

Staff Report 02

APPLICANT:

California Department of Transportation

PROPOSED ACTION:

Termination of an existing Public Agency Lease and Right-of-Way Map and Issuance of a Public Agency Permit and Right-of-Way Map Pursuant to Section 101.5 of the Streets and Highways Code and Section 6210.3 of the Public Resources Code

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Smith River along U.S. Route 101 (Highway 101), near Crescent City, Del Norte County.

AUTHORIZED USE:

Replacement of the existing Dr. Fine Bridge and construction, use, and maintenance of a new bridge within a permanent right-of-way and temporary rights-of-way for construction of the new bridge and temporary detour panel bridge over the Smith River along Highway 101.

TERM:

Continuous use, plus 1 year, beginning February 23, 2021.

CONSIDERATION:

Reasonable value of the rights-of-way to be deposited into the State Parks and Recreation Fund.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6210.3, 6216, and 6301; Streets and Highways Code section 101.5.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On August 21, 1996, the Commission authorized a General Lease – Public Agency Use and Approval of Right-of-Way Map to the California Department of Transportation (Caltrans) for a 100-foot-wide right-of-way (approximately 1.31 acres) of sovereign land in the Smith River (River) for an existing bridge crossing and seismic retrofitting of the Dr. Fine Bridge along Highway 101 near Crescent City, Del Norte County, beginning on August 21, 1996, for an indefinite period ([Item C29, August 21, 1996](#)).

The Applicant is applying for the termination of the General Lease – Public Agency Use and the issuance of a Public Agency Permit and Right-of-Way Map pursuant to section 101.5 of the Streets and Highways Code and as authorized by section 6210.3 of the Public Resources Code, for the continued use of the right-of-way and temporary construction rights-of-way for the proposed replacement of the 32-foot-wide bridge over the River known as the Dr. Ernest Fine Memorial Bridge (Dr. Fine Bridge) built in 1940.

The purpose of the proposed bridge replacement is to improve the safety, connectivity, and reliability of the bridge for hikers, bikers, travelers, commuters, and freight carriers. Critical issues associated with the existing bridge include steel degradation, scour, non-standard seismic stability, and functional obsolescence. The proposed 51-foot-wide bridge will meet current material, geometric, scour, and seismic design standards; and be built with two 12-foot-wide lanes similar to the current bridge but with expanded 8-foot shoulders and a 6-foot-wide separated pedestrian walkway to provide better accessibility for pedestrians and cyclists. This section of Highway 101 is part of the designated California Coastal Trail and Pacific Coast Bike Route.

The Applicant proposes to construct a temporary detour panel bridge east of the existing bridge to minimize interruption of traffic while the current bridge is demolished and the new bridge is constructed along the current bridge alignment. The existing bridge structures include five cement piers in the River which will be removed by removing the pile caps and cutting the piers at a minimum of 4.5-feet below the channel bottom. Cutting the existing piers and any other current bridge structures to this depth is a requirement of the Commission's authorization. To

ensure the structures do not become exposed and pose wildlife and public safety hazards, Caltrans will also be required to perform burial surveys within two years of completion of the project and at least every two years thereafter. Caltrans may also be required to perform a burial depth survey in the event of an accident, major flood, significant seismic event, or upon the request of the Commission. If any structures become exposed or become a safety hazard, the Applicant will be required to remove them 2-feet below the then current mudline. Work at this site is anticipated to last 4 years, beginning with upland construction of the temporary bridge in the fall of 2021 followed by 3 years of in-water construction beginning in the summer of 2022. In-water construction will include construction of temporary gravel berms and construction trestles, installation of new concrete pier foundations, channel dewatering operations, and demolition and disposal of the existing bridge and eventually the temporary bridge. Any potential impacts associated with hazardous material spills that could occur during construction and demolition activities would be addressed through terms of Permit 7896 which require the Applicant to submit a hazardous spill contingency plan to Commission staff.

Temporary gravel berms will be placed across approximately 80 percent of the River cross-section to provide access to construction areas during the June 15 through October 15 in-water construction season which will require temporary fishing and boating access prohibitions. Outreach to the boating community will be conducted before and during construction to notify users of modified river access. The berms will be removed after each construction window closes. Temporary detour bridge trestles will be built to span the deepest part of the channel and will remain in the river year-round during construction.

Promotion of public access to and use of California's navigable waters is a mandate of the California Constitution (article X, section 4), a condition of statehood in the Act of Admission of the State of California into the Union (9 Stat. 452, Sept. 9, 1850), and a responsibility of all involved public agencies pursuant to the common law Public Trust Doctrine. Often the most logical location for access to a waterway is where a bridge crosses it. Kayakers, rafters, and others may legally utilize the public access easements around bridges to enter and exit navigable waterways. With those factors in mind, the Legislature adopted three code sections in 1972 to facilitate increased public access around bridges (Sts. & Hy. Code, §§ 84.5, 991 and 1809). All state or county highway projects and all city street projects that propose construction of a new bridge over a navigable waterway must consider, and report on, the feasibility of providing public access for recreational purposes to the waterway before the bridge is constructed. These code provisions

apply to state agencies and city and county governments that approve bridge construction projects.

