

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE

1385 8<sup>TH</sup> STREET • SUITE 130

ARCATA, CA 95521

VOICE (707) 826-8950

FAX (707) 826-8960



# W22a

Filed: 10/16/17  
180<sup>th</sup> day: 4/15/18  
Staff: T. Gedik-A  
Staff Report: 10/27/17  
Hearing Date: 11/08/17

## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 1-17-0730

**Applicant:** California Department of Transportation  
(Caltrans) District 1

**Location:** Between PM (post marker) 43.3 and PM 44.2 at the Albion River Bridge (Bridge 10-136), State Route 1, in Albion, Mendocino County (APNs 123-040-07 and 123-170-01)

**Project Description:** Conduct Phase II archaeological studies surveying for remnants of historic lumber mill facility to provide data for evaluation of the future rehabilitation/replacement of the Albion River Bridge. The project does not include approval of any phase of the proposed future bridge rehabilitation/replacement project.

**Staff Recommendation:** Approval with conditions.

---

## SUMMARY OF STAFF RECOMMENDATION

The California Department of Transportation (Caltrans) proposes to conduct archaeological studies to provide data for evaluation of the future rehabilitation/replacement of the Albion River Bridge, which Caltrans indicates is currently compromised by a number of structural and geometric deficiencies. The proposed archaeological work is necessary to investigate and document any historic deposits associated with the Albion Lumber Mill that ceased operation in

1928. The archaeological investigation will utilize a backhoe within the dunes located adjacent and west of the base of the bridge to excavate up to five trenches, not exceeding a total length of 100 linear feet, a maximum width of 3-4 feet, and a depth of five feet, and will include the use of hand tools to further investigate excavated material.

Caltrans is currently investigating various alternatives for correcting structural and geometric deficiencies of the bridge, including but not limited to various options for: (a) rehabilitating the existing bridge, (b) constructing a replacement bridge, and (c) the “no-project” alternative. The alternatives will be evaluated and presented in a Draft Environmental Impact Report anticipated to be published and circulated for comment in the fall of 2018. The currently proposed archaeological investigation will survey historic sites where several of the future bridge modification alternatives, including rehabilitation of the existing bridge and replacement of the bridge along a western alignment, could cause alterations in the character or use of any historic site. The subject project does not include approval of any portion of the proposed future bridge rehabilitation/replacement project or a related proposed future geotechnical investigation.

The future modification alternatives being considered include rehabilitation alternatives among others. Though the proposed archaeological investigation that is the subject of this CDP Application will be used to evaluate many of the bridge alternatives, the proposed archaeological study is necessary to evaluate at least two of the repair and maintenance rehabilitation alternatives that would not result in an addition to, enlargement or expansion of the bridge. In considering a permit application for a repair or maintenance project, the Commission reviews whether the proposed *method* of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act. The Commission’s evaluation of such repair and maintenance projects does not extend to an evaluation of the conformity with the Coastal Act of the existing development.

Caltrans has proposed a number of measures to minimize temporary disturbances to dune ESHAs, including but not limited to: (a) limiting the excavation of material to 150 cubic feet (or approximately 5.5 cubic yards) of material at any one time; (b) placing excavated material on fabric draped on the adjoining ground and separating non-native material (e.g., sawdust) from native material (e.g., sand); (c) disposing of non-native material and non-native plants (e.g., iceplant) at an authorized green waste facility; and (d) limiting work to 10 working days. **Special Condition No. 2** would require that the applicant’s mitigation measures be implemented as proposed.

The area surrounding the Albion River contains both prehistoric and historic archaeological resources. The area was originally inhabited by the Northern Pomo at the time of European contact. Archaeological studies prepared for Caltrans have identified one archaeological resource site in the immediate vicinity of the proposed project. The site (CA-MEN-3652H) represents remains of a 19<sup>th</sup> and 20<sup>th</sup> century lumber mill and is the subject of the current historic archaeological investigation. The applicant has provided archaeological plans (**Appendix A**) that present procedures for the research design, post-review discovery (including field and laboratory methods), monitoring, and Native American coordination for the archaeological site. **Special Condition 5A** would require the applicant to comply with all recommendations and mitigation measures contained in the archaeological plans. Additionally, to ensure protection of any prehistoric cultural resources that may be discovered at the site during archaeological investigation activities, **Special Condition 5B** would require that if a new area of prehistoric

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

Staff believes that as conditioned, the method of proposed archaeological investigation would not adversely impact coastal resources and is consistent with all applicable Chapter Three policies of the Coastal Act. The motion to adopt the staff recommendation of **approval with special conditions** is found on page 5.

## TABLE OF CONTENTS

<b>I.</b>	<b>MOTION AND RESOLUTION</b> .....	<b>5</b>
<b>II.</b>	<b>STANDARD CONDITIONS</b> .....	<b>5</b>
<b>III.</b>	<b>SPECIAL CONDITIONS</b> .....	<b>6</b>
<b>IV.</b>	<b>FINDINGS AND DECLARATIONS</b> .....	<b>9</b>
	<b>A. BACKGROUND AND PROJECT DESCRIPTION</b> .....	<b>9</b>
	<b>B. ENVIRONMENTAL SETTING</b> .....	<b>10</b>
	<b>C. JURISDICTION AND STANDARD OF REVIEW</b> .....	<b>10</b>
	<b>D. OTHER AGENCY APPROVAL</b> .....	<b>11</b>
	<b>E. APPLICANT’S LEGAL INTEREST IN THE PROPERTIES</b> .....	<b>11</b>
	<b>F. REPAIR AND MAINTENANCE</b> .....	<b>11</b>
	<b>G. PROTECTION OF ESHA AND WATER QUALITY</b> .....	<b>14</b>
	<b>H. ARCHAEOLOGICAL RESOURCES</b> .....	<b>16</b>
	<b>I. HAZARDS</b> .....	<b>18</b>
	<b>J. PUBLIC ACCESS AND RECREATION</b> .....	<b>19</b>
	<b>K. VISUAL RESOURCES</b> .....	<b>21</b>
	<b>L. REIMBURSEMENT OF COSTS AND FEES</b> .....	<b>22</b>
	<b>M. CALIFORNIA ENVIRONMENTAL QUALITY ACT</b> .....	<b>22</b>

