

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-21-0618

Applicant: California Department of Transportation

Agent: Nancy Pe, Project Manager

Location: State Route 1 (Pacific Coast Highway), **Location 1:** Postmile 37.7, City of Los Angeles (APN's 4411-032-901 and 4412-030-904); **Location 2:** Postmile 39.08, City of Los Angeles (APN 445-035-900); **Location 3:** Postmile 40.16, County of Los Angeles (APN 4443-001-901); **Location 4:** Postmile 40.18, County of Los Angeles (APN 4443-001-901); **Location 5:** Postmile 40.23, County of Los Angeles (APN 4443-001-901); **Location 6:** Postmile 40.24, County of Los Angeles (APN 4443-001-901); **Location 10:** Postmile 50.36, City of Malibu (APN's 4459-020-902 and 4459-020-902); **Location 13:** Postmile 61.29, City of Malibu (APN's 4473-027-007, 4473-001-900, 4473-024-900, and 4473-024-904); **Location 14:** Postmile 61.35, City of Malibu (APN's 4473-027-006, 4473-001-900, 4473-024-900 and 4473-024-904); **Location 16:** Postmile 62.51, County of Los Angeles (APN 4473-001-900), **Location 17:** Postmile 62.55, County of Los Angeles (APN 4473-001-900), **Location 18:** Postmile .67, County of Ventura (APN's 700-0-200-071 and 700-0-200-083); **Location 19:** Postmile .92, Ventura County (APN 700-0-080-240).

Project Description: Repair, rehabilitation, and replacement of thirteen culverts; **Location 1:** remove debris from existing 48" corrugated metal pipe and existing standpipe and reline using cast in place pipe-liner; **Location 2:** remove existing 24" corrugated metal pipe via cut and cover method and replace with 24" reinforced concrete pipe;

Location 3: remove existing 36" corrugated metal pipe via cut and cover method and replace with 36" reinforced concrete pipe, clean and reuse existing inland inlet, replace outlet headwall with new headwall, remove and reconstruct existing seaward inlet, and install 150 pounds of concreted-rock slope protection at drainage outlet; **Location 4:** remove existing 24" reinforced concrete pipe via cut and cover method and replace with new 24" reinforced concrete pipe, remove and replace inland inlet, clean and reuse ocean side inlet, remove 4.6' of 24" reinforced concrete pipe and an additional 18.8' of 30" corrugated metal pipe, and install 150 pounds of concreted-rock slope protection at drainage outlet; **Location 5:** remove oceanside inlet and remove the 30' of 18" corrugated metal pipe; **Location 6:** replace existing 36" corrugated metal pipe with 36" reinforced concrete pipe via cut and cover method, remove and replace inland inlet, and install additional ocean side inlet, remove 42' section of 36" corrugated metal pipe and an additional 19.9' section of 36" corrugated metal pipe, and install 150 pounds of concreted-rock slope protection at drainage outlet; **Location 10:** construction staging area (for the replacement of an existing concrete culvert with free-spanning bridge); **Location 13:** abandon existing 24" reinforced concrete pipe and install 24" reinforced concrete pipe via jack and bore method; **Location 14:** abandon existing 24" reinforced concrete pipe and install 24" reinforced concrete pipe via jack and bore method; **Location 16:** replace 24" reinforced concrete pipe via cut and cover method on upstream section, and clean and reuse existing inlet and outlet; **Location 17:** repair existing 24" reinforced concrete pipe using cast in place pipe-liner, and clean and reuse existing inlets and outlets; **Location 18:** clean and reline existing 18" reinforced concrete pipe and inlet using cast in place pipe-liner; **Location 19:** clean and reline existing 18" reinforced concrete pipe and inlet using cast in place pipe-liner and install 44.8 cubic yards of concreted-rock slope protection at drainage outlet.

Staff Recommendation:

Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The California Department of Transportation (Caltrans) proposes to restore or replace thirteen culverts along State Route 1 (SR-1) or Pacific Coast Highway (PCH) between Will Rogers State Beach in Pacific Palisades and the Ventura County line. The project includes locations in the City of Los Angeles, City of Malibu, and unincorporated areas within Los Angeles County (postmiles 37.67 to 62.86) and Ventura County (post miles 0.00 to .92). Within the project area, PCH is situated between the Pacific Ocean and the Santa Monica Mountains and provides a critical transportation corridor for the region's visitors and residents alike.

Various types of damage to the culverts have been discovered including joint separations, misalignments, buckling, cracking of pipe barrel, and clogs. Repair, replacement and/or rehabilitation are essential to restore the proper functioning and avoid further deterioration, increase their service life, reduce the risk of flooding, prevent erosion of the roadway embankment, and improve stormwater conveyance. At eleven of the thirteen locations, the applicant proposes to replace and/or retrofit small (<36" diameter or smaller) storm drains, that handle roadway and other minor storm flows. At one location, a larger 48" Corrugated Metal Pipe culvert would be replaced. At Solstice Canyon Creek (Location 10), the project includes the removal of the existing concrete culvert and restoration of the natural creek bottom to enable passage and migration for endangered Southern Steelhead Trout, and to construct a pedestrian undercrossing that would be cantilevered into the abutment of the proposed PCH bridge over Solstice Canyon Creek to facilitate safer public access from the Corral Canyon trail to Dan Blocker Beach.

Although the majority of the proposed work is repair and maintenance, Environmentally Sensitive Habitat Areas (ESHA) will be impacted at Locations 10, 13, 14, 17, and 19, and this project involves excavation outside of the roadway prism. Therefore, a coastal development permit is required for this project to ensure that the construction methods employed are consistent with the Chapter 3 policies of the Coastal Act.

The proposed development is located along the coastline and surrounded by the Santa Monica Mountains (within northern Los Angeles and southern Ventura Counties), an area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to this area include landslides, erosion, and flooding. As such, the Commission finds that due to the unforeseen possibility of flooding, tsunami, storm waves, storm surges, coastal erosion, and wildfire, the applicant shall assume these risks as a condition of approval. Therefore, **Special Condition 1** requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development.

Locations 1 and 2 are located within the coastal zone area of the City of Los Angeles that has been designated in the City's permit program as the "Dual Permit Jurisdiction" area.¹ The applicant received local CDP No. 21-03 from the City of Los Angeles on May 6, 2022.

¹ Pursuant to Section 13307 of Title 14 of the California Code of Regulations and Section 30601 of the Coastal Act

The Final Local Action Notice (FLAN) was received by the Commission's South Coast District office on May 9, 2022, which began the 30-day appeal period. The local permit was not appealed and became effective on June 7, 2022. These two locations are located between the first public road and the sea where a Commission-issued CDP is additionally required. Therefore, the subject CDP application includes the development that was also authorized by the City of Los Angeles in CDP No. 21-03.

At Locations 3, 4, 5, 6, 16, and 17 within the County of Los Angeles and Locations 18 and 19 within the County of Ventura, the local governments have agreed to the consolidated coastal development permit process for the locations in their respective jurisdictions. For Locations 10, 13, and 14 within the City of Malibu, only the construction staging areas of those locations are located wholly within the Commission's retained permit jurisdiction. For the remaining other areas of Locations 10, 13, and 14 within the City of Malibu's LCP Jurisdiction, The City of Malibu did not agree to permit consolidation, and the hearings for local CDP Nos. 20-062 and 21-013 for the portions of Locations 10, 13, and 14 within its LCP jurisdiction will occur in September and October respectively.

The standard of review for all components of the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Ventura County and Santa Monica Mountains (Los Angeles County) Local Coastal Programs serve as guidance, where applicable. However, approvals from other agencies may still be required, therefore **Special Condition 2** requires the applicant to obtain all other Local, State or Federal permits that may be necessary for any aspect of the proposed project.

The habitat impacts resulting from the proposed project are classified as "long-term temporary." As discussed further in Section IV.C, below, this term refers to impacts where vegetation recovery may take up to 36 months. The temporary construction work areas will be restored to aid the long-term habitat recovery within the temporary work zones. These include 0.03 acres of sycamore riparian woodland areas at Solstice Canyon Creek (Location 10), as well as a total of 0.54 acres of coastal bluff scrub habitat areas at Locations 13, 14, 17, and 19. Long-term temporary impacts to coastal bluff scrub and disturbed coastal bluff scrub habitat are proposed to be mitigated at a 1.5:1 ratio, consistent with Commission mitigation requirements. This requires Caltrans to provide 0.81 acres of coastal bluff habitat, of which 0.54 acres will be mitigated by restoring the temporary construction work zone footprints by hydroseeding the area with a seed mix appropriate for the coastal bluff scrub habitat type, and by ongoing removal of invasive species, while the additional 0.41 acres will be mitigated by enhancing an area adjacent to Site 19 at County Line Beach. Throughout the CDP application process, Commission staff ecologists worked with Caltrans biologists to refine the proposed Habitat Mitigation & Monitoring Plan (HMMP) (Exhibit 3), which contains performance standards, monitoring criteria, and planting plans that are appropriately designed to restore and mitigate the above-described long-term temporary impacts to ESHA. Therefore, **Special Condition 3** requires Caltrans to carry out the approved HMMP, prepared by Caltrans, as revised on 9/1/22, included as Exhibit 3 of this staff report.

There is also the potential for listed species to be present at project sites, including the federally threatened Coastal California Gnatcatcher on the bluffs at Locations 13, 14, and

17, and the federally threatened Western Snowy Plover on the sandy beach at the temporary construction staging areas at Locations 1, 3, 4, 6, 10, 13, 14, and 17. Therefore, in order to ensure that project activities avoid impacts to sensitive bird species, **Special Condition 4** is required, which states that the environmental resource specialist will conduct surveys of sensitive species and to be onsite during construction activities to monitor these locations. Additionally, the Commission finds that the project staging areas at Locations 1, 3, 4, 6, 10, and 19 are within the expected range of the California Grunion. To ensure that any potential adverse effects by construction staging and vehicle movement to the California Grunion are minimized, **Special Condition Four 4(a)** requires that a qualified biologist or environmental resource specialist conduct a survey of the project site each day prior to commencement of any construction activities that occur during grunion season.

The project will have a net benefit on water quality by improving stormwater conveyance and reducing erosion at each location. However, the proposed project also has a potential for discharge of polluted runoff from project site construction activities, ultimately into coastal waters. The development, as proposed and as conditioned by **Special Condition 5(d)**, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. Once the project goes out to bid, Caltrans has agreed to require their construction contractor to include all of the Best Management Practices (BMPs) in **Special Condition 5(d)** in their Storm Water Pollution and Prevention Plan.

Although construction activity for the proposed repairs will result in the temporary closure of the project sites, the Commission finds that adequate sandy beach area will be available surrounding the project sites. To ensure that adequate public access is maintained **Special Condition 5(a)** requires that equipment operation and equipment and material storage will minimize impacts to public access and public views, to the maximum extent feasible, during construction. To further protect public access and recreational opportunities, **Special Condition 5(b)** prohibits construction during weekends from the Saturday of Memorial Day weekend through Labor Day, unless the Executive Director authorizes such work due to extenuating circumstances.