Caltrans prepared a Public Access Feasibility Report and determined that providing new public access to the River for public recreational purposes was not practical within the existing and proposed right-of-way for the new bridge due to environmental and safety considerations. There is currently an informal and unmaintained dirt road providing public access for pedestrians and vehicles to the River under the existing bridge on the southern bank from South Bank Road. All public access will be prohibited during construction and vehicular access will remain restricted by placement of boulders along South Bank Road, however, access to the River by pedestrians will resume. The vehicular restriction will minimize erosion, allow vegetation growth, and minimize the current illegal dumping of refuse on the riverbank and in the channel near a sensitive western pearl shell mussel bed. A sign will be posted at this location providing information about nearby vehicular access and boat launching sites. Caltrans will also work with the California Department of Fish and Wildlife (CDFW) to improve signage along Fred D. Haight Drive directing the public to the existing CDFW Smith River Public Fishing Access site, located less than 1 mile downstream of the bridge. The Ruby van Deventer County Park located 2 miles upstream also provides public pedestrian and vehicular access, as well as boat launch sites to the Smith River.

The permit does not alienate the State's fee simple interest and does not grant the permittee exclusive rights to the rights-of-way. Furthermore, Highway 101 is vital infrastructure that is necessary to facilitate the movement of goods, people, and services throughout the State. Staff believes this use of State land, by a public agency for a public benefit, is in the best interests of the State.

CLIMATE CHANGE:

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The subject facilities are located on the Smith River, 8 miles upstream from the Pacific Ocean. While the site has historically received tidal influence only during the most extreme tides exceeding 13.8 feet (based on historical high-tide data for Station 9419750 in Crescent City during the period between 1950 and 2007), it lies within an area that is increasingly vulnerable to storm-related flooding at current sea levels and is at a higher risk of flood exposure given projected scenarios of sea-level rise.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea-level rise projections and rates. Commission staff evaluated the "high emissions,"

“medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The Crescent City tide gauge was used for the projected sea-level rise scenario for the lease area as listed in Table 1.

Table 1. Projected Sea-Level Rise for Crescent City

Year	Projection (feet)
2030	0.5
2040	0.9
2050	1.5
2100	5.9

Source: Table 1, State of California Sea-Level Rise Guidance: 2018 Update

Note: Projections are with respect to a 1991 to 2009 baseline.

Rising sea levels could lead to more frequent flood inundation in low-lying areas and larger tidal events. In addition, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms (especially when coupled with sea-level rise). In rivers and tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris as well as decreased bank stability and structure. Conversely, climate-change induced droughts could decrease river levels and flow for extended periods of time. Climate change and sea-level rise will further influence riverine areas by changing erosion and sedimentation rates. Flooding and storm flow, as well as runoff, will likely increase scour and decrease bank stability at a faster rate.

The combination of these projected conditions could increase the likelihood of damage and affect access to structures within the lease premises during the term of the lease. For example, the potential for more frequent and stronger storm events may expose the lease area structures to higher flood risks and cause facilities to be damaged or dislodged, presenting hazards to public safety as well as dangers for navigation within the channel. Conversely, prolonged drought conditions could lower water levels, exposing previously submerged structures to the elements and potentially leading to increased wear-and-tear on the bridge pilings. Lowered water levels could also reduce navigability of the channel, thereby increasing hazards related to the lease area structures.

The proposed project as described above includes replacement of the existing Dr. Fine Bridge over the Smith River. The rebuilt bridge will be designed for current seismic retrofit standards, will be built with a deck height and foundational piers designed to withstand a 100-year flood event, and will include fewer vertical pier

columns in the river channel for enhanced channel volume and conveyance of flood water.

According to Caltrans, the project area has a “combination of degradation, channel migration, hydraulic skew, local pier scour, unpredictable and rapid fluctuation in vertical stability due to gravel mining, drift and potential seismic instability.” In addition, the Smith River has a highly mobile gravel bed that experiences high discharge events, creating a risk that future storm events would scour the river bottom and expose the existing bridge’s remnant piers. Any exposed abandoned-in-place pier infrastructure could affect wildlife as well as the public’s ability to safely access and navigate the river. In addition, once the abandoned piling remnants are exposed by river scour, those structures could further exacerbate localized scour effects. Bridge inspection and maintenance requirements related to scour and other erosion impacts, as set forth by the approved [Coastal Development Permit 1-20-0422](#) will reduce the likelihood of severe structural degradation to the bridge and the abandoned piles and address future scour effects. Pursuant to the proposed lease, Caltrans acknowledges that the lease premises and adjacent upland (not within the lease area) are located in an area that may be subject to effects of climate change, including sea-level rise.

