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Filed: February 3, 2005
60th Day: April 4, 2005
Staff: Jim Baskin
Staff Report: March 3, 2005
Hearing Date: March 17, 2004
Commission Action:

TO: Commissioners and Interested Parties

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

SUBJECT: **County of Del Norte LCP Amendment No. DNC-MAJ-2-00 (Fernandes)**
(Meeting of March 17, 2005, in Newport Beach)

SYNOPSIS:

Amendment Description:

The County of Del Norte is requesting certification of LCP Amendment No. DNC-MAJ-2-00 (Fernandes) to the County's certified Implementation Plan (IP) to re-designate the zoning designation of a 40,000-square-foot portion of a five-acre parcel located approximately 1½ miles northeast of the City of Crescent City in the unincorporated Elk Valley area. An approximately 4,500-square-foot area currently zoned with a General Resource Conservation Area (RCA1) zoning designation would be rezoned to a Designated Resource Conservation Area – Riparian Vegetation (RCA2(r)) designation corresponding to a 90-foot by 100-foot triangular area along an unnamed intermittent stream. The remaining roughly 35,500-square-foot portion of the property immediate northeast of this area to be rezoned RCA2(r) would be rezoned to a Medium Density Rural Residential - Agriculture Zone designation (RRA-2), this latter designation chosen to match the adjoining upland zoning designation (see Attachment 1).

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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 Medium Density Rural Residential - Agriculture zoning designation would not conform with and carry out the Land Use Plan (LUP) policies regarding the protection of environmentally sensitive habitat areas (ESHA), as the watercourse on the property is not designated with a wetland designated resource conservation area zone and the rezoning of all the area adjacent to the wetland as RRA-2 would not provide for an ESHA buffer. The Suggested Modifications to the Implementation Plan (IP) Amendment recommended by staff would correct these inconsistencies by properly designating the watercourse on the property with a wetland zoning designation (RCA2(w)) and by requiring that a 100-foot buffer be established by rezoning the buffer area with a wetland buffer (RCA3(wb)) zoning designation. As modified, the IP amendments conform with and carry out the LUP.

The appropriate motions and resolutions to adopt the staff recommendation are found on pages 3-4.

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-2-00

A. DENIAL OF IMPLEMENTATION PROGRAM AMENDMENT NO. DNC-MAJ-2-00, AS SUBMITTED:

MOTION I: I move that the Commission reject Implementation Program Amendment No. DNC-MAJ-2-00 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-2-00 WITH SUGGESTED MODIFICATIONS:

MOTION II: I move that the Commission certify the Implementation Program Amendment No. DNC-MAJ-2-00 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 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. SUGESTED 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 C-9) shall be modified as follows:

a. Delineated Wetlands

Those portions of Assessor's Parcel Number (APN) 112-172-02, located at 2005 Dundas Road, Crescent City, County of Del Norte, consisting of Unconsolidated Bottom, Aquatic Bed, Unconsolidated Shore, Emergent Persistent, Emergent Non-Persistent, Scrub-Shrub, and/or Forested Wetlands associated with the unnamed intermittent watercourse traversing the southwesterly corner of the property, as delineated and field-flagged by Galea Wildlife Consulting, and discussed in the letter report dated December 4, 2001, shall be rezoned from General Resource Conservation Area (RCA1) zoning designation to a Designated Resource Conservation Area – Wetland (RCA2(w)) designation.

b. Wetlands Buffer

Those portions of Assessor's Parcel Number (APN) 112-172-02, located at 2005 Dundas Road, Crescent City, County of Del Norte, lying within 100 horizontal feet to the north and east 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 unnamed intermittent watercourse traversing the southwesterly corner of the property, as delineated and field-flagged by Galea Wildlife Consulting, and discussed in the letter report dated December 4, 2001, shall be rezoned from General Resource Conservation Area (RCA1) zoning designation to a Designated Resource Conservation Area – Wetland Buffer (RCA2(wb)) designation.

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c. Areas Outside of Wetlands and Their Buffer

Those portions of Assessor's Parcel Number (APN) 112-172-02, located at 2005 Dundas Road, Crescent City, County of Del Norte, located northerly and easterly of the wetland buffer area described in sub-part b above, shall be rezoned from General Resource Conservation Area (RCA1) zoning designation to Medium Density Rural Residential - Agriculture (RRA-2 zoning designation).

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-2-00 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 being proposed at the behest of Livio and Margaret Fernandes, owners of an approximately five-acre parcel located within rural residential Elk Valley area, approximately 1½ mile northeast of the City of Crescent City in unincorporated Del Norte County (see Exhibit Nos. 1 and 2). The amendment is requested pursuant to the requirements of Section 21.11.010 of the Del Norte County Local Coastal Program which

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requires that prior to new or additional development on properties designated General Resource Conservation Area, for those areas containing environmentally sensitive habitat whose location have not been formally demarcated, the precise extent of such areas shall be delineated and designated with appropriate resource area zoning designations, with the remaining areas beyond the environmentally sensitive areas reclassified to a zoning designation that is determined to be in conformance with the policies of the Land Use Plan.

B. Amendment Description.

The rectangular Fernandes property is divided into three distinct landforms: (1) an approximately 3.5-acre area of relatively flat, third-growth redwood forest, harvested approximately 30 years ago, comprising the northern two-thirds of the subject parcel; (2) an approximately one-acre area comprising a roughly 100-foot-wide band of second-growth redwood forest situated along the northern edge of a distinct gullied intermittent watercourse; and (3) the approximately ½-acre southwesterly corner of the parcel, consisting of forested wetland along the bottom and lower sides of the gully, associated with the seasonal watercourse, inter-digitated with riparian upland vegetation on an approximately 7V:10H to 1V:1H upper gully slope (see Exhibit No. 4). The latter two areas are situated on the southwesterly portion of the property currently designated as General Resource Conservation Area (RCA1), while the remaining approximately 3.5-acre area of third-growth redwood forest to the north is currently zoned Medium Density Rural Residential - Agriculture (RRA-2).

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 90-foot by 100-foot, 0.1-acre triangular area comprising the gullied portion of the five-acre Fernandes parcel from General Resource Conservation Area (RCA1) zoning designation to a Designated Resource Conservation Area – Riparian Vegetation (RCA2(r)) designation. The remaining 35,500-square-foot portion of the lot to the north and east of this area would be rezoned from RCA1 to a Medium Density Rural Residential - Agriculture (RRA-2) designation, consistent with adjoining upland areas (see Attachment 1).

The County reclassification of the subject RCA1 areas to RCA2(r) and RRA-2 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.

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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,

The subject site consists of a vacant, roughly five-acre parcel located along the western side of Dundas Road, a private road, near its southern terminus (see Exhibit No. 3). The site is located within the Elk Valley area of western central Del Norte County, approximately 1½ miles northeast of the City of Crescent City (see Exhibit Nos. 1 and 2).

The subject site is a densely vegetated, young growth timber stand, estimated to be approximately 30 years of age. The California Department of Forestry and Fire Protection recently approved a minor (less than 3 acres) timberland conversion which will allow most of the timber from the young timber stand to be removed in preparation of the creation of future homesites. No old-growth or elements associated exclusively with an old-growth forest are present. The property is situated on the eastern side of the Crescent City Coastal Plan at an elevation of approximately 20 feet above mean sea level and has flat to slight topography. The property is crossed near its southwestern corner by an unnamed intermittent creek tributary of Elk Creek (see Exhibit No. 4).

There are two distinct vegetation types currently within this subject parcel; a riparian type and a redwood forest type. The basis for establishing the boundary between these two forest types included species composition, evidence of soil saturation and standing water, and elevation. The majority of the five-acre parcel is comprised of the redwood forest type. The vegetation within the redwood forest type consists primarily of redwood (Sequoia sempervirens), with red alder (Alnus rubra), evergreen huckleberry (Vaccinium ovatum), salal (Gaultheria shallon), swordfern (Polystichum munitum) and thimbleberry (Rubus parviflorus). No western lilies (Lilium occidentale) were found within or immediately adjacent to the parcel.

The riparian forest type comprises approximately 0.1 acre. There is a distinct ten-foot-vertical break in slope located in the southwest corner of the property. Approximately ¾ of the way down the 70-100% slope, riparian vegetation begins. The riparian area is the result of a watercourse and wet areas associated with the watercourse. Vegetation species within this riparian area consists of salal, evergreen huckleberry, cascara (Rhamnus purshiana), thimbleberry, salmonberry (Rubus spectabilis), red alder, and a few scattered Sitka spruce (Picea sitchensis) trees. At the bottom of the slope and to the south, obligate hydrophytic plants, such as rushes (Juncus sp.), skunk cabbage (Lysichitum americanum), horsetail (Equisetum sp.) sedge (Carex sp.), bulrushes (Scirpus sp.), buttercup (Ranunculus sp.), became more evident, indicative of more persistent wetland hydrology and soils conditions than that on the side slopes of the gully.

The subject site lies within the LCP's "Crescent City" sub-region and is subject to the specific area policies for "Planning Area No. 4, Crescent City Surrounding Area." The subject property is designated in the Land Use Plan as Rural Residential – One Dwelling Unit per Two Acres (RR 1/2) and Resource Conservation Area (RCA), as certified by the Commission on December 14,

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1981 (see Exhibit No. 5). The property is zoned Medium Density Rural Residential Agriculture (RRA-2) and General Resource Conservation Area (RCA1), certified by the Commission on October 12, 1983 (see Attachment 1). 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, low relief, and densely vegetated setting, public views to and along the ocean across the property are non-existent.

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.

