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

**DECEMBER 18, 2024  
CDP\_2024-0011**

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**PROJECT PLANNER CONTACT**

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**PROJECT SUMMARY**

**OWNER/ APPLICANT:** Save the Redwoods League  
111 Sutter Street, 11<sup>th</sup> Floor  
San Francisco, CA 94101

**AGENT:** Alejandra Prendergast, NCRM, Inc.  
2501 N. State Street  
Ukiah, CA 95482

**REQUEST:** Standard Coastal Development Permit to demolish five (5) structures including one (1) mobile home, three (3) sheds, and one (1) barn-house, remove a water tank, a perched culvert, and two propane tanks. The project also proposes a Habitat Restoration Plan.

**LOCATION:** In the Coastal Zone, 8.5± miles north of the town of Westport, on the east side of State Route 1 (SR1), 0.2± miles south of its intersection with Usal Road (CR 431), located at 49551 N. Highway 1, Westport; APN: 013-390-15.

**TOTAL ACREAGE:** 227± Acres

**GENERAL PLAN:** Range Lands 160-Acres Minimum (RL160)  
General Plan (Chapter 7 – Coastal Element)

**ZONING:** Range Lands 160-Acres Minimum (RL:160)  
Mendocino County Code Title 20, Division II

**CODE REFERENCE:** Passive Recreation  
Mendocino County Code (MCC) Section 20.368.010

**APPEALABLE** No

**SUPERVISORIAL DISTRICT:** District 4 (Gjerde)

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**RECOMMENDATION:** Approve with Conditions

**PROJECT BACKGROUND & INFORMATION**

**PROJECT DESCRIPTION:** Standard Coastal Development Permit to demolish five (5) structures which include a mobile home, three (3) sheds, and a barn-house. In addition, the applicant requests to remove a 5,000-gallon polyethylene water tank, associated water diversion infrastructure, two (2) propane tanks, and a 32-inch perched culvert from a mapped tributary. Additionally, the water tank is approximately one (1) foot from a mapped tributary.

The applicant has filed a Notice of Intent for a Water Quality Certification under the Clean Water Act Section 401 and has applied for a Lake and Streambed Alteration Agreement with the California Department of Fish and Wildlife. The project proposes a Habitat Restoration Plan to return the property to a natural state, enhance ecological function and habitat quality. Key components of the Habitat Restoration Plan include post-demolition cleanup, soil stabilization to prevent erosion, channel restoration to improve hydrological flow, and the re-establishment of native vegetation. By the end of 2024, the landowner intends to transfer the parcel to the Bureau of Land Management (BLM) for passive recreational use.

**SITE CHARACTERISTICS:** In the Coastal Zone, 8.5± miles north of Westport, on the east side of State Route 1, 0.2± miles south of its intersection with Usal Road (CR 431), located at 49551 N. Highway 1, Westport. The project area is heavily vegetated with native and non-native ground cover. A Freshwater Forested/ Shrub Wetland runs through the property and is adjacent to the project site.<sup>1</sup> The four sheds were constructed between the years 1910 and 1920 and the mobile home was installed approximately in the 1960s. The sheds are not considered historic resources or have any historic significance. The sheds and mobile home are dilapidated, including one shed that has fully collapsed.

The subject parcel ranges in slope from 0 to 86 degrees.<sup>2</sup> The project site is relatively flat and is approximately 118 feet above sea level.<sup>3</sup> The property is mapped as a “High Fire Hazard” area and is within the State Responsibility Area subject to the jurisdiction of California Department of Forestry and Fire (CAL FIRE). The designated soil type of the project site is mapped as “Carlain loam”.<sup>4</sup>

**Public Services:**

Access: State Route 1  
 Water District: None  
 Sewer District: None  
 Fire District: CAL FIRE

**AGENCY COMMENTS:** On April 15, June 24, and August 19, 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.

<b>TABLE 1: Referral Agency Responses</b>	
<b>REFERRAL AGENCIES</b>	<b>COMMENT</b>
Planning – Fort Bragg (FB)	Comments
Department of Transportation	No Comment
Environmental Health – FB	No Comment
Building Inspection – FB	No Comment
Forestry Advisor	No Comment
Archaeological Commission	Comments
Air Quality Management District	No Response
Northwest Information Center	Comments
Caltrans	No Response
Forestry Advisor	No Comment

<sup>1</sup> Wetland Map.

<sup>2</sup> Slope Map.

<sup>3</sup> Topographic Map.

<sup>4</sup> Soil Map. Soil Survey of Mendocino County, California, Western Part.

CAL FIRE	Comments
California Department of Fish and Wildlife	Comments
U.S Department of Fish and Wildlife	Comments
California Coastal Commission	Comments
Regional Water Quality Control Board	Comments
U.S Department of Parks & Recreation	No Response
Westport Municipal Advisory Council	Comments
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	Comments
Potter Valley Tribe	No Response
Round Valley Reservation	No Response
Resource Land Protection Committee	No Comment

**Northwest Information Center (NWIC):** On April 29, 2024, NWIC responded with “the proposed project area has the possibility of containing unrecorded archaeological sites due to the proximity of known archaeological sites located in similar environments as the proposed project area. Given this sensitivity and lack of prior survey of the proposed project area, we therefore recommend that a qualified archaeologist conduct further archival and field study of the project area to identify cultural resources. Field study may include, but is not limited to, pedestrian survey, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of archaeological resources.”

**Archaeological (ARCH) Commission:** On June 12, 2024, the project was presented at the Archaeological Commission, in which, the ARCH Commission accepted the Archaeological Survey and recommended that two additional conditions of approval be included in the Staff Report, including the Discovery Clause and to require the landowner to hire a Tribal Monitor during ground disturbance and consult with the tribe about native plant re-vegetation.

**Sherwood Valley Band of Pomo Indians:** On June 27, 2024, Sherwood Valley Band of Pomo Indians, stated “the Tribe recognizes the action taken by the Mendocino Archaeological Commission at the June 12, 2024, meeting. A part of the Action was to have a tribally appointed monitor be on site during ground disturbance when the septic tank is being removed. The Tribe, per AB 52 would like a copy of the Archaeological Survey done on the property. Also, a copy of the biological assessment that has been completed, so we can help the local indigenous plant selection for the revegetating phase.”

