

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CALIFORNIA 95521-5967
(707) 826-8950 FAX (707) 826-8960
www.coastal.ca.gov



F5

Prepared October 31, 2018 (for the November 09, 2018 Hearing)

To: Commissioners and Interested Parties
From: Alison Dettmer, North Coast District Deputy Director
Subject: North Coast District Deputy Director's Report for November 2018

The following coastal development permit (CDP) waivers and Executive Director determinations regarding CDP revocation requests for the North Coast District Office are being reported to the Commission on November 09, 2018. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's North Coast District Office in Arcata. Staff is asking for the Commission's concurrence on the CDP waivers in the North Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on November 9th. The Executive Director's determinations regarding the revocation requests are being reported for the Commission's information and not for Commission action.

With respect to the November 9th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on November 09, 2018 (see attached)

Waivers

- 1-18-1070-W, City of Fortuna – Ground Water Monitoring And Soil Testing (Properties Across The Eel River From The Fortuna's Wastewater Treatment Plant Near East Ferry Rd., Ferndale, Humboldt County)
- 1-18-1083-W, Irish Beach Improvement Club – Geotechnical Investigation (Irish Beach Parking Lot, Irish Beach, West On Irish Beach Drive And Upper Beach Drive, Manchester)

Permit Revocation Requests

- 1-16-0899-REV-1, Caltrans, Revocation Request by Rick Hemmings for Permit Approval of 1-16-0899
- 1-16-0899-REV-2, Caltrans, Revocation Request by the Albion Bridge Stewards for Permit Approval of 1-16-0899
- 1-16-0899-REV-3, Caltrans, Revocation Request by Kate O'Connor for Permit Approval of 1-16-0899
- 1-16-0899-REV-4, Caltrans, Revocation Request by Norbert Dall for Permit Approval of 1-16-0899
- 1-16-0899-REV-5, Caltrans, Revocation Request by Johanna Bedford for Permit Approval of 1-16-0899

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November 2, 2018

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 1-18-1070-W

Applicant: City of Fortuna

Location: Easterly end of East Ferry Road, adjacent to the Eel River, Fortuna area, Humboldt County (APNs: 106-041-016; 106-091-030; 106-091-040).

Proposed Development: To evaluate site suitability for potential land-disposal of treated wastewater from the City's wastewater treatment facility located across the river, (1) install seven temporary 6-inch-diameter, 30-foot-deep monitoring wells with well casings that will extend approximately 3 feet above the ground surface, and (2) conduct soil infiltration and permeability testing by excavating four small 8-foot-deep exploratory test pits to collect soil data and one 3-foot by 3-foot by 2-foot-deep area to measure infiltration and permeability rates.

Rationale: The proposed project will provide data for evaluating the feasibility of using land-disposal as an alternative to the current discharge of treated wastewater directly into the Eel River, which has raised water quality concerns during low river flow conditions. The proposed project will not occur within wetlands or ESHA and requires no grading or major vegetation removal. The temporary wells will remain in place until completion of the study, approximately one year, after which the well casings will be removed and the borings abandoned in accordance with County well-abandonment guidelines. All disturbed areas will be refilled and restored to pre-project conditions. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its November 9, 2018 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(d) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Coastal Development Permit De Minimis Waiver
1-18-1070-W

Sincerely,

John Ainsworth
Executive Director

A handwritten signature in black ink, appearing to read "Melissa B. Kraemer". The signature is fluid and cursive, with the first name "Melissa" and last name "Kraemer" clearly distinguishable.

Melissa Kraemer
Supervising Analyst

cc: Commissioners/File
Patrick Sullivan, Agent
Humboldt County Planning & Building Dept.

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November 1, 2018

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 1-18-1083-W

Applicant: Irish Beach Improvement Club – Attn: Dean Wolfe

Location: Irish Beach, 15360 Irish Beach Dr., Mendocino County (APN: 13206001)

Proposed Development: Drill three 8-inch-diameter exploratory test borings to depths up to 20 feet using a track rig for a geotechnical investigation to provide data for the design of the proposed future rehabilitation of a retaining wall supported beach access parking lot that was damaged during 2016-2017 storm events.

Rationale:

All development will take place within the existing paved and graveled parking lot, outside of beach and ESHA habitats, and the project involves no filling of wetlands or vegetation removal. Approximately 20 cubic feet of soil and/or rock extracted by the borings during drilling will be collected in three (3) 55-gallon drums and disposed of at an authorized disposal site. Upon the completion of boring and sample collection activities, the borings will be abandoned in accordance with County well-abandonment guidelines. The top one inch of the boring will be filled with adjacent parking lot fill material and graded to match adjacent grade and texture to ensure no trace of boring activity remains. The investigation will take only one day to complete, and pedestrian beach access will remain open for the duration of the work. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

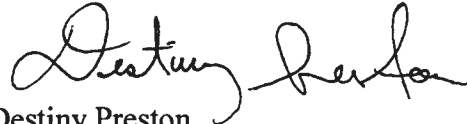
This waiver will not become effective until reported to the Commission at its November 9, 2018 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission

Coastal Development Permit De Minimis Waiver
1-18-1083-W

hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

A handwritten signature in black ink, appearing to read "Destiny Preston", written over the printed name.

Destiny Preston
Coastal Program Analyst

cc: LACO Associates (agent)

1-16-0899-REV-1

**Revocation Request by
Rick Hemmings**

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



October 25, 2018

Rick Hemmings
42011 Road 409
Mendocino, CA 95460

Re: Request for Revocation of Coastal Development Permit No. 1-16-0899

Dear Mr. Hemmings,

Coastal Commission staff has received your September 27, 2018 request for revocation of Coastal Development Permit (CDP) 1-16-0899 (Caltrans), approved by the Commission on September 12, 2018. CDP 1-16-0899 authorizes Caltrans to conduct a geotechnical investigation to provide data for the evaluation of options for the future rehabilitation or replacement of the Highway 1 Albion River Bridge in Mendocino County.

Your request for revocation contends that: (1) Caltrans failed to provide the Coastal Commission with your name and address; and (2) had you received a notice of the hearing, you would have presented testimony that could have persuaded Coastal Commissioners of the reasons for denying CDP 1-16-0899.

The grounds for revocation of a CDP that relate to the assertions you make are set forth in 14 Cal. Code of regulations Section 13105(b) as follows:

(b) Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the commission and could have caused the commission to require additional or different conditions on a permit or deny an application.

The Commission's regulations grant the Executive Director the authority to review a revocation request and decline to initiate revocation proceedings if he determines that the request is patently frivolous and without merit. (14 CCR §13106)

I have reviewed the grounds for revocation stated in your September 27, 2018 revocation request and decline to initiate revocation proceedings. I have determined that the request is patently frivolous and without merit because the assertions you make do not comprise the necessary grounds for revocation set forth above and are contradicted by the record. The assertions you make: (1) fail to identify how the Applicant, Caltrans, did not comply with the notice provisions of Section 13054 of the Commission's regulations; (2) fail to identify any views that were not otherwise made known to the Commission; and (3) fail to identify how your unknown views could have caused the Commission to require additional or different conditions or deny the application.

Assertion #1 – Failure to provide required notice of the hearing on the application.

Your September 27, 2018 revocation request states in relevant part the following:

Although I am a known interested person in the project to Caltrans, Caltrans omitted my name from two notice lists of which I became aware after the Coastal Commission's September 12-14, 2018 meeting in Fort Bragg: (a) the list of persons, contained in the coastal permit application form appendix "C", that it submitted to the Coastal Commission in September, 2016 (Exhibit B), and the second list of persons that it submitted to the Coastal Commission in September, 2016 (Exhibit C), to provide the required public notice.

The grounds for revocation of a CDP as set forth in 14 CCR Section 13105(b) include the failure to comply with the notice provisions of 14 CCR Section 13054, which require an Applicant to: (a) provide written notification of adjacent landowners and residents and other persons known to the applicant to be interested in a CDP application; (b) submit stamped envelopes for such persons; and (c) provide conspicuous public posting of a notice of the proposed development. Your request for revocation and supporting materials do not provide evidence of any such failure on the part of Caltrans and the record establishes otherwise.

As illustrated by Exhibit B of your September 27, 2018 revocation request, the Appendix C to the CDP application provides a list and addresses of property owners and occupants within 100 feet of the project. Item 2 of your letter specifies that in 2015 and at all subsequent times, your mailing address has been 42011 Road 409, Mendocino CA 94560, which is not located within 100 feet of the project area, but rather is located nearly 8 miles north of the project area. Item 2 of your letter also specifies your electronic mail (email) address has been canoe@mcn.org, and it is the same email address as you provided to Caltrans within your written comments submitted regarding Caltrans' Notice of Preparation of the Draft EIR in your email of April 23, 2015, attached as Exhibit A to your letter. Your April 23, 2015 comments to Caltrans did not contain a mailing address.

On July 17, 2018, Caltrans transmitted an email to those known interested persons who had provided an email address but no mailing address. The July 17 email was titled "Interested Persons List- Albion Geotechnical Drilling" and was sent to your email address "canoe@mcn.org," among other email addresses. The email instructs in part "If you wish to be included on the [California Coastal Commission] interested parties list and receive the meeting notice, please provide me a mailing address at your earliest convenience." Caltrans did not receive a response to this email and your September 27 revocation request does not indicate that you ever responded to this invitation that was sent to your email address. On August 13, 2018, Caltrans provided to our office an updated interested persons list that does include your name, but does not contain a mailing address because you did not provide one. Caltrans also provided stamped envelopes for all interested persons for whom a mailing address was available as required by Section 13054 of the Commission's administrative regulations. Finally, Caltrans has provided photographic evidence contained in the administrative record demonstrating that proper noticing was posted at several conspicuous places, easily read by the public and as close as possible to the site of the proposed development, in compliance with the notice provisions of Section 13054. Thus your request for revocation does not describe or evidence any instance in which Caltrans failed to comply with 14 CCR Section 13054.

Assertion #2 – Your testimony could have persuaded the Commission to deny the application.

The Commission unanimously approved CDP 1-16-0899 at the September 12 hearing in Fort Bragg. Your September 27, 2018 revocation request asserts that had you received a notice of the hearing, you would have presented testimony that could have likely persuaded the Commissioners to deny CDP application 1-16-0899. However, neither your preliminary comments submitted to Caltrans in 2015 and included as Exhibit A, nor any of the contentions raised in your revocation request, identify any views that were not otherwise made known to the Commission. Nor have you identified how unknown views could have caused the Commission to require additional or different conditions or deny the application.

Therefore, I am declining to initiate revocation proceedings because I have concluded, pursuant to Commission regulations (14 CCR §13106), that your September 27, 2018 revocation request is patently frivolous and without merit.

If you have questions about this matter, please contact Robert Merrill, North Coast District Manager, or Tamara Gedik, Coastal Program Analyst, both in the North Coast District Office, at (707) 826-8950.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Ainsworth', is positioned above the printed name.

JOHN AINSWORTH
Executive Director

cc: Frank Demling, Caltrans District 1

Rick Hemmings
42011 Road 409
Mendocino, CA 95460
Email: canoe@mcn.org

By Facsimile and Email

September 27, 2018

Mr. John Ainsworth
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219
Fax: 415-904-5400
Email: John.Ainsworth@coastal.ca.gov

SUBJECT: REQUEST FOR REVOCATION OF CDP 1-16-0899 (CALTRANS)

Dear Executive Director Ainsworth:

I hereby request that (a) the Coastal Commission revoke coastal development permit (CDP) 1-16-0899, (b) you, in your capacity as the Coastal Commission executive director, initiate revocation proceedings in response to this request, and (c) you, in your capacity as the Coastal Commission executive director, also initiate revocation proceedings on your own motion, as provided in the Coastal Commission's regulation in Title 14, California Code of Regulations, section 13106.

The grounds for this revocation request consist of the following facts, which document that the Coastal Commission, as a result of submittal by Caltrans of an inaccurate and incomplete list of known interested persons in the project for which it made application for CDP 1-16-0899, has denied me, and others similarly situated, the opportunity to be fully informed of, and to fully participate in, the Coastal Commission's proceedings on the Caltrans application for CDP 1-16-0899. Specifically, Caltrans – notwithstanding that it knew I am an interested member of the public in this project - failed to provide the Coastal Commission with my name and address, which resulted in the Coastal Commission's failure to provide me with notice of the Commission's September 12, 2018 meeting and the meeting agenda item (Wednesday, Item 10a) on which the CDP application was heard and acted upon by the Commission.

But for the Commission's failure to provide me what that notice, I would have exercised my rights under the Coastal Act to actively participate in the Commission's proceedings on the CDP application, in opposition to the wholly unnecessary, highly invasive, and destructive geotechnical development component of the Albion River Bridge replacement project.

My testimony, if I had been able to present it on having received the required notice, would have likely persuaded Coastal Commissioners (at least those not constrained by other factors, such as the revenue that flows from Caltrans through the sweetheart Commission-Caltrans interagency agreement) of the reasons for denying the Caltrans coastal permit application 1-16-0899.

1. I am, and since 2015 have been, a California coastal program “known interested person” in the Caltrans Albion River Bridge replacement, of which the geotechnical investigation development project has become an integral physical construction and coastal bluff, habitat, water quality, and highly scenic area destruction component, in addition to being an information collection means. On April 23, 2015, I participated in the Caltrans Notice of Preparation scoping for the Draft EIR on the project, considered as a whole, by submitting written comments on it. (Exhibit A.) Caltrans thus has known of my interest in the project for over 28 months prior to the Coastal Commission meeting and hearing, in Fort Bragg on September 12, 2018, on the Caltrans application for the project geotechnical investigation development component.

2. In 2015, and at all subsequent times, my mailing address has been 42011 Road 409, Mendocino, CA 95460, and my electronic mail address as been canoe@mcn.org, the same as I provided in my EIR scoping comments. I check my Post Office Box on a regular basis, frequently daily, and my email on multiple occasions each day.

3. I regularly drive on Highway 1 through Albion and over the Albion River Bridge, where the posted 35 mph speed limit affords me, and many other members of the public, the opportunity to observe the highly scenic environment, as well as the mile post markers, road signs, and other signs along the road.

4. I received no mailed notice or emailed notice from the Coastal Commission for what I have learned, afterwards, was the September 12-14, 2018 meeting of the Commission in Fort Bragg.

5. I received no mailed notice or emailed notice from the Coastal Commission for what I have learned, afterwards, was the public hearing on the Caltrans CDP application 1-16-0899 at the Coastal Commission’s September 12, 2018 meeting in Fort Bragg.

6. Although I am a known interested person in the project to Caltrans, Caltrans omitted my name from two notice lists of which I became aware after the Coastal Commission’s September 12-14, 2018 meeting in Fort Bragg: (a) the list of persons, contained in the coastal permit application form appendix “C”, that it submitted to the Coastal Commission in September, 2016 (Exhibit B), and the second list of persons that it submitted to the Coastal Commission in September, 2016 (Exhibit C), to provide the required public notice. Clearly, those two lists omit not only my name, but the names of many other interested person known to Caltrans, who have participated in the Caltrans-aborted draft EIR process in April-May 2015, and/or in the Caltrans “informational meetings” on its Albion River Bridge Replacement project in Albion on May 9, 2017, July 27, 2017, September 20, 2017, November 14, 2017, and April 17, 2018.

7. In my travels on Highway 1 in Albion and over the Albion River Bridge, I saw no posted notice of any Caltrans application for coastal development permit 1-16-0899 between mid-/late-September, 2016 and September 12 2018.

8. My specific personal views about the project were not communicated to the Coastal Commission at the September 12, 2018 meeting in Fort Bragg, at any other time before the Caltrans application for CDP 1-16-0899 came up for hearing, and were not otherwise made known to the Coastal Commission.

9. My specific personal testimony, with all modesty, would have likely persuaded the open-minded Commissioners to deny the Caltrans application for CDP 1-16-0899.

10. I therefore was denied my rightful opportunity to fully participate in the Coastal Commission's permit proceeding on the Caltrans application for CDP 1-16-0899 by reason of Caltrans' volitional, and therefore intentional, failure to provide the Commission, and in turn the Coastal Commission to provide me, with any, much less adequate, public notice of the September 12, 2018 Coastal Commission meeting in Fort Bragg and of the Coastal Commission public hearing agenda item Wednesday 10a on the Caltrans application for coastal development permit 1-16-0899.

11. For these reasons, I therefore respectfully request the Coastal Commission executive director to initiate revocation proceedings relating to the Coastal Commission action to approve the Caltrans application for coastal development permit 1-16-0899, with conditions.

12. I further respectfully request the Coastal Commission executive director to initiate revocation proceedings on his own motion, because the Commission, for lack of a complete and accurate Caltrans list of known interested persons in the project, failed to comply with the notice provisions of Title 14, California Code of Regulations section 13054, where the views of the person(s) not notified were not otherwise made known to the Coastal Commission and could have caused the Coastal Commission, on fair hearing, to deny the Caltrans application for CDP 1-16-0899.

13. I also respectfully request the Coastal Commission executive director to determine that grounds, as set forth above, exist, pursuant to Title 14, California Code of Regulations section 13106, for revocation of approved and issued coastal development permit 1-16-0899, wherefore the operation of the permit shall be automatically suspended until the Coastal Commission acts on my request for revocation of that permit, and provide timely notice of that suspension of the permit to Caltrans, me, and the public. I realize that this request for suspension of the permit places the Commission in a conundrum with its co-funder Caltrans; however, as the Commission knows, there is no public notice exemption in the Coastal Act, or any law, for a Coastal Commission meeting or hearing on a Caltrans application for a coastal development permit, however much Caltrans or others may wish to not hear from me, or other people like me, in personal and specific Coastal Act-based opposition to the project.

Thank you for providing me with timely notice of (a) the Coastal Commission meeting and hearing item on which the requested revocation will be on the Coastal Commission agenda, (b) any ex parte communications between any Coastal Commissioner and Caltrans (or any other person on this revocation request), and (c) your determination to suspend coastal development permit 1-16-899 effective immediately and until the Coastal Commission can act, after giving proper notice and otherwise acting consistent with the Coastal Act and federally approved California Coastal Management Program, on this revocation request.

Thank you.

Sincerely yours,

Rick Hemmings

Copy: Mr. Robert Merrill, Manager, Coastal Commission North Coast District (by email)
Bob.Merrill@coastal.ca.gov

**EXHIBIT A, LETTER FROM RICK HEMMINGS (canoe@mcn.org) TO CALTRANS, PUBLIC
COMENTS DURING ALBION RIVER BRIDGE REHABILITATION/ REPLACEMENT PROJECT
DRAFT EIR NOP CIRCULATION, RE ALBION BRIDGE, APRIL 23, 2015**

From: [Pommerenck, Adele@DOT](mailto:Pommerenck,Adele@DOT)
To: [Walker, Liza M@DOT](mailto:Walker,Liza M@DOT)
Subject: FW: Albion Bridge- please renovate
Date: Friday, June 26, 2015 11:06:50 AM

From: canoe@mcn.org [canoe@mcn.org]
Sent: Thursday, April 23, 2015 7:38 AM
To: Pommerenck, Adele@DOT
Subject: Albion Bridge- please renovate

Hi Adele,

With the new option on the table, renovate or replace, I'd like to encourage Caltrans to renovate.

The toxic materials used on virtually all components of the bridge should not be handled, transported, then buried.

I love history, and the Albion River Bridge is a beautiful example of civil engineering which combines form and function so harmoniously.

Let's be proud of this amazing bridge and save it for my granddaughters to enjoy!

Many thanks,

Rick Hemmings
Mendocino resident

EXHIBIT B, CALTRANS CDP 1-16-0899 NOTICE LIST, SEPTEMBER 16, 2016

Application No. _____

APPENDIX C

LIST OF PROPERTY OWNERS AND OCCUPANTS WITHIN 100 FEET AND THEIR ADDRESSES
(MAKE ADDITIONAL COPIES OF THIS SHEET AS NECESSARY)

WELLS,PETER TRUST PO BOX 185 MENDOCINO, CA 95460 APN: 1230400600	GEER,ANTHONY R & LISA T C PO BOX 688 ALBION, CA 95410 APN: 1230502500	BEAN,VERN R & GAIL L TR PO BOX 730 ALBION, CA 95410 APN: 1231504500, 1231504700, 1231504800
HUGHES,JOHN A & KATHRYN A TR PO BOX 760 ALBION, CA 95410 APN: 1230602100, 1233300900	TINLING,NICHOLAS G & CAMILLE M PO BOX 742 ALBION, CA 94510 APN: 1230502405	BIG RIVER PARTNERS LLC 570 EL CAMINO REAL 150-410 REDWOOD CITY, CA 94063 APN: 1231402200
SETO,SUM M & JENNY P & SETO SUM M PROPERTIES LLC 3775 BALBOA ST SAN FRANCISCO, CA 94121 APN: 1230400700, 1231700100, 1230500300, 1230501200, 1230502100, 1230502200 1222222222	CLARY,DANIEL R & CAROL PO BOX 700 ALBION, CA 95410 APN: 1230501605, 1230501505	BAUMEISTER,KAY MEDLEY TR (c/o Douglas L. Hendricks) PO BOX 280 Albion, CA 95410 APN: 1231500500
SETO,SUM M & JENNY P & SETO SUM M PROPERTIES LLC 3775 BALBOA ST San Francisco, CA 94121 APN: 1230502300, 1230501700, 1231500700, 1231700800	KOSKELA,MARIE JENNIE PO BOX 55 ALBION, CA 95410 APN: 1230501800, 1230503300, 1230501900	YATES,RAYMOND A PO BOX 9 ALBION, CA 95410 APN: 1231500300
NYLANDER,STANLEY R 2010 TRUST 28 FAFNIR PL PLEASANT HILL, CA 94523 APN: 1230502700, 1230502600	FERRELL,KENNETH J & ELEANOR M TR 344 CAPETOWN DR ALAMEDA, CA 94502 APN: 1231701600, 1231701500	DANHAKL,JOHN G & KATHERINE ANNNE TR 17717 CALLE DE PALERMO PACIFIC PALISADES, CA 90272 APN: 1231503700, 1231600400, 1231503500, 1233500900
PRESTON,DAVID ROBERT & SUSAN JANE 1732 CARMELO DR CARMICHAEL, CA 95608 APN: 1230500400	HASSELL,JED & SARAH PO BOX 133 ALBION, CA 95410 APN: 1231500800	WHITE,PETER & LEE PO BOX 699 ALBION, CA 95410 APN: 1231503300
KURT KENYON 264 LOVERS LANE BOULDER CREEK, CA 95006 APN: 12305005, 12305028	HANCOCK,LINDA 9878 HATHERTON WAY ELK GROVE, CA 95757 APN: 1231500400	SHOKOHI,MANSOR PO BOX 419 LITTLE RIVER, CA 95456 APN: 1231400700, 1231400400
SMITH,BRUCE D & CAROL F TR 238 OAK GROVE AVE ATHERTON, CA 94027 APN: 1231402400, 1230401000	ZATMAN,MARI 3 SUMNER ST SAN FRANCISCO, CA 94103 APN: 1233301000	SIMPLY GREEN INC 7051 N HIGHWAY 1 LITTLE, RIVER, CA 95456 APN: 1233301100
KRUSE,WILLIAM PO BOX 813 ALBION, CA 95410 1230502000	JOHANSEN, JOHN R & DIANA L PO BOX 490 ALBION, CA 95410 APN: 1231504400	

EXHIBIT C, CALTRANS CDP 1-16-0899 NOTICE LIST, OCTOBER 2016

Linda Hancock
9878 Hatherton Way
Elk Grove, CA 95757

John & Kathryn Hughes
P.O. Box 760
Albion, CA 95410

Kurt Kenyon
264 Lovers Lane
Boulder Creek, CA 95006

William Kruse
P.O. Box 813
Albion, CA 95410

Stanley Nylander
28 Fafnir Pl.
Pleasant Hill, CA 94523

David & Susan Preston
1732 Carmelo Dr.
Carmichael, CA 95608

Sum & Jenny Seto
Sum Seto Properties LLC
3775 Balboa St.
San Francisco, CA 94121

Simply Green Inc.
7051 N. Highway 1
Little River, CA 95456

Bruce & Carol Smith
238 Oak Grove Ave.
Atherton, CA 94027

Raymond Yates
P.O. Box 9
Albion, CA 95410

Big River Partners LLC
570 El Camino Real 150-410
Redwood City, CA 94063

John & Katherine Danhaki
17717 Calle de Palermo
Pacific Palisades, CA 90272

Kenneth & Eleanor Ferrell
344 Capetown Dr.
Alameda, CA 94502

Jed & Sarah Hassell
P.O. Box 133
Albion, CA 95410

Mansor Shokohi
P.O. Box 419
Little River, CA 95456

Nicholas & Camille Tinling
P.O. Box 742
Albion, CA 95410

Peter & Lee White
P.O. Box 699
Albion, CA 95410

Kay Baumeister
c/o Douglas Hendricks
P.O. Box 280
Albion, CA 95410

Vern & Gail Bean
P.O. Box 730
Albion, CA 95410

Daniel & Carol Clary
P.O. Box 700
Albion, CA 95410

Anthony & Lisa Geer
P.O. Box 688
Albion, CA 95410

John & Diana Johansen
P.O. Box 490
Albion, CA 95410

Marie Koskela
P.O. Box 55
Albion, CA 95410

Peter Wells
Trust
P.O. Box 185
Mendocino, CA 95460

Mari Zatman
3 Sumner St.
San Francisco, CA 94103

Frank Demling
CA Dept. of Transportation - District 1
1656 Union St.
Eureka, CA 95501

Liza Walker
CA Dept. of Transportation - District 3
703 B Street
Marysville, CA 95901

1-16-0899. Caltrans - have envelopes. Oct. 2016

From: Walker, Liza M@DOT
To: [Liza Walker](#)
Bcc: ["canoe@mcn.org"](#); ["ggi@imlay.com"](#); ["ndevall@mcn.org"](#); ["tffarm@mcn.org"](#); ["kateoconnor@mcn.org"](#); ["acab@mcn.org"](#)
Subject: Interested Persons List - Albion Geotechnical Drilling
Date: Tuesday, July 17, 2018 3:57:00 PM

Good afternoon,

You have previously provided comments for the Caltrans proposed Albion River Bridge Replacement/Rehabilitation project. Caltrans has submitted a Coastal Development Permit to the California Coastal Commission (CCC) for geotechnical drilling and the CCC is preparing an interested parties list for an upcoming permit hearing. If you wish to be included on the CCC interested parties list and receive the meeting notice, please provide me a mailing address at your earliest convenience.

