission. If, however, the new application for a Specific PWP Project was determined by the Executive Director to be for development covered by the PWP, the Commission could condition, but could not deny the project.

SUMMARY

PUBLIC WORKS PLAN AND SPECIFIC PROJECT REQUEST, FOLLOWING
COMMISSION'S PREVIOUS CONDITIONAL CONCURRENCE WITH FEDERAL
CONSISTENCY CERTIFICATION CC-074-05

The California Department of Transportation (hereinafter "Caltrans", "applicant" or "permittee" depending on specific citations) has submitted an application for approval of a Public Works Plan (PWP) and a Specific PWP Project for that portion of the proposed replacement of the Ten Mile River Bridge project that would occur within the area covered by Mendocino County's certified LCP, including related features of the associated highway realignment (approximately 650 linear feet of new highway to the north and 1400 linear feet of new highway to the south of the proposed new bridge would be realigned and constructed to join the existing highway at the point of conformity). The proposed PWP/Specific PWP Project also includes construction of a new approximately 2,840-sq.-ft. parking turnout approximately 445 feet south of the proposed new bridge, on the west side of the highway, to replace the existing parking turnout of the same size that is located immediately south of the existing bridge, on the west side of the highway, and has long been used for public parking and coastal access. Caltrans had previously proposed that the new parking area be increased to approximately 12,600 square feet in size, but Caltrans staff state that the size was reduced in response to public comments.

The PWP/Specific PWP Project also includes the use of the "mixing table" site several hundred feet south of the bridge along the west side of the highway for staging operations (an area presently used for routine maintenance purposes from time to time, according to Caltrans).

The project site is located on rural Highway 1, at the Ten Mile River crossing, about seven miles north of Fort Bragg, in one of the most scenic areas of the coastal highway. Lands on both sides of the highway are designated as Highly Scenic in the certified Mendocino County LCP. The Coastal Trail is located on the bridge and highway shoulder along that stretch of the coast. The project location contains sensitive plants and coastal dunes, and the waters of the Ten Mile River in the project area contain four state and federally listed sensitive species of fish: coho and chinook salmon, steelhead trout, and tidewater goby. The local Audubon Society chapter reports that hundreds of birds build nests on the bridge annually, and that the bridge is a bat roost as well.

The proposed Public Works Plan and Specific Project cover the components of the proposed project that traverse the area that is presently part of the certified Mendocino County Local Coastal Program. Although some Public Works Plans cover several projects, in this case, the Specific Public Works Plan Project is the entire scope of the development that would be authorized under the Public Works Plan. Though the present PWP is project-driven, after its certification, it will continue to apply to the subject site and development in the future. New development in the future, such as the eventual

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)
June 1, 2006

replacement of the pending new bridge, would require an amendment to the certified PWP.

The portion of the project within the area of the Commission's retained jurisdiction (mostly the bridge itself and in-water construction processes) requires a coastal development permit, as would future development in the same area.

Most of the bridge portion of the project would be constructed within the area of the Commission's retained jurisdiction, but tie-in elements such as tapering paved shoulders to the point of conformity with the existing highway, off-bridge guard rails and crash guards, construction operations (such as staging, debris disposal), the proposed replacement parking turnout and the realigned portions of Highway 1 required to link the new bridge (which would be located approximately 100 feet upstream, or east of, the existing bridge, as measured from the easternmost outer edge of each bridge, at the widest point of separation) to the existing highway would take place mostly within the area subject to the County's LCP (and thus subject to the proposed PWP upon certification by the Commission).

The proposed bridge component alone is approximately 1,500 feet long, but the portion of the project subject to the PWP includes the realignment and widening of approximately 2,000 linear feet of Highway 1 off the bridge (including the northern and southern realignments to the point of conformity with the existing roadway). The project also includes the construction of a new maintenance and public parking turnout about 330 feet south of the new bridge, replacement of culverts and drainage features, demolition and removal of most of the abandoned roadbed, bridge, and the parking turnout immediately south of the existing bridge on the west side of the highway, and restoration of the old roadway and bridge areas.

Caltrans has also submitted Coastal Development Permit Application No. 1-06-022 for the portion of the project that traverses the area of the Commission's retained jurisdiction (June 16, 2006 Agenda Item Fri 8c), as well as a related Coastal Development Permit Amendment Application No. A-1-MEN-98-017-A2 (June 16, 2006 Agenda Item Fri 9b). The purpose of the amendment is to remove approximately three acres of non-prime agricultural land from a tract that is subject to a deed restriction for agricultural preservation. Caltrans requires the use of the subject acreage for construction of the proposed project. It will be necessary for the Commission to approve this coastal development permit amendment in order for Caltrans to implement the Public Works Plan and Specific Public Works Plan project as well as the coastal development permit for the portion of the bridge in the Commission's retained jurisdiction.

The project was first presented to the Commission pursuant to Federal Consistency staff review in November 2005. Commission staff presented the reason for undertaking Federal Consistency review prior to coastal development permit review at that time:

“... The Commission and Caltrans staff agreed in February of this year to pursue federal consistency review for the entire project, with the objective to resolve all Coastal Act issues, and to simplify the subsequent Coastal Development Permits, and to assist Caltrans in meeting the review deadlines of state seismic retrofit

legislation. That legislation expired at the end of June, but the consistency review process was continued, in order to bring the project to the Commission in a timely manner, given Caltrans' mandate to expedite replacement of the bridge."

(Transcript of hearing on Agenda Item No. 20b, November 16, 2005, at page 6, Exhibit 4A)

The Commission conditionally concurred with Caltrans' Consistency Certification (CC-074-05) at the November 16, 2005 hearing (revised findings adopted March 10, 2006). The Commission required the proposed 8-ft-wide paved shoulders on the bridge to be revised to distribute the 8-ft width between 4-ft.-wide paved traffic shoulders and 4-ft.-wide paved pedestrian corridors on each side of the bridge, with the walkways separated from traffic by guard rails.

Caltrans also agreed at the November hearing to address the Commission's concerns regarding the visual elements of the various types of rails required for the project. A Commission subcommittee was re-activated at that time to examine the rail design issues and to report back to the Commission (the subcommittee has since met twice).

Caltrans has declined in the present proposal to implement the full range of revisions previously required by the Commission, citing Americans With Disability Act (ADA) requirements, safety, and the cost and time required to undertake the full redesign of the project that Caltrans has determined would be necessary. Instead, Caltrans proposes to construct 6-ft-wide paved outside shoulders on each side of the bridge, and one 5-ft.-wide walkway for the Coastal Trail. The walkway would be separated from the traffic side by a guard rail. The outside rail on the east side remains the previously proposed ST-20 type of rail topped by an additional rail bar to achieve a 54-inch height that Caltrans states is necessary for the safety of bicyclists. The pedestrian rail on the outer bridge, west side, will be determined subsequently when the final rail selection is returned to the Commission as an amendment to the respective PWP or CDP for the affected portion of the overall project. This is a new feature of the proposal that has been developed since the Commission's federal consistency certification conditional concurrence last fall. Caltrans now proposes to incorporate the design used on the Noyo Bridge in Fort Bragg, which includes a 48-inch-high outer pedestrian rail on the west side of the bridge in a "picket" style, and a 31-inch-high ST-10 type of rail between the pedestrian corridor and the paved traffic shoulder next to it.

Caltrans stated in the pending PWP application (Exhibit 1A) that a redesign of the project to incorporate the revisions previously required by the Commission in the context of the Commission's conditional concurrence in CC-074-05 would require:

"... a complete redesign, resulting in a several million dollar increase in project cost, and the project would be delayed a minimum of three to five years..."

(PWP, April 2006, page 8)

Caltrans also states that the Federal Americans with Disabilities Act (ADA) requires the pedestrian sidewalk to be a minimum of five feet wide and that no design exceptions will be made.

Though Caltrans tentatively proposes to reduce the paved shoulders from the previously proposed 8-foot width, Caltrans has not fully committed to this change, noting that such a revision is contingent upon the Commission's expedited approval of the subject project (see excerpt from PWP, page 8, item 3 below, and Exhibit 1A) and apparently reserving the right to revert to the 8-foot-width if the contingency of expedited Commission approval is not met:

" ...There are four main reasons why Caltrans would develop a design exception for six-foot shoulders, but cannot approve an exception for four-foot shoulders:

- 1) There is a significant (approximately 44%) reduction in expected collision rates when six-foot shoulders are used as compared to four-foot shoulders.¹*
- 2) The six-foot shoulder is a significant improvement over a four-foot shoulder for both vehicular and non-motorized traffic traversing the bridge. For example, a typical bicyclist is 30 inches wide. Four-foot shoulders provide a bicyclist less than one foot on either side between the bridge railing and vehicle lane.*
- 3) Given the urgency of this safety seismic bridge project, **a design exception for six-foot shoulders would be approved only if the project could be permitted and constructed with minimal delay.** (Emphasis added)*
- 4) Increased environmental impacts due to the larger support columns required for a wider bridge.*

Caltrans therefore has provisionally revised the proposal previously considered by the Commission and presently proposes to install a new bridge at the Ten Mile River crossing with the following dimensions and features, and other project elements:

<u>Total bridge width:</u>	approximately 45 feet
<u>Traffic lanes:</u>	two/12-ft.-wide ²
<u>Paved shoulders:</u>	two/6-ft.-wide, 54-inch-high ST-20 rail, east side only
<u>Walkway:</u>	one/5-ft.-wide, west side, with 1.6-ft.-high inside ST-10 guard rail, 48-inch-high "picket style" pedestrian outer rail

¹ Caltrans has previously stated, and it has been reported to the Commission, that no elevated collision statistics are presently associated with the existing Ten Mile Bridge. On May 22, 2006 Caltrans informed Commission staff (personal communication of Alan Escarda, Caltrans project manager, to Melanie Faust, Commission staff, North Coast District) that the applicable accident statistics had been incorrectly calculated and new calculations recently performed by Caltrans using different data have shown that the existing Ten Mile Bridge accident statistics are elevated over the expected baseline that Caltrans considers to be statistically normal for the bridge.

² According to the California Department of Motor Vehicles, a typical passenger car is 6 feet wide. DMV indicates that a typical logging truck is 8 feet wide, the maximum vehicle width permissible without a special wide-load permit and the use of flags, pilot cars, etc.

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)

June 1, 2006

- Bridge Lighting: none proposed
Off-Bridge: reduced total length of paved shoulders tapering to point of conformity with existing highway
Replacement Parking: same (turnout parking 330 feet south of new bridge)

PROJECT BACKGROUND:

1996 – 2004

- Background on development of Ten Mile Bridge project
- Late 2004, Commission staff notified by Caltrans of pending submittal under provisions of state seismic legislation (since expired); 15-day-total turnaround for Commission action would be triggered by such submittal
- Federal consistency review of the proposal undertaken before permit review to ensure sufficient time for Commission review and action

Caltrans indicates that the agency formally identified the existing Ten Mile Bridge as seismically deficient in 1996. Caltrans initially planned to retrofit the existing bridge but discarded that plan several years later in favor of completely replacing the bridge. Caltrans began local public outreach to discuss the new plan in 1999. By 2004 Caltrans had refined the design concept to include most of the main features of the present design. The proposed project includes a location for the new bridge approximately 100 feet upstream from the existing crossing (as measured from the easternmost edge of each bridge at the widest point of separation between the bridges), the realignment of about 2,000 total linear feet of highway to match the alignment with the existing roadbed, and the construction of a replacement parking turnout to be used by Caltrans and the public, (as is the existing turnout, which will be removed).

In late 2004, Caltrans notified North Coast District staff that a formal submittal of the coastal development permit application was in final preparation stages and would likely be submitted soon. State seismic retrofit legislation in effect at that time provided only 15 days for review and Commission action on such a project, and also provided a CEQA exemption for these projects. Caltrans noted that the Ten Mile River Bridge project was the last seismic retrofit project anywhere in the Commission's jurisdiction, and was considered significantly overdue by the agency.

Mendocino County staff indicated that due to their workload and the 15-day review time, the coastal development permit application for the portion of the project in their jurisdiction would likely be deemed approved by operation of law, without any specific County action. Concerns about the limited time that would therefore be allowed to undertake adequate appellate and retained jurisdiction review prompted Commission staff to undertake Federal Consistency review first, which was not pre-empted by the state seismic legislation.

Subsequently (February 2005), Caltrans agreed to submit the required consistency certification before submitting coastal development permit applications.

2005 – 2006

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)
June 1, 2006

- Caltrans submits consistency certification May 2005
- Federal Consistency staff file application June 7, 2005
- Seismic legislation expires June 30, 2005
- Project no longer subject to 15-day review and action requirement or eligible for an exemption from CEQA
- Federal consistency review continues to hearing November 16, 2005
- Commission conditionally concurs with Caltrans' Consistency Certification, CC-074-05, November 16, 2005
- New Bridge Rail Subcommittee formed by Commission at the November 2005 hearing
- Subcommittee's first meeting December 2005: reviews a history of the Commission review of the Noyo Bridge railings, and reviews a palette of crash-approved rails presently authorized for use in California
- February 2006: Executive Director determines that to further expedite processing of the project, a Public Works Plan (PWP) will be processed in lieu of an appealable coastal development permit for Mendocino County's portion of subject project. Staff consults Mendocino County staff, finds support for PWP concept due to substantial backlog of work that would delay regular coastal development permit processing by an estimated 12-16 months.
- March 6, 2006: Road's Edge Subcommittee meets for the second time
 - Caltrans presents now-pending, revised Ten Mile Bridge proposal
 - Subcommittee makes no determination on railing design recommendation or specific response to Caltrans' presentation on the new bridge proposal
- March 10, 2006, Consistency Certification CC-074-05 Revised Findings Adopted by Commission
- March 23, 2006, Caltrans Director Will Kempton and other Caltrans staff meet with Executive Director and staff in San Francisco at Caltrans' request, primarily to make an urgent request for staff to expedite 2006 hearing for remaining Commission actions on Ten Mile Bridge (applications had not been submitted)
- April 3, 2006: Caltrans releases Initial Study/Draft Mitigated Negative Declaration (Exhibit 6A)
- April 14, 2006: Caltrans submits applications for PWP (1-06-PWP) and Specific PWP Project (PWP 1-06-01), and CDP (1-06-022), and CDP Amendment (for adjacent 3 acres of agricultural land to be removed from deed restriction), etc.
- May 2, 2006: Caltrans holds public hearing on the PWP/Draft Mitigated Negative Declaration in Fort Bragg (transcript is attached as Exhibit 2A)
- May 16, 2006: Staff files the various applications and submittals
- June, 2006: related reports prepared for June 2006 Commission agenda

As noted, the Commission conditionally concurred with the consistency certification prepared by Caltrans. The Commission required Caltrans to revise the proposed project to provide a 4-ft.-wide outer pedestrian lane on each side of the bridge, utilizing a portion of the then-proposed 8-ft.-wide paved shoulders outside of the traffic lanes on both sides of the bridge. The Commission also required that a guard rail be installed to separate the pedestrian and vehicle areas of the bridge.

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)
June 1, 2006

The Commission also expressed dissatisfaction with the aesthetic impacts of the proposed bridge rails at the November 2005 hearing. To address this issue, the Commission re-activated a subcommittee that had previously worked on the design issues of bridge railings for the Noyo Bridge on Highway 1 in Fort Bragg, which was recently dedicated by Caltrans (CDP 1-98-100-A3).³ The subcommittee, now calling itself the “Road’s Edge” Subcommittee, has met twice in San Francisco since re-activation (December 2005 and March 2006). Caltrans presented the present Ten Mile Bridge proposal to the subcommittee at its March 2006 meeting. Staff notes that the subcommittee made no decisions or recommendations concerning the new proposal, nor has the subcommittee developed any recommendations regarding the bridge railing designs.

The Commission’s Statewide Caltrans Liaison, Tami Grove, and the Caltrans Intergovernmental Resource Partnering Program Chief, Sheila Mone, who with Ms. Grove jointly coordinates the Road’s Edge Subcommittee, recommended that action on the project not be delayed due to the bridge rail concerns.⁴ They recommended that the matter be scheduled for the Commission’s June hearing, if possible, and that conditions be recommended that would set aside the decision on the bridge rail design for subsequent review and approval by the Executive Director or the Commission. This recommendation is included herein, and requires that the eventual Road’s Edge Subcommittee recommendations pertinent to the aesthetic elements of rail design be presented to the Commission for final review and approval, via amendments to the pertinent permits and PWP.

Much of the concern regarding the bridge rails arises in the area of the Commission’s retained permit jurisdiction, however Caltrans also proposes off-bridge guard rails and end-guard crash cushions off the bridge, in the area subject to the proposed PWP. As these project elements will raise similar visual impact concerns, the staff recommendation requires that these project features also be subject to final design review by the Commission.

For these reasons, staff recommends that through modifications to the PWP set forth below, the Commission require that a final plan for design review and approval of all railings and guard features of the subject project be returned to the Commission for final approval as an amendment to the PWP/Specific PWP Project (and to the associated CDP), within one year of Commission action on the PWP (and on the CDP for the bridge portion of the overall project). Postponing the resolution of the rail design decisions will expedite overall project processing so that bids for the overall construction of the bridge may be solicited without waiting for final determinations on rail design specifications,

³ The Road’s Edge Subcommittee includes Commission Chair Meg Caldwell and Commissioner Mary Shallenberger, various Caltrans staff, and Vince Taylor, public representative requested by the Commission. The subcommittee is coordinated through the Commission Caltrans Liaison Program by Tami Grove, the Commission’s Statewide Caltrans Liaison and Sheila Mone, Caltrans’ Manager for the intergovernmental liaison program, which funds staff positions in various state and federal agencies to facilitate the more expeditious review of the substantial workload imposed by Caltrans projects.

⁴As reported by Ms. Grove.

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)
June 1, 2006

lighting, etc. Caltrans emphasizes the public safety improvements that the expedited replacement of the seismically deficient bridge will provide.

To expedite staff review of the current submittals (PWP, CDP etc.), this report relies on the Commission's previous consistency certification conditional concurrence for any aspect of the project that was previously included in that review. Therefore, further analysis of components of the project previously addressed by the Commission has not been undertaken by North Coast District staff in an effort to prepare the associated reports in time for the June 2006 hearing Caltrans has urgently requested.

For these reasons, the adopted findings prepared by the Federal Consistency staff form a substantial basis for the current staff reports (revised findings were approved by the Commission on March 10, 2006, and the adopted findings are attached as Exhibit 3A). For convenient reader reference, text has been included from the Federal Consistency review under each applicable section of the present staff reports, and is shown in **Arial Bold font** to distinguish it from the new text, which is shown in Times New Roman font.

For Further Information:

North Coast District:

For further information about this report or the public works plan process, please contact Melanie Faust, at the letterhead address and telephone number.

Federal Consistency Unit:

For further information about the previous Consistency Certification (CC-074-05), contact San Francisco Headquarters: (415) 904-904-5200, Larry Simon.

Statewide Caltrans Liaison Program:

For further information about the Commission's Statewide Caltrans Liaison program, or the Commission's "Road's Edge" Subcommittee, contact Tami Grove at the Central Coast District Office, Santa Cruz: (831) 427-4863, or Sheila Mone, (Intergovernmental Resource Partnering Program Chief, Caltrans) at (916) 653-8746.

To Submit Public Comments:

Public comments concerning this staff report may be provided to the North Coast District Office at the letterhead address. Please note that Commission staff cannot guarantee receipt of comments transmitted electronically.

Availability of environmental information:

All environmental information relied on by the Commission and its staff is available for review at the above-referenced Eureka Office of the California Coastal Commission. Caltrans prepared an Initial Study/Draft Proposed Mitigated Negative Declaration dated March 2006 and released April 3, 2006 (Exhibit 6C) that had not been finalized at the time of publication of this report.

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)
June 1, 2006

Related Permits:

Federal Consistency Certification No. CC-074-5 (Caltrans): Conditional Commission Concurrence with Consistency Certification prepared by Caltrans, November 16, 2006, revised findings adopted March 10, 2006.

June 16, 2006 Agenda Item Fri 9b: CDP Amendment Application No. A-1-MEN-98-017-A2 (Perry/Smith). Note: Caltrans seeks an amendment to the subject permit to remove 3 acres of non-prime agricultural land from an otherwise deed-restricted area for preservation of agricultural land, to construct the Ten Mile Bridge project.

June 16, 2006 Agenda Item Fri 8c: CDP Application No. 1-06-022. Note: the Ten Mile Bridge project traverses areas of Mendocino County's certified Local Coastal Program at each end of the proposed project and the bridge traverses the Commission's retained coastal development permit jurisdiction in the middle. CDP Application No. 1-06-022 seeks Commission approval for the portion of the project within the Commission's retained jurisdiction.

Previous related permits: CDP 1-00-032 (Caltrans): regular permit for geotechnical planning surveys of the Ten Mile Bridge area, required as follow-up for Emergency CDP No. 1-00-031-G, granted by the Executive Director on July 7, 2000, and processed as an emergency because Caltrans invoked the 15-day permit review turnaround then available to the agency under the since-expired seismic retrofit legislation (Senate Bill 805). Geotechnical study including drilling 14 borings to characterize subsurface formations for Ten Mile Bridge design; Mendocino County Emergency Permit EM 5-00 for geotechnical study borings in the Commission's appellate jurisdiction (Mendocino County certified LCP) related geotechnical test borings outside of the area CCC retained permit jurisdiction.

Exhibits:

Use the link at left to go to the exhibits.

Note that where Exhibit numbers are referenced within the text incorporated from the adopted findings for CC-074-05, the reference is to the Exhibits of that staff report, attached hereto as Exhibit 3. Those Exhibits are numbered 1, 2, 3, etc. The Exhibits to this staff report are numbered 1A, 1B, 1C etc. to distinguish these Exhibits from those embedded in the citations from the Federal Consistency adopted findings, which are attached hereto as Exhibit 3A:

- 1A. PWP & LCP Policy Consistency Analysis, dated April 2006, prepared by Caltrans
- 2A. Transcript of the public hearing for PWP & Mitigated Negative Declaration held by Caltrans on May 9, 2006, in Fort Bragg, Mendocino County.
- 3A. Adopted findings, CC-074-05, March 10, 2006.
- 4A. Transcript of CC-074-05 Consistency Certification hearing November 16, 2005
- 5A. Project Plan Set prepared by Caltrans
- 6A. Initial Study/Draft Mitigated Negative Declaration, prepared by Caltrans, dated March 2006, released by Caltrans April 3, 2006.

7A Caltrans Safety and Design Information submitted via email

I. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS

A. DENIAL OF PUBLIC WORKS PLAN AS SUBMITTED

MOTION: *I move that the Commission certify the California Department of Transportation Public Works Plan PWP 1-06 as submitted.*

STAFF RECOMMENDATION FOR DENIAL OF PUBLIC WORKS PLAN:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the Public Works Plan as submitted and the adoption of the following resolution and findings. The motion to certify passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION I:

The Commission hereby denies certification of the California Department of Transportation Public Works Plan and adopts the findings stated below on the grounds that the Plan does not conform with the Mendocino County certified local coastal program. Certification of the Plan would not comply with the California Environmental Quality Act because there are feasible alternatives or feasible mitigation measures that would substantially lessen the significant adverse effects that the approval of the Plan would have on the environment.

B. CERTIFICATION OF PUBLIC WORKS PLAN WITH MODIFICATIONS

MOTION: *I move that the Commission certify the California Department of Transportation Public Works Plan 1-06 if modified as suggested in the staff report.*

STAFF RECOMMENDATION FOR CERTIFICATION OF PUBLIC WORKS PLAN WITH MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Public Works Plan as modified. The motion to certify passes only by affirmative vote of a majority of the appointed Commissioners.

RESOLUTION II:

The Commission hereby certifies the California Department of Transportation Public Works Plan as modified and adopts the findings stated below on the grounds that the Plan as modified **conforms with the Mendocino County certified local coastal program.** Certification of the *Plan* as modified 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 Plan on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the Plan on the environment.

MODIFICATIONS

Modifications for Caltrans Ten Mile Bridge Replacement Public Works Plan (PWP 1-06)

Modification No. 1: Protection of Future Public Access

PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall record a deed restriction, in a form and content acceptable to the Executive Director, to protect permanent public access for pedestrian and bicycle use from the proposed parking turnout approximately 445 feet south of the proposed new Ten Mile River Bridge, as generally depicted on Exhibit 5A, and including the pathway and paved shoulder leading from the turnout to the bridge, and any portion of trail takeoffs to surrounding areas where those takeoffs are located on property owned or controlled by Caltrans or successor agency.

Modification No. 2: Universal (Handicapped) Access

PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall revise the proposed plans to include continuous universal (handicapped) access that would ensure safe wheelchair access to and return from, the proposed bridge, from the proposed parking turnout entrance is located approximately 445 feet south of the southerly end of the proposed bridge, on the west side of the highway. Caltrans shall ensure that the Highway is signed to notify the traveling public approaching the turnout from either direction that handicapped access parking (including the use of the universal wheelchair symbol) is available for bridge views. Caltrans shall revise the plans if necessary to achieve Americans With Disability Act (ADA) conformance for the turnout parking and the portion of the shoulder connecting the turnout to the ADA-compliant pedestrian corridor on the bridge. These elements in their entirety also comprise a portion of the State-designated California Coastal Trail. Caltrans shall further revise the plans as necessary to achieve ADA conformance, which may require minor widening of the shoulder or construction of additional protective rail to separate wheelchair access from the traffic shoulder off the bridge. If ADA conformance requires significant changes to the proposed plans, an amendment may be required. The Executive Director shall determine whether changes to the plans necessary to achieve conformance with ADA requirements require an amendment to this Public Works Plan.

Modification No. 3: Rail Design

WITHIN ONE YEAR OF COMMISSION APPROVAL OF PWP 1-06 AND SPECIFIC PWP PROJECT 1-06-01, Caltrans shall submit a complete application for an amendment of PWP 1-06 and Specific PWP Project 1-06-01, to incorporate a final Design Plan for bridge and guard rail or other barrier structures proposed for installation in any portion of the subject project that traverses the area subject to PWP 1-06 and Specific PWP Project 1-06-01. The Design Plan shall incorporate the lowest profile, most visually permeable design feasible for these features, consistent with safety requirements. The rail design shall incorporate graceful, arching elements where feasible, and shall not be painted unless the Commission subsequently approves an amendment for a specific painted finish and color. The final finish of surface elements shall otherwise be comprised either of non-reflective matte metal, or timber, or a combination of these, or an alternate material that may be deemed more attractive or less visually intrusive than these. The final design plan shall include a wildlife permeable design for off-bridge elements that is visually compatible with the final designs approved by the Commission pursuant to the amendment request(s).