### APPENDICES

[Appendix A – Substantive File Documents](#)

### EXHIBITS

[Exhibit 1 – Regional Location Map](#)

[Exhibit 2 – Site Map/ Aerial Photo](#)

[Exhibit 3 – Location and Cross-Section Depiction of Archaeological Survey Trenches](#)

[Exhibit 4 – Site Photos](#)

[Exhibit 5 – 1911 Albion Lumber Mill Photograph](#)

[Exhibit 6 – Court Order Granting Caltrans Permission to Enter Subject Properties to Conduct  
Archaeological Surveys](#)

[Exhibit 7 – Extreme Water Levels Analysis](#)

## I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

### **Motion:**

*I move that the Commission approve coastal development permit 1-17-0730 pursuant to the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. 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:**

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

## II. STANDARD CONDITIONS

This permit is granted subject to the following 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 amount of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation:** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment:** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land:** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Liability for Costs and Attorneys' Fees.** By acceptance of this permit, the Applicant/Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys' fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission. WITHIN 45 DAYS OF COMMISSION ACTION, the Permittee shall enter into a separate written agreement with the Executive Director agreeing to reimburse the Coastal Commission for all court costs and attorney's fees, consistent with the requirements of this condition.
2. **Development Responsibilities.** Caltrans, in accepting the benefits of CDP 1-17-0730, agrees and accepts the following:
  - A. All activities associated with performing the development authorized pursuant to CDP 1-17-0730 shall at all times be undertaken in full accordance with the terms and conditions of CDP 1-17-0730. It shall be Caltrans' responsibility to ensure such compliance by any party to whom Caltrans assigns the right to undertake any part of the activities authorized herein; this requirement does not relieve other parties of responsibility for compliance with the permit or immunize such parties from enforcement action by the Coastal Commission's enforcement program.
  - B. Consistent with the measures proposed in: (a) the project description received September 5, 2017; (b) the court order granted to Caltrans October 5, 2017 by Mendocino County Superior Court (Case Number SC-UK-CV-PT 17-69630 (*State of California v. Seto Properties LLC*)); and (c) project clarifications, as subsequently modified via electronic mail on September 26, 2017, October 3, 2017, October 21, 2017, and October 25, 2017, the permittee shall comply with all of the following:
    - i. Development shall be limited to the following project components: (1) inspection of the ground surface, by visual observation and by use of hand tools to scrape aside vegetation if necessary; (2) use of a mechanical excavator (backhoe) outfitted with a 36-inch-wide bucket to dig up to five east-west trenches, not to exceed a length of 100 linear feet and a maximum depth of five feet; (3) use of hand tools to make controlled excavation units that will be approximately 3.5 feet by 3.5 feet wide to

sample deposits of interest along the sidewalls of the trenches; (4) passing soil from the units through hand-held screens and removing any artifacts; and (5) backfilling each trench and excavation unit with the same soil once the activities are complete.

- ii. All non-native ice plant covering the dunes within the path of excavation work shall be removed prior to the excavation and shall be taken to a green waste facility capable of properly disposing of invasive species.
- iii. Non-native material (e.g., sawdust) removed during the excavation shall be: (a) segregated from native material (e.g., beach sands and native soil), to the greatest extent possible, (b) removed from the project site within 24 hours of completion of the project, and (c) disposed of at a green waste facility.
- iv. During excavation activities, the excavated material shall be placed on fabric draped upon the ground adjoining the trenches to be excavated and then screened for historic-era artifacts.
- v. The total excavation per pass within each study area will be limited to 150 cubic feet (or approximately 5.5 cubic yards) of material at any one time. The 5.5 cubic yards of excavated material will be examined and the material placed back in the excavated trench prior to continuing with the excavation of the remaining study area.
- vi. Only weed-free straw shall be used to cover any disturbed soil areas, as needed, following excavation activities.
- vii. Hazardous materials management equipment shall be available immediately on-hand at the project site during project activities, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call;
- viii. The on-site spill prevention and control response program prepared by Caltrans and dated October 21, 2017, consisting of BMPs for the storage of clean-up materials, training, designation of responsible individuals, and reporting protocols to the appropriate public and emergency services agencies in the event of a spill, shall be implemented at the project site to capture and clean-up any accidental releases of oil, grease, fuels, lubricants, or other hazardous materials;
- ix. In the event that an accidental release of oil, grease, fuels, lubricants, or other hazardous materials or wastes should reach the Albion River or shoreline, all work shall stop immediately, and retrieval and cleanup shall be undertaken immediately with the minimum intrusion of equipment into the riparian and marine area necessary, and the incident, as well as remedial measures taken, reported to the Executive Director within 24 hours.

