

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
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**F6**

Prepared July 29, 2022 (for August 12, 2022 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, North Central Coast District Director

Subject: North Central Coast District Director's Report for August 2022

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, emergency CDPs, and LCP certification reviews for the North Central Coast District Office are being reported to the Commission on August 12, 2022. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review from the Commission's North Central Coast District Office in San Francisco. Staff is only reporting any emergency CDPs and LCP certification reviews, is asking for the Commission's concurrence on the other items in the Report, and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on August 12th during the hybrid virtual/in-person hearing.

With respect to the August 12th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on August 12, 2022 (see attached)

CDP Amendments

- 2-10-020-A1, Marin County Department of Public Works, Culvert Cleaning (Pt. Reyes Station-Inverness, Marin County)

CDP Waivers, CDP Extensions, Emergency CDPs, LCP Certification Reviews

- None

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**NOTICE OF PROPOSED PERMIT AMENDMENT**

Date: July 29, 2022
To: All Interested Parties
From: Stephanie Rexing, North Central Coast District Manager
Honora Montano, North Central Coast Coastal Planner
Subject: Amendment to Coastal Development Permit (CDP) 2-10-020
Applicant: Marin County Department of Public Works

Original CDP Approval

CDP 2-10-020 was approved by the Coastal Commission on December 16, 2010, and authorized maintenance cleaning of sediment from 46 culverts and associated drainages within the Coastal Zone in Marin County over a six-year period ending on December 16, 2016. The authorized maintenance was designed to remove excess sediment for flood control along Sir Francis Drake Boulevard, Bear Valley, Fairfax-Bolinas, and Olema-Bolinas Roads. The ongoing maintenance assured the adjacent roads and properties were kept clear of flood waters in order to avoid accidents and possible road closures, ensure public safety, improve water quality and aquatic resources, and improve flows for fish passage and juvenile fish rearing habitat. CDP 2-10-020 included measures to mitigate potential impacts to biological resources and water quality, such as requiring a restoration and monitoring plan, best management practices (BMPs), species-specific conservation measures, and seasonal restrictions on project timing. CDP 2-10-020 has not been amended since its initial approval.

Proposed CDP Amendment

Special Condition 8 of the original CDP stated:

The permit authorizes the proposed development for six (6) years from the date of Commission approval (until December 16, 2016). One request for an additional six-year period of development authorization may be accepted, reviewed, and approved by the Executive Director for a maximum total of twelve (12) years of development authorization (until December 16, 2022), provided that the request would not substantively alter the project description and/or require modifications of conditions due to new information or technology or other changed circumstances.

CDP 2-10-020 would be amended to allow the additional six-year period of development authorization absent a formal request, so long as the project description is not altered, so that amended Special Condition 8 reads as follows (with text in cross-through format showing text to be deleted and text in underline format showing text to be added):

2-10-020-A1 (West Marin Culverts)

The permit authorizes the proposed development for six (6) years from the date of Commission approval (until December 16, 2016). ~~One request for a~~An additional six-year period of development authorization may be ~~accepted, reviewed, and approved by~~ the Executive Director for a maximum total of twelve (12) years of development authorization (until December 16, 2022), provided that the ~~request~~ activities proposed for the additional development authorization period would not substantively alter the project description and/or require modifications of conditions due to new information or technology or other changed circumstances.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The amended CDP would extend authorization for project activities for the additional six-year period of time, until December 16, 2022, that would have been allowed under the original CDP upon request. The original structure of the permit conditions would have allowed that additional six years upon request, provided the project was not altered or did not require further modifications due to changed circumstances. The extent of activities proposed for the additional authorization period allowed under the amendment would be limited to culvert cleaning to remove accumulated sediment from approximately 970 linear feet of Silver Hills Creek and Old Bear Valley Creek in the Whitehouse Pool area, upstream and downstream of mile post (MP) 25.00 on Sir Francis Drake Boulevard, between the communities of Point Reyes Station and Inverness, Marin County, all of which are activities and areas that were authorized for maintenance by the 2010 CDP (but to a smaller project area extent, as the 2010 permit allowed such activities to occur at 46 culverts and associated drainages in various locations in West Marin County). The conditions on the ground have not changed in terms of the habitat or species resources present so the original BMPs and measures to avoid and mitigate potential impacts to biological resources and water quality will still be effective. The project will also restore open water flow in Old Bear Valley Creek, which will benefit salmonids and tidewater goby which typically inhabit the creek and use it for refugia during high flows in Lagunitas Creek and off-channel rearing habitat. In addition, all project activities proposed to occur after December 16, 2022, shall require a new coastal development permit. The Commission's reference number for this proposed amendment is 2-10-020-A1.

In short, the proposed permit amendment can be found consistent with the Commission's original CDP approval, the Coastal Act, and the certified Marin County Local Coastal Program.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures

2-10-020-A1 (West Marin Culverts)

available that would substantially lessen any significant adverse effect that the development may have on the environment. Marin County, acting as lead CEQA agency, found that the original project with mitigation would have no adverse environmental impacts via an Initial Study/Mitigated Negative Declaration prepared in 2010 and then amended in 2015.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed immaterial CDP amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA. Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed immaterial CDP amendment would necessitate. Thus, the proposed immaterial CDP amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the North Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on August 12, 2022 at the Coastal Commission's hybrid in-person/virtual meeting. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

If you have any questions about the proposal or wish to register an objection, please email northcentralcoast@coastal.ca.gov and/or please contact Honora Montano in the North Central Coast District office.