Modification No. 4: Permanent Signage/Signal/Lighting Plan; Limitation on Future Development

PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit a final, permanent signage, signal and lighting plan for the review and approval of the Executive Director. The signage, signal and lighting elements shall be of the minimum profile necessary and shall be limited only to those deemed essential for safety. No digital display “message” signs, “highway maintained by...” signs, other public relations signage, or solar power installations shall be allowed in the highly scenic Highway 1 corridor subject to 1-06-PWP. The final plan shall specify the size, color, design, content and location of any sign within the area of the project that is subject to 1-06-PWP. Permanent lighting is not authorized and would require an amendment to the PWP.

No additional development including, but not limited to, widening, paving, placement of signs or other information displays, lighting, digital or other data displays/advisories, solar installations, maintenance facility improvements shall be undertaken within the area subject to Public Works Plan 1-06-PWP without a Commission-approved amendment to 1-06-PWP for such development.

PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit, for the review and approval of the Executive Director, a Permanent Signage Plan, which shall specify the size, color, design, content, and placement of any sign or signal proposed for placement within the area of the proposed project that is subject to Public Works Plan 1-06-PWP. No sign may be posted to exclude or limit the use by the public of the proposed parking turnout at the southerly end of the proposed project, approximately 345 feet south of the proposed bridge, on the west side of the highway, or posted to restrict pedestrian or bicycle access to any portion of the area that is subject to 1-06-PWP for the life of the project.

Modification No. 5: Parking Area, Coastal Trail Landscape/Revegetation Plan

PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit, for the review and approval of the Executive Director, a final landscape and access plan for the parking turnout area and connector pathways radiating from the turnout, including to the bridge, through all areas owned or controlled by Caltrans. The final plan shall include landscaping only with locally native species that will not interfere with public views, and shall include a plan for low profile fencing or placement of natural boulders, where deemed appropriate to prevent off-site access by vehicles to sensitive habitat areas. Access by pedestrians shall not, however, be restricted. The landscape plantings shall be permanently retained in good health and shall be replanted as necessary to achieve this standard.

Modification No. 6: Demolition, Staging, Storage, Fueling, Disposal Plan

PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit a Demolition, Staging, Storage, Fueling, and Debris/Excess Graded Material Disposal Plan for the review and approval of the Executive Director. The Plan shall include comprehensive provisions and requirements designed to ensure that public areas, sensitive species and habitats, and coastal waters are not adversely affected by these elements of the project activities, and that the footprint of disturbance associated with these activities is the most minimal possible, in accordance with Caltrans' proposal. The Plan shall also include provisions for site personnel education and for exclusion of personnel and equipment/materials/facilities from sensitive habitat areas (such as the placement of highly visible fencing and signage to exclude access from sensitive areas). No fencing or other barriers except as specifically authorized by the Executive Director shall be placed to limit public pedestrian access to the trails previously used by the public in the subject area, nor to any portion of the Coastal Trail within the subject area as generally depicted on Exhibit 5A.

Modification No. 7: Implementation of Wetland Mitigation Plan

All project activities within the area of the project subject to 1-06-PWP, including mitigation, monitoring, and adaptive management described in the Final Wetland Mitigation Plan shall be fully implemented, in accordance with Caltrans' proposal.

Modification No. 8: Biological and Water Quality Monitoring

A final plan for biological and water quality monitoring shall be submitted for the review and approval of the Executive Director. The final plan shall incorporate all protective measures required by NOAA National Marine Fisheries Service, U.S. Fish & Wildlife Service, Regional Water Quality Control Board, California Department of Fish and Game, and Army Corps of Engineers in authorizing the proposed project. In addition, all impact avoidance, minimization, or mitigation measures included by Caltrans in the Draft Mitigated Negative Declaration dated March 2006 and released in April 2006 shall be incorporated into the specific project and full compliance with these measures shall be

required. The plan shall incorporate specific monitoring and reporting provisions and procedures for stopping project activities that are determined by the biological monitor or Caltrans personnel to be inconsistent with the requirements of the applicable permits and authorizations. The final plan shall be applicable to all areas of the project that are subject to 1-06-PWP.

Modification No. 9: Final Disposal Plan

PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall identify designated disposal site(s) for all debris, wastes, or excess graded material that may be generated by the subject project. These materials may not be placed where they may come into contact with coastal waters, either directly or indirectly, or will displace agricultural lands, adversely affect sensitive species or habitat, or be visible from any public viewing area. Caltrans shall include evidence that all necessary permits, including coastal development permits, for such disposal, have been obtained not less than thirty (30) days prior to commencement of disposal, and shall provide copies of the applicable permits to the Executive Director. Caltrans shall maintain records of the final disposal of any debris, wastes, other materials or excessive graded soils generated during the construction of the project authorized herein and submit a copy of such records to the Executive Director annually, commencing on January 1 of the year following certification by the Commission of 1-06-PWP, and a final report shall be submitted to the Executive Director within thirty (30) days of project completion.

Modification No. 10: Area of Archaeological Significance

If excavation is proposed in an area of known or suspected cultural significance, a Native American Monitor shall be present during all ground-disturbing activities. If cultural remains are discovered, excavation or other ground disturbance shall cease and shall not re-commence until an archaeological plan has been reviewed and approved by the Executive Director if the Executive Director determines in writing that changes to the project or posed mitigation measures are de minimis in nature or scope. However, if such changes or measures are not deemed de minimis by the Executive Director, construction that may further affect the cultural remains may not recommence until after an amendment to this permit is approved by the Commission.

Modification No. 11: Water Quality Protection and Erosion Control Plan

PRIOR TO PREPARATION OF A CONTRACT FOR BIDDING FOR THE SUBJECT PROJECT, Caltrans shall submit a plan, for the review and approval of the Executive Director, showing how the areas of the project subject to 1-06-PWP will be protected from discharge of foreign materials, chemicals, wastes, or debris that may adversely affect coastal waters and habitat, and how the site will be protected from erosion during construction.

Modification No. 12: Final Plans

PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit for the review and approval of the Executive Director two copies of final revised to-scale project plans, including two copies of reduced plans, showing the final proposal for 6-ft.-wide paved shoulder transitions from the ends of the proposed bridge to the point of conformity with the existing highway, including a paved shoulder and other features that render the connecting section of the project between the proposed bridge and the proposed parking turnout south of the bridge accessible in accordance with Americans With Disabilities Act (ADA) standards. In accordance with Caltrans' proposal, the elements of the project associated with 1-06-PWP shall not incorporate permanent night lighting, and this limitation shall be noted on the final revised plans. In addition, in accordance with Caltrans' revised plans as clarified by Caltrans in May 2006, no staging activities (defined broadly to include equipment, materials, debris, graded soils, or any other item utilized in or resulting from project activities) would be allowed in any area of the subject project area except as specifically authorized herein in accordance with Caltrans' revised proposal (these areas are limited to the existing roadbed, "mixing table", the temporary trestles), and these areas shall be specifically identified as to location and limits in the final project plans required herein. In addition, the final revised project plans shall show the authorized off-bridge fueling area, and the limits and locations of the authorized concrete washout areas. The final project plans shall also show the location or relocation of all access roads whether temporary or permanent as well as the existing roads that will be revegetated after completion of the project. The final revised plans shall also show the location and limits of the public and maintenance turnout area proposed southwest of the bridge, which shall be the same size as the existing turnout which Caltrans proposes to demolish and revegetate, as clarified by Caltrans in May 2006, and shall include the footprint of the paved accessway from the turnout to the Coastal Trail corridor on the subject bridge. No disturbance of any other area, whether temporary or permanent, shall be authorized without an amendment of 1-06-PWP unless the Executive Director determines that no amendment is legally required.

Modification No. 13: Other Required Approvals

PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall provide copies of all authorizations and permits required for the subject project, if applicable, by the California Department of Fish and Game, State Lands Commission, Regional Water Quality Control Board, Army Corps of Engineers, NOAA National Marine Fisheries, and U.S. Fish and Wildlife Service, to the satisfaction of the Executive Director.

Modification No. 14: Timing of Construction

In accordance with Caltrans' proposal, no grading or vegetation thinning, trimming, clearing, grubbing, or removal shall occur between March 1 and August 31 of any year unless a qualified biologist has surveyed the area not less than ten (10) days prior to the proposed commencement of such activities and has determined that no nesting is occurring in the area(s) that would be disturbed. Caltrans shall submit the results of such

survey(s) to the satisfaction of the Executive Director not less than five (5) calendar days before commencing the proposed activities during the prescribed season.

Modification No. 15: Assumption of Risk

A. By acceptance of Commission certification of 1-06-PWP as modified, Caltrans acknowledges and agrees: (i) that the site of the proposed Ten Mile Bridge project including relocated elements of Highway One to the point of conformity with the existing highway, and the proposed new turnout area south of the bridge, may be subject to hazards from seismic events, liquefaction, storms, floods and erosion; (ii) to assume the risks to employees and assigns of Caltrans, including contractors and subcontractors and their officers, agents, and employees, and to the public utilizing the proposed project during and after construction, and to the property that is the subject of this permit of injury and/or 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 against 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 SPECIFIC PUBLIC WORKS PLAN PROJECT APPROVAL**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to the Commission's certification of this Public Works Plan as modified herein and authorization this Specific Public Works Plan Project approval as conditioned herein, 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 Specific Public Works Plan Project approval 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 Specific Public Works Plan Project approval or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

C. **WITHIN 90 DAYS OF COMMISSION ACTION ON THE SPECIFIC PUBLIC WORKS PLAN PROJECT**, 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.

C. APPROVAL OF SPECIFIC PUBLIC WORKS PLAN PROJECT WITH CONDITIONS

MOTION: *I move that the Commission approve the California Department of Transportation Public Works Project No. 1-06-01 as conditioned in the staff report.*

STAFF RECOMMENDATION FOR APPROVAL OF PUBLIC WORKS PROJECT WITH CONDITIONS

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Public Works Plan as modified. The motion to certify passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION III:

The Commission hereby approves the specific project proposed to be undertaken by the California Department of Transportation as conditioned and adopts the findings stated below on the grounds that the specific project as conditioned conforms with the certified public works plan, as modified, and either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the specific project on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the specific project on the environment.

STANDARD CONDITIONS

Standard Conditions for Caltrans Ten Mile River Bridge Replacement Project, Specific Public Works Plan Project (PWP 1-06-01):

1. **Notice of Receipt and Acknowledgment.** This Specific Public Works Plan Project approval is not valid and development shall not commence until a copy of the project authorization, signed by the applicant or authorized agent, acknowledging receipt of the project authorization and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the Specific Public Works Plan Project approval 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 Specific Public Works Plan Project approval 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 of the Commission.

4. **Assignment.** The Specific Public Works Plan Project approval 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS

Special Conditions for Caltrans Ten Mile River Bridge Replacement Specific Public Works Plan Project (PWP 1-06-01):

1. **PERMIT OBLIGATIONS**

In accepting the Commission's approval of Specific PWP Project 1-06-001, Caltrans agrees and accepts that:

A. If the approved project will be contracted out for implementation, it is Caltrans' 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 or contractors who are responsible for constructing any portion of the project, shall undertake such activities in full compliance with the project approved pursuant to 1-06-PWP, Specific PWP Project 1-06-001, including all modifications required by the Commission in certifying 1-06-PWP and all terms and conditions attached to Specific PWP Project 1-06-001 by the Commission. It shall be Caltrans' responsibility to ensure that the bidding documents contain special provisions necessary to incorporate all requirements imposed by the Commission or other state or federal agencies with regulatory authority over the project. It shall also be Caltrans' responsibility to ensure that the winning bid for the construction of the proposed project is adequate to ensure that the selected contractor has taken into consideration and provided for the full cost of compliance with all requirements imposed by the Commission pursuant to certification of 1-06-PWP and approval of Specific PWP Project 1-06-001, as well as all requirements of other state and federal agencies. A copy of the adopted findings for 1-06-PWP and Specific PWP Project 1-06-001 shall be provided to Caltrans subsequent to final Commission action, and a complete copy of the adopted findings and final plans approved by the Executive Director shall be attached to the bidding documents by Caltrans for reference by potential bidders.

B. After the contract is awarded, Caltrans shall ensure that the contractor(s), subcontractor(s), or other parties selected by Caltrans or otherwise designated to implement any portion of the project approved pursuant to CDP No. 1-05-038, are fully informed of, and continuously comply with, the obligations set forth in the adopted findings referenced in Subparagraph A above. Caltrans shall ensure that a complete copy of the adopted findings is maintained on the job site at all times and that each contractor undertaking any portion of the development authorized herein has a copy of the adopted findings upon execution of the contract for the subject project.

C. All activities associated with performing the development authorized pursuant to 1-06-PWP and Specific PWP Project 1-06-001 shall at all times be undertaken in full

accordance with the modifications required by the Commission in conditionally certifying 1-06-PWP and with the terms and conditions of approval of the Specific PWP Project 1-06-001. It shall at all times be Caltrans' responsibility to fully ensure such compliance by any party to whom Caltrans assigns the right to construct or undertake any part of the activities authorized herein.

D. Any proposed changes to the approved project shall be reported to the Executive Director. No changes to the approved project shall occur without a Coastal Commission-approved amendment to PWP 1-06/Specific PWP Project 1-06-01, as applicable, unless the Executive Director determines that no amendment is legally required.

2. CONSTRUCTION RELATED REQUIREMENTS

In accepting the Commission's authorization of Specific PWP Project 1-06-01, Caltrans agrees that Caltrans and its representatives, agents, employees, contractors, and the contractor's agents, officers, and employees, or subcontractors shall comply with the following construction-related requirements for any portion of the proposed project that is located within the area that is subject to 1-06-PWP/Specific PWP 1-06-01:

- A. No construction materials, debris, graded soils, or waste shall be stored or placed within the Ten Mile River corridor including streambed or banks, or adjacent riparian areas, or other areas where it may enter the Ten Mile River or other coastal waters, whether directly or indirectly; and
- B. No machinery shall be allowed at any time in the Ten Mile River corridor except as specifically authorized in the approved project; and
- C. No machinery shall be allowed at any time in the Ten Mile River except as specifically authorized in the approved project; and
- D. Staging and storage of construction machinery, materials, equipment, fuel, or any other material, or storage of debris or graded material, shall not take place within wetlands, other sensitive habitat areas (such as the habitat or rare or sensitive native plants), the dunes adjacent to the project site, or within areas utilized for public access except as may be specifically authorized herein; and
- E. Demolition of the existing bridge or roadbed shall not be undertaken through the use of explosives, and no portion of the bridge deck or other structures to be demolished may be dropped to the ground below the demolition activities. Support trestles and other equipment or materials shall be utilized to capture such debris which shall thereafter be removed directly from the trestle deck for disposal; and
- F. Demolition and disposal of debris, and all construction activities shall at all times be undertaken in a manner that does not result, whether directly or indirectly, in discharge to coastal waters, including the Ten Mile River channel (top of bank to top of bank, including banks, gravel bars and wetted channel) of dust, rubble, debris, chemicals, concrete (wet or dry), grout, fuel, waste material of any kind, or construction materials of any kind; and
- G. All debris, materials, equipment, staging and storage features, and any other material associated with construction shall be removed and any disturbed area fully stabilized and revegetated in accordance with Caltrans' proposal, within thirty (30) days of completion of construction; and

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)

June 1, 2006

- H. All waste material or excess graded material generated by demolition or construction shall be removed from the construction site and disposed of in an upland area outside of the coastal zone where such materials may be lawfully disposed and will not be discharged into waters tributary to coastal waters if the disposal is proposed in the coastal zone, not less than thirty (30) days prior to commencement of activities that will result in debris or wastes subject to such disposal, Caltrans shall submit evidence to the Executive Director's satisfaction that all necessary, final coastal development permits have been obtained and that the activities proposed will not adversely affect coastal resources. If disposal is undertaken within the coastal zone, it shall be in a manner and at a location that is not visible from public viewing areas, does not displace agriculture, or affect sensitive habitat or species, or occupy wetlands or wetland buffers. Caltrans shall keep complete written records of the kind, volume, and location of any disposal of materials generated by the subject project activities and shall provide an interim report of such disposal annually, and a final report and complete copy of these records within thirty (30) days of project completion, to the Executive Director; and
- I. Fueling shall take place in a single designated offsite area that is set up to fully contain any potential spill without release outside of the designated area, and the designated area shall be equipped with all materials necessary to control and cleanup any spill that may occur. The designated area may not be located within the Ten Mile River corridor from top of bank to top of bank, or within 100 feet from top of bank on either side of the river. Only equipment that cannot be readily relocated to the designated offsite fueling location may be fueled in other areas of the site (cranes, large tracked vehicles only) and these shall be re-fueled only by a California Department of Fish and Game-certified over-water re-fueler, in a manner authorized in accordance with all requirements of the Department of Fish and Game and the Regional Water Quality Control Board, including but not limited to the requirement that such re-fueling be undertaken by a minimum of two crew members certified for such operations, with one on standby to shut off the flow of fuel and the other at the delivery point, in constant communication with each other, with full deployment of absorbent pads with sufficient capacity to absorb the maximum amount of fuel that could escape from the fueling hose before shutoff occurs in the event of equipment failure. No fueling of any kind may take place except during daylight hours and when visibility is sufficient for the re-fueling crew to maintain visual contact; and
- J. Oil absorbent booms and/or pads shall be on site at all times during project construction. All equipment used during construction shall be free of oil and fuel leaks at all times, and where parked or operated over the river channel from top of bank to top of bank, oil pans or other containment devices shall be continuously placed beneath such equipment to ensure that leaks that do arise will not enter the river environment; and
- K. Cement shall be prepared and poured in a manner that will prevent discharges of wet cement into coastal waters including, but not limited to, placement of measures such as catch basins, mats or tarps beneath the construction area to prevent spills or overpours from entering coastal waters; and
- L. Rinsate from the cleaning of equipment, including cement mixing equipment, shall be contained and handled only in upland areas and otherwise outside of any environmentally sensitive habitat area; and

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)

June 1, 2006

- M. Reporting protocols and contact information for the appropriate public and emergency services/agencies in the event of a spill shall be prominently posted on site at all times; and
- N. All forms that may be utilized for wet concrete pours shall be grout-sealed, allowed to cure completely, and water-tested under the supervision of the monitoring biologist and resident engineer, to ensure complete seal before any wet concrete may be applied to the forms; and
- O. **PRIOR TO COMMENCEMENT OF CONSTRUCTION**, Caltrans shall provide to-scale plans showing the detailed limits and locations of any approved staging, fueling, or concrete washout area subject to the review and approval of the Executive Director before construction may commence, and it shall be Caltrans' responsibility to ensure that no other area of the site is used for these purposes at any time; and
- P. No vegetation removal, including clearing, grubbing, limbing, trimming, or other disturbance of existing vegetation may occur between March 1 and August 31 of any year unless a qualified biologist provides a survey undertaken to the satisfaction of the Executive Director not less than ten (10) days prior to proposed commencement of such activities, demonstrating conclusively that no birds are nesting in the area that would be affected, and the results of the survey have been provided to the Executive Director's satisfaction not less than five (5) days prior to proposed commencement of such activities; and
- Q. No demolition activities shall be undertaken in an area of the site subject to the certified Public Works Plan 1-06-PWP or Specific PWP Project 1-06-01 that would disturb nesting birds or bats utilizing any portion of the bridge during the nesting season for nest building migratory birds March 1 through August 31, and sufficient bat boxes to provide alternative roosting sites must be affixed to the new bridge as soon as feasible after construction but not less than three (3) months prior to the demolition of the existing bridge. Prior to demolition activities, a qualified biologist shall verify that no nesting or roosting species are using the old bridge, and if any roosting species are still using the bridge, the biologist shall relocate the affected species before demolition activities commence. A summary of the relocation activities shall be provided to the Executive Director prior to commencing demolition; and
- R. Caltrans and its designated representatives (which includes contractors and their representatives) shall undertake development at all times in accordance with the requirements set forth herein, and it shall be Caltrans' responsibility to oversee and to ensure such compliance by all parties undertaking any portion of the project authorized herein, at all times. No changes to these requirements may be approved without an amendment to 1-06- PWP/Specific PWP Project 1-06-01, unless the Executive Director determines that no amendment is legally required.

3. **REVISED PLANS, SIGNAGE, HANDICAPPED ACCESS, PUBLIC VIEWS**

PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit final project plans conforming with all requirements of 1-06-PWP and Specific PWP Project 1-06-01, for the review and approval of the Executive Director. No activities associated with the physical development authorized herein shall commence until the Executive Director provides a written determination that all prior-to-commencement requirements have been satisfied.

4. EROSION CONTROL AND REVEGETATION PLAN

A. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, Caltrans shall submit, for the review and approval of the Executive Director, a final combined Erosion Control and Revegetation Plan for all areas disturbed by construction within the area subject to PWP 1-06-01, including disturbance necessary to construct bridge abutments and shoulders, temporary and relocated access roads, and approved staging, fueling, and concrete washout areas to the extent that these are located within the subject area of the project. The plan shall provide for both temporary and permanent erosion control and revegetation in accordance with the revised Revegetation Plan dated September 19, 2005, submitted by Kelley Garrett, Caltrans biologist, shall include a site plan to scale with a detailed planting plan overlay specifying the species, size, source location of propagules, and shall include detailed performance standards, milestones, and specific adaptive management measures. The final plan shall include specific rainy season erosion control measures, including, but not limited to, the following measures or their equivalents as specifically matched to the subject site and conditions: (1) the use of geotextile fabric and gravel to cover temporary access roads during construction, (2) the complete removal of all geotextile fabric and gravel, (3) placement of erosion control measures such as mulch, fiber rolls, or straw, and (4) replanting the disturbed area with locally native vegetation. Other features such as natural boulders or low-profile fences to limit vehicle access to sensitive habitat areas shall be included in the final plan and shall be of a design, materials and color palette that blends unobtrusively with the natural setting. No placement of rip-rap or other streambank alteration structures or measures are authorized ; and

B. Monitoring

One year, three years, five years, and ten years from the completion of final grading, Caltrans shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that indicates whether the on-site landscaping is in conformance with the final revegetation plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage, a listing of the species that did not establish properly, and a listing of the plant species that were replanted to comply with these Special Conditions.

If the landscape monitoring report indicates that landscaping is not in conformance with, or has failed to meet the performance standards specified in the Erosion Control and Revegetation Plan approved pursuant to this permit, Caltrans shall submit a revised or supplemental revegetation plan for the review and approval of the Executive Director. The revised landscape plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. Further monitoring reports in accordance with the above requirements shall be required until the Executive

Director is satisfied that the required cover, vigor, and permanent establishment of native vegetation required in the final plan authorized herein has been achieved.

- C. Caltrans 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.

5. DRAINAGE STRUCTURE FINAL PLAN; MAINTENANCE RESPONSIBILITY

PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit for the review and approval of the Executive Director, a final plan for drainage structure management in the area of the project subject to 1-06-PWP and Specific PWP Project 1-06-01, including maintenance of hard structures and vegetated swales or similar landscape features designed to capture, slow, and/or treat stormwater runoff, protect coastal water quality, and control erosion. The final plan shall include a maintenance schedule and statement of responsibilities. With acceptance of this permit, Caltrans agrees that should any of the project's surface or subsurface drainage structures fail or result in erosion, Caltrans shall be responsible for any necessary repairs to the drainage system and restoration of the eroded area, and such repairs or restoration shall be timely undertaken such that increased erosion or other adverse affects do not occur. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, Caltrans shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

6. TEMPORARY PILES

No creosote treated piles shall be placed in any area of the project site where chemicals leaching from the piles may reach the waters of the Ten Mile River. Piles used to construct the temporary trestles shall be of concrete, steel, composite, untreated timber, or timber treated with a wood preservative approved by the Department of Fish and Game for use in marine waters. All piles placed shall be pulled up and completely removed without digging them out or cutting them off at the mudline.

7. FINAL AUTHORIZATIONS; COMPLIANCE

PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit, for the review and approval of the Executive Director, complete copies of all final authorizations, reviews or permits for the proposed project that may be required by the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corp of Engineers, NOAA National Marine Fisheries, and U.S. Fish and Wildlife Service. Caltrans and its agents, employees, selected contractors and their subcontractors, agents, or employees shall at all times comply with all requirements, requests and mitigation measures from these state and federal agencies. Any change in the approved project that may be required by the above-stated agencies, or that may

conflict with modifications or conditions imposed by the Commission on 1-06-PWP or Specific PWP Project 1-06-01, respectively, shall be submitted to the Executive Director to determine if the proposed change shall require an amendment to 1-06-PWP or Specific PWP Project 1-06-01, or a new Specific PWP Project, pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved project shall occur without a Commission certified amendment to 1-06-PWP or Commission approval of an amendment to Specific PWP Project 1-06-01, or Commission approval of a new Specific PWP Project, unless the Executive Director determines that no amendment or new Specific PWP Project is required.

8. WATER QUALITY PROTECTION PLAN/SWPP

A. PRIOR to COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit a copy of all Best Management Practices and other measures that will be implemented through specific contract measures to protect the quality of coastal waters that may be affected by project activities undertaken in the area subject to 1-06-PWP/Specific PWP Project 1-06-01, for the review and approval of the Executive Director. The submittal shall show in site-plan view, to scale, the location and limits of all authorized staging and storage areas, the approved offsite fueling area, the location and limits of the concrete washout areas, and any other feature the Executive Director determines applicable to the protection of coastal waters.

B. PRIOR to COMMENCEMENT OF CONSTRUCTION, Caltrans shall provide a copy of the Storm Water Pollution Prevention Plan subsequently prepared by the contractor selected by Caltrans for the review and approval of the Executive Director, who shall determine whether the plan adequately incorporates the provisions of subparagraph A of this special condition.

