CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

F10b

Filed:	January 14, 2009
60th Day:	March 15, 2009
Staff:	Robert Merrill
Staff Report:	February 27, 2009
Hearing Date:	March 13, 2009
Commission Action:	

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Robert S. Merrill, North Coast District Manager

SUBJECT: **County of Del Norte LCP Amendment No. DNC-MAJ-2-08 (Walters)** (Meeting of March 13, 2009, in Monterey)

SYNOPSIS:

Amendment Description:

Del Norte County is requesting certification of LCP Amendment No. DNC-MAJ-2-08 (Walters) to the County's certified Implementation Plan (IP) to re-designate the zoning designation of an approximately 10.24-acre parcel currently zoned with (1) a General Resource Conservation Area (RCA1) zoning designation and (2) a Rural Residential and Agriculture 5 acre minimum lot size with Density and Coastal–Special Development Pattern Area Combining Zone designation (RRA-5-D-C(s) to (1) a Designated Resource Conservation Area – Wetland (RCA2(w)) designation for the approximately 550-foot long by 75-foot-wide area spanning Gilbert Creek, (2) a Designated Resource Conservation Area – Wetland Buffer (RCA2(wb)) designation for a 100-foot-wide area north of the new RCA2(w) along Gilbert Creek, (3) a Designated Resource Conservation Area – Wetland Buffer (RCA2(wb)) designation for a 5.25-acre area covering the remainder of the parcel south of the new RCA2(w) along Gilbert Creek, and (4) a Low Density Rural Residential - Agriculture with Density and Coastal–Special Development Pattern Area Combining Zone designations (RRA-5-D-C(s) for the approximately two-acre upland area adjacent to Reeves Road and north of the areas to be designated with RCA2 zoning district to match the adjoining upland zoning designation.

Summary of Staff Recommendation:

Staff recommends that the Commission, upon completion of the public hearing, approve the amendment request as submitted.

The County of Del Norte's LCP amendment is proposed at the behest of Brien Walters, owner of an approximately 10.24-acre parcel located within the Surfsound Estates Subdivision, approximately 1¼ mile south of the California-Oregon border (see Exhibit Nos. 1 and 2). Mr. Walters wishes to develop the parcel with a single-family residence. The LCP amendment is proposed pursuant to the requirements of Section 21.11.010 of the Del Norte County Local Coastal Program which requires that prior to new or additional development on properties designated General Resource Conservation Area, for those areas containing environmentally sensitive habitat whose location have not been formally demarcated, the precise extent of such areas shall be delineated and designated with appropriate resource area zoning designations, with the remaining areas beyond the environmentally sensitive areas reclassified to zoning designation that is determined to be in conformance with the policies of the Land Use Plan.

In 2004, the Commission reviewed and certified with suggested modifications a similar LCP amendment for the property (Del Norte County LCP Amendment No. DNC-MAJ-1-04 (Walters). The previous LCP amendment differed from the current amendment primarily in that the amendment (1) designated Gilbert Creek, which bisects the subject parcel, as a riparian area rather than as a Palustrine riverine wetland, and (2) did not designate wetland buffer areas around the creek as large as the buffer areas currently proposed. In its action on October 14, 2004, the Commission denied the amendment as submitted, but certified the amendment with suggested modifications.

The County did not act to accept and agree to the Commission's suggested modifications within the required timeframe for such action under the Coastal Act. As a result, the Commission's certification of the amendment with suggested modifications expired, necessitating the processing of the current amendment request.

The current LCP amendment request as submitted by the County is generally consistent with the suggested modifications the Commission adopted for the previous LCP amendment for the subject property that expired.

Therefore, staff recommends that the Commission find that the IP amendment as submitted conforms with and is adequate to carry out the Land Use Plan, as amended by LCP Amendment No. DNC-MAJ-2-08.

The motion to adopt the staff recommendation is found on page 3.

Analysis Criteria:

To certify the amendment to the Implementation Program (IP) portion of the LCP, the Commission must find that the IP, as amended, conforms with and is adequate to carry out the LUP.

Additional Information:

For additional information about the LCP Amendment, please contact Robert Merrill at the North Coast District Office at (707) 445-7833. Please mail correspondence to the Commission at the above address.

PART ONE: STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS

I. APPROVAL OF THE IP AMENDMENT NO. DNC-MAJ-2-08 (WALTERS) AS SUBMITTED

MOTION 1: I move that the Commission reject Implementation Program Amendment No. DNC-MAJ-2-08 for the County of Del Norte as submitted.

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Following the staff recommendation will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION :

The Commission hereby certifies the Implementation Program Amendment No. DNC-MAJ-2-08 for the County of Del Norte as submitted and adopts the findings set forth below on grounds that the Implementation Program as amended, conforms with and is adequate to carry out the provisions of the Land Use Plan, as amended and certified, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either: 1) feasible mitigation measures

and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment; or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

PART TWO: AMENDMENTS TO IMPLEMENTATION PLAN

I. ANALYSIS CRITERIA

Section 30513 of the Coastal Act establishes the criteria for Commission action on proposed amendments to certified Implementation Programs (IP). Section 50513 states, in applicable part:

> *…The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.*

To approve the amendment, the Commission must find that the amended Implementation Plan will conform with and adequately carry out the provisions of the LUP as certified. For the reasons discussed in the findings below, the proposed amendment to the Implementation Program is consistent with and adequate to carry out the certified Land Use Plan.

II. FINDINGS FOR DENIAL OF IP AMENDMENT NO. DNC-MAJ-2-08 AS SUBMITTED AND CERTIFICATION IF MODIFIED

The Commission finds and declares as following for Amendment No. DNC-MAJ-2-08:

A. Background.

The County of Del Norte's LCP amendment is proposed at the behest of Brien Walters, owner of an approximately 10.24-acre parcel located within the Surfsound Estates

Subdivision, approximately 1¼ mile south of the California-Oregon border (see Exhibit Nos. 1 and 2). Mr. Walters wishes to develop the parcel with a single-family residence. The LCP amendment is proposed pursuant to the requirements of Section 21.11.010 of the Del Norte County Local Coastal Program which requires that prior to new or additional development on properties designated General Resource Conservation Area, for those areas containing environmentally sensitive habitat whose location have not been formally demarcated, the precise extent of such areas shall be delineated and designated with appropriate resource area zoning designations, with the remaining areas beyond the environmentally sensitive areas reclassified to zoning designation that is determined to be in conformance with the policies of the Land Use Plan.

In 2004, the Commission reviewed and certified with suggested modifications a similar LCP amendment for the property (Del Norte County LCP Amendment No. DNC-MAJ-1-04 (Walters). The previous LCP amendment differed from the current amendment primarily in that the amendment (1) designated Gilbert Creek, which bisects the subject parcel, as a riparian area rather than as a Palustrine riverine wetland, and (2) did not propose as large an area to the south of Gilbert Creek be rezoned and protected as habitat buffer area. In its action on October 14, 2004, the Commission denied the amendment as submitted, but certified the amendment with suggested modifications. The suggested modifications were to (a) rezone the Gilbert Creek watercourse with a RCA2(w) (wetland) designation, (b) rezone a 100-foot-wide strip of land adjoining the north side of the Gilbert Creek wetland area as RCA2(wb)(wetland buffer), (c) rezone any area that might exist beyond the 100-foot wetland buffer on the north side of Gilbert Creek that is within 50 feet of any riparian habitat that might exist along the north side of Gilbert Creek as (RCA2(r) (riparian), (d) rezone the area between the south side of the wetlands of Gilbert Creek and the south property line as RCA2(wb)(wetland buffer), and (e) reduce the northerly portion of the property that would be rezoned as Low Density Rural Residential - Agriculture with Density and Coastal–Special Development Pattern Area Combining Zone (RRA-5-D-C(s) to account for the larger area north of Gilbert Creek that would be rezoned under the other suggested modifications as habitat buffer area.

After the Commission's action on October 14, 2004, Commission staff sent a letter to the Del Norte County Planning Department informing the County of the Commission's action and the suggested modifications that the Commission adopted. In order to present the suggested modifications to the Del Norte County Board of Supervisors for review and acceptance, County staff requested that the property owner submit revised mapping that reflected the revised zoning district designations required by the suggested modifications imposed by the Commission. To give more time for the requested mapping to be submitted and for the County to act to accept and agree to the Commission's suggested modifications, the Commission at its meeting of February 18, 2005 extended the six month time period for County action by a year to April 13, 2006. Despite this extension of time, the revised mapping was not submitted to the County in time for the County to act to accept and agree to the Commission's suggested modifications within the required timeframe. As a result, the Commission's certification of the amendment with suggested

modifications expired, necessitating the processing of an entirely new LCP amendment to rezone the RCA designated area before any development can proceed on the subject property.

In July of 2008, the property owner's biologist revisited the site and prepared an updated biological assessment to respond to the suggested modifications and to assess current conditions within the project area. The biological assessment includes a map that delineates the wetlands and wetland buffer areas and designates Resource Conservation area zones in a manner generally consistent with the suggested modifications the Commission adopted for the previous LCP amendment for the subject property that expired. The map incorporates the full extent of the wetlands associated with Gilbert Creek within an RCA2(w) zone, delineates the precise boundary of the 100-foot wetland buffer around these wetlands along the north side of the creek, and incorporates the 100-foot wetland buffer area within an RCA2(wb) (Wetland Buffer) zone consistent with the Commission's suggested modifications. The biological assessment determined that riparian habitat as defined in the LCP does not occur on the north side of Gilbert Creek. The areas previously mapped as riparian habitat for the 2004 LCP amendment are actually part of the wetlands and wetland buffer areas. The biological assessment also incorporated all of the area of the property south of the wetlands associated with Gilbert Creek within a RCA2(wb) (Wetland Buffer) zone consistent with the suggested modifications to the 2004 amendment adopted by the Commission. The County adopted the current LCP amendment consistent with the mapping contained in the biological assessment. Therefore, the current LCP amendment request as submitted by the County is generally consistent with the suggested modifications the Commission adopted for the previous LCP amendment for the subject property that expired.

B. Subject Property

The subject site consists of a vacant roughly rectilinear 10.24-acre parcel on the southeastern corner of the intersection of Ocean View Drive (old Highway 101) with Reeves Road, a private road, that runs easterly along the northern flanks of the Gilbert Creek drainage from Ocean View Drive, approximately one mile south of the California-Oregon border and ½ mile inland from the open shoreline of Pelican Beach (see Exhibit Nos.1-3).

The parcel was created as Lot 6 of the Surfsound Estates Subdivision development project, approved by the Commission on December 1, 1984 prior to certification of the Del Norte County LCP (see Coastal Development Permit No. 1-83-283). Among the conditions the Commission applied to the land division was the requirement that a minimum of 62-acres of open space consisting of those areas on the property containing environmentally sensitive habitat or needed to provide buffers between areas identified

for development and the resource areas, be offered for dedication. On June 16 1984, an Offer-to-Dedicate (OTD) the required open space areas was recorded as Instrument No. 840201, in Book 285, Page 75, Del Norte County Recorder's Office, establishing a 21-year-year period in which the offer of dedication would be available. The southerly ¾ and the westerly 220 feet of the Walters property, comprising a total area of approximately 7.9 acres, lies within the Surfsound Estates Subdivision open space easement dedication area. In November of 2004, Del Norte County accepted the OTD.

The property is bisected by Gilbert Creek, a first-order perennial coastal watercourse, with the northern third of the parcel comprised of generally flat, grass-covered river terrace and the southern half of the parcel consisting of steep (70-100%) forested hillside. The Gilbert Creek channel and adjoining riparian corridor crosses the property in an east-northeast to west-southwest orientation and varies in width from 170 to 230 feet in width. Plant cover on the open terrace portion of the parcel is comprised of upland grasses, forbs, and landscaping shrubs and trees. The portion of the property within the immediate vicinity of the creeks side slopes is covered by thickets of riparian species dominated by red alder (Alnus rubra) interspersed with big leaf maple (Acer macrophylum), with a variably dense under story comprised of Himalaya blackberry (Rubus discolor), California blackberry (Rubus ursinus), salmonberry (Rubus spectablis), coyotebrush (Baccharis pilularis), and tansy ragwort (Senecio jacobaea). Cover on the forested slopes on the southern half of the property, comprises a mixture of mid-seral stage second-growth coast redwood / mixed closed cone tree stratum with an attending brushy understory dominated by sword fern (Polystitchum minutum) and evergreen huckleberry (Vaccinium ovatum). The project parcel is presently vacant, and with the exception of perimeter fencing along its northern side, unimproved.

The subject site lies within the LCP's "Smith River" sub-region and is subject to the specific area policies for "Planning Area No. 1, Ocean View Drive." The subject property is designated in the Land Use Plan as Rural Residential – One Dwelling Unit per Five Acres (RR 1/5) and Resource Conservation Area (RCA), certified by the Commission on October 12, 1983. The surrounding land use consists of Rural Residential and Agriculture to the north and south, and Timber Preserve to the east. Prime Agricultural land uses occur west of Ocean View Drive. The subject property is not within any viewpoint, view corridor, or highly scenic area as designated in the Visual Resources Inventory of the LCP's Land Use Plan. Due to the property's inland location, public views to and along the ocean across the property are limited, consisting of distant, on-the-horizon vistas.

C. **Amendment Description**.

The roughly rectangular Walters property is divided into three distinct landforms: (1) an approximately 2½-acre area of open, relatively flat grassland comprising the northern

third of the subject parcel; (2) an approximately 220-foot-wide band of riverine wetlands associated with the Gilbert Creek watercourse that traverses the property from east to west and effectively divides the property into two distinct portions; and (3) the approximately 5¼-acre southern half of the parcel, consisting of forested upland vegetation on an approximately 7V:10H north-facing slope. The former two areas and the northern 1.82 acres of the latter area are currently designated RCA1 while the remaining approximately 3.14 acres along the property's southern side is currently zoned RRA-5-D-C(s).