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Where there is a dispute over the boundary or location of an environmentally sensitive habitats area, the following may be requested of the applicant:

- i.) A base map delineating topographic lines, adjacent roads, location of dikes, levees, flood control channels and tide gates.*
- ii.) Vegetation map.*
- iii.) Soils map.*

Review of this information shall be in cooperation with the Department of Fish and Game and the County's determination shall be based upon specific findings as to whether an area is or is not an environmentally sensitive habitat area based on land use plan criteria, definition, and criteria included in commission guidelines for wetland and other wet environmentally sensitive habitat areas as adopted February 4, 1981. The Department of Fish and Game shall have up to fifteen days upon receipt of County notice to provide review and cooperation. [Emphases added.]

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.]

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

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

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

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

The map should show the following information:

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

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

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

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

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

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

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B. *Supplemental Information.* Where development is proposed in conjunction with the rezoning, a supplemental 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 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 :

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

1. *That the most sensitive species of plants and/or animals will not be significantly disturbed based upon:
 - a. *Habitat requirements of resident and/or migratory fish and wildlife for nesting, feeding, breeding, etc.;*
 - b. *Assessment of short and long term ability of plant or animal species to adapt to human disturbance.**
2. *That where erosion impacts from the project may occur, adequate buffer is provided to allow for interception of eroded materials outside of the wetland area.*
3. *That where natural or cultural features such as bluffs, hills, roads, dikes or irrigation canals exist they should be utilized in establishing the location of the buffer area and in separating development [and] 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. [Emphasis and parenthesis added.]*

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;*

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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. [Emphases added.]

b. Analysis:

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

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 vague statements as to the presence and precise extent of wetlands on the subject property. The landowner's consultant (Scott Grey, Registered Professional Forester) stated in his undated letter-report (see Exhibit No. 7) accompanying the amendment request that:

The riparian forest type comprises approximately 0.1 acre. There is a distinct break in slope located in the southwest corner of the property. Approximately $\frac{3}{4}$ of the way down the slope, riparian vegetation begins. The riparian area is the result of a watercourse and wet areas associated with the watercourse. Vegetation species within this riparian area consists of salal, evergreen huckleberry, cascara (Rhamnus purshiana), thimbleberry, salmonberry (Rubus spectabilis), skunk cabbage (Lysichitum americanum), horse-tail (Equisetum sp.) sedge (Carex sp.), red alder, and a few scattered Sitka spruce (Picea sitchensis) trees [Emphasis added.]

Review by Commission staff generally confirmed the presence of wetland ESHA near the subject property: First, several intermittent creek drainage tributaries of Elk Creek in the project vicinity are demarcated on the "Crescent City" 7½-minute quadrangle of the U.S. Fish and Wildlife Service's National Wetland Inventory as containing seasonally-flooded Palustrine-Scrub-Shrub-Broadleaf-Deciduous (PSS1C) wetlands.¹ Secondly, the LUP's Land Use

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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Constraints map also shows several such environmentally sensitive watercourses in proximity to the subject property (see Exhibit No. 6). Thirdly, a cursory site visit conducted by the staff on February 3, 2005 found the southwestern portion of the property to be vegetated predominantly with a mixture of obligate and wetland facultative plant species, typical of a seasonal watercourse forested wetland setting. Accordingly, Commission staff interprets the consultant's characterization of the area as comprising "riparian forest type" to be synonymous with forested wetlands.

At the behest of Commission staff, supplemental information was provided by the property owner's consulting biologist (Galea Wildlife Consulting, December 4 2001) addressing the distinction between and extent of the wetlands and riparian vegetation on the site, accompanied by a recommendation for a 100-foot-wide buffer area around the outer edges of the wetlands/vegetated riparian corridor (see Exhibit No. 8). Due to the transitional nature of the environmentally sensitive habitat areas at the site, with wetlands along the bottom and lower banks of the watercourse intergrading into the upland riparian vegetated areas along the upper sides of the gully, establishing a precise delineation of this boundary would be time-consuming. Instead of undertaking such intensive fieldwork, the consulting biologist utilized the topographic break at the top of the gully, inclusive of some minor inter-digitated upland riparian vegetated areas, to demarcate the outer extent of the wetlands at the site. This edge was field-flagged with specialized plastic tape declaring the line to be the "wetland boundary." In addition, a 100-foot-wide area outbound from the wetland boundary was field-flagged with standard logging tape to establish a setback buffer consistent 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. Altogether, approximately ½ acre of the parcel would be located within the area delineated by the owner's biologist as wetlands and buffer, compared to the roughly 0.1-acre area originally proposed by the owner's forester and proposed in the County's application. If the amendment were to be certified as submitted, a full 100-foot-wide no buffer between the outer extent of wetlands on the site and areas in which development could be authorized would be provided, inconsistent with the policies and standards of the Marine and Water Resources chapter of the LUP.

Thus, based upon the information submitted to supplement the amendment request, there is no factual basis to conclude that: (1) the proposed amendment would adequately protect the ESHA on the site against any significant disruption of habitat values; (2) only uses dependent on such resources would be allowed within such areas; (3) 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 IP 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.

In response to the supplemental information provided by the property owner's consulting biologist and the results of this staff analysis, the County has requested that, rather than the County undertaking further revisions and re-transmitting a modified LCP amendment application, the Commission process the current LCP amendment as requested. The County has

COUNTY OF DEL NORTE LCP AMENDMENT (FERNANDES)

NO. DNC-MAJ-2-00

PAGE 15

indicated that it would be amenable to accepting a suggested modification from the Commission to alter the extent and/or designation of the environmentally sensitive habitat and buffer areas consistent with that established by the landowner's consulting biologist's report.

c. Amendment Approvable if Modified.

For the proposed amended zoning designation to be found in conformance with, and to effectively carry out, the environmentally sensitive habitat area (ESHA) policies of the LUP's Marine and Water Resources chapter, 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 RCA2 designations; 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) 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 southwesterly gullied portion of the property as wetlands (RCA2(w)); (b) include all areas within 100 horizontal feet of these wetlands as wetland buffer (RCA2(wb)); and (c) rezone only those remaining areas lying beyond the environmentally sensitive areas on the parcel for medium-density rural residential development (RRA-2).

The LCP amendment as modified would conform with, and 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. The RCA2(w) designation for the wetland portions of the site would be more appropriate than an RCA-2(r) designation as the prescribed principal and conditionally permitted uses within this environmentally sensitive resource area would be constrained to those uses which are dependent upon the resources therein, and would preclude other, more intensive uses otherwise allowed under the RCA2(r) designation (i.e., commercial timber harvesting, road construction) that could potentially significantly degrade such areas and would be incompatible with their continuance as a seasonal aquatic habitat area.

- (2) All areas within 100-feet of the outer extent of the wetland ESHA providing a spatial buffer between the wetlands and sites for potential future development sites to the north and east would be designed as RCA2(wb). This action would serve to ensure that the amended IP carries out the provisions of LUP Section IV.D.4.f, which require that a buffer of one-hundred feet in width be established around the periphery of the identified palustrine wetland ESHA. Including the adjacent second-growth forested areas to the north and east of the gullied wetlands would also serve to carry out LUP Section IV.D.1.f which requires 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. The buffer that would be established under the suggested modification would incorporate the second-growth-redwood stand within 100-feet of the northeasterly top-of-bank of the gullied southwesterly portions of the site. Inclusion of the forested area would also be consistent with the criteria within the 1981 *Statewide Interpretative Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas* by incorporating natural topographic or existing cultural features into the location of the wetland and/or buffer boundaries that further serve to locate and demarcate the permissible extent of potential development sites on the property. Section 21.11.060 of the LCP Zoning Enabling Ordinance specifically requires that a determination as to whether an area should be considered a wetland buffer area be based, in part, on the *Interpretive Guidelines*. Furthermore, a buffer area of a 100-foot-width, as prescribed in the LCP, would provide spatial separation between this environmentally sensitive resource area and building sites on the more upland portions of the parcel, which would serve to shield the area from the potential adverse impacts associated with future development at such upland building sites (i.e., human activity, lighting, noise, sediment-laden runoff from impervious surfaces).
- (3) The portions of the parcel that would be designated RRA-2 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 those provisions relating 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 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:

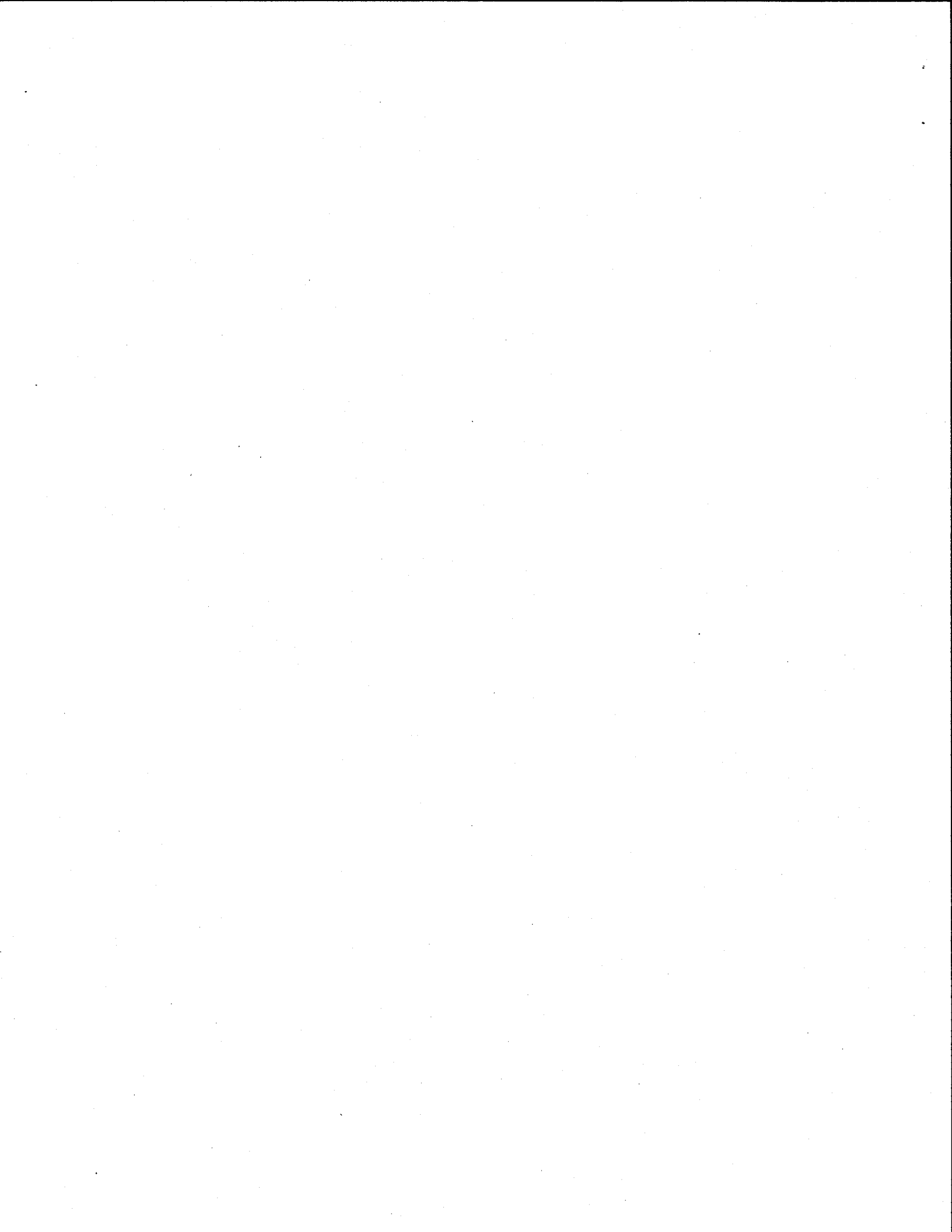
...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.

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 (Fernandes property)
2. Vicinity Map
3. County of Del Norte Assessor's Parcel Map 112-17
4. Site Plan Aerial Photograph
5. Excerpt, *Land Use Map*, Crescent City Sub-region
6. Excerpt, *Land Use Constraints Map*, Crescent City Sub-region
7. Riparian Vegetation Habitat Letter-report (Scott Grey RPF, 2000)
8. Wetland Delineation and Buffer Letter-report (Galea Wildlife Consulting, 2001)



**BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA**

RESOLUTION NO. 2000--119

**A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS
SUBMITTING AN ORDINANCE AMENDING ORDINANCE NO. 83-08 AND
COUNTY CODE TITLE 21 BY ADOPTING NEW COASTAL ZONING MAP C-9
(FERNANDES) TO THE COASTAL COMMISSION AS AN LCP AMENDMENT**

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

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

WHEREAS, a negative declaration has been prepared for the rezone in compliance with the California Environmental Quality Act; and

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

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

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

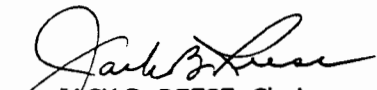
BE IT FURTHER RESOLVED, that by submission of such changes to the Coastal Commission for certification, the Board of Supervisors is requesting the subject amendments be identified as requiring rapid and expeditious action.


PASSED AND ADOPTED this 14th day of November 2000, by the following polled vote:

AYES: Supervisors Eller, Finigan, McClure and Reese

NOES: None

ABSENT: Supervisor Blackburn


JACK B. REESE, Chairman
Board of Supervisors

ATTEST:

KAREN L. WALSH, Clerk of the
Board of Supervisors, County
of Del Norte, State of California

**Attachment 1
LCP Amendment as Submitted**

**BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA**

ORDINANCE NO. 2000--012

**AN ORDINANCE AMENDING ORDINANCE NO. 83-08
AND COUNTY CODE TITLE 21 BY DELETING
COASTAL ZONING AREA MAP C-9 AND ADOPTING
NEW COASTAL ZONING AREA MAP C-9 (FERNANDES)**

The Board of Supervisors, County of Del Norte, State of California, does ordain as follows:

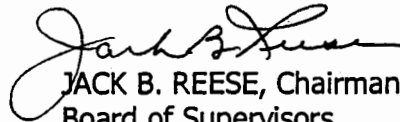
SECTION I: Section 2.D.2 of the Coastal Zoning Enabling Ordinance No. 83-08 and County Code Title 21 is hereby amended by deleting therefrom Coastal Zoning Area Map C-9 and amending same with a new Coastal Zoning Area Map C-9 as specified in attached Exhibit "A" and subject to the following condition:

SECTION II: This Ordinance shall take effect and be enforced thirty (30) days after the date of its passage or approval of the rezone by the Coastal Commission, whichever is the latter.


FINDINGS OF FACT: This Ordinance is passed and adopted based upon the findings cited in the Staff Report and the Board of Supervisors hereby makes said findings as more particularly described in said Staff Report, which is herein incorporated by reference (§ 65804(c)(d) of the Government Code).

PASSED AND ADOPTED this 14th day of November, 2000, by the following polled vote:

AYES: Supervisors Eller, McClure, Finigan and Reese
NOES: None
ABSENT: Supervisor Blackburn

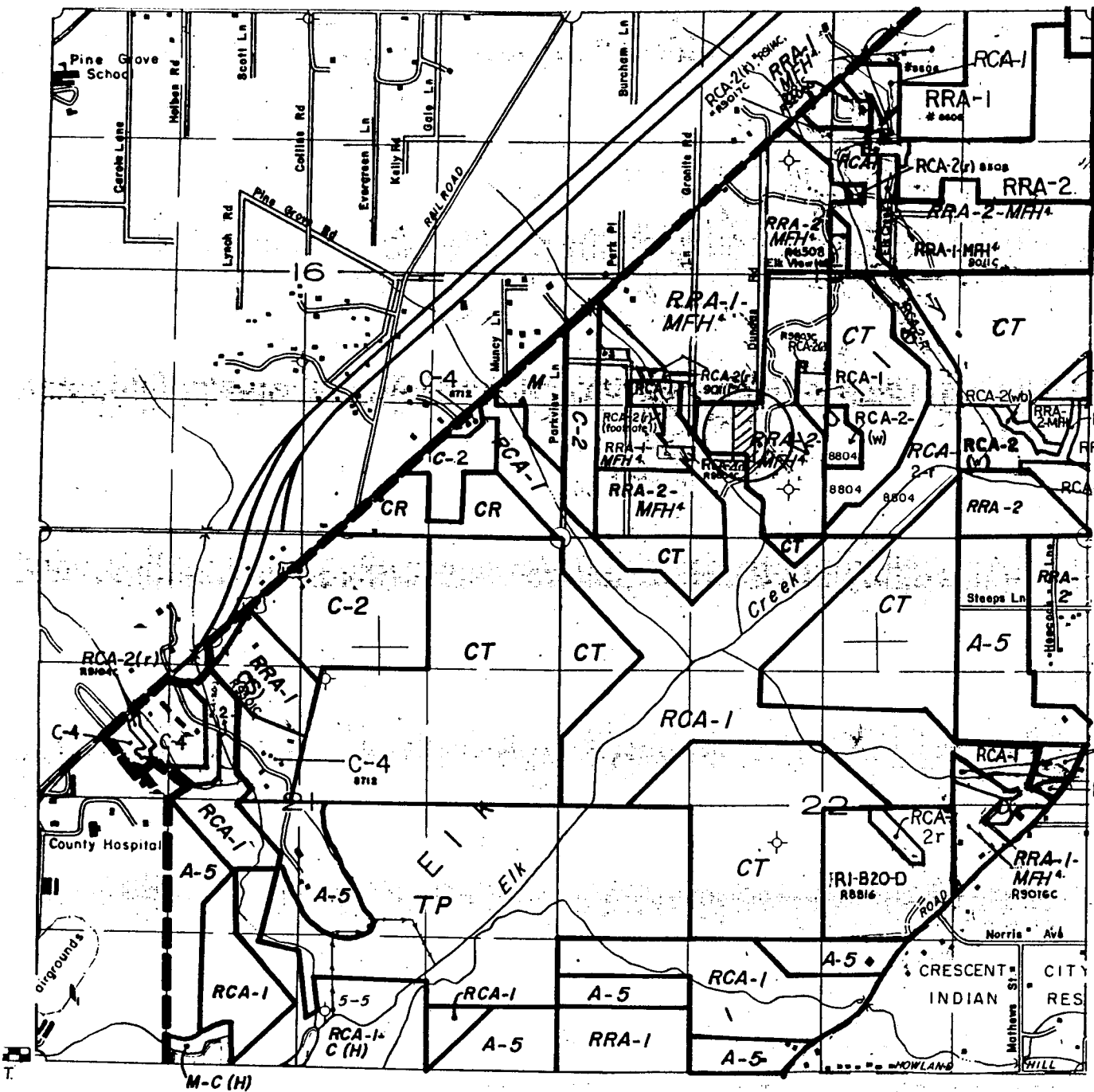

JACK B. REESE, Chairman
Board of Supervisors

ATTEST:


KAREN L. WALSH, Clerk of the
Board of Supervisors, County
of Del Norte, State of California

BOOK

PAGE



- 1. See R8408 for detailed boundary delineation
- * See Rezone File
- 2. See rezone 8802
- 3. SEE REZONE 9311C
- 4. R9502C

EXHIBIT "A"

Section 21.06.050 Ordinance 83-03
DEL NORTE CO. ZONING MAP
AREA C-9
 SECTIONS 15, 16, 21, 22
 TWP 16 N RGE 1W HB & M
 CRESCENT CITY AREA

APPROVED BY PLANNING COMMISSION *[Signature]*
 APPROVED BY BOARD OF SUPERVISOR _____
 COUNTY OF DEL NORTE, CALIFORNIA
 83-03:Sept 6.83
 REVISED 1/14/88

NE-OTR-SW-OTR SEC 15
 LANE
 FERDALE
 SW COR

ZONING MAP
 For
Livio Fernandes & Margaret A. Fernandes
 In a portion of
 Section 15, T16N-R1W, H.B.M.
 APN 112-172-02
 Del Norte County

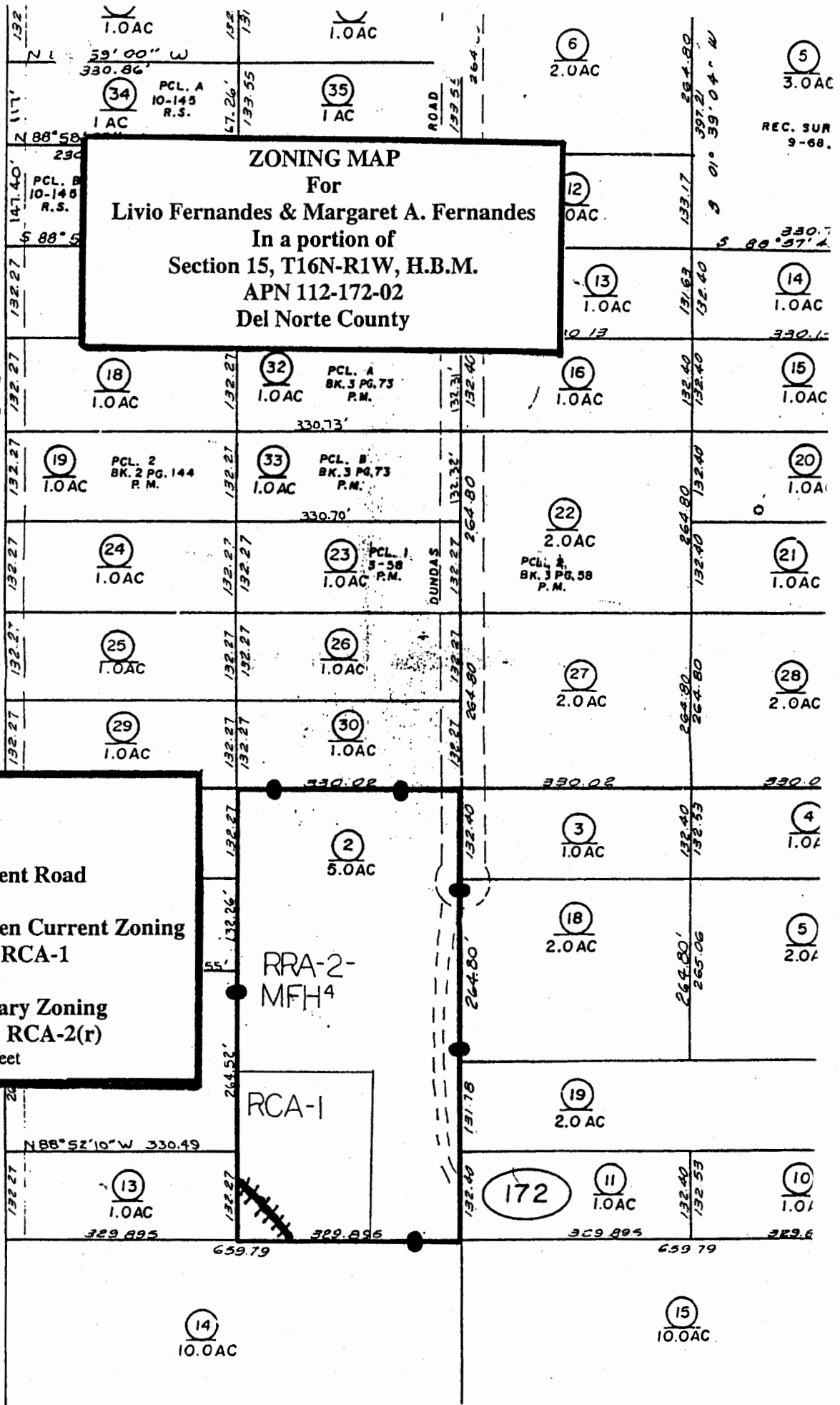
REC. SUR
 9-68.

Legend

- Parcel Boundary
- Existing Permanent Road
- Boundary Between Current Zoning RRA-2-MFH⁴ & RCA-1
- Proposed Boundary Zoning RRA-2-MFH⁴ & RCA-2(r)

Scale: 1 inch = 200 feet

16



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

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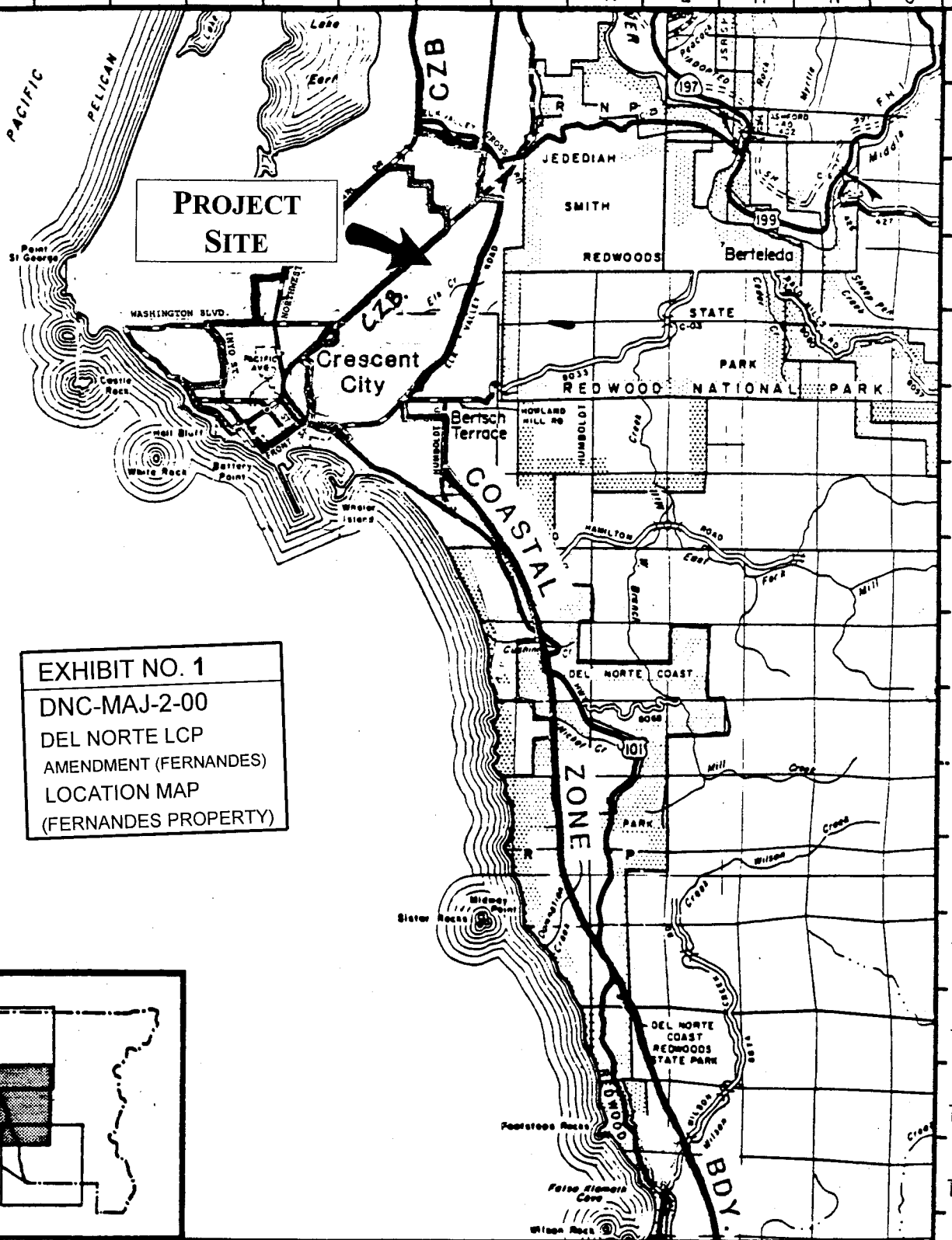
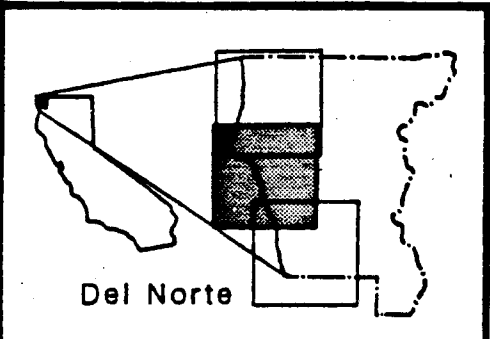


