SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
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January 20, 2012

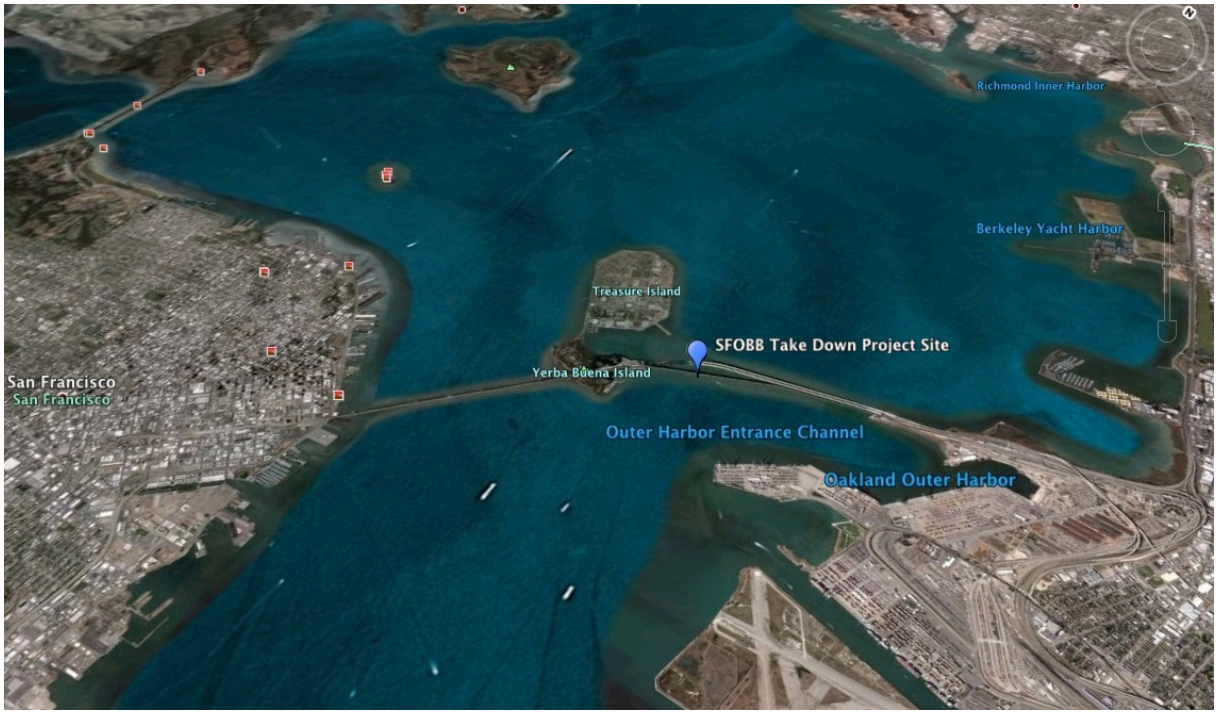
Application Summary
(For Commission consideration on February 2, 2012)

Number:	BCDC Permit No. 2001.008.32 (Material Amendment No. Thirty-Two)
Date Filed:	January 26, 2012 (Anticipated)
90th Day:	April 25, 2012 (Anticipated)
Staff Assigned:	Max Delaney (415/352-3668, maxd@bcdc.ca.gov)

Summary

Applicant: California Department of Transportation (Caltrans)

Location: In the Bay, at the East Span of the San Francisco-Oakland Bay Bridge (SFOBB), located between the City of Oakland, in Alameda County, and Yerba Buena Island, in the City and County of San Francisco (Exhibit A).



