

APPENDIX A: COASTAL PERMIT APPROVAL CHECKLIST
CDUM_2015-0001
MAY 21, 2015

PROJECT TITLE: CDUM_2015-0001 (CALIFORNIA DEPARTMENT OF PARKS AND RECREATION)

PROJECT LOCATION: M2- LEGACY LOGGING HAUL ROAD, BIG RIVER UNIT OF MENDOCINO HEADLANDS STATE PARK

LEAD AGENCY NAME, ADDRESS AND CONTACT PERSON: Julia Acker
Mendocino County
Planning and Building Services
120 West Fir Street
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GENERAL PLAN DESIGNATION: FL160[FP]

ZONING DISTRICT: TP160[FP]

DESCRIPTION OF PROJECT: The proposed project would modify Coastal Development Use permit CDU #2006-0011, which authorized California Department of Parks and Recreation to excavate existing road fill proximal to Big River to reduce river sedimentation, and to convert the roads to recreational trails. Associated development included major vegetation removal, fish habitat restoration, stream crossing improvements, the placement of a restroom facility and informational kiosk in the existing parking area, improvement to the existing parking area and access road, and the placement of interpretive signs along public access areas. The existing abandoned quarry site was designated as a fill site for the excavated material.

The proposed modification adds the 1.5 mile M2 legacy logging haul road to the original Big River Watershed Restoration Project. The proposed project is for the restoration of failing stream crossings, to reduce erosion and sedimentation problems within the watershed. The proposed project would excavate existing road fill proximal to Big River to reduce river sedimentation, and to convert the roads to recreational trails. Associated development includes vegetation removal, aquatic habitat restoration, and stream crossing improvements. This modification proposes activities identical to those approved in the original permit application. The activities principally involve repairing or replacing failing or dysfunctional water-course crossings, removing excess road fill, stabilizing failing road cuts, restoring pre-disturbance hydrologic processes, removing non-native/invasive vegetation and re-vegetating with native species.

SITE DESCRIPTION AND SETTING: The proposed project is located within the 1,117 acre Big River Unit, southeast of the town of Mendocino, on the east side of Highway 1, approximately one mile from the coast, on the M2 legacy logging haul road (Location Map, Attachment A). Adjacent parcels are a mixture of residential, timber, and recreational uses.

In its current state, the M2 legacy logging haul road is experiencing erosion, delivering low-quality detrimental sediment to Big River. Initial reconnaissance by California Department of Parks and Recreation staff found one large landslide, seven watercourse crossings, seven ditch-relief culverts and a few areas with road outboard fill stress. Three watercourse crossings on seasonal streams were observed to be undergoing progressive failure, thus increasing the potential of delivery of large quantities of sediment into Big River. Proposed remediation includes pulling the cross-drain culverts and outsloping the road. The Department of Conservation, California Geological Survey prepared a document, included as Appendix B, providing further details on the existing site conditions, remediation needs, and plans for each site.

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

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:				
(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

➤ **20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.**

Consistent (with conditions of approval)

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

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

General Plan Land Use – Forest Lands

The subject parcel is classified as Forest Lands by the Coastal Element of the Mendocino County General Plan, which is intended “to be applied to lands which are suited for and are appropriately retained for the growing, harvesting and production of timber and timber-related products. The classification includes lands eligible to be zoned Timberland Production (TPZ); intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of timber resource lands” (Chapter 2.2 of the County of Mendocino General Plan). The principally permitted use designated for the Forest Lands land use classification not designated as Timber Production Zone is “forest production and processing and associated uses including: one single family dwelling, home occupations and light agriculture” (Chapter 2.2 of the County of Mendocino General Plan). Conditional permitted uses within the general plan classification include “uses determined to be related to and compatible with forestry; conservation, processing and development of natural resources; recreation and utility installations” (Chapter 2.2 of the County of Mendocino General Plan).

