

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

710 E STREET • SUITE 200

EUREKA, CA 95501-1865

VOICE (707) 445-7833

FACSIMILE (707) 445-7877

MAILING ADDRESS:

P. O. BOX 4908

EUREKA, CA 95502-4908



# F 16a

|                        |                   |
|------------------------|-------------------|
| Filed:                 | July 13, 2007     |
| 49 <sup>th</sup> Day:  | August 31, 2007   |
| 180 <sup>th</sup> Day: | January 9, 2008   |
| Staff:                 | Robert S. Merrill |
| Staff Report:          | October 26, 2007  |
| Hearing Date:          | November 16, 2007 |
| Commission Action:     |                   |

**STAFF REPORT:****PERMIT AMENDMENT****APPLICATION NUMBER: 1-05-008-A1****APPLICANT: California Department of Parks and Recreation****PROJECT LOCATION:** West of Highway One, at the trestle crossing at Pudding Creek, at the northern city limits of Fort Bragg, Mendocino County.**DESCRIPTION OF PROJECT  
PREVIOUSLY APPROVED::**

Structurally rehabilitate the existing "Pudding Creek Trestle" to provide a connection between the South MacKerricher Coastal Trail and the City of Fort Bragg for pedestrians and bicyclists: (1) replacing or repairing horizontal and diagonal cross members and decking of trestle; (2) replacing approximately 6 bent caps; (3) adding handrails for safety; (4) repairing the bottom of approximately 25% of the existing vertical piles; (5) replacing bolts and other hardware; (6) relocating horizontal and diagonal braces; and replacing miscellaneous shimming, blocking, and bearing blocks.

**DESCRIPTION OF  
AMENDMENT REQUEST:**

Amend permit granted for rehabilitation of Pudding Creek Trestle to allow for replacement of

foundations of trestle-supporting bents at north end of Pudding Creek Trestle, including bents #26-32 and incorporate use of epoxy filler at structural connections of bolted members and bearing points of horizontal members of trestle structure to make connections more secure.

LAND USE PLAN  
DESIGNATION:

Mendocino County: Open Space (OS)  
City of Fort Bragg: Parks and Recreation (PR)

ZONING DESIGNATION:

Mendocino County: Open Space: Flood Plain  
(OS:FP)  
City of Fort Bragg: Parks and Recreation (PR)

SUBSTANTIVE FILE  
DOCUMENTS:

Mendocino County Local Coastal Program;  
Commission CDP File No. 1-05-008;  
Commission Emergency Permit File No. 1-06-033G

---

**SUMMARY OF STAFF RECOMMENDATION**

On June 8, 2005, the Commission approved Coastal Development Permit No. 1-05-008 (California Department of Parks and Recreation) for the structural rehabilitation of the existing "Pudding Creek Trestle" to provide a connection between the South MacKerricher Coastal Trail and the City of Fort Bragg for pedestrians and bicyclists. The approved development included: (1) replacing or repairing horizontal and diagonal cross members and decking of trestle; (2) replacing approximately 6 bent caps; (3) adding handrails for safety; (4) repairing the bottom of approximately 25% of the existing vertical piles; (5) replacing bolts and other hardware; (6) relocating horizontal and diagonal braces; and replacing miscellaneous shimming, blocking, and bearing blocks.

During project construction, the Department determined that the piles that provide the foundation for the supporting structure of the trestle had been subject to much greater rot and termite damage than had been previously known. The damage was severe enough that the trestle was in danger of collapse. The Department was granted an emergency permit to perform the additional improvements to the trestle for which the Department is now seeking permanent authorization under the current permit amendment request. The work consists primarily of removing the rotting and deteriorating buried portions of the wooden bent piles and replacing them with concrete footings that would extend down into the sand and soils and provide a dry concrete base for the remaining above ground portions of the wooden piles. The amendment request also seeks authorization for the

use of epoxy fillers to better bond joints between the wood pieces of the trestle. The original project did not indicate such epoxy fillers would be used.

The new foundations would be constructed on a sandy beach area adjacent to pudding creek that is below the mean high tide during certain parts of the year. Therefore, the foundation work is subject to the requirements of Section 30233 of the Coastal Act regarding the diking, dredging, and filling of coastal waters. Staff believes that the proposed fill is consistent with Section 30233 as the fill is for an incidental public service purpose consistent with Section 30233(a)(4), the project involves the least environmentally damaging feasible alternative, and the amended development will include feasible mitigation measures as conditioned to minimize any adverse environmental impacts of the project.

The original permit included various conditions requiring the use of measures to minimize and avoid impacts on the water quality and estuarine habitat of the Pudding Creek estuary, including the use of best management practices to prevent sediment and debris from entering the waters of the estuary, prohibitions on the use of wood preservatives on the new wood elements of the rehabilitated structure, and the development of a hazardous material spill prevention and control plan. Staff is recommending that these and other conditions of the original permit be re-imposed, in some cases with modifications, to address the water quality impacts of the amended development. The modifications would further require that all construction equipment including that to be used for the foundation replacement work occurring on the beach be prevented from entering the waters of Pudding Creek and that all residue from the use of the epoxy bonding agent be prevented from entering the creek. Special Condition 11 has been added to require that all work cease in the event that marine mammals haul-out on the beach in the project area to prevent disturbance of the increased development on the beach from affecting these animals. As conditioned, staff believes the amended development is consistent with the requirements of Sections 30231 and 30233 of the Coastal Act regarding the protection of water quality and habitat values.

The trestle spans an area along the creek that is used to gain public access to the ocean beach from Highway One. The staff is recommending Special Condition No. 12 to require the submittal and implementation of a public access plan that ensures that public access through the site be maintained during project construction unless public safety concerns would preclude public access. In that event, the condition requires that temporary signage be installed that directs public access users to a nearby alternate access to the north of the project so that public access use of the ocean beach is not unnecessarily disrupted by the amended development. As conditioned, staff believes that public access to the coast would be protected consistent with the public access policies of the Coastal Act.

The foundation excavation work would be performed in an area near a known archaeological site. Staff is recommending Special Condition No. 10 to require that an

archaeological monitor be present during excavation activities and that in the event archaeological resources are discovered, the project must stop until the find can be evaluated and a supplemental archaeological resource protection plan developed and incorporated into the project though any necessary further amendment to the permit. As conditioned, staff believes the amended development is consistent with Section 30244 of the Coastal Act.

Therefore, staff believes that the amended development, as conditioned, is consistent with all Coastal Act policies.

**The Motion to adopt the Staff Recommendation of Approval with Conditions is on Page 5.**

---

**STAFF NOTES:**

**1. Jurisdiction and Standard of Review.**

The project site bisects three jurisdictional boundaries: The Commission's retained jurisdiction, the City of Fort Bragg, and the County of Mendocino. As depicted in Exhibit 4, the Commission's retained coastal development permit jurisdiction where there are tidelands or other areas subject to the public trust is located over Pudding Creek, extending from "bent 2" north to between "bent 29" and "bent 30" of the Trestle, and excluding the Trestle's north and south abutments. The County's jurisdiction encompasses the north end of the Trestle, and the City's jurisdiction encompasses the south end of the Trestle. The proposed project described herein in this staff report includes those portions of the amended project activities that would take place within the Commission's jurisdiction. Therefore, the standard of review for Coastal Development Permit Application No. 1-05-008 is the Chapter 3 policies of the Coastal Act.

**2. Scope**

This staff report addresses only the coastal resource issues affected by the proposed permit amendment, provides recommended special conditions to reduce and mitigate significant impacts to coastal resources caused by the development, as amended, in order to achieve consistency with the Coastal Act, and provides findings for conditional approval of the amended development. All other analysis, findings, and conditions related to the originally permitted development, except as specifically affected by the proposed permit amendment and addressed herein, remain as stated within the original permit approval adopted by the Commission on June 8, 2005. The staff report for the original permit is included as Exhibit 7.

---

**I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:**

The staff recommends that the Commission adopt the following resolution:

**Motion:**

I move that the Commission approve the proposed amendment to Coastal Development Permit No. 1-05-008 pursuant to the staff recommendation.

**Staff Recommendation of Approval:**

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

**Resolution to Approve with Conditions:**

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

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

**III. SPECIAL CONDITIONS:**

**Note:** Special Condition No. 1 of the original permit is modified and re-imposed as a condition of this permit amendment and remains in full force and effect. Special Condition Nos. 2-8 of the original permit are re-imposed without modification as conditions of this permit amendment and remain in full force and effect (The full text of Special Condition No. 2-8 is contained in Exhibit 7). Special Condition Nos. 9 through 14 are added as conditions of CDP Amendment No. 1-05-008-A1.

Deleted wording is shown in ~~striketrough~~ text, new condition language appears as **bold double-underlined** text.

**1. Construction Responsibilities, Debris Control, and Waste Disposal**

- A. All construction materials and debris originating from the project shall be contained in a manner to preclude uncontrolled entry and dispersion to the waters of Pudding Creek, and all debris resulting from construction activities that enters the creek shall be removed from the waters immediately.
- B. Erosion control fabric, such as canvas or plastic tarps, shall be installed under the Trestle during construction to catch small to large size material and prevent debris from falling into Pudding Creek.
- C. Any and all debris resulting from construction activities shall be collected and removed from the site for disposal at an authorized disposal site within one week of completion of construction. Any disposal of treated wood shall take place in a licensed hazardous materials landfill.
- D. No construction equipment shall enter the wetted channel of Pudding Creek.**
- E. No epoxy shall be allowed to enter the wetted channel of Pudding Creek.**

**9. Permit Amendment Expiration and Condition Compliance**

**Because the proposed development has already commenced, this coastal development permit amendment shall be deemed issued upon the Commission's approval and will not expire. Failure to comply with the special conditions of this permit amendment may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.**

**10. Archaeological Resources**

- A. A qualified cultural resource specialist shall be present on-site to monitor sub-surface conditions in search of archaeological indicators**

during all excavation work associated with the replacement of foundations for the Trestle bents.

B. If an area of cultural deposits is discovered during the course of the project, all construction shall cease and shall not recommence except as provided in subsection (C) hereof; and a qualified cultural resource specialist shall analyze the significance of the find.

C. A permittee seeking to recommence construction following discovery of the cultural deposits shall submit a supplementary archaeological plan for the review and approval of the Executive Director. In order to protect archaeological resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archaeological Plan.

(i) If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director.

(ii) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

## 11. Marine Mammals

If any marine mammal hauls out of the water onto Pudding Creek Beach, all work on the beach and below the mean high tide line shall cease until the mammal moves off the beach on its own accord.

## 12. Public Access

A. WITHIN 60 DAYS OF COMMISSION APPROVAL OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit, for the review and written approval of the Executive Director, a temporary public access plan detailing how public access to the beach at the mouth of Pudding Creek shall be maintained during project construction. The plan, at a minimum, shall provide for the following:

(a) A continuous public access corridor that extends from the parking lot at the end of the access road west of Highway One and underneath the trestle to the ocean shoreline shall be provided and demarcated on the beach during project construction except during periods of time when such access must be closed for public safety reasons;

(b) If at any time the public access corridor described in (a) above must be closed for safety reasons, temporary signage shall be installed on the beach that provides specific information to the public about how access to the ocean beach can be gained by alternative routes, including use of trails across the Haul Road to the north of the project.

(c) The plan shall include a narrative and a site map and other necessary exhibits describing and depicting the features of the plan.

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

13. U.S. Army Corps of Engineers Approval

WITHIN 90 DAYS OF COMMISSION APPROVAL OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the permittee shall provide to the Executive Director a copy of a permit or letter of permission issued by the U.S. Army Corps of Engineers, or evidence that no permit or permission is required for the development approved under Coastal Development Permit Amendment No. 1-05-008-A1. The applicant shall inform the Executive Director of any proposed changes to the approved project required by the U.S. Army Corps of Engineers. Such proposed changes shall not be incorporated into the project until the applicant obtains a further Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is required.

14. Department of Fish & Game Approval

WITHIN 90 DAYS OF COMMISSION APPROVAL OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the permittee shall provide to the Executive Director a copy of a Streambed Alteration Agreement issued by the California Department of Fish & Game, or evidence that no permit or permission is required for the development approved under Coastal



**Development Permit Amendment No. 1-05-008-A1. The applicant shall inform the Executive Director of any proposed changes to the approved project required by the Department of Fish & Game. Such proposed changes shall not be incorporated into the project until the applicant obtains a further Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is required.**

#### **IV. FINDINGS & DECLARATIONS**

The Commission finds and declares the following:

##### **A. Site Description**

Pudding Creek Trestle is located in MacKerricher State Park at the northern city limits of the city of Fort Bragg in Mendocino County. The Trestle spans the mouth of Pudding Creek, and is situated parallel to and just west of Highway One, at the southwest corner of the park boundary (See Exhibit 2).

Pudding Creek is a relatively small coastal stream with a coastal lagoon floodplain. The creek is located between the larger drainages of the Noyo River to the south and Ten Mile River to the north and it has a watershed of approximately 11,000 acres. Typical of most north coast streams, Pudding Creek exhibits strong seasonal fluctuations in discharge, mainly in response to heavy winter rain. Peak flow occurs in January and February, followed by a decline in March and a low flow period, usually beginning in late May.

The lower reach of Pudding Creek cuts through the coastal terrace and bluff that dominates the coastal landscape of this portion of the Mendocino Coast. A sandy beach extends back from the ocean along the flanks of Pudding Creek to a point just west of Highway One, several hundred yards to the east. A short access road extends from Highway One to a parking area that adjoins the beach. Many people gain access to the ocean shoreline from this location, walking on the sandy beach flanking the creek and crossing underneath the trestle to the ocean.

