

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

MAILING ADDRESS:
P. O. BOX 4908
EUREKA, CA 95502-4908



RECORD PACKET COPY

F6a

Filed:	December 30, 1999
49 th Day:	February 17, 2000
180 th Day:	June 27, 2000
Date of Extension Request:	June 19, 2000
Length of Extension:	90 Days
Final Date for Commission Action:	September 17, 2000
Staff:	Jim Baskin
Staff Report:	July 21, 2000
Hearing Date:	August 11, 2000
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 1-99-008

APPLICANTS: **Wages Creek Campground, LLC
Westport - Ten Mile Cemetery District**

PROJECT LOCATION: 37700 North Highway 1, along Wages Creek, one mile north of Westport, Mendocino County; APNs 13-240-01, -20, -33, -34, & -43.

PROJECT DESCRIPTION: 1) Merge and re-subdivide five parcels into four parcels; 2) construct campground improvements, including converting 75 tent campsites to full hook-up RV sites, extending underground utilities, constructing a dump station, installing interpretive signs, making road improvements, and replacing a seasonal stream crossing with a permanent bridge, and 3) performing stream bank stabilization & alteration work.

LOCAL APPROVALS RECEIVED: County of Mendocino Coastal Development Permit No. CDP-11-98; County of Mendocino Coastal

Development Boundary Line Adjustment Permit
No. CBD 79-98.

OTHER APPROVALS REQUIRED: US Army Corps of Engineers CWA §404 Permit;
Regional Water Quality Control Board CWA §401 Certification;
and National Marine Fisheries Service FESA Sec. 7 consultation.

SUBSTANTIVE FILE County of Mendocino Local Coastal Program.
DOCUMENTS:

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve with conditions the proposed merger and re-subdivision and development of other improvements for the Wages Creek Campground. The project involves: (1) the merger and re-subdivision of five contiguous parcels resulting in four parcels; (2) conversion of 75 tent campsites to full hook-up RV sites; (3) installation of a permanent bridge over Wages Creek; (4) stream restoration work along a portion of the Wages Creek streambank; and (5) installation of campground improvements, including an RV sewerage dumping station, underground water, septic and utility lines, interpretative signage, and road improvements.

As development involving the placement of improvements in close proximity to a riparian corridor and beachfront, the project raises potential concerns regarding protection of environmentally sensitive habitat areas and coastal waters. In addition, ensuring that low-cost visitor-serving recreational facilities are not displaced, provision of adequate utilities and services to accommodate the development, and the protection of visual resources are other issues associated with the project.

With respect to the potential impacts to environmentally sensitive areas, the project would involve work undertaken within and proximate to the riparian corridor along Wages Creek. The proposed work would entail establishing the RV and tent camping sites, installation of water and septic disposal improvements, installation of a roadway network and a permanent bridge crossing, and placing interpretative signage. In addition, the applicant proposes to undertake stabilization / alteration along a portion of the Wages Creek streambank currently armored with salvaged automobile bodies. As part of this effort, authorization is sought to place a revetment comprised of boulders, logs, and willow root-waddles along a 180-lineal-foot portion of Wages Creek. However, the proposed revetment is not required to serve a coastal dependent use or protect existing structures or public beaches in danger from erosion. In fact, the upland area that the revetment would protect is currently vacant land with no existing structures.

During the review of the project portions under their respective jurisdictions, County and Commission staff consulted with the National Marine Fisheries Service Service, the U.S.

Army Corps of Engineers, the California Department of Fish and Game, the State Lands Commission, and the North Coast Regional Water Quality Control Board regarding potential impacts to stream and near-shore habitats, and water resources. These agencies advised that the project was not likely to have significant adverse impacts on the beneficial uses of ocean waters, Wages Creek or to federal and state listed fish and wildlife habitat provided that: (1) shade-providing vegetation along the creek is not removed as part of bridge construction and streambank restoration efforts; (2) mature riparian vegetation is not removed in the establishment of tent and RV camping spaces, the installation of utilities, or construction of the internal road network; (3) the bridge is designed with adequate vertical and horizontal clearances for water flows; (4) the public easement over navigable waters is not restricted or impeded by in-water development activities; and (5) established best management practices to contain and minimize water quality disruptions are included in demolition and construction phase activities. These mitigation measures have been included in the recommended special conditions for the project.

The major controversy raised by the application is whether or not portions of the proposed streambank stabilization/alteration are consistent with Section 30236 of the Coastal Act which: (a) limits the allowable uses for channelizations, dams, or other substantial alterations of rivers and streams to necessary water supply projects, certain flood control projects, and developments where the primary function is the improvement of fish and wildlife habitat; and (b) requires incorporation of the best mitigation measures feasible.

These criteria were addressed with resource agency staff during the processing of the application and additional information was requested to assist staff in determining whether the streambank work could be considered primarily for habitat improvement purposes. Given that the proposed work is not part of a more comprehensive habitat improvement project, and the limited habitat benefits that would result due to the proximity of the restoration site to the ocean, the proposed streambank work cannot be recognized as a project where the primary purpose is the improvement of fish and wildlife habitat. The portions of the proposed project which can not be considered primarily for habitat improvement purposes are those portions of the project involving the placement of rock and earthen material fill, the substantial alteration of the streambank, and the removal of car-body parts lodges within the stream. However, the periodic and on-going removal of exposed and/or protruding car-body parts to prevent injury to migrating juvenile fish can be found consistent with Section 30236 of the Coastal Act. Accordingly, staff has recommended conditions to preclude the placement of fill and other earthen materials in the stream so that the Commission may find conformance with the Coastal Act provisions which limit the types of streambed alterations which may occur.

Staff believes the proposed project as conditioned is consistent with the Coastal Act and recommends approval.

STAFF NOTES

1. **Jurisdiction and Standard of Review.**

The proposed project site is located along Wages Creek, about a ¼ mile from the ocean, in Mendocino County. Mendocino County has a certified LCP, but the site is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the project is the Coastal Act.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-99-008 pursuant to the staff recommendation.

Staff Recommendation of Approval:

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 the majority of the Commissioners present.

Resolution to Approve Permit:

The Commission hereby approves a coastal development permit for the proposed development 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: See attached.

III. SPECIAL CONDITIONS:

1. Final Site Development Plan.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a finalized plan for the development of the Wages Creek Beach Campground. The plan shall be prepared by a qualified professional and drawn to an appropriate scale to adequately illustrate site features and the location of authorized improvements.

1) The plan shall demonstrate that:

- a. The site developments will not result in further encroachment into environmentally sensitive habitat areas than currently exists at the site under the present campground configuration;
- b. In the construction of site improvements for establishing tent and recreational vehicle camping spaces, internal roadways, and the installation of sewer, water, and other utilities, no removal of streamside or floodplain riparian vegetation shall occur;
- c. Activities involving the channelization and significant alteration of Wages Creek are limited to those whose primary function is the improvement of fish and wildlife habitat; and
- d. Removal of all or part of the car-body parts lodged within Wages Creek located along the northern bank of Wages Creek commencing approximately 150 feet downstream from the State Highway 1 bridge crossing is prohibited.

2) The plan shall include, at a minimum, the following components:

- a. The extent of streamside and floodplain riparian areas as mapped and described in the *Botanical Survey* performed by Gordon E. McBride, Ph.D., dated September 23, 1997;
- b. The location and extent of existing recreational vehicle spaces, open camping areas, roadways, sewage disposal facilities and utility infrastructure;
- c. The location and extent of authorized recreational vehicle and tent camping areas, roadways, sewage disposal system, and utility infrastructure; and
- d. Appropriately worded notations addressing efforts to restore or improve fish and wildlife habitat within Wages Creek as described in the document entitled "Streambank Stabilization and Habitat Restoration Plan for Wages Creek Campground" (Ridge to River

Watershed Sciences and Resource Management, 8/16/98), as being limited to the following activities:

- (1) The periodic and on-going removal by cutting torch or other hand tools of any easily detachable and/or protruding car-body parts located along the northern bank of Wages Creek commencing approximately 150 feet downstream from the State Highway 1 bridge crossing.

- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Erosion and Run-Off Control Plans

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a plan for erosion and run-off control.

- 1) **EROSION CONTROL PLAN**

- a. The erosion control plan shall demonstrate that:

- (1) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and marine resources;
- (2) The following temporary erosion and sedimentation control measures shall be used during construction: "dry season" (June 1 – October 15) construction scheduling, straw bale barriers, silt fencing, sandbag/coffer damming, and outlet protection (outfall energy dissipaters); and
- (3) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and resources through the use of re-seeding and mulching of bare soil areas.

- b. The plan shall include, at a minimum, the following components:

- (1) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control;

- (2) A site plan showing the location of all temporary erosion control measures;
- (3) A schedule for installation and removal of the temporary erosion control measures;
- (4) A site plan showing the location of all permanent erosion control measures; and
- (5) A schedule for installation and maintenance of the permanent erosion control measures.

2) RUN-OFF CONTROL PLAN

a. The run-off control plan shall demonstrate that:

- (1) Run-off from the project site shall not increase sedimentation in waters of Wages Creek; and
- (2) Best Management Practices (BMPs) shall be used to prevent entry of stormwater runoff into the excavation site, the entrainment of excavated materials leaving the site, and to prevent the entry of polluted stormwater runoff into coastal waters during the construction of campground improvements, including but not limited to the following:
 - (i.) stormwater runoff diversion immediately up-gradient of the excavation trenches; and
 - (ii.) use of relevant best management practices (BMPs) as detailed in the "California Storm Water Best Management Construction Activity Handbook, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force (i.e., BMP Nos. CA3-*Structure Construction and Painting*, CA12-*Spill Prevention and Control*, CA24-*Sanitary/Septic Waste Management*, ESC1-*Scheduling*, ESC2-*Preservation of Existing Vegetation*, ESC50-*Silt Fence*, and ESC51-*Straw Bale Barriers*).

b. The plan shall include, at a minimum, the following components:

- (1) A description of the measures to be used to avoid water quality impacts; and
- (2) A schedule for installation and maintenance of runoff control devices.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the

Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Final Landscape Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a plan for landscaping to provide visual screening of the campground to reduce direct and cumulative adverse visual impacts of the project.

1) The plan shall demonstrate that:

- a. All vegetation planted on the site will consist of native, salt-tolerant and drought-resistant plants;
- b. All planting will be completed within 60 days after completion of construction;
- c. All required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan; and
- e. A minimum of one (1) tree per campsite is provided whose height at maturity reaches a minimum of fifteen (15) feet.

2) The plan shall include, at a minimum, the following components:

- a. A map showing the type, scientific and common name, planting size, and location of a minimum of one tree per developed recreational site, the irrigation system, topography of the developed site, and all other landscape features; and
- b. A schedule for installation, maintenance and upkeep (i.e., pruning, fertilizing, weeding) of the landscaping plants.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. State Lands Commission Review.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director a written determination from the State Lands Commission that:

- A. No State lands are involved in the development; or
- B. State lands are involved in the development and all permits required by the State Lands Commission have been obtained; or
- C. State lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

5. U.S. Army Corps of Engineers Approval

PRIOR TO COMMENCEMENT OF CONSTRUCTION, permittee shall provide to the Executive Director a copy of a permit issued by the U.S. Army Corps of Engineers, or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the U.S. Army Corps of Engineers. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is required.

6. Plan Review Condition.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit plans to the Executive Director for review and approval.

- 1) The plan shall demonstrate that:
 - a. Proposed signage and nesting structures are located and designed to: (1) protect views to and along the ocean and scenic coastal areas; (2) minimize the alteration of natural land forms; (3) be visually compatible with the character of surrounding areas; and (4) where feasible, restore and enhance visual quality in visually degraded areas;
 - b. Individual panels of the proposed interpretative signage do not exceed 10-square-feet in size, extend greater than five (5) feet above grade, and are constructed of earth-tone natural materials; and
 - c. The proposed nesting structure is situated in an area of the site which does not significantly detract from coastal views from State

Highway 1, its height does not exceed that of surrounding trees or structures, and is constructed of earth-tone natural materials.

- 2) The plan shall, at a minimum, include the following components:
 - a. The dimensions, color, building materials, and locations of the proposed signage and nesting structures, illustrated on a scaled drawing, indicating plan and elevation views.
- B. The permittee shall undertake development in accordance with the approval final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Area of Archaeological Significance.