C. Caltrans shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

9. BIOLOGICAL MONITORING

In accepting the Commission's authorization of Specific PWP Project 1-06-01, Caltrans accepts responsibility for ensuring compliance with all conditions of project authorization. All activities that are undertaken within the Ten Mile River channel, including the banks of the river and the environs of the site immediately adjacent to the top of the river banks, shall be subject to the requirements of this monitoring condition:

A. Qualifications, areas of duty of monitor: Caltrans shall ensure that a qualified biologist (hereinafter "monitor") with significant field experience in fisheries ecology, including the rescue and release of trapped fish, as well as qualified to identify rare and sensitive plants that may occur within or adjacent to the project area, and who is approved by the Executive Director of the Commission as well as by the California Department of Fish and Game, NOAA National Marine Fisheries Service, and the U.S. Fish & Wildlife Service as applicable, shall

- observe project activities undertaken within the area subject to Specific PWP Project 1-06-01 adjacent to the Ten Mile River corridor during all activities with the potential to adversely affect sensitive habitat, species, or water quality, and shall monitor and ensure compliance with Specific PWP Project 1-06-01 during such activities until the project is fully completed. If there is any question as to whether a specific project activity requires monitoring, the question shall be directed to the Executive Director for resolution; and
- B. Education of on-site personnel: Prior to commencement of construction, the monitor shall provide copies of and brief all on-site personnel on the requirements of all project authorizations, including requirements related to the protection of sensitive habitat and species, and of water quality, and shall provide additional copies and conduct additional briefings as new field personnel join the project, or as the monitor may determine to be additionally necessary, to ensure that all personnel understand and fully implement the applicable requirements; and
- C. Non-compliance: First notification and required action by site supervisor: The monitor shall immediately report any non-compliance with permit conditions to the Resident Engineer or other designated site supervisor and shall both log the incident in the monitoring notes and document the incident in writing with photographs. Within 24 hours the monitor shall provide an oral report of the incident to the Executive Director of the Coastal Commission followed by a written report detailing the incident. If the monitor observes any potentially adverse impacts to sensitive species, habitat, or water quality, the monitor shall immediately notify the Caltrans Resident Engineer (“site supervisor”), the Resident Engineer’s designated substitute, or other site supervisor designated by Caltrans, and the site supervisor shall order the immediate cessation of any activities contributing to the reported non-compliance. If the site supervisor is uncertain about the compliance status of certain activities, the site supervisor shall nonetheless require cessation of such activities if the monitor identified any compliance concern about them. Resolution of any questions of intent or interpretation of any condition is reserved for the Executive Director or the Coastal Commission pursuant to Standard Condition 3, above. Nothing in these requirements shall relieve the site supervisor from additionally monitoring the compliance with permit conditions of any party authorized to perform work on Caltrans’ behalf and intervening to address or prevent non-compliance whether or not observed by the monitor; and
- D. Further Notification and Remedial Action: Immediately notifying the Resident Engineer or other designated site supervisor, the monitor shall additionally notify Caltrans’ designated District 1 Environmental Unit Construction Liaison (“liaison”) or the liaison’s designated representative of any incident of non-compliance with the requirements of this permit. In addition, if for any reason the usual Caltrans site supervisor is unavailable, Caltrans shall ensure that the liaison has the authority to order the immediate cessation of any activity identified by the liaison or the monitor to be potentially non-compliant with the requirements of this project authorization, and Caltrans shall ensure that this authority is clearly

- understood by all parties undertaking any activities on the subject site. The designated site supervisor or liaison shall not allow the project activities of concern to re-commence until the state and regulatory agencies (which may include: California Department of Fish and Game, Regional Water Quality Control Board, Coastal Commission – North Coast District Office, NOAA National Marine Fisheries Service, U.S. Fish and Wildlife Service, Army Corps of Engineers) with applicable authority have been notified and have had an opportunity to advise Caltrans of any remedial action or additional project authorizations that may be necessary, and such project authorizations have been obtained and such remedial action has been fully implemented, to the satisfaction of the liaison, monitor, and the consulting agency or agencies; and
- E. Monitor to verify SWPPP compliance reports: The monitor shall evaluate for accuracy and completeness all Storm Water Prevention Plan (SWPPP) Best Management Practices compliance reports, typically prepared by the contractor chosen by Caltrans, and when the monitor is unavailable, the Caltrans site supervisor shall evaluate the reports for accuracy and completeness and the results shall be recorded in the engineer's daily records; and
- F. Record-keeping, preservation, reporting: The monitor-- and to the extent the liaison observes site conditions and activities, the liaison--- shall keep detailed field notes of all observations, including biological and physical environmental baseline observations daily, and shall document in writing with supporting photographs - any instance of potential non-compliance, including any instance of sediment or other discharge into the Ten Mile River corridor or other coastal waters, or areas that may drain to these waters, as shall the site supervisor. The monitor shall additionally record a professional estimate of any adverse impact on sensitive habitat, species or water quality that any instance of potential non-compliance imposes. The monitor and liaison shall individually retain copies of all notes, logs, and photographs, descriptions of any remedial actions taken in the event of non-compliance or accident, and copies of the records and photographs of the monitoring biologists shall be permanently preserved and retained by Caltrans with the project records. The monitor and liaison shall additionally submit a complete copy of these materials to the Coastal Commission's North Coast District Office quarterly upon commencement of construction. The monitor and liaison shall additionally ensure and document that rainy season protective measures are fully in place to control erosion and thereby prevent the discharge of sediment to coastal waters, before the onset of rainy season annually October 15, and that the implemented measures perform adequately, until construction is completed.
- G. Additional Responsibility and Authority: Nothing in these requirements shall relieve the Caltrans site supervisor or designated substitute, or the liaison, from additionally monitoring the compliance with project conditions of any party authorized to perform work on behalf of Caltrans within the area subject to 1-06-PWP and Specific PWP Project 1-06-01, and intervening to address or prevent non-compliance whether or not observed by the monitor. Caltrans shall ensure

that a site supervisor is continuously available on-site or by telephone for the monitor's benefit, however if the site supervisor is unavailable for any reason, in accepting this project authorization, Caltrans shall authorize the liaison or the liaison's designated representative to order immediate cessation of any project activity that the monitor or liaison determine may be non-compliant with the requirements of the coastal development permit. In such cases, the responsibilities of the liaison shall be the same as the site supervisor pursuant to subparagraphs (c) and (d) above. Caltrans shall inform, in writing, all contractors working on the project of such designated, and at times delegated, authorities and ensure that all contractors understand and abide by the authority of the Caltrans site supervisor or his/her designated representative, the liaison, and the monitor.

10. SITE INSPECTIONS

Coastal commission staff, and other agency staff that the Coastal Commission staff may coordinate site visitation with, shall be authorized to enter the site at any time to observe project activities without prior notice. Caltrans shall ensure that a minimum of two sets of protective gear are available on site at all times (including hard hats, goggles, safety vests, and high visibility rain gear, etc., such as Caltrans deems necessary for the safety of site visitors). If activities are underway that could cause a hazard to site visitors, the site supervisor or designee shall require that these activities be temporarily suspended as soon as practicable, for a reasonable amount of time to allow safe site inspection by Commission and agency staff, and the site supervisor or designee shall accompany staff during such site visits.

11. AUTHORIZED DEVELOPMENT ONLY; PERMIT AMENDMENT REQUIRED

All activities associated with the development authorized herein shall be undertaken in continual conformance with the approved project description and with the terms and conditions of approval of the permit as amended. Any proposed changes to the approved project shall be reported to the Executive Director. No changes to the approved project shall occur without a Coastal Commission-approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

12. PROTECTION OF FUTURE PUBLIC ACCESS

PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall record a deed restriction, in a form and content acceptable to the Executive Director, to protect permanent public access for pedestrian and bicycle use from the proposed parking turnout approximately 445 feet south (at entrance) of the proposed new Ten Mile River Bridge, as generally depicted on Exhibit 5A, and including the pathway and paved shoulder leading from the turnout to the bridge, and any portion of trail takeoffs to surrounding areas where those takeoffs are located on property owned or controlled by Caltrans or successor agency.

13. UNIVERSAL (HANDICAPPED) ACCESS

A. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit for the review and approval of the Executive Director revised plans that include continuous universal (handicapped) access that would ensure safe wheelchair access to and return from, the proposed bridge, from the proposed parking turnout approximately 445 feet south (at entrance) of the proposed bridge, on the west side of the highway. Caltrans shall ensure that the Highway is signed to notify the traveling public approaching the turnout from either direction that handicapped access parking (including the use of the universal wheelchair symbol) is available for bridge views. Caltrans shall further revise the plans if necessary to achieve Americans With Disability Act (ADA) conformance for the turnout parking and the portion of the shoulder connecting the turnout to the ADA-compliant pedestrian corridor on the bridge. These elements in their entirety also comprise a portion of the State-designated California Coastal Trail. Caltrans shall further revise the plans as necessary to achieve ADA conformance, which may require minor widening of the shoulder or construction of additional protective rail to separate wheelchair access from the traffic shoulder off the bridge. If ADA conformance requires significant changes to the proposed plans, an amendment may be required. The Executive Director shall determine whether changes to the plans necessary to achieve conformance with ADA requirements require an amendment to this Public Works Plan.

B. Caltrans shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

14. RAIL DESIGN

WITHIN ONE YEAR OF COMMISSION APPROVAL OF PWP 1-06 AND SPECIFIC PWP PROJECT 1-06-01, Caltrans shall submit a complete application for an amendment of PWP 1-06 and Specific PWP Project 1-06-01, to incorporate a final Design Plan for bridge and guard rail or other barrier structures proposed for installation in any portion of the subject project that traverses the area subject to PWP 1-06 and Specific PWP Project 1-06-01. The Design Plan shall incorporate the lowest profile, most visually permeable design feasible for these features, consistent with safety requirements. The rail design shall incorporate graceful, arching elements where feasible, and shall not be painted unless the Commission subsequently approves an amendment for a specific painted finish and color. The final finish of surface elements shall otherwise be comprised either of non-reflective matte metal, or timber, or a combination of these, or an alternate material that may be deemed more attractive or less visually intrusive than these. The final design plan shall include a wildlife permeable design for off-bridge elements that is visually compatible with the final designs approved by the Commission pursuant to the amendment request(s).

15. PERMANENT SIGNAGE/SIGNAL/LIGHTING PLAN; LIMITATION ON FUTURE DEVELOPMENT

A. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit a final, permanent signage, signal and lighting plan for the review and approval of the Executive Director. The signage, signal and lighting elements shall be of the minimum profile necessary and shall be limited only to those deemed essential for safety. No digital display “message” signs, “highway maintained by...” signs, other public relations signage, or solar power installations shall be allowed in the highly scenic Highway 1 corridor subject to 1-06-PWP. The final plan shall specify the size, color, design, content and location of any sign within the area of the project that is subject to 1-06-PWP. Permanent lighting is not authorized and would require an amendment to the PWP.

No additional development including, but not limited to, widening, paving, placement of signs or other information displays, lighting, digital or other data displays/advisories, solar installations, maintenance facility improvements shall be undertaken within the area subject to Public Works Plan 1-06-PWP without a Commission-approved amendment to 1-06-PWP for such development.

B. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit, for the review and approval of the Executive Director, a Permanent Signage Plan, which shall specify the size, color, design, content, and placement of any sign or signal proposed for placement within the area of the proposed project that is subject to Public Works Plan 1-06-PWP. No sign may be posted to exclude or limit the use by the public of the proposed parking turnout at the southerly end of the proposed project, approximately 345 feet south of the proposed bridge, on the west side of the highway, or posted to restrict pedestrian or bicycle access to any portion of the area that is subject to 1-06-PWP for the life of the project.

C. Caltrans shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

16. PARKING AREA, COASTAL TRAIL LANDSCAPE/REVEGETATION PLAN

A. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit, for the review and approval of the Executive Director, a final landscape and access plan for the parking turnout area and connector pathways radiating from the turnout, including to the bridge, through all areas owned or controlled by Caltrans. The final plan shall include landscaping only with locally native species that will not interfere with public views, and shall include a plan for low profile fencing or placement of natural boulders, where deemed appropriate to prevent off-site access by vehicles to sensitive habitat areas. Access by pedestrians shall not, however, be restricted. The landscape plantings shall be permanently retained in good health and shall be replanted as necessary to achieve this standard.

B. Caltrans shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the

Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

17. DEMOLITION, STAGING, STORAGE, FUELING, DISPOSAL PLAN

PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit a Demolition, Staging, Storage, Fueling, and Debris/Excess Graded Material Disposal Plan for the review and approval of the Executive Director. The Plan shall include comprehensive provisions and requirements designed to ensure that public areas, sensitive species and habitats, and coastal waters are not adversely affected by these elements of the project activities, and that the footprint of disturbance associated with these activities is the most minimal possible, in accordance with Caltrans' proposal. The Plan shall also include provisions for site personnel education and for exclusion of personnel and equipment/materials/facilities from sensitive habitat areas (such as the placement of highly visible fencing and signage to exclude access from sensitive areas). No fencing or other barriers except as specifically authorized by the Executive Director shall be placed to limit public pedestrian access to the trails previously used by the public in the subject area, nor to any portion of the Coastal Trail within the subject area.

18. IMPLEMENTATION OF WETLAND MITIGATION PLAN

All project activities within the area of the project subject to 1-06-PWP, including mitigation, monitoring, and adaptive management described in the Final Wetland Mitigation Plan, shall be fully implemented, in accordance with Caltrans' proposal.

19. FINAL DISPOSAL PLAN

PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall identify designated disposal site(s) for all debris, wastes, or excess graded material that may be generated by the subject project. These materials may not be placed where they may come into contact with coastal waters, either directly or indirectly, or will displace agricultural lands, adversely affect sensitive species or habitat, or be visible from any public viewing area. Caltrans shall include evidence that all necessary permits, including coastal development permits, for such disposal, have been obtained not less than thirty (30) days prior to commencement of disposal, and shall provide copies of the applicable permits to the Executive Director. Caltrans shall maintain records of the final disposal of any debris, wastes, other materials or excessive graded soils generated during the construction of the project authorized herein and submit a copy of such records to the Executive Director annually, commencing on January 1 of the year following certification by the Commission of 1-06-PWP, and a final report shall be submitted to the Executive Director within thirty (30) days of project completion.

20. AREA OF ARCHAEOLOGICAL SIGNIFICANCE

If excavation is proposed in an area of known or suspected cultural significance, a Native American Monitor shall be present during all ground-disturbing activities. If cultural

remains are discovered, excavation or other ground disturbance shall cease and shall not re-commence until an archaeological plan has been reviewed and approved by the Executive Director if the Executive Director determines in writing that changes to the project or posed mitigation measures are de minimis in nature or scope. However, if such changes or measures are not deemed de minimis by the Executive Director, construction that may further affect the cultural remains may not recommence until after an amendment to this permit is approved by the Commission.

21. FINAL PLANS

A. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit for the review and approval of the Executive Director two copies of final revised to-scale project plans, including two copies of reduced plans, showing the final proposal for 6-ft.-wide paved shoulder transitions from the ends of the proposed bridge to the point of conformity with the existing highway, including a paved shoulder and other features that render the connecting section of the project between the proposed bridge and the proposed parking turnout south of the bridge accessible in accordance with Americans With Disabilities Act (ADA) standards. In accordance with Caltrans' proposal, the elements of the project associated with 1-06-PWP shall not incorporate permanent night lighting, and this limitation shall be noted on the final revised plans. In addition, in accordance with Caltrans' revised plans as clarified by Caltrans in May 2006, no staging activities (defined broadly to include equipment, materials, debris, graded soils, or any other item utilized in or resulting from project activities) would be allowed in any area of the subject project area except as specifically authorized herein in accordance with Caltrans' revised proposal (these areas are limited to the existing roadbed, "mixing table", the temporary trestles), and these areas shall be specifically identified as to location and limits in the final project plans required herein. In addition, the final revised project plans shall show the authorized off-bridge fueling area, and the limits and locations of the authorized concrete washout areas. The final project plans shall also show the location or relocation of all access roads whether temporary or permanent as well as the existing roads that will be revegetated after completion of the project. The final revised plans shall also show the location and limits of the public and maintenance turnout area proposed southwest of the bridge, which shall be the same size as the existing turnout which Caltrans proposes to demolish and revegetate, as clarified by Caltrans in May 2006, and shall include the footprint of the paved accessway from the turnout to the Coastal Trail corridor on the subject bridge. No disturbance of any other area, whether temporary or permanent, shall be authorized without an amendment of 1-06-PWP unless the Executive Director determines that no amendment is legally required.

B. Caltrans shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

22. TIMING OF CONSTRUCTION

In accordance with Caltrans' proposal, no grading or vegetation thinning, trimming, clearing, grubbing, or removal shall occur between March 1 and August 31 of any year unless a qualified biologist has surveyed the area not less than ten (10) days prior to the proposed commencement of such activities and has determined that no nesting is occurring in the area(s) that would be disturbed. Caltrans shall submit the results of such survey(s) to the satisfaction of the Executive Director not less than five (5) calendar days before commencing the proposed activities during the prescribed season.

23. ASSUMPTION OF RISK

A. By acceptance of Commission certification of 1-06-PWP as modified, Caltrans acknowledges and agrees: (i) that the site of the proposed Ten Mile Bridge project including relocated elements of Highway One to the point of conformity with the existing highway, and the proposed new turnout area south of the bridge, may be subject to hazards from seismic events, liquefaction, storms, floods and erosion; (ii) to assume the risks to employees and assigns of Caltrans, including contractors and subcontractors and their officers, agents, and employees, and to the public utilizing the proposed project during and after construction, and to the property that is the subject of this permit of injury and/or 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 against 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 SPECIFIC PUBLIC WORKS PLAN PROJECT APPROVAL**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to the Commission's certification of this Public Works Plan as modified herein and authorization this Specific Public Works Plan Project approval as conditioned herein, 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 Specific Public Works Plan Project approval 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 Specific Public Works Plan Project approval or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

C. WITHIN 90 DAYS OF COMMISSION ACTION ON THE SPECIFIC PUBLIC WORKS PLAN PROJECT, 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.

24: BIOLOGICAL AND WATER QUALITY MONITORING

A final plan for biological and water quality monitoring shall be submitted for the review and approval of the Executive Director. The final plan shall incorporate all protective measures required by NOAA National Marine Fisheries Service, U.S. Fish & Wildlife Service, Regional Water Quality Control Board, California Department of Fish and Game, and Army Corps of Engineers in authorizing the proposed project. In addition, all impact avoidance, minimization, or mitigation measures included by Caltrans in the Draft Mitigated Negative Declaration dated March 2006 and released in April 2006 shall be incorporated into the specific project and full compliance with these measures shall be required. The plan shall incorporate specific monitoring and reporting provisions and procedures for stopping project activities that are determined by the biological monitor or Caltrans personnel to be inconsistent with the requirements of the applicable permits and authorizations. The final plan shall be applicable to all areas of the project that are subject to 1-06-PWP.

II. FINDINGS

The findings identified below that were made by the Commission in concurring conditionally with Federal Consistency Certification CC-074-05 are hereby incorporated in support of the Commission's certification of the Public Works Plan with modifications and the Commission's approval of the Specific Public Works Plan Project with special conditions. Where findings are incorporated from the previous Federal Consistency Certification report and findings, they are set forth in **Arial Bold** font for the reader's convenience.

The standard of review in this staff report is a) whether the Public Works Plan Caltrans proposes is consistent with the applicable policies of the certified Mendocino County Local Coastal Program, and b) whether the Specific Public Works Plan Project proposed by Caltrans (they are one and the same in this case) is consistent with the Public Works Plan as certified by the Commission. Because this is a project-driven Public Works Plan and Specific Public Works Plan Project, both are being considered at the same hearing.

The County's LCP incorporates the Chapter 3 policies of the Coastal Act; therefore where these policies are cited in the Commission's findings of conditional concurrence with Consistency Certification CC-074-05, the references have been retained. Where the LCP sets forth additional specific policies pertinent to the Commission's present consideration of the Public Works Plan and Project, these policies or provisions have also been included directly in the appropriate sections below.

The Commission finds and declares as follows:

A. Background and Project Description from CC-074-05:

1. Introduction/Overview

The California Department of Transportation (Caltrans) has submitted a consistency certification (and subsequently a Public Works Plan, a Specific PWP Project, a Coastal Development permit application and a coastal development permit amendment application) **for the proposed Ten Mile River bridge seismic replacement project, ten miles north of Fort Bragg in Mendocino County. The existing 1,360-foot-long, 26-foot-wide bridge was built in 1954, and includes two 12-foot lanes, 1-foot shoulders, and narrow raised curbs. The existing bridge does not meet current state and federal seismic guidelines for highway structures and must be replaced. The project area includes the 1,410-foot-long southern approach along Hwy. 1, the proposed 1,488-foot-long bridge, a 650-foot-long northern approach along Hwy. 1, and access ways and construction zones on both sides of Hwy. 1 and on both sides of Ten Mile River. The 45-foot-wide new bridge would be constructed on a parallel, curved alignment east of the existing curved bridge, and would support two 6-foot-wide paved outer shoulders, adjacent to each traffic lane and one 5-foot-wide Coastal Trail pedestrian corridor on the west side, separated from traffic by an approximately 2.7-foot-high type ST-10 guard rail, with a 48-inch-high “picket style” outer pedestrian rail on the west side similar to the one constructed on Noyo Bridge in Fort Bragg – see photograph below of Noyo Bridge example), and Type ST-20 guardrails** (topped by bike rail, on the east side of the bridge, to achieve a 54-inch minimum height Caltrans states is necessary for the safety of bicyclists). **A maintenance parking turnout on the west side of Hwy.1 approximately 330 feet south of the new bridge would replace the existing turnout at the south end of the bridge. Access would remain available from the new turnout to an existing informal trail at the south end of the bridge which leads to Ten Mile River and the shoreline at MacKerricher State Park.** Caltrans has recently clarified that the new parking turnout and maintenance area would be exactly the same size as the existing maintenance area, 2,841 square feet, but would not be enlarged to 12,600 square feet as previously proposed. Caltrans does not propose any long term storage of equipment or materials, or placement of structures at this location. Caltrans states that the turnout will be approximately 445 feet south of the southerly end of the proposed bridge sidewalk. The existing turnout that will be closed after construction of the new bridge and turnout is located immediately adjacent to the southern end of the existing bridge. Caltrans states that the new turnout cannot be placed closer to the proposed bridge because line-of-sight clearance for safe ingress and egress from the proposed new turnout could not be provided any closer to the bridge.



Note: The photograph shown above, provided courtesy of Mike Panchesson, Caltrans Bridge Engineer/Designer, shows the Noyo River Bridge crossing in Fort Bragg, including the QuadGuard end cushion/barrier, the 31-inch-high ST-10-style guard rail separating the pedestrian corridor from the traffic side of the bridge, and the outer “picket” style of pedestrian rail. The pedestrian outer rail shown above is approximately 48 inches in height. Caltrans presently proposes to implement the same design treatment shown in the Noyo Bridge photograph for the west side of the Ten Mile River Bridge. Though the Noyo Bridge rail is painted green, options for the Ten Mile Bridge include painting with green or another color, or the use of naturally-weathered metal without paint, which would eliminate the maintenance tasks and potential flaking of paint into the river as the paint coat ages. Either treatment could be accommodated, according to Caltrans.

The bridge rail presently proposed for the east (upstream) side of the bridge, where the six-ft-wide paved shoulder does not share the bridge-edge with an adjoining pedestrian corridor, remains the same as previously proposed: Type ST-20 rail with sufficient vertical elements to achieve a 54” height deemed necessary for bicycle safety by Caltrans. An illustration of this type of rail designed to bicycle height is shown below. Caltrans staff continue to consider design options, and to participate in the Commission’s Road’s Edge Subcommittee. The final design selection will subsequently be considered by the Commission as an amendment to this Public Works Plan and Specific Public

Works Plan Project (Modifications and Special Conditions, 1-06-PWP and CDP 1-06-022, respectively).



The illustration above is provided courtesy of Mike Panchesson, Caltrans Engineer/Bridge Designer, shows ST-20-type rail with elements to achieve 54-inch bicycle safety height.

Primary access to the bridge construction zone will use an existing dirt road on the south side of the river. A new access road and trestle (to allow movement across wetlands and the river) will be constructed north from the haul road east of the new bridge alignment. This will provide access for construction of the four landside bents, three in-water piers, upland and in-water cofferdams, northern abutment, and falsework for the bridge superstructure. A second access road and trestle will be constructed north from the haul road on an alignment west of the existing bridge; this will provide access for construction of ground-level and above-ground debris containment structures required for bridge demolition. Earthwork and construction of an engineered fill slope is required at the south bluff to extend the realigned Hwy. 1 roadway to the bluff edge and construct the south abutment of the new bridge. Construction is scheduled to start in early 2006 2007 and last for approximately three years. (Caltrans now estimates that construction would likely commence in early 2007 and other referenced years will move to the future, accordingly)

Public Access and Recreation. The project will protect an existing informal public accessway to the shoreline located at the south end of the bridge and provides the only possible crossing of the California Coastal Trail (CCT) over the Ten Mile River. The Commission has conditioned its concurrence with CC-074-05 to state that the project would be consistent with the California Coastal Management Program (CCMP) if:

The California Department of Transportation will submit to the California Coastal Commission, via coastal development permit applications, revised project plans for the Ten Mile River Bridge Replacement Project that provide for pedestrian pathways separated from vehicle traffic lanes and located within the eight-foot-wide shoulders on both sides of the bridge.

Separated pedestrian pathways and widened shoulders for bicycle traffic will improve the safety of pedestrians and bicyclists crossing the river on this segment of the CCT and State Highway 1. The project will generate adverse but not significant impacts on public access due to Highway 1 construction delays and the temporary closure of the aforementioned informal accessway during demolition of the existing bridge. However, the replacement of the Ten Mile River bridge with a new bridge that meets current seismic safety standards will ensure the long-term protection of public access and recreation provided by Highway 1 on this section of the Mendocino coast. If modified in accordance with the Commission's aforementioned conditional concurrence, the proposed project would be consistent with the public access and recreation policies of the CCMP (Coastal Act Sections 30210-14, 30220-21, and 30223).

