

CALIFORNIA COASTAL COMMISSION

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CORRESPONDENCE RECEIVED ON NON-AGENDIZED NORTH COAST MATTERS

MAY 9, 2019

CORRESPONDENCE

DEPARTMENT OF TRANSPORTATION

NORTH REGION ENVIRONMENTAL
DISTRICT 1, PO BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 445-6490
FAX (707) 441-5775
TTY 711



*Making Conservation
a California Way of Life.*

May 7, 2019

Dayna Bochco, Commissioner
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Eureka-Arcata Route 101 Corridor Improvement Project Coastal Development Permit Application

Dear Ms. Bochco:

Caltrans has been working closely with Coastal staff to reach the June agenda for our Eureka-Arcata Route 101 Corridor Improvement Project (Project), a major safety project on one of the most heavily traveled segments of highway on the North Coast. While we believe most of the public are in favor of the project, multiple letters were recently submitted to the Commission citing concerns about the scheduling of the hearing for June 2019. As discussed below, the Project should remain on the June agenda.

This Project has been an important part of the Safety Corridor improvements since it was introduced in 2001. Caltrans has taken and responded to public and agency comments through National Environmental Policy Act/California Environmental Quality Act (NEPA/CEQA) scoping in 2001, circulation of the Draft Environmental Impact Report/Statement (EIR/S) in 2007, the Coastal Consistency Certification process in 2013, and with publication of the Final EIR/S in 2017 and Record of Decision in 2017. The Final EIR/S identified the project alternative as Modified 3A. Caltrans is currently working with multiple agencies to secure the permits needed to reach construction. Caltrans has provided multiple opportunities for public comment throughout this process.

As to the timing and location of the hearing, while Caltrans would like to have projects heard locally, our project delivery timelines do not always coincide with the Commission's schedule and there is only one annual hearing on the North Coast. Further, the letter frames the Caltrans application as incomplete, which is inaccurate because Caltrans has been working with Coastal staff for years on the consistency conditions and developing suitable mitigation. As with any project of this size, there are expected to be numerous details to work out, and Caltrans has been responding to additional questions from Coastal staff to ensure the Commission has all the information it needs to approve the project in June.

Dayna Bochco, California Coastal Commission

Re: Eureka-Arcata Route 101 Corridor Improvement Project Coastal Development Permit Application

May 7, 2019

Page 2

In summary, Caltrans needs to receive all permits on this project in June to meet our delivery cycle deadlines, and there is no reason to delay or change the hearing scheduled. Caltrans is committed to delivering projects to the public on time to provide a safe transportation system for all users. These projects have many aspects that increase the safety for both workers and users of this corridor.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rich Mullen", is written over the typed name.

Richard Mullen

Caltrans District 1

Deputy District Director

Program/Project Management

c: Coastal Commissioners
John Ainsworth, Executive Director
Bob Merrill, North Coast Director

DEPARTMENT OF TRANSPORTATION

NORTH REGION ENVIRONMENTAL
DISTRICT 1, PO BOX 3700
EUREKA, CA 95502-3700
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TTY 711



*Making Conservation
a California Way of Life.*

May 3, 2019

Dayna Bochco, Commissioner
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Eureka-Arcata Route 101 Corridor Improvement Project Coastal Development Permit Application

Dear Ms. Bochco:

Caltrans has been working closely with Coastal staff to reach the June agenda for our Eureka-Arcata Route 101 Corridor Improvement Project (Project), a major safety project on one of the most heavily traveled segments of highway on the North Coast. While we believe most of the public are in favor of the project, Ralph Faust recently submitted a letter to the Commission citing concerns about the scheduling of the hearing for June 2019. As discussed below, the Project should remain on the June agenda.

This Project has been an important part of the Safety Corridor improvements since it was introduced in 2001. Caltrans has taken and responded to public and agency comments through National Environmental Policy Act/California Environmental Quality Act (NEPA/CEQA) scoping in 2001, circulation of the Draft Environmental Impact Report/Statement (EIR/S) in 2007, the Coastal Consistency Certification process in 2013, and with publication of the Final EIR/S in 2017 and Record of Decision in 2017. The Final EIR/S identified the project alternative as Modified 3A. Caltrans is currently working with multiple agencies to secure the permits needed to reach construction. Caltrans has provided multiple opportunities for public comment throughout this process.

Mr. Faust submitted letters about the project in 2007 and 2008 in response to the Draft EIR/S, and Caltrans responded to those letters in the Final EIR/S. Mr. Faust raised multiple issues, but primarily advocated for a signalized boulevard solution. Mr. Faust has had the opportunity to comment on the Project several times and has done so.

As explained in the Final EIR/S, the signalized boulevard solution did not meet the Project's purpose and need in reducing collisions. The signalized boulevard would potentially lead to more rear-end type collisions and might not reduce broadside collisions.