- A. If an area of cultural deposits is discovered during the course of the project:
 - 1) All construction shall cease and shall not recommence except as provided in subsection 2) hereof; and
 - 2) Within 90 days after the date of discovery of such deposits, the permittee shall submit for the review and approval of the Executive Director, an Archaeological Plan, prepared by a qualified professional, that describes the extent of such resources present and the actions necessary to protect any onsite Archaeological resources.
 - 3) If the Executive Director approves the Archaeological Plan and determines that the Archaeological Plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, construction may recommence after the Executive Director receives evidence of recordation of the deed restriction required below
 - 4) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission and the Executive Director receives evidence of recordation of the deed restriction required below.
 - 5) Within 90 days after the date of discovery of such deposits, the permittee shall provide evidence to the Executive Director of an execution and recordation of a deed restriction, in a form and content acceptable to the Executive Director, stating that, in order to protect archaeological

resources, development can only be undertaken consistent with the provisions of the Archaeological Plan approved by the Executive Director.

The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit approved by the Coastal Commission.

IV. FINDINGS AND DECLARATIONS.

A. Project Description.

The proposed project consists of a merger and re-subdivision and improvements to an existing commercial campground. Although the applicant intends to undertake the whole of the project in one phase, the project involves work in both Commission and County of Mendocino local government jurisdictions (see Exhibit No. 3). To better understand the full scope of the proposal, the following table describes the various project elements by their location relative to applicable permitting authority:

Project Component	Permit Jurisdiction	
	CA Coastal Commission	County of Mendocino
Merger and re-subdivision of five parcels ranging in size from .49 acre to 47.56 acres into four parcels wherein: 1) APNs 13-240-01 & -34 would be merged into one parcel, 2) acreage would be added to APN 13-240-33 from APN 13-240-01/34, 3) acreage would be added to APN 13-240-20 from APNs 13-240-01/34 and 13-240-43, and 4) acreage would be added to the remaining portion of APN 13-240-43 from APN 13-240-01/34; resulting in four parcels ranging in size from .86 acre to 52.09 acres (see Exhibit No. 4).	✓	✓
Conversion of 75 tent camping sites to full hook-up recreational vehicle sites, retaining 40 tent camping sites.	✓	✓
Installation of a septic sewage system comprising: 1) ±3,300 ft of 4-in.-dia. PVC wastewater collection gravity-drain piping 2) 7 septic concrete septic tanks ranging in size from 1,200 to 2,500-gal. capacity; 3) an 8,000-gal. capacity pumping chamber; 4) ±1,000 ft. of 2-in.-dia. PVC pressurized effluent delivery line; and 5) a 1,250-lineal-ft. leachfield disposal area; removal of an existing sewerage dumping station and construction of a new station.	✓	✓ (leachfield only)

Project Component	Permit Jurisdiction	
	CA Coastal Commission	County of Mendocino
Installation of water and electrical utilities.	✓	✓
Replacement of a railroad flatcar seasonal stream crossing across Wages Creek with a permanent bridge span, abutments, and approaches.	✓	
Grading and installation of ±4,000-linear ft. of 25-ft. wide internal road network, surfaced with aggregate rock base to a 6-in. depth; installation of an emergency ingress/egress "crash gate" at the existing lower (northern) onsite roadway entrance to State Highway 1.	✓	
Install interpretative signage and a cliff swallow nesting structure.	✓	
Stabilization/alteration of ±240 linear ft. of the Wages Creek streambank comprising: 1) removal/recycling of easily detachable car-body parts; 2) installation of logs, boulders and root wads as native material revetment and to deflect erosive streamflows; and 3) riparian revegetation with willow sprigs.	✓	
Improvements to the upper (southern) onsite roadway approach to State Highway 1 comprising the paving and widening existing flares and tapers with 4 in. asphalt atop 6 in. aggregate base to a 20-ft.-width roadway extending 33 ft. back from the highway entrance, vegetation maintenance for intersection visibility.		✓
Demolition of two existing sheds totaling ±1,025-sq.ft. and construction of a 1,500-sq.ft. shed on APN 13-240-33 within the same building footprint.		✓

Further details of relevant portions of the project are discussed within Findings Section IV, following.

B. Site Description.

The project site is located approximately one mile north of the town of Westport in Mendocino County. The site, a horseshoe-shaped area encompassing approximately 64 acres, is situated between the ocean shore and a sharp, concave bend in State Highway 1. The lower reaches of Wages Creek, a first-order coastal stream bisects the project site into a southern upland portion containing the Westport – Ten Mile Cemetery and the campground entrance road, and a northern flat on which the majority of the campground improvements would be located.

The project setting is zoned for remote residential and public facility uses. The campground has been in continued operation since the 1950's and pre-dates enactment of the Coastal Act. The Westport - Ten Mile Cemetery was established in the 1870's. The County of Mendocino has issued several coastal development permits for campground improvements dating back to 1977; the Commission has similarly issued several *de minimis* permit waivers for sewage system repairs and seasonal stream crossings for developments within the Commission's jurisdiction since 1979. Portions of the currently proposed merger and re-subdivision and campground improvements lie within both the County of Mendocino's and the Commission's coastal development permitting jurisdictions.

The project setting comprises a coastal terrace developed with a rural commercial campground visitor-serving facility and cemetery surrounded by dune strand, coastal scrub-shrub, a riparian corridor along Wages Creek, and forested hillsides along the northern and eastern sides of the subject property. The Westport - Union Landing State Beach adjoins the site to the north and south. The Coastal Element of the Mendocino General Plan designates the area as "highly scenic." Landward of the project site, the terrain rises steeply to the crest of Packer Ridge and the northern flanks of Bell Mountain.

Those portions of the project site for which development is proposed are located above the mean high tide line of the sea on lands within the Commission's area of original coastal development permit jurisdiction (see Exhibit 3). Adjoining portions of the project site --- comprising areas generally south of Wages Creek --- are within the County of Mendocino's coastal development permit jurisdiction. On August 26, 1999, the County of Mendocino approved coastal development permit CDP-21-98 and coastal development boundary adjustment CDB-79-98 authorizing those portions of the development and merger and re-subdivision within the County's jurisdiction. The County's actions on CDP-11-99 / CDB-79-98 were not appealed to the Commission and became effective on September 24, 1999.

C. Protection of Environmentally Sensitive Habitat Areas.

Coastal Act 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 and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Habitat areas at the project site were described and characterized in the Botanical Survey (Gordon E. McBride, Ph.D., 9/23/97) provided with the permit application. The survey described the project site as being composed of three different plant communities: (1) bare and partially vegetated sand dunes, (2) coastal terrace and bluff, and (3) streamside and floodplain riparian vegetation. The study also included a survey for the presence of listed rare, endangered, or threatened plant species, and other species of concern, notably Mendocino Paintbrush (Castilleja Mendocinensis), Point Reyes Horkelia (Horkelia marinensis), Coast Lily (Lilium maritimum), Pink Sand Verbena (Abronia umbellata spp. breviflora), and Maple Leaved Checkerbloom (Sidelia malachroides). The investigation found no rare or endangered plant species on the site.

A supplemental investigation for the potential presence of three other plant species: Round Headed Chinese Houses (Collinsia corymbosa), Howell's Spineflower (Chorizanthe howelii), and North Coast Phacelia (Phacelia insularis) was recommended. This suggestion was based on the known presence of these species within the project's general region. In a report supplement prepared in response to this request (Gordon E. McBride, Ph.D., 4/26/99), the investigation found North Coast Phacelia not to be present at the site. Further, due to the relative salt-intolerance of Collinsia and Chorizanthe species, the report concluded their potential presence at the project site as very remote.

The botanical report provided an impact assessment for the project and recommended mitigation measures, including no removal of riparian vegetation unless replacement mitigation is provided and avoiding encroachment by RV space development into open and partially-vegetated dune areas. The campground layout was subsequently redesigned so as not to encroach into dune areas.

Notwithstanding the absence of listed species, the project site contains several areas that can be considered environmentally sensitive habitat areas (ESHA). This is due to their special value and nature or role in an ecosystem, and their fragility to disturbance or degradation by human activities and developments. These include (1) bare and partially-vegetated sand dune areas west of the proposed developed camping sites, (2) portions of the scrub-shrub vegetated areas along the coastal terrace, bluffs, and prairies, (3) the aquatic and wetland areas within the Wages Creek streambanks, (4) the vegetated riparian corridor adjacent to Wages Creek, and (5) adjoining riparian vegetated areas within the Wages Creek floodplain. Accordingly, as discussed more fully below, the above-cited Coastal Act policies regulating development activities in or adjacent to environmentally sensitive habitat areas apply to the project.

The project proposes several types of development activities that would be undertaken within or in close proximity to ESHAs. These include:

- Merger and re-subdivision of parcels within coastal sand dune, coastal scrub, and riparian corridor ESHAs;

- Establishing tent-camping and RV spaces and associated construction of roadways, wastewater collection lines and utilities within riparian corridor and floodplain ESHAs; and
- An aerial crossing of the aquatic and wetland ESHAs within the Wages Creek stream channel by the permanent bridge crossing and sewer force-line.

Merger and Re-subdivision

The project proposes to merge and re-subdivide five parcels into four parcels, portions of which run through dune, coastal strand and riparian ESHAs. The purpose for these adjustments is to facilitate the transfer of fee-title over portions of the properties owned by the co-applicants. The result of the proposed merger and re-subdivision would be the consolidation of ownership areas such that the properties may be managed more effectively for their intended uses as commercial campgrounds and burial sites. Additional area would be provided to the campground for development of the septic disposal system and ownership of contiguous oceanfront areas directly to the west. In exchange, flat, geologically stable portions of the campground would be transferred to the Westport – Ten Mile Cemetery District such that the cemetery may be expanded to meet the region's interment needs.

Since fewer parcels will result from the proposed merger and re-subdivision, the overall density and intensity of land use will be reduced. Similarly, the proposed merger and re-subdivision will not result in any substandard or unbuildable lots. At least one legal use (i.e., commercial visitor-serving facility, public facility, or residence will remain on each of the resulting adjusted parcels. No structural development (except the possible placing of survey monuments) is proposed for the adjusted areas within the ESHAs. Accordingly, the Commission concludes that no significant disruption of habitat values within the identified ESHAs will result from the proposed merger and re-subdivision.

Therefore, the proposed merger and re-subdivision are consistent with the limitations of Section 30240 of the Coastal Act regarding development within or adjacent to ESHAs.

Tent and RV Campground Improvements

The proposed delineation and construction of 40 tent-camping and 75 RV hook-up sites would involve activities within and adjacent to the riparian corridor and riparian floodplain ESHAs. For each proposed camping space gravel pads for vehicles would be laid, underground utility lines installed, and picnic tables and campfire rings amenities placed. The project site map indicates that numerous tent and RV camping spaces and access roads would be constructed in or in close proximity to riparian vegetated areas along Wages Creek and within its floodplain. The application indicates that "...no vegetation will be removed on areas other than building sites or roads." However, the application does not detail whether the removal of any riparian vegetation is proposed in

establishing the camping spaces --- presumably a "building site" --- or the number and size of vegetation to be removed.

As discussed above, the site contains riparian vegetation that is considered environmentally sensitive. The Commission has consistently conditioned permits for development near such riparian woodlands along streams and rivers to avoid disturbances of riparian areas where mature vegetation exists.

Section 30107.5 of the Coastal Act defines "environmentally sensitive area" as:

Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in the ecosystem and which could be easily disturbed or degraded by human activities and developments.

Under this definition, any area supporting a plant, animal, or habitat is environmentally sensitive if the area meets two main criteria: (1) the plant, animal, or habitat is either rare or of special value because of their unique nature or role in the ecosystem, and (2) the area could be easily disturbed or degraded by human activities and developments. The stream and floodplain riparian areas clearly meet the second criterion in that the removal of trees and shrubs associated with establishing the camping space can quickly obliterate any of the habitat afforded by these areas.

With regard to the first criterion, streamside and floodplain riparian vegetation is not rare, as it usually does not contain rare or endangered species and can be found extensively along most North Coast waterways. In general, riparian vegetation must grow to a certain size and mass before it can begin to contribute significantly to the river ecosystem. A willow sprig growing in isolation that has just taken root and only rises a few inches out of the ground cannot provide much forage area, nesting opportunities, or much screening from predators for birds and other animals who choose to use it. As the sprig grows taller, however, and as more riparian plants colonize the surrounding area, the sprig, and the plants now growing in association with it, can start to provide forage, nesting, and cover opportunities that make it especially valuable habitat and therefore an environmentally sensitive area.

