

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

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Filed: October 8, 1996
90th Day: January 6, 1997
Staff: Robert Merrill
Staff Report: November 27, 1996
Meeting of: December 13, 1996
Commission Action:

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Steve Scholl, North Coast District Director
Robert Merrill, North Coast Planner

SUBJECT: **CITY OF ARCATA LCP AMENDMENT NO. 1-96 (Major),
Strombeck** (For public hearing and Commission action at the
December 13, 1996 meeting in San Francisco)

SYNOPSIS

Amendment Description

The proposed amendment to the Arcata LCP, effectively certified in October, 1989, amends Appendix "N," the Coastal Wetlands Map, of the LUP to change the wetlands boundary as it applies to property upon which the Meadowbrook Apartment complex is located to correct a mapping error and reflect the results of a wetlands delineation for the property. The subject property is located east of Highway 101 adjacent to Beith Creek at 115 Samoa Blvd (APN's 500-151-12 and 501-042-02).

Summary of Staff Recommendation.

Staff recommends that the Commission, upon completion of the public hearing, approve the LUP Amendment as submitted. Due in part to errors in mapping parcel boundaries on the Coastal Wetlands Map, the current Coastal Wetland Map is clearly in error, showing large areas of the site that were developed with apartments prior to passage of the Coastal Act as being wetlands, and showing certain areas of the site as uplands that currently have wetland characteristics. Staff believes that the proposed amendment to the Coastal Wetlands Map will appropriately revise the wetland boundaries for the site shown on the map because: (a) a wetland survey of the site utilizing both field sampling and an analysis of historic aerial photographs has been prepared by a professional wetland scientist to determine the areas to be identified as wetlands on the amended Coastal Wetlands Map; (b) the survey relies on the definition of wetland used by the Coastal Commission and contained in the certified City of Arcata LCP; (c) the survey has utilized an

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AMENDMENT NO. 1-96 (Major), Strombeck
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"I hereby move that the Commission certify Amendment No. 1-96 to the Land Use Plan portion of the City of Arcata Local Coastal Program as submitted by the City."

Staff recommends a YES vote. An affirmative vote by a majority of the appointed members of the Commission is required to pass the motion.

RESOLUTION I:

The Commission hereby certifies Amendment No. 1-96 (Major), Strombeck, to the Land Use Plan portion of the City of Arcata's Local Coastal Program for the reasons discussed in the following findings on the grounds that, as submitted, this amendment and the LUP as thereby amended meet the requirements of Chapter 3 of the Coastal Act. This amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Coastal Act Section 30625(c), and approval will not have significant environmental effects within the meaning of the California Environmental Quality Act.

B. FINDINGS FOR APPROVAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED.

1. Amendment Description:

The proposed amendment to the City of Arcata Land Use Plan (LUP) seeks to amend Appendix "N," the Coastal Wetlands Map, to change the wetlands boundary as it applies to a specific property. The subject property is located east of Highway 101, adjacent to Beith Creek at 115 Samoa Blvd, (APNs 500-151-12 and 501-042-02). See Exhibits 1 and 2.

The City of Arcata's Local Coastal Program (LCP) was effectively certified in October 1989. The Coastal Wetlands Map is a portion of the adopted Land Use Plan (LUP), which also consists of the Coastal Land Use Element of the General Plan (Coastal Land Use Plan or CLUP for short), and the Coastal General Plan and Zoning Land Use Map.

The map change is intended to correct a mapping error, which shows some areas of the site as containing wetlands that are not. Some of the areas identified as a wetland on the current map were developed prior to the Coastal Act with parts of the existing apartment complex on the site. Other areas shown as uplands on the current Coastal Wetlands Map have wetland characteristics. The City believes the mapping error arose out of an error in depicting parcel boundaries on the map, which subsequently made it very difficult to establish the wetland boundaries on the parcel. The original Coastal Wetland Map shows the property consisting of two parcels, one below the other. In fact, there currently is only one parcel (although the applicant has applied to divide the property). The confusion over the number of parcels is probably due to the fact that the parcel is separated between two different pages in the assessor's parcel map book. By virtue of being on two separate pages, the parcel has also been assigned two separate APN numbers, even though just one legal parcel exists. Regardless of where the parcel boundaries were

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3. Background: LCP Wetlands Policies and Use of Coastal Wetlands Map:

The City of Arcata, with a population of approximately 15,000, is located at the northern end of Humboldt Bay, several miles inland from the open ocean coast. Although the City encompasses nearly seven square miles, only approximately three square miles lie within the coastal zone. The City center and the northern and eastern parts of the City are located outside the coastal zone. The developed portions of the western and southern parts of the City lie within the coastal zone, but the majority of the area within the coastal zone consists of tidelands within the Bay, the Arcata Marsh and Wildlife Sanctuary/Waste water Treatment Facility, and agricultural grazing land. Much of the agricultural grazing land is seasonally flooded during period of high rainfall and are considered farmed seasonal wetlands with high values for both agriculture and wildlife habitat.

