

COASTAL CONSERVANCY

Staff Recommendation
December 2, 2010

TRINIDAD PIER RECONSTRUCTION

File No. 06-018-02
Project Manager: Su Corbaley

RECOMMENDED ACTION: Authorization to disburse up to \$500,000 to the Cher-Ae Heights Indian Community of the Trinidad Rancheria to reconstruct the Trinidad Pier.

LOCATION: Trinidad Bay, City of Trinidad, Humboldt County (Exhibit 1)

PROGRAM CATEGORY: Urban Waterfront Restoration

EXHIBITS

- Exhibit 1: [Project Location and Site Map](#)
 - Exhibit 2: [Photograph of Pier](#)
 - Exhibit 3: [Map of Kelp Bed Critical Coastal Area](#)
 - Exhibit 4: [Project Letters](#)
 - Exhibit 5: [CEQA Documentation](#)
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31300-31315 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the Cher-Ae Heights Indian Community of the Trinidad Rancheria (“the Rancheria”) to undertake the reconstruction of the public fishing pier in Trinidad, subject to the following conditions:

1. Prior to the disbursement of any funds the Executive Officer shall approve in writing a work plan, budget and schedule, and any contractors to be used for the activities under this authorization
2. The grantee shall provide evidence that all permits and approvals necessary for each component of the project to be funded have been obtained.

TRINIDAD PIER RECONSTRUCTION

3. Conservancy funding shall be acknowledged by erecting and maintaining at the project site a sign or signs, the design, placement and duration of which shall be approved by the Executive Officer.
4. With respect to work funded by the Conservancy an agreement to protect public interest shall be entered into between the Conservancy and the Rancheria.
5. The Rancheria shall implement or cause to be implemented the mitigation measures identified in the Mitigated Negative Declaration (MND) for the Trinidad Pier Reconstruction Project, dated August 2007, and specifically the Best Management Practices pertaining to the generation of greenhouse gases, as discussed in Project Selection Criterion No. 18 of the accompanying staff recommendation, below. Prior to the approval of the project as complete, and prior to the final disbursement of retained funds, the grantee shall submit, and the Executive Officer shall approve, a completed Mitigation Monitoring Report which evaluates implementation of mitigation measures identified in the MND.

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria in Chapter 7 of Division 21 of the Public Resources Code (Sections 31300-31315) regarding the restoration of urban waterfronts.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines most recently updated by the Conservancy on June 4, 2009.
3. The Conservancy has independently reviewed the Mitigated Negative Declaration prepared by the Rancheria, under the California Environmental Quality Act, and approved by the Trinidad Planning Commission on November 14, 2007 (attached to the accompanying staff recommendation as Exhibit 5) with respect to the reconstruction of the Trinidad Pier. The Conservancy finds that the project as conditioned avoids, reduces, or mitigates the possible significant environmental effects to a level of insignificance, and there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

PROJECT SUMMARY:

Staff is recommending the Conservancy authorize the disbursement of up to \$500,000 to the Cher-Ae Heights Indian Community of the Trinidad Rancheria (“the Rancheria”) to replace the pier located on Trinidad Harbor in Trinidad, Humboldt County (Exhibit 1). The pier, which was built in 1947 to support commercial and recreational fishing, is constructed of Douglas fir pilings and decking (Exhibit 2) that have deteriorated, making the pier unsafe for heavy use. The existing pier has contaminated the harbor with chemicals from creosote-treated pilings and runoff from routine fishing- activities such as boat-washing, facilities maintenance and fish cleaning. Replacing the pier will resolve these safety and contamination issues, provide continued public access, improve the Trinidad waterfront and protect the environment. The pier will be constructed of non-contaminating concrete and steel, and be equipped with a storm water

TRINIDAD PIER RECONSTRUCTION

runoff collection system. It is designed to withstand significant events such as earthquakes or tsunamis.

In early 2007, with a grant from Conservancy, the Rancheria initiated necessary studies to prepare engineering design and construction specifications, environmental evaluations and obtain all permits needed for construction. The Rancheria completed that work in 2009.