EXHIBIT NO. 1
 DNC-MAJ-2-00
 DEL NORTE LCP
 AMENDMENT (FERNANDES)
 LOCATION MAP
 (FERNANDES PROPERTY)



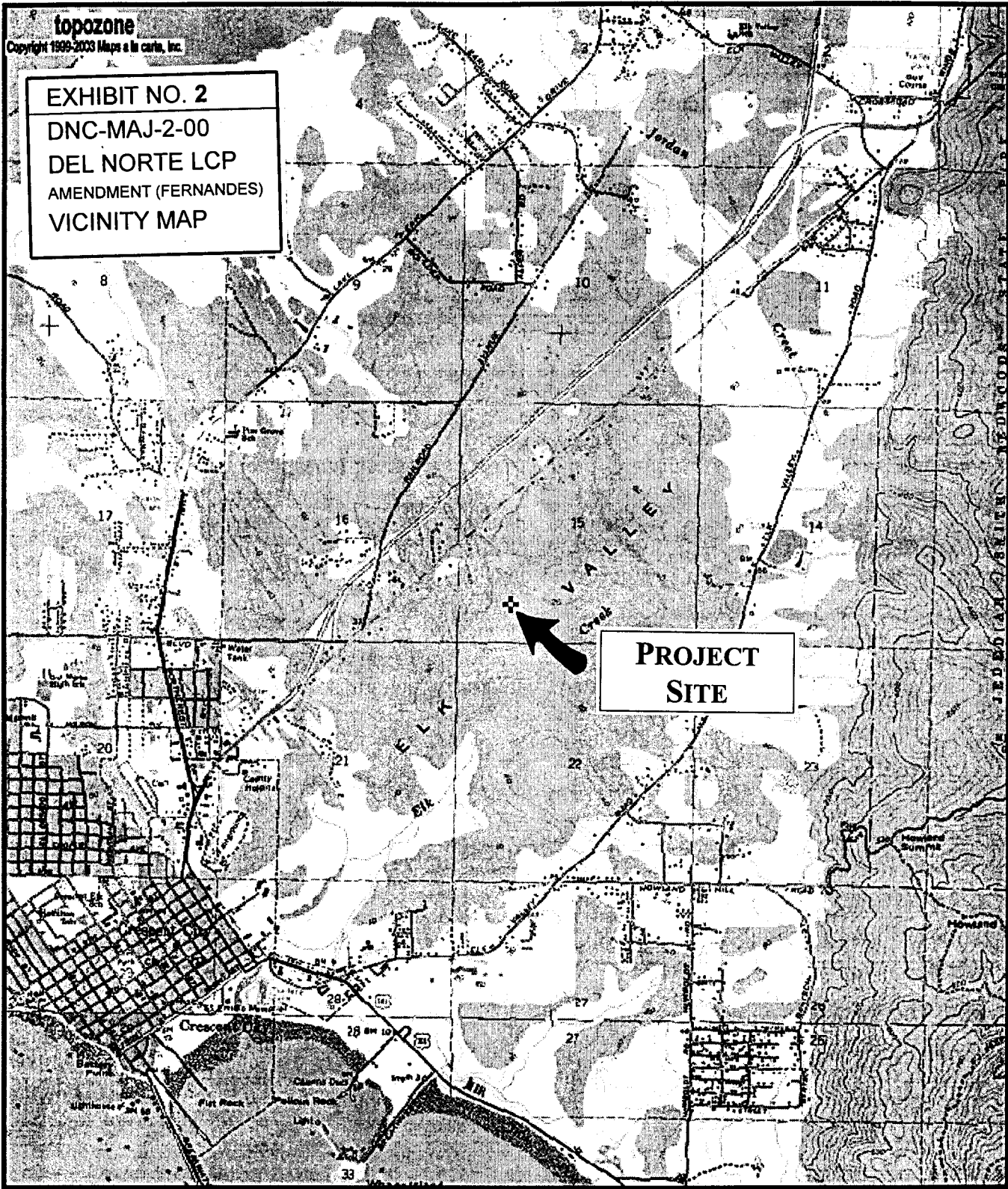
LOCATION MAP



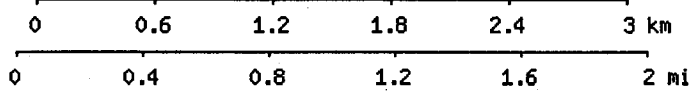
topozone

Copyright 1999-2003 Maps a la carte, Inc.

EXHIBIT NO. 2
DNC-MAJ-2-00
DEL NORTE LCP
AMENDMENT (FERNANDES)
VICINITY MAP



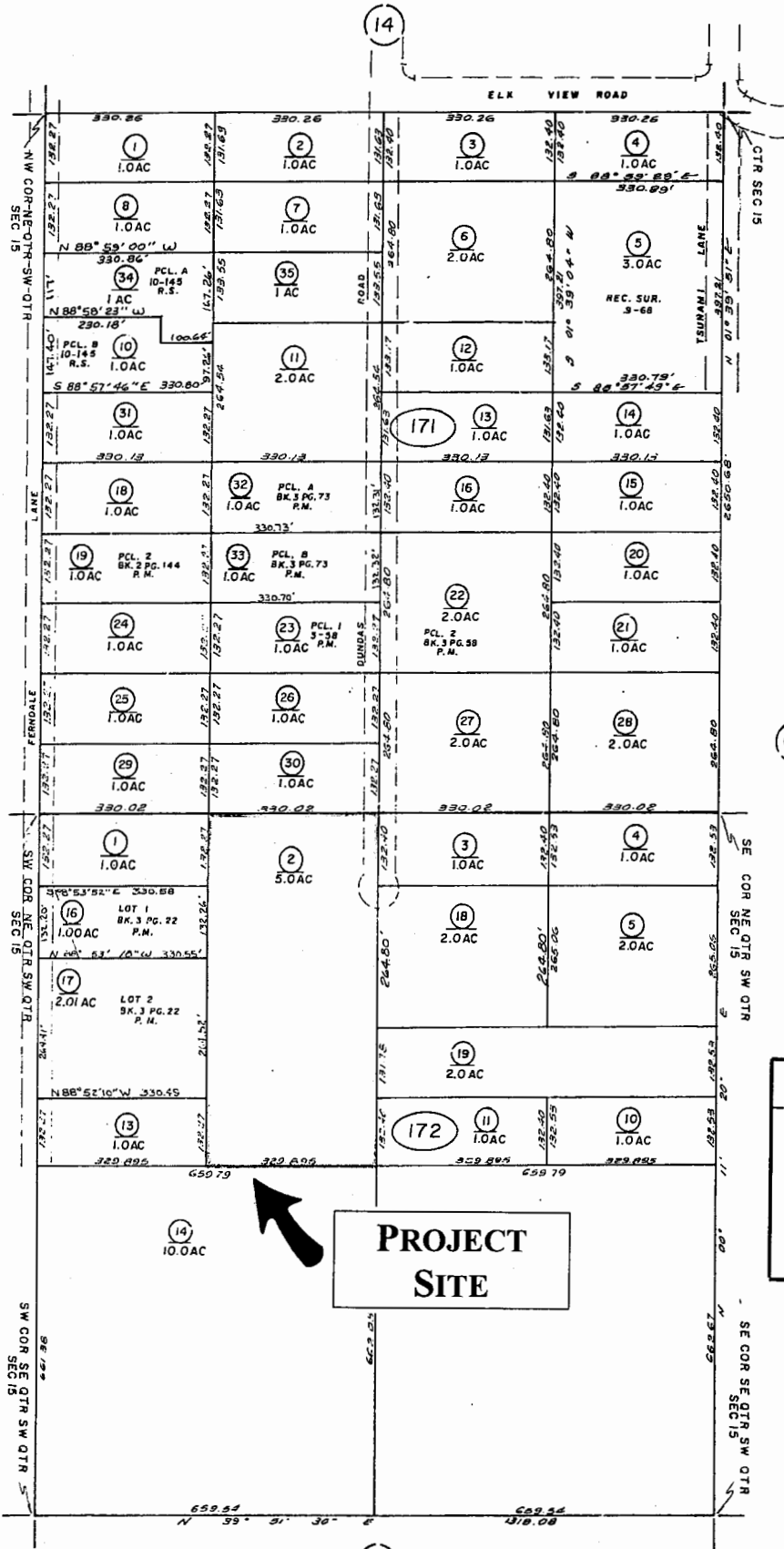
PROJECT
SITE



Map center is UTM 10 402613E 4625496N (WGS84/NAD83)
CRESCENT CITY quadrangle
Projection is UTM Zone 10 NAD83 Datum



M=16.537
G=-0.781



E 1/2 SW 1/4 SEC 15 T.16N., R.1W., H.B.&M.

