

# **W11c**

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

**February 9, 2022**

**CORRESPONDENCE**

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

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Hi Shannon and team,

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

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

Thank you in advance for your help with this,  
Rey

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

Hi Shannon,

Thanks so much for this info.

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

Thanks,  
Nereyda (Rey) Harmon

6632 Old PCH  
818-926-0195

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

From: **Fiala, Shannon@Coastal** <[shannon.fiala@coastal.ca.gov](mailto:shannon.fiala@coastal.ca.gov)>  
Date: Tue, Sep 7, 2021 at 3:34 PM  
Subject: RE: ESHA near Cliff House Inn  
To: [Abigail.Convery@ventura.org](mailto:Abigail.Convery@ventura.org) <[Abigail.Convery@ventura.org](mailto:Abigail.Convery@ventura.org)>, Rey Montano <[nmontano11@ucsbalum.com](mailto:nmontano11@ucsbalum.com)>  
Cc: Horn, Wesley@Coastal <[Wesley.Horn@coastal.ca.gov](mailto:Wesley.Horn@coastal.ca.gov)>, Engstrom, Aaron <[aaron.engstrom@ventura.org](mailto:aaron.engstrom@ventura.org)>, [Winston.Wright@ventura.org](mailto:Winston.Wright@ventura.org) <[Winston.Wright@ventura.org](mailto:Winston.Wright@ventura.org)>, Sanchez, Jordan@Coastal <[Jordan.Sanchez@coastal.ca.gov](mailto:Jordan.Sanchez@coastal.ca.gov)>, Pisano, Nick@DOT <[Nick.Pisano@dot.ca.gov](mailto:Nick.Pisano@dot.ca.gov)>

Hi Abigail and Rey,

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

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

Best regards,  
Shannon Fiala | Southern California Coastal Program Manager  
Statewide Transportation Program  
California Coastal Commission

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

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

From: Convery, Abigail <[Abigail.Convery@ventura.org](mailto:Abigail.Convery@ventura.org)>  
Sent: Tuesday, September 7, 2021 12:56 PM  
To: Rey Montano <[nmontano11@ucsbalum.com](mailto:nmontano11@ucsbalum.com)>  
Cc: Engstrom, Aaron <[aaron.engstrom@ventura.org](mailto:aaron.engstrom@ventura.org)>; Horn, Wesley@Coastal <[Wesley.Horn@coastal.ca.gov](mailto:Wesley.Horn@coastal.ca.gov)>; Wright, Winston <[Winston.Wright@ventura.org](mailto:Winston.Wright@ventura.org)>  
Subject: RE: ESHA near Cliff House Inn

Hi Rey,

I was not aware of this project.

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

Thank you for taking the time to inquire about this.

Sincerely,  
Abigail

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

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

Abigail Convery  
Planner III/Planning Biologist

Phone: 805-654-2489  
Fax: 805-654-2509  
Email: [abigail.convery@ventura.org](mailto:abigail.convery@ventura.org)

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

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

From: Rey Montano <[nmontano11@ucsbalum.com](mailto:nmontano11@ucsbalum.com)>  
Sent: Monday, September 6, 2021 9:20 AM  
To: Convery, Abigail <[Abigail.Convery@ventura.org](mailto:Abigail.Convery@ventura.org)>  
Cc: The Brunners <[ptbreak2@gmail.com](mailto:ptbreak2@gmail.com)>; Dennis Longwill <[dlongwill123@gmail.com](mailto:dlongwill123@gmail.com)>  
Subject: ESHA near Cliff House Inn

Hi Abigail,

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

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

Sent from my iPhone

September 8, 2021

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

Attention: John Ainsworth

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

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

Dear Mr. John Ainsworth,

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

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

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

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

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

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

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

Sincerely,



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

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

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

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

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Hi Shannon,

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

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

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

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

Thank you,  
Nereyda (Rey) Harmon  
6632 Old PCH

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

Hi Shannon,

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

Have a great weekend,  
Rey

Sent from my iPhone

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

Dear Ms. Harmon,

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

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

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

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

**13054(d) states: At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public, and as close as possible to the site of the proposed development, notice that an application for a permit for the proposed development has been submitted to the commission. Such notice shall contain a general description of the nature of the proposed development. The commission shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to sign the declaration of posting, the executive**

**director of the commission shall refuse to file the application.**

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

Please let me know if you have additional questions.

Best regards,  
Shannon

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

Dear Mr. Ainsworth,

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

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

Sincerely,

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

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

**From:** [Rey Harmon](#)  
**To:** [Medina, James@DOT](#)  
**Cc:** [Fiala, Shannon@Coastal](#); [Pisano, Nick@DOT](#); [The Brunners](#)  
**Subject:** Nov 5 Community Meeting Letter - Mussel Shoals Beach Trail  
**Date:** Monday, November 1, 2021 3:56:59 PM  
**Attachments:** [BayNewTrail\\_Oct2021 \(1\).docx](#)

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Hi Mr. Medina,

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

Thank you,  
Nereyda (Rey) Harmon

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

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

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

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

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

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

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

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

Panga boat issues:

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

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

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

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

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

Nereyda (Rey) Harmon

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

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

Jim Medina

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

**EXTERNAL EMAIL.** Links/attachments may not be safe.

Hi Mr. Medina,

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

Thank you,  
Nereyda (Rey) Harmon

Please use the attached photo which shows evidence of parking in the area. The photo was taken today at 11:00am. We are to get a lot more. The discussion being held is regarding the enforcement, safety, and parking issues.