Built by the Union Lumber Company in 1917, the Trestle was once part of the company's railroad between its lumber holdings in the Ten-Mile River Watershed and its mill in Fort Bragg. The Trestle is an open deck redwood timber structure spanning Pudding Creek. In 1949, Union Lumber removed the rails from the rail bed and eventually paved the route. Trucks hauled logs over the "Haul Road" and across the Trestle until the early 1980s. The Department of Parks and Recreation (Department) acquired the trestle and the connecting Haul Road in the 1990s. The Department opened the Haul Road to public use thereafter, providing continuous public access along ten miles of coast from the Ten

Mile River to Pudding Creek. The Haul Road is considered part of the California Coastal Trail.

The Trestle has always been closed to the public and has been in an advanced state of decay. The structure has needed extensive work, new surfacing, and railings to protect its structural integrity and preserve its historic significance. Stabilization and rehabilitation is also necessary before the trestle could safely be opened for public use. Once construction is completed, the Trestle would be opened to pedestrian and bicycle traffic. The opening of the trestle to public use will extend the California Coastal Trail into the city limits of Fort Bragg.

The proposed project bisects three coastal development permit jurisdictions, including the Commission's jurisdiction. The County of Mendocino's jurisdiction encompasses the north end of the Trestle, from "Bent 30" north to the north abutment. The City of Fort Bragg's jurisdiction encompasses the south end of the Trestle from the south abutment north to "Bent 1", and a staging area in a parking lot to the south of the Trestle and a hotel parking lot to the north of the Trestle (See Exhibit 4).

## **B. Original Project Description**

The originally approved project involved the structural rehabilitation of the portions of Pudding Creek Trestle within the Commission's retained jurisdiction over tidal areas and lands subject to the public trust, which extends from just after "Bent 1" on the south side of the river to between "Bent 29" and "Bent 30" on the north side. Other portions of the development outside of the Commission's retained jurisdiction were approved by the City of Fort Bragg and Mendocino County.

The applicant proposed to remove and replace the defective structural members of the Trestle. Lumber used in replacement members would be matched in size and appearance to existing or original wood, as appropriate.

Approximately 10-20 stringers, mostly horizontal and diagonal members, and approximately six bent caps were proposed to be replaced. The degree of decay and deterioration on the topside of the stringers and bent caps was to be investigated and the extent of repairs determined once the trestle deck was removed.

Most of the existing piles were proposed to be retained. Approximately twenty five percent of the piles were proposed to be repaired at the bottom, and/or faced with redwood timber on both sides. These pile extensions and facings were proposed to extend below the mean high tide line.

All of the bolts and other hardware were proposed to be replaced with new hot-dipped galvanized bolts and hardware. To facilitate replacing the hardware, some of the

horizontal and diagonal braces were to be relocated, adjacent to their original locations. Miscellaneous shimming, blocking, and bearing blocks was also proposed to be replaced.

The entire deck of the Trestle was proposed to be replaced in kind or with new material compatible with the historic appearance of the structure. New handrails were proposed to be installed. The trestle decking and aprons were designed to comply with the ADA accessibility requirements.

**C. Amendment Background and Description**

The original coastal development permit (CDP No. 1-05-008) was approved in June of 2005 and work began on the project later that year. In February of 2006, as the contractor cleared sand around the base of various wooden piles that support trestle bents to make room for the previously authorized replacement of horizontal structural elements, the contractor discovered that the piles had been subject to extensive rot and deterioration by termites below grade. These piles extend down through the sand to the sandstone bedrock below. Work on the piles was halted until a more thorough inspection by a qualified consultant could be performed to investigate the extent of deterioration and recommend corrective measures.

The inspection revealed that the rot and deterioration had severely compromised the structural integrity of the supporting piles for bents 27 through 32, the bents that support the northern end of the trestle. The engineers recommended that the foundations of the trestle-supporting bents at the north end of the trestle, including the foundations of Bents 26 through 32 be replaced and that the whole trestle structure be made more secure by incorporating the use of epoxy filler at the structural connections of the bearing points of horizontal members of the trestle structure. The poor condition of the foundations of the affected bents was determined to be so severe as to threaten collapse of the trestle structure, endangering the public using the public beach under and around the trestle. The Department applied for an emergency permit to perform the foundation replacement work recommended by the engineers, and the Executive Director issued Emergency Permit No. 1-06-033-G on June 14, 2006 authorizing both the replacement of the foundations of the affected bents and the use of the epoxy filler at the structural connections of the trestle.

The emergency permit authorized the foundation replacement work and use of the epoxy filler on a temporary basis and required the authorized work to be completed by September 29, 2006. Special conditions of the emergency permit require the Department to obtain an amendment to CDP No. 1-05-008 amendment to have the approved emergency work be considered permanent. The Department submitted Coastal Development Permit Amendment Application No. 1-05-008-A1 in July of 2006 seeking permanent authorization for the work authorized under the emergency permit.

The principal work proposed by the Department in the permit amendment application includes removing the rotting and deteriorating buried portions of the wooden bent piles and replacing them with concrete footings that would extend down into the sand and soils and provide a dry concrete base for the remaining above ground portions of the wooden piles. The proposed concrete footings would take the form of approximately 22-foot-long by 2-foot-wide concrete stem walls extending along the base of each affected bent. The concrete stem walls for the affected bents that extend the deepest into the ground, Bents 27 through 29 are proposed to be anchored in the sand by helical anchors. The helical anchors extend down into the sand approximately 15 to 40 feet and create a friction bond with the sand and soil. The concrete stem walls for Bents 30 through 32 are proposed to extend down to and rest directly upon the sandstone bedrock. All six of the concrete stem walls would extend about three feet above the ground surface.

Construction of the concrete footings requires the use of certain construction equipment on the beach and dune area, including a rubber tire excavator to excavate sand and set forms for the concrete stem walls and a backhoe to backfill excavated soil to restore the ground surface at completion of the work. These construction vehicles would access the beach and dune area via the existing paved road that extends from Highway One east of the project site and provides public access to the beach and dune area. Concrete for the foundations would be delivered by a concrete pump truck that would be positioned above the beach atop the north abutment. The concrete would be pumped through a boom from the truck to each footing location. Public access along Pudding Creek and the adjoining beach area underneath and around the trestle is proposed to be restricted for safety purposes during project construction.

Only three of the proposed new concrete footings are proposed within the Commission's retained jurisdiction over tidelands and lands subject to the public trust. These footings include the new footings proposed for bents 27 through 29. The new footings proposed for bents 30-32 at the northern end of the trestle are located within the County's coastal development permit jurisdiction.

Another proposed change to the project description of the original permit for which the applicant seeks permanent authorization under the current amendment request is to incorporate the use of epoxy filler at the structural connections of the bolted members and bearing points of horizontal members of the trestle structure to make the connections more secure. The epoxy is a wood bonding agent used at splice connections, plugs and pile ends. The majority of the epoxy to be used is encapsulated within the wood structure. When set, the epoxy is harder than concrete and according to Department of Parks And Recreation Staff, will have no adverse effect on coastal resources.

**D. Public Access**

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from over use. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. In applying Sections 30210, 30211 and 30212, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The rehabilitation of the Pudding Creek Trestle will result in the enhancement of public access that would link the northwest portion of Fort Bragg to over 10 miles of scenic coastline in Mendocino County. The Trestle is situated parallel to and just west of Highway One, at the southwest corner of MacKerricher State Park. Visitors to MacKerricher State Park enjoy coastal recreational activities that include walking, beachcombing, bicycling, sightseeing, bird watching, surfing, and abalone diving. The Pudding Creek Trestle is currently closed to all use. Once rehabilitation work is complete and the Trestle is opened to the public, it will provide safe pedestrian and bicycle access across the Pudding Creek drainage to and from the south end of the existing South MacKerricher Coastal Trail (Haul Road) and provide an important connection to the Park and Coastal Trail from the City of Fort Bragg.

The lower reach of Pudding Creek cuts through the coastal terrace and bluff that dominates the coastal landscape of this portion of the Mendocino Coast. A sandy beach extends back from the ocean along the flanks of Pudding Creek to a point just west of Highway One, several hundred yards to the east. As discussed above, a short access road extends from Highway One to a parking area that adjoins the beach. Many people gain access to the ocean shoreline from this location, walking on the sandy beach flanking the creek and crossing underneath the trestle to the ocean.

The discovery after commencement of the original project of the structural instabilities of the trestle structure resulting from the rotted and deteriorated piles caused the Department to close public access use of the area under and immediately surrounding the trestle. This closure blocked direct access to the ocean beach from the above-mentioned parking lot. An alternate access way to the ocean shoreline exists approximately ¼ mile to the north of the trestle, but its connection to the beach is not as direct and obvious to visitors to Fort Bragg who may be unfamiliar with the area. Thus, the amended project has adversely affected public access during its construction.

After performing some of the development initially authorized by the emergency permit to stabilize the structure, the Department reduced the area under and around the trestle that had been cordoned off from public access use and it is once again possible to walk

under portions of the trestle to the ocean beach. However, it is not clear that access to the ocean under the trestle can remain open during the remainder of the project. Therefore, the Commission attaches Special Condition No. 12 which requires the applicant to submit, for the review and written approval of the Executive Director, a temporary public access plan detailing how public access to the beach at the mouth of Pudding Creek shall be maintained during project construction. The plan, must provide for maintaining a continuous public access corridor that extends from the parking lot at the end of the access road west of Highway One and underneath the trestle to the ocean shoreline except during periods of time when such access must be closed for public safety reasons. If at any time the public access corridor must be closed for safety reasons, temporary signage shall be installed on the beach that provides specific information to the public about how access to the ocean beach can be gained by alternative routes, including use of trails across the Haul Road approximately ¼ mile north of the project site. Special Condition No. 12 will ensure that the public will have the means to continue to access the ocean beach during the entire remaining period of project construction.

Therefore, the Commission finds that the amended project, as conditioned, is consistent with Sections 30210, 30211 and 30212 of the Coastal Act.

#### **E. Protection of Coastal Waters**

The proposed amended development includes some development below the mean high tide line, including the excavation and replacement of the replacement foundations for Bents 27-29. Each concrete stemwall proposed would displace approximately 44 square feet of beach area that can be covered by high tides at certain times of the year before the annual build up of tidally-deposited and wind-blown sand that usually occurs in the spring and summer months. This development below the mean high tide authorized by this permit amendment is in addition to certain other development below the mean high tide approved by the original permit including the replacement or repair of deteriorated bearing blocks, replacement of horizontal wood facing, the repair or replacement of diagonal wood bracing, the replacement of horizontal facing plies across piles, and the structural and cosmetic repair of deteriorated wood piles involving sand excavation to connect existing piles buried in the sand to piles above.

The new development below the mean high tide authorized by this permit amendment involves the placement of fill in coastal waters and is subject to Section 30233 of the Coastal Act, which sets forth specific standards with regard to development involving the fill of coastal waters.

Coastal Act Section 30233 allows fill in coastal waters only where there is no feasible less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and where the project is limited to one of eight specified uses.

Section 30233 of the Coastal Act provides as follows, in applicable part:

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

...

*(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

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

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

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

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

(1) Allowable Use

The first test for a proposed fill/dredging project is whether the fill/dredging is for one of the eight allowable uses under Section 30233(a). The relevant category of use listed under Section 30233(a) that relates to the proposed installation of concrete footings to support bents of the trestle as part of the amendment is subcategory (4), stated as follows:

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

To determine if the proposed fill is for an incidental public service purpose, the Commission must first determine that the proposed fill is for a public service purpose. Since the proposed installation of concrete footings for the trestle bents would be conducted by a public agency in order to structurally rehabilitate the historic Pudding Creek Trestle for safe public access and recreational purposes for pedestrians and cyclists, the Commission finds that the fill expressly serves a public service purpose consistent with Section 30233(a)(4).

The Commission must next determine if the fill is “incidental” to the public service purpose identified. In the present case, the proposed installation of concrete footings to support trestle bents would be incidental to the primary public service purpose of the proposed project, which is to facilitate use of the Trestle for public access and recreational purposes. The amount of fill involved with installing the concrete footings is also incidental in nature to the amount of rehabilitation work that is proposed to be done on the Trestle deck and its bracing components above the mean high tide line. A stabilized structure is therefore, necessary, and incidental to the structure’s primary purpose as a public access facility and the maintenance of the historical structure.

The Commission finds that for the reasons discussed above, the fill associated with the proposed installation of concrete footings for Trestle bents and pilings is for an incidental public service purpose, and thus, is an allowable use pursuant to Section 30233(a)(4) of the Coastal Act.

(2) Feasible Mitigation Measures

The second test set forth by Section 30233 is whether feasible mitigation measures have been provided to minimize any adverse environmental impacts of the fill associated with the amended development. Depending on the manner in which the proposed amended development is performed, the proposed project could have potential adverse effects on coastal waters, including (1) discharge of sediment and pollutants into Pudding Creek, (2) disturbance of marine mammals that might haul out on the beach, and (3) displacement of marine habitat.



a. Impacts to Estuarine Water Quality and Habitat

The work associated with the repair and rehabilitation of the Trestle components could cause construction debris or chemicals or hydrocarbons from construction equipment to discharge into the creek, potentially causing water quality impacts. Mitigation measures proposed by the permittee and required by special conditions of the original permit will help to reduce such impacts of the amended development. The applicant installed erosion control fabric under the Trestle pursuant to Special Condition No. 1 of the original permit to catch small to large-sized material and prevent debris from the proposed project from falling into Pudding Creek. In addition, Special Condition No. 1 of the original permit requires that all construction debris be contained, and removed from the Creek immediately should uncontrolled entry of debris to the Creek should occur, and that all debris and waste from the proposed activity be collected and disposed of in an authorized disposal site within one week of construction completion. Special Condition No. 2 of the original permit requires that a Spill Prevention, Control, and Countermeasure Plan (SPCC Plan) for all chemicals, such as fuels and lubricants, used during construction be prepared and implemented and that a spill kit be maintained onsite throughout the duration of the project. The approved SPCC Plan adequately addresses the project changes proposed by the permit amendment application.