EXHIBIT NO. 3
DNC-MAJ-2-00
 DEL NORTE LCP
 AMENDMENT (FERNANDES)
 DEL NORTE COUNTY
 ASSESSOR'S PARCEL
 MAP 112-117



02

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USGS 3 km NE of Crescent City, California, United States 12 June 1993

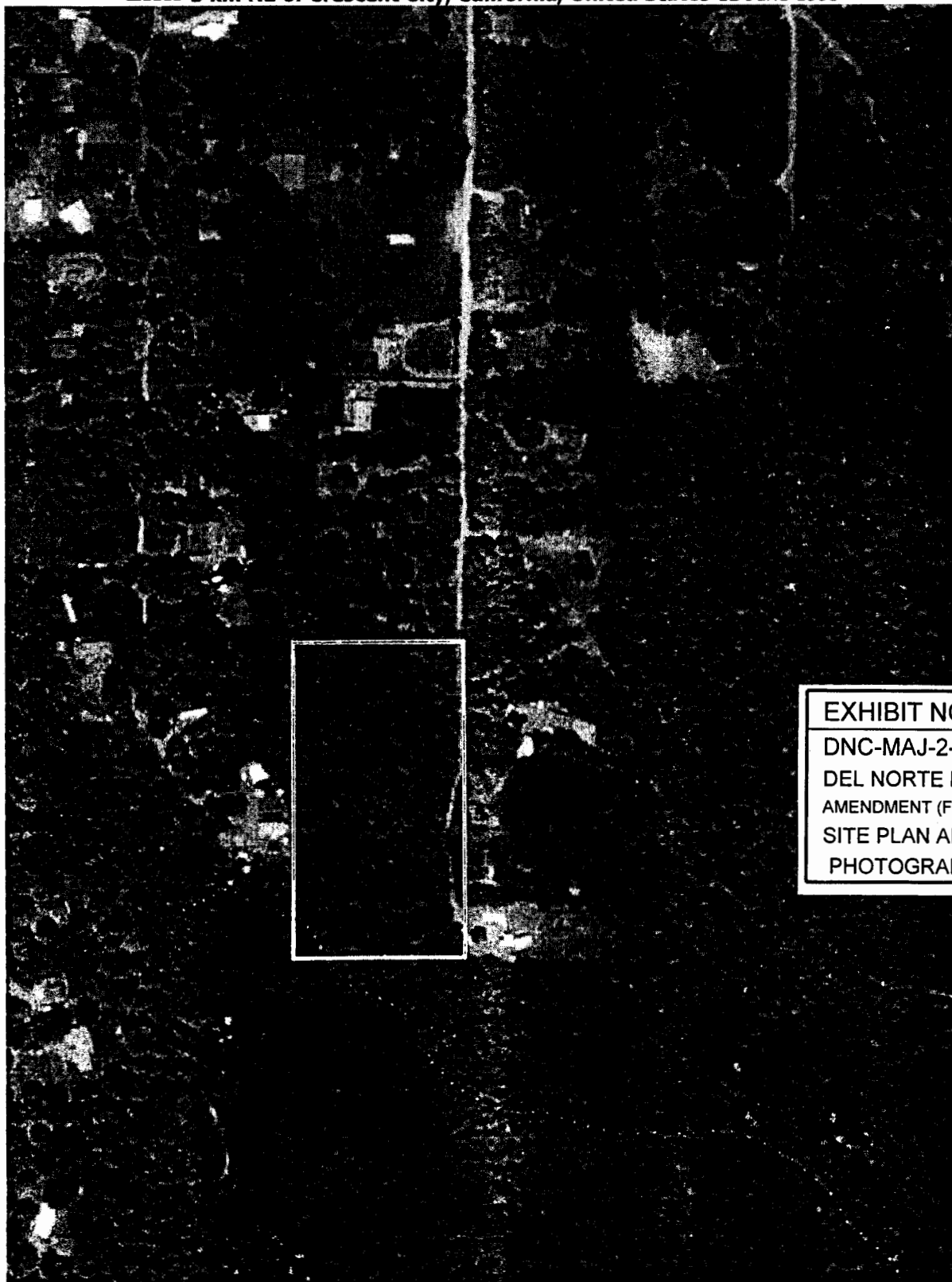


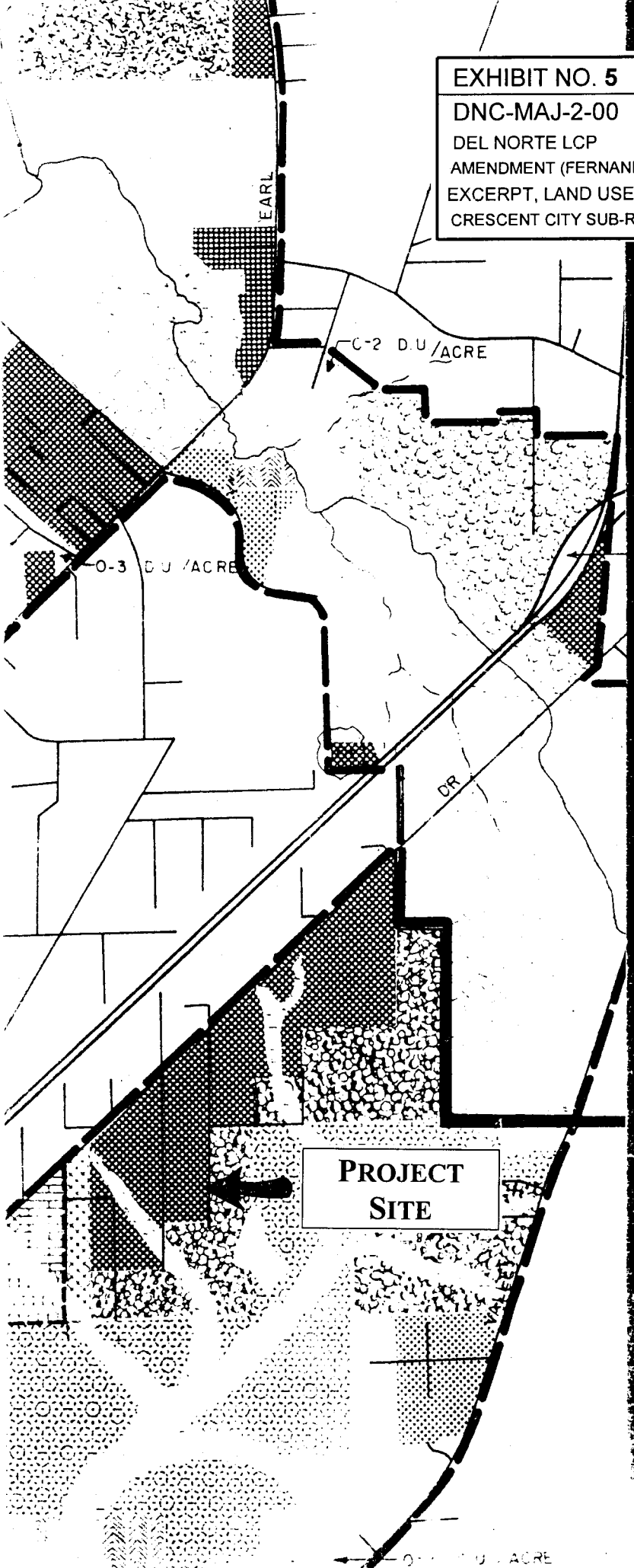
EXHIBIT NO. 4
DNC-MAJ-2-00
DEL NORTE LCP
AMENDMENT (FERNANDES)
SITE PLAN AERIAL
PHOTOGRAPH

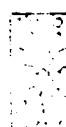





0 100M

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Image courtesy of the U.S. Geological Survey

EXHIBIT NO. 5
 DNC-MAJ-2-00
 DEL NORTE LCP
 AMENDMENT (FERNANDES)
 EXCERPT, LAND USE MAP
 CRESCENT CITY SUB-REGION



-  WOODLOT- 1 D.U. / 3 ACRES
- RURAL RESIDENTIAL**
-  1 D.U. / ACRE
-  1 D.U. / 2 ACRES
-  1 D.U. / 3 ACRES
-  RURAL NEIGHBORHOOD
-  RURAL MOBILEHOME PARK




- URBAN RESIDENTIAL**
-  LOW DENSITY
0-2 D.U. / ACRE
-  RESIDENTIAL
0-6 D.U. / ACRE
-  MEDIUM DENSITY
0-15 D.U. / ACRE

EXHIBIT NO. 6

DNC-MAJ-2-00

DEL NORTE LCP

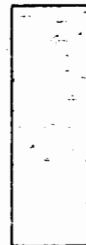
AMENDMENT (FERNANDES)

