

**Little River Blowhole Trail**

Mitigation Negative Declaration

County of Mendocino CDP #68-2008

Recorded at the request of:  
MENDOCINO LAND TRUST  
03/23/2010 09:10 AM  
Fee: \$2060.25 Pgs: 1 of 1

OFFICIAL RECORDS  
Susan M. Ranochak - Clerk-Recorder  
Mendocino County, CA



FILING REQUESTED BY  
County of Mendocino  
Planning & Building Services Dept  
501 Low Gap Road, Room 1440  
Ukiah, CA 95482

AND WHEN FILED MAIL TO  
County of Mendocino  
Planning & Building Services Dept  
501 Low Gap Road, Room 1440  
Ukiah, CA 95482

**NOTICE OF DETERMINATION**

To:  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Mendocino County Clerk  
501 Low Gap Road, Room 1020  
Ukiah, CA 95482

Subject: Filing of Notice of Determination in compliance with Section 21108 and 21152 of the Public Resources code.

**Project Title:**

CASE#: CDP #68-2008  
OWNER: VAN DAMME INVESTMENTS  
APPLICANT: MENDOCINO LAND TRUST

**State clearing House Number**  
(If Submitted to Clearing House)

**Contact Person**  
TERESA SPADE

**Area Code/Number/Extension**  
707-964-5379

**Project Location:**

In the Coastal Zone, approximately 1/8 mile south of Little River, on the west side of Highway One approximately 400 feet north of the intersection of Highway One and Little River Airport Road (CR 404), at 7700 North Highway One, Little River (APN 121-280-16).

**Project Description:**

Construct a two-foot wide public trail, including fencing and signs. The trail would run from Highway One, along the outside of the cemetery, around a sinkhole, and to approximately 50 feet from the ocean bluff edge.

This is to advise that the County of Mendocino has approved the above-described project on January 28, 2010 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared pursuant to the provisions of CEQA.
3. Mitigation measures were a condition of the project approval.
4. A Statement of Overriding Considerations was not adopted.

This is to certify that the Negative Declaration and record of project approval is available to the general public at 501 Low Gap Road, Room 1440, Ukiah.

Date of Filing

3/23/10

Signature

*[Handwritten Signature]*

POSTED FROM 3/24/10 TO: 4/23/10

**RECEIVED**  
MAY 05 2010  
BY  
PLANNING & BUILDING SERVICES  
Ukiah, CA 95482

**COUNTY OF MENDOCINO  
ENVIRONMENTAL REVIEW GUIDELINES  
NEGATIVE DECLARATION**

**I. DESCRIPTION OF PROJECT.**

DATE: JANUARY 28, 2010

**CASE#:** CDP #68-2008

**OWNER:** VAN DAMME INVESTMENTS

**APPLICANT:** MENDOCINO LAND TRUST

**REQUEST:** Construct a two-foot wide public trail, including fencing and signs. The trail would run from Highway One, along the outside of the cemetery, around a sinkhole, and to approximately 50 feet from the ocean bluff edge.

**APPEALABLE AREA:** Yes

**LOCATION:** In the Coastal Zone, approximately 1/8 mile south of Little River, on the west side of Highway One approximately 400 feet north of the intersection of Highway One and Little River Airport Road (CR 404), at 7700 North Highway One, Little River (APN 121-280-16).

**PROJECT COORDINATOR:** TERESA SPADE

**II. DETERMINATION.**

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level; therefore, a NEGATIVE DECLARATION is adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.



COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES  
501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

IGNACIO GONZALEZ, DIRECTOR  
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**FINAL FINDINGS AND CONDITIONS OF APPROVAL  
CASE # CDP 68-2008 – VAN DAMME INVESTMENTS  
JANUARY 28, 2010**

The Coastal Permit Administrator approves Coastal Development Permit # CDP 68-2008 per the findings and conditions of approval contained in the staff report further finding;

**General Plan Consistency Finding:** As discussed under pertinent sections of this report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

**Environmental Findings:** The Coastal Permit Administrator finds that no significant environmental impacts would result from the proposed project which can not be adequately mitigated through the conditions of approval, therefore, a Negative Declaration is adopted.

**Coastal Development Permit Findings:** The Coastal Permit Administrator finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.
8. Resource protection findings:
  - (a) The resource identified will not be significantly degraded by the proposed development.
  - (b) There is no feasible less environmentally damaging alternative.
  - (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

**CONDITIONS OF APPROVAL:**

- \*\*1. The Environmentally Sensitive Habitat Areas as located on the ESHA map (Exhibit H) shall be protected in perpetuity from development and disturbance, except developments and disturbances specifically allowed by Coastal Development Permits. The following measures are required to ensure protection of ESHAs during and after development activities:
- (a) All vegetation removal occurring within Environmentally Sensitive Habitat areas shall be mitigated by the removal of exotic invasive plant species at a ratio of at least 1:1. These areas shall be replanted with native species appropriate to the plant community.
  - (b) After the completion of ESHA planting, monitoring shall be conducted at intervals of 1, 3 and 5 years. If, during the monitoring, survivorship success rates of native species have dropped below 75%, the applicant shall replant until the minimum 75% goal has been achieved and replacement values are equal to or greater than 1:1 within the easement area for native vegetation displaced by the trail. To the extent feasible, replacement plants shall be of stock from the immediate locale, and planted at the most appropriate time to achieve the highest survival rate.
  - (c) If vegetation removal or construction activities are to occur between February and August, pre-construction breeding bird surveys shall be conducted by a qualified biologist a maximum of two weeks prior to construction. If a nest is detected, a temporary buffer from construction activities of at approximately 100 feet shall be applied around the nest. The exact buffer size recommended is dependent on the species and vegetation present in the buffer, as authorized by the surveying biologist. The buffer shall remain in place until all young have fledged, or left the nest. A biologist shall monitor the site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.
  - (d) Invasive plants shall be removed to the extent reasonably feasible from the entire public access easement area on a bi-annual basis as long as the easement area is actively managed.
  - (e) All ground disturbances shall occur during the dry season, which generally runs from April 15 through October 31. All soil shall remain on site.
  - (f) To protect the Stream/Riparian habitat(s), the applicant shall close off the existing trails that lead into the riparian and stream areas. Installing downed logs across these trails may serve to stop or reduce foot traffic into these sensitive habitats.
- \*\*2. Prior to the issuance of the Coastal Development Permit, the applicant shall provide for acceptance by the Director of Planning and Building Services, an Accessway Management Plan. At a minimum, the Plan shall
- (a) Provide for a design which avoids or mitigates any public safety hazards and any adverse impacts on agricultural operations or identified coastal resources;
  - (b) Set forth the agency(ies) responsible for operating, maintaining and assuming liability for the accessway;
  - (c) Set forth any other known provisions such as facilities to be provided, signing, use restrictions and special design and monitoring requirements; and
  - (d) Set forth provisions for protecting the accessway from vandalism and/or improper use (e.g., guarded gate, security patrol, hours of operation or period/seasons of closure and fees, if any).

- (e) The Plan shall specifically NOT include advanced highway signage and shall include the following statement:

“Advanced highway signage shall not be erected in the vicinity of the trail until such time that provisions for safe parking at the site is provided.”

Further, any listing of the trail on the MLT web site shall direct the public to park at more appropriate sites away from the trailhead.

- \*\*3. Prior to constructing any improvements associated with this Coastal Development Permit, the applicant shall apply a layer of fill, adequate to protect the resource area identified as Site LRB-1 in the archaeological report for the subject site by Thad Van Bueren, dated April 22, 2007. All fencing, signage and other ground disturbances shall occur outside of the site boundary for Site LRB-1. Maintenance of the protective fill shall be provided for in the Accessway Management Plan, and the protective fill layer shall be sufficiently maintained for the life of the project.
- Should protection of the site as outlined above be impractical due to developmental or other constraints, the resource can be evaluated to determine legal importance. If important, a professional archaeologist shall design an investigation which mitigates the loss of the portion of the resource subject to direct impacts, as evaluated and approved by the Mendocino County Archaeological Commission.
4. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
5. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,060.25 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to February 12, 2010. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility of timely compliance with this condition.
6. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within 2 years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
- To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
7. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
8. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.

### Exhibit 3: Mitigated Negative Declarations

9. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
10. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - (a) The permit was obtained or extended by fraud.
  - (b) One or more of the conditions upon which the permit was granted have been violated.
  - (c) The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

11. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
12. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code

**STAFF REPORT FOR COASTAL DEVELOPMENT PERMIT**

**CDP 68-2008 (MLT)**

**January 28, 2010**

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**OWNER** Van Damme Investments  
P.O. Box 529  
Little River, CA 94563

**APPLICANT/AGENT:** Mendocino Land Trust  
PO Box 1094  
Mendocino, CA 95460

**REQUEST:** Construct a two-foot wide public trail, including fencing and signs. The trail would run from Highway One, along the outside of the cemetery, around a sinkhole, and to approximately 50 feet from the ocean bluff edge.

**LOCATION:** In the Coastal Zone, approximately 1/8 mile south of Little River, on the west side of Highway One approximately 400 feet north of the intersection of Highway One and Little River Airport Road (CR 404), at 7700 North Highway One, Little River (APN 121-280-16).

**APPEALABLE AREA:** Yes – blufftop lot, ESHA, Highly Scenic Area

**PERMIT TYPE:** Standard

**TOTAL ACREAGE:** 7.8± Acres

**GENERAL PLAN:** Rural Residential

**ZONING:** RR: L-5

**EXISTING USES:** Residential

**ADJACENT ZONING:** **East:** Public Facilities and ROW  
**West:** Ocean  
**North:** Rural Residential (RR-5 [RR-2])  
**South:** Rural Residential (RR-5)

**SURROUNDING LAND USES:** **East:** Little River Cemetery and Highway One  
**West:** Ocean  
**North:** Residential  
**South:** Residential

**SUPERVISORY DISTRICT:** 5

**OTHER RELATED APPLICATIONS:**

Minor Subdivision (MS) 17-88 found a public access easement warranted in the proposed location, and required the applicant to record the subject 25 foot wide public access easement. The easement is shown on the final map in the location of the proposed trail.

**PROJECT DESCRIPTION:** The applicant describes the project as follows:

The project is to construct a pedestrian trail west of Highway 1 within a 25 foot wide public access easement held by MLT. The trail width will be 2-foot wide with a local soil tread with some vegetation clearing along the trail corridor. Three sections of 10' symbolic fencing will be placed around the blowhole. The trail will be located no less than 15' from the blowhole edge. Two 12x14" aluminum safety signs will be placed along the edge of the blowhole warning of the dangerous edge. One safety sign will be placed along the trail terminus along the bluff. One 24x36" aluminum management sign will be placed near the fence opening west of the cemetery boundary facing east. Three private property signs will be placed along the trail to delineate the easement. One 18x24" aluminum directional sign will be placed at the beginning of the trail where it borders the Caltrans right-of-way.

A section of cyclone fencing shall be removed outside the easement area on the Hasty property in order to facilitate moving the access farther from the blowhole edge along its southern section.

There is an unnamed creek located between the easement and the adjacent property to the south. The trail will be located within the riparian buffer area where an existing trail is located. There were no rare or endangered plants discovered during botanical surveys. The trail goes through Bishop Pine forest, a potential ESHA, on the McKinney property around the blowhole.

**ENVIRONMENTAL REVIEW:** In addition to protections afforded by the California Environmental Quality Act (CEQA), California's coastal resources are protected by Coastal Act requirements. The County is responsible for assuring that developments are carried out in compliance with Coastal Act requirements through implementation of the policies found within the Local Coastal Plan (LCP). The following analysis addresses both CEQA and Coastal Act requirements.

**Earth (Item 1):**

Disruptions, displacements, compaction, or over covering of the soil: The applicant does not propose compaction of soils within the constructed trail areas. Impacts resulting from disruptions, displacements, compaction, or over covering of the soil, would not be significant.

Exposure of people or property to geologic hazards such as earthquakes, ground failure, or other hazards: The project area is not located in a 100-year flood zone or tsunami zone. The site is not located in a Seismic Study (SS) combining district, and is not proximal to any known fault lines. The trail would be constructed in a relatively flat area. The project would not be subject to landslides or other ground failures.

**Water (Item 3):**

Exposure of people or property to water related hazards such as flooding or tsunamis: The project area is not located in the flood zone, not subject to flooding, and is not located in a tsunami hazard zone. The project would not result in exposure to people or property to water related hazards such as flooding or tsunamis.

**Plant Life (Item 4) & Animal Life (Item 5):**

Change in the diversity of species, or number of any species of plants including trees, shrubs, grass, crops, and aquatic plants: The project will result in permanent impacts to approximately 2,000 sq. feet of area which will be

cleared of vegetation to construct the two foot wide native earth trail. Additional impacts include vegetation displaced by poles installed for fencing and signs.

The area of impact is located in the Northern Bishop Pine Forest/Grand Fir Forest. These forest types are protected under the Coastal Act by Local Coastal Plan (LCP) designation as Environmentally Sensitive Habitat Areas.

Environmentally Sensitive Habitat Areas are defined in the Coastal Element as follows:

*Any areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Regarding Environmentally Sensitive Habitat Areas, Section 20.496.020(A)(1) of the Mendocino County Coastal Zoning Code states:

*(A) Buffer Areas. A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas.*

*(1) Width. The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area.*

The proposed trail development is limited to existing public access easement areas. Mendocino Land Trust initially proposed to locate a portion of the trail where a trail is already present; through the cemetery. This would have prevented the need for vegetation removal in the sensitive forest area. Concerns were expressed by many people regarding this proposal, including the Little River Improvement Club and the Mendocino Coast Genealogic Society. In response, MLT changed the proposal to conform to the recorded easement area.

Consequently, public trail development is to occur within the Northern Bishop Pine Forest/Grand Fir Forest plant community Environmentally Sensitive Habitat Area, and a buffer area is not an option. The Mendocino County Coastal Zoning Code outlines allowable developments within Environmentally Sensitive Habitat Areas, however development in a rare plant community is not specifically discussed. The proposal therefore is in conflict with buffer requirements the protection of Environmentally Sensitive Habitat Areas.

As discussed in the Public Access and Recreation section of this report, numerous policies of the Local Coastal Plan require public access at this location. Section 30007.5 of the California Coastal Act (Public Resources Code, Division 20) states as follows regarding policy conflicts:

The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat or other similar resource policies.

**STAFF REPORT FOR COASTAL DEVELOPMENT PERMIT****CDP 68-2008 (MLT)****January 28, 2010****Page CPA-4**

Although the proposed development is in conflict with the buffer requirement, the trail is to be constructed such that no trees would be removed. The project would allow for continued public access and would result in increased public safety in that signs warning of the dangerous bluff would be placed, and fencing would be placed around the blowhole to designate a safe distance of observation. Formalization of a single trail has the potential to decrease the persistence of multiple “volunteer” trails currently present at the site. Establishment of a formal public trail around the cemetery would allow the public to respect the cemetery grounds by walking around instead of through, which could potentially decrease existing impacts on the cemetery from public visitation to the blowhole.

Staff finds that although development of a public trail within the sensitive forest area would not allow for a minimum buffer area, that one of the main goals of the Coastal Act is maximization of public access and recreational opportunities to and along the coast, that the Coastal Element specifies this site as a public access location, that the easement area has been recorded for public access consistent with LCP policies, and that with mitigations, development of the trail has a potential to decrease existing impacts on natural resources resulting from informal public use of the area.

Staff acknowledges that formalization of the trail has the potential to attract more people to the area, and that the public is concerned regarding how this increase may detrimentally impact the cemetery and site. Staff contacted local representatives from State Parks to discuss impacts resulting from formalizing public trails. State Parks responded that a formalized trail has the potential to decrease environmental impacts if people can be made to utilize the formal trail, however people will take the easiest route and if a trail is formalized in a bad location, people will not stay with the formal route. The formalized trail needs to be constructed well and inviting. Parks staff discussed how the Asilomar Coast Trail in Pacific Grove features a looping boardwalk as well as a straight route to the beach, and is an example of a successful formalization. A local example is the MacKerricher boardwalk trail, which has minimized pedestrian impacts to the sensitive resources in that area. State Parks staff explained that formalization can help to protect sensitive areas, and suggested the placement of a “please respect” type sign near the cemetery, explaining that it is a working and historic cemetery, and asking the public to be respectful. State parks staff offered the opinion that access to the site is limited by the existing parking and that since no parking expansion is proposed, the development does not appear to substantially expand access. It was mentioned that trash is a very real concern, as trash goes with people, however it was also noted that people are there now. Since formalization includes a required management plan, upkeep will be managed.

The consulting biologist, Matt Richmond, discusses in his report alternatives to the proposed trail development, noting that the trail is restricted to the recorded easement, and that a no project alternative would result in a denial of coastal access. Mr. Richmond finds that no feasible, less environmentally damaging alternative is available, therefore mitigation measures have been proposed to minimize potential impacts.

The Mendocino County Coastal Zoning Code additionally outlines developments allowed within buffer areas to ESHAs, and guidance for determining the appropriate width of a buffer are in Section 20.496.020. This section is thereby utilized by the biologist and referred to as a “Reduced Buffer Analysis.” The Reduced Buffer Analysis has been conducted by Matt Richmond and is included in his report. The Reduced Buffer Analysis is included as Appendix A of this report.

Rick Macedo of the Department of Fish and Game visited the site with planning staff on December 3, 2009. Mr. Macedo offers additional mitigation measures as follows:

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**January 28, 2010**

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1. For purposes of covering areas not included with the original botanical survey, a new botanical survey should be completed. This survey shall include areas of the project to the north, west, and other sites that were not covered by the original survey<sup>1</sup>.
2. To protect the Stream/Riparian habitat(s), remove or otherwise eliminate the existing trails that lead into the riparian and stream areas. Installing downed logs across these trails may serve to stop or reduce foot traffic into these sensitive habitats.

Recommended Condition Number 1 is included to ensure compliance with recommendations and mitigations set forth by Matt Richmond, the project botanist, and Rick Macedo of the Department of Fish and Game, as a condition of approval.

Section 20.532.100(A)(1) of the Mendocino County Coastal Zoning Code states that “no development shall be allowed in an ESHA unless the following findings are made:”

- (a) *The resource as identified will not be significantly degraded by the proposed development.*
- (b) *There is no feasible less environmentally damaging alternative.*
- (c) *All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.*

As outlined above, the sensitive forest area will not be significantly degraded by the proposed development as no tree will be removed and the project will result in a decrease in “volunteer” trails. As considered by the applicant and the consulting biologist, no feasible less environmentally damaging alternative is available. Mitigation measures are included as recommended by the consulting biologist and Department of Fish and Game staff to reduce or eliminate project related impacts. The findings outlined in Section 20.532.100(A)(1) can be made and are included in the findings section of this report.

Reduction of the numbers of any unique, rare, or endangered species of plants: As outlined in the *Botanically Based ESHA Delineation and Impact Assessment Subject to the Coastal Act and the Mendocino County LCP*, by Matt Richmond of Redwood Coast Associates, dated November 2007, and summarized on page 16, no rare, endangered or unique species of plants were found in the project area.

Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species: As outlined in the *Botanically Based ESHA Delineation and Impact Assessment Subject to the Coastal Act and the Mendocino County LCP*, by Matt Richmond of Redwood Coast Associates, dated September 2008, on-site removal of invasive plant species is to occur, and areas are to be replanted with native plants typically associated with the plant community in which they will be placed. The proposed introduction of new plant species would have a net beneficial impact to on-site resource areas. Recommended Condition Number 1 is included to ensure compliance with Matt Richmond’s recommendations and mitigations as a condition of approval.

Deterioration of existing fish or wildlife habitat: No rare or endangered wildlife species were identified on the site. Although no trees are proposed for removal, the biologist recommends surveys for breeding birds prior to

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<sup>1</sup> Staff and DFG initially had concerns that the revised location of the trail (around instead of through the cemetery) was not surveyed by Matt Richmond because the map in his report showed the outdated proposal. After DFG comments, staff received a clarification from Matt Richmond that the area of concern (where the new trail development will occur around the cemetery) was in fact surveyed, as the project had changed several times, and the original proposal was consistent with the current proposal.

trail construction should the development occur during the breeding season. An appropriately sized buffer area would be established between the development area and nesting area until all young have fledged, or left the nest. Recommended Condition Number 1 includes provisions for protection of nesting birds as recommended by the consulting biologist.

**Noise (Item 6):**

Increases in existing noise levels: The only noteworthy increase in noise generated by the project will be that of construction activity, which will be of limited duration. Noise impacts will not be significant.

**Land Use (Item 8):**

Substantial alteration of the present or planned use of a given area:

The parcels are classified on the Coastal Plan Map and zoned as Rural Residential, 5 acre minimum lot size (RR-5). The proposed use as a public access trail meets the definition of Active Recreation as outlined in Section 20.340.020 as follows:

*Establishment of facilities which constitute "development" as defined in Section 20.308.035(D), and that may have the potential for environmental impacts requiring mitigation or which may involve hazards, generate noise, dust, additional traffic, or have other potential impacts. Examples include construction of spectator sports facilities, recreational boating facilities, shooting ranges, rodeo facilities and recreational trails. (Ord. No. 3785 (part), adopted 1991)*

Active Recreation is listed as a conditionally permitted use type in the Remote Residential District, however, as clarified in the July 14, 2004 memorandum by Rick Miller, to address listing inconsistencies<sup>2</sup>, staff is processing applications for the construction of recreational trails as Coastal Development Permits, unless development is proposed on a bluff face, in which case those applications would be processed as Use Permits (Miller 2004).

Policy 3.6-26 of the Coastal Element states:

*Prior to the opening, advertising or use of any accessway, the responsible individuals or agency shall prepare a management plan for that accessway, which is acceptable to the County of Mendocino, sufficient to protect the natural resources and maintain the property.*

Section 20.528.045 of the Mendocino County Coastal Zoning Code requires an Accessway Management Plan before any accessway can be opened up to the public. As outlined in the code the plan must include the following provisions:

*No accessway shall be opened for public use until an Accessway Management Plan has been prepared by the managing agency and accepted by the Director. At a minimum, the Plan shall:*

*(A) Provide for a design which avoids or mitigates any public safety hazards and any adverse impacts on agricultural operations or identified coastal resources;*

*(B) Set forth the agency(ies) responsible for operating, maintaining and assuming liability for the accessway;*

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<sup>2</sup> Active Recreation is not an allowable use type in the Suburban Residential (SR), Rural Village (RV), Fishing Village (FV), Commercial (C), Industrial (I), or Public Facilities (PF) districts. Conflicts therefore arise when public access, in compliance with the Coastal Act, is pursued in these districts.

**STAFF REPORT FOR COASTAL DEVELOPMENT PERMIT**

**CDP 68-2008 (MLT)**

**January 28, 2010**

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*(C) Set forth any other known provisions such as facilities to be provided, signing, use restrictions and special design and monitoring requirements; and*

*(D) Set forth provisions for protecting the accessway from vandalism and/or improper use (e.g., guarded gate, security patrol, hours of operation or period/seasons of closure and fees, if any). (Ord. No. 3785 (part), adopted 1991)*

Recommended Condition Number 2 is included to require the Accessway Management Plan as a condition of approval. As conditioned, the proposed public access trail would not substantially alter or detrimentally impact the present or planned uses of these parcels.

As conditioned, the project complies with the zoning requirements for the Rural Residential District set forth in Chapter 20.376, and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code.

**Transportation/Circulation (Item 12):**

**Effects on existing parking facilities, or demand for new parking?**

Chapter 20.472 of the Mendocino County Coastal Zoning Code sets requirements for off-street parking for all land uses in sufficient numbers to accommodate vehicles which will be congregated at a given location, in order to minimize on-street parking, increase traffic and pedestrian safety and promote the general welfare. General requirements are outlined as follows:

*Sec. 20.472.010 General.*

*(B) At the time of initial occupancy of a site or of construction of a structure or of a major alteration or enlargement of site or structure, there shall be provided off-street parking facilities for automobiles in accordance with the regulations prescribed in this Chapter. For the purposes of this Chapter the term "major alteration or enlargement" shall mean a change of use or an addition which would increase the number of parking spaces required by more than ten (10) percent of the total number required.*

*(I) Parking areas shall, at a minimum, be surfaced with gravel; however, the approving authority may require a hard surface such as road oil mix, or other surfacing of a more durable type such as a bituminous plant mix, asphaltic concrete or concrete as a condition of the Coastal Development Permit.*

*(J) All required parking spaces shall be at least nine (9) by twenty (20) feet, unless otherwise provided for under this section.*

The zoning code does not outline specific parking requirements for recreational trails, however, reasonable parking accommodations have been provided in the past for recreational trail locations, and Section 30212.5 of the Coastal Element states:

*Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

The project does not include accommodations for parking. Staff notes that parking at this location is a concern, and members of the public have commented that parking along the highway and Little River Airport Road (CR 404) can be unsafe due to sight conditions. The project was referred to the Mendocino County Department of Transportation and Caltrans. Both responded with "no comment."

**Public Services (Item 13):**

Will the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:

Fire protection, police protection, schools, parks and other recreational facilities, other governmental services:

The property is in an area that has a “moderate” fire hazard severity rating as determined by the California Department of Forestry and Fire Prevention (Calfire). An application was submitted to Calfire (CDF# 230-08) for address standards, driveway standards, setbacks, and defensible space standards. Calfire responded that the proposed project is exempt from Calfire requirements.

The project was referred to the Albion/Little River Fire Protection District and the Mendocino County Sheriff. No response was received. Since the public trail is currently being used, it is unlikely that formalization of the trail will result in any significant increase in need for government services.