Special Condition No. 3 of the original permit requires that no wood containing chemical wood preservatives or weather proofing be used in the trestle rehabilitation project. As stated in the Mitigated Negative Declaration for the project, Coho Salmon, a Federal Threatened species; Steelhead, a Federal Threatened Species and a California Species of Special Concern; and Tidewater Goby, also a Federal Endangered species and a California Species of Special Concern are known to inhabit Pudding Creek and are subject to behavioral changes and possible injury or death as a result of exposure to chemical wood preservatives, inconsistent with provisions of the Coastal Act that protect sensitive species and the biological productivity and quality of coastal waters as well as limit development adjacent to parks and recreation areas. Exposure could occur from accidental spills or from chemicals leaching from the treated wood into Pudding Creek by contact with ocean tides and rainfall. As was the case for the original project, the applicant proposes to use untreated wood for all wood components of the amended development.

The Commission finds that all of the above-mentioned mitigation measures required by the original permit continue to be necessary to mitigate the similar impacts on estuarine water quality and habitat of the amended development consistent with Sections 30233 and 30231 of the Coastal Act and must be re-imposed as conditions of the amended permit. Additional measure are needed, however, to address the additional impacts of the amended project. To address the proposed use of epoxy fillers as a bonding agent to more securely connect different elements of the rehabilitated trestle. Such fillers were not proposed as part of the original project. The introduction of the epoxy material into Pudding Creek could adversely affect water quality and species habitat. To prevent this

impact and ensure continued consistency of the amended development with Sections 30233 and 30231 of the Coastal Act, the Commission finds that it is necessary to attach a special condition that prohibits the discharge of epoxy materials into Pudding Creek. In addition, the foundation replacement work proposed as part of the amended project greatly increases the amount of construction activity from the project that will occur on the beach in close proximity to channel. Such construction activity greatly increase the potential for equipment to enter the creek channel and create water quality impacts. The Commission finds that it is necessary to attach a special condition that prohibits the entry of construction equipment into the channel.

Therefore, the Commission re-imposes Special Condition Nos. 2 and 3 of the original permit and re-imposes Special Condition No. 1 of the original permit with modifications that include prohibitions on the discharge of epoxy materials into Pudding Creek and the entry of construction equipment into the channel. Only as conditioned will the proposed amended development insure that marine resources and water quality are protected as required by Sections 30231 and 30233 of the Coastal Act.

b. Disturbance of Marine Mammals

The trestle crosses the Pudding Creek estuary near the creeks mouth at the Pacific Ocean. The estuary is accessible to marine mammals and the beach area along Pudding Creek in the project vicinity is a potential haul-out area for harbor seals, sea lions, and other marine mammals. The foundation replacement work proposed as part of the amended project greatly increases the amount of construction activity from the project that will occur on the beach in close proximity to channel. Such construction activities would disturb marine mammals that are hauled out in close proximity to the project. Therefore, the Commission attaches Special Condition No. 11 which requires that in the event any marine mammal hauls out of the water onto Pudding Creek Beach, all work on the beach and below the mean high tide line shall cease until the mammal moves off the beach on its own accord. As conditioned, the Commission finds that the amended development will not adversely affect marine mammals.

c. Displacement of Marine Habitat.

The proposed fill for the concrete foundations authorized by this permit amendment will displace a total of approximately 132 square feet of beach area. As the size of this area is very small, and as the area displaced consists of unvegetated sandy beach that does not support significant species habitat, the Commission finds that the displacement of marine habitat from the amended development is not a significant impact on the environment.

Only as conditioned will the proposed project ensure that marine resources and water quality be protected as required by Section 30231 and 30233 of the Coastal Act. Therefore, the Commission finds that the amended development as conditioned includes

measures, where feasible, to minimize significant adverse impacts to aquatic habitat and water quality, consistent with Sections 30233 and 30231 of the Coastal Act.

(4) Maintenance and Enhancement of Habitat Values

The fourth general limitation set by Section 30233 is that any proposed dredge or fill project in coastal waters must maintain and enhance the biological productivity and functional capacity of the habitat, where feasible.

Coho Salmon, Steelhead, and Tidewater Goby are known to inhabit Pudding Creek. The work associated with the repair and rehabilitation of the Trestle components could cause construction debris or chemicals or hydrocarbons from construction equipment to discharge into the creek. As required by Condition No. 1, however, erosion control fabric, such as canvas or plastic tarps, would be installed under the Trestle to catch small to large-sized material and prevent debris from the proposed project from falling into Pudding Creek. In addition, epoxy fillers and construction equipment would be prohibited from entering the creek. Furthermore, as required by Special Condition No. 2, a Spill Prevention, Control, and Countermeasure Plan (SPCC Plan) for all chemicals, such as fuels and lubricants, used during construction, would be prepared prior to the start of construction and a spill kit maintained onsite throughout the duration of the project. Moreover, Special Condition No. 1 requires that all construction debris be contained, and removed from the Creek immediately should uncontrolled entry of debris to the Creek should occur, and that all debris and waste from the proposed activity be collected and disposed of in an authorized disposal site within one week of construction completion. As required in Condition No. 3, no application of, or use of wood containing chemical wood preservatives or plasticized sealants would be used. Therefore, potential impacts from construction debris and chemicals to the fish habitat would be avoided.

The Commission, therefore, finds that the project will maintain the biological productivity and functional capacity of the aquatic habitat consistent with the requirements of Section 30233 of the Coastal Act.

The Commission thus finds that the proposed fill is for an allowable use, that there is no feasible less environmentally damaging alternative, that feasible measures have been incorporated to mitigate potential impacts associated with the placement of fill into coastal waters, and that aquatic habitat values will be maintained or enhanced. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Section 30233 of the Coastal Act.

**F. Protection of Archaeological Resources**

Section 30244 of the Coastal Act states the following:

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

Three archaeological sites have been previously documented in or near the project area. One of the sites, consisting of a shell midden with fire-affected rock and sea mammal bone fragments, is located in an area immediately surrounding the trestle. The site may have been damaged by previous development projects in the area and the site is exposed to ongoing impacts from wind action, rodent activity, and human use. According to the Mitigated Negative Declaration, although the site has lost some of its integrity, the site could still yield important archaeological information and is considered significant.

The development authorized by Coastal Development Permit Amendment No. 1-05-008 is not located directly within the known boundaries of the archaeological site. However, given the proximity of the development to this site, it is possible that undiscovered archaeological resources may be present at the project site. The excavation proposed for construction of the replacement foundation for the bents that support the trestle could damage or destroy any such resources. To ensure that the proposed project will not adversely impact archaeological resources consistent with Coastal Act Section 30244, the Commission attaches Special Condition No. 10. This condition requires that a qualified cultural resource specialist be present on-site to monitor sub-surface conditions in search of archaeological indicators during all excavation work associated with the replacement of foundations for the Trestle bents. The condition further requires that if an area of cultural deposits is discovered during the course of the project, all construction shall cease, and a qualified cultural resource specialist shall analyze the significance of the find. Finally, the condition requires that project activities shall not recommence until a Supplementary Archaeological Plan has been reviewed and approved by the Executive Director. If the Executive Director approves the Supplementary Archaeological Plan but determines that the recommended changes to the proposed development or mitigation measures are not de minimis in nature and scope, then construction may not recommence until after the Commission approves a further amendment to Coastal Development Permit No. 1-05-008-A1.

Therefore, the Commission finds that as conditioned, the amended development is consistent with Section 30244 of the Coastal Act, as reasonable mitigation measures are imposed to avoid significant adverse impacts to significant archaeological resources.

**G. Other Agency Approvals.**

As the amended development entails work within the stream banks of Pudding Creek, a “blue-line” watercourse, pursuant to Section 1600 et seq. of the California Fish and Game Code, execution of a streambed alteration agreement within the California Department of

Fish and Game may be required. Additionally, portions of the proposed amended development also require review and authorization by the U.S. Army Corps of Engineers. Pursuant to the Federal Coastal Zone Management Act, any permit issued by a federal agency for activities that affect the coastal zone must be consistent with the coastal zone management program for that state. Under agreements between the Coastal Commission and the U.S. Army Corps of Engineers, the Corps will not issue a permit until the Coastal Commission approves a federal consistency certification for the project or approves a permit. To ensure that the project ultimately approved by the CDFG and the Corps is the same as the project authorized herein, the Commission attaches Special Condition Nos. 13 and 14 which require the permittee to submit within 90 days of Commission approval of Coastal Development Permit Amendment No. 1-05-008-A1 to the Executive Director evidence demonstrating that all necessary approvals from these agencies have been obtained. The conditions require that any project changes resulting from these other agency approvals not be incorporated into the amended project until the applicant obtains any necessary further amendments to this coastal development permit.

#### **H. Alleged Violation**

Some of the development proposed in the current permit amendment application has taken place at the project site without the benefit of coastal development permit authorization. Although this development was authorized on a temporary basis by Emergency Permit No. 1-05-008-A1 granted on June 14, 2006, the development was not completed before the emergency permit expired on September 29, 2007 and no subsequent emergency permit has been applied for by the applicant or granted by the Executive Director.

Although certain development has taken place at the project site without the benefit of a coastal development permit, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

#### **I. California Environmental Quality Act (CEQA)**

The Department of Parks and Recreation has acted as the lead agency for the Pudding Creek Trestle Rehabilitation project. As such, the Department prepared and adopted an Initial Study and Mitigated Negative Declaration for the original project in 2003, and subsequently prepared and adopted a Supplement to the Mitigated Negative Declaration to address the changes to the proposed project incorporated Coastal Development Permit Amendment Application No. 1-05-008-A1. The Supplement was adopted in May of 2007.

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission incorporates its findings on conformity with Coastal Act 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 development as amended has been conditioned to be found consistent with the policies of the Coastal Act. Mitigation measures which will minimize all adverse environmental impacts have been required as permit special conditions. 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 development, as amended and conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

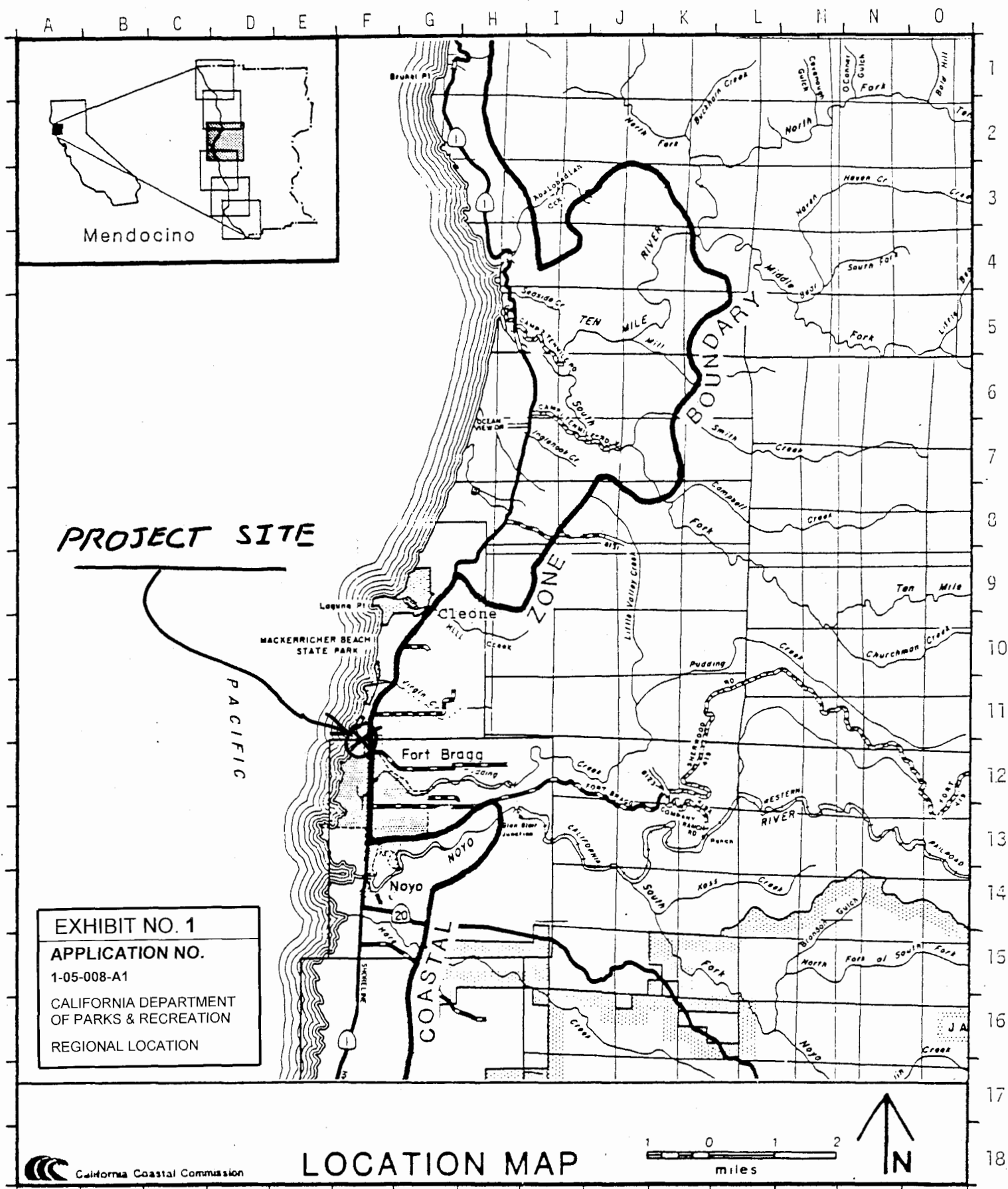
**EXHIBITS:**

1. Regional Location
2. Vicinity Map
3. Map of Trestle and Immediate Surroundings
4. Coastal Development Permit Jurisdictional boundaries
5. Originally Approved Project Site Plans
6. Amendment Project Plans
7. Original Permit Staff Report

**ATTACHMENT A**

**Standard Conditions:**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
3. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
4. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.





