IGNACIO GONZALEZ, INTERIM DIRECTOR JULIA KROG, ASSISTANT DIRECTOR

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November 1, 2021

PUBLIC HEARING NOTICE OF PENDING ACTION STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a special meeting to be held on Wednesday, November 17, 2021 at 9:00 a.m. or as soon thereafter as the item may be heard, will conduct a public hearing on the below described project that is located in the Coastal Zone. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org or via Telecomment, and is available for viewing on the Mendocino County YouTube page, https://www.youtube.com/MendocinoCountyVideo

CASE#: CDP_2021-0005 **DATE FILED:** 12/28/2020

OWNER: MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION **APPLICANT: MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION**

REQUEST: Standard Coastal Development Permit request to replace a minor stream crossing culvert on Briceland Road, which suffered damage during the February 2019 storm event.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, 27± miles west of Garberville, along Briceland Road (CR 435)

at mile markers MP 5.81 and MP 6.20; no address; APN 052-140-05.

SUPERVISORIAL DISTRICT: 4 **STAFF PLANNER: JULIANA CHERRY**

The staff report, and notice, will be available 10 days before the hearing on the Department of Planning and Building Services website at: https://www.mendocinocounty.org/government/planning-buildingservices/meeting-agendas/coastal-permit-administrator

As you are an adjacent property owner and/or interested party, you are invited to submit comments, at or prior to the hearing; all correspondence should contain reference to the above noted case number. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W Fir Street, Fort Bragg, California, or by e-mail to pbscommissions@mendocinocounty.org no later than November 16, 2021. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail, in lieu of personal attendance, at pbscommissions@mendocinocounty.org.

To submit public comments via Telecomment, a request form must be received by 7:00 a.m. the morning of the meeting. The telecomment form may be found at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas.

All public comment will be made available to the Coastal Permit Administrator, staff, and the general public as they are received and processed by the Clerk, and can be viewed as attachments under its respective case number listed at: https://www.mendocinocounty.org/government/planning-building-services/meetingagendas/coastal-permit-administrator

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

IGNACIO GONZALEZ, Interim Director of Planning and Building Services

NOVEMBER 17, 2021 CDP 2021-0005

SUMMARY

OWNER/APPLICANT: MENDOCINO COUNTY DEPARTMENT OF

TRANSPORTATION

340 LAKE MENDOCINO DRIVE

UKIAH, CA 95482

REQUEST: Standard Coastal Development Permit request to

replace a minor stream crossing culvert on Briceland Road, which suffered damage during the February

2019 storm event.

LOCATION: In the Coastal Zone, 27± miles west of Garberville,

along Briceland Road (CR 435) at mile markers MP 5.81 and MP 6.20; no address; APN 052-140-05.

TOTAL ACREAGE: Not Applicable

GENERAL PLAN: Coastal Open Space (OS)

Coastal Element Chapter 4.1 Humboldt County Line to

Rockport Planning Area

ZONING: Coastal Open Space (OS)

Mendocino County Coastal Zoning Code (Division II)

SUPERVISORIAL DISTRICT: 4 (Gjerde)

APPEAL JURISDICTION: Yes, California Coastal Commission Appeal

Jurisdiction

ENVIRONMENTAL DETERMINATION: Categorically Exempt

RECOMMENDATION: APPROVE WITH CONDITONS

STAFF PLANNER: JULIANA CHERRY

BACKGROUND

PROJECT DESCRIPTION: Standard Coastal Development Permit request to replace a minor stream crossing culvert on Briceland Road, which suffered damage during the February 2019 storm event.

<u>APPLICANT'S STATEMENT</u>: "This road segment experienced damage due to storm events in February 2019 (FEMA-DR-4434). At Milepost (MP) 5.81 and MP 6.20 the damage consists of a slide failure of the outer road embankment for an approximate length of 120 feet and 45 feet, respectively. At each of the two slide failures, construct a soldier pile wall (MP 5.81 – 119 feet long; MP 6.20 – 44 feet long) with timber logging and tie backs. Place under drain immediately behind wall. Install a metal beam guardrail on top of the wall. Surface the road with aggregate base. Trench on the upslope side of the road to intercept ground water, install a under drain and backfill the trench with drain rock. Daylight underdrain at low end. At MP 5.90 an unnamed intermittent creek passes under the road through a 20-foot by 30-inch corrugated metal pipe (CMP). This culvert is considered undersized to effectively transport storm water runoff and will be replaced with a 20-foot by 36-inch reinforced concrete pipe (RCP)."

RELATED APPLICATIONS: No previous applications on file for the project site or immediate surrounding area.

SITE CHARACTERISTICS: The project site is located in Mendocino County's Coastal Zone and 27 miles west of Garberville in the Usal area of Mendocino County. Briceland Road is a 12-foot wide single lane, dirt/gravel rural county road. Briceland Road is County Road 435. The 13.7 mile section of Briceland Road from the community of Thorn Junction to the roads end at Needle Rock Visitor Center primarily serves as an access road to the Sinkyone Wilderness State Park and a trailhead for the Lost Coast Trail. The project is 2.2 miles north of the westerly terminus of Briceland Road, which is near Needle House Rock. Thorn Junction is the landmark that divides travel to either Shelter Cove (continuing along Shelter Cove Road) or Whitethorn and Needle House Rock (to the south and continuing along Briceland Road). The larger area is commonly referred to as Whitethorn.

<u>SURROUNDING LAND USE AND ZONING</u>: The surrounding lands are classified as Open Space (OS). Generally, the lands are undeveloped and available for *Passive Recreation* land uses. The surrounding lands include Sinkyone Wilderness State Park.

Table 1. Surrounding Land Uses and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Open Space (OS-DPR)	OS	40± Acres	Passive Recreation
EAST	Open Space (OS-DPR)	OS	197± Acres	Passive Recreation
SOUTH	Open Space (OS-DPR)	OS	97± Acres	Passive Recreation
WEST	Open Space (OS-DPR)	OS	137± Acres	Passive Recreation

PUBLIC SERVICES:

Access: Briceland Road Coastal Trail and County Road 435
Fire District: [California Department of Forestry and Fire Prevention]

Water District: None Sewer District: None

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed repairs to Briceland Road, a County roadway, is consistent with (nor does it conflict with) the goals and policies of Mendocino County's Local Coastal Program, Coastal Element Chapter 4.1 and the General Plan, and Mendocino County Coastal Zoning Code (MCC), as detailed below.

LAND USE/ZONING: Generally rights-of-way, like Briceland Road, are excluded from General Plan Classification and Zoning District assignment, but Coastal Element Policies and zoning regulations are applicable. Coastal Element Chapter 4.1 list goals and policies for lands situated between the Humboldt County Line and Rockport Planning Area. The surrounding Open Space land classification is "intended to be applied to lands not suited for development or to lands most valuable in their undeveloped natural state. Factors limiting the development potential of land would include such constraints as unstable soils, high fire hazard, remote location, poor access, scenic qualities, and susceptibility to flooding. Valuable natural areas could include rare and endangered species and habitat, riparian vegetation zones, or wild and scenic rivers." Briceland Road provides access to some of Mendocino County's most remote shoreline, including coastal access trails and the Sinkyone Wilderness State Park.

Coastal Element Policies relevant to the proposed project include policies 3.1-2, 3.1-7, and 3.1-12 that are intended to protect environmentally sensitive habitat areas, including wetlands. Policy 3.1-12 is particularly relevant as a culvert would be upsized to 36 inches diameter and the culvert is located near a riparian stream and presumed wetland:

3.1-12 <u>Vehicle traffic</u>, exclusive of that necessary for conducting timber harvest plans and farm implements, in wetlands and riparian areas shall be confined to roads. Multi-use non-motorized trails and access to riparian areas are permitted if no long-term adverse impacts would result from their construction, maintenance and public use. Trails should be made from porous materials.

From Coastal Element Chapter 4.1 the following descriptions, goals, and policies apply to Briceland Road:

The northern three quarters (approximately 7.5 miles) of the Lost Coast is in public ownership or is proposed for acquisition by the Department of Parks and Recreation.

Sinkyone Wilderness State Park; Usal Ranch Project: Except for a part of the Bureau of Land Management's King Range National Conservation Area (Chemise Mountain Primitive Area) extending south from Humboldt County, most of the coastal zone north of Bear Harbor is Sinkyone Wilderness State Park. No management plan has been prepared by [California Department of Parks & Recreation or] DPR, and no developed campsites exist. The Usal Ranch Project, extending from the Sinkyone Wilderness State Park boundary to a mile south of Usal Creek, is not a part of DPR's officially funded acquisition program. ... Lost Coast residents who have commented on plan proposals for their area strongly favor preservation of wilderness, and most wish to restrict motor vehicle access in Sinkyone State Park within the coastal zone.

Coastal Element Policies: Sinkyone Wilderness State Park and the Proposed Usal Ranch project

- 4.1-1 A management plan for the Sinkyone Wilderness State Park and for the proposed Usal Ranch project shall maintain a wilderness recreational experience wherever appropriate. A low-impact recreational experience shall be provided in other areas not adaptable for the wilderness recreational experience. The management plan shall include provisions for improved trails, camp areas and interpretive center, as well as protection and enhancement of anadromous streams, seal haul out areas, wetlands, old growth redwood stands and archaeological resources. The Management Plan and provisions for coastal trail access shall be coordinated with the Humboldt County Local Coast Plan and with the Management Plan adopted by the Bureau of Land Management. The plan shall include suitable access for elderly and handicapped persons to the interpretive center proposed for Needle Rock House. Hiking and designated equestrian trails shall be situated in a manner which will be least disruptive to the environment. Vehicles shall be restricted to designated roads and parking areas.
- 4.1-2 In the event that federal lands within this segment of the coastal zone are transferred to state ownership, the local coastal plan indicates on the land use maps that those lands which are presently administered by the Bureau of Land Management as part of the King Range National Conservation Area should be transferred to the California Department of Parks & Recreation. These lands should be included within the boundaries of the Sinkyone Wilderness State Park and should be managed by DPR according to state park wilderness area standards. A hiking trail should be developed, located generally in the area delineated on the Land Use Map. It should extend from the Humboldt County line southward beyond the southern limits of the State Park and along the Usal Road to State Highway 1.
- 4.1-3 The Board of Supervisors or appropriate entity should continue to negotiate for a trail from Humboldt County line southward to connect with other trails within the Coastal Zone.

Designated Access Points, Trails, and Recreation Areas: Policies for all access points, trails, and recreation areas are in Section 3.6 and 3.7. Policies specific to locations in this planning area are listed below in geographic order from north to south. Each access point (other than fee access where designated) will need to be acquired by acceptance of an offer of dedication or by purchase by an appropriate public agency or private organization as described in Section 3.6.

Briceland Road

Location: County Road 435 from Four Corners to (north of) Bear Harbor paralleling the coast through Sinkyone Wilderness State Park.

Characteristics: Approximately six miles of County maintained road, suitable for hikers and equestrians. Potential trails connect to shoreline.

Existing Development: unpaved.

Potential Development: Complete to Bear Harbor.

Briceland Road is designated as an existing coastal access route and provides road access to Needle House Rock (See attached LCP Land Use Map 2: Bear Harbor). Repair of the damaged road will directly support the County's goals described in Coastal Element Chapter 4.1. Additional information about the County's Coastal Element Chapter 3.6 and 3.7 goals and policies are described with further detail below (See report sections SHORELINE ACCESS & TRAIL/BIKEWAY SYSTEM and RECREATION & VISITOR SERVING FACILITIES).

GRADING, EROSION, AND RUN OFF: The approving authority shall review all permit applications for coastal developments to determine the extent of project related impacts due to grading, erosion and runoff and determine the extent to which MCC Chapter 20.492 standards should apply to specific projects. As the proposed project is to repair road damage associated with winter erosion, staff recommends conditions requiring the applicant to adhere to the grading, erosion, sedimentation, and runoff standards as specified in the Mendocino County Coastal Zoning Code. As conditioned, the project would satisfy MCC Chapter 20.492 requirements (See recommended Conditions 10, 11, 12, and 13).