**Aesthetics (Item 17):**

Obstruction of any scenic vista or view open to the public, or create an aesthetically offensive site open to public view? The subject property is located in a designated highly scenic area according to the Land Use Plan Map. Highly Scenic Area policies outlined in Chapter 20.504 of the Mendocino County Coastal Zoning Code are generally directed toward assuring that structural developments are visually compatible with public view areas such as public trails, beaches, and the highway. The subject project consists of the development of a public trail. Most of the proposed development consists of “flat work.” An 18” x 24” aluminum directional sign is proposed at the beginning of the trail along the highway.

The sign regulations outlined in Chapter 20.476 of the Mendocino County Coastal Zoning Code do not apply to the proposed management and directional signs, as they are authorized by law and would be erected by State officials – the trail is jointly managed by the California Coastal Conservancy, the California Coastal Commission and the Mendocino Land Trust. Section 20.476.035 of the Mendocino County Coastal Zoning Code provides for the exemption from sign regulations as follows:

*Sec. 20.476.035 General Regulations*

*The following shall apply in the construction and maintenance of on-site and off-site signs.*

*(A) Special Purpose Signs. The following special purpose signs shall be exempt from these regulations:*

*(1) Directional, warning or informational signs required or authorized by law which are erected by federal, state, county, municipal officials or special district officials;*

The proposed signs include one 24”x36” management sign, three 12”x14” safety signs, one 18”x24” directional (arrow) sign, and three private property signs.

The proposed trail and associated development would not result in significant impacts to visual resources.

**Public Access & Recreation (Item 18):**

Impact upon the quality or quantity of existing recreational opportunities? The Coastal Element provides descriptions and policies for specific planning areas and states the following regarding the Little River Blowhole Vista Point:

*Location: West of Highway 1, north of Little River Cemetery on existing private drive.*

*Ownership: Private*

*Potential Development: Vertical access trail to the blufftop*

*Element Policy:*

*4.7-13*

*An offer to dedicate an easement to the public for access shall be obtained for those areas shown on the Land Use Map consistent with Policy 3.6-5.*

In compliance with Coastal Element Policy 4.7-13, the public access easement was recorded in association with Minor Subdivision 17-88.

Shoreline access policies set forth in the Coastal Element include the following:

*3.6-6 Shoreline access points shall be at frequent rather than infrequent intervals for the convenience of both residents and visitors and to minimize impacts on marine resources at any one point. Wherever appropriate and feasible, public access facilities, including parking areas, shall be distributed throughout the coastal area so as to mitigate against the impacts, social or otherwise, of overcrowding or overuse by the public of any single area. Specific proposals of this plan reflect this goal.*

*3.6-7 All access easements required by this Land Use Plan to be offered for dedication to public use shall be a minimum of 25 feet wide. However, the passageway within the easement area may be reduced to the minimum necessary to avoid: (1) adverse impacts on habitat values identified in the plan; or (2) encroachment closer than 20 feet from an existing residence; or (3) hazardous topographic conditions. The right of public use may be limited to pass and repass only when an accessway is specifically identified in the plan as having habitat values which would be adversely impacted by public use or adverse topographic conditions which would make beach use dangerous, or when the accessway would encroach closer than 20 feet to a residential structure. In specified areas identified in Chapter 4 or on the Land Use Plan maps, offers to dedicate public parking areas may be required as a condition of permit approval. Such offers shall be obtained in a manner consistent with Policy 3.6-5 and shall contain language consistent with the requirements of Policy 3.6-28. In areas where adequate parking is not available, at the time of development the need for additional parking to serve public access to the coast shall be considered in the permit review process.*

An offer to dedicate a parking area is not listed as a required condition of permit approval on LUP maps, and the site is not identified in Chapter 4 of the Coastal Element as a site requiring a public parking area as a condition of approval. A formalized parking area is not included in the application.

*3.6-14 New and existing public accessways shall be conspicuously posted by the appropriate agency and shall have advance highway signs except those for which specific management provisions have been made and specified in Chapter 4. Additional signs shall designate parking areas and regulations for their use, and shall include regulations for protection of marine life and warning of hazards, including high tides that extend to the bluffs. Access shall not be signed until the responsibility for maintenance and liability is accepted and management established. All accessways shall be designed and constructed to safety standards adequate for their intended use. Hazardous blufftops shall be marked or, if lateral access use is intended, shall have a cable or other clear barrier marking the trail or limit of safe approach to the bluff edge. The County of Mendocino shall seek to implement this policy where appropriate by requesting CalTrans, or other responsible agencies to maintain and sign such accessways.*

Given limitations of parking for this public trail location, staff finds that advance highway signs would not be warranted. A sign is proposed to warn of the hazardous bluff edge. The trail is proposed to be located farther back from the blowhole than the existing trail, and barriers are to be erected in three locations around the blowhole.

*3.6-25 Public access policies 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:*

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**January 28, 2010**

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- *topographic and geologic site characteristics;*
- *capacity of the site to sustain use and at what level of intensity;*
- *fragility of natural resource areas and proximity to residential uses;*
- *need to provide for management of the access;*
- *balance between the rights of individual property owners and the public's constitutional rights of access.*

The limited parking will regulate access to a moderate level. Hours of use are to be limited to daylight hours.

*3.6-26 Prior to the opening, advertising or use of any accessway, the responsible individuals or agency shall prepare a management plan for that accessway, which is acceptable to the County of Mendocino, sufficient to protect the natural resources and maintain the property.*

Recommended Condition Number 2 is included to require acceptance of a management plan for the accessway by the County prior to issuance of the Coastal Development Permit.

Section 3.6 of the Coastal Element, states in part:

*The Access Component required in every LCP must contain policies concerning provision, maintenance, and management of public shoreline access and must designate existing and proposed accessways for public use. Access must be provided for viewing, active recreation and scientific research at the water's edge of the ocean and tidal rivers. The coast should be available to users of all transportation modes including drivers, bus riders, bicyclists, hikers, equestrians, and the handicapped. The Coastal Act's requirement for "maximum public access implies that all coastal environments capable of tolerating use at a reasonable risk to both humans and habitat be open.*

Shoreline access policies outlined in the Coastal Zoning Code include:

*3.6-16 Access to the beach and to blufftop viewpoints shall be provided for handicapped persons where parking areas can be close enough to beach or viewing level to be reachable by wheelchair ramp. The wheelchair symbol shall be displayed on road signs designating these access points where the means of access is not obvious from the main road.*

For the proposed trail, parking areas are not close enough to allow access for handicapped persons. Section 1132B.2.6 of the California Disabled Accessibility Guidebook (CalDAG) outlines requirements for trails and paths as follows:

Trails, paths and nature walk areas, or portions of these, shall be constructed with gradients which will permit at least partial use by wheelchair occupants. Hard surface paths or walks shall be provided to serve buildings and other functional areas (CalDAG 2002).

There are no feasible locations for closeby parking areas to allow wheelchair access to the trail. Consequently, enforcement of this requirement is not reasonably feasible, therefore the project is subject to the following exception:

3. Automobile access shall not be provided or paths of travel shall not be made accessible when the enforcing agency determines that compliance with these regulations would create an unreasonable hardship.

**Cultural Resources (Item 19):**

Alteration or destruction of a prehistoric or historic archaeological site? An archaeological survey report by Thad Van Bueren, *Archaeological Survey of the Little River Blowhole Public Access Easement in Little River, Mendocino County, California, dated April 22, 2007*, was submitted to the Mendocino County Archaeological Commission and considered at their October 14, 2009 hearing. The Arch Commission accepted the survey (3-0),

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noting that recommendations within the report are to be followed. Recommended Condition Number 3 is included to assure compliance. The applicant is also advised, by Recommended Condition Number 12, of the County's "discovery clause," which establishes procedures to follow should archaeological materials be unearthed during project construction.

Adverse physical or aesthetic effects to a prehistoric or historic building or structure? There are no known historic or prehistoric structures in the vicinity. The project would not impact any prehistoric or historic structures.

**ENVIRONMENTAL RECOMMENDATION:**

No significant environmental impacts are anticipated which cannot be adequately mitigated, therefore, a Mitigated Negative Declaration is recommended.

**GENERAL PLAN CONSISTENCY RECOMMENDATION:** The proposed project is consistent with applicable goals and policies of the General Plan.

**RECOMMENDED MOTION:**

**General Plan Consistency Finding:** As discussed under pertinent sections of this report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

**Environmental Findings:** The Coastal Permit Administrator finds that no significant environmental impacts would result from the proposed project which can not be adequately mitigated through the conditions of approval, therefore, a Negative Declaration is adopted.

**Coastal Development Permit Findings:** The Coastal Permit Administrator finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.

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8. Resource protection findings:

- (a) The resource identified will not be significantly degraded by the proposed development.
- (b) There is no feasible less environmentally damaging alternative.
- (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

**RECOMMENDED ACTION FOR CDP 68-2008:** Staff recommends that the Planning Commission approve Coastal Development Permit CDP 68-2008, subject to the conditions of approval recommended by staff.

**RECOMMENDED CONDITIONS:**

\*\* 1. The Environmentally Sensitive Habitat Areas as located on the ESHA map (Exhibit H) shall be protected in perpetuity from development and disturbance, except developments and disturbances specifically allowed by Coastal Development Permits. The following measures are required to ensure protection of ESHAs during and after development activities:

- (a) All vegetation removal occurring within Environmentally Sensitive Habitat areas shall be mitigated by the removal of exotic invasive plant species at a ratio of at least 1:1. These areas shall be replanted with native species appropriate to the plant community.
- (b) After the completion of ESHA planting, monitoring shall be conducted at intervals of 1, 3 and 5 years. If, during the monitoring, survivorship success rates of native species have dropped below 75%, the applicant shall replant until the minimum 75% goal has been achieved and replacement values are equal to or greater than 1:1 within the easement area for native vegetation displaced by the trail. To the extent feasible, replacement plants shall be of stock from the immediate locale, and planted at the most appropriate time to achieve the highest survival rate.
- (c) If vegetation removal or construction activities are to occur between February and August, pre-construction breeding bird surveys shall be conducted by a qualified biologist a maximum of two weeks prior to construction. If a nest is detected, a temporary buffer from construction activities of at approximately 100 feet shall be applied around the nest. The exact buffer size recommended is dependent on the species and vegetation present in the buffer, as authorized by the surveying biologist. The buffer shall remain in place until all young have fledged, or left the nest. A biologist shall monitor the site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.
- (d) Invasive plants shall be removed to the extent reasonably feasible from the entire public access easement area on a bi-annual basis as long as the easement area is actively managed.
- (e) All ground disturbances shall occur during the dry season, which generally runs from April 15 through October 31. All soil shall remain on site.
- (f) To protect the Stream/Riparian habitat(s), the applicant shall close off the existing trails that lead into the riparian and stream areas. Installing downed logs across these trails may serve to stop or reduce foot traffic into these sensitive habitats.

\*\* 2. Prior to the issuance of the Coastal Development Permit, the applicant shall provide for acceptance by the Director of Planning and Building Services, an Accessway Management Plan. At a minimum, the Plan shall:

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CDP 68-2008 (MLT)

January 28, 2010

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- (a) Provide for a design which avoids or mitigates any public safety hazards and any adverse impacts on agricultural operations or identified coastal resources;
- (b) Set forth the agency(ies) responsible for operating, maintaining and assuming liability for the accessway;
- (c) Set forth any other known provisions such as facilities to be provided, signing, use restrictions and special design and monitoring requirements; and
- (d) Set forth provisions for protecting the accessway from vandalism and/or improper use (e.g., guarded gate, security patrol, hours of operation or period/seasons of closure and fees, if any).

- \*\* 3. Prior to constructing any improvements associated with this Coastal Development Permit, the applicant shall apply a layer of fill, adequate to protect the resource area identified as Site LRB-1 in the archaeological report for the subject site by Thad Van Bueren, dated April 22, 2007. Signs shall be placed at the trailhead and near the blowhole, discouraging the collection and looting of archaeological remains. All fencing, signage and other ground disturbances shall occur outside of the site boundary for Site LRB-1. Maintenance of the protective fill shall be provided for in the Accessway Management Plan, and the protective fill layer shall be sufficiently maintained for the life of the project.

Should protection of the site as outlined above be impractical due to developmental or other constraints, the resource can be evaluated to determine legal importance. If important, a professional archaeologist shall design an investigation which mitigates the loss of the portion of the resource subject to direct impacts, as evaluated and approved by the Mendocino County Archaeological Commission.

- 4. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
- 5. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,060.25 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to February 12, 2010. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility of timely compliance with this condition.**
- 6. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within 2 years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

7. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
8. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
9. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
10. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

11. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
12. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

January 19, 2010

DATE

(Signature on File)

TERESA SPADE  
PLANNER II

Negative Declaration

**STAFF REPORT FOR COASTAL DEVELOPMENT PERMIT**

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**January 28, 2010**

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Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission’s receipt of the Notice of Final Action from the County.

Appeal Fee: \$945 (For an appeal to the Mendocino County Board of Supervisors.)

\*\* Indicates conditions relating to Environmental Considerations - deletion of these conditions may affect the issuance of a Negative Declaration.

**ATTACHMENTS:**

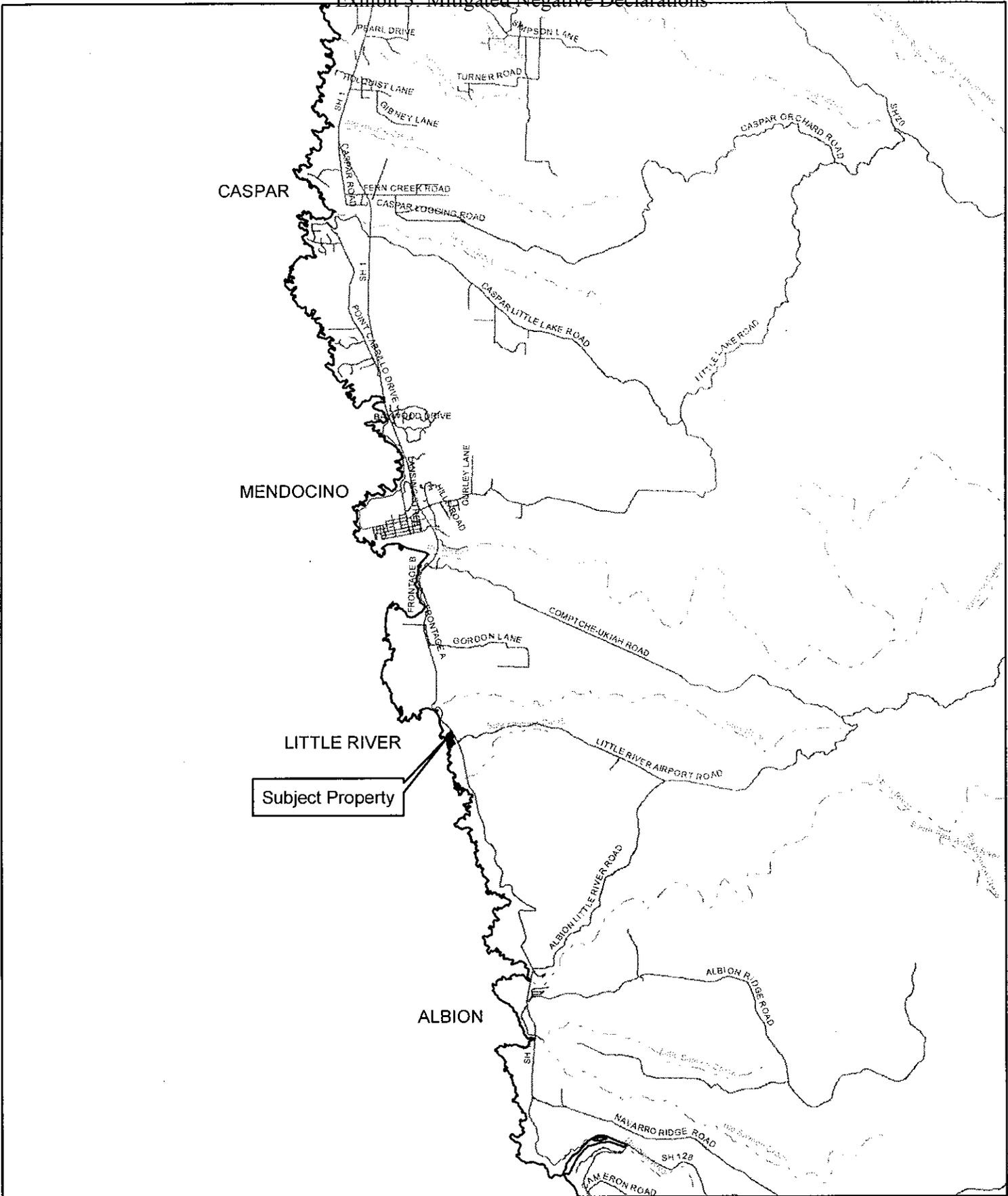
- Exhibit A: Location Map
- Exhibit B: Zoning Display Map
- Exhibit C: Topographic Map
- Exhibit D: Orthophoto
- Exhibit E: California Natural Diversity Database Map
- Exhibit F: 100 Year Flood Zone Map
- Exhibit G: Site Plan
- Exhibit H: ESHA Map
- Exhibit I: Management Sign

Appendix A: Reduced Buffer Analysis

**SUMMARY OF COMMENTS:**

Planning – Ukiah	MS 17-88 created subject parcel - Special Condition #3 of MS 17-88 requires the applicant to record a public access easement to the blufftop and easement is shown on the final parcel map.
Department of Transportation	No response.
Environmental Health – Fort Bragg	DEH clearance. Trail, fencing must meet 10’ setback to any nearby septic leachfield and 5’ setback for any septic tank.
Building Inspection – Fort Bragg	2007 CBC Chapter 11 requirements include access requirements for wheelchairs and the blind as detailed in sections 6 & 7 attached.
Assessor	No response.
Caltrans	No response.
Coastal Commission	No response.
Department of Fish and Game	Response outlined in report.
Army Corps of Engineers	No response.
Trails Advisory Commission	No response.
Little River Improvement Club	Questions of liability are outlined in the letter dated 1-22-09.
Albion Little River FPD	No response.
Mendocino County Sheriff	No response.

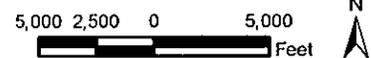
Exhibit 3: Mitigated Negative Declarations

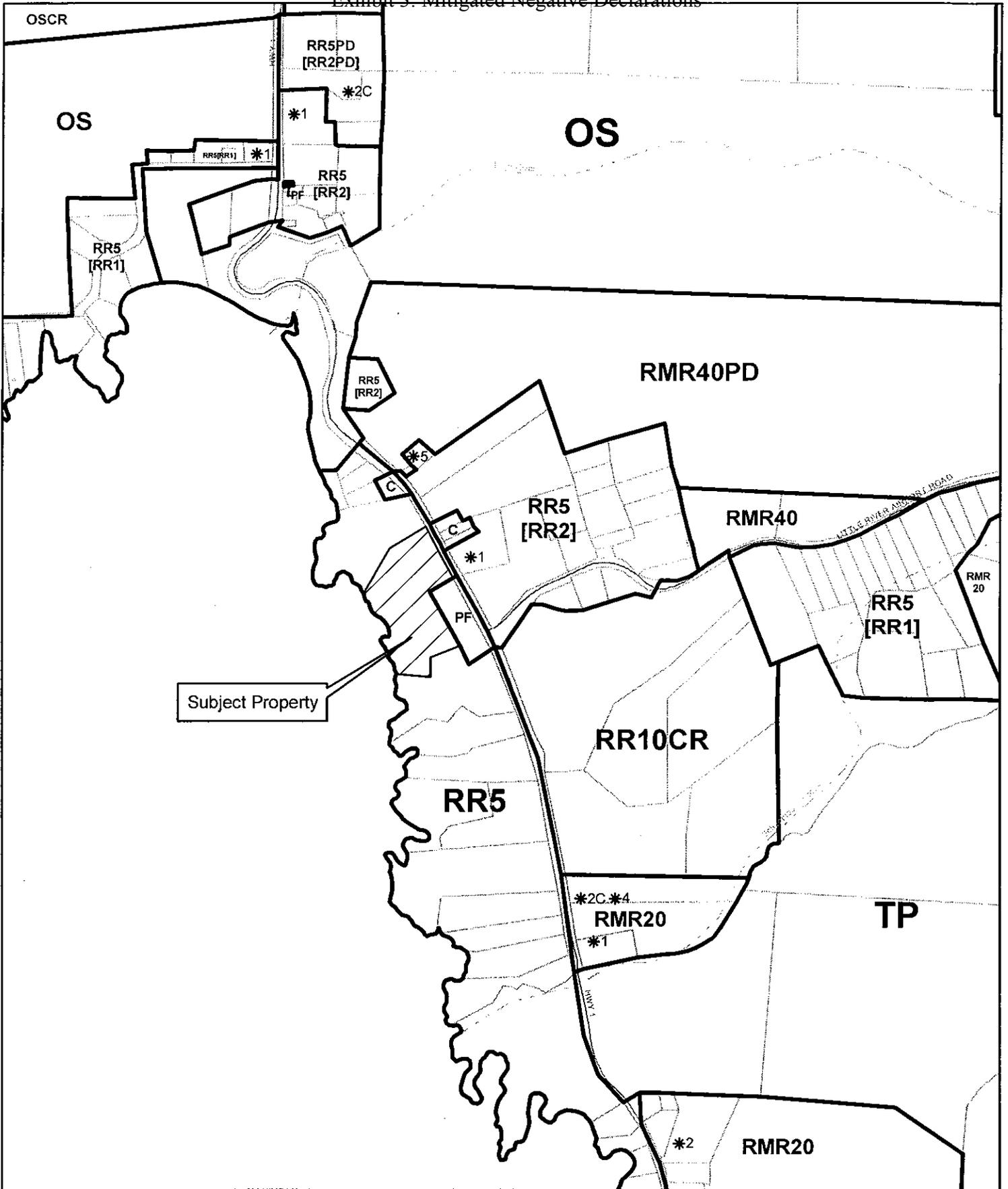


OWNER: MLT  
CASE #: CDP 68-2008  
APNs: 121-280-16

LOCATION MAP

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008)



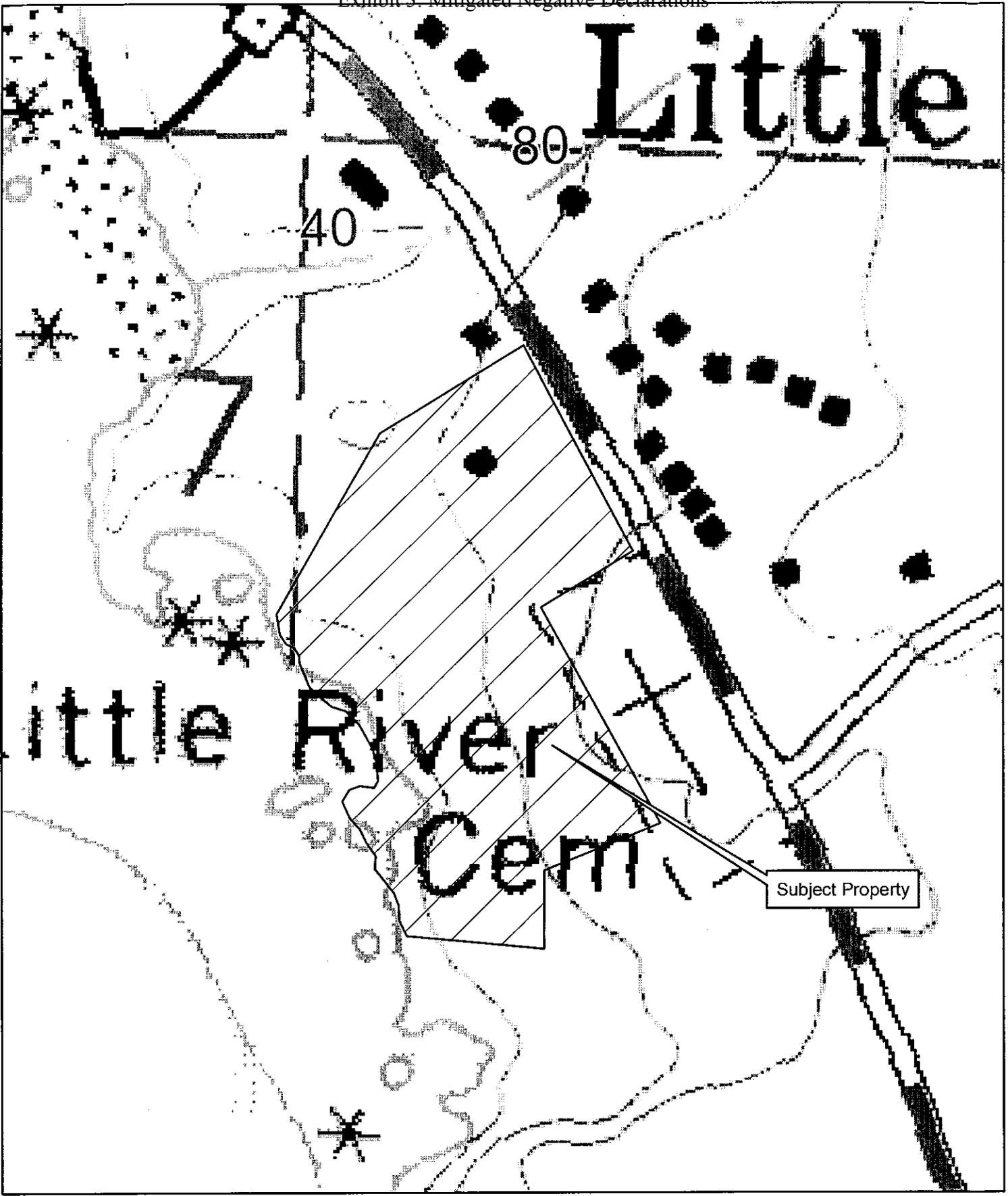


OWNER: MLT  
CASE #: CDP 68-2008  
APNs: 121-280-16

**ZONING DISPLAY MAP**

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008)