Please let me know if you have any questions.

Thank you,

Liza Walker, Senior Environmental Planner
Environmental Management
1656 Union Street
Eureka CA 95501
(707) 441-5602

			Interested Parties List				
First Name	Middle Name	Last Name	Organization Name	Address Line 1	City	Zip Code	
John		Danhaki	Leonard Green & Partners	11111 Santa Monica Blvd, Suite 2000	Los Angeles	90025	
Carol & Dan		Clary		3751 Albion Little River Road	Albion	95410	
Merlene		Sanchez	Guidiville Band of Pomo Indians	P.O. Box 339	Talmage	95481	
Atta		Stevenson	Laytonville Rancheria/Cahto Indian Tribe	P.O. Box 1404	Laytonville	95454	
Angela		James	Pinoleville Pomo Nation	500 B Pinoleville Drive	Ukiah	95482	
Leona		Williams	Pinoleville Pomo Nation	500 B Pinoleville Drive	Ukiah	95482	
Debra		Ramirez	Redwood Valley Rancheria of Pomo	3250 Road I	Redwood Valley	95470	
Mary		Camp	Redwood Valley Rancheria of Pomo	3250 Road I	Redwood Valley	95470	
Connie		Braga	She Bel Na Band of Pomo Indians	19121 Olsen Ln.	Fort Bragg	95437	
Vaughn		Pena	Kashia Band of Pomo Indians of Stewarts Point Rancheria	1420 Guerneville Road, Ste 1	Santa Rosa	95403	
Otis		Parish	Stewarts Point Rancheria	1420 Guerneville Road, Ste 1	Santa Rosa	95403	
Annessa		Musgrove		PO Box 2946	Fort Bragg	95437	
NormaLee		Andres		16401 Pine Dr	Fort Bragg	95437	
Jan		DeSipio		27301 Albion Ridge Road	Albion	95410	
John		Feliz Jr.	Coyote Valley Reservation	P.O. Box 39	Redwood Valley	95470	
Shawn		Padi	Hopland Band of Pomo Indians	3000 Shanel Road	Hopland	95449	
Sonny		Elliot	Hopland Band of Pomo Indians	3000 Shanel Road	Hopland	95449	
Erif		Thunen		Box 184	Albion	95410	
Richard	J.	Smith	Cahto Tribe	P.O. Box 1239	Laytonville	95454	
Nelson		Pinola	Manchester-Point Arena Rancheria	P.O. Box 623	Point Arena	95468	
Harriet	L.	Stanley-Rhoades	Noyo River Indian Community	P.O. Box 91	Fort Bragg	95437	
Dave		Edmunds	Pinoleville Pomo Nation	500 B Pinoleville Drive	Ukiah	95482	
Erika		Williams	Pinoleville Pomo Nation	500 B Pinoleville Drive	Ukiah	95482	
Greg		Young	Potter Valley Tribe	2251 South State Street	Ukiah	95482	
Salvador		Rosales	Potter Valley Tribe	2251 South State Street	Ukiah	95482	
Elizabeth		Hansen	Redwood Valley Rancheria of Pomo	3250 Road I	Redwood Valley	95470	
Steve		Nevarez Jr.	Redwood Valley Rancheria of Pomo	3250 Road I	Redwood Valley	95470	
Kenneth		Wright	Round Valley Reservation / Covelo Indian Community	77826 Covelo Road	Covelo	95428	
Dina		Bowen-Welsh	She Bel Na Band of Pomo Indians	PO Box 1613	Fort Bragg	95437	
Javier		Silva	Sherwood Valley Rancheria of Pomo	190 Sherwood Hill Drive	Willits	95490	
Talisha		Melluish	Sherwood Valley Rancheria of Pomo	190 Sherwood Hill Drive	Willits	95490	
Emilio		Valencia	Stewarts Point Rancheria	1420 Guerneville Road, Ste 1	Santa Rosa	95403	

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CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

Nina		Hapner	Stewarts Point Rancheria	1420 Guerneville Road, Ste 1	Santa Rosa	95403	
			Yokayo Tribe	PO Box 362	Talmage	95481	
Virginia		Reed		32101 Middle Ridge Road	Albion	95410	
Michael		Hunter	Coyote Valley Reservation	P.O. Box 39	Redwood Valley	95470	
Claire		Amanno		Box 1375	Mendocino	95460	
Carrie		Durkee		28350 Albion Ridge Rd	Albion	95410	
Sakina		Bush		1184 N. Main St. #38	Fort Bragg	95437	
Linda		Hancock		9878 Hatherton Way	Elk Grove	95757	
John & Kathryn		Hughes		P.O. Box 760	Albion	95410	
Kurt		Kenyon		264 Lovers Lane	Boulder Creek	95006	
William		Kruse		P.O. Box 813	Albion	95410	
Stanley		Nylander		28 Fafnir Pl.	Pleasant Hill	94523	
David & Susan		Preston		1732 Carmelo Dr.	Carmichael	95608	
Sum & Jenny		Seto	Sum Seto Properties LLC	3775 Balboa St.	San Francisco	94121	
			Simply Green Inc.	7051 N. Highway 1	Little River	95456	
Bruce & Carol		Smith		238 Oak Grove Ave.	Atherton	94027	
Raymond		Yates		P.O. Box 9	Albion	95410	
			Big River Partners LLC	570 El Camino Real 150-410	Redwood City	94063	
John & Katherine		Danhaki		17717 Calle de Palermo	Pacific Palisades	90272	
Kenneth & Eleanor		Ferrell		344 Capetown Dr.	Alameda	94502	
Jed & Sarah		Hassell		P.O. Box 133	Albion	95410	
Mansor		Shokohi		P.O. Box 419	Little River	95456	
Nicholas & Camille		Tinling		P.O. Box 742	Albion	94510	
Peter & Lee		White		P.O. Box 699	Albion	95410	
Kay		Baumeister	c/o Douglas Hendricks	P.O. Box 280	Albion	95410	
Vern & Gail		Bean		P.O. Box 730	Albion	95410	
Daniel & Carol		Clary		P.O. Box 700	Albion	95410	
Anthony & Lisa		Geer		P.O. Box 688	Albion	95410	
John & Diana		Johansen		P.O. Box 490	Albion	95410	
Marie		Koskela		P.O. Box 55	Albion	95410	
Peter		Wells	Trust	P.O. Box 185	Mendocino	95460	
Mari		Zatman		3 Sumner St.	San Francisco	94103	
Beth		Bosk		P.O. Box 702	Mendocino	95460	
Diana		Stroupe		31350 Sherwood Road	Fort Bragg	95437	

Jaen		Treesinger		PO Box 867	Mendocino	95460	
Norbert	H	Dall		930 Florin Road, Suite 200	Sacramento	95831	
Warren		De Smidt		Box 523	Albion	95410	
Annmarie		Weibel		P.O. Box 566	Albion	95410	
Lea		Christensen		43300 Little River Airport Rd, #28	Little River	95456	
Peter		Wells	Albion River Inn	P.O. Box 100	Albion	95410	
Leonardo		Bowers		29801 Navarro Ridge Rd	Albion	95410	
Thomas		Freund		45621 Cypress Dr	Mendocino	95460	
Ronnie		Karish		27500 Philo Greenwood Rd	Elk	95432	
Rick		Hemmings					
Gretchen		Imlay					
Norman		de Vall					
Darren		Howe	NMFS	777 Sonoma Ave Rm 325	Santa Rosa	95404-4731	
			Albion River Watershed Prot Assoc/Friends of Salmon Creek	P.O. Box 661	Albion	95410	
			Albion-Little River Fire Protection District	P.O. Box 634	Albion	95410	
Rod		Corimer		P.O. Box 850	Albion	95410	
Rita		Crane		P.O. Box 91	Albion	95410	
Melissa		Hays		P.O. Box 415	Albion	95410	
Elaine		Kirkpatrick		3245 Albion Ridge Rd	Albion	95410	
			Sierra Club, Mendocino Group	P.O. Box 522	Mendocino	95460	
Albohassan		Astaneh-Asl		209 Vernal Dr	Alamo	94507	
			CDFW, Habitat Conservation Program Manager	601 Locust St	Redding	96001	
			Dept of Conservation, Div of Land Resource Prot	801 K Street	Sacramento	95814	
			California State Lands Commission	100 Howe Ave Ste 100 South	Sacramento	95825-8202	
			Albion Community Advisory Board				
Carl		Hausner	United States Coast Guard	Coast Guard Island, Building 50-2	Almadea	94501	
Laurie		York					
Kate		O'Connor					
Olyn		Garfield		33851 East Ln	Albion	95410	
Eva		Anderson		32101 Middle Ridge Rd	Albion	95410	
Tom		Wodetzki		31901 Middle Ridge Rd	Albion	95410	
Jim		Danhakl		33215 Albion Ridge Rd	Albion	95410	
Mary		Bobbitt		33402 Albion Ridge Rd	Albion	95410	
Marilyn		Magoffin		30560 Middle Ridge Rd	Albion	95410	

Philip		Brown		33831 East Ln	Albion	95410	
Susan		Waterfall		3250 Albion Ridge B Rd	Albion	95410	
Arlene		Reiss		32500 Middle Ridge Rd	Albion	95410	
Ron		Stark		30500 Middle Ridge Rd	Albion	95410	
Sharon		Hansen		31901 Middle Ridge Rd	Albion	95410	
Toby		Malina		33801 Navarro Ridge Rd	Albion	95410	
Marc & Deanna		Schoen		P.O. Box 308	Albion	95410	

1-16-0899-REV-2

**Revocation Request by
Albion Bridge Stewards**

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



October 26, 2018

Albion Bridge Stewards
c/o Jim Heid
P.O. Box 363
Albion, CA 95410

Re: Request for Revocation of Coastal Development Permit No. 1-16-0899

Dear Mr. Heid,

Coastal Commission staff has received both the September 27, 2018 letter and supplemental letter dated September 30, 2018 from you, on behalf of the Albion Bridge Stewards, requesting revocation of Coastal Development Permit (CDP) 1-16-0899 (Caltrans), approved by the Commission on September 12, 2018. CDP 1-16-0899 authorizes Caltrans to conduct a geotechnical investigation to provide data for the evaluation of options for the future rehabilitation or replacement of the Highway 1 Albion River Bridge in Mendocino County.

Your request for revocation contends that: (1) CDP Application No. 1-16-0899 contains numerous deficiencies and "Caltrans has volitionally, and therefore intentionally, included inaccurate, erroneous, or incomplete information in connection with the application for the CDP, whereas accurate and complete information would have caused the Commission...to deny the application;" (2) Special Condition No. 3 requiring the submittal of a debris disposal plan for the review and approval of the Executive Director is impermissible, and the debris disposal plan submitted by Caltrans to satisfy Special Condition 3 is inaccurate and incomplete; (3) Caltrans engaged in prohibited communications with Commissioners, resulting in undue influence over the Commission when it acted on the permit application and denying the Albion Bridge Stewards and the public a fair hearing; and (4) the Commission erroneously issued CDP 1-16-0899 and the CDP is void. The revocation request provides no explanation of how a particular deficiency relates to the grounds for revocation of CDP 1-16-0899.

The revocation request also cross references two other revocation requests that had been submitted to the Executive Director. Those revocation requests are addressed separately and are not further addressed here.

The grounds for revocation of a CDP that relate to the assertions you make are set forth in 14 Cal. Code of regulations Section 13105(a) as follows:

(a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application;

The Commission's regulations grant the Executive Director the authority to review a revocation request and decline to initiate revocation proceedings if he determines that the request is patently frivolous and without merit. (14 CCR §13106)

I have reviewed the grounds for revocation stated in the Albion Bridge Stewards' (ABS) request of September 27, 2018 and September 30, 2018 and decline to initiate revocation proceedings. I have determined that the request is patently frivolous and without merit because the assertions made in the revocation request do not comprise the necessary grounds for revocation set forth above and are directly contradicted by the record. As discussed further below, the assertions made in the revocation request: (1) fail to either identify or evidence how the Applicant, Caltrans, intentionally included inaccurate, erroneous or incomplete information in connection with their coastal development permit application; (2) fail to identify how any such alleged deficiencies in the application would have caused the Commission to require additional or different conditions or deny the application; (3) raise issues that are unrelated to the grounds for revocation of a permit; and (4) raise issues governed by other provisions of the Coastal Act and its implementing regulations.

Assertion #1 – Caltrans intentionally included inaccurate, erroneous, or incomplete information in connection with the application for the CDP that would have caused the Commission to require additional or different conditions or deny the application.

The September 27, 2018 letter presented on behalf of ABS contends in part that "Documents in the Coastal Commission's files (including, but not limited to those posted on the Commission's web site for the Coastal Commission meeting of September 12, 2018, Item W10a) indicate that Caltrans has volitionally, and therefore intentionally, included inaccurate, erroneous, or incomplete information in connection with the application for the CDP, whereas accurate and complete information would have caused the Commission...to deny the application..." The revocation request contains five pages (Items 1a-zz, and 33a-i) detailing alleged deficiencies in the Caltrans application. The request provides no explanation of how any alleged deficiency relates to the grounds for revocation of the permit. Instead, the revocation request expressly acknowledges that it reincorporates as part of its request statements that had already been provided to the Commission and included in a letter dated September 5, 2018 transmitted by RWG Law, including and especially Attachment 2 and Exhibit A to Attachment 2 of the September 5, 2018 RWG Law letter.¹ Thus, the ABS assertions regarding alleged inaccuracies or omissions in the CDP application reiterate the substance and often the exact same wording (albeit reordered) of the September 5, 2018 RWG letter which had been provided to the Commission before it acted on the application.² Since the alleged inaccuracies or omissions

¹ The September 27, 2018 ABS letter states in part that "The Albion Bridge Stewards reincorporate in this letter in full the analyses, [sic] of the inaccurate, incomplete, internally inconsistent, and misrepresented CDP application by Dall & Associates, Coastal Act Consistency and CEQA Checklist Analysis of the Caltrans Albion River Bridge Replacement Geotechnical Investigation Development Project (CDP Application No. 1-16-0899), September 5, 2018, and Coastal Act Consistency Analysis of the Caltrans Albion River Bridge Replacement Geotechnical Investigation Development Project (CDP Application No. 1-16-0899): Summary of the Project Component Description and Location Technical Analysis, September 4, 2018."

² A copy of the Commission meeting agenda is posted on the Commission's website prior to the meeting. The staff report, exhibits, addendum and correspondence files associated with each hearing item are accessible on the website by selecting links accessible by clicking on the agenda item. The hearing for CDP application 1-16-0899 was listed as Item 10a on the Wednesday portion of the agenda and the September 5, 2018 RWG letter was uploaded to the

asserted in the revocation request were specifically known to the Commission, the revocation request fails to identify or evidence how any inaccurate, erroneous or incomplete information would have caused the Commission to require additional or different conditions or deny the application.

The revocation request further contends the alleged deficiencies of the application raise a number of issues that the Commission did not consider at the hearing: (a) failure of the Commission to consider the application as an application for replacement of the Albion River Bridge rather than for a more limited geotechnical investigation; (b) compliance of the development with CEQA; and (c) lack of Commission jurisdiction over the project. However, the assertions that (a) the proposed development is actually for a larger bridge replacement project, (b) the application does not comply with CEQA, and (c) the Commission lacks jurisdiction over the project are also directly contradicted by the August 24, 2018 Staff Report and September 10, 2018 Addendum that were available to the Commission during its deliberations. Since the alleged deficiencies of the permit application asserted in the revocation request were specifically known to the Commission, the revocation request fails to identify or evidence how any inaccurate, erroneous or incomplete information would have caused the Commission to require additional or different conditions or deny the application.

Both the September 5, 2018 RWG Law letter that is incorporated by reference and the reiterative assertions made in the revocation request also assert omissions in the CDP application that are not relevant to the project that the Commission acted upon. The revocation request notably asserts in items It through Iv of the September 27 letter that Caltrans did not specify the number and location of parking spaces proposed in the CDP application even though CDP 1-16-0899 does not propose to develop parking spaces. Further, the revocation request provides no explanation of how any alleged omission relates to the grounds for revocation of CDP 1-16-0899.

The revocation request also fails to establish that Caltrans has *intentionally* included inaccurate, erroneous or incomplete information in connection with the application for CDP 1-16-0899. In fact the revocation request provides no evidence that Caltrans intentionally provided inaccurate, erroneous or incomplete information.

Thus, this portion of the revocation request: (a) fails to identify or evidence how Caltrans intentionally included inaccurate, erroneous, or incomplete information in connection with the permit application; as well as (b) fails to identify how any such information would have caused the Commission at the time it acted on the application to require additional or different conditions or deny the application.

correspondence file prior to the hearing and the Commission and the public had the opportunity to view and consider the letter and other correspondence received on the item before the Commission took action on the permit application.

Assertion #2 - Special Condition No. 3 requiring a debris disposal plan is impermissible, and the plan submitted by Caltrans to satisfy the condition is inaccurate and incomplete.

The ABS request raises two issues regarding Special Condition 3. The first issue challenging the validity of the Special Condition imposed by the Commission is not subject to the revocation provisions set forth in the Commission's regulations.

Second, the September 30, 2018 ABS letter also contends that the debris disposal plan should have been more accurate and complete, stating in part the following:

Caltrans did not submit an accurate and complete debris disposal plan, as required by Condition 3, to the Commission on September 21, 2018, before Commission staff approved it... ” Specifically the...plan describes or depicts (1) no restricted areas where temporary stockpiles of construction materials, excess soils, excess vegetation spoils, and any other debris, waste, and other excess material associated with the authorized work can be contained with appropriate BMPs to prevent any discharge of pollutants to coastal waters, (2) no current (September, 2018) environmentally sensitive habitat area in which side casting or placing any construction materials, excess soils, excess vegetative spoils, or any other debris, waste, and other excess material generated by the authorized work is prohibited, and (3) a debris disposal dump site in, or immediately adjacent to, the habitat of hawks and potentially other raptors, and in the watershed of a stream with hydrological connectivity to the Navarro River and the Pacific Ocean, where the project may potentially affect coastal resources protected by the California Coastal Management Program, without any analysis in the staff report that the Commission adopted to approve the CDP.

Essentially, the revocation request asserts that Caltrans failed to fully satisfy the requirements of Special Condition 3 and the asserted failure constitutes an alleged violation of CDP 1-16-0899. However, whether or not the allegations you made in your revocation request constitute violations of CDP 1-16-0899, such assertions by themselves do not constitute grounds for revocation of the permit. First, your revocation request gives no explanation how the Applicant provided inaccurate, erroneous or incomplete information in connection with the application or how Caltrans intentionally misled the Commission or withheld information. Your assertion that after issuance of the permit there has been a deviation from the requirements of the terms and conditions of the permit does not automatically mean that the information submitted by the Applicant in connection with the permit application is inaccurate, erroneous or incomplete. Nor does it automatically mean that the Applicant misled the Commission and intentionally included inaccurate, erroneous or incomplete information in connection with the permit application.

Thus, this portion of the revocation request fails to identify or evidence how Caltrans intentionally included inaccurate, erroneous, or incomplete information in connection with the permit application. In addition, the revocation request fails to identify how any deviations from the requirements of the terms and conditions of the permit would have caused the Commission at the time it acted on the application to require additional or different conditions or deny the application.

Assertion #3 – Caltrans engaged in prohibited communications denying the Albion Bridge Stewards and the public a fair hearing.

Although the revocation request raises this issue regarding prohibited communications, the revocation request provides no explanation how this issue relates to the grounds for revocation of CDP 1-16-0899.

Items 2 through 31 of the September 27, 2018 ABS letter assert that Caltrans engaged in prohibited communications because the disclosures of Caltrans employees authorized to act on behalf of Caltrans were incomplete. In particular, ABS contends in Items 2-9 of its letter that Caltrans listed only two employees of its staff who would communicate on behalf of the applicant for compensation. Coastal Act section 30319 requires all persons who apply to the Coastal Commission for a CDP to provide “*the names and addresses of all persons who, for compensation, will be communicating with the Commission or Commission staff on their behalf.*” In this case, Caltrans, a state agency, is the person³ who applied for CDP 1-16-0899. Thus, it was not necessary for Caltrans, as the Applicant, to list in its application each and every Caltrans employee who would communicate with the Commission about the application.

Items 10-31 of the revocation request also assert discrepancies in the filing and reporting of required ex parte disclosure forms. This portion of the ABS request challenging the validity of the ex parte disclosures required by Coastal Commissioners is a matter governed by the Coastal Act and not subject to the revocation provisions set forth in the Commission’s regulations. In addition, Coastal Act section 30322 (b) expressly excludes from the definition of ex parte specified communications between a commission member and staff members of state agencies.

Thus, this portion of the revocation request: (a) fails to identify or evidence how Caltrans intentionally included inaccurate, erroneous, or incomplete information in connection with the permit application; as well as (b) fails to identify how any such information would have caused the Commission at the time it acted on the application to require additional or different conditions or deny the application.