Project: Caltrans is nearing completion of the new East Span of the San Francisco-Oakland Bay Bridge (SFOBB) and is preparing to remove the existing eastern span of the bridge. This "take down" of the existing east span was previously authorized in 2001 when the Commission issued Permit No. 2001.008.00 (a.k.a. Permit No. 8-01), authorizing the entire SFOBB East Span Seismic Safety Project. However, at that time, Caltrans had not yet developed a detailed plan for removing the existing span. Caltrans has recently defined much of its proposed demolition approach (Caltrans is still evaluating the best approaches for removing the bridge footings) and requests Amendment No. Thirty-Two to San Francisco Bay Conservation and Development Commission (BCDC) Permit No. 2001.008.32 to authorize additional temporary fill structures needed to support dismantling activities.

As part of the proposed project, Caltrans anticipates its contractors would likely construct a temporary pile-supported access trestle extending from Yerba Buena Island (YBI) into the Bay located adjacent to the existing eastern span. The trestle would be used primarily for off-hauling materials during the dismantling of the cantilever superstructure (See "Background" section below for an overview of the major sections of the bridge). Caltrans also proposes to construct a second temporary pile-supported access trestle extending into the Bay from the Oakland shoreline, parallel to and south of the existing East Span (Exhibit B). This trestle would also likely have fingers extending under the bridge, perpendicular to the main trestle, to facilitate dismantling the remaining sections of the superstructure and removal of the marine foundations. Lastly, Caltrans anticipates that its contractor would likely install an array of temporary support piles for falsework to facilitate the removal of portions of the superstructure and to ensure the stability of portions of the structure not yet removed.

Table 1. Temporary Bay Fill Areas

Description	Type of Fill	Fill Area
YBI Trestle	Pile-Supported Platform	7,000 sq. ft. (0.16 acres)
Oakland Trestle	Pile-Supported Platform	96,000 sq. ft. (2.2 acres)
Support Piles for Superstructure Falsework	Piles	4,963 – 6,323 sq. ft. (0.11 – 0.15 acres)
Other Piles (Fenders, Access, Spuds, etc.)	Piles	468 – 1,065 sq. ft. (0.01 – 0.02 acres)
TOTAL		108,431 – 110,388 sq. ft. (2.49 - 2.53 acres)

Table 2. Numbers of Proposed Piles for Temporary Structures

Location	Reasons for Action	If 24", Maximum # of Piles	If 36", Maximum # of Piles
Cantilever Superstructure	Temporary Supports	440	220
504' Superstructure	Temporary Supports	450	250
288' Superstructure	Temporary Supports	700	420
Oakland Trestle	Access Trestle	700	420
YBI Trestle	Access Trestle	100 H-piles	100 H-piles
Other / Miscellaneous	Spuds, Fenders, Access, etc.	150	150
Maximum Number of Piles		2,540	1,560

Table 3. Anticipated Sequencing of Potential Temporary Trestles and (Falsework) Supports

Location	Reasons for Action	Estimated Dates of Installation	Estimated Duration of Use
YBI Trestle	Access Trestle	2012-2013	2-4 years
Cantilever Superstructure	Temporary Supports	2013-2014	1-2 years
504' Superstructure	Temporary Supports	2014-2015	1-2 years
288' Superstructure	Temporary Supports	2014-2016	2-3 years
Oakland Trestle	Access Trestle	2014-2017	1-4 years

Issues Raised: The staff believes that the application raises three primary issues: (1) whether the project is consistent with the Commission's fill policies; (2) whether the project is consistent with the Commission's policies on fish, other aquatic organisms, and wildlife; and (3) whether the project is consistent with the Commission's policies on water quality.

Background

The Commission originally approved the San Francisco-Oakland Bay Bridge Seismic Safety Project (SFOBB Project) on November 1, 2001. Caltrans determined that seismically retrofitting the East Span would be less desirable in terms of safety, public convenience, and cost-effectiveness so it opted to replace the existing 1936 steel truss bridge with a new self-anchored, steel suspension bridge connected by a concrete skyway structure and approach roadways that would meet current seismic design and traffic safety standards. The nearly completed, 2.18 mile replacement bridge is located north of the existing bridge (Exhibit B). . Caltrans anticipates that the new bridge will be completed and opened to traffic over Labor Day weekend, 2013. On that date, Caltrans will need to immediately begin dismantling the old span since it will continue to present a potential seismic hazard until it is removed. In order to be meet that target date for commencing demolition, Caltrans has a compressed schedule to obtain all applicable regulatory permits so that it can begin the necessary pre-demolition activities starting in the summer of 2012.

