

## CALIFORNIA COASTAL COMMISSION

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# Th15c

Filed: June 18, 2003  
49<sup>th</sup> Day: August 5, 2003  
Staff: Jim Baskin  
Staff Report: June 26, 2002  
Hearing Date: July 10 2003  
Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Del Norte

DECISION: Approval with Conditions

APPEAL NO.: A-1-DNC-03-042

APPLICANT: Del Norte Solid Waste Management Authority

PROJECT LOCATION: Elk Valley Road and State Street, near Crescent City, Del Norte County, APN 115-180-18.

PROJECT DESCRIPTION: Coastal Use Permit for solid waste transfer station.

APPELLANTS: Commissioners **Christina Desser & Patrick Kruer**

SUBSTANTIVE FILE: 1) Del Norte County Coastal Use Permit UP317C; and  
DOCUMENTS 2) Del Norte County Local Coastal Program

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**SUMMARY OF STAFF RECOMMENDATION:**

The staff recommends that the Commission, after conducting a public hearing, determine that a substantial issue exists with respect to the grounds on which the appeal has been filed, and that the Commission open and continue the *de novo* portion of the appeal hearing, because the appellants have raised a substantial issue with the local government's action and its consistency with the certified LCP.

The Del Norte County Planning Commission approved with conditions a coastal development use permit for the development of a solid waste transfer station within an approximately seven acre area of a 13.30-acre parcel located approximately ½ mile east of the City of Crescent City, Del Norte County.

The appellants contend that the approved project raises a substantial issue of conformance with the County's LCP policies pertaining to the protection of environmentally sensitive habitat areas.

Staff recommends that the Commission find that the development, as approved by the County, raises a substantial issue of conformance with the policies of the certified LCP regarding the protection of environmentally sensitive habitat areas (ESHAs). The approved project would provide for wetland buffers ranging in width from one to seventy-five feet. The LCP ESHA policies require a 100-foot buffer around wetlands, and allow a reduced-width buffer only if it has been determined that a reduced-width buffer will adequately protect the resources of the wetlands. The permit application materials submitted to the County and the project record prepared by the County in their review of the proposed development did not fully address the adequacy of the reduced-width buffers marked out about the wetlands ESHAs on or in proximity to the site being developed for the public facility use. Although a technical analysis accompanied the applicant's request for a reduced-width buffer around the majority of wetlands at the site, the analysis failed to identify: (1) the various resident and migratory species that inhabit or utilize the ESHA; (2) the various resting, feeding, breeding, and nesting requirements of these species to determine the habitat functions of the wetland; (3) the relative susceptibility of the habitat functions of the ESHA at the site to disturbance; (4) the transitional habitat needs of the area between the ESHA and the development; (5) the specific impacts of development on the sensitive habitat resources; and (6) why the particular buffer width established would be sufficient.

Staff also recommends that the Commission continue the *de novo* portion of the appeal hearing to a subsequent meeting because the Commission does not have sufficient information from the applicant to determine if the current project can be found consistent with the environmental protection policies of the certified LCP.

The Motion to adopt the Staff Recommendation of Substantial Issue is found on Page 6.

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**STAFF NOTES:**

**1. Appeal Process.**

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or within one hundred feet of a wetland or stream or three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff.

Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments constituting major public works or major energy facilities may be appealed whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access and public recreation policies set forth in the Coastal Act.

The subject development is appealable to the Commission because: (1) it is located within 100 feet of a wetland or stream; and (2) the approved solid waste transfer station public facility use is not a principal permitted use within the Manufacturing (M) zoning district standards of the certified LCP.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a *de novo* hearing on the appeal, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellant and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

**2. Filing of Appeal.**

The appellants filed an appeal (see Exhibit No. 7) to the Commission in a timely manner on June 18, 2003, within 10 working days of receipt by the Commission on June 4, 2003 of the County's Notice of Final Local Action.

**I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE:**

Pursuant to Section 30603(b) of the Coastal Act and as discussed below, the staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

**MOTION:**

I move that the Commission determine that Appeal No. A-1-DNC-03-042 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

**STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in a *de novo* hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

**RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-1-DNC-03-042 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

**II. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

**A. APPELLANTS' CONTENTIONS**

The Commission received an appeal from Commissioners Desser and Kruer.

The appellants contend that the project as approved by the County does not conform with the LCP policies concerning the protection of wetland environmentally sensitive habitat areas, as the extent and types of wildlife utilization of these coastal resources was not established, the specific impacts associated with the approved transfer station on wildlife was not identified, and the adequacy of the proposed reduced-width buffers to protect these resources was not adequately substantiated or reviewed as part of the permit approval process.

The appellants' contentions are summarized below, and the full text of the contentions is also included as Exhibit No. 7.

1. Protection of Wetlands.

The appellants contend that the development as approved by the County is inconsistent with LCP policies requiring that development be sited and designed to avoid impacts to adjacent environmentally sensitive habitat areas (ESHAs). The LCP requires the use of perimeter buffer areas around wetland areas, within which development would be precluded or restricted, as the primary tool to ensure the avoidance of significant adverse impacts. The LCP ESHA policies require a 100-foot buffer around wetlands, and allow a reduced-width buffer only if it has been determined that a reduced-width buffer will adequately protect the resources of the wetlands. The approved project would provide for wetland buffers ranging in width from one to seventy-five feet.

The appellants assert that the adequacy of these reduced-width buffers were not adequately demonstrated, as the technical studies prepared for the project proposal concentrated primarily on the presence and extent of the wetlands at the site and their relative state of degradation, and did not thoroughly address the efficacy of the approved buffers of less than 100-foot-widths to protect the wetlands on the site. The appellants assert that the County should have required further analysis to document the extent and significance of use of these wetlands by wildlife, including the identification of the species utilizing the area, the types of habitat being used, the degree to which the approved development will adversely impact these uses, and the sufficiency of the reduced-width buffers to reduce these impacts so that the habitat utilized by the wildlife would be protected from any significant disruptions and further degradation. Having not undertaken such analysis, the appellants conclude that the project as approved by the County is inconsistent with LCP provisions for the protection of wetlands as the adequacy of the reduced-width buffers to reduce impacts of the development between transfer station activity areas and structures, and the edge of all wetlands has not been established.

**B. LOCAL GOVERNMENT ACTION**

On March 13, 2003, the Del Norte Solid Waste Management Authority, submitted a completed coastal development permit application to the Del Norte County Community Development Department for the development of a solid waste transfer station and reusable materials depot on an approximately seven acre portion of a 13.30-acre parcel located approximately ½ mile east of the incorporated boundary of the City of Crescent City in west-central Del Norte County. The purpose of the approved public facility is to provide a centralized location for the collection and consolidation of solid waste materials for subsequent truck transport to a sanitary landfill in White City, Oregon.

Following completion of the Community Development Department staff's review of the project, on March 27, 2003, Del Norte County Planning Commission approved with conditions Coastal Use Permit No. UP0317C for the subject development. The Planning Commission attached 37 special conditions. Principal conditions relevant to the grounds for the appeal included requirements that: (1) screened perimeter fencing and/or vegetated berming shall be constructed as identified in the project's final environmental impact report (FEIR); (2) a design for hooded lighting be prepared and submitted to the County as part of the building permit review for the project's first phase; (3) monofilament line be strung and maintained over the site to prevent the congregation of gulls at the site; (4) a dust reduction management plan be prepared and submitted to the County as part of the building permit review for the project's first phase; (5) a dust control management plan be submitted with measures identified in the FEIR for controlling dust associated with daily operations prior to issuance of the certificate of occupancy; (6) odor control procedures be submitted to the County as part of the building permit review; (7) mitigation measures for the protection of identified wetlands described in the FEIR be implemented pursuant to a mitigation and monitoring plan prepared and submitted to the County prior to construction activity; (8) surveys be conducted for the presence of special-status plant species within potential wetlands and wetlands edge prior to commencing construction activities; (9) all construction equipment be maintained to reduce associated noise impacts associated with waste facility operations; (10) construction equipment back-up alarms be used only when necessary and at minimum effective noise levels; (11) any project changes shall be reviewed by the County Planning Commission in conjunction with analysis by a qualified professional relating to potential noise impacts; (12) all wood waste and materials processing facilities conform with the noise standards of the General Plan and all FEIR noise control mitigation measures implemented if any portion exceeds the noise standards; (13) specified road improvements be made to State Street prior to issuance of the certificate of occupancy; and (14) a road block based upon a County-approved design be installed at the end of State Street prior to issuance of the certificate of occupancy.

The decision of the Planning Commission regarding the conditional approval of the solid waste transfer public facility use permit was appealed at the local level to the County Board of Supervisors. On May 27, 2003, the Board of Supervisors denied the appeal,

effectively upholding its Planning Commission's previous conditional approval of the project. The County then issued a Notice of Final Local Action that was received by Commission staff on June 4, 2003. The appellants filed an appeal to the Commission on June 18, 2003, within 10 working days after receipt by the Commission of the Notice of Final Local Action (see Exhibit No. 6).

### C. SITE AND PROJECT DESCRIPTION

The project site consists of an irregularly shaped 13.30-acre parcel located southeast of the intersection of State Street with Elk River Road, approximately ½ mile east of the incorporated boundary of the City of Crescent City (see Exhibit Nos. 1-2). The property consists of a generally flat, brush-covered lot situated with scattered thickets of trees on that contains wetlands along its southern and southwestern sides. Another identified wetland area is situated within a cleft on the parcel's northern property line on an adjoining lot. The wetlands along the southern side of the parcel are co-terminus with the route of drainage ditching that runs alongside the property's State Street frontage. Plant cover in these areas is dominated by a canopy of intermixed red alder (Alnus rubra) and Hooker's willow (Salix hookeriana) with patches of Douglas' spiraea (Spiraea douglasii), Himalaya blackberry (Rubus discolor), and California blackberry (Rubus ursinus) within the openings, and the ground cover composed primarily of slough sedge (Carex obnupta), Bolander's rush (Juncus bolanderi), common rush (Juncus effusus), and western bent grass (Agrostis exerta). Portions of the property identified as uplands are dominated by sweet vernal grass (Anthoxanthum odoratum), orchard grass (Dactylis glomerata), hairy cat's ear (Hypochaeris radicata), tansy ragwort (Senecio jacobaea), Scotch broom (Cytisus scoparius), and bull thistle (Cirsium vulgare).

The project site lies within the LCP's "Crescent City" sub-region and subject to the specific area policies and standards for "Planning Area No. 4, Elk Valley Road." The subject property is comprised of a vacant, 13.30-acre portion of a recently subdivided 18.35-acre parcel designated in the Land Use Plan as "General Industrial" on its western two-thirds and Light Industrial / Heavy Commercial on the eastern third, implemented through "Manufacturing and Industrial" (M) and "General Commercial" (C-4) zoning designations on the Coastal Zoning Map (see Exhibit Nos. 3 and 4). 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 location approximately one mile inland from the coastline and the presence of surrounding private land development and natural vegetation screening, no public views across the property to and along the ocean and designated scenic areas exist.

The approved development consists of the phased creation of a solid waste transfer station facility and recycling recovery and reuseable materials depot (see Exhibit No. 5). The transfer station to be developed in the first phase will be designed to accept an average of 200 tons of municipal solid waste (MSW) daily for processing in preparation of being truck-shipped for sanitary landfill disposal in White City, Oregon. In addition

to receiving commercially-hauled curb-side wastes, the transfer station will provide individual solid waste, special wastes (e.g., tires, appliances, construction debris, asphalt, soils, and green wastes), household hazardous wastes, and recyclable metals, glass, plastic, and paper drop-off services. Periodically, the facility would also provide an area where wastewater treatment plant bio-solids can be stored in sealed containers on flat-bed trailers for up to a three-day duration prior to being shipped to their disposal site. To provide these services, refuse processing infrastructure would need to be developed at the site, including paving of approximately three acres of vehicular accessways, parking lots, and waste handling and storage areas, constructing buildings to house the transfer station, scale house and offices, erecting safety and security fencing and lighting, and extending utilities and community services to these facilities.

The project's second phase would entail development of additional waste/resource recovery facilities. These facilities could take the form of either outside or indoor storage, processing, repair, and resale areas, and may eventually include bulking equipment such as shredders, compactors, and balers, storing and shipping of recycled materials, and the chipping of green and wood wastes.

The transfer station use is considered a conditionally permitted use as an "other commercial or industrial uses which might be objectionable for reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration or involving the handling of explosive or dangerous materials" under the M zoning district standards. The reuseable materials depot is considered an "other commercial or industrial" principally permitted use under the C-4 zoning district regulations.

Water service would be provided to the facility by the Bertsch-Oceanview Community Service District. Sewage disposal would be accommodated by connection to the Crescent City Regional Wastewater Treatment Facility.

#### **D. SUBSTANTIAL ISSUE ANALYSIS**

Section 30603(b)(1) of the Coastal Act states:

*The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.*

##### **1. Appellant's Contentions That Raise Valid Grounds for Appeal.**

The contention raised in this appeal presents potentially valid grounds for appeal in that it alleges the approved project's inconsistency with policies of the certified LCP. The contention alleges that the approval of the project by the County was inconsistent with



LCP provisions regarding the protection of wetlands ESHA. The Commission finds the contention raises a substantial issue, for the reasons discussed below.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

*With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.*

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code Regs., Title 14, Section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

- The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
- The extent and scope of the development as approved or denied by the local government;
- The significance of the coastal resources affected by the decision;
- The precedential value of the local government's decision for future interpretations of its LCP; and
- Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure Section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that with respect to the allegations below, a substantial issue exists with regard to the approved project's conformance with the certified Del Norte County LCP.

#### Protection of Wetlands ESHA

The appellants contend that the project record for the approved development does not include adequate analysis to substantiate that the approved reduced-width buffers of

between one and seventy-five feet in width around the wetlands on the site would be adequate to protect the resources of the wetlands from the impacts associated with the solid waste transfer station inconsistent with the policies and standards of the Del Norte County LCP. The appellants assert that a thorough examination of the property's environmental resources is necessary in order to demonstrate that the development has been sited and designed to prevent impacts or degradation to wetlands and that protection of these environmentally sensitive habitat areas can be assured as required by the certified Land Use Plan (LUP).

Applicable LCP Policies and Standards:

Section IV-C of the Marine and Water Resources Chapter of the County of Del Norte LUP states:

*Sensitive Habitat Types: Several biologically sensitive habitat types, designated through the application of the above criteria, are found in the Coastal Zone of Del Norte County. These include: offshore rocks; intertidal areas; estuaries; wetlands; riparian vegetation systems; sea cliffs; and coastal sand dunes... [emphasis added]*

As stated above, the Marine and Water Resources chapter of the LUP includes "wetlands" among its list of "sensitive habitat types," defining such as areas as:

*'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, bogs, and fens.*

Marine and Water Resources Policy VI.C.6 of the County of Del Norte LUP 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.*

Marine and Water Resources Policy VII.D.4f & g of the County of Del Norte LUP states:

*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, 1981. The Department of Fish and Game shall have up to fifteen days upon receipt of County notice to provide review and cooperation. [emphases added]*

Discussion:

The project site contains wetlands along its southwestern portions. These areas consist of areas exhibiting a prevalence of hydrophytic vegetation, near-surface hydrology, and/or hydric soils. These areas were the subject of a wetland delineation report (Winzler & Kelly Consulting Engineers) prepared for the purpose of establishing the location and extent of the wetlands and determining appropriate buffers around these areas. As cited above, the LUP's Marine and Water Resources chapter contains policies intended to ensure that such environmentally sensitive areas are protected from development. Policy VII.D.4.f requires that development be sited and designed to prevent impacts and degradation and establishes a 100-foot-wide buffer between the edge of the wetlands and any proposed development. Provisions are also included to allow for a reduced buffer width subject to coordinated review with the California Department of Fish and Game

and the County making specific findings as to the adequacy of the reduced buffer to protect the wetland areas.

Buffers provide separation from development and environmentally sensitive habitat areas (ESHAs) to minimize disturbance to plants and animals inhabiting an ESHA and to protect the habitat values of the area. Buffers are typically intended to create a spatial separation between potentially disruptive activity typically associated with development such as noise, lighting, and human activity which can disrupt feeding, nesting, and behavior patterns of wildlife. Buffer areas also provide transitional habitat between development and environmentally sensitive habitat areas. Additionally, buffers are often required to provide a vegetated area to capture and treat drainage and stormwater runoff from development to minimize the amount of pollutants potentially entering environmentally sensitive habitat areas and receiving waters.

In its approval of this public facilities project, the County allowed a reduced-width buffer of between one to seventy-five feet in width around the edge of the wetlands. The need for the buffer was identified within the project's environmental impact report (EIR) which concluded that activities associated with the proposed solid waste transfer facility use had the potential to impact the wetlands identified on the project site. To reduce these potential adverse impacts to less than significant levels the EIR included Mitigation Measure No. 2-1, which reads:

To adequately protect these wetlands, buffer zones have been delineated according to guidelines set forth in the Del Norte County Local Coastal Plan and the California Department of Fish and Game. Wetland buffer zones will be planted with native species as appropriate to provide a vegetative screen. A silt fence will be placed around the wetland buffers prior to construction activities on-site, in accordance with an approved storm water pollution prevention plan. [SEIR, p.6]

The location and extent of the buffers was illustrated on a map within the delineation report incorporated as a technical study within the project EIR. No specific sizes for each of the wetland areas or the widths of their respective buffers were provided in the delineation report. Based upon scaled measurements from the delineation report map, of the two distinct wetland areas on the south side of the project site situated on either side of the proposed access road onto the parcel, the approved buffer widths range from one foot to seventy-five feet, with a typical width of 35 feet around the southwestern wetlands and ranging from five to thirty feet with a general width of 25 feet around the wetland patches in the southeast corner of the property.

The findings indicate the buffers would be sufficient because the wetland area: (a) has little role in recharging groundwater supplies; (b) has limited value for flood control; (c) may have developed due to poor drainage and soils disturbances associated with past logging and industrial activities; (d) is physically separated from adjacent higher value

wetlands; (e) is of low ecological value in terms of providing substantial fish and wildlife habitat; and (f) contains no threatened or endangered species.

The project documents indicate that the approved buffer width was designed based upon input from and concurrence of the Department of Fish and Game and the Coastal Commission that provided the factual basis for the findings adopted by the Planning Commission as to why the proposed reduced-width buffer would be adequate to protect identified wetland resources. However, in a comment letter dated January 10, 2003, Commission staff identified several issues about the manner by which the wetlands delineation had been prepared and conclusions had been reached such as whether additional information was needed to fully document the presence of wetlands, the degree of potential impacts to wetlands, and the adequacy of the proposed reduced-width buffer to protect wetland areas. Although the response to comments within the project's final EIR indicated that a revised report would be prepared addressing these issue areas, no further revisions to the report were prepared prior to the County's action on the project permit.