Assertion #4 – The Commission erroneously issued CDP 1-16-0899 and the CDP is void.

Although the revocation request raises this issue regarding the issuance of the permit, it provides no explanation how this issue relates to the grounds for revocation of CDP 1-16-0899.

The revocation request generally contends that issued CDP 1-16-0899 is void because the Commissioners’ approval of CDP 1-16-0899 did not plainly adopt the staff memorandum addendum dated September 10, 2018. However, the permit record directly contradicts this assertion because (a) the staff report addendum posted to the Commission meeting agenda on the Commission’s website prior to the hearing informed the Commission (and the public) of staff’s changes to its original recommendation; (b) Commission staff announced the addendum to the staff recommendation as part of its presentation to the Commission during the hearing on CDP 1-16-0899; and (c) the Commission’s regulations expressly provide that unless an amending

³ As defined in Coastal Act section 30111, “Person” means any individual, organization, partnership, limited liability company, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof.

motion is made by the Commission, *“a motion to grant the permit shall be deemed to include the terms proposed in the project description as modified by the applicant at the hearing and the conditions and findings proposed in the staff report as modified by staff at the hearing.”* 14 CCR 13092.

Thus, this portion of the revocation request: (a) fails to identify or evidence how Caltrans intentionally included inaccurate, erroneous, or incomplete information in connection with the permit application; as well as (b) fails to identify how any such information would have caused the Commission at the time it acted on the application to require additional or different conditions or deny the application.

Therefore, for all of the reasons discussed above, I am declining to initiate revocation proceedings because I have concluded, pursuant to Commission regulations (14 CCR §13106), that your September 27, 2018 and September 30, 2018 revocation requests are patently frivolous and without merit.

If you have questions about this matter, please contact Robert Merrill, North Coast District Manager, or Tamara Gedik, Coastal Program Analyst, both in the North Coast District Office, at 707) 826-8950.

Sincerely,



JOHN AINSWORTH
Executive Director

cc: Frank Demling, Caltrans District 1
Jim Heid, Member, Albion Bridge Stewards
Bill Heil, Member, Albion Bridge Stewards
Annemarie Weibel, Member, Albion Bridge Stewards
Arlene Reiss, Member, Albion Bridge Stewards
Warren DeSmitt, Member, Albion Bridge Stewards
Helen MacKenzie, Member, Albion Bridge Stewards
Eva Anderson, Member, Albion Bridge Stewards
Miguel Elac, Member, Albion Bridge Stewards
Linda Perkins, Member, Albion Bridge Stewards

Albion Bridge Stewards

A working group of the Albion Community Advisory Board

P.O. Box 363
Albion, CA 95410

FAX

TO:

Mr. John Ainsworth

**Executive Director, California Coastal
Commission**

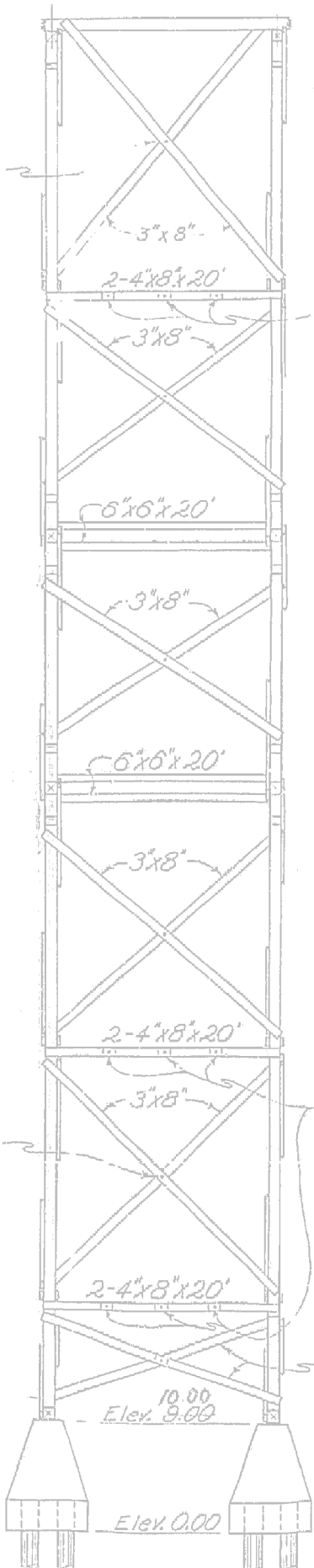
Fax: 415-904-5400

(also sent via email)

FROM:

Albion Bridge Stewards

35 pages to follow this cover sheet



Website: <http://albioncab.wordpress.com>
Email: acab@mcn.org

By Facsimile and Email

September 27, 2018

Mr. John Ainsworth
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219
Fax: 415-904-5400
Email: John.Ainsworth@coastal.ca.gov

SUBJECT: REQUEST FOR REVOCATION OF CDP 1-16-0899 (CALTRANS)

Dear Executive Director Ainsworth:

The Albion Bridge Stewards hereby request that (1) the Coastal Commission revoke coastal development permit (CDP) 1-16-0899, and (2) you, in your capacity as the Coastal Commission executive director, initiate revocation proceedings as provided in the Coastal Commission regulation at Title 14, California Code of Regulations, § 13106.

The Albion Bridge Stewards are a voluntary association of Albion conservationists, residents, property owners, business owners, workers, and visitors who support the preservation, maintenance, repair (as necessary), and completed seismic retrofit of the State- and United States-listed historic(al) Albion River Bridge, on scenic rural Highway 1 in Albion, Mendocino County. The Albion Bridge Stewards have testified in opposition to the Caltrans application (CDP No. 1-16-0899) to perform the highly invasive and destructive Albion River Bridge Replacement geotechnical development project (the "project"), both in writing and at the Coastal Commission's hearing on September 12, 2018.

Documents in the Coastal Commission's files (including, but not limited to those posted on the Commission's web site for the Coastal Commission meeting of September 12, 2018. Item W10a) indicate that Caltrans has volitionally, and therefore intentionally, included inaccurate, erroneous, or incomplete information in connection with the application for the CDP, whereas accurate and complete information would have caused the Commission, acting consistent with the Coastal Act, to deny the application.

The grounds for this revocation request consist of the following facts, which individually and together demonstrate that the Albion Bridge Stewards, and the public generally, have been denied the opportunity to be fully informed, and to fully participate, in the Coastal Commission's proceedings on the Caltrans application for CDP 1-16-0899 by reason of Caltrans' volitional (intentional) inclusion of inaccurate and incomplete information in the record of these proceedings:

1. By letter from Liza Walker, Caltrans Environmental Branch Chief, dated September 16, 2016, Caltrans submitted, and on September 19, 2016, the Coastal Commission's North Coast District office marked as "Received, California Coastal Commission, North Coast district", the Caltrans application for the project, as proposed in those application materials. (**Exhibit 1.**) In the CDP application, including, but not limited to as Caltrans variously and ambiguously subsequently changed it as a result of numerous meetings with Coastal Commission staff and Coastal Act section 30335.1-prohibited substantive project description preparation assistance, Caltrans inaccurately, incompletely, inconsistently, and with misrepresentations identified:¹

- (a) the project location;
- (b) the project geographical and physical scope;
- (c) the project duration;
- (d) the project height;
- (e) the project lot area;
- (f) the true project boundaries;
- (g) the project lot building coverage;
- (h) the project lot paved area coverage;
- (i) the project lot landscaped area coverage;
- (j) the project lot unimproved area coverage;
- (k) the total quantity of project excavation and fill grading;
- (l) the maximum height of cut slope;
- (m) the maximum height of fill slope;

¹ The Albion Bridge Stewards reincorporate in this letter in full the analyses , of the inaccurate, incomplete, internally inconsistent, and misrepresented CDP application by Dall & Associates, Coastal Act Consistency and CEQA Checklist Analysis of the Caltrans Albion River Bridge Replacement Geotechnical Investigation Development Project (CDP Application No. 1-16-0899), September 5, 2018, and Coastal Act Consistency Analysis of the Caltrans Albion River Bridge Replacement Geotechnical Investigation Development Project (CDP Application No. 1-16-0899): Summary of the Project Component Description and Location Technical Analysis, September 4, 2018.

(n) all real property (parcels) on which project development, including, but not limited to grading, is proposed;

(o) the quantity of project imported and exported graded material;

(p) the location of project borrow site(s) and project disposal site(s);

(q) the source of potable and process water, including, but not limited to, subsurface geotechnical drilling and drilling equipment wash water, for the project, located in water deficient coastal Mendocino County.

Further, Caltrans submitted as part of the CDP application:

(r) no signed, stamped, and to-scale grading plans on topographical maps with a datum and a benchmark or other established point for determining elevations;

(s) no signed, stamped, and to-scale project drainage and erosion control plans on topographical maps with a datum and a benchmark or other established point for determining elevations;

(t) no number of existing, project temporary, and post-project completion parking spaces within the project area;

(u) no identification of the proposed removal and number of removed of parking spaces;

(v) the location and number of proposed tandem parking spaces;

(w) no complete project transportation management plan, including, but not limited to as it applies to project helicopter operations adjacent to and over the historic Albion River Bridge and the four intersections of Highway 1 with local streets or roads in Albion;

(x) no finite number of trees to be tagged, removed as part of, and in previous association with, the now 19-year project as a whole;

(y) no lateral and at-depth extent of the tree root system in Albion Cove coastal bluff that the project proposes to remove, including through excavation grading, skid-logging, or other techniques;

(z) no spatial extent and mass of sensitive vegetation (e.g., hydrophytes, silk tassel, wax myrtle spp.) the project proposes to remove as a part of, and in previous association with, the now 19-year project as a whole; and

(aa) no enumeration and description of existing structures on project parcels, starting with the historic Albion River Bridge;

Further, Caltrans did not disclose to the Commission in the CDP application that:

(bb) demolition and removal of the existing bridge constitutes a component of the bridge replacement project, considered as a whole;

(cc) Caltrans has previously applied for other CDP's, with application numbers, for development in the project area, without a geotechnical investigation development project, and that no part of the proposed project specifically addresses any bridge maintenance, repair, and seismic retrofit completion;

(dd) the project is located between the first road and the sea;

(ee) lateral and vertical public access is currently available on and near the project site;

(ff) the project involves drainage alterations that will deny fresh water to the non-tidal Coastal Commission wetland located in the Albion Cove dune at its location adjacent to the Albion Cove coastal bluff;

(gg) the project involves placement of work platform and drilling platform foundations in the non-tidal Coastal Commission wetland, located above the +6 feet MHTL;

(hh) that the project grading layback slope will affect agricultural land west of the southerly end of the Albion River Bridge, the south staging area, and project drill site 1;

(ii) the project may likely rely on a well for production of project water without identification of its existing yield, any approval for such well, or the property owner's approval of its use to supply the project;

(jj) proof of Caltrans' legal interest in all real property on which the project is proposed;

(kk) identification of the identity of all persons or entities that have an ownership interest in the property superior to that of Caltrans;

(ll) assessor's parcel maps showing the page number, property owned or controlled by Caltrans, and all other properties within 100 feet (excluding roads) of the property lines of the entire project site;

(mm) copies of required local approvals, including, but not limited to, the CDP application Form Appendix B Local Agency Review Form for the proposed project components (kinds, locations, intensities) as of the Commission staff report (August 24, 2018);

(nn) stamped and addressed envelopes to provide mailed notice of the Coastal Commission hearing on the CDP application to each property owner and tenant within 100 feet of the property lines of the entire project area, along with a list containing the names, addresses, and assessor's parcel numbers of such parcels;

(oo) a complete and correct CDP Application Form Appendix C that identifies (lists) all property owners, tenants, and known interested persons to whom the Commission must provide notice of the September 12, 2018 meeting and public hearing on the CDP application;

(pp) any written Coastal Commission District Director determination that extraordinary circumstances apply to public noticing of the hearing on the CDP application;

(qq) stamped, addressed envelopes and list of names and addresses of all other persons (parties) known to Caltrans to be interested in the proposed Albion River Bridge project, as a whole, including, but not limited to, the geological investigation development project;

(rr) one or more project vicinity or location maps, with the project site clearly marked on them;

(ss) to-scale site plans for the entire project;

(tt) grading, drainage, erosion control, and debris disposal plans for the geotechnical development project, where the latter, which only came to light late in the afternoon on September 21, 2018, have direct and cumulative significant adverse effects on the low-noise rural Albion community and the habitat of protected sensitive avian species, including, but not limited to eagles, ospreys, and blue herons, that utilize adjacent Albion Cove, the coastal bluffs, and Albion Flat;

(uu) landscape plans for the entire project site (e.g., for the late-identified staging area immediately east of Highway 1 between County Road 403 and the Albion-Little River Road, the south staging area, the elongated south haul route west of Highway 1 and south of the Albion River Bridge, the Albion Flat staging area, or drill sites 1, 2, 5, 6, 7-West, 7-East, 8-West, and the swale northwesterly of the north staging area to which the project proposes to redirect storm water from the manufactured Albion Cove coastal bluff top and adjacent areas to the east, including, but not limited to, Highway 1 and the Albion-Little River Road;

(vv) a finite tree removal identification on any August 21, 2018 "final" Caltrans site plan;

(ww) a copy of the EIR/EIS that is required for the project, with submittal instead of an invalid Caltrans CEQA Class 6 categorical exclusion from environmental review;

(xx) any written determination from the State Lands Commission that any project component is located on State tidelands, submerged lands, or public trust lands;

(yy) a comprehensive, site-specific geology and soils report, including maps prepared in accordance with the Coastal Commission's Interpretive Guidelines, for project development on Albion Cove coastal bluff face and bluff top, on Albion River coastal

bluff and bluff top, or in the 200-foot wide Caltrans-identified landslide area of high geologic risk on the seaward side of Albion Cove coastal bluff; and

(zz) the required threshold project demand analysis pursuant to Coastal Act section 30254.

2. The Albion Bridge Stewards note that Caltrans submitted the CDP application to the Coastal Commission, and the Coastal Commission North Coast District marked it as received, notwithstanding the certified representation by Caltrans in CDP application Section III.6, that the proposed development does not extend onto tidelands, submerged lands, or public trust, and therefore the development project *by Caltrans' certified best knowledge* (CDP application Section VII.2) is not within the Commission's post-Mendocino County local coastal program certification jurisdiction.

3. The CDP application form submitted by Caltrans, in Section I.2 requires the "Name, mailing address and telephone number of applicant's representatives, if any. Please include all representatives who will communicate on behalf of the applicant or the applicant's business partners, for compensation, with the Commission or the staff. (It is the applicant's responsibility to update this list, as appropriate, including after the application is accepted for filing. Failure to provide this information prior to communication with the Commission or staff may result in denial of the permit or criminal penalties.)" (Emphasis provided.)

4. The CDP application form submitted by Caltrans, in Section I.2, identifies "Department of Transportation, District 3, 703 B Street, Marysville CA 95901, Liza Walker, Branch Chief, (530) 741-4139" as the one and only Caltrans representative who will communicate on behalf of the applicant or the applicant's business partners, for compensation, with the Commission or the staff.

5. The CDP application form submitted by Caltrans, in Section VI. COMMUNICATION WITH COMMISSIONERS, states that "Decisions of the Coastal Commission must be made on the basis of information in the public record available to all commissioners and the public. Permit applicants and interested parties and their representatives may contact individual commissioners to discuss permit matters outside the public hearing (an 'ex parte' communication). However, the commissioner must provide a complete description of the communication either in writing prior to the hearing or at the public hearing to assure that such communication does not jeopardize the fairness of the hearing or potentially result in invalidation of the Commission's decision by a court. Any written material sent to a commissioner should also be sent to the commission's office in San Francisco and the appropriate district office for inclusion in the public record and distribution to other commissioners."

6. The CDP application form submitted by Caltrans under the signature of Frank Demling, in Section VIII. AUTHORIZATION, states that "I hereby authorize Liza Walker to act as my representative and to bind me in all matters concerning this application." (Emphasis in original.) The CDP application form identifies no other person as an authorized Caltrans representative or agent in relation to the application for this CDP.

7. On December 2, 2016, the California Coastal Commission North Coast District marked as "Received, California Coastal Commission North Coast District" a conformed copy of the CDP application form page 9 that contains Section VIII. AUTHORIZATION, with the addition of the signature of Frank Demling to CDP application form Section VII. COMMUNICATION WITH COMMISSIONERS. (Exhibit 2.)

8. CDP application form page 9, Section VII.2. CERTIFICATION, signed by Frank Demling and received by the California Coastal Commission North Coast District on December 2, 2016, states that: "I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attached appendices and exhibits is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the Commission." (Emphasis provided.)

9. The further signed conformed copy of CDP application form page 9, received by the California Coastal Commission North Coast District on December 2, 2016, in Section VII. AUTHORIZATION OF AGENT, lists Liza Walker as the one and only Caltrans representative and agent for this CDP application.

10. After December 2, 2016 and before 10 am on March 23, 2018, Caltrans submitted to the Commission no amendment to the CDP application form that discloses the name of any additional authorized agent or representative in relation to the CDP application. Caltrans specifically during this time did not submit to the Commission any amendment of (or addition to) CDP application Section VIII. Authorization, to authorize Caltrans District Director Matthey K. Brady, Caltrans employee Frank Demling, Caltrans employee Jeff Pimentel, or Caltrans employee Robert Wall to represent or act as an agent or representative on behalf of Caltrans in relation to the CDP application, or to communicate on behalf of Caltrans about it, or any matter pertaining to it, with any Coastal Commissioner or with Coastal Commission staff.

11. On or about 10 am, and for an undisclosed time thereafter, on March 23, 2018, some six months after Caltrans submitted the CDP application to the Commission and authorized only Liza Walker to act as the Caltrans agent or representative in relation to the CDP application, Caltrans District 1 Director Matthey K. Brady, Caltrans employee Frank Demling, Caltrans employee Jeff Pimentel, and Caltrans employee Robert Wall met in person and communicated with Coastal Commissioner Ryan Sundberg in relation to the "Albion River Bridge Rehabilitation/ Replacement" project (the "Brady/Demling-Sundberg ex parte communication"). (Exhibit 3.)

12. On March 23, 2018, and between September 19, 2016 and September 12, 2018, Ryan Sundberg was an elected Humboldt County Supervisor. In that capacity, Ryan Sundberg, between on or about March 16, 2017 and through September 12, 2018, was the Governor's appointee to the Coastal Commission for the Coastal Act North Coast

District. The Highway 101 Arcata-Eureka Corridor, developed and in redevelopment by Caltrans during 2018, constitutes the primary connection between Supervisor Sundberg's Humboldt County supervisorial district and the Board of Supervisors offices in Eureka.

13. On March 23, 2018, and between September 19, 2016 and September 12, 2018, Caltrans employee Frank Demling was the Caltrans project manager of the Caltrans Albion River Bridge Replacement development project (aka, the "Albion River Bridge Rehabilitation/Replacement Project").

14. On March 23, 2018, Caltrans employee Jeff Pimentel was the Caltrans project manager of the Caltrans Highway 101 Arcata-Eureka Corridor project.

15. On March 23, 2018, Caltrans employee Robert Wall worked at Caltrans District 1. Previously, including in and after 2015, he was the interim planning director of Humboldt County.

16. The Brady/Demling/Pimentel/Wall-Sundberg ex parte communication, initiated at an undisclosed time, date, and by an undisclosed means of communication by Caltrans District 1 Director Matthew K. Brady and Caltrans employee Frank Demling on behalf of Caltrans District 1, occurred on March 23, 2018 in the conference room of the Humboldt County Board of Supervisors, at an undisclosed address.

17. Coastal Commissioner Sundberg signed a Caltrans-prepared "Ex Parte Communication Disclosure Form", dated "4-2-18", 10 days after the March 23, 2018 Brady/Demling/ Pimentel/Wall-Sundberg ex parte communication. The copy of this Form posted to the Coastal Commission Item W10a project web site bears neither the standard Coastal Commission North Coast District "Received, California Coastal Commission North Coast District" stamp, nor the standard "Received" stamp of any other Coastal Commission office. The Form does bear an unspecified "Received Apr 02 2018" stamp, which is unreferenced as to any receiving Coastal Commission office. Coastal Commissioner Sundberg has not submitted, and the Coastal Commission executive director has not placed in the Coastal Commission's official record, any other "Ex Parte Communications Disclosure Form" in relation to the March 23, 2018 Brady/Demling/Pimentel/Wall-Sundberg ex parte communication. The Coastal Commission executive director also did not document that Commissioner Sundberg's Ex Parte Disclosure Form was placed in the official record of the CDP application, within the seven day time period following the ex parte communication, as required by law.

18. The Form (apparently prepared by Caltrans, based on the same font in the interlineated information as utilized in the ex parte disclosure form submitted by Coastal Commissioner Donne Brownsey for her ex parte communication relating to the CDP application) bears the signature of Coastal Commissioner Ryan Sundberg and the date of "4-2-18". However, the Form does not contain any, much less a complete and comprehensive, description of the content(s) of the Brady/Demling/Pimentel/Wall – Sundberg ex parte communication, or a complete set of all text and graphic material that was part of the communication. Instead, the Form merely lists, and does not

contain as attachments, three text or graphic materials that Caltrans wrote in preparing the Form, and Commissioner Sundberg affirmed by his signature, were presented in association with the March 23, 2018 ex parte communication.

19. Caltrans District 1 Director Matthew Brady and Caltrans employees Frank Demling, Jeff Pimentel, and Robert Wall were not authorized to communicate ex parte on March 23, 2018, or at any other time, with Coastal Commissioner Ryan Sundberg, or any other Coastal Commissioner or Coastal Commission staff, in relation to the submitted CDP application. The "Ex Parte Communication Disclosure Form" signed by Commissioner Ryan Sundberg does not constitute a complete and comprehensive description of the content of said ex parte communication on March 23, 2018, and also does not contain a complete set of all text and graphic material that was part of the communication. Caltrans District 1 Director Matthew Brady and Caltrans employees Frank Demling, Jeff Pimentel, and Robert Wall therefore on March 23, 2018 engaged in a prohibited ex parte communication with Coastal Commissioner Ryan Sundberg, and thereby engaged in a prohibited exercise of undue influence and prompted and abetted the abuse of power and authority by that Coastal Commissioner.

20. On September 12, 2018, when Coastal Commission meeting agenda Item Wednesday 10a was before the Coastal Commission, Coastal Commissioner Ryan Sundberg seconded the motion, by Commissioner Donne Brownsey, to approve the CDP application "pursuant to the staff report", and joined with other Coastal Commissioners in giving unanimous consent, without a roll call vote, to that motion to approve CDP 1-16-0899 pursuant to the staff report. In his brief comments to support his second of the motion, Commissioner Sundberg made no statement that his second was to also approve the staff memorandum addendum, dated September 10, 2018, which addendum therefore was not approved by the Coastal Commission.

21. After December 2, 2016 and before April 16, 2018, Caltrans submitted to the Commission no amendment to the CDP application form that discloses the name of any additional authorized agent or representative in relation to the CDP application.

22. Caltrans specifically during this time did not submit to the Commission any amendment of (or addition to) CDP application Section VIII. Authorization, to authorize Caltrans employee Frank Demling or Caltrans employee Sandra Rosas to represent or act as an agent on behalf of Caltrans in relation to the CDP application, or to communicate on behalf of Caltrans about it, or any matter pertaining to it, with any Coastal Commissioner or Coastal Commission staff.

23. On or about April 16, 2018, at an undisclosed time, some seven months after Caltrans submitted the CDP application to the Coastal Commission, and seven days after Coastal Commission North Coast District staff "considered" the CDP application to be filed, Caltrans employees Frank Demling, Sandra Rosas, and Liza Walker met in person and communicated with Coastal Commissioner Donne Brownsey in relation to the "Albion Bridge Geotech Investigation 1-16-0899" project (the "Demling/Rosas/Walker-Brownsey ex parte communication"). (Exhibit 4.)