The existing East Span is approximately two miles long and is a double deck bridge that carries five lanes of traffic in each direction. It is supported by 22 in-water bridge piers as well as by land-based bridge piers and bents on both YBI and Oakland. The East Span is divided into three major sections (Exhibit C). Closest to YBI is a cantilever superstructure, comprised of two cantilever anchor arm elements that are 508 feet long and 512 feet long, respectively, and a 1,400-foot-long main span over the navigation channel. The superstructure of this segment includes the trusses, road deck and steel support towers. The second major section consists of a superstructure consisting of five 504-foot-long and fourteen 288-foot-long steel truss spans (Exhibit D). The vertical clearance beneath the 504-foot spans is approximately 165 feet above Mean High Water (MHW), while the vertical clearance beneath the 288-foot spans varies as the structure descends towards the Oakland shoreline. The superstructure of this segment includes the trusses, road deck and steel and/or concrete support towers. The last section of the bridge is comprised of marine foundations, which are in-water structures of various types that support the different superstructure sections. These foundations range from concrete caissons founded on deep bedrock to lightly reinforced concrete foundations supported by timber piles.

When the Commission issued Permit No. 2001.008.00 authorizing the construction of the new East Span, it also approved the removal of the old East Span. Special Condition II-F of the Commission's permit required that Caltrans completely remove the existing span, consisting of approximately 12.5 acres of high-level suspended fill for the bridge deck, trusses and girders, and approximately 78,829 cubic yards of solid fill for support piers and footings and pier fenders, to minimize Bay fill and mitigate for adverse impacts on Bay resources associated with fill for the new bridge. The original project description submitted to the Commission included some potential methods to dismantle the bridge superstructure, towers and foundations, included a proposal to dredge a temporary barge access channel and perform dredging around each foundation so they could be removed. Permit No. 2001.008.00 authorized these dredging activities but did not authorize Caltrans to place any temporary fill for the take-down of the old span, mainly because Caltrans had not yet established a detailed program for removing the bridge. Caltrans analyzed how the original bridge was built and determined that, due to its size and structural complexity, a "reverse construction" methodology would be a feasible and safe alternative for dismantling the bridge. Reverse construction would have less uncertainty, and would likely reduce worker safety risks, time in the Bay, environmental impacts, and project costs. Based on this approach, Caltrans determined it will need to place additional temporary Bay fill for new trestles and in-water support piles to remove the bridge.

Material Amendment No. Thirty-two would authorize: (a) a temporary pile-supported access trestle extending into and parallel to the existing East Span from Yerba Buena Island and covering up to 7,000 square feet of area (0.16 acres); (b) a temporary pile-supported access trestle extending into the Bay from the Oakland shoreline, south of and parallel to the existing East Span, covering up to 96,000 square feet of area (2.20 acres); and (c) temporary falsework supports to facilitate removing portions of the superstructure and to ensure stability of portions of the structure not yet removed (Exhibits E and F). Caltrans determined that the removal of the marine foundations will likely require the construction of temporary coffer dams around each of the piers and footings. However, Caltrans has not yet determined the final methodology for removing these foundations and, hence, have not fully assessed the potential impacts to water quality and natural resources that would occur. Therefore, the proposed amendment is for the take-down of the superstructure only and Caltrans will address the removal of the marine foundations through a future amendment to Permit No. 2001.008.032.

