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SEP 23 2009

CITY OF FORT BRAGG
COMMUNITY DEVELOPMENT DEPT.

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September 23, 2009

Chairman Mark Hannon
Commissioners Becky Ellis, Scott Dietz, Milt Kuhl, Georgia Lucas
Fort Bragg Planning Commission
416 N. Franklin Street
Fort Bragg, CA 95437

Re: CDP 5-09 and DR 4-09 (Glass Beach Headlands)

Dear Commissioners:

On behalf of Glass Beach Advocates, a nonprofit association of concerned coastal residents, you are urged to delay review of this permit application and make your ultimate determination in the context of the complete Glass Beach EIR. To do otherwise, we respectfully suggest, is to "piecemeal" in a manner forbidden by the California Environmental Quality Act (CEQA).

From a standpoint of simple logical planning, we urge that you ask yourselves what sense it makes to install signage (some that is duplicative of existing signs and all of which creates an overall busy or cluttered appearance) in this very special place prior to a decision about how the CCT and surrounding area will be developed.

CEQA's requirements "cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial." (*Lincoln Place Tenants Assn. v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1507.) "The rationale behind the piecemealing prohibition is that "[t]he requirements of CEQA, "cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial.'" (*Orinda Assn. v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.)

Here, the Department of Parks and Recreation has invited you to engage in this proscribed policy, by separating out an important part of the overall "project," as it is defined by CEQA, treating it as a categorical exemption so that DPR can avoid its own environmental review, and then seeking your summary approval. In other words, much like what happened in *Lincoln Place Tenants Assn.*, DPR has chopped out a bite-sized piece, characterized it as ministerial, and served it up to you on a platter for approval.

Evidence supporting this proposition can be found in DPR's own March 8, 2008 Glass Beach Coastal Trail meeting minutes, in which no less than 14 DPR employees discussed "Status of environmental analyses" and "Use of CIAP funds." It was then stated in no uncertain terms that, "The CIAP grant would provide \$171,000 in much needed funds for

mitigation, signs, overlooks, and restoration for the project."¹ (p. 2; emphasis added.) Clearly, DPR envisioned signage as part-and-parcel of the overall CCT project. Why now is signage being treated separately?

The Fort Bragg Agenda Item Summary for the City Council meeting of September 22, 2008, also said that staff would entertain a RFP for consultant services to prepare a "joint" document in conjunction with State Parks that "evaluates coastal trail facilities" at both the northern end of the mill site and the adjoining Glass Beach Headlands of MacKerricher State Park. (p. 3) Why, now, have some of these "trail facilities" been pulled from the composite document preparation for singular treatment?

You are aware by now that DPR attaches far less significance overall to the preservation and cultivation of the rare/endangered plant community in Glass Beach. This is manifested by its outlined proposal to construct a twelve-foot wide (five foot trail with 3.5 "buffer" to each side, consisting of a "compacted road base surface" that totals 41,580 square feet of surface,² going directly through or skirting some of those sub-communities, isolating them and/or preventing their natural migration over time. From this perspective, of course, DPR can view the new proposed signage as of little environmental importance. And that is exactly what DPR did in its confusing and contradictory Project Evaluation, a document you are asked to rely upon in making this planning decision.

From the Project Evaluation (PEF) and other documents this can be discerned:

1. The PEF notes that no general plan has been approved by Sacramento DPR for the unit and justifies this project as a "health and safety" measure. (PEF, p. 2)

Superintendent Murphy has repeatedly expressed that this unit is included by implication in DPR's MacKerricher State Park General Plan (June, 1995). Yet no references to any review of that planning document are provided in the PEF. That General Plan provides –

- In the Interpretive Element (p. 179), a range of acceptable "primary themes" that are to be followed with interpretive signs. This PEF does not inform what text will be used (p. 4), leaving the public wondering whether the text choice may influence the public in terms of intruding on key plant communities that might be identified on the signs. This would create even more "volunteer trails" prior to establishing the location of the CCT.

- The PEF does not reference the Facilities Element, specifically the "General Design Criteria for Park Facilities" (p. 170) that includes explicit "Design Criteria for Signs." The latter mandate that, "[t]o maintain the natural and open character of the parks, keep signs to the minimum needed to relate all necessary information on resource values and park regulations." Absent knowing the purpose and content of the proposed sign structures, there is no way to assess the "need" for signage or whether it is superfluous or redundant. DPR should not have a blank check for signs that lack any designated purpose. It is as if the signs are being constructed simply because grant funding is

¹ CIAP refers to the Coastal Impact Assistance Program, a part of The Energy Policy Act of 2005 (Public Law 109-58) signed by President Bush on August 8, 2005; section 384 of this law establishes the CIAP, which authorizes funds to be distributed to Outer Continental Shelf (OCS) oil and gas producing States to mitigate the impacts of OCS oil and gas activities. It is unclear how the proposed signage for the CCT squares with mitigation of oil and gas activities offshore.

² "Glass Beach and Haul Road Trail Project Proposal Summary," (DPR, 8/14/07)

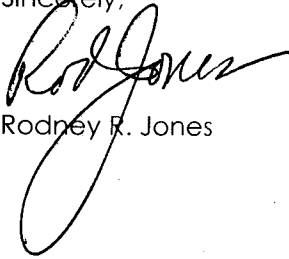
available with no one bothering to think whether the sign is needed or what it would say. All the PEF tells a reader is that somebody in DPR concluded (absent any expressed reasoning) that "Aesthetic Resources" would not be affected one iota by construction of these facilities and would not "diminish the intended sense of a 'special park quality' for the visitor." (PEF, p. 3) CEQA demands analysis, not mere conclusions.

2. Although DPR advances the entire project based on "health and safety" concerns, in fact, only two "water safety signs" are proposed as among a total of 8 signs and 2 kiosks. The PEF claims 3 such safety signs but only two are identified in photographs – one near the trestle and one west of the proposed restrooms along the old roadway; the other signs have nothing to do with health and safety but are supposed to address history, birds, grasslands, trestle history, etc. It is unclear what function the two kiosks will perform, aside from visual blocking of the ocean view, and why they could not be sited elsewhere to not impede the view.

3. In general, we know that signs attract foot traffic ("public staging") to them; that is their purpose. Depending on what those signs say, they can affect pedestrian traffic from that point in other directions. If signs must be constructed at all (a highly questionable proposition in this instance), they certainly should be situated to the east side of the haul road and not directly in the ocean viewshed. Will the signs advise pedestrians of the rare plant communities and direct them not to intrude? Is that an appropriate way to protect the plan communities? How do we know that?

There is a camel's nose under the tent. This half-baked and premature permit request should not be acted upon but deferred for consideration as part of the the complete EIR as originally planned, as the public has been told, and as the City previously indicated in published CEQA documents.

Sincerely,

A handwritten signature in black ink, appearing to read "Rod Jones", with a large, stylized flourish extending from the bottom of the signature.

Rodney R. Jones