The County has applied to the Commission for certification of an amendment to the zoning maps portions of its Implementation Plan (IP). The proposed amendment would rezone the approximately 10.24-acre parcel to (1) a Designated Resource Conservation Area – Wetland (RCA2(w)) designation for the approximately 550-foot long by 75-foot-wide area spanning Gilbert Creek, (2) a Designated Resource Conservation Area – Wetland Buffer (RCA2(wb)) designation for a 100-foot-wide area north of the new RCA2(w) along Gilbert Creek, (3) a Designated Resource Conservation Area – Wetland Buffer (RCA2(wb)) designation for a 5.25-acre area covering the remainder of the parcel south of the new RCA2(w) along Gilbert Creek, and (4) a Low Density Rural Residential - Agriculture with Density and Coastal–Special Development Pattern Area Combining Zone designations (RRA-5-D-C(s) for the approximately two-acre upland area adjacent to Reeves Road and north of the areas to be designated with RCA2 zoning district to match the adjoining upland zoning designation.

The County reclassification of the subject RCA1 areas to RCA2(w), RCA2(wb) and RRA-5-D-C(s) designations is proposed to implement policies within the certified land use plan that direct that such zoning refinements occur before development is undertaken on lands that have been preliminarily identified with an RCA1 designation as containing, or being in close proximity to, environmentally sensitive habitat areas. These policies provide that the precise extent of ESHA on a property and the buffers needed to protect these areas from uses on adjoining lands is to be ascertained based on biological data and field mapping and the property be rezoned with appropriate zoning districts that protect the habitat and establish the buffer area prior to any development occurring on the property. The areas that have been preliminarily identified with an RCA1 designation are to be reclassified with the RCA2 designation and appropriate suffixes detailing the type of ESHA or buffer involved. Those areas found to lie outside of the areas delineated as ESHA or ESHA buffer are to be concurrently re-zoned to a non-RCA zoning designation that has been found to be consistent with the policies and standards of the LUP.

The specific zoning map revisions to the County's coastal zoning ordinance proposed for amendment are attached as Attachment No. 1. The existing zoning map is also included in Attachment No. 1.

D. Consistency of Zoning Designation Changes with the Policies of the LUP.

1. Consistency with Marine and Water Resources Policies of the LUP.

a. Summary of Pertinent LCP Policies and Standards:

Policy 6 of the LUP's Marine and Water Resources Chapter states:

> *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.* [Emphasis added.]

Section VII.D.4 of the LUP's Marine and Water Resources chapter sets policy directives for the review of development in a variety of biologically significant areas and types, stating in particular regard to the establishment of wetland buffers:

…

> *f. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which could significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. The primary tool to reduce the above impacts around wetlands between the development and the edge of the wetland shall be a buffer of one-hundred feet in width. A buffer of less than one-hundred feet may be utilized where it can be determined that there is no adverse impact on the wetland. A determination to utilize a buffer area of less than one-hundred feet shall be done in cooperation with the California Department of Fish and Game and the County's determination shall be based upon specific findings as to the adequacy of the proposed buffer to protect the identified resource. Firewood removal by owner for on site use and commercial timber harvest pursuant to CDF timber harvest requirements are to be considered as allowable uses within one-hundred foot buffer areas.*

> *g. Due to the scale of the constraints maps, questions may arise as to the specific boundary limits of an identified environmentally sensitive habitat area. Where there is a dispute over the boundary or location of an*

> *environmentally sensitive habitats area, the following may be requested of the applicant:*
>
> *i.) A base map delineating topographic lines, adjacent roads, location of dikes, levees, flood control channels and tide gates.*
> *ii.) Vegetation map.*
> *iii.) Soils map.*
>
> *Review of this information shall be in cooperation with the Department of Fish and Game and the County's determination shall be based upon specific findings as to whether an area is or is not an environmentally sensitive habitat area based on land use plan criteria, definition, and criteria included in commission guidelines for wetland and other wet environmentally sensitive habitat areas as adopted February 4, 19 81. The Department of Fish and Game shall have up to fifteen days upon receipt of County notice to provide review and cooperation.* [Emphases added.]

The Marine and Water Resources chapter of the LUP includes "riparian vegetation systems" and "riparian vegetation" among its list of "sensitive habitat types," defining such as areas, respectively, as:

> *The habitat type located along streams and river banks usually characterized by dense growths of trees and shrubs is termed riparian. Riparian systems are necessary to both the aquatic life and the quality of water courses and are important to a host of wildlife and birds*;

and

> *Riparian vegetation is the plant cover normally found along water courses including rivers, streams, creeks and sloughs. Riparian vegetation is usually characterized by dense growths of trees and shrubs.*

Marine and Water Resources Policy VII.E.4.a of the County of Del Norte LUP states:

> *Riparian vegetation shall be maintained along streams, creeks and sloughs and other water courses within the Coastal Zone for their qualities as wildlife habitat, stream buffer zones, and bank stabilization.* [Emphasis added.]

Section IV.D.1.f of the LUP's Marine and Water Resources chapter establishes other standards for buffers, stating that:

> *Natural vegetation buffer strips may be incorporated to protect habitat areas from the possible impacts of adjacent land uses. These protective zones should be sufficient along water courses and around sensitive habitat areas to adequately minimize the potential impacts of adjacent land uses.* [Emphasis added.]

With regard to the delineation of environmentally sensitive areas for the purpose of rezoning property from a general conservation resource area (RCA1) to a designated conservation resource area (RCA2), Section 21.11.060 states:

> *The rezoning of a parcel or parcels designated as RCA may be considered subject to the requirements of Chapters 21.50 and 21.50B and the special requirements listed in this section.*
>
> *A. Mapping. In order to determine the actual boundary of the resource conservation area and the location of any buffer zone which may be required for it, supplemental mapping shall be submitted as a part of the rezoning application, including:*
>
> *1. Topographic Base Map. The base map should be at a scale sufficiently large to permit clear and accurate depiction of vegetation associations and soil types in relation to any and all proposed development (normally the scale required will be one inch equals two hundred feet). Contour intervals should be five feet, and the map should contain a north arrow, graphic bar scale, and a citation for the source of the base map (including the date). The map should show the following information:*
>
> *a. Boundary lines of the applicant's property and adjacent property, including assessor's parcel numbers, as well as the boundaries of any tidelands, submerged lands or public trust lands, per Section 21.50.040;*
>
> *b. Names and locations of adjacent or nearby roads, streets or highways, and other important geographic, topographic and physical features such as streams, bluffs or steep slopes;*
>
> *c. Location and elevation of any levees, dikes or flood-control channels;*
>
> *d. Location, size and invert elevation of any culverts or tide gates;*
>
> *e. Existing development (structures, agricultural areas, etc.)*

2. Inundation Map. For nontidal wetlands, a map should be prepared indicating permanent or seasonal patterns of inundation (including sources) in a year of normal rainfa1l.

3. Vegetation Map. Location and names of dominant plant species (e.g., Saliconia Virginica) and vegetation associations (e.g., saltmarsh).

4. Soils Map. If no soil survey is available, a soils map should be prepared and should show the location of soil types and include a physical description of their characteristics.

B. Supplemental Information. Where development is proposed in conjunction with the rezoning, a supplement information report <u>may</u> be required pursuant to Section 21-11A.050.

C. Review. Upon receipt of a complete rezoning application and prior to any public hearing the county shall submit the above information to the California Department of Fish and Game for review. The Department of Fish and Game shall have up to fifteen days upon receipt of the county notice to review and comment. This requirement does not supersede any other review requirements, such as those of the California Environmental Quality Act, and may be carried out in conjunction with any other review which meets or exceeds the fifteen-day time period.

D. Findings and Disposition.

1. <u>The county's determination regarding the rezoning shall be based upon specific findings as to whether the area is or is not a resource conservation and/or a wetland buffer area based on the General Plan Coastal Element Criteria and California Coastal Commission's "Statewide Interpretive Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas" as adopted February 4, 1981</u>.

2. <u>Where it is found that all or a portion of a parcel is in a resource conservation area and/or is in any wetland buffer required by Section 21.11A.020(B) said parcel or portion of a parcel shall be rezoned to RCA2 with a parenthetical reference as to the type of resource conservation area, i.e., wetland (w), farmed wetland (fw), estuary (e), riparian vegetation (r), coastal sand dunes (sd), or wetland buffer (wb). Where more than one type exists, the distinction shall be noted on the zoning map</u>.

> *3. Where it is found that all or a portion of a parcel is not in a resource conservation area and/or any required wetland buffer, a finding shall be made that the non-RCA area is within the abutting General Plan land use classification and said parcel or portion of parcel shall be rezoned to another zoning classification which is in accord with the General Plan or adopted specific plan as set forth in Chapters 21.51A and 21.51B.*
> *4. Where parcels totally within the RCA2 zone are contiguous with a parcel outside or partly outside of the RCA2 area, and where all of these parcels have a single owner, said parcels shall be merged at the time the RCA2 zoning is placed in effect upon the properties.* [Emphases added.]

Section 21.11A.020B goes on to state that with regard to the extent of any contemplated RCA2 designation :

> *This zone shall also be applied to buffer areas which shall be established around wetlands between the edge of the wetland and any future and/or existing development. Such wetland buffers shall be one hundred feet in width unless a determination of no adverse impact upon the wetland is made, in which case a buffer of less than one hundred feet may be utilized. Such a determination is to be made based upon data submitted pursuant to Section 21.11.060 and shall include consideration of the following factors:*
>
> *1. That the most sensitive species of plants and/or animals will not be significantly disturbed based upon:*
>
> *a. Habitat requirements of resident and/or migratory fish and wildlife for nesting, feeding, breeding, etc.;*
>
> *b. Assessment of short and long term ability of plant or animal species to adapt to human disturbance.*
> *2. That where erosion impacts from the project may occur, adequate buffer is provided to allow for interception of eroded materials outside of the wetland area.*
> *3. That where natural or cultural features such as bluffs, hills, roads, dikes or irrigation canals exist they should be utilized in establishing the location of the buffer area and in separating development wetland areas. Natural features should be included within the buffer area1 i.e., a buffer boundary which follows an*

embankment should be located at the top of the bank rather than the bottom. Cultural features should be located outside of the buffer boundary to avoid conflict regarding actions such as repair and maintenance.

4. *That where existing adjacent development is located closer to the wetland than one hundred feet or where the configuration of a legally created parcel is such that a building area of less than four thousand two hundred square feet would remain, reduction of the buffer could occur, however alternative mitigation measures (such as the planting or reversion to native vegetation) should be provided to ensure additional protection.*

The cited 1981 *Statewide Interpretative Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas* enumerates seven factors that should be considered in establishing wetland buffers to ensure their adequacy to protect the wetland resources:

1. *Biological significance of adjacent lands;*
2. *Sensitivity of species to disturbance;*
3. *Susceptibility of parcel to erosion;*
4. *Use of natural topographic features to locate development;*
5. *Use of existing cultural features to locate buffer zones;*
6. *Lot configuration and location of existing development; and*
7. *Type and scale of development proposed.*

b. Analysis:

The Marine and Water Resources Chapter of the County of Del Norte's LUP contains numerous policies for the protection and conservation of aquatic natural resources. Chief among these are Policy 6, cited above, which requires that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade such areas. In addition, Section VII of the LUP's Marine and Water Resources chapter sets forth a variety of specific provisions, cited above, including provisions regarding: (1) the delineation of wetlands; (2) considerations as to the adequacy of wetland buffers; and (3) the protection of riparian vegetation. These policies in turn are further implemented through the various detailed provisions of the

"Local Coastal Program Zoning Enabling Ordinance of the County of Del Norte" (LCPZEO), the County's certified coastal zoning ordinance, particularly in the General and Designated Resource Conservation Area Zoning District standards of Chapters 21.11 and 21.11A, also cited above.

For the proposed amended zoning designation to be found in conformance with, and to effectively carry out, the policies of the LUP's Marine and Water Resources chapter regarding the protection of designated environmentally sensitive habitat areas (ESHA) and ensuring that development in areas in or in proximity to such environmentally sensitive areas would be appropriately sited and designed to avoid significant disruption to the ESHA, the zoning amendment must be shown to: (1) include all environmentally sensitive habitat areas and adjoining buffer areas needed to protect such areas from adjacent development within the bounds of a RCA2 designation; and (2) redesignate all areas located beyond the outward extent of these environmentally sensitive areas to a non-RCA zoning designation that is found to be in conformance with the policies of the LUP. As discussed above, the Commission has determined that based upon the information submitted with the LCP amendment request, the rezoning as proposed would be fully inclusive of all ESHA and include those adjoining areas needed to adequately protect the ESHA from adjacent future development.

Under the Implementation Plan Amendment as submitted, the proposed area to be rezoned would: (a) designate those Palustrine wetlands associated with Gilbert Creek as wetlands (RCA2(w)); (b) include all areas within 100 horizontal feet of these wetlands and those areas comprising the functionally-related heavily-sloped forested hillside on the southern half of the property as wetland buffer (RCA2(wb)); and (c) rezone only those remaining areas lying beyond the environmentally sensitive areas on the parcel for clustered low-density rural residential development, subject to special development area constraints associated with the open space easement (RRA-5-D-C(s)).

The Commission finds that the submitted LCP amendment request is in conformance with, and adequate to carry out the LUP for the following reasons:

(1) *All wetland ESHA on the parcel will be designated as RCA2(w).* The LCP amendment contains new wetland mapping delineating areas in and around Gilbert Creek as Palustrine wetlands. This delineation is consistent with the U.S. Fish and Wildlife Service's National Wetland Inventory which indicates that the portion of the project site crossed by Gilbert Creek as demarcated on the "Smith River" 7½-minute quadrangle contains seasonally-flooded Palustrine-Forested-Broadleaf Deciduous

(PFOIC) wetlands.[1] The amendment designates all such wetlands as a RCA2(w) (Wetlands) zone. Therefore, the amendment as submitted will serve to carry out the provisions of LUP Section VII.D.4.g that requires that the specific boundary limits of an identified environmentally sensitive habitat area be accurately delineated.

