

T 510.836.4200 F 510.836.4205 1939 Harrison Street, Ste. 150 Oakland, CA 94612

www.lozeaudrury.com michael@lozeaudrury.com

May 3, 2022

Ben Blom, Field Manager BLM Central Coast Field Office Attn: Cotoni-Coast Dairies RMPA/EA 940 2nd Ave., Marina, CA 93933-6009 blm_ca_cotoni_coast_dairies@blm.gov bblom@blm.gov

Re: BLM's Change to Implementation Action for Warrenella Gate Parking Lot &

Demand for Supplemental NEPA Analysis

Dear Messrs. Blom and Zaborsky,

On behalf of Davenport North Coast Association ("DNCA") and Friends of the North Coast ("FONC"), I am submitting this letter to formally demand supplemental NEPA analysis in light of BLM's recent significant change to Implementation Action MA-REC-23 for Warrenella Gate Parking Lot.

DNCA has learned that on March 15, 2022 BLM obtained an Encroachment Permit from the County of Santa Cruz to connect its Northern Access to Cement Plant Road (a Countymaintained road) at a location approximately 190 feet south of the location shown on the RMPA Map.¹ BLM's Final Traffic Study (p.9) states that the "proposed Warrenella Road – Gate parking area would be accessed from Cement Plant Road approximately 250 feet north of Cement Plant Road/Warrenella Road." The new location is only approximately 60 feet (centerline to centerline) north of the Warrenella Road intersection with Cement Plant Road as shown on the 4/13/2022 BLM Parking Lot Site Plan². This significant change represents substantial changes to the proposed actions necessitating supplemental environmental review. *See* 40 C.F.R. § 1502.9(d).

In an effort to understand the full scope and threats to public health and safety from BLM's substantial changes to the location of this access point, DNCA has contracted with a professional traffic engineer to prepare a Traffic Engineer Analysis, which concludes that

¹ Attached hereto as Attachment 1

² Attached hereto as Attachment 2

Ben Blom, BLM Central Coast Field Office Demand for Supplemental NEPA Analysis May 3, 2022 Page 2 of 3

"significant vehicular conflict, interference as to use of Warrenella Road, and safety impacts will occur if the newly proposed BLM Access is implemented." Jeffery III, James C., P.E., PTOE, "Impacts on Warrenella Road Intersection with Cement Plant Road from Proposed BLM to Cotoni-Coast Dairies" (April 24, 2022) (attached as Attachment 3). As you know, last Friday (April 29, 2022), DNCA submitted this report to BLM's Central Coast Field Manager and the County Public Works Director. Mr. Jeffery's conclusion is based largely on the AASHTO *Policy on Geometric Design of Highways and Streets* Turning Templates for tractor-trailers which regularly use Warrenella Road. BLM's RMPA says 150,000 to 250,000 annual visitors are anticipated to Cotoni-Coast Dairies. Because BLM has not yet identified a feasible access and day use area for the southern entrance to the Monument, the Northern Access, if allowed to proceed, would be the only access for to the Monument for the foreseeable future in contravention of the RMPA's requirement for two access locations.

BLM's Consistency Determination submitted to the California Coastal Commission for the required concurrence states that "implementation decisions for recreation identify the *site-specific designs and location* for the BLM to construct parking areas..." BLM is not implementing the Warrenella Gate Parking Lot Plan (Attachment 2) as identified in its approved RMPA, nor as conditionally concurred with by the California Coastal Commission. Instead, BLM has moved the Access approximately 190 feet to the south to a location which results in traffic safety impacts for users of Warrenella Road (as well as future visitors to Cotoni-Coast Dairies). By changing the configuration and access location, BLM has also substantially increased the necessary grading, substantially reduced the amount of parking spaces from 69 to 42, and substantially increased the impact of the parking and day use area on visual resources as experienced by users of Cotoni-Coast Dairies and Highway 1 and neighboring landowners.

All of the foregoing create environmental impacts,³ as well as impacts on coastal resources protected by the California Coastal Commission. Hence, they require supplemental NEPA analysis under 40 CFR §1502.9(d). Yet, it appears BLM intends to begin construction on the Warrenella Road parking lot without first preparing any supplemental environmental and traffic review.

You are hereby on notice that DNCA and FONC will explore all legal avenues to prevent the implementation of this revised action absent supplemental NEPA review, including by filing an amended notice of appeal, statement of reasons, and petition for stay with the Interior Board of Land Appeals, as well as possible federal court litigation.