- 3. Timing of Work.** In accordance with the applicant's proposal, project-related activities, including staging and storage of materials and equipment at the project site, shall only be

undertaken and completed during a single construction season between November 1 and November 30 of 2017. Any proposed extension of the work period shall require an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion, landslide, bluff retreat, earth movement, flooding, waves, storm wave, tsunamis, and sea level rise; (ii) to assume the risks to employees and assigns of Caltrans, including contractors and subcontractors and their officers, agents, and employees, and to the public utilizing the proposed project during and after construction, and to the property that is the subject of this permit of injury and/or damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

5. **Protection of Archaeological Resources.**

- A. Caltrans shall comply with all recommendations and mitigation measures relating to the authorized development that are contained in the archaeological plans entitled "Historical Resources Evaluation Report and Phase 2 Proposal for the Albion Bridge Replacement Project in Mendocino County, California" prepared by Thad Van Bueren at Pacific Legacy, Inc. for Caltrans District 03 under Agreement 03A2156, Task Order 20, and "Late Discovery Plan for a Proposed Geotechnical Investigation at Albion River Bridge, Mendocino County, California" prepared by Jeff Haney, Associate Environmental Planner (Archaeology) for Caltrans by Department of Transportation Division of Environmental Services. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved archaeological plans shall be reported to the Executive Director. No changes to the approved archaeological plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- B. If an area of prehistoric cultural deposits or human remains is discovered during the course of the project, all activity shall cease and shall not re-commence until a qualified cultural resource specialist, in consultation with the Tribal Historic Preservation Officers of the Manchester-Point Arena Rancheria and Sherwood Valley Rancheria, analyzes the significance of the find and prepares a supplementary archaeological plan for the review and approval of the Executive Director, and either: (a) 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, or (b) the Executive Director reviews the Supplementary Archaeological Plan, determines that the changes



proposed therein are not *de minimis*, and the permittee has thereafter obtained an amendment to CDP 1-17-0730.

#### IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

##### A. BACKGROUND AND PROJECT DESCRIPTION

The 969-foot-long State Route 1 Albion River Bridge provides the only public access crossing of the Albion River from the mouth of the river at the coast to many miles upriver. The bridge connects Mendocino and Ft. Bragg to the north, and Elk and Pt. Arena to the south. The California Department of Transportation (Caltrans) has indicated in the past that the Albion River Bridge and the associated approaching alignments, have a number of structural and geometric deficiencies. If the Albion River Bridge was rendered unusable, the only alternate public access routes would be inland via Route 128 (south of Albion) or Route 20 (north of Albion). Caltrans is currently investigating alternatives for either rehabilitating or replacing the bridge that will be evaluated in a Draft Environmental Impact Report (DEIR) anticipated to be published and circulated in the fall of 2018.

As part of its preparation of a DEIR), Caltrans is currently conducting a number of studies to investigate various bridge alternatives, including but not limited to various options for both: (a) rehabilitating the existing bridge and (b) constructing a replacement bridge, as well as the “no-project” alternative. Caltrans listed project alternatives that are currently being considered as part of a Notice of Preparation (NOP) of a Draft Environmental Impact Report that was circulated for comments on April 1, 2015, including three alignment alternatives<sup>1</sup>, three rehabilitation alternatives<sup>2</sup>, and the “no-project” alternative. Commission staff provided preliminary comments in response to the NOP on May 7, 2015 (**Appendix A**). Caltrans is also in the process of pursuing additional studies that will provide information relevant to the evaluation of bridge rehabilitation and replacement alternatives, including but not limited to: (1) an updated Value Analysis Study with a community citizen panel component; (2) a bridge life cycle cost analysis; (3) botanical and wildlife surveys; and (4) geotechnical investigations.

Caltrans proposes to conduct Phase II archaeological studies, which are the subject of this coastal development permit, to provide data for evaluation of the proposed future rehabilitation/replacement of the Albion River Bridge. Separate from the subject project, Caltrans has also submitted a separate coastal development permit application for conducting geotechnical studies on the subject properties (pending CDP Application No. 1-16-0899). This separate application remains incomplete.

---

<sup>1</sup> Replacement alternatives identified in the NOP include: (1) Replacement on the West Alignment (west of and clear of the existing bridge and including 1 retaining wall); (2) replacement on the East Alignment (east and clear of the bridge and including 3 retaining walls); and (3) replacement to the West of the Existing Alignment (located somewhat westerly and on the existing bridge and including 2 retaining walls).

<sup>2</sup> Rehabilitation alternatives identified in the NOP include: (1) Rehabilitation of the bridge and bridge rail upgrade; (2) Rehabilitation and widening of the bridge and bridge rail upgrade; and (3) Rehabilitate the bridge as a pedestrian bridge as an added option to the east alignment and west alignment replacement alternatives. All rehabilitation alternatives include earthquake retrofits.

Caltrans has identified one archaeological site at the project location. The site (CA-MEN-3652H) represents remains of a 19<sup>th</sup> and 20<sup>th</sup> century lumber mill (**Exhibit 5**) and is the subject of the current historic archaeological investigation. The site of the archaeological investigation could be disturbed by several of the future bridge modification alternatives, including bridge rehabilitation and bridge replacement along a western alignment.

The purpose of the proposed investigation is to assess the National Register of Historic Places eligibility of those known and anticipated historic sites of the former Albion Lumber Mill. This task is necessary for Caltrans to meet its obligation under Section 106 of the National Historic Preservation Act and its implementing regulations.

The archaeological investigation project would consist of the following components occurring within two areas of the dunes located adjacent and west of the base of the Albion River Bridge (**Exhibits 1 and 2**): (1) using a mechanical excavator (backhoe) outfitted with a 36-inch-wide bucket to dig up to five east-west trenches, not to exceed a total length of 100 linear feet, with a maximum width of 3-4 feet and depth of five feet; (2) using hand tools to make controlled excavation units that will be approximately 3.5 feet by 3.5 feet wide to sample deposits of interest along the sidewalls of the trenches; (3) passing soil from the units through hand-held screens and removing any artifacts; and (4) backfilling each trench and excavation unit with the same soil once the activities are complete.

The subject project does not include approval of any portion of the proposed future geotechnical investigations or any phase of the proposed future bridge rehabilitation/replacement project. Moreover, approval of this coastal development permit as conditioned does not constitute an endorsement or a predetermined recommendation about any of the alternatives that may be considered as part of any future bridge rehabilitation or replacement project at the subject site.