24. On April 16, 2018, and between on or about February 21, 2017 and September 12, 2018, Donne Brownsey, a former lobbyist who resides in Sacramento and Fort Bragg, was a Governor's at-will "public member" appointee to the Coastal Commission. Unlike Coastal Commission public member appointees of the Speaker of the Assembly and the Senate Rules Committee, who serve for a fixed term, the Governor's Coastal Commission public member appointees serve at his pleasure and may be terminated at will.

25. On April 16, 2018, and between September 19, 2016 and September 12, 2018, Caltrans employee Frank Demling was the Caltrans project manager of the Caltrans Albion River Bridge Replacement development project (aka, the "Albion River Bridge Rehabilitation/Replacement Project").

26. On April 16, 2018, and between September 19, 2016 and September 12, 2018, Caltrans employee Sandra Rosas was a Caltrans supervising environmental planner.

27. On April 16, 2018, and between September 19, 2016 and September 12, 2018, Caltrans employee Liza Walker was a Caltrans senior environmental planner. Alone among the Caltrans employees who communicated ex parte with Coastal Commissioner Donne Brownsey on April 16, 2018, Liza Walker was an authorized agent/representative of Caltrans.

28. The Demling/Rosas/Walker-Brownsey ex parte communication, initiated at an undisclosed time, date, and by an undisclosed means of communication by Caltrans employee Frank Demling on behalf of Caltrans District 1, occurred on April 16, 2018 at Temple Coffee, 22nd & K, Sacramento, CA, for an undisclosed period of time.

29. Coastal Commissioner Brownsey signed a Caltrans-prepared "Ex Parte Communication Disclosure Form", dated "4.17.18", the day after the April 16, 2018, 2018 Demling/ Rosas/Walker-Brownsey ex parte communication. The copy of this Form posted to the Coastal Commission Item W10a project web site does not bear the standard Coastal Commission North Coast District "Received, California Coastal Commission North Coast District" stamp, the standard "Received" stamp of any other Coastal Commission office, or any other "received" stamp. The Coastal Commission executive director did not document that Commissioner Brownsey's Ex Parte Disclosure Form was placed in the official record of the CDP application, within the seven day time period following the ex parte communication, as required by law. Coastal Commissioner Brownsey has not submitted, and the Coastal Commission executive director has not placed in the Commission's official record, any other Ex Parte Communications Disclosure Form in relation to the April 16, 2018 Demling/Rosas/Walker-Brownsey ex parte communication.

30. The Form (apparently prepared by Caltrans, based on the same font in the interlineated information as utilized in the ex parte disclosure form submitted by Coastal Commissioner Ryan Sundberg for his ex parte communication relating to the CDP application) bears the signature of Coastal Commissioner Donne Brownsey and the date of "4.17.18". The Form lists six text or graphic materials presented by the Caltrans

ex parte communicants, which are not attached to the Ex Parte Communications Disclosure Form. The statement, in a different font, on the appended "Page 2 Cal Trans ExParte April 16, 2018" to the Form, that "Caltrans Staff (*sic*) noted that they would be delivering all of the documents that they provided me to the North Coast District office" does not satisfy the Coastal Act disclosure requirement that the completed Form include a complete set of all text and graphic material that was part of the communication. The documents posted by the Coastal Commission to the CDP application web site (September 12, 2018, Item W10a) also do not contain the six text and graphic materials that the Caltrans employees presented to Coastal Commissioner Donne Brownsey on April 16, 2018, as listed on the Form, either as attachments to the Form, or separately among the various Coastal Commission staff report Exhibit 23 materials.

31. Caltrans employees Frank Demling and Sandra Rosas were not authorized to communicate ex parte on April 16, 2018, or at any other time, with Coastal Commissioner Donne Brownsey, any other Coastal Commissioner, or any Coastal Commission staff in relation to the submitted CDP application. The Ex Parte Communication Disclosure Form signed by Commissioner Donne Brownsey does not constitute a complete and comprehensive description of the content of the ex parte communication (which in part consisted of a "discuss(ion of) the elements relating to all the phases of the Albion River Bridge project", "staff explained the problems with the degradation to the timber and the leaching of chromates from same", "economic considerations", "concern(...) about seismic impact, cost effective alternatives and split community feelings", or "staff provided background on the long term nature of the project and that of Caltrans objectives to survey and potentially repair or rebuilt a number of bridges located on the Mendocino coast". Therefore, Caltrans employees Frank Demling and Sandra Rosas on April 18, 2018 engaged in a prohibited ex parte communication with Coastal Commissioner Donne Brownsey, and thereby engaged in a prohibited exercise of undue influence and prompted and abetted the abuse of power and authority by that Coastal Commissioner.

32. On September 12, 2018, when Coastal Commission meeting agenda Item W10a was before the Coastal Commission after the completion of all applicant and public testimony, and without Caltrans having reserved any rebuttal time to public testimony, Coastal Commissioner Donne Brownsey, first, engaged Caltrans employee Frank Demling (and other Caltrans employees to whom he deferred) in an extraordinary, extended, and apparently scripted series of leading questions-and-answers about the project, and, second, thereafter moved to approve the CDP application "pursuant to the staff report", and subsequently joined with other Coastal Commissioners in giving unanimous consent, without a roll call vote, to that motion to approve CDP 1-16-0899 pursuant to the staff report. In her comments to support the motion, Coastal Commissioner Brownsey did not state, in accord with standard Coastal Commission practice where staff has presented a separate memorandum addendum to the staff report, that the motion was to also approve the staff memorandum addendum, dated September 10, 2018. The Coastal Commission therefore did not approve or adopt any staff memorandum addendum to the staff report for the CDP application 1-16-0899, and limited its action to approving the Coastal Commission staff report, dated August 24, 2018.

33. In addition, Caltrans has submitted to the Coastal Commission other volitional, and therefore intentional, inaccurate, erroneous or incomplete information in connection with the coastal development permit application, where accurate and complete information would have caused the Commission acting consistent with the Coastal Act, to deny the application (or potentially, to require additional or different conditions of permit approval, if the Coastal commission had any "original retained" coastal development jurisdiction over the project at all, which it does not). This intentionally inaccurate, incomplete, and erroneous information includes, but is not limited to:

(a) the lack of a settled, clear and internally consistent (finite) project description,

(b) no threshold analysis that specifically and completely addresses or demonstrates an objective need for, the Albion River Bridge replacement development project, of which the geotechnical development project constitutes an integral part (including through grading and other physical development for parts of the replacement Alternative "A" development), as required by Coastal Act section 30254;

(c) no analysis or substantial evidence in the record of the Commission proceedings on the coastal development permit application that the proposed geotechnical development project is necessary or relevant to the maintenance, repair (as necessary), or completion of seismic retrofitting of the historic bridge;

(d) no amended project description, as of August 24, 2018 or September 12, 2018 that locates any geotechnical project development component within the Coastal Commission's retained original permit jurisdiction;

(e) no identification of the coastal bluff edge on either the precipitous Albion Cove coastal bluff or the steep Albion River coastal bluff, as the necessary threshold for any valid Coastal Act section 30253 and 30251 landform stability, integrity, and impact avoidance analysis;

(f) no description or analysis of the direct and cumulative impacts on Albion Cove coastal bluff and bluff top, and Albion River coastal bluff, soils from project (1) excavation grading, (2) tree root system removal, (3) tree removal, or other sensitive deep-rooted vegetation removal, (4) drill platform foundation, and drill rig installation, vertical and inclined deep subsurface drilling operations, and extraction, primarily by helicopter external swing load cargo operations at the end of 70-190 foot long cables, in acknowledged fractured, landslide-prone, and otherwise unstable coastal bluff terrain and immediately adjacent to the timber trestles and towers of the historic Albion River Bridge;

(g) no specific and complete project alternatives analysis;

(h) specifically undisclosed and unanalyzed project components, including, but not limited to extremely destructive and disruptive removal of the unspecified entire tree root system associated with tree removal on Albion Cove coastal bluff and bluff top, an off-

the-record accommodation between Caltrans and the local fire district, and importation of project process water from an undisclosed source in water deficient coastal Mendocino County and

(i) no description, CEQA functional equivalent direct or cumulative impact analysis, or mitigation of the project helicopter flight external swing load cargo operations, which extent – as a result of the helicopter's not being able to land at the project north-south vehicle and Albion Flat staging areas – between Little River Airport and Drill Sites 2, 5, 6, 7-West, 7-East, 8-West, various undisclosed staging locations, with low altitude external swing load cargo flights through the foraging and roosting habitat of protected eagles and ospreys at Albion Cove and to a nearshore helicopter holding pattern upwind from Coastal Act-protected coastal waters, beaches, public access ways, and visitor-serving recreational facilities, with significant direct and cumulative project effects on them, as described and analyzed in the correspondence by members of the Albion Bridge Stewards and others in the Commission proceedings on the CDP application.

Conclusion and Request.

The prohibited Caltrans ex parte communications with the two Coastal Commissioners, who moved and seconded approval of the staff report on the CDP application, constitute undue influence by Caltrans and an abuse of their power and authority by the two Coastal Commissioners, which have denied the Albion Bridge Stewards, and the public generally, the fundamental fairness and due process of law that requires the Coastal Commission to conduct its affairs in an open, objective, and impartial manner free of such corruption. Caltrans and the two Coastal Commissioners have denied the Albion Bridge Stewards, and the public generally, a fair hearing and thereby rendered the Coastal Commission's decision to approve the staff report, and the project described and conditioned by it, invalid.

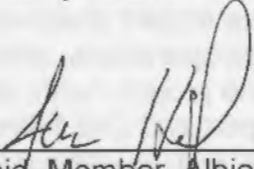
Caltrans' intentional inclusion of inaccurate, erroneous, incomplete, and untruthful ("misstated") information to support the coastal development permit application "shall" as Caltrans itself has twice certified it understood. The grounds for revoking the permit issued on the basis of such misrepresentations (Exhibit 1, page 9; Exhibit 2, page 9),

The Albion Bridge Stewards therefore respectfully request the Coastal Commission, pursuant to the Coastal Commission regulation at Title 14, California Code of Regulations §13018, to (1) provide timely notice of any hearing and Coastal Commission staff report on this revocation request to all known interested persons in the project, considered as a whole, (2) timely provide a copy to the Albion Bridge Stewards and all known interested persons in the project, considered as a whole, of any ex parte communication between any agent, representative, director, or employee of Caltrans, the California Business, Housing, and Transportation Agency, or any agent, representative, or employee of the Governor and any Coastal Commissioner relating to this revocation request and the Caltrans application for CDP 1-16-0899, and (3) after public hearing, revoke CDP 1-16-0899.

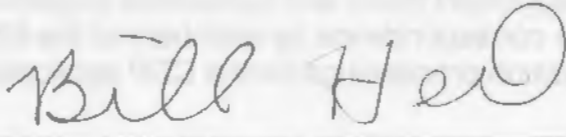
Thank you for your consideration.

For the Albion Bridge Stewards,

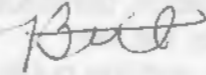
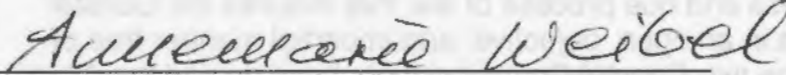
Respectfully Submitted by:




Jim Heid, Member, Albion Bridge Stewards
P.O. Box 743
Albion, California 95410



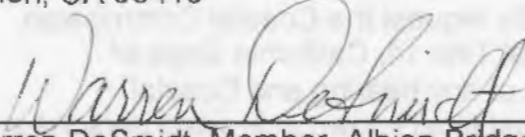
Bill Heil, Member, Albion Bridge Stewards
P.O. Box 467
Albion, California 95401

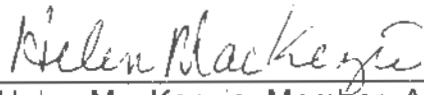
Annemarie Weibel, Member, Albion Bridge Stewards
PO Box 566
Albion, California 95410



Arlene Reiss, Member, Albion Bridge Stewards
PO Bx 431
Albion, CA 95410



Warren DeSmidt, Member, Albion Bridge Stewards
PO Box 523
Albion, CA 95410



Helen MacKenzie, Member, Albion Bridge Stewards
PO Box 1608
Mendocino, CA 95460



Eva Anderson, Member, Albion Bridge Stewards
32101 Middle Ridge Road
Albion, CA 95410



Miguel Elac, Member, Albion Bridge Stewards
PO Box 326
Albion, CA 95410

DEPARTMENT OF TRANSPORTATION**DISTRICT 3**

703 B STREET
MARYSVILLE, CA 95901
PHONE (530) 741-4139
FAX (530) 741-4457
TTY 711
www.dot.ca.gov/dist3

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SEP 19 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT



Serious Drought.
Serious drought.
Help save water!

September 16, 2016

California Coastal Commission
North Coast District Office
Attn: Tamara Gedik
1385 Eighth Street, Suite 130
Arcata, CA 95521

Dear Ms. Gedik:

The California Department of Transportation (Caltrans) proposes to conduct geotechnical drillings in order to provide data for the Albion River Bridge Replacement Project. The project is located on State Route (SR) 1 in Mendocino County from post mile (PM) 43.3 through 44.2.

Caltrans is requesting a Coastal Development Permit (CDP) from the California Coastal Commission in order to proceed with the geotechnical drilling. The consolidated CDP request submitted to Mendocino County Department of Planning & Building Services was approved at the Board of Supervisors meeting on September 13, 2016. A copy of the signed resolution will be provided once it has been received by Caltrans.

Enclosed for your review are the following items:

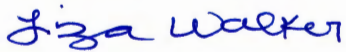
- Application for Coastal Development Permit Form
- Signed Copy of Appendix A and Appendix B
- Appendix C and Stamped, Addressed Envelopes
- Signed Copy of Appendix D with Pictures of Postings
- Preliminary Tree Removal Data List for Section II, Item 11 of the CDP Form. An updated list will be provided after final survey results are received.
- Plan to Perform Geotechnical Investigation Memorandum dated February 2015
- Geotechnical Investigation Plan Sheet 1 and 2
- Signed CEQA Categorical Exemption and NEPA Categorical Exclusion dated June 2016
- Stamped Notice of Exemption dated June 2016
- Natural Environment Study dated August 2015
- ESHA Assessment dated August 2016
- Environmental Document Assessment Report-Noise and Air Quality dated June 2016
- Visual Impacts Memo dated April 2015
- Water Quality Assessment Exemption dated June 2016
- Initial Site Assessment dated June 2015

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

September 16, 2016
Page 2

If you have any questions or need additional information, feel free to contact me at (530) 741-4139. Thank you for your continued assistance in expediting the permit for this project.

Sincerely,



Liza Walker, Branch Chief
Environmental Management E-M2

Enclosures

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

RECEIVED**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960

SEP 19 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

**PERMIT APPLICATION INSTRUCTIONS**

A completed application includes the APPLICATION FOR COASTAL DEVELOPMENT PERMIT, the appendices to the application, and **Required Attachments**.

- Please answer all questions. If a question is not applicable to your project, indicate "N.A."
- Refer to pages 7–8 of the APPLICATION for a list of **Required Attachments**.
- Incomplete applications will not be accepted for filing.
- All exhibits must be legible.

The following checklist is provided for the convenience of applicants in gathering necessary application materials; it is not a complete statement of filing requirements.

	Page	Item
<input checked="" type="checkbox"/> Proof of applicant's interest in the property.	7	1
<input checked="" type="checkbox"/> Assessor's parcel map(s) showing the proposed development site and all adjacent properties within 100 feet of the property boundary.	7	2
<input checked="" type="checkbox"/> Stamped envelopes (<i>no postage meter please</i>) addressed to neighboring property owners and occupants and other interested parties and a list of the same.	7, 8	4, 5
<input checked="" type="checkbox"/> Vicinity map.	8	6
<input type="checkbox"/> Two sets of each: project plan(s), site plan(s), and applicable other plans. (Please note the size which plans are required to be submitted.).....	8	7, 11
<input checked="" type="checkbox"/> Copy of any environmental documents (DRAFT AND FINAL EIRs, EISs, NEGATIVE DECLARATION) if prepared for the project and any comments and responses.	8	9
<input checked="" type="checkbox"/> Verification of all other permits, permissions or approvals applied for or granted by public agencies.	8	10
<input type="checkbox"/> Copy of geology or soils report (if necessary).	8	11
<input checked="" type="checkbox"/> Local approval of the project.	Appendix B	
<input checked="" type="checkbox"/> Has the Notice of Pending Permit been posted in a conspicuous place?	Appendix D	
<input type="checkbox"/> Filing fee.	Appendix E	
<input checked="" type="checkbox"/> Have you and the agent (if appropriate) signed the application at the appropriate lines on pages 9, 10, and 13?		

Revised 3/17/08

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

RECEIVED

SEP 19 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT**SECTION I. APPLICANT**

1. Name, mailing address, and telephone number of all applicants.

Department of Transportation, District 1

1656 Union Street, Eureka CA 95501

Frank Demling, Project Manager

(707) 445-6554

(Area code/daytime phone number)

Note: All applicants for the development must complete Appendix A, the declaration of campaign contributions.

2. Name, mailing address and telephone number of applicant's representatives, if any. Please include all representatives who will communicate on behalf of the applicant or the applicant's business partners, for compensation, with the Commission or the staff. (It is the applicant's responsibility to update this list, as appropriate, including after the application is accepted for filing. Failure to provide this information prior to communication with the Commission or staff may result in denial of the permit or criminal penalties.)

Department of Transportation, District 3

703 B Street, Marysville CA 95901

Liza Walker, Branch Chief

(530) 741-4139

(Area code/daytime phone number)

SECTION II. PROPOSED DEVELOPMENTPlease answer all questions. Where questions do not apply to your project (for instance, project height for a land division), indicate **Not Applicable** or **N.A.**

- 1.
- Project Location.**
- Include street address, city, and/or county. If there is no street address, include other description such as nearest cross streets.

Albion River Bridge on State Route 1 near Albion

number

street

city

county

Assessor's Parcel Number(s) (obtainable from tax bill or County Assessor):

Please see Appendix C.

FOR OFFICE USE ONLY

1-16-0899

APPLICATION NUMBER

RECEIVED

9/19/16

FILED

FEE

DATE PAID

2. Describe the proposed development in detail. Include secondary improvements such as grading, septic tanks, water wells, roads, driveways, outbuildings, fences, etc. (Attach additional sheets as necessary.)

The California Department of Transportation (Caltrans) is proposing to conduct geotechnical drillings in order to provide data for the Albion River Bridge Project. The project is located on State Route (SR) 1 in Mendocino County from post mile (PM) 43.3 to 44.2. There will be 11 drill sites for this investigation, six are located to the south of Albion River and five are located to the north of the river.

Please see enclosed memo.

a. If multi-family residential, state:

Number of units			Number of bedrooms per unit (both existing and proposed)	Type of ownership proposed
Existing units	Proposed new units	Net number of units on completion of project		
N/A	N/A	N/A	N/A	<input type="checkbox"/> rental <input type="checkbox"/> condominium <input type="checkbox"/> stock cooperative <input type="checkbox"/> time share <input type="checkbox"/> other_____

b. If land division or lot line adjustment, indicate:

Number of lots			Size of lots to be created (indicate <i>net</i> or <i>gross</i> acreage)	
Existing Lots	Proposed new lots	Net number of lots on completion of project	Existing	Proposed
N/A	N/A	N/A	N/A	N/A

3. Estimated cost of development (not including cost of land) \$470,000
4. Project height: Maximum height of structure (ft.) N/A
- above existing (natural) grade N/A
 - above finished grade N/A
 - as measured from centerline of frontage road N/A
5. Total number of floors in structure, including
subterranean floors, lofts, and mezzanines..... N/A
6. Gross floor area excluding parking (sq.ft.) N/A
- Gross floor area including covered parking and
accessory buildings (sq.ft.) N/A
7. Lot area (within property lines) (sq.ft. or acre) N/A

Lot coverage	Existing (sq.ft. or acre)	New proposed (sq.ft. or acre)	Total (sq.ft. or acre)
Building	N/A	N/A	N/A
Paved area	N/A	N/A	N/A
Landscaped area	N/A	N/A	N/A
Unimproved area	N/A	N/A	N/A
<i>Grand Total (should equal lot area as shown in #7 above)</i>			N/A

8. Is any grading proposed? ☒ Yes ☐ No

<i>If yes, complete the following.</i>			
a) Amount of cut	557 cu. yds.	d) Maximum height of cut slope	15 ft.
b) Amount of fill	65 cu. yds.	e) Maximum height of fill slope	15 ft.
c) Amount of import or export	492 cu. yds.	f) Location of borrow or disposal site	Property of Contractor

Grading, drainage, and erosion control plans must be included with this application, if applicable. In certain areas, an engineering geology report must also be included. See page 7, items # 7 and 11.

Please list any geologic or other technical reports of which you are aware that apply to this property:

9. Parking:

Number of parking spaces (indicate whether standard or compact)		
Existing Spaces	Proposed new spaces	Net number of spaces on completion of project
N/A	N/A	N/A

Is any existing parking being removed?..... ☐ Yes ☒ No

If yes, how many spaces? N/A size N/A

Is tandem parking existing and/or proposed? ☐ Yes ☒ No

If yes, how many tandem sets? N/A size N/A

10 Are utility extensions for the following needed to serve the project? (Please check **yes** or **no**)

a) water b) gas c) sewer d) electric e) telephone

☐ Yes ☐ Yes ☐ Yes ☐ Yes ☐ Yes
☒ No ☒ No ☒ No ☒ No ☒ No

Will electric or telephone extensions be above-ground? ☐ Yes ☒ No

11. Does project include removal of trees or other vegetation? ☒ Yes ☐ No

If yes, indicate **number, type and size** of trees Please see included list.

or **type and area** of other vegetation N/A

SECTION III. ADDITIONAL INFORMATION

The relationship of the development to the applicable items below must be explained fully. Attach additional sheets if necessary.

1. Present use of property.

a. Are there existing structures on the property? ☐ Yes ☒ No

<p><i>If yes, describe</i></p> <p>_____</p> <p>_____</p> <p>_____</p>

- b. Will any existing structures be demolished? ☐ Yes ☒ No
 Will any existing structures be removed? ☐ Yes ☒ No

If yes to either question, describe the type of development to be demolished or removed, including the relocation site, if applicable.

2. Is the proposed development to be governed by any Development Agreement? ☐ Yes ☒ No

3. Has any application for development on this site including any subdivision been submitted previously to the California Coastal Zone Conservation Commission or the Coastal Commission? ☐ Yes ☒ No

If yes, state previous application number(s) _____

4. a. Is the development between the first public road and the sea (including lagoons, bays, and other bodies of water connected to the sea) ☐ Yes ☒ No

- b. If yes, is public access to the shoreline and along the coast currently available on the site or near the site? ☐ Yes ☒ No

If yes, indicate the location and nature of the access, including the distance from the project site, if applicable.

- c. Will the project have an effect on public access to and along the shoreline, either directly or indirectly (e.g., removing parking used for access to the beach)? ☐ Yes ☒ No

If yes, describe the effect

5. Does the development involve diking, filling, draining, dredging or placing structures in open coastal waters, wetlands, estuaries, or lakes? (Please check **yes** or **no**)

a) diking b) filling c) dredging d) placement of structures

☐ Yes ☐ Yes ☐ Yes ☐ Yes
☒ No ☒ No ☒ No ☒ No

Amount of material to be **dredged or filled** (indicate which) N/A cu. yds

Location of dredged material disposal site N/A

Has a U.S. Army Corps of Engineers' permit been applied for? ☐ Yes ☒ No

6. Will the development extend onto or adjoin any beach, tidelands, submerged lands or public trust lands? ☐ Yes ☒ No

For projects on State-owned lands, additional information may be required as set forth in Section IV, paragraph 10.

7. Will the development protect existing lower-cost visitor and recreational facilities? ☐ Yes ☒ No

Will the development provide public or private recreational opportunities? .. ☐ Yes ☒ No

<p><i>If yes, explain.</i></p> <hr/> <hr/> <hr/> <hr/>
--

8. Will the proposed development convert land currently or previously used for agriculture to another use? ☐ Yes ☒ No

If yes, how many acres will be converted? _____

9. Is the proposed development in or near:

a. Sensitive habitat areas (Biological survey may be required) ☒ Yes ☐ No

b. Areas of state or federally listed rare, threatened, or endangered species ☒ Yes ☐ No

c. 100-year floodplain (Hydrologic mapping may be required) ☒ Yes ☐ No

d. Park or recreation area ☒ Yes ☐ No

10. Is the proposed development visible from:

a. State Highway 1 or other scenic route ☒ Yes ☐ No

- b. Park, beach, or recreation area ☒ Yes ☐ No
- c. Harbor area ☒ Yes ☐ No
11. Does the site contain any: (If yes to any of the following, please explain on an attached sheet.)
- a. Historic resources ☒ Yes ☐ No
- b. Archaeological resources ☒ Yes ☐ No
- c. Paleontological resources ☐ Yes ☒ No
- N/A 12. Where a stream or spring is to be diverted, provide the following information:
- Estimated streamflow or spring yield (gpm) _____
- If well is to be used, existing yield (gpm) _____
- If water source is on adjacent property, attach Division of Water Rights approval and property owner's approval.

SECTION IV. REQUIRED ATTACHMENTS

The following items must be submitted with this form as part of the application.

1. **Proof of the applicant's legal interest in the property.** A copy of any of the following will be acceptable: current tax bill, recorded deed, lease, easement, or current policy of title insurance. Preliminary title reports will not be accepted for this purpose. Documentation reflecting intent to purchase such as a signed Offer to Purchase along with a receipt of deposit or signed final escrow document is also acceptable, but in such a case, issuance of the permit may be contingent on submission of evidence satisfactory to the Executive Director that the sale has been completed.

The identity of all persons or entities which have an ownership interest in the property superior to that of the applicant must be provided.
2. **Assessor's parcel map(s)** showing the page number, the applicant's property, and all other properties within 100 feet (excluding roads) of the property lines of the project site. (Available from the County Assessor.)
3. Copies of required **local approvals** for the proposed project, including zoning variances, use permits, etc., as noted on Local Agency Review Form, Appendix B. Appendix B must be completed and signed by the local government in whose jurisdiction the project site is located.
4. **Stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and assessor's parcel numbers of same.** The envelopes must be plain (i.e., no return address), and regular business size (9 1/2" x 4 1/8"). Include first class postage on each one. **Metered postage is not acceptable.** Use Appendix C, attached, for the listing of names and addresses. (Alternate notice provisions may be employed at the discretion of the District Director under extraordinary circumstances.)

5. **Stamped, addressed envelopes (no metered postage, please) and a list of names and addresses of all other parties known to the applicant to be interested in the proposed development** (such as persons expressing interest at a local government hearing, etc.).
6. **A vicinity or location map** (copy of Thomas Bros. or other road map or USGS quad map) with the project site clearly marked.
7. Copy(s) of plans drawn to scale, including (as applicable):
 - site plans
 - floor plans
 - building elevations
 - grading, drainage, and erosion control plans
 - landscape plans
 - septic system plans

Trees to be removed must be marked on the site plan. In addition, a reduced site plan, 8 1/2" x 11" in size, must be submitted. Reduced copies of complete project plans will be required for large projects. NOTE: See Instruction page for number of sets of plans required.
8. Where septic systems are proposed, evidence of County approval or Regional Water Quality Control Board approval. Where water wells are proposed, evidence of County review and approval.
9. A copy of any **Draft or Final Negative Declaration, Environmental Impact Report (EIR) or Environmental Impact Statement (EIS)** prepared for the project. If available, comments of all reviewing agencies and responses to comments must be included.
10. **Verification of all other permits, permissions or approvals** applied for or granted by public agencies such as:
 - Department of Fish and Game
 - State Lands Commission
 - Army Corps of Engineers
 - U.S. Coast Guard

For projects such as seawalls located on or near state tidelands or public trust lands, the Coastal Commission must have a written determination from the State Lands Commission whether the project would encroach onto such lands and, if so, whether the State Lands Commission has approved such encroachment.
11. For development on a bluff face, bluff top, or in any area of high geologic risk, a comprehensive, site-specific **geology and soils report** (including maps) prepared in accordance with the Coastal Commission's Interpretive Guidelines. Copies of the guidelines are available from the District Office.

SECTION V. NOTICE TO APPLICANTS

Under certain circumstances, additional material may be required prior to issuance of a coastal development permit. For example, where offers of access or open space dedication are required,

preliminary title reports, land surveys, legal descriptions, subordination agreements, and other outside agreements will be required prior to issuance of the permit.

In addition, the Commission may adopt or amend regulations affecting the issuance of coastal development permits. If you would like notice of such proposals during the pendency of this application, if such proposals are reasonably related to this application, indicate that desire.

☒ Yes ☐ No

SECTION VI. COMMUNICATION WITH COMMISSIONERS

Decisions of the Coastal Commission must be made on the basis of information in the public record available to all commissioners and the public. Permit applicants and interested parties and their representatives may contact individual commissioners to discuss permit matters outside the public hearing (an "ex parte" communication). However, the commissioner must provide a complete description of the communication either in writing prior to the hearing or at the public hearing, to assure that such communication does not jeopardize the fairness of the hearing or potentially result in invalidation of the Commission's decision by a court. Any written material sent to a commissioner should also be sent to the commission's office in San Francisco and the appropriate district office for inclusion in the public record and distribution to other commissioners.

SECTION VII. CERTIFICATION

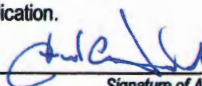
1. I hereby certify that I, or my authorized representative, have completed and posted or will post the **Notice of Pending Permit** stock card in a conspicuous place on the property within three days of submitting the application to the Commission office.
2. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attached appendices and exhibits is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the Commission.
3. I hereby authorize representatives of the California Coastal Commission to conduct site inspections on my property. Unless arranged otherwise, these site inspections shall take place between the hours of 8:00 A.M. and 5:00 P.M.

Signature of Authorized Agent(s) or if no agent, signature of Applicant

NOTE: IF SIGNED ABOVE BY AGENT, APPLICANT MUST SIGN BELOW.

SECTION VIII. AUTHORIZATION OF AGENT

I hereby authorize Liza Walker to act as my representative
and to bind me in all matters concerning this application.



Signature of Applicant(s)
(Only the applicant(s) may sign here to authorize an agent)

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

APPENDIX A

DECLARATION OF CAMPAIGN CONTRIBUTIONS

Government Code Section 84308 prohibits any Commissioner from voting on a project if he or she has received campaign contributions in excess of \$250 within the past year from project proponents or opponents, their agents, employees or family, or any person with a financial interest in the project.

In the event of such contributions, a Commissioner must disqualify himself or herself from voting on the project.

Each applicant must declare below whether any such contributions have been made to any of the listed **Commissioners or Alternates** (see last page).

CHECK ONE



The applicants, their agents, employees, family and/or any person with a financial interest in the project **have not contributed** over \$250 to any Commissioner(s) or Alternate(s) within the past year.



The applicants, their agents, employees, family, and/or any person with a financial interest in the project **have contributed** over \$250 to the Commissioner(s) or Alternate(s) listed below within the past year.

Commissioner or Alternate _____

Commissioner or Alternate _____

Commissioner or Alternate _____



Signature of Applicant or Authorized Agent

9-12-2016

Date

Please type or print your name Frank Demling

APPENDIX B

LOCAL AGENCY REVIEW FORM

SECTION A (TO BE COMPLETED BY APPLICANT)

Applicant California Department of Transportation

Project Description Please see attached.

Location Albion River Bridge- Geotechnical Drillings

Assessor's Parcel Number 123050RW, 123-040-07, 12304010

SECTION B (TO BE COMPLETED BY LOCAL PLANNING OR BUILDING INSPECTION DEPARTMENT)

Zoning Designation 123-050-RW: Right of Way
123-040-07: RMR20 & FP & FV 6.7 du/gz
123-040-10: RMR40 & FP 14.8

General or Community Plan Designation 123-040-07: RMR20 & FV du/ac
123-040-10: RMR40

Local Discretionary Approvals

☒ Proposed development meets all zoning requirements and needs no local permits other than building permits.

☐ Proposed development needs local discretionary approvals noted below.

Needed Received

☐
☐

Design/Architectural review

☐
☐

Variance for _____

☐
☐

Rezone from _____

☐
☐

Tentative Subdivision/Parcel Map No. _____

☐
☐

Grading/Land Development Permit No. _____

☐
☐

Planned Residential/Commercial Development Approval

☐
☐

Site Plan Review

☐
☐

Condominium Conversion Permit

☐
☐

Conditional, Special, or Major Use Permit No. _____

☐
☐

Other _____

CEQA Status

☐ Categorically Exempt Class _____ Item _____

☐ Negative Declaration Granted (Date) _____

☐ Environmental Impact Report Required, Final Report Certified (Date) _____

☒ Other To be determined by California Coastal Commission

Prepared for the City/County of Mendocino by Robert LaPorte

Date 9/15/2016

Title Planning Technician II

Application No. _____

APPENDIX C

LIST OF PROPERTY OWNERS AND OCCUPANTS WITHIN 100 FEET AND THEIR ADDRESSES
(MAKE ADDITIONAL COPIES OF THIS SHEET AS NECESSARY)

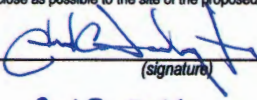
WELLS,PETER TRUST PO BOX 185 MENDOCINO, CA 95460 APN: 1230400600	GEER,ANTHONY R & LISA T C PO BOX 688 ALBION, CA 95410 APN: 1230502500	BEAN,VERN R & GAIL L TR PO BOX 730 ALBION, CA 95410 APN: 1231504500, 1231504700, 1231504800
HUGHES,JOHN A & KATHRYN A TR PO BOX 760 ALBION, CA 95410 APN: 1230602100, 1233300900	TINLING,NICHOLAS G & CAMILLE M PO BOX 742 ALBION, CA 94510 APN: 1230502405	BIG RIVER PARTNERS LLC 570 EL CAMINO REAL 150-410 REDWOOD CITY, CA 94063 APN: 1231402200
SETO,SUM M & JENNY P & SETO SUM M PROPERTIES LLC 3775 BALBOA ST SAN FRANCISCO, CA 94121 APN: 1230400700, 1231700100, 1230500300, 1230501200, 1230502100, 1230502200 1222222222	CLARY,DANIEL R & CAROL PO BOX 700 ALBION, CA 95410 APN: 1230501605, 1230501505	BAUMEISTER,KAY MEDLEY TR (c/o Douglas L. Hendricks) PO BOX 280 Albion, CA 95410 APN: 1231500500
SETO,SUM M & JENNY P & SETO SUM M PROPERTIES LLC 3775 BALBOA ST San Francisco, CA 94121 APN: 1230502300, 1230501700, 1231500700, 1231700800	KOSKELA,MARIE JENNIE PO BOX 55 ALBION, CA 95410 APN: 1230501800, 1230503300, 1230501900	YATES,RAYMOND A PO BOX 9 ALBION, CA 95410 APN: 1231500300
NYLANDER,STANLEY R 2010 TRUST 28 FAFNIR PL PLEASANT HILL, CA 94523 APN: 1230502700, 1230502600	FERRELL,KENNETH J & ELEANOR M TR 344 CAPETOWN DR ALAMEDA, CA 94502 APN: 1231701600, 1231701500	DANHAKI,JOHN G & KATHERINE ANNNE TR 17717 CALLE DE PALERMO PACIFIC PALISADES, CA 90272 APN: 1231503700, 1231600400, 1231503500, 1233500900
PRESTON,DAVID ROBERT & SUSAN JANE 1732 CARMELO DR CARMICHAEL, CA 95608 APN: 1230500400	HASSELL,JED & SARAH PO BOX 133 ALBION, CA 95410 APN: 1231500800	WHITE,PETER & LEE PO BOX 699 ALBION, CA 95410 APN: 1231503300
KURT KENYON 264 LOVERS LANE BOULDER CREEK, CA 95006 APN: 12305005, 12305028	HANCOCK,LINDA 9878 HATHERTON WAY ELK GROVE, CA 95757 APN: 1231500400	SHOKOHI,MANSOR PO BOX 419 LITTLE RIVER, CA 95456 APN: 1231400700, 1231400400
SMITH,BRUCE D & CAROL F TR 238 OAK GROVE AVE ATHERTON, CA 94027 APN: 1231402400, 1230401000	ZATMAN,MARI 3 SUMNER ST SAN FRANCISCO, CA 94103 APN: 1233301000	SIMPLY GREEN INC 7051 N HIGHWAY 1 LITTLE, RIVER, CA 95456 APN: 1233301100
KRUSE,WILLIAM PO BOX 813 ALBION, CA 95410 1230502000	JOHANSEN, JOHN R & DIANA L PO BOX 490 ALBION, CA 95410 APN: 1231504400	

APPENDIX D
(Permit Application)

DECLARATION OF POSTING

Prior to or at the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, notice that an application for the proposed development has been submitted to the Commission. Such notice shall contain a general description of the nature of the proposed development. The Commission furnishes the applicant with a standardized form to be used for such posting. If the applicant fails to post the completed notice form and sign the Declaration of Posting, the Executive Director of the Commission shall refuse to file the application. 14 Cal. Code Regs. Section 13054(d).

Please sign and date this Declaration of Posting form when the site is posted; it serves as proof of posting. It should be returned to our office with the application.

Pursuant to the requirements of California Administrative Code Section 13054(b), I hereby certify	
that on, <u>9/9/16</u>	I or my authorized representative posted the Notice
<small>(date of posting)</small>	
of Pending Permit for application to obtain a coastal development permit for the development of <u>The California Department of Transportation (Caltrans) is proposing to conduct geotechnical drillings in order to provide data for the Albion River Bridge Project. There will be 11 drill sites for this investigation, six are located to the south of Albion River and five are located to the north of the river.</u>	
<small>(description of development)</small>	
Located at <u>MEN-001-043.74 (Albion River Bridge 10-136)</u>	
<small>(address of development or assessor's parcel number)</small>	
The public notice was posted at <u>Albion River Campground & Marina & Albion Post Office</u>	
<small>(a conspicuous place, easily seen by the public and as close as possible to the site of the proposed development)</small>	
<div style="display: flex; justify-content: center; align-items: center;"><div style="text-align: center; margin-right: 20px;"> <small>(signature)</small></div><div style="text-align: center; margin-right: 20px;"><u>9-13-2016</u> <small>(date)</small></div></div>	

NOTE: Your application cannot be processed until this **Declaration of Posting** is signed and returned to this office.

FOR OFFICE USE ONLY	
PERMIT NUMBER.....	_____
RECEIVED	_____
DECLARATION COMPLETE.....	_____

preliminary title reports, land surveys, legal descriptions, subordination agreements, and other outside agreements will be required prior to issuance of the permit.

In addition, the Commission may adopt or amend regulations affecting the issuance of coastal development permits. If you would like notice of such proposals during the pendency of this application, if such proposals are reasonably related to this application, indicate that desire.....

☒ Yes ☐ No

SECTION VI. COMMUNICATION WITH COMMISSIONERS

Decisions of the Coastal Commission must be made on the basis of information in the public record available to all commissioners and the public. Permit applicants and interested parties and their representatives may contact individual commissioners to discuss permit matters outside the public hearing (an "ex parte" communication). However, the commissioner must provide a complete description of the communication either in writing prior to the hearing or at the public hearing, to assure that such communication does not jeopardize the fairness of the hearing or potentially result in invalidation of the Commission's decision by a court. Any written material sent to a commissioner should also be sent to the commission's office in San Francisco and the appropriate district office for inclusion in the public record and distribution to other commissioners.

SECTION VII. CERTIFICATION

1. I hereby certify that I, or my authorized representative, have completed and posted or will post the **Notice of Pending Permit** stock card in a conspicuous place on the property within three days of submitting the application to the Commission office.
2. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attached appendices and exhibits is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the Commission.
3. I hereby authorize representatives of the California Coastal Commission to conduct site inspections on my property. Unless arranged otherwise, these site inspections shall take place between the hours of 8:00 A.M. and 5:00 P.M.


Signature of Authorized Agent(s) or if no agent, signature of Applicant

NOTE: IF SIGNED ABOVE BY AGENT, APPLICANT MUST SIGN BELOW.

SECTION VIII. AUTHORIZATION OF AGENT

I hereby authorize Liza Walker to act as my representative
and to bind me in all matters concerning this application.

RECEIVED

DEC 02 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT


Signature of Applicant(s)
(Only the applicant(s) may sign here to authorize an agent)

Add Note

BOB SCHROEDER, GEORGE POWERS

(10 of 123)

EX PARTE COMMUNICATION DISCLOSURE FORM

RECEIVED
APR 02 2018Filed by Commissioner: Ryan Sundberg1) Name or description of project: Ablon River Bridge Rehabilitation/Replacement2) Date and time of receipt of communication: March 23, 2018 10:00 AM3) Location of communication: Humboldt County Board of Supervisors Conf Rm

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Matthew K. BradyFrank Demling5) Identity of person(s) on whose behalf communication was made: Caltrans District 16) Identity of person(s) receiving communication: Ryan Sundberg7) Identity of all person(s) present during the communication: Matthew K. Brady,Frank Demling, Jeff Pimentel, Robert Wall

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

October 2017 Ablon River Bridge Inspection ReportAblon River Bridge Fact SheetFeasibility of Rehabilitation Alternatives and Risk Assessment4-2-18

Date


Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

(11 of 123)

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Donne Brownsey

- 1) Name or description of project: Albion Bridge Geotech Investigation 1-16-0899
- 2) Date and time of receipt of communication: April 16, 2018
- 3) Location of communication: Temple Coffee 22nd & K Sacramento, CA
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication: Frank Demling, Project Manager
- 5) Identity of person(s) on whose behalf communication was made: Caltrans
District 1
- 6) Identity of persons(s) receiving communication: Donne Brownsey
- 7) Identity of all person(s) present during the communication: Frank Demling
Sandra Rosas, Supervising Environmental Planner (EP); Liza Walker, Senior EP

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Plan to Perform Geotechnical Investigation

Albion Bridge Fact Sheet, Advance Planning Study Submittal

Alternative 1E Planning Study, Alternative 1F Planning Study

Notice of Pending Permit and Evidence of Posting

Geotechnical Investigation Grading Plan and Photo Simulations

Photo example of geotechnical drill rig

See page 2 for discussion.

4.17.18

Date

Donne Brownsey

Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

Page 2
Cal Trans ExParte
April 16, 2018

CalTrans Staff noted that they would be delivering all of the documents that they provided me to the North Coast District office.

The meeting was a briefing to discuss the elements relating to all the phases of the Albion River Bridge project specifically the item relating to the May Agenda Item which is the permit for the geotechnical investigation plan. The staff explained the problems with degradation to the timber and the leaching of chromates from same.

Economic considerations also factor in with respect to the decision to rebuild or replace with the federal government paying 88% of the costs for rebuilding and the state paying 100% of the costs for maintenance.

Concerned about seismic impact, cost effective alternatives and split community feelings surround this project. The staff provided background on the long term nature of the project and that of CalTrans objectives to survey and potentially repair or rebuild a number of bridges located on the Mendocino coast.

Albion Bridge Stewards

A working group of the Albion Community Advisory Board

P.O. Box 363

Albion, CA 95410

By Email and Facsimile

Email: John.Ainsworth@coastal.ca.gov

Vanessa.Miller@coastal.ca.gov

Jeff.Staben@coastal.ca.gov

Facsimile: 1-415-904-5400

September 30, 2018

Chairperson Dayna Bochco and Members

California Coastal Commission

45 Fremont Street, Suite 2000

San Francisco, California 94105-2219

Attn.: Mr. John Ainsworth, Executive Director

SUBJECT: CDP 1-16-0899 (Caltrans, Historic Albion River Bridge, Highway 1)

Dear Chairperson Dayna Bochco, Commissioners, and Executive Director Ainsworth:

This letter is in addition to our request, filed with the California Coastal Commission (Commission) on Friday, September 28, 2018, to revoke CDP No. 1-16-0899 (the CDP).

As further discussed below, the Commission erroneously issued the CDP to the California Department of Transportation (Caltrans) on September 19, 2018, and that issued CDP is void. In addition, the Commission staff on September 21, 2018, without and in excess of its authority, approved the Caltrans project development debris disposal plan, which approval is also void.

Performance of any development by Caltrans, its contractors, any subcontractors, or any other person(s) under color of the CDP, or under color of the Commission's "Repair, Maintenance, and Utility Hook-up" coastal permit exemption guideline *outside the road prism of Highway 1* in the project area would constitute a knowing and intentional violation of the Coastal Act, with civil and criminal penalties.

The Albion Bridge Stewards therefore respectfully request that (a) the Executive Director immediately suspend issued CDP No. 1-16-0899, (b) the Executive Director set the revocation requests for hearing before the Commission at a time and place that maximizes opportunities for public participation, including, but not limited to, court call (e.g., by Apple Facetime, Go-To-Meeting, telephone call-in, or a

similar technology), and (c) in the event that the Executive Director places this matter on the Commission agenda for the October 10-12, 2018 meeting in San Diego, that he distribute any Commission staff report, memorandum, or other writing on it, and all ex parte communications pertaining to it, to all interested persons in this matter known to the Commission and Caltrans no later than 5 pm on Thursday, October 4, 2018, to afford a reasonable amount of time to respond and Commissioners to read our response prior to the start of the Commission meeting.

1. The CDP is Void. CDP 1-16-0899 (issued on September 19, 2018) is void because it is substantively inconsistent with, and exceeds the terms and conditions of, the action of the Commission relating to it on September 12, 2018. Specifically, the issued CDP contains a Special Condition 12, which the Commission did not adopt. (Motion of Commissioner Brownsey to “approve the staff report”, dated August 24, 2018, seconded by Commissioner Ryan, which plainly did not adopt the staff memorandum addendum, dated September 10, 2018, which alone contains Special Condition 12. Commission staff has no Coastal Act authority to issue a CDP with a special condition not approved by the Commission.

2. The Commission Failed, on Caltrans’ Inaccurate and Incomplete CDP Application Information, to Provide Required Notice to All Known Interested Persons in the Project. Caltrans, as a result of its Albion River Bridge Replacement project Draft EIR scoping in 2015, knew the names and contact information of numerous interested (critical) persons in the project, including, but not limited to, Mr. Rick Hemmings and Ms. Kate O’Connor. Caltrans thereby violated the requirement for disclosure to the Commission of all known interested persons in the project in Title 14, California Code of Regulations, section 13054(a)(3) [“the applicant shall provide names and addresses of, and stamped envelopes for adjacent landowners and residents, and other interested persons as provided in this section. The applicant shall provide the commission with a list of: ... (3) the names and addresses of all persons known to the applicant to be interested in the application, including those persons who testified at or submitted written comments for the local hearing(s). “)]. The Commission, in turn failed to give the notice required by Title 14, California Code of Regulations, section 13016 (“notice shall be mailed to commission members, to all parties to proceedings on the agenda, to others known to be interested in specific agenda items....”). Mr. Hemmings and Ms. O’Connor have also filed requests with the Commission to revoke the CDP, on grounds that they did not receive notice from the Commission of either the September 12, 2018 Commission meeting or of the hearing item (Wednesday 10a) by which the Commission considered and acted to approve the staff report on the CDP, and, if they had received notice, would have given specific testimony, not presented by others, that on fair hearing would have resulted in a different Commission action.

