

MONTEREY COUNTY PLANNING COMMISSION

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| Meeting: August 25, 2010 Time: 10:00 A.M. | | Agenda Item No.: 3 |
| Project Description: Combined Development Permit consisting of: 1) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat (Big Sur River); 3) a Coastal Development Permit to allow development on slope greater than 30 percent; 4) a Coastal Administrative Permit to allow the construction of an approximately 3,125 square foot flexible rock slope revetment, including grading consisting of approximately 400 cubic yards of fill; and 5) Design Approval. | | |
| Project Location: Highway 1 Post-Mile 46.8, Pfeiffer-Big Sur State Park, Big Sur (approximately ¼ mile north of the entrance to Pfeiffer-Big Sur State Park) | | APNs: 419-031-002-000 and 000-000-000-000 (Highway 1 Right-of-Way) |
| Planning File Number: PLN100393 Related to PLN100027 (Emergency Permit) | | Owners: State Parks and Caltrans Agent: Caltrans, District 5 |
| Planning Area: Big Sur Coast Land Use Plan | | Flagged and staked: NA |
| Zoning Designation: OR-D (CZ) [Open Space Recreation, with Design Control overlay (Coastal Zone)] | | |
| CEQA Action: Categorically Exempt per CEQA Guidelines Section 15333(d)(5) | | |
| Department: RMA - Planning Department | | |

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Categorically exempt PLN100393 per CEQA Guidelines Section 15333(d)(5); and
- 2) Approve PLN100393, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

PROJECT OVERVIEW:

Caltrans proposes to construct an approximately 3,125 square foot flexible rock slope revetment, including grading consisting of approximately 400 cubic yards of fill. The proposed revetment will allow for the re-establishment of an access trail, will reduce erosion into and restore habitat value along the Big Sur River, and will preserve utility and highway access to the Big Sur area. See **Exhibit B** for a detailed discussion of the project.

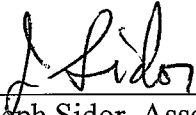
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- RMA - Public Works Department
- Environmental Health Division
- Water Resources Agency
- CAL-FIRE Fire Protection District
- California Coastal Commission
- California Department of Transportation, District 5
- California State Parks

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by the RMA-Planning Department have been incorporated into the Condition Compliance Plan attached as Exhibit 1 to the draft resolution (**Exhibit C**).

The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review. The LUAC voted unanimously to support the project at a public meeting on August 10, 2010.

Note: The decision on this project is appealable to the Board of Supervisors and to the California Coastal Commission.



Joseph Sidor, Associate Planner
(831) 755-5262, SidorJ@co.monterey.ca.us
August 16, 2010

cc: Front Counter Copy; Planning Commission; Cal-Fire (Fire Protection District); RMA - Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Joseph Sidor, Project Planner; Carol Allen, Senior Secretary; California State Parks – Monterey Division, Owner; Caltrans – District 5, Owner and Agent; Planning File PLN100393

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|--------------|-----------|---|
| Attachments: | Exhibit A | Project Data Sheet |
| | Exhibit B | Project Discussion |
| | Exhibit C | Draft Resolution, including: 1. Conditions of Approval 2. Site Plans |
| | Exhibit D | Vicinity Map |
| | Exhibit E | Advisory Committee Minutes (Big Sur LUAC) |
| | Exhibit F | Project Correspondence 1. National Marine Fisheries Service letter (dated June 18, 2010) 2. CDFG Streambed Alteration Agreement (dated June 24, 2010) |
| | Exhibit G | Caltrans Alternatives Analysis (dated March 2010) |
| | Exhibit H | Caltrans Emergency Notification Form (dated January 27, 2010) |
| | Exhibit I | Caltrans Categorical Exemption |


This report was reviewed by Laura Lawrence,  Planning Services Manager.

EXHIBIT A
PROJECT DATA SHEET

PLN100393 – Big Sur River

Planning Commission
August 25, 2010

EXHIBIT A

Project Information for PLN100393

| | | | |
|------------------------------|--|-------------------------------|-----------------------|
| Project Title: | CALTRANS (BIG SUR RIVER) & STATE PARKS | Primary APN: | 419-031-002-000 |
| Location: | POST-MILE 46.8, HIGHWAY 1, BIG SUR | Coastal Zone: | YES |
| Applicable Plan: | BIG SUR COAST LAND USE PLAN | Zoning: | OR-D (CZ) |
| Permit Type: | COMBINED DEVELOPMENT PERMIT | Plan Designation: | OPEN SPACE RECREATION |
| Environmental Status: | EXEMPT | Final Action Deadline: | 10/09/2010 |
| Advisory Committee: | Big Sur | | |

Project Site Data:

| | | | |
|----------------------------------|-------------|---------------------------|-----|
| Lot Size: | ~ 817 ACRES | Coverage Allowed: | 10% |
| Existing Structures (sf): | NA | Coverage Proposed: | NA |
| Proposed Structures (sf): | NA | Height Allowed: | NA |
| Total Square Feet: | NA | Height Proposed: | NA |
| | | FAR Allowed: | NA |
| | | FAR Proposed: | NA |

Resource Zones and Reports:

| | | | |
|---|---------------------------------|------------------------------|------------------|
| Environmentally Sensitive Habitat: | YES | Erosion Hazard Zone: | NA |
| Biological Report #: | CALTRANS ALTER-NATIVES ANALYSIS | Soils/Geo. Report # | NA |
| Forest Mgt. Report #: | NA | Geologic Hazard Zone: | UNSTABLE UPLANDS |
| Archaeological Sensitivity Zone: | MODERATE | Geologic Report #: | NA |
| Archaeological Report #: | NA | Traffic Report #: | NA |
| | | Fire Hazard Zone: | HIGH |

Other Information:

| | | | |
|-----------------------------------|------------------|----------------------------------|-------------------------|
| Water Source: | NA | Sewage Disposal (method): | NA |
| Water District/Company: | NA | Sewer District Name: | NA |
| Fire District: | CAL-FIRE Coastal | Grading (cubic yds): | 0 CY CUT 400 CY FILL |
| Tree Removal (Count/Type): | NA | | |

EXHIBIT B
PROJECT DISCUSSION

PLN100393 – Big Sur River

Planning Commission
August 25, 2010

EXHIBIT B PROJECT DISCUSSION

Project History

With the application for PLN100393, CALTRANS proposes to construct an approximately 3,125 square foot flexible rock slope revetment on the east bank of the Big Sur River to stabilize and prevent further erosion of the embankment, including grading consisting of approximately 400 cubic yards of fill. The proposed revetment will use native vegetation and bioengineering techniques, and will allow the re-establishment of an access trail, will reduce erosion into and restore habitat value along the Big Sur River, and will preserve utility and highway access to the Big Sur area.

This project is related to PLN100027, an Emergency Coastal Development Permit approved by the Director, RMA – Planning Department on January 21, 2010. Large storm events occurred in the Big Sur area over the week of January 15, 2010, resulting in high debris and water flow velocities in the Big Sur River. Debris from the 2008 Basin Complex Wildfire had previously clogged the river channel, which further accelerated the flow next to the highway. The high flow volume and velocity eroded approximately nine feet into the east bank of the river at post-mile 46.8. Erosive forces stripped the bank of vegetation and created a nearly vertical slope to within 18 feet of the highway edge of pavement.

In February 2010, Caltrans performed emergency work (Phase I) to prevent the failure of the highway due to erosion. Phase I involved the placement of two rows of approximately four to five-ton boulders (rock slope protection) along the approximately 170 foot section of bank. Phase I abated the immediate emergency due to the threat of continued erosion. Caltrans has now proposed a Phase II project that will fortify the initial bank work and prevent undermining from future storm events. The Caltrans' preferred alternative is a flexible revetment with vegetated banks that will protect the slope while providing an overall benefit to designated critical habitat for Steelhead.

Steelhead use the Big Sur River for migration to and from spawning and rearing sites. It is not likely that steelhead adults or juveniles will be in the area at the time of construction. Fish are not expected to be in the area that work will occur because the flows have receded to a point that the work area is above the water surface elevation. Planting of the restored embankment with native vegetation is expected to improve shading, water temperature, and food resources for this section of the river. Placement of filter fabric as part of the project will reduce fine sediment and prevent loss of soil due to erosion. The National Marine Fisheries Service concurs that the proposed project will not adversely affect Steelhead or designated critical habitat. In addition, the California Department of Fish and Game (DFG) has issued a Streambed Alteration Agreement to Caltrans for this project.

CEQA Review

Caltrans, as Lead Agency, prepared a Class 33 Categorical Exemption (**Exhibit I**) for this project. CEQA Guidelines Section 15333 (Class 33) categorically exempts small habitat restoration projects not exceeding 5 acres in size. In addition, Section 15333(d)(5) allows river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion. Therefore, the project is consistent with the Class 33 categorical exemption.

Due to Coastal Zone permitting authority established by the certified Big Sur Coast Local Coastal Program, the County is a Responsible Agency under CEQA. A Responsible Agency shall confirm that its decision-making body (Monterey County Planning Commission) reviewed and considered the information contained in the project application for the project. This action affirms the determination of the Caltrans Categorical Exemption prior to acting upon or approving the project, and no additional CEQA action is required by the County.

Staff reviewed the submitted development application materials, and conducted a site visit on August 10, 2010. No adverse environmental effects were identified during staff review of the proposed project. Technical correspondence and assessments prepared by Caltrans, Department of Fish and Game (DFG), and National Marine Fisheries Service (NMFS) conclude there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed, or that significant environmental impacts would occur as a result of the proposed project. Although the project involves development in a particularly sensitive environment (i.e., the Big Sur River), the project involves restoration of an eroded embankment with native vegetation and natural materials, and will not result in a significant impact to the environmentally sensitive habitat.

Exceptions to exemptions listed in CEQA Guidelines Section 15300.2.a-f are inapplicable. The project does not involve a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, nor development that would result in a cumulatively significant impact. The project site is located within view of a scenic highway; however, the development proposed is consistent with the existing development on the site and in the area, and will not result in a significant impact to visual resources (see Finding No. 9). Also, the project involves development in a particularly sensitive environment. However, the project is a restoration of an eroded embankment with native vegetation and natural materials, and will not result in a significant impact to the environmentally sensitive habitat (see Finding No. 8).

Staff also assessed the potential viewshed impacts of the project to ensure consistency with applicable LUP policies. LUP Policy 3.2.5.C.1 allows exceptions to the Scenic Resources Key Policy involving safety improvements to Highway 1 facilities, provided they are consistent with LUP Sections 4.1.1, 4.1.2., and 4.1.3. Key Policy 4.1.1 states that the County's objective is to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a recreational route. General Policy 4.1.2.1 directs that improvements to Highway 1 shall be undertaken in order to increase its service capacity and safety, consistent with its retention as a scenic two-lane road. The project is a safety improvement that, as proposed, will restore the eroded area, and will use native vegetation in order to blend with the surrounding environment. Therefore, the project will not result in impacts to visual resources or the Big Sur Critical Viewshed.

EXHIBIT C
DRAFT RESOLUTION w/
1. Conditions of Approval
2. Site Plans

PLN100393 – Big Sur River

Planning Commission
August 25, 2010

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

CALTRANS and STATE PARKS (PLN100393)

RESOLUTION NO. 10 - _____

Resolution by the Monterey County Planning
Commission:

- 1) Categorically exempting PLN100393 per CEQA Guidelines Section 15333(d)(5); and
- 2) Approving a Combined Development Permit consisting of: 1) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat (Big Sur River); 3) a Coastal Development Permit to allow development on slope greater than 30 percent; 4) a Coastal Administrative Permit to allow the construction of an approximately 3,125 square foot flexible rock slope revetment, including grading consisting of approximately 400 cubic yards of fill; and 5) Design Approval.

(PLN100393, Caltrans and State Parks, post-mile 46.8, Highway 1 and Pfeiffer-Big Sur State Park, Big Sur Coast Land Use Plan, APNs 419-031-002-000 and 000-000-000-000, related to PLN100027)

The Caltrans application (PLN100393) came on for public hearing before the Monterey County Planning Commission on August 25, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

- EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the Monterey County General Plan,
 - Big Sur Coast Land Use Plan,
 - Big Sur Coastal Implementation Plan (Part 3), and
 - Monterey County Zoning Ordinance (Title 20)

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies

- with the text, policies, and regulations in these documents.
- b) The property is located at Highway 1 post-mile 46.8, Pfeiffer-Big Sur State Park (Assessor's Parcel Numbers 419-031-002-000 and 000-000-000-000), Big Sur Coast Land Use Plan. The parcel is zoned Open Space Recreation, with Design Control overlay (Coastal Zone). The proposed flexible rock slope revetment will allow for the re-establishment of an access trail, will reduce erosion into and restore habitat value along the Big Sur River, and will preserve utility and highway access to the Big Sur area. Therefore, the project is an allowed land use for this site.
 - c) The project planner conducted a site inspection on August 10, 2010, to verify that the project on the subject parcel conforms to the plans listed above.
 - d) Development on slopes that exceed 30% is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30%, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives (see Finding No. 7).
 - e) The project includes a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area (ESHA). Policies in Chapter 3.3 of the Big Sur Coast LUP are directed at maintaining, protecting, and where possible enhancing sensitive habitats. As designed and conditioned, the project is consistent with County policies regarding protection and restoration of ESHA (see Finding No. 8).
 - f) The project includes a Coastal Development Permit to allow development within the Big Sur Critical Viewshed. The Big Sur Coast Land Use Plan (LUP), Section 3.2.3.A.7, allows an exception for replacement of structures destroyed by natural disaster. Although not specifically a structure, the eroded embankment provided support to Highway 1 – an essential public road for the Big Sur area. The County finds that this project meets the intent of the applicable policies regarding visual resources (see Finding No. 9).
 - g) Policies in Chapter 4 of the Big Sur Coast Land Use Plan (LUP) are directed at maintaining and enhancing the aesthetic beauty of Highway 1, and to protect its primary function as a recreational route. The LUP also promotes improvements for safety. The project, as proposed, is an improvement required to assure the continued use of the highway for recreational and emergency access; therefore, it is consistent with applicable policies.
 - h) The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because involves a Design Approval subject to review by the Planning Commission. The LUAC voted unanimously to support the project at a public meeting on August 10, 2010. No changes or conditions were recommended.
 - i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Cal-Fire (Fire Protection District), RMA - Public Works Department, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

b) Staff identified potential impacts to Biological and Visual Resources. Technical correspondence and assessments prepared by Caltrans, Department of Fish and Game (DFG), and National Marine Fisheries Service (NMFS) indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these assessments and concurs with their conclusions. The following correspondence/assessments have been prepared:

- NMFS Letter prepared June 18, 2010.
- DFG Streambed Alteration Agreement, Notification No. 1600-2010-0072-R4, prepared June 24, 2010.
- Caltrans Alternatives Analysis prepared March, 2010.

c) Staff conducted a site inspection on August 10, 2010, to verify that the site is suitable for this use.

d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100393.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: a) The project was reviewed by the RMA - Planning Department, Cal-Fire (Fire Protection District), RMA - Public Works Department, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

b) Preceding findings and supporting evidence for PLN100393.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

EVIDENCE: a) Staff reviewed Monterey County RMA - Planning Department and

Building Services Department records and is not aware of any violations existing on subject property.

- b) Staff conducted a site inspection on August 10, 2010, and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100393.

5. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15333 (Class 33) categorically exempts small habitat restoration projects not exceeding 5 acres in size.
 - b) The project involves the construction of an approximately 3,125 square foot flexible rock slope revetment on the east bank of the Big Sur River to stabilize and prevent further erosion of the embankment. CEQA Guidelines Section 15333(d)(5) allows river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion. Therefore, the project is consistent with the Class 33 categorical exemption per Evidence 5a above.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on August 10, 2010.
 - d) Exceptions to exemptions listed in Section 15300.2.a-f are inapplicable. The project does not involve a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, nor development that would result in a cumulatively significant impact. The project site is located within view of a scenic highway; however, the development proposed is consistent with the existing development on the site and in the area, and will not result in a significant impact to visual resources (see Finding No. 9). Also, the project involves development in a particularly sensitive environment. However, the project is a restoration of an eroded embankment with native vegetation and natural materials, and will not result in a significant impact to the environmentally sensitive habitat (see Finding No. 8).
 - e) Caltrans, as Lead Agency, applied the Class 33 categorical exemption to the project. The County is serving as a Responsible Agency for this project. The County, in its independent judgment, has determined that the project is categorically exempt. As a Responsible Agency for permitting, the County has conditioned the project whereas Caltrans must provide evidence that measures are implemented (Condition 4).
 - f) The evidence in the record includes correspondence, data, and analysis supporting the Class 33 categorical exemption; information presented or discussed during public meetings and/or hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced correspondence, data, and analysis; application materials; and expert testimony. The following correspondence/assessments have been prepared and reviewed:

- NMFS Letter prepared June 18, 2010.
- DFG Streambed Alteration Agreement, Notification No. 1600-2010-0072-R4, prepared June 24, 2010.
- Caltrans Alternatives Analysis prepared March, 2010.

