

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 8<sup>TH</sup> STREET, SUITE 130  
ARCATA, CA 95521  
PH (707) 826-8950  
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**F12a**

**A-1-MEN-22-0016**

**(Caltrans District 1, Mendocino County)**

**December 16, 2022**

**CORRESPONDENCE**

**From:** [Madelyn Glickfeld](#)  
**To:** [Leavitt, Amber@Coastal](#)  
**Cc:** [Gear, Karyn@SCC](#); [Coonrod, Caren F@DOT](#); [Frank Demling](#); [umbertis@dot.ca.gov](#)  
**Subject:** RE: Appeal of CALTRANS project on my property at 2050 Highway one in Albion.: Two Questions to Clarify  
**Date:** Wednesday, November 30, 2022 4:38:29 PM  
**Attachments:** [image001.png](#)

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I found one appeal report. However, you created two separate appeal numbers for the Highway One road widening and the realignment and restoration of the streambed west of Highway One. This is only one appeal case, not two. Did you combine them?

Second, I would note that in the project description of the report, you state that part of the project is "relocating a drainage system".

It is much more than that—it is restoring the original channel to its pre 1998 width and depth, with restoration of natural slopes and vegetation to the best extent physically possible due to the amount of damage that CALTRANS did with the Commissions temporary emergency permit in 1998. Furthermore, in mitigation of the impacts of the project, Caltrans has agreed build a bench directly below the new Highway One road level for the Coastal Trail. They agreed with the Coastal Conservancy to make their right of way accessible to the Coastal Conservancy for construction of the Coastal Trail between my property and the Navarro Point Preserve to the south and across my property eastern edge northward to Pacific Reefs and the Salmon Creek Bridge.

I am not sure that the permit appealed to the Commission included these two parts of the project in writing, but it sure did show the restoration and the Coastal Trail bench adjacent to and on my property on the site plan. And the commitments for the Coastal Trail north and south of my property were made by Caltrans to the Coastal Conservancy. These are the two things that make this project important to me and I required both to agree to allow the CALTRANS easements on my property. I just want the project to be described accurately.

I know that you cannot change the project description without accepting the appeal, but I would like this in the record of the staff report.

Madelyn Glickfeld

Owner, 2050 North Highway One  
Albion CA.

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**From:** Leavitt, Amber@Coastal <amber.leavitt@coastal.ca.gov>  
**Sent:** Wednesday, November 30, 2022 2:18 PM  
**To:** MADELYN GLICKFELD <madelynglickfeld@verizon.net>  
**Subject:** RE: Appeal of CALTRANS project on my property at 2050 Highway one in Albion.

*Madelyn and Bruce Glickfeld*

*28907 Grayfox Street*

*Malibu, California 90265*

*(310)589-9110 telephone*

*(310)-962-6120 mobile*

[madelynglickfeld@verizon.net](mailto:madelynglickfeld@verizon.net)

December 9, 2022

The Honorable Donna Brownsey  
Chairperson, California Coastal Commission  
455 Market Street,  
Suite 300  
San Francisco, CA 94105

Sent to [NorthCoast@coastal.ca.gov](mailto:NorthCoast@coastal.ca.gov) for distribution

Re: Item F12A Substantial Issue Determination Only, December 16, 2022  
Relocating a the Drainage System for Navarro Creek as it crosses under Highway One

Dear Chair Brownsey and Coastal Commission Members,

I am writing to ask you to support your staff recommendation on this matter, and vote no substantial issue. However, while your staff report is correct as to what the project is, it does not point out that this is not a new improvement. This project is the remediation for 24 years of damage to the Navarro Creek Drainage where it crosses Highway One to the ocean. The entire areas is a Caltrans right of way west of Highway One, and my property, which includes the creek. This whole drainage is an ESHA. Caltrans caused the damage. .

In 1998, there is a massive El Nino storm with record-breaking rainfall, flooding and washouts all over California. Late one evening during the storm, we observed construction crews on the highway. The storm drain under the highway was damaged. It was too dangerous to send a person into the storm drain during the rains. Therefore, the Coastal Commission gave CalTrans an emergency permit and CalTrans hired a local contractor to build a new storm drain some 100 plus feet diagonally across the highway to the north, where it spilled out into a small side channel on the road slope, turned south and then west immediately to join the stream channel.

It became clear in a few days that this change, while necessary during the emergency, was causing a lot of damage and had to be restored back to its natural channel. The changed drainage configuration shot water across the side drainage, widening and deepening it. Where the water joined the creek in a sharp right turn, it eroded the stream banks and widened the channel. The realignment scoured out the so much that pre-existing fencing across the stream ended up hanging in mid-air.

The channel so widened that the bridge that the Mendocino Land Conservancy wanted to build over the creek for the Coastal Trail became impossible to build. As a result, the trail between the Salmon Creek Bridge to the north and the Navarro Headlands to the south was never built, and people continued to bike and walk on the extremely narrow and dangerous highway.

I contacted both the Coastal Commission and CalTrans early and frequently, pointing out the damage, and asking that the Commission immediately required CalTrans to restore the storm drain to its natural location and repair the damage done. The Commission staff never funded this, and Caltrans never agreed to relocate the storm drain. CalTrans only agreed to put rocks on the embankment, which promptly migrated down into the creek.

Nothing happened to stop this environmental damage for nineteen years. Then in 2017, we received a letter from Caltrans, asking us for easements for construction of a safety road widening that they wanted to build along this stretch of Highway One. It was only then that a group of Caltrans staff led by Frank Demling understood the result of Caltrans actions and agreed that this damage had to be repaired and the stream restored, with a bench cut in the road slope for the Coastal Trail that I had requested.

For more than two years, we worked together on a design. I wanted to do a green natural approach to restoration of a natural stream. However, the decades of damage and the need to put in the bench for the coastal trail instead of a bridge required a great deal of traditional storm drainage.

So I am writing this recommendation for no substantial issue because the Appellants have no substantial issue, They made it clear to me that they had no interest in making this a better project, and delayed the execution for two years of appeals.

Caltrans needs to move forward to complete this project in 2022. Hopefully they will keep the verbal commitment that they made to me to offer their right-of-way to use for the Coastal Trail between Salmon Creek and the Navarro Headlands. I understand that Caltrans is working with the Coastal Conservancy and Mendocino Land Conservancy to complete the planning and agreement for this project.

In summary, I have had two objectives to solve this problem for the last 24 years to restore the streambed and habitat for the creek and to allow the Coastal Trail to cross the creek. I tell this story in the hopes that the Commission and the staff understand that they cannot issue emergency permits and walk away. Those permits should expire unless made permanent with a regular permit. If no regular permit, then the Coastal Commission should enforce. In the long run, this would have prevented all of this damage, allowed the Coastal Trail to be built, and saved the Commission staff from working on this permit, Because the problem would not be there to fix.

Sincerely,

Madelyn Glickfeld

cc     Jack Ainsworth  
       Tami Grove  
       Amber Levitt  
       Caren Coonrod, Caltrans  
       Stephen Umbertis, Caltrans  
       Liza Walker, Caltrans  
       Frank Demling, former Caltrans Project Manager

*Madelyn and Bruce Glickfeld*

*28907 Grayfox Street*

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*(310)589-9110 telephone*

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*[madelynglickfeld@verizon.net](mailto:madelynglickfeld@verizon.net)*

April 1, 2022

The Honorable Dan Gjerde  
Chair, Mendocino County Board of Supervisors  
501 Low Gap Road  
Ukiah, Ca 95482

Re: Item 4-h April 5 Agenda Appeal of CDP\_2019-0034  
DATE Appeal FILED 11/29/2021  
OWNER/APPLICANT: CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)  
AGENT: FRANK DEMLING  
Appellant: Albion Bridge Stewards

Dear Chair Gjerde and Members of the Board of Supervisors,

I am writing to support County Planning Staff Recommendation for denial of the appeal of the coastal permit granted to Caltrans for the Caltrans Road Safety improvement and the Navarro Creek restoration project. The decision of the Albion Bridge Stewards to oppose and appeal this project is without merit. The project appealed is not connected in any way to the Albion or Salmon Creek bridge replacement or improvement opposed by the Albion Creek Stewards. Their stated basis for appeal is without merit and capricious.

