

**CALIFORNIA COASTAL COMMISSION**

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# Th6a

**Prepared September 6, 2011 (for September 8, 2011 hearing)**

**To:** Commissioners and Interested Persons  
**From:** Charles Lester, Acting Executive Director  
Madeline Cavalieri, Coastal Planner  
**Subject: STAFF REPORT ADDENDUM for Th6a**  
**CDP Application Number 2-11-011 (Caltrans)**

[Click here to go to the original staff report.](#)

[Click here to read additional correspondence received.](#)

The purpose of this addendum is to clarify the staff recommendation for the above-referenced item. In the time since the staff report was distributed, Staff has identified an inadvertent omission and a typo in the staff report. In addition, Staff received public comments about the staff report and project that warrant additional explanation in the recommended findings.

First, staff had intended to specify that the \$266,000 mitigation fee required under Special Condition 8. B. would be transferred through the Cooperative Agreement to State Parks to support the Marconi Cove Access Rehabilitation and Construction Project. Therefore, Item 1 below adds this specification. This does not result in substantive changes to the agreement or to the public access mitigation requirement. In addition, the staff recommendation uses a capital ‘I’ when describing the interagency Cooperative Agreement, where a lowercase ‘i’ is more appropriate. Item 2, below, makes this change so that there is no confusion about whether this condition relates to an “Interagency Agreement” or a “Cooperative Agreement,” which are two separate types of state agency instruments that can be used to transfer funds.

Finally, staff received public comments about the character of the shoreline area at the mitigation site and asserting the need for additional Commission oversight and environmental evaluation of the proposed mitigation project before it is constructed. Although the staff report described the mitigation site as providing 1,400 linear feet of ‘beach area,’ the site has minimal sandy beach, and therefore, it would be more appropriate to describe it as a ‘shoreline’ area. Therefore, Item 3, below, makes this change. In addition, as recommended, this CDP approval requires the mitigation project to be initiated and designed consistent with Marin County Local Coastal Program and Coastal Act policies; however, nothing in this action authorizes the access improvements at this time. Development of the mitigation project requires separate environmental and CDP review, which State Parks and the Department of Boating and Waterways have committed to undertaking. Therefore, Item 4 below adds language to the

recommended findings explaining that environmental and coastal development review of the mitigation project will be carried out at a future time.

Thus, the staff report is modified as shown below (where applicable, text in underline format indicates text to be added, and text in ~~strikethrough~~ format indicates text to be deleted):

**1. Modify Special Condition 8.B, as follows:**

**Within one year of approval of this CDP**, the Permittee shall submit to the Executive Director evidence that a nonrefundable public access/sand supply mitigation fee of \$266,000 has been transferred to State Parks and deposited into an interest-bearing account created solely to manage the funds consistent with the Cooperative Agreement described herein...

**2. On line 4 of Special Condition 8.A and in paragraph 2 on page 20 of the staff report replace “Interagency” with “interagency.”**

**3. In the first paragraph on page 20 of the staff report, replace “1,400 linear feet of beach area” with “1,400 linear feet of shoreline access.”**

**4. Modify the findings in paragraph 2 on page 20 of the staff report as follows:**

Special Condition 8 requires Caltrans to carryout the proposed mitigation through an Interagency Cooperative Agreement between Caltrans, State Parks and the Department of Boating and Waterways (DBW). Pursuant to this condition, the in-lieu fee will be deposited into an account held by State Parks, and will be used for public access improvements on the Marconi Cove State Park property, consistent with the Tomales Bay State Park General Plan, such as grading, signage, landscaping, campsite design, formation of pedestrian pathways, fencing, lighting parking, and the inclusion of campsite amenities such as fire rings, picnic tables and food lockers. The public access improvements are to be designed and constructed consistent with the requirements of the Coastal Act and the County of Marin’s certified LCP. No development may take place on the Marconi Cove site until a separate coastal development permit(s) has been issued for the proposed work. State Parks, in partnership with DBW, intends to meet all CEQA requirements for the proposal. It can be anticipated that these processes will include any avoidance, minimization or mitigation measures necessary to bring any allowable development into conformance with applicable environmental laws and regulations. The project’s construction and the removal of existing structures will be overseen and additionally funded by the California Department of Boating and Waterways, and after construction, State Parks will take over the operation of Marconi Cove State Park. State Parks and Boating and Waterways have submitted “letters of intent” to the Commission demonstrating their commitments to enter into a Cooperating Agreement to provide for the design, permitting, construction and long-term operation and maintenance of the new Marconi Cove State Park facilities (see Exhibits E and F). If the proposed mitigation project cannot be carried out as expected, Special Condition 8.C.ii requires the funds to be transferred to an entity able to complete the project, or for an alternative project to be proposed as an amendment to this CDP.

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# Th6a

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Staff:	R Farshchi-SF
Staff Report:	8/25/2011
Hearing Date:	9/8/2011

## STAFF REPORT: REGULAR CALENDAR

**Application:** 2-11-011

**Applicant:** California Department of Transportation (Caltrans)

**Project Location:** State Highway 1, between Post Miles 37.09 and 37.10, adjacent to Tomales Bay, Marshall (Marin County)

**Project Description:** Installation of 115 linear feet of new Rock Slope Protection (RSP) along the side slope of Highway 1, at Reynold's Cove, in Marin County, California. The completed RSP will be approximately 11-foot wide from the road shoulder to the seaward edge of the rock, and 7.5 feet-high, with the additional extension consisting of 230 cubic yards of one-ton rocks. In addition, the project includes replacing a 7-foot section of an existing 18-inch diameter corrugated metal drainage pipe and placing ½-ton rocks around the pipe to protect it.

**Substantive Project Files:** Coastal Development Permit Application; Applicant correspondence received May 31, 2011; Final Wave Climate and Littoral Process Study Report; Memorandum from Office of Geotechnical Design Dated December 14, 2010; Letter of Intent to Enter Cooperative Agreement between Caltrans, California State Parks and California Department of Boating and Waterways (DBW).

**Staff Recommendation:** **Approval with Special Conditions**

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Staff recommends approval of Caltrans' CDP application proposing to install 115 linear feet of new RSP, adjacent to Highway 1 and the Tomales Bay, in Marin County. The RSP is required to protect Highway 1 and the CDP application includes mitigation for the RSP's impacts on shoreline sand supply and public access, consistent with the requirements of the Coastal Act.

The RSP would protect the Highway 1, which has been damaged by storm surges and wave action, and which will fail if protection measures are not taken soon. Significantly, Highway 1 is the only shoreline access road in this area, and is a major public access resource and a connection between the San Francisco Bay Area and the Tomales Bay region, as well as other points to the north. The proposed project would protect this critical public access.

Caltrans looked at a variety of alternatives to the project and determined that the proposed project is the least environmentally damaging feasible alternative. It rejected a highway realignment alternative because the project would take too long to address the immediate need at this location and because it is currently infeasible due to property ownership and project costs. It rejected a vertical wall alternative because it would require excavation, which has the potential to disturb the archaeological resources that are at the site. Finally, it rejected a gabion basket alternative because the wall would degrade over time, adding debris into the bay, and because the design may result in adverse impacts to marine resources by trapping small fish within the baskets. Therefore, staff recommends the Commission concur that the proposed RSP is the least environmentally damaging alternative.

Although the project would have adverse impacts on public access due to the loss of sand supply and beach area at the site, the project is relatively small in scale, at only 115 linear feet, and the beach at this location is extremely narrow and difficult to access. There is no parking adjacent to the beach, so the only way for motorists to access the beach is to park along the side of Highway 1, across the highway from the beach area, and then walk along the highway, which has no shoulder along this stretch of shoreline. Although pocket beaches such as this are important shoreline public access points, this is not a wide sandy recreational beach, and the adverse impacts of the project must be viewed in light of the project's benefits to public access through protecting Highway 1, which is the only shoreline access route in this area.

In addition, Caltrans is proposing to mitigate for the public access impacts of the project by paying an in-lieu fee that will provide for a project to open the nearby Marconi Cove State Park to the public. Although the Marconi Cove property was obtained by State Parks in 2002, it has not yet been opened to the public due to lack of funding. The proposed in-lieu fee would contribute to the proposed improvements, which include an environmental campground, boat launch ramps, parking, restrooms, and additional public access amenities. The Caltrans fee would also leverage nearly \$1M in additional funding from the Department of Boating and Waterways (DBW) for the project. To complete the project, DBW has agreed to be responsible for constructing the improvements, and State Parks has agreed to conduct the environmental review and permitting processes, as well as to operate and maintain the park in perpetuity.

Therefore, the proposed project protects Highway 1, the only shoreline access route in the area, and Caltrans would mitigate the project's impacts to the beach by providing for a significant public access amenity nearby that will substantially enhance the region's visitor-serving

resources. Further, recommended conditions of approval limit the authorization period to 20 years, so that the status the RSP can be addressed again in the future in light of any changed circumstances in shoreline conditions, particularly potential sea level rise. Recommended conditions also protect water quality through construction best management practices (BMPs), require ongoing maintenance and monitoring of the RSP, protect archaeological resources, and require the installation of native landscaping to reduce visual impacts.

Thus, staff recommends approval of the proposed project with special conditions, as described above. As conditioned, the project conforms to the requirements of Section 30235 of the Coastal Act and is consistent with the Coastal Act policies related to public access, visual resources, water quality and marine resources, and archaeological resources.

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**EXHIBITS**

- Exhibit A: Location Maps
- Exhibit B: Project Plans
- Exhibit C: Site Photos
- Exhibit D: Public Access Mitigation Cost Estimates
- Exhibit E: State Parks Letter of Intent
- Exhibit F: Department of Boating and Waterways Letter of Intent

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**STAFF NOTES:**

**Standard of Review**

The proposed development is located on beach areas between the first public road and the sea, and consists of rock slope protection (RSP) necessary to maintain use of Highway 1 in Tomales Bay, Marin County. The location is considered tidelands, submerged lands or other areas subject to the public trust. Pursuant to Section 30519 of the Coastal Act, the Coastal Commission retains jurisdiction over the review and issuance of Coastal Development Permits in these areas even

though Marin County has a certified Local Coastal Plan. The standard of review for projects located in the Commission's original jurisdiction is Chapter 3 of the Coastal Act.

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## I. STAFF RECOMMENDATION

Coastal Development Permit Application 2-11-011.

The staff recommends conditional approval of the permit application.

### Motion:

*I move that the Commission approve Coastal Development Permit 2-11-011 pursuant to the staff recommendation.*

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

### Resolution:

*The Commission hereby approves the Coastal Development Permit and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

1. **Twenty-Year Authorization**. This coastal development permit authorizes the repaired and expanded rock slope protection (RSP) for twenty years from the date of approval (i.e., until September 8, 2021). If the Permittee intends to keep the RSP in place after September 8, 2021, then the Permittee shall apply for an amendment to this coastal development permit to allow the RSP (including, as applicable, any potential modifications to it desired by the Permittee) to remain in place. Provided the application is received before the twenty-year permit expiration, the expiration date shall be automatically extended until the time the Commission acts on the amendment application.
2. **Construction Plan**. PRIOR TO COMMENCEMENT OF CONSTRUCTION the Permittee shall submit two sets of a revised Construction Plan to the Executive Director for review and approval. The Construction Plan, at a minimum, shall include the following:
  - A. Construction Areas. All areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on Highway 1, public access to and on the beach, and to have the least impact on public views from Highway 1 and public access to the shoreline.
  - B. Construction Methods and Timing. All construction methods to be used, including all methods to be used to keep the construction areas separated from public recreational use areas and to minimize public view impacts, shall be clearly identified. Construction shall be limited in duration as much as is feasible to limit overall construction impacts. The Plan shall ensure that all erosion control/water quality best management practices to be implemented during construction and their location are provided to the Executive Director prior to commencement of construction.
  - C. Construction Requirements. The Plan shall include the following construction requirements specified via written notes on the Plan:
    - i) Nighttime work and the use of lighting shall be minimized to the maximum extent feasible and any necessary lighting shall be directed away from the water and beach areas;
    - ii) Construction work or equipment operations shall not be conducted below the mean high water line, except when tidal waters have receded from the authorized work areas;