The proposed development primarily consists of watershed management and secondarily the creation of recreational trails where the deteriorating roads currently provide recreational access. The proposed project would therefore be consistent with the General Plan designation of the parcel, provided this modification of the existing use permit is granted.

Hazards

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

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone (Department of Conservation, Division of Mines and Geology). The San Andreas Fault is approximately 4 miles offshore from the project site. The site is subject to intermediate ground shaking. Figure 3-12 of the Mendocino County General Plan indicates that the subject parcel is not located in a known area of soil liquefaction, but appears to be bordered to the north and south by soils that are liquefiable. The proposed project would not result in an increased hazard risk from seismic activity.

Landslides: During field reconnaissance, by California Department of Parks and Recreation and California Geological Survey staff, a landslide was observed. Department of Conservation, California Geological Survey have provided recommendations for the site, included as Appendix B, recommending the site be left to its natural processes.

Erosion: Human contributions to increased erosion associated with logging, mining, and road building are evident in the area. The project proposes restoration activities to decrease the intensity of materials sloughing into the river from road cuts by repairing or replacing failing or dysfunctional water-course crossings, removing excess road fill, stabilizing failing road cuts, restoring pre-disturbance hydrologic processes, removing non-native/invasive vegetation and re-vegetating with native species.

Flooding: There is a mapped 100-year flood zone on the subject parcel, as shown on Attachment N; however, all proposed improvements are located well outside the flood zone area. No conditions are necessary to ensure consistency with flood policy.

Fire: The project is located in an area that has a high fire hazard severity rating, as shown on Attachment M. The project application was referred to the California Department of Forestry and Fire Protection (CalFire) for comment. CalFire had no comment with regards to the proposed project. The *Mitigated Negative Declaration* addresses possible fire hazards associated with tools, materials, and equipment that may be used in conjunction with the project and includes recommended mitigation measures. **Condition 8** is recommended to ensure that all applicable mitigation measures proposed in the *Mitigated Negative Declaration* are followed.

Condition 8: The proposed project shall comply with all of the applicable mitigation measures contained in the *Mitigated Negative Declaration for the Big River Watershed Restoration Proposition 40- River Parkways Grant Project, Big River unit of Mendocino Headlands State Park*, prepared by the Department of Parks and Recreation.

Visual Resources

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

The project is not located in an area that is designated Highly Scenic by the Local Coastal Program, as shown on Attachment P. Consequently, the project is not subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas.

MCCZC Section 20.504.035 provides exterior lighting regulations intended to protect coastal visual resources. Exterior lighting is required to be within the zoning district's height limit regulations, and requires exterior lighting to be shielded and positioned in a manner that light and glare does not extend beyond the boundaries of the parcel.

No exterior lighting is proposed in association with this project, as the trails are primarily used during daylight hours. The proposed project is therefore consistent with the exterior lighting regulations set forth in Section 20.504.025 of the MCCZC.

Natural Resources

Section 20.496 of the MCCZC discusses criteria for permitting development near or within an environmentally sensitive habitat area (ESHA). Any project for development within the Coastal Zone must demonstrate to the approving authority that the project will not degrade an ESHA or resource area and shall be compatible with the continuance of such areas.

A *Mitigated Negative Declaration, Supplement 02 to Final Mitigated Negative Declaration, Botanical Report and Technical Assistance* were completed for the proposed project. The proposed project involves removing a failing culvert and the aggraded stream material upslope of the culvert to create a natural stream slope. If construction operations do not remove the aggraded stream material upstream of the culvert, the stream will readjust its slope during high flow events and by doing so will remove the aggraded material and deposit it downstream.

Meeting the definition of an ESHA are the Mendocino Headlands State Park, Big River riparian corridor, Big River coastal wetlands, seven water-course crossings, the boggy area, and some of the roadside ditch areas that support either wetland or riparian vegetation (Section 3.1 of the Mendocino County General Plan Coastal Element). Section 20.496.025 of the MCCZC allows for restoration related projects to occur within wetland areas. Section 20.496.035 outlines requirements for permitted development in riparian corridors and other riparian areas. The section lists allowable developments and activities that could degrade riparian areas. The proposed restoration activities would result in long-term improvement of the riparian areas and therefore would not be analyzed in this section.

Environmental Scientist, Terra Fuller of California State Parks conducted a *Botanical Report* (on file), dated December 2014, to determine the extent of any ESHA that may be present on the subject parcel. Consistent with the original *Mitigated Negative Declaration* and Coastal Development Permit (CDU 2006-0011), State Parks proposes to salvage the small population of *Mitellastra caulescens* (a non-ESHA plant community), identified within the project area, prior to operations.

For impacts to biological resources, the project was reviewed by U.S. Fish and Wildlife Service (USFWS) for potential impacts to Northern Spotted Owl and Marbled Murrelet. USFWS stated in their technical assistance email correspondence (on-file, reference #AFWO-13B0070-13TA01016) that "there is no nesting habitat at the project site for either species, and consequently, any removal of trees associated with the project would not directly impact either species."

Based on the findings of the *Mitigated Negative Declaration, Supplement 02 to Final Mitigated Negative Declaration, Botanical Report and Technical Assistance*, it can be concluded that no unpermitted development will occur within an environmentally sensitive habitat area. **Condition 8** and **Condition 9** are recommended, which provides protection and mitigation measures to be implemented to reduce any potential impacts to the existing natural resources present on the parcel. With the inclusion of **Condition 8** and **Condition 9**, the proposed project is in conformance with Section 20.496 of the MCCZC.

Condition 8: The proposed project shall comply with all of the applicable mitigation measures contained in the *Mitigated Negative Declaration for the Big River Watershed Restoration Proposition 40- River Parkways Grant Project, Big River unit of Mendocino Headlands State Park*, prepared by the Department of Parks and Recreation.

Condition 9: To provide for the protection of Natural Resources on the site during construction:

- a. East of the M2.5 skid road seasonal noise restrictions shall be implemented to provide for the protection of Northern Spotted Owl habitat, meaning work cannot begin until after July 10, 2015.
- b. If suitable habitat exists after channel reconstruction, State Parks shall replant the *Mitellastra caulescens* in its original vicinity or in suitable habitat in a nearby watercourse.
- c. If any additional rare plants are detected prior to operations (July 10, 2015), State Parks shall re-consult with the California Department of Fish and Wildlife and Mendocino County Planning staff regarding proposed impacts and protection measures.

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

Consistent (with conditions of approval)

Utilities: The proposed project will not require the installation of utility structures, as the proposed project is for the restoration of failing stream crossings, to reduce erosion and sedimentation problems within the watershed.

The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic. In a response dated February 3, 2015 (on file), the Division stated that the applicant shall "maintain minimum setbacks from septic systems (5 feet from a septic tank, 8 feet from leaching trench)." The proposed project does not include any structures, but excavation and tree removal work will occur near residential uses. **Condition 10** is recommended to achieve compliance with DEH recommendations.

Condition 10: The applicant shall maintain minimum setback distances from residential septic systems. Setbacks are 5 feet from septic tanks and 8 feet from leach fields.

Access Roads: The parcel is currently accessed by traveling through Mendocino Headlands State Park on the east side of Highway 1 and following the haul road to the bottom of the M2 legacy logging road. Access roads are adequate to provide the necessary construction equipment to the site. In the future, the decommissioned road will be used as a trail for users of Mendocino Headlands State Park.