With the large amount of wetlands and agricultural lands in the City's coastal zone and the provisions of the Coastal Act that call for the protection of coastal wetlands and coastal agriculture, the filling of wetlands and conversion of agricultural lands have historically been the central issues in the Commission's review of coastal development permits for proposed development within Arcata and the creation and subsequent amendment of the City's Local Coastal Program.

The LCP contains policies for the protection of wetlands that mirror to a large degree the wetland protection policies of the Coastal Act. The policies do not allow fill in wetlands, unless the proposed fill meets the strict criteria of Section 30233 of the Coastal Act.

The City adopted the Coastal Wetlands Map as part of its original LUP. At the time the map was adopted, the map was intended to determine the location of all wetlands within the City where the wetland protection policies of the LCP would be applied. Areas not mapped as wetlands would not be protected. Because the map was to be used to determine the location of wetlands, the LCP did not rely on the more commonly used approach of making case by case evaluations of development projects where the presence of wetlands would be determined by surveys using accepted definition of wetlands. The LCP as originally certified, did not contain a definition of wetlands. The Coastal Wetlands Map was created utilizing both existing sources of information from the U.S. Fish & Wildlife Service, the Department of Fish & Game, the Humboldt County LCP, and some new survey work conducted by wetlands consultants. The adequacy of the map in covering known wetlands within the City was the principal issue during the Commission's consideration of certification of the LCP in May of 1988. The Commission adopted a suggested modification that required the inclusion of three farmed wetlands that had not been mapped as wetlands on the Coastal Wetland Map as submitted.

In the years after certification of the LCP, the City found that the approach set forth in the LCP as originally certified of only applying the wetlands protection policies to the areas mapped in the Coastal Wetlands Map was not

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request to change the Coastal Wetlands Map is simply whether the proposed wetland boundaries will actually reflect the boundaries of the wetlands that currently exist on the site as well as any wetlands that may have been filled without required authorization since passage of the Coastal Act.

Section 30121 of the Coastal Act provides the following definition of a wetland:

Wetland means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, or fens.

This definition is supplemented by the more explicit definition provided in the Commission's Regulations (California Code of Regulations, Title 14, Section 13577(b)), which state the following:

Wetlands are lands where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent or drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salt or other substance in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep water habitats.

Through certification of LCP Amendment 1-95, the above definition from the Commission's regulations was adopted as part of the LCP for use in the application of the LCP wetland policies. As this definition was promulgated to both implement the Coastal Act definition of wetlands and was certified as adequate to carry out the policies of the City of Arcata's LUP, the Commission finds that any areas to be designated as wetlands on the City's Coastal Wetlands Map should meet the criteria of this definition.

Wetland definitions are often compared and contrasted based on the degree to which they require the presence of three key parameters or indicators of wetlands, including hydrology, hydric soil, and hydrophytic vegetation. Some definitions, such as that used by the U.S. Army Corps of Engineers require the presence of all three parameters for a site to be identified as a wetland. Others, such as the above definition used by the Coastal Commission, require the presence of only wetland hydrology and either hydric soils or hydrophytic vegetation. The Coastal Commission definition also provides that even hydric soils or hydrophytic vegetation need not be present to identify a site as a wetland in sites where vegetation would normally be lacking or soil would be poorly developed or absent, such as in a rocky intertidal area. In those areas, just the presence of wetland hydrology is enough to qualify a site as a

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even though the area has been partially filled, the site still displays wetland characteristics.

The wetlands determinations were made based on field sampling at the site and on a review of historical aerial photos. The field sampling included an examination of the vegetational, soil, and hydrological characteristics at nine separate locations. As noted in the wetlands report, the specific methodology used followed standard procedures for such determinations and relied on the more inclusive wetland definition used by the Coastal Commission. Thus, the determination used the proper definition and did not have exclude areas that meet the Coastal Act definition of wetlands but don't meet a three-parameter definition of wetlands such as that used by the Army Corps of Engineers.

The wetlands report also examined the question of whether there are any former wetland areas that may have been filled since requirements to obtain coastal permits for fill were instituted. Wetland areas should not be left off of the Coastal Wetlands Map just because they may have been filled without the proper authorization.

To perform this analysis of historic wetland conditions at the site, the author of the report examined a series of aerial photos dating back to 1968. The analysis determined that sometime between 1970 and 1974, most of the original grazed wetlands that existed at the site (presumably since the area was initially diked off from Arcata Bay in the late 1800s) were graded as part of the development of the existing Meadowbrook Apartment complex that occupies much of the site. A 1974 aerial photograph shows graded areas of the site matching closely the perimeter of the upland areas existant at the site today. Given that (a) the effective date of the Coastal Initiative of 1972 was January 1, 1973, (b) the project plans for the original project appear to have been drawn in March of 1973, and (c) the project plans were approved by the City no earlier than July of 1973, questions are raised in the report as to whether the grading for the original apartment complex development had been done pursuant to any necessary coastal development permit. However, further review by Commission staff indicates that even though the site is within the coastal development permit jurisdiction of the 1976 Coastal Act, the site is not within the mapped coastal permit jurisdiction of the 1972 Coastal Initiative. The permit jurisdiction map adopted by the North Coast Regional Commission in 1973 shows the boundary line of the Coastal Initiative permit jurisdiction as being well west of the subject property, running in a roughly north-south line located approximately half way between Samoa Boulevard and Highway 101. Therefore, no coastal development permit was required for the filling and grading work performed for the original development of the Meadowbrook Apartment complex.