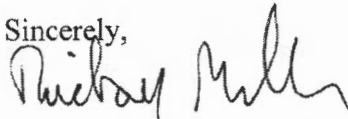
With multiple signals along the segment of highway there would be more congestion, and the need for more lanes at the signals. Additional lanes would create difficulties for crossing pedestrians and necessitate more wetland fill. Finally, slowing traffic along Route 101 with multiple signals would likely lead to increased traffic on Old Arcata Road and State Route 255, which would likely have negative impacts to communities along those routes.

Other points raised in Mr. Faust's letter, including the suggestion that key discretionary decisions have been improperly deferred (citing *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296) are incorrect, not properly before the Commission, have been addressed previously, and/or are not relevant to the scheduling issue that is the focus of his letter.

As to the timing and location of the hearing, while Caltrans would like to have projects heard locally, our project delivery timelines do not always coincide with the Commission's schedule and there is only one annual hearing on the North Coast. Further, Mr. Faust frames the Caltrans application as incomplete, which is inaccurate because Caltrans has been working with Coastal staff for years on the consistency conditions and developing suitable mitigation. As with any project of this size, there are expected to be numerous details to work out, and Caltrans has been responding to additional questions from Coastal staff to ensure the Commission has all the information it needs to approve the project in June.

In summary, Caltrans needs to receive all permits on this project in June to meet our delivery cycle deadlines, and there is no reason to delay or change the hearing scheduled. Caltrans is committed to delivering projects to the public on time to provide a safe transportation system for all users. These projects have many aspects that increase the safety for both workers and users of this corridor.

Sincerely,



Richard Mullen
Caltrans District 1
Deputy District Director
Program/Project Management

c: Coastal Commissioners
John Ainsworth, Executive Director
Bob Merrill, North Coast Director

May 6, 2019

Ali O. Lee
322 Rocky Creek Road
Bayside, CA 95524
(707)502-6011
aliollee@icloud.com

Bob Merrill
North Coast District Manager
California Coastal Commission
1385 8th Street, Suite 130
Arcata, CA 95521
bob.merrill@coastal.ca.gov

Re: Highway 101 Safety Corridor, between Eureka and Arcata (Humboldt County)

Dear District Manager Merrill,

Spring greetings. I am a Bayside, California resident and small business owner who frequently commutes the Highway 101 Safety Corridor between Eureka and Arcata (by bus, by bike, and by electric vehicle). Occasionally, when I return a truck to U-haul or when my vehicle breaks-down, I walk from the Jacobs Avenue neighborhood to Eureka, on the shoulder of Highway 101. After 22 years of living and working in Humboldt County, I know this corridor and user patterns on its adjacent corridors as well, having served on the Humboldt County Association of Government's Social Services Transportation Advisory Committee for three years. Since 2007, I have followed CalTrans' proposed project on this main artery between Humboldt's county seat and its university town. I am humbly submitting this request for the opportunity to voice local concerns to the California Coastal Commission, in-person, at a local Humboldt hearing this August.

If CalTrans updates its 2007 Humboldt County proposal before the Commission, in San Diego, this June 2019, I and my community would likely not be able to present our concerns about this multi-faceted project in-person. As you know, San Diego is approximately 700 miles and a 12-hour drive (nonstop) south of Eureka--a cost and time prohibitive distance that will deter public input at a hearing.

During CalTrans' April 22, 2019 presentation with a question and answer session, in Eureka, some of my main concerns and the public's questions were:

- Is CalTrans trying to circumvent public input by pushing for the hearing to be held in San Diego, in June, instead of in Humboldt this August?

- Why should CalTrans invest millions of dollars for a project--with only a 70-year lifespan --within a seismically active area, a Tsunami Evacuation Zone, a high subduction area, within the 100 year floodplain, adjacent to eroding railroad system berms (prisms), and one of the first areas to be impacted by sea-level rise?
- Specifically, how is CalTrans addressing sea-level rise adaptation with the Highway 101 corridor project besides reporting at the April 22, 2019 meeting, in Eureka: "we are working with the sea-level rise adaptation planning group."
- During the Highway 101 construction period, what is CalTrans doing to ensure the safety of pedestrians, cyclists and residents on the overflow corridors (that contain school zones) on Old Arcata Road/Myrtle Avenue and Highway 255/Samoa Boulevard?
- How much is the Highway 101 Corridor mitigation going to cost? Other parts of the project have been assigned estimated capital construction costs, but why has wetland mitigation not been assigned a value?

Clearly, the Humboldt community has need to discuss this project; listed on the dot.ca.gov website is the Eureka-Arcata Route 101 Corridor Improvement Project. Volume IV of IV is the Final Environmental Impact Report (2016) compilation of "Response to Comments: Public" containing 789 pages of public comments and agency responses. That large of a response is proof that the Humboldt community has had concerns about the project since CalTrans introduced it to the public in 2003, initially proposed it at the Commission hearing (in Humboldt) in 2007, and should have an opportunity to participate in another local hearing regarding changes to the corridor.