My husband and I own the property at 2050 North Highway One. The eastern edge of our property abuts Caltrans' right of way for Highway One. The southern boundary of our property is Navarro Creek. The CALTRANS storm drain under Highway One drains directly into the natural Navarro Creek on my property. I have been trying for 24 years, since the 1998 El Nino storm, to get Caltrans to correct the misaligned emergency drainage project executed in the middle of the night in December 1998 that has caused so much damage to this ESHA, the creek and my property over that time. However, CALTRANS never allocated any funding for it until now. I attach some pictures in Exhibit A to this letter taken in 2004 and 2008 to show some of the widening, deepening, rock abutment migration and erosion over time.

In 2004, concerned by the continuing damage, I commissioned a study by Hydrologist Terry Barber and her report is attached in Exhibit B. She documented the damage caused by the relocated storm drain at

that time and recommended that the storm drain be realigned back to flow directly into the creek west of the Highway.

Finally, in 2017, CALTRANS approached us to obtain an easement on our property for their road widening safety. Because of that, I was able to ask for and obtain the following:

- the restoration and stabilization of the creek slopes that had eroded,
- removal of the rocks that had migrated downstream,
- removal of invasive species and revegetation with species native to this creek and
- A terrace across the Highway slope to allow the Coastal Trail to cross the creek. The Coastal Conservancy and the Mendocino Land Trust have been trying to connect the Navarro Headlands Preserve to areas abutting the coast north of the Preserve since 2004. They acquired some of the easements but could not cross the creek until it was restored—it was too wide and unstable.

This project will also maintain a safe setback between the creek and our driveway, and will protect the driveway from erosion. It is a privilege for us to own this property and we have worked hard to preserve it. We use the small cottage that was built in the 1950's with no additional footprint. Conserving the creek and the rest of the property is one of the benefits of owning this property. We are very happy to allow the extension of the Coastal Trail next to our property.

By opposing and delaying the issuance of the coastal permit from 2019 to 2021, all that the Albion Bridge Stewards have accomplished is further erosion in the creek. I have worked with Caltrans to make this a green and natural restoration project, but as time goes on and the damage increases, the project proposed gets more challenging and expensive.

I request that you add a stipulation to the permit that if the California Transportation does not fully fund this project, CALTRANS should not be allowed to simply abandon this project or modify it to eliminate access or take out any remaining ecological restoration. The County has the legal authority, under the delegated authority from the Coastal Commission to require that CALTRANS submit a permit in place of the emergency permit issued in 1998. They never finalized their emergency permit with one that meets the requirements of the Coastal Act. I ask that, if CALTRANS does not fully fund this project, that Mendocino County use that authority to require them to do so. Twenty-four years is enough time to wait.

Sincerely



Madelyn Glickfeld

cc: Frank Demling, CALTRANS  
Mark Gold, Deputy Secretary for Oceans and Coastal Policy, CNRA

Karyn Gear, State Coastal Conservancy

Peter Jarausch, State Coastal Conservancy

Shana Gray, North Coast District Director, California Coastal Commission.

Melissa Kraemer, North Coast District Manager, California Coastal Commission

Conrad Kramer, Mendocino Land Trust

Julia Krog, Mendocino County Planning Department

Scott Perkins, Mendocino County Planning Department

Attachments: Exhibit A. 2004-2008 photos

Exhibit B. Terry Barber, Hydrological Report on Creek Impacts of Drainage Diversion  
with recommendations for realignment.

Exhibit A  
2004 and 2008 Photos showing Progressive Damage from Realignment of  
Highway One Storm Drain

2004 photos showing the erosion west of the drainage. Note the location of the CALTRANS white fence.  
Note the migration of the rocks off the top of the slope exacerbating erosion and impacting habitat.







Rock revetment failing on road slope after the reconfigured drainage.



Looking from Highway One to show the extent of rock placed on the side slope of the highway. Later pictures show the rocks just sliding into the creek, actually deepening slide slopes and widening creek. Note the elevation of the CALTRANS fence line.





Extent of erosion by 2008 at the Cal Trans Boundary. Note that the fence shown above is, four years later, hanging in mid-air. Note the Impact on the deepening of the creek, and migration of boulders that had been added to stabilize the highway. Creek slope was eroded on our property and destabilizing the slope adjoining our driveway.



Looking towards southern side back in 2008, also showing erosion, rock migration and steepening of the slope.





2008 showing the outfall of the diverted storm drain under Highway One, the turn to the south, towards the creek and unpermitted rocks that served to direct the flow.

## Exhibit B:

### **2008 Terry Barber Hydrological Report**

Site Review: Property of Madelyn Glickfeld Field Survey on 3-4-04 Write-up 4-04-04  
2100 Highway 1 at Navarro Ridge Road 10:00-11:45 + 1 hour travel + 2 write up  
[madelynnlickfeld@verizon.net](mailto:madelynnlickfeld@verizon.net)

#### **Background:**

On 3-4-04 I responded to a request by Lee Lette for a Professional Hydrologist to review the stream crossing of Navarro Creek across Highway 1. Client suspects the 1998 stream crossing repair may be subjecting property owned by Madelyn Glickfeld to excessive erosion. The purpose of my visit was to examine the culverted stream crossing as it relates to the stability of adjacent lands owned by Ms. Glickfeld and the health of the stream community of Navarro Creek.

#### **Observations:**

- A plastic, double-walled culvert of dimensions 36 inches in diameter by 100 feet in length conveys Navarro Creek across Highway 1 at mile-marker 42.32. Sediments are storing at and above the inlet as they settle due to the shallowing change in grade established by the culvert inlet (photo 1). The outlet of this culvert extends from the upper 1/3 fill of the crossing instead of the base of the fill.
- There is also an exposed downstream end of a buried, rusted 12 inch diameter corrugated metal pipe (length unknown) that appears to be threaded through the base of the crossing fill which may have conveyed all or part of the stream sometime in the past. The inlet for this culvert was not located.
- The drainage area above the crossing contributing to Navarro Creek was calculated at 62.82 acres. The natural soil runoff coefficient assumed for loamy soils vegetated with mixed conifers is 30%, yet with present and planned future developments in 5-acre parcels, disking, paving, and grazing, the runoff coefficient may reasonably be increased to 35% for use in floodflow calculations as impermeable areas increase.
- The gradient of Navarro Creek is approximately 4% immediately upstream of the culvert, then steepens to about 10% for most of the stream length. Immediately downstream of the culvert, the stream gradient is approximately 17% in the rip-rap reach, then eases back to 10% as the rip-rap recedes.
- There is a 5-foot tall knickpoint (waterfall) occupying the streambed about 1/3 of the distance downstream from the culvert outlet to the end of boulder rip-rap. The knickpoint has a native soil substrate surrounded on both the up and downstream ends by rip-rap. The rip-rap on the downstream side of the knickpoint is unstable underfoot (photos 2,4).
- Substrate upstream of the crossing consists solely of gravel, sand, and silt. Immediately downstream of the crossing the substrate coarsens to 1-4 ton imported boulder rip-rap for approximately 100 feet of slope distance, beyond which the substrate returns to the gravel, sand, and silt exhibited naturally upstream.