TRIBAL COORDINATION AND CONSULTATION

Caltrans prepared a Historic Property Survey Report (HPSR) dated October 21, 2014, and Supplemental HPSR dated May 23, 2019. Section 3 of the HPSR states the Applicant initiated government-to-government Consultation in 2007 with the Tolowa Dee-ni’ Nation and the Elk Valley Rancheria. This Consultation continued until 2018, when the Applicant updated its Consultation efforts with the engaged Tribes. Those Consultations continue to this day. The Final EIR recognizes that the Project area is considered highly important to the Tolowa Dee-ni’ people and includes a monitoring program under CR-3 (Tribal and Archaeological Monitoring) to address the tribal concerns expressed.

On August 31, 2020, California Coastal Commission (CCC) staff initiated tribal outreach and engagement with six tribal contacts provided by the Native American Heritage Commission. CCC staff received a comment letter from Chairperson McCallum of the Tolowa Dee-ni’ Nation on behalf of Tribal Council on November 12, 2020. In response to the letter, the approved Coastal Development Permit 1-20-0422 includes Special Condition 25B. This condition requires that any unanticipated discovery of an area of cultural deposits will halt all construction activity within a 30-foot-diameter area and requires notification to the Tribe, the Caltrans Cultural Studies Office, the California State Historic Preservation Officer (SHPO), and the Executive Director of the CCC. In addition, Special Condition 25B

also establishes procedures under which a qualified cultural resource specialist must analyze the significance of the find. Finally, if the discovery is deemed significant then Project activities can only continue once a Supplementary Archaeological Plan, developed in consultation with the affected Tribe, has been reviewed and approved by the Executive Director of the CCC.

After reviewing all the documentation, Commission staff has concluded that the standard measures and activities, monitoring plans, and special conditions adopted and approved by the Applicant and the CCC appear to satisfy the Tolowa Dee-ni' Nation's requests and staff is not aware of any unresolved issues related to Tribal coordination or Consultation.

CONCLUSION:

For the reasons stated above, staff believes the approval of the proposed rights-of-way will not substantially impair the public rights to navigation, fishing, or other Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed permit; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
3. Caltrans has filed a map showing the proposed rights-of-way with the Commission.
4. Section 101.5 of the Streets and Highways Code requires Caltrans to determine the reasonable value of the proposed rights-of-way and to deposit that amount in the State Parks and Recreation Fund.
5. Termination of the lease is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

6. An Environmental Impact Report (EIR), State Clearinghouse No. 2010102037, was prepared for this project by the Caltrans and certified on March 19, 2020. Commission staff has reviewed this document and prepared an independent Mitigation Monitoring Program (attached, Exhibit C) that incorporates the Caltrans document and other avoidance and minimization measures that were made a condition of Caltrans' approval.
7. Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) are contained in the attached Exhibit D.
8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon participation from the agency nominating such lands through the CEQA review and permitting process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Site and Location Map
- B. Section 101.5 Right-of-Way Map
- C. Mitigation Monitoring Program
- D. Findings

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an EIR, State Clearinghouse No. 2010102037, was prepared and certified by Caltrans, and mitigation measures and avoidance and minimization measures were made a condition of approval, on March 19, 2020, for this project, and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgment, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or

substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit C.

Adopt the Findings, made in conformance with California Code of Regulations, title 14, sections 15091 and 15096, subdivision (h), as contained in the attached Exhibit D.

Determine that the project, as approved, will not have a significant effect on the environment.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the approval of the proposed permit and right-of-way map will not substantially impair the public rights to navigation and fishing or substantially interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the permit; and is in the best interests of the State.

AUTHORIZATION:

1. Terminate, effective February 22, 2021, Lease Number PRC 7896, a Public Agency Lease and Right-of-Way Map issued to the California Department of Transportation.
2. Authorize a Public Agency Permit and approve a Right-of-Way Map as submitted by the California Department of Transportation pursuant to section 101.5 of the Streets and Highways Code and as authorized by section 6210.3 of the Public Resources Code, effective February 23, 2021, for a right-of-way with a term of continuous use plus 1 year and temporary rights-of-way until construction is completed for the replacement of the existing Dr. Fine Bridge with a new bridge over the Smith River, as shown on Exhibits A and Exhibit B (for reference purposes only), attached and by this reference made a part hereof.