The final dismantling strategy for the superstructure would likely involve constructing the YBI trestle at the west end and either the temporary dredging of a barge access channel (already authorized in BCDC Permit 2001.008.00) and/or the construction of the Oakland trestle, or some combination of the two options. The temporary falsework supports would be added to the bridge throughout the project area as needed. These temporary structures would be contractor-designed and so their exact nature (size, type, number of piles, etc.) is not known until the dismantling begins. However, Caltrans developed conservative estimates and calculations for the total number of potential piles needed for the dismantling of the bridge based on "worst case" scenarios (i.e. they include pilings to support the weight of the bridge superstructure including the weight of the bridge decks. However, the decks would probably be removed prior to the installation of these temporary supports, which would likely mean that fewer piles will be needed to support the superstructure). Lastly, the work will be staged and not all piles will be in the Bay at the same time. It is estimated that a maximum of 2,540 temporary piles may be installed to support the trestles and falsework. These piles would either be 24 inches-in-diameter or 36 inches-in-diameter. Table 2 (above) describes the potential total number of each sized pile that would be used. When no longer needed, all temporary piles would be retrieved or cut off at least 1.5 feet below the mudline, per BCDC and United States Coast Guard requirements.

Project Description

Project Details:

The applicant, the California Department of Transportation (Caltrans), describes the project as follows:

In the Bay: Perform the following work:

(1) Construct an approximately 7,000-square-foot (0.16 acres), temporary, pile-supported demolition trestle on the southeast side of YBI;

(2) Construct an approximately 96,000-square-foot (2.2 acres) temporary, pile-supported demolition trestle on south side of the existing East Span extending out westward from the Oakland shoreline (potentially as far as Pier E9 of the existing east span); and

(3) Install up to 2,540 twenty-four-inch-in-diameter temporary support piles, or up to 1,560 thirty-six-inch-in-diameter temporary support piles for falsework, spuds, fenders, access, and other dismantling activities.

Fill: The proposed project does not involve any permanent fill. However, the project would place up to 103,000 square feet (2.36 acres) of temporary pile-supported Bay fill for the two temporary demolition trestles and falsework. Portions of this fill may be in place for several years.

Public Access: No additional public access is proposed for the project because all fill associated with the dismantling work is temporary and because significant public access improvements have already been developed and implemented for the entire SFOBB Project (including the removal of the existing East Span). As part of the SFOBB Project, Caltrans will provide a 15.5-foot-wide wide bicycle and pedestrian facility along the entire length of the new East Span with sevenbelvederes for users to enjoy bay views, landing areas at each end to transition users on and off the bridge, and a bicycle/pedestrian facility on Southgate Road connecting the YBI landing area to Yerba Island and Treasure Island.

Priority Use: The majority of the existing East Span is not located within an area designated for a priority use by the *San Francisco Bay Plan*. The ends of the East Span (at YBI and the Oakland Touchdown) are located within areas designated as Waterfront Park/ Beach Priority-Use Areas in Map No. Four in the *San Francisco Bay Plan*.

Schedule and Cost: Caltrans proposes to prepare for the take-down project in the summer of 2012. Dismantling the cantilever superstructure would commence as soon as the new East Span opens, scheduled for Labor Day weekend 2013, followed by the removal of the rest of the superstructure. BCDC Permit 2001.008.32 required the removal of the old span within two years, but Caltrans anticipates the take-down would likely take five to seven years. Caltrans estimates the additional cost for the work associated with this amendment to be approximately $34,987,000.00.

Staff Analysis

A. **Issues Raised**: The staff believes that the application for a material amendment raises three primary issues: (1) whether the project is consistent with the Commission's fill policies; (2) whether the project is consistent with the Commission's policies on fish, other aquatic organisms, and wildlife; and (3) whether the project is consistent with the Commission's policies on water quality.