Thank you,  
Ray Roberts



Ray Roberts

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

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Hi Mr. Medina,

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

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

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

Previously submitted questions:

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

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

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

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

Mr. Medina,

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

Thank you,  
Nereyda (Rey) Harmon

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

Hi Mr. Medina,

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

Thank you,  
Nereyda (Rey) Harmon

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

Dear Mr. Medina,

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

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

Respectfully submitted,  
Chris Provenzano-Chernof

Sent from my iPad

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

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

#### **AGENDA**

**Introduction:** Public Information Officer Jim Medina

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

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

**Comments:** Floor is open to the community for comments.

**Close:** Caltrans District 7 Project Manager Joseph Kibe

<mime-attachment.ics>

TThank you,



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

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Hi again Jim,

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

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

Thanks,  
Rey

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

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

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

to an area that already gets dangerously congested

Nereyda (Rey) Harmon

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

Rey Harmon,

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

Jim Medina

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

**EXTERNAL EMAIL.** Links/attachments may not be safe.

Hi Mr. Medina,

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

Thank you,  
Nereyda (Rey) Harmon

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

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

**§ 30214 Implementation of Public Access Policies, Legislative Intent**

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

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

**U.S. Highway 101**

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

**Access to Environmentally Sensitive Habitats:**

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

**U.S. Highway 101:**

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

**General Access:**

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

Thank you,

Rey

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

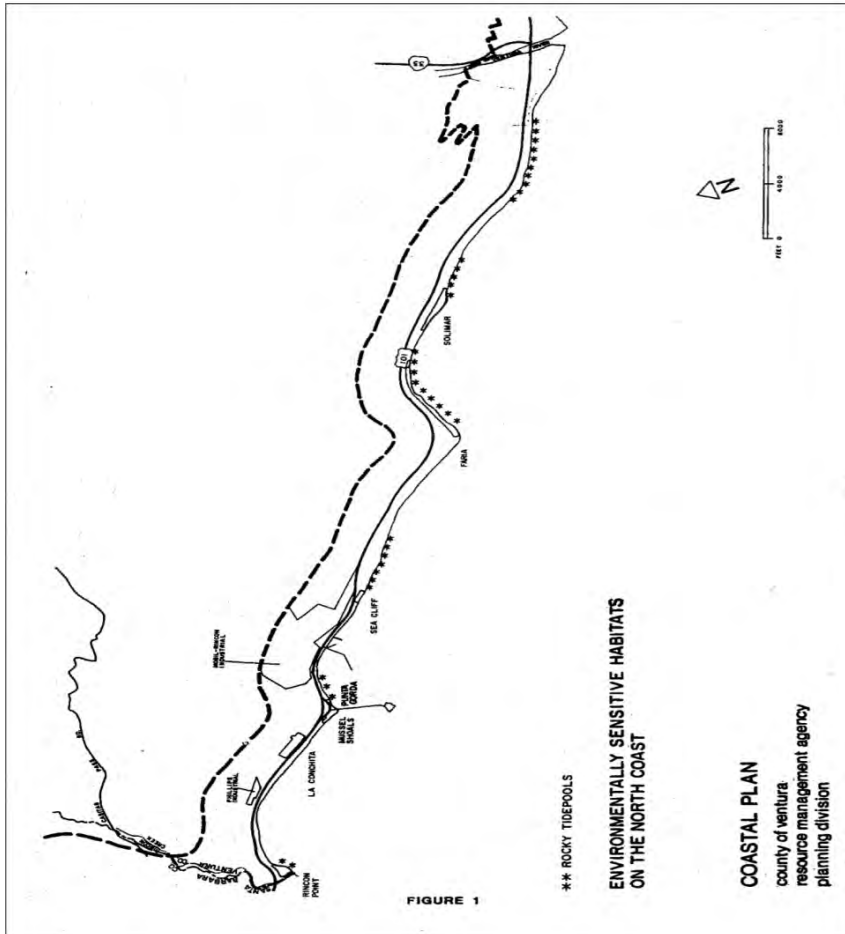
Good morning,

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

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

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

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



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

Thank you very much,  
Rey Harmon

# Issues and Constraints: Challenges to Completing the Coastal Trail

## *Environmental Impacts and Resource Concerns*

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

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

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



CARLA CHENAULT

*Too many people can harm sensitive tidepool inhabitants.*

## PLOVERS

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

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



KEN GARDNER

*Western snowy plover, Pescadero Beach*

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

February 1, 2022

To: California Coastal Commission  
Re: Opposition to proposed Caltrans project  
Item W11c (Hearing of February 9, 2022)

Dear California Coastal Commission Members,

This letter includes concerns raised by multiple residents of Mussel Shoals. We are opposed to the proposed project for the reasons discussed below.