**CAL FIRE:** On April 29, 2024, CAL FIRE stated that the proposed development appears to be located in an area containing “timberland” as defined by the California Forest Practice Rules. While the application states that vegetation removal is part of the project, it does not appear that tree removal is proposed and the application states that conversion will not occur. Therefore, no permit would be required from CAL FIRE resource management.

**California Department of Fish and Wildlife (CDFW):** On May 31, 2024, CDFW stated, “the following comments are provided in CDFW’s role as Trustee Agency under the California Environmental Quality Act (CEQA). The biological report stated that additional surveys for natural communities and rare plants will be conducted in June 2024. Until additional surveys (recommended below) or those scheduled to occur, as stated in the biological report, there is not sufficient information for CDFW to provide specific recommendations for the Project to avoid, minimize, or mitigate potential impacts.” The recommendations include: (1) identifying the extent of wetlands or sensitive natural communities (SNC) to the association level, (2) the water tank should be relocated outside of the bed, bank, and channel of the unnamed tributary and should be placed outside of ESHA buffers for riparian, wetlands, or SNCs, (3) identify the water source filling the existing tank (if filled), (4) replace the perched culvert, (5) provide a bat survey to determine presence of bat species and propose a demolition plan to avoid impacts to roosting bats or maternal colonies, (6) apply for a Lake and Streambed Alteration Agreement for all proposed activities for the removal of the water tank and/or continued diversion of water, (7) CDFW will defer to the North Coast Regional Water Quality Control Board for guidance regarding any avoidance and minimization measures or

determinations regarding permitting for wetlands or waters of the state, and (8) to revise the biological assessment and wetland delineation reports.

After receiving revisions of the wetland delineation report, the revised biological assessment, a bat survey, consultation with County staff and the Regional Water Quality Control Board, the applicant provided a Tentative Habitat Restoration Plan pursuant to Mendocino County Code (MCC) 20.532.065. CDFW reviewed the Tentative Habitat Restoration Plan and requested several additions. CDFW and County staff will consult with the applicant to provide guidance and clarity on standards and procedures for the Final Habitat Restoration Plan. Prior to the issuance of building permits associated with this CDP, the applicant must submit a Final Habitat Restoration Plan. With the incorporation of all mitigation measures from the biological reports and LSAA Application and Water Quality Certification Permit, the proposed project would have a less than significant impact on special status species, sensitive natural communities, state or federally protected wetlands, and riparian habitats.

**Westport Municipal Advisory Council (MAC):** On May 3, 2024, Westport MAC stated, “we urge you to require an archaeological and historical resources survey of the subject parcels by an appropriately qualified professional or team of experts. Expertise in both archaeology and history or architectural history appears warranted. The resource identification study should take into consideration the full footprint of the historic use as a possible cultural landscape if those lands are under SRL [Save the Redwoods] ownership. Input from the Westport Ten Mile Cemetery District indicates a family cemetery directly west across State Route 1 from the planned project with over a dozen graves is part of the potential historical resource. The study should identify and evaluate whether or not an historical resource or resources are present. If such a resource is present, demolition of historic buildings and ground disturbance could both cause significant adverse changes to that type of resource. That finding would thus imply the need for an environmental impact assessment that considers alternatives to reduce or mitigate damage.”

**Planning – Fort Bragg:** Several previous projects have been finalized on the said parcel including a Cal Trans project (CDP 37-98) and an Emergency Permit (EM 04-98). No other information was included.

**U.S Fish and Wildlife Service (USFWS):** On September 19, 2024, the USFWS responded to the project referral and additional bat survey and stated, “Our resident bat expert, Matthew Parker, reviewed the document. He noted that the Little Brown Bat is currently under review for possible federal listing by the U.S. Fish and Wildlife Service but has not been formally petitioned for listing. Therefore, no federally listed bat species would be impacted as of today. If the Little Brown Bat is federally listed prior to the proposed work, then the USFWS should be contacted for Endangered Species Act (ESA) consultation. Matt mentioned that the red bat is a state species of special concern so CDFW should be involved with an assessment of potential impacts to that species. The red bat usually roosts in trees and therefore is unlikely to roost in one of the structures on that property.”

## **PROJECT ANALYSIS**

### **LOCAL COASTAL PROGRAM CONSISTENCY:**

**Land Use and Planning Areas:** The project site is located within the boundaries of the Local Coastal Program (LCP) area and currently classified as Range Lands (RL160). The Range Lands land use classification is intended...

“...to be applied to lands which are suited for and are appropriately retained for the grazing of livestock, and which may also contain some timber producing areas. The classification includes land eligible for incorporation into Type II Agricultural Preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands”

The subject parcel is located within Humboldt County Line to Rockport Planning Area. The northern three quarters (approximately 7.5 miles) of the Lost Coast is in public ownership or is proposed for acquisition by the Department of Parks and Recreation. Private lands in the 1,000-yard-wide coastal zone mainly are in the Timber Preserve Zone or in Agricultural Preserve.

The project proposes to demolish five (5) structures which include a mobile home, three (3) sheds, one (1) barn-house, remove a culvert, one (1) water tank, associated water diversion infrastructure, and two (2) propane tanks. The subject parcel is proposed to be transferred to the Bureau of Land Management (BLM) to be used as passive recreation. In addition, the project proposes a Habitat Restoration Plan for post-construction cleanup, soil stabilization, and habitat restoration. Wildlife habitat improvements are a principal permitted use in the RL land use classification. Therefore, the project, as proposed, is consistent with the RL land use classification and the Planning Area.