- Natural vegetation upstream includes a variety of aquatic, terrestrial and riparian plants including grasses, sedges, ferns and willow. Downstream aquatic and riparian vegetation is limited until the rip-rap subsides and the native substrate takes over. At that transition, ferns, fir, pines, and wax myrtle begin occupying the riparian zone.
- Streambanks upstream of the Highway 1 crossing are 100% vegetated and stable. Streambanks immediately downstream of the crossing on both sides (property of Ms. Glickfeld) are very unstable with fresh escarpments showing bare soil as well as a series of recovering streambank failures with varying degrees of grass and fern cover (photo 3).
- The fillslope under Highway 1 is perched and unstable with fresh escarpments observed as over-steepened bare soil, as well as conchoidal cracks in the pavement of Highway 1 at the downstream side.

### **History of the site:**

According to information presented by Lee Let on behalf of Ms. Glickman, the plastic culverted crossing was a winter road repair designed by Caltrans Engineer Guy Preston, and installed by Excavator Operator Keith Paulson in the winter of 1998. The crossing was realigned to its present position to the north of the preceding crossing by approximately 25 feet. The repair was required, according to Caltrans officials on site because the prior culvert had failed, and the road was in danger of collapse during the El Nino rains of 1997-98. In the emergency, they didn't think they could replace the culvert in its then present (natural?) alignment due to saturated fill, the need for ongoing traffic control, and perhaps a lack of environmental permits that generally limit construction to the dry season. Since the emergency repair, site conditions have deteriorated (observations described above) and to date no permanent repair has been initiated.

### **Hydrological and Biological Evaluation:**

#### *Culvert diameter*

50 and 100-year rainstorms which should be conveyed through the crossing are estimated to shower 0.6 and 0.66 inches of rain per hour over the Navarro Creek drainage area of 62.82 acres upstream of the culvert. Stream length from ridge to Highway 1 crossing was determined to be 0.58 miles from the USGS topographic quadrangle map. Time of runoff concentration required from ridgetop to crossing was calculated at 10-15 minutes. Q50 and Q100 should be considered design flows on this pipe by the formula  $Q=CIA$  where Q is streamflow as CFS (cubic feet per second); C is soil runoff coefficient (a constant = 0.3 for loamy forest soils; 0.35 for partially developed loamy forest soils); I is rainfall intensity (0.6 and 0.66 inches per hour). Q50 for a 50-year storm is thus predicted to be 13.19 cfs and Q100 for the 100-year storm to be 14.51 cfs. According to my floodflow calculations, the 36" culvert presently on site is barely capable of conveying the estimated 50-year predicted floodflow for Navarro Creek and is definitely undersized for the 100-year projected floodflow (see attached floodflow and culvert sizing calculations).

Culvert diameters should be increased beyond runoff capacity allotted for streamflow to provide space for passing woody debris (sticks, leaves, logs), and bedload (sand, silt, gravel, cobble). Taking these three elements together suggests that at minimum the culvert diameter should be increased to the next standard pipe diameter (48") or the crossing should be bridged. The pipe's inlet presently shows some erosion indicating water is pooling and/or swirling around the inlet,

one signal that the crossing is undersized even for the relatively mild floods experienced locally since the 1998 New Years Flood.

#### *Culvert alignment*

Unless there is a compelling argument against it, stream crossing culverts should be aligned within the natural channel's path or problems like bank failures will commonly occur. This culvert is not in the natural channel's path but realigned approximately 25 feet to the north. As such it is required to make a sweeping 90-degree turn to get from the culvert outlet back into the natural channel. It has potential to destabilize the bank receiving the forceful apex of the flow, even though this bank is presently protected by rip rap. A bank failure of approximately 100 cubic yards is possible there near the Glickfeld gate. Already one of the large boulders that protects that bank has rolled out of position downstream.

The dewatered streamcourse probably still carries some water underground through interstitial pore space within the crossing fill of Highway 1. This may be the cause for the instability noted in the downstream fill face that may be responsible for generating the cracks in the pavement there.

#### *Culvert grade*

Instability of the site is caused by the stream adjusting significantly to the changes of gradient imposed on it by the 1998 stream diversion and pipe installation. The gradient of the pipe is far too flat compared to the stream's natural gradient. Ideally, culverts are installed at the base of the fill at the natural stream's gradient. Installing the pipe out of grade (too mild) has caused deposition of bedload gravel, sand, and silt around the inlet of the pipe far in excess of what would have stored there. Instream vegetation has grown up through the deposit and the combination makes the stream gradient upstream of the pipe artificially low and flat. The outlet of the pipe "shotguns" and waterfalls down to rip rap boulders added (approximately 100 cubic yards) at the culvert outlet to build the elevation of the streambed receiving the outlet of the pipe. Presumably, the boulder rip-rap at the outlet and downstream was designed to bring the elevation of the natural streambed artificially up to the elevation of the pipe's outlet. The rip-rap probably did increase resistance of streambank soils to erosion but appears to have had just temporary success.

Ideally this culvert should have been installed at the natural stream gradient (estimated at 10%) so that the bottom of the culvert inlet and its outlet touch the natural stream's bed. Winters since 1998 have acted to move the rip-rap and other streambed bed materials downstream of the culvert to the extent that boulders have been displaced from their original positions in both the bed and the banks of Navarro Creek downstream of the culvert outlet. This is most obvious at the outlet and the knickpoint. Some boulders that once occupied these positions have toppled downstream into a pile and left this area without bed and bank armor. Photos predating the present confirm the original upstream position of certain unique boulders. Knickpoints are an unstable feature which erodes headwardly to the next grade controlling structure upstream. In this case the next grade control structure is the culvert outlet. As the knickpoint migrates upstream, deepening itself in the process, more boulders will tumble down from above, filling



the present knickpoint's void. As the bottom drops out, the banks of Navarro Creek will follow until the knickpoint reaches the culvert outlet and the banks slide into their angle of repose.

#### *Highway 1 Fill Face*

Conchoidal cracks in the highway pavement and eroded fill face at the 1998 crossing location suggest the road fill beneath is subsiding. It is reasonable to assume residual stream waters continue to pipe through the road fill there and are causing the subsidence. This is likely to persist as the stream, the groundwater, and the local hydrology have roots in the natural stream path that are not fully disconnected by a stream diversion. Besides risking the road's drivability and highway safety, the lack of stability there has led to easement restrictions requiring power lines to be relocated around that area instead of being buried through it

#### **Potential resolutions:**

##### *Crossing*

- A) Redesign a bridged crossing over Navarro Creek in the position of the natural stream. This is the best remedy.
- B) Design a new crossing with a wider and longer pipe so that the stream is conveyed across Highway 1 at its natural elevation, gradient and natural path alignment. Ensure the new culvert diameter is at least 48 inches.

##### *Road Fill Under Highway 1*

- A) Excavate the fill down to the natural streambed
- B) Convey the natural stream through its natural path
- C) Compact fill in moist 12" lifts to pavement level
- D) Ensure sideslopes and fill faces retain a stable 1:1 or 2:1 slope angle

##### *Streambed*

The streambed is presently full of unnatural, imported rock rip-rap on the downstream side. On the upstream side finer upstream stored sediments have aggraded. Between the two natural ends is an unnatural, class IV stream diverted out of its natural course and is severely out of equilibrium. Steps to restoring the streambed include

- A) reconnecting the natural channel through the road fill in its natural path
- B) dewatering the diversion
- C) recontouring the hillslopes by removing the boulders and reshaping streambanks
- D) installing grade control structures at critical points up and downstream of the crossing to avoid initiating knickpoints into natural areas.

##### *Streambanks*

Eroded streambanks are presently nearly vertical and past their natural angle of repose. Continued lateral erosion is likely.

- (A) Remove rip rap
- (B) rebuild or cut back sideslopes to 2:1 or even 1:1 slope angles and revegetate with native plants.

