

CALIFORNIA COASTAL COMMISSION

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F12a

MEMORANDUM

Date: December 14, 2022

To: Commissioners and Interested Persons

From: Shana Gray, Deputy Director
Melissa Kraemer, North Coast District Manager
Amber Leavitt, Transportation Program Analyst

Subject: Addendum to Commission Meeting for Friday, December 16, 2022
Item F12a, CDP Appeal No. A-1-MEN-22-0016
(Caltrans Navarro Drainage)

The purpose of this addendum is to update the staff recommended findings to respond to comments received since publication of the staff report on November 30, 2022. After publication of the staff report, the Commission received four sets of comments. The correspondence is included in a correspondence packet posted to the Commission's website.¹ Three out of the four sets of comments were from the same interested party, an adjacent property owner, who expressed support for the project as approved by the County and provided some historical background of the project from their perspective. The other comments received consist of a letter from the appellants, the Albion Bridge Stewards, primarily restating issues raised in the appeal that have been addressed in the staff report findings for No Substantial Issue. The responses below will be added as a Response to Comments section to the staff report, as Section H.

Staff continues to recommend that the Commission, upon completion of the public hearing, find that no substantial issue exists with respect to the ground on which the appeal has been filed.

H. Response to Comments

Emergency CDP

Comments received refer to a Commission-issued Emergency Coastal Development Permit (ECDP) from 1998 for the emergency replacement of the culvert that is now proposed to be replaced again under the subject appealed Navarro Drainage Project. The Commission did not issue an ECDP for emergency work at the site in 1998,

¹ Weblink to correspondence: <https://documents.coastal.ca.gov/reports/2022/12/F12a/F12a-12-2022-corresp.pdf>

because at that time Mendocino County had the delegated authority to issue ECDPs under their certified LCP, and the project site is within the LCP-certified area. Comments received also assert that Caltrans never obtained a follow up CDP, as generally required by ECDPs. Both Commission staff and County staff have researched the permitting history of the subject culvert and to date have been unable to definitively locate an ECDP or associated follow-up CDP for the existing drainage infrastructure and configuration at the site. Staff did locate various records for ECDPs and follow up CDPs issued to Caltrans for work along Highway 1 in Mendocino County, including within the general vicinity of the project site, around the same timeframe (1998-1999). However, the past permitting history at the site remains unclear, in part due to incomplete and inaccessible records. It also may be the case that certain emergency work undertaken during the winter of 1998 (an El Niño event with extreme rains and flooding) qualified as exempt under section 30600(e) of the Coastal Act, and thus no ECDP or follow-up CDP would have been required. In any case, if there is a pending requirement for Caltrans to obtain a follow-up CDP for emergency drainage work at this site, the subject County-approved Navarro Drainage Project CDP would likely satisfy the follow-up CDP requirement to permanently authorize the earlier emergency work.

Land Use

Comments received reference Map 19 from the County's certified LCP and assert that the subject project "substantially exceeds what the certified LCP in Land Use Map 19 authorizes." This issue was not raised as a contention in the appeal filed, and the comment does not explain how the project "substantially exceeds" what the LCP map authorizes. The referenced certified map shows parcels and certified land use classifications for the Navarro area, major features such as roads and rivers, shoreline access points, certain types of vegetation and habitats, and urban/rural and district boundaries. The referenced map is not the authority on land use allowances in the context of completing a highway drainage repair and improvement project. Finding 3 of the County's staff report states, in applicable part:

"Pursuant to MCC Section 20.532.095(A)(3), the proposed development is consistent with the purpose and intent of the Zoning District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code.... The majority of the work would occur within the State right-of-way, which is currently developed with an existing two-lane highway. Project components outside the right-of-way include grading and vegetation removal. The proposed project would not change the current land use, nor cause any other changes that would conflict with zoning adjacent to the roadway...."

Public Access

Comments received assert that Caltrans is required by the County's LCP to develop a new segment of the California Coastal Trail (CCT) through the project site, that the project as approved by the County did not include this new CCT segment, and that the "bench" component of the approved project is not designed to be compliant with Americans with Disabilities Act (ADA) standards. As discussed in these adopted findings, the LCP does not require Caltrans to develop a new segment of the CCT in

conjunction with the proposed drainage improvement project. However, the project has been designed to include certain public access improvements, including a “bench” to aid in the future development of a new CCT segment at this location and the expansion of narrow paved shoulders to four-foot shoulders (as directed by the LCP), which will provide safer access for cyclists along this segment of Highway 1. The proposed bench feature is a flat portion of the highway embankment proposed for the purpose of providing space for the future development of a lateral CCT segment through the project site within Caltrans’ right of way. Regardless of whether the bench has been designed to be ADA compliant, there is no requirement in the LCP that all segments of the CCT must be ADA compliant. Furthermore, the approved project does not include the construction of a new segment of the CCT and final design of CCT segments are addressed at such time the construction of a new segment is proposed.

ESHA

Most of the comments submitted related to ESHA are addressed in section G-1-b of the Commission’s adopted findings for this appeal. The comments reiterate contentions raised in the appeal that the proposed drainage fill is not allowed under the LCP, and that there are feasible less environmentally damaging alternatives available (e.g., daylighting the drainage via installation of a bridge, rather than a culvert). As discussed in these adopted findings, the LCP allows for pipelines and road crossings in wetlands and riparian areas when no less environmentally damaging alternative route is feasible and the County found this alternative to be the least environmentally damaging based on the multiple biological resource studies submitted by Caltrans in support of the application, such as the ESHA assessment. The subject drainage is not identified as a blue line creek on the United States Geological Survey topographical map for this area and is not a fish-bearing stream. The intent of the project is to fix a longstanding drainage problem associated with a single misaligned culvert. The drainage has no tidal influence, and there is no LCP policy directive to require daylighting of the small portion of the drainage that passes beneath the two-lane highway.

Project Location and Description

Comments received assert that the project is segmented and consists of multiple projects over a three-mile-long segment of Highway 1 within the Albion area. However, this project is not functionally dependent upon other projects that Caltrans is planning within the Albion area, some of which may not reach the permitting stage for several more years. While the County recently approved a separate Caltrans project known as Navarro Ridge Safety Project located immediately to the south of the subject site, the two adjacent projects are not functionally dependent on one another.

Comments received by the appellants also allege that there is no settled project description or location due to alleged discrepancies between the information submitted to the County by Caltrans and information included in County reports, including the County’s findings for CDP approval. This comment was not a contention that was included in the appeal. Regardless, the detailed project description and plans provided by Caltrans are adequate for evaluating the project and the appeal contentions raised for LCP conformity.

Visual Resources

Comments received assert that components of the project will have visual impacts that are inconsistent with the LCP policy criteria for designated highly scenic areas of the County, including that components of the project will extend greater than 18 feet above natural grade. This issue is discussed in section G-1-a of these adopted findings, and the comments received raise no new issues not already addressed in these findings.