Thank you for helping to postpone the Commission's June 2019 San Diego hearing for CalTrans until the August 2019 meeting, in Humboldt County, so public comments can be made in-person, by the community, about this important corridor between Eureka and Arcata. Face to face, I would like to thank Commission members for having required billboard removals to restore coastal viewsheds of the Humboldt Bay and for allowing the accessible, northern part of the Humboldt Bay Trail. My spouse, who now uses a wheelchair, and I walk our dog regularly and watch sunsets over the bay from the new trail and look forward to the southern portion of the Bay Trail when it is built.

I appreciate the Coastal Commission's balanced oversight of CalTrans projects that tend to focus on the flow of motorized traffic and the needs of vehicle drivers at the cost of the environment and at the cost of the public's needs for safe, multi-modal transportation and the public's needs for accessing the enriching coast.

Sincerely,

Ali O. Lee

Bayside, CA Resident & Multi-modal Transit User of the Highway 101 Safety Corridor

cc: Administrative Staff Melisa Arellano melisa.arellano@coastal.ca.gov



May 2, 2019

Dayna Bochco, Chair
California Coastal Commission
4500 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: CalTrans' Eureka-Arcata 101 Corridor Project, Humboldt County

Dear Chair Bochco,

We are writing on behalf of the board, staff, and members of Humboldt Baykeeper and the Coalition for Responsible Transportation Priorities to respectfully request that your Commission hold a local hearing on the CalTrans' Eureka-Arcata 101 Corridor Project in Humboldt County, rather than rushing to hold a hearing in June in San Diego, as has been recommended by your staff.

Humboldt Baykeeper works to safeguard our coastal resources for the health, enjoyment, and economic strength of the Humboldt Bay community, and is a member of the California Coastkeeper Alliance and the international Waterkeeper Alliance. The Coalition for Responsible Transportation Priorities (CRTP) promotes transportation solutions that protect and support a healthy environment, healthy people, healthy communities and a healthy economy on the North Coast.

The Eureka-Arcata Route 101 Corridor Improvement Project ("Project") proposes to convert a 4-lane highway adjacent to Humboldt Bay into a freeway, closing all median crossings except one with a left-turn signal, and constructing an interchange at one intersection (Indianola Cutoff). The Project will significantly alter the character of the major route travelled between the two largest cities in the County, increasing the current speed limit of 50 mph that was enacted in 2002. This route is designated as the Pacific Coast Bikeway, and is frequently travelled by touring cyclists as well as bicycle commuters.

CalTrans submitted a Coastal Development Permit application for the Project in October 2018. Your staff requested additional information in November 2018. CalTrans responded a little more than 30 days ago, on March 26, but is now insisting that your Commission must agendize the CDP in June, when your hearing will be held in San Diego. Just two months later, in August, your Commission will hold its only hearing of the year in the North Coast District, which would give affected residents the opportunity to meaningfully engage in this last hurdle for a project

that will significantly alter a designated Coastal Scenic Area along the shoreline of the second largest estuary in the state.

This proposal has been in the planning process for more than 15 years. The Draft EIR/EIS was released in 2007. In 2013, your Commission held a Federal Consistency Determination hearing in Eureka, where more than 30 people testified and hundreds packed the room to observe the proceedings.

CalTrans held a public meeting on the Project on April 23 in Eureka, presenting an overview and inviting questions. The meeting was apparently designed to substitute for a local public hearing, but it was poorly advertised, with no mention of the CDP or pending Coastal Commission hearing whatsoever, and the public was instructed to focus on questions. Oral responses were provided by a panel of CalTrans and other agency staff. No documents were provided for the public to review in advance of the meeting. No recording of the meeting was made; rather, CalTrans staff apparently took notes summarizing attendees' questions and comments. The substance of this meeting was entirely adequate as a substitute for meaningful engagement, in large part because the exact nature of the final project was (and is) unknown.

According to the timeline presented by CalTrans at the meeting, the public would have approximately a week to review the Commission staff report – expected to be released May 31 – with a comment deadline of June 7. These comments would then presumably be incorporated into an addendum to the staff report and presented to Commissioners just days before the hearing, eliminating any opportunity for Humboldt County residents to consider other people's comments.

We have long anticipated the pending sea level rise analysis, wetland mitigation plans, billboard removal plan, and other components that were conditions of the Commission's 2013 concurrence on the Project. At a meeting with CalTrans staff on April 19, we were informed that the CDP application is not yet complete, and therefore no documents would be made available for public review until the Commission staff report is complete. Later that day, several draft documents were made available online, but at this time, these draft documents are the only new information that CalTrans has presented since your hearing in 2013.