## **B. ENVIRONMENTAL SETTING**

The project site is situated west of Highway One, in sand dunes located adjacent to the base of the Albion River Bridge (**Exhibit 4**). The Albion River Bridge spans the Albion River valley from elevated coastal marine terraces. The southern portion of the bridge spans a steep hillside leading down to the Albion River where the river empties into the Pacific Ocean along the southern portion of the sandy beach at Albion Cove. The northern portion of the bridge spans the relatively flat-lying dune portion of the Albion River Flats. Vegetation along the back dunes is dominated by the non-native invasive known as ice plant (*Carpobrotus edulis*). The Pacific Ocean and the beach at Albion Cove are west of the project site, and the privately-owned Albion River Bridge R.V. Park and Campground is located east of, and provides access to, the project site. Undeveloped marine terrace bluffs and the small, predominantly- residential community known as Albion Village exist to the north and south of the project site on both sides of the river.

## **C. JURISDICTION AND STANDARD OF REVIEW**

The project site is located in Mendocino County, within two areas located within the “Albion Flats” below Albion River Bridge (Bridge #10-0136) between post marker (PM) 43.3 and PM 44.2. The site is within the retained jurisdiction of the Commission in an area containing tidelands, submerged lands and/or public trust lands over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the development is

the Chapter 3 policies of the Coastal Act. The local government's certified LCP may be used as guidance.

#### **D. OTHER AGENCY APPROVAL**

##### **California State Lands Commission**

As indicated above, the project site occurs in an area containing tidelands, submerged lands and/or public trust lands over which the state retains a public trust interest. The State Lands Commission (SLC) has direct jurisdiction and authority over ungranted sovereign tidelands and submerged lands underlying the State's navigable waterways (ocean, bays, sloughs, lakes, and rivers) as well as over lands subject to the public trust. The State Lands Commission (SLC), in a letter to Caltrans dated October 13, 2017, determined that no lease from the SLC is required for the archaeological surveys.

#### **E. APPLICANT'S LEGAL INTEREST IN THE PROPERTIES**

Under Section 30601.5 of the Coastal Act, an applicant for a CDP does not need to be the owner of a fee interest in the property on which the proposed development is located as long as the applicant can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, and as long as all holders or owners of any other interests of record in the affected property are notified in writing of the permit application and invited to join as coapplicants. In addition, Section 30601.5 of the Coastal Act requires that the applicant demonstrate authority to comply with all conditions of approval prior to issuance of a CDP.

The proposed project and access to the project site are located on lands owned by Sum Seto/ Seto Properties, LLC and Seto Family Trust (APNs 123-170-01 and 123-040-07; **Exhibit 2**). On October 5, 2017, Mendocino County Superior Court granted to Caltrans an order permitting Caltrans to enter the subject properties in order to perform archaeological surveys for a total of ten working days, as specified in the order (**Exhibit 6**). As required by Section 30601.5 of the Coastal Act, Caltrans has submitted evidence that (a) the owners have been notified of the project as proposed in the CDP application; (b) the owners have been invited to join the CDP application as a co-applicant; and (c) Caltrans has the legal authority to undertake the authorized development.

The Commission finds that as conditioned, the development is consistent with the requirements of Section 30601.5 of the Coastal Act.

#### **F. REPAIR AND MAINTENANCE**

Coastal Act Section 30610(d) generally exempts from Coastal Act permitting requirements the repair or maintenance of structures that does not result in an addition to, or enlargement or expansion of, the structure being repaired or maintained. However, the Commission retains authority to review certain extraordinary methods of repair and maintenance of existing structures that involve a risk of substantial adverse environmental impact as enumerated in Section 13252 of the Commission regulations.

Section 30610 of the Coastal Act provides, in relevant part, the following:

*Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: . . .*

*(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter. [Emphasis added]*

Section 13252 of the Commission administrative regulations (14 CCR 13000 *et seq.*) provides, in relevant part, the following:

*(a) For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:...*

*(3) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:*

*(A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;*

*(B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.*

*All repair and maintenance activities governed by the above provisions shall be subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and emergency permits. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Public Resources Code section 30700 unless so provided elsewhere in these regulations. The provisions of this section shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.... [Emphasis added.]*

*(b) Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall,*

*breakwater, groin or any other structure is not repair and maintenance under section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.*

The proposed archaeological investigation will evaluate historic sites where several of the alternatives involving rehabilitating or replacing the bridge could cause alterations in the character or use of any historic site. No alternative for future modifications to the bridge to address bridge deficiencies has been chosen. A final alternative for future modifications to the bridge will not be chosen until the environmental review process has been completed. As noted above, the draft EIR for the project is not anticipated to be published and distributed for comment until at least the fall of 2018. Additional studies to investigate alternatives, including additional archaeological studies, may need to be performed in the future before the bridge alternatives can be selected and approved.

The future modification alternatives being considered include rehabilitation alternatives among others. The proposed archaeological study is necessary to evaluate the rehabilitation alternatives. At least two if not all of these rehabilitation alternatives would be a form of repair and maintenance as they would neither involve a replacement of more than 50% of the bridge structure nor enlargement or expansion of the bridge. According to Caltrans staff, the rehabilitation alternatives would include the construction of falsework alongside the bridge that could potentially affect historic resources in the area of the archaeological study. The proposed archaeological study would also be necessary to evaluate other alternatives that are not repair and maintenance, including bridge replacement to the west of the existing bridge. Whether or not the proposed archaeological study is useful for evaluating other bridge alternatives that are not repair and maintenance, the proposed archaeological study is necessary to evaluate at least two of the repair and maintenance rehabilitation alternatives.

Although certain types of repair projects are exempt from CDP requirements, Section 13252 of the regulations requires a CDP for extraordinary methods of repair and maintenance enumerated in the regulation. The proposed work involves the temporary use of mechanized equipment and the temporary removal and placement of solid materials within sand areas recognized as ESHA. Therefore, the proposed project requires a CDP under Sections 13252(a)(3) of the Commission's regulations.

