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**Th10b**

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STAFF REPORT: CDP HEARING

Application Number: 2-18-0078

Applicant: California Department of Transportation (Caltrans)

Project Location: Highway 1 between post-mile markers 15.1 and 15.7 adjacent to Gleason Beach about 5 miles north of the town of Bodega Bay in southern Sonoma County.

Project Description: Realign 3,700 feet of Highway 1 up to 370 feet inland, including removal of the existing Highway 1 in this area, construction of a new inland alignment of Highway 1 including an 850-foot bridge over Scotty Creek, construction of new off-road California Coastal Trail segments seaward of the realigned Highway, resource restoration and enhancement along Scotty Creek, and restoration of the bluff and beach seaward of the realigned Highway.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

Culminating over a decade of planning processes, the California Department of Transportation (Caltrans) proposes to realign just over a half-mile blufftop segment of Highway 1 near Gleason Beach, located approximately 5 miles north of the town of Bodega Bay and 5 miles south of the town of Jenner in Sonoma County. Specifically, Caltrans proposes to address the threat of coastal erosion that is presently undermining and threatening Highway 1, as well as future anticipated coastal hazards, by realigning the roadway inland almost 400 feet. Since the 2000s, the Commission has approved permits to allow Caltrans' to armor the shoreline to protect Highway 1 at this location, but only on a temporary basis until a longer term strategy could be found to

maintain the primary Highway 1 corridor along this highly scenic, and highly eroding, shoreline. Per the requirements of those previous permits, existing temporarily authorized shoreline armoring will be removed once the highway realignment is completed. Overall, the proposed project represents a large scale example of the challenges confronting the State in terms of global climate change, sea level rise, and their attendant impacts, including the need to maintain important infrastructure and protect valuable coastal resources. This realignment project is an adaptation success story for California as it results in relocating critical infrastructure inland, restoring shoreline areas to their natural state, and otherwise allowing natural processes along this stretch of coast to continue and reach their natural equilibrium. Commission, Caltrans, and Sonoma County staff and other stakeholders have worked extensively and cooperatively together throughout the planning process and are now largely in agreement on the proposed project. Commission staff recommends approval of this major infrastructure adaptation project with special conditions.

The Highway 1 corridor is a critical transportation route for local residents, who use the roadway for travel between Jenner and Bodega Bay, as well as visitors to this highly scenic area. In fact, the journey on the Highway itself is a major tourist draw, as are a number of significant visitor attractions that are located along the rugged Sonoma Coast. The proposed improvements include the construction of a new 3,700-foot segment of Highway 1 roadway, including an 850-foot bridge spanning Scotty Creek; removal of existing box culverts in Scotty Creek to daylight and restore the Creek and its floodplain; dedication of a conservation easement over the area seaward of the new Highway for the protection of coastal terrace prairie habitat and wetlands; dedication of a new public open space area seaward of the new Highway (including the development of a new off road section of California Coastal Trail (CCT), a new pedestrian and bicycle bridge crossing Scotty Creek seaward of the new Highway alignment, and a new beach accessway to Gleason Beach); and, the restoration of the bluff and beach below the existing alignment where debris from prior armoring efforts (and from some houses) has littered the coastline and limited recreational beach and shoreline use. The primary intent of the project is to implement a long-term solution for this section of Highway 1, ensuring the continued functionality and safety of the roadway, while also minimizing impacts on the significant coastal resources in this area. In addition, it provides for new public open space and public access lands to be given to Sonoma County along with funds for public improvements there. As such, the proposed realignment project not only represents an important adaptation strategy to address coastal hazards, but it also triggers a significant public land acquisition that will ensure protection under the County's stewardship of a significant stretch of California's coast for public access, recreation, habitat, and scenic values.

The Highway 1 project area in question parallels the coastline and, travelling north, rises up from Scotty Creek and Gleason Beach at beach level, ultimately traversing roughly thirty-foot bluffs above a rocky shoreline to the north. The project area is also inland of several residences, four that are located south and nine that are located north of Scotty Creek. The residential subdivision north of Scotty Creek was at one time a continuous row of blufftop houses, but ongoing deterioration of the bluff that threatens the Highway has also resulted to date in the collapse or removal of 12 residences in this area. Two of the remaining houses have been red-tagged, and

one is failing, as are armoring structures fronting houses in this area.¹ Inland of the existing Highway alignment are two large agricultural properties, including the historic Ballard Ranch, an active cattle grazing operation. The roadway is currently protected from erosion in part by a 200-foot long temporary armoring device installed by Caltrans in 2017.

In seeking a solution to the coastal hazard problems at this location, the Applicant evaluated a range of alternatives to avoid coastal resource impacts, with an emphasis on avoiding and/or minimizing impacts to wetlands, ESHA, Scotty Creek, agricultural operations, and the spectacular Sonoma coast viewshed, and after a long and inclusive local public process determined that the proposed project would be the least environmentally damaging feasible alternative to address the myriad of concerns at this location. A “no project” alternative would result in a continuous struggle to protect the roadway from the threat of failure, likely precipitating applications for more permanent armoring structures. Eventually, averting the erosion hazard would become impossible, and loss of this section of Highway 1 would create a gap in the coastal transportation and visitor access system that would require miles of inland detours. Instead, the Applicant has designed an adaptation project that moves threatened infrastructure inland and that provides for restoration and public improvements in the area seaward of the new alignment.

Coastal Act concerns that emerge from the proposed project include visual impacts associated with the creation of a substantially-sized bridge, impacts to recreation and access as beach parking would be eliminated through the removal of informal parking spaces, impacts to special status species through the development in and over sensitive habitats, water quality impacts to Scotty Creek and wetlands, impacts to the natural shoreline through placement of rock slope protection, the displacing and/or otherwise abridging agricultural operations, and impacts to cultural resources within the project site. The Applicant approached the particular resource constraints by incorporating a range of avoidance, minimization and mitigation features into the design of the proposed project. In short, however, although the proposed adaptation project includes important benefits to coastal resources and natural processes along the shoreline, it is also inconsistent with several Coastal Act and Sonoma County Local Coastal Program (LCP) policies. Namely, the realigned highway is not allowed in wetlands, environmentally sensitive habitat areas (ESHAs), or on agricultural land under the Coastal Act and the LCP, and these inconsistencies would normally require denial of the project. Similarly, the large bridge structure is significantly out of character with the scenic Sonoma coast. However, denial of the project would also be inconsistent with the Coastal Act because if the existing highway is left in place, its stability and structural integrity cannot be assured in the face of the advancing shoreline erosion hazards, eventually eliminating the public’s ability to access this important stretch of California’s coast. Losing the lifeline link of Highway 1 in this area would create a gap in the coastal transportation system that would require 27 miles of inland detours.

In cases like these, the Coastal Act allows for such conflicting policy requirements to be resolved in the manner which on balance is the most protective of significant coastal resources. Staff believes that the proposed project, as conditioned, represents the balance that is most

¹ These armoring structures and some related development were installed without benefit of CDPs and are the subject of 20 separate Commission enforcement cases that remain pending (see also Violation findings).

protective of significant coastal resources, including providing for significant restoration along the existing highway alignment, the restoration and enhancement of Scotty Creek and wetlands, as well as construction of the CCT and related public access improvements adjacent to the shoreline. Notably, Caltrans partnered with Sonoma County to create an in-lieu fee for visual mitigation, which the County will apply to the restoration of the beach and bluff areas adjacent to the existing roadway alignment that area currently degraded by debris. For restoration of Scotty Creek, Caltrans partnered with the local Resource Conservation District (RCD), the Gold Ridge RCD, to secure an agricultural and conservation easement over portions of the project site to enhance both habitat and agricultural operations. In terms of the CCT, Caltrans has partnered with Sonoma County in such a way that Caltrans will fund, and the County will oversee construction, operation and maintenance of an off-road segment of the CCT, supporting access amenities and a beach accessway in the area seaward of the realigned highway. As such, the proposed realignment project not only represents an important adaptation strategy to address coastal hazards, but it is also initiates partnerships for the restoration and protection of a significant stretch of California's coast and improving public access, recreation, sensitive habitat, and scenic values as much as possible in the project context. The new realigned highway and these access and restoration commitments form the cornerstone for being able to find the project overall the most protective of significant coastal resources, as required by the Coastal Act.

Therefore, as conditioned, the project can be found consistent with the Coastal Act, and staff recommends approval of the CDP. The motion is found on page 6 below.

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Appendix A – Substantive File Documents

Appendix B – Staff Contacts with Agencies and Groups

EXHIBITS

Exhibit 1 – Project Location and Vicinity Map

Exhibit 2 – Erosion Hazards

Exhibit 3 – Proposed Project Plans

Exhibit 4 – Proposed Rock Slope Protection Plans

Exhibit 5 – Proposed Public Access Plans

Exhibit 6 – Visual Simulations of Proposed Project

Exhibit 7 – Visual and Hazard Mitigation Area

Exhibit 8 – Habitat Maps

Exhibit 9 – Easement Maps

CORRESPONDENCE

I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number 2-18-0078 pursuant to the staff recommendation, and I recommend a yes vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 2-18-0078 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 period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Approved Project.** This CDP authorizes the following development subject to the terms and conditions of this CDP:
 - a. **New Realigned Highway 1.** Construction of a realigned segment of Highway 1 roadway and related features such as bridges, residential access roads, drainages, landscaping, etc., as well as associated temporary construction-related development such as grading, trestles, haul roads, etc. (as depicted in Exhibit 3).
 - b. **Old Highway 1.** Removal of the existing Highway 1 roadway prism, including the existing double culverts and, with exception of those roadway segments specifically identified for reuse for trail and other recreational/access purposes, restoration of the affected area after roadway prism removal (as depicted in Exhibit 3).
 - c. **Habitat Restoration and Enhancement.** Habitat restoration and enhancement of the Scotty Creek floodplain and adjacent coastal prairie terrace habitat (as depicted in Exhibits 8 and 9, and also as represented by terms of Special Conditions 10, 11, 14 and 15).
 - d. **Debris Hazard and Visual Mitigation.** Clean up, restoration and enhancement of the blufftop, bluff, and beach areas identified as the Gleason Beach “Coastal Hazards Clean Up Area” (as depicted in Exhibit 7, and also as represented by terms of Special Condition 7).
 - e. **Public Access and California Coastal Trail Improvements.** Construction of an accessway to the beach at Scotty Creek and an off-highway California Coastal Trail, along with related development (e.g., grading, landscaping, drainage, etc.), and construction of parking areas, bridges, signs, boardwalks, viewing areas, benches, and other related public access amenities (as depicted in Exhibit 5, and also as represented by terms of Special Conditions 4, 5, and 6).

The Approved Project is as identified on the submitted project plans (i.e., titled “Attachment 2. Project Plans” and dated received in the Coastal Commission’s North Central Coast District Office on January 25, 2018; also as depicted in Exhibit 3) as modified by these special conditions. All requirements of the Approved Final Plans for the Approved Project (see Special Condition 2) shall be enforceable components of this CDP. The Permittee shall undertake all development in accordance with this condition and the Approved Project parameters.

2. **Final Plans.** PRIOR TO CONSTRUCTION, the Permittee shall submit, for the review and written approval of the Executive Director, two full-size sets of Final Plans that are substantially consistent with the proposed project plans (titled “Attachment 2. Project Plans” and dated received in the Coastal Commission’s North Central Coast District Office on January 25, 2018; also as depicted in Exhibit 3), but that are modified to address the following:

- a. **Highway 1 Shoulder Widths.** Shoulder widths shall be no more than 8 feet total as measured from the fog line (up to a maximum of 4-foot paved and 4-foot unpaved shoulders). The paved area of the shoulder is allowed to taper slightly wider than 4 feet at (1) the bridge approaches, by the minimum amount necessary to match up with the paved bridge shoulders; and (2) the approaches to the residential access roads (see below) the minimum amount necessary to allow vehicles to safely bypass cars involved in turning onto the access roads.
- b. **Residential Access Roads.** The residential access roads (connecting the realigned highway to the existing residences north of Scotty Creek and seaward of the existing highway) shall be sited and designed to avoid impacts to biological resources (as depicted in Exhibits 5 and 8) and coastal hazards, and limit public visual impacts to the maximum degree feasible. The access roads will allow for residential as well as general public use, and shall be as narrow as possible while still meeting all relevant standards for emergency vehicle access, unless additional width is needed for public parking as determined by the Public Access Plan process (see Special Conditions 4, 5, and 6). The residential access roads shall be removed and the area restored to natural conditions if and when the roads are no longer needed for residential access, unless some portion of the roads are to be retained pursuant to the approved Public Access Plan.
- c. **Bridge Shoulders.** The width of the shoulders on the Highway 1 bridge over Scotty Creek shall generally be 6 feet wide except on the inside of the horizontal curves where they will be 8 feet wide for safety purposes.
- d. **Bridge Railings.** All bridge railings, including along the travel lanes and for the western railings of the separated pedestrian and bicycle facility, shall be sited and designed to retain through views and limit visual impacts otherwise as much as possible.
- e. **Drainage and Water Quality Protection.** The Final Plans shall include a Post-Development Runoff Plan that details the hydrology, sizing, and design and location of the Treatment BMPs (TBMPs) that will be used to capture and treat, to the greatest extent feasible, runoff from all new and remaining (i.e., currently existing) pavement surfaces, and to collect and direct other project area drainage and runoff in a manner most protective of coastal resources. The Plan shall include any other information, design details, and calculations necessary to demonstrate that long-term protection of water quality will be achieved.
 - 1. The Plan shall include calculations supporting TBMP design criteria. TBMPs shall be sized to capture and treat runoff associated with, at minimum, the 85th percentile 24-hour storm event; TBMPs shall capture greater storm events where feasible. On-site infiltration shall be prioritized. For any impervious surface where it is infeasible to treat runoff, an alternative compliance strategy shall be included.
 - 2. The Plan shall provide TBMPs for bridge runoff using earthen-based bio-treatment and infiltration where feasible, and shall consider, and deploy where feasible, proprietary filtration devices such as drain inserts or downspout filters. The Plan shall

use state of the art trash capture devices, as feasible, and include design details and maintenance requirements for the devices.

3. Exhibits supporting the Plan shall be submitted that show the locations of each TBMP and shall delineate the road surface areas that will be treated in each TBMP. The exhibits shall include tables that quantify the percentage of impervious surfaces that will be treated by TBMPs and impervious surfaces that will be treated by dispersion into vegetated areas for net new pavement, as well as for total post-project pavement.
- f. **Rock Slope Protection.** Rock slope protection on the south side of the restored mouth of Scotty Creek and along the remaining Highway 1 approach shall be confined to an area of no more than 110 linear feet and limited to a slope of no more than 2:1 (as depicted in Exhibit 4)
- g. **Landscaping.** All landscaping shall be sited and designed to protect against biological harm and to enhance public views. The Plans shall identify the removal of all existing non-native and invasive plants (including all ice plant) in the project area and the replanting of these areas, as appropriate, with native coastal species. All landscaped areas shall be maintained in a litter-free, weed-free, and healthy growing condition. All irrigation systems shall limit water use to the maximum extent feasible, including using irrigation measures designed to facilitate reduced water use (e.g., micro-spray and drip irrigation). No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the site. All plants used for rock slope protection screening purposes shall be replaced as necessary to maintain the approved vegetation and its screening capacity for as long as the rock slope protection (or any variation thereof) remains in place.

All requirements above and all requirements of the approved Final Plans shall be enforceable components of this CDP. The Permittee shall undertake all development in accordance with this condition and the approved Final Plans.

3. **Highway Configuration.** The approved highway segment shall be limited to a two-lane highway in perpetuity.
4. **Public Access Plan – Parameters and Specifications.** The approved project includes required public access improvements designed to enhance public recreational access in the project area, with the objective of maximizing public recreational access and utility, including specifically through cohesive and continuous California Coastal Trail (CCT) and related beach access improvements in the project area. The public access improvements are to be developed through a cooperative program between the Permittee and Sonoma County, as described in this condition and Special Conditions 5 and 6.
 - a. **Public Access Improvements.** The required public access components of the approved project include the dedication of a public open space recreational area (that may become

a new Sonoma County Open Space) and construction of sections of the CCT with interpretive elements, a CCT bridge over Scotty Creek, coastal viewing overlooks, public benches, tables and other access amenities, as well as a public access easement to and over the sandy beach generally southwest of the Scotty Creek outlet (see Special Condition 13), a vertical accessway to the sandy beach over the shoreline rock slope protection (RSP), and parking areas for beach and CCT users.

- b. Public Access Plan.** No later than June 30, 2020, a Final Public Access Plan shall be developed for Executive Director review and approval that identifies all such public access improvements in greater detail (as required by Special Conditions 5 and 6), and all such improvements shall be in substantial conformance with the proposed public access plans (titled “Figure 1: Proposed Gleason Beach Roadway Realignment Public Access Components” and dated received in the Coastal Commission’s North Central Coast District office on April 4, 2018 (see Exhibit 5), as modified to conform to this CDP and its terms and conditions. All access improvements shall be sited and designed in such final plans to maximize public recreational access opportunities, including with respect to coastal view opportunities, while minimizing visual intrusion, including through use of materials that blend with the natural environment and reflect the rural character of the area, as well as to avoid, minimize and mitigate any impacts to other coastal resources. General provisions that will be required include:

- 1. CCT.** All CCT provisions shall incorporate the following design principles and specifications:
 - The initial CCT alignment shall be safely sited to be as close as possible to the sight, sound and smell of the ocean and to avoid, minimize and mitigate any potential impacts to natural and cultural resources (including as identified in Exhibit 5 and 8) and shall also be designed and managed to allow for the inland migration of the trail alignment as needed to adapt to erosion and other natural forces and in order to continuously maintain the connectivity of the trail system in this area. Final siting decisions about the CCT alignment shall protect against any significant disruption of the habitat values of the environmentally sensitive habitat areas identified in the biological reports and on site.
 - User group (including not but limited to pedestrian and cyclist) needs, as well as opportunities for providing Americans with Disabilities Act (ADA) compliant features, shall be factored into the siting, design, construction and maintenance of the trail system, parking areas and connecting beach access.
 - To the maximum extent possible resource impacts shall be avoided, balanced with creating a positive recreational experience, and appropriate sections of the existing Highway 1 shall be repurposed for trail use and the remaining unused road and road prism shall be restored to natural conditions.
 - Protection of the rural character of the project area shall factor into the CCT design, including curvilinear alignment features, widths not exceeding that which is necessary to safely accommodate trail users, and generally a durable and

unpaved surface with a natural appearance, where similar surfacing will be employed for the connected overlooks.

- Design and construction of the CCT and other access amenities shall provide for cultural and archaeological protections required by the Sonoma County LCP and be consistent with Special Condition 12.
 - The trail shall be constructed using best professional standards and building techniques to avoid erosion, particularly from the concentration of drainage flows. Where concentrated flows cannot be avoided, appropriate energy dissipation shall be used that favors bio-engineering over hard solutions.
 - The CCT alignment shall incorporate allowances for connections to the north and south of the project area, particularly relative to interim and long-term connections to the immediately adjacent State Parks lands. Consideration may be given to encroachments onto the edges of the new Highway 1 right-of-way (ROW) only if no other viable alternatives exist.
- 2. New Public Open Space Recreational Area.** The project includes dedication of a public open space recreational area to Sonoma County, Sonoma County Open Space District, Sonoma County Land Trust, or other such entity approved by the Executive Director, through Permittee's fee-interest transfer of land between the western ROW of the new Highway 1 alignment and the western ROW of the old Highway 1 ROW approximately from post mile (PM) 15.1 to PM 15.7 as further specified in Condition 13.
- 3. Landscaping.** Any landscaping proposed for the new public open space recreational area shall consist of low-lying, locally-native, coastal prairie habitat species and shall be regularly maintained until the native plantings are established.
- 4. Protection of Public Beach Access.** Prior to the opening of the new Highway 1 alignment, the Permittee shall submit evidence to the Executive Director for review and approval that public access from the existing Highway 1 alignment to the mean high tide line, to and over the sandy beach at Scotty Creek, has been secured in perpetuity; such evidence may be in the form of an executed public access easement transfer to Sonoma County for incorporation into the operation and management of the open space recreational area required under Special Conditions 6 and 13, or in the form of completing litigation to quiet title to public access easements that have been acquired through implied dedication based upon a prescriptive rights study.
- 5. Use Provisions.** The CCT and all other public access components associated with the approved project, including public sandy beach areas at Scotty Creek, shall remain available to the public free of charge 24 hours a day, 365 days a year, except that the County may set up temporary hazards closings or direct users away from any hazardous conditions that may be encountered on the CCT or within the new County open space recreational area; similar additional County management measures may be proposed within the final Public Access Plan described in Special Condition 5 that

will be submitted for review and approval by the Executive Director for consistency with this CDP. The Gleason Beach Coastal Access Taskforce will evaluate whether any additional management measures relative to parking lots, overlooks or other areas may be warranted to protect resources or improve overall management of the open space recreational area and will make recommendations within the final Public Access Plan for the Executive Director's review and approval.