<u>HABITATS AND NATURAL RESOURCES</u>: The *LCP Habitat & Resources* map depicts the area adjacent to the project as coastal woodland forests with limited areas of coastal prairie grasslands. Portions of the road repair will occur within the environmentally sensitive habitat area (ESHA), ESHA buffers, or Other Resource Areas, such as the Sinkyone Wilderness State Park.

- Pursuant to MCC Section 20.496.050(A), other designated resource areas include State parks and reserves, special treatment areas, areas of special biological importance, and others.
- Pursuant to MCC Section 20.496.050 (B) "Development of Resource Areas. Any development within
 designated resource areas shall be reviewed and established in accord with conditions which could
 allow some development under mitigating conditions but which assures the continued protection of the
 resource area." The continued protection of the resource area is discussed below.

As a part of the project will include replacing a culvert that directs water under Briceland Road, the applicant has applied to California Department of Fish & Wildlife (CDFW), and they have approved, a Streambed Alteration Agreement (SAA) to replace and up-size the culvert crossing under Briceland Road. As CDFW staff visited the site in March prior to approving the Streambed Alteration Agreement #EPIMS-MEN-16590-R1C, an on-site inspection of the project site was completed this year. (Coastal Commission staff declined participating in the site visit due to Public Health Orders in place at that time.) As a request to reduce the ESHA buffer width has not been filed; MCC Section 20.496.020(A)(1) establishes a minimum buffer width – 100 feet – from presumed riparian, stream, and wetland ESHA. As described below, the proposed project is permissible within ESHA buffers.

• Pursuant with MCC Sec. 20.496.020(A)(4)(e), development is permitted 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 the development under this solution. This is also supported by Coastal Element Policy 3.1-7(3).

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT

- Pursuant with MCC Sec. 20.496.025(A)(7), development within wetlands is limited to incidental public service purposes that temporarily impact the resource, among other things. Under the SSA, repairs to the public road and culvert may impact resources and measures are required by the SSA to reduce the effect of the impacts.
- Pursuant with MCC Sec. 20.496.035(B)(2), development is similarly permitted within riparian corridors and other riparian resource areas when no other feasible, less environmentally sensitive alternative exists. And MCC Sec. 20.496.035(A)(2) specifically authorizes road and trial crossings in riparian corridors and other riparian resource areas when no less feasible environmentally damaging alternative route is feasible.

As this is a repair to an existing road and coastal access way located in a remote area of the County, it would not be feasible to relocate the road, or desirable to discontinue the shoreline access provided by Briceland Road.

In review of CDFW's Streambed Alteration Agreement, staff finds the SAA measures to protect fish and wildlife resources are similar to frequently adopted requirements of the Coastal Permit Administrator (See attached). The SSA measures are intended to reduce unanticipated development effects for projects near sensitive habitat areas. As proposed, staff recommends a condition requiring the applicant to adhere to the Streambed Alteration Agreement and its specified measures to protect fish and wildlife resources: administrative measures, and avoidance and minimization measures (See recommended Condition 14).

As conditioned, the project complies MCC Chapter 20.496 regulations, measures are in place to protect the habitat values, the proposed work is permitted within ESHA buffers, and CDFW has agreed to the extent of on-site ESHA (as evidenced by their agreement #EPIMS-MEN-16590-R1C, attached). As proposed, the project supports Coastal Element Policies 3.1-2, 3.1-7 and 3.1-12.

<u>HAZARD MANAGEMENT</u>: *LCP Land Capabilities & Natural Hazards* map identifies that the area near the project site is subject to seismic hazards (Marine Terrace Deposits Strong Shaking, Zone 2). The lands adjacent to the project are mapped as "Very High Fire Hazard" and "High Fire Hazard" areas. The project site is not identified with geologic hazards or flood, even though the road damage is associates with erosion following 2019 winter storms.

As proposed, the project is intended to minimize risk to life and property from fire, faults, landslide, erosion, fire, and flood hazards. The Department of Transportation proposes a road repair project, including upsizing the culverts, to assure the structural integrity and stability of the Briceland Road, a County road. The project is not intended to create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding areas, nor in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs (as bluffs and cliffs are not associated with the project site). As proposed, the project would satisfy MCC Chapter 20.500 implementation measures of Coastal Element Chapter 3.4 hazard management policies.

<u>VISUAL RESOURCES</u>, <u>SPECIAL COMMUNITIES & ARCHAEOLOGICAL RESOURCES</u>: The project site is not mapped as a Highly Scenic Area; therefore, the applicability of MCC Chapter 20.504 is limited to Sections 20.504.025 *Special Treatment Areas* and 20.504.035 *Exterior Lighting Regulations*.

Sec. 20.504.025 reads in part "...Special Treatment Area buffer zones were also located adjacent to all publicly owned preserves and recreation areas, including national, State, regional, county and municipal parks. These buffer zones include those forested areas within the Coastal Zone within two hundred (200) feet of all such publicly owned preserves and recreation areas."

The project scope is limited to repairing an existing public road and replacing a culvert. Briceland Road, including the project location, traverses through the Sinkyone Wilderness State Park. While the project site is located within a Special Treatment Area and a 200-foot buffer from State Parks, the repair to the County

road (and the associated Briceland Road Coastal Trail) should be completed without removal of trees. It is the intent of the timber harvesting regulations within the Special Treatment Areas to minimize the visual effect of timber harvesting in order to protect the area's special scenic and natural qualities; as proposed the project would not impact the area's special scenic and natural qualities; and harvesting timber is not a part of the proposed project.

Similar to most other projects in the Coastal Zone, staff recommends limiting permanent exterior lighting in accord with MCC Section 20.504.035 requirements; this is further supported by the Streambed Alteration Agreement specified measures (see attached). Mendocino Coastal Zoning Code limits light intrusion and specifies exterior lighting requirements; for example, "no lights shall be installed so that they distract motorists". As previously recommended, staff suggests a condition requiring the applicant to follow the conditions of the Streambed Alteration Agreement including night time lighting requirements. Additionally, no permanent light standard shall be erected in a manner that exceeds either the 28-foot height limit or the height of the closest building, whichever is the lesser and all lights shall be shielded or positioned in a manner that will not shine light, or allow glare, to intrude into the land adjacent to the road (See recommended Condition 15).

On September 20, 2021, PBS requested comments from the Northwest Information Center (NWIC), at Sonoma State University. A response was received on September 30, with a recommendation to complete archival and field surveys of this remote site. The project was heard by Mendocino County's Archaeological Commission at their October 13, 2021 meeting. The project was approved by the Commission without the requirement for a survey and the Discovery Clause was adopted at the recommended condition (See recommended Condition 8).

As conditioned, the proposed project would satisfy Special Treatment Area, exterior lighting requirements as specified by MCC Chapter 20.504, and County goals regarding the protection of cultural resources.

TRANSPORTATION, UTILITES & PUBLIC SERVICES: Information from the State Route 1 Highway Corridor Study does not encompass Briceland Road or its intersection with US Route 101. As proposed and after the project is completed, the County Road will not require access to utilities and public services.

Coastal Element Chapter 3.8 policies and MCC Chapter 20.516 *Transportation, Utilities and Public Services* applies to all new development and, in particular, development which requires the expansion or extension of public works or private facilities. The project location is mapped as a "Critical Water Resource Area." On September 20, 2021, comments were requested from County Department of Transportation and the Division of Environmental Health; staff replied that they have no comment at this time. The proposed repair to a County Road will not include use of local sewer or water service, nor are there on-site wells, septage, nor leach fields associated with the project. Staff notes that Coastal Element Chapter 3.8 policies and MCC Chapter 20.516 are not applicable in this case.

The 1982 Coastal Ground Water Study recommends implementing six water conservation measures. As of June 22, 2021, the Board of Supervisors directed staff to consider water use associated with development, staff reviewed the recommended conservation measures and suggest that three are appropriate to this project (See recommended Condition 16).

SHORELINE ACCESS & TRAIL/BIKEWAY SYSTEM: Coastal Element Chapter 3.6 policies and MCC Chapter 20.528 Coastal Access Regulations and Open Space Easements applies to all projects in the coastal zone which fall within the definition of development. Public access to the shore is contiguous with Briceland Road (CR 435), as shown on LCP Map 2: Bear Harbor, and as listed in Coastal Element Appendix 13. Table 3.6-1 Summary of Designated Coastal Access Points and Trail System lists the Briceland Road Coastal Trail. It is six miles of County road suitable for hikers and equestrian use. The trail connects to the shore; and it connects Four Corners to the north of Bear Harbor and then parallels the coast through the Sinkyone Wilderness State Park. Other trails nearby include Whale Gulch Shoreline, Bear Harbor Shoreline, Jackass Creek Shoreline, Little Jackass Creek Shoreline, Usal Creek Shoreline, Usal Road Coastal Trail, and Lost Coast Trails. As proposed the project satisfies Coastal Element Chapter 3.6 goals and policies and the regulations included in MCC Chapter 20.528 as the project will repair a section of

Briceland Road that is a part of the County's coastal access trail system.

RECREATION & VISITOR SERVING FACILITIES: Coastal Element Chapter 3.7 goals and policies mostly relate to visitor facilities and do not specifically mention camping on State Park lands, like the Sinkyone Wilderness State Park. *Land Use Map 2: Bear Harbor* identifies a campground area north and west of the project site (see attached). The state park web page states that tent camping is allowed and campsites are available for use. As proposed, the project is not in conflict with recreation and visitor serving facility goals and policies, as listed in Chapter 3.7.

ENVIRONMENTAL DETERMINATION

The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 2, Section 15302; which includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

RECOMMENDED FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, the Coastal Permit Administrator approves the proposed repairs to Briceland Road (and Briceland Road Access Trail) and adopts the following findings and conditions:

RECOMMENDED FINDINGS:

- 1. Pursuant with MCC Section 20.532.095(A)(1), the proposed repairs to Briceland Road is in conformity with the certified Local Coastal Program including Coastal Element Policy 3.1-12 (which limits vehicle access in riparian and wetland areas to existing roads) and Coastal Element Policy 3.6-4 (which encourages the County to clean and maintain access ways open to public use), as the road repairs will restore an existing coastal access trail, Briceland Road Coastal Trail and County Road 435; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), as conditioned the proposed roadway repairs are designed to include adequate drainage and the existing culvert will be replaced with a similar culvert of larger diameter and more durable material; and
- 3. Pursuant with MCC Section 20.532.095(A)(3) and noting that rights-of-way are not classified or assigned zoning districts, as proposed the project provides access to Needle House Rock and coastal access trails, including Briceland Road Coastal Trail, which is the intent of the Open Space classification of adjacent lands in the Coastal Zone; the project satisfies the requirements of all other provisions of Division II; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development will not have any significant adverse impacts on the environment and a Categorical Exemption for replacement or reconstruction of existing structures and facilities where Briceland roadway will be located on the same site as the replaced roadway and will have substantially the same purpose and capacity as the replaced roadway pursuant to Section 15302 of the Guidelines for California Environmental Quality Act; and
- 5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development will not have any adverse impacts on any known archaeological or paleontological resource and the Archaeological Commission considered the project at their October 17, 2021 meeting and a standard condition advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities; and

- 6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, public roadway capacity and coastal trail access have been considered and are adequate to serve the proposed development and conditions require the project to observe water conservation measures where and when possible; and
- 7. Pursuant with MCC Section 20.532.095(B)(1), the proposed development is in conformity with public access policies, including Chapter 20.528 Coastal Access Regulations and Open Space Easements; LCP Map 2 Bear Harbor and Coastal Element Appendix 13, which identify Briceland Road as a coastal access route located in the Sinkyone Wilderness State Park; and
- 8. Pursuant with MCC Section 20.532.100(A)(1), the proposed development conforms to Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* regulations as a 100-foot buffer is established and the proposed work is permissible within ESHA buffers; Coastal Element Policy 3.1-12 encourages limiting vehicle access to roadways; and there is no feasible alternative location to repair the existing roadway.