County staff independently reviewed the above information and concurs with their conclusions.

- g) The California Department of Fish and Game and National Marine Fisheries Service concluded there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed, or that significant environmental impacts would occur as a result of the proposed project.
- h) The Planning Commission considered the Class 33 Categorical Exemption at a duly noticed public hearing held on August 25, 2010. The materials upon which the County's decision is based are located in the Planning Department, 168 W. Alisal Street, 2nd Floor, Salinas, CA.
- i) See preceding and following findings and supporting evidence.

6. FINDING: PUBLIC ACCESS – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan (Part 3) can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 [Trails Plan – North Section] in the Big Sur Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100393.
 - e) The project planner conducted a site inspection on August 10, 2010.

7. FINDING: DEVELOPMENT ON SLOPE – There is no feasible alternative which would allow development to occur on slopes of less than 30%.

- EVIDENCE:**
- a) In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
 - b) The project includes application for development on slopes exceeding 30% to allow the restoration of a portion of the eastern embankment of the Big Sur River at post-mile 46.8. The project will involve the construction of an approximately 3,125 square foot flexible rock slope revetment, including grading consisting of approximately 400 cubic yards of fill.
 - c) The project, as proposed, is the least amount of work and/or disturbance necessary to alleviate future erosion during periods of high water and debris flows, and there is no feasible alternative which would allow

development to occur on slopes of less than 30%.

- d) The Monterey County Zoning Ordinance (Title 20) provides that the Appropriate Authority shall require such conditions and changes in the development as it may deem necessary to assure compliance with Section 20.64.230.E.2 of Title 20. Condition No. 4 is required to assure compliance. The DFG Streambed Alteration Agreement contains requirements for avoidance of erosion. Caltrans must demonstrate compliance with these requirements.
- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100393.
- f) The project planner conducted a site inspection on August 10, 2010.
- g) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

8. **FINDING:** **ESHA** – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
 - b) Policies in Chapter 3.3 of the Big Sur Coast LUP are directed at maintaining, protecting, and where possible enhancing sensitive habitats. As designed and conditioned, the project is consistent with applicable policies regarding restoration and enhancement of habitat.
 - c) Steelhead use the Big Sur River for migration to and from spawning and rearing sites. It is not likely that steelhead adults or smolts will be in the area at the time of construction. Fish are not expected to be in the area that work will occur because the flows have receded to a point that the work area is above the water surface elevation. Planting of the restored embankment with native vegetation is expected to improve shading, water temperature, and food resources for this section of the river. Placement of filter fabric as part of the project will reduce fine sediment and prevent loss of soil due to erosion. NMFS concurs that the proposed project will not adversely affect Steelhead or designated critical habitat.
 - d) The project planner conducted a site inspection on August 10, 2010, to verify ESHA locations and potential project impacts to ESHA.
 - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100393.

9. **FINDING:** **BIG SUR CRITICAL VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes application for development within the Big Sur Critical Viewshed. In accordance with the applicable policies of the Big Sur Coast Land Use Plan (LUP) and the Monterey County Zoning

Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.

- b) Staff conducted a site visit on August 10, 2010, to assess the potential viewshed impacts of the project and ensure consistency with applicable LUP policies. LUP Policy 3.2.5.C.1 allows exceptions to the Scenic Resources Key Policy involving safety improvements to Highway 1 facilities, provided they are consistent with LUP Sections 4.1.1, 4.1.2., and 4.1.3. Key Policy 4.1.1 states that the County's objective is to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a recreational route. General Policy 4.1.2.1 directs that improvements to Highway 1 shall be undertaken in order to increase its service capacity and safety, consistent with its retention as a scenic two-lane road. The project is a safety improvement that, as proposed, will restore the eroded area, and will use native vegetation in order to blend with the surrounding environment.
- c) The project, as proposed and conditioned, is consistent with policies of the Big Sur Coast Land Use Plan dealing with visual resources and will have no significant impact on the critical viewshed.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100393.
- e) The project planner conducted a site inspection on August 10, 2010, to verify that the project minimizes development within the viewshed or to identify methods to minimize the development.

10. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance allows an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) California Coastal Commission: Sections 20.86.080.A.1, A.2, and A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development between the sea and the first through public road paralleling the sea, it involves development within 100 feet of a stream, and it involves development that is permitted in the underlying zone as a conditional use.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- A. Categorically exempt PLN100393 per CEQA Guidelines Section 15333(d)(5); and
- B. Approve a Combined Development Permit consisting of 1) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed, 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat (Big Sur River), 3) a Coastal Development Permit to allow development on slope greater than 30 percent, 4) a Coastal Administrative Permit to allow the construction of an approximately 3,125 square foot flexible rock slope

revetment, including grading consisting of approximately 400 cubic yards of fill, and 5) Design Approval, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 25th day of August, 2010, upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

MIKE NOVO, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You may need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION 10 - _____ - EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: CALTRANS (BIG SUR RIVER)
File No: PLN100393 APNs: 419-031-002-000 and 000-000-000-000
Approved by: Planning Commission Date: August 25, 2010

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------------|----------------------|--|---|---|---|---|
| RMA – Planning Department | | | | | | |
| 1. | | <p>PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN100393) allows 1) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed, 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat (Big Sur River), 3) a Coastal Development Permit to allow development on slope greater than 30 percent, 4) a Coastal Administrative Permit to allow the construction of an approximately 3,125 square foot flexible rock slope revetment, including grading consisting of approximately 400 cubic yards of fill, and 5) Design Approval. The property is located at post-mile 46.8, Highway 1, Pfeiffer-Big Sur State Park (Assessor's Parcel Numbers 419-031-002-000 and 000-000-000-000), Big Sur Coast Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No</p> | <p>Adhere to conditions and uses specified in the permit.</p> <p>Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department.</p> <p>To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.</p> | <p>Owner / Applicant</p> <p>RMA - Planning</p> <p>WRA</p> <p>RMA - Planning</p> | <p>Ongoing unless otherwise stated.</p> | |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|--|---|--|---|
| | | use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (RMA-Planning Department) | | | | |
| 2. | | PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 10 - _____) was approved by the Planning Commission for Assessor's Parcel Numbers 419-031-002-000 and 000-000-000-000 on August 25, 2010. The permit was granted subject to four (4) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department) | Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department. | Owner / Applicant RMA-Planning | Prior to the commencement of use. | |
| 3. | | PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of 3 years, to expire on August 25, 2013, unless use of the property or actual construction has begun within this period. (RMA – Planning Department) | The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date. | Owner / Applicant | As stated in the conditions of approval. | |
| 4. | | PDSP001 – STREAMBED ALTERATION AGREEMENT COMPLIANCE CERTIFICATION The applicant shall submit certification from a qualified Caltrans biologist that all development has been completed in accordance with the DFG Streambed Alteration Agreement, Notification No. 1600-2010-0072-R4, prepared June 24, 2010. (RMA – Planning Department) | Submit certification by a qualified Caltrans biologist to the RMA – Planning Department showing project's compliance with the DFG Streambed Alteration Agreement. | Owner / Applicant | Within 30 days after completion of work. | |

END OF CONDITIONS

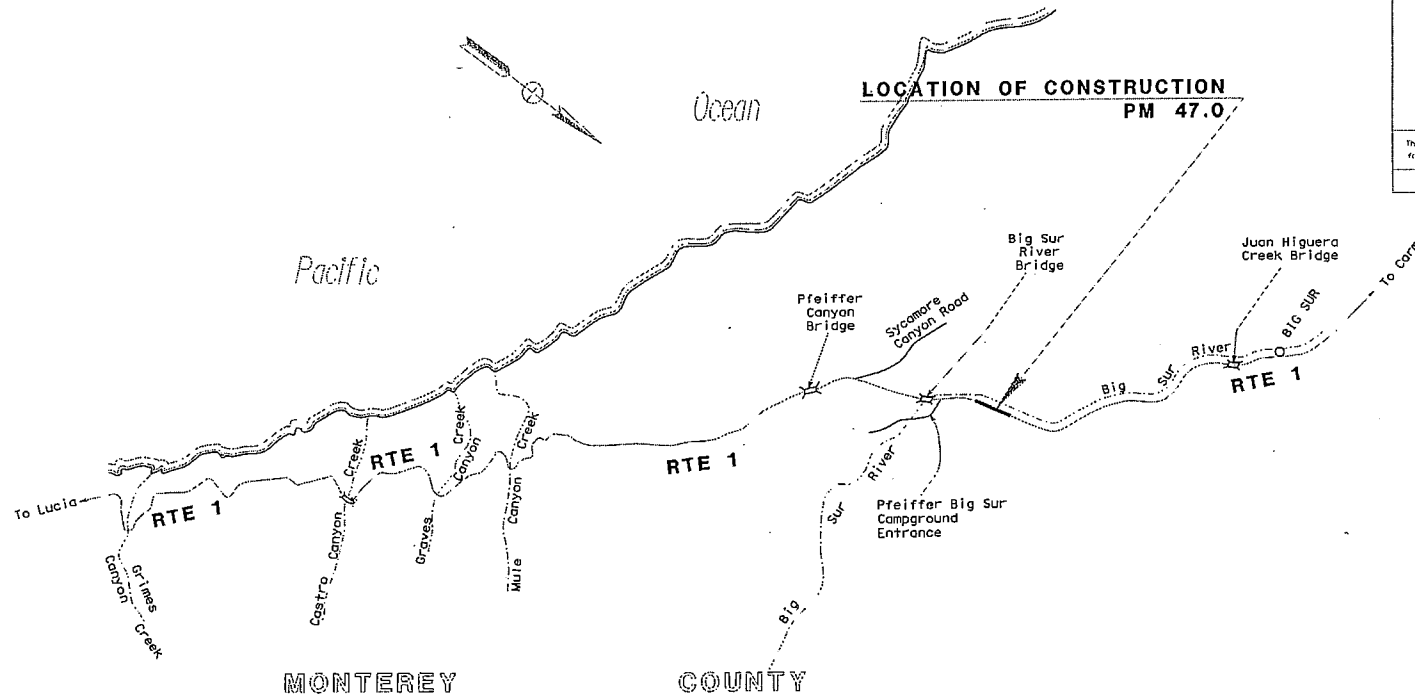
INDEX OF SHEETS

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

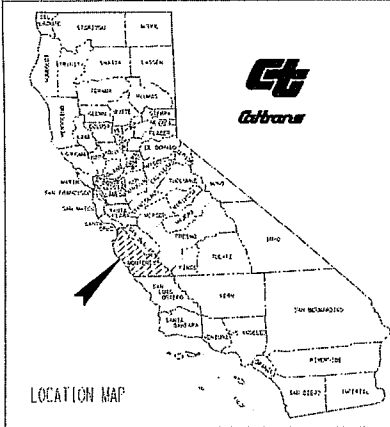
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY

IN MONTEREY COUNTY NEAR BIG SUR
AT 0.1 MILE NORTH OF PFEIFFER BIG SUR CAMPGROUND

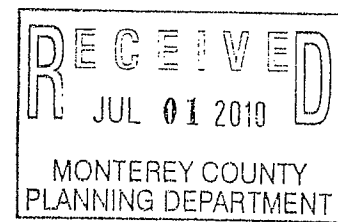
To be supplemented by Standard Plans dated May, 2006



| DIST | COUNTY | ROUTE | POINT TOTAL PROJECT | SHEET NO. | TOTAL SHEETS |
|------|--------|-------|---------------------|-----------|--------------|
| 05 | Mon | 1 | 47.0 | 1 | 3 |



The State of California or its officers or agents shall not be responsible for the accuracy or completeness of a copy of this plan sheet.
Caltrans now has a web site. To get to the web site, go to: <http://www.dot.ca.gov>



Project Engineer Date
Registered Civil Engineer
Plans Approval Date

The Contractor shall possess the Class (or classes) of license as specified in the "Notice to Contractors and Special Provisions".

NO SCALE

Contract No. 05-059404

FOR REDUCED PLANS ORIGINAL SCALE IS IN MILLIMETERS

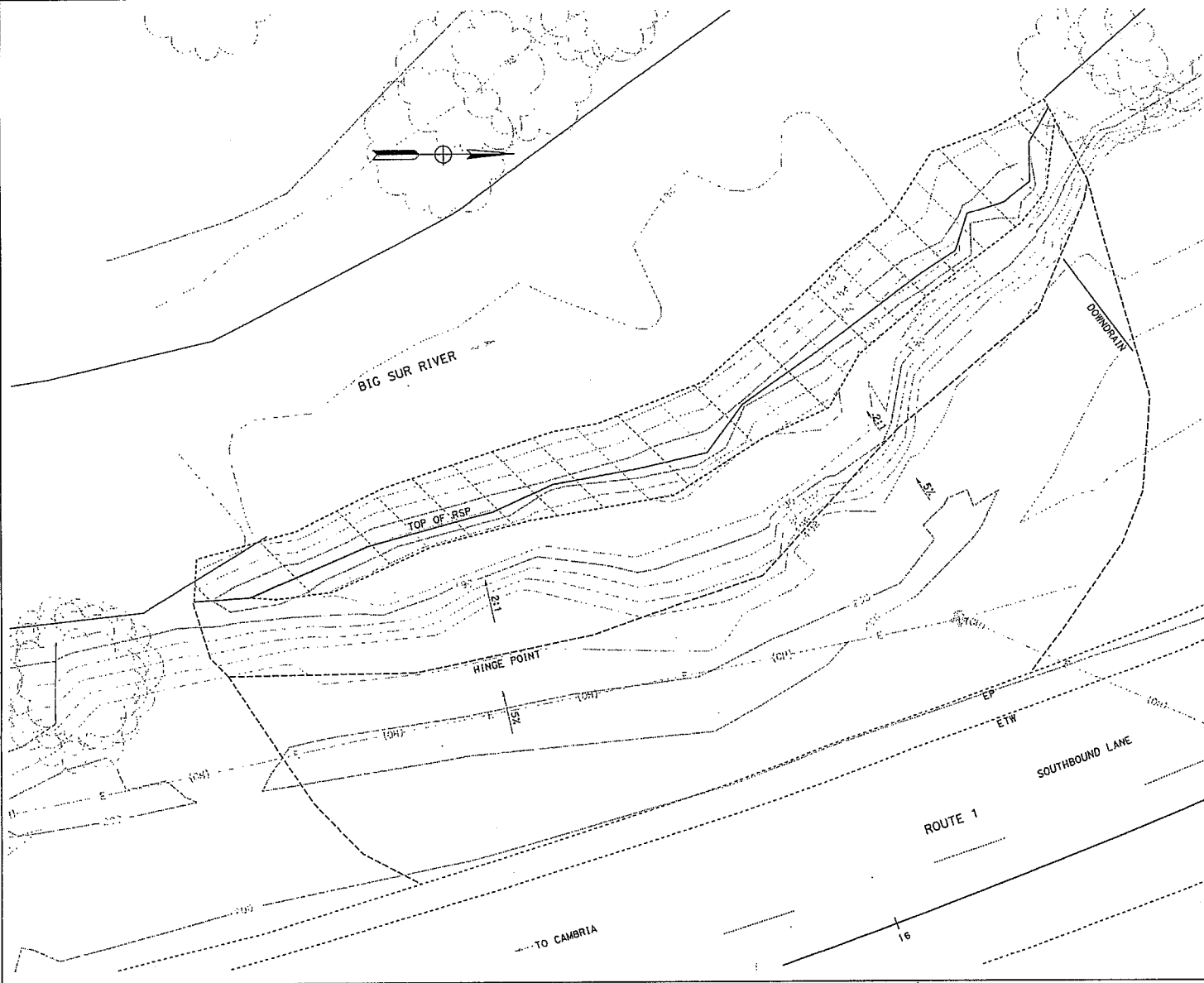
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CU 05602

EA 059401

DATE PLOTTED BY: 15-MAR-2010
TIME PLOTTED BY: 15:12

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans



| DI&I | COUNTY | ROUTE | POST MILES TOTAL PROJECT | SHEET No. | TOTAL SHEETS |
|------|--------|-------|--------------------------|-----------|--------------|
| 5 | MON | 1 | 47.0 | 3 | 3 |

REGISTERED CIVIL ENGINEER DATE _____
 PLANS APPROVAL DATE _____
 THE STATE OF CALIFORNIA IS THE OFFICIAL OF RECORD AND SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR CONSEQUENCES OF ANY CHANGES MADE TO THIS PLAN SHEET.



RECEIVED
 JUL 01 2010
 MONTEREY COUNTY
 PLANNING DEPARTMENT

LEGEND
 PREVIOUSLY PLACED RSP

DRAINAGE PLAN
 SCALE: 1"=20'
 D-1

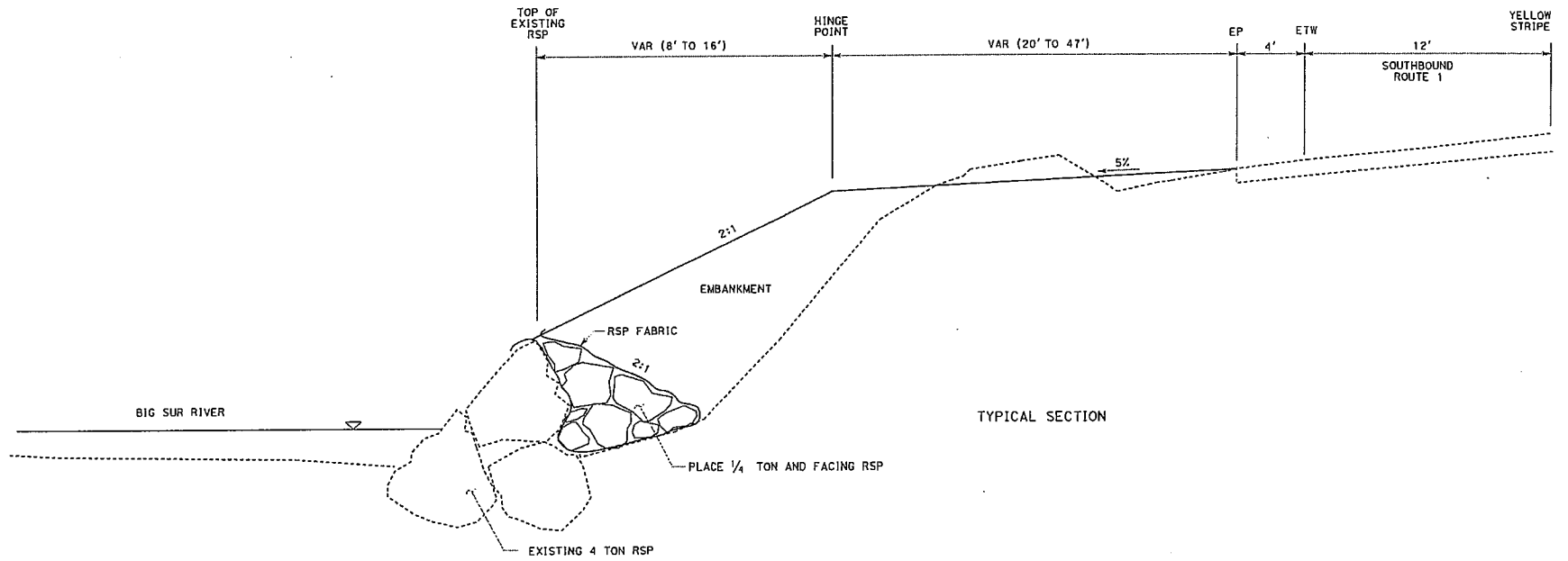
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 TIME PLOTTED => 10:10

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans
 FUNCTIONAL SUPERVISOR
 CALCULATED/DESIGNED BY
 CHECKED BY
 REVISED BY
 DATE REVISED

| DIST | COUNTY | ROUTE | POST MILES TOTAL PROJECT | SHEET NO. | TOTAL SHEETS |
|------|--------|-------|--------------------------|-----------|--------------|
| 5 | MON | 1 | 47.0 | 2 | 3 |

REGISTERED CIVIL ENGINEER DATE _____
 PLANS APPROVAL DATE _____
 THE STATE OF CALIFORNIA IN ITS SOLENESS OF OFFICE DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION CONTAINED HEREIN NOR THE ADEQUACY OF THE DESIGN OR CONSTRUCTION OF ANY WORKS OF THIS PLAN SHEET.

RECEIVED
 JUL 01 2010
 MONTEREY COUNTY
 PLANNING DEPARTMENT

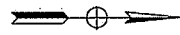


DRAINAGE DETAIL
 SCALE: 1"=5'
 D-2

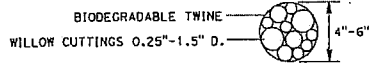
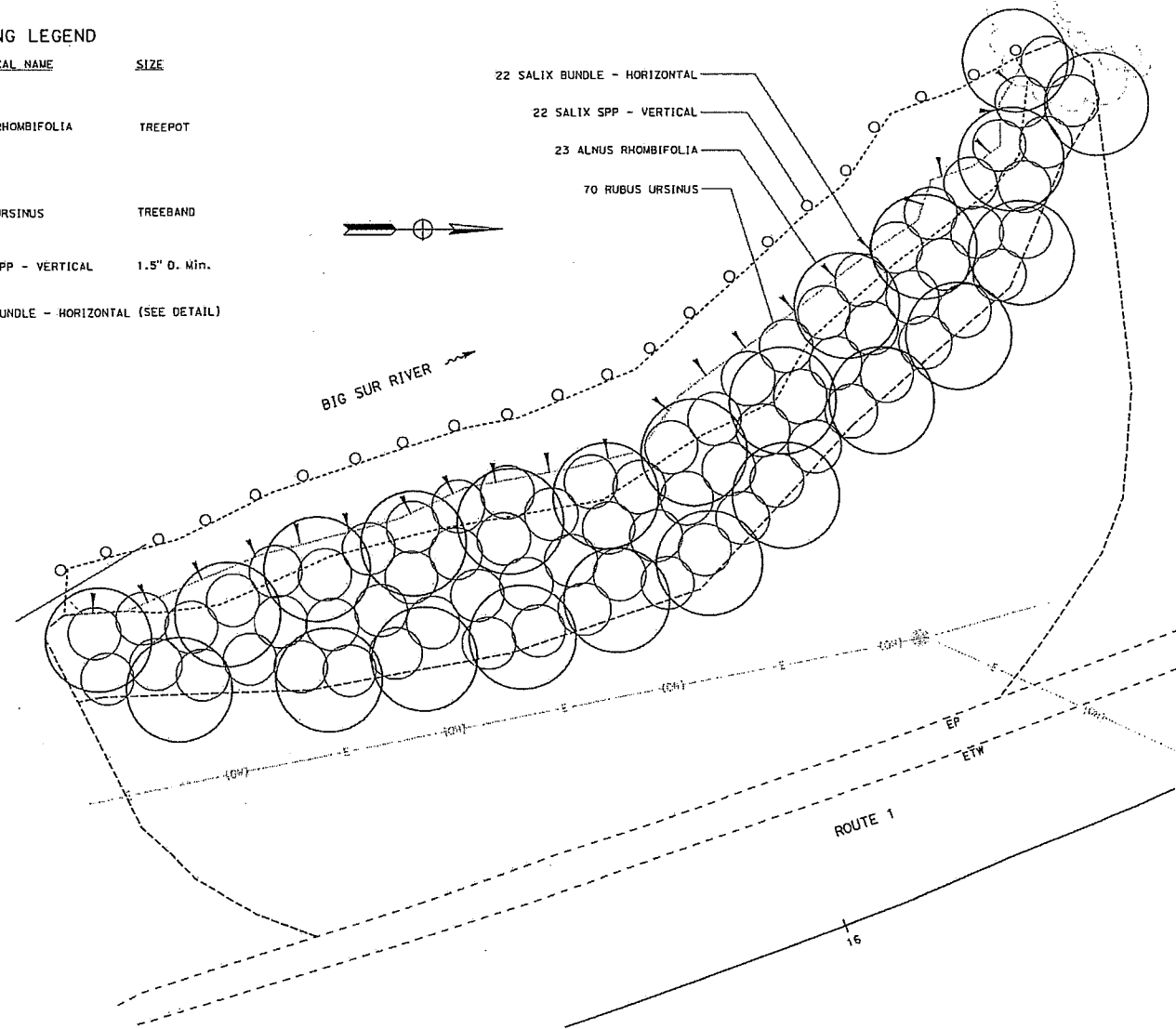
RECEIVED
 JUL 01 2010
 MONTEREY COUNTY
 PLANNING DEPARTMENT

PLANTING LEGEND

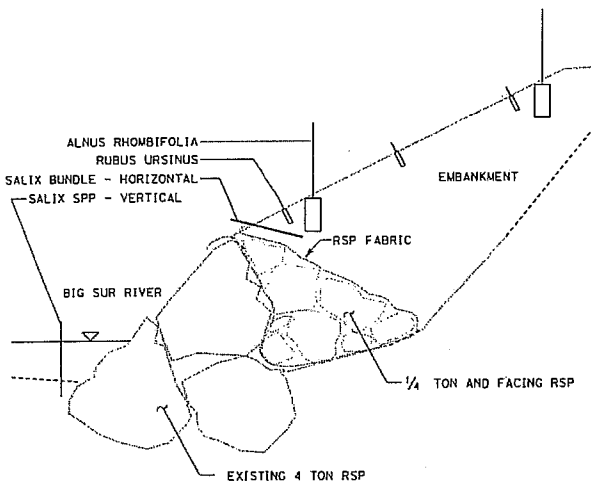
| SYMBOL | BOTANICAL NAME | SIZE |
|--------|---------------------------|--------------|
| | ALNUS RHOMBIFOLIA | TREEPOT |
| | RUBUS URSINUS | TREEBAND |
| | SALIX SPP - VERTICAL | 1.5" D. Min. |
| | SALIX BUNDLE - HORIZONTAL | (SEE DETAIL) |



- 22 SALIX BUNDLE - HORIZONTAL
- 22 SALIX SPP - VERTICAL
- 23 ALNUS RHOMBIFOLIA
- 70 RUBUS URSINUS



**SECTION
 SALIX BUNDLE**



SECTION VIEW

**PLANTING PLAN
 NO SCALE**

RECEIVED
JUL 01 2010

MONTEREY COUNTY
PLANNING DEPARTMENT

IRRIGATION LEGEND

○ SPRINKLER (TYPE A-5) (ROTOR) 20' R. RAINBIRD R13-18

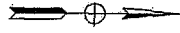
○-QUARTER CIRCLE PATTERN 1 GPM

H-HALF CIRCLE PATTERN 2 GPM

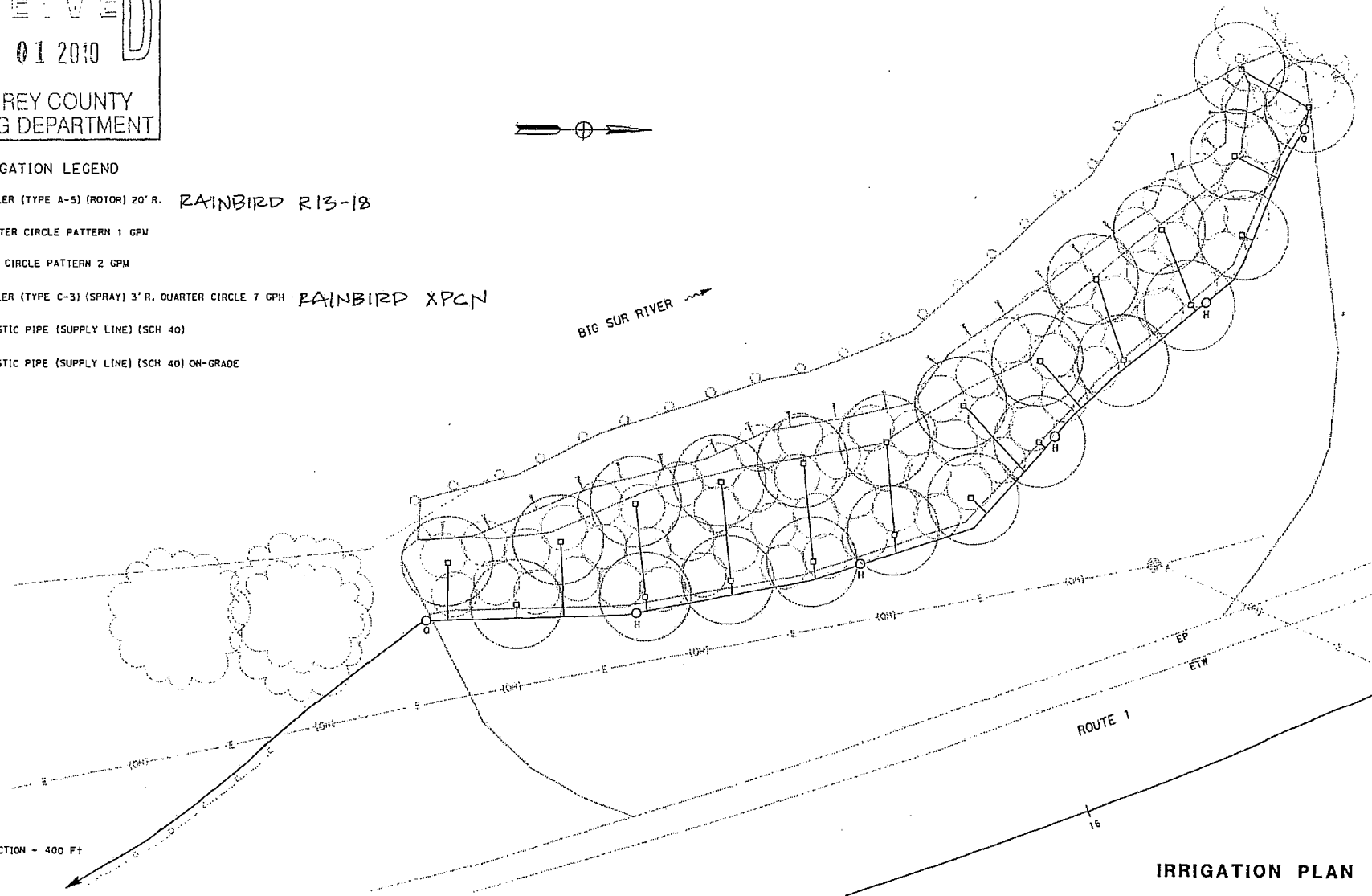
□ SPRINKLER (TYPE C-3) (SPRAY) 3' R. QUARTER CIRCLE 7 GPM RAINBIRD XPCN

— 2" PLASTIC PIPE (SUPPLY LINE) (SCH 40)

— 1" PLASTIC PIPE (SUPPLY LINE) (SCH 40) ON-GRADE



BIG SUR RIVER

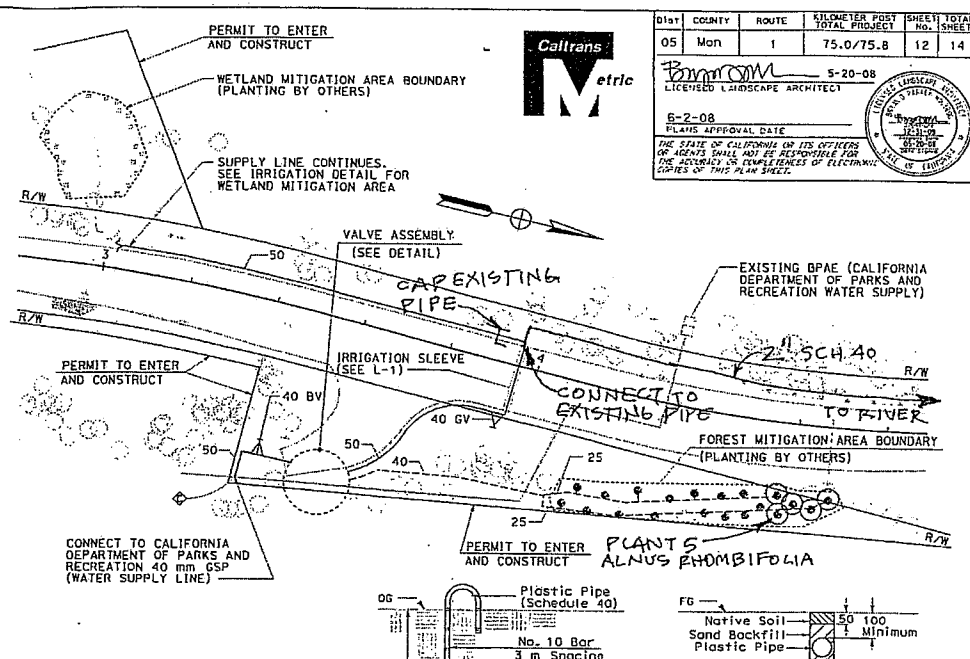
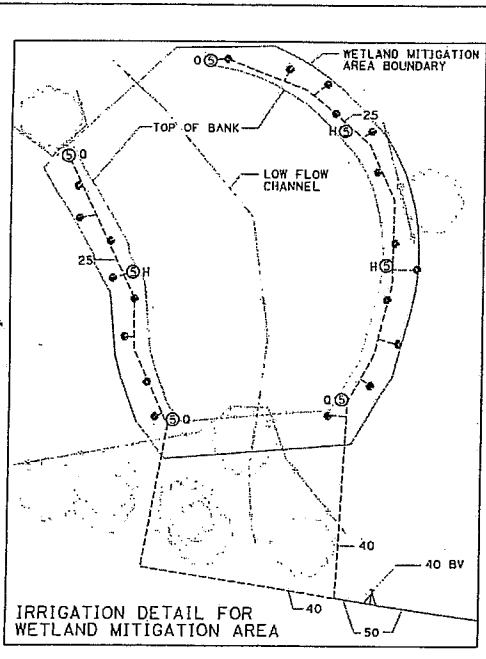
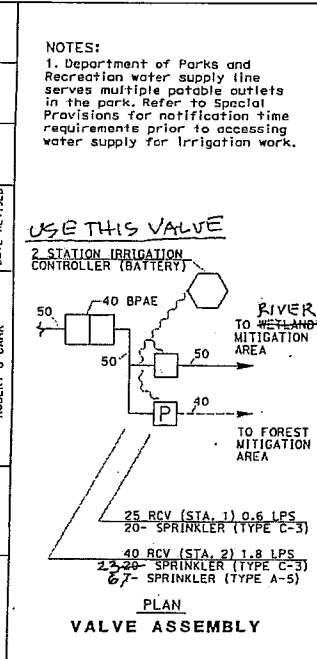