- 5. Public Access Plan – Development and Implementation.** The required public access improvements shall be further refined and ultimately installed through a two-phased process. The Permittee shall enter into a cooperative agreement(s) with Sonoma County to provide for a two-phased disbursement of funds totaling \$1.2 million to underwrite the County's participation in the environmental planning, design, construction and management of the required public access improvements associated with this project. The Permittee shall ensure that the cooperative agreement(s) shall identify the responsibilities of the Permittee and Sonoma County for establishment of the new public open space recreational area and development of public access improvements described in Special Conditions 4 and 5. At a minimum, the Permittee shall ensure that the following roles and responsibilities are required elements of the cooperating agreement(s):
 - a. Phase I Public Access Plan.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall provide evidence, in a form and content acceptable to the Executive Director, that the Permittee has deposited an initial disbursement of funds in the amount of \$200,000 into an account specifically established for Sonoma County to form a Gleason Beach Public Access Taskforce and to complete public access planning and design decisions for the creation of the new public open space recreational area and other related public access improvements associated with this CDP.
 - 1. Gleason Beach Coastal Access Taskforce.** The cooperative agreement(s) shall specify that within six months of the issuance of the CDP, Sonoma County shall convene the Gleason Beach Coastal Access Taskforce (Taskforce) consisting of Sonoma County, Coastal Commission, State Coastal Conservancy and Caltrans representatives as well as other appropriate stakeholders interested in coastal public access within the new public open space recreational area at and around Gleason Beach; agreement provisions shall also ensure that the Taskforce meets regularly to provide input and guidance on Sonoma County's completion of Phase I and II of the Public Access Plan in coordination with the Permittee.
 - 2. Phase I Responsibilities.** Planning activities are necessary to inform design, construction and operation activities in Phase II. The Permittee shall ensure that the cooperating agreement(s) transfer the funds and specify the roles and responsibilities of the Permittee and Sonoma County during Phase I activities, including:
 - **Sonoma County**, under the funding agreements, will be responsible for planning, in consultation with other stakeholders, the general (1) alignment of the CCT, including the approximate location of the CCT bridge over Scotty Creek within the existing Highway 1 ROW; (2) location of at least 16 public parking spaces to be distributed to the north and the south of Scotty Creek; (3) location and type of

vertical public access to be provided at Scotty Creek beach; (4) location of at least one overlook viewing area that will be sited on the blufftop immediately north of Scotty Creek in addition to any other appropriate overlook/resting sites identified by the Taskforce; (5) feasibility of ADA compliant parking, viewing and/or other access features within the public open space recreational area; and (6) needs and locations for other public access amenities such as trash/recycling bins, benches, bike racks, etc.

- **Caltrans** will be responsible for (1) participating in the County’s Taskforce; (2) ensuring that the new residential driveways from the new Highway 1 alignment and their functioning connections on segments of the old Highway 1 (as depicted on Exhibit 3) are designed to meet Special Condition 2b standards; (3) providing at least 16 parking spaces into the designs of the roadway network that will service the public open space recreational area and adjacent residences; and (4) developing plans for the removal and restoration of unneeded areas of the old Highway 1 alignment, including incorporation of restoration efforts as required upon County and Executive Director determinations that the Permittee’s geotechnical evaluation and recommendations of emergency structural work performed at PM 15.3-15.6 meet the requirements of Sonoma County emergency permit CPH16-0010 conditions.

3. Initial Public Access Improvement Plan. The Permittee shall ensure that the cooperating agreement includes a commitment by Sonoma County to co-produce, no later than December 31, 2019, an Initial Public Access Improvement Plan with the following minimum contents:

- A narrative description of the public access components and how they will comply with the requirements of Special Conditions 4 and 5, along with a schematic map identifying the locations of required public access components, including the CCT alignment, the sandy beach accessway, CCT bridge, overlooks, parking spaces and other identified public access areas and amenities.
- An overview of the sequencing, timing and coordination of activities to be addressed in the Phase II Public Access Plan, as well the sequencing, timing and coordination with other concurrent project activities, including: removal of the existing Scotty Creek box culverts and restoration of the floodplain, the placement of rock slope protection at the edge of the existing Highway 1 on the sandy beach area at Scotty Creek, and the County’s activities associated with the cleanup and disposal of debris along the bluff and shoreline within the Coastal Hazards Clean Up Area as required by Special Condition 7.
- A schedule and scope of work for the completion of the Phase II Public Access Plan as described subsection (b) of this Special Condition.

Two sets of the Phase I Public Access Plan shall be submitted to the Executive Director no later than December 31, 2019 for review and approval based on the Phase I Plan’s consistency with Special Conditions 4 and 5.

b. Phase II Public Access Plan. WITHIN 30 DAYS OF THE EXECUTIVE DIRECTOR'S APPROVAL OF THE PHASE I PUBLIC ACCESS PLAN, the Permittee shall provide evidence, in a form and content acceptable to the Executive Director, that the Permittee has deposited the second disbursement of funds in the amount of \$1 million into the previously established account dedicated to Sonoma County to complete planning, construction, operation and maintenance of all access components of the new open space recreational area and other related public access improvements associated with this CDP.

- 1. Phase II Responsibilities.** Phase II is designed to finalize and implement the final Public Access Plan. The Permittee shall ensure that the cooperative agreement(s) specify the roles and responsibilities of the Permittee and Sonoma County during Phase II activities, including:
- 2. Sonoma County Responsibilities.** Sonoma County shall continue to convene the Gleason Beach Coastal Access Taskforce as appropriate to offer input and guidance to the County on the specific parameters for the following:
 - Siting and design for the CCT bridge over Scotty Creek, including (1) estimating the bridge length necessary to span the restored Scotty Creek plus any buffers required by the Sonoma County LCP, (2) identifying the minimum widths necessary to accommodate potential users, and (3) identifying measure to facilitate the potential inland migration of the bridge in order to maintain a continuous connection of the CCT over time.
 - Options for CCT connections to the north and south of the project area, particularly relative to interim and long-term connections to the immediately adjacent State Parks lands.
 - Location and general dimensions of overlook viewing areas and recommended amenities (such as trash cans, benches, bike racks, etc.) to be provided at each selected site.
 - Description and location of any other amenities recommended to be provided in other areas of the new public open space recreational area.
 - Signage plan for the new public open space recreational area, including a minimum of two way-finding signs for Highway 1 and the CCT, and a minimum of two educational/interpretive signs about the site's natural geology and ecology and how the project is an adaptive management response to sea level rise. Signage for any ADA compliant parking spaces shall also be included. The signage plan shall provide a description of the location and materials of the signs, as well as the proposed message texts, including acknowledgement of Caltrans, Sonoma County, Coastal Conservancy and Coastal Commission contributions to promoting public access and adaptive management at this location and through this project.
 - Native species landscaping and nonnative/invasive species control proposed for the new public open space recreational area.

- 3. Caltrans Responsibilities.** Caltrans shall be responsible for the following:
- Continuing participation in the County’s Taskforce through completion of the Phase II Public Access Plan.
 - Incorporating the location of the at least 16 public parking spaces (including any recommended ADA compliant spaces) identified in the Phase I process into the overall design of the new public open space recreational area and road network.
 - Preparing a native landscaping plan next to and over the rock slope protection (RSP) to soften the visual impact of the RSP.
 - The Permittee shall submit to the Executive Director for review and approval a plan for repurposing portions of the old Highway 1 roadway prism specifically identified for the following uses: existing legally-required residential access, CCT, parking and other recreational support purposes, taking into account the County’s needs for potential temporary road access to complete the bluff and shoreline clean-up activities and providing for the removal of all Highway road prism identified to have no future public purpose use.
- 4. Phase II Public Access Plan.** The Permittee shall ensure that the Phase II Access Plan is completed by Sonoma County and Caltrans no later than June 30, 2020, with the following minimum contents:
- a. Plans.** A narrative description of the specific access components and how they comply with the requirements of Special Conditions 4 and 5, along with plans and a schematic map identifying the locations of all of the required public access components, including the sandy beach accessway (to be designed by Sonoma County), CCT bridge, overlooks, parking spaces and other identified access areas and amenities.
 - b. CCT.** A description of the CCT segments and connections to be completed through the MOA required in Special Condition 6.
 - c. Signs.** A signage plan for the new open space recreational area.
 - d. Implementation.** A proposed schedule of the final Public Access Plan implementation actions that will be carried out pursuant to the MOA described in Special Condition 6 and in coordination with other concurrent project activities, including: removal of the existing Scotty Creek box culverts and restoration of the floodplain, the placement of RSP at the edge of the existing Highway 1 on the sandy beach area, and the County’s activities associated with the cleanup and disposal of debris along the bluff and shoreline within the Coastal Hazards Clean Up Area as required by Special Condition 7.
 - e. MOA.** Either a copy of the draft MOA required by Special Condition 6 or a report on the progress of the development of the draft MOA with a specified deadline for its completion.

Two sets of the final Phase II Public Access Plan shall be submitted to the Executive Director no later than June 30, 2020 for review and approval based on the Phase II Public Access Plan's consistency with Special Conditions 4, 5, and 6.

- 6. Public Access Plan – Memorandum of Agreement (MOA).** In conjunction with Phase II Public Access Plan activities (as required by Special Conditions 4 and 5), the Permittee shall submit a Memorandum of Agreement (MOA) with Sonoma County for Executive Director review and approval no later than December 31, 2020. The MOA shall be consistent with the requirements of this CDP and its terms and conditions for the: (a) construction and implementation of all access components identified in the final approved Phase II Public Access Plan; (b) fee-interest transfer of all lands between the western edge of the right-of-way (ROW) of the new Highway 1 alignment and the western edge of the ROW of the old Highway 1 ROW approximately from post mile (PM) 15.1 to PM 15.7 from Caltrans to Sonoma County, Sonoma County Open Space District, or another entity approved by the Executive Director as Specified in Condition 13; and (c) opening, operation and maintenance of the new public open space recreational area by Sonoma County. The Permittee shall work with Sonoma County to ensure that, at a minimum, the MOA clearly identifies the roles and responsibilities of Caltrans and Sonoma County, and provides for all of the following:

 - a. Sonoma County Responsibilities.** Under the terms of the funding agreement, Sonoma County shall:

 - 1. Final Construction Plans.** Design the final plans for the construction and installation of (a) all elements of the CCT, including erosion control and surfacing; (b) the CCT bridge connection over Scotty Creek, including necessary abutments; (c) ADA compliant viewing platforms and other access features identified and approved in the final Phase II Public Access Plan; (d) public open space recreational area signs, per the approved signage plan; and (e) any proposed native species landscaping. These plans shall be submitted to the Executive Director for review and approval.
 - 2. Restoration of Highway 1 Removal Areas.** Submit to the Executive Director for review and approval a plan for restoring, to coastal prairie habitat, those areas of the existing Highway 1 roadway prism that will be removed by the Permittee pursuant to Special Condition 5.b.1.b.
 - 3. Access Amenities Available for Public Use.** All access improvements and amenities identified in Special Conditions 4, 5, and 6 shall be constructed and available for general public use, including the vertical accessway to the sandy beach, no later than two years after the opening of the new Highway 1 realignment (although the County may – and is encouraged to – allow for partial use of certain access components prior to the opening of the entire new public open space recreational area for public access).
 - 4. Ongoing Operations.** Develop a long-term Operations and Maintenance Plan that maximizes public use and enjoyment of the County open space recreational area, protects sensitive resources, conforms with Special Conditions 4, 5, and 6, and reflects the commitments and recommendations in the final approved Phase II Public

Access Plan. The Operations and Maintenance Plan shall include, at a minimum, provisions for: continuous public access 365 days a year; trash collection and disposal; responses to hazardous conditions; control of nonnative/invasive plant species; repair, maintenance and potential relocation of all access features (roads, trails, the CCT bridge, overlooks, parking areas, benches, signs, beach access, approved RSP, etc.) within the public open space recreational area as well as any anticipated County public safety enforcement; and all other parameters necessary for compliance with the CDP terms and conditions. This plan shall be submitted to the Executive Director for review and approval.

b. Caltrans Responsibilities. Caltrans shall:

- 1. Driveways.** Construct/repurpose the new residential driveways from the new Highway 1 alignment (including their functioning connections on the old Highway 1) to County standards, including the public parking areas identified in the final Phase II Public Access Plan.
- 2. Landscaping.** Install the approved native landscaping plan next to and over the RSP to soften the visual impact of the RSP.
- 3. CCT Connectivity.** Cooperate with Sonoma County in providing allowances for CCT connections to the north and south of the project area, particularly relative to interim and long-term connections to the immediately adjacent State Parks lands, including trail encroachments onto the edges of the new Highway 1 ROW if no other viable alternatives exist.

c. Implementation Timeline. An implementation schedule shall be included in the MOA that identifies expected installation timelines for the improvements and amenities described above, all of which shall be constructed, installed, operational, and available for general public use no later than January 31, 2021.

d. Transfer of Lands. As soon as the Permittee has constructed the residential access roads and public parking areas (including repurposing segments of the existing highway that will be incorporated into the new public open space area road network and removing sections of the existing Highway 1 pavement and roadway prism that have no future use), and otherwise met all of their obligations under the approved Phase II Public Access Plan and the MOA, they shall transfer lands for the public open space recreational area (and potential future new County Open Space) lands to Sonoma County as prescribed by Special Conditions 6 and 13. Upon this transfer, except to the extent that the MOA identifies some continuing obligation on Caltrans part, the County will assume the rights and obligations under this permit for the development located on land transferred to the County, and Caltrans will not be held responsible thereafter for any aspect of the environmental compliance, development, construction, and maintenance of the public open space recreational area and the continuing public access conditions of this CDP which shall be met by the County under the provisions of the MOA.

- e. **Additional Sonoma County Responsibilities.** The MOA shall describe the roles and responsibilities of Sonoma County for complying with any additional permitting requirements from other agencies for the implementation of approved Phase II Public Access Plan components/activities.
- f. **Reporting.** The MOA shall provide for annual written reports to be submitted by Sonoma County, with input from the Permittee, to the Executive Director on the progress made toward the completion of the overall coastal access improvements and CCT until such time that all improvements have been completed and the new open space recreational area is opened to the public in the manner that is required by the terms and conditions of this CDP.
- g. **Interpretation.** Unless resolved by the Executive Director, any dispute concerning compliance with or interpretation of any provision of the MOA shall be resolved by the Coastal Commission.
- h. **Contingency.** The MOA shall include provisions to address any failure by the Permittee or Sonoma County to implement the requirements of Special Conditions 4, 5, and 6 of this CDP consistent with the CDP's terms and conditions.

Minor adjustments to the MOA and the approved Final Phase II Public Access Plan that are in substantial conformance with the terms and conditions of this CDP may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. All requirements above and all requirements of the approved MOA and the approved Final Phase II Public Access Plan shall be enforceable components of this CDP. Caltrans shall undertake all development in accordance with this condition and the approved MOA and approved Final Phase II Public Access Plan.

7. **Debris Hazard and Visual Impact Mitigation Fee.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE REALIGNED HIGHWAY, the Permittee shall provide evidence in a form and content acceptable to the Executive Director that a total of \$4.2 million has been transferred to Sonoma County (based on a cleanup cost estimate of \$3,770/linear foot for 1,114 linear feet within the "Coastal Hazards Clean Up Area" identified along the bluff and shoreline at Gleason Beach; as depicted in Exhibit 7). This fee is required in lieu of the Permittee directly performing the debris hazard and visual impact mitigation for this project, and for a specific number of surplus mitigation credits to serve as a bank for future Caltrans' projects.
- a. **Mitigation Credit.** Within the Coastal Hazards Clean Up Area, 850 linear feet of the area is for the hazards and visual impact mitigation required for the Gleason Beach Realignment Project (including 450 linear feet of upper bluff debris area that must be cleaned up under emergency permit requirements, and 450 linear feet of lower bluff and shoreline area, to contribute toward offsetting overall debris hazards and visual impacts from the realignment project). The clean-up of the entire 1,114 linear foot area through this fund will leave a remaining balance of 264 linear feet available to Caltrans to bank as mitigation credit that may be applied through CDPs issued for future improvements along

the Sonoma Coast Highway 1 corridor with unavoidable visual and debris hazard impacts.

- b. Mitigation Account.** The required in lieu fee of \$4.2 million shall be deposited into an interest bearing account, to be established and managed by Sonoma County for the express purposes of funding administrative, planning, acquisition, construction, oversight, restoration, maintenance and repair costs associated with the full clean up and disposal of debris along the bluff and shoreline within the Coastal Hazards Clean Up Area. The entire fee and accrued interest shall be used for the above stated purposes and, if any funding balances remain after the completion of the work required within the Coastal Hazards Clean Up Area, the County, with the written consent of the Executive Director, may apply those funds to similar clean up efforts to the north and south of the Clean Up Area identified in Exhibit 7.
- c. Executive Director Approval Required.** Prior to expenditure of any funds contained in this account, the Executive Director shall review and approve, in writing, that the proposed use of the fund is consistent with the intent and purpose of this condition.
- d. MOU.** Sonoma County shall enter into a memorandum of understanding (MOU) with the Commission for implementation of this in-lieu fee program, which shall include, but not be limited to, the following:

 - 1. Sonoma County Role.** A description of the roles and responsibilities of Sonoma County as the administrator of the in-lieu fee program, including executing the requirements for the Coastal Hazards Clean Up Area as described in this condition. Sonoma County shall be responsible for complying with any additional permitting requirements from other agencies for the implementation of the debris hazards and visual impact mitigation activities.
 - 2. Executive Director Role.** A process for review and approval by the Executive Director of all development funded by this account, including any determinations that may be needed (in consultation with the County) of whether or not a separate CDP is required for any of the proposed work.
 - 3. Final Plan.** A schedule and scope of work for submitting, prior to the opening of the new Highway 1 alignment to traffic, a *Final Bluff and Beach Hazards Clean Up Plan* describing all clean-up activities in more detail, including techniques for debris removal and disposal, mapping of work and staging areas, coordination to avoid any potential conflicts with Caltrans' activities to repurpose and restore the old Highway 1 roadway prism on the blufftop, methods for limiting coastal resource impacts from these activities, restoration goals and activities, and milestones for completion of tasks.
 - 4. Written Reports.** A commitment by Sonoma County to submit annual written reports to the Executive Director on the progress made toward the completion of the requirements and goals within the approved *Final Bluff and Beach Hazards Clean Up*

Plan until such time that all beach and bluff restoration has been completed in accordance with this condition.

5. **Dispute Resolution.** A provision specifying that any dispute concerning compliance with or interpretation of, any provision of the MOU that cannot be resolved by the Executive Director shall be forwarded to the Coastal Commission for resolution.
 6. **Contingency Planning.** A provision to address any failure by the Permittee and Sonoma County to implement the MOU consistent with the requirements of this CDP, including but not limited to transfer of the funds to an alternate Executive Director-approved entity able to restore the coastal bluff as described in the MOU.
 7. **MOU Adjustments.** Minor adjustments to the MOU that are in substantial conformance with the terms and conditions of this CDP may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
- e. **Caltrans Obligations.** Upon approval of the MOU by the Executive Director and the transfer of the \$4.2 million in-lieu fee from Caltrans into Sonoma County's interest-bearing account, Caltrans obligations under this special condition are met, except to the extent that the MOU identifies any continuing Caltrans obligation. Caltrans will not be held responsible thereafter for the Debris Hazard and Visual Impact Mitigation required by this condition, and Sonoma County takes on the obligations of this condition as specified in the MOU. If the transfer of funds occurs through a cooperating agreement (or equivalent instrument) between Caltrans and Sonoma County, that agreement shall be submitted to the Executive Director for review and approval prior to execution.
8. **Construction and Pollution Prevention Plan.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director for review and written approval, two copies of a Construction and Pollution Prevention Plan. The Plan shall be in substantial conformance with the preliminary Erosion Control Plans (as depicted in Exhibit 3), but shall be augmented to list and describe all Source Control and Treatment BMPs that will be employed by the contractor, and to show the locations where each such BMP will apply. The Plan, shall, at a minimum, also include:
 - a. **Construction Areas.** The Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities or staging are to take place shall be minimized to the maximum extent feasible in order to have the least impact on coastal resources.
 - b. **Construction Timing.** Construction grading shall be avoided during the rainy season (i.e., between November 1st and April 1st, inclusive), and any grading during this time frame shall be subject to Executive Director review and approval of a wet weather addendum to the Construction Plan. All work shall take place during daylight hours (i.e., from one hour before sunrise to one hour after sunset), and lighting of any habitat areas or the beach is prohibited.

- c. Construction Methods.** All construction methods to be used, including all methods to keep the construction areas separated from public recreational use areas (e.g., using unobtrusive fencing or equivalent measures to delineate construction areas) shall be clearly identified on the construction site map and described in a narrative description. All beaches, beach access points, and other recreational use areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. The Plan shall include measures designed to ensure continuous safe pedestrian and bicycle access from north to south through the project area for the duration of construction.
- d. Construction BMPs.** The Plan shall identify the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality and related coastal resources, including at a minimum all of the following:

 - 1. The Plan shall minimize land disturbance and soil compaction, minimize damage or removal of vegetation, avoid plastic netting in temporary erosion and sediment control products, and shall prohibit plastic or foreign debris in mulch or in compost used on the site.
 - 2. The Plan shall include a map showing staging areas, soil stockpile locations, and locations of all construction BMPs, and shall include details on how water quality will be protected during dewatering or when excavations encounter groundwater or surface flows.
 - 3. Staging and storage of construction equipment and materials shall occur in inland areas at least 50 feet from coastal waters, drainage courses, and storm drain inlets.
 - 4. Construction is prohibited outside of the defined construction, staging, and storage areas.
 - 5. The Plan shall include erosion control BMPs, sediment control BMPs, tracking control BMPs, chemical and material storage BMPs, and site management “good housekeeping” BMPs; a schedule of BMP installation and construction phasing with soil stabilized as soon as feasible; and a description of BMP management (operation, maintenance, inspection, and training), as well as any other relevant information regarding the protection of water quality during construction. The Plan shall also include calculations that demonstrate proper sizing of BMPs and shall identify any temporary BMPs that will be converted to permanent post-development BMPs.
- e. Construction Site Documents.** The Plan shall specify that copies of the signed CDP and the approved Construction and Pollution Prevention Plan be maintained in a conspicuous location at the construction job site at all times, and be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction and Pollution Prevention Plan, and the public review requirements applicable to them, prior to commencement of construction.

- f. Construction Coordinator.** The Plan shall specify that a construction coordinator be designated who may be contacted during construction should questions or emergencies arise regarding the construction (in case of both regular inquiries and emergencies), and that his/her contact information (i.e., address, phone numbers, email address, etc.) including, at a minimum, a telephone number and an email that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information readily visible from public viewing areas while still protecting public views as much as possible, along with indication that the construction coordinator should be contacted in the case of questions or emergencies. The coordinator shall record the contact information (address, email, phone number, etc.), and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. All complaints and all actions taken in response shall be summarized and provided to the Executive Director on at least a weekly basis.
- g. Construction Reporting.** The Plan shall require the Permittee to submit quarterly reports reflecting progress and status of the project, including an identification of any outstanding issues that may have arisen since the last progress report, or are anticipated to arise in the foreseeable future. The Plan shall be updated as necessary to accurately reflect operations.
- h. Construction Specifications.** All construction specifications and materials shall include provisions for ensuring that all construction personnel are briefed on the CDP terms and conditions, and shall include appropriate penalty provisions that require remediation for any work done inconsistent with the terms and conditions of the CDP.
- i. Notification.** The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office at least three working days in advance of (1) commencement of construction or maintenance activities, and immediately upon completion of construction or maintenance activities, and (2) of any anticipated changes in the schedule based on site conditions, weather or other unavoidable factors. Any changes in the construction operation that impact the effective implementation of the approved Construction and Pollution Prevention Plan shall be reported to the Executive Director for review and written approval in advance of the change, and documented in an updated version of the Plan.

All requirements above and all requirements of the approved Construction and Pollution Prevention Plan shall be enforceable components of this CDP. The Permittee shall undertake development in conformance with this condition and the approved Construction and Pollution Prevention Plan, unless the Commission amends this permit or the Executive Director provides written determination that no amendment is legally required for any proposed minor deviations.

- 9. Updated Habitat Impact Report.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director for review and written approval, two copies of an Updated Habitat Impact Report. The Report shall clearly identify the location, size, and condition of wetlands and upland ESHA within the project

area before and after construction, and temporary and permanent project impacts shall be identified. The Report shall account for the following:

- a. Permanent Impacts.** Permanent impacts include those areas of wetlands and upland ESHA that are to be developed, or that will be frequently disturbed to maintain the development, or where during development the ground will be significantly disturbed and the vegetation killed, or where the impact to the habitat lasts longer than one year.
 - 1. Mitigation.** Mitigation shall be provided for any identified permanent impacts at a ratio of not less than 4:1 for wetlands and 3:1 for upland ESHA. Mitigation for loss of larval habitat for the Myrtle's silverspot butterfly shall take the form of establishment of *Viola adunca* at a ratio of not less than 3:1 within an area at least equivalent to the habitat area lost.
 - 2. Post-Construction Survey.** The actual extent of permanent impacts to wetlands and upland ESHA shall be assessed with a post-construction survey and a report shall be submitted to the Executive Director within 90 days after completion of the project. Differences from the expected impacts shall be documented and mitigation requirements adjusted to reflect such changes.
- b. Temporary Impacts.** Temporary impacts include all other impacts to wetlands and upland ESHA that do not constitute permanent impacts as defined in subsection (a) above. The existing condition of wetland and upland vegetation within the area of expected temporary impacts shall be documented.
 - 1. Post-Construction Survey.** The extent of temporary impacts to wetlands and upland ESHA shall be assessed and documented with a post-construction survey 90 days after the completion of construction activities in the area in question to determine actual impacts. Mitigation measures will be necessary if any impacts are detected by the 90-day post-construction survey. If the 90-day post-construction survey identifies permanent impacts, including as evidenced by significant ground disturbance or vegetation clearance or death, they shall be mitigated as specified above for permanent impacts.
 - 2. Mitigation.** If the 90-day post-construction survey identifies that temporary impacts remain, the area shall be restored at a 1:1 ratio.
 - 3. Restoration.** All impacts that are identified as temporary beyond the 90-day self-recovery period shall be restored to include, at a minimum, replanting with locally collected native species, and removal of all non-native plant species in wetlands.
 - 4. Success Criteria.** Final performance monitoring shall demonstrate vegetative cover at least equivalent to the pre-impact condition or at least 90% vegetative cover in the areas disturbed by construction activities. Final performance monitoring for assumed temporary impacts shall take place 1 year following completion of the construction activities that caused the impact. Any remaining impacts are, by definition, permanent.

5. **Post-Restoration Survey.** Within 30 days of completion of the restoration work, the Permittee shall submit a post-restoration survey demonstrating that the areas of temporary impact have been revegetated.
6. **Additional Reporting.** A survey shall be conducted one year after revegetation to determine if the restoration has been successful. If this survey demonstrates the revegetation has been unsuccessful, in part or in whole, the survey report shall include a plan, for the approval of the Executive Director, for remediation and additional reporting.

All requirements above and all requirements of the approved Updated Habitat Impact Report shall be enforceable components of this CDP. The Permittee shall undertake development in conformance with this condition and the approved Updated Habitat Impact Report, unless the Commission amends this permit or the Executive Director provides written determination that no amendment is legally required for any proposed minor deviations.

10. Habitat Mitigation and Monitoring Plans. PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans shall submit two copies of each Habitat Mitigation and Monitoring Plan (i.e., each habitat type shall have a separate mitigation and monitoring plan) to the Executive Director for review and written approval. Individual Plans shall be submitted for wetlands, Myrtle’s silverspot butterfly habitat, coastal terrace prairie, riparian habitat, and Scotty Creek stream habitat. Wetland creation shall occur near existing wetlands in areas of non-native plants, if feasible. Coastal terrace prairie, defined as grassland with at least ten percent cover of native grasses and forbs, shall not be converted to wetland. Myrtle’s silverspot butterfly habitat enhancement shall include planting *Viola adunca* in association with other natives, such as *Iris douglasiana*, with which it typically occurs and planting in appropriate areas native species used for nectaring. Where feasible, planting shall be concentrated in areas where some shelter from wind is available. Coastal terrace prairie restoration shall include reducing the abundance of non-native grasses and planting native grasses and forbs within an area at least three times larger than the area impacted by development. Restoration of riparian habitat shall include fencing to exclude cattle and planting of an appropriate diversity of native trees and shrubs within a corridor on each side of the stream that is at least 50 feet wide where possible. The Plan for Scotty Creek shall include creation or enhancement of aquatic breeding habitat for California red-legged frogs and salmonids. Each Plan shall at a minimum include:

- a. **Introduction.** Proposed on-site mitigation for the project’s environmental impacts, including final figures, maps and related information depicting existing biological resources, areas of impact, and mitigation areas for each affected habitat or sensitive species.
- b. **Mitigation Goals.** A clear statement of restoration goals, including the desired habitat type, major vegetation components, sensitive species presence, wildlife support, and hydrological regime for wetlands. A description of the desired habitat should be provided based on a high functioning reference site where feasible, or from literature describing either the site’s historic conditions or “typical” regional habitat conditions.

- c. Methods.** Specification of the final design and construction methods to be used to ensure the restoration sites achieve the defined goals, objectives, time line, best management practices to avoid impacts to species and habitats, and detailed performance standards and contingency plans for adaptive management to be implemented during restoration activities to ensure success. Specific triggers for adaptive management measures shall be identified where appropriate.
- d. Site Preparation.** Plans for restoration, including (1) grading or other site preparation; (2) top soil stock piling and re-use; (3) plant and seed salvaging, (including seed collection from impact areas and adjacent habitat, storage, relocation, and establishment); (4) planting design (including plant palette, source of material, installation methods, and location of species); (5) any proposed irrigation (including method and frequency); (6) removal of all temporary infrastructure after plant establishment; and (7) erosion control measures.
- e. Control of Non-native Species.** Weeding shall be intensive in areas where native revegetation has taken place and shall occur at least monthly until the native vegetation is established and quarterly thereafter, until the native vegetation is sufficiently established to resist colonization by non-native species.
- f. Annual Monitoring Plan.** Provisions for annual monitoring plans that shall include maintenance and remediation activities, assessment methods, interim success criteria, and schedule. Monitoring and remediation of the restoration site shall occur until it has been determined that success criteria have been met or have failed to be met, at the end of the designated monitoring period. In general, visual monitoring shall be monthly until plants are established and then quarterly thereafter. Photographs shall be taken at least annually at the same time of year from fixed points on fixed azimuths. Quantitative monitoring shall take place at least once a year during the period of rapid plant growth and flowering, generally in spring or early summer. Annual monitoring shall be subject to annual reports that shall describe cumulative summaries of monitoring results and include a determination of whether the interim or final success criteria have been met. Annual reports shall be submitted to the Executive Director for review and approval for the duration of the monitoring period.
- g. Success Criteria.** Final success criteria shall be supported by interim criteria, the latter of which are intended to serve as benchmarks and guide adaptive management. Criteria generally include: targets for revegetation cover and type; vegetation species composition, diversity, and distribution; physical parameters such as hydrology; and, target wildlife support functions or usage. Success criteria should insure that the major structure-producing and habitat-defining species (from the Manual of California Vegetation v.2) are present and that there is appropriate species diversity and vegetative cover within each vegetation layer of each habitat type. Success criteria may be fixed values where there is a strong empirical basis, but, where feasible, should be relative to high-functioning reference sites in order to account for environmental variability, such as annual rainfall. Reference sites should be similar to the restoration site with regard to soil

type, aspect, slope, and other relevant abiotic characteristics. Reference sites should be identified and sampled and a quantitative description should be included in the plan.

- h. Evaluation.** The method by which success will be judged, including: (1) type of comparison, including to fixed criteria or relative to reference sites; (2) identification and description of any reference sites that will be used; (3) test of similarity, which could simply be determining whether the result of a census was above a predetermined threshold, but generally will entail a one- or two-sample t-test; (4) the field sampling design to be employed, including a description of the randomized placement of sampling units, sampling unit size, and the planned number of samples; (5) specification of the maximum allowable difference or effect size between the restoration value and the reference value for each success criterion; and (6) where statistical tests will be employed, statistical power analyses to document that the planned sample sizes will provide adequate statistical power to detect maximum allowable differences. For such a test alpha must equal beta; these values are typically 0.10 or 0.20, depending on the expected natural variability of the variables of interest.
- i. Formal sampling design.** The design of the field sampling program needs to relate logically to the performance criteria and chosen methods of comparison. The sampling design and sampling methods need to be described in sufficient detail to enable an independent scientist to duplicate them.
- j. Final Monitoring Report.** A final monitoring report shall be submitted for the review and approval of the Executive Director at the end of the performance monitoring period. The final report must be prepared by a qualified restoration ecologist. The report must evaluate whether the restoration site conforms to the goals and success criteria set forth in the approved final restoration plan. Final monitoring for success shall occur no sooner than three years after the end of all remediation and maintenance activities other than weeding or the end of the monitoring period, whichever is later.
- k. Provision for Possible Further Action.** Acknowledgement that if the final monitoring report indicates that the restoration project has been unsuccessful, in part, or in whole, based on approved success criteria, the Permittee shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success criteria. If necessary, the revised restoration program would be processed as an amendment to the original CDP.
- l. Fencing Plan.** Prior to installation of the new livestock fence (authorized by this CDP) designed to protect the riparian habitat, the Permittee shall provide to the Executive Director a copy of the final fencing plan demonstrating that the design is compatible with the historic character of the Ballard Ranch and that minimum 12-inch gaps are maintained between ground level and the bottom of the fence throughout the length of the fence line to allow for continued passage between habitats by small wildlife species.
- m. Role and Contractual Responsibilities of Partnering Agencies and/or Subcontractors.** The Permittee remains responsible for meeting all CDP terms and conditions, including funding of the full cost and implementing all measures to minimize

and fully mitigate project impacts to the Myrtle's silverspot butterfly, CLRF, salmonids and wetlands. If the Permittee elects to enter into a binding agreement with Gold Ridge Resource Conservation District (or any other agency partner or subcontractor) to carry out all or a portion of these Habitat Mitigation and Monitoring Plan requirements, the Permittee shall submit draft agreement provisions to the Executive Director for review and approval prior to finalizing any such agreements.

All requirements above and all requirements of each approved Habitat Mitigation and Monitoring Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with the approved Habitat Mitigation and Monitoring Plan, unless the Commission amends this permit or the Executive Director provides written determination that no amendment is legally required for any proposed minor deviations.

11. Coastal Terrace Prairie Habitat Management Plan. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit for Executive Director review and approval two copies of a final Coastal Terrace Prairie Habitat Management Plan (HMP). In addition to the restoration activities contained in the coastal terrace prairie Habitat Mitigation and Monitoring Plan (see Special Condition 10), the HMP shall provide for the long-term management of coastal terrace prairie, including enhancement and maintenance of Myrtle's silverspot butterfly larval and nectaring habitat, and coastal terrace prairie enhancement activities, such as mowing, vegetation clearance, planting, and grazing management, to increase the abundance of native grasses and forbs, while avoiding impacts to special species habitat, and to prevent erosion. The HMP shall be prepared by qualified experts in grassland restoration ecology, grazing management, and Myrtle's silverspot butterfly habitat requirements, and shall take into account the specific conditions of the site (including soil, exposure, temperature, moisture, wind, etc.), as well as restoration, enhancement, and management goals. The HMP shall, at a minimum, include:

- a. Adaptive Management Working Group.** Establishment of an Adaptive Management Working Group comprised of at least three scientists (one with expertise in grazing management for restoration purposes, one with expertise in coastal terrace prairie restoration, and one with expertise in the Myrtle's silverspot butterfly), a representative of the Gold Ridge Resource Conservation District, and, if they choose to participate, representatives from the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, the California Native Plant Society, the California Native Grasslands Association, and the Coastal Commission that have expertise in grazing management, coastal terrace prairie, prairie-associated wildlife, or natural resource restoration and monitoring. The Adaptive Management Working Group shall meet at least two times each year. An entity (such as the Resource Conservation District) shall be identified that will provide logistical support, including providing a meeting site, scheduling, recording meetings, and preparing reports and recommendations. Funding for the Adaptive Management Working Group shall be provided by the Permittee and included in the endowment for managing the conservation easement. This working group is intended to provide technical advice and analysis that will contribute to effective adaptive management of the easement area to accomplish the goals of the management plan.

- b. Baseline.** A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement area. All existing topography, stream features, and vegetation shall be depicted on a map.
- c. Goals.** A description of the goals of the plan, in terms of native vegetation, sensitive species, and wildlife usage.
- d. Habitat Enhancement.** A plan for grazing management and other enhancement activities (such as mowing, clearing, prescribed burning and planting) and monitoring, including: a schedule; performance goals; a description of monitoring studies and initial field activities for resource enhancement; adaptive management procedures, including provisions to allow for modifications designed to better restore, enhance, manage, and protect habitat, and provision for submission of annual reports to the Executive Director that include tasks accomplished during the past year and the results of status and trends monitoring. Each such annual report shall be cumulative and shall: summarize all previous results; document the condition of the site area with photographs taken from the same fixed points in the same directions; and include a “Performance Evaluation” section where information and results from the monitoring program are used to evaluate the status of the project in relation to the performance goals. To allow for an adaptive approach to management, each annual report shall also include the Adaptive Management Working Group’s assessment of past management activities and the Group’s recommendations for resource enhancement measures for the coming year that are deemed necessary based on study results or other new findings.
- e. Implementation.** Implementation procedures, cost estimates, identification of funding, and reporting procedures.

WITHIN SIX MONTHS FOLLOWING THE COMMENCEMENT OF CONSTRUCTION, the HMP shall be implemented by establishing the Adaptive Management Working Group and receiving prioritized first-year management recommendations from the Working Group.

All requirements above and all requirements of the Coastal Terrace Prairie Habitat Management Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with the approved Coastal Terrace Prairie Habitat Management Plan, unless the Commission amends this permit or the Executive Director provides written determination that no amendment is legally required for any proposed minor deviations.

- 12. Cultural Resources.** The Permittee shall comply with all recommendations and mitigation measures contained in the *Memorandum of Agreement Between the California State Historic Preservation Officer and the California Department of Transportation Regarding the Gleason Beach Roadway Realignment Project in Sonoma County, California* (MOA) and the *Archaeological Data Recovery (Phase III) Proposal and Treatment Plan for the Gleason Beach State Route 1 Realignment Project* (Treatment Plan), and shall undertake development in accordance with the approved project and all approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director, for review and written approval related to consistency with this condition. Upon completion of the development,

Caltrans shall submit evidence in the form of a narrative report, for the review and written approval of the Executive Director, showing that the development was undertaken in accordance with the MOA and Treatment Plan and any approved supplements to the Plan. In accordance with the MOA, no changes to the approved Treatment Plan shall occur without consultation with the State Historic Preservation Officer (SHPO), as well as the Federated Indians of Graton Rancheria (Graton Rancheria) and the Kashia Band of Pomo Indians of Stewarts Point Rancheria (Kashia Pomo). Caltrans shall also comply with the following conditions during construction:

- a. Monitoring.** DURING ALL GROUND DISTURBING ACTIVITIES WITHIN THE BOUNDARIES OF KNOWN ARCHAEOLOGICAL SITES, a qualified Cultural Resource Specialist and representatives of Graton Rancheria and the Kashia Pomo shall be present on-site to monitor sub-surface conditions in search of archaeological indicators during all grading, excavation work, site preparation, or restoration activities associated with the approved development.

 1. Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, a minimum of one Native American monitor from one or both of the Tribes (Graton Rancheria or the Kashia Pomo) with documented ancestral ties to the project area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD (in accordance with California Public Resources Code Section 5097), shall monitor all project grading, excavation work, site preparation or restoration activities associated with the approved development within the boundaries of known archaeological sites.
 2. Caltrans shall provide sufficient archeological and Native American monitors to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times.
- b. Training.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, and in accordance with the Treatment Plan, the archaeological monitor(s) shall conduct a training session with construction personnel discussing the cultural sensitivity of the area and the protocol for discovery of cultural resources during construction. The archaeological monitor(s) shall also inform all qualified local Native Americans of the timing of construction and their opportunity to participate in construction monitoring.
- c. Halt Construction.** SHOULD CULTURAL RESOURCES BE ENCOUNTERED DURING ANY CONSTRUCTION, all construction and subsurface activity that have the potential to uncover or otherwise disturb cultural deposits in the area of the discovery or may foreclose mitigation options shall cease in an area including not less than a 60-foot wide buffer around the discovery and shall not recommence except as provided in subsection d hereof; and the archaeological monitor(s) shall follow the Stipulation VI of the MOA and the inadvertent discovery protocols established in the Treatment Plan. The discovery shall be assessed per 36 CFR 800.13(b)(3) in consultation with Graton Rancheria, the Kashia Pomo, and the SHPO. In accordance with 36 CFR 800.13(c), the discovery may be assumed significant and eligible to the National Register of Historic

Places.

d. Recommencement of Construction. FOLLOWING DISCOVERY OF CULTURAL DEPOSITS determined or assumed to be significant per subsection (c) of this Special Condition, pursuant the MOA and the Treatment Plan, Caltrans shall treat the discovery in accordance with the avoidance, minimization, and mitigation measures established in Treatment Plan in consultation with Graton Rancheria, the Kashia Pomo, the SHPO, and the Native American MLD (when the Public Resources Code Section 5097 mandates identification of a MLD). A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of Treatment Plan.

1. Notification of the proposed course of action to avoid impacts to any discovered cultural resources shall be submitted to the Executive Director for a determination of whether the changes to the proposed development or mitigation measures may proceed under this CDP or if further review and action by the Coastal Commission is necessary.
2. The Executive Director will have 48 hours to review the information provided in the notification and respond in writing, after which time, construction may recommence if approved by the Executive Director as being allowable under this CDP or other applicable Coastal Act policies and regulations.

13. Recorded Documents.

a. Realigned Highway and RSP Easements. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall provide evidence that the following documents, which have been reviewed and approved (as in conformance with the terms and conditions of this CDP) by the Executive Director, have been recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed:

1. **Realigned Highway Easement.** A perpetual Highway Realignment Easement (Ballard and Hendren, APNs 101-110-005 and 101-130-013, respectively), as shown on Exhibit 9 hereto, consistent with Special Conditions 1, 2, and 3.
2. **RSP Easement.** A Rock Slope Protection Easement at Scotty Creek (APN 101-120-058), as shown on Exhibit 9 hereto, consistent with Special Conditions 2, 4, and 16.

b. Beach Access Easement. PRIOR TO THE OPENING OF THE NEW HIGHWAY 1 ALIGNMENT, the Permittee shall submit evidence to the Executive Director for review and approval that public access consistent with Special Conditions 4, 5 and 6, from the existing Highway 1 alignment to the mean high tide line and across the sandy beach at Scotty Creek (see area in Exhibit 5), has been secured in perpetuity. Such evidence may be in the form of an executed public access easement transfer to Sonoma County, or equivalent agency on approval by the Executive Director, for incorporation into the

operation and management of the open space recreational area required under Special Conditions 4, 5, and 6, or in the form of completing litigation to quiet title to public access easements that have been acquired through implied dedication based upon a prescriptive rights study. The easement shall provide that it shall not be used or construed to allow anyone to interfere with any rights of public access acquired through use which may exist on the property.

- c. Public Recreational Area Dedication.** UPON THE CONSTRUCTION OF THE NEW ACCESS ROADS, THE REPURPOSING AND REMOVAL OF SEGMENTS OF THE OLD HIGHWAY 1, INCLUDING REMOVAL OF THE SCOTTY CREEK CULVERTS AND PLACEMENT OF THE SCOTTY CREEK RESTORATION STRUCTURES, AND OTHERWISE SATISFYING ALL OF CALTRANS' OBLIGATIONS UNDER THE PHASE II PUBLIC ACCESS PLAN AND MOA, the Permittee shall provide evidence in a form and content acceptable to the Executive Director, that Caltrans has recorded a fee title dedication to Sonoma County, Sonoma County Open Space District, or equivalent agency on approval by the Executive Director of the area of land between the western edge of the right-of-way (ROW) of the new Highway 1 alignment to the western edge of the ROW of the old Highway 1, including the area of the existing leachfield to the east of the current Highway 1, as shown on Exhibit 9 hereto, consistent with Special Conditions 4, 5, and 6, and indicating that the restrictions set forth therein shall be in effect upon recording and remain as covenants, conditions and restrictions running with the land in perpetuity. The dedication shall include a formal legal description of the entirety of the existing legal parcels and a metes and bounds legal description and graphic depiction of the land to be subdivided therefrom, prepared by a licensed surveyor based on an on-site inspection, drawn to scale, and approved by the Executive Director. The Permittee shall provide evidence of compliance with the Subdivision Map Act (SMA) (commencing with Section 66410 of the Government Code), including SMA Section 66428, as applicable, and local subdivision ordinances.
- d. Habitat, Agricultural, and Open Space Easement.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director for review and approval evidence that that the owners of APN 101-110-005 have executed and recorded a document, in a form and content acceptable to the Executive Director, dedicating to the Sonoma County, Sonoma County Open Space District, or equivalent agency on approval by the Executive Director, a natural resource and agricultural conservation easement for the purpose of protecting and restoring or enhancing natural resources, including coastal terrace prairie, Myrtle's silverspot butterfly habitat, wetlands, riparian habitat, and Scotty Creek aquatic habitat important to salmonids and the California red-legged frog, and allowing for managed agricultural use of the property, in perpetuity. The easement shall cover the area generally depicted within APN 101-110-005 as shown in Exhibit 9 hereto, consistent with Special Conditions 10 and 11. No development, as defined in Section 30106 of the Coastal Act, shall occur within the easement area as shown in Exhibit 9 except for: (1) managed grazing of the coastal prairie according to the approved Habitat Mitigation and Monitoring Plan and approved Coastal Terrace Prairie Habitat Management Plan consistent with Special Conditions 10 and 11; and (2) habitat restoration activities

The recorded document shall include formal legal descriptions of the entirety of APN 101-110-005 and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor based on an on-site inspection, drawn to scale and approved by the Executive Director, of the easement areas. The recorded document shall also reflect that development in the easement areas is restricted as set forth in this condition and Special Conditions 10 and 11. The dedication shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed. The dedication shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner, and indicate that the restrictions on the use of the land shall be in effect upon recording and remain as covenants, conditions and restrictions running with the land in perpetuity.

14. Final RCD MOU. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director for review and written approval, a Final Memorandum of Understanding (MOU), or Cooperative Agreement, or equivalent, with the Gold Ridge Resource Conservation District to facilitate implementation of natural resource restoration and enhancement in conjunction with managed agricultural use within the designated easement area APN 101-110-005 as shown in Exhibit 9. The MOU shall include, but not be limited to, a description and purpose of the natural resource restoration and enhancement, the roles and responsibilities of each entity in the initial restoration and enhancement, and the roles and responsibilities of each entity in the ongoing enhancement and maintenance of the natural habitats within the easement area.

15. Natural Resource Endowment. PRIOR TO OPENING THE NEW HIGHWAY 1 ALIGNMENT, the Permittee shall provide evidence, in a form and content acceptable to the Executive Director, that sufficient funding has been deposited into an endowment account to support natural resource restoration, enhancement and maintenance, with the continued technical advice and assistance of the Adaptive Management Working Group, on APN 101-110-005 as shown in Exhibit 9, over the next forty years to ensure success of the approved Coastal Terrace Prairie Habitat Management Plan. The endowment required to sustain these projected costs for these activities on an annual basis over this time period shall be deposited into an interest bearing account, to be established and managed by one of the following entities approved by the Executive Director: Gold Ridge Resource Conservation District, Sonoma County Land Trust, Sonoma County Agricultural Preservation and Open Space District, or a similar entity. The purpose of the account shall be to support natural resource restoration, enhancement, and maintenance through implementation of the approved Coastal Terrace Prairie Habitat Management Plan (see Special Condition 11) and allow for compatible agricultural use, including grazing management, on APN 101-110-005 as shown in Exhibit 9. The original endowment and any accrued interest shall be used solely for the above stated purposes. All development funded by this account will require review and approval by the Executive Director and the County. At the end of the forty year time period from the establishment of the account, the managing entity shall return to the Commission for a review of the overall success of the approved Coastal Terrace Prairie Habitat Management Plan as evaluated against the approved Plan's performance criteria. At that time, the Commission shall determine if the performance criteria have been met to a self-sustaining degree and, if so, review and approve a proposal for the final expenditure of remaining funds to support the continued healthy functioning of all environmentally sensitive

habitat areas addressed within the approved Coastal Terrace Prairie Habitat Management Plan.

PRIOR TO EXPENDITURE OF ANY FUNDS CONTAINED IN THIS ACCOUNT, the Executive Director shall review and approve, in writing, the proposed use of the funds as being consistent with the intent and purpose of this condition. In addition, the entity accepting the funds required by this condition shall enter into a memorandum of understanding (MOU) with the Commission, which shall include, but not be limited to, the following: (1) a description of how the funds will be used to restore or enhance native habitat, including through long-term grazing management; (2) a requirement that the entity accepting the funds must protect and maintain the native habitats within the easement area in perpetuity; (3) an agreement that the entity accepting the funds will obtain all necessary regulatory permits and approvals, including but not limited to, a CDP for the natural resource restoration and enhancement required by this condition; and (4) a commitment to return to the Commission with a full report of the overall success of the approved Coastal Terrace Prairie Habitat Management Plan as evaluated against the approved Plan's performance criteria with recommendations for priority expenditure of remaining funds to support the continued healthy functioning, on a self-sustaining basis, of all environmentally sensitive habitat areas addressed within the approved Plan.

16. Shoreline Armoring Duration and Other Provisions.

- a. Duration of Authorization.** This CDP authorizes the rock slope protection as identified on the approved final plans until the time when the public infrastructure being protected is no longer present or no longer requires armoring. If either of those occur, then the Permittee, or current land manager, shall submit a complete CDP amendment application to the Coastal Commission to remove the armoring.
- b. Armoring Modifications.** If the Permittee applies for a CDP or an amendment to this CDP to enlarge the armoring or to perform repair work affecting more than 50 percent of the armoring, the Permittee shall be required to provide additional commensurate mitigation for the impacts of the enlarged or reconstructed armoring on public views, public recreational access, shoreline processes, and all other affected coastal resources that have not already been mitigated through this CDP.
- c. Future Mitigation.** If the Permittee intends to keep the armoring (consisting of the approved rock slope protection – see Special Condition 2) in place after May 10, 2038, the Permittee must submit a complete CDP amendment application prior to May 10, 2038 proposing mitigation for the coastal resource impacts associated with retention of the armoring beyond 20 years (including, in relation to any potential modifications to the approved project desired by the Permittee at that time that may be part of such CDP application).
- d. Monitoring.** The Permittee shall ensure that the condition and performance of the approved armoring is regularly monitored (by a licensed civil engineer with experience in coastal structures and processes) and regularly maintained. Such monitoring evaluation shall at a minimum address whether any significant weathering or damage has occurred

that would adversely impact future performance, and identify any structural or other damage or wear and tear requiring repair to maintain in a structurally sound manner and its approved state.

- e. **Reporting.** Monitoring reports covering the above-described evaluations, shall be submitted to the Executive Director for review and approval at five year intervals by May 1st of each fifth year (with the first report due May 1, 2023, and subsequent reports due May 1, 2028, May 1, 2032, and so on) for as long as the armoring is allowed subject to subsection (a) of this condition. The reports shall identify the existing configuration and condition of the armoring, and shall recommend actions necessary to maintain the armoring in its approved and/or required state, and shall include photographs with the date and time of the photographs and the location of each photographic viewpoint noted on a site plan. Actions necessary to maintain the approved armoring in a structurally sound manner and its approved state shall be implemented within 30 days of Executive Director approval, unless a different time frame for implementation is identified by the Executive Director.
- f. **Future Repair and Maintenance Authorized.** This CDP authorizes future repair and maintenance to the approved armoring subject to the following:
 - 1. **Maintenance.** “Repair” and/or “maintenance,” as it is understood in this special condition, means development that would otherwise require a CDP whose purpose is to maintain the rock slope protection in its approved state.
 - 2. **Other Agency Approvals.** The Permittee acknowledges that these maintenance stipulations do not obviate the need to obtain permits from other agencies for any future maintenance and/or repair episodes.
 - 3. **Maintenance Notification.** At least 30 days prior to commencing any maintenance event, the Permittee shall notify, in writing, planning staff of the Coastal Commission’s North Central Coast District Office. The notification shall include: (1) a detailed description of the maintenance event proposed; (2) any plans, engineering and/or geology reports describing the event; (3) a construction plan that complies with all aspects of the approved construction plan; (4) any other required agency authorizations; and (5) any other supporting documentation describing the maintenance event. The notification shall clearly indicate that maintenance is proposed pursuant to this CDP, and that the lack of a response to the notification within 30 days constitutes approval of it as specified in the CDP. The maintenance event shall not commence until the Permittee has been informed by planning staff of the Coastal Commission’s North Central Coast District Office that the maintenance event complies with this CDP.
 - 4. **Maintenance Coordination.** Maintenance events shall be coordinated to the degree feasible with other maintenance events proposed in the immediate vicinity with the goal being to limit coastal resource impacts, including the length of time that construction occurs in and around the beach and bluff area and beach access points.

- 5. Restoration.** The Permittee shall restore all blufftop, bluff, beach areas, and all access points impacted by construction activities to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach. The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office upon completion of restoration activities to allow for a site visit to verify that all beach-area restoration activities are complete. If planning staff should identify additional reasonable measures necessary to restore blufftop, bluff, beach areas, or access points, such measures shall be implemented as quickly and reasonably as possible.
- 5. Noncompliance Provision.** If the Permittee is not in compliance with the terms and conditions of any Coastal Commission CDPs or other coastal authorizations that apply to the approved project at the time that a maintenance event is proposed, then the maintenance event that might otherwise be allowed by the terms of this future maintenance condition shall not be allowed by this condition until the Permittee is in full compliance with all terms and conditions.
- 6. Emergency.** In addition to the emergency provisions set forth in subsection (c) above, nothing in this condition shall affect the emergency authority provided by Coastal Act Section 30611, Coastal Act Section 30624, and Subchapter 4 of Chapter 5 of Title 14, Division 5.5, of the California Code of Regulations (Permits for Approval of Emergency Work).
- 7. Duration of Covered Maintenance.** Future armoring maintenance under this CDP is allowed subject to the above terms until May 10, 2028. Maintenance may be carried out beyond May 10, 2028 if the Permittee requests an extension prior to May 10, 2028, and if the Executive Director extends the maintenance term in writing. The intent of this CDP is to allow for maintenance to occur without obtaining an otherwise necessary CDP throughout the term of this armoring authorization, unless there are changed circumstances that may affect the consistency of this maintenance authorization with the policies of Chapter 3 of the Coastal Act or consistency with the Sonoma County Local Coastal Program.
- 17. Other Agency Approvals.** PRIOR TO ISSUANCE OF THE CDP, Caltrans shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, or authorizations for the approved project have been granted by all other applicable agencies, including by the U.S. Army Corps of Engineers, the Greater Farallones National Marine Sanctuary, Regional Water Quality Control Board, U.S. Fish and Wildlife Service, National Marine Fisheries Service and the California Department of Fish and Wildlife. Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally necessary.
- 18. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this CDP, the Permittee acknowledges and agrees on behalf of itself and all successors and assigns: (1) that the site is subject to coastal hazards, including but not limited to episodic and long-term

shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunamis, flooding, landslide, earth movement, bluff and geologic instability, bluff retreat, liquefaction, and the interaction of same, many of which will worsen with future sea level rise; (2) to assume the risks to the Permittee and the property that is the subject of this CDP of injury and damage from such hazards in connection with this permitted development; (3) to waive any rights that the Permittee may have under Coastal Act Section 30235, the Sonoma County LCP, or other applicable laws, to shoreline armoring beyond what is recognized in this CDP, including in terms of duration; (4) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees with respect to the Commission's approval of the development 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 for injury or damage from such hazards; (5) 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; and (6) that any adverse effects to property caused by the approved project shall be fully the responsibility of the Permittee.

19. Liability for Costs and Attorneys' Fees. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and/or (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission and/or its officers, employees, agents, successors and assigns challenging the approval or issuance of this CDP, the interpretation and/or enforcement of the CDP conditions, or any other matter related to this CDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission and/or its officers, employees, agents, successors and assigns.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION

The proposed project is located in a rural coastal segment of unincorporated Sonoma County near Gleason Beach, located approximately 5 miles north of the town of Bodega Bay and 5 miles south of the town of Jenner. The project involves the relocation of a section of coastal Highway 1 to a site east of the existing alignment. The realignment would branch off from the existing roadway at Post Mile (PM) 15.1, approximately 800 feet north of the Calle Del Sol in the Sereno Del Mar subdivision, and re-connect with the existing roadway just south of Rock Point Beach at PM 15.7 (**Exhibit 1**). The alignment would follow a curvilinear path, varying in distance inland from the existing alignment up to approximately 370 feet. The previous stretch of highway was 3,200 feet long, while the new alignment would be 3,700 feet in length.

Prominent land features associated with the project area include Gleason Beach, Scotty Creek, an active cattle ranch (Ballard Ranch), and a small neighborhood of 9 blufftop homes. Gleason Beach is located just north of the expansive Portuguese Beach and south of Rocky Point Beach, and is one of the few accessible sandy beaches in coastal Sonoma County. Thirty-foot high bluffs enclose the picturesque cove, and although passage to beaches to the north and south is possible during mid to low tide, such access can be encumbered by debris related to shoreline protective device structures installed by homeowners that have now failed and fallen to the sand below.² Scotty Creek is fed by drainages running west from the coastal foothills, with riparian vegetation and deep water pools occurring upstream of the historic Ballard Ranch. As it traverses the Ranch, the tidally influenced Creek is flanked by a coastal prairie terrace habitat and a floodplain comprised of marsh and seasonal wetland. The Creek passes through a double box culvert under the existing highway alignment before emptying out onto Gleason Beach. In the summer, when creek flows have slowed, wave activity is low, and sand accumulates on the beach, a small estuary forms adjacent to the highway. During winter months, when the creek is higher and forceful waves sweep sand from the beach, the Creek reconnects to the sea. Scotty Creek and its associated wetland floodplain have potential to support special species, including the California red-legged frog (CRLF), and steelhead and coho salmon.

With sweeping views of the Pacific Ocean and rugged coastline, Gleason Beach is a popular destination in coastal Sonoma County. East of the beach, views of the nearby agricultural property front grassy rolling hills. Beach parking is located on small gravel shoulders off of the southbound traffic lane, or accessed from the northbound traffic lane directly adjacent to the Ballard property. There are approximately 16 informal parking spaces in this general area. Visitors access the beach primarily by scrambling down an 8 to 12-foot berm on the south side of Scotty Creek. The Sonoma County LCP Visual Resources Map gives this region the highest rating, with “outstanding views” and characterizes it as a “key visual attribute and attraction.”

Scotty Creek meanders through the 166-acre Ballard Ranch property, occasionally flooding the cattle grazing pasture. The Ballard Ranch has supported agricultural production activities for some 150 years, including widespread grazing, and the property is considered a historic property

² These armoring structures and some related development were installed without benefit of CDPs and are the subject of 20 Commission enforcement cases that remain pending (see also Violation findings).

and has been designated as a Sonoma County landmark, with structures built in the 1860s and 1920s. The Ballard property is considered an example of the dairying legacy associated with this Sonoma County stretch of coastline. In addition to supporting agricultural resources, the parcel supports special status species, including the CRLF, and is an important site for the Federally Endangered Myrtle's silverspot butterfly (MSB), which is protected by USFWS under the Federal Endangered Species Act (ESA). Previously, the Creek supported the passage of Central California Coast steelhead and coho salmon, both of which are ESA-listed threatened and endangered populations, respectively.