(2) *All areas either within 100-feet of the outer extent of the wetland ESHA or that consist of functionally-related adjacent forested hillside areas appropriate for inclusion within the wetland buffer will be designed as RCA2(wb).* The LCP amendment as submitted would zone all areas along the north side of Gilbert Creek that are within 100 feet of the outward edge of the Palustrine wetlands as RCA2(wb) (Wetland Buffer). In addition, the amendment includes all of the adjacent forested hillside on the southern side of Gilbert Creek as RCA2(wb) (Wetland Buffer), which will serve to carry out LUP Section IV.D.1.f which states that sufficiently wide protective zones be established along water courses and around sensitive habitat areas by incorporating natural vegetation buffer strips so as to protect habitat areas from the possible impacts of adjacent land uses. This action will also serve to ensure that the amended IP carries out the provisions of LUP Section IV.D.4.f, which requires that a buffer of one-hundred feet in width be established around the periphery of the identified riverine wetland ESHA. Inclusion of the forested hillside area will further strengthen the adequacy of this buffer by incorporating, consistent with the criteria within the 1981 *Statewide Interpretative Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas*: (a) lands with biological significance to federal and/or state species of concern who utilize wetlands for breeding or foraging habitat such as Del Norte salamander, southern torrent salamander, tailed frog, and Northern red-legged frog, as documented in the biological assessment prepared for the project; (b) areas of the parcel indicated on the geologic map submitted with the LCP amendment request as containing a erosion-susceptible landslide feature; (c) steep terrain natural topographic features that if so designated would help to locate development onto the flatter portions of the site; and (d) existing cultural features that further prescribe the extent of the buffer zone, namely the area co-terminus with the open space easement OTD.

(3) *The portions of the parcel that will be designated RR-5-D-C(s) would be limited to those remaining areas on the property lying beyond the environmentally sensitive habitat areas and their buffers*. This aspect of the amendment will ensure that the amended IP will be consistent with the

[1] See Classification of Wetlands and Deepwater Habitats of the United States, Cowardin, et al., U.S. Fish and Wildlife Service, December, 1979

> requirements of LUP Section VII.D.4.f that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which could significantly degrade such areas, and be compatible with the continuance of such habitat areas.

The amendment as submitted therefore conforms with and adequately carries out the LUP's New Development, and Marine and Water Resources policies.

2. Conclusion

The zoning code amendments as submitted conform with and are adequate to carry out the provisions of the County's Land Use Plan, particularly as relate to the protection of environmentally sensitive habitat areas as articulated in the Marine and Water Resources Chapter. Therefore, the Commission finds the County's Implementation Program as submitted conforms with and is adequate to carry out the requirements of the certified Land Use Plan as amended consistent with Section 30513 of the Coastal Act.

PART THREE: CALIFORNIA ENVIRONMENTAL QUALITY ACT

In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

> *...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.*

As discussed in the findings above, the amendment request is consistent with the California Coastal Act and will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

ATTACHMENT A: COUNTY RESOLUTION & ORDINANCE

EXHIBITS:

1. Location Map (Walters property)
2. Vicinity Map
3. County of Del Norte Assessor's Parcel Map 101-15
4. Site Plan Map
5. Excerpt, *Land Use* Map, Smith River Sub-region
6. Excerpt, *Land Use Constraints* Map, Smith River Sub-region
7. Existing Coastal Zoning Map B-2
8. Proposed Coastal Zoning Map B-2
9. Biological Report

BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA

RESOLUTION NO. 2008 - 085

A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS SUBMITTING AN ORDINANCE AMENDING ORDINANCE NO. 83-03 AND COUNTY CODE TITLE 21 BY ADOPTING NEW COASTAL ZONING MAP B-2 (Walters) TO THE COASTAL COMMISSION AS AN LCP AMENDMENT

WHEREAS, the County of Del Norte has adopted an ordinance amending the local Coastal Plan and Title 21 Coastal Zoning Ordinance; and

WHEREAS, this amendment has been reviewed and processed pursuant to the provisions of the Local Coastal Plan and Title 21 (Coastal Zoning); and

WHEREAS, an environmental determination (SCH# 2003092063) was prepared for the rezone in compliance with the California Environmental Quality Act; and

WHEREAS, this ordinance is intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Plan; and

WHEREAS, this amendment shall take effect and be enforced thirty (30) days after the date of the passage of the companion ordinance, and after approval of the amendment by the Coastal Commission, whichever is later.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Del Norte, State of California do hereby approve the changes as outlined by the attached Ordinance; and

BE IT FURTHER RESOLVED, that by submission of such changes to the Coastal Commission for certification, the Board of Supervisors is requesting the subject amendments be identified as requiring rapid and expeditious action.

PASSED AND ADOPTED this 23th day of Dec 2008, by the following polled vote:

AYES: Supervisors McNamer, McClure, Hemmingsen, Sullivan, Finigan

NOES: None

ABSENT: None

(David Finigan, Chair
Board of Supervisors

ATTEST:

Jeremi Ruiz, Clerk of the
Board of Supervisors, County
of Del Norte, State of California

ATTACHMENT A
COUNTY RESOLUTION & ORDINANCE

BOOK PAGE

BOARD OF SUPERVISORS
COUNTY OF DEL NORTE, STATE OF CALIFORNIA

ORDINANCE NO. 2008-013

AN ORDINANCE REPLACING COASTAL ZONING MAP B-2
PURSUANT TO CHAPTER 21.50B OF THE DEL NORTE COUNTY CODE.

The following ordinance, consisting of four sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Del Norte, State of California, at a regular meeting of the Board of Supervisors held on the 23 day of December, 2008, by the following vote:

AYES: Supervisors McNamer, McClure, Hemmingsen, Sullivan, Finigan

NOES: None

ABSENT: None

David Finigan, Chair
Del Norte County Board of Supervisors
State of California

ATTEST:

Jeremi Ruiz, Clerk
Del Norte County Board of Supervisors

APPROVED AS TO FORM:

DOHN HENION
Del Norte County Counsel

Date: December 23, 2008

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

Clerk of the Board

By:

The Board of Supervisors of the County of Del Norte, State of California, ordains as follows:

SECTION ONE. Effective date: This ordinance shall take effect and be enforced thirty (30) days after the date of its passage or approval of the rezone by the Coastal Commission, whichever is the latter. A summary shall be published fifteen (15) days after the passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Del Norte, State of California.

SECTION TWO. Authorization: Chapter 21.50B of the Del Norte County Code authorizes amendments to establish detailed zoning districts, to change district boundaries or to change any other provisions thereof whenever the public necessity and convenience and the general welfare require such amendment by following the procedure set forth in this chapter.

SECTION THREE. New Non-Coastal Zoning Map B-2: Non-Coastal Zoning Map B-2 is hereby replaced with a new Non-Coastal Zoning Area Map B-2 as specified in attached Exhibit "A."

SECTION FOUR. Severability: If any section, subsection, sentence, clause, phrase or specific fee of this ordinance is for any reason held to be invalid or unenforceable, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or specific fee thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or specific fees be declared invalid or unenforceable.

1. See R8409C For Detailed Boundary Delineation

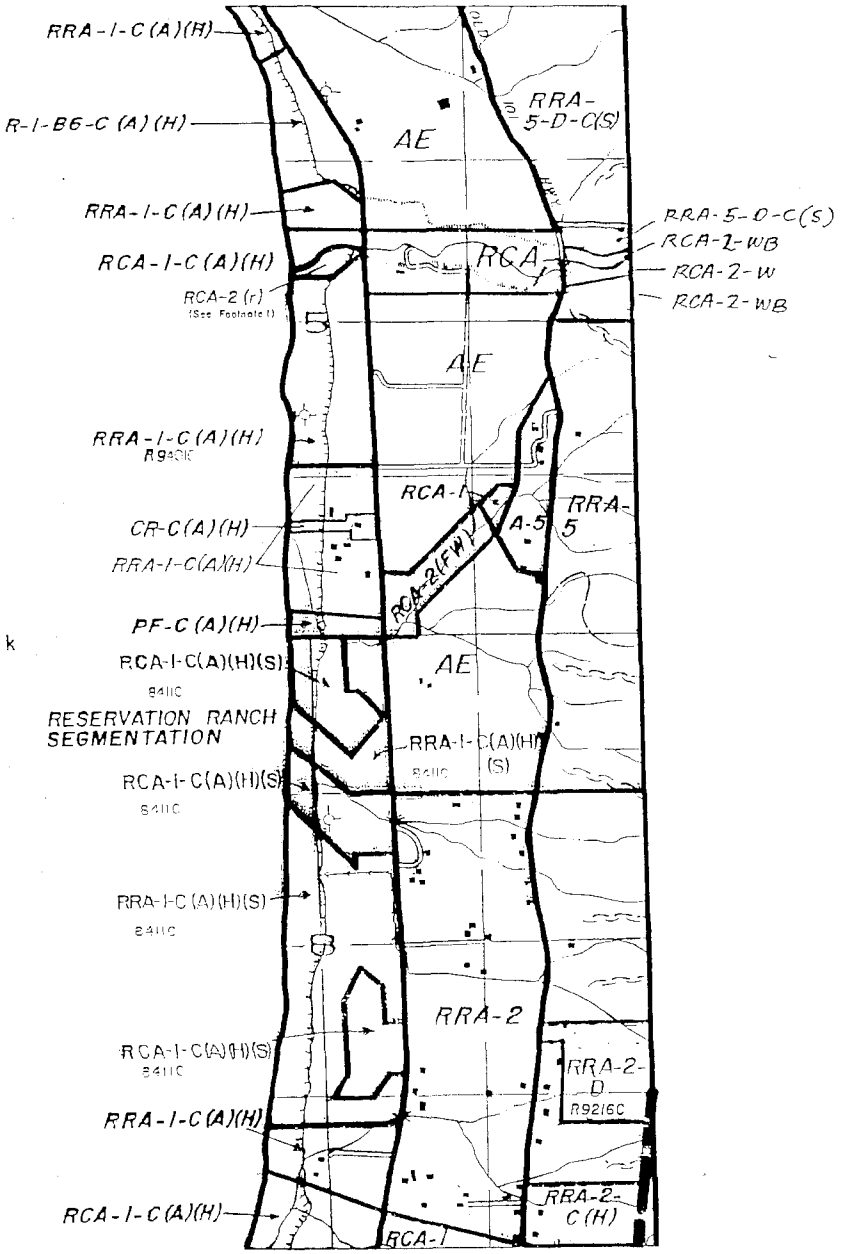


EXHIBIT A

Section 21.06.050 Ordinance 83-03

DEL NORTE CO. ZONING MAP

AREA B-2

SECTIONS 5 & 8

TWP 18 N RGE 1W HB&M

SMITH RIVER AREA

APPROVED BY PLANNING COMMISSION

APPROVED BY BOARD OF SUPERVISORS Richard L. Bass
COUNTY OF DEL NORTE, CALIFORNIA

83-03: Sept 6, 83
84-09: Aug 27, 84

REVISED: FEB. 94

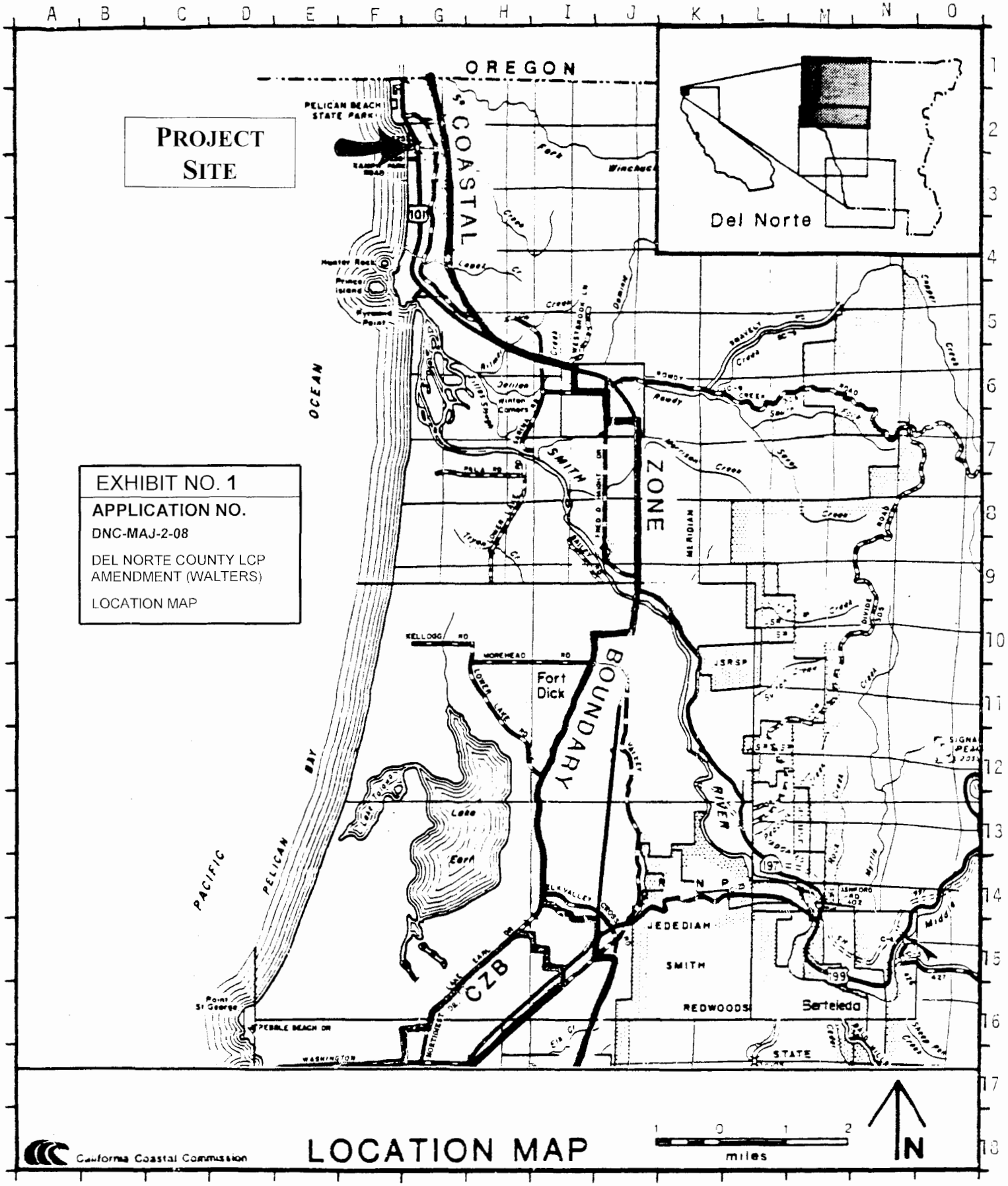


EXHIBIT NO. 1

APPLICATION NO.

