

Midcoast Community Council

*An elected Advisory Council to the San Mateo County Board of Supervisors
representing Montara, Moss Beach, El Granada, Princeton, and Miramar*
PO Box 248, Moss Beach, CA 94038-0248 | midcoastcommunitycouncil.org

Gus Mattammal | **Gregg Dieguez** | **Scott Bolinger** | **Ann Rothman** | **Dan Haggerty**
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Date: April 10, 2024

To: San Mateo County Board of Supervisors
Steve Monowitz, Director, SMC Planning and Building
Ann Stillman, Director, SMC Department of Public Works

Re: McNee Ranch State Park/Montara Mountain North Peak Access Road Maintenance

Dear San Mateo County Board of Supervisors, Director Monowitz and Director Stillman,

The Midcoast Community Council represents the unincorporated communities of Montara, Moss Beach, El Granada, Princeton, and Miramar. We have received many complaints, questions, and concerns from the public over the last eight months regarding the emergency maintenance work conducted in 2023 on the Montara Mountain North Peak access road including issues raised about the overall stewardship and protection of Montara Mountain. The MCC is concerned that the history of maintenance to the road and the way that ongoing maintenance is handled has been damaging to this sensitive and unique area and continues to be handled inadequately to preserve and protect the parks. The public (both locals and visitors alike) expects conservation and stewardship of this irreplaceable ecosystem and protection of the landscape as a valued public resource to be a priority.

Montara Mountain, a local landmark, unique and sensitive habitat, and public park

Residents and visitors to McNee Ranch State Park know it as Montara Mountain, and they traverse the road to the peak and have been doing so for decades. It is a recreational trail for users of all three parks (McNee Ranch SP, San Pedro Valley County Park, and GGNRA). From the road, visitors experience the beauty of the landscape and views from the higher elevation that are unmatched on the midcoast, where on a clear day one can see Pacifica, San Francisco, the Farallons, Pillar Point Harbor and the ocean to the south, west, and northwest. The public often doesn't realize that the park is contiguous with other parcels and includes McNee Ranch State Park, Golden Gate National Recreation Area (GGNRA) land, the North County Coast Water District (NCCWD) which is leased to San Mateo County, San Francisco Public Utilities Commission (SFPUC), and San Mateo County Parks. This is unfortunate, because not all landowner stakeholders are good stewards nor do they seem to care or consider its historical, ecological or recreational value. The peak itself has been damaged and continues to be degraded by the SFPUC and the multiple communications leasees that are allowed to place communications apparatus there.

California State Parks describes the area as “the only undisturbed coastal mountain habitat found on over 100 miles of coastline. It is an ecological island of natural biological diversity. Its steep slopes have minimized human impact, making it home to plant and animal communities found nowhere else in the world.”

What happened and what is now needed?

The planning and physical maintenance of the North Peak Access Road last year was carried out by the San Mateo County Department of Emergency Management (DEM) with PG&E equipment and operators. SMC DEM’s analysis of options in the project report clearly indicates this project was characterized and pursued as an emergency for economic reasons and expediency, not because it was a dire emergency. In fact the focus seems to have been on characterizing this project in such a way as to secure partial government funding set aside specifically for damages incurred from the spring storms. We also note that road maintenance closely matching the County’s emergency plan was proposed and included in much earlier permit application materials from American Tower Corporation (ATC), to facilitate continuing access and work at the site their equipment occupies on the mountain, so the road maintenance was already on the County’s radar. The County has a contracted obligation to work with ATC to maintain access to their equipment and to cover a portion of the maintenance costs.

Instead of careful collaborative advance planning and preparation with stewardship of the park as the main priority, we are concerned that the County was focused on serving the needs of corporate stakeholders to maintain communications access, as evidenced by the DEM report shared with the MCC on May 3, 2023. This conflict of interest resulted in a heavy handed, short-sighted approach with a minimum of input and preparation. In the long term, it undermines the ability of CA State Parks and other stewards of our local public lands who have limited resources, to uphold their public mission. Both the process and the result are concerning and have prompted numerous complaints from the public, including one letter printed in the Pacifica Tribune on July 18, 2023, from a young boy scout who said “I have always loved looking at all of the little organisms that live along the edges of the trail, and it is sad to know that many of them are gone. I hope that better solutions can be found in the future.”