### **Environmentally Sensitive Habitat Areas (ESHA) and Native Vegetation**

The staff report states, in part, the following:

- *“Thus, the proposed project, as conditioned, would be consistent with Sections 30230 and 30231 of the Coastal Act and applicable water quality policies of the LCP.”*
- *“Thus, the proposed project, as conditioned, would be consistent with Section 30240 of the Coastal Act and applicable LCP Policies.”*

For reference, Ventura County LCP Section 2.3 and Sections 30230, 30231, and 30240 of the Coastal Act state the following (emphasis added on underlined portions):

- **Section 30230:** *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*
- **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.*

- **Section 30240:** (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

**The proposed project as submitted is not consistent with Sections 30230, 30231, or 30240 of the Coastal Act as discussed below.**

- By constructing a permanent access trail and putting up the “*Mussel Shoals Beach & Trail Parking*” sign\*, more members of the public are being invited to an area that warrants special protection. The tide pools are designated ESHA and they are not being protected. Local residents constantly see people taking fish, starfish, mussels, lobsters, and other marine life without any sort of fishing license. When we call the California Department of Fish and Wildlife we often do not get a call back. When local residents approach poachers we receive threats or are blatantly ignored. In one case, a local resident confronted a man who had taken approximately 8 starfish in a plastic shopping bag. The local resident got the man to return the starfish to the tide pools. Local residents bear the responsibility of trying to protect our local ESHA. Mussel Shoals is undoubtedly a unique location which warrants special protection.
  - \* We were told that this sign was previously planned/approved and coincidentally erected on September 29, 2021, just days after our community raised concerns about this proposed project.
- A research group from UCLA and UCSC was in Mussel Shoals in December 2021 studying the tide pools. Local residents discussed concerns with them about the public disturbing the tide pools. These researchers agreed that Mussel Shoals is a unique location that warrants special protection, and that inviting more members of the public to this area would harm tide pool inhabitants. For reference, the information generated by these researchers can be found here: <https://marine.ucsc.edu/sitepages/musselshoals-lt.html>
- More members of the public are being invited to this area where there is **NO RESTROOM** and no trash cans. Trash cans are now being proposed only after our public outcry. The staff report states that “...*during a recent public meeting with community members, Caltrans agreed to increase litter collection and removal services at the subject trailhead.*” This is incorrect. During the virtual community meeting of November 5, 2021, Caltrans did not agree to this and dismissed our request for trash cans. Local residents had to follow-up with Coastal Commission staff afterward in an effort to require Caltrans to include trash cans as part of their project. The staff report states that “*Caltrans shall provide trash containers, and regularly remove trash from the containers*

*at the project site.*” How often is “regularly” and who can interested parties contact if the trash cans are overflowing or vandalized?

- People urinate and defecate in this Caltrans area. During high tide all of the waste along with toilet paper and paper towels get washed into the ocean directly toward the tide pools. While we are glad that a tide pool etiquette sign is proposed as part of the project (which was proposed after our public outcry), we believe that this will not address the root of the problem. Poachers and people urinating and defecating in the area will not care about a tide pool etiquette sign.
- See below for a photo taken on February 1, 2022. Rabbits are one of the few species that use the proposed project area as habitat. There is an established rabbit colony living in this area. We expressed concerns regarding the 1,500 sq. ft. of vegetation that is proposed to be removed and there was no attempt at all to redesign the project to reduce the amount of vegetation proposed to be removed. Apparently this native vegetation area is not considered “ESHA” “...because it is primarily saltbush, rather than coastal sage scrub or coastal dune community, and because the saltbush at this location is fragmented.” This technicality ignores the fact that this is one of the few local areas of native vegetation left in Mussel Shoals. As previously stated, it is habitat to many small mammals. In addition, we see Great Egrets, Ospreys, Hawks, and other birds hunt in this specific area. Preserving as much of the existing native vegetation as possible makes much more sense than trying to replace it in the future with seeds, plugs, or container plants.



**Photo of a rabbit at the trailhead (February 1, 2022)**

- The staff report states that *“All construction, aside from the relocation and placement of existing boulders, will be conducted above the mean high tide line... any stockpiled materials shall be located as far from the beach and ocean as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the edge of the mean high tide line.”* It is difficult to decipher exactly where this would be. We asked Coastal Commission staff if the mean high tide line, or a line parallel with, and 30ft from it, can

be staked so that interested parties can see the proposed area to be impacted. It does not appear that the 30ft (horizontal) limit is sufficient to keep stockpiled materials clear of the high tide. Please help ensure that proposed projects are adequately and carefully planned in order to avoid impacts to ESHA.

- There seems to be a tunnel vision focus on providing public access to this location. Many of us support the right of the public to access and enjoy the beach. However, like many other locations along the California coast, Mussel Shoals warrants special protection. We are extremely disappointed in the lack of protection for our local ESHA and for the few areas of native vegetation that we have left. There is already an existing, informal public access trail which needs to be properly maintained and cleaned up, but not widened or further disturbed. Inviting more members of the public to this location would contribute to significant cumulative impacts. Attached to this letter is a document which is an excerpt from the report titled “*Completing the California Coastal Trail*” (January 2003), prepared by the Coastal Conservancy. Under the section titled “*Issues and Constraints: Challenges to Completing the Coastal Trail*” there is applicable language as to why the public should be directed away from ESHA:
  - “*Too many people can harm sensitive tide pool inhabitants.*”
  - “*Trail routing and construction will be required to meet stringent regulatory standards and to avoid or minimize potential impacts to sensitive habitats.*”

### **Erosion**

The staff report states, in part, the following:

*“Therefore, the Commission finds that the project, as conditioned, is consistent with Section 30253 of the Coastal Act and the applicable coastal hazards policies of the LCP.”*

For reference, Section 30253 of the Coastal Act states the following (emphasis added on underlined portions):

- **Section 30253:** *New development shall do all of the following: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) 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.*

**The proposed project as submitted is not consistent with Section 30253 of the Coastal Act.** The aforementioned saltbush that is proposed to be removed (1,500 sq. ft.) is a plant known to control erosion. The proposed project would contribute to erosion in this area.

