

F15a

4-21-0695 (Mussel Shoals Public Access Trail Enhancement, Caltrans)

DECEMBER 17, 2021

CORRESPONDENCE

From: [Rey Harmon](#)
To: [Fiala, Shannon@Coastal](#)
Cc: [Abigail.Convery@ventura.org](#); [Horn, Wesley@Coastal](#); [Engstrom, Aaron](#); [Winston.Wright@ventura.org](#); [Sanchez, Jordan@Coastal](#); [Pisano, Nick@DOT](#); [Dan Reddick](#); [The Brunners](#); [Dennis Longwill](#); [nharmon@countyofsb.org](#); [Chris Provenzano](#)
Subject: Re: ESHA near Cliff House Inn
Date: Wednesday, September 8, 2021 8:33:17 AM

Hi Shannon and team,

In addition to the questions included in the email I sent yesterday, my neighbors and I have some additional questions about the project (waiver 4-21-0371-W) that came to mind after reviewing the document (Deputy Director's Report dated June 4, 2021):

1. Can you please clarify what the noticing requirements were for this De Minimis waiver? The language states that 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. My neighbors and I walk this area daily and did not see a posted notice. Also, was a notice required to be mailed to residents in the vicinity?
2. We heard that construction is proposed to start this October. Is this accurate? Does Caltrans have all of the necessary permits and/or waivers needed at this time to begin construction? If not, what other requirements/permits are pending?
3. Can we please get more information regarding ECDP 4-05-035-G? Did Caltrans get the required follow-up CDP or is the violation still open for investigation?
4. Is the biologist assessment which discusses no ESHA/no sensitive species available for our review?
5. The rationale states that "*This project is necessary to restore previously existing public access at this location.*" Can you please provide more information about this? There has never been existing permanent access at this location so it would be a new path being created rather than an old one being restored.

Thank you in advance for your help with this,
Rey

On Tue, Sep 7, 2021 at 5:43 PM Rey Harmon <nmontano11@ucsbalum.com> wrote:

Hi Shannon,

Thanks so much for this info.

Are there plans available that I can share with my neighbors (cc'ed herein)? Or any other pertinent documents or information you can share? I see that the waiver says that "*Prior to construction signage will be installed directing beachgoers to another accessway in the immediate area.*" Can you please let us know what other accessway beachgoers will be directed to?

Thanks,
Nereyda (Rey) Harmon

6632 Old PCH
818-926-0195

----- Forwarded message -----

From: Fiala, Shannon@Coastal

<shannon.fiala@coastal.ca.gov> Date: Tue, Sep 7, 2021 at 3:34 PM

Subject: RE: ESHA near Cliff House Inn

To: Abigail.Convery@ventura.org <Abigail.Convery@ventura.org>, Rey Montano <nmontano11@ucsbalum.com>

Cc: Horn, Wesley@Coastal <Wesley.Horn@coastal.ca.gov>, Engstrom, Aaron

<aaron.engstrom@ventura.org>, Winston.Wright@ventura.org

<Winston.Wright@ventura.org>, Sanchez, Jordan@Coastal

<Jordan.Sanchez@coastal.ca.gov>, Pisano, Nick@DOT <Nick.Pisano@dot.ca.gov>

Hi Abigail and Rey,

Thanks for your inquiry. Here is the link to the waiver for the public accessway that was approved by our Commission in June 2021:

<https://documents.coastal.ca.gov/reports/2021/6/F7/F7-6-2021-report.pdf>). Our biologist reviewed the vegetation survey provided by Caltrans for this project and came to the conclusion that "The vegetation that is proposed to be removed does not constitute environmentally sensitive habitat area (ESHA) nor include any individual sensitive species and is anticipated to naturally revegetate after construction," as stated in the waiver. Please let me know if have any additional questions.

Also, please note that Wes Horn has transferred to another unit and Jordan Sanchez (cc'd) has backfilled Wes's vacancy as the Senior Coastal Planner covering Ventura County on the Commission's Statewide Transportation team.

Best regards,

Shannon Fiala | Southern California Coastal Program Manager
Statewide Transportation Program
California Coastal Commission

[Please note that I am working fully remotely at this time.]

-----Original Message-----

From: Convery, Abigail <Abigail.Convery@ventura.org>

Sent: Tuesday, September 7, 2021 12:56 PM

To: Rey Montano <nmontano11@ucsbalum.com>

Cc: Engstrom, Aaron <aaron.engstrom@ventura.org>; Horn, Wesley@Coastal

<Wesley.Horn@coastal.ca.gov>; Wright, Winston <Winston.Wright@ventura.org>

Subject: RE: ESHA near Cliff House Inn

Hi Rey,

I was not aware of this project.

However, I am forwarding your question on to Wesley Horn with the Coastal Commission who works with Caltrans on these types of projects and some management staff here in the Planning Division to find out what they know about this project.

Thank you for taking the time to inquire about this.

