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STAFF REPORT: CONSENT CALENDAR

Application No.: 1-23-0356

Applicant: California Department of Transportation
(Caltrans) District 1

Location: Highway 101 at the crossing of the Eureka Slough, on Humboldt Bay in the City of Eureka.

Project Description: Geotechnical investigation that includes geophysical surveys and drilling of up to 22 test borings to a maximum depth of 200 feet, up to 10 of which would be located within the Eureka Slough, to inform project design and feasible alternatives for the future planned Eureka Slough Bridge Replacement Project.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

California Department of Transportation (Caltrans) proposes to conduct a geotechnical investigation along Highway 101 at the crossing of the Eureka Slough, a tidally influenced waterbody connected to Humboldt Bay, in the city of Eureka. The geotechnical investigation is necessary to inform project design and feasible alternatives for a future planned bridge replacement project. The standard of review is Chapter 3 of the Coastal Act.

Coastal Act issues raised include potential impacts to marine resources and the biological productivity and quality of coastal waters and adjacent coastal marsh habitats. The project area contains a shallow tidal channel, intertidal mudflats, eelgrass beds, and salt marshes around the fringes. The proposed drilling work involves drilling up to 22 bore holes up to 200 feet below ground surface. The inadvertent spilling of any fuels, oils, or drilling fluids from boring activities or construction equipment could pollute the environment if not properly managed and contained during field work. Special conditions regarding Best Management Practices, seasonal restrictions on work, pre- and post-construction biological and revegetation surveys are therefore recommended.

Special Condition 3 requires the applicant to implement appropriate Best Management Practices and avoidance measures to minimize potential impacts from construction-related pollutants. Caltrans will conduct pre-construction surveys pursuant to these requirements and conduct a pre-construction eelgrass survey as required by **Special Condition 4**, and screening for mammals prior to initiating drilling operations as outlined in [Exhibit 4](#). Under **Special Condition 2**, Caltrans shall submit an “As-Built” report which will document pre-construction and post construction site conditions and verify that the site has been restored to its natural condition. As proposed and further conditioned, staff believes all potential adverse impacts on coastal resources are addressed to assure consistency of the development with Chapter 3 policies of the Coastal Act. Thus, Commission staff recommends that the Commission **APPROVE** coastal development permit application 1-23-0356, as conditioned. The motion is on page 4.

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EXHIBITS

[Exhibit 1 – Project Area Maps](#)

[Exhibit 2 – Project Description dated 05/26/2023](#)

[Exhibit 3 – Layout Plan Sheets](#)

[Exhibit 4 – AMM's and BMP's Compiled](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

The Commission hereby approves Coastal Development Permit No. 1-23-0356 for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

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

III. SPECIAL CONDITIONS

1. **Other Agency Approvals.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, or authorizations for the approved project have been granted by all other applicable agencies, including the Humboldt Bay Harbor District, California Department of Fish and Wildlife, North Coast Regional Water Quality Control Board, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and National Marine Fisheries Service, or evidence that no such authorizations are required from each of these entities. The Permittee shall inform the Executive Director of any changes to the project required by any other authorizations. Any such changes shall not be incorporated into the project until the Permittee obtains an amendment to this permit, unless the Executive Director determines that no amendment is legally required.

2. **“As Built” Report.** By December 31st of each calendar year in which construction occurs (construction is projected to occur across two construction seasons/calendar years), the Permittee shall submit to the Executive Director an “As Built” report for the authorized geotechnical investigation work conducted during that construction season/calendar year that includes, at a minimum, the following:
 - a. Final Boring Report: The report shall include a description of the total number of test borings completed, project start and completion dates, and any site restoration work completed to date;
 - b. Final Layout Plans: The final layout plans shall depict the locations of completed geotechnical borings and any areas of disturbance and/or revegetation to be monitored for confirmation of site restoration to pre-construction conditions within 12 months of initial construction activity disturbance;
 - c. Documentation of Pre-Construction Conditions: Documentation of pre-construction habitat conditions at each boring location shall include photographs and a narrative description and shall include staging areas and access routes associated with each boring site. This documentation shall also note any documented sensitive resources in the immediate vicinity as required by the pre-construction surveys required by Special Conditions 3 and 4; and
 - d. Documentation of Temporary Impacts: The submitted As-Built report each construction season/calendar year shall include provisions for additional visits to disturbed sites as needed to affirm that areas disturbed during geotechnical work equate to “temporary impacts” as proposed. “Temporary impacts” are those impacts that are restored to pre-construction conditions within 12 months of initial construction activity disturbance. Any impacts that do not meet these parameters shall be considered “permanent impacts.” Documentation affirming temporary impacts shall be provided to the Executive Director within 12 months of initial construction activity disturbance and shall include photographs and a narrative description of habitat conditions at each boring location, within any staging areas and access routes associated with each boring site and shall include documentation of identified sensitive resources in the immediate vicinity.