Please advise if BLM agrees to perform the required supplemental NEPA analysis and to cease any and all activities in furtherance of implementing MA-REC-23 for the Warrenella Gate

³ RMPA Section 4.12.2 under **Transportation and Travel Management** provides that, ".... The primary impact of concern would be any performance degradation of roadways providing key access to the parking areas on the Monument."

Ben Blom, BLM Central Coast Field Office Demand for Supplemental NEPA Analysis May 3, 2022 Page 3 of 3

Parking Lot and communicate such agreement to the undersigned so as to be received no later than 5:00 p.m. on May 9, 2022.

By the above deadline please also provide me with a full set of the nine-page "PLAN" for the Warrenella Gate Parking Lot dated 4/13/2022 by J. Parker P.E, page 1 of which is attached hereto as Attachment 2.

Sincerely,

Michael R. Lozeau

Lozeau Drury LLP

on behalf of Davenport North Coast Association and

Friends of the North Coast

Michael R Dograce

Attachments

cc: DNCA

FONC

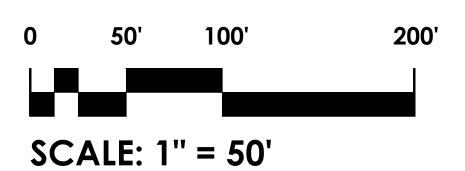
Erica L. Anderson, Attorney-Advisor, USDOI (erica.anderson@sol.doi.gov)