Sincerely,
Abigail

Visit the Planning Division website at <https://www.vcrma.org/divisions/planning/>

Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

Abigail Convery
Planner III/Planning Biologist

Phone: 805-654-2489

Fax: 805-654-2509

Email: abigail.convery@ventura.org

800 S. Victoria Ave., L #1740
Ventura, CA 93009-1740

-----Original Message-----

From: Rey Montano <nmontano11@ucsbalum.com>

Sent: Monday, September 6, 2021 9:20 AM

To: Convery, Abigail <Abigail.Convery@ventura.org>

Cc: The Brunners <ptbreak2@gmail.com>; Dennis Longwill <dlongwill123@gmail.com>

Subject: ESHA near Cliff House Inn

Hi Abigail,

My neighbors and I heard mention of a public beach trail going in right near the Cliff House Inn cul de sac, along the bike trail wall leading down to the beach. We heard construction will start in October. This is very concerning to us given the Saltbush/ESHA in this location. Do you know anything about this, and can you provide us with more information if you do? Or perhaps connect us with the appropriate contact?

Thank you,
Nereyda (Rey) Harmon
6632 Old PCH
818-926-0195

Sent from my iPhone

September 8, 2021

California Coastal Commission
South Central Coast District Office
89 South California Street, Suite 200
Ventura, CA 93001
Sent via email

Attention: John Ainsworth

Reference: Coastal Development Permit De Minimis Waiver
Waiver: 4-21-0371-W

Subject: Dispute "Rationale" Use to Approve CDP Waiver to
Construct Accessway at Cliff House Inn Public Parking Area

Dear Mr. John Ainsworth,

With all due respect the community of Mussel Shoals disputes the rationale used to approve the Coastal Development Permit De Minimis Waiver 4-21-0371-W and **request that the approval of this CDP waiver be overturned and denied**, due to the following:

- The project is not minor in nature. A combined path and major stair structure 100' in length, immediately adjacent to the beach and Environmentally Sensitive Habitat Area (ESHA) along the California Coast is a large project.
- The waiver states that the *"...project is necessary to restore previously existing public access..."* This is incorrect as there has never been a stair structure or established 5' wide beach path in the proposed location.
- The waiver states the *"vegetation to be removed does not constitute environmentally sensitive habitat area (ESHA)"*. This is incorrect given that the California Saltbush habitat in this area is ESHA, as defined by the Ventura County Coastal Zoning Code. In a recent Ventura County Planning appeal case (Case No. PL 19-0040), AT&T proposed a telecommunications facility in a nearby Caltrans area but the Ventura County Planning Commission and ultimately the Board of Supervisors both upheld our community's appeal and denied AT&T's proposed Conditional Use Permit, one of the reasons being the California Saltbush/ESHA in the proposed project location.
- The waiver states that *"there are no individual or cumulative adverse impacts on coastal resources"* which is incorrect. The proposed project would not comply with applicable Chapter 3 policies of the Coastal Act. The installation of the stairway and path will direct excessive public traffic to a tide pool area that is identified by Ventura County as Environmentally Sensitive Habitat Area. As we understand, the California Coastal Commission charter specifically states that human public traffic will be directed away from Environmentally Sensitive Habitat Areas.

The tide pools are a pristine environment offering shelter and food to numerous ocean and land species. Directing the public to these locations where we witness mussels and clams being picked away and rocks being overturned so that hiding starfish and octopi are harassed and taken is unconscionable and irresponsible.

- Inviting the public to an area that is already very crowded on weekends and whenever there is surf will have a negative impact on the flora and fauna in Mussel Shoals. We constantly see people urinating and even defecating in vegetated areas due to the lack of restrooms.
- The Ventura County Fire Department has expressed concerns regarding the lack of a turn-around in our community. The public should be directed away from the Cliff House Inn cul de sac as opposed to being invited to this location. We see car accidents and road rage in our community because it is already so crowded. In a recent incident the Fire Department was not able to make it to a neighbor's house who needed medical attention in timely manner, due to traffic from Cliff House Inn clients, surfers, and beachgoers.

It should also be noted that the Community of Mussel Shoals was not notified of this project, public outreach was not conducted, design of the project was not conducted, legitimate review for compliance with California Environmental Quality Act (CEQA) was not performed, and environmental review documentation (including a biological assessment) was not made available.

The process to review this project does not reflect the core values of the California Coastal Commission nor the Community of Mussel Shoals.

Please deny this project and perform a complete due diligence analysis before allowing the destruction of the Environmentally Sensitive Habitat Areas in our community.

Sincerely,



Nereyda (Rey) Harmon on behalf of the Concerned Citizens of Mussel Shoals

Attachment: Email chain dated September 6 – 8, 2021 (4 pages)

cc (via email): Dennis Longwill, Mussel Shoals homeowner
Dan Reddick, Mussel Shoals homeowner
Chris Provenzano, Mussel Shoals homeowner
Robert Brunner, Mussel Shoals homeowner
Shannon Fiala, California Coastal Commission
Wesley Horn, California Coastal Commission
Jordan Sanchez, California Coastal Commission
Nick Pisano, Department of Transportation
Abigail Convery, County of Ventura
Aaron Engstrom, County of Ventura
Winston Wright, County of Ventura

From: [Rey Harmon](#)
To: [Fiala, Shannon@Coastal](#)
Cc: [Abigail.Convery@ventura.org](#); [Winston.Wright@ventura.org](#); [nharmon@countyofsb.org](#); [Ainsworth, John@Coastal](#); [Engstrom, Aaron](#); [Sanchez, Jordan@Coastal](#); [Pisano, Nick@DOT](#); [Dan Reddick](#); [The Brunners](#); [Dennis Longwill](#); [Chris Provenzano](#)
Subject: Re: Opposition to CDP Waiver - Mussel Shoals Public Path
Date: Thursday, September 16, 2021 7:55:46 AM

Hi Shannon,

We are still reviewing the materials you provided, thanks again for these.