As noted in the wetlands report, the 1974 aerial photograph shows the pond feature near the middle of the property clearly existing as a pond. The pond is no longer present, although as noted earlier, the site still displays wetland characteristics and is proposed to be included under the amendment

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changes to the wetlands boundaries have been reviewed and approved by the California Department of Fish and Game. By identifying the areas on the subject property that should appropriately be designated as wetlands, the proposed Coastal Wetlands Map amendment will help ensure that the wetlands protection policies of the Coastal Act as reflected in the certified LCP will be appropriately applied to protect the actual wetlands on the site from the impacts of new development. For example, by identifying the Beith Creek and Grotzman Creek drainages as wetlands, the proposed amendment will help maintain the biological productivity of riparian habitats on the site in a manner consistent with Section 30231 of the coastal Act. By identifying all of the wetland habitat on the site, the proposed amendment will help protect these environmentally sensitive habitat areas from significant disruption of habitat values in a manner consistent with Section 30240 of the Coastal Act. Finally, by identifying all of the wetlands habitat on the site, the proposed amendment will ensure that the wetland protections afforded by Section 30233 of the Coastal Act against any proposed future diking, dredging, and filling can be applied to protect the wetlands on the subject property. Therefore, the Commission finds that LUP as proposed to be amended, will remain consistent with the policies of Chapter 3 of the Coastal Act.