This isn’t the first time road maintenance has occurred, and yet there is no ongoing maintenance plan, and no continuity or learning from previous road maintenance. Each instance of maintenance is treated as a last minute urgent issue and intended as a short-term fix. Current resources for planning rural road maintenance include San Mateo County Resource Conservation District’s best management practices, “[The Central Coast Private Roads Maintenance Guide](#)” in which San Mateo County Department of Public Works is listed as a resource. There is also a guide recommended by the State, published by the University of California, Division of Agriculture and Natural Resources, of best practices entitled “[Rural Roads: A Construction and Maintenance Guide for California Landowners](#)”. Both of these would be helpful in the creation of a regular maintenance plan.

The result of the recent road maintenance project was excessive shoulder clearing that damaged slope edges and removed large amounts of vegetation beyond the road perimeter in some areas. McNee Ranch State Park is an area of unique and sensitive habitats, including several species of concern, and there is potential for significant impact to ecosystems and wildlife. We understand from more than one plant biologist that although many plant species are

expected to recover, the recovery process could take years. The shoulder clearing also left areas ripe for the spread of invasive species that tend to invade in areas of soil disturbance. Because this was intended as a temporary fix and not a long-term solution, grading in some areas created the potential for increased erosion and poor drainage during future storm events. In fact, there are areas where the short-term mitigation strategies used during this recent maintenance effort have already failed during this season's storms.

In light of the unfortunate way this project was handled and the concerns expressed by the public, the MCC requests that the County work with CA State Parks in the near term, to create a plan to restore areas of excessive clearing and address areas where short-term stormwater runoff mitigation strategies failed and where continuing drainage issues exist. The plan should include a long-term strategy to mitigate any invasive plants that may have spread or been introduced by this work. We also recommend a follow up assessment of impact from the recent road maintenance and creation of a regular maintenance plan for the road that focuses on care of the park as a primary goal. This road maintenance plan should take into account all previous maintenance efforts, identify lessons learned, include documented best practices and provide an educational component that ensures those who implement road maintenance work are properly trained and managed. Development of the maintenance plan should afford an opportunity for public comment and for local citizen involvement. Further, we ask the County to pay for all the work outlined above to rectify the issues to which it has in large part contributed.

Identified issues and possible solutions

The primary problem is a conflict in the use of Montara Mountain as a site for communications infrastructure that is deemed critical because there are no redundancies or alternative infrastructure to serve the San Mateo coastside. Given the vulnerabilities to reliance on this site, alternative infrastructure solutions need to be identified and implemented. This would seem to be in line with San Mateo County's CRISP initiative, to identify, develop, and implement reliable and redundant communications infrastructure to serve the unincorporated areas and Half Moon Bay. This kind of change takes long-range planning, and with the current infrastructure momentum and funding at the federal and state levels, there is an opportunity to begin the process. We recommend this objective—to alleviate the need for reliance on communications infrastructure on Montara Mountain—be prioritized as a long-term goal.

In the short term there remains a conflict in terms of differing stakeholder views of the purpose of the road and how to maintain it. We ask that the road first and foremost be considered as part of the park, integrated with its natural biological resources, and as a recreational resource. As such, there should be appropriate monitoring and care taken to perform any future maintenance in a way that protects the sensitive habitat, ecosystems, endangered and at risk species, and the natural and scenic value of the area.

We note that multinational American Tower Corporation has an application for undergrounding electric lines which service equipment on their parcel. We have serious concerns about their proposed work. The ATC agreement with the County expires in 2026. This agreement outlines the County's portion of cost and role in road repair. We ask the County to reconsider this contract with an eye towards park conservation, and to explore other less damaging ways for ATC to access its parcel. We oppose granting any temporary or permanent easement agreements to ATC, SFPUC, or other corporate entities for access on Montara Mountain. Both

SFPUC and ATC have alternatives to access their equipment and both entities have greater financial resources than San Mateo County. One such alternative is a route that crosses watershed lands and which has stronger protections that users would be required to follow with more accountability. The maintenance needs on any of these roads are similar and they all rely on public dollars to maintain access. SFPUC and ATC also have the option to access their equipment by helicopter and they have done so in the past. Over the years, park users have documented instances of disregard for the area by SFPUC, ATC and other communications leasees. We have included photos of one recent instance in 2023 as an example.