Though often located in close proximity to ESHAs to take advantage of the aesthetics of the setting and convenience of access, campgrounds are not a use dependent on ESHA resources. Consequently, to maintain consistency with Coastal Act Section 30240, none of the proposed campgrounds facilities should be allowed to encroach into ESHAs on the site to any greater extent than do the existing campground facilities. While the applicant states that no streamside or floodplain riparian trees will be removed, the site plan appears to indicate that some of the proposed improvements would encroach into riparian areas. In addition, excavation and trenching for the roadway network, sewage disposal system and utilities would extend into and pass through delineated riparian areas

To ensure that the campground improvements proposed by the applicants are undertaken in such a way to avoid significant disruptions, impacts and degradation of ESHA habitat values as required under Coastal Act Section 30240, the Commission attaches Special Condition No. 1 which states that campground improvements shall not encroach into any area of riparian vegetation growing along Wages Creek or within its floodplain than presently occupied under the current campground configuration.

It should also be noted that the proposed site plan does not provide a formal buffer of set width around the streamside and floodplain ESHAs. Due to the noncontiguous pattern and extent of the ESHAs on the site, to do so would effectively render the campground use infeasible. However, by requiring the newly proposed site improvements to be located outside of the ESHAs mapped and described within the botanical survey, the campground will encroach no further into these areas than do current campground facilities. Thus, the proposed project as conditioned would not cause any disruption of habitat values, consistent with the second criterion of Section 30107.5.

Therefore, as conditioned herein, the campground improvements are consistent with the use limitations of Section 30240 of the Coastal Act regarding development within or adjacent to ESHAs.

Construction of Bridge Crossing

The proposed campground improvements also entail replacement of the current seasonal railroad flatcar crossing of Wages Creek with a permanent bridge crossing. The proposed bridge would fully span the creek in the same general location and alignment as the temporary crossing. Areas intended for the approaches and abutments are devoid of both streambank and floodplain riparian vegetation. In addition, the bridge is designed to provide a minimum five feet of clearance between the water surface and the bottom of the span such that waterflows or recreational boating use of the creek is not impeded.

Given the absence of riparian vegetation at the intended bridge location and its proposed design, the proposed permanent bridge would effectively avoid streamside and floodplain ESHAs by spanning these areas. In addition, no significant covering or shading of aquatic habitat will result from construction of the bridge span over the creek. Therefore, the Commission finds that construction of a permanent bridge crossing of Wages Creek is consistent with the use limitations of Section 30240 of the Coastal Act regarding development within or adjacent to ESHAs.

D. Development within Coastal Rivers and Streams.

In addition to the general concerns associated with activities in or near ESHAs, the Coastal Act addresses specific channelization activities within coastal rivers and streams. Section 30236 of the Coastal Act provides:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat. (emphases added)

The above policy sets forth a number of different limitations on what projects may be allowed in coastal rivers and streams. For analysis purposes, a particular development proposal must be shown to: (1) be for a necessary water supply project, certain specified flood control projects, or primarily for fish and wildlife habitat improvement; and (2) incorporate the best mitigation measures feasible.

The project includes a proposal to conduct work along a portion of the inner streambank of Wages Creek, ostensibly as part of a stream habitat restoration project. Wages Creek is a first-order coastal stream whose lower ¼-mile-long reach roughly bisect the campground above its ocean mouth. This portion of the creek flows through a well-developed and shaded riparian corridor composed of a predominant overstory of willows (Salix sp.) and red alder (Alnus rubra). The plant community making up the well-established understory along the streambanks includes water parsley (Oenanthe sdarmentosa), blackberry (Rubus sp.), dock (Rumex sp.), coltsfoot (Petasites frigidus var. palmatus), swordfern (Polystichum minitum), and giant chain fern (Woodwardia fimbriata).

The subject 180-ft. stream reach, which has recently experienced isolated bank erosion, contains the remains of several automobile and tank car-bodies partially embedded within the banks of the creek. Due to bank erosion during the last several winter storms, portions of the car-bodies have become more exposed to the live waters of the creek, raising concerns regarding injury to migrating juvenile anadromous fish. In addition, the applicant contends that continued erosion of the stream bank could result in further streambed degradation. The applicants also believe that overtime, the creek may eventually breach the bank and cut a new channel through the middle of the established campground with resulting losses to property.

The proposed streambank stabilization and alteration work entails the use of a bioengineering technique known as "native material revetment," involving the strategic placement of boulders, logs, and root wads to stabilize the bank and allow for the opportunity to re-plant the riparian corridor. Under this method, a row of debarked redwood logs would be lashed together in a "X"-crossed fashion and placed along the stream margin, keyed into the bank by trenching. Large boulders (+3-ft. diameter) would then be wedged in and among the log braces for stabilizing the structure and shielding the bank from erosive streamflows. Root wads and/or live willow plantings would then be placed in the remaining spaces between the logs and rock.. This technique has been

proposed as it would: (1) provide in-stream and overhead cover for fish; (2) provide shade, detritus, and terrestrial insect habitat; (3) break up the secondary circulation cells that add stress to the near-bank region; (4) look natural; and (5) provide for a diversity of habitats. The proposal also includes supplementing the natural revetment materials with triangular-shaped log and boulder "wing deflectors" at two locations for diverting erosive flows away from the bank to create mid-channel scour pools. In addition, log bank armor would be placed at the tank-car site, involving the threading of a log through a root bowl and into a hole in the streambank, and secured with additional boulders. These revetment and habitat structures would be installed subject to the standards within the California Department of Fish and Game's (CDFG) *California Salmonid Stream Habitat Restoration Manual*.

This aspect of the proposed project raises a concern as to whether or not the proposed streambank work could be found to be in conformance with Section 30236 of the Coastal Act. Specifically, a question is raised as to whether the prevailing purpose for the work would primarily be for habitat enhancement, given the significant amount of rocky material that needs to be placed and the resulting improvement to bank stability. As cited above, Coastal Act Section 30236 provides for channelization and/or substantial alteration of coastal streams for only three purposes: crucial water supply projects, certain obligated flood control projects, and where fish and wildlife habitat improvement is the primary project rationale. Projects where bank stability is the primary purpose are not so authorized.

CDFG staff believe the primary purpose of the streambank restoration to be principally for streambank stabilization. CDFG staff also believe that most of the proposed work would likely result in greater bank destabilization and habitat degradation than maintaining the structures in place. This reasoning is based on the following:

- The proposed location for streamside work, relative to its proximity to the ocean, is not a priority site for which substantive habitat improvement would result;
- The proposed streamside work would be an isolated effort, not part of a coordinated, comprehensive habitat restoration program involving other portions of the Wages Creek watershed;
- The proposed work would involve rock revetment that would permanently cover over 1,000 sq. ft. of streambank that, while currently eroding, still supports some riparian vegetation;
- Removal of all or part of the car-body revetment would likely result in further introduction of sediment into the creek from disturbance of streambank materials within the revetment; and
- The proposed work was previously considered for habitat restoration grant financing but was not funded due to its low evaluation score related to the preceding factors.

Therefore, (1) as the primary purpose of the streambank development is not the improvement of fish and wildlife habitat; (2) the proposed project would significantly alter the stream; and (3) the complete car-body removal is likely to result in greater bank destabilization and habitat degradation than maintaining the structures in place, the Commission finds that the streambank development proposed is inconsistent with Section 30236 of the Coastal Act. However, certain portions of the proposed work could be considered consistent with Section 30236 of the Coastal Act. Specifically, the periodic and on-going removal by cutting torch or hand tools of easily-detachable, protruding car-body parts would not involve the channelization or significant alteration of the stream through placement of rock, boulder and root wad fill, and would result in habitat improvements for migrating juvenile fish by reducing the potential for injuries from exposed sharp metal. These efforts are contrasted with the complete removal of the car-bodies from the streambank. As stated above, CDFG staff believe the complete car-body removal work is not an acceptable option as it would likely result in greater bank destabilization and habitat degradation overall than maintaining the structures in-place.

Accordingly, the Commission includes within the provisions of Special Condition No. 1, limitations on authorized stream restoration work to the periodic, on-going maintenance of the car-body revetment as described above. The Commission finds that the streambank development project, as conditioned to eliminate the placement of rock and other development, is consistent with Coastal Act Section 30236.

E. Protection of Water Quality.

Section 30231 of the Coastal Act addresses the protection of coastal water quality in conjunction with development and other land use activities. Section 30231 reads:

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

The construction of the camping spaces, roadway, bridge crossing, and installation of the sewer system and utilities will involve ground disturbing grading and trenching that could have adverse impacts on coastal water quality. If the site work is undertaken during times of precipitation exposed soils materials could become entrained in stormwater runoff resulting in sedimentation of coastal waterways. In addition, risks to water quality may exist after site improvements have been constructed. For example, a failure

or lack of adequate maintenance of the septic disposal system could result in releases of untreated sewage which could eventually enter coastal waters if not properly prevented, contained and cleaned-up.

Accordingly, to ensure that no adverse impacts to the water quality of coastal waters results, the Commission has included Special Condition No. 2 to ensure that feasible mitigation measures are included in the approval of the project. These requirements relate to timing of construction activities, facilities operation and maintenance standards, and specific best management practices to be undertaken during construction to prevent soil materials from entering or otherwise degrading the coastal waters of Wages Creek.

As conditioned, the proposed project is consistent with Section 30231 of the Coastal Act in that the quality of coastal waters will be maintained and protected from degradation by construction activities associated with the proposed project.

F. Public Access.

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions.

Section 30210 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 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 30212 states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Coastal Act Section 30210 requires in applicable part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires in applicable part that development not interfere with the public's right of access to the sea where acquired through use (i.e., potential prescriptive rights or rights of implied dedication). Section 30212 requires in applicable part that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety.

In applying Sections 30211 and 30212, the Commission is limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential public access.

The project site is located adjacent to the Pacific Ocean, between the sea and the first public road. Due to its private commercial orientation, public coastal access points to and along the ocean through the campground site are limited to campground occupants and their guests. Public coastal access to the beach through the Westport - Ten Mile Cemetery is constrained by steep slopes and unstable bluffs in that portion of the project site. Adjoining the site to the north and south are coastal access facilities, comprising the day use areas, campgrounds, and beachfront trails within Westport - Union Landing State Beach.

Although it is not the standard of review in the Commission's retained jurisdiction area, the County of Mendocino's LCP (certified November 20, 1985) can be utilized by the Commission as guidance. The LCP addresses access points in the project vicinity. Coastal Recreation and Access Policy 4.2-9. reads, in applicable part, as follows:

Location: West of Highway 1, 0.7 miles north of Westport.

Ownership: Private; two ownerships.

Existing Development: 175 unit campground.

Policy: At those times when the campground is open for business on specific days and hours an entrance fee may be charged to the general public as long as the visitor serving use remains. Public access without an entrance fee shall be provided consistent with policy 3.6-6 if a use other than a visitor serving use is permitted on the site.

Among the primary objectives for the campground improvement project is the goal of upgrading the camping facilities such that tent and recreational vehicle (RV) sites are formally delineated. In doing so, the current informal 175-unit layout would be reconfigured into 40 tent and 75 RV spaces. The proposed design would cluster users into discrete camping spaces reducing the amount of campground area taken up by campers, their vehicles and equipment. This action would provide a greater overall area of the subject property to be available for open space, coastal access, and pursuing passive and active coastal recreational opportunities than allowed under the present informal camping area configuration (60 designated spaces and three "open camping" areas). Accordingly, the proposed project would not interfere with the public's right of access to the sea either by patrons of the private campground or the general public from established nearby coastal access points. Therefore, the Commission finds that the proposed project, which does not include new public access, is consistent with the public access policies of the Coastal Act.

G. Lower-Cost Visitor and Recreational Facilities.

Providing access to the coast as a part of visitor and recreational facilities is addressed in Coastal Act Section 30213 as follows:

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

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

The proposed developments at the campground will not result in a loss of such opportunities. The primary use of the site for camping --- a *de facto* form of low-cost coastal recreation --- will remain, regardless of whether it takes the form of tent camps or within self-contained recreational vehicles. Based upon fee information provided by the applicant (RVs: \$22/night, Tents: \$18/night), no financial disincentive to tent campers compared to RV enthusiasts should result given the relatively small monetary difference in their respective rates. In addition, no change in the current \$5/person day-use fee for non-camping customers is proposed. Accordingly, the Commission concludes that no significant adverse impacts to facilities for lower-cost visitor-serving recreational facilities will result from the project.

Therefore, the Commission finds that the proposed project will protect, encourage, and provide lower cost recreational facilities. Thus, the project is consistent with Section 30213 of the Coastal Act.

H. Planning and Siting New Development.

Section 30250(a) of the Coastal Act states in applicable part that:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The intent of this policy is to direct development toward areas where community services are provided and potential impacts to resources are minimized.