LAND USE CONSTRAINTS MAP

CRESCENT CITY SUB-REGION

LEGEND

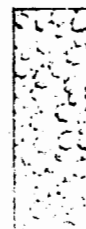
R.C.A.'S



WETLAND



FARMED
WETLAND



RIPARIAN
VEGETATION

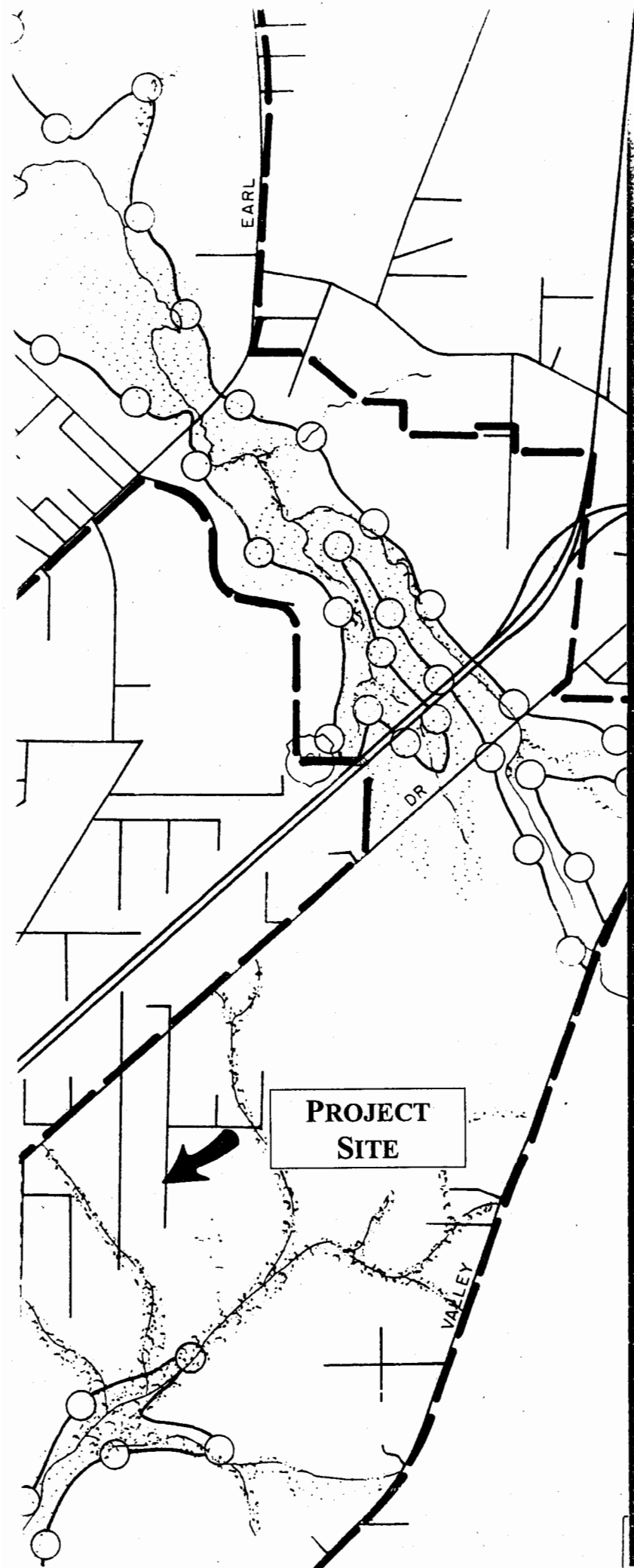


EXHIBIT NO. 7
DNC-MAJ-2-00
DEL NORTE LCP
AMENDMENT (FERNANDES)
RIPARIAN VEGETATION
HABITAT LETTER-REPORT
(Scott Gray RPF, 2000)

**SITE DESCRIPTION
FOR APN 112-172-02**

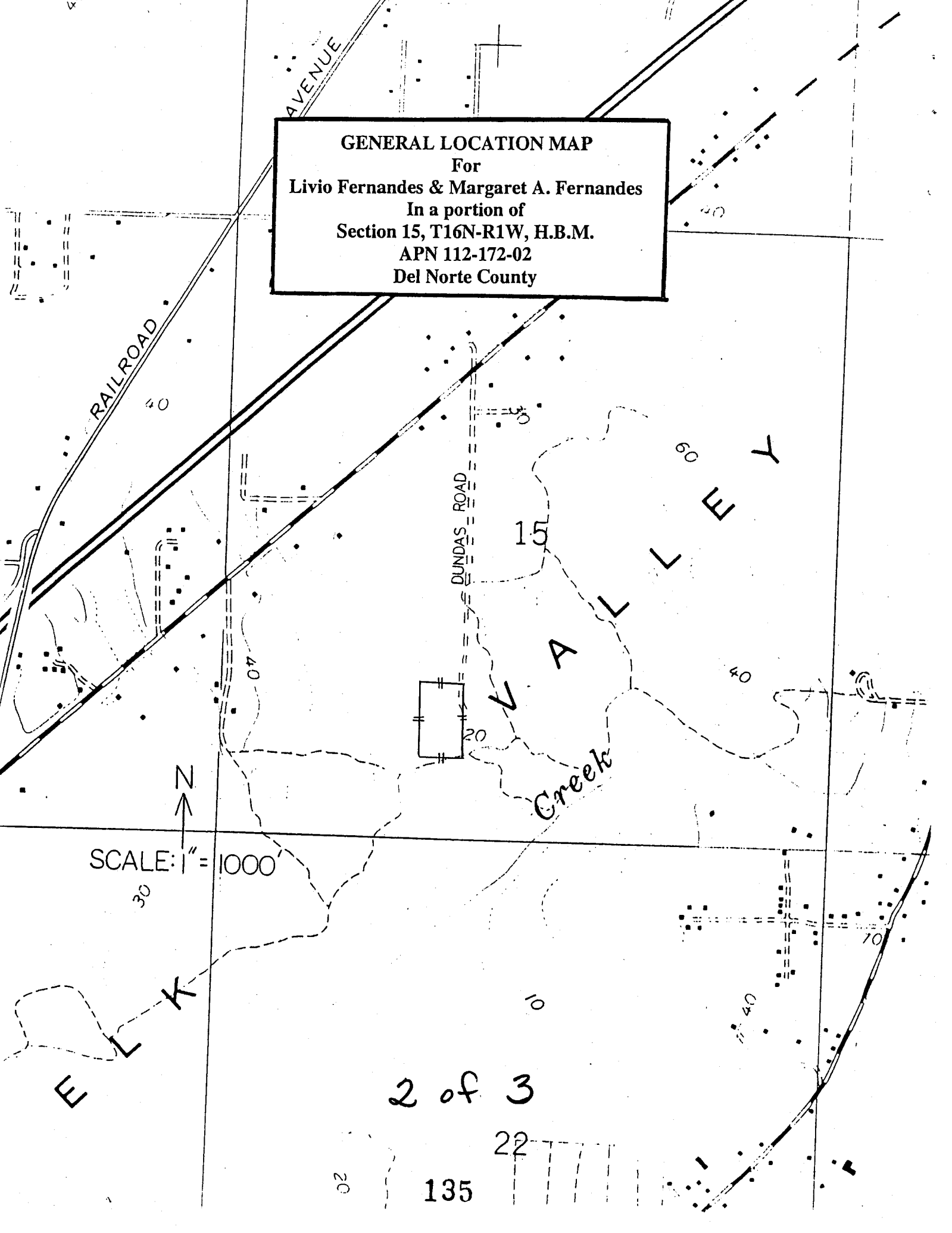
The parcel is located in a portion of Section 15, T16N-R1W, H.B.M. in Del Norte County at 2005 Dundas Road. This approximately 5.0 acre parcel is well vegetated, young growth timberstand which is estimated to be approximately 30 years of age. A minor conversion of less than 3 acres was recently completed in which most of the timber was removed in preparation of the creation of homesites. No old-growth or elements associated exclusively with an old-growth forest are present. The property has flat to slight topography and is approximately 20 feet above sea level. It is proposed to conduct an RCA Rezone concurrently with a minor subdivision of the 5 acre parcel into a 2 acre parcel and a 3 acre parcel.

The soil type found on the property is Talowa. This soil has a fine loam texture, is well-drained, and permeability is moderate to rapid. Access to this property is provided by Dundas Road.

There are two distinct vegetation types within this subject parcel; a riparian type and a redwood forest type. The majority of the five acre parcel is comprised of the redwood forest type. The riparian forest type comprises approximately 0.1 acre. There is a distinct break in slope located in the southwest corner of the property. Approximately $\frac{3}{4}$ of the way down the slope, riparian vegetation begins. The riparian area is the result of a watercourse and wet areas associated with the watercourse. Vegetation species within this riparian area consists of salal (Galtheria shallon), evergreen huckleberry (Vaccinium ovatum), cascara (Rhamnus purshiana), thimbleberry (Rubus parviflorus), salmonberry (Rubus spectabilis), skunk cabbage (Lysichitum americanum), horse-tail (Equisetum sp.) sedge (Carex sp.), red alder (Alnus rubra) and a few scattered Sitka spruce (Picea sitchensis) trees.

The vegetation within the redwood forest type consists primarily of redwood (Sequoia sempervirens), with red alder, evergreen huckleberry, salal, swordfern (Polystichum munitum) and thimbleberry. No western lilies (Lilium occidentale) were found within or immediately adjacent to the parcel. The soils within the redwood forest type appear to be well drained. The basis for establishing the boundary between these two forest types included species composition, evidence of soil saturation and standing water, and elevation.

GENERAL LOCATION MAP
For
Livio Fernandes & Margaret A. Fernandes
In a portion of
Section 15, T16N-R1W, H.B.M.
APN 112-172-02
Del Norte County