Water Quality. The proposed project contains design features to minimize water quality impacts from the completed project, and will include an up-to-date package of construction-related best management practices to ensure that the multi-year construction and demolition activities will not degrade water quality in the Ten Mile River. The project is consistent with the water policy of the CCMP (Section 30231 of the Coastal Act).

Environmentally Sensitive Habitat. The proposed project is designed to minimize significant adverse effects on environmentally sensitive habitat. No construction work or disturbance will occur in areas where federal- and state-endangered plant species occur, and nesting for migratory birds will be protected during bridge construction and demolition activities. The project revegetation plan includes provisions for replanting and restoring all disturbed areas to native vegetative cover, restoring all roadbed areas outside the new alignment of Hwy.1, and monitoring and remediation measures to ensure that environmentally sensitive habitats are restored to optimum, pre-project conditions in a timely manner. The project will protect environmentally sensitive habitat and is consistent with the

environmentally sensitive habitat protection policy of the CCMP (Section 30240 of the Coastal Act). (Note that the potential direct impacts to fish species and eelgrass wetland habitat would arise from in-water activities that are subject to the Commission's retained jurisdiction through CDP Application No. 1-06-022, June 16, 2006, Agenda Item Fri 8c.)

Visual Resources. The proposed Ten Mile River bridge replacement project is located in a highly scenic coastal area and involves construction on a rural, two-lane section of Highway 1. The replacement bridge will be located immediately east of the existing bridge and is designed to mimic its height above the river, span length, and geometry. Visual design improvements include haunch girders to soften the more rectangular look of the existing bridge superstructure, and fewer bridge piers within the river and its south bank. The visual resource impacts from temporary relocation of transmission lines, cut and fill earthwork, and revegetation are adverse in the short-term but are not significant in the long term due to the restoration of disturbed areas that is incorporated into the project.

The wider bridge deck will make it more difficult to gaze directly down onto the Ten Mile River but the views that dominate the traveler's eyesight while crossing the bridge are primarily those in the middle ground and in the distance: the upper Ten Mile River Valley, the lower Ten Mile River and its estuary, the sand dunes of MacKerricher State Park, and the distant Pacific Ocean. Any adverse impact on visual resources from this perspective due to the wider bridge deck would be insignificant, but views from and towards the bridge would be adversely affected by the proposed installation of the industrial-looking version of the ST-20 rail. The Commission conditioned its concurrence with CC-074-05 to state that the project would be consistent with the CCMP if:

The California Department of Transportation will submit to the California Coastal Commission, via coastal development permit applications, revised project plans for the Ten Mile River Bridge Replacement Project that provide for pedestrian pathways separated from vehicle traffic lanes and located within the eight-foot-wide shoulders on both sides of the bridge.

This condition will limit the width of paved shoulders on the bridge available for vehicles and bicycles, and will help to maintain the scenic character of the two-lane bridge located in this rural area of the coastal zone. In addition, the requirement of separated pedestrian pathways on the bridge will necessitate a revised set of vehicle and pedestrian safety rails, and these rails should be more esthetically appealing than the originally proposed version of the ST-20 multi-use. The widening of paved shoulders along the Hwy.1 approaches to the proposed Ten Mile River bridge does not require significant landform alteration, massive vegetation removal, fill of wetlands, or construction in environmentally sensitive habitat. The

visual appearance of the new roadway corridor will be different from that which exists today, but because the existing roadway is not physically constrained by the landscape through which it passes, any adverse effect from this new corridor would not be significant to the traveler. If modified in accordance with the Commission's aforementioned conditional concurrence, the proposed project would be consistent with the scenic and visual resource policies of the CCMP (Coastal Act Sections 30251 and 30254). In further considering Caltrans present proposal that is the subject of 1-06-PWP, the Commission will also review off-bridge elements that traverse the area that is subject to the PWP. Additionally, the on-bridge railings and associated elements are subject to the Commission's review pursuant to pending CDP Application No. 1-06-022.

Cultural Resources. The proposed project would occur primarily in a previously developed area along the Highway 1 corridor. With the results of cultural resources surveys conducted by Caltrans, Native American consultation, and Caltrans' commitment to stop work and undertake additional consultation should cultural resources be discovered during construction, the project does not hold the potential to adversely affect cultural resources. The project is consistent with the cultural and archaeological resource policy of the CCMP (Coastal Act Section 30244).

Agricultural Lands. The proposed project requires an expansion of Caltrans' right of way north and south of Ten Mile River in order to accommodate the eastward shift of Highway 1 as it aligns with the new Ten Mile River Bridge. To that end, Caltrans has initiated the process of purchasing the required strips of land from adjacent property owners. One property south of Ten Mile River encompasses coastal agricultural resources that are protected by a deed restriction from non-agricultural development. Due to the narrow strip of land to be obtained by Caltrans, its location immediately adjacent to Hwy.1, and the public service purpose of the project, the proposed conversion of approximately three acres of land from agricultural use to Hwy. 1 right-of-way would not significantly affect the agricultural viability of the remaining lands currently deed-restricted for agricultural uses. The project is consistent with the agricultural land protection policies of the CCMP (Coastal Act Sections 30241 and 30242). The pending Coastal Development Permit Amendment Application is scheduled for Commission hearing as June 16, 2006 Agenda Item Fri 9b.

2. General Setting

The Ten Mile River Bridge is located in an area that is designated as Highly Scenic by the certified Mendocino County Local Coastal Program. An image of the Ten Mile River Bridge and environs shown below is available on the Coastal Records Project website:

<http://www.californiacoastline.org/cgi-bin/image.cgi?image=11273>

3. Project Description

The California Department of Transportation (Caltrans) is proposing to construct a replacement bridge for the State Highway 1 crossing of the Ten Mile River, ten miles north of Fort Bragg in Mendocino County (Exhibits 1-4—Note: Exhibit 1A contains the proposed PWP and Exhibit 3A contains the adopted findings for CC-074-05). The existing Ten Mile River Bridge is located approximately 1,600 feet from the Pacific Ocean. The reinforced concrete bridge was built in 1954 and is approximately 1,360 feet long and 26 feet wide, with two 12-foot lanes, 1-foot shoulders, and narrow raised curbs. The bridge superstructure consists of slab T-beam girder spans, with box girder spans over the river. The bridge is supported almost entirely on timber pile and spread footing foundations (two abutments and 20 bents and/or piers). It is the only bridge that provides access across Ten Mile River. State Hwy. 1 in the project area consists of one 12-foot lane in each direction with shoulder widths varying between 0.75 and 4.75 feet.

Caltrans has clarified the proposed project description to include the following: the proposed new public and maintenance turnout will be approximately the same size (2,841 square feet) as the existing turnout and will remain open to the public (the proposed new turnout had been previously proposed at 12,600 square feet); off-bridge transitions from 6-ft.-width to the point of conformity with the existing highway will be reduced in light of the shortened length necessary when reducing the shoulders from the previously proposed 8-ft.-width to the presently proposed 6-ft.-width on the bridge and at the beginning of the transition shoulder in each direction off the bridge. Caltrans transmitted a facsimile copy to staff of the final revised transition calculations for the paved shoulders now proposed on May 30, 2006, attached as Exhibit 7A(2). Exhibit 7A(1) contains a document transmitted by Caltrans via the Commission's Caltrans Liaison that provides evidence of reduced accident incidence with increasing shoulder width along rural highways.

Caltrans has also clarified that although staging activities were originally proposed to be authorized anywhere within the right-of-way at the complete discretion of the contractor that will eventually be selected to undertake the project, the proposal is now revised to limit staging activities exclusively to the "mixing table" area (presently used for occasional maintenance activities, according to Caltrans), the proposed trestles, and the existing roadbed. No permanent lighting is presently proposed on or off of the bridge.

The proposed project arises from the need to provide a new earthquake-resistant bridge at this location and the determination by Caltrans that retrofitting the existing bridge was infeasible due to the calculated vulnerability of a retrofitted bridge to collapse during a large flood event on Ten Mile River. Caltrans' *Project Report* for the Ten Mile River Bridge seismic replacement project states that:

The controlling fault for this project site is the San Andreas Fault located approximately 17.4 kilometers [10.8 miles] west of the project site and is capable of generating a maximum credible earthquake of moment magnitude 8.0. The site is located within a peak bedrock acceleration zone of 0.4g. The underlying soils at the Ten Mile River Bridge are prone to liquefaction during moderate-to-strong ground shaking.

. . . The Office of Structure Design determined that the timber pile foundations are the controlling failure mechanism during a seismic event and that under liquefying conditions, the existing timber pile foundations cannot support the structure, making the bridge susceptible to collapse.

The risk of collapse is considered high, and there is no interim retrofit work that can be done to reduce structural deficiencies of the existing structure.

Since the publication of the consistency certification revised findings in March 10, 2006, a new earthquake fault has been identified along the Mendocino Coast, in the approximate location of the Ten Mile Bridge, according to the Commission's staff geologist. The fault, named the "Pacific Star Fault" has been reported as potentially capable of causing an earthquake of the same magnitude as the San Andreas Fault. Because the proposed bridge is engineered to withstand an 8.0 earthquake, the maximum Caltrans has determined could be generated in the area of the bridge from a San Andreas Fault earthquake, the bridge would be adequate to withstand the magnitude of earthquake that may be generated by the Pacific Star Fault. There is no evidence available at the time of publication of this report to indicate that a rupture zone associated with the fault would traverse the proposed bridge footprint.

The Ten Mile River Bridge does not meet current state and federal seismic guidelines for highway structures.

Caltrans states in its *Project Report* that it sponsored public meetings and provided opportunities for local organizations to participate in the development of the proposed project:

- **June 1996: Public open house on the original bridge retrofit design (this project alternative was abandoned in June 1998 due to flood hydraulic concerns).**
- **July 2002: Public information workshop to present bridge replacement alternatives A, B, C, 1, and 2.**
- **September 2004: Public information workshop to present Alternative C (the current project alternative).**

- **Friends of the Ten Mile River participated in the development of the 1999 *Project Study Report* and the *Project Report* for the proposed alternative. Their Chief Environmental Officer was a member of the Project Development Team.**
- **The Ten Mile Coastal Trail Foundation attended the January 1999 Project Development Team meeting and the July 2002 public workshop.**
- **The Northern California Trails Council participated in Project Development Team meetings in January 1999 and October 2002.**

The proposed Ten Mile River Bridge replacement project includes the following components (Exhibits 6-9 illustrate the project plan, Exhibits 10-11 illustrate typical roadway cross-sections, and Exhibits 12-14 illustrate the location of trestles and falsework):

- 1. The project limits encompass a 1,410-foot-long southern approach along Hwy. 1, the proposed 1,488-foot-long bridge, a 650-foot-long northern approach along Hwy. 1, and access ways and construction zones on both sides of Hwy. 1 and on both sides of Ten Mile River. The construction zone across the river will extend from approximately 50 feet beyond the western edge of the existing bridge to 80 feet beyond the eastern edge of the new bridge.**
- 2. The new bridge would be constructed on an approximately parallel, curved alignment east of the existing curved bridge at a variable offset of 50 to 63 feet. The proposed cast-in-place/prestressed concrete box girder bridge would have an eight-span superstructure (the bridge roadway) supported by three piers (the middle supports in the river), four bents (the middle supports on land), and two abutments (the bridge end supports). Each pier and bent would consist of two, six-foot-diameter cast-in-drilled-hole and/or cast-in-place-steel-shell pile columns approximately 132 feet in length. The height of the bridge roadway above the river would vary between 36 feet at mid-span and 39 feet at bridge ends, due to the sag vertical curve design of the bridge. The bridge would be approximately 1,488 feet long and ~~43~~ 45 feet wide, with two 12-foot-wide lanes and ~~8 feet wide~~ 6-foot-wide shoulders and a 5-foot-wide Coastal Trail pedestrian corridor on the west side only, with a 48-inch-high outer “picket” style pedestrian rail, and separated by traffic by an approximately 2.7-foot-high, 1.6-ft.-wide ST 10 type guard rail, and 54-inch-high ST-20 rail on the east side of the bridge as previously proposed. Type ST-20 guardrails would be installed on the new bridge due to their 68% “see-through” capability. The ST-20 railing is 54 inches high and includes the four main rails and a bicycle rail. Metal beam guardrails will be installed at the approaches to and exits from the bridge.**

3. The bridge shoulders would transition from 8 feet to 4 feet off the bridge along the new approaches, and would ultimately transition back down to the existing Hwy.1 shoulder widths (which range between 0.72 and 4.72 feet). In particular, the proposed shoulder widths on Hwy.1 (off the bridge) in each of the four geographical quadrants of the project are as follows:
 - i. **NW quadrant**: 63-foot-long 8-foot shoulder with guardrail; 40-foot-long transition from 8-foot to 4-foot shoulder; 375-foot-long 4-foot shoulder; 100-foot-long transition from 4-foot to 2-foot shoulder; 66-foot-long transition from 2-foot to existing 0.75-foot shoulder.
 - ii. **NE quadrant**: 25-foot-long 8-foot shoulder with guardrail; 269-foot-long transition from 8-foot to 4-foot shoulder; 195-foot-long 4-foot shoulder; 100-foot-long transition from 4-foot to 2-foot shoulder; 66-foot-long transition from 2-foot to existing 0.72-foot shoulder.
 - iii. **SW quadrant**: 25-foot-long 8-foot shoulder with guardrail; 195-foot-long transition from 8-foot to 4-foot shoulder; 1,125-foot-long 4-foot shoulder; 66-foot-long transition to existing 4.72-foot shoulder.
 - iv. **SE quadrant**: 63-foot-long 8-foot shoulder with a 280-foot-long guardrail (due to adjacent slope); 40-foot-long transition from 8-foot to 4-foot shoulder; 1,243-foot-long 4-foot shoulder; 66-foot-long transition to existing 4.39-foot shoulder.

(As noted above, Exhibit 7A contains the revised transitions widths calculated by Caltrans based on the reduction from 8-ft to 6-ft-wide paved shoulders)

Caltrans states that providing 8-foot shoulders on the new bridge will improve safety for bicyclists and pedestrians crossing the 1,488-foot-long bridge and provide space for disabled vehicles to pull out of the traffic lane. The shoulders will also provide adequate space for Caltrans maintenance vehicles to operate without the need to implement one-way traffic control on the bridge.

4. A maintenance parking turnout on the west side of Hwy.1 approximately 330 feet south of the new bridge would be constructed to accommodate Caltrans maintenance vehicles and the general public. This feature would replace an existing maintenance turnout located immediately adjacent to the south end of the existing bridge on the west side of Hwy.1. Access from the proposed turnout to an

- existing informal trail at the south end of the existing bridge which leads to Ten Mile River and the shoreline at MacKerricher State Park would follow the old Hwy. 1 roadbed (pavement will be removed and the corridor re-vegetated).
5. Primary access to the bridge construction zone will use an existing dirt access road on the south side of the river; this former logging haul road exits the east side of Hwy.1 one-half mile south of the bridge and eventually passes under the bridge on its westward route towards the Pacific shoreline.
 6. A new access road and trestle (to allow movement across wetlands and the river) will be constructed north from the haul road east of the new bridge alignment and will provide access for construction of the four landside bents, three in-water piers, upland and in-water cofferdams, northern abutment, and falsework for the bridge superstructure. Construction of the access road will include the use of landing mats and/or fill on geo-fabric placed over wetland habitat. The main trestle across the river will also have trestle extensions to and around the bent and pier locations, will sit 3.3 feet above the 100-year flood elevation of the river, and will rest on approximately 90 H-piles. The falsework will be supported by approximately 145 timber H-piles.
 7. A second access road and trestle will be constructed north from the haul road on an alignment west of the existing bridge to provide access for construction of ground-level and above-ground debris containment structures required for bridge demolition. The trestle will rest on approximately 64 H-piles, and a containment platform under the portion of the bridge over the river will be constructed using approximately 34 H-piles. Piers supporting the existing bridge would be removed to a minimum depth of 2 feet below final grade of the riverbed.
 8. Piers and bents for the new bridge will be constructed by driving steel shells deep into the earth until competent material is reached. Shells will be drilled out, fitted with reinforcing steel bars, filled with concrete, and capped. Concrete columns will be constructed upwards from the caps and connected to the bridge decking, consisting of steel-reinforced concrete and tensioning tendons supported by falsework.
 9. Approximately 4,000 cu.yds. of material will be drilled out for the new piers and transferred to an offsite disposal location on private property in the coastal zone, approximately four miles south of the project site and 1.5 miles east of the hamlet of Cleone (Exhibit 15). Fill material will be placed and compacted on the site, erosion

control measures will be implemented, and the site will be seeded with California native grasses. Prior to commencement of disposal, Caltrans will obtain a coastal development permit from Mendocino County for this activity in the non-appealable area of the coastal zone. (Caltrans has since indicated that the eventually-selected contractor would be required to obtain the necessary CDP and that Caltrans will not join as an applicant for such permit. There is not sufficient information presently available to determine whether such permit could be considered appealable to the Commission as a major public works project, even if processed separately from the project the waste material arises from. Caltrans indicates that a number of coastal agricultural land holdings have been tentatively identified for this purpose, as noted in the Initial Study prepared by Caltrans, Exhibit 6A). Caltrans has also stated that no particular location for waste disposal is binding on the contractor eventually selected because Caltrans is required to allow the contractor to exercise discretion in this area as a potential contract cost savings measure.

- 10. Barges and small boats (with drafts not to exceed 14 inches) may be used to transport construction materials and personnel between the construction site and a single river access point on the south bank of the river, approximately one-quarter mile east of the bridge and adjacent to the existing haul road near its intersection with Hwy.1.**

Caltrans notes that the use of a barge is unlikely due to the shallow depths of the river, but decided to keep this option in the project description to reserve it as an option for the eventually-selected contractor.

- 11. An existing private gravel road located north of the Ten Mile River Bridge along the east side of Highway 1 will be realigned outside Caltrans' proposed eastward right-of-way expansion.**
- 12. Overhead SBC telecommunication lines which cross the Ten Mile River immediately east of the existing bridge will be relocated into a conduit within the new bridge superstructure. In addition, the existing overhead SBC lines on the east side of Hwy.1 (extending 1,300 feet south of the existing bridge) will be placed underneath the relocated segments of Hwy.1 north and south of the new bridge. During project construction, the existing overhead SBC line will be temporarily re-routed to the west side of Hwy.1 at a location 1,300 feet south of the existing bridge. The aerial line will be strung along five temporary poles and three tree attachments until just south of the existing bridge. At this point the line will be placed in a gray plastic conduit and attached to the west side of the existing bridge using a series of metal brackets. North of the bridge, the temporary line will be buried along with a new permanent PGE power line on the west side of existing Hwy.1 for approximately 700 feet, whereupon the underground lines will cross under Hwy.1 to a new SBC cabinet**

at the northeast corner of the intersection of Hwy. 1 and Camp 2 Ten Mile Road.

13. ~~Approximately 9,000 cu. yds. of cut and 9,000 cu. yds.~~ 9,500 cu. yds. of cut and 9,500 cu. yds. of fill are required to construct the realigned Hwy. 1 approaches, new abutments, and the private roadway realignment. Earthwork and construction of an engineered fill slope is required at the south bluff to extend the realigned roadway to the bluff edge and construct the south abutment of the new bridge. Cut and fill slopes will be constructed with 2:1 slopes to minimize landfill alteration and will avoid environmentally sensitive habitats, including wetlands. Any excess cut material will be disposed at the aforementioned off-site disposal area. Concrete and steel debris from the demolition of the existing bridge will be taken by the construction contractor to an approved disposal site for these materials (and possibly recycled).
14. Right-of-way acquisition of approximately 3.3 acres of private property along the east side of Hwy.1 north and south of the river is required. Caltrans will retain ownership of the abandoned Hwy.1 roadbeds north and south of the bridge and the existing bridge right-of-way. Caltrans will obtain temporary construction access easements on private property.
15. Construction staging and materials storage will occur within an existing one-quarter-mile-long highway turn-out (known as the "mixing table") within Caltrans right-of-way on the west side of Hwy.1 approximately one-third mile south of the bridge. The northern 130 feet of the turn-out will be reserved and maintained for public parking during the construction period; the balance of the turn-out may be fenced for security. Additional staging and materials storage may occur within the construction site. Caltrans has since clarified that except for the "mixing table" area, additional staging and materials storage within the project area would only take place on the old trestle and would not be authorized anywhere within the project area at the contractor's discretion as previously stated.
16. Construction is scheduled to start in ~~early 2006~~ 2007 according to Caltrans' most recent estimates). In-water work (i.e., pile driving for temporary trestles, falsework, and cofferdams) is limited in general to the period June 15 to October 31 of the first year of construction, and to the period September 15 to October 31 of subsequent years, as needed. Installation of permanent piles would occur year-round within the dewatered cofferdams. Once cofferdams and pilings are driven, bridge construction can occur year-round. Once the bridge deck is completed, the roadway will be re-aligned at the north and south approaches and demolition of the existing bridge will commence. Construction, demolition, and clean-up activities are

currently scheduled for completion by the end of 2008; however, unforeseen circumstances could delay construction start and completion dates.

B. Public Works Plan and Specific Public Works Plan Project Description

See Exhibits 1A and 2A, attached. The standard of review for consideration of the PWP is consistency with the policies and provisions of the certified Mendocino County Local Coastal Program (LCP), which incorporates the pertinent policies of the Coastal Act, which were the standard of review for CC-074-05. Therefore the Coastal Act policy references have been retained herein, and supplemented with the applicable LCP policies.

C. Public Coastal Access and Recreation

The Coastal Act provides the following:

Section 30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,***
- (2) Adequate access exists nearby, or,***

...

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30213. *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred*

Section 30214.

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution . . .

Section 30220. *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section 30221. *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Section 30223. *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)
June 1, 2006

Coastal access issues related to the design of the bridge are considered in the staff report for CDP 1-06-022 (June 16, 2006 Agenda Item Fri 8c); the off-bridge shoulder transitions, guard rails, crash guards, and turnout parking, as well as a substantial amount of the abandoned roadbed demolition and restoration, are subject to the pending Public Works Plan, 1-06-PWP and the Specific PWP Project 1-06-01. Although the policies of the Coastal Act are incorporated by reference in the certified Mendocino County Local Coastal Program, the LCP also contains certain very specific policies and provisions concerning the public coastal access issues associated with development of Highway 1. These policies apply to the area of the project located off the bridge, in the area presently subject to the Commission's appellate jurisdiction through the certified Mendocino County LCP.

The certified LCP, in a section titled: "Shoreline Access/Trail and Bikeway System," at pages 88 and 89 states in pertinent part:

" Trail/Bikeway System

The 1975 Coastal Plan called for a coastal trail system, and the hiking and equestrian trails element of the California Recreational Trails Plan proposes a trail in the Pacific Coast corridor defined as extending from Oregon to Mexico 'within the sight and sounds of the Pacific Ocean.' No more specific location is proposed and DPR has not funded any trail improvements in Mendocino County outside State Parks. Highway 1 is designated a Bike centennial Route, but at the current level of funding it will be 10 years or longer before Caltrans can complete bike lanes even on the 25 percent of the route where the required widening probably would not be detrimental to the environment. *(Note: the LCP pages for these excerpts are dated November 5, 1985)*

...Hikers, bicyclists, and equestrians have different needs. Hikers can use all trails without limitations. Equestrians can share off-road trails with hikers but require more separation from vehicle traffic for safety. Equestrian users of public roads may be undesirable in heavily populated areas, but few such areas exist on the Mendocino coast. Most hikers and equestrians are primarily interested in experiencing the destination. On the other hand, bicyclists, with the exception of those riding balloon-tire bicycles, require pavement. Most bicyclists are not casual sightseers, but travelers who prefer to use the most direct route, which in most cases is an existing road or highway. Their main concern is safety, ensured by having enough space for a bicycle lane along the road to provide a separation between themselves and automobiles.

...Mendocino County has adopted an equestrian and hiking plan as an amendment to the Recreation Element of its General Plan (#147 Mendocino County). The trail plan resulted largely from the efforts of the Northern California Trails Council, a group concerned with availability of open space for riding and hiking and safety provisions along public roadways. The trails plan portrays a countywide system of trails connecting communities with each other as well as with recreational areas. However, funds have not yet been available to implement

the plan's policies. Existing county trails presently are not heavily used, due to a lack of publicity and public knowledge as well as to a lack of facilities such as staging areas, campgrounds, and safe access points.

... A continuous coastal trail through Mendocino County using little or no Highway 1 right of way would be costly and at some locations disruptive to existing development. Equally important, there is no reason to believe it would receive enough use as a continuous trail to justify the cost against alternative uses of the same funds for coastal preservation and enhancement.

... During a typical summer day (*note: this excerpt is dated 1985; bicycle use of the Highway 1 corridor has increased since then*), 50 or more touring bicyclists use any segment of Highway 1. Provision of standard 4-foot bicycle lane along the entire length of the highway would have environmental effects at some locations that must be evaluated milepost by milepost.

Specifically applicable LCP policies related to public coastal access and recreation related to Highway 1 state in pertinent part:

- 3.6-16 Access to the beach and blufftop viewpoints shall be provided for handicapped persons where parking areas can be close enough to beach or viewing level to be reachable by wheelchair ramp. The wheelchair symbol shall be displayed on road signs designating these access points where the means of access is not obvious from the main road.
- 3.16-17 Caltrans shall be required to improve or construct view turnouts designed on the Land Use Maps as a part of adjoining highway improvement projects when such improvements involve widening or improvements of the highway. (this would exclude rehabilitation type projects).
- 3.6-20: Paved 4 foot shoulders should be provided by Caltrans along the entire length of Highway 1 wherever construction is feasible without unacceptable environmental effects.
- 3.8-6 It shall be a goal of the Transportation Section to achieve, where possible and consistent with other objectives of The Coastal Act and plan policies for Highway 1, a road bed with a vehicle lane width of 16 feet including the shoulder to achieve a 32 foot paved roadway (12-foot vehicle lane and 4-foot paved shoulder). The minimum objective shall be a 14-foot vehicle lane width (10-foot vehicle lane and 4-foot paved shoulder). New widening projects shall be allocated, first to safety and improved capacity needs and secondarily to paved shoulders.