The proposed development involves extensive service improvements to an existing commercial campground, including installation of an onsite sewage disposal system, development of an internal roadway network, and the extension of water, electricity and communication utilities.

Sewage Disposal: The proposed septic system was designed to accommodate treatment of an estimated daily flow of 7,500 gallons of wastewater through leachfield disposal conveyed by a pressurized system. The design was developed in accordance with the requirements of the North Coast Regional Water Quality Control Board (NCRWQCB) and the Mendocino County Division of Environmental Health (MCDEH). The proposed system includes designation of a 100% leachfield replacement area in the advent of future failure of the primary field. A cumulative analysis of the effects of the system on water quality was also conducted consistent with the North Coast Basin Plan. The system design was approved by the MCDEH on December 20, 1999.

Road System: The project site would be served internally by a 25-ft.-wide gravel roadway system connected to State Highway 1. Based upon review by the California Department of Forestry and Fire Protection, the road way will be adequate to provide emergency vehicular access to the campground.

Water Supply: Although the project site is in a rural setting, it is located within the boundaries of the Westport County Water District (WCWD). The WCWD has indicated its "willingness-to-serve" the proposed development's expected 36,000 gallons-per-month increase in water demand associated with the 75 RV hook-ups.

Based on the above conditions, the proposed development is consistent with Coastal Act Section 30250(a) to the extent that it is located in a developed area with adequate water,

sewer, utility, transportation, and other public service capabilities, and/or will not have significant adverse effects, either individually or cumulatively, on coastal resources. Therefore, Commission finds that the proposed project is consistent with Section 30250 of the Coastal Act.

I. Visual Resources.

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas. Furthermore, in designated highly scenic coastal areas, permitted development must be subordinate to the character of its setting.

The project setting consists of an existing commercial campground facility providing up to an allowed maximum 175 spaces for car-camping and recreational vehicle enthusiasts. The campground is situated on a relatively flat coastal terrace between adjoining bluffs, bisected by the riparian corridor of Wages Creek. The subject property is vegetated with a mosaic of trees, shrubs and grassy openings in which the campground use is conducted. The property is visible from the portions of State Highway 1 along the hillside slopes north and south of the site. The County of Mendocino LCP designates the project area as a "highly scenic area."

Once completed, the campground proposed improvements would provide 40 tent-camping sites and 75 RV hook-up spaces laid out in a looped configuration. These camping areas would be more regimented in their overall appearance compared to the dispersed "open camping areas" currently offered at the campground due to this linear arrangement. In addition, with the installation of the permanent bridge crossing providing year-round site access and special sewerage pump-out facilities, the facility is likely to attract a greater number of recreational vehicle users. The increased presence of these relatively large vehicles could significantly alter the appearance of the site by blocking or extending above landscape features on the property. To mitigate the visual presence of the campground from surrounding public viewing areas, the applicant proposes to plant a minimum of one tree (species unspecified) per camping space.

While it is not possible to completely shield all campground improvements or camping vehicles from the public's view, the development must be shown to conform to the criteria within the above-cited Coastal Act policy. To this end, the Commission believes the proposed campground improvements will be situated in a location where views to the coast will not be affected: Blue-water views of the ocean from Highway 1 will not be blocked or otherwise obstructed by the resulting campground use. The Commission also finds that with the inclusion of the vegetative screening proposed by the applicant the visual expression of recreational vehicles clustered within the proposed campground

views along the coast will similarly be protected. Finally, given the established use of the site as a commercial campground, the Commission find the proposed development will be both compatible with the character of surrounding areas and subordinate to the setting's character.

To ensure the successful establishment and ongoing viability of the proposed vegetated visual screening, the Commission attaches Special Condition No. 3 requiring approval of a final landscaping plan addressing suitable tree species for the site, and provisions for their maintenance, irrigation, replacement, and upkeep.

In addition to the campground improvements, the project application also enumerated several other site amenities to be installed on the site. These include the installation of interpretative signage and a cliff swallow nesting structure. The finalized design of these amenities has not been completed at this time. Accordingly, to ensure that the scenic and visual qualities of coastal areas shall be considered and protected, the Commission attaches Special Condition No. 6, which requires that plans for signage and nesting structures provided prior to issuance of the coastal development permit that ensure that the signage and nesting structure are visually compatible and subordinate to the character of the project setting.

The Commission finds, that as conditioned, the proposed project will: (a) include adequate measures to insure that the scenic and visual qualities of coastal areas are considered and protected; (b) insure that permitted development is sited and designed to protect views to and along the ocean and scenic coastal areas; (c) minimize the alteration of natural land forms; (d) be visually compatible with the character of surrounding areas; and (e) be subordinate to the character of its setting.

J. Protection of Cultural Resources.

Section 30244 of the Coastal Act provides that "*...(w)here development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*"

The project site is situated on a coastal terrace that contains the former locations of the summer foraging camp known to the Mishbul-ontilla triplet of the Coastal Yuki as *Nuhanwakem* (CA-MEN-541) and the remains of the ethnographic village of *Nuhanwahatdape* (CA-MEN-543). These sites were utilized for seasonal occupation for collecting and processing littoral zone resources and may have contained 3-4 Coastal Yuki houses prior to 1870. Shell middens, slab mortar fragments, and fire-affected stone are the prevalent relict materials found at these sites.

In an archaeological survey conducted for the project (Thad M. Van Bueren, ROPA, 6/26/99), investigation of the subject found that neither the proposed merger and re-subdivision or campground improvements would involve the identified archaeological

village site. Consequently, the project would have no direct adverse impact to those archaeological resources. However, since the precise location and extent of the *Nuhanwakem* camp were not confirmed, the potential exists that portions of the site may be within the project area proposed for site improvements. Excavation associated with the trenching for the wastewater system and utilities could result in the uncovering or disturbance of previously unknown or unmapped archaeological resources.

Accordingly, the Commission attaches Special Condition No. 7, requiring that, if archaeological resources are accidentally discovered during the excavation or other construction activities at the site, all site work in the area potentially containing cultural resources is to be discontinued and a qualified archaeologist immediately contacted to assess the significance of the materials. In addition, the condition provides that prior to the re-initiation of construction, an Archaeological Plan be prepared by a qualified professional that describes the extent of such resources present and the actions necessary to protect any onsite archaeological resources. Therefore, the Commission concludes that, as conditioned, the project is consistent with Section 30244 of the Coastal Act.

K. State Waters.

Portions of the project site are in areas that are State-owned waters or were otherwise subject to the public trust.

Therefore, to ensure that the applicant has the necessary authority to undertake all aspects of the project on these public lands, the Commission attaches Special Condition No. 4, which requires that the project be reviewed and where necessary approved by the State Lands Commission prior to the issuance of a permit.

L. U.S. Army Corps of Engineers Review

The project requires the review and approval by the U.S. Army Corps of Engineers for construction activities involving "waters of the United States" (i.e., Wages Creek bridge crossing). Pursuant to the Federal Coastal Zone Management Act, any permit issued by a federal agency for activities that affect the coastal zone must be consistent with the coastal zone management program for that state. Under agreements between the Coastal Commission and the U.S. Army Corps of Engineers, the Corps will not issue a permit until the Coastal Commission approves a federal consistency certification or permit for the project. To ensure that the project ultimately approved by the Corps is the same as the project authorized herein, the Commission attaches Special Condition No. 5 which requires the permittee to submit to the Executive Director evidence of U.S. Army Corps of Engineers approval for the project prior to the commencement of work.

M. California Environmental Quality Act.

Section 13906 of the California Code of Regulation requires Coastal Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Public Resources Code Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act policies at this point as if set forth in full. The proposed project has been conditioned to be consistent with the policies of the Coastal Act and the requirements of PRC §21080.5(d). Special condition(s) have been attached to require mitigation measures which will minimize all adverse environmental impacts. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may 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 to conform to CEQA.

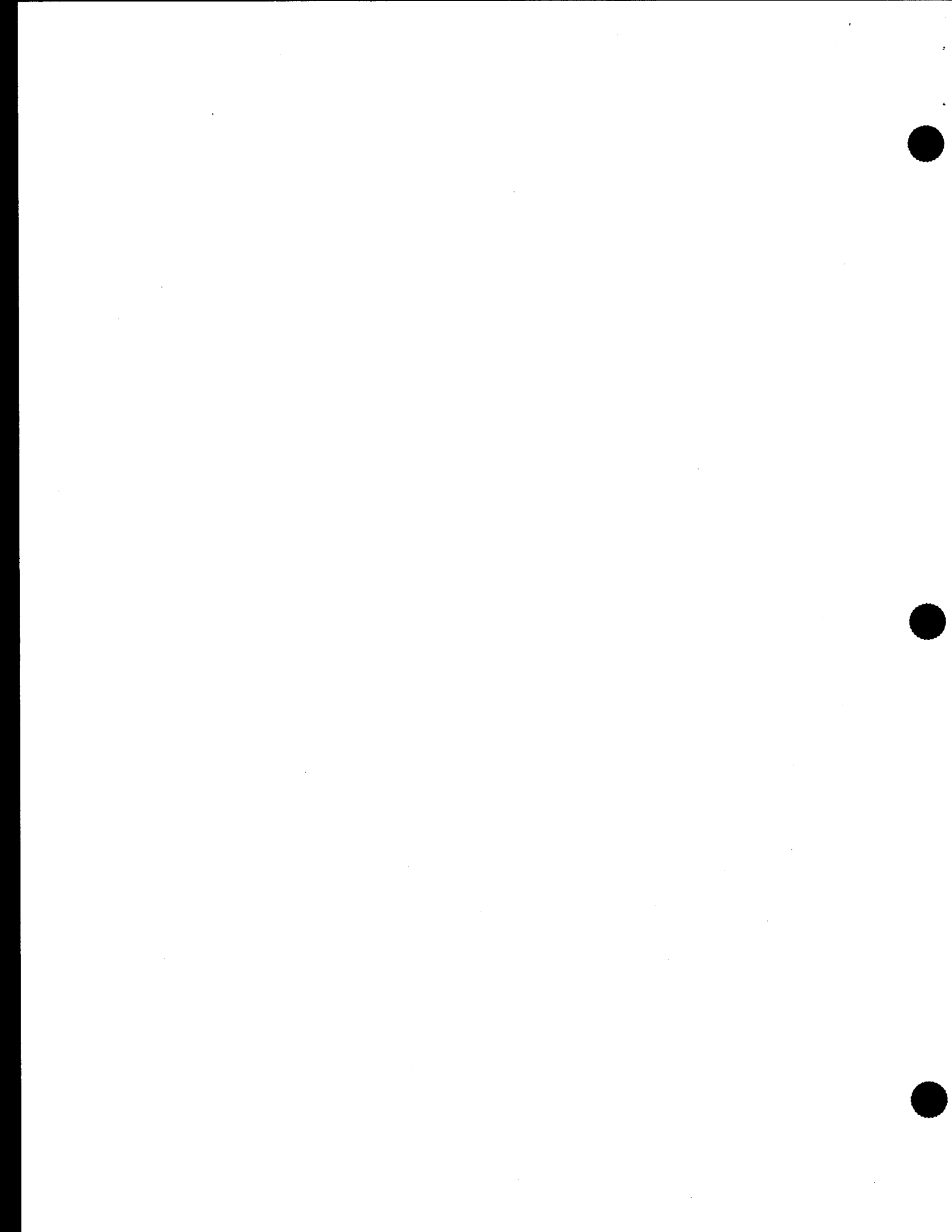
EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Jurisdictional Map (excerpt)
4. Project Site Plans
5. Review Agency Correspondence
6. General Correspondence