To ensure that no impacts from the temporary construction persist after the project is complete, **Special Condition 5(e)** requires that all construction debris be removed, that all beach areas and other public recreational access and use areas and all beach access points impacted by construction activities be restored to their pre-construction condition or better within three days of completion of construction. To ensure that traffic does not significantly impact vehicular and multimodal access on PCH, **Special Condition 5(f)** requires the applicant to submit a Traffic Management Plan, which shall limit lane closures and the use of public access pull outs for construction staging or operations to the maximum extent feasible and provide for full and continuous access for bicyclists through the work corridor at all times by providing designated adequate space to safely traverse through the work zone.

This project is located within the traditional lands of various bands of the Chumash and Tongva tribes. As described in more detail below, Caltrans sent letters offering

government-to-government consultation to a list of tribal representatives provided by the Native American Heritage Commission (NAHC). They received responses from representatives of the Barbareno/Ventureno Band of Mission Indians, the Gabrielino Tongva Indians of California Tribal Council, the Coastal Band of the Chumash Nation, and Fernandeno Tataviam Band of Mission Indians. In sum, the tribal representatives requested to be included in Native American consultation efforts, to be kept updated on project progress and timelines, to participate in any discussions regarding any and all adverse impacts to the cultural resources that will be disturbed during groundwork, and to be present during construction monitoring. Upon receiving these responses, Caltrans has continued to maintain communication surrounding these issues with the tribal representatives. As a result of the consultation, Caltrans committed to: (1) having Native American monitors present during any earth moving activities; (2) stopping work if cultural materials are discovered on any of the project sites until an archeologist can assess the find; and (3) stopping work if native American human remains are found and the Most Likely Descendant will be notified to ensure the respectful treatment and disposition of the remains. These commitments have been incorporated into **Special Condition 6**, which also requires Caltrans to submit a Supplementary Archaeological Plan (SAP) following discovery of any archaeological resources. Review and written approval of the SAP by the Executive Director, in consultation with the Tribal Representatives, is required in order to recommence construction within the exclusion zone where tribal cultural and/or archeological resources are discovered. Per the Coastal Commission's Tribal Consultation Policy, on April 25, 2022 Commission staff sent letters to each of the above listed tribes to offer the opportunity to provide any comments or concerns they may have regarding Caltrans' consultation efforts or the processing of this CDP application through government-to-government consultation. To date, no responses to these letters have been received by Commission staff.

At Locations 3, 4, 6, and 19 headwalls will be installed with associated rock slope protection, which is necessary to prevent erosion at these locations during high flow storm water events. At Location 10, wingwalls will be installed adjacent to the proposed bridge, which are necessary to provide structural stability for the Solstice Canyon Creek bridge and pedestrian undercrossing. However, portions of the project, including headwalls and wingwalls on the seaward sides of the culverts will still be highly visible due to their location on the sandy beach. Therefore, in order to ensure that any adverse effects to public views resulting from the visible portions of the proposed development are minimized, **Special Condition 7** requires that the surface of the headwalls and wingwalls be designed to include, or mimic, the color and texture of native materials and appearance of the natural environment, such as the appearance of rock facing, and to use vegetative screening if necessary.

As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act. Thus, staff recommends approval of the CDP, as conditioned. The motion to implement staff's recommendation is found on **page 8** below.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	8
II. STANDARD CONDITIONS:	8
III. SPECIAL CONDITIONS:	9
IV. FINDINGS AND DECLARATIONS:	16
A. PROJECT LOCATION & DESCRIPTION	16
B. STANDARD OF REVIEW AND OTHER AGENCY APPROVALS	18
C. ENVIRONMENTALLY SENSITIVE HABITAT AREAS	19
D. WATER QUALITY AND MARINE RESOURCES	29
E. PUBLIC ACCESS AND RECREATION	31
F. VISUAL RESOURCES	33
G. COASTAL HAZARDS AND GEOLOGY	35
H. ARCHEOLOGICAL RESOURCES	37
I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	41

APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

[Exhibit 1 - Vicinity Map](#)

[Exhibit 2 - Site Plans](#)

[Exhibit 3 - Site Photos](#)

[Exhibit 4 - City of Los Angeles Local CDP 21-03](#)

[Exhibit 5 - County of Ventura Consolidation Letter](#)

[Exhibit 6 - County of Los Angeles Consolidation Letter](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-21-0618 pursuant to the staff recommendation.*

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

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and, as applicable, will not prejudice the ability of the local government having jurisdiction over the relevant area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

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

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Assumption of Risk, Waiver of Liability, and Indemnity.** By acceptance of this permit, the Applicant acknowledges and agrees (i) that the site may be subject to hazards from tsunami, storm waves, surges, and erosion; (ii) to assume the risks to the Applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
2. **Other Required Approvals.** By acceptance of this permit, the applicant agrees to obtain all other State or Federal permits that may be necessary for any aspect of the proposed project, such as permits from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Wildlife, Regional Water Quality Control Board, California Department of Parks and Recreation, and/or LA County Department of Beaches and Harbors. Any proposed changes to the approved final plan that may be required by any other agency shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
3. **Habitat Mitigation and Monitoring Plan.** The permittee shall carry out the approved Habitat Mitigation & Monitoring Plan (HMMP), prepared by Caltrans, as revised on 9/1/2022. The permittee shall undertake development in accordance with the approved HMMP. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plans shall occur without a Commission-approved amendment to this CDP unless the Executive Director determines that no amendment is legally required.
4. **Biological Monitoring.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Applicant shall retain the services of a qualified biologist or environmental resources specialist (hereinafter, "environmental specialist") with appropriate qualifications acceptable to the Executive Director, to monitor the site during construction activities and conduct surveys of sensitive species (including birds

and other terrestrial and marine species) and to monitor all project operations. Prior to commencement of development, the Applicant shall submit the contact information and qualifications of all monitors with a description of their duties and their on-site schedule to the Executive Director for review and approval. The Applicant shall ensure that the Environmental Specialist shall perform all of the following duties, and the Applicant shall observe the following requirements:

(a) If any construction activity is planned to occur on, or will affect, the sandy beach at Locations 1, 3, 4, 6, 10, 13, 14, 16, 17, and 19 between March 1st and September 1st, including lighting and work during non-daytime hours, then prior to commencing construction activity, the Applicant shall have the environmental resource specialist conduct a survey of the project site to determine if spawning California Grunion are present during the seasonally predicted run period, as identified by the California Department of Fish and Wildlife (CDFW). If the environmental specialist determines that any grunion spawning activity is occurring and/or that grunion are present in or adjacent to the project site, then no construction or demolition activities shall occur on or affect the area of the beach for the duration of the seasonally predicted run period (e.g., two hours for four nights following both the full and new moons) as predicted by CDFW. Surveys shall be conducted for all seasonally predicted run periods in which material is proposed to be placed or removed at any of the above sites. The Applicant shall have the environmental specialist provide inspection reports after each grunion run observed and shall provide copies of such reports to the Executive Director and to the California Department of Fish and Wildlife.

(b) The environmental specialist shall conduct surveys of sensitive species no more than two weeks before any project activities to detect any active sensitive species, reproductive behavior, and active nests within 500 feet of the project site. Follow-up surveys must be conducted three calendar days prior to the initiation of construction. The environmental specialist shall be onsite during project activities to observe/identify any sensitive species/breeding behavior/nests active within 300 feet (500 feet for raptors/owls) of any project activities.

(c) Surveys for silvery legless lizards will be conducted no more than 24 hours prior to commencement of construction by a qualified biologist. A letter report detailing plans for locating and, if necessary, capturing legless lizards and relocating them (including relocation methods and release sites) shall be provided to the California Department of Fish and Wildlife for approval prior to conducting the surveys.

(d) In the event that any sensitive species are present in the project area but do not exhibit reproductive behavior and are not within the estimated breeding / reproductive cycle of the subject species, the environmental specialist shall implement a resource avoidance program with sufficient buffer areas to ensure adverse impacts to such resources are avoided. The Applicant shall also immediately notify the Executive Director of the presence of such species and which of the above actions are being taken. If the presence of any such sensitive

species requires review by the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, then no development activities shall be allowed or continue until any such review and authorizations to proceed are received from the relevant agency, subject to the approval of the Executive Director.

(e) If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species of raptor or wading bird (e.g., black-crowned night heron, great blue heron, snowy egret) is found, the Applicant shall notify the appropriate State and Federal agencies within 24 hours, and shall develop an appropriate action specific to each incident. The Applicant shall notify the California Coastal Commission in writing by e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.

(f) If an active nest of any federally or state-listed threatened or endangered species, species of special concern, or raptor, least tern, western snowy plover, California gnatcatcher, or wading bird (e.g., black-crowned night heron, great blue heron, snowy egret), or other sensitive species is found within 300 feet of construction activities (500 feet for raptors), the Applicant shall retain the services of an environmental specialist with experience conducting bird and noise surveys, to monitor bird behavior and construction noise levels. The Applicant shall ensure that the environmental specialist is present at all relevant construction meetings and during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. The Applicant shall ensure that the environmental specialist shall monitor birds and noise during all periods of project activities. Activities may occur only if construction noise levels are at or below a peak of 65 dB at the nest site(s). If construction noise exceeds a peak level of 65 dB at the nest site(s), sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not sufficiently reduce noise levels, construction within 300 ft. (500 ft. for raptors/owls) of the nesting trees/areas shall cease and shall not recommence until either new sound mitigation can be employed, or nesting is complete.

(g) The Applicant shall ensure that the environmental specialist is present during all project activities. If the environmental specialist becomes aware of any breach in permit compliance or any unforeseen sensitive habitat issues, the environmental specialist shall so inform the Applicant, and the Applicant will cease work. If significant impacts or damage occur to sensitive habitats or to wildlife species, the Applicant shall be required to develop and implement a revised, or supplemental, program to adequately mitigate such impacts. The revised, or supplemental, program shall be submitted to the Executive Director for review and approval.

(h) For the purpose of this special condition, “sensitive species” shall be taken to mean any special-status wildlife species. Special-status species are species listed as: Endangered, Threatened, or Rare under the federal or state Endangered Species Acts; Candidate Species, California Fully Protected Species, and, pursuant to CEQA Guidelines Section 15380(d), all other species tracked by the California Natural Diversity Database (CNDDDB), which are considered by the California Department of Fish and Wildlife to be those species of greatest conservation concern, and locally important species raptors, red legged frogs, western pond turtles, and California newts.

5. Construction Plan. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Applicant shall submit two copies of a Construction Plan to the Executive Director for review and written approval. The Construction Plan shall, at a minimum, include and provide for the following:

(a) Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the fullest extent possible in order to have the least impact on coastal resources.

(b) Construction Methods. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separate from public recreational use areas as much as possible (including using unobtrusive temporary fencing or equivalent measures to delineate construction areas), and including verification that equipment operation and equipment and material storage will not, to the maximum extent feasible, significantly degrade public access and public views during construction. The Construction Plan shall limit construction activities to avoid coastal resource impacts as much as feasible, and lighting of the work area is prohibited during anticipated California Grunion runs, as described in more detail above in Special Condition 4.