Drainage: Drainage is subject to Section 20.492.025 of MCCZC, and provides regulations mitigating the impact of stormwater runoff and erosion. The purpose of the proposed project is to correct erosion and sedimentation problems, improve stream crossings along roads, remove logging roads that contribute sediment to Big River and tributaries, and restore the area to pre-disturbance hydrologic conditions. The *Mitigated Negative Declaration* states the following with regards to drainage:

The project is very unlikely to have the dramatic effect of altering larger scale or local drainage patterns. However, alterations will be made to short reaches along several tributaries of Big River, through the removal of culverts, road prism fill, and overburdened fill slopes along roads, the re-establishment of historical streambank morphology and stream courses, the out-sloping of roads, and the armoring of stream crossings along roads. The intention of this project is to decrease the erosive or mass wasting potential of existing conditions that have resulted in unstable and failed slopes, blocked culverts, and erosion. The remedial work described will, nonetheless, increase the short-term potential for erosion within project restoration areas, and these changed conditions could result in short-term increases in sedimentation downstream. Mitigation measures...will reduce the impact to a less than significant level.

The scale of this project, along with its emphasis for remedial work along tributaries of Big River, will not result in any change in the potential for downstream flooding. Runoff rates of surface water will not be altered, but as noted, a primary goal is the reduction in the sediment load accompanying water runoff. Thus, the project, even at a small scale, intends to reduce the local potential for flooding roads or other surfaces as a result of blockages by stream-borne debris and sediment.

The project is not involved in changing or altering any stormwater runoff management system, and also does not involve any introduction or disturbance of known sources of pollutants. (California Department of Parks and Recreation 2006)

Condition 8 is recommended to achieve compliance with the recommended protection and mitigation measures presented in the *Mitigated Negative Declaration and Supplement 02 to Final Mitigated Negative Declaration*. With the inclusion of the recommended condition the proposed project is consistent with Section 20.492.025 of the MCCZC.

Condition 8: The proposed project shall comply with all of the applicable mitigation measures contained in the *Mitigated Negative Declaration for the Big River Watershed Restoration Proposition 40- River Parkways Grant Project, Big River unit of Mendocino Headlands State Park*, prepared by the Department of Parks and Recreation.

- **20.532.095(A)(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.**

Consistent (without conditions of approval)

Intent: The subject parcel(s) are zoned Timber Production (TP) as shown on Attachment H. The intent of the Timber Production zoning district is “to encompass lands within the Coastal Zone which because of their soil types and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such” (Section 20.364.005 of the MCCZC). This application proposes to correct erosion and sedimentation problems, improve stream crossings along roads, remove logging roads that contribute sediment to Big River and its tributaries, convert roads to trails, and restore pre-disturbance hydrologic processes. The Big River unit of the Mendocino Headlands State Park has an approximately 150 year history of managed timber harvest and production. In 2002, Mendocino Land Trust finalized the acquisition of property from the Campbell-Hawthorne Timber Company and transferred the property to the California Department of Parks and Recreation. The proposed project is consistent with the intent of the zoning district as it will restore the area that was previously harvested to pre-disturbance conditions.

The proposed project is also located in a Flood Plain combining district (FP). No development is proposed within the FP designated portions of the parcel. As shown in Attachment N, the FP designated area is mainly along the edges of Big River. The proposed project will take place further up the north slope, outside the FP area of the parcel. The proposed project is therefore consistent with the FP combining district.

Use: Section 20.364.010-Section 20.364.015 of the MCCZC list principal and conditional uses within the Timber Production zoning district. Watershed Management and Active Recreation are both conditional uses within the zoning district, allowable upon issuance of a Use Permit (Section 20.364.015 (E) and (G) of the MCCZC).

Watershed Management is defined in Section 20.348.015 of the MCCZC as:

Manipulation, clearance, rehabilitation or maintenance of an area draining into a given waterway or reservoir for purposes of wildlife or fishery enhancement, water quantity or quality enhancement, siltation and erosion control and for floodplain management.

Active Recreation is defined in Section 20.340.020 of the MCCZC as:

Establishment of facilities which constitute “development” as defined in Section 20.308.035 (D), and that may have the potential for environmental impacts requiring mitigation or which may involve hazards, generate noise, dust, additional traffic, or have other potential impacts. Examples include construction of spectator sport facilities, recreational boating facilities, shooting ranges, rodeo facilities and recreational trails.