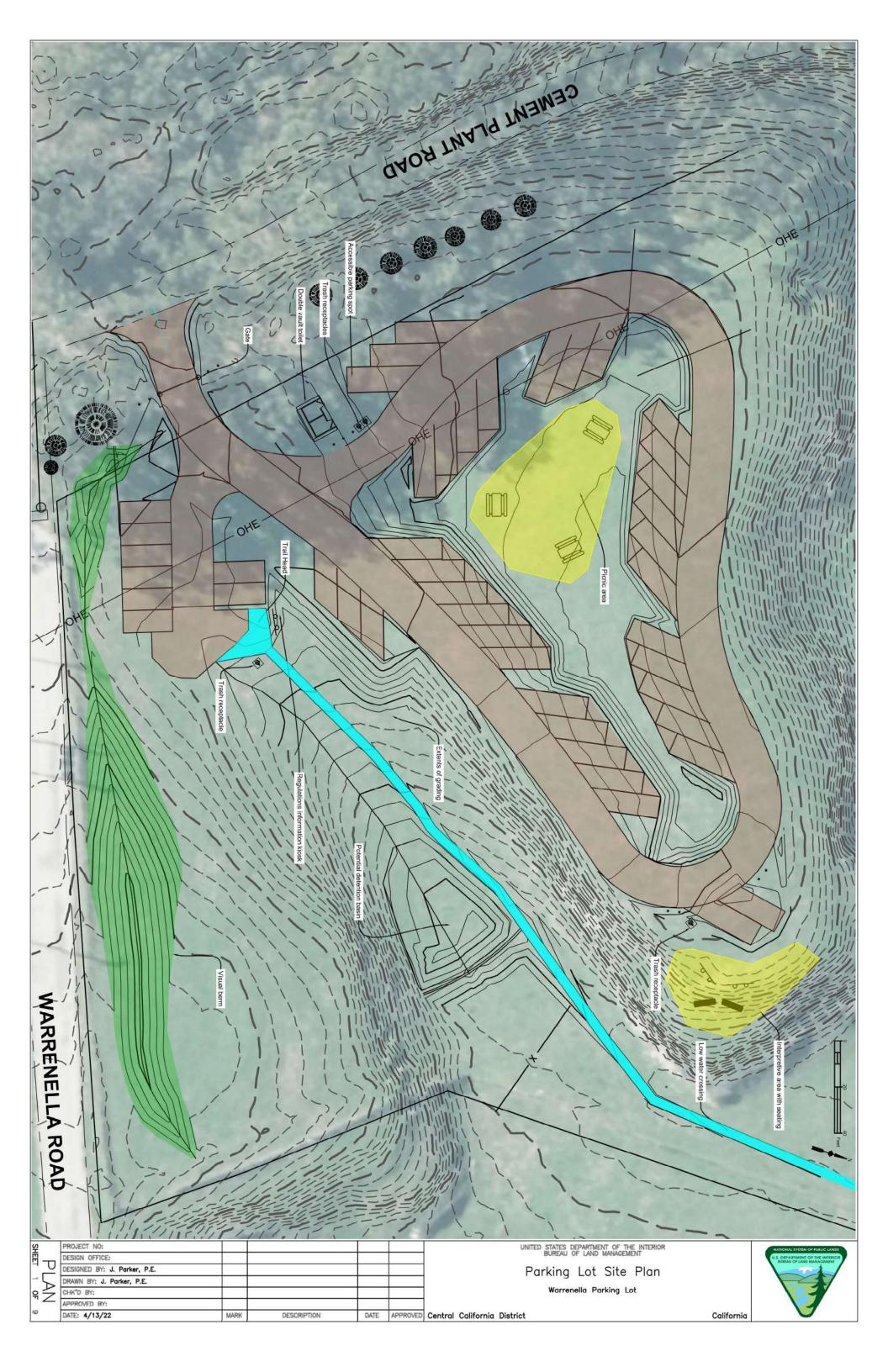
COTONI-COAST DAIRIES DRAFT CONCEPTS











Matt Machado, Deputy CAO and Public Works Director County of Santa Cruz 701 Ocean Street, Room 400 Santa Cruz, CA 95060

Ben Blom, Field Manager Central Coast Field Office 940 2nd Ave., Marina, CA 93933-6009

Subject:

Impacts on Warrenella Road Intersection with Cement Plant Road from Proposed BLM Access to Cotoni-Coast Dairies

Dear Director Machado and Field Manager Blom:

I am a California registered Traffic Engineer and licensed Civil Engineer, in private practice for over 45 years in the local area. In my practice I provide expert consultation as well as litigation support and expert testimony. Before entering private practice I was employed as a City Traffic Engineer and AMBAG Regional Traffic/Transportation Engineer. In private practice I have also worked as a Consulting City Traffic Engineer for the City of Saratoga. A key component of my traffic engineering work on behalf of municipalities has been the prevention of inadequate safety design. At the request of four interested parties, I have been requested to provide an analysis of the traffic conflict and safety impacts resulting to the Warrenella Road intersection with Cement Plant Road from the proposal by BLM to add an Access with Cement Plant Road approximately 60 feet to the north in order to serve a proposed 42-vehicle Parking Lot for the northern entrance to Cotoni-Coast Dairies. My conclusion is that the BLM proposal, if implemented, would result in significant traffic conflicts and safety impacts. My explanation follows.

Regulatory and Policy Context

Pursuant to County Code §9.70.380(B):

all encroachment work performed on any County-maintained road or right-of-way under the jurisdiction of the County shall conform to the County of Santa Cruz Design Criteria, and to the construction specifications contained in the current edition of the Standard Specifications of the State of California, issued by the State Department of Transportation, as may be amended by special provisions adopted by the Board of Supervisors.

County of Santa Cruz Design Criteria regulations for "DRIVEWAYS AND ENCROACHMENTS" provide that:

Driveways shall not interfere with legal encroachments nor create hazards or nuisances, and shall be spaced to maximize available street parking.

¹ Davenport North Coast Association (DNCA), Big Creek Lumber, Molino Creek Farms, and Friends of the North Coast (FONC)

County Public Works Director and BLM Field Manager

Analysis of Impacts to Warrenella Road intersection with Cement Plant Road from Proposed BLM Access

April 24, 2022

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Warrenella Road intersection with Cement Plant Road is an existing legal encroachment. The traffic engineering question to be analyzed is whether BLM's proposed addition of an Access with Cement Plant Road approximately 60 feet to the north in order to serve a proposed 42-vehicle Parking Lot could interfere with such Warrenella Road intersection, or create hazards or nuisances.

The Standard Specifications of the State of California, issued by the State Department of Transportation focus on construction more so than design and hence do not address spacing of intersections.

The AASHTO² Policy on Geometric Design of Highways and Streets (2018 -7th Edition) is the standard road design policy throughout the United States. At Section 2.5.1 (p. 2-43) AASHTO provides that:

Each abutting property is permitted access to the street or highway; however, the location, number, and geometric design of the access points are governed by the regulations.

In this case the governing regulations are the County regulations quoted above which require that the proposed BLM Access avoid interfering with the Warrenella Road intersection with Cement Plant Road or causing a hazard or nuisance.