Section 30253 Minimization of adverse impacts

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.

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

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

4-ft.-wide Shoulder for Bicyclist Safety

Thus, the LCP establishes a 4-ft.-wide paved shoulder as the prevailing standard for Highway 1, primarily for the protection of bicyclists, except in areas where environmental impacts of widening the highway to achieve this standard would be excessive. Further, the LCP requires Caltrans to provide a 4 foot shoulder on Highway 1 wherever construction is feasible without unacceptable environmental effects.

As stated previously, Caltrans presently proposes to construct paved shoulders off the bridge that would taper down from a maximum of six feet in width (matching the presently proposed six-ft.-wide paved shoulders on the bridge) to the width of the existing highway at the point of conformity (tie-in). (See Exhibit 7A(1) which contains the facsimile sent by Caltrans on May 30, 2006 setting forth the previously proposed and presently proposed paved shoulder transitions off the bridge to the point of conformity)

Conformity of Tapered Paved Shoulders Off the Bridge with the LCP

On the north side of the bridge, starting from on the bridge and heading further north, the shoulders on each side of the road transition in the final 150 linear feet of paved shoulder, shrinks from a maximum of four feet in width down to about three-quarters of a foot in width at the end of the transition (the width of the existing paved shoulder at that point is less than 1 foot in width).

LUP Policy 3.6-20 states Caltrans should provide paved 4-foot shoulders on Highway 1 whenever construction is feasible without unacceptable adverse environmental effects. The purpose of the requirement is to improve the safety of bicyclists throughout Highway 1 on a project-by-project basis. Caltrans has indicated that the width of paved shoulders on the proposed bridge cannot be reduced below six feet in width without a serious and unacceptable reduction in safety for bicyclists and motorized vehicles.

Caltrans has explained that even the transition down to shoulders of less than one foot in width is designed with the safety of all highway users in mind. Caltrans states that the potential hazard of widening the highway to the 4-foot standard throughout the project

but then transitioning abruptly back to “normal” shoulder widths beyond the project footprint, would create a safety hazard. The smooth transition to a narrower shoulder, over a distance, is necessary from a safety standpoint, according to Caltrans. Moreover the proposed project would provide for at least four-foot wide shoulders over most of the length of the project, including the entire 1,500-foot-length of the bridge, except where the above referenced transitions to narrower existing shoulders beyond the project footprint would be constructed for safety purposes.

Since Section 30253 of the Coastal Act requires all new development to minimize risks to life, such a hazard would cause an unacceptable level of adverse environmental effects. Therefore, the wider paved shoulder is required for safety consistent with Section 30253 of the Coastal Act, as further implemented in the parallel provisions of the County’s certified LCP. The project as proposed is consistent with the highway width requirements of the certified LCP.

Caltrans also states that including 4-ft.-wide paved shoulders off the bridge throughout the project area was not part of the project objectives, and would require widening the paved shoulders beyond the proposed limits of the project to achieve a transition that would include a minimum 4-ft-wide paved shoulder throughout the project, with a safe tie-in transition. Caltrans indicates that the project was scoped to replace the bridge on a new alignment upstream from the existing crossing⁵ and all other features of the project, such as off-bridge new alignment and the width of paved shoulders, were designed to unify the new bridge with the existing highway without adding significantly to the bridge replacement budget. Therefore, construction of more extensive stretches of 4-ft.-wide shoulders than presently proposed was not included in the design or budget of the project.

In conditionally concurring with CC-074-05 last fall, the Commission did not object to the narrowing of the shoulders off the bridge to tie in with the existing shoulder widths, which were more extreme at that time. For all of these reasons, the Commission finds that the tapered paved shoulders in the off-bridge portion of the project, as proposed by Caltrans and described more specifically in Exhibit 7A (1) are consistent with the requirements of LCP Policy 3.6-20 and 3.8-6.

Preservation of Public Access

Caltrans has stated that the proposed project is not necessary to serve increased traffic capacity and that the rural stretch of Highway 1 across the Ten Mile River does not call for an expansion of the highway (increased lanes, etc.). Caltrans states that the purpose of the project is to serve existing capacity more safely by building a bridge that conforms to contemporary seismic safety standards. The bridge and the off-bridge elements that

⁵ The new bridge will be located approximately 100 feet upstream from the existing bridge, as measured from the easternmost edge of each bridge. At the widest point (center of each), approximately 25 feet of clear area will exist between the bridges before the old bridge is demolished. The distance from centerline-to-centerline of the two bridges will be about 63 feet at the widest point.

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)
June 1, 2006

are the subject of the PWP will not, therefore, be expanded to include additional lanes, according to Caltrans.

The only way such expansion of the bridge and bridge transition could occur is if the paved traffic shoulders and the proposed Coastal Trail pedestrian corridor were re-allocated to traffic use. The new bridge deck is wide enough to accommodate at least one more traffic lane through re-allocation of the shoulder and pedestrian way, which combine to total 18.6 feet. Many areas of Highway 1 include less than 12-ft.-wide lanes, although this width is presently proposed for the new bridge, and even other areas of Highway 1 have little or no paved shoulder.

In addition, Caltrans has acknowledged a long history of public use of the existing parking turnout immediately south of the existing bridge. Caltrans proposes to allow the continuing public use of the new 2,841-sq.-ft. parking turnout that will be constructed approximately 445 feet south of the bridge (it was previously reported by Caltrans to be approximately 300 feet south of the bridge), and west of the highway.

Caltrans states that continued public parking in the new turnout will not be prohibited, and would be allowed to continue as the informal trailhead to a number of paths to the Ten Mile River, MacKerricher State Park and other beach destinations. Caltrans has declined, however, to post signs at the turnout indicating that general public coastal access parking is available. No such signs are presently posted at the existing turnout.

The Commission finds that there is a potential risk that at some time in the future, Caltrans may determine that its own priorities preclude continuing public use of the turnout. That would result in a net loss of public coastal access because the option of resuming public parking at the former turnout will have been eliminated during the presently proposed construction. Therefore the Commission finds it necessary to require Modification No. 1 (Public Access) which requires Caltrans to preserve for public access the proposed new turnout south of the bridge, as well as the proposed paved shoulder that establishes the corridor linking the turnout with the bridge (CDP 1-06-022 staff report includes a parallel restriction to protect public access to the paved shoulders and pedestrian corridor on the bridge itself), to protect public access to this vital link to the designated California Coastal Trail within the boundaries of the proposed project. The restriction would not interfere with Caltrans' proposed use of the subject site, but would protect the continued use of the site by coastal visitors enjoying the area on foot. The Commission further finds that Special Condition 12 is necessary to conform the Specific Public Works Plan Project to this standard.

View Turnout Improvements Required by LCP

The LCP also requires (Policy 3.6-17, page 94 of the LUP) that Caltrans improve or construct view turnouts designated on the Land Use Maps, as a part of the adjoining highway improvement projects when such improvements involve widening or improvements of the highway. The County staff verified that the Ten Mile River Bridge project is located in an area subject to this requirement, and the LCP designates the area Highly Scenic on both sides of the highway corridor – an acknowledgement of the

magnificent sweeping coastal vistas available from the elevated bridge deck over the river.

Caltrans meets the requirement of LCP Policy 3.6-17 to improve coastal views by including the separated pedestrian corridor along the bridge (although the actual bridge component is not within the area that is subject to the PWP). However, the LCP contains another related requirement that affects the area of the project that is located within the area subject to the PWP. LCP Policy 3.6-16 set forth above states that access to beach and blufftop viewpoints shall be provided for handicapped persons where parking areas can be close enough to beach or viewing level to be reachable by wheelchair ramp. The proposed replacement parking, though located between 300 and 450 feet from the bridge sidewalk, could be made ADA-compliant for parking. But the present proposal to provide 4-ft.-wide paved shoulders unseparated from traffic might be somewhat inadequate to achieve ADA compliance. Therefore, the Commission finds that revising the proposed project to include continuous universal (handicapped) access that would ensure safe wheelchair access to and from the proposed bridge to the proposed parking turnout as required by Modification No. 2 and Special Condition No. 13 is necessary to ensure compliance with LUP Policy 3.6-16.

Handicapped Access Requirements

As noted previously, Caltrans has made ensuring ADA-compliance for the pedestrian corridor on the bridge an overarching design principal in preparing the new bridge proposal. Caltrans has stated that the proposed pedestrian corridor may not be narrower than four feet in width to accommodate wheelchair access, going beyond the 4-ft.-wide width for either side of the bridge certified by the Commission previously.

As also noted, Caltrans further proposes to include a crash-tested guard rail separating pedestrians and traffic as required by the Commission in November. This feature will significantly increase the safety of wheelchair-bound-visitors seeking out the bridge deck views, and the safety of any frail visitors, or visitors with small children – anyone unable to move quickly out of the path of an errant vehicle, or distracted by the views on the deck. The design Caltrans presently proposes will make the magnificent, sweeping coastal views available from the bridge deck available to a wide range of potential coastal visitors who might never otherwise venture onto the Coastal Trail traversing the deck, even if the 8-ft.-wide paved shoulders unseparated from traffic by a guardrail that were previously proposed had been installed.

However, although Caltrans has endeavored to design the bridge deck pedestrian corridor/Coastal Trail to the highest ADA-compliant standards, including a full 5-ft.-wide corridor, the wheelchair accessible bridge would not truly be available to those who rely on wheelchairs unless Caltrans also designs an ADA-compliant connection between the proposed parking turnout and the bridge deck.

Caltrans staff indicated that the grade change is likely modest enough to accommodate wheelchair access along the west side of the realigned highway linking the turnout to the bridge. Caltrans could alternatively have proposed an ADA-compliant flared turnout at

each end of the bridge to place handicapped parking immediately adjacent to the bridge. This option may present ingress and egress concerns that would affect the overall safety of the project design, however, rendering ADA-compliant improvements on the shoulder portion of the highway more desirable. It would likely be necessary to continue the separation from traffic via the ST-10 rail, as well as the 5' of paved width and perhaps a passing "bulbout" for wheelchairs at some point along the 300-450 foot corridor.

For all of these reasons, the Commission finds that Caltrans should revise the proposed Public Works Plan pursuant to Modification 2 to ensure continuous ADA-compliant access between the parking turnout and the proposed ADA-compliant bridge corridor. Without this revision, the ADA-compliant design of the bridge deck would be rendered meaningless because wheelchair bound coastal visitors would find it nearly impossible to reach the bridge (the paved shoulder from the northern end transitions down to less than one foot in width at the point of conformity with the existing highway, and Caltrans does not propose to install a parking turnout at that end of the project). The Commission further finds that Special Condition No. 13 is necessary to conform the Specific PWP Project to this standard.

The Commission also finds that if Caltrans cannot revise the plans to link the ADA-compliant bridge design with wheelchair accessible parking and an ADA-compliant connection between the two features, then the bridge would in effect be inaccessible for ADA purposes. In such case, the project plans could be revised to install a narrower pedestrian corridor on each side of the bridge, with ST-10 guard rail on the inner side and a 48-inch-high Noyo Style pedestrian picket rail on the outside. This alternative would conform more closely with the redesign that the Commission required in November 2005 (CC-074-05). Such redesign would also enable Caltrans to eliminate the ST-20 bike rail design that is otherwise necessary on the eastern side of the bridge and thereby substantially improve the aesthetically superior options for outer rail design necessary for pedestrians only.

Thus, for all of these reasons, the Commission finds that providing an ADA-compliant, wheelchair accessible link between the proposed bridge deck trail and the proposed parking turnout is essential to retention of the project design as presently proposed by Caltrans. Therefore, the Commission finds that revising the proposed project to include this feature is necessary to ensure that the proposed PWP conforms with the standards of the certified LCP (as required by Modification 2 – Handicapped Access, Revised Plans) and that the Specific PWP Project be conditioned in accordance with Special Condition 3 (Revised Plans, etc.) and Special Condition No. 13 to ensure that the project fully conforms with the PWP as modified. As noted, if Caltrans cannot redesign the project to incorporate these ADA-compliant features, then a redesign to reduce the pedestrian corridor width but place such a corridor on each side of the bridge would become feasible and would potentially reduce the visual impacts of the proposed project.

Handicapped Access Signage

In addition to ensuring that the proposed parking turnout is ADA –compliant and actually links to the bridge via an ADA-compliant pathway/wheelchair ramp – LCP Policy 3.6-16

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)
June 1, 2006

also requires that appropriate signage be installed on road signs designating these access points where the means of access is not obvious from the road. Since it could not be obvious to passing travelers that wheelchair-accessible amenities exist on the bridge and that wheelchair accessible parking and link to the bridge are available at a point described by Caltrans as approximately 300 – 450 feet south of the bridge, the Commission finds it necessary for Caltrans to post appropriate signage as required, pursuant to Modifications 2 (Handicapped Access) and 4 (Permanent Signage Plan). The Commission further finds that Special PWP Project would conform with the PWP as modified herein if the Commission attaches Special Condition 12 (Revised Plans) and Special Conditions 13, 15 and 21 to ensure that the required handicapped-access provisions are fully reflected in the final revised project plans.

Assumption of Risk

Caltrans states that the proposed bridge location is subject to substantial seismic risks, which may include liquefaction, and the location of the bridge renders it subject to the additional hazards posed by storms, floods, and erosion, as is true of any bridge located over a river that drains a substantial watershed and is additionally subject to tidal influence due to the bridge's proximity to the Pacific Ocean. Caltrans has performed geotechnical testing of the Ten Mile Bridge area and represents that the proposed bridge is designed to withstand the predictable hazards associated with its location to the extent feasible. Nevertheless, the proposed bridge will be subject to natural hazards that can never be fully mitigated and therefore it is not possible to remove all associated risk associated with the uncertainties of natural hazards. Residual risks remain. To protect the Commission and its employees from liability for the hazards posed by the subject structures and project features designed by Caltrans, the Commission requires Modification No. 15 (Assumption of Risk). The Commission further finds that Special Condition 23 is necessary to conform the Specific Public Works Plan Project to this standard.

Conclusion

For all of the reasons set forth above, the Commission finds that the proposed Public Works Plan (1-06-PWP) and the Specific PWP Project (No. 1-06-01) submitted by Caltrans are consistent with the applicable policies of the Coastal Act as incorporated by reference into the LCP, and with the specific policies and provisions of the certified LCP provided Caltrans accepts and implements Modifications 1, 2, 4, 12, and 15. In addition, Special Condition 3, fully implemented, will ensure that Specific PWP Project 1-06-22 is revised to incorporate these requirements and is therefore consistent with 1-06-PWP, as modified to incorporate the Commission's requirements. The Commission further finds that Special Condition 21 is necessary to conform the Specific Public Works Plan Project to this standard.

The adopted findings for the Commission's conditional concurrence with CC-074-05 continue:

1. Introduction. The primary coastal access and recreation issues raised by the proposed project are: (1) protection of existing parking and coastal access opportunities at the south end of the bridge; (2) improved safety for pedestrians and bicyclists on the new bridge and along its northern and southern approaches; and (3) potential construction impacts on coastal access.

Caltrans' consistency certification provides the following analysis of public access and recreation at the project site and potential project effects on those resources:

Coastal zone access within the project limits exists at two locations: Access Point 1, an approximate 22-meter (72-foot) long area at the immediate southern end of the existing bridge (west side), and Access Point 2, an approximate 400-meter (1,320-foot) long area located approximately 0.5 km (0.3 mile) south of the existing bridge (west side). Both parking areas are maintenance parking areas, but are often used by visitors to access the coast

Access Point (1):

Access Point 1 consists of a dirt Caltrans maintenance turnout and trail. The maintenance turnout is within Caltrans' right-of-way, and the trail passes through private property. Caltrans does not own or maintain the coastal access trail(s) within the project limits. Neither the turnout nor the trail(s) are identified as "official" coastal access points.

The current maintenance parking area and trail(s) would remain unchanged during construction. After the new bridge is complete, the current maintenance parking area would no longer be available for public use. There would, however, be a new area available for maintenance parking located approximately 115 meters (380 feet) south of the existing maintenance parking area, and would be 42 meters (138 feet) long and about 9 meters (30 feet) wide. The new maintenance parking area is within easy access to the "unofficial" coastal access trails.

Removal of the existing bridge would occur after the new bridge is complete, and would take approximately 6 months. During the removal, the trail(s) at Access Point 1 would not be available from Caltrans' right-of-way.

Access Point (2):

Access Point 2 consists of an approximately 400-m (1,320-foot) long dirt area used by Caltrans' maintenance personnel. The public often parks in this area and crosses Caltrans' right-of-way to unmarked trails

on State Park land. Neither the parking area nor the trails are identified as “official” coastal access points.

During construction, a portion of this area would continue to be used by Caltrans’ maintenance and as a construction equipment staging area. A 40-meter (132-foot) long section at the north end of this area would be available for public parking during the entire construction process. The remaining area may be fenced, temporarily, for safety and security. When the project is complete, the fence would be removed and the area would provide the same access opportunities as currently present.

2. Parking and Shoreline Access. Caltrans’ Project Report for the Ten Mile River Bridge replacement project in part addresses coastal access issues and states that:

In the 1995 Department of Parks and Recreation (DPR) General Plan for MacKerricher State Park, DPR would like to formalize access into the Ten Mile River area to prevent erosion, wetland trampling, disruption of wildlife, and trespassing that now occurs. When possible, DPR would acquire an interest either by purchase or through an easement from a willing landowner south of the Ten Mile River Bridge for use of sufficient land to park 30 vehicles, including spaces for horse trailers and for visitors with disabilities. DPR will respect the wishes of the Department of Fish and Game not to provide formal boat access to the river, as that agency’s intent is eventually to acquire the wetlands, including those on the south shore of the river, if the sellers are willing.

The U.S. Fish and Wildlife Service is concerned about public access to the northern portion of MacKerricher State Park land due to the presence of listed birds and plant species.

...

Mendocino County’s LCP Policy 4.2-19 states the DPR shall develop a trail system, and in conjunction with Caltrans and property owners addressing access in the north end of MacKerricher State Park. The policy also states that a parking area shall be signed and improved by DPR utilizing the existing widened Caltrans right of way located on the west side of Highway 1 several hundred feet south of the Ten Mile River Bridge. A trail system shall be developed by DPR, in conjunction with Caltrans and private property owners, to connect this parking area via an existing trail entrance which is located at the southwest corner of the bridge.

Abutting the western edge of the existing Hwy.1 right-of-way are several parcels of private property and the northern reach of MacKerricher State

Park, which encompasses nine miles of sandy beach, dunes, and rocky headlands between the Ten Mile River and Pudding Creek, at the north end of Fort Bragg. No formal public coastal accessways connect Hwy.1 and the shoreline in the project vicinity. The nearest public accessway to the shoreline is Seaside Creek Beach, 0.75 miles north of Ten Mile River. To the south, the nearest public access to the shoreline is at the main entrance to MacKerricher State Park, approximately five miles south of Ten Mile River. From this point, shoreline trails in the State Park follow an old logging haul road south to Pudding Creek and north to Ten Mile River.

However, as Caltrans notes in its consistency certification, an informal trail exists that leaves the north end of the existing unpaved maintenance turnout at the south end of the bridge, crosses over onto private property while dropping down the south bluff of Ten Mile River, and meets the old logging haul road (Exhibits 7 and 8). From this point, trail users follow the haul road out to the shoreline at MacKerricher State Park, follow the haul road upriver, or follow informal paths that lead to the south bank of Ten Mile River; the latter two locations are on private property. There are no signs on Hwy.1 approaching the turnout, or anywhere at the turnout, indicating the availability of shoreline access from this location.

Nevertheless, staff from the Commission, Caltrans, and California Department of Parks and Recreation (DPR) all confirmed that members of the public have long used the maintenance turnout at the south end of the bridge as a parking area and access point to reach the shoreline at the northern end of MacKerricher State Park. In addition, staff from these agencies confirm that members of the public also park at the much larger maintenance turnout one-third mile south of the existing bridge, walk up the highway shoulder to the smaller turnout at the bridge, and follow the aforementioned informal trails to the shoreline and Ten Mile River. Staff from DPR, U.S. Fish and Wildlife Service, and Caltrans also confirmed the sensitivity of natural resources at the northern end of MacKerricher State Park (including sand dunes, wetlands, endangered plants species, and endangered Western snowy plover habitat) and the potential conflicts between resource protection and public access that could arise from providing new formal access routes at this time between Hwy.1 and the shoreline in the area south of Ten Mile River.

As noted above, Caltrans proposes to eliminate the maintenance turnout at the south end of the existing bridge in concert with demolition of that bridge, which will occur after construction and opening of the replacement bridge. In conjunction with the realignment of the Hwy.1 approach to the south end of the new bridge, Caltrans will also construct a new unpaved maintenance turnout approximately 330 feet south of the existing turnout. In a July 8, 2005, letter to the Commission, Caltrans modified the subject consistency certification by stating that the new turnout would be the approximate size of the existing turnout, would accommodate the same

number of vehicles, and is located as close to the new bridge as possible given the need to achieve sight distance safety requirements. In addition, Caltrans made the following commitments:

- The existing maintenance turnout would be landscaped and treated with erosion control measures, and would be kept open for walking/maintenance access.
- The proposed maintenance turnout would be used as maintenance parking/staging (long-term material storage would not occur).
- The area between the two maintenance turnouts (i.e., the abandoned Hwy.1 roadbed) would be landscaped (e.g., trees, contour grading, rocks, berms, wood fencing, etc.) to allow foot traffic only.
- There potential exists to expand the proposed maintenance turnout in the future to provide additional coastal access and/or provide additional maintenance material storage locations. Caltrans would coordinate with Coastal staff and other appropriate resource agencies prior to modifying or expanding either turnout.

Caltrans has also committed that no fencing, signage, or landscaping elements will be installed to block or discourage members of the public from parking at this new turnout, walking up the abandoned highway corridor to the site of the existing turnout, and taking the informal trail leading down to the shoreline and Ten Mile River. (As noted previously in the Project Description section of this report, Caltrans will retain ownership of the abandoned highway corridor and the existing bridge right-of-way.) At the same time, no signage would be provided to either identify or encourage public use of the informal accessway up the vacated and revegetated highway corridor and down to the shoreline. The goals are to maintain the existing provision of public access to the shoreline at the southern end of the bridge, to not encourage an increase in the volume of access that could in turn adversely affect environmentally sensitive habitat in this area, and to not prejudice ongoing coastal access planning efforts by DPR by formalizing any existing informal accessways. As noted above, Caltrans has committed to coordinating with Commission staff and other appropriate resource agencies prior to any modification to or expansion of the new or existing turnout, including maintenance material storage or coastal access improvements. Lastly, in the April 2005 *Project Report* and in a meeting with Commission staff on August 15, 2005, Caltrans committed that it would cooperate with DPR and the Commission in future planning efforts for improving public access from Hwy.1 to the shoreline at the northern end of MacKerricher State Park.

3. Pedestrian and Bicycle Access/Bridge and Highway Shoulder Widths.
Caltrans' *Project Report* for the Ten Mile River Bridge replacement project

in part addresses provisions for pedestrian and bicycle access improvements along Hwy.1 and states that:

Route 1 is heavily traveled by recreationists and tourists during the summer months and has been designated by the Legislature as part of the Pacific Coast Bike Route. The entire route has seasonally high bicycle traffic volumes during the summer months.

...

On October 2, 2002, Senate Bill 908 was signed into law by Governor Davis. The bill requires the Coastal Conservancy (CC) in conjunction with various State agencies to develop and provide to the Legislature by January 31, 2003, a plan for a coastal trail from Oregon to Mexico to afford visitors views of some of the most majestic vistas in California. The bill requires the trail to be completed by January 31, 2008, providing budgeted funding materializes. Reconstruction and rehabilitation strategies involving Route 1 are to incorporate provisions for accommodating the coastal trail where feasible.

... Caltrans has evaluated segments of the Pacific Coast Bike Route to prioritize improvement locations. The project will provide 1.2-m (4-foot) paved shoulders, improving safety for bicyclists and pedestrians.

On January 31, 2003, the State Coastal Conservancy published *Completing the California Coastal Trail*, which provides a strategic blueprint for implementing the California Coastal Trail. While the Highway 1 bridge across the Ten Mile River is the only bridged crossing of the river for bicyclists and pedestrians following the Coastal Trail, the mouth of the river can occasionally be waded across during the summer. For all practical purposes, however, the proposed replacement Hwy.1 bridge will continue to serve as the sole crossing of Ten Mile River for users of the Coastal Trail.

The Mendocino County LCP provides in Sections 3.6-20 and 3.8-6 (and on page 108 of the LCP) that paved four-foot-wide shoulders should be provided by Caltrans along Hwy.1 wherever construction is feasible without unacceptable environmental effects.⁶

⁶ While the Mendocino County LCP is not the standard of review for consistency certifications (rather, it is the California Coastal Management Program (CCMP) and, in particular, the Chapter 3 policies of the Coastal Act), because the LCP has been certified by the Commission and incorporated into the CCMP it can provide guidance to the Commission in its consideration of the consistency certification. It is reasonable to conclude that components of the proposed project with paved shoulders ranging between 0.7 and 4.0 feet in width can be found consistent with

As noted previously in this report, the existing paved shoulder widths on Hwy.1 within the project limit vary between 0.72 and 4.72 feet; the existing Ten Mile River bridge has one-foot-wide shoulders. Caltrans is proposing 8-foot shoulders on the new bridge, shoulders ranging between 8 and 4 feet along Hwy.1 south of the bridge, and shoulders ranging between 8 and 0.7 feet along Hwy.1 north of the bridge. Caltrans states that these shoulder widths will allow for pedestrians and bicyclists to more safely traverse the Hwy.1 crossing of Ten Mile River as compared to current conditions and will serve as an improved link in the Coastal Trail.

The proposed bridge and highway shoulder widths in the project area have generated extensive discussions between Caltrans and the Commission staff over how to best balance the public access and visual resources policies of the Coastal Act (including comments sent to the Commission staff by the public via mail (Exhibits 16 and 17) and telephone calls). Currently, the Ten Mile River bridge includes one-foot-wide shoulders and the shoulders along the north and south approaches to the bridge in the project area vary between 0.7 and 4.7 feet. Caltrans initially proposed the following shoulder widths and lengths: (1) extending the eight-foot-wide bridge shoulders approximately 100 feet to the north and south of the bridge; (2) next constructing approximately 190-foot-long transitions from eight- to four-foot wide shoulders north and south of the bridge; (3) next constructing four-foot-wide shoulders for 200 feet north of the bridge and 980 feet south of the bridge; and (4) constructing 195-foot-long (north) and 66-foot-long (south) transitions from four-foot-wide shoulders to existing shoulder widths.

Caltrans stated that these shoulder dimensions were necessary at Ten Mile River bridge and along the north and south approaches on Hwy.1 due to existing vehicle traffic levels, current highway and bridge safety design guidelines, the need to improve safety for bicyclists and pedestrians crossing the 1,488-foot-long bridge, the need to provide safe space out of traffic lanes for disabled vehicles, and the need to provide adequate space for Caltrans maintenance vehicles to park and/or operate without the need to implement one-way traffic control on the bridge. The Commission staff noted that the introduction of such wide shoulders along this stretch of rural Hwy.1 did not appear to be supported by the below-average accident and collision data for this Hwy.1 segment and the adjacent Hwy.1/Camp 2

these LCP policies. To the extent that an argument can be made that shoulder widths greater than four feet are not consistent with these LCP policies, such an argument would not be binding on the Commission in that the standard of review for the proposed project in this consistency review is the Chapter 3 policies of the Coastal Act and not the Mendocino County LCP.

Ten Mile Road intersection just north of the bridge. However, the Commission staff acknowledged that the essential lack of shoulders on the existing bridge does create a significant safety hazard for bicyclists and pedestrians crossing the bridge, and does not provide a safe pullover area for disabled vehicles, emergency vehicles, or Caltrans maintenance vehicles.

The Commission staff also questioned the need for the proposed lengths of eight-foot-wide shoulders and of the transition lengths between eight- and four-foot-wide shoulders along Hwy.1 north and south of the bridge. While Caltrans continued to argue for the proposed shoulder widths and lengths based on design guidelines, the Commission staff argued that the supposed public access benefits that would arise from the introduction of paved shoulders in excess of four feet in width into a stretch of Hwy.1 where existing shoulder widths rarely reach four feet (and in most areas are significantly less than four feet) would be inconsequential, but that potential visual resource impacts from these shoulders could be significant (see Section E of this report). As a result, Caltrans agreed to modify the proposed project by reducing the lengths of the eight-foot-wide shoulders off the bridge and the lengths of shoulder transitions between eight and four feet on the bridge approaches, as follows:

Hwy.1 North of Bridge	<u>Original Length</u>	Proposed Length	
		NE Exit	NW Approach
8-foot-wide shoulder	96 ft.	25 ft	63 ft
8- to 4-foot-wide transition shoulder	185 ft	195 ft	40 ft

<u>Hwy.1 South of Bridge</u>	<u>Original Length</u>	Proposed Length	
		SW Exit	SE Approach
8-foot-wide shoulder	100 ft	25 ft	63 ft
8- to 4-foot-wide transition shoulder	194 ft	195 ft	40 ft

The Commission notes the significant reductions agreed to by Caltrans (and incorporated into its consistency certification) in the length of eight-foot shoulders off the bridge in all four quadrants, and in the length of the eight- to four-foot transition shoulders on the bridge approaches (SE and

NW quadrants, above). Caltrans justified the need to maintain longer eight-foot-wide shoulders and eight-to-four-foot-wide shoulder transitions coming off the bridge in both directions due to the overall narrowing of the improved right-of-way as one exits the bridge (as compared to the widening of the paved right-of-way when entering the bridge) and the rising left hand curves as vehicles exit the bridge in north and southbound directions. The proposed project as modified will continue to provide significant improvements (e.g., wider paved shoulders on the new bridge bicyclists and pedestrian) to public access along this stretch of Hwy.1 and at the same time will reduce the potential for adverse effects on visual resources from the widening of the paved roadway on both approaches to the new Ten Mile River bridge.

Caltrans has submitted additional information explaining the agency's view of the improved safety provided by widened bridge shoulders. The transmittal is attached as Exhibit 7A-(1), and the chart provided by Caltrans indicates that the widening of shoulders is associated with a significant decrease in traffic accidents. Caltrans has stated, and Exhibit 7A-(1) further states, that Mr. John Steele of Caltrans headquarters engineering staff must request all design "exceptions" (essentially these are variations from the published standards in the engineering specifications references) for projects that have Federal Highways funding. Mr. Steele must internally (within Caltrans) authorize the design exceptions based on his analysis, and he also determines whether such exceptions will be approved, as the Federal Highways Administration has delegated such review authority to Caltrans. Therefore, Mr. Steele has determined that he will only seek/authorize a reduction from the previously-proposed 8-ft.-wide paved shoulders on (and transitioning from) the proposed bridge, to a minimum of 6-ft.-wide paved shoulders. He has determined that he will not seek/authorize any further reduction in the paved shoulder width, and as noted above in excerpts from the proposed PWP (attached as Exhibit 1A), has determined that even the reduction to six feet (a reduction to four feet was required by the Commission in conditionally concurring with CC-074-05 last fall) is only offered contingent upon expedited approval – and construction – of the project.

The Commission staff also inquired about feasible alternatives for traffic lane/shoulder separation markers that could be placed on the bridge as a means to alert vehicle drivers of the lane/shoulder boundary. Caltrans will install an extra-thick layer of white thermoplastic paint, thick enough to let drivers know when they are crossing over it into the shoulder yet not too thick as to be a road hazard to vehicles or bicycles. The well known "bots dots" lane dividers are not preferred by bicyclists and require extra maintenance activity, and "rumble strips" (parallel grooves cut into the roadbed that trigger strong and loud vibrations when vehicle tires roll over them) are only feasible on asphalt surfaces and not on concrete bridge decks such as that proposed for the Ten Mile River bridge.

The Commission determined at its November 16, 2005, public hearing for CC-074-05 that in order to find the proposed bridge replacement project consistent with the public access and recreation policies of the Coastal

Act, Caltrans would need to provide pedestrian pathways separated from vehicle traffic lanes and located within the eight-foot-wide shoulders on both sides of the bridge (Exhibit 28, excerpts from reporter's transcript of proceedings). The Commission emphasized the critical importance of providing a safe and pedestrian-friendly route for the California Coastal Trail (CCT) on the Ten Mile River Bridge. The Commission also determined that the proposed eight-foot-wide vehicle shoulders on the bridge are out of scale for this scenic rural road and that this segment of Highway 1 – based on the available traffic and accident statistics – does not appear to be a public safety hazard. The Commission noted the Mendocino County LCP policy (while not the standard of review for federal consistency certifications, but rather a source of background information for the Commission) calls for paved, four-foot wide shoulders along Highway 1 (where environmentally feasible). The Commission also noted exemptions that Caltrans has made to its shoulder “standards” at other state highway locations. The Commission further determined that designing and incorporating provisions for public access at this stage of the project was preferable to future retrofitting of the bridge, particularly given the current lack of safe pedestrian access across the bridge and the use of the bridge as the most obvious route of the CCT across Ten Mile River. In addition, the Commission noted that they will be reviewing this project under a coastal development permit application in the future and will expect to see greater detail as to how the project will be modified to be consistent with the CCMP at that time and through that process.

For these reasons, the Commission determined that in order for the proposed Ten Mile River Bridge replacement project to be found consistent with the public access and recreation policies of the CCMP, the project would need to be modified as follows:

The California Department of Transportation will submit to the California Coastal Commission, via coastal development permit applications, revised project plans for the Ten Mile River Bridge Replacement Project that provide for pedestrian pathways separated from vehicle traffic lanes and located within the eight-foot-wide shoulders on both sides of the bridge.

The project also raises the issue of the potential for the Ten Mile River bridge replacement project – in particular, the proposed eight foot shoulders on and off the bridge – to be viewed as a precedent for future Caltrans Hwy.1 improvement projects in the coastal zone. The proposed Ten Mile River bridge replacement project is based on a unique set of site-specific environmental and infrastructure characteristics, and the Commission is evaluating the project elements for consistency with the policies of the Coastal Act. For instance, the topographic relief, distribution of vegetation types, and views to the shoreline at the Ten Mile River bridge project area are notably different from those present along

Hwy.1 crossings of Noyo River and Greenwood Creek to the south. Separated pedestrian pathways, eight-foot-wide shoulders, and four lanes of vehicle traffic are appropriate at the urban location of Noyo Creek bridge. The expansive and rolling landscape at the rural location of Ten Mile River bridge requires minimal grading and landscape alteration to construct the proposed replacement bridge with widened shoulders and separated pedestrian pathways on the bridge. In contrast, bridge construction at the Hwy.1 crossing of Greenwood Creek is complicated in part by more severe topography, the presence of different vegetation and wetland types, different viewshed characteristics, and its close proximity to the village of Elk. Replacement bridge project elements appropriate and consistent with the Coastal Act at one location on Hwy.1 in Mendocino County may be inconsistent with coastal protection policies at other locations. As a result, the Commission will continue to examine each Hwy.1 improvement project on a case-by-case basis, using a project's site-specific characteristics, to determine whether proposed Hwy.1 improvements are consistent with the Coastal Act. At a meeting between Caltrans and Commission staff on August 15, 2005, Caltrans acknowledged this Commission process and committed that Commission action on the Ten Mile River bridge replacement project would not be cited or used by Caltrans as a precedent for any future Hwy.1 projects in the coastal zone.

4. Construction Impacts. Caltrans' *Project Report* for the Ten Mile River Bridge replacement project in part addresses Hwy.1 traffic management during the three-year-long construction period and states that:

Standard traffic control features (flaggers, COZEEP [Construction Zone Enforcement Enhancement Program, a statewide master agreement between Caltrans and the California Highway Patrol, whereby Caltrans pays the CHP for furnishing officers and cars for use in construction zones], etc.), lane-closure requirements, changeable message signs, and public awareness measures have been incorporated in the project cost estimate.

It is anticipated that temporary traffic signals will not be needed and the work can be accomplished with one-way reversible traffic control conforming to Caltrans Standard Plan T-13. Traffic may need to be stopped for periods not to exceed 30 minutes. Bicyclists and pedestrians shall be accommodated through the work zone.

Access to side roads and residences would be maintained at all times.

Where available, a minimum of one 3.6-m (12-foot) lane and 1.2-m (4-foot) shoulder would remain open to traffic at all times. Otherwise, a minimum of one 3.0-m (10-foot) and 0.6-m (2-foot) shoulder shall be provided.

Caltrans estimates that due to the size and complexity of the bridge construction and demolition work, and the environmental work window restrictions due to the presence of endangered species in Ten Mile River, the project is expected to take approximately 758 working days (or 1,100 calendar days) to complete, without accounting for weather and other unexpected construction delays. Caltrans expects that field construction would start in ~~early 2006~~ 2007 and be completed by the end of ~~2008~~ 2009, but that delays could extend project completion into 2009 (2010). As a result, construction activities will occur year-round for several years at Ten Mile River and will generate some level of adverse effect on vehicle, bicyclist, and pedestrian access on this stretch of Hwy.1, primarily in the form of traffic delays when construction work requires the closure of a lane of traffic.

There are no alternative crossings of the Ten Mile River that would allow the public to avoid the construction zone, and there are no reasonable construction/demolition scheduling alternatives that avoid the peak summer recreation season. The potential adverse impacts on public access and recreation along this section of the Mendocino County coast should the existing bridge collapse or be closed due to earthquake damage are far more significant than the temporary effects (albeit over a three-year time period) due to construction and demolition delays. In addition, the closure of the informal accessway from the southern end of the existing bridge down to the shoreline during the demolition of the existing bridge is unavoidable in order to protect public safety. However, demolition and trail closure will occur between October and February due to environmental restrictions and as a result, significant adverse effects on public access during the peak summertime recreational use period will be avoided.

5. Conclusion(from adopted findings for CC-074-5). The Commission finds that the proposed Ten Mile River bridge replacement project will protect an existing informal public accessway to the shoreline located at the south end of the bridge. The Commission also finds that it is necessary to condition its concurrence with CC-074-05 to state that the California Department of Transportation will submit revised project plans via coastal development permit applications for the project that provide for pedestrian pathways separated from vehicle traffic lanes and located within the eight-foot-wide shoulders on both sides of the bridge. These pedestrian pathways and the vehicle shoulders on the bridge will improve the safety of pedestrians and bicyclists crossing the river on this segment of State Highway 1. The project will also generate adverse but not significant impacts on public access due to Highway 1 construction delays and the temporary closure of the aforementioned informal accessway during demolition of the existing bridge. However, the replacement of the Ten Mile River bridge with a new bridge that meets current seismic safety standards will ensure the long-term protection of public access and recreation provided by Highway 1 on this section of the Mendocino coast. Therefore,

the Commission finds that if modified in accordance with the Commission's conditional concurrence, the proposed project would be consistent with the public access and recreation policies of the CCMP (Coastal Act Sections 30210-14, 30220-21, and 30223).

D. Water Quality

Much of the Federal Consistency analysis relates to the portion of the project that arises within the area of the Commission's retained jurisdiction (CDP Application No. 1-06-022, June 2006 Agenda Item Fri 8c). The proposed project footprint and proposed methods of construction have not since changed in a manner that would pose increased impacts on water quality since the Commission considered the project last November. As stated in the previous section, Caltrans has revised the project description to limit staging (disturbed) areas other than areas specifically required to be cleared or graded for direct construction of the project components, to the "mixing table" area (which Caltrans uses periodically for maintenance activity support), the existing roadbed, or the bridge trestles. Previously, Caltrans had proposed to allow the eventually-selected contractor building the project to use any area within the Caltrans' right-of-way for such activities, at the contractor's discretion (and Caltrans had identified 25 acres as the area of potential disturbance in the Initial Study of April 2006). As stated previously in the Marine Resources section of the staff report, Caltrans will also require the contractor to seek and obtain necessary coastal development permits prior to utilizing any of the potential areas that have been identified conceptually by Caltrans for demolition debris and excess graded material disposal. These refinements of the project description will reduce the potential of the project components in the area subject to the proposed PWP to result in adverse impacts on water quality.

The applicable sections of the Coastal Act cited in the Federal Consistency adopted findings for CC-074-05 are incorporated by reference in the certified Mendocino County LCP. The LCP contains no other specific policies or provisions that are not covered by these provisions of the Coastal Act. The Modifications (applicable to 1-06-PWP) and Special Conditions (applicable to PWP 1-06-01) attached hereto by the Commission are necessary to ensure that the project is implemented in a manner fully protective of water quality.

Therefore, as Caltrans proposes no additional changes to the previously considered project description that would result in additional impacts to water quality within the area covered by the proposed PWP not previously considered by the Commission, the proposed project can be found consistent with the policies and provisions of the certified Mendocino County LCP. As the consistency certification process does not produce the modifications or detailed conditions required during PWP or specific project review, it is necessary to incorporate the following measures into PWP and Specific PWP Project review.

The Modifications the Commission finds necessary to conform the proposed PWP with the certified LCP include: Modification 5 (Parking Area, Coastal Trail Landscape/Revegetation Plan) (to ensure that appropriate locally native species are use in

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)
June 1, 2006

landscape and permanent erosion control plans for parking areas, pathways, and restored areas, which will avoid the discharge of sediment pollution into coastal waters); Modification 6 (Demolition, Staging, Storage, Fueling, Disposal Plan) (incorporates specific basic requirements, principally in accordance with the general proposal offered by Caltrans, to ensure finalization of plans that will ensure that these activities—which have the potential to significantly and adversely affect water quality -- will be undertaken in a manner fully protective of coastal waters through the exacting standards and in the prescribed manner and locations authorized); Modification 8: Biological Monitoring (ensures that a final biological monitoring plan is approved by the Executive Director and that the plan will provide ongoing verification that construction will be undertaken in accordance with all measures designed to protect sensitive resources in all areas of the project – including the area covered by the PWP – which in turn will protect coastal water quality as well); Modification 9 (Final Disposal Plan) (ensures that demolition debris, wastes, excess graded material will be disposed in accordance with the protection of coastal waters, in particular consideration of Caltrans’ proposal to leave this area of the project to the discretion of the eventually-selected contractor); Modification 12 (Final Plans) (ensures that the final project plans incorporate all of the representations of Caltrans regarding the project description, particularly for the benefit of the eventually-selected contractor); Modification 13 (Final Authorizations; Compliance) (ensures that Caltrans also obtains all necessary permits or authorizations from other state and federal agencies with specialized expertise and regulatory authority over aspects of the project that could affect water quality, including permits from the Regional Water Quality Control Board, and requires Caltrans and others to fully comply with any associated requirements, and to obtain amendments to the PWP if requirements of these agencies call for changes to the approved project description). The Commission further finds that Special Condition 21 is necessary to conform the Specific Public Works Plan Project to this standard.

Additionally, the special conditions the Commission further finds necessary to conform the proposed Specific PWP Project 1-06-01 with 1-06-PWP as modified with the modifications imposed by the Commission, include: Special Condition 1 (Permit Obligations) (ensures that all relevant parties, including contractors bidding on or obtaining the contract approval for construction, are fully aware of the obligations of the PWP Project 1-06-01); Special Condition 2 (Construction Responsibilities) (ensures that Caltrans and all other parties undertaking any aspect of the proposed project do so in a manner fully protective of marine resources); Special Condition 3 (Revised Plans) (ensures that the final plans conform to the requirement of the PWP for final plans); Special Condition 4 (Erosion Control and Revegetation Plan) (ensures that a final erosion control and revegetation plan is reviewed by the Executive Director to protect all areas disturbed by project activities – either during active construction – or after the project is completed – be protected from short- and long-term erosion and landscaped appropriately, including the Commission’s standard requirement for long term monitoring of the performance of these measures); Special Condition 6 (Temporary Piles) (although most temporary piles would be placed in the area of the project subject to CDP 1-06-022, some temporary wooden support members may be placed in the Project 1-06-01 area and thus must conform to the same standard for protection of marine resources, as runoff from any area of the project could release unauthorized wood

treatment chemicals into coastal waters and habitat); Special Condition 7 (Required Approvals) (Caltrans must demonstrate receipt of all permits and approvals from applicable state and federal agencies prior to PWP 1-06-01 effectiveness, to ensure that the requirements of these agencies protective of marine resources are fully implemented); Special Condition 9 (Biological Monitoring) & Special Condition 10 (Site Inspections) (ensures that a comprehensive biological monitoring protocol is developed and implemented for all project activities that may affect marine resources, so that all parties participating in project construction do so in a manner fully compliant with the obligations of all authorizations and permits protective of marine resources, and that such monitoring is undertaken by a qualified biologist, and that site inspections by other agency and Commission staff may be undertaken at any time to further ensure compliance with applicable requirements).

Conclusion: The proposed project will not result in significant adverse impacts on marine resources as described more fully below in the excerpted adopted findings from the Commission's conditional concurrence with CC-074-05 for the subject project. In addition, the applicable policies of the Coastal Act are incorporated by reference within the certified Mendocino County LCP. Therefore, the Commission finds that the proposed Public Works Plan, 1-06-PWP, if modified required herein, will conform with the certified Mendocino County LCP. The Commission further finds that Specific PWP Project 1-06-01, as conditioned herein, will conform with the PWP as modified herein.

The text below contains the adopted findings for the Commission's conditional concurrence with CC-074-05 regarding marine resources. Portions of these finding apply to the project as a whole, whereas the Public Works Plan and Project apply only to those areas presently located within the area of the certified Mendocino County LCP:

Section 30231 of the Coastal Act provides that:

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

The Ten Mile River bridge replacement project is located 0.4 miles upstream from the mouth of the river at the Pacific Ocean. The 120 sq.mi. watershed consists of hilly mountainous terrain predominately forested with Coastal redwood, Douglas Fir, and Tanoak. Roadway drainage in the project area is currently conveyed within drainage swales adjacent to both sides of Hwy.1, where it is then conveyed through culverts to slopes that drain down to Ten Mile River. The proposed project holds the potential to

adversely impact water quality in the Ten Mile River and its estuary due to construction-related activities and runoff from completed project features (e.g., the bridge deck, highway approaches, cut and fill slopes, and areas undergoing revegetation). The Ten Mile River is currently on the State Water Quality Control Board's 303(d) list of impaired water bodies due to sediment levels; the river's total maximum daily load (TMDL) was established by the U.S. EPA in December 2000. The North Coast Regional Water Quality Control Board (NCRWQCB) is developing a *Sediment Waste Discharge Prohibitions and Action Plan for the Control of Sediment Waste Discharges* for the Ten Mile River to address man-made sources of sediment waste discharges from new projects and existing sources.

The consistency certification, and in particular the July 2004 *Storm Water Date Report*, addresses the project's Design Pollution Prevention BMPs, measures incorporated into the project at the early design phase to minimize adverse water quality effects from the completed project:

Proposed and improved cut and embankment slopes are 1:2 or flatter on the east side and 1:4 or flatter on the west side. The impervious surface (paved shoulder) area added (cumulative) to the project is less than 0.1 ha (0.25 acres), and is offset by the flatter cut slopes, thus resulting in an insignificant hydraulic difference in flow volumes or rates.

Cut and fill slopes will require temporary and permanent measures be taken to provide protection from erosion. Erosion control planting will be recommended by the District Landscape Architect.

Two existing RCP culverts (one north and one south of the bridge) will either be extended to move the outlets from the clear recovery zone or replaced along the new alignment. Downdrains will be added at the bridge abutments.

Preservation of existing vegetation has been maximized on the project.

The consistency certification next examines the control of potential construction-related water quality impacts, primarily from vegetation removal, grading, and stockpiling of excavated materials for later use as backfill. The October 2004 *Biological Assessment* for the project states that:

Since the project will result in the soil disturbance of greater than one acre, construction activities will be regulated under Caltrans' Statewide General National Pollutant Discharge Elimination System (NPDES) Permit. NPDES permits for storm water discharges must meet all applicable provisions of section 301 and 402 of the Clean Water Act (CWA) . . . Caltrans has a revised Storm Water Management Plan

(SWMP, May 2003) that includes new and revised best management practices (BMPs) categories, including:

- 1. Design Pollution Prevention BMPs - Preservation of existing vegetation, concentrated flow conveyance systems, slope/surface protection, etc;*
- 2. Treatment BMPs - Infiltration and detention basins, traction sand traps, biofiltration, etc.;*
- 3. Construction Site BMPs - Temporary soil stabilization and sediment control, non-storm water management, and waste management; and*
- 4. Maintenance BMPs - Litter pickup, materials handling, waste management, street sweeping, etc.*

In addition, the July 2004 *Storm Water Data Report* prepared for the Ten Mile River bridge replacement project states that the total disturbed area for the project is 10.85 acres, and because this disturbed area is greater than 1.0 acres, a Storm Water Pollution Prevention Plan (SWPPP) must be prepared for this project during the final design phase.

Caltrans reports that while the final list of specific construction BMPs for the Ten Mile River bridge replacement project is not yet developed, the following classes of BMPs are considered minimum requirements (unless later demonstrated to not be appropriate for a particular project):

- **Temporary Soil Stabilization:** preservation of existing vegetation, hydraulic mulch, hydroseeding, soil binders, straw mulch, geotextiles, plastic covers, erosion control blankets/mats.
- **Temporary Sediment Control:** silt fence, fiber rolls, street sweeping and vacuuming, storm drain inlet protection.
- **Non-Storm Water Management:** illicit connection/illegal discharge detection and reporting, vehicle equipment and cleaning, vehicle equipment and fueling, vehicle and equipment maintenance.
- **Waste Management and Material Pollution Control:** material delivery and storage, material use, stockpile management, spill prevention and control, solid waste management, sanitary/septic waste management.

The final list of construction BMPs will be incorporated into the project contract during the final design phase, depending on various site-specific factors and expected phases of project construction. Caltrans has committed to submitting the SWPPP and final list of construction BMPs to the Executive Director for his review and concurrence prior to the start of construction at Ten Mile River.

The consistency certification next addresses runoff from the proposed new bridge:

Due to the natural topography of the project vicinity, the bridge needed to be designed with a vertical sag, resulting in storm water draining towards the center of the bridge. Given the necessity of this design, the California Regional Water Quality Control Board (CRWQCB) submitted a letter to Caltrans (see attached letter) approving the drainage of storm water falling on the bridge directly into Ten Mile River [through vertical deck drains and/or scupper drains]. The CRWQCB is requiring that water that falls on the bridge approaches must be diverted to a biofiltration source. . . . [Exhibit 21]

A June 2, 2005, memo from Caltrans' North Region Office of Environmental Engineering provided background information on the selection of this drainage alternative for the bridge:

Caltrans investigated the potential for incorporating drop inlet inserts into the bridge deck drain inlet. However, there are no drop inlet inserts currently available on the market that are designed for use in bridge deck drains.

Caltrans investigated whether storm water could be collected from the bridge deck to discharge locations outside of the stream channel for treatment on land. An engineering study concluded that this alternative would require a complex set of pipe networks but that due to bridge geometry the collected storm water could not reach the upland discharge points.

Caltrans next investigated seeking approval from the RWQCB to allow storm water discharge off the bridge deck into the river. In August 2003, the RWQCB concurred that collection of storm water from the bridge deck would not be feasible without a significant vertical realignment of the bridge structure. The NCRWQCB conditioned its concurrence with the requirement that storm water falling on bridge approaches be treated with biofiltration.

To that end, Caltrans has proposed the installation of biofiltration strips at three sites adjacent to the western edge of Hwy.1 to treat storm water runoff:

For biofiltration strips, we chose available areas that will provide a broad vegetated surface that receives and discharges runoff as sheet flow. Caltrans has no minimum or maximum slope criteria for biofiltration strips but hydraulic sheet flow criteria indicates that the maximum length in the direction of flow is approximately 300 feet and may be much less due to flowline grades and surface roughness. Up to

this limit biofiltration strips should be as long in the flow direction as site conditions allow. Other considerations are having design side slopes as long and as flat as ROW and maintenance requirements allow. The east side is not wide enough to incorporate bio-strips. The bio-strips [on the west side of Hwy.1] south of the bridge are 361 and 354 sq.yds., and the bio-strip north of the bridge is 1683 sq.yds.

