



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

**OCTOBER 24, 2024
CDP_2024-0022**

PROJECT PLANNER CONTACT

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PROJECT SUMMARY

OWNER: Various

APPLICANT: Eric Goldman, Caspar Point Road Maintenance Association
45390 Caspar Point Road
Caspar, CA 95420

AGENT: Philip Buehler, Wylatti Resource Management
PO Box 575
Covelo, CA 95428

REQUEST: Standard Coastal Development Permit to remove an existing corrugated metal pipe culvert and replace with a new aluminum arch pipe culvert along Caspar Point Road (private). The project would also involve adding a one (1) foot thick gravel road base over the new culvert.

LOCATION: In the Coastal Zone, 0.5± miles north of Caspar, along Caspar Point Road (private) 300± feet west of its intersection with Caspar Road (CR 569), no address assigned, APN: 017-450-07.

TOTAL ACREAGE: N/A

GENERAL PLAN: Rural Residential 5-Acre Minimum Lot Size, 2-Acre Minimum Variable Density (RR5[2])
General Plan (Chapter 7 – Coastal Element)

ZONING: Rural Residential 5-Acre Minimum Lot Size (RR-5)
Mendocino County Code Title 20, Division II

CODE REFERENCE: Other Necessary and Customary Uses
Mendocino County Code (MCC) Section 20.456.015(O)

APPEALABLE Yes

SUPERVISORIAL DISTRICT: District 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Approve with Conditions

PROJECT BACKGROUND & INFORMATION

PROJECT DESCRIPTION: The project would involve removing an existing sixty (60) inch diameter corrugated metal pipe (CMP) culvert at the site, and replacing it with a seven (7) foot, eleven (11) inch by five (5) foot, seven (7) inch aluminum multi-plate arch pipe culvert, commonly referred to as a “squash pipe culvert”. The existing culvert is corroded, and several holes have formed. The new culvert would be backfilled with slurry with a six (6) inch layer of slurry on top of the new pipe. A one (1) foot thick layer of road base would be placed forming a gravel road over the new culvert. The gravel road approaches to the culvert would have a five (5) percent slope.

SITE CHARACTERISTICS: The site is north of Caspar and west of State Route 1. The site is immediately south of Jug Handle State Natural Reserve. The existing culvert is beneath a relatively flat gravel road approximately three hundred (300) feet west of its intersection with Caspar Road (CR 569). An unnamed stream that originates east of State Route 1 passes through the culvert, eventually draining into the Pacific Ocean. The existing corrugated metal pipe culvert is five (5) feet in diameter and approximately forty (40) feet long. The culvert is eroded, and several holes have formed. Metal plates have been placed over the intersection of the culvert and the road to prevent further damage.

Public Services:

Access: Private road via Caspar Road (CR 569)
Water District: None
Sewer District: None
Fire District: Fort Bragg Rural Fire Protection District

RELATED APPLICATIONS: No other applications have occurred on the subject parcel or on the surrounding properties that are relevant to the proposed project.

AGENCY COMMENTS: On July 15, 2024 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions are discussed in this staff report and contained in Conditions of Approval. A summary of the submitted agency comments are listed below.

TABLE 1: Referral Agency Responses	
REFERRAL AGENCIES	COMMENT
Air Quality Management District	No Response
Archaeological Commission	No Response
Assessor’s Office	No Response
Building Division (Fort Bragg)	No Comment
Department of Transportation (DOT)	No Comment
Environmental Health (Fort Bragg)	No Comment
Fort Bragg Rural Fire District	No Comment
Planning Division (Fort Bragg)	No Response
Sonoma State University	Comments
CAL FIRE (Land Use)	No Response
California Coastal Commission	No Response
California Department of Fish & Wildlife (CDFW)	Comments
Regional Water Quality Control Board	No Response
California Department of Parks & Recreation	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	Comments

On July 29, 2024, the Northwest Information Center at Sonoma State University (NWIC) noted that a previous study from 2010 covering portions of the project area identified no cultural resources within the areas surveyed. However, NWIC noted that the project area has the possibility of containing unrecorded archaeological sites. Due to the passage of time since the prior survey, lack of survey coverage, and

changes in archaeological theory and methods, NWIC recommended that a qualified archaeologist conduct further study of the area.