1. **Fill.** The Commission may allow fill only when it meets certain fill requirements identified in Section 66605 of the McAteer-Petris Act, which states, in part, that:

   (a) fill "should be limited to water-oriented uses (such as bridges)" or for "minor fill for improving shoreline appearance and public access"; (b) fill in the Bay should be approved only when "no alternative upland location" is available; (c) fill should be "the minimum amount necessary to achieve the purpose of the fill"; (d) "the nature, location, and extent of any fill should be such that it will minimize harmful effects to the Bay area, such as, the reduction or impairment of the volume, surface area or circulation of water, water quality, fertility of marshes or fish or wildlife resources, or other conditions impacting the environment…"; and (e) "fill should be authorized when the applicant has such valid title to the properties in question that he or she may fill them in the manner and for the uses to be approved."

a. **Water-Oriented Use**. All of the proposed Bay fill would be for the purpose of safely and efficiently removing the existing East Span of the SFOBB.

b. **Alternative Upland Location.** All proposed fill in the Bay is for removing an existing bridge between YBI and the Oakland shorelines and, thus, there is no alternative upland location for the project.

c. **Minimum Amount Necessary.** Caltrans proposes the fill for trestles and falsework because it has determined that it may be infeasible to remove the entire East Span solely through the use of barges (as originally envisioned). Barges could be unstable and necessitate more dredging, which could lead to increased impacts to marine organisms. Dismantling the East Span will be logistically complex. Therefore, Caltrans has calculated the minimum fill that the contractor would need for trestles should it be determined that removing the bridge using barges is not the most cost effective, efficient, or safe method of dismantling. In addition, the temporary trestles and support piles would be staged, meaning that not all piles will be in the Bay at the same time (See Table 3, under the "Summary" section above). Lastly, all fill would be removed upon project completion. Thus, the project would not result in any net increase in Bay fill.

d. **Effects on Bay Resources.** Because, the proposed fill is pile-supported and temporary, it would have only temporary adverse impacts on Bay surface area and circulation. In addition, the proposed trestles and support piles would be constructed in a manner that minimizes adverse impacts to fish and other aquatic life (See discussion below on Water Quality, and Fish, Other Aquatic Organisms, and Wildlife).

e. **Valid Title**. The existing East Span of the SFOBBB crosses lands owned by the State Lands Commission, City and County of San Francisco, and City of Oakland, Alameda County. Caltrans has a permanent easement for the right-of-way where the SFOBB is located.

The Commission should determine whether the project is consistent with its law and policies regarding Bay fill.

2. **Natural Resources Policies**

a. **Fish, Other Aquatic Organisms and Wildlife.** The Bay Plan policies on fish, other aquatic organisms and wildlife state, in part, that "the Commission should consult with the California Department of Fish and Game and the U.S. Fish and Wildlife Service or the NOAA National Marine Fisheries Service whenever a proposed project may adversely affect an endangered or threatened plant, fish, other aquatic organism or wildlife species…and give appropriate consideration of (their) recommendations in order to avoid possible adverse impacts of a proposed project on fish, other aquatic organisms and wildlife habitat."

Caltrans proposes to perform a significant amount of pile-driving in the Bay to install the proposed trestles and falsework support piles. While the final number of piles to be installed has not been determined, under the "worse case" scenario Caltrans would install up to 2,450 twenty-four-inch-in-diameter piles and/or 1,560 thirty-six-inch-in-diameter piles as part of the proposed project. The total number of piles would not exceed 2,450. The contractor would not install all of these piles but rather a mix of each size. If larger diameter piles are used, then fewer total piles would be needed. Pile-driving has the potential to affect listed and special status fish species by generating sound pressure waves and noise. In addition, the project may cause localized increases in turbidity during pile removal and cutting piles below the mudline.

When the SFOBB Project was originally authorized in 2001, NOAA National Marine Fisheries Service (NMFS) issued a Biological Opinion for the entire project on October 30, 2001 and that found that the project was not likely to jeopardize the continued existence of listed anadromous salmonids or result in the destruction or adverse modification of designated critical habitat. The U.S. Fish and Wildlife Service (USFWS) issued a biological opinion on October 29, 2001, for potential impacts to the California least tern and California brown pelicans, and an amended opinion on March 10, 2005, for potential impacts to salt marsh harvest mice, California clapper rail, and California brown pelicans. In addition, the California Department of Fish and Game (CDFG) issued an Incidental Take Permit (ITP) on November 26, 2001, and an amended ITP on October 14, 2009.

