

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CALIFORNIA 95521-5967
(707) 826-8950 FAX (707) 826-8960
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Th8

North Coast District Deputy Director's Report for July 2021

Prepared July 1, 2021 (for the July 08, 2021 Hearing)

To: Commissioners and Interested Parties
From: Kate Huckelbridge, North Coast District Deputy Director

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the North Coast District Office are being reported to the Commission on July 08, 2021. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's North Coast District Office in Arcata. Staff is asking for the Commission's concurrence on the items in the North Coast District Deputy Director's report and will report any objections received and any other relevant information on these items to the Commission when it considers the report on July 8th.

With respect to the July 8th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on July 08, 2021 (see attached)

Waivers

- 1-21-0438-W, Trinidad Rancheria - Generator Replacement (Trinidad Harbor, Humboldt County)

Immaterial Amendments

- 1-20-0422-A1, Caltrans - Dr. Fine Bridge Replacement Utilities Relocation (Hwy 101, Del Norte County)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: July 1, 2021

To: All Interested Parties

From: Bob Merrill, North Coast District Manager
Tamara Gedik, Coastal Program Analyst

Subject: Coastal Development Permit (CDP) Waiver 1-21-0438-W

Applicant: Cher-Ae Heights Indian Community of the Trinidad Rancheria,
Attn: Leslie Sanders

Location: Trinidad Harbor, 1 Bay Street, Trinidad, Humboldt County (APN: 042-071-12)

Proposed Development: Replace a 120 kW diesel generator with a new propane generator system including: (1) a 75 kW and a 100 kW generator on a new 144-square-foot concrete slab, (2) two 1,000-gallon liquified propane gas tanks on a new 198-square-foot concrete slab, and (3) six-foot-tall privacy fencing around each slab.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The generator system would not encroach into sensitive habitat areas. The proposed development will occur on previously disturbed lands adjacent to existing electrical meter equipment and boat launching facilities within the harbor. The development will replace an aged diesel generator that provided limited backup power supply with new backup power sources in the same footprint to support the harbor's pier facilities and restaurant operations in the event of a power outage. The concrete slabs are the minimum size needed to support the generators and propane tanks, respectively. The proposed fencing surrounding each slab will screen the generator system from view and will only minimally affect coastal views. Significant unobstructed bay views remain from public vantage points 20 feet from the proposed development and the nearby beach and public pier afford additional extensive views of Trinidad Bay and the scenic

Coastal Development Permit De Minimis Waiver 1-21-0438-W

coastline in the area. Fencing will consist of the same materials as nearby fencing used to screen the harbor's sewage treatment facility. Therefore, the proposed development will protect views to and along the coast and will be compatible with the character of its surroundings. The Applicant has proposed Best Management Practices to ensure there will be no impacts to the adjacent coastal waters during construction. Project activities will not interfere with the public's ability to access the shoreline, and access to the adjacent free parking lot, beach, and pier will remain open during project construction.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until it has been reported to the Coastal Commission and the site of the proposed development has been appropriately noticed, pursuant to sec. 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. **This waiver is proposed to be reported to the Commission on Thursday, July 8, 2021.** If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

IMPORTANT! PLEASE NOTE THAT THIS WILL BE A VIRTUAL MEETING.

As a result of the COVID-19 emergency and the Governor's Executive Orders N-29-20 and N-33-20, this Coastal Commission meeting will occur virtually through video and teleconference. Please see the Coastal Commission's Virtual Hearing Procedures posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

If you have any questions about the proposal, please contact Tamara Gedik in the North Coast District office at tamara.gedik@coastal.ca.gov.

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: June 23, 2021
To: All Interested Parties
From: Bob Merrill, North Coast District Manager
Tamara Gedik, Coastal Program Analyst
Subject: Amendment to Coastal Development Permit (CDP) 1-20-0422
Applicant: California Department of Transportation (Caltrans),
District 1, Attn.: Rachelle Hadley

Location: Highway 101 at Dr. Fine Bridge, between Lake Earl Drive at post mile (PM) 35.8 and Fred D. Haight Drive at PM 36.5; with associated development on Assessor Parcel Numbers (APNs) 105-020-14 and 105-020-20; 105-700-01; 105-020-36; 105-020-87; 105-260-14; 105-070-04, Del Norte County.

Original CDP Approval

The original permit was approved in January 2021 to replace the Dr. Fine Bridge with a two-lane structure that would meet current design standards and demands.

Proposed CDP Amendment

Permit Amendment No. 1-20-0422-A1 would modify Special Conditions 2, 3, 4, 7, 8, 9, 10, 11, 12, 21, 22, 23, 28, 29, 30, and 32 to allow Caltrans to conduct the utility relocation work approved by CDP 1-20-0422 in advance of fulfilling the "prior to commencement of construction" requirements of the special conditions. See Attachment A for the proposed changes to the above conditions.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

As depicted in Attachment A, sixteen special conditions of the original permit address project elements that are unaffected by the utility relocation work but require submittal of specified information "prior to commencement of construction." The proposed amendment would allow certain limited activities specific to the relocation of utility lines to proceed in advance of finalizing and submitting the various management plans, mitigation plans, and other documents required by the special conditions to address other project-related impacts. As amended, the special conditions would still require these plans and other documents to be finalized and submitted prior to commencement of all other development activities associated with the project. The approved utility

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relocation work involves: (1) undergrounding portions of the existing above-ground lines using a combination of directional boring and trenching, with the trenching occurring alongside the roadway shoulders; (2) elevating existing lines by replacing three 29-foot-tall power poles with 39-foot-tall power poles in the same location to afford minimum clearances needed for construction equipment; (3) adding a new 70-foot-tall two-pole wooden utility structure and an associated utility cabinet along South Bank Road; and (4) relocating an existing pole in line with existing overhead utilities and eastward from its current location (northeast of the bridge and just south of the Highway 101/ State Route 197 intersection).

The proposed utility work was previously evaluated for consistency with the Coastal Act as part of the Commission's approval of CDP 1-20-0422, and the proposed amendment will not modify any of the previously approved methods or locations of the utility relocation work. None of the approved utility relocation work would result in any wetland or ESHA impacts.

As the amended development does not have a potential for adverse impacts, either individually or cumulatively on coastal resources or public access, the Executive Director has determined that the proposed amendment is immaterial.

Coastal Commission Review Procedure

The CDP may be amended as proposed if no written objections are received in the North Coast District office within ten working days of the date of this notice. In addition to the regular means required by the regulations or statute, please make sure that you also send a copy of all correspondence or other documents electronically to NorthCoast@coastal.ca.gov. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission at its meeting on Thursday July 8, 2021. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

IMPORTANT! PLEASE NOTE THAT THIS WILL BE A VIRTUAL MEETING.

As a result of the COVID-19 emergency and the Governor's Executive Orders N-29-20 and N-33-20, this Coastal Commission meeting will occur virtually through video and teleconference. Please see the Coastal Commission's Virtual Hearing Procedures posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

If you have any questions about the proposal or wish to register an objection, please contact Tamara Gedik in the North Coast District office at Tamara.Gedik@coastal.ca.gov.

Attachment A: Amendments to Special Conditions

Appendix: Conditions of CDP No. 1-20-0422 As Amended Through Amendment 1

cc: Commissioners/File

Coastal Development Permit (CDP) Amendment 1-20-0422-A1

Attachment A

AMENDMENTS TO SPECIAL CONDITIONS OF

CDP No. 1-20-0422-A1

Text to be deleted is shown in strikethrough, and text to be added appears in **bold underline**.

...

2. **U.S. Army Corps of Engineers Approval.** PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, **OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the permittee shall provide to the Executive Director a copy of a permit issued by the Army Corps of Engineers, or letter of permission, or evidence that no permit or permission is required...
3. **California Department of Fish and Wildlife (CDFW) Approval.** PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, **OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the permittee shall provide to the Executive Director a copy of a Streambed Alteration Agreement, California Endangered Species Act (CESA) consistency determination, and Incidental Take Permit issued by the CDFW or evidence that no Streambed Alteration Agreement, consistency determination, Incidental Take Permit, or other permission is required...
4. **Regional Water Quality Control Board (RWQCB) Approval.** PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, **OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the permittee shall provide to the Executive Director a copy of a water quality certification issued by the RWQCB, or evidence that no water quality certification or permission is required...

...

7. **Final Construction Plans.** NOT LESS THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT 1-20-0422, **OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, except as otherwise noted in subsection D below, the permittee shall submit for the review and written approval of the Executive Director, final site and construction plans that are consistent with the Project Description and plans submitted to the Commission in the permit application, and consistent with all special conditions of Coastal Development Permit 1-20-0422...

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8. Final Plans.

- A. NOT LESS THAN 60 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION **OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the permittee shall submit for the review and approval of the Executive Director copies of all final plans prepared as proposed by the permittee in the “Project Features, Standard Measures, and Best Management Practices,” and “avoidance, minimization, and mitigation measures” included in the Final EIR CEQA document adopted March 19, 2020 for the project (compiled in [Appendix C](#) to the staff report for CDP 1-20-0422), and including at minimum the following:...

9. Final Plan for Revegetation of Disturbed Areas.

- A. NOT LESS THAN 60 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, **OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the permittee shall submit, for the review and approval of the Executive Director, final revised plans for revegetation of disturbed areas...

10. Final Onsite Wetland Mitigation and Monitoring Plan.

- A. NOT LESS THAN 60 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, **OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the permittee shall submit, for the review and approval of the Executive Director, final revised plans for onsite compensatory mitigation of impacted wetlands through creation of wetlands within the right-of-way south of South Bank Road...

11. **Final Offsite Wetland Mitigation and Monitoring Plan.** NOT LESS THAN 60 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, **OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the permittee shall submit, for the review and approval of the Executive Director, final revised plans for offsite mitigation at APN 115-020-18 (owned by CA Department of Fish and Wildlife) for temporal losses of impacted wetlands...

12. **Submittal of Final Racking Debris Management Plan.** NOT LESS THAN SIXTY (60) DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION **OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the Permittee shall submit for the review and written approval of the Executive Director, a final Racking Debris Management Plan consistent with Project Feature HF-2 as described in [Appendix C](#)...

...

21. Flood Warning and Bridge Closure Safety Plan.

Coastal Development Permit (CDP) Amendment 1-20-0422-A1

- A. NOT LESS THAN 60 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE TEMPORARY BRIDGE AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, **OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the permittee shall submit, for the review and approval of the Executive Director, a plan for mitigating the risk of flooding hazards to the temporary detour bridge...

22. Pier Exposure and Scour Monitoring Plan.

- A. NOT LESS THAN 60 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, **OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the permittee shall submit for review and approval of the Executive Director, a pier exposure and scour monitoring program...

23. Remnant Structural Debris Exposure Due to River Scour or Erosion.

- A. ...
- B. PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT **OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)** AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, Caltrans shall submit a written agreement, in a form and content acceptable to the Executive Director, evidencing Caltrans' agreement to be bound by the requirements of Subsection A.

...

- 28. Demolition/Construction Debris Removal. NOT LESS THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the permittee shall submit, for the review and approval of the Executive Director, a demolition/construction debris removal plan for the construction phase of the project designed by a licensed engineer or other qualified specialist...

- 29. Post-Construction Stormwater Management Plans. NOT LESS THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the permittee shall submit, for the written approval of the Executive Director, the final project plans that detail the project's post-construction stormwater management Best Management Practices (BMPs)...

- 30. Construction Pollution Prevention Plan. NOT LESS THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the permittee shall submit, for the written approval of the Executive Director, a final Construction Pollution Prevention Plan (CPPP) that details the project's plans to protect coastal water quality during construction and demolition activities...

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32. **Use of Preservative-Treated Wood Near Aquatic Environments. NOT LESS THAN SIXTY (60) DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the applicant shall submit, for the written approval of the Executive Director, a plan documenting the type and amount of preservative-treated wood proposed to be used to construct all structures that are overwater, in-water, or adjacent to coastal waters, and Best Management Practices specific to the use of treated wood near aquatic environments...

Coastal Development Permit (CDP) Amendment 1-20-0422-A1

APPENDIX A

CONDITIONS OF CDP No. 1-20-0422 AS AMENDED THROUGH AMENDMENT 1

CDP No. 1-20-0422-A1

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

1. **Evidence of Legal Ability of Applicant to Undertake Development on Property Owned by Others and Comply with Conditions of Approval.** PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT 1-20-0422, the applicant shall submit, for the review and approval of the Executive Director, (a) a copy of the Temporary Construction Easement (TCE) for development activities that will occur on APN 105-700-01 (Steinruck) and (b) evidence that clearly demonstrates that the legal owner(s) of APNs 105-020-14, 105-020-20, 105-700-01, 105-020-36, 105-020-87, 105-070-04, and the CDFW property to be used for off-site mitigation (APN 115-020-18) have agreed in writing that the applicant may undertake development on their property pursuant to Coastal Development Permit 1-20-0422 and as conditioned by the Commission herein. The agreement of CA Department of Fish and Wildlife shall be signed by an authorized representative.

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2. **U.S. Army Corps of Engineers Approval.** PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER), the permittee shall provide to the Executive Director a copy of a permit issued by the Army Corps of Engineers, or letter of permission, or evidence that no permit or permission is required. The permittee shall inform the Executive Director of any changes to the project required by the Army Corps of Engineers. Such changes shall not be incorporated into the project until the permittee obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
3. **California Department of Fish and Wildlife (CDFW) Approval.** PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER), the permittee shall provide to the Executive Director a copy of a Streambed Alteration Agreement, California Endangered Species Act (CESA) consistency determination, and Incidental Take Permit issued by the CDFW or evidence that no Streambed Alteration Agreement, consistency determination, Incidental Take Permit, or other permission is required. The permittee shall inform the Executive Director of any changes to the project required by the CDFW. Such changes shall not be incorporated into the project until the permittee obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
4. **Regional Water Quality Control Board (RWQCB) Approval.** PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER), the permittee shall provide to the Executive Director a copy of a water quality certification issued by the RWQCB, or evidence that no water quality certification or permission is required. The permittee shall inform the Executive Director of any changes to the project required by the RWQCB. Such changes shall not be incorporated into the project until the permittee obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
5. **State Lands Commission Approval. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-20-0422,** the applicant shall provide to the Executive Director a copy of a lease and formal authorization for use of sovereign land and/or map prepared pursuant to the provisions of Section 101.5 of the California Streets and Highways Code approved by the State Lands Commission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the State Lands Commission. Such changes shall not be incorporated into the project until the

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applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

6. **Permit Responsibility.** This permit authorization requires, and by accepting the benefits of CDP 1-20-0422, Caltrans agrees to and accepts the following:
 - A. All activities associated with performing the development authorized pursuant to CDP 1-20-0422 shall at all times be undertaken in full accordance with the terms and conditions imposed by the Commission in conditionally approving CDP 1-20-0422. It shall be Caltrans' responsibility to ensure such compliance by any party to whom Caltrans assigns the right to construct or undertake any part of the activities authorized herein; this requirement does not relieve other parties of responsibility for compliance with the permit or immunize such parties from enforcement action by the Coastal Commission's enforcement program.
 - B. Caltrans shall ensure that the relevant bidding documents and eventual contract and construction oversight by Caltrans include: a) sufficient and accurate provisions for Caltrans to ensure the obligation of the winning bidder to comply with all of the conditions of CDP 1-20-0422 and to construct the project in accordance with the approved project description, including all measures protective of coastal resources imposed by all state and federal agencies with review authority over the subject project; and b) the specific legal requirement that the contractor and any employees, subcontractors, agents, or other representatives of the contractor or contractors who are responsible for constructing any portion of the project, shall undertake all related activities in full compliance with the project approved pursuant to CDP 1-20-0422, including all terms and conditions imposed by the Commission in approving the permit, and the requirements of other state and federal agencies.
 - C. A copy of CDP No. 1-20-0422 and a copy of all final approved plans or other measures required to be completed prior to issuance of CDP No. 1-20-0422 shall be attached to the bidding documents for reference by potential bidders.
 - D. It shall be Caltrans' responsibility to ensure that the bidding documents contain general and special provisions necessary to fully and accurately incorporate all requirements imposed by the Commission or other state or federal agencies with regulatory authority over the project, including timelines for review of documents and other potentially limiting measures that may affect construction scheduling and the timing of construction. Further, before awarding the project contract, Caltrans shall verify that the apparent winning bid is adequate to ensure that the contractor has taken into consideration and provided for the full cost of compliance with the requirements set forth herein.
 - E. After the contract is awarded, Caltrans shall ensure that the contractor(s), subcontractor(s), and other parties selected by Caltrans or otherwise designated to implement any portion of the project approved pursuant to CDP No. 1-20-0422, are fully informed of, and continuously comply with, the obligations set forth in the findings and special conditions adopted and imposed by the Coastal Commission in approving CDP No. 1-20-0422. Nothing in these

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provisions shall prevent the Commission from taking enforcement action against the contractor or subcontractor(s) for non-compliance with the terms and conditions of CDP 1-20-0422, either individually or in addition to enforcement action against Caltrans in any instance of non-compliance.

- F. Caltrans shall ensure that any contractor, subcontractor, or other representative of Caltrans, and Caltrans employees, understand and accept the terms and conditions of CDP 1-20-0422 and all other applicable permits and authorizations imposed or granted by other state and federal agencies, and shall submit evidence to the satisfaction of the Executive Director, prior to commencement of construction by any selected contractor, that all of the above-referenced parties have received and reviewed the applicable permits, agreements, and authorizations and understand and agree to comply with the requirements set forth therein.

- 7. **Final Construction Plans.** NOT LESS THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT 1-20-0422, OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER) except as otherwise noted in subsection D below, the permittee shall submit for the review and written approval of the Executive Director, final site and construction plans that are consistent with the Project Description and plans submitted to the Commission in the permit application, and consistent with all special conditions of Coastal Development Permit 1-20-0422. The plans shall include, at a minimum:
 - A. Plan and profile architectural drawings for all elements of construction.
 - B. Revised bridge demolition and design plans demonstrating that the existing bridge pier numbers 12, 13, 14, and 15 shall be cut off at minimum to a depth of 4.5 feet below channel bottom.
 - C. Identification of the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view.
 - D. NOT LESS THAN SIXTY (60) DAYS PRIOR TO COMMENCEMENT OF IN-WATER CONSTRUCTION, the Permittee shall submit, for the review and approval of the Executive Director, specifications of the in-water gravel berm design as follows. For in-water gravel berms used to provide access to construction equipment and support falsework needed for bridge construction, the plans shall specify in graphic and narrative form, at a minimum: (a) the layout and footprint of the maximum gravel berm configuration to be used for in-water construction work; (b) demonstration that gravel berms will avoid the mussel bed; (c) gravel berm containment methods near mussel beds; and (d) quantity, size, and layout of pass-through culverts in the gravel berm that will be used to achieve permeability sufficient to distribute flows from the 95th percentile high summer flow evenly across the channel and avoid diverting most flows to the portion of the channel adjacent to the mussel bed. The plans shall include a plan note specifying the minimum gravel berm permeability needed to accommodate the 95th percentile high summer flow shall be

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maintained at all times. The approved maximum configuration of the gravel berm may be modified from year to year, provided the reconfigured gravel berm meets the above minimum criteria.

- E. Specification of all visual elements, including design and colors, of the project including guardrails, bridge rails, retaining walls, aesthetic treatments, signage and any other visual elements. The specifications shall demonstrate use of a tribal motif railing theme design acceptable to the Tolowa Dee-Ni' Nation and Elk Valley Rancheria, and a color compatible to the surrounding area, as depicted in [Exhibit 7](#).
- F. Demonstration that the final plans are consistent with the identified seismic and hazards minimization design criteria as discussed in [Exhibit 19](#).

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

8. Final Plans.

- A. NOT LESS THAN 60 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER), the permittee shall submit for the review and approval of the Executive Director copies of all final plans prepared as proposed by the permittee in the "Project Features, Standard Measures, and Best Management Practices," and "avoidance, minimization, and mitigation measures" included in the Final EIR CEQA document adopted March 19, 2020 for the project (compiled in [Appendix C](#) to the staff report for CDP 1-20-0422), and including at minimum the following:
 - a. **Debris management plan.** In conformance with measure HF-2, the plan shall include provisions requiring the contractor to conduct inspections of the construction site on a regular basis as well as after major storm events to monitor debris loading and implement measures, as determined feasible, to remove debris that poses a threat to temporary and permanent infrastructure and channel/bank stability. Measures would include the use of onsite equipment (e.g., cranes) to dislodge or remove debris caught on project-related structures in the river, when site conditions allow the safe removal of debris.
 - b. **Debris Containment Plan.** In conformance with measure WQ-5 and as further specified in [Special Condition Nos. 31 and 33](#) below, the Debris Containment Plan shall detail temporary containment systems that would be used to prevent falling debris from entering the river during bridge demolition and bridge construction, including but not limited to the use of steel or timber posts and girders, timber decking, and heavy tarps. The plan shall further specify that any construction debris entering the river and

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contained by booms shall be removed as soon as possible, but no later than the end of the day.

- c. **Construction Site Dewatering Diversion and Discharge Plan.** The plan shall demonstrate that the dewatering area is appropriately sized sufficiently and managed to accommodate the volume of water generated and discharged. The plan shall also document and describe proposed non-storm water discharges and the types of BMPs that would be implemented to eliminate and/or minimize potential water quality impacts on receiving waters.
- d. **Aquatic Species Relocation Plan.**
 - i. In conformance with measure Species-5, the plan shall include: (a) the triggering events and provisions for relocating amphibians, reptiles, and lamprey, and salmonids in accordance with CDFW, NMFS, and in the case of lamprey, FWS protocols and guidelines to avoid impacts to animals during dewatering and instream; and (b) protocols for electrofishing salmonids consistent with the “Guidelines for Electrofishing Waters Containing Salmonids listed under the Endangered Species Act” published by NMFS.
 - ii. In conformance with NMFS “Reasonable and Prudent Measure” 3(a)(ii), the plan shall specify reporting provisions that at minimum include the following: (a) A written report shall be submitted to NMFS and to the Executive Director by January 15 of the year following construction of the project; (b) The report shall include a description of the location from which fish were removed and the release site including photographs; (c) the date and time of the relocation effort; (d) a description of the equipment and methods used to collect, hold, and transport salmonids; (e) the number of fish relocated by species; (f) the number of fish injured or killed by species and a brief narrative of the circumstances surrounding salmonid injuries or mortalities; and (g) a description of any problems which may have arisen during the relocation activities and a statement as to whether or not the activities had any unforeseen effects.
- e. **Marine Mammal Monitoring Plan.** In conformance with Measure Species-3, the Marine Mammal Monitoring Plan shall specify adaptive measures to protect marine mammals, such as but not limited to: (a) defining a safety zone around in-river activities (b) prohibiting initiation of impact pile driving when marine mammals are detected within, or about to enter defined safety zones, and (c) further specifying that impact pile driving shall be halted and not resumed until the animal was seen to leave the safety zone on its own, or 30 minutes elapsed since the animal was last seen.
- f. **Lead Compliance Plan.** In conformance with Measure HW-1, the lead compliance plan shall include protocols for environmental and personnel monitoring, requirements for personal protective equipment, other health and safety protocols and procedures for the handling of lead impacted soil,

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and requirements for addressing and disposal of lead-containing paint in traffic striping and on the existing bridge.

- g. **Dust Control Plan.** In conformance with Measures HW-3 and AQ-2, the dust control plan shall specify dust control measures that will be implemented as part of the approved project such as but not limited to: (a) sprinkling, temporary paving, speed limits, and timely re-vegetation of disturbed slopes; (b) track-out reduction measures, such as gravel pads at project access points to minimize dust and mud deposits on roads affected by construction traffic; (c) provisions for covering transported loads of soils and wet materials before transport or increasing truck freeboard to minimize emission of dust during transportation; (d) provisions requiring prompt and frequent removal of dust and mud that are deposited on paved, public roads due to construction activity and traffic; and (e) a plan for managing dust containing hazardous materials such as naturally-occurring asbestos.

B. Discrepancies between Approved Plans and Special Conditions. In case of any discrepancy between final approved plans and special conditions of this authorization, the special conditions shall prevail. The permittee is responsible for assuring that all plans accurately and fully reflect the special conditions of this authorization.

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

B. Final Plan for Revegetation of Disturbed Areas.

A. NOT LESS THAN 60 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER), the permittee shall submit, for the review and approval of the Executive Director, final revised plans for revegetation of disturbed areas. The plan shall substantially conform to the plan prepared by Caltrans, revision date December 1, 2020, and entitled "Draft Coastal Onsite Revegetation Plan," except the revised final plan shall include the following:

- i. A final map at a legible scale depicting the location of the onsite mitigation area as generally depicted in the site plan November 11, 2020 and as shown in [Exhibit 11](#);
- ii. Provisions specifying that prior to commencement of construction, a qualified biologist shall conduct baseline sampling and record species occupancy and relative cover by species of all species present within all areas where vegetation will be disturbed;

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- iii. Specifications of the methodology to determine cover estimates that will be used for pre-construction baseline surveys;
- iv. Provisions for replanting disturbed areas with the same species composition as existed prior to disturbance and as documented during baseline sampling as specified in subsection A above;
- v. Provisions for submitting the final planting palette to the Executive Director for review and approval no later than June 1, 2021;
- vi. In addition to replanting areas upon completion of construction activities and prior to October 1, the usual onset of the rainy season, consistent with Caltrans measure IS-1 all bare soil areas shall be seeded with fast-growing native vegetation and adequately mulched with weed-free rice straw. Revegetation shall be performed only with sterile non-native grasses and/or native vegetation obtained from local genetic stocks within Humboldt, Del Norte, or Curry Counties within 30 miles of the coast. Sterile non-native annual grasses shall comprise no more than 50% of the erosion control seed mixture to be planted (seed per square foot of coverage), with the remaining seed composed of native species. If documentation is provided to the Executive Director that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be planted or allowed to naturalize or persist on the parcel. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property;
- vii. Revised success criteria that include, at a minimum (a) at least 80% native vegetative cover; (b) zero (0) percent cover of Cal-IPC High-rated invasive species; (c) no more than 10% non-native vegetative cover; and, (d) evidence of wetland vegetation and wetland hydrology according to the protocols of the Army Corps of Engineers;
- viii. WITHIN 60 DAYS of installation of plantings, the permittee shall submit photos to the Executive Director demonstrating that all revegetation planting has been installed consistent with the specifications of the final revegetation plan;
- ix. A revised monitoring schedule that includes monitoring and reporting for survival counts, species cover, wetland rating, and, between November and April, hydrology monitoring following significant rainfall events annually for five years;
- x. Provisions for submittal of annual reports by January 31 each year of monitoring results to the Executive Director for the duration of the required monitoring period, beginning the first year after planting of vegetation. Each report shall document the condition of the revegetation with photographs

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taken from the same fixed points in the same directions. Each report shall also include a “performance evaluation” section where information and results from the monitoring plan are used to evaluate the status of the revegetation efforts in relation to the performance standards and final success criteria specified above;

- xi. Provisions for the submittal of a final monitoring report to the Executive Director at the end of the five-year reporting period. The final report must evaluate whether the revegetated areas conform to the goals, objectives, and performance standards set forth in the approved final revegetation plan. The report must address all of the monitoring data collected over the five-year period; and
 - xii. Provisions specifying that if the final monitoring report indicates that the revegetation has been unsuccessful, in part, or in whole, based on the approved performance standards, the permittee shall submit a revised or supplemental revegetation plan to compensate for those portions of the original plan that did not meet the approved performance standards. The revised revegetation plan shall be processed as an amendment to CDP No. 1-20-0422, unless the Executive Director determines that no amendment is legally required.
- B. The permittee shall implement the project in accordance with the approved final restoration plans. Any proposed changes from the approved final restoration plans shall be reported to the Executive Director. No changes to the approved final restoration plans shall occur without a Commission amendment to CDP No. 1-20-0422, unless the Executive Director determines no amendment is legally required.

C. **Final Onsite Wetland Mitigation and Monitoring Plan.**

- A. NOT LESS THAN 60 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER), the permittee shall submit, for the review and approval of the Executive Director, final revised plans for onsite compensatory mitigation of impacted wetlands through creation of wetlands within the right-of-way south of South Bank Road. The plans shall substantially conform to the onsite compensatory mitigation plan prepared by Caltrans, revision date December 1, 2020, and entitled “Draft Coastal Onsite Revegetation Plan” except the revised final plans shall include the following:
- i. A final map at a legible scale depicting the location of the onsite mitigation area as generally depicted in the site plan dated November 11, 2020 and as shown in [Exhibit 11](#);
 - ii. Final grading specifications and soil amendment composition at sufficient detail to demonstrate that the proposed site could maintain hydrology and

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- minimum soil conditions necessary to support the successful creation of compensatory wetlands.
- iii. Provisions for submitting the final planting palette to the Executive Director for review and approval no later than June 1, 2021;
 - iv. In addition to replanting areas upon completion of construction activities and prior to October 1, the usual onset of the rainy season, consistent with Caltrans measure IS-1 all bare soil areas shall be seeded with fast-growing native vegetation and adequately mulched with weed-free rice straw. Revegetation shall be performed only with sterile non-native grasses and/or native vegetation obtained from local genetic stocks within Humboldt, Del Norte, or Curry Counties within 30 miles of the coast. Sterile non-native annual grasses shall comprise no more than 50% of the erosion control seed mixture to be planted (seed per square foot of coverage), with the remaining seed composed of native species. If documentation is provided to the Executive Director that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be planted or allowed to naturalize or persist on the parcel. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property;
 - v. Revised success criteria that include, at a minimum (a) at least 80% native vegetative cover; (b) zero (0) percent cover of Cal-IPC High-rated invasive species; (c) no more than 10% non-native vegetative cover; and (d) evidence of wetland vegetation and wetland hydrology following protocols of the Army Corps of Engineers.
 - vi. WITHIN 60 DAYS of installation of plantings, the permittee shall submit photos to the Executive Director demonstrating that all restoration planting has been installed consistent with the specifications of the final mitigation plan.
 - vii. A revised monitoring schedule that includes monitoring and reporting for survival counts, species cover, wetland rating, and, between November and April, hydrology monitoring following significant rainfall events annually for five years;
 - viii. Provisions for submittal of annual reports by January 31 each year of monitoring results to the Executive Director for the duration of the required monitoring period, beginning the first year after planting of vegetation. Each report shall document the condition of the revegetation with photographs taken from the same fixed points in the same directions. Each report shall also include a "performance evaluation" section where information and results from the monitoring plan are used to evaluate the status of the

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restoration efforts in relation to the performance standards and final success criteria specified above;

- ix. Provisions for the submittal of a final monitoring report to the Executive Director at the end of the five-year reporting period. The final report must evaluate whether the restored areas conform to the goals, objectives, and performance standards set forth in the approved final mitigation plan. The report must address all of the monitoring data collected over the five-year period; and
- x. Provisions specifying that if the final monitoring report indicates that the restoration project has been unsuccessful, in part, or in whole, based on the approved performance standards, the permittee shall submit a revised or supplemental revegetation plan to compensate for those portions of the original plan that did not meet the approved performance standards. The revised mitigation plan shall be processed as an amendment to CDP No. 1-20-0422, unless the Executive Director determines that no amendment is legally required.

B. The permittee shall implement the project in accordance with the approved final restoration plans. Any proposed changes from the approved final restoration plans shall be reported to the Executive Director. No changes to the approved final restoration plans shall occur without a Commission amendment to CDP No. 1-20-0422, unless the Executive Director determines no amendment is legally required.

D. **Final Offsite Wetland Mitigation and Monitoring Plan.** NOT LESS THAN 60 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER), the permittee shall submit, for the review and approval of the Executive Director, final revised plans for offsite mitigation at APN 115-020-18 (owned by CA Department of Fish and Wildlife) for temporal losses of impacted wetlands. The plans shall substantially conform to the July 9, 2020 "Offsite Mitigation and Monitoring Plan" ("MMP") except the revised final plans shall include the following:

A. **Acknowledgment.** Although CDFW may implement the invasive plant species removal and monitoring specified in the Offsite Mitigation Monitoring Plan ("MMP") through a binding co-operative agreement (or similar agreement), the Permittee (Caltrans) shall remain responsible for implementation of the MMP and compliance with all terms and conditions of this CDP. The Permittee shall also ensure the submittal of the regular monitoring reports as required herein.

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B. Final Implementation, Monitoring, and Reporting Plan Components. The final MMP shall additionally include, at minimum, the following:

- i. A final map at a legible scale depicting the location of the offsite mitigation area as generally depicted in the site plan labeled Figure 2 and as shown on page 4 of [Exhibit 10](#);
- ii. An executed copy of a Memorandum of Understanding (MOU), cooperative agreement, or similar legally binding agreement, with CDFW that provides for: (a) the implementation by Caltrans of the invasive plants removal over an approximately 45-acre area, (b) monitoring and maintenance by Caltrans for five years after meeting the removal success criteria, (c) subsequent long-term monitoring and maintenance conducted in perpetuity by CDFW to ensure the success standards for invasive plant removal are sustained, and (d) the permanent protection of the areas of invasives removal from future development as defined by Section 30106 of the Coastal Act except for the ongoing removal of non-native invasive species, maintenance of native vegetation, and habitat restoration. The MOU shall provide that CDFW shall submit monitoring reports to Caltrans and the Commission at least every five years after assuming responsibility for invasive plant management from Caltrans, and the reports shall include the sampling design (location of transects, etc.) used to assess the percent cover of invasive plants over the 45-acre management area, photos of areas of infestation, simple mapping of areas of infestation that includes GPS point locations of such areas, and a summary narrative of the maintenance efforts undertaken to remove invasive plant to sustain the success standards. The MOU shall provide that CDFW shall obtain additional coastal development permit authorization for any proposed use of heavy equipment to remove invasive plants. The final MOU or agreement shall be submitted for the review and written approval of the Executive Director prior to its execution to ensure that it provides sufficient guarantees that all elements of the MMP will be carried out and that the Plan areas are permanently protected consistent with all terms and conditions of this CDP.
- iii. A detailed description of the methods that will be used after primary removal and during monitoring to estimate the ground cover of invasive species. After primary removal and during monitoring for five years after meeting the invasives removal success criteria, estimation of invasive species ground cover shall include methods for intensively searching for invasive species (including but not limited to English Ivy (*Hedera helix*), Tansy ragwort (*Senecio jacobaea*), English holly (*Ilex aquifolium*), Cotoneaster (*Cotoneaster spp.*), jubata grass (*Cortaderia jubata*), French broom (*Genista monspessulana*), Himalaya berry (*Rubus armeniacus*), and Cape Ivy (*Delairea odorata*) within delineated polygons of known area, visually estimating invasives cover by species within areas of infestation and the size of the areas infested, and documenting the search tracks with a global positioning system (GPS). The entire treatment area must be visually examined along tracks that are sufficiently narrow that small invasive plants

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can be recognized. This task could be done in conjunction with the maintenance removal of invasive plants.

- iv. A description of the methods that will be employed if on-the-ground sampling is used to estimate ground cover of the native Sitka Spruce forest vegetation in order to assess whether the success criterion has been met. The sampling plan must insure more-or-less uniform spatial coverage of the removal areas, randomized placement of the sampling units, and shall include replication sufficient to provide an estimate of mean ground cover of native Sitka Spruce forest vegetation with a margin of error of 10% ground cover with 90% confidence. These methods must be described in sufficient detail to enable an independent scientist to apply them in the field.
- v. Success criteria for removal of invasive plants that include: 1) $< 1\%$ ground cover of invasive plants after primary removal, after five years following primary removal, and during maintenance removal; and 2) $\geq 80\%$ ground cover of native species within five years following primary removal with no unvegetated areas $>2.5\text{ m}^2$.
- vi. Five years of annual monitoring and maintenance following the achievement of the success criteria for primary removal.
- vii. A Reporting Plan that includes 1) an "initial removal report" after the two years of removal implementation, and 2) a "final monitoring report" for the invasive species removal at the end of the subsequent five years of monitoring and maintenance following successful primary removal.
- viii. A provision that if the "final monitoring report" described in Subsection B(viii) above, indicates that the invasive species removal project has been unsuccessful, in part or in whole, based on the approved success criteria, the Permittee shall submit a revised or supplemental plan to compensate for those portions of the original plan that did not meet the approved performance standards. The revised plan shall be processed as an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

C. The Permittee shall undertake development in accordance with the approved final revised Offsite Mitigation and Monitoring Plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- E. **Submittal of Final Racking Debris Management Plan.** NOT LESS THAN SIXTY (60) DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER), the Permittee shall submit for the review and written approval of the Executive Director, a final Racking Debris Management Plan consistent with Project Feature HF-2 as described in [Appendix C](#). The plan shall include at a minimum the following:

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- A. The contractor shall conduct inspections of the construction site on a regular basis as well as every time the National Weather Service issues a flood risk warning for the lower Smith River to monitor debris loading and implement measures, as determined feasible, to remove debris that poses a threat to temporary and permanent infrastructure and channel/bank stability. Measures would include the use of onsite equipment (e.g., cranes) to dislodge or remove debris caught on project-related structures in the river, when site conditions allow the safe removal of debris. To the extent feasible, man-made debris contained within the debris to be removed or dislodged shall be collected and disposed of at an authorized disposal site
- B. All activities associated with the development authorized herein shall be undertaken in continual conformance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Coastal Commission-approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

F. Final Mussel Mitigation and Monitoring Plans.

- A. **Pre-Project Mussel Monitoring Plan.** PRIOR TO MAY 1, 2021, the Permittee shall submit for the review and approval of the Executive Director a Pre-Project Mussel Monitoring Plan that contains the following elements:
 - i. A map or annotated aerial photograph that shows the location and extent of the Western Pearlshell mussel bed and the potential reference mussel bed sites and relocation sites.
 - ii. A description of the criteria for choosing potential relocation sites, including substrate characteristics and presence of resident mussels.
 - iii. A sampling plan for estimating the density of mussels at the Western Pearlshell mussel bed at the Dr. Fine bridge and at the reference sites and potential relocation sites during the summer of 2021. The sampling plan shall include sample design (e.g., stratified random sampling), description of sampling units, sampling methods, provisions for recording the measurement of the length of individual living and dead mussels, and density estimates of 1. surface mussels, and 2. All mussels within 15 cm of the substrate surface.
 - iv. A physical characterization (water velocity and turbidity) of the site of the mussel bed at the Dr. Fine bridge, the mussel reference sites and the potential relocation sites, including the type of instruments that will be used, the number and physical placement of instruments at each site, the manner in which measurements will be recorded, and the frequency of measurements.
- B. **Seasonal Observational Study Plan for the Dr. Fine Bridge Replacement Project.** PRIOR TO July 1, 2021, the Permittee shall submit for the review and

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approval of the Executive Director a Seasonal Observational Study Plan that contains the following elements:

- i. A sampling plan for an observational study to be conducted during critical periods of the fall and winter of 2021 and the spring and summer of 2022. The study shall be designed to capture critical velocity and/or temperature thresholds at which mussel behavioral change is observed. Observations shall include threshold values at which mussels shift from the surface to burrowing in the substrate, from substrate burrowing to surficial congregation, and mussel dislodgement, as well as the timing of completion of mussel reproductive behavior. The result of the observational study shall be used to evaluate mortality of mussels during in-water construction activities. Further, observations of the flow velocities that lead to behavioral change or mussel dislodgement will be used to determine if flow velocity is approaching critical thresholds that would cause unseasonal substrate burrowing, which may also lead to mortality or necessitate relocation, and to initiate the relocation planning process.
- ii. The sampling design shall include a description of the type of instruments that will be used, the number and physical placement of instruments at each site, the manner in which measurements will be recorded, and the timing of measurements in relation to precipitation parameters, (*i.e.* during or immediately following the first fall/winter storm that records 1 inch of rainfall.)

C. Mussel Monitoring Plan for the Dr. Fine Bridge Replacement Project. PRIOR TO THE COMMENCEMENT OF IN-WATER CONSTRUCTION, the Permittee shall submit for the review and approval of the Executive Director a final revised Mussel Monitoring Plan that substantially conforms to the plan dated November 2020, except as modified herein. The Final Revised Mussel Monitoring Plan shall include, at a minimum, the following:

- i. Maps or annotated aerial photographs that show 1. the location and extent of the Western Pearlshell mussel bed, the location of the gravel berm with different lines for different years if necessary, the location of all piers, pilings and temporary trestles, and 2. the location and extent of the chosen reference sites and potential relocation sites.
- ii. Description of long-term population monitoring sampling plan at the site of the mussel bed at the Dr. Fine bridge and the mussel reference sites. This sampling plan shall be substantially the same as the Pre-Project sampling plan, including sample design (e.g., stratified random sampling), description of sampling units, sampling methods, frequency of sampling, and reporting intervals. Population monitoring shall be based on measurements of the length of individual living and dead mussels, and density estimates of 1. surface mussels, and 2. All mussels within 15 cm of the substrate surface. Changes to the Pre-Project plan shall be noted and explained. Population monitoring shall take place throughout the construction period and annually for ten years following construction completion.

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- iii. A detailed description of the physical monitoring (water velocity and turbidity), including the sites that will be monitored, type of instruments that will be used, the number and physical placement of instruments at each site, the manner in which measurements will be recorded, the frequency of measurements, and the procedure used to compare the results of the proposed 20-minute monitoring at the Dr. Fine mussel bed with conditions at the reference sites.
- iv. A description of the visual monitoring of mussels to document dislodgement from the substrate, gaping behavior, and the presence of dead individuals, including the periodicity of such monitoring, the reference sites monitored in addition to the Dr. Fine bridge site, the manner in which data will be recorded, and whether the whole area of interest will be examined or whether it will be sampled (e.g., along transects). The location of the areas or transects examined shall be recorded using a Global Positioning System (GPS).
 - a) Included in the description of visual monitoring shall be a description of the conditions that will trigger relocation of the mussel bed, and the methods by which relocation will occur. Mussel bed monitoring shall be coupled with monitoring of physical conditions (water velocity, water depth, water temperature and turbidity). If water velocity increases beyond established thresholds determined to cause unseasonal substrate burrowing or dislodgement, in-water construction activities occurring within 30 meters of the mussel bed will cease until the high water velocity event has passed if of brief duration, or mussels are relocated. If changes in mussel burrowing behavior or signals of mussel distress (e.g. mussel gaping or lying on their sides) can be attributed to heightened turbidity, all construction activities directly contributing to heightened turbidity (including, but not limited to, discharge resulting from upland or in-channel grading or concrete work; gravel berm construction; or pile extraction or other bridge demolition activities), shall be immediately stopped and shall not recommence unless the Executive Director, in consultation with biologists at CDFW, so authorizes based on the deployment of additional measures to reduce turbidity below established threshold levels or mussels are relocated.
 - b) Mussel bed monitoring during the first year of in-water construction shall be coupled with monitoring of hydroacoustic and vibration parameters for determination of thresholds and construction activities that cause changes in behavior, signs of stress, or mussel dislodgement. This monitoring will include a description of the type of instruments that will be used for hydroacoustic and vibrational monitoring, the number and physical placement of instruments at each site, the manner in which measurements will be recorded, the specific construction-related activities that are occurring during recordings, and the frequency of measurements. If during the initial monitoring phase and in subsequent monitoring years the sound level of hydroacoustic measurements or the

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level of vibration increases beyond established thresholds, construction activities directly contributing to exceedance of sound and vibration thresholds such as pile driving shall be immediately stopped and shall not recommence unless the Executive Director, in consultation with biologists at CDFW and NMFS, so authorizes based on the deployment of additional sound attenuation or other measures deemed likely be qualified technical experts to return the construction activities to conformance with the sound and vibration thresholds. If additional mitigation measures are infeasible, and stress-related behaviors or dislodgement continue, construction activities directly contributing to exceedance of sound and vibration thresholds will cease until mussels are relocated.

- v. A description of the methods used to relocate mussels salvaged from the Western Pearlshell mussel bed at the Dr. Fine bridge, including method of collection (e.g., depth of excavation), method of transport, and tagging protocol.
- vi. Provision for stopping in-water construction that would otherwise interfere with mussel sampling and salvage operations while mussels are collected from the Western Pearlshell mussel bed at the Dr. Fine bridge, should mussel relocation be required.
- vii. Establishment of a clearly marked buffer zone extending into the Smith River 10 meters from the edge of the delineated Western Pearlshell mussel bed at the Dr. Fine bridge within which no construction can take place.
- viii. An acknowledgement that all mortality of translocated mussels is a result of construction activities and must be mitigated.
- ix. A detailed description of the use of Passive Integrated Transponders (PIT) tags for 1. documenting movement of individuals, and 2. for estimating apparent survival. In each case the following shall be described: locations monitored, manner of placement of the PIT tags (internal or external), the method of attachment of external tags, the manner by which the location of tagged mussels will be marked, identification of the type and sizes of PIT tags to be used for mussels of different sizes, the brand of waterproof, handheld reader or other reader type to be used, the number of mussels to be tagged at each site to estimate movement, the number of relocated mussels to be tagged at each relocation site, the estimated time required for tagging, data to be recorded for each tagged mussel (e.g. tag number, shell length, whether relocated, etc.), the area to be searched for tagged individuals, and the frequency of searches.
- x. The permittee shall submit monitoring reports to the Executive Director by January 31st following each monitoring year.
- xi. Provision for Possible Further Action. Acknowledgement that if the final monitoring report indicates that the Western Pearlshell mussel bed has been significantly impacted by the bridge construction based on approved

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success criteria or that mussels that were salvaged and relocated suffered greater than ten percent mortality, the Permittee shall submit within 90 days a mitigation program to compensate for the documented mussel mortality. The proposed mitigation program shall be processed as an amendment to the original CDP.

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

- G. Construction Requirements to Protect Coastal Resources.** All measures proposed by the permittee as “Project Features, Standard Measures, and Best Management Practices” shall be implemented, including all avoidance, minimization, and mitigation measures included in the Final EIR CEQA document adopted March 19, 2020 for the project (compiled in [Appendix C](#) to the staff report as amended for CDP 1-20-0422) as modified by the other special conditions of CDP 1-20-0422, including, but not limited to, the following:

- A. Timing of Work. All in-stream work shall only occur from June 15 through October 15. Construction activities restricted to this period include any work below the Ordinary High Water Mark (OHWM) of the Smith River.
- B. Pile-driving Methods. The following measures shall be implemented to minimize potential impacts from pile driving:
- i. Installation of the permanent piles, which will occur within cofferdams, shall occur using an oscillation technique, minimizing barotrauma effects on fish.
 - ii. Vibratory pile driving shall be used in lieu of impact pile driving whenever feasible.
 - iii. Impact driving and hoe-ram operations shall be minimized to the extent practicable.
 - iv. Impact driving and hoe ram operations shall be limited to daylight hours only.
 - v. Attenuation methods (e.g., bubble curtains) will be applied where feasible.
 - vi. Pile driving will cease when measured sound levels reach the injury thresholds at the predicted attenuation distances. The assumed installation rate per day will not be exceeded even if sound levels remain below the injury thresholds.
- C. Fish and Herpetofauna Protection:
- i. All measures required for fish handling and protection imposed by CDFW and NMFS under their respective permits and consultations shall be implemented.
 - ii. Any stream flow diversions and dewatering of the Smith River shall follow CDFW and NMFS protocols and guidelines to avoid impacts to fish and herpetofauna.

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- iii. Prior to dewatering the aquatic work area, surveys for fish and herpetofauna (e.g., lamprey, red-legged frog, western pond turtle, etc.) shall be conducted by a qualified biologist(s) in consultation with CDFW and NMFS. Fish and herpetofauna within the work area shall be relocated in accordance with CDFW, NMFS, and in the case of lamprey, FWS protocols and guidelines to avoid impacts to animals during dewatering and instream work.

D. Bridge Bird Nesting Exclusion:

- i. Exclusionary netting shall not be used. Nesting that would be affected by project activities shall be discouraged by timely removal of attempted nests which must be performed by, or performed under the direct supervision of, a qualified biologist. Such activities shall be logged by the pertinent biological monitor. Nesting shall be allowed on any structure that is not scheduled for demolition during the forthcoming nesting season and the contractor shall be required to schedule demolition outside of the nesting season unless Caltrans demonstrates to the satisfaction of the Executive Director that such delay would imperil the project schedule to the extent that an additional year of site disturbance could result.

H. **Measures to Minimize Impacts to Chinook & Coho Salmon and Steelhead**

- A. The permittee shall comply with the “Terms and Conditions,” “Reporting Requirements,” and “Conservation Recommendations” specified in the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service’s Biological Opinion letter of March 19, 2020, attached as [Exhibit 15](#) of the staff report for Coastal Development Permit 1-20-0422. The permittee shall also submit copies of all required notifications, plans, and/or reports to the Executive Director.
- B. In addition to other measures that may be required by NMFS, all in-water construction work shall at a minimum be subject to the following provisions:
 - i. A qualified biologist with expertise in the areas of anadromous salmonid biology shall be on-site at all times during all in-water construction work including installation of cofferdams, excavation around bridge footings, and pile driving to monitor behavior of and disturbance to fish in the project area. The biologist shall capture any salmonids that may become stranded in the residual wetted areas as a result of project activities and relocate the individuals to areas of the river outside the project vicinity. Only NMFS approved methods shall be used to capture and relocate covered salmonids.
 - ii. The fisheries biological monitor shall also verify compliance with water quality requirements of CDP 1-20-0422, particularly with requirements prohibiting the discharge of debris, chemicals, and other unauthorized materials to the stream channel, or to locations that drain to the stream corridor.

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- I. **Hydroacoustic Monitoring Plan.** AT LEAST 30 DAYS PRIOR TO THE COMMENCEMENT OF IN-WATER CONSTRUCTION AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, the Permittee shall submit, for the Executive Director's review and written approval, a Hydroacoustic Monitoring Plan. Prior to submitting the plan to the Executive Director, Caltrans shall submit copies of the plan to the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service for their review and consideration. The plan shall include the following components:
 - A. The plan shall be based on the "dual metric exposure criteria" set forth below and shall state that exceedance of either criterion shall be deemed injurious or lethal to exposed fish. The 2014 dual criteria for injury to fish recommended by the American National Standards Institute-Accredited Standards Committee for Animal Bioacoustics are: 1. a peak Sound Pressure Level (SPL) above 207 dB (re 1 μ Pa) from a single hammer strike; or 2. an accumulated Sound Exposure Level (SEL) at or above 203 dB (re: 1 μ Pa²-sec). To estimate the sound energy to which a fish is exposed during multiple hammer strikes, NMFS uses the simple summation procedure where Total SEL = Single Strike SEL + 10 log (number of strikes). At a minimum, the Plan shall include all of the following:
 - i. Establish the field locations of hydroacoustic monitoring stations that will be used to document the extent of the hydroacoustic hazard footprint during pile-driving activities and measure hydroacoustic noise at the distances from pile driving specified in Subsection (B)(1) below.
 - ii. Describe the method of hydroacoustic monitoring that will continuously assess the actual conformance of the proposed pile-driving with the dual metric exposure criteria up- and down-stream of the pile-driving locations on a real-time basis, including relevant details such as the number, location, distances, and depths of hydrophones and associated monitoring equipment.
 - iii. For all pile-driving activities that may produce measurable acoustic affects in the aquatic environment of Smith River, include provisions to continuously record pile strikes in a manner that tracks the time of each strike, the number of strikes, and the interval between strikes to be determined.
 - iv. Include provisions for real-time identification and reporting of any exceedance of the dual metric exposure criteria at the distances from pile driving specified in Subsection (B)(1) below, clear action and notification protocols to stop pile-driving in case of such exceedance, including the authority of the fisheries biological monitor to order pile-driving to stop immediately, and procedures to notify pertinent parties including the Executive Director and other pertinent state and federal agencies immediately after any exceedance of the dual metric exposure criteria.
 - v. Include a provision for instituting a "soft start" procedure that is believed to provide some protection by giving fish a chance to leave the area before the hammer operates at full capacity. For impact driving, contractors shall be required to provide an initial set of three strikes from the impact hammer at

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forty percent energy, followed by a one-minute waiting period, then two subsequent three strike sets.

- vi. Include a monitoring and reporting program that will be coordinated with the fisheries biological monitor and will include provisions to provide daily summaries of the hydroacoustic monitoring results to the Executive Director and to other agencies requesting such summaries, as well as more comprehensive summary reports on a monthly basis during the pile-driving season.

B. Compliance with the Dual Metric Exposure Criteria.

1. At Smith River, the Permittee shall avoid hydroacoustic noise above the 207 dB peak Sound Pressure Level threshold or at or above the 203 dB cumulative SEL threshold measured at the estimated distance from the pile at which the hydroacoustic noise will have attenuated to the threshold level. This varies by pile type and location: (a) In water, trestle pile driving: 21m; (b) On land, trestle pile driving: 10m; (c) in water, falsework pile driving: 38m; (d) on land, falsework pile driving: 18m. It is assumed that fish closer to the pile being driven will be injured or killed.
2. If the accumulated SEL reaches 202 dB or the peak sound pressure level reaches 207 dB at the distances from pile-driving specified in Subsection (B)(1) above, pile-driving will be stopped to avoid exceeding the criterion and will not commence again for at least 12 hours.
3. In the event of an exceedance of either criterion of the dual metric exposure criteria, pile-driving operations shall be immediately stopped and shall not recommence unless the Executive Director, in consultation with the fisheries biologists of the California Department of Fish and Wildlife and the National Marine Fisheries Service, so authorizes based on the deployment of additional sound attenuation or other measures deemed likely by qualified technical experts to return the pile-driving to conformance with the dual metric exposure criteria.
4. If the return to pile-driving after the implementation of the additional measures discussed in Subsection B(2) above results in an exceedance of the accumulated sound exposure level criteria, pile-driving shall be stopped immediately and shall not re-commence until or unless the Commission approves an amendment to the Coastal Development Permit that proposes substantial changes to the proposed project that are deemed by the Executive Director to offer a high likelihood of success in preventing further exceedances of the dual metric exposure criteria.

- ### C. Project activities shall be conducted at all times in accordance with the provisions of the final approved plan. Any proposed changes to the final approved plan shall be reported to the Executive Director. Changes to the final approved plan shall require an amendment to the Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

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- J. **Submittal of Hydroacoustic Monitoring Reports.** Upon commencement of pile-driving, Caltrans shall timely submit monthly monitoring summaries, annual monitoring reports, and a final monitoring report prepared for NOAA Fisheries, and/or any similar reports to be prepared for the California Dept. of Fish and Wildlife, to the Executive Director for review.
- K. **Agreement for Rowdy Creek Fish Passage Mitigation**
- A. **WITHIN ONE YEAR OF APPROVAL OF CDP 1-20-0422**, and with prior document review and approval by the Executive Director based on consistency with this special condition, the permittee shall submit written documentation that demonstrates authorized representatives of Caltrans and Tolowa Dee-ni' Nation have entered into an Agreement consistent with the requirements of this CDP and its Special Conditions, including subsections B and C below.
- B. **WITHIN ONE YEAR OF APPROVAL OF CDP 1-20-0422**, the Permittee shall submit to the Executive Director evidence that a nonrefundable fisheries mitigation fee of \$755,000 has been transferred to Tolowa Dee-ni' Nation and deposited into an interest-bearing account specifically established by Tolowa Dee-ni' Nation to underwrite Tolowa Dee-ni' Nation's design and construction of the fish passage improvements associated with the Rowdy Creek Fish Hatchery located on parcels identified as Del Norte County Assessor's Parcel Numbers 103-080-26 and 103-080-043, consistent with the Agreement described herein.
- C. The Agreement between Caltrans and Tolowa Dee-ni' Nation shall comply with the following minimum provisions:
- i. The Agreement shall indicate that the Rowdy Creek Hatchery fish passage improvements known as the Rowdy Creek Project will be designed and constructed to meet the following minimum objectives as presented in Caltrans' revised project description included as [Exhibit 5](#) to the Commission's findings for this CDP:
 1. Remove barriers;
 2. Restore floodplain and channels;
 3. Restore estuarine slough and wetlands; and
 4. Restore channelized reaches to natural meander belts to allow recruitment of stored spawning gravel, re-establish scour pools, recruit woody debris from banks, and ultimately restore fluvial processes that maintain coho salmon habitat.
 - ii. The Agreement shall include provisions to address any failure by Caltrans and/or the Tolowa Dee-ni' Nation to implement the Agreement consistent with the requirement of this permit, including but not limited to transfer of the funds to an Alternate Entity able to implement the Agreement, or if approved by an amendment to this CDP, to apply the funds to alternative fish passage improvements or other fisheries mitigation commensurate with the level of impact.

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- iii. Unless resolved by the Executive Director of the Commission, any dispute concerning compliance with or interpretation of any provision of the Agreement affecting the implementation of the Agreement consistent with the requirements of this CDP shall be resolved by the Coastal Commission.
- iv. The Agreement shall provide for annual written reports to be submitted to the Executive Director on the progress made toward the completion of the overall Rowdy Creek Project until such time that the full \$755,000 balance of Caltrans' in lieu-fee funds is expended.
- v. The Agreement shall describe the roles and responsibilities of Tolowa Dee-ni' Nation as the administrator of the Rowdy Creek Project fund; affirm that Tolowa Dee-ni' Nation will be responsible for overseeing the CEQA and permitting requirements of the Rowdy Creek Project and commits Tolowa Dee-ni' Nation to maintain the new fish passage improvements upon their completion.
- vi. The Agreement shall commit Tolowa Dee-ni' Nation to commence construction on fish passage improvements no later than July 1, 2024; and explain their responsibility to manage bidding and construction processes throughout the completion of the project.

L. Dominie Creek Fish Passage Mitigation. This permit authorization requires, and by accepting the benefits of CDP 1-20-0422, Caltrans agrees to implement the fish passage improvements at Dominie Creek proposed in Caltrans revised project description included as [Exhibit 5](#) to the Commission's findings for this CDP and accepts the following:

- A. AT LEAST 30 DAYS PRIOR TO THE COMMENCEMENT OF IN-WATER CONSTRUCTION, the permittee shall submit, for the review and written approval of the Executive Director, final plans for the proposed fish passage improvements at Dominie Creek that substantially conform with the improvement detailed in the Biological Assessment/ Essential Fish Habitat: Dominie Creek Fish Passage Project dated August 2018, and prepared by ICF on behalf of Caltrans.
- B. The final plan shall include evidence that all necessary approvals from other agencies and local governments have been obtained for development of the fish passage improvement project.
- C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
- D. The permittee shall complete construction of the Dominie fish passage improvement project no later than July 1, 2024.

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- E. The permittee shall submit annual written reports to the Executive Director by July 1 of each year detailing the progress made toward the completion of the Dominie fish passage improvement project until completion of the project.

M. Construction Responsibilities.

- A. This permit authorization requires, and by accepting the benefits of CDP 1-20-0422, Caltrans agrees to and accepts the following:

1. The permittee shall notify planning staff of the Coastal Commission's North 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;
2. No vegetation removal, including clearing, grubbing, limbing, trimming, or other disturbance of existing riparian vegetation may occur between March 1 and August 31 of any year of construction unless a qualified biologist provides a survey undertaken to the satisfaction of the Executive Director not less than ten (10) days prior to proposed commencement of such activities, demonstrating conclusively that no birds are nesting in the area that would be affected, and the results of the survey have been provided to the Executive Director's satisfaction not less than five (5) days prior to proposed commencement of such activities, and the vegetation removal has additionally been authorized by a California Department of Fish and Wildlife biologist familiar with the bird species likely to nest in the subject area; and
3. All debris, materials, equipment, vehicles, staging and storage features, concrete washout areas, de-watering facilities, the fueling/fuel storage location, and any other material or temporary feature associated with project construction shall be removed immediately after project completion and the affected areas returned to pre-construction conditions and restored in accordance with other special conditions set forth herein.

- B. All project activities shall be undertaken at all times in full compliance with these requirements. Any proposed changes to these requirements shall be reported to the Executive Director. No changes to these requirements may be approved without a Commission amendment to CDP 1-20-0422 unless the Executive Director determines that no amendment is legally required.

N. Flood Warning and Bridge Closure Safety Plan.

- A. NOT LESS THAN 60 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE TEMPORARY BRIDGE AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER), the permittee shall submit, for the review and approval of the Executive Director, a plan for mitigating the

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risk of flooding hazards to the temporary detour bridge. The plan shall identify the steps that would be taken in the event of forecasted flood conditions to: (a) warn the traveling public of possible flood conditions, (b) monitor the rise of flood waters, (c) physically close the temporary bridge, and (d) detour traffic to alternate routes.

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

O. Pier Exposure and Scour Monitoring Plan.

A. NOT LESS THAN 60 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422, OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER), the permittee shall submit for review and approval of the Executive Director, a pier exposure and scour monitoring program. The pier exposure and scour monitoring program shall include provisions for monitoring for exposure above grade of remnant portions of partially removed former bridge piers of the existing bridge and shall at a minimum include the following:

1. Provisions to ensure the remnant portions of partially removed piers of the existing bridge shall be monitored, at a minimum, on an annual basis for the first five years following completion of the bridge demolition and construction authorized by CDP No. 1-20-0422. Measurements of the extent (height, width and depth) of any exposed pier and/or scour observed around abandoned and/or newly-constructed piers shall be recorded. Photo documentation of the condition of any exposed pier structure shall be taken from GPS coordinate-tied locations upstream, downstream and laterally from the bank opposite of the exposed pier(s).
2. Provisions to ensure monitoring reports shall be submitted to the Executive Director over the course of the monitoring period. Annual monitoring reports shall be submitted to the Executive Director by February 1 of each year for five (5) years following completion of bridge demolition and construction. The monitoring reports shall document any changes that have occurred in the condition of abandoned-in-place piers and any scour pool dynamics and bathymetry in the vicinity of the piers, and identify any maintenance responses or adaptive management actions needed to be undertaken to address the removal of exposed piers consistent with the requirements of [Special Condition 23](#).
3. After completion of the five-year annual monitoring period required above, all foundation support columns cut off below grade and left in place shall be inspected on at least an every other year basis for the life of the development approved by CDP 1-20-0422 as part of the bridge inspections

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conducted by Caltrans' Area Bridge Maintenance Engineers (ABME's), who work within the Structures Maintenance and Investigations (SM&I) branch. All findings shall be detailed in the Bridge Needs Report produced after each inspection, which shall be submitted to the Executive Director. If an inspection results in the discovery of exposed remnant portions of the foundation support columns of the demolished bridge, the permittee shall begin programming a project for removal of the exposed remnants and submit an application for an amendment to CDP 1-20-0422 for the project consistent with Special Condition 23.

B. The permittee shall monitor abandoned piers in accordance with the approved monitoring program. Any proposed changes to the approved monitoring program shall be reported to the Executive Director. No changes to the approved monitoring program shall occur without a further Commission amendment to this coastal development permit unless the Executive Director determines no further amendment is legally required.

P. Remnant Structural Debris Exposure Due to River Scour or Erosion.

A. In accepting the Commission's approval of Coastal Development Permit 1-20-0422, Caltrans agrees that if any subsurface remnant structural debris from the existing bridge, such as remnant pilings, footings, or abutments that are not fully excavated and removed should become exposed below the Ordinary High Water (OHW) line within the river channel as it exists at that time in the future for any reason, Caltrans accepts responsibility for undertaking removal of such debris. All development required for the removal shall require a Coastal Commission approved amendment to the coastal development permit. Caltrans accepts responsibility for submitting a complete permit amendment application within one year of observed exposure and for undertaking removal within one year of approval of the permit amendment, or within whatever additional time is granted by the Executive Director for good cause.

B. PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. 1-20-0422 OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER), Caltrans shall submit a written agreement, in a form and content acceptable to the Executive Director, evidencing Caltrans' agreement to be bound by the requirements of Subsection A.

Q. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to flooding, erosion, and earth movement; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers,

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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.

R. Area of Archaeological Significance.

Measures the Permittee Shall Implement as Proposed in the Application:

- A. The permittee shall comply with all recommendations and mitigation measures contained in the Monitoring Plan attached to the Supplemental Historic Property Survey Report (HPSR) dated May 23, 2019 and prepared by Caltrans Senior Environmental Planner (Archaeology) Timothy O'Keefe (hereafter referred to as "Monitoring Plan"), including but not limited to the following:
1. PRIOR TO COMMENCEMENT OF CONSTRUCTION, all responsible parties, including the Caltrans Prehistoric Archaeology Planner (PQS), will review the 90% Design Specifications Package to ensure monitoring provisions requiring a tribal and archaeological monitor during ground disturbing activities are included.
 2. This Monitoring Plan will be part of the Resident Engineer File and Caltrans archaeologist will attend pre-construction meeting to ensure that monitoring commitments are addressed.
 3. Monitoring requirements will be discussed during the pre-construction meeting. Additionally, construction personnel shall be informed of historic preservation laws that protect archaeological sites against any disturbance or removal of artifacts.
 4. NOT LESS THAN THREE (3) WEEKS PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Resident Engineer shall notify Caltrans PQS of pending construction to ensure that a tribal monitor can be arranged with the Tolowa Dee-ni' Nation (Tribe) and the consultant archaeological monitor can be notified.
 5. NOT LESS THAN THREE (3) WEEKS PRIOR TO COMMENCEMENT OF CONSTRUCTION, Caltrans PQS shall notify the Tolowa Dee-ni' Nation Tribal Historic Preservation Officer (THPO) that project will be entering construction so that a tribal monitor can be arranged.
 6. NOT LESS THAN ONE (1) WEEK PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Resident Engineer shall notify Caltrans PQS of pending construction and will confirm the construction start date with Tolowa Dee-ni' Nation Tribal Historic Preservation Officer (THPO) and the consultant archaeological monitor.