This application proposes to correct erosion and sedimentation problems, improve stream crossings along roads, remove logging roads that contribute sediment to Big River and its tributaries, convert roads to trails, and restore pre-disturbance hydrologic processes. The proposed project is therefore consistent with the allowable uses within the zoning district.

Density: The maximum dwelling density in the Timber Production zoning district is one single family dwelling per one-hundred and sixty (160) acres.

The proposed development does not conflict with the dwelling density standards of the Timber Production zoning district.

Yards: The minimum required front, side, and rear yards in the Timber Production zoning district for a parcel of this size is fifty (50) feet from all property boundaries (Section 20.364.030 of the MCCZC). The proposed project focuses on improvements to erosion and sedimentation problems and does not propose any work beyond the footprint of the existing development on the site.

The proposed development is consistent with the yard setback requirements of the Timber Production zoning district.

Height: The proposed project does not include any structures that would be subject to height requirements. Therefore, the proposed project is consistent with the permitted maximum height in the Timber Production zoning district.

Lot Coverage: The maximum permitted lot coverage in the Timber Production zoning district is ten (10) percent for a parcel of this size (Section 20.364.045 of the MCCZC). The parcel is approximately 1,117 acres in size, allowing for a maximum permitted lot coverage of approximately 111 acres. Including the existing public trails, parking areas, and logging roads the existing and proposed lot coverage is approximately five (5) percent. The proposed development is consistent with the lot coverage requirements of the Timber Production zoning district.

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

Consistent (with conditions of approval)

The California Department of Parks and Recreation is the lead agency responsible for project compliance with the California Environmental Quality Act (CEQA). Department of Parks and Recreation has prepared a *Final Mitigated Negative Declaration* (MND). The public review period for the MND completed on August 4, 2006. The MND includes mitigation measures that are recommended as a condition of approval of the project. The Notice of Determination for the MND was filed on October 31, 2006 (SCH#2006072012). *Supplement 02 to Final Mitigated Negative Declaration* will be appended to the originally certified MND following the filing of Notice of Determination (filed on September 8, 2014).

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

Consistent (with conditions of approval)

An *Archaeological Survey Report* was prepared by Dionne Gruver on February 18, 2015 (on-file). During preparation of the *Archaeological Survey Report*, the Northwest Information Center of the California Historical Resources Information System (NWIC) at Sonoma State University was consulted and their records were searched to examine all reported archaeological surveys, all recorded archaeological resources and all historical resources listed in the State's historic property directory. Therefore, since consultation was performed by the preparing archaeologist, this project was not referred to NWIC. The survey states the following in terms of results:

This current field investigation in support of restoration work on M2, failed to produce evidence of significant, intact cultural resources in the Area of Potential Effect (APE) identified for this project. Found throughout the project area was evidence of past logging activities, which include modern logging roads, skid trails, and stumps. These features are ubiquitous throughout the region where logging was prevalent and are not unique. Some of these logging features may have been created during historic era logging activities, but have since, been modified to accommodate modern logging practices including the use of large mechanized equipment to modify existing roads.

The project was referred to the Mendocino County Archaeological Commission to review for impacts on cultural resources, including archaeological or paleontological resources, on April 8, 2015. The Mendocino County Archaeological Commission accepted the Survey finding that no cultural, historical, or archaeological sites were observed.

The applicant is still advised of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended **Condition 11** similarly advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, and states:

Condition 11: If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

- **20.532.095(A)(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.**

Consistent (without conditions of approval)

Solid Waste: No solid waste will be generated from the proposed project. Spoils areas for excavated material have been identified on Attachment E, the Overall Site Plan.

Roadway Capacity: The increase in construction traffic volume associated with the development proposed in the application will be negligible. Additionally, Mendocino County Department of Transportation reviewed the application and did not state concerns relating to roadway capacity (referrals on file). The existing roadways and private access are adequate to serve the proposed improvements.

- **20.532.095(B)(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.**

Consistent (without conditions of approval)

The proposed development is located east of Highway One as shown on Attachment A, the Location Map. An existing public access to the ocean is shown on the Local Coastal Plan Maps (Attachment J) as spanning from Highway 1 just south of Mendocino to the established parking area that provides access to the beach area of the Big River unit of the Mendocino Headlands State Park. Proposed access is shown on the Local Coastal Plan Maps (Attachment J) to span from the existing parking area east to the main haul road gate, where parking improvements, the restroom facility and kiosk were approved in CDU #2006-0011. CDU #2006-0011 formalized the designation of the area for public access.

The Big River unit is open year-round to visitors for walking, running, bicycling, horseback-riding, swimming, and other light recreational activities. The main entry area provides the primary access and parking for visitors to the unit, and the main haul road is the most used corridor in the unit for several thousand park visitors each year; visitation is greater during the dry season (typically April through November).

The proposed project would temporarily preclude visitor use of the project restoration areas during rehabilitation activities and in some cases, for variable periods thereafter. Visitors would only be precluded from the portions of the M2 legacy logging road where actual work will be occurring. Visitors will not be prevented from using other park areas.

The proposed project would not impact existing public access to the beach, as shown on the Local Coastal Plan Maps (Attachment J). Public access beyond the gate and along the main haul road would be temporarily but not significantly impacted by temporary closures associated with the proposed restoration efforts.

20.532.100 (A) Resource Protection Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:				
(a) The resource as identified will not be significantly degraded by the proposed development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) There is no feasible less environmentally damaging alternative.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1) Impact Finding For Resource Lands Designated AG, RL and FL. No permit shall be granted in these zoning districts until the following finding is made:				
(a) The proposed use is compatible with the long-term protection of resource lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Findings

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

Consistent (With Conditions of Approval)

A *Mitigated Negative Declaration, Supplement 02 to Final Mitigated Negative Declaration, Botanical Report* and *Technical Assistance* were completed for the proposed project. The proposed project involves removing a failing culvert and the aggraded stream material upslope of the culvert to create a natural stream slope. If construction operations do not remove the aggraded stream material upstream of the culvert, the stream will readjust its slope during high flow events and by doing so will remove the aggraded material and deposit it downstream.

Meeting the definition of an ESHA are the Mendocino Headlands State Park, Big River riparian corridor, Big River coastal wetlands, seven water-course crossings, the boggy area, and some of the roadside ditch areas that support either wetland or riparian vegetation (Section 3.1 of the Mendocino County General Plan Coastal Element). Section 20.496.025 of the MCCZC allows for restoration related projects to occur within wetland areas. Section 20.496.035 outlines requirements for permitted development in riparian corridors and other riparian areas. The section lists allowable developments and activities that could degrade riparian areas. The proposed restoration activities would result in long-term improvement of the riparian areas and therefore the requirements of this section are not applicable.

Environmental Scientist, Terra Fuller of California State Parks conducted a *Botanical Report* (on file), dated December 2014, to determine the extent of any ESHA that may be present on the subject parcel. Consistent with the original *Mitigated Negative Declaration* and Coastal Development Permit (CDU #2006-0011), State Parks proposes to salvage the small population of *Mitellastra caulescens* (a non-ESHA plant community), identified within the project area, prior to operations.

For impacts to biological resources, the project was reviewed by U.S. Fish and Wildlife Service (USFWS) for potential impacts to Northern Spotted Owl and Marbled Murrelet. USFWS stated in their technical assistance email correspondence (on-file, reference #AFWO-13B0070-13TA01016) that “there is no nesting habitat at the project site for either species, and consequently, any removal of trees associated with the project would not directly impact either species.”