## **Parking**

- **Ventura County LCP Policy 4.2.2 General Access states (emphasis added on underlined portion):** *In accordance with section 30214(a) of the Coastal Act, the time, place, and manner of access will depend on individual facts and circumstances; including topographic and site characteristics, the capacity of the site to sustain use at the intensity proposed, management of the access areas to protect the privacy of adjacent owners, and the feasibility to provide for litter collection.*

### **The proposed project as submitted is not consistent with Ventura County LCP Policy 4.2.2.**

More members of the public are being invited to an area that already lacks parking. We constantly see car accidents and road rage particularly during weekends, holidays, and when there is surf. The Ventura County Fire Department has expressed concerns regarding traffic and the lack of a turnaround in our community. In a recent incident, the Fire Department was not able to make it to a local resident's house who needed medical attention in a timely manner due to traffic from Cliff House Inn clients, surfers, and beachgoers. During the community meeting of November 5, 2021 local residents requested that Caltrans reach out to the Ventura County Fire Department to address these concerns. To our knowledge this was not done. There is a lack of parking that needs to be addressed before inviting more members of the public to Mussel Shoals. In case of an emergency, we have one way in and one way out. See below for a photo taken on November 3, 2021, showing stacked parking at the proposed project location.



Photo of stacked parking at the Cliff House Inn cul-de-sac (November 3, 2021)

### Caltrans

- It is evident that Caltrans tries to keep local residents uninformed and uninvolved in local projects. As stated in the staff report, “...*Caltrans had neglected to post notice of the pending permit at the project site, as required by California Code of Regulations Title*

14 Section 13054(b), which caused the waiver to become invalid.” It is our understanding that Caltrans was required to send out mailed notices to owners and occupants in the vicinity of the project, as well as post a notice of the pending permit at the project site. They failed to do both of these things. While some community members gave Caltrans staff the benefit of the doubt, others believe that this is typical of Caltrans based on prior experiences. Caltrans staff knew that there would be public interest had they noticed the community about the proposed project as required. A staff member from Cliff House Inn casually mentioned the proposed Caltrans project to a local resident and this is how our community found out about it in September 2021.

- The “*Mussel Shoals Beach & Trail Parking*” sign was erected in this location just days after we expressed our objection to the project. Caltrans staff commented the following via email: “*I believe it is just a coincidence that they are being installed now since they have been on a back log of signs that lasted almost 2 years it appears.*”



**Photo of sign that was erected on September 29, 2021 (photo taken same day)**

- Caltrans held an awkward virtual community meeting on November 5, 2021 where

mostif not all of our questions and concerns were left unanswered. We were told that their staff would look into our concerns and get back to us, yet we did not hear back from Caltrans staff after this meeting and most of our questions and concerns were left unanswered.

We respectfully ask that you please deny this project for all of the reasons discussed in thisletter. Please feel free to contact me via email or phone with any questions.

Sincerely,



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

[nmontano11@ucsbalum.com](mailto:nmontano11@ucsbalum.com)

(818) 926-0195

Attachment:

1. Excerpt from the report titled “*Completing the California Coastal Trail*” (January 2003),prepared by the Coastal Conservancy

cc (via email): Robert and Janet Brunner, Mussel Shoals  
homeownersDan Reddick, Mussel Shoals  
homeowner  
Chris Provenzano, Mussel Shoals  
homeownerDavid Chernof, Mussel  
Shoals homeowner Buz Benner, Mussel  
Shoals homeowner Dennis Longwill,  
Mussel Shoals homeowner Louis Gonda,  
Mussel Shoals homeowner Pamela  
Worden, Mussel Shoals homeowner Ray  
Rieman, Mussel Shoals homeowner  
Greg Machado, Mussel Shoals homeowner  
Todd and Dianne Coolidge, Mussel Shoals  
homeownersSusan Johnson, Mussel Shoals  
homeowner  
Rick Otto, Mussel Shoals homeowner  
Steve Kohler, Mussel Shoals  
homeowner Bryan Harmon, Mussel  
Shoals homeowner  
Shannon Fiala, California Coastal  
Commission Jordan Sanchez, California  
Coastal Commission

January 29, 2022

California Coastal Commission

Re: Cal Trans Development Permit 4-21-0695  
Public Access Path at Mussel Shoals

On Page 2 of the Cal Trans Summary dated February 2021 it says, “***This additional beach access trail was included to meet the commitment with California Coastal Commission as outlined in the 2017 Partnership Agreement.***”

We are opposed to the construction of this path for the following reasons:

1. Due to a lack of parking in the area, the path will be of little benefit to the general public and add to existing congestion and safety issues.
2. “***Grubbing of vegetation and constructing retaining walls...***” will disrupt the native Salt Bush (*Atriplex lentiformis*) that serves to stabilize the existing soils on the slope of the proposed path.
3. There are no bathrooms or trash receptacles to service the area.
4. The path would lead to a “wet beach” which is submerged under tidal ocean waters most of the time. (See Figure 1 aerial in the summary).
5. At low tides, the area exposes sensitive marine environment that may be subjected to damaging intrusion by visitors unfamiliar with regulations regarding tide pools and the removal of living species.