3. Caltrans Cannot Start Any Development Under Color of the CDP Until After October 4. Assuming, for the sake of argument, that the issued CDP were valid, which it is not, the terms of Special Condition 3 only allows Caltrans to commence development in reliance on the CDP ten (10) working days after Caltrans submitted the specified project excavated debris disposal plan (debris disposal plan).

First, Special Condition 3 constitutes an impermissible future mitigation, which the Commission did not have before it when it acted to approve the CDP. (Sundstrom v. County of Mendocino.) therefore, the Commission approval of the CDP is unsupported by relevant facts about the debris disposal plan, required analysis of it, and Commission findings that address whether it is consistent with the Coastal Act and, to the extent that components of the debris disposal constitute federally funded activities that impact coastal resources, the federally approved California Coastal Management Program.

Second, Caltrans did not submit an accurate and complete debris disposal plan, as required by Special

Condition 3, to the Commission on September 21, 2018, before Commission staff approved it. Specifically, the Caltrans debris disposal plan describes or depicts (1) no restricted areas where temporary stockpiles of construction materials, excess soils, excess vegetative spoils, and any other debris, waste, and other excess material associated with the authorized work can be contained with appropriate BMPs to prevent any discharge of pollutants to coastal waters, (2) no current (September, 2018) environmentally sensitive habitat area in which side casting or placing any construction materials, excess soils, excess vegetative spoils, or any other debris, waste, and other excess material generated by the authorized work is prohibited, and (3) a debris disposal dump site in, or immediately adjacent to, the habitat of hawks and potentially other raptors, and in the watershed of a stream with hydrological connectivity to the Navarro River and the Pacific Ocean, where the project may potentially affect coastal resources protected by the California Coastal Management Program, without any analysis in the staff report that the Commission adopted to approve the CDP.

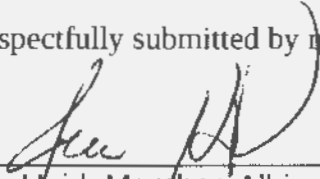
Third, even if Caltrans had submitted an accurate and complete debris disposal plan consistent with Special Condition 3, by the terms of Special Condition 3, Caltrans is required to submit it to Commission staff "not less than ten (10) working days **PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT**". (Emphasis in original.) Caltrans submitted the debris disposal plan to Commission staff on September 21. By the calendar, the 10th working day after that submittal is October 5, 2018, not October 1, 2018 (the date on which Caltrans employee Frank Demling has stated Caltrans proposes to start work). Assuming for the sake of argument that the issued CDP is valid (which it is not), commencement by Caltrans, or on its behalf, of any project development on October 1, 2018, or on any date before October 5, 2018, under color of the CDP, constitutes a violation of the Coastal Act, with civil and criminal penalties.

Conclusion and Request. For all the above reasons, the Albion Bridge Stewards respectfully request the Commission Executive Director to promptly inform Caltrans that (1) issued CDP No. 1-16-0899 is suspended, (2) Caltrans has no authorization to perform any development in reliance on it, and (3) Caltrans has no authorization to perform any development in the project area (outside the Highway 1 road prism) for any tree removal, tree root system removal, or grading pursuant to, or under color of, the Commission's Repair, Maintenance, and Utility Hook-up Guideline.

Please send us a copy, by electronic mail, of any writings regarding this matter between the Commission and/or Commission staff and Caltrans, the US Department of Transportation, the US Federal Highway Administration, the US National Oceanographic and Atmospheric Administration, the US Office of Coastal Management, or any third agency, party, or person.


Thank you.


Respectfully submitted by members of Albion Bridge Stewards:




Jim Heid, Member, Albion Bridge Stewards
P.O. Box 743
Albion, California 95410
<jimheid@mac.com>


Miguel Elac, Member, Albion Bridge Stewards
P.O. Box 326
Albion, California 95410
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Linda Perkins, Member, Albion Bridge Stewards
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Annemarie Weibel, Member, Albion Bridge Stewards
P.O. Box 556
Albion, California 95410
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Bill Heil, Member, Albion Bridge Stewards
P.O. Box 467
Albion, California 95410
<billheil@mcn.org>

cc: Mr. Robert Merrill, Manager, California Coastal Commission
North Coast District (bob.merrill@coastal.ca.gov)
Ann Cheddar, Esq. Senior Attorney, California Coastal Commission
(Ann.Cheddar@coastal.ca.gov)
Chris Pederson, Esq., Chief Counsel, California Coastal Commission
(Chris.Pederson@coastal.ca.gov)
Ms. Laurie Berman, Director, Caltrans (Laurie.Berman@dot.ca.gov)
Mr. Matthew K. Brady, Director, Caltrans District 1 (Matthey.Brady@dot.ca.gov)
Mr. Frank Demling, Caltrans District 1 Surveyor and Project Manager,
Caltrans Albion River Bridge Replacement Geotechnical Investigation
Development Project (frank.demling@dot.ca.gov)
Administrator, United States Department of Transportation, Federal Highway Administration,
District 9, Attn.: Vincent Mammano (vincent.mammano@dot.gov)
Hon. Dan Hamburg, Chairman, Mendocino County Board of Supervisors
(hamburgd@mendocinocounty.org)
Matt Kiedrowski, Esq., Deputy County Counsel, Mendocino County
(kiedrowskim@mendocinocounty.org)

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET • SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FACSIMILE (707) 826-8960



September 21, 2018

Liza Walker
Department of Transportation, District 1
1656 Union Street
Eureka, CA 95501

SUBJECT: Approval of Debris Disposal Plan Required by Special Condition No. 3 of Coastal Development Permit No 1-16-0899 (Caltrans Albion River Bridge Geotechnical Investigation)

Dear Liza:

We have reviewed the Debris Disposal Plan submitted on behalf of Caltrans on September 21, 2018, pursuant to Special Condition No. 3 of Coastal Development Permit No 1-16-0899 (Caltrans Albion River Bridge Geotechnical Investigation). The plan is titled, "Application No. 1-16-0899 California Department of Transportation (Caltrans) District 1 Debris Disposal Plan, 21 September 2018," consisting of a 4-page document that includes 2 pages of narrative dated 21 September 2018, and Figures A-1 and A-2 (Location Maps). We have determined that the plan satisfies the requirements of Special Condition 3 of the permit and hereby approve the plan.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "TAMARA L. GEDIK".

TAMARA L. GEDIK
Coastal Program Analyst

RECEIVED

Application No. 1-16-0899
California Department of Transportation (Caltrans) District 1
Debris Disposal Plan
21 September 2018

SEP 21 2018

CALIFORNIA
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NORTH COAST DISTRICT

To complete Geotech Drilling for the Albion Geotechnical Investigation there will be necessary soil preparation and tree/vegetation removal to allow proper equipment access to the drilling locations. This document covers the disposal of the material generated from this activity.

All development debris, including any excess excavated soil, and all removed vegetation, including but not limited to eucalyptus trees, limbs, chips, and other debris, shall be removed and disposed of in an upland location outside of the coastal zone. This location will be a Caltrans disposal facility (hereon described as disposal facility). The disposal facility is in Mendocino County on State Route 128 at post mile 31 on the west bound side of the route (see attachment). All disposed material will be transported by the prospective contractor. The following are the disposal details:

- All temporary stockpiles of construction materials, excess soils, excess vegetative spoils, and any other debris, waste, and other excess material associated with the authorized work shall be restricted to areas where they feasibly can be contained with appropriate BMPs to prevent any discharge of pollutants to coastal waters.
- Side casting or placing any construction materials, excess soils, excess vegetative spoils, or any other debris, waste, and other excess material generated by the authorized work within any environmentally sensitive habitat area is prohibited.
- Any vegetated material that can be chipped will be chipped onsite directly into a chipping truck or chipping van and then transported to the disposal facility.
- All felled trees, predominantly, eucalyptus, will cut be into manageable sections to be transported to the disposal facility.
- All shipped material must be shipped separately to the disposal facility. The material will be separated and shipped as follows:
 1. Chipped material
 2. Felled and unchipped log sections
 3. Vegetated Spoil
 4. Tree roots
 5. Removed soil.

The materials will remain separated at the disposal facility.

- Due to the chemical nature of the oils generated from eucalyptus all material shipments must be protected from loss and exposure to precipitation.
- At the disposal facility the chipped material will remain in its own pile(s) or be combined with other chipped material. The felled tree sections will remain separated from other materials in an organized manner. All tree roots will remain separated from all other materials in an organized manner. All removed soil will be incorporated with other slide/spoil material at said disposal facility. All vegetated spoil will be incorporated with other slide/spoil material.
- All material delivered to the disposal facility will be treated with appropriate storm water BMPs (including but not limited to straw wattles and silt fence) to prevent water/soil contamination.

CALIFORNIA COASTAL COMMISSION NORTH COAST DISTRICT	
1-16-0899	(Permit No.)
3	(Special Condition No.)
APPROVED PLAN	
T. Gedik	9-21-18
Analyst	Date

page 1 of 4

Application No. 1-16-0899
California Department of Transportation (Caltrans) District 1
Debris Disposal Plan
21 September 2018

- Each shipment must be accompanied by a shipping record such as a bill of lading or invoice that includes:
 1. Caltrans with district number
 2. Construction Contract number
 3. District office address
 4. Engineer's name, address, and telephone number
 5. Contractor's contact name and telephone number
 6. Receiving facility name and address
 7. Waste description: Chipped material, felled tree sections, vegetated spoil, tree roots, soil
 8. Project location
 9. Estimated quantity of shipment by weight or volume
 10. Date of transport
 11. Date of receipt by the receiving disposal facility
 12. Weight of shipment as measured by the receiving disposal site facility
- The shipping record must be at least a four-part carbon or carbon less 8 ½ by 11-inch form to allow retention of copies by the Engineer, transporter, and disposal facility.
- Material must be shipped separated as follow:
 1. Chipped material
 2. Felled and unchipped log sections
 3. Vegetated Spoil
 4. Tree roots
 5. Removed soil.

Attachment

- Caltrans Disposal Facility and location

CALIFORNIA COASTAL COMMISSION	
NORTH COAST DISTRICT	
1-16-0899	(Permit No.)
3	(Special Condition No.)
APPROVED PLAN	
T. Gedik	9-21-18
Analyst	Date

page 2 of 4

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SEP 21 2018

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

Google Map



USGS Topographic Map



Google Satellite Image

DESCRIPTIONS

FS	LARGE FLAMMABLE STORAGE LOCKER
PM	PAINT RELATED MATERIALS
MW	MONITORING WELL
MO	METAL OPERATIONS
PS	PESTICIDE STORAGE
HM	HAZARDOUS MATERIAL STORAGE
HW	HAZARDOUS WASTE STORAGE
OS	OIL STORAGE
FS	FUEL STORAGE
AFS	ANTIFREEZE STORAGE
BS	BATTERY STORAGE
SPW	SOLVENT PARTS WASHER
OLS	OIL/LUBRICANT STORAGE

	DRAINAGE DITCH
	STORM DRAIN INLET
	DIRECTION OF STORMWATER DRAINAGE
	SPILL KIT
	FENCE
	A/C CURB
	STORM DRAIN COVER
	SECONDARY CONTAINMENT PALLET
	STORM DRAIN PIPING
	OIL / WATER SEPARATOR
	FIBER ROLL
	GRAVEL BAG BERM

	PARKING
	COVERED BUNKER
	VEGETATION
(CONC) - CONCRETE (AC) - ASPHALT CEMENT	PAVED AREAS
(GRASS) (VEGETATION) ETC.	NON-PAVED AREAS
"STORM DRAIN"	LABEL "STORM DRAIN"
"ANTI-LITTER"	LABEL "ANTI-LITTER"
	BUILDING
	COVERED STORAGE
	SANITARY SEWER DRAIN
	SANITARY SEWER LINE



Figure A-1. Location Map
MEN-128-31.00-WB
Mendocino County, California

CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT

1-16-0899
(Permit No.)
3
(Special Condition No.)

APPROVED PLAN

T. Gedik
9-21-18

Analyst Date

page 3 of 4

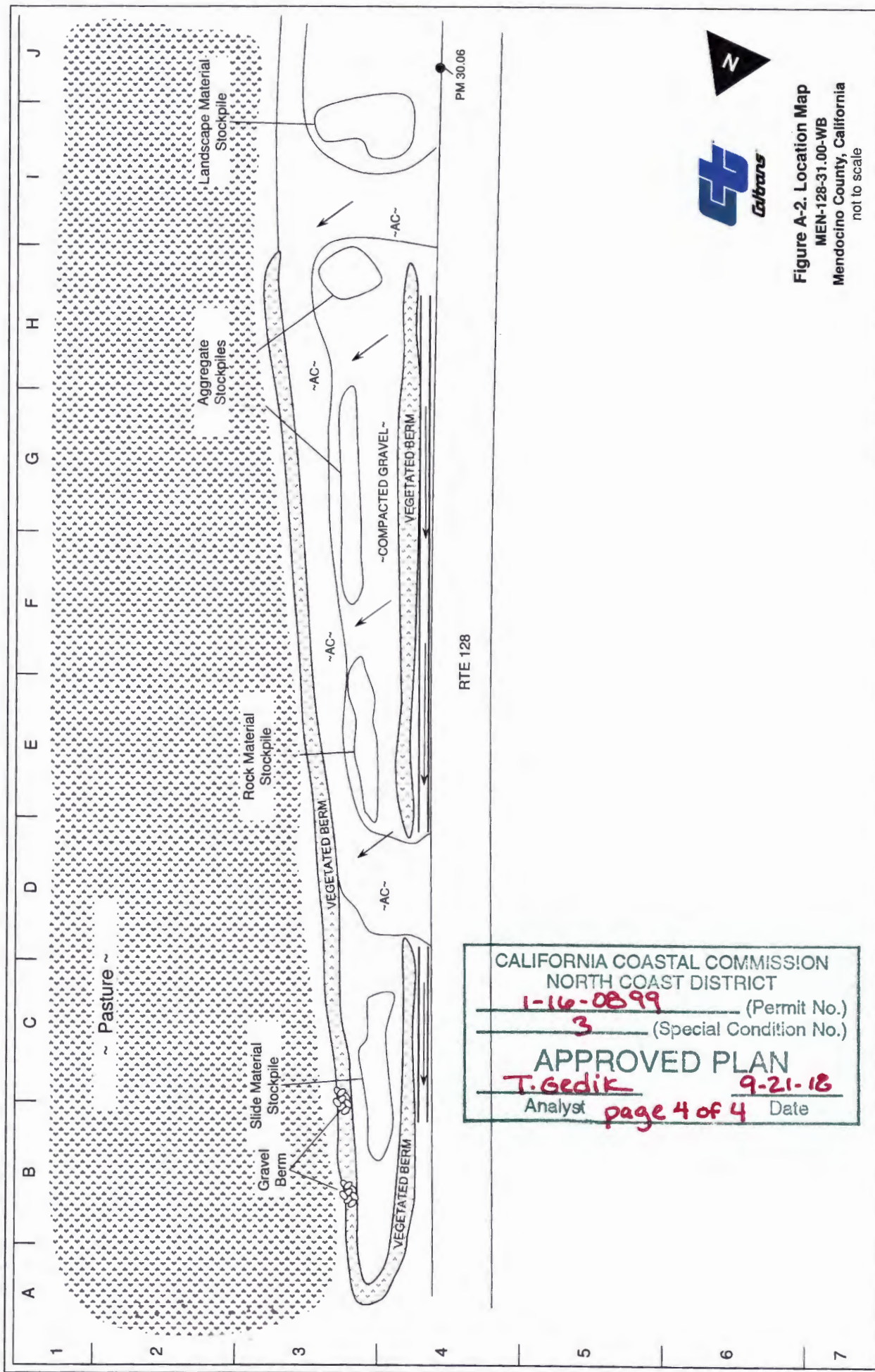


Figure A-2. Location Map
MEN-128-31.00-WB
Mendocino County, California
 not to scale

CALIFORNIA COASTAL COMMISSION
 NORTH COAST DISTRICT
1-16-0899 (Permit No.)
3 (Special Condition No.)

APPROVED PLAN

T. Gedik 9-21-18
 Analyst page 4 of 4 Date

1-16-0899-REV-3

**Revocation Request by
Kathleen O'Connor**

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



October 25, 2018

Kate O'Connor
P.O. Box 231
Fort Bragg, CA 95437

Re: Request for Revocation of Coastal Development Permit No. 1-16-0899

Dear Ms. O'Connor,

Coastal Commission staff has received your September 27, 2018 request for revocation of Coastal Development Permit (CDP) 1-16-0899 (Caltrans), approved by the Commission on September 12, 2018. CDP 1-16-0899 authorizes Caltrans to conduct a geotechnical investigation to provide data for the evaluation of options for the future rehabilitation or replacement of the Highway 1 Albion River Bridge in Mendocino County.

Your request for revocation contends that: (1) Caltrans did not identify you as a known interested person or provide the Coastal Commission with your name and address, and (2) had you received a notice of the hearing, you would have presented testimony at the hearing in Fort Bragg that could have persuaded Coastal Commissioners of the reasons to deny CDP 1-16-0899.

The grounds for revocation of a CDP that relate to the assertions you make are set forth in 14 Cal. Code of regulations Section 13105(b) as follows:

(b) Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the commission and could have caused the commission to require additional or different conditions on a permit or deny an application.

Commission regulations grant the Executive Director the authority to review a revocation request and decline to initiate revocation proceedings if he determines that the request is patently frivolous and without merit. (14 CCR §13106)

I have reviewed the grounds for revocation stated in your September 27, 2018 revocation request and decline to initiate revocation proceedings. I have determined that the request is patently frivolous and without merit because the assertions you make do not comprise the necessary grounds for revocation set forth above and are contradicted by the record. The assertions you make: (1) fail to identify how the Applicant, Caltrans, failed to comply with the notice provisions of Section 13054 of the Commission's regulations; (2) fail to identify any views that were not otherwise made known to the Commission; and (3) fail to identify how any unknown views could have caused the Commission to require additional or different conditions or deny the application.

Assertion #1 –Failure to provide required notice precluded your participation in Commission hearing

You indicate in your September 27, 2018 revocation request that on May 6, 2015 you informed Caltrans of your concerns about the Albion River Bridge in connection with the Caltrans notice of preparation (NOP) of a draft EIR. Your letter contends that (a) Caltrans is required to identify you as a known interested person but by all appearances did not provide the Coastal Commission with the required list of known interested persons for the geotechnical investigation project, and (b) you did not receive any notice, and because you would have expressed opposition to the project you believe failure to provide you with a notice was volitional and intentional.

The grounds for revocation of a CDP as set forth in 14 CCR Section 13105(b) include the failure to comply with the notice provisions of 14 CCR Section 13054, which require an Applicant to: (a) provide written notification of adjacent landowners and residents and other persons known to the applicant to be interested in a CDP application; (b) submit stamped envelopes for such persons; and (c) provide conspicuous public posting of a notice of the proposed development. Your request for revocation and supporting materials do not provide evidence of any such failure on the part of Caltrans and the record establishes otherwise.

The byline of your September 27 revocation request specifies your electronic mail (email) address as kateoconnor@mcn.org, and is the same email address you provided to Caltrans during early scoping comments, contained in Exhibit A of your letter. On July 17, 2018, Caltrans transmitted an email to those known interested persons who had provided an email address but no mailing address. The July 17 email was titled "Interested Persons List- Albion Geotechnical Drilling" and was sent to your email address "kateoconnor@mcn.org," among other email addresses. The email instructs in part "If you wish to be included on the [California Coastal Commission] interested parties list and receive the meeting notice, please provide me a mailing address at your earliest convenience." Caltrans did not receive a response to this email, and your September 27 revocation request does not indicate that you ever responded to this invitation that was sent to your email address. On August 13, 2018, Caltrans provided to our office an updated interested persons list that does include your name, but does not contain a mailing address because you did not provide one. Caltrans also provided stamped envelopes for all interested persons for whom a mailing address was available as required by Section 13054 of the Commission's administrative regulations. Finally, Caltrans has provided photographic evidence contained in the administrative record demonstrating that proper noticing was posted at several conspicuous places, easily read by the public and as close as possible to the site of the proposed development, in compliance with the notice provisions of Section 13054. Thus, your request for revocation does not describe or evidence any instance in which Caltrans failed to comply with 14 CCR Section 13054.

Furthermore, although you indicate that you did not have the opportunity to participate in the hearing because you did not receive the hearing notice, the evidence in the record demonstrates that you did provide email comments to the Commission prior to Commission action on CDP 1-16-0899 and were not deprived of the opportunity to participate in the hearing. The Commission received comments signed by you at the email address associated with the Commission's online comment link on September 10, 2018 at 3:48 pm from your email address kateoconnor@mcn.org. Your comments were uploaded to the commission's website before noon on September 11, 2018, more than 24 hours before the hearing commenced on CDP 1-16-0899. (See pages 74-75 of the correspondence folder for CDP 1-16-0899 in the September, 2018

archived Commission meeting pages of the Commission's website at <https://www.coastal.ca.gov/meetings/agenda/#/2018/9>). The Commission and the public therefore had the opportunity to view and consider your comments before the Commission took action on the permit application. Thus your request for revocation does not describe or evidence any instance in which Caltrans failed to comply with 14 CCR 13054.

Assertion #2 –Your testimony could have persuaded the Commission to take a different action on the application.

The Commission unanimously approved CDP 1-16-0899 with conditions at the September 12 hearing in Fort Bragg. Your September 27, 2018 revocation request further contends that if you had received the required notice, you would have been in Fort Bragg for the Coastal Commission meeting and testified before the Commissioners based upon your local knowledge and "...persuaded perhaps even some northern California Coastal Commissioners to stand up to Caltrans." As noted above, the comments you submitted by email on September 10, 2018 were posted on the Commission's website and made available to the Commission and the public prior to the meeting and the Commission's action on the application. In addition, neither the comments received from you via email on September 10, nor the contentions raised in your September 27 revocation request identify any views that were not otherwise made known to the Commission. Nor have you identified how unknown views could have caused the Commission to require additional or different conditions or deny the application at the September 12th hearing.

Therefore, I am declining to initiate revocation proceedings because I have concluded, pursuant to Commission regulations (14 CCR §13106), that your September 27, 2018 revocation request is patently frivolous and without merit.

If you have questions about this matter, please contact Robert Merrill, North Coast District Manager, or Tamara Gedik in the North Coast District Office, at (707) 826-8950.

Sincerely,



JOHN AINSWORTH
Executive Director

cc: Frank Demling, Caltrans District 1

KATE O'CONNOR P.O. Box 231 FORT BRAGG, CALIFORNIA 95437

By Facsimile and Email

September 27, 2018

Mr. John Ainsworth
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219
Fax: 415-904-5400
Email: John.Ainsworth@coastal.ca.gov

SUBJECT: REQUEST FOR REVOCATION OF CDP 1-16-0899 (CALTRANS)

Dear Executive Director Ainsworth:

I respectfully request that the Coastal Commission revoke coastal development permit (CDP) 1-16-0899; that you immediately initiate revocation proceedings in response to this request; and that you also initiate revocation proceedings on your own motion, as provided in the Coastal Commission's regulations that govern revocation requests.

It has come to my attention this week that the Coastal Commission, at its meeting in Fort Bragg on September 12, 2018, held a hearing and took action to approve the Caltrans coastal permit application (number 1-16-0899) for the geotechnical investigation development components of the Albion River Bridge replacement project – without giving me notice of either the meeting or the hearing.