#### **Conclusion:**

The 1998 emergency winter culvert repair on the Navarro Creek stream crossing across Highway 1 has generated a state of disequilibrium. The disequilibrium was imposed on the creek by diverting its path in a northerly direction changing the stream's alignment and natural gradient. Without restorative treatments the Glickman's property will continue to erode as knickpoints and bank failures until Navarro Creek reaches an equilibrium with the new position and gradient imposed by the 1998 repair. A new bridge over the natural stream is the best solution affording a safe highway condition, a natural streambed, stable banks, and a floodable crossing. If a permanent culverted crossing upgrade is planned, then the culvert should be installed in the natural stream path and alignment, at its natural grade, at the base of the fill, with a diameter of 48 inches or greater, and long enough that both upstream and downstream fillslopes atop the pipe are 2:1 or milder to reach a stable angle of repose.

Teri Jo Barber

Professional Hydrologist #1535 Certified by American Institute of Hydrology

#### PHOTO 1

Culvert inlet at Navarro Creek 3-4-04, upstream side of Highway 1 crossing. Culvert appears undersized based on erosion on both sides of culvert inlet and partial filling. Landscape surrounding inlet is instream stored sediment colonized by grasses, rushes, sedges, forbs. Natural channel is to the south (Right, off photo) and has a dense riparian canopy of willow adjacent to the stream.

#### PHOTO 2

Knickpoint is seen center photo as a “waterfall” behind large boulder. Note 5-foot tall drop has a bed composed of native soil or fill which is highly erodible (not rip rap). This feature will progress headwardly toward the culvert outlet. This process is deepening of the channel, which will become 5’ deeper than it is now. The deepening channel will result in the existing banks becoming perched above, and oversteepened. Banks which will then slide into the channel as the stream equilibrates.

#### PHOTO 3

Existing bank failure on Glickfeld property. Looking downstream from Highway 1, this is on the right.

#### PHOTO 4

Another look at the knickpoint waterfall. Note bank failure with boulder perched above. Other rip-rap in line to fall as knickpoint migrates upstream. Also, note large pile of riprap (photo left). Some of these have tumbled in

# Albion Bridge Stewards

*A working group of the Albion Community Advisory Board*

P.O. Box 363  
Albion, CA 95410

December 9, 2022

## ITEM FRIDAY 12a

December 16, 2022  
(Caltrans, Highway 1-Navarro Creek  
[aka "Navarro Drainage"] Project]

**A COPY OF THIS LETTER HAS BEEN SENT  
TO ALL COMMISSIONERS AND TO STAFF**

Chair Donne Brownsey and Members  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, California 94105  
Attn: Ms. Amber Leavitt ([amber.leavitt@coastal.ca.gov](mailto:amber.leavitt@coastal.ca.gov))  
North Coast District, California Coastal Commission  
([NorthCoast@coastal.ca.gov](mailto:NorthCoast@coastal.ca.gov))

RE: RESPONSE BY THE ALBION BRIDGE STEWARDS TO THE  
COASTAL COMMISSION STAFF REPORT/RECOMMENDATION  
ON THE APPEAL OF THE ACTION BY MENDOCINO COUNTY  
ON CASE # CDP 2019-0034/CCC APPEAL NUMBER  
A-1-MEN-22-0016 (CALTRANS, HIGHWAY 1-NAVARRO CREEK  
PROJECT)

Dear Madam Chair and Commissioners,

Enclosed please find the response of the Albion Bridge Stewards and nine co-appellants in their individual capacity to the Coastal Commission staff report on Appeal A-1-MEN-22-0016.

Thank you.

By authority of the appellants,

Jim Heid  
Co-Appellant

Distribution List: See page 14.

Website: <http://albioncab.wordpress.com>  
Email: [acab@mcn.org](mailto:acab@mcn.org)

By Electronic Mail

**A COPY OF THIS LETTER HAS BEEN SENT TO EACH COASTAL COMMISSIONER AND TO COMMISSION STAFF** (pursuant to PRC §§ 30006 and 30320)<sup>1</sup>

December 9, 2022

Chair Donne Brownsey and Members  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, California 94105  
Attn: Ms. Amber Leavitt ([amber.leavitt@coastal.ca.gov](mailto:amber.leavitt@coastal.ca.gov))  
North Coast District, California Coastal Commission ([NorthCoast@coastal.ca.gov](mailto:NorthCoast@coastal.ca.gov))

RE: RESPONSE BY THE ALBION BRIDGE STEWARDS TO THE COASTAL COMMISSION STAFF REPORT/RECOMMENDATION ON THE APPEAL OF THE ACTION BY MENDOCINO COUNTY ON CASE CDP 2019-0034/CCC APPEAL NUMBER A-1-MEN-22-0016 (CALTRANS, HIGHWAY 1-NAVARRO CREEK PROJECT)

Dear Madam Chair and Commissioners,

The Albion Bridge Stewards, a voluntary community association, and co-appellants Maria Hanson, Miguel Elac, Jim Heid, Bill Heil, Arlene Reiss, Warren DeSmidt, Annemarie Weibel, Ali Van Zee, and Jacob Patterson respectfully request the Commission to find - on the whole record, after fair hearing, and through unbiased decision-making - that our appeal of Mendocino County's blatant violation of the Coastal Act and certified LCP in Case # CDP 2019-0034 identifies substantial issues of Coastal Act and LCP inconsistency that are of regional, state, and national significance, as well as of local importance.

The Commission's finding that our appeal raises substantial issues constitutes the time critical threshold action for redirection, on subsequent *de novo* review of this federally co-funded project, of the County's erroneous LCP implementation, and as potential precedent for the entire coastal zone, so that:

- The County (and local governments generally) may demonstrably and fully meet their certified LCP implementation commitments as required by § 30510(a),<sup>2</sup> including, but not limited to, in relation to protected environmentally sensitive stream corridors, wetlands, and environmentally sensitive habitat areas (ESHA) in regional wildlife corridors, LCP-designated lateral and vertical public accessways that constitute essential linkages in the California Coastal Trail network, protected coastal scenic visual quality, and the constitutional and Coastal Act-recognized rights of the public and private property owners to due process; and,
- Caltrans may redesign, transparently process, and sustainably implement this segment of its Highway 1 project, and all others in the coastal zone or that affect coastal resources, (a) through early and fully cooperative consultation with all the affected

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<sup>1</sup> All references, unless otherwise noted, are to the California Public Resources Code (PRC). The distribution list for this letter is on page 14.

<sup>2</sup> 30510(a) requires local government, as a core part of the LCP preparation/certification and implementation process, to certify that the local coastal program "is intended to be carried out in a manner fully in conformity with (the Coastal Act)."

stakeholders, (b) for protection and restoration, as applicable, of the coastal environment, (c) for sustainable maximization of constitutionally protected public access to and along the coast for all the people, and (d) through continuing regular and fully transparent monitoring-reporting by independent observers to assure the public, the Commission, and project funding agencies that Caltrans (1) fully implements all volunteered or required mitigation measures of the properly approved redesigned project, and (2) conforms it to the applicable requirements of the Coastal Act, the certified LCP, and all other laws.

1. Summary. In California coastal program terms, as further discussed below, the County action in 2021, to approve the CDP application in this case, was unsupported by:

First, any validly pending CDP application, as a result of Caltrans' continuing incomplete application having lapsed by automatic operation of the LCP in 2020;

Second, the required objective site-specific analysis of the segmented project components, and the whole project, for their direct, indirect, and cumulative significant impacts on protected stream/wetland, ESHA resources, coastal scenic visual quality, and public access-recreation in light of the applicable rigorous LCP and Coastal Act requirements;

Third, any independent environmental analysis pursuant to CEQA that would *inter alia* inform the Commission's appellate regulatory process pursuant to its CEQA functional equivalence status;

Fourth, clear, related (public interest), proportionate, and enforceable mitigation, monitoring, and reporting that would reduce all significant project impacts that we identified in our testimony to below their respective levels of significance; and,

Fifth, findings of fact, on substantial evidence in the record, and law that bridge the analytical fact-legal requirements gap in this highly controversial case.