**Zoning:** The subject parcel is within the Range Lands (RL:160) Zoning District as outlined in the Mendocino County Code (MCC) Chapter 20.368. Per MCC Chapter 20.368, the RL district is intended to encompass lands within the Coastal Zone which are suited for and are appropriately retained for the grazing of livestock, and which may also contain some timber producing areas. The proposed project to demolish five structures, remove a water tank, two propane tanks, a perched culvert, and implement a restoration plan would be consistent with the RL District. The landowner proposes to transfer the parcel to the Bureau of Land Management (BLM) for passive recreation uses, which is a principal permitted use within the RL Zoning District. Therefore, the project, as proposed is consistent with MCC Chapter 20.368.

**Grading, Erosion, and Runoff:** The proposed project includes demolishing five structures, removing a water tank, associated water diversion infrastructure, two propane tanks, and a perched culvert from a tributary. The removal of the culvert is expected to temporarily impact approximately 15 linear feet of streambed and streambank. Soil and gravel would be excavated from above the culvert and removed from the site. After the culvert removal, the banks would be reconfigured to align with the natural grade and orientation of the channel. Pursuant to MCC 20.532.065, the applicant would be required to submit a Final Grading Plan. Before demolition of the five structures, the water tank and infrastructure, and the propane tanks, the boundaries of construction access routes would be clearly flagged, heavy equipment would be thoroughly inspected for fuel and/or oil leaks, and burlap straw wattles would be installed along the perimeter of construction access routes. All construction vehicles and equipment would operate exclusively within designated construction access routes. Best Management Practices (BMPs) would be employed pre and post construction to reduce erosion and sediment runoff.

**Environmentally Sensitive Habitat and Other Resource Areas:** The LCP Habitats and Resources map indicates that the project site contains Coastal Prairie Grassland, Riparian and Redwood Wooded Habitats, and a Perennial Stream. A Biological Assessment and Report of Compliance was prepared by NCRM Inc. (NCRM) on November 17, 2023, amended in August 2024, and again in November 2024. The property is located within the Northern California/ Southern Oregon Coast Evolutionary Significant Unit (ESU) for coho salmon and steelhead fish.<sup>5</sup> A tributary from Cottoneva Creek was observed on the project site and is designated an Environmentally Sensitive Habitat Area (ESHA). NCRM stated that the tributary is not suitable for fish habitats. The project site was surveyed for biological resources on November 11, 2023, and at dusk on May 23, 2024, for bat and bird activities.

The project has the potential to impact two (2) bird species protected under the Migratory Bird Act including barn swallows (*Hirundo rustica*) and Vaux's swift (*Chaetura vauxi*). NCRM identified said birds' nests in all five structures. The northern spotted owl (*Strix occidentalis caurina*) has been observed at least six times at the project site since 2017. Many other sensitive species have a high potential for occurrence on the project site but were not observed during NCRM site surveys. The project proposes a Habitat Restoration Plan (HRP) to remove deteriorating structures and restore the property to a natural state. Key components of the Habitat Restoration Plan include post-demolition cleanup, soil stabilization to prevent erosion, channel restoration to improve hydrological flow, and the re-establishment of native vegetation. The landowners intend to transfer the subject parcel to the Bureau of Land Management at the end of 2024. The property would be used as passive recreation in the future.

Considering the property and its structures have been neglected for several years and a tributary was identified, County staff requested a wetland delineation report and a Bat Survey. NCRM conducted a Wetland Delineation Report in May and July of 2024. The Wetland Delineation Survey results indicated a presence of a freshwater emergent wetland to the north of the project site and an ephemeral drainage running east to west through the project area. The Wetland Delineation Report also identified several other

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<sup>5</sup> Biological Assessment. NCRM, Inc. August 2024.

ESHAs including the coastal dune willow (*Salix hookeriana*) – Sitka willow (*Salix sitchensis*) – Douglas spiraea (*Spiraea douglasii*) Shrubland Alliance. The red alder (*Alnus rubra*) Riparian Forest Alliance encompasses the ephemeral stream running through the center of the project area, as well as areas along the western border of the project area, closest to the highway. The Biological Assessment prepared November 2024 identified two other ESHAs including: American stinging-nettle (*Urtica dioica subsp. Gracilis*) and giant horsetail (*Equisetum telmateia*).

On September 9, 2024, NCRM Inc. prepared a Bat Report to document the presence of bat species identified within and around the structures to be demolished. On September 3, 2024, two (2) NCRM wildlife biologists conducted a bat survey before sunset, at sunset, and an hour after sunset. NCRM stated, “six black Phoebes (*Sayornis nigricans*) were observed entering the barn and roosting on the roof beams. Shortly after sunset, bats were observed flying around and over the project area”. An Echo Meter Touch 2 Pro was used to identify bat species. The Bat Report concluded with the identification of three (3) additional bat species including, Little Brown Bat (*Myotis lucifugus*), silver-haired bat, and California myotis. In addition, NCRM stated, “during a wildlife survey in May of 2024, unidentified bats were documented roosting in both the barn-house and mobile home. During a survey in December of 2023, no bats were observed in the structures and the buildings appeared to be saturated with water, making the structures less desirable to inhabit during the winter months.”

The project and associated surveys were referred to the U.S Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), the North Coast Regional Water Quality Control Board (RWQCB), and California Coastal Commission (CCC) for review. USFWS stated, “the Little Brown Bat is currently under review for possible federal listing by the USFWS but has not been formally petitioned for listing. Therefore, no federally listed bat species would be impacted as of September 19, 2024. If the Little Brown Bat is federally listed prior to the proposed work, then the USFWS should be contacted for Endangered Species Act (ESA) consultation.” The landowner filed a Notice of Intent with the RWQCB for the proposed Habitat Restoration Plan and applied for a Lake and Streambed Alteration Agreement (No. EPIMS-MEN-51311-R1C, LSAA) for the culvert, water tank, water diversion infrastructure removal with CDFW. Pursuant to Public Resources Code §2100, CDFW cannot execute the LSAA until it has complied with the California Environmental Quality Act.