We request that The Coastal Commission deny this permit and request that Caltrans eliminate this construction as part of their project EA#33110.

*Submitted, January 29, 2022, by Dennis and Jeannette Longwill, 6628 Old Pacific Coast Hwy, Mussel Shoals Community.*

**From:** [ray rieman](#)  
**To:** [Sanchez, Jordan@Coastal](mailto:Sanchez, Jordan@Coastal)  
**Subject:** I am opposed to this so called project for obvious reasons.  
**Date:** Wednesday, February 2, 2022 10:05:15 AM

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First it's a dumb idiotic plan. Secondly probably based on crooked kickback shenanigans of the costal commission previously disgraced as I recall. Thanks RR

**From:** [ray rieman](#)  
**To:** [Sanchez, Jordan@Coastal](mailto:Sanchez, Jordan@Coastal)  
**Subject:** Trail  
**Date:** Monday, January 24, 2022 11:07:30 AM

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This is not only the dumbest idea ever, but what I would like to know is what bureaucrats are taking kickbacks \$\$\$ to push it on us. Recall the costal commission scandal in the late seventies.

**From:** [ray rieman](#)  
**To:** [Sanchez, Jordan@Coastal](mailto:Sanchez, Jordan@Coastal)  
**Subject:** This is a product of an idiot mentality. Get a grip!  
**Date:** Friday, November 19, 2021 12:22:05 AM

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**From:** [john morehart](#)  
**To:** [Sanchez, Jordan@Coastal](mailto:Sanchez, Jordan@Coastal)  
**Cc:** [jordan.sanches@coastal.ca.gov](mailto:jordan.sanches@coastal.ca.gov)  
**Subject:** Mussel shoals beach trail  
**Date:** Monday, January 24, 2022 9:29:52 AM

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I am opposed to this project because it will disturb local Environmentally Sensitive Habitats in Mussel Shoals

*Further more*

*"I am opposed to this project due to the lack of parking and restrooms in Mussel Shoals*

*John morehart*  
6673 breakers way  
Mussel Shoals  
Ventura

**SENT FROM IPHONE PLEASE DISREGARD TALK TO TYPE SPELLING OR GRAMMATICAL ERRORS**

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**From:** Rebecca <rebeccad@transparentseas.com>  
**Sent:** Thursday, February 3, 2022 4:37 PM  
**To:** SouthCentralCoast@Coastal <SouthCentralCoast@coastal.ca.gov>  
**Subject:** Public Comment on February 2022 Agenda Item Wednesday 11c - Application No. 4-21-0695 (Caltrans, Ventura Co.)

Dear Commissioners,

Please approve the proposed enhancements along the ocean at Mussel Shoals. Its improved access will direct visitors to descend the stairs and away from vegetation and, hopefully, reduce habitat damage at the site.

Sincerely,  
Rebecca  
Downing Aptos,  
CA

**From:** [Rey Montano](#)  
**To:** [Sanchez, Jordan@Coastal](#)  
**Cc:** [Fiola, Shannon@Coastal](#)  
**Subject:** Re: CDP No. 4-21-0695 Posted  
**Date:** Thursday, February 3, 2022 5:45:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Thanks!

Rey

Sent from my iPhone

On Feb 3, 2022, at 5:02 PM, Sanchez, Jordan@Coastal <Jordan.Sanchez@coastal.ca.gov> wrote:

Hi Rey,

Sorry for the delay.

- All work on the project will occur above the MHTL except for the relocation

and placement of existing boulders below the mean high tide line which will be done by crews with hand tools. We believe that stockpiled materials located at least 30 ft. above the MHTL will be safe from coastal hazards. If they are not due to a high wave event, king tide, or other coastal hazard, we will work with the applicant to move them further inland.

- The Beach Access Trail design was modified early in the project's development to avoid and minimize the amount of native vegetation that would be removed to the greatest extent possible.

We are in receipt of your letter and it will be posted in the correspondence packet tomorrow.

Thanks,  
Jordan



**Jordan Sanchez**  
**Senior Transportation Program Analyst**  
CALIFORNIA COASTAL COMMISSION  
Ventura, LA, and Orange Counties  
301 Ocean Blvd, Suite 300  
Long Beach, CA 90802  
[\(562\) 590-5071](tel:5625905071)



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**From:** Rey Montano <[nmontano11@ucsbalum.com](mailto:nmontano11@ucsbalum.com)>

**Sent:** Thursday, February 3, 2022 3:42 PM

**To:** Sanchez, Jordan@Coastal  
<Jordan.Sanchez@coastal.ca.gov> **Cc:** Fiala,  
Shannon@Coastal <shannon.fiala@coastal.ca.gov>  
**Subject:** Re: CDP No. 4-21-0695 Posted

Hi Jordan,

Did you find anything out re: my questions below?