CalTrans states that the reason this hearing must be held as far from the local community as possible is that funding for three small components of the Project must be allocated by June 30. We have seen no evidence to support this claim, but if it is true, CalTrans simply needs a better internal planning process.

It is unclear to us why the Commission staff would agree to rush a hearing on this Project, as we have been informed. There is no legal requirement to do so, and holding the critical, final hearing for this Project in San Diego – as far from the affected communities as possible, even though the Commission will hold its annual North Coast hearing just two months later – is inconsistent with the Commission's March 8, 2019 Environmental Justice Policy. The policy states that "The Commission is committed to identifying and eliminating barriers to its public process in order to provide a more welcoming, understandable and respectful atmosphere for those who may be

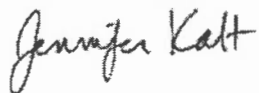
otherwise intimidated or deterred from taking part in government proceedings..." [page 9]. The policy also describes the following actions to implement the goal of **Public Participation**:

Make Commission meetings more geographically accessible, affordable and inviting to underserved communities ...; Explore ways to increase meeting accessibility through technology; Whenever possible, agendaize hearings that are relevant to disadvantaged communities at times and locations that are convenient for working families. Explore ways to expand public comment opportunities for these communities to encourage input [page 16-17].

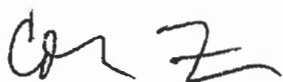
Holding this hearing in San Diego would most certainly create a major barrier to participating in the public process, given the distance and cost to travel there from Humboldt County. The airfare alone would cost over \$700 per person, and the other option is a 12-hour one-way drive.

For these reasons, we respectfully request that your Commission hold a local hearing on the CalTrans' Eureka-Arcata 101 Corridor Project in Humboldt County, where you are scheduled to meet in August. A local hearing will give the affected communities the opportunity to meaningfully engage, provide input, and consider fellow residents' views on the Project.

Sincerely,



Jennifer Kalt, Director, Humboldt Baykeeper
600 F Street, Suite 3 #810
Arcata, CA 95521
jkalt@humboltdbaykeeper.org



Colin Fiske, Executive Director, Coalition for Responsible Transportation Priorities
145 G Street, Suite A
Arcata, CA 95521
colin@transportationpriorities.org

Cc: Coastal Commissioners
Jack Ainsworth, Executive Director



Ralph Faust
P. O. Box 135
Bayside, CA 95524
April 29, 2019

Dayna Bochco, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Caltrans Highway 101 Corridor Project (Humboldt County)

Dear Chair Bochco:

I am a resident of the Humboldt Bay Area, and a daily user of the U. S. Highway 101 Corridor in Humboldt County. I write to the Commission to urge you to overturn your staff's decision to schedule a hearing at the Commission's June meeting in San Diego on an application for the above project that, as this letter is being written, is still being developed and has not yet been accepted for filing by your staff. Equally egregious, this hearing is proposed to be set, at the request of the applicant, and despite the controversy it has generated locally, at a location that is the farthest possible distance from the site of the proposed development; when a local hearing could and should instead be scheduled on the North Coast a mere two months later, in August.

U. S. Highway 101 is the only north/south through road in Humboldt County. In the Humboldt Bay area, it is similarly the only north/south through road, through Eureka, the County seat, past Humboldt Bay and Arcata, and on north to the Redwood parks and Oregon. Hwy. 101 is effectively a freeway south of Eureka, essentially from the Mendocino border, and again north from Arcata to Big Lagoon and past the Redwood Parks. Locally, the Eureka-Arcata Corridor is the principal thoroughfare in the Humboldt Bay area and the principal commute route between the major area communities. However, a critical stretch of the Eureka-Arcata Corridor of Hwy. 101 is not a freeway; it is a divided four lane highway, separated for most of its length by a mowed wetland. Critically, it is an old-fashioned road in the sense that for this six-mile stretch it has no stoplights or traffic controls, but permits limited cross traffic, which, particularly at one location, has generated collisions. The nominal purpose of the Caltrans U. S. Highway 101 Eureka-Arcata Corridor Improvement Project is to improve the safety profile of this section of the highway.