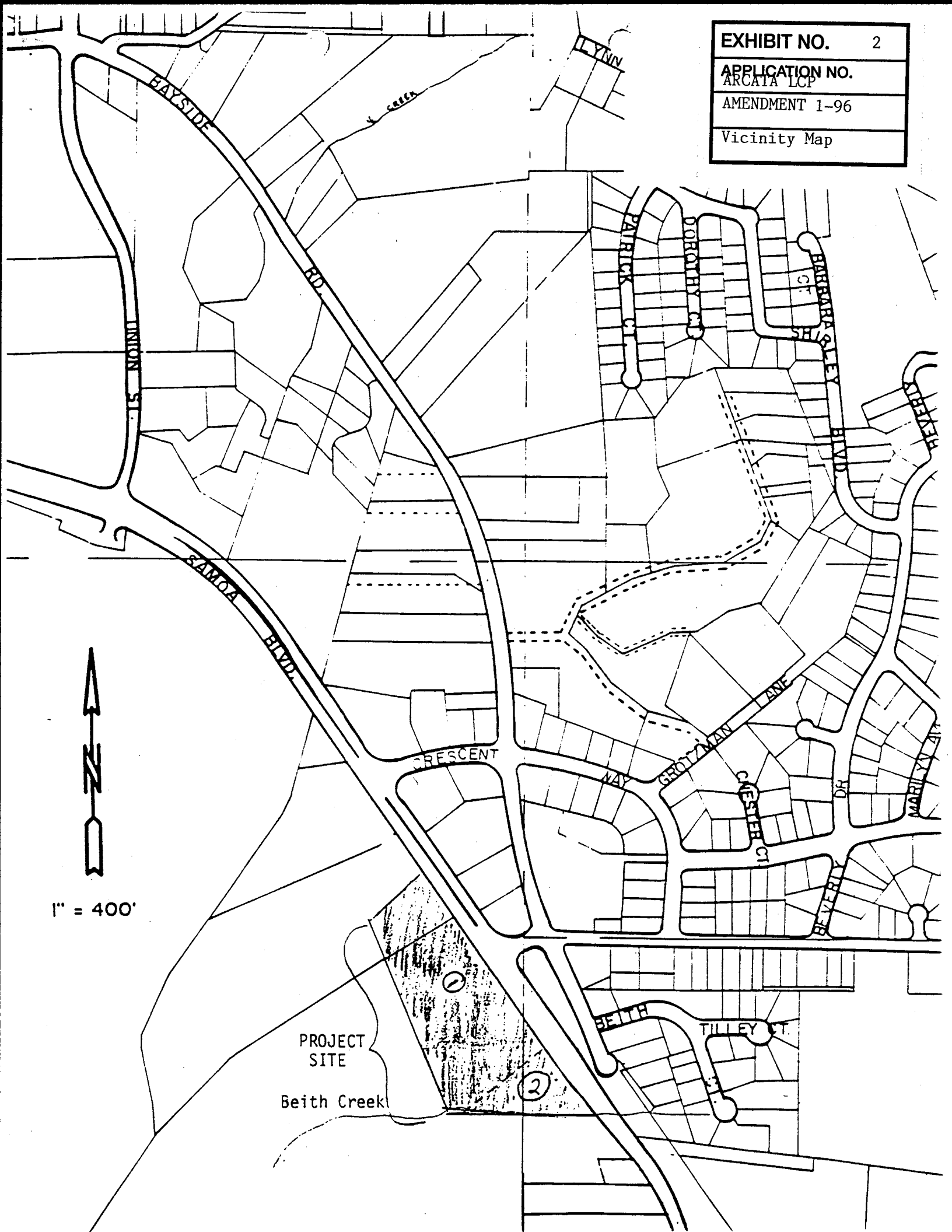
5. CEQA

Pursuant to Section 21080.5 of the California Environmental Quality Act (CEQA), the Resources Agency has certified the Commission's regulatory program as being functionally equivalent to the standard CEQA review process. Pursuant to SB 1873, which amended the California Environmental Quality Act, the Coastal Commission is the lead agency in terms of meeting CEQA requirements for local coastal programs. In addition to making a finding that the amendment is in full compliance with CEQA, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

Consistent with Public Resources Code Section 21080.5(d)(2)(i), the Commission finds, for the reasons discussed in this report, that the proposed amendment request is consistent with the California Coastal Act, will not result in significant adverse environmental effects within the meaning of the California Environmental Quality Act, and therefore requires no mitigation measures to reduce any adverse environmental impacts.

EXHIBIT NO.	2
APPLICATION NO.	ARCATA LCP
AMENDMENT	1-96
Vicinity Map	



1" = 400'

PROJECT SITE

Beith Creek

2. For purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that shall take effect immediately upon adoption by the City Council of a Resolution accepting Coastal Commission approval of said amendment. The amendment shall be effective immediately upon adoption of said resolution but shall not be effective until such local review and adoption, following Coastal Commission approval, has taken place.

DATED: October 2, 1996

ATTEST:

APPROVED:

Alice Harris
City Clerk, City of Arcata

Carl Pellatz
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 967-17 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, held on the 2nd day of October, 1996, by the following vote:

AYES: Blaser, Kirkpatrick, Pellatz, Schaub, Test

NOES: None

ABSENT: None

ABSTENTIONS: None

Alice Harris
City Clerk, City of Arcata

EXHIBIT NO.	3
APPLICATION NO.	ARCATA LCP
AMENDMENT 1-96	City Resolutions &
Wetlands Map Change	(page 2 of 4)

RESOLUTION NO. 967-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA
AMENDING RESOLUTION NO. 967-17

WHEREAS, the City Council of the City of Arcata adopted Resolution No. 967-17 on October 2, 1996; and

WHEREAS, said Resolution approved Amendment No. 47 of the Arcata General Plan and Amendment No. 12 of the Arcata Local Coastal Program, said amendments pertaining to revisions of the "Arcata Coastal Wetlands Map", as described in Exhibit "A" to said Resolution; and

WHEREAS, said Resolution directed the Director of Community Development to forward a copy of said Resolution and said amendment to the California Coastal Commission; and

WHEREAS, said Resolution specifies, in Finding 2, that the amendments approved therein would not be effective until local review and adoption, after Coastal Commission approval had taken place; and

WHEREAS, the City Council intends that the amendments adopted by said Resolution take place immediately upon certification by the Coastal Commission:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Arcata hereby amends Resolution No. 967-17 to delete Finding 2 and replace it with the following Finding:

2. For purposes of State Certification of the City's Local Coastal Program, this amendment is submitted as a program that shall take effect immediately upon certification by the Coastal Commission.

DATED: November 20, 1996

ATTEST:

APPROVED:

Alice Harris
City Clerk, City of Arcata

Carl Pellatz
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Resolution No. 967-21 passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, held on the 20th day of November, 1996, by the following vote:

AYES: Blaser, Kirkpatrick, Pellatz, Test

NOES: None

ABSENT: Schaub

ABSTENTIONS: None

RECEIVED
NOV 25 1996

Alice Harris
City Clerk, City of Arcata

CALIFORNIA
COASTAL COMMISSION

DEPARTMENT OF FISH AND GAME

601 LOCUST STREET
REDDING, CA 96001
(916) 225-2300



August 13, 1996

RECEIVED
AUG 19 1996
City of Arcata
Planning & Building Dept.

Mr. Kenneth M. Curtis
Community Development Department
City of Arcata
736 F Street
Arcata, California 95521

Dear Mr. Curtis:

Strombeck Tentative Parcel Map
and Coastal Development, #967-001-TPM

The Department of Fish and Game (Department) has reviewed the revised application for the subdivision of an existing lot into two parcels located south of Samoa Boulevard in the Sunnybrae area of Arcata. Parcel One is currently developed with seven apartment buildings. Proposed Parcel Two contains a workshop which will be demolished and replaced with up to 14 residential units.

On August 1, 1996, a joint site review with City of Arcata staff, the applicant, the applicant's consultants, US Army Corps of Engineers staff, and Department staff was conducted.

The Department had previously commented on the above application (letter dated July 29, 1996) indicating an inconsistency between the Preliminary Wetland Report Meadowbrook Apartments, Arcata, California, May 1996 wetlands mapping prepared by Mr. R. Chad Roberts and the July 1996 tentative parcel map prepared by Mr. Walter B. Sweet. The revised tentative parcel map has resolved this discrepancy.

In addition, the wetland report prepared by Mr. Roberts recommends a 25-foot buffer zone outside of the wetland habitat. Based on the high human activity and disturbance of the site, we concur with this recommendation with the condition that imported fill and pavement be removed from within this 25-foot buffer. Further, the applicant had indicated the planting of a lawn in the southwest corner of Parcel One. As the lawn will actually incorporate some wetland habitat, the applicant had also indicated a willingness to revegetate the southwest property boundary with riparian tree species such as red alder (*Alnus rubra*).

EXHIBIT NO.	6
APPLICATION NO.	ARCATIA LCP
AMENDMENT 1-96	Fish & Game letter
(page 1 of 2)	

RECEIVED JUN 3 1996

PRELIMINARY WETLAND REPORT¹

MEADOWBROOK APARTMENTS

ARCATA, CALIFORNIA

EXHIBIT NO.	5
APPLICATION NO.	ARCATA LCP
AMENDMENT	1-96
Wetlands Report (page 1 of 17)	

Prepared for:
Steve Strombeck
Strombeck Construction
211 West Harris Street
Eureka CA 95501
707-442-2233

Prepared by:
R. Chad Roberts, Ph.D.
SWS Professional Wetland Scientist No. 268
Oscar Larson & Associates
317 Third Street, P.O. Box 3806
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707-445-2043

9 May 1996

1.0 INTRODUCTION

1.1 Purposes of This Report

1.1.1 Identify Wetlands on the Project Site

The Meadowbrook Apartments project (Figure 1) is located within the Coastal Zone, the boundary within which the California Coastal Act applies. Consequently, any application for improving the project must cover the subjects mandated for consideration by the Coastal Act. Among these topics is wetlands, and the primary goal of this report is to identify any wetlands within the development area of the project which would be relevant for consideration under the Coastal Act. Moreover, the primary permit jurisdiction has been retained by the Coastal Commission for much of the project site, rather than having been transferred to the City of Arcata (Bob Merrill, pers. comm.). This circumstance generally reflects a determination by the Commission that the area in question is subject to the public trust; in the Humboldt Bay area, such a determination generally means that the area includes diked former tideland or is part of the current Humboldt Bay tidal prism.

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The primary requirements for this report are: (i) identify any area which meets the Coastal Act definition of wetland (see below); and (ii) identify the location of the wetland boundary, since this ultimately will determine the allowable location of development outside of any required buffer zones. This report does not address a rationale for reviewing the proposed project improvements under any other aspect of the Coastal Act, including the Coastal Act sections addressing uses allowed in wetlands.

1.1.2 Identify Buffer Zone Requirements

The Coastal Act addresses the relationship between environmentally sensitive areas and their surroundings in section 30240; however, the Wetland Siting Guideline (see below) specifically addresses the need for buffer areas adjacent to wetlands. The "default" buffer around a wetland is established in the Wetland Siting Guideline at 100 feet in width, beginning at the demarcated wetland boundary. Consequently, this report is required to both identify the approximate (for project review purposes) wetland boundary, as well as to identify an appropriate wetland "setback" or buffer adequate to protect the functional values in the identified wetlands.

1.1.3 Historical Aerial Photo Review

The scope of this report includes reviewing historical aerial photos of the project site. This task is included owing to jurisdictional questions about the project site's compliance with the requirements of the Coastal Initiative [the 1972 precursor (which became effective in January of 1973) to the 1976 Coastal Act] and the Coastal Act itself. The specific questions which must be addressed are: (i) Was the pond in existence at the time the Coastal Initiative became effective? and (ii) Has fill material been placed in the project site recently in areas which are subject to Commission regulation as environmentally sensitive?

1.2 Limitations

This report is a preliminary report based on limited field sampling at the project site, and on a review of historical aerial photos that was limited by the time available to complete the report. I believe that the identification of wetland areas on the project site reflected in this report is substantially accurate; however, the conclusions about existing wetland conditions reached in this report could be subject to revision on the basis of further, more-detailed wetland sampling. The conclusions expressed in this report about historical conditions on this site, which are based on limited aerial photo review, also could be subject to revision on the basis of additional aerial photo review. In addition, the scope for this report does not include addressing whether or not any of the historical changes indicated by the aerial photo review or the field work were conducted pursuant to legally granted approvals.

EXHIBIT NO.	5
APPLICATION NO.	ARCATA LCP
AMENDMENT	1-96
Wetlands Report	(page 3 of 17)

acknowledges the centrality of saturated soil (or substrate) in making an area a wetland functionally, or in defining it as a wetland.