AASHTO Section 4-15.2 provides that "[t]he objective of driveway regulations is to preserve efficiency and promote operational efficiency by prescribing desirable spacing and proper layout of driveways." For further information on the regulation and design of driveways, this AASHTO Section references the work of the Transportation Research Board (TRB), which defines access management as "the coordinated planning, regulation, and design of access between roadways and land development" for the purpose of preserving the safe and efficient movement of peoples and goods.

According to the TRB³, the spacing of access for driveways and streets is an important element in the planning, design, and operation of roadways. Access points are the main source of accidents and congestion. Their location and spacing directly affect the safety and functional integrity of streets and highways. The spacing of driveways and streets needs to reflect sound traffic engineering principles, driver behavior, and vehicle dynamics. Spacing should consider influences such as:

- Highway function.
- Access class and speed.
- Locations of upstream and downstream streets and driveways.
- 4. Volume of trucks.
- Expectancy of drivers.
- Separation of conflict areas.
- 7. The number of conflict points within each conflict area.

Conflict separation is essential to achieve improvements in travel times, capacity, and safety. Separation of conflict points, such as driveways and streets, should focus on the element of time and its

² American Association of State Highway and Transportation Officials

³ This paragraph quotes from p. 12 of Driveway and Street Intersection Spacing, TRANSPORTATION RESEARCH CIRCULAR, Number 456, March 1996 ISSN 0097-8515.

County Public Works Director and BLM Field Manager
Analysis of Impacts to Warrenella Road intersection with Cement Plant Road from Proposed BLM Access
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relationship to the driving task, which includes perception, reaction, navigation, and execution of the necessary maneuver. Vehicle dynamics and driver behavior are important determinants of access spacing.

Factual Context

The Bureau of Land Management (BLM) Resource Management Plan Amendment (RMPA) for the Cotoni-Coast Dairies unit of the California Coastal National Monument states that "[u]nder Alternative D [which is the BLM-adopted Alternative], visitation is expected to fall between 150,000 to 250,000 annual visitors." The BLM Access which is the subject of this report would be the only access to Cotoni-Coast Dairies for several years or more.

Santa Cruz County Public Works Department has on March 15, 2022 approved an Encroachment Permit for accessing BLM's proposed 42-vehicle Parking Lot serving the northern entrance to Cotoni-Coast Dairies (Attachment 1). As the Encroachment Permit Map shows, substantial efforts and signage are proposed by BLM to assure that visitors approach the BLM Access from the north end of Cement Plant Road. On April 18, 2022 BLM provided the Davenport North Coast Association with page 1 of 9 of the Warrenella Parking Lot Plan which includes more detail regarding the Access (Attachment 2).

Warrenella Road is used by tractor-trailers, including loaded logging trucks and service vehicles which frequently transport heavy equipment. A significant number of these tractor-trailers are as much as 60 feet long.

BLM's Access is close to Warrenella Road (60 feet, centerline to centerline). Cement Plant Road is a narrow road which varies from $15^{\prime}-18^{\prime}$ in width in this immediate area. Warrenella Road has an associated locked manual gate which is approximately 60 $^{\prime}$ from Cement Plant Road.

Attachment 3 is a photo of the area including two vehicles intended to show the relationship between the existing Warrenella Road intersection and BLM's proposed Access with Cement Plant Road. The photo shows a white CRV parked in the approximate location of the BLM Access centerline. The CRV is just in front of the large stump that Field Manager Ben Bloom pointed to as the approximate centerline of the BLM Access during an on-site meeting with a number of DNCA Board members, including Board member Brian McElroy who staged the vehicles and took the photo which is Attachment 3. The 20-foot long van is parked at the side of Cement Plant Road. The back of the van is in line with the north edge of Warrenella Road. From the north edge of Warrenella Road to the white CRV at centerline of the BLM Access is 48 feet. Warrenella Road is 25 feet wide, so adding the 12.5 feet to its centerline with the 48 feet results in a centerline to centerline measurement of approximately 60 feet.

