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**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT- CDP STANDARD**

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**FEBRUARY 23, 2017  
CDP\_2016-0033**

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**SUMMARY**

**OWNER/APPLICANT:** CALIFORNIA DEPARTMENT OF TRANSPORTATION  
703 B STREET  
MARYSVILLE, CA 95901

MCCOY MARIANNE TTEE 1/2  
35501 S HWY 1 UNIT 100  
GUALALA, CA 95445

**AGENT:** CALTRANS CONTACT: DOTRIK WILSON  
703 B STREET  
MARYSVILLE, CA 95901

**REQUEST:** Standard Coastal Development Permit to repair a culvert on Highway 1. The proposed project would replace the existing culvert downdrain. Imported borrow would be used for embankment grading.

**DATE DEEMED COMPLETE:** September 15, 2016

**LOCATION:** In the Coastal Zone on the west side of Highway 1, at post mile 4.47 in the town of Anchor Bay. Proposed project is located within the Highway right-of-way and on an easement area on the adjacent property at 35500 S Hwy 1 (APN 144-022-13).

**TOTAL ACREAGE:** 5.5

**GENERAL PLAN:** Commercial (C)

**ZONING:** Commercial- 40,000 square-foot minimum lot size (C:40K)

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Initial Study prepared by Caltrans and adoption of Negative Declaration

**RECOMMENDATION:** Approve with Conditions

**STAFF PLANNER:** JULIA ACKER

**BACKGROUND**

**PROJECT DESCRIPTION:** Standard Coastal Development Permit to repair a culvert on Highway 1. No work would be done to the existing cross drain, except for anchoring for the replaced downdrain. The proposed project would replace the existing 24-inch wide by 43-foot long corrugated metal downdrain with a new 100-foot long rock-lined ditch and 24-inch wide by 75-foot long black plastic downdrain. The rock-lined ditch would contain two pools to serve as frog habitat. Imported borrow would be used for embankment grading. The slope of the new downdrain would be determined by re-grading the existing embankment and would include removal of an existing bench to eliminate the need for angle points in the new downdrain. The purpose of the project is to address erosional issues caused by the existing downdrain, which is too short and lacks an energy dissipater. Construction would occur between June 15 and October 15, which is when the channel is expected to be dry, and would take approximately 2-3 weeks to complete.

**APPLICANT'S STATEMENT:** The California Department of Transportation (Caltrans) proposes to repair a culvert on State Route 1 at post mile 4.47 in the town of Anchor Bay in Mendocino County. The proposed project would replace the existing culvert downdrain. No work will be done on the existing crossdrain, except where the new cable-anchor system will be attached to the last joint of the existing culvert; therefore no concrete pile anchors will be required. Removal of the existing downdrain will involve debris and/or vegetation clearing and grading. The existing downdrain will then be replaced by a new rock-lined ditch and black plastic downdrain. The rock-lined ditch will contain two pools that serve as frog habitat and willows will be planted between the rocks. There will be no excess dirt because the slope of the new downdrain will be determined by re-grading the existing embankment. The existing bench, where the downdrain is located, will be re-graded to eliminate the need for angle points in the new downdrain.

The staging and material stockpiling areas will be located primarily within a new temporary construction easement (a 25-foot wide by 75-foot long flat area on the west side of State Route 1). Some staging could also occur within the existing right of way (in the southbound lane and along the southbound shoulder of State Route 1) or within the proposed right of way (a 20-foot wide by 157-foot long area along the new downdrain and rock-lined ditch).

Construction access will be from State Route 1. The construction access road will be within the grading limits of the downdrain and rock-lined ditch flow-line. The contractor will construct the rock-lined ditch first and then place the downdrain, working back towards State Route 1. Erosion control materials will be placed by hand over all disturbed areas.

**RELATED APPLICATIONS ON-SITE:**

- CDP\_2005-0017 located on the same parcel as the subject permit, approved on December 22, 2005, authorized implementation of a Remedial Action Plan to address remediation of contaminated soil and groundwater at the former Anchor Bay Service Station that originated from two underground storage tanks removed from the former gasoline station in 1997. Work included installation of a 17-foot by 22-foot concrete pad enclosed by a 6 foot fence to contain the remediation equipment, installation of underground plumbing for soil vapors and groundwater and the installation of an additional extraction well. Included in the approval was after-the-fact authorization for approximately nine monitoring wells that were drilled between 1997 and 2003 without the benefit of permits.

**SITE CHARACTERISTICS:** The proposed project is located along the commercial strip in Anchor Bay, within the Highway right-of-way and on an easement located on the adjacent parcel to the west at 35500 S Highway 1. There currently exists a downdrain that has been damaged over the last several years from winter storm events and is now in need of repair and replacement in order to maintain drainage functionality in the area. The proposed project does not impact the existing development on the parcel that the easement crosses, and is primarily a replacement in the same footprint of the existing downdrain. The location of the downdrain is west of Highway 1 and runs down the bluff towards the Anchor Bay campground/beach.

**SURROUNDING LAND USE AND ZONING:**

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	C	C	5.66 Acres	Campground
EAST	C	C	0.16 Acres	Residential
SOUTH	C	C	1.7 Acres	Commercial Shopping Center
WEST	C & Pacific Ocean	C & Pacific Ocean	3.62 Acres & Pacific Ocean	Commercial Shopping Center/Pacific Ocean

**PUBLIC SERVICES:**

Access: HWY 1  
Fire District: SOUTH COAST  
Water District: ANCHOR BAY  
Sewer District: YES  
School District: ARENA UNION

**AGENCY COMMENTS:** On September 20, 2016 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Department of Transportation	N/A	No Comment	9/26/2016
Environmental Health-FB/Ukiah	N/A	No Comment	10/4/2016
Building Services-Ukiah PBS	N/A	No Comment	9/27/2016
Building Services-FBPBS	N/A	No Comment	10/4/2016
Assessor	N/A	No Response	N/A
Air Quality Management District	N/A	No Comment	9/26/2016
County Water Agency	N/A	No Response	N/A
Archaeological Commission	N/A	Comment	10/12/2016
Dept. of Fish and Wildlife	1600 Permit	Comment	11/17/2016
Coastal Commission	N/A	No Response	N/A
US Fish and Wildlife Service	N/A	No Response	N/A
Regional Water Quality Control	N/A	No Response	N/A
Anchor Bay Sewer District	N/A	No Response	N/A
Gualala Municipal Advisory Council	N/A	Comment	11/11/2016
North Gualala Water Company	N/A	Comment	9/30/2016
Army Corp. of Engineers	Army Nationwide Permit	Comment	9/30/2016
South Coast Fire	N/A	No Response	N/A

### **KEY ISSUES**

#### **1. General Plan and Zoning Consistency:**

The proposed project is located along the commercial strip in Anchor Bay, within the Highway right-of-way and on an easement located on the adjacent parcel to the west at 35500 S Highway 1. The subject parcel is classified and zoned as Commercial (C). Existing development on the site consists of a commercial uses consistent with the intent of the district. The proposed development consists of repair and replacement of an existing culvert down drain that provides necessary drainage in the area within a Caltrans easement. The proposed repair and replacement of the existing down drain will not impact the continued use of the parcel for commercial development and is considered a necessary accessory use to allow the area to maintain drainage functionality. The proposed project is therefore consistent with the uses permitted in the Commercial land use designation and zoning district.

#### **2. Hazards:**

**Erosion:** The project proposes to conduct work within a jurisdictional drainage. Concerns include sediment and other discharges related to construction, access and operation, dredge and fill impacts to jurisdictional waters, and localized increase to surface water temperatures due to removal of riparian vegetation. Caltrans states in their Water Quality Assessment (Caltrans 2009) that there could be temporary adverse impacts due to increased erosion and sediment transport to receiving waters; however, the project would be constructed with the necessary erosion and water quality control practices to minimize the potential for sedimentation and other construction related impacts through use of construction Best Management Practices (BMPs) identified in the Department's Water Quality Handbook, Construction Site BMPs Manual.

Due to the location of the down drain, work would occur on the bluff face. MCC Section 20.500.020 (B)(4) states in part that *No new development shall be allowed on the bluff face except such developments that would substantially further the public welfare.* The proposed development is to replace an existing down drain with a new down drain and rock lined ditch to address erosion concerns associated with the existing down drain. Replacement of the down drain substantially furthers the public welfare by providing the necessary drainage to maintain Highway 1 as the principle circulation route on the coast. Staff finds the proposed development consistent with this policy.

Hazardous Materials: The proposed project includes work on the property at 35500 S Hwy 1 (APN 144-022-13), which was the location of the previous Anchor Bay Service Station. There was suspected contamination related to fuel tank leaks from underground storage tanks at the Anchor Bay Service Station. The Station was closed and the underground tanks were removed on August 21, 1997. On October 13, 2015 the Anchor Bay Service Station site was issued a "No Further Action" letter by the North Coast Regional Water Quality Control Board stating completion of a site investigation and corrective action for the underground storage tanks formerly located on the parcel. The status of the case is now listed on the State Water Resources Control Board GeoTracker site as "Completed - Case Closed as of 10/13/2015." Despite the site now being closed, the Initial Study and Negative Declaration prepared for the project recommend several avoidance, minimization and/or mitigation measures. These measures are recommended as Condition 9.

### **3. Natural Resources:**

Several resources meeting the criteria of ESHA have been identified within the project area. These resources include Northern Bishop Pine Forest, Wetlands, Riparian Areas, and California red-legged frog (CLRF) habitat. Table 1 below describes the resources located within the project limits, buffer distances, and potential impacts.

**Table 1. Summary Table of ESHA**

<b>ESHA</b>	<b>Type</b>	<b>Buffer</b>	<b>Potential Impacts</b>
1	Northern Bishop Pine Forest	Work would occur within the 100 foot buffer.  +/- 20 foot buffer	No mature trees are within the clearing area. However, some root damage could occur as grading will be within 20 feet of mature trees.
2	Wetland habitat	Work would occur within the 100 foot buffer.  0 foot buffer	The wetlands will have vegetation cleared and will be regraded.
3	Riparian habitat	Work would occur within the 100 foot buffer.  0 foot buffer	Rock Slope Protection (RSP) will be placed in the channel and the downdrain will be extended.
4	California red-legged frog habitat	Work would occur within the 100 foot buffer.  0 foot buffer	Grading and vegetation removal will temporarily impact habitat.

Due to the fact that the proposed project will require development within areas designated as ESHA, supplemental findings are required pursuant to MCC Section 20.532.100 (A)(1). By necessity, development will occur within the buffer areas to the four identified ESHA: Northern Bishop Pine Forest, wetland area, riparian area and CLRF habitat. Permanent impacts will not occur to identified ESHA or ESHA buffer areas, as construction impacts will be temporary and restoration will occur at the end of construction.

The proposed project consists of repairing a downdrain necessary to maintain the highway integrity and there are no practical alternate locations. There is no feasible, less environmentally damaging alternative that provides the needed drainage for the area. Measures have been incorporated into the project to avoid or minimize impacts to ESHAs and ESHA buffers.

The proposed project is necessary to protect the integrity of Highway 1. Working within the ESHA buffers allows Caltrans to complete necessary drainage repairs and prevent further erosion of the coastal bluff. This project also helps reduce the potential for a much larger, more environmentally significant project in the event the downdrain should fail and a landslide occur. Temporary impacts within ESHAs and ESHA buffer zones will be minimized by the proposed mitigation measures and restoration will occur at the end of construction. Avoidance, minimization and/or mitigation measures are recommended as Condition 9.

The California Department of Fish and Wildlife submitted comments that the project requires a Lake or Streambed Alteration Agreement (LSAA), which has already been applied for (#1600-2016-0357-R1). All protective measures



required in the LSAA are recommended as Condition 11.

The US Army Corps of Engineers (ACOE) submitted comments for the proposed project stating that all work shall be completed in accordance with the plans and drawings in five sheets entitled "USACE File No. 2016-00254N, Anchor Bay Downdrain Reconstruction Project," dated August 24, 2016. This and other special conditions required by ACOE are recommended as Condition 12.

#### **4. Environmental Protection:**

The Applicant, Caltrans, prepared an Initial Study in 2010. After circulating the document a Negative Declaration was prepared for the project and the Notice of Determination filed with the Office of Planning and Research on August 6, 2010. The Initial Study with Negative Declaration is included with this report. Condition 9 is recommended to require all Avoidance, Minimization, and/or Mitigation Measures contained in the Initial Study with Negative Declaration as Conditions of Approval. Condition 13 also requires the submittal of the required California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code within 5 days of the end of any appeal period.

#### **RECOMMENDATION**

By resolution, adopt a Negative Declaration and grant Coastal Development Permit for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

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DATE

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JULIA ACKER

Appeal Period: 10 Days  
Appeal Fee: \$910.00

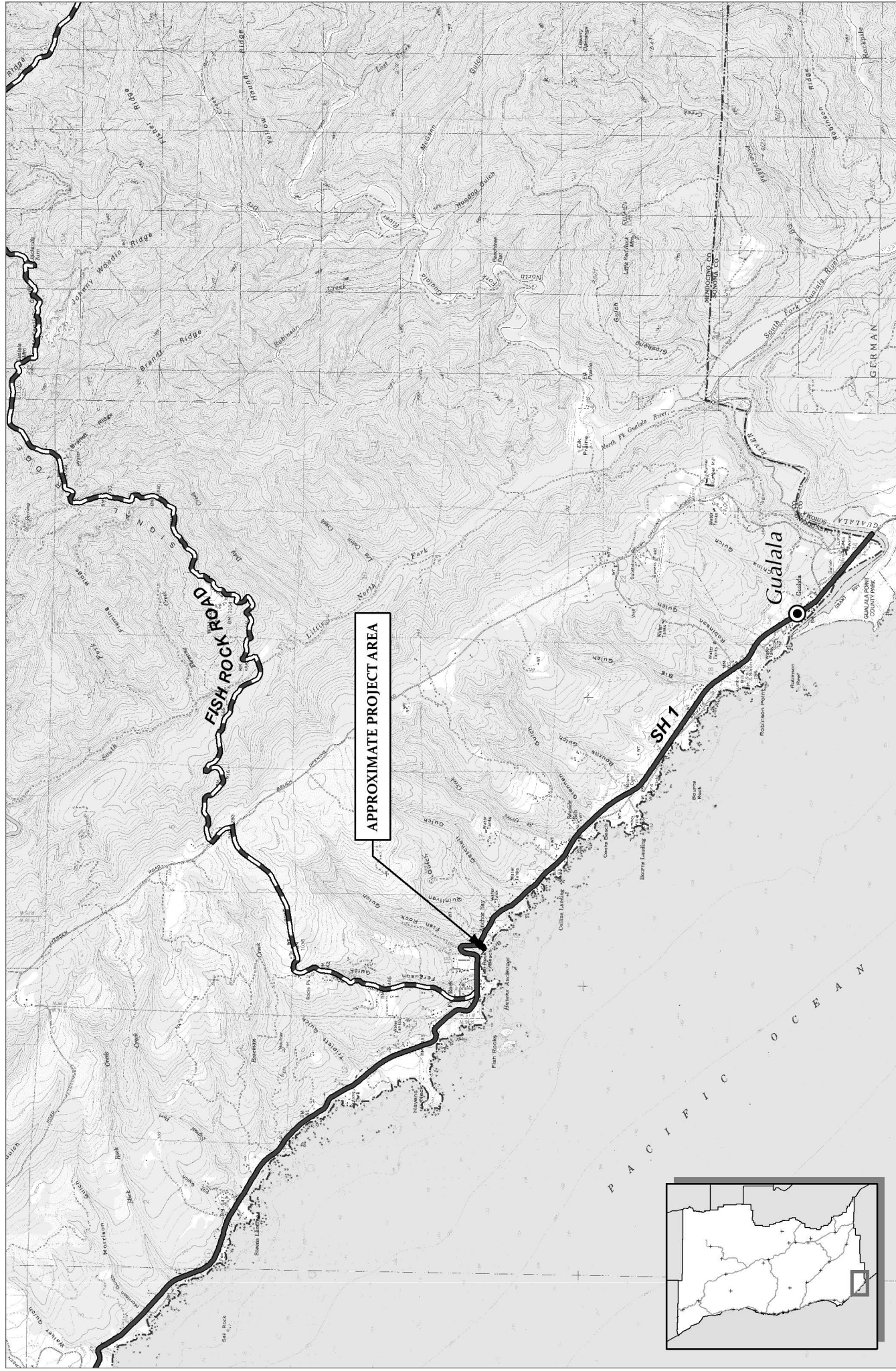
#### **ATTACHMENTS:**

- A. Location Map
- B. Vicinity Map
- C. Aerial Map
- D. Project Plan
- E. Site Plan
- F. Cross Sections
- G. Drainage Plan
- H. Zoning Map
- I. General Plan
- J. LCP Map 30
- K. LCP Land Capabilities and Natural Hazards
- L. LCP Habitats and Resources
- M. Appealable Areas
- N. Adjacent Parcels
- O. Fire Hazard Zones
- P. Flood Zone
- Q. Ground Water Resource Area
- R. Local Soils
- S. Miscellaneous Districts

#### **COASTAL PERMIT APPROVAL CHECKLIST**

#### **RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):**

**Initial Study available online at:** <http://www.co.mendocino.ca.us/planning/meetings.htm>

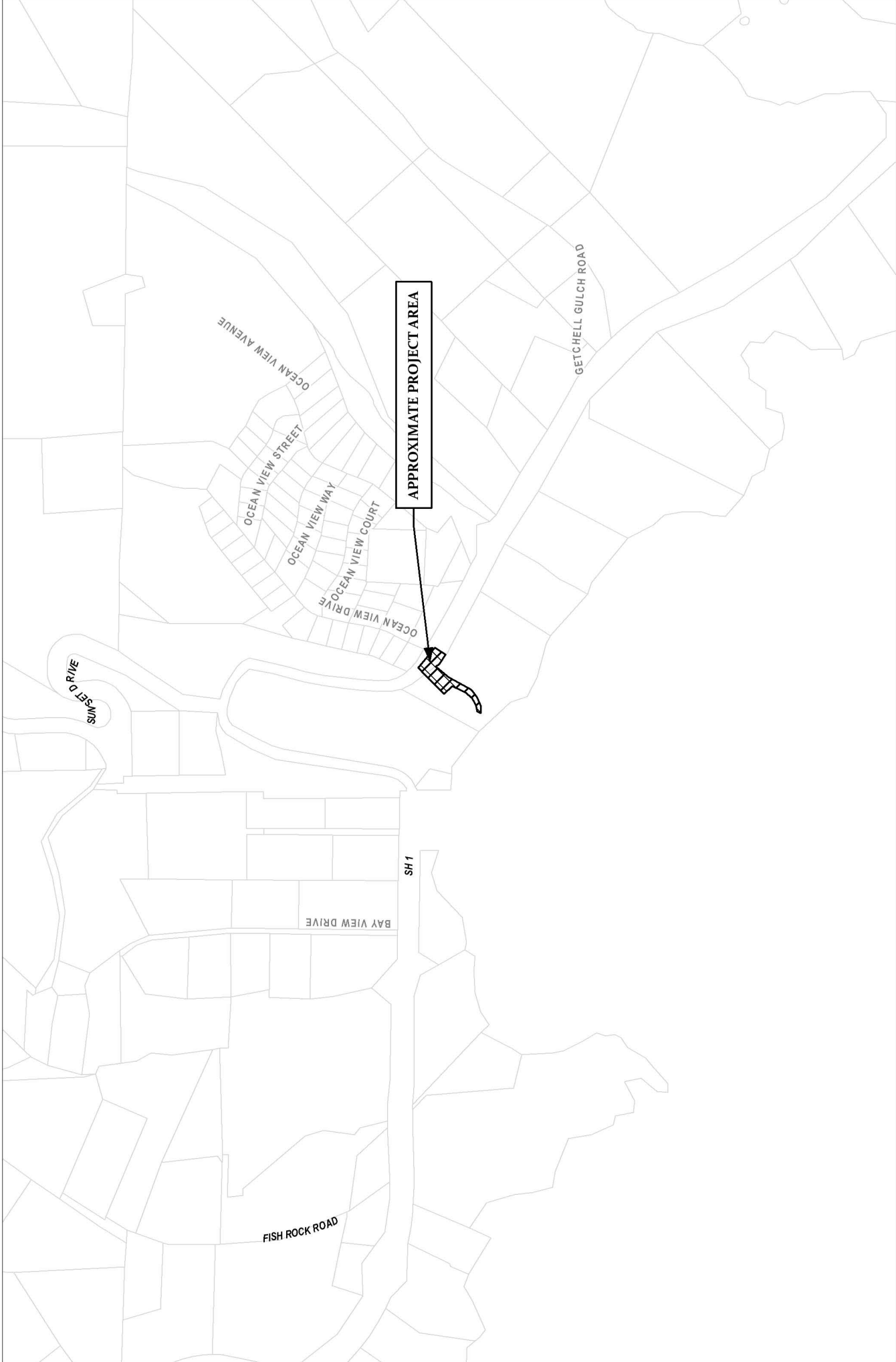


- Major Towns & Places
- Major Rivers
- Highways
- Major Roads

LOCATION MAP

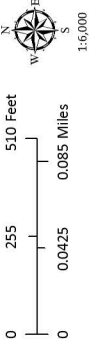
CASE: CDP 2016-0033  
OWNER: State of California  
APN: None (RoW)  
APLCT: CALTRANS  
AGENT: Dotrik Wilson  
ADDRESS: None Assigned, Gualala

Map produced by the Mendocino County Planning & Building Services, August, 2016  
All spatial data is approximate. Map provided without warranty of any kind.