Moreover, the approach for formulating the approved buffer width was based on CDFG criteria involving the size of the wetland, regardless of its particular shape or configuration, rather than the particular spatial separation needed between the development and affected environmentally sensitive areas in order to reduce the project impacts to a less than significant level. As detailed in the CDFG guidelines excerpt included in the project's record, a buffer width of as narrow as 50 feet could be deemed adequate for wetlands ranging from zero to one acre in size, 75 feet for wetland areas of 1.1 to 5.0 acres, and 100 feet for wetlands of 5.1 acres or larger. These buffer widths may be further reduced to 50% of the indicated widths (25, 37.5, and 50 feet, respectively) if appropriate native trees and shrubs are planted as a vegetative screen within the buffer areas. Additionally, the guidelines provide that up to 50% of the buffer area may be averaged around the wetland as long as a minimum of 50% of the original buffer distance is maintained. The CDFG guidance document excerpt provides no absolute minimum buffer width for the allowed averaged-width portions of buffer, nor specifies how the determining the average width is to be derived (i.e., arithmetic mean, mode, or median). These CDFG guidelines are not part of the certified LCP. As noted previously, LUP Policy VII.D.4.f states that a buffer area of less than 100 feet shall be based on specific findings as to the adequacy of the proposed buffer to protect the resource, not based on a numerical formula.

The factual basis on which the County's findings for conditional approval of the project was based on the environmental impact report prepared for the development. This document contains the wetlands delineation report and subsequent correspondence regarding the rationale for the reduced wetlands buffers, including supportive correspondence from the California Department of Fish and Game and the U.S. Fish and Wildlife Service. The project EIR also referenced and states as having utilized as

background information a wildlife habitat assessment prepared in 2000 for a lumber mill rehabilitation project on an adjoining parcel (Galea Wildlife Consulting, 3/9/00).

However, it is not apparent that this analysis inventoried the wildlife species that use the proposed transfer station site, how the species utilize the habitat (i.e., feeding, roosting, nesting, etc.) and how the particular disturbances that would result from the project would affect the functions provided by the sensitive habitat. While the biological report focuses on several specific impacts to specific listed avian, mammalian, and amphibian species and in general to wildlife, the biological evaluation does not provide an overall assessment of the specific functions and resources of the ESHA. The biological analysis failed to identify: (1) the various resident and migratory species that inhabit or utilize the ESHA; (2) the various resting, feeding, breeding, and nesting requirements of these species; (3) the relative susceptibility of the species engaging in these activities at the site to disturbance; and (4) the transitional habitat needs of these species between the ESHA and the development. For example, the biological report did not include any specific information regarding the current level of use of the ESHA by various species of wildlife and how these habitat uses of the ESHA would be expected to change as a result of the operation of the constructed development.

Furthermore, there is no quantification of what the anticipated noise and lighting levels and other human disturbance associated with the operation of the development would be and how the width of the buffer between the ESHA and the development would affect the habitat functions of the ESHA. However, the biological assessment also does not include a quantification of noise and light impacts associated with the operation of the project and an analysis of an adequate buffer width based on such a quantification. The biological information merely concludes that because the project site is already degraded from past development activities, additional impacts associated with the project would not result in adverse impacts to wildlife resources.

Additionally, while the approved native vegetation buffer area would be an improvement relative to existing site conditions, the information in the record does not demonstrate how the planting of vegetation along a reduced buffer width would achieve the purpose(s) of the buffer to effectively protect the resources of the habitat area as required by LUP Policy VI.C.6. Until this information is known, it is difficult to demonstrate that a buffer width less than the 100 feet identified in LUP Marine and Water Resources Policy VII.D.4f would be adequate to protect the various species and habitat values of the ESHA.

Thus, the degree of factual and legal support for the County's decision is not sufficient to demonstrate that the development is consistent with the ESHA and wetland protections policies of the LCP. Furthermore, as Sections 30233 and 30240 of the Coastal Act require that wetlands of the coastal zone be protected from the impacts of development and the cumulative impact of the loss of wetlands and wetland habitat over time throughout the coastal zone has been significant, the appeal raises issues of statewide

significance rather than just a local issue. Therefore, the Commission finds that the approved project raises a substantial issue of conformance with the ESHA provisions of the certified LUP, including Marine and Water Resources Policy VII.D.4.f that a buffer with less than the default 100-foot-width be adequate to protect the various species and habitat values of the ESHA at the site.

Furthermore, the Commission finds that the project as approved by the County raises a substantial issue of conformance with LUP Policy VI.C.6 regarding the establishment of an adequate buffer for development adjacent to environmentally sensitive habitat areas to protect the resources of the habitat area and prevent impacts that would significantly degrade environmentally sensitive habitat areas from development adjacent to the habitat area.

**E. INFORMATION NEEDED FOR *DE NOVO* REVIEW OF APPLICATION**

As stated above, Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which an appeal has been filed. Section 30621 of the Coastal Act instructs the Commission to provide for a *de novo* hearing on all appeals where it has determined that a substantial issue exists with respect to the grounds on which an appeal has been filed. If the Commission finds substantial issue as recommended above, staff also recommends that the Commission open and continue the *de novo* portion of the appeal hearing to a subsequent date. The *de novo* portion of the appeal hearing must be continued because the Commission does not have sufficient information to determine how development can be approved consistent with the certified LCP.

Given that the project the Commission will be considering *de novo* has come to the Commission after an appeal of a local government action, the Commission has not previously been in the position to request information from the applicant needed to determine if the project can be found to be consistent with the certified LCP. Following is a discussion of the information needed to evaluate the development.

**Wildlife Habitat Utilization and Impact Assessment**

As discussed above, because the proposed use would not provide the 100-foot buffer width around the wetlands at the project site, the development must conform to the certified LCP provisions that require determination of the adequacy of any reduced-width buffers to protect the ESHA resources within the wetlands. Because no analysis of the riparian ESHA was performed to determine appropriate buffers, a determination of an adequate buffer is needed as prescribed in Coastal Zoning Code 20.496.020(A)(1)(a-g).

LUP Marine and Water Resources Policies VI.C.6 and VII.D.4f instruct that development not be permitted unless it has been shown to be sited and designed to

prevent impacts which could significantly degrade environmentally sensitive habitat areas and be compatible with the continuance of such areas. Given the above requisite findings for approval, *de novo* analysis of the coastal development permit application by the Commission would involve consideration of wetlands and ESHA issues and the associated policies and standards of the certified LCP.

The habitat and wetland assessment by Winzler and Kelly Consulting Engineers does not fully analyze the impacts of the transfer station on the wetland habitat on the site and the adequacy of the reduced-width buffers. With the exception of rare, endangered, or threatened plant species, the presence or absence of utilization of the site by wildlife was not comprehensively determined, especially the locations in close proximity to planned intensive transfer station activity areas where such wildlife utilization may be disrupted due to development noise, light, and human presence. To properly determine the adequacy of the proposed reduce-width, averaged-width wetland buffer, the applicant must submit a biological evaluation addressing: (1) the various resident and migratory species that inhabit or utilize the ESHA; (2) the various resting, feeding, breeding, and nesting requirements of these species; (3) the relative susceptibility of the species engaging in these activities at the site to disturbance; (4) the transitional habitat needs of these species between the ESHA and the development; (5) a qualitative and quantitative analysis of what the anticipated noise and lighting levels and other human disturbances associated with the operation of the development would be and how the width of the buffer between the ESHA and the development would affect the habitat functions of the ESHA.

#### **Transfer Station Access Entry Design Details**

To avoid filling wetlands in developing the access road into the transfer station site, the applicants have proposed to move the right-of-way of State Street and use an arched culvert crossing of the wetlands along the property's State Street frontage. Other than generically stating that such a crossing would be utilized, the project record contains no details as to the specific design and location for the arched culvert crossing and shows no detail of the new configuration of State Street. To assure that the crossing and the realigned State Street would avoid encroaching into these environmentally sensitive areas, the applicants must provide a detailed design for the proposed realigned street and the arched culvert crossing, including an description of the materials and construction techniques involved in its placement, and an precise depiction of the location of street and the bridge structure in relation to wetlands in proximity to the crossing.

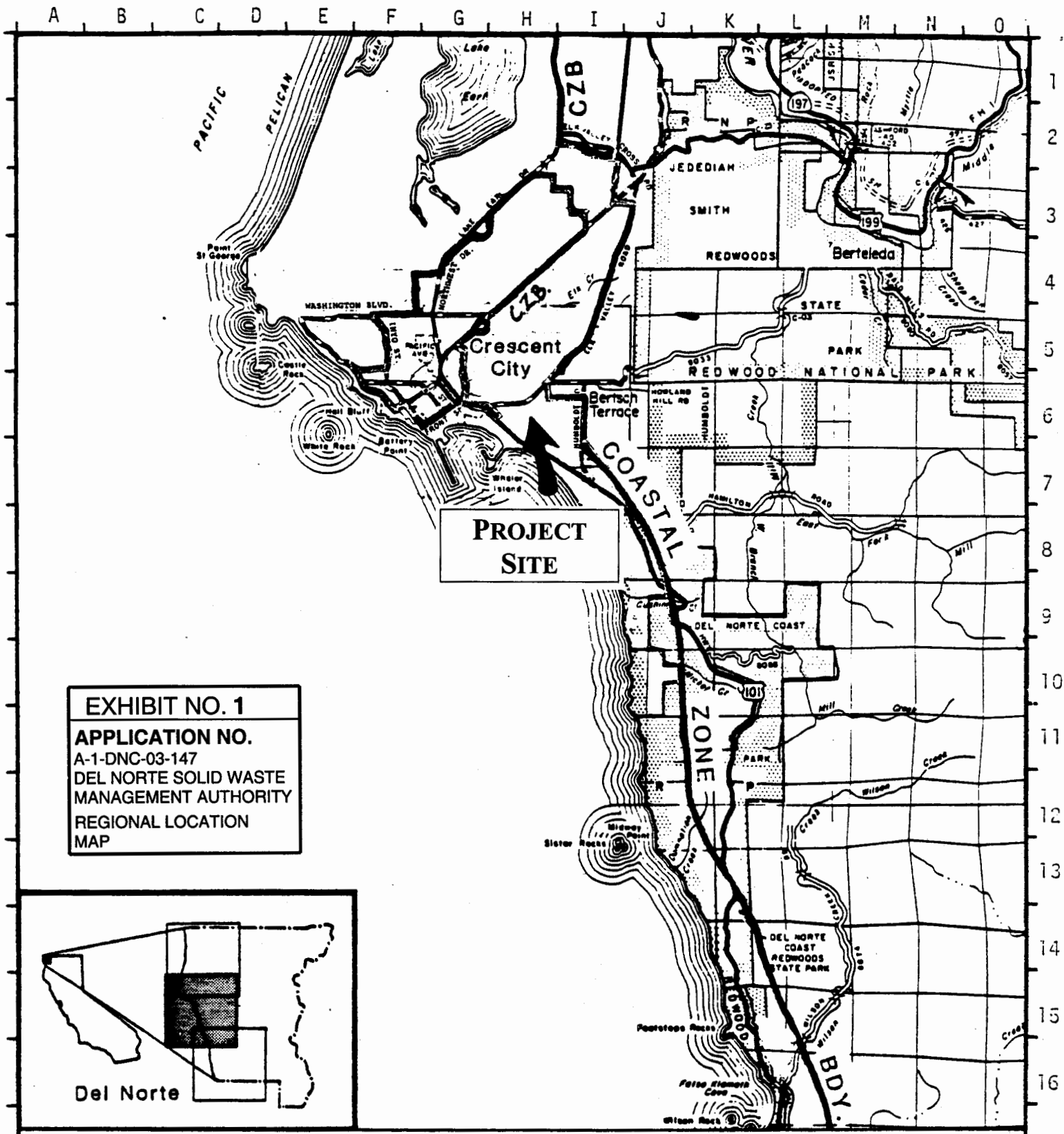
Without the above information, the Commission cannot reach a final determination concerning the project's consistency of the project with the environmentally sensitive habitat area policies of the LCP. Therefore, before the Commission can act on the



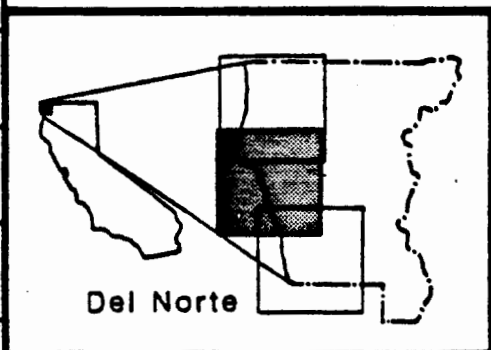
proposed project *de novo*, the applicant must submit all of the above-identified information.

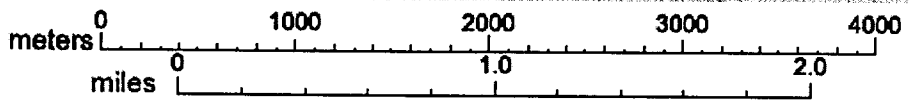
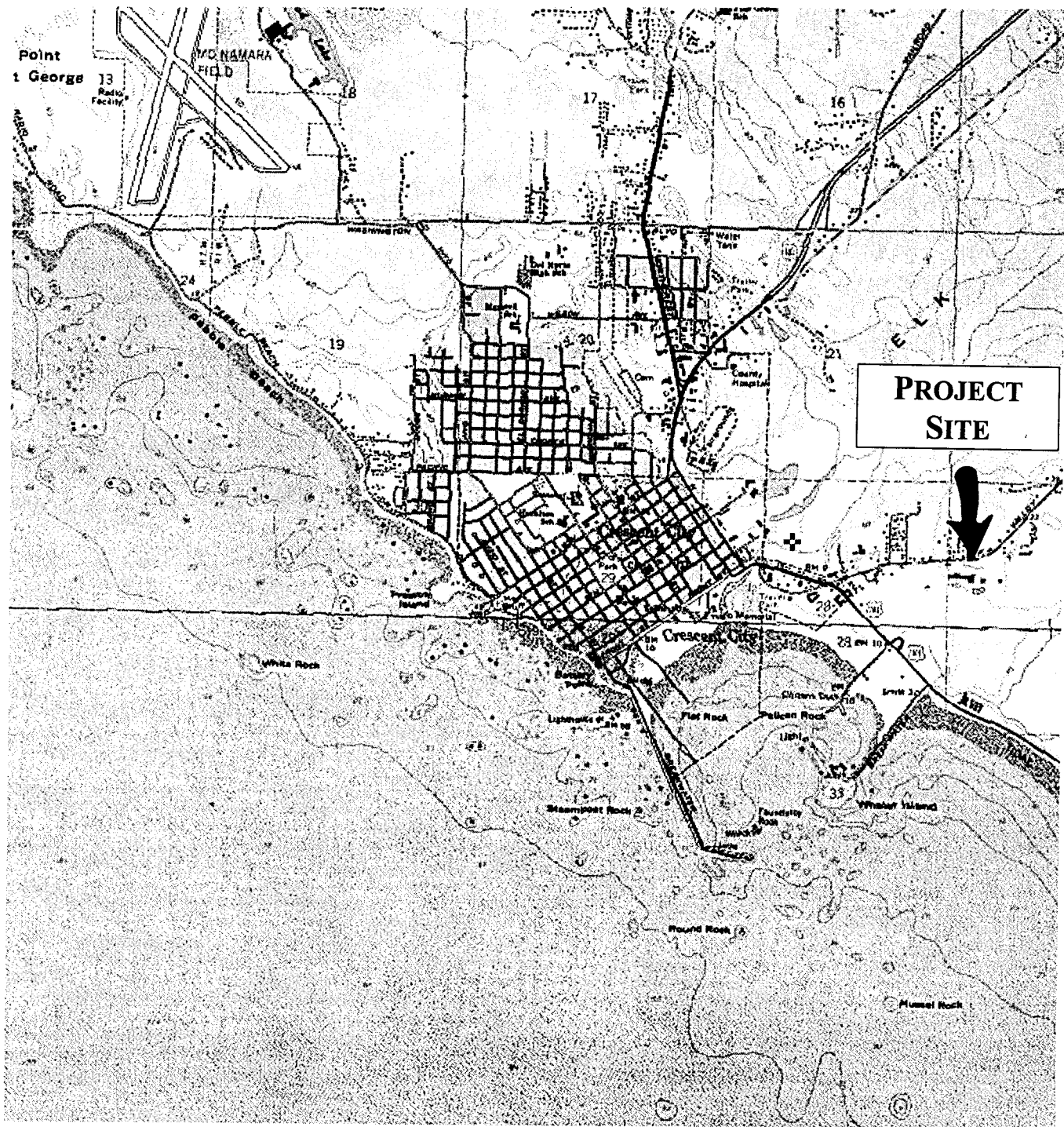
**III. EXHIBITS:**

1. Regional Location Map
2. Vicinity Map
3. Portion, Land Use Plan Map – Crescent City *Planning Area*
4. Portion, Zoning Map – Area C-10
5. Site Plan
6. Notice of Final Local Action
7. Appeal, filed June 18, 2003 (Desser & Kruer)
8. Correspondence Regarding Wetlands Delineation and ESHA Buffers
9. General Correspondence

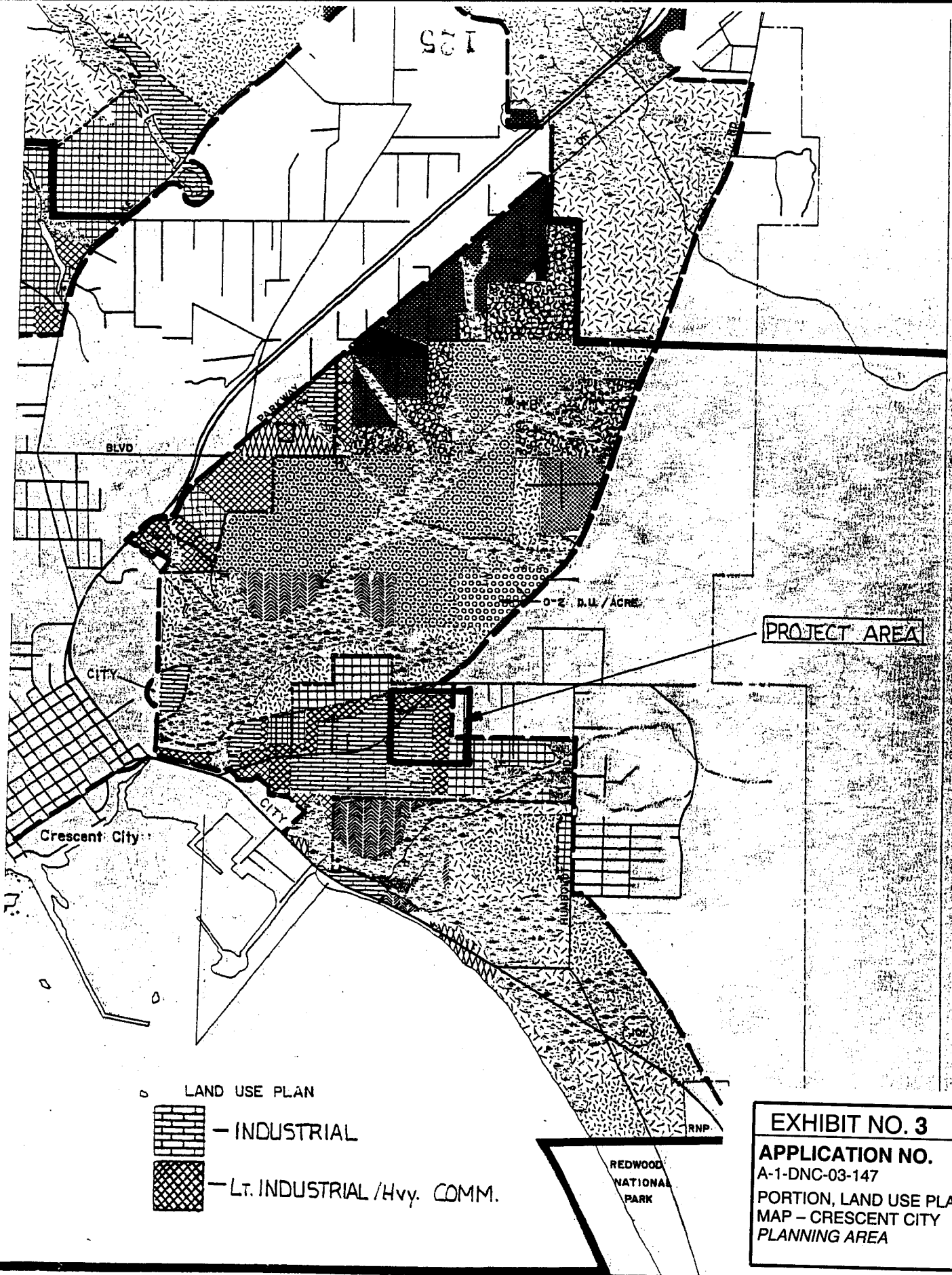


**EXHIBIT NO. 1**  
**APPLICATION NO.**  
 A-1-DNC-03-147  
 DEL NORTE SOLID WASTE  
 MANAGEMENT AUTHORITY  
 REGIONAL LOCATION  
 MAP







**EXHIBIT NO. 2**  
**APPLICATION NO.**  
 A-1-DNC-03-147  
 DEL NORTE SOLID WASTE  
 MANAGEMENT AUTHORITY  
 VICINITY MAP



LAND USE PLAN

 - INDUSTRIAL  
 - Lt. INDUSTRIAL / Hvy. COMM.

**EXHIBIT NO. 3**

**APPLICATION NO.**  
A-1-DNC-03-147

PORTION, LAND USE PLAN  
MAP - CRESCENT CITY  
PLANNING AREA

ND USE

EXHIBIT A - LAND USE  
DNSWMA TRANSFER FACILITY

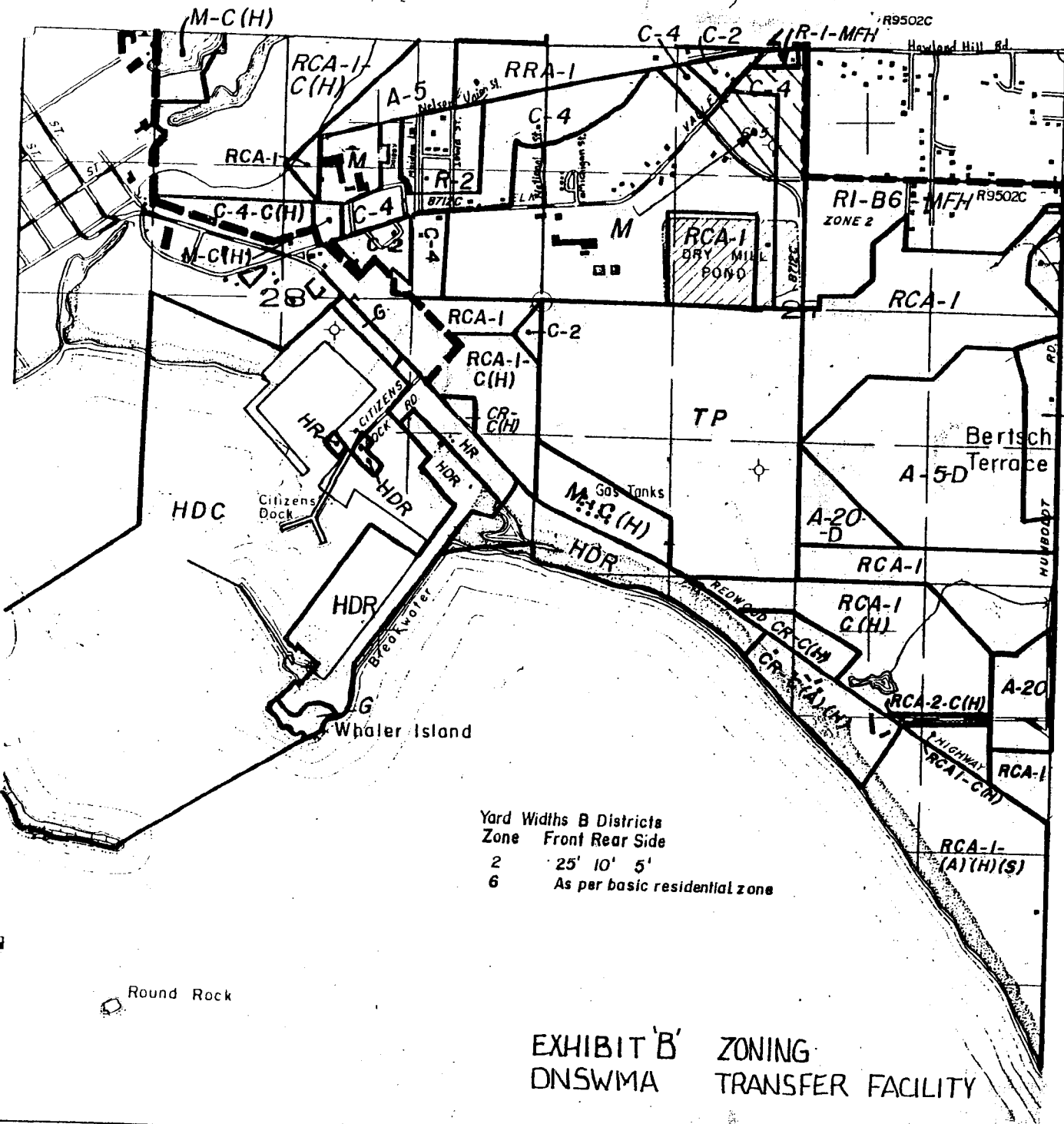


EXHIBIT NO. 4  
 APPLICATION NO.  
 A-1-DNC-03-147  
 DEL NORTE SOLID WASTE  
 MANAGEMENT AUTHORITY  
 PORTION, ZONING MAP -  
 AREA C-10

| Yard Widths B Districts |                               |      |      |
|-------------------------|-------------------------------|------|------|
| Zone                    | Front                         | Rear | Side |
| 2                       | 25'                           | 10'  | 5'   |
| 6                       | As per basic residential zone |      |      |

Section 21.06.050 Ordinance 8  
 DEL NORTE CO. ZONING I  
 AREA C-10  
 SECTIONS 27, 28, 34  
 TWP 16 N RGE 1W HB & M  
 CRESCENT CITY AREA

EXHIBIT 'B'  
 DNSWMA ZONING  
 TRANSFER FACILITY

APPROVED BY PLANNING COMMISSION *[Signature]*  
 APPROVED BY BOARD OF SUPERVISORS *[Signature]*  
 COUNTY OF DEL NORTE, CALIFORNIA  
 83-03:Sept 6, 83 REVISED 3/23/95

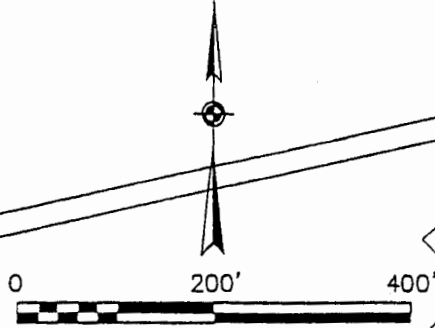


Round Rock

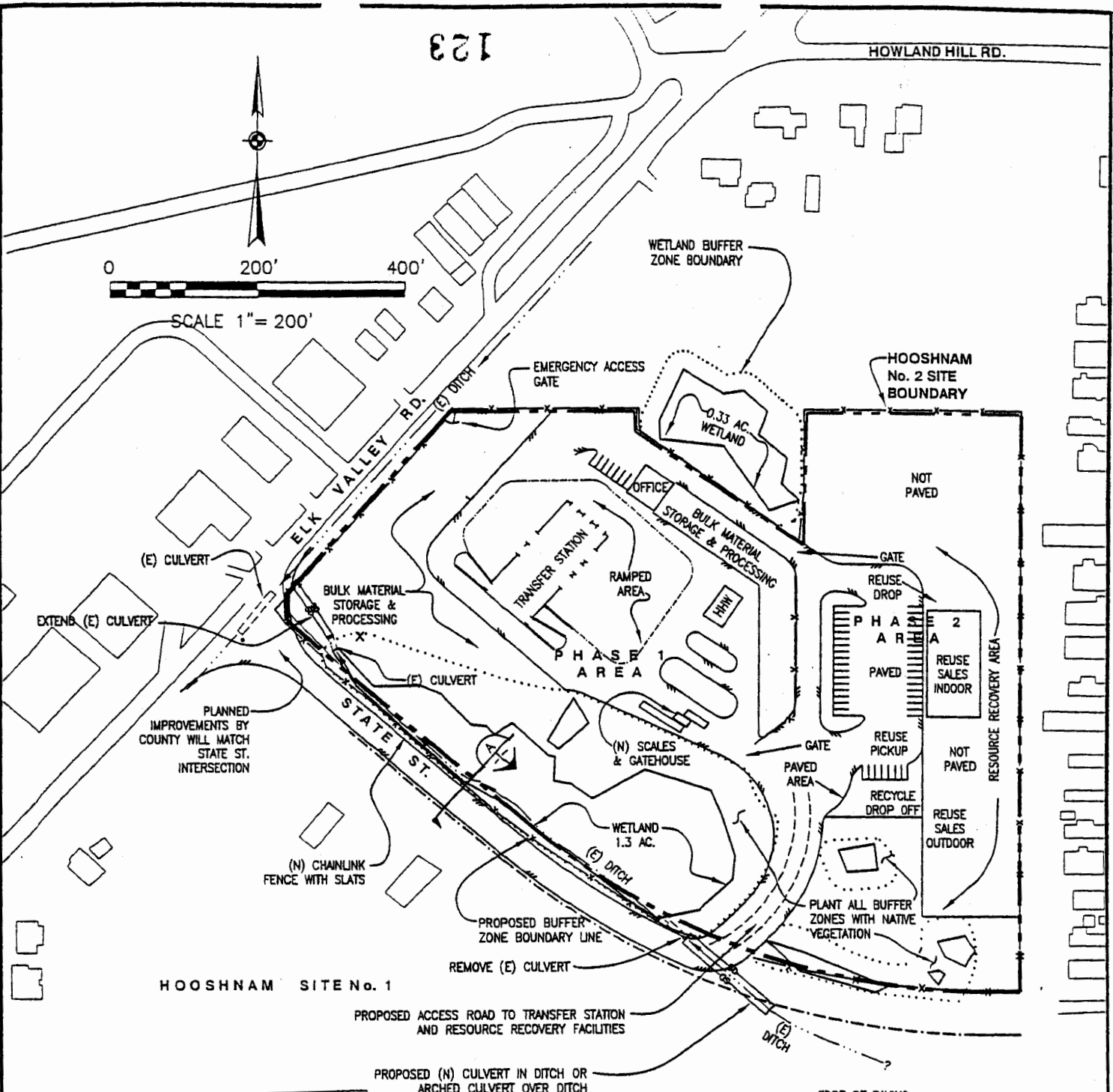
02139803\dwg\398bf02a.dwg date: 2-28-03 @ 2pm

123

HOWLAND HILL RD.



SCALE 1" = 200'

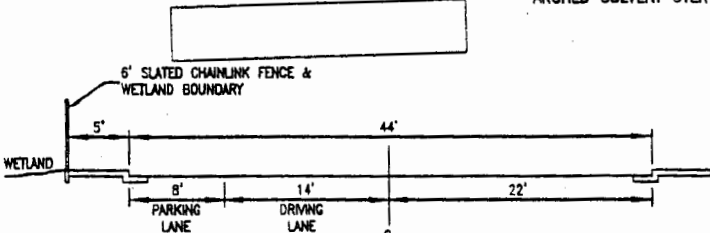


HOOSHNAM SITE No. 1

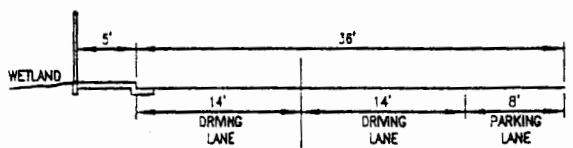
PROPOSED ACCESS ROAD TO TRANSFER STATION AND RESOURCE RECOVERY FACILITIES

PROPOSED (N) CULVERT IN DITCH OR ARCHED CULVERT OVER DITCH

- EDGE OF PAVING
- x-x- SLATED CHAINLINK FENCE
- - - COUNTY ROAD EASEMENT
- PROPERTY LINE
- ..... WETLAND BUFFER ZONE



COUNTY STANDARDS FOR COLLECTOR STREET



PROPOSED ROAD SECTIONS



**EXHIBIT NO. 5**

**APPLICATION NO.**

A-1-DNC-03-147

DEL NORTE SOLID WASTE  
MANAGEMENT AUTHORITY

**SITE PLAN**

HC

2

|   |
|---|
| <b>APPLICATION NO.</b><br>A-1-DNC-03-147<br>DEL NORTE SOLID WASTE<br>MANAGEMENT AUTHORITY<br>NOTICE OF FINAL LOCAL<br>ACTION (1 of 2) |
|---|

**DEL NORTE COUNTY COMMUNITY DEVELOPMENT DEPART**  
**981 H STREET, SUITE 110**  
**CRESCENT CITY, CA 95531**

**NOTICE OF ACTION**

I. Notice is hereby given that the **Planning Commission** of Del Norte County took the following action on **April 2, 2003** regarding the application for development listed below:

**Action:** \_\_\_ Approved **X** Denied \_\_\_ Continued \_\_\_ Recommended EIR  
\_\_\_ Forwarded to Board of Supervisors

**Application Number:** UP0317C

**Project Description:** Appeal of Use Permit for Public Facility (Solid Waste Transfer Facility)

**Project Location:** Elk Valley Road at the State Street right- of- way

**Assessor's Parcel Number:** 115-180-18

**Applicant:** Del Norte Solid Waste Management Authority

**Applicant's Mailing Address:** 391 Front Street, Crescent City, CA 95531

**Agent's Name & Address:** Winzler & Kelly, 633 Third Street, Eureka, CA 95501

The Board of Supervisors made no changes to the conditions of approval as applied by Planning Commission.

II. **If Approved:**

This County permit or entitlement serves as a Coastal permit. No further action is required unless an appeal is filed in which case you will be notified.

This County permit or entitlement DOES NOT serve as a Coastal permit. Consult the Coastal Zone Permit procedure section of your NOTICE OF APPLICATION STATUS or the Planning Division of the Community Development Department if you have questions.

III. **Notice is given that this project:**

Is not appealable to the California Coastal Commission, however, a local appeal period does exist.

Is appealable to the California Coastal Commission.

Any appeal of the above decision must be filed with the Clerk of the Board of Supervisors by \_\_\_\_\_ for consideration by the Board of Supervisors.

Any action of the Board of Supervisors on this item may be appealed to the California Coastal Commission within 10 working days or 21 calendar days subject to the requirements of Chapter 21.52 DNCC and Coastal Regulations.

Must be forwarded to the California Coastal Commission for final action. You will be notified of its status by the Coastal Commission Office.

(Continued on the next page)

Is not subject to Coastal Commission regulations, however, a local appeal process is available. Written appeals must be filed with the Clerk of the Board of Supervisors by \_\_\_\_\_ . Consideration will be by the Board of Supervisors.

Requests for deferment of road improvement standards or for modification of road improvement standards must be filed in writing with the Clerk of the Board of Supervisors by \_\_\_\_\_, with a copy provided to the Secretary of the Planning Commission. Consideration will be by the Board of Supervisors.

Parcel map must be filed within 24 months of the date of approval.

Record of Survey and new deeds must be filed within 24 months of the date of approval.

New deeds must be filed within 24 months of the date of approval.

**EXTENSIONS - MAJOR & MINOR SUBDIVISIONS OR BOUNDARY ADJUSTMENTS** - Maps (or Records of Survey/Deeds) must be filed within 12 months after the original date of expiration.

**NOTICE - SECTION 1.40.070**

The time within which review of this decision must be sought is governed by the California Code of Civil Procedure, Section 1094.6, and the Del Norte County Ordinance Code, Chapter 1.40. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this decision was made; however, if within 10 days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to no later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

**FISH AND GAME FILING FEES**

Projects subject to CEQA are also subject to the following fees as required by the California Department of Fish and Game:

Applicable Fee - \_\_\_ Neg. Dec. (\$1,275) \_\_\_ EIR (\$875) \_\_\_ Exempt

This fee is due and payable to the County Clerk's Office. If not paid within 10 days of the date of action of the Planning Commission, your project may be invalid by law (PRC 21089(b)) and will be referred to Fish and Game's Department of Compliance and External Audits in the Clerk's monthly deposit and report to Fish and Game.

**ATTENTION PROSPECTIVE SUBDIVIDER**

As a prospective subdivider of property, this notice is to advise you that **all taxes** must be paid in full prior to the recordation of your map. If the map is filed **after December 16<sup>th</sup>, you must pay all taxes due PLUS NEXT YEAR'S TAXES** before the map can be recorded.

If you have any questions regarding the payment of taxes, call the Del Norte County Tax Collector's Office at (707) 464-7283.

*2 of 2*



## CALIFORNIA COASTAL COMMISSION

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

MAILING ADDRESS:  
P. O. BOX 4908  
EUREKA, CA 95502-4908



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing  
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Commissioners Christina L. Desser and Patrick Kruer

(See Attachment 1)

Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Del Norte

2. Brief description of development being appealed:

Coastal Use Permit for development of a solid waste transfer station.

3. Development's location (street address, assessor's parcel no., cross-street, etc.):

Elk Valley Road and State Street, Crescent City, Del Norte County

APN 115-180-18

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: \_\_\_\_\_ ✓

c. Denial: \_\_\_\_\_

Note: For jurisdiction with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-1-DNC-03-042

DATE FILED: June 18, 2003

DISTRICT: North Coast

EXHIBIT NO. 7

APPLICATION NO.

A-1-DNC-03-147  
DEL NORTE SOLID WASTE  
MANAGEMENT AUTHORITY  
APPEAL, FILED JUNE 18,  
2003 (DESSER & KRUER)  
(1 of 13)

RECEIVED

JUN 18 2003

CALIFORNIA  
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

a.  Planning director/Zoning Administrator      c.  Planning Commission

b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: May 27, 2003

7. Local government's file number (if any): UP0317C

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

|                                      |                         |
|--------------------------------------|-------------------------|
| Del Norte Solid Waste Mgt. Authority | Winzler & Kelly (Agent) |
| 391 Front Street                     | 633 Third Street        |
| Crescent City, CA 95531              | Eureka, CA 95501        |

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Ali and Malihe Hooshnam  
P.O. Box 131  
Crescent City, CA 95531

(2) Spruce Haven Mobile Home Park  
150 Kerby Street  
Crescent City, CA 95531

(3) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION IV. Reasons Supporting This Appeal**

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

2913

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

(See Attachment 2)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Charles Dan  
Appellant or Agent

Date: June 18, 2003

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

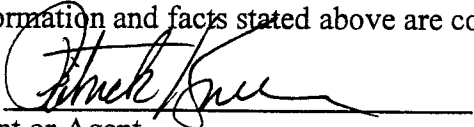
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

( See Attachment 2 )

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed:   
Appellant or Agent

Date: June 18, 2003

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

4 of 13

**ATTACHMENT #1:  
APPELLANTS**

**Christina L. Desser**  
2151 Pacific Street  
San Francisco, CA 94115  
(415) 561-2627

**Patrick Kruer**  
The Monarch Group  
7727 Herschel Ave.  
La Jolla, California 92037  
858-551-4390

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**ATTACHMENT #2:  
REASONS FOR APPEAL**

The proposed coastal development project as approved by County of Del Norte is inconsistent with the Marine and Water Resources Policies and Standards of the certified LCP, including Policies VI.C.6 and VII.D.4.f & g of the Land Use Plan (LUP) of the Del Norte County Local Coastal Program (LCP) as currently certified.

**Policy Citations**

Section IV-C of the Marine and Water Resources Chapter of the County of Del Norte LUP states:

*Sensitive Habitat Types: Several biologically sensitive habitat types, designated through the application of the above criteria, are found in the Coastal Zone of Del Norte County. These include: offshore rocks; intertidal areas; estuaries; wetlands; riparian vegetation systems; sea cliffs; and coastal sand dunes...*

Marine and Water Resources Policy VI.C.6 of the County of Del Norte LUP 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."*

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

*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.*

6 of 13

- 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, 1981. The Department of Fish and Game shall have up to fifteen days upon receipt of County notice to provide review and cooperation.*  
[emphasis added]

As stated above, the Marine and Water Resources chapter of the LUP includes "wetlands" among its list of "sensitive habitat types," defining such as areas as:

*'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, bogs, and fens.*

#### **Conformance Analysis**

On May 27, 2003, the County of Del Norte Board of Supervisors denied an appeal of the Planning Commission's April 2, 2003 approval-with-conditions of a coastal permit for the development of a solid waste transfer station on a former lumber mill site located on unincorporated land east of the City of Crescent City. The coastal permit approval was contingent upon satisfactory compliance with numerous project conditions including providing specific site utility and infrastructure improvements and amenities, limitations on lighting, noise, odor, and dust abatement, prior-to-permit-issuance requirements for approval of final geotechnical and drainage analyses and erosion and runoff control plans, and a mitigation and monitoring program for offsetting impacts to wetlands and special-status plant species. In denying the appeal of the use permit approval, Board of Supervisor's action sustained the Planning Commission's adopted findings that the project is consistent with the policies and standards of the Local Coastal Plan and Title 21 – *Coastal Zoning* of the Del Norte County Code.

The project site contains wetlands along its southwestern portions. These areas consist of areas exhibiting a prevalence of hydrophytic vegetation, near-surface hydrology, and/or hydric soils. These areas were the subject of a wetland delineation report (Winzler & Kelly Consulting Engineers) prepared for the purpose of establishing the location and extent of the wetlands and determining appropriate buffers around these areas. As cited above, the LUP's Marine and Water Resources chapter contains policies intended to ensure that such environmentally sensitive areas are protected from development. Policy VII.D.4.f requires that development be sited and designed to prevent impacts and degradation and establishes a default 100-foot-wide buffer between the edge of the wetlands and any proposed development. Provisions are also included to allow for reduced buffer width subject to coordinated review with the California Department of Fish and Game and the County making specific findings as to the adequacy of the reduced buffer to protect the wetland areas.

Buffers provide separation from development and environmentally sensitive habitat areas (ESHAs) to minimize disturbance to plants and animals inhabiting an ESHA and to protect the habitat values of the area. Buffers are typically intended to create a spatial separation between

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 7)

potentially disruptive activity typically associated with development such as noise, lighting, and human activity which can disrupt feeding, nesting, and behavior patterns of wildlife. Buffer areas also provide transitional habitat between development and environmentally sensitive habitat areas. Additionally, buffers are often required to provide a vegetated area to capture and treat drainage and stormwater runoff from development to minimize the amount of pollutants potentially entering environmentally sensitive habitat areas and receiving waters.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 9)

concludes that because the project site is already degraded from past development activities, additional impacts associated with the project would not result in adverse impacts to wildlife resources.

Additionally, while the approved native vegetation buffer area would be an improvement relative to existing site conditions, the information in the record does not demonstrate how the planting of vegetation along a reduced buffer width would achieve the purpose(s) of the buffer to effectively protect the resources of the habitat area as required by LUP Policy VI.C.6. Until this information is known, it is difficult to demonstrate that a buffer width less than the default 100 feet identified in LUP Marine and Water Resources Policy VII.D.4f would be adequate to protect the various species and habitat values of the ESHA.

Therefore, based on the information in the record before the County, the project as approved is inconsistent with the LCP's directive that protection of the environmentally sensitive habitat areas be assured. In addition, without additional biological information, it is not possible to factually determine that the reduced buffer of between one and seventy five feet in width around the wetlands is sufficient to ensure protection of the ESHA. Therefore, the project as approved by the County is inconsistent with LUP Policy VI.C.6 regarding the establishment of an adequate buffer for development adjacent to environmentally sensitive habitat areas to protect the resources of the habitat area and preventing impacts that would significantly degrade environmentally sensitive habitat areas from development adjacent to the habitat area.



CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE MAILING ADDRESS:  
710 E STREET - SUITE 200 P. O. BOX 4808  
EUREKA, CA 95501-1865 EUREKA, CA 95502-4808  
VOICE (707) 445-7833  
FACSIMILE (707) 445-7877



January 10, 2003

MAR 10 2003  
EUREKA

Steve Salzman PE and Danny Pineda, Soils and Plant Ecologist  
Winzler & Kelly Consulting Engineers  
633 Third Street  
Eureka, CA 95501-0147

RE: Del Norte Solid Waste Management Authority's Hooshnam Site No. 2 Solid Waste Transfer Station, 645 Elk River Crescent City Area, Del Norte County California, APN 115-180-18

Dear Messrs. Salzman and Pineda:

The purpose of this letter is to report to you the result of the Commission's Technical Services Unit's review of the wetlands delineation and buffer analysis, submitted on December 12, 2002, for the above-referenced development project. Although the site is located within the certified coastal development permit jurisdiction of the County of Del Norte, given the timelines associated with the pending closure of the Del Norte County landfill and the need for the Del Norte Solid Waste Management Authority to promptly establish a replacement solid waste collection facility, this review was conducted at your request to avoid any further delays associated with any appeal to the Commission that may be filed regarding the County's actions on the transfer station project.

Wetland Delineation and Buffer Analysis Review Comments

John Dixon, PhD, Ecologist and Wetlands Coordinator with the Commission's Technical Services Unit has completed his review of the submitted wetlands report and buffer proposal. On the whole, Dr. Dixon states that the delineation is generally acceptable and follows the Coastal Commission's wetland standards. He does, however, note the following problem areas within the report:

- The report does not include a map that shows the location of their sample points.
- There appears to be missing text between pages 3 and 4.
- In determining whether there was a predominance of hydrophytic vegetation, only OBL and FACW species appear to have been counted as wetland indicator species on some of the data sheets, whereas on other data sheets FAC were included. This procedure was not justified in the text.

11 of 13

Steve Salzman, Danny Pineau - Winzler & Kelly Consulting Engineers  
January 10, 2003  
Page 2 of 3

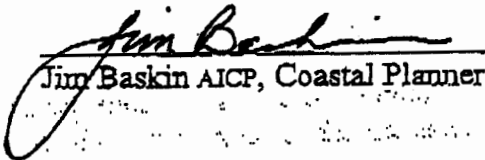
- The calculation of relative cover was done incorrectly where there was more than one vegetation layer. This calculation is supposed to be done independently for each vegetation layer --- not across layers. In a few cases, if properly calculated, the "50/20 rule" would probably give a different answer than the vegetation determination that was based on the routine methodology in the US Army Corps of Engineers Manual. The percent of dominant wetland indicator species should be presented for both methods.
- At several of the sample points, the soil had a Munsell® soil color chroma of 1, but was judged not to be a hydric soil because the "low chroma (is) due to organic matter, (and is) not necessarily hydric soil." The report should justify this conclusion by describing the field observations upon which it was based.

For the sake of the factual integrity of the project's public record, Dr. Dixon recommends that a corrected report should be submitted. However, he indicates doubt as to whether there will be any significant changes in the boundaries of the wetlands. Dr Dixon notes that there appears to be a strong qualitative difference in the vegetation in the delineated wetlands and the adjacent uplands.

With regard to the buffer analysis letter, Dr. Dixon observes that the proposed approach to establishing the proposed buffer width is a policy issue as much as a biological issue. Dr Dixon notes that the Commission has never, to his knowledge, based the size of buffers on a formula determined by the size of the wetland, on perceived wetland functions, or the need for the proposed development being a consideration. Rather, the Commission's primary consideration is generally limited to the type and degree of disturbance that will be associated with the development. Typically, it has been the practice of the commission to impose a default 100-foot buffer around wetlands. In-lieu of that, Dr Dixon feels that other project alternatives cannot be reasonably considered without seeing a map or aerial photo with both the wetlands and the proposed development overlaid, accompanied with a detailed project description. To this end, he requests that to further consider the proposed buffer these items be provided. I would encourage you to communicate directly with Dr. Dixon at (415) 904-5400.

Thank you for providing us the opportunity to provide preliminary review comments for the technical studies documents. Should you have any questions, please call me at (707) 445-7833.

Sincerely,

  
Jim Baskin AICP, Coastal Planner

Cc: Jeff Dayton, Wildlife Biologist  
California Department of Fish and Game  
Eureka Field Office  
619 Second Street

David Imper, Biologist  
U.S. Fish and Wildlife Service  
Arcata Fish and Wildlife Office  
1655 Heindon Road

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Steve Salzman, Danny Pinola - Winzler & Kelly Consulting Engineers  
January 10, 2003  
Page 3 of 3

Eureka, CA 95501

Arcata, CA 95521-5585

Jay Sarina, Senior Planner  
County of Del Norte  
Community Development Department  
981 H Street, Suite 110  
Crescent City, CA 95531

Kevin Hendrick, Director  
Del Norte Solid Waste Management Authority  
391 Front Street  
Crescent City, CA 95531

RSM:JB:jb

13 of 13

**zerowaste@earthlink.net Mail Account**

**From:** Jeff Dayton [JDayton@dfg.ca.gov]  
**Sent:** Tuesday, February 11, 2003 4:43 PM  
**To:** dannypineda@w-and-k.com; mishaschwartz@w-and-k.com; stevesalzman@w-and-k.com  
**Cc:** jsarina@co.del-norte.ca.us; bmerrill@coastal.ca.gov; jbaskin@coastal.ca.gov; Bob Williams; Karen KOVACS; zerowaste@earthlink.net; david\_imper@fws.gov  
**Subject:** Del Norte Waste Transfer SEIR Comments

Dear Sirs,

Re: Supplemental Environmental Impact Report  
Transfer Station for Del Norte County  
APN # 115-180-18 (Project)

The Department of Fish and Game (Department) has completed the SEIR review for the Del Norte Waste Transfer Facility prepared by Winzler & Kelly for the Del Norte Solid Waste Management Authority. The Department offers following comments on the project:

With regard to special status plants that may be found on site, the Department was under the impression that the Habitat Assessment and Wetland Delineation for the Hooshnam Mill Site Rehabilitation Project (Galea Wildlife Consulting 2000) was specifically oriented towards an analysis of the Hooshnam No.1 site. Thus, this report could not be used to validate the statement that "special status species were not present" for the Hocshnam No. 2 site.

We recognize Mitigation Measure No. 2-2 states that vegetation surveys for special status plants will be conducted during the appropriate growing season by qualified biologists. In the event of rare plant detection, where special status plants may be impacted by the project, the Department would recommend a species and location specific mitigative technique be employed. This may include: transplanting individuals to an appropriate location, or modification of the wetland buffer configuration to provide adequate protection.

With regard to buffers, it is the Department's policy to allow a buffer reduction of 50% in the event appropriate native trees and shrubs are planted as vegetative screen within the buffer area. Because you propose to reduce the standard buffer distances by 50% and reconfigure the buffer orientations to maintain 50% averages around each respective wetland (Mitigation Measure No. 2-1), the Department will request a success criteria for the the supplemental plantings within each buffer zone. To be considered effective, the reduced buffers will need to be monitored over such a period of time to demonstrate the viability of the supplemental plantings.

Please contact me at your earliest convenience if you have any questions about my comments.

Thank you,

Jeff Dayton  
Wildlife Biologist  
California Department of Fish and Game  
Northern California-North Coast Region  
619 Second Street  
Eureka, CA 95501  
707 441 5843  
707 445 6664 (fax)  
jdayton@dfg.ca.gov

**EXHIBIT NO. 8**  
**APPLICATION NO.**  
A-1-DNC-03-147  
CORRESPONDENCE  
REGARDING WETLANDS  
DELINEATION AND ESHA  
BUFFERS (1 of 17)



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE Arcata Fish and Wildlife Office

1655 Heindon Road  
Arcata, CA 95521  
(707) 822-7201  
FAX (707) 822-8411

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WK - EUREKA

December 19, 2002

Mr. Jim Baskin  
California Coastal Commission  
710 E Street  
Eureka, California 95501

Subject: Comments Regarding the Adequacy of Proposed Wetland Buffers; Proposed Solid Waste Transfer Station, Hooshnam Site #2, 645 Elk River Road, Crescent City, California

Dear Mr. Baskin:

This letter is in response to our meeting of December 17, 2002 at your office, and your request for technical assistance pertaining to the adequacy of wetland buffers proposed as part of the Del Norte County Solid Waste Authority's proposal to construct a solid waste transfer station at the Hooshnam Site #2, near Crescent City, California. Due to space requirements for the proposed transfer station, the Authority's consultant, Winzler & Kelly (W&K) presented a facility configuration employing varying width buffer strips that, when averaged, provide the minimum buffer area required by California Department of Fish and Game guidelines. The question at hand is whether the proposed buffer configuration is adequate to protect the affected wetland resources. Our response is based on our knowledge of the site, aerial photography for the site dating back to 1941, and review of the wetland delineation performed by W&K provided in their December, 2002, report. The following comments have been prepared under the authority, and in accordance with the provisions, of the Fish and Wildlife Coordination Act (16 U.S.C 661-667e, as amended), and the Endangered Species Act (16 U.S.C. 1531-1544, as amended).

David Imper of my staff is familiar with the proposed project site having studied the nearby Crescent City Marsh Wildlife Area and its resident western lily (*Lilium occidentale*) population since 1992. He has also conducted an earlier independent investigation of the sensitive resources on the Hooshnam Site #2.

### Site History

The Hooshnam Site #2 has a relatively long history of development. By 1941 the entire site had been cleared for cattle grazing, with the exception of a small grove of trees and scrub near the northern wetland patch identified by W&K. The scale of the 1941 photograph is not adequate to distinguish whether wetlands are present, but the site is clearly distinguishable from the Crescent City Marsh complex located less than 0.5 miles to the south, and no well-defined drainage

2017

courses existed on the property. The Crescent City Marsh complex remains to this date one of the most pristine, and unique marshes in Del Norte County. By 1958, the mill (currently Hambro Lumber Products) and log pond had been constructed, and much of the Hooshnam Site #2 had been graded presumably for activities related to the mill. Further grading of the Hooshnam site occurred by 1964. The specific areas occupied by the two primary wetland patches identified by W&K appear to be the only portions of the site spared from grading during the 1950's and 1960's. By 1989, much of the site had grown over with trees, although a large oval dirt track of some kind is visible in the center of the site, indicating that soil disturbing activities continued into the 1970's and 1980's. More recently, logging and earth grading was observed in the north half of the site over the past several years, which substantially degraded the northern wetland patch through mixing of soils, removal of wetland vegetation, and enhancing invasion by exotic species:

### **General Assessment of Wetland Quality**

Presence of intact wetland soils is central to the assessment of wetland quality, potential for rare species, ability to support a diversity of native plant and wildlife species, and resistance to encroachment by exotic species. Based on the site history, the only intact wetland soils existing on the Hooshnam property are located in the core area of the southern, large wetland unit. The photographic history indicates the northwestern half of the largest wetland unit was heavily disturbed, and until recently, the wetlands in that portion were narrowly confined to a ditch that follows the entrance road (unimproved State Street).

The Hooshnam wetlands are isolated from higher quality wetlands to the south. The nearest large wetland community is the former mill logpond, located several hundred feet to the south. The logpond was abandoned more than 20 years ago, and the wetland there is structurally mature. However, due to the impacted soils and use history, that vegetation exhibits low species diversity. The Hooshnam wetlands are yet lower in quality, although they undoubtedly provide some wetland functions. Due to their isolation and generally degraded quality, the Hooshnam wetlands are considered to be insignificant from a regional standpoint, particularly compared to the very high quality of the intact wetlands in the Crescent City Marsh to the south.

### **Northern Wetland Unit**

The W&K wetland delineation indicated the only native wetland understory species present in the northern wetland unit included a few species of *Juncus*, *Carex obnupta*, *Rubus ursinus* and *Rumex crispus*. This wetland is heavily influenced by exotic species. No rare or endangered plant species were observed in this wetland, or are expected. Due to the degraded condition, isolation from higher quality wetlands, and low potential for developing into high quality wetlands, the proposed buffers are considered by us to be adequate to protect this wetland unit. However, we note that planting native vegetation, removing exotics, and managing the quality of runoff water from facilities will likely increase the value of the wetland.

### **Southern Wetland Unit**

Although this wetland is larger than the northern wetland unit, and does not appear to have been impacted historically to the extent the remainder of the site has, species diversity is also quite low. Presence of *Spiraea douglasii* suggests affinity to the higher quality wetlands located south of the property, but the high complement of exotic species and low native species diversity indicate the soils were historically impacted, at least in the area surrounding a relatively small core area near the center of the unit. No rare or endangered plant species were observed in this wetland, or are expected.

3 of 17

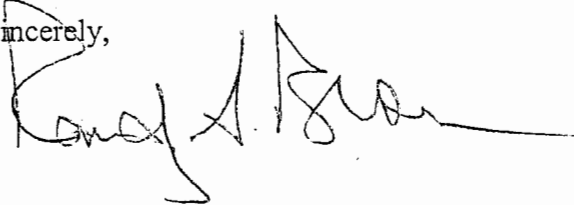
The core of this wetland, considered moderate quality, is surrounded by degraded habitat. As a result, the variable buffer width measured from the delineated wetland boundary is not considered a threat to the core wetland area, and the buffer configuration overall is considered adequate to protect the southern wetland unit. As with the northern wetland unit, planting native vegetation, removing exotics, and managing the quality of runoff water from facilities will likely increase the value of the wetland.

#### **Small Wetland Patches, Southeast Corner**

This area of the site was clearly graded and heavily disturbed in the past. The small wetland patches were identified in the delineation as a result of the single factor methodology used. Due to their small size, isolation, narrow array of predominantly facultative wetland species, and disturbed soils, these areas exhibit the minimum attributes to be considered a functional wetland. The small wetland patches could be improved like the larger wetland areas discussed above; however, functionally their value for plant, fish and wildlife resources are limited when compared to adjacent, higher quality wetlands. Consequently, the proposed buffer is considered by us to be adequate to protect existing values.

If you have any further questions regarding this project, please contact David Imper, Arcata Field Office, at 707/822-7201.

Sincerely,



Randy A. Brown  
Acting Field Supervisor

cc:

Winzler & Kelly Consulting Engineers, Eureka, CA (Attn: Steve Salzman)  
Del Norte Solid Waste Authority, Crescent City (Attn: Tedd Ward)  
California Department of Fish and Game, Eureka (Attn: Jeff Dayton).  
U.S. Army Corps of Engineers, Eureka (Attn: David Ammerman)

4 of 17



December 12, 2002

Jeff Dayton  
California Department of Fish and Game  
619 2<sup>nd</sup> Street  
Eureka, CA 95501

and

Mr. Jim Baskin  
California Coastal Commission  
710 E Street, Suite 200  
Eureka, CA 95501

and

Mr. Jay Sarina  
Del Norte County Community Development Department  
981 H St., Suite 110  
Crescent City, CA 95531

**Re: Wetland Delineation and Buffer Analysis for APN 115-180-18  
Hooshnam Site #2, Crescent City, CA**

Dear Sirs:

The wetland delineation has been completed on the Hooshnam property being considered by the Del Norte Solid Waste Management Authority as the site for the new solid waste transfer station. Over the last two years we have evaluated and rejected a number of potential sites for this facility. Construction of the transfer station must be completed before the Crescent City Landfill can be closed. The landfill may reach capacity, as early as May 2003. We must still draft and circulate a supplemental EIR, design the facility, select a contractor and get it built. Time is running out.

This letter transmits the wetland delineation report and proposes buffers to protect the wetlands from impacts associated with the transfer station. The size and configuration of the buffers substantially conform to the requirements of the California Department of Fish & Game (CDF&G) as specified in the guidance documents that were provided (attached). It is our belief that the buffers will also satisfy the stated requirements of Del Norte County's Local Coastal Plan (LCP) and the requirements of the California Coastal Commission (CCC) which both allow some flexibility in sizing buffers.

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Mr. Jeff Dayton, Jim Baskin, and Jay Sarina  
December 12, 2002  
Page 2

Attached for your review and concurrence is the Wetlands Delineation Report. Within the report you will find a map of the delineated wetlands and a summary of the field data. Based on our analysis and discussions with Jeff Dayton and Dave Imper (of the U.S. Fish and Wildlife Service), we have determined that these wetlands:

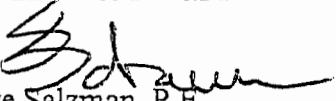
1. have little to no significant value in recharging groundwater supplies,
2. have little value for flood control,
3. may have been caused by logging and/or poorly designed drainage facilities,
4. are poor quality, isolated, pocket wetlands,
5. have a very low habitat value, and
6. do not contain threatened or endangered species.

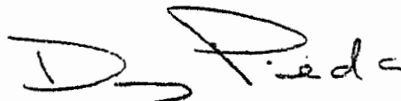
Pursuant to the policies and guidance of the CDF&G and Del Norte County's LCP, we recommend that buffers be established according to the attached map. The buffers will be supplemented with appropriate native trees and shrubs as well as a chain link fence with slates. The facility will also be designed to prevent impacts (sedimentation, litter, etc.) that could further degrade the wetland areas. The proposed buffers were designed to be as close to the size suggested in the CDF&G guidance document without compromising the projects needs.

The determination for a reduced buffer can be made by the County in cooperation with the CDF&G and the CCC. In order to facilitate and streamline the supplemental EIR process we would like to get all of your agencies' concurrence before moving forward circulation of the EIR. The Del Norte County Community Development Department has advised our client that ideally, we would secure a brief letter concurring with this approach to avoid potential misunderstandings later, and we would very much appreciate such a letter from the Department of Fish and Game. Thank you for your assistance in resolving these issues. We have scheduled a meeting to receive input and discuss the issues next Tuesday, December 17, 11:00 AM, at the Coastal Commission's office (710 E Street, Eureka) We would appreciate your attendance at this meeting. Thank you for your assistance in resolving these issues.

If you have any questions please call me or Danny Pineda.

Sincerely,  
WINZLER & KELLY

  
Steve Salzman, P.E.  
Senior Project Manager

  
Danny Pineda  
Soils and Plant Ecologist

c: Kevin Hendrick, Tedd Ward, Del Norte Solid Waste Management Authority  
Dave Imper, U.S. Fish and Wildlife

Enclosures

6 of 17



December 19, 2002

Jeff Dayton  
California Department of Fish and Game  
619 2<sup>nd</sup> Street  
Eureka, CA 95501

and

Mr. Jim Baskin and Bob Merrill  
California Coastal Commission  
710 E Street, Suite 200  
Eureka, CA 95501

and

Mr. Jay Sarina and Ernie Perry  
Del Norte County Community Development Department  
981 H St., Suite 110  
Crescent City, CA 95531

**Re: Follow-up to Buffer Analysis for Hooshnam Site #2, Crescent City, CA**

Dear Sirs:

The wetlands delineation and proposed buffers were discussed at a meeting held at the Coastal Commission office, in Eureka, on December 17<sup>th</sup>. In attendance were Kevin Hendrick and Tedd Ward (Del Norte Solid Waste Management Authority), Bob Merrill and Jim Baskin (California Coastal Commission), Dave Imper (U.S. Fish and Wildlife), and Danny Pineda, Misha Schwarz, and myself (Winzler & Kelly, Consulting Engineers).

The purpose of this letter is to expand upon and document some of the points made in my letter dated December 12, 2002, relating to the adequacy of the proposed buffer zones surrounding the wetlands on the Hooshnam Site #2 and to inform you that the Authority plans to proceed with the supplemental EIR based on the delineation and proposed buffers. We would appreciate your early feedback on the adequacy of the proposed buffers so that we do not get blind-sided during the EIR, or permitting process.

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The alignment and size of the proposed buffers are based on the policies of Del Norte County's Local Coastal Plan (LCP) and guidance documents provided by the California Department of Fish and Game (CDF&G). The LCP states that:

*"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 & Game and the county's determination shall be based on specific findings to the adequacy of the proposed buffer to protect the identified resource."*

The potential value of the wetlands were evaluated, along with the needs of the proposed project. I have also attached a letter from Mr. Dave Imper (U.S. Fish and Wildlife Service) documenting his evaluation of the wetlands and buffers.

Our evaluation of the wetlands concluded that:

- 1. The wetlands have little to no significant value in recharging groundwater supplies.**  
The site is less than a mile from the ocean. The large tracts of undeveloped land and wetlands adjacent to the site provides for substantial recharge of the groundwater supplies, in this area.
- 2. The wetlands have little value for flood control.**  
Water from the wetlands flows off the site into a drainage ditch adjacent to Elk Valley Road. The size of the wetlands will not be reduced from their existing size. The development plans include a new sedimentation/detention basin to manage the increased run-off anticipated.
- 3. The wetlands may have been caused by logging and poorly designed drainage facilities.**  
From historic photos it appears that the site has been impacted by industrial activity, a automotive wrecking yard, and a motocross track over the last 50 years. The site was recently logged and some grading was done. Much of the area shows evidence of soil disturbance (A-horizon alteration and compaction). The wetland areas may have developed in response to these site disturbances.
- 4. The wetlands are poor quality, isolated, pocket wetlands.**  
The wetlands very small and are not well developed. There is no continuity between the wetlands and they are not surrounded by riparian areas.
- 5. The wetlands have a very low habitat value.**  
The relative small size and isolation of these wetlands and the lack of riparian cover reduce the habitat value for wildlife. The site is surrounded on three sides by an industrial wood processing facility, a mobile home park, and Elk Valley Road. It is unlikely that the habitat value will improve much with time.
- 6. The wetlands do not contain threatened or endangered species.**  
Vegetative plots for the wetland delineation made note of all species present. No Federal, State or CNPS 1B listed plants were observed. Dave Imper (of the U.S. Fish and Wildlife

8 of 17

Service) has also walked the site a number of times and has not observed any listed species in the uplands or the wetland areas. In his opinion there is a low probability that the above mentioned species will colonate the area. The supplemental EIR will include mitigation measures to survey for listed plants in wetland areas during the appropriate growing season.

Due to reasons listed in the above evaluation, a reduced buffer is adequate to protect the wetlands on site. The reduced buffers were sized following the CDF&G guidance document that was attached to the December 12, 2002 letter. The proposed buffers will be planted with appropriate native trees and shrubs and a chain link fence with slates will be erected along State Street where the buffer is extremely narrow. Part of the buffer zone will be a grassy strip approximately five feet wide that will filter site runoff that enters the wetlands directly. Other site runoff will flow through storm water facilities (oil/water separators and/or a detention basin) before being allowed to enter the wetlands. Liquids associated with the waste being processed in the building will be collected and put into the sewer system.

A final map showing the wetlands, the buffers, and the layout of the facility is attached. We believe that the proposed buffers should adequately protect the wetlands at the site.

The parcel will also be split. The proposed property lines are also shown on the map. The split will result in two buildable lots with buffers for each wetland on the same parcels as the wetlands.

Thank you for your assistance on this project.

Sincerely,  
WINZLER & KELLY



Steve Salzman, P.E.  
Senior Project Manager



Danny Pineda  
Soils and Plant Ecologist

ss

Attachments

c: Kevin Hendrick, Tedd Ward, Del Norte Solid Waste Management Authority  
Dave Imper, U.S. Fish and Wildlife

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which the soils are predominantly hydric in nature.

This definition describes the three key characteristics of a wetland: (1) hydrophytic vegetation, (2) hydric soils and (3) wetland hydrology. Any one or more of these characteristics will categorize the area to be evaluated as a wetland. It should be noted that the Corps, pursuant to the provisions of the Clean Water Act, requires that "jurisdictional wetlands" must contain all three characteristics described above for the area to be considered a wetland.

#### IV. Protective Measures and Options

Wetland Habitats - Includes wildlife habitat relationships (WHR) habitat types: wet meadows, fresh emergent wetlands, saline emergent wetlands, riverine, lacustrine, estuarine, and small seeps and springs (Mayer and Laudenslayer 1988). These criteria do not apply to and will not protect vernal pools or dune hollow wetlands. The wetland size should be considered the most important factor for the application of buffers to protect this resource. Wetland buffers are those upland areas that surround or lie adjacent to a wetland that assist in reducing potential adverse impacts to the wetland functions and values from adjacent development. Irrigation ditches, stock ponds, etc., will not be evaluated by the Department that are less than one acre in size and are not supported by naturally occurring water. If in question, the project proponent must demonstrate that control of water is absolute, without modification of terrain, and that the wetland will not persist (same as Corps).

#### TOTAL WETLAND BUFFER NEEDED:

|                 |                   |
|-----------------|-------------------|
| 0 - 1.0 ACRE    | = 50-FOOT BUFFER  |
| 1.1 - 5.0 ACRES | = 75-FOOT BUFFER  |
| 5.1+ ACRES      | = 100-FOOT BUFFER |

#### A. Incentives and Options for Developers

The Department recommends that the project should be designed to try and incorporate all the wetland habitat and accompanying buffer into one parcel. It has been our experience that if wetland habitat is divided into multiple lots, over time each subsequent property owner may attempt to maximize the use of their lot thereby, eliminating or degrading wetland acreage and values over time. By consolidating all the wetland habitat and buffer into one parcel, we believe that there may be more respect for ownership and better protection placed on the habitat.

If this is the only resource concern on the project site, or other resource concerns have minimum protection as recommended by the Department, and the protective measure(s) is/are incorporated into the project by the lead agency, the Department will not need to review or comment on the project.

10 of 17

Buffers may be reduced by 50% of their distances if appropriate native trees and shrubs are planted as a vegetative screen within the buffer area. Another option is up to 50% of the buffer area may be averaged around the wetland as long as a minimum of 50% of the original buffer distance is maintained.

If development restrictions related to mandatory requirements do not allow a project to completely avoid the buffer zone, the project proponent may average the setback distance along the wetland habitat for the length of the project.

Property Values - Studies suggest that property values may rise between 5-11% or more due to its proximity to open space and water, improved water quality provided by wetlands, and the aesthetic value of wetlands compared to other land uses. (Kirshner and Moore 1988, Li and Brown, 1980, Dornbusch and Barrager, 1973).

Tax Base - Higher property values are reflected in higher tax revenues directly affecting local governments. (LSA Associates, 1988).

Donation - Under the federal tax code, donation of wetland areas to a government agency or qualified conservation organization would entitle the property owner to claim the value as a charitable donation.

Non-compliance - Failure to obtain necessary U.S. Army Corps of Engineers permits resulting in the placement of fill material into the "waters of the United States" may result in civil and/or criminal penalties.

#### B. Ownership

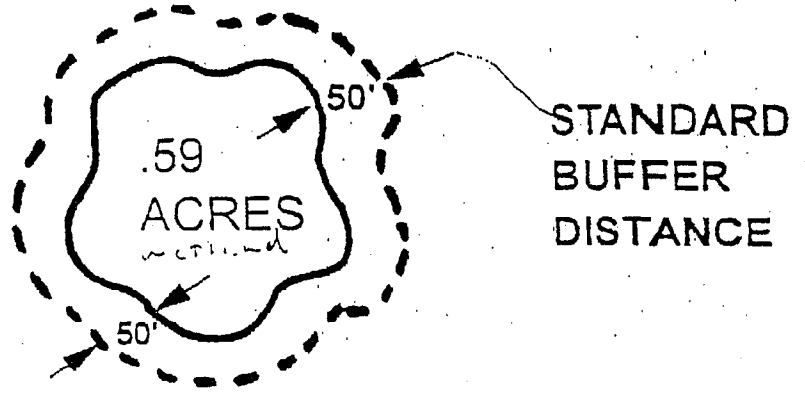
The ownership should remain private provided that the lead agency can afford protection to this protective area through zoning, and/or enforcement of local ordinances, state and federal laws. One alternative for the protection, maintenance and improvement of wetlands and buffer areas is the establishment of a commonly owned parcel by the residents, and perhaps an assessment district. For example, the Craven Bill (Senate Bill 445) also known as the Habitat Maintenance Funding Act (commencing with Section 50060 of Chapter 1 of Part 1 of Division 1 of Title 5 of the government Code) enables local agencies with the ability to establish an assessment district for the improvement or maintenance of natural habitats. Compensation to local agencies and the Department for services rendered can also be secured through this manner.

Deed restrictions, homeowners' association, conservation easements, and Codes, Covenants and Restrictions (CC&R's) are other options that may be employed.

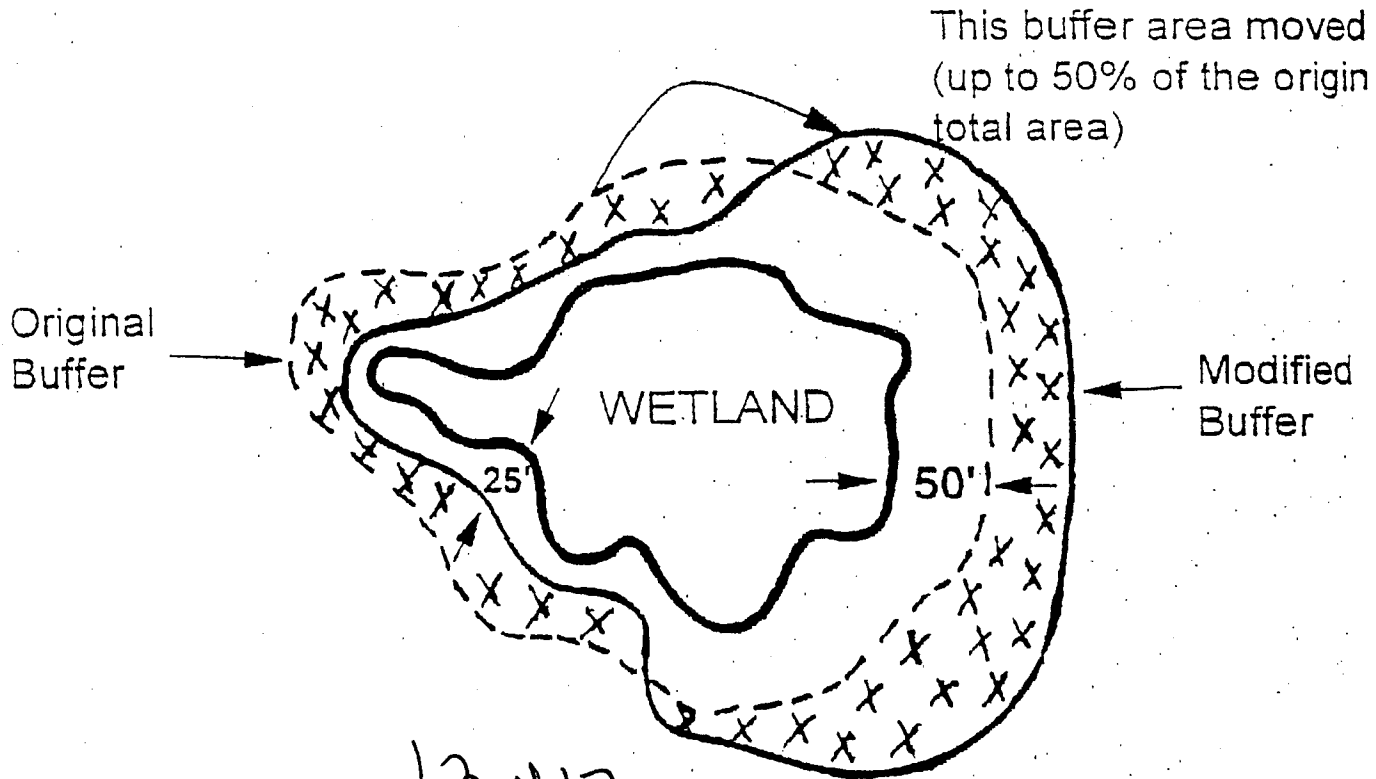
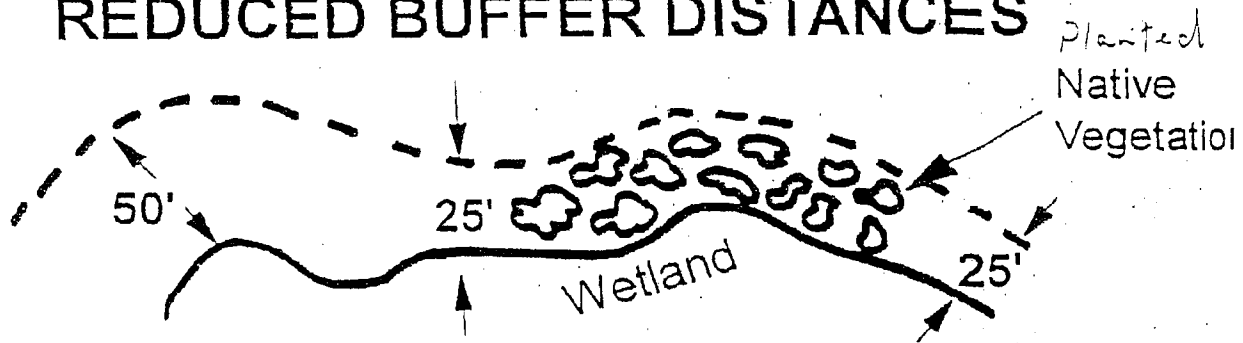
Regardless of the ownership, the buffer and accompanying