TO POINT OF CONNECTION - 400 FT
(SEE SHEET P1-1)

IRRIGATION PLAN

NO SCALE

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
 SENIOR LANDSCAPE ARCHITECT
 DENNIS J REEVES
 CALIFORNIA LICENSED LANDSCAPE ARCHITECT



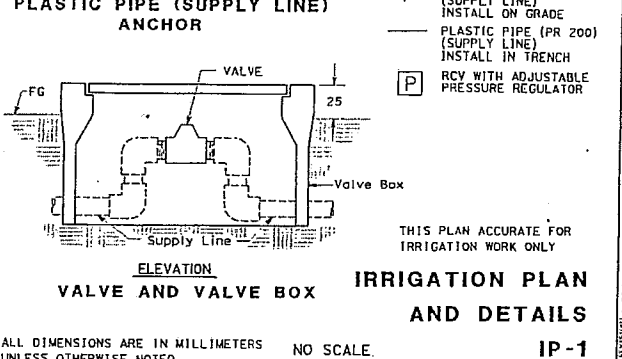
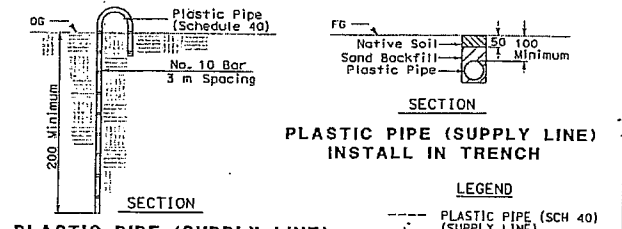
| | | | | |
|------|--------|-------|------------------------------|------------------------|
| Dist | COUNTY | ROUTE | KILOMETER POST TOTAL PROJECT | SHEET TOTAL No. SHEETS |
| 05 | Mon | 1 | 75.0/75.8 | 12 14 |

5-20-08
 LICENSED LANDSCAPE ARCHITECT
 PLANS APPROVAL DATE
 THE STATE OF CALIFORNIA ON ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF ELECTRICAL COPIES OF THIS PLAN SHEET.

SPRINKLER SCHEDULE

| SYMBOL | TYPE | DESCRIPTION | SPRAY PATTERN | OPERATING PRESSURE (kiloPASCALS) (kPa) | PRESSURE COMPENSATING | PLUS / MINUS 5% | | | RISER | REMARKS | | | | | | | | | | | | | | | |
|--------|---------------|-------------|---------------|--|-----------------------|-----------------------|-------------------------|---------------------|-------|---------|----------|----------|---|---|---|-------|---|---|----|-----|---|---|---|---|---|
| | | | | | | DISCHARGE | | | | | MATERIAL | MATERIAL | | | | | | | | | | | | | |
| | | | | | | LITERS PER SECOND L/s | LITERS PER MINUTE L/min | LITERS PER HOUR L/h | | | | | | | | | | | | | | | | | |
| C-3 | SPRAY BUBBLER | 0 | 310 | X | 0.03 | — | — | 1.5 | — | PL | — | 13 | — | — | — | X III | X | — | 13 | 75 | — | — | — | ② | |
| A-5 | GEAR DRIVEN | ③ | 310 | — | 0.12 / 0.24 | — | — | 10.0 | — | PL | — | 20 | — | — | X | X IV | X | — | 20 | 150 | — | — | — | — | ④ |

- X IN BOX DENOTES REQUIREMENT**
- APPLICABLE WHEN CIRCLED BELOW:**
- 1 - See Special Provisions.
 - 2 - If a pressure compensating device is specified, the discharge and radii shown reflect its use.
 - 3 - As shown on plans.
 - 4 - All spray patterns shall have matched precipitation rates.
 - 5 - Swing joints require adjacent to shoulders, curbs, sidewalks and dikes.
 - 6 - Unless otherwise shown on plans.
- ABBREVIATIONS**
- | | |
|-------------------------------|----------------------------|
| ADJ — adjustable | L/h — liters per hour |
| B/B — brass/bronze | L/min — liters per minute |
| B/B/PL — brass/bronze/plastic | L/s — liters per second |
| B/PL — brass/plastic | m — meters |
| CST — center strip | mm — millimeters |
| DN — diameter nominal | NPT — national pipe thread |
| EST — end strip | PC — part circle |
| F/P — full pipe | PL — plastic |
| F/P — full pipe | Q — quarter circle |
| H — half circle | SST — side strip |
| IPS — iron pipe size | T — third circle |
| kPa — kilopascal | TO — three quarter circle |
| L — length of coverage | TI — two thirds circle |
| | W — width of coverage |



BORDER LAST REVISED 3/1/2007

RECEIVED
 JUL 01 2010
 MONTEREY COUNTY
 PLANNING DEPARTMENT

RELATIVE BORDER SCALE 0 20 40 60 80
 IN MILLIMETERS

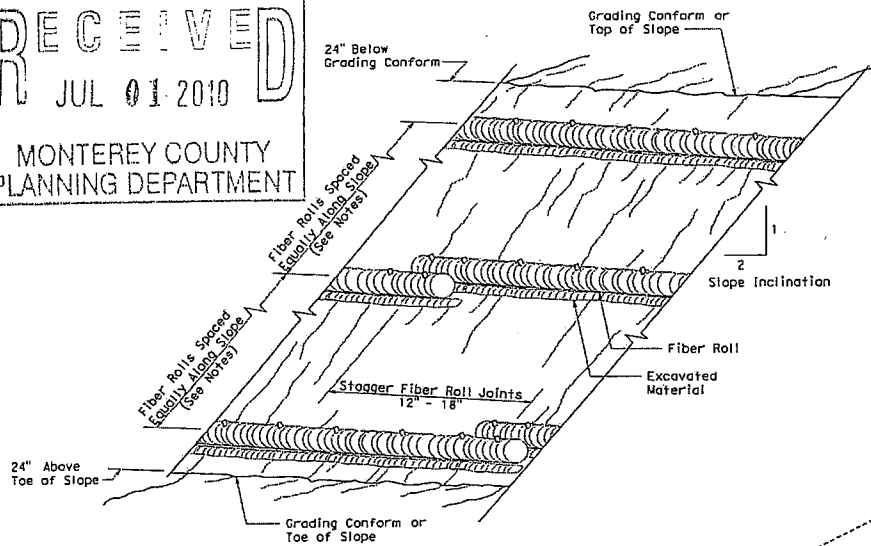
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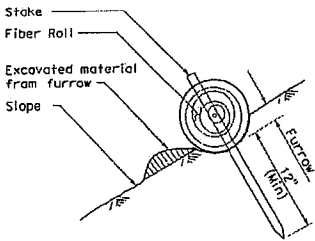
DATE PLOTTED 05-20-08 TIME PLOTTED 09:12:40

RECEIVED
 JUL 01 2010

MONTEREY COUNTY
 PLANNING DEPARTMENT

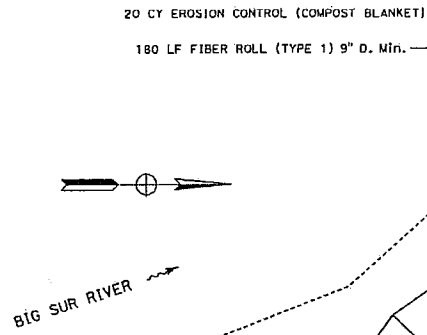


PERSPECTIVE
 FIBER ROLL (TYPE 1)



SECTION
 FIBER ROLL (TYPE 1)

EROSION CONTROL LEGEND



BIG SUR RIVER

ROUTE 1

EROSION CONTROL PLAN

NO SCALE



March 10, 2010 - Left photo is a view looking upstream (to the south) along the channel. Note how the flow smoothly transitions into the leading end following it closely for the first part and then begins to fall off to the center of the channel. In view on the right photo, looking downstream, the mainline of the current has already shifted towards mid-channel. The green "tongue" between converging riffles of whitewater adjacent to the alders defines the main flow channel, which has cle transitioned to the river left* of the Alder trees. The eddy line off the downstream RSP terminus is well out in channel rather than wrapped tight against the trees and the trees act as a baffle for sediment and debris in the flow to drop out along th bank. This is exactly the mechanics we want when imposing a change in the channel such as this rock revetment. The upstream channel impingement is minimized and the driving pressure along the outer bank at the downstream end directed to mid-channel position. Flow is not driving against the trailing edge of the revetment but is also not reflecting off of the revetment so radically that it is impinging on the opposite riverbank.

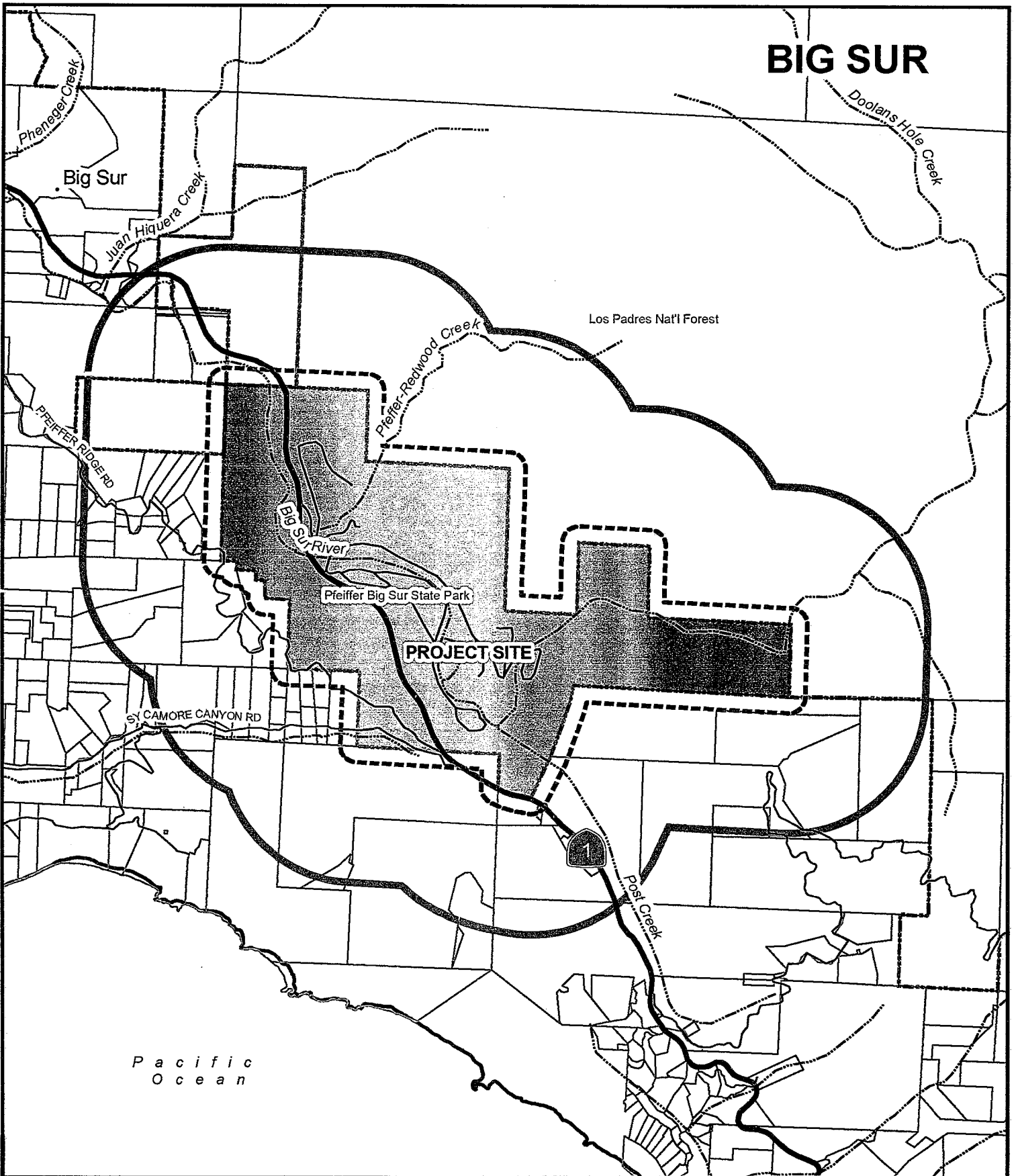
*"River Left or Right" is referencing the riverbanks as viewed looking downstream.

EXHIBIT D
VICINITY MAP

PLN100393 – Big Sur River

Planning Commission
August 25, 2010

BIG SUR



APPLICANT: STATE OF CALIFORNIA PARKS DEPT & CALTRANS
APN: 419-031-002-000 FILE # PLN100393

Water 2500' Limit 300' Limit City Limits

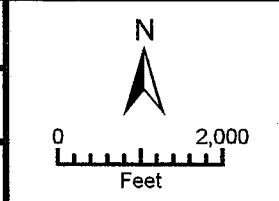


EXHIBIT E
LUAC MINUTES

PLN100393 – Big Sur River

Planning Commission
August 25, 2010

MINUTES NOT AVAILABLE AT TIME OF PRINTING.

EXHIBIT F
PROJECT CORRESPONDENCE

PLN100393 – Big Sur River

Planning Commission
August 25, 2010



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

June 18, 2010

In response refer to:
2010/00258

Chuck Cesena
Senior Environmental Planner
Central Coast Environmental Management Branch
Caltrans/District 5/Central Region
50 Higuera Street
San Luis Obispo, California, 93401-5415

Dear Mr. Cesena:

Thank you for the letter dated April 7, 2010, requesting initiation of consultation with NOAA's National Marine Fisheries Service (NMFS) pursuant to section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This letter also serves as consultation under the authority of and in accordance with the provisions of the Fish and Wildlife Coordination Act of 1934 (FWCA), as amended. This consultation pertains to the proposed Department of Transportation's (Caltrans) Phase 2 of the Big Sur River Scour Repair Project. The project entails emergency bank repair along the Big Sur River (EA 0G0300) and State Route 1 (SR 1) at post mile (PM) 46.8, in Monterey County, California. Caltrans proposes to use funding from the Federal Highway Administration (FHWA) to conduct the work at PM 46.8.

Caltrans is now acting as the action agency for this project as per the agreement with the FHWA in accordance with Section 6005 (a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (PL-109-59) to assume the FHWA Secretary's responsibilities under the National Environment Policy Act of 1969 (42 USC 4351, *et seq.*) and all or part of the FHWA Secretary's responsibilities for environmental review, consultation, or other action required under any environmental law with respect to one or more highway projects within the state.

Large storm events occurred throughout Monterey County over the week of January 15, 2010, resulting in high flow velocities within the Big Sur River. The high flow volume and velocity eroded approximately nine feet into the east bank of the Big Sur River at PM 46.8. Erosive forces stripped the bank of vegetation and created a nearly vertical (1:1) slope to within 18 feet of the edge of the pavement at SR 1. Due to the topography in the region, SR 1 is locked between the toe of a mountain range and the Big Sur River and cannot be moved from its current



alignment at this location. On Wednesday, January 20, 2010, Caltrans determined that SR 1 was in danger of washing out and, thus, closing of the road and contacted NMFS with a proposed emergency repair project notification.

On February 2, 2010, Caltrans performed emergency work (Phase I) to prevent the failure of the road do to erosion. Phase I involved the placement of two rows of approximately four to five-ton rock slope protection (RSP) along the 125-foot long eroding east bank. Additional placement of three to five-ton RSP was placed along a 40-foot section, upstream of the eroded bank, to tie the repair work into an existing concrete wall. The RSP tie in ensured that the eroded bank will not be flanked upstream by further high water velocities that could undermine the repair work. The 40 feet of RSP was placed on filter fabric outside of the wetted channel while the 125-foot section is below the ordinary high water mark. Trees were not removed in the work area as part of the emergency project.

Following the emergency repairs to the bank, Caltrans has now proposed a Phase 2 project that will fortify the initial bank work and prevent undermining from future storm events. The preferred alternative for the Phase 2 work is a flexible revetment with vegetated banks that will protect the slope while providing an overall benefit to designated critical habitat of the South-Central California Coast (S-CCC) Distinct Population Segment (DPS) steelhead.

The Phase 2 construction plan involves placing filter fabric from the top of the existing RSP upslope along the eroded streambank to the edge of the highway. This will act to both prevent erosional loss of soil along the bank, and also to isolate the work area from the rock and prevent harm to steelhead should any be within the voids between the 5-6 ton rocks. A quarter-ton rock backfill will be placed on the fabric at a 2:1 slope to provide a base for restoring the embankment. The constructed bank will be vegetated using locally-occurring native species. A vegetation plan will be implemented immediately following construction of the bank. Fiber rolls will be staked perpendicular to slope angle to reduce sheet erosion along exposed portions of the newly contoured bank. Best management practices (BMPs) have been incorporated into the project description to prevent pollution and minimize impacts to water quality with methods that include: refueling and maintaining equipment offsite; using sediment and erosion control devices; revegetation of bank with native plants; and other good housekeeping practices to maintain clean work areas. Phase 2 of the emergency repairs is scheduled to be conducted between June 15 and October 15.

Endangered Species Act

In its April 7, 2010, letter to initiate consultation, Caltrans asked for consultation on: South-Central California Coast (S-CCC) DPS steelhead (*Oncorhynchus mykiss*). Caltrans concluded the project would not likely adversely affect ESA-listed species, and asked for concurrence from NMFS. Caltrans determined that the project may affect, but not likely adversely affect designated critical habitat.

Available information indicates the following listed species (DPS) utilize the critical habitat in the Big Sur River where the construction will occur:

South-Central California Coast steelhead (*Oncorhynchus mykiss*) DPS
Threatened (January 5, 2006; 71 FR 834)
Critical habitat (September 5, 2005; 70 FR 52488)

Steelhead use this segment of the creek for migration to and from spawning and rearing sites. Adult steelhead migrate in the winter months from December to April; peaking in January and February. Steelhead smolts finish downstream migration by mid to late May. It is not likely that steelhead adults or smolts will be in the area at the time of construction. Juvenile steelhead are likely to be in the vicinity of the project area, either in rearing habitat or relocating to better suited summer rearing habitat as the water levels recede with the oncoming dry summer months.

During a site visit to the area in early 2010, NMFS staff observed approximately one foot of water behind the RSP (Dave Walsh, NMFS, personal observation 2010). Fish are not expected to be in the area that work will occur because the flows will have receded to a point that the work area is above water surface elevations. Caltrans will have an on site biologist to inspect the area prior to any work and work will not commence if there are fish in the work area.

Primary constituent elements (PCEs) of designated critical habitat in the action area include water quality and quantity, foraging habitat, and migratory corridors free of obstructions. Habitat loss below the ordinary high water mark is minimal and most of the rock will be placed back on the bank. Planting the bank with native vegetation following RSP placement is expected to improve shading, water temperature, and food resources for this section of river. Inputs of fine sediment will be reduced by placing filter fabric on the bank, prior to RSP placement, preventing the loss of soil along the bank due to erosion.

Based on the best available information, NMFS concurs with Caltrans' determination that the proposed project is not likely to adversely affect S-CCC steelhead DPS or designated critical habitat. This concludes consultation in accordance with 50 CFR 402.13(a) for the proposed Phase 2 emergency repair work along the Big Sur River at PM 46.8 of SR 1, in Monterey County, California. However, further consultation may be required if: (1) new information becomes available indicating that listed species or critical habitat may be affected by the project in a manner or to an extent not previously considered; (2) current project plans change in a manner that causes an effect to listed species or critical habitat in a manner not previously considered; or (3) a new species is listed or critical habitat designated that may be affected by the action.

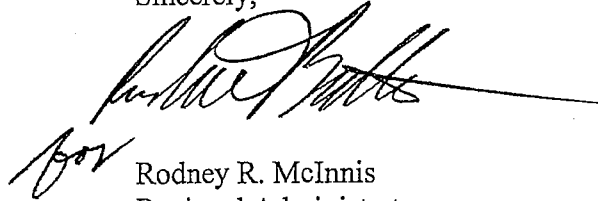
Fish and Wildlife Coordination Act

The purpose of the Fish and Wildlife Coordination Act (FWCA) is to ensure that wildlife conservation receives equal consideration, and is coordinated with other aspects of water resources development [16 U.S.C. 661]. The FWCA establishes a consultation requirement for federal departments and agencies that undertake any action that proposes to modify any stream or other body of water for any purpose, including navigation and drainage [16 U.S.C 662(a)]. Consistent with this consultation requirement, NMFS provides recommendations and comments to federal action agencies for the purpose of conserving fish and wildlife resources. NMFS has

no FWCA recommendations to provide for this project because the project has adequate measures to protect the stream.

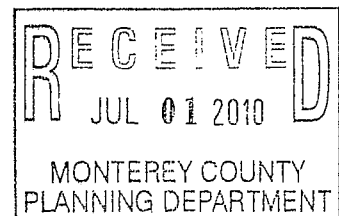
If you have questions concerning this consultation, please contact Devin Best at (707) 578-8553, or by email at: Devin.Best@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney R. McInnis". The signature is stylized and includes a long horizontal flourish extending to the right.

Rodney R. McInnis
Regional Administrator

cc: Chris Yates, NMFS
Gary Ruggerone, Tom Edell, Mitch Dallas, Caltrans, District 5
Kyle Dahl, Corps, San Francisco, California
copy to Administrative Record #: 151422SWR2010SR00043





California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
<http://www.dfg.ca.gov>

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director



June 24, 2010

Tom Edell
California Department of Transportation
Caltrans District 5
50 Higuera Street
San Luis Obispo, California 93401

Subject: Final Lake or Streambed Alteration Agreement
Notification No. 1600-2010-0072-R4
Big Sur River, Monterey County
SR 1 Big Sur River Bank Restoration
05-MON-1 PM 46.8 EA 05-0S9400

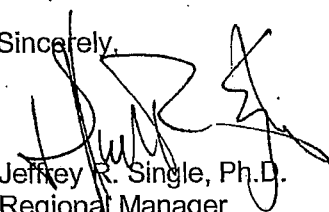
Dear Mr. Edell:

Enclosed is the final Streambed Alteration Agreement (Agreement) for the Big Sur River Bank Restoration (Project). Before the Department may issue an Agreement, it must comply with the California Environmental Quality Act (CEQA). In this case, the Department, acting as a Responsible Agency, determined your Project is exempt from CEQA and filed a Notice of Exemption (NOE) on the same date it signed the Agreement.

Under CEQA, filing an NOE starts a 35-day period within which a party may challenge the filing agency's approval of the Project. You may begin your Project before the 35-day period expires if you have obtained all necessary local, State, and Federal permits or other authorizations. However, if you elect to do so, it will be at your own risk.

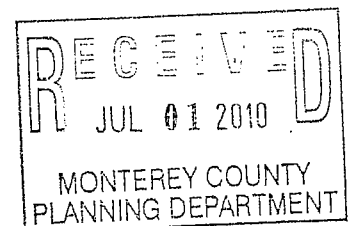
If you have any questions regarding this matter, please contact Laura Peterson-Diaz, Environmental Scientist, at (559) 243-4014, extension 225, or lpdiaz@dfg.ca.gov.

Sincerely,


Jeffrey R. Single, Ph.D.
Regional Manager

Enclosures

cc: Laura Peterson-Diaz
Department of Fish and Game



CALIFORNIA DEPARTMENT OF FISH AND GAME
RÉGION 4 - CENTRAL REGION
1234 East Shaw Avenue
Fresno, California 93710



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2010-0072-R4
Big Sur River, Monterey County

CALIFORNIA DEPARTMENT OF TRANSPORTATION
CALTRANS DISTRICT 5
Tom Edell
50 Higuera Street
San Luis Obispo, California 93401

SR 1 BIG SUR RIVER BANK RESTORATION
05-MON-1 PM 46.8 EA 05-0S9400

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Game (DFG) and California Department of Transportation Caltrans District 5 (Permittee) as represented by Tom Edell acting on behalf of Permittee.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified DFG on May 5, 2010, that Permittee intends to complete the Project described herein.

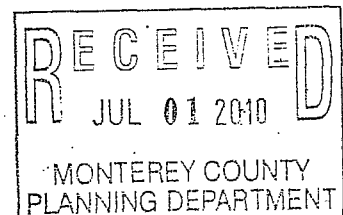
WHEREAS, pursuant to FGC section 1603, DFG has determined that the Project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the Project in accordance with the Agreement.

PROJECT LOCATION

The Project is located at Post Mile (PM) 46.8 of State Route (SR) 1 along the Big Sur River, in the County of Monterey, State of California; Latitude 36 16'18.66" N, Longitude -121 48'34.99W, Township 19 South, Range 1 East, Section 19, United States Geological Survey (USGS) map Big Sur, Mount Diablo meridian.



PROJECT DESCRIPTION

The Project is limited to:

- Phase 2 of the Bank Restoration.
- A site visit was made to the Project location on March 10, 2010, by Laura Peterson-Diaz, Environmental Scientist. At that time, Phase 1, the emergency work done under Emergency Notification 2010-0020-R4, had been completed. This entailed placing two rows of five to six ton rocks to isolate the erosive forces of the river from the bank to prevent damage to SR 1 and maintain the essential public service it provides. Water flow was still relatively high at that time and a small amount of backwater was behind the rock, but is anticipated to dissipate as river flows decline. While on-site, four alternatives were analyzed and a preferred alternative for Phase 2 was selected. This alternative will consist of a flexible revetment with vegetated banks that will protect the slope while providing an overall benefit to designated critical habitat in the South Central Steelhead Evolutionary Significant Unit and other aquatic species.
- Phase 2 construction involves placing filter fabric against the highway side of the rock and up the eroded bank. This will act to both prevent erosional loss of soil along the bank, but also to isolate the fill area from the rock and prevent harm to aquatic animals present within the voids between the five to six ton rocks when construction activities are occurring.
- A quarter ton rock backfill will be placed on the fabric at a 2:1 slope to provide a base for restoring the embankment and soil placed above the rock to the height of the existing bank. The bank will be contoured at the upstream and downstream ends of the Project. A small amount of cut into the existing bank may be needed to make the transition as smooth as possible.
- A qualified biologist will monitor the placement of both the fabric and the quarter ton rock.
- The Project will not affect any vegetation. There is currently no vegetation, because anything that was there previously was stripped away during the winter storms. The constructed bank will be vegetated using locally occurring native species including willows and/or alders to enhance bank stabilization, **NOT** as compensation. A vegetation plan has been prepared and will be implemented immediately following construction of the bank. The Permittee intends to provide monitoring and maintenance including irrigation, weeding, and replanting for one (1) year to enhance survivorship.
- All work will occur above the ordinary plane of high water. Water will be present in the wetted portion of the channel during the proposed work period, but is not anticipated to be behind the five to six ton rocks where the work will be done. In

the event that water is present in the work area, work shall not commence until the biologist has surveyed the area and determined that special status species are absent.

- Equipment used will include a backhoe or an excavator. Construction equipment will work from the unvegetated bank top.

PROJECT IMPACTS

This Agreement is intended to avoid, minimize, and mitigate adverse impacts to the fish and wildlife resources that occupy the area of the unnamed tributary to the Big Sur River, and the immediate adjacent riparian habitat. Absent implementation of the protective measures required by this Agreement, the following species and habitat types could potentially be impacted within the area covered by this Agreement: Federal threatened steelhead (*Oncorhynchus mykiss irideus*), as well as birds, mammals, fish, reptiles, amphibians, invertebrates and plants that comprise the local riparian ecosystem.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1. Documentation at Project Site: Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the Project site at all times and shall be presented to DFG personnel, or personnel from another State, Federal, or local agency upon request.
- 1.2. Providing Agreement to Persons at Project Site: Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the Project at the Project site on behalf of Permittee; including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3. Notification of Conflicting Provisions: Permittee shall notify DFG if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the Project by another local, State, or Federal agency. In that event, DFG shall contact Permittee to resolve any conflict.
- 1.4. Project Site Entry: Permittee agrees that DFG personnel may enter the Project site at any time to verify compliance with the Agreement.
- 1.5. Legal Obligations: This Agreement does not exempt the Permittee from complying with all other applicable local, State and Federal law, or other legal obligations.

- 1.6. Unauthorized Take: This Agreement does not authorize the "take" (defined in Fish and Game Code Section 86 as to hunt, pursue, catch, capture, or kill; or attempt to hunt, pursue, catch, capture, or kill) of State- or Federal-listed threatened or endangered species. Any such "take" shall require separate permitting as may be required.
- 1.7. Water Diversion: To the extent that the Provisions of this Agreement provide for the diversion of water, they are agreed to with the understanding that the Permittee possesses the legal right to so divert such water.
- 1.8. Trespass: To the extent that the Provisions of this Agreement provide for activities that require the Permittee to trespass on another owner's property, they are agreed to with the understanding that the Permittee possesses the legal right to so trespass.
- 1.9. Construction/Work Schedule: The Permittee shall submit a **construction/work schedule** to DFG (mail, or fax to (559) 243-4020, with reference to Agreement 1600-2010-0072-R4) prior to beginning any activities covered by this Agreement. The Permittee shall also notify DFG upon the completion of the activities covered by this Agreement.
- 1.10. Training: Prior to starting any activity within the stream, all employees, contractors, and visitors who will be present during Project activities shall have received training from a qualified individual on the contents of this Agreement, the resources at stake, and the legal consequences of non-compliance. A **training sign-in sheet** for the employees and contractors shall be provided to DFG and shall include the date of the training and who gave the training.

2. **Avoidance and Minimization Measures**

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

- 2.1. Construction/Work Hours: All non-emergency work activities during the construction phase will be confined to daylight hours.
- 2.2. Flagging/Fencing: Prior to any activity within the lake or creek, the Permittee shall identify the limits of the required access routes and encroachment into the stream. These "work area" limits shall be identified with brightly colored flagging/fencing. Work completed under this Agreement shall be limited to this defined area only. Flagging/fencing shall be maintained in good repair for the duration of the Project. All areas beyond the identified work area limits shall be considered Environmentally Sensitive Areas (ESA) and shall not be disturbed.
- 2.3. Listed Species: This Agreement does not allow for the "take," or "incidental take," of any State- or Federal-listed threatened or endangered species.

- 2.3.1. The Permittee affirms that no "take" of listed species will occur as a result of this Project and will take prudent measures to ensure that all "take" is avoided. The Permittee acknowledges that they fully understand that they do not have "incidental take" authority. If any State- or Federal-listed threatened or endangered species occur within the proposed work area or could be impacted by the work proposed, and thus "taken" as a result of Project activities, the Permittee is responsible for obtaining and complying with required State and Federal threatened and endangered species permits or other written authorization before proceeding with this Project.
- 2.3.2. Liability for any "take," or "incidental take," of such listed species remains the separate responsibility of the Permittee for the duration of the Project.
- 2.3.3. The Permittee shall immediately notify DFG of the discovery of any such rare, threatened, or endangered species prior to and/or during construction.
- 2.4. Anadromous Fish: The Permittee shall not allow any activity within the Big Sur River from October 15 to June 15 annually, the recognized breeding, nesting, rearing, etc., period or season of the Federal threatened steelhead. Any exception to this time restriction shall be handled on an individual site-specific basis and must be approved. This request shall be in written form and submitted to DFG at least two (2) weeks in advance of the proposed time extension period.
- 2.5. Fish and Wildlife: If any fish or wildlife is encountered during the course of construction, said fish and wildlife shall be allowed to leave the construction area unharmed.
 - 2.5.1. An approved biologist shall perform **general wildlife surveys** of the Project area (including access routes and storage areas) prior to Project construction start with particular attention to evidence of the presence of the species listed above and shall report any possible adverse affect to fish and wildlife resources not originally reported. If the survey shows presence of any wildlife species which could be impacted, Caltrans shall contact the Department and mitigation, specific to each incident, shall be developed. If any State- or Federal-listed threatened or endangered species are found within the proposed work area or could be impacted by the work proposed, a new Agreement and/or a 2081(b) State Incidental Take Permit may be necessary and a new CEQA analysis may need to be conducted, before work can begin.

2.5.2. To protect nesting birds, no construction shall be completed from March 1 through July 31 unless the following **avian surveys** are completed by a qualified biologist:

- **Raptors:** Survey for nesting activity of raptors within a 0.5-mile radius of the construction site. Surveys shall be conducted at appropriate nesting times and concentrate on trees with the potential to support raptor nests. If any active nests are observed, these nests and nest trees shall be designated an ESA and protected (while occupied) during Project-construction.
- **Other Avian Species:** Survey riparian areas for nesting activity within a 0.25-mile radius of the defined work area two (2) to three (3) weeks before construction begins. If any nesting activity is found, the Permittee shall contact the Department and mitigation, specific to each incident, shall be developed.

2.5.3. If fish are present in the work site, a qualified biologist shall rescue any fish within the work site prior to the installation of the filter fabric. Rescued fish shall be moved to the nearest appropriate site outside of the work area. A record shall be maintained of all fish rescued and moved. The record shall include the date capture and relocation, the method of capture, location of relocation in relation to the Project site, the number of fish captured and relocated. The record shall be provided to DFG within two (2) weeks of the completion of the work season or Project, whichever comes first.

2.6. Vegetation: The disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations and shall only occur within the defined work area. Precautions shall be taken to avoid other damage to vegetation by people or equipment. Vegetation or material removed from the riparian area shall not be stockpiled in the streambed or on its banks without measures to ensure its stability, preventing accidental discharge into the stream.

2.6.1. No native riparian trees, shrubs or oak trees shall be removed or impacted as a result of planned construction activities for this Project.

2.6.2. As indicated in the Project Description above, the Permittee intends to plant willows and/or alders to enhance bank stabilization. These are not compensatory plantings and therefore will not require the normal 70 percent survivorship after five (5) years of monitoring required for compensatory plantings.

- 2.7. Vehicles and Equipment: Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic and terrestrial life.
- 2.7.1. Vehicles shall not operate in the channel at any time, except that a backhoe or similar equipment operated from a bridge or along the top of the bank may extend toward the channel to facilitate placing of Rock Slope Protection or other fill material.
- 2.7.2. Construction vehicle access to the stream's banks and bed shall be limited to predetermined ingress and egress corridors on existing roads. All other areas adjacent to the work site shall be considered an ESA and shall remain off-limits to construction equipment. Vehicle corridors and the ESA shall be identified by the Permittee's resident engineer in consultation with the Department representative.
- 2.8. Staging and storage areas: Staging and storage areas for equipment, materials, fuels, lubricants, and solvents shall be located outside of the stream channel and banks, and to the extent possible, on previously disturbed ground. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream, shall be positioned over drip-pans. Vehicles shall be moved away from the stream prior to refueling and lubrication.
- 2.9. Pollution: The Permittee and all contractors shall be subject to the water pollution regulations found in the Department of Fish and Game Code Sections 5650 and 12015.
- 2.9.1. Raw cement, concrete or washings thereof, asphalt, drilling fluids or lubricants, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to fish or wildlife resulting from or disturbed by Project-related activities, shall be prevented from contaminating the soil and/or entering the "Waters of the State."
- 2.9.2. All Project-generated debris, building materials, and rubbish shall be removed from the stream and from areas where such materials could be washed into the stream.
- 2.9.3. In the event that a spill occurs, all Project activities shall immediately cease until cleanup of the spilled materials is completed. DFG shall be notified immediately by the Permittee of any spills and shall be consulted regarding cleanup procedures.

- 2.10. Structures: The Permittee shall confirm that all structures are designed (i.e., size and alignment), constructed and maintained such that they shall not cause long-term changes in water flows that adversely modify the existing upstream or downstream stream bed/bank contours or increase sediment deposition or cause significant new erosion.
- 2.11. Fill: Rock, gravel, and/or other materials shall not be imported into or moved within the stream, except as otherwise addressed in this Agreement. Only on-site materials and clean imported fill shall be used to complete the Project. Fill shall be limited to the minimal amount necessary to accomplish the agreed activities. Excess and temporary fill material shall be moved off-site at Project completion.
- 2.12. Spoil: Spoil storage sites shall not be located within the stream, where spoil will be washed into the stream, or where it will cover aquatic or riparian vegetation. Rock, gravel, and/or other materials shall not be imported into or moved within the bed or banks of the stream, except as otherwise addressed in this Agreement.
- 2.13. Erosion: No work within the banks of the stream will be conducted during or immediately following large rainfall events, or when there is water flowing within the channel. All disturbed soils within the Project site shall be stabilized to reduce erosion potential, both during and following construction. Temporary erosion control devices, such as straw bales, silt fencing, and sand bags, may be used as appropriate to prevent siltation of the stream. Any installation of non-erodible materials not described in the original Project description shall be coordinated with DFG. Coordination may include the negotiation of additional Agreement Provisions for this activity.
- 2.14. Turbidity: Turbid water shall not be discharged into the stream, or created within the stream. The Permittee's ability to minimize siltation shall be the subject of preconstruction planning and feature implementation. Precautions to minimize siltation may require that the work site be isolated so that silt or other deleterious materials are not allowed to pass to downstream reaches. The placement of any structure or materials in the stream for this purpose, not included in the original Project description, shall be coordinated with DFG. If it is determined that silt levels resulting from Project-related activities constitute a threat to aquatic life, activities associated with the siltation shall be halted until effective DFG-approved control devices are installed, or abatement procedures are initiated.
- 2.15. Restoration: Excess material must be removed from the Project site, pursuant to Department of Transportation Standard Specifications Section 7-1.13

2.15.1. All disturbed soils and new fill, including recontoured slopes and all other cleared areas, shall be revegetated with riparian vegetation or other plants, as appropriate to prevent erosion. If the Project causes any exposed slopes or exposed areas on the stream banks, these areas shall be seeded with a blend of a minimum of three (3) locally native grass species and covered with a protective layer of weed-free straw or mulch. One (1) or two (2) sterile non-native perennial grass species may be added to the seed mix provided that amount does not exceed 25 percent of the total seed mix by count. Locally native wildflower and/or shrub seeds may also be included in the seed mix. The seeding shall be completed as soon as possible, but no later than November 15 of the year construction ends. A **seed mixture** shall be submitted to DFG for approval prior to application. At the discretion of DFG, all exposed areas where seeding is considered unsuccessful after 90 days shall receive appropriate soil preparation and a second application of seeding, straw, or mulch as soon as is practical on a date mutually agreed upon.

3. Compensatory Measures

To compensate for adverse impacts to fish and wildlife resources identified above that cannot be avoided or minimized, Permittee shall implement each measure listed below.

3.1. Revegetation: The Notification states that no trees need to be removed for the implementation of this Project. If any native riparian trees or shrubs greater than four (4) inches in diameter at breast height (DBH) is/are accidentally damaged or removed from the Project area due to unplanned construction activities, the Permittee shall develop a **Revegetation Plan** for the site and immediately submit it to DFG for approval. All Plans shall specifically address what, where, when, and how replacement shrubs and trees will be planted.

3.1.1. What species and the number of trees both removed and to be planted should be identified. Native riparian trees and shrubs (e.g., cottonwood, willow, sycamore, valley oak, etc.) between four (4) to 25-inches DBH shall be replaced in-kind at a ratio of 3:1, and trees greater than 25-inches DBH shall be replaced at a ratio of 10:1.

3.1.2. Where should be on-site whenever possible.

3.1.3. When should be the first suitable season after construction is complete.

- 3.1.4. How should include layout, monitoring, and maintenance to ensure a minimum of 70 percent survival for the plantings after five (5) years.

4. Monitoring and Reporting Measures

Permittee shall meet each reporting and monitoring requirement described below.

4.1. Monitoring Obligations of the Permittee:

4.1.1. The Permittee shall have primary responsibility for monitoring compliance with all protective measures included as "Measures" in this Agreement. Protective measures must be implemented within the time periods indicated in the Agreement. DFG shall be notified immediately if monitoring reveals that any of the protective measures were not implemented during the period indicated in this program, or if it anticipates that measures will not be implemented within the time period specified.

4.1.2. The Permittee (or the Permittee's designee) shall ensure the implementation of the Measures of the Agreement, and shall monitor the effectiveness of these Measures. DFG shall be notified immediately if any of the protective measures are not providing the level of protection that is appropriate for the impact that is occurring, and recommendations, if any, for alternative protective measures.

4.2. Reporting Obligations of the Permittee:

4.2.1. The Permittee shall submit the following Reports described in the Measures above to DFG:

- Construction/work schedule (Measure 1.9).
- Employees and contractors training sign-in sheet (Measure 1.10).
- Results of general wildlife surveys (Measure 2.5.1).
- Results of avian surveys if construction is scheduled during the nesting season (Measure 2.5.2).
- The seed mixture to be used post Project for erosion control (Measure 2.15.1).
- If required, a Revegetation Plan (Measure 3.1).

- 4.2.2. A Final Project Report shall be submitted to DFG within 30 days after the Project is completed. The final report shall summarize the Project construction, including any problems relating to the protective measures of this Agreement and how the problems were resolved. "Before and after" photo documentation of the Project site shall be included.

VERIFICATION OF COMPLIANCE:

DFG may verify compliance with protective measures to ensure the accuracy of Caltrans' monitoring and reporting efforts at any point in time it is deemed necessary. DFG may, at its sole discretion, review relevant Project documents maintained by the Permittee, interview Permittee employees and agents, inspect the Project area, and take other actions to assess compliance with or effectiveness of protective measures for the Project.

CONTACT INFORMATION

Any communication that Permittee or DFG submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by United States mail, fax, or email, or to such other address as Permittee or DFG specifies by written notice to the other.

To Permittee:

California Department of Transportation (Caltrans)
District 5
Tom Edell
50 Higuera Street
San Luis Obispo, California 93401
(805) 549-3233
tom_edell@dot.ca.gov
cc: gary_ruggerone@dot.ca.gov

To DFG:

Department of Fish and Game
Region 4 - Central Region
1234 East Shaw Avenue
Fresno, California 93710
Attn: Lake and Streambed Alteration Program – Laura Peterson-Diaz
Notification #1600-2010-0072-R4
Phone: (559) 243-4017, extension 225
Fax: (559) 243-4020
lpdiaz@dfg.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the Project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute DFG's endorsement of, or require Permittee to proceed with the Project. The decision to proceed with the Project is Permittee's alone.

SUSPENSION AND REVOCATION

DFG may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before DFG suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before DFG suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused DFG to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes DFG from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects DFG's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other Federal, State, or local laws or regulations before beginning the Project or an activity related to it.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 et seq. (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

DFG may amend the Agreement at any time during its term if DFG determines the amendment is necessary to protect an existing fish or wildlife resource. Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by DFG and Permittee. To request an amendment, Permittee shall submit to DFG a completed DFG "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in DFG's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter DFG approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to DFG a completed DFG "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in DFG's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to DFG a completed DFG "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in DFG's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). DFG shall process the extension request in accordance with FGC 1605(b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the Project the Agreement covers (Fish & G. Code, § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of DFG's signature, which shall be: 1) after Permittee's signature; 2) after DFG complies with all applicable requirements under CEQA; and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall remain in effect for five (5) years beginning on the date signed by DFG, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

CEQA COMPLIANCE

In approving this Agreement, the Department is independently required to assess the applicability of CEQA. The features of this Agreement shall be considered as part of the overall Project description. The Permittee's concurrence signature on this Agreement serves as confirmation to DFG that the activities that shall be conducted under the terms of this Agreement are consistent with the Project described in Notification No. 2010-0072-R4. Caltrans, as CEQA Lead agency signed a Class 1 Categorical Exemption on February 2, 2010. DFG, as a CEQA Responsible Agency, shall submit a Notice of Exemption to the State Clearinghouse upon signing this Agreement. DFG's concurrence with Caltrans CEQA Determination is based upon the Permittee's commitment to full implementation of the Measures of this Agreement.

EXHIBITS

The document(s) listed below is included as an exhibit to the Agreement and incorporated herein by reference.

A. Figure 1. Project Location USGS Quad Map.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

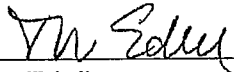
AUTHORIZATION

This Agreement authorizes only the Project described herein. If Permittee begins or completes a Project different from the Project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify DFG in accordance with FGC section 1602.

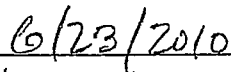
CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR CALIFORNIA DEPARTMENT OF TRANSPORTATION

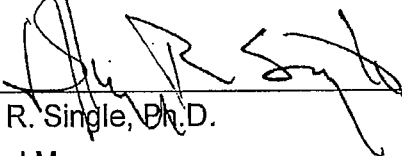


Tom Edell
District Biologist

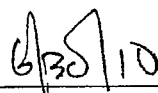


Date

FOR DEPARTMENT OF FISH AND GAME



Jeffrey R. Single, Ph.D.
Regional Manager



Date

Prepared by: Laura Peterson-Diaz
Environmental Scientist

Figure 1

Exhibit A

Figure 1
Department of Fish and Game
Conservation Planning GIS
Central Region
USGS Quad



**2010-0072-R4
Project Location**

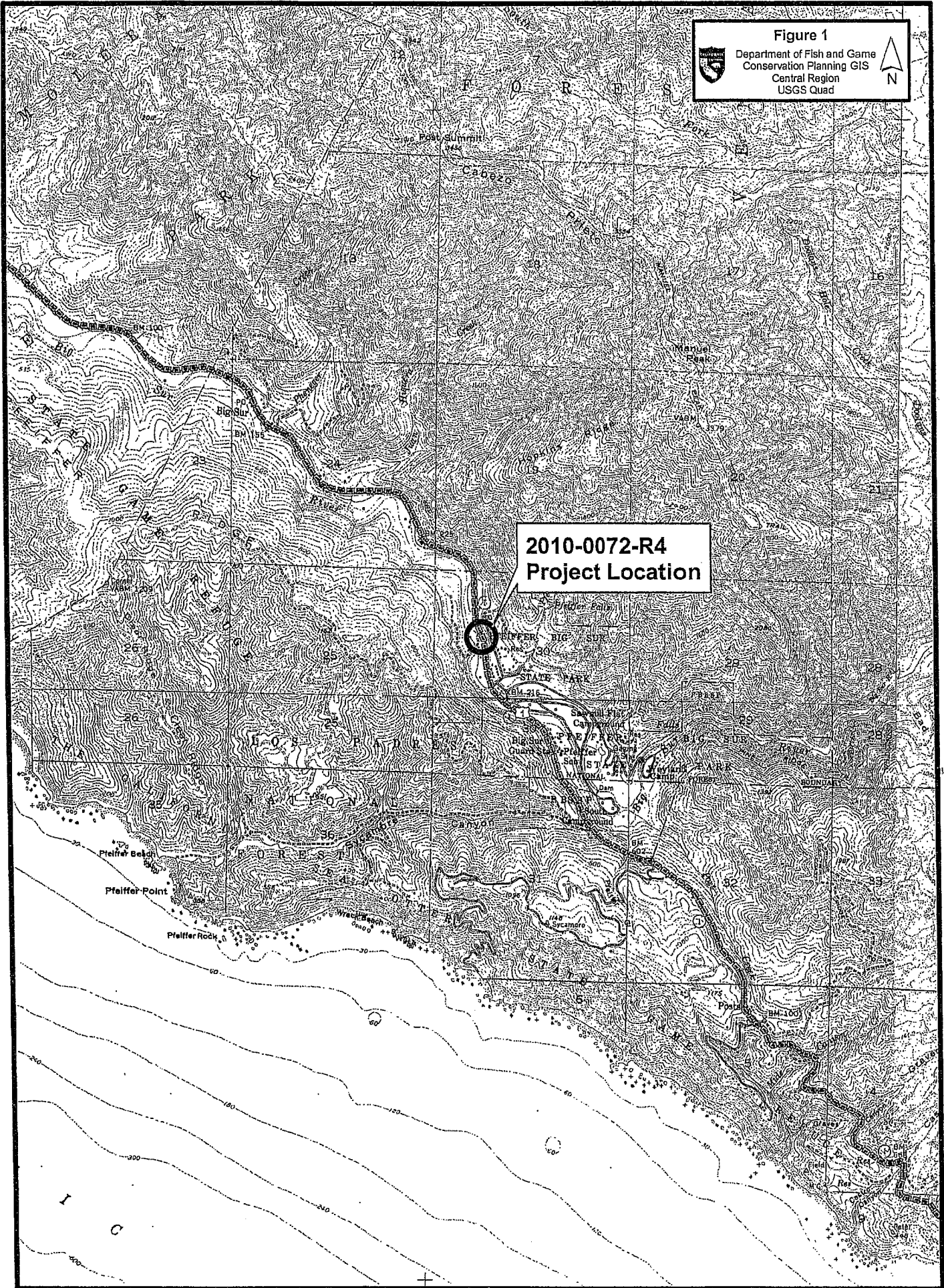


EXHIBIT G
CALTRANS ALTERNATIVES ANALYSIS

PLN100393 – Big Sur River

Planning Commission
August 25, 2010

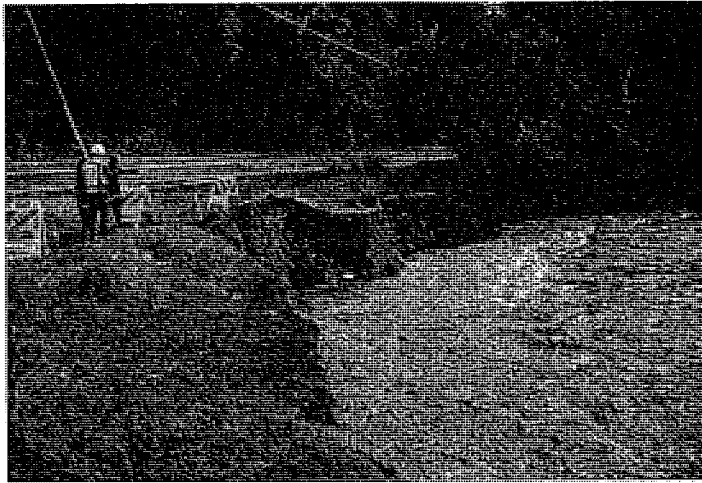
Alternatives Analysis

Scour Repair and Restoration on the Big Sur River

State Route 1

05-MON -1-PM 46.8

EA 0S9400



March 2010

Prepared By: *Mitch Dallas* Date: 3/29/10
Mitch Dallas,
Emergency & Storm Damage Project Coordinator
Environmental Stewardship Branch
Caltrans, District 5

Approved By: *Gary Ruggerone* Date: 3/29/10
Gary Ruggerone, Senior Environmental Planner
Environmental Stewardship Branch
Caltrans, District 5

Alternatives Analysis

Scour Repair and Restoration Adjacent to State Route 1 at Postmile 46.8 Along the Big Sur River.

Introduction:

Phase I of the two phase operation to repair and restore the scoured river bank along the Big Sur River has been completed and the rapid erosion stabilized. This report is to review the alternatives reviewed and the reasoning for the selection of the preferred alternative of a flexible rock slope protection / vegetative bank restoration. This type of revetment is highly adaptable and can be reconstructed, adjusted, and supplemented to adjust to changed or unanticipated stream reaction to the installation after the restoration repairs are complete. The report will generally review rigid revetment alternatives and other variations on a flexible revetment and the reasons for selecting the preferred alternative.

Background:

An outside bend of the Big Sur River was scouring and migrating towards a power / telephone pole, the pole's guy wire anchorage, and State route 1 in Monterey County at mile post 46.8. The highway is close to the toe of a mountain slope on its easterly side and could not be moved away from the encroaching river at this location. When a 10 to 12 foot piece of the bank calved off during the February storms these facilities were at risk of being washed out. The pole at this location supported the power and phone lines for all points in Big Sur that are south of the site location. The highway is the only north south roadway on the coastal side of the Santa Lucia Range between Molera State Beach and the town of San Simeon in San Luis Obispo County.

The river bank along this reach of Big Sur River is owned by State Parks. Caltrans contacted State Parks and issued an Emergency Notification Form (ENF) to the resource agencies, including the California Department of Fish and Game, the US Fish and Wildlife Service, the National Marine Fisheries Service, the US Army Corps of Engineers, the Regional Water Quality Control Board, Monterey Bay National Marine Sanctuary (MBNMS), Monterey County Planning Department, and the California Coastal Commission. Action needed to be taken immediately to arrest the channel migration. Caltrans proposed placing a two tier high line of rock in the river that would trace a smooth riverbank alignment from the upstream approach to the downstream departure and block the hydraulics of the river from impinging on and further scouring the near vertical bank. This approach was accepted by the reviewers of the ENF as a first phase of the work and a meeting set for March 10, 2010 to review and consider Caltrans' proposal for the complete repair and restoration of the riverbank. Phase I consisted of the two tier, 5 to 6-ton rock, some placement of rock under and around the root ball of a mature Alder tree at the upstream end of the rock placement and some rock placed in the overbank area at the upstream area around the tree to prevent high flow flanking of the tree and the future bank revetment.

Phase II Considerations and the Preferred Alternative:

Phase II of this project is to repair and reconstruct the river bank behind the phase I rock placement. The preferred alternative will be constructed utilizing the rock placed in phase 1.

The existing rock has settled into and stabilized in the river bed. The once straight cross-fall of the river channel floor with the channel thalweg located adjacent to the toe of bank along the outside of the bend in the river has now transitioned due to the effect of the phase I rock placement. The channel has reconfigured itself such that the thalweg is now positioned at approximately mid-channel between the rock and the island across from it. This is a change that was anticipated, has occurred, and indicates an improvement in the channel flow characteristics through this reach.

Several variations on "rigid" and "flexible" riverbank revetments were considered prior to selection of the preferred alternative. Much of this analysis was considered prior to the phase I Rock placement.

Rigid Revetment Bank Protection:

Rigid revetments are either monolithic structures such as concrete walls or composite interdependent structures that (in effect) become a single structure. Soldier pile walls or other pile type structures, spread footing retaining walls, concrete or wooden crib walls and other variations such as brush layering, cable anchored materials, etc. all form structures that are only as strong as the weakest section or most vulnerable area. When scoured locally, flanked, or overtopped, these types of structures are subject to wholesale failure or critical damage requiring some degree of demolition and reconstruction. In this particular environment along the Big Sur River with so many variables possible in the river behavior and so much energy being targeted at this outside curve in the river channel, any of these type structures were determined to be higher risk revetments. They also entail more disturbance of the resource in the form of excavation below the plane of ordinary high water and they cannot be constructed in phases. An interim (phase I) operation could not have been implemented during the emergency high flow conditions in February and later be included in the remainder of the repair work. There are far greater stream morphology transition problems at both the leading and trailing edge of a rigid structure in a dynamic flow environment of a river. These were the main reasons amongst others for rejecting any sort of monolithic or interlocking surfacing along the riverbank.

Flexible Revetment Bank Protection:

This type of revetment differs from the interdependent components in a rigid revetment in that none of the interdependent components in a flexible revetment are linked or tied to one another. Flexible revetments fall broadly into two categories; hardened revetments such as RSP, concrete riprap, or gabions or vegetative revetments. In this situation, a planted fully vegetative revetment was ruled out because of the velocity and scour energy generated due to the impingement flow generated as a result of the channel geometry. Large tree root wad use was considered but the amount of excavation required to anchor the trunks back into the bank and the existing presence of a large redwood stump within the eroded riverbank along with underground utilities and the presence of the telephone pole and guy-wire anchorage made this a much more intrusive operation. There was also the difficulty in determining what the effects would be adjacent to and immediately downstream of such an installation in an impinging flow high-energy environment. Since this section of riverbank used to be lined with mature Alders that were scoured out and washed away, any sort of vegetative solution for bank stabilization was ruled out and a heavier flexible RSP installation chosen for the river

frontage part of the revetment. This decision, driven by the conditions and circumstances of this repair, resulted in the preferred alternative described below.

Typically, this decision would dictate a full RSP section constructed from channel grade to hinge point on a 1.5:1 (H:V). In the interest of arresting the scour forces along the toe of bank, Caltrans has elected to construct a hybrid embankment with a hardened lower end and a planted upper section with a concentration of Willow and Alder tree plantings. The existing phase I rock can be directly employed to act as the hardened lower section without disturbing the initial placement. Its overall height is adequate to most flow conditions. While there is some risk that the RSP could be overtopped and some of the newly constructed bank behind it damaged, this hybrid installation minimizes the height of RSP and affords a reasonable risk-benefit threshold and the ability to manage episodic damage due to higher flows in less frequent events such as the 1998 storm season.

Preferred Alternative:

The following steps shall be taken to construct phase II:

1. The existing rock line placed shall constitute the toe to total height of the rock slope protection (RSP).
2. Filter fabric shall be placed along the existing rock draped into the channel and up the back of bank at sub-grade. A variable facing to ¼-ton rock backfill shall be placed in the fabric and sloped up the back side of the 5 to 6-ton rock to plug the interstitial openings in that larger rock.
3. Large willow stakes (1-1/2 dia.) shall be driven into the front of the revetment interstices.
4. Willow layering shall be placed along the back of 1.4-ton backing rock and extended out over the top of large rock above the channel.
5. A soil & geotechnical fabric fill slope shall be constructed over and behind rock. The near vertical existing riverbank shall be broken down blended into the slope reconstruction and the hinge point adjusted back such that the slope transitions from the existing slope repose at either end of the revetment and then warping down to a 2:1 slope repose at the mid area along the slope.
6. The constructed fill shall fall from the existing top of bank elevation to the back side of the top of existing rock placement of phase I.
7. The constructed fill shall be seeded with an as yet unspecified seed mixture per Caltrans Landscape Architect, Caltrans Environmental Planning and the California State Parks biologist. 1-gallon Alders shall be planted at a spacing to be determined by Caltrans Landscape Architect. The slope shall be covered in compost and mulch and an establishment irrigation system placed from nearby available water source.
8. The downstream terminus of the revetment shall be constructed of rock slope protection (RSP) stacked adjacent to the existing bank repose or a slightly more graded slope to provide as near to existing a conform as possible. The rock revetment is needed to create a terminus structure to the repair area. RSP shall be placed in a conical shape to slope down along the up and downstream banks and wrap out to the existing phase I rock terminus. The constructed fill shall be placed over part of this RSP as the slope repose from the upstream repair and reconstruction gradually becomes steeper to approach the downstream slope conform.

9. Irrigation shall continue until next winter season or as directed by Caltrans' Landscape Architect.

Natural Resources:

This location along the Big Sur River is highly sensitive from a natural resources stand point. The river and it's associated riparian vegetation (below the ordinary plane of high water) is a contributing primary constituent element to the critical habitat designation of the South Central Evolutionary Significant Unit of the federally threatened Steelhead (*Oncorhynchus mykiss*). This area also falls within the proposed critical habitat designation (unit MNT3) for the California red-legged frog (*Rana aurora draytonii*). Areas below the ordinary plane of high water are jurisdictional under sections 401 and 404 of the Clean Water Act and the bed and bank of the Big Sur River including the riparian zone is jurisdictional under section 1602 of the Fish and Game Code. In addition, this area is within the limits of the coastal zone that is covered under Monterey County's local coastal plan. Phase I of this two phased approach was agreed to by all resource agencies following the issuance of the January 20, 2010 ENF with the following conditions:

1. In the event cultural material is encountered during project construction, work shall cease until a qualified archaeologist can assess the unanticipated discovery.
2. Avoid use of heavy equipment in flowing water.
3. Minimize disturbance of the bank outside of the project area.
4. Minimize fine sediment and sediment/water slurry input to the river.
5. See Department of the Army Regional Permit No. 5 – Repair and Protection Activities in Emergency Situations pursuant to Section 404 of the Clean Water Act in addition to the Section 401 State Water Quality Certification. File # 2010-00027 issued January 22, 2010.
5. Conduct pre-construction surveys for California red-legged frogs and conduct worker awareness training. (Negative survey results for presence of Cal. Red-legged frogs during pre construction, construction and post construction surveys and monitoring efforts.)

Following an on-site meeting on March 10, 2010 with the appropriate resource agencies (Project Development Team including California Department of Fish and Game, the National Marine Fisheries Service, California State Parks, and Monterey County Planning Department) that discussed the alternatives for implementing Phase II, the preferred alternative was developed with direct input from the PDT. A key factor in the development of the preferred alternative for Phase II was the incorporation of bioengineering elements in the form of establishing vegetation into the revetment as a contributing primary constituent element to the critical habitat of the South Central Evolutionary Significant Unit of the federally threatened Steelhead (*Oncorhynchus mykiss*). Other key factors considered by the PDT included water quality and erosion control, visual impacts, access to the river, and the time line for construction during low flow conditions. The following matrix depicts the design elements considered for each alternative relative to the resource concern.

Alternatives Analysis

| Alternative | Resources Agency Approval | Compatibility with Habitat Restoration Goals "Steelhead" | Water Quality | Visual Impacts | Access Issues | Time frame for Construction During low flow conditions |
|--|---------------------------|--|--|--|---|--|
| No Build | No | No | Continued erosion | Existing conditions deteriorate with continued erosion. | Currently no access. The unimproved access trail along this reach of the river was lost due to bank erosion. | N/A |
| Rigid Revetment | No | No | Construction related impacts-work in wetted channel. | Yes | Maintains existing condition of no access. | No. The time frame for the permit requirements for working in the water push the Phase II back another year. |
| Flexible Revetment-Standard Full Rock Slope Protection | No | No | Construction related impacts-work in wetted channel. | Yes Unable to plant | Maintains existing condition of no access. Difficult to traverse large uneven rocks. | No. The time frame for the permit requirements for working in the water push the Phase II back another year. |
| Flexible Revetment - Vegetated Bank Preferred Alternative | Yes | Yes | Reduced impacts-work outside of wetted channel. | None. The earthen slope will support trees and plants reducing the visibility of any rock. | The earthen slope allows for connection of the unimproved access trail parallel to the river that exists both upstream and down stream. | Yes, this approach allows construction this summer. |

Conclusion:

This reach of the Big Sur River is at a location where relocation of essential public services (utilities, emergency access and the State highway) is not possible by reason of the geography. The utilities are critical to power and communications for almost all residential and much of the business community of Big Sur. Similarly, State highway 1 is the single corridor between the nearby Monterey Peninsula and this community. It is critical that a revetment to preserve this section of the river over-bank area upon which these facilities exist. A strong and yet flexible and adaptable type of revetment offers the best elements of scour resistance, ability to repair and adapt the facility for any future complications that may arise in reaction to the initial installation and simultaneously provide for planting and restoration of tree and brush establishment that would otherwise not exist on this scoured river bank. Please see attached plans and typical for the repair and restoration work.

EXHIBIT H
CALTRANS EMERGENCY
NOTIFICATION FORM

PLN100393 – Big Sur River

Planning Commission
August 25, 2010

EMERGENCY HIGHWAY REPAIR

INTERAGENCY NOTIFICATION

Information only

Regulatory response needed



INITIAL
UPDATE
FINAL

Note box #'s: 1, 4, 5 & 7

| | | | |
|--|-------------------------------------|-----------------------------------|--|
| DATE January 27, 2010 | | | |
| LOCATION County: Monterey Route: 1 Postmile: 46.8 USGS Quadrangle: Big Sur Township: 19s Range: R1E Section: 19 Latitude/Longitude 121°47'15" - 36°15'76" | | | |
| LOCATION NAME/DESCRIPTION Highway 1 at postmile 46.8 adjacent to the Big Sur River. | | | |
| TYPE OF FAILURE OR RISK Progressive river bank erosion is threatening the Highway and it's associated essential public services. | | | |
| PRIMARY CONTACT Gary Ruggerone | Phone Number 805-549-3182 | Fax Number 805-549-3233 | e-mail Gary_Ruggerone@dot.ca.gov |

Emergency Declaration:

- CT Director's Order
- Governor Declaration
- Presidential Declaration

Urgency:

- No formal declaration, however, essential services, highway reliability and/or safety at imminent risk
- Declaration pending

State Lead Agency: CALTRANS

Federal Lead Agency: FHWA

Event:

- Storm
- Flood
- Landslide
- Earthquake
- Other

Status of Commencing Work:

- Has already begun
- Is expected to begin within 48 hours
- Is expected to begin beyond 48 hours from now

Work is required for:

- Immediate protection of life/property
- Maintain essential service
- Prevent an emergency/imminent risk of failure or further damage

Status of Highway Traffic

- Traffic remains open in two directions- At this time.
- Limited with one-way traffic control
- Highway is closed in both directions
- Satisfactory detour is is not available at this time

Restoration of safe, reliable, two-way travel anticipated to be completed:

- Single phase- Full Opening
- Two phases- Emergency Opening/Full Opening
- Not yet determined
- Not Applicable- At this time

Comments: Further erosion of the river bank to within 5 feet of the highway will require emergency action.