- iii) Grading of intertidal areas is prohibited with one exception, as follows: existing rock that has migrated seaward of the RSP, that is naturally exposed, and that can be retrieved without substantial excavation of the surrounding sediments, shall be retrieved and reused or removed to an appropriate disposal site offsite. Any existing rock retrieved in this manner shall be recovered by excavation equipment positioned on the southbound lane of Highway 1 (i.e., excavator equipment with mechanical extension arms) or via hand equipment used above the mean high tide line;
- iv) Equipment and materials shall be stored out of the ocean view as seen from Highway 1 if feasible;
- v) Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas, and equipment and materials must be stored beyond the reach of tidal waters;
- vi) No work shall occur during weekends;
- vii) Weekday construction shall allow for one way traffic with proper traffic safety measures as outlined in construction plans;
- viii) Equipment washing, refueling, and/or servicing shall not take place on the beach;
- ix) The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach);
- x) All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day to prevent construction-related runoff and/or sediment from entering into the Pacific Ocean. No material, including sediment, riprap, asphalt and construction-related fluids, may be discharged into ocean waters;
- xi) During all construction, copies of the signed coastal development permit and the construction plan shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit and the construction plan prior to commencement of construction;
- xii) A construction coordinator to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and in emergencies) shall be designated, and their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be



contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. The permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction;

- xiii) The permittee shall report any proposed changes to the approved Plan. No changes to the approved plan shall occur without a Commission amendment to the permit unless the Executive Director determines no amendment is legally required;

**3. As-Built Plans.** WITHIN ONE YEAR OF COMPLETION OF CONSTRUCTION, the Permittee shall submit two copies of As-Built Plans showing all development completed pursuant to this coastal development permit. The As-Built Plans shall include a graphic scale and all elevation(s) shall be described in relation to National Geodetic Vertical Datum (NGVD). The As-Built Plans shall include color photographs (in hard copy and jpg format) that clearly show all components of the as-built project, and that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph. At a minimum, the photographs shall be from upcoast and downcoast viewpoints and shall provide full photographic coverage of the development. The As-Built Plans shall be submitted with certification by a licensed civil engineer, verifying that the seawall has been constructed in conformance with the approved final plans.

**4. Monitoring and Maintenance Measures.**

- A. Monitoring. The Permittee shall ensure that the condition and performance of the approved as-built RSP are regularly monitored, including that the seawall must be regularly monitored by qualified personnel. Such monitoring evaluation shall at a minimum address whether any significant weathering or damage has occurred that would adversely impact future performance, and identify any structural damage requiring repair to maintain the approved as-built RSP in its approved condition. Monitoring reports covering the above-described evaluations, shall be submitted to the Executive Director for review and approval at five year intervals by May 1st of each fifth year (with the first report due May 1, 2016, and subsequent reports due May 1, 2021, May 1, 2026, and so on) for as long as the RSP exists at these locations. The reports shall identify the existing configuration and condition of the RSP, shall recommend actions necessary to maintain the RSP in its approved and/or required state, and shall include photographs taken from each of the same vantage points required in the As-Built Plans with the date and time of the photographs and the location of each photographic viewpoint noted on a site plan.
- B. Recommended Maintenance Work. If a monitoring report contains recommendations for repair, maintenance or other work, the permittee shall implement such activities within 30 days of Executive Director approval, unless a different time frame for implementation is

identified by the Executive Director, and consistent with the requirements of Special Conditions 2 and 5.

**5. Standards for Project Maintenance Work.:**

A. This coastal development permit authorizes future repair and maintenance consistent with the time limitations contained in Special Condition 1 and subject to the following:

- i) The permittee shall maintain the RSP in its approved condition for the life of the permitted structure.
- ii) This coastal development permit authorizes repair and maintenance activities only if carried out in accordance with all of the following conditions:
  - a) Maintenance and repairs shall be limited to removal, repositioning, or replacement of rock within the footprint of the approved revetment. The permittee shall be responsible for removing or redepositing any debris, rock or material that becomes dislodged after completion of the approved shoreline protection as soon as possible after such displacement occurs.
  - b) No expansion or enlargement of the approved revetment is permitted.
  - c) No materials or construction equipment shall be placed or operated on the beach or within any area other than the footprint of the approved revetment, the Highway 1 right-of-way and Highway 1.
  - d) Vehicular and equipment access to the RSP shall be via the Highway 1 right-of-way and Highway 1.
  - e) No maintenance work shall be conducted on weekends and/or the summer peak months (i.e., from the Saturday of Memorial Day weekend through Labor Day, inclusive) unless, due to extenuating circumstances (such as tidal issues or other environmental concerns), the Executive Director authorizes such work.
- iii) If any required repair and maintenance activities are not those repair and maintenance activities identified in Special Conditions 4 and 5, the permittee shall apply for a permit amendment for the repair and maintenance activities as soon as possible but no later than 30 days after the discovery of the need for the repair and maintenance activity.

B. Maintenance Notification. At least two weeks prior to commencing any maintenance activity (including a decision to leave fallen rock in place), the permittee shall notify, in writing, planning staff of the Coastal Commission's North Central Coast District Office. The notification shall include: a detailed description of the maintenance activity proposed; any plans, engineering and/or geology reports describing the activity; a construction plan that complies with the Construction Plan requirements described below; other agency

authorizations; and any other supporting documentation (as necessary) describing the maintenance activity. The maintenance activity shall not commence until the permittee has been informed by planning staff of the Coastal Commission's North Central Coast District Office that the activity complies with this coastal development permit, including Special Condition 5(E), below. In the case of an emergency requiring immediate maintenance, the notification of such emergency activity shall be made consistent with the provisions of 30611 and 30624 of the Coastal Act and their implementing regulations.

C. Non-compliance Provision. If, in the opinion of the Executive Director, the permittee is out of compliance with the terms and conditions of this coastal development permit at the time that a maintenance activity is proposed, then the maintenance activity that might otherwise be allowed by this coastal development permit, shall not be allowed until the permittee is in full compliance with this permit.

D. Duration of Covered Maintenance. Future repair and maintenance under this coastal development permit is allowed subject to the above terms only for as long as this coastal development permit remains valid (see Special Condition 1).

E. Obtain Necessary Permits. PRIOR TO COMMENCEMENT OF ANY MAINTENANCE CONSTRUCTION, the permittee shall obtain all necessary permits from local, other state and federal agencies. The permittee acknowledges that these maintenance stipulations do not obviate the need to obtain permits from other agencies for any future maintenance activities.

**6. Landscaping.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittees shall submit two copies of a landscaping plan to the Executive Director for review and approval. The landscaping plan shall require: (1) the removal of all nonnative invasive vegetation and planting of native vegetation only within the Caltrans right-of-way along the RSP expansion; (2) the landscaping to hide the RSP from public views to the maximum extent feasible; and (3) all plantings be maintained in good growing and coverage conditions, including replacement of plants as necessary, for a minimum of one year; (4) submittal of a monitoring report one year after completion of construction to describe the success of the plantings.

**7. Area of Archaeological Significance.**

A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of an archaeological mitigation and monitoring plan prepared by a qualified archaeologist for review and approval of the Executive Director. The Plan shall provide for an archaeological monitor to be present during all ground disturbing activities. The Plan shall also include a description of monitoring methods, including provision for a pre-project survey that includes participation by qualified local Native Americans, frequency of monitoring, procedures for halting work on the site and a description of reporting procedures that will be implemented during ground disturbing activities to ensure that cultural resources are not disturbed. The Plan shall include a list

of the personnel involved in the monitoring activities and their qualifications, and shall identify qualified local Native Americans that will be available as project monitors. At a minimum, the Plan shall provide for the following:

- B. **PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the archaeological monitor shall conduct a training session with construction personnel discussing the cultural sensitivity of the area and the protocol for discovery of cultural resources during construction. The archaeological monitor shall also inform all qualified local Native Americans of the timing of construction and their opportunity to participate in construction monitoring.
- C. **SHOULD ARCHAEOLOGICAL RESOURCES BE ENCOUNTERED DURING ANY CONSTRUCTION**, all development shall cease and shall not recommence until after the permittee submits a Supplemental Archeological Plan for the review and approval of the Executive Director and the Executive Director approves the Supplemental Plan. The plan shall be prepared by a qualified archaeologist, in conjunction with the Native American representatives, and shall include mitigation measures that **avoid** impacts of the project on archaeological resources. All further development may only be undertaken consistent with the provisions of the supplemental archeological plan.

If the Supplemental Archeological Plan indicates that impacts to archeological resources cannot be avoided, development may not recommence until after an amendment to the permit is approved by the Commission.

- D. **DURING ALL GROUND DISTURBING ACTIVITIES**, the Permittee shall retain a qualified archaeologist, approved by the Executive Director, to monitor all earth disturbing activities per the approved monitoring plan. The Permittee shall also include qualified local Native Americans as project monitors as applicable.

## 8. Public Access Mitigation

- A. **WITHIN 1 YEAR OF APPROVAL OF THIS CDP**, and with prior document review and approval by the Executive Director, the permittee shall submit written documentation, that demonstrates representatives of Caltrans, State Parks, and the Department of Boating and Waterways have entered into an Interagency Cooperative Agreement consistent with the requirements of this CDP and its Special Conditions, including subsections B and C below.
- B. **Within one year of approval of this CDP**, the Permittee shall submit to the Executive Director evidence that a nonrefundable public access/sand supply mitigation fee of \$266,000 has been deposited into an interest-bearing account created solely to manage the funds consistent with the Cooperative Agreement described herein. The sole purpose of the fund shall be to support public access improvements on State Park's property known as Marconi Cove, and identified as Marin County Assessor's Parcel Numbers 106-260-02 and 106-260-03.

- C. The Cooperative Agreement between Caltrans, State Parks and the Department of Boating and Waterways shall comply with the following minimum provisions:
- i) The Cooperative Agreement shall indicate that the overall Marconi Cove Access Rehabilitation and Construction Project consists of a package of improvements that will be designed and constructed consistent with the Coastal Act and the Marin County certified LCP and include the removal of an existing remnant launching ramp, debris, and condemned buildings; construction of a new motorized and non-motorized launch ramp, parking facilities, park entrance, restrooms, picnic areas, and drainage system; as well as grading, landscaping, interpretive signage, environmental campsites, pathways, fencing, lighting and campground amenities such as fire rings, tables, and food lockers. See Exhibit A for a full itemization of these improvements and their preliminary cost estimates. State Parks shall undertake the actions necessary to support initiation of the construction of the boat launch facility no later than October 2014, unless that deadline is extended by the Executive Director for good cause.
  - ii) The Cooperative Agreement shall include provisions to address any failure by Caltrans, State Parks, and/or the Department of Boating and Waterways to implement the Cooperative Agreement consistent with the requirement of this permit, including but not limited to transfer of the funds to an Alternate Entity able to implement the Agreement, or if approved by an amendment to this CDP, to apply the funds to alternative Public Access improvements.
  - iii.) Unless resolved by the Executive Director of the Commission, any dispute concerning compliance with or interpretation of any provision of the Cooperative Agreement affecting the implementation of the Cooperative Agreement consistent with the requirements of this CDP shall be resolved by the Coastal Commission.
  - iv.) The Cooperative Agreement shall provide for annual written reports to the Executive Director of the Coastal Commission on the progress made toward the completion of the overall Marconi Cove Access Rehabilitation and Construction Project until such time that the full \$266,000 balance of Caltrans' in lieu-fee funds is expended.
  - v) The Cooperative Agreement shall describe the roles and responsibilities of State Parks as the administrator of the Marconi Cove Access Rehabilitation and Construction Project fund; affirms that State Parks will be responsible for overseeing the CEQA and permitting requirements of the Marconi Cove Access Rehabilitation and Construction Project, with DBW's assistance in developing plans and specifications; and commits State Parks to operate and maintain the new access facilities upon their completion according to State Parks standard operating procedures for public access facilities under the Tomales Bay State Park General Plan.

- v) The Cooperative Agreement shall commit DBW to include rehabilitation and construction of the boat launching facility in its budget plans for FY 2013-14, with the goal (subject to the availability of funds and inclusion in and passage of the state budget) of initiating construction in Spring 2014; commits DBW to include construction of the boat-in/environmental campground in its budget plans for FY 2014-15, with the goal (subject to the availability of funds and inclusion in and passage of the state budget) of initiating construction in Spring 2015; and explains their responsibility to manage bidding and construction processes throughout the completion of the project.

**9. Other Changes to the Project.** Any proposed changes to the approved project shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

#### **IV. FINDINGS AND DECLARATIONS**

The Commission finds and declares the following:

##### **A. Project Setting, Location and Description**

###### 1) Project Setting

The project site is located at Reynold's Cove on the northeastern shore of Tomales Bay, just north of Marshall, in Marin County, CA (located at Post Mile 37.09). The Tomales Bay area is largely rural, consisting of large amounts of open space and low-density communities. Dairy farming is the primary land use in and around Tomales Bay with residential and small amounts of commercial uses also present. Highway 1, a scenic, two-lane state highway, provides this bucolic area with a connection to San Francisco to the south and other coastal communities to the north.

Reynold's Cove is the site of a former Indian Rancheria, now called the Village of Reynolds, and contains a significant Native American burial site. It was also a whistle-stop along the North Pacific Coast Railroad, which operated on the shore of Tomales Bay from 1871-1907, and was located on what is now Highway 1. Today, the area contains significant visitor-serving amenities and coastal-dependent development, including restaurants, kayaking and other boating facilities. The Highway 1 corridor continues to be the main artery of transportation for the area, and is necessary for public access to the project area and beyond.

###### 2) Project Location

Within the site area, Highway 1 is bound on the west by Tomales Bay, and on the east by the crest of Inverness Ridge. The project is located on the seaward slope adjacent to Highway 1. The beach at this location is narrow and difficult to access, currently providing approximately 3,000 square feet of beach area. The rubble of an unpermitted make-shift concrete stairway can be found on private property on the southern portion of the cove beach. On the northern portion,

there is an existing, aging, 500-foot rock slope protection (RSP) that appears to have been placed prior to the Coastal Commission's permitting requirements based on reviews of 1972 aerial photographs. Wind generated winter storm surge and waves, in combination with above normal tidal elevations have exposed the edge of the pavement, removed sections of the roadbed underlayment, and created several tunnels under the roadway. Local residents have erected a number of informal shoreline protective devices (SPD) and barriers on the southern extremities of the beach to reduce erosion.

### 3) Description of Proposed Project

The proposed project is for construction of a new, 115-foot long by 7.5-foot high RSP to be installed between PM 37.09 to 37.10, adjacent to, and south of, the existing 500-foot stretch of RSP. The new RSP would be approximately 11-feet wide at its base with a slope of 1.5:1, would require 230 cubic yards of 1-ton rocks, and would cover 1,355 square feet of existing beach area. The northern 90-foot section of the RSP would be directly adjacent to the roadbed and would require a support structure during construction consisting of interlocking sheet piles that would not be visible after the project is complete. The southern 25-foot segment of the RSP expansion would have the same dimensions but would not require the sheet pile support. The entire RSP would be keyed in two feet below the slope base, above mean high water (MHW). See site plan and cross sections in Exhibit B.

In addition, the project includes replacing part of an existing drainage culvert and removing existing, unpermitted development (the stairway rubble) that was placed at the site by nearby residents. A corroded seven-foot section of an existing, 26 feet long, 18-inch diameter corrugated metal pipe drainage culvert located under the highway, between the existing revetment and the proposed revetment expansion would be replaced with new corrugated metal pipe, seven feet in length, and would be attached to the existing culvert using a concrete collar. In order to accomplish the culvert replacement, it is necessary to remove ice plant, debris and fill that exist on a parcel of land adjacent to the project site. The replaced culvert would be protected by the placement of 10 cubic yards of ½-ton rocks. In addition, the project would require the removal of 315 square feet of multi-level concrete platforms, four wooden bollards, and conglomerate materials placed by the neighboring property owner as makeshift erosion control devices. (See site plan in Exhibit B).

## **B. Shoreline Structures**

### Coastal Act Policies

Coastal Act Section 30235 addresses the use of shoreline protective devices:

*Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. ...*

Coastal Act Section 30253 addresses the need to ensure the long-term structural integrity of new development, minimize future risk, and avoid the need for landform altering protective measures in the future. Section 30253 provides, in applicable part:

*New development shall do all of the following:*

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

### Consistency Analysis

Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or “hard” methods, such as gabion walls, designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, Section 30235 limits the construction of shoreline protective works to those required to protect existing structures or public beaches in danger from erosion, provided they are designed to eliminate or mitigate adverse impacts on shoreline sand supply. The Coastal Act provides these limitations because shoreline structures can have a variety of negative impacts on coastal resources including adverse effects on sand supply, public access, coastal views, natural landforms and overall shoreline beach dynamics on and off site which may ultimately result in the loss of public beach. The Commission must always consider the specifics of each individual project, but under the standards established by Section 30235, it must prioritize alternatives that avoid the necessity for shoreline structures that armor the shoreline and alter the natural shoreline dynamics.

Under section 30235, the Commission must approve a shoreline structure, such as the RSP which is the subject of this application, only if (1) it is required to protect an existing structure in danger from erosion and (2) it is designed to eliminate or mitigate adverse impacts on shoreline sand supply.

#### 1) Existing Structure in Danger of Erosion

Highway 1 at this location predates the coastal permitting requirements of Proposition 20 (the “Coastal Initiative”) and the Coastal Act, and it is considered to be an “existing structure” for the purposes of Section 30235. As stated above, the roadway is being eroded at a rapid rate, and has a high potential for failure. Wind generated winter storm surge and waves, in combination with above normal tidal elevations have exposed the edge of the pavement, removed sections of the roadbed underlayment, and created several tunnels under the roadway. If left to run its course, emergency measures would soon be required to prevent wind driven waves from overtopping the roadway, and roadway collapse; these conditions could lead to public access impacts, such as traffic delays or road closures.

#### 2) Alternatives Analysis



Caltrans evaluated a series of alternatives, most notably a no build alternative, a roadway realignment alternative, a gabion basket shoreline protective device, and a vertical wall. The no-build alternative is not a feasible option due to the very high potential for a failure of the roadway. In the event of road failure, there is an additional high potential for roadway washout or collapse, and resulting closure and detour of Highway 1 with significant public access impacts caused by traffic delays and reduction to adjacent beach access. The roadway realignment alternative is not feasible due to the extensive planning and time necessary to complete such a project. The roadway is in immediate danger, and this alternative would require a number of years for successful completion, possibly resulting in roadway failure in the meantime. The vertical wall alternative is not preferred because it would require additional excavation that may impact archaeological resources at the site and result in greater landform alteration of the Reynolds Cove shoreline. And finally, the gabion basket alternative is not preferred because the building materials have the potential to break down over time, causing adverse impacts to the marine environment. This alternative was also rejected by the USFWS because of the potential risk of trapping small fish in the openings of the baskets. Therefore, the proposed RSP, which has been designed with the smallest feasible project footprint, and which includes significant mitigation measures, is the least environmentally damaging alternative.

### 3) Sand Supply Impacts

As is typically the case with shoreline protective devices, the proposed project would result in negative impacts on shoreline sand supply in several ways. First, the bluffs in this area are eroding at an average rate of about 0.9 feet per year, causing the shoreline to move gradually inland.<sup>1</sup> Therefore, efforts to fix the back beach location with this additional shoreline armoring will both encroach onto existing beach area and halt the future inland migration of the beach through this passive erosion. The new RSP will occupy approximately 1,355 square feet of existing beach and, over the 20-year authorization period, will prevent the development of an additional approximately 2,070 sq ft of new beach due to passive erosion. This combined area of beach loss over time will result in the loss of a portion of the pocket beach adjacent to the new RSP, adversely affecting local beach access and potential beach recreation opportunities.

The RSP would also prevent material from eroding off of the existing bluffs and reaching the beach or contributing to the littoral cell. However, at this location, the bluffs do not contribute sand or beach-quality sediment to the littoral system. According to the Caltrans Engineering Geologist, Rifaat Nashed, “The project site is underlain by Felton Variant-Soulajula complex, 15 to 30 slopes. Felton Variant soil formed in material derived from shale or sandstone. Typically the surface layer is brown loam about 23 inches thick. The upper 11 inches of the subsoil is yellowish brown clay loam. And the lower 13 inches is strong brown clay. Bedrock is at a depth of 47 inches.”<sup>2</sup> The Commission’s Staff Engineer reviewed this determination and agrees that there is little, if any, sand in these deposits; thus, the contribution of sand from the bluffs to the beach system is not significant.

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<sup>1</sup> Source: WRECO, Final Wave Climate and Littoral Processes Study Report, September 2010.

<sup>2</sup> R. Nashed, Geotechnical and Geology Information for Tomales Bay Slope Restoration Project, Memo to Ms. Betsy Joseph, Senior Transportation Engineer, December 14, 2010.

The applicant has proposed to address the project's beach and sand supply impacts through payment of an in-lieu fee to contribute towards an access improvement project at Marconi Cove, a bay-front property less than one mile south from the project site that was acquired by State Parks almost 10 years ago. Due to lack of funding, this prime shorefront site has remained closed to the public over the past decade. As proposed, Caltrans would directly contribute additional funding for construction of the necessary improvements that would allow State Parks to open and operate Marconi Cove State Park. The proposed mitigation is discussed in more detail in the Public Access and Recreation findings, below. In summary, the proposed mitigation is adequate to ensure consistency with the requirements of Section 30235, and the Commission's approval requires the mitigation to be carried out as proposed through Special Condition 8.

#### 4) 20-Year Approval

To ensure that this project does not prejudice future shoreline planning options with respect to changing and uncertain circumstances that may ultimately change policy and other coastal development decisions (including not only climate change and sea level rise, but also due to legislative change, judicial determinations, etc.), this approval is conditioned to limit the authorization period to twenty-years, but allows for the authorization period to be extended through an amendment to the CDP. It has been the Commission's experience that shoreline armoring tends to be augmented, replaced, and/or substantially changed within about twenty years. The intent of the twenty-year authorization is to recognize this timeframe, and also to allow for an appropriate reassessment of continued armoring at that future time, in light of what may be differing circumstances and mitigation methods than currently exist. If circumstances have not changed, and an amendment to extend the authorization period would not lessen or avoid the intended effect of the CDP, then the amendment could be considered immaterial. However, if the context for considering armoring is different and if other means for protecting Highway 1 are desirable in light of changed circumstances, then a different proposal may be reviewed under a new coastal development permit application at the end of this twenty-year authorization period. The specific impacts of that proposal would be evaluated and, any unavoidable impacts from that proposal would have to be mitigated at that time.

#### 5) Long-Term Stability, Maintenance

Coastal Act Section 30253 requires the project to assure long-term stability and structural integrity, minimize future risk, and avoid additional, more substantial protective measures in the future. For the proposed project, the main concern regarding Section 30253 is assuring long-term stability. This is particularly critical given the dynamic shoreline environment within which the proposed project would be placed.

Critical to the task of ensuring long-term stability, as required by Section 30253, is a formal long-term monitoring and maintenance program. If the RSP were damaged in the future (e.g. as a result of flooding, landslides, wave action, storms, etc.) it could degrade public access. In addition, such damage could adversely affect nearby beaches by resulting in debris on the beaches and/or creating a hazard to the public using the beaches. Therefore, in order to find the proposed project consistent with Coastal Act Section 30253, the proposed project must be maintained in its approved state. Further, in order to ensure that the Applicant and the Commission know when repairs or maintenance are required, the Applicant must regularly

monitor the condition of the subject armoring, particularly after major storm events. Such monitoring will ensure that the Permittee and the Commission are aware of any damage to or weathering of the armoring and can determine whether repairs or other actions are necessary to maintain the seawall structure in its approved state before such repairs or actions are undertaken.

To ensure that the proposed project is properly maintained to ensure its long-term structural stability, Special Conditions 4 and 5 require implementation of a monitoring and maintenance program. This program must provide for evaluation of the condition and performance of the completed project, and must provide for necessary maintenance and repair of the project to maintain it in its approved state, subject to the terms and conditions identified by the special conditions. The Commission notes that Caltrans has indicated that it regularly conducts such monitoring for its own purposes and that its internal reports are most likely sufficient to carry out the requirement of Special Condition 4A. In addition, because these future monitoring and maintenance activities must be understood in relation to clear as-built plans, Special Condition 3 requires the submittal of as-built plans to define the footprint and profile of the permitted development.

### Conclusion

Highway 1 at this location is in danger from erosion, and it is an existing structure that requires hard armoring to be protected. The proposed project is the least environmentally feasible alternative and special conditions of approval are included to minimize the impacts of the project on coastal resources, including conditions that ensure the project will appropriately offset beach sand supply impacts, and conditions that ensure the maintenance and long-term stability of the RSP in its approved condition. As conditioned, the Commission finds the project consistent with Coastal Act Sections 30235 and 30253.

### C. Public Access

Although Section 30235 authorizes the RSP to protect the existing highway, conformance with other applicable Coastal Act policies must also be considered. A discussion of the project's consistency with public access and visual resource protection policies of the Coastal Act is detailed below.

### Coastal Act Policies

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30213 of the Coastal Act states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

Section 30214(a) of the Coastal Act states:

*The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. ...*

Section 30220 of the Coastal Act states:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section 30221 of the Coastal Act states:

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Section 30223 of the Coastal Act states:

*Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Consistency Analysis

Highway 1 is a major north-south artery for both local residents and visitors to access many coastal and marine related activities, and the only local route of vehicular transportation. The project would ensure the structural stability of this section of Highway 1, protecting the public's ability to access the area's significant public access and recreational resources, including those described above in the Project Location section. Therefore, the project would provide a substantial benefit to public access, consistent with the public access and recreation policies of the Coastal Act.

However, the project would also cause both long-term and temporary adverse impacts on public access, including the unavoidable beach and sand supply impacts to the beach area discussed in the previous section, resulting in the loss of approximately 3,000 square feet of beach, as well as temporary traffic and beach access impacts related to construction activities. In general, the Commission prefers in-kind mitigation for any unavoidable impacts of new development. In the case of sand supply impacts, this would mean mitigation through a sand replenishment program at or near the project site. However, in this case, such mitigation is not only infeasible, but also not desirable. Sand supply and beach nourishment projects need to be established and ongoing in order to provide benefits to public access. This is because it is often economically infeasible to move large amounts of sand from one location to another, and, because the shoreline is constantly eroding, sand must be redistributed year after year. There is no ongoing beach nourishment program in the vicinity of the project site. Further, the beach at this location is difficult to access because there is no public parking or highway shoulders adjacent to the beach, and therefore, enhancing it with additional beach sand would not provide a significant public access benefit.

Thus, in-lieu of such in-kind mitigation, Caltrans has proposed to contribute to a nearby public access project to mitigate for the sand supply and public access impacts of the proposed project. In previous actions, the Commission has used a variety of factors in determining the appropriate amount for such an in-lieu fee, including: the cost of replacing the sand that would be lost; the cost of purchasing nearby beachfront property; the recreational value of the lost beach access to beach visitors and local economies, and; the opportunities available to use the fee to create actual public access benefits.<sup>3</sup> In this case, Caltrans is proposing to provide an in-lieu mitigation fee for beach recreational impacts based on a value of \$177.41 per square foot of beach impact, multiplied by the approximate RSP footprint of 1,500 square feet, for a total of \$266,000. The proposed beach value of \$177.41 per square foot is based on previous determinations the Commission has made regarding the economic value of such public recreational losses. In these previous determinations, the Commission approved a range of compensation fees from \$121.83 to \$233.00 per square foot.<sup>4</sup> The \$177.41 figure is the average of this range.

It is difficult to conclusively determine the value of sand supply and beach recreational losses. In addition, the method Caltrans used to determine the total fee in this case is flawed because it factored in the loss of beach from the RSP footprint, but neglected to include the future loss of beach due to the effects of passive erosion. Nonetheless, the total fee Caltrans proposes is

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<sup>3</sup> See Commission actions on 6-08-073 (DiNoto); 6-05-072 (Las Brisas); 6-05-134 (Leucadia National Corp.); 3-02-024 (Ocean Harbor House); and 6-07-133 (Li).

<sup>4</sup> The value of \$121.83 per square foot was used in 3-02-024 (Ocean Harbor House); \$211.66 was used in 6-05-072 (Las Brisas); and \$233.00 was used in 6-07-133 (Li).

adequate to mitigate for the public access impacts of the project, including the loss of the approximately 3,000 square foot portion of the beach for several reasons. First, as described above, the project itself protects the critical public access provided by Highway 1 and the loss of a portion of the pocket beach must be considered in relation to this public access benefit. Second, although they did not account for the loss of beach due to passive erosion when calculating the total fee amount, the figure of \$177.41 is most likely higher than necessary because the land values at this location are substantially lower than those in San Diego and Monterey, where the sites of the Commission's previous actions were located. Third, the total fee must be viewed in light of the fact that the beach recreational value at this location, although qualitatively important, is diminished because the beach is narrow, difficult to access and infrequently used. Finally, the proposed fee will facilitate the improvement and opening of the Marconi Cove State Park and the contribution acts as a catalyst for nearly a million dollars of additional improvements proposed to be sponsored by the Department of Boating and Waterways, to allow for motorized and non-motorized boat launches, parking, an environmental campground, and other public access amenities. The opening of the Marconi Cove State Park is a significant enhancement to public access and visitor-serving resources in the project area. In comparison to the public access benefits of the beach that would be lost, the mitigation project is expected to provide more than 1,400 linear feet of beach area, as compared to 115 linear feet at the project site. It will also provide vehicle, bicycle and boat access to the shoreline and will include amenities such as bathrooms, parking, boat launches and a campground, whereas the beach at the project site has minimal parking and access opportunities and no additional public amenities. Therefore, the proposed public access mitigation is adequate to address the sand supply and beach recreational impacts of the proposed project.

Special Condition 8 requires Caltrans to carryout the proposed mitigation through an Interagency Cooperative Agreement between Caltrans, State Parks and the Department of Boating and Waterways. Pursuant to this condition, the in-lieu fee will be deposited into an account held by State Parks, and will be used for public access improvements on the Marconi Cove State Park property, consistent with the Tomales Bay State Park General Plan, such as grading, signage, landscaping, campsite design, formation of pedestrian pathways, fencing, lighting parking, and the inclusion of campsite amenities such as fire rings, picnic tables and food lockers. The public access improvements are to be designed and constructed consistent with the requirements of the Coastal Act and the County of Marin's certified LCP. The project's construction and the removal of existing structures will be overseen and additionally funded by the California Department of Boating and Waterways, and after construction, State Parks will take over the operation of Marconi Cove State Park. State Parks and Boating and Waterways have submitted "letters of intent" to the Commission demonstrating their commitments to enter into a Cooperating Agreement to provide for the design, permitting, construction and long-term operation and maintenance of the new Marconi Cove State Park facilities (see Exhibits E and F).

Finally, to minimize any potential impacts to public access and recreation from construction activities, Special Condition 2 requires staging areas to be minimized, limits construction to weekdays, and prohibits construction from being conducted from the beach. In addition, Special Conditions 4 and 5 require the RSP to be maintained in its approved condition, such that any rocks that may fall outside of the approved beach footprint in the future would be promptly removed from public access areas.

### Conclusion

Overall, the project provides a significant public access benefit because it protects Highway 1, which is a critical coastal access route in this region, and, as conditioned, minimizes and mitigates impacts to public access and recreation. Most significantly, conditions require payment of an in-lieu fee and implementation of the Marconi Cove improvement project. This improvement project will provide an important public access enhancement in the area and mitigate for the loss of the approximately 3,000 square foot portion of the beach. In addition, conditions require construction BMPs that reduce the impact of construction activities on public access and require the RSP to be maintained in its approved condition, reducing potential public access impacts caused by riprap falling on to the beach in the future. As conditioned, the proposed project can be found consistent with the Coastal Act's public access and recreation policies, including those policies described above.

### **D. Scenic and Visual Resources**

#### Coastal Act Policies

The Coastal Act includes strong protections for visual resources. Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Section 30240(b), previously cited, also protects the scenic and visual resources of recreation areas. It states:

*Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

#### Consistency Analysis

Highway 1 along the Tomales Bay, including at the project site, is known for its breathtaking views and relatively unobstructed landscape. As such, the scenic and visual resources at the project site are protected by the Coastal Act, including those policies cited above. Although RSP generally has adverse impacts on visual resources, and is not the first corrective measure that the

Commission prefers to utilize, in this case, it is the least environmentally damaging feasible alternative, as discussed above. The Commission also notes that RSP is the typical approach employed along Tomales Bay in those cases where protection of Highway 1 is necessary (including at the adjacent site) and continuing this use of similar materials makes for a less intrusive appearance in this particular context. Additionally, because the project is below highway grade, it will not readily be visible from vehicles driving along Highway 1, which is the main public access corridor at this location.

Furthermore, Special Condition 6 requires a landscaping plan to be submitted that would reduce visual impacts by requiring the removal of the non-native species from the project site and requiring revegetation with native plants. Several constraints hinder landscaping at this site. First, the 90-foot section of the RSP that requires sheet pile support would be directly adjacent to the edge of the road, leaving no flat area for planting. Due to the steepness of the RSP slope, Caltrans has indicated that they do not believe native landscaping would be successful along this 90-foot section. Along the remaining, 25-foot section of RSP there is a narrow flat area adjacent to the road that could be planted with natives that would reduce visual impacts by cascading over the RSP. Caltrans has concerns that landscaping will not ultimately be successful at this site because it is subject to wave action and because the area may be used by motorists who pull off to the side of the road. Nevertheless, Caltrans has agreed to install, maintain and monitor native landscaping such as beach strawberry along the entire RSP for a one-year period. The Commission's Senior Biologist has indicated that a one-year monitoring period is sufficient to establish the proposed beach strawberry plants at this location. After the one-year period, Caltrans would submit a report evaluating the success of the landscaping plan to help inform future roadside landscaping projects.

As conditioned, the project would avoid and minimize impacts on scenic and visual resources, consistent with the visual resources policies of the Coastal Act, including Sections 30251 and 30240.

### **E. Water Quality, and Marine and Biological Resources**

The Coastal Act mandates preservation and restoration of natural resources and habitats and the maintenance of the biological productivity of marine habitats. Sections 30230, 30231, and 30240 state:

#### Coastal Act Policies

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*



Section 30231 states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30240 states:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

### Consistency Analysis

#### 1) Biological Resources

Informal consultations with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the California Department of Fish and Game indicate that the project will not likely affect the California red-legged frog (*Rana aurora draytonnii*), the tidewater goby (*Eucylogobius newberryi*) or any other special-status species of animal or plant. In addition, the National Marine and Fisheries Service agreed with Caltrans' determination that the project will not impact the Central California Coast Coho Salmon, the California Coastal Chinook Salmon, Central California Coastal Steelhead or any areas classified by the NMFS as Essential Fish Habitat. Therefore, the project would not have significant adverse impacts on biological resources consistent with the requirements of section 30240.

#### 2) Water Quality

The central purpose of this project is to stabilize the bluffs and prevent erosion from undermining Highway 1, which is immediately adjacent to the beach and waters of the Pacific. However, the project also has the potential to degrade water quality during construction. In order to protect water quality, Special Condition 2 requires construction best management practices that control runoff and protect adjacent waters, consistent with Section 30231 of the Coastal Act. This condition includes numerous requirements, including that work may not take place in the water, and that construction activities must be conducted from the roadway, not from the beach.

In addition, Special Condition 2 requires implementation of erosion control methods, such as fiber rolls and silt fences and it requires the use of temporary habitat fences. All areas of the project where vegetation has been temporarily disturbed during construction will be restored. Additionally, any related construction materials or additional soils not suitable for restorative use will be disposed of at an approved off-site location. No debris, soils, silt, sand, cement, concrete, washings or other material related to construction such as waste, oil, petroleum products or organic or earthen material are allowed to enter into or be placed where they may be washed by rainfall or runoff into adjacent waters. At the conclusion of operations, any excess material must be removed from the work area to prevent runoff or degradation of water quality.

As conditioned, the authorization of the RSP pursuant to this permit is consistent with Coastal Act policies requiring protection of biological resources and water quality, including Sections 30230, 30231 and 30240.

## **F. Archaeological Resources**

### **Coastal Act Policies**

The Coastal Act preserves and protects archaeological artifacts and deposits as demonstrated in Section 30244. Section 30244 states:

*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

### **Consistency Analysis**

An archaeological site exists near the boundaries of the project, both directly on the beach and on top of the bluff on the east side of Highway 1 from the site. The corridor along Reynold's Cove was formerly an Indian Rancheria, and a cemetery which belongs to the Miwok Tribe Rancheria of Graton, Sonoma County is adjacent to the project site. The actual burial site is an area that was covered by RSP before the existence of the California Coastal Act; however, it is possible that additional buried archaeological deposits or human remains may exist at the site.