APPENDIX A

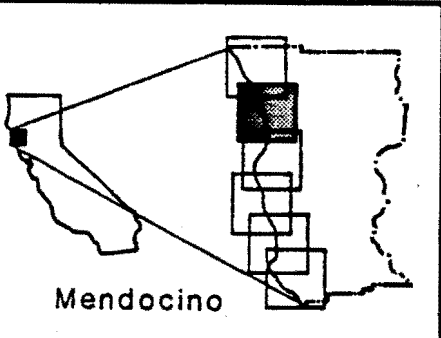
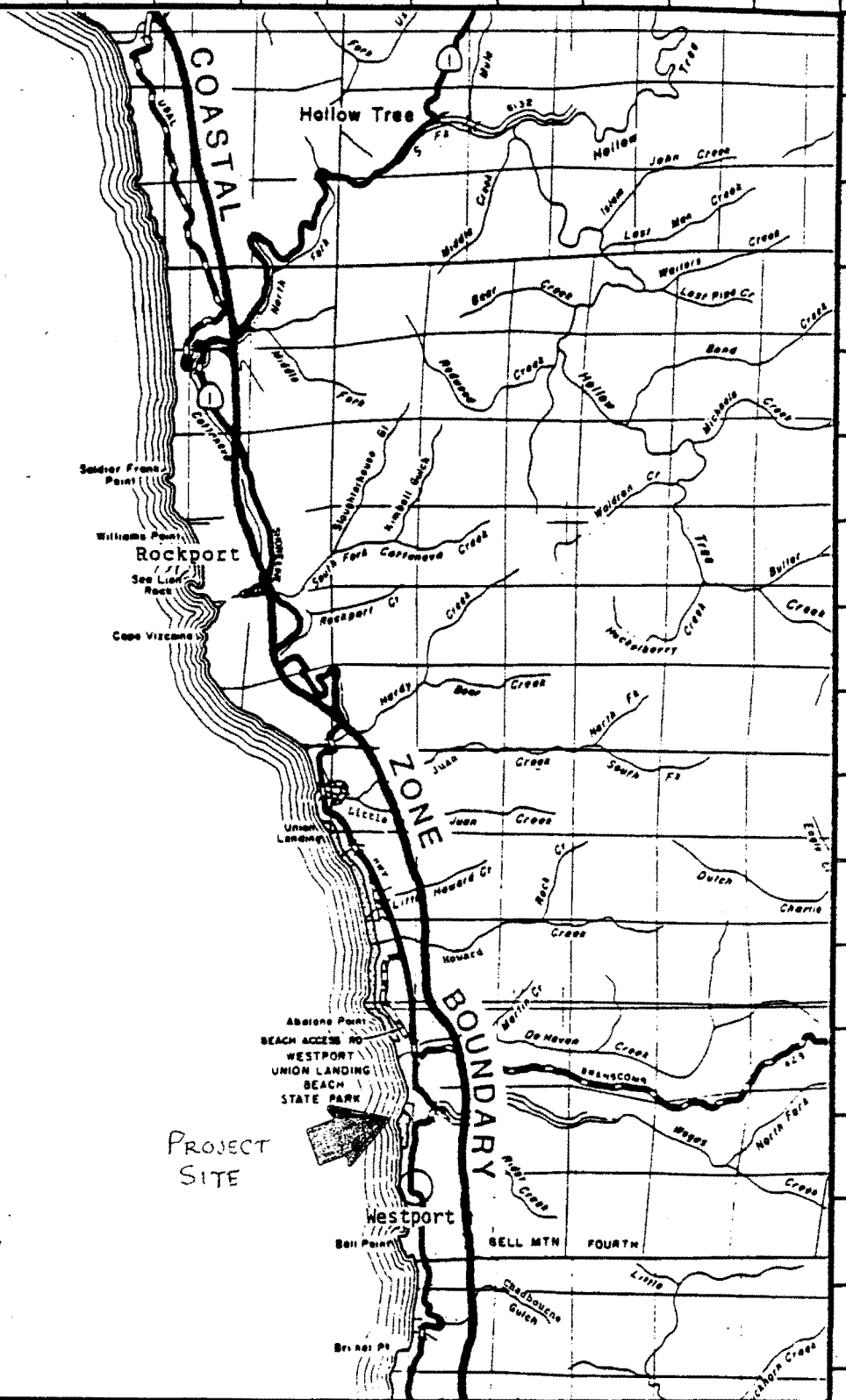
STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. 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 amount of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of 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.



A B C D E F G H I J K L M N O

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18



Mendocino

PROJECT SITE

EXHIBIT NO.	1
APPLICATION NO.	1-99-008
LOCATION MAP	

LOCATION MAP



cino

Sheet 2 of 6

topozone.com

Copyright © 2000 Maps a la carte, Inc.

1:100,000 1:200,000

Small Medium Large

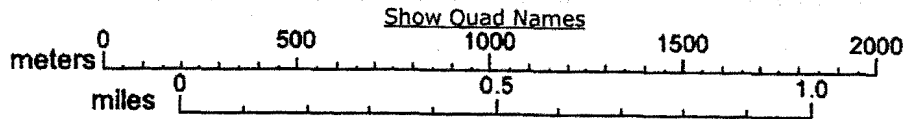
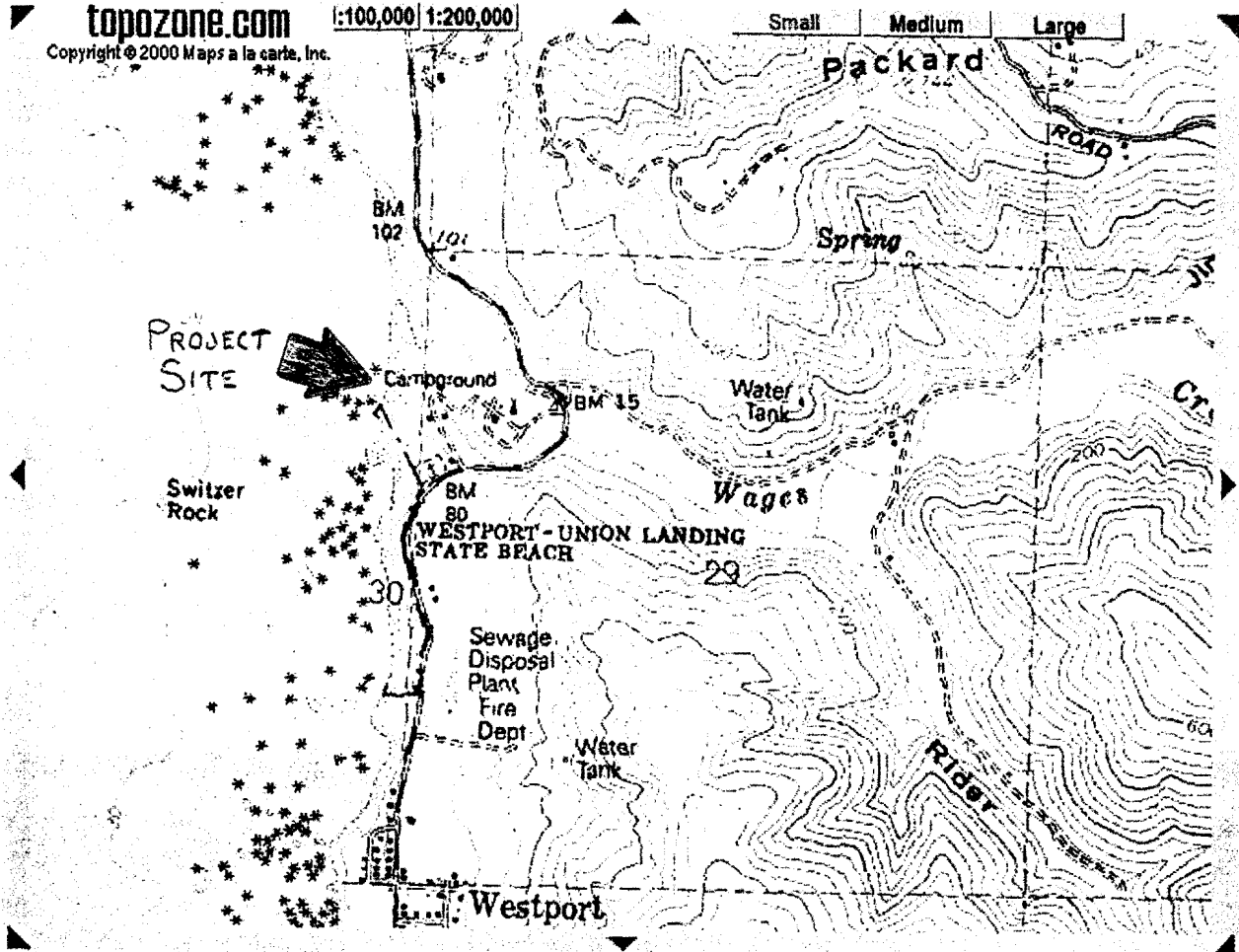
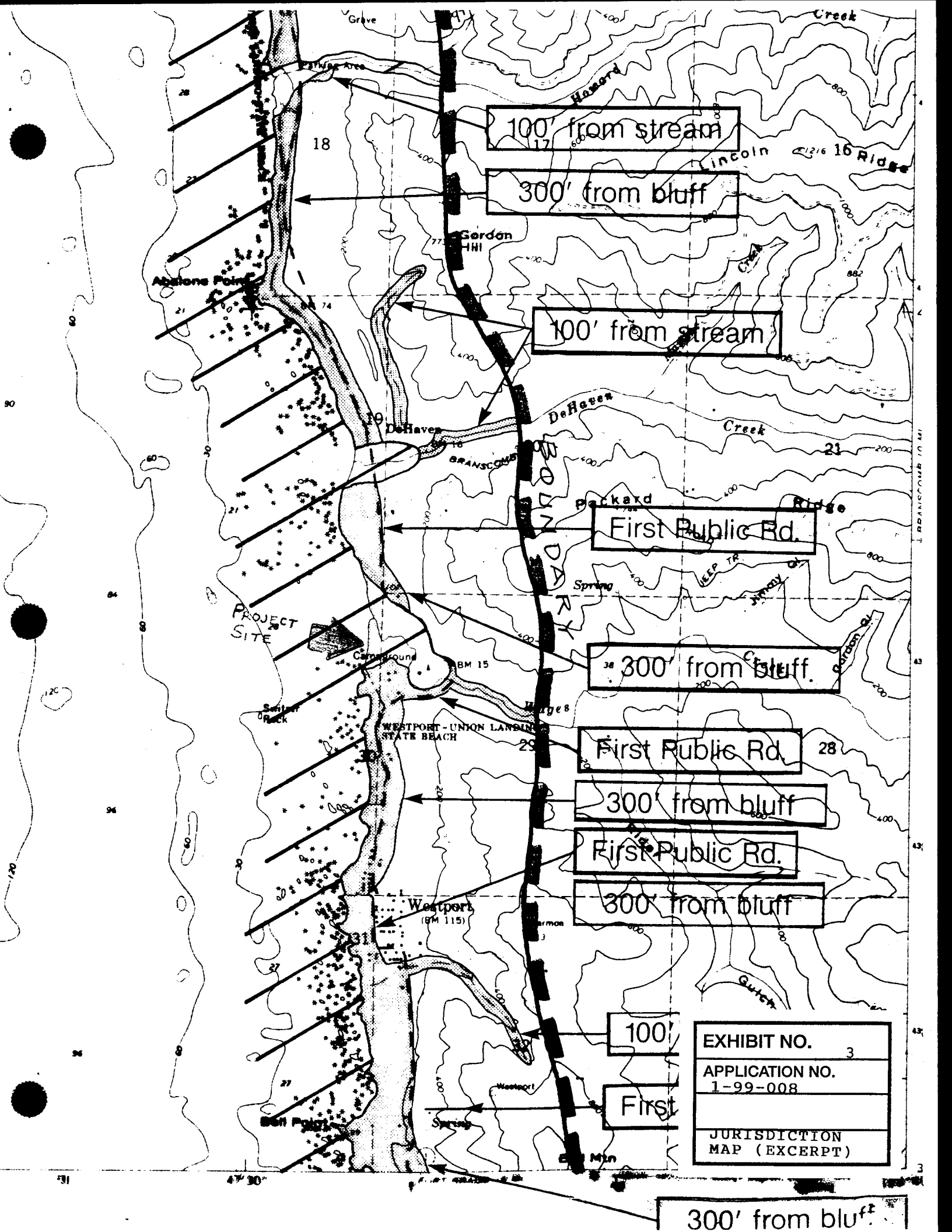


EXHIBIT NO. 2
APPLICATION NO. 1-99-008
VICINITY MAP



100' from stream

300' from bluff

100' from stream

First Public Rd.

300' from bluff

First Public Rd.

300' from bluff

First Public Rd.