The appeal therefore raises a substantial issue that requires the independent review of the proposed development by the Commission. (14 California Code of Regulations [CCR] § 13115(c)(1), the degree of factual and legal support for the local decision may be a factor for determining whether an appeal raises a substantial issue). In this context, appellants note that Caltrans styles its proposed development as a drainage replacement and improvement project ("Navarro Drainage Project"), whereas in fact the Highway 1 structure in the segmented project area (a) substantially exceeds what the certified LCP in Land Use Map 19 authorizes, (b) the existing Caltrans culvert that Caltrans would replace has been without the required CDP since 1998, and (c) the "replacement" culvert is substantially larger (e.g., longer, greater in diameter and thus with considerably higher peak discharge volume capacity), specifically not located in the natural Navarro Creek bed, and does not discharge to it at the western base of the drain pipe.

Because Caltrans presented a segmented project and failed to inform the County of (a) all material project components and (b) the whole project, and (c) the conflicted County Planning Director failed to perform the quasi-judicial duties of the Coastal Permit Administrator in the face of appellants' request - but instead deferred to the staff of which he was the director - the County failed to analyze either the entire segmented project or the whole project, as the record

of the County proceedings in this case demonstrate.<sup>3</sup> The appeal therefore raises a substantial due process issue with the County's implementation of the certified LCP, which requires the independent review of the proposed development by the Commission. (14 CCR § 13115(c)(2), the extent and scope of the locally approved development may be a factor for determining whether an appeal raises a substantial issue). Comparison of location of Highway 1 on certified LCP Land Use Map 19 with the Caltrans segmented project site plans and cross-sections indicates that substantial parts of this project - including, but not limited to, the proposed widened and steeply sloping road berm, Navarro Creek/wetlands fill, new 36-inch culvert outfall, down-drain, placement of unspecified large rocks in the Navarro Creek bed and on or adjacent to its banks in the area of the Highway 1-Navarro Ridge Road intersection and to the west and southwest of it - indicates that (1) the currently developed Highway 1 and Navarro Ridge Road intersection structures substantially exceed their authorized locations and extent in the certified LCP, and thus are inconsistent with it, and (2) the proposed segmented project expansion of that structure is also located beyond the certified LCP limits for Highway 1 development in this area, which thus also raises a substantial issue of County action and project inconsistency with the LCP that requires the independent review of the proposed development by the Commission. (Id.)

The County action to approve the segmented project has significant direct, indirect, and cumulative adverse effects on coastal resources and public access-recreation to and along coastal Mendocino County, including through, first, substantial degradation/destruction by placement of fill and removal of wetland and riparian vegetation in and adjacent to Navarro Creek; second, erection of road berm and drainage structures, in excess of the LCP height limit above grade, that variously are within the public viewshed of the Albion gateway to coastal Mendocino County from Highway 1, Navarro Ridge Road, their intersection, the coastal trails on the northerly Navarro Point Preserve, and the LCP-designated lateral and vertical public accessway segments in the segmented project area. These lateral and partial vertical public accessway segments within Caltrans' claimed right-of-way, within intersecting County Road 518 (Navarro Ridge Road), and along the designated west-trending Navarro Creek trail to the Navarro Cliff-top trail that extends downcoast to the Navarro Point Preserve constitute a LCP recreational facility requirement of greater than local significance, which the segmented project for its nexus and proportional unmitigated impacts on public access-recreation in this area is required to implement, including, but not limited to, through ADA-compliant access and transit

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<sup>3</sup> Appellants respectfully request the Commission to require the County to produce the complete record of its proceedings in this case, which to-date the County has not produced (at least to the appellants), to both the appellants and the Commission, and to defer action on any determination of whether the appeal raises substantial issue(s) until after the parties have had a reasonable time to review and comment on the state of the complete local record. The whole, more than three mile long, project consists of Caltrans' contiguous, overlapping, and interrelated Highway 1 "Navarro Ridge" (aka "Navarro Safety") highway road berm expansion segment; the "Navarro Creek" (aka "Navarro Drainage") highway road berm expansion and drainage alteration segment; the Salmon Creek Bridge replacement and highway road berm expansion segment; the Salmon Creek Valley partial lead and other hazardous waste project segment to create a Salmon Creek Bridge development envelope, staging area, and industrial access roads; the state and federally listed Albion River Bridge replacement project and road berm expansion segment, and assorted other road alignment and drainage components between Navarro Point, on the south, and Dark Gulch, on the north.

facilities. (§§ 30210, 30212(a), 30252.4) The appeal therefore raises a substantial issue that requires the independent review of the proposed development by the Commission. (14 CCR § 13115(c)(3), the significance of the coastal resources affected by the decision may be a factor for determining whether an appeal raises a substantial issue.)

The County action to approve an expired CDP application and a segmented project, various components of which are located outside the LCP-designated Highway 1 development limits and unsupported by findings, based on objective site specific analysis, of their LCP and Coastal Act consistency, is *ultra vires*. The appeal therefore raises important issues about the County's noncompliance with the clear delegated regulatory development requirements of the LCP and Coastal Act, and thus has critical precedential value for the future lawful implementation by the County of them. (14 CCR § 13115(c)(4), the precedential value of the local government's decision for future interpretations of its local coastal program may be a factor for determining whether an appeal raises a substantial issue).

The segmented project is an integral part of the Caltrans over three mile long highway project in and adjacent to LCP-protected areas in the Albion gateway to coastal Mendocino County and the California Coastal National Monument, which constitute public resource treasures of regional, state, and national, as well as local, significance. The appeal thus raises coastal resource and public access-recreation issues of supra-local (regional and statewide) significance. (14 CCR § 13115(c)(5), the appeal raises issues of regional or statewide significance, as opposed to those of only local importance.)

Part 2, below, describes the location envelope of the segmented Highway 1-Navarro Creek project segment (in highway engineer/public relations speak: "Navarro Drainage" project, which by its proposed changes in use of land and water, and access thereto, extends substantially beyond that presented in the Commission staff report. Part 2 analyzes the description of the segmented project. In sequence, Part 3 elucidates that the County failed to analyze and make the required findings for segmented project approval on Coastal Act and LCP public access and recreation grounds; Part 4, that the County further failed to analyze and make the required findings for segmented project approval on LCP scenic quality, stream/wetland, and sensitive environmental habitat protection grounds; Part 5, that the County approved a lapsed CDP application, which rendered its action - in the absence of a Commission-certified amendment to the LCP implementation program - void *ab initio*; and Part 6, that the County failed to provide the LCP-required public notice regarding Case # 2019-0034, and thus a fair hearing.

2. Project Location. The County record of its proceedings on the segmented project contains no settled development project location, including, but not only, because applicant Caltrans itself presented none.

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<sup>4</sup> Respectively: "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"; "Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway"; and "The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, ... (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...."