Crabbing, salmon fishing, and ocean bottom fishing are a major attraction in the Trinidad area. Along with the Eureka marina located approximately 25 miles to the south, the Trinidad pier provides one of only two pier fishing and boating support facilities along the 170 miles between Shelter Cove in southern Humboldt County and Crescent City in Del Norte County (Exhibit 1). Without the ability to replace the structure with one that will provide safe use and clean non-contaminating facilities, the pier will go out of service. If this facility were to become unavailable it would have an important negative impact on the local tourist and fishing economy.

The existing pier will be removed and a new pier constructed, maintaining the current footprint, with approximately 13,500 ft² of pre-cast concrete decking, 115 concrete piles including batter and moorage piles (18 inches in diameter), four hoists, standard lights, guardrail, and dock utility pipes including water, power, and phone. In addition, a new storm water collection system will be incorporated into the restructured pier. The cast-in-steel concrete piles will be separated at 5 foot intervals along each of 22 concrete bents, each separated 25 feet apart. The decking will be constructed of pre-cast 20-foot long concrete sections. The new pier will be 540 feet long and will vary in width from 24 feet wide along the northern half to 26 feet wide along the southern half. An additional pile bent will be installed at a lower elevation to provide access to the floating dock. The existing stairs to the lower dock will be replaced with a ramp that is ADA compliant. The decking of the pier will be constructed at an elevation of 21 feet above Mean Lower Low Water. The top of the decking will be concrete poured to create a slope for drainage and to incorporate a pattern and a color into the concrete surface in order to provide the pier with an aesthetically pleasing look. An open guardrail, 42 inches in height, will be constructed of tubular galvanized steel rail bars uniform in shape. Lighting will be installed in the decking (and railing in the landing area) along the length of the pier in a manner to prevent light pollution. Finally, a new fish cleaning station will be constructed on the upland area (as a separate project). All design specifications comply with the California Building Code.

Humboldt State University maintains its marine lab in Trinidad; the lab leases space on the pier for placement of a pump and associated plumbing to obtain seawater for the Telonicher Marin Laboratory. This equipment will also be replaced with materials and equipment similar to the existing plumbing (PVC saltwater intake pipes) to be directly under the decking of the pier. A new shed to house the pump will be built on the pier. The upgrade to the Telonicher Marin Laboratory equipment is not a part of the project proposed for Conservancy funding.

Construction of the new pier will facilitate the use of the existing pier during construction. The existing piles will be removed and new piles will be installed from the existing dock. The existing piles will be replaced with steel casings driven into the substrate, foundation holes will be augured, and concrete will be poured into the casings. The pile holes will be fortified with steel cages prior to pouring. Once the piles are in-place, the remainder of the new pier will be installed one-to-one with the existing structure and replaced in sequence, as feasible, to maintain access for public use of the pier during construction.

TRINIDAD PIER RECONSTRUCTION

The project is expected to begin in mid-2011 and be completed within nine months. Public access during crab and salmon season will be maintained to the extent possible.

Trinidad Rancheria is a federally recognized tribe and as such is eligible to receive Conservancy funding for projects to restore urban waterfronts (Pub. Res. Code §§ 31017, 31307).

Site Description: Trinidad Pier is located on the Pacific Ocean in Trinidad Harbor, immediately south of Trinidad Head and adjacent to Little Head. The pier, and its surrounding infrastructure (parking lots, restaurant and gift shop), have been owned by the Rancheria since 2000 when the property was purchased from the Pullman and Hallmark Trust. As a condition of that purchase, the Rancheria agreed to maintain the pier as a public facility.