Any impacts not restored within 12 months following the completion of construction shall be considered permanent impacts requiring mitigation. The Permittee shall, within 90 days after documentation of impacts pursuant to subsection (d) above, submit a mitigation plan proposing additional mitigation to compensate for the permanent impacts, including a minimum ratio of 4:1. The mitigation plan shall be processed as an amendment to this permit, unless the Executive Director determines that no amendment is legally required.

- 3. Construction Responsibilities Required to Protect Coastal Resources.** The Permittee shall undertake development in compliance with all conditions of this permit and with all proposed Avoidance and Minimization Measures (AMMs) and Best Management Practices (BMPs) attached here as [Exhibit 4](#), unless otherwise modified by this permit, including, but not limited to the following:
- a. Timing of Construction: All work that has the potential to directly impact surface waters shall take place between June 15 and October 15 unless otherwise approved in writing by the Executive Director as having no substantial impacts to coastal resources because of timing. To avoid impacts to nesting bird habitat, any vegetation removal needed to conduct the geotechnical investigation shall be restricted to September 16 through January 31 (outside of the bird breeding season). If vegetation removal is required during the bird breeding season, a nesting bird survey would be conducted by a qualified biologist within one week prior to vegetation removal. If an active nest is located, the biologist would coordinate with California Department of Fish and Wildlife (CDFW) to establish appropriate species-specific buffer(s) and any monitoring requirements. The buffer(s) would be delineated around each active nest and construction activities would be excluded from these areas until birds have fledged, or the nest is determined to be unoccupied.
 - b. Flagging of Biologically Sensitive Areas. PRIOR TO COMMENCEMENT OF CONSTRUCTION, a qualified biologist shall identify with flagging, construction barrier fencing, or other similar temporary means, the boundaries of sensitive species and habitats to be avoided, including sensitive salt marsh plants and any sensitive bird nesting areas as identified by the surveys mentioned above. Construction equipment staging and laydown areas and all other project activities and authorized development shall avoid encroachment into delineated sensitive areas. Demarcated areas shall be inspected throughout construction to ensure that they are visible for construction personnel.
 - c. Equipment Access, Staging, and Stockpiling. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall identify with flagging, cones, or other similar temporary means, the boundaries of temporary staging and stockpiling areas for construction equipment, supplies, personnel parking, and other ancillary functions within the project area. Areas delineated for this purpose shall avoid encroachment into wetlands and sensitive areas except as specifically authorized by this permit. As stated on Page 12 of [Exhibit 2](#), the only equipment allowed in wetlands would be a track-mounted drill rig with the use of temporary wetland protection mats to minimize damage.

- d. Spill Prevention. Precautions during drilling shall be employed to mitigate any possible equipment leaks or drilling fluid spillage. Fuels, lubricants, solvents, and other hazardous materials shall not be allowed to enter coastal waters or wetlands. Hazardous materials management equipment shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials cleanup or remediation service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up consistent with the *District 1 Spill Communication Plan* which outlines the process of spill response and notification of appropriate agencies and entities. Equipment shall be inspected daily for leaks and completely cleaned of any external petroleum products, hydraulic fluid, coolants, and other deleterious materials prior to operating equipment.
- e. Biological Monitoring. A biological monitor shall be present during in-channel activities. Biological monitor(s) shall have the authority to stop work activities in any area if required to avoid adverse impacts to marine mammals and other sensitive resources.
- f. Disposal of Soil Cuttings and Drilling Fluid. After the completion of each geotechnical boring, soil cuttings and drilling fluid generated by the operation shall be contained/stored in 55-gallon drums for hazardous waste characterization and subsequent disposal in a timely manner at a licensed facility capable of receiving the waste.
- g. Other Water Quality Protection Measures. Appropriate BMPs (such as silt fences, fiber rolls, inlet protection, etc.) shall be utilized, if necessary, in conjunction with construction activities to minimize erosion and sedimentation, control runoff, and minimize the discharge of pollutants as a result of construction activities.