(c) Construction Timing. Construction is prohibited during weekends from the Saturday of Memorial Day weekend through Labor Day inclusive, unless the Executive Director authorizes such work due to extenuating circumstances. Maintenance of equipment and material storage is permitted during weekends and during non-daytime hours (i.e., from one-hour after sunset to one-hour before sunrise).

(d) Construction BMPs. The Construction Plan shall identify the type and location of all erosion control and water quality best management practices (BMPs) that will be implemented during construction to protect coastal water quality, including at a minimum all of the following:

- i. **Runoff Protection.** Silt fences, straw wattles, or equivalent apparatus shall be installed at the perimeter of all construction areas to prevent

construction-related runoff and sediment from discharging from the construction area entering into storm drains, or otherwise offsite or towards the beach and ocean. Special attention shall be given to appropriate filtering of all runoff, and all drainage points, including storm drains, shall be equipped with appropriate construction-related containment and filtration equipment. All runoff controls shall be in place during construction.

- ii. **Erosion Control.** The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and heavy-duty silt fences) that incorporate plastic netting shall be prohibited, to minimize wildlife entanglement and plastic debris pollution. Only 100% biodegradable (not photodegradable) natural fiber netting shall be allowed.
 - iii. **Equipment BMPs.** Equipment washing, and maintenance shall take place at an appropriate off-site and inland location to help prevent leaks and spills of hazardous materials at the project site, preferably on an existing hard surface area (e.g., a road) or an area where collection of materials is facilitated. All construction equipment shall also be inspected and maintained at a similarly sited inland location to prevent leaks and spills of hazardous materials at the project site. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.
 - iv. **Good Housekeeping BMPs.** The construction site shall maintain good construction housekeeping controls and procedures at all times (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site; etc.).
- (e) Restoration.** All construction debris shall be removed. All beach areas, other public recreational access and use areas, and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. If native soils are removed as part of the construction debris, the removed material

shall be screened to separate native soil from the construction debris. The native soils shall be returned to the site after all construction debris has been screened out from it.

- (f) Traffic Management Plan.** The Final Construction Plans shall include a Traffic Management Plan for each project element to be undertaken, or a statement (and supporting evidence) that no traffic impacts will result from the proposed construction and no plan is necessary. The Traffic Management Plan shall limit lane closures and the use of public access pull-outs for construction staging or operations to the maximum extent feasible, and provide for full and continuous access for bicyclists through the work corridor at all times by providing designated adequate space to safely traverse through the work zone.
- (g) Construction Site Documents.** The Construction Plan shall require that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, as well as the public review requirements applicable to them, prior to commencement of construction.
- (h) Construction Coordinator.** The Construction Plan shall require that a construction coordinator be designated as the point of contact during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator's contact information (i.e., address, phone numbers, email, etc.), including, at a minimum, an email address and a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible. This information shall indicate that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name and contact information (i.e., address, email, phone number, etc.) and nature of all complaints received regarding the construction and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. All complaints and all actions taken in response shall be summarized and provided to the Executive Director on at least a weekly basis.
- (i) Construction Specifications.** The construction specifications and materials shall include appropriate control provisions that require remediation for any work done inconsistent with the terms and conditions of this CDP.
- (j) Notification.** The Applicant shall notify staff of the Coastal Commission's South Central Coast District Office at least three working days in advance of

commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Applicant shall undertake development in accordance with this condition and the approved Construction Plan. Minor adjustments to the above requirements, as well as to the Executive Director-approved Construction Plan, which do not require a CDP amendment as determined by the Executive Director, may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

6. Protection of Archeological and Tribal Cultural Resources. The permittee shall undertake development in compliance with the following mitigation measures to protect archaeological resources:

- (a)** AT LEAST TWO WEEKS PRIOR TO COMMENCEMENT OF ANY GROUND-DISTURBING CONSTRUCTION ACTIVITIES, the permittee shall (i) notify the Native American Heritage Commission (NAHC) designated Tribal Representatives (as listed in table 4.5 NAHC Representative Contacts on page 173 of the Initial Study/Environmental Assessment) of the Barbareno/Ventureno Band of Mission Indians, Coastal Band of the Chumash Nation, Fernando Tataviam Band of Mission Indians, Gabrieleno Bank of Mission Indians – Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrieleno/Tongva Nation, Gabrieleno Tongva Indians of California Tribal Council, Gabrieleno-Tongva Tribe, San Fernando Band of Mission Indians, and Santa Ynez Band of Mission Indians; (ii) invite Tribal Representatives to be present and to monitor ground-disturbing activities; and (iii) arrange for a qualified Archaeological Monitor and a Tribal Monitor to be present to observe ground-disturbing activities in those construction segments mapped and approved through Tribal consultation as requiring cultural monitoring. The Monitor(s) shall have experience monitoring for archaeological resources of the local area during excavation projects, be competent to identify significant resource types, and be aware of recommended Tribal procedures for the inadvertent discovery of archaeological resources and human remains.
- (b)** If an area of archaeological resources is inadvertently discovered during ground-disturbing activities, including, but not limited to, concentrations of prehistoric artifacts (e.g., chipped chert, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites (e.g., midden with or without shell), concentrations of fire-altered rock and/or burned or charred organic materials, etc., all construction shall cease and shall not recommence except as provided in subsection (C) hereof, and the permittee shall retain a qualified archaeologist to analyze the significance of the find in consultation with the above referenced Tribal Representatives. The archaeologist shall immediately notify all of the Tribal Representatives. An “exclusion zone” where

unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area that includes a reasonable buffer zone recommended by the Monitor(s). Construction may continue outside of the exclusion zone.

- (c) A permittee seeking to recommence construction within the exclusion zone following discovery of the archaeological resources shall submit a Supplementary Archaeological Plan (SAP) for the review and written approval of the Executive Director, in consultation with the Tribal Representatives. If the Executive Director approves the SAP and determines that the SAP's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the SAP but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

7. **Material/Design Specifications for Visual Resource Protection.** PRIOR TO ISSUANCE OF THE CDP, the applicant shall submit detailed plans, for the review and approval of the Executive Director, which show that all exposed surfaces of the approved headwalls and wingwalls, shall be designed to include, or mimic, the native materials and appearance (e.g., Mesa Bluff coloring) of the natural environment (e.g., the appearance of rock facing) including the use of native vegetative screening as appropriate.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The California Department of Transportation (Caltrans) proposes to restore or replace 14 culverts along State Route 1 (SR-1) or Pacific Coast Highway (PCH) from Will Rogers State Beach in Pacific Palisades at the southern end to the Ventura County line at the northern end. The project includes locations in the City of Los Angeles, City of Malibu, and unincorporated areas within Los Angeles County (postmiles 37.67 to 62.86) and Ventura County (post miles 0.00 to .92) (see [Exhibit 1](#) for a Project Vicinity Map). Within the project area, PCH is situated between the Pacific Ocean and the Santa Monica Mountains and provides a critical transportation corridor for the region's visitors and residents alike. As with many stretches of the California coast, the public's ability to safely travel on PCH is essential to accessing the region's coastal recreational opportunities, coastal communities, and serves as an evacuation route in the event of a natural disaster.

Various types of culvert deficiencies have been discovered at fourteen culverts along this corridor including joint separations, misalignments, buckling, cracking of the pipe barrel, and clogs. Repair, replacement and/or rehabilitation are essential to restore the proper functioning and avoid further deterioration of these systems, increase their service life, reduce the risk of plugging, prevent erosion of the roadway embankments, and to improve

floodwater conveyance and fish passage. At eleven of the fourteen locations, the project proposes to replace and/or retrofit small (i.e., <36" diameter or smaller) storm drains along with one larger 48" Corrugated Metal Pipe culvert. According to the applicant, these culverts handle roadway and other minor storm flows. None of these locations have year-round flow and typically only convey water during or immediately after rain events. The majority of the subject culvert outlets are located on a beach or on the PCH embankment above a beach (see [Exhibit 2](#) for Project Plans and [Exhibit 3](#) for Site Photos).

At Location 10 at Post Mile (PM) 50.36 in the City of Malibu, the overall project includes the replacement of the concrete culvert in Solstice Canyon Creek with a single span bridge to improve floodwater conveyance and passage of endangered southern steelhead trout to spawning habitat upstream of PCH. The new bridge will also be significantly wider than the existing culvert, widening from 22' to 30' to facilitate natural flows under the proposed bridge. Approximately 0.16 acres of concrete apron and culvert bottom will be removed and replaced with an Engineered Streambed Material (ESM) designed to mimic the natural streambed within Solstice Canyon Creek. The ESM soft bottom will also be graded in such a way as to facilitate initial fish passage before allowing the creek to modify the streambed through natural processes.

Additionally, the project requires installation of approximately 2050 sq. ft. (0.05 Acres) of vegetated rock slope protection upstream of the new Solstice Canyon Creek bridge.² The rock slope protection (revetment) will be between 4-6 feet deep and will require removal of one mature and one juvenile coast live oak trees at the top of the creek bank. In order to minimize the impacts from the loss of trees within this stretch of creek, Caltrans proposes to vegetate the rock slope protection with willow (*Salix* sp.) cuttings. This project is an essential component of a multi-agency effort to restore a viable steelhead trout population to the Solstice Canyon Creek watershed by removing barriers to upstream migration. Finally, a cantilevered pedestrian undercrossing is proposed to be installed under the new bridge to facilitate public access from the Solstice Canyon Trail to Dan Blocker Beach. Staff notes that the only part of the Location 10 development under consideration in the subject CDP is the construction staging area. The remainder of the project is within the LCP jurisdiction of the City of Malibu.

The work on the culverts at Locations 1, 18, and 19 will be done using the lining method. By relining an existing culvert, it can be reinforced and reestablished by filling voids and corroded sections, thereby extending the service life. The culverts at Locations 2, 3, 4, 6, 16, and 17 will be repaired and restored using the cut-and-cover method. Cut-and-cover construction involves excavating the existing culvert from the top down and placing the new culvert at the same location, then backfilling, all within the existing roadway prism. The culverts at Locations 13 and 14 will be abandoned in place and new culverts will be constructed nearby using the jack-and-bore method, whereby construction crews drill a tunnel underground horizontally without disturbing the surface between two points. This typically requires boring and receiving pits to be excavated; however, in this case, pits are not required due to the elevation change between the inlet and the outlet locations.

² As discussed in Section IV.G, the rock slope protection proposed in this project does not constitute a "shoreline protective device," as that term is used in Cal. Public Resources Code § 30235.

B. STANDARD OF REVIEW AND OTHER AGENCY APPROVALS

The project spans multiple Local Coastal Program (LCP) jurisdictions within the City of Los Angeles, County of Los Angeles, City of Malibu and County of Ventura. The entirety of the project at Locations 1 and 2 are located within the “dual permit jurisdiction” area of the City of Los Angeles. Section 30600(b) of the Coastal Act allows a local government to assume permit authority prior to certification of its local coastal program. Under that section, the local government must agree to issue all permits within its jurisdiction.