On August 9, 2024, CDFW noted that a Lake and Streambed Alteration Agreement (LSAA) has been applied for in association with the project. A revegetation plan will be submitted and reviewed by CDFW as part of the LSAA. CDFW noted several items which should be included in the revegetation plan, the details of which are outlined in the Environmentally Sensitive Habitat and Other Resource Areas section below. CDFW also noted that the LSAA cannot be issued until the County, as lead agency, has filed a Notice of Determination for the project.

On August 9, 2024, the Sherwood Valley Band of Pomo Indians noted that they were in receipt of information from an archaeologist that a site is near the project area, and that a more intensive archaeological survey will be done. Therefore, the tribe requested that a tribally selected monitor be on site during earth movement.

PROJECT ANALYSIS

LOCAL COASTAL PROGRAM CONSISTENCY:

Land Use and Planning Areas: The site is located within the Rural Residential (RR) classification as described in Chapter 2 of the Coastal Element:

The Rural Residential classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.

Principal Permitted Use: Residential and associated utilities, light agriculture, home occupation. (See Policy 3.2-11).

Conditional Uses: Cottage industry; conservation and development of natural resources; public facilities and utilities determined to be necessary on Rural Residential lands; recreation-education.

On August 9, 2024, Planning Division staff, CDFW staff, and the agent visited the site. The proposed replacement culvert would fall within “associated utilities” as a permitted use. The culvert protects the road from damage and the stream from interruption. The road provides access to several lots developed with residential uses. Therefore, the project is linked to the residential uses within the Rural Residential classification and is consistent with its intent.

Zoning: The is located within the Rural Residential (RR-5) zoning district, as described in Mendocino County Code (MCC) Section 20.376.005:

This district is intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.

As an existing road and culvert, the agricultural viability of the site is low. The proposed culvert would be slightly larger than existing but would not convert any agricultural land to non-agricultural use. Per MCC Section 20.456.010 and 20.456.015(O), the culvert falls within Other Necessary and Customary Uses. The culvert would be appropriate to replace the existing failing culvert to preserve access along Caspar Point Road. The culvert would be incidental to the principal permitted residential uses surrounding it because it is not a major part of those residential uses. The culvert would be subordinate to the residential uses because it would be located under the road grade and would be smaller in size than the residential structures.

As a below-grade culvert, the project is not subject to the yard setbacks or height limit prescribed by MCC Sections 20.376.030, 20.376.035, and 20.376.045. The culvert would not contribute to lot coverage because it would lie under the existing road.

Grading, Erosion, and Runoff: In accordance with MCC Section 16.30.030(C), “*any property owner anywhere in the County proposing a project with soil disturbance of less than one acre, must demonstrate compliance with the California Green Building Standards Code pertaining to site development stormwater runoff control, and Best Management Practices as listed in 16.30.070(B).*” Therefore, the proposed project would be subject to this requirement.

Examples of Best Management Practices (BMPs) from Section 16.30.070(B) include, but are not limited to, scheduling construction activity, preservation of natural features, vegetation and soil, erosion control to protect slopes, building materials stockpile management, etc.

A hydrological assessment and recommendations provided by SHN outline the rationale behind the proposed development (see attached *Hydrological Assessment*). As noted in comments from CDFW, the project would require the issuance of a Lake and Streambed Alteration Agreement (LSAA). An LSAA application has been submitted for the project. CDFW notes that a revegetation plan must be submitted and reviewed for the LSAA. As noted in the North Coast Regional Water Quality Control Board (RWQCB) Notice of Applicability (NOA) for the project, the outside of the new culvert will be backfilled with cement slurry. The slurry will be prevented from entering the stream by the installation of earthen berms while the cement is poured and while work is being completed. Rock slope protection would also be used at the inlet and outlet of the new culvert and willow stakes would be planted within the spaces of the rock slope protection. Along with standard BMPs, these measures would be sufficient to reduce impacts related to grading, erosion, and runoff.