4. Eureka Slough Eelgrass Protections. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit an Eelgrass Avoidance Plan to the Executive Director for review and written approval that includes an updated pre-construction survey completed by a qualified biologist that shows the location of all eelgrass in the slough in the project vicinity and which affirms that the locations of proposed geotechnical drilling sites are outside of delineated eelgrass areas. The Plan shall describe any other proposed measures to avoid eelgrass impacts, including, but not limited to, turbidity control measures and retaining a biological monitor during geotechnical drilling activities near eelgrass beds to ensure drilling avoids eelgrass.

5. Protection of Archaeological and Tribal Cultural Resources. The Permittee shall undertake development in compliance with the following mitigation measures to protect archaeological resources:

- a. If an area of archeological and/or tribal cultural resources is discovered during the course of the project, project activities with the potential to impact such resources shall cease and shall not recommence except as provided in subsection (b) hereof, and the permittee shall retain a qualified archeological and/or tribal cultural resource specialist to analyze the significance of the find in

consultation with Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list. A minimum 50-foot exclusion zone where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area. The specialist shall prepare a plan for the review and approval of the Executive Director regarding steps needed to protect resources.

- b. The Executive Director will review the plan to determine whether an amendment to the permit is needed or whether any recommended project changes are de minimis in scope. Upon approval of the supplemental plan, the permittee may recommence project activities and shall implement the development in compliance 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.
- c. Should human remains be discovered on-site during the course of the project, immediately after such discovery, the permittee shall notify the County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. If the county coroner determines that the human remains are those of a Native American, the coroner shall contact the NAHC within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the identification process pursuant to Public Resources Code Section 5097.98. Within five (5) calendar days of such notification, the director of development services shall notify the Executive Director of the discovery of human remains.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The California Department of Transportation (Caltrans) is proposing to conduct a geotechnical investigation to obtain information on the subsurface conditions at the Eureka Slough Bridges. The results of the geotechnical investigation will inform project design and feasible alternatives for a future planned bridge replacement project necessary due to seismic, geometric, and functional deficiencies of the existing bridges. The north and southbound Eureka Slough Bridges are located on US Highway 101 where the highway passes over the Eureka Slough, a tidally influenced waterbody connected to Humboldt Bay on the northern end of the City of Eureka (approximately post mile 79.9), as show in [Exhibit 1](#). The southbound bridge was constructed in 1943, and the northbound bridge was constructed in 1956. The CDP application for the future bridge replacement project is expected to be submitted to the Commission by 2026.

The proposed geotechnical investigation includes three components: (1) geophysical surveys, (2) geotechnical drilling, and (3) compressional (P) and shear (S) suspension logging at the proposed bridge alignment and footing locations. The geophysical

surveys involve seismic refraction and electrical resistivity surveys. There will be up to six surveys along two survey lines up to 500 feet in length. Surveys may involve placement of geophones or copper stakes, striking of refraction hammer plates, or hand augering. Each survey will take up to two days to complete. Minimal ground disturbance is anticipated from the proposed surveys, though there may be some noise impacts.

Proposed geotechnical drilling involves drilling up to 22 test borings with a track or truck-mounted drill rig utilizing mud-rotary drilling methods. The maximum depth for the 4.75-diameter vertical borings will be approximately 200 feet below ground surface. Each boring will take approximately 4 days to complete, and the total drilling time for this phase of the exploration is estimated to be 88 working days (approximately 18 weeks). Caltrans proposes up to 10 test borings through the existing bridge deck of the Eureka Slough Bridges into the slough, and the remainder of the test borings are proposed north and south of the slough within the highway pavement surface, median strip, or vegetated area adjacent to the approach embankments. The final number of actual drilling locations will be determined during the geotechnical investigation as geotechnical information is developed and will be documented in updated final plans submitted to the Commission. PS suspension logging will be conducted on two bore holes, which allows additional analysis and measurements of subsurface conditions. Construction activities are proposed to start in July of 2023 and extend through October 2023. Caltrans anticipates two construction seasons will be needed to complete all proposed geotechnical borings.