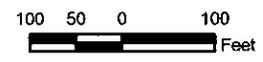


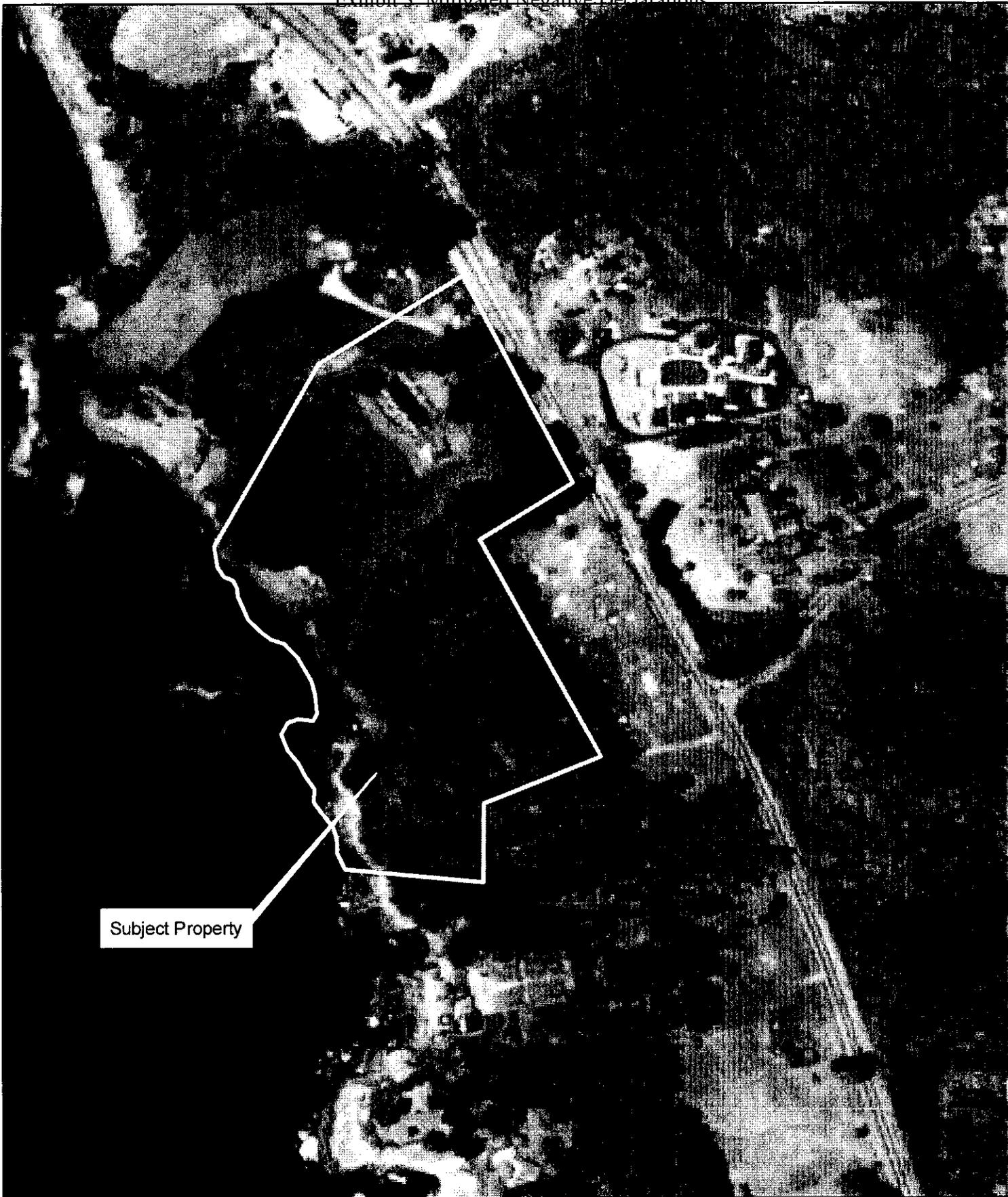


OWNER: MLT  
CASE #: CDP 68-2008  
APNs: 121-280-16

**USGS MAP**  
CONTOUR INTERVAL 40 FEET

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008)





Subject Property

OWNER: MLT  
CASE #: CDP 68-2008  
APNs: 121-280-16

ORTHOPHOTO - June 2009

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are 26 of December 2008)

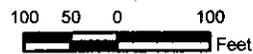
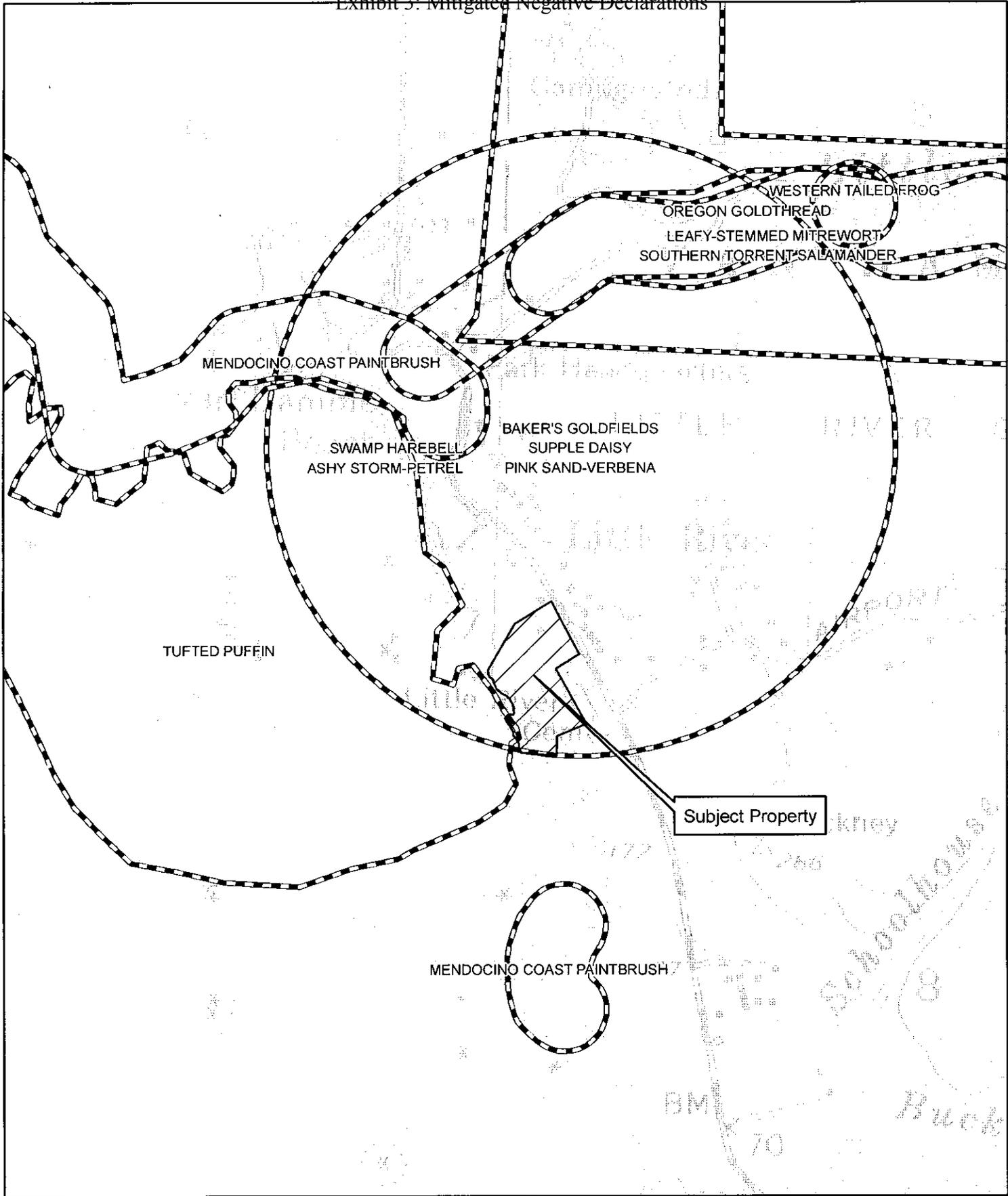


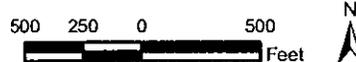
Exhibit 3: Mitigated Negative Declarations

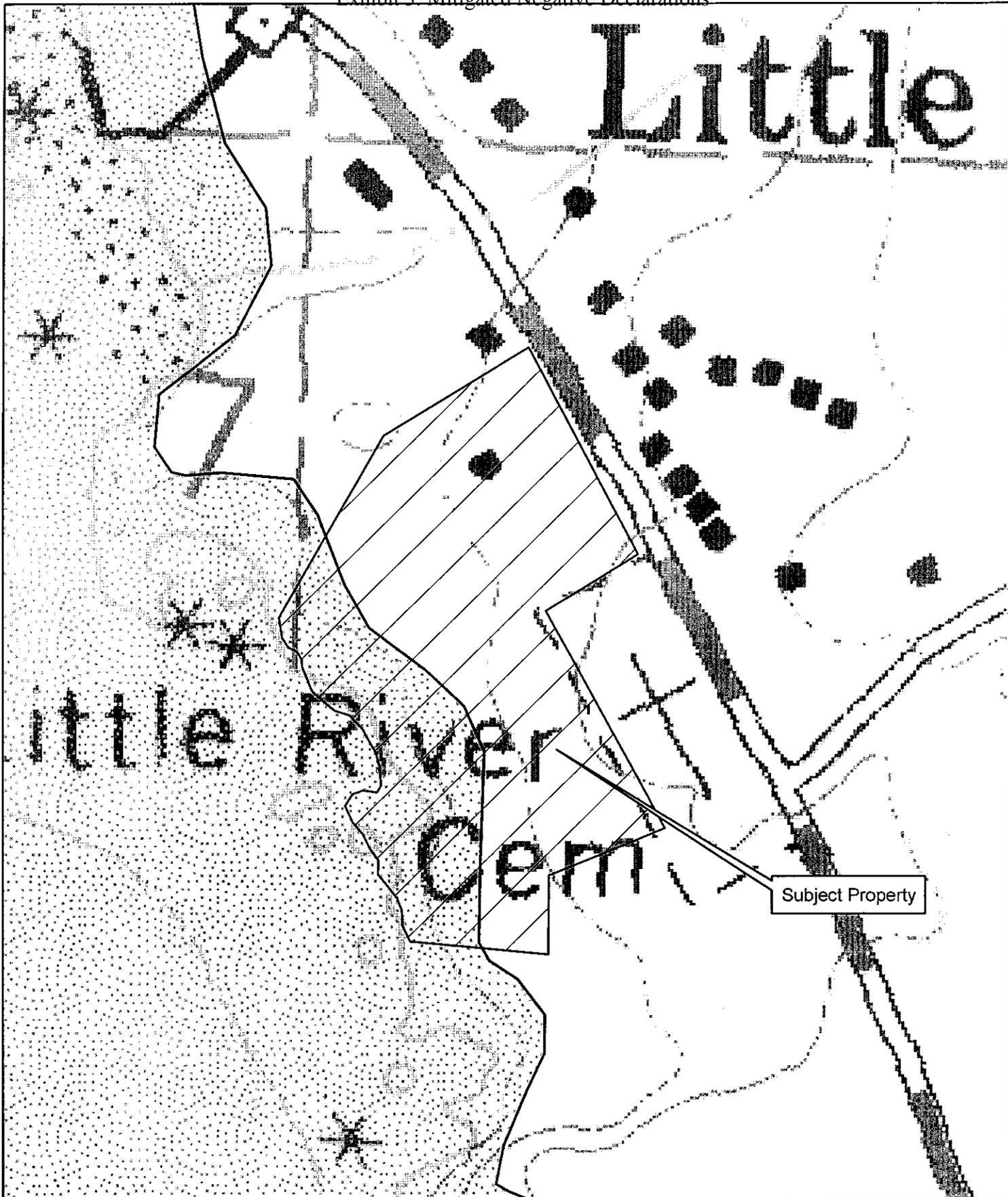


OWNER: MLT  
CASE #: CDP 68-2008  
APNs: 121-280-16

**CALIFORNIA NATURAL DIVERSITY  
DATABASE RAREFIND** (July 2009)

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008)

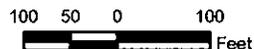


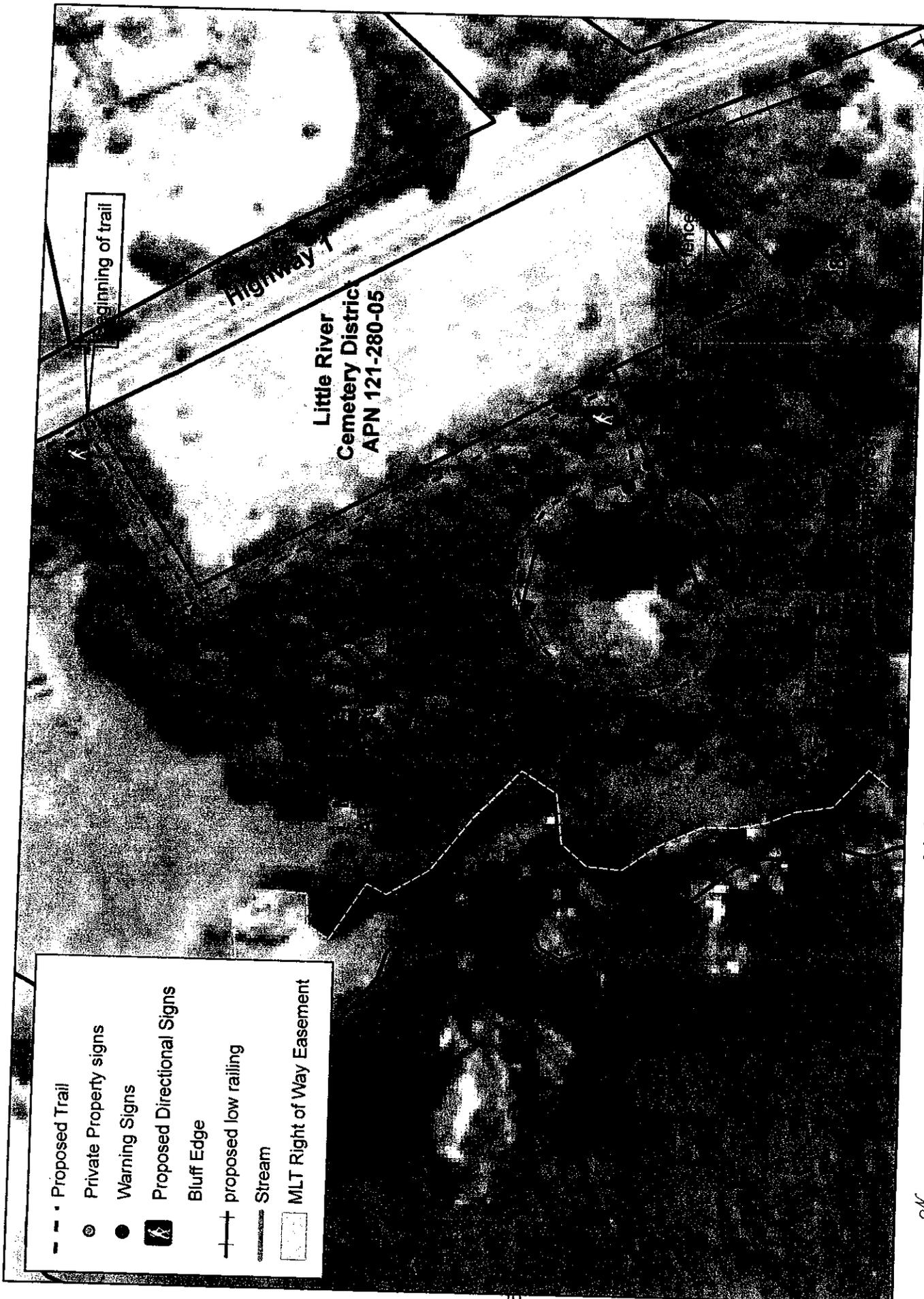


OWNER: MLT  
CASE #: CDP 68-2008  
APNs: 121-280-16

 100 YEAR FLOOD ZONE and  
 COASTAL FLOOD VELOCITY (WAVE ACTION)

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008)





- - - Proposed Trail
- ⊙ Private Property signs
- Warning Signs
- Ⓜ Proposed Directional Signs
- Bluff Edge
- +— proposed low railing
- Stream
- ▭ MLT Right of Way Easement

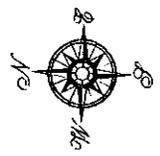
beginning of trail

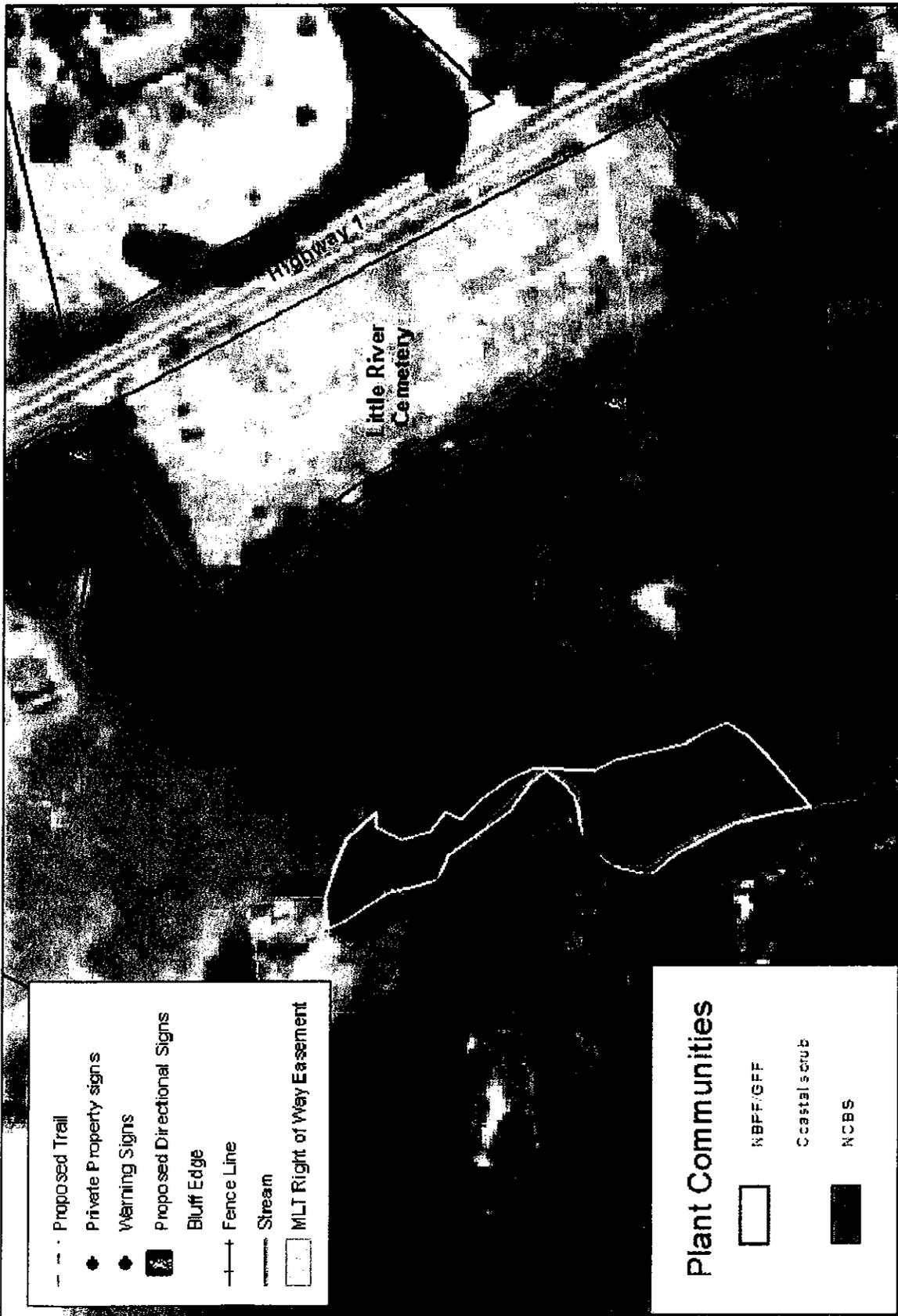
Highway 1

Little River Cemetery District APN 121-280-05

fence

**Little River Blowhole Trail Site Plan**  
**McKinney OTD**





Little River Blotwhole Trail Site Plan  
McKinney OTD

0 50 100 200 300 400 Feet

# LITTLE RIVER BLOWHOLE TRAIL

Conserved and Managed by:



Please help us conserve the unique habitats and beauty of this area by staying on designated trails. For your safety, please stay away from the dangerous cliffs at the bluff and blowhole edge.

- Pedestrian Day Use Only • Dogs on Leash • No Camping**
- No Fires • No Consumption of Alcohol on Premises •**
- No Bicycles or Motorized Vehicles on Trail • Do not disturb plant or animal life**

For more information, please contact the Mendocino Land Trust at (707) 962-0470

**Appendix A**

**Appendix B.** An analysis of the proposed project utilizing the Mendocino County LCP ordinance section 20.496.02 (a) through (k).

Development Criteria	
<p><b>(1) Width.</b> The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area. Standards for determining the appropriate width of the buffer area are as follows:</p>	<p>There is no feasible alternative to proposed developments within the ESHA buffer given site and legal constraints. Impacts are considered to be of minor significance due to the specific characteristics of the ESHA's being impacted and the mitigation and enhancement measures proposed.</p> <p>No new land division is proposed.</p>
<p><b>(a) Biological Significance of Adjacent Lands.</b> Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the wetland, stream, or riparian habitat that is adjacent to the proposed development.</p>	<p>No significant relationship exists between the lands surrounding the ESHAs within the Study Area. However, mitigation measures have been set forth to offset potential minor impacts which may be associated with establishing a trail adjacent to the ESHAs.</p>
<p><b>(b) Sensitivity of Species to Disturbance.</b> The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game or others with similar expertise:</p>	<p>No rare, threatened, or endangered plants or animals are known to utilize the existing ESHA habitats. The potential impacts associated with the trail and infrastructure will not significantly disturb other sensitive species, which may be associated with the ESHA's. Mitigation measures have been set forth in order to avoid impacting nesting birds and bats which may be present during the installation of the trail infrastructure.</p>
<p><b>(i) Nesting, feeding, breeding, resting, or other</b></p>	<p>Habitat is of relatively poor quality for fish and wildlife species</p>

Exhibit 3: Mitigated Negative Declarations

<p>habitat requirements of both resident and migratory fish and wildlife species;</p>	<p>along the Highway. Neither the stream nor wetlands ESHAs have hydraulic connectivity to the ocean. Habitat will be enhanced and protected through proposed fencing to improve the nesting, feeding, breeding, resting and other habitat requirements of both resident and migratory wildlife species, No ESHA's support migratory fish habitat.</p>
<p>(ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;</p>	<p>Associated species are considered to be highly adaptable to disturbance at the levels expected. Additionally, disturbance to sensitive areas is expected to diminish as a result of the project through protective measures.</p>
<p>(iii) An assessment of the impact and activity levels of the proposed development on the resource.</p>	<p>Portions of the trail are adjacent to the Highway and currently experience high activity levels. Other portions of the trail are currently utilized by humans although activity levels are expected to increase slightly. However, impacts are expected to decrease slightly due to creation of a single trail and added protection of sensitive areas. No additional significant impacts are proposed.</p>
<p><b>c) Susceptibility of Parcel to Erosion.</b> The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.</p>	<p>The installation of a puncheon and bridge will substantially reduce the potential for erosion and compaction. The removal of invasive species and replanting of natives, and the fencing of the Study Area will significantly reduce the susceptibility to erosion. Establishing a single trail will deter use on the numerous existing trails thus reducing overall impacts with in the forest and blowhole ESHAs.</p>
<p><b>(d) Use of Natural Topographic Features to Locate Development.</b> Hills and bluffs adjacent to ESHA's shall be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHA's. Similarly, bluff faces should not be developed, but shall be included in the buffer zone.</p>	<p>The trail is restricted to the 15-40 foot wide easement. The topographical features have been utilized to the greatest extent feasible.</p>
<p><b>(e) Use of Existing Cultural Features to Locate Buffer Zones.</b> Cultural features (e.g., roads and dikes) shall be used, where feasible, to buffer habitat areas. Where feasible, development shall be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the ESHA.</p>	<p>Existing cultural features will be utilized to the greatest extent feasible. No additional existing cultural features provide added buffering capabilities.</p>
<p><b>f) Lot Configuration and Location of Existing Development.</b> Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection. Where development is proposed in an area that is largely undeveloped, the widest and most protective buffer zone feasible shall be required.</p>	<p>Mitigation measures outlined in section 11.0 are designed to account for potential impacts to the ESHAs and associated buffers.</p>