Due to the possibility of finding archaeological deposits or human remains at the project site, the Federated Indians of the Graton Rancheria have agreed to oversee construction disturbance activities, and monitor construction activities in the event of finding any cultural materials. If cultural materials are discovered during construction, the applicant proposes that all earth moving activities within and around the immediate discovery area would be diverted until the qualified monitor can assess the nature and significance of the find. Additionally, if any human remains are discovered, State Health and Safety Code Section 7050.5 requires that all construction activities to cease and that the County Coroner be contacted. In addition, to reduce the potential for further disturbance of the site, the project includes retaining much of the existing ice plant, which is securing the archeological site in place.

To ensure the proposed archaeological mitigation is carried out as proposed, and to further protect archaeological resources, Special Condition 7 requires Executive Director review and approval of an archaeological mitigation and monitoring plan. The plan must provide for a qualified archaeologist to monitor all earth disturbing activities and to train construction personnel. Further, if archeological resources are discovered, the plan must require all development to be suspended pending a supplemental archeological report reviewed and approved by either the Executive Director or the Commission as specified in the Special Condition 7. As conditioned to require suspension of work and development of a mitigation plan if archaeological materials are found, the proposed development is consistent with Section 30244 of the Coastal Act.

### **G. California Environmental Quality Act (CEQA)**

The Coastal Commission's review and analysis of coastal development permit applications has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions which implement the mitigating actions required of the Permittee by the Commission (see Section III, "Special Conditions").

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to achieve consistency between the proposed project and the requirements of the applicable policies of the Coastal Act to the maximum extent feasible consistent with Section 30235 of the Coastal Act. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. Mitigation measures that will minimize or avoid all significant adverse environmental impact have been required.

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, that would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA. As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.



Figure 1. Project Location Map

Source: United States Geological Survey (USGS)



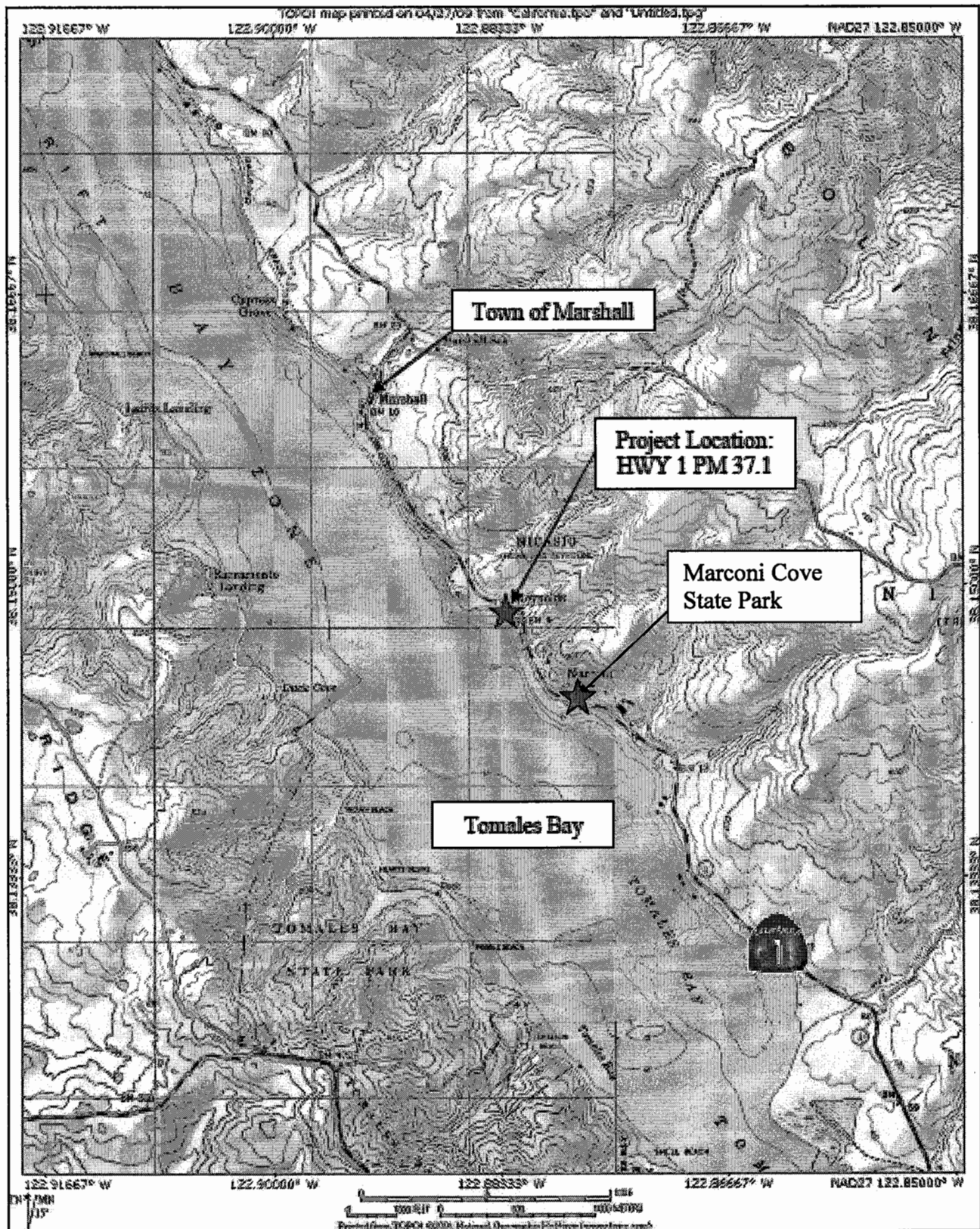


Figure 2. Project Vicinity Map

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Mrn	1	37.1		

REGISTERED CIVIL ENGINEER	DATE
PLANS APPROVAL DATE	

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

**NOTE:**

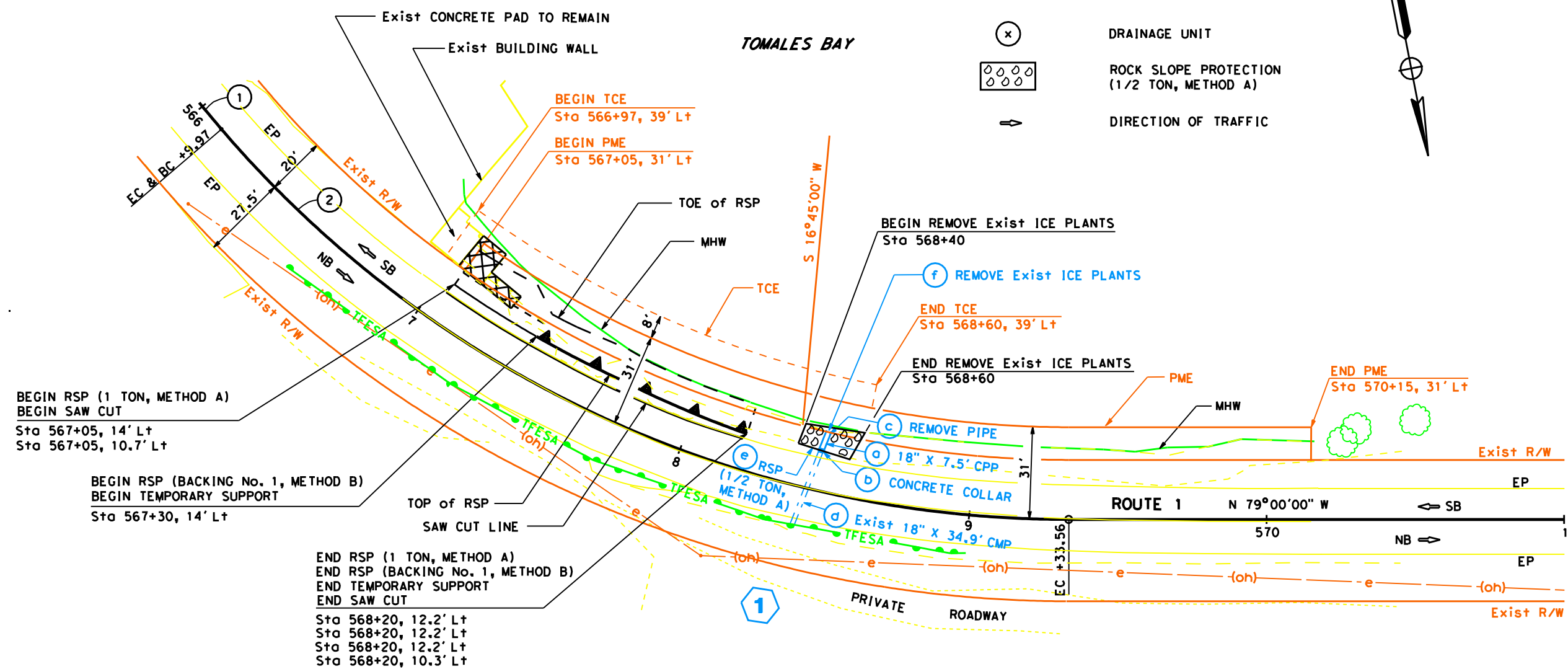
FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

**ABBREVIATIONS:**

- MHW - MEAN HIGH WATER
- PME - PERMANENT MAINTENANCE EASEMENT
- TCE - TEMPORARY CONSTRUCTION EASEMENT
- CPP - CORRUGATED PLASTIC PIPE

**LEGEND:**

- TFESA - TEMPORARY FENCE (TYPE ESA)
- TEMPORARY SUPPORT
- REMOVE CONCRETE
- DRAINAGE SYSTEM No.
- DRAINAGE UNIT
- ROCK SLOPE PROTECTION (1/2 TON, METHOD A)
- DIRECTION OF TRAFFIC



**CURVE DATA**

No.	R	Δ	T	L
(1)	700.00'	17° 52' 53"	110.13'	218.46'
(2)	375.00'	49° 26' 26"	172.64'	323.59'

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
 06-DESIGN  
 FUNCTIONAL SUPERVISOR: ALI ALOATAMI  
 CALCULATED/DESIGNED BY: GEORGE PANOS  
 CHECKED BY: JASVIR SINGH  
 REVISOR: GEORGE PANOS  
 DATE: 7/2/2010

2-11-011 (Caltrans) LAYOUT  
 Exhibit B  
 Page 1 of 3

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**Caltrans**  
 06-DESIGN

FUNCTIONAL SUPERVISOR  
 ALI ALOATAMI

CALCULATED-DESIGNED BY  
 CHECKED BY

GEORGE PANOS  
 JASVIR SINGH

REVISED BY  
 DATE REVISED


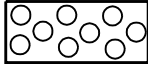

**NOTES:**

- 1) FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.
- 2) TEMPORARY SUPPORT WILL BE PROVIDED BY THE CONTRACTOR AND MAY REMAIN IN PLACE AFTER JOB IS COMPLETE OR AS DIRECTED BY THE ENGINEER.
- 3) DIMENSIONS OF THE PAVEMENT STRUCTURAL SECTIONS ARE SUBJECT TO TOLERANCES SPECIFIED IN THE STANDARD SPECIFICATIONS.