Based on the findings of the *Mitigated Negative Declaration, Supplement 02 to Final Mitigated Negative Declaration, Botanical Report* and *Technical Assistance*, it can be concluded that no unpermitted development will occur within an environmentally sensitive habitat area. **Condition 8** and **Condition 9** are recommended, which

provide protection and mitigation measures to be implemented to reduce any potential impacts to the existing natural resources present on the parcel to less than significant levels. There is no other feasible less environmentally damaging alternative, as the work must occur in these specified locations out of necessity. Failure to complete the project could result in the delivery of a large amount of sediment into Big River and tributaries. With the inclusion of **Condition 8** and **Condition 9**, adopting all feasible mitigation measures, the proposed project is in conformance with the resource impact findings related to development within a sensitive habitat area.

Condition 8: The proposed project shall comply with all of the applicable mitigation measures contained in the *Mitigated Negative Declaration for the Big River Watershed Restoration Proposition 40- River Parkways Grant Project, Big River unit of Mendocino Headlands State Park*, prepared by the Department of Parks and Recreation.

Condition 9: To provide for the protection of Natural Resources on the site during construction:

- a. East of the M2.5 skid road seasonal noise restrictions shall be implemented to provide for the protection of Northern Spotted Owl habitat, meaning work cannot begin until after July 10, 2015.
- b. If suitable habitat exists after channel reconstruction, State Parks shall replant the *Mitellastra caulescens* in its original vicinity or in suitable habitat in a nearby watercourse.
- c. If any additional rare plants are detected prior to operations (July 10, 2015), State Parks shall re-consult with the California Department of Fish and Wildlife and Mendocino County Planning staff regarding proposed impacts and protection measures.

➤ **20.532.100(A)(2)(a) Impact Finding for Resource Lands Designated AG, RL, and FL. No permit shall be granted in these zoning districts until the following finding is made: The proposed use is compatible with the long-term protection of resource lands.**

Consistent (Without Conditions of Approval)

The project is proposed on land designated by the General Plan and Coastal Zoning Code as Forest Lands and Timber Production. The Big River unit of the Mendocino Headlands State Park has an approximately 150 year history of managed timber harvest and production. In 2002, Mendocino Land Trust finalized the acquisition of property from the Campbell-Hawthorne Timber Company and transferred the property to the California Department of Parks and Recreation. This application proposes to correct erosion and sedimentation problems, improve stream crossings along roads, remove logging roads that contribute sediment to Big River and its tributaries, convert roads to trails, and restore pre-disturbance hydrologic processes. The proposed project will restore the area that was previously harvested to pre-disturbance conditions. The proposed project is therefore consistent with the resource lands impact finding, as the proposed restoration will provide for the long-term protection of these resource lands by restoring the area to its pre-disturbance conditions.

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(1) Development in Agricultural Zones. No development subject to a coastal development use permit shall be issued on agricultural land until the following findings are made:				
(a) The project maximizes protection of environmentally sensitive habitat areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) The project minimizes construction of new roads and other facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) The project maintains views from beaches, public trails, roads, and views from public viewing areas, or other recreational areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) The project ensures the adequacy of water, waste water disposal and other services.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(e) The project ensures the preservation of the rural character of the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) The project maximizes preservation of prime agricultural soils.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) The project ensures existing land use compatibility by maintaining productivity of on-site and adjacent agricultural lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Findings

➤ **20.532.100(B)(1) No development subject to a coastal development use permit shall be issued on agricultural land until the following findings are made...**

Not Applicable

The project is proposed on land designated by the General Plan and Coastal Zoning Code as Forest Lands and Timber Production. Findings relating to impacts on agricultural land are not applicable to this application.

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(2) Conversion of Prime Agricultural or Williamson Act Contracted Lands. Conversion of prime land and/or land under Williamson Act Contract to non-agricultural uses is prohibited, unless all of the following findings are made. For the purposes of this section, conversion is defined as either development in the AG or RL designation not classified as a residential, agricultural or natural resource use type.				
(a) All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Agricultural use of the soils cannot be successfully continued or renewed within a reasonable period of time, taking into account economic, environmental, social and technological factors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Clearly defined buffer areas are established between agricultural and non-agricultural uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) The productivity of any adjacent agricultural lands will not be diminished, including the ability of the land to sustain dry farming or animal grazing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) For parcels adjacent to urban areas, the viability of agricultural uses is severely limited by contacts with urban uses, and the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Findings

- **20.532.100(B)(2) Conversion of prime land and/or land under Williamson Act Contract to non-agricultural uses is prohibited, unless all of the following findings are made...**

Not Applicable

The project is proposed on land designated by the General Plan and Coastal Zoning Code as Forest Lands and Timber Production, and is not under Williamson Act contract. Findings relating to impacts on agricultural land are not applicable to this application.