Exhibit 3: Mitigated Negative Declarations

<p><b>(g) Type and Scale of Development Proposed.</b> The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.</p>	<p>The type and scale of the proposed developments are such that only relatively minor impacts to the ESHA's are expected.</p>
<p><b>(2) Configuration.</b> The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge of the wetland; for a stream from the landward edge of riparian vegetation or the top of the bluff).</p>	<p>Buffer areas have been measured from the nearest outside edge of the ESHA's.</p>
<p><b>(3) Land Division.</b> New subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.</p>	<p>No new subdivisions or boundary line adjustments are proposed.</p>
<p><b>(4) Permitted Development.</b> Development permitted within the buffer area shall comply at a minimum with the following standards:</p>	
<p><b>(a)</b> Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.</p>	<p>A puncheon, bridge and the use of existing trails will be utilized to ensure the continuance of the adjacent habitat area. The functional capacity and ability of the ESHAs to be self-sustaining will be maintained through this design. Natural species diversity will be enhanced and sustained through proposed enhancement, monitoring, and management activities.</p> <p>The current location of the trail is also compatible with the continuance of the adjacent habitat area and will maintain the functional capacity, their ability to be self-sustaining and maintain natural species diversity.</p>
<p><b>(b).</b> Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.</p>	<p>No other feasible site is available within the Study Area.</p>
<p><b>(c).</b> Development shall be sited and designed to prevent impacts, which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from the natural stream channels.</p>	<p>The installation of the puncheon and bridge will prevent impacts, which would degrade adjacent habitat areas. Mitigation will enhance the habitat area and offset any impacts due to shading.</p>
<p><b>(d).</b> Same as 4 (a)</p>	
<p><b>(e).</b> Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1: 1, which are lost as a result of development under this solution.</p>	<p>No other feasible site is available on the parcel as the easement is limited to a 15-40 foot corridor along the parcel boundary. Mitigation measures outlined in Section 11.0 will replace habitat potentially lost to shading and displacement at a 1:1 ratio with in-kind mitigation to include additional areas.</p>

**INITIAL STUDY ENVIRONMENTAL CHECKLIST**

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
<b>1. EARTH:</b>					
A. Unstable earth conditions or changes in geologic substructures.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Disruptions, displacements, compaction, or overcovering of the soil.	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Change in topography or ground surface relief features.	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. The destruction, covering, or modification of any unique geologic or physical features.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Any increase in wind or water erosion of soils, either on or off the site.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Changes in deposition or erosion of beach sands, or changes in siltation, deposition, or erosion that may modify the channel of a river, stream, inlet, or bay?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Exposure of people or property to geologic hazards such as earthquakes, ground failure, or other hazards.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. AIR:</b>					
A. Substantial air emissions or deterioration of ambient air quality.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. The creation of objectionable odors.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. WATER:</b>					
A. Changes in currents, or the course of water movements, in either fresh or marine waters.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Alterations to the course of flow of flood waters.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Change in the amount of surface water in any water body.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Exhibit 3: Mitigated Negative Declarations

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
F. Alteration of the direction or rate of flow of ground water.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Change in the quantity of ground water, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Substantial reduction in the amount of water otherwise available for public water supplies.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I. Exposure of people or property to water related hazards such as flooding or tsunamis.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. PLANT LIFE:</b>					
A. Change in the diversity of species, or number of any species of plants including trees, shrubs, grass, crops, and aquatic plants. <i>See Condition No. 1</i>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
B. Reduction of the numbers of any unique, rare, or endangered species of plants	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species.	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Reduction in acreage of any agricultural crop.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. ANIMAL LIFE:</b>					
A. Change in the diversity of species, or number of any species of animals including birds, land animals, reptiles, fish, shellfish, insects, and benthic organisms.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Reduction in the number of any unique, rare, or endangered species of animals.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Introduction of new species of animals into an area, or in a barrier to the migration or movement of animals.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Deterioration of existing fish or wildlife habitat. <i>See Condition No. 1</i>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. NOISE:</b>					
A. Increases in existing noise levels.	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Exposure of people to severe noise levels.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
<b>7. LIGHT AND GLARE:</b>					
A. Production of new light and glare.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8. LAND USE:</b>					
A. Substantial alteration of the present or planned land use of a given area. <i>See Condition No. 2</i>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
<b>9. NATURAL RESOURCES:</b>					
A. Increase in the rate of use of any natural resources.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>10. POPULATION:</b>					
A. Alterations in the location, distribution, density, or growth rate of human populations.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>11. HOUSING:</b>					
A. Will the proposal affect existing housing or create a demand for new housing?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>12. TRANSPORTATION/ CIRCULATION:</b>					
A. Generation of substantial additional vehicular movement?	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Effects on existing parking facilities, or demand for new parking?	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Substantial impact upon existing transportation systems?	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Alterations to present patterns of circulation or movement of people and/or goods?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Alterations to waterborne, rail, or air traffic?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>13. PUBLIC SERVICES:</b>					
A. Will the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:					
Fire protection?	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and other recreational facilities?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintenance of public facilities, and roads?	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other governmental services?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
<b>14. ENERGY:</b>					
A. Use of substantial amounts of fuel or energy?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Substantial increase in demand upon existing sources of energy, or require the development of new energy sources?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>15. UTILITIES:</b>					
A. Will the project result in a need for new systems or substantial alterations to the following:					
Potable water?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Energy or information transmission lines?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>16. HUMAN HEALTH:</b>					
A. Creation of any health hazard or potential health hazard?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Exposure of people to any existing health hazards?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. A risk of an explosion or the release of hazardous substances (including oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Possible interference with an emergency response plan or evacuation plan.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>17. AESTHETICS:</b>					
A. Obstruction of any scenic vista or view open to the public, or create an aesthetically offensive site open to public view?	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>18. RECREATION:</b>					
A. Impact upon the quality or quantity of existing recreational opportunities?	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>19. CULTURAL RESOURCES:</b>					
A. Alteration or destruction of a prehistoric or historic archaeological site? <i>See Condition No. 3</i>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
B. Adverse physical or aesthetic effects to a prehistoric or historic building or structure?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
C. Cause a physical change that would affect the unique ethnic cultural values?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Restrict existing religious or sacred uses within the potential impact area?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Section III</b>	<b>Responses to Environmental Checklist.</b> For a discussion of each of the environmental effects listed in the Environmental Checklist along with related goals and policies of the General Plan, see the Environmental Review section of the attached staff report.
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<b>Section IV</b>	<b>Mandatory Findings of Significance.</b> <p>A. As discussed in the preceding sections, the project <input type="checkbox"/>does ✓does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants, or to eliminate historic or prehistoric sites.</p> <p>B. As discussed in the preceding sections, both short-term and long-term environmental effects associated with the project will be <input type="checkbox"/>significant ✓will be less than significant.</p> <p>C. When impacts associated with the project are considered alone or in combination with other impacts, the project-related impacts are <input type="checkbox"/>significant ✓insignificant.</p> <p>D. The above discussions <input type="checkbox"/>do ✓do not identify any substantial adverse impacts to people as a result of the project.</p>
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<b>Section V</b>	<b>Determination.</b> <p>On the basis of this initial evaluation, it has been determined that:</p> <p><input type="checkbox"/> The proposed project will not have a significant effect on the environment, and it is recommended that a NEGATIVE DECLARATION be adopted.</p> <p>✓ Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, it is recommended that a NEGATIVE DECLARATION be adopted.</p> <p><input type="checkbox"/> The proposed project may have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.</p>
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**Kibesillah Public Trail**

Mitigation Negative Declaration

County of Mendocino CDP #67-2008



COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES  
501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

IGNACIO GONZALEZ, DIRECTOR  
Telephone 707-463-4281  
FAX 707-463-5709  
pbs@co.mendocino.ca.us  
www.co.mendocino.ca.us/planning

APRIL 28, 2010

**NOTICE OF FINAL ACTION**

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

**CASE#:** CDP 67-2008

**DATE FILED:** 12/18/08

**OWNER:** JACKSON GRUBE FAMILY INC.

**APPLICANT:** MENDOCINO LAND TRUST

**REQUEST:** Coastal Development permit for the Kibesillah Public Trail, which will be placed within a 15-foot wide public access easement on the west side of Highway One. The proposed trail is approximately 7,000 feet long. The project includes clearing vegetation, installing fencing, two foot bridges, signs and boardwalks over wet area.

**LOCATION:** Within the Coastal Zone, approximately 2 miles north of the Ten Mile River and 5 miles south of the town of Westport, on the west side of Highway One, located at 31502 North Highway One; AP#'s 015-380-02, 015-380-04, 015-380-05 AND 015-330-13.

**PROJECT COORDINATOR:** TERESA SPADE

**ACTION TAKEN:**

The Board of Supervisors, on April 13, 2010, approved the above described project. See attached documents for the findings and conditions in support of this decision.

The above project was appealed at the local level. The Mendocino County Board of Supervisors denied the appeal and upheld the approval of the project by the Coastal Permit Administrator's. See the attached minutes for documentation.

This project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

Attachments

cc:

COASTAL COMMISSION  
ASSESSOR

**RECEIVED**

JUN 21 2010

COASTAL CONSERVANCY  
OAKLAND, CALIF.

FILING REQUESTED BY  
County of Mendocino  
Planning & Building Services Dept  
501 Low Gap Road, Room 1440  
Ukiah, CA 95482

AND WHEN FILED MAIL TO  
County of Mendocino  
Planning & Building Services Dept  
501 Low Gap Road, Room 1440  
Ukiah, CA 95482

**NOTICE OF DETERMINATION**

To:  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Mendocino County Clerk  
501 Low Gap Road, Room 1020  
Ukiah, CA 95482

Subject: Filing of Notice of Determination in compliance with Section 21108 and 21152 of the Public Resources code.

**Project Title:**  
CASE#: CDP 67-2008  
DATE FILED: 12/18/08  
OWNER: JACKSON GRUBE FAMILY INC.  
APPLICANT: MENDOCINO LAND TRUST

State clearing House Number <small>(If Submitted to Clearing House)</small>	Contact Person	Area Code/Number/Extension
	TERESA SPADE	707-964-5379

**Project Location:**  
Within the Coastal Zone, approximately 2 miles north of the Ten Mile River and 5 miles south of the town of Westport, on the west side of Highway One, located at 31502 North Highway One; AP#'s 015-380-02, 015-380-04, 015-380-05 AND 015-330-13.

**Project Description:**  
Coastal Development permit for the Kibesillah Public Trail, which will be placed within a 15-foot wide public access easement on the west side of Highway One. The proposed trail is approximately 7,000 feet long. The project includes clearing vegetation, installing fencing, two foot bridges, signs and boardwalks over wet area.

This is to advise that the County of Mendocino has approved the above-described project on April 13, 2010 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared pursuant to the provisions of CEQA.
3. Mitigation measures were a condition of the project approval.
4. A Statement of Overriding Considerations was not adopted.

This is to certify that the Negative Declaration and record of project approval is available to the general public at 501 Low Gap Road, Room 1440, Ukiah.

Date of Filing 1/11/11

Signature \_\_\_\_\_

COASTAL COUNSELOR  
OAKLAND CALIF.



COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES  
501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

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www.co.mendocino.ca.us/planning

FINAL FINDINGS AND CONDITIONS OF APPROVAL  
CDP 67-2008 – JACKSON-GRUBE (MLT)  
APRIL 13, 2010

**General Plan Consistency Finding:** As discussed under pertinent sections of this report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

**Environmental Findings:** The Coastal Permit Administrator finds that no significant environmental impacts would result from the proposed project which can not be adequately mitigated through the conditions of approval, therefore, a Negative Declaration is adopted.

**Coastal Development Permit Findings:** The Coastal Permit Administrator finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.
8. Resource protection findings:
  - (a) The resource identified will not be significantly degraded by the proposed development.
  - (b) There is no feasible less environmentally damaging alternative.
  - (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

**RECOMMENDED ACTION FOR CDP 67-2008:** Staff recommends that the Coastal Permit Administrator approve Coastal Development Permit CDP 67-2008, subject to the conditions of approval recommended by staff.

**RECOMMENDED CONDITIONS:**

- \*\* 1. Prior to the issuance of the Coastal Development Permit, the applicant shall submit revisions to

proposed crossing designs for crossings located at Post Mile 72.47 and 73.53, to the satisfaction of the Coastal Permit Administrator. The revised crossing designs shall consist of span crossings, or if deemed adequate by the Department of Fish and Game, culvert based crossings.

\*\* 2. The recommendations in the geotechnical investigation prepared by SHN Consulting Engineers and Geologists, Inc., dated May 2009, shall be incorporated into the design and construction of the proposed project. The project shall be overseen during design and construction phases for the proposed foot bridges by a qualified engineer. Prior to issuance of the building permit for the foot bridges, the applicant shall submit evidence that a qualified geotechnical or civil engineer has reviewed the final grading and building plans.

\*\*3. The Environmentally Sensitive Habitat Areas as located on the ESHA map (Exhibit G) shall be protected in perpetuity from development and disturbance. The following measures are required to ensure protection of ESHAs during and after development activities:

- (a) Prior to final building inspection of the foot bridges, the applicant shall plant a minimum of 228 square feet or area equivalent to the ratio of area displaced by fencing, boardwalk and sign footings, of hydrophytic vegetation adjacent to the existing wetlands, with a species composition similar to that of the wetland being impacted. All planted species are to be native, non-invasive plants.
- (b) Prior to final building inspection of the foot bridges, to the extent reasonably feasible, all invasive plant species within the trail easement shall be removed, and the areas replanted with appropriate native plants or seed. Riparian areas shall be replanted with native riparian plants outlined in Table 1 and wetlands shall be replanted with native wetland plants outlined in Table 2. To the extent feasible, plants used for wetland enhancement shall be of stock from within the immediate locale and shall be planted at the most appropriate time to achieve the highest survival rate.

Table 1. Riparian replanting list.

Common Name	Latin Name
Sitka willow	<i>Salix sitchensis</i>
Hooker's willow	<i>Salix hookeriana</i>
red alder	<i>Alnus rubra</i>
California blackberry	<i>Rubus ursinus</i>
sword fern	<i>Polystichum munitum</i>

Table 2. Wetland replanting list.

Common Name	Latin Name
common rush	<i>Juncus effusus</i>
spreading rush	<i>Juncus patans</i>
pacific reed grass	<i>Calamagrostis nutkaensis</i>
lady fern	<i>Athyrium filix-femina</i>
giant horsetail	<i>Equisetum telmateia ssp. braunii</i>
water cress	<i>Rorippa nasturtium-aquaticum</i>
California oatgrass	<i>Danthonia californica</i>
creeping spike rush	<i>Eleocharis macrostachya</i>
California hair-grass	<i>Deschampsia caespitosa</i>
pacific silverweed	<i>Potentilla anserina ssp. pacifica</i>
blue-eyed grass	<i>Sisyrinchium bellum</i>
cows clover	<i>Trifolium wormskioldii</i>

- (c) The applicant shall monitor planted/enhanced wetland and riparian areas within the trail easement at intervals of 1, 3 and 5 years. If during the monitoring, native plant survivorship success rates have dropped below the recommended 75% level, the

applicant shall replant until the minimum 75% goal has been achieved for a minimum period of at least five years.

- (d) Invasive plants shall be removed to the extent reasonably feasible from the entire public access easement area on a bi-annual basis as long as the easement area is actively managed.
- (e) All ground disturbance shall occur during the dry season, which generally runs from April 15 through October 31. All soil shall remain on site.
- (f) To minimize impacts to wetland, riparian and stream habitats, trail sections that intercept these sensitive habitats shall incorporate design features that allow for continued function including water ponding and ground saturation, sediment transport, riparian cover and natural stream channel formation. When crossing wetlands and stream channels, span-design crossings shall be used instead of installing rock, dirt or other fill on top of wetland and stream channels. Culvert-based crossings may be appropriate for smaller channel crossings provided that the design minimized fill and allows for maintenance of natural stream channel function. Full span design will be required for more significant stream channels and wetlands areas. Damaged and other substandard crossings that currently existing within the project areas shall be upgraded to meet the above stated standards.

- \*\* 4. Prior to the issuance of the Coastal Development Permit, the applicant shall provide for acceptance by the Director of Planning and Building Services, an Accessway Management Plan. At a minimum, the Plan shall:
  - (a) Provide for a design which avoids or mitigates any public safety hazards and any adverse impacts on agricultural operations or identified coastal resources;
  - (b) Set forth the agency(ies) responsible for operating, maintaining and assuming liability for the accessway;
  - (c) Set forth any other known provisions such as facilities to be provided, signing, use restrictions and special design and monitoring requirements; and
  - (d) Set forth provisions for protecting the accessway from vandalism and/or improper use (e.g., guarded gate, security patrol, hours of operation or period/seasons of closure and fees, if any).
  - (e). Provide that this trail segment shall not be advertised or promoted unless or until connection is made to an area suitable for parking.
  - (f). The plan shall identify materials to be utilized with consideration to maximize the life of use.
- 5. Prior to posting, "No Bicycles" shall be removed from the management signs.
- 6. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
- 7. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,060.25 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to January 21, 2010. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility of timely compliance with this condition.**
- 8. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within 2 years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.

### Exhibit 3: Mitigated Negative Declarations

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

9. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
10. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
11. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
12. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

13. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
14. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

**COUNTY OF MENDOCINO  
ENVIRONMENTAL REVIEW GUIDELINES  
NEGATIVE DECLARATION**

**I. DESCRIPTION OF PROJECT.**

DATE: APRIL 28, 2010

**CASE#:** CDP 67-2008

**DATE FILED:** 12/18/08

**OWNER:** JACKSON GRUBE FAMILY INC.

**APPLICANT:** MENDOCINO LAND TRUST

**REQUEST:** Coastal Development permit for the Kibesillah Public Trail, which will be placed within a 15-foot wide public access easement on the west side of Highway One. The proposed trail is approximately 7,000 feet long. The project includes clearing vegetation, installing fencing, two foot bridges, signs and boardwalks over wet area.

**LOCATION:** Within the Coastal Zone, approximately 2 miles north of the Ten Mile River and 5 miles south of the town of Westport, on the west side of Highway One, located at 31502 North Highway One; AP#'s 015-380-02, 015-380-04, 015-380-05 AND 015-330-13.

**PROJECT COORDINATOR:** TERESA SPADE

**II. DETERMINATION.**

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, a NEGATIVE DECLARATION is adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

T2-375

**AGENDA ITEM NO. 6B – DISCUSSION AND POSSIBLE ACTION INCLUDING ADOPTION OF PROCLAMATION PROCLAIMING APRIL 2010 AS CHILD ABUSE PREVENTION MONTH IN MENDOCINO COUNTY – SPONSORING DEPARTMENT: HEALTH AND HUMAN SERVICES AGENCY/CHILDREN'S AND FAMILY SYSTEM OF CARE**

**Presenter/s:** Ms. Stacey Cryer, Interim Director, Health and Human Services Agency; Ms. Camille Schraeder, Chair, Children's Action Committee; Ms. Linda Nagel, Maternal, Child, and Adolescent Director, HHS and member PCCY Child Abuse Prevention Commission; Ms. Trish Guntly, Health and Human Services Agency; Mr. Tom Montesonti, Executive Director, Area One Development Disabilities Board; Ms. Kimberly Short; and Ms. Leanne Teeters.

**Public Comment:** Ms. Anne Molgaard, Children's Action Committee; Ms. Angela Howe; and Dr. Karen Wandrei.

**Board Action:** Foregoing introduced by Supervisor Smith, seconded by Supervisor Pinches, and carried unanimously.

**RECESS: 11:19 – 11:28 A.M.**

T2-1382

**AGENDA ITEM NO. 6C – MENDOCINO COUNTY MUSEUM 5-YEAR ACTION PLAN AND REPORT ON PROGRESS: PRESENTATION TO MUSEUM BOARD OF TRUSTEES FOR REVIEW AND POSSIBLE ACTION/DIRECTION – SPONSORING DEPARTMENT: MUSEUM**

**Presenter/s:** Ms. Alison Glassey, Interim Museum Director; Ms. Dot Brovarny; Ms. Kathleen Kirkpatrick; and Mr. Bruce Evans.

**Public Comment:** Ms. Randi Dalton.

**Board Action:** No action taken.

**LUNCH RECESS: 12:20 – 1:34 P.M.**

**RECONVENED IN OPEN SESSION: 1:34 P.M.**

T3-220

**AGENDA ITEM NO. 6D – PLANNING AND BUILDING SERVICES – DIRECTOR'S REPORT**

**Presenter/s:** No report presented.

**Board Action:** No action taken.

T3-220

**AGENDA ITEM NO. 6E – NOTICED PUBLIC HEARING TO CONSIDER AN APPEAL OF A COASTAL PERMIT ADMINISTRATOR DECISION ON AUGUST 27, 2009, APPROVING THE FOLLOWING PROJECT: SPONSORING DEPARTMENT: PLANNING AND BUILDING SERVICES**

**CASE No.:** CDP 67-2008

**OWNER:** JACKSON GRUBE FAMILY, INC.

**APPLICANT/AGENT:** MENDOCINO LAND TRUST

**APPELLANT:** MARGERY S. CAHN LIVING TRUST

**REQUEST:** CONSTRUCT A 7,000 FOOT LONG PUBLIC ACCESS TRAIL CONSISTING OF NATIVE EARTH, BOARDWALKS, AND TWO-FOOT BRIDGES; ASSOCIATED DEVELOPMENT INCLUDES FENCING AND SIGNAGE

**LOCATION:** IN THE COASTAL ZONE, APPROXIMATELY TWO MILES NORTH OF THE TEN MILE RIVER AND FIVE MILES SOUTH OF WESTPORT, ALONG THE WEST SIDE OF HIGHWAY ONE AT 31502 NORTH HIGHWAY ONE (APNs 015-380-02, -04 & -05)

**Presenter/s:** Mr. Frank Lynch, Chief Planner; Ms. Theresa Spade, Planner/Project Coordinator, Planning and Building Services coastal office; and Ms. Terry Gross, Deputy County Counsel.

**Applicant/Appellant presentation:** Mr. Jared Carter, counsel representing the Appellant, Cahn Trust, and Ms. Deborah Cahn, Trustee; Ms. Louisa Morris, Agent, representing the Applicant, Mendocino Land Trust; and Mr. Winston Bowen, President, Mendocino Land Trust Board of Directors.

**Public Comment:** Mr. Bob Parker, Transportation Department; Mr. Greg Reese; and Mr. Mike Cutina.

T4-1290

**Board Action:** Moved by Supervisor Smith, seconded by Supervisor McCowen, that the Board of Supervisors denies the appeal and approves Coastal Development Permit No. 67-2008 subject to the corrected conditions, and including additional conditions. (*See motion below.*)

**Board Directive:** BY ORDER OF THE CHAIR the Board will briefly recess to allow Supervisors Smith and McCowen to refine their proposed motion.

**RECESS:** 3:40 – 3:49 P.M.

**AGENDA ITEM NO. 6E – NOTICED PUBLIC HEARING TO CONSIDER AN APPEAL OF A COASTAL PERMIT ADMINISTRATOR DECISION ON AUGUST 27, 2009, APPROVING THE FOLLOWING PROJECT: SPONSORING DEPARTMENT: PLANNING AND BUILDING SERVICES  
CASE No.: CDP 67-2008  
OWNER: JACKSON GRUBE FAMILY, INC.  
APPLICANT/AGENT: MENDOCINO LAND TRUST  
APPELLANT: MARGERY S. CAHN LIVING TRUST  
REQUEST: CONSTRUCT A 7,000 FOOT LONG PUBLIC ACCESS TRAIL CONSISTING OF NATIVE EARTH, BOARDWALKS, AND TWO-FOOT BRIDGES; ASSOCIATED DEVELOPMENT INCLUDES FENCING AND SIGNAGE  
LOCATION: IN THE COASTAL ZONE, APPROXIMATELY TWO MILES NORTH OF THE TEN MILE RIVER AND FIVE MILES SOUTH OF WESTPORT, ALONG THE WEST SIDE OF HIGHWAY ONE AT 31502 NORTH HIGHWAY ONE (APNs 015-380-02, -04 & -05) – CONTINUED**

**Presenter/s:** Ms. Terry Gross, Deputy County Counsel, and Mr. Frank Lynch, Chief Planner, Planning and Building Services.

**Board Action:** Upon motion by Supervisor Smith, seconded by Supervisor McCowen, and carried (3/2, with Supervisors Pinches and Colfax dissenting); IT IS ORDERED that the Board of Supervisors denies the appeal and approves Coastal Development Permit No. 67-2008 subject to the corrected conditions; and as further amended as follows: add condition no. 4E which states, "provide that this trail segment shall not be advertised or promoted unless or until connection is made to an area suitable for parking," and condition no. 4F which states, "the plan shall identify materials to be utilized with consideration to maximize the life of use."

T4-2030

**AGENDA ITEM NO. 6F – DISCUSSION AND POSSIBLE ACTION REGARDING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT AND VESTING TENTATIVE MAP FOR THE GARDEN'S GATE SUBDIVISION #S 3-2005; ALSO REVIEW AND BOARD DIRECTION REGARDING PROCESSING OF FINAL MAP FOR PHASE I OF THE PROJECT – SPONSORING DEPARTMENT: PLANNING AND BUILDING SERVICES**

**Presenter/s:** Mr. Frank Lynch, Chief Planner, Planning and Building Services, and Mr. Doug Losak, Deputy County Counsel.

**Board Directive:** BY ORDER OF THE CHAIR this item will be rescheduled for May 11, 2010.

**Board Action:** No action taken.

T4-2130

**AGENDA ITEM NO. 10 – APPOINTMENTS TO BOARDS AND COMMISSIONS**

**Presenter/s:** Chair Brown.

**Board Action:** Upon motion by Supervisor McCowen, seconded by Supervisor Pinches, and carried unanimously; IT IS ORDERED that the Board of Supervisors makes the appointments as recommended as contained on the sheet:

**STAFF REPORT FOR COASTAL DEVELOPMENT PERMIT**

**#CDP 67-2008 JACKSON GRUBE  
JANUARY 7, 2010  
PAGE CPA-1**

**OWNER** JACKSON GRUBE FAMILY, INC.  
P.O. BOX 430  
MIDDLEBURY, VT 05753

**APPLICANT/AGENT:** MENDOCINO LAND TRUST  
PO BOX 1094  
MENDOCINO, CA 95460

**REQUEST:** Construct a 7,000 foot long public access trail consisting of native earth, boardwalks, and two foot-bridges. Associated development includes fencing and signage.