In considering a permit application for a repair or maintenance project pursuant to the above-cited authority, the Commission reviews whether the proposed *method* of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act. The Commission's evaluation of such repair and maintenance projects does not extend to an evaluation of the conformity with the Coastal Act of the existing development.

If not properly undertaken with appropriate mitigation, the necessary archaeological investigation activities could have adverse impacts on coastal resources, in this case dune ESHA. The applicant has proposed various mitigation measures to protect coastal resources. The special conditions require that these measures be implemented. The impacts and mitigation measures are discussed below in Finding G, "Protection of ESHA and Water Quality."

Therefore, as conditioned in these findings, the Executive Director finds that the method of the repair and maintenance work is consistent with the Chapter 3 policies of the Coastal Act.

## **G. PROTECTION OF ESHA AND WATER QUALITY**

Section 30240 of the Coastal Act states:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

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

Section 30230 of the Coastal Act states the following:

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

Section 30231 of the Coastal Act states the following (emphasis added):

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

Section 30232 of the Coastal Act states the following:

*Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containments and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

The proposed archaeological investigation will occur within sand dunes located adjacent and west of the base of the Albion River Bridge and approximately 265 feet north of the northern bank of the Albion River. Loose sand possibly atop old sawdust waste underlies the project site within the archaeological study area. Vegetation along the back dunes is dominated by the non-native invasive known as ice plant (*Carpobrotus edulis*). Sporadic occurrences of the non-native

annual known as sea rocket (*Cakile sp.*) are scattered along the edges of the dunes and open sandy beach flats.

As described above, while the policies of Chapter 3 of the Coastal Act provide the legal standard of review for the subject project, the local government's certified LCP may be used as guidance. The certified Mendocino County Land Use Plan (LUP) states that environmentally sensitive habitat areas (ESHAs) in Mendocino County include but are not limited to: anadromous fish streams, sand dunes, rookeries and marine mammal haulout areas, wetlands, riparian areas, and habitats of rare and endangered plants and animals. (Emphasis added).

Based on several biological assessments of the area surrounding the bridge that Caltrans staff biologists have prepared in the last several years for other purposes<sup>3</sup>, the only ESHA in close proximity to the Phase II Archaeological Study is the dune ESHA within which the study will be conducted. None of the other ESHA identified in the assessments occurs near the project site.

Public comment has raised questions about the ESHA that the assessment has identified as being located in areas distant from the project site. The method of archaeological investigation will not significantly disrupt or degrade such distant ESHA which includes: (1) riparian and estuarine areas along the Albion River that occur approximately 265 feet south of the project site; (2) wax myrtle scrub that occurs on the marine terrace approximately 600 feet south and upslope of the project site; (3) coastal silk tassel scrub that occurs on the marine terrace approximately 320 feet south and upslope of the project site; (4) a wetland ditch that is located on the marine terrace approximately 1,000 feet southeast and upslope of the project site; and (5) plants that can serve as larval hosts to two endangered butterflies, including: (a) two occurrences of harlequin lotus (*Hosackia gracilis*) observed on marine terrace areas approximately 800 feet south and upslope of the project site, and which could support the federally endangered Lotis blue butterfly (*Plebejus idas lotis*); and (b) three occurrences of western dog violet (aka early blue violet) (*Viola adunca*) located approximately 650 feet south and upslope of the project site, and which could support the federally endangered Behren's silverspot butterfly (*Speyeria zerene behrensii*). Further, survey efforts did not find any evidence that either aforementioned butterfly currently occupies the project site.

North Coast District staff visited the site with Caltrans staff and Commission staff ecologists John Dixon and Laurie Koteen on June 2, 2016, and again with Caltrans staff on August 16, 2017. The site visits confirmed that only dune ESHA occurs within the area of the currently proposed archaeological investigations. Additionally, the project site is located approximately 70 feet east of the mean high tide line of the beach.

As noted above, when considering a permit application for a repair or maintenance project pursuant to the above-cited authority, the Commission reviews whether the proposed *method* of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act. The Commission's evaluation of such repair and maintenance projects does not extend to an evaluation of the conformity of the existing development with the policies of the Coastal Act.

---

<sup>3</sup> Biological assessments conducted in the vicinity of the project area include but are not limited to the following: August 2015 Natural Environment Study (Caltrans), October 2015 Butterfly Survey (Arnold), and August 2016 ESHA study (Caltrans). Refer to **Appendix A** for references.

The proposed work involves the temporary use of mechanized equipment and the temporary removal and the temporary placement of solid materials within sand dune areas recognized as ESHA. Work is expected to be completed within 10 working days. If not properly undertaken with appropriate mitigation, the necessary archaeological investigation activities could have adverse impacts on dune ESHAs. Caltrans proposes a number of mitigation measures to minimize the potential for project impacts to, and avoid significant disruption of, the habitat values of the dune ESHA at the site. Specifically, Caltrans indicates that the excavation of material within the “Phase 2 Arch[itectural] Study Area,” depicted on the “Right of Way Permit to Enter” map dated May 22, 2017 (**Exhibit 2**), will be limited to 150 cubic feet (or approximately 5.5 cubic yards) of material at any one time. The 5.5 cubic yards of excavated material will be examined and the affected dune area will be restored by placing the material (except for any recovered artifacts) back in the excavated trench prior to continuing with the excavation of the remaining study area. The excavated material will be placed on fabric draped upon the adjoining ground and then screened for historic-era artifacts. The applicant’s mitigation measures are incorporated as part of **Special Condition 2**.

Additionally, existing non-native ice plant covering the dunes within the path of excavation work will be removed prior to the excavation and will be taken to a green waste facility capable of properly disposing of invasive species. Non-native material (e.g., sawdust) removed during the excavation will be segregated from native material (e.g., beach sands and native soil), to the greatest extent possible, and also disposed of at a green waste facility. The removal of non-native plants and materials from the dune environment will be beneficial to the existing dune habitat.

