



**COUNTY OF MENDOCINO**  
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**MEMORANDUM**

**DATE:** MARCH 14, 2024  
**TO:** COASTAL PERMIT ADMINISTRATOR  
**FROM:** STEVEN SWITZER, PLANNER II  
**SUBJECT:** **CDP\_2023-0013 REVISED STAFF REPORT & CONDITIONS OF APPROVAL / MITIGATION MEASURES**

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Pursuant to California Environmental Quality Act (CEQA) Section 15096 (g), Mendocino County as the Responsible Agency is more limited than Caltrans, Lead Agency, when considering alternatives and mitigation measures. Mendocino County has the responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.

Staff identified three (3) conditions of approval / mitigation measures that should be revised due to conflicts with State Law and consistency with CEQA requirements for the potential direct and indirect environmental impacts as a result of the project. These revisions will also require that two (2) paragraphs in the Staff Report be revised.

**CONDITION 11:** Caltrans prepared an Initial Study with a proposed Mitigated Negative Declaration (ISMND) (SCH 2021080184) for the project in accordance with CEQA. Since that time, Caltrans revised their project request with changes in staging areas and project related disturbances to reduce the previously identified potential environmental impacts to Coast Lily populations. The Coast Lily mitigation measures were carried over from the ISMND despite reduced project impacts. Since the project request reduced said potential impacts, the items in Condition 11 are no longer applicable.

**Staff finds that Condition 11 shall be removed.**

**CONDITION 13:** Caltrans has agreed through discussions with the State Water Resources Control Board (Water Board) to a monthly increase in mitigation ratios that would accrue until mitigation credits are released. If the bank is not available, within nine (9) months of project related impacts, Caltrans would be subject to pursue alternative mitigation to compensate for project impacts to wetlands as agreed to with the Water Board and subject to Section 401 of the Clean Water Act.

**Staff finds that Condition 13 shall read as follows:**

**13 (c) *Off-Site mitigation shall utilize contracted credits from the Mendocino Coast Mitigation Bank (Bank) at a 2:1 ratio as described in Chapter 3 and 4 of the Off-Site Habitat Mitigation and Monitoring Plan.***

**13 (d) *Should the Bank not be established prior to the initiation of project related impacts; mitigation ratios shall increase by 0.05 per month until credits are released. If credits are not released with nine (9) months following the initiation of project related impacts, Caltrans shall seek alternative permittee responsible mitigation to address wetland impacts. Said additional mitigation shall be met at the maximum ratio determined through additional ratio increases as described above and subject to approval by Mendocino County and the Water Board.***

**CONDITION 17:** Pursuant to California Government Code (GOV) Section 26857, no fee shall be charged by the clerk for service rendered to any municipality or county in the state, or to the state or national government, nor for any service relating thereto. Language in Condition 17 is not consistent with GOV Section 26857.

**Staff finds that Condition 17 shall be removed.**

**STAFF REPORT, PAGE CPA-14:** To support the above revisions, the following two (2) paragraphs shall be revised as follows:

As summarized above, Caltrans agreed that any delay to the Mendocino Coast Mitigation Bank schedule where credits will not be available prior to construction will result in higher mitigation ratios applied to bank credits **(0.05 per month)** or for any severe delay in the availability of Bank credits **(within 9 months of project related impacts)** Caltrans will seek alternative permittee responsible mitigation (PRM). **Caltrans would be subject to pursue alternative mitigation to compensate for project impacts to wetlands as agreed to with the Water Board and subject to Section 401 of the Clean Water Act.** ~~the applicant shall conduct off-site mitigation through off-site mitigations measures for wetland impact on two parcels located near Saunders Reef (La Boube parcels; APNs: 142-010-53 and 54).~~ The latter mitigation will only be utilized if the mitigation bank is not established and ready for use **within 9 months of project related impacts prior to the initiation of project development**, as required by County Code Section 20.496.025(B)(3)(ac).

Conditions 10-157 ensure the project is implemented consistent with the various mitigations and recommendations outlined in the resource documents and summarized above. Staff finds the project, as conditioned, would be consistent with the applicable policies of Coastal Element Chapter 3.1 and the requirements of Coastal Zoning Code Chapters 20.496, 20.532, and 20.536.