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(3) Conversion of Non-prime Agricultural Lands. Conversion of all other agricultural lands to non-agricultural uses will be prohibited unless it is found that such development will be compatible with continued agricultural use of surrounding lands and at least one of the following findings applies:				
(a) Continued or renewed agricultural use is not feasible as demonstrated by an economic feasibility evaluation prepared pursuant to Section 20.524.015(C)(3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Such development would result in protecting prime agricultural land and/or concentrate development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Findings

- **20.532.100(B)(3) Conversion of all other agricultural lands to non-agricultural uses will be prohibited unless it is found that such development will be compatible with the continued agricultural use of surrounding lands and at least one of the following findings applies...**

Not Applicable

The project is proposed on land designated by the General Plan and Coastal Zoning Code as Forest Lands and Timber Production. Findings relating to impacts on agricultural land are not applicable to this application.

Land Division Findings 20.532.100 (C)(1) All Coastal Land Divisions	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
No coastal lands shall be divided unless the following findings are made:				
(a) The new lots created have or will have adequate water, sewage, including a long term arrangement for septage disposal, roadway and other necessary services to serve them	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) The new lots created will not have, individually or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas or on other coastal resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) The new lots created will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Land Division Findings 20.532.100 (C)(1) All Coastal Land Divisions No coastal lands shall be divided unless the following findings are made:	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(d) Other public services, including but not limited to, solid waste and public roadway capacity, have been considered and are adequate to serve the proposed parcels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) The proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Findings

➤ **20.532.100(C)(1), et seq. No coastal lands shall be divided unless the following findings are made...**

Not Applicable

The application proposes no division of land; therefore, the findings associated with Land Divisions in Section 20.532.100(C)(1), et seq., are not applicable to this application.

Land Division Findings 20.532.100 (C)(2) Land Divisions of Prime Agricultural Lands No land divisions of prime agricultural lands designated AG or RL shall be approved until a Master Plan is completed which shows how the proposed division would affect agricultural uses on the proposed parcel(s), and the overall agricultural operation on the residual ownership and the following findings are made:	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(a) The division will protect continued agricultural use and contribute to agricultural viability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) The division will not conflict with continued agricultural use of the subject property and the overall operation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) The division is only for purposes allowed in AG or RL designations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) The division will not contribute to development conflicts with natural resource habitats and visual resource policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Findings

➤ **20.532.100(C)(2), et seq. No land divisions of prime agricultural lands designated AG or RL shall be approved until a Master Plan is completed which shows how the proposed division would affect agricultural uses on the proposed parcel(s), and the overall agricultural operation on the residual ownership and the following findings are made...**

Not Applicable

The application proposes no division of land; therefore, the findings associated with Land Divisions in Section 20.532.100(C)(2), et seq., are not applicable to this application.

Land Division Findings 20.532.100 (C)(3) Land Divisions of Non-Prime Agricultural Lands No lands designated RL or AG shall be divided or converted to non-agricultural use(s) unless at least one of the following findings are made:	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(a) Continued or renewed agricultural use is not feasible	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Such conversion would preserve prime agricultural land	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Such conversion would concentrate development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Findings

➤ **20.532.100(C)(3), et seq. No lands designated RL or AG shall be divided or converted to non-agricultural use(s) unless at least one of the following findings are made...**

Not Applicable

The application proposes no division of land; therefore, the findings associated with Land Divisions in Section 20.532.100(C)(3), et seq., are not applicable to this application.

References:

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