Homes have lined the area seaward of Highway 1 at Gleason Beach since the 1950s. Coastal Records Project maps from 1972 reveal that there was formerly a wide, gently sloping and heavily vegetated bluff between blufftop homes and the beach, north of where most of the remaining homes exist currently (see **Exhibit 7 page 2**). While photos demonstrate that as early as 2002 some of the residences were starting to be lost to bluff erosion, homes were threatened and required emergency remedial measures as early as the late 1990s. Today, only 9 of the original 21 homes remain, 6 of which are clustered directly north of Scotty Creek, in the southern part of the project area, while the other 3 are clustered approximately 840 feet farther to the north, directly south of the existing PM 15.6. A number of the remaining houses have been red-tagged or otherwise abandoned, and are failing, as are the aforementioned armoring structures fronting them. The Applicant estimates that the bluffs at this location are retreating at an average rate of about one-foot per year, according to recent geotechnical assessments, leaving the majority of the blufftop homes along this strip of Highway 1 at risk of bluff failure and other coastal hazards. In addition to the threat of bluff instability to residences, the Highway itself is vulnerable. For the last three decades, Caltrans has endeavored to keep this stretch of highway functional. An existing soldier pile wall located at PM 15.5 was first constructed in 2004, however, bluff retreat in 2016 caused the temporary loss of the southbound traffic lane. The roadway is currently protected from erosion by a 200-foot long temporary armoring device installed by Caltrans in 2017. See location maps and photos in **Exhibits 1, 2 and 7**.

B. PROJECT DESCRIPTION

Caltrans proposes to address the coastal hazards at Gleason Beach that are threatening Highway 1 in its current location by realigning the Highway approximately 370 feet east of its current location. The realigned Highway would traverse across the existing Ballard Ranch property. The proposed development includes the construction of a 850-foot bridge spanning the width of the Scotty Creek, removal of the existing double box culvert under the existing highway and installation of a pedestrian and bicycle bridge in its place, improved beach access, development of additional parking, creation of two new residential access routes from the new Highway 1 alignment, removal of debris from previously demolished homes, and the establishment of a new section of the California Coastal Trail (CCT) and a new public open space recreational area (that may become a future regional County Open Space and/or Park).

Primary Project Elements

The Highway 1 corridor is a critical transportation route for local residents, who use the roadway for travel between Jenner and Bodega Bay, as well as visitors to this highly scenic area. In fact, the Highway along the rugged Sonoma Coast is a significant visitor attraction in and of itself. Previous efforts to stabilize the adjacent bluff and preserve the highway resulted only in a

temporary solution. To ensure continued access along the southern Sonoma County coast, the new alignment needs to be adequately set back from future coastal erosion and other such related hazards. Caltrans has developed the proposed project in partnership with Sonoma County, and indeed many of the proposed project elements will be undertaken by the County. Primary project elements include:

New Roadway

The realigned roadway would be a total of 3,700 feet in length, including an 850-foot bridge. At the southern extent of the project area, the existing Highway 1 provides the sole access point to residential parcels at 6000 Highway 1 and 5795 Highway 1. Where the proposed realignment and existing alignment will fork, the new Highway 1 would adjoin the proposed bridge over Scotty Creek, while the existing highway would continue to provide access to the five residences south of Scotty Creek. Here, the County would be required to maintain the existing Highway 1 alignment. South of the proposed bridge, the new highway alignment would consist of 12-foot traffic lanes, 4-foot paved and 4-foot unpaved shoulders, replacing the existing 10 to 11-foot lanes and 1-2 foot existing paved and gravel shoulders. This new alignment in the southern project area would require some slope re-contouring to the east side of the existing alignment. The southern segment of the alignment would be designed for maximum speeds of 40 miles per hour.

The proposed bridge would allow for the removal of the 6 and 8-foot double box culvert that currently routes Scotty Creek water under the roadway and allows for passage of traffic over Scotty Creek. The bridge would contour to the east, bisecting the Ballard property, and is designed for 40 mile per hour traffic speeds. The bridge is designed at 28 feet above grade to avoid impacts to adjacent wetlands and allow for the passage of agricultural hauling equipment below. With 12-foot traffic lanes and 6 to 8-foot shoulders and, the bridge would also include a 6-foot wide protected pedestrian walkway that would parallel the southbound traffic lane on the west side of the bridge. The bridge has been designed with visibility maximizing railings, current safety features, and an aesthetic style consistent with the surrounding agrarian landscape and historic context.

Directly north of the bridge, Highway 1 would be realigned approximately 370 feet east of its current location and be configured for speeds of up to 50 miles per hour. Similar to the southern extent, 12-foot north and southbound traffic lanes would replace existing 10 to 11-foot lanes, and narrow shoulders would be replaced with 4-foot paved and 4-foot unpaved shoulders. Two new access roads would be constructed, connecting the new alignment to the 9 remaining blufftop residences north of Scotty Creek. These access roads would be oriented perpendicular to the existing and proposed north-south Highway 1 alignment. The southernmost of these access roads would lead to the existing PM 15.4, providing access to 6 remaining blufftop residences just north of the Creek, beach parking access, and access to the CCT and new public open space recreational area. A second access road would be located to the north, between existing PMs 15.5 and 15.6, and provide access to the 3 remaining bluff top residences in the northern project area. Caltrans would dedicate this area to the County, who would be responsible for maintenance of these roads, and any remaining segment of the existing Highway 1 roadway that would be retained to serve the remaining residences. Sections of the existing Highway 1 that are currently most threatened by erosion, between PM 15.4 and just south of PM 15.6, would be removed and restored (see **Exhibits 2 and 7**). The newly aligned Highway 1 would rejoin the existing

alignment at PM 15.7, immediately before a paved viewing lookout about 800 feet south of Rock Point Beach. Drainage from this section of roadway is proposed at 3 locations between PM 15.6 and 15.7. See **Exhibit 3** for project renderings.

Beach Access

The proposed project would provide beach access from north and south, via the proposed CCT bridge, near existing PM 15.3. In terms of new beach access parking, five beach access parking spaces would be located to the south of Scotty Creek, adjacent to the entrance of the McAllister and Ballard Ranch driveways (**Exhibit 5**). Sufficient emergency vehicle turn-around space would be established at the turnoff to the Ballard Ranch. Passage onto the sandy beach would be provided directly south of Scotty Creek, including an ADA accessible walkway. This beach access may require the use of rock slope protection, and the specific features of this access point would be resolved through collaboration between the Applicant and the County. North of Scotty Creek, at least 16 parking spaces would be created along the residential access road at PM 15.4, approximately 600 feet north of the CCT bridge, or parallel to the existing highway alignment, with one parking space immediately north of Scotty Creek. Beach access from the northern parking would be possible by crossing the proposed CCT bridge over Scotty Creek and using the sandy beach access described above.

Temporary Construction Features

Staging and construction will occur only in disturbed areas, and will include best management practices to limit impacts to resources.

Other Project Elements

In addition to the primary project elements listed above, the proposed project includes complementary development features, many of which are designed explicitly to enhance the proposed project and ensure consistency with local and state policy. Within the 13-acre project footprint, the abundance of coastal resources is significant. Caltrans proposes to incorporate various mitigation efforts to ensure that the proposed highway realignment project would adequately avoid, minimize, and mitigate for resource impacts, including:

New Section of the California Coastal Trail

The proposed project would establish a new section of the California Coastal Trail, including a 120-foot CCT pedestrian and bicycle bridge crossing over Scotty Creek in the location of the existing Highway and double box culverts. South of the CCT bridge, the CCT would follow the decommissioned Highway 1 for approximately one-quarter mile. North of the CCT bridge, the new section of California Coastal Trail would utilize the existing highway alignment along the blufftop, and is conditioned to move inland as necessary (see **Special Conditions 4 and 5**). Additionally, another trail alignment would be created north of Scotty Creek, between the existing and proposed highway, for a more landward alignment. Located just east of the existing highway, this new off road trail would be approximately one-half mile in length, wide enough to accommodate multiple modalities, and include ocean overlooks and additional public access improvements. Rock slope protection (RSP) was installed to protect the crumbling bluff, north of where Scotty Creek empties onto the beach. This RSP has been washed away or buried over time. This RSP will be removed and, if suitable for reuse, the same RSP would be used for the proposed protection of residential access south of Scotty Creek.

Scotty Creek Restoration

Historically, Scotty Creek provided habitat to Coho and Steelhead salmon populations. Caltrans is proposing restoration of the creek channel by removing the box culverts and reestablishing a more natural flow, which would provide greater connectivity to the ocean and allow spawning passage for salmon once again. In addition to the removal of the existing double box culvert and daylighting the Creek, this project element will include restoration and enhancement of the wetland areas, including creation of riparian habitat and restoration of CRLF aquatic habitat, to mitigate for impacts to wetlands and special species.

Coastal Terrace Prairie Habitat Restoration

The coastal terrace prairie impacted by the new highway alignment will result in impacts to the habitats of two federally-listed species, including the threatened CRLF and the endangered Myrtle silverspot butterfly. Total impacts to sensitive habitat include 6.95 acres of temporary and 5.49 acres of permanent impacts to butterfly habitat, and 5.66 acres of temporary and 5.32 acres of permanent impacts to upland CRLF habitat (**Exhibit 8**). Impacts will be mitigated through restoration of the site, the relocation of *Viola adunca*, the host plant of Myrtle's silverspot butterfly larvae, enhancement of larval and nectaring plants for the butterfly within a conservation easement, and protection and enhancement of upland CRLF habitat through a conservation easement and Habitat Management Plan.

Bluff and Beach Restoration

Caltrans proposes mitigation for visual impacts associated with the new traffic bridge by funding the restoration of 1,114 linear feet of bluff and beach adjacent to the existing Highway 1. The proposed restoration would include cleanup of the debris, including derelict shoreline protection devices cluttering the bluff and beach below 15 residences, as well as restoration of the bluff and beach at the site of Caltrans previous road stabilization efforts.

C. STANDARD OF REVIEW

The proposed project area is located within both Sonoma County's coastal permit jurisdiction and the Coastal Commission's retained CDP jurisdiction area. Pursuant to Coastal Act Section 30601.3, the Applicant, the County, and the Commission (through its Executive Director) have all agreed to process the required CDP as a consolidated CDP application before the Commission (pursuant to Coastal Act Section 30601.3). Thus, the standard of review for this proposed project is the Coastal Act, with Sonoma County's LCP being used as non-binding guidance.

D. COASTAL HAZARDS

Applicable Policies

Shoreline protection is generally limited to that serving coastal-dependent uses and protecting existing structures, as described in part in Coastal Act Section 30235 below. Coastal Act Section 30253 requires that new development minimize risk to life and property in areas of high flood hazard areas, ensure long-term structural integrity, and avoid land form altering protective measures in the future. Sections 30235 and 30253 (in applicable part) state:

Section 30235. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when require required to serve coastal-dependent uses or to protect existing structures or

public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Section 30253. *New development shall do all of the following:*

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) 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. ...

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

The Sonoma County LCP cites Coastal Act Section 30253 and also has policies in its Environment Chapter relating to hazards and the application of development buffers (p.37):

Environmental Hazards Recommendation 2: Prohibit development within 100 feet of a bluff edge or within any area designated unstable to marginally stable on Hazards maps unless a registered engineering geologist reviews and approves all grading, site preparation, drainage, leachfield and foundation plans of any proposed building and determines there will be no significant impacts.

The Commission's Sea Level Rise Policy Guidance provides additional recommendations for addressing coastal hazards and sea level rise in coastal development permits. Although not the standard of review, a core principle of the Guidance encourages adaptation strategies that will provide protection for a range of coastal resources:

12. Maximize natural shoreline values and processes; avoid expansion and minimize the perpetuation of shoreline armoring.... Priority should be given to options that enhance and maximize coastal resources and access, including innovative nature-based approaches such as living shoreline techniques or managed/planned retreat.... Major renovations, redevelopment, or other new development should not rely upon existing shore protective devices for site stability or hazard protection.

Consistency Analysis

Coastal hazard problems at Gleason Beach are the primary reason for the proposed project. Bluff erosion rates in this area have been estimated at approximately 1-foot per year, and episodic erosion events can result in much greater bluff loss in any particular time frame. Such bluff instability has to date led to the loss of approximately half of the homes along the bluffs adjacent to Gleason Beach, and multiple closures of Highway 1. The Applicant previously addressed some such hazards through emergency repairs, such as the construction of an armoring structure along the most threatened section of the highway as a temporary solution while the currently proposed project was under development. The proposed realignment has been designed to set back the highway to assure its structural integrity for 75 years, assuring consistency with Coastal Act Section 30253, which requires new development assure structural integrity for its projected

life, and is consistent with LCP Environmental Hazards Recommendation 2, which restricts development within 100 feet of bluffs. In addition, moving Highway 1 from an area that is immediately threatened by coastal erosion will assure there is no need for future remedial measures that would require alterations of the bluffs inconsistent with Coastal Act Section 30253.

While the project currently proposes to realign Highway 1 farther from an area of high coastal hazards, which would assure stability and structural integrity and would protect a popular visitor destination, consistent with Section 30253 of the Coastal Act, it also includes the construction of armoring along Scotty Creek. Specifically, the Applicant proposes to use rock slope protection (RSP) as part of the plan for daylighting and restoring Scotty Creek, and as part of the sandy beach access improvement at Gleason Beach. Caltrans intends to add RSP on the south bank of the Creek channel once the existing double box culvert is removed (see **Exhibit 4**). On the south side of the Creek, RSP would be installed to provide additional protection to existing developments, including: 1) two existing residential driveways that both provide the sole points of access, 2) existing beach parking, and 3) the sole nearby access point to Gleason Beach.³ These creek stabilization measures would be consistent with elements of Coastal Act 30235, particularly in regards to the protection of existing, pre-Coastal Act development and it would serve the resource dependent use of providing beach access to the public, provided the project is conditioned to address impacts (see **Special Conditions 4, 5, and 6**, and **Special Condition 7**), including reassessment in 20 years. The Applicant considered the construction of a vertical armoring structure to protect such existing development, however, this alternative was not selected because the enhanced Scotty Creek flows could result in increased scour. The RSP proposed represents the least environmentally damaging feasible alternative, and would be mitigated through the public access improvements described in the public access section of this report. In addition and related, the incorporation of the proposed California Coastal Trail (CCT) bridge crossing Scotty Creek represents the preferred alternative for the alignment, and its southern footing is in the area of the RSP. Without the proposed CCT bridge crossing Scotty Creek, the CCT would be routed onto the traffic bridge, and direct access to Gleason Beach could occur instead from only the south (see **Exhibits 3, 5, and 6**).

In short, the proposed realignment of the Highway, including as conditioned herein, represents the least environmentally damaging feasible alternative. If the Applicant maintained the approach of installing emergency bluff armoring in response to erosion hazards, it could not effectively minimize risks to life and property in areas of high geologic hazards, assure structural integrity, or protect this popular visitor destination because eventually erosion at this location would become unmanageable. In a “no project” scenario, the Highway would ultimately fail, with impacts to public safety, public access, public views, and coastal waters. The proposed project would instead route Highway 1 approximately 370 feet inland, to a location further away from the threat of coastal hazards, and out of such harm’s way for its expected life. Therefore, the proposed realignment would, in fact, make the protection of Highway 1 more consistent with Section 30235 and 30253. Furthermore, the proposed project element to remove existing

³ Gleason Beach can be accessed by Portuguese Beach from the south, though it requires a more than quarter mile walk and is only accessible during lower tides.

emergency armoring, as well as other derelict armoring and related debris, also helps the project to achieve consistency with Section 30253.

In addition, as described in more detail in the public access and public view sections of this report, the removal of extant armoring will mitigate public access, visual and hazard impacts associated with the project, and will enhance recreation at Gleason Beach. **Special Conditions 4, 5, and 6** provide for a large scale public access improvement project, including new public open space recreational area, and **Special Condition 7** requires the Applicant to transfer an in-lieu fee to Sonoma County for the removal of derelict armoring and related debris and restoration along 1,114 linear feet of bluff, helping to allow for the bluffs to interact naturally with the shoreline, including in relation to shoreline sand supply. The Clean Up Plan described in **Special Condition 7** provides detail on the bluff and beach improvement, including implementation and management of this project aspect (see also **Exhibit 7**).

The proposed project also fulfills one of the principles of the Commission's Sea Level Rise Policy Guidance⁴ that prioritizes adaptation strategies, like planned retreat, that ensure long-term protection of both major infrastructure and coastal resources like public access and habitat. Principle 12 calls for a long-term approach that maximizes natural shoreline values and processes, and in turn, avoids the expansion and use of shoreline armoring. Despite the complex planning involved, planned retreat of the highway is used as the main approach to keep the road safe from erosion, a severe and ongoing problem that will be aggravated by sea level rise. In this case, planned retreat is also practical, as the highway cannot stay in place; continued armoring would not only contribute to further erosion, it would not effectively protect the highway over the long term. Realigning the highway will also allow for new segments of the CCT and will allow natural processes to continue, thus meeting the dual goals highlighted in the Sea Level Rise Policy Guidance of protecting both important infrastructure and coastal resources.

Conclusion

The project represents an appropriate measure to ensure the continued reliability of Highway 1. With the addition of **Special Conditions 4, 5, 6, and 7**, the proposed project will also enhance public recreational access (and offset project impacts thereto) and provide for the removal of the armoring along the existing highway alignment, which will eliminate those structures' adverse impacts to public views, access, and local shoreline sand supply, consistent with Coastal Act Section 30253. The project also includes shoreline armoring provisions and a waiver of liability as required in **Special Conditions 16 and 18**. Thus, as conditioned, the proposed project can be found consistent with the requirements of Coastal Act Section 30235 and 30253 in a conflict resolution context (see conflict resolution section of this report).

E. VISUAL RESOURCES

Applicable Policies

The Coastal Act protects public views and scenic coastal areas, including through Coastal Act Sections 30251 and 30254, which state in part:

⁴ Adopted by the Commission in August 2015 and available at <https://www.coastal.ca.gov/climate/slrguidance.html>.

Section 30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...*

Section 30254. *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road.*

The Sonoma County LCP also contains a number of policies to protect visual resources. LCP coastal view protection provisions require visual impacts to be minimized, including the following recommendations, found in the LCP's Visual Resource Chapter (pp.173-175):

1. *Prevent development (including buildings, structures, fences, paved areas, signs, and landscaping) from obstructing views of the shoreline from coastal roads, vista points, recreation areas, and beaches.*
2. *Prohibit development which will significantly degrade the scenic qualities of major views and vista points. ...*
4. *Minimize visual destruction of natural landforms caused by the cutting, filling, and grading for building sites, access roads and public utilities by: Constructing roads, buildings, and other structural improvements to fit the natural topography. ...*
6. *Minimize the visual impacts of development on terraces by: Designing structures to be in scale with the rural character of the region.*
7. *Minimize the visual impacts of development on ridges by: Prohibiting development in rural areas that projects above the ridgeline silhouette. ...*
9. *Locate and design development to fit the setting and to be subordinate to the pre-existing character of the site.*
10. *Design structures to be compatible with existing community characteristics.*

The LCP Visual Resources Chapter (p.168) also provides:

The most important rural design issues are preservation of coastal views, and visual quality and compatibility of development with the natural landscape.

Ridgelines are the most visually vulnerable of the landforms in Sonoma County. Ridgelines are often seen from great distances. The contrast between the land and the sky makes structural intrusions very obvious.

Consistency Analysis

Travel along the stretch of Highway 1 near Gleason Beach reveals towering coastal bluffs, tucked-away coves, and striking rocky beaches to the west, and to the east, a landscape composed of layers of pastoral hillsides, grassy terraces and conspicuous ridgelines. The abundance of coastal resources at the project site renders avoiding all impacts of the proposed Highway 1 realignment an impossible charge. Notably, realigning the Highway to a location safe from erosion throughout its project life also necessitates relocating of the section of the road traversing Scotty Creek. The proposed project also includes the construction of a bridge to avoid impacts to wetlands and environmentally sensitive habitat (**Exhibit 8**), and to allow continued access to Ballard Ranch below the bridge. To adequately avoid the Creek, wetlands, and special species, this new traffic bridge will inevitably impact the visual character of this coastal area.⁵ The proposed 28-foot tall bridge structure will be directly in the foreground of protected visual features, extending above natural topography in full view in an area that is predominantly rural and free of structures. Despite achieving consistency with Coastal Act Section 30254 by ensuring that the realignment and bridge remain a two lane highway, this new structure would significantly obstruct the view looking inland from areas seaward of the bridge, including from Gleason Beach itself.