Also can you please confirm receipt of the letter I  
emailed on Feb 1?

Thanks,  
Rey

Sent from my iPhone

On Jan 26, 2022, at 4:55 PM, Sanchez, Jordan@Coastal  
<[Jordan.Sanchez@coastal.ca.gov](mailto:Jordan.Sanchez@coastal.ca.gov)> wrote:

Hi Rey,

Thanks for the questions. I will research them and get back to you as soon as possible.

As a side note - I will be out in the field all day tomorrow and part of the day Friday so it maytake me a day or two to get back to you.

-Jordan

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**From:** Rey Harmon <[nmontano11@ucsbalum.com](mailto:nmontano11@ucsbalum.com)>  
**Sent:** Wednesday, January 26, 2022 2:56 PM  
**To:** Sanchez, Jordan@Coastal  
<[Jordan.Sanchez@coastal.ca.gov](mailto:Jordan.Sanchez@coastal.ca.gov)> **Cc:** Fiala,  
Shannon@Coastal  
<[shannon.fiala@coastal.ca.gov](mailto:shannon.fiala@coastal.ca.gov)> **Subject:** Re:  
CDP No. 4-21-0695 Posted

Hi Jordan,

Question on the staff report. There is reference to the mean high tide line. It's difficult to decipher exactly where this would be. Can the MHTL, or a line parallel with, and 30ft from it, be staked so that the public can see the area to be impacted? Also, is the 30ft (horizontal) limit sufficient to keep stockpiled materials clear of the high tide? Maybe it would be more

appropriate to have a vertical offset requirement than a horizontal one.

The language below is taken from page 3 of the report. It does not make it clear if it is just construction equipment that will be operating below the MHTL or if they are actually intending to place boulders below the MHTL.

*All construction, **aside from the relocation and placement of existing boulders**, will be conducted above the mean high tide line and will not enter the US Army Corps or the Regional Water Quality Control Board's jurisdiction. Additionally, Special Condition 4 requires that any stockpiled materials shall be located as far from the beach and ocean as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the edge of the mean high tide line.*

Regarding vegetation removal, since the community expressed concerns with the 1500 sq ft that is proposed to be removed, was there any effort at all from Caltrans to redesign their project to attempt to reduce the amount of native vegetation that is proposed to be removed?

Thanks,  
Rey

On Sun, Jan 23, 2022 at 7:08 PM Rey Harmon

<[nmontano11@ucsbalum.com](mailto:nmontano11@ucsbalum.com)> wrote: Thanks Jordan. Will pass this

info along to the community.

Rey

On Fri, Jan 21, 2022 at 3:57 PM Sanchez, Jordan@Coastal

<[Jordan.Sanchez@coastal.ca.gov](mailto:Jordan.Sanchez@coastal.ca.gov)> wrote:

Hi Rey,

The staff report for the Mussel Shoals public accessway is posted. You may find it here: <https://documents.coastal.ca.gov/reports/2022/2/W11c/W11c-02-2022-report.pdf>

Can you please pass along this link to any interested community members that you know of?

Mailed notice will go out today to the mailing list that Caltrans shared with us. This item will be heard on Wednesday February 9<sup>th</sup>. If you would like to submit written comments in advance of the meeting, please email them to me. This is where / how you would sign up to speak at the 2/9/22 public hearing: <https://www.coastal.ca.gov/meetings/request-testimony/wednesday/>

Please let us know if you have any questions.

-Jordan

**From:** [dianne.coolidge](mailto:dianne.coolidge)  
**To:** [Sanchez, Jordan@Coastal](mailto:Sanchez_Jordan@Coastal)  
**Cc:** [Rey Harmon](mailto:Rey.Harmon)  
**Subject:** Mussel Shoals project  
**Date:** Monday, February 7, 2022 6:27:41 PM

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Hi Jordan,

Just wanted to speak to the proposed project in Mussel Shoals. As a community we would welcome the project if it were not for the fact that we are a “finite” community! We have limited room for parking with no way of adding more, and one way in and out of our small community . If you have never been to MS on a big surf day or beach holiday I ask you to come take a look The first time I saw it , it looked like Coachella! I had no idea how so many cars could fit it such a small space! It’s pretty hectic and we have learned to creep in and out carefully. To add yet another attraction to this small area when less than a quarter mile away there is ample beach parking with more amenities with an easy walkway to access the beach south of Cliff House seems unnecessary and dangerous. The little parking we have should be left for surfers surfing the MS break. We hope you will reconsider this project and not add another attraction to a community that cannot physically support it . Thank you for your consideration.

Dianne and Todd  
Coolidge  
6727 Breakers Way

**From:** [Jason Stanson](mailto:Jason.Stanson)  
**To:** [Sanchez, Jordan@Coastal](mailto:Sanchez_Jordan@Coastal)  
**Subject:** Opposition to the Proposed Path and Stairs to the Beach in Mussel Shoals  
**Date:** Monday, February 7, 2022 7:31:32 PM

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Dear Members of the California Coastal Commission:

I write to you in opposition of the currently proposed CalTrans project to build a pathway and stairs to the beach in Mussel Shoals near the Cliff House Inn.