Approximate Location  
In Question

BD No. 11-2005  
Pudding Creek Trestle Bridge  
Mendocino County

CALIFORNIA  
COASTAL  
COMMISSION

Technical Services Division

Portion of Coastal Zone  
Boundary Map No. 31  
(Fort Bragg Quadrangle)

For illustrative purposes only.

EXHIBIT NO. 2

APPLICATION NO.

1-05-008-A1

CALIFORNIA DEPARTMENT  
OF PARKS & RECREATION

VICINITY MAP



ACQUISITION  
AND  
DEVELOPMENT  
DIVISION  
One Capitol Mall  
Sacramento, CA  
95833-0001  
916-445-1000

|           |      |
|-----------|------|
| DESIGNED  | DATE |
| DRAWN     | DATE |
| CHECKED   | DATE |
| IN CHARGE | DATE |
| DATE      | DATE |

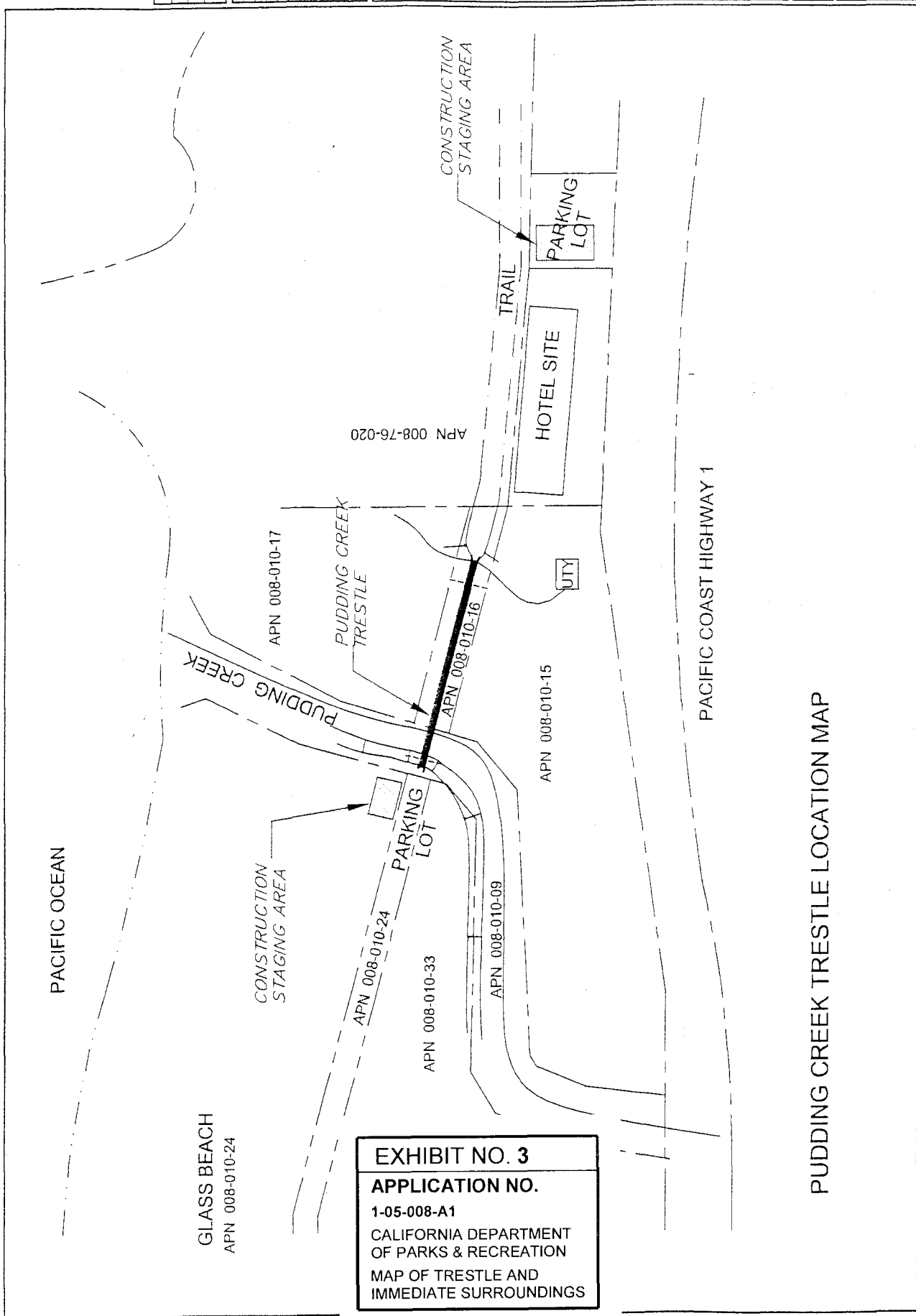
REVISIONS

|     |      |             |
|-----|------|-------------|
| NO. | DATE | DESCRIPTION |
| 1   |      |             |
| 2   |      |             |
| 3   |      |             |
| 4   |      |             |
| 5   |      |             |
| 6   |      |             |
| 7   |      |             |
| 8   |      |             |
| 9   |      |             |
| 10  |      |             |

MARSHALL STATE PARK  
PUDDING CREEK TRESTLE  
FORT BRAGG, CA

DATE: 10/1/05

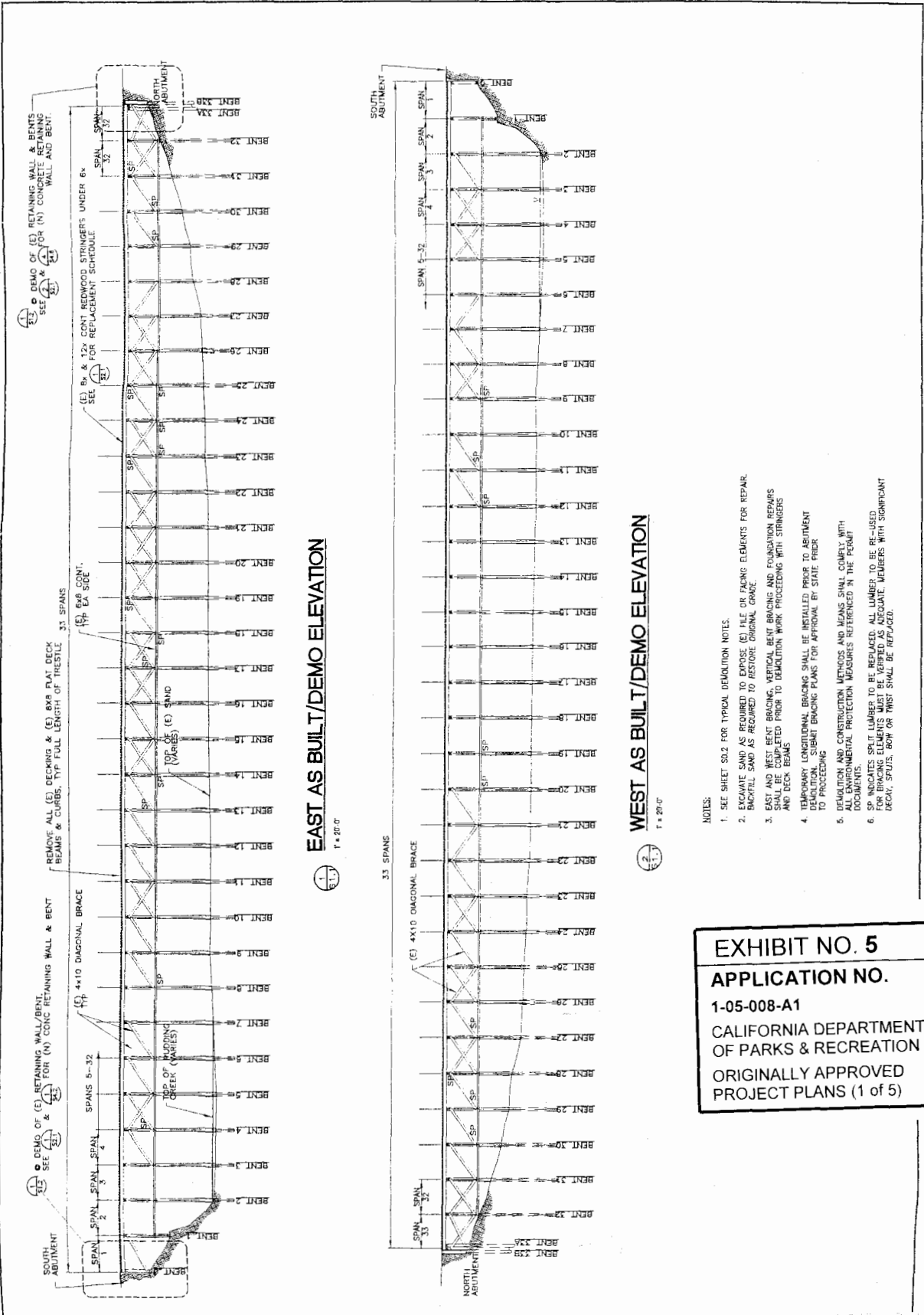
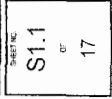
SHEET: 1



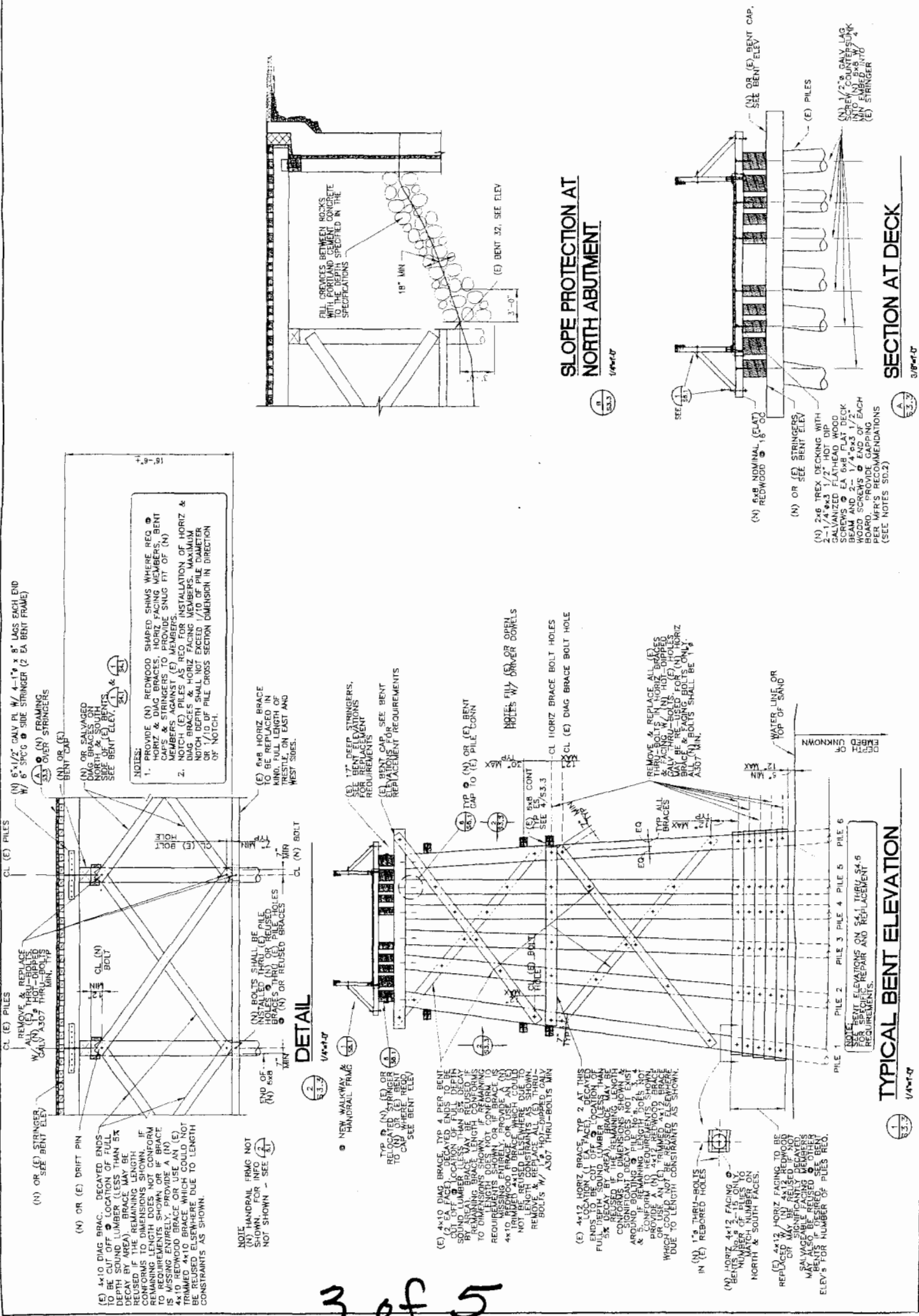
**EXHIBIT NO. 3**  
**APPLICATION NO.**  
**1-05-008-A1**  
CALIFORNIA DEPARTMENT  
OF PARKS & RECREATION  
MAP OF TRESTLE AND  
IMMEDIATE SURROUNDINGS