Mailed Notice: We want to ensure that California Coastal Commission staff notes that we did not receive the mailed notice that was allegedly sent out to everyone within 500ft. I see that my personal address is listed as "Pacific Coast Highway" instead of "Old Pacific Coast Highway". Perhaps that is why it was not received? However, I have discussed with multiple neighbors in the last few days and so far nobody on that list received a mailed notice. My neighbors and I are careful in sorting through our mail, which often includes County of Ventura mailed notices sent out for projects around our neighborhood.

Current CDP: You mentioned that Caltrans applied for a new CDP. Will the project be processed as a formal CDP, not a De Minimis Waiver? Will there be an appeal period? Can you please email me a copy of the application and materials they recently submitted?

Caltrans: If the applicant representative is willing to reach out to me to discuss the project with our community and hear our concerns it would be greatly appreciated. I am also happy to reach out to them if possible. Please advise. Can you please provide us with the contact information for whoever is in charge of this project?

Thank you,
Nereyda (Rey) Harmon
6632 Old PCH

On Fri, Sep 10, 2021 at 2:38 PM Rey Montano <rmontano11@ucsbalum.com> wrote:

Hi Shannon,

Thank you very much for this information. We will review and reach out with any questions.

Have a great weekend,
Rey

Sent from my iPhone

On Sep 10, 2021, at 2:08 PM, Fiala, Shannon@Coastal
<shannon.fiala@coastal.ca.gov> wrote:

Dear Ms. Harmon,

Because Caltrans did not post notice at the site, as required by Commission regulations sections 13054(d) and 13238.1, this waiver has been deemed ineffective and today Caltrans resubmitted the CDP application for the project, which will be noticed and put on a future Commission hearing agenda.

Please see the following responses in **bold** to your questions from 9/7 and 9/8:

- Are there plans available that I can share with my neighbors (cc'ed herein)?
Please see attached project plans (titled BeachAccessTrail).
- I see that the waiver says that "*Prior to construction signage will be installed directing beachgoers to another accessway in the immediate area.*" Can you please let us know what other accessway beachgoers will be directed to? **The beach is located at the corner of Ocean Avenue and Breakers Way. See attached signage that would be posted prior to construction (titled 3311U – Beach Access Diversion v3).**
- Can you please clarify what the noticing requirements were for this De Minimis waiver? **The noticing requirements are contained in Sections 13238.1 and 13054(d) of the Commission's regulations.**

13238.1 states: The executive director may issue a waiver from permit requirements after review of a completed permit application. If, upon review of the application, the executive director determines that the permit requirements may be waived, the applicant shall post public notice as required by Section 13054(d), and shall provide any additional notice to the public that the executive director deems appropriate. The executive director shall notify any person known to be interested in the proposed development of the proposed waiver.

13054(d) states: 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 a permit 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 shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to sign the declaration of posting, the executive

director of the commission shall refuse to file the application.

- Also, was a notice required to be mailed to residents in the vicinity? **Notice for the waiver was mailed to the addresses in the attached mailing list (titled 500 foot radius mailing list). See also the attached noticing map (titled 500 foot buffer map).**
- We heard that construction is proposed to start this October. Is this accurate? **Construction has been delayed to early 2022 and until a CDP is approved for the project.**
- Does Caltrans have all of the necessary permits and/or waivers needed at this time to begin construction? **Yes, the only permit required for this work is authorization from the Coastal Commission. See attached consolidation request from Ventura County (titled 2021-05-27 Caltrans Consolidated CDP – Mussel Shoals Beach Access)**
- Can we please get more information regarding ECDP 4-05-035-G? **See attached (titled 4-05-035-G Caltrans).**
- Did Caltrans get the required follow-up CDP or is the violation still open for investigation? **To date, a follow-up CDP has not been approved and Commission enforcement staff have opened a violation, V-08-063, to resolve the matter. Approval of the proposed accessway in this waiver did not obviate the requirement to resolve the outstanding violation and permanently authorize or remove the development authorized in the ECDP.**
- Is the biologist assessment which discusses no ESHA/no sensitive species available for our review? **See the attached Natural Environment Study (titled NESMI Mussel Shoals beach access path). The CCC biologist did not prepare a written assessment, besides what was described in the waiver. The staff report for the CDP will include a discussion of biological resource impacts.**
- The rationale states that “This project is necessary to restore previously existing public access at this location.” Can you please provide more information about this? There has never been existing permanent access at this location so it would be a new path being created rather than an old one being restored. **An informal public access path existed at this location prior to the placement of the revetment.**

Please let me know if you have additional questions.

Best regards,
Shannon

From: Rey Harmon <nmontano11@ucsbalum.com>
Sent: Wednesday, September 8, 2021 3:08 PM
To: Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>
Cc: Fiala, Shannon@Coastal <shannon.fiala@coastal.ca.gov>;
Abigail.Convery@ventura.org; Horn, Wesley@Coastal
<Wesley.Horn@coastal.ca.gov>; Engstrom, Aaron <aaron.engstrom@ventura.org>;
Winston.Wright@ventura.org; Sanchez, Jordan@Coastal
<Jordan.Sanchez@coastal.ca.gov>; Pisano, Nick@DOT <Nick.Pisano@dot.ca.gov>;
Dan Reddick <danreddick60@gmail.com>; The Brunners <ptbreak2@gmail.com>;
Dennis Longwill <dlongwill123@gmail.com>; Chris Provenzano <chrispy@west.net>;
nharmon@countyofsb.org
Subject: Opposition to CDP Waiver - Mussel Shoals Public Path

Dear Mr. Ainsworth,

Please see attached for a letter from members of our Mussel Shoals community regarding a CDP De Minimis Waiver which was recently approved. Note that this issue is time sensitive since our community was told that construction of the public path would start next month in October.