To ensure protection of coastal waters and marine resources, Caltrans has proposed best management practices (BMPs) that include the use of only weed-free straw to cover any disturbed soil areas, as needed, following excavation activities. Caltrans has also provided a Spill Prevention and Response Plan consisting of BMPs for the storage of clean-up materials, training, designation of responsible individuals, and reporting protocols to the appropriate public and emergency services agencies in the event of a spill. The BMPs are incorporated as part of **Special Condition 2**.

Therefore, the Commission finds that the method of the proposed archeological investigation, as conditioned, is consistent with Section 30240 of the Coastal Act which requires that: (1) ESHA be protected against any significant disruption of habitat values; and (2) development adjacent to ESHA be sited and designed to prevent impacts that would significantly degrade the ESHA and be compatible with the continuance of the ESHA. The Commission further finds that as conditioned, the method of the proposed archaeological investigations ensures the protection of biological productivity and quality of coastal waters and marine resources, consistent with Coastal Act Sections 30230, 30231, and 30232.

## **H. ARCHAEOLOGICAL RESOURCES**

Section 30244 of the Coastal Act states:

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



The area surrounding the Albion River contains both prehistoric and historic archaeological resources. The area was originally inhabited by the Northern Pomo at the time of European contact. According to information presented in an archaeological late discovery plan prepared for Caltrans (Bean and Theodoratus 1978 in Haney 2016; **Appendix A**), “the Northern Pomo are one of seven groups identified as Pomoan, although each of these groups spoke a separate, distinct language that is part of the larger Hokan linguistic phylum.” Historic sites in Albion River Flat include a lumber mill and the location of the former Albion town including a general store, hotel, businesses and post office established during early settlement by Euro-Americans in the late 1800’s.

Caltrans conducted an intensive pedestrian study of a large area surrounding the bridge that encompassed the site of the proposed phase II archaeological study project in 2015 to evaluate potential archaeological resource areas that could occur within the area. Caltrans has identified two properties within the vicinity of the project area.

The first of the two sites (CA-MEN-3645) was investigated for prehistoric cultural resources in 2015 in consultation with the Manchester-Point Arena Rancheria and Sherwood Valley Rancheria and is distant from the project site; the latter tribe provided a monitor during the Phase II field investigation within CA-MEN-3645<sup>4</sup>. The second site (CA-MEN-3652H) represents remains of a 19<sup>th</sup> and 20<sup>th</sup> century lumber mill (**Exhibit 5**) and is the subject of the current historic archaeological investigation. The proposed archaeological investigation will evaluate historic sites where several of the alternatives for the future project to address the deficiencies of the Albion River Bridge, including the rehabilitation of the existing bridge alternative and replacement of the bridge along a western alignment could cause alterations in the character or use of this historic site.

The purpose of the proposed investigation is to assess the National Register of Historic Places eligibility of those known and anticipated historic sites of the former Albion Lumber Mill. This task is necessary for Caltrans to meet its obligation under Section 106 of the National Historic Preservation Act and its implementing regulations.

To evaluate potential resources or features that could conceivably be present in the case of inadvertent discovery during future proposed geotechnical work, a Historical Resource Evaluation Report and Phase II Proposal report were prepared in 2015 for historic site CA-MEN-3652H (Van Bueren; **Appendix A**), and Late Discovery Plan was prepared in August 2016 (Haney; **Appendix A**). The Late Discovery Plan describes known archaeological sites, and presents procedures for the research design, post-review discovery procedures (including field and laboratory methods), monitoring, and Native American coordination for both archaeological sites described above. **Special Condition 5A** requires the applicant to comply with all recommendations and mitigation measures contained in the archaeological plans prepared by Haney and Van Bueren.

Additionally, to ensure protection of any prehistoric cultural resources that may be discovered at the site during archaeological investigation activities, the Commission attaches **Special**

---

<sup>4</sup> Shapiro, L., R. Jackson, and A. Kovak. 2015. *Phase II Archaeological Evaluation Report for Prehistoric Site CA-MEN-3645 for the Albion Bridge Replacement Project; 01-MEN-1, K.P. 69.68-71.13/P.M. 43.30-44.20, EA 01-401100*. Report on file, California Department of Transportation, District 03/North Region, Marysville.

**Condition 5B.** This condition requires that if an area of prehistoric cultural deposits is discovered during the course of the project, all activity must cease, and a qualified cultural resource specialist must analyze the significance of the find. To recommence activity following discovery of cultural deposits, the applicant is required to submit a supplementary archaeological plan for the review and approval of the Executive Director to determine whether the changes are *de minimis* in nature and scope, or whether an amendment to this permit is required.

Therefore, the Commission finds that, as conditioned, the method of archaeological investigation is consistent with Coastal Act Section 30244, as the authorized development includes reasonable mitigation measures to ensure that archaeological investigations of historic sites within the project area will not result in significant adverse impacts to archaeological resources.

## I. HAZARDS

Section 30253 of the Coastal Act states, in pertinent part, that new development shall:

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

The Albion River Bridge is situated within the floodplain of the Albion River and adjacent to the Albion Cove beach. As described in a February 3, 2014 Hydraulic Report prepared by Caltrans (**Appendix A**), the site is also subject to tidal influence, tsunami inundation, and rising sea levels.

The project does not include the construction of new structures or any permanent improvements that might be exposed to geologic, flood, and fire hazards. Members of the public have raised concerns with Caltrans that the temporary trenches might nonetheless create a potential geologic and flood hazard by capturing and directing tidal waters in a manner that would cause erosion of the dunes and might ultimately result in destabilization of the supports of the existing bridge.