The proposed Ten Mile River bridge replacement project contains design features to minimize water quality impacts, and will include an up-to-date package of construction-related best management practices to ensure that the multi-year construction and demolition activities will not degrade water quality in the Ten Mile River. The Commission's water quality staff reviewed the project's water quality protection measures – including the technical information supporting the proposed bridge drains and biofiltration strips – and concluded that the project will not lead to adverse water quality effects to the Ten Mile River and the biological resources of its estuary. Caltrans has committed to submitting the project's SWPPP and final list of construction BMPs to the Executive Director prior to the start of construction at Ten Mile River. This will allow the Commission staff an additional opportunity to review and comment on the adequacy of the final water quality protection measures. Therefore, the Commission finds that the Ten Mile River bridge replacement project is consistent with the water quality policy of the CCMP (Section 30231 of the Coastal Act).

E. Environmentally Sensitive Habitat Area

Much of the Federal Consistency analysis concerning environmentally sensitive habitat area relates to the portion of the project that arises within the area of the Commission's retained jurisdiction (CDP Application No. 1-06-022, June 2006 Agenda Item Fri 8c), such as impacts to eelgrass beds, and to state and federally listed fish species, or it relates to impacts to ESHA which Caltrans has subsequently committed to avoiding. There are, however, areas of the project subject to the PWP with sensitive habitat. The sensitive plants and some of the dune area habitat listed below, for example, are in this category. The proposed project footprint and proposed methods of construction have not changed (since the Commission's last review of the project) in a manner that would pose increased impacts on sensitive habitat. Instead, Caltrans has clarified that no staging or other disturbance will affect sensitive plant habitat and that all sensitive habitat areas will be fully fenced and posted to ensure that contractor-personnel and Caltrans employees alike do not disturb these areas at any time.

As stated in the previous section, Caltrans has revised the project description to limit staging (disturbed) areas other than areas specifically required to be cleared or graded for direct construction of the project components, to the "mixing table" area (which Caltrans uses periodically for maintenance activity support), the existing roadbed, or the bridge trestles. In comparison, previously, Caltrans had proposed to allow the eventually-selected contractor building the project to use any area within the Caltrans' right-of-way for such activities, at the contractor's discretion (and Caltrans had identified 25 acres as

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)
June 1, 2006

the area of potential disturbance in the Initial Study of April 2006. In addition, Caltrans will now also require the contractor to seek and obtain necessary coastal development permits prior to utilizing any of the potential areas that have been identified conceptually by Caltrans for demolition debris and excess graded material disposal. These refinements of the project description will ensure that such activities do not adversely affect sensitive habitat areas.

The applicable sections of the Coastal Act cited in the Commission's adopted findings for Federal Consistency for CC-074-05 are incorporated by reference in the certified Mendocino County LCP. The LCP contains no other specific policies or provisions that are not covered by these provisions of the Coastal Act, thus the Modifications (applicable to 1-06-PWP) and Special Conditions (applicable to PWP 1-06-01) attached hereto by the Commission are necessary to ensure that the project is fully implemented in accordance with requirements that will ensure that the project as proposed is implemented in a manner fully protective of environmentally sensitive habitat.

Therefore, as Caltrans proposes no additional changes to the previously considered project description that would result in additional impacts to environmentally sensitive habitat areas or species within the portion of the project area that is covered by the proposed PWP, the proposed project can be found consistent with the policies and provisions of the certified Mendocino County LCP. As the following measures are incorporated into current PWP and Specific PWP Project.

The Modifications the Commission finds necessary to conform the proposed PWP with the certified LCP include: Modification 5 (Parking Area, Coastal Trail Landscape/Revegetation Plan) (to ensure that appropriate locally native species are used in landscape and permanent erosion control plans for parking areas, pathways, and restored areas, which will ensure that invasive, non-native species would be planted that could colonize the dune system or out-compete sensitive plants); Modification 6 (Demolition, Staging, Storage, Fueling, Disposal Plan) (incorporates specific basic requirements, principally in accordance with the general proposal offered by Caltrans, to ensure finalization of plans that will ensure that these activities—which have the potential to significantly and adversely affect sensitive habitat and species -- will be undertaken in a manner fully protective of these resources); Modification 8: Biological Monitoring (ensures that a final biological monitoring plan is approved by the Executive Director and that the plan will provide ongoing verification that construction will be undertaken in accordance with all measures designed to protect sensitive resources in all areas of the project – including the area covered by the PWP); Modification 9 (Final Disposal Plan) (ensures that demolition debris, wastes, excess graded material will be disposed in accordance with the protection of sensitive resources, in particular consideration of Caltrans' proposal to leave the selection of a disposal site to the eventually-selected contractor); Modification 12 (Final Plans) (ensures that the final project plans incorporate all of the representations of Caltrans regarding the project description, particularly for the benefit of the eventually-selected contractor); Modification 13 (Final Authorizations; Compliance) (ensures that Caltrans also obtains all necessary permits or authorizations from other state and federal agencies with specialized expertise and regulatory authority over aspects of the project that could affect sensitive resources, and requires Caltrans and

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)
June 1, 2006

others to fully comply with any associated requirements, and to obtain amendments to the PWP if requirements of these agencies call for changes to the approved project description). The Commission further finds that Special Condition 7 is necessary to conform the Specific Public Works Plan Project to this standard.

Additionally, the special conditions the Commission further finds necessary to conform the proposed Specific PWP Project 1-06-01 to 1-06-PWP as modified in accordance with the modifications imposed by the Commission, include: Special Condition 1 (Permit Obligations) (ensures that all relevant parties, including contractors bidding on or obtaining the contract approval for construction, are fully aware of the obligations of the PWP Project 1-06-01); Special Condition 2 (Construction Responsibilities) (ensures that Caltrans and all other parties undertaking any aspect of the proposed project do so in a manner fully protective of sensitive); Special Condition 3 (Revised Plans) (ensures that the final plans conform to the requirement of the PWP for final plans); Special Condition 4 (Erosion Control and Revegetation Plan) (ensures that a final erosion control and revegetation plan is reviewed by the Executive Director, and that the plan, fully implemented, will protect all areas disturbed by project activities – either during active construction – or after the project is completed – and incorporate the planting of locally native plant species, and that the plan include the Commission’s standard requirement for long term monitoring of the performance of these measures so that full restoration and the return of the associated habitat value of the affected areas is fully achieved); Special Condition 6 (Temporary Piles) (although most temporary piles would be placed in the area of the project subject to CDP 1-06-022, some temporary wooden support members may be placed in the Project 1-06-01 area and thus must conform to the same standard for protection of marine resources, as runoff from any area of the project could release unauthorized wood treatment chemicals into adjacent sensitive habitat areas, or affect species that feed within the affected areas); Special Condition 7 (Required Approvals) (Caltrans must demonstrate receipt of all permits and approvals from applicable state and federal agencies prior to PWP 1-06-01 effectiveness, to ensure that the requirements of these agencies protective of marine resources are fully implemented); Special Condition 9 (Biological Monitoring) & Special Condition 10 (Site Inspections) (ensures that a comprehensive biological monitoring protocol is developed and implemented for all project activities that may affect sensitive habitat areas and species, so that all parties participating in project construction do so in a manner fully compliant with the obligations of all authorizations and permits protective of these resources, and that such monitoring is undertaken by a qualified biologist, and that site inspections by other agency and Commission staff may be undertaken at any time to further ensure compliance with applicable requirements).

Conclusion: The project will not significantly degrade environmentally sensitive habitat areas and species, as reiterated below in the excerpted adopted findings from the Commission’s conditional concurrence with CC-074-05 for the subject project. In addition, the applicable policies of the Coastal Act are incorporated by reference within the certified Mendocino County LCP. Therefore, the Commission finds that the proposed Public Works Plan, 1-06-PWP, if modified required herein, will conform with the certified Mendocino County LCP. The Commission further finds that Specific PWP Project 1-06-01, as conditioned herein, will conform with the PWP as modified herein.

The text below contains the adopted findings for the Commission's conditional concurrence with CC-074-05 regarding marine resources. Portions of these adopted findings apply to the project as a whole, whereas the Public Works Plan and Project apply only to those areas presently located within the area of the certified Mendocino County LCP (See Exhibit 5A):

The Coastal Act provides the following:

Section 30240.

(a) Environmentally sensitive habitat habitat values, and only uses dependent on those resources shall be allowed within those areas.

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

In addition to the wetland and other marine resources examined in Section B above, additional environmentally sensitive resources are present in or adjacent to the project area uplands south of Ten Mile River which could be affected by construction activity (the north bank of the river rises sharply and is minimally vegetated). As reported in Caltrans' October 2004 *Biological Assessment* prepared for the California Department of Fish and Game (CDFG), the federal and state endangered Menzies' wallflower (*Erysimum menziesii*) is a low-growing, succulent, biennial to short-lived perennial herb that occurs near the south side of the logging haul road on the south bank of Ten Mile River. The federally endangered and state threatened Howell's spineflower (*Chorizanthe howellii*) is a flowering, annual herb in the buckwheat family, and is discontinuously distributed within the dunes south of Ten Mile River. Both these plant species are endemic to coastal dune habitats of central and northern California. In Caltrans' August 24, 2005, memo to CDFG, it was reported that two additional sensitive plant species were observed in the general project vicinity. Lyngbye's sedge (*Carex lyngbyei*) was observed along both banks of the river, primarily upstream of the bridge. Round-headed Chinese houses (*Collinsia coymbosa*) was observed south of the river and over 400 feet downstream of the existing bridge and will not be affected by the project. The consistency certification reports that migratory birds, including cliff swallows and purple martins, nest and breed on the existing bridge. Sand dune habitat extends from near the southern end of the existing bridge westward to the ocean shoreline in MacKerricher State Park, and in locations provides nesting habitat for the endangered Western snowy plover.

Construction of the proposed project could adversely affect the aforementioned upland sensitive resources, due primarily to grading for realignment of the Hwy.1 to the new bridge, clearing of vegetation in the realignment corridor, and construction of trestles, falsework, and access roads to support new bridge construction and existing bridge demolition. However, the consistency certification and Caltrans' August 24, 2005, memo to CDFG documents provide the following documentation that the project will avoid sensitive habitat areas:

Howell's spineflower. *The project had originally proposed to use an area near the existing population of Howell's spineflower to access the existing bridge during the demolition phase of the project. It has now been determined that the previously discussed access road leading from the haul road will not be used. In addition, construction access for demolition of the existing bridge is now confined to 48 feet west of the existing bridge. This western boundary of the work area avoids all of the existing spineflower as well as the area where the species could expand its distribution (in the "open" area between the existing bridge and the plant's current population).*

Menzies' wallflower. *As discussed above, construction access for demolition of the existing bridge will be confined to 48 feet west of the existing bridge. The western boundary of the work area avoids all of the existing wallflower as well as the area where the species could expand its distribution (in the "open" area between the existing bridge and the plant's current population).*

Lyngbye's sedge. *The plant may be temporarily affected by the placement of trestle piles. Any impacts to the species will be minor and temporary. It is anticipated that any depressions left in the substrate subsequent to removal of temporary piles will quickly fill in during high flows along the river's banks and be repopulated with the adjacent species, including Lyngbye's sedge.*

In addition, the populations of Menzies' wallflower and Howell's spineflower will be fenced off to prevent personnel, equipment, or materials from entering these areas throughout the construction and demolition period. As discussed in Section B above, all wetland habitat disturbed during project construction will be restored to pre-project conditions, either through natural re-vegetation or planting by Caltrans. Populations of Lyngbye's sedge adversely affected by construction would be included in these wetland restoration efforts.

Nesting for migratory and resident birds will be protected during construction and demolition activities (Exhibits 22 and 23). Caltrans provides that:

- **Migratory birds are protected under the Federal Migratory Bird Treaty Act. The Ten Mile River bridge supports a large colony of cliff swallows that nest primarily under the overhang of the existing bridge. The new bridge would have a ledge (i.e. overhang) that would allow swallows to nest as they currently do on the existing bridge. In addition, the new bridge would have holes underneath the bridge deck similar to those found under the existing bridge. These holes would be available for nesting by purple martins and other cavity nesting birds.**
- **In order to protect bridge nesting birds during demolition of the existing bridge, the construction and removal of temporary falsework and/or temporary platform to catch the bridge pieces as well as the removal of the superstructure itself, would be restricted to August 1-March 31 of any year of construction. The falsework and platform are confined to this work window (when cliff swallows are not present) given that they could provide angles for the birds to construct a nest.**
- **Bridge demolition may extend beyond March 31 if birds have not begun nesting yet and depending on the type of work to be done and the time required to finish it. Additionally, if nesting is shown to be complete (fledglings are not detected), prior to August 1, demolition of the bridge may begin earlier than August 1.**
- **Riparian vegetation on the project site also supports nesting migratory bird species as well as resident bird species. Riparian vegetation that would be affected during the construction project would be cleared between September 1 and February 28 of the first year of construction to avoid affecting any nesting activity.**

The *Ten Mile River Bridge Revegetation Plan* (September 2005) includes measures that will ensure that environmentally sensitive habitats adjacent to construction areas will continue to be protected against adverse effects from ground disturbance:

- **Restoration of self-sustaining native vegetative cover, appropriate to the habitat type, across the approximately 1.8 acres of upland habitat impacted by grading and construction, and including restoration of the existing maintenance turnout at the south end of the bridge and all existing roadbed areas outside of the new alignment of Hwy.1 north and south of the bridge.**
- **Where the project results in cut and/or fill areas, the top six inches of native topsoil will be removed and stockpiled. Salvaged topsoil will then be placed at a minimum two inch depth on all new fill slopes and in areas where existing roadway is to be abandoned and**

obliterated (asphalt paving and base removed, roadbed then ripped to a depth of ten inches). Replacement of native topsoil will prepare the area for planting.

- Adjacent to the roadway, revegetation will consist solely of erosion control effort and hydroseeding. In these upland areas the seed mix will be comprised of grass and wildflower species native to the project site.

In conclusion, the proposed bridge replacement project is designed to minimize significant adverse effects on environmentally sensitive habitat within and adjacent to the project zone. No construction work or disturbance will occur in areas where federal- and state-endangered plant species occur; fencing will be installed prior to the start of construction to prohibit any entry into these mapped areas throughout the multi-year construction period. Nesting for migratory birds will be protected during bridge construction and demolition activities. The proposed bridge includes design elements that will allow cliff swallows to nest as they do on the existing bridge. Demolition of the existing bridge will occur between August 1 and March 31 when cliff swallows are not present. Clearing and removal of vegetation and riparian habitat will occur between September 1 and February 28 of the first year of construction to avoid adversely affecting nesting birds in the project area. The project revegetation plan includes provisions for replanting and restoring all disturbed areas to native vegetative cover, restoring all roadbed areas outside the new alignment of Hwy.1, and monitoring and remediation measures to ensure that environmentally sensitive habitats are restored to optimum, pre-project conditions in a timely manner. Therefore, the Commission finds that the Ten Mile River bridge replacement project will protect environmentally sensitive habitat and is consistent with the environmentally sensitive habitat protection policy of the CCMP (Section 30240 of the Coastal Act).

F. Visual Resources

The Coastal Act provides the following:

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and

Recreation and by local government shall be subordinate to the character of its setting.

Section 30254. 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

The certified Mendocino County LCP incorporates these policies of the Coastal Act by reference and additionally provides the following specific policies:

Coastal Element Policies: Visual Resources; Special Community Character

3.5-1 State Highway 1 in rural areas of the Mendocino County coastal zone shall remain a scenic two-lane road.

The scenic and visual qualities of the Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

3.5-3 The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its setting. Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

- the entire coastal zone from the Ten Mile River estuary (including its wooded slopes, wetlands, dunes and ocean vistas visible from Highway 1) north to the Hardy Creek Bridge...

- Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River...

In addition, the LCP contains public coastal access policies that relate to visual resources:

3.16-17 Caltrans shall be required to improve or construct view turnouts designed on the Land Use Maps as a part of adjoining highway improvement projects

when such improvements involve widening or improvements of the highway. (this would exclude rehabilitation type projects).

- 3.6-16 Access to the beach and blufftop viewpoints shall be provided for handicapped persons where parking areas can be close enough to beach or viewing level to be reachable by wheelchair ramp. The wheelchair symbol shall be displayed on road signs designating these access points where the means of access is not obvious from the main road.

As discussed in the public access and recreation section of the report, LCP Policy 3.16-7 requires projects such as the highway widening and realignment presently proposed to include the construction of view turnouts. The Ten Mile River on both sides of the highway is designated Highly Scenic in the LCP and is subject to this policy. Public coastal access immediately south of the existing Ten Mile River Bridge is also designated on the maps of the certified Mendocino County LCP.

Now that Caltrans has revised the proposed project to include an ADA-compliant pedestrian corridor separated from highway-speed traffic by a crash-tested guard rail (Type ST-10), the proposed bridge will serve the dual purpose of providing for the Coastal Trail and providing a safe viewing destination for coastal visitors – including handicapped coastal visitors – who would be attracted to the bridge to enjoy the spectacular views available from the deck. The photograph of the bridge and environs that is available on the Coastal Records Project site shows the panoramic coastal view potential that will be available on the new bridge deck. For those with internet access, the website address for the Ten Mile River Bridge is: <http://www.californiacoastline.org/cgi-bin/image.cgi?image=11273>

In addition, and as further discussed in the public access section, the new turnout parking, that will replace the turnout parking that presently exists immediately south of the existing bridge on the west side of the highway, will be located over 300 feet south of the bridge. To ensure that handicapped coastal visitors who will rely on the ADA-compliant caliber of the proposed pedestrian corridor have a place to park and a link from the parking area to the bridge, Modification 2 (Universal((Handicapped)) Access) requires the proposed parking area to include handicapped access and signage, and an ADA-compliant link between the parking turnout and the bridge corridor. This requirement will ensure that the views available on the existing bridge deck remain available to the public, and are significantly improved through the accessory parking, signage, and wheelchair-safe connections that will make the bridge safely available to the coastal visitor who may be frail or rely on a wheelchair. And, the features that provide for or improve safe access for handicapped visitors will also render the area much safer for visitors to the bridge who have small children with them or use strollers. The Commission further finds that Special Condition 13 is necessary to conform the Specific Public Works Plan Project to this standard.

Caltrans has also revised their original proposal to include a pedestrian outer rail of the “picket” style that was installed on the Noyo Bridge in Fort Bragg. That rail will be approximately 48 inches high. The pedestrian corridor will be five feet wide, and on the

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)

June 1, 2006

inner edge a guard rail (ST-10 style) 31 inches high and 18 inches wide will separate the now-proposed 6-ft.-wide paved traffic shoulder from the pedestrian corridor. The outer rail on the eastern (upstream) side of the bridge is still proposed as the ST-20 type with the see-through horizontal metal rails with the additional rail necessary to achieve the 54-inch bicycle safety height that Caltrans believes is necessary. Most of the rail elements on the actual bridge would be addressed by the Commission in the pending coastal development permit application. However, Caltrans also proposes approximately 600 linear feet of guard rail off the bridge, along the realigned highway section subject to the PWP/Specific PWP Project, and two 24-foot-long QuadGuard crash cushions, one on the northwest side of the bridge, and one on the southwest side of the bridge. These would be installed at the end of the bridge. The Commission's review of the overall design elements of these features will ensure that a final project design compatible with the project's highly scenic setting is approved, pursuant to Modification 3. The Commission further finds that Special Condition 14 is necessary to conform the Specific Public Works Plan Project to this standard.

As discussed in the public access section, Caltrans continues to meet with the Commission's "Road's Edge" Subcommittee to resolve visual impact concerns associated with railings and other design features associated with roadway edges. The final design recommendations of this subcommittee would be incorporated into an amendment of the PWP and CDP (as applicable) and these would be returned to the Commission for final public action, pursuant to Modification 3. The Commission further finds that Special Condition 14 is necessary to conform the Specific Public Works Plan Project to this standard.

As stated previously, the rail elements and shoulder dimensions on the actual bridge fall under the area of the Commission's retained jurisdiction and thus are addressed in the staff report for CDP Application No. 1-06-022 (June 2006 Agenda Item Fri 8c). However, these items will also affect the area of the project that is subject to the proposed Public Works Plan, thus Modification 3 is necessary. Caltrans proposes hundreds of feet of guard rail off the bridge, and crash-guard end treatments as well, and final design consideration of these features, as well as any rail elements that may be necessary to achieve the ADA-compliant linkage of the new proposed parking turnout with the ADA-compliant Coastal Trail on the bridge (Modification 2), may also be considered by the Road's Edge Subcommittee and finally by the Commission.

As cited above, the Coastal Act and specific policies of the LCP envision that Highway 1 will remain a scenic, rural, two-lane road. The Ten Mile River Bridge and environs are designated Highly Scenic in the certified LCP, and therefore the project location fully meets the test of being a Highway 1 segment in a scenic, rural, two-lane location that must be preserved as such. Modification 1 sets aside the paved shoulders and pedestrian, bicycle, and parking features included in the project for these purposes permanently and prevents the conversion of any part of the paved shoulders or pedestrian corridor to traffic use in the future. The Commission further finds that Special Condition 12 is necessary to conform the Specific Public Works Plan Project to this standard. As stated previously, Caltrans has asserted that such conversion of public access areas of the proposed project to traffic features would not be proposed in the future. Caltrans further asserts that the

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)
June 1, 2006

proposed widening and realignment of the bridge and highway in this rural location is required only to more safely serve the existing levels of traffic consistent with contemporary safety standards and to achieve compliance with seismic safety requirements. Caltrans has dismissed the option of retrofitting the existing bridge for a variety of safety-related reasons.

Caltrans indicates that there are no plans to install permanent lighting on the bridge or at the proposed new parking turnout south of the bridge. Caltrans has indicated, however, that ADA compliance may require some lighting features which Caltrans has not fully investigated. Modification 4 requires that Caltrans provide a final plan for permanent signals, signage and lighting elements and that these be of the most minimum profile necessary and limited only to those deemed essential for safety. In addition, any lighting proposed in the final plan may only be authorized if the need for the lighting is demonstrated to be essential for public safety, to the satisfaction of the Executive Director. Any lighting features proposed must be of low profile, low wattage, downward-shielded design, and shall not illuminate the night sky or the waters of the Ten Mile River, or cast light into habitat areas adjacent to the bridge, beyond bridge areas, or beyond the parking turnout. No permanent lighting for the “mixing table” area is proposed or authorized herein. The Commission further finds that Special Condition 15 is necessary to conform the Specific Public Works Plan Project to this standard.

In addition to the design features discussed above, any areas of the subject site disturbed for construction of the new bridge and other authorized activities necessary to support such construction (fueling areas, concrete washout areas, restoration of the demolished roadbed and bridge areas, for example) must be fully restored. These areas, if not successfully restored, may erode and create significant visual impacts in an area noted for its scenic natural beauty. Modifications 5 (Parking Area, Coastal Trail Landscape/Revegetation Plan), 6 (Demolition, Staging, Storage, Fueling Plan), 9 (Final Disposal Plan), and 11 (Water Quality Protection and Erosion Control Plan) contain requirements that require such restoration, and erosion control measures, and these provisions will ensure, if fully implemented, that project activities do not lead to the degradation of the visual qualities of the area Ten Mile River environs.

In addition, Special Conditions 1 (Permit Obligations), 2 (Construction Responsibilities), 3 (Revised Plans, Signage, Handicapped Access, Public Views), 4 (Erosion Control and Revegetation Plan), if fully implemented, will conform the Specific PWP Project with the requirements of the PWP as modified in accordance with the requirements set forth above, thereby ensuring that the project is undertaken in a manner fully protective of the visual resources associated with the project site and environs.

Conclusion: The potential affects of the project on visual resources are also discussed below in text from the adopted findings made by the Commission in conditionally concurring with CC-074-05 for the subject project. Caltrans has revised the proposed project since last fall as described herein, in a manner that reduces the visual impacts of the proposed project from the impacts associated with the original project proposal. The revised proposal considered herein does not incorporate the pedestrian corridors on both sides of the bridge required by the Commission, and thus does not afford the opportunity

to apply the less visually intrusive pedestrian outer rail on each side of the bridge. Caltrans has, however, placed a single pedestrian corridor on the most visually significant side of the bridge as a way of simultaneously addressing Caltrans' safety concerns (see Exhibit 7A-(1), a citation of the safety improvements afforded by varying increased paved shoulder widths on rural highways provided by Caltrans, through the Commission's Statewide Caltrans Liaison).

The proposed project, other than as described above, has not changed in any other ways that would increase adverse visual impacts associated with the proposed project. The Commission finds therefore that the proposed project is consistent with the applicable policies of the Coastal Act that are incorporated by reference within the certified Mendocino County LCP, and also with the additional specific LCP policies concerning visual resources. Therefore, the Commission finds that the proposed Public Works Plan, 1-06-PWP, if modified as required herein, will conform with the applicable policies and provisions of the certified Mendocino County LCP. The Commission further finds that Specific PWP Project 1-06-01, as conditioned herein, will conform with the PWP as modified herein.

The text below contains the adopted findings for the Commission's conditional concurrence with CC-074-05 regarding visual resources. These apply to the project as a whole, whereas the Public Works Plan and Project apply only to those areas presently located within the area of the certified Mendocino County LCP (See Exhibit 5A):

1. Background. The Ten Mile River – along with its estuary and adjacent coastal dunes and uplands that are viewed by travelers along Highway 1– is an outstanding example of the type of scenic area where new development should be subordinate to the setting (Exhibit 4). The expansive and rolling landscape, the backdrop of the Coastal Range and the distant Pacific Ocean, and the minimal level of residential development at the Hwy. 1 crossing of Ten Mile River is the type of setting for a stretch of rural two-lane Hwy. 1 that the Coastal Act was designed to protect.