**LOCATION:** In the Coastal Zone, approximately two miles north of the Ten Mile River and five miles south of Westport, along the west side of Highway One at 31502 North Highway One: AP#'s 015-380-02, 04, 05 & 015-330-13.

**APPEALABLE AREA:** Yes – blufftop lot, ESHA, Highly Scenic Area

**PERMIT TYPE:** Standard

**TOTAL ACREAGE:** 147± Acres

**GENERAL PLAN:** Remote Residential

**ZONING:** RMR: L-20 PD, \*1C

**EXISTING USES:** Former site of Orca Inn

**ADJACENT ZONING:** **East:** Forest Lands (FL) and Timber Production (TP)  
**West:** Ocean  
**North:** Agricultural (AG) and Range Lands (RL)  
**South:** Forest Lands (FL)

**SURROUNDING LAND USES:** **East:** Highway One; Cattle Grazing  
**West:** Ocean  
**North:** Pacific Star Winery  
**South:** Cattle Grazing, Residential

**SUPERVISORY DISTRICT:** 4

**CA COASTAL RECORDS:** Images [200503011](#) through [200503018](#)

**OTHER RELATED APPLICATIONS:**

Use Permit #U 124-81 requesting approval of an inn and recreational vehicle park was continued indefinitely by the Planning Commission in February 1982, and has since expired.

Preliminary Approval #PA 84-48 was granted in June of 1984 for use of an existing single family residence as a four unit bed and breakfast inn, subject to approval of a use permit.

In September 1984, the California Coastal Commission approved an application for conversion of a single-family residence into a four-unit bed and breakfast inn, subject to conditions including an offer of dedication of coastal access. Conditions were never met and the permit was never issued.

Certificate of Compliance #CC 39-90 resulted in certificates for four parcels of approximately 120, 160, 160 and 400 acres recorded in April 1995, on the Jackson-Grube Family property.

On February 1, 1996, the Planning Commission approved Coastal Development Use Permit #CDU 9-95, allowing for a 10 unit inn including a remodel of the former Orca Inn into two guest units and the construction of eight new individual guest cottages. The project was subsequently appealed and ultimately approved by the Board of Supervisors on May 13, 1996, with a condition added requiring a public access easement along the blufftop.

Coastal Development Permit #CDP 101-99, for storm damage repair on Highway One, was approved by the Coastal Permit Administrator on May 25, 2000. The permit was a follow-up to Emergency Permit #EM 05-98, which was granted to allow Caltrans to relocate the highway easterly due to erosion and subsidence on the bluff.

On August 3, 2000, Coastal Development Use Permit Modification #CDUM 9-95/2000 was approved by the Planning Commission as a means of implementing the terms of a settlement agreement between the County and Jackson-Grube Family. In essence, the approval by the Board of Supervisors of #CDU 9-95 was challenged in court over a condition requiring coastal access on the ground that it violated the nexus requirement of Nolan v. Coastal Commission. A settlement was reached where the condition requiring an offer of dedication was dropped in exchange for the following: (1) The Jackson-Grube Family was to execute a deed conveying fee title to the County of a one acre portion of the 400± acre property (AP# 015-330-05) and (2) The Jackson-Grube family was to pay the County the sum of \$25,000.00 toward the development of coastal access in the area. A condition was also added requiring an offer to dedicate an easement for public access through the property along a 15 foot strip on the west side of the Caltrans right-of-way of Highway One.

[Coastal Development Use Permit \(CDU\) 6-2006](#) was approved by the Planning Commission on June 21, 2007. The request was to build a 10-unit inn in 2 phases. Phase I to consist of the demolition and reconstruction of the former Orca Inn into a main unit of 2,961 square feet (3 bedroom /3 bathroom/downstairs areas including a kitchen, dining and reception rooms). The north end of the structure would include an upstairs unit of 1,089 square feet (2 bedroom/2 bathroom/kitchen) and downstairs unit of 833 square feet (1 bedroom/1 bathroom/kitchen). In addition, a 1,276 square-foot two floored manager unit (2 bedroom/3 bathroom/kitchen); 1,269 square-foot equipment barn; 648 square-foot maintenance shop; and a 240 square-foot generator/pump shed are proposed as part of the first phase. Phase II would consist of 7 units with 3 added to the main building in two storied units of 954 square feet (1 bedroom/1 bathroom/kitchen); 951 square feet (1 bedroom/1 bathroom/kitchen); and 820 square feet (1 bedroom/1 bathroom/kitchen); 2 units within a detached bunkhouse of 531 square feet (1bedroom/1 bathroom/kitchen) and 757 square feet (2 bedroom/1 bathroom/kitchen); and 2 separate cottages of 835 square feet (2 bedroom/1 bathroom) and 915 square feet (2 bedroom/1 bathroom), respectively. A 778 square-foot spa, wells, septic systems, roads and underground utilities are also proposed within the approximate 3.7-acre area of development. LOCATION: Within the Coastal Zone, 4± miles south of Westport, 1± north of Abalobadiah Creek, approximately 700 feet west of Highway 1; AP#'s 015-380-03; -04; -05, 015-330-13; -19; -27 and a portion of -28, 015-070-45; -49; -51; and portions of -47; -52. The project was appealed to the Coastal Commission.

[Appeal No. A-1-MEN-07-28](#) (Jackson-Grube Family, Inc., Mendocino Co.) CDU 6-2006 was appeal by (1) Molly Warner & Britt Bailey, (2) Commissioners Kruer & Wan, (3) Mendocino Group Sierra Club, Friends of The Ten Mile, (4) Margery S. Cahn Trust & Whiting Family Revocable Trust from decision of County of Mendocino granting permit with conditions to Jackson-Grube Family, Inc. for building a 7-unit inn in 2 phases. Phase I consists of (1) demolition, reconstruction, and expansion of the former Orca Inn into 2,961 sq.ft., 25-ft. high 3-bedroom guest suite unit and northward extension of building containing enclosable 831 sq.ft. outdoor activity area, 255 sq.ft. caterer's kitchen, 693 sq.ft. conference room, 1,089 sq.ft. guest suite unit and 833 sq.ft. guest suite unit, (2) 1,276 sq.ft., 2-story manager's unit, (3) 1,269 sq.ft. equipment barn, 648 sq.ft. maintenance shop, and (4) 240 sq.ft. generator/pump shed. Phase II consists of (1) 2 guest suite units within detached bunkhouse of 531 sq.ft. and 757 sq.ft., (2) 2 separate guest suite cottages of 835 sq.ft. and 915 sq.ft., respectively, and (3) 778 sq.ft. spa, including wells, septic system, roads and underground utilities, at 31502 North Highway 1, (4 miles south of Westport), Mendocino County (APN 015-380-05). To date, this appeal hearing has been postponed.

**PROJECT DESCRIPTION:** The applicant describes the project as follows:

The Kibesillah Public Trail will be placed within a 15-foot wide lateral public access easement on the west side of State Route 1 at the Jackson-Grube Family Trust property. The Jackson-Grube PAE is approximately 7,000 feet long (APN 015-380-02, -04, & -05). The establishment of this trail entails clearing vegetation to establish the trail route, fencing the boundary between the easement and adjacent private lands, installation of two foot bridges at drainage crossings, install signs, and constructing boardwalks in wet areas. Fencing: A peeler pole and t-stake wire fence will be installed along the boundary of the easement, 15-feet west of the eastern property boundary. Six inch diameter treated peeler poles will be placed 20-feet apart with t-stakes every 10-feet with wire fencing to keep cattle out of the easement. Approximately 7000 feet of fencing will be installed. Boardwalks: Segments of boardwalk will be installed in wet areas (approximately 365 feet in total). These segments will be constructed on 4"x8" stringers with Trex overlaid. Boardwalks will be 48" wide. Signs: Two management signs and four directional signs will be installed on 8'x6" posts. Private property signs will be placed along the west side of the easement. Bridges: An 18 foot long fiberglass bridge will be placed on an unnamed creek (Area 8) to cross an entrenched channel. Both bridges will span from bank to bank with abutments outside the stream channel. Bridges will be assembled on site.

**ENVIRONMENTAL REVIEW:** In addition to protections afforded by the California Environmental Quality Act (CEQA), California's coastal resources are protected by Coastal Act requirements. The County is responsible for assuring that developments are carried out in compliance with Coastal Act requirements through implementation of the policies found within the Local Coastal Plan (LCP). The following analysis addresses both CEQA and Coastal Act requirements.

**Earth (Item 1):**

Disruptions, displacements, compaction, or over covering of the soil: The project will require soil disturbance for installation of approximately 350 peeler poles and 350 t-stakes for fencing, footings for boardwalks, installation of six signs, and footings for two foot-bridges. Soil will be removed by hand operated equipment such as a post-hole digger, and will be packed back in place around founded materials. The applicant does not propose compaction of soils within the constructed trail areas. Impacts resulting from disruptions, displacements, compaction, or over covering of the soil, would not be significant.

Any increase in wind or water erosion of soils, either on or off the site: At PM 72.47, erosional headcutting is present just beyond the existing box culvert. This may be an indication of an accumulation of sediment due to inadequate functioning of the box culvert. The applicant currently proposes to leave the box culvert as is, and allow pedestrian access to pass over the box culvert. Pedestrian impacts to the box culvert over time may result in a cave-in, which would contribute to the existing erosion problem at this location. Staff includes Recommended Condition Number 1 to require revisions to the proposed crossing which would assure the pedestrian trail would not result in increased erosion at this location.

Changes in deposition or erosion of beach sands, or changes in siltation, deposition, or erosion that may modify the channel of a river, stream, inlet, or bay: At PM 72.53, the applicant currently proposes to reconfigure the existing rip rap, or add more rip rap to the stream channel to accommodate pedestrian crossing. This crossing location is currently utilized by cattle, and is highly degraded. Pedestrian crossing accommodated by the addition or reconfiguration of rip rap may increase sedimentation of the stream in this location. Recommended Condition Number 1 would require revised crossing plans in this location, designed to assure that no increase in sedimentation would occur.

Exposure of people or property to geologic hazards such as earthquakes, ground failure, or other hazards: The project area is not located in a 100-year flood zone or tsunami zone. The site is not located in a Seismic Study (SS) combining district, and is not proximal to any known fault lines. With the exception of the two larger proposed foot bridge locations, the trail would be constructed in a relatively flat area. The project would not be subject to landslides or other ground failures.

The applicant has provided a geotechnical investigation report for the two larger proposed foot bridges. The report, *Geotechnical Investigation Pedestrian Bridges, Jackson-Grube Crossings, Kibesillah, California*, by SHN Consulting Engineers & Geologists, Inc. (SHN), dated May 2009, includes specific recommendations for the design and installation of the foot bridges. SHN indicates that design and construction of the proposed structures should be overseen by SHN to assure the recommendations in the report are properly interpreted and implemented during design. Recommended Condition Number 2 is included to assure the project is properly overseen by a qualified engineer during design and construction phases for bridges.

**Water (Item 3):**

Changes in currents, or the course of water movements, in either fresh or marine waters: The trail would cross six drainages, at Post Miles (PM) 72.22, 72.32, 72.47, 72.53, 73.02, and 73.11. Improvements to allow for pedestrian crossing of drainages includes:

- PM 72.22 Construct a boardwalk across the channel and associated wetlands.
- PM 72.32: Construct a boardwalk or a 5'x3' foot bridge.
- PM 72.47: Leave the existing box culvert as is or construct a bridge over the box culvert.
- PM 72.53: Reconfigure existing rip rap or add more rip rap to cross the drainage.
- PM 73.02: Install a 24 foot fiberglass bridge with abutments from bank to bank. Will require excavation of 1.5 feet of the right bank.
- PM 73.11: Install an 18 foot fiberglass bridge at a 1% grade with abutments from bank to bank.

Additionally, the project would cross wetlands at PM 72.15, 72.22, 72.32, 72.53, and 72.60. Boardwalk would be constructed across wetland areas.

The project was viewed and considered by the California Department of Fish and Game (DFG). Rick Macedo of DFG responded with the following comments:

1. To minimize impacts to wetland, riparian, and stream habitats, trail sections that intercept these sensitive habitats shall incorporate design features that allow for continued function including water ponding and ground saturation, sediment transport, riparian cover and natural stream channel formation. When crossing wetlands and stream channels, span-design crossings shall be used instead of installing rock, dirt, or other fill on top of wetland and stream channels. Culvert-based crossings may be appropriate for smaller channel crossings provided that the design minimizes fill and allows for maintenance of natural stream channel function. Full span design will be required for more significant stream channels and wetland areas. Damaged and other substandard crossings that currently exist within the project areas shall be upgraded to meet the above stated standards.
2. Work involving trail construction in streams or riparian areas may require a lake or streambed alteration agreement (LSAA) from the Department of Fish and Game (DFG). Fish and Game Code §1602 requires notification to DFG for an LSAA prior to any activity that substantially modifies the bed, bank, or channel or diverts or obstructs the natural flow of any river, stream, or lake. Information for LSAA's may be found at <http://www.dfg.ca.gov/habcon/1600/index.html> .

To assure compliance with DFG recommendations, the applicant will need to submit revised plans for stream crossings at PM 72.47 and PM 72.53, where proposed crossings may result in increased sedimentation or other damage to the stream. Recommended Condition Number 1 is proposed to require revised plans for these crossings, to the satisfaction of the Coastal Permit Administrator, in conformance with DFG recommendations outlined in #1 above, prior to issuance of the Coastal Development permit. Recommended Condition Number 5 is included to assure compliance with DFG recommendations outlined in #2 above.

The project was also referred to the North Coast Regional Water Quality Control Board (NCRWQCB). The NCRWQCB responded that bridges and other activities may require a 401 Water Quality Certification from their agency. Any dredge or fill within waters of the state, including those designated by the Coastal Commission, would probably be under jurisdiction also. Standard Condition Number 5 is included to assure compliance with NCRWQCB requirements.

Exposure of people or property to water related hazards such as flooding or tsunamis: The project area is not located in the flood zone, not subject to flooding, and is not located in a tsunami hazard zone. The project would not result in exposure to people or property to water related hazards such as flooding or tsunamis.

**Plant Life (Item 4):**

Change in the diversity of species, or number of any species of plants including trees, shrubs, grass, crops, and aquatic plants: The project will result in permanent impacts to approximately 14,000 sq. feet of area which will be cleared of vegetation to construct the two foot wide native earth trail. Additional impacts include vegetation displaced by poles installed for fencing and signs, and impacts of shading to wetland vegetation from boardwalks and bridges.

The majority of impacts would occur to invasive grasslands currently used for grazing cattle. The property is not zoned for agricultural use but is being used agriculturally. Approximately 105,000 sq. feet of the 147 acre property, or 1.6% of the property would be taken out of agricultural use to accommodate the public access trail.

The area of impact includes wetlands, riparian areas, and stream crossings. Wetlands and riparian areas are protected under the Coastal Act by Local Coastal Plan (LCP) designation as Environmentally Sensitive Habitat Areas. Streams are protected by the Department of Fish and Game (DFG), and alterations to a stream bed, bank or channel require permission from DFG in the form of a 1602 agreement.

ESHA impacts were analyzed by Matt Richmond of Redwood Coast Associates and are outlined in his report, *Botanically Based ESHA Delineation and Impact Assessment Subject to the Coastal Act and the Mendocino County LCP*, dated November 2007. According to his report, the project would impact wetlands, streams and riparian areas as follows:

**Development within a wetland:** The installation of a board walk and peeler poles (PP) will require that a total of 225 square feet (218 of boardwalk stringer) + (10 of peeler poles) of fill and an additional 1090 sq. feet (or 1308 of total impact by boardwalks) of shade cover over the four wetland areas in WET 1, WET 2, and WET 5.

**Development within 50 feet of an ESHA (wetland):** Impacts to the buffers, the north and south of the wetlands, include clearing a section of vegetation two feet wide for the purpose of establishing the trail and the installation of fencing. Two peeler poles will create approximately one square foot of structural fill, per wetland (3).

**Development within a stream:** within the CCC/LCP streams the MLT propose to utilize existing rip rap (rocks) placed by Caltrans, to create a rock ford over the small channels comprising the stream ESHAs. The rip-rap will be arranged in order to create an extension of the land trail across the channel. The end result will be no net fill. These impacts are considered insignificant therefore no mitigation is recommended.

**Development within 50 feet of an ESHA (stream):** Impacts to the buffers, to north and south of the stream, include clearing a section of vegetation two feet wide for the purpose of establishing the trail and the installation of fencing. Two peeler poles will create approximately one square foot of structural fill, per stream (4).

**Development within a Riparian area:** No direct impacts to riparian vegetation, other than insignificant impact in the form of minor pruning, are proposed.

**Development within 50 feet of an ESHA (riparian):** Impacts to the buffers, to north and south of the stream, include clearing a section of vegetation two feet wide for the purpose of establishing the trail and the installation of fencing. Two peeler poles will create approximately one square foot of structural fill, per riparian area (2) (Richmond 2007).

Matt Richmond submitted an addendum dated March 19, 2009, adding Area 12 to the project description. This added area of wetland would require an addition of 35 feet of boardwalk, 48 inches wide in 10 to 12 foot segments, using Trex decking on 12" x 6" stringers.

The Mendocino County Coastal Zoning Code outlines developments allowed in wetlands and riparian areas including as follows (pertinent part, emphasis added):

*Sec. 20.496.025 **Wetlands** and Estuaries.*

*(A) **Development or activities within wetland and estuary areas shall be limited to the following:***

*(7) Incidental public service purposes which temporarily impact the resource including but not limited to burying cables and pipes, or inspection of piers, and maintenance of existing intake and outfall lines.*

*(10) **Nature study purposes** and salmon restoration projects.*

*(B) Requirements for permitted development in wetlands and estuaries.*

*(1) Any proposed development that is a permitted development in wetlands and estuaries must meet the following statutory requirements, and supplemental findings pursuant to Section 20.532.100:*

*(a) There is no feasible, less environmentally damaging alternative;*

*(b) Where there is no feasible, less environmentally damaging alternative, mitigation measures have been provided to minimize adverse environmental effects.*

*Sec. 20.496.035 Riparian Corridors and other Riparian Resource Areas.*

*(A) **No development or activity which could degrade the riparian area or diminish its value as a natural resource shall be permitted in the riparian corridor or in any area of riparian vegetation except for the following:***

*(2) **Pipelines, utility lines and road and trail crossings when no less environmentally damaging alternative route is feasible;***

*(B) Requirements for development in riparian habitat areas are as follows:*

*(1) The development shall not significantly disrupt the habitat area and shall minimize potential development impacts or changes to natural stream flow such as increased runoff, sedimentation, biochemical degradation, increased stream temperatures and loss of shade created by development;*

*(2) No other feasible, less environmentally sensitive alternative exists;*

*(3) Mitigation measures have been incorporated into the project to minimize adverse impacts upon the habitat;*

*(4) Where development activities caused the disruption or removal of riparian vegetation, replanting with appropriate native plants shall be required at a minimum ratio of one to one (1:1) and replaced if the survival rate is less than seventy-five (75) percent. (Ord. No. 3785 (part), adopted 1991)*

Matt Richmond discusses alternatives to the proposed trail development, noting that the location of the trail is restricted to the recorded easement, and the proposed design is the least impacting design, and noting that the no-project alternative would not allow for coastal access. Mitigation measures and recommendations are outlined in Matt Richmond's report on pages 22-25, including replanting at a ratio of 1:1 for vegetation lost as a result of the project, restricting development to the dry season, planting of native plants, and removal of invasive plants. The mitigation measures and recommendations outlined in Matt Richmond's report are included as Appendix B of this report.

The Mendocino County Coastal Zoning Code additionally outlines developments allowed within buffer areas to ESHAs, and guidance for determining the appropriate width of a buffer are in Section 20.496.020. This section is thereby utilized by the biologist and referred to as a "Reduced Buffer Analysis." The Reduced Buffer Analysis has been conducted by Matt Richmond and is included in his report. As consistent with this section of code, development within the buffer area is generally the same as development within the resource areas. The Reduced Buffer Analysis is included as Appendix A of this report.

Rick Macedo of the Department of Fish and Game visited the site with planning staff on July 9, 2009. Mr. Macedo offers additional mitigation measures as follows:

1. To minimize impacts to wetland, riparian and stream habitats, trail sections that intercept these sensitive habitats shall incorporate design features that allow for continued function including water ponding and ground saturation, sediment transport, riparian cover and natural stream channel formation. When crossing wetlands and stream channels, span-design crossings shall be used instead of installing rock, dirt or other fill on top of wetland and stream channels. Culvert-based crossings may be appropriate for smaller channel crossings provided that the design minimized fill and allows for maintenance of natural stream channel function. Full span design will be required for more significant stream channels and wetlands areas. Damaged and other substandard crossings that currently existing within the project areas shall be upgraded to meet the above stated standards.
2. Work involving trail construction in streams or riparian areas may require a lake or streambed alteration agreement (LSAA) from the Department of Fish and Game (DFG). Fish and Game Code §1602 requires notification to DFG for an LSAA prior to any activity that substantially modifies the bed, bank or channel or diverts or obstructs the natural flow of any river, stream, or lake. Information regarding LSAs may be found at: <http://www.dfg.ca.gov/habcon/1600/index.html>.

Recommended Condition Number 3 is included to ensure compliance with recommendations and mitigations set forth by Matt Richmond, the project botanist, and Rick Macedo of the Department of Fish and Game, as a condition of approval. As mitigated, the project would not result in significant impacts to natural resources, including wetland and riparian areas.

Reduction of the numbers of any unique, rare, or endangered species of plants: As outlined in the *Botanically Based ESHA Delineation and Impact Assessment Subject to the Coastal Act and the Mendocino County LCP*, by Matt Richmond of Redwood Coast Associates, dated November 2007, and summarized on page 16, no rare, endangered or unique species of plants were found in the project area.

Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species: As outlined in the *Botanically Based ESHA Delineation and Impact Assessment Subject to the Coastal Act and the Mendocino County LCP*, by Matt Richmond of Redwood Coast Associates, dated November 2007, on-site wetlands are to be enhanced by removal of invasive plant species and replanted with native wetland plants. The proposed introduction of new plant species would have a net beneficial impact to on-site resource areas. Recommended Condition Number 3 is included to ensure compliance with Matt Richmond's recommendations and mitigations as a condition of approval (page 25).

#### **Animal Life (Item 5):**

Deterioration of existing fish or wildlife habitat: The project area is currently used by cattle for grazing, and by common wildlife species. There are no known special status animal species within the project area, and streams within the project area are not known to support anadromous fish. The trail and associated structures would be constructed with hand tools during the dry season. Measures recommended by Rick Macedo of the Department of Fish and Game and Matt Richmond, the botanist, will assure the sensitive areas, including streams, wetlands, and riparian areas utilized by common wildlife species are adequately protected during development activities.

#### **Noise (Item 6):**

Increases in existing noise levels: The only noteworthy increase in noise generated by the project will be that of construction activity, which will be of limited duration. Noise impacts will not be significant.

**Land Use (Item 8):**

Substantial alteration of the present or planned use of a given area:

The project is located in an area under the advisement of the Westport Municipal Advisory Council (WMAC). At their regularly scheduled meeting held March 25, 2009, WMAC unanimously supported the approval of the project, noting that the surface of the trail was not described and they would prefer the trail not be paved. As proposed, the trail would not be paved.

The parcels are classified on the Coastal Plan Map and zoned as Remote Residential (RMR), 20 acre minimum lot size, with a Planned Development (PD) Combining Zoning District. Parcel 015-380-05 is additionally designated with a \*1C, indicating that visitor accommodations (conditionally approved Bed and Breakfast/Inn) are to be considered the primary permitted use, and that visitor serving use is to be the priority for the site (page 104 in Section 3.7 of the Coastal Element, version 11-5-85). The proposed use as a public access trail meets the definition of Active Recreation as outlined in Section 20.340.020 as follows:

*Establishment of facilities which constitute "development" as defined in Section 20.308.035(D), and that may have the potential for environmental impacts requiring mitigation or which may involve hazards, generate noise, dust, additional traffic, or have other potential impacts. Examples include construction of spectator sports facilities, recreational boating facilities, shooting ranges, rodeo facilities and recreational trails. (Ord. No. 3785 (part), adopted 1991)*

Active Recreation is listed as a conditionally permitted use type in the Remote Residential District, however, as clarified in the July 14, 2004 memorandum by Rick Miller, to address listing inconsistencies<sup>1</sup>, staff is processing applications for the construction of recreational trails as Coastal Development Permits, unless development is proposed on a bluff face, in which case those applications would be processed as Use Permits (Miller 2004).

Policy 3.6-26 of the Coastal Element states:

*Prior to the opening, advertising or use of any accessway, the responsible individuals or agency shall prepare a management plan for that accessway, which is acceptable to the County of Mendocino, sufficient to protect the natural resources and maintain the property.*

Section 20.528.045 of the Mendocino County Coastal Zoning Code requires an Accessway Management Plan before any accessway can be opened up to the public. As outlined in the code the plan must include the following provisions:

*No accessway shall be opened for public use until an Accessway Management Plan has been prepared by the managing agency and accepted by the Director. At a minimum, the Plan shall:*

*(A) Provide for a design which avoids or mitigates any public safety hazards and any adverse impacts on agricultural operations or identified coastal resources;*

*(B) Set forth the agency(ies) responsible for operating, maintaining and assuming liability for the accessway;*

*(C) Set forth any other known provisions such as facilities to be provided, signing, use restrictions and special design and monitoring requirements; and*

<sup>1</sup> Active Recreation is not an allowable use type in the Suburban Residential (SR), Rural Village (RV), Fishing Village (FV), Commercial (C), Industrial (I), or Public Facilities (PF) districts. Conflicts therefore arise when public access, in compliance with the Coastal Act, is pursued in these districts.

*(D) Set forth provisions for protecting the accessway from vandalism and/or improper use (e.g., guarded gate, security patrol, hours of operation or period/seasons of closure and fees, if any). (Ord. No. 3785 (part), adopted 1991)*

Recommended Condition Number 4 is included to require the Accessway Management Plan as a condition of approval. As conditioned, the proposed public access trail would not substantially alter or detrimentally impact the present or planned uses of these parcels.

The project is located in an area served by the Westport Municipal Advisory Council (WMAC). WMAC considered the project at their regularly scheduled meeting held March 25, 2009. As outlined in the [minutes](#), GMAC voted unanimously in favor of recommending approval of the project, noting that the surface of the trail is not described and that WMAC would prefer that the trail not be paved.

As conditioned, the project complies with the zoning requirements for the Remote Residential District set forth in Chapter 20.380, and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code.

**Transportation/Circulation (Item 12):**

**Effects on existing parking facilities, or demand for new parking?**

Chapter 20.472 of the Mendocino County Coastal Zoning Code sets requirements for off-street parking for all land uses in sufficient numbers to accommodate vehicles which will be congregated at a given location, in order to minimize on-street parking, increase traffic and pedestrian safety and promote the general welfare. General requirements are outlined as follows:

*Sec. 20.472.010 General.*

*(B) At the time of initial occupancy of a site or of construction of a structure or of a major alteration or enlargement of site or structure, there shall be provided off-street parking facilities for automobiles in accordance with the regulations prescribed in this Chapter. For the purposes of this Chapter the term "major alteration or enlargement" shall mean a change of use or an addition which would increase the number of parking spaces required by more than ten (10) percent of the total number required.*

*(I) Parking areas shall, at a minimum, be surfaced with gravel; however, the approving authority may require a hard surface such as road oil mix, or other surfacing of a more durable type such as a bituminous plant mix, asphaltic concrete or concrete as a condition of the Coastal Development Permit.*

*(J) All required parking spaces shall be at least nine (9) by twenty (20) feet, unless otherwise provided for under this section.*

The zoning code does not outline specific parking requirements for recreational trails, however, reasonable parking accommodations have been provided in the past for recreational trail locations, and Section 30212.5 of the Coastal Element states:

*Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

The proposed trail is likely to be utilized in the short term by guests of the Pacific Star Winery, located approx. ¼ mile north (APN 015-370-11), and visitors to the South Kibesillah Gulch Fishing Access approximately ¼ mile south (APN 015-330-05). In the long term, the trail has potential to be part of a larger coastal trail, providing an alternate route for hikers to this stretch of Highway One, which does not currently have paved shoulders. Parking is available at the Pacific Star Winery for their guests, and there are six parking spaces at the South Kibesillah Gulch Fishing Access. Since the trail would provide for lateral pedestrian access along the west side of the highway, and does not start or terminate at any "destination" point, it is unlikely that users would drive specifically to utilize this trail section, and therefore parking in addition to existing parking in the near vicinity is unwarranted.

Therefore, the proposed trail would not significantly impact existing parking facilities, nor would it create the need for new parking facilities.

**Public Services (Item 13):**

Will the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:

Fire protection, police protection, schools, parks and other recreational facilities, other governmental services:

The property is in an area that has a "moderate" fire hazard severity rating as determined by the California Department of Forestry and Fire Prevention (Calfire). An application was submitted to Calfire (CDF# 264-08) for address standards, driveway standards, setbacks, and defensible space standards. Calfire responded that the proposed project is exempt from Calfire requirements.

Maintenance of public facilities, and roads? The proposed trail would be located along the west side of Highway One. Caltrans was sent a referral and Jesse Robertson commented that work or trail facilities within the State right of way will require review by Caltrans and/or an encroachment permit. Jesse Robertson also commented:

If the trail design proposes attachments to Caltrans structures, including pedestrian bridges or causeways over concrete box culverts, for example, the applicant may need to submit plans for review by the Caltrans Structures Office in Sacramento (Robertson 2009).

According to the recorded Irrevocable Offer to Dedicate Easement and Declaration of Restrictions for the public access easement in which the trail is to be located, the boundaries of the easement are defined relative to the County Right of Way. Specifically, on page 2 of 12, second paragraph of VI, the easement document defines the location as: "...located on the subject property on the westerly edge of said property abutting the Caltrans right-of-way, 15 feet in width along the entire length..." The trail will therefore be entirely located outside of the Caltrans right of way. The applicant has indicated that a crossing structure may be attached to the Caltrans box culvert located at PM 72.47. Recommended Condition Number 6 is included to ensure that any plans to attach to Caltrans structures are cleared by Caltrans.

**Utilities (Item 15):**

Will the project result in a need for new systems or substantial alterations to the following:

Sewerage, Energy or information transformation lines:

Sewerage -

The project was referred to the Division of Environmental Health. The Division of Environmental Health responded that they could give clearance to this permit application, noting that trail and fence posts must meet an eight foot setback to any existing or proposed primary or replacement septic leachfields. Recommended Condition Number 5 is included to ensure compliance with this requirement.

The project does not propose connections to or development of new utilities, and as conditioned, will not result in significant impacts to existing utilities.

**Aesthetics (Item 17):**

Obstruction of any scenic vista or view open to the public, or create an aesthetically offensive site open to public view? The subject property is located in a designated highly scenic area according to the Land Use Plan Map. Highly Scenic Area policies outlined in Chapter 20.504 of the Mendocino County Coastal Zoning Code are generally directed toward assuring that structural developments are visually compatible with public view areas such as public trails, beaches, and the highway. The subject project consists of the development of a public trail. Most of the proposed development consists of "flat work," including pathways, boardwalks under three feet in height, and footbridges. Other development consists of peeler pole and t-stake wire fencing to allow for

appropriate separation of public access and agricultural uses, and two management and four directional signs to indicate appropriate use of the trail area, including natural resources protection information.

The sign regulations outlined in Chapter 20.476 of the Mendocino County Coastal Zoning Code do not apply to the proposed management and directional signs, as they are authorized by law and would be erected by State officials – the trail is jointly managed by the California Coastal Conservancy, the California Coastal Commission and the Mendocino Land Trust. Section 20.476.035 of the Mendocino County Coastal Zoning Code provides for the exemption from sign regulations as follows:

*Sec. 20.476.035 General Regulations*

*The following shall apply in the construction and maintenance of on-site and off-site signs.*

*(A) Special Purpose Signs. The following special purpose signs shall be exempt from these regulations:*

*(1) Directional, warning or informational signs required or authorized by law which are erected by federal, state, county, municipal officials or special district officials;*

The proposed signs include two management signs, similar to the one shown as Exhibit H, and three directional (arrow) signs.

The proposed trail and associated development would not result in significant impacts to visual resources.

**Public Access & Recreation (Item 18):**

Impact upon the quality or quantity of existing recreational opportunities? The proposed public access trail would span laterally along the west side of Highway One.

The nearest public access area is shown on the LUP map as the South Kibesillah Gulch Fishing Access. Regarding the South Kibesillah Gulch Fishing Access, the Coastal Element states as follows:

*South Kibesillah Gulch Fishing Access*

*Location: West of Highway 1; .5 miles north of Abalobadiah Creek.*

*Ownership: Wildlife Conservation Board (WCB), California Department of Fish and Game--6 acres.*

*Existing Development: Restrooms, picnic tables, and improved trail down the bluff to the beach are maintained by the Mendocino County Department of Parks and Beaches.*

*Policy:  
4.2-13*

*Existing offers of lateral access dedication on 2 parcels north of South Kibesillah Gulch Fishing Access, one for 25 feet from the property boundary, the other for 25 feet from the mean high tide, by Cronemiller and Garcia, are found inappropriate because there is sufficient public access at the Fishing Access, a continuous blufftop trail is not proposed by the Coastal Element, and no beach exists. These offers shall be relinquished.*

*Potential Development: An access stairway should be provided.*

Ownership in the vicinity of the South Kibesillah Fishing Access Shoreline area is currently shared by the County and the Department of Fish and Game. Parcel 015-330-04, zoned Open Space (OS) with a Flood Plain (FP) combining zoning district, is owned by the Department of Fish and Game, and is 4.08 acres in size. Parcel 015-330-05, zoned Rural Residential 5 acre minimum (RR-5), with a Flood Plain (FP) combining zoning district, is

owned by the County of Mendocino, and is 2.07 acres in size<sup>2</sup>. Staff noted that the trail down the bluff on APN 015-330-05 is currently inaccessible due to overgrowth of vegetation, including poison oak. There is currently one picnic table and no restroom facility. Six parking spaces are present within the County owned parcel.

The Land Use Map shows a proposed lateral access along the bluff edge on the subject parcels. Additionally, the Coastal Element describes the Chadbourne Gulch to Newport area, including Policy 4.2-12 as follows:

*Chadbourne Gulch to Newport*

*Location: Caltrans scenic easement (Chadbourne Gulch property) to Newport.*

*Ownership: Private.*

*Potential Development: Blufftop trail on Caltrans easement and along the blufftop of privately owned parcels consistent with 3.2-14, access in agricultural areas.*

*Policy:  
4.2-12*

*Offers to dedicate an easement for public access shall be obtained for those areas shown on the Land Use Plan Map and as described above. A vertical access at Newport and south laterally along the bluff top shall also be required.*

A course of events since the writing of this section of the Coastal Element has occurred, resulting in a dedication of a lateral trail easement along the Highway, and dedication of a one acre property to the County for public access:

On February 1, 1996, the Planning Commission approved Coastal Development Use Permit #CDU 9-95, allowing for a 10 unit inn including a remodel of the former Orca Inn into two guest units and the construction of eight new individual guest cottages. The project was subsequently appealed and ultimately approved by the Board of Supervisors on May 13, 1996. The Planning Commission originally approved the project with the condition of no access and then the Board of Supervisors approved the project with the condition for access on the bluff and vertical access.

On August 3, 2000, Coastal Development Use Permit Modification #CDUM 9-95/2000 was approved by the Planning Commission as a means of implementing the terms of a settlement agreement between the County and Jackson-Grube Family. In essence, the approval by the Board of Supervisors of #CDU 9-95 was challenged in court over a condition requiring coastal access on the ground that it violated the nexus requirement of Nolan v. Coastal Commission. A settlement was reached where the condition requiring an offer of dedication was dropped in exchange for a 1+- acre portion of the subject property (APN 015-330-05) between Highway One and the ocean, and \$25,000 to the County for development of coastal access, with the Planning Commission noting:

1. Although not designated Rangeland or Agriculture, the majority of the applicant's parcel west of the highway is used for grazing cattle. Development of a trail along the bluff top could interfere with continued use of the land as grazing land. The deletion of the requirement of an offer of dedication of an access easement along the bluff top would avoid possible future interference with the cattle operation, and support the continued agricultural use of the land, a high priority use as specified in the Coastal Act.
2. As shown in the video presentation at Planning Commission hearing for #CDU 9-95, the bluffs along the shoreline on the applicant's parcel are steep and fragile, and could pose a hazard to the general public if access along the bluff top were available. Along much of the property there is little or no beach, making a fall down the bluff even more hazardous. Deletion of the requirement for an offer of dedication would be consistent with policies in the plan aimed toward protecting people from hazardous areas.

<sup>2</sup> As discussed below, this parcel was deeded to the County as a condition of approval of CDU 9-95(00).

3. Due to the limited number of guests that will be able to stay at the inn, it may be difficult to demonstrate that the impact posed to areas of public recreation warrants the requirement of an offer of dedication to provide additional public access, the nexus required by the Nolan decision.
4. Within a mile and a quarter north of the inn site, and two miles south of the inn site there is a substantial amount of public beach available. To the north a two-mile stretch of land west of the highway is owned by Caltrans. To the south are the Ten Mile Dunes and MacKerricher State Park. Ample opportunity for public access to the shoreline exists in the vicinity.
5. The applicant's parcel has approximately three quarters of a mile of ocean frontage. Due to the limited amount of the parcel affected by the proposed inn, and the limited number of guests that will be accommodated by the inn, it may be found that the requirement for an access easement along the entire bluff together with an easement from the bluff to the highway exceeds the "rough proportionality" required by the Dolan decision.
6. Deletion of the requirement for an offer of dedication of an access easement in compliance with the settlement agreement will allow the County to obtain \$25,000 to be used toward access improvements. Failure to implement the settlement agreement would leave the access issue at the discretion of the court, with no guarantee that the ultimate decision would be in the County's favor ([Planning Commission minutes, August 3, 2000](#)).

To CDUM 9-95(00), the following conditions were added to this effect:

19. Prior to this use permit being deemed effective, the applicant shall execute a deed conveying fee title to the one-acre parcel bearing Assessor's Parcel Number 015-330-05 to the County.
20. Prior to this use permit being deemed effective, the applicant shall pay to the County the sum of \$25,000 as a contribution toward the construction of a stairway, or like facility, from the bluff top to the beach on Assessor's Parcel Number 015-330-05. Alternatively, the County may, in its discretion, use these funds to improve beach access or trails in the area.
21. Prior to this use permit being deemed effective, the applicant shall execute and record a document in form and content approved in writing by the Director of Planning and Building Services irrevocably offering to dedicate to a public agency or a private association approved by the Director of Planning and Building, an easement for public access and passive recreational use through the 400 acre parcel along the west side of Highway One. The easement shall be 15 feet wide located long the west side of Highway One as measured from the westerly edge on the Caltrans right-of-way. As the right-of-way edge may vary and may move western over time, the location on the easement will change over time with the right-of way edge.

On August 7, 2002, the County received a \$25,000 check from Willard Jackson. Parcel 015-330-05 was deeded to the County, and the 15 foot easement west of the highway was recorded on May 7, 2002.

On October 16, 2006, the County granted the Mendocino Land Trust the dedicated 15 foot wide public access easement along the west side of Highway One for the subject parcels. On April 7, 2008, the Mendocino Land Trust requested that the \$25,000 be made available to them for public access planning and implementation in the general area. On September 15, 2008, a Memorandum of Understanding was reached between the County and the Mendocino Land Trust, where the County agreed to make available \$22,500 of the funds (retaining \$2500 for contract administration) and MLT agreed to the following:

1. Provide a workplan and budget to the County as a basis for invoices to the County for materials.
2. Enter into a contract with the County to perform the work specified in the workplan before issuance of any funds.

3. Apply for a Coastal Development Permit for work to be performed on the public access trail. A management plan will be drafted and approved by the County before the trail is open to the public.
4. MLT shall operate and maintain the public access trail in accordance to its approved Management Plan.

The subject Coastal Development Permit is to address work to be performed on the public access trail, and a Management Plan is required as a condition of approval.

Shoreline access policies set forth in the Coastal Element include the following:

*3.6-18 Along sections of the highway where development intensity will result in pedestrian use, or where this is the siting of the County designated coastal trail, a 15-foot accessway measured from the right-of-way of Highway 1 shall be offered for dedication as a condition of permit approval if the topography is deemed suitable for pathway development. Coastal trail includes trails identified in Table 3.6-1 and portions of Highway 1 and Usal Road that are necessary to connect these trail segments. All such access offers that have been recorded shall be offered to Caltrans for acceptance. Prevailing acquisition methods for acquiring public right-of-way by Caltrans shall apply to this section.*

*3.6-21 The County of Mendocino coastal trail shall be integrated with the coastal trails in the cities of Fort Bragg and Point Arena, and with Humboldt County to the north and Sonoma County to the south so as to provide a continuously identifiable trail along the Mendocino County coast.*

*3.6-22 In carrying out the coastal access policies of this Coastal Element, the county or other appropriate designated management agency shall consider and encourage the utilization of innovative access management techniques including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

Section 3.6 of the Coastal Element, states in part:

*The Access Component required in every LCP must contain policies concerning provision, maintenance, and management of public shoreline access and must designate existing and proposed accessways for public use. Access must be provided for viewing, active recreation and scientific research at the water's edge of the ocean and tidal rivers. The coast should be available to users of all transportation modes including drivers, bus riders, bicyclists, hikers, equestrians, and the handicapped. The Coastal Act's requirement for "maximum public access implies that all coastal environments capable of tolerating use at a reasonable risk to both humans and habitat be open.*

Shoreline access policies outlined in the Coastal Zoning Code include:

*3.6-16 Access to the beach and to blufftop viewpoints shall be provided for handicapped persons where parking areas can be close enough to beach or viewing level to be reachable by wheelchair ramp. The wheelchair symbol shall be displayed on road signs designating these access points where the means of access is not obvious from the main road.*

For the proposed trail, parking areas are not close enough to allow access for handicapped persons. Section 1132B.2.6 of the California Disabled Accessibility Guidebook (CalDAG) outlines requirements for trails and paths as follows:

Trails, paths and nature walk areas, or portions of these, shall be constructed with gradients which will permit at least partial use by wheelchair occupants. Hard surface paths or walks shall be provided to serve buildings and other functional areas (CalDAG 2002).

There are no feasible locations for closeby parking areas to allow wheelchair access to the trail. Consequently, enforcement of this requirement is not reasonably feasible, therefore the project is subject to the following exception:

3. Automobile access shall not be provided or paths of travel shall not be made accessible when the enforcing agency determines that compliance with these regulations would create an unreasonable hardship.

The proposed management sign (Exhibit H) indicates that no bicycles are allowed on the trail. This section of Highway One does not have bike lanes, although it is a part of the Caltrans "[Pacific Coast Bicentennial Bike Route](#)." This bike route is popular with touring bicyclists. Staff suggested to the applicant that the trail may be utilized by some touring bicyclists for this stretch as an alternative to travel within the roadway, since there are no bike lanes. Recommended Condition Number 5 is included to allow bicycle access to the trail, consistent with the "maximum access" intent of the Coastal Act, and to allow for a safe alternative route for bicyclists equipped for off-road conditions.

### **Cultural Resources (Item 19):**

Alteration or destruction of a prehistoric or historic archaeological site? An archaeological survey report by Thad Van Bueren, *Archaeological Survey of the Ottoson and Jackson Public Access Easements near Westport, Mendocino County, California, dated April 16, 2007*, was received with the project application. The project was referred to the Mendocino County Archaeological commission, and was considered at their April 8, 2009 hearing. The Arch Commission accepted the survey (3-0), noting that no sites were observed. Nevertheless, the applicant is advised by Recommended Condition Number 14 of the County's "discovery clause" which establishes procedures to follow should archaeological materials be unearthed during project construction.

Adverse physical or aesthetic effects to a prehistoric or historic building or structure? There are no known historic or prehistoric structures in the vicinity. The project would not impact any prehistoric or historic structures.

### **ENVIRONMENTAL RECOMMENDATION:**

No significant environmental impacts are anticipated which cannot be adequately mitigated, therefore, a Mitigated Negative Declaration is recommended.

**GENERAL PLAN CONSISTENCY RECOMMENDATION:** The proposed project is consistent with applicable goals and policies of the General Plan.

### **RECOMMENDED MOTION:**

**General Plan Consistency Finding:** As discussed under pertinent sections of this report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

**Environmental Findings:** The Coastal Permit Administrator finds that no significant environmental impacts would result from the proposed project which can not be adequately mitigated through the conditions of approval, therefore, a Negative Declaration is adopted.

**Coastal Development Permit Findings:** The Coastal Permit Administrator finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and

4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.
8. Resource protection findings:
  - (a) The resource identified will not be significantly degraded by the proposed development.
  - (b) There is no feasible less environmentally damaging alternative.
  - (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

**RECOMMENDED ACTION FOR CDP 67-2008:** Staff recommends that the Coastal Permit Administrator approve Coastal Development Permit CDP 67-2008, subject to the conditions of approval recommended by staff.

**RECOMMENDED CONDITIONS:**

- \*\* 1. Prior to the issuance of the Coastal Development Permit, the applicant shall submit revisions to proposed crossing designs for crossings located at Post Mile 72.47 and 73.53, to the satisfaction of the Coastal Permit Administrator. The revised crossing designs shall consist of span crossings, or if deemed adequate by the Department of Fish and Game, culvert based crossings.
- \*\* 2. The recommendations in the geotechnical investigation prepared by SHN Consulting Engineers and Geologists, Inc., dated May 2009, shall be incorporated into the design and construction of the proposed project. The project shall be overseen during design and construction phases for the proposed foot bridges by a qualified engineer. Prior to issuance of the building permit for the foot bridges, the applicant shall submit evidence that a qualified geotechnical or civil engineer has reviewed the final grading and building plans.
- \*\* 3. The Environmentally Sensitive Habitat Areas as located on the ESHA map (Exhibit G) shall be protected in perpetuity from development and disturbance. The following measures are required to ensure protection of ESHAs during and after development activities:
  - (a) Prior to final building inspection of the foot bridges, the applicant shall plant a minimum of 228 square feet or area equivalent to the ratio of area displaced by fencing, boardwalk and sign footings, of hydrophytic vegetation adjacent to the existing wetlands, with a species composition similar to that of the wetland being impacted. All planted species are to be native, non-invasive plants.
  - (b) Prior to final building inspection of the foot bridges, to the extent reasonably feasible, all invasive plant species within the trail easement shall be removed, and the areas replanted with appropriate native plants or seed. Riparian areas shall be replanted with native riparian plants outlined in Table 1 and wetlands shall be replanted with native wetland plants outlined in Table 2. To the extent feasible, plants used for wetland enhancement shall be of stock from within the immediate locale and shall be planted at the most appropriate time to achieve the highest survival rate.

Table 1. Riparian replanting list.

Common Name	Latin Name
Sitka willow	<i>Salix sitchensis</i>

Hooker's willow	<i>Salix hookeriana</i>
red alder	<i>Alnus rubra</i>
California blackberry	<i>Rubus ursinus</i>
sword fern	<i>Polystichum munitum</i>

Table 2. Wetland replanting list.

Common Name	Latin Name
common rush	<i>Juncus effusus</i>
spreading rush	<i>Juncus patans</i>
pacific reed grass	<i>Calamagrostis nutkaensis</i>
lady fern	<i>Athyrium filix-femina</i>
giant horsetail	<i>Equisetum telmateia ssp. braunii</i>
water cress	<i>Rorippa nasturtium-aquaticum</i>
California oatgrass	<i>Danthonia californica</i>
creeping spike rush	<i>Eleocharis macrostachya</i>
California hair-grass	<i>Deschampsia caespitosa</i>
pacific silverweed	<i>Potentilla anserina ssp. pacifica</i>
blue-eyed grass	<i>Sisyrinchium bellum</i>
cows clover	<i>Trifolium wormskioldii</i>

- (c) The applicant shall monitor planted/enhanced wetland and riparian areas within the trail easement at intervals of 1, 3 and 5 years. If during the monitoring, native plant survivorship success rates have dropped below the recommended 75% level, the applicant shall replant until the minimum 75% goal has been achieved for a minimum period of at least five years.
- (d) Invasive plants shall be removed to the extent reasonably feasible from the entire public access easement area on a bi-annual basis as long as the easement area is actively managed.
- (e) All ground disturbance shall occur during the dry season, which generally runs from April 15 through October 31. All soil shall remain on site.
- (f) To minimize impacts to wetland, riparian and stream habitats, trail sections that intercept these sensitive habitats shall incorporate design features that allow for continued function including water ponding and ground saturation, sediment transport, riparian cover and natural stream channel formation. When crossing wetlands and stream channels, span-design crossings shall be used instead of installing rock, dirt or other fill on top of wetland and stream channels. Culvert-based crossings may be appropriate for smaller channel crossings provided that the design minimized fill and allows for maintenance of natural stream channel function. Full span design will be required for more significant stream channels and wetlands areas. Damaged and other substandard crossings that currently existing within the project areas shall be upgraded to meet the above stated standards.

\*\*

- 4. Prior to the issuance of the Coastal Development Permit, the applicant shall provide for acceptance by the Director of Planning and Building Services, an Accessway Management Plan. At a minimum, the Plan shall:
  - (a) Provide for a design which avoids or mitigates any public safety hazards and any adverse impacts on agricultural operations or identified coastal resources;
  - (b) Set forth the agency(ies) responsible for operating, maintaining and assuming liability for the accessway;
  - (c) Set forth any other known provisions such as facilities to be provided, signing, use restrictions and special design and monitoring requirements; and
  - (d) Set forth provisions for protecting the accessway from vandalism and/or improper use (e.g., guarded gate, security patrol, hours of operation or period/seasons of closure and fees, if any).

5. Prior to posting, "No Bicycles" shall be removed from the management signs.
6. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
7. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,060.25 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to January 21, 2010. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility of timely compliance with this condition.**
8. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within 2 years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

9. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
10. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
11. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
12. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

13. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a

legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

14. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

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DATE

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TERESA SPADE  
PLANNER II

Negative Declaration

Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.

Appeal Fee: \$945 (For an appeal to the Mendocino County Board of Supervisors.)

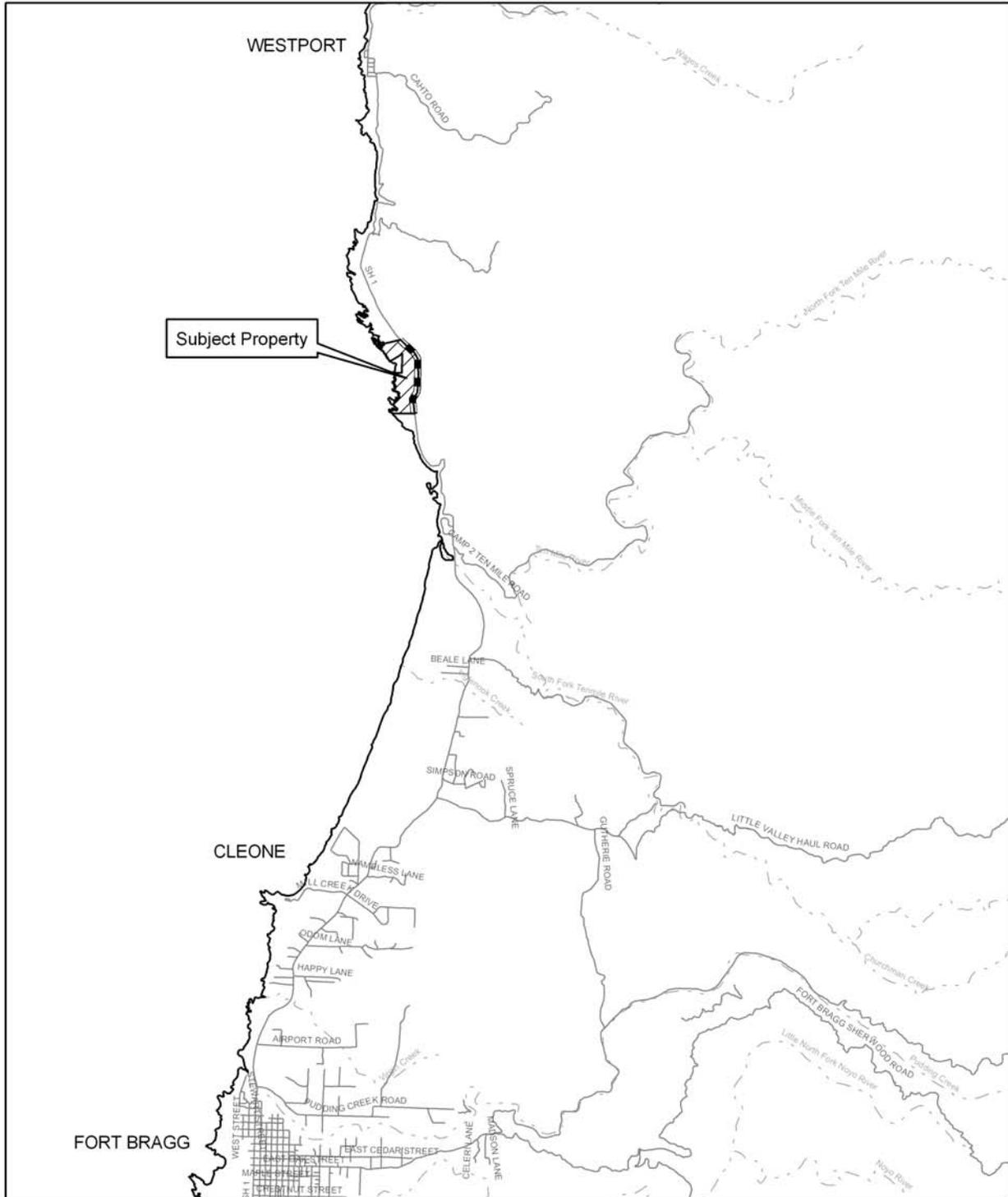
\*\* Indicates conditions relating to Environmental Considerations - deletion of these conditions may affect the issuance of a Negative Declaration.

**ATTACHMENTS:**

- Exhibit A: Location Map
- Exhibit B: Zoning Display Map
- Exhibit C: Topographic Map
- Exhibit D: Orthophoto
- Exhibit E: California Natural Diversity Database Map
- Exhibit F: Public Trail Map
- Exhibit G: ESHA Map
- Exhibit H: Management Sign
  
- Appendix A: Reduced Buffer Analysis
- Appendix B: Mitigation Measures Outlined in the Biological Report

**SUMMARY OF COMMENTS:**

Westport MAC	Support approval – information regarding paving has not been provided, and WMAC would prefer that the trail not be paved.
Westport Fire	No comment.
Environmental Health – Fort Bragg	DEH clearance. Fence posts must meet 8' setback to any existing or proposed primary or replacement septic leachfields.
Building Inspection – Fort Bragg	The two foot bridges will require permits with an architect or engineer's approval.
Assessor	No response.
Caltrans	Response outlined in the Public Services (Item 13) section of this report.
Coastal Commission	No response.
Department of Fish and Game	Outlined in the Natural Resources section of this report.

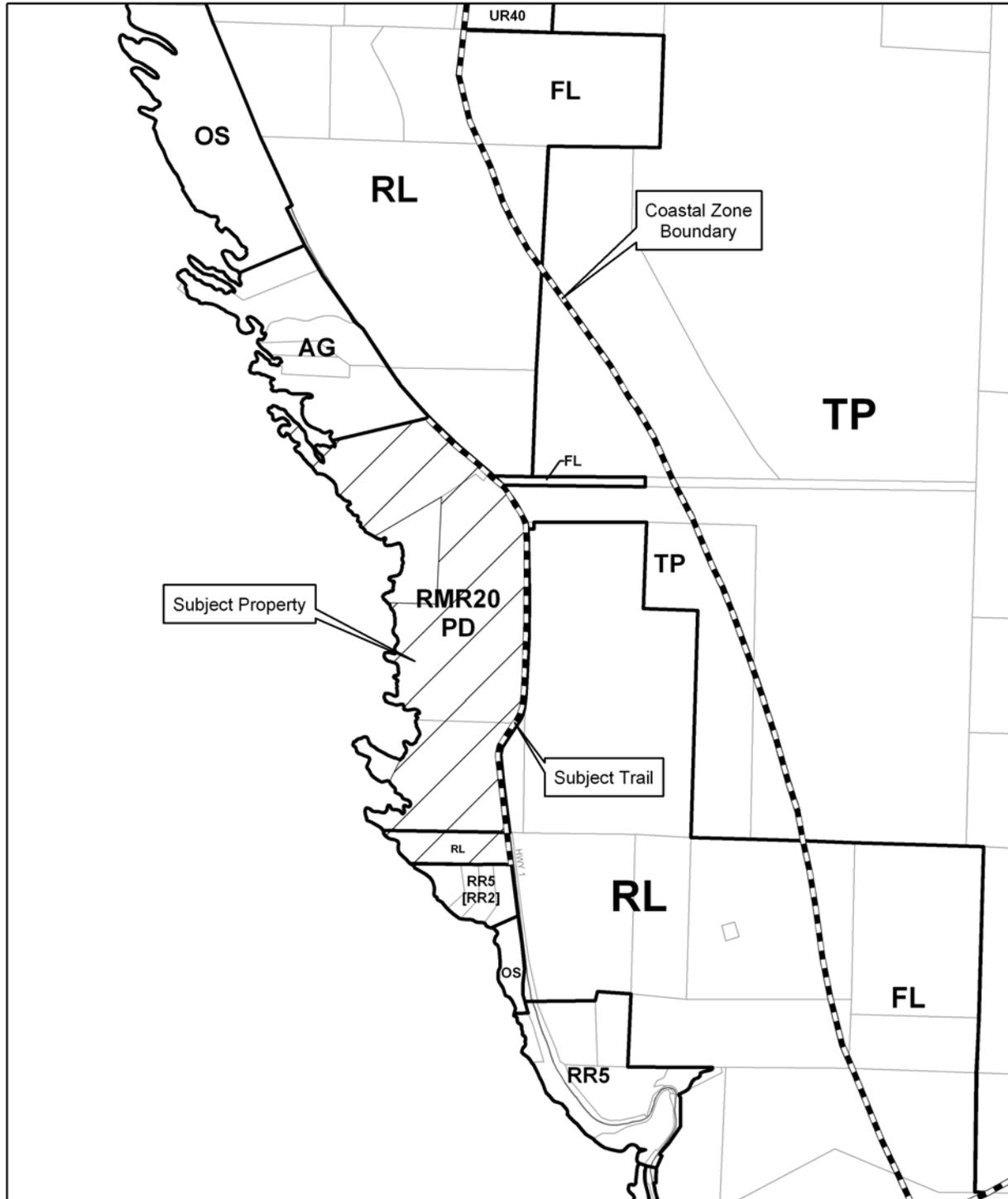


OWNER: GRUBE, Jackson  
 CASE #: CDP 67-2008  
 APNs: 015-380-02, 015-380-04 & 015-380-05  
 Trail along west side of Highway 1

LOCATION MAP

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of September 2007)



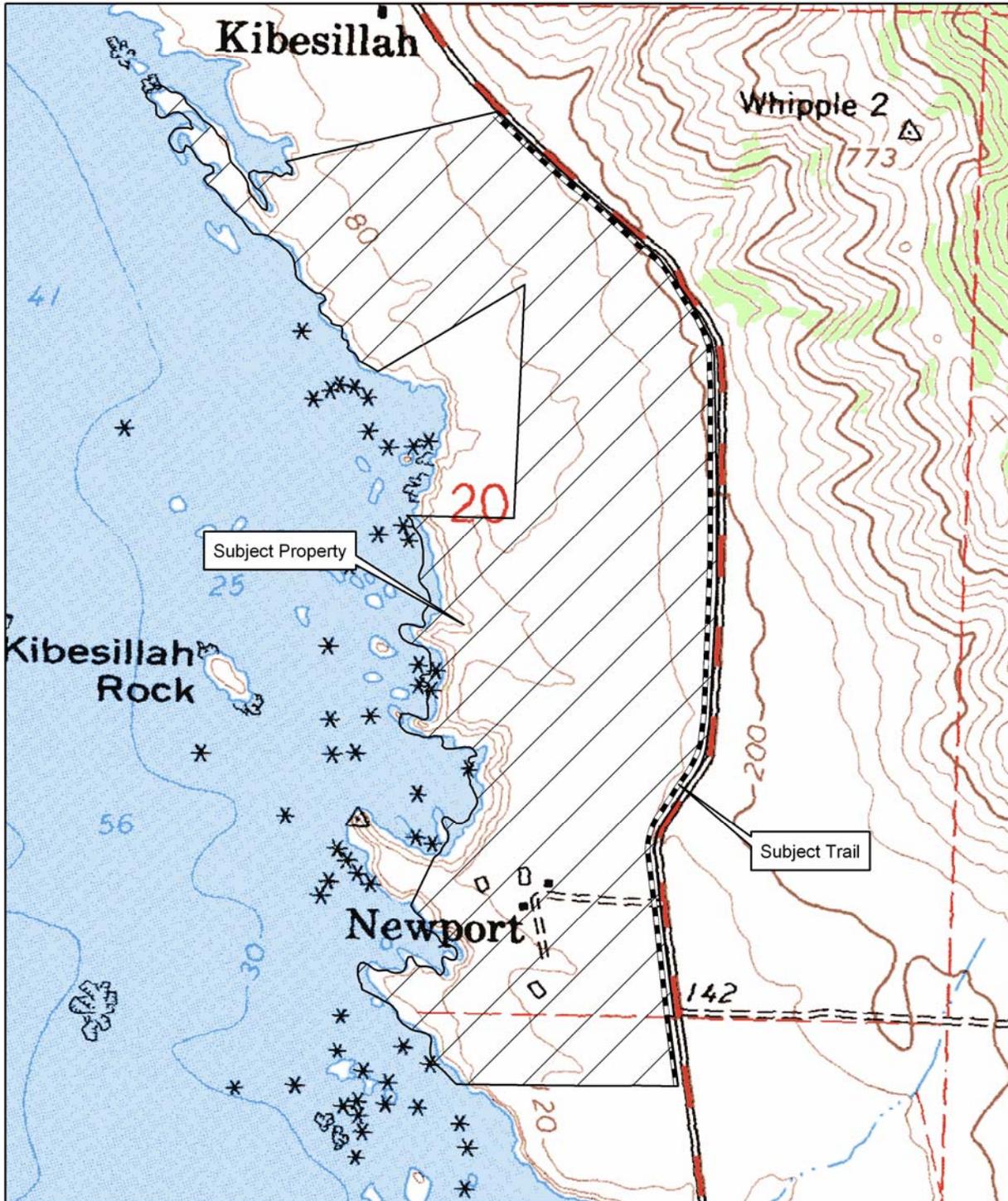


OWNER: GRUBE, Jackson  
CASE #: CDP 67-2008  
APNs: 015-330-13, 015-380-02, 015-380-04 & 015-380-05  
Trail along wst side of Highway 1

ZONING DISPLAY MAP

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008)





OWNER: GRUBE, Jackson  
CASE #: CDP 67-2008  
APNs: 015-330-13, 015-380-02, 015-380-04 & 015-380-05  
Trail along wst side of Highway 1

**USGS MAP**  
CONTOUR INTERVAL 40 FEET

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008)



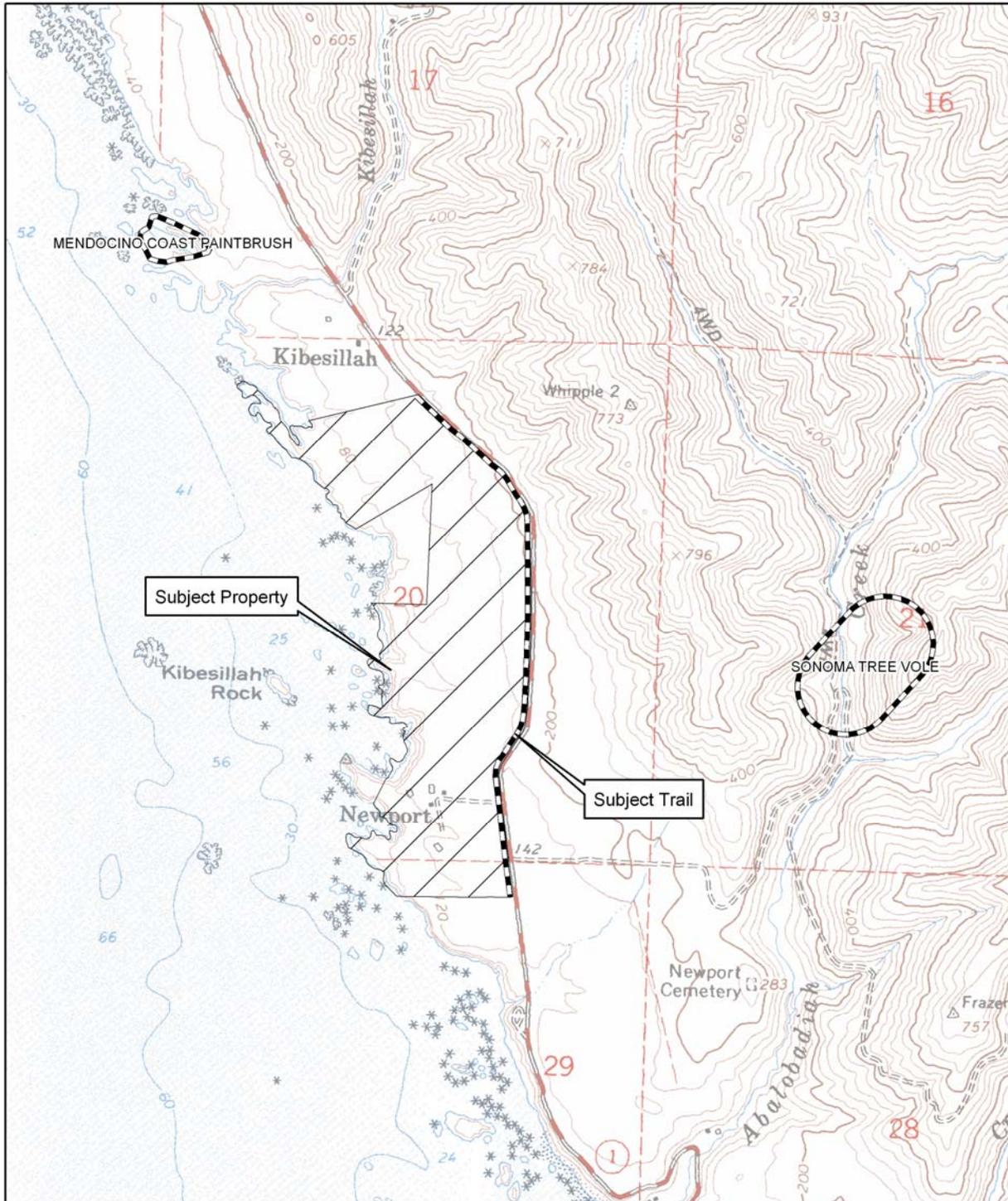


OWNER: GRUBE, Jackson  
CASE #: CDP 67-2008  
APNs: 015-330-13, 015-380-02, 015-380-04 & 015-380-05  
Trail along wst side of Highway 1

ORTHOPHOTO - June 2009

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008)





OWNER: GRUBE, Jackson  
 CASE #: CDP 67-2008  
 APNs: 015-330-13, 015-380-02, 015-380-04 & 015-380-05  
 Trail along wst side of Highway 1

**CALIFORNIA NATURAL DIVERSITY  
 DATABASE RAREFIND** (July 2009)

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008)



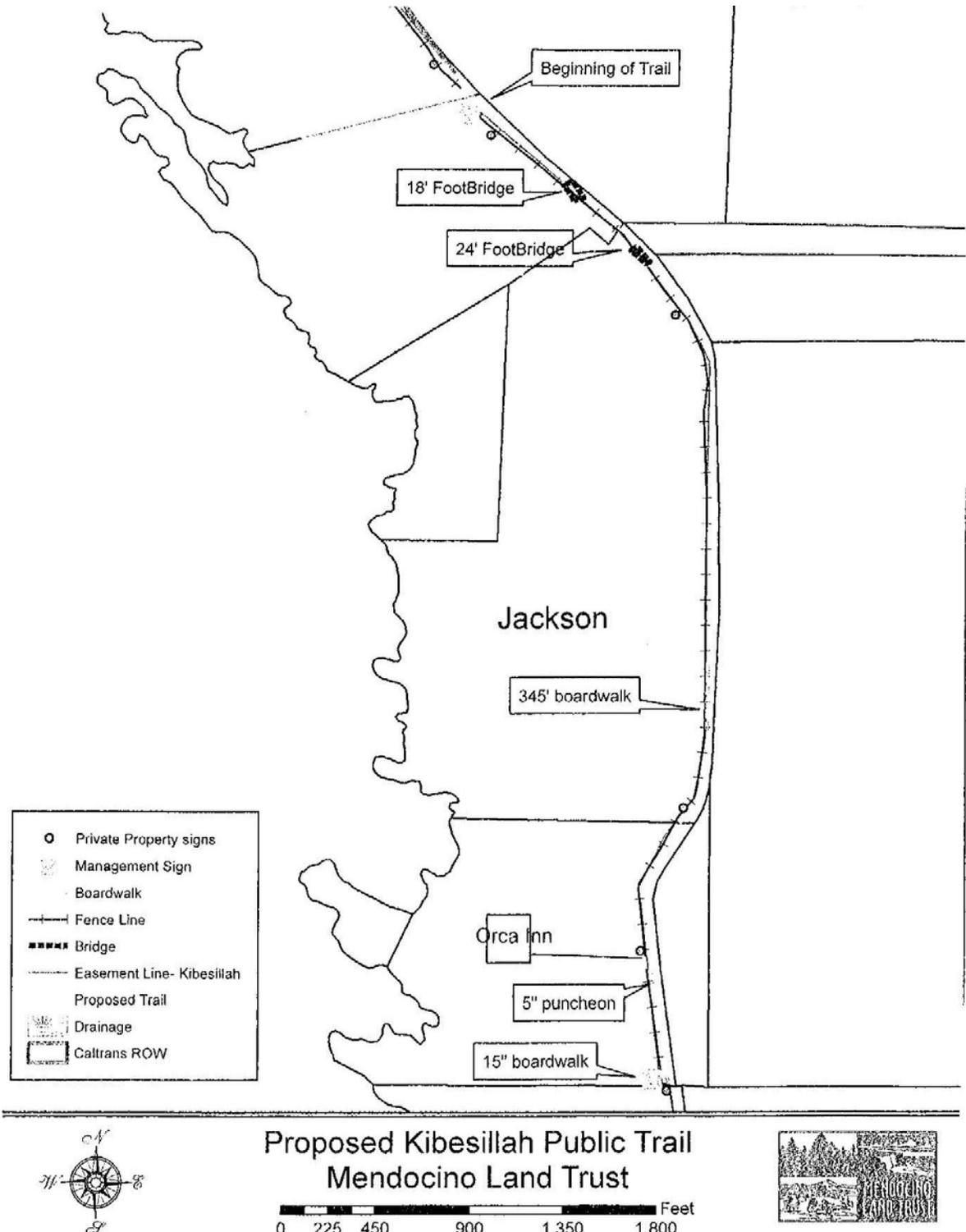


OWNER: GRUBE, Jackson  
 CASE #: CDP 67-2008  
 APNs: 015-330-13, 015-380-02, 015-380-04 & 015-380-05  
 Trail along west side of Highway 1

PHOTO OCTOBER 4, 2005  
 CALIFORNIA COASTAL RECORDS PROJECT  
 COPYRIGHT resourcestrategies@usa.net

Not To Scale      z

The Trail along Highway 1 is only approximate, this is for viewing purposes only and should not be used to determine legal location of trail.



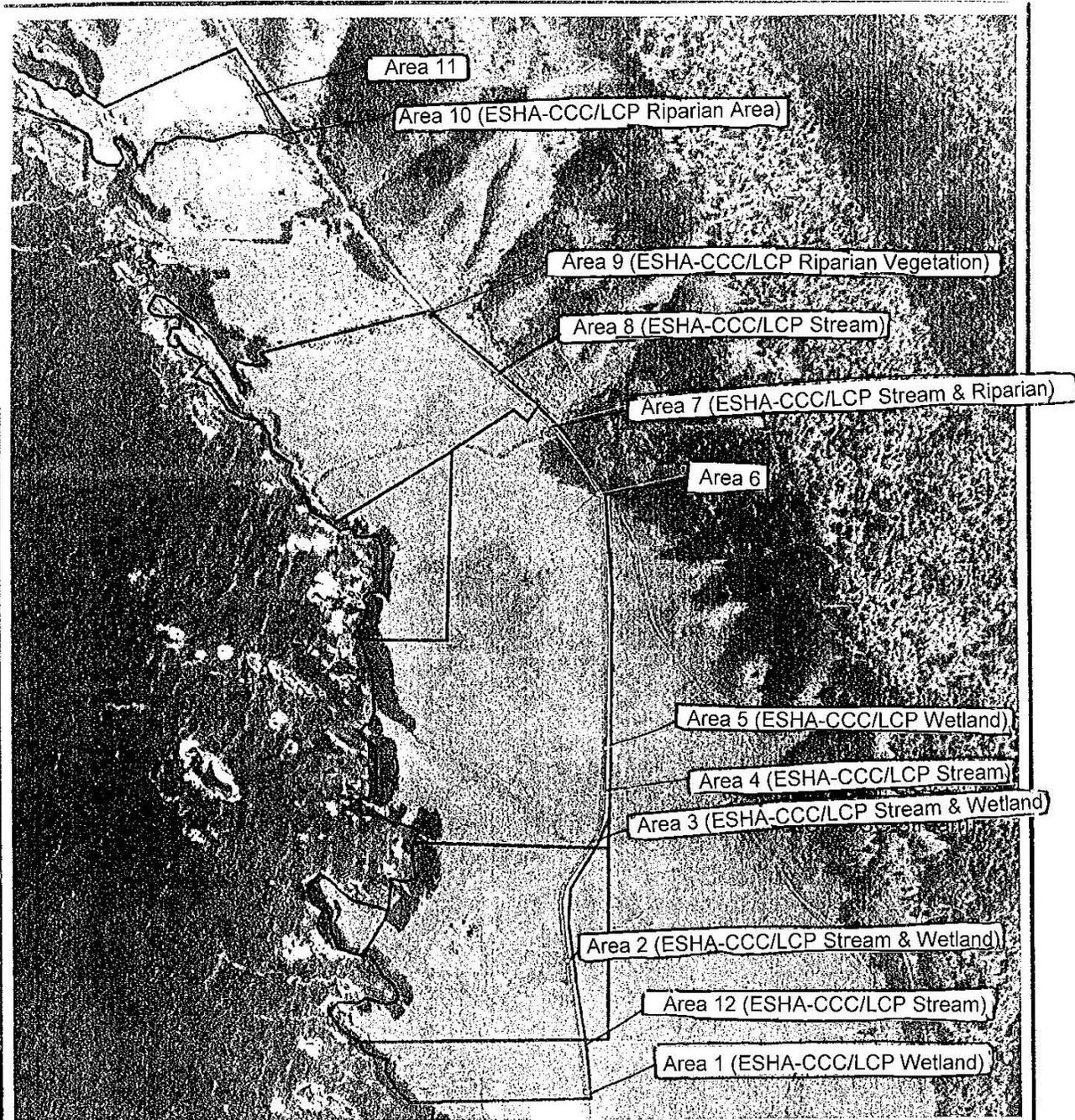


Figure 3. Area 1-11 and designated ESHA's. Includes the new ESHA area for the addendum.

Prepared for Mendocino Land Trust  
 Coastal trail  
 Westport/Kibisillah Highway One laterals



- Study area
- Parcel Boundary

REDWOOD  
 COAST  
 ASSOCIATES

# KIBESILLAH PUBLIC TRAIL

Conserved and Managed by:



Please help us conserve the unique habitats and beauty of this area  
by staying on designated trails.