Thank you for your attention to this matter. We look forward to hearing back.

Sincerely,

Nereyda (Rey) Harmon
6632 Old Pacific Coast Highway
Ventura, CA 93001
(818) 926-0195

<BeachAccessTrail.pdf>
<3311U - Beach Access Diversion v3.pdf>
<500 foot buffer map.pdf>
<500 foot radius mailing list.csv>
<4-05-035-G CalTrans.pdf>
<NESMI Mussel Shoals beach access path.pdf>
<2021-05-27 Caltrans Consolidated CDP - Mussel Shoals Beach Access.pdf>

From: [Rey Harmon](#)
To: [Medina, James@DOT](#)
Cc: [Fiala, Shannon@Coastal](#); [Pisano, Nick@DOT](#); [The Brunners](#)
Subject: Nov 5 Community Meeting Letter - Mussel Shoals Beach Trail
Date: Monday, November 1, 2021 3:56:59 PM
Attachments: [BayNewTrail_Oct2021 \(1\).docx](#)

Hi Mr. Medina,

On behalf of Robert and Janet Brunner, I am submitting the attached letter to be included in the record for the community meeting of November 5, 2021, regarding the Mussel Shoals Beach Trail project.

Thank you,
Nereyda (Rey) Harmon

Opposition to Mussel Shoals beach public access trail south of Cliff House Inn
October 27, 2021

I, Robert Brunner, a 50 year resident of Mussel Shoals located at 6640 Old PCH, Ventura oppose the Cal Trans project to create a new beach access trail located at the cul-de-sac south of the Cliff House Inn. Currently there is a safe trail to the beach. Access from the Oil Piers area is available by bicycle path and low tides. My many reasons for this opposition are:

The removal of ESHA with many current animals and birds living in the proposed area.

Removal of 3 public parking spaces as part of the trail. The community does not have enough parking spaces for residents and the Cliff House does not have adequate parking for their booming restaurant and Inn. The over flow parking from the Cliff House ends up with customers using Old PCH to park. There has been fights over parking in the community.

There are many problems with the cul-de-sac such as-trash everywhere with NO pick up, camping, drugs including syringes, women's panties hanging from the brush, always urine and excrement present. The cul-de-sac has been an easy spot for crime, drug deals and panga boat landings-most recent was June of this year. NO restroom for the public that visit our beaches daily.

NO help from county for trash pickup on the trail and cul-de-sac. The cul-de-sac was designed for use as a turnaround for the public and Fire Dept to fight any fires that may occur at the Cliff House. There are no intelligent turn arounds in the entire community. The other cul-de-sacs are used by the public as parking. Several large truck deliveries for the Cliff House not to mention large trash trucks that do not keep up with the Inn and restaurant trash.

The cul-de-sac is supposedly owned by Cal Trans which has needed the asphalt to be resurfaced for many years.

One has to wonder why this project is being considered with the very real issue of "Rising" sea level that is already occurring here already. The area from the pier to the Cliff House has been set aside as designated Coastal Commission Tide Pools. This area should have been protected as a Marine sensitive area. So many visitors take rocks and marine species from our tide pools daily and at night. We do not have any tide pool Etiquette signs alerting the public.

Panga boat issues:

In June of this year we had a panga boat with approximately 25 immigrants escape using this public access trail. Over the last several years many panga boats have used our beaches here and at Oil Piers for dropping off immigrants and Drugs. There was also one that was spotted by law enforcement so the occupants escaped into our community. Approximately 2 weeks ago residents here spotted a man on the rocks here signaling using a red light for the boat to come in near Seacliff beach area.

In 2009 a man entered a home from the beach in Faria and murdered the 2 adults to death during a robbery. We ask that you please shelve this project and help keep our community safe. We need help to protect our tide pools instead of adding more problems at the proposed location.

From: [Rey Harmon](#)
To: [Medina, James@DOT](#)
Cc: [Fiala, Shannon@Coastal](#); [Pisano, Nick@DOT](#); [The Brunners](#)
Subject: Re: Nov 5 Community Meeting Letter - Mussel Shoals Beach Trail
Date: Monday, November 1, 2021 4:35:10 PM

Thank you Jim, appreciate the update. Here is a list of questions from me and a few neighbors:

- Are there plans to include trash cans in any of the Caltrans areas in our community, including on or near this proposed trail? There is a lot of trash around that some of us residents pick up daily.
- Are there any considerations to add restrooms in this area? We see people urinating in Caltrans areas on a daily basis. If more people are invited to the area, the problem will get worse.
- We understand that maintaining Caltrans areas is not easy particularly due to understaffing. How will this trail be maintained? Will trash be cleaned up by Caltrans? Will graffiti be removed? Currently local residents remove graffiti in Caltrans areas
- Is the project proposal still to remove 1,500sq ft of vegetation? As some neighbors have previously stated, there are many small mammals that use the native California Saltbush as habitat, and many different bird species that use this area to hunt. It's one of the very few areas here where we still have native vegetation. Instead of removing this native habitat for local species please consider cleaning the area. Some of the residents clean up trash in this area daily
- Please see the attached photo which was taken on October 26, 2021, a Tuesday when the surf was starting to get good and we began having a lot of cars driving into Mussel Shoals. This is typical when the surf is good and on weekends. Cliff House Inn management has to put up this sign so that beachgoers and surfers don't take up the parking of their employees or guests. The newly installed green sign behind it, "Mussel Shoals Beach & Trail Parking", is contradictory to this Cliff House Inn sign that says "Customer Parking Only". We should not be inviting more cars and people to an area that already gets dangerously congested

Nereyda (Rey) Harmon

On Mon, Nov 1, 2021 at 4:16 PM Medina, James@DOT <James.Medina@dot.ca.gov> wrote:
Rey Harmon,

I appreciate you sending. I have received many acceptances to the meeting, which is good, but no questions until this letter. I will share with our team. I look forward to the meeting. Thank you.

Jim Medina

On Nov 1, 2021, at 4:00 PM, Rey Harmon <nmontano11@ucsbalum.com> wrote:

EXTERNAL EMAIL. Links/attachments may not be safe.

Hi Mr. Medina,

On behalf of Robert and Janet Brunner, I am submitting the attached letter to be included in the record for the community meeting of November 5, 2021, regarding the Mussel Shoals Beach Trail project.

Thank you,
Nereyda (Rey) Harmon

Please see the attached photo which shows illegal parking in the area. The photo was taken today at 12:00pm. We were in the area and saw the illegal parking. We are in the process of removing the vehicles and parking concerns. Thank you.

Best regards,

Best regards my iPhone



From: [Rey Harmon](#)
To: [Medina, James@DOT](#)
Cc: [Kibe, Joseph@DOT](#); [Pisano, Nick@DOT](#); [Heather Anderson](#); [Andie Tempelis](#); [Neila Beam](#); [nharmon@countyofsb.org](#); [The Brunners](#); cc: [Cliff h](#); [Cliff House](#); [Wil & Janet](#); [Pat Ralph](#); [Dennis Longwill](#); [greg & vanna machado](#); [David Chernof](#); [Steve Kohler](#); [Pamela Worden](#); [Jim Elroy 305 798 8130](#); [Kathy Elroy](#); [Mary & Ken Richardson](#); [Haggerty](#); [Shana](#); [Margie Badger](#); [John Morehart](#); [Dan Reddick](#); [Kara Reddick](#); [Jena](#); [Justin Boose](#); [joepavel@awrswheelrepair.com](#); [karen Borchard](#); [Cindy/Donovan Taylor](#); [Ed Banman](#); [Jill Banman](#); [evetsotto@hotmail.com](#); [dgb6707@msn.com](#); [Susan Pinkerton](#); [Nancy rick](#); [Rick Otto](#); [Dusty](#); [Stacy hatch](#); [Madres](#); [Jack & Cindy](#); [Jack & Cindy](#); [carmatta@hughe.net](#); [rkmdhm@hughes.net](#); [Kathryn Cox](#); [Kimbrough](#); [Seppi Esfandi](#); [Marla](#); [Carlson](#); [Aimee Carlson](#); [ken high](#); [Tom MS](#); [Eric & Sam](#); [Peter Benedek](#); [ferro](#); [Buz Benner](#); [Annie & Christian Marthiens](#); [Todd & Dianne](#); [Robert Ms](#); [Susan Johnson](#); [Lisa Istanson Stanson](#); [stanson@alumni.duke.edu](#); [ray](#); [James Carlson](#); [Douglas Schyler](#); [Bryan](#); [Phan, Sean@DOT](#); [Chris Provenzano](#); [Fiala, Shannon@Coastal](#); [abigal.convery@ventura.org](#); [Ainsworth, John@Coastal](#)
Subject: Re: Caltrans Presents Plans for Improving Beach Trail at Mussel Shoals
Date: Wednesday, November 3, 2021 10:01:46 PM

Hi Mr. Medina,

Along with the questions that I have already submitted (included at the bottom of this email for reference), please also include the following to the list of comments to discuss during the community meeting of Friday, Nov 5:

Comments regarding the Natural Study Environment Report for the proposed project:

1. The field survey was conducted on February 3, 2021, in the middle of winter. It is cold out and mammals and birds that use the native vegetation area as habitat and/or for hunting would be observed a lot less frequently if at all. A biological survey of this type should be conducted in the spring.
2. The report implies that there would be no impacts to any species at all but the project proposes to remove native vegetation habitat. Local residents see many mammals, lizards and birds including Night Herons and Great Egrets in this area. Rather than removing the vegetation in this area, the vegetated area should be cleaned of trash (including the unfortunate amount of cigarette butts) and regularly maintained to remain as one of the few native vegetation left in the area. Removal of this type of native vegetation is resulting in very little habitat left for many local species which is a serious cumulative impact.
3. The report states that *"The Division of Environmental Planning recommends installing an informative placard that discusses the importance of protecting and conserving marine tidepool habitat."* An informative placard of this type would be great and supported by many in our community. However, without trash cans or bathrooms, the public would be invited to litter and destroy these marine tidepool habitats along with the native vegetation habitats. One idea and serious request is not removing the native vegetation and also installing an informative placard that discusses the importance of protecting, maintaining, and conserving native vegetation such as the native Saltbush which is drought-tolerant and commonly used to control erosion and for bank stabilization (particularly important in this sloped area).