I informed Caltrans of my concerns about its Albion River Bridge in connection with the Caltrans notice of preparation of a draft EIR on the project as a whole, on May 6, 2015. While that EIR has not seen the light of day after more than three years, I recall that former Coastal Commission chief counsel Ralph Faust advised the Coastal Commission that participating in the California Environmental Quality Act proceedings on a coastal development project qualifies one as a "known interested person". Caltrans, in this case, is required to identify all such known interested persons – like me - to the Coastal Commission for proper notice to the public of any part of that development project under the Coastal Act.

Sadly, Caltrans has once again played the bulldozer to the coast, and by all appearances did not provide the Coastal Commission with the required list of known interested persons for the geotechnical investigation development components of the Albion River Bridge replacement project. I, at least, received no notice, prior to or on September 12, 2018, from either the Coastal Commission or from Caltrans of the September 12, 2018 Coastal Commission meeting, or of the geotechnical investigation development component project on that day's Coastal Commission agenda.

Allow me to assure you, and the Coastal Commission, that if I had received the required notice, I would have been in Fort Bragg for the Coastal Commission meeting and testified, based on my personal knowledge and experience with the historic Albion River Bridge and its environment, in strong and specific opposition to the Caltrans piecemeal scheme to elude environmental review, buck the Coastal Act, run around and over Coastal Commission staff, and replace and destroy our iconic, safe, and functional timber bridge, all to collect more than \$72 million dollars in “free” (ha) federal highway money *without any validly demonstrated traffic or other need for a high-speed wider concrete bridge*. If Caltrans has its way, it will attempt to buy itself all the indulgences necessary for a shoreline “two-lane” expressway from Marin, through Sonoma, and through Mendocino – one of the very reasons why so many people in these three counties supported Proposition 20 and the 1976 Coastal Act, *to prevent that Caltrans (and before it, State Highway Division) concrete madness*. The reasonably foreseeable local and cumulative effects of the Caltrans scheme are clear to us who have local knowledge, as I do, as well as the vision to grasp the entirety of a thing when we see it; I would have testified to that information if I had received the required notice and persuaded perhaps even some northern California Coastal Commissioners to stand up to Caltrans.

As I understand it (with my bone fide timely request for revocation on the basis that I, as a known interested person – and apparently many others - did not receive the required public notice of the Coastal Commission meeting on the 12th and of the hearing on the Caltrans coastal permit for the geotechnical development component of the project, considered as a whole), the wheel is now in your court, Mr. Ainsworth. I can appreciate that you might rather go for a hike on the beach about right now, but the rights of public participation in the coastal program are a sacred trust given by the legislature to you and the Coastal Commission. Proper public notice is the keystone of that great arch of public information, timely opportunities to participate, and sound *and transparent* coastal resource decision-making that makes our coastal program *potentially* great. Caltrans (not for the first time) screwed up, as the kids say. Now is the time for all good women and men, who care about our coastal environment and our public rights, to stand up to Caltrans.

I look forward to your staying on the side of the Coastal Act, especially when the going gets rough. My revocation request is timely, fact-based, and supported by the Coastal Act’s maximized opportunities for public participation in coastal permit decision making. Caltrans failed to give you my name and, it appears, of others who are also known to Caltrans to be interested persons in the Caltrans Albion River Bridge project, while falsely certifying that the list of people to whom notice was required to be given was accurate and complete.

The thing speaks for itself: volitional failure to give notice, where notice will likely generate more opposition to the development project, speaks to intent, and the resultant Coastal Commission failure to give me (and others similarly situated) the required advance public notice *of at least the Coastal Commission meeting on which this Caltrans development project was a hearing item* constitutes a rampant violation of the Coastal Act that now requires you, lucky you, to immediately suspend coastal permit 1-16-0899 and bring this Caltrans mess to the Coastal Commission for (I would say, under the rules) a development denial decision.

Think of it this way: if running the coastal program were easy, they wouldn't need you. But the people and the coastal environment do need you, your staff, and the Coastal Commission to now uphold the Coastal Act, especially when bullies like Caltrans attempt to suborn its proper implementation.

Thank you for your and your staff's dedicated work. The known interested people will continue to be watching, including for those public notices, and will be at your meetings and hearings - when we know about them. Otherwise, enjoy the beaches, bluffs, and our historic last timber bridge on this great coast, before Caltrans buries them with concrete and our tears, for a coast that was and a Coastal Commission that did not notice.

Very truly yours (and with appreciation for the good work that Commission staff and Commissioners do),

Kate O'Connor
Former Albion resident
Email: kateoconnor@mcn.org

Copy: Mr. Robert Merrill, Manager, Coastal Commission North Coast District (by email)
Bob.Merrill@coastal.ca.gov

EXHIBIT A, LETTER FROM RICK HEMMINGS (canoe@mcn.org) TO CALTRANS, PUBLIC COMMENTS DURING ALBION RIVER BRIDGE REHABILITATION/ REPLACEMENT PROJECT DRAFT EIR NOP CIRCULATION, RE ALBION BRIDGE, APRIL 23, 2015

From: [Pommerenck, Adele@DOT](mailto:Pommerenck.Adele@DOT)
To: [Walker, Liza M@DOT](mailto:Walker.Liza.M@DOT)
Subject: FW: The Albion River Bridge
Date: Friday, June 26, 2015 11:37:44 AM

From: kateoconnor [kateoconnor@mcn.org]
Sent: Wednesday, May 06, 2015 4:14 PM
To: Pommerenck, Adele@DOT
Subject: RE: The Albion River Bridge

To: Adele Pommerenck

I am an Albion resident and I have been listening to the debate on building a new bridge over the Albion River and tearing down the existing wood bridge. I have heard what Abolhassan Astaneh-Asl, the UC Berkeley civil and environmental engineering professor who specializes in studying structural damage from earthquakes and terrorist bombings, had to say in response. He said the bridge was well-designed, of historical significance, in better shape than many other bridges in the state and worthy of saving.

I use the Albion River Bridge to get to work and get home from work. I spend a great deal of time beneath the bridge, walking my dogs on the mouth of the Albion River. I am extremely concerned about the desecration of an historical landmark AND I am extremely concerned about the environmental impact of removing the existing bridge.

I have the sinking feeling this is just another Cal Trans project and little thought has been put into "how do we save the existing bridge?" that it would just be easier to build a new one and tear this last wood bridge down and make a nice little chunk of money.

Kate O'Connor
Albion resident
937-3232

From: Walker, Liza M@DOT
To: [Liza Walker](#)
Bcc: ["canoe@mcn.org"](#); ["ggi@imlay.com"](#); ["ndevall@mcn.org"](#); ["tffarm@mcn.org"](#); ["kateoconnor@mcn.org"](#); ["acab@mcn.org"](#)
Subject: Interested Persons List - Albion Geotechnical Drilling
Date: Tuesday, July 17, 2018 3:57:00 PM

Good afternoon,

You have previously provided comments for the Caltrans proposed Albion River Bridge Replacement/Rehabilitation project. Caltrans has submitted a Coastal Development Permit to the California Coastal Commission (CCC) for geotechnical drilling and the CCC is preparing an interested parties list for an upcoming permit hearing. If you wish to be included on the CCC interested parties list and receive the meeting notice, please provide me a mailing address at your earliest convenience.

Please let me know if you have any questions.

Thank you,

Liza Walker, Senior Environmental Planner
Environmental Management
1656 Union Street
Eureka CA 95501
(707) 441-5602

			Interested Parties List				
First Name	Middle Name	Last Name	Organization Name	Address Line 1	City	Zip Code	
John		Danhaki	Leonard Green & Partners	11111 Santa Monica Blvd, Suite 2000	Los Angeles	90025	
Carol & Dan		Clary		3751 Albion Little River Road	Albion	95410	
Merlene		Sanchez	Guidiville Band of Pomo Indians	P.O. Box 339	Talmage	95481	
Atta		Stevenson	Laytonville Rancheria/Cahto Indian Tribe	P.O. Box 1404	Laytonville	95454	
Angela		James	Pinoleville Pomo Nation	500 B Pinoleville Drive	Ukiah	95482	
Leona		Williams	Pinoleville Pomo Nation	500 B Pinoleville Drive	Ukiah	95482	
Debra		Ramirez	Redwood Valley Rancheria of Pomo	3250 Road I	Redwood Valley	95470	
Mary		Camp	Redwood Valley Rancheria of Pomo	3250 Road I	Redwood Valley	95470	
Connie		Braga	She Bel Na Band of Pomo Indians	19121 Olsen Ln.	Fort Bragg	95437	
Vaughn		Pena	Kashia Band of Pomo Indians of Stewarts Point Rancheria	1420 Guerneville Road, Ste 1	Santa Rosa	95403	
Otis		Parish	Stewarts Point Rancheria	1420 Guerneville Road, Ste 1	Santa Rosa	95403	
Annessa		Musgrove		PO Box 2946	Fort Bragg	95437	
NormaLee		Andres		16401 Pine Dr	Fort Bragg	95437	
Jan		DeSipio		27301 Albion Ridge Road	Albion	95410	
John		Feliz Jr.	Coyote Valley Reservation	P.O. Box 39	Redwood Valley	95470	
Shawn		Padi	Hopland Band of Pomo Indians	3000 Shanel Road	Hopland	95449	
Sonny		Elliot	Hopland Band of Pomo Indians	3000 Shanel Road	Hopland	95449	
Erif		Thunen		Box 184	Albion	95410	
Richard	J.	Smith	Cahto Tribe	P.O. Box 1239	Laytonville	95454	
Nelson		Pinola	Manchester-Point Arena Rancheria	P.O. Box 623	Point Arena	95468	
Harriet	L.	Stanley-Rhoades	Noyo River Indian Community	P.O. Box 91	Fort Bragg	95437	
Dave		Edmunds	Pinoleville Pomo Nation	500 B Pinoleville Drive	Ukiah	95482	
Erika		Williams	Pinoleville Pomo Nation	500 B Pinoleville Drive	Ukiah	95482	
Greg		Young	Potter Valley Tribe	2251 South State Street	Ukiah	95482	
Salvador		Rosales	Potter Valley Tribe	2251 South State Street	Ukiah	95482	
Elizabeth		Hansen	Redwood Valley Rancheria of Pomo	3250 Road I	Redwood Valley	95470	
Steve		Nevarez Jr.	Redwood Valley Rancheria of Pomo	3250 Road I	Redwood Valley	95470	
Kenneth		Wright	Round Valley Reservation / Covelo Indian Community	77826 Covelo Road	Covelo	95428	
Dina		Bowen-Welsh	She Bel Na Band of Pomo Indians	PO Box 1613	Fort Bragg	95437	
Javier		Silva	Sherwood Valley Rancheria of Pomo	190 Sherwood Hill Drive	Willits	95490	
Talisha		Melluish	Sherwood Valley Rancheria of Pomo	190 Sherwood Hill Drive	Willits	95490	
Emilio		Valencia	Stewarts Point Rancheria	1420 Guerneville Road, Ste 1	Santa Rosa	95403	

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CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

Nina		Hapner	Stewarts Point Rancheria	1420 Guerneville Road, Ste 1	Santa Rosa	95403	
			Yokayo Tribe	PO Box 362	Talmage	95481	
Virginia		Reed		32101 Middle Ridge Road	Albion	95410	
Michael		Hunter	Coyote Valley Reservation	P.O. Box 39	Redwood Valley	95470	
Claire		Amanno		Box 1375	Mendocino	95460	
Carrie		Durkee		28350 Albion Ridge Rd	Albion	95410	
Sakina		Bush		1184 N. Main St. #38	Fort Bragg	95437	
Linda		Hancock		9878 Hatherton Way	Elk Grove	95757	
John & Kathryn		Hughes		P.O. Box 760	Albion	95410	
Kurt		Kenyon		264 Lovers Lane	Boulder Creek	95006	
William		Kruse		P.O. Box 813	Albion	95410	
Stanley		Nylander		28 Fafnir Pl.	Pleasant Hill	94523	
David & Susan		Preston		1732 Carmelo Dr.	Carmichael	95608	
Sum & Jenny		Seto	Sum Seto Properties LLC	3775 Balboa St.	San Francisco	94121	
			Simply Green Inc.	7051 N. Highway 1	Little River	95456	
Bruce & Carol		Smith		238 Oak Grove Ave.	Atherton	94027	
Raymond		Yates		P.O. Box 9	Albion	95410	
			Big River Partners LLC	570 El Camino Real 150-410	Redwood City	94063	
John & Katherine		Danhaki		17717 Calle de Palermo	Pacific Palisades	90272	
Kenneth & Eleanor		Ferrell		344 Capetown Dr.	Alameda	94502	
Jed & Sarah		Hassell		P.O. Box 133	Albion	95410	
Mansor		Shokohi		P.O. Box 419	Little River	95456	
Nicholas & Camille		Tinling		P.O. Box 742	Albion	94510	
Peter & Lee		White		P.O. Box 699	Albion	95410	
Kay		Baumeister	c/o Douglas Hendricks	P.O. Box 280	Albion	95410	
Vern & Gail		Bean		P.O. Box 730	Albion	95410	
Daniel & Carol		Clary		P.O. Box 700	Albion	95410	
Anthony & Lisa		Geer		P.O. Box 688	Albion	95410	
John & Diana		Johansen		P.O. Box 490	Albion	95410	
Marie		Koskela		P.O. Box 55	Albion	95410	
Peter		Wells	Trust	P.O. Box 185	Mendocino	95460	
Mari		Zatman		3 Sumner St.	San Francisco	94103	
Beth		Bosk		P.O. Box 702	Mendocino	95460	
Diana		Stroupe		31350 Sherwood Road	Fort Bragg	95437	

Jaen		Treesinger		PO Box 867	Mendocino	95460	
Norbert	H	Dall		930 Florin Road, Suite 200	Sacramento	95831	
Warren		De Smidt		Box 523	Albion	95410	
Annmarie		Weibel		P.O. Box 566	Albion	95410	
Lea		Christensen		43300 Little River Airport Rd, #28	Little River	95456	
Peter		Wells	Albion River Inn	P.O. Box 100	Albion	95410	
Leonardo		Bowers		29801 Navarro Ridge Rd	Albion	95410	
Thomas		Freund		45621 Cypress Dr	Mendocino	95460	
Ronnie		Karish		27500 Philo Greenwood Rd	Elk	95432	
Rick		Hemmings					
Gretchen		Imlay					
Norman		de Vall					
Darren		Howe	NMFS	777 Sonoma Ave Rm 325	Santa Rosa	95404-4731	
			Albion River Watershed Prot Assoc/Friends of Salmon Creek	P.O. Box 661	Albion	95410	
			Albion-Little River Fire Protection District	P.O. Box 634	Albion	95410	
Rod		Corimer		P.O. Box 850	Albion	95410	
Rita		Crane		P.O. Box 91	Albion	95410	
Melissa		Hays		P.O. Box 415	Albion	95410	
Elaine		Kirkpatrick		3245 Albion Ridge Rd	Albion	95410	
			Sierra Club, Mendocino Group	P.O. Box 522	Mendocino	95460	
Albohassan		Astaneh-Asl		209 Vernal Dr	Alamo	94507	
			CDFW, Habitat Conservation Program Manager	601 Locust St	Redding	96001	
			Dept of Conservation, Div of Land Resource Prot	801 K Street	Sacramento	95814	
			California State Lands Commission	100 Howe Ave Ste 100 South	Sacramento	95825-8202	
			Albion Community Advisory Board				
Carl		Hausner	United States Coast Guard	Coast Guard Island, Building 50-2	Almadea	94501	
Laurie		York					
Kate		O'Connor					
Olyn		Garfield		33851 East Ln	Albion	95410	
Eva		Anderson		32101 Middle Ridge Rd	Albion	95410	
Tom		Wodetzki		31901 Middle Ridge Rd	Albion	95410	
Jim		Danhakl		33215 Albion Ridge Rd	Albion	95410	
Mary		Bobbitt		33402 Albion Ridge Rd	Albion	95410	
Marilyn		Magoffin		30560 Middle Ridge Rd	Albion	95410	

Philip		Brown		33831 East Ln	Albion	95410	
Susan		Waterfall		3250 Albion Ridge B Rd	Albion	95410	
Arlene		Reiss		32500 Middle Ridge Rd	Albion	95410	
Ron		Stark		30500 Middle Ridge Rd	Albion	95410	
Sharon		Hansen		31901 Middle Ridge Rd	Albion	95410	
Toby		Malina		33801 Navarro Ridge Rd	Albion	95410	
Marc & Deanna		Schoen		P.O. Box 308	Albion	95410	

Gedik, Tamara@Coastal

From: kateoconnor@mcn.org
Sent: Monday, September 10, 2018 3:48 PM
To: NorthCoast@Coastal
Subject: Albion Bridge

Because the letter below is so eloquently written and says everything that I believe in, I am sending this as my urging.

I urge you to deny the Caltrans application to start on the slippery slope of replacing, for \$91 million, the existing sound timber bridge with a wider and straighter concrete one just so the 2,100 cars per day that use it can go faster.

This "geotechnical investigation" development project is a Caltrans work program that is neither needed nor appropriate. As a result of the latest revisions, the project is only in the County's Local Coastal Program permit jurisdiction, but Caltrans can't meet the LCP's standards and wants you to now side-step them.

Caltrans headquarters staff told the Albion community in a public meeting last November that the bridge is "safe" and, contrary to what District

1 staff has represented to you, that it is not "structurally deficient" or "functionally obsolete." In the same vein, the photographs that Caltrans contributed to your staff report do not show any rigorous analysis of any "exponential decay" of the bridge, but rather splendidly make the community's and the independent national timber experts recommendation that Caltrans needs to carry out a responsible and publicly transparent bridge maintenance program, with repairs as needed and the seismic retrofit completed.

The project is an exemplar of why we have a Coastal Act to protect this coast, its natural and human-made resources, and the workers in our coastal economy. To summarize the project is to list its blatant direct and cumulative Coastal Act inconsistencies.

The project:

Blocks public and worker access on Highway 1 to and along the coast and its many small visitor-serving establishments, to public Albion Cove beach, and to the recreational opportunities on and along the wild-and-scenic Albion River. Preempts the County road for visitor-serving and local boating, lower cost camping, and fishing access at and from Albion Flat, to Albion Cove, the Pacific Ocean, and up the river.

Removes not only hundreds of trees in the Coastal Commission certified blue heron rookery Environmentally Sensitive Habitat Area at the northwest end of the bridge, but also their entire root system, with foreseeable destruction of the high and fragile bluffs that face Albion Cove and Albion River.

Proposes 70- to 125-foot deep drilling into the fractured and unstable earth and rocks on steep to very steep bluff slopes, most of which can only be reached by helicopter. One drilling location is a cultural site of pre-European peoples. and several drill sites are so close to the existing bridge timber towers, the Coastal Act priority visitor serving uses, Highway 1, the beach, and Albion village that Caltrans has to get an impossible approval from the Federal Aviation Administration, since "as you know" its action needs to be consistent with the federally approved Coastal Act and County LCP.

The project is clearly inconsistent with many of the mandatory Coastal Act standards, and hasn't been properly presented to you for geographic jurisdictional reasons. The question, Commissioners, is whether you will uphold the Coastal Act and direct Caltrans to follow the rules, starting with doing an EIR and applying to the County.

Please do the only right thing: deny this coastal permit application.

Thank you, for the coast.

AND signed

Kate O'Connor
707-961-0824

1-16-0899-REV-4

Revocation Request by

Norbert Dall

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



October 25, 2018

Norbert H. Dall
Dall & Associates
930 Florin Road, Suite 200
Sacramento, CA 95831

Re: Request for Revocation of Coastal Development Permit No. 1-16-0899

Dear Mr. Dall,

Coastal Commission staff has received your October 15, 2018 request for revocation of Coastal Development Permit (CDP) 1-16-0899 (Caltrans), approved by the Commission on September 12, 2018. CDP 1-16-0899 authorizes Caltrans to conduct a geotechnical investigation to provide data for the evaluation of options for the future rehabilitation or replacement of the Highway 1 Albion River Bridge in Mendocino County.

Your request for revocation contends that: (1) "Caltrans intentionally violated CDP 1-16-0899 Special Conditions 2.A, 2.E, and 9," and thereby (2) "submitted intentional inaccurate, erroneous or incomplete information in connection with the application for CDP 1-16-0899, where accurate and complete information about the extent of Caltrans' intended grading, placement of mechanized equipment adjacent to the coastal bluff edge, and avoidance of erosion control and water quality BMP's would have caused the Coastal Commission, in a fair proceeding, to require additional or different conditions on the permit or to deny the application."

The grounds for revocation of a CDP that relate to the assertions you make are set forth in 14 Cal. Code of regulations Section 13105(a) as follows:

(a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application...

The Commission's regulations grant the Executive Director the authority to review a revocation request and decline to initiate revocation proceedings if he determines that the request is patently frivolous and without merit. (14 CCR §13106)

I have reviewed the grounds for revocation stated in your October 15, 2018 request and decline to initiate revocation proceedings. I have determined that the request is patently frivolous and without merit because your assertions do not comprise the necessary grounds for revocation set forth above. The assertions you make fail to identify or evidence: (1) how the Applicant, Caltrans, intentionally included inaccurate, erroneous or incomplete information in connection with their coastal development permit application, as well as (2) how a violation of the terms and conditions of the permit would have caused the Commission to require additional or different conditions or deny the application.

Your request was received via electronic mail (email) on October 15, 2018 at 1:17pm and alleges, among other things, that: (a) Caltrans engaged in grading and removal of major vegetation outside the grading and vegetation removal envelope approved by the Commission in CDP 1-16-0899; (b) stockpiled removed tree roots on a trailer without covering it; and (c) did not place and maintain BMPs such as silt fencing at the project site as required by conditions of approval of the permit.¹

However, whether or not the allegations you make in your October 15 email constitute violations of CDP 1-16-0899, such assertions by themselves do not constitute grounds for revocation of the permit. First, your revocation request gives no explanation how the Applicant provided inaccurate, erroneous or incomplete information in connection the application or how Caltrans intentionally misled the Commission or withheld information. Your assertion that after issuance of the permit there has been a deviation from the requirements of the terms and conditions of the permit does not automatically mean that the information submitted by the Applicant in connection with the permit application is inaccurate, erroneous or incomplete. Nor does it automatically mean that the Applicant misled the Commission and intentionally included inaccurate, erroneous or incomplete information in connection with the permit application. Therefore, your request for revocation of the permit fails to identify or evidence how Caltrans intentionally included inaccurate, erroneous, or incomplete information in connection with the permit application

In addition, your revocation request fails to identify how any deviations in project construction from the requirements of the terms and conditions of the permit would have caused the Commission at the time it acted on the application to require additional or different conditions or deny the application.

Therefore, I am declining to initiate revocation proceedings because I have concluded, pursuant to Commission regulations (14 CCR §13106), that your October 15, 2018 revocation request is patently frivolous and without merit.

If you have questions about this matter, please contact Robert Merrill, North Coast District Manager, or Tamara Gedik, Coastal Program Analyst, both in the North Coast District Office, at (707) 826-8950.

Sincerely,



JOHN AINSWORTH
Executive Director

cc: Frank Demling, Caltrans District 1

¹ Commission enforcement staff is independently reviewing your assertion that permit conditions have been violated.

Gedik, Tamara@Coastal

From: Norbert Dall <norbertdall@icloud.com>
Sent: Monday, October 15, 2018 1:17 PM
To: Merrill, Bob@Coastal; Veasart, Pat@Coastal; Cheddar, Ann@Coastal; Levine, Joshua@Coastal; Ainsworth, John@Coastal; Reed, Jessica@Coastal
Cc: Gedik, Tamara@Coastal; S. Dall; Norbert Dall; Ginetta Giovinco
Subject: CDP 1-16-0899 (Caltrans, continuing violations)
Attachments: DAanCT,AlbionCoveBluffGrading,TreeRmvl20181015,1100.pdf

Bob,

Thank you for your note, below.