Pedestrian Day Use Only • Dogs on Leash • No Camping  
No Fires • No Bicycles or Motorized Vehicles on Trail  
Do Not Disturb Plant or Animal Life

For more information, please contact the Mendocino Land Trust at (707) 962-0470

**INITIAL STUDY ENVIRONMENTAL CHECKLIST**

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
<b>1. EARTH:</b>					
A. Unstable earth conditions or changes in geologic substructures.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Disruptions, displacements, compaction, or overcovering of the soil.	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Change in topography or ground surface relief features.	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. The destruction, covering, or modification of any unique geologic or physical features.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Any increase in wind or water erosion of soils, either on or off the site. <i>See Condition No. 1</i>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
F. Changes in deposition or erosion of beach sands, or changes in siltation, deposition, or erosion that may modify the channel of a river, stream, inlet, or bay? <i>See Condition No. 1</i>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
G. Exposure of people or property to geologic hazards such as earthquakes, ground failure, or other hazards. <i>See Condition No. 2</i>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. AIR:</b>					
A. Substantial air emissions or deterioration of ambient air quality.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. The creation of objectionable odors.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. WATER:</b>					
A. Changes in currents, or the course of water movements, in either fresh or marine waters. <i>See Condition No. 1</i>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
B. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff.	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Alterations to the course of flow of flood waters.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Change in the amount of surface water in any water body.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
F. Alteration of the direction or rate of flow of ground water.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Change in the quantity of ground water, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Substantial reduction in the amount of water otherwise available for public water supplies.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I. Exposure of people or property to water related hazards such as flooding or tsunamis.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. PLANT LIFE:</b>					
A. Change in the diversity of species, or number of any species of plants including trees, shrubs, grass, crops, and aquatic plants. <i>See Condition No. 3</i>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
B. Reduction of the numbers of any unique, rare, or endangered species of plants	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species. <i>See Condition No. 3</i>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
D. Reduction in acreage of any agricultural crop.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. ANIMAL LIFE:</b>					
A. Change in the diversity of species, or number of any species of animals including birds, land animals, reptiles, fish, shellfish, insects, and benthic organisms.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Reduction in the number of any unique, rare, or endangered species of animals.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Introduction of new species of animals into an area, or in a barrier to the migration or movement of animals.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Deterioration of existing fish or wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. NOISE:</b>					
A. Increases in existing noise levels.	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Exposure of people to severe noise levels.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
<b>7. LIGHT AND GLARE:</b>					
A. Production of new light and glare.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8. LAND USE:</b>					
A. Substantial alteration of the present or planned land use of a given area. <i>See Condition No. 4</i>	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>
<b>9. NATURAL RESOURCES:</b>					
A. Increase in the rate of use of any natural resources.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>10. POPULATION:</b>					
A. Alterations in the location, distribution, density, or growth rate of human populations.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>11. HOUSING:</b>					
A. Will the proposal affect existing housing or create a demand for new housing?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>12. TRANSPORTATION/ CIRCULATION:</b>					
A. Generation of substantial additional vehicular movement?	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Effects on existing parking facilities, or demand for new parking?	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Substantial impact upon existing transportation systems?	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Alterations to present patterns of circulation or movement of people and/or goods?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Alterations to waterborne, rail, or air traffic?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>13. PUBLIC SERVICES:</b>					
A. Will the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:					
Fire protection?	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and other recreational facilities?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintenance of public facilities, and roads?	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other governmental services?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
<b>14. ENERGY:</b>					
A. Use of substantial amounts of fuel or energy?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Substantial increase in demand upon existing sources of energy, or require the development of new energy sources?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>15. UTILITIES:</b>					
A. Will the project result in a need for new systems or substantial alterations to the following:					
Potable water?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Energy or information transmission lines?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>16. HUMAN HEALTH:</b>					
A. Creation of any health hazard or potential health hazard?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Exposure of people to any existing health hazards?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. A risk of an explosion or the release of hazardous substances (including oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Possible interference with an emergency response plan or evacuation plan.	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>17. AESTHETICS:</b>					
A. Obstruction of any scenic vista or view open to the public, or create an aesthetically offensive site open to public view?	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>18. RECREATION:</b>					
A. Impact upon the quality or quantity of existing recreational opportunities?	<input type="checkbox"/>	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>19. CULTURAL RESOURCES:</b>					
A. Alteration or destruction of a prehistoric or historic archaeological site?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Adverse physical or aesthetic effects to a prehistoric or historic building or structure?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
C. Cause a physical change that would affect the unique ethnic cultural values?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Restrict existing religious or sacred uses within the potential impact area?	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Section III</b>	<b>Responses to Environmental Checklist.</b>
	For a discussion of each of the environmental effects listed in the Environmental Checklist along with related goals and policies of the General Plan, see the Environmental Review section of the attached staff report.

<b>Section IV</b>	<b>Mandatory Findings of Significance.</b>
	<p>A. As discussed in the preceding sections, the project <input type="checkbox"/>does <input checked="" type="checkbox"/>does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants, or to eliminate historic or prehistoric sites.</p> <p>B. As discussed in the preceding sections, both short-term and long-term environmental effects associated with the project will be <input type="checkbox"/>significant <input checked="" type="checkbox"/>will be less than significant.</p> <p>C. When impacts associated with the project are considered alone or in combination with other impacts, the project-related impacts are <input type="checkbox"/>significant <input checked="" type="checkbox"/>insignificant.</p> <p>D. The above discussions <input type="checkbox"/>do <input checked="" type="checkbox"/>do not identify any substantial adverse impacts to people as a result of the project.</p>

<b>Section V</b>	<b>Determination.</b>
	<p>On the basis of this initial evaluation, it has been determined that:</p> <p><input type="checkbox"/> The proposed project will not have a significant effect on the environment, and it is recommended that a NEGATIVE DECLARATION be adopted.</p> <p><input checked="" type="checkbox"/> Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, it is recommended that a NEGATIVE DECLARATION be adopted.</p> <p><input type="checkbox"/> The proposed project may have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.</p>

**COUNTY OF MENDOCINO  
ENVIRONMENTAL REVIEW GUIDELINES  
DRAFT NEGATIVE DECLARATION**

**I. DESCRIPTION OF PROJECT.**

**DATE:** DECEMBER 4, 2009

**CASE#:** CDP 67-2008

**DATE FILED:** 12/18/08

**OWNER:** JACKSON GRUBE FAMILY INC.

**APPLICANT:** MENDOCINO LAND TRUST

**REQUEST:** Coastal Development permit for the Kibesillah Public Trail, which will be placed within a 15-foot wide public access easement on the west side of Highway One. The proposed trail is approximately 7,000 feet long. The project includes clearing vegetation, installing fencing, two foot bridges, signs and boardwalks over wet area.

**LOCATION:** Within the Coastal Zone, approximately 2 miles north of the Ten Mile River and 5 miles south of the town of Westport, on the west side of Highway One, located at 31502 North Highway One; AP#'s 015-380-02, 015-380-04, 015-380-05 AND 015-330-13.

**PROJECT COORDINATOR:** TERESA SPADE

**II. DETERMINATION.**

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, it is recommended that a NEGATIVE DECLARATION be adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
501 LOW GAP ROAD • ROOM 1440 • UKIAH • CALIFORNIA • 95482

IGNACIO GONZALEZ, DIRECTOR  
Telephone 707-463-4281  
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DECEMBER 16, 2009

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT NEGATIVE  
DECLARATION FOR PUBLIC REVIEW

NOTICE IS HEREBY GIVEN THAT the Mendocino County Coastal Permit Administrator at a special meeting on Thursday, January 7, 2010, at 10:00 a.m., to be held in the Planning and Building Conference Room, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Negative Declaration at the time listed or as soon thereafter as the item may be heard.

**CASE#:** CDP 67-2008

**DATE FILED:** 12/18/08

**OWNER:** JACKSON GRUBE FAMILY INC.

**APPLICANT:** MENDOCINO LAND TRUST

**REQUEST:** Coastal Development permit for the Kibesillah Public Trail, which will be placed within a 15-foot wide public access easement on the west side of Highway One. The proposed trail is approximately 7,000 feet long. The project includes clearing vegetation, installing fencing, two foot bridges, signs and boardwalks over wet area.

**LOCATION:** Within the Coastal Zone, approximately 2 miles north of the Ten Mile River and 5 miles south of the town of Westport, on the west side of Highway One, located at 31502 North Highway One; AP#'s 015-380-02, 015-380-04, 015-380-05 AND 015-330-13.

**PROJECT COORDINATOR:** TERESA SPADE

**ENVIRONMENTAL DETERMINATION:** The Department of Planning and Building Services has prepared a Draft Negative Declaration for the above project (no significant environmental impacts are anticipated which cannot be adequately mitigated). A copy of the Draft Negative Declaration is available for public review at 501 Low Gap Road, Room 1440, Ukiah, California, and at 790 South Franklin Street, Fort Bragg, California. The staff report and notice are available on the Department of Planning and Building Services website at [www.co.mendocino.ca.us/planning](http://www.co.mendocino.ca.us/planning).

This is a re-hearing of the permit due to a prior improper notice determination. This hearing will be a new and independent hearing of the case. Your comments regarding the above project and/or the Draft Negative Declaration are invited. Written comments should be submitted to the Department of Planning and Building Services, at 501 Low Gap Road, Room 1440, Ukiah, California, no later than January 6, 2010. Oral comments may be presented to the Coastal Permit Administrator during the public hearing.

The Coastal Permit Administrators action regarding the item shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. To file an appeal of the Coastal Permit Administrators decision, a written statement must be filed with the Clerk of the Board with a filing fee within 10 calendar days of the Coastal Permit Administrators decision. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Coastal Permit Administrator at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 463-4281, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

IGNACIO GONZALEZ, Director of Planning & Building Services

APPENDIX A

Exhibit 3: Mitigated Negative Declarations

Appendix A. An analysis of the proposed project utilizing the Mendocino County LCP ordinance section 20.496.02 (a) through (k).

Development Criteria	
<p>(1) <b>Width.</b> The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area.</p> <p>Standards for determining the appropriate width of the buffer area are as follows:</p>	<p>There is no feasible alternative to proposed developments within the ESHA buffer given site and legal constraints. Impacts are considered to be of minor significance due to the specific characteristics of the ESHA's being impacted and the enhancement of the ESHA's.</p> <p>No new land division is proposed.</p>
<p>(a) <b>Biological Significance of Adjacent Lands.</b> Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the wetland, stream, or riparian habitat that is adjacent to the proposed development.</p>	<p>No significant relationship exists between the lands to the north and south of the ESHA's within the Study Area. However, several of the ESHA's do have a functional relationship to east and west as the continuance of the ESHA's outside of the Study Area exists.</p>
<p>(b) <b>Sensitivity of Species to Disturbance.</b> The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with</p>	<p>No rare, threatened, or endangered plants or animals are known to utilize the existing wetland areas as habitat. The potential impacts associated with the trail and infrastructure will not significantly disturb other "sensitive" species which may be associated with the ESHA's.</p>

Exhibit 3: Mitigated Negative Declarations

the Department of Fish and Game or others with similar expertise:	
(i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;	Habitat is of poor quality for fish and wildlife species. Habitat will be enhanced to improve the nesting, feeding, breeding, resting and other habitat requirements of both resident and migratory wildlife species, no ESHA's support fish habitat.
(ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;	Associated species are considered to be highly adaptable to disturbance at the levels expected.
(iii) An assessment of the impact and activity levels of the proposed development on the resource.	Impacts will be less significant than the current impacts from cattle.
<b>c) Susceptibility of Parcel to Erosion.</b> The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.	The installation of the boardwalks, rock fords and puncheon will substantially reduce the potential for erosion and compaction. The removal and of invasive species and replanting of natives, and the fencing of the Study Area will significantly reduce the susceptibility to erosion.
<b>(d) Use of Natural Topographic Features to Locate Development.</b> Hills and bluffs adjacent to ESHA's shall be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHA's. Similarly, bluff faces should not be developed, but shall be included in the buffer zone.	The trail is restricted to the 15 foot wide easement. The topographical features have been utilized to the greatest extent feasible.
<b>(e) Use of Existing Cultural Features to Locate Buffer Zones.</b> Cultural features (e.g., roads and dikes) shall be used, where feasible, to buffer habitat areas. Where feasible, development shall be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the ESHA.	The use of rip-rap in streams utilizes the existing cultural feature to create stream fords and prevents the need to input additional material into the streams. No additional existing cultural features provide added buffering capabilities.
<b>f) Lot Configuration and Location of Existing Development.</b> Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection. Where development is proposed in an area that is largely undeveloped, the widest and most protective buffer zone feasible shall be required.	Mitigation measures outlined in section 11.0 are designed to account for potential impacts to the wetlands and associated buffers.
<b>(g) Type and Scale of Development</b>	The type and scale of the proposed

Exhibit 3: Mitigated Negative Declarations

<p><b>Proposed.</b> The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.</p>	<p>developments are such that only minor impacts to the ESHA's are expected.</p>
<p><b>(2) Configuration.</b> The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge of the wetland; for a stream from the landward edge of riparian vegetation or the top of the bluff).</p>	<p>Buffer areas have been measured from the nearest outside edge of the ESHA's.</p>
<p><b>(3) Land Division.</b> New subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.</p>	<p>No new subdivisions or boundary line adjustments are proposed.</p>
<p><b>(4) Permitted Development.</b> Development permitted within the buffer area shall comply at a minimum with the following standards:</p>	
<p><b>(a)</b> Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.</p>	<p>A boardwalk design will be utilized to ensure the continuance of the adjacent habitat area. The functional capacity and ability of the wetlands to be self-sustaining will be maintained through this design. Natural species diversity will be enhanced and sustained through proposed enhancement, monitoring, and management activities.</p> <p>The current location of the trail is also compatible with the continuance of the adjacent habitat area and will maintain the functional capacity, their ability to be self-sustaining and maintain natural species diversity.</p>
<p><b>(b).</b> Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.</p>	<p>No other feasible site is available within the Study Area.</p>
<p><b>(c).</b> Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from the natural stream channels.</p>	<p>The installation of the raised boardwalk will prevent impacts which would degrade adjacent habitat areas. Mitigation will enhance the habitat area and offset any impacts due to shading.</p>
<p><b>(d).</b> Same as 4 (a)</p>	
<p><b>(e).</b> Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1: 1 which are lost as a result of development under this solution.</p>	<p>No other feasible site available on the parcel as the easement is limited to a 15 foot corridor along the parcel boundary. Mitigation measures outlined in Section 11.0 will replace habitat potentially lost to shading and displacement at a 1:1 ratio with in-kind mitigation to include additional areas.</p>

Exhibit 3: Mitigated Negative Declarations

<p>(f). Development shall minimize the following: impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, and human intrusion into the wetland and minimize alteration of natural landforms.</p>	<p>Proposed development minimizes all of the listed activities, to the greatest extent feasible.</p>
<p>(g). Where riparian vegetation is lost due to development, such vegetation shall be replaced at a minimum ratio of 1: 1 to restore protective values of the buffer area.</p>	<p>No riparian vegetation will be lost.</p>
<p>(h). Aboveground structures shall allow peak surface water flows from a 100 year flood to pass with no significant impediment.</p>	<p>The streams and wetlands connected to culverts which may or may not be rated for a 100 year storm</p>
<p>(i). Hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic, shall be protected.</p>	<p>No impacts to hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic are projected.</p>
<p>(j). Priority for drainage conveyance from a development site shall be through the natural stream environment zones, if any exist in the development area. In the drainage system design report or development plan, the capacity of natural stream environment zones to convey runoff from the completed development shall be evaluated and integrated with the drainage system whenever possible. No structure shall interrupt the flow of ground water with in a buffer strip. Foundations shall be situated with the long axis of interrupted impermeable vertical surfaces oriented parallel to the ground water flow direction. Piers may be allowed on a case by case basis.</p>	<p>No structure shall interrupt the flow of ground water.</p>
<p>(k). If findings are made that the effects of developing an ESHA buffer area may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval. Noise barriers, buffer areas in permanent open space, land dedicated for erosion control, and wetland restoration, including offsite drainage improvements, may be required as mitigation measures for development adjacent to environmentally sensitive habitats.</p>	<p>Mitigation measures outlined in section 11.0 are designed to account for potential impacts to the ESHA's and associated buffers.</p>

APPENDIX B

establishing the trail and the installation of fencing. Two peeler poles will create approximately one square foot of structural fill, per wetland (2).

## 10.0 ALTERNATIVES

Potential alternatives to the proposed project include:

*Install a raised boardwalk constructed of steel mesh to reduce shading impacts and use a less impactful pier system.* This alternative is not cost effective; the MLT has limited funding for this project and does not allow for this type of custom steel manufacturing and pier design system. Several types of boardwalk designs were explored; the system the applicant proposes to install was found to have the least amount of impact and is within the project budget.

*Move the trail outside of the easement to avoid ESHA.* The easement has been recorded on the title report for the property, so the trail is restricted by the width of the easement and can not avoid the wetland and riparian areas.

*No-project.* The no-project alternative does not meet the project goals and denies coastal access as required in the Coastal Act. Currently, undefined and unimproved trails crossing private property existing ESHA's place those ESHA's at continued risk of degradation and impact due to cattle trampling and compacting, which disrupts the hydrology, increases erosion rates, and encourages growth of non-native/invasive plants.

We conclude that there is no feasible, less environmentally damaging alternative that meets project goals than the one proposed.

## 11.0 MITIGATION

Since there is no feasible, less environmentally damaging alternative, mitigation measures have been identified in order to minimize the minor potentially adverse environmental effects of the proposed project. The proposed project has the potential to adversely impact the CCC/LCP wetland areas. *The CCC/LCP streams and riparian vegetation will not be impacted;* therefore the following analysis deals directly with the CCC/LCP wetland areas.

The following mitigation alternatives are proposed in order to compensate for the impacts to the CCC/LCP wetlands subject to a replacement value of 1:1. The impacts from the stringers associated with the boardwalks and the installation of peeler poles and stakes were considered structural fill and will occupy 228 square feet. An additional 1,090 square feet of shading is also expected. The impacts from shading are expected to be minor. In order to mitigate for these shading impacts, the CCC/LCP stream and riparian areas will be enhanced at a ratio of 4:1.

**Alternative 1.** Excavate 228 square feet of soil to a depth of 6-10 inches and plant hydrophytic vegetation with a similar species composition to that of the wetland being impacted, in an attempt to create wetland hydrology and hydric soils within the buffer(s) adjacent to the wetland area being impacted.

**Alternative 2.** Plant 228 square feet of hydrophytic vegetation adjacent to the existing wetlands with a species composition similar to that of the wetland being impacted.

Given the type and scale of development, RCA recommends that Alternative 2 be implemented. Alternative 1 has a greater probability of creating potentially detrimental impacts to the existing wetland and is not considered to be the least environmentally damaging alternative. Alternative 2 is considered the least invasive alternative and is more easily verifiable with regards to yearly monitoring and survivorship goals.

To offset potential adverse impacts to the 228 square feet over the current low quality wetland areas (Areas 1, 2, & 5), the applicant proposes to plant hydrophytic vegetation adjacent to the wetlands within the buffers. The purpose of the planting is to compensate at a 1:1 ratio for the potential impacts to CCC/LCP wetlands and to enhance to surrounding buffer. The MLT also proposes to enhance the remaining areas of degraded wetlands by eradicating invasives and replanting with native wetland species. In addition the MLT proposes to remove the invasive and non-native species along the banks of the CCC/LCP streams and to replant them with riparian species.

The end result would be potential loss of 228 square feet of moderately low quality wetland habitat and the creation of 228 square feet of high quality wetland. In addition the MLT proposes to enhance the remaining 3,047 square feet of degraded wetland and the 1,020 square feet of DFG jurisdictional area which consists of the banks of the CCC/LCP streams in Areas 2, 4, 7 and 8 in order to compensate for the shading impacts.

Wetland, riparian areas and the associated buffer enhancement/creation activities would involve the eradication of non-native species and replanting with native wetland and riparian species typically associated with coastal riparian areas and prairies. See recommendations 12.2 for revegetation specifications.

After the completion of the wetland/buffer enhancement/creation activities, monitoring shall be conducted at intervals of 1, 3, and 5 years. If, during the monitoring, survivorship success rates have dropped below the recommended 75% level, the applicant shall replant until the 75% goal has been achieved.

In addition to the proposed wetland and riparian buffer enhancement/creation activities, the applicant proposes to eradicate *invasive* species from the entire public access easement area on a bi-annual basis for as long as they actively management the easement.

## 12.0 DISCUSSION AND RECOMMENDATIONS

### 12.1 Discussion

The purpose of the proposed trail developments are part of an ongoing effort to expand the California Coastal Trail and is intended to provide for public access to the coastline for nature study and related recreational experiences. The nature study purposes include but are not limited to whale watching, bird watching, botanizing, as well as wetland, riparian habitat, and coastal prairie habitat enhancement and education. The MLT proposes to include an educational sign at the Fort Bragg office and to conduct interpretive walks on this trail annually. The proposed trail requires that relatively minor development activities within wetlands, streams, and riparian areas are necessary in order to create and maintain a safe, designated trail for the public to use for nature study purposes and coastal views.

The Mendocino County Local Coastal CP (MCLCP) cites allowable uses (for development or activities within wetlands). Under section Section 20.496.025 Wetland and Estuaries part A number 10, of the Mendocino County Coastal Zoning Code lists "Nature studies..." as an allowable activity permitted within wetland and stream (development permitted in Wetlands and Estuaries are also permitted in Open Coastal waster, Lakes, and Streams under Section 20.496.030 part A number 1.

Section 20.496.025 (Wetlands and Estuaries) lists three "Requirements for Permitted Development in Wetland and Estuaries". *The project has been designed to conform with and adhere to sections 20.496.025 part B (a,b).*

Section 20.496.30 (Open Coastal Waters, Lakes Streams, Rivers) part D lists two "Requirements for permitted development in Streams and Rivers". *The project has been designed to conform with and adhere to sections 20.496.030 part D numbers 1 and 2 (a,b).*

Section 20.496.35 (Riparian Corridors and other Riparian Resource Areas) part B lists four "Requirements for development in riparian habitat areas". Other than minor pruning to the willow canopies, no development related impacts to riparian habitat areas are proposed at this time.

The proposed project will result in unavoidable impacts to the wetlands and minor alterations to stream and riparian areas. These impacts will result from vegetation clearing, filling, shading and development within those areas and their associated buffers. Measures for mitigating these impacts will include removal of invasive plants and planting of native vegetation to restore the ecological integrity of the ESHA's. RCA has helped MLT design trails and other facilities that are consistent with the typical mitigation hierarchy: avoidance of impacts, reduction of the extent or intensity of impacts, or specific mitigation measures (e.g., habitat enhancements) and monitoring, as appropriate, designed to "compensate for" unavoidable impacts.

Proposed developments have been designed so as to minimize both the area and intensity of impacts to wetland, stream, and riparian areas. Since minor impacts are unavoidable, wetland enhancement/creation and monitoring activities have been recommended to compensate for those impacts. The fencing off of the Study Area will substantially improve and protect the ESHA's which are currently severely impacted.

## 12.2 Recommendations

In addition to the enhancement activities and protection measures being proposed for the wetland/riparian and buffer areas, RCA recommends the following measures to further minimize the potential for negative impacts, and to maximize potential benefits, associated with the project:

- All work involving associated with the trail and infrastructure, including soil movement and or digging should occur during the dry season.
- Plants used for wetland enhancement shall be of stock from within immediate locale and should be planted at the most appropriate time to achieve the highest survival rate as possible, *to the extent feasible.*

### Exhibit 3: Mitigated Negative Declarations

- All construction activities should occur offsite and be transported to site only for assembly and installation.
- All soil should remain on site.
- Enhance and create the designated wetland and buffer areas according to the following guidelines:
  - Use non-mechanical means to eradicate 90-100% of the vegetation cover consisting of non-native plant species within the designated wetland areas.
  - Create the wetland by removing non-native species and replant with native wetland species. Refer to wetland planting list below for species composition.
  - Create/enhance the *wetland areas* by planting with the following native plant species, using seeds, plugs, and/or cuttings as appropriate and available: common rush (*Juncus effusus*), spreading rush (*Juncus patans*), Pacific reed grass (*Calamagrostis nutkaensis*), lady fern (*Athyrium filix-femina*), giant horsetail (*Equisetum telmateia* ssp. *braunii*), water cress (*Rorippa nasturtium-aquaticum*) California oatgrass (*Danthonia californica*), creeping spike rush (*Eleocharis macrostachya*), California hair-grass (*Deschampsia caespitosa*), Pacific silverweed (*Potentilla anserina* ssp. *pacifica*), blue-eyed-grass (*Sisyrinchium bellum*), cows clover (*Trifolium wormskioldii*).
  - Replant the *CCC/LCP stream banks* with the following native north coast riparian plant species, using seeds, plugs, and/or cuttings as appropriate and available: sitka willow (*Salix sitchensis*), Hooker's willow (*Salix hookeriana*), red alder (*Alnus rubra*), California blackberry (*Rubus ursinus*), sword fern (*Polystichum munitum*).
  - Monitor annually to determine the percent of each wetland area that is covered by: a) native and non-native plant species (i.e. total vegetation cover); b) native plant species; and c) non-native species.
  - Annually remove non-native plants that have re-established or colonized each wetland and associated buffer sites, and replant and/or reseed the site until at least 75% of the designated wetland and associated buffer area is covered by native species.
  - Continue this management regime as necessary to maintain native species cover at the 75% level or higher for a period of at least 5 years.

### 13.0 REFERENCES

- California Coastal Commission. 1981. Statewide interpretive guidelines for wetlands and other wet environmentally sensitive habitat areas.
- Gretag-Macbeth. 2000. Munsell Soil Color Charts. New Windsor, NY
- Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Plant Communities of California. Unpublished report. State of California, The Resources Agency, Department of Fish and Game, Natural Heritage Division, Sacramento, CA