On October 7, 2024, the RWQCB stated they noticed few small mistakes on the dominance test section of the wetland delineation data sheets, but nothing that altered the results of finding a wetland indicator. The additional wetland sample points adequately addressed our concerns”. The Notice of Intent (Water Discharge Identification No. 1B24138WNME) is to certify coverage of the Project under the General 401 Water Quality Certification for Small Habitat Restoration Projects (General 401 Order); Order No. SB12006GN. Per the General 401, monitoring reports shall be submitted to document the achievement of performance standards and Project goals. A report will be submitted to the Regional Water Board upon Project completion. This report will include the pre- and post-Project monitoring findings and indicate whether performance standards have been achieved. Each report will include a summary of findings, an identification and discussion of problems with achieving vegetation and structural integrity performance standards, any proposed corrective measures as needed (requires Regional Water Board approval), and appropriate monitoring data such as photographs.

An Asbestos Survey and a Lead Survey prepared by CALINC Training LLC in September 2023 was included in the project application. The scope of work included a visual inspection, sample collection and analysis of various suspect lead-based paint or coatings via X-ray fluorescence (XRF) and/ or Flame Atomic Absorption (FAA). Lead was found on a window door frame, window frame, and window of the barn and white window trim of shed 3. Asbestos was found in the gray roof of the mobile home and roof of the barn building. The project and associated surveys were referred to the California Department of Toxic Substances Control (DTSC) for review. DTSC responded with no comments. The landowners submitted an Asbestos Notification Form for Demolition and Renovation for all structures to be removed to the Mendocino County Air Quality Management District (MCAQMD) on July 11, 2024. Pursuant to the Title 40 Code of Federal Regulations §61.145, the MCAQMD stated that this project has met the requirements of the Federal Asbestos NESHAP regulations and may proceed with demolition and renovation activities upon completion of identified asbestos abatement and Lead Agency approval.

Restoration is the sole purpose of this project. The structures to be demolished are within ESHA or ESHA

buffers. Impacts to the ESHAs would be temporary and minimal. There is no feasible, less environmentally damaging alternative. The proposed project would not likely result in “take” or adversely affect any ESHA. The project proposes a Tentative Habitat Restoration Plan (HRP) prepared by NCRM in October 2024 and amended in November 2024. The Tentative HRP details the complete inventory and assessment of all species and riparian habitat values that would be impacted by the proposed project. The Tentative HRP includes mitigation measures, a revegetation plan, a stream restoration plan, and minimal adaptive management considerations. The demolition is proposed to begin in December or January to ensure that work is conducted outside of the northern spotted owl breeding season, nesting bird season, and bat maternity season. As of November 6, 2024, the California Coastal Commission has not responded to the project referral.

The culvert and water tank removal and stream restoration work shall be confined to the period June 1<sup>st</sup> and October 31<sup>st</sup> of each year. Work within the active channel of a stream shall be restricted to periods of dry weather. No work is authorized in a wetted stream channel (i.e., where surface or subsurface water is present). All work shall be conducted when the stream is dry. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion. CDFW reviewed all project materials and reports, including the Tentative Habitat Restoration Plan, Wetland Delineation Report(s), the Bat Survey, and Biological Assessment(s). CDFW requested that the Biological Assessment identify the natural communities onsite to the association level to determine if they are sensitive natural communities. Regarding the Bat Survey, CDFW stated, “the ideal time to demolish buildings to not impacts bat moving into torpor or during nursery season is September and October. Considering only nursery roosting season would be unfortunate. CDFW concurs that an additional survey prior to demolition would be important. However, the project should consider taking actions now to make the buildings less suitable for nesting and bat use. As the black phoebe is roosting inside the buildings, has the project determined avoidance and minimization measures for these nesting birds?”.<sup>6</sup> The nesting season for black phoebes is from March to August.<sup>7</sup>

CDFW provided several comments and recommendations on the Tentative Habitat Restoration Plan including: (1) the culvert is referred to as a corrugated metal pipe, CMP, a stream crossing, and a culvert throughout the document and NCRM should choose the term and be consistent throughout the document. (2) NCRM needs to establish a baseline to assess performance, define success criteria, and enable ongoing monitoring of revegetation and restoration efforts. (3) The baseline should be the reference site and should be photographed to refer to later. (4) NCRM needs to identify and discuss measurable success criteria. (5) NCRM needs to clearly define which Best Management Practices (BMPs) will be used and specify where they will be implemented. (6) Silt fencing should be installed 100 feet from the ESHA riparian corridor (access route). (7) Define order of operations of the project scope. (8) The project should include capping and cutting the water diversion infrastructure at the tank and the permittees shall go up the stream to find the spring box and cut and cap the pipe at the spring box. (9) The Alternatives Project assessment should clarify that the only other option is not conducting the project and outline the potential consequences of not proceeding with it. (10) NCRM should utilize several conditions from the LSAA to conduct adaptive management.

Additionally, CDFW recommended the revision of several mitigation measures to adequately protect biological resources. All mitigation measures from the LSAA Application and Tentative Habitat Restoration Plan have been incorporated into the Conditions of Approval to prevent impacts to the riparian corridor and other ESHAs onsite. Additionally, a condition of approval requires that the landowner/permittee submit a Final Habitat Restoration Plan prior to the issuance of any building permit reliant on this Coastal Development Permit.

**Hazards Areas:** The project location is located to the east of State Route 1 and not within an area of high geologic hazard. A riparian intersects the parcel from the north to the south adjacent to State Route 1 to the west. Due to the location of the project site, there is no evidence of flood risk.<sup>8</sup> The project site is mapped within a High Fire Hazard area and is served by the California Department of Forestry and Fire Protection (CALFIRE).<sup>9</sup> The project was referred to CALFIRE and on April 29, 2024, CALFIRE responded and stated

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<sup>6</sup> September 23, 2024.

<sup>7</sup> U.S Department of the Interior National Park Service. Presidio of San Francisco – black phoebe. February 28, 2015.

<sup>8</sup> Flood Zone Map.

<sup>9</sup> Fire Hazard Map.