Many versions of tractor-trailers pass through the Warrenella Road gate (e.g., BLM trucks with trailers, logging trucks, trucks pulling horse or cattle trailers, trucks pulling trailers with tractors or other heavy equipment). Tractor-trailers move frequently through that gate for agriculture, logging, fire management, PG&E activities (including at its substation) and other land management purposes. Convoys of vehicles doing work on and touring in the San Vicente Redwoods property are becoming more frequent. At the current time trucks using Warrenella Road that are long and need

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space to open the gate and then move through it double park on Cement Plant Road. They access Highway 1 by angling right onto a makeshift road about 275 feet south of Warrenella Road, then travel about 230 feet, crossing the railroad tracks, and intersect Highway 1. DNCA Board members have been informed by County officials that this makeshift crossing will be closed in the Spring of 2022. Once closed, tractor-trailers departing Warrenella Road will only have two choices to access Highway 1 via Cement Plant Road: (1) at the north end (about 0.3 mile); or (2) at the south end (about 0.65 miles over proposed speed bumps). Most, if not all, logging trucks will head north from the Warrenella intersection with Cement Plant Road in the direction of the Big Creek Lumber mill.

Analysis of Turns by Tractor-trailers

The short 60 foot distance between Warrenella Road and the BLM Access does not allow for the margin of maneuverability that is needed for tractor-trailers turning right from Warrenella Road onto Cement Plant Road and heading north. Thus, vehicular conflict will occur between large trucks and passenger vehicles as a result of the new BLM Access being located only a very short distance of 60 feet from the existing Warrenella Road intersection. Utilizing AASHTO standards and terminology discussed in the next paragraph, Turning Templates were applied to determine that such conflicts will occur.

Pursuant to AASHTO Section 2.8.1 (p.2-55), in the design of any roadway facility, the designer should consider the largest design vehicle that is likely to use that facility with considerable frequency. At Section 2.8.2, p. 62 AASHTO states that "[f]or local roads and streets, the WB-40 [WB-12] is often considered an appropriate design vehicle." The Template for this design vehicle can be found at AASHTO p. 2-75, Figure 2-22, pursuant to which it can be determined that significant vehicular conflict, interference as to use of Warrenella Road, and safety impacts will occur if the newly proposed BLM Access is implemented.

Thank you for your consideration of this analysis.

James C. Jeffery III, P.E., PTOE

Attachments 1 - 3

Cc: Davenport North Coast Association

Big Creek Lumber Molino Creek Farm

Friends of the North Coast

То

Traffic Engineer's Analysis



County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070 (831) 454-2160 FAX (831) 454-2385 TDD (831) 454-2123

MATTHEW J. MACHADO DIRECTOR OF PUBLIC WORKS

ENCROACHMENT PERMIT

Permittee Name			
	Bureau of Land Management	Date Issued	3/15/2022
Mailing Address	940 2nd Ave	Project	
	Marina, CA 93933	Description	Construct driveway and
			install signage
Phone	(831) 582-2210	Address	
Building Permit No.			Cement Plant Rd
		Fee	\$25,000.00
APN	058-022-17	Receipt #	
Contractor	To Be Determined	Phone	

Pursuant to Santa Cruz County Code Chapter 9.70 Street and Roads and subject to existing ordinances, and to all the terms, conditions, and restrictions written below or printed as general or special provisions on any part of this form and/or attached hereto, PERMISSION IS HEREBY GRANTED TO:

Encroachment Permit for the construction of a new driveway per figure DW-5 attached and the installation of signs in the Cement Plant Road right of way per the attached Job Copy plans, Santa Cruz County Design Criteria and Caltrans Specifications. Traffic control shall be implemented per MUTCD and Caltrans Standards. Work hours are 8:30am to 4:30pm Monday - Friday. Permittee is responsible for any damage to road during construction. THIS PERMIT IS FOR WORK IN THE COUNTY RIGHT-OF-WAY ONLY. Please notify Inspector 48 hours prior to starting the project @ (831)454-2594

Prov	To the feature of the first the conception	or sketches if applicable) of it at the work site. To arrange for an inspection, etion. Your attention is directed to the General world unless the work herein contemplated shall
Acce	pting this permit or starting work hereunder shall itions and requirements of this permit.	Il constitute acceptance and agreement to all the
Ву:	Signature of Permittee BENJAMIN BLOM BLOM BLOM Date: 2022.03,17 11:44:44-07'00' Permittee or Authorized Agent	MATTHEW J. MACHADO Director of Public Works By: 7ravis Rieber