Previously submitted questions:

- Are there plans to include trash cans in any of the Caltrans areas in our community, including on or near this proposed trail? There is a lot of trash around that some of us residents pick up daily.

- Are there any considerations to add restrooms in this area? We see people urinating in Caltrans areas on a daily basis. If more people are invited to the area, the problem will get worse.
- We understand that maintaining Caltrans areas is not easy particularly due to understaffing. How will this trail be maintained? Will trash be cleaned up by Caltrans? Will graffiti be removed? Currently local residents remove graffiti in Caltrans areas
- Is the project proposal still to remove 1,500sq ft of vegetation? As some neighbors have previously stated, there are many small mammals that use the native California Saltbush as habitat, and many different bird species that use this area to hunt. It's one of the very few areas here where we still have native vegetation. Instead of removing this native habitat for local species please consider cleaning the area. Some of the residents clean up trash in this area daily
- Please see the attached photo which was taken on October 26, 2021, a Tuesday when the surf was starting to get good and we began having a lot of cars driving into Mussel Shoals. This is typical when the surf is good and on weekends. Cliff House Inn management has to put up this sign so that beachgoers and surfers don't take up the parking of their employees or guests. The newly installed green sign behind it, "Mussel Shoals Beach & Trail Parking", is contradictory to this Cliff House Inn sign that says "Customer Parking Only". We should not be inviting more cars and people to an area that already gets dangerously congested

Thank you,
Nereyda (Rey) Harmon
(818) 926-0195

On Wed, Nov 3, 2021 at 7:21 PM Rey Harmon <reyyharmon@gmail.com> wrote:

Mr. Medina,

Please see the attached letter which is being submitted by a concerned resident of Mussel Shoals, to be included in the record for the meeting of Nov 5.

Thank you,
Nereyda (Rey) Harmon

On Wed, Nov 3, 2021 at 11:42 AM Rey Harmon <reyyharmon@gmail.com> wrote:

Hi Mr. Medina,

When can we expect to receive the Webex meeting link and phone call-in information for this Friday's meeting?

Thank you,
Nereyda (Rey) Harmon

On Wed, Nov 3, 2021 at 11:31 AM Chris Provenzano <chrispy@west.net> wrote:

Dear Mr. Medina,

Thank you for an opportunity to share my reasons for opposing this Caltrans project.

1. The proposed cul-de-sac parking adjacent to the Cliff-house Inn is insufficient. Innworkers, delivery trucks, Inn visitors & guests park there. At times vehicles are 3-car deep. Inviting additional parking to this area would create a negative impact.
2. I see no evidence of Caltrans obtaining either the California Highway Patrol or FireDepartment's approval for said project. Without an official review of the above agencies that your project will not exacerbate the already dangerous condition at the ingress & egress site to Mussel Shoals, this project should not proceed.
3. The proposed site is inhabited by ESHA. The abundant, and very old, Saltbush plant is an environmentally protected habitat and should not be disturbed. I have observed a rabbit colony existing within the habitat, and they should not be disturbed.
4. The project/site is dangerous and could become an attractive nuisance. It offers teenagers an opportunity to injure themselves. I have witnessed surfers jumping off the edge of Rincon causeway with surfboard in hand directly into the ocean.

Respectfully submitted,
Chris Provenzano-Chernof

Sent from my iPad

On Oct 28, 2021, at 9:01 AM, Medina, James@DOT
<James.Medina@dot.ca.gov> wrote:

The California Department of Transportation (Caltrans) will present plans to replace a dirt trail over rocky terrain with a safer access path to a public beach at Mussel Shoals, based on recommendations from several agencies including the California Coastal Commission. A virtual community meeting will be held from **4 p.m. to 5 p.m. Friday, Nov. 5.**

AGENDA

Introduction: Public Information Officer Jim Medina

Presentation: Caltrans District 7 Project Manager Joseph Kibe presents PowerPoint overview of an access path featuring a staircase down a rocky slope to a public beach at Mussel Shoals.

Inquiries: Caltrans responds to questions residents submit prior to the meeting.

Comments: Floor is open to the community for comments.

Close: Caltrans District 7 Project Manager Joseph Kibe

<mime-attachment.ics>

TThank you,



From: [Rey Harmon](#)
To: [Medina, James@DOT](#)
Cc: [Fiala, Shannon@Coastal](#); [Pisano, Nick@DOT](#); [The Brunners](#)
Subject: Re: Nov 5 Community Meeting Letter - Mussel Shoals Beach Trail
Date: Monday, November 1, 2021 4:54:43 PM

Hi again Jim,

Bryan Harmon, 6632 Old PCH, has submitted the following comment:

"Just want to make Caltrans and Coastal Commission staff aware, in case they don't know this, half of the day during high tide times those proposed stairs will be leading to water. There is no beach down there during these times. Also during the winter all of the sand disappears and there's nothing but slippery algae-covered rocks at low-tide. You would be inviting people down a nice trail leading them toward the perfect location to get injured. We see people slip on these rocks constantly and I myself have slipped on these rocks. This location is not like Seacliff where there is a permanent, sandy beach."