Dual Permit Area. In 1978, the City of Los Angeles chose to issue its own CDPs pursuant to this provision of the Coastal Act. Within the areas specified in Section 30601 of the Coastal Act, which is known in the City of Los Angeles permit program as the “dual permit jurisdiction area,” the Act requires that any development that receives a local CDP also obtain such a permit from the Coastal Commission. Section 30601 requires a second (or “dual”) CDP from the Commission on all lands located (1) between the sea and the first public road, (2) within 300 feet of the inland extent of a beach, or the sea where there is no beach, (3) on tidelands or submerged lands, (4) on lands located within 100 feet of a wetland or stream, or (5) on lands located within 300 feet of the top of the seaward face of a coastal bluff. The proposed culvert repair at Location 1 and culvert replacement at Location 2 are located between the first public road (PCH) and the sea. This area is located within the coastal zone area of the City of Los Angeles that has been designated in the City’s permit program as the “dual permit jurisdiction” area pursuant to Section 13307 of Title 14 of the California Code of Regulations and Section 30601 of the Coastal Act. The applicant received local CDP No. 21-03 ([Exhibit 4](#)) from the City of Los Angeles on May 6, 2022. The Final Local Action Notice (FLAN) was received by the Commission’s South Coast District office on May 9, 2022, which began the 30-day appeal period. The local permit was not appealed and became effective on June 7, 2022, and CDP application No. 5-21-0618 serves as the application for the Commission’s required “dual permit” approval for the work proposed at Locations 1 and 2. There is no certified Local Coastal Program or Land Use Plan (LUP) for the Pacific Palisades area of the City of Los Angeles. Therefore, the standard of review for Locations 1 and 2 of the proposed project is Chapter 3 of the Coastal Act.

Retained Jurisdiction Area. The construction staging areas for locations 10, 13, and 14 within the City of Malibu are located wholly within the Commission’s retained permit jurisdiction. The remaining areas of locations 10, 13, and 14 are within the City of Malibu’s LCP jurisdiction. As described in the following paragraph, the Counties of Ventura and Los Angeles have agreed to the consolidated coastal development permit process for the locations in their respective jurisdictions. However, the City of Malibu did not agree to a consolidated permit proceeding, and the hearings for local CDP Nos. 20-062 and 21-013 for the portions of locations 10, 13, and 14 within its LCP jurisdiction will occur in September and October. The standard of review for the construction staging areas for locations 10, 13, and 14 is Chapter 3 of the Coastal Act.

Consolidated Permit Area. The proposed project includes components that are located within the County of Ventura and County of Los Angeles Local Coastal Program jurisdictions, as well as components within the retained jurisdiction of the Coastal Commission. The County of Ventura and County of Los Angeles would typically have jurisdiction over the portions of the project within their respective LCP jurisdictions. However, Section 30601.3 of the Coastal Act authorizes the Commission to process a consolidated CDP application (when certain criteria are satisfied) for the entirety of a proposed project that would otherwise require separate CDPs from both a local government with a certified LCP and the Commission. Pursuant to Section 30601.3(a)(2), the applicant, appropriate local government, and the Commission may agree to consolidate a permit action for a project that spans local and state jurisdictions. In this case, the County of Ventura submitted a letter to Commission staff dated September 8, 2021 ([Exhibit 5](#)), requesting that the Commission assume jurisdiction over all activities associated with the proposed project at Locations 18 and 19. Additionally, the County of Los Angeles submitted a letter to Commission staff dated September 2, 2021 ([Exhibit 6](#)), requesting that the Commission assume jurisdiction over all activities associated with the proposed project at locations 3, 4, 6, 16, and 17. The applicant both consented to and facilitated this consolidated jurisdictional process. However, approvals from other agencies may still be required, therefore **Special Condition 2** requires the applicant to obtain all other Local, State or Federal permits that may be necessary for any aspect of the proposed project. The standard of review for a consolidated CDP application submitted pursuant to Section 30601.3(a) is the Chapter Three policies of the Coastal Act (commencing with Section 30200), with the appropriate LCP used as guidance.

Conclusion. Thus, the standard of review for the portions of this project at Locations 1, 2, 3, 4, 5, 6, 10 (staging area only), 13 and 14 (staging areas only), 16, 17, 18, and 19 is the Chapter Three policies of the Coastal Act. Furthermore, as to locations 3, 4, 6, 16, and 17, the applicable policies of the Los Angeles County (Santa Monica Mountains segment) certified LCP serve as guidance, and as to locations 18 and 19, the applicable policies of the Ventura County certified LCP serve as guidance.

C. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

As discussed above, the standard of review for the entire project is the Chapter 3 policies of the Coastal Act. In addition, for locations 3, 4, 6, 16, and 17 and for location 19, the Los Angeles County (Santa Monica Mountains segment) LCP and the Ventura County LCP, respectively, serve as guidance.

Coastal Act section 30240 states:

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

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

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

1. Santa Monica Mountains LCP (Guidance Applicable to Locations 3, 4, 6, 16, and 17)

In addition, the Santa Monica Mountains LUP provides policy guidance regarding the protection of environmentally sensitive habitats.

CO-2: *Sensitive Environmental Resource Areas shall be protected against any significant disruption of habitat values. Development in areas adjacent to Sensitive Environmental Resource Areas shall be sited and designed to prevent impacts which would significantly degrade these areas and shall be compatible with the continuance of the habitat.*

CO-33 *Sensitive Environmental Resource Areas (SERAs) are areas containing habitats of the highest biological significance, rarity, and sensitivity. SERAs are divided into two habitat categories – H1 habitat and H2 habitat – that are subject to strict land use protections and regulations. 1) H1 habitat consists of areas of highest biological significance, rarity, and sensitivity-- alluvial scrub, coastal bluff scrub, dune, native grassland and scrub with a strong component of native grasses or forbs, riparian, native oak, sycamore, walnut and bay woodlands, and rock outcrop habitat types. Wetlands, including creeks, streams, marshes, seeps and springs, are also H1 habitat. Coast live and valley oak, sycamore, walnut, and bay woodlands are all included in H1 habitat. H1 habitat also includes populations of plant and animals species (1) listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found within H2 or H3 habitat areas.*

CO-41 *New non-resource-dependent development shall be prohibited in H1 habitat areas to protect these most sensitive environmental resource areas from disruption of habitat values. The only exception is that two uses may be approved in H1 habitat other than wetlands in very limited circumstances, as follows: (1) public works projects required to repair or protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated...*

CO-56 *New development, including but not limited to vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation, shall not be permitted within the H1 habitat buffer with the exception of resource-dependent*

uses and the following uses in very limited circumstances: (1) public works projects required to repair or protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated.

CO-87 *Mitigation for unavoidable permanent impacts to H1 habitat for one of the non-resource dependent uses allowed by Policy CO-41 shall be provided, at a minimum, through the restoration and/or enhancement of like habitat type, at the ratio of...3:1 (acres of restored habitat to each acre of impacted H1 habitat) for all other H1 habitat types. Priority shall be given to onsite restoration or enhancement, unless there is not sufficient area of disturbed habitat on the project site, in which case off-site mitigation may be allowed. The area of off-site habitat to be restored shall be permanently preserved through the recordation of an open space deed restriction or conservation easement. The County shall coordinate with other public agencies and/or qualified non-profit land preservation organizations to establish priorities for offsite restoration and enhancement efforts, where appropriate, for proposed development projects lacking adequate onsite mitigation opportunities.*

CO-95 *Public works projects that involve necessary repair and/or maintenance of drainage devices and road-side slopes within and adjacent to streams, riparian habitat, or any H1 or H2 habitat in order to repair or protect existing public roads, shall comply with the following requirements in addition to all other requirements of the LCP.*

- a. The development shall be the minimum design necessary to protect existing development in order to minimize adverse impacts to coastal resources.*
- b. The development shall avoid encroachment into H1 habitat, H1 habitat buffers, and H2 habitat to the maximum extent feasible. Where it is determined to be infeasible to avoid habitat areas, removal of habitat shall be minimized to the extent feasible and all feasible mitigation measures shall be provided.*
- c. Habitat areas temporarily disturbed by grading and/or construction activities shall be revegetated with native plant species appropriate for the type of habitat impacted, pursuant to a restoration plan.*
- d. The adverse impacts to biological resources resulting from H1 habitat areas that are permanently removed or impacted shall be mitigated through either on-site or off-site restoration as a condition of approval. The adverse impacts to biological resources resulting from H2 habitat areas that are permanently removed or impacted shall be mitigated through either the [Regional Planning Commission] or on-site or off-site restoration as a condition of approval.*

CO-101 *Any CDP for development that includes impacts to H1...[or] H2 habitat that are required to be reduced or mitigated through habitat restoration and/or enhancement shall include a condition requiring the preparation and implementation of a detailed habitat restoration/enhancement plan that, at a minimum, includes all of the following:*

- a. A detailed restoration or enhancement plan. The habit restoration area shall be delineated on a detailed site plan, to scale, that illustrates the parcel boundaries,*

topography, existing habitat types, species, size, and location of all native plant materials to be planted. The habitat restoration plan shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains and shall be designed to restore the area in question for habitat function, species diversity and vegetation cover appropriate for the type of habitat impacted. The restoration plan shall include an evaluation of existing habitat quality, statement of goals and performance standards, revegetation and restoration methodology, and maintenance and monitoring provisions; and

b. The habitat restoration/enhancement plan shall specify that habitat restoration and/or enhancement shall be monitored for a period of no less than five years following completion. Specific restoration objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the County annually and at the conclusion of the five-year monitoring period that document the success or failure of the restoration. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met. The restoration will be considered successful after the success criteria have been met for a period of at least two years without any maintenance or remedial activities other than exotic species control. At the County's discretion, final performance monitoring will be conducted by an independent monitor or County staff with the appropriate classification, supervised by the staff biologist and paid for by the applicant. If success criteria are not met within 10 years, the applicant shall submit an amendment proposing alternative restoration.

CO-187 *Development in areas adjacent to sensitive marine and beach habitats shall be sited and designed to prevent impacts that could significantly degrade the environmentally sensitive habitats. All proposed uses shall be compatible with maintaining the biological productivity and integrity of such habitats.*

CI-2 *Require all roadway maintenance and improvements to be accomplished in a manner protective of adjacent SERAs, streams, drainage courses, wildlife corridors, and other sensitive areas that may be impacted by such activity. Where feasible, roadway improvement projects should include drainage improvements to reduce erosion and polluted runoff.*

Section 22.44.1810(A) of the Santa Monica Mountains Local Implementation Plan states, in relevant part:

H1 Habitat – This category consists of habitats of highest biological significance, rarity, and sensitivity—alluvial scrub, coastal bluff scrub...and scrub with a strong component of native grasses or forbs, riparian, native oak...Riparian habitat includes all vegetation (canopy and understory species) associated with a creek or stream including...coast live oak...In the Coastal Zone, where chaparral and/or coastal sage scrub occur within or adjacent to creeks or streams and function as riparian habitat, these areas are considered to be H1 riparian habitat...Coast live oak and valley oak...are all included in H1 habitat...H1 habitat also includes populations of plant and animal species (1) listed by the

State or federal government as rare, threatened or endangered, assigned a Global or State conservation status rank of 1, 2, or 3 by CDFW, per the methodology developed by NatureServe, and identified as California Species of Special Concern and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found within H2 or H3 habitat areas.