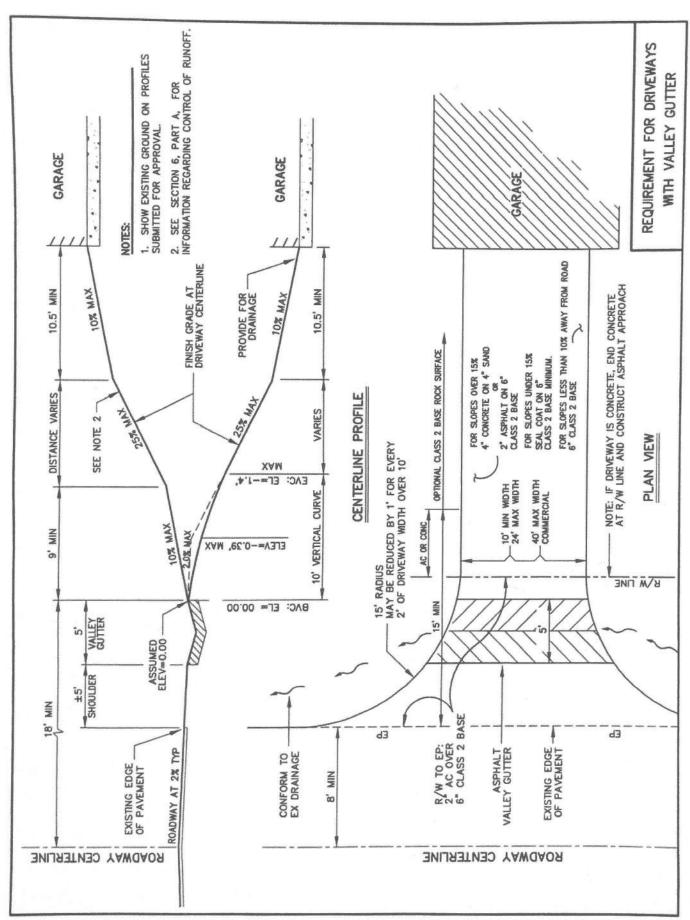
THIS PERMIT BECOMES VALID WHEN BOTH PARTIES HAVE SIGNED

WORK COMPLETED: Date:

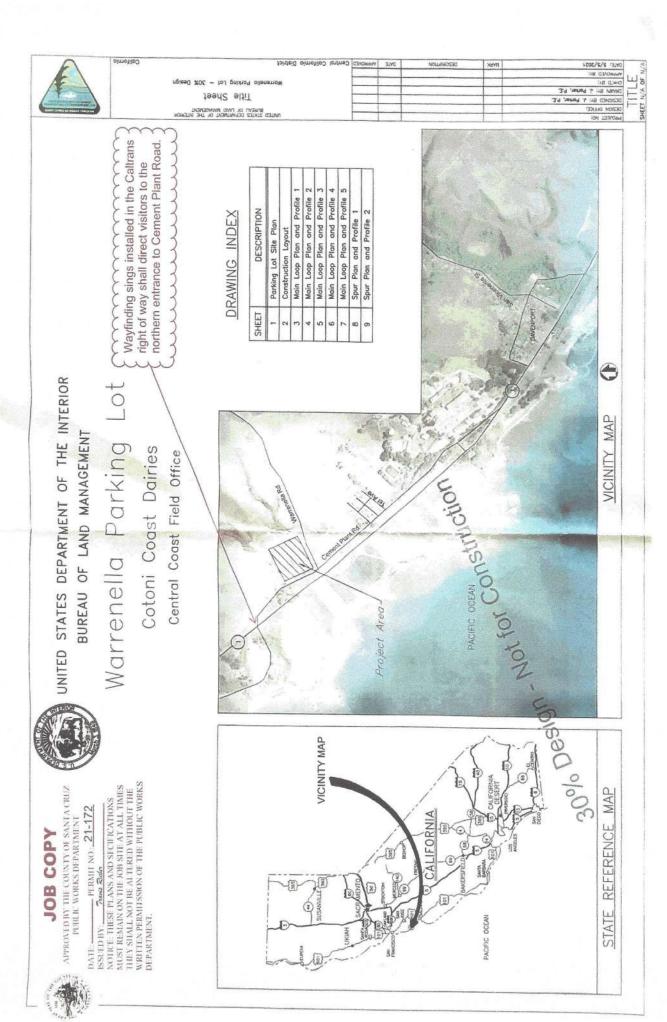
GENERAL PROVISIONS

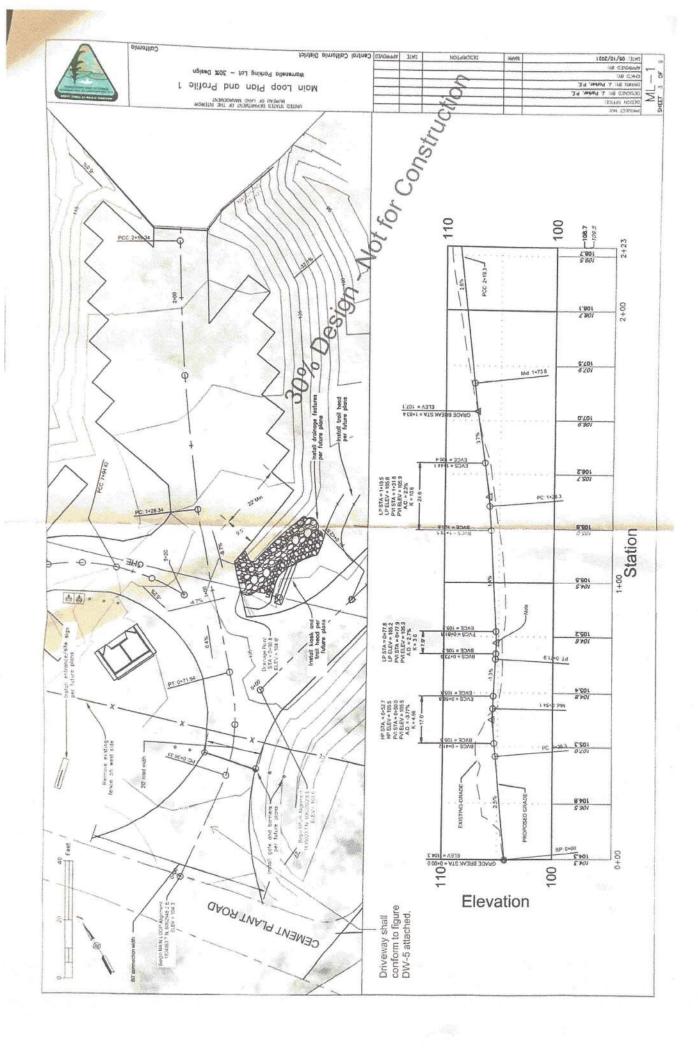
- Definition: This permit is issued pursuant to Chapter 9.70 of the Santa Cruz County Streets and Roads Code. The term "encroachment" is used in this permit as defined in said chapter 9.70 of the said Code, except as otherwise provided for public agencies and franchise holders. This permit is revocable on five days' notice.
- Acceptance of Provisions: It is understood and agreed by the permittee
 that the doing of any work under this permit shall constitute an
 acceptance of the provisions.
- No precedent established: This permit is granted with the understanding that this action is not to be considered as establishing any precedent on the question of the expediency permitting certain kinds of encroachment to be reckoned within right of way of County highways.
- 4. Notice prior to starting work: Before starting work, the permittee shall notify the Director of Public Works or other designated employee. Such notice shall be given at least 48 hours in advance of the date work is to begin. Unless otherwise specified, all work shall be performed on weekdays and during normal working hours of the grantor's inspector.
- Keep permit on work: The permit shall be kept at the site of the work and must be shown to any representative of the grantor or any law enforcement officer on demand.
- 6. Permits from other agencies: The party or parties to whom this permit is issued shall, whenever the same is required by law, secure the written order of consent of any work hereunder from the Public Utilities Commission of the State of California or any other public board having jurisdiction and this permit shall be suspended in operation until such order of consent is obtained.
- 7. Protection of traffic: Adequate provisions shall be made for the protection of the traveling public. Barricades shall be placed with amber lights at night; also, flagmen employed. All of this may be required by the grantor for the particular work in progress. Warning signs, lights, and devices shall be placed in conformance with the requirements of the State of California, Department of Public Works.
- 8. Minimum interference with traffic: All work shall be planned and carried out so that there will be the least possible inconvenience to the traveling public except for the specific work permitted. One lane shall remain open to the traveling public at all times. Road closures are not allowed, except with special permission from the Director of Public Works.
- 9. Storage of material: No material shall be stored within two feet of the edge of the pavement or traveled way or within the shoulder line where the shoulders are wider than five feet. No supplies or equipment shall be stored on the highway until permittee is ready to start work.
- 10. Cleanup right of way: Upon completion of the work, all brush, timber, scraps, and material shall be entirely removed and the right of way left in as presentable condition as before work started.
- 11.All construction shall conform with the current edition of the California Division of Highways standard plans and specification, and the design criteria of the County of Santa Cruz. In case of conflict, the conditions of this permit will take precedence over standard specifications.
- 12.Trench Safety has not been checked and is NOT IMPLIED with this permit. For current Codes and Regulations contact: CAL/Osha (408) 452-7288 and for utility locations contact: USA Underground Service Alert 1-800-227-2600.