PUDDING CREEK TRESTLE LOCATION MAP











|                 |      |
|-----------------|------|
| DESIGNED<br>LEJ | DATE |
| DRAWN           |      |
| INAC            |      |
| CHECKED         |      |
| REV             |      |
| DATE            |      |
| 12-22-54        |      |

DRAWING NO  
29500.010

S4.1  
OF  
17



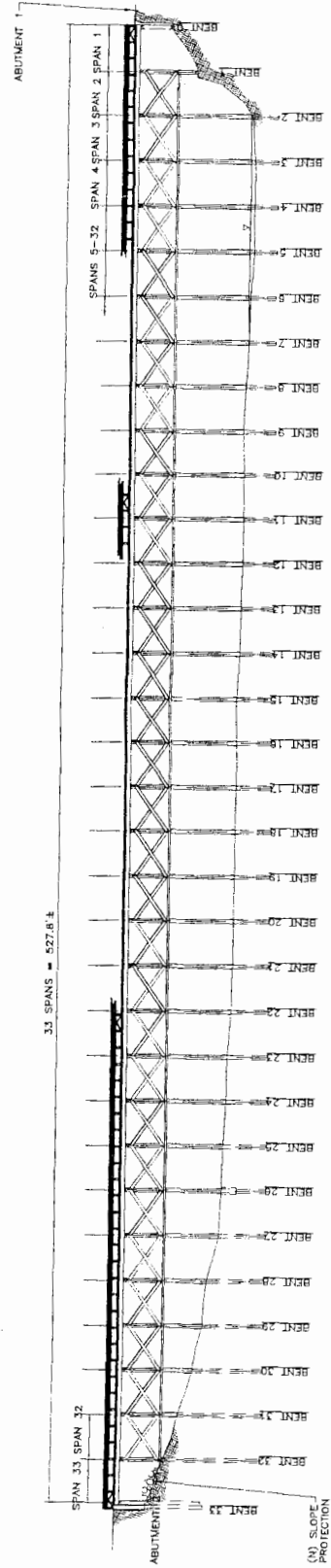
NOTE:

NOTE:

1 SEE SHEETS S4.2 TO S4.6 FOR INDIVIDUAL DENT ELEVATIONS AND DETAIL REFERENCES  
SEE ( ) FOR TYPICAL BRIM SECTION

SEE  
SEE

SEE  
SEE

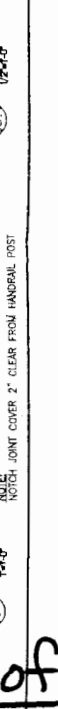
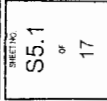


**WEST BRACING ELEVATION**

**r = 20-0**

**r = 20-0**

4 of 5



5 of 5



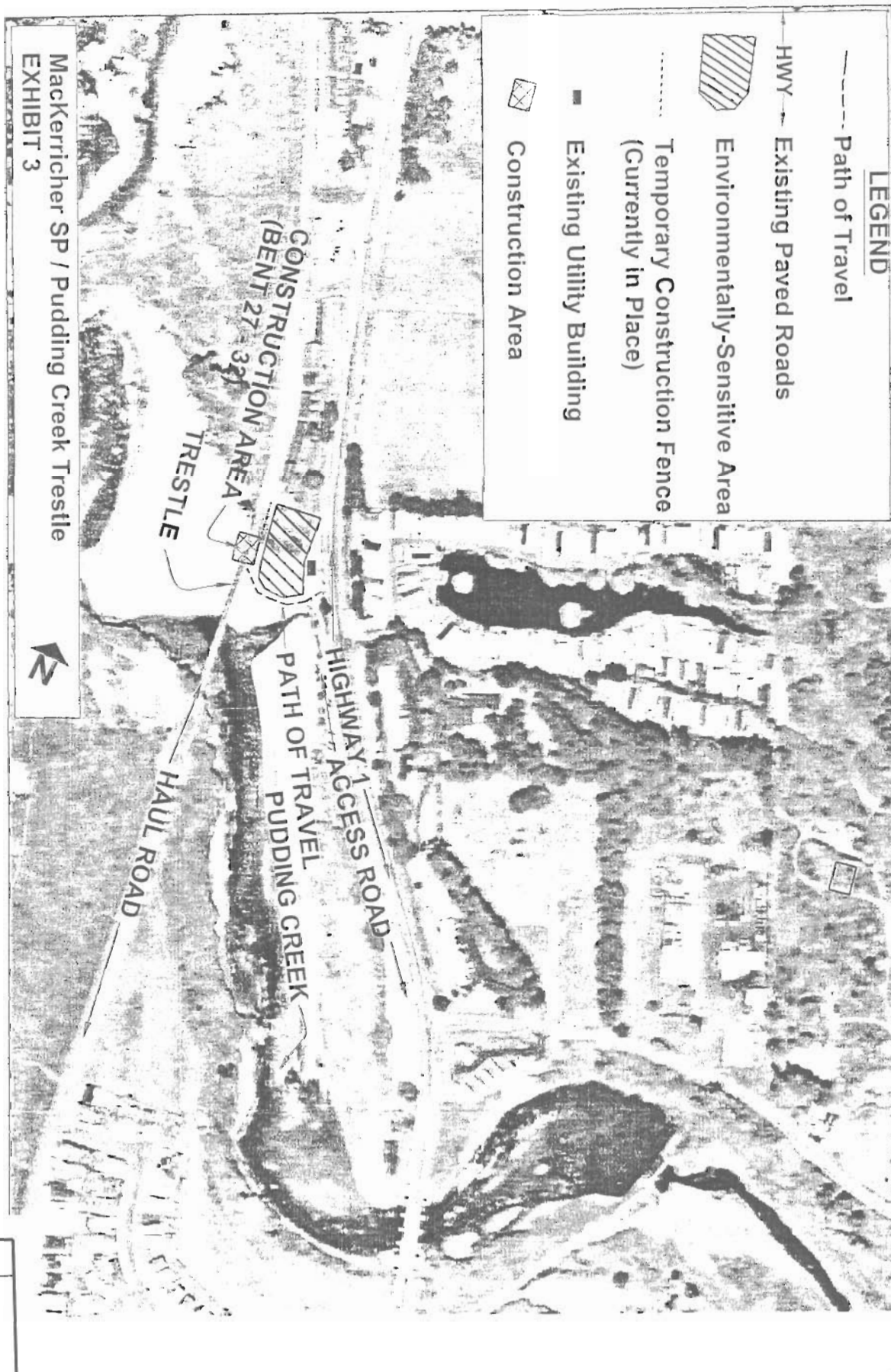


EXHIBIT NO. 6

APPLICATION NO.

1-05-008-A1

CALIFORNIA DEPARTMENT  
OF PARKS & RECREATION

AMENDMENT PROJECT  
PLANS (1 of 3)



ACQUISITION  
DEVELOPMENT  
DIVISION  
One Capitol Mall  
Sacramento, CA  
95834-5225

|          |      |
|----------|------|
| DESIGNED | DATE |
| DRAWN    | DATE |
| CHECKED  | DATE |
| REVISED  | DATE |
| BY       | DATE |
| BY       | DATE |
| BY       | DATE |

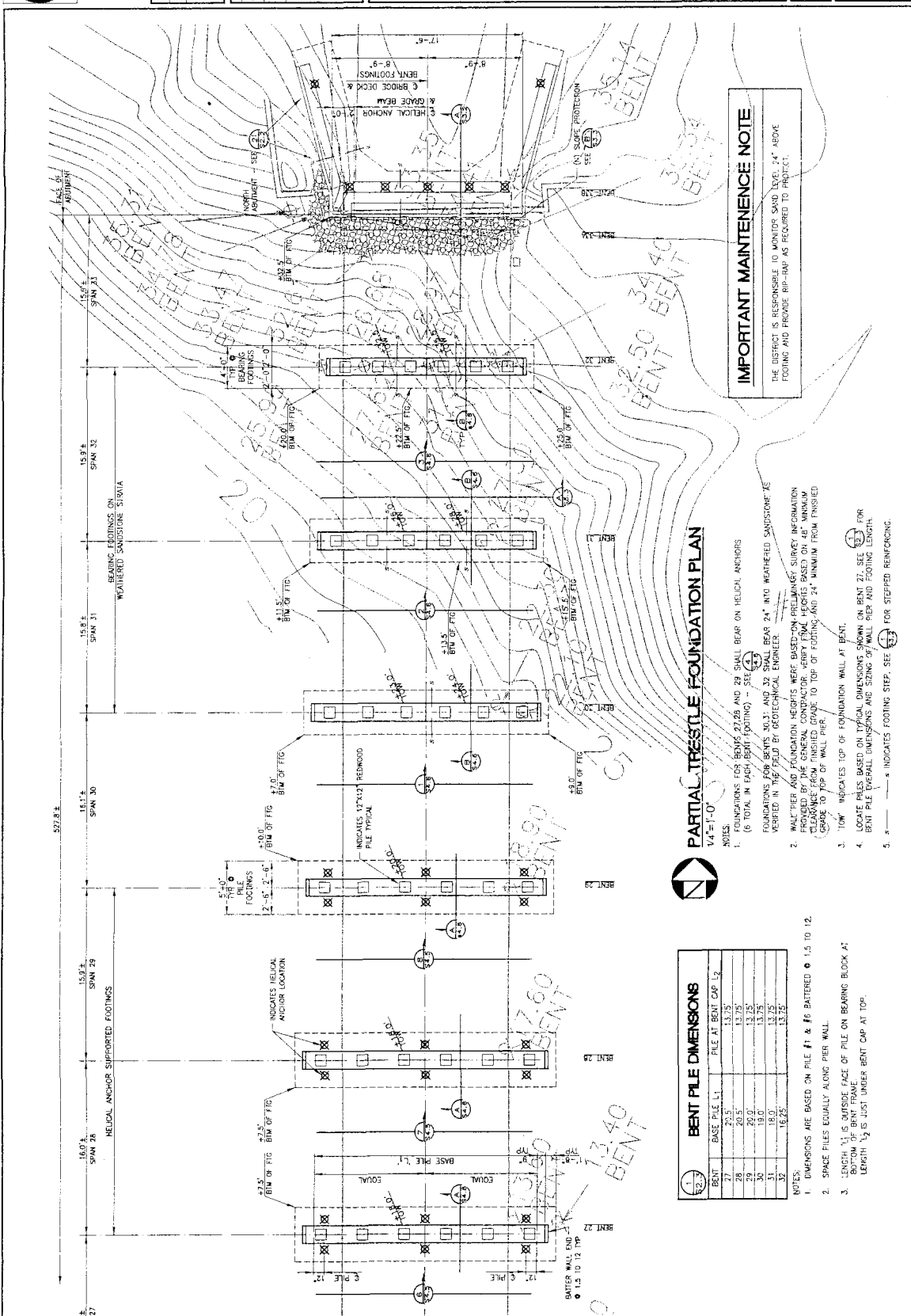
REVISIONS  
DATE  
BY



# REHABILITATE HISTORIC PUDDING CREEK TRESTLE PARTIAL BRIDGE PLANS MACKERRICHER STATE PARK

DRAWING NO.  
25600.007A

SHEET  
S2.3  
OF  
18



243



ACQUISITION  
DIVISION  
One California  
Sacramento, CA  
95834-0001

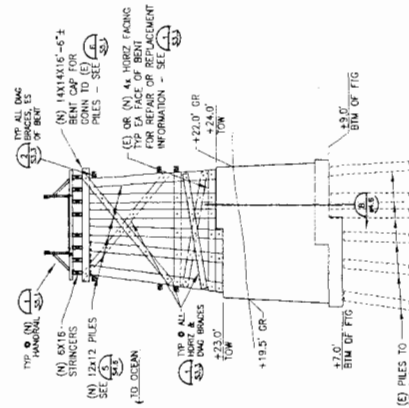
|          |          |
|----------|----------|
| DESIGNED | DATE     |
| CHECKED  | DATE     |
| APPROVED | DATE     |
| 12/20/04 | 12/20/04 |



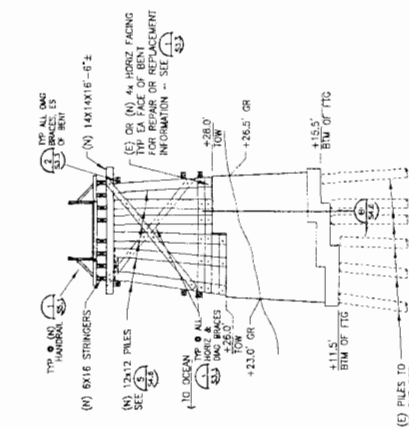
REHABILITATE HISTORIC PUDDING CREEK TRESTLE  
BENT 30-33 ELEVATIONS  
MACKERRICHER STATE PARK