DNC-MAJ-2-08

DEL NORTE COUNTY LCP AMENDMENT (WALTERS)

LOCATION MAP

County of Del Norte

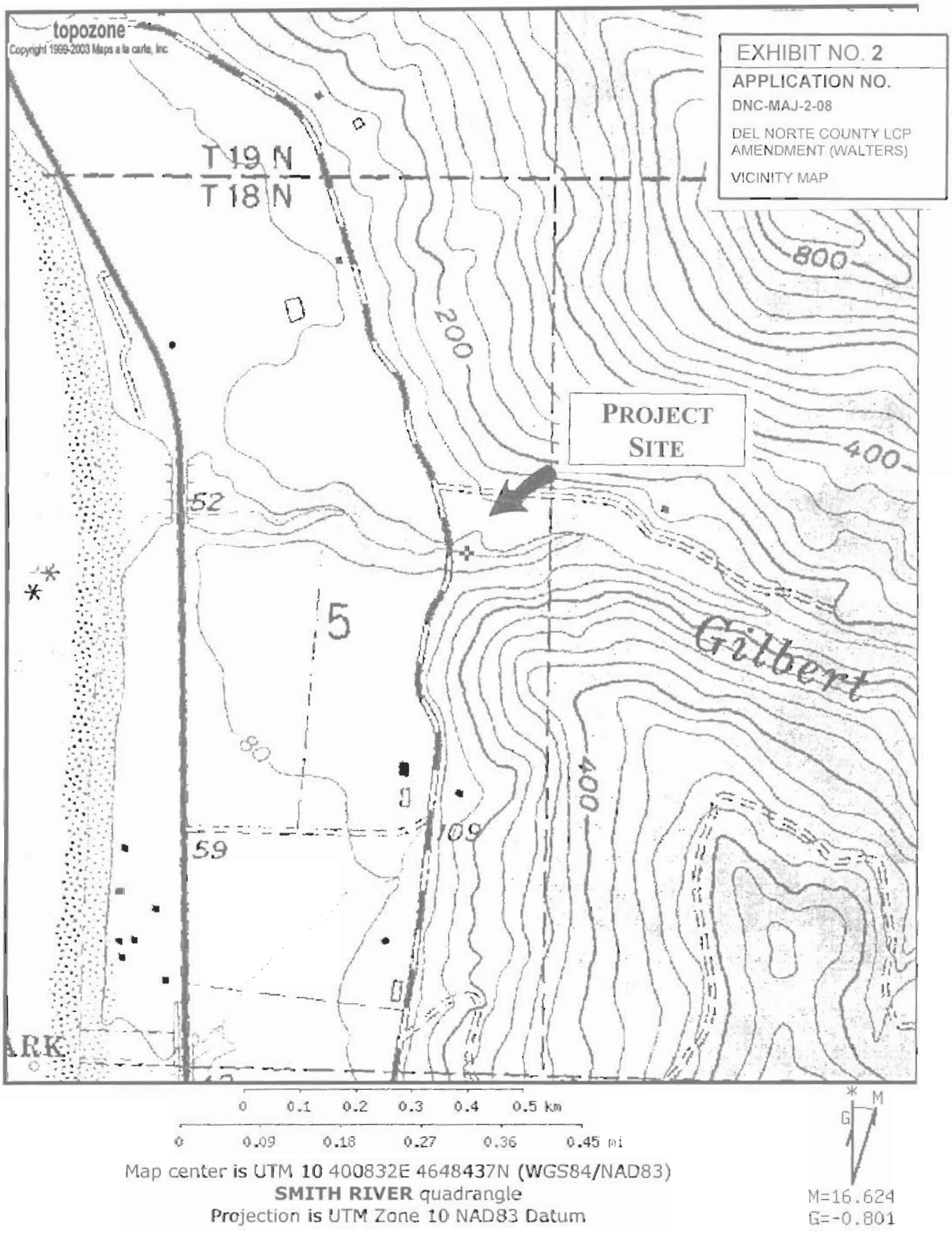


EXHIBIT NO. 2

APPLICATION NO.

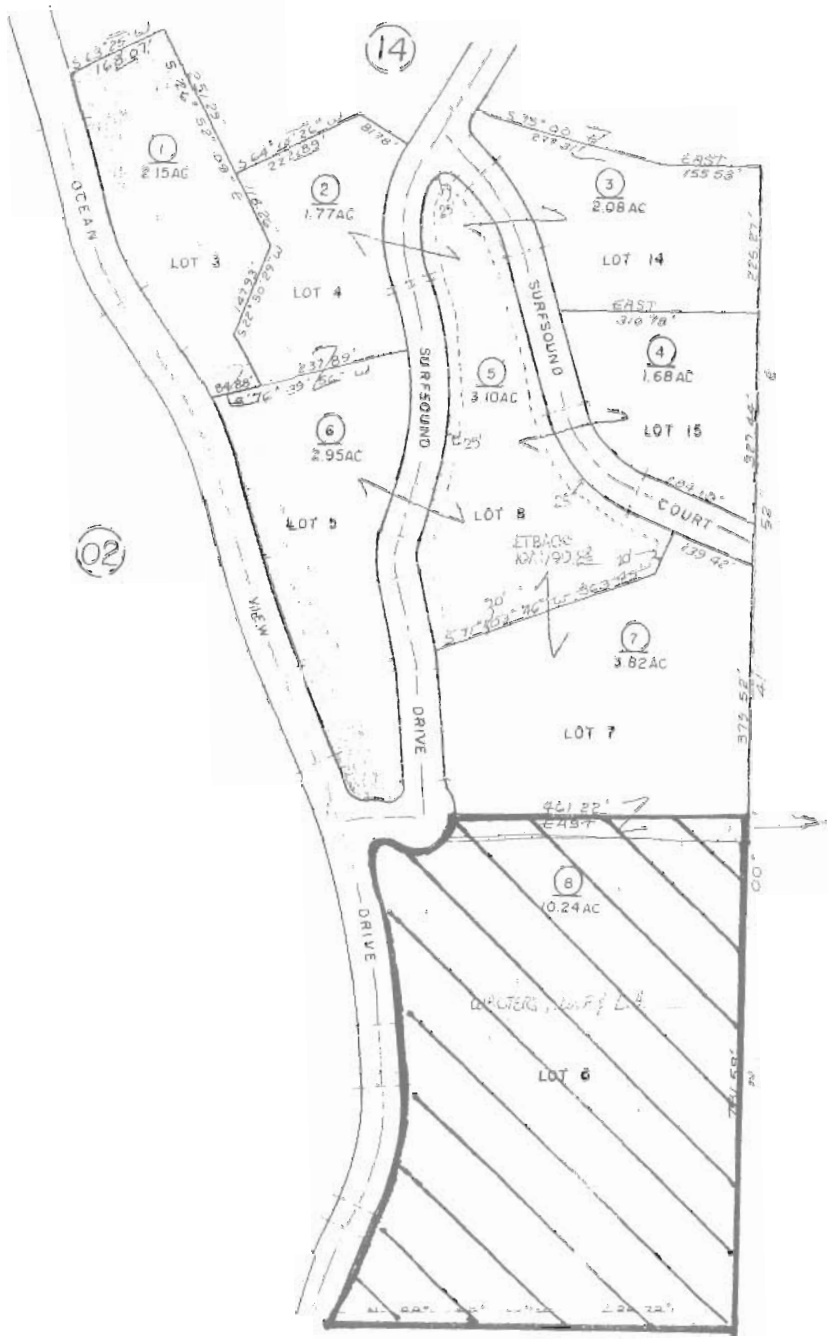
DNC-MAJ-2-08

DEL NORTE COUNTY LCP AMENDMENT (WALTERS)

VICINITY MAP

POR. SURFSOUND ESTATES SUBDIVISION
SEC. 5, T.18N., R.1W., H.B. & M.
BK. 9 PGS. 140-142

101-15



OPEN SPACE EASEMENT

NOTE - FOR FURTHER DETAIL SEE BK 9 PGS. 140-142

N

1" = 200'

EXHIBIT NO. 3
APPLICATION NO.
DNC-MAJ-2-08
DEL NORTE COUNTY LCP AMENDMENT (WALTERS)
COUNTY OF EL NORTE
ASSESSOR'S PARCEL MAP
101-15

WALTERS, BRIEN

Rezone

R0401

101-150-08

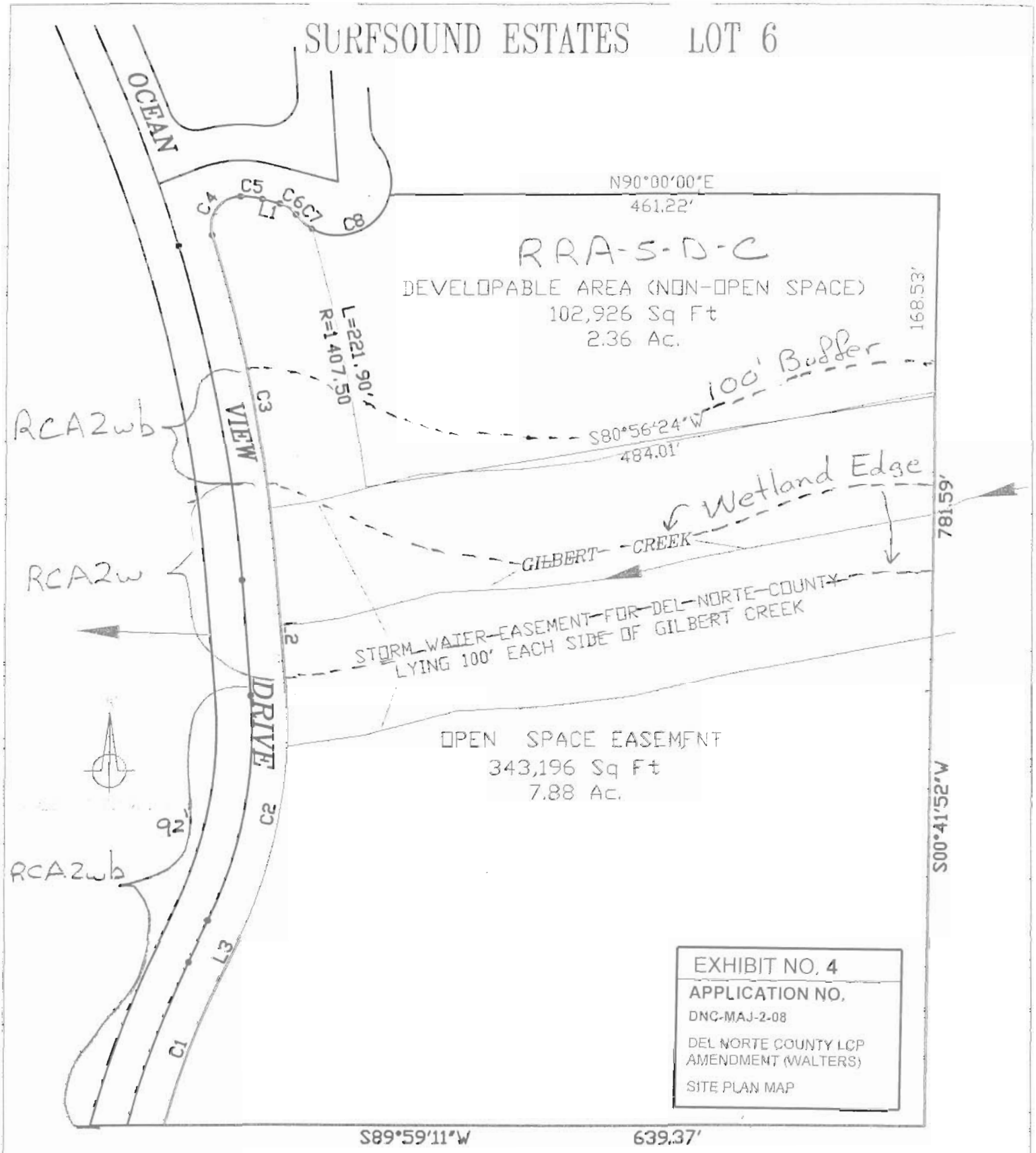


EXHIBIT NO. 4
APPLICATION NO.
DNC-MAJ-2-08
DEL NORTE COUNTY LCP AMENDMENT (WALTERS)
SITE PLAN MAP

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	CHORD BRG	DELTA
C1	133.44	770.00	133.44	S25°49'16"W	9°55'46"
C2	211.03	395.00	211.03	N10°26'49"E	30°36'40"
C3	893.20	1325.00	893.20	N31°09'53"W	121°40'43"
C4	46.46	25.00	46.46	S35°44'24"W	106°29'15"
C5	18.96	70.00	18.96	N83°15'32"W	15°30'55"
C6	16.67	25.00	16.67	N56°23'39"W	38°12'50"
C7	18.50	45.00	18.50	S49°03'53"E	23°33'19"
C8	82.19	45.00	82.19	N66°49'34"E	104°39'12"

LINE TABLE

LINE	LENGTH	BEARING
L1	15.49	S75°30'04"E
L2	96.79	S04°49'31"E

AERIAL PHOTOGRAPHY & MAPPING
LAND-AERIAL-HYDROGRAPHIC SURVEYS
DIGITAL ORTHOPHOTO MAPPING
AERIAL VOLUME STUDIES
LOW ALTITUDE HELICOPTER MAPPING
GPS AND ROBOTIC EQUIPPED
Richard B. Davis Co.
PH 707-457-3272 FAX 707-457-3157 CELL 707-954-3249
100 MINER'S CAMP ROAD PO BOX 30 GASQUET, CA 95543
www.airmaps.com www.davis7701@charter.net

EXHIBIT NO. 5

APPLICATION NO.
DNC-MAJ-2-08
DEL NORTE COUNTY LCP
AMENDMENT (WALTERS)
EXCERPT *LAND USE* MAP,
SMITH RIVER SUB-REGION

LEGEND

AGRICULTURE

- AGRICULTURAL PRIME
- AGRICULTURAL GENERAL 20 ACRE MINIMUM
- AGRICULTURAL GENERAL 5 ACRE MINIMUM
- AGRICULTURAL INDUSTRIAL AREA
- WOODLOT - 1 D U / 2 ACRES
- WOODLOT - 1 D U / 3 ACRES
- WOODLOT - 1 D U / 5 ACRES

PACIFIC

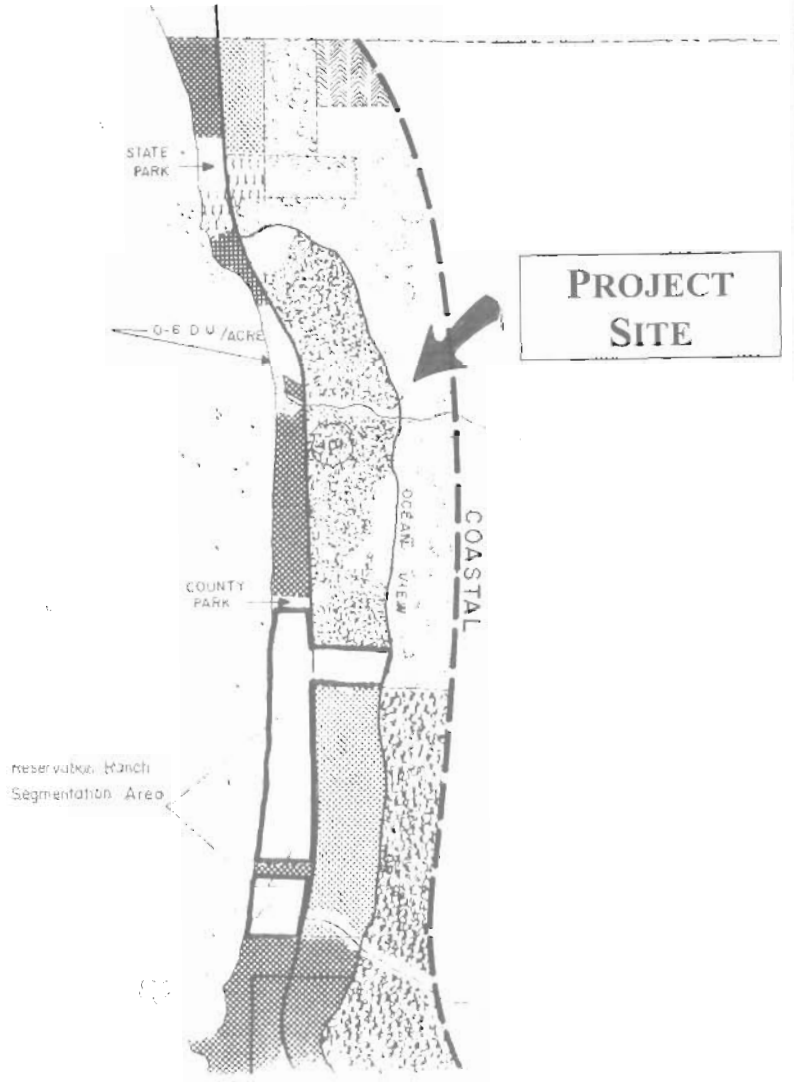
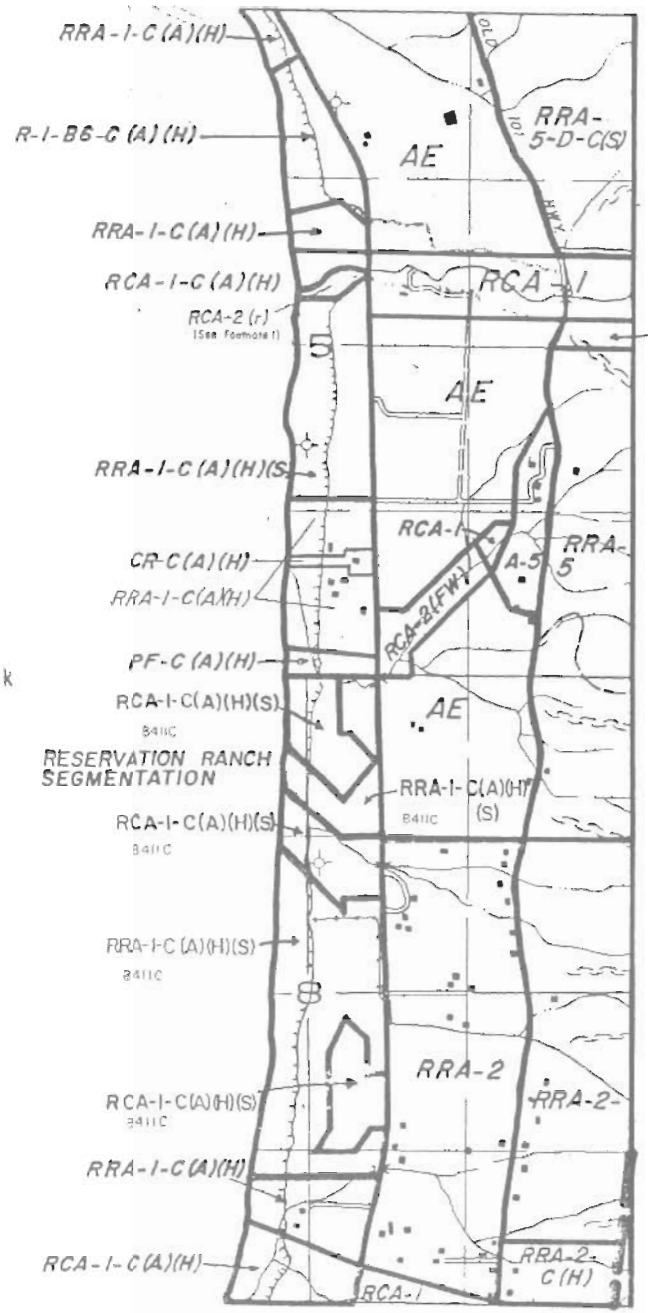


EXHIBIT NO. 6

APPLICATION NO.
DNC-MAJ-2-08
DEL NORTE COUNTY LCP AMENDMENT (WALTERS)

EXCERPT, LAND USE CONSTRAINTS MAP, SMITH RIVER SUB-REGION

1. See R84C9C for Detailed Boundary Delineation



NOTE: This map to be superceded by new zoning map B-2, as described in Exhibit 'A'

Cone Rock

EXHIBIT NO. 7

APPLICATION NO.
DNC-MAJ-2-08
DEL NORTE COUNTY LCP AMENDMENT (WALTERS)
EXISTING COASTAL ZONING MAP B-2

Section 21.06.050 Ordinance 83-03

DEL NORTE CO. ZONING MAP

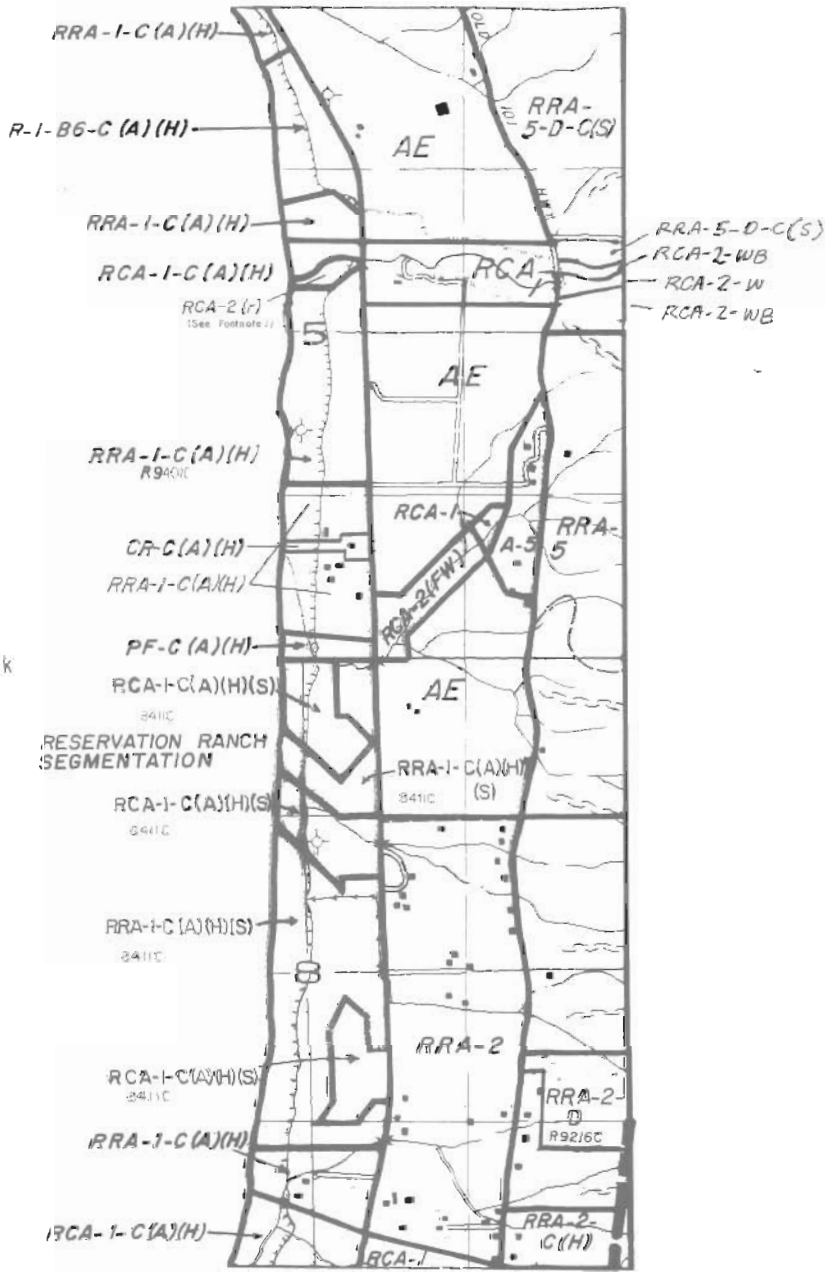
AREA B-2

SECTIONS 5 & 8
TWP 18 N RGE 1W HB&M
SMITH RIVER AREA

APPROVED BY PLANNING COMMISSION
APPROVED BY BOARD OF SUPERVISORS
COUNTY OF DEL NORTE, CALIFORNIA
83-03: Sept 6, 83
84-09: Aug 27, 84
87-12: July 86

FT.

See R8405 For Detailed Boundary Delineation



Section 21.06.050 Ordinance 83-03

DEL NORTE CO. ZONING MAP

AREA B-2

SECTIONS 5 & 8

TWP 18 N RGE 1W HB & M

SMITH RIVER AREA

APPROVED BY PLANNING COMMISSION

APPROVED BY BOARD OF SUPERVISORS

COUNTY OF DEL NORTE, CALIFORNIA

83-03 Sept 6, 83

84-09 Aug 27, 84

REVISED FEB. 94

EXHIBIT NO. 8

APPLICATION NO.

DNC-MAJ-2-93

DEL NORTE COUNTY LCP AMENDMENT (WALTERS)

PROPOSED ZONING MAP

GALEA WILDLIFE CONSULTING

200 Raccoon Court . Crescent City . California 95531
Tel: 707-464-3777
E-mail: frankgalea@charter.net • Web: www.galeawildlife.com

BIOLOGICAL ASSESSMENT FOR PROPOSED REZONE OF WALTERS 10.6 ACRES, LOT 6, SURFSOUND ESTATES, SMITH RIVER

(T18N, R1W, Sec. 5, NE 1/4, SE 1/16)

Submitted to: Mr. Brien Walters
P.O. Box 19736
Reno, Nevada, 89511

Prepared by: Frank Galea, Certified Wildlife Biologist
E-mail: frankgalea@charter.net

Galea Wildlife Consulting, Inc.
200 Raccoon Court
Crescent City, CA 95531

Submitted: July 2008

By:

TABLE OF CONTENTS

SUMMARY

A biological assessment was conducted for a proposed rezoning of the Walter's property in Del Norte County. This project is located on a 26.74 acre property north of the town of Smith River (Figure 1) and is located within the jurisdiction of the California Coastal Commission. Gilbert Creek, an anadromous fish stream, runs through the property and wetland habitats were located along each bank. Except for fish in the creek no sensitive wildlife species was found on the property and no sensitive plants were found during a botanical survey. Wetlands were protected by 100 foot buffers. Overall, this project as proposed would have no significant impacts upon any sensitive or rare wildlife species.

INTRODUCTION

Mr. Brien Walters of Reno, Nevada is proposing to rezone a 10.6 acre property. Galea Wildlife Consulting was contracted to provide a biological, botanical and wetland assessment to determine the possible impacts of the project on sensitive plant and wildlife species, including those which are federally or state listed.

The property is located at the entrance of the Surfsound Estates east of Highway 101 (Figure 2). As one enters Surfsound Estates off of Ocean View Drive, the property is immediately to the south. Gilbert Creek runs through the midst of the property. Several benches occurred on the north bank of Gilbert Creek from the creek up to a flat meadow. Elevation of the property is approximately 60 feet at Gilbert Creek to 400 feet at the top of a hill on the south side of the creek..