First, on the application form, Caltrans certified that the “street address” of this project is “State Route 1 - PM 42.3-42.5”.<sup>5</sup>

Second, Caltrans’ own project location map shows the development (construction and work that changes the condition of land and water, or access thereto) to extend between Post Mile  $\pm 41.8$  and PM 42.8.<sup>6</sup>

Third, the Department of Planning and Building Services (PBS, Ignacio Gonzales, Interim Director) staff report to County Coastal Permit Administrator Ignacio (“Nash”) Gonzales inconsistently represented the project location to be: (1) “Within the Coastal Zone along State Route 1 near its intersection with Navarro Ridge Road (County Road 518), between postmiles 42.35 and 42.45”;<sup>7</sup> (2) by the map scale bar on Attachment A, within and slightly beyond the linear current highway alignment (shown on an undated contemporary (circa 2019) three-dimensional map excerpt), to extend  $\pm 640$  lineal feet north of the Highway 1-Navarro Ridge Road intersection and  $\pm 540$  lineal feet south of it, and slightly beyond, to the west and east, of the linear coastal highway;<sup>8</sup> (3) by the map scale bar on an undated aerial image in Attachment B, in the “approximate project area” that variously extends  $\pm 18$  feet to the west (seaward) and  $\pm 80$  feet to the east (landward) of the intersecting centerlines (CL) of Highway 1 and Navarro Ridge Road,  $\pm 18$  feet (west) and  $\pm 16$  feet (east) of the Highway 1 CL at the southerly end of the APR, and  $\pm 18$  feet (west) and  $\pm 17$  feet (east) of the Highway 1 CL at the southerly end of the APR,<sup>9</sup> but omits the westerly development area in and adjacent to Navarro Creek, the northerly and southerly components of the project, and the project staging area in the public vista point/turnout northwest of Navarro Creek.<sup>10</sup>

Fourth, the PBS staff report to the Coastal Permit Administrator reveals, by yet another project location polygon that is superimposed (without obscuring highlighting or overlay coloration) on scaled certified LCP land use map 19, that the core  $\pm 550$  feet of the segment Highway 1 road berm widening and Navarro Creek destruction project is not located on the LCP-authorized alignment of Highway 1 at all, but impermissibly (absent a preceding certified LCP amendment, which has not occurred) outside of it to the west.<sup>11</sup>

Fifth, the Department of Planning and Building Services (PBS, Ignacio Gonzales, Interim Director) staff report to the County Board of Supervisors, which on appeal upheld the decision of the Director acting as the Coastal Permit Administrator) inconsistently represented the project

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<sup>5</sup> County Coastal Zone Application Form, Case No. CDP 2019-0034, at 1/10.

<sup>6</sup> State of California, Department of Transportation, Project Plans for Construction on State Highway in Mendocino County near Albion at Navarro Ridge Road, dated 08-12-20 (“begin work, Station ‘M’ 71+26” to “end work, Station ‘M’ 187+77”), reproduced in PBS staff report, Case # 2019-0034, November 3, 2021, as Attachment P at 47/78 pages (all page references are to the electronic copy of this document).

<sup>7</sup> PBS staff report, Case # 2019-0034, November 3, 2021, at 1/78 pages.

<sup>8</sup> Id., Attachment A, at 30/78 pages.

<sup>9</sup> Id., Attachment B, at 31/78 pages.

<sup>10</sup> State of California, Department of Transportation, Project Plans for Construction on State Highway in Mendocino County near Albion at Navarro Ridge Road, dated 08-12-20, in Id., at 4/78 pages (staging area), 47/78 pages, and 52/78 pages.

<sup>11</sup> PBS staff report, Case # 2019-0034, November 3, 2021, at 34/78 pages.

location to be between post miles 42.3 and 42.4,<sup>12</sup> 42.3 and 42.5,<sup>13</sup> 42.35 and 42.45,<sup>14</sup> and 41.8 (also, 41.78) and 42.5,<sup>15</sup> in reliance of Caltrans' unsettled and disparate project development component identifications.

Sixth, both the descriptions and mapped segmented project location erroneously omit, and thereby precluded County - and now Commission staff - analysis and County approval (if, *arguendo*, it were otherwise available, which it is not) of the following development project changes in the intensity and use of land and water, or access thereto: (a) construction and use of the existing Highway 1 road berm outside its authorized area pursuant to certified LCP land use map 19; (b) unpermitted constriction - without application for, or issuance of, the required CDP by the County - in 1998 of the Navarro Creek stream channel and regional wildlife corridor component into a new 24-inch diameter culvert that (1) extends substantially to the west and also east of the LCP-authorized highway alignment, (2) further contributed to the destruction of both the pre-existing and natural Navarro Creek bed and banks,<sup>16</sup> and (3) erosively redirected Navarro Creek flows (including to the detriment of residential bluff top property owned by a former Coastal Commissioner); (c) the indirect and cumulative effects of increased polluted water volumetric discharges from the proposed new 36-inch diameter, to 35-foot high, culvert structure<sup>17</sup> on (1) the stability of the downstream Navarro Creek bed and banks, (2) the sustainability of the  $\pm 1,000$  foot long Navarro Creek corridor riparian ESHA, (3) the integrity and stability of Navarro Cliff ESHA where re-directed Navarro Creek discharges through and down the cliff face to the rocks of the California Coastal National Monument.

The significance of the County's kaleidoscopic description and mapping of the segmented project location is that it variously purports to exclude from that location the project components (1) beyond the authorized location of the highway on certified LCP Land Use Map 19, (2) in Navarro Creek, (3) on the designated public accessways, and (4) in the designated highly scenic area (where development must be subordinate to its setting), contrary to the mapped location of the proposed development components depicted by Caltrans on its project plans and sections. Therefore, neither the County decision makers who acted to approve the segmented project had neither a settled project location nor a validly pending application for it before them when they sequentially, and erroneously, acted to approve the self-same internally inconsistent, incomplete, and misleading project location in Case # CDP 2019-0034, contrary to the clear CDP

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<sup>12</sup> PBS staff report, Case # 2019-0034, November 3, 2021, at 67/78 pages.

<sup>13</sup> PBS staff report, Case # 2019-0034, November 3, 2021, at 20/78 pages.

<sup>14</sup> PBS staff report, Case # 2019-0034, November 3, 2021, at 1/78 pages.

<sup>15</sup> PBS staff report, Case # 2019-0034, November 3, 2021, at 51/78 pages.

<sup>16</sup> US Coast Survey Topographical Register (T-Sheet) Number 1362 (surveyed in June-August, 1872) depicts west-trending Navarro Creek on the 1st and 2nd Albion marine terraces, and its discharge through upper Navarro Cliff on the northerly side of Biggar Rock prior to development in the area of the segmented project.

<sup>17</sup> PBS staff report, Caltrans Drainage System 1, DP sheet 1, Case # 2019-0034, March 25, 2021, at 62/78, depicts the proposed new 36-inch storm drainpipe, inlets, and outfall structure to extend from elevation  $\pm 233$  feet (at the east, no datum) to  $\pm 198$  feet (at the west), a vertical height (and water drop) of 35 feet. Caltrans shows the structure that would be visible from the LCP-designated vertical and lateral public accessways to be between elevations  $\pm 228$  feet and  $\pm 198$  feet, or 30 feet, substantially in excess of the LCP maximum structure height of 18 feet.

review requirement in certified LCP.<sup>18</sup>

Further, the County action and the Commission staff report incongruously both omit quantification and analysis, for LCP and Coastal Act consistency, of (a) the widths of the segmented project development envelope, which vary between  $\pm 34/36$  feet and  $\pm 240$  feet; (b) the full segmented project area; (c) the whole project area; (d) the segmented project indirect and cumulative impact area (e.g., along the westerly reach of Navarro Creek to its discharge through upper Navarro Cliff to the receiving waters Pacific Ocean, undisclosed fill “borrow” sites); (e) the whole project impact area; and (f) the temporal impacts of the segmented project and the whole project on public health and safety, lateral and vertical public coastal access, the availability of Highway 1 for utilization by coastal Mendocino County visitors, residents, and commercial interests, and the availability of the regional Albion wildlife corridor for utilization by sensitive and other avian, amphibian, and terrestrial species.

Contrary to the staff report’s unfortunate minimization of the segmented project as being a mere one-tenth of a mile (528 lineal feet) long, the segmented Highway 1-Navarro Creek project extends by Caltrans’ own plans along almost a mile, while the whole project of which it is a part extends along Highway 1 for over three miles ( $\pm 3.259$  miles, or  $\pm 17,209$  lineal feet).

The appeal therefore raises a substantial issue pursuant to 14 CCR § 13115(c)(1) because the County action in Case # 2019-0034 lacks the requisite factual and legal support to support it.