It has long been my understanding that the Coastal Commission was established to protect California's coastal assets, perhaps most notably, sensitive habitat areas occupied by marine life and shore birds. It seems that over time the mission of the Commission has evolved into promoting access to as many people as possible to the coast and beach. These two concepts seem to me to be completely conflicting

ideologies, especially in and around certain sensitive areas, like Mussel Shoals. While my family and I love the ocean and the beach, and wish for everyone to have access to these natural wonders, I feel strongly about protecting certain areas, even at the expense of further enhancing existing public access. I understand that the Coastal Commission itself opined in a written report in the early 2000s about the sensitivity of tide pools in Mussel Shoals - going as far as to say that human traffic should be limited to mitigate damage to these fragile habitats. I fail to see how in just 15 years, the same commission that produced such a published report, could now promote and approve the current CalTrans project up for consideration.

Again, I am all for the public being able to access the beach, but with over 750 miles of coastline in California, must we make all of it even easier to access? I don't think so. There are plenty of less environmentally sensitive areas where public access can be improved, enhanced and encouraged. One such spot, which is not too far from Mussel Shoals, is the old "Old Peers" location just 2 miles south of our community. To my knowledge, there are far fewer fragile tide pools and wildlife/sea life habitats. Perhaps more parking and access could be added there instead of at Mussel Shoals.

As you know, at Mussel Shoals, there is already beach access available to those who want to access it. There is a path and one only needs to walk it and go down the rocks to access the sand on the lower tides. I see no need to provide a paved pathway and stairs to make it easier for humans to access these sensitive zones, which would only accelerate their decline and likely their ultimate demise.

Please, please, please reconsider your position on this project. For those of us who live in this community, the proposed construction seems absolutely ludicrous. And further, it seems completely counter to what we understand the purpose of the Coastal Commission to be. Please protect our coastal assets... even at the expense of increased public access in highly environmentally sensitive areas, like Mussel Shoals.

I sincerely thank you for taking the time to read my email and to consider my point of view. Please be bold and remember the original concept of the Coastal Commission. To protect California's incredibly precious coastal assets.

Best regards,  
Jason Stanson  
Mussel Shoals Resident

**From:** [Rey Harmon](#)  
**To:** [Sanchez, Jordan@Coastal](#); [Fiala, Shannon@Coastal](#)  
**Cc:** [Buz Benner](#)  
**Subject:** Item W11c - Mussel Shoals - Trail & Parking - MHTL  
**Date:** Monday, February 7, 2022 9:04:35 AM

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Hi Jordan,

I'm submitting the below comments on behalf of my neighbor.

California Coastal Commission members, please consider the following comments and concerns regarding the proposed project:

- Coastal Commission staff clarified the following: *"All work on the project will occur above the MHTL except for the relocation and placement of existing boulders below the mean high tide line which will be done by crews with hand tools. We believe that stockpiled materials located at least 30 ft. above the MHTL will be safe from coastal hazards..."* It makes most sense to specify a 30' vertical offset from the mean high tide line (MHTL) as opposed to a horizontal limit. Please carefully study the project area in order to appropriately design a project that will not impact local Environmentally Sensitive Habitat Areas.
- In light of the requirement that "boulders" below the MHTL are to be relocated by crews with hand tools, perhaps a definition of the term "boulder" would be helpful. It is difficult to imagine boulders of a size that can be moved by hand being expected to withstand the force of the ocean.
- Please confirm that all boulders currently below the MHTL, and too large to be moved by hand, would be left in their current locations if this project were to be approved.
- At what point in the project would the MHTL, or the parallel limit line be staked as requested? Again, it would be very helpful if that line could be physically defined on site well in advance of any construction.

Thank you for your attention to this

matter. Sincerely,

Bancroft M. Benner, 30-year Mussel Shoals resident and Civil Engineer  
JoAnn Benner Head, Professional Land Surveyor

**From:** [Chris Provenzano](#)  
**To:** [Sanchez, Jordan@Coastal](#)  
**Subject:** Coastal Commission Hearing FEBRUARY 9, Mussel Shoals Beach Trail-Caltrans  
**Date:** Sunday, February 6, 2022 2:06:19 PM

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Dear Jordan,

Thank you for this opportunity to comment.

Re: Coastal Dev Permit De Minimus Waver:4-21-0371-W

I strongly believe, as reflected in attached pix, that Mussel Shoals is becoming a sanctuary

for various sea birds, primarily the California Brown Pelican.

Since the cessation of oil drilling & the absence of workers on Rincon Island, more & more Pelicans & other smaller ones have established nests on Rincon Island. Each morning & afternoon they return to the shallow surf in Mussel Shoals to feed.

Mussel Shoals has become a bird sanctuary along shallow shorelines both in front of The Cliff House Inn (which is adjacent to CalTrans' project) and the other side of the causeway.

I believe if CalTrans' project is approved, the bird sanctuary would be lost. Mussel Shoals is a tiny community, and all the visitors would disturb this wonderful opportunity for the endangered California Brown Pelican to peacefully exist in Mussel Shoals.