B. Standard of Review

The site is within an area of original jurisdiction where the Chapter 3 policies of the Coastal Act are the standard of review, and the City's certified LCP may be used as guidance.

C. Other Agency Approvals

The project requires approvals from other agencies, including (potentially) from the Humboldt Bay Harbor District, North Coast Regional Water Quality Control Board, California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and Endangered Species Act consultations from the U.S. Fish and Wildlife Service and NOAA-Fisheries. **Special Condition 1** requires submittal of these other agency approvals and consultations prior to commencement of construction. The applicant is required to inform the Executive Director of any changes to the project required by any other authorizations. Any such changes would not be incorporated into the project until the applicant obtains an amendment to this CDP, unless the Executive Director determines that no amendment is legally required.

D. Marine Resources and Water Quality

Coastal Act Sections 30230, 30231, and 30232 require protection and, where feasible, restoration of marine resources, as well as the maintenance of the biological productivity of coastal waters. The project has the potential to impact marine resources and the biological productivity and quality of coastal waters and adjacent coastal marsh

habitats, as the project site is adjacent to Humboldt Bay and requires construction work within a tidal slough. The proposed drilling work (which, as discussed above, involves drilling up to 22 bore holes up to 200 feet below ground surface) will involve the use of water alone or water mixed with a thickening agent such as bentonite clay and/or an organic liquid polymer. The inadvertent spilling of any fuels, oils, drilling or hydraulic fluids, etc. from boring activities or construction equipment could pollute the environment if not properly managed and contained during field work. The project area contains a shallow tidal channel, intertidal mudflats, eelgrass beds, and salt marshes around the fringes.

As proposed, the drilling fluid will be fully contained and recirculated through a closed system using an 8-inch outer steel casing, 94-mm drill rod, and mud tank. The mud tank will be positioned on the ground surface adjacent to the drill rig and will serve as a settlement tank for soil cuttings. The cuttings will be periodically removed and placed in 55-gallon steel drums, which, after filling, will be removed from the job site and transferred to a fenced staging area where they then will be tested to determine an appropriate landfill site. The 10 boring locations within the slough channel require the use of a geophysical casing which assists in keeping the bore hole open, encloses the drill, and may also be used as a turbidity control measure. Following the completion of drilling activities, the casing is removed and to prevent contamination of sensitive areas with cement, the top 20 feet will be filled with a non-toxic bentonite clay mixture. Two bore holes located within wetlands will require the use of a geophysical casing, which assists in keeping the bore hole open while monitoring equipment is inserted. The casing will be removed prior to the backfilling of the bore hole and the top 5 feet will be filled with native soils retained from the holes.

Caltrans conducted biological surveys to identify sensitive resources with the potential to occur in the proposed project area. The biological study considered potential direct and indirect impacts to marine resources and habitats related to noise, ground disturbance, erosion, stormwater runoff, equipment staging and access, bore hole installation and removal/finishing, etc. The study identified the following sensitive species and habitats in the project area and the potential impacts associated with each:

Sensitive Resources	Impacts	Notes
Pickleweed Marsh	0.11-acre area of temporary impacts anticipated	Potential impacts from boring and use of drill rig in marsh/wetlands. However, Caltrans proposes to temporarily place mats for equipment access, to use a tracked drill rig to minimize soil compaction, and to backfill the top 5 feet of bore holes with native wetland soils (harbored upon removal). As such, all impacts will be temporary, as areas are expected to recover to pre-project conditions within 1 year
Brackish Wetlands	3,600 sq. ft. area of temporary impacts anticipated	
Eelgrass	None anticipated	Eelgrass beds will be avoided from drill impacts, but indirect impacts could

		occur from turbidity increases or accidental spills
Sensitive Estuarine Plants (Humboldt Bay owl's clover & Point Reyes bird's-beak)	None anticipated	Prior to the start of work, Caltrans will flag rare plant occurrences for avoidance
Sensitive Fish (Chinook salmon, coho salmon, steelhead, coastal cutthroat trout, longfin smelt, tidewater goby, etc.)	None anticipated	Potential impacts from noise disturbance associated with elevated sound levels produced during geo drilling and surveys; however, anticipated levels will not exceed noise thresholds known to cause injury or behavioral effects in fish. Indirect impacts could occur from turbidity increases or accidental spills
Marine Mammals (California sea lion, harbor seal, harbor porpoise)	None anticipated	Potential behavioral effects from noise disturbance; however, the project proposes that prior to drilling each day, qualified personnel will scan the water around the drill site for marine mammals and avoid until the marine mammal has left the area

Given the sensitivity of the work area and potential impacts, as summarized above, Caltrans has proposed a series of standard and specific Avoidance and Minimization Measures (AMMs) and Best Management Practices (BMPs) to avoid and minimize impacts to marine and biological resources and coastal waters. Proposed AMMs and BMPs include, but are not limited to, the following: (1) all in-stream work below ordinary high water will be restricted to the period between June 15 and October 15 to protect water quality and vulnerable life stages of sensitive fish species; (2) prior to the start of work, flagging will be installed around sensitive plants and habitat areas to minimize impacts during geophysical surveys; (3) temporary wetland protection mats will be used to prevent permanent damage and minimize temporary damage to marshes and wetlands from the track-mounted drill rig, and (4) proper disposal of all excess spoils/cuttings from drilling. A list of all proposed AMMs and BMPs is included as [Exhibit 4](#). **Special Condition 3** requires Caltrans to implement the various proposed AMMs and BMPs to protect marine resources and water quality. Furthermore, consistent with their project description, **Special Condition 4** requires Caltrans to conduct a pre-construction eelgrass survey and maintain a biological monitor onsite drilling activities.

The proposed project has been conditioned to minimize any significant adverse effect the project may have on the environment by avoiding or mitigating impacts upon sensitive marine resources. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230, 30231, and 30232 of the Coastal Act.

E. Allowable Fill in Wetlands and Estuaries

As discussed above, several geotechnical borings will be drilled directly in the estuarine habitats of Eureka Slough, including the slough bed and associated marsh wetlands. Geotechnical borings in some cases will be backfilled with cement grout (except for the top five feet, which will be backfilled with native soils to allow for restoration of the estuarine wetlands within a year). Temporary impacts are anticipated to occur to 0.158 acres of estuarine wetlands. Impacts may include the compaction of wetland soils and vegetation from the drill rig and temporary wetland mats.

Coastal Act section 30233 allows for diking, dredging, and filling of coastal wetlands if: (1) it is for one of the seven allowable uses listed under section 30233(a)(1)-(7), (2) there is no feasible less environmentally damaging alternative, and (3) feasible mitigation measures have been provided to minimize adverse environmental effects. A project must meet all three tests to be authorized pursuant to section 30233(a). In addition, under Section 30233(c), the development must maintain or enhance the functional capacity of the wetlands.

Allowable Use

The proposed fill in this case is allowable because the purpose of the project is to obtain information on subsurface conditions to inform project design and feasible alternatives for a future planned bridge replacement project. As the proposed filling is being undertaken by a public agency to serve the public, and the fill is incidental to the primary transportation purpose, the Commission finds that the proposed wetland filling is an allowable use pursuant to Coastal Act section 30233(a)(4).

Alternatives

There is no feasible less environmentally damaging alternative to the proposed project as conditioned, because the only other identified alternative, the no project alternative, would fail to obtain the technical information necessary to inform project design and develop feasible alternatives for the future planned bridge replacement project that is necessary to maximize safe public access to and along the coast.