Conservation of Montara Mountain

In response to the outpouring of community comment that we have received, the MCC encourages all stakeholders to consider a long-range plan for eventual removal of the communications equipment and infrastructure and to return the peak to a natural state in keeping with conservation of this remaining ecosystem as a complete protected area for future generations. We want to avoid the sad fate of San Bruno Mountain where ATC has essentially paved over the ridge top with a parking lot and the area is rife with invasives. The unique ecosystem and biological diversity of this area will survive longer if it is stewarded as a complete landscape rather than being vulnerable as individual parcels to the whims of individual stakeholders with objectives that conflict with protection of this much loved coastal northern spur of the Santa Cruz Mountains.

Sincerely,

MIDCOAST COMMUNITY COUNCIL
s/Gus Mattammal, Chair

cc: Ray Mueller, Supervisor, San Mateo County District 3
Mike Callagy, County Executive Officer, San Mateo County
David Barnett, Consultant, San Mateo County Office of Emergency Services
Shruti Dhapodkar, Director, SMC Department of Emergency Management
Linda Hitchcock, California State Parks
David Smith, Golden Gate National Recreation Area, National Park Service
Nicolas Calderon, San Mateo County Parks
Tim Ramirez, SFPUC Natural Resources and Lands Management Division Manager
Dan Carl, North Central Coast District Director, CA Coastal Commission

Appendix of Attachments

1. San Mateo County Department of Emergency Management Report
2. Photo of garbage left at ATC site
3. Photo of truck loaded with garbage from the ATC site
4. Photo of plastic site markers left in the park from the road maintenance project
5. Photo of excessive shoulder clearing
6. Photos before and after

San Mateo Department of Emergency Management report sent by
David Barnett to the Midcoast Community Council on May 3, 2023

1. Summary:

The road, named North Peak/Montara Mt. Road between Montara and Pacifica provides access to the primary critical communication infrastructure serving northern San Mateo County. It is currently degraded, and lack of access is a current threat to radio communications for public safety, utility emergency crews and multiple federal, state, and local government agencies. Temporary loss of power has occurred at this site. Lack of access also interrupts, slows, or prevents routine preventative maintenance, equipment servicing and budgeted upgrades. Degradation of the longer alternate access road through SFPUC, the most recent storms and the possibility of additional rains eliminates all margin of resiliency for this critical infrastructure. Therefore, the Department of Emergency Management highly recommends emergency repair and maintenance of the road in the shortest timeline possible.

2. Report Objectives:

This report will provide key information with the intent of summarizing a complex situation, the problems, and its history. It will also outline recommended objectives, opportunities, and options for remedy. Included in report are findings and summaries of:

- ✓ Description and purpose of road, current state, and degraded condition.
- ✓ Incidents involving vehicles which resulted in near miss serious injury, required extrication, and caused vehicle damage due to degraded road.
- ✓ The current state and degraded condition of the alternate access road through SFPUC land from Crystal Springs/San Bruno side.
- ✓ Overview of types of outages, near outages, inability to service infrastructure due to road conditions and '22/'23 storms.
- ✓ Landownership of all parcels containing the two roads and those containing the communication infrastructure on Montara Mt and north Peak. (See map).
- ✓ San Mateo County's and its departments' role and involvement in the communication infrastructure and access roads, including description of services provided, contracts, agreements, permitting for landowners and history.
- ✓ Description of easement agreements with landowners for access to infrastructure sites.
- ✓ SMC contracts with SFPUC and American Tower Corp. (ATC) as landowners of North Peak and Montara Mt. parcels with communications infrastructure.
- ✓ Licensees, who have communication infrastructure at sites, under SMC contract with SFPUC and ATC contracts.
- ✓ Responsibility and agreements to maintain and repair road for landowners, SMC, and licensees, including history of road repairs and maintenance.
- ✓ Options for remedies including pros, cons, and considerations.
- ✓ Opportunities for financing and recovery under current federally declared disaster and CAL OES Emergency Management's '22/'23 Mission Tasking Appropriation.
- ✓ SMC DEM Recommendations

3. North Peak/Montara Mt. Access Road Current Situation and Problem

The current road accesses the mountain at the McNee Ranch State Park gate on Highway 1 just south of Devils Slide. The road is very steep and narrow with numerous switch backs for the approximately 4.6 miles ending at Montara Mountain (American Tower Corp land) and then proceeds a short distance (~. 33 miles) to North Peak tower (SFPUC land). See attached map. Combined these two sites service both public and private radio communication towers and cell towers with battery power and generators.

Currently this primary access road and the alternate route critical communication infrastructure are only accessible by small 4WD utility vehicle (Polaris). The roads are threatened by complete blockage due to erosion from current and additional storms, slides from saturated soils, falling by hazard trees. Additionally predicted lightning with this storm or earthquake as experienced in Pacifica 3/28/23 exacerbate the threat to communications infrastructure and access.