RECOMMENDED CONDITIONS:

- 1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Coastal Zoning Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit have been initiated prior to its expiration.
- 2. 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.
- 3. 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 Coastal Permit Administrator.
- 4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
- 5. The property owners 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.
- 6. 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.
- 7. 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.

- 8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within one hundred (100) 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.
- 9. Conditions approving CDP 2021-0005 shall be attached to any building permit application and shall be a part of on-site construction drawings.
- 10. <u>Grading Standards</u>: All project associated grading shall demonstrate compliance with **MCC Sec. 20.492.010**, including the following:
 - Grading shall not significantly disrupt natural drainage patterns and shall not significantly increase volumes of surface runoff unless adequate measures are taken to provide for the increase in surface runoff.
 - b. Development shall be planned to fit the topography, soils, geology, hydrology, and other conditions existing on the site so that grading is kept to an absolute minimum.
 - c. Essential grading shall complement the natural land forms. At the intersection of a manufactured cut or fill slope and a natural slope, a gradual transition or rounding of contours shall be provided.
 - d. The cut face of earth excavations and fills shall not be steeper than the safe angle of repose for materials encountered. Where consistent with the recommendations of a soils engineer or engineering geologist, a variety of slope ratios shall be applied to any cut or fill slope in excess of two hundred, (200) feet in length or ten (10) feet in height. For individually developed lots, a variety of slope ratios shall be applied to all cut or fill slopes when a building pad area exceeds four thousand five hundred (4,500) square feet, or when the total graded area of the lot exceeds nine thousand (9,000) square feet. The steepest permissible slope ratio shall be two to one (2:1), corresponding to a fifty (50) percent slope.
 - e. The permanently exposed faces of earth cuts and fills shall be stabilized and re-vegetated, or otherwise protected from erosion.
 - f. Adjoining property shall be protected from excavation and filling operations and potential soil erosion
 - g. The area of soil to be disturbed at any one time and the duration of its exposure shall be limited. Erosion and sediment control measures shall be installed as soon as possible following the disturbance of the soils. Construction equipment shall be limited to the actual area to be disturbed according to the approved development plans.
- 11. <u>Erosion Standards</u>: All project associated grading shall demonstrate compliance with **MCC Sec. 20.492.015** erosion standards, including the following:
 - The erosion rate shall not exceed the natural or existing level before development.
 - b. Existing vegetation shall be maintained on the construction site to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.
 - c. Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; mulches may be used to cover ground areas temporarily. In environmentally sensitive habitat

areas, the re-vegetation shall be achieved with native vegetation. In buffer areas adjacent to environmentally sensitive habitats, non-native vegetation may be used provided that it is non-invasive and would not adversely affect the environmentally sensitive habitat area.

- d. Mechanical or vegetative techniques to control erosion may be used where possible or necessary providing that they are fully discussed in the approved development plan (e.g. shown on the adopted site plan).
- e. To control erosion, development shall not be allowed on slopes over thirty (30) percent unless adequate evidence from a registered civil engineer or recognized authority is given that no increase in erosion will occur.
- f. Development of sites that will result in road cuts, which pose a hazard and/or which create the potential for uncontrollable problems and adverse impacts from erosion and sedimentation, shall not be allowed. Alternative road routes may be required for projects. Where possible, roads in hilly areas should follow ridge tops to avoid extensive cuts and fills
- g. Erosion control devices shall be installed in coordination with clearing, grubbing, and grading of downstream construction; the plan shall describe the location and timing for the installation of such devices and shall describe the parties responsible for repair and maintenance of such devices.
- 12. <u>Sedimentation Standards</u>: Applications to grade, including constructing foundation or installing septage and leach fields, shall demonstrate compliance with **MCC Sec. 20.492.020** sedimentation standards, including following:
 - a. Sediment basins (e.g., debris basins, de-silting basins, or silt traps) shall be installed in conjunction with initial grading operations and maintained through the development/construction process to remove sediment from runoff wastes that may drain from land undergoing development to environmentally sensitive areas.
 - b. To prevent sedimentation of off-site areas, vegetation shall be maintained to the maximum extent possible on the development site. Where necessarily removed during construction, native vegetation shall be replanted to help control sedimentation.
 - c. Temporary mechanical means of controlling sedimentation, such as hay baling or temporary berms around the site, may be used as part of an overall grading plan, subject to the approval of the Coastal Permit Administrator.
 - d. Design of sedimentation control devices shall be coordinated with runoff control structure to provide the most protection.
 - e. The grading plan when required shall set forth a schedule for the construction and maintenance of any structure to be developed under MCC Sec. 20.492.020 and shall include a statement designating who shall be responsible for the long-term management of the devices.
- 13. <u>Runoff Standards</u>: All project associated grading shall demonstrate compliance with **MCC Sec. 20.492.025** runoff standards, including the following:
 - a. Water flows in excess of natural flows resulting from project development shall be mitigated.
 - b. If the Coastal Permit Administrator determines that a project site is too small or engineering, aesthetic and economic factors make combined drainage facilities more practical for construction by the County, the County may require a fee and dedication of land, which the County shall use to construct these facilities. The County may allow several developers to jointly construct facilities to approved County specifications.

- c. The acceptability of alternative methods of storm water retention shall be based on appropriate engineering studies. Control methods to regulate the rate of storm water discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage and oversized storm drains with restricted outlets or energy dissipaters.
- d. Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In other situations, planted trees and vegetation such as shrubs and permanent ground cover shall be maintained by the owner.
- e. Provisions shall be made to infiltrate and/or safely conduct surface water to storm drains or suitable watercourses and to prevent surface runoff from damaging faces of cut and fill slopes.
- f. Adequate maintenance of common and public retention basins or ponds shall be assured through the use of performance bonds or other financial mechanisms.
- g. Subsurface drainage devices shall be provided in areas having a high-water table and to intercept seepage that would adversely affect slope stability, building foundations, or create undesirable wetness.
- h. A combination of storage and controlled release of storm water runoff shall be required for all development and construction that drains into wetlands.
- i. The release rate of storm water from all developments that drains into wetlands shall not exceed the rate of storm water runoff from the area in its natural or undeveloped state for all intensities and durations of rainfall. The carrying capacity of the channel directly downstream must be considered in determining the amount of the release.
- i. Where coastal development projects within the Gualala Town Plan planning area have the potential to degrade water quality, the approving authority shall require all relevant best management practices to control polluted runoff, as appropriate.
- k. All development that is within, or drains into, an environmentally sensitive habitat, is a commercial or residential subdivision, is a service station or automotive repair facility or that includes commercial development or a parking lot, shall capture and infiltrate or treat, using relevant best management practices, including structural best management practices, all runoff from storms of a magnitude such that the runoff from eighty-five percent (85%) of storms is captured or treated.
- 14. The project shall observe California Department of Fish and Wildlife Streambed Alteration Agreement #EPIMS-MEN-16590-R1C measures to protect fish and wildlife resources: administrative measures and avoidance and minimization measures (as specified).
- 15. In compliance with **MCC Section 20.504.035**, exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the work area or 50 feet from the project site, whichever is less.
- 16. The project may implement the following water conservation measures, as recommended in the 1982 Coastal Groundwater Study:
 - a. All new development shall be required to incorporate proven water conservation technology in the planning and construction of the project.
 - b. Preserve existing natural drainage areas and encourage the incorporation of natural drainage systems in new development. This would include ground water recharge.
 - c. Flood plains and aquifer recharge areas which are the best sites for ground water recharge should

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT

be preserved as open space.

October 27, 2021

DATE

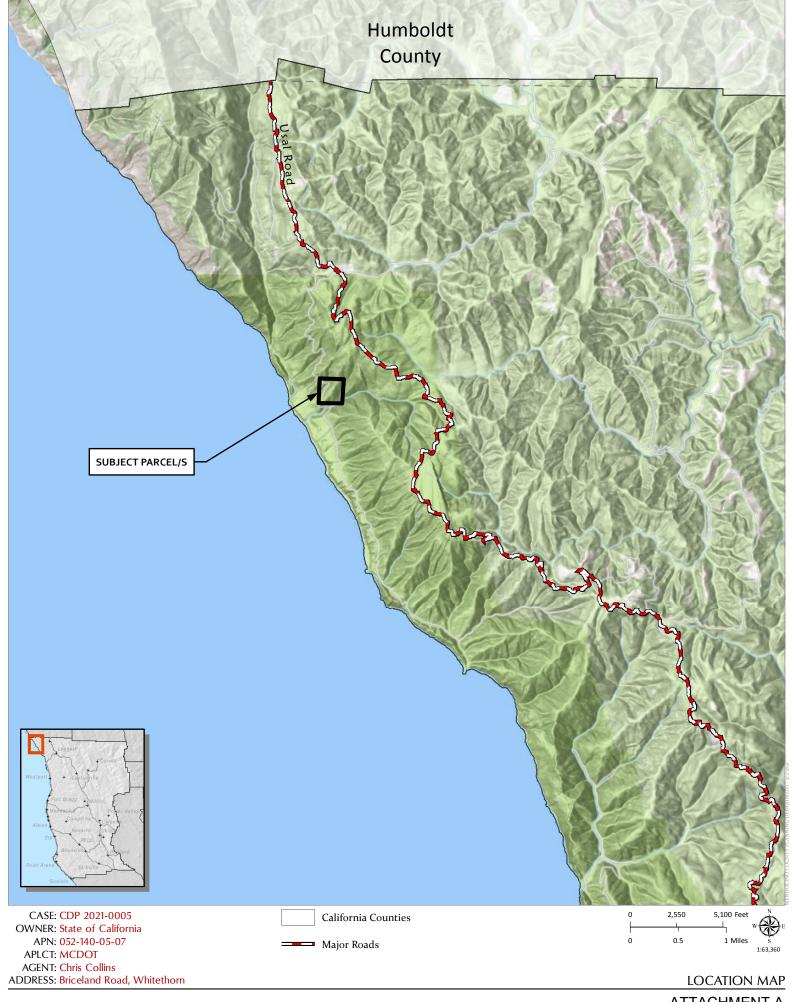
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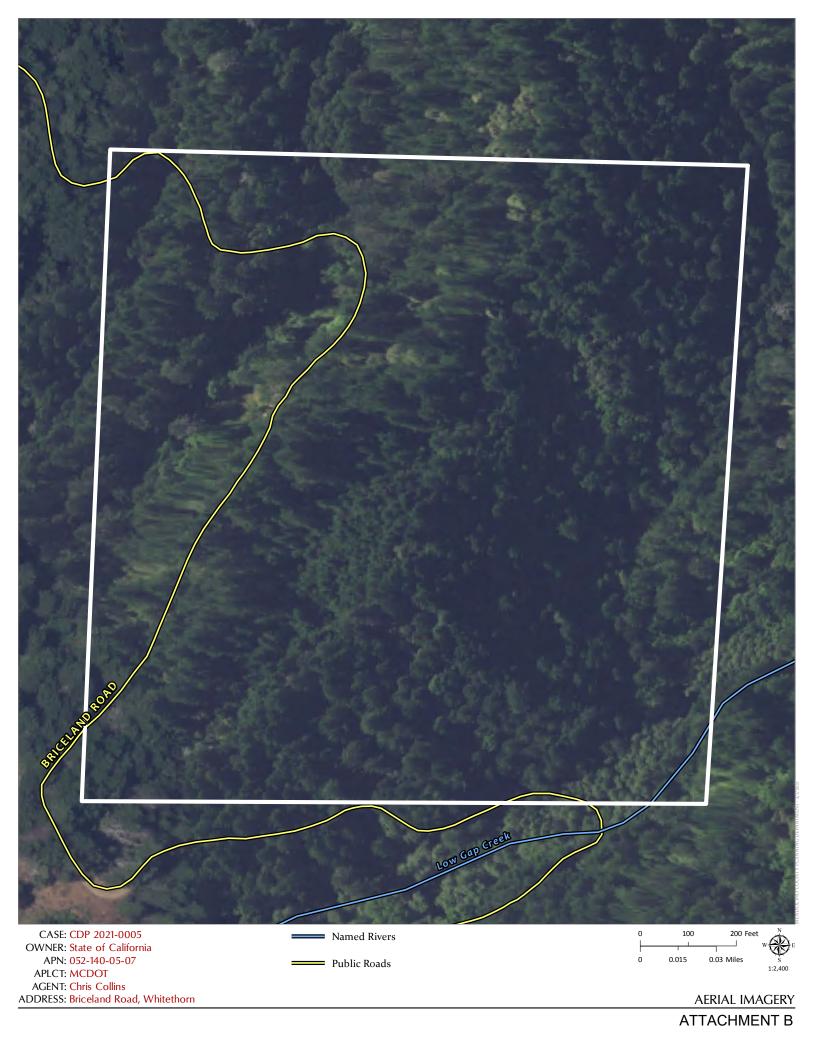
JULIANA CHERRY PLANNER III

ulianavhlherry

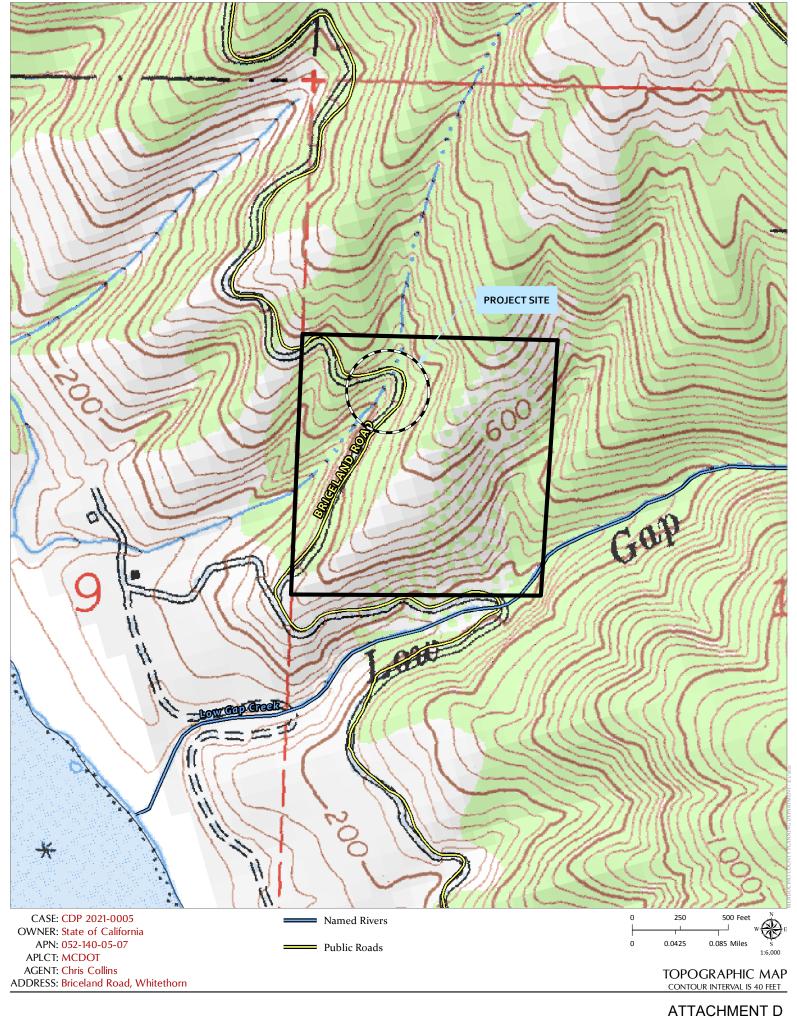
ATTACHMENTS:

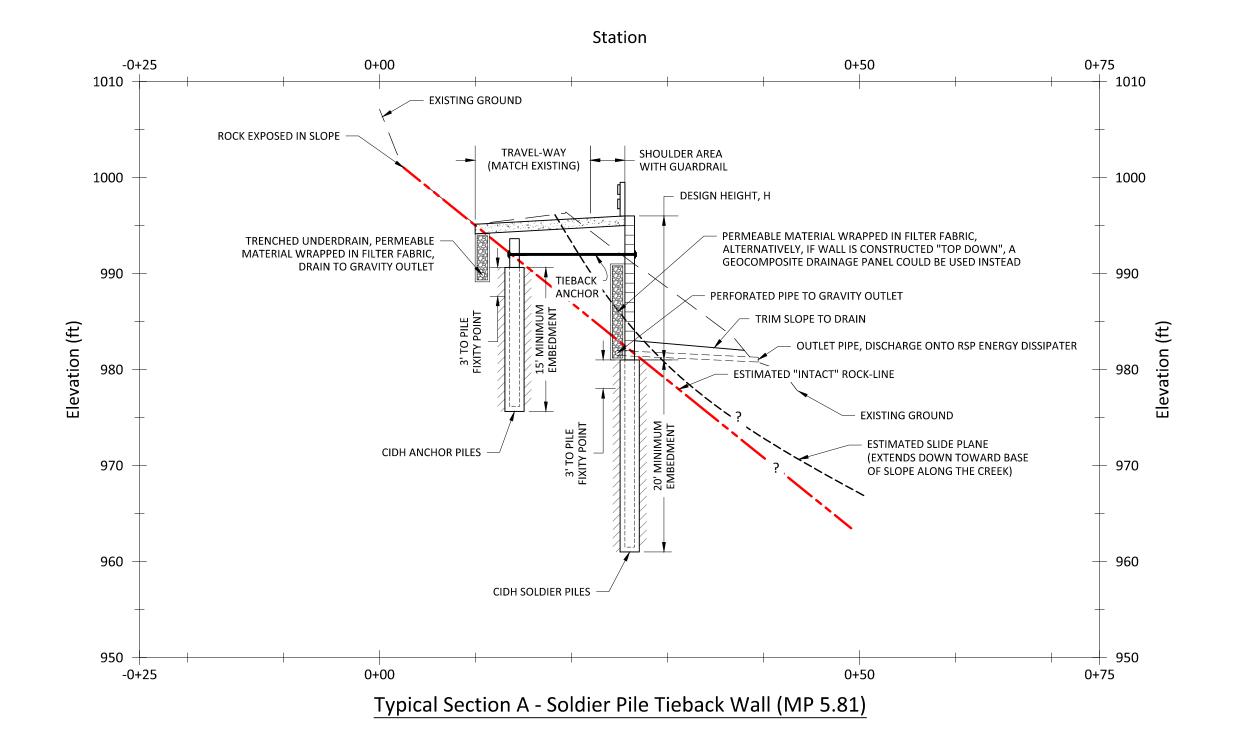
- A. Location Map
- B. Aerial Imagery
- C. Aerial Imagery
- D. Topographical Map
- E. Soldier Pile Wall at Mile Post 5.81
- F. Soldier Pile Wall at Mile Post 6.5
- G. Site Plan
- H. Zoning Display Map
- I. General Plan Classifications
- J. LCP Land Use Map 2: Bear Harbor
- K. LCP Land Capabilities & Natural Hazards
- L. LCP Habitats & Resources
- M. Appealable Areas
- N. Adjacent Parcels
- O. Fire Hazard Zones & Responsibility Areas
- P. Wildland-Urban Interface Zones
- Q. Wetlands
- R. Local Soils
- S. Estimated Slope
- T. Farmland Classifications
- U. Streambed Alteration Agreement #EPIMSMEN-16590-R1C











ATTACHMENT E

Data Sources:

-Topographic Survey provided by MCDOT on 06/15/2020

Preliminary soldier pile wall layout provided by MCDOT on 06/15/2020



GEOTECHNICAL INVESTIGATION BRICELAND ROAD MP 5.81 - 6.20

Figure 5 Typical Section MP 5.81

Prj. No: 19-563.1 Scale: 1" = 10 MENDOCINO COUNTY, CA Date: 07/17/2020

-0+25 0+00 0+50 0+75 980 980 ASSUMED EXISTING GROUND (NO TOPOGRAPHIC SURVEY AVAILABLE FOR THIS AREA) TRAVEL-WAY (MATCH EXISTING) 970 970 SHOULDER AREA WITH GUARDRAIL DESIGN HEIGHT, H PERMEABLE MATERIAL WRAPPED IN FILTER FABRIC, TRENCHED UNDERDRAIN, PERMEABLE ALTERNATIVELY, IF WALL IS CONSTRUCTED "TOP DOWN", 960 960 MATERIAL WRAPPED IN FILTER FABRIC, A GEOCOMPOSITE DRAINAGE PANEL COULD BE UTILIZED DRAIN TO GRAVITY OUTLET PERFORATED PIPE TO GRAVITY OUTLET TIEBACK -TRIM SLOPE TO DRAIN 950 950 Elevation (ft) Elevation (ft) OUTLET PIPE, DISCHARGE ONTO RSP ENERGY DISSIPATER 15' MINIMUM EMBEDMENT 3' TO PILE FIXITY POINT RESIDUAL SOIL BETWEEN THE SLIDE PLANE AND "INTACT" ROCK 940 940 **ESTIMATED SLIDE PLANE** (EXTENDS DOWN TOWARD BASE OF SLOPE ALONG THE CREEK) 3' TO PILE FIXITY POINT **ESTIMATED "INTACT" ROCK-LINE** 930 930 CIDH ANCHOR PILES 920 920 ASSUMED EXISTING GROUND (NO TOPOGRAPHIC SURVEY AVAILABLE FOR THIS AREA) CIDH SOLDIER PILES 910 - 910 0+00 0+50 0+75 -0+25 Typical Section B - Soldier Pile Tieback Wall (MP 6.20)

Station

ATTACHMENT F

Data Sources:

-Topographic Survey provided by MCDOT on 06/15/2020

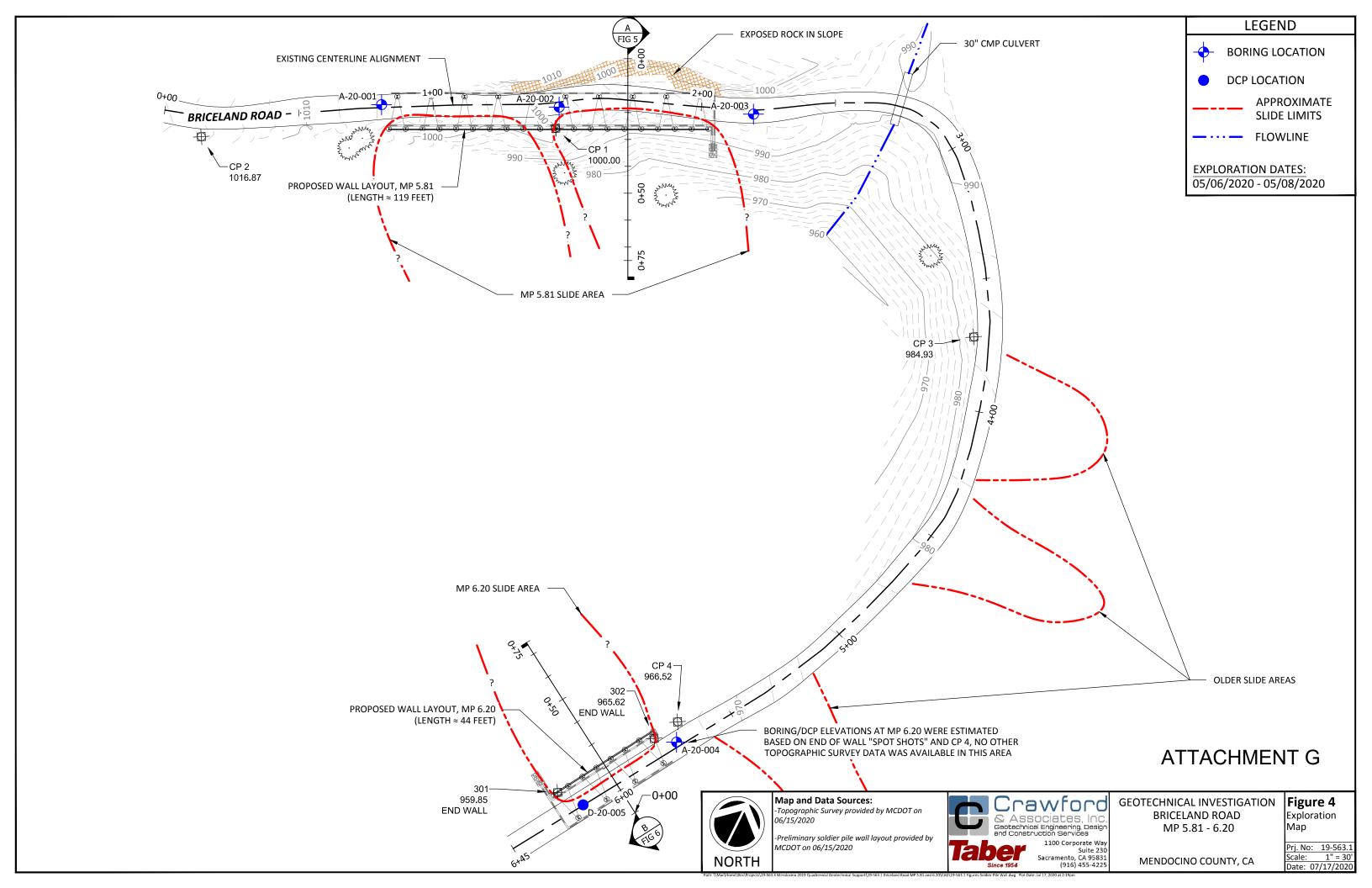
Preliminary soldier pile wall layout provided by MCDOT on 06/15/2020

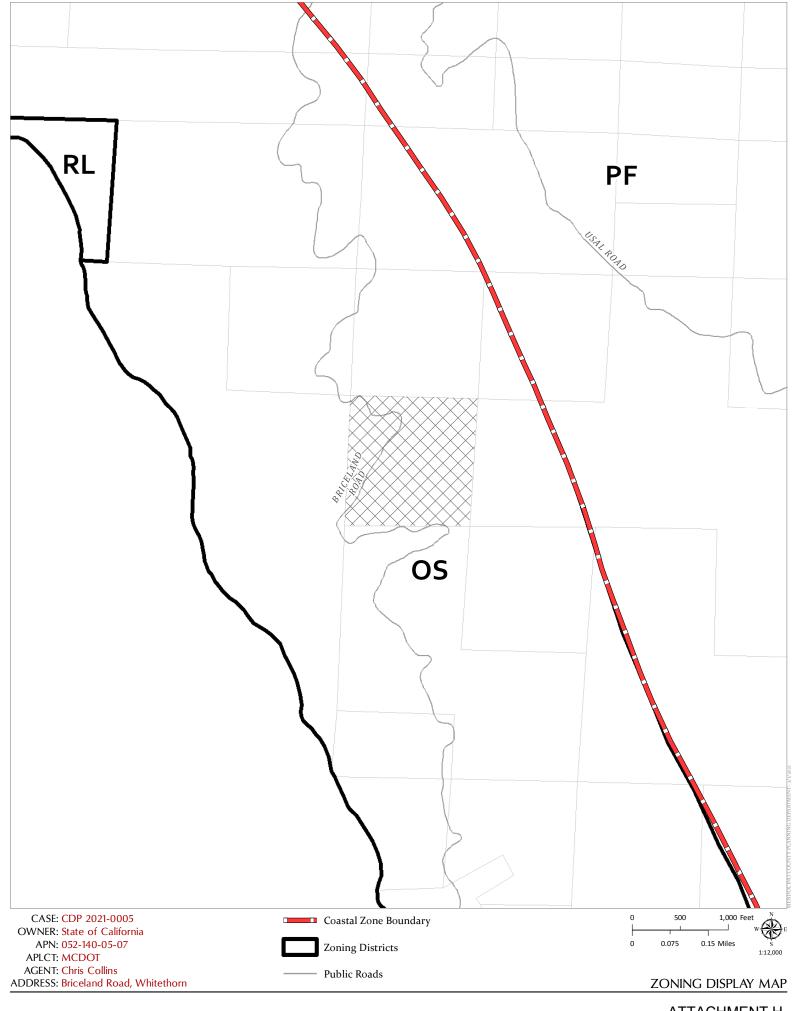


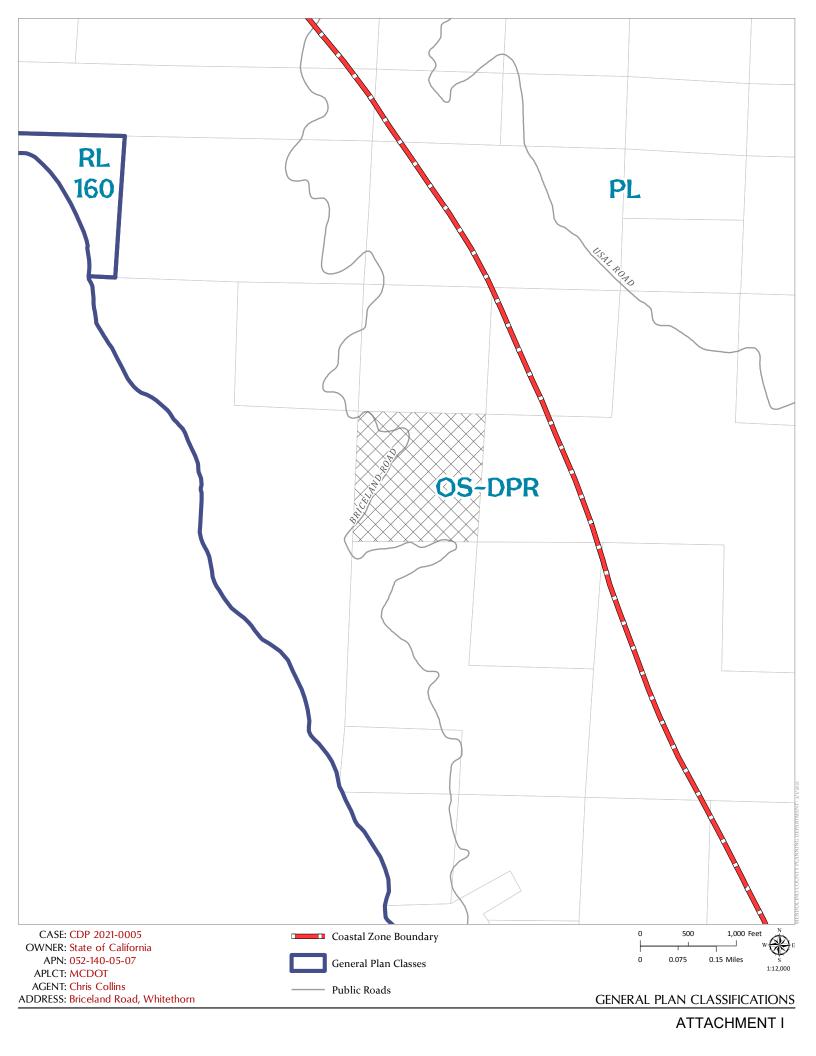
GEOTECHNICAL INVESTIGATION BRICELAND ROAD MP 5.81 - 6.20

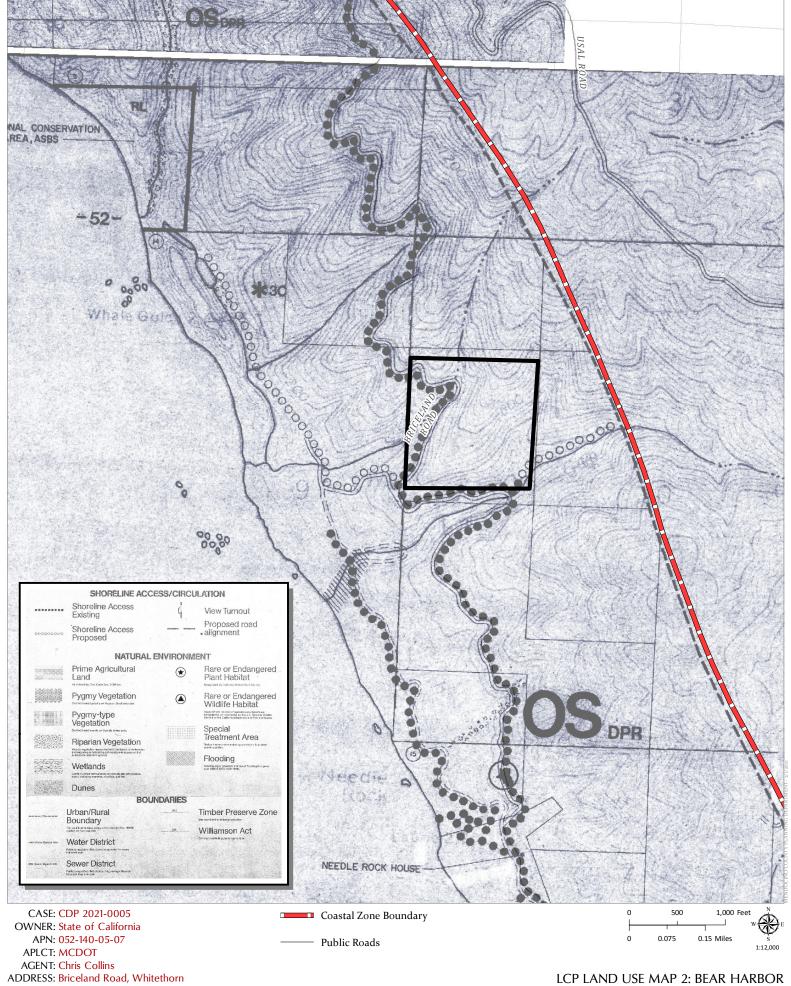
Figure 6 Typical Section MP 6.20

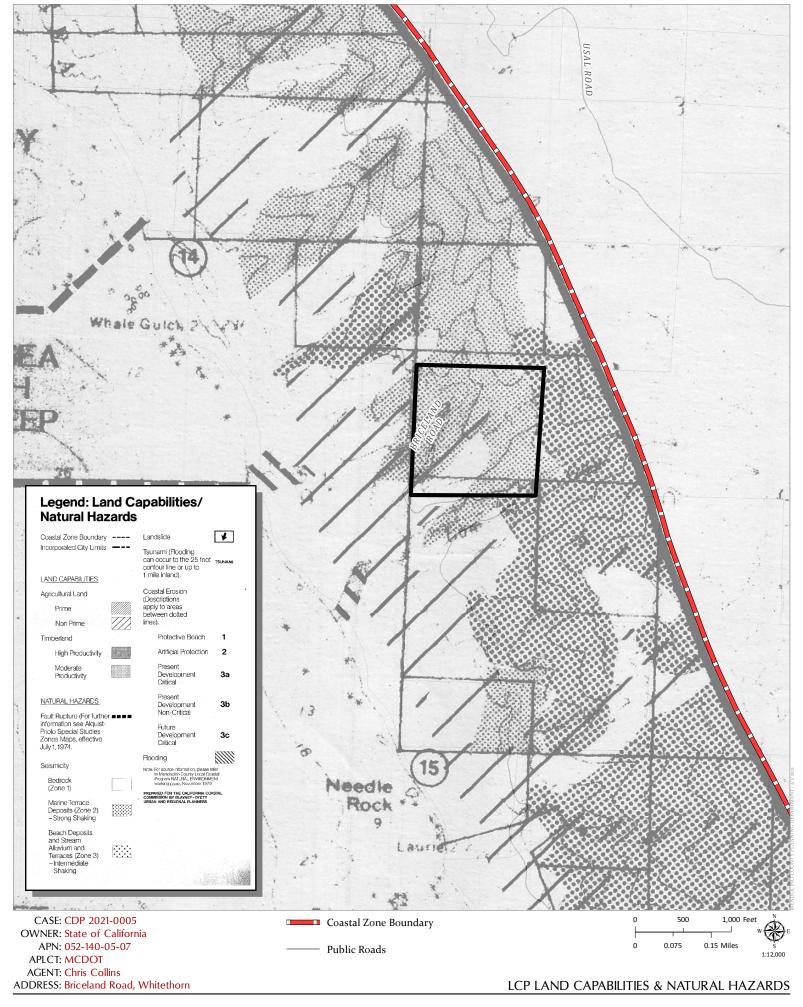
Prj. No: 19-563.1 Scale: 1" = 10 MENDOCINO COUNTY, CA Date: 07/17/2020

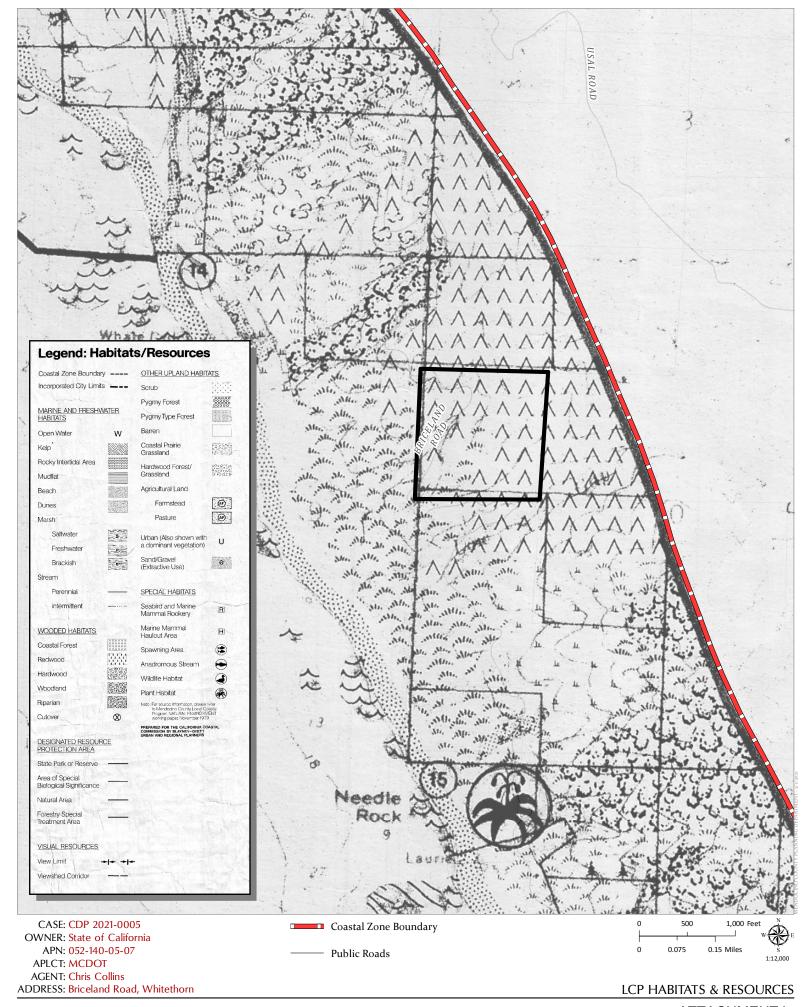


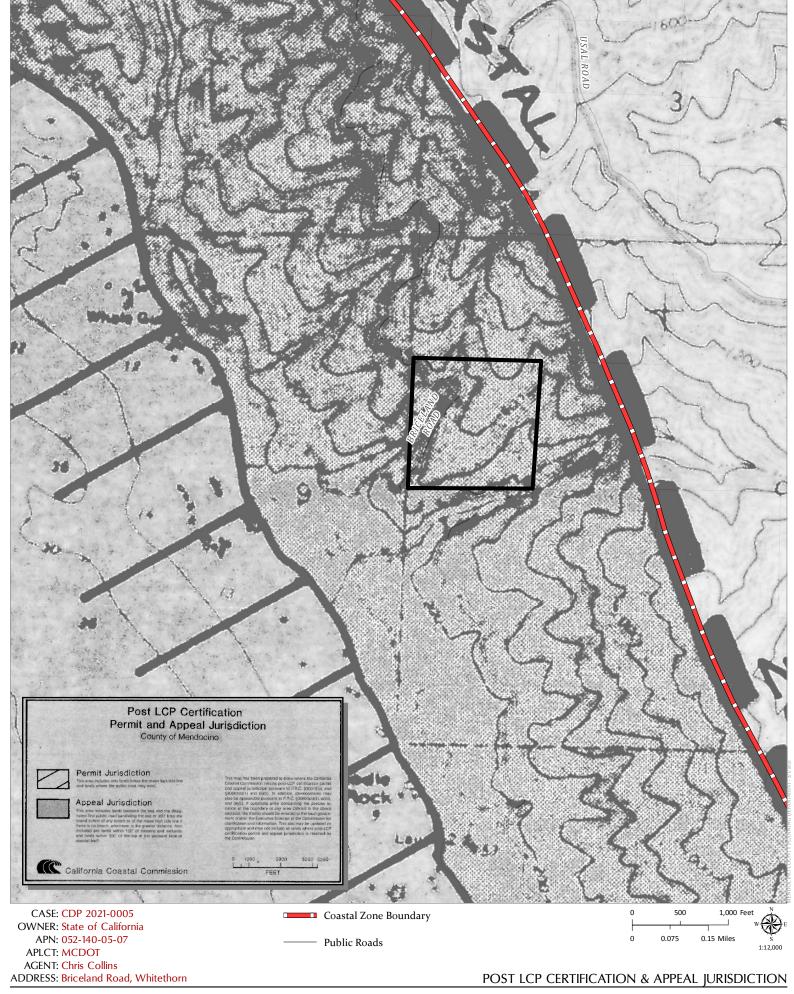




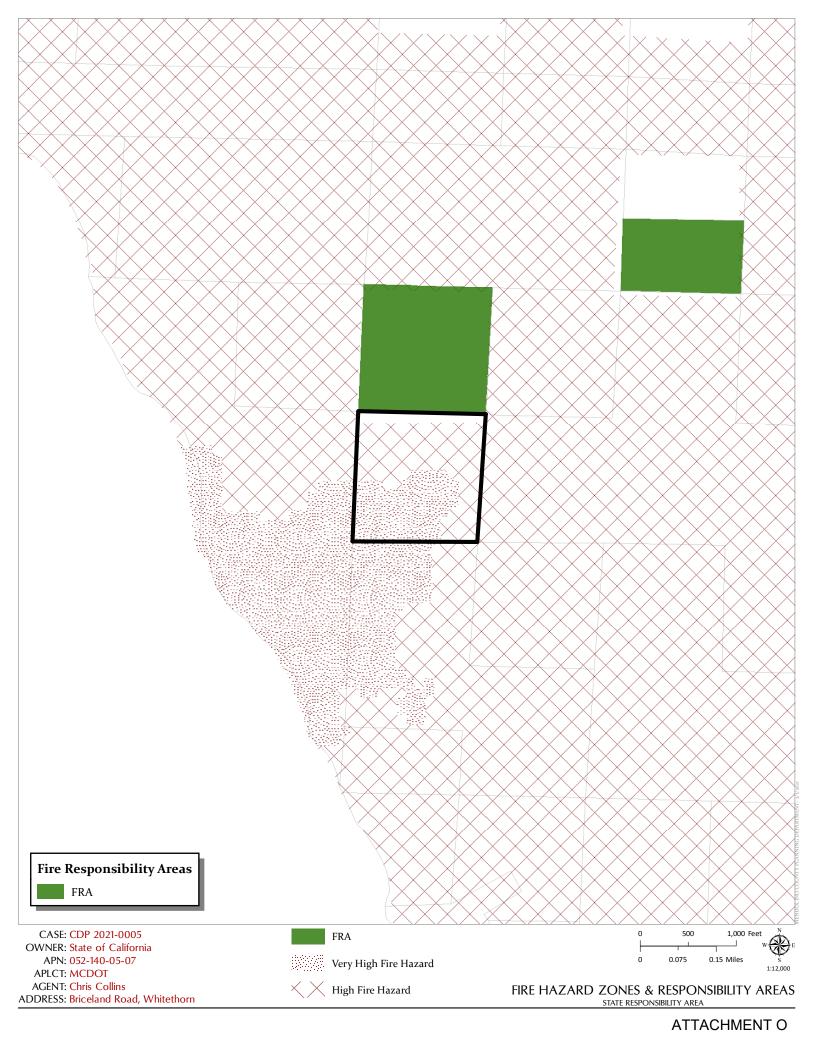


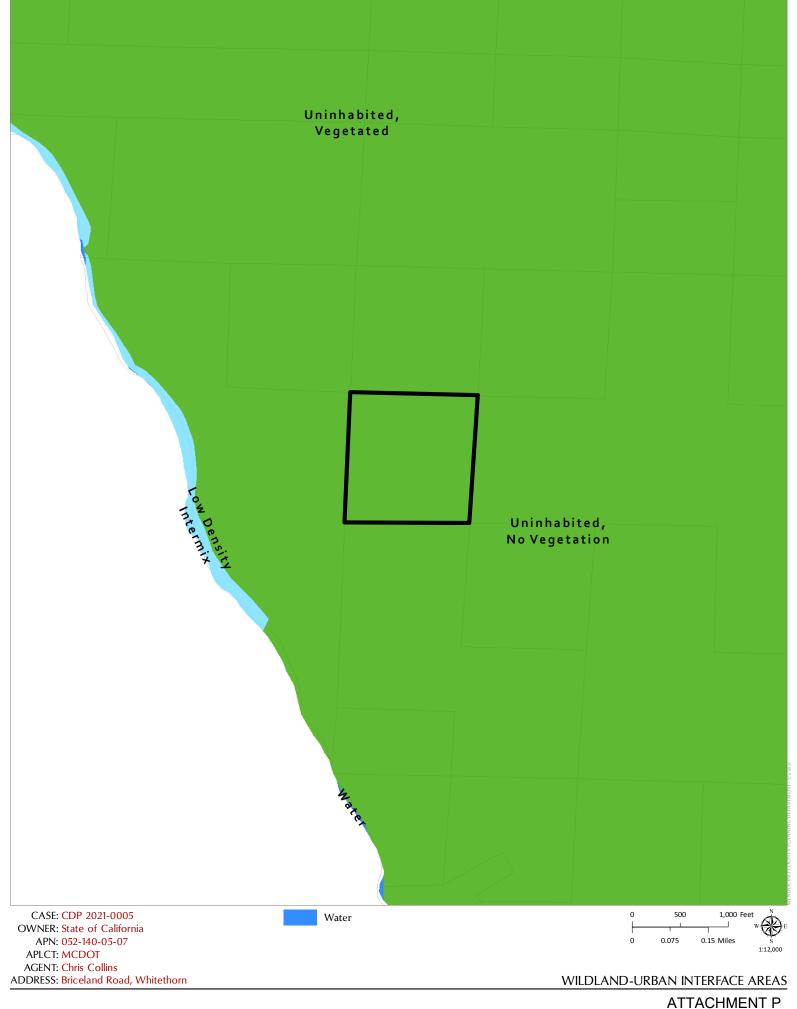


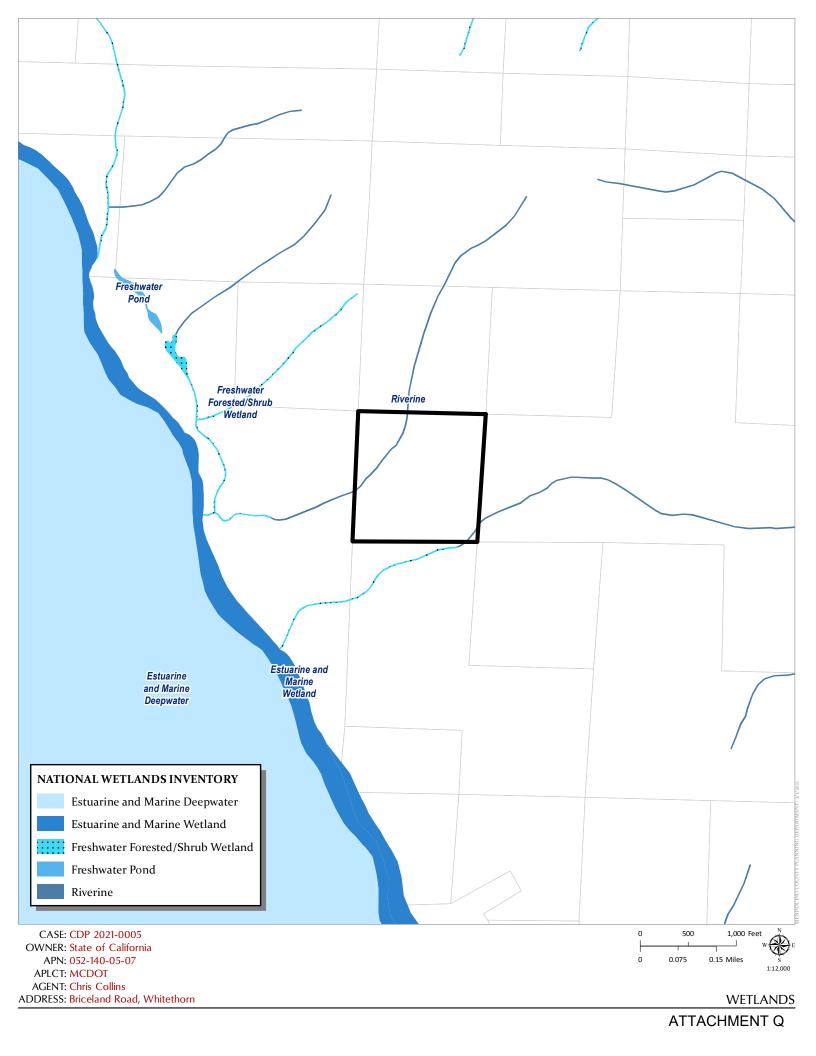


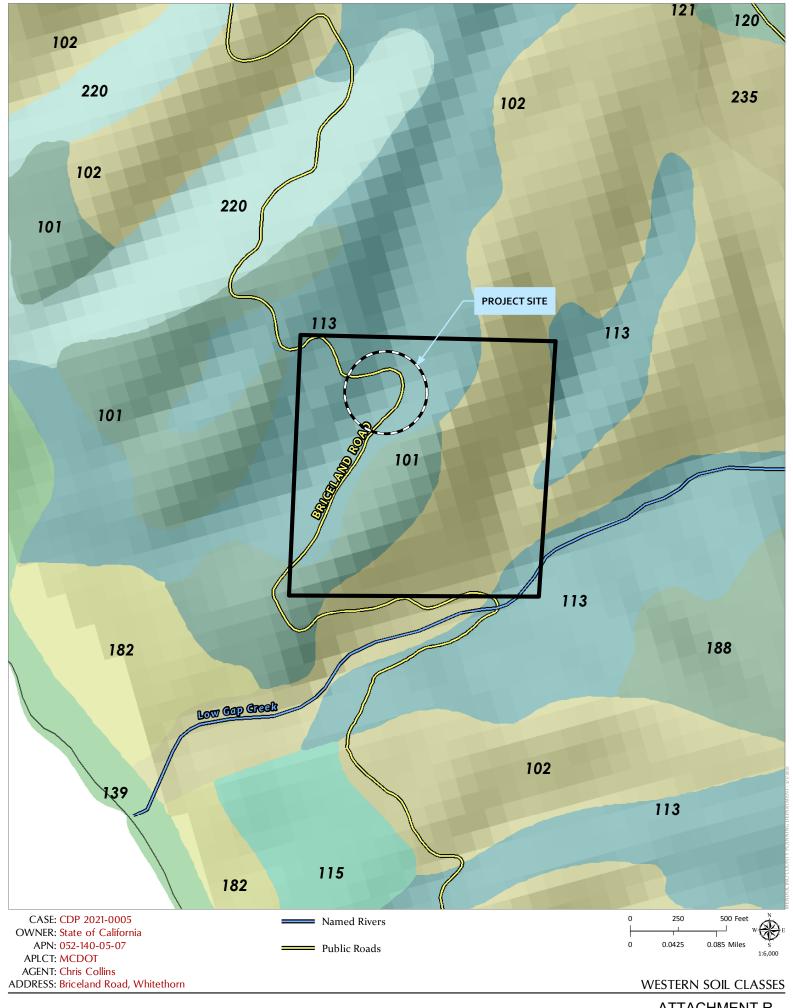


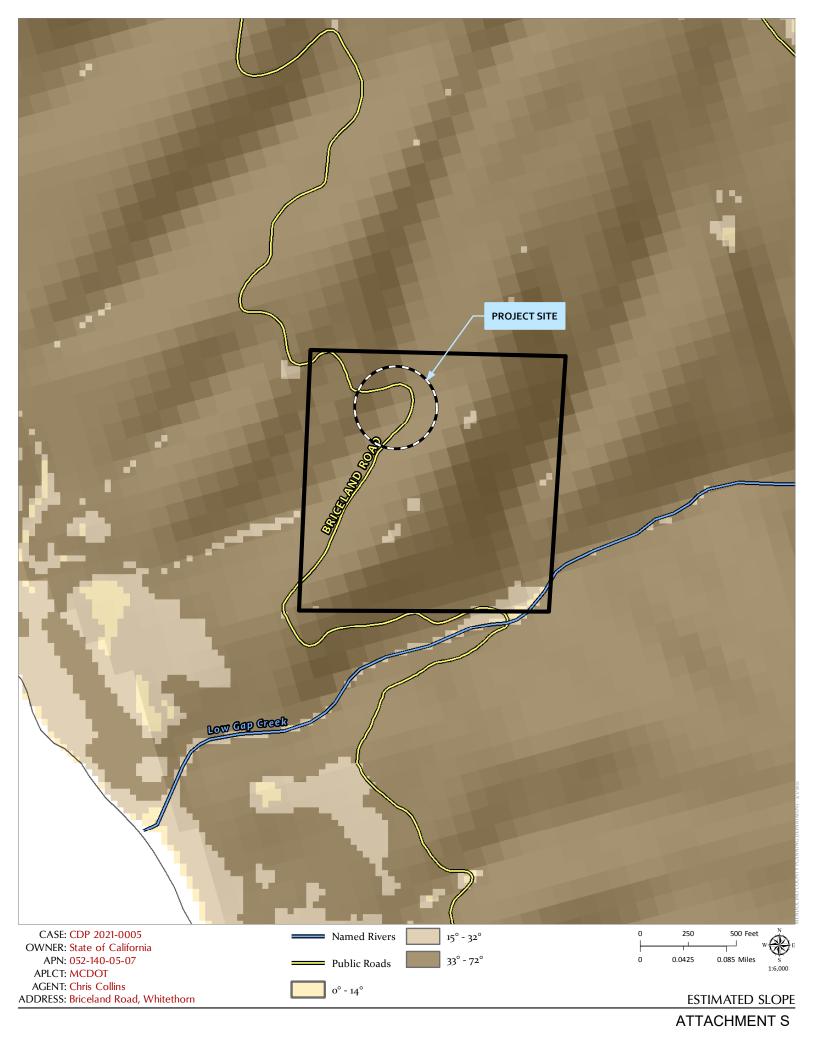


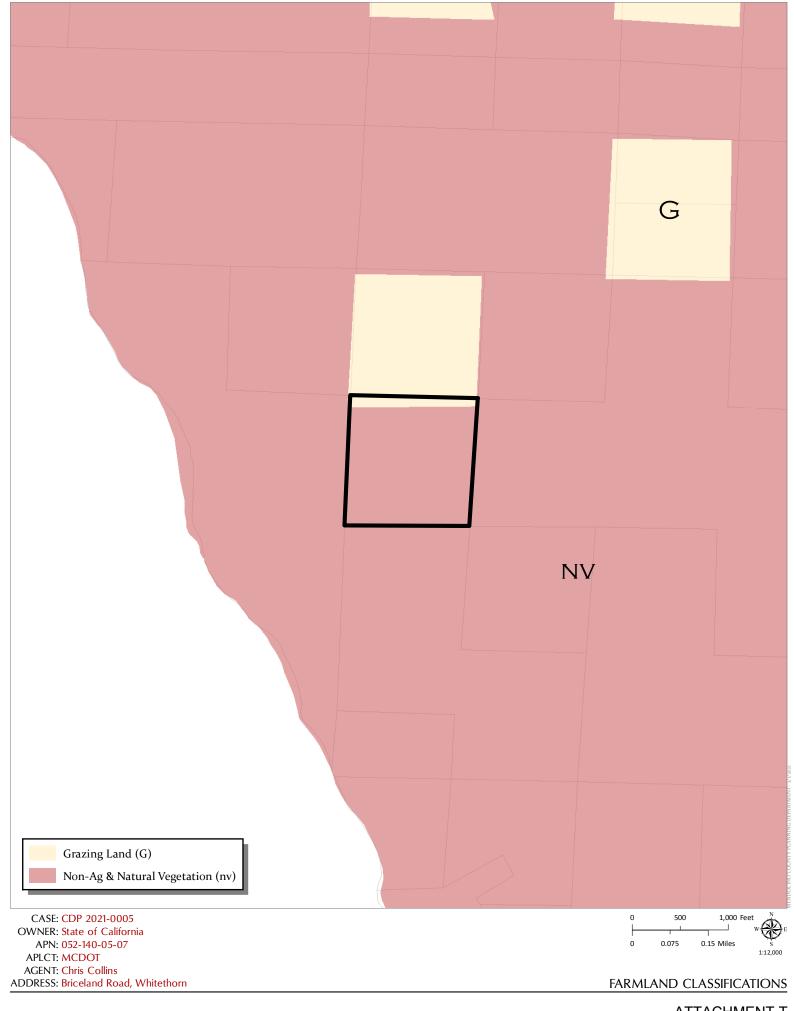












CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

NORTHERN REGION 619 SECOND STREET EUREKA, CA, 95501



STREAMBED ALTERATION AGREEMENT
EPIMS-MEN-16590-R1C
UNNAMED TRIBUTARIES TO THE PACIFIC OCEAN

MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION 2019 STORM DAMAGE REPAIR, BRICELAND ROAD

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and the Mendocino County Department of Transportation (MDOT; Permittee), represented by Chris Collins.

RECITALS

WHEREAS, pursuant to Fish and Game Code section 1602, Permittee notified CDFW on February 8, 2021, that Permittee intends to complete the Project described herein.

WHEREAS, pursuant to Fish and Game Code section 1603, CDFW has determined that the Project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the Project in accordance with the Agreement.

PROJECT LOCATION

The Project is located on Briceland Road (Mendocino County Road 435), 2.2 miles north of the end of Briceland Road, at Needle Rock Visitor Center, at Post Mile (PM) 5.90, Latitude 39.95611, Longitude -123.96717.

PROJECT DESCRIPTION

The Permittee proposes to replace an undersized culvert at PM 5.90 on Briceland Road. Drainage system repairs include culvert replacement using cut and cover methods and correcting deficient outlet conditions. The Project is needed because the deficient drainage facilities are not sufficient for peak discharge of the 100-year storm event and are compromising the structural integrity of the roadway. All proposed work is within existing County right-of-way and all work would be done from the roadway. The existing CMP culvert will be replaced with a 24' x 36" reinforced concrete pipe (RCP). The diameter of the new pipe was sized to pass the peak discharge of the 100-year storm event for the associated watershed. A trench will be excavated across the road to

ATTACHMENT U

expose the full length of the existing pipe. The existing pipe will be removed. The new pipe will be installed and backfilled with compacted Class II aggregate base. Due to possible scour at the outlet, energy dissipaters will be constructed. Dissipators will consist of a 4.5'L x 5'W rock slope protection (RSP) outlet apron. Once backfilling of the pipe trench is completed, the roadway surface will be reconstructed with class 2 aggregate base.

PROJECT IMPACTS

Existing fish or wildlife resources the Project could substantially adversely affect include: foothill yellow-legged frog (*Rana boylii*), northern red-legged frog (*Rana aurora*), red-bellied newt (*Taricha rivularis*), northern spotted owl (*Strix occidentalis caurina*), migratory and resident nesting birds, and other native aquatic and terrestrial species.

The Project will result in temporary (132 square feet; 33 linear feet) and permanent (168 square feet; 33 linear feet) impacts to jurisdictional waters of the U. S. and state due to cut and fill for culvert removal and replacement.

The adverse effects the Project could have on the fish or wildlife resources identified above include: water quality degradation, disturbance of nesting birds, damage to aquatic habitat and function, and impacts to riparian vegetation, habitat, and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 <u>Documentation at Project Site</u>. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the Project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall make available copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the Project at the Project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Change of Conditions and Need to Cease Operations. If conditions change (e.g. a change in a species listing status) or arise (e.g. the discovery of an unaddressed and sensitive resource), CDFW shall notify the Permittee, and operations shall cease until CDFW concurs with corrective measures to address the change in potential impacts.
- 1.4 <u>Notification of Conflicting Provisions</u>. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a

- provision imposed on the Project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.
- 1.5 <u>Project Site Entry</u>. Permittee agrees that CDFW personnel may enter the Project site at any time to verify compliance with the Agreement.
- 1.6 <u>Information Requests</u>. CDFW may request information from the Permittee at any time during the life of this agreement regarding any of the activities described herein. The request shall be made in writing, and the applicant shall provide the information, in writing, within 14 calendar days of the date of the written request.
- 1.7 Notification to CDFW. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement for each season that work occurs. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than 14 days after the Project is fully completed. Notification of completion will include photographs of the completed work that adequately depict site conditions before and after construction, and a summary of CNDDB submissions as required below. Notification shall be sent to Jennifer Garrison, Senior Environmental Scientist (Specialist) via email at Jennifer.Garrison@wildlife.ca.gov.
- 1.8 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the Project, the Permittee shall submit California Natural Diversity Data Base (CNDDB) forms to the CNDDB within 10 working days of the sightings. A summary of CNDDB submissions shall be included with the completion notification in Measure 1.7, above. Forms and instructions for submissions to the CNDDB may be found at: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

- 2.1 <u>Permitted Project Activities</u>. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received February 8, 2021, including all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 <u>Designated Work Area</u>. Prior to initiating vegetation- or ground-disturbing Project activities, Permittee shall clearly delineate the limits of the work area. Permittee shall restrict all Project activities to the designated work area and shall maintain all fencing, stakes and/or flags until the completion of Project activities. The Permittee shall ensure that the contractor, subcontractors, and all personnel working on the Project are instructed on the purpose of the work area and understand the limits of the designated work area. All vegetated areas or stream channel beyond the

- designated work area shall be protected as Environmentally Sensitive Areas (ESAs) and shall be off limits to construction equipment and personnel.
- 2.3 <u>Listed Species</u>. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the Project or the Project's activities. If the Project could result in the "take" (hunt, pursue, catch, capture, or kill, or attempt to do so) of a state listed threatened or endangered species, the Permittee has the responsibility to acquire the appropriate take authorization pursuant to the California Endangered Species Act (CESA; Fish and Game Code Section 2050 et seq).
- 2.4 <u>Work Period</u>. Construction work within the bed, bank, or channel of streams shall be confined to the period June 15 to October 15. Revegetation activities may be conducted outside these dates. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.5 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend work after October 15, a written request shall be made to CDFW at least five working days before the proposed work period variance. Written approval (letter, email) for the proposed time extension must be received from CDFW before work begins within the extension period. Work within the extension period shall comply with the following:
 - a. Stage erosion and sediment control materials at the work site.
 - b. Monitor the seventy-two (72) hour forecast from the National Weather Service.
 - c. When the 72-hour forecast indicates a probability of precipitation of 60% or greater, or at the onset of any precipitation, ground disturbing activities shall cease and erosion control measures shall be implemented to stabilize exposed soils and prevent the mobilization of sediment into the stream channel or adjacent wetland or riparian areas.
 - d. When the weather forecast predicts more than a half-inch of rainfall in a 12-hour period, the Permittee, no less than 24 hours prior to the start of predicted precipitation, shall have stopped all work and deployed all erosion control measures. No additional work is permitted during the wet season without additional consultation and concurrence from CDFW.
- 2.6 Nesting Birds. Nesting or attempted nesting by resident or migratory birds within and near the Project area is anticipated to occur between, but is not limited to, February 1 and September 1. Project activities shall not disturb actively nesting birds and their nests. This Agreement does not allow the Permittee, any employees, or agents to destroy or disturb any active bird nest (Section 3503 Fish and Game Code) or any raptor nest (Section 3503.5) at any time of the year. If an active nest is located, CDFW shall be contacted to establish appropriate buffers

- and any monitoring requirements. Removal of existing vegetation shall not exceed the minimum necessary to complete operations.
- 2.7 <u>Vegetation Removal.</u> Disturbance or removal of vegetation shall be kept to the minimum necessary to complete Project-related activities. Tree removal is not proposed by the Permittee nor authorized by this Agreement.
- 2.8 <u>Equipment Use.</u> Heavy equipment shall not enter into any wetted portion of a channel. All work shall occur from established roadside shoulders or the traveled way.
- 2.9 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants, or hydraulic fluids shall take place outside of the stream bed, channel, and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel, and bank shall use drip pans or other devices (i.e., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.10 <u>Hazardous Spills</u>. All construction activities performed in or near the stream shall have absorbent materials designated for spill containment and clean-up activities on-site for use in an accidental spill. In the event of a hazardous or toxic materials discharge, the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. Permittee shall notify Jennifer Garrison, Senior Environmental Scientist (Specialist) within 24 hours at (707) 477-7792 so that CDFW may advise on clean up procedures.
- 2.11 <u>Stream Protection</u>. No debris, soil, silt, sand, bark, slash, rubbish, cement or concrete washings, oil or petroleum products, drilling fluids or cuttings, or other deleterious material from Project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All Project materials and debris shall be removed from the Project site and properly disposed of off-site upon Project completion.
- 2.12 <u>Erosion Control</u>. Adequate and effective erosion control measures shall be used on exposed soils above the ordinary high water to prevent sediment or turbid water from entering the stream. Erosion control measures shall be employed prior to the onset of precipitation capable of generating run-off or the end of the yearly work period, whichever comes first.
 - a. <u>Seed and Mulch</u>. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the Project site by applying mulch and seed. Permittee shall restore all exposed or disturbed areas along the stream banks and riparian zone by applying local native and weed free erosion control grass seeds. Locally native

wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch seeded areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.

- b. Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment, replacement of damaged sediment fencing, coir rolls/logs and/or straw bale dikes and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify CDFW immediately.
- c. <u>Cover Spoil Piles</u>. Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.
- d. <u>Prohibition on Use of Monofilament Netting</u>. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- 2.13 <u>Site Maintenance.</u> The Permittee shall provide site maintenance for the term of the Agreement, including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable.
- 2.14 <u>Clean-up.</u> Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first.
- 2.15 <u>In-Stream Work.</u> All work within the channel or on the banks shall be performed when streams are dry. Dewatering is not proposed in the notification materials or authorized by this agreement.
- 2.16 Culvert Installation.

- a. <u>Excavation</u>. Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
- b. <u>Bed and Fill</u>. Culvert bed shall be composed of either compacted rock-free soil or gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe and shall be compacted.
- c. <u>Size of Culvert</u>. Permanent culverts shall be sized to accommodate the estimated 100-year flood flow, including debris, culvert embedding, and sediment loads. Culverts of larger diameter or length than described in the Project Description may be installed as necessary.
- d. <u>Rock Slope Protection</u>. Energy dissipater materials shall consist of clean rock, competent for the application, sized and properly installed to resist washout. Placing of rocks by dumping is not permitted.
- 2.17 <u>Water Drafting.</u> Water drafting is not authorized by this agreement.
- 2.18 <u>Trenching / Excavation Spoils</u>. No castings or spoil from the excavation operations shall be placed on the stream banks.
- 2.19 <u>Return Stream Material to Original Locations</u>. If large wood within the stream channel is moved or removed during Project activities, it shall be returned to its original position within 14 days following Project completion.
- 2.20 <u>Prohibited Plant Species</u>. Permittee shall not knowingly plant, seed, or otherwise introduce any plants listed in the California Invasive Plant Council's Invasive Plant Inventory in the areas within or adjacent to the Project site. Equipment shall be cleaned of foreign plant material and seeds before entering the work site. The California Exotic Pest Plant Council's database, which is accessible at: http://www.cal-ipc.org/paf/

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be submitted through EPIMS as instructed by CDFW.

<u>To Permittee:</u> Chris Collins EPIMS-MEN-16590-R1C EPIMS-MEN-16590-R1C Streambed Alteration Agreement Page 8 of 11

2019 Storm Damage Repair, Briceland Road, CR 435, MP 4.79 collinsch@mendocniocounty.org

To CDFW:

Department of Fish and Wildlife
Northern Region
EPIMS-MEN-16590-R1C
2019 Storm Damage Repair, Briceland Road
EPIMS.R1C@wildlife.ca.gov
and copied to:
Jennifer Garrison, Senior Environmental Scientist (Specialist)

jennifer.garrison@wildlife.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the Project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require Permittee to proceed with the Project. The decision to proceed with the Project is Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

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This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the Project or an activity related to it. For example, if the Project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the Fish and Game Code including, but not limited to, Fish and Game Code sections 2050 *et seq*. (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream).

Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and Permittee. To request an amendment, Permittee shall log into EPIMS and submit to CDFW a completed CDFW "Amendment & Extension" form. Permittee shall include with the completed form, payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall log into EPIMS and submit to CDFW a completed CDFW "Amendment & Extension" form. Permittee shall include with the completed form, payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with Fish and Game Code section 1605, subdivision (b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall log into EPIMS and submit to CDFW a completed CDFW "Amendment & Extension' form. Permittee shall include with the completed form, payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with Fish and Game Code section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the Project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable Fish and Game Code section 711.4 filing fee listed at https://www.wildlife.ca.gov/Conservation/CEQA/Fees.

TERM

This Agreement shall expire five years after the effective date, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as Fish and Game Code section 1605, subdivision (a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the Project described herein. If Permittee begins or completes a Project different from the Project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with Fish and Game Code section 1602.

CONCURRENCE

EPIMS-MEN-16590-R1C Streambed Alteration Agreement Page 11 of 11

Through the electronic signature by the permittee or permittee's representative as evidenced by the attached concurrence from CDFW's Environmental Permit Information Management System (EPIMS), the permittee accepts and agrees to comply with all provisions contained herein.

The EPIMS concurrence page containing electronic signatures must be attached to this agreement to be valid.



Permit Details

Permit: EPIMS-MEN-16590-R1 - 2019 Storm Damage Repair, Briceland Road, CR 435, MP 4.79 - 2021

Status:

Underway

Region: Region 1 (Coastal)

Permittee Organization: Mendocino County - Department of Transportation

CDFW Contact: Jennifer Olson

Standard Agreement

This Standard Agreement is being issued to:

Chris Collins

Final Standard Agreement:*

 ${\bf EPIMS-MEN-16590-R1C_Final_Standard_Agreement_Version~1.pdf}$ Open and print the attached PDF file.

Exhibits

Concurrence

Final Agreement Effective Date:

05/05/2021

Permittee Electronic Signature:

Chris Collins First and Last Name

Date Signed:

05/05/2021

Department of Fish and Wildlife

CDFW Electronic

Signature:

Scott Bauer

CDFW Representative

Title:

Senior Environmental Scientist (Supervisor)

Date Signed:

05/05/2021

Acting for:

ATTACHMENT U

5/5/2021, 12:09 PM 1 of 1