Feasible Mitigation Measures

As previously discussed, Caltrans has proposed various AMMs and BMPs to protect marine resources and associated wetlands such as (but not limited to): (1) prior to the start of work, flagging will be installed around wetlands to minimize impacts; (2) temporary wetland protection mats will be used to minimize damage to marshes from the track-mounted drill rig, and (3) Caltrans will ensure proper disposal of all excess spoils/cuttings from drilling. A list of all proposed AMMs and BMPs is included as [Exhibit 4](#) and are required to be implemented per **Special Condition 3**. Additionally, to ensure that the temporary impacts are indeed temporary and restored within 12 months of initial construction activity as anticipated, the Commission imposes **Special Condition 2**, requiring Caltrans to submit an "As-Built" report which will document pre-construction and post construction site conditions and verify that the site has been restored to its

natural condition. The condition also contains provisions in the event the impacts unexpectedly become designated as permanent.

The Commission finds that, as conditioned, the functional capacity of the wetlands will be maintained consistent with section 30233 of the Coastal Act.

F. Public Access

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30211 of the Coastal Act requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects, except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or where adequate access exists nearby. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying sections 30210, 30211, 30212, and 30214 cited above, the Commission is limited by the need to show that any denial of a permit application based on these sections or any decision to impose conditions requiring public access on the granting of a permit is necessary to avoid or offset a project's adverse impact on existing or potential access.

The Eureka Waterfront Trail, part of the Humboldt Bay Trail system and the California Coastal Trail, passes directly beneath the Eureka Slough Bridges. A small watercraft launch is located adjacent to the trail approximately 75 feet west of the southbound Eureka Slough Bridges (behind Target). The trail will be closed for approximately two 15-minute intervals as the drilling vehicles load and unload equipment. As proposed, the project will not have an adverse impact on public access to the coast or to nearby recreational facilities. The project's activities will not occur on any public access sites, and no staging will occur in public parking areas or recreational areas. No traffic control is required for the geophysical surveys; however, most borings will require traffic control and temporary lane closures either continuously or to support entrance and exit from the drill locations. While drilling through the bridge deck, lane closures would be limited to performing work between the hours of 6 pm and 6 am, and neither bridge is proposed to be closed completely.

The Commission thus finds that the proposed project will not have any significant adverse effects on public access and is consistent with the requirements of Coastal Act Sections 30210 through 30214.

G. Protection of Archaeological and Tribal Cultural Resources

The project area lies within the traditional territory of the Wiyot Tribe. At the time that Euro-Americans first made contact in this region, the Wiyot lived almost exclusively in villages along the protected shores of Humboldt Bay and near the mouths of the Eel and Mad Rivers. Three federally recognized Tribes in the region – the Wiyot Tribe, the

Blue Lake Rancheria, and the Bear River Band of the Rohnerville Rancheria – include citizens of Wiyot ancestry that are culturally affiliated with the greater Humboldt Bay region Wiyot ethnographic area as mapped by the Tribes.

Tribal consultation for the Eureka Slough Bridges project began in 2018. Caltrans consulted with the Tribal Historic Preservation Offices of the Bear River Band, Blue Lake, and Wiyot Tribes. Additional consultation occurred in 2020 and 2021 for the geoarchaeological coring work (CDP Waiver 1-21-0036-W) and again in May 2022, when Caltrans provided results of the geoarchaeological work and updates to the status of the ESB project planning. An *Archaeological Survey* was prepared for the Eureka Slough Bridges, which determined there to be no cultural resources in the project area. However, there is moderate to high potential for surface buried resources in the geotechnical investigation area. If the proposed investigation plans are modified to include new areas or additional test holes, new cultural resource surveys would be required, and archaeological monitoring may be required. Further, **Special Condition 5** requires Caltrans to adhere to an inadvertent discovery protocol.

As conditioned, the proposed development conforms to Coastal Act section 30244.

H. California Environmental Quality Act

Caltrans serves as lead agency for this project for CEQA review and has determined that the project is covered by the Common Sense Exemption [14 CCR 15601(b)(3)].

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. As specifically discussed in these above findings, incorporated herein, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative, has no remaining significant environmental effects, either individual or cumulative, and complies with the applicable requirements of the Coastal Act to conform to CEQA.

1-23-0356 (Caltrans)

APPENDIX A – Substantive File Documents

CDP Application File No. 1-23-0356

Applicable Provisions of the City of Eureka certified LCP