- 13. Future moving of installation: It is understood by the permittee that whenever construction, reconstruction, or maintenance work on the highway may require, the installation provided herein shall, upon request of the grantor, be removed or revised at the sole expense of the permittee within five days of such notice.
- 14. Liability for damages: The permittee is responsible and liable for personal injury or property damage which may arise out of the work herein permitted or which may arise out of failure on permittee's part to perform their obligation under this permit in respect to maintenance. If any claim for such injury or damage is made against the County of Santa Cruz or any department, officer, or employee thereof, permittee shall defend, indemnify, and hold them and each of them harmless from such claim.
- 15. <u>Care of drainage</u>: If the work herein contemplated shall interfere with established drainage, ample provision shall be made by the permittee to provide for it as may be directed by the grantor.
- 16. Maintenance: The permittee agrees by the acceptance of this permit to exercise reasonable care to maintain properly any encroachments placed by it in the highway and to exercise reasonable care in inspecting for and immediately repairing and making good any injury to any portion of the highway which occurs as a result of maintenance of the encroachment in the highway or as a result of the work done under this permit, including any and all injury to the highway which would not have occurred had such work not been done or such encroachment not placed therein.
- 17. Test results: Upon demand, the permittee shall provide the Director of Public Works with the results of tests showing that the compaction requirements have been complied with. Compliance shall be certified by a materials testing laboratory with local experience and said laboratory shall be acceptable to the Director of Public Works.
- 18. Pavement replacement: Any paved portion of County highway which is removed or damaged shall be replaced with a minimum replacement of 0.75 foot of Class II aggregate base and 0.25 foot of Type B asphalt concrete. Where the existing structural section is greater than the replacement requirement, the structural section removed shall be replaced in kind. Prior to repaving the existing pavement shall be cut on a straight line to give a vertical face to pave against.
- 19. <u>Damages to roads</u>: Permittee agrees to repair in a manner satisfactory to the County of Santa Cruz any damages to the roads in the project area result from this work.
- 20. <u>Trimming or removing trees</u>: Trimming of trees will be permitted only in the manner authorized by permit. Trimming of trees required for overhead utility clearance may be performed without a permit. Attention is directed to the Tree Policy approved by the Board of Supervisors.
- 21. If the provisions of this permit are not complied with, the County reserves the right to do any and all work necessary to bring the road into a safe condition. The costs of this work will be charged to the permittee. The County will give a reasonable notice of its intentions to make such repairs.



REV 5/19





Cement Plant Road Traffic Signage Plan

34 menus a constant 34 menus a constant constant







LOCAL TRAFFIC ONLY

Median Traffic Sign Location scale: 1:50

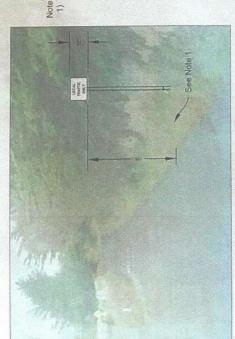
S. Cement Plant Traffic Sign Location scale: 140

1

Highway 1



Median Visualization NOT TO SCALE

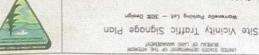


S. Cement Plant Visualization

 Sign to be placed as far from edge of pavement as possible but as close as needer to avoid tree trimming for visibility. Notes:



24 wast a mi castra 25 man a mi castra 25 man a mi castra







No Parking" signs to be placed perpendicular to flow of traffic along Cement Plant Road with a 5' offset from edge of pavement.
 Site sign contents and dimensions to be determined.

1

Site Signage 8

No parking sings shall be placed along the full length of Cement Plant Road every 200 feet where applicable. If there is no room for parking, no sign is required.

No parking signs shall have one direction arrow at the beginning and end.

Site Exit Signage

×

Asphall apron

То

Traffic Engineer's Analysis



To

Traffic Engineer's Analysis