11/21/17

# EXAMPLES OF WETLAND BUFFERS

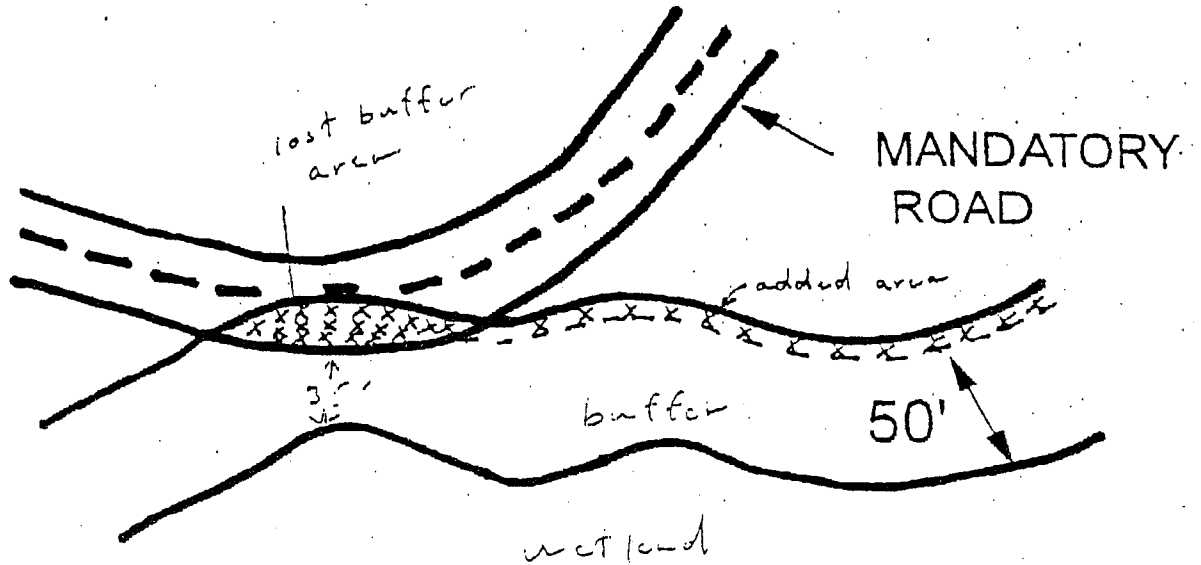


## REDUCED BUFFER DISTANCES



120917

# IF MANDATORY REQUIREMENTS REDUCE BUFFER SIZE



13917



SED  
RTY LINE

HOSHANAM SITE #2

EXISTING

PROPOSED ARCHED  
ACCESS ROAD TO T  
AND RESOURCE P

PAVED AREAS

PLANT BUFFER  
w/ NATIVE PLANTS

WETLAND  
1.3 AC.

WETLAND  
BOUNDARY

SCALES &  
GATEHOUSE

25' MINIMUM  
SETBACK

0.33 AC.  
WETLAND

OFFICE

RAMPED  
AREA

TRANSFER  
STATION

(E) DITCH

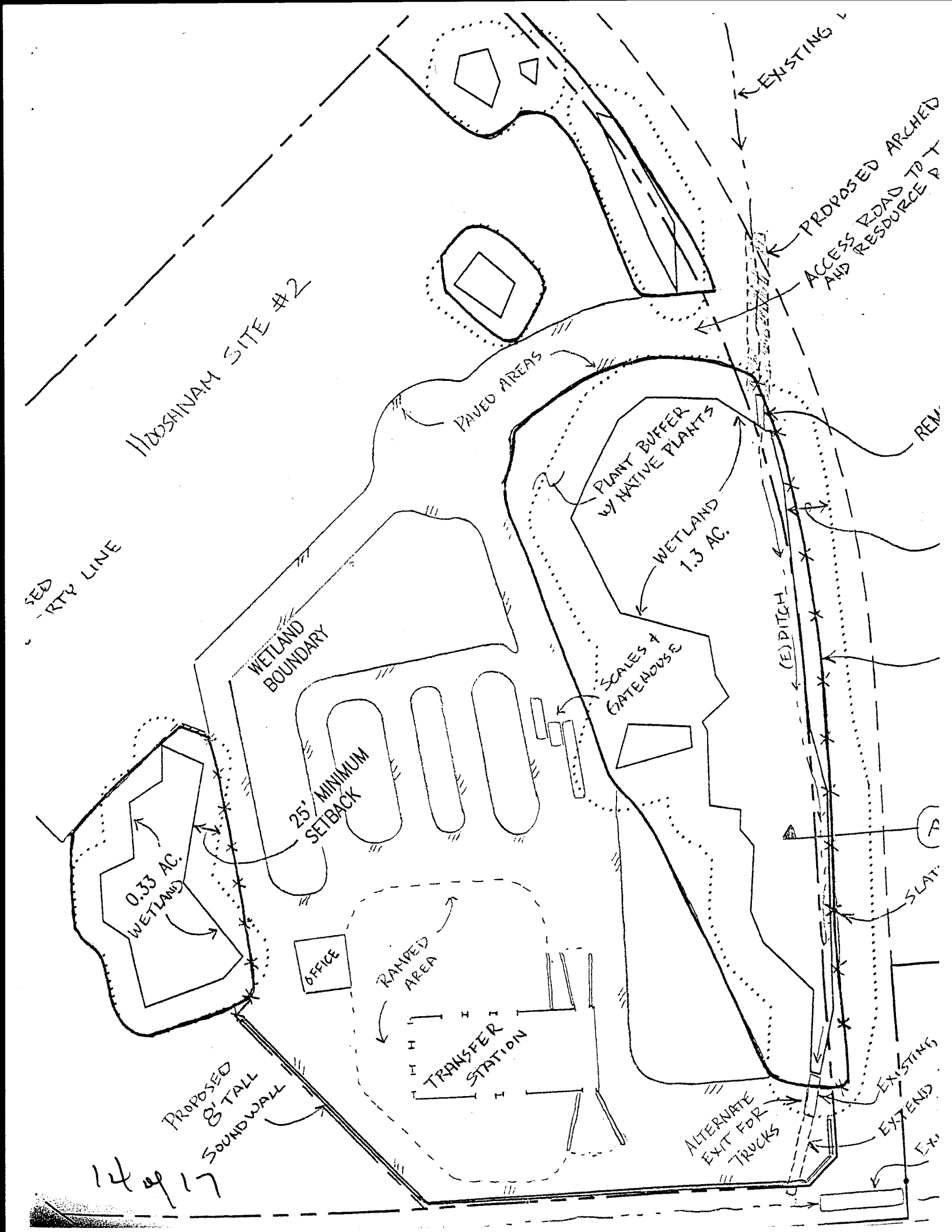
SLAT

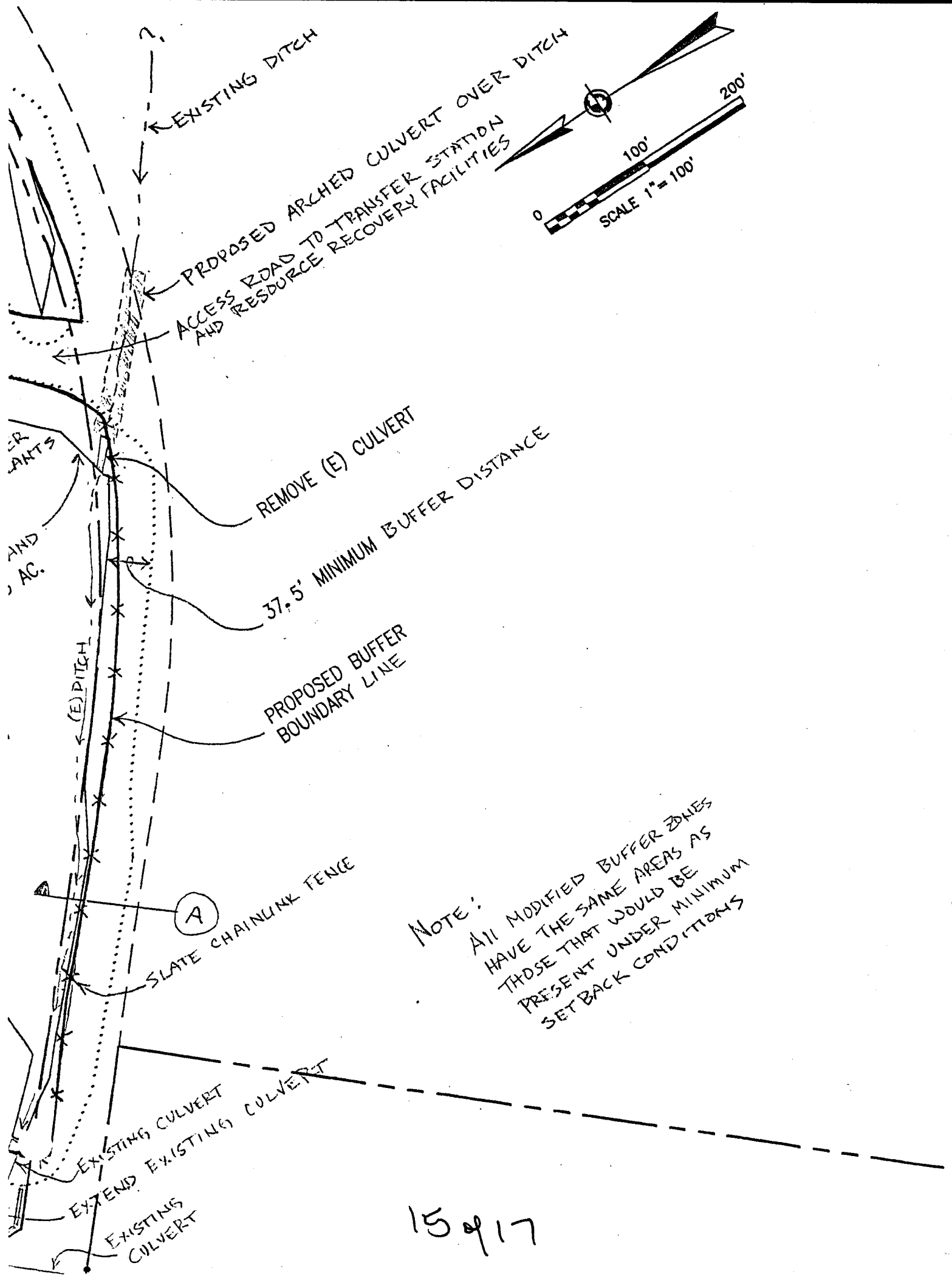
PROPOSED  
8' TALL  
SOUNDWALL

ALTERNATE  
EXIT FOR  
TRUCKS

EXISTING  
EXTEND

14 of 17



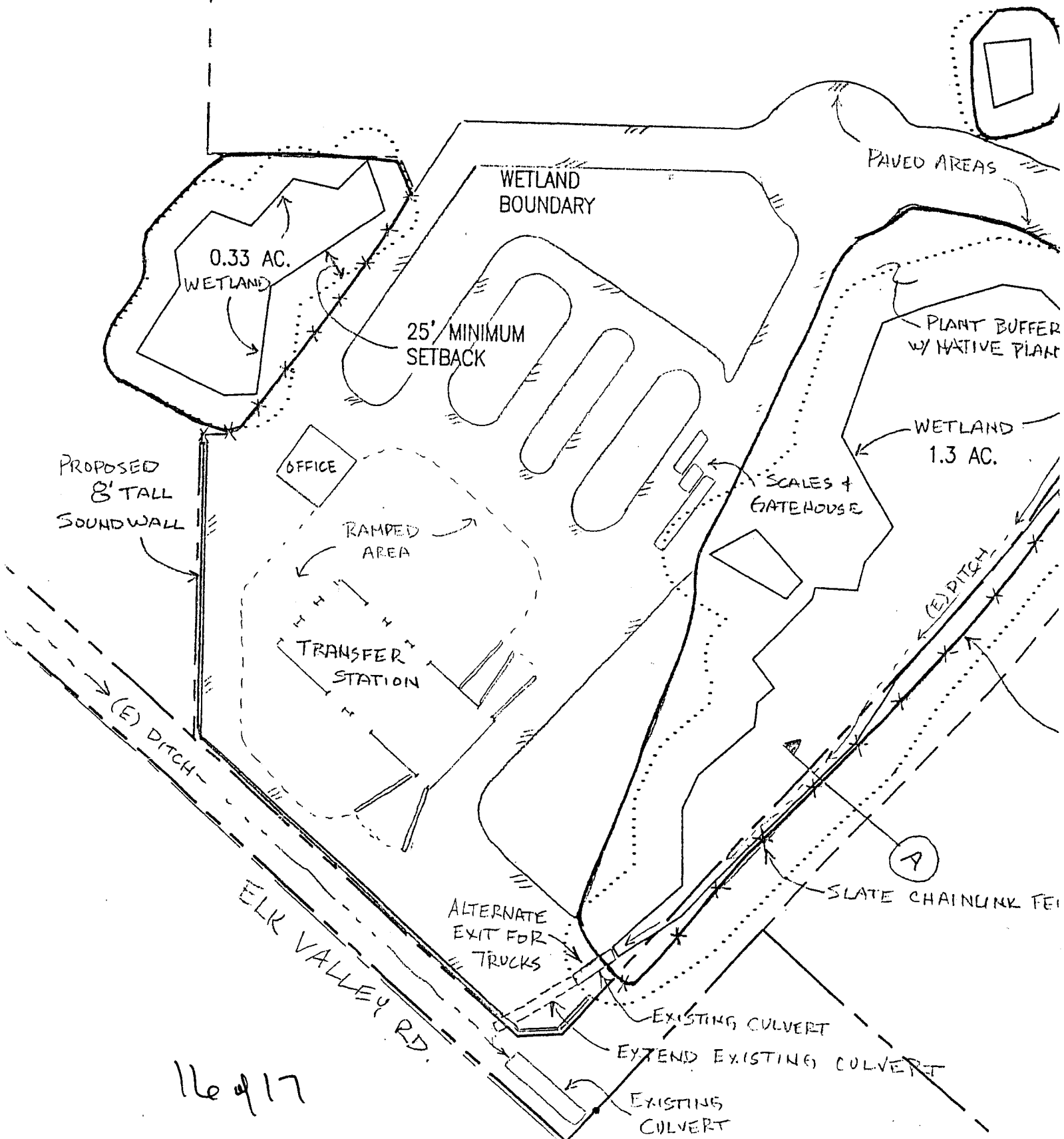


NOTE:  
 ALL MODIFIED BUFFER ZONES  
 HAVE THE SAME AREAS AS  
 THOSE THAT WOULD BE  
 PRESENT UNDER MINIMUM  
 SETBACK CONDITIONS

15917

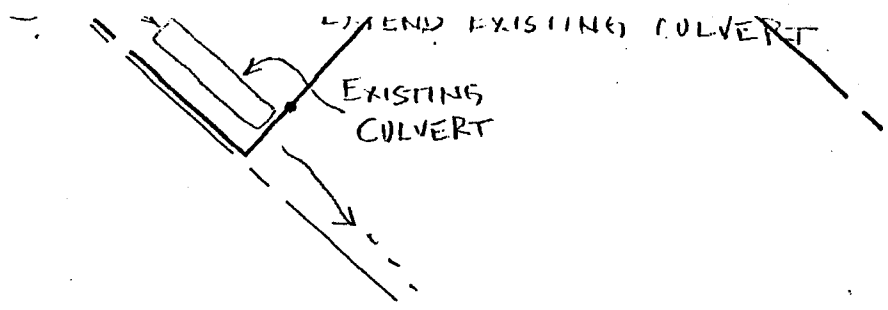
# HOOSHANAM SITE #2

PROPOSED PROPERTY LINE

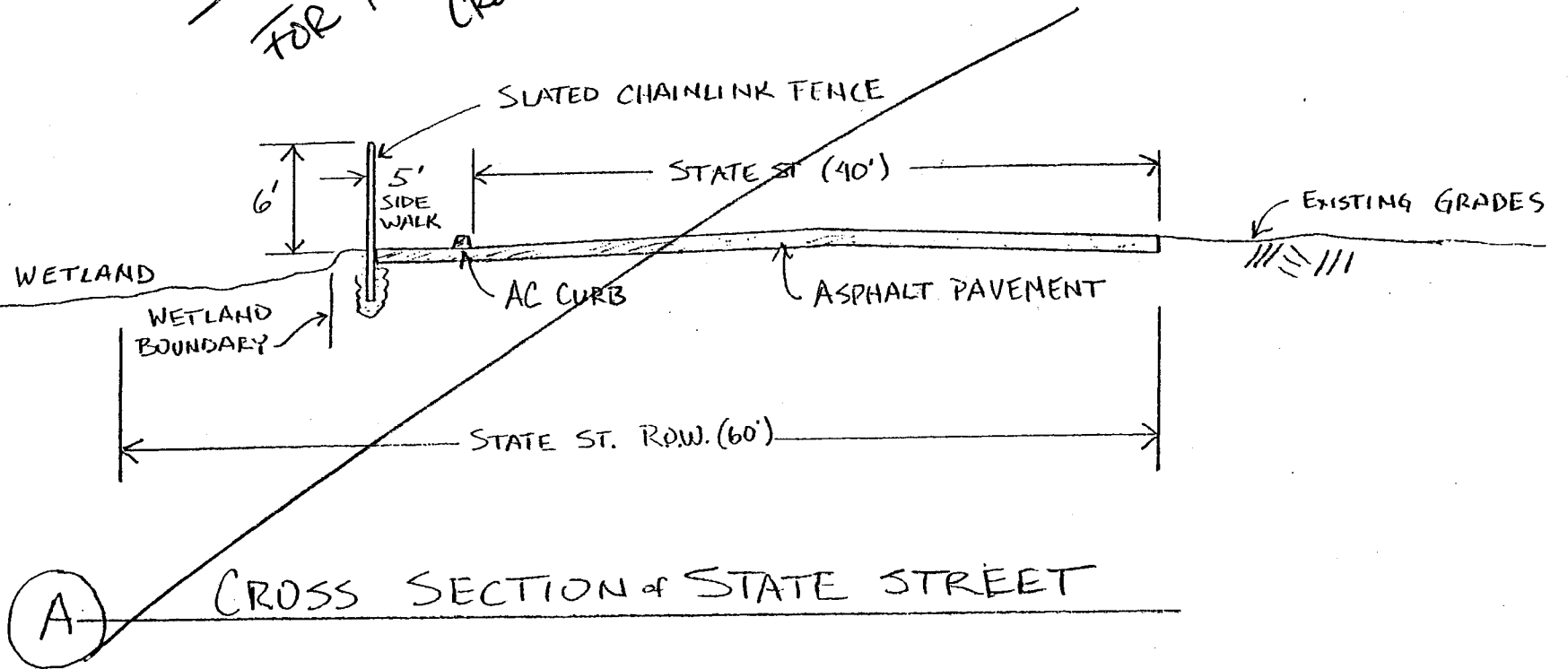


11e 9 17

SEE FIGURE 2 REVISED  
FOR PROPOSED ROAD  
CROSS SECTION



170117



(A) CROSS SECTION of STATE STREET



# Del Norte Solid Waste Management Authority

391 Front Street, Crescent City, CA 95531  
Phone (707) 465-1100 Fax (707) 465-1300  
E-mail: zerowaste@earthlink.net

24 June 2003

Mr. Mike Reilly, Chair  
California Coastal Commission  
710 E Street  
Eureka, CA 95501

|  |
|--|
| <b>EXHIBIT NO. 9</b>   |
| <b>APPLICATION NO.</b><br>A-1-DNC-03-147<br>DEL NORTE SOLID WASTE<br>MANAGEMENT AUTHORITY<br>(1 of 13) GENERAL<br>CORRESPONDENCE |

SUBJECT: Request for Public Hearing regarding Appeal A-1-DNC-03-042

Dear Chairman Reilly:

By pursuing this appeal, the Coastal Commission will delay an essential public project which will directly result in a dire disposal crisis for Del Norte County. To protect the habitat value of a drainage ditch, as described by the U.S. Fish & Wildlife service, De Novo review of this appeal will cause a fatal delay for the project and will inevitably result in:

- ◆ the prolonged use of an unlined landfill surrounded by wetlands and State lands in the Coastal Zone which was ordered to be closed by the Regional Water Quality Control Board,
- ◆ the loss of approximately \$150,000 in grant funding to build an essential permanent household hazardous waste facility, and
- ◆ dramatically increased fees to customers which will directly translate to increases in illegal dumping in coastal areas.

The Del Norte Solid Waste Management Authority, a joint powers authority of the City of Crescent City and the County of Del Norte, asserts that this appeal does not raise a substantial issue of non-conformance. We hereby request a public hearing at the July 10 Coastal Commission meeting to present our case. As we will explain, the Authority consistently followed to the letter the Local Coastal Plan approved by the Coastal Commission, and willingly went above and beyond regulatory requirements in the implementation of the environmental review, particularly as it relates to Coastal issues.

### Urgent Need for this Public Facility, and This Site is the Best Alternative

While we understand that the Commission is primarily concerned about policy precedents and does not necessarily need to consider the context of the project, the Commissioners must be made aware of the following:

- The only disposal facility in Del Norte County is the Crescent City Landfill, an unlined landfill within the Coastal Zone, which is impacting ground water and drains toward and through the Lake Earl Wildlife Area. The North Coast Regional Water Quality Control Board first ordered the County to identify long-term disposal alternatives which would



allow the closure of this landfill in 1989. The projected remaining capacity is anticipated to be depleted sometime between March and July 2004. The proposed project, the Transfer Station, is a facility which receives waste and recyclables and trucks materials out for disposal or recycling elsewhere. No facility adequate to this purpose currently exists within the County.

- Del Norte County is one of the wettest counties in the State, regularly receiving between 80 and 100 inches of rain annually; 75% of County land is publicly owned; and the County population is under 30,000, over half of which resides in the greater Crescent City area. There are wetlands or ESHAs in or adjacent to every industrial property in the Crescent City area.
- The Del Norte Solid Waste Management Authority began the siting and permitting process for the Transfer Station in 2000, which must be located in an industrial zone, and all industrial properties in the greater Crescent City area were considered. This process included a general review of eight possible sites: the four sites included in the EIR documents, plus three sites adjacent to the Lake Earl Wildlife area and another site adjacent to Redwood National & State Parks. The Final EIR evaluated three sites: a site which included previously-filled wetlands which could not be further impacted, the current landfill, which is widely viewed by the public as the most appropriate site, was essentially quashed by a letter from Jim Baskin of Coastal Commission staff in October 2001, and the Hooshnam #1 site. After the EIR was certified, the property owner of the preferred Hooshnam #1 site became unwilling to sell in March 2002.
- Striving to obtain property from a willing seller, the Authority began preparation of a Supplemental EIR for a site (Hooshnam #2) across the street from the preferred site identified in the EIR. Coastal Commission staff attended a site visit of this location in Fall 2002, along with representatives of the California Department of Fish and Game, the North Coast Regional Water Quality Control Board, County Planning staff, the Authority and its contractors, and the U.S. Fish and Wildlife Service. While such a site visit was not required, Authority staff convened this preliminary review in an attempt to identify agency issues and concerns early in the process in hopes of forthrightly addressing concerns and avoiding delays later.
- As a direct result of this site visit, the Authority contracted for a wetlands delineation of the site. As a follow-up to that site visit, Authority staff met with Coastal Commission staff to review the project, including discussion of the need to access the project site from the existing undeveloped County road, State Street, and that such access would not be allowed without reducing the buffers from the default 100 foot setback. Verbal response from Coastal Commission staff was that this was allowable under the adopted Local Use Plan (LUP), provided that the policies of the LUP were followed.
- The property purchase, facility design, and release of Invitation to Bid on Transfer Station construction are all on hold until this appeal is resolved. Due to the limited construction season in Del Norte and the timelines necessary for a public bid process, a De Novo review will essentially disallow construction of the Transfer Station prior to the depletion of existing landfill capacity.
- The grant from the California Integrated Waste Management Board to construct a

permanent household hazardous waste facility will likely expire before the De Novo process will be completed, likely resulting in over \$150,000 of increased costs to our ratepayers.

- Under the Authority's Conditional Use Permit, which is being appealed, grading must be completed by October 30, and may not again commence until April 30. If this appeal is subjected to a De Novo review, construction of the Transfer Station will not be possible prior to the projected closure date of the County's only disposal facility. At this time, the Authority has no contingency plan, as the regulatory agencies, particularly the North Coast Regional Water Quality Control Board, has not indicated any willingness to consider such a plan.

Consideration of this appeal under a De Novo process would force the Authority to pursue the no-project alternative until outstanding issues are resolved. The EIR states: "The no-project alternative could have serious adverse environmental effects, such as water pollution and health risks, from lack of proper solid waste disposal. The no-project alternative is infeasible, and it is not the environmentally superior alternative."

### **This is about the setback between an existing road and a drainage ditch in an industrial zone**

The proposed project site, zoned industrial and commercial would be accessed via State Street, an undeveloped road currently used to access the properties north and south of this road. The largest wetlands unit on the site (1.3 acres) is a poorly planned drainage ditch adjacent to State Street, though the ditch and road as used do not precisely conform to the easement locations as recorded on parcel maps. This drainage ditch drains the property towards Elk Valley Road, and generally does not appear to receive drainage from any adjacent parcel. The current setback between the existing road and the edge of this ditch is zero feet, and in some areas the ditch is located within the State Street easement. To address this issue, the Authority has negotiated purchase of additional easements so the development of State Street avoids any fill of this existing ditch. As long as drainage ditches are considered ESHAs, insisting on a one-hundred foot setback from all edges of this ditch as a policy issue would essentially eliminate the use of all roads, access to existing roads, or intersections within the Coastal Zone.

### **The Authority and County actions conformed to the Local Use Plan:**

Staff understand that this appeal considers the adequacy of the public record at the time of the County's final decision on the project. Perhaps the most central question considered under this appeal is if the Authority and County followed Marine and Water Resources Policy VII.D.4f of the County Land Use Plan (LUP), which reads (numbers added):

"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 edge of the wetland shall be a buffer of one-hundred feet in width. A buffer of less than 100 feet may be utilized where it can be determined that (1) there is no adverse impact on the wetland. A determination to utilize a buffer area of less than one-hundred feet shall be done (2) in cooperation with the California Department of Fish and Game and (3) County's determination shall be based on 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."

**1. No Adverse Impact on Wetland, Buffers Adequate to Protect Resource**

The public record of the SEIR included the attached letter from Randy Brown of the U.S. Fish and Wildlife Service, based on the site visit by David Imper. This letter, which was included in the SEIR as it was approved and adopted, includes the following statements:

(Regarding the Northern Wetland unit): "Due to degraded condition, isolation from higher quality wetlands, and low potential for developing into high quality wetlands, the proposed buffers are considered by us to be adequate to protect this wetland unit."

(Regarding the Southern Wetland unit): "The core of this wetland, considered moderate quality, is surrounded by degraded habitat. As a result, the variable buffer with measured from the delineated wetland boundary is not considered a threat to the core wetland area, and the buffer configuration overall is considered adequate to protect the southern wetland unit."

**2. Reduced Buffers designed in cooperation with both Fish & Game and Coastal staff**

The public record documents the process under which the Authority engaged with the California Department of Fish and Game (CDFG) to reduce these buffers as necessary to allow access to the site from State Street while maintaining adequate buffers to these wetlands. While Authority staff understand that Fish and Game guidelines may not be explicitly incorporated into the LUP, it is reasonable that Fish and Game would follow their own guidelines when addressing a buffer reduction for an essential public project, and no alternative guidelines exist within the LUP as adopted. The Authority consulted with Coastal Commission staff at the scoping stage so that if project modifications were required during the design phase, such modifications could be made. The Authority's consultations with CDFG staff were also included in the public record.

**3. County's determination based on specific findings regarding adequacy of buffer to protect resource**

The Authority made the following specific findings as part of its adoption and certification of the SEIR, based upon documents within the public record:

"Impact 9: Potential impacts to onsite wetlands and reduction of the default 100-foot-wide buffer zones around the wetlands.

Finding 9a: Wetlands have been identified and delineated on the Hooshnam No. 2 site in substantial conformance with the certified Del Norte County Local Coastal Plan and the guidelines of the California Department of Fish and Game, the California Coastal Commission, and the U.S. Army Corps of Engineers.

Explanation 9a: The Authority's consultant coordinated closely with personnel of the Del Norte County Community Development Department, the California Department of Fish



and Game, the California Coastal Commission, and the U.S. Fish and Wildlife Service to establish a wetlands delineation protocol that would be acceptable to all parties. The delineation of wetlands was completed. The delineation was found to be acceptable for use in establishing wetland buffer areas.

Finding 9b: The boundaries of the wetland buffers were reduced as allowed by the certified LCP and in conformance with the guidelines provided by the California Department of Fish and Game.

Explanation 9b: In accordance with the certified Del Norte County Local Coastal Plan, "a buffer of less than 100 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 100 feet shall be done in cooperation with the California Department of Fish and Game and the county's determination shall be based on specific findings to the adequacy of the proposed buffer to protect the identified resource." The Authority's consultant coordinated closely with personnel of the Del Norte County Community Development Department, the California Department of Fish and Game, and the U.S. Fish and Wildlife Service to evaluate the acceptability of reduced wetland buffers. This evaluation involved site visits with personnel of these agencies and written communications regarding the consultant's assessment of wetland values.

The evaluation of the wetlands concluded the following:

1. The wetlands have little to no value in recharging the groundwater supplies.
2. The wetlands have little value for flood control.
3. The wetlands may have been caused by logging and/or poorly designed drainage.
4. The wetlands are poor quality, isolated, pocket wetlands.
5. The wetlands have little to no habitat value.
6. The wetlands do not contain threatened or endangered species.

It was concluded that the proposed reduced buffers were adequate to protect the existing wetland and habitat values. This process is documented and substantiated in the FSEIR.

Finding 9c: There will be no adverse impact on wetlands during construction and operation using the proposed reduced buffer zones and enhancements in accordance with Mitigation Measure 9 in Table 1 of the FSEIR, that mitigation measure is feasible, and it is therefore hereby adopted.

Explanation 9c: To adequately protect these wetlands, Mitigation Measure 9 in Table 1 of the FSEIR provides the following:

1. The wetland buffer zones will be planted with native species as appropriate to provide a vegetative screen.
2. A silt fence will be placed around the wetland buffers prior to construction activities on-site, in accordance with a storm water pollution prevention plan.
3. The wetland buffers will be monitored for three years to assure the success of the mitigation.

10: Impact 10: Potential impacts to special-status plant species.

Finding 10: Preventing an impact to special-status plants by the survey and mitigation protocol in accordance with Mitigation Measure 10 in Table 1 of the FSEIR is feasible, and Mitigation Measure 10 is therefore hereby adopted.

Explanation 10: Special-status plant species are not expected to occur on the project site outside of the wetlands. Qualified biologists will survey potential wetlands and wetland edges for special-status plant species during the appropriate growing season to confirm the absence or presence of such species in the wetlands. If special-status species are

found, specific measures will be developed in conjunction with the California Department of Fish and Game and the U.S. Fish and Wildlife Service to ensure. to ensure the integrity of the special-status species habitat. In response to a comment from the California Department of Fish and Game, this mitigation was modified in the FSEIR. This is documented and substantiated in the FSEIR. "

Included in the Findings of the Del Norte County Planning Commission, as approved by the County Board of Supervisors, were the following:

" L) Significant impacts to on-site and off-site wetlands have been mitigated by identification and delineation of sensitive habitat, establishment of wetland buffers, re-vegetation and fencing as part of coordinated consultation with Responsible, trustee and commenting agencies;

M) As allowed by the Del Norte County Local Coastal Plan (1984), and after coordination, consultation, and cooperation with the California Department of Fish and Game, wetland buffers have been reduced;

N) Significant adverse impacts on wetland habitat during construction and operation have been mitigated by using reduced buffers, re-vegetation and fencing in accordance with Mitigation 9, Table 1 of the FSEIR;

O) Although Special Status Species are not expected to occur on the project site outside of the identified wetland areas, impacts on special status plant species have been mitigated by implementing a plan for re-surveying the identified wetland areas during the appropriate growing season to confirm the absence or presence of plant species in accordance with Mitigation Measure 10, Table 1 of the FSEIR;"

Based on the above, Authority staff maintain that this project was approved in full conformance with the adopted LUP, and went well beyond the LUP by including public agency representatives during the scoping session phase, well before the project layout and design began. The level of specificity requested by the Coastal Commission Appeal regarding analysis supporting the potential impacts associated with a reduced buffer was at no time made clear prior to the filing of this appeal.

### **This is not a significant issue of non-conformance**

Finally, the issue being considered is not significant either as it relates to this project or as a precedent. As it relates to the project, the letter from Coastal Commission staff indicate that "(With regards to making the changes to the wetlands delineation as recommended, Dr. Dixon) indicates doubt as to whether there will be any significant changes in the boundaries of the wetlands." And while Dr. Dixon specifically requested overlays of the project on aerial photos and similar overlays of the wetland boundaries, both of these overlays were included in the public record and provided to Coastal Commission staff. The Coastal Commission simply cannot assert the position that roads must be separated by 100 feet from their drainage ditches, as this precludes the possibility of roads, access points, or intersections. Regarding the adequacy of the reduced buffer, an issue we understand to be of significant concern of the Coastal Commission, letters from responsible agencies include specific assessments of the adequacy of the proposed buffers to protect the resource, and the findings of the Authority and County reflect consideration of these assessments. Obtaining such letters from responsible agencies prior to project approval is a very high standard indeed, and should provide the Coastal Commission with a level of comfort that this is not a standard which would be possible for most projects to achieve.

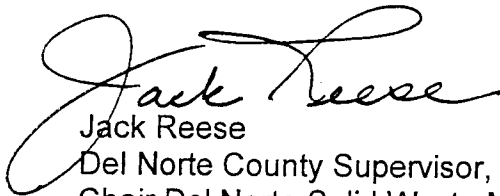
6 of 13

This essential public project is urgent due to requirements of other agencies.

If the Coastal Commission opts for a De Novo review of this project, the Del Norte Solid Waste Management Authority requests that Coastal staff provide some guidance or leadership in extending the capacity of the Crescent City Landfill or describe the mechanism by which a temporary facility might be permitted. The North Coast Regional Water Quality Control Board, the California Department of Fish and Game, and the California Integrated Waste Management Board are all eager to see how this issue is resolved.

Thank you for your consideration. Our staff did their best to comply with the LUP, and this appeal relies upon an interpretation of the LUP by Coastal Commission staff which was not made clear until this appeal was filed. Please withdraw this appeal and/or find that there is not substantial issue of non-conformance so we can build this essential public facility and avoid a disposal crisis which would create a severe environmental impact and serve no public purpose. I look forward to speaking with you on July 10.

Sincerely,



Jack Reese  
Del Norte County Supervisor, District 1  
Chair Del Norte Solid Waste Management Authority

Enclosures

cc: Senator Sam Aanestad  
Assemblymember Patty Berg  
Senator Wesley Chesbro  
U.S. Representative Mike Thompson  
Bob Merrill, Coastal Commission

70913



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Arcata Fish and Wildlife Office

1655 Heindon Road

Arcata, CA 95521

(707) 822-7201

FAX (707) 822-8411

**RECEIVED**  
DEC 23 2002

WK - EUREKA

December 19, 2002

Mr. Jim Baskin  
California Coastal Commission  
710 E Street  
Eureka, California 95501

Subject: Comments Regarding the Adequacy of Proposed Wetland Buffers; Proposed Solid Waste Transfer Station, Hooshnam Site #2, 645 Elk River Road, Crescent City, California

Dear Mr. Baskin:

This letter is in response to our meeting of December 17, 2002 at your office, and your request for technical assistance pertaining to the adequacy of wetland buffers proposed as part of the Del Norte County Solid Waste Authority's proposal to construct a solid waste transfer station at the Hooshnam Site #2, near Crescent City, California. Due to space requirements for the proposed transfer station, the Authority's consultant, Winzler & Kelly (W&K) presented a facility configuration employing varying width buffer strips that, when averaged, provide the minimum buffer area required by California Department of Fish and Game guidelines. The question at hand is whether the proposed buffer configuration is adequate to protect the affected wetland resources. Our response is based on our knowledge of the site, aerial photography for the site dating back to 1941, and review of the wetland delineation performed by W&K provided in their December, 2002, report. The following comments have been prepared under the authority, and in accordance with the provisions, of the Fish and Wildlife Coordination Act (16 U.S.C 661-667e, as amended), and the Endangered Species Act (16 U.S.C. 1531-1544, as amended).

David Imper of my staff is familiar with the proposed project site having studied the nearby Crescent City Marsh Wildlife Area and its resident western lily (*Lilium occidentale*) population since 1992. He has also conducted an earlier independent investigation of the sensitive resources on the Hooshnam Site #2.