“The proposed development appears to be located within an area containing “timberland” as defined by the California Forest Practice Rules. While the application states that vegetation removal is part of the project, it does not appear that tree removal is proposed and the application states that conversion will not occur. Therefore, no permit would be required from CAL FIRE resource management. Considering no timber operations are proposed at this time, the implementation of Forest Practice Rules does not apply at this time. The project would not create erosion, geologic instability, or destruction, nor alter natural landforms along bluffs and cliffs. Thus, the proposed project would be in compliance of MCC Chapter 20.500 – Hazard Areas.

**Visual Resources and Special Treatment Areas:** The project site is located east of State Route 1 (SR1) and is not located within a Highly Scenic Area. Westport is considered a Special Treatment Area. On July 5, 1977, the California Coastal Commission designated Special Treatment Areas (STAs) in coastal forest districts. Such a designation identifies timberlands where stringent Timber Harvest Plan requirements and harvesting rules are applied in order to protect the area's special scenic and natural qualities. (See California Administrative Code, Title 14, Section 921.) Special Treatment Areas were designated in 1977 to assure the protection of natural and scenic resources, while at the same time allowing management and orderly harvesting of timber resources.

The proposed project to remove and demolish all structures and to retain the passive recreation use of the subject parcel would be consistent with the character of Westport and the surrounding community. There is no timber harvesting proposed at this time. The result of the proposed project would improve the visual resources of the area. The project was referred to the California Coastal Commission on April 15, June 24, and August 19, 2024. As of September 5, 2024, no response has been received regarding visual resources and Special Treatment Areas. Therefore, the proposed project is consistent with MCC Chapter 20.504 – Visual Resources and Special Treatment Areas.

**Transportation, Utilities, and Public Services:** The project proposes a passive recreation use for the subject property and would not require utility services. The project site is east of State Route 1 and accessed by an existing driveway. The project would disestablish the use of the driveway following the culvert removal. The subject parcel is located within a mapped “High Fire Hazard” zone and would be serviced by CAL FIRE. The project was referred to CAL FIRE on April 15, June 24, and August 19, 2024. As of October 7, 2024, CAL FIRE did not provide a response regarding transportation, utilities, and/or public services. If the landowner proposes to remove trees in the future, a permit from CAL FIRE would be required. The project, as proposed, would be consistent with MCC Chapter 20.516 – Transportation, Utilities, and Public Services.

**Archaeological and Cultural Resources:** As previously stated, the proposed project was referred to Northwest Information Center and the Archaeological Commission. In addition, the Westport Municipal Advisory Council (MAC) requested historical and archaeological surveys to be conducted. Northwest Information Center recommended further archaeological surveys. The landowner provided an Archaeological Survey that was conducted on January 23, 2024. The project was presented at the Archaeological Commission on June 12, 2024, in which, accepted the Archaeological Survey and included the Discovery Clause and the requirement of hiring a tribal monitor that represents the Westport area to be on site while ground disturbance occurs and to consult with the tribal monitor for the re-vegetation plan.

Additionally, the project was referred to Cloverdale Rancheria, Redwood Valley Rancheria, Sherwood Valley Band of Pomo Indians, Potter Valley Tribe, and Round Valley Tribe on April 15, June 24, and August 19, 2024. On June 27, 2024, Sherwood Valley Band of Pomo Indians, stated “the Tribe recognizes the action taken by the Mendocino Archaeological Commission at the June 12, 2024, meeting. A part of the Action was to have a tribally appointed monitor be on site during ground disturbance when the septic tank is being removed. The Tribe, per AB 52 would like a copy of the Archaeological Survey done on the property. Also, a copy of the biological assessment that has been completed, so we can help the local indigenous plant selection for the revegetating phase.”

On August 20, 2024, County Staff emailed a new contact for Round Valley Tribe and offered a 30-day deadline for a response. As of October 7, 2024, Round Valley Tribe has not responded.

**Public Access:** The project site is situated within the Humboldt County Line to Rockport Planning Area



(Lost Coast). The nearest designated shoreline access point to the project site is Usal Road (CR 431). Usal Road runs through Humboldt County Line to State Route 1, three miles north of Rockport.<sup>10</sup> Usal Road contains approximately 30 miles of an unpaved County maintained road that is suitable for hikers and equestrians. Potential trails connect to the shoreline. During the winter months vehicular traffic is difficult and may become dangerous at times. Considering there is an existing shoreline access point, the proposed project is consistent with the Coastal Element and MCC Chapter 20.528 – Coastal Access Regulations and Open Space Easements.

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration: 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 project to demolish five structures including a mobile home, three sheds, a barn-house, a water tank, associated water diversion infrastructure, remove a culvert and two propane tanks is in conformity with the certified local coastal program. The subject parcel is located within the Rangelands land use classification which intends to be applied to lands which are suited for and are appropriately retained for the grazing of livestock. The classification includes lands eligible for incorporation into Agricultural Preserves and other uses necessary for the protection and efficient management of range lands. The project anticipates improving wildlife habitats and the riparian corridor by demolishing all structures. As proposed, the project is consistent with the Range Lands classification of the Mendocino County Coastal Element; and
2. Pursuant to MCC Section 20.532.095(A)(2), the proposed development to demolish five structures including a mobile home, three sheds, a barn-house, a water tank, associated water diversion infrastructure, remove a culvert and two propane tanks will be provided with adequate utilities, access roads, drainage, and other necessary facilities. The proposed project would return the property to a natural setting and would be left vacant. The project site would be accessed via State Route 1. The project site would not require facilities or other utilities; and
3. Pursuant to MCC Section 20.532.095(A)(3), the proposed development to demolish five structures including a mobile home, three sheds, a barn-house, a water tank, associated water diversion infrastructure, remove a culvert and two propane tanks 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 Bureau of Land Management would acquire the project site following the demolition of the five structures. The project site would be used for passive recreation, which is a principal permitted use within the Range Lands zoning district. The project anticipates implementing a Habitat Restoration Plan that would return the project site to a natural setting and would remove all development; and
4. Pursuant to MCC Section 20.532.095(A)(4), the proposed development to demolish five structures including a mobile home, three sheds, a barn-house, a water tank, associated water diversion infrastructure, remove a culvert and two propane tanks, 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 is proposed for the proposed development. Adoption and implementation of the mitigation measures would ensure that impacts are