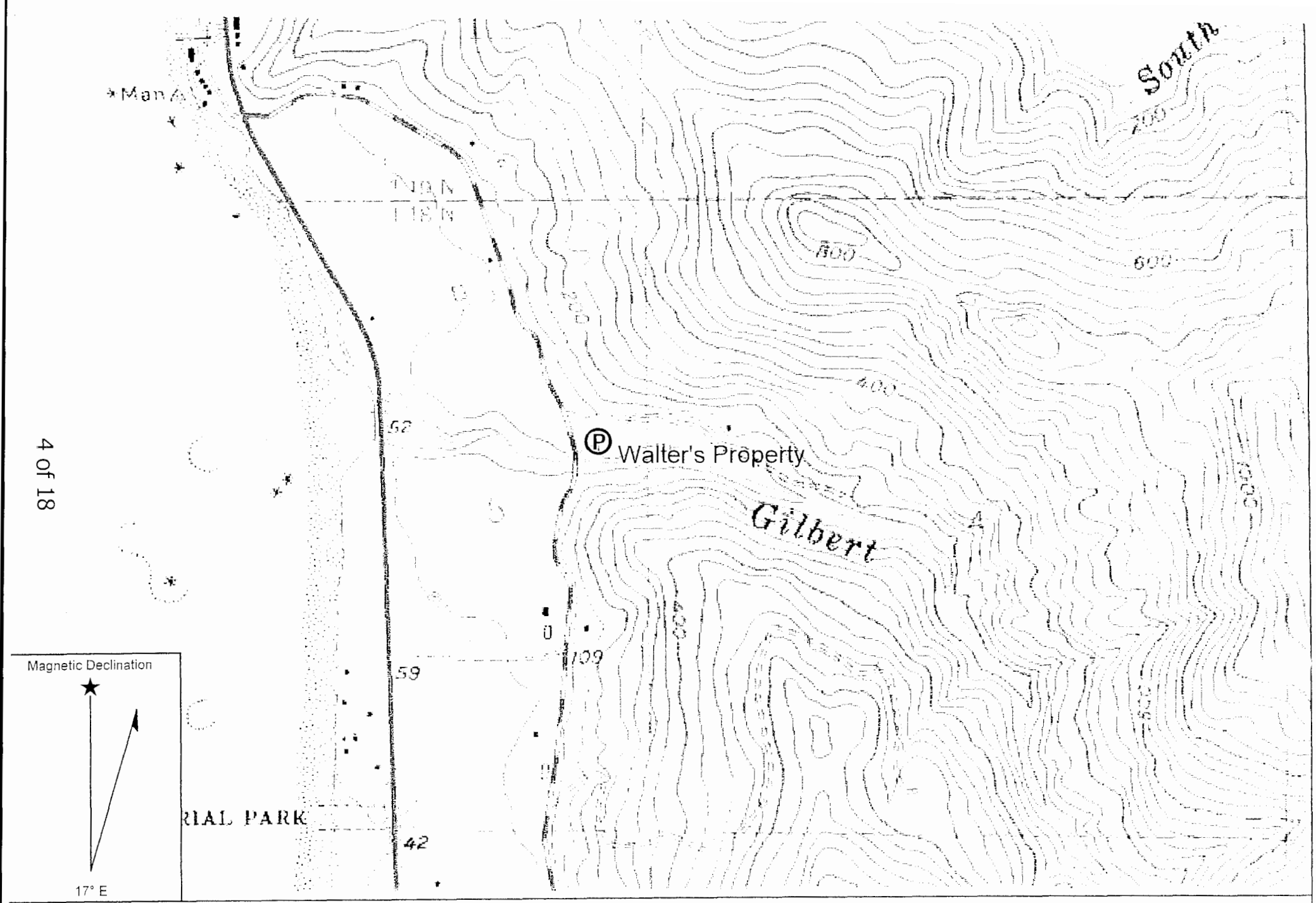
METHODS

Records Search

A records search of the California Department of Fish and Game's (CDFG) Natural Diversity Data Base (CNDDB, 2008) was conducted to determine if any additional special-status plant or animal species had been previously reported within or near the project area. An assessment area of two miles around the project area was searched. For the purposes of this report, special-status plant and animal species are defined as those listed in the California Fish and Game Code as Rare, Threatened or Endangered, those listed as Threatened or Endangered under the Federal Endangered Species Act, candidates for state or federal listing, and unlisted species that may be significantly affected and warrant consideration. Also consulted was the U.S. Fish and Wildlife Service list of federally-listed species for Del Norte County. Federal or State Endangered, threatened and sensitive wildlife species potentially occurring within the assessment area are presented in Table 1.

Field Investigation

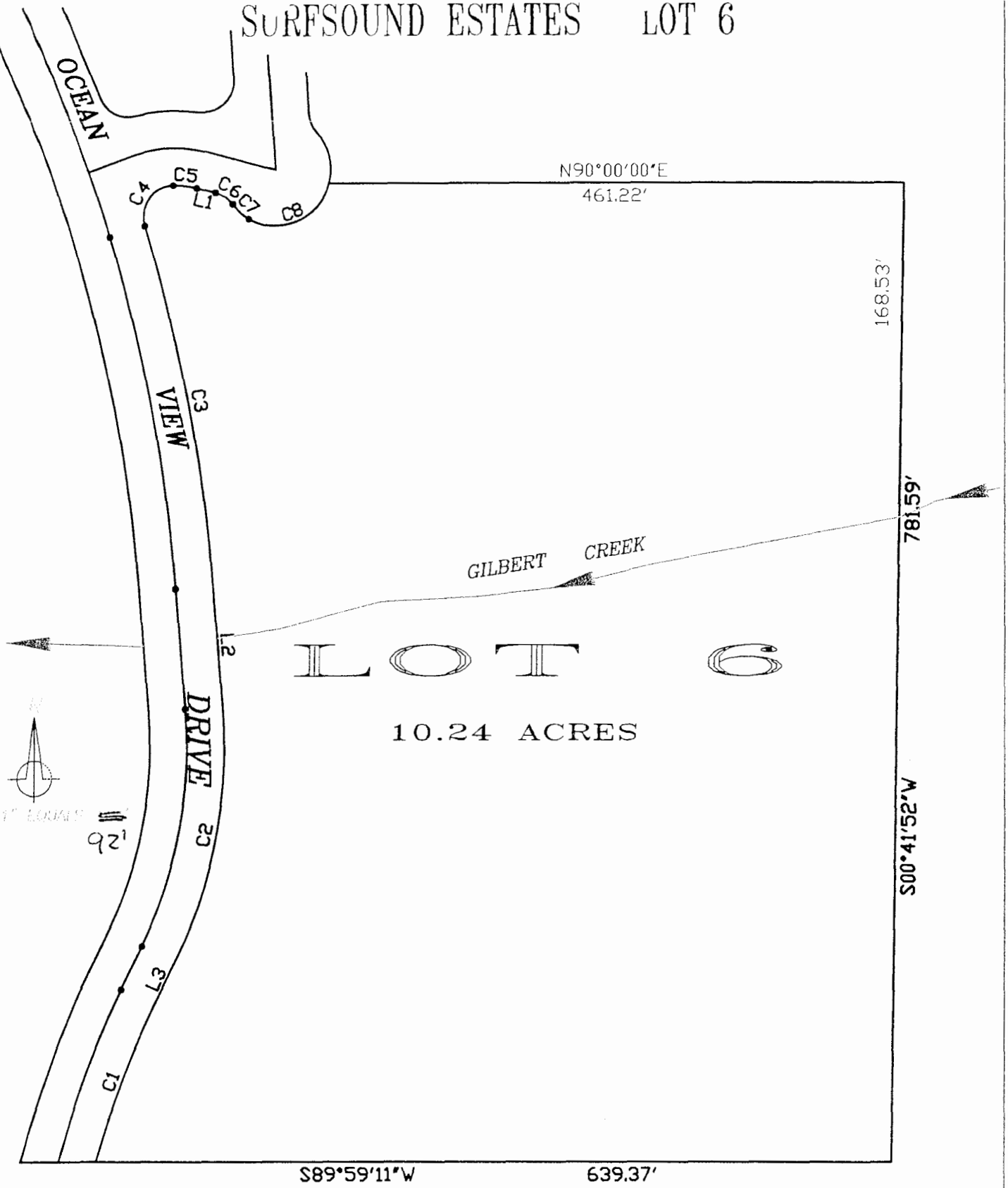
A field investigation of the project and surrounding area was conducted in May of 2003, June of 2004 and again in June of 2008. Certified Wildlife Biologist Frank Galea conducted the field review for wildlife species. All potential habitats within the project area and within 1/4 mile around the project area were assessed for their potential for listed wildlife species. Also reviewed during the field investigation was any potential for wetlands or sensitive vegetative communities which may occur in the project area. Consulting Botanist Lindsay Herrera conducted a botanical survey of that portion of the property north of Gilbert Creek, searching for sensitive plant species or wetland indicator species.



Name: SMITH RIVER
Date: 7/28/2008
Scale: 1 inch equals 1000 feet

Location: 10 0401095 E 4648261 N NAD 27
Caption: Figure 1. Location of Walter's property relative to Gilbert Creek and surrounding area.

SURFSOUND ESTATES LOT 6



CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	CHORD BRG	DELTA
C1	133.44	770.00	133.44	S20°49'16"W	9°55'46"
C2	211.03	395.00	211.03	N10°28'49"E	30°36'40"
C3	293.20	1325.00	293.20	N11°09'53"W	12°40'43"
C4	46.46	25.00	46.46	S35°44'24"W	106°29'15"
C5	18.96	70.00	18.96	N83°15'32"W	15°30'55"
C6	16.67	25.00	16.67	N56°23'39"W	38°12'50"
C7	18.50	45.00	18.50	S49°03'53"E	23°33'19"
C8	82.19	45.00	82.19	N66°49'34"E	104°39'12"

LINE TABLE		
LINE	LENGTH	BEARING
L1	15.49	S75°30'04"E
L2	96.79	S04°49'31"E

RESULTS AND POTENTIAL IMPACTS

Records Search

The CDFG Natural Diversity Data Base (CNDDB, 2008) provided a summary of those federal and state-listed and sensitive wildlife species and their mapped locations, reported to have occurred at least once within the Smith River quadrangle. Except for cutthroat trout, none of the mapped locations were from within or near the project area.

A list of sensitive or listed species potentially occurring in the vicinity of the project area is presented in Table 1, including the common and scientific names for each. The listing status of each species and if potential habitat (as determined by GWC, based upon a review of habitat available within the project area) was located within the project area is also indicated in Table 1. The rational for habitat determinations per species is provided in Appendix A, in the Habitat Analysis section.

Habitat Analysis for Fish and Wildlife

A habitat assessment for sensitive wildlife species was initially conducted in March of 2003. Except for fisheries, the project area was found to contain limited potential for wildlife species listed in Table 1. No occurrences of threatened, endangered or otherwise sensitive wildlife species are listed in the CNDDB for the project site. Potential for anadromous fish species are noted as the property is located along Gilbert Creek.

Threatened or Endangered Species: Table1 shows limited foraging habitat for the northern spotted owl. On the south side of Gilbert Creek there is a stand of potential foraging habitat located on a hill on the property. The stand is comprised of early seral stage second-growth with no potential as nesting habitat for spotted owls. North of Gilbert Creek the property was open with no potential habitat for spotted owls.

Chris Howard, biologist for Green Diamond Resources Company, reported that northern spotted owl surveys had been conducted approximately 1.5 miles southeast of the property in 2004 and 2005. During their surveys, no northern spotted owls were detected. Surveys for other timber-harvest projects in the general area have revealed no evidence of spotted owls in the area.

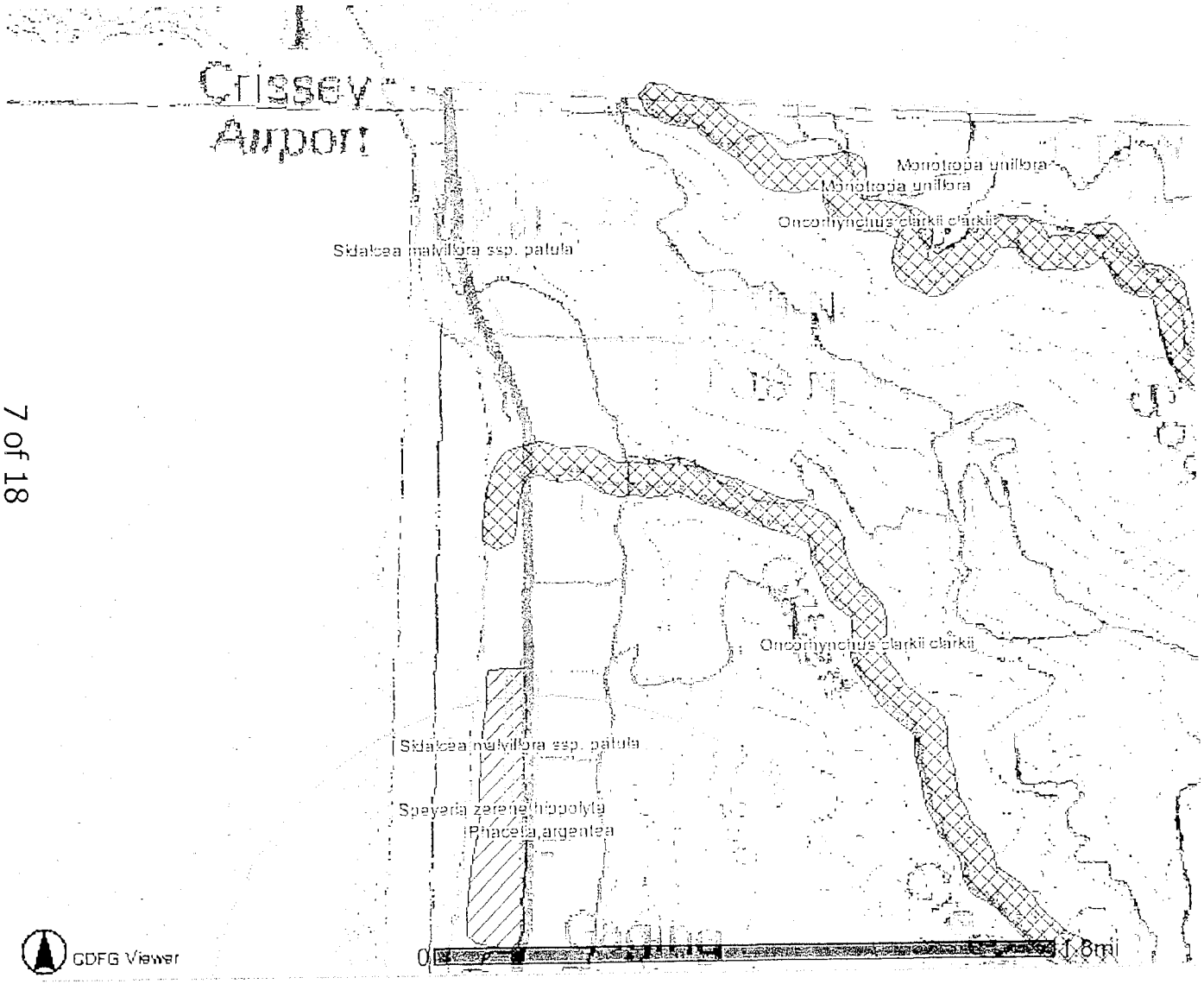
No evidence of potential spotted nesting habitat was noted on or near the property. Therefore, spotted owls could potentially forage in the area, but it is unlikely that they nest near the property. No potential habitat for any other threatened or endangered species was noted within the project area. This project, therefore, would have no potential impacts upon any threatened or endangered species.