It is not as if this project is an emergency. Caltrans has been planning and developing its Corridor Improvement project for more than fifteen years, and internally, probably for decades

Caltrans Highway 101 Eureka-Arcata Corridor Project: Request for Local Hearing
April 29, 2019

longer than that. From the beginning, transportation issues related to the Corridor included not simply traffic safety, but also a possible freeway bypass of Eureka and a possible freeway through Eureka, as well as more pinpointed traffic management changes within the Corridor, including imposition of the safety features that are presently in place. Potential impacts to be considered with any of these proposals include preservation of access to existing businesses, preservation of wetlands and agricultural lands through which the Highway passes, sea level rise impacts and mitigation, visual impacts, alternate transportation modalities, both public and non-motorized, and access to the tidelands and along the shoreline. With so many intersecting issues, it was no surprise to area residents that at the Commission hearing on the Federal Consistency Certification in 2013, a room overflowing with concerned residents presented multiple points of view, ranging from the "speed up", the need to move at "highway" speed (as opposed to the present "safety corridor" speed) through the Corridor, to the "slow down", the desirability of putting in stoplights, slowing traffic down for this six-mile stretch rather than committing what could be hundreds of millions of dollars for development in a location about to be enveloped by the encroaching sea. And this was only about the purpose of the project; much more hearing time was spent and will be spent in the upcoming hearing on projected impacts and possible alternatives and mitigation.

Despite this, Caltrans doesn't want to wait to hear, or more important, to have the Commissioners hear what the community has to say about this project. Perhaps that is because they don't want to commit yet to a full and complete project description. Last Thursday Caltrans hosted, at the request of Commission staff, an open meeting to present a slide show of its project and have a Caltrans panel answer questions. After the meeting, because I am interested in the impacts of the project on the other roads in the area, both during its construction phase and operationally in the long-run, I asked a Caltrans official at the meeting if I could obtain a copy of their "Traffic Impacts/Operations Plan", to see what impacts they envisioned and how they proposed to deal with them. I was told that this plan was still in draft form and was being developed. Presumably Caltrans wants to postpone discussion of all of this by the public and the Commission, and instead argue that this should be subject to a "prior to issuance" condition, through which Caltrans and Commission staff will work it out privately, without those pesky public questions and opinions. Caltrans wants to do the same thing with sea-level rise impacts: build now, analyze and adapt later. The tidelands, the eelgrass, the wetlands, the taxpayers all may beg to differ. This is the problem: the project isn't even half-baked, it is still in the mixing bowl.

The Commission periodically used to be advised about the legal principles articulated in the case of Sundstrom v. County of Mendocino (1988) 202 Cal.App.3^d 296, 248 Cal.Rptr. 352. In that case the Court of Appeal held that to defer the assessment of environmental impacts and the imposition of mitigation measures, until a future date after the final decision by the decision-maker to approve the project, violated CEQA. Discretionary decisions regarding

impacts and mitigation cannot be deferred for a decision until after the key discretionary decision of project approval already has been made by the decision-maker. Approving this project based upon the information presently before the Commission would be a blatant violation of the Sundstrom principle, handing Caltrans an environmental carte blanche while it continues to develop the project. It is premature to schedule and to hear this project without complete information. It is unconscionable to schedule and hear this project at a location that prevents full public participation in the Commission's decision.

What is perhaps most interesting to those of us in the local community is the extent to which Caltrans has been proceeding on this as a stealth project. For years after the contentious consistency hearing, the public "word on the street" has been that the project was being studied internally, but didn't have funding commitments and might not go forward. It was a surprise when about a month ago word leaked that Caltrans had for some time been in discussions with Commission staff about a coastal development permit application for the project that they wanted scheduled for a hearing in June. The nominal reason for this is that Caltrans now has funding for some aspects of the project that will no longer be available after June 30. Whether there is any merit to this, or whether, as one Caltrans insider said: "that money probably can be moved almost as easily as moving your keys from one pocket to another", is something about which the Commission undoubtedly will debate. The reprogramming and movement of funds from one fiscal year to the next happens on major projects regularly.

But what the Commission needs to consider here is the judgment regarding comparative priorities. To think that this so-called funding crisis is a more important consideration than having a clear project description for staff and the public, and ultimately the Commission to review; or a more important consideration than having completed studies on the projected impacts, and based upon these studies having proposed alternatives and mitigation measures, again for the staff and the public, and ultimately the Commission to review; or a more important consideration than giving the public an opportunity to present its opinion in the locality of the project as opposed to approximately 800 miles away; all these may be judgments to which Caltrans executives subscribe. But for the rest of us it beggars the imagination.

That is the present issue for the Commission. Full public participation? Complete review of environmental impacts? Knowledgeable analysis of alternatives and consideration of mitigation measures based upon that review? Or an expedited hearing? You are being asked to schedule a hearing on a complicated and controversial project proposal, that has not even been formulated enough to be accepted for filing, nor been properly evaluated for its environmental impacts and the avoidance or mitigation of those impacts, and in which there is significant public interest, as soon as is legally possible, and as far away as possible from the project site,

rather than wait a mere two months to have a local hearing. This makes no sense. Please direct your staff not to schedule the hearing in San Diego in June; but rather to schedule it at your August meeting on the North Coast.

Thank you for your consideration.