300' from bluff

100'

First

EXHIBIT NO.	3
APPLICATION NO.	1-99-008
JURISDICTION MAP (EXCERPT)	

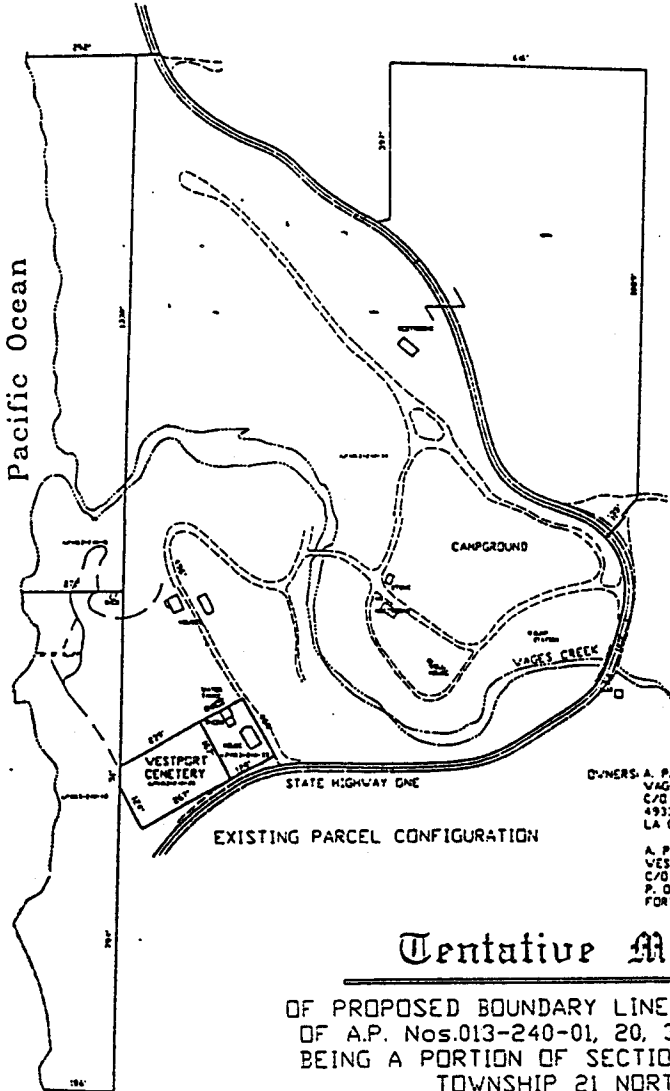
300' from bluff

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT
& COASTAL DEVELOPMENT BOUNDARY LINE ADJUSTMENT

CDP #21-98/CDB #79-98
August 26, 1999
CPA-10

PREPARED BY: I. L. WELLY & ASSOCIATES
703 A NORTH MAIN STREET
FORT BRAGG, CALIFORNIA 95437
PHONE: (707) 964-8865

Ivan Lee Welly
IVAN LEE WELLY R.C.E.19641



OWNERS: A. P. # 013-240-23 & 34
VAGES CREEK CAMPGROUND, LLC
C/O JEFFREY Z. B. SPRINGER
4932 INDIANOLA WAY
LA CANADA, CA. 91011

A. P. # 013-240-01, 20 & 43
WESTPORT-TEN MILE CEMETERY DISTRICT
C/O JAMES SUNDBROM
P. O. BOX 2543
FORT BRAGG, CA. 95437

Tentative Map

OF PROPOSED BOUNDARY LINE ADJUSTMENT
OF A.P. Nos.013-240-01, 20, 33, 34 & 43,
BEING A PORTION OF SECTIONS 29 & 30,
TOWNSHIP 21 NORTH,
RANGE 17 WEST, M.D.B.&M.

MENDOCINO COUNTY, CALIFORNIA

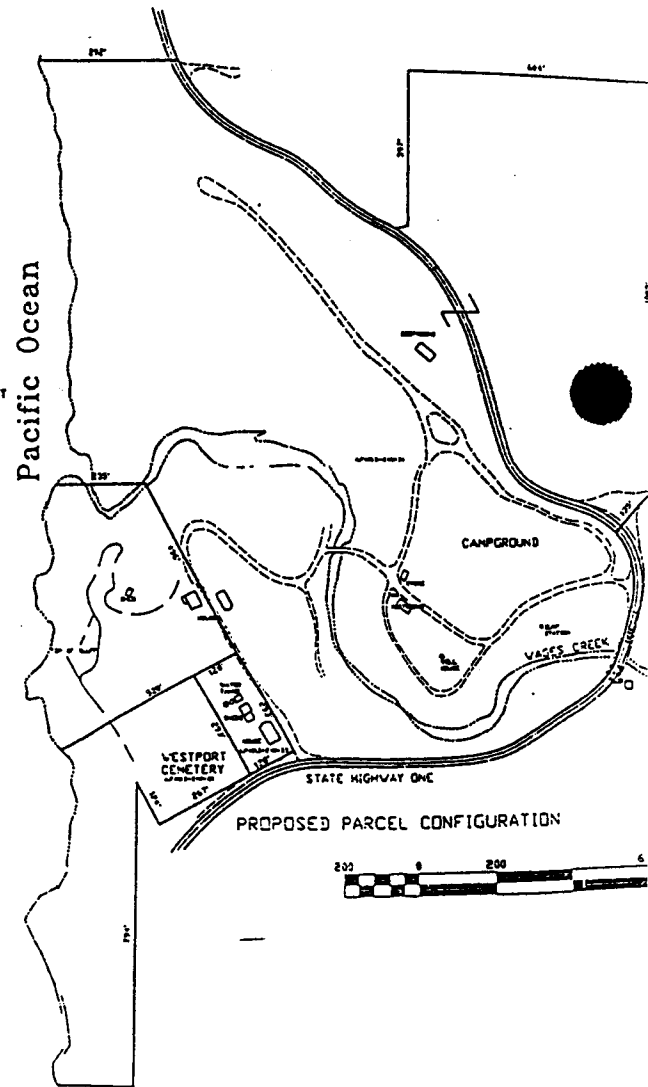
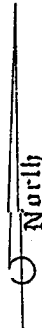
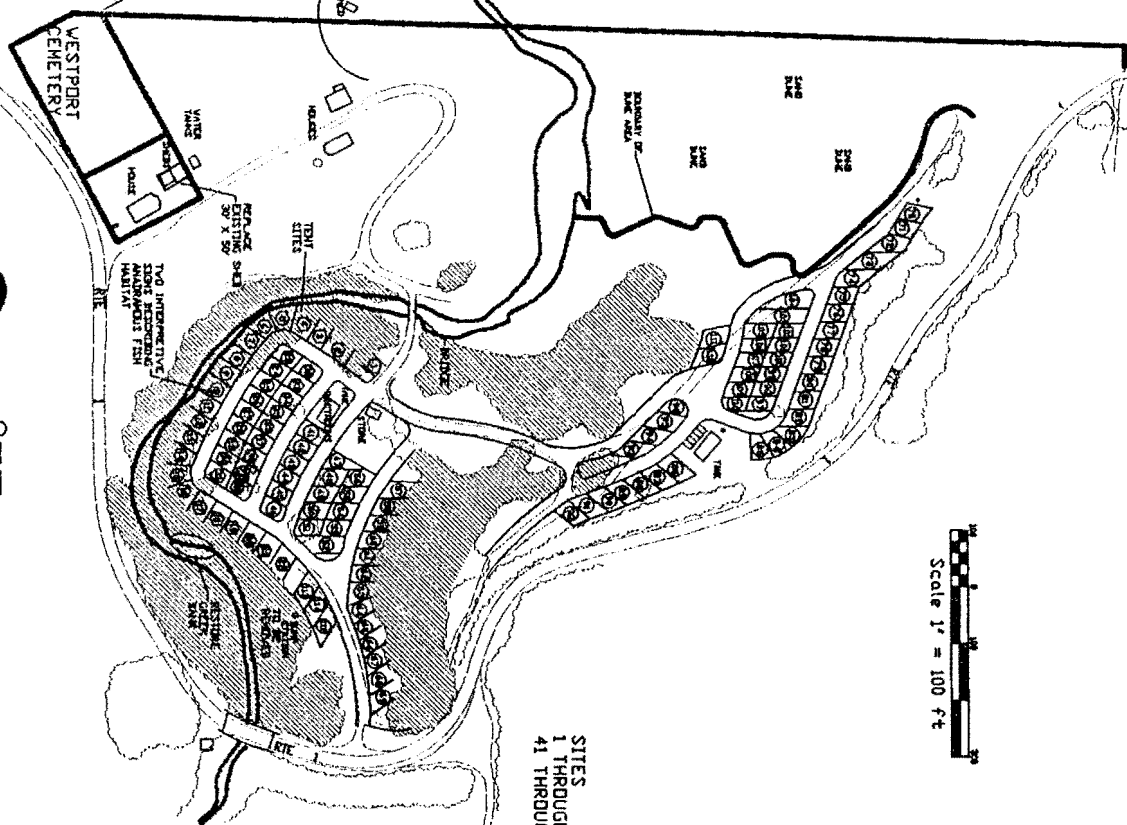


EXHIBIT NO.	4
APPLICATION NO.	1-99-008
PROJECT SITE PLANS (1 of 5)	

BOUNDARY LINE ADJUSTMENT SITE PLAN

Pacific Ocean



SITES
1 THROUGH 40 = TENT SITES
41 THROUGH 115 = FULL HOOKUP (R.V.) SITES


Scale 1" = 100 ft.

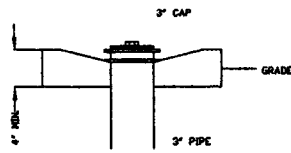
North

REVISION	BY	DATE	JOB PROGRESS
FINAL DESIGN	RY	6/9/70	DESIGN
			SCALE 1" = 100'
			APPROVED
			D.C.E. (1970)