2.2.2 Additional Considerations of Wetland Definitions

The Wetland Siting Guideline incorporates information prepared by federal agencies in the late 1970s and early 1980s about what constitutes wetlands, as well as how to identify wetlands. These federal deliberations later led to a "three-parameter" wetland delineation process for most federal agency wetland deliberations (Environmental Laboratory 1987). The three parameters are the same three identified above: vegetation, hydrology, and soil characters. [The most important functional federal/state delineation difference is that many federal agencies require that at least one positive indicator be present for all three "parameters," whereas state agencies (including the Coastal Commission) may accept a delineation where only two parameters (or even only one) indicate that an area is wetland.]

The preliminary results reported herein are based on evidence obtained at a limited number of points within the project site for each parameter used in the definition (see Attachment A). It is, however, appropriate to note that the determination in this report of what is wetland is partly a professional judgement on my part, based on applications of the several delineation methodologies over a number of years; my experience has led me to weight the hydrology parameter somewhat more heavily than a strict application of the Wetland Siting Guideline might suggest.

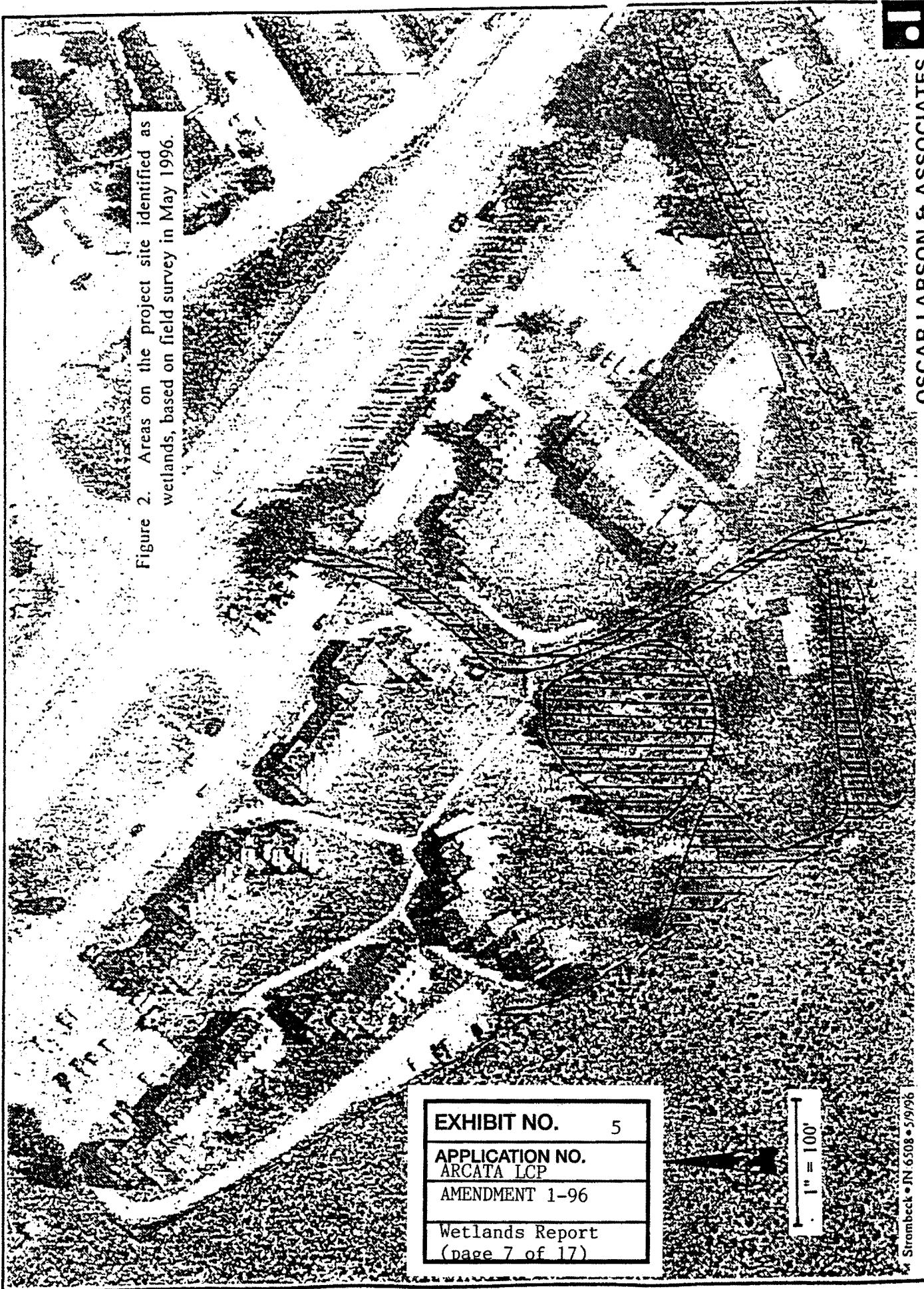
2.3 Historical Aerial Photo Review

In preliminary discussions about the proposed project, and about the scope for this report, it became clear that the specific history of the project site would become a subject of discussion with respect to wetlands. The project site was reported (reliably) to have contained a pond, which is no longer present, and for which the Commission has no history of documentation. In order to clarify the status of such a pond, it was agreed that this report would incorporate the results of a search for historical aerial photos, which were to be used to identify: (i) Did such a pond exist? (ii) Was it a natural feature? and (iii) If not natural, when was it created? In addition to questions about the pond, the historical aerial photo review was intended to address questions about fill of a much more recent origin, which may have been placed into areas which satisfy the definition as environmentally sensitive habitat, and for which no issued permits are known.

To address the requirement for historical photo evaluation, I contacted the Environmental Services Department of the City of Arcata. The City maintains files of historical aerial photos (at a nominal scale of 1" = 1000'), and also has aerial photo map sets (at a scale of 1" = 100'). I obtained prints of the photo maps for 1968, 1989, and 1993. I borrowed additional historical photos made in 1970 and 1974, to be used for additional analyses summarized below. Owing to the short duration of the preparation process for this report and a lack of schedule concurrence, I was unable to conduct a similar review of aerial photos in the County Department of Public Works files in Eureka in time to include the results in this report.

EXHIBIT NO.	5
APPLICATION NO.	ARCATA LCP
AMENDMENT	1-96
Wetlands Report (page 5 of 17)	

Figure 2. Areas on the project site identified as wetlands, based on field survey in May 1996.



wetlands outside of the project site, than would attempting to protect the former pond with 100-foot buffer zones.

I also recommend 25-foot buffers for the remnant "horns" of diked former tideland in the site's southern corner. Establishing this buffer may require some modification in the proposed project's development plan. These buffers should be re-established with woody riparian vegetation, as in the former pond.

3.4 Historical Wetlands and Fill Placement

3.4.1 Conditions Prior to Original Project Construction

Aerial photographic mapping was prepared for the City of Arcata in 1968 (see Figure 3). At that time (which was also close to the end of the construction period for the Samoa Boulevard extension to the Bayside area) the project site was little modified from the pastureland condition it presented prior to the original project construction process. Figure 3 does indicate clearly that some fill material had already been placed on the site by 1968; presumably this fill material was spoil material generated during the Samoa Boulevard construction process (or that of one of the other highway construction processes which occurred in Arcata at the same time).

Figure 3 demonstrates a sloping project site, with elevations ranging from greater than 15 feet (Mean Sea Level datum or MSL) near Samoa Boulevard to approximately 4 feet (MSL) in the site's southern corner. Diked former tidelands around the Humboldt Bay perimeter characteristically range in elevation from slightly below MSL in former tidal sloughs to about 5 feet MSL near the former upper margins of tidal marshes. Based on these approximate historical elevations, the higher part of the project site probably represents the most downstream portion of the valley floodplain sediment (possibly a delta extending into the salt marsh) deposited by Grotzman Creek and/or Beith Creek, and the southernmost part of the site probably was tidal marsh in 1850.

The project vicinity in September of 1970 is shown in Figure 4. No evident changes have occurred in the site since the 1968 photo in Figure 3. This is the latest aerial photo from the City of Arcata files prior to the approval of the Coastal Initiative in 1972. This photo probably represents conditions present on the site at the time the Initiative was adopted.

3.4.2 Conditions in 1974

Conditions on the project site in 1974 (month not identified in the aerial photo) are shown in Figure 5. This photo represents the earliest photo from the City of Arcata files following the date of effectiveness of the Coastal Initiative (January 1993). The photo clearly shows a recently excavated pond on the project site. The photo shows the high reflectivity characteristic of recently graded, bare soil completely surrounding the pond, which suggests that: (i) the pond was constructed not long before the photo was made, and certainly after the beginning of 1973; and (ii) the material excavated to create the pond was graded around the pond's perimeter in order to increase the elevation of the pond margin, which is also the interpretation created by the originally approved grading plan for the project. It is also noteworthy that the graded area does not extend to the site's southernmost boundary.



EXHIBIT NO. 5

APPLICATION NO.
ARCATA LCP
AMENDMENT 1-96

Wetlands Report
(page 11 of 17)

1" = 500'±

Figure 4. Conditions on the project site and in the general vicinity in 1970. This photo probably represents extant conditions in January of 1973.

The project plans for the original project appear to have been drawn by the project architect in March of 1973, and appear to have been approved by the City no earlier than July of 1973 (see the information on the original record drawings filed with the City). The grading which created the pond appears most likely to have occurred subsequent to City approval, and certainly did not pre-date the effective date of the Coastal Initiative in January of 1973. In other words, the pond was not in existence at the time the Initiative became effective. Absent careful research into the records of the Coastal Commission, I cannot tell whether any approvals were granted by the Commission for the grading.

3.4.3 Recently Placed Wetland Fill

The final question to be addressed through analysis of (recent) historical aerial photos is whether or not additional fill material has been placed in the area west and southwest of the pond location. The City owns aerial photo mapping from both 1989 and 1993 (see Figure 6); analysis of these recent photos does not indicate (to me) the presence of new or recent fill material west or southwest of the pond location. Any recent fill material present on the project site in those areas at this time appears not to have been present in 1989 or 1993, and thus must have been placed subsequent to 19 September 1993. The fill roadway which runs west of the former pond, and possibly the fill in the area of the proposed parking lot south of the former pond location, appears to have been introduced since the photo in Figure 6 was made.