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Additional Measures the Permittee Shall Implement:

- B. If an area of cultural deposits is discovered during the course of the project, all of the following shall occur:
1. The consultant archaeological monitor shall immediately notify the Resident Engineer and the Caltrans PQS of the discovery.
 2. The consultant archaeological monitor shall immediately designate a 30-foot diameter area around the unanticipated discovery as off limits to further ground disturbing activities and the provisions set forth in 36 CFR 800.13(b) shall be followed. As part of these procedures, the Caltrans PQS shall notify the Tribe, the Caltrans Cultural Studies Office (CSO) the California State Historic Preservation Officer (SHPO), and the Executive Director of the unanticipated discovery within 48 hours.
 3. The project archaeologist shall prepare and submit a Significance Testing Plan, for review and approval of the Executive Director, identifying measures to be undertaken to determine the significance of the find. The Plan shall be prepared in consultation with the Native American monitors, and the Native American most likely descendant (MLD) when State Law mandates the identification of a MLD. The Executive Director shall review the Significance Testing Plan for conformance with the terms and conditions of CDP 1-20-0422 and with the Coastal Act requirements for the protection of coastal resources. If the Significance Testing Plan is found to be de minimis, it can be implemented without further Commission action. The Significance Testing Plan results, along with the project archaeologist's recommendation as to whether the discovery should be considered significant, and the comments of the Native American monitors and MLD when State Law mandates the identification of a MLD, shall be submitted to the Executive Director for a determination of the significance of the discovery. If the Executive Director determines that the discovery is significant, development shall not recommence and the permittee shall submit to the Executive Director a Supplementary Archaeological Plan in accordance with subsection D, below.
 4. A permittee seeking to recommence construction following discovery of cultural deposits determined to be significant pursuant to the process established in the Significance Testing Plan in subsection C(3) shall submit a Supplementary Archaeological Plan for the review and written approval of the Executive Director, prepared by the project archaeologist in consultation with the Native American monitor(s) of the Tolowa Dee-ni' Nation, and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD. The Supplementary Archaeological Plan shall identify proposed investigation and mitigation measures, which can range from in-situ preservation to recovery and/or relocation/reburial. 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

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resource areas in open space. The Executive Director shall review the Supplementary Archaeological Plan for conformance with the terms and conditions of CDP 1-20-0422 and with the Coastal Act requirements for the protection of coastal resources. In order to protect archaeological resources, any further development may only be undertaken consistent with the provisions of the approved Supplementary Archaeological Plan, as well as, to the extent applicable, the original approved archaeological plan.

5. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director.
6. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission to authorize a new archaeological approach.
7. A report verifying compliance with this condition shall be submitted to the Executive Director for review and written approval, upon completion of the mitigation measures detailed in the approved archaeological monitoring plan and/or Supplementary Archaeological Plan required to protect significant archaeological finds.

S. Protection of Shoulder and Bridge Walkway Public Access.

- A. By acceptance of Commission approval of CDP 1-20-0422, Caltrans acknowledges and agrees that continued public access for bicyclists and pedestrians to the paved shoulder and separated pedestrian walkway bridge crossing provided within the bounds of the portion of the Highway 101 right-of-way subject to this coastal development permit shall be provided by Caltrans upon completion of construction of the bridge. No signage shall be installed within the bounds of the project approved pursuant to CDP 1-20-0422 that would restrict pedestrians or bicyclists from the use of these transportation facilities. Any proposed change to these access amenities shall require an amendment to CDP 1-20-0422, and such amendment shall not be accepted for processing unless accompanied by a proposal to provide equivalent or superior access alternatives within the same corridor.
- B. PRIOR TO ISSUANCE OF CDP 1-20-0422, Caltrans shall submit a written agreement, in a form and content acceptable to the Executive Director, evidencing Caltrans' agreement to be bound by the requirements of subsection A.

T. Public Access Mitigation

- A. **WITHIN ONE YEAR OF APPROVAL OF CDP 1-20-0422**, and with prior document review and approval by the Executive Director based on consistency

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with this special condition, the permittee shall submit written documentation that demonstrates authorized representatives of Caltrans and CA Department of Fish and Wildlife (CDFW) have entered into an Interagency Cooperative Agreement consistent with the requirements of this CDP and its Special Conditions, including subsections B and C below.

- B. WITHIN ONE YEAR OF APPROVAL OF CDP 1-20-0422**, the Permittee shall submit to the Executive Director evidence that a nonrefundable public access mitigation fee of \$90,000 has been transferred to CDFW and deposited into an interest-bearing account specifically established by CDFW to underwrite CDFW's design and construction of the public access improvements on California Department of Fish and Wildlife's property known as Saxton Boat Ramp (aka Smith River Public Fishing Access), and identified as Del Norte County Assessor's Parcel Number 105-050-002, consistent with the Cooperative Agreement described herein.
- C.** The Cooperative Agreement between Caltrans and the Department of Fish and Wildlife shall comply with the following minimum provisions:
- i. The Cooperative Agreement shall indicate that the public access and recreation improvements known as the Saxton Boat Ramp (aka Smith River Public Fishing Access), Improvement Project will be designed and constructed consistent with the Coastal Act and the Del Norte County certified LCP and include modernizing and extending the boat ramp, parking lot and ADA improvements, replacing location signs, rehabilitating restrooms, adding refuse/recycling bins, adding new interpretive panels, installing a DIDSON/sonar fish counting station into site, adding picnic tables/benches, a covered kiosk, kayak launch feature, bird observation shelter, lighting, and fencing as generally depicted in [Exhibit 20](#).
 - ii. The Cooperative Agreement shall include provisions to address any failure by Caltrans and/or the Department of Fish and Wildlife to implement the Cooperative Agreement consistent with the requirement of this permit, including but not limited to transfer of the funds to an Alternate Entity able to implement the Agreement, or if approved by an amendment to this CDP, to apply the funds to alternative Public Access improvements.
 - iii. Unless resolved by the Executive Director of the Commission, any dispute concerning compliance with or interpretation of any provision of the Cooperative Agreement affecting the implementation of the Cooperative Agreement consistent with the requirements of this CDP shall be resolved by the Coastal Commission.
 - iv. The Cooperative Agreement shall provide for annual written reports to the Executive Director of the Coastal Commission on the progress made toward the completion of the overall Saxton Boat Ramp (aka Smith River Public Fishing Access), Improvement Project until such time that the full \$90,000 balance of Caltrans' in lieu-fee funds is expended.

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- v. The Cooperative Agreement shall describe the roles and responsibilities of CDFW as the administrator of the Saxton Boat Ramp (aka Smith River Public Fishing Access) Improvement Project fund; affirm that CDFW will be responsible for overseeing the CEQA and permitting requirements of the Saxton Boat Ramp (aka Smith River Public Fishing Access) Improvement Project and commits CDFW to operate and maintain the new access facilities upon their completion.
- vi. The Cooperative Agreement shall commit CDFW to include new location signs in its budget plans for FY 2021-22, with the goal of initiating installation of the signs in Spring 2022; commits CDFW to include rehabilitation and construction of the boat launching facility in its budget plans for FY 2022-23, with the goal of initiating construction in Spring 2023; and explains their responsibility to manage bidding and construction processes throughout the completion of the project.

D. WITHIN 60 DAYS OF COMPLETION OF BRIDGE CONSTRUCTION, Caltrans shall install a sign off of South Beach Road underneath the new bridge directing members of the public desiring to launch boats to the CDFW boat launching facility off of Fred Haight Drive. Plans for the sign shall be submitted for the review and approved of the Executive Director prior to of installation.

U. **Demolition/Construction Debris Removal. NOT LESS THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the permittee shall submit, for the review and approval of the Executive Director, a demolition/construction debris removal plan for the construction phase of the project designed by a licensed engineer or other qualified specialist. The plan shall incorporate the following Best Management Practices (BMPs) and other requirements:

- A. Detailed description of phasing and scheduling of demolition/construction and staging of demolition/construction machinery and materials.
- B. No demolition/construction materials, debris, or waste shall be placed or stored where it may be subject to dispersion by waves, wind, or rain and may consequently enter coastal waters or a storm drain.
- C. Specifications for timing of removal and disposal of all debris resulting from demolition/construction activities.
- D. The applicant shall dispose of all demolition and construction debris outside of the coastal zone or at a site within the coastal zone permitted to receive the debris from the proposed project. The applicant shall provide evidence to the Executive Director of the location of the disposal site prior to the commencement of the development. Should the disposal site be located in the coastal zone, the applicant shall confer with the Executive Director to determine whether a separate coastal development permit is required.

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- V. **Post-Construction Stormwater Management Plans. NOT LESS THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the permittee shall submit, for the written approval of the Executive Director, the final project plans that detail the project's post-construction stormwater management Best Management Practices (BMPs). The final plans shall comply, at a minimum, with the following requirements:
- A. Specify the number, location, size, design, and stormwater management function of all Treatment Control BMPs, including the proposed biofiltration swales and biofiltration strips.
 - B. Provide calculations documenting that all Treatment Control BMPs have been sized and designed to retain on-site (via infiltration, uptake by plants, or evaporation) the runoff produced by the 85th percentile 24-hour design storm, to the extent technically feasible. Indicate the values used in the calculations, and the source of data for each variable.
 - C. If flow-based Treatment Control BMPs are implemented to remove pollutants of concern, provide calculations documenting that these BMPs have been sized and designed to treat the runoff flow produced by the 85th percentile 1-hour design storm, multiplied by a safety factor of 2. Indicate the values used in the calculations, and the source of data for each variable.
 - D. Document the expected pollutant removal effectiveness for the identified pollutants of concern for each Treatment Control BMP.
 - E. Provide site-specific data verifying site suitability for all proposed Treatment Control BMPs that will infiltrate runoff (excluding flow-through bioswales), including the following:
 - i. Soil type and results of infiltration rate testing in the footprint of each proposed infiltration BMP.
 - ii. Site investigations of depth to groundwater and depth to any confining layer in the footprint of the proposed infiltration BMPs.
 - iii. Soil contamination, including aurally-deposited lead, in the footprint of the proposed infiltration BMPs.
- W. **Construction Pollution Prevention Plan. NOT LESS THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the permittee shall submit, for the written approval of the Executive Director, a final Construction Pollution Prevention Plan (CPPP) that details the project's plans to protect coastal water quality during construction and demolition activities. The final plan shall comply with the following requirements:

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- A. Minimize construction-phase water quality impacts by implementing BMPs to minimize erosion and sedimentation, the discharge of other pollutants resulting from construction activity, non-stormwater runoff, land disturbance, and soil compaction. Specify the description and location of all construction-phase BMPs to be implemented, and all methods and equipment to be used for construction and demolition.
- B. All BMPs shall be maintained in a functional condition throughout the duration of the construction and demolition activities and shall be promptly removed when no longer required.
- C. No construction materials, debris, graded soils, waste, concrete washout residues, chemicals, fuels, drilling muds or additives thereto, or noncompliant dewatering effluent (i.e., effluent with turbidity, pH, or other water quality parameter that does not comply with the requirements of the Regional Water Quality Control Board, or other state or federal agencies), or any other substance or material capable of degrading coastal waters, shall be stored, placed, or discharged where such releases may potentially reach the Smith River, any tributary thereto (whether flowing or intermittent), seep, or adjacent riparian or other sensitive habitat area, unless specifically and affirmatively authorized by CDP 1-20-0422, including by reference in these special conditions.
- D. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, and mulch control netting) that incorporate plastic netting shall be prohibited, in order to minimize wildlife entanglement and plastic debris pollution. Only 100% biodegradable (not photodegradable) natural fiber netting shall be allowed.
- E. Concrete work shall employ methods to avoid the placement of cement products, cement-laden wash water, or concrete debris where it may potentially enter coastal waters, except where concrete is of a type suitable for in-water curing. All other concrete shall be fully cured, and concrete debris and construction materials shall be completely removed, prior to re-watering the construction site.
- F. No work below the Ordinary High Water Mark (OHWM) of the Smith River, including but not limited to fish removal and installation of in-river work pads, shall be undertaken outside of the annual June 15 through October 15 work window.
- G. All grading activities shall be conducted during the annual dry season period of June 1 through November 15 and shall be subject to the following condition:
 - a. All work shall cease upon the onset of precipitation at the project site and shall not recommence until the predicted chance of rain is less than 50 percent for the Smith River area portion of the Del Norte Coast segment of the National Weather Service's forecast for Northwestern California.
- H. Temporary erosion and sediment control BMPs shall be implemented if construction or site preparation ceases for a period of more than 30 days, and

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during winter work cessation periods. These BMPs shall be monitored and maintained until demolition or construction operations resume.

- I. All lead-contaminated soils that will be disturbed within the project area shall be excavated, managed, and disposed of in a manner that is authorized by and compliant with the requirements of the California Department of Toxic Substances Control as being protective of coastal waters and resources. The Caltrans resident engineer shall note the manner in which such compliance is achieved, and such records shall be retained by Caltrans as part of the permanent project files. The permanent project files shall be made available at the request of any state or federal agency with review authority over the subject.

X. BMPs for Overwater and In-Water Construction Activities.

- A. Tarps or other devices shall be used to capture all debris, sawdust, oil, grease, rust, dirt, drips, and spills resulting from overwater construction and demolition activities, to protect the quality of coastal waters.
- B. Floating booms shall be used to contain any floating debris accidentally discharged into coastal waters during construction and demolition activities. Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible. The collected debris shall be removed as soon as possible, when all safety procedures can be met.
- C. Machinery or construction materials not essential for project activities shall not be allowed at any time within the river.
- D. Any paint, coating, wrapping, sealant, adhesive, caulk, or other product used in construction of overwater and in-water structures shall be inert when fully dried and cured, and therefore not leach chemicals that could contribute to aquatic toxicity. The applicant shall specify the product to be used and the location of its use and shall provide any available information on the product's aquatic toxicity.
- E. Vegetable-oil-based hydraulic fluids and biodiesel fuel shall be used in heavy equipment used in construction lasting one week or longer overwater or adjacent to coastal waters, if available.
- F. The footprint of areas within which demolition and construction activities are to take place (including staging and storage of equipment, materials, and debris; and equipment fueling and maintenance) shall be minimized to the extent feasible. Construction activities shall be prohibited outside of designated construction, staging, storage, and maintenance areas.

- Y. **Use of Preservative-Treated Wood Near Aquatic Environments. NOT LESS THAN SIXTY (60) DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION OTHER THAN UTILITY RELOCATION (WHICH MAY OCCUR SOONER)**, the applicant shall submit, for the written approval of the Executive Director, a plan documenting the type and amount of preservative-treated wood proposed to be used to construct all structures that are overwater, in-water, or adjacent to coastal

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waters, and Best Management Practices specific to the use of treated wood near aquatic environments. The applicant shall comply with the following requirements:

A. Type of Preservative-Treated Wood.

- i. For the temporary construction trestle decks, soldier piles, “falsework” constructed in preparation for concrete pourings, and other structures, the applicant shall prioritize the use of alternative materials instead of preservative-treated wood, such as concrete, fiberglass, metal, plastic (e.g., polyethylene, polypropylene, or PVC), fiberglass-plastic composites (e.g., fiber-reinforced polymer), wood-plastic composites, or naturally decay-resistant untreated wood (e.g., redwood, red cedar, ipe, greenheart, and in some cases Douglas fir), where feasible. An analysis of potential alternative materials shall be submitted if treated wood is proposed for any component of structures that are overwater, in-water, or adjacent to coastal waters.
- ii. The use of treated wood shall be avoided in locations where especially copper-sensitive aquatic organisms (such as salmon, trout, herring, Dungeness crab, blue mussels, abalone, oysters, sea urchins, and certain zooplankton) may be present.
- iii. If treated wood is used, the preservative Ammoniacal Copper Zinc Arsenate (ACZA) shall be used to treat components where frequent contact with humans or marine mammals is not expected. Wood treated with the arsenic-free preservatives Alkaline Copper Quaternary (ACQ) or Copper Azole Type C (CA-C) shall only be used for components where frequent human or marine mammal contact will occur.
- iv. To minimize the amount of preservatives that may leach into coastal waters, ensure that treated wood does not exceed the minimum preservative retention level by selecting wood treated to the standards of the lowest appropriate Use Category (as specified by the American Wood Protection Association) for each component.
- v. The amount of treated wood to be used for each structural component (e.g., the surface area of trestle decks) shall be specified.
- vi. Where available, only treated wood shall be used that has been certified as produced for use in aquatic environments (as indicated by a BMP Quality Mark or Certificate of Compliance), in accordance with industry standards such as the Best Management Practices for the Use of Treated Wood in Aquatic and Wetland Environments by the Western Wood Preservers Institute, et al.
- vii. Any fill, coating, wrapping, sealant, adhesive, grout, or other materials used in construction of structures that are overwater, in-water, or adjacent to coastal waters shall be composed of materials that are inert when fully dried

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and cured, and will not leach chemicals that could contribute to aquatic toxicity.

- B. BMPs for Use of Treated Wood in Aquatic Environments.** Employ all appropriate construction-phase BMPs to minimize the discharge of treated wood sawdust and debris to coastal waters. Construction-phase BMPs shall specifically address the use of treated wood in aquatic environments, including materials selection, materials storage, cutting or drilling treated wood, preservative field-treatment, and coating application. BMPs shall include, but are not limited to:
- i. Treated wood sawdust and debris shall be kept out of the water.
 - ii. Field-treatment of Copper Naphthenate preservative shall be applied sparingly to cut ends and drilled holes in treated wood, because it does not bond as strongly to wood compared to pressure-treatments. Drips or spills of Copper Naphthenate into the water shall be avoided.
 - iii. Treated wood and treated wood debris shall be stored a minimum of 50 feet from coastal waters, drainage courses, and storm drain inlets. The treated wood and treated wood debris shall be stored on impervious pavement or an impervious tarp and covered during rain events.
 - iv. If treated wood is sanded or sawcut during demolition, installation, or maintenance, all sawdust and debris generated shall be contained and removed.

Z. BMPs for Stockpile and Debris Management.

- A. All demolition and construction materials, equipment, debris, and waste shall be properly stored and contained, and shall not be placed or stored where it may be subject to wave, wind, rain, or tidal dispersion, to prevent pollutants from entering coastal waters, sensitive habitats, and the storm drain system.
- B. All stockpiles, construction materials, and demolition debris shall be managed and maintained consistent with Caltrans' statewide Stormwater Management Plan.
- C. Sediment control BMPs shall be installed at the perimeter of staging and storage areas, to prevent sediment in runoff from construction-related activities from entering coastal waters.
- D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs, to prevent the accumulation of debris, sediment, and other pollutants that may potentially be discharged into coastal waters.
- E. All trash and debris shall be disposed of in the proper trash and recycling receptacles at the end of every construction day.

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- F. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- H. Demolition of the existing bridge or roadbed shall not be undertaken through the use of explosives, and no portion of the existing bridge or roadbed may be removed in a manner that allows debris to fall into any area of the river channel of Smith River or other watercourses, streams, and seeps within the project area, whether or not surface water is present in the subject locations at the time of demolition. Construction debris shall be captured by rigging methods undertaken from the top of the bridge deck or by crane, and the resultant debris shall be removed without relying on dropping the material to the ground for collection. Visible amounts of concrete dust and small rubble shall not be released into the air or water during construction and dust suppression measures shall be implemented. Dust control via water spray shall be implemented cautiously and monitored by the biological monitor, and all measures necessary to ensure that water contaminated by concrete dust does not drain into the banks, channel, or waters within the project area shall be undertaken.
- I. All temporary construction berm fill, and any associated trestles and piles, shall be completely removed at the end of bridge construction.
- J. At the end of the demolition/construction period, the applicant shall conduct visual inspections of the project area to ensure that no debris, trash, or construction material has been left on the shoreline or in the water, and that the project has not created any hazard to navigation.

AA. BMPs for Spill Prevention and Equipment Maintenance.

- A. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of construction products or materials that may have adverse environmental impacts. The discharge of any construction products or materials into coastal waters shall be prohibited.
- B. Leaks or spills of fuel, oil, grease, lubricants, hydraulic fluid, chemicals, preservatives, paints, or other construction products or materials shall be immediately contained on-site and disposed of in an environmentally-safe manner as soon as feasible.
- C. Construction vehicles, machinery, and equipment operating at the project site shall be inspected daily to ensure there are no leaking fluids and shall be serviced immediately if a leak is found.
- D. Fueling and maintenance of construction equipment and vehicles shall be conducted off-site, if feasible. Any fueling and maintenance of mobile

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equipment conducted on-site shall take place at a designated area located at least 50 feet from coastal waters, sensitive habitat, and storm drain inlets (unless these inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

- E. Machinery, equipment, and vehicles shall be maintained and washed in confined areas specifically designed to control runoff. If thinners, petroleum products, or solvents must be used on-site, they shall be properly recycled or disposed of after use, and shall not be discharged into storm drains, sewers, receiving waters, or onto the unpaved ground.
- F. Sufficient oil absorbent booms and/or pads shall be on-site at all times during project construction to ensure an immediate, effective response to any spill with the potential to reach coastal waters or sensitive habitat areas. Site personnel shall be verified as fully trained to deploy such equipment. The presence of the booms/pads/equipment and the adequacy of personnel training shall be periodically verified by the Caltrans site supervisor and noted in the permanent project records retained by Caltrans.
- G. All equipment used during construction that is parked or operated within or over the river channel (from top of bank to top of bank) shall have oil pans or other containment materials or devices continuously placed beneath such equipment to ensure that leaks that do arise will not enter the river environment. Vehicles or machinery cleared to enter the wetted channel, such as for construction of temporary crossings, shall be fully steam-cleaned, including the undercarriage, and inspected and verified to be free of leaks by the Caltrans site supervisor or designated representative, before the subject vehicles or machinery are allowed to enter the wetted channel. No vehicles or machinery shall enter the wetted channel at any time unless under the constant supervision of the monitoring fisheries biologist and the Caltrans site supervisor.