Caltrans worked closely with the resource agencies to develop a number of mitigation measures to ensure that the project would minimize potential adverse impacts to fish and other aquatic organisms. Measures include limiting both the size of piles and duration of impact pile driving to the greatest extent feasible, installing pipe piles with a vibratory hammer to the greatest extent possible, limiting pile-driving with an impact hammer (with the exception of pile proofing) to the period between June 1st and November 30th to avoid the peak migration period for salmonids and spawning adult green sturgeon, using a marine pile driving energy attenuator (e.g., bubble curtain) during impact pile-driving to minimize the effects of sound on fish, and developing a plan (to be approved by NMFS and the RWQCB prior to project construction) to ensure that sound levels from pile-driving would not exceed levels that are harmful to fish as identified by the Fisheries Hydroacoustic Working Group (FHWG). Even when a pile is installed with a vibratory hammer, it needs to have a final proofing with an impact hammer, which involves hitting the pile with a limited number of blows with an impact hammer to test integrity and to seat the pile. The proofing episodes last for less than a minute but, nonetheless, have greater sound impacts than a vibratory hammer. Caltrans stated that it is too costly and logistically difficult to deploy a sound attenuator system for every pile that it needs to proof. Consequently, it has worked with NMFS to develop several mitigation measures which would address the potential impacts of proofing while still enabling the project to be completed, including allowing proofing without an attenuator system on a percentage of the total piles, limiting the number of piles that are proofed each day to no more than two, and limiting the total number of pile-driver blows associated with the proofing to no more than twenty blows per pile per day.

Eelgrass beds have been documented within the SFOBB Project area in both Clipper Cove and Coast Guard Cove at YBI, and north of the Oakland touchdown. These areas are considered special aquatic habitats, which are known to expand and contract over time. The SFOBB Project has performed surveys of eelgrass within the project area in 1999, 2000, 2001, 2002, 2003, 2004, 2005 and 2007 and determined that no eelgrass has been documented directly in the areas where the YBI and Oakland Trestles and Oakland shoreline falsework would be constructed. Based on this information, Caltrans does not anticipate that installation of the temporary fill in the vicinity of YBI or the Oakland touchdown would have any impacts on eelgrass. Caltrans is proposing to perform annual eelgrass surveys within the project area to further ensure that no adverse impacts occur. In addition, Caltrans would monitor turbidity levels when working within 3,200 feet of an eelgrass bed or sandflat to ensure that levels don't exceed 50 Nephelometric Turbidity Units (NTU's), a sufficient increase in turbidity that could impact the habitat.

NMFS completed a draft BO to address potential impacts from the revised dismantling activities, which concludes that the above-mentioned mitigation measures should be sufficient to reduce the project impacts on listed salmonids and green sturgeon and to minimize any possible impacts. NMFS' final BO should be issued in the next couple weeks and will include a complete list of mitigation measures. The California Department of Fish and Game is currently amending its ITP. Commission staff has been consulting with CDFG and believes that Caltrans' proposed mitigation measures will likely address all their issues of concern But, CDFG is conducting its review and has yet to issue its amended ITP. Lastly, Caltrans determined that they do not need to re-initiate consultation with the U.S. Fish and Wildlife Service since the proposed project does not have the potential to adversely affect any of the listed species under the Service's jurisdiction or their habitat. They have communicated their findings to the USFWS and the USFWS has not indicated that any further consultation is necessary.

