

pbscommissions - Re: Public Comment -- 11/17/21 Coastal Permit Administrator Mtg., Item Nos. 3b (CDP_2019-0024) & 3c (CDP_2019-0034)

Mendocino County

NOV 17 2021

Planning & Building Services

From: Jacob Patterson <jacob@lawjrp.com>
To: <pbscommissions@mendocinocounty.org>
Date: 11/17/2021 10:29 AM
Subject: Re: Public Comment -- 11/17/21 Coastal Permit Administrator Mtg., Item Nos. 3b (CDP_2019-0024) & 3c (CDP_2019-0034)

The unusual circumstances exception to relying on the categorical exemption applies to this project--added now since it was not specifically mentioned in the prior comments.

On Wed, Nov 17, 2021 at 8:44 AM Jacob Patterson <jacob@lawjrp.com> wrote:
 Coastal Permit Administrator & Staff,

I am writing to object to the County granting CDP_2019-0024 or CDP_2019-0034 without proper environmental review and as currently proposed without modification to address the significant issues raised in other public comments.

Significantly, these projects are clearly related and should be evaluated and entitled as components of the same project, if not part of an overall project that includes Caltrans upgrading and expanding the existing Highway One corridor throughout the North Coast District of the Coastal Commission, including similar expansions of the numerous bridges between the location of these projects north on Highway One through Mendocino County. A programmatic CEQA document covering the entire scope of this project, of which these two requested permits are subcomponents. Instead both of the requested CDPs on today's agenda have been improperly segmented out of that overall project (or even from each other as a single project) and the applicant has determined, without adequate support in the record, that these CDPs are categorically exempt from further environmental review under CEQA based on a Class 1(d) categorical exemption for existing facilities. To the contrary, there is evidence in the record suggesting that these projects will in fact have cumulatively considerable contributions to significant impacts in this project area when considered in conjunction with the prior Caltrans drainage-related projects that have contributed to erosion, drainage issues, and premature tree death in the area, including photos and testimony provided in other public comments for these agenda items, which are hereby incorporated by reference and should be combined and treated as if they were submitted for both of these CDPs even if only submitted for either CDP_2019-0024 or CDP_2019-0034 by their original authors.

The Class 1 categorical exemption for existing facilities applies to projects that do not significantly alter or expand the existing facilities. This project does not fall into that category because it significantly expands the footprint of the existing Highway One resulting in wider lanes of travel, entirely new shoulder areas that did not exist before in the proposed locations, significant grading and earth disturbance, removal of significant numbers of trees that, even if they are within a designated tree-removal area, still haven't been shown to not involve significant alterations to the baseline conditions as both wildlife habitat, including potential raptor habitat, and as scenic resources since many of the trees slated for removal do not block views toward the

ocean from the public right of way and actually enhance the scenic character of the area, which clearly meets the criteria to be considered a state scenic highway. This particular area of Highway One is the initial point of contact with the coast and ocean for travelers accessing the coast from Highway 128 heading north toward the Mendocino Coast and it is therefore uniquely important as a scenic resource.

This project (or, for the sake of argument, projects, which still need to be considered collectively in the context of cumulative impacts analysis) does not merely involve the repair or maintenance of existing facilities but involves the significant expansion of those facilities and attempts to rely on a Class 1 categorical exemption are therefor misplaced. Further, there are clear indications that the proposed improvements are inconsistent with applicable Coastal Act policies related to public access to coastal resources since the project will interfere with, if not prevent, connection of the adjacent coastal preserve with the rest of the Coastal Trail because the project fails to include a feasible connecting bridge over the drainage course (see, e.g., Glickfeld comments to CDP_2019-0034). The impacts of the project to public access to the Coastal trail and the adjacent coastal preserve have not been adequately evaluated and a decision on these requested permits should be delayed until those issues are addressed and studied both for consistency with the Coastal Act but also within the context of an adequate environmental review, which must include at least an Initial Study/MND, if not a full EIR.

Thank you for your consideration of these important issues,

Jacob Patterson

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