Sincerely,



Ralph Faust

CC: Coastal Commissioners
John Ainsworth, Executive Director

Albion Bridge Stewards

A working group of the Albion Community Advisory Board

P.O. Box 363
Albion, CA 95410

By Electronic Mail and Facsimile

April 18, 2019

Mr. Matthew Brady
Director
Caltrans District 1
1656 Union Street
Eureka, California 95501
matthew.brady@dot.ca.gov
Fax: 1-707-445-5330

Dear Director Brady:

As you know, the Albion Bridge Stewards are diligently committed to the preservation, continuing maintenance, and completed seismic retrofit of the historic Albion River Bridge (#10-0136), as well as the maintenance (including re-pavement) of the nearby Salmon Creek Bridge (#10-0134), and appreciate the opportunity to work constructively with you and your staff to those ends.

As you may also know, following the cessation of geotechnical investigation-related activity by Caltrans and its contractors in the vicinity of the Albion River Bridge, we first sought a meeting to jointly brief Caltrans and Coastal Commission staff on our monitoring observations, findings, recommendations, and requests relating to those activities. When Caltrans project director Frank Demling declined that opportunity, we met with Coastal Commission staff in its North Coast District office on March 19. The next day, Mr. Demling proposed that we meet with him, the resident project engineer, and the project environmental staff person on April 18, 2019, in Fort Bragg, to which several of our members agreed. Regrettably, last week Mr. Demling has not only cancelled that meeting (pleading storm damage demands, among other grounds) and declined to set another date for that briefing. In addition, he has also once again erroneously sought to not only dismiss the important public interest monitoring work of the Stewards, but to also besmirch our character and intentions.

Because at present there appears to be no interest on the part of your staff to hear and see our detailed observations and photo-documentation, by this letter we provide you with the following summary of our monitoring findings. The Albion Bridge Stewards remain prepared, however, to provide you – and any of your staff that you direct – the detailed briefing regarding the monitoring findings, at a mutually convenient time and place.

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

Mr. Matthew Brady
Director, Caltrans District 1
April 18, 2019
Page 2

Summary of Key Albion Bridge Stewards Monitoring Results. Our monitoring and documentation indicate that Caltrans District 1 and its contractors did not perform the Albion River Bridge geotechnical development project that Caltrans proposed in its final project description, or as the Coastal Commission approved it subject to detailed terms and conditions (which Caltrans committed to fully implement). Instead, Caltrans - with remarkable disregard of, and disdain for, the California Coastal Act and the coastal permit - knowingly and intentionally performed a substantively different project, consisting of numerous unpermitted components. Notably, none of these project development components qualifies for exemption or exclusion from the CDP requirement, as Caltrans' own CDP application materials demonstrate. In doing so, Caltrans District 1 not only violated the regulatory requirements of the Coastal Act, but performed development (as defined in Coastal Act section 30106) that resulted in direct and ongoing cumulative adverse effects on protected coastal resources, the environment, and public safety.

These unpermitted development activities include, but are not limited to:

- Highway Closure. As parts of the project, Caltrans closed Highway 1 lanes for lengths substantially greater than the allowed maximum 3,000 feet, to facilitate unpermitted project staging areas, and for uses that the project transportation management plan did not address.
- Tree Removal. Caltrans impermissibly removed numerous trees from Albion Cove bluff that the Caltrans project application, prepared with the assistance of Coastal Commission staff and embraced by the Coastal Commission, designated for protection.
- ESHA Impacts. Caltrans removed protected environmentally sensitive habitat by impermissibly expanding the "disturbed surface areas" of drill sites; impermissibly created erosional channels by skid-hauling logged trees through fragile soils on the steep Albion Cove coastal bluff; and dumped cut vegetation on both it and Albion River bluff. Mobilized as a result of Caltrans' failure to install required functional erosion control best management practices (BMP's), some of that earthen material and vegetation have already been impermissibly dumped on Albion Cove intertidal beach.
- Grading and Earthwork. Caltrans performed unpermitted grading and earthwork, including during the rain season (when grading is prohibited), in at least 15 project areas. The unpermitted grading and earthwork included, but was not limited to, cut-bank, bench, and drilling fluid sump excavation of Albion Cove coastal bluff and bluff top; soil

disturbance associated with the aforementioned skid-logging of Albion Cove coastal bluff; and excavation and fill with boulders and rocks of an unpermitted new drainage outfall structure on Albion Cove coastal bluff (to serve the unpermitted cut-bank North Staging Area landing, while failing to install the check dams and other BMP's proposed in the CDP application and required by Coastal Commission issuance of the CDP).