3. Segmented Project Description. (a) As appellants’ testimony in the record of the County proceedings on Case CDP #2019-0034 indicates, in 2019 Caltrans proposed an artificially segmented, incompletely and internally inconsistently described, and facially LCP- and Coastal Act-inconsistent “Navarro Drainage” development project as one part among many interrelated parts in Caltrans’ whole Highway 1 development project in Albion. The County, contrary to the requirements of CEA and appellants’ request, declined to perform independent CEQA environmental review of the segmented project’s identified potentially significant direct, indirect, and cumulative adverse effects on the environment, protected coastal resources, and designated public access-recreational facilities, and instead acted to approve the segmented development project with ambiguous conditions that do not serve to reduce appellants’ identified significant and unmitigated project impacts to below any disclosed level of significance. The County during the period for production of its entire record of proceedings in this case to the Commission, and as requested also by appellants, failed to do so.

The appeal focuses on the following major project description components: First, (a) Caltrans’ existing Navarro Creek drainage system constitutes unpermitted (1998) new development, and thus a continuing violation of the LCP’s requirement that all such development be performed pursuant to a valid CDP, and (b) in substantial part, the road berm, in which the drainage system in part is located and on which the highway pavement reposes, by location is unauthorized, in excess of, and inconsistent with the specifically mapped highway alignment depicted on certified LCP land use map 19.

Second, the segmented project would be located in Navarro Creek - or what not just Caltrans-speak would demote to the “Navarro Drainage”. West-trending Navarro Creek constitutes an historic natural stream, initially surveyed and mapped by the United States Coast Survey 150

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<sup>18</sup> LCP CZO § 20.532.025(A) requires, in relevant part, that “Each application for a coastal development permit ... shall include the following information: (A) A description of the proposed development, including maps, plans, and other relevant data of the project site and vicinity in sufficient detail to determine whether the project complies with the requirements of these regulations. Sufficient information concerning the existing use of land and water on or in the vicinity of the site of the proposed project, insofar as the applicant can reasonably ascertain for the vicinity surrounding the project site, should also be provided.”

years ago, that flows from its source on the uplifted 2nd marine terrace in Albion (here, Navarro Ridge) through a narrow, relatively deep “gulch”, carved in the highly scenic seaward face of Navarro Ridge, and some 1,000 feet across the highly scenic uplifted 1st marine terrace to discharge, by water fall and flows, through the upper nearly 100-foot high Navarro Cliff along the cliff face to the rocks of the California Coastal National Monument in the nearshore Pacific Ocean below. Hydrophytes abundantly grow in and along the easterly reach of Navarro Creek (inland of the highway/proposed new culvert) and a riparian corridor accompanies the Creek’s westerly reach to near a cabin that is proximate to both the Creek and the cliff edge. Navarro Creek also constitutes an essential part of the regional Navarro Ridge wildlife corridor environmentally sensitive habitat area (ESHA), which extends between and connects the staircase of the uplifted marine terraces in south Albion, including at the nearby Navarro Point Preserve and on Navarro Cliff. The area supports sensitive avian nesting and foraging habitat, other faunal habitats, rare flora, wetlands, and the locally unique Navarro Creek riparian corridor.

Third, the segmented project involves the development of (a) a new, substantially increased size, to 35-feet high (above existing grade, and in parts highly visibly prominent) industrial-quality drainage control structure beneath and beyond the proposed expanded and LCP- unauthorized highway configuration at, upcoast from, and downcoast from the intersection of rural Navarro Ridge Road and Highway 1, (b) cut and fill grading with over 40,000 cf (some 1,492 cy) of soil and rock in and adjacent to pocket wetlands and riparian vegetation that constitute an integral part of the Navarro Creek corridor, (c) road berm expansion - with locally steep slopes - through, project staging in, and drainage facility development adjacent to and with likely erosional and riparian corridor-destructive impacts on, the LCP-designated vertical and lateral public access-recreational corridor and upland support Highway 1 turn out-vista point that constitute the local part of the California Coastal Trail system.

Fourth, the segmented project would not restore the natural Navarro Creek bed and bank, as Caltrans and the County pretend without comparative analysis of the drainage structure location or the current (redirected) outlet of the Creek through the cliff edge, but would (a) either remove the current (unpermitted) culvert or abandon in place, and (b) likely, given *in situ* stream and groundwater flows as well as Caltrans’ proclivity to working during the rain season, implicate the unquantified diversion and potential appropriation of stream waters during construction.

Fifth, the County authorized construction of the segmented project through, in part, utilization of (a) the northbound deacceleration-turn lane from Highway 1 to eastbound Navarro Ridge Road as the second project staging area, and, (b) the area, already with restricted view lines of oncoming frequently fast traffic from upcoast and downcoast, adjacent to the intersection of westbound Navarro Ridge Road and Highway 1, as the third project staging area, inconsistent with public health and safety, and the the location of the LCP-designated public access-recreation trails in this area.

4. Coastal Act and LCP public access and recreation. The project plans identify the location of the proposed segmented project to be located between the first public road and the sea, and thus subject to the public access policies and recreation policies in Articles 2 and § 30252, and in Article 3 of the Coastal Act. (§ 30604(c).) Although the County recognized that implication from the project’s location, both the Coastal Permit Administrator and the Board failed to (a) analyze that (1) Caltrans’ proposed manufactured “bench”, as part of the expanded road berm, is not proposed to be improved for the public access-recreational use required by LCP Land Use Map 19 and LUP Policies 3.6-18, 3.6-5, 3.6-8, and 3.6-10 and (2) seaward slopes on the expanded road berm, on land controlled by Caltrans, (a) are not proposed for the required public access-recreational use, and (b) as designed exceed the maximum allowable ADA-compliant slopes for pedestrian use of the LCP-designated east-west public accessway along Navarro Creek and to the blufftop public accessway that extends downcoast to and through

nearby Navarro Point Preserve, and thereby deny maximum public access and recreational opportunities in new development, as here, for all the people. The County's action in approving Case # CDP 2019-0034 is therefore inconsistent with applicable §§ 30210 and 30212(a) requirements (as well as the ADA), and therefore raises a substantial issue pursuant to 14 CCR § 13115(c)(1), (c)(2), (c)(3), (c)(4), and (c)(5).

5. LCP stream/wetland-riparian, environmentally sensitive habitat, and scenic quality protection.

First, the County acknowledged that the segmented project would fill, excavate, and structurally develop Navarro Creek and associated wetland-riparian ESHA for (a) the proposed expanded highway road prism, (b) both new a structural drainage facilities, and (c) either to be removed or abandoned in place unpermitted structural drainage facilities. Such development is not incidental repair and maintenance of an existing public service facility, the Navarro Creek flows do not require location of structural drainage facilities in ESHA to be able to function, and the proposed segmented project does not constitute the preferred (least environmentally damaging) alternative, but rather would have a significant direct, indirect, and cumulative effect on the LCP-protected stream and LCP-protected wetland and riparian ESHA, inconsistent with LUP Policy 3.1-2, as appellants informed the Coastal Permit Administrator and Board.

However, the County in Case # CDP 2019-0034 altogether failed (a) to require Caltrans to disclose the location of excavated material "borrow" site(s) for the segmented project, or for the whole project, whether inside the coastal zone or where such withdrawal(s) may affect coastal resources, (b) disclose the true total volume and quality (e.g., soil type and pH, toxicity) of cut and fill grading materials to be utilized in the segmented project, and (c) itself failed to analyze that essential information for protection of Navarro Creek water quality, notwithstanding that Caltrans previously informed the County and appellants that excavation of soil and rock from the designated highly scenic, seaward-facing, and proximate Navarro Ridge - located in the coastal zone - would be utilized for fill by the segmented project of Navarro Creek and wetland/riparian ESHA, before Caltrans disclaimed that source, and more recently has identified other potential proximate sources of "borrow" material from slopes adjacent to nearby Salmon Creek Valley and slightly more distant Jack Peters Creek (by way of stockpiles in the Town of Mendocino). The County's action therefore raises a substantial issue pursuant to 14 CCR § 13115(c)(1), (c)(2), (c)(3), (c)(4), and (c)(5).

