

MINUTE ITEM

21

W 24555

N. Smith

GENERAL PERMIT - PUBLIC AGENCY USE

Dwight Sanders, Chief of the Environmental Planning and Management Division, presented Calendar Item 21, authorizing the issuance of a Department of Transportation 49-year general permit for authorization to place on tide and submerged lands, approximately 75,000-plus-or-minus cubic yards of material, that will be used as an erodible support for fill associated with the reconstruction of Highway 1 in Marin county.

Senator Milton Marks spoke before the Commission in favor of issuing the permit. He emphasized that approval of the Caltrans permit application is especially urgent because of the public safety problems created by re-routing traffic over Panoramic Highway and the hardships created for Stinson Beach residents by continued closure of Highway 9 between Stinson Beach and Muir Beach.

Mr. Edward Ueber, manager of the Gulf of the Farallones and Cordell Bank National Marine Sanctuary, spoke about preserving the coastal intertidal habitat as found in this slide area. He felt Caltrans should be required to place monitoring equipment in place prior to disposal. He would like to see this addressed prior to final approval of the permit.

Mr. Tom McDonald of the environmental unit of Caltrans in San Francisco responded to the issues that Mr. Ueber brought up. He believes Caltrans has addressed all of these matters brought up by Mr. Ueber in order to comply with the conditions of the Coastal Commission permit.

After a brief discussion it was adopted 2-0 to authorize the permit.

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STATE LANDS COMMISSION STATEMENT

SUPPORTING CALTRANS HIGHWAY 1 RESTORATION PROJECT

Wednesday, March 6, 1991 Resources Agency Auditorium

Good Afternoon. First, I want to thank you and Charlie Warren for the expeditious consideration of this very important Permit application. Approval of Caltrans Permit application is especially urgent because of the public safety problems created by rerouting traffic over Panoramic Highway and the hardships created for Stinson Beach residents by the continued closure of Highway 1 between Stinson Beach and Muir Beach.

I am here to urge you to approve this Permit with conditions that will provide the best possible enhancement of Marin County's coastal environment and to insure that the mitigation project ultimately selected is properly completed.

It is very common for a plan developed by staff to be changed in the field as the contractor proceeds with the work to complete the project. Therefore, I strongly support requiring mitigation for whatever area may be covered by the fill this project necessitates, as opposed to mitigating only for the 2.5 acres the project is designed to cover. I also support an interagency environmental team to oversee the mitigation project and the post project monitoring that is a condition of the Permits issued already by the Coastal Commission and the Army Corps of Engineers.

Thank you in advance for responding favorably to the need constituents in Marin County.

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This Calendar Item No. 21
was approved as Minute Item
No. 21 by the State Lands
Commission by a vote of 2
to 0 of its 3/6/91
meeting.

CALENDAR ITEM

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03/06/91

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N. Smith

GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT:

Department of Transportation
Box 7310
San Francisco, California 94120

AREA, TYPE LAND AND LOCATION:

A minimum of a 2.5-acre parcel of tide and submerged land, located in the Pacific Ocean, adjacent to shoreline near Steep Ravine, between Muir and Stinson Beach, Marin County. The actual area subject to the terms of the General Permit will be determined following construction, as specified in Special Condition 1.

LAND USE:

Place 75,000+ cubic yards of earth fill, as part of project to reconstruct Highway 1.

TERMS OF PROPOSED PERMIT:

Initial period:
49 years beginning March 7, 1991.

CONSIDERATION:

The public health and safety; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is permittee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

08/17/91

OTHER PERTINENT INFORMATION:

1. In January 1990, Highway 1 between Muir Beach and Stinson Beach, in Marin County, was closed due to a landslide. The landslide, which has damaged the highway on previous occasions, was apparently accelerated by the Loma Prieta earthquake on October 17, 1989. Since that date, the slope on which the highway is located has moved down-slope at a rate of more than one foot per month. Because Caltrans could not maintain the road open in a safe condition with such relatively rapid earth movement continuing, the highway was closed to all traffic.
2. The annual rental value of the site is estimated to be \$50 (minimum rental for this type of transaction).
3. A joint CEQA/NEPA (Negative Declaration/Finding of No Significant Impact) environmental document has been prepared, circulated, and adopted by the California Department of Transportation/Federal Highway Administration, SCH 90030509. The State Lands Commission's staff has reviewed such document.
4. Staff commented on the above document, expressing concerns about the apparent potentially significant impacts to the marine environment. Several other agencies, among them the United States Army Corps of Engineers, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the National Park Service, EPA, the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries, the Department of Fish and Game, the Department of Parks and Recreation, and the Coastal Commission, expressed identical concerns.