- Bore Hole Relocation. Caltrans impermissibly relocated the bore hole for drill site 1 and performed an unpermitted inclined (to seaward) bore hole immediately adjacent to the Albion Cove bluff edge and face at drill site 8B.
- Seismic Refraction Surveys. Caltrans impermissibly performed seismic refraction survey lines 2 and 3 substantially outside their Caltrans-proposed and Coastal Commission-approved alignments and dimensions, and unlawfully performed c. 300 foot-long seismic refraction survey line 1 without any Coastal Commission-approved CDP. Performance of these seismic surveys during the rain season resulted in displacement of earthen materials that, in turn, has produced erosional scarps, slumps, and channels or depressions for infiltration of discharged drilling project fluids and stormwater runoff to ground, and associated localized erosion, including immediately adjacent to foundational elements of the historic Albion River Bridge.
- Project Schedule. Caltrans exceeded the allowed overlapping project components schedule, including, but not limited to, by performing grading after October 15, the start of the rain season.
- Site Restoration. Caltrans, for want of adequate project advance planning, management, and reckless unpermitted performance during the rain season, altogether failed to implement the required site restoration grading and revegetation.
- Public Safety. Unpermitted cut-bank excavation and southerly expansion of the North Staging Area landing, without even a temporary guard rail at its entrance, have created an unpermitted and unsafe vehicular entry, parking, and exit area adjacent to the blind curve of southbound Highway 1.
- Albion River Bridge Sign Removal. Caltrans at the start of the geotechnical project recklessly damaged the Albion River Bridge sign adjacent to the southbound Highway 1 travel lane, subsequently removed both it and the Bridge sign adjacent to the northbound

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Highway 1 travel lane, and has failed to replace them, with resultant denial of critical public safety and bridge locational information to the public that travels over the historic Bridge in the year of its 75th Anniversary.

- Improper Drilling Waste and Geotechnical Core Handling. Caltrans failed, over repeated multiple days, to secure, maintain chain of custody, and protect the public health and safety of numerous drilling mud waste barrels at and adjacent to drill sites 1, 2, 5, 6, 7B, 8B, and 8C. Further, Caltrans also failed to secure, maintain chain of custody, and protect some ten (10) boxes with project geotechnical investigation cores, including, but not limited to, by abandoning them adjacent to Highway 1 and to the winds/rains during up to three weeks in December, 2018.

These – and numerous other – project inconsistencies with, and violations of, the CDP and the Coastal Act have resulted in (1) an unsafe condition at the unpermitted cut-bank North Staging Area landing in the blind curve of Highway 1 just north of the bridge, where the public has begun to use the landing as a vehicle turnout; (2) removal and destruction of protected coastal resources; (3) erosion of the Albion Cove and Albion River bluffs; (4) discharge of solid and liquid project waste to ground and Albion Cove waters; (5) unmitigated destruction of the highly scenic quality of the Albion Cove and Albion River bluffs; (6) unpermitted interruptions of public access along Highway 1 between near PM 42.7 and near 44.3, and at the intersections of Highway 1 with Albion-Little River Road, Albion Ridge Road, and Spring Grove Road; and (7) a wind tunnel during prevailing northwesterly winds that is aimed directly at, and will accelerate weathering of, the northwestern end of the timber Albion River Bridge.

Conclusion. We therefore respectfully request that Caltrans (a) immediately submit an accurate and complete CDP application (or application to amend the issued CDP) that specifically and fully remediates each adverse effect of the project, while fully protecting the emergent and re-emergent sensitive coastal resources on the project areas, and (b) strictly avoid utilizing any unpermitted project component (including, but not limited to, the unpermitted cut-bank North Staging Area landing, the unpermitted southerly expansion of the South Staging Area, and the unpermitted grading envelope for drill site 1) for any purpose other than to immediately install a continuous temporary guardrail in the unprotected area north of the bridge and to fully restore the respective impacted sites, consistent with all applicable laws).

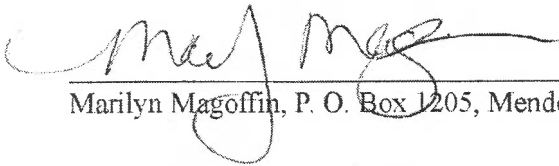
Please contact Albion Bridge Steward Jim Heid, P.O. Box 743, Albion, California 95410, if you would like to arrange the Stewards to brief you on these, and related other, findings from our

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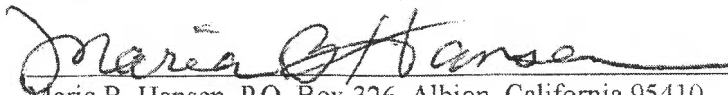
monitoring of the Caltrans Albion River Bridge geotechnical development project.