Environmentally Sensitive Habitat and Other Resource Areas: Per Coastal Element Policies 3.1-2, 3.1-7, and MCC Sections 20.496.015, 20.488.010, and Chapter 20.488, a Natural Resources Study prepared by Spade Natural Resources was submitted with the application. Field surveys were conducted in April, June, and July of 2021. No special status plant species were observed. According to the survey, Natural Communities present included a Common velvet grass – sweet vernal grass meadow Alliance, Red Alder Forest Alliance, Broom Patch Alliance, and a Eucalyptus – Tree of Heaven – Black Locust Grove Alliance (see attached Natural Resources Study). None of these were considered Sensitive Natural Communities.

According to the report, the site may contain habitat for Obscure bumblebee, Western bumblebee, Northern red-legged frog, Pacific tailed frog, Foothill yellow-legged frog, nesting birds, and special status bats. To address the potential presence of these species during construction, avoidance measures are recommended for special status birds, bats, amphibians, and invertebrates. These recommended measures have been included as conditions of approval.

According to the report, the unnamed stream passing through the culvert is the only watercourse in the project area (see attached Natural Resources Study). Per Coastal Element Policy 3.1-10, the stream and the Red Alder Forest riparian vegetation surrounding it is considered an Environmentally Sensitive Habitat Area (ESHA). According to the RWQCB NOA, the project would temporarily impact one hundredth (0.01) of an acre and forty-two (42) linear feet of waters of the State and the stream channel. The project would permanently impact five thousandths (0.005) of an acre and twenty (20) linear feet of waters of the State and the stream channel. The NOA notes that five (5) years of annual mitigation monitoring must occur to document the survival of willow trees in the vicinity of the project area.

According to the RWQCB NOA, the project qualified as a Category E, Low Impact Discharge. To qualify for the Low Impact Discharge, the discharger must demonstrate that (a) all practicable measures will be taken to avoid impacts; (b) where unavoidable temporary impacts take place, waters and vegetation will be restored to pre-project conditions as quickly as practicable; and (c) where unavoidable permanent impacts take place, there will be no net loss of wetland, riparian area, or headwater functions, including onsite habitat, habitat connectivity, floodwater retention, and pollutant removal. To qualify, the discharger also may not (a) directly or indirectly destabilize a bed of a receiving water; (b) contribute to significant cumulative effects; (c) cause pollution, contamination, or nuisance; (d) adversely affect candidate, threatened, or

endangered species; (e) degrade water quality or beneficial uses; (f) be toxic; or (g) include “hazardous” or “designated” material.

In accordance with MCC Section 20.496.015(E), development within ESHA shall be denied if findings cannot be made pursuant to MCC Section 20.532.100(A)(1). Per MCC Section 20.496.030(D), the LSAA required by CDFW (including the required revegetation plan) and the avoidance measures described in the Natural Resources Study are feasible to minimize potential adverse effects to the stream and riparian vegetation. Due to the deteriorated condition of the existing culvert, the project is necessary to protect the sole access between lots along Caspar Point Road (private) and Caspar Road (CR 569). A feasible, less environmentally damaging alternative is not available because the proposed replacement culvert would be placed in the same location as the existing culvert. A different location would cause more disturbance to the stream or riparian area or be ineffective. As noted in the hydrological assessment, the peak flow estimate of this site corresponds to a seventy-eight (78) inch diameter culvert according to the U.S. Department of Transportation Hydraulic Design of Highway Culverts document. Instead, a “squash” pipe culvert was proposed, presumably to avoid substantially elevating the road surface.