A September 28, 2017 memorandum was prepared by Caltrans staff to evaluate flood hazard potential at the Albion River Bridge under various scenarios (**Exhibit 7**), including during mean higher high water, extreme exceedance water level, wave runup, and under increased sea level rise conditions. The memo indicates the elevation of the Mean Higher High Water (MHHW) level is 5.74 feet (NAVD88-FT), and estimates extreme exceedance water levels with wave runup and predicted maximum sea level rise projections for 2030, 2050, 2100 as well as without sea level rise. According to the analysis, under current conditions the maximum wave height and dominant wave period would result in a total water elevation of 15.7 feet, and the 95-percentile and 75-percentile are estimated to be 12.2 feet and 11.1 feet, respectively. The analysis indicates that during large wave storm events under current and future sea level rise scenarios, the Albion River Campground experiences wave runup. The analysis is consistent with anecdotal information provided by the campground host.

However, based upon estimations provided in the September 28, 2017 memo, it appears that tidal waters would not reach the archaeological survey sites until water levels are well above Mean Higher High Water, only at some point close to the 75th percentile extreme tide. This information suggests tidal waters would reach the survey sites very rarely. As proposed by the applicant and incorporated as part of **Special Condition 2B**, the total excavation per pass within each study area will be limited to 150 cubic feet (or approximately 5.5 cubic yards) of material at any one time, and the total duration of the entire investigation will not exceed 10 working days. The 5.5 cubic yards of excavated material will be examined and the material placed back in the excavated trench prior to continuing with the excavation of the remaining study area, thereby limiting the length of the trenches that would be unearthed at any given time. Thus, the chance of water entering the trenches, much less with enough volume to cause severe erosion of the dunes after entering the trenches, is very small. Caltrans further proposes to backfill all trenches then compact and re-contour excavated areas to match pre-excavation topography following excavation activities. Furthermore, dune erosion would have to occur to a very large degree to undermine the bridge. The Albion River Bridge is supported by eight wooden bridge piers occurring in the dune flats on the north side of the Albion River channel as it outlets to the Pacific Ocean adjacent to the beach. Bridge support is also provided by two concrete towers on either side of the Albion River, and additional wooden towers in the hillsides on both sides of the Albion Flats. The abutments and vertical towers (“bents”) associated with each pier are numbered 1 through 35, from south to north. Pile caps at each bent sit atop concrete and/or redwood piles that extend to average depths of 20 and 40 feet respectively below the ground surface. Minor changes to the dunes adjacent to the bridge would not affect the stability afforded by the deep piles.

Therefore, the Commission finds that as conditioned, the method of proposed archaeological investigation will not create or contribute significantly to erosion, geologic instability, or destruction of the site and the project minimizes risks of geologic and flood hazard consistent with Section 30253 of the Coastal Act.

## **J. PUBLIC ACCESS AND RECREATION**

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in relevant part:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is*

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

Coastal Act Section 30214 requires in part (Emphasis added):

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

*(1) Topographic and geologic site characteristics.*

*(2) The capacity of the site to sustain use and at what level of intensity.*

*(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*

*(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

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

In applying Sections 30210, 30211, 30212, and 30214, the Commission is 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.

In the project area, Highway One is the major public access route providing access to and along the ocean. Public access is currently available to the shoreline and beach at Albion Cove via an access road connecting from Highway One through the privately-owned Albion River Campground and Marina ("Albion River North Side Road").

Potential impacts to public access during archaeological investigation activities will be temporary and minimal. Project activities will occur in the dunes located immediately adjacent and west of the base of the Albion River Bridge and therefore will not affect public access along Highway One. The open dune area where the project will be undertaken will be flagged off and the area will be inaccessible to the public during project activities. However, unrestricted beach access will be maintained. Other portions of the dunes will be open to public use and these open dune areas and the southerly portion of the beach will provide access around the project site to the shoreline and the beach. In addition, the duration of the project will not exceed 10 working days. Therefore, the Commission finds that the impact on the public's use of the shoreline will not be significant.

Therefore, the Commission finds that as conditioned, the method of proposed archaeological investigation will not have any significant adverse effect on public access, and that the project as proposed is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

## K. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

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

The proposed archaeological investigation will consist of temporary excavation activities using a backhoe within disturbed sand dunes to examine potential historic artifacts related to the Albion Lumber Mill that may be buried in the substrate. Field work will not exceed 10 working days. The project will not affect views from Highway 1. Due to the temporary nature of the archaeological work, the impacts on views to and along the coast from public vantage points along the Albion River Flat and the shoreline of Albion Cove will not be significant.

The proposed archaeological investigation will minimize the alteration of natural landforms by affecting only a small portion of the dunes and by returning native material to excavated areas as proposed by the applicant after examining and documenting any discovered artifacts. Specifically, the excavator will dig up to five east-west trenches, not to exceed a length of 100 feet, 3-4 feet in width, and a maximum depth of five feet. All of the approximately 5.5 cubic yards of material to be excavated will be placed on fabric draped upon the adjoining ground and then screened for artifacts. The applicant anticipates encountering layers of sawdust associated with the lumber mill during excavation activities. To the extent feasible, non-native material such as sawdust will be removed from the dunes during excavation activities and disposed of at a green waste facility. The 5.5 cubic yards of excavated material will be examined and the native material placed back in the excavated trench prior to continuing with the excavation of the remaining study area.

All excavated areas will be compacted and re-contoured to match the approximate pre-excavation topography following excavation activities. Therefore, the proposed archaeological investigation will minimize the alteration of natural landforms by limiting the area and quantities of material excavated, and by returning native material to excavated areas as proposed by the applicant and as described above. **Special Condition 2B** requires that the measures proposed by the applicant be implemented, including those that will minimize the alteration of natural landforms.

The Commission finds that as conditioned, the method of proposed archaeological investigation is consistent with the requirements of Section 30251 of the Coastal Act.