Blockage of access, loss of power, and/or failure of communications infrastructure would result in no radio communications for dispatching or emergency radio traffic in area for:

**Law Enforcement (CHP, SMC Sheriff's Office, surrounding city Police Departments)
Fire Departments (surrounding city FD and SMC/CAL FIRE)
Emergency Medical Service (ambulances)
SMC Parks, Public Works
PG&E Emergency Gas or Electric Crews
CA State Park, Caltrans, Fish and Wildlife
SamTrans
GGNRA(National Parks)**

Consequently, law enforcement officers, fire apparatus, rescue teams and ambulances will all be delayed to any critical life-saving request for help by 911. In addition all personnel dependent on radio communications will not be able to coordinate, request assistance or manage an emergency scene effectively placing themselves and others at risk. Finally, restoration and recovery will all be delayed as utility crews and SMC/city departments are unable to communicate.

Currently SMC ISD can only power a diesel backup generator and has extra fuel (60 gallons) in cans at site. They are currently unable to use the propane power generator due to inability to fill tank.

Any blockage of road that occurs, when service is needed, would require a request to CAL OES for National Guard helicopter to deliver personnel and material. Fog, storms and risk may result in CAL OES' or the flight crew's refusal for the mission.

15 Public Safety/Utility Emergency Repair crew radio systems operate on the elevated site. This critical public safety and utility communications infrastructure, as well as the amount of public access (hiking/biking through the State, County and GGNRA Parks), make dependable emergency

access necessary for fire, rescue, and medical response. Also access along this road is needed for service, maintenance, and budgeted upgrades.

A detailed 10/22/22 report commissioned by PG&E prior to the storms is available in the References and Attachments section. Since the storms and as reported to DEM by SMC Information Services Department, DEM staff, CAL FIRE, PG&E, CAL STATE Parks, SMC County Parks the road has substantially degraded since the fall and is only currently passable by 4WD emergency utility vehicle (i.e. Polaris). Fire apparatus, 4WD pickup trucks, service vehicles cannot access upper portions of the road or the infrastructure at the peak on this route. The damage to roadway includes slides, washouts, culvert damage, erosion of road edge, excessive saturation of soils, encroachment by trees and brush.

As partially referenced in PG&E report, DEM as been told verbally by multiple licensees of their contract with ATC and SFPUC, examples of vehicle involved incidents include:

- a) Sliding and loss of traction with one known case of vehicle and occupant nearly going over edge; extrication of vehicle was needed.
- b) Damage to vehicles from encroaching branches, trees, and brush.
- c) Cancellation of emergent or planned service due to vehicle's inability to use road.

Until 3/25/23, there was an alternative route from the east side of the mountain across San Francisco Public Utility Commission (SFPUC) watershed lands. That eastern route is approximately 7.6 miles long from the site to the edge of the asphalt in San Bruno. Some access has occurred historically over the years, but SFPUC has ordered that route closed to all non-SFPUC business due to degradation and need for servicing, which was planned for this year. The servicing was put on hold due to it being the only access to mountain peaks if shut down for repairs. On 3/25/23, SFPUC notified that they were halting permitting escorted access using this alternate route due to damage and that roads were only accessible using small 4WD utility vehicles (Polaris). They have communicated to DEM that their road urgently requires servicing and grading now as storm damage has degraded it and they have no timeline for repair but expect it to take a long time.

Finally, over the course of the '22/'23 storms, the following has occurred:

- a. Multiple cases of lost electrical power to infrastructure site due to down power lines, which have not been placed underground. Service and restoration were delayed by road conditions.
- b. Extensive use of generators to power equipment with failure or near failure due to inability to deliver fuels and service for continued operation.
- c. Long durations of power to infrastructure being provided by battery backup as a last resort to power equipment.
- d. Loss of all power on 3/24/23 for several hours impacting select equipment.