In the 1970s, the Trinidad Head area was designated by the SWRQB as an Areas of Special Biological Significance (“ASBS”), and the ocean waters surrounding Trinidad Head and extending east and west along approximately two miles of coast, contain the Trinidad Kelp Beds, which was designated by the California Coastal Commission as a Critical Coastal Area (“CCA”) (Exhibit 3). CCAs and ASBSs are afforded special protections from pollution and upland impacts. Pier operations include boat launching, fish cleaning, hoists, support vehicle transport, pier cast-fishing, and equipment maintenance. These are activities that, if allowed to continue under the present infrastructure – one without a mechanism to control surface runoff from discharging to the bay waters - would have a negative impact on the sensitive harbor and bay habitat. Reconstruction of the pier with non-contaminating materials, up-to-date plumbing and wash down systems, and a complete storm water collection system will eliminate the continued threat to water quality and the ocean habitat.

Project History: In early 2005, the Rancheria approached Conservancy staff for assistance with the project to reconstruct the public pier in Trinidad Harbor. In October 2006, the Conservancy authorized a grant to the Rancheria to prepare engineering and design documents and complete the environmental planning and permitting for a new pier to replace the existing pier. In September 2007, the Rancheria completed the Mitigated Negative Declaration (“MND”) prepared for the project, and on November 13, 2007 on behalf of the project in its role as project partner, the City of Trinidad Planning Commission adopted the MND. From 2007 to mid-2009, the Rancheria and its contractor finalized the engineering plans and design-build specifications. In late 2009 and early 2010, the Rancheria obtained all necessary regulatory approvals for construction of the pier.

PROJECT FINANCING:

Coastal Conservancy	\$500,000
State Water Quality Control Board	2,500,000
U.S. EPA	200,000
U.S. Federal Highways*	2,113,000
TIGER II*	<u>3,000,000</u>
Total Project Cost	8,313,000

The Conservancy’s contribution to this project is expected to come from the FY 2010/11 appropriation from the Safe Neighborhoods, Parks, Clean Water, Clean Air and Coastal Protection Bond Fund (Proposition 12) allocated for resource development projects north of the

TRINIDAD PIER RECONSTRUCTION

Gualala River, and from the FY 2008/09 appropriation from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). The project is consistent with these funding sources in that Proposition 12 funds may be used to develop public use facilities in coastal areas as designated by Public Resources Code § 5096.352(c)(2), and Proposition 84 funds may be used for projects that prevent contamination and degradation of coastal waters and watersheds. Section 75060(b) of the Public Resources Code specifically allocates Proposition 84 funding to the Conservancy for expenditure pursuant to the Conservancy's enabling legislation, Division 21 of the Public Resources Code. The proposed project serves to eliminate a contamination source thus preventing continued degradation of coastal waters. As discussed in the section found immediately below, the project is consistent with Chapter 7 of Division 21. (Public Resources Code § 75060(b)).

The Rancheria has secured \$4,813,000 of their matching funds, and has applied for an additional \$3,000,000 in Transportation Investment Generating Economic Recovery II (TIGER II) grant funds. Additionally, the Rancheria is in the process of securing a \$2,500,000 line of credit to facilitate prompt payment and fluidity of construction, and provide the funds necessary to move forward if a lesser amount of the TIGER II grant is awarded. In addition to TIGER II funds, the funding provided by the Federal Highways Administration is comprised of: \$363,000 from American Recovery and Reinvestment Act funds, \$750,000 in Tribal allocations, and \$1,000,000 from a Bureau of Indian Affairs High Priority Project account.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project would be undertaken pursuant to Chapter 7 of the Conservancy's enabling legislation (California Public Resources Code Sections 31300-31315).

Section 31301 sets forth the legislative finding that California's urban waterfronts are in need of restoration in order to remain a vital economic and cultural component of the community and establishes the promotion of urban waterfronts as the purpose of Chapter 7.

Pursuant to §31303, the pier has been designed taking into account the sensitive environment of the Trinidad Head kelp beds, and incorporates materials and containment infrastructure to protect the kelp beds and surrounding water quality. Additionally, the new pier will occupy the same foot print as the existing pier and so will not increase its impacts to the underlying substrate.