#### **L. REIMBURSEMENT OF COSTS AND FEES**

Coastal Act section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. See also 14 C.C.R. § 13055(g). Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application. Therefore, consistent with Section 30620(c), the Commission imposes **Special Condition 1** requiring reimbursement of any costs and attorneys' fees the Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee challenging the approval or issuance of this permit.

#### **M. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13906 of the Commission's administrative regulations 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 approval of a proposed development 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. 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.

**APPENDIX A: SUBSTANTIVE FILE DOCUMENTS**

Application file for Coastal Development Permit (CDP) Application No. 1-17-0730

Application file for CDP Application No. 1-16-0899

Arnold, Richard A. October 20, 2015. "Memorandum re: Hwy. 1, Salmon Creek Bridge and Albion River Bridge Replacement Projects in Albion (Mendocino County), California, Report on 2015 Surveys for Two Endangered Butterflies." Prepared for Caltrans by Entomological consulting Services, Ltd. Pleasant Hill, CA. Accessible online at [http://www.dot.ca.gov/dist1/d1projects/albion/2015\\_endangered\\_butterfly\\_survey\\_report.pdf](http://www.dot.ca.gov/dist1/d1projects/albion/2015_endangered_butterfly_survey_report.pdf)

California Department of Transportation. August 2015. "Albion Bridge Project- Geotechnical Investigations Natural Environment Study." Accessible online at [http://www.dot.ca.gov/dist1/d1projects/albion/geotech\\_nes.pdf](http://www.dot.ca.gov/dist1/d1projects/albion/geotech_nes.pdf)

----- August 2016. "ESHA Assessment for the Albion Bridge Geotechnical Investigation."

----- April 1, 2015. Notice of Preparation of a Draft Environmental Impact Report. Albion River Bridge Rehabilitation/Replacement Project. State Clearinghouse No. 2015042016. Prepared for Caltrans by Adele Pommerenck, Branch Chief, Office of Environmental Management. Caltrans District 03. Accessible online at [http://www.dot.ca.gov/dist1/d1projects/albion/nop-albion\\_river\\_bridge.pdf](http://www.dot.ca.gov/dist1/d1projects/albion/nop-albion_river_bridge.pdf)

----- May 21, 2013. "Feasibility Study Transmittal." Prepared for Caltrans by Jeff Sims, Bridge Design Branch 1. Accessible online at [http://www.dot.ca.gov/dist1/d1projects/albion/rehab\\_feasibility\\_transmittal\\_5-21-13.pdf](http://www.dot.ca.gov/dist1/d1projects/albion/rehab_feasibility_transmittal_5-21-13.pdf)

Gedik, Tamara. May 7, 2015. "Comments on Caltrans Notice of Preparation of a Draft Environmental Impact Report, Albion River Bridge Rehabilitation/Replacement Project, Bridge # 10-0136 along State Route 1 from post mile (PM) 43.3 to 44.2, Mendocino County." Comments prepared for Caltrans staff by Coastal Commission staff. North Coast District Office. Arcata, CA. Accessible online at [http://www.dot.ca.gov/dist1/d1projects/albion/agency\\_comments\\_during\\_nop\\_circulation-april\\_2015.pdf](http://www.dot.ca.gov/dist1/d1projects/albion/agency_comments_during_nop_circulation-april_2015.pdf)

Geocon Consultants, Inc. July 2017. "Preliminary Endangerment Assessment Report. Albion River Bridge, State Route 1, Mendocino County, California." Prepared for Caltrans District 01 under Task Order No. 36, EA 01-401100. Accessible online at [http://www.dot.ca.gov/dist1/d1projects/albion/s9805-01-36b\\_final\\_albion\\_pea\\_report\\_07-17.pdf](http://www.dot.ca.gov/dist1/d1projects/albion/s9805-01-36b_final_albion_pea_report_07-17.pdf)

Haney, Jeff. August 2016. "Late Discovery Plan for a Proposed Geotechnical Investigation at Albion River Bridge, Mendocino County, California." Prepared for Caltrans by Department of Transportation Division of Environmental Services. Caltrans District 03.

Mendocino County Local Coastal Program

Rance, Darryl. July 26, 2017. "Memorandum re: Boundary Determination No. 06-2017, Assessor Parcel Number 123-170-01, Mendocino County." Prepared for Caltrans by California Coastal Commission GIS/Mapping Program.

Superior Court of the State of California for the County of Mendocino. "Order Granting Petition for Order Permitting Entry Upon Property in Part and Deferring Decision on Remainder of

1-17-0730 (Caltrans)

Petition Until Subsequent Order.” Case Number SC-UK-CV-PT 17-69630 (*State of California v. Seto Properties LLC*). Ordered by Judge Jeanine Nadel October 5, 2017 and granting permission to enter premises for the purposes of the archaeological study.

Value Management Strategies, Inc. October 2013. “Final Value Analysis Study Report. D-1 Salmon Creek Bridge and Albion River Bridge Replacement Projects.” Prepared for Caltrans District 01 under Task Order No. 873. Accessible online at [http://www.dot.ca.gov/dist1/d1projects/albion/albion\\_salmon\\_va\\_study\\_full.pdf](http://www.dot.ca.gov/dist1/d1projects/albion/albion_salmon_va_study_full.pdf)

Van Bueren, Thad. January 30, 2015. “Historical Resources Evaluation Report and Phase 2 Proposal for the Albion Bridge Replacement Project in Mendocino County, California.” Prepared by Pacific Legacy, Inc. for Caltrans District 03 under Agreement 03A2156, Task Order 20. Excerpt accessible online at [http://www.dot.ca.gov/dist1/d1projects/albion/s9805-01-36b\\_final\\_albion\\_pea\\_report\\_07-17.pdf](http://www.dot.ca.gov/dist1/d1projects/albion/s9805-01-36b_final_albion_pea_report_07-17.pdf)