Per MCC Section 20.496.035(A) and Coastal Element Policy 3.1-9, the project is an alteration of a stream. Per Section 20.496.035(B)(1), compliance with the avoidance measures described in the Natural Resources Study and revegetation plan within the LSAA would ensure that the development does not significantly disrupt the surrounding riparian habitat. Per Section 20.496.035(B)(2), a feasible, less environmentally damaging alternative is not available because an alternative location for the culvert would cause more disturbance to the stream or riparian vegetation or be ineffective. A reduced diameter may not meet the recommended size for the corresponding peak flow estimate at this site. Per Section 20.496.035(B)(3), mitigation measures include those recommended within the Natural Resources Study and the revegetation requirements of the LSAA. Per Section 20.496.035(B)(4), mitigation measure conditions of approval related to the LSAA revegetation plan would require the ratio and survival rates outlined in this section (see Conditions of Approval section below).

As noted in comments from CDFW, the revegetation plan must include the identification and extent of the planting areas on both the north and south side of the culvert, a planting palette comprised of local native species, and targeted removal of non-native and invasive species. These requirements have been included as conditions of approval with greater detail to match the comments from CDFW.

Hazards Areas: Per Coastal Element Policies 3.4-3, 3.4-5, 3.4-6, and MCC Section 20.500.020, the site is not within a fault zone, is not less than one hundred twenty-five (125) feet from the bluff edge, is not in a tsunami inundation area, is not within the boundary of an existing or prehistoric landslide and is unlikely to result in significant erosion with implementation of BMPs and revegetation. Per MCC Section 20.500.025 and Coastal Element Policy 3.4-13, the project was referred to CAL FIRE and the Fort Bragg Rural Fire District on July 15, 2024. CAL FIRE did not respond to the referral request. Fort Bragg Rural Fire District responded on July 18 with no comment. The project is not expected to increase fire hazard because the project would not create new fuel sources.

Per MCC Section 20.420.005 and 20.500.030, the site is within the FEMA flood hazard area and is subject to any applicable regulations within the Mendocino County Floodplain Ordinance that would apply at the time a building permit application was submitted. The site is not within the one hundred (100) year floodway.

Visual Resources and Special Treatment Areas: Per Coastal Element Policies 3.5-1, 3.5-4, 3.5-8, and MCC Chapter 20.504, the site is within a designated Highly Scenic Area and is subject to the development criteria in Section 20.504.015(C). The project’s consistency with the development criteria is as follows:

- Per Section 20.504.015(C)(1), the project would have no impact on coastal views from public areas because the culvert would be placed below the road grade. The additional road base that would be placed atop the new culvert would not significantly alter views, particularly with the choice of a “squash” pipe.
- Per Section 20.504.015(C)(2), the proposed development would not exceed eighteen (18) feet above natural grade.

- Per Section 20.504.015(C)(3), the proposed development would be subordinate to the natural setting because it would be located below the road grade. Though aluminum is a reflective material, most of the new culvert would be obscured by the road grade and vegetation.
- Per Section 20.504.015(C)(4), the proposed development is not a division of land and is not a boundary line adjustment.
- Per Section 20.504.015(C)(5), the proposed development would be located under the road grade.
- Per Section 20.504.015(C)(6), the proposed development is not on a hillside.
- Per Section 20.504.015(C)(7), the proposed development is not in a large open area, would conform to natural landforms, would not be located near the bluff, and would be in scale with the rural character of the area because it be sized to meet the peak flow estimate of the associated stream.
- Per Section 20.504.015(C)(8), the proposed development is not on a ridge.
- Per Section 20.504.015(C)(9), the proposed development is not in a tree removal area.
- Per Section 20.504.015(C)(10), tree screening is not necessary because the culvert will be placed below the road grade.
- Per Section 20.504.015(C)(11), the proposed development does not include power distribution lines.
- Per Section 20.504.015(C)(12), the proposed development does not include power distribution lines.
- Per Section 20.504.015(C)(13), the proposed development would not modify the existing configuration of the road.