H2 Habitat – This category consists of habitats of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem. Connectivity among habitats within an ecosystem and connectivity among ecosystems is important for the preservation of species and ecosystem integrity. Large contiguous blocks of relatively pristine habitat facilitate natural ecosystem patterns, processes and functions such as water filtration, nutrient cycling, predator/prey relationships, plant and animal dispersal and animal migration, habitat and species diversity and abundance, and population and community dynamics (e.g., birth/death rates, food web structure, succession patterns). H2 Habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. Coastal sage scrub is dominated by soft-leaved, generally low-growing aromatic shrubs...and chaparral is dominated by taller, deeper-rooted evergreen shrubs with hard, waxy leaves such as ceanothus (Ceanothus sp.). H2 habitat also contains (1) CNDDDB-identified rare natural communities; (2) plant and animal species listed by the State or federal government as rare, threatened, or endangered; assigned a Global or State conservation status rank of 1, 2, or 3 by CDFW, per the methodology developed by NatureServe, and identified as California Species of Special Concern; and/or (3) CNPS-listed 1B and 2 plant species, normally associated with H2 habitats.

Section 22.44.1890 states, in relevant part:

Development is prohibited in the following habitats, with the exception of the permitted uses listed below...(C) H1 Habitat Area. (1) Resource-dependent uses...include...public works projects to repair or protect existing public roads.

Section 22.44.1920(F) states, in relevant part:

For public works projects that involve necessary repair and/or maintenance of drainage devices and road-side slopes within and adjacent to streams, riparian habitat, or any H1 or H2 habitat to protect existing public roads, a minor CDP is required. Such repair and maintenance projects that are located outside the road right-of-way or the “roadway prism” as defined by the Public Works Department, or are located within H1 or H2 habitat, are not exempt development...and require a permit. In addition to all other provisions of the LCP, the following requirements shall apply to these projects:

(1) The Development shall be the minimum design necessary to protect existing development to minimize adverse impacts to coastal resources.

(2) The development shall avoid encroachment into H1 Habitat...and H2 Habitat to the maximum extent feasible. Where it is determined to be infeasible to avoid habitat areas, removal of habitat shall be minimized to the extent feasible and all feasible mitigation measures shall be provided.

(3) Habitat areas temporarily disturbed by grading and construction activities shall be revegetated with native plant species appropriate for the type of habitat impacted, pursuant to a restoration plan that is required as a condition of approval.

(4) The adverse impacts to biological resources resulting from H1 habitat areas that are permanently removed or impacted shall be mitigated through either on-site or off-site restoration as a condition of approval, consistent with the habitat restoration mitigation requirements and ratios.

(5) The adverse impacts to biological resources resulting from H2 habitat areas that are permanently removed or impacted shall be mitigated through either the [Resource Conservation Program]...or on-site or off-site restoration...as a condition of approval.

2. Ventura County (Guidance Applicable to Location 19)

Additionally, the Ventura County Land Use Plan provides policy guidance regarding the protection of environmentally sensitive habitats. Subsection 4.4.10. states:

ESHA Goal 4.1 *New development, including all private and public recreational uses, shall preserve all unique native vegetation, such as Giant Coreopsis and Dudleya cymosa ssp. marcescens.*

ESHA Goal 4.3 *All new upland development shall be sited and designed to avoid adverse impacts on sensitive environmental habitats. In cases where sensitive environmental habitats are located on a project site where the impacts of development are mitigated consistent with the Plan, the County shall assure that all habitat areas are permanently maintained in open space through an easement or other appropriate means.*

3. Analysis

The proposed project site is located within the Mediterranean Ecosystem of the Santa Monica Mountains. The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is rare and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Large, contiguous, relatively pristine areas of native habitats, such as coastal bluff scrub coastal sage scrub, chaparral, oak woodland, and riparian woodland have many special roles in the Mediterranean Ecosystem, including the provision of critical linkages between riparian corridors, essential habitat for species that require several habitat types during the course of their life histories, essential habitat for local endemics, support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams.

Pursuant to Coastal Act Section 30107.5, in order to determine whether an area constitutes an Environmentally Sensitive Habitat Area (ESHA), and is therefore subject to the protections of Section 30240, the Commission must answer three questions:

- 1) Is there a rare species or habitat in the subject area?
- 2) Is there an especially valuable species or habitat in the area, which is determined based on:
 - a) whether any species or habitat that is present has a special nature, OR

b) whether any species or habitat that is present has a special role in the ecosystem;

- 2) Is any habitat or species that has met either test 1 or test 2 (i.e., that is rare or especially valuable) easily disturbed or degraded by human activities and developments?

If there are rare species in the subject area or there is an especially valuable species or habitat in the area and any habitat or species that meets those two criteria is easily disturbed or degraded by human activities and developments, then the location is an Environmentally Sensitive Habitat Area (ESHA).

The Santa Monica Mountains (SMM) LCP requires sensitive environmental resource areas to be protected against significant disruption. Under the Coastal Act, sensitive habitat areas are designated as “Environmentally Sensitive Habitat Areas” (ESHA). The equivalent terminology for sensitive habitat areas within the SMM LCP is “Sensitive Environmental Resource Areas” (SERAs). The Land Use Plan (LUP) defines SERAs as “areas containing habitats of the highest biological significance, rarity, and sensitivity”. SERAs are further divided into two habitat categories: H1 habitat and H2 habitat, depending on the characteristics of the underlying habitat. Both of these habitat types are considered to be ESHA under the Coastal Act. LUP Policy CO-33 and Section 22.44.1810(A) of the SMM Local Implementation Plan (LIP) provide the distinction between the two habitat categories. In this case, several of the subject Locations are within areas that the LCP maps as H1 and H2 habitat.

SMM LIP Section 22.44.1830 defines the process for evaluating and designing on-site habitat categories and states “as part of the CDP process, the County shall determine the physical extent of habitats on the project site that meet the definition of any of the habitat categories of Section 22.44.1810, based on a site-specific biological inventory and/or biological assessment, available independent evidence, and review by the department biologist and Environmental Review Board, as required in Section 22.44. 1830.” Therefore, staff has evaluated the on-site habitat categories as part of this CDP based on the Natural Environment Study (NES) provided by the applicant.

Policies outlined in the SMM LUP including CO-41 and CO-42 dictate that “new non-resource dependent development shall be prohibited in H1 habitat areas” and that “only resource dependent uses are allowed in H1 and H2 habitats.” However, two exceptions do exist, including public works projects required to repair or protect existing public roads when there is not a feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible and as long as unavoidable impacts are minimized and mitigated. Policies CO-41, CO-56, CO-87, CO-95, and CO-101 of the SMM LUP and Sections 22.44.1810 and 22.44.1890 of the SMM LIP detail the manner in which new development shall be avoided in both H1 and H2 SERAs. However, pursuant to policies CO-41, CO-56 and CO-95 of the SMM LUP and Sections 22.44.1890 and 22.44.1920(F) of the SMM LIP, repair and/or maintenance to existing public works developments is permitted in H1 and H2 habitats, as long as the temporary and permanent environmental impacts are minimized and mitigated. Specifically, Section 22.44.1890 in the SMM LIP

identifies permitted uses in H1 habitat area, which includes “public works projects to repair or protect existing public roads consistent with subsection F of 22.44.1920.” Subsection F of 22.44.1920 allows for public works projects that involve necessary repair and/or maintenance of drainage devices and road-side slopes within and adjacent to streams, riparian habitat, or any H1 or H2 habitat to protect existing public roads. Additionally, part 3 of this section specifies that habitat areas disturbed by grading and construction activities shall be revegetated with native plant species pursuant to a restoration plan that is required as a condition of approval and meets the requirements of subsection L of Section 22.44.1920. Therefore, this project meets the LIP 22.44.1920 criteria as a public works project within and adjacent to streams, riparian habitat, or any H1 or H2 habitat necessary to protect existing public roads.

Additionally, Ventura County LUP Goal 4 Policy 1 and Policy 3 requires new development to preserve native vegetation, to mitigate for any impacts to sensitive habitat areas, and to permanently maintain these areas as open space. This policy applies to Location 19 because it is the only location in Ventura County that contains sensitive habitat areas and native vegetation. Because the culvert at Location 19 will be cleaned and relined, only a minimal amount of vegetation will be removed during construction. As described in more detail below, the entirety of the roadway slope area adjacent to Location 19 is proposed to be restored to native coastal scrub as part of the mitigation for Locations 13, 14, 17, and 19. This area is already permanently maintained as open space as part of County Line Beach. Therefore, the development as proposed at Location 19 is consistent with ESHA Goal 4 Policy 1 and Policy 3 of the Ventura County LCP.

Caltrans prepared a Mitigated Negative Declaration (MND), which analyzed the project’s potential impacts on various coastal resources, including biological and marine resources. The MND included a habitat survey of the project impact area, which included a vegetation survey of the project’s impact area, which demonstrate that Locations 13, 14, 17, and 19 contain plant communities that can be classified as coastal bluff scrub, one of the rarest and most threatened habitats in California. Additionally, the Santa Monica Mountains LCP designates the bluffs at Locations 16 and 17 as H1 ESHA.

The vegetation community within the basins inland of PCH at Locations 13 and 14 can be classified as a mix of coastal scrub, chaparral, and non-native shrub and herbaceous species, with substantial non-native tree species present on the outlet side of Location 13. At Locations 13 and 14, the culvert inlets were originally located within medium to heavily vegetated drainage basins, however since the Woolsey fire and associated mudflows the basins have become much more sparsely vegetated. The culvert outlets extend approximately 175 feet from the edge of the highway onto the steep PCH embankment that were heavily vegetated prior to burning during the Woolsey Fire. This vegetation is largely in the process of recovery.

The habitat impacts resulting from the above-described construction are primarily classified as long-term temporary. Long-term temporary impacts are defined as those that may be intermittent or sustained for up to a 24-month period such that vegetation recovery may require more than 12 months from the initial point of disturbance but no more than 12 months from the conclusion of disturbance, thus effectively allowing for as much as 36

months to fully recover. The temporary construction work areas will be restored to facilitate the long-term habitat recovery within the temporary work zones. This includes 0.54 acres of coastal bluff scrub habitat at Locations 13, 14, 17, and 19. Long-term temporary impacts to coastal bluff scrub and disturbed coastal bluff scrub habitat are proposed to be mitigated at a 1.5:1 ratio, which is consistent with Commission mitigation requirements. Additionally, impacts to a small portion of Location 13 (0.01 acres of willow shrubland) are classified as permanent, and will be mitigated at a 5:1 ratio. Altogether, this requires Caltrans to create 0.81 acres of coastal bluff scrub habitat, of which 0.54 acres will be mitigated by restoring the temporary construction work zone footprints by hydroseeding the area with a seed mix appropriate for the coastal bluff scrub habitat type, and by ongoing removal of invasive species. An additional 0.41 acres will be mitigated by enhancing an area adjacent to Location 19 at County Line Beach. The Location 19 Restoration Site is approximately 0.41 acres of primarily ruderal vegetation on the roadway support slope above County Line Beach. The enhancement will be accomplished through the ongoing removal of non-native species and the planting of native coastal bluff scrub shrub species (specifically, 1 gal. container plants) to crowd out and prevent the non-native species from returning. Additionally, 0.07 acres of Location 14 that is currently ruderal habitat will be restored by hydroseeding with native coastal bluff scrub species. The total amount of proposed mitigation to impacts of coastal scrub totals 1.02 acres.