The proposed bridge replacement project could adversely affect visual resources – both temporarily and permanently – at and adjacent to the project site due to temporary construction activities (e.g., access roads, staging areas, vegetation removal, grading, trestles, falsework, equipment, demolition activity, aerial transmission lines, cut and fill slopes undergoing revegetation) and design features of the new bridge (e.g., wider bridge deck, wider paved shoulders on the Hwy.1 approaches to the bridge). However, the project also includes elements that will improve visual resources at and adjacent to the project area (e.g., removal of overhead transmission lines that cross the river just east of the existing bridge, reduced number of piers supporting the bridge, a haunched girder design, improved see-through characteristics of the bridge railing).

The consistency certification states that the bridge replacement project was designed to avoid and minimize potential effects on visual resources:

This included an analysis of bridge alignment, bridge abutment slope angles, and bridge railing types, resulting in a design that would minimize tree impacts, and provide a low profile and unobtrusive structure as possible. Trees, shrubs, and wetland vegetation removal would be required. Four cypress trees and one willow would be removed south of the bridge on the east side of the highway, and one pine would be removed north of the bridge on the east side of the highway.

Replanting of native trees and vegetation (including in the temporarily affected and newly created wetland areas) would occur

The potential visual resource impacts associated with the Ten Mile River bridge replacement project were analyzed further by Caltrans in its June 2005 *Ten Mile River Bridge Visual Assessment*. This document provides a summary of present conditions in the project area:

. . . The overall visual quality of this area is extremely high; generally speaking the viewshed of the Ten Mile River is intact as far as development is concerned . . . In its current condition, the Ten Mile River Bridge seems to fit in well with the surrounding landscape. The existing bridge is a simple structure and allows highway travelers a variety of views as they approach and travel across the bridge. Highway travelers get a unique perspective when approaching the bridge from the south as they approach the bridge at a higher elevation, and at such an angle the bridge profile is seen with the river outlet and the coast as a backdrop

The project also borders MacKerricher State Park . . . [There] are areas within the boundaries of the State Park that have views of the project area.

2. Impacts and Mitigation. The *Visual Assessment* notes that the new bridge would be located just east of the existing structure and would generally mimic the profile of the existing bridge, although the new bridge would be several feet higher at the southern end and several feet lower at the northern abutment. The Hwy. 1 southern approach will be realigned to the east by approximately 65 feet in order to connect with the new bridge. As a result, the roadway must be extended 340 feet northward on a new fill slope built across a portion of the bluff that slopes down to the haul road parallel to and south of Ten Mile River.

The *Visual Assessment* reports that the proposed bridge will include a “haunch girder” type design rather than the typical “box girder” design (Exhibits 24 and 25):

The design of the structure is very important to the visual impacts any bridge would pose. The Caltrans standard is a box type girder with round piers . . . A haunch girder system with rectangular piers were used in all simulations and is recommended in this situation. The haunch girders make the structure seem less massive through the tapered girders and chamfered corners. This type of design seems to be more organic, and makes the bridge lines softer. A subtle design is best suited given the tranquil and undeveloped setting that makes this location unique.

The *Visual Assessment* next describes the approach used to assess the potential visual resource impacts generated by the proposed project:

The project area was analyzed by assessing the different viewer groups, determining where their views of the project occur, and to what extent those views will be affected. Viewpoints and viewers were identified and described. Photo simulations were done for selected views to show existing compared to proposed conditions in order to illustrate impacts both visually and descriptively.

Two of the viewer groups are comprised of residents living in close proximity to the bridge on the north bank of the river and users of private roads and lands south of the river. The remaining three groups are: (1) all recreational users of the Ten Mile River corridor (i.e., anglers, boaters, nature enthusiasts, etc.); (2) users and viewers from MacKerricher State Park, as there are several places within the park with views of the project area; and (3) north and south bound travelers on Highway 1, including those in vehicles and on bicycles.

Based on the design of the replacement bridge and the eastward realignment of the Hwy. 1 southern approach to the new bridge, the *Visual Assessment* states that the main visual resource impacts to the three aforementioned viewer groups from public lands, waters, and roads are caused by the fill slope at the south approach and the wider bridge deck:

Impacts to [the recreational users of the river] will vary depending on the vantage point of the particular user. In general, this alternative would introduce a longer bridge and a north-facing fill slope to the east of the existing bridge. The fill would be noticeable to viewers in the river corridor and would displace mature vegetation. The longer and thicker structure may be more visibly more intrusive than the existing bridge, but the new structure would have fewer supports in the river and longer spans

There are areas within the MacKerricher State Park with views of the Ten Mile River corridor including the Ten Mile River Bridge. The

majority of these views are from the top of a sand dune to the southwest of the bridge, although the bridge also can be seen from the beach and the park directly west of the bridge. The Ten Mile River Bridge can also be seen from the Old Haul Road which now serves as a trail in and out of the State Park. The alignment of Alternative C would move the bridge further away from the State Park and would not impact the views from the park users. Although the profile is at a higher elevation it mimics the profile of the existing and would not be a negative impact from this distance. The fill slope may be less visible from this side of the bridge.

Views for the travelers of State Route 1 would be changed significantly. As the bridge is now, highway travelers have fairly clear views of the Pacific Ocean and MacKerricher State Park to the west, as well as the Ten Mile River corridor to the east. The proposed replacement bridge, due to wider shoulders, will reduce views to the east and west of the bridge

The *Visual Assessment* recommends – and Caltrans has incorporated into the project – the following mitigation measures to minimize visual resource impacts:

The introduction of the fill slope on the south bluff would pose a mitigable visual impact. Much of the mature vegetation that currently occupies this slope would be removed, along with the mound that now serves to buffer views to the highway from viewers from the north of the river corridor. The slope would extend to the south side of the Old Haul Road.

All earthwork should be done in a manner to help it blend into the surrounding landscape through slope rounding and contour grading. Replanting of the slope would help restore the slope to a similar state and improve the view of the slope. The North Region Landscape Architect has recommended the use of 2:1 (H:V) or flatter on all slopes. This is suggested to maximize the ability for new plants to get established. Revegetation shall be part of this project, in order to restore what vegetation has been lost and to stabilize disturbed areas.

3. **Bridge Railing.** The proposed replacement bridge includes installation of the Type ST-20 “see-through” bridge railing. The *Visual Assessment* states that:

[Caltrans] North Region Office of Landscape Architecture recommends the Type ST-20 for use on the Ten Mile River Bridge due to its optimal “see-through” capability of 68%. Use of the ST-20 bridge rail will improve views of the Ten Mile River and the middle and background compared to the current bridge rail used on the existing bridge

structure. The Type-80 is acceptable for use since there is an opportunity for concrete surface treatment which helps the structure blend into the surrounding visual environment. Both railing types accommodate bicycle traffic which is required due to State Route 1 being part of the Coastal Bike Trail. . . . [Exhibit 26]

The *Visual Assessment* also includes a June 3, 2005, revised memo prepared by the Caltrans North Region Landscape Architect, which further addresses the proposed bridge ST-20 railing and states in part that:

Views to the east from the [new] bridge will include Ten Mile River in the foreground, the coastal plain in the middle ground, and the Coast Range in the background. To the west, Ten Mile River, sand dunes and the beach are visible in the foreground and the Pacific Ocean is visible in the middle and background. Quality of the foreground views towards the west will depend on the level of transparency of the bridge railing selected.

The ST-20 bridge railing type was approved for use in 2004. This railing type provides for optimum visibility of the surrounding landscape. The ST-20 is designed for use on bicycle and pedestrian corridors. The overall structure height including the bicycle railing is 54 inches. The main railing height is 46.7 [inches] with four 3 to 4 inch thick horizontal rails and a 2 inch thick bicycle rail above the main rail structure. The bicycle rail is attached to the vertical posts. The concrete foundation is 5.9 inches high. The mostly see through vertical posts are 11 inches thick and are spaced at approximately 9.8 feet. There is a total of 32.2 inch high window between the posts, rails, and foundation. When viewed from the highway, the ST-20 has 68% window area and 32% solid surface.

The aforementioned June 3, 2005, Caltrans memo also examined potential alternative railings for Ten Mile Bridge:

- ***The Type-80 is 31.8 inches high with a 11.8 inch horizontal concrete rail and a 9 inch high concrete foundation. The 15 inch thick posts are concrete and spaced at 10 feet and there is an 11 inch window between the railing and the foundation. When viewed from the highway, Type-80 has 35% window area and 65% solid surface. A 23.2 inch high bicycle railing will be attached to the top horizontal rail which is a requirement on designated bicycle routes.***
- ***The ST-10 rail is 32.6 inches high with two 4 inch high horizontal steel rails and a six inch high concrete foundation. The steel posts are spaced at 10 feet and there is a 18.7 inch window between the posts, rail and foundation. When viewed from the highway, the ST-10 has 57% window area and 43% solid surface. Although this***

railing provides for the best views of the surrounding landscape, the design does not allow for the construction of a bicycle safety railing . . . The ST-10 rail is designed for vehicular traffic only and is not suitable for pedestrian or bicycle use. (On the Noyo River Bridge, the ST-10 rail separates vehicle traffic lanes from a pedestrian pathway on the bridge and a taller picket railing fence is installed on the outer edges of the bridge deck for pedestrian safety.)

The Commission also received a comment letter (Exhibit 16) opposing use of the ST-20 railing on the replacement Ten Mile River bridge. The letter includes an attachment specific to Caltrans' proposed Greenwood Creek bridge further south in Mendocino County, but the author states in his letter that, "All of the information, citations, and argument that I make in it are equally relevant to the 10 Mile Bridge." The commenter – while not supporting combination auto-bicycle rails on Hwy.1 rural bridges – states that where such a rail makes sense, a more transparent and lower railing (48 rather than 54 inches) should be designed. Regarding the replacement Ten Mile River bridge, the commenter recommends reducing shoulder widths to four feet, installing a sidewalk on the bridge, installing the ST-10 railing to separate vehicle traffic and pedestrians, installing a newly-designed pedestrian rail incorporating curved and arched elements found on historic Hwy.1 bridges, and incorporating into the project the Commission's 2001 comments to Caltrans on the design of rails for use in scenic coastal areas (Exhibit 27).

During the Commission's discussion of the proposed vehicle shoulder widths on the bridge and its subsequent determination that separated pedestrian pathways are required on both sides of the bridge, the Commission also analyzed the proposed ST-20 multi-use railing. Several Commissioners expressed the view that the proposed version of this rail was not appropriate for the Ten Mile River bridge due in large measure to its industrial-looking design. It was the sense of the Commission that a more esthetically-pleasing railing would be needed for the proposed bridge in order for the Commission to find the project consistent with the scenic and visual resource policies of the Coastal Act. Given the Commission's condition regarding separated pedestrian pathways within the eight-foot-wide shoulders on both sides of the bridge, a revised railing system will consequently be required and reviewed under coastal development permit applications. Based on Commissioner comments, should the currently proposed version of the ST-20 rail be an element of future coastal development permit applications for the replacement bridge, it is doubtful that this version of the rail could be found consistent with the scenic and visual resource policies of the Coastal Act.

4. Conclusion. The proposed Ten Mile River bridge replacement project is located in a highly scenic coastal area and involves construction on a rural, two-lane section of Highway 1. As a result, the project elements must be

designed, constructed, and operated in a manner that avoids creating significant adverse effects on public views of the Ten Mile River, its immediate environs, and the distant Pacific Ocean. The replacement bridge will be located immediately east of the existing bridge and is designed to mimic its height above the river, its horizontal and vertical geometric curves, and the length of the river crossing. Visual design improvements include haunch girders to soften the more rectangular look of the existing bridge superstructure, and fewer bridge piers within the river and its south bank. The bridge itself will not introduce any new, significant, adverse impacts on visual resources.

The aerial transmission lines that cross the river immediately east of the existing bridge will be removed and placed inside a conduit that will run within the new bridge superstructure, thereby improving the views up the valley of the Ten Mile River. Cut and fill earthwork and vegetation removal is required for the realignment of the Hwy. 1 approaches to the new bridge, including a fill slope to extend the southern approach beyond the existing edge-of-slope. However, the project requires no significant landform alteration or retaining walls to support realigned sections of Hwy.1, and cut and fill slopes will be constructed at 2:1 ratio (horizontal: vertical) to reduce the footprint of ground disturbance and to support the revegetation work that will occur on all disturbed areas. The new fill slope at the south approach will create a temporary visual impact, primarily from the north and from the river upstream of the new bridge, until native vegetation becomes established on this slope. The visual resource impacts from these project elements are adverse in the short-term but are not significant in the long term due to the restoration of disturbed areas that is incorporated into the project.

The proposed project includes eight-foot-wide shoulders on the replacement bridge and shoulder widths off the bridge in the project area that range between eight feet and less than one foot (See Section A.3 for additional details on project shoulders). The potential impacts on visual resources from the widened shoulders and the proposed ST-20 railing design arise from two geographical perspectives: (1) views down to the river from vehicles crossing the bridge could be affected by the wider bridge deck and the ST-20 rail design; and (2) views of the Hwy. 1 corridor in the project area from those traveling on Hwy. 1 could be affected by the wider paved right-of-way and the rail design. While the wider bridge deck will make it more difficult to gaze directly down onto the Ten Mile River, the views that grab ones attention while crossing the Ten Mile River bridge are primarily those in the middle ground and in the distance: the upper Ten Mile River Valley backed by the Coast Range, the lower Ten Mile River and its estuary, the sand dunes of MacKerricher State Park, and the distant Pacific Ocean. Any adverse impact on these visual resources from this perspective due to the wider bridge deck would be insignificant, but views from and towards the bridge would be adversely affected by the proposed

installation of this industrial-looking ST-20 rail design. As discussed previously in this report, the Commission's conditional concurrence calls for Caltrans to revise the project to include pedestrian pathways separated from vehicle traffic lanes and located within the eight-foot-wide shoulders on both sides of the bridge (and as a result, to provide a more esthetically-pleasing railing system for the bridge).

The more challenging question from the Coastal Act perspective is whether the widened shoulders will significantly and adversely affect scenic views of the Hwy.1 corridor itself for those traveling north or south on the roadway, be they in a vehicle, on a bicycle, or on foot. The existing bridge is 26 feet wide; the proposed bridge would be 43 feet wide, a sixty-five percent increase in width. (The wider bridge will provide shoulders for bicyclists, disabled vehicles, and Caltrans maintenance vehicles, and as a condition of the Commission's concurrence, separated pedestrian pathways within the eight-foot-wide shoulders on the bridge.) Existing shoulders off the bridge in the project area range in width between 0.7 and 4.7 feet. The proposed project will increase the upper end of that range to eight feet in order to match the connection with the new bridge. However, as discussed previously in this report (Section A.3), Caltrans agreed to a Commission staff request to significantly reduce the length of eight-foot shoulders off the bridge in all four quadrants, and in the length of the eight-to four-foot transition shoulders on the bridge approaches. This reduction in the extent of proposed paved right-of-way off the bridge reduces the footprint of the project – and the potential visual impact – while still providing the public access improvements of a wider shoulder off the bridge for bicyclists and pedestrians and the safety features noted above.

As discussed previously, the widening of paved shoulders along the Hwy.1 approaches to the proposed Ten Mile River bridge does not require significant landform alteration or massive vegetation removal, and does not involve fill of wetlands or construction in environmentally sensitive habitat. The visual appearance of the new roadway corridor will be different from that which exists today, but because the existing roadway is not physically constrained by the landscape through which it passes (unlike many stretches of rural, coastal Hwy.1 that are squeezed by steep cliffs or rugged topography, more tightly curved in their geometry, or hemmed in by the shoreline or sensitive habitat), any adverse effect of this new corridor would not be significant. The landscape at this location is a widening river valley where Hwy.1 drops down to the bridge from the north and south, and where the scenic coastal views that capture a traveler's attention are focused not on the roadway but away from the road. Hwy.1 at and approaching the crossing of Ten Mile River would remain a scenic two-lane road, albeit wider on the new quarter-mile-long bridge and gradually wider on the approaches to the bridge.

The proposed ST-20 bridge railing is designed to provide safety for vehicles, bicyclists, and pedestrians on the multi-use Hwy.1 crossing of the Ten Mile River. When viewed from the highway, this rail has a 68% window area and 32% solid surface and will not adversely affect views up-valley or west towards the Ten Mile River estuary, the dunes of MacKerricher State Park, or the Pacific Ocean. However, and as noted previously, the industrial-looking design version of this rail as proposed would adversely affect scenic visual resources from and towards the bridge. Lastly, construction and demolition activities that will occur over a three-year time period will affect scenic views in the project corridor. While these latter effects may be adverse at times, they are unavoidable and temporary in nature.

In conclusion, the Commission finds that if modified in accordance with the Commission's conditional concurrence to require submittal of revised plans for the project via coastal development permit applications that provide for pedestrian pathways separated from vehicle traffic lanes and located within the eight-foot-wide shoulders on both sides of the bridge, and with the resulting need for a redesigned and more esthetically-pleasing rail system for the bridge, the Ten Mile River bridge replacement project could be developed in a manner which would minimize permanent and temporary adverse impacts on public views along this section of Highway 1, be compatible with the character of the surrounding area, minimize landform alteration, include adequate measures to mitigate unavoidable impacts, and would be consistent with the scenic and visual resource policies of the CCMP (Coastal Act Sections 30251 and 30254).

G. Cultural Resources

The certified LCP states on page 81:

LCP Policy 3.5-10: The County shall review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. Prior to approval of any proposed development within an area of known or probable archaeological or paleontological significance, a limited field survey by a qualified professional shall be required at the applicant's expense to determine the extent of the resource. Results of the field survey shall be transmitted to the State Historical Preservation officer and cultural Resource Facility at Sonoma State University for comment. The County shall review all coastal development permits to ensure that proposed projects incorporate reasonable mitigation measures so the development will not adversely affect existing archaeological paleontological resources. Development in these areas is subject to any additional requirements of the Mendocino county Archaeological Ordinance.

As stated below, a Caltrans staff archeologist has surveyed the project area and determined that there is no evidence in available cultural resource records, or in the field,

to suggest that cultural remains are located within the area that would be excavated or otherwise disturbed to construct the proposed project. Because the Public Works Plan upon certification will provide the standard for consideration of any future specific projects proposed within the area subject to the PWP, however, the Commission requires Modification 10 (Areas of Archeological Significance) to ensure that appropriate standards for protection of cultural resources are considered when reviewing such future projects, which may propose disturbance of areas within the PWP boundaries that could later be determined to be culturally sensitive. The Commission further finds that Special Condition 20 is necessary to conform the Specific PWP Project to this standard, thereby ensuring that if unexpected cultural remains are encountered during project operations, the subject ground-disturbing activities shall cease and shall not recommence until an archaeological plan has been reviewed and approved by the Executive Director.

The adopted findings from the Commission's conditional concurrence with CC-074-05 continue:

Section 30244 of the Coastal Act provides that:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The Statutory Exemption Determination Form prepared by Caltrans for the proposed project addresses in part the potential for cultural resources in the project area:

The Area of Potential Effect (APE) for this project has been identified, and includes all construction access routes, temporary construction easements, disposal site, existing and proposed right of way and staging areas for the proposed project. The review of Caltrans cultural resource records indicated that no cultural resources have been previously recorded within the APE. During field surveys by the Caltrans District Archaeologist, no cultural resources were observed within the APE, and no known historic properties or historical resources would be affected by the project. Native American consultation also determined no resources of concern within the APE.

An Historic Property Survey Report (HPSR) with findings of No Historic Properties, and Properties Not Eligible For Inclusion In The National Register, has been prepared and signed by the appropriate Caltrans Professionally Qualified Staff, the Environmental Branch Chief, and the Project Manager. The HPSR includes a Historic Resources Evaluation Report and an Archaeological Survey Report supporting the HPSR Findings. The State Historic Preservation Officer has submitted a letter concurring with these findings. The

proposed project, therefore, would not involve any significant impacts or adverse effects to any historic, architectural, or archaeological properties.

Further archaeological study may be necessary if the proposed area of work, or work plan, is altered. Additionally, in the event that archaeological materials are encountered during construction activities, Caltrans' policy requires that work be immediately halted in the area of the find until it can be evaluated by a qualified archaeologist.

The proposed Ten Mile River bridge replacement project would occur primarily in a previously developed area along the Highway 1 corridor. The bridge and highway approaches would be realigned to the east approximately 65 feet, a private driveway east of Highway 1 and north of the river would be relocated further to the east, and new pilings would be driven to support the new bridge. All of these activities hold the potential to disturb previously unidentified cultural resources. However, given the cultural resources surveys conducted by Caltrans, Native American consultation, State Historic Preservation Officer concurrence, and Caltrans' commitment to stop work and undertake additional consultation should cultural resources be discovered during construction, the project does not hold the potential to adversely affect cultural resources. Therefore, the Commission finds that the Ten Mile River bridge replacement project is consistent with the cultural and archaeological resource policy of the CCMP (Coastal Act Section 30244).

H. Agricultural Lands

The Federal Consistency adopted findings set forth below outline the Chapter 3 policies set forth in the Coastal Act that are protective of agriculture. These policies are incorporated as the guiding standard for the certified LCP. As stated below, Caltrans proposes to remove approximately 3.3 acres of land immediately adjacent to the highway, for use in constructing the proposed project. The lands are not actively farmed or ranched, and do not contain prime agricultural soils. Caltrans therefore proposes no compensatory mitigation for the loss of low-productivity agricultural lands. For the reasons discussed below, the Commission finds that the proposed conversion of non-productive agricultural land for inclusion in the area subject to the certified PWP will be consistent with the requirements of the Coastal Act incorporated and further reflected in the certified LCP, as proposed.

Pending Coastal Development Permit Amendment Application No. A-1-MEN-98-17-A2 to remove the subject 3.3 acres of land from the area presently subject to a deed restriction has been scheduled as Item Fri 9b on the Commission's June 16, 2006 agenda.

The adopted findings for CC-074-05 set forth the following text:

The Coastal Act provides the following:

Section 30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Section 30242. All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30250(a). 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.

The proposed Ten Mile River Bridge replacement project requires an expansion of Caltrans' right of way north and south of Ten Mile River in order to accommodate the eastward shift of Highway 1 as it aligns with the new Ten Mile River Bridge. To that end, Caltrans has initiated (and in some instances completed) the process of purchasing the required strips of land from the property owners. However, the subject property south of Ten Mile River encompasses coastal agricultural resources that are protected from non-agricultural development. On May 12, 1998, the Commission approved a coastal development permit (A-1-MEN-98-17) for a 20-unit inn on a four-acre building envelope within a 389-acre parcel that borders Highway 1 to the east and Ten Mile River to the south. The permitted development (which has yet to be constructed) would occur immediately adjacent to Highway 1 and approximately one-half mile south of the Ten Mile River bridge. One condition of permit approval was the requirement that the applicant dedicate an agricultural easement across the remaining 385 acres of the subject property for the purpose of preservation of coastal agriculture. On September 9, 1998, the Commission approved a permit amendment (A-1-MEN-98-17-A) to revise the special condition that required the agricultural easement to instead require a deed restriction limiting the remainder of the parcel to agricultural uses only. On September 14, 1999, the Agricultural Deed restriction was recorded on County of Mendocino Assessor's Parcel Number 069-010-22.

Caltrans has acknowledged in the consistency certification that it will need to submit an application to the Commission to amend coastal development permit A-1-MEN-98-17-A in order to delete the agricultural deed restriction on the strip of property it will purchase for the Highway 1 right of way expansion south of Ten Mile River. The Coastal Act includes provisions to protect prime agricultural lands and agricultural viability from disruptions due to conversion and/or division of agricultural lands to non-agricultural uses. The issue before the Commission in this consistency certification is whether the conversion of land designated for agricultural uses, and deed restricted to preserve such uses, will adversely affect prime agricultural lands or the viability and/or productivity of agricultural operations on the balance of the subject property or on surrounding lands in agricultural use. The Commission previously found in A-1-MEN-98-17 that the 385-acre property east of Highway 1 was not prime agricultural land. The proposed eastward shift of Hwy.1 would occur in the extreme northwest corner of the subject property, a location that currently does not support agricultural operations. This is due to the man-made and natural constraints found on

this narrow, rectangular section of the property: the paved Hwy.1 right-of-way, the old Georgia-Pacific logging haul road, a second dirt roadway, Ten Mile River, steep slopes, and brush and tree cover.

In analyzing the proposed project's consistency with the policies of Section 30241, the Commission finds that while roads and highways are a form of developed land use, a highway in and of itself does not define adjacent or surrounding lands as an urbanized area. As discussed throughout this report, the proposed bridge replacement project is located on a segment of Hwy.1 that passes through a rural region of the Mendocino County coast. Therefore, the proposed conversion of approximately three acres of land from agricultural use to Hwy.1 right-of-way is consistent with Section 30241 in that the proposed conversion does not involve prime agricultural lands and would not create conflicts between agricultural and urban land uses.

The proposed project alternative consists of a replacement bridge immediately upstream from the existing bridge and an associated slight eastward realignment of the Hwy.1 southern approach to the bridge. As a result of this design alternative, and consistent with the development policies of Section 30250 of the Coastal Act, the proposed project minimizes the width of the strip of land to be converted from agricultural use to highway right-of-way, and concentrates new highway development contiguous with and in close proximity to the existing Hwy. 1 paved right-of-way. Due to the narrow strip of land to be obtained by Caltrans, its location immediately adjacent to Hwy.1 (rather than bisecting a parcel of land where such an action could adversely affect its agricultural viability), and the public service purpose of the project, the proposed conversion of approximately three acres of land from agricultural use to Hwy. 1 right-of-way would concentrate existing and proposed roadway development, and would not adversely affect the agricultural viability of the remaining lands on the subject property currently supporting (and deed-restricted for) agricultural uses. Therefore, the Commission finds that the Ten Mile River bridge replacement project is consistent with the agricultural land protection policies of the CCMP (Coastal Act Sections 30241, 30242, and 30250).

I. CEQA

The Commission incorporates its findings on conformity with LCP policies 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 above, the Public Works Plan has been modified by the Commission so as to be found consistent with the certified Mendocino County Local Coastal Program. In addition, the Specific Project has been conditioned by the Commission so as to be found consistent with the Public Works Plan as modified. As specifically discussed in these above findings which are hereby

PUBLIC WORKS PLAN 1-06 AND SPECIFIC PWP PROJECT 1-06-001 (Caltrans)
June 1, 2006

incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been made requirements of project approval. 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.