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<sup>10</sup> County of Mendocino. Coastal Element.

less than significant. A Tentative Habitat Restoration Plan 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 demolish five structures including a mobile home, three sheds, a barn-house, a water tank, associated water diversion infrastructure, remove a culvert and two propane tanks will not have any adverse impacts on any known archaeological or paleontological resource. An Archaeological Survey was prepared for the subject parcel. The Mendocino County Archaeological Commission accepted the survey and recommended additional measures to ensure that potential unanticipated discoveries are addressed, and that a tribal monitor be present during ground disturbing activities. The project was referred to Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, Redwood Valley Rancheria, Potter Valley Tribe, and Round Valley Tribe on August 19, 2024. Sherwood Valley Band of Pomo Indians stated their Tribe is the Most Likely Descendant (MLD) of the project area. No additional responses were received; 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 demolish and remove solid structures. The proposed project does not anticipate constructing any structures or facilities that would require solid waste disposal facilities or the consideration of public roadway capacity. As proposed, the project would have no impact on public roadway capacity nor solid waste disposal; and
7. Pursuant to MCC Section 20.532.100(A)(1), the proposed development includes removing a mobile home, a barn, three sheds, two propane tanks, a water tank, water diversion infrastructure, and a culvert. The water diversion infrastructure, the water tank, the culvert, the barn, the two propane tanks, and three sheds are located within an environmentally sensitive habitat area (ESHA). The mobile home is located less than 50 feet to the northeast of the riparian corridor (ESHA). All Mitigation Measures proposed in the Tentative Habitat Restoration Plan proposed dated November 2024 prepared by NCRM, Inc. and recommendations of the California Department of Fish and Wildlife are required for the protection of identified environmentally sensitive habitat areas.
  - a. The identified ESHAs on the project site would not be significantly degraded by the proposed demolition. The project mapped and flagged access routes to reduce impacts on all identified ESHAs. The access routes have been selected to minimize impacts on ESHA. One access route is an existing driveway. The existing parking lot area would serve as the staging area. Construction vehicles would utilize existing footpaths and the driveway and would be limited.
  - b. Per the Biological Assessment prepared by NCRM in November 2024, there is no feasible less environmentally damaging alternative. The existing dilapidated structures would be removed to alleviate the environmental burden on the property. The structures are hazardous and are deteriorating and situated within ESHA. The project also proposes a Habitat Restoration Plan that would return the property to a more natural setting and would enhance the riparian corridor and other ESHAs onsite.
  - c. Conditions of Approval have been incorporated to include all mitigation measures that were proposed in the Biological Assessment and the Habitat Restoration Plan prepared by NCRM, Inc. Additional mitigation measures were recommended by the California Department of Fish and Wildlife and were adopted as well. All feasible mitigation measures capable of reducing and/or eliminating project related impacts have been adopted.
8. Pursuant to MCC Section 20.532.100(A)(2), the project is situated within the Range Lands zoning district which intends to encompass lands within the Coastal Zone which are suited for and are appropriately retained for the grazing of livestock, and which may also contain some timber producing areas. The project, as proposed, would remove all infrastructure and structures on the property including, a mobile home, three sheds, one barn, two propane tanks, water diversion infrastructure, a water tank, and a culvert. Following the completion of the project, the property would be vacant land. The current landowner proposes to transfer the subject parcels to the Bureau of Land Management (BLM) at the end of 2024. The proposed use of the property would be Passive Recreation which includes leisure activities that do not require permits pursuant to this Division nor constitute

“development” as defined in Section 20.308.035(D) and that involve only minor supplementary equipment. Examples include sightseeing, hiking, scuba diving, swimming, sunbathing, jogging, surfing, fishing, bird watching, picnicking, bicycling, horseback riding, boating, photography, nature study and painting. As proposed, Passive Recreation would not impact the suitability of livestock grazing or timber producing. The property would be left vacant.

9. Pursuant to MCC Section 20.532.100(B)(2), the subject parcel is currently under a Williamson Act Contract (Agricultural Preserve No. 0560). The Bureau of Land Management (BLM) is working on acquiring the subject parcel and requests a termination of the Williamson Act Contract. Pursuant to California Government Code Section 51295, the Williamson Act Contract shall become null and void for all land acquired by BLM, a federal agency. The BLM request to terminate the Williamson Act Contract on the acquired lands based on two findings. (1) the location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve. (2) If the land is agricultural land covered under a Contract pursuant to this chapter for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

**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 California Coastal Commission has expired and no appeal has been filed with the California 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. Tribal/ Cultural Monitoring shall be required during all ground disturbing activities. Contact Valerie Stanley from Sherwood Valley Band of Pomo Indians for more information. Email: [svrthpo@sherwoodband.com](mailto:svrthpo@sherwoodband.com).
10. 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 \$2,966.75 or current fee shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within five (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 ensure timely compliance with this condition.**
11. Prior to the issuance of building permits in reliance to this Coastal Development Permit, the landowner shall submit to the County of Mendocino Planning Department for review and written approval a Final Habitat Restoration Plan in conformance with the following requirements:
  - a. A complete statement of the restoration objectives.
  - b. A complete description of the restoration site including a map of the project site, at a mapping scale no smaller than 1 inch = 200 feet.
  - c. A complete restoration description including scaled, detailed diagrams, and:
    - i. A grading plan depicting any alterations to topography, natural landforms, and drainage channels and areas where existing fill and debris will be removed.
    - ii. A vegetation plan including a list of plant species to be eliminated and a list of plant species to be introduced on the restoration site, and describing the methods and proposing a schedule for eliminating and establishing vegetation;
    - iii. A clear statement of when restoration work will commence and be completed;
    - iv. Provisions of public access, where appropriate, for public recreation, scientific, and educational use; Other measures necessary to achieve restoration objectives to protect the restoration site from adverse impacts of adjacent development and use.
    - v. Provisions for mosquito and vector control.
    - vi. A baseline to assess performance, define success criteria, and enable ongoing monitoring of revegetation and restoration efforts. Baseline shall be the reference site and shall be photographed to refer to later. Photos shall be in color.
    - vii. Identification and assessment of measurable success criteria
    - viii. Clear implementation procedure of Best Management Practices and locations of all.
    - ix. Order of operations to conduct project scope.

- x. An assessment of alternatives that outlines the potential consequences.
  - xi. Clear adaptive management objectives.
- d. Provision for Long-Term Management of the Restoration Site. The final plan shall describe the applicant's responsibilities in assuring that the project will be successful, including monitoring and evaluation, and that the restored area is maintained consistent with the plan's restoration objectives. The plan shall include provisions for making repairs or modification to the restoration site necessary to meet the project objectives. The final plan shall provide either that the restoration site shall be owned in fee by an agency or non-profit organization having among its principal purposes the conservation and management of fish and wildlife, or other habitat resources, or shall provide for dedication of an open space or conservation easement over the restoration area to such an agency or organization.
12. \*\*A qualified biologist familiar with the onsite habitats and species including rare plants and Species of Special Concern, shall be onsite for all construction activities including flagging of the work area, installation of silt fencing and any habitat exclusion fencing, mobilization of equipment through the completion of all-ground disturbing activities including installation of Best Management Practices (BMPs) for both erosion and those that support restoration within the creek. Credentials of qualified biologist shall be reviewed and approved by the Senior Planner at the County of Mendocino Planning and Building Services.
13. \*\*Prior to construction and demolition, existing and proposed construction access routes should be clearly flagged to define their boundaries. Construction vehicles and equipment shall access the site and operate within these designated areas to prevent unnecessary disturbance to the surrounding environment.
14. \*\*Prior to construction and demolition, all contractors involved in the project shall participate in a training session that focuses on minimizing impacts on biological and historic resources. All personnel shall be aware of and adhere to the terms and conditions of the Project's permits including the Coastal Development Permit and any other permits issued by State or Federal agencies including, but not limited to, the California Department of Fish and Wildlife and the Regional Water Quality Control Board. Workers shall be trained to differentiate between special status and common species and instruction on actions and communications required to be conducted in the event that special status amphibians or other special status species are observed during construction. Silt fencing installed to prevent sediment from entering wetlands and riparian areas may intercept and redirect the travel of amphibians trying to reach those wetlands and riparian areas.
15. \*\*All heavy equipment should be thoroughly inspected for leaks before work begins to prevent the accidental release of oil, lubricants, coolants, or hydraulic fluids on-site. This precaution is essential to avoid contaminating the surrounding environment. Additionally, spill prevention and response plans will be implemented to address any potential fuel or oil spills promptly.
16. \*\*Refueling machinery or heavy equipment with oil, lubricants, coolants, or hydraulic fluids shall occur outside of the 100-foot buffer of the stream bed, channel, or bank. Drip pans and absorbent pads should be used onsite. All such fluids and containers should be properly disposed of offsite. Heavy machinery shall not be stored within the 100-foot buffer of the stream bed, channel, or bank to prevent contamination and protect the water way.
17. \*\*Install burlap wrapped biodegradable straw wattles at the perimeter of the access routes to prevent erosion and sedimentation from entering the riparian ESHA.
18. \*\*Prior to demolition activities, a biological monitor shall thoroughly inspect the structures to ensure no wildlife are present. The biological monitor shall ensure that no wildlife enters the worksite during operations.

19. \*\*No nesting bird surveys are recommended if activity occurs in the non-breeding season (September to January). If vegetation removal or development is to occur during the breeding season (February to August), a pre-construction survey is recommended within 14 days of the onset of vegetation removal or construction to ensure that no nesting birds will be disturbed during demolition.
20. \*\*If active native bird nests are observed, no vegetation removal or construction activities with the potential to disrupt nesting shall occur within a 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.
21. \*\*Demolition in the project area has the potential to impact special status bat species. Demolition and construction are ideal between September 1st and October 31 after the young have matured and prior to the bat hibernation period. If it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys should be performed by a qualified biologist fourteen (14) days prior to the onset of development activities.

Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to construction for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then qualified biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied.

22. \*\*If active bat roosts are observed, no construction activities with potential to disturb roosting shall occur within a minimum 50-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance and shall occur in consultation with the County and CDFW. The exclusion zone shall remain in place around the active roost until all young are no longer dependent upon the roost.
23. \*\*Construction activities will involve driving vehicles and walking across areas where amphibians may be traveling. Staging of materials and removal of construction debris could also disturb special status amphibians that may be hiding underneath these materials. To minimize impacts to amphibians, the following avoidance measures should be followed:
  - a. Within two weeks prior to construction activities, project contractors will be trained by a qualified biologist in the identification of the frogs and salamanders that occur along the Mendocino County coast. Workers will be trained to differentiate between special status and common species and instructed on actions and communications required to be conducted in the event that special status amphibians are observed during construction. Silt fencing installed to prevent sediment from entering wetlands and riparian areas may intercept and redirect the travel of amphibians trying to reach those wetlands and riparian areas.
  - b. During ground disturbing activities, construction crews will begin each day with a visual search around the staging and impact area to detect the presence of amphibians.
  - c. During construction and debris removal, any wood stockpiles should be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.
  - d. If a special status amphibian is detected in the construction area during activities with the potential to harm the animal, it shall be relocated out of the work area into a safe and appropriate habitat area. Construction workers should photograph the amphibian and notify the biologist that trained the crew. Special status species observed during the course of the project should be documented with a CNDDDB form submitted to CDFW.
  - e. If a California or Federally listed threatened or endangered species is detected in the construction area during activities with the potential to harm the animal, work shall stop until the

animal leaves the area on its own or it shall be relocated out of the work area into a safe and appropriate habitat area by an individual authorized to handle the listed species. Construction workers and/or the biologist moving the animal should photograph the amphibian and notify the relevant agencies of the action taken. Special status species observed during the course of the project should be documented with a CNDDDB form submitted to CDFW.