Although all of the habitat impacts at Locations 13 and 14 are located within the City of Malibu's LCP jurisdiction, the applicant proposes mitigation to account for the long-term temporary impacts at these locations by conducting mitigation activities at Location 19 Restoration Site. Location 19 Restoration Site is located within the County of Ventura's LCP jurisdiction and is part of this consolidated permit application. Throughout the CDP application process, Commission staff ecologists worked with Caltrans biologists to design the proposed Habitat Mitigation & Monitoring Plan (HMMP) (Exhibit 3), which contains performance standards, monitoring criteria, and planting plans that are appropriately designed to restore and mitigate the above-described long-term temporary impacts to ESHA. Furthermore, consistent with Policy CO-87 of the Santa Monica Mountains LUP, all sensitive habitat areas onsite that will be displaced as a result of proposed development, and that do not recover within 12 months of the initial disturbance (i.e. long-term temporary impacts), shall be mitigated at a minimum 3:1 ratio, which will be done through restoration of native coastal scrub habitat at Locations 16 and 17 (Leo Carillo State Beach), on the seaward side of Highway 1. Therefore, **Special Condition 2** requires Caltrans to carry out the approved HMMP, as revised on 9/1/22 and included as Exhibit 3, of this staff report.

Finally, the installation of rock slope protection to prevent erosion from storm flow and the construction of the pedestrian undercrossing at Location 10 will result in permanent impacts to approximately .05 acres of Sycamore/Oak riparian woodland. These permanent impacts will be mitigated at a 5:1 ratio, as required by CDFW, which is higher than the 3:1 mitigation ratio required by the Malibu LCP. These impacts also include the removal of two coast live oak trees, one cottonwood tree, one California black walnut tree, and three western sycamore trees. Pursuant to Malibu LUP Section 5.5, the impacts to these respective tree species are required to be mitigated at a ratio of 10:1. Approximately .03 acres of temporary construction impacts to Sycamore riparian woodland will be restored with three sycamore trees, 22 willow cuttings, and native understory vegetation, and

invasives will be managed in this area during the 5-year monitoring period. Caltrans will mitigate remaining impacts, in partnership with the Mountains Recreation and Conservation Authority (MRCA) at an offsite location, which is yet to be determined, but required to be undertaken by Local CDP 20-062 which will be heard on October 3, 2022 by the City of Malibu. Additionally, approximately .002 acres of lagoon/beach habitat will be impacted by the lengthening of the bridge wing wall on the eastern side of the bridge and is proposed to be mitigated by the creation of .02 acres of lagoon habitat at the outlet of the creek by removing the culvert bottom and remnant piles of concrete from the construction of SR-1. Furthermore, the project will also create .16 acres of soft-bottom creek bed by removing the concrete culvert and aprons and constructing a wider soft bottom bridge structure. The creek bottom will consist of Engineered Streambed Material (ESM) which simulates the natural stream bed upstream. Lastly, .10 acres of ruderal and landscaped areas will be restored to coastal scrub habitat on the west side of the bridge adjacent to the pedestrian walkway outlet onto the beach. Although the habitat impacts at Locations 10, 13, and 14 are discussed in this staff report for the purpose of project context, only the construction staging areas and the mitigation site³ for Locations 13 and 14, are located within the Commission's retained permit jurisdiction, and the remainder of the project impacts at these locations are within the City of Malibu's LCP jurisdiction.

Protection of Sensitive Wildlife Species

A number of field investigations were conducted by Caltrans to survey the existing biological environment and the findings were incorporated into Caltrans' Natural Environment Study (NES). There is the potential for listed species including the federally threatened coastal California gnatcatcher (*Poliophtila californica*) on the bluffs at Locations 13, 14, 16, and 17, and the federally threatened western snowy plover (*Charadrius lexandrinus nivosus*) on the sandy beach within the temporary construction staging areas at Locations 1, 3, 4, 6, 10, 13, 14, 16, 17, and 19. Therefore, in order to ensure that project activities avoid impacts to bird species, **Special Condition 4** is required, which states that an environmental resource specialist will conduct surveys of sensitive species no more than two weeks before any project activities to detect any active sensitive species, reproductive behavior, and active nests within 500 feet of the project site. Follow-up surveys must be conducted three calendar days prior to the initiation of construction. The environmental resource specialist shall be onsite during project activities to observe / identify any sensitive species/breeding behavior/nests active within 300 feet (500 feet for raptors/owls) of any project activities.

Additionally, the Commission finds that the project staging areas at Locations 1, 3, 4, 6, and 19 are within the expected range of the California Grunion (*Leuresthes sardinas*). To ensure that any potential adverse effects by construction staging and vehicle movement to the California Grunion are minimized, **Special Condition 4(a)** requires that a qualified biologist or environmental resource specialist shall conduct a survey of the project site each day prior to commencement of any construction activities that occur between March

³ This site is described throughout the staff report as Location 19 Restoration Site and located in the County of Ventura's LCP jurisdiction. However, because the County has agreed to the consolidated CDP process, the Commission is reviewing this portion of the project.

1st and September 1st, to determine whether any California Grunion, or eggs, are present. In the event that the California Grunion are present on the project site, and exhibit reproductive behavior, the environmental specialist shall require the Applicant to cease work, and the Applicant shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director. The monitor(s) shall require the Applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. The monitor(s) shall immediately notify the Executive Director if activities occur outside of the scope of this coastal development permit. If significant impacts or damage occur to the California Grunion, the Applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

Finally, the Commission finds that Locations 1, 2, 3, 4, 6, 13, 14, and 19 may be within the expected range of silvery legless lizard (*Anniella pulchra*), a California species of special concern. To ensure that any potential adverse effects by construction staging, vehicle movement, and project construction to the silvery legless lizard are minimized, **Special Condition 4(c)** requires that a qualified biologist or environmental resource specialist survey for legless lizards and relocate and/or avoid any lizards that are discovered.

Therefore, for all of the above reasons, the Commission finds the project, as conditioned, to be consistent with the Coastal Act Policy 30240, and Santa Monica Mountains LUP Policies CO-2, CO-33, CO-41, CO-56, CO-87, CO-101, CO-187, CI-2, 22.44.1810, 22.44.1890, 22.44.1920(F), and Ventura County LUP ESHA Goal 4 Policy 1 and ESHA Goal 4 Policy 3.

D. WATER QUALITY AND MARINE RESOURCES

Ventura County LUP Section 2.2 (mirrored in the Coastal Act) and Coastal Act Section 30230 requires that marine resources are maintained, enhanced, and restored while Section 30231 requires that the productivity of coastal waters necessary for the continuance of healthy populations of marine species shall be maintained and restored by minimizing wastewater discharges, maintaining vegetation buffer areas that protect riparian habitats, and minimizing stream alterations:

Section 30230 (in relevant part). *Marine resources shall be maintained, enhanced, and where feasible, restored...*

Section 30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural*

vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Additionally, the Santa Monica Mountains LUP provides policy guidance regarding the protection of coastal water quality and biological productivity:

CO-1: *Maintain and restore biological productivity and coastal water quality appropriate to maintain optimum populations of marine and freshwater organisms and to protect human health.*

CO-3: *To reduce runoff and erosion and provide long-term, post-construction water quality protection in all physical development, prioritize the use of Best Management Practices (BMPs) in the following order: 1) site design BMPs, 2) source control BMPs, 3) treatment control BMPs. When the combination of site design and source control BMPs is not sufficient to protect water quality, require treatment control BMPs, in addition to site design and source control measures. Design, construct, and maintain any required treatment control BMPs (or suites of BMPs) so that they treat, infiltrate, or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1- hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs. Prioritize the use of Low Impact Development in project design to preserve the natural hydrologic cycle and minimize increases in storm water or dry weather flows.*

Locations 1, 2, 5, 11, 16, and 18 have been identified as “drainage features of the highway” and do not have native habitat present. The flows at these locations appear to be coming from the roadway or storm run-off from adjacent development. Locations 3, 4, and 6 are also drainage features of the highway. However, at these locations the outlets will be placed on the beach within tidally influenced waters at Ratner Beach. The sandy beach at these locations provides public access and recreational opportunities for the public. The remaining locations (i.e., 10, 13, 14, 16, 17, and 19) all contain jurisdictional waters. Locations 13 and 14, which are located on the bluffs within Leo Carrillo State Beach, are ephemeral drainages to the Santa Monica Bay. Finally, Solstice Canyon Creek is a seasonal to perennial stream, with native Sycamore/Oak riparian woodland present, and which outlets onto Dan Blocker State Beach and into the Santa Monica Bay.

Ventura County LUP Policy 2.2, Coastal Act Section 30230 and Santa Monica Mountains LCP Policy CO-1 require that marine resources and water quality are maintained, species of special biological significance are given special protection, the biological productivity of coastal waters is sustained, and healthy populations of all species of marine organisms will be maintained. Additionally, SMM LUP Policy CO-3 requires that BMPs be implemented in order to reduce runoff and erosion during construction. The proposed project will have a net benefit on water quality by improving stormwater conveyance and minimizing erosion at each location. However, the proposed project also has a potential for discharge of polluted runoff from project site construction activities, ultimately into coastal waters. The development, as proposed and as conditioned by **Special Condition 5(d)**, incorporates design features to minimize the effect of construction and post construction activities on

the marine environment. Once the project goes out to bid, Caltrans has agreed to require their construction contractor to include all of the BMPs in **Special Condition 5(d)** in their Storm Water Pollution and Prevention Plan. These design features include, but are not limited to, the appropriate management of equipment and construction materials and the continued use of silt fences, straw wattles, or equivalent apparatus that shall be installed at the perimeter of all construction areas to prevent construction-related runoff and sediment from discharging from the construction area entering into storm drains, or otherwise offsite or towards the beach and ocean. Additionally, at Location 10, the applicant proposes to install a temporary water diversion system during any in creek work in order to de-water the temporary construction area and protect surface flows. This will include a gravel bag berm at the upstream limits of the project and will outlet onto the beach downstream of the project site.

Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act, Ventura County LUP Policy 2.2, and Santa Monica Mountains LUP Policies CO-1 and CO-3 regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. PUBLIC ACCESS AND RECREATION

The Coastal Act and Ventura County LUP Section 2.4 (mirrored in the Coastal Act) calls for the provision of maximum public recreational access opportunities, consistent with the requirement for protection of natural resource areas from overuse, as follows:

Section 30210. *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211. *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section*

30212 (in part). *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected.*

Section 30213. *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Section 30214 (in part). (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*

Additionally, the Santa Monica Mountains LUP provides policy guidance regarding the protection of public access and recreational opportunities;

CO-6: *Provide maximum public access and recreational opportunities for all people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources from overuse.*

CO-155: *The beaches, parklands and trails located within the Coastal Zone provide a wide range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, educational study, picnicking, and coastal access. These recreational opportunities shall be protected, and where feasible, expanded or enhanced as a resource of regional, State and national importance, and allowed to migrate when feasible with rising sea level.*

Coastal Act Sections 30210, and 30211, Ventura County LUP Section 2.4 (mirrored in the Coastal Act), and Santa Monica Mountains LUP Policies CO-6 and CO-155 mandate that maximum public access and recreational opportunities are provided and that development does not interfere with the public's right to access the coast. Likewise, Section 30212 of the Coastal Act requires that adequate public access to the sea be provided to allow use of dry sand and rocky coastal beaches. Section 30220 of the Coastal Act requires coastal areas suited for coastal recreational activities, that cannot be provided at inland water areas. be protected. Likewise, Section 30213 mandates that lower cost visitor and recreational facilities, such as public hiking and equestrian trails and public beach areas. shall be protected, encouraged, and where feasible provided. Currently within the project sites, PCH is generally constrained between the steep bluff face on the northbound inland side of the roadway and by, sandy beaches (Locations, 1, 3, 4, 6, 10, and 19), coastal bluffs (Locations 13, 14, 16, and 17), a steep drop to the ocean on the southbound seaward side of the roadway (Location 2), and residential uses (Location 18). In general, the entire corridor of PCH where the proposed project is located is a very popular destination for a variety of recreational users, including motorists, picnickers, beachgoers, hikers, bicyclists, and surfers.

The proposed project will not result in any adverse effects to public access to the beach. At Locations 1, 3, 4, 6, 10, 13, 14, 16, 17, and 19, Caltrans will access construction staging areas on the sandy beach through Temporary Construction Easements (TCE). The construction associated with the culvert relining at Locations 1, 16, 17, 18, and 19 is estimated to be completed within two days. The construction via the cut-and-cover method for Locations 2, 3, 4, and 6 is estimated to be completed within three weeks. The construction at Location 10 is expected to be completed within two years. Lastly, the jack-and-bore construction at Locations 13 and 14 is estimated to be completed within two weeks. Although construction activity for the proposed repairs will result in the temporary

closure of the project area, the Commission notes that adequate sandy beach area will be available surrounding the project sites. To ensure that adequate public access is maintained, **Special Condition 5(a)** requires that equipment operation and equipment and material storage will minimize adverse impacts to public access and public views during construction to the maximum extent feasible. To further protect public access and recreational opportunities, **Special Condition 5(b)** prohibits construction during weekends from the Saturday of Memorial Day weekend through Labor Day inclusive, unless the Executive Director authorizes such work due to extenuating circumstances. Maintenance of equipment and material storage is permitted during weekends and during non-daytime hours (i.e., from one-hour after sunset to one-hour before sunrise). To ensure that no impacts from the temporary construction persist after the project is complete, **Special Condition 5(e)** requires that all construction debris be removed, all beach areas and other public recreational access and use areas, and all beach access points impacted by construction activities be restored to their pre-construction condition or better within three days of completion of construction.

However, the proposed project will result in temporary, traffic-related public access impacts during construction associated with temporary lane closures for construction equipment working in the project corridor. PCH is a four-lane road throughout the proposed project area. PCH will remain open but will be subject to controlled traffic through the construction area and project construction will result in some traffic delays. However, the traffic impacts are not expected to be significant, and the roads will remain open. Project construction will not require closure of any parking lots along the route, but may require closure of certain roadside parking spaces for a period of up to approximately four hours each time, if needed. After construction is complete, the project will have no permanent impact on public access to the coast. To ensure that construction does not significantly impact vehicular and multimodal access on PCH, **Special Condition 5(f)** requires the applicant to develop a Traffic Management Plan, which shall limit lane closures and the use of public access pull outs for construction staging or operations to the maximum extent feasible, and provide for full and continuous access for bicyclists through the work corridor at all times by providing designated adequate space to safely traverse through the work zone.

Therefore, the Commission finds that the proposed project, as conditioned, will not have a significant adverse effect on public access and is consistent with the requirements of Coastal Act sections 30210, 30211, 30212, 30214, Ventura County LUP Section 2.4, and Santa Monica Mountains LUP Sections CO-6 and CO-55.

F. VISUAL RESOURCES

The Coastal Act requires that scenic and visual quality be maintained in the coastal zone:

***Section 30251** The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with*

the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinated to the character of its setting.

Additionally, Additionally, the Ventura County Land Use Plan provides policy guidance regarding the protection of visual resources. Subsection 4.1.7 states:

Visual Resource Goal 1 *Maintain and enhance the County's scenic and visual resources for the current and future enjoyment of its residents and visitors.*

Additionally, the Santa Monica Mountains LUP states:

CO-124 *The Santa Monica Mountains contain scenic resources of regional and national importance. The scenic and visual qualities of these resources shall be protected and, where feasible, enhanced.*

CO-125 *Protect public views within Scenic Areas and throughout the Coastal Zone. Places on, along, within, or visible from Scenic Routes, public parklands, public trails, beaches, and state waters that offer scenic vistas of the mountains, canyons, coastline, beaches, and other unique natural features are considered Scenic Resource Areas...*

CO-153 *Public works projects along scenic routes that include hardscape elements such as retaining walls, cut-off walls, abutments, bridges, and culverts shall incorporate veneers, texturing, and colors that blend with the surrounding landscape. The design of new bridges on scenic routes shall be compatible with the rural character of the Santa Monica Mountains and designed to protect scenic views.*

Coastal Act Section 30251, Ventura County LUP Policy 4.1, and Santa Monica Mountains LUP Policies CO-124 and CO-125 require that the scenic and visual qualities of the Coastal Zone be protected and where feasible enhanced. Additionally, SMM Policy CO-153 requires that public works projects along scenic routes that contain culverts incorporate veneers, texturing, and colors that blend with the landscape. The proposed project includes the repair and replacement of damaged culverts. Some of the locations will require installation of headwalls with associated rock slope protection at Locations 3, 4, 6, and 19 and wingwalls adjacent to the bridge at Location 10. The rock slope protection and headwalls at Locations 3, 4, 6, and 19 are necessary to prevent erosion at these locations during high flow storm water events. The wingwalls at Location 10 are necessary to provide structural stability for the Solstice Canyon Creek bridge and pedestrian undercrossing. However, portions of the project, including headwalls and wingwalls on the outboard sides of the culvert inlets/outlets will still be highly visible due to their outlet locations, which are directly on the sandy beach. Therefore, in order to ensure that any adverse effects to public views resulting from the visible portions of the proposed development are minimized, **Special Condition 7** requires that the surface of the

headwalls and wingwalls, be designed to include, or mimic, the color and texture of native materials and appearance of the natural environment, such as the appearance of rock facing, and to use vegetative screening as necessary.

Therefore, for the reasons discussed above, the Commission finds that the proposed development, as conditioned, will not result in any adverse effects to public views and is consistent with Section 30251 of the Coastal Act, Ventura County LUP Section 4.1, and Section CO-153 of the Santa Monica Mountains LUP.

G. COASTAL HAZARDS AND GEOLOGY

Section 30253 of the Coastal Act and Ventura County LUP Section 2.7, states in part that new development shall:

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

Additionally, the Santa Monica Mountains LUP states:

SN-1 *All new development shall be sized, designed and sited to minimize risks to life and property from geologic hazard.*

SN-16 *New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.*

SN-17 *New development shall not increase peak stormwater flows.*

Coastal Act Section 30253, Ventura County LUP Policy 2.7, and Santa Monica Mountains LUP Policy SN-1 require that new development be sited and designed to minimize risks to life and property from geologic hazard. Additionally, SMM LUP Policy SN-17 require that new development provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams. The proposed development is located along the Malibu and northern Los Angeles County / southern Ventura County coastline and surrounded by the Santa Monica Mountains, an area which is generally considered to be subject to a relatively high number of natural hazards. Geologic hazards common to this area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides. For example, at Locations

13 and 14, the culvert inlets were originally located within medium to heavily vegetated drainage basins. However, since the Woolsey fire and associated mudflows, the basins have become much more sparsely vegetated. The culvert outlets extend approximately 175 feet from the edge of the highway onto steep roadway fill slopes that were heavily vegetated prior to burning during the Woolsey Fire, this vegetation is largely in the process of recovery.

Consistent with the above described Coastal Act, Ventura County LUP, and Santa Monica Mountains LUP erosion control and geologic stability policies, in order to reduce the risk of storm water flows causing erosion that would undermine the culverts, headwalls and rock slope protection are proposed to be installed at Locations 3, 4, 6, and 19. Commission engineering and geology staff agree that this rock slope protection, is not proposed to serve as a shoreline protective device, and is necessary to prevent erosion and therefore, reduce the frequency for Caltrans maintenance crews to repair the culverts on an emergency basis. Furthermore, **Special Condition 3** requires that Caltrans implement the Habitat Mitigation and Monitoring Plan which proposes that all disturbed areas be restored and mitigated, which is not only beneficial for habitat restoration, but to minimize erosion on the bluff face at Locations 13, 14, 16, 17, and 19.

No shoreline protective devices are proposed for this project, and as described above the rock slope protection is not a shoreline protective device, rather it is proposed to prevent erosion from stormwater flows, but in order to demonstrate that each culvert will be safe from coastal hazards, Caltrans submitted separate Coastal Hazards Analyses for Location 10 and for Locations 3, 4, 6, and 19. In both cases, Commission engineering staff agreed that all of these locations will be safe from sea level rise during the expected service life of the culverts (i.e., 50 years) and the Solstice Canyon Creek bridge (i.e., 75 years). Both coastal hazards studies relied on the best available science and included the use of the most recent sea level rise projections, as well as wave run up models from the Ocean Protection Council, National Oceanic and Atmospheric Administration, and the Federal Emergency Management Agency. At Location 1, the analysis concluded that projected water elevations due to Mean Higher-High water levels in the year 2080 for the 1-in-200 chance on non-storm days would not reach the downstream portion of this culvert. Although 10-year and above year storm waves would inundate the downstream portion of the culvert, the water level will not reach road elevations and has low potential for overtopping the roadway. Similarly, at Location 2, the analysis concluded that the projected water elevations due to Mean Higher-High water levels in the year 2080 for the 1-in-200 chance on non-storm days would not reach the downstream portion of this culvert. Although the 10-year and above storm waves would inundate the downstream and upstream of the culvert, the water level is not expected to reach the road elevation or overtop the road. However, water levels may potentially increase the erosion of the PCH embankment and compromise roadway stability. At Locations 3, 4, and 6, projected water elevations due to Mean Higher-High water levels in the year 2080 for the 1-in-200 chance on non-storm days are not expected to reach the downstream portion of this culvert, but 10-year and above storm waves could inundate the outlet of the culvert. Although the water level will not reach the road elevation and will not overtop the road, it may potentially increase erosion of the PCH embankment and compromise stability. As an adaptive measure, the outlets of the culverts at Locations 3, 4, and 6, were moved as close to PCH

as possible, and will be located at the toe of the PCH embankment. Large waves may potentially erode the beach profile during the winter storm, which may further increase beach erosion. At Location 19, projected water elevations due to tide levels in the year 2080 for the 1-in-200 chance is not expected to reach the downstream portion of this culvert. Neither present day tides, nor tides combined with sea-level rise projections for 2080 or 2100 are expected to pose a flood hazard or impact to culvert function.