The proposed development does not include satellite receiving dishes or exterior lighting. Therefore, it is consistent with Chapter 20.504.

Transportation, Utilities, and Public Services: Per Coastal Element Policies 3.8-1, 3.8-9, 3.8-11, 3.9-1, and MCC Section 20.516.015, the project is not a subdivision or boundary line adjustment and does not involve the approval of an additional building site that would require any water supply or sewer capacity. The parcel does not abut State Route 1 and is not accessed via County Road. The project was referred to the Department of Transportation, who responded with no comment. State Route 1 capacity would not be affected because replacement of the culvert would not induce a long-term increase in vehicle trips to and from the site.

Archaeological and Cultural Resources: Per Coastal Element Policy 3.5-10 and Mendocino County Code Chapter 22.12, an archaeological survey report was submitted for the project. The report notes that shovel probes at two (2) meter intervals were used to inspect the site. No archaeological or other historical resources were found in the project area. However, the report notes that a previously recorded prehistoric site is located nearby. Although no resources were discovered, there remains a moderate potential that buried or concealed archaeological deposits could be discovered during project activities. Therefore, the archaeologist recommended that the project be subject to the standard discovery clause contained in Chapter 22.12 and that all ground disturbing activity be monitored by a professional archaeologist and a tribal monitor. This is consistent with correspondence received from the Sherwood Valley Band of Pomo Indians, who requested that a tribally selected monitor be on site during earth movement. Therefore, staff recommends that both the discovery clause and tribal monitoring be adopted as conditions of approval to prevent potential impacts to archaeological and cultural resources.

Public Access: Per Coastal Element Policies 3.6-9, 3.6-28, and MCC Section 20.528.010, the site is not proximate to a minimum access location as shown on the LCP maps. Therefore, the establishment of additional coastal access as a condition of this permit is not warranted.

ENVIRONMENTAL DETERMINATION: An Initial Study for the proposed project was completed by staff in accordance with the California Environmental Quality Act (CEQA). Based on this initial evaluation, it was

found that the Project would not produce any significant environmental impacts with mitigation incorporated. As such, a Mitigated Negative Declaration was prepared. It is noted in the Initial Study that the proposed project could result in some environmental impacts, but these were considered less-than-significant with mitigation incorporated.

PROJECT FINDINGS & CONDITIONS OF APPROVAL

Staff recommends, pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, that the Coastal Permit Administrator approve the proposed project, adopts a Mitigated Negative Declaration, and adopt the following findings and conditions.

FINDINGS:

1. Pursuant to MCC Section 20.532.095(A)(1), the proposed development to remove an existing corrugated metal pipe culvert, replace with a new aluminum arch pipe culvert, and add one (1) foot thick gravel road base to Caspar Point Road (private) is in conformity with the certified local coastal program. As described in this staff report, the project is consistent with the intent of the RR land use classification and RR zoning district, would incorporate BMPs to reduce erosion and sedimentation, would not substantially degrade ESHA upon implementation of a revegetation plan, conforms with the development criteria for Highly Scenic Areas, is served by adequate utilities, would not impact cultural resources, and does not warrant the provision of any new public access easements; and
2. Pursuant to MCC Section 20.532.095(A)(2), the proposed development to remove an existing corrugated metal pipe culvert, replace with a new aluminum arch pipe culvert, and add one (1) foot thick gravel road base to Caspar Point Road (private) will be provided with adequate utilities, access roads, drainage, and other necessary facilities. Water supply and sewage capacity are not required for the project because it does not involve the construction of any new dwellings or plumbing. The new culvert is intended to restore proper drainage. The existing private access road between State Route 1 and the site is sufficient to serve the development because the density and intensity of use would not change. BMPs implemented during construction would ensure that proper drainage is available. After construction, disturbed areas would be revegetated; and
3. Pursuant to MCC Section 20.532.095(A)(3), the proposed development to remove an existing corrugated metal pipe culvert, replace with a new aluminum arch pipe culvert, and add one (1) foot thick gravel road base to Caspar Point Road (private) is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserve the integrity of the zoning district. The project would not convert agricultural land to non-agricultural use. New uses would not be established; and
4. Pursuant to MCC Section 20.532.095(A)(4), the proposed development to remove an existing corrugated metal pipe culvert, replace with a new aluminum arch pipe culvert, and add one (1) foot thick gravel road base to Caspar Point Road (private), if completed 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. A mitigated negative declaration has been prepared. Adoption and implementation of the mitigation measures would ensure that impacts are less than significant. A mitigation monitoring and reporting program has been prepared to outline the implementation of mitigation measures and show they are feasible and enforceable; and
5. Pursuant to MCC Section 20.532.095(A)(5), the proposed development to remove an existing corrugated metal pipe culvert, replace with a new aluminum arch pipe culvert, and add one (1) foot thick gravel road base to Caspar Point Road (private) will not have any adverse impacts on any known archaeological or paleontological resource. An archaeological survey report was prepared for the project. The survey did not indicate the presence of any archaeological or paleontological resources in the project area. Additional measures to ensure that potential unanticipated discoveries are addressed, and that tribal monitoring would occur during ground disturbing activities, would prevent potential unanticipated impacts; and

6. Pursuant to MCC Section 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 to remove an existing corrugated metal pipe culvert, replace with a new aluminum arch pipe culvert, and add one (1) foot thick gravel road base to Caspar Point Road (private). Solid waste and public roadway capacity would not be impacted because the project would not create any new dwellings or otherwise increase population density; and
7. Pursuant to MCC Section 20.532.095(B)(1), the project 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 because the site is not in a Minimum Access Location depicted on the LCP maps, meaning the provision of new public access from the site to the sea is not warranted. No new uses would be established, nor would dwelling density increase because of the project.
8. Pursuant to MCC Section 20.532.100(A)(1)(a), the stream and riparian ESHA will not be significantly degraded by the proposed development because conditions of approval recommended in accordance with the Natural Resources Study would prevent impacts to special status species and the revegetation requirements of the LSAA would ensure that the habitat would be maintained.
9. Pursuant to MCC Section 20.532.100(A)(1)(b), there is no feasible less environmentally damaging alternative because an alternative location for the culvert would cause more disturbance to the stream or riparian vegetation or be ineffective. A reduced diameter may not meet the recommended size for the corresponding peak flow estimate at this site.
10. Pursuant to MCC Section 20.532.100(A)(1)(c), all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted, including avoidance measures for special status bats, birds, amphibians, invertebrates, and the revegetation plan requirements of the LSAA.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “*)”:**

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/or use of the property in reliance on such permit has been initiated prior to its expiration. Such permit vesting shall include approved permits associated with this project (i.e. building permits, septic permits, well permits, etc.) and physical construction in reliance of such permits, or a business license demonstrating establishment of a use proposed under this project.
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. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
4. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
5. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.

- b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
 8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
 9. Conditions approving this Coastal Development Permit shall be attached to or printed on any building permit application and shall be a part of on-site construction drawings.
 10. Per Mendocino County Code Section 16.30.070(B), the permittee shall implement Best Management Practices (BMPs) to prevent the discharge of debris, contaminants, or construction waste from the site, or from grading or construction materials, tools, and equipment. Best Management Practices as appropriate for each project shall include but not be limited to the following:
 - a. Scheduling construction activity.
 - b. Preservation of natural features, vegetation, and soil.
 - c. Drainage swales or lined ditches to control stormwater flow.
 - d. Mulching or hydroseeding to stabilize disturbed soils.
 - e. Erosion control to protect slopes.
 - f. Protection of storm drain inlets (gravel bags or catch basin inserts).
 - g. Perimeter sediment control (perimeter silt fence, fiber rolls).
 - h. Sediment trap or sediment basin to retain sediment on site.
 - i. Stabilized construction exits.
 - j. Wind erosion control.
 - k. Other soil loss BMP acceptable to the enforcing agency.
 - l. Material handling and waste management.
 - m. Building materials stockpile management.
 - n. Management of washout areas (concrete, paints, stucco, etc.).
 - o. Control of vehicle/equipment fueling to contractor's staging area.
 - p. Vehicle and equipment cleaning performed off site.
 - q. Spill prevention and control.
 - r. Other housekeeping BMP acceptable to the enforcing agency.