29500.016

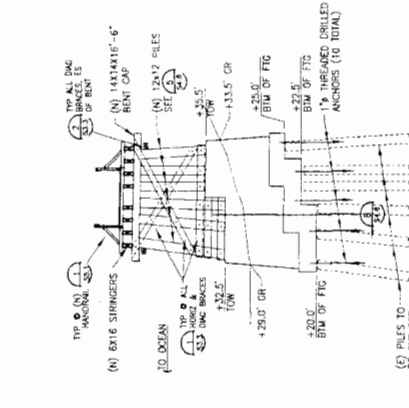
S4.6  
18



SOUTH ELEVATION-BENT 30



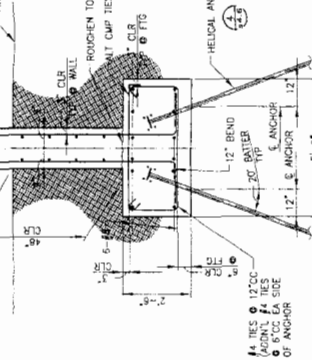
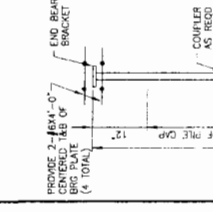
SOUTH ELEVATION-BENT 31



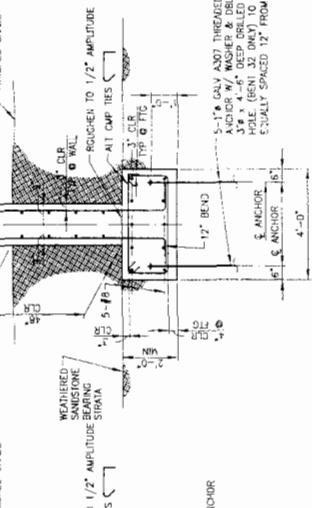
SOUTH ELEVATION-BENT 32

TIMBER PILE  
RE-USE CRITERIA

- NOTES:
1. DESIGN LOAD CAPACITY (ASD) DOWN AND UP = 2.0 FOR WORKING LOAD (ASD) UPLIFT (FS=2)
  2. MATERIAL SPECIFICATION:  
SWIFT WOOD ROUND CORNERED SQUARE SOLID BAR  
MINIMUM TENSILE STRENGTH - 10000 PSI  
MINIMUM TENSILE STRENGTH - 100 KIPS  
HELICAL ANCHOR SHALL BE TRUE HELICAL SHAPE  
FOR HIGH STRENGTH LOW ALLOY MATERIAL FORMED  
ON MATCHING METAL DES TO TRUE HELICAL SHAPE  
FOR ASTM A307 GRADE L-7 OR APPROVED EQUIVALENT  
COUPLERS SHALL BE FORMED AS AN INTEGRAL  
PART OF EXTENSION MATERIAL  
BRACKET: AS WELD ROLLED STEEL PLATE CONFORMING  
TO CONNECTION AS APPROVED  
WELDING:  
ALL WELDING SHALL BE IN ACCORDANCE WITH  
FINISH: ALL WELDING SHALL BE NOT DRYED OR UNPAINTED  
IN ACCORDANCE WITH ASTM A153 (THICKNESS = 7 MIL)  
BY WALKER TANK & ASSOC. INC. DATED 3/21/04  
3. ANCHOR SUPPLIER TO PROVIDE SIZE, LENGTH, AND NUMBER  
OF HELICES PER PER AND MINIMUM INSTALLATION TOLERANCE  
BASED ON DESIGN LOAD CAPACITY ABOVE.  
4. DESIGN OF PILES TO CONFORM WITH SCS  
5. INSTALLATION TO BE PERFORMED BY A QUALIFIED  
PERSONNEL WITH MINIMUM OF 5 YEARS OF EXPERIENCE  
WITH THIS TYPE OF ANCHOR.  
6. INSTALLATION RECORDS AND INITIAL TESTING TO BE DONE  
IN ACCORDANCE WITH SPECIFICATIONS.



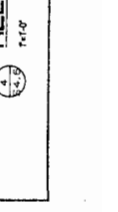
SECTION



SECTION

HELICAL ANCHOR NOTES

- NOTES:
1. DESIGN LOAD CAPACITY (ASD) DOWN AND UP = 2.0 FOR WORKING LOAD (ASD) UPLIFT (FS=2)
  2. MATERIAL SPECIFICATION:  
SWIFT WOOD ROUND CORNERED SQUARE SOLID BAR  
MINIMUM TENSILE STRENGTH - 10000 PSI  
MINIMUM TENSILE STRENGTH - 100 KIPS  
HELICAL ANCHOR SHALL BE TRUE HELICAL SHAPE  
FOR HIGH STRENGTH LOW ALLOY MATERIAL FORMED  
ON MATCHING METAL DES TO TRUE HELICAL SHAPE  
FOR ASTM A307 GRADE L-7 OR APPROVED EQUIVALENT  
COUPLERS SHALL BE FORMED AS AN INTEGRAL  
PART OF EXTENSION MATERIAL  
BRACKET: AS WELD ROLLED STEEL PLATE CONFORMING  
TO CONNECTION AS APPROVED  
WELDING:  
ALL WELDING SHALL BE IN ACCORDANCE WITH  
FINISH: ALL WELDING SHALL BE NOT DRYED OR UNPAINTED  
IN ACCORDANCE WITH ASTM A153 (THICKNESS = 7 MIL)  
BY WALKER TANK & ASSOC. INC. DATED 3/21/04  
3. ANCHOR SUPPLIER TO PROVIDE SIZE, LENGTH, AND NUMBER  
OF HELICES PER PER AND MINIMUM INSTALLATION TOLERANCE  
BASED ON DESIGN LOAD CAPACITY ABOVE.  
4. DESIGN OF PILES TO CONFORM WITH SCS  
5. INSTALLATION TO BE PERFORMED BY A QUALIFIED  
PERSONNEL WITH MINIMUM OF 5 YEARS OF EXPERIENCE  
WITH THIS TYPE OF ANCHOR.  
6. INSTALLATION RECORDS AND INITIAL TESTING TO BE DONE  
IN ACCORDANCE WITH SPECIFICATIONS.



## CALIFORNIA COASTAL COMMISSION

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

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

**EXHIBIT NO. 7****APPLICATION NO.****1-05-008-A1****CALIFORNIA DEPARTMENT  
OF PARKS & RECREATION****ORIGINAL STAFF REPORT  
1-05-008 (1 of 20)****W13b**

|                        |                 |
|------------------------|-----------------|
| Filed:                 | April 7, 2005   |
| 49 <sup>th</sup> Day:  | May 26, 2005    |
| 180 <sup>th</sup> Day: | October 4, 2005 |
| Staff:                 | Ruby Pap        |
| Staff Report:          | May 26, 2005    |
| Hearing Date:          | June 8, 2005    |
| Commission Action:     |                 |

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO.: 1-05-008****APPLICANT: California Department of Parks and Recreation****PROJECT LOCATION:** West of Highway One, at the trestle crossing at Pudding Creek, at the northern city limits of Fort Bragg, Mendocino County.

**PROJECT DESCRIPTION:** Structurally rehabilitate the existing "Pudding Creek Trestle" to provide a connection between the South MacKerricher Coastal Trail and the City of Fort Bragg for pedestrians and bicyclists: (1) replacing or repairing horizontal and diagonal cross members and decking of trestle; (2) replacing approximately 6 bent caps; (3) adding handrail for safety; (4) repairing the bottom of approximately 25% of the existing vertical piles; (5) replacing bolts and other hardware; (6) relocating horizontal and diagonal braces; and replacing miscellaneous shimming, blocking, and bearing blocks.

**LAND USE PLAN DESIGNATION:** Mendocino County: Open Space (OS)  
City of Fort Bragg: Parks and Recreation (PR)

**ZONING DESIGNATION:** Mendocino County: Open Space: Flood Plain (OS:FP)  
City of Fort Bragg: Parks and Recreation (PR)

|                                |  |
|--------------------------------|--|
| OTHER APPROVALS:               | Possible State Lands Commission approval needed<br>U.S. Army Corps of Engineers Nationwide Permit<br>County of Mendocino Coastal Development Permit<br>City of Fort Bragg Coastal Development Permit |
| SUBSTANTIVE FILE<br>DOCUMENTS: | Mendocino County Local Coastal Program<br>City of Fort Bragg Local Coastal Program   |

---

### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission approve this application with special conditions. The California Department of Parks and Recreation (DPR) is seeking authorization to structurally rehabilitate the Pudding Creek Trestle, an historic logging trestle situated over Pudding Creek, and located between the City of Fort Bragg and MacKerricher State Park. Once the project is completed, the Trestle would be opened to the public for bicycle and pedestrian access, and will be off-limits to vehicular traffic.

The portion of the proposed project located within the Commission's jurisdiction, which includes the main body of the Trestle hanging above Pudding Creek itself excluding the north and south abutments, includes the removal and replacement of defective structural members, including horizontal and diagonal stringers and bent caps, repairing damaged and decaying vertical pilings, replacing the entire deck of the Trestle and adding a handrail, replacing bolts and hardware, and replacing miscellaneous shimming, blocking, and bearing blocks. Lumber used would be matched in size and appearance to the existing or original wood, as appropriate. DPR has received approval for work on the northern portion of the Trestle from the County of Mendocino, and for work on the southern portion of the Trestle from the City of Fort Bragg.

The proposed project will enhance public access to the coast consistent with Sections 30210, 30211, and 30212 of the Coastal Act. Once opened, the Pudding Creek Trestle will provide pedestrian and bicycle access to the South MacKerricher Coastal Trail, providing an important connection from the City of Fort Bragg.

Measures to mitigate potential impacts associated with structural fill in Pudding Creek, protect coastal water quality, and protect sensitive bat, bird, and raptor species must be implemented to insure the project's consistency with Sections 30231, 30233 and 30250 of the Coastal Act. Water quality issues associated with the proposed project include the potential for falling debris during construction activities, potential chemical spills from construction equipment, and whether chemical wood preservatives would be used on the Trestle components, all of which can impact the water quality and habitat of Pudding Creek, which serves as habitat for sensitive fish species. Therefore, staff recommends that the Commission impose Special Conditions 1 - 3, which

require the implementation of various measures to prevent debris and other spills from entering the creek, and which prohibit the use of chemical wood preservatives in the project.

Several sensitive bat species, as well as purple martins, could nest or roost within the Trestle, and several sensitive raptor species could nest adjacent to the Trestle in MacKerricher State Park. Proposed construction activities could impact these species, inconsistent with provisions of the Coastal Act that require the protection of sensitive species and coastal resources. DPR proposes to time all construction activities to avoid the nesting and maternity seasons for these sensitive species, conduct biological surveys to ascertain the sensitive bat and purple martin's presence on the Trestle and sensitive raptors' nesting in the vicinity of the Trestle, before commencing construction. Therefore, consistent with the applicant's proposed project, staff recommends that the Commission impose Special Condition Nos. 4 through 7, which require that DPR conduct surveys for sensitive raptors, sensitive bats, and Purple Martins, and submit these survey results to the Executive Director for his review and approval before the issuance of the Coastal Development Permit.

As conditioned, staff believes the proposed project is fully consistent with the Chapter 3 policies of the Coastal Act. The motion to adopt the staff recommendation of approval with conditions is found on pages 3 - 4.

---

### **STAFF NOTES**

#### **I. Jurisdiction and Standard of Review.**

The proposed project bisects three jurisdictional boundaries: The Commission's retained jurisdiction, the City of Fort Bragg, and the County of Mendocino. As depicted in Exhibit 4, the Commission's retained coastal development permit jurisdiction where there are tidelands or other areas subject to the public trust is located over Pudding Creek, extending from "bent 2" north to between "bent 29" and "bent 30" of the Trestle, and excluding the Trestle's north and south abutments. The County's jurisdiction encompasses the north end of the Trestle, and the City's jurisdiction encompasses the south end of the Trestle. The proposed project described herein in this staff report includes those portions of the project activities that would take place within the Commission's jurisdiction. Therefore, the standard of review for Coastal Development Permit Application No. 1-05-008 is the Chapter 3 policies of the Coastal Act.

---

### **STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

#### **I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION**

The staff recommends that the Commission adopt the following resolution:

**Motion:**

I move that the Commission approve Coastal Development Permit No. 1-05-008 pursuant to the staff recommendation.

**Staff Recommendation of Approval:**

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

**Resolution to Approve Permit:**

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

II. **STANDARD CONDITIONS:** See attached.

III. **SPECIAL CONDITIONS:**

1. **Construction Responsibilities, Debris Control, and Waste Disposal**

- A. All construction materials and debris originating from the project shall be contained in a manner to preclude uncontrolled entry and dispersion to the waters of Pudding Creek, and all debris resulting from construction activities that enters the creek shall be removed from the waters immediately.
- B. Erosion control fabric, such as canvas or plastic tarps, shall be installed under the Trestle during construction to catch small to large size material and prevent debris from falling into Pudding Creek.
- C. Any and all debris resulting from construction activities shall be collected and removed from the site for disposal at an authorized disposal site within one week of completion of construction. Any disposal of treated wood shall take place in a licensed hazardous materials landfill.