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
DR. FINE BRIDGE REPLACEMENT PROJECT
(L7896, State Clearinghouse No. 2010102037)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Dr. Fine Bridge Replacement Project (Project). The CEQA lead agency for the Project is the California Department of Transportation.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:¹

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency certified an EIR, State Clearinghouse No. 2010102037, and adopted mitigation measures for the Project (Attachment C-1). In addition, the EIR included avoidance and minimization measures (AMMs) as well as "...incorporated measures that are prescriptive and sufficiently standardized to be generally applicable, and do not require specific tailoring to a specific project" (Final EIR, page 19) identified as Project Features, Standard Measures, and Best Management Practices (BMPs). The AMMs and the features, measures, and BMPs also reduced impacts to environmental resources (Attachment C-2). The lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. The full text of each mitigation measure, as set forth in the EIR prepared by the CEQA lead agency and provided in Attachment C-1, is incorporated by reference in this Exhibit C.

¹ The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures

Potential Impact	Mitigation Measure (MM) ²
Impact from take of coho salmon	Coho-1. Coho Salmon.
Impacts to western pearlshell mussel	Mussell-1. Western Pearlshell Mussel.
Impacts from riparian habitat removal	Riparian-1. Riparian Habitat.
Impacts from wetland removal	Wetlands-1. Wetlands.
In addition, a list of AMMs, Project Features, Standard Measures, and BMPs that further minimize impacts to environmental resources within Commission jurisdiction is contained in Attachment C-2.	

No mitigation measures were proposed for the unanticipated discovery of cultural or tribal cultural resources; however, CR-1 (Unexpected Discovery of Cultural Materials), CR-2 (Procedures for Human Remains), and PA-1 (Unexpected Discovery of Paleontological Resources) were included in the EIR and can be found in Attachment C-2. The following measure is required on Commission lands and must be incorporated into CR-1, CR-2, and PA-1:

Title to all archeological sites, historic or cultural resources, and tribal cultural resources on or in the tide and submerged lands of California is vested in the state and under California State Lands Commission (Commission) jurisdiction. The final disposition of archaeological, historical, and tribal cultural resources recovered on State Lands under Commission jurisdiction must be approved by the Commission.

² See Attachment C-1 for the full text of each MM taken from the EIR prepared by the CEQA lead agency.

ATTACHMENT C-1
Mitigation Measures Adopted by
Caltrans

Environmental Commitments for the Dr. Fine Bridge Replacement Project, Caltrans District 1

Task and Brief Description	Responsible Branch / Staff	Timing / Phase
<i>Measures to Avoid or Minimize Non-significant Impacts</i>		
<p>Access-1: River Access and Signage. Existing pedestrian access to the Smith River at the south side of the Dr. Fine Bridge will continue after project completion. Vehicular access will be prohibited to prevent illicit dumping and restore vegetation. A sign will be posted at this location providing information about nearby vehicular access and boat launching points. Additionally, Caltrans will work with CDFW to improve signage along Fred D. Haight Drive directing recreation users to the existing CDFW Smith River Public Fishing Access, located less than 1 mile downstream of the bridge. Caltrans will fund part of the enhancements at the CDFW Smith River Public Fishing Access (Fred Haight Boat Launch) to compensate for loss of informal access under the Coastal Act.</p>	Resident Engineer (RE), Environmental Construction Liaison (ECL)	During/ Post Construction
<p>Visual-1: Boulders on South Bank Road. Boulders placed on the south bank to inhibit vehicular access from South Bank Road would match the color of existing stone within the project area to blend with the natural surrounding environment.</p>	RE	During/ Post Construction
<p>Visual-2: Screen Nearby Residences. Nearby residences would be screened from views of the highway and retaining walls by planting native trees and shrubs. The traveling public would be screened from views of the quarry by planting native trees and shrubs.</p>	Landscape Architect	During/ Post Construction
<p>Visual-3: Color galvanized steel bridge railings. Consider a unique color that would enhance visual character and memorability of the bridge or a color that blends in with the surrounding scenic landscape.</p>	RE	During/ Post Construction
<p>Visual-4: Retaining Walls. For Alternative 3, include architectural treatment, such as a relief pattern, on any solid concrete barrier in front of the retaining walls. The treatment should be context sensitive and take into consideration public input.</p>	RE	During/ Post Construction
<p>Chapel-1: Coordinate with Calvary Chapel. To avoid construction-related noise impacts on the Calvary Chapel during church services on Sundays, there would be no construction in close vicinity of the church that could cause noise disturbance to services. The Resident Engineer will coordinate with the church on their service schedule.</p>	RE	During Construction
<p>Species-1: Biological Monitor during In-stream Work. A qualified biologist would monitor in-stream construction activities to ensure adherence to all environmental permit conditions.</p>	RE, Qualified Biologist	During Construction

Task and Brief Description	Responsible Branch / Staff	Timing / Phase
Measures to Avoid or Minimize Non-significant Impacts		
<p>Species-2: Roosting Bat Protection. The following would be implemented to protect night roosting bats: • Work activities would be limited to one portion of the bridge structure at a time between the hours of 10:00 PM and sunrise. No impact pile driving or hoe-ramming would occur during these hours; • Airspace access to the structures would not be eliminated—as long as suitable roost (resting) habitat remains on site; • Lighting used for night work would be focused specifically on the portion of the bridge actively under construction, and/or traffic control and staging, as needed; • Personnel would not be present under the bridge during the evening and night in non-active work areas. The following would be implemented to protect maternal or day roosting bats, if encountered: • A preconstruction bat survey for maternity roosts (April 1 to August 31) or day roosts (year-round) shall be conducted by a qualified biologist and done within 14 days prior to activities that remove vegetation or structures. • In the unlikely event that evidence of a day roost or maternity roost is discovered anywhere within the project footprint, Caltrans shall develop a plan in consultation with CDFW to safely exclude bats in accordance with Fish and Game Code and the SAA. • Bats shall not be evicted during the coldest winter months (December through February) if there is evidence that they could be in torpor or hibernating in a day roost within the bridge during that period; and bats shall not be evicted during the maternity season (March 1 to August 31) unless the colony can be safely evaluated by a qualified biologist and the biologist determines that it is no longer active. • Appropriate measures to safely exclude bats from day roosts may include sealing cavities (if bats are no longer using them) or using one-way doors (if colony locations are still in use) during periods when bats can readily and safely move to other locations without harming adults or young. To avoid harm to bats, exclusion devices would be set up 2 hours after sunset, between September 15 and October 31 and/or between March 15 and April 15.</p>	RE, Qualified Biologist	During Construction
<p>Species-3: Marine Mammal Monitoring. A biological monitor will be present to monitor for marine mammals during all construction activities that have the potential to produce impulsive hammering sounds within the Smith River, including any pile installation, hoe-ramming, or jackhammering. A Marine Mammal Monitoring Plan will be prepared prior to construction that includes adaptive measures, such as defining a safety zone around in-river activities. To minimize exposure to marine mammals and possible harm from construction activities, no impact pile driving would be initiated when marine mammals are detected within these safety zones. In addition, during impact driving, when a marine mammal is detected through on-site monitoring within the respective safety zones, or is about to enter the safety zones, impact pile driving would be halted and not resumed until the animal was seen to leave the safety zone on its own, or 30 minutes elapsed since the animal was last seen.</p>	RE, Qualified Biologist	During Construction
<p>Species-4: Pre-construction Survey for Amphibians and Reptiles. A pre-construction survey for amphibians and reptiles would be completed by a qualified biologist prior to any ground disturbing activities. Any reptiles, frogs, tadpoles, and egg masses found during the initial survey would be relocated to suitable habitat outside of the project area by the biologist prior to conducting in-stream work in suitable habitat or electrofishing for salmonids or lamprey. The biologist would be present during all phases of in-stream construction to</p>	RE, Qualified Biologist	Pre-Construction

Task and Brief Description	Responsible Branch / Staff	Timing / Phase
Measures to Avoid or Minimize Non-significant Impacts		
assist with relocation efforts as they arise. The specific requirements for surveys and relocation would be identified in the project's Aquatic Species Relocation Plan.		
Species-5: Aquatic Species Relocation. Prior to any dewatering, diversions, or stream crossings, the contractor would be required to provide to Caltrans for approval an Aquatic Species Relocation Plan as part of the Construction Site Dewatering and Diversion Plan. Electrofishing for salmonids must comply with the Guidelines for Electrofishing Waters Containing Salmonids listed under the Endangered Species Act published by NMFS. The plan would include provisions for amphibians, reptiles, and lamprey, as well as salmonids.	RE, Qualified Biologist	During Construction
Species-6. Seasonal In-stream Restrictions. To protect the most vulnerable life stages of sensitive fish species that occur within the Smith River, in-stream work would be restricted to the period between June 15th and October 15th. Construction activities restricted to this period include any work within the bed, bank, or channel of the Smith River.	RE	During Construction
Species-7: Hydroacoustic Monitoring. Hydroacoustic monitoring would be conducted during all construction activities that have the potential to produce impulsive sound waves, including, but not limited to, pile driving, hoe-ramming, or jackhammering. Hydroacoustic monitoring would ensure compliance with the terms and conditions resulting from Section 7 Endangered Species Act Consultation with NMFS and Consistency Determination with CDFW. Where impact pile driving is required, hydroacoustic monitoring would be performed to determine compliance with established objectives (e.g., distances to cumulative noise thresholds) and identify corrective actions to be taken should the thresholds be exceeded. A Hydroacoustic Monitoring Plan would be prepared prior to construction that addresses the frequency of monitoring, positions that hydrophones would be deployed, and techniques for gathering and analyzing acoustic data, quality control measures, and reporting activities.	RE, Qualified Biologist	During Construction
Species-8: Pile-driving Methods. The following measures would be implemented to minimize potential impacts from pile driving. <ul style="list-style-type: none"> • Installation of the permanent piles, which will occur within cofferdams, is proposed to occur using an oscillation technique, avoiding or minimizing the risk of injury of fish from pile driving. • Vibratory pile driving will be used in lieu of impact pile driving whenever feasible. Impact driving and hoe-ram operations will be minimized to the extent practicable. • All in-channel pile driving activities will be conducted between July 1 and October 15th to avoid the primary salmon migration seasons. • Impact driving and hoe ram operations will be limited to daylight hours only. • Attenuation methods (e.g., bubble curtains) will be applied where feasible. 	RE	During Construction