11. ****CR-1:** All ground disturbing activity shall be monitored by a professional archaeologist and a tribal monitor from the Sherwood Valley Band of Pomo Indians. If any resources are discovered during monitoring, the work shall cease until the provisions of Section 22.12.090 are carried out. The archaeologist and Sherwood Valley Band of Pomo Indians shall provide written confirmation to Planning & Building Services that monitoring has occurred.
12. ****HWQ-1:** In accordance with the Notice of Applicability (NOA) issued by the North Coast Regional Water Quality Control Board on July 8, 2024, the applicant shall submit a Notice of Completion (NOC) to the Regional Water Board no later than thirty (30) days after the project has been completed. The NOC should be submitted after the annual mitigation monitoring period is complete and the tree survival criteria are met. The applicant shall submit a copy of the NOC to Planning & Building Services. In accordance with the NOA, the applicant shall install earthen berms during cement pouring to prevent slurry form entering the watercourse. The applicant shall also install rock slope protection at the inlet and outlet of the new culvert, and willow stakes shall be planted within the interstices of the rock slope protection.
13. ****BIO-1:** The bird breeding season typically extends from February to August. Project activities should occur between September and January, the non-breeding season for birds. If activities cannot be done during the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys at least fourteen (14) days prior to the onset of construction or clearing of vegetation. If active breeding bird nests are observed, a minimum one hundred (100) foot exclusion zone shall be created around the nest(s). No ground disturbance shall occur within the exclusion zone. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. The biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.
14. ****BIO-2:** Project activities should occur between September 1 and October 31, after young bats have matured and prior to the bat hibernation period. However, if project activities would occur between November 1 and August 31, pre-construction bat surveys shall occur. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, acoustic, or visual detections). If evidence of bat use is found, then the biologist(s) shall conduct acoustic surveys using an acoustic detector to determine whether a site is occupied. If bats are found, a minimum fifty (50) foot buffer shall be established around the roost tree. Work shall not occur within the buffer until bats have left the roost.
15. ****BIO-3:** Within two weeks prior to construction or vegetation removal, project contractors shall be trained by a qualified biologist in the identification of the Northern red-legged frog, Pacific tailed frog, and Foothill yellow-legged frog. Construction crews shall begin each day with a visual search around all stacked or stored materials, as well as in and near the stream corridor and any pools or present water, to detect the presence of special status amphibians. If a special status amphibian is detected, construction or demolition crews shall cease all ground disturbing activity within one hundred (100) feet of the observation and shall contact the California Department of Fish & Wildlife or a qualified biologist to provide assistance. Ground disturbing activities within one hundred (100) feet of the observation shall be allowed to proceed only after clearance is given from CDFW and/or the qualified biologist.
16. ****BIO-4:** If a rain event occurs during the construction period, all construction-related activities shall cease for a period of forty-eight (48) hours after the rain stops. Prior to resuming construction or demolition activities, trained construction crew member(s) shall examine the site for the presence of special status amphibians. If no special status amphibians are found, construction activities may resume. If a special status amphibian is detected, construction or demolition crews shall cease all ground disturbing activity within one hundred (100) feet of the observation and shall contact the California Department of Fish & Wildlife or a qualified biologist to provide assistance. Ground disturbing activities within one hundred (100) feet of the observation shall be allowed to proceed only after clearance is given from CDFW and/or the qualified biologist.
17. ****BIO-5:** Ground disturbance shall be limited to the minimum necessary to facilitate development.