Coastal Act Section 30251 requires the protection of the scenic and visual qualities of coastal areas and establishes them as a resource of public importance. This section further dictates that permitted development be sited and designed to protect views to and along the ocean, that landform alteration be minimized, and that scenic coastal areas and be visually compatible with the character of surrounding areas. In addition, where feasible, Section 30251 requires restoration and enhancement of visual quality in visually degraded areas. The proposed bridge will be among the largest artificial structures on the Sonoma Coast. Any such structure, set against the backdrop of the historic agriculture fields and rolling coastal hills along this visually sensitive coastline would be inconsistent with both Coastal Act and LCP requirements to protect coastal scenic and visual qualities. There is little method of attempting to hide such a structure, and it is not possible to entirely fit such an element into the existing shoreline visual fabric in a way that meets Coastal Act and LCP requirements. A visual simulation of the bridge can be seen in **Exhibit 6**.

The current alignment and bridge configuration was chosen as the least environmentally damaging feasible alternative after the analysis of 20 other options. The Applicant demonstrated that the physical design features of the bridge attempts to match the rural aesthetic qualities of the surrounding environment (**Exhibit 6**); however, the size and scale of the proposed structure nonetheless is visually prominent regardless of which design specifications are selected. Moreover, current and proposed rock slope protection of the roadway at Scotty Creek compound visual impacts to the overall viewshed (**Exhibit 4**).

The LCP considers this area a “key visual attribute and attraction” to coastal visitors. Because this region is designated with the highest rating (i.e., “outstanding views”) on the LCP’s Visual Resources Map, it is also subject to criteria ensuring that development design compliments, and is in scale with, the surrounding environment and existing community

⁵ The proposed bridge would be 850 feet long, 28 feet above the ground, and 49 feet wide.

characteristics. Additionally, LCP policy gives special attention to the protection of ridgelines from visual obstruction. Future visitors to Gleason Beach would have prolonged views of the new bridge structure blocking inland ridgelines, inconsistent with LCP policies that protect them. Since there is no other feasible alternative to minimize impacts of the visual scale and location of the bridge, it is inconsistent with the LUP policies that protect visual qualities in the project area.

Although there are no mitigation measures that could be applied to the bridge to achieve full consistency with Coastal Act Section 30251, the Applicant proposes to visually restore a portion of Gleason Beach, bluffs, and blufftop to help offset such project visual impacts. Looking north, views of the beach and bluff expose visitors to the substantial hazardous debris from collapsed structures and prior shoreline armoring efforts. Indeed, Caltrans' previous efforts to maintain Highway 1 have affected some 450 linear feet of this area in this manner. As such, the area affords many opportunities for restoring and enhancing visual quality through clean-up of debris and restoration of the beach, as well as for providing mitigation of unavoidable visual impacts from the addition of the large bridge. In sum, the Applicant has agreed to enter into a cooperative agreement with Sonoma County, providing a funding bank to the County for the restoration of 1,114 linear feet of bluff and beach⁶ (see **Special Condition 7** and **Exhibits 7** and **9**). **Special Condition 7** requires the submittal of a Bluff and Beach Hazards Clean Up Plan, that will be carried out through an MOU that the County and Caltrans will be signatories to, describing how the project area's visual and hazard impacts are to be improved, provided and managed, with the objective of maximizing public views, recreational access, utility and safety in this area.

Visual Resources Conclusion

The proposed development is located within an area of outstanding scenic quality, and would significantly disrupt the visual quality of the region. As such, the proposed project would be inconsistent with Coastal Act Section 30251 on this point and with Sonoma LCP policies that carry out the same directives, and can only be allowed through conflict resolution under the Coastal Act, as described in Section M below. If conflict resolution is utilized to allow this portion of the proposed development, mitigation measures must be implemented as recommended though special conditions, as described above and in **Special Condition 7**.

F. PUBLIC ACCESS AND RECREATION

Applicable Policies

The Coastal Act places a fundamental and critical emphasis on public access and recreation, particularly as it relates to prime visitor destinations such as the Sonoma Coast. The Coastal Act specifically protects and affirmatively requires provision of maximum public access and recreational opportunities. In many instances, the Commission has considered providing a statewide coastal trail along the shoreline as a key means of meeting a number of Coastal Act public access policies. Applicable Coastal Act policies state:

⁶ See also *Mitigation for Gleason Beach Highway 1 Realignment Coastal Development Permit* (March 20, 2018). Coastal Hazards Cleanup includes 1,114 linear feet within the Gleason Beach Development, consisting of 764 feet for 11 already demolished houses and segments of failed repairs of Highway 1, 50 feet for 1 red-tagged house, and 300 feet to be applied to properties that are or may become red-tagged in the future due to existing erosion conditions.

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

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

Section 30212(a). *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway. ...*

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

Section 30214(a). *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

Section 30214(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. ...*

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

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

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

Section 30252: *The location and amount of new development should maintain and enhance public access to the coast by: ... (3) providing non-automobile circulation within the development. (4) providing adequate parking facilities...*

Section 30253 *New development shall ... (d) Minimize energy consumption and vehicle miles traveled.*

Moreover, a number of local governments' LCPs (including Sonoma County's LCP) and other related documents also support a statewide coastal trail along the shoreline. Although the Chapter 3 policies of the Coastal Act are the standard of review for this project, the County's LCP is advisory and provides geographic and other context for policy implementation. For example, the LCP's Recreation Chapter's "Shoreline Access" guidance (p.59) provides:

State Coastal Plan Policy 145 calls for establishment of a coastal trail system. The recreation section describes a Sonoma County coastal trail system. Many of the lateral accessways listed in the Access Plan may be incorporated into this coastal trail. Among the facilities needed for accessways and shoreline destinations are: safe trails, restrooms, parking areas, trash receptacles and signs. A safe, well-defined trail is required at each access open to the public. Often dirt paths will be sufficient. The descent could be paved, stepping stones, or stairways. Improvements should be designed to be safe and to minimize disruption and maintenance costs.

The LCPs' Public Recreation section (p.101) describes the planned expansion of the "Sonoma Coastal Trail" as follows:

Acquisition of new trail segments, where necessary, will be accomplished by three general methods: through government regulatory powers by condition of development approvals; by voluntary purchase of easements or fee simple; and through purchase by power of eminent domain, where necessary. Responsibility for trail maintenance should be placed with the State except where the trail passes through lands maintained for public recreation uses by other governmental entities. Designated trail routes should be opened to public use only after the public agency that owns or operates the trail segment accepts full responsibility for the management, maintenance, supervision, and liability for the trail and trail activities.

LCP Recreation Recommendation 56 provides:

Encourage a coastal trail along the beach, the coastal terrace, the uplands, the ridge roads, or the highway to connect public and private recreation areas and access trails with communities and commercial services.

The LCP Recreation Chapter's "Access Plan" Recommendation 54 (p.84) emphasizes the suitability at this site for the development of access for individuals with disabilities, stating:

A unique access point at Gleason Beach, where the sandy beach reaches Highway 1, is probably prescriptive. The possibility of developing handicapped access is excellent here, but

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area for parking and restrooms is limited. State Parks should prove prescriptive rights or purchase the beach area within the Gleason Beach Subdivision. Develop small parking area with safe ingress and egress. Install restrooms. Construct boardwalk wheelchair ramp.

The LCP further identifies the Gleason Beach Subdivision with:

Acquisition Priority I: Begin efforts to acquire immediately through purchase, permit requirements, or other negotiations as required.

Development Priority I: Encourage each agency or association owning or operating designated accessways to allocate funds immediately and develop Priority I accessways within their purview.

The LCP's Development Chapter Transportation section (p.159) describes parking management and development of access appropriate for disabled beachgoers:

Just south of Gleasons Beach subdivision, Highway 1 is adjacent to North Portuguese Beach. It is the only area where very easy beach access is possible. Enlargement of the existing ocean side turnout would provide opportunities for handicapped access to the beach. In all of these areas, any adverse environmental or visual effects caused by parking area enlargement should be mitigated.

There also exist additional State mandates and local responses that are also relevant to public access in the project area, For example, California Public Resources Code Section 31408(b) states:

To the extent feasible, and consistent with their individual mandates, each agency, board, department, or commission of the state with property interests or regulatory authority in coastal areas shall cooperate with the [Coastal] conservancy with respect to planning and making lands available for completion of the trail, including constructing trail links, placing signs and managing the trail.

Furthermore, Caltrans' own management directives require that all mobility modes be adequately included. For example, Caltrans Deputy Directive DD-64-R1 states:

The intent of this directive is to ensure that travelers of all ages and abilities can move safely and efficiently along and across a network of "complete streets."

State and federal laws require the Department and local agencies to promote and facilitate increased bicycling and walking. California Vehicle Code (CVC) (Sections 21200-21212), and Streets and Highways Code (Sections 890 – 894.2) identify the rights of bicyclists and pedestrians, and establish legislative intent that people of all ages using all types of mobility devices are able to travel on roads. Bicyclists, pedestrians, and nonmotorized traffic are permitted on all State facilities, unless prohibited (CVC, section 21960). Therefore, the Department and local agencies have the duty to provide for the safety and mobility needs of all who have legal access to the transportation system.

- *Ensure bicycle, pedestrian, and transit user needs are addressed and deficiencies identified during system and corridor planning, project initiation, scoping, and programming.*
- *Collaborate with local and regional partners to plan, develop, and maintain effective bicycle, pedestrian, and transit networks.*
- *Consult locally adopted bicycle, pedestrian, and transit plans to ensure that State highway system plans are compatible.*
- *Ensure projects are planned, designed, constructed, operated, and maintained consistent with project type and funding program to provide for the safety and mobility needs of all users with legal access to a transportation facility.*

California Senate Bill 908 mandated production of the document, *Completing the California Coastal Trail*. Map 4 of that report depicts the coastal trail as running along the coast in the area of the proposed project. Physical access to the ocean and beach areas is emphasized. The trail should be located “*as close to the ocean as possible...*” (pg. 8). Another policy in this document states:

Wherever feasible, the Coastal Trail should be within sight, sound, or at least the scent of the sea. The traveler should have a persisting awareness of the Pacific Ocean. It is the presence of the ocean that distinguishes the seaside trail from other visitor destinations.” (pg. 15)

Consistency Analysis

State Highway 1 comprises the key transportation corridor along the southern Sonoma County coast, and is considered one of the State’s premier recreational travel routes. Here, Highway 1 links Bodega Bay to the Russian River, offering a unique driving experience, and for most visitors, Highway 1 provides the only feasible route for reaching beaches and scenic viewpoints along this part of the coast. It is also in and of itself a visitor destination, including for the incredible coastal vistas it provides.

Numerous Coastal Act provisions and LCP policies require protection of coastal access and recreation opportunities. The proposed realignment of the highway will impact existing coastal public access and recreational resources because the highway would move inland, away from the sea. A principal motivation for this project is that the ongoing erosion of the shoreline threatens to undermine the current bluff-edge alignment of Highway 1. The proposed realignment will protect the highway’s vehicular recreational travel function by assuring continuous safe access, though in moving the alignment inland by up to approximately 370 feet, the highway will be disconnected from the immediate access to Gleason Beach that is presently available to the traveling public. However, the project will also provide safe and long-term public access to the coast along this highly scenic portion of Highway 1, and completion of the CCT segment consistent with the Coastal Act public access and recreation policies. Of the project alternatives analyzed, the proposed project is most consistent with the Coastal Act Section 30254 provision for minimizing vehicle travel, as alternate routes would have involved a more circuitous inland route of some 27 miles. Once complete, motorists and cyclists would travel on the new roadway’s gentle, curvilinear pathway over relatively level terrain, with 40 to 50 miles per hour design speed limit. The new alignment would provide an elevated vantage point that affords

broader, but more distant, views of the shoreline. The proposed alignment would not, however, provide the same level of direct access to the adjacent shoreline.

The net effect is that existing coastal access would be diminished unless offset with measures to maximize public access opportunities in this area. The realignment project, in combination with the Applicant's proposal to 1) provide for re-use of the abandoned highway alignment, 2) create a new segment of the CCT and associated bridge to assure connectivity, 3) develop new beach access parking, and 4) establish beach access for individuals with disabilities, has potential to vastly improve this route and its recreational amenities, and to appropriately offset project impacts.

Coastal and Sandy Beach Access

Visitors to Gleason Beach currently make use of gravel shoulders on the north and southbound Highway 1 traffic lanes to access the beach. Approximately 16 informal parking spaces line the highway. To reach to the sandy beach, visitors must scramble down an 8 to 12-foot eroded berm. During the construction period, the existing highway alignment and beach access will remain open to public use. Once the new highway alignment is complete, the existing double box culvert across Scotty Creek would be removed and the Creek restored. This project element would directly impact beach parking, as many of the spaces are located on top of the existing culvert. Beach access would be less impacted by this change, though the creek mouth may spread out and render some sandy areas inaccessible. Therefore, **Special Condition 6** requires that the Applicant enter into a Memorandum of Agreement with the County and through the creation of a dedicated task force, develop a Public Access Plan, including a parking and Beach Access Plan through **Special Conditions 4 and 5**, assuring consistency with the Coastal Act and with County LCP, including provisions calling for the establishment of access for persons with disabilities, Coastal Act Section 30220 which protects water-oriented recreational opportunities, and Section 30211, which requires that development does not interfere with the public's ability to access the sea.

The removal of the box culvert will also result in loss of a contiguous access along this corridor. Further, additional parking created south of the existing informal parking spaces would either encroach onto private lands or be constrained by existing wetlands. Beach access at this site could continue, but parking would be diminished from 16 to as few as 5 spaces and there would be no CCT linkage, necessitating users move inland to connect to the trail. In response to this project impact, the Applicant agreed to construct a dedicated pedestrian and bicycle bridge across Scotty Creek, linking north to south. The proposed project includes the creation of 5 spaces to the south and 17 parking spaces north of the Creek, where the public could park and walk across the dedicated bridge to access the sandy beach south of Scotty Creek, consistent with Coastal Act Section 30252, which requires that new development maintain and enhance public access to the coast by providing non-automobile circulation as well as providing adequate parking facilities. **Special Conditions 4, 5 and 6** outline the main public access requirements through a two-phased Public Access Plan process, including how sandy beach access will achieve consistency with LCP policy recommendations to consider additional parking as part of the development of the California Coastal Trail, and to consider the adequacy of this location for use by individuals with disabilities when designing beach access and parking.

California Coastal Trail

In areas where there is no existing bluff-edge footpath or other such off-road accessways, Highway 1 currently functions *de facto* as part of the California Coastal Trail alignment. As shoulders bordering the existing Highway 1 alignment along Gleason Beach only extend to a maximum of two feet, the area does not currently provide adequate CCT access. Included in **Special Conditions 4, 5 and 6** are the requirements for the development of a new segment of the CCT (see **Exhibit 5**). The permit is conditioned to require that Caltrans construct the new CCT and associated bridge. Sonoma County is expected to/agreed to take responsibility for their ongoing maintenance. **Special Conditions 6 and 13** also require that west of the new roadway alignment, on the existing Ballard property, an easement be recorded for the creation of a new public open space recreational area (that may eventually become a new County Park) (**Exhibit 9**), encompassing the CCT, consistent with Coastal Act Section 30213, 30221, and 30223 which require that lower cost recreational facilities are protected, encouraged, and provided, and the protection of oceanfront land suitable for recreational use. The CCT element of the required Public Access Plan will incorporate sections of existing Highway 1 where feasible; restore sections of Highway 1 where pavement can be removed; restore/revegetate a portion of the previous alignment with native plantings; develop a new CCT; and create trail connectivity from the beach south of Scotty Creek up to the “off road” CCT through the construction of the dedicated CCT bridge. Further recreation improvements include overlook points, interpretive signage, and other recreational amenities, including as developed through a Public Access Plan Taskforce (see **Special Condition 5**), consistent with Coastal Act Section 30214, which requires that public access be designed and implemented in a manner that considers site-specific circumstances. North of the creek, between the existing and proposed alignments, the proposed new segment of CCT would serve multiple non-automotive modes of travel needs in the project area and be essential for meeting the public access requirements of Coastal Act Sections 30210 and 30212, which require that maximum access and recreational opportunities be provided for all the people, and that public access be provided from the nearest public roadway to the shoreline. Finally, the requirements of **Special Condition 5** assure the requirements of LCP policies that support the Coastal Trail are carried out.

In addition to a new segment of the CCT, the Applicant proposes to create bicycle access and a protected pedestrian path along the proposed bridge spanning Scotty Creek. The 6-foot wide protected walkway would be located on the west side of the bridge to allow for maximum coastal views. Six to 8 foot shoulders would provide adequate passage for bicyclists wishing to travel continuously along Highway 1. This assures consistency with Coastal Act Sections that require maximum access and encourage alternate transportation, and Caltrans’ own directives that require bicycle access be provided.

Conclusion

The project as conditioned allows for the continuation of full automotive access and sufficient parking along the coast; provides adequate shoulders for bicyclists; establishes a dedicated pedestrian walkway and Coastal Trail connectivity across the proposed vehicular and CCT bridges; and sufficiently addresses recreational walking, hiking and bicycling for the public through the development of a new “off road” section of the California Coastal Trail. In addition, required conditions provide for the dedication of a new public open space area (that may become a County Open Space and/or Park) that will further enhance recreation and access opportunities

along this stretch of coast. As conditioned, the proposed project provides for adequate vertical and lateral pedestrian access and associated parking along the shoreline, including the development of parking and beach access for disabled individuals. Thus, as conditioned, the project can be found consistent with County standards and LCP policy recommendations and with the applicable public access and recreation policies of the California Coastal Act.

G. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Applicable Policies

Environmentally sensitive habitat areas (ESHAs) are defined as areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Coastal Act Section 30240 states:

Section 30240.

(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.

The Sonoma County LCP also protects sensitive species by incorporating Coastal Act Section 30240, and through Recommendation 58 of the Environment chapter (p.32), which requires that development:

Protect designated sites of rare or endangered plants... Development should be sited and designed and constructed to prevent impacts of grading, paving, construction of roads or structures, runoff, and erosion from significantly degrading rare or endangered plant habitats, and shall be compatible with the continuance of such habitat areas.

Consistency Analysis

The proposed new roadway would be located in rolling hills, between the Santa Rosa Plain and the Pacific Ocean, and would traverse both wetlands and coastal prairie habitat. Some of the wetland areas include aquatic habitat for California red-legged frog (CRLF), while the coastal prairie habitat contains upland CRLF habitat as well as western dog violet, the obligate larval host plant for the Myrtle's silverspot butterfly (MSB). Both the CRLF and the MSB are federally protected special status species. Likewise, Scotty Creek formerly provided habitat to additional listed species, including Central California Coast steelhead and coho salmon. See **Exhibit 8** for habitat maps.

Coastal Act Section 30240 allows only resource-dependent development in environmentally sensitive habitat areas, and requires that development adjacent to sensitive habitats be sited and designed so as to not significantly degrade the habitats. The proposed project is not an allowed use in ESHA, and thus is inconsistent with Section 30240 and complementary LCP policies. In

addition, even if it were an allowed use, the project will result in a significant disruption of ESHA values, impacts that would significantly degrade ESHA, and it would be incompatible with the continuance of the effected ESHA. In short, the project is fatally inconsistent with the Coastal Act on these points, and can only be approved if allowed through conflict resolution (see Section M). As described further below, though impacts to sensitive habitat along the new and existing alignment will occur, restoration of these habitats would be completed as a requirement of this permit's Special Conditions in a way that can allow approval of the project. The Applicant has committed to fund measures to minimize and fully mitigate all project impacts to special species and habitat, including for temporary and permanent losses, as part of the project budget. Although these impacts are inconsistent with Section 30240, the proposed project as mitigated and conditioned is approvable pursuant to the conflict resolution provisions of the Coastal Act.