Secondly, a clear & present danger exists in Mussel Shoals with the treacherous one & only ingress/egress and numerous bicyclists speeding along the California trail, which is substantially close to CalTrans' proposed platform—not to mention that there is NO available parking.

Bicyclists hang out in the middle of Old PCH while other cyclists speed by never stopping at stop signs. In that same space, traffic continues in & out of Mussel Shoals, which presents an extremely dangerous situation. Adding visitors to the proposed viewing platform (with no where to park) would exacerbate the current clear & present danger.

I thank you for this opportunity to supply this information.

Sincerely,  
Chris Provenzano-  
Chernof 6648 Old Pacific  
Coast Hwy

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

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

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

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

There are many problems with the cul-de-sac such as-trash everywhere with NO pick up, camping, drugs including syringes, women's panties hanging from the brush, always urine and excrement present. The cul-de-sac has been an easy spot for crime, drug deals and panga boat landings-most recent was June of 2021.

NO restroom for the public who visit our beaches daily.

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

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

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

Panga boat issues:

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

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

We urge CalTrans and the California Coastal Commission to deny the construction of this project. Please protect our tide pools and our beaches as you were enacted to do for the future of our beach environment.

**From:** [Lisa Stanson](#)  
**To:** [Sanchez\\_Jordan@Coastal](mailto:Sanchez_Jordan@Coastal)  
**Subject:** Opposition to the Mussel Shoals 100 feet of cement stairs directly into ESHA protected tide pools (W11c)  
**Date:** Monday, February 7, 2022 6:43:00 PM

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Dear Coastal Commission Members,

Thank you for your time. I am writing to oppose the CalTrans-proposed large cement stair and pathway in Mussel Shoals through a protected environment to the tideline of another protected and sensitive tidal area and a habitat for a robust number of California species. This proposed stairwell will also create a serious safety issue in our neighborhood. I would specifically like to point you towards the following Sections of the California Coastal Act:

**Section 30253:** *New development shall do all of the following: (1) **Minimize risks to life and property in areas of high geologic, flood, and fire hazard.** (2) 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.*

It has been stated multiple times and shared with CalTrans that the Ventura Fire Department has had significant historical issues with access to this area because of the narrow roads. CalTrans, in fact, just today released a report that “after careful consideration” they are unable to widen the access area. In response to this existing and potentially life threatening neighborhood challenge, it is being proposed that we post more signs and encouraging more cars to enter the area? This action flies directly in the face of the stated intention to **“Minimize risks to life and property in areas of high geologic, flood, and fire hazard.”** We are in a high fire hazard and flood area. Increased traffic in this area will be a risk to our lives.

**Section 30240:** *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.***

This section states an intention to **“prevent impacts which would significantly degrade [ESHA] areas.”** These tide pools are a designated Environmentally Sensitive Habitat Area and the [California Coastal Commission charter specifically states that human public traffic will be directed away from Environmentally Sensitive Habitat Areas.](#) Please provide other examples of when the California Coastal Commission provided a large new access point directly into a protected tideland habitat that was designated ESHA. And if so, what impact did it have on the protected habitat?

I thank you for your consideration on this matter and strongly encourage you to personally visit this area to understand just how much it will be negatively impacted. With the dirt path

that currently exists, there is already constant removal of species from the tide pools as well as human trash polluting this highly sensitive area. I believe in your mission to avoid or minimize potential impacts to sensitive habitats. This proposed cement stairway and path will cause direct harm to this habitat and the increased traffic to this area is incredibly dangerous. Please consider our safety and that of the animals, and overturn and deny this project.

Thank you.

Sincerely,  
Lisa Stanson  
Mussel Shoals

**From:** [SANDY PORTER](#)  
**To:** [Sanchez, Jordan@Coastal](mailto:Sanchez_Jordan@Coastal)  
**Subject:** Mussel Shoals Beach Trail - Caltrans  
**Date:** Tuesday, February 8, 2022 12:08:08 PM

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Greetings!

Personally, I am in favor for any improvements to beach access. Guests at the Cliff house Inn would most definitely appreciate a safer way to get to the beach. We often advise guests to stroll along the bike path to beach access a half mile south of us or up the street by the pier. Many of the hotel guests are of retirement age and being able to conveniently and safely visit the tide pools at low tide would be so nice. The most extraordinary beach walking experience is Mussel Shoals to La Conchita and that area has the tunnel and ramp as well as an east to navigate access by the pier.

The proposed trail will empty onto a section of coast that is usually rocky. So it will be a nice stairway to rocky beach. Here is a photo at high t



This is where the trail will empty to.

I am also really wondering the cost benefit of putting these stairs in. In Carpinteria at jelly bowl and at the Carpinteria State Park and the adjoining county park, there is either no safe access or a slowly dilapidated timber stair, the base of which is presently a 20" drop to beach level.

Those areas are heavily visited by the public. I am just wondering the ratio of the expense of this stair to the number of people who will use it as compared to so many more popular areas that completely lack safe beach access. Surely Cliff House Inn guests will use it.

I have not personally spoken with many neighbors about this, but I totally appreciate and share their concern that the trail might be an attraction in an area lacking facilities to support it.

Respectfully,

Sandy Porter, GM  
The Cliff House Inn