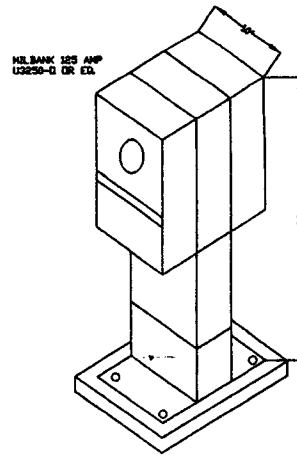


WAGES CREEK CAMPGROUND
WESTPORT, CALIFORNIA

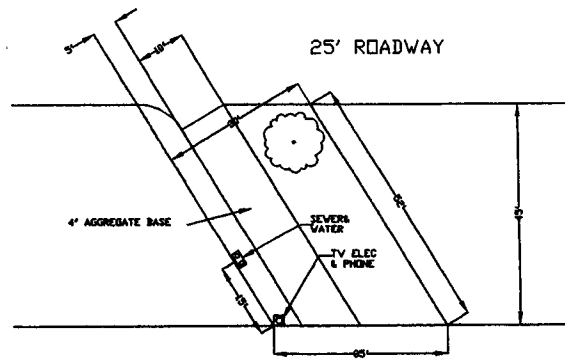
L.L. WELTY & ASSOCIATES

 703 A North Main Street
 Fort Bragg, California 95437
 Telephone (707) 984-8865



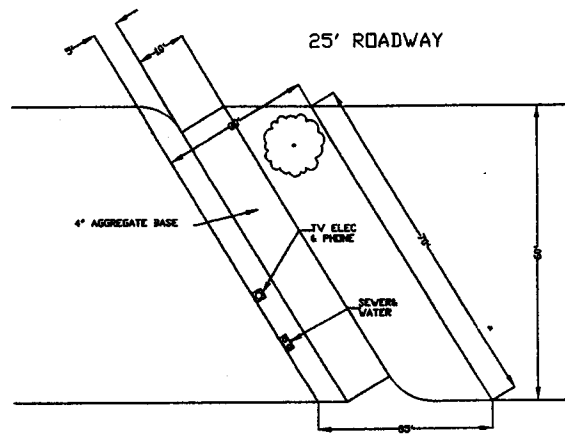
TYPICAL SEWER HOOK UP



TYPICAL DUAL ELEC. TV & PHONE HOOK UP



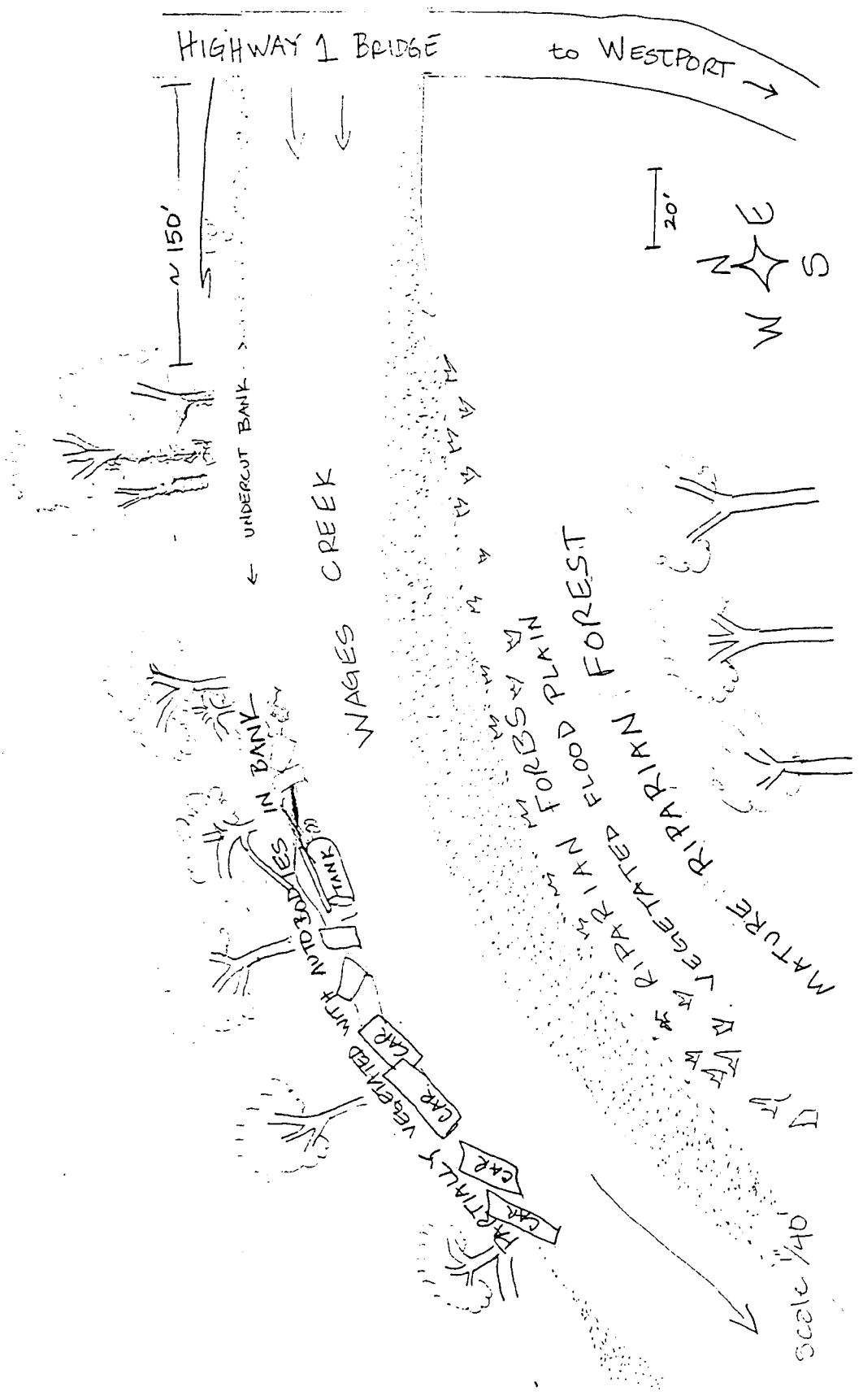
TYPICAL BACK IN SPACE



TYPICAL DRIVE THRU SPACE

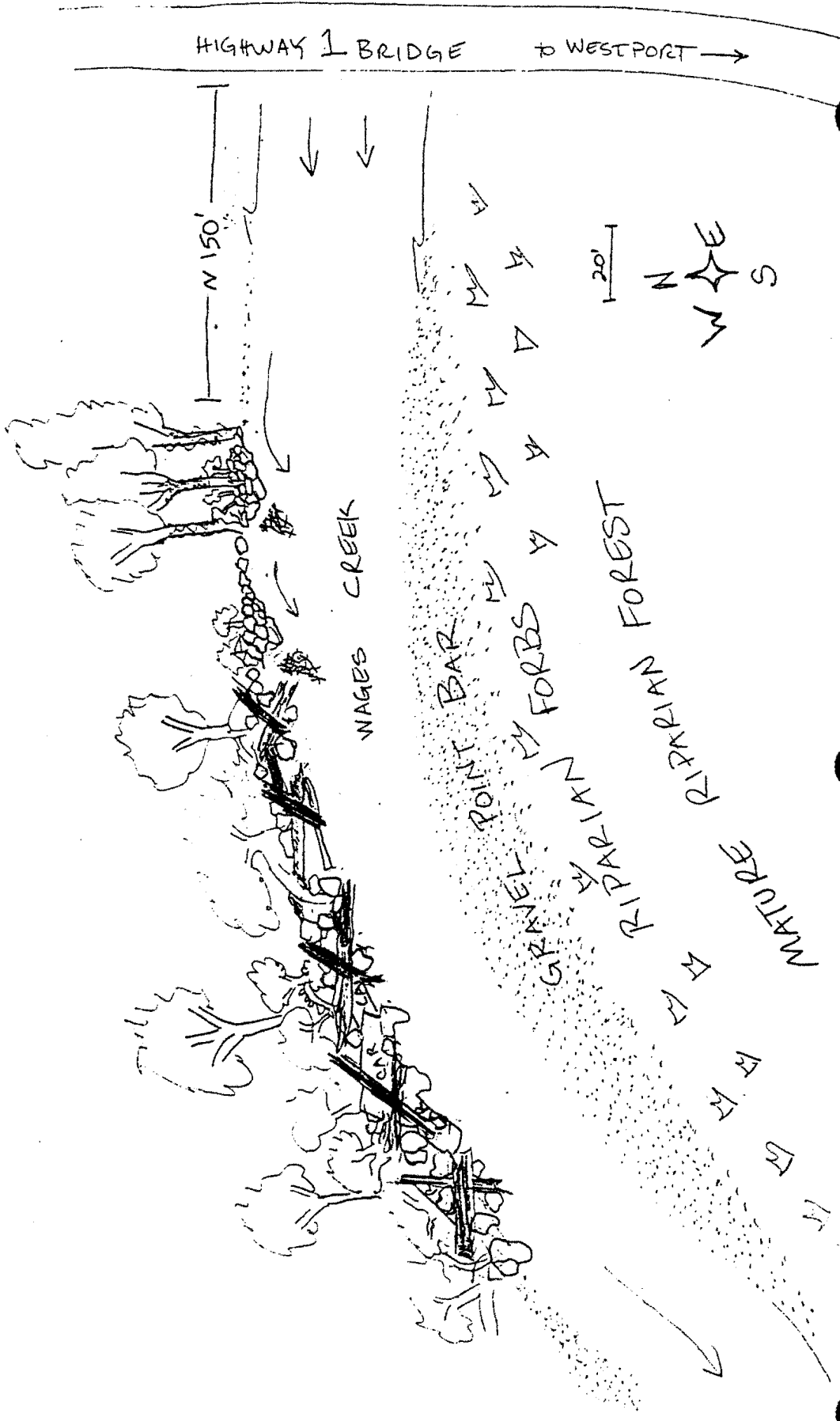
WAGES CREEK
AT CAMPGROUND

EXISTING CONDITION
8/6/98
DIAGRAM BY T.J. BARBER



WAGES CREEK
AT CAMPGROUND

PROPOSED CONDITION
DIAGRAM BY T.J. BARBER



DEPARTMENT OF FISH AND GAME

Central Coast Region
 26A Monroe Street
 Willits, CA 95490



Coastal Commission
 North Coast District Office
 P.O. Box 4908
 Eureka, CA 95502-4908

May 3, 2000

R E C E I V E D
 MAY 05 2000

Sub: Wages Creek, Mendocino County

CALIFORNIA
 COASTAL COMMISSION

Dear Mr. Eric Oppenheimer,

I was recently contacted by Mr. Ed McKinley of Mendocino County concerning proposed instream restoration on Wages Creek. As I understand, a grant has been funded to "take care of" some old automobile bodies that are currently embedded within the live stream channel in Wages Creek. Mr. McKinley's concern is that the Coastal Commission will require the automobile bodies to be completely removed, which would require destabilizing the currently intact stream bank and channel.

I have reviewed the site and I am familiar with the project and the personnel slated to conduct the work. It is my opinion as a State Fisheries Biologist that the project should entail only the removal of the portion of the automobile bodies that is visible and that no disturbance of the bank or stream channel should take place. The disturbance created by removing the entire structure from the bank and channel would greatly outweigh the benefit of the project.

If you have questions or comments, please feel free to contact me.

Sincerely,

Scott Harris
 Associate Fisheries Biologist
 26A Monroe Street
 Willits, CA 95490
 (707) 459-2238

cc:
 Eric Cannata, CDFG, District Biologist
 Ed McKinley

EXHIBIT NO.	5
APPLICATION NO.	1-99-008
REVIEW AGENCY	CORRESPONDENCE
(1 of 11)	

UKIAH OFFICE
501 LOW GAP ROAD, ROOM 1326
UKIAH, CA 95482
(707)463-4466
FAX (707)463-4038



FORT BRAGG OFFICE
790-A1 S FRANKLIN STREET
FORT BRAGG, CA 95437
(707) 961-2714
FAX (707) 961-2720

COUNTY OF MENDOCINO
DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH

DEC 28 1999

COASTAL COMMISSION

MEMORANDUM

TO: Carl Rittiman, Carl Rittiman & Associates

December 20, 1999

SUBJECT: Acceptance of the Wages Creek Campground Septic System Proposal

The design proposal received October 22, 1999 for the Wages Creek Campground is acceptable. Attached is a copy of the Soil Status/Septic Permit Data Worksheet.

The Septic Agreement (permit) will include the following provisions:

- An Operation Agreement (permit) which will be issued with the Septic Agreement.
- A requirement that no well will be developed/located down slope from the Primary or Replacement Leach Fields.
- A requirement that no camping will be allowed on the Primary or Replacement Leach Fields, prior to, and after the septic system is constructed.
- Wages Creek Campground will take measures to prevent/prohibit camping on the site of the Primary and Replacement Leach Fields.

Once the boundary adjustment has been made, submit the revised plot plan to Environmental Health showing the new property line. (Note: please show the new Dump Station more clearly.)

A handwritten signature in cursive script that reads "Brian Hoy".

FROM: Brian Hoy,
Environmental Health Specialist

cc. Ed McKinley
Coastal Commission

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM

ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE
HUMBOLDT
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO

SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
1801 East Cotati Avenue
Rohnert Park, California 94928-5809
Tel: 707.564.2494 • Fax: 707.564.3947
E-mail: nwis@sonoma.edu

26 May 1998

File No.: 98-ME-25

Linda Ruffing, Project Coordinator
County of Mendocino
Department of Planning and Building Services
792 So. Franklin
Fort Bragg CA 95437

re: CDP 21-98, APN 013-240-34, -34, 37700 N. Highway One

Dear Ms. Ruffing:

Records at this office were reviewed to determine if this project could adversely affect historical resources. The review for possible historic structures, however, was limited to references currently in our office. The Office of Historic Preservation has determined that any building or structure 45 years or older may be of historic value. Therefore, if the project area contains such properties they should be evaluated by an architectural historian prior to commencement of project activities. Please note that use of the term historical resources includes both archaeological sites and historic structures.

_____ The proposed project area contains or is adjacent to the archaeological site(s) (). A study is recommended prior to commencement of project activities.

XX_____ The proposed project area has the possibility of containing unrecorded archaeological site(s). A study is recommended prior to commencement of project activities.

_____ The proposed project area contains a listed historic structure (). See recommendations in the comments section below.

_____ Study # _____ identified one or more historical resources. The recommendations from the report are attached.

_____ Study # _____ identified no historical resources. Further study for historical resources is not recommended.

_____ There is a low possibility of historical resources. Further study for historical resources is not recommended.

_____ Comments:

If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 664-2494.

Sincerely,

Leigh Jordan
Leigh Jordan
Coordinator



Cal/EPA

North Coast
Regional Water
Quality Control
Board

5550 Skylane Blvd
Suite A
Santa Rosa, CA
95403
(707) 576-2220
FAX (707) 523-0135

May 5, 1998

Mr. Ed McKinley
237 Morrow Street
Fort Bragg, CA 95437

Dear Mr. McKinley:

Subject: Wages Creek Campground Improvements.

I have reviewed the materials submitted regarding planned improvements to the Wages Creek Campground near Westport in Mendocino County.

The project improvements relating to the permanent bridge crossing, with a permanent sewer line attached to the bridge, must be constructed in accordance with conditions imposed by the California Department of Fish and Game and California Coastal Commission. The modifications to the existing campsites to allow for full RV hookups with the attendant expansion of campground's leachfield area will be reviewed and permitted by the Mendocino County Department of Health. It will not be necessary for you to submit a report of waste discharge to this office for these activities.

Sincerely,

Charles T. Vath, Jr.
Associate Engineering Geologist

CTV:lmf/wagecr55.doc



Pete Wilson
Governor

RECEIVED
FEB 10 1999
CALIFORNIA
COASTAL COMMISSION



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
333 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105-2197

FEB 17 1998

Regulatory Branch

SUBJECT: File Number 17583N

Mr. Jeffrey Springer
Wages Creek Campground
c/o Ed McKinley
Ed McKinley Permit and Construction Consulting
237 Morrow Street
Fort Bragg, California 95437

Dear Mr. Springer:

This is in reference to your submittal of November 9, 1997, concerning Department of the Army authorization to place a seasonal bridge at Wages Creek Campground over Wages Creek yearly at 37700 North Highway One, Westport, Mendecino County, California.