Gold Ridge Resource Conservation District

In order to mitigate project impacts, the habitat creation, restoration, and enhancement activities would occur within a designated easement area (**Exhibit 9**) at APN 101-110-005 as shown in **Exhibit 8**, consistent with **Special Conditions 10, 11, and 13**. Caltrans has committed to fully fund the cost of mitigating and minimizing project impacts of the design and implementation of restoration plans that will accomplish the requirements of **Special Conditions 10 and 11**. Caltrans will enter into an MOU or Cooperative Agreement with the Gold Ridge Resource Conservation District (as required by **Special Condition 14**), which will describe the purpose of the natural resource restoration and enhancement, roles and responsibilities of each entity in the initial restoration, and the ongoing roles and responsibilities of each entity with regard to maintenance of the easement area.

Coastal Terrace Prairie Habitat

The main natural community in the project area is coastal terrace prairie, which is a rare habitat that is easily disturbed or degraded by human activities and therefore meets the definition of Environmentally Sensitive Habitat Area in the Coastal Act. All remaining grasslands in California contain a large proportion of non-native grasses and forbs, which are often the dominant vegetation. The Commission considers coastal grasslands with at least ten percent cover by native grasses and forbs to be coastal terrace prairie. At the project site, the grassland has been mapped as coastal terrace prairie with a significant presence of native species such as California oat grass and salt grass as well as non-natives, such as velvet grass and sweet vernal grass. Coastal terrace prairies occur in areas where grassland plants can obtain some moisture from fog, are moderated by the cooling influence of the Pacific Ocean, and are characterized by a highly diverse array of grass and forb species. Coastal terrace prairie covers approximately 65 percent of the project site's biological survey area.

Caltrans evaluated numerous project alternatives and determined that the project purpose and objectives could not be achieved without impacts to coastal terrace prairie, and that among the three best alternatives, the difference in impacts to coastal terrace prairie was negligible. The plan for construction of the roadway will result in temporary losses of 3.93 acres of coastal terrace prairie due to construction and the use of temporary staging areas. In addition, the project will result in permanent losses of 4.56 acres of coastal terrace prairie from the road realignment. Habitat losses will be minimized through construction best management practices that limit

impacts, and will be mitigated through the development of a conservation easement, Habitat Mitigation and Monitoring Plans, and a Coastal Terrace Prairie Habitat Management Plan. Through the requirements of **Special Condition 10**, the applicant will be required to submit for Executive Director review and approval, a Mitigation and Monitoring Plan that will require that temporary impact areas be restored, revegetated, and monitored for restoration success. In addition, permanent losses of coastal terrace prairie will be mitigated by enhancing Myrtle's silverspot butterfly habitat (including planting western dog violet at a ratio of no less than 3:1) and increasing the proportion of native grasses and forbs in the grassland within the easement area as required by **Special Conditions 10, 11, and 13**. The coastal terrace prairie enhancement measures will also be supported by an endowment to help ensure success (**Special Condition 15**). As described above, the coastal prairie habitat affected by the project is ESHA and therefore, pursuant to Coastal Act Section 30240, only resource-dependent uses are allowed, and highways like the proposed project do not qualify as such. Therefore, the project cannot be found consistent with Section 30240, unless achieved through conflict resolution (see Section M).

Myrtle's Silverspot Butterfly

An important species within the coastal terrace prairie plant community is the western dog violet, (*Viola adunca*), the obligate larval host plant of the federally endangered Myrtle's silverspot butterfly (MSB) (*Speyeria zerene myrtleae*). The butterfly larvae feed on new flowers and foliage of the plant. A single larva may require multiple plants for feeding until they reach maturity, and thus, stands of western dog violet provide good quality habitat. Approximately 12 acres of potential MSB habitat, including about 3.6 acres of larval habitat, would be impacted with the development of the newly aligned highway and residential access roads through direct habitat loss and fragmentation. The alignment alternative chosen was chosen as it minimized impacts to sensitive species such as the butterfly (e.g., through minimizing its width as possible, etc.). **Special Conditions 4, 5, and 6** require the development of a Public Access Plan that would ensure that sensitive species, such as the MSB and its habitat, are not impacted by the creation of a new segment of the California Coastal Trail. **Special Condition 13** requires a conservation and agricultural easement within which habitat restoration and enhancement can occur. **Special Condition 10** requires a Habitat Mitigation and Monitoring Plan for review and approval by the Executive Director to restore MSB habitat, relocate individual plants removed prior to the construction of the highway, and create approximately 20 acres of potential new butterfly habitat through appropriate planting, improved grazing, and other restoration practices under a Coastal Terrace Prairie Management Plan as required by **Special Condition 11**. As with coastal terrace prairie habitat, of which it is a part, the MSB habitat is ESHA and new highway realignment does not qualify as a resource-dependent use, which makes the aspects of the project that impact ESHA inconsistent with Section 30240.

California Red Legged Frog

Both the breeding and upland habitat of the federally threatened CRLF (*Rana draytonii*) will be impacted by project activities through permanent loss of upland sheltering, foraging, and dispersal habitat, and through salinity intrusions to breeding habitat once the Scotty Creek culverts are removed. However, the project will also result in improvements to existing wetland and stream habitats. Numerous avoidance, minimization, and mitigation measures have been incorporated into the project through the project EIR to address potential impacts to the frog such as a reduction in breeding habitat. **Special Condition 10** requires a Mitigation and Monitoring

Plan that will create or enhance aquatic breeding habitat. **Special Condition 13** requires a conservation and agricultural easement that will protect upland and aquatic breeding habitat, and provide restoration opportunities. Since this highway realignment impacts both upland and breeding habitat for CRLF, which qualify as ESHAs, any project elements that impact such areas are inconsistent with the ESHA protections of the Coastal Act.

Conclusion

The proposed project will have numerous impacts on sensitive natural resources in the project area, including impacts to coastal terrace prairie ESHA, Scotty Creek, and special status species such as the CRLF and MSB, including their habitats. Although these ESHA impacts are proposed to be minimized to the extent feasible, and some of the project elements, such as the daylighting and restoration of Scotty Creek, would provide habitat benefits for sensitive species, the proposed project is inconsistent with the Coastal Act and Sonoma County LCP policies that do not allow highway uses in ESHA. As described in Section M of this report, the project can be approved under the conflict resolution provisions of the Coastal Act in spite of this inconsistency. However, measures must be taken to mitigate the project's impacts to ESHA. As proposed, the project includes significant on-site and off-site habitat restoration that will offset the impacts of the project. Habitat restoration will be achieved through the implementation of aspects of the required Habitat Mitigation and Monitoring and Coastal Terrace Prairie Habitat Management Plans, as described in **Special Conditions 10 and 11**, an endowment (**Special Condition 15**), and establishment of a Natural Resource and Agricultural Conservation Easement within which natural resource restoration and enhancement will take place, as required by **Special Conditions 13 and 14**. Additionally, **Special Conditions 10 and 11** require appropriate performance criteria for the proposed habitat restoration. Therefore, the proposed project will adequately mitigate for its ecological resource impacts in a conflict resolution sense as conditioned and can be approved in that context.

H. WETLANDS AND WATER QUALITY

Applicable Policies

The Coastal Act protects coastal waters and related habitats such as wetlands located in the vicinity of the proposed project site. In addition, this Section requires that any adverse effects of runoff be minimized to protect the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes. Coastal Act Sections 30231 provides:

***Section 30231.** 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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

And Section 30233, which prohibits the dredging or filling of wetlands, states, in 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:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (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.*
- (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (6) Restoration purposes.*
- (7) Nature study, aquaculture, or similar resource dependent activities. ...*

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary...

In addition to echoing Coastal Act Section 30233, the Sonoma County LCP Environment Shapter requires special protections for water quality and prohibitions on the dredging and fill of wetlands (pp.29, 30 and 33):

Environmental Resources Recommendation 16. Encourage restoration of marshlands where feasible.

Environmental Resources Recommendation 17. Exclude all motor vehicles from wetlands. Pedestrian and equestrian traffic should be directed to specific areas with facilities provided to eliminate adverse impacts on biological resources.

Environmental Resources Recommendation 18. Prohibit filling, grading, diking, dredging, and construction in wetlands, except under special conditions delineated in the Coastal Act Section 30233. All projects must maintain or enhance the functional capacity of the wetland or estuary. Dredging, when consistent with the provisions of the Coastal Act and where necessary for the maintenance of the tidal flow and continued viability of the wetland habitat, should be subject to the following conditions:

Prohibit dredging in breeding and nursery areas and during periods of fish migration and spawning.

Limit dredging to the smallest area feasible.

Require protective measures for dredging and excavation such as silt curtains, diapers, and weirs to protect water quality.

Remove structures as soon as possible once they have served their purpose.

Dredge spoils should not be deposited in areas subject to tidal influence or in areas where public access would be significantly adversely affected, as well as certain environmentally sensitive areas.

Environmental Resources Recommendation 19. Minimize construction on land adjacent to wetlands during maximum seasons of breeding bird activity (March 1 to July 1).

Environmental Resources Recommendation 20. Prohibit discharge of wastewater into any wetland unless such discharge maintains or enhances the functional capacity of the wetland and maintains the quality of the receiving water.

Environmental Resources Recommendation 22. Prohibit the diking or filling of seasonal wetlands for the purpose of conversion to agriculture or to accommodate development of any kind.

Environmental Resources Recommendation 24. Prohibit the removal of vegetation from wetlands unless it is shown to be essential to the habitat viability.

Environmental Resources Recommendation 70. Prohibit dredging in all anadromous fish streams.

Sonoma County LCP's Environment Chapter also contains policies related to the protection of water quality as it relates to livestock grazing (p.30):

Environmental Resources Recommendation 21. Prohibit grazing or other agricultural uses in designated coastal wetlands. On watershed lands, a fence should be constructed on the outer edge of the wetland.

Environmental Resources Recommendation 23. Encourage the fencing of springs, seeps, and pond areas surrounded by lands used for grazing. Water for livestock should be piped outside of the wetland for use by livestock.

Consistency Analysis

Within the project area, Scotty Creek meanders through Ballard Ranch, and as it nears the coast, crosses a low-lying, coastal terrace that is both floodplain to the Creek but also contains approximately 3.56 acres of wetland and rush/marsh habitat (**Exhibit 8**). The watershed and wetlands in the project area support a variety of marine resources including special species as described in the ESHA finding above.

Section 30231 of the Coastal Act requires the protection of biological productivity and coastal water quality, and minimization of alterations to natural streams. Similarly, Section 30233 prohibits dredging, grading, and filling of coastal wetlands except under very limited circumstances. The LCP further builds upon these Coastal Act policies by recommending specific avoidance measures and best management practices. The project would involve both

removal of the existing highway and the construction and operation of new highway, parking, and trail facilities. Such development would involve grading, excavation, vegetation removal, and the creation of impervious highway surfaces. Construction of the new alignment would require grading, dredging and filling wetlands in the form of permanent impacts to 0.43 acres from the newly paved realignment, and impacts to groundwater resources from a road cut to accommodate the new roadway. In addition, the proposed roadway will temporarily disturb approximately 1.44 acres of wetlands during the course of construction. Additionally, the realignment would result in 0.14 acres of temporary and 0.013 acres of permanent impacts to the non-wetland waters of Scotty Creek. Construction of the new alignment would entail direct displacement and modification of wetlands and streams, and the addition of polluted runoff and sedimentation, with impacts to the viability of wetlands and streams. The Applicant has proposed project features and mitigation measures to protect water quality and minimize impacts to wetlands and streams, including the creation of wetlands and restoration of Scotty Creek.

In short, the proposed project is not one of the 7 enumerated uses allowed in wetlands, and is thus inconsistent with the Coastal Act. Thus, the project is inconsistent with the Coastal Act on this points, and can only be approved if allowed through conflict resolution (see Section M).

Groundwater in the project area is shallow, measured at 15 and 20 feet below the ground surface. It emerges as springs in the project area that creates shallow wetlands. The springs also supply water to a cistern inland of the proposed highway alignment and a spring-box between the proposed alignment and the current highway segment. The road will cut into the ground water table, and the wetland upslope of the spring-box will be displaced by the project. However, measurements of water levels showed no changes in groundwater surface elevations relative to pumping tests done for Caltrans, and there was no effect on the rate of water flowing to the cistern. Based on these observations, and given that most of the flow to the wetland and cistern originate from groundwater sources located farther upslope, Caltrans concluded that the cistern and hydrology of the wetland associated with the cistern will not be impacted by the project. It is unclear, however, if the water supply source to the spring-box will be affected by the road cut, which will intercept groundwater. Options that ensure the water source for the spring-box will remain viable will be determined during construction, when the bedrock locations and groundwater distribution can be directly observed. Impacts to the wetlands displaced by the new roadway footprint would be mitigated by creating new wetlands, as described in detail below.

The existing roadway has 11-foot-wide lanes and zero to two-foot-wide shoulders. The proposed roadway will increase impervious surface area, as new traffic lanes would be 12 feet wide with 4-foot paved and 4-foot unpaved shoulders. The increased road surface will increase the volume of highway runoff during storm events.

The project also includes an 850-foot long and 49-foot wide bridge, which will replace an existing box culvert and approach fills on Scotty Creek. The box culvert impairs Scotty Creek by filling the channel and captures debris which exacerbates flooding. It may be responsible, in part, for the loss of habitat suitable to Coho and Steelhead that historically populated the Creek. The new bridge will facilitate realigning the highway inland, thereby creating a buffer between the highway and the hazard posed by bluff erosion.

While removal of the box culvert would involve temporary water quality impacts, the Applicant

has committed to restoring the Creek and its associated habitat as described in **Special Condition 10**. Removal of the box culvert and construction of the bridge are considered the least environmentally damaging feasible alternative, as it would not have been feasible to route the new Highway around the watershed in this region. Additionally, the Applicant found that among more than twenty alternatives considered for environmental review, the proposed project would have the least impacts on wetlands; the other two feasible alternatives would have directly impacted a marsh. **Special Condition 8** requires the Applicant to submit a Construction and Pollution Prevention Plan, outlining construction best management practices. In addition, **Special Conditions 2 and 4** require water quality protections be incorporated and implemented through inclusion in both final project plans and final Coastal Trail plans. In addition, **Special Condition 2** requires submittal for the review and approval by the Executive of a Post-Development Runoff Plan that mitigates water quality impacts caused by runoff from the new road. These permanent best management practices will include earthen-based biotreatment swales and soil infiltration.

As stated above, construction of the traffic bridge would result in 1.58 acres of temporary and 0.45 acres of permanent (combined) impacts to Scotty Creek and wetlands (**Exhibit 8**). The bridge involves placement of 8 spans, requiring 10-foot diameter holes drilled for column footings using a rig-mounted auger. The columns would be composed of structural steel, and once placed, the holes would be filled with concrete. Bridge abutments and columns include forms extending out of the footings and also will be backfilled with concrete. The bridge spans are designed to avoid placement of footings and columns in the creek channel. In total, this project element requires 38,000 cubic yards of cut and 11,000 cubic yards of fill. The proposed project does not meet the allowable use test in Section 30233 to allow for fill of wetlands, and is therefore inconsistent, if allowed through Conflict Resolution, it must still meet the requirements of Section 30233 to limit fill to cases where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Caltrans reviewed a number of alternatives through the EIR process and determined that there was no alternative that meets the purpose and objectives of the project without requiring wetland fill, due to the presence of drainages to the ocean that cannot be avoided. An evaluation of the three most preferred alignments demonstrated that the difference between impacts to wetlands was negligible, because each of these three structural designs avoided impacts to Scotty Creek and wetlands to a comparable degree. However, Caltrans has proposed numerous measures to reduce wetland fill and otherwise minimize impacts to wetlands. For example, the proposed roadway includes a bridge rather than paving on the ground to cross Scotty Creek.

In addition to measures that will avoid and minimize impacts on wetlands, Caltrans is proposing wetland and habitat restoration projects, including mitigation ratios of 4:1 for permanent and 1:1 for temporary wetland impacts, to compensate for the adverse environmental effects of the project through **Special Conditions 13 and 14**, which require the Applicant record a Habitat and Open Space Easement (**Exhibit 9**) for restoration of the Creek and creation of new wetland areas on the Ballard property, near the existing wetland areas. Finally, **Special Condition 10** requires submittal for review and approval by the Executive Director a Mitigation and Monitoring Plan that will require an on-site wetland creation and restoration component. Consistency with Sonoma County LCP's water quality policies would be also attained through **Special Conditions 11 and 14**. Therefore, as conditioned, the project will ensure the impacts to wetlands are

minimized, and that all impacts are mitigated to the maximum extent feasible, consistent with Section 30233 in a conflict resolution context.

Conclusion

Special Conditions 2, 9, and 10 ensure that water quality protections are a required component of the project Plans. Further, **Special Condition 10** requires the applicant to submit a Mitigation and Monitoring Plan for the impacts to Scotty Creek and wetlands. Conflict Resolution Section M further justifies approval of the project even though the project does not qualify as an allowable use for filling wetlands within the meaning of Section 30233. Finally, as conditioned, the project is consistent with Coastal Act Sections 30231 regarding protection of marine and freshwater resources and associated habitat in a conflict resolution context.

I. AGRICULTURE

Applicable Policies

Coastal Act Section 30242 requires that conversion of agricultural lands be limited to instances where such lands are no longer suitable for agricultural uses, are protective of prime agricultural land, or result in the concentration of development. Section 30242 states as follows:

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

The following LCP Resources Chapter Land Use policies mandate agricultural land protection (p.53):

Resources Recommendation 1. Encourage compatible, resource-related uses on designated resource lands. Such uses should not conflict with resource production activities...

Resources Recommendation 4. Establish resource compatibility and continued productivity as primary considerations in parcel design and development siting.

Consistency Analysis

Much of Sonoma County's coastline is dedicated to agricultural production. The landscape south of Jenner is characterized by low and relatively sparsely forested rolling hills, lending itself to sheep and cattle grazing. In addition to containing the Gleason Beach residential subdivision, the proposed project area also overlaps with two large agricultural parcels, both with active cattle grazing operations. Once realigned, the new Highway 1 will convert approximately 16.68 acres of agricultural land, or about 3% of cumulative grazing area available on the two parcels.

Coastal Act Section 30242 requires that the conversion of agricultural land to non-agricultural uses can only occur when agricultural use is no longer feasible. In this instance, Highway 1 is constrained to the west and southbound traffic lane, by a continuously eroding bluff, and to the east, along the northbound traffic lane, the highway directly parallel to agricultural land. While these agricultural parcels are currently used for grazing purposes, any effort to realign the

highway and protect it from failure will result in conversion of some agricultural land. In this case, the conversion criteria of Coastal Act Section 30242 cannot be met because the new highway alignment will remove agricultural land from use, and because it would be feasible (albeit logistically challenging given it would be disconnected from the rest of the inland agricultural operations by the new highway) to continue grazing activities on the land that will be located seaward of the realigned highway. Grazing has been taking place in this area for over a century. Due to the above-reference logistical concerns, the area seaward of the highway will be used for public access and recreation. However, even though these are also high Coastal Act priorities, conversion of this land to these uses does not mitigate for the loss of agricultural land. Thus, for the reasons stated above, the proposed project does not meet the Coastal Act or the LCP's criteria for conversion of agricultural land to non-agricultural uses. Therefore, the proposed project is inconsistent with the Coastal Act Section 30242 and the LCP's agricultural protection policies and can only be approved through conflict resolution. To minimize the impacts of the loss of the 16.68 acres, the Applicant has initiated a conservation easement (see **Exhibit 9**). **Special Condition 13** requires that the Applicant works with the two private property owners to protect the agricultural value of their land through the recording of an Agricultural and Conservation Easement, while **Special Condition 11** requires a Livestock Fencing Plan to prevent cattle from impacting the restored Scotty Creek and nearby wetland area, as detailed above.

Conclusion

The proposed realignment of Highway 1 to a more inland location will bifurcate agricultural property, rendering a portion of such property no longer available for agricultural purposes, including where the new roadway would exist. Coastal Act Section 30242 limits the ability to convert agricultural lands to nonagricultural uses unless continued agriculture is not feasible, and therefore, the project can only be found consistent with Section 30242 on balance through conflict resolution (see Section M below).

J. CULTURAL RESOURCES

Applicable Policies

Coastal Act Section 30244 requires that reasonable mitigation measures be employed where development could adversely impact archaeological or paleontological resources. Coastal Act Section 30244 states:

***Section 30244.** Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

In addition, the Sonoma County LCP's Environment Chapter also has policies requiring protection of cultural resources (p.34):

Environmental Resources Recommendation 79. Require an archaeological study when proposed projects are within designated archaeological site areas, and require implementation of reasonable mitigation measures when recommended by the study.