**ABBREVIATIONS:**

- MHW = MEAN HIGH WATER LINE  
 HTL = HIGH TIDE LINE  
 HHTL = HIGH HIGH TIDE LINE

**LEGEND:**

-  RSP (1 TON, METHOD A)
-  RSP (BACKING No. 1, METHOD B)
-  TEMPORARY SUPPORT

**DESIGN DESIGNATION**

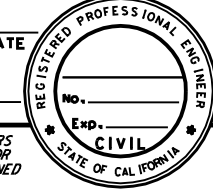
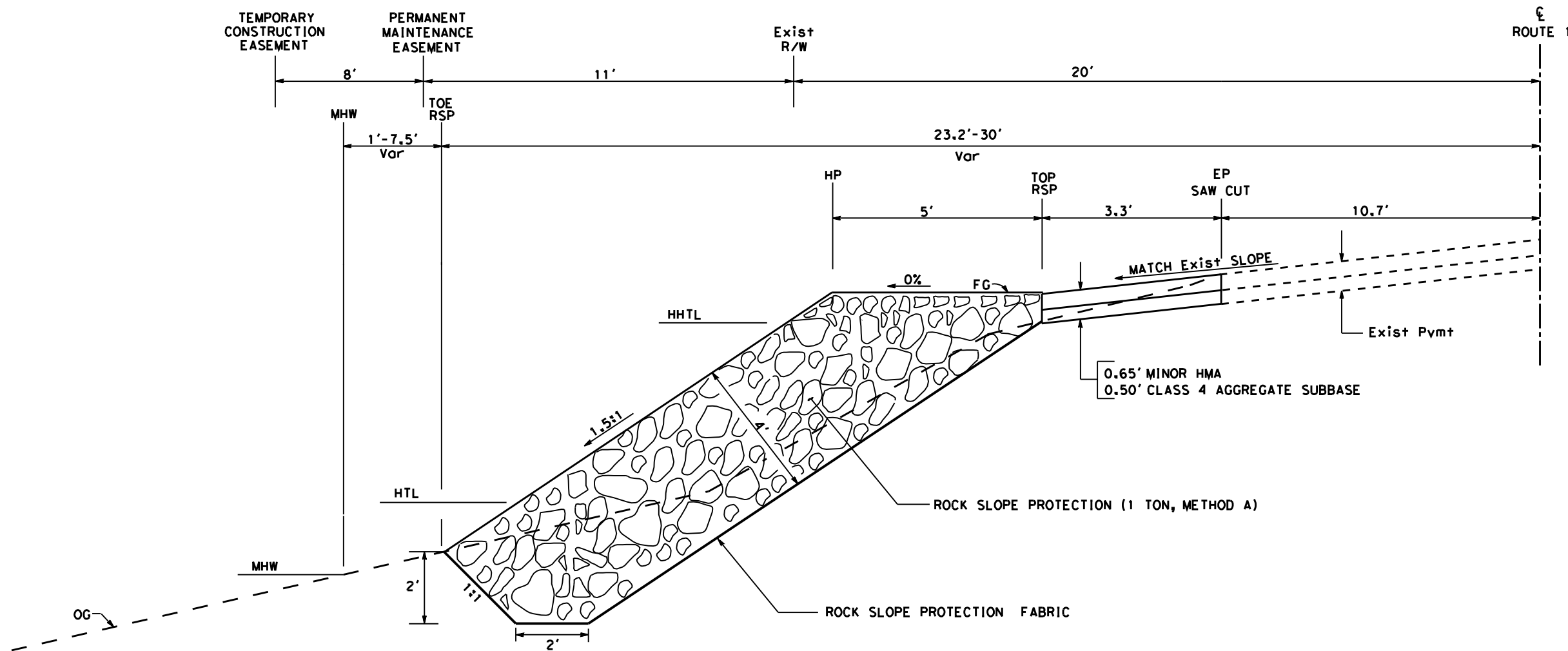
2009 ADT	1,864	D	55.59%
2015 ADT	1,907	T	2.10%
2020 ADT	1,944	T <sub>15</sub>	6.5
2030 ADT	2,017	T <sub>10</sub>	7.0
2030 DHV	375	T <sub>120</sub>	7.5

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Mtn	1	37.1		

REGISTERED CIVIL ENGINEER DATE \_\_\_\_\_

PLANS APPROVAL DATE \_\_\_\_\_

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Sta 567+05 TO Sta 567+40

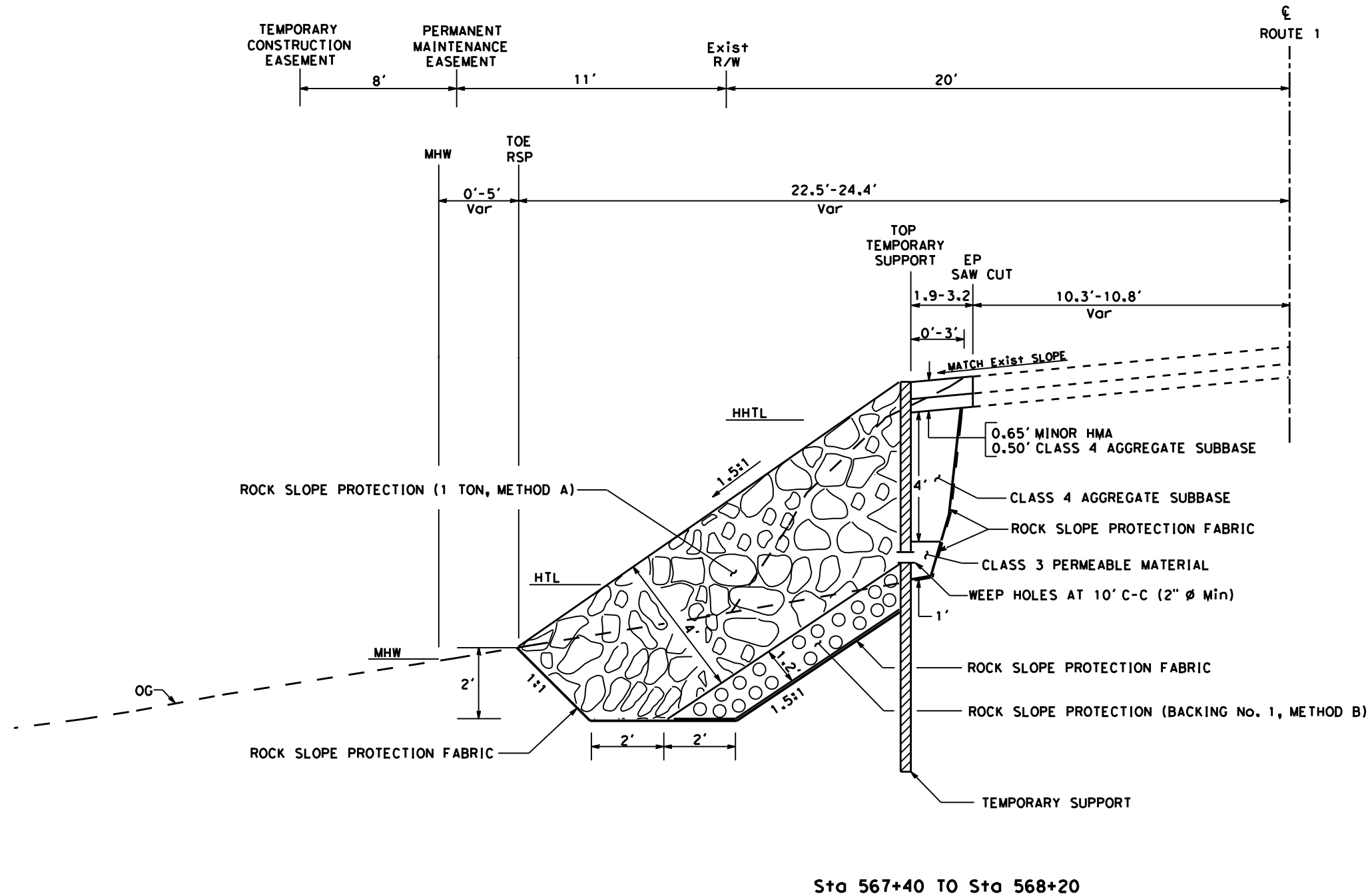
2-11-011 (Caltrans)  
 Exhibit B  
**TYPICAL CROSS SECTIONS**  
 Page 2 of 3  
 NO SCALE

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**Caltrans**  
 06-DESIGN  
 FUNCTIONAL SUPERVISOR: ALI ALOATAMI  
 CALCULATED/DESIGNED BY: GEORGE PANOS, CHECKED BY: JASVIR SINGH  
 REVISED BY: GEORGE PANOS, DATE REVISED: JASVIR SINGH

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Mrn	1	37.1		

REGISTERED CIVIL ENGINEER DATE \_\_\_\_\_  
 PLANS APPROVAL DATE \_\_\_\_\_

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.



2-11-011 (Caltrans)  
 Exhibit B  
**TYPICAL CROSS SECTION**  
 Page 3 of 3  
 NO SCALE

LAST REVISION: DATE PLOTTED => DATE, 07-25-11, TIME PLOTTED => \$TIME



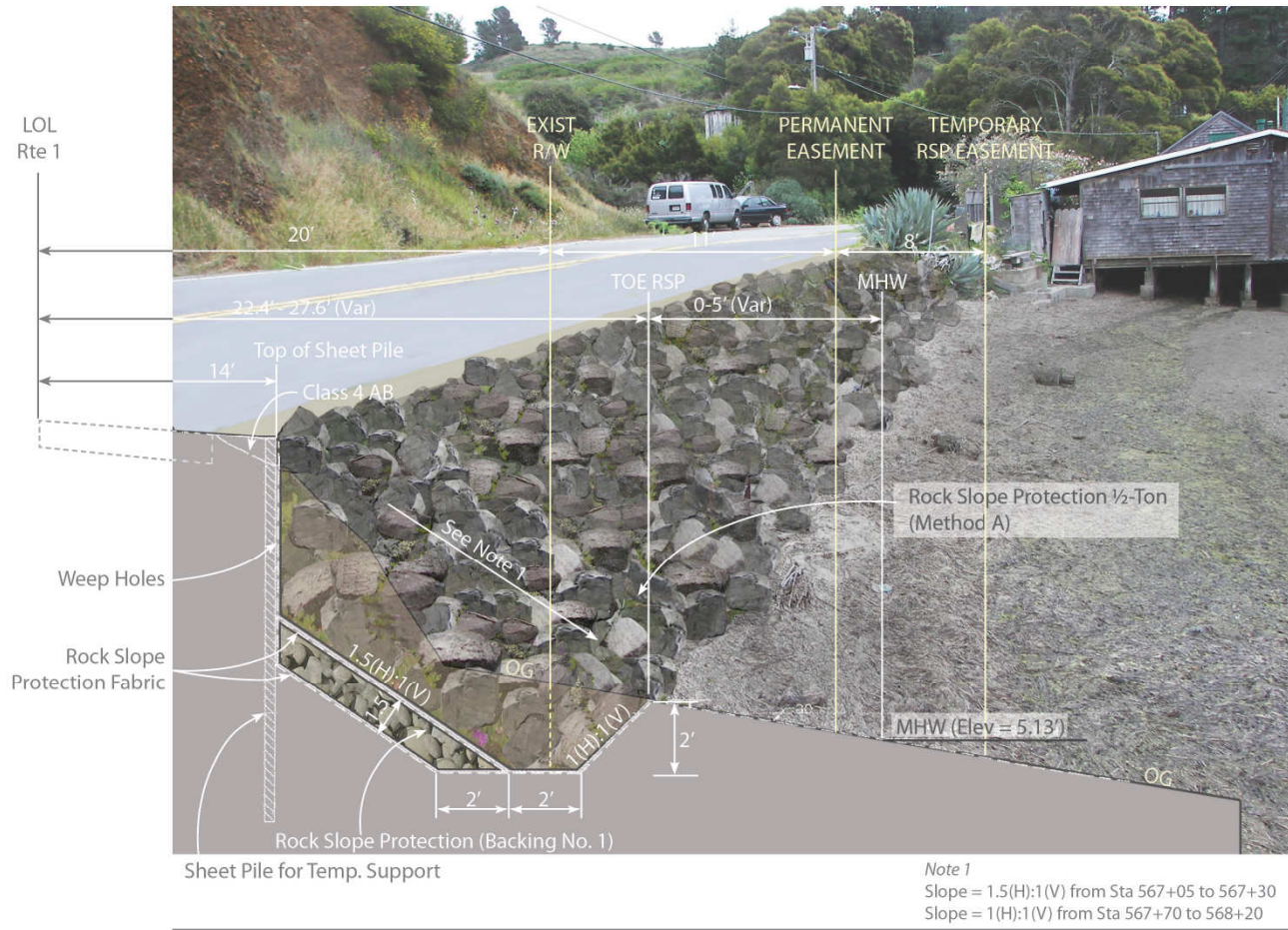


**Photo 1. HWY 1 at Project Site, Facing Northwest**



**Photo 2. HWY 1 Embankment at the Project Site, Facing Southeast**





Typical Cross Section (View to South)

**\*No Scale**  
**Figure 3. Typical Cross Section with Sheet Pile Support**

Project: Marconi Cove BLF  
 Location: Tomales Bay, CA

PRELIMINARY QUANTITY TAKEOFF  
 COST ESTIMATE FOR  
 BOAT-IN / ENVIRONMENTAL CAMPSITES

Prepared By: Andrew Pierson, PE  
 Dept. of Boating Waterways  
 (916) 263-8126  
 apierson@dbw.ca.gov