Truly yours,

For the Albion Bridge Stewards:



Marilyn Magoffin, P. O. Box 1205, Mendocino, California 95460



Maria B. Hansen, P.O. Box 326, Albion, California 95410



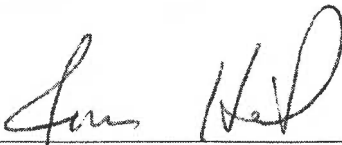
Annemarie Weibel, P.O. Box 566, Albion, California 95410



Arlene Reiss, P.O. Box 431, Albion, California 95410

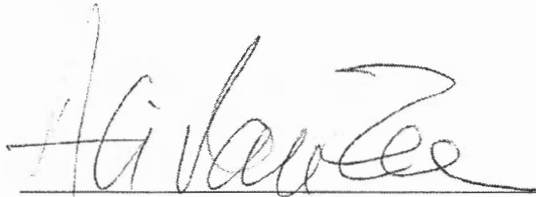


Warren DeSmidt, P.O. Box 523, Albion, California 95410

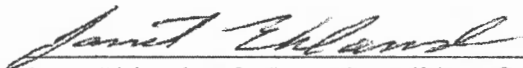


Jim Heid, P.O. Box 743, Albion, California 95410

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Ali van Zee, P.O. Box 2022, Fort Bragg, California 95437

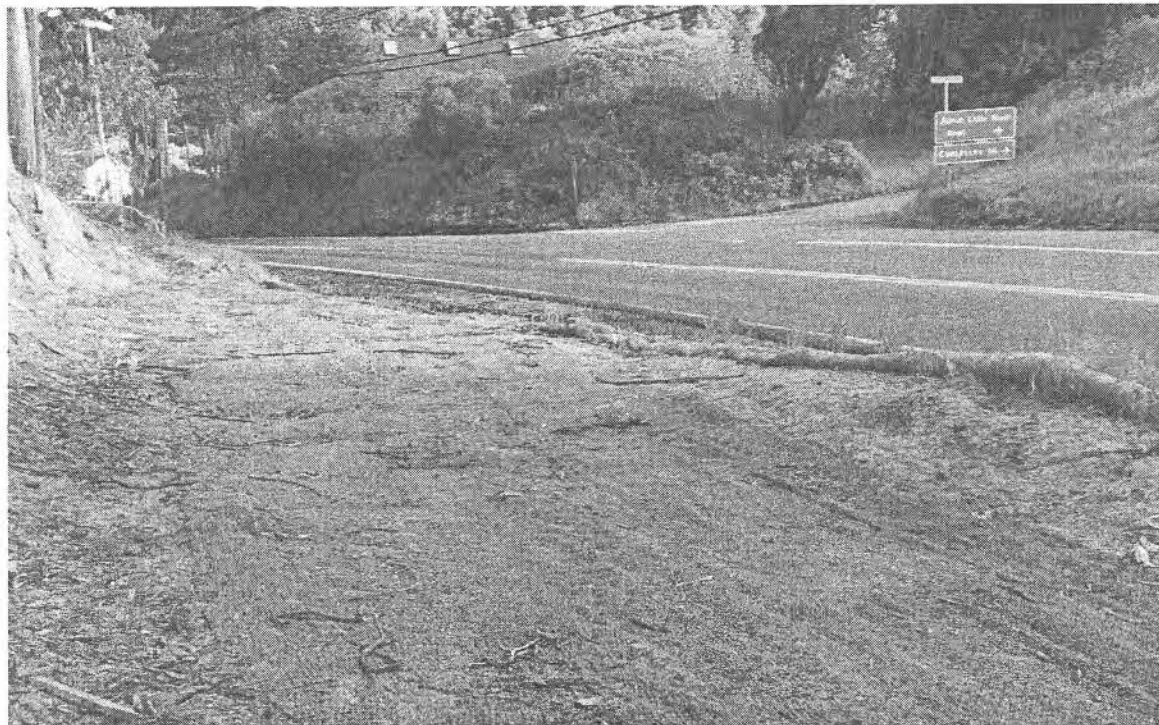


Janet Eklund, P.O. Box 186, Albion, California 95410

Enclosure: Monitoring photographs of the unpermitted cut-bank North Staging Area landing

c: Ms. Laurie Berman, Director, Caltrans (by email)
Mr. Richard Mullen, Deputy Director, Caltrans District 1 (by email)
Mr. Frank Demling, Caltrans Project Manager (by email)
Mr. John Ainsworth, Executive Director, California Coastal Commission (by email)
Mr. Robert Merrill, North Coast District Manager, California Coastal Commission (by email)

EXHIBIT 1. Caltrans unpermitted cut-bank North Staging Area landing.



Upper Photo: View of the North Staging Area cut bank landing, looking south toward the Albion River Bridge. March 4, 2019. The guardrail ends in the left center of this image. **Lower photo:** View looking north along the landing toward the unsecured entrance from Highway 1, with the blind south-bound curve and the Albion-Little River Road intersection beyond. April 9, 2019.

EXHIBIT 1, continued. View of a vehicle in the unsecured unpermitted North Staging Area landing, looking south toward the Albion River Bridge. Apr. 12, 2019.