Consistency Analysis

The Sonoma coast possesses a rich cultural history. Pomo and Coastal Miwok Native American tribes originally inhabited this region, subsisting on the abundance of coastal resources including coastal streams flush with salmon, seafood and shells from productive coastal waters and beaches, and diverse bird life native to riparian, wetland, and beach habitats. Evidence of Pomo and Miwok settlements can be found throughout this area. The project area includes numerous known cultural sites and it is anticipated that the project would adversely affect five archaeological properties on the 36.6-acre Area of Potential Effects (APE), including some 35 parcels within the project area.

Coastal Act Section 30244 requires mitigation for adverse impacts to certain cultural resources. In 2011, the Applicant reached out to the culturally affiliated local tribes, including the Federated Indians of Graton Rancheria and the Kashia Band of Pomo Indians of Stewarts Point Rancheria. Also in 2011, Caltrans conducted surveys for buried cultural deposits. The following year, Caltrans completed their Archaeological Survey Report, an inventory of cultural resources within the area of potential effects, as well as an analysis of archival records and reports, capturing the area and an additional half mile buffer, consistent with LCP policy. Reconnaissance surveys in 2013 and 2014 revealed one new buried archaeological site, while one site prior identified site could not be located. In sum, four sites are eligible for listing on the National Register of Historic Places. Tribal representatives participated in and monitored all archaeological subsurface investigations. Tribal consultation throughout the project planning process has been extensive. Tribes are provided regular updates on the status of the proposed project, and are encouraged to review and provide comments on Caltrans' studies. Matters in which Caltrans has sought tribal participation include the appropriate treatment of cultural properties, including their avoidance, minimization, and mitigation measures. All relevant Tribal peoples are supportive of the cultural resource protections Caltrans is currently proposing.

The proposed new roadway is sited to avoid known cultural resources. However, while the above project components provide protection for archaeological resources, undiscovered archaeological resources could be found during trail construction. Thus, **Special Condition 12** requires the submittal of a Memorandum of Agreement between Caltrans and State Historic Preservation Officer, which also involves the preparation and execution of an Archeological Treatment Plan that details mitigation efforts for adverse impacts to these resources. Included in **Special Condition 12** is the requirement that if cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will halt until a qualified archaeologist can assess the nature and significance of the find, and in consultation with Graton Rancheria, the Kashia Pomo, and the SHPO occurs. If construction is halted pursuant to this requirement, it may not resume without the written authorization of the Executive Director.

As conditioned, the project is consistent with Coastal Act Section 30244 regarding the protection of archaeological resources.

K. OTHER AGENCY APPROVALS

Other required approvals are from California Department of Fish and Wildlife for a Section 1602 Agreement; U.S. Army Corps of Engineers for a Section 404 Permit; Regional Water Quality

Control Board for a Section 401 Certification; U.S. Fish and Wildlife Service and National Marine Fisheries Service for a Section 7 consultation; Greater Farallones National Marine Sanctuary for authorization of this CDP; State Lands Commission; and the Coastal Conservancy. These considerations are in process. Thus, the project is conditioned for evidence of other agency approvals (see **Special Condition 17**).

L. VIOLATION FINDING

Violations of the Coastal Act and/or LCP exist in the project area including, but not limited to, unpermitted placement of armoring structures and devices (see **Exhibit 7**). On September 9, 2016, Commission enforcement staff notified the property owners of approximately 20 parcels of the evidence of alleged violations on their respective parcels, and requested that they contact staff directly to apply for CDP for any existing unpermitted development. In this case, the Applicant is not the party responsible for these violations; however, through dedication of an in-lieu fee (see **Special Condition 7**), the Applicant has committed to assuming financial responsibility for clean-up activities along 450 feet of bluff, where many of the alleged violations exist. **Special Condition 7** requires restoration where debris (from the unpermitted protective devices) has been abandoned. The actual clean up would be implemented by Sonoma County, by agreement. Once restored, these parcels would become property of the County. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implied statement of the Commission's position regarding the legality of development, other than the development addressed herein, undertaken on the subject site without CDPs.

M. CONFLICT RESOLUTION

Applicable Policies

Section 30007.5. The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

Section 30200(b). Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.

As noted previously in this report, due to the proposed highway realignment, the proposed project is inconsistent with Sections 30251 (protection of visual resources), 30240 (ESHA), 30233 (restriction on fill of wetlands), and 30242 (protection of agriculture) of the Coastal Act. However, as explained below, denying or modifying the proposed project to eliminate these inconsistencies would lead to nonconformity with other Coastal Act requirements, namely

Sections 30210 (maximizing public access and providing recreation), 30221 (preservation of oceanfront land for recreational uses), and 30230 (maintaining and enhancing the marine environment). In such a situation, when a proposed project is inconsistent with a Chapter 3 policy, and denial or modification of the project would be inconsistent with another requirement of Chapter 3, Section 30007.5 of the Coastal Act requires the Commission to resolve the conflict in a manner which is on balance the most protective of significant coastal resources. In addition, several benefits would be realized. The project as conditioned would provide a lower cost recreational facility (Section 30213), minimize the risk posed by hazards (Section 30253(a)), reduce vehicle miles traveled (Section 30253(d), and protect a popular visitor destination (Section 30253(e)). Additionally, the proposed project fulfills one of the principles of the Commission's Sea Level Rise guidance that prioritizes the planned retreat of major infrastructure along the coast.

Analysis

Resolving conflicts through application of Section 30007.5 involves the following seven steps:

1. The project, as proposed, is inconsistent with at least one Chapter 3 policy;
2. The project, if denied or modified to eliminate the inconsistency, would affect coastal resources in a manner inconsistent with at least one other Chapter 3 policy that affirmatively requires protection or enhancement of those resources;
3. The project, if approved, would be fully consistent with the policy that affirmatively mandates resource protection or enhancement;
4. The project, if approved, would result in tangible resource enhancement over existing conditions;
5. The benefits of the project are not independently required by some other body of law;
6. The benefits of the project must result from the main purpose of the project, rather than from an ancillary component appended to the project to "create a conflict"; and,
7. There are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies.

The proposed development meets all of the above criteria for applying conflict resolution, as follows:

Step 1

First, for the Commission to apply Section 30007.5, a proposed project must be inconsistent with an applicable Chapter 3 policy. Approval of the proposed development would be inconsistent with several Coastal Act policies. First, it would be inconsistent with Section 30251, because the proposed development is not adequately protective of scenic resources or visually compatible with surrounding areas. In particular, the 28-foot tall bridge would significantly impose on the natural landscape, and significantly adversely affect public views. In addition, due to the landward movement of the highway, outstanding views would be lost to the many visitors who drive by the area but do not stop temporarily or park with the intention of walking or hiking. Second, it would be inconsistent with Section 30240, which protects ESHA, because aspects of the proposed development will be located in ESHA, and the highway component of the proposed

development is not a resource-dependent use, and it would adversely affect these habitat resources. Third, it would be inconsistent with Section 30233, which limits fill of wetlands, because the proposed development includes fill of wetlands but is not an allowable use for fill of wetlands. And finally, it would be inconsistent with policies protecting agricultural land (Section 30242) because it would take viable agricultural land out of agricultural use and develop a realigned roadway and public open space in its place.

Step 2

Second, the project, if denied or modified to eliminate the inconsistency, would affect coastal resources in a manner inconsistent with at least one other Chapter 3 policy that affirmatively requires protection or enhancement of those resources. A true conflict between Chapter 3 policies results from a proposed project which is inconsistent with one or more policies, and for which denial or modification of the project would be inconsistent with at least one other Chapter 3 policy. Further, the policy inconsistency that would be caused by denial or modification of a project must be with a policy that affirmatively mandates protection or enhancement of certain coastal resources.

Without a new road, the existing road would experience closures and deterioration due to erosion from storms, thereby being inconsistent with Section 30210 (public access and recreational opportunities). Section 30210 affirmatively requires the Commission to provide maximum public access. Closures of the existing highway due to coastal erosion would be inevitable in the future because of the highly erosive nature of the bluffs on the seaward side of the existing highway. As such, if allowed to remain in its current location, the existing highway would likely become impassible in the near future, necessitating a 27-mile detour from Jenner to Bodega Bay, and preventing the public from accessing a significant stretch of the coast that is a primary visitor destination and where there is currently access. Efforts to protect the highway in its current location would require shoreline armoring that substantially alters natural landforms and interferes with public access along the beach, among other coastal resource and public recreational access impacts.

Denial of the project would also be inconsistent with Section 30213, which requires protection of lower cost visitor and recreational facilities. In addition to providing public access to this stretch of the coast, Highway 1 itself qualifies as a lower cost visitor and recreational facility for those who wish to drive or bicycle for pleasure along this highly scenic coastal area.

Likewise, denial of the project would additionally be inconsistent with Section 30221, which requires the protection of oceanfront land suitable for recreational use. As explained more thoroughly above in the access and recreation section, currently recreational use of the site is physically hampered. Visitors use the shoulders to park, then to reach the sandy beach, they must be fit enough to scramble down a berm of rock slope protection and fill.

Finally, denial would mean the existing shoreline protection, originally meant to protect homes, and the related litter on the sandy beach would not be cleaned up (see also Section L regarding the violations). That would be inconsistent with the Commission's mandate to protect and enhance marine resources, as required by Section 30230. This would also be inconsistent with the Section 30211 requirement that development not interfere with public access to the sea.

Step 3

The project, if approved, would be fully consistent with the policies that affirmatively mandate resource protection or enhancement. For denial of a project to be inconsistent with a Chapter 3 policy, the proposed project would have to protect or enhance the resource values for which the applicable Coastal Act policy includes an affirmative mandate. That is, if denial of a project would conflict with an affirmatively mandated Coastal Act policy, approval of the project would have to conform to that policy. If the Commission were to interpret this conflict resolution provision otherwise, then any proposal, no matter how inconsistent with Chapter 3 that offered a slight incremental improvement over existing conditions could result in a conflict that would allow the use of Section 30007.5. The Commission concludes that the conflict resolution provisions were not intended to apply to such minor incremental improvements.

In this case, the project provides safe and long-term public access to the coast along this highly scenic portion of Highway 1, and, as conditioned to ensure completion of the CCT segment, the project is fully consistent with the Coastal Act's public access and recreation policies. Further, as previously discussed, the project will allow for removal of existing and previous shoreline protection, thereby maximizing public access and recreation and enhancing marine resources by removing debris that is currently covering sandy beach area, and allowing the shoreline to erode and new beaches to form.

Step 4

The project, if approved, would result in tangible resource enhancement over existing conditions. This is the case with the current proposed project for several reasons. The project provides a lower cost recreational facility, both the highway itself and the trail (Section 30213), minimizes risk and vehicle miles traveled (Section 30253(a), (d)) and protects a popular visitor destination (Section 30253(e)). First, the realigned roadway would no longer be subject to coastal hazards that would ultimately lead to the need for road closures, further remedial shoreline protective devices, and loss of public access. Second, as conditioned, the project would include construction of a separated bike and pedestrian trail, which would provide an enhanced public recreational experience, as compared to the current, limited bike and pedestrian access. In addition, the realigned highway would contain continuous 4-foot paved and 4-foot unpaved shoulders, providing improved access for road bicyclists.

Moreover, the project as conditioned will result in a restoration of Scotty Creek to the benefit of sensitive species like Coho and CRLF. Finally, the project allows for the existing shoreline protection to be removed, as well as enhancements to public access and marine resources, by allowing for safe passage along the shoreline as it naturally erodes at this location.

As described in the coastal hazards section of this report, the proposed project also fulfills one of the principles from the Commission's adopted Sea Level Rise Policy Guidance of choosing adaptation strategies that will maximize natural shoreline processes and values while also protecting infrastructure. By using planned retreat of the highway as the main approach to keep the road safe from erosion, natural shoreline habitats will be maximized, along with their associated benefits, and the highway will be protected from additional erosion hazards related to accelerating sea level rise.

Finally, realigning the highway to a less hazardous location will assure that the transportation facility needs no further remedial shoreline protective devices in the future, which could further interfere with the project's consistency with the Coastal Act.

Step 5

The benefits of the project are not independently required by some other body of law. The benefits that would cause denial of the project to be inconsistent with a Chapter 3 policy cannot be those that a project proponent is already being required to provide pursuant to another agency's directive under another body of law. In other words, if the benefits would be provided regardless of the Commission's action on the proposed project, the project proponent cannot seek approval of a project that would not otherwise be approvable on the basis that the project would produce those benefits – that is, the project proponent does not get credit for resource enhancements that it is already being compelled to provide. For this project, Caltrans has an obligation to keep the highway open but has no obligation from another agency to realign the highway farther inland or provide for any of the other project benefits such as improved public access or sensitive creek habitat enhancements.

Step 6

The benefits of the project must result from the main purpose of the project, rather than from an ancillary component appended to the project to “create a conflict”. A project's benefits to coastal resources must be integral to the project purpose. If a project is inconsistent with a Chapter 3 policy, and the main elements of the project do not result in the cessation of ongoing degradation of a resource the Commission is charged with enhancing, the project proponent cannot “create a conflict” by adding to the project an independent component to remedy the resource degradation. The benefits of a project must be inherent in the purpose of the project. If this provision were otherwise, project proponents could regularly “create conflicts” and then request that the Commission use Section 30007.5 to approve projects that cannot otherwise be approvable. The balancing provisions of the Coastal Act could not have been intended to foster such an artificial and easily manipulated process, and were not designed to barter amenities in exchange for project approval.

In this case the benefits of the project result from its primary purpose – a realigned highway that no longer requires shoreline protection; results in a public accessway that will remain open and available for public access; and that will allow for existing shoreline protection to be removed benefiting public access, as well as, marine and visual resources.

Step 7

There are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies. Caltrans considered over twenty alternatives for the project, and analyzed three of them in detail (Alternative 19A, 19B, and 20) in the EIR/FONSI,⁷ along with the no project alternative. The Applicant found that Alternative 19A, the project considered here, had the fewest environmental impacts. The other two project alternatives (Alternatives 19B and

⁷ http://www.dot.ca.gov/d4/documents-environmental/1_gleason_beach_roadway/gleason_beach_final_eir-ea_jun2016.pdf

20) involved a different routing of the realignment. Both created further impacts to wetlands, including the fragmenting of a marsh. They would affect cultural resources to a greater degree, and would cause the loss of more Myrtle's silverspot butterfly and California red-legged frog habitat. The routing alternatives present the same Coastal Act inconsistencies as the subject proposal, as they would also go through habitat, agricultural areas, and scenic lands, with greater impacts. In addition, alternative locations would adversely affect to a greater degree important cultural resources, inconsistent with Coastal Act policies.

As further discussed above in the coastal hazards section of this report, the no project alternative is additionally problematic. Constructing shoreline protective devices to protect the highway in its current location would result in inconsistencies with policies related to public access and sand supply, as well as visual and marine resource protection policies. A continuing series of emergency actions is infeasible as temporary fixes will not stop the ongoing and severe erosion.

Based on the above, the Commission finds that the proposed project presents a conflict between Sections 30251, 30240, 30233, and 30242 on the one hand, and Sections 30210, 30221, and 30230 on the other, that must be resolved through application of Section 30007.5, as described below.

Conflict Resolution

With the conflict among several Coastal Act policies established, the Commission must resolve the conflict in a manner, which on balance, is the *most* protective of significant coastal resources. In reaching this decision, the Commission evaluates the project's tangible, necessary resource enhancements over the current state and whether they are consistent with resource enhancements mandated in the Coastal Act. In the end, the Commission must determine whether its decision to either deny or approve a project is the decision that is most protective of significant coastal resources.

An initial analysis would suggest that allowing a new road that provides continued safe and reliable access and does not further impact beach access and recreational opportunities would not on balance be more protective of coastal resources than the loss of agricultural land, wetlands and ESHA, including some lands previously protected. However, the available alternative access – via California Route 116 and the Bohemian Highway – would result in the public being unable to reach a significant stretch of the coast that is currently available for lower cost public access and recreation, and would require through-travelers (e.g., from Mendocino to Marin) to backtrack a significant distance.

Further, if the project was denied and the highway was left in place, additional shoreline protection would be required to protect the highway. This is especially likely given that the existing shoreline protection has fallen to the beach and must be removed, and the estimated shoreline average annual erosion rate is currently 1-foot per year with losses of multiple feet during severe weather events. Additionally, the highway is already threatened and is currently located almost directly at the edge of the bluff in some locations. Additional shoreline protection would lead to additional adverse impacts such as interference with sand supply, loss of beach, and viewshed deterioration. Furthermore, experience has shown that over time nature will prevail, thus either resulting in the Commission once again being faced with a request to reroute

Highway 1 (after these further impacts have occurred) or the road eroding away and closing. If the road is closed, not only will there be a direct effect on through coastal access, but there would be impacts on the ability to access beaches and recreational attractions, and to see spectacular coastal views. When all of these aspects of coastal resource use are factored in, the balance shifts in favor of providing coastal access (by permitting the highway realignment) as most protective of coastal resources.

Next, the test for approval is not for the project to be “more” protective of resources, it must be “most” protective. In order for that finding to be made, the adverse coastal resource impacts caused by the project have to be minimized and then mitigated to the maximum extent feasible. As discussed in detail in Section F above, Caltrans is proposing on-site restoration of Scotty Creek, wetlands, and upland coastal prairie habitat ESHA. As described in Section I above, an agricultural easement will protect continued agricultural uses and implement a new grazing plan protective of wetlands and prairie habitat. In addition, as described in Sections D and H above, with implementation of the visual and hazards mitigation fee, which will be triggered by construction of the realigned highway, Caltrans will mitigate visual impacts of the new bridge by restoring 1,114 linear feet of bluff and beach, removing earlier emergency armoring structures. Finally, a new public open space recreational area (and potential County Park) and a new segment of the CCT will be created through the MOU described in Section E, adding recreational value to the area and enhancing the safety of pedestrian and bicycle travel. As described throughout the sections of this report, the proposed project, as conditioned, is consistent with all other applicable Coastal Act policies.

Conclusion

The most threatened coastal resource in the project area is visual and scenic quality, especially given that Sonoma County’s LCP Visual Resources Map designates this area with the highest rating (i.e., “outstanding views”). The approved project is more protective of coastal resources than denial would be because it allows for continued motor vehicle and public access along and to the coast, while incorporating restoration of bluff and beach where the visual quality of the coastline has long been blighted.

Other important resources in the project area include ESHA and wetlands, and agriculture. Each of the resources will be impacted by the proposed project in a manner not consistent with the individual Coastal Act policies meant to protect them. In resolving the identified Coastal Act conflicts, the Commission finds that the impacts on coastal resources from not constructing the project will be more significant than the project’s habitat and agricultural impacts if these impacts are minimized and mitigated as proposed and conditioned. Therefore, the Commission finds that approving the project, as conditioned, is, on balance, most protective of coastal resources.

N. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with CDP applications showing the application to be consistent with any applicable requirements of 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 that the activity may have on the environment.

Caltrans, acting as lead agency, approved an Environmental Impact Report (EIR) and a Finding of No Significant Impact (FONSI) under NEPA (No. OA0200/ 04-0000-0129, June 2016). The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA. The preceding CDP findings discuss the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above, which are incorporated herein in their entirety by reference.

The Commission finds the project as modified, conditioned, and balanced after consideration of conflicting provisions of the Coastal Act, is the most protective of significant coastal resources. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA.

Thus, if so conditioned, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Project EIR
- Coastal Commission comment on Project EIR (August 24, 2015)
- Project FONSI
- Coastal Commission comment on Sonoma County permit CPH17-0003 (July 10, 2017)
- *Mitigation for Gleason Beach Highway 1 Realignment Coastal Development Permit* (March 20, 2018)

APPENDIX B – STAFF CONTACT WITH AGENCIES AND GROUPS

- California Department of Fish and Wildlife
- California Coastal Conservancy
- California Department of Parks and Recreation
- Regional Water Quality Control Board
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- National Marine Fisheries Service
- Greater Farallones National Marine Sanctuary
- National Marine Fisheries Service
- California Coastal Trail Association
- Sonoma County Permit and Resource Management Department
- Sonoma County Regional Parks
- Gold Ridge Resource Conservation District
- State Senator Mike McGuire