In addition to the above consultations and construction mitigation measures, Caltrans established a $15.5 million mitigation program for incidental take and impacts to protected species and habitats, a requirement of the original 2001 ITP, Commission permit, and other regulatory approvals. These funds were tied to the expected impacts from activities related to the SFOBB Project construction and have been designated for the following activities: (a) $4 million for salmonid monitoring and restoration; (b) $1 million for Baywide eelgrass research; (c) $2.5 million for eelgrass and sand flat restoration; and (d) $8 million for the acquisition and restoration of Skaggs Island. In addition with these programs, Caltrans also conducted on-site mitigation activities for the project. Since the initiation of this mitigation program, Caltrans has been able to modify its construction activities to reduce the amount of dredging and impacts to sensitive habitats, such as eelgrass and sand flats, below that originally authorized. The SFOBB Project was expected to impact 3.6 acres of eelgrass and 5.0 acres of sand flat habitats, however, based on alternative construction methods, actual impacts are expected to total approximately 1.5 acres to eelgrass and 3.0 acres to sand flats. Caltrans has also been able to reduce the amount of dredged material removed by approximately 30% percent of the projected volume. Further, as part of the original authorization for the SFOBB Project, Caltrans was authorized to dredge a barge access channel near the Oakland Touchdown, which would have caused direct impacts to eelgrass. The barge access channel was never dredged, yet Caltrans performed eelgrass mitigation for the channel as required by the program. Hence, Caltrans has remained committed to its mitigation requirements despite reducing total project impacts.

The Commission should determine whether the project is consistent with its laws and policies regarding natural resources.

3. **Water Quality Policies.** The Bay Plan policies on water quality state, in part, that "Bay water pollution should be prevented to the greatest extent feasible. The Bay's tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality." The policies also state that "[w]ater quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the San Francisco Bay Regional Water Quality Control Board's (RWQCB) Basin Plan and should be protected from all harmful or potentially harmful pollutants." The policies, recommendations, decisions, advice, and authority of the State Water Resources Control Board and the Regional Board should be the basis for carrying out the Commission's water quality responsibilities."

Caltrans anticipates the additional dismantling activities associated with the project described in this amendment would have minimal water quality impacts. A Final Environmental Impact Statement (FEIS), issued in 2001 for the entire SFOBB Project, evaluated potential impacts to water quality from the installation of temporary piles and trestles for both construction and dismantling activities. Caltrans has also prepared a technical memorandum on water quality as part of their reevaluation of the FEIS under the National Environmental Protection Act (NEPA). This document provides an update to the FEIS and identifies several possible impacts to water quality from the proposed project. The major water quality concerns from removing the superstructure would be if any of the superstructure falls into the Bay (such as steel, rebar, concrete, etc.). In addition, the bridge has historically been painted with paints containing heavy metals (such as lead). Part of the bridge deck is also composed of reinforced concrete cement, which has the potential to impact the pH of water when it comes in contact with it. Petroleum hydrocarbons can also be bound-up in asphalt or trapped in recesses of the bridge structure, which could be released during the dismantling. In terms of in-water work, the removal and/or cutting below the mudline of the temporary piles when they are ready to be removed may result in localized increases in turbidity.

The Regional Water Quality Control Board (RWQCB) issued a Water Quality Certification and Order for the entire SFOBB Project on October 17, 2001 and a follow-up Order containing Waste Discharge Requirements (WDR) on Jan 3, 2002. Both of these authorizations evaluated potential effects from pile-driving associated with permanent and temporary fill (permanent bridge footings, temporary coffer dams, construction trestles and supports) associated with the construction of the new East Span. The RWQCB determined that the dismantling of the superstructure associated with the proposed project can also be authorized under the existing Orders (R2-2002-0011 and 01-120). Caltrans will be required to submit a Stormwater Pollution Prevention Plan (SWPPP), turbidity control plan, and fisheries and hydroacoustic monitoring plans, per the requirements of RWQCB Orders prior to commencing any pile-driving activities. These plans will outline the methods to be used to address the potential impacts described above. In addition, Caltrans is currently working with the RWQCB to ensure that all final Best Management Practices (BMPs) required by RWQCB Order 01-120 contain appropriate minimization and avoidance measures for water quality impacts associated with the dismantling of the superstructure. Such BMPs include using screens, netting, tarps, and other catchment systems to contain and prevent dismantling debris from falling into the Bay, using containerized mechanical grinders when removing paint or asphalt to contain contaminants, removing larger sections of a bridge at a time to minimize impacts to water quality, and using specific types of clean-up equipment (such as vacuums or manual cleaning) for collection of loose debris. A final list of BMPs will also need to be submitted to the RWQCB prior to Caltrans commencing the dismantling work.