2. **Spill Prevention, Control, and Countermeasure Plan**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a Spill Prevention, Control, and Countermeasure Plan (SPCC Plan), which includes measures to reduce impacts to water quality from the use and management of hazardous materials on the site. The plan shall be prepared by a licensed engineer with experience in hazardous material management. The plan, at a minimum, shall provide for the following:

- (a) A spill kit shall be maintained on-site throughout the duration of the project;
- (b) Any accidental spill shall be rapidly contained and cleaned up. Provisions for the handling, cleanup and disposal of any hazardous or non-hazardous materials used during the construction project including, but not limited to, paint, asphalt, cement, equipment fuel and oil, and contaminated sediments;
- (c) Equipment fueling shall occur only during daylight hours in designated fueling areas and shall not occur on the Trestle Deck over the waters of Pudding Creek;
- (d) Provisions for the containment of rinsate from the cleaning of equipment and methods and locations for disposal off- site. Containment and handling shall be in upland areas and otherwise outside of any environmentally sensitive habitat area;
- (e) A site map detailing the location(s) for hazardous material storage, equipment fueling and maintenance, and any concrete wash-out facilities. These locations shall not include the Trestle structure;
- (f) Reporting protocols to the appropriate public and emergency services agencies in the event of a spill.

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

3. **Wood Preservatives**

The application of, or the use of wood containing chemical wood preservatives, including, but not limited to chloropicrin, ACZA compounds (ammoniacal copper zinc arsenate), sodium fluoride, and sodium borate compounds, and plasticized sealants is prohibited. Any defective structural members of the Trestle to be replaced shall be replaced with lumber that is not treated with the above preservatives and sealants.



#### 4. Raptor Surveys

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and consistent with the applicant's proposed project description, the applicant shall submit for review and approval of the Executive Director, a survey for nests of sensitive raptor species within 500 feet of the project area, conducted by a qualified biologist or resource ecologist with specific knowledge of raptors, which fully evaluates any and all indications of the presence or absence of nesting sensitive raptor species, and which demonstrates compliance with all of the following:

- A. No less than 14 days and no more than 30 days prior to the beginning of construction, a qualified biologist or resource ecologist shall conduct a non-invasive survey for nesting raptors within 500 feet of the project area. If the survey finds any indication nesting raptors, construction shall halt until the young have fledged unless the California Department of Fish and Game finds that an ample protective buffer zone exists. Restrictions shall remain in place until the young have fledged, as determined by the project resource ecologist.
- B. If no indications of nesting raptors are found during the initial survey, no additional surveys or mitigation is required, provided the project commences within 30 days of completion of the survey, and provided the project does not extend into the commencement of the raptor-nesting season.
- C. If more than 30 days have passed since completion of the survey and work has not commenced, or if work extends past the commencement of the raptor-nesting season (past March) a new survey shall be conducted and submitted for the review to the Executive Director, no more than 30 days and no less than 14 days prior to the start of the nesting-season or the start of work, and submit a report to the Executive Director for review and approval. If nesting raptors are found, the protective steps described above shall be undertaken.

#### 5. Purple Martin Surveys

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and consistent with the applicant's proposed project description, the applicant shall submit for review and approval of the Executive Director, a survey of the Trestle, conducted by a qualified biologist or resource ecologist with specific knowledge of purple martins, which fully evaluates any and all indications of the presence or absence of nesting purple martins, and which demonstrates compliance with all of the following:

- A. No less than 14 days and no more than 30 days prior to the beginning of construction, a qualified biologist or resource ecologist shall conduct a non-invasive survey for any purple martins nesting in the Trestle. If the survey finds

any indication that nesting purple martins with unfledged young are present on the Trestle, the project shall not proceed until a subsequent bird survey has been conducted by a qualified biologist that demonstrates that the young have fledged and are not nesting on the Trestle for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director.

- B. If no indications of nesting purple martins are found during the initial survey, no additional surveys or mitigation is required, provided the project commences within 30 days of completion of the survey, and provided the project does not extend into the commencement of the raptor-nesting season.
- C. If more than 30 days have passed since completion of the initial survey and work has not commenced, or if it is determined that work will extend past the commencement of the purple martin-nesting season (March 1) a new survey shall be conducted and submitted for the review to the Executive Director, no more than 30 days and no less than 14 days prior to the start of the nesting-season or the start of work, and submit a report to the Executive Director for review and approval. If any survey discovers indications of purple martins nesting on the Trestle, human activity on the Trestle shall be minimized and construction shall cease until a purple martin survey has been conducted by a qualified biologist that demonstrates that all young have fledged and are not nesting on the Trestle for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director.

## 6. **Bat Surveys**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and consistent with the applicant's proposed project description, the applicant shall submit for review and approval of the Executive Director, a survey of the Trestle, conducted by a qualified biologist or resource ecologist with specific knowledge on bats, which fully evaluates any and all indications of the presence or absence of roosting sensitive bat species, and which demonstrates compliance with all of the following:

- A. No less than 14 days and no more than 30 days prior to the beginning of construction, A DPR-qualified bat biologist or resource ecologist shall conduct a non-invasive survey for any sensitive bat species roosting in the Trestle. If the survey finds any indication that non-volent young bats are present at the site, the project shall not proceed until a subsequent bat survey has been conducted by a qualified bat biologist or resource ecologist that demonstrates that there are no non-volent bats on the Trestle for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director.

- B. If no indications of bats are found during the initial survey, no additional surveys or mitigation is required, provided the project commences within 30 days of completion of the survey, and provided the project does not extend into the commencement of the bat maternity season.
- C. If more than 30 days have passed since completion of the initial survey and work has not commenced, or if it is determined that work will extend past the commencement of the bat maternity season (February 15), a new survey shall be conducted and submitted for the review of the Executive Director, no more than 30 days and no less than 14 days prior to the start of the maternity-season or the start of work, and submit a report to the Executive Director for review and approval. If any survey discovers indications of non-volent young roosting on the Trestle, human activity in the Trestle shall be minimized and construction shall cease until after the end of the nursery season on August 15. Construction shall not proceed until a subsequent bat survey has been conducted by a qualified bat biologist that demonstrates that there are no non-volent bats on the Trestle for thirty (30) continuous days, and such surveys have been submitted for the review and approval of the Executive Director.

7. **State Lands Commission Review**

**PRIOR TO THE COMMENCEMENT OF DEVELOPMENT**, the applicant shall submit to the Executive Director, for review and approval, a written determination from the State Lands Commission that:

- A. No State or public trust lands are involved in the development; or
- B. State or public trust lands are involved in the development and all permits required by the State Lands Commission for the approved project as conditioned by the Commission have been obtained; or
- C. State or public trust lands may be involved in the development, but pending a final determination, an agreement has been made with the State Lands Commission for the approved project as conditioned by the Commission to proceed without prejudice to that determination.

8. **U.S. Army Corps of Engineers Approval**

**PRIOR TO COMMENCEMENT OF DEVELOPMENT**, the permittee shall provide to the Executive Director a copy of a permit or letter of permission issued by the U.S. Army Corps of Engineers, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any proposed changes to the approved project required by the U.S. Army Corps of Engineers. Such proposed changes shall not be incorporated into the project until the applicant obtains a Commission amendment to

this coastal development permit, unless the Executive Director determines that no amendment is required.

### **III. FINDINGS AND DECLARATIONS.**

#### **A. Site and Project Description.**

Pudding Creek Trestle is located in MacKerricher State Park at the northern city limits of the city of Fort Bragg in Mendocino County. The Trestle spans Pudding Creek, and is situated parallel to and just west of Highway One, at the southwest corner of the park boundary (See Exhibit 2).

Pudding Creek is a relatively small coastal stream with a sensitive coastal lagoon floodplain. The creek is located between the larger drainages of the Noyo River to the south and Ten Mile River to the north and it has a watershed of approximately 11,000 acres. Typical of most north coast streams, Pudding Creek exhibits strong seasonal fluctuations in discharge, mainly in response to heavy winter rain. Peak flow occurs in January and February, followed by a decline in March and a low flow period, usually beginning in late May.

Built by the Union Lumber Company in 1917, the Trestle was once part of the company's railroad between its lumber holdings in the Ten-Mile River Watershed and its mill in Fort Bragg. The Trestle is an open deck redwood timber structure spanning Pudding Creek. In 1949, Union Lumber removed the rails from the rail bed and eventually paved the route. Trucks hauled logs over the "Haul Road" and across the Trestle until the early 1980s.

The Trestle has always been closed to the public and is in an advanced state of decay. The structure needs extensive work, new surfacing, and railings to protect its structural integrity and preserve its historic significance. Stabilization and rehabilitation would also be necessary before it could safely be opened for public use. Once construction is completed, the Trestle would be opened to pedestrian and bicycle traffic.

The applicants are seeking authorization for the structural rehabilitation of the portions of Pudding Creek Trestle within the Commission's retained jurisdiction over tidal areas and lands subject to the public trust, which extends from just after "Bent 1" on the south side of the river to between "Bent 29" and "Bent 30" on the north side.

The applicant proposes to remove and replace the defective structural members of the Trestle. Lumber used in replacement members would be matched in size and appearance to existing or original wood, as appropriate.

Approximately 10-20 stringers, mostly horizontal and diagonal members, and approximately six bent caps are proposed to be replaced. The degree of decay and deterioration on the topside of the stringers and bent caps would be investigated and extent of repairs would be determined once the trestle deck is removed.

Most of the existing piles are proposed to be retained. Approximately twenty five percent of the piles are proposed to be repaired at the bottom, and/or faced with redwood timber on both sides. These pile extensions and facings would extend below the mean high tide line.

All of the bolts and other hardware are proposed to be replaced with new hot-dipped galvanized bolts and hardware. To facilitate replacing the hardware, some of the horizontal and diagonal braces would be relocated, adjacent to their original locations. Miscellaneous shimming, blocking, and bearing blocks are also proposed to be replaced.

The entire deck of the Trestle is proposed to be replaced in kind or with new material compatible with the historic appearance of the structure. New handrails would be installed. The trestle decking and aprons would be designed to comply with the ADA accessibility requirements.

The proposed project bisects three coastal development permit jurisdictions, including the Commission's jurisdiction. The County of Mendocino's jurisdiction encompasses the north end of the Trestle, from "Bent 30" north to the north abutment. The City of Fort Bragg's jurisdiction encompasses the south end of the Trestle from the south abutment north to "Bent 1", and a staging area in a parking lot to the south of the Trestle and a hotel parking lot to the north of the Trestle (See Exhibits 3 and 4). Both the County and City coastal development permits have been approved.

The project is proposed to start in mid-August 2005 with an approximate construction period of 210 calendar days. The sequence of work will start with the demolition and reconstruction of the abutments, which are within the City of Fort Bragg and the County of Mendocino's coastal development jurisdictions, and would take approximately 45 days. The remainder of the work, occurring within the Commission's jurisdiction, will take place after the abutment work.

#### **B. Public Access**

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from over use. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. In applying Sections 30210, 30211 and 30212, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The proposed rehabilitation of the Pudding Creek Trestle would result in the enhancement of public access that would link the northwest portion of Fort Bragg to over 10 miles of scenic coastline in Mendocino County. The Trestle is situated parallel to and just west of Highway One,

at the southwest corner of MacKerricher State Park. Visitors to MacKerricher State Park enjoy coastal recreational activities that include walking, beachcombing, bicycling, sightseeing, bird watching, surfing, and abalone diving. The Pudding Creek Trestle is currently closed to all use. Once rehabilitation work is complete and the Trestle is opened to the public, it would provide safe pedestrian and bicycle access across the Pudding Creek drainage to and from the south end of the existing South MacKerricher Coastal Trail (Haul Road) and provide an important connection to the Park and Coastal Trail from the City of Fort Bragg.

Therefore, the Commission finds that the project, as conditioned, enhances public access to the coast, and is consistent with Sections 30210, 30211 and 30212 of the coastal Act.

### C. Protection of Coastal Waters

The proposed repair and replacement of Trestle bents and pilings involves some work below the mean high tide line, including the replacement or repair of deteriorated bearing blocks, replacement of horizontal wood facing, the repair or replacement of diagonal wood bracing, the replacement of horizontal facing plies across piles, and the structural and cosmetic repair of deteriorated wood piles (Exhibit 5). The structural repair of wood pilings would involve sand excavation to connect existing piles buried in the sand to piles above. As such, the proposed development includes the placement of fill in coastal waters and is subject to Section 30233 of the Coastal Act, which sets forth specific standards with regard to development involving the fill of coastal waters.

Coastal Act Section 30233 allows fill in coastal waters only where there is no feasible less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and where the project is limited to one of eight specified uses.

Section 30233 of the Coastal Act provides as follows, in applicable part:

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

...

*(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

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

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

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

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

(1) Allowable Use

The first test for a proposed fill/dredging project is whether the fill/dredging is for one of the eight allowable uses under Section 30233(a). The relevant category of use listed under Section 30233(a) that relates to the proposed repair and replacement of Trestle bents and pilings is subcategory (5), stated as follows:

*(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

To determine if the proposed fill is for an incidental public service purpose, the Commission must first determine that the proposed fill is for a public service purpose. Since the proposed repair and replacement of Trestle bents and piles would be conducted by a public agency in order to structurally rehabilitate the historic Pudding Creek Trestle for safe public access and recreational purposes for pedestrians and cyclists, the Commission finds that the fill expressly serves a public service purpose consistent with Section 30233(a)(5).

The Commission must next determine if the fill is “incidental ” to the public service purpose identified. In the present case, the stabilization, repair and replacement of Trestle bents and piles would be incidental to the primary public service purpose of the proposed project, which is to facilitate use of the Trestle for public access and recreational purposes. The amount of fill involved with shoring the structural integrity of the Trestle at the bottom is also incidental in nature to the amount of rehabilitation work that is proposed to be done on the Trestle deck and its bracing components above the mean high tide line. Further, the proposed fill is not proposed to expand beyond what historically existed. A stabilized structure is therefore, necessary, and incidental to the structure’s primary purpose as a public access facility and the maintenance of the historical structure.