4. Landowners, Contracts and Easements

As the attached land ownership map shows, there are five principal landowners that have portions of the access road within their parcel(s). **Landowners:**

1. **California State Parks**, which includes APN #0363829 (Old San Pedro Mt. Road). This APN is mentioned here as SMC Assessor does not identify ownership of this parcel, while CA State Parks records show it was transferred to them by Caltrans in 2016. CA State Parks has most of the road: 4.4 miles.
2. **North County Coast Water District (NCCWD)** owns two parcels with approximately one-half mile of the 3.8 miles. NCCWD's only interest in parcel is watershed and they lease all lands to SMC County Parks for a 99-year term, through 2066 according to the agreement that NCCWD entered with SMC on May 8th 1972. Per Section 5 of that Lease Agreement, the County is granted permission, at its own sole cost and expense, to perform improvements, subject to review by the District.
3. **NPS/Golden Gate National Recreation Area (GGNRA;** Federal Department of Interior, National Park Service) has two small sections of road totaling less than 700' at top of mountain below Montara Mt. peak.
4. **American Tower Corp. (ATC)**, a privately held company with approximately .25 miles of road at peak.
5. **San Francisco Public Utilities Commission (SFPUC)**. The road terminates at North Peak on SFPUC lands with a .25-mile section of road that goes to peak after crossing ATC lands.

San Mateo County has no real property that impacts access road. However, many departments work in their area of responsibility at his location. The following are the SMC Departments that have jurisdiction or responsibilities associated with these lands that require dependable road access.

1. Information Services (ISD) manages and maintains all SMC critical communication infrastructure and equipment. ISD works with SMC Real Properties Division on contracts and lease agreements with ATC and SFPUC and with sub-lease agreements with licensees.
2. Sherriff-Law Enforcement in collaboration with CA State Park Rangers and CHP.
3. Fire Department/CAL FIRE-Fire/Rescue/EMS
4. Parks-San Pedro Valley County Park with \$1/year lease agreement with NCCWD.
5. Public Works does not have any area of responsibility service area except as requested by ISD.
6. Planning-Review of all plans submitted by any parcel owner as required by code.
7. Emergency Management handles emergent requests through Duty Officer or EOC is activated.

As referenced above, ISD with the Real Properties Division manages contracts with SFPUC and ATC to lease sites for operation of communications infrastructure and equipment. The contract with ATC was established in 2001 and was renewed in 2016. It is available in the References and Attachments Sections. In summary the contract with ATC states:

1. ATC will provide road access from Highway 1 to site with maintenance agreements.
2. ATC will provide power to site for SMC managed facilities.
3. SMC will provide ATC emergency backup generator power in the event of power failures for ATC managed facilities.
4. SMC will be responsible for the road from ATC site to North Peak which is ~1/3 of a mile.

The contract with SFPUC states the ATC Road will be used as the access road to North Peak. The contract with ATC states that the access road to ATC site will be the road as described in this report. The contract language referring to maintenance will be defined in the next section.

Since 2001's contract with ATC, there was one known permit issued to ATC for a generator installed on their site. They also have a pending application with conditional approval from SMC County Fire/CALFIRE for undergrounding electric lines which service equipment at their parcel.

There are **no easement agreements** in place or established between CA State Parks, NCCWD or GGNRA and any agency, private company (ATC) or party. This has been confirmed by DEM with each of these landowners. If one were to block access in future, SMC's contract with ATC states that ATC would be responsible to resolve with suspension of lease until resolved.

5. Montara Mt./North Peak Communications Infrastructure Systems and Users

The following is a summary of the county's public safety communications systems and users at the site:

- SMC Sheriff's Office, Emergency Medical Service, Parks, Public Works, and others - P25 700 MHz trunking system
- SMC Sheriff's Office and city Police Departments - UHF Law Mutual Aid
- SMC Fire Agencies – VHF
- OES/DEM Tsunami warning system for the San Mateo County coast
- Microwave Communications system – linking the county comm sites with the cities/towns (Half Moon Bay, Montara, Pigeon Point, Pescadero, La Honda and Loma Mar areas)
- 800 MHZ Conventional P25 backup system – backup for the trunking system and for overflow

Listing of other agencies dependent on site and infrastructure for reliable communications:

- California Highway Patrol
- CAL FIRE
- CA State Fish and Wildlife
- CA State Parks Dept.
- CA State Dept. of Transportation (Caltrans)
- SamTrans – San Mateo County Transit System
- GGNRA/National Parks Trunking Communications System (includes their microwave backhaul to other sites)
- SFPUC Trunking Communications System (future)

Note: There are no known supplemental agreements between ATC or SFPUC and SMC's Licensees under the two contracts. In addition, no other government agencies are known to have contracts directly with ATC or SFPUC, and all operate under SMC lease agreements as managed by SMC Real Properties Division and ISD. The purpose of this research was to identify any potential maintenance agreements and responsibility of maintenance for the access road.