Under §31307, the Conservancy may award grants to public agencies for the restoration of urban coastal waterfront areas. This project would develop a new, safer and cleaner pier for the general public to access for pier fishing, boat launching, strolling and general enjoyment, as well as provide an improved facility to maintain continued viability of the recreational and commercial fishing economy in Trinidad.

Pursuant to §31308, the Conservancy may provide up to the total cost of any urban waterfront project. The engineers estimate for construction is approximately \$8.3 million, of which the Rancheria has secured more than 65 percent of the project cost and expects to secure another 30 percent soon. The Conservancy would provide the remaining 5 percent, or \$500,000, toward the project. Also consistent with this section, the level of Conservancy funding for this project has been determined through consideration of the total amount of funding available for urban waterfront projects, the financial resources of the grantee, and the relative urgency of the project.

TRINIDAD PIER RECONSTRUCTION

Consistent with § 31311.5, the grant will support the long-term economic viability of the commercial fishing industry in the Trinidad area, as discussed above.

CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 3, Objective B**, the proposed project will restore a northern California urban waterfront resulting in increased public coastal access, tourism, and economic vitality by providing and maintaining commercial and recreational fishing.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted June 4, 2009, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The replacement of the Trinidad Pier has the support of the public and fishing community to expand the pier's capacity and improve structural safety, and to protect the Trinidad Kelp Beds. The Conservancy has received letters of support from the City of Trinidad City Council, State Assembly member Wes Chesbro, State Senator Patricia Wiggins, United States Congressman Mike Thompson, the Humboldt County Association of Governments, the City of Arcata, and the North Coast Tribal Transportation Committee (Exhibit 4).
4. **Location:** The proposed project would be located within the coastal zone of Trinidad, Humboldt County.
5. **Need:** The pier is severely deteriorated and in need of immediate replacement for recreational and commercial fishing and for the enjoyment of locals and visitors. If the pier were to be taken out of service there would be a great impact to the local fishing and tourist economy, as well as to the public who enjoy the coastal access the pier provides. The Rancheria has completed the planning phase off this project, and has secured 65 percent of the funds needed to carry out this project, and anticipates being awarded a grant for another 30 percent of the funds, as discussed in the Project Financing section above. In order to secure those additional funds, the Rancheria must show confirmed matches by the end of 2010. Conservancy funding would provide the leverage necessary to secure the final funds needed for the project.
6. **Greater-than-local interest:** Tourism and recreational fishing are important elements of California's coastal waterfront economy, and are a critical component of Trinidad's, and Humboldt County's, economy. Local and regional residents, as well as out of area tourists

TRINIDAD PIER RECONSTRUCTION

utilize the pier at Trinidad. As the only open-ocean pier between the Eureka Marina and Crescent City, it is critical to maintaining this industry along northern California's coast.

7. **Sea level rise vulnerability:** The pier is located on Trinidad Bay which will experience impacts from the sea level rise anticipated for the years 2050 through 2100, as well as increased storm severity. However, the pier deck will be 21 feet above the current Mean Lower Low Water level, which is well above the anticipated sea level rise by 2100 of 55 inches. The support posts and pilings will be subject to exposure from sea level rise and potential increase in storm severity. However, the impact will be minimal because the pier is engineered to withstand severe conditions including tsunamis. Thus, the project will not be adversely affected by anticipated sea level rise.