Amphibians: Although no amphibian species were noted in the CNDDB, Table 1 notes potential for a number of amphibian species, primarily due to the proximity of Gilbert Creek. Potential habitat for the Del Norte salamander was located on the hill on the property south of Gilbert Creek, where small rock outcrops potentially could contain this species. This species was recently downgraded as sensitive by the U.S. Forest Service and Department of the Interior, primarily as surveys had located this species far beyond where it was once thought to only exist. This species is relatively abundant in Del Norte County.

Walters Rezone, CNDDB Search Results

Info: Site available at http://imaps.dfg.ca.gov

Author: Galea Wildlife Consulting
Date: 7/25/2008 10:18 AM



Map Legend

California Natural Diversity Database (com) [ds85]

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terr. Comm. (80m)
- Terr. Comm. (specific)
- Terr. Comm. (non-specific)
- Terr. Comm. (circular)
- Aqu. Comm. (80m)
- Aqu. Comm. (specific)
- Aqu. Comm. (non-specific)
- Aqu. Comm. (circular)

Western States

Mexico

Suitable habitat for the northern red-legged frog was noted on that portion of the property north of Gilbert Creek. This section contains open meadow, where this species can usually be found in abundance. Although abundant in Del Norte County and not a protected species in this area, this species is rapidly declining in other areas of it's range and therefore deserves careful consideration where found.

Suitable habitat for the Torrent salamander and tailed frog was found in and along Gilbert Creek. Properly maintained riparian buffers (50 feet out from the edge of riparian habitat, approximately 150 feet from the creek) is sufficient for the protection of these species. A steep bank is located between the creek and meadow area on the north side of the property, which combined with riparian buffers, will provide good protection of the riparian and aquatic habitats used by these species.

Fish: Several species of anadromous fish are known to occur in Gilbert Creek, including coastal cutthroat trout and steelhead. Coho and chinook salmon are not known of in this creek. Riparian buffers will be adequate for protection of riparian and aquatic habitats of Gilbert Creek, as the riparian buffers extend above and beyond the banks along the creek.

Table 1 . Sensitive Wildlife Species Occurring or with the Potential to Occur Within the Assessment Area
(From CNDDB Quad search, USFWS Del Norte County list, and GWC sources)

Common Name	Scientific Name	Federal Status	State Status	Breeding Habitat in Project Area?	Forage Habitat in Project Area?
BIRDS					
Northern spotted owl	*Strix occidentalis caurina*	FT	CSC	No	Limited
FISH					
Coastal cutthroat trout	*Oncorhynchus clarki clarki*	SC	None	Yes	Yes
Summer-run steelhead trout	*Oncorhynchus mykiss irrideus*	FC	CSSC	No	Yes
AMPHIBIANS					
Del Norte salamander	*Plethodon elongatus*	SC	Yes	Yes	Yes
Southern torrent (=seep) salamander	*Rhyacotriton variegatus*	SC	Yes	Yes	Yes
Tailed frog	*Ascaphus trueii*	SC	Yes	Yes	Yes
Northern red-legged frog	*Rana aurora aurora*	None	CSC	Yes	Yes
INVERTEBRATES					
Oregon silverspot butterfly	*Speyeria zarene hippolyta*	FT	SC	No	No

Codes:

Federal Status	
FE	Federally endangered
FT	Federally threatened
FC	Federal candidate for listing
FSC	Federal species of concern
FPE	Federally proposed for endangered listing
FPT	Federally proposed for threatened listing

State Status	
CE	California endangered
CT	California threatened
CCE	California candidate for endangered listing
CSC	California species of concern (CDFG)
CFP	California fully protected

Invertebrates: The CNDDB has a record of a Oregon silverspot butterfly population being located along the coast near the project area. This species is dependant on coastal dune scrub or coastal meadow habitat, such is found along the beach. This project is well distant from the coast and does not contain such habitat.

Non-Sensitive Species: The project area is commonly used by Roosevelt elk (*Cervus elaphus roosevelti*) for forage habitat and as a corridor between shelter habitat on the east side of the hills and potential forage habitat in the form of agricultural fields on the flat below. Elk likely use the dense overstory canopy along stream channels during warm weather.

Botanical survey and Habitat Analysis- Vascular Plants

The California Native Plant Society Inventory includes five lists for categorizing plant species of concern. The plants on the CNPS list 1A, 1B and 2 constitute the "de facto" rare, endangered, and threatened plants pursuant to Section 15380 of the California Environmental Quality Act (CEQA). The plants on these lists meet the definitions under the Native Plant Protection Act and/or the California Endangered Species Act of the California Department of Fish and Game Code and are eligible for state listing.

Plant species which are the target of botanical surveys include regionally occurring Special Status plants identified by the CDF&G. Special Status plant taxa are species, subspecies, or varieties that fall into one or more of the following categories, regardless of their legal or protection status:

- Officially listed by California or the Federal government as Endangered, Threatened, or Rare;
- A candidate for state or federal listing as Endangered, Threatened, or Rare;
- Taxa which meet the criteria for listing, even if not currently included on any list, as described in Section 15380 of the California Environmental Quality Act (CEQA) Guidelines;
- Taxa designated as a special status, sensitive, or declining species by other state or Federal agencies, or non-governmental organizations (NGO).
- Taxa that are biologically rare, very restricted in distribution, or declining throughout their range but not currently threatened with extirpation;
- Population(s) in California that may be peripheral to the major portion of a taxon's range but are threatened with extirpation in California;
- Taxa closely associated with a habitat that is declining in California at an alarming rate (e.g., wetlands, riparian, old growth forests, desert aquatic systems, native grasslands, valley shrub-land habitats, vernal pool, etc.); and
- Taxa considered by the California Native Plant Society to be "rare, threatened, or endangered in California" (Lists 1B and 2).

Several sensitive plant species were recorded in the CNDDB as occurring along the beach west of the project area. Habitats along the beach conducive to sensitive plants were not found in the project area. The project area consists solely of cleared conifer forest with dense brush.

The California Natural Diversity Database contained six sensitive vascular plant species for the Smith River quadrant (Table 2). Others are included in Table 2 due to their potential in the area, and the botanist identified several other target species to search for (Appendix B).

Table 2. Rare Plant Query and Assessment Results, Walters Rezone Project

Common Name	Scientific Name	Habitat Present	Rationale or Location
Indian pipe	*Monotropa uniflora*	N	No mature conifer stands remaining
Wolf's evening primrose	*Oenothera wolfii*	Y	Coastal prairie or coastal dune habitat present
Sand dune phacelia	*Phacelia argentea*	N	No coastal dunes present
Horned butterwort	*Pinguicula vulgaris ssp. macroceras*	N	No bogs, fens or serpentine present
Siskiyou checkerbloom	*Sidalcea malviflora ssp. patula*	Y	Grass dominated areas present
Coast checkerbloom	*Sidalcea oregana ssp. eximia*	Y	Coastal prairie or grass present
Howell's jewel-flower	*Streptanthus howellii*	N	No montane coniferous forests present

An upland species, *Monotropa uniflora,* was reported from the hills to the east, where conifer stands are dominated by Douglas-fir. *Monotropa,* or Indian-pipe, is a saprophytic plant which can be found within timbered stands with a relatively high percentages of Douglas-fir, usually with an association of tan oak. This project is in a redwood/spruce-dominated area with very little fir or tan oak, therefore the potential for this species occurring is very low. Also, timber harvest has already occurred for this property, leaving very little habitat for this species. It is not a Federally-listed species, but a California Native Plant Society level 2 (not rare or endangered) plant.

The other sensitive plant species are associated with coastal dune habitats, which are not found on or near the project area. They are noted from the CNDDB due to the proximity of the beach to this project, and could not be excluded from the CNDDB search criteria. However, there are no habitats for coastal sensitive plant species on or near the property.

The botanist found no sensitive plant species within the meadow area or riparian corridor on the property north of Gilbert Creek. The south side of the property was not assessed. A complete list of all vascular plants found in the survey area is provided in the botanists report, Appendix B.

Wetlands and Protective Buffers

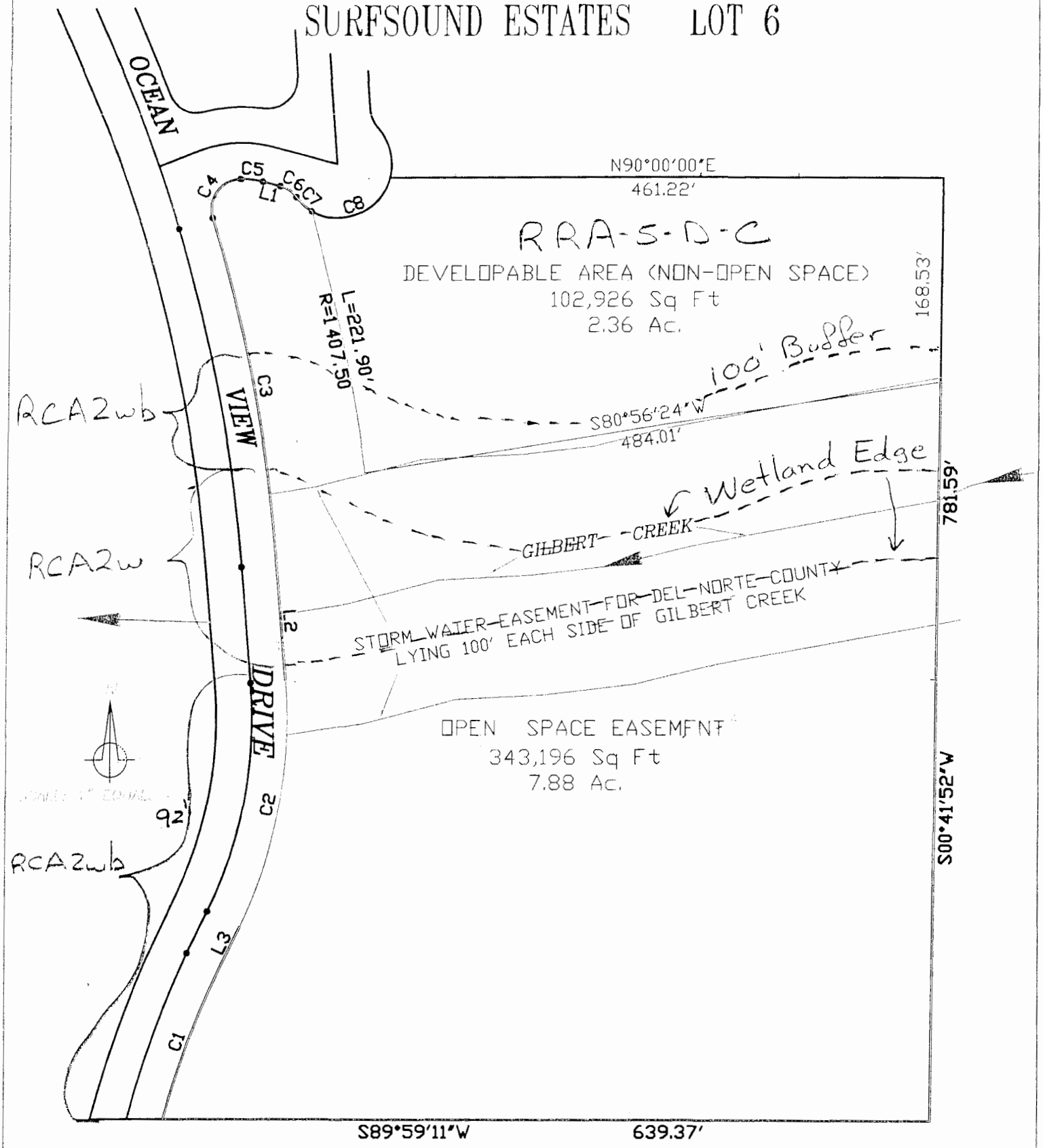
Palustrine wetlands were found along Gilbert Creek. Palustrine wetlands is the name for a group of wetlands traditionally referred to as a marsh, swamp, bog, fen, or prairie. Bottomland riparian areas with poor drainage which are seasonally inundated during the growing season can qualify as palustrine wetlands (Tiner, 1999).

Potential palustrine wetlands were identified by the following indicators: a) the extent of the first flat bench immediately adjacent to Gilbert Creek, b) dense understory vegetation consisting primarily of salmonberry with occasional, spaced hydric species such as sedges and rushes, with an overstory of alder. From the edge of the potential palustrine wetlands a 100 foot buffer was measured using a 200 foot tape. To accurately map this buffer line, measurements using a 200 foot tape were anchored on the road edge to the north, which is delineated on survey maps.

On the north side of Gilbert Creek, a 100 foot buffer to wetland habitat was delineated. This was conducted as requested in Coastal Commission's Suggested Modifications No.1, Item b (Coastal Comm., Feb 3, 2005). Pink flagging was hung along the edge of the 100 foot wetland buffer. To accurately map this buffer line, measurements using a 200 foot tape were anchored on the road edge to the north, which is delineated on survey maps. The distance from the edge of the road to the buffer line at several points along the line was measured, beginning at the northeast corner of the property and moving west (Table 3). Coastal Commission's Suggested Modifications No.1, Item c. (Coastal Comm., Feb 3, 2005) requests that any area within 50 feet of riparian habitat outside of the 100 foot wetland buffer also be re-zoned, however this did not occur on the north side of Gilbert Creek.

On the south side of Gilbert Creek palustrine wetlands did not extend as far from the creek, and the previously flagged 50 foot buffer to the riparian strip exceeds the 100 foot distance from the southerly edge of the potential wetland area. This point is relatively mute, however, as the Coastal Commission staff recommended that the "functionally-related heavily sloped forested hillside on the southern half of the property" (page 15 of staff recommendations) also be set aside as a wetland buffer (RCA2wb), which the Applicant is willing to comply with. The land south of the riparian buffer has already been designated as an open space easement pursuant to previous arrangements made during the original property split in 1984, and is therefore not available for logging or development in any case.