Thanks,
Rey

On Mon, Nov 1, 2021 at 4:34 PM Rey Harmon <nmontano11@ucsbalum.com> wrote:

Thank you Jim, appreciate the update. Here is a list of questions from me and a few neighbors:

- Are there plans to include trash cans in any of the Caltrans areas in our community, including on or near this proposed trail? There is a lot of trash around that some of us residents pick up daily.
- Are there any considerations to add restrooms in this area? We see people urinating in Caltrans areas on a daily basis. If more people are invited to the area, the problem will get worse.
- We understand that maintaining Caltrans areas is not easy particularly due to understaffing. How will this trail be maintained? Will trash be cleaned up by Caltrans? Will graffiti be removed? Currently local residents remove graffiti in Caltrans areas
- Is the project proposal still to remove 1,500sq ft of vegetation? As some neighbors have previously stated, there are many small mammals that use the native California Saltbush as habitat, and many different bird species that use this area to hunt. It's one of the very few areas here where we still have native vegetation. Instead of removing this native habitat for local species please consider cleaning the area. Some of the residents clean up trash in this area daily
- Please see the attached photo which was taken on October 26, 2021, a Tuesday when the surf was starting to get good and we began having a lot of cars driving into Mussel Shoals. This is typical when the surf is good and on weekends. Cliff House Inn management has to put up this sign so that beachgoers and surfers don't take up the parking of their employees or guests. The newly installed green sign behind it, "Mussel Shoals Beach & Trail Parking", is contradictory to this Cliff House Inn sign that says "Customer Parking Only". We should not be inviting more cars and people

to an area that already gets dangerously congested

Nereyda (Rey) Harmon

On Mon, Nov 1, 2021 at 4:16 PM Medina, James@DOT <James.Medina@dot.ca.gov> wrote:

Rey Harmon,

I appreciate you sending. I have received many acceptances to the meeting, which is good, but no questions until this letter. I will share with our team. I look forward to the meeting. Thank you.

Jim Medina

On Nov 1, 2021, at 4:00 PM, Rey Harmon <nmontano11@ucsbalum.com> wrote:

EXTERNAL EMAIL. Links/attachments may not be safe.

Hi Mr. Medina,

On behalf of Robert and Janet Brunner, I am submitting the attached letter to be included in the record for the community meeting of November 5, 2021, regarding the Mussel Shoals Beach Trail project.

Thank you,
Nereyda (Rey) Harmon

From: [Rey Harmon](#)
To: [Fiala, Shannon@Coastal](#); [Sanchez, Jordan@Coastal](#); [Medina, James@DOT](#)
Cc: [The Brunners](#); [Dennis Longwill](#); [Dan Reddick](#); [Chris Provenzano](#); [nharmon@countyofsb.org](#)
Subject: Re: Comment - Mussel Shoals Beach Trail
Date: Wednesday, November 10, 2021 9:06:00 AM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)

Please also consider the below excerpts from Ventura County's Coastal Area Plan, and include these in the record for the project as well.

§ 30214 Implementation of Public Access Policies, Legislative Intent

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

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

U.S. Highway 101

2. Camping should be restricted to areas where proper facilities are available.
3. Caltrans should provide trash cans where needed, and increase the frequency of trash pick-up along areas of the highway being used for recreational access to the beach.
4. Caltrans should provide at least one portable toilet along the segment of the highway that extends from Rincon Point to Punta Gorda.

Access to Environmentally Sensitive Habitats:

3. The applicant of a proposed recreational facility in, or adjacent to, areas designated "environmentally sensitive habitats" shall develop a management program to control the kinds, intensities, and locations of uses to preserve the *habitat* resources to the maximum extent *feasible*. This program shall be part of *development* approval.

U.S. Highway 101:

5. Caltrans should provide trash containers and sufficient pick-up, and at least one toilet for day-use.

General Access:

8. In accordance with section 30214(a) of the Coastal Act, the time, place, and manner of access will depend on individual facts and circumstances; including topographic and site characteristics, the capacity of the site to sustain use at the intensity proposed, management of the access areas to protect the privacy of adjacent owners, and the feasibility to provide for litter collection.

Thank you,

Rey

On Wed, Nov 10, 2021 at 8:37 AM Rey Harmon <nmontano11@ucsbalum.com> wrote:

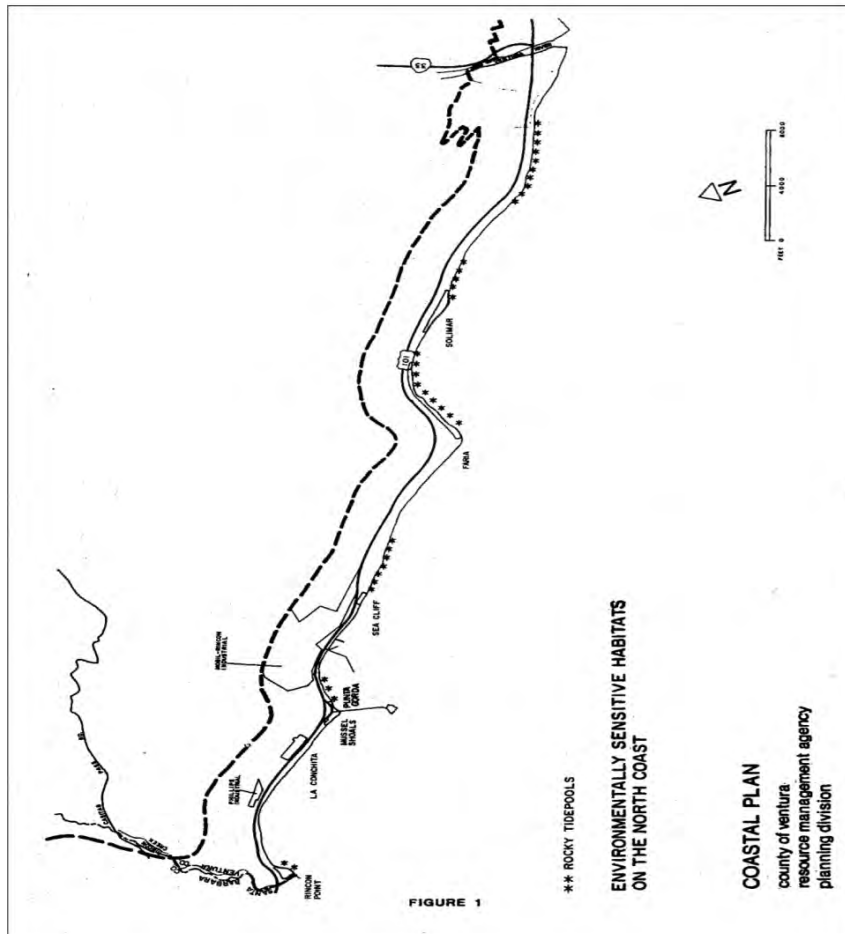
Good morning,

Please see the attached document which is an excerpt from the report titled "Completing the California Coastal Trail" (January 2003), prepared by the Coastal Conservancy . Under the section titled "Issues and Constraints: Challenges to Completing the Coastal Trail" there is applicable language as to why the public should be directed away from Environmentally Sensitive Habitat Area (ESHA):

- "Too many people can harm sensitive tidepool inhabitants."
- "Trail routing and construction will be required to meet stringent regulatory standards and to avoid or minimize potential impacts to sensitive habitats."

As previously mentioned, the tidepools in this area, immediately adjacent to the proposed trail, are designated ESHA per Ventura County's Local Coastal Program.

**Figure 4.2-1
Environmentally Sensitive Habitats on the North Coast**



Please consider this information as you process the proposed application and please include this email and attachment in the record for the project.

Thank you very much,
Rey Harmon

Issues and Constraints: Challenges to Completing the Coastal Trail

Environmental Impacts and Resource Concerns

THE COAST OF CALIFORNIA has many identities—sandy beaches, expansive blufftop grasslands, wilderness forests, open farmlands, and dense urban areas. As the Coastal Trail passes through these varied landscapes, it will mirror its surroundings: a paved path along the beach that is a valuable recreational

asset on the vibrant Los Angeles waterfront would be inappropriate for the redwood forests of Del Norte County.

- Providing trail designs that are appropriate to local contexts may be the most difficult aspect of implementing the Coastal Trail concept. Under the general heading of “environmental impact,” several distinct issues should be recognized:



CARLA CHENAUET

Too many people can harm sensitive tidepool inhabitants.

PLOVERS

Western snowy plovers are small shorebirds that breed on Pacific coast beaches from Mexico to Washington. The Pacific coast population was listed as threatened under the federal Endangered Species Act. Declining populations are primarily a result of habitat loss due to urbanization. Of the remaining population of plovers, 70–80 percent nest on California beaches. Plovers seek many of the same characteristics in a breeding beach that humans seek for recreation. Plover habitat consists primarily of coastal wetlands and coastal dunes. Plovers nest in the sand high on the beach where they will easily be able to detect predators. Joggers, off-leash dogs, all-terrain vehicles, and even kite flyers conflict with Plover nesting.

Nesting season for Plovers is from March to September. In an attempt to recover plover populations, portions of beach are periodically closed to afford greater protection. Beach closures may necessitate the designation of alternative routes for portions of the Coastal Trail that pass close to nesting sites during times of the year most critical to plover breeding.



KEN GARDINER

Western snowy plover, Pescadero Beach

- The shoreline is habitat to a great variety of marine and terrestrial plants and animals, and many of these species are threatened or endangered as a result of habitat loss through human intervention. Pre-European cultural artifacts are also found on many nearshore sites. Trail routing and construction will be required to meet stringent regulatory standards and to avoid or minimize potential impacts to sensitive habitats. To realize the basic vision of a continuous near-shore trail, extraordinary design efforts will be required to protect these resource areas.
 - Within or adjacent to sensitive habitat areas, trail improvements can help to channel public use so as to minimize impacts. The installation of a wooden boardwalk within a sensitive dune system or adjacent to a wetland may increase total public access yet result in fewer environmental impacts than uncontrolled, informal access. Projects using such designs should include plans to monitor the impacts of public use, to identify any further mitigation needs, and to aid in future designs.
 - Development of the Coastal Trail system should include an emphasis on public education. Through well-designed directional signing and interesting interpretive displays, in conjunction with the efforts of site docents, it should be feasible to provide substantial public access opportunities even at highly sensitive sites. Strong volunteer organizations can assist public agencies to manage public use, and to conduct long-term monitoring studies.
- Many rare and endangered animal species seek protection along the beaches of California to breed and raise their young. Northern elephant seals, which were hunted nearly to extinction in the 1800s, now return every year to several

CALIFORNIA COASTAL COMMISSION

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28 COMPLETING THE CALIFORNIA COASTAL TRAIL