Additional Criteria

8. **Urgency:** Because of the order from the State Water Quality Control Board to cease discharging to the bay, the pier cannot operate at its capacity, potentially impacting the local economy. Further, the pier is much deteriorated and may prove unsafe for its users. If the Rancheria cannot replace the pier, it will likely close the pier for reasons of public safety and water quality.
9. **Resolution of more than one issue:** Replacing the Trinidad Pier would result in increased capacity at the pier and eliminate point source contamination to the Trinidad Kelp Beds Critical Coastal Area (See Exhibit 3).
10. **Leverage:** See the "Project Financing" section, above.
13. **Readiness:** The planning is complete, the designs are approved, necessary permits are in place, and nearly all of the funding will soon be in place. It is expected the project will begin in August 2011.
14. **Realization of Prior Conservancy goals:** The project would complete the Conservancy's ongoing effort to assist with the replacement of the pier.
17. **Vulnerability from climate change impacts other than sea level rise:** Trinidad Harbor is open to the Pacific Ocean and thus can experience strong winter storm surges and heavy winds. The new pier will be constructed of concrete and steel and is designed to withstand severe weather, as well as impacts from tsunamis.
18. **Minimization of Greenhouse Gas Emissions:** The Rancheria will work to minimize fuel usage and emissions generated by construction activities involving heavy equipment through Best Management Practices including, but not limited to using local contractors with local equipment to minimize transportation; using local materials to reduce transportation costs; and limiting idling times to not more than 5 minutes. The project will not produce ongoing emissions, and thus will not contribute long term generation of green house gases.

COMPLIANCE WITH CEQA:

The proposed action would authorize replacement of the Trinidad Pier to benefit public access for commercial and recreational fishing, and maintain the economic viability of the Trinidad waterfront. The project involves working in and above the waters of Trinidad Bay, and utilizing

TRINIDAD PIER RECONSTRUCTION

an onshore staging area for equipment and materials storage, and temporary placement of materials removed from the existing pier during deconstruction.

The Rancheria conducted the environmental evaluation and prepared the environmental documentation to assess potential project impacts. In partnership with the Rancheria, the City of Trinidad (the city) is the lead local agency for the purposes of California Environmental Quality Act (“CEQA”) review for the pier reconstruction project. On November 14, 2007, the city adopted a Mitigated Negative Declaration (“MND”; see Exhibit 5), and on January 17, 2008 filed a Notice of Determination for the Trinidad Pier Reconstruction Project. The City of Trinidad finds that the pier reconstruction project, although it could, will not cause minor short-term impacts because measures will be incorporated into the project to lessen the impacts to an insignificant level.

The MND discusses the potential less-than-significant environmental effects and less-than-significant-with-mitigation-incorporated environmental effects for the project. The MND discusses potential impacts of the collective activities and prescribes mitigation measures for them. Less-than-significant-with-mitigation incorporated impacts for these projects pertain to biological resources, hazards and hazardous materials, cultural resources, hydrology and water quality, land use planning, and noise; potential impacts and the specific mitigation measures are discussed below. The MND also discusses less-than-significant impacts on various resources.

Air Quality

The project may have a short term effect on air quality during construction through generation of greenhouse gases (GHGs) and through wind borne soil erosion. With regard to reduction of air quality as a result of GHG emissions, the project will not cause a cumulatively considerable effect on climate change, since the project will not produce ongoing emissions and because Best Management Practices (BMPs) will be implemented to reduce what short term GHG emissions are generated during construction (see Consistency with Conservancy’s Project Selection Criteria & Guidelines, item 18.). BMPs will include, at a minimum, using local contractors with local equipment to minimize transportation; using local materials to reduce transportation costs; and limiting idling times to not more than 5 minutes. With regard to wind borne soil erosion impact to air quality, the project will implement Best Management Practice (BMP) WE-1 Wind Erosion Control as listed in the California Stormwater Quality Association Construction Handbook. Wind erosion or dust control consists of applying water or other dust palliatives as necessary to prevent or alleviate dust nuisance generated by construction equipment in the nearby onshore staging area. Covering small stockpiles or areas is an alternate to applying water or other dust palliatives.

All activities will be required to be carried out in compliance with all Unified Air Pollution Control District and other local jurisdictions', rules, ordinances and statutes since no existing plan or mitigation program for GHG emissions has been adopted for Humboldt County. As a result, staff finds that while there is some potential for the project to increase GHG emissions as compared to the current environmental setting, there is no evidence to suggest such emissions would rise to a level of significance.