6. Road Maintenance

The landowners of the road up to ATC's parcel are CA State Parks, North County Coast Water District (NCCWD) and GGNRA/NPS. In addition, NCCWD leases their parcels to SMC County Parks annually. Therefore, what has been identified as an access road for the communications site is primarily used as a recreational trail for users of the three parks.

CA State Parks does do regular trail maintenance involving vegetation management and minor trail repair. However, the mission and budget for CA State Parks is not intended to maintain the road as a primary access for emergency vehicles as well as powerline or infrastructure servicing needs for their section. DEM has spoken with their Senior Park and Recreation Specialist Linda Hitchcock. They recognize the condition of the road, and their current maintenance plan involves regular vegetation and trail maintenance only which would not remedy the current erosion, culvert damage and need for grading. She stated they would support an effort to repair the road as long as it does not involve installation of any new road sections.

NCCWD's interest in the area is solely watershed. General Manager Adrienne Carr stated that any work on the road is agreeable to them, if it aligns with SMC County Parks needs and does not impact watershed, i.e., new road. Nick Calderon from SMC Parks communicated that road repair beyond regular trail maintenance would be outside their mission and budget.

Regarding GGNRA, Paul Williams is the Radio Communication Manager. As a licensee of SMC's contracts with ATC/SFPUC, they are interested in a solution. However, given that only 700' of road lies within their area and the condition of this section requires minimal work, GGNRA is a minor stakeholder. Any cost apportionment that would be applied to GGNRA for a road repair effort, even if they were budgeted for full road repair, would likely be negligible.

Regarding American Tower Corp (ATC), the contract with SMC shows that they have the responsibility to provide access to their parcel and maintain the road in collaboration with SMC. San Mateo County is responsible for maintaining and ensuring access for the 1/3 mile from ATC's site to SFPUC's North Peak, thereby excluding SFPUC from responsibility for an maintenance on that small section.

The key language from the 8/14/2001 contract, renewed in 2016 and valid until 2026 states:

Each party hereto desires to allow the other party to use certain of its facilities as follows:

1. *ROAD ACCESS. County shall have access at any and all times, day or night, over ATC's road from the Coast Highway to the site of ATC's radio station with any type vehicles necessary for the construction, repair, and maintenance of County's facility. County shall construct any connecting roads from said ATC's road to County's site at County's sole cost and expense.*

2. *ROAD MAINTENANCE AND REPAIR.*

A. ATC shall: (1) Maintain the access road and culverts in good and passable condition at all times, which maintenance shall include but not be limited to grading the road and clearing cross culverts and drains. (2) Not be required to incur more than One Thousand Dollars (\$1,000) per calendar year for the purpose of maintaining and repairing said road. (3) Supply County with keys to all locked gates on said road.

B. Currently ATC's road is damaged and in need of repair. At the time of repair ATC will notify the County, and County or designee shall choose one of the options:

(1) Traverse the road with personnel and equipment to clear or repair and reopen ATC's road at County expense (excepting the first One Thousand Dollars (\$1,000) in any one calendar year, which expense shall be the responsibility of and paid for by ATC), or

(2) Agree to participate in sharing the costs of having a third party perform the repairs. Approximately \$20,000 to \$30,000 of road repair is currently needed. County is agreeable to be responsible for 1/5th of said costs and is agreeable to contribute up to Five Thousand (\$5,000) Dollars for said repairs;

or Terminate this agreement upon six (6) months written notice to ATC.

DEM consulted with Harrison Heyl, a consultant with SMC Real Property Division validated that this language is valid and applicable to either party initiating road repair.

Historically, the only known major repairs and work on road was in 2005/6 when ATC installed a generator under a SMC approved permit which required this work. It is unknown if they requested the \$5000 from SMC under the contract language stated above.

ATC does have a pending permit to underground utility lines along the road from Highway 1 to peak. Interaction and correspondence between PG&E, an SMC licensee, and ATC occurred when PG&E relayed to ATC the condition of road and inquired about need road repair. ATC's response as communicated to DEM by PG&E was that ATC planned to do road repair when undergrounding work was being done in likely 1-2 years. DEM is researching the status of permit with SMC Planning. A conditional approval of the plans for undergrounding was issued by SMC Fire/CAL FIRE in 2021 and is available for viewing in References and Attachments. If ATC proceeds with undergrounding, they will be required to complete needed work on road and can request up to \$5000 from SMC according to the above contract language.