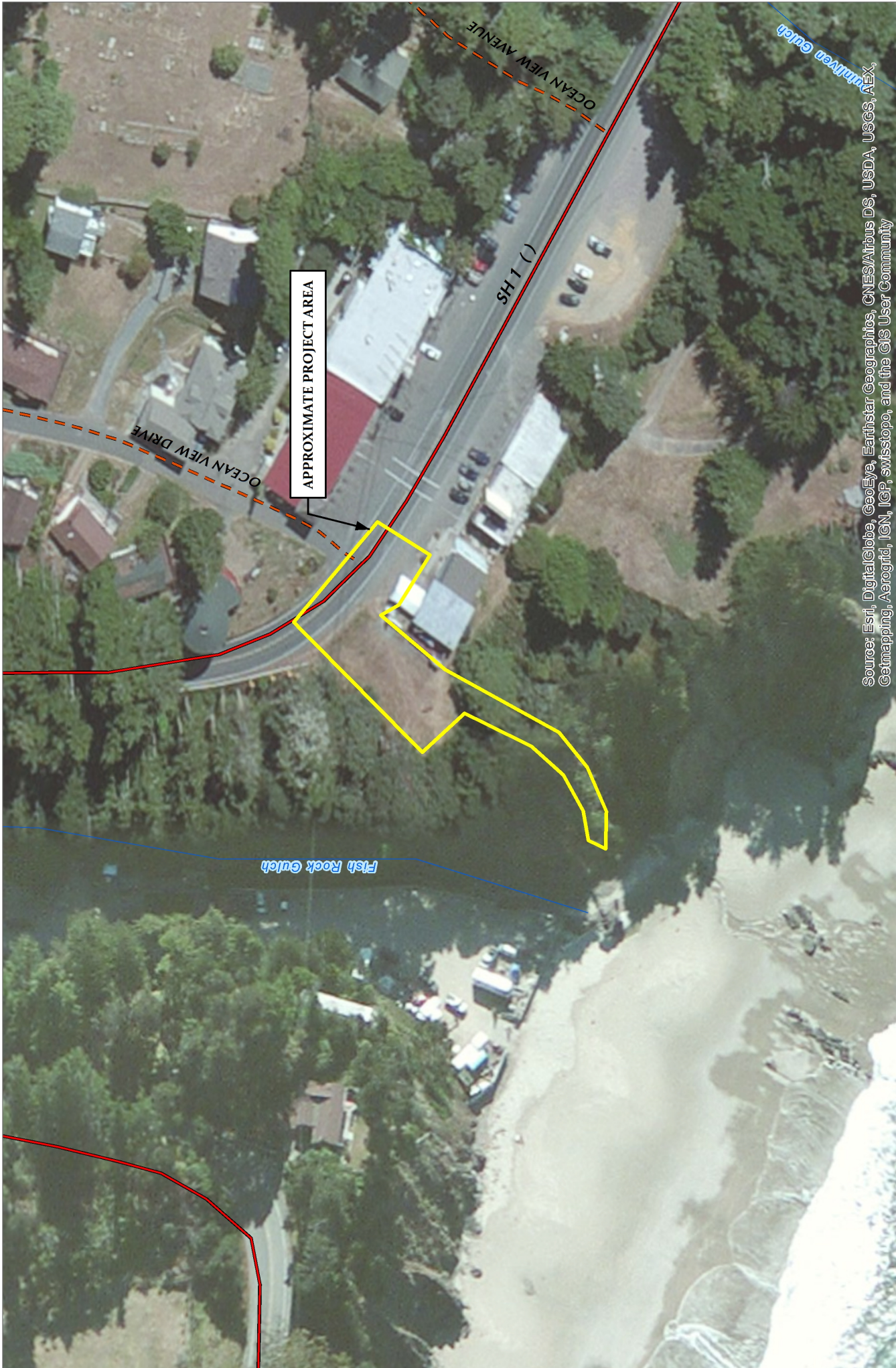
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AGENT: Dotrik Wilson  
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VICINITY MAP





CASE: CDP 2016-0033

OWNER: State of California

APN: None (RoW)

APLCT: CALTRANS

AGENT: Dotrik Wilson

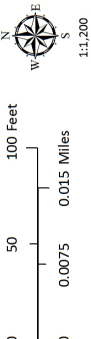
ADDRESS: None Assigned, Gualala

Named Rivers

Public Roads

Private Roads

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



ESRI IMAGERY



# INDEX OF PLANS

SHEET NO.

DESCRIPTION

- 1 TITLE AND LOCATION MAP
- 2 DRAINAGE PLAN AND PROFILE
- 3 DRAINAGE DETAILS
- 4 DRAINAGE QUANTITIES
- 5-X REVISED STANDARD PLANS

THE STANDARD PLANS LIST APPLICABLE TO THIS CONTRACT IS INCLUDED IN THE NOTICE TO BIDDERS AND SPECIAL PROVISIONS BOOK.

## STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION PROJECT PLANS FOR CONSTRUCTION ON STATE HIGHWAY

### IN MENDOCINO COUNTY IN ANCHOR BAY AT THE INTERSECTION OF OCEAN VIEW DRIVE AND ROUTE 1

TO BE SUPPLEMENTED BY STANDARD PLANS DATED 2010

#### LOCATION OF CONSTRUCTION PM 4.47

End Work  
PM 5.5

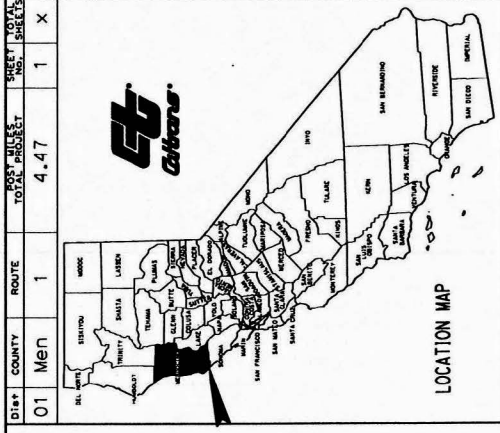
Begin Work  
PM 3.5



NO SCALE

#### NOT FOR CONSTRUCTION

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES) OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."



DATE PLOTTED => 6/21/2016  
TIME PLOTTED => 12:35:53 PM

PROJECT ENGINEER  
REGISTERED CIVIL ENGINEER  
DATE  
PRELIMINARY  
PLANS APPROVAL DATE  
THE STATE OF CALIFORNIA OR ITS  
REGISTERED CIVIL ENGINEER IS  
RESPONSIBLE FOR THE ACCURACY OF  
COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

CONTRACT NO. 01A0000  
PROJECT ID 0100000209  
UNIT 0038 ID 01-0000-0209  
EA 01-446505

11-44650 TITLE.dgn 6/21/2016 1:23:53 PM TRANS WEB SITE IS: HTTP://WWW.DOT.CA.GOV/ RELATIVE BORDER SCALE 0 1 2 3 USERNAME => "122504" DOW FILE => ...01-44650 TITLE.dgn

CASE: CDP 2016-0033

OWNER: State of California

APN: None (RoW)

APLCT: CALTRANS

AGENT: Dotrik Wilson

ADDRESS: None Assigned, Gualala

Map produced by the Mendocino County Planning & Building Services, August, 2016  
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NO SCALE

PROJECT PLAN



CASE: CDP 2016-0033

OWNER: State of California

APN: None (RoW)

APLCT: CALTRANS

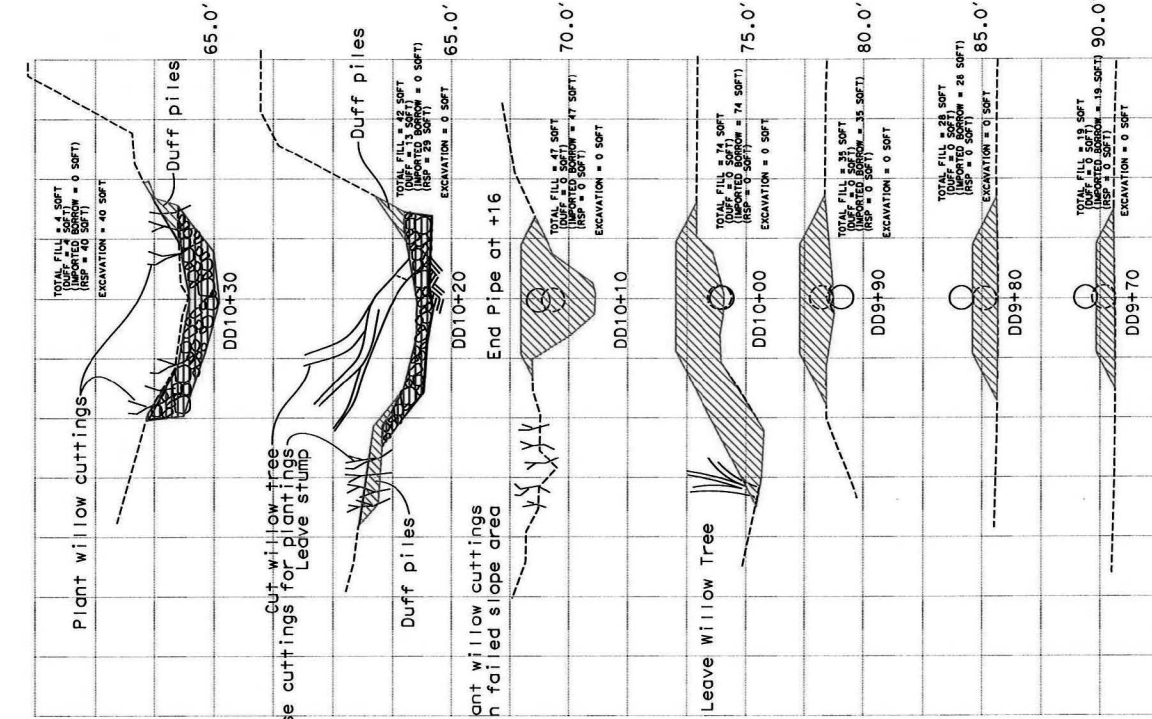
AGENT: Dotrik Wilson

ADDRESS: None Assigned, Gualala

Map produced by the Mendocino County Planning & Building Services, August, 2016  
All spatial data is approximate. Map provided without warranty of any kind.

NO SCALE

SITE PLAN



	CHECKED BY
	DESIGNED BY

## SCALE: 1" = 5'

RELATIVE BORDER SCALE  
IS IN INCHES

B: 101-4- **STATE** **BORDER LAST REVISED 7/2/2010** 01-44650-plans.dgn 7/11/2016 12:38:23 PM

Map produced by the Mendocino County Planning & Building Services, August, 2016  
All spatial data is approximate. Map provided without warranty of any kind.

## CROSS SECTIONS

**NOTES:**

1. FOR ACCURATE RIGHT OF WAY DATA, CONTACT  
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

Dist*	County	Route	Post Miles Total	Project No.	Sheet Total
01	Men	1	4.47		2

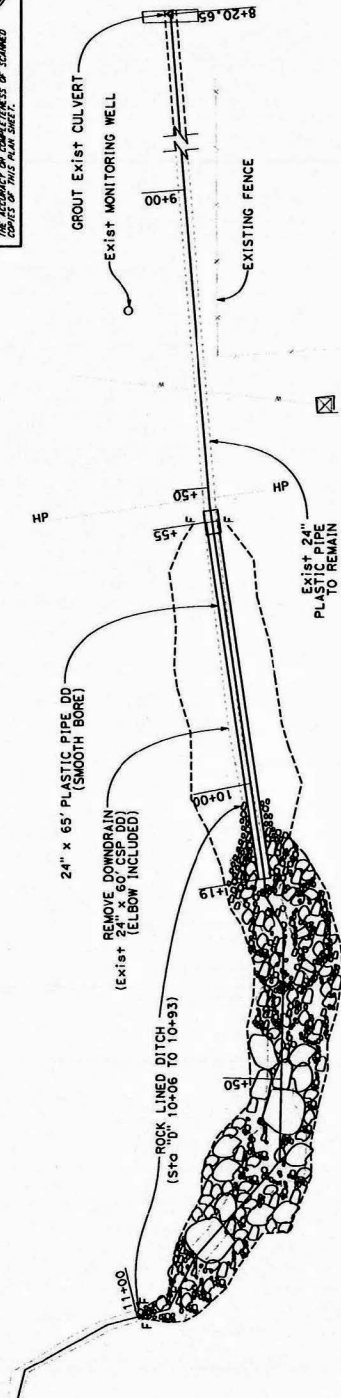
XX-XX-15

REGISTERED CIVIL ENGINEER DATE

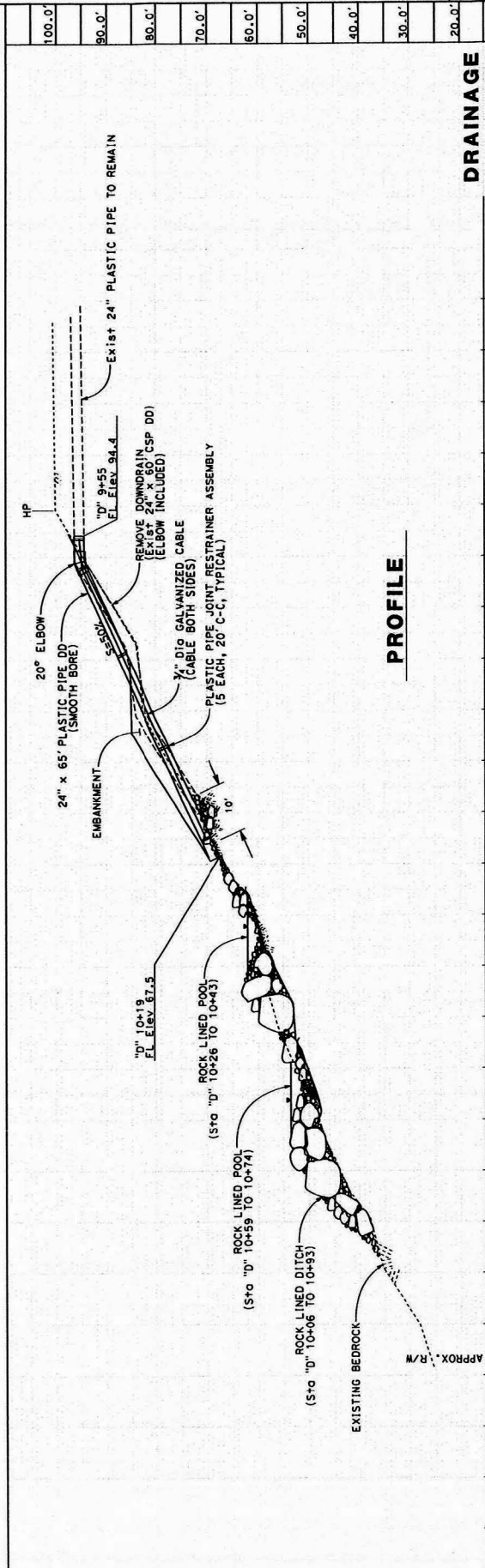
# PRELIMINARY

PLANS APPROVAL DATE

THE STATE OF CALIFORNIA ON ITS OFFICERS  
OF AGENCIES SHALL NOT BE RESPONSIBLE FOR  
THE ACCURACY OR COMPLETENESS OF SCANNED  
COPIES OF THIS PLAN SHEET



NOTE: ASSUMED ELEVATION 100.00' @ NAIL IN HEADWALL



# DRAINAGE

UNIT	RELATIVE BORDER SCALE	PROJECT NUMBER & PHASE	EA
0038	0	01-0000-0209-1	EA 01-446505

CASE: CDP 2016-0033

**OWNER:** State of California

APN: None (RoW)

APLCT: CALTRANS

AGENT: Dotrik Wilson

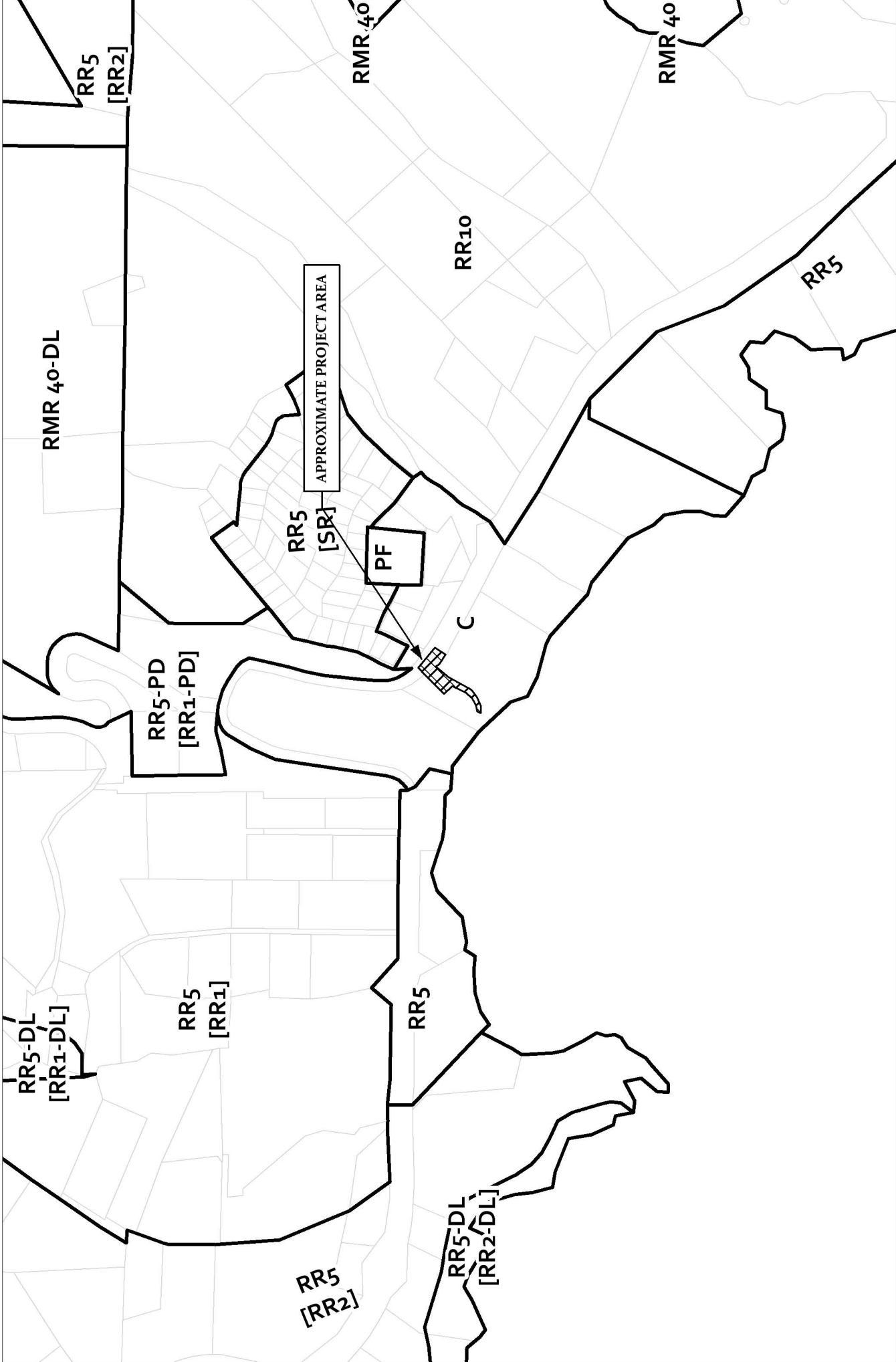
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**NO SCALE**

# DRAINAGE PLAN





CASE: CDP 2016-0033

OWNER: State of California

APN: None (RoW)

APLCT: CALTRANS

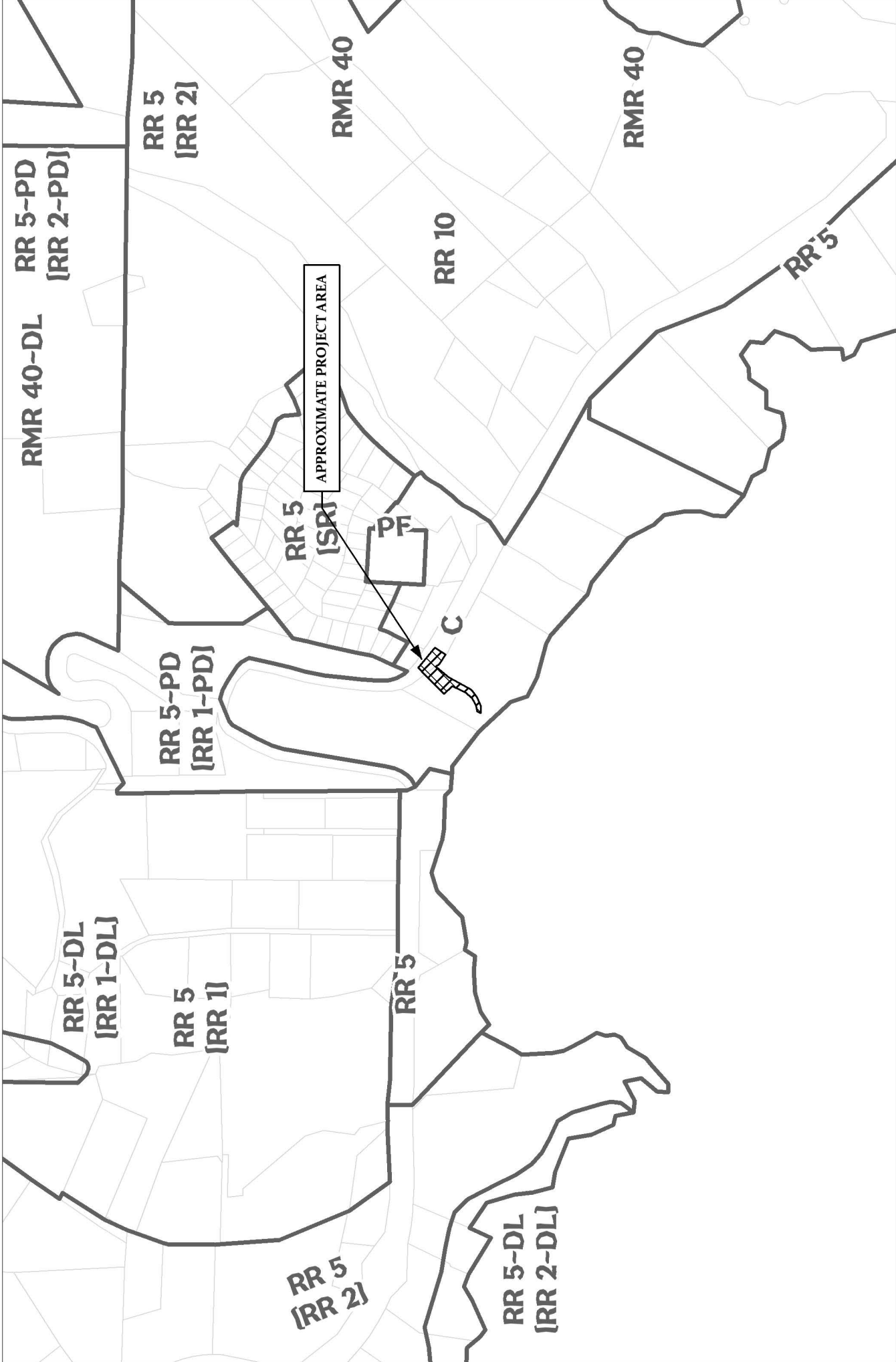
AGENT: Dotrik Wilson

ADDRESS: None Assigned, Gualala

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 Zoning Districts

ZONING DISPLAY MAP



CASE: CDP 2016-0033

OWNER: State of California

APN: None (RoW)