Western bumblebee may nest in the ground under leaf litter. To the extent feasible, flowering native vegetation that could provide forage for Western bumblebee shall be retained at the site. This species has a short tongue length and potential food sources at the site may include both open structured flowers as well as those with a long corolla tube. Select food sources include *Melilotus* (sweet clovers), *Cirsium* (thistles), *Trifolium* (clover), *Centaurea*, *Chrysothamnus* (rabbitbrush), and *Eriogonum* (wild buckwheat) plant species. Food plants for Obscure bumblebee include but are not limited to *Baccharis*, *Cirsium*, *Lupinus* (lupines), *Lotus* (bird's-foot trefoils / deervetches), *Grindelia* (gumweed), and *Phacelia* (scorpionweed) species.

18. **BIO-6: Prior to construction or the issuance of a building permit, the applicant shall submit a revegetation plan to the California Department of Fish & Wildlife and Planning & Building Services in accordance with the Lake and Streambed Alteration Agreement. Per MCC Section 20.496.035(B)(4), the revegetation plan shall include a planting palette, monitoring protocols, and success/performance criteria to ensure that any riparian vegetation removed by the project is replanted at a minimum ratio of one to one (1:1) and replaced if the survival rate is less than seventy-five (75) percent. The revegetation plan shall include the following information:
- a. The identification and extent of the planting areas on both the north and south side of the culvert replacement.
 - b. A planting palette comprised of locally native species documented in the Natural Resources Study prepare by Spade Environmental Resources Consulting, including red alder (*Alnus rubra*), willow (*Salix ssp.*), and an appropriate seed mix or plugs comprised of locally native grasses and/or herbaceous plant species within the bed, bank, and channel of the watercourse including Pacific reedgrass (*Calamagrostis nutkaensis*).
 - i. Pacific reedgrass (*Calamagrostis nutkaensis*) that would be disturbed by construction shall be transplanted after construction to aid in revegetation of the bed, bank, and channel features. Riparian planting shall be comprised of multiple species to prevent a monoculture.
 - c. Upland species including wax myrtle (*Morella californica*) and coyote brush (*Baccharis pilularis*) may be included within the planting area outside of the bed, bank, and channel of the watercourse.
 - d. Targeted removal of non-native and invasive species including gorse (*Ulex europaeus*), crocosmia (*Crocasmia spp.*), and other non-native invasive species that may become present after ground disturbance including French broom (*Cytisus scoparius*) or Scotch broom (*Genista monspessulana*) within the revegetated area for five years. Post-construction targeted removal shall be done by hand and shall occur at least annually.

9/4/24

DATE

DND FOR

LIAM CROWLEY
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$2,674.00

ATTACHMENTS:

- A. Location
- B. Aerial Imagery (Vicinity)
- C. Aerial Imagery (Detail)
- D. Topographic Map
- E. Site Plan
- F. Zoning
- G. General Plan
- H. LCP Land Use Map 15: Caspar & 14: Beaver
- I. LCP Land Capabilities & Natural Hazards
- J. LCP Habitats & Resources
- K. Post LCP Certification & Appeal Jurisdiction
- L. Adjacent Parcels
- M. Fire Hazard Zones & Responsibility Areas
- N. Flood & Tsunami Inundation Zones
- O. Wetlands
- P. Coastal Ground Water Resources
- Q. Highly Scenic Areas
- R. Estimated Slope
- S. Western Soil Classifications
- T. Landslide Hazards
- U. Important Farmlands
- V. State Parks
- W. Hydrological Assessment **(On Line Only)**
- X. Natural Resources Study **(On Line Only)**
- Y. Regional Water Board NOA
- Z. CDFW Comments
- AA. Sherwood Valley Band of Pomo Indians Comments

Attachment W and X and the MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY AVAILABLE ONLINE AT: <https://www.mendocinocounty.gov/departments/planning-building-services/public-hearing-bodies>