### Site History

The Hooshnam Site #2 has a relatively long history of development. By 1941 the entire site had been cleared for cattle grazing, with the exception of a small grove of trees and scrub near the northern wetland patch identified by W&K. The scale of the 1941 photograph is not adequate to distinguish whether wetlands are present, but the site is clearly distinguishable from the Crescent City Marsh complex located less than 0.5 miles to the south, and no well-defined drainage

8413

courses existed on the property. The Crescent City Marsh complex remains to this date one of the most pristine, and unique marshes in Del Norte County. By 1958, the mill (currently Hambro Lumber Products) and log pond had been constructed, and much of the Hooshnam Site #2 had been graded presumably for activities related to the mill. Further grading of the Hooshnam site occurred by 1964. The specific areas occupied by the two primary wetland patches identified by W&K appear to be the only portions of the site spared from grading during the 1950's and 1960's. By 1989, much of the site had grown over with trees, although a large oval dirt track of some kind is visible in the center of the site, indicating that soil disturbing activities continued into the 1970's and 1980's. More recently, logging and earth grading was observed in the north half of the site over the past several years, which substantially degraded the northern wetland patch through mixing of soils, removal of wetland vegetation, and enhancing invasion by exotic species.

### General Assessment of Wetland Quality

Presence of intact wetland soils is central to the assessment of wetland quality, potential for rare species, ability to support a diversity of native plant and wildlife species, and resistance to encroachment by exotic species. Based on the site history, the only intact wetland soils existing on the Hooshnam property are located in the core area of the southern, large wetland unit. The photographic history indicates the northwestern half of the largest wetland unit was heavily disturbed, and until recently, the wetlands in that portion were narrowly confined to a ditch that follows the entrance road (unimproved State Street).

The Hooshnam wetlands are isolated from higher quality wetlands to the south. The nearest large wetland community is the former mill logpond, located several hundred feet to the south. The logpond was abandoned more than 20 years ago, and the wetland there is structurally mature. However, due to the impacted soils and use history, that vegetation exhibits low species diversity. The Hooshnam wetlands are yet lower in quality, although they undoubtedly provide some wetland functions. Due to their isolation and generally degraded quality, the Hooshnam wetlands are considered to be insignificant from a regional standpoint, particularly compared to the very high quality of the intact wetlands in the Crescent City Marsh to the south.

### Northern Wetland Unit

The W&K wetland delineation indicated the only native wetland understory species present in the northern wetland unit included a few species of *Juncus*, *Carex obnupta*, *Rubus ursinus* and *Rumex crispus*. This wetland is heavily influenced by exotic species. No rare or endangered plant species were observed in this wetland, or are expected. Due to the degraded condition, isolation from higher quality wetlands, and low potential for developing into high quality wetlands, the proposed buffers are considered by us to be adequate to protect this wetland unit. However, we note that planting native vegetation, removing exotics, and managing the quality of runoff water from facilities will likely increase the value of the wetland.

### Southern Wetland Unit

Although this wetland is larger than the northern wetland unit, and does not appear to have been impacted historically to the extent the remainder of the site has, species diversity is also quite low. Presence of *Spiraea douglasii* suggests affinity to the higher quality wetlands located south of the property, but the high complement of exotic species and low native species diversity indicate the soils were historically impacted, at least in the area surrounding a relatively small core area near the center of the unit. No rare or endangered plant species were observed in this wetland, or are expected.

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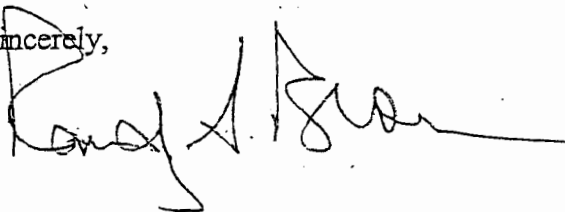
The core of this wetland, considered moderate quality, is surrounded by degraded habitat. As a result, the variable buffer width measured from the delineated wetland boundary is not considered a threat to the core wetland area, and the buffer configuration overall is considered adequate to protect the southern wetland unit. As with the northern wetland unit, planting native vegetation, removing exotics, and managing the quality of runoff water from facilities will likely increase the value of the wetland.

#### **Small Wetland Patches, Southeast Corner**

This area of the site was clearly graded and heavily disturbed in the past. The small wetland patches were identified in the delineation as a result of the single factor methodology used. Due to their small size, isolation, narrow array of predominantly facultative wetland species, and disturbed soils, these areas exhibit the minimum attributes to be considered a functional wetland. The small wetland patches could be improved like the larger wetland areas discussed above; however, functionally their value for plant, fish and wildlife resources are limited when compared to adjacent, higher quality wetlands. Consequently, the proposed buffer is considered by us to be adequate to protect existing values.

If you have any further questions regarding this project, please contact David Imper, Arcata Field Office, at 707/822-7201.

Sincerely,



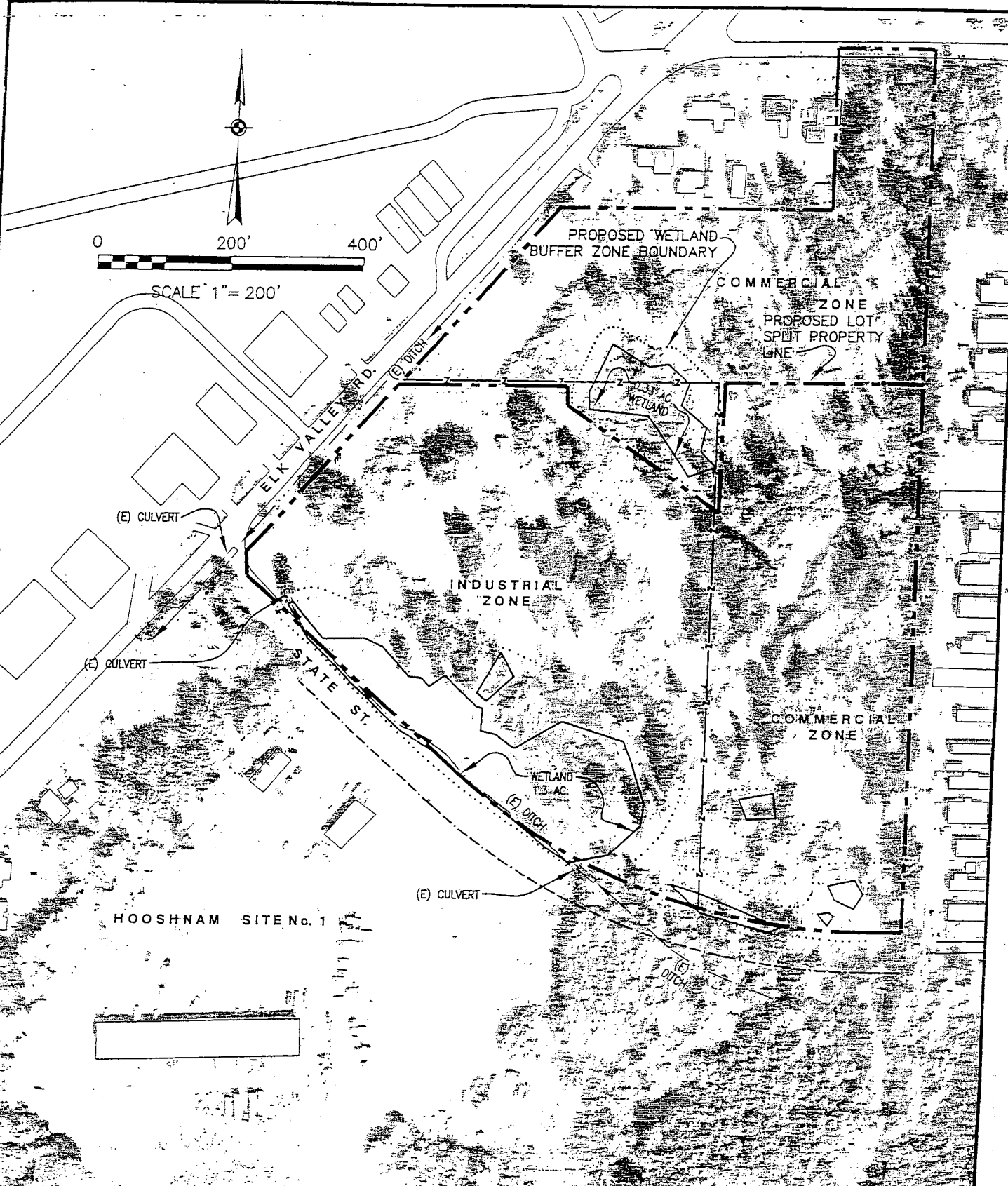
Randy A. Brown  
Acting Field Supervisor

cc:

Winzler & Kelly Consulting Engineers, Eureka, CA (Attn: Steve Salzman)  
Del Norte Solid Waste Authority, Crescent City (Attn: Tedd Ward)  
California Department of Fish and Game, Eureka (Attn: Jeff Dayton).  
U.S. Army Corps of Engineers, Eureka (Attn: David Ammerman)

10913

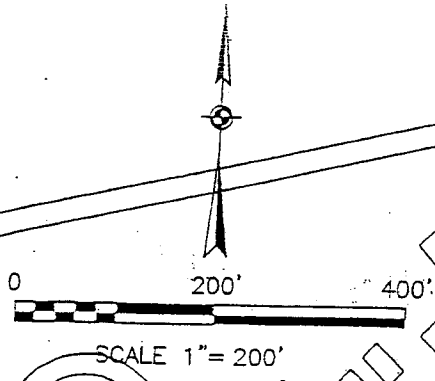
1-13-03 @ 11:45 am  
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**FIGURE 1**  
**TRANSFER STATION**  
**HOOSHNAM SITE No. 2**  
PROPERTY LINES AND ZONING  
DEL NORTE SOLID WASTE  
MANAGEMENT AUTHORITY

11913

122



DATE: 1-13-03 @ NOON

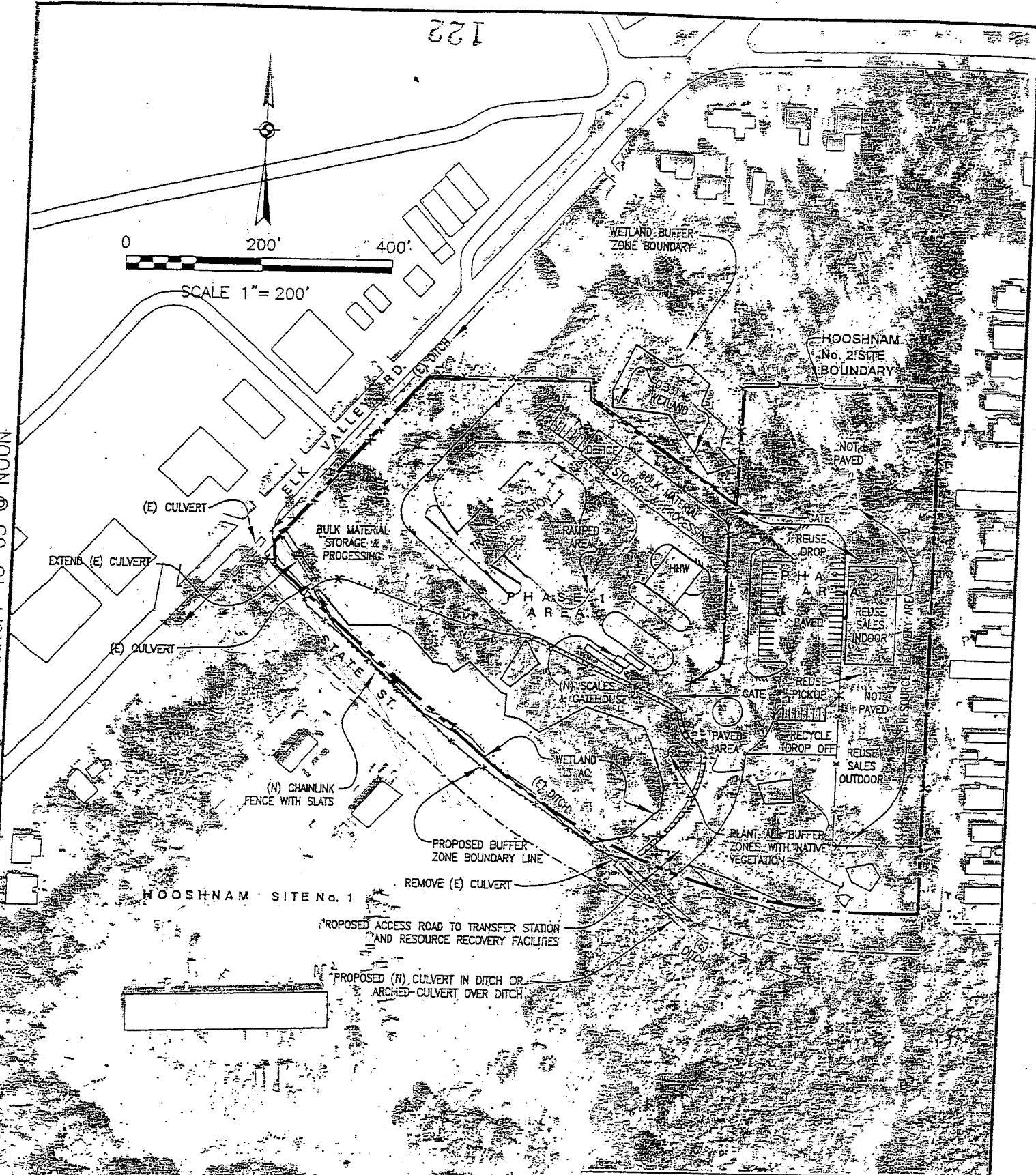
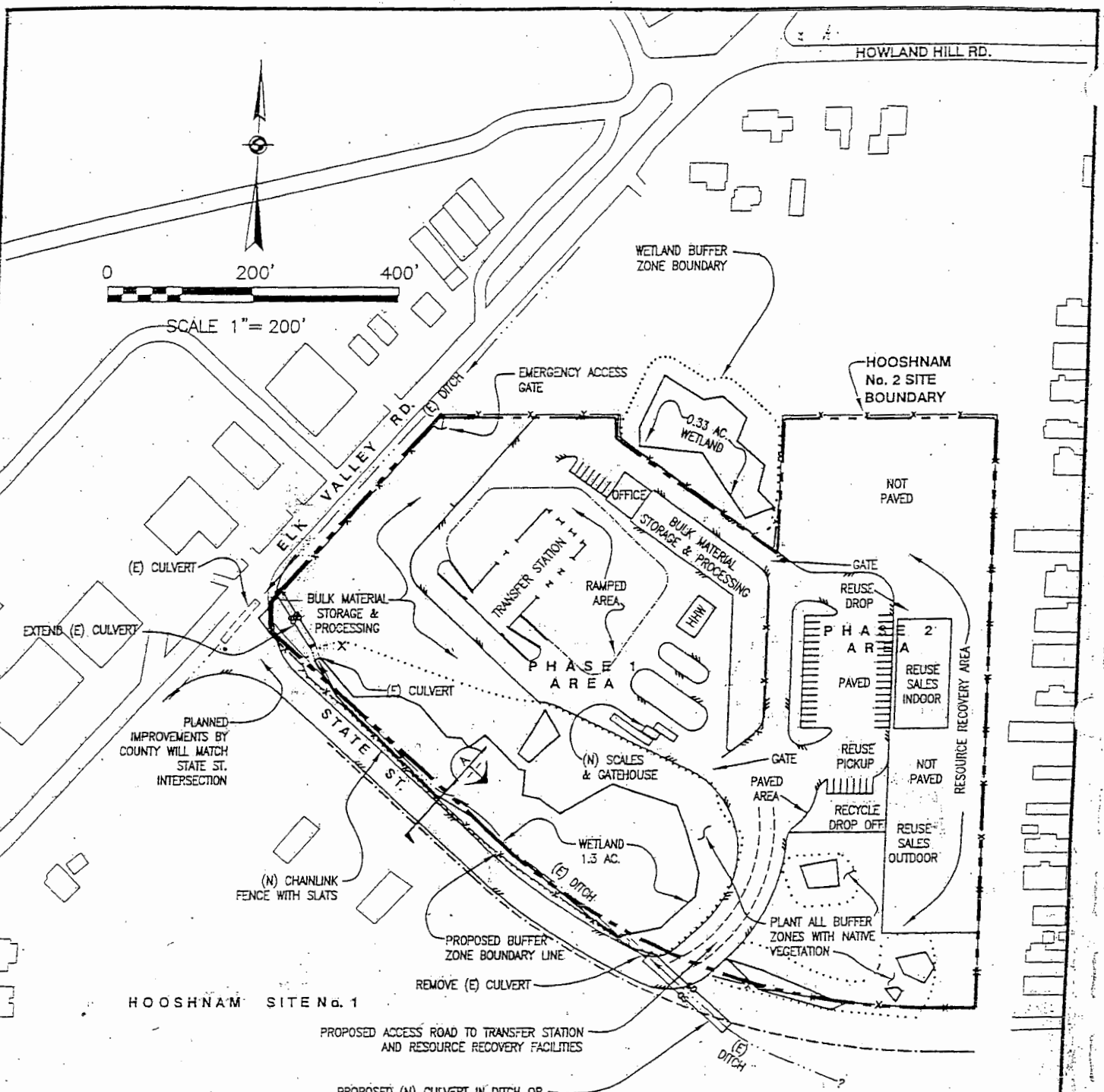


FIGURE 2  
 TRANSFER STATION  
 HOOSHNAM SITE No. 2  
 SITE FACILITY LAYOUT  
 DEL NORTE SOLID WASTE  
 MANAGEMENT AUTHORITY

12913



date: 2-28-03 @ 2pm



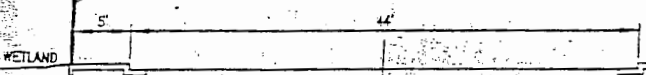
HOOSHNAM SITE No. 1

PROPOSED ACCESS ROAD TO TRANSFER STATION AND RESOURCE RECOVERY FACILITIES

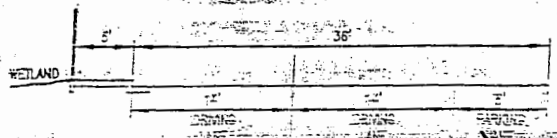
PROPOSED (N) CULVERT IN DITCH OR ARCHED CULVERT OVER DITCH

- EDGE OF PAVING
- x-x- SLATED CHAINLINK FENCE
- - - COUNTY ROAD EASEMENT
- PROPERTY LINE
- ..... WETLAND BUFFER ZONE

6' SLATED CHAINLINK FENCE & WETLAND BOUNDARY



COUNTY STANDARDS FOR COLLECTOR STREET



ROAD SECTIONS

**FIGURE 2 REVISED**  
**TRANSFER STATION**  
**HOOSHNAM SITE No. 2**  
**SITE LAYOUT**

DEL NORTE SOLID WASTE  
 MANAGEMENT AUTHORITY

13013