It is appropriate to consider this some of this area as environmentally sensitive, based on the results of the field work on the site. Some of the fill may have been introduced into the "horn" of diked former tideland in the site's southern corner. However, it is also appropriate to recall that most of this area appears to have been filled in the past (see, for example, Figure 5 above), and I cannot be certain that what appears to be recently introduced fill material was not already present, but not clearly visible, in the earlier photos.

4.0 REFERENCES

4.1 Literature Cited

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4.2 Persons Consulted

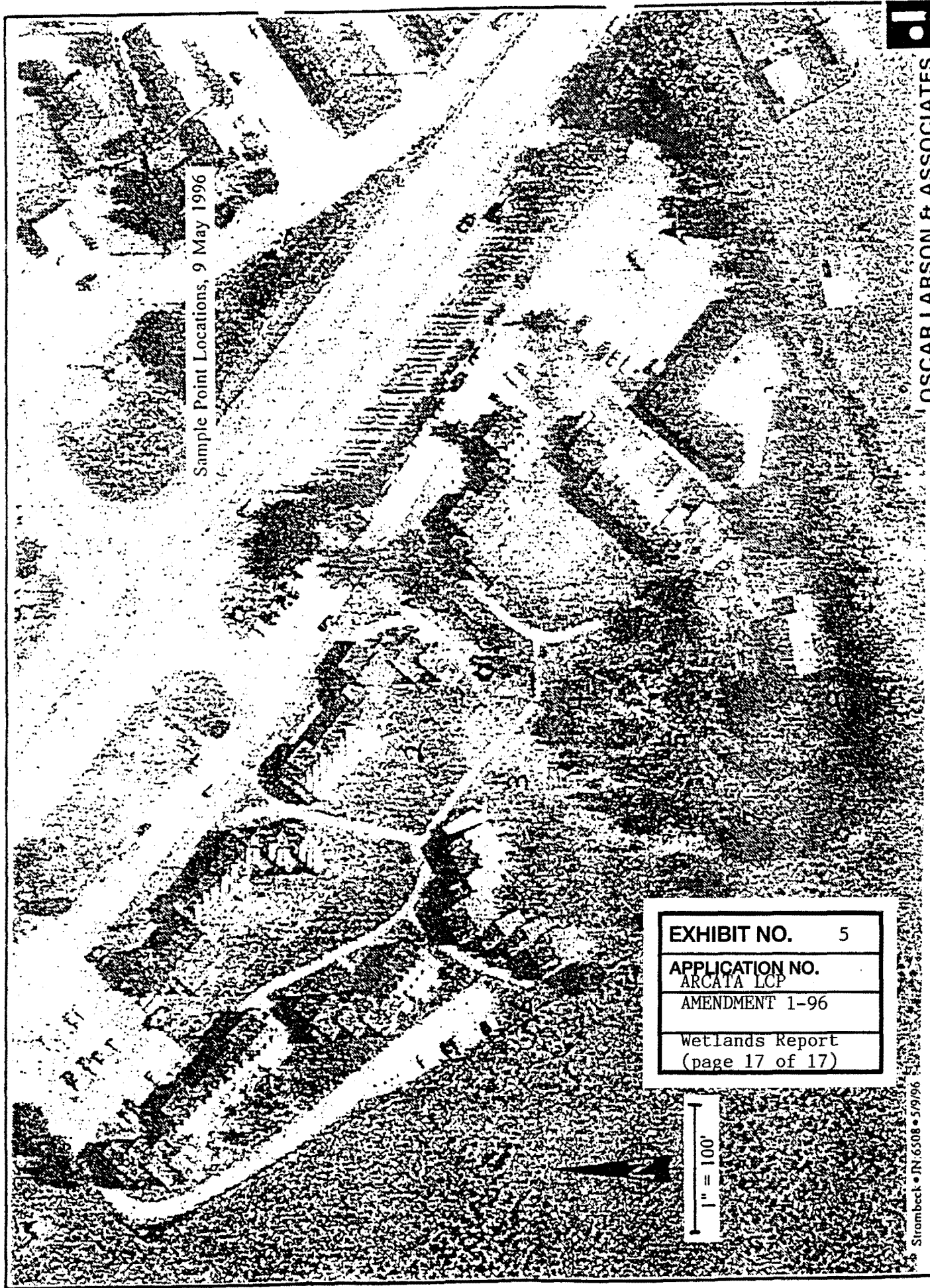
Mark Andre, Deputy Director, Environmental Services Department, City of Arcata.

Karen Kovacs, Associate Wildlife Biologist, California Department of Fish & Game.

Bob Merrill, Coastal Staff Analyst, North Coast District, California Coastal Commission.

Steve Strombeck, Strombeck Construction, applicant.

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1" = 100'