Task and Brief Description	Responsible Branch / Staff	Timing / Phase
Measures to Avoid or Minimize Non-significant Impacts		
<p>Species-9: Lamprey Protection. Because lamprey ammocoetes may not emerge from dewatered substrates until they begin to desiccate, which often occurs at night after other fish salvage operations have ceased (USFWS 2010), dewatering and relocation efforts for lamprey would be performed in accordance with Best Management Practices to Minimize Adverse Effects to Pacific Lamprey (<i>Entosphenus tridentatus</i>) (USFWS 2010), which include the following measures:</p> <ul style="list-style-type: none"> • A pre-construction survey conducted by a professional fisheries biologist prior to construction to identify lamprey presence. • If detected, electrofishing would be performed to capture and relocate ammocoetes within the work zone to a safe area away from the construction site. • Any lamprey captured within cofferdams during dewatering and fish relocation efforts would be relocated to a safe area away from the construction site. • The orientation, siting and type of fish screens used for dewatering operations should be selected to minimize potential entrainment of lamprey. • A professional fisheries biologist would be present during channel excavations to sift through removed substrate to salvage any remaining ammocoetes, returning them to the river a safe distance away from the construction site. 	RE, Qualified Biologist	During Construction

Task and Brief Description	Responsible Branch / Staff	Timing / Phase
Mitigation for Significant Impacts under CEQA.		
Visual-5: Screen Nearby Residences and Traveling Public. Plant trees and shrubs to screen residences from the highway and retaining walls, as well as the traveling public from the quarry.	Landscape Architect	During/ Post Construction
Coho-1: Coho Salmon. To fully mitigate for take of coho salmon that may result from this project, Caltrans would improve fish passage at Dominie Creek and fund a portion of the Rowdy Creek Fish Passage Improvement Project that will be executed by the Tolowa Dee-ni' Nation (see descriptions in Mitigation Projects). Remediation of the culvert that carries Dominie Creek under Highway 101 at Post Mile 39.8 and work at Rowdy Creek has been deemed as sufficient mitigation for Coho (<i>pending CD</i>). Prior to any project activities that could incidentally take SONCC coho salmon, Caltrans will provide CDFW with written documentation that Caltrans has allocated sufficient funds, acceptable to and approved by CDFW, in the Expenditure Authorization for the project to ensure implementation of all measures to minimize and fully mitigate the incidental take of SONCC coho salmon.	Project Biologist	During Construction
Mussel-1: Western Pearlshell Mussel. The following measures would be implemented to minimize impacts on western pearlshell mussels. - Conduct monitoring per the Mussel Monitoring Plan for the project (includes mussel population monitoring and physical elements such as velocities onsite and in reference locations pre- during and post- construction; as well as an Emergency Relocation Plan that would be executed if deemed necessary) - Establish a mussel bed ESA with the use of highly visible buoys prior to the start of in-channel work. - Normalize summer flow to the extent practicable. - Implement standard BMPs to avoid hazardous material spills or leaks, reduce the potential for sedimentation, and avoid other impacts on water quality. - Minimize erosion impacts. - Monitor and remove racked debris. - Discourage recreational boat access at the mussel bed.	Qualified Biologist, RE	Pre/ During/ Post Const
Riparian-1: Riparian Habitat. Compensatory mitigation would be required to offset permanent and temporary impacts on riparian habitat. Caltrans proposes restoration and replanting of temporarily disturbed areas to enhance riparian habitat. Native vegetation will be planted. On-site riparian restoration areas include restoring the unvegetated disturbed area along the Smith River's south bank. Part of the mitigation package includes removing invasive species at the Hambro Parcel (see description above under "Mitigation Projects") located northwest of and directly adjacent to Caltrans' Crescent City Marsh Wildlife Area.	Revegetation and mitigation specialist, Project Biologist	Pre/ During/ Post Const
Wetlands-1: Wetlands. While the standard measures built into the project would help offset potential effects, Caltrans is pursuing compensatory mitigation for impacts on wetlands and other waters. Mitigation includes on-site revegetation, on-site wetland creation, and off-site wetland enhancement at the Hambro property (e.g., invasive species removal).	Revegetation and mitigation specialist, Project Biologist	Pre/ During/ Post Const