7. Options for Remedy

As DEM present various options, there are some critical factors to consider:

1. Threats to road and power at site continue with above average rain projected according to NWS. <https://www.weather.gov/hun/climateforecast>. Additionally, saturated soil increases the threat posed by earthquakes and high winds to cause landslides and down trees.
2. As outlined in Section 8, any option that delays action beyond the period covered by the current disaster declaration in California risks reimbursement for SMC costs.
3. SMC Public Works, as reported by Ann Stillman, does not have the capacity to manage or implement another project outside of their established areas of responsibility. While support of typical ISD requests is likely feasible by PW, a request to do major repairs on a non-County road is currently not possible.

Option 1: No action - Not recommended by DEM.

Description: Current servicing would only occur as access by 4WD utility vehicles can manage or by National Guard helicopter mission if feasible and approved by state. ATC would likely complete repairs along with undergrounding in 1-3 years depending on permit process.

Impacts:

- Threats to road, including additional storms or earthquake with saturated soils, would continue unmitigated and the risks of catastrophic communications failure would result.

Considerations:

- This option does not address the emergent threat to the critical infrastructure and road.
- Does not mitigate the risk to communications failure and negative impacts to public safety, first responders and other government services.

Option 2: Notify ATC of need to repair road - Not recommended by DEM.

Description: Under the current contract, SMC would notify ATC of the need for road repair. Next steps and negotiations with ATC to get work done and timing would require guidance from SMC Attorney and direction from Executive Office.

Impacts:

- Threats to road, including additional storms or earthquake with saturated soils, would continue unmitigated and the risks of catastrophic communications failure would result until corrected by ATC.
- Outcome and timing of work would be unknown and out of SMC hands mitigate threats.

Considerations:

- This option does not address the emergent threat to the critical infrastructure and road.
- Delays mitigation of the risk to communications failure and negative impacts to public safety, first responders and other government services.

- Contract provides mechanism and basis for action and ATC is held responsible for repairs. Additionally, ATC could rebut that they are only responsible for \$1000 of work annually, proceed to do the work and bill SMC for the greater balance. ATC may also respond that SMC can do the work and bill ATC for that \$1000. Regardless, the situation is likely to result in several delays and uncertainties.
- Impact to workload in SMC offices and departments during negotiations, cost apportionment, contract development as well as oversight or involvement during project as SMC works with ATC to repair roads.

Option 3: SMC act as lead agency to repair road in collaboration with landowners and stakeholders. Not recommended by DEM.

Description:

1. Under the current contract, SMC would notify ATC of the plan to repair road.
2. CEQA Exemption would be posted by SMC PW as lead agency; justified by emergency threat and lack of resiliency to critical emergency radio infrastructure with additional justifications for exemption. (see below).
3. Emergency Coastal Development Permit would be filed by SMC Planning in coordination with PW.
4. Description of work will only entail mitigation of hazards, access issues and hardening of road to increase resiliency:

Impacts:

- Threats to road, including additional storms or earthquake with saturated soils, could be mitigated quickly but likely delayed due to lack of SMC resources.
- Significant workload impact to SMC Public Works and many other departments.
- Positive collaboration and relationship building opportunity for SMC between departments, landowners, and infrastructure stakeholders.

Considerations:

- **SMC PW does not have capacity to manage and implement repairs with current recovery and normal priorities. - As a result DEM cannot support this option.**
- Financial reimbursement from FEMA could be limited to only what damage occurred from March storms.
- The ATC contract provides a mechanism and basis for action and ATC is held responsible for repairs of \$1000.
- All landowners have already agreed verbally to accommodate work, if it is limited to existing road.
- DEM is positioned with landowners and stakeholders to gain approvals and coordinate process quickly.

Option 4: SMC DEM submit request emergency road repair “Mission Task” to CAL OES State Operations Center - Recommended by DEM.

