



Westport Municipal Advisory Council

P. O. Box 307, Westport, CA 95488
www.westportmac.org

9 October 2023

Mark Cliser, Planner III
Planning & Building Services
860 N Bush Street
Ukiah, CA 95482

Re: UM#2021-0005 (Jackson-Grube)

Dear Mark:

The Westport MAC contacted you on September 15, 2023 to advise that we received the referral on the cited Use Permit Modification and planned to provide comments after our next regular meeting. We received responses from Director Julia Krog and you that comments would be accepted on or after October 9. Based on public input on this matter at the October 5, 2023 meeting of the WMAC we request your consideration of the following comments.

The WMAC recommends denial of this modification and revocation of the original Coastal Development Use Permit U#2015-0018 based on flagrant violations detailed in a June 30, 2021 letter from PBS to the permittee that were prompted by complaints from our community. We believe the applicant should be required to promptly complete corrective actions to mitigate those violations and that you should also consider levying a substantial fine. Our community considers it outrageous that a trail was built in an unapproved location and that grading took place in an area where resource protection was mandated.

The applicant should not be rewarded with an after the fact use modification given those flagrant violations of the original permit conditions. The cited PBS violation letter noted the trail was built in a place that was not approved, no grading permit was obtained, damage to an archaeological site and riparian habitat took place with no evidence a professional archaeologist was present, no acknowledgement of adherence to BMPs was provided, and there was no evidence a biologist monitored the grading that took place during bird breeding season in 2021.

We urge PBS to address the permit violation as follows:

- 1) Revoke approval of CDU#2015-0018 and deny UM#2021-0005;
- 2) Restore/stabilize the slope removing evidence of the built trail using appropriate BMPs and environmental protections supervised by an engineer and monitored as appropriate by environmental experts;
- 3) Require an archaeological assessment of the significance of the archaeological resource, its eligibility as an historical resource, and damage to that site based on recommendations of the Northwest Information Center at Sonoma State University and the Mendocino County Archaeological Commission (MCAC); and

- 4) Restore the damaged riparian habitat based on recommendations of a professional biologist taking into consideration input from the California Fish and Wildlife Department, NIC, and Archaeological Commission.

The intentional destruction of a portion of a known archaeological resource that was subject to protection under the terms of CDU#2015-0018 is of particular concern because such resources are non-renewable. While we understand archaeological reports are protected from public disclosure, the public is entitled to a summary of key findings. We request a summary that clarifies if the resource is significant or qualifies as a historical resource, the magnitude and estimated monetary value of the damage to that resource, and the measures that were undertaken or are recommended by a professional archaeologist to mitigate what appears to be willful damage of an archaeological site.

Given the intentional damage to that site noted in the PBS violation letter, the WMAC urges the County to consider penalties that take into account the magnitude of the destruction documented in the report specified in Recommendation 3, the provisions of the Mendocino County Archaeological Ordinance (Code 22.12), and other pertinent state laws. If a fine is collected, we believe those funds should be used to carry out mitigation for the damage to the archaeological site recommended in the archaeological report and approved by the MCAC.

We appreciate your consideration of these comments and request updates on how and when the violations of the original permit conditions will be addressed. Please notify us well in advance if any future public hearings by the Coastal Permit Administrator, Planning Commission, or Board of Supervisors are planned for this permit modification request or CDU#2015-0018.

Please contact me if I can clarify any of the points made in these comments. You can reach me at (707) 964-7272 or by email sent to thad@mcn.org.

Sincerely,



Thad M. Van Bueren, Chair

Cc: Fourth District Supervisor Dan Gjerde
Mendocino County Archaeological Commission
Bryan Much, Coordinator, Northwest Information Center, Sonoma State University
Directors of the Westport MAC