2 of 3

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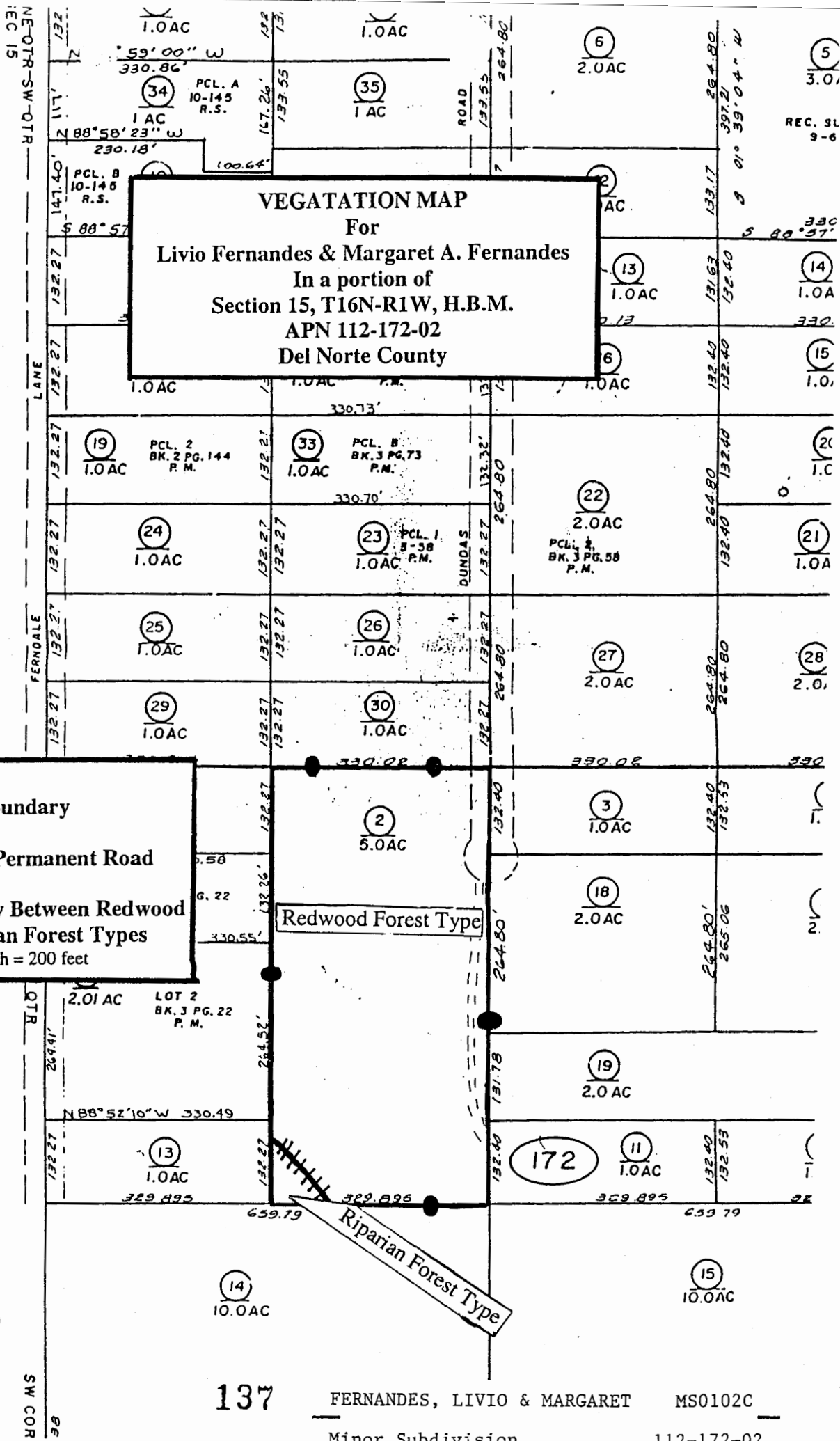
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VEGATATION MAP
 For
Livio Fernandes & Margaret A. Fernandes
 In a portion of
 Section 15, T16N-R1W, H.B.M.
 APN 112-172-02
 Del Norte County

Legend

- Parcel Boundary
- === Existing Permanent Road
- ||||| Boundary Between Redwood & Riparian Forest Types

Scale: 1 inch = 200 feet

3 of 3



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



December 4, 2001

Mr. Jim Baskin
Coastal Planner
California Coastal Commission
P.O. Box 4908
Eureka, CA 95502

EXHIBIT NO. 8
DNC-MAJ-2-00
DEL NORTE LCP
AMENDMENT (FERNANDES)
WETLAND DELINEATION AND
BUFFER LETTER-REPORT
(Galea Wildlife Consulting, 2001)

Re: Rezone Application, No. DND-MAJ-00-02, Fernandes Property

Dear Jim,

Please find enclosed a summary report of the wetland delineation I conducted on the Fernandes property. As per our conversation, I flagged the wetland delineation with "wetland boundary" flagging, and flagged a 100 foot buffer area with red polka-dot flagging.

If you have any questions regarding this delineation, please feel free to contact me at 707-464-3777. Thank you.

Sincerely,

Frank Galea
Certified Wildlife Biologist

RECEIVED
DEC 05 2001
CALIFORNIA
COASTAL COMMISSION



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



RESULT OF WETLAND DELINEATION FOR RCA REZONE, AP # 112-171-02, DUNDAS ROAD, DEL NORTE COUNTY.

This parcel was evaluated for wetland conditions by Frank Galea, Certified Wildlife Biologist with training and experience in evaluating and delineating wetlands in forested areas. The property is located at the south end of Dundas Road in the southwest corner of section 15 (T16N, R1W).

The northern 2/3 of the property was found to have been recently logged. Approximately 100 feet south of the line of harvest, a definite slope leading down and to the south marked an obvious division between wetlands and riparian habitats along the a minor tributary of Elk Creek from second-growth redwood forest which was located along the slope and above it. The difference in elevation from the top of the slope to the riparian habitat was approximately ten feet, with the slope being abrupt in most locations along the delineating line. At the bottom of the slope and to the south, vegetation indicating wetland soils became more evident as one moved south. Hydrophytic plants such as sedges, rushes, *Ranunculus*, *Salix*, and other plants indicative of wet soils were found.

As there was an obvious slope between the riparian and upland habitats, this biologist was allowed by the local representative of the California Coastal Commission to delineate the boundary using obvious vegetative and hydrologic features. The delineation of the riparian habitat was flagged with bright orange flagging with "Wetland Boundary" in large, black lettering. The delineation line was placed outside and above the leading edge of the riparian area, along a line based upon a total lack of hydrophytic vegetation and obvious slope above the wetland below (see attached map). For most of the delineation this line was placed at or close to the top of the slope, and all of the line was placed in upland habitat.

In addition to the wetland boundary delineation, a 100 foot buffer zone north of the wetland boundary was flagged using white flagging with red polka-dots. This 100 foot buffer was flagged using a 100 foot tape. The buffer line ran almost perfectly along the southern boundary of the recently harvested portion of the property. Apparently, the forester who prepared the timber harvest did so leaving a buffer of approximately 100 feet or more from the edge of the wetland corridor along Elk Creek.

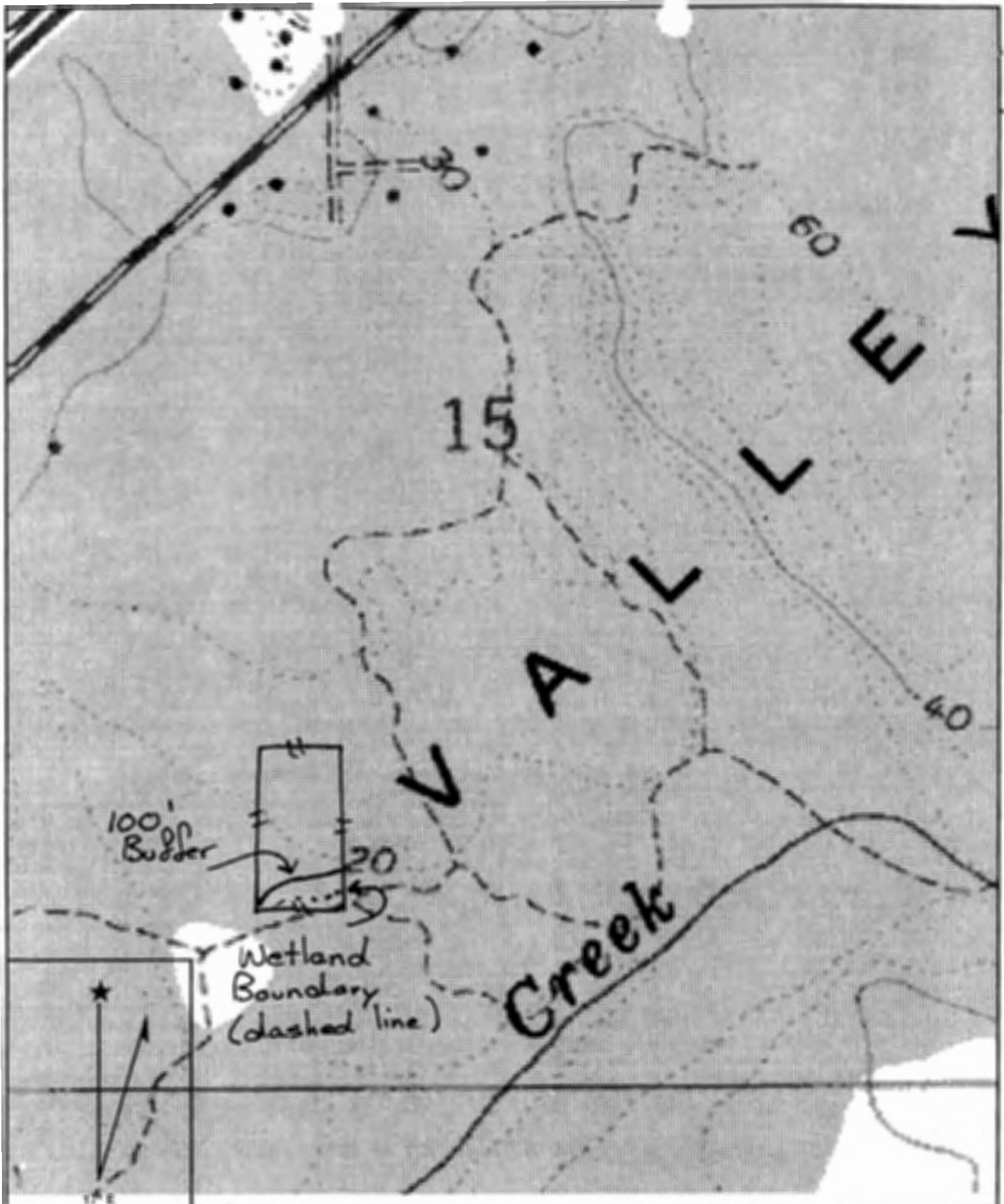
In summary, there is now on the property a delineated, flagged boundary between the wetland habