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| Staff: | Jim Baskin |
| Staff Report: | September 30, 2004 |
| Hearing Date: | October 14, 2004 |
| Commission Action: | |

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Chuck Damm, Deputy Director
Robert S. Merrill, North Coast District Manager
Jim Baskin, Coastal Planner

SUBJECT: County of Del Norte LCP Amendment No. DNC-MAJ-1-04 (Walters)
(Meeting of October 14, 2004, in San Diego)

SYNOPSIS:**Amendment Description:**

Del Norte County is requesting certification of LCP Amendment No. DNC-MAJ-1-04 (Walters) to the County's certified Implementation Plan (IP) to re-designate the zoning designation of an approximately 7.1 acres of a 10.24-acre parcel currently zoned with a General Resource Conservation Area (RCA1) zoning designation to a Designated Resource Conservation Area - Riparian Vegetation (RCA2(r)) designation for the 550-foot by 200-foot area spanning Gilbert Creek. The 2.74-acre and 1.82-acre portions to the immediate north and south of this area, respectively would be rezoned to a Low Density Rural Residential - Agriculture with Density and Coastal-Special Development Pattern Area Combining Zone designations (RRA-5-D-C(s)), these latter designations chosen to match the adjoining upland zoning designation.

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Summary of Staff Recommendation:

The staff recommends that the Commission, upon completion of a public hearing: (1) deny the IP amendment request as submitted; and (2) certify the IP amendment request with suggested modifications.

In reviewing the County's proposal for amending the Implementation Plan, staff found that the proposal to designate certain areas of the parcel as Low Density Rural Residential - Agriculture with Density and Coastal-Special Development Pattern Area Combining Zone designations would not conform with and carry out the Land Use Plan (LUP) policies regarding the protection of environmentally sensitive habitat areas. The Suggested Modifications to the Implementation Plan (IP) Amendment recommended by staff would correct this inconsistency and make the IP amendments conform with and carry out the LUP.

The appropriate motions and resolutions to adopt the staff recommendation are found on pages 2-4.

Analysis Criteria:

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

Additional Information:

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

PART ONE: RESOLUTIONS AND SUGGESTED MODIFICATIONS

I. MOTIONS, STAFF RECOMMENDATIONS, AND RESOLUTIONS FOR LCP AMENDMENT NO. DNC-MAJ-1-00

A. DENIAL OF IMPLEMENTATION PROGRAM AMENDMENT NO. DNC-MAJ-2-04, AS SUBMITTED:

MOTION I: I move that the Commission reject Implementation Program Amendment No. DNC-MAJ-1-04 for the County of Del Norte as submitted.

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a YES vote. Passage of this motion will result in rejection of Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION I TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program submitted for the County of Del Norte and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with and is inadequate to carry out the provisions of the Land Use Plan as certified. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

B. APPROVAL OF IMPLEMENTATION PROGRAM AMENDMENT NO. DNC-MAJ-2-04 WITH SUGGESTED MODIFICATIONS:

MOTION II: I move that the Commission certify the Implementation Program Amendment No. DNC-MAJ-1-04 for the County of Del Norte if it is modified as suggested in this staff report.

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a YES vote. Passage of this motion will result in certification of the Implementation Program with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION II TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment for the County of Del Norte if modified as suggested on the grounds that the Implementation Program Amendment with the suggested modifications conforms with and is adequate to carry out the provisions of the Land Use Plan as certified. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects

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of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN AMENDMENT:

Section 21.06.050 of the County of Del Norte's Local Coastal Program Zoning Enabling Ordinance (i.e., Coastal Zoning Map B-2) shall be modified as follows:

a. Delineated Wetlands

Those portions of Lot 6 of the Surfsound Estates Subdivision (APN 101-150-08) consisting of Unconsolidated Bottom, Aquatic Bed, Unconsolidated Shore, Emergent Persistent, Emergent Non-Persistent, Scrub-Shrub, and/or Forested Wetlands associated with the Gilbert Creek watercourse shall be rezoned from General Resource Conservation Area (RCA1) zoning designation to a Designated Resource Conservation Area – Wetland (RCA2(w)) designation.

b. Northerly Wetlands Buffer

That portion of Lot 6 of the Surfsound Estates Subdivision (APN 101-150-08) designation lying within 100 horizontal feet to the north of the outer extent of all Unconsolidated Bottom, Aquatic Bed, Unconsolidated Shore, Emergent Persistent, Emergent Non-Persistent, Scrub-Shrub, and/or Forested wetlands associated with the Gilbert Creek watercourse shall be rezoned from General Resource Conservation Area (RCA1) zoning designation to a Designated Resource Conservation Area – Wetland Buffer (RCA2(wb)) designation.

c. Northerly Riparian Vegetation ESHA and Buffer

That portion of Lot 6 of the Surfsound Estates Subdivision (APN 101-150-08) lying beyond one-hundred (100) horizontal feet to the north of the wetland buffer area described in sub-part b above, and within and beyond the channel banks on the northern side of Gilbert Creek and lying within fifty (50) feet of riparian vegetation as delineated in the report prepared by Galea Wildlife Consulting, dated July 2004, shall be rezoned from General Resource Conservation Area (RCA1) zoning designation to a Designated Resource Conservation Area – Riparian Vegetation (RCA2(r)) designation.

d. Southerly Wetland Buffer

That portion of Lot 6 of the Surfsound Estates Subdivision (APN 101-150-08) located southerly of all delineated wetlands described in sub-part a above, comprising the forested slopes lying between Gilbert Creek and the south property line shall be rezoned from General Resource Conservation Area (RCA1) zoning designation to a Designated Resource Conservation Area – Wetland Buffer (RCA2(wb)) designation.

e. Areas Outside of Wetlands and Riparian Vegetation ESHA and Their Buffers

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That portion of Lot 6 of the Surfsound Estates Subdivision (APN 101-150-08) located northerly of the northerly wetland buffer area described in sub-part b above and the northerly riparian vegetation ESHA and buffer described in sub-part c above, shall be rezoned from General Resource Conservation Area (RCA1) zoning designation to Low Density Rural Residential - Agriculture with Density and Coastal-Special Development Pattern Area Combining Zone (RRA-5-D-C(s) designations.

PART TWO: AMENDMENTS TO IMPLEMENTATION PLAN

I. ANALYSIS CRITERIA

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

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

To approve the amendment, the Commission must find that the amended Implementation Plan will conform with and adequately carry out the provisions of the LUP as certified. For the reasons discussed in the findings below, the proposed amendment to the Implementation Program is not consistent with or adequate to carry out the certified Land Use Plan. As modified, the proposed amendment to the Implementation Program would be consistent with and adequate to carry out the certified Land Use Plan.

II. FINDINGS FOR DENIAL OF IP AMENDMENT NO. DNC-MAJ-1-04 AS SUBMITTED AND CERTIFICATION IF MODIFIED

The Commission finds and declares as following for Amendment No. DNC-MAJ-1-04:

A. Background.

The County of Del Norte's LCP amendment is proposed at the behest of Brien Walters, owner of an approximately 10.24-acre parcel located within the Surfsound Estates Subdivision, approximately 1¼ mile south of the California-Oregon border (see Exhibit Nos. 1 and 2). The amendment is proposed pursuant to the requirements of Section 21.11.010 of the Del Norte County Local Coastal Program which requires that prior to new or additional development on properties designated General Resource Conservation Area, for those areas containing

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environmentally sensitive habitat whose location have not been formally demarcated, the precise extent of such areas shall be delineated and designated with appropriate resource area zoning designations, with the remaining areas beyond the environmentally sensitive areas reclassified to zoning designation that is determined to be in conformance with the policies of the Land Use Plan.

B. Amendment Description.

The roughly rectangular Walters property is divided into three distinct landforms: (1) an approximately 2½-acre area of open, relatively flat grassland comprising the northern third of the subject parcel; (2) an approximately 220-foot-wide band of riverine wetlands and adjoining riparian corridor associated with the Gilbert Creek watercourse that traverses the property from east to west and effectively divides the property into two distinct portions; and (3) the approximately 5¼-acre southern half of the parcel, consisting of forested upland vegetation on an approximately 7V:10H north-facing slope. The former two areas and the northern 1.82 acres of the latter area are currently designated RCA1 while the remaining approximately 3.14 acres along the property's southern side is currently zoned RRA-5-D-C(s).

The County has applied to the Commission for certification of an amendment to the zoning maps portions of its Implementation Plan (IP). The proposed amendment would revise the zoning designation of an approximately 550-foot by 200-foot area of the 10.24-acre Walters parcel spanning Gilbert Creek from General Resource Conservation Area (RCA1) zoning designation to a Designated Resource Conservation Area – Riparian Vegetation (RCA2(r)) designation. The 2.74-acre and 1.82-acre portions of the lot to the north and south of this area, respectively, would be rezoned from RCA1 to a Low Density Rural Residential - Agriculture with Density and Coastal-Special Development Pattern Area Combining Zone designations (RRA-5-D-C(s)).

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

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

C. Subject Property.

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

The parcel was created as Lot 6 of the Surfsound Estates Subdivision development project, approved by the Commission on December 1, 1984 prior to certification of the Del Norte County LCP (see Coastal Development Permit No. 1-83-283). Among the conditions the Commission applied to the land division was the requirement that a minimum of 62-acres of open space consisting of those areas on the property containing environmentally sensitive habitat or needed to provide buffers between areas identified for development and the resource areas, be offered for dedication. On June 16 1984, an Offer-to-Dedicate (OTD) the required open space areas was recorded as Instrument No. 840201, in Book 285, Page 75, Del Norte County Recorder's Office, establishing a 21-year-year period in which the offer of dedication would be available. As of the date of this report, the OTD has not been accepted. Unless the easement is accepted by a qualified public or private land conservation entity on or before June 7, 2005, the OTD will expire. The southerly ¾ and the westerly 220 feet of the Walters property, comprising a total area of approximately 7.9 acres, lies within the Surfsound Estates Subdivision open space easement dedication area.

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

The subject site lies within the LCP's "Smith River" sub-region and is subject to the specific area policies for "Planning Area No. 1, Ocean View Drive." The subject property is designated in the Land Use Plan as Rural Residential – One Dwelling Unit per Five Acres (RR 1/5) and Resource Conservation Area (RCA), certified by the Commission on October 12, 1983. The subject property is not within any viewpoint, view corridor, or highly scenic area as designated in the Visual Resources Inventory of the LCP's Land Use Plan. Due to the property's inland location,

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public views to and along the ocean across the property are limited, consisting of distant, on-the-horizon vistas.

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

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

a. Summary of Pertinent LCP Policies and Standards:

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

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

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

...

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

g. Due to the scale of the constraints maps, questions may arise as to the specific boundary limits of an identified environmentally sensitive habitat area. Where there is a dispute over the boundary or location of an environmentally sensitive habitats area, the following may be requested of the applicant:

i.) A base map delineating topographic lines, adjacent roads, location of dikes, levees, flood control channels and tide gates.

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- ii.) Vegetation map.
- iii.) Soils map.

Review of this information shall be in cooperation with the Department of Fish and Game and the County's determination shall be based upon specific findings as to whether an area is or is not an environmentally sensitive habitat area based on land use plan criteria, definition, and criteria included in commission guidelines for wetland and other wet environmentally sensitive habitat areas as adopted February 4, 19 81. The Department of Fish and Game shall have up to fifteen days upon receipt of County notice to provide review and cooperation.
[Emphases added.]

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

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

and

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

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

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

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

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

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

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The rezoning of a parcel or parcels designated as RCA may be considered subject to the requirements of Chapters 21.50 and 21.50B and the special requirements listed in this section.

A. Mapping. In order to determine the actual boundary of the resource conservation area and the location of any buffer zone which may be required for it, supplemental mapping shall be submitted as a part of the rezoning application, including:

1. Topographic Base Map. The base map should be at a scale sufficiently large to permit clear and accurate depiction of vegetation associations and soil types in relation to any and all proposed development (normally the scale required will be one inch equals two hundred feet). Contour intervals should be five feet, and the map should contain a north arrow, graphic bar scale, and a citation for the source of the base map (including the date).

The map should show the following information:

a. Boundary lines of the applicant's property and adjacent property, including assessor's parcel numbers, as well as the boundaries of any tidelands, submerged lands or public trust lands, per Section 21.50.040;

b. Names and locations of adjacent or nearby roads, streets or highways, and other important geographic, topographic and physical features such as streams, bluffs or steep slopes;

c. Location and elevation of any levees, dikes or flood-control channels;

d. Location, size and invert elevation of any culverts or tide gates;

e. Existing development (structures, agricultural areas, etc.)

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

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

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

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

C. Review. Upon receipt of a complete rezoning application and prior to any public hearing the county shall submit the above information to the California Department of Fish and Game for review. The

Department of Fish and Game shall have up to fifteen days upon receipt of the county notice to review and comment. This requirement does not supersede any other review requirements, such as those of the California Environmental Quality Act, and may be carried out in conjunction with any other review which meets or exceeds the fifteen-day time period.

D. Findings and Disposition.

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

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

3. Where it is found that all or a portion of a parcel is not in a resource conservation area and/or any required wetland buffer, a finding shall be made that the non-RCA area is within the abutting General Plan land use classification and said parcel or portion of parcel shall be rezoned to another zoning classification which is in accord with the General Plan or adopted specific plan as set forth in Chapters 21.51A and 21.51B.

4. Where parcels totally within the RCA2 zone are contiguous with a parcel outside or partly outside of the RCA2 area, and where all of these parcels have a single owner, said parcels shall be merged at the time the RCA2 zoning is placed in effect upon the properties. [Emphases added.]

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

This zone shall also be applied to buffer areas which shall be established around wetlands between the edge of the wetland and any future and/or existing development. Such wetland buffers shall be one hundred feet in width unless a determination of no adverse impact upon the wetland is made, in which case a buffer of less than one hundred feet may be utilized. Such a determination is to be made based upon data submitted pursuant to Section 21.11.060 and shall include consideration of the following factors:

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1. *That the most sensitive species of plants and/or animals will not be significantly disturbed based upon:*
 - a. *Habitat requirements of resident and/or migratory fish and wildlife for nesting, feeding, breeding, etc.;*
 - b. *Assessment of short and long term ability of plant or animal species to adapt to human disturbance.*
2. *That where erosion impacts from the project may occur, adequate buffer is provided to allow for interception of eroded materials outside of the wetland area.*
3. *That where natural or cultural features such as bluffs, hills, roads, dikes or irrigation canals exist they should be utilized in establishing the location of the buffer area and in separating development wetland areas. Natural features should be included within the buffer area i.e., a buffer boundary which follows an embankment should be located at the top of the bank rather than the bottom. Cultural features should be located outside of the buffer boundary to avoid conflict regarding actions such as repair and maintenance.*
4. *That where existing adjacent development is located closer to the wetland than one hundred feet or where the configuration of a legally created parcel is such that a building area of less than four thousand two hundred square feet would remain, reduction of the buffer could occur, however alternative mitigation measures (such as the planting or reversion to native vegetation) should be provided to ensure additional protection.*

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

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

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The Marine and Water Resources Chapter of the County of Del Norte's LUP contains numerous policies for the protection and conservation of aquatic natural resources. Chief among these are Policy 6, cited above, which requires that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade such areas. In addition, Section VII of the LUP's Marine and Water Resources chapter sets forth a variety of specific provisions, cited above, including provisions regarding: (1) the delineation of wetlands; (2) considerations as to the adequacy of wetland buffers; and (3) the protection of riparian vegetation. These policies in turn are further implemented through the various detailed provisions of the "Local Coastal Program Zoning Enabling Ordinance of the County of Del Norte" (LCPZEO), the County's certified coastal zoning ordinance, particularly in the General and Designated Resource Conservation Area Zoning District standards of Chapters 21.11 and 21.11A, also cited above.

The application initially submitted by the County for the subject LCP amendment either omitted many of the biological information items enumerated in Section VII.D.4 of the LUP's Marine and Water Resources Chapter, as further detailed in the RCA1 and RCA2 zoning district regulations, or contained conflicting statements as to the presence and precise extent of wetlands on the subject property. The landowner's consulting biologist (Galea Wildlife Consulting, July 2003) categorically stated that:

No wetlands were located on the property. The property on the north side of Gilbert Creek is located on a terrace immediately above the creek, and a sloping bank with several benches separates the flat meadow area from the creek below. This provides good drainage for the meadow area, which contained no low spots or other potential wetland sites. No wetlands were found on the benches found on the north bank below the meadow. The botanist found no wetland indicator species during her survey of the meadow area. [Emphasis added.]

However, in a short concluding note in the consulting botanist's (Lindsay Herrera, Botanist, June 17, 2003) report, the presence of riverine wetlands is parenthetically acknowledged:

No sensitive plants were found. No wetland areas (apart from the already protected stream corridor) were found. [Emphasis added; parenthesis in original.]

Review by Commission staff confirmed that wetland ESHA are generally recognized as being present on the subject property: First, that portion of the project site crossed by Gilbert Creek is demarcated on the "Smith River" 7½-minute quadrangle of the U.S. Fish and Wildlife Service's National Wetland Inventory as containing seasonally-flooded Palustrine-Forested-Broadleaf Deciduous (PFOIC) wetlands.¹ Secondly, a cursory site visit conducted by the staff on September 21, 2004 found the Gilbert Creek portion of the property to be experiencing low volume but sustained late season flows within its roughly 10- to 20-foot wide channel, typical of a perennial riverine wetland setting. Accordingly, Commission staff interpret the consultant's

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

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statement regarding the lack of wetlands on the site to be focused on the riparian and forested hillside areas on the property beyond the Gilbert Creek streambed.

Although supplemental information has been provided by the property owner's consulting biologist (Galea Wildlife Consulting, July 2004) addressing the extent of the riparian vegetation on the site, accompanied by a recommendation for a 50-foot-wide buffer area around the outer edges of the vegetated riparian corridor, the adequacy of the proposed buffer's width to protect the riparian vegetation ESHA from any adjacent future development is based solely upon the conclusion that placing all of the . No analysis was provided in the County's submittal as to whether the proposed 200-foot-wide band proposed for rezoning to RCA2 would fully contain all wetlands and riparian vegetation ESHA, and provide the minimum 100-foot-wide wetland buffer prescribed by the LUP Marine and Water Resources Section VII.D.4.f and LCPZEO Section 21.11A.020B. Conversely, if a less than 100-foot-wide wetland buffer is reflected in the area being proposed to be zoned RCA2, demonstration of the adequacy of the reduced-width buffer to protect the wetland from the adverse impacts of adjacent future development based upon the criteria enumerated within the Commission's 1981 Statewide Guidelines, as incorporated-by-reference in the County's LCP, has not been established. The County emphasizes that a request for comments regarding the adequacy of the proposed area to be designated as RCA2(r) was submitted to the California Department of Fish and Game (CDFG), pursuant to LUP Section VII.g and LCPZEO Section 21.11.060.C, with no response received within the specified fifteen-day period. Staff notes that the LCP provisions only require that review of the zoning amendment be conducted in cooperation with the CDFG and that the County is to make its own determination based upon specified findings. While no comments were received by the specified deadline from CDFG, this does not mean that the zoning amendment process becomes suspended and that the County cannot move forward in considering the proposed rezoning. Nonetheless, staff also notes that the lack of a response should not be interpreted as the CDFG concluding that the area proposed to be rezoned to RCA2 is adequately inclusive of all ESHA and requisite buffer areas as required by the LCP. This determination is to be made independently by the County based upon specified findings and factual evidence.

Thus, based upon the information submitted with the amendment request, there is no factual basis to conclude that the proposed amendment would adequately protect the ESHA on the site against any significant disruption of habitat values, that only uses dependent on such resources shall be allowed within such areas, and/or assurances have been made that future development in areas adjacent to the ESHA would be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas as required by Policy 6 of the LUP's Marine and Water Resources chapter. Therefore, the Commission finds that the LCP amendment as submitted would not conform with and would not adequately carry out the provisions of the certified land use plan and must be denied.

c. Amendment Approvable if Modified.

For the proposed amended zoning designation to be found in conformance with, and to effectively carry out, the policies of the LUP's Marine and Water Resources chapter regarding the protection of designated environmentally sensitive habitat areas (ESHA) and ensuring that

COUNTY OF DEL NORTE LCP AMENDMENT (WALTERS)

NO. DNC-MAJ-1-04

PAGE 15

development in areas in or in proximity to such environmentally sensitive areas would be appropriately sited and designed to avoid significant impairment to the ESHA, the zoning amendment must be shown to: (1) include all environmentally sensitive habitat areas and adjoining buffer areas needed to protect such areas from adjacent development being included within the bounds of a RCA2 designation; and (2) redesignate all areas located beyond the outward extent of these environmentally sensitive areas to a non-RCA zoning designation that is found to be in conformance with the policies of the LUP. As discussed above, the Commission has determined that based upon the information submitted with the LCP amendment request, the rezoning as proposed would not be fully inclusive of all ESHA and include those adjoining areas needed to adequately protect the ESHA from adjacent future development.

Therefore, the Commission finds that it is necessary to modify the precise areas being proposed for rezoning so as to ensure consistency with the LUP. **Suggested Modification No. 1** adjusts the proposed zoning map changes by modifying the specific areas proposed to be zoned from General Resource Conservation Area (RCA1) as well as those areas on the property currently designated for Rural Residential Agriculture to be fully inclusive of all environmentally sensitive habitat areas and required buffer areas on the subject property. Under the proposed Suggested Modification, the proposed area to be rezoned RCA2 would be expanded and further refined to: (a) designate those areas within the Gilbert Creek bank-full channel as wetlands (RCA2(w)); (b) include all areas within 100 horizontal feet of these wetlands and those areas comprising the functionally-related heavily-sloped forested hillside on the southern half of the property as wetland buffer (RCA2(wb)); (c) designate all areas lying outside of the wetland and wetland buffer areas containing riparian vegetation or within the recommended 50-foot-wide riparian buffer area as riparian ESHA (RCA2(r)); and (d) rezone only those remaining areas lying beyond the environmentally sensitive areas on the parcel for clustered low-density rural residential development, subject to special development area constraints associated with the open space easement (RRA-5-D-C(s)).

The submitted LCP amendment request with the inclusion of the above-described Suggested Modification would result in the IP, as amended, being found to be in conformance with, and adequate to carry out the LUP for the following reasons:

- (1) All wetland ESHA on the parcel would be designated as RCA2(w). This action would serve to carry out the provisions of LUP Section VII.D.4.g that requires that the specific boundary limits of an identified environmentally sensitive habitat area be accurately delineated.
- (2) All areas either within 100-feet of the outer extent of the wetland ESHA or that consist of functionally-related adjacent forested hillside areas appropriate for inclusion within the wetland buffer would be designed as RCA2(wb). Including the adjacent forested hillside on the southern side of Gilbert Creek would serve to carry out LUP Section IV.D.1.f which states that sufficiently wide protective zones be established along water courses and around sensitive habitat areas by incorporating natural vegetation buffer strips so as to protect habitat areas from the possible impacts of adjacent land uses. This action will also serve to ensure

COUNTY OF DEL NORTE LCP AMENDMENT (WALTERS)

NO. DNC-MAJ-1-04

PAGE 16

that the amended IP carries out the provisions of LUP Section IV.D.4.f, which requires that a buffer of one-hundred feet in width be established around the periphery of the identified riverine wetland ESHA. Inclusion of the forested hillside area would further strengthen the adequacy of this buffer by incorporating, consistent with the criteria within the 1981 *Statewide Interpretative Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas*: (a) lands with biological significance to federal and/or state species of concern who utilize wetlands for breeding or foraging habitat such as Del Norte salamander, southern torrent salamander, tailed frog, and Northern red-legged frog, as documented in the biological assessment prepared for the project; (b) areas of the parcel indicated on the geologic map submitted with the LCP amendment request as containing a erosion-susceptible landslide feature; (c) steep terrain natural topographic features that if so designated would help to locate development onto the flatter portions of the site; and (d) existing cultural features that further prescribe the extent of the buffer zone, namely the area co-terminus with the open space easement OTD.

- (3) All riparian vegetation ESHA and the 50-foot-wide buffer recommended by the landowner's consulting biologist would be designated as RCA2(r). This action would serve to ensure that riparian vegetation is maintained along streams, creeks and sloughs and other water courses within the Coastal Zone for their qualities as wildlife habitat, stream buffer zones, and bank stabilization, as required by LUP Section IV.E.4.a, and establish an outer buffer boundary that would correspond to the distinct break in vegetation between the riparian corridor and upland grassland, and approximate the break in slope between the creek canyon and the flatter terrace portions of the parcel along the property's northern side.
- (4) The portions of the parcel that would be designated RR-5-D-C(s) would be limited to those remaining areas on the property lying beyond the environmentally sensitive habitat areas and their buffers. This action would ensure that the amended IP would be consistent with the requirements of LUP Section VII.D.4.f that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which could significantly degrade such areas, and be compatible with the continuance of such habitat areas.

The amendment as modified would therefore conform with and adequately carry out the LUP's New Development, and Marine and Water Resources policies.

2. Conclusion

The zoning code amendments as modified would conform with and be adequate to carry out the provisions of the County's Land Use Plan, particularly as relate to the protection of environmentally sensitive habitat areas as articulated in the Marine and Water Resources Chapter. Therefore, the Commission finds the County's Implementation Program as modified

COUNTY OF DEL NORTE LCP AMENDMENT (WALTERS)

NO. DNC-MAJ-1-04

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would conform with and be adequate to carry out the requirements of the certified Land Use Plan as amended consistent with Section 30513 of the Coastal Act.

PART THREE: CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

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

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

ATTACHMENT 1: LCP AMENDMENT AS SUBMITTED

EXHIBITS:

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

COUNTY OF DEL NORTE LCP AMENDMENT (WALTERS)

NO. DNC-MAJ-1-04

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RESOLUTION NO. 2004-47

**RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS ADOPTING REVISED
TITLE 21 COASTAL ZONING MAP B-2 AND FORWARDING THE LOCAL COASTAL PROGRAM
ZONING ENABLING ORDINANCE REVISION TO THE CALIFORNIA COASTAL COMMISSION**

WHEREAS, the County of Del Norte has approved an amendment of the Del Norte County General Plan/Local Coastal Program Implementation Program pursuant to state regulations as described in the attached recommended findings; and

WHEREAS, the County has also undertaken preparation of an Initial Study and Negative Declaration pursuant to state regulations including but not limited to the public hearings and action by the Planning Commission and Board of Supervisors; and

WHEREAS, the County has undertaken a public hearing and public comment period duly noticed pursuant to state regulations and as listed in the attached recommended findings; and

WHEREAS, comments and responses have been considered resulting in a Negative Declaration; and

WHEREAS, the Planning Commission has considered Findings A - E (Attached as Exhibit B) related to the actions;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Del Norte that it adopts the attached findings of the General Plan/Local Coastal Program Update, and forwards the Local Coastal Program for changes to Title 21 Coastal Zoning Map B-2 (Attached Exhibit A) to the California Coastal Commission for certification review; and

BE IT FURTHER RESOLVED that this action on lands within the Coastal Zone shall be effective upon the date that the above mentioned Local Coastal Program Update documents are certified by the California Coastal Commission; and

BE IT FURTHER RESOLVED that the Board of Supervisors that, upon adoption and certification, that county staff and the Planning Commission will carry out the amended LCP in a manner in full conformity with the Coastal Act.

PASSED AND ADOPTED by the Del Norte County Board of Supervisors on this 8th day of June, 2004.

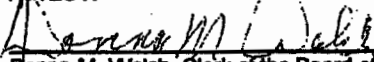
AYES: Supervisors Reese, McClure, Finigan, Blackburn and Sampels

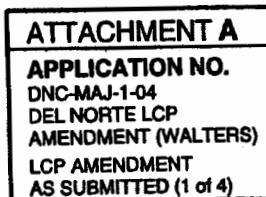
NOES: none

ABSTAIN: none

ABSENT: none

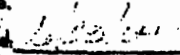
ATTEST:


Donna M. Walsh, Clerk of the Board of Supervisors
County of Del Norte, State of California

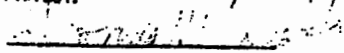



Jack Reese, Chairman
Del Norte County Board of Supervisors

I hereby certify the foregoing
to be a true and correct copy
of the original on file in this
office.

Dated: 

ATTEST:


Clerk of the Board of Super-
visors, County of Del Norte,
State of California.

Deputy

PAGE 19

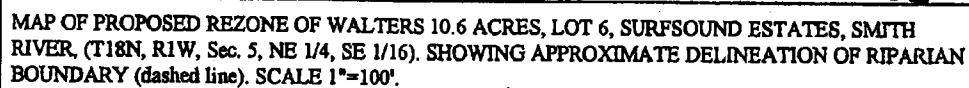


EXHIBIT 'A'

[illegible]

PROPOSED ZONING
MAP B-2

Section 21.08.050 Ordinance 83-03
DEL NORTE CO. ZONING MAP
AREA B-2
SECTIONS 5 & 8
TWP 18 N RGE 1W HB & M
SMITH RIVER AREA

APPROVED BY PLANNING COMMISSION
APPROVED BY BOARD OF SUPERVISORS *Richard L. Brown*
COUNTY OF DEL NORTE, CALIFORNIA
83-03: Sept 8, 83
84-09: Aug 27, 84
87-12: July 86

505
ET

A B C D E F G H I J K L M N O

**PROJECT
SITE**

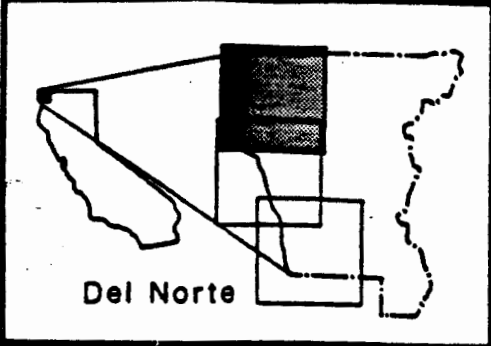
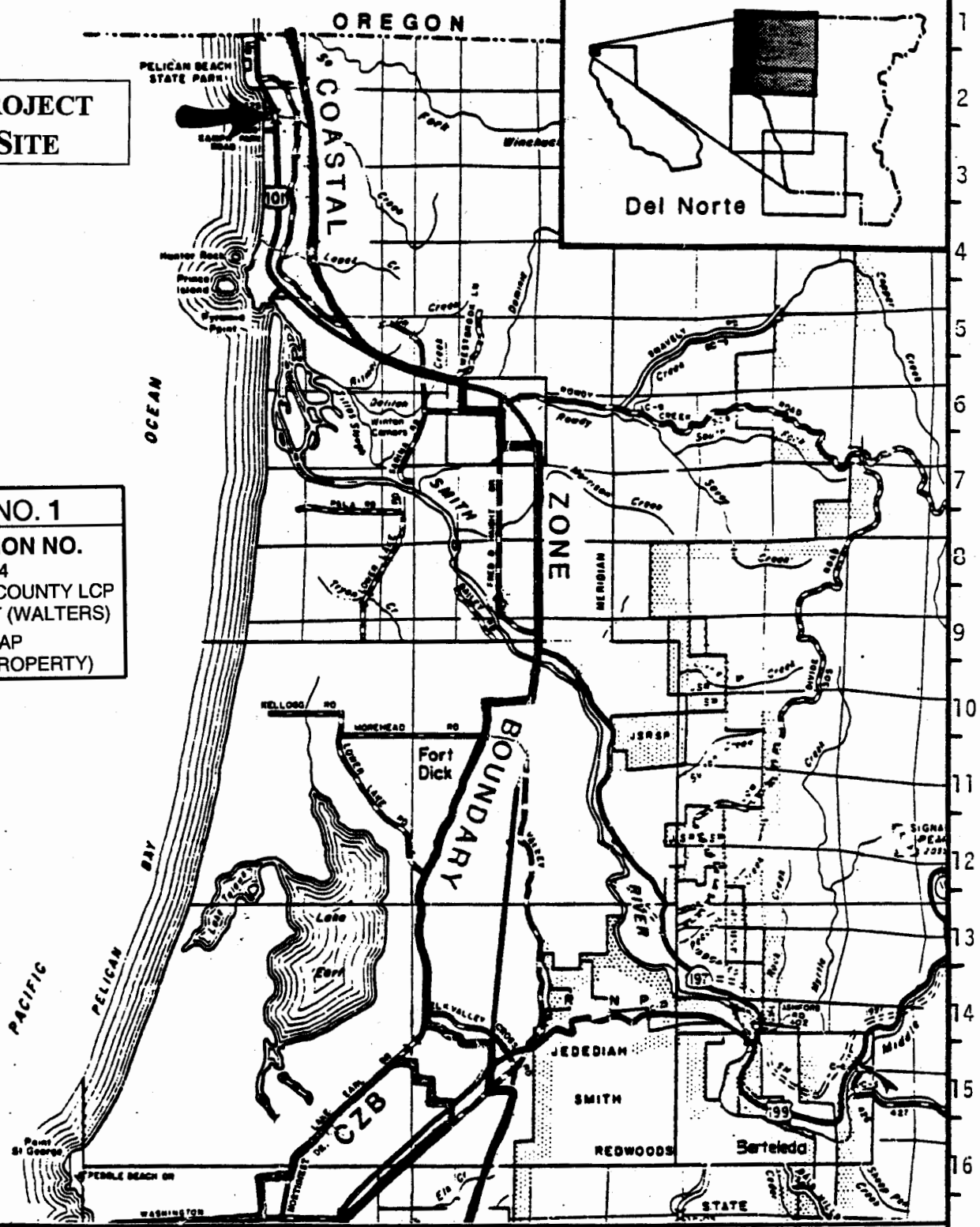


EXHIBIT NO. 1
APPLICATION NO.
 DNC-MAJ-1-04
 DEL NORTE COUNTY LCP
 AMENDMENT (WALTERS)
 LOCATION MAP
 (WALTERS PROPERTY)



topozone
Copyright 1999-2003 Maps & a la carte, Inc.

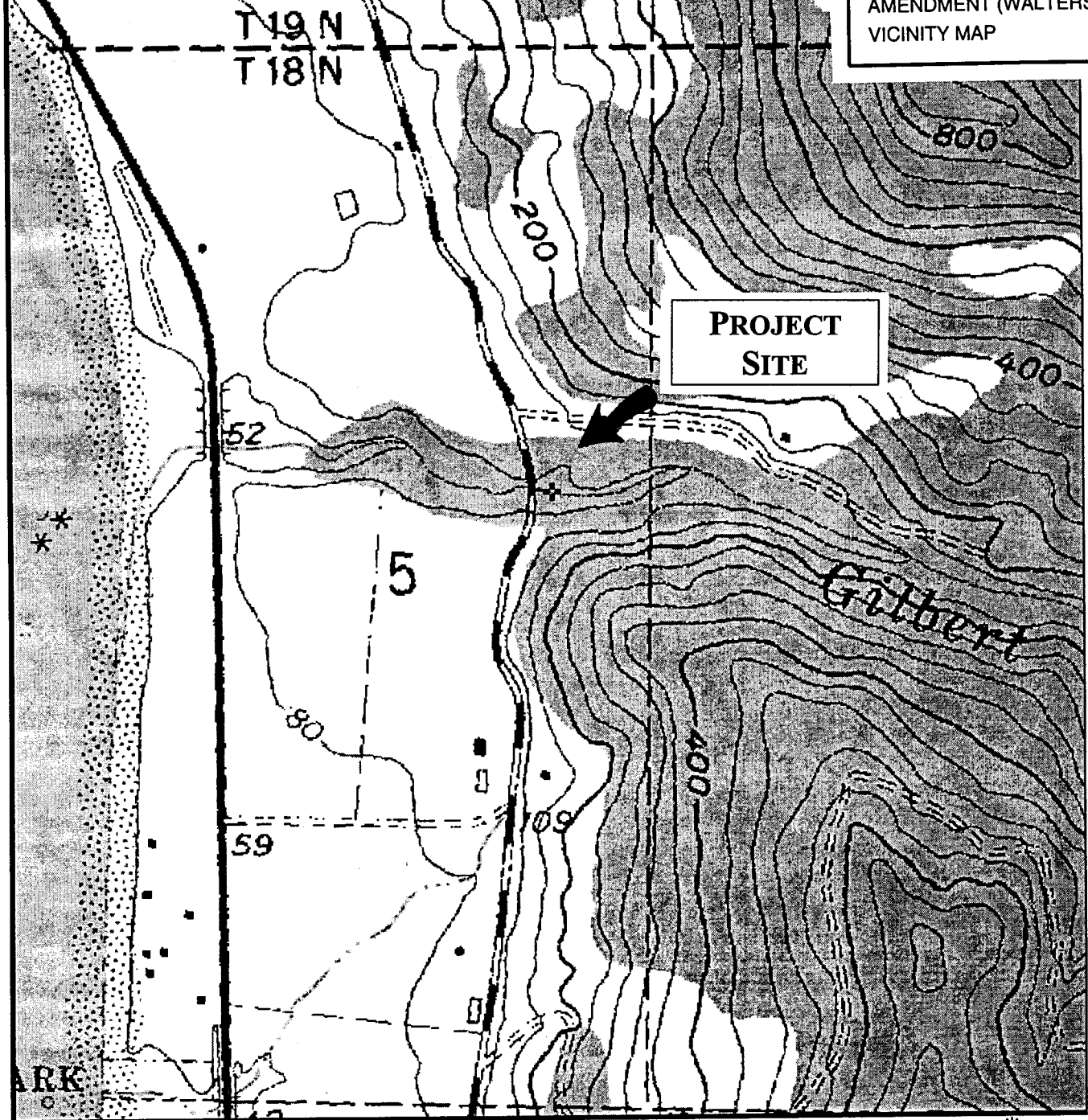
EXHIBIT NO. 2

APPLICATION NO.

DNC-MAJ-1-04

DEL NORTE COUNTY LCP
AMENDMENT (WALTERS)

VICINITY MAP



0 0.1 0.2 0.3 0.4 0.5 km
0 0.09 0.18 0.27 0.36 0.45 mi

Map center is UTM 10 400832E 4648437N (WGS84/NAD83)

SMITH RIVER quadrangle

Projection is UTM Zone 10 NAD83 Datum



M=16.624
G=-0.801

27

1" = 200'



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

WALTERS, BRIEN

R0401

Rezone

101-150-08

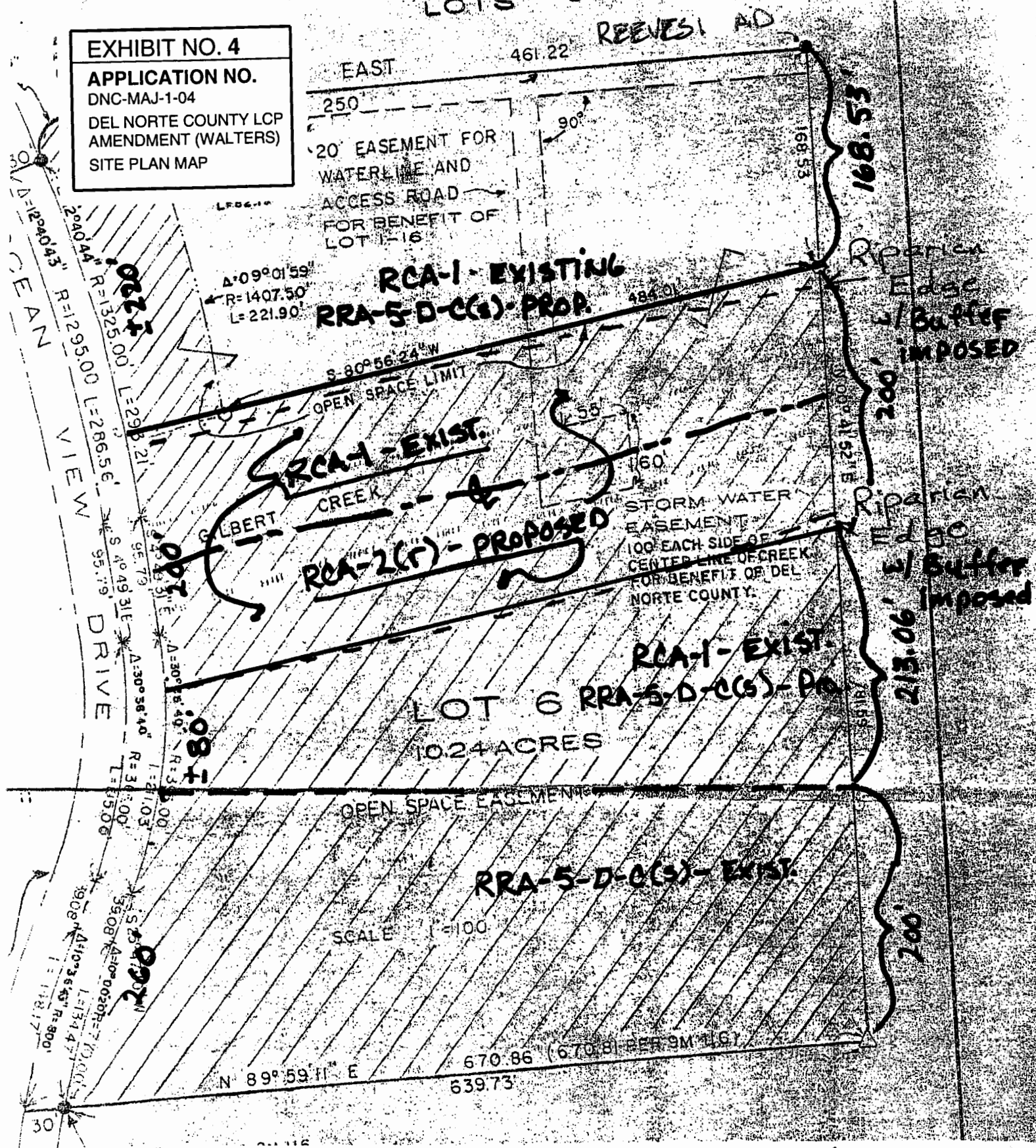
EXHIBIT NO. 4

APPLICATION NO.

DNC-MAJ-1-04

DEL NORTE COUNTY LCP
AMENDMENT (WALTERS)

SITE PLAN MAP



NOTE: ALL OPEN SPACE TO BE MAINTAINED

MAP OF PROPOSED REZONE OF WALTERS 10.6 ACRES, LOT 6, SURFSOUND ESTATES, SMITH RIVER, (T18N, R1W, Sec. 5, NE 1/4, SE 1/16). SHOWING APPROXIMATE DELINEATION OF RIPARIAN BOUNDARY (dashed line). SCALE 1"=100'.

RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS ADOPTING REVISED
TITLE 21 COASTAL ZONING MAP B-2 AND FORWARDING THE LOCAL COASTAL PROGRAM
ZONING ENABLING ORDINANCE REVISION TO THE CALIFORNIA COASTAL COMMISSION

WHEREAS, the County of Del Norte has approved an amendment of the Del Norte County General Plan/Local Coastal Program Implementation Program pursuant to state regulations as described in the attached recommended findings; and

WHEREAS, the County has also undertaken preparation of an Initial Study and Negative Declaration pursuant to state regulations including but not limited to the public hearings and action by the Planning Commission and Board of Supervisors; and

WHEREAS, the County has undertaken a public hearing and public comment period duly noticed pursuant to state regulations and as listed in the attached recommended findings; and

WHEREAS, comments and responses have been considered resulting in a Negative Declaration; and

WHEREAS, the Planning Commission has considered Findings A - E (Attached as Exhibit B) related to the actions;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Del Norte that it adopts the attached findings of the General Plan/Local Coastal Program Update, and forwards the Local Coastal Program for changes to Title 21 Coastal Zoning Map B-2 (Attached Exhibit A) to the California Coastal Commission for certification review; and

BE IT FURTHER RESOLVED that this action on lands within the Coastal Zone shall be effective upon the date that the above mentioned Local Coastal Program Update documents are certified by the California Coastal Commission; and

BE IT FURTHER RESOLVED that the Board of Supervisors that, upon adoption and certification, that county staff and the Planning Commission will carry out the amended LCP in a manner in full conformity with the Coastal Act.

PASSED AND ADOPTED by the Del Norte County Board of Supervisors on this 8th day of June, 2004.

AYES: Supervisors Reese, McClure, Finigan, Blackburn and Sampels
NOES: none
ABSTAIN: none
ABSENT: none

ATTEST:

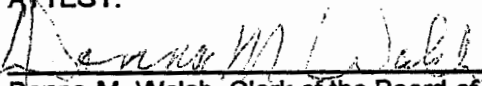


Donna M. Walsh, Clerk of the Board of Supervisors
County of Del Norte, State of California

EXHIBIT NO. 5

APPLICATION NO.

DNC-MAJ-1-04

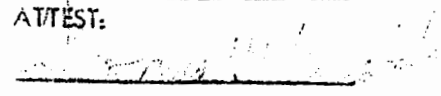
DEL NORTE COUNTY LCP
AMENDMENT (WALTERS)
COUNTY RESOLUTION


Jack Reese, Chairman
Del Norte County Board of Supervisors

I hereby certify the foregoing
to be a true and correct copy
of the original on file in this
office.

Date: 

ATTEST:


Clerk of the Board of Super-
visors, County of Del Norte,
State of California.

Deputy

EXHIBIT NO. 6

APPLICATION NO.

DNC-MAJ-1-04
DEL NORTE COUNTY LCP
AMENDMENT (WALTERS)
EXCERPT, LAND USE MAP,
SMITH RIVER SUB-REGION

LEGEND

AGRICULTURE



AGRICULTURAL PRIME



AGRICULTURAL GENERAL
20 ACRE MINIMUM



AGRICULTURAL GENERAL
5 ACRE MINIMUM



AGRICULTURAL INDUSTRIAL
AREA



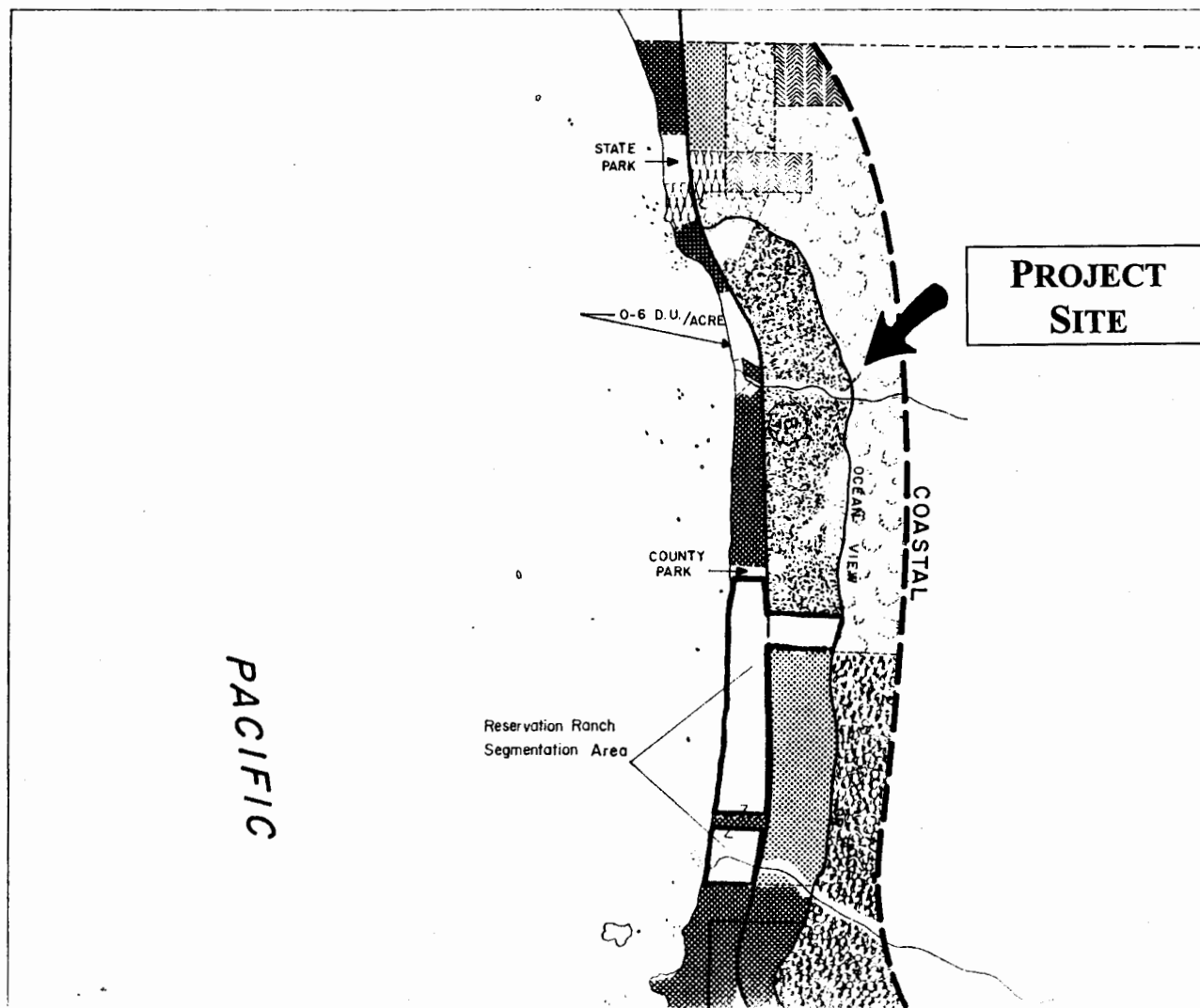
WOODLOT-1 D.U. / 2 ACRES



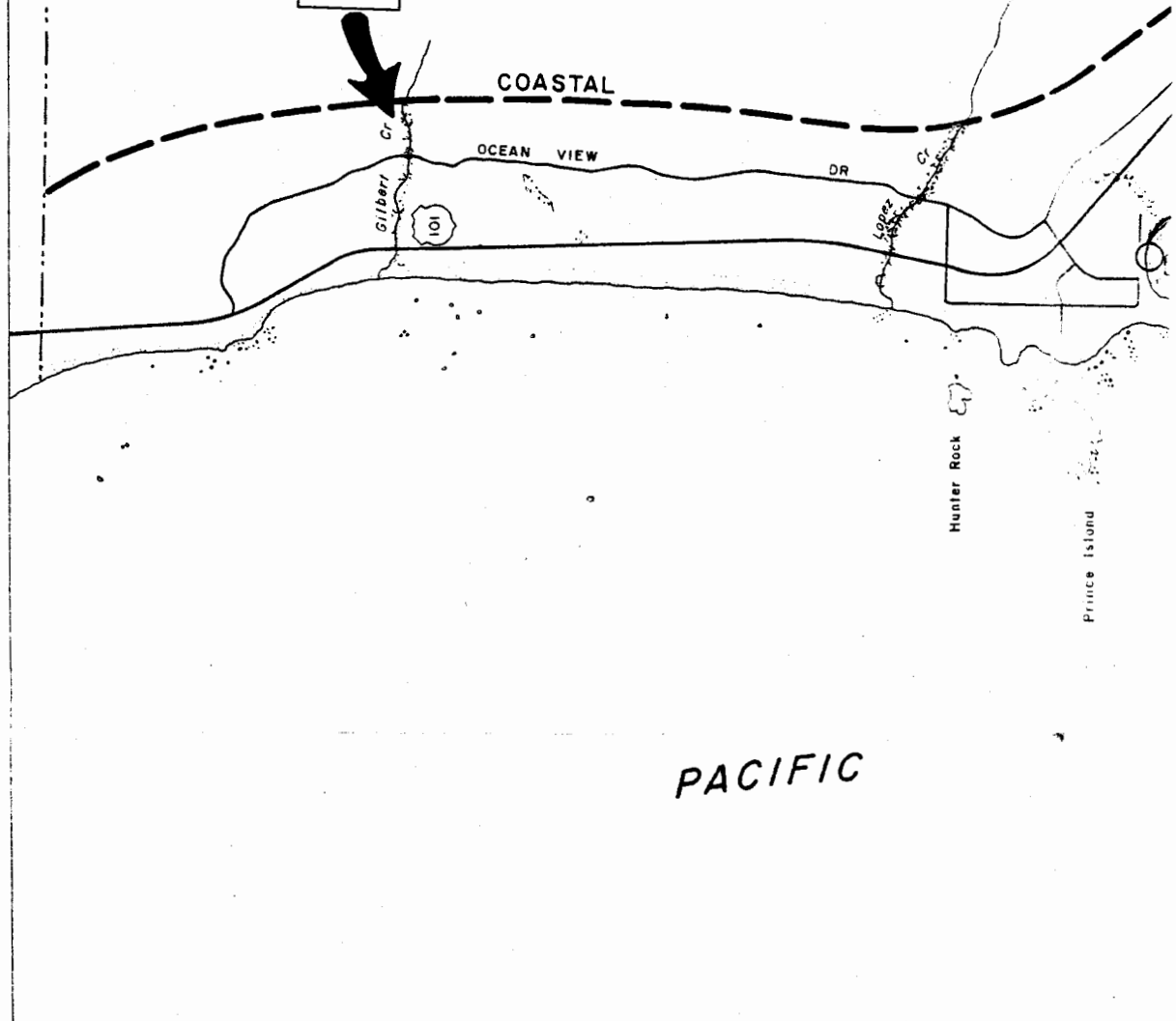
WOODLOT-1 D.U. / 3 ACRES



WOODLOT-1 D.U. / 5 ACRES



PROJECT
SITE



LEGEND

R.C.A.'S

WETLAND

FARMED
WETLAND

RIPARIAN
VEGETATION

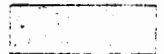
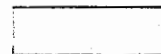
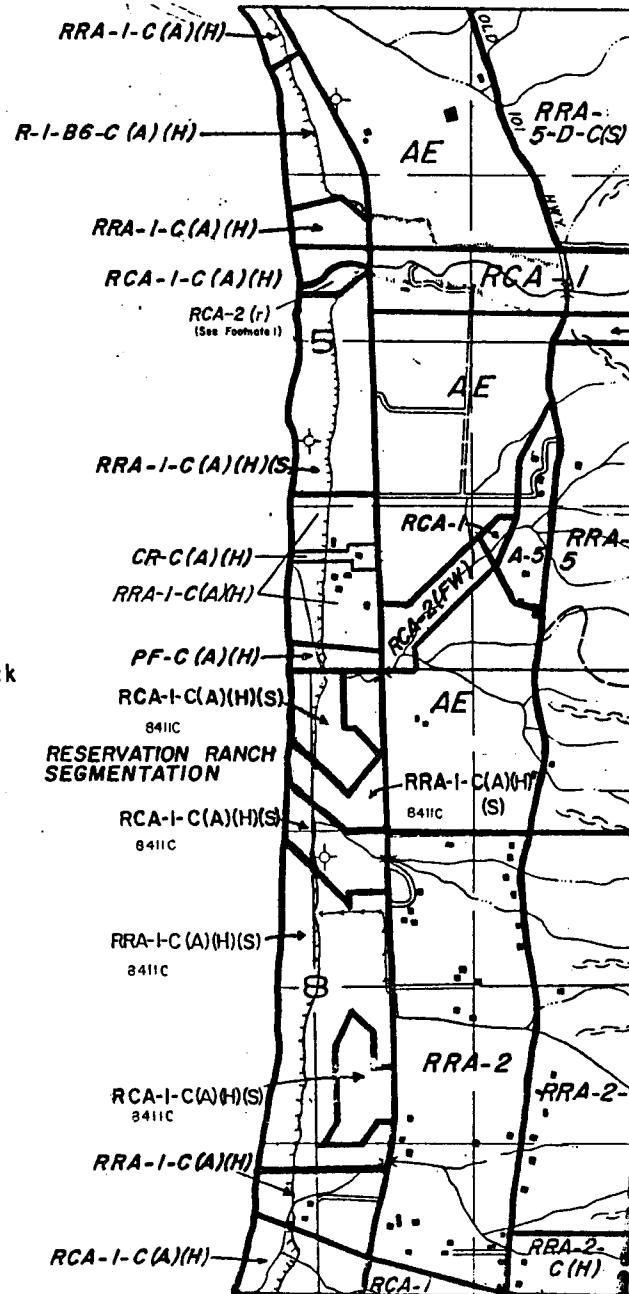


EXHIBIT NO. 7

APPLICATION NO.
DNC-MAJ-1-04
DEL NORTE COUNTY LCP
AMENDMENT (WALTERS)
EXCERPT, LAND USE
CONSTRAINTS MAP, SMITH
RIVER SUB-REGION

I. See R8409C For Detailed Boundary Delineation

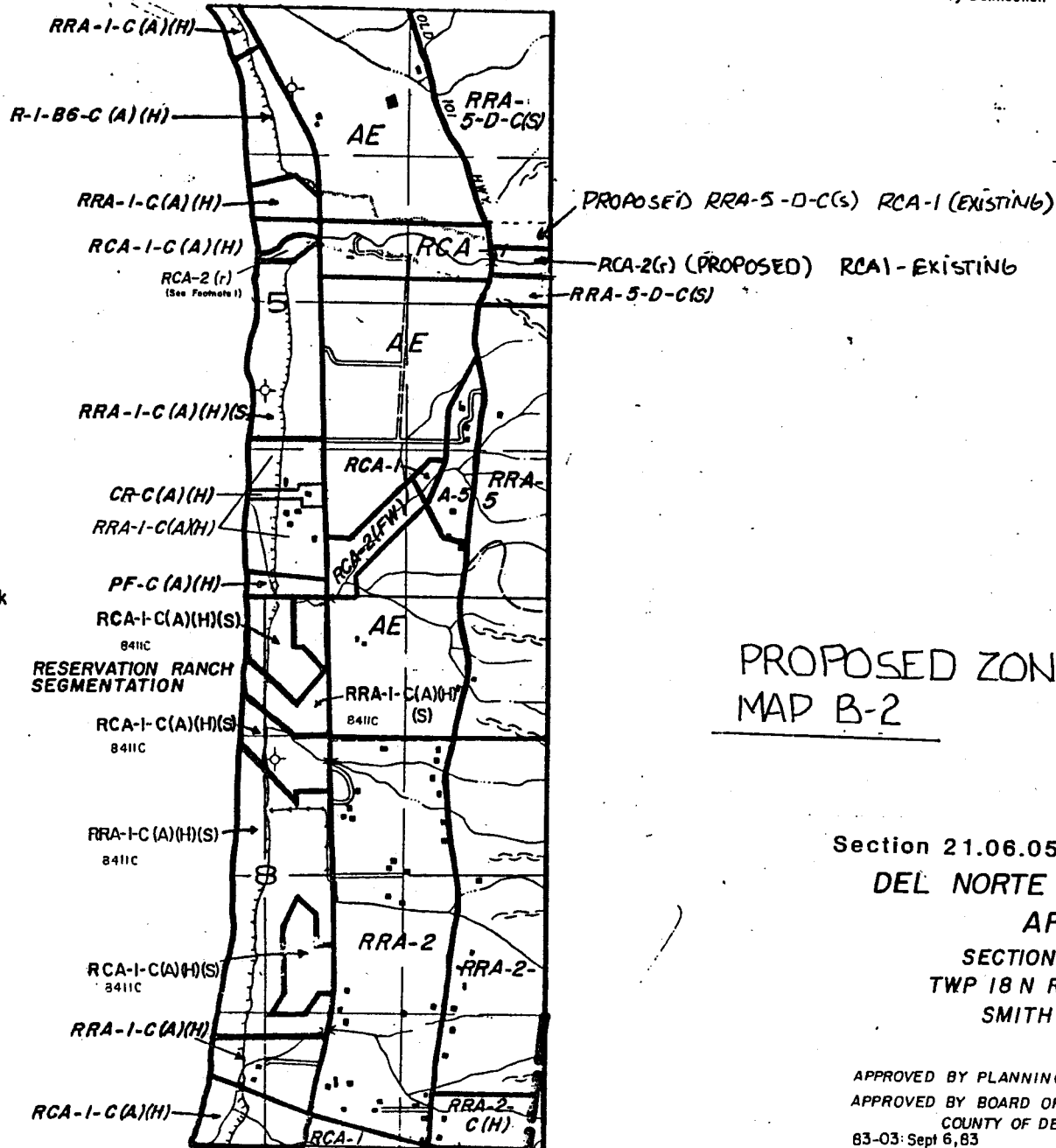


NOTE: This map to be superceded by new zoning map B-2, as described in Exhibit 'A'

Section 21.06.050 Ordinance 83-03
DEL NORTE CO. ZONING MAP
AREA B-2
 SECTIONS 5 & 8
 TWP 18 N RGE 1W HB & M
 SMITH RIVER AREA

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

EXHIBIT NO. 8
APPLICATION NO.
 DNC-MAJ-1-04
 DEL NORTE COUNTY LCP
 AMENDMENT (WALTERS)
 EXISTING COASTAL
 ZONING MAP B-2



PROPOSED ZONING MAP B-2

Section 21.06.050 Ordinance 83-03
DEL NORTE CO. ZONING MAP
AREA B-2
SECTIONS 5 & 8
TWP 18 N RGE 1W HB & M
SMITH RIVER AREA

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

EXHIBIT NO. 9

APPLICATION NO.
DNC-MAJ-1-04
DEL NORTE COUNTY LCP
AMENDMENT (WALTERS)
PROPOSED COASTAL
ZONING MAP B-2



GALEA WILDLIFE CONSULTING

200 Raccoon Court • Crescent City • California 95531

Tel: 707-464-3777 • Fax: 707-464-6634

E-mail: galea@cc.northcoast.com • Web: cc.northcoast.com/~galea

PROPOSED REZONE OF 10.6 ACRES, LOT 6, SURFSOUND ESTATES, SMITH RIVER (T18N, R1W, Sec. 5, NE 1/4, SE 1/16)

INTRODUCTION

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

Project Location

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

Records Search

A records search of the California Department of Fish and Game's (CDFG) Natural Diversity Data Base (CNDDB, 2000) was conducted to determine if any additional special-status plant or animal species had been previously reported within or near the project area. For the purposes of this report, special-status plant and animal species are defined as those listed in the California Fish and Game Code as Rare, Threatened or Endangered, those listed as Threatened or Endangered under the Federal Endangered Species Act, candidates for state or federal listing, and unlisted species that may be significantly affected and warrant consideration. Also consulted was the U.S. Fish and Wildlife Service list of federally-listed species for Del Norte County. Federal or State Endangered, threatened and sensitive wildlife species potentially occurring within the Smith River quadrangle are presented in Table 1.

Field Investigation

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

*Walters Rezone
Galea Wildlife Consulting, Crescent City, CA*

EXHIBIT NO. 10

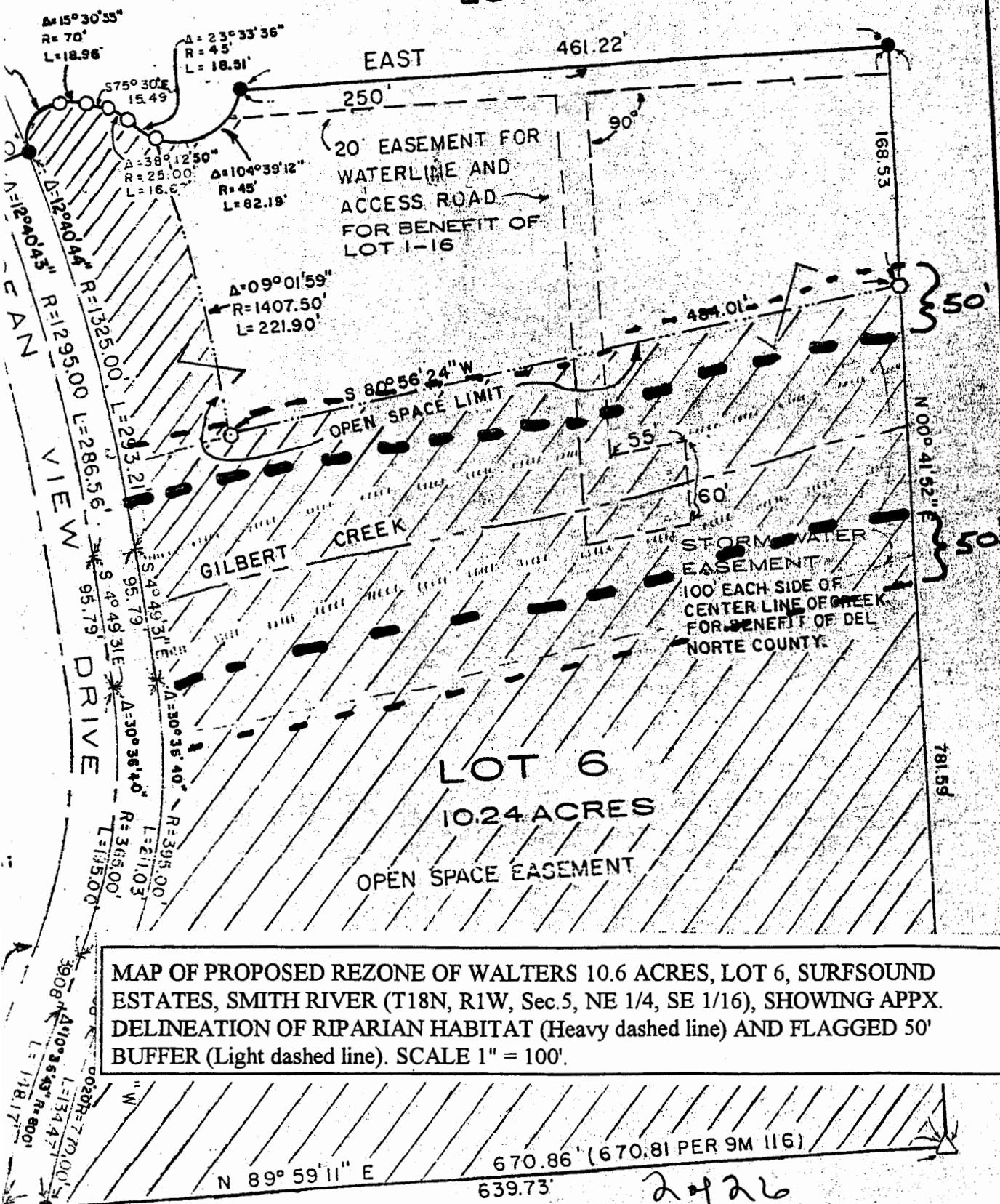
APPLICATION NO.

DNC-MAJ-1-04
DEL NORTE COUNTY LCP
AMENDMENT (WALTERS)
RIPARIAN VEGETATION
HABITAT & BUFFER STUDY
& ADDENDUM (1 of 26)

July, 2004

OF BEARINGS: TRUE NORTH AS DETERMINED FROM FOUND MONUMENTS AT
NORTHEAST CORNER OF SECTION 5 AND THE EAST 1/4 SECTION CORNER OF 5.

SEE SHEET 2
LOTS 5 & 7



RESULTS AND POTENTIAL IMPACTS

Records Search

The CDFG Natural Diversity Data Base (CNDDDB, 2000) provided a summary of those federal and state-listed and sensitive wildlife species and their mapped locations, reported to have occurred at least once within the Smith River quadrangle. None of the mapped locations were from within or near the project area.

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

Habitat Analysis for Fish and Wildlife

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

Threatened or Endangered Species: Table 1 shows limited foraging habitat for the northern spotted owl. On the south side of Gilbert Creek there is a stand of potential foraging habitat located on a hill on the property. The stand is comprised of early seral stage second-growth with no potential as nesting habitat for spotted owls. North of Gilbert Creek the property was open with no potential habitat for spotted owls. No evidence of potential spotted nesting habitat was noted on or near the property. Therefore, spotted owls could potentially forage in the area, but it is unlikely that they nest near the property. No potential habitat for any other threatened or endangered species was noted within the project area. This project, therefore, would have no potential impacts upon any threatened or endangered species.

Amphibians: Table 1 demonstrates potential for a number of amphibian species, primarily due to the proximity of Gilbert Creek. Potential habitat for the Del Norte salamander was located on the hill on the property south of Gilbert Creek, where small rock outcrops potentially could contain this species. This species was recently downgraded as sensitive by the U.S. Forest Service and Department of the Interior, primarily as surveys had located this species far beyond where it was once thought to only exist. This species is relatively abundant in Del Norte County.

Suitable habitat for the northern red-legged frog was noted on that portion of the property north of Gilbert Creek. This section contains open meadow, where this species can be found in abundance in Del Norte County. The northern red-legged frog is not a protected species in Del Norte County.

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

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

| Table 1. Sensitive Wildlife Species Occurring or with the Potential to Occur Within the Region of the Project Area (From NDDB Quad search, USFWS Del Norte County list, and GWC sources) | | | | | |
|--|--|----------------|--------------|-----------------------------------|---------------------------------|
| Common Name | Scientific Name | Federal Status | State Status | Breeding Habitat in Project Area? | Forage Habitat in Project Area? |
| BIRDS | | | | | |
| Northern spotted owl | <i>Strix occidentalis caurina</i> | FT | CSC | No | Limited |
| Bald eagle | <i>Haliaeetus leucocephalus</i> | FT | CE/CFP | No | No |
| Bank Swallow | <i>Riparia riparia</i> | None | CT | No | No |
| Western Snowy Plover | <i>Charadrius Alexandrinus Nivosus</i> | FT | CSC | No | No |
| FISH | | | | | |
| Coastal cutthroat trout | <i>Oncorhynchus clarki clarki</i> | SC | None | Yes | Yes |
| S. OR./N. CA Coho salmon | <i>Oncorhynchus kisutch</i> | SC | T | No | No |
| Tidewater goby | <i>Eucyclogobius newberryi</i> | SC | E | No | No |
| AMPHIBIANS | | | | | |
| Del Norte salamander | <i>Plethodon elongatus</i> | SC | Yes | Yes | Yes |
| Southern torrent (=seep) salamander | <i>Rhyacotriton variegatus</i> | SC | Yes | Yes | Yes |
| Tailed frog | <i>Ascaphus trueii</i> | SC | Yes | Yes | Yes |
| Foothill yellow-legged frog | <i>Rana boylei</i> | None | CSC | No | No |
| Northern red-legged frog | <i>Rana aurora aurora</i> | None | CSC | Yes | Yes |
| INVERTEBRATES | | | | | |
| Oregon silverspot butterfly | <i>Speyeria zarene hippolyta</i> | FT | SC | No | No |

Codes:

Federal Status

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

State Status

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

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Records Search and Habitat Analysis- Vascular Plants

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

Table 2 lists the sensitive plant species from the NDDDB which were assessed for this project, their scientific names and a determination whether or not potential habitat for each species is present within the project area. Also included in Table 2 is a rationale for the habitat determination including a brief description of preferred habitats for each species relative to the project area.

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

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

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

Wetlands: No wetlands were located on the property. The property on the north side of Gilbert Creek is located on a terrace immediately above the creek, and a sloping bank with several benches separates the flat meadow area from the creek below. This provides good drainage for the meadow area, which contained no low spots or other potential wetland sites. No wetlands were found on the benches found on the north bank below the meadow. The botanist found no wetland indicator species during her survey of the meadow area.

Riparian Corridor: On both sides of Gilbert creek, benches above the creek are covered with spruce/alder forest and a very dense understory, consisting of elderberry, native blackberry and other brush species, from the creek up. There was no distinct riparian corridor marked by vegetation as both banks were covered with thick vegetation, typical of local creeks. However, approximately 100 feet on either side of Gilbert Creek the dense elderberry and alder became more open, in some areas almost meadow-like. We determined that this was where the riparian corridor transitioned into upland and the riparian edge was flagged using white flagging. We then measured 50 feet out from the riparian edge and flagged a buffer strip using red fluorescent flagging. This buffer line was located just below (approximately 30-50 feet) the level pasture at the north

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end of the property, and along the old road on the south side of the property. The mosaic of dense vegetation on several benches on either side of the creek created an excellent buffer for the creek and riparian habitats. The 50 foot buffer from the creek provides adequate insulation between any proposed development and the riparian habitats along the creek.

SUMMARY OF POTENTIAL IMPACTS

The proposed rezone is located on a property divided by Gilbert Creek. That portion of the property on the north side of Gilbert Creek contained a flat meadow area where no sensitive plant or animal species were found. No wetlands were located on the property. This project as specified as a rezone would therefore have no significant impacts upon any sensitive or rare species.

STAFF QUALIFICATIONS

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

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

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

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

Bald Eagle (*Haliaeetus leucocephalus*)

Distribution. The bald eagle is listed as federally threatened and a California endangered and fully protected species, although they were recently proposed for federal delisting. They are found throughout California, and the population is expanding westward toward historic range. Bald eagles are not known to currently nest within Del Norte county. Bald eagles are typically seen during the winter at Lake Earl, located two miles southwest of the town of Smith River, however there have been no observations of bald eagles nesting near Lake Earl, or the bay near Crescent City.

Habitat Requirements. Bald eagles prefer to nest close (within one mile, usually in view) to large, fish-rich waters such as lakes and rivers. They typically utilize large conifers to build nests in, which can be standing alone or in the midst of a dense timber stand.

Occurrence within the Assessment Area. No nesting habitat for bald eagles was observed within 0.5 miles of the project area. There have been no known observations of bald eagles near the town of Smith River during summer months.

Management Considerations. As the potential for this species occurring in the assessment area is very low, there is no need for management consideration.

Northern Spotted Owl (*Strix, occidentalis caurina*)

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

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

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

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

Marbled Murrelet (*Brachyramphus marmoratus*)

Distribution. The marbled murrelet is federally threatened and California endangered. Their range is closely tied to large, intact tracts of old-growth redwood and Douglas-fir forests located within 20-40 miles of the California and Oregon coasts.

Habitat Requirements. Marbled murrelets nest in old-growth stands from April to July, and spend the remainder of the year on the open ocean. They only nest in very large, shaded old-growth trees, within intact stands, with big, mossy limbs, and are intolerant of high temperatures during the breeding season. They are semi-colonial nesters, preferring to nest in stands occupied by others of their species. They then can travel back and forth to marine forage areas in groups, assumably to deter attacks by predators such as the peregrine falcon.

Occurrence within the Project Area. No potential habitat exists within the assessment area.

Management Considerations. As there is no potential for this species occurring in the assessment area, there is no need for management consideration.

Western Snowy Plover (*Charadrius alexandrinus nivosus*)

Distribution. This species is listed as federally threatened and a California species of concern. The snowy plover is a rare bird along the California and Oregon coasts, inhabiting barren sand beaches and flats.

Habitat Requirements. The snowy plover preferably utilizes marine environments such as barren sand beaches. They will rarely utilize sandy gravel bars along major rivers, as was recently discovered in Humboldt county.

Occurrence within the Project Area. No potential nesting or foraging habitat was observed in the assessment area.

Management Considerations. As there is no potential for this species occurring in the assessment area, there is no need for management consideration.

White-tailed kite (*Elanus leucurus*)

Distribution. This species is found throughout northern California, gradually increasing it's range and is now breeding in Del Norte county.

Habitat Requirements. This species forages in open areas such as fields. It can nest in hedgerows and can nest in relatively small stands of conifer or deciduous trees.

Occurrence within or near the Project Area. No nesting or foraging habitat is available within the project area.

Management Considerations. As there is no potential nesting habitat for this species within the project area, there is no need for management consideration.

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• **Osprey** (*Pandion haliaetus*)

Distribution. This species is a California species of concern. The osprey is common over most of its range, which in northern California includes fish-bearing rivers and lakes, plus bays and other productive forage areas along the ocean.

Habitat Requirements. The osprey prefers large snags within conifer stands for nest sites, where they will build their own nests. Osprey specialize on foraging on fish species, however they can utilize fresh or saltwater habitats for foraging.

Occurrence within the Project Area. No potential habitat is available within the project area, and no nests were observed during habitat assessment and review. The California NDDDB shows no osprey nest sites within 0.50 miles of the project.

Management Considerations. As there are no known osprey nests located within 0.5 miles of the project, there is no need for management consideration.

Southern Torrent Salamander (*Rhyacotriton variegatus*)

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

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

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

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

Tailed Frog (*Ascaphus truei*)

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

Habitat Requirements. The tailed frog requires cold, perennial, swift-flowing streams, and cool, moist micro-habitat conditions (Welsh 1990). They are typically associated with redwood, Douglas-fir, and yellow pine forests (Bury 1968). Highly specialized larvae are found attached to rocky substrates in fast-flowing water. In northern California, tailed frogs are most often found in small, moderate to high gradient fish bearing and non-fish bearing watercourses. Larval tailed frogs

mature for a period of one to two years before metamorphosis occurs. Tailed frogs are vulnerable to extreme habitat changes and predation from resident trout and Pacific giant salamanders. Although the tailed frog is known to occupy cool, small headwater streams it can sometimes be located in lower gradient reaches of larger streams.

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

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

Del Norte Salamander (*Plethodon elongatus*)

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

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

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

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

Northern Red-legged frog (*Rana aurora*)

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

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

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

Management Considerations. Red-legged frogs probably exist within the project area. Red-legged frogs are relatively abundant in the area and are not protected in Del Norte County. Therefore, there is no need for additional management considerations for this species.

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Coastal Cutthroat Trout (*Oncorhynchus clarki clarki*)

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

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

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

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

Management Considerations. Implementation of a 100 foot buffer on the north side of the creek would protect Gilbert Creek and the riparian habitat associated with it. No additional management considerations for this species are necessary.

Tidewater Goby (*Eucyclogobius newberryi*)

Distribution. The tidewater goby is a California endemic species that is distributed in brackish-water habitats along the California coast (Moyle et al. 1995). In California, the goby is located in the South from Agua Hedionda Lagoon, in San Diego County to Del Norte County at the mouth of the Smith River. Three sections of California coast lack lagoons at stream mouths that form a gap in the goby's distribution. These gaps occur between Humboldt Bay and Ten Mile River, Point Area to Salmon Creek, and Monterey Bay to Arroyo del Oso. Recent surveys for the tidewater goby in Lakes Earl and Tolowa in Del Norte county found thousands within the muddy bottoms of the lakes.

Habitat Requirements. The tidewater goby is found in shallow lagoons and lower stream reaches where water is brackish to fresh and slow moving, but not still (Moyle et al. 1995). Little is known about the species' life history. They avoid areas of strong current and wave action. It is of particular importance in these habitats that they have the presence of backwater, which is a marshy area where the main centers of their population can be found (Moyle et al. 1995). They are most often found in areas of mud and fine sediment accumulations. They are most common in the coastal block to the ocean for most of the year and not subject to tidal fluctuations.

Occurrence within the Project Area. The tidewater goby does not occur near the project area. This species is located in the sloughs and estuaries of the Smith River drainage and in Lakes Earl and Tolowa only.

Management Considerations. Habitat conditions within the assessment area are unsuitable for the tidewater goby. No management considerations for this species are necessary.

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PROPOSED REZONE OF 10.6 ACRES, LOT 6, SURFSOUND ESTATES, SMITH RIVER (T18N, R1W, Sec. 5, NE 1/4, SE 1/16)

INTRODUCTION

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

Project Location

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

Records Search

A records search of the California Department of Fish and Game's (CDFG) Natural Diversity Data Base (CNDDB, 2000) was conducted to determine if any additional special-status plant or animal species had been previously reported within or near the project area. For the purposes of this report, special-status plant and animal species are defined as those listed in the California Fish and Game Code as Rare, Threatened or Endangered, those listed as Threatened or Endangered under the Federal Endangered Species Act, candidates for state or federal listing, and unlisted species that may be significantly affected and warrant consideration. Also consulted was the U.S. Fish and Wildlife Service list of federally-listed species for Del Norte County. Federal or State Endangered, threatened and sensitive wildlife species potentially occurring within the Smith River quadrangle are presented in Table 1.

Field Investigation

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

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Records Search

The CDFG Natural Diversity Data Base (CNDDDB, 2000) provided a summary of those federal and state-listed and sensitive wildlife species and their mapped locations, reported to have occurred at least once within the Smith River quadrangle. None of the mapped locations were from within or near the project area.

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

Habitat Analysis for Fish and Wildlife

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

Threatened or Endangered Species: Table 1 shows limited foraging habitat for the northern spotted owl. On the south side of Gilbert Creek there is a stand of potential foraging habitat located on a hill on the property. The stand is comprised of early seral stage second-growth with no potential as nesting habitat for spotted owls. North of Gilbert Creek the property was open with no potential habitat for spotted owls. No evidence of potential spotted nesting habitat was noted on or near the property. Therefore, spotted owls could potentially forage in the area, but it is unlikely that they nest near the property. No potential habitat for any other threatened or endangered species was noted within the project area. This project, therefore, would have no potential impacts upon any threatened or endangered species.

Amphibians: Table 1 demonstrates potential for a number of amphibian species, primarily due to the proximity of Gilbert Creek. Potential habitat for the Del Norte salamander was located on the hill on the property south of Gilbert Creek, where small rock outcrops potentially could contain this species. This species was recently downgraded as sensitive by the U.S. Forest Service and Department of the Interior, primarily as surveys had located this species far beyond where it was once thought to only exist. This species is relatively abundant in Del Norte County.

Suitable habitat for the northern red-legged frog was noted on that portion of the property north of Gilbert Creek. This section contains open meadow, where this species can be found in abundance in Del Norte County. The northern red-legged frog is not a protected species in Del Norte County.

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

Fish: Several species of anadromous fish are known to occupy or spawn in Gilbert Creek. Included are coastal cutthroat trout and steelhead trout. Coho and chinook salmon are not known to use this creek. Riparian buffers will be adequate

for the protection of riparian and aquatic habitats of Gilbert Creek, especially the riparian buffers extend above and beyond the banks along the creek.

| Table 1 . Sensitive Wildlife Species Occurring or with the Potential to Occur Within the Region of the Project Area (From NDDB Quad search, USFWS Del Norte County list, and GWC sources) | | | | | |
|---|--|----------------|--------------|-----------------------------------|---------------------------------|
| Common Name | Scientific Name | Federal Status | State Status | Breeding Habitat in Project Area? | Forage Habitat in Project Area? |
| BIRDS | | | | | |
| Northern spotted owl | <i>Strix occidentalis caurina</i> | FT | CSC | No | Limited |
| Bald eagle | <i>Haliaeetus luecocephalus</i> | FT | CE/CFP | No | No |
| Bank Swallow | <i>Riparia riparia</i> | None | CT | No | No |
| Western Snowy Plover | <i>Charadrius Alexandrinus Nivosus</i> | FT | CSC | No | No |
| FISH | | | | | |
| Coastal cutthroat trout | <i>Oncorhynchus clarki clarki</i> | SC | None | Yes | Yes |
| S. OR./N. CA Coho salmon | <i>Oncorhynchus kisutch</i> | SC | T | No | No |
| Tidewater goby | <i>Eucyclogobius newberryi</i> | SC | E | No | No |
| AMPHIBIANS | | | | | |
| Del Norte salamander | <i>Plethodon elongatus</i> | SC | Yes | Yes | Yes |
| Southern torrent (=seep) salamander | <i>Rhyacotriton variegatus</i> | SC | Yes | Yes | Yes |
| Tailed frog | <i>Ascaphus trueii</i> | SC | Yes | Yes | Yes |
| Foothill yellow-legged frog | <i>Rana boylei</i> | None | CSC | No | No |
| Northern red-legged frog | <i>Rana aurora aurora</i> | None | CSC | Yes | Yes |
| INVERTEBRATES | | | | | |
| Oregon silverspot butterfly | <i>Speyeria zarene hippolyta</i> | FT | SC | No | No |

Codes:

Federal Status

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

State Status

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

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Records Search and Habitat Analysis- Vascular Plants

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

Table 2 lists the sensitive plant species from the NDDB which were assessed for this project, their scientific names and a determination whether or not potential habitat for each species is present within the project area. Also included in Table 2 is a rationale for the habitat determination including a brief description of preferred habitats for each species relative to the project area.

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

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

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

Wetlands: No wetlands were located on the property. The property on the north side of Gilbert Creek is located on a terrace immediately above the creek, and a sloping bank with several benches separates the flat meadow area from the creek below. This provides good drainage for the meadow area, which contained no low spots or other potential wetland sites. No wetlands were found on the benches found on the north bank below the meadow. The botanist found no wetland indicator species during her survey of the meadow area.

Riparian Corridor: On both sides of Gilbert creek, benches above the creek are covered with dense spruce/alder forest and a very dense understory, from the creek up. There was no distinct riparian corridor marked by vegetation as both banks were covered with thick vegetation, typical of local creeks. However, approximately 100 feet on either side of Gilbert Creek where riparian had definitely transitioned into upland the boundary edge was flagged using red fluorescent flagging. The mosaic of dense vegetation on several benches on either side of the creek created an excellent buffer for the creek and riparian habitats. A 100 foot buffer from the creek provides adequate insulation between any proposed development and the riparian habitats along the creek.

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SUMMARY OF POTENTIAL IMPACTS

The proposed rezone is located on a property divided by Gilbert Creek. That portion of the property on the north side of Gilbert Creek contained a flat meadow area where no sensitive plant or animal species were found. No wetlands were located on the property. This project as specified as a rezone would therefore have no significant impacts upon any sensitive or rare species.

STAFF QUALIFICATIONS

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

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

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

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

Bald Eagle (*Haliaeetus leucocephalus*)

Distribution. The bald eagle is listed as federally threatened and a California endangered and fully protected species, although they were recently proposed for federal delisting. They are found throughout California, and the population is expanding westward toward historic range. Bald eagles are not known to currently nest within Del Norte county. Bald eagles are typically seen during the winter at Lake Earl, located two miles southwest of the town of Smith River, however there have been no observations of bald eagles nesting near Lake Earl, or the bay near Crescent City.

Habitat Requirements. Bald eagles prefer to nest close (within one mile, usually in view) to large, fish-rich waters such as lakes and rivers. They typically utilize large conifers to build nests in, which can be standing alone or in the midst of a dense timber stand.

Occurrence within the Assessment Area. No nesting habitat for bald eagles was observed within 0.5 miles of the project area. There have been no known observations of bald eagles near the town of Smith River during summer months.

Management Considerations. As the potential for this species occurring in the assessment area is very low, there is no need for management consideration.

Northern Spotted Owl (*Strix, occidentalis caurina*)

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

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

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

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

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Marbled Murrelet (*Brachyramphus auratus*)

Distribution. The marbled murrelet is federally threatened and California endangered. Their range is closely tied to large, intact tracts of old-growth redwood and Douglas-fir forests located within 20-40 miles of the California and Oregon coasts.

Habitat Requirements. Marbled murrelets nest in old-growth stands from April to July, and spend the remainder of the year on the open ocean. They only nest in very large, shaded old-growth trees, within intact stands, with big, mossy limbs, and are intolerant of high temperatures during the breeding season. They are semi-colonial nesters, preferring to nest in stands occupied by others of their species. They then can travel back and forth to marine forage areas in groups, assumably to deter attacks by predators such as the peregrine falcon.

Occurrence within the Project Area. No potential habitat exists within the assessment area.

Management Considerations. As there is no potential for this species occurring in the assessment area, there is no need for management consideration.

Western Snowy Plover (*Charadrius alexandrinus nivosus*)

Distribution. This species is listed as federally threatened and a California species of concern. The snowy plover is a rare bird along the California and Oregon coasts, inhabiting barren sand beaches and flats.

Habitat Requirements. The snowy plover preferably utilizes marine environments such as barren sand beaches. They will rarely utilize sandy gravel bars along major rivers, as was recently discovered in Humboldt county.

Occurrence within the Project Area. No potential nesting or foraging habitat was observed in the assessment area.

Management Considerations. As there is no potential for this species occurring in the assessment area, there is no need for management consideration.

White-tailed kite (*Elanus leucurus*)

Distribution. This species is found throughout northern California, gradually increasing it's range and is now breeding in Del Norte county.

Habitat Requirements. This species forages in open areas such as fields. It can nest in hedgerows and can nest in relatively small stands of conifer or deciduous trees.

Occurrence within or near the Project Area. No nesting or foraging habitat is available within the project area.

Management Considerations. As there is no potential nesting habitat for this species within the project area, there is no need for management consideration.

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Osprey (*Pandion haliaetus*)

Distribution. This species is a California species of concern. The osprey is common over most of its range, which in northern California includes fish-bearing rivers and lakes, plus bays and other productive forage areas along the ocean.

Habitat Requirements. The osprey prefers large snags within conifer stands for nest sites, where they will build their own nests. Osprey specialize on foraging on fish species, however they can utilize fresh or saltwater habitats for foraging.

Occurrence within the Project Area. No potential habitat is available within the project area, and no nests were observed during habitat assessment and review. The California NDDDB shows no osprey nest sites within 0.50 miles of the project.

Management Considerations. As there are no known osprey nests located within 0.5 miles of the project, there is no need for management consideration.

Southern Torrent Salamander (*Rhyacotriton variegatus*)

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

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

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

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

Tailed Frog (*Ascaphus truei*)

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

Habitat Requirements. The tailed frog requires cold, perennial, swift-flowing streams, and cool, moist micro-habitat conditions (Welsh 1990). They are typically associated with redwood, Douglas-fir, and yellow pine forests (Bury 1968). Highly specialized larvae are found attached to rocky substrates in fast-flowing water. In northern California, tailed frogs are most often found in small, moderate to high gradient fish bearing and non-fish bearing watercourses. Larval tailed frogs

... mature for a period of one to two , before metamorphous occurs. T. ogs are vulnerable to extreme habitat changes and predation from resident trout and Pacific giant salamanders. Although the tailed frog is known to occupy cool, small headwater streams it can sometimes be located in lower gradient reaches of larger streams.

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

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

Del Norte Salamander (*Plethodon elongatus*)

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

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

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

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

Northern Red-legged frog (*Rana aurora*)

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

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

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

Management Considerations. Red-legged frogs probably exist within the project area. Red-legged frogs are relatively abundant in the area and are not protected in Del Norte County. Therefore, there is no need for additional management considerations for this species.

Coastal Cutthroat Trout (*Oncorhynchus clarki clarki*)

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

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

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

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

Management Considerations. Implementation of a 100 foot buffer on the north side of the creek would protect Gilbert Creek and the riparian habitat associated with it. No additional management considerations for this species are necessary.

Tidewater Goby (*Eucyclogobius newberryi*)

Distribution. The tidewater goby is a California endemic species that is distributed in brackish-water habitats along the California coast (Moyle et al. 1995). In California, the goby is located in the South from Agua Hedionda Lagoon, in San Diego County to Del Norte County at the mouth of the Smith River. Three sections of California coast lack lagoons at stream mouths that form a gap in the goby's distribution. These gaps occur between Humboldt Bay and Ten Mile River, Point Area to Salmon Creek, and Monterey Bay to Arroyo del Oso. Recent surveys for the tidewater goby in Lakes Earl and Tolowa in Del Norte county found thousands within the muddy bottoms of the lakes.

Habitat Requirements. The tidewater goby is found in shallow lagoons and lower stream reaches where water is brackish to fresh and slow moving, but not still (Moyle et al. 1995). Little is known about the specie's life history. They avoid areas of strong current and wave action. It is of particular importance in these habitats that they have the presence of backwater, which is a marshy area where the main centers of their population can be found (Moyle et al. 1995). They are most often found in areas of mud and fine sediment accumulations. They are most common in the coastal block to the ocean for most of the year and not subject to tidal fluctuations.

Occurrence within the Project Area. The tidewater goby does not occur near the project area. This species is located in the sloughs and estuaries of the Smith River drainage and in Lakes Earl and Tolowa only.

Management Considerations. Habitat conditions within the assessment area are unsuitable for the tidewater goby. No management considerations for this species are necessary.

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APPENDIX B
CONSULTING BOTANISTS REPORT

Surfsound Estates Subdivision
Survey to Determine the Presence/Absence of
Sensitive Vascular Plants
&
Wetland Plant Communities
By
Lindsay Herrera, Botanist

On June 17, 2003, I conducted a botanical survey of the northern portion of Lot 6, Page 141, Book 9. The purpose of this survey was to identify the presence of any sensitive vascular plants and/or wetland areas.

The survey in particular was aimed at finding the sensitive plants listed below, but also sought to identify anything botanically or ecologically unusual or interesting onsite.

This site belongs to the Introduced perennial grassland series (Sawyer, Keeler-Wolf, 1995), characterized by blue wildrye, bracken, California brome, dandelion, sweet vernal grass, and orchard grass.

No sensitive plants were found. No wetland areas (apart from the already protected stream corridor) were found. A list of vascular plants encountered is attached (Attachment A).

Vascular Plants Targeted for Survey

Carex viridula var. *viridula*
Castilleja affinis ssp. *litoralis*
Erythronium howellii
Gilia millefoliata
Lathyrus palustris
Oenothera wolffii
Sidalcea malviflora ssp. *patula*
Sidalcea oregana ssp. *eximia*
Streptanthus howellii



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

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| Scientific Name | Family | Common Name |
|--|------------------|--------------------------------|
| <i>Acer macrophyllum</i> | Aceraceae | big leaf maple |
| <i>Achillea millefolium</i> | Asteraceae | yarrow |
| <i>Alnus rubra</i> | Betulaceae | red alder |
| <i>Alopecurus pratensis</i> | Poaceae | meadow foxtail |
| <i>Anagallis arvensis</i> | Primulaceae | scarlet pimpernel |
| <i>Anthoxanthum odoratum</i> | Poaceae | sweet vernal grass |
| <i>Avena fatua</i> | Poaceae | wild oats |
| <i>Baccharis pilularis</i> | Asteraceae | coyote brush |
| <i>Brassica rapa</i> | Brassicaceae | field mustard |
| <i>Bromus carinatus</i> | Poaceae | California brome |
| <i>Claytonia sibirica</i> | Portulacaceae | candy flower |
| <i>Dactylis glomerata</i> | Poaceae | orchard grass |
| <i>Daucus carota</i> | Apiaceae | Queen Anne's lace |
| <i>Digitalis purpurea</i> | Scrophulariaceae | foxglove |
| <i>Elymus glaucus</i> | Poaceae | blue wildrye |
| <i>Equisetum arvense</i> | Equisetaceae | horsetail |
| <i>Eriogonum luteolum</i> var. <i>luteolum</i> | Polygonaceae | - |
| <i>Festuca viridula</i> | Poaceae | green fescue |
| <i>Galium aparine</i> | Rubiaceae | bedstraw |
| <i>Geranium dissectum</i> | Geraniaceae | cut-leaved geranium |
| <i>Holcus lanatus</i> | Poaceae | common velvet grass |
| <i>Iris douglasiana</i> | Iridaceae | - |
| <i>Lathyrus jepsonii</i> | Fabaceae | - |
| <i>Leucanthemum vulgare</i> | Asteraceae | ox-eye daisy |
| <i>Lolium perenne</i> | Poaceae | perennial ryegrass |
| <i>Lotus purshianus</i> var. <i>purshianus</i> | Fabaceae | - |
| <i>Lupinus latifolius</i> var. <i>latifolius</i> | Fabaceae | - |
| <i>Marah oregana</i> | Cucurbitaceae | manroot |
| <i>Oxalis albicans</i> ssp. <i>pilosa</i> | Oxalidaceae | sorrel |
| <i>Parentucellia viscosa</i> | Scrophulariaceae | - |
| <i>Plantago lanceolata</i> | Plantaginaceae | English plantain |
| <i>Poa pratensis</i> | Poaceae | Kentucky bluegrass |
| <i>Ranunculus occidentalis</i> | Ranunculaceae | western buttercup |
| <i>Raphanus sativus</i> | Brassicaceae | cultivated radish, wild radish |
| <i>Rosa gymnocarpa</i> | Rosaceae | wood rose |
| <i>Rubus discolor</i> | Rosaceae | Himalayan blackberry |
| <i>Rubus ursinus</i> | Rosaceae | California blackberry |
| <i>Rumex acetosella</i> | Polygonaceae | sheep sorrel |
| <i>Rumex acetosella</i> | Polygonaceae | sheep sorrel |
| <i>Rumex crispus</i> | Polygonaceae | curly dock |
| <i>Sonchus asper</i> ssp. <i>asper</i> | Asteraceae | prickly sow thistle |
| <i>Sonchus</i> sp. | Asteraceae | sow thistle |
| <i>Stachys ajugoides</i> var. <i>ajugoides</i> | Lamiaceae | hedge nettle |
| <i>Symphoricarpos albus</i> | Caprifoliaceae | snowberry |
| <i>Taraxacum officinale</i> | Asteraceae | dandelion |
| <i>Taraxacum officinale</i> | Asteraceae | dandelion |
| <i>Trifolium dubium</i> | Fabaceae | little hop clover |
| <i>Trifolium wildenovii</i> | Fabaceae | - |
| <i>Vicia hirsuta</i> | Fabaceae | - |
| <i>Vicia</i> sp. | Fabaceae | - |