Dr. Fine Bridge Replacement Project

Measures to Avoid or Minimize Non-Significant Impacts Within CSLC Jurisdiction¹

Environmental Resource	Avoidance or Minimization Measure
Land Use – Parks and Recreational Facilities	Access-1: River Access and Signage
Visual/Aesthetics	Visual-3: Color galvanized steel bridge railings
Animal Species	Species-1: Biological Monitor during In-stream Work
	Species-2: Roosting Bat Protection
	Species-3: Marine Mammal Monitoring
	Species-4: Pre-construction Survey for Amphibians and Reptiles
	Species-5: Aquatic Species Relocation
	Species-6: Seasonal In-stream Restrictions
	Species-7: Hydroacoustic Monitoring
	Species-8: Pile-driving Methods
	Species-9: Lamprey Protection

Project Features, Standard Measures, and Best Management Practices Within CSLC Jurisdiction²

Environmental Resource	Project Feature, Standard Measure, or Best Management Practice
Land Use – Wild and Scenic Rivers	LU-3: Public Outreach
Visual/Aesthetics	VA-1: Bridge Aesthetic Treatment
	VA-2: Revegetate Riparian and Wetland Areas
	VA-4: Bridge Railing Design

¹ Measures were taken from the Environmental Commitments Record for the Dr. Fine Bridge Replacement Project.

² Measures were taken from the Dr. Fine Bridge Replacement Project Final Environmental Impact Report/Environmental Assessment with Finding of No Significant Impact, Section 1.7.1.17.

Environmental Resource	Project Feature, Standard Measure, or Best Management Practice
	VA-5: Avoid and Minimize Tree Removal
Cultural Resources	CR-1: Unexpected Discovery of Cultural Materials
	CR-2: Procedures for Human Remains
	CR-4: Shipwrecks
Hydrology and Floodplain	HF-1: Remove Gravel Berms and Construction Trestle Decks
	HF-2: Debris Management Plan
Water Quality and Storm Water Runoff	WQ-1: Prepare and Implement SWPPP
	WQ-2: Pollution Prevention and Design Measures
	WQ-3: Prepare and Implement Dewatering Construction and Management Plan
	WQ-4: Permanent BMPs to Treat Operational Stormwater Runoff
	WQ-5: Implement Debris Containment System
Geology/Soils/Seismic/ Topography	GS-1: Erosion Control BMPs
	GS-2: Seismic Design Elements
Paleontology	PA-1: Unexpected Discovery of Paleontological Resources
Hazardous Waste and Material	HW-1: Lead Compliance Plan
	HW-2: Hazardous Air Pollutants Permit
	HW-3: Dust Control Plan
	HW-4: Asbestos Compliance Plan
	HW-5: Treated Wood Waste
Air Quality	AQ-1: Air Pollution Control
	AQ-2: Dust Control Measures
	AQ-3: Construction Equipment
Natural Communities	NC-1: ESA Fencing
	NC-2: Restoration of Temporary Impact Areas

Environmental Resource	Project Feature, Standard Measure, or Best Management Practice
	NC-3: Minimize Project Footprint
	NC-4: Worker Environmental Awareness Training
Animal Species	AS-1: Minimize Nighttime Lighting
	AS-2: Nesting Bird Protection
	AS-3: Bird Nesting Prevention
Invasive Species	IS-2: Wash Invasive Species and Pathogens from Equipment
	IS-3: Equipment Decontamination

EXHIBIT D – DR. FINE BRIDGE REPLACEMENT PROJECT

CALIFORNIA STATE LANDS COMMISSION STATEMENT OF FINDINGS

1.0 INTRODUCTION

The California State Lands Commission (Commission or CSLC), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings to comply with CEQA as part of its discretionary approval to authorize issuance of a Public Agency Permit, to the California Department of Transportation (Caltrans), for use of sovereign land associated with the proposed Dr. Fine Bridge Replacement Project (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)¹ The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306, 6009, subd. (c).) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

The Commission is a responsible agency under CEQA for the Project because the Commission must approve the Public Agency Permit for the Project to go forward and because Caltrans, as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. Caltrans analyzed the environmental impacts associated with the Project in a Final Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2010102037) and, in March 2020, certified the EIR and adopted mitigation measures and Findings.

The Project involves construction of a new two-lane bridge to improve the safety, connectivity, and reliability of the bridge for hikers, bikers, travelers, commuters, and freight carriers by replacing the current bridge structure. The existing bridge would be demolished once the new structure is available to the public. The Project is needed to address several critical issues associated with the safety and structural integrity of the existing bridge which was constructed in 1940.

Caltrans determined that the Project could have significant environmental effects on the following environmental resources:

- Aesthetics; and
- Biological Resources.

¹ CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, title 14, section 15000 et seq.

Of the two resources areas noted above, Project components within the Commission's jurisdiction (i.e., dredging) could have significant environmental effects on the following resource area:

- Biological Resources

In certifying the Final EIR and approving the Project, Caltrans imposed various mitigation measures for Project-related significant effects on the environment as conditions of Project approval and concluded that Project-related impacts would be substantially lessened with implementation of these mitigation measures such that the impacts would be less than significant.

As a responsible agency, the Commission complies with CEQA by considering the EIR and reaching its own conclusions on whether, how, and with what conditions to approve a project. In doing so, the Commission may require changes in a project to lessen or avoid the effects, either direct or indirect, of that part of the project which the Commission will be called on to carry out or approve. In order to ensure the identified mitigation measures and/or Project revisions are implemented, the Commission adopts a Mitigation Monitoring Program (MMP) as set forth in Exhibit C as part of its Project approval.

2.0 ADMINISTRATIVE RECORD OF PROCEEDINGS AND CUSTODIAN OF THE RECORD

These Findings are supported by substantial evidence contained in the EIR and other relevant information provided to the Commission or existing in its files, all of which is contained in the administrative record. The administrative record is located at the California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825. The custodian for the administrative record is the California State Lands Commission Division of Environmental Planning and Management.

3.0 FINDINGS

The Commission's role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each "public agency" that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) Because the EIR certified by Caltrans for the Project identifies potentially significant impacts that fall within the scope of the Commission's approval, the Commission makes the Findings set forth below as a responsible agency under CEQA. (State CEQA Guidelines, § 15096, subd. (h); *Riverwatch v. Olivenhain Mun. Water Dist.* (2009) 170 Cal.App.4th 1186, 1202, 1207.

While the Commission must consider the environmental impacts of the Project as set forth in the EIR, the Commission's obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts which it decides to carry

out, finance, or approve (Pub. Resources Code, § 21002.1, subd. (d); State CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because the Commission's exercise of discretion involves only issuing a Public Agency Permit for this Project, the Commission is responsible for considering only the environmental impacts related to lands or resources subject to the Commission's jurisdiction. With respect to all other impacts associated with implementation of the Project, the Commission is bound by the legal presumption that the EIR fully complies with CEQA.

The Commission has reviewed and considered the information contained in the Project EIR. All significant adverse impacts of the Project identified in the EIR relating to the Commission's approval of a Public Agency Permit, which would allow for new bridge construction and existing bridge demolition, are included herein and organized according to the resource affected.

These Findings, which reflect the independent judgment of the Commission, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects unless the agency makes written findings for each of those significant effects. Possible findings on each significant effect are:

- (1) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.²

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.

The mitigation measures are briefly described in these Findings; more detail on the mitigation measures is included in the Final EIR.

² See Public Resources Code section 21081, subdivision (a) and State CEQA Guidelines section 15091, subdivision (a).

A. SUMMARY OF FINDINGS

Based on the CEQA checklist provided in Section 3.1 of the Final EIR, the proposed Project will have No Impact on the following environmental issue areas:

- Energy
- Land Use and Planning
- Mineral Resources
- Population and Housing

The EIR subsequently identified the following impacts as Less Than Significant:

- Agriculture and Forest Resources
- Air Quality
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

For the remaining potentially significant effects, the Findings are organized by significant impacts within the EIR issue areas as presented below.

B. POTENTIALLY SIGNIFICANT IMPACTS

There were no impacts identified in the Final EIR to be potentially significant absent mitigation.

C. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION (LTSM)

The impacts identified below were determined in the Final EIR to be potentially significant absent mitigation; after application of mitigation, however, the impacts were determined to be less than significant. For the full text of each mitigation measure (MM), please refer to Exhibit C, Attachment C-1.

1. BIOLOGICAL RESOURCES

CEQA FINDING NO. BIO-1

Impact: **Riparian Habitat and Wetlands (including coastal Environmentally Sensitive Habitat Areas (ESHAs)).**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in filling 0.02 acre of 3-parameter wetlands and an additional 0.15 acre of coastal (less than 3-parameter) wetlands. The Project would also have temporary and permanent impacts on riparian areas including coastal ESHAs.

Implementation of MMs Riparian-1 and Wetlands-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM Riparian-1: Riparian Habitat.

MM Wetlands-1: Wetlands.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-2

Impact: **Animal Species – Western Pearlshell Mussell.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to have an adverse effect on Western pearlshell mussels.

Implementation of MM Mussell-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM Mussell-1: Western Pearlshell Mussell.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-3

Impact: **Threatened and Endangered Species – Coho Salmon.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to have an adverse effect on Coho salmon.

Implementation of MM Coho-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM Coho-1: Coho Salmon.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.