The Commission should determine whether the proposed project is consistent with its policies on water quality.

B. **Review Boards**

1. **Engineering Criteria Review Board.** The Commission's Engineering Criteria Review Board (ECRB) has not reviewed the proposed project due to the fact that the project would not involve permanent Bay fill.

2. **Design Review Board.** The Design Review Board (Board) has not reviewed the proposed project because the project does not involve public access.

C. **Environmental Review.** According to Caltrans, pursuant to the California Streets and Highways Code Section 180.2 and the California Environmental Quality Act (CEQA) Section 21080, the East Bay Bridge replacement project is statutorily exempt from the requirement to prepare an environmental impact report. CEQA Section 21080, subdivision (b) sets forth the types of activities that are excluded from CEQA and paragraph (4) of this subdivision specifically includes actions necessary to prevent or mitigate an emergency. According to the California Streets and Highways Code, as amended, the structural modification of an existing highway structure or toll bridge (Section 180.2(a)); and the replacement of a highway structure or toll bridge within, or immediately adjacent to, an existing right-of-way (Section 180.2(b)) shall be considered to be activities under subdivision (b), paragraph (4) of CEQA. Caltrans has concluded that the East Bay Bridge Replacement Project meets the definition of Section 180.2(b)--that it is a "specific action necessary to prevent or mitigate an emergency"--and, therefore, does not require any environmental review under CEQA.

Pursuant to the National Environmental Protection Act (NEPA) and federal permitting requirements, Caltrans prepared an Environmental Impact Statement (EIS) for the proposed project. The U. S. Department of Transportation, Federal Highway Administration (FHWA), and Caltrans, in cooperation with the U.S. Coast Guard, published the Final EIS in May 8, 2001, and approved the Record of Decision in July 11, 2001. The Final EIS identified several project impacts including the displacement of residential units, the loss of wetlands, new Bay fill, noise, use of historic structures and visual effects. The EIS also imposed several mitigation measures including habitat creation, recordation of historic structures possibly affected by the project, and aesthetic design of the new bridge and roadway structures.

Caltrans is required under FHWA guidelines for the NEPA process to reevaluate its EIS and determine whether new information, such as the revised dismantling activities associated with the proposed project or the current regulatory environment, may result in significant environmental impacts that were not evaluated in the FEIS. Caltrans assessed the current project information and finds the original determination remains valid. As part of its reevaluation process, Caltrans prepared a number of technical memorandums on the various categories evaluated under NEPA. A summary of the biological resources memorandum is included containing information about the proposed project (Exhibit G). A memorandum was also prepared for water quality, however, Commission staff has not included it since the document principally discusses potential impacts from the removal of the marine foundations, which are not considered as part of this material amendment.

D. **Relevant Portions of the McAteer-Petris Act**
   1. Section 66602.1
   2. Section 66605
   3. Section 66632

E. **Relevant Portions of the San Francisco Bay Plan**
   1. *San Francisco Bay Plan* Policies on Fish, Other Aquatic Organisms, and Wildlife (page 15)
   2. *San Francisco Bay Plan* Policies on Water Quality (page 17)
   3. *San Francisco Bay Plan* Policies on Safety of Fills (page 31)

Exhibits

A. **Project Vicinity Map**
B. **Project Site Plan**
C. **Components for Bridge Removal Exhibit**
D. **Components for Bridge Removal Exhibit (View 2)**
E. **YBI Temporary Trestle Exhibit**
F. **Oakland Temporary Trestle Exhibit**
G. **Summary of Technical Memorandum on Biological Resources Prepared for the Reevaluation of the Final Environmental Impact Statement**