Biological Resources

With respect to biological resources, potential impacts to mammals and fish from noise levels generated underwater as a result of construction activities were identified. However, the impacts

TRINIDAD PIER RECONSTRUCTION

from noise to mammals and fish will not have a significant adverse effect because it has been mitigated specifically through requirements in the scope of work. A noise study shall be performed to confirm that noise levels are not above the thresholds specified by the National Marine Fisheries Service (NMFS). The noise study will be conducted to measure the ambient sound levels in the air and water in the Trinidad Harbor and will measure noise levels generated from drilling and steel casing installation for the piles. Exposure will be strictly limited.

Daily work windows will be enforced for noisy work. Any work that is above peak ambient levels would be restricted to the period between 7 AM and 7 PM except for concrete pouring, which is time dependent.

Noise impacts during pile installations will be minimized by vibrating steel plates into place, drilling the holes and pouring the concrete in sequence.

Monitoring of marine mammals will be conducted by qualified personnel one hour prior until one hour after construction activities cease each day throughout the construction window. If marine mammals are identified within 500 meters of the project area, the Project Manager/Engineer will notify the crew. When working on pile removal or installation, work will temporarily stop to allow the species to move away from the project site. Work will not be required to stop on the removal or construction of the pier decking.

All of the above will be recorded in daily logs. Noise levels will be monitored during construction by the Project Manager and, as appropriate, NMFS, ACOE, or DFG. Monitoring logs for noise level study and the presence of marine mammals will be submitted to the regulatory/permit issuing agencies, including the Army Corps of Engineers (ACOE), the California Coastal Commission (CCC), the NMFS, the Department of Fish and Game (DFG), and/or the City of Trinidad where appropriate.

Cultural Resources

Potential impacts to historical, archeological and human remains were identified. However, project activities are not expected to have a significant adverse effect because the effects have been mitigated specifically through onsite monitoring and surveys. An elder member of the Yurok Tribe qualified by the State Historical Preservation Officer will be present during pile removal and pile installation and will monitor the construction site for cultural and archeological resources. The monitor will inspect the sediment removed from the construction area for cultural and archeological resources. The Tribe monitor will inspect the material as it is bored out of the holes and will also be able to continuously inspect the material at a temporary stockpiling location in the project staging area. If cultural or archeological artifacts are discovered during pile removal or pile installation, operations will be halted until a qualified cultural resources specialist is consulted. Subsurface surveys will be conducted to determine the boundaries of the resources. If human remains are discovered, the County Coroner must be contacted. A protocol to follow in the event that cultural or archeological resources are discovered shall be prepared prior to commencement of the project. A copy will be provided to the City of Trinidad and the Yurok Tribe. Activities will be monitored for impacts throughout construction activities, and reports will be sent to the North Coast Information Center (NCIC), ACOE, CCC, NMFS and DFG.

Hazards and Hazardous Materials

TRINIDAD PIER RECONSTRUCTION

Potential impacts to water quality from the use of hazardous construction materials and fueling of construction equipment were identified. The potential for significant adverse effects are mitigated to less than significant levels by adhering to an approved Hazardous Materials Spill Prevention Plan (HMSPP), prepared by the Rancheria and submitted to the City of Trinidad. The HMSPP will include a list of all materials and equipment to be used, a list of equipment that shall be used in case of a spill and the necessary resources and regulatory agencies that must be notified in case of an accidental spill of any hazardous material. Daily logs will be maintained as evidence of compliance with the HMSPP, and to record any incidents and follow-up action.

Hydrology and Water Quality

With regard to hydrology and water quality, potential impacts to water quality during construction were identified. Project activities are not expected to have a significant adverse effect due to the implementation of project specific mitigation measures incorporated into the routine scope of work, and specific actions to be taken in the event of incidental discharges.

Specifically, strict adherence to a project specific demolition plan will be maintained; the demolition plan includes a provision that no debris shall be allowed to fall into the bay. Sediment and cutting from the pile installation will be removed from the work site and placed into closed containers and will receive appropriate treatment, as required by the Regional Water Quality Control Board (RWQCB) prior to disposal.

No concrete washing or water from concrete will be allowed to flow into the ASBS and no concrete will be poured within flowing water.