1. **Request for Mission Tasking to CAL OES justified by emergency threat to critical radio infrastructure for assistance to manage, supervise and complete work as well as handle financial tracking, cost apportionment and recovery.**
2. Under the current contract, SMC would notify ATC of the plan to repair road.
3. CEQA Exemption would be posted by SMC PW as lead agency; justified by emergency threat and lack of resiliency to critical emergency radio infrastructure with additional justifications for exemption. (see below).
4. Emergency Coastal Development Permit would be filed by SMC Planning in coordination with PW.
5. Description of work will only entail mitigation of hazards, access issues and hardening of road to increase resiliency:
 - i. Obtain letters of support and agreement from landowners which describes scope of work, request for closures of road to public, release of liability.
 - ii. Establish organization, planning process and public information processes with management team provided by CAL OES with SMC and landowner imbedded overhead.
 - iii. Assess and document damage with narrative of what occurred in March storms.
 - iv. CA State Parks Resource Advisor to mark and flag any environmentally sensitive sites no more than three days ahead of any work.
 - v. Vegetation reduction and hazard tree removal along access road which blocks or threatens to block access.
 - vi. Fill and grading of access road in locations where condition, slope and road surface prevent vehicle traffic or require mitigation for further storm damage.
 - vii. Stabilization of down and up slopes which have eroded, slid, or are threatened by further deterioration.
 - viii. Repair of culverts and drainages which are improperly diverting water from roadway and resulting damage.
 - ix. Release and demobilize CAL OES Mission Task overhead or resources when SMC can assume work or work is completed.

Impacts:

- Threats to road, including additional storms or earthquake with saturated soils, will be mitigated in quickest manner possible.
- Minimizes workload impact to SMC departments.
- Positive collaboration and relationship building opportunity for SMC between departments, landowners, and infrastructure stakeholders.

Considerations:

- Uses established CAL OES State Emergency Operations process.
- If funded by CAL OES Mission Tasking, financial impact is minimized depending on level.

- This option still permits landowners, SMC, and stakeholders to make available personnel and crews to assist in the project.
- Coordination with SMC departments will still be needed.
 - DEM management, overall coordination of project and representative to CAL OES as Agency Having Jurisdiction.
 - Public Works-CEQA. Receive updates and consider any requests for project from DEM such as materials, procurement, land use agreement for equipment staging, etc.
 - Planning - Emergency Environmental Coastal Permit.
 - ISD – Maintain infrastructure at site in coordination with road repair plan.
 - Attorney – Release of liability and agreements for landowners/SMC for project scope and access to road.
 - Finance – Financial tracking, cost apportionment if applicable, FEMA reimbursement.
 - Real Properties - Development of maintenance agreements or contract amendments for after repair is complete.
- A financial tracking, reimbursement and cost apportionment team could be requested to assist SMC and DEM staff in this function.
- Amount of recovered funds would depend on finding of damage occurred in March as opposed to previous storms.

8. Disaster and Mission Tasking Funding Options

Currently a federal disaster has been declared applicable to the storms and floods impacting San Mateo County. However funding would be limited to damage that occurred during March storms. Baseline set by PG&E report documentation. Documenting what occurred specifically in March as opposed to December/January storms may prove difficult. The FEMA/CA declared disaster is:

California Severe Winter Storms, Flooding, Landslides, and Mudslides (EM-3592-CA)
Incident Period: March 9, 2023 - and continuing. Emergency Declaration was declared on March 10, 2023.

Secondly, CAL OES Emergency Management is budgeted in '22/'23 for \$10M appropriated for "Mission Tasking." (Budget Request 0690-019-BCP-2022-GB). The applicable budget cover sheet is available in references and Attachments.

9. Permitting - CEQA/Coastal Commission

The work will require a posting of a CEQA Exemption with County Clerk with PW as lead agency. CEQA Exemption applicable justifications per CVCR Title 14, Div 6, Ch 3, Title 19 are: 15301© road maintenance, 15301(h) maintenance of existing landscape native growth and 15304(i) minor alteration to land, including fuel management. An emergency exemption under CEQA Guidelines 15269 is applicable as well to prevent or mitigate an emergency.

Additionally, an Emergency Coastal Development Permit (ECDP) will be needed from the Coastal Commission. This would be handled through SMC Planning. CA State Parks has stated they can help through their SF office if this is delayed, but process would likely be quicker through SMC Planning.

Garbage left behind by a company working on their equipment on Montara Mountain in September 2023. It was reported and photographed by more than one Park visitor. Some debris, including plastics and polystyrene foam, was scattered by wind onto adjacent public land.

(Photo courtesy of Sean Handel)



Amount of garbage removed after Code Enforcement Department
action. (Photo courtesy of San Mateo County)

Sep 20, 2023 at 17:27:36
San Pedro Mountain Road
Half Moon Bay CA 94019
United States



Plastic markers left behind weeks after the work was completed.
These were cleaned up by a local recreational visitor to the Park.

(Photo courtesy of Sean Handel)



Excessive clearing of vegetation and slope damage.
(Photo courtesy of Gregg Dieguez)



Photos taken after the road maintenance compared with photos of the same spot taken previously.

(Before and After Photos courtesy of Dana Lynch)