CATEGORY	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	BARE TOTAL	TOTAL W/O&P SUBTOTAL	CATEGORY SUBTOTAL
Mobilization	Deliver equipment and Materials	1	LS	\$20,000.00	\$20,000	\$24,000	
					Mobilization Subtotal		\$24,000
Demolition	Remove existing building	1	LS	\$10,000.00	\$10,000	\$11,650	
					Demolition Subtotal		\$11,650
Earthwork	Clear and Grub	25000	SF	\$0.15	\$3,750	\$4,369	
	Grading	1	LS	\$10,000.00	\$10,000	\$11,650	
					Earthwork Subtotal		\$16,019
Stiework	2"AC over 6"AB, Parking Lot	4800	SF	\$3.50	\$16,800	\$19,572	
	3"AC over 4"AB, Trail	2570	SF	\$3.50	\$8,995	\$10,479	
	Striping	1	LS	\$5,000.00	\$5,000	\$5,825	
	Precast Concrete Tables	7	EA	\$3,000.00	\$21,000	\$24,465	
	Precast Restroom, Single Unit	1	EA	\$30,000.00	\$30,000	\$34,950	
					Day Use Area Subtotal		\$95,291
Utilities	Electrical Branch from existing drop to Camp Host	600	LF	\$40.00	\$24,000	\$27,960	
	Electrical Panel	1	LS	\$4,200.00	\$4,200	\$4,893	
	Electric Pedestal for Camp Host	1	EA	\$1,200.00	\$1,200	\$1,398	
	2000 Gallon Underground Water Tank	1	EA	\$12,000.00	\$12,000	\$13,980	
	Booster pump for water supply	1	EA	\$1,500.00	\$1,500	\$1,748	
	Water line for Camp Host and single hosebib	200	LF	\$30.00	\$6,000	\$6,990	
	Hosebib and dry well assembly	2	EA	\$350.00	\$700	\$816	
	2000 Gallon septic holding tank for Camp Host site	1	EA	\$4,200.00	\$4,200	\$4,893	
					Boat Ramp/Riprap Subtotal		\$62,677
					Project Subtotal		\$209,637
					10% Contingency:		\$20,964
					Project Budget Total:		\$230,601

\* Costs from 2008 Saylor and similar projects  
 OH&P = 5% Overhead, 10% Profit & 5% Locality

Project: Marconi Cove BLF  
 Location: Tomales Bay, CA

PRELIMINARY QUANTITY TAKEOFF  
 COST ESTIMATE FOR  
 BOAT RAMP

Prepared By: Andrew Pierson, PE  
 Dept. of Boating Waterways  
 (916) 263-8126  
 apierson@dbw.ca.gov

CATEGORY	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	BARE TOTAL	TOTAL W/O&P	CATEGORY SUBTOTAL
Mobilization	Deliver equipment and Materials	1	LS	\$20,000.00	\$20,000	\$24,000	\$24,000
<b>Mobilization Subtotal</b>							<b>\$24,000</b>
Demolition	Remove existing boat ramp	725	SF	\$2.00	\$1,450	\$1,689	
	Remove existing wood pile	7	EA	\$1,000.00	\$7,000	\$8,155	
	Remove existing tree	3	EA	\$1,000.00	\$3,000	\$3,495	
	Haul off and dispose of debris	1	LS	\$10,000.00	\$10,000	\$11,650	
	Remove existing building/gas station	1	LS	\$10,000.00	\$10,000	\$11,650	
<b>Demolition Subtotal</b>							<b>\$24,989</b>
Earthwork	Clear and Grub	46000	SF	\$0.15	\$6,900	\$8,039	
	Grading	1	LS	\$50,000.00	\$50,000	\$58,250	
<b>Earthwork Subtotal</b>							<b>\$66,289</b>
Boating Facility	2"AC over 6"AB	46015	SF	\$3.50	\$161,053	\$187,626	
	4" Concrete sidewalk (includes wwm & 6"AB)	875	SF	\$7.00	\$6,125	\$7,136	
	6" Vertical curb	160	LF	\$20.00	\$3,200	\$3,728	
	4" Concrete Pad (includes wwm & 6"AB)	675	SF	\$7.00	\$4,725	\$5,505	
	Precast concrete picnic table	4	EA	\$3,000.00	\$12,000	\$13,980	
	Handicap ramp (includes AB)	2	EA	\$1,000.00	\$2,000	\$2,330	
	Truncated domes	2	EA	\$150.00	\$300	\$350	
	Precast Restroom, dual unit	1	LS	\$40,000.00	\$40,000	\$46,600	
	Precast concrete project credit sign	1	EA	\$6,000.00	\$6,000	\$6,990	
	Facility signage and striping	1	LS	\$5,000.00	\$5,000	\$5,825	
	Misc items	1	LS	\$5,000.00	\$5,000	\$5,825	
<b>Day Use Area Subtotal</b>							<b>\$285,894</b>

Project: Marconi Cove BLF  
 Location: Tomales Bay, CA

PRELIMINARY QUANTITY TAKEOFF  
 COST ESTIMATE FOR  
 BOAT RAMP

Prepared By: Andrew Pierson, PE  
 Dept. of Boating Waterways  
 (916) 263-8126  
 apierson@dbw.ca.gov

CATEGORY	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	BARE TOTAL	TOTAL W/O&P	CATEGORY SUBTOTAL
	Boat Ramp/Riprap 8" V-groove concrete push slab boat ramp (installed)	2592	SF	\$25.00	\$64,800	\$75,492	
	Crushed aggregate base (ramp only)	96	CY	\$45.00	\$4,320	\$5,033	
	Cast-in-place concrete apron (includes reinf & ab)	540	SF	\$12.00	\$6,480	\$7,549	
	Boarding floats (low freeboard & standard)	1280	SF	\$85.00	\$108,800	\$126,752	
	12" Diameter concrete pile (includes install & mobilization)	4	EA	\$10,000.00	\$40,000	\$46,600	
	Riprap and filter fabric	220	CY	\$125.00	\$27,500	\$32,038	
	Turbidity curtain	200	LF	\$40.00	\$8,000	\$9,320	
	Misc. Items	1	LS	\$5,000.00	\$5,000	\$5,825	
<b>Boat Ramp/Riprap Subtotal</b>							<b>\$308,609</b>
<b>Project Subtotal</b>							<b>\$709,780</b>
<b>10% Contingency:</b>							<b>\$70,978</b>
<b>Project Budget Total:</b>							<b>\$780,758</b>

\* Costs from 2008 Saylor and similar projects  
 OH&P = 5% Overhead, 10% Profit & 5% Locality



DEPARTMENT OF PARKS AND RECREATION  
Marin District  
845 Casa Grande Road  
Petaluma, CA 94954

**RECEIVED**

Ruth Coleman, Director

AUG 25 2011

August 22, 2011

California Coastal Commission,  
Central Coast Area

Dr. Charles Lester, Interim Executive Director  
California Coastal Commission  
725 Front St., Ste. 300  
Santa Cruz, CA 95060

Subject: Intended use of Reynolds Cove Mitigation Funds.

Dear Dr. Lester,

At the request of the California Department of Transportation (Caltrans), The Department of Parks and Recreation (State Parks) is providing this letter of intent to enter into a Cooperative Agreement with Caltrans and the California Department of Boating and Waterways (DBW) to provide a public use facility at Marconi Cove, a small parcel owned by State Parks located in Marin County on Highway 1 at post mile marker 36.1.

Prior to State ownership, this site was abandoned but had previously been operated as a privately owned boat launch facility and marina. The project will establish a public, bay access facility for motorized and non-motorized boating along with associated docks, parking lot, and restroom, as well as providing information, picnicking, and passive bay observation opportunities. In addition to the boat launch facility, a six-site campground will be developed to support enroute camping for non-motorized boaters (kayak/canoe) as well as bicycle travelers and even car travelers willing to camp separated from their vehicles. This development is consistent with the General Plan for Tomales Bay State Park (2004) and the Recreation Assessment for Tomales Bay State Park (State Parks February 2010).

The pending agreement will be executed no later than one year after the California Coastal Commission's approval of the coastal development permit for the Reynold's Cove revetment and it will specifically identify roles and responsibilities for each party to the agreement, including as follows:

- Caltrans will provide access mitigation funds to State Parks to support the development of the campground facility;
- State Parks will conduct the environmental review, provide the final project designs and complete applicable permitting requirements and, upon the completion of construction, will operate and maintain the facility according to State Parks standard operating procedures for public access facilities under the Tomales Bay State Park General Plan;
- DBW will manage the bidding and construction processes throughout the project, include the rehabilitation and construction of the boat launching facility in its FY2013-14 budget plans with the goal of initiating the boat launch construction

Dr. Charles Lester  
August 22, 2011  
Page 2

no later than Spring 2014, and include construction of the campground in its budget plans for FY 2014-15, with the goal of initiating campground construction no later than Spring 2015.

State Parks is committed to the Marconi Cove project and understands its role in developing a Cooperative Agreement and obligation to assist Caltrans in the preparation and submission of an annual progress reports to the Coastal Commission.

In the event that any timeline outlined in this letter of intent is not met, State Parks agrees to cooperate to the fullest extent with Caltrans and DBW to seek any necessary coastal development permit amendments from the Coastal Commission.

If you have any questions or comments, please do not hesitate to call Roy McNamee at (707) 769-5665 x226.

Sincerely,



Danita Rodriguez  
District Superintendent, Marin District

cc: Tami Grove  
California Coastal Commission

Steve Watanabe  
California Department of Boating and Waterways

Betsy Joseph  
California Department of Transportation

**DEPARTMENT OF BOATING AND WATERWAYS**

2000 EVERGREEN STREET, SUITE 100  
SACRAMENTO, CA 95815-3888  
Tele: (916) 263-4326  
Fax: (916) 263-0648  
[www.dbw.ca.gov](http://www.dbw.ca.gov)



August 22, 2011

Dr. Charles Lester, Interim Executive Director  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

**Subject: Intended use of Reynold's Cove Mitigation Funds**

Dear Dr. Lester,

At the request of the California Department of Transportation (Caltrans), the California Department of Boating and Waterways (DBW) is providing this letter of intent to enter into a Cooperative Agreement with Caltrans and the California Department of Parks and Recreation (State Parks) to provide a public use facility at Marconi Cove, a small parcel owned by State Parks located in Marin County on Highway 1 at post mile marker 36.1.

Prior to State ownership, this site was abandoned but had previously been operated as a privately owned boat launch facility and marina. The project will establish a public, bay access facility for motorized and non-motorized boating along with associated docks, parking lot, and restroom, as well as providing information, picnicking, and passive bay observation opportunities. In addition to the boat launch facility, a six site campground will be developed to support enroute camping for non-motorized boaters (kayak/canoe) as well as bicycle travelers and even car travelers willing to camp separated from their vehicles. This development is consistent with the General Plan for Tomales Bay State Park (2004) and the Recreation Assessment for Tomales Bay State Park (State Parks February 2010).

The pending agreement will be executed no later than one year after the California Coastal Commission's approval of the coastal development permit for the Reynold's Cove revetment and it will specifically identify roles and responsibilities for each party to the agreement, including as follows:

- Caltrans will provide access mitigation funds to State Parks to support the development of the campground facility;
- State Parks will be responsible for conducting the environmental review and applicable permitting requirements for the site and, upon the completion of construction, will operate and maintain the facility according to State Parks standard operating procedures for public access facilities under the Tomales Bay State Park General Plan;
- DBW will provide the final project designs and manage the bidding and construction processes throughout the project and will include the rehabilitation and construction of the boat launching facility in its FY2013-14 minor capital outlay budget (dependent upon the final project cost estimate as determined through the project development process and the corresponding availability of funds, approval of this project for inclusion in the Governor's Budget, and passage of the state budget) with the goal of



Dr. Charles Lester  
August 22, 2011  
Page 2

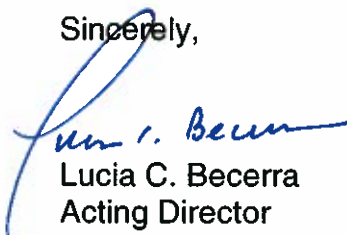
initiating the boat launch construction no later than Fall 2014, and will include construction of the campground in its FY 2014-15 minor capital outlay budget (dependent upon the final project cost estimate as determined through the project development process and the corresponding availability of funds, approval of this project for inclusion in the Governor's Budget, and passage of the state budget), with the goal of initiating campground construction no later than Fall 2015.