The Commission finds that for the reasons discussed above, the fill associated with the proposed repair and replacement of Trestle bents and pilings is for an incidental public service purpose, and thus, is an allowable use pursuant to Section 30233(a)(5) of the Coastal Act.

## (2) Feasible Mitigation Measures

The second test set forth by Section 30233 is whether feasible mitigation measures have been provided to minimize any adverse environmental impacts of the project. The work associated with the repair and rehabilitation of the Trestle components could cause construction debris or chemicals or hydrocarbons from construction equipment to discharge into the creek, potentially causing water quality impacts. The applicant proposes to install erosion control fabric, such as canvas or plastic tarps, under the Trestle to catch small to large-sized material and prevent debris from the proposed project from falling into Pudding Creek. In addition, a Spill Prevention, Control, and Countermeasure Plan (SPCC Plan) for all chemicals, such as fuels and lubricants, used during construction, would be prepared prior to the start of construction and a spill kit maintained onsite throughout the duration of the project. To insure that these measures are implemented, the Commission imposes Special Condition Nos. 1 and 2. In addition Special Condition No. 1 requires that all construction debris be contained, and removed from the Creek immediately should uncontrolled entry of debris to the Creek should occur, and that all debris and waste from the proposed activity be collected and disposed of in an authorized disposal site within one week of construction completion. Only as conditioned will the proposed project ensure that marine resources and water quality be protected as required by Section 30231 and 30233 of the Coastal Act.

The original plans for the proposed project included the use of chemical wood preservatives and weather proofing on new wood Trestle components. As stated in the Mitigated Negative Declaration for the project, Coho Salmon, a Federal Threatened species; Steelhead, a Federal Threatened Species and a California Species of Special Concern; and Tidewater Goby, also a Federal Endangered species and a California Species of Special Concern are known to inhabit Pudding Creek and are subject to behavioral changes and possible injury or death as a result of exposure to chemical wood preservatives, inconsistent with provisions of the Coastal Act that protect sensitive species and the biological productivity and quality of coastal waters as well as limit development adjacent to parks and recreation areas. Exposure could occur from accidental



spills or from chemicals leaching from the treated wood into Pudding Creek by contact with ocean tides and rainfall. After staff discussions with the applicant, the use of chemical preservatives and wood preservatives were removed from the project, including the use of chemical preservative treatments and/or plasticized sealants, in order to avoid contaminants from affecting the water quality of Pudding Creek. The applicant proposes to use untreated redwood in all Trestle components. Therefore, the Commission imposes Special Condition No. 3, which requires that no application of, or use of wood containing chemical wood preservatives be used. Only as conditioned will the proposed project insure that marine resources and water quality are protected as required by Sections 30231, 30233, and 30240 of the Coastal Act.

Therefore, the Commission finds that the development proposed, and as conditioned includes measures, where feasible, to minimize significant adverse impacts to aquatic habitat and water quality, consistent with Sections 30233 and 30231 of the Coastal Act.

### (3) Alternatives Analysis

The third test of Section 30233(a) is whether there are feasible less environmentally damaging alternatives to the proposed project. Possible alternatives include: (1) the no project alternative; and (2) repairing above water Trestle components utilizing angular bracing and cantilevering and re-opening the Trestle without placing fill to repair the bottom of the Trestle. The Commission finds, as discussed below, that there is no feasible less environmentally damaging alternative to the project as conditioned.

Option No. 1, the "no project" alternative is not a feasible less environmentally damaging alternative because the project's proposed objective would not be achieved. The Trestle would remain closed to the public, and the public would continue to have inadequate access to the Coastal Trail (Haul Rd.) from the City of Fort Bragg, because they would have to continue to detour around Pudding Creek. This alternative could also be more environmentally damaging, because without the rehabilitation and repair of the Trestle, additional deterioration of the Trestle pilings and other components could cause increased debris to fall into Pudding Creek, impacting water quality and fish habitat.

The Trestle is currently closed to public access due to its deterioration and structural instability. Option No. 2, re-opening the Trestle to the public without structurally repairing it at the bottom is infeasible because it would cause a public safety hazard to the public. The use of angular bracing and cantilevering off to the side would provide some additional structural stability, however these methods could not provide for the complete structural stability needed for the safety of the Trestle. Cantilevering and angular bracing would also be infeasible from a historic preservation standpoint, because these new components would not be true to the Trestle's original and existing design, and would diminish the Trestle's status as an important historic landmark. This alternative could also be more environmentally damaging, because the continued use of the Trestle without the proper shoring, could cause additional decay and associated debris of the Trestle pilings to fall into Pudding Creek, impacting water quality and fish habitat, and the use of side cantilevering could cause additional sedimentation and erosion on the side banks.

Therefore, the repair of above water Trestle components utilizing angular bracing and cantilevering and reopening the Trestle without placing fill to repair the bottom of the Trestle is not a feasible less environmentally damaging alternative.

Therefore, the proposed development is the least environmentally damaging feasible alternative to sufficiently enhance safe public access and recreation over Pudding Creek and along the Coastal Trail.

(4) Maintenance and Enhancement of Habitat Values

The fourth general limitation set by Section 30233 is that any proposed dredge or fill project in coastal waters must maintain and enhance the biological productivity and functional capacity of the habitat, where feasible.

Coho Salmon, Steelhead, and Tidewater Goby are known to inhabit Pudding Creek. The work associated with the repair and rehabilitation of the Trestle components could cause construction debris or chemicals or hydrocarbons from construction equipment to discharge into the creek. As required by Condition No. 1 and proposed by the applicant, however, erosion control fabric, such as canvas or plastic tarps, would be installed under the Trestle to catch small to large-sized material and prevent debris from the proposed project from falling into Pudding Creek. In addition, as required by Special Condition No. 2, a Spill Prevention, Control, and Countermeasure Plan (SPCC Plan) for all chemicals, such as fuels and lubricants, used during construction, would be prepared prior to the start of construction and a spill kit maintained onsite throughout the duration of the project. Further, Special Condition No. 1 requires that all construction debris be contained, and removed from the Creek immediately should uncontrolled entry of debris to the Creek should occur, and that all debris and waste from the proposed activity be collected and disposed of in an authorized disposal site within one week of construction completion. As proposed by the applicant and required in Condition No. 3, no application of, or use of wood containing chemical wood preservatives or plasticized sealants would be used. Therefore, potential impacts from construction debris and chemicals to the fish habitat would be avoided.

The Commission, therefore, finds that the project will maintain the biological productivity and functional capacity of the aquatic habitat consistent with the requirements of Section 30233 of the Coastal Act.

The Commission thus finds that the proposed fill is for an allowable use, that there is no feasible less environmentally damaging alternative, that feasible measures have been incorporated to mitigate potential impacts associated with the placement of fill into coastal waters, and that aquatic habitat values will be maintained or enhanced. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Section 30233 of the Coastal Act.

**D. Protection of Sensitive Species and Coastal Resources**

Section 30240 of the Coastal Act protects sensitive species and parks and recreation areas from significant disruption. Section 30250 of the Coastal Act states, in part, that new development shall be located where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Several special-status raptor species are known to occur within MacKerricher State Park adjacent to the project, including Osprey, Sharp-Shinned Hawk, Northern Harrier, White-tailed Kite, Cooper's Hawk, and Short-eared Owl. All are California Species of Special Concern, except for the White-tailed Kite, which is a California Fully Protected Species and a Federal Species of Concern. Any raptors nesting nearby could be disturbed by construction activities, such as noise. Given that all these raptors are listed as having special statuses of concern and the Kite's protected status, the project could have significant cumulative, as well as individual impacts to these species, if adequate mitigation measures are not put in place. To mitigate these concerns, the applicant proposes to conduct surveys for raptor nests within 500 feet of the project area prior to construction and prior to the nesting season, and submit results to the Executive Director for approval. If nesting raptors are found within 500 feet of the project area, construction would be halted until the young have fledged, unless the Department of Fish and Game determines that continued construction activities would have no negative impacts on nesting raptors. To insure that this proposed mitigation is implemented consistent with the applicant's proposed project description, the Commission imposes Special Condition No. 4, which requires the raptor surveys and mitigation described above. Only as conditioned will the proposed project ensure that individual and cumulative impacts to raptors are avoided, consistent with provisions of the Coastal Act that require protection of sensitive species and coastal resources as well as limit development adjacent to parks and recreation areas.

Purple martin (*Progne subis*), a California Species of Special Concern, could potentially nest in the Pudding Creek Trestle because it often nests in old woodpecker cavities and human-made structures. The proposed project construction activities could have significant adverse effects on this special status species, either individually, or cumulatively, if construction proceeds while birds and their young are nesting in the Trestle. In order to mitigate this concern, the applicant proposes to conduct surveys for nesting purple martins prior to construction and prior to the nesting season (March-August) (if the construction schedule extends into the nesting season), and submit results to the Executive Director for approval. If the survey finds any indication that nesting purple martins with unfledged young are present on the Trestle, the project would not proceed until a subsequent bird survey has been conducted by a qualified biologist that demonstrates that the young have fledged and are not nesting on the Trestle. To insure that this proposed mitigation is implemented consistent with the applicant's proposed project description, the Commission imposes Special Condition No. 5, which requires the surveys and mitigation described above. Only as conditioned will the proposed project ensure that individual and cumulative impacts to purple martins are avoided, consistent with provisions of the Coastal Act

that require protection of sensitive species and coastal resources as well as limit development adjacent to parks and recreation areas.

There are several sensitive bat species that may occur within MacKerricher State Park, and some of these species have been known to roost within structures similar to the Pudding Creek Trestle, the project site. The California Species of Special Concern bat that might roost within the Pudding Creek Trestle is the Pallid Bat (*Antrozous pallidus*). The Federal Species of Concern bats that might roost in the structure are the Long-Eared Myotis (*Myotis evotis*), and the Long-Legged Myotis (*Myotis volans*). Although the reproductive cycle varies among species for most temperate species of bats, implementation takes place in early spring, gestation lasts 60-90 days, and one or two young are born between May and July. Young begin to fly after two to five weeks and are generally weaned by six weeks. The proposed project construction activities could have significant adverse effects on these special status species, either individually or cumulatively, if construction proceeds while bats and their young are roosting on the Trestle. To mitigate this concern, the applicant proposes to conduct surveys for roosting bats prior to construction and prior to the maternity season (February 15-August 15) (if the construction schedule extends into the nesting season), and submit results to the Executive Director for approval. If the survey finds any indication that roosting bats with non-volent young are present on the Trestle, the project would not proceed until a subsequent bat survey has been conducted that demonstrates that there are no non-volent bats on the Trestle for thirty (30) continuous days. To insure that this proposed mitigation is implemented consistent with the applicant's proposed project description, the Commission imposes Special Condition No. 6, which requires the surveys and mitigation described above. Only as conditioned will the proposed project ensure that individual and cumulative impacts to sensitive bat species are avoided, consistent with provisions of the Coastal Act that require protection of sensitive species and coastal resources as well as limit development adjacent to parks and recreation areas.

The Western Snowy Plover (*Charadrius alexandrinus nivosus*), a Federal Threatened Species and California Species of Special Concern, is also known to nest at MacKerricher State Park, near Virgin Creek, within a U.S. Fish and Wildlife Service designated Snowy Plover Recovery Unit (CA-14). This site is located approximately one mile north of the project site. While the rehabilitation and re-opening of the Trestle for public use is not expected to result in a significant number of new visitors to the area, any increase in visitation to the Snowy Plover Recovery Unit (CA14) could have individual or cumulative impacts on the species during nesting season. DPR has stated that informational signs would be installed at access points to the nesting areas, and trash control and existing limits on access for visitors with dogs and/or horses will be enforced.

As discussed in the previous findings, the project as conditioned will have no significant adverse impacts on public access and has been conditioned to avoid or reduce to a level of insignificance potential adverse impacts to water quality.

Therefore, as conditioned, the Commission finds that the proposed project will have no significant adverse effects, either individually or cumulatively, on sensitive species and coastal

resources or adjacent parks and recreation areas and is consistent with Sections 30240 and 30250 of the Coastal Act.

**E. State Waters**

The project site is located in an area subject to the public trust. Therefore, to ensure that the applicant has the necessary authority to undertake all aspects of the project on these public lands, the Commission attaches Special Condition No. 7, which requires that the project be reviewed and where necessary approved by the State Lands Commission prior to the commencement of development.

**F. U.S. Army Corps of Engineers Review**

The project is within and adjacent to a navigable waterway and is subject to review by the U.S. Army Corps of Engineers (USACE). Pursuant to the Federal Coastal Management Act, any permit issued by a federal agency for activities that affect the coastal zone must be consistent with the coastal zone management program for that state. Under agreements between the Coastal Commission and the USACE, the Corps will not issue a permit until the Coastal Commission either approves a federal consistency certification for the project or approves a coastal development permit. To ensure that the project ultimately approved by the Corps is the same as the project authorized herein, the Commission attaches Special Condition No. 8 that requires the applicant, prior to the commencement of development, to demonstrate that all necessary approvals from the USACE for the proposed project have been obtained.

**G. California Environmental Quality Act**

Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. The 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 proposed project has been conditioned to be consistent with the policies of the Coastal Act. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts, which the activity may have on the environment. Therefore, the

Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

---

**EXHIBITS:**

1. Regional Location Map
2. Vicinity Map
3. Map of Trestle and Immediate Surroundings
4. Coastal Development Permit Jurisdictional boundaries
5. Project Site Plans

## APPENDIX A

### STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.