CALENDAR ITEM NO. 21 (CONT'D)

The special conditions attached as Exhibit "C" are designed to complement the permit conditions of other agencies and to address potential environmental impacts to lands under the Commission's jurisdiction.

EXHIBITS:

- A. Land Description
- B. Location Map
- C. Special Conditions.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A JOINT CEQA/NEPA NEGATIVE DECLARATION/FINDING OF NO SIGNIFICANT IMPACT ENVIRONMENTAL DOCUMENT HAS BEEN PREPARED, CIRCULATED, AND ADOPTED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION/FEDERAL HIGHWAY ADMINISTRATION AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. AUTHORIZE ISSUANCE TO THE DEPARTMENT OF TRANSPORTATION OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE BEGINNING MARCH 7, 1991, SUBJECT TO THE SPECIAL CONDITIONS ATTACHED AS EXHIBIT "C"; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR PLACEMENT OF 75,000 CUBIC YARDS, MORE OR LESS, OF EARTH FILL, AS PART OF THE PROJECT TO RECONSTRUCT HIGHWAY 1 ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF OR AS DETERMINED BY INFORMATION PROVIDED BY THE TERMS OF SPECIAL CONDITION 1 (EXHIBIT "C").

(REVISED 03/06/91)

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Exhibit "C"

Special Conditions

1. Prior to the start of construction, Caltrans shall survey and document the location of the mean high tide line at the project site. Within ninety (90) days of the completion of construction activities, Caltrans shall submit scaled maps, verified by a registered professional engineer, to the Commission which show: 1) the location of the mean high tide line at the project site prior to the start of construction; 2) the cross section of the slope and road as completed; 3) the location and dimensions of the fill placed on the tide and submerged lands; and 4) the area, expressed in acres, of intertidal and subtidal habitat actually covered by the fill.
2. Caltrans shall mitigate for the loss of marine habitat resulting directly from the placement of fill material on the tide and submerged lands as well as for the effects of scour and sedimentation of adjacent tide and submerged lands which result from the placement of the fill material. The area of direct loss will be determined from the information submitted pursuant to Condition 1. The acreage of tide and submerged lands affected by scour and the up and down coast acreage affected by sedimentation will be determined from the results of the monitoring program required by Condition 4. Caltrans shall submit initial information about the extent of such effects to the Commission two years after the completion of construction activities.
3. Caltrans shall submit a mitigation plan for this project to the Commission concurrently with its submission to the California Coastal Commission as stipulated in its permit # 1-9-109 to Caltrans for this project, dated January 14, 1991. Such plan shall include the specifics of: 1) the five-year monitoring program specified in Condition 4 below; 2) sufficient mitigation to replace, at minimum on a 1:1 basis, the acreage of intertidal and subtidal habitat covered by the fill; and 3) a provision for additional mitigation, on the same basis, if it is subsequently determined, by the five-year monitoring program submitted to the Commission, that additional areas of tide and submerged lands are significantly affected by sedimentation and scour resulting from the erosion of the fill.

4. Caltrans shall conduct post construction physical and biological monitoring which will, among other provisions, document and track, to the extent feasible (Section 15364, CEQA Guidelines), the turbidity emanating from the fill placed on the tide and submerged lands, document and track sediment movement on the bottom, and document the effects of such sediment movement on biological communities adjacent to the fill. The monitoring plan in its entirety shall be submitted to the Commission concurrently with its submission to the California Coastal Commission as stipulated in its permit # 1-90-109, dated January 14, 1991 to Caltrans for this project. Status reports on the results of the monitoring program shall be provided to the Commission annually. The final results of the program shall be submitted to the Commission at its conclusion.

5. Within 15 business days of the issuance of this permit, Caltrans shall convene a meeting of an Interagency Working Group to assist the department in the preparation of the mitigation plan required for this project. Representatives of the following agencies shall be contacted to participate in the group: Environmental Protection Agency, U.S. Fish and Wildlife Service, Gulf of the Farallones National Marine Sanctuary, U.S. Army Corps of Engineers, National Marine Fisheries Service, National Park Service (GGNRA), California Coastal Commission, State Regional Water Quality Control Board, Department of Fish and Game, Department of Parks and Recreation, and the Commission.