Appellants note that a feasible, environmentally sustainable, public access-recreation consistent, and therefore preferred alternative to the County-approved highway road berm widening and new enlarged Navarro Creek drainage structure exists in the form of the daylighted Navarro Creek bed and bank, with an appropriately sized and located crossing, as recommended to the County by the former Coastal Commissioner's consulting hydrologist.

Second, the County in Case # CDP 2019-0034 approved the industrial grade drainage structure and the expansion of the currently unpermitted highway road berm, with respective heights above current grade of up to 35 feet (drainage system) and 39 feet (road berm and superelevated pavement). LCP land use map 19 in the County record discloses that substantial parts of both are in the highly scenic area that the certified LCP designates, where development is required to also be subordinate to its setting and visually compatible with it and the Albion community (LUP Policies 3.5-1, 3.5-2), including through a maximum structural height above grade of 18 feet, while other parts are in and immediately adjacent to Navarro Creek, the designated highly scenic area, wetland/riparian ESHA, and the LCP-designated coastal trail system. The segmented Highway 1 road berm expansion, the interrelated parts that constitute the whole project, and development that does not require a location in Navarro Creek to be able to function would significantly degrade this *in situ* and adjacent ESHA, as well as the adjacent coastal trail recreation area, and therefore also required County analysis of the project, and applicable findings, pursuant to § 30240(b), which the County also failed to perform and adopt.

The County's action therefore raises a substantial issue pursuant to 14 CCR § 13115(c)(1), (c)(2), (c)(3), (c)(4), and (c)(5).

The proposed development, which centrally involves a new and enlarged drainage facility, does not constitute an incidental public purpose pursuant to LUP Policy 3.1-4, and is not dependent on being able to develop the creek, its wetlands, or riparian habitat with culverts and fill to be able to function. We concur with local hydrologist Terry Barber's recommendation that Navarro Creek should be daylighted and restored, as the Coastal Commission has appropriately required from the Smith River to Malibu, rather than reburied in this location, by placing the highway crossing on a trestle or bridge, with an incorporated walkway to advance the California Coastal Trail.

6. County approved a lapsed CDP application. The County record of the proceedings on Case # CDP 2019-0034 shows that no valid CDP application existed for the segmented project development on November 17, 2021, when (a) the Coastal Permit Administrator acted to approve it, or (b) on April 5, 2022, when the Board upheld his action, because (1) the incomplete application became automatically deemed withdrawn by operation of CZO §20.532.035(D) one year after it was received by PBS on August 30, 2019, (2) determined on or about October 15, 2020 by the PBS Director to be incomplete, and (3) Caltrans during the one year thereafter failed to make the application complete. Caltrans' own incomplete CDP application as of mid-October, 2021 rendered the Coastal Permit Administrator's approval of Case # CDP 2019-34 and the Board's affirmation of it *ultra vires* and void *ab initio*. The County's action therefore raises a substantial issue pursuant to 14 CCR § 13115(c)(1), (c)(2), (c)(4), and (c)(5).

7. County failed to provide proper notice and a fair hearing. As appellants indicated in their appeal and on the record of the preceding County proceedings, (a) Caltrans once again failed to provide PBS with the requisite list of the names and addresses of all property owners, all occupants, and all interested persons known to Caltrans to whom notice of the Coastal permit Administrator and Board hearings was due pursuant to CZO §§ 20.532.025D, 20.532.025.E, and 20.532.025.F), and *in seriatim*, (b) PBS and/or the Board Clerk failed to give the due notice required by CZO §20.536.015(C) to these persons, and (c) Caltrans failed to post public notice of the pending segmented project CDP application in a conspicuous, publicly visible, place in the project area. That failure in turn denied persons who should have received notice, but did not (including as identified by appellants in the County proceedings), the ability to exercise their due process right to maximized opportunity for understanding and participation in the County hearings on Case # CDP 2019-0024, pursuant to the LCP and PRC § 30006. The County's action therefore raises a substantial issue pursuant to 14 CCR § 13115(c)(1), (c)(2), (c)(3), (c)(4), and (c)(5).

8. Conclusion and Request. The appeal by the Albion Bridge Stewards and nine co-appellants of the Mendocino County action to approve the lapsed, incomplete CDP for the improperly segmented and inadequately analyzed Highway 1-Navarro Creek development project (Case # CDP 2019-0034) is (a) properly before the Commission, and (b) identifies significant (and variously continuing) errors and omissions in the County's inconsistent implementation of the certified LCP, the Coastal Act Chapter 3 public access and recreation policies, and the County's own certification that it would implement the certified LCP in full consistency with the Coastal Act.

The County's actions on Case # CDP 2019-0034, in relevant parts to the appeal,

(1) are factually and legally unsupported by requisite disclosure of the proposed development locations and scope, analysis, and findings;

(2) are further unsupported by a settled (finite, accurate, internally consistent, complete) project description;

(3) are undermined by the County's failure to recognize, and address, the significance of the segmented project's impacts on (A) the protected coastal resources and public access-recreational opportunities in the regionally, state, and nationally significant, highly scenic, Albion gateway to coastal Mendocino County, (B) of Navarro Creek in the regional Navarro Ridge wildlife corridor and as the sole tributary stream between Navarro Point (upcoast from Navarro River) and Biggar Rock to the California Coastal National Monument, and (C) the environmental sensitive uplifted lower (1st) marine terrace that includes the Navarro Point Preserve and most of the proximate segmented project area;

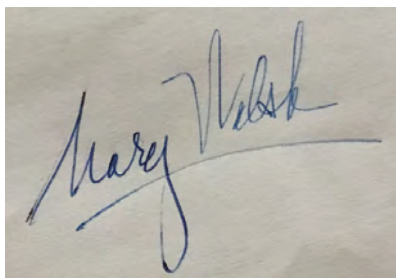
(4) demonstrate a continued pattern of incomplete, inaccurate, wrongful, and extralegal implementation of the certified LCP and Coastal Act that now require Commission precedential guidance to the County for future local implementation of them; and,

(5) raise issues of regional or statewide significance -- including, but not limited to, Coastal Act- and CCMP-consistent LCP implementation, protected resource conservation, and maximization of opportunities for sustainable public access and recreation -- that the Commission was created to address and resolve. (§ 30004(b).)

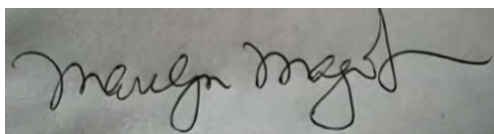
The Albion Bridge Stewards and nine co-appellants therefore respectfully request the Commission (a) to find and vote to resolve that the appeal of Case # CDP 2019-0034 raises substantial issues of LCP and Coastal Act conformity, and (b) direct resolution of the issues raised on appeal, and such other issues as the Commission may identify, be addressed *de novo*.

Respectfully submitted for the Albion Bridge Stewards. by:  
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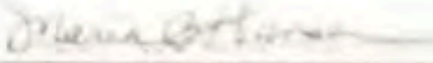
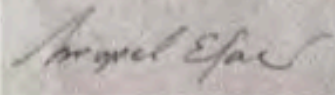


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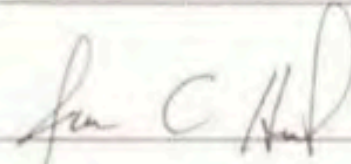


Respectfully submitted for Co-Appellants, by:  
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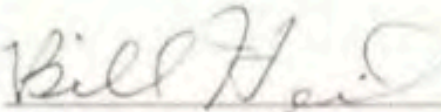
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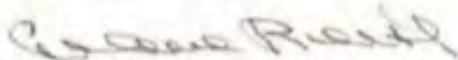
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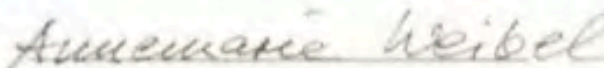
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