SURFSOUND ESTATES LOT 6



CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	CHORD BRG	DELTA
C1	133.44	770.00	133.44	S20°49'16"W	9°55'46"
C2	211.03	395.00	211.03	N10°28'49"E	30°36'40"
C3	893.20	1325.00	893.20	N11°09'53"W	12°40'42"
C4	46.46	25.00	46.46	S35°44'24"W	106°29'15"
C5	18.96	70.00	18.96	N83°15'32"W	15°30'55"
C6	16.67	25.00	16.67	N56°23'39"W	38°12'50"
C7	18.50	45.00	18.50	S49°03'53"E	23°33'19"
C8	82.19	45.00	82.19	N66°49'34"E	104°39'12"

LINE TABLE		
LINE	LENGTH	BEARING
L1	15.49	S75°30'04"E
L2	96.79	S04°49'31"E

AERIAL PHOTOGRAPHY & MAPPING
LAND-AERIAL-HYDROGRAPHIC SURVEYS
DIGITAL ORTHOPHOTO MAPPING
AERIAL VOLUME STUDIES
LOW ALTITUDE HELICOPTER MAPPING
GPS AND ROBOTIC EQUIPPED

Richard B. Davis Co.

PH 707-457-3272 FAX 707-457-3157 CELL 707-954-3249
100 MINER'S CAMP ROAD PO BOX 30 CRESCENT, CA 95543
www.airmaps.com www.davis7701@charter.net

Table 3. Measurements used to delineate wetland buffers on the north side of Gilbert Creek.

Table 3. Measurement used to delineate wetland buffer, north of Gilbert Creek.	
Distance (in feet) due west from northeast corner property	Distance to flagged 100 foot buffer to wetlands (in feet).
0	120
100	156
200	187
407	199
481	175

STAFF QUALIFICATIONS

Habitat assessment and report writing for this project was conducted by Principal Biologist, Frank Galea. Frank is the primary Biological Consultant and owner of Galea Wildlife Consulting, established in 1989. Frank is Certified as a Wildlife Biologist through the Wildlife Society. Frank's qualifications include a Master of Science Degree in Wildlife Management from Humboldt State University and a Bachelor of Science in Zoology from San Diego State University. Frank has been assessing habitat and conducting field surveys for Threatened and Endangered species for over 12 years. Frank has taken an accredited class on wetland delineation through the Wetland Training Institute, and has successfully completed a Watershed Assessment and Erosion Treatment course through the Salmonid Restoration Federation.

Botanical and wetland assessment was conducted by consulting botanist Lindsay Herrera. Lindsay has a B.S. in Environmental Science with a minor in Botany from Humboldt State University. She has five years of experience conducting rare plant surveys, habitat assessments, collecting botanical field data and preparing species lists. She has successfully completed the 38-hour Army Corps of Engineers Wetland Delineation Training as taught by Richard Chinn Environmental Training.

REFERENCES

Brattstrom, B. H.1963. A preliminary review of the thermal requirements of amphibians. Ecology 44:238-255.

Bury, R. B. 1968. The distribution of *Ascaphus truei* in California. Herpetologica 24:39-46.

Bury, R.B. and P.S. Corn.1988. Douglas-fir forests in the Oregon and Washington Cascades: relation of the herpetofauna to stand age and moisture. Pages 11-22 in R.C. Szaro, K.E. Severson, and D.R. Patton (eds.), Management of amphibians, reptiles and small mammals in North America. (General Tech. Report RM-166.) U.S. Department of Agriculture, Forest Service, Rocky Mountain Range and Experiment Station. Fort Collins, Co.

Molye, P.B., R.M. Yoshiyama, J.E. Williams, and E.D. Wikramanayake. 1995. Fish species of special concern in California. IFD, CDFG, Sacramento, California. 272. pp.

Moyle, P.B., R.M. Yoshiyama, and E.D. Wikramanayake. 1989. Fish species of special concern in California, second edition. University of California Davis, Prepared for California Department of Fish and Game. Rancho Cordova, California.

Nussbaum R. A., and C. K. Tait. 1977. Aspects of the life history and ecology of the Olympic salamander, *Rhyacotriton olympicus*. American Midland Naturalist 98:176-199.

Ray, C.1958. Vital limits and rates of desiccation in salamanders. Ecology 39:75-83.

State of California Department of Fish and Game. 2001. Natural Diversity Data Base, Rarefind Printout, Dated June 1, 2000

Stebbins, R. C. 1985. A field guide to western reptiles and amphibians. Houghton Mifflin Company. Boston, MA.

Tiner, R.W. 1999. *Wetland indicators: a guide to wetland identification, delineation, classification, and mapping.* CRC Press LLC, Boca Raton, Florida.

Welsh, H. H., Jr. 1990. Relictual amphibians and old-growth forests. Consv. Biology 4:309-319.

Wydoski, R. S., and R. R. Whitney. 1979. Inland fishes of Washington. University of Washington Press. Seattle, WA

APPENDIX A - HABITAT ANALYSIS FOR POTENTIAL RARE, THREATENED OR ENDANGERED WILDLIFE SPECIES OF CONCERN

The following is an analysis of the potential for any of the protected wildlife species listed in Table 1 to occur within or near the project area, or the potential by which they may be affected by this project.

Northern Spotted Owl (*Strix, occidentalis caurina*)

Distribution. This species is listed as federally threatened and a California species of concern. The spotted owl is not uncommon over most of it's range, which in northern California includes most conifer forests and mixed-conifer woodlands of the coastal mountains. It occurs locally in second-growth forests.

Habitat Requirements. The spotted owl prefers large diameter trees or snags within well-shaded stands for nest sites, where they will use old nests built by other species, cavities or shaded, broken-topped trees. They prefer an overhead canopy over nests and roost sites for thermal and predator protection and are intolerant to extreme heat, especially for nest sites. Spotted owls hunt in relatively closed canopy forests with open sub-canopies and moderate stem densities.

Occurrence within the Project Area. No potential nesting habitat is available within the project area. Potential foraging habitat was noted south of Gilbert Creek. As no nesting habitat was available on or near the project area, there is no potential for this project to impact or disturb this species.

Management Considerations. As there is no potential for this species nesting in or near the project area, there is no need for management consideration.

Southern Torrent Salamander (*Rhyacotriton variegatus*)

Distribution. The southern torrent salamander inhabits the humid coastal forests of Washington, Oregon, and California. In California, southern torrent salamanders occur only in the extreme northwestern portion of the state in Del Norte, Humboldt, western Siskiyou, Trinity, and Mendocino Counties.

Habitat Requirements. The southern torrent salamander is found most often in the cool, moist microclimate of late seral-stage forests (Bury and Corn 1988, Welsh 1990). Transformed and larval salamanders are usually found in shallow, cool streams, or beneath rocks and organic debris. Transformed individuals are also found under surface objects, wet moss, or leaf litter adjacent to streams and seeps, usually in the splash zone and within 1 meter of free-running water (Nussbaum and Tait 1977). They are always found in or near water, have an extremely low range of temperature tolerance (Brattstrom 1963), and are the most sensitive salamander to loss of water (Ray 1958).

Occurrence within the Project Area. Potential habitat for southern torrent salamanders was found within Gilbert Creek.

Management Considerations. As potential southern torrent salamanders habitat was found along the creek, management considerations such as maintained 100 foot buffers along the creek corridor is recommended. No additional management considerations should be necessary.

Tailed Frog (*Ascaphus truei*)

Distribution. The range of the tailed frog extends from southwestern British Columbia south through western Washington and Oregon and into northwestern California. Disjunct populations also exist in Montana and Idaho. In California, the tailed frog is found in the northwestern corner of the state from Del Norte County south to central Sonoma County and east as far as southwest Shasta County (Bury 1968, Stebbins 1985).

Habitat Requirements. The tailed frog requires cold, perennial, swift-flowing streams, and cool, moist micro-habitat conditions (Welsh 1990). They are typically associated with redwood, Douglas-fir, and yellow pine forests (Bury 1968). Highly specialized larvae are found attached to rocky substrates in fast-flowing water. In northern California, tailed frogs are most often found in small, moderate to high gradient fish bearing and non-fish bearing watercourses. Larval tailed frogs mature for a period of one to two years before metamorphous occurs. Tailed frogs are vulnerable to extreme habitat changes and predation from resident trout and Pacific giant salamanders. Although the tailed frog is known to occupy cool, small headwater streams it can sometimes be located in lower gradient reaches of larger streams.

Occurrence within the Project Area. Potential habitat for tailed frogs was found within Gilbert Creek.

Management Considerations. As potential tailed frog habitat was found along the creek, maintained 100 foot buffers along the creek corridor is recommended. No additional management considerations should be necessary.

Del Norte Salamander (*Plethodon elongatus*)

Distribution. The Del Norte salamander is found in coastal forests of Del Norte, Humboldt, Siskiyou and western Trinity counties. Unlike the other amphibian species listed, which prefer riparian or wetland habitats, the Del Norte salamander is an upland species, relatively common in preferred habitats of moist, rocky soils and rubble, slides, or under dead and down woody material. This species is designated as a Species of Special Concern by the California Department of Fish and Game.

Habitat Requirements. Del Norte salamanders are found in a variety of forest types, including redwood, valley -foothill riparian, Douglas-fir, montane riparian and montane hardwood-conifer forests to 2,500 feet. However, regardless of the forest type, this species requires rocky ground with interstitial spacing which allows for vertical movement to sub-surface refugia. They feed on a variety of invertebrates including springtails, beetles, annelid worms, spiders, flies and millipedes. Breeding occurs in moist soils, as they do not require standing water.

Occurrence within the Project Area. Potential Del Norte salamander habitat was noted south of Gilbert Creek.

Management Considerations. This species is very common in the area, though restricted to talus or rocky substrates. The rezoning of the property would have no impact upon the species. Future management considerations for this species would include limiting heavy equipment on the hill slope on the south side of Gilbert Creek.

Northern Red-legged frog (*Rana aurora*)

Distribution. The northern red legged frog was relatively common in riparian areas and ponds over most of non-desert areas of California. Loss of habitat and predation by non-native frogs has reduced or eliminated populations in southern and central California, but not the in northwest. In Del Norte county this is a very common species in a wide range of habitats. It is designated as a Species of Special Concern by the California Department of Fish and Game.

Habitat Requirements. This species breeds in moist areas, requiring standing water. It feeds on a variety of invertebrates, and can forage in wet fields, backyards, and in woodlots.

Occurrence within the Project Area. Potential red legged frog habitat was noted during biological review. Potential habitat occurs within the meadow area north of Gilbert Creek.

Management Considerations. Red-legged frogs probably exist within the project area. Red-legged frogs are relatively abundant in the area and are not protected in Del Norte County. Extended buffers and set-asides on this property will protect habitat, therefore there is no need for additional management considerations for this species.

Coastal Cutthroat Trout (*Oncorhynchus clarki clarki*)

Distribution. Coastal cutthroat trout are one of three subspecies of cutthroat trout (Oncorhynchus clarki) found in California; Lahontan cutthroat trout (O.c. henshawi) and Paiute cutthroat trout (O.c. seleniris) are the other two subspecies and both inhabit inland waters. Coastal cutthroat trout are found in small coastal streams from the Eel River in California North to Seward, Alaska (Moyle 1976). In California, they are limited to drainages along the western slope of the Coast Range. Coastal cutthroat trout have both anadromous and resident forms.

Habitat Requirements. Coastal cutthroat require small, low gradient coastal streams that are cool (<18o C) and well shaded. Small gravel, which can vary in size from 10 to 40 millimeters, is essential for spawning (Wydoski and Whitney 1979). When steelhead trout are found in the same stream, coastal cutthroat tend to utilize smaller tributaries and higher portions of the watershed.

During the first year of rearing, coastal cutthroat primarily inhabit the smaller tributaries and headwater streams in the system where they feed primarily on insects (Moyle et al. 1989). After the first year, coastal cutthroat may migrate out to sea or downstream into the larger river system where smaller fish may become a more important part of their diet (Wydoski and Whitney 1979). Once they reach the ocean, most will remain within their natal stream's estuary. They may spend one or several years at sea but will migrate upstream to spawn.

Occurrence within the Project Area. Cutthroat trout are found in Gilbert Creek, which runs through the property.

Management Considerations. Implementation of 100 foot buffers to wetlands and riparian habitats on both sides of the creek would protect Gilbert Creek and the riparian habitat associated with it. No additional management considerations for this species are necessary.

Summer-run steelhead trout (*Oncorhynchus mykiss irrideus*)

Distribution. Steelhead are an anadromous form of rainbow trout. The coastal species ranges from central California to the Bearing Sea and coastal streams of Alaska. Within the distribution are two life history types: summer-run (summer steelhead) and winter-run (winter steelhead). Run types differ in type and duration of spawning migration and sexual maturity at the time of river entry. Summer run steelhead enter freshwater at a sexually immature state between May and October. After several months in freshwater, summer steelhead mature and spawn. Winter-run steelhead enter freshwater sexually mature between November and April and spawn shortly thereafter.

Habitat Requirements. Steelhead trout juvenile and adult life history stages have some form of freshwater existence. Generally, juvenile fish rear in freshwater for 1-3 years before migrating to sea. During their juvenile existence, steelhead are commonly observed in swift, medium velocity water concentrated in riffle and run habitat types. Habitat partitioning is evident between juvenile steelhead and coho salmon, both of which rear in freshwater for one or more years. Steelhead aggressively defend riffle habitat. Adult winter steelhead are commonly found spawning in small to medium size cobbles. Steelhead are better at utilizing the upper headwater areas of a watershed to spawn and rear their young. Of the three habitat components (velocity refuge, visual isolation, and overhead cover) thought to be essential to fish, overhead cover was found to be the most important to rearing juvenile steelhead.

Occurrence within the Project Area. Cutthroat trout may be present in Gilbert Creek, which runs through the property.

Management Considerations. Implementation of 100 foot buffers to wetlands and riparian habitats on both sides of the creek would protect Gilbert Creek and the riparian habitat associated with it. No additional management considerations for this species are necessary.