Although the coastal hazards analyses for each site concluded that the culverts are not expected to be impacted during their 50-year service life, PCH is vulnerable to coastal hazards throughout the entire corridor. Recently, Caltrans initiated a Climate Resiliency and Highway Safety Corridor Plan (Corridor Plan) for the section of PCH between Santa Monica in Los Angeles County and Oxnard in Ventura County. The Corridor Plan will identify a suite of strategies necessary for protecting, relocating, or otherwise accommodating anticipated future sea level rise along this section of PCH, as necessary, to maintain safety from coastal hazards, minimize risk, and assure stability and structural integrity in the long-term (i.e., at least through 2100), consistent with the Coastal Act and using best available science.

As such, the Commission finds that due to the unforeseen possibility of flooding, tsunami, storm waves, storm surges, coastal erosion, and wildfire, the applicant shall assume these risks as a condition of approval. Therefore, **Special Condition 1** requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act, Section 2.7 of the Ventura County LUP, and Sections SN-1, SN-16, and SN-17, of the Santa Monica Mountains LUP.

H. ARCHAEOLOGICAL RESOURCES

Section 30244 of the Coastal Act states as follows:

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

Additionally, the Santa Monica Mountains Land Use Plan states:

CO-204 *Protect and preserve archaeological, historical, and paleontological resources from destruction, and avoid impacts to such resources where feasible. Where avoidance is not feasible, minimize impacts to resources to the maximum extent feasible.*

CO-205 *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required. Mitigation shall be designed to accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.*

CO-206 *Regulate landform alteration to ensure minimal disturbance of known archaeological and historic cultural sites. New development on sites identified as archaeologically sensitive shall include onsite monitoring of all grading, excavation, and site preparation that involve earthmoving operations by a qualified archaeologist(s) and appropriate Native American consultant(s).*

CO-207 *The County should coordinate with appropriate agencies, such as the Southern California Indian Center (SCIC) and the UCLA Archaeological Center, to identify archaeologically sensitive areas. Such information should be kept confidential to protect archaeological resources.*

CO-208 *New development within archaeologically-sensitive areas shall implement appropriate mitigation measures, designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.*

CO-209 *Preserve and protect cultural resources and traditions that are of importance to Native Americans, including the Chumash and Gabrieliño/Tongva peoples.*

CO-211 *Notify all appropriate agencies, including Native American tribes, and the Department of Regional Planning of archaeological or paleontological resources discovered during any phase of development construction to ensure proper surface and site recordation and treatment.*

Additionally, the Ventura County Land Use Plan provides policy guidance regarding the protection of archaeological resources. Subsection 4.1.1 states:

Archeological Resources Policy 1 *Discretionary development shall be reviewed to identify potential locations for sensitive archaeological resources.*

Archeological Resources Policy 2 *New development shall be sited and designed to avoid adverse impacts to archaeological resources to the maximum extent feasible. If there is no feasible alternative that can eliminate all impacts to archaeological resources, then the alternative that would result in the fewest or least significant impacts to resources shall be selected. Impacts to archaeological resources that cannot be avoided through siting and design alternatives shall be mitigated. When impacts to archaeological resources cannot be avoided, mitigation shall be required and shall be designed in accordance with established federal,*

state and/or County standards and shall be consistent with the policies and provisions of the LCP.

Archeological Resources Policy 4 *The location of all coastal zone archaeological sites shall be kept confidential to avert disturbance or destruction of the resource.*

Archeological Resources Policy 5 *Native American tribal groups approved by the Native American Heritage Commission for the area shall be consulted when development has the potential to adversely impact archeological resources.*

Archeological Resources Policy 6 *Protect and preserve archaeological resources from destruction, and avoid impacts to such resources where feasible.*

The Commission recognizes that the entirety of the State's Coastal Zone was originally indigenous territory that likely has cultural significance at some level or another. Long before the coastal areas were colonized by white settlers, each coastal area had significance to the local indigenous communities. This significance is part of the State's history, which is full of centuries of land theft, suppression, and aggression, pushing indigenous people from coastal (and other) regions early in the colonization and settlement of the State. For decades, even after native people were already excluded from coastal areas by settlers and state and federal officials, expressions of indigenous culture, religion and values led to aggression and persecution, including periods of genocide. Tribes were forced to abandon many coastal areas.

Once genocidal policies were finally tempered, California Native American Tribes (Tribes) were still not safe to use traditional areas along the coast, and Tribal communities had to endure Tribal children being taken from families and forced to attend boarding schools. These are some factors that have led to over a century of suppression of knowledge about Tribal cultural areas.

The Commission acknowledges Tribal sovereignty and understands that California's Tribes and their members have long served as stewards of the state's important coastal resources, and possess unique and valuable knowledge and practices for conserving and managing these resources in a sustainable manner, and in a manner consistent with the spirit and intent of the Coastal Act.

The Commission's Tribal Consultation Policy (adopted on August 8, 2018)⁴ recognizes the importance of State efforts to protect Tribal Cultural Resources and improve communication and coordination with Tribes, and it sets out a tribal consultation process that is fully consistent with, and complementary to the nature of, the Commission's goals, policies (including Section 30244), and mission statement. Tribal cultural resources can be sites, features, cultural landscapes, sacred places, and objects with cultural value and can also qualify as archeological, paleontological, visual, biological, or other resources that the Commission is tasked with protecting pursuant to the Coastal Act.

⁴ <https://documents.coastal.ca.gov/assets/env-justice/tribal-consultation/Adopted-Tribal-Consultation-Policy.pdf>

Coastal Act Section 30244, Santa Monica Mountains LUP Policy CO-204, and Ventura County LUP Archaeological Resources Policies 1, 2, and 6 require that development be sited and designed to prevent impacts to archeological resources. Moreover, SMM LUP Policies CO-205, CO-206, and CO-208 require applicants to coordinate with the Native American Heritage Commission to identify sensitive tribal archeological resources and to monitor construction activities in order to avoid or mitigate for any impacts to these resources. Furthermore, SMM LUP Policy CO-209 requires the protection of all cultural resources important to Native American tribes including the Chumash and Gabrielino/Tongva. SMM LUP Policy CO-211 and Ventura County LUP Archaeological Resources Policy 5 require tribal groups to be consulted when development has the potential to adversely impact archaeological resources. As described in more detail below, the project is consistent with the above-described policies because the applicant has designed the project to minimize impacts to tribal cultural resources, consulted with relevant tribal groups, and agreed to allow both archaeological and tribal monitoring to occur during construction. The project area lies within the traditional territory of the Barbareno/Ventureno Band of Mission Indians, Coastal Band of the Chumash Nation, Fernando Tataviam Band of Mission Indians, Gabrieleno Bank of Mission Indians – Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrieleno/Tongva Nation, Gabrieleno Tongva Indians of California Tribal Council, Gabrieleno-Tongva Tribe, San Fernando Band of Mission Indians, and Santa Ynez Band of Mission Indians. According to the MND (see page 173 of Exhibit X), Caltrans contacted the Native American Heritage Commission (NAHC) and sent a Sacred Lands File, Native American Contacts List Request form, and a map depicting the proposed project locations. The NAHC responded in writing on February 2, 2018, stating that their Sacred Lands File Search did not show Native American cultural resources within the project study area, though the NAHC provided a list of sixteen Native American representatives from the above listed tribes to contact for further information.

Subsequently, on February 9, 2018, an initial contact letter was sent by Caltrans to each of the representatives on the NAHC's list or representative contacts. They received responses from representatives of the Barbareno/Ventureno Band of Mission Indians, the Gabrielino Tongva Indians of California Tribal Council, the Coastal Band of the Chumash Nation, and Fernandeno Tataviam Band of Mission Indians. In sum, the tribal representatives requested to be included in Native American consultation efforts, to be kept updated on project progress and timelines, to participate in any discussions regarding any and all adverse impacts to the cultural resources that will be disturbed during groundwork, and to be present during construction monitoring.

Upon receiving these responses, Caltrans has continued to maintain communication regarding these issues with the tribal representatives. As a result of the consultation, Caltrans committed to: (1) having Native American monitors present during any earth moving activities; (2) stopping work if cultural materials are discovered in the project site until an archeologist can assess the find; and (3) stopping work if native American human remains are found and the Most Likely Descendant will be notified to ensure the respectful treatment and disposition of the remains. These commitments have been incorporated into **Special Condition 6** which also requires Caltrans to submit a Supplementary Archaeological Plan (SAP) following discovery of any archaeological resources. Review

and written approval of the SAP by the Executive Director, in consultation with the Tribal Representatives, is required in order to recommence construction within the exclusion zone where tribal cultural and/or archeological resources are discovered.

For the entire details of each tribal representative's communications with Caltrans, please see page 173 of the MND. Per the Coastal Commission's Tribal Consultation Policy, on April 25, 2022 Commission staff sent letters to each of the above listed tribes to offer the opportunity to provide any comments or concerns they may have regarding Caltrans' consultation efforts or the processing of this CDP application through government-to-government consultation. To date, no responses to this letter have been received by Commission staff.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30244 of the Coastal Act, Section 4.4.1 of the Ventura County LUP, and Sections CO-204, CO-205, CO-206, CO-207, CO-208, CO-209, and CO-211 of the Santa Monica Mountains LUP.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires that a specific finding be made in conjunction with CDP applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

Caltrans, acting as lead CEQA agency, prepared a Mitigated Negative Declaration for the proposed project. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA. The preceding findings in this report have discussed the relevant coastal resource issues with the proposal, and the CDP terms and conditions identify appropriate mitigations to avoid and/or lessen any potential for adverse impacts to said resources. Further, all public comments received to date have been addressed in the preceding findings, which are incorporated herein in their entirety by reference.

As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which the proposed project may have on the environment within the meaning of CEQA. Thus, as conditioned, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

5-21-0618 (Caltrans)

Appendix A - Substantive File Documents

Caltrans Natural Environment Study (NES) SR-1 Culvert Retrofit/Bridge Replacement, 9/25/18

Caltrans Mitigated Negative Declaration/Environmental Assessment (MND) State Route 1 (PCH) Drainage Restoration Project and Bridge Replacement at Solstice Canyon Creek, 10/26/18

Steelhead Passage Stability Study Solstice Creek, 8/9/17

Habitat Mitigation and Monitoring Plan, 9/1/22

Coastal Hazards Assessment for Solstice Canyon Creek, 10/20/2020

Sea Level Rise and Coastal Hazards Study for Locations 1, 2, 3, 4, 6, and 19, 2/16/22