Caltrans continues its violations of CDP 1-16-0899 this (Monday, October 15, 2018) morning, by its continued failure to place and maintain perimeter silt fencing around its Albion Cove coastal bluff north staging area grading and tree/tree root system removal area between Highway 1 and the precipitous Albion Cove coastal bluff face.

Further, Caltrans has now also engaged in grading and removal of major vegetation, including, but not limited to, hydrophytes, outside the grading and vegetation removal envelope approved by the Commission in CDP 1-16-0899 (Staff Report [SR] Exh. 2, aerial topographic map and topographic map Sheets 2, dated August 20, 2018).

Exhibit A contains an illustrative graphic of the impacted area. The red polygon identifies the unpermitted grading area, southerly of the shown (Caltrans original) light blue temporary silt fence grading area perimeter. The unpermitted grading area extends northerly beneath the location of the (Caltrans shown) temporary silt fence location to abut the salmon-color grading/tree removal polygon. The salmon-color polygon identifies the approximate area of Caltrans grading and tree/tree root system removal through 1100h, 20181015, within the CDP 1-16-0899 grading/tree removal envelope. The black dots identify trees that Caltrans has removed within the Caltrans norther staging area (DA: “southerly subarea 1”); the grey dots, trees that Caltrans may also have removed, in part (no clear distinguishing markings being visible). The salmon-color circles identify other trees that the Commission approved for Caltrans removal. The green dots identify trees that Caltrans has no permission to remove, directly or cumulatively/indirectly, pursuant to CDP 1-16-0899.

1. The Commission’s decision to approve CDP 1-16-0899 includes the Caltrans Geotechnical Exploration Plan (GEP) aerial topographic map and topographical map Sheets 2, dated August 20, 2018. They both require “~~—~~
~~xx~~ —“ temporary silt fencing along the southerly and southwesterly perimeters of that grading and tree/root system removal area. (CDP 1-16-0899 SR Exhibit 2, at electronic pages 6 and 8 of 348.).

2. SpC 2.A requires that “All activities associated with performing the development authorized pursuant to CDP 1-16-0899 shall at all times be undertaken in full accordance with the terms and conditions of CDP1-16-0899.”

3. SpC 2.E further requires that “All activities associated with performing the development authorized pursuant to CDP 1-16-0899 shall at all times be undertaken in full accordance with the terms and conditions of CDP 1-16-0899. It shall be Caltrans’ responsibility to ensure such compliance by any party to whom Caltrans assigns the right to undertake any part of the activities authorized herein; this requirement does not relieve other parties

of responsibility for compliance with the permit or immunize such parties from enforcement action by the Coastal Commission's enforcement program."

4. SpC 9 specifically provides that "Best Management Practices designed to protect the water quality of the Pacific Ocean and Albion River shall be implemented during construction. The permittee shall adhere to the following water quality protection measures and best management practices (BMPs), including, but not limited to, the following: A. No construction equipment, materials, debris, fuels, lubricants, solvents, or waste shall be placed or stored where they may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion. Physical barriers shall be placed and continuously maintained until the completion of all project activities at the downslope project limit, to protect against accidental release of graded spoils or other materials into sensitive habitat, receiving waters or a storm drain...."

5. Exhibit 1, below, illustrates (as of 1100h PDST today) the unpermitted extent of grading south of the southerly limit of the north staging area, to the left of the dump truck with the white cab, where the bulldozer and a logging feller buncher are parked immediately adjacent to the manufactured (excavated) Albion Cove coastal bluff edge, in violation both of (1) the southerly edge of grading limit in this area (shown on GEP Sheets 2 by the temporary silt fence line) and (2) the SpC 9 separation and physical barrier requirements.

6. Exhibit 2, below, illustrates active grading of, and tree root system removal from, the northerly staging area without the SpC 9 separation and physical barrier requirements at the edge of that development.

7. Exhibit 3, below, illustrates additional active grading of the northerly staging area without the SpC 9 separation and physical barrier requirements at the edge of that development.

8. Exhibit 4, below, illustrates that Caltrans is stockpiling removed tree roots on a trailer, without the covering and containment required by SpC's 9.B and 9.C, respectively.

For geographical specificity, we refer (after the Caltrans GIP, August 21, 2018) to the entire Caltrans grading and tree removal area, west of Highway 1 and north of the historic Albion River Bridge, as the "north staging area". We refer to the area in which Caltrans has performed grading, tree logging, removal of hydrophytic vegetation, and removal of tree root systems during the period of October 2-October 15 (1100h) as the "north staging area (southerly subarea 1)". As shown in Exhibit 3, Caltrans has to-date not logged the trees, removed the root systems, removed the hydrophytic vegetation, and/or graded the area shown on GEP Sheet 2 to the northwest of the intersection of Highway 1 with Albion-Little River Road.

Conclusion and request. Caltrans, including, but not limited to, through its contractors, has, by the development described and depicted herein, knowingly and intentionally violated CDP 1-16-0899 Special Conditions 2.A, 2.E, and 9. We therefore request that (A) the Coastal Commission executive director (copied hereon) immediately order Caltrans to cease and desist from performing any and all unpermitted development at the Albion Cove coastal bluff and bluff top, shown herein, and (B) revoke CDP 1-16-0899, on the grounds that Caltrans submitted intentional inaccurate, erroneous or incomplete information in connection with the application for CDP 1-16-0899, where accurate and complete information about the extent of Caltrans' intended grading, placement of mechanized equipment adjacent to the coastal bluff edge, and avoidance of erosion control and water quality BMP's would have caused the Coastal Commission, in a fair proceeding, to require additional or different conditions on the permit or to deny the application. (14 CCR § 13105(a)).

Thank you for your prompt attention to this matter.

Please provide me with a copy, in pdf and at your earliest opportunity, of any writing(s) to or from Caltrans regarding it. Time is obviously of the essence to address the herein identified violations of the Coastal Act and CDP 1-16-0899.

Thank you.

Regards,

NHD

Norbert H. Dall

Consultant to the owner of Whitesboro Farm, Albion, Mendocino County, California, John Danhakl

Partner

Dall & Associates

Advisers and Consultants in Sustainable Coastal Management,
Land Use, and Transportation

Co-author, *The Coasts of California* (in preparation)

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EXHIBIT A

EXHIBIT 1. 20181015:1100. Caltrans-contractor's bulldozer and feller-buncher parked outside the permitted north staging graded area (southerly subarea 1), without the required erosion control and water quality BMP's. Photo orientation: Looking southerly across Highway 1 to the Caltrans-graded Albion Cove coastal bluff/bluff top. Historic Albion River Bridge is at left.



EXHIBIT 2. 20181015:1100. Caltrans-contractor's excavator loads earthen material from grading, without erosion control/water quality BMP's, of the Albion Cove coastal bluff/bluff top for the the north staging area (southerly subarea 1) on a dump truck parked in and adjacent to the coned-off SB Highway 1 travel lane.

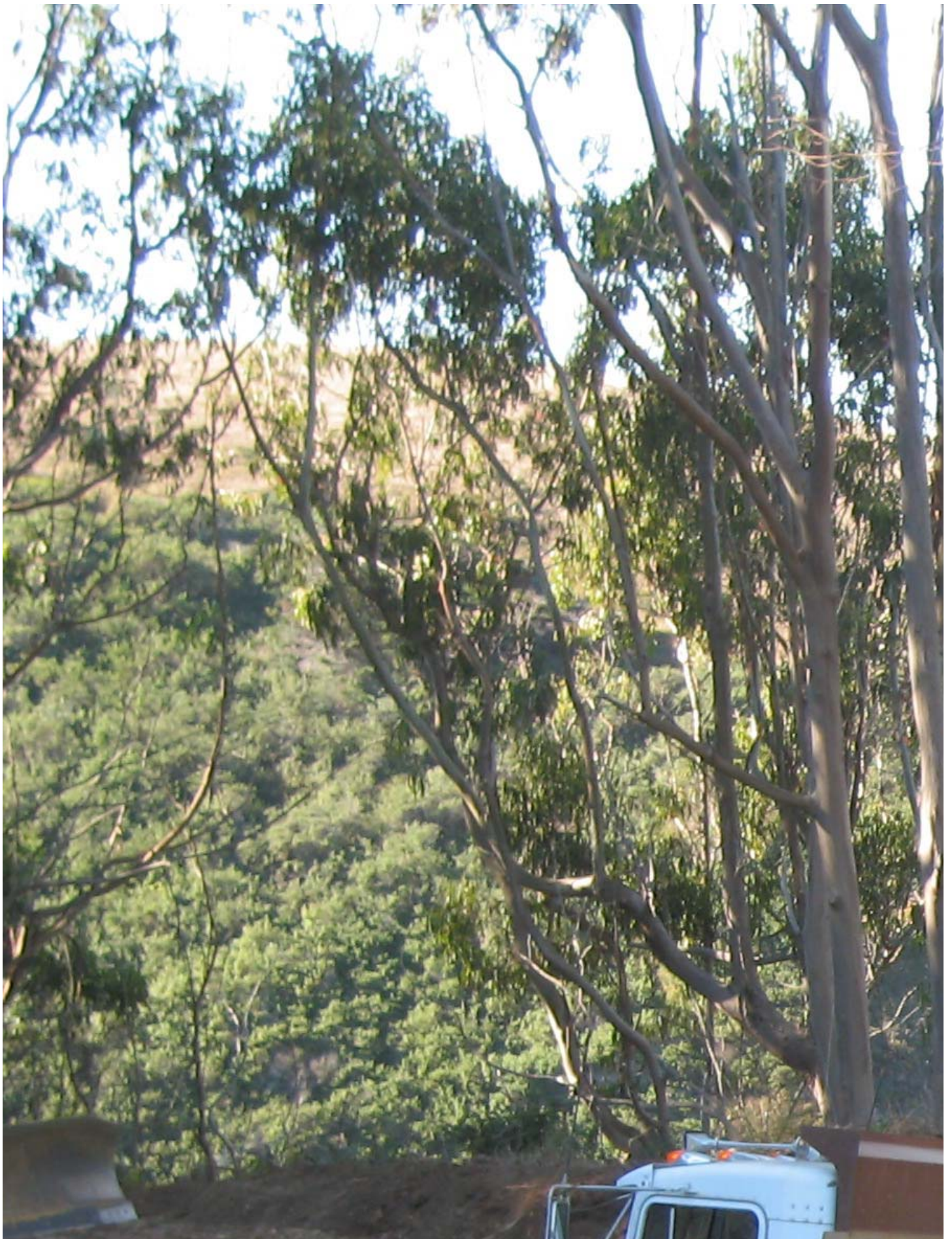


EXHIBIT 3. 20181015:1100. Caltrans-contractor's bulldozer grades the northerly edge of the north staging area (southerly subarea 1), without erosion control/water quality BMP's. Photo orientation: Looking southwesterly across coned-off Highway 1 to the remaining trees on the Albion Cove coastal bluff (on the private Seto property).



EXHIBIT 4. 20181015:1100. Caltrans contractor's flat bed trailer with chained, but uncontained and uncovered, tree roots, in and adjacent to the coned-off SB Highway 1 travel lane. Caltrans has also installed no erosion control/water quality BMP's in this northerly part of the north staging area (southerly subarea). Photo orientation: Looking southwesterly across coned-off Highway 1 to the remaining trees on the Albion Cove coastal bluff (on the private Seto property).



On Oct 15, 2018, at 9:46 AM, Merrill, Bob@Coastal <Bob.Merrill@coastal.ca.gov> wrote:

Good morning Norbert,

I received your voicemail message on Friday morning (Oct 12) inquiring whether the Commission had received any permit amendment request for the Caltrans Albion Geotechnical Investigation project (CDP No. 1-16-0899), and in particular any amendment request that would affect the October 15th seasonal limit for grading activities required by Special Condition 5 of the permit.

To date, we have not received any amendment request from Caltrans. We understand from Caltrans that they expect to complete grading activities today, October 15th.

Best,
Bob

Bob Merrill
North Coast District Manager
California Coastal Commission
1385 8th St., Suite 130
Arcata, CA 95521
(707)826-8950 Ext. 8
Bob.Merrill@coastal.ca.gov

<image001.jpg>



EXHIBIT 3. 20181015-1100. Caltrans-contractor's bulldozer grades the northerly edge of the north staging area (southerly subarea 1), without erosion control/water quality BMPs. Photo orientation: Looking southwesterly across canal-off Highway 1 to the remaining trees on the Albion Cove coastal bluff (on the private Seto property).



EXHIBIT 4. 2018/01/11/02. Callern contractor's flat bed trailer with chained, but uncontaminated and uncovered, tree roots, in and adjacent to the closed-off SR Highway 1 travel lane. Callern has also installed no erosion control/water quality BMP's in this northerly part of the north staging area (southerly subarea). Photo orientation: Looking southeasterly across closed-off Highway 1 to the remaining trees on the Albion Cove coastal bluff (on the private Sato property).



On Oct 15, 2018, at 9:46 AM, Merrill, RobertCoastal <Bob.Merrill@coastal.ca.gov> wrote:

Good morning Robert,

I received your returned message on Friday morning (Oct 12) inquiring whether the Commission had received any permit amendment request for the Cabrero Albion Geotechnical Investigation project (COP No. 3-10-0886), and in particular any amendment request that would affect the October 15th seasonal limit for grading activities required by Special Condition 5 of the permit.

To date, we have not received any amendment request from Caltrans. We understand from Caltrans that they expect to complete grading activities today, October 15th.

Best,

Bob

Bob Merrill
North Coast District Manager
California Coastal Commission
1385 8th St., Suite 100
Pacifica, CA 94024
(707) 261-8000 ext. 8
Bob.Merrill@coastal.ca.gov

<coastal@coastal.ca.gov>

1-16-0899-REV-5

**Revocation Request by
Johanna Bedford**

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



October 25, 2018

Johanna Bedford
P.O. Box 426
Albion, CA 96410

Re: Request for Revocation of Coastal Development Permit No. 1-16-0899

Dear Ms. Bedford,

Coastal Commission staff has received your October 15, 2018 request for revocation of Coastal Development Permit (CDP) 1-16-0899 (Caltrans), approved by the Commission on September 12, 2018. Staff has also received your October 22, 2018 and October 24, 2018 FAX transmissions of a corrected version of your October 15, 2018 request for revocation. CDP 1-16-0899 authorizes Caltrans to conduct a geotechnical investigation to provide data for the evaluation of options for the future rehabilitation or replacement of the Highway 1 Albion River Bridge in Mendocino County.

Your corrected request for revocation contends that "Caltrans on October 9, 2018 plainly violated the traffic management terms and conditions of the coastal permit issued by the Coastal Commission." Your October 15, 2018 letter specifically states in part the following:

Caltrans on October 8, 2018 [corrected to October 9, 2018 by your October 22nd and October 24th submittals] blocked my ability to drive from westbound Albion Ridge Road to northbound Highway 1 for at least 30 minutes, starting at 8:15 am. It has come to my attention that the California Coastal Commission on September 12, 2018 approved a coastal development permit for Caltrans for tree cutting and grading in that area, with a "Transportation Management Plan"...that limits this project's "estimated maximum delay" to "10 minutes", and to "20 minutes during intermittent closures."

The grounds for revocation of a CDP that relate to the assertions you make are set forth in 14 Cal. Code of regulations Section 13105(a) as follows:

(a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application...

The Commission's regulations grant the Executive Director the authority to review a revocation request and decline to initiate revocation proceedings if he determines that the request is patently frivolous and without merit. (14 CCR §13106).

I have reviewed the grounds for revocation stated in your October 15, 2018 request and decline to initiate revocation proceedings. I have determined that the request is patently frivolous and without merit because your assertions do not comprise the necessary grounds for revocation set forth above. The contentions you make fail to identify or evidence: (1) how the Applicant, Caltrans, intentionally included inaccurate, erroneous or incomplete information in connection with their coastal development permit application, as well as (2) how any violation of the terms and conditions of the permit would have caused the Commission to require additional or different conditions or deny the application.

Your request alleges that a singular closure of the northbound lane of Highway 1 at the Albion River Bridge for project construction starting at 8:15 a.m. on October 9, 2018 extended for 30 minutes, which is a longer period than provided for in Caltrans' Transportation Management Plan submitted with the permit application. You further allege that the closure is in violation of Special Condition 2.A and 2.E of the permit, which require in part, that all activities associated with performing the development authorized by the permit be undertaken in full accordance with the terms and conditions of CDP 1-16-0899.¹

However, whether or not the allegation that you make that a singular traffic delay that exceeds the estimated maximum duration by 10 minutes constitutes a violation of CDP 1-16-0899, such an assertion by itself does not constitute grounds for revocation of the permit. First, your revocation request gives no explanation how Caltrans provided inaccurate, erroneous or incomplete information in connection with the application or how Caltrans intentionally misled the Commission or withheld information. Your assertion that after issuance of the permit there has been a deviation from the requirements of the terms and conditions of the permit does not automatically mean that the information provided by the Applicant in connection with the application is inaccurate, erroneous or incomplete. Nor does it automatically mean that the Applicant misled the Commission and intentionally included inaccurate, erroneous or incomplete information in connection with the permit application. Therefore, your request for revocation of the permit fails to identify or evidence how Caltrans intentionally included inaccurate, erroneous, or incomplete information in connection with the permit application.

In addition, your request for revocation fails to identify how any deviation of project activities from the requirements of the terms and conditions of the permit would have caused the Commission at the time it acted on the application to require additional or different conditions or deny the application.

Therefore, I am declining to initiate revocation proceedings because I have concluded, pursuant to Commission regulations (14 CCR §13106), that your October 15, 2018 revocation request as corrected by your October 22nd submittal is patently frivolous and without merit.

¹ Commission enforcement staff is independently reviewing your assertion that a permit condition has been violated.

If you have questions about this matter, please contact Robert Merrill, North Coast District Manager, or Tamara Gedik, Coastal Program Analyst, both in the North Coast District Office, at (707) 826-8950.

Sincerely,

A handwritten signature in black ink, appearing to read "John Ainsworth", written in a cursive style.

JOHN AINSWORTH
Executive Director

cc: Frank Demling, Caltrans District 1

RECEIVED

OCT 17 2018

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

RECEIVED

OCT 17 2018

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

JOHANNA BEDFORD
P.O. BOX 426
ALBION, CA 96410

October 15, 2018

Mr. Robert Merrill
North Coast District Manager
California Coastal Commission
1385 8th Street, #130
Arcata, CA 95521

Mr. Pat Veasart
Northern California Enforcement Supervisor
California Coastal Commission
725 Front Street, #300
Santa Cruz, CA 95060

Gentlemen:

I write to call to the attention of the Coastal Commission that Caltrans on October 8, 2018 blocked my ability to drive from westbound Albion Ridge Road to northbound Highway 1 for at least 30 minutes, starting at 8:15 am.

At the time, west-bound Albion Ridge Road was marked with Caltrans orange traffic control signs, a worker with a hard hat and a safety vest flagged me to a stop before I could enter the Highway 1 intersection from Albion Ridge Road. Once on Highway 1 I observed through the windshield of my car other workers using logging equipment and cutting trees in the Albion bluff top area north of Albion River Bridge.

It has come to my attention that the California Coastal Commission on September 12, 2018 approved a coastal development permit for Caltrans for tree cutting and grading in that area, with a "Transportation Management Plan", dated November 22, 2016, that limits this project's "estimated maximum delay" to "10 minutes", and to "20 minutes during intermittent closures".

Page 49 of the Coastal Commission's decision states, as a term of the permit, that "During tree removal and grading operations, one-way reversing traffic control lane closures and related traffic delays of up to 10 minutes may occur along Highway 1, Albion Little River Road, Albion Ridge Road and Albion River North Side Road (which leads to Albion River Campground)." Special Condition 2.A requires that "All activities associated with performing the development authorized pursuant to CDP 1-16-0899 shall at all times be undertaken in full accordance with the terms and conditions of CDP1-16-0899." Special Condition 2.E similarly and additionally states that "All activities associated with performing the development authorized pursuant to CDP 1-16-0899 shall at all times be undertaken in full accordance with the terms and conditions of CDP 1-16-0899. It shall be Caltrans' responsibility to ensure such compliance by any party to whom Caltrans assigns the right to undertake any part of the activities authorized herein; this requirement does not relieve other parties of responsibility for compliance with the permit or immunize such parties from enforcement action by the Coastal Commission's enforcement program."

Caltrans on October 8, 2018 plainly violated the traffic management terms and conditions of the coastal permit issued by the Coastal Commission for the tree cutting and grading at this location.

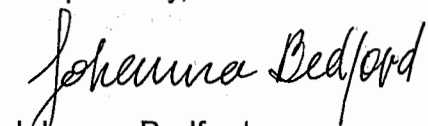
I therefore respectfully request the Coastal Commission, at its November 7-9 meeting in the Bay Area, to hold a duly noticed and fair public hearing on this Caltrans knowing and intentional violation of the Coastal Act (and the many others that are coming to light as our Albion community closely monitors this totally unnecessary, wasteful, and highly destructive project), without undue limitations on the public to testify, and revoke coastal permit 1-16-0899.

The Coastal Act applies equally to all, and it does not behoove the Coastal Commission to be in the business of selling indulgences to Caltrans or to allow it to willy-nilly violate the terms and conditions of the coastal permit that you issued.

Thank you for upholding the Coastal Act, even – or especially - against big orange bullies.

Please provide each Coastal Commissioner, on the record, with a copy of this letter and post it well in advance of the November Coastal Commission meeting to your web site, so that the public may be informed.

Respectfully,

A handwritten signature in cursive script that reads "Johanna Bedford".

Johanna Bedford

copy: Ms. Ann Cheddar, Coastal Commission Attorney, San Francisco

JOHANNA BEDFORD
P.O. BOX 426
ALBION, CA 96410

RECEIVED

OCT 22 7⁰⁰11

October 15, 2018

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

Mr. Robert Merrill
North Coast District Manager
California Coastal Commission
1385 8th Street, #130
Arcata, CA 95521

Mr. Pat Veasant
Northern California Enforcement Supervisor
California Coastal Commission
725 Front Street, #300
Santa Cruz, CA 95060

Gentlemen:

See addendum on 2nd page

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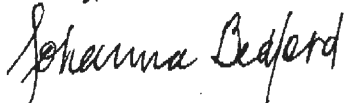
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Respectfully,



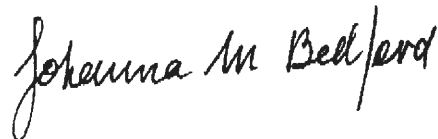
Johanna Bedford

copy: Ms. Ann Cheddar, Coastal Commission Attorney, San Francisco

P.S. Correction

I send you this letter on October 15-2018, and realized afterwards that the day I was waiting for at least 30 minutes was on October 9th and not October 8th.

Respectfully



JOHANNA BEDFORD
P.O. BOX 426
ALBION, CA 96410

RECEIVED

OCT 24 2018

October 15, 2018

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

Mr. Robert Merrill
North Coast District Manager
California Coastal Commission
1385 8th Street, #130
Arcata, CA 95521

Mr. Pat Veesart
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see addendum on 2nd page

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** see addendum on 2nd page*

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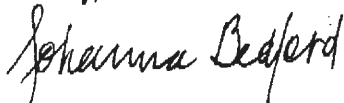
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Respectfully,



Johanna Bedford

copy: Ms. Ann Cheddar, Coastal Commission Attorney, San Francisco

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Respectfully

Johanna M Bedford 10/22/2018

2nd correction on paragraph 5 first page

Oct 9th instead of Oct 8th

Johanna M Bedford 10/23/2018