Based on a review of the information you submitted, your project qualifies for authorization under Department of the Army Nationwide Permit 14 Road Crossing, (61 FR 65874, Dec. 13, 1996), pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

The project must be in compliance with the General Conditions and Regional Conditions cited in Enclosure 1 for the nationwide permit authorization to remain valid. **Upon completion of the project and all associated mitigation requirements, you shall sign and return the enclosed Certification of Compliance, Enclosure 2, verifying that you have complied with the terms and conditions of the permit. Non-compliance with any condition could result in the revocation, suspension or modification of the authorization for your project, thereby requiring you to obtain an individual permit from the Corps. This nationwide permit authorization does not obviate the need to obtain other State or local approvals required by law.**

This authorization will remain valid for a period of **two (2) years from the date of this letter**, unless the nationwide permit is modified, suspended or revoked. If you have commenced work or are under contract to commence work prior to the suspension, or revocation of the nationwide permit and the project would not comply with the resulting nationwide permit authorization, you have twelve (12) months from that date to complete the project under the present terms and conditions of the nationwide permit.

We have received a concurrence from the California Coastal Commission dated December 19, 1997, that your project complies with California's Coastal zone management act.

-2-

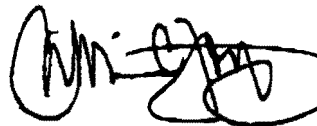
We have received your conditional waiver of certification pursuant to Section 401 of the Clean Water Act dated February 2, 1998, from the North Coast Regional Water Quality Control Board.

You shall comply with the following special conditions:

1. The bridge shall be installed no sooner than March 15 and must be removed by October 30 yearly.
2. Upon bridge removal, the gravel fill used as bridge abutments shall be removed from Wages Creek and stored at an upland site well removed from Wages Creek.
3. Impacts to Wages Creek riparian vegetation shall be kept to a minimum.
4. No trenching shall occur in the stream bed of Wages Creek.
5. When the seasonal sewer line is removed, the ends of the pipe on each bank shall be capped and secured to prevent discharges into Wages Creek.

You may refer all questions to John Knudsen of our Regulatory Branch at 415-977-8437. All correspondence should be addressed to the District Engineer, Attention: Regulatory Branch, referencing file number 17583N.

Sincerely,



Calvin C. Fong
Chief, Regulatory Branch

Enclosures

Copies Furnished:

US F&WS, Arcata, CA
US EPA, San Francisco, CA
US NMFS, Santa Rosa, CA
CD F&G, Yountville, CA
CA CC, San Francisco, CA
CA RWQCB, Santa Rosa, CA
Mendocino County Planning Commission, Fort Bragg, CA



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

Southwest Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404

February 4, 1998 F/SW031: DB

Lt. Colonel Richard G. Thompson
District Engineer
San Francisco District
U.S. Army Corps of Engineers
333 Market Street
San Francisco, California 94105-2197

Dear Colonel Thompson:

This letter is in response to your request of December 11, 1997, for concurrence with the Corps' determination that installation of a seasonal bridge across Wages Creek, at Wages Creek Campground, Mendocino County, California is not likely to adversely affect threatened Southern Oregon/Northern California coast (SONCC) coho salmon or Northern California (NC) steelhead trout, which is proposed for listing as threatened (Permit number 17583N).

The proposed project requires placement of less than 40 cubic yards of gravel fill to form the bridge abutments, and installation of a railroad flat car bridge. The bridge will be installed after March 15 and removed by October 15 each year of the permit. When the bridge removed, the gravel fill will also be removed and stockpiled. Impacts to riparian vegetation will be minimal.

I will concur that this project is not likely to adversely affect SONCC salmon or NC steelhead trout. No further section 7 consultation pursuant to the Endangered Species Act of 1973, as amended, is required. Should additional information on listed or proposed species become available, this determination may be reconsidered.

If you have any questions concerning this consultation please contact Mr. Dick Butler at: National Marine Fisheries Service, 777 Sonoma Avenue, Room 325, Santa Rosa, California 95404; telephone 707-575-6058.

Sincerely,

William T. Hogarth

William T. Hogarth, Ph.D.
Acting Regional Administrator

cc: J. Knudsen - USACE
D. McKee - CDFG



WESTPORT COUNTY WATER DISTRICT
P.O. BOX 55
WESTPORT, CA 95488

January 23, 1998

Jeffrey Z. B. Springer, President
Wages Creek Campground, LLC
4933 Indianola Way
La Canada, CA 91011

Re: Wages Creek Beach Campground
37700 N. Highway 1, Westport, CA

Dear Mr. Springer:

This letter is sent in response to your letter dated January 17, 1998.

In your letter, you have requested a "will serve" letter for your proposed development plan to convert 75 existing, unimproved camping spaces to full hookups for recreational vehicles. Pursuant to your correspondence dated July 18, 1997, you have calculated that this conversion is expected to increase the demand for the supply of water by about 36,000 gallons per month in the summer.

The Westport County Water District will serve the proposed development pursuant to the terms of the Contract for Sale and Purchase of Surplus Water dated August 1, 1997, a copy of which is attached hereto. Under this Contract, the District has agreed to supply surplus water. The District has never reduced the supply of water to surplus users in over 8 years of operation.

We look forward to continuing to serve the campground's water needs pursuant to the attached Contract.

Very truly yours,



Steve Cardullo, Chairperson

CONTRACT FOR PURCHASE AND SALE OF SURPLUS WATER

This Agreement is made and entered into this 15th day of August, 1997, between Westport County Water District, a public agency organized under the laws of the State of California, at Westport, County of Mendocino, California, and Wages Creek Campground, LLC, 37700 N. Hwy 1, Westport, Mendocino County, California. This agreement is made on the following terms, covenants and conditions.

1. The purpose of this agreement is to provide for an agreement whereby the District would sell, and Wages Creek Campground, LLC would purchase, surplus water from the District supply.

2. The District agrees to sell, and Wages Creek Campground, LLC., agrees to purchase surplus water as may be available from the District during the term of this agreement or any extension. The District shall determine whether there is surplus water at any time and its determination shall be final. The District shall have the right to determine whether a surplus exists and this agreement shall not in any way effect the right of the District to provide primarily for the needs of the land within the district, including but not limited to the maintenance of reserves and other uses of water as the District may determine.

3. The District agrees to supply surplus water to Wages Creek Campground, LLC at a base fee of \$299.00 plus \$3.00 per 1000 gallons of use for the months October through March. The District also agrees to supply surplus water to Wages Creek Campground, LLC, at a base fee of \$660.00 plus \$3.00 per 1000 gallons of use for the months April through September. However, with respect to any month in which the District declares that there is no surplus water, the base fee charge shall be prorated.

4. These fees shall remain constant for the 1 year(s) term of this agreement, or until such time as it is deemed by the District necessary to raise rates of those users within the District, at which time the fees shall be adjusted.

5. At the sole discretion of the District, in the event there is no surplus water, no water shall be sold to Wages Creek Campground, LLC. The District shall attempt to comply with the following notification schedule, but no legal liability shall result from its failure to do so:

- a) Three days notice shall be given in case of impending water shortage.
- b) Twenty-four hours notice shall be given in the event of an equipment failure when the District water shortage must be reserved for District purposes at the discretion of the District.
- c) No prior notice might be given upon termination of service in the event of a major equipment failure or large fire.

6. Wages Creek Campground, LLC agrees to be bound by all rules and regulations of the District, whether now existing or hereafter put into effect.

7. The term of this agreement shall be 1 year(s) from the date of execution, or until it becomes necessary, in the opinion of the District, to raise water usage rates of those users within the District, and shall continue thereafter until terminated by either party.

8. Wages Creek Campground, LLC, will not have the right to sell, transfer, convey or assign the water being purchased under this agreement, and all water shall be used on the property now defined as Wages Creek Campground.

9. Wages Creek Campground, LLC agrees to indemnify, defend and hold harmless the District from any liability or claims whatsoever arising out of this agreement, or the use of water by Wages Creek Campground, LLC in the future pursuant to this agreement.

10. This agreement shall not give Wages Creek Campground, LLC, any vested rights or claims of priority to water, and the District shall be free to provide for the present and future pursuant to this agreement.

11. Except as otherwise provided herein, this agreement shall bind and benefit the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF this agreement is executed the day and year written above.

WESTPORT COUNTY WATER DISTRICT

By Steve Caidell
CHAIRPERSON

WAGES CREEK CAMPGROUND, LLC

By Jeffrey B. Spruill
PRESIDENT

CALIFORNIA STATE LANDS COMMISSION

Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202



ROBERT C. HIGHT, Executive Officer

(916) 574-1800 FAX (916) 574-1810

California Relay Service From TDD Phone 1-800-735-2922

from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1818

Contact FAX: (916) 574-1835

September 18, 1997

File Ref.: SD 97-1997-09-10.2

Mr. Ed McKinley
237 Morrow Street
Fort Bragg, CA 95437

Dear Mr. McKinley:

I am writing in response to your August 19, 1997 letter concerning the proposed long term temporary bridge and sewer line project of the Wages Creek Campground in Mendocino County.

As you know, the State Lands Commission has jurisdiction over the beds of the State owned lands in the beds of tidal and navigable waterways. Based upon the information provided and a preliminary review of our records the extent of State ownership, if any, in the bed of Wages Creek within the project site is unclear. Therefore, a State Lands Commission lease will not be required at this time. However, a lease may be required at such time that the extent of the State's interest is determined.

Additionally, Wages Creek, within the proposed project site, may be subject to a public navigational easement. The proposed project must not restrict or impede this easement right of the public.

This letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State Lands Commission in any lands under its jurisdiction.

Thank you for the opportunity to comment. If you have any questions, please feel free to call me at (916) 574-1818.

Sincerely,

A handwritten signature in cursive script that reads "Linda Flack".

LINDA FLACK
Public Land Manager

Teri Jo Barber
P.O. Box 144
Westport, CA 95488

RECEIVED
MAR 27 2000
CALIFORNIA
COASTAL COMMISSION

3-25-2000

Eric Oppenheimer
California Coastal Commission
710 E. Street, suite 200
Eureka, CA 95501

RE Wages Creek Campground Streambank Structures

Dear Mr. Oppenheimer,

I have been involved in the design of a streambank stabilization project for Wages Creek campground. I wanted to take a moment to explain my opinion on the project.

Presently, there are at least 10 old autobodies lodged into the streambank of Wages Creek. Their purpose was to stabilize an eroding bend. In the course of several years these cars and trucks have degraded into rusty, partly decomposed hunks and shards of metal. I was discussing the project with Matt Smith, a restoration equipment operator from the Trinity River area who informed me that the sensitive bellies of juvenile salmonids are quite easily slit open by such metal. I believe that the proposed rehabilitation of the streambank with large boulders and large woody debris would greatly improve summer and winter rearing habitat for these fishes and would reduce physical endangerment.

It is widely held that deep, dark waters with large wood structure is prime coho and steelhead habitat. Both of these habitat features are quite limited in Wages Creek. Increasing these components are one element of restoring anadromous fish habitat in this creek. Please encourage Wages Creek Campground in this project.

Sincerely,



Teri Jo Barber
Restoration Hydrologist and Resident of Westport along Wages Creek

EXHIBIT NO.	6
APPLICATION NO.	1-99-008
GENERAL CORRESPONDENCE	
(1 of 3)	

RECEIVED

AUG 17 1999

PLANNING & BUILDING SERV.
FORT BRAGG, CA

Westport-Ten Mile Cemetery
District

PO Box 254 -

FT. Bragg, CA 95437

Aug. 16, 1999

Dear Ms Ruffing,

I am writing you as chair of the W-TMCD board of Trustees regarding application of Wages Creek Beach Campground and Westport-Ten Mile Cemetery District (CDP No 2)-98 and CDB.No 79-98).

For many years our district has considered Westport Cemetery closed. The only burials allowed are for family members of those families who already own plots. Although we have quite a bit of acreage, most of it is unfit to use as burial plots. In our proposed agreement with Mr. Springer we would have access to a flat area suitable to our needs. At a public meeting, held in Westport, there was

RECEIVED

DEC 30 1999

CALIFORNIA
COASTAL COMMISSION

enthusiastic agreement by those present, and at least 4 were willing to buy burial rights immediately. More space is needed.

Thank you for your consideration

Jane Vartanian
Chair W-TMCD