DBW desires to construct the Marconi Cove project and understands that the agreement described in this letter must be executed within one year of the Coastal Commission's approval of the Reynold's Cove revetment. DBW also understands that it is obligated to assist Caltrans in the preparation of a annual progress reports to the Executive Director of the Coastal Commission until such time that the Marconi Cove Access Rehabilitation and Construction Project is completed.

In the event that any timeline outlined in this letter of intent is not met, DBW agrees to cooperate to the fullest extent with Caltrans and State Parks to seek any necessary coastal development permit amendments from the Coastal Commission.

Please contact Steve Watanabe at (916) 263-8147 or at [swatanabe@dbw.ca.gov](mailto:swatanabe@dbw.ca.gov) if you have any questions or comments regarding this letter of intent.

Sincerely,



Lucia C. Becerra  
Acting Director

LB:sw:ms

cc: Tami Grove, California Coastal Commission  
Roy McNamee, California State Parks Marin District  
Betsy Joseph, California Department of Transportation

Th6a



September 2, 2011

Mr. Charles Lester, Acting Director  
California Coastal Commission  
Via email: [clester@coastal.ca.gov](mailto:clester@coastal.ca.gov)

Re: CalTrans Application No. 2-11-011

Dear Mr. Lester,

The Environmental Action Committee of West Marin (EAC) appreciates the opportunity to provide comments on the CalTrans proposal as detailed in Application No. 2-11-011. We support the CalTrans proposal to install rock slope protection to Highway 1 at milepost 37.09. We have performed a site visit and it is clear that immediate action is needed to protect Highway 1 before the next storm season.

EAC has concerns, however, with the nature and timing of the proposed mitigation measures, which are the focus of this letter. EAC believes that if done correctly a low-impact "environmental" campground would be a tremendous asset for the east shore of Tomales Bay. However, given the financial uncertainty of funding for Tomales Bay State Park, EAC strongly suggests that the improvements be phased, permit conditions be added, and that the Commission retain the ability to revisit this matter prior to commencement of construction.

Tomales Bay State Park is Slated For Closure on July 1, 2012<sup>1</sup>

Tomales Bay State Park is one of seventy California State Parks slated for closure on July 1, 2012 due to California's budgetary crisis. EAC is participating in the Marin Open Parks Coalition co-chaired by 6<sup>th</sup> District Assemblyman Jared Huffman and Marin Community Foundation CEO Thomas Peters. The Open Parks Coalition is working to find solutions to maintain both full public access to all units of Tomales Bay State Park (the Park) and ensure that such facilities management is performed by State Parks. The goal is to keep our public lands managed by professional public lands managers. A strong local concern shared by EAC is that public lands will come under the management of commercial interests whose priorities and skills differ from public service professionals.

<sup>1</sup> The Commission staff report details the public access mitigation proposed for "Marconi Cove State Park." It should be clarified for the record that the proposed public access improvements would be performed on Tomales Bay State Park property at Marconi Cove. The improvements will not be made at the Marconi Cove Conference Center, which it is separate State Park unit from the Tomales Bay State Park.

EAC's is concerned that the CalTrans proposed mitigation may use considerable public funds to construct substantial new park facilities at a time when basic operational funding for the Park has been cut beyond July 1, 2012. There is no guarantee that the necessary funding for Park management staff or facilities personnel will become available by 2015 when construction is proposed to commence.

Long before the current fiscal crisis, the small hike-in/bike-in campground at the Hearts Desire unit of the Park was closed because State Parks could not justify the costs of operating such a small campground. It is therefore unclear how State Parks can assure its partners or the public that the new facilities proposed as mitigation here – which are so similar to the Heart's Desire unit - will be operated in "perpetuity."

#### Proposed Mitigation

The proposed mitigation for loss of public access due to the highway repair project provides that CalTrans will deposit \$266,000 into an account that will go toward making considerable improvements to the Park at Marconi Cove, including: low-impact environmental campgrounds, restrooms, a new boat launch, sidewalks, parking facilities, park entrance, picnic areas, drainage system, grading, interpretive signage, pathways, fencing, and lighting. The Department of Boating and Waterworks will provide additional funding for these improvements, and the Park will perform the required CEQA review.

Also, it is unclear whether a feasibility study will be performed prior to undergoing environmental review. Feasibility issues to consider include that:

- There is no fresh water source at the site,
- There will likely be a need for a substantial breakwater or jetty to allow for functional boat access on most days due to northerly winds, and
- Dredging may be needed to install the boat ramp.

#### Alternative Mitigation Measures

EAC proposes that the following additional and alternative mitigation measures be considered for inclusion.

1. **Mitigate for Habitat Loss:** The mitigation proposal does not address habitat loss. Even though the slope between Highway 1 and the beach is mostly covered with non-native Ice plant, this loss of habitat must be mitigated. In the staff report, CalTrans is less than optimistic about being able to replant the revetment area with native strawberry. CalTrans must mitigate for habitat loss by providing for similar habitat within the vicinity.
2. **Clean Up Marconi Cove Site:** Currently there is a significant amount of debris from the old marina facility that, with or without the development at this site, should be removed from the inter-tidal and sub-tidal zones. This debris includes:
  - a. Remnants of the breakwater,
  - b. Various sized clusters of large truck tires that were bolted together and filled with concrete,
  - c. Creosote pilings, and
  - d. Loose debris such as culverts and pipes.

3. **Acquire the Adjacent Parcel to the North:** If State Parks' funding for Tomales Bay staff and personnel is not restored in the next three years to allow State Parks to operate the proposed new facilities at Marconi Cove, the mitigation funds could be used to purchase the undeveloped parcel immediately to the north of the Marconi Cove site. This private property is used by a large segment of boaters in Tomales Bay as an access point, though permission has never been acquired. It is the only "ramp" on Tomales Bay that is not limited by the tides and is relatively protected from the northerly winds that make it a better site than the Marconi Cove site.

Proposed Permit Conditions

EAC understands the need to plan for the future as if funding for the Park -- and all State Parks -- is a temporary problem that will be resolved within the next few years. However, because of the very real possibility that funding for the Park may not be resolved prior to initiating construction of the proposed mitigation improvements, EAC urges the Commission to adopt permit conditions to ensure that:

1. The proposed mitigation measures can be revisited by the Commission at a future date to consider modifications and other alternatives based on the financial situation of the Park,
2. The project can be implemented in phases and that certain phases of the proposed mitigation go forward as funding allows,
3. A portion of the mitigation funds are earmarked for State Parks staff or facilities management personnel,
4. Any transfer of operating or management control of the Marconi Cove improvements from State Parks to a for-profit entity will undergo the Commission's review to ensure the level of public access is maintained and that the new operator does not intensify uses beyond those previously approved,
5. The timing of any future boat launch construction is coordinated with the Audubon Canyon Ranch's Cypress Grove Preserve to prevent adverse impacts to migrating birds that forage, rest, and nest on Tomales Bay,
6. Require mitigation for habitat loss of like kind within the vicinity, and
7. Require immediate removal of the creosote pilings, old tires filled with cement, remnants of the breakwater, and derelict building, and at least prior to any grading or construction of improvements at the site.

Thank you for considering EAC's comments and concerns with the proposed mitigation for the CalTrans Highway repair permit.

Respectfully submitted,

/s

Amy Trainer, Executive Director

Cc: Danita Rodriguez, Marin District Superintendent, California State Parks  
Cicely Muldoon, Superintendent, Point Reyes National Seashore

Th6a

**From:** Linda Emme [mailto:lindaemme708@gmail.com]  
**Sent:** Monday, September 05, 2011 8:14 PM  
**To:** Charles Lester  
**Cc:** Jeff Staben  
**Subject:** Th6a

RE: Th6a,  
Caltrans Application for Reynold's Cove and Mitigation Funds Moved to Marconi State Park

Dear Dr. Lester and Commissioners,

I have several concerns about the use of the mitigation funds from the Reynold's Cove Caltrans improvement to develop the Marconi State Park. I live across the highway from the property in Marconi Cove and I wholeheartedly support the development of a safe boat ramp, parking area and restrooms.

However, the Staff Reports' analysis of the loss of beach at Reynolds' Cove and the mitigated gain of 1,400 linear feet of beach at the proposed Marconi State Park is incorrect. At Marconi State Park, there is a short section of gravel beach to the north by the present boat ramp, perhaps 200 linear feet. To the south of the present boat ramp, the old marina parking lot is fill held by riprap. There is no beach. Please see attached photos.

My primary concern, though, is the plan to develop the old marina parking lot into a camp ground. It was once a wetland that was filled in with riprap. In the thirty plus years that the area has been in disuse, and nearly undisturbed, it is again naturally returning to a wetland. In the winter, there is 2-12" of water standing over the entire area and a huge population of native frogs and other amphibians, plus shore birds hunting the frogs. On spring evenings, one hears a booming, harmonious blend of frog calls. Considering that frogs are declining drastically in other areas and are considered an indicator species, I believe that serious consideration should be given to this place where they are living and breeding successfully. Please consider returning the southern half of the old marina parking area, from the old gas station south to the southern side of the blue-line stream, back to it's natural wetland state so that the frogs will not be lost. The loss of this frog population will have a serious adverse effect on the health of the coast and Tomales Bay.

An additional consideration is that this fill area has no source of potable water or sewage disposal. Both must be trucked in and out. Considering the lack of water/sewage disposal present here for campers use and the important coastal resource of a large frog population in a natural wetland, I respectfully ask that this plan should be reconsidered and adjusted to better reflect the best use of the actual coastal resources present.

Sincerely,

Linda Emme  
18050 Shoreline Highway  
P.O. Box 708  
Marshall, CA 94940











**DEPARTMENT OF BOATING AND WATERWAYS**

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Th6a



September 6, 2011

Dr. Charles Lester, Interim Executive Director  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Subject: Th6a CDP Application Number 2-11-011 (Caltrans)  
DBW Support of Staff Report and Comments on West Marin EAC Letter dated 9-2-2011

Dear Dr. Lester,

The Department of Boating and Waterways (DBW) has reviewed the staff report for the subject item and supports the recommendation of your staff.

The Department has also been given the opportunity to provide comments on the letter from the West Marin Environmental Action Committee (WMEAC) commenting on the Caltrans application and would like to provide the following points of clarification:

1. On Page 2 of the letter, the WMEAC asks the Coastal Commission to consider feasibility studies regarding the lack of potable water, the need for a breakwater, and the need for dredging at the proposed Marconi Cove boat launching facility and boat-in/environmental campground. The DBW and State Parks have agreed that the campground is intended to be a small, low-impact facility and will be served by a single water storage tank that will contain water trucked in from a potable source. The existing unofficial boat ramp at this location does not have a functional breakwater and the proposed new ramp does not have one in the preliminary design either because a breakwater at the new ramp could give boaters a false sense of the actual boating conditions on the open water during periods of high winds, potentially putting them in harm's way. Finally, the DBW conducted a hydrographic survey of the shoreline at Marconi Cove and identified the present location of the proposed boat ramp as a site suitable for launching and retrieving recreational boats during all tidal conditions without the need for dredging. Therefore, no dredging will be required as part of the proposed new project at Marconi Cove.
2. Also on Page 2 the WMEAC proposes the existing Marconi site be cleaned up as an additional mitigation measure when the proposed project is brought before the Commission under a Coastal Development Permit application. The DBW has already factored clean up of the existing site in our preliminary project cost estimate and plans to remove all deleterious material within the project limits as part of the construction of the project.

The DBW would like to assure the California Coastal Commission that we are committed to working cooperatively with State Parks to prepare the CEQA document and to fulfill the Coastal Development Permit requirements for this project and that the final project design will protect all sensitive resources on the project site in accordance with existing law.



Please do not hesitate to contact me at (916) 263-8147 or at [swatanabe@dbw.ca.gov](mailto:swatanabe@dbw.ca.gov) if you have any questions or comments regarding our participation in this project.

Sincerely,

  
**Signature on File**

Steve Watanabe, Chief  
Boating Facilities Division

cc: Tami Grove  
California Coastal Commission

Roy McNamee  
California State Parks Marin District

Betsy Joseph  
California Department of Transportation