***Please acknowledge receipt—sign and return by fax this sheet ***

| Name | Title | Organization | Date |
|------|-------|--------------|------|
|------|-------|--------------|------|

Regulatory Jurisdiction & Application of Emergency Provisions

Coastal Act

- CA Coastal Commission**
Jurisdiction by
 Location-original jurisdiction
 Property ownership – federal land
Type of Authorization
 Exemption
 Emergency Authorization only
 Emergency Authorization w/follow-up CDP
 Waiver of federal consistency determination
 Information Only – Not in permit jurisdiction

- Local Agency Monterey County**
 Exemption
 Emergency Authorization only
 Emergency Authorization w/follow-up CDP
 Information Only – Not in permit jurisdiction

Clean Water Act/Rivers & Harbors Act

- US Army Corps of Engineers – Sec 404, Sec 10**
 NWP 23 (Categorical Exclusion)
 Other- RGP #5
 Information Only
- Regional Water Quality Control Board – Sec 401**
 Emergency Certification
 Waiver of Certification
 NPDES Permit
 Information Only – Not in permit jurisdiction

National Marine Sanctuaries Act

- Monterey Bay Nat' Marine Sanctuary**
 Waiver/exemption
 Authorization of CDP
 Information Only – Not in permit jurisdiction

California Fish and Game Code

- CA Dept of Fish & Game**
 Waiver
 Maintenance MOU
 1601 Agreement
 Sea Otter Game Refuge Permit
 Information Only – Not in permit jurisdiction

Special Status Species

- Consultation Req'd:** Yes No
 US Fish and Wildlife Service
 National Marine Fisheries Service
 California Department of Fish and Game

Property Involvement

Work confined within State R/W: Yes No

State Lands

- California State Lands Commission
 California Dept of Parks & Recreation
 Other _____

Federal Lands

- US Forest Service
 Other _____

Private

- Highway on private easement

PRELIMINARY RESPONSE

CA Coastal Commission – Date:

- Concur
 Do not Concur
 No additional authorization req'd to proceed
 Further authorization req'd to proceed

Local Agency-Date:

- Concur
 Do not Concur
 No additional authorization req'd to proceed
 Further authorization req'd to proceed

US Army Corps of Engineers-Date:

- Concur
 Do not Concur
 No additional authorization req'd to proceed
 Further authorization req'd to proceed

RWQCB-Date:

- Concur
 Do not Concur
 No additional authorization req'd to proceed
 Further authorization req'd to proceed

MBNMS-Date:

- Concur
 Do not Concur
 No additional authorization req'd to proceed
 Further authorization req'd to proceed

CA Dept of Fish & Game-Date:

- Concur
 Do not Concur
 No additional authorization req'd to proceed
 Further authorization req'd to proceed

Property Owner-Date:

- Concur
 No additional authorization req'd to proceed
 Do not Concur
 Further authorization req'd to proceed

BOX 1**DESCRIPTION OF DAMAGE OR IMMINENT THREAT****To Facility:**

The severe storm system beginning January 15, 2010 and continuing to the present has caused the Big Sur River to rise and the velocity and momentum to increase. At this location, the east bank forms the outside of a bend in the river. This bank has been stripped of vegetation and is rapidly eroding along this outside bend. It has migrated in excess of 9-feet during the course of these recent storms and is presently within 18-feet of the edge of pavement at State Route 1. The bank is near vertical with a height of approximately 10-feet from riverbed to top of bank. Since the Big Sur River cuts deeply along a narrow path through the mountains Route 1 is constructed immediately adjacent to the toe of the mountain range and cannot be realigned farther easterly of the river. It is fixed and (if undermined) will have to be reconstructed and the revetment to protect it projected into the river beyond that reconstruction. It is because of this constraint that the proposed revetment will end up being located at approximately the same encroachment footprint into the channel regardless of whether it is constructed now or after the erosion has washed out and closed the roadway. The riverbank continues to erode at a fairly rapid rate and we have the months of February and March ahead. Forecasts call for more rain in the next 10 days. The rate of erosion is a direct function of the river elevation and velocity. The amount of saturation that has already occurred will sustain a high level of flow from this watershed for weeks to come even if the rains cease. Caltrans Hydraulics, Storm Damage Engineering and the District Geologist have reviewed the site and propose the following phasing concept for resource agency consideration and approval.

PROJECT CONCEPT

It is proposed to mitigate this potential wash out with a two-phase approach. Phase 1 consists of the pre-emptive placement of two rows of large rock to form a smooth continuation of the bend in the river. The leading or upstream end will conform to the upstream undamaged bank alignment and be placed in an arc to meet the downstream conform beyond the scour area. The effect will be to provide a smooth continuous curve from up to downstream of the damage area and simultaneously attenuate and slow or stop the scour forces along the damage area. A row of single 3-5 ton rock will be placed upstream of the two rock rows to ensure that the phase 1 work will not be flanked by highwater and result in a larger erosion or scour problem. The length of this rock arc would be approximately 165 feet. (125 feet of two rock rows and 40 feet of a single rock row on dry ground). This placement would strictly be rock. Water will still occupy the same riverbed area that it presently does. The only difference will be that low to fairly high flows will dissipate their energy along the strip of rock instead of the rapidly eroding riverbank. This stopgap measure would substantially reduce the urgency for a major repair, involve far less intrusion into the river environment than a full rock slope protection revetment, and allow for resource agencies and Caltrans to examine and consider the long-term treatment at this location.

Phase 2 would consist of the permanent restoration of the riverbank with an engineered rock slope protection (RSP) project. This phase would be completed with the full participation of all regulatory agencies involved. The work can be performed under low flow conditions so that impacts to the environment can be minimized.

CONTINGENCY PLAN

In the event that the river continues to rise and the riverbank recedes to within 5 feet of the southbound edge of pavement, the situation will be considered an emergency and placement of rock slope protection to prevent the complete wash out of the roadway must begin.

To Surrounding Area:

Imminent threat to a power transmission/communication pole (PG&E and AT&T).

Available background information, including information on previous damage or repairs, if applicable.

The bank has eroded approximately 9 feet toward the highway during recent storms beginning 1/15/10.

Attach photographs**BOX 2****GENERAL DESCRIPTION OF SITE CONDITIONS****Describe the existing condition of the site, including wetlands, channels, streams, ponds, seeps and ditches, and other jurisdictional features. Include information on elevations, vegetation, property use, and structures.**

The Big Sur river is jurisdictional as Waters of the U.S. Wetlands etc. do not occur at this location. The top of the bank at this location is void of any mature vegetation and is comprised of ruderal annual grasses. The river bank at this location is comprised of loose and unconsolidated rock and soil. The other or east side of the highway runs parallel to a mountain side with very narrow (approximately 2 foot) shoulders. The west side of the highway runs adjacent to an outside curve of the east bank of the Big Sur River at this location. This outside of the curve in the river is receiving the brunt of the rivers' energy as the water bends around the curve at a high velocity (approximately 15 CFS). The high velocity of the water coupled with the direct impact of the rivers energy on the bank has resulted in an accelerated rate of erosion at this location (The bank has eroded approximately 9 feet toward the highway during Monday's 1/18/10 storm). Continued erosion at this rate could result in a loss of the highway and the associated essential public services (power, communications and emergency response).

BOX 3 PROJECT INFORMATION

Date of damage: 1/18/10 Proposed reconstruction starting date:

Estimated duration of activity: Within the Season (approx 2 wks) Within the Year Multi-yearA capital improvement project previously identified (but not yet constructed) at this location: Yes No

If yes, indicate phase of review and attach additional information:

 Scoping Project Development Project Approved Design Advertising Contract**BOX 4 PRELIMINARY DESCRIPTION OF ANTICIPATED WORK**

Include preliminary evaluation of whether initial response work will accomplish restoration of 2-lanes of traffic, or if additional work will be necessary to ensure reliability and safety.

Currently, the highway remains open in both directions but, a rapid rate of erosion is occurring along the river bank adjacent to the highway with each passing storm. The bank has eroded approximately 9 feet toward the highway during Monday's storm (1/18/10).

A phased approach is proposed to avoid or prevent an emergency failure of essential public services.

Phase one would place two rows of 3-5 ton rock along the contour (outside curve of the river between the Highway and the river) of the failing river bank. A row of single 3-5 ton rock will be placed upstream of the two rock rows to ensure that the phase 1 work will not be flanked by highwater and result in a larger erosion or scour problem. The total length of work will be 165 feet. This work will reduce the velocity of the water hitting the eroding river bank thus reducing the rate of erosion until a permanent restoration project could be implemented. Water will be able to move around these rocks but the erosive energy associated with the high velocity flow will be dissipated.

Phase two would be a permanent restoration providing long term protection of highway and it's associated essential public services. The second phase would utilize the two rows of rock placed with phase one as a toe of the bank and a rock revetment would be built behind (toward the highway) the toe of the bank with various size rock as need in order to stabilize the river bank and protect the essential public services associated with the highway facility.

Attach figures and maps, if available— See attached.

BOX 5 REMOVAL AND DEPOSIT OF MATERIALMaterial (rock, soil) has or will be deposited below the ordinary high water line for fresh waters? Yes or NoIf yes, As a direct result of the event Related to necessary repairMaterial (rock, soil) has or will be deposited below mean high water line for tidal waters? Yes or No*If yes, As a direct result of the event Related to necessary repairMechanical material removal/excavation required Yes or NoIf yes, loose material naturally deposited into more stable material

Preliminary volume estimate:

Volume of material to be deposited: TBD cubic yards (rock)Volume of material to be excavated: 0 cubic yards

Amount of material below the ordinary high water mark or high tide line: TBD cy, TBD acres

Type of material (rock/soil/debris): Rock Material source: Aromas - Granite

Length of disturbance along roadway (from damage & repair combined): 125 linear feet (approx)

BOX 6 IMPACTS ON TIDAL WATERS, WETLANDS OR MARINE SANCTUARYWill the proposed work have temporary or permanent impacts, beyond the damage caused by the event, to wetlands, including seasonal wetlands, or within tidal or submerged lands: (i.e. additional impacts from repair)? Yes No

Will the proposed work have temporary or permanent impacts, beyond the damage caused by the event, to resources protected by the National Marine Sanctuary: (i.e. additional impacts from repair)? Yes No

Is the proposed work in the vicinity of a Marine Protected Area? Yes No

If yes, please describe the resource; include one or more photographs of the existing conditions.

BOX 7 IMPACTS TO FRESH WATER DRAINAGES

Will the project or activity involve work in the bed, bank or channel of a river, stream (including seasonal streams), of extent or intensity beyond the damage caused by the event? Yes No

If yes, describe existing and proposed conditions.:

A phased approach is proposed to avoid or prevent an emergency failure of essential public services. Phase one would place two rows of 3-5 ton rock along the contour (outside curve of the river between the Highway and the river) of the failing river bank. A row of single 3-5 ton rock will be placed upstream of the two rock rows to ensure that the phase 1 work will not be flanked by highwater and result in a larger erosion or scour problem. The total length of work will be 165 feet. This work will reduce the velocity of the water hitting the eroding river bank thus reducing the rate of erosion until a permanent restoration project could be implemented. Water will be able to move around these rocks but the erosive energy associated with the high velocity flow will be dissipated. Phase two would be a permanent restoration providing long term protection of highway and its associated essential public services. The second phase would utilize the two rows of rock placed with phase one as a toe of the bank and a rock revetment would be built behind (toward the highway) the toe of the bank with various size rock as needed in order to stabilize the river bank and protect the essential public services associated with the highway facility.

Preliminary estimate of linear feet along the waterway that are involved: 125 Feet

BOX 8 POTENTIAL FOR IMPACTS TO SENSITIVE SPECIES OR HABITAT

List any state and/or federally listed species and/or associated habitat that occurs or may occur on the project site. If a federal or state listed species is being impacted, please provide a brief description of the habitat:

Steelhead and Steelhead Critical Habitat and California red-legged frog.

US Fish and Wildlife Service protocol surveys for the possible listed species have previously been conducted for this area?

Yes, attached No

National Marine Fisheries Service—consultation on Essential Fish Habitat is required:

Yes No

BOX 9 POTENTIAL FOR IMPACTS TO CULTURAL RESOURCES

Describe the potential for cultural, historic or prehistoric properties or resources within the project area:

Survey results were negative. Mikkelsen et al. (2001)

A survey for cultural resources has been conducted: Yes No

Consultation is required: SHPO Yes No ACHP Yes No

BOX 10 NOTIFICATION PREPARED BY

Name: Mitch Dallas

Position: Associate Environmental Planner **Signature:**  **Date:** 1/27/10

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Attachments: PHOTOS & PRELIMINARY PLANS

EXHIBIT I
CALTRANS CATEGORICAL EXEMPTION

PLN100393 – Big Sur River

Planning Commission
August 25, 2010

CATEGORICAL EXEMPTION/ CATEGORICAL EXCLUSION DETERMINATION FORM

05-MON-1 46.8 0S9400
 Dist.-Co.-Rte. (or Local Agency) P.M/P.M. E.A. (State project) Federal-Aid Project No. (Local project)/ Proj. No.

PROJECT DESCRIPTION:

(Briefly describe project, purpose, location, limits, right-of-way requirements, and activities involved.)

Enter project description in this box. Use Continuation Sheet, if necessary

Progressive river bank erosion is threatening the Highway and it's associated essential public services. This project will provide permanent restoration of the riverbank with an engineered rock slope protection (RSP) project. The restored embankment will have a hardened lower end and a planted upper section with a concentration of willow and alder tree plantings. The work will be performed under low flow conditions so that impacts to the environment can be minimized. See project conditions on page 2.

CEQA COMPLIANCE *(for State Projects only)*

Based on an examination of this proposal, supporting information, and the following statements (See 14 CCR 15300 et seq.):

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

CALTRANS CEQA DETERMINATION

Exempt by Statute. (PRC 21080[b]; 14 CCR 15260 et seq.)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

- Categorically Exempt. Class** 33. (PRC 21084; 14 CCR 15300 et seq.)
- Categorically Exempt. General Rule exemption.** [This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (CCR 15061[b][3])]

| | |
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| <p><u>GARY KUGGERONE</u> Print Name: Environmental Branch Chief</p> <p><u>Gary Kuggerone</u> 7/26/10 Signature Date</p> | <p><u>Lance Gorman</u> LANCE GORMAN Print Name: Project Manager/DLA Engineer</p> <p><u>Lance Gorman</u> 7/26/10 Signature Date</p> |
|---|---|

NEPA COMPLIANCE

In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:

- does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b) (<http://www.fhwa.dot.gov/hep/23cfr771.htm> - sec.771.117).

In non-attainment or maintenance areas for Federal air quality standards, the project is either exempt from all conformity requirements, or conformity analysis has been completed pursuant to 42 USC 7506(c) and 40 CFR 93.

CALTRANS NEPA DETERMINATION

Section 6004: The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding (MOU) dated June 7, 2007, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:

- 23 CFR 771.117(c): activity (c)()
- 23 CFR 771.117(d): activity (d)()
- Activity 4 listed in the MOU between FHWA and the State

Section 6005: Based on an examination of this proposal and supporting information, the State has determined that the project is a CE under Section 6005 of 23 U.S.C. 327.

| | |
|---|---|
| <p><u>GARY KUGGERONE</u> Print Name: Environmental Branch Chief</p> <p><u>Gary Kuggerone</u> 7/26/10 Signature Date</p> | <p><u>LANCE GORMAN</u> Print Name: Project Manager/DLA Engineer</p> <p><u>Lance Gorman</u> 7/26/10 Signature Date</p> |
|---|---|

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., air quality studies, documentation of conformity exemption, FHWA conformity determination if Section 6005 project; §106 commitments; §4(f); §7 results; Wetlands Finding; Floodplain Finding; additional studies; and design conditions). **Revised September 15, 2008**

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

Conditions:

1. In the event cultural material is encountered during project construction, work shall cease until a qualified archaeologist can assess the unanticipated discovery.
2. Avoid use of heavy equipment in flowing water.
3. Minimize disturbance of the bank outside of the project area.
4. Avoid fine sediment and sediment/water slurry input to the river.
5. All avoidance and minimization measures put forth in the California Department of Fish and Game and Caltrans' Streambed Alteration Agreement notification # 1600-2010-0072-R4 shall be adhered to.