24. \*\*Construction activities shall be immediately suspended when an Elk is observed within or near the project site. Work may only resume once the Elk has vacated the area and is no longer at risk of disturbance. Monitoring will be conducted to ensure that construction does not proceed until the Elk has fully left the vicinity by their own accord. If Elk are observed within the work area or within the project site, Project shall also notify California Department of Fish and Wildlife through the online Report Elk Observation Portal.
25. \*\*To prevent soil compaction and rutting, swamp mats shall be used in the designated project area to facilitate access routes to the structures for removal.
26. \*\*Prior to demolition, a trench plate shall be placed on the driveway above the culvert to maintain the structural integrity of the surface.
27. \*\*Each day demolition and construction occurs, the project site should be thoroughly cleared of all trash, debris, and any remaining scraps of building material.
28. \*\*The applicant shall install three cedar bat boxes to mitigate potential habitat loss. The bat boxes will be two-chamber models, each measuring 4" deep x 10" wide x 15" high. They will be mounted on 15- to 20-foot posts, which will be equipped with squirrel guards positioned approximately four feet from the ground. To enhance solar heating, each box will be painted black. When selecting locations, bat boxes will be placed to receive approximately 6 to 8 hours of sunlight. Additionally, the boxes will be positioned 20 to 30 feet away from tree branches or other obstacles and mounted 12 to 20 feet above the ground, or above the tallest vegetation beneath the bat house.
29. \*\*Following demolition and construction, the applicant shall cast northern California Coastal native seed mix to revegetate the disturbed areas (0.25± acre total). Contents of the seed mix shall be reviewed and approved by the County and in consultation with California Department of Fish and Wildlife.
30. \*\*After seeding, a layer of weed-free straw mulch should be applied across the disturbed areas to protect the soil and prevent erosion.

### **Stream Specific Mitigation Measures**

31. \*\*Work Prohibition in Wetted Stream. No work is authorized in a wetted stream channel (i.e., where surface or subsurface water is present). All work shall be conducted when the stream is dry. Permittee shall notify CDFW if it determines that work in a wetted stream is required to complete a project and will submit a site-specific dewatering plan consistent with the LSAA.
32. \*\*All work within the stream channel shall be confined to the period June 1 through October 31 of each year. Work within the active channel of a stream shall be restricted to periods of dry weather. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease, and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
33. \*\*If weather conditions permit, and the Permittee wishes to extend the work period before June 1 or after October 31, a written request shall be made to CDFW at least five (5) working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities beginning before June 1 or continuing past October 31.

34. \*\*No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Landowner shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the culvert, water tank, and water diversion infrastructure removal.
35. \*\*Culvert removal. When culverts and fills are removed, all fill shall be excavated down to the original stream channel and outwards, horizontally, as wide as or wider than the natural channel to form a channel as close as feasible to the natural stream grade and alignment. The restored stream bank slopes shall be no steeper than a 2:1 slope (horizontal: vertical) or natural slope. Restored slopes shall be stabilized to prevent slumping and to minimize soil erosion that could lead to sediment deposition into Waters of the State.
36. \*\*Stream protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of offsite upon project completion.
37. \*\*If at any time any material which could be hazardous or toxic to aquatic life enters a stream, the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. Permittee shall notify CDFW at 707-445-6493 and consulted regarding clean-up procedures as soon as practicable, but no later than 24 hours after the spill.
38. \*\*Heavy Equipment Use. No heavy equipment shall be used in the disconnection or removal of the existing water diversion structure. The Permittee/ landowner shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
39. \*\*Excavated Fill. Excavated fill material shall be placed in a stable upland location where it cannot deliver to a stream or wetland. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be contoured to drain water and compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
40. \*\*Runoff from Steep Areas. The Permittee shall ensure that runoff (concentrated flow) from steep, erodible surfaces will be slowed and diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water bars shall be placed on dirt roads, heavy equipment tracks, or other work trails to control erosion.
41. \*\*Erosion Control. Permittee shall use erosion control measures throughout all work phases where sediment runoff could enter a stream, lake, or wetland (i.e., Waters of the State).
42. \*\*Permittee shall restore disturbed areas immediately after work is completed by replanting native vegetation.

#### **Water Diversion Infrastructure Decommissioning**

43. \*\*Avoid Entry, Impingement, and Entrapment. The water diversion structure (spring box) shall be decommissioned or maintained such that it does not result in impingement, entry, or entrapment of aquatic life or other wildlife.
44. \*\*A service approved by the biological monitor with training and/or experience with the identification and handling of California red-legged frogs shall inspect the project site each morning that construction activities with the potential to crush frogs will occur before this work begins. The inspection will include a visual search around the staging and impact areas to detect the presence of amphibians. The biological monitor must be pre-approved by US Fish and Wildlife Service and California Department of



Fish and Wildlife to handle and move amphibians out of harm's way if and when they are encountered within the project footprint.

45. **\*\*Prohibition on Use of Monofilament Netting.** To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
46. **\*\*Site Maintenance.** Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and stream banks remain sufficiently stable.

### **PROJECT RECOMMENDATION**

By resolution, the Coastal Permit Administrator adopts a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and grant CDP\_2024-0011 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

November 11, 2024  
DATE

  
SHELBY MILLER  
PLANNER II

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

#### **ATTACHMENTS:**

- |                                     |   |
|-------------------------------------|---|
| A. Location Map                     | I. Fire Hazards Map                                     |
| B. Aerial Map                       | J. Slope Map  |
| C. Topographical Map                | K. Soils Map  |
| D. Site/Tentative Map/Project Plans | L. Wetlands   |
| E. General Plan Map                 | M. Flood  |
| F. Zoning Map                       | N. Tentative Habitat Restoration Plan (ON<br>LINE ONLY) |
| G. LCP Maps                         |   |
| H. Adjacent Owner Map               |   |

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

**MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY AVAILABLE ONLINE AT:**  
<https://www.mendocinocounty.gov/government/planning-building-services/meeting-agendas>