The pH of the project water shall be tested one day following the pouring of concrete seals to verify the pH did not change by more than 0.2 units from the ambient pH. The water will be pumped into 50-gallon drums where it will be percolated to eliminate solids and discharged. If the pH has changed by more than 0.2 units from the ambient measurement, the water will be hauled to the Eureka Wastewater Treatment Plant for treatment before discharge.

BMPs will be implemented in the staging area in accordance with an approved Storm Water Pollution Prevention Plan (SWPPP) to prevent runoff to the bay waters. The BMPs may include mulches, silt fences, fiber rolls, straw bales, and sandbag barriers.

BMPs will be implemented for the pier project area in accordance with the SWPPP to protect the bay waters. The BMPs include providing a protective cover directly under the pier and above the water to capture any incidental loss of demolition or construction debris.

In the event of accidental leaking of concrete into the sediment during concrete-seal pouring construction activities will cease and the RWQCB will be notified. The source of the leak will be identified and a mitigation restoration plan will be developed with the regulatory agencies.

Daily logs will be maintained to verify compliance with these measures. The project will be monitored by the Project Engineer, and as appropriate by the applicable agency which can include ACOE, CCC, and the City of Trinidad.

Land Use and Planning

With regard to land use, potential impacts to public access were identified. These impacts will not have a significant adverse effect in that, to the extent possible, access to the pier will be maintained during construction. Construction equipment must be maintained in place on the pier and in the staging area during construction. Removal and installation of each row of piles, bents,

TRINIDAD PIER RECONSTRUCTION

and decking section is expected to take one week, and encompass an 'active' area of approximately 2000 ft², allowing for usable public space in the remaining areas. The pier area that is used to unload and load crabs and the hoists should be available within eight weeks of the beginning of construction. The lower decking/floating dock area will not be accessible during construction of that portion of the pier, so construction in this area will occur outside the salmon season. To accommodate the public and reduce impact to its use of the pier, and maintain public safety, the working area will be clearly marked, and signs shall be installed notifying the public of the construction activities. A detailed plan describing the procedures that will be followed to maintain public access will be prepared, and all activities will be coordinated with the Trinidad Pier Harbor Master. Though no impact to other coastal dependent uses is identified, the above procedures are expected to avoid any unanticipated impacts. The implementation of these measures will be monitored throughout construction, and daily logs will be recorded to document compliance.

Noise

With regard to noise, the potential for established ordinances or standards to be exceeded during construction, or for ambient levels in the vicinity of the project to increase, was identified. However, increased noise caused by construction site tool and equipment use is not expected to have a significant adverse effect by controlling the hours construction can occur. The use of tools or equipment for construction, drilling, repair, alteration or demolition will be limited to between the hours of 7AM and 7 PM, Monday through Friday, and between the hours of 9 AM and 7 PM on Saturdays. No heavy equipment related construction activities will be allowed Sundays or holidays. Concrete pouring shall be allowed after 7 PM in order to allow the concrete to cure during the night. Trucks used for transport and all stationary and construction equipment will be maintained in good working order and fitted with a factory approved muffler system. The project will be monitored by the Project Engineer, and as appropriate by the applicable agency which can include ACOE, CCC, and the City of Trinidad.

With the changes incorporated into the resolution and mitigations, staff believes that the potentially significant effects have been reduced to a level of insignificance. The required mitigations will be monitored and reported to the Rancheria, the City of Trinidad, and appropriate applicable regulatory agencies. These activities will be carried out consistent Public Resources Code Section 21081.6. While the MND mitigation plan does not outline the requirement for final reporting to any of the agencies, individual permits may. However, a final report outlining the mitigation and monitoring activities will be submitted to the Conservancy prior to final approval of the project, as conditioned in the Conservancy's resolution for authorization of this project.

Staff therefore recommends that the Conservancy find that the proposed project, as mitigated, will not have a significant effect on the environment.

Upon approval, staff will file appropriate CEQA notices.