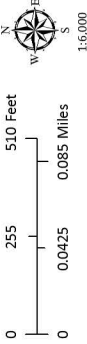
APLCT: CALTRANS

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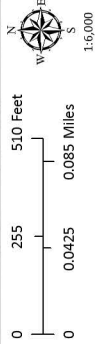
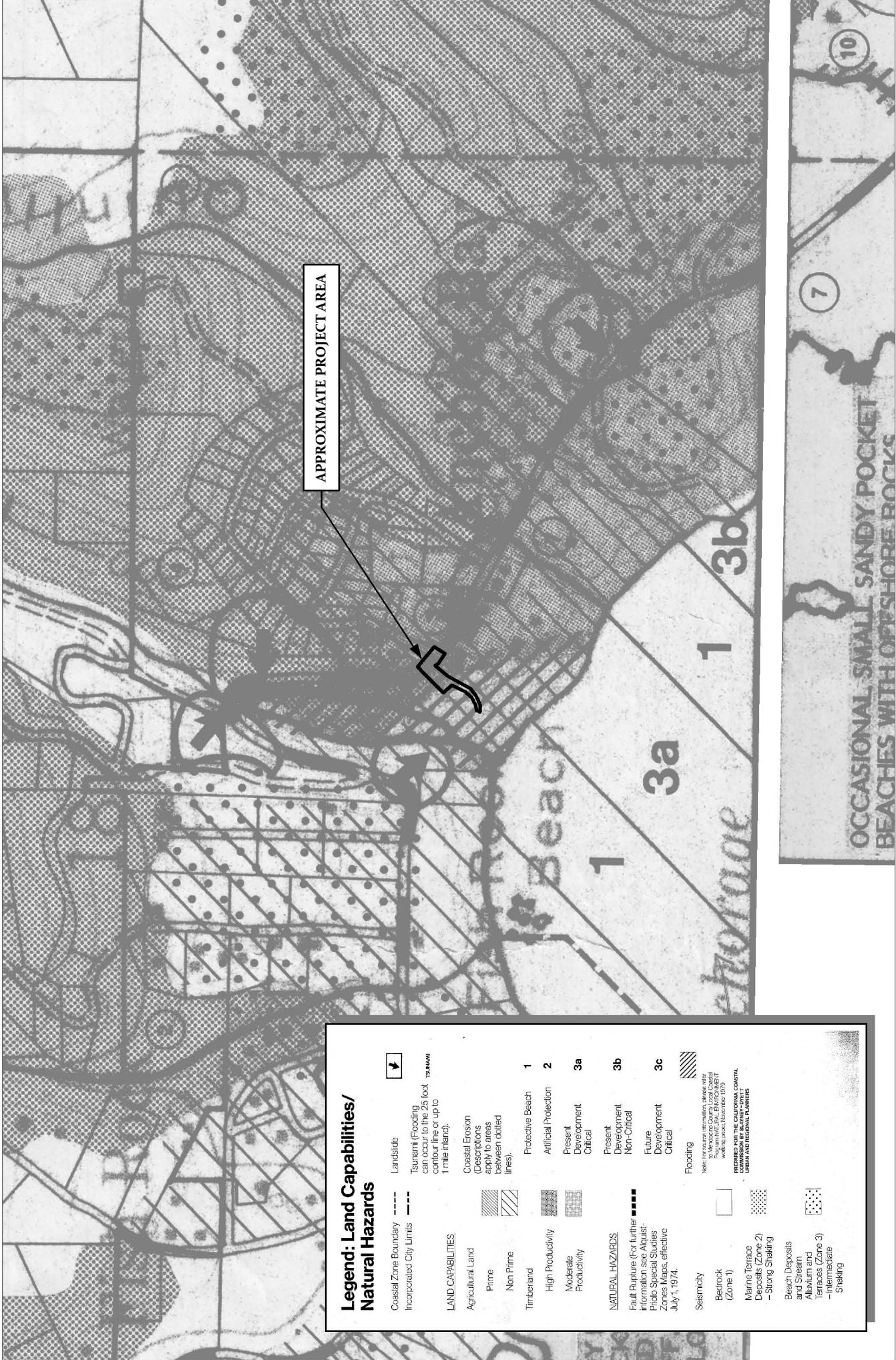
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General Plan Classes



GENERAL PLAN CLASSIFICATIONS





CASE: CDP 2016-0033  
 OWNER: State of California  
 APN: None (RoW)  
 APLCT: CALTRANS  
 AGENT: Dotrik Wilson  
 ADDRESS: None Assigned, Gualala

LCP LAND CAPABILITIES & NATURAL HAZARDS



# Legend: Habitats/Resources

Coastal Zone Boundary ---

Incorporated City Limits ---

## MARINE AND FRESHWATER HABITATS

Open Water

Kelp

Rocky Intertidal Area

Mudflat

Beach

Dunes

Marsh

Saltwater

Freshwater

Brackish

Stream

Perennial

Intermittent

WOODED HABITATS

Coastal Forest

Redwood

Hardwood

Woodland

Riparian

Culover

DESIGNATED RESOURCE PROTECTION AREA

State Park or Reserve

Area of Special Biological Significance

Natural Area

Forestry/Special Treatment Area

VISUAL RESOURCES

View Limit

Viewshed Corridor

OTHER UPLAND HABITATS

Scrub

Pygmy Forest

Pygmy Type Forest

Barren

Coastal Prairie

Grassland

Hardwood Forest/Grassland

Agricultural Land

Farmstead

Pasture

Urban (Also shown with a dominant vegetation)

Sand/Gravel (Extractive Use)

SPECIAL HABITATS

Seabird and Marine Mammal Roost

Marine Mammal Haulout Area

Spawning Area

Anadromous Stream

Wildlife Habitat

Plant Habitat

Map of California showing the location of the project area in the Central Coast region.

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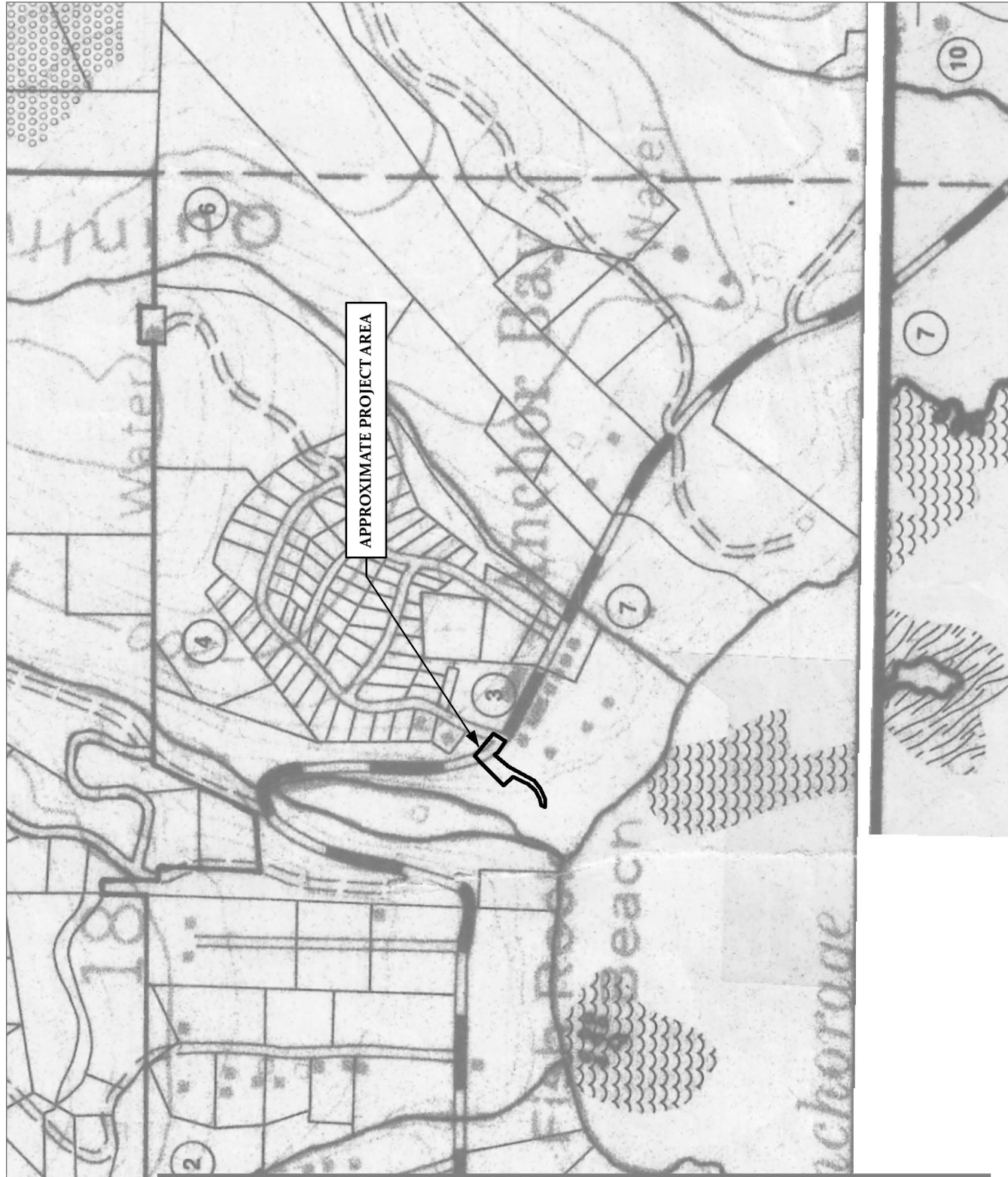
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APLC: CALTRANS

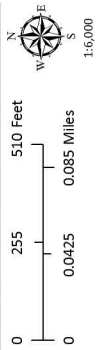
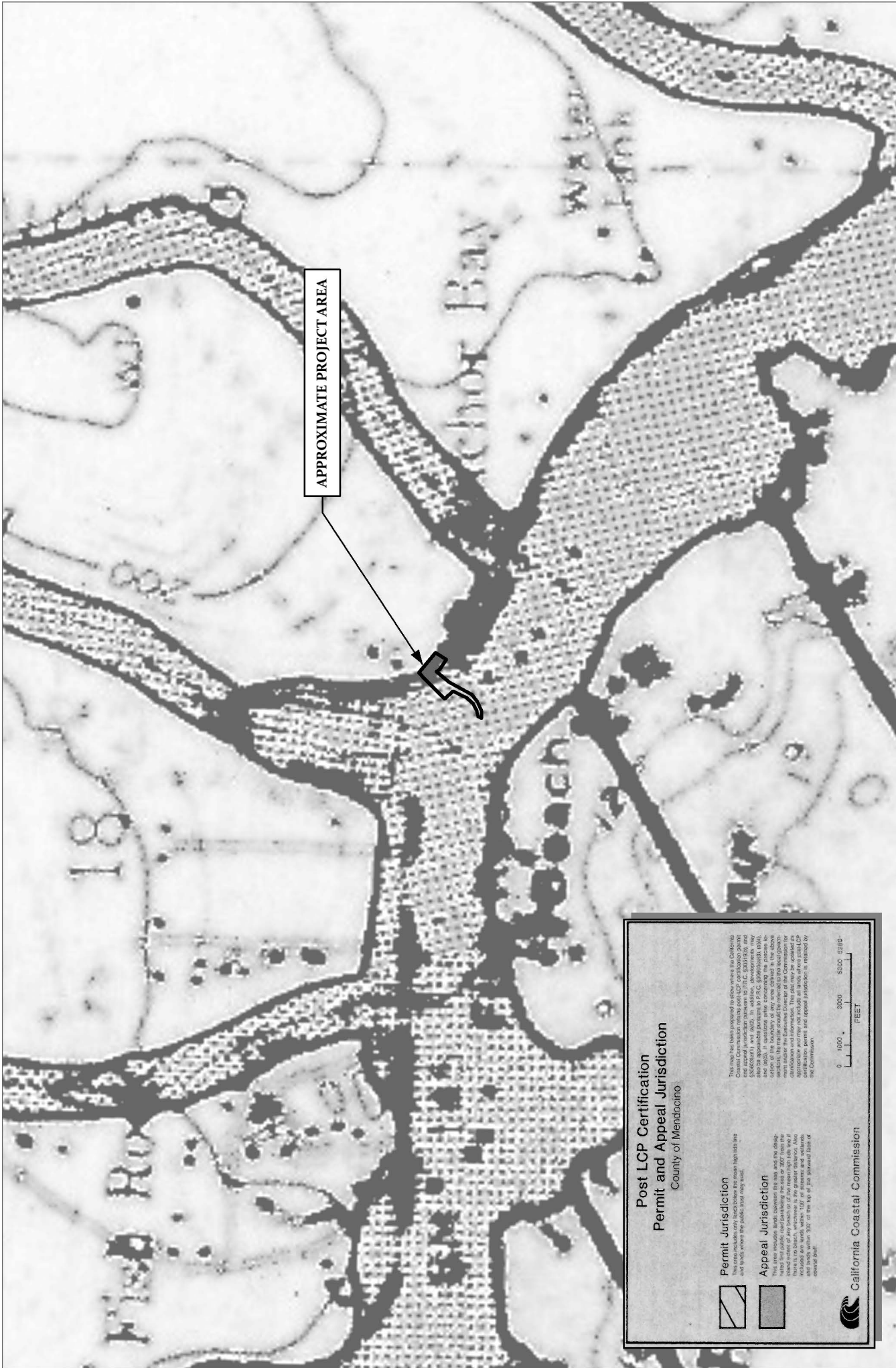
AGENT: Dotrik Wilson

ADDRESS: None Assigned, Gualala

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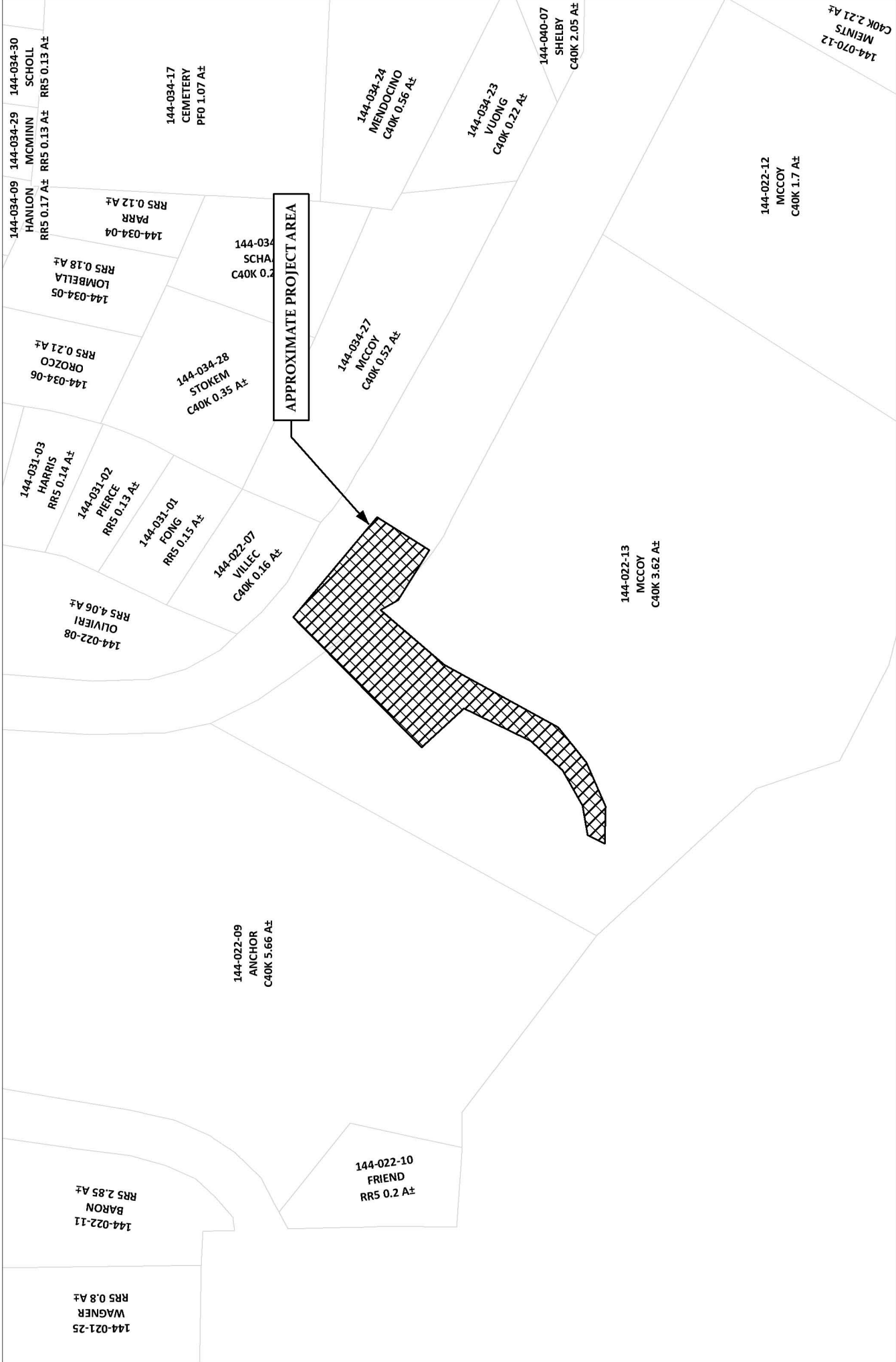
LCP HABITATS & RESOURCES



APPEALABLE AREAS

CASE: CDP 2016-0033  
OWNER: State of California  
APN: None (RoW)  
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ADDRESS: None Assigned, Gualala

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OWNER: State of California

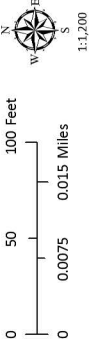
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APLCT: CALTRANS

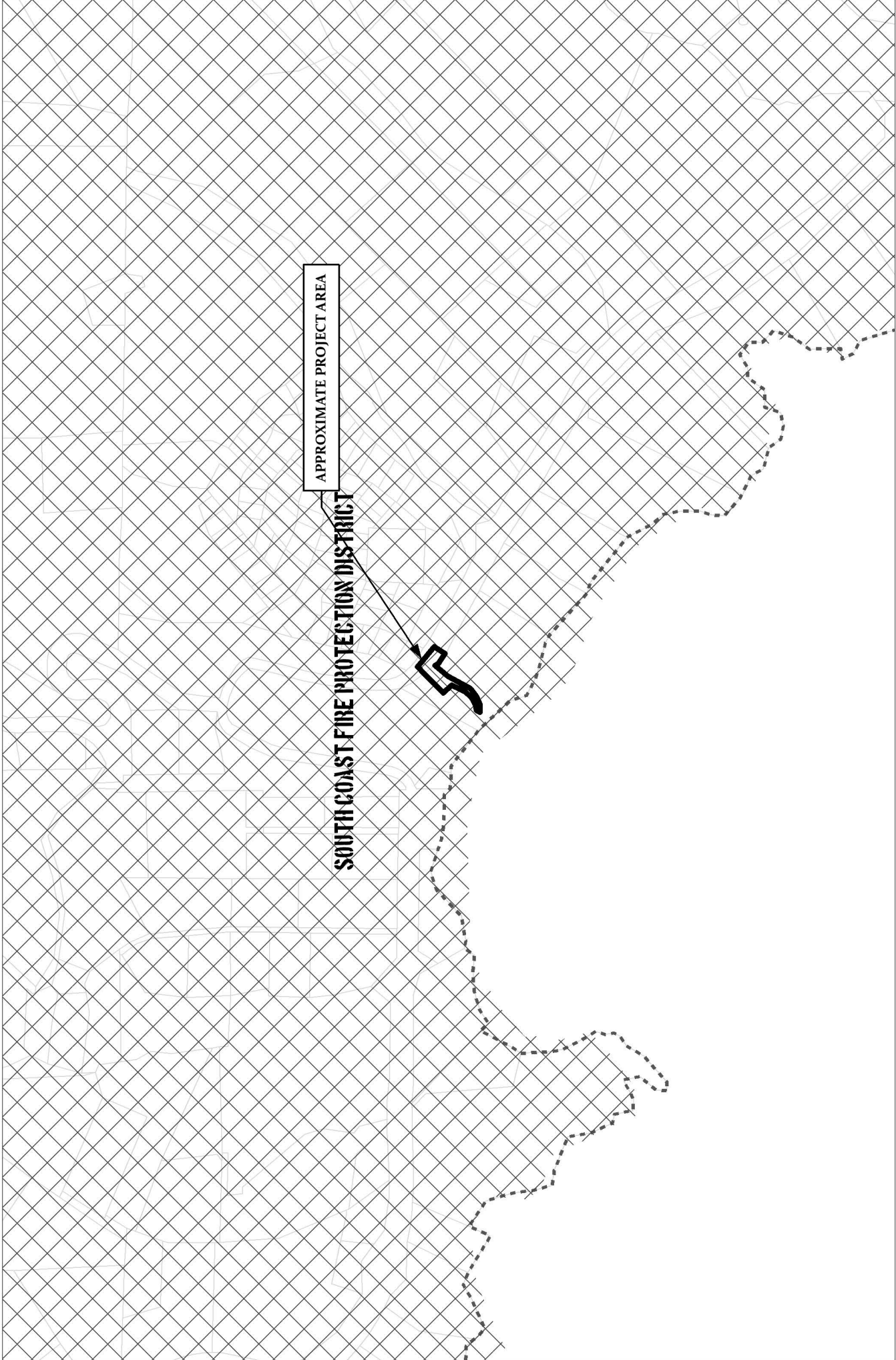
AGENT: Dotrik Wilson

ADDRESS: None Assigned, Gualala

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ADJACENT PARCELS



CASE: CDP 2016-0033  
OWNER: State of California  
APN: None (RoW)  
APLCT: CALTRANS  
AGENT: Dotrik Wilson  
ADDRESS: None Assigned, Gualala

County Fire Districts  
High Fire Hazard

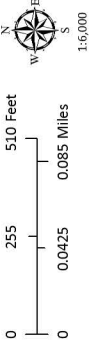
0 255 510 Feet  
0 0.0425 0.085 Miles  
0 15,000

N  
E  
S  
W

**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
STATE RESPONSIBILITY AREA

Map produced by the Mendocino County Planning & Building Services, August, 2016  
All spatial data is approximate. Map provided without warranty of any kind.





**FEMA FLOOD ZONE**  
NFIP MAPS, JUNE 2nd, 2011

CASE: CDP 2016-0033  
OWNER: State of California  
APN: None (RoW)  
APLCT: CALTRANS  
AGENT: Dotrik Wilson  
ADDRESS: None Assigned, Gualala



Map produced by the Mendocino County Planning & Building Services, August, 2016  
All spatial data is approximate. Map provided without warranty of any kind.

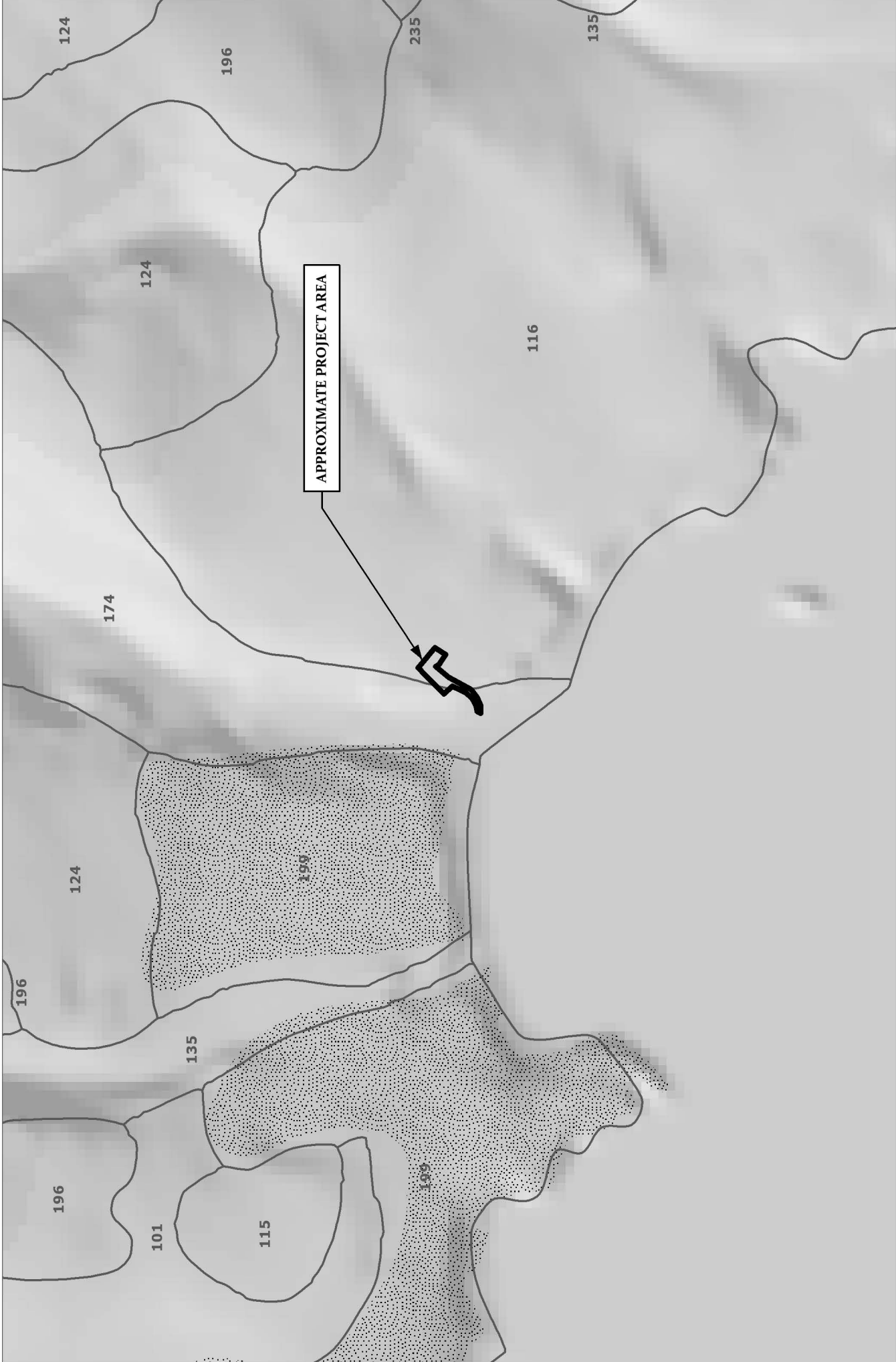


CASE: CDP 2016-0033  
OWNER: State of California  
APN: None (RoW)  
APLCT: CALTRANS  
AGENT: Dotrik Wilson  
ADDRESS: None Assigned, Gualala

X X : Critical Water Areas

GROUND WATER RESOURCES

Map produced by the Mendocino County Planning & Building Services, August, 2016  
All spatial data is approximate. Map provided without warranty of any kind.



CASE: CDP 2016-0033  
OWNER: State of California  
APN: None (RoW)  
APLCT: CALTRANS  
AGENT: Dotrik Wilson  
ADDRESS: None Assigned, Gualala

Shinglemill-Gibney Complex

LOCAL SOILS

Map produced by the Mendocino County Planning & Building Services, August, 2016  
All spatial data is approximate. Map provided without warranty of any kind.



CASE: CDP 2016-0033

OWNER: State of California

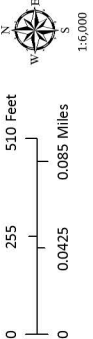
APN: None (RoW)

APLCT: CALTRANS

AGENT: Dotrik Wilson

ADDRESS: None Assigned, Gualala

- Cemetery\_Lots
- Supervisory Districts 2010
- GMAC Boundary



MISC DISTRICTS

# **Anchor Bay Downdrain Reconstruction**

State Route 1 in Mendocino County

01-MEN-1 PM 4.47

EA 01-446501

## **Initial Study with Negative Declaration**



Prepared by the  
State of California Department of Transportation

July 2010



## **General Information About This Document**

For individuals with sensory disabilities, this document is available in Braille, large print, on audiocassette, or computer disk. To obtain a copy in one of these alternate formats, please call or write to Caltrans, Attn: Sandra Rosas, North Region Environmental Planning, P.O. Box 911, Marysville, CA 95901; (530) 741-4017 Voice, or use the California Relay Service TTY number, 1-800-735-2929.

01 MEN-1  
PM 4.47  
EA 01-445401

Anchor Bay Downdrain Reconstruction in Mendocino County, California


PM 4.47  
EA 01-446501

#### INITIAL STUDY

Submitted Pursuant to: (State) Division 13, California Resources Code

THE STATE OF CALIFORNIA  
Department of Transportation

*27 January 2010*  
Date of Approval

  
John Webb, Chief  
North Region Environmental Services – South  
California Department of Transportation





## Negative Declaration

Pursuant to: Division 13, Public Resources Code


### ***Project Description***

The California Department of Transportation (Caltrans) proposes to repair a culvert on State Route 1 at Post Mile (PM) 4.47 in the town of Anchor Bay in Mendocino County. The proposed project is to replace the culvert downdrain. No work will be done on the existing crossdrain, except where the new cable-anchor system will be attached to the last joint of the existing culvert; therefore no concrete pile anchors will be required. Removal of the existing downdrain will involve debris and/or vegetation clearing and grading. The existing downdrain will then be replaced by a new rock-lined ditch and black plastic downdrain. The rock-lined ditch will contain two pools that serve as frog habitat and willows will be planted between the rocks. There will be no excess dirt because the slope of the new downdrain will be determined by re-grading the existing embankment. The existing bench, where the downdrain is located, will be re-graded to eliminate the need for angle points in the new downdrain.

The staging and material stockpiling areas will be located primarily within a new temporary construction easement (a 25 foot wide by 75 foot long flat area on the west side of State Route 1). Some staging could also occur within the existing right of way (in the southbound lane and along the southbound shoulder of State Route 1) or within the proposed right of way (a 20 foot wide by 157 foot long area along the new downdrain and rock-lined ditch).

Construction access will be from State Route 1. The construction access road will be within the grading limits of the downdrain and rock-lined ditch flow-line. The contractor will construct the rock-lined ditch first and then place the downdrain, working back towards State Route 1. Erosion control materials will be placed by hand over all disturbed areas.

- The proposed project would have no effect on visual aesthetics, agricultural resources, air quality, cultural resources, geology/soils, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, or utilities/service systems.
- The proposed project would have a less than significant impact on hazardous materials and biological resources.

  
John Webb  
Chief, Office of Environmental Services - South  
North Region Environmental Planning  
California Department of Transportation

30 July 2010  
Date



## **Negative Declaration**

### ***Project Title***

Anchor Bay Downdrain Reconstruction along State Route 1

### ***Lead Agency Name and Address***

California Department of Transportation  
703 B St, Marysville 95901

### ***Contact Person and Phone Number***

Sandra Rosas, Senior Environmental Planner  
(530) 741-4017

### ***Project Location***

The proposed project site is located west of State Route (SR) 1, at PM 4.47, in the town of Anchor Bay, Mendocino County. Refer to Project Location Map and Project Vicinity Map on pages 3 and 4. The parcels referred to as the proposed project site are parcel numbers 11315-1 and 11315-2.

### ***Project Sponsor's Name and Address***

California Department of Transportation  
Sandra Rosas, Senior Environmental Planner  
703 B St. P.O. Box 911  
Marysville, CA 95901

### ***Zoning***

The proposed project parcels are zoned as Rural Coastal (C).

### ***Description of Project***

The California Department of Transportation (Caltrans) proposes to repair a culvert on State Route 1 at Post Mile (PM) 4.47 in the town of Anchor Bay in Mendocino County. The proposed project is to replace the culvert downdrain. No work will be done on the existing crossdrain, except where the new cable-anchor system will be attached to the last joint of the existing culvert. Therefore no concrete pile anchors will be required. Removal of the existing downdrain will involve debris and/or vegetation clearing and grading. The existing downdrain will then be replaced by a new rock-lined ditch and black plastic downdrain. The rock-lined ditch will contain two pools that serve as frog habitat and willows will be planted between the rocks. There will be no excess dirt because the slope

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Construction access will be from State Route 1. The construction access road will be within the grading limits of the downdrain and rock-lined ditch flow-line. The contractor will construct the rock-lined ditch first and then place the downdrain, working back towards State Route 1. Erosion control materials will be placed by hand over all disturbed areas.

### ***Surrounding Land Uses and Setting***

The project area is within the unincorporated community of Anchor Bay. The area is zoned as Rural Coastal.

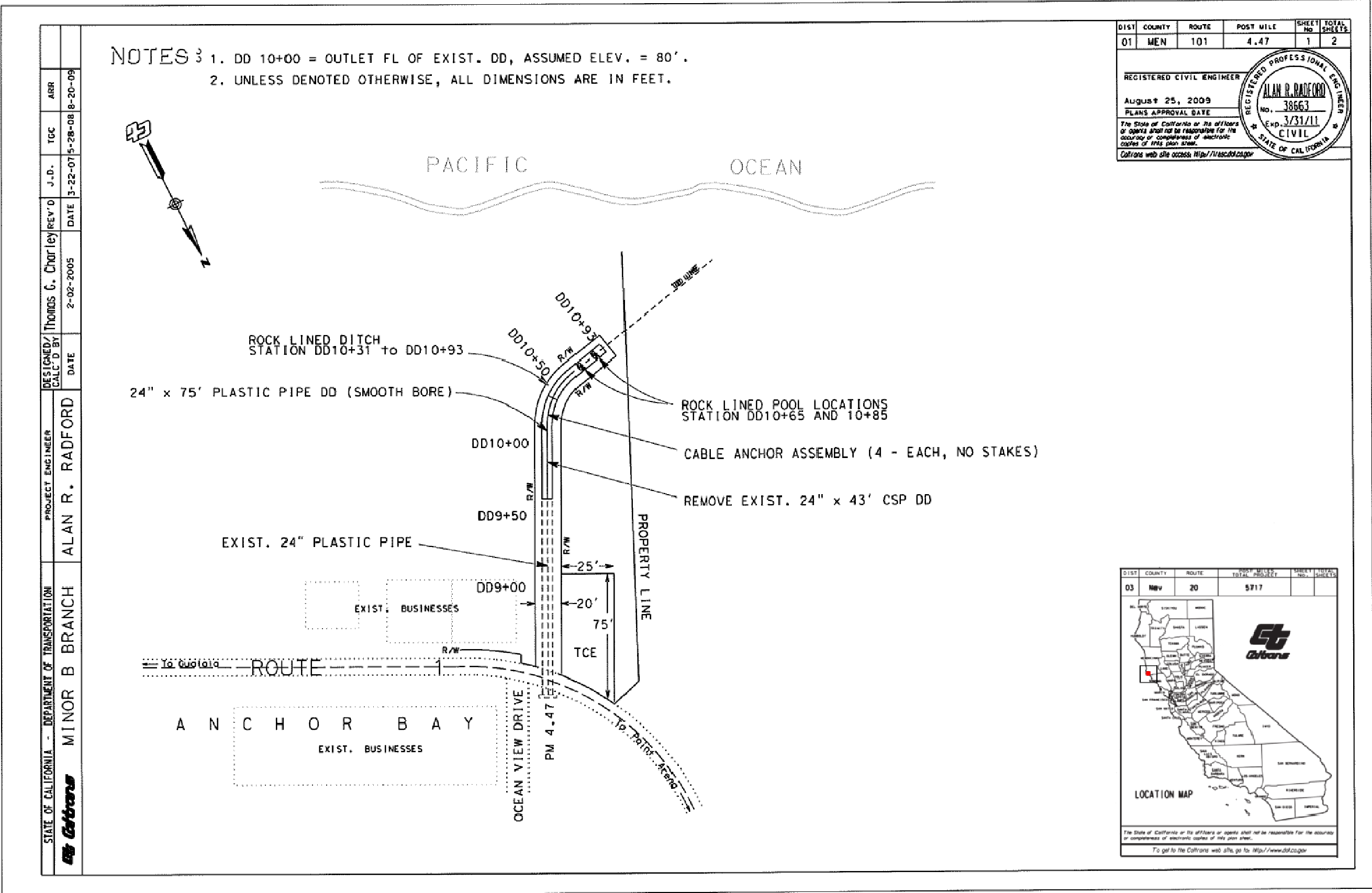
### ***Permits and Approvals Needed***

The following environmental permits and approvals are required for this project:

- Section 404 permit from the U.S. Army Corps of Engineers.
- Section 401 Water Quality Certification from the North Coast Regional Water Quality Control Board.
- Section 1602 Streambed Alteration Agreement will be required from the Department of Fish and Game.
- County Coastal Development Permit from Mendocino County
- Concurrence with a Not Likely to Adversely Affect Determination from the U. S. Fish and Wildlife Service under Section 7 of the Federal Endangered Species Act was received on October 16, 2009.



Project Location Map













## Environmental Factors Potentially Affected

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The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “less than significant impact” as indicated by the checklist on the following pages.

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| <input type="checkbox"/>            | Aesthetics                         |
| <input type="checkbox"/>            | Agricultural Resources             |
| <input type="checkbox"/>            | Air Quality                        |
| <input checked="" type="checkbox"/> | Biological Resources               |
| <input type="checkbox"/>            | Cultural Resources                 |
| <input type="checkbox"/>            | Geology/Soils                      |
| <input checked="" type="checkbox"/> | Hazards and Hazardous Materials    |
| <input type="checkbox"/>            | Hydrology/Water Quality            |
| <input type="checkbox"/>            | Land Use/Planning                  |
| <input type="checkbox"/>            | Mineral Resources                  |
| <input type="checkbox"/>            | Noise                              |
| <input type="checkbox"/>            | Population/Housing                 |
| <input type="checkbox"/>            | Public Services                    |
| <input type="checkbox"/>            | Recreation                         |
| <input type="checkbox"/>            | Transportation/Traffic             |
| <input type="checkbox"/>            | Utilities/Service Systems          |
| <input type="checkbox"/>            | Mandatory Findings of Significance |

## Impacts Checklist

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The impacts checklist starting on the next page identifies physical, biological, social, and economic factors that might be affected by the proposed project. The California Environmental Quality Act impact levels include “less than significant impact,” and “no impact.”

A brief explanation of each California Environmental Quality Act checklist determination follows each checklist item. Lengthy explanations, if needed, are provided after the checklist.

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
--------------------------------	--	------------------------------	-----------

**I. AESTHETICS** — Would the project:

- a) Have a substantial adverse effect on a scenic vista? ☐ ☐ ☐ ☒

Hydro-seeding/mulching is to used where necessary to minimize storm water impacts.

***“No Impact” determination in this section is based on the Visual Impact Assessment, June 2009.***

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? ☐ ☐ ☐ ☒

- c) Substantially degrade the existing visual character or quality of the site and its surroundings? ☐ ☐ ☐ ☒

- d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? ☐ ☐ ☐ ☒

**II. AGRICULTURE RESOURCES** — In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? ☐ ☐ ☐ ☒

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? ☐ ☐ ☐ ☒

- c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? ☐ ☐ ☐ ☒

***“No Impact” determinations in this section are based on various field reviews in 2008 and 2009.***

**III. AIR QUALITY** — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan? ☐ ☐ ☐ ☒

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
--------------------------------	--	------------------------------	-----------

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

d) Expose sensitive receptors to substantial pollutant concentrations?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

e) Create objectionable odors affecting a substantial number of people?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

***“No Impact” determinations in this section are based on the Air Quality Analysis, June 2009.***

#### **IV. BIOLOGICAL RESOURCES —** Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------



Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
--------------------------------	--	------------------------------	-----------

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

***“No Impact” determinations in this section are based on the Natural Environmental Study (NES), September 2009.***

#### **V. CULTURAL RESOURCES — Would the project:**

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

d) Disturb any human remains, including those interred outside of formal cemeteries?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

***“No Impact” determinations in this section are based on the Archaeological Screening Memorandum, October 2008.***

#### **VI. GEOLOGY AND SOILS — Would the project:**

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

ii) Strong seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

iii) Seismic-related ground failure, including liquefaction?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

iv) Landslides?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
--------------------------------	--	------------------------------	-----------

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Result in substantial soil erosion or the loss of topsoil?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

***“No Impact” determinations in this section are based on conversations with Project Engineer, June 2009.***

## **VII. HAZARDS AND HAZARDOUS MATERIALS —**

Would the project:

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

***“Less Than Significant” determination in this section is based on review of the memorandum and field visits, November 2009. Additional Soil Investigation Report January 2006.***

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
--------------------------------	--	------------------------------	-----------

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

### VIII. HYDROLOGY AND WATER QUALITY —

Would the project:

a) Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or offsite?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

f) Otherwise substantially degrade water quality?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
--------------------------------	--	------------------------------	-----------

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

j) Result in inundation by a seiche, tsunami, or mudflow?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

***“No Impact” determinations in this section are based on the Water Quality and Flood Plain Research, November 2009.***

**IX. LAND USE AND PLANNING** — Would the project:

a) Physically divide an established community?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

***“No Impact” determinations in this section are based on conversations with Project Engineer, June 2009.***

**X. MINERAL RESOURCES** — Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

***“No Impact” determinations in this section are based on conversations with Project Engineer, June 2009.***

**XI. NOISE** — Would the project result in:

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
--------------------------------	--	------------------------------	-----------

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

***“No Impact” determinations in this section are based on the Noise Analysis, June 2009.***

## **XII. POPULATION AND HOUSING —** Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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***“No Impact” determinations in this section are based on the scope and location of the project.***



Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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### XIII. PUBLIC SERVICES —

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*“No Impact” determinations in this section are based on the scope and location of the project.*

### XIV. RECREATION —

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*“No Impact” determinations in this section are based on the scope and location of the project.*

### XV. TRANSPORTATION/TRAFFIC — Would the project:

a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Exceed, either individually or cumulatively, a level of service standard established by the county

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

f) Result in inadequate parking capacity?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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***“No Impact” determinations in this section are based on conversations with Project Engineer, June 2009.***

#### **XVI. UTILITY AND SERVICE SYSTEMS — Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Result in a determination by the wastewater

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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g) Comply with federal, state, and local statutes and regulations related to solid waste?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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***"No Impact" determinations in this section are based on conversations with Project Engineer, June 2009.***

## **XVII. MANDATORY FINDINGS OF SIGNIFICANCE —**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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# Additional Explanations

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## HAZARDOUS WASTE/MATERIALS

### ***Regulatory Setting***

Many state and federal laws regulate hazardous materials and hazardous wastes. These include not only specific statutes governing hazardous waste, but also a variety of laws regulating air and water quality, human health, and land use.

Hazardous waste in California is regulated primarily under the authority of the federal Resource Conservation and Recovery Act of 1976 and the California Health and Safety Code. Other California laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

Worker health and safety and public safety are key issues when dealing with hazardous materials that may affect human health and the environment. Proper treatment of materials during excavation and transport, and proper disposal of hazardous material is vital during project construction in order to prevent impacts to workers (and the public) from contaminated dust or water. The principal state agency concerned with these issues for the protection of human health and the environment is the Department of Toxic Substances Control.

In California, properties with known hazardous waste are placed on a public list for notification and public disclosure. This list, known as the “Cortese List,” was established under Government Code 65962.5 and was published annually by the Governor's Office of Planning and Research. If a site is listed in the Cortese List database, a Negative Declaration (ND) is the minimum level of CEQA documentation required for CEQA compliance.

### ***Affected Environment***

This proposed project includes work in parcel number 144-022-1200. The suspected source of the contamination was related to fuel tanks leaking from an underground storage tank at the Anchor Bay Gas Station. The Anchor Bay Gas station is closed and the underground storage tanks were removed on August 21, 1997. The site is on the Cortese site list and the contamination is well defined. The Cortese site is under active remediation.

### ***Potential Impacts***

An ISA memorandum was completed in January 2006. It described soil sampling and analysis that was conducted within the proposed construction area by the property owner's consultant, Brunsing Associates, Inc. This study found that low levels of highly water-soluble fuel oxygenates were present in the shallow subsurface soil along the

proposed culvert alignment at Engineering Station DD10+03. It was concluded that the impacts are localized and will likely entail less than 5 cubic meters of material, and that the material could simply be graded in place during construction. If the impacted material were picked up and moved, it could be considered a waste, requiring disposal.

Since the writing of the January 2006 memorandum, the property owner's consultant has installed a soil and groundwater remediation system and has obtained an encroachment permit for groundwater discharge into our culvert facility. As a result, the levels of fuel oxygenates in the subsurface soil have likely decreased, but are probably still likely present.

### ***Avoidance, Minimization, and/or Mitigation Measures***

Based on the previous findings, avoidance or minimization measures are required. The project will include NSSPs that address the following requirements:

- If the fuel oxygenates – impacted material is not graded in place during construction, it may need to be regarded as “hazardous Waste” and disposed of accordingly.
- A worker health and safety plan for the fuel oxygenates present, will need to be prepared by the construction contractor and signed by an industrial hygienist.

## **BIOLOGICAL RESOURCES**

### ***Regulatory Setting***

The U.S. Fish and Wildlife Service and California Department of Fish and Game share regulatory responsibility for the protection of special-status species. “Special-status” species are selected for protection because they are rare and/or subject to population and habitat declines. Special-status is a general term for species that are afforded varying levels of regulatory protection. The highest level of protection is given to threatened and endangered species; these are species that are formally listed or proposed for listing as endangered or threatened under the Federal Endangered Species Act and/or the California Endangered Species Act. Pursuant to Section 7 of the Federal Endangered Species Act, Caltrans entered into informal consultation with USFWS on September 25, 2009 and received a letter of concurrence stating that the project “may affect, but is not likely to adversely affect” the species in question with a list of conditions to prevent take.

The regulatory requirements for the Federal Endangered Species Act can be found at United States Code 16, Section 1531, et. seq. See also 50 Code of Federal Regulations Part 402. The regulatory requirements for the California Endangered Species Act can be



found at California Fish and Game Code, Section 2050, et. seq. Caltrans projects are also subject to the Native Plant Protection Act, found at Fish and Game Code, Section 1900-1913, and the California Environmental Quality Act, Public Resources Code, Sections 2100-21177.

On February 3, 1999, President Clinton signed Executive Order 13112 requiring federal agencies to combat the introduction or spread of invasive species in the United States. The order defines invasive species as “any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem, whose introduction does or is likely to cause economic or environmental harm or harm to human health.” Federal Highway Administration guidance issued August 10, 1999 directs the use of the state’s noxious weed list to define the invasive plants that must be considered as part of the National Environmental Policy Act analysis for a proposed project.

Wetlands and other waters are protected under a number of laws and regulations. At the federal level, the Clean Water Act (33 United States Code 1344) is the primary law regulating wetlands and waters. The Clean Water Act regulates the discharge of dredged or fill material into waters of the United States, including wetlands. Waters of the United States include navigable waters, interstate waters, territorial seas, and other waters that may be used in interstate or foreign commerce. To classify wetlands for the purposes of the Clean Water Act, a three-parameter approach is used that includes the presence of hydrophytic (water-loving) vegetation, wetland hydrology, and hydric soils (soils subject to saturation/inundation). All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the Clean Water Act.

Section 404 of the Clean Water Act establishes a regulatory program that provides that no discharge of dredged or fill material can be permitted if a practicable alternative exists that is less damaging to the aquatic environment or if the nation’s waters would be significantly degraded. The Section 404 permit program is implemented by the U.S. Army Corps of Engineers with oversight by the Environmental Protection Agency.

The Executive Order for the Protection of Wetlands (Executive Order 11990) also regulates the activities of federal agencies with regard to wetlands. Essentially, this executive order states that a federal agency, such as the Federal Highway Administration, cannot undertake or provide assistance for new construction located in wetlands unless the head of the agency finds: 1) that there is no practicable alternative to the construction and 2) the proposed project includes all practicable measures to minimize harm.

At the state level, wetlands and waters are regulated primarily by the California Department of Fish and Game and the Regional Water Quality Control Boards. In certain circumstances, the California Coastal Commission (CCC) may also be involved. Sections 1600-1607 of the Fish and Game Code require any agency that proposes a project that would substantially divert or obstruct the natural flow of or substantially change the bed or bank of a river, stream, or lake to notify the California Department of Fish and Game before beginning construction. If the California Department of Fish and Game determines that the project may substantially and adversely affect fish or wildlife resources, a Lake or Streambed Alteration Agreement would be required. The California Department of Fish and Game's jurisdictional limits are usually defined by the tops of the stream or lake banks, or the outer edge of riparian vegetation, whichever is wider. Wetlands under jurisdiction of the U.S. Army Corps of Engineers (USACE) may or may not be included in the area covered by a Streambed Alteration Agreement obtained from the Department of Fish and Game.

The Regional Water Quality Control Boards were established under the Porter-Cologne Water Quality Control Act to oversee water quality. The Regional Water Quality Control Boards also issue water quality certifications in compliance with Section 401 of the Clean Water Act. Please see the Water Quality section for additional details.

Within the Mendocino County Local Coastal Permit (LCP), Chapter 20.496 of the coastal zoning code includes policies that apply to Environmentally Sensitive Habitat Area (ESHAs). Buffer areas are described and defined in Section 20.496.020 as an area that shall be established adjacent to all ESHAs. The purpose of a buffer area shall be to provide for a sufficient area to protect the ESHA from degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game (CDFG) and Mendocino County Planning Department, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the ESHA and shall not be less than 50 feet in width. Mendocino County Code Section 20.496.025(7) further specifies development that is allowed in wetlands, including incidental public service purposes.

### ***Affected Environment***

The project area is located in the seaside town of Anchor Bay, California along State Route 1. A downdrain and culvert are located to the west of town with the downdrain flowing down the embankment and terminating at the toe of the slope. The area around

the downdrain will be disturbed by vegetation removal and some grading while the downdrain is replaced. Riparian habitat will be affected but replanted after construction is completed. The culvert and the area on and east of State Route 1 will not be affected.

### ***Potential Impacts***

The project will impact 137 linear feet (lf) of Waters of the US during construction. Of this total length, 94 lf will be permanently impacted due to the 62 lf rock lined ditch and the new downdrain which extends 32 lf farther than the old one. Temporary impacts to Waters of the U.S. will result from the 43 lf of replacement downdrain which will be buried to provide a larger area for revegetation. This will require clearing and grubbing of 0.01 acre of wetland and 0.05 acre of riparian habitat, including removal of several mature willow trees and several juvenile Bishop pines. There is no Bishop pine forest within the ESL; however, encroachment into the designated buffer zone will be necessary as the ESL is immediately adjacent to the Bishop pine forest. Possible effects as they relate to California Coastal Commission designated Environmentally Sensitive Habitats will be addressed in the ESHA analysis. Some soil disturbance will occur when the new downdrain is buried, and there is some concern about soil contamination from underground storage tanks that were removed from an adjacent property. If contaminated soil is found, it will need to be disposed of at an approved offsite location. All clean topsoil will be redistributed onsite to preserve the seedbank.

California red-legged frog (CRLF) habitat, though temporarily impacted during construction, will be improved upon completion of the project through pool creation in the rock lined ditch and riparian/wetland restoration of a larger area. This restoration will be made possible by burial of the down drain and slope stabilization provided by the rock lined ditch. Impacts to CRLF individuals are not anticipated from this project as CRLF are not believed to be present at the site. The anticipated outcome of Section 7 consultation with USFWS is a letter of concurrence stating “that the proposed project may affect, but is not likely to adversely affect” with a list of conditions to avoid “take.” One of the conditions will be that if any individual frogs are encountered, all work will be stopped.

### ***Avoidance, Minimization, and/or Mitigation Measures***

- A qualified biologist will conduct the environmental awareness training for the construction workers prior to beginning of construction activities. The awareness training will include a brief review of the biology of the California red-legged frog and guidelines that must be followed by all construction personnel to avoid “take” of California red-legged frogs and to minimize potential effects to all sensitive biological resources during

the construction period Worker Environmental Awareness Training will be conducted for all new personnel before they join construction activities.

- A qualified biologist will be on-site to monitor all initial ground disturbing construction activities. The biologist's duties will include surveying the project area for all life stages of California red-legged frog immediately prior to ground disturbing activities.
- If a California red-legged frog is encountered during any project activities, construction activities will cease in the area and the Service will be notified.
- Water pumps will be screened with wire mesh screens no larger than 0.2 inch to prevent California red-legged frog larvae, juveniles, and adults from entering the pump system.
- All food related trash will be disposed of in closed containers and removed from the project area at least twice per week during the construction period.
- The contractors will implement a toxic materials control and spill response plan. Equipment refueling will only occur at staging areas that are located where fuel will not enter the floodplain.
- All vegetation removal activities will employ only hand tools (including chainsaws).
- The number of access routes, numbers and sizes of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the project goal. Routes and boundaries will be clearly demarcated.

The impacted waters and wetlands will be restored onsite following construction. Burial of the downdrain will provide a larger area within the ESL to be revegetated, with the goal being a net gain in wetland/riparian habitat. Debris and trash within the ESL, such as culvert pipe and an old truck body, will also be removed to improve habitat and water quality. Non-native species such as pampas grass, will be removed to improve the quality of habitat. The area of construction disturbance will be kept narrow (20 ft. wide) to minimize impacts to sensitive resources.

Below the downdrain outlet, a rock lined ditch inter-planted with willows will be constructed. This will improve water quality by reducing erosion. It will also allow riparian plants to establish and provide shade/habitat. These design modifications will improve CRLF habitat. Two pools will be created in the rock lined ditch in order to trap

water and create CRLF habitat, and the rocklined ditch will be reduced to 62 feet long. Beyond that point, the channel intercepts bedrock, and further rock slope protection (RSP) is not needed. Existing pools in this section of bedrock provide better quality habitat than artificial ones made from RSP, so they will be preserved.

All off-road construction equipment shall be cleaned of noxious weed sources (mud and vegetation) before entering the construction site, as well as after entering potentially infested areas to help ensure that noxious weeds are not introduced into the project area. The contractor shall employ whatever cleaning methods (typically the use of a high pressure water hose) are necessary to ensure that the equipment is free of noxious weeds before its arrival at the project location. Equipment shall be considered free of soils, seeds, and other such debris when a visible inspection indicates that such materials are not present.

Appropriate Caltrans Best Management Practices (BMPs) will be implemented to prevent any construction material, debris or petroleum products associated with equipment from entering the drainage. BMPs for erosion control will be implemented and in place prior to, during, and after construction in order to ensure that no silt, sediment, backfill, petroleum products or invasive plants enter drainage ditches.

## **Fish and Wildlife Service Determination**

### **Concurrence**

#### ***California Red-legged Frog***

Due to the following factors:

1. The nearest known occurrence of California red-legged frog occurs approximately 3.8 miles from the proposed project. However, suitable aquatic breeding habitat for the species likely does not occur at the proposed culvert repair site.
2. Surveys for California red-legged frog and implementation of a worker awareness training before work activities begin should confirm probable absence of California redlegged frogs at the proposed project site.
3. Suitable aquatic breeding habitat would not be removed.
4. Although vegetation around a small (approximately 100 square feet) ephemeral wetland area will be removed, the effects will likely be temporary, and this represents a miniscule fraction of the habitat available to California red-legged frogs in the vicinity of the proposed project; therefore, it is unlikely that California red-legged frogs would occur at the proposed project area.



The Fish and Wildlife Service concurs with the determination that the proposed project may affect but are not likely to adversely affect the California red-legged frog.

## **WATER QUALITY**

### ***Regulatory Setting***

Since this project has a disturbed soil area (DSA) of less than one acre, regulatory permits that address storm water discharges to construction sites do not apply. However, reporting requirements under Section A, General Discharge Prohibitions, in Caltrans Statewide NPDES Permit do apply. The reporting requirements as applied to 401 Certifications is further discussed in Caltrans Storm Water Management Plan, Section 9.4, Noncompliance Reporting, part 9.4.1.2.

### ***Affected Environment***

The drainage system is located in the Garcia River Watershed (HA 113.70). There is a Sediment Total Maximum Daily Load (TMDL) established for the Garcia River. However, this drainage system discharges to the Pacific Ocean and is located 18 miles south of the Garcia River. The proposed project location is within the jurisdictional boundary of the North Coast Regional Water Quality Control Board (Regional Board). The Regional Board has the authority to implement water quality protection standards through the issuance of permits to protect waters of the state. Water quality objectives for the North Coast Region are specified in the Water Quality Control Plan for the North Coast Region (Basin Plan) prepared in compliance with the Federal Clean Water Act and the State Porter-Cologne Water Quality Control Act. The Basin Plan establishes water quality objectives and implementation programs to meet stated objectives and to protect the beneficial uses of both surface waters and groundwater.

The project area collects water from an unknown ephemeral drainage (culvert discharges to the inlet) and storm water runoff from the northbound lane and adjacent parking lot south of the inlet. The outlet discharges to the Pacific Ocean.

### ***Potential Impacts***

The proposed project should have no impacts to either beneficial uses and/or water quality objectives for the coastal waters. A storm water plan is typically required by the Regional Board for the Section 401 Water Quality Certification/Waste Discharge Requirements to address discharges of pollutants to receiving waters. Because the project will result in no increase in impervious surface area, and does not include any structural

improvements, the feasibility analysis of post construction treatment BMPs is outside the scope and cost for this project.

Due to the jurisdictional drainage within the project limits, a Section 401 Water Quality Certification/Waste Discharge Requirements or a Waiver of Waste Discharge Requirements will be required by the Regional Board. The project does not propose to increase the impervious surface of the highway facility, and therefore will not generate an increase in storm water runoff. Given the existing and proposed storm water drainage system within the project limits and the regional water quality concerns associated with this area, the following water quality concerns were identified related to the project:

- Sediment and other discharges related to construction and operation.
- Dredge and fill impacts to jurisdictional waters.
- Localized increase to surface water temperatures due to removal of riparian vegetation.

### ***Avoidance, Minimization, and/or Mitigation Measures***

During construction there could be temporary adverse impacts due to increased erosion and sediment transport to receiving waters. The project will be constructed with necessary erosion and water quality control practices to minimize the potential for sedimentation and other construction related impacts through the use of construction BMPs identified in the Department's Water Quality Handbook, Construction Site BMPs Manual. The Department's approved construction BMPs applicable to this project includes measures for temporary sediment control (e.g. silt fences, fiber rolls, straw bale barriers), temporary soil stabilization (e.g. hydraulic mulching, hydroseeding, straw mulch), tracking control (stabilized construction entrance/exit, stabilized construction roadway), non-storm water management (dewatering operations, clear water diversion, illicit connection/illegal discharge detection and reporting), and waste management and materials pollution control (material delivery and storage, material use, stockpile management, spill prevention and control, solid waste management, and sanitary/septic waste management).

Based on the previous findings, avoidance, minimization, or mitigation measures are required. In accordance with Caltrans' Construction Best Management Practices (BMPs) the following measures will be implemented to minimize impacts to water quality.

- Standard Special Provisions (SSPs) 07-340 and 07-346 will be required.

Construction BMPs will be incorporated to address potential sedimentation associated with any necessary temporary and/or permanent access. Localized temporary increases in

temperature due to removal of riparian vegetation will take place. This is expected to be a temporary impact until vegetation is re-established. Any localized increase in temperature will not affect the temperature of the receiving water (Pacific Ocean). Specific construction site BMPs to address potential discharges of grout will be specified by the Project Engineer with concurrence by the Construction Storm Water Coordinator for inclusion in the contract. To address the potential temporary water quality impacts resulting from construction activities, Standard Special Provisions (SSP) 07-340 will be included with of the Plans, Specifications, and Estimates. SSP 07-340 will address water pollution control work and implementation of a Storm Water Pollution Prevention Plan (SWPPP) during construction. Source control issues will be addressed through SSP 07-346, Construction Site Management which sets forth handling procedures and BMPs for potential sources not addressed by line items in the contract special provisions.

## **COASTAL ZONE**

### ***Regulatory Setting***

This project is in the coastal zone. The Coastal Zone Management Act of 1972 (CZMA) is the primary federal law enacted to preserve and protect coastal resources. The CZMA sets up a program under which coastal states are encouraged to develop coastal management programs. States with an approved coastal management plan are able to review federal permits and activities to determine if they are consistent with the state's management plan.

California has developed a coastal zone management plan and has enacted its own law, the California Coastal Act of 1976, to protect the coastline. The policies established by the California Coastal Act are similar to those for the CZMA; they include the protection and expansion of public access and recreation, the protection, enhancement and restoration of environmentally sensitive areas, protection of agricultural lands, the protection of scenic beauty, and the protection of property and life from coastal hazards. The California Coastal Commission is responsible for implementation and oversight under the California Coastal Act. Just as the federal CZMA delegates power to coastal states to develop their own coastal management plans, the California Coastal Act delegates power to local governments (15 coastal counties and 58 cities) to enact their own local coastal programs (LCPs). LCPs determine the short- and long-term use of coastal resources in their jurisdiction consistent with the California Coastal Act goals.

### ***Affected Environment***

Within the Mendocino County LCP, Chapter 20.496 of the coastal zoning code includes policies that apply to Environmentally Sensitive Habitat Area (ESHAs). Buffer areas are described and defined in section 20.496.020 as an area that shall be established adjacent to all ESHAs. The purpose of a buffer area shall be to provide for a sufficient area to protect the ESHA from degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game (if applicable), and Mendocino County Planning Department, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the ESHA and shall not be less than 50 feet in width. This section describes a variety of standards for determining the allowable width of the buffer area, including standards for the development permitted within the buffer area. Mendocino County Code Section 20.496.025(7) further specifies development that is allowed in wetlands, including incidental public service purposes.

### ***Potential Impacts***

Due to the very steep, unstable terrain along the coastal bluff tracked equipment will be necessary for replacement of the down drain. 137 linear feet (lf) of Waters of the US will be impacted during construction. Of this amount, 94 linear feet will be permanently impacted due to the 62 lf rock lined ditch as well as the new down drain which extends 32 lf farther than the old one. Temporary impacts to waters of the U.S. will be to 43 lf of down drain which will be buried after it is replaced to allow for a greater area of Revegetation. This will require clearing and grubbing of 0.01 acres of wetland and 0.05 acres of riparian habitat, including removal of several mature willow trees as well as several juvenile bishop pines. There is no Bishop pine forest within the ESL, however encroachment within the designated buffer zone will be necessary as the ESL is right next to the edge of the Bishop pine forest. Possible effects as they relate to California Coastal Commission designated Environmentally Sensitive Habitats will be addressed in the ESHA. Some soil disturbance will occur as the new down drain will be buried, and there is some concern about soil contamination from underground storage tanks that were removed from an adjacent property. If contaminated soil is found it will need to be disposed of at an approved offsite location, however, all clean topsoil will be redistributed onsite to preserve the seedbank.

### ***Avoidance, Minimization, and/or Mitigation Measures***

All Avoidance, Minimization and Mitigation Measures are listed in the Biological and Hazardous Waste section.

## **CLIMATE CHANGE (CEQA)**

### **Regulatory Setting**

While climate change has been a concern since at least 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization's Intergovernmental Panel on Climate Change (IPCC), the efforts devoted to greenhouse gas (GHG) emissions reduction and climate change research and policy have increased dramatically in recent years. These efforts are primarily concerned with the emissions of GHG related to human activity that include carbon dioxide (CO<sub>2</sub>), methane, nitrous oxide, tetrafluoromethane, hexafluoroethane, sulfur hexafluoride, HFC-23 (fluoroform), HFC-134a (s, s, s, 2 –tetrafluoroethane), and HFC-152a (difluoroethane).

In 2002, with the passage of Assembly Bill 1493 (AB 1493), California launched an innovative and pro-active approach to dealing with GHG emissions and climate change at the state level. Assembly Bill 1493 requires the California Air Resources Board (CARB) to develop and implement regulations to reduce automobile and light truck GHG emissions. These stricter emissions standards were designed to apply to automobiles and light trucks beginning with the 2009-model year; however, in order to enact the standards California needed a waiver from the U.S. Environmental Protection Agency (EPA). The waiver was denied by EPA in December 2007. See *California v. Environmental Protection Agency*, 9th Cir. Jul. 25, 2008, No. 08-70011. However, on January 26, 2009, it was announced that EPA will reconsider their decision regarding the denial of California's waiver. On May 18, 2009, President Obama announced the enactment of a 35.5 mpg fuel economy standard for automobiles and light duty trucks which will take effect in 2012. On June 30, 2009 EPA granted California the waiver. California is expected to enforce its standards for 2009 to 2011 and then look to the federal government to implement equivalent standards for 2012 to 2016. The granting of the waiver will also allow California to implement even stronger standards in the future. The state is expected to start developing new standards for the post-2016 model years later this year. On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order S-3-05. The goal of this Executive Order is to reduce California's GHG emissions to: 1) 2000 levels by 2010, 2) 1990 levels by the 2020 and 3) 80 percent below the 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006. AB 32 sets the same overall GHG emissions reduction goals while further mandating that CARB create a plan,

which includes market mechanisms, and implement rules to achieve “real, quantifiable, cost-effective reductions of greenhouse gases.” Executive Order S-20-06 further directs state agencies to begin implementing AB 32, including the recommendations made by the state’s Climate Action Team.

With Executive Order S-01-07, Governor Schwarzenegger set forth the low carbon fuel standard for California. Under this executive order, the carbon intensity of California’s transportation fuels is to be reduced by at least 10 percent by 2020.

Climate change and GHG reduction is also a concern at the federal level; however, at this time, no legislation or regulations have been enacted specifically addressing GHG emissions reductions and climate change. California, in conjunction with several environmental organizations and several other states, sued to force the U.S.

Environmental Protection Agency (EPA) to regulate GHG as a pollutant under the Clean Air Act (*Massachusetts vs. Environmental Protection Agency et al.*, 549 U.S. 497 (2007)). The court ruled that GHG does fit within the Clean Air Act’s definition of a pollutant, and that the EPA does have the authority to regulate GHG. Despite the Supreme Court ruling, there are no promulgated federal regulations to date limiting GHG emissions.

On December 7, 2009, the EPA Administrator signed two distinct findings regarding greenhouse gases under section 202(a) of the Clean Air Act:

- **Endangerment Finding:** The Administrator finds that the current and projected concentrations of the six key well-mixed greenhouse gases-- carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>)--in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The Administrator finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare.

These findings do not themselves impose any requirements on industry or other entities. However, this action is a prerequisite to finalizing the EPA’s [proposed greenhouse gas emission standards for light-duty vehicles](#), which were jointly proposed by EPA and the Department of Transportation’s National Highway Safety Administration on September 15, 2009.<sup>1</sup>

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<sup>1</sup> <http://www.epa.gov/climatechange/endangerment.html>



According to Recommendations by the Association of Environmental Professionals on How to Analyze GHG Emissions and Global Climate change in CEQA Documents (March 5, 2007), an individual project does not generate enough GHG emissions to significantly influence global climate change. Rather, global climate change is a cumulative impact. This means that a project may participate in a potential impact through its incremental contribution combined with the contributions of all other sources of GHG. In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable." See CEQA Guidelines sections 15064(i)(1) and 15130. To make this determination the incremental impacts of the project must be compared with the effects of past, current, and probable future projects. To gather sufficient information on a global scale of all past, current, and future projects in order to make this determination is a difficult if not impossible task. As part of its supporting documentation for the Draft Scoping Plan, CARB recently released an updated version of the GHG inventory for California (June 26, 2008). Shown below is a graph from that update that shows the total GHG emissions for California for 1990, 2002-2004 average, and 2020 projected if no action is taken.

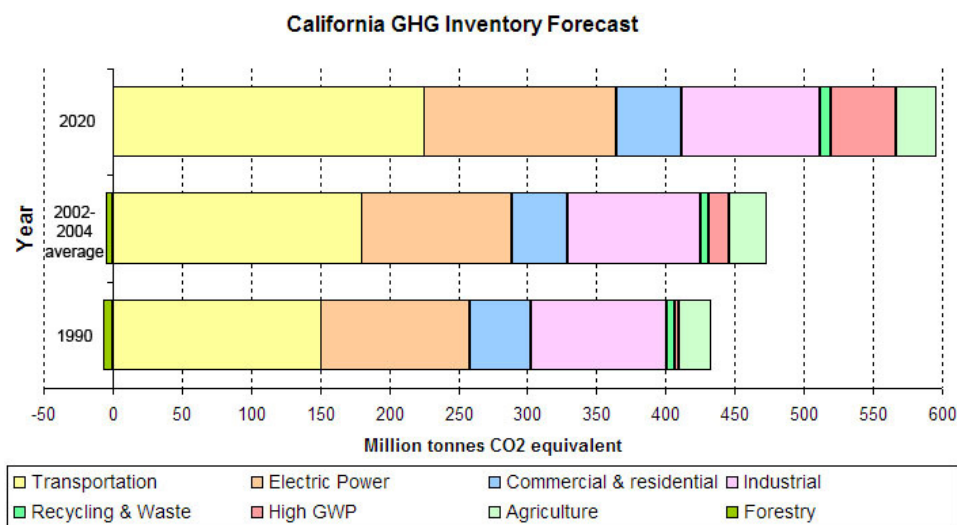


Figure 1. California GREENHOUSE GAS Inventory

Taken from : <http://www.arb.ca.gov/cc/inventory/data/forecast.htm>

Caltrans and its parent agency, the Business, Transportation, and Housing Agency, have taken an active role in addressing GHG emission reduction and climate change. Recognizing that 98 percent of California's GHG emissions are from the burning of fossil fuels and 40 percent of all human made GHG emissions are from transportation (see Climate Action Program at Caltrans (December 2006), Caltrans has created and is implementing the Climate Action Program at Caltrans that was published in December 2006. This document can be found at: <http://www.dot.ca.gov/docs/ClimateReport.pdf>

## **Project Analysis**

This project is a water quality improvements project, and will not increase or change long-term traffic. Therefore, no increase in operational GHG emissions is anticipated to occur with the project.

## **Construction Emissions**

GHG emissions for transportation projects can be divided into those produced during construction and those produced during operations. Construction GHG emissions include emissions produced as a result of material processing, emissions produced by onsite construction equipment, and emissions arising from traffic delays due to construction. Construction of this project will produce a small amount of GHG emissions associated with the operation of construction equipment and construction vehicles. These emissions will be produced at different levels throughout the construction phase; their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during construction phases. In addition, with innovations such as longer pavement life, improved traffic management plans, and changes in materials, the GHG emissions produced during construction can be minimized to some degree by longer intervals between maintenance and rehabilitation events.

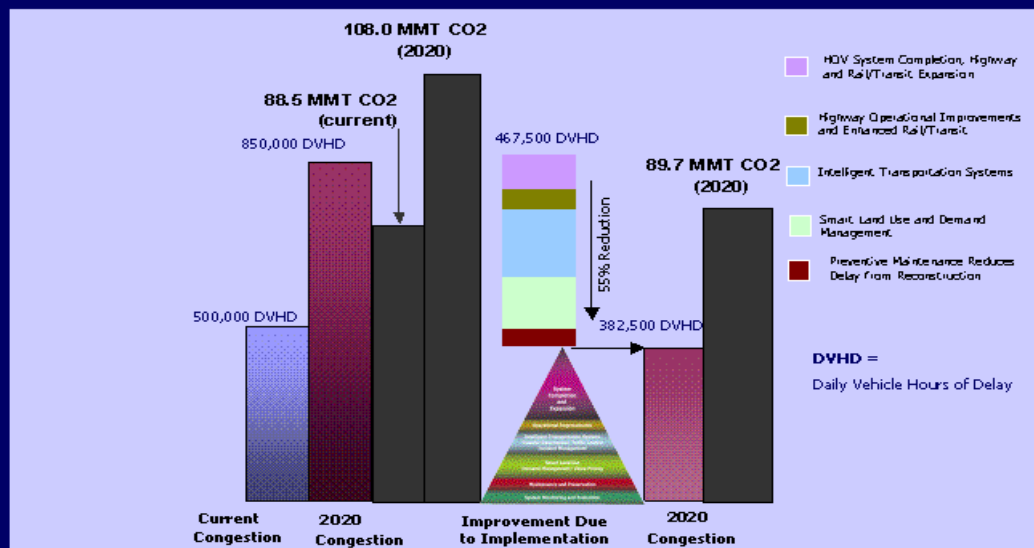
## **AB 32 Compliance**

Caltrans continues to be actively involved on the Governor's Climate Action Team as CARB works to implement the Governor's Executive Orders and help achieve the targets set forth in AB 32. Many of the strategies Caltrans is using to help meet the targets in AB 32 come from the California Strategic Growth Plan, which is updated each year. Governor Arnold Schwarzenegger's Strategic Growth Plan calls for a \$238.6 billion infrastructure improvement program to fortify the state's transportation system, education, housing, and waterways, including \$100.7 billion in transportation funding through 2016<sup>2</sup>. As shown in the figure below, the Strategic Growth Plan targets a significant decrease in traffic congestion below today's level and a corresponding reduction in GHG emissions. The Strategic Growth Plan proposes to do this while accommodating growth in population and the economy. A suite of investment options has been created that, combined together, yield the promised reduction in congestion. The Strategic Growth Plan relies on a complete systems approach of a variety of strategies: system monitoring and evaluation, maintenance and preservation, smart land use and demand management, and operational improvements.

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<sup>2</sup> Governor's Strategic Growth Plan, Fig. 1 (<http://gov.ca.gov/pdf/gov/CSGP.pdf>)

## Outcome of Strategic Growth Plan



Conceptual Framework for Reducing Congestion that Needs to be Verified Through Experience

\* Numbers reflect SHWY system

As part of the Climate Action Program at Caltrans (December 2006, <http://www.dot.ca.gov/docs/ClimateReport.pdf>), Caltrans is supporting efforts to reduce vehicle miles traveled by planning and implementing smart land use strategies: job/housing proximity, developing transit-oriented communities, and high density housing along transit corridors. Caltrans is working closely with local jurisdictions on planning activities; however, Caltrans does not have local land use planning authority. Caltrans is also supporting efforts to improve the energy efficiency of the transportation sector by increasing vehicle fuel economy in new cars, light and heavy-duty trucks; Caltrans is doing this by supporting on-going research efforts at universities, by supporting legislative efforts to increase fuel economy, and by its participation on the Climate Action Team. It is important to note, however, that the control of the fuel economy standards is held by EPA and CARB. Lastly, the use of alternative fuels is also being considered; the Department is participating in funding for alternative fuel research at the UC Davis.

### Adaptation Strategies

“Adaptation strategies” refer to how Caltrans and others can plan for the effects of climate change on the state’s transportation infrastructure and strengthen or protect the facilities from damage. Climate change is expected to produce increased variability in

precipitation, rising temperatures, rising sea levels, storm surges and intensity, and the frequency and intensity of wildfires. These changes may affect the transportation infrastructure in various ways, such as damaging roadbeds by longer periods of intense heat; increasing storm damage from flooding and erosion; and inundation from rising sea levels. These effects will vary by location and may, in the most extreme cases, require that a facility be relocated or redesigned. There may also be economic and strategic ramifications as a result of these types of impacts to the transportation infrastructure.

Climate change adaption must also involve the natural environment. Efforts are underway on a statewide-level to develop strategies to cope with impacts to habitat and biodiversity through planning and conservation. The results of these efforts will help California agencies plan and implement mitigation strategies for programs and projects.

On November 14, 2008, Governor Schwarzenegger signed Executive Order S-13-08 which directed a number of state agencies to address California's vulnerability to sea level rise caused by climate change.

The California Resources Agency [now the Natural Resources Agency, (Resources Agency)], through the interagency Climate Action Team, was directed to coordinate with local, regional, state and federal public and private entities to develop a state Climate Adaptation Strategy. The Climate Adaptation Strategy will summarize the best known science on climate change impacts to California, assess California's vulnerability to the identified impacts and then outline solutions that can be implemented within and across state agencies to promote resiliency.

As part of its development of the Climate Adaptation Strategy, Natural Resources Agency was directed to request the National Academy of Science to prepare a *Sea Level Rise Assessment Report* by December 2010 to advise how California should plan for future sea level rise. The report is to include:

- relative sea level rise projections for California, taking into account coastal erosion rates, tidal impacts, El Niño and La Niña events, storm surge and land subsidence rates;
- the range of uncertainty in selected sea level rise projections;
- a synthesis of existing information on projected sea level rise impacts to state infrastructure (such as roads, public facilities and beaches), natural areas, and coastal and marine ecosystems;
- a discussion of future research needs regarding sea level rise for California.

Furthermore Executive Order S-13-08 directed the Business, Transportation, and Housing Agency to prepare a report to assess vulnerability of transportation systems to sea level affecting safety, maintenance and operational improvements of the system and economy of the state. Caltrans continues to work on assessing the transportation system vulnerability to climate change, including the effect of sea level rise.

Prior to the release of the final Sea Level Rise Assessment Report, all state agencies that are planning to construct projects in areas vulnerable to future sea level rise were directed to consider a range of sea level rise scenarios for the years 2050 and 2100 in order to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to sea level rise. However, all projects that have filed a Notice of Preparation, and/or are programmed for construction funding the next five years (through 2013), or are routine maintenance projects as of the date of Executive Order S-13-08 may, but are not required to, consider these planning guidelines. Sea level rise estimates should also be used in conjunction with information regarding local uplift and subsidence, coastal erosion rates, predicted higher high water levels, storm surge and storm wave data. (Executive Order S-13-08 allows some exceptions to this planning requirement.)

Climate change adaptation for transportation infrastructure involves long-term planning and risk management to address vulnerabilities in the transportation system from increased precipitation and flooding; the increased frequency and intensity of storms and wildfires; rising temperatures; and rising sea levels. Caltrans is an active participant in the efforts being conducted as part of Governor Schwarzenegger's Executive Order on Sea Level Rise and is mobilizing to be able to respond to the National Academy of Science report on *Sea Level Rise Assessment* which is due to be released by December 2010.

On August 3, 2009, Natural Resources Agency in cooperation and partnership with multiple state agencies, released the 2009 California Climate Adaptation Strategy Discussion Draft, which summarizes the best known science on climate change impacts in seven specific sectors and provides recommendations on how to manage against those threats. The release of the draft document set in motion a 45-day public comment period. Led by the Natural Resources Agency, numerous other state agencies were involved in the creation of discussion draft, including Environmental Protection; Business, Transportation and Housing; Health and Human Services; and the Department of Agriculture. The discussion draft focuses on sectors that include: Public Health; Biodiversity and Habitat; Ocean and Coastal Resources; Water Management; Agriculture; Forestry; and Transportation and Energy Infrastructure. The strategy is in direct response to Governor Schwarzenegger's November 2008 [Executive Order S-13-08](#)

that specifically asked the Natural Resources Agency to identify how state agencies can respond to rising temperatures, changing precipitation patterns, sea level rise, and extreme natural events. As data continues to be developed and collected, the state's adaptation strategy will be updated to reflect current findings.

Currently, Caltrans is working to assess which transportation facilities are at greatest risk from climate change effects. However, without statewide planning scenarios for relative sea level rise and other climate change impacts, Caltrans has not been able to determine what change, if any, may be made to its design standards for its transportation facilities. Once statewide planning scenarios become available, Caltrans will be able to review its current design standards to determine what changes, if any, may be warranted in order to protect the transportation system from sea level.



## List of Preparers

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The following Caltrans North Region staff contributed to the preparation of this Initial Study:

**Sandra E. Rosas**, Senior Environmental Planner. Contribution: Environmental Branch Chief.

**Larry M. Chiea**, Associate Environmental Planner. Contribution: Environmental Study Coordinator and Document Writer.

**Erick Wulf**, Associate Environmental Planner (Archaeology). Contribution: Screening Memorandum

**Alfred Kannely**, Associate Environmental Planner/NS (Biologist). Contribution: Project Biologist, Natural Environmental Study (NES).

**Alan Radford**, Project Engineer. Contribution: Preparation of Design Plans.

**Gary Banducci**, Project Manager. Contribution: Project Coordination.

**Mark Melani**, Transportation Engineer. Contribution: Hazardous Waste Initial Site Assessment.

**Steve Werner**, Transportation Engineer. Contribution: Hazardous Waste Initial Site Assessment.

**Sharon Tang**, Air Specialist. Contribution: Air Quality Analysis.

**Saeid Zandian**, Noise Specialist. Contribution: Noise Analysis.

**Laura Lazzarotto**, Landscape Architect. Contribution: Visual Impact Assessment.

**Dave Melendrez**, Senior Civil Transportation Engineer: Contribution: Water Quality Analysis and NPDES Storm Water Coordinator.

## Attachment 1 - Informal Consultation with Fish and Wildlife Service

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## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Arcata Fish and Wildlife Office  
1655 Heindon Road  
Arcata, California, 95521  
Phone: (707) 822-7201 FAX: (707) 822-8411



In Reply Refer To:  
8-14-2009-3706  
81331-2009-I-0161

OCT 16 2009

Sandra E. Rosas, Chief  
Environmental Management, M2 Branch, District 3  
California Department of Transportation  
703 B Street  
P.O. Box 911  
Marysville, California 95901-0911

Subject: Informal Consultation on Culvert Repair Project along State Route 1 near  
Anchor Bay, Mendocino County, California

Dear Ms. Rosas:

This letter responds to your request, dated September 24, 2009, and received October 1, 2009, for informal consultation with the U.S. Fish and Wildlife Service (Service) regarding proposed culvert (down drain) repairs and replacement along California State Route 1 (Highway 1) at post mile (PM) 4.47, Mendocino County, California. Based on information contained in a biological assessment, prepared in August 2009, by the California Department of Transportation (Caltrans), Caltrans determined that the proposed down drain repair and replacement activities may affect but would not likely adversely affect the federally listed threatened California red-legged frog (*Rana draytonii*, formerly *Rana aurora draytonii*). This response is prepared in accordance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act), and its implementing regulations (50 CFR § 402).

This consultation is based on information provided in the August 2009, biological assessment, species information from the California Department of Fish and Game's Natural Diversity Database, and information in our files. The project description contains a complete description of the proposed action and its effects on the above species and is hereby incorporated by reference. A complete administrative record for this consultation is on file in this office.

Caltrans proposes to repair the down drain along a section of Highway 1 in Mendocino County at PM 4.47, near the town of Anchor Bay. Damage to the down drain has occurred as a result of winter storms over the past several years, and the repairs are needed to protect the integrity of the

highway. The project would require removal of wetland and riparian vegetation within a section of hillside measuring about 20 feet wide by 200 feet long, from the coastal bluff down to the beach. A ditch measuring 9 feet wide by 82 feet long would be constructed and lined with 33 cubic yards of ¼-ton rock-slope-protection rock. Approximately 20 cubic yards of earth would be excavated in construction of the ditch. The existing 24-inch diameter corrugated metal downdrain would be removed and replaced with a plastic downdrain measuring 75 feet long and 24 inches in diameter, and a cable anchor assembly. Erosion control materials would be hand-placed over all disturbed areas. Downdrain repair and replacement activities would occur only during daylight hours, are scheduled to occur during summer months, and would take about three weeks to complete.

The proposed project area occurs within the range of the California red-legged frog. California red-legged frogs have been observed near the mouth of the Gualala River, located approximately 3.8 miles southeast of the proposed project site, and near Point Arena, which is located approximately 10 miles northwest of the proposed project site. In addition, based on a review of aerial photographs and topographic maps, at least three ponds occur within 0.75 mile of the proposed project site. Focused surveys for California red-legged frogs were not conducted at the proposed project site. However, based upon information in our files, and observations by personnel from Caltrans during a site visit in June 2009, habitats at the proposed project area include a wetland area, riparian area, Bishop pine (*Pinus muricata*) forest, and coastal scrub. The small wetland is located below the outlet of a culvert and likely does not hold water continuously from January through August. However, an ephemeral pool, emergent wetland vegetation and riparian vegetation at the proposed project site could serve as suitable aquatic non-breeding and sheltering habitats for California red-legged frogs. Therefore, based on habitat conditions at and near the proposed project site, it is the Service's opinion that California red-legged frogs could occur in the vicinity of the proposed project site.

Caltrans proposes to implement the following measures to avoid adverse effects to California red-legged frogs:

- A qualified biologist will conduct Worker Environmental Awareness Training for the construction workers prior to beginning of construction activities. The awareness training will include a brief review of the biology of the California red-legged frog and guidelines that must be followed by all construction personnel to avoid take of California red-legged frogs and minimize potential effects to all sensitive biological resources during the construction period. The qualified biologist will appoint a biological monitor (for example, the crew foreman) who will be responsible for ensuring that all crewmembers comply with the guidelines. Worker Environmental Awareness Training will be conducted for new personnel before they join construction activities. The qualified biologist will ensure that work is stopped and the Service is contacted if a California red-legged frog at any life stage is encountered.
- A qualified biologist will be on-site to monitor all initial ground disturbing construction activities. The biologist's duties will include surveying the project

area for all life stages of California red-legged frog immediately prior to ground disturbing activities.

- If a California red-legged frog is encountered during any project activities, construction activities will cease in the area and the Service will be notified to determine how to proceed.
- Water pumps will be screened with wire mesh screens no larger than 0.2 inch to prevent California red-legged frog larvae, juveniles, and adults from entering the pump system.
- All food related trash will be disposed of in closed containers and removed from the project area at least twice per week during the construction period.
- The contractors will implement a toxic materials control and spill response plan. Equipment refueling will only occur at staging areas where fuel will not enter the floodplain.
- All vegetation removal activities will be done with the use of hand tools only (chainsaws are okay).
- The number of access routes, numbers and sizes of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the project goal. Routes and boundaries will be clearly demarcated.

#### **Concurrence**

##### ***California Red-legged Frog***

The Service concurs with your determination that the proposed culvert repair activities may affect but are not likely to adversely affect the California red-legged frog, based on the following factors:

1. The nearest known occurrence of California red-legged frog occurs approximately 3.8 miles from the proposed project. However, suitable aquatic breeding habitat for the species likely does not occur at the proposed culvert repair site.
2. Surveys for California red-legged frog and implementation of a worker awareness training before work activities begin should confirm probable absence of California red-legged frogs at the proposed project site.
3. Suitable aquatic breeding habitat would not be removed.
4. Although vegetation around a small (approximately 100 square feet) ephemeral wetland area will be removed, the effects will likely be temporary, and this represents a miniscule fraction of the habitat available to California red-legged frogs in the vicinity of the

proposed project; therefore, it is unlikely that California red-legged frogs would occur at the proposed project area.

#### **Conclusion**

This concludes informal consultation on the proposed down drain repairs along Highway 1 near Anchor Bay. Unless new information reveals that the proposed action: (1) may affect listed species in a manner, or to an extent, not considered in your correspondence; (2) the action is modified in a manner that causes an effect on the listed species or critical habitat not considered in your correspondence; or (3) a new species is listed or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act is necessary.

Please contact staff biologist Bill McIver at (707) 822-7201 should you have further questions regarding this consultation.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy A. Brown". The signature is fluid and cursive, with a large initial "R" and "B".

Randy A. Brown  
Acting Field Supervisor



## Attachment 2 — Title VI Policy Statement

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF TRANSPORTATION**  
OFFICE OF THE DIRECTOR  
1120 N STREET  
P. O. BOX 942873  
SACRAMENTO, CA 94273-0001  
PHONE (916) 654-5266  
FAX (916) 654-6608  
TTY (916) 653-4086



*Flex your power!  
Be energy efficient!*

August 25, 2009

### **TITLE VI POLICY STATEMENT**

The California State Department of Transportation under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

  
RANDELL H. IWASAKI  
Director

*"Caltrans improves mobility across California"*

# Attachment 3 — Comments Received and Response to Comments

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## 1. Letter from State Clearinghouse and Planning Unit



ARNOLD SCHWARZENEGGER  
GOVERNOR March 9, 2010

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

Larry Chiea  
California Department of Transportation, District 3  
703 B Street  
Marysville, CA 95901

Subject: Anchor Bay Downdrain Reconstruction  
SCH#: 2010022019

Dear Larry Chiea:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on March 8, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Acting Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 [www.opr.ca.gov](http://www.opr.ca.gov)

## 2. California Coastal Commission Comment Letter

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR

### CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
710 E STREET • SUITE 200  
EUREKA, CA 95501-1865  
VOICE (707) 445-7833  
FACSIMILE (707) 445-7877



March 8, 2010

Ms. Sandra Rosas  
Senior Environmental Planner  
Environmental Management Branch E2  
California Department of Transportation (CALTRANS)  
703 B Street  
Marysville, CA 95901

RE: Anchor Bay Downdrain Reconstruction, Mendocino County Highway 1/EA 01-446501

Dear Ms. Rosas:

The Coastal Commission staff received the Initial Study (IS) and proposed Negative Declaration (ND) for the "Anchor Bay Downdrain Reconstruction" (EA 01-446501). The document indicates that Caltrans proposes to replace and extend (by 32 additional feet) a culvert downdrain that presently traverses a steep natural slope that contains no rip-rap along the alignment of the existing downdrain at Anchor Bay, in Mendocino County. Caltrans proposes to install the new downdrain in a new rock-lined ditch that would be constructed in the approximate location of the existing downdrain by grading the steep natural slope (cut and fill would be balanced on site) and installing a black plastic downdrain supported by the rip-rap traversing the new ditch alignment. Among other impacts to coastal resources, the IS/proposed ND indicates that permanent fill of wetlands will occur due to the construction of the rock-lined ditch, and that the wetlands have also been identified as habitat for the California red-legged frog (CRLF). The document indicates that protocol surveys for the CRLF have not been conducted. The IS/proposed ND suggests that two "pools" for CRLF would be installed within the rock-lined ditch and planted with willows between the rock crevices. The environmental document also indicates that the project would be constructed within an area that has been impacted by hazardous wastes associated with an unrelated development.

The environmental document should include a wetland delineation prepared in accordance with Coastal Commission standards and the results of protocol surveys for the presence/absence of CRLF undertaken during the appropriate season by a qualified biologist trained in the pertinent protocol survey method. Because permanent wetland fill/impacts would result from construction of the project, as well as impacts to sensitive species/habitats, an alternatives analysis should be undertaken to determine whether options exist that would avoid impacts to CRLF habitat and/or avoid/reduce wetland fill and other impacts. It is not clear whether rip-rap lined "pools" with or without willow cuttings planted in the gaps between rocks would be expected to establish suitable habitat for CRLFs. A more detailed mitigation plan for the CRLF should be presented in the environmental document provided that an alternatives analysis establishes that impacts cannot be avoided, and the project is determined to be permissible. Commission staff also notes that the square footage of permanently impacted coastal wetlands must be calculated (based on Coastal Commission method of delineating wetlands) and that a mitigation ratio of at least 4:1 is typically required where such fill is determined to be permissible. Special measures to protect

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2

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Ms. Sandra Rosas, Senior Environmental Planner  
Anchor Bay Downdrain Reconstruction  
March 8, 2010  
Page 2

water quality in light of the presence of hazardous materials must also be identified in the environmental document.

5

The project is appealable to the Coastal Commission, and depending on the extent of the project footprint, may require a coastal development permit from the Coastal Commission as well as a coastal development permit from Mendocino County. Please see comments submitted by Commission staff for the Culvert Repair Projects (also Mendocino County) as many of the comments in that letter (also dated March 8, 2010) are pertinent to this project and the letter is hereby incorporated by reference (a copy is attached for convenient consultation as well).

Thank you for the opportunity to provide these comments. Please contact me or Melanie Faust of my staff if you have any questions.

Sincerely,



ROBERT S. MERRILL  
North Coast District Manager

## **1. Response to Letter from State Clearinghouse.**

The letter verifies that Caltrans has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA. No response is required.

## **2. Response to California Coastal Commission Letter.**

1. Section 7 consultation has been completed and United States Fish and Wildlife Service (USFWS) has determined protocol surveys were not necessary at this time. Avoidance, minimization and mitigation measures for CRLF have been incorporated into the project and are listed in the Biological Assessment (see attached Section 7 consultation record). A wetlands delineation has been prepared and is available on request. Caltrans has consulted with USFWS for CRLF and a determination of “may affect, not likely to adversely affect” has been made. According to the guidance letter from USFWS a qualified biologist will be onsite during initial ground clearing activities and if any CRLF are present all work will stop and USFWS will be contacted. No protocol level surveys were deemed necessary by the service based on the project scope and location. Preconstruction survey protocol and requirements, guidelines for work stoppage and consultation, and site specific determinations about the necessity of having a biologist on site at all times are determined by the USFWS.
2. The proposed downdrain replacement will not result in any permanent wetland fill since the pipe running through the wetland will be buried. Since the existing drain runs above ground the project will actually result in a net gain of wetland. The area surrounding the drainage is considered an Environmentally Sensitive Habitat Area (ESHA) due to the Bishop Pine Forest located there. Any alternative route for the downdrain would impact this ESHA while failing to alleviate the mass wasting of sediment along the coastal bluff below the wetland.
3. USFWS has approved Caltrans plans in the Biological Assessment (BA) for the protection and restoration of CRLF habitat at this location (see attached Section 7 consultation record). Caltrans environmental staff are working with CDFG and USFWS to restore and improve CRLF and riparian habitat. The BA contained a detailed mitigation plan which was approved by USFWS. (BA is available on request).
4. Coastal commission single parameter wetlands and Army Corp 404 wetlands do not extend to where the proposed rock-lined ditch will be placed. That area is identified in the Natural Environmental Study as “riparian habitat”, which is a recognized as its own ESHA separate from a “wetland” as defined in SEC 30121.
5. Special measures to protect water quality are now identified in the environmental document.

**COASTAL PERMIT APPROVAL CHECKLIST  
FEBRUARY 23, 2017**

**PROJECT TITLE:** CDP\_2016-0033 (CALTRANS)

**PROJECT LOCATION:** In the Coastal Zone on the west side of Highway 1, at post mile 4.47 in the town of Anchor Bay. Proposed project is located within the Highway right-of-way and on an easement area on the adjacent property at 35500 S Hwy 1 (APN 144-022-13).

**LEAD AGENCY NAME,  
ADDRESS AND CONTACT PERSON:** Julia Acker, Planner III  
Mendocino County Planning and Building Services  
120 West Fir Street, Fort Bragg, California 95437  
707-964-5379

**GENERAL PLAN DESIGNATION:** Commercial (C)

**ZONING DISTRICT** Commercial- 40,000 square-foot minimum lot size (C:40K)

**DESCRIPTION OF PROJECT:** Standard Coastal Development Permit to repair a culvert on Highway 1. No work would be done to the existing cross drain, except for anchoring for the replaced down drain. The proposed project would replace the existing 24-inch wide by 43-foot long corrugated metal down drain with a new 100-foot long rock-lined ditch and 24-inch wide by 75-foot long black plastic down drain. The rock-lined ditch would contain two pools to serve as frog habitat. Imported borrow would be used for embankment grading. The slope of the new down drain would be determined by re-grading the existing embankment and would include removal of an existing bench to eliminate the need for angle points in the new down drain. The purpose of the project is to address erosional issues caused by the existing down drain, which is too short and lacks an energy dissipater. Construction would occur between June 15 and October 15, which is when the channel is expected to be dry, and would take approximately 2-3 weeks to complete.

**SITE DESCRIPTION AND SETTING:** The proposed project is located along the commercial strip in Anchor Bay, within the Highway 1 right-of-way and on an easement located on the adjacent parcel to the west at 35500 S Highway 1. There currently exists a down drain that has been damaged over the last several years from winter storm events and is now in need of repair and replacement in order to maintain drainage functionality in the area. The proposed project does not impact the existing development on the parcel that the easement crosses, and is primarily a replacement in the same footprint of the existing down drain. The location of the down drain is west of Highway 1 and runs down the bluff towards the Anchor Bay campground/beach.

**DETERMINATION:** The proposed project **conditionally satisfies all required findings for approval of a Coastal Development Permit**, pursuant to Section 20.532.095 and 20.532.100 of the Mendocino County Code, as individually enumerated in this Coastal Permit Approval Checklist.

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
<b>(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:</b>				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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 this Division and preserves the integrity of the zoning district.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:</b>				
(1) 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.**☒ *Consistent (with conditions of approval)*

The Local Coastal Program (LCP) sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The Local Coastal Program addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluffs; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The LCP serves as an element of the General Plan and includes Division II of Title 20 of the Mendocino County Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the Local Coastal Program are specifically addressed by separate Required and Supplemental Findings for Coastal Development Permits, including utilities, transportation, zoning, CEQA, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the Local Coastal Program not specifically addressed elsewhere in this checklist.

**General Plan Land Use – Commercial**

The subject parcel is classified as Commercial by the Coastal Element of the Mendocino County General Plan, which is intended “to provide suitable locations within or contiguous to developed areas for commercial development appropriately located in a compatible with unincorporated and rural communities” (Chapter 2.2 of the County of Mendocino General Plan Coastal Element). The principally permitted use designated for the Commercial land use classification is “retail stores, services, and offices” (Chapter 2.2 of the County of Mendocino General Plan Coastal Element).

Existing development on the site consists of commercial uses consistent with the intent of the district. The proposed development consists of repair and replacement of an existing culvert that provides necessary drainage in the area within a Caltrans easement. The proposed repair and replacement of the existing down drain would not impact the continued use of the parcel for commercial development and is considered a necessary accessory use to allow the area to maintain drainage functionality. The proposed project is therefore consistent with the uses permitted in the Commercial land use designation.

**Hazards**

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone.



Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone. The San Andreas fault is located approximately two (2) miles east of the project site and is the nearest active fault. The site, like the rest of Mendocino County, is subject to strong ground shaking. Figure 3-12 of the Mendocino County General Plan indicates that the subject parcel is not located in a known area of soil liquefaction.

Landslides: The site is not located in an area where landslides have been documented. An active slide was shown south of the project site on an adjacent parcel, but does not appear to affect the site of the proposed project. The Initial Study and Negative Declaration prepared for the project noted that the project engineer had no concerns relative to potential landslides.

Erosion: The project proposes to conduct work within a jurisdictional drainage, which requires either a Section 401 Water Quality Certification / Waste Discharge Requirements or a waiver of Waste Discharge Requirements from the North Coast Regional Water Quality Control Board (NCRWQCB). Given the existing and proposed storm water drainage systems within the project limits and the regional water quality concerns associated with the area, as identified in the Water Quality Control Plan for the North Coast Region (Basin Plan), several concerns have been identified related to the proposed project. Concerns include sediment and other discharges related to construction, access and operation, dredge and fill impacts to jurisdictional waters, and localized increase to surface water temperatures due to removal of riparian vegetation. Caltrans states in their Water Quality Assessment (Caltrans 2009a) that there could be temporary adverse impacts due to increased erosion and sediment transport to receiving waters; however, the project would be constructed with the necessary erosion and water quality control practices to minimize the potential for sedimentation and other construction related impacts through use of construction Best Management Practices (BMPs) identified in the Department's Water Quality Handbook, Construction Site BMPs Manual. BMPs applicable to this project include measures for temporary sediment control, temporary soil stabilization, tracking control, non-storm water management, and waste management and materials pollution control. Localized increase in temperature due to removal of riparian vegetation to conduct the work should be only a temporary impact and would be localized such that it should not affect the temperature of the receiving water (Pacific Ocean).

Avoidance, minimization and/or mitigation measures have been included in the Initial Study and Negative Declaration prepared for this project. Condition 9 recommends these measures as conditions of approval.

**Condition 9:** All avoidance, minimization and/or mitigation measures identified in the Initial Study and Negative Declaration, included with this report, shall be required. Evidence of compliance shall be submitted to Planning and Building Services prior to commencement of work on the site.

Due to the location of the downdrain, work would occur on the bluff face. MCC Section 20.500.020 (B)(4) states in part that *No new development shall be allowed on the bluff face except such developments that would substantially further the public welfare.* The proposed development is to replace an existing downdrain with a new downdrain and rock lined ditch to address erosion concerns associated with the existing downdrain. Replacement of the downdrain substantially furthers the public welfare by providing the necessary drainage to maintain Highway 1 as the principle circulation route on the coast. Staff finds the proposed development consistent with this policy.

Flooding: The project is located partially within a mapped 100-year flood hazard areas. The applicant submitted a Floodplain Evaluation Report Summary (Caltrans 2010a) which states that the project lies within Federal Emergency Management Agency (FEMA) designated Zone A flood hazard area "Areas of Minimal Flooding" on FEMA Panel #0601831075C. That FEMA Panel is now out of date and the new FEMA Panel for the area is #06045C1950F and designates the area as a Zone V "Coastal flood zone with velocity hazard (wave action)." A Caltrans Hydraulic Engineer has stamped approval of the proposed project design as it relates to protection from flood hazard concerns.

Fire: The project is located in an area that has a high fire hazard severity rating, as shown on the Fire Hazard Zones and Responsibility Areas map. The proposed project consists of repair/replacement of an existing culvert downdrain and is exempt from California Department of Forestry and Fire Protection clearance requirements.

Hazardous Materials: The proposed project includes work on the property at 35500 S Hwy 1 (APN 144-022-13), which was the location of the previous Anchor Bay Service Station. There was suspected contamination related to fuel tank leaks from underground storage tanks at the Anchor Bay Service Station. The Station is closed and the

underground tanks were removed on August 21, 1997. CDP\_2005-0017 authorized the implementation of a Remedial Action Plan to address remediation of contaminated soil and groundwater. Monitoring wells were installed, as well as underground plumbing for soil vapors and groundwater analysis. The site was on the Cortese List, which includes all underground storage tanks for which an unauthorized release report is filed, as required under Government Code Section 65962.5(c). On October 13, 2015 the Anchor Bay Service Station site was issued a "No Further Action" letter by the North Coast Regional Water Quality Control Board stating completion of a site investigation and corrective action for the underground storage tanks formerly located on the parcel. The status of the case is now listed on the State Water Resources Control Board GeoTracker site as "Completed-Case Closed as of 10/13/2015." Sites are no longer considered "active" because either (1) the Water Board, a regional board, or the County has determined that no further action is required because actions were taken to adequately remediate the release, or (2) because the release was minor, presents no environmental risk, and no remedial action is necessary, are listed as "closed" or deleted from the list. See more about the requirements for removal from the Cortese List at:

<http://www.calepa.ca.gov/SiteCleanup/CorteseList/SectionC.htm#sthash.0igtecph.dpuf>

Additional information related to the case for the Anchor Bay Service Station can be found at: [https://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0604500284](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0604500284)

Despite the site now being closed, the Initial Study and Negative Declaration prepared for the project recommend several avoidance, minimization and/or mitigation measures. These measures are recommended as Condition 9.

The avoidance, minimization and/or mitigation measures for Hazardous Materials included in the Initial Study and Negative Declaration and recommended as part of Condition 9 are:

- If the fuel oxygenates – impacted material is not graded in place during construction, it may need to be regarded as "hazardous waste" and disposed of accordingly.
- A worker health and safety plan for the fuel oxygenates present will need to be prepared by the construction contractor and signed by an industrial hygienist.

### Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by MCC Chapter 20.504.

The project is located in an area that is not designated Highly Scenic by the Local Coastal Program, and is therefore not subject to the Highly Scenic Area criteria. Anchor Bay is considered a Special Community per MCC Section 20.504.020(B)(2) and would be subject to the Development Criteria contained in MCC Section 20.504.020(C). Due to the fact that the proposed development is for replacement of an existing down drain and does not propose any new structures the project is found consistent with the Development Criteria related to development in a Special Community.

The applicant submitted a Visual Impact Assessment (Caltrans 2009b) providing measures to insure the project does not damage the scenic resources of the area. The visual environment is described as intermittent panoramic views of the Pacific Ocean with coastal scrub and coastal coniferous forest providing a dense cover of vegetation between the highway and the bluffs. Caltrans classified the visual quality in the vicinity as high. The culvert replacement and rock lined ditch are located in an area with dense vegetation. Due to the dense vegetation, there are no views from the beach of the culvert, and the replacement pipe will be a non-shiny black plastic helping it recede into the background. Condition 10 recommends implementation of erosion control for all disturbed soil areas utilizing seed from California native species that are regionally appropriate.

**Condition 10:** Erosion control shall be provided for all disturbed soil areas utilizing California native species that are regionally appropriate.

### Natural Resources

The certified Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

Several reports were prepared by Caltrans to determine potential natural resource impacts from the proposed project. Reports include a Natural Environment Study (Caltrans 2009c), an Addendum to the Natural Environment Study (Caltrans 2016a), Delineation of Waters of the U.S. and Waters of the State (Caltrans 2016b) and an ESHA Assessment and Reduced Buffer Analysis (Caltrans 2016c). Several resources meeting the criteria of ESHA have been identified within the project area. These resources include Northern Bishop Pine Forest, Wetlands, Riparian Areas, and California red-legged frog (CLRF) habitat. Table 1 below describes the resources located within the project limits, buffer distances, and potential impacts.

**Table 1. Summary Table of ESHA**

ESHA	Type	Buffer	Potential Impacts
1	Northern Bishop Pine Forest	Work would occur within the 100 foot buffer.  +/- 20 foot buffer	No mature trees are within the clearing area. However, some root damage could occur as grading will be within 20 feet of mature trees.
2	Wetland habitat	Work would occur within the 100 foot buffer.  0 foot buffer	The wetlands will have vegetation cleared and will be regraded.
3	Riparian habitat	Work would occur within the 100 foot buffer.  0 foot buffer	Rock Slope Protection (RSP) will be placed in the channel and the downdrain will be extended.
4	California red-legged frog habitat	Work would occur within the 100 foot buffer.  0 foot buffer	Grading and vegetation removal will temporarily impact habitat.

The Northern Bishop Pine Forest extends along the Environmental Study Limits (ESL) on the north and south side of the project. The west side is coastal scrub and the east side is developed. The forest is mature and extends for multiple acres away from the project site. Re-grading has the potential to disturb the root zone of mature Northern Bishop Pine trees. A small number of saplings would be removed from the riparian area within the project site. Environmental Sensitive Area (ESA) fencing would be placed along the length of the ESL. Slope stabilization would be utilized to prevent hillside erosion and reduce loss of mature trees. An approximate 20-foot buffer is possible between the Northern Bishop Pine Forest and the proposed project. MCC Section 20.496.050 states that *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 proposed project is necessary to protect the integrity of Highway 1. Temporary impacts within ESHAs and ESHA buffer zones would be minimized by the proposed mitigation measures and restoration would occur at the end of construction. Staff finds the proposed activity to be consistent with MCC Section 20.496.050.

A perennial wetland approximately 0.01 acres (approximately 435 square-feet) in size is located within the ESL where the culvert empties into the downdrain on the coastal bluff. Water ponds along the bench cut that is used to access the downdrain. The wetland supports a variety of sensitive wetland plant species. No buffer can be maintained from the perennial wetland as clearing and grading would occur within the wetland. Impacts to the wetland would be temporary. The wetland area would be graded to maintain the existing topography of the wetland so water can pond and support wetland vegetation and the reestablishment of wetland soils. Revegetation of the wetland would occur after construction of the project and, with the downdrain buried, a larger area would be open for revegetation. This activity is permissible within wetland ESHA areas. MCC Section 20.496.025(A)(7) states that *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* are allowable activities within wetland and estuaries. Supplemental findings are required by MCC Section 20.532.100 and are discussed later in this report.

An unnamed perennial creek flows through the project area and empties on the beach below the bluff. The drainage supports approximately 0.05 acres of riparian vegetation, which provides cover for wildlife and serves to stabilize soil along the bluff to reduce erosion. Non-native plants are also present in this area, as well as a truck

frame, culvert pipe, concrete, and other miscellaneous trash. By necessity, clearing and grading would occur within the riparian area, leaving no buffer between the proposed project and riparian vegetation. Approximately 0.01 acres of riparian area would need to be temporarily cleared and regarded to install the new downdrain and rock lined ditch. Burial of the downdrain will allow a larger area to be revegetated after construction is completed. Initial site clearing would allow for revegetation with native plants and removal of non-native plant species. The rock lined ditch will be revegetated with endemic willow species to increase slope stabilization and provide better habitat. Erosion will be reduced which should help improve water quality in the area. Additionally, the noted trash will be removed during the vegetation clearing phase of construction. This activity is permissible within a riparian corridors. MCC Section 20.496.035(A)(2) states that *Pipelines, utility lines and road and trail crossings when no less environmentally damaging alternative route is feasible* are allowable activities within riparian corridors and other riparian resource areas.

The project area contains potentially suitable habitat for California red-legged frog (CRLF). The nearest known population of CRLF is approximately 3.8 miles from the project site. The area where clearing and grading will occur is within potentially suitable habitat for CRLF. Areas cleared and graded will only be temporarily impacted and revegetation of the area will occur after construction is completed. Artificial pools will be created within the rock lined ditch to improve overall frog habitat by allowing stable vegetation to provide cover over a greater area with better overall water quality due to the reduction in erosion. MCC Section 20.496.050 states that *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 proposed project is necessary to protect the integrity of Highway 1. Temporary impacts within ESHAs and ESHA buffer zones will be minimized by the proposed mitigation measures and restoration will occur at the end of construction. Staff finds the proposed activity to be consistent with MCC Section 20.496.050. The US Fish and Wildlife Service (USFWS) was consulted in 2009 during the project development phase to determine appropriate measures for protection of CRLF habitat and these measures are recommended as Condition 9.

The California Department of Fish and Wildlife submitted comments that the project requires a Lake or Streambed Alteration Agreement (LSAA), which has already been applied for (#1600-2016-0357-R1). All protective measures required in the LSAA are recommended as Condition 11.

**Condition 11:** All protective measures contained in the Lake or Streambed Alteration Agreement for this project (#1600-2016-0357-R1) shall be required.

The US Army Corps of Engineers (ACOE) submitted comments for the proposed project stating that all work shall be completed in accordance with the plans and drawings in five sheets entitled "USACE File No. 2016-00254N, Anchor Bay Downdrain Reconstruction Project," dated August 24, 2016. This and other special conditions required by ACOE are recommended as Condition 12.

**Condition 12:** All work shall be completed in accordance with the plans and drawings in five sheets entitled "USACE File No. 2016-00254N, Anchor Bay Downdrain Reconstruction Project," dated August 24, 2016, on-file with the Department of Planning and Building Services. Special Conditions recommended by the US Army Corps of Engineers shall be required, as follows:

- a. The USFWS concurred with the determination that the project is not likely to adversely affect the California red-legged frog. This concurrence was premised, in part, on project work restrictions outlined in the concurrence letter dated October 16, 2009, which you have in your possession. These work restrictions are incorporated as special conditions to the Army Nationwide Permit (NWP) authorization for your project to ensure unauthorized incidental take of species and loss of critical habitat does not occur.
- b. All work within the Corps' jurisdiction must be performed during the summer months when hydrology is not present.
- c. All standard Best Management Practices shall be implemented to prevent the movement of sediment downstream. No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products, or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the waterways.

- d. Heavy equipment shall be used in the Corps' jurisdiction only where necessary and shall be removed from the site at the earliest opportunity.
- e. A post construction report shall be submitted 45 days after the conclusion of construction activities. The report shall document construction activities and contain as-built drawings (if different from drawings submitted with application) and include before and after photos.

Due to the fact that the proposed project will require development within areas designated as ESHA, supplemental findings are required pursuant to MCC Section 20.532.100 (A)(1), which is included later in this document. With the making of the required findings, the project is found to be consistent with Mendocino County Code requirements for protection of natural resources, and protective measures are recommended in Condition 9 to reduce any potential impacts.

**20.532.095(A)(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.**

☒ *Consistent (with conditions of approval)*

Utilities: The proposed project is to repair/replace a damaged down drain to provide necessary drainage within the area. No utilities are necessary to service the proposed work.

Access Roads: Access to the property is currently off Highway 1. Construction access will also be off Highway 1. The construction access road will be within the grading limits of the down drain and rock-lined ditch flow-line. The contractor will construct the rock-lined ditch first and then place the down drain, working back towards Highway 1. Staging and materials stockpiling will be primarily located within easements but may also be located within the southbound shoulder of Highway 1.

Drainage: Drainage is subject to MCC Chapter 20.492, and provides regulations mitigating the impact of stormwater runoff and erosion. The applicant submitted a Water Quality Assessment (Caltrans 2009a) addressing potential impacts from the proposed project. The down drain proposed for repair collects water from an unknown ephemeral drainage and storm water runoff from the northbound lane of Highway 1 and adjacent parking lot south of the inlet. The outlet of the down drain discharges to the Pacific Ocean. The proposed project will not increase impervious surface of the highway facility, and therefore will not cause an increase in storm water runoff. During construction there is a potential for temporary adverse impacts due to increased erosion and sediment transport to receiving waters. Caltrans states that the project will be constructed with the necessary erosion and water quality control practices to minimize the potential for sedimentation and other construction related impacts through use of construction Best Management Practices (BMPs) identified in the Department's Water Quality Handbook, Construction Site BMPs Manual. The Departments approved construction BMPs applicable to this project include measures for temporary sediment control, temporary soil stabilization, tracking control, non-storm water management, and waste management and materials pollution control. Avoidance, minimization and/or mitigation measures have been included in the Initial Study and Negative Declaration prepared for this project. Condition 9 recommends these measures as conditions of approval.

**20.532.095(A)(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 this Division and preserves the integrity of the zoning district.**

☒ *Consistent (without conditions of approval)*

Intent: The subject parcel is zoned Commercial. The intent of the Commercial zoning district is "to provide suitable locations within or contiguous to developed areas for commercial development appropriately located in and compatible with unincorporated and rural communities" (MCC Section 20.396.005). The proposed development consists of repair and replacement of an existing culvert that provides necessary drainage in the area within a Caltrans easement. The proposed repair and replacement of the existing down drain will not impact the continued use of the parcel for commercial development and is considered a necessary accessory use to allow the area to maintain drainage functionality.

Use: The subject parcel is zoned Commercial as shown on the Zoning Display Map. Existing development on the site upon which the easement for the down drain is located consists of commercial uses consistent with the intent

of the district. The proposed development consists of repair and replacement of an existing culvert that provides necessary drainage in the area within a Caltrans easement. The proposed repair and replacement of the existing downdrain will not impact the continued use of the parcel for commercial development and is considered a necessary accessory use to allow the area to maintain drainage functionality.

Density: This project does not propose any residential development and is therefore not subject to density standards.

Yards: There are no minimum required front, side, and rear yards in the Commercial zoning district except for on any side or rear yard contiguous to any district other than Commercial or Industrial (MCC Section 20.396.030). The property is surrounded on all sides by Commercial zoned parcels. The project is therefore consistent with yard setback requirements for the Commercial district.

Height: The maximum permitted building height in the Commercial zoning district is thirty-five (35) feet (MCC Section 20.396.035). The proposed height of the downdrain and rock lined ditch is approximately 2 feet, which is consistent with the maximum permitted building height in the Commercial District.

Lot Coverage: The maximum permitted lot coverage in the Commercial zoning district is fifty (50) percent for a parcel of this size (MCC Section 20.396.040). The proposed project is for the replacement of an existing downdrain. The downdrain will be buried and a rock line ditch created lower on the slope to reduce erosion concerns. The site is approximately 3.6 acres in size and lot coverage is approximately 0.5 acres or fourteen (14) percent. The project is therefore consistent with lot coverage requirements for the district.

**20.532.095(A)(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.**

☒ *Consistent (with conditions of approval)*

The Applicant, Caltrans, prepared an Initial Study in July 2010 (Caltrans 2010b). After circulating the document, a Negative Declaration was prepared for the project and the Notice of Determination filed with the Office of Planning and Research on August 6, 2010. The Initial Study with Negative Declaration is included with this report. Condition 9 is recommended to require all Avoidance, Minimization, and/or Mitigation Measures contained in the Initial Study with Negative Declaration as Conditions of Approval. Condition 13 also requires the submittal of the required California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code within 5 days of the end of any appeal period.

**Condition 13:** This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife 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 \$2266.25 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. 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 to insure timely compliance with this condition.**

**20.532.095(A)(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.**

☒ *Consistent (with conditions of approval)*

An Archaeological Survey was prepared by Erik Wulf (Caltrans 2008) for the subject project. The Survey was reviewed by the Mendocino County Archaeological Commission on October 12, 2016. The Archaeological Commission accepted the survey with no further recommendations beyond what is contained in the survey. **Condition 8** is recommended advising the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, and states:

**Condition 8:** 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 (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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

With the inclusion of the recommended conditions of approval, the project is found consistent with Mendocino County policies for protection of paleontological and archaeological resources.

**20.532.095(A)(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.**

☒ *Consistent (without conditions of approval)*

Solid Waste: The proposed project will not require solid waste service. The potential hazardous materials removal is addressed in the Hazards section of this report.

Roadway Capacity: The proposed project will not increase demand on the roadway, but instead will provide necessary drainage improvements to maintain the functionality of the roadway. With Highway 1 being the principal circulation route on the coast, it is critical to maintain the roadway to remain safe and effective for the traveling public.

**20.532.095(B)(1) 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.**

☒ *Consistent (without conditions of approval)*

The proposed development is located west of the first public road; therefore, findings related to public access and public recreation are applicable to this project. There is existing access at the adjacent campground to the north of the project site, labeled on the Local Coastal Plan maps as "Anchor Bay Shoreline Access". The proposed project will not impact this access point.

Comments from the Gualala Municipal Advisory Council expressed concern about maintaining access to a pedestrian footpath that comes up from the Anchor Bay Campground to allow pedestrian access to the commercial strip in Anchor Bay without utilizing Highway 1. Staff was unable to verify if the trail is a public access easement and whether a coastal permit was obtained. The Applicant does not have the legal authority to include after-the-fact authorization for the path under this permit, therefore it will need to be addressed by a subsequent Coastal Development Permit by the parcel owner.

County staff viewed the pedestrian access area during the site visit and discussed the matter with Caltrans staff to determine the feasibility of this request. Due to the fact that pedestrian path is located in such a manner that would require access through the proposed staging areas for equipment and that heavy equipment is to be utilized during the construction phase, staff has determined this request to be infeasible due to concerns for pedestrian safety. Therefore, during the construction phase, this path will not be accessible to the public and instead Highway 1 must be utilized.

With the existing coastal access provided at the Anchor Bay Campground, and the practical and safety concerns with allowing pedestrian access through the staging area, staff finds the proposed development to be in conformity with public access and public recreation policies.

<b>20.532.100 (A) Resource Protection Impact Findings</b>	<b>Inconsistent</b>	<b>Consistent (With Conditions of Approval)</b>	<b>Consistent (Without Conditions of Approval)</b>	<b>Not Applicable</b>
<b>(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:</b>				



20.532.100 (A) Resource Protection Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(a) The resource as identified will not be significantly degraded by the proposed development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) There is no feasible less environmentally damaging alternative.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**20.532.100(A)(1), et. seq. No development shall be allowed in an ESHA unless the following findings are made...**

☒ *Consistent (with conditions of approval)*

Due to the fact that the proposed project will require development within areas designated as ESHA, supplemental findings are required in order to grant project approval. By necessity, development will occur within the buffer areas to the four identified ESHA: Northern Bishop Pine Forest, wetland area, riparian area and CRLF habitat. Permanent impacts will not occur to identified ESHA or ESHA buffer areas, as construction impacts will be temporary and restoration will occur at the end of construction.

The proposed project consists of repairing a downdrain necessary to maintain the highway integrity and there are no practical alternate locations. There is no feasible, less environmentally damaging alternative, that provides the needed drainage for the area. Measures have been incorporated into the project to avoid or minimize impacts to ESHAs and ESHA buffers.

The proposed project is necessary to protect the integrity of Highway 1. Working within the ESHA buffers allows Caltrans to complete necessary drainage repairs and prevent further erosion of the coastal bluff. This project also helps reduce the potential for a much larger, more environmentally significant project in the event the downdrain should fail and a landslide occur. Temporary impacts within ESHAs and ESHA buffer zones will be minimized by the proposed mitigation measures and restoration will occur at the end of construction. Avoidance, minimization and/or mitigation measures are recommended as Condition 9.

With the inclusion of the recommended conditions, the project is found consistent with ESHA protection policies.

References:

Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

Chapter 2 Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-Coastal Element*. 1985. Ukiah, CA.

(Caltrans 2008) California Department of Transportation (Caltrans). *Cultural Resources Compliance for State Funded only Storm Damage Project on Highway 1, Mendocino County, California*. October 1, 2008.

(Caltrans 2009a) California Department of Transportation (Caltrans). *Water Quality Assessment, Highway 1, Extend Downdrain, Mendocino County*. December 3, 2009.

(Caltrans 2009b) California Department of Transportation (Caltrans). *Visual Impact Assessment*. June 12, 2009.

(Caltrans 2009c) California Department of Transportation (Caltrans). *Natural Environment Study*. September 2009.

(Caltrans 2010a) California Department of Transportation (Caltrans). *Floodplain Evaluation Report Summary*. January 6, 2010.

(Caltrans 2010b) California Department of Transportation (Caltrans). *Initial Study with Negative Declaration*. July 2010.

(Caltrans 2016a) California Department of Transportation (Caltrans). *Addendum to 01-44650 Natural Environment Study (Minimal Impacts)*. June 1, 2016.

(Caltrans 2016b) California Department of Transportation (Caltrans). *Delineation of Waters of the U.S. and Waters of the State*. July 2016.

(Caltrans 2016c) California Department of Transportation (Caltrans). *ESHA Assessment and Reduced Buffer Analysis*. July 2016.

Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California  
February 23, 2017

CDP\_2016-0033 CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR, COUNTY  
OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING AN INITIAL  
STUDY AND NEGATIVE DECLARATION AND GRANTING A  
STANDARD COASTAL DEVELOPMENT PERMIT FOR REPLACEMENT  
OF A DOWNDRAIN IN ANCHOR BAY.

WHEREAS, the applicant, the California Department of Transportation (Caltrans), filed an application for a Standard Coastal Development Permit with the Mendocino County Department of Planning and Building Services to repair a culvert on Highway 1, in the Coastal Zone on the west side of Highway 1, at post mile 4.47 in the town of Anchor Bay. The proposed project is located within the Highway right-of-way and on an easement area on the adjacent property at 35500 S Hwy 1 (APN 144-022-13); and

WHEREAS, the Lead Agency; the State of California (Caltrans) prepared an Initial Study/Negative Declaration for the above Project, and was noticed and made available for agency and public review and the review period closed on March 8, 2010 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, the County, as a Responsible Agency has reviewed the Initial Study/Negative Declaration for the above Project and determined its adequacy and the project's consistency with the Coastal Element of the General Plan; and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator held a public hearing on, February 23, 2017, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Initial Study and Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Initial Study and Negative Declaration and the Project; and

WHEREAS, the Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Coastal Permit Administrator regarding the Initial Study and Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Coastal Permit Administrator makes the following findings;

**ENVIRONMENTAL FINDINGS:** The Coastal Permit Administrator finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project; therefore, a Negative Declaration is adopted.

**COASTAL DEVELOPMENT PERMIT FINDINGS:** Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, staff recommends that the Coastal Permit Administrator approve the proposed project, and adopt the following findings and conditions:

1. The proposed development is in conformity with the certified Local Coastal Program, except Section 20.496.020(A)(1) relating to buffer widths from Environmentally Sensitive Habitat Areas, which is specifically addressed by the Supplemental Findings below; and

2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. Access to the site is provided directly off of Highway 1. There are no utilities necessary to service the proposed work beyond the culvert which is the subject of the repair. Drainage has been considered and appropriate Best Management Practices recommended; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district. The repair and replacement of the existing culvert provides necessary drainage in the area within a Caltrans easement. The proposed repair and replacement of the existing downdrain will not impact the continued use of the parcel for commercial development and is considered a necessary accessory use to allow the area to maintain drainage functionality; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. The Applicant, Caltrans, prepared an Initial Study in July 2010 (Caltrans 2010b). After circulating the document, a Negative Declaration was prepared for the project and the Notice of Determination filed with the Office of Planning and Research on August 6, 2010 and the Coastal Permit Administrator has adopted the Initial Study and Negative Declaration; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource. An Archaeological Survey was prepared by for the subject project. The Survey was reviewed by the Mendocino County Archaeological Commission on October 12, 2016. The Archaeological Commission accepted the survey with no further recommendations beyond what is contained in the survey. Standard Condition #8 advises the applicant of the County's discovery clause; and
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. The proposed project will not require solid waste service. The proposed project provides necessary drainage improvements to maintain the functionality of the roadway and will not increase demand upon the roadway; and
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan. There is existing access at the adjacent campground to the north of the project site, labeled on the Local Coastal Plan maps as "Anchor Bay Shoreline Access". The proposed project will not impact this access point.

#### **SUPPLEMENTAL FINDINGS:**

8. The ESHA resource as identified will not be significantly degraded by the proposed development. There is no feasible less environmentally damaging alternative. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted. The proposed project is necessary to protect the integrity of Highway 1. Working within the ESHA buffers allows Caltrans to complete necessary drainage repairs and prevent further erosion of the coastal bluff. There are no practical alternate locations for the downdrain. Temporary impacts within ESHAs and ESHA buffer zones will be minimized by the proposed mitigation measures and restoration will occur at the end of construction.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the Initial Study and Negative Declaration and the Conditions of Approval. The Coastal Permit Administrator certifies that the Initial Study and Negative Declaration have been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County

CEQA Guidelines, and finds that the Initial Study and Negative Declaration reflects the independent judgment and analysis of the Coastal Permit Administrator.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby grants the requested Standard Coastal Development Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Coastal Permit Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator 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 Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

*I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.*

ATTEST: ADRIENNE THOMPSON  
Commission Services Supervisor

BY: STEVE DUNNICLIFF  
Director/ Coastal Permit Administrator

By:\_\_\_\_\_

\_\_\_\_\_

## EXHIBIT A

### CONDITIONS OF APPROVAL CDP\_2016-0033 - CALTRANS February 23, 2017

Standard Coastal Development Permit to repair a culvert on Highway 1.  
The proposed project would replace the existing culvert downdrain.  
Imported borrow would be used for embankment grading.

**APPROVED PROJECT DESCRIPTION:** Standard Coastal Development Permit to repair a culvert on Highway 1. The proposed project would replace the existing culvert downdrain. Imported borrow would be used for embankment grading.

#### **CONDITIONS OF APPROVAL:**

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 Code. The permit shall become effective after the ten (10) 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 has been initiated prior to its expiration.

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.

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 Planning Commission.
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 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.
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 applicant 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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.
9. All avoidance, minimization and/or mitigation measures identified in the Initial Study and Negative Declaration, included with this report, shall be required. Evidence of compliance shall be submitted to the Department of Planning and Building Services prior to commencement of work on the site. Avoidance, minimization and/or mitigation measures are as follows:
  - a. If the fuel oxygenates – impacted material is not graded in place during construction, it may be regarded as “hazardous waste” and disposed of accordingly.
  - b. A worker health and safety plan for the fuel oxygenates present, will need to be prepared by the construction contractor and signed by an industrial hygienist.
  - c. A qualified biologist will conduct the environmental awareness training for the construction workers prior to beginning of construction activities. The awareness training will include a brief review of the biology of the California red-legged frog and guidelines that must be followed by all construction personnel to avoid “take” of California red-legged frogs and to minimize potential effects to all sensitive biological resources during the construction period Worker Environmental Awareness Training will be conducted for all new personnel before they join construction activities.
  - d. A qualified biologist will be on-site to monitor all initial ground disturbing construction activities. The biologist's duties will include surveying the project area for all life stages of California red-legged frog immediately prior to ground disturbing activities.
  - e. If a California red-legged frog is encountered during any project activities, construction activities will cease in the area and the Service will be notified.
  - f. Water pumps will be screened with wire mesh screens no larger than 0.2 inch to prevent California red-legged frog larvae, juveniles, and adults from entering the pump system.
  - g. All food related trash will be disposed of in closed containers and removed from the project area at least twice per week during the construction period.
  - h. The contractors will implement a toxic materials control and spill response plan. Equipment refueling will only occur at staging areas that are located where fuel will not enter the floodplain.
  - i. All vegetation removal activities will employ only hand tools (including chainsaws).
  - j. The number of access routes, numbers and sizes of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the project goal. Routes and boundaries will be clearly demarcated.
  - k. The impacted waters and wetlands will be restored onsite following construction. Burial of the down drain will provide a larger area within the ESL to be revegetated, with the goal being a net gain in wetland/riparian habitat. Debris and trash within the ESL, such as culvert pipe and an old truck body, will also be removed to improve habitat and water quality. Non-native species such as pampas grass, will be removed to improve the quality of habitat. The area of construction disturbance will be kept narrow (20 ft. wide) to minimize impacts to sensitive resources.

- i. Below the downdrain outlet, a rock lined ditch inter-planted with willows will be constructed. This will improve water quality by reducing erosion. It will also allow riparian plants to establish and provide shade/habitat. These design modifications will improve CRLF habitat. Two pools will be created in the rock lined ditch in order to trap water and create CRLF habitat, and the rocklined ditch will be reduced to 62 feet long. Beyond that point, the channel intercepts bedrock, and further rock slope protection (RSP) is not needed. Existing pools in this section of bedrock provide better quality habitat than artificial ones made from RSP, so they will be preserved.
  - m. All off-road construction equipment shall be cleaned of noxious weed sources (mud and vegetation) before entering the construction site, as well as after entering potentially infested areas to help ensure that noxious weeds are not introduced into the project area. The contractor shall employ whatever cleaning methods (typically the use of a high pressure water hose) are necessary to ensure that the equipment is free of noxious weeds before its arrival at the project location. Equipment shall be considered free of soils, seeds, and other such debris when a visible inspection indicates that such materials are not present.
  - n. Appropriate Caltrans Best Management Practices (BMPs) will be implemented to prevent any construction material, debris or petroleum products associated with equipment from entering the drainage. BMPs for erosion control will be implemented and in place prior to, during, and after construction in order to ensure that no silt, sediment, backfill, petroleum products or invasive plants enter drainage ditches.
  - o. The project will be constructed with necessary erosion and water quality control practices to minimize the potential for sedimentation and other construction related impacts through the use of construction BMPs identified in the Department's Water Quality Handbook, Construction Site BMPs Manual. The Department's approved construction BMPs applicable to this project includes measures for temporary sediment control (e.g. silt fences, fiber rolls, straw bale barriers), temporary soil stabilization (e.g. hydraulic mulching, hydroseeding, straw mulch), tracking control (stabilized construction entrance/exit, stabilized construction roadway), non-storm water management (dewatering operations, clear water diversion, illicit connection/illegal discharge detection and reporting), and waste management and materials pollution control (material delivery and storage, material use, stockpile management, spill prevention and control, solid waste management, and sanitary/septic waste management). Standard Special Provisions (SSPs) 07-340 and 07-346 will be required. Construction BMPs will be incorporated to address potential sedimentation associated with any necessary temporary and/or permanent access. Localized temporary increases in temperature due to removal of riparian vegetation will take place. This is expected to be a temporary impact until vegetation is re-established. Any localized increase in temperature will not affect the temperature of the receiving water (Pacific Ocean). Specific construction site BMPs to address potential discharges of grout will be specified by the Project Engineer with concurrence by the Construction Storm Water Coordinator for inclusion in the contract. To address the potential temporary water quality impacts resulting from construction activities, Standard Special Provisions (SSP) 07-340 will be included with of the Plans, Specifications, and Estimates. SSP 07-340 will address water pollution control work and implementation of a Storm Water Pollution Prevention Plan (SWPPP) during construction. Source control issues will be addressed through SSP 07-346, Construction Site Management which sets forth handling procedures and BMPs for potential sources not addressed by line items in the contract special provisions.
10. Erosion control shall be provided for all disturbed soil areas utilizing California native species that are regionally appropriate.
11. All protective measures contained in the Lake or Streambed Alteration Agreement for this project (#1600-2016-0357-R1) shall be required.



12. All work shall be completed in accordance with the plans and drawings in five sheets entitled "USACE File No. 2016-00254N, Anchor Bay Downdrain Reconstruction Project," dated August 24, 2016, on-file with the Department of Planning and Building Services. Special Conditions recommended by the US Army Corps of Engineers shall be required, as follows:
- a. The USFWS concurred with the determination that the project is not likely to adversely affect the California red-legged frog. This concurrence was premised, in part, on project work restrictions outlined in the concurrence letter dated October 16, 2009, which you have in your possession. These work restrictions are incorporated as special conditions to the Army Nationwide Permit (NWP) authorization for your project to ensure unauthorized incidental take of species and loss of critical habitat does not occur.
  - b. All work within the Corps' jurisdiction must be performed during the summer months when hydrology is not present.
  - c. All standard Best Management Practices shall be implemented to prevent the movement of sediment downstream. No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products, or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the waterways.
  - d. Heavy equipment shall be used in the Corps' jurisdiction only where necessary and shall be removed from the site at the earliest opportunity.
  - e. A post construction report shall be submitted 45 days after the conclusion of construction activities. The report shall document construction activities and contain as-built drawings (if different from drawings submitted with application) and include before and after photos.
13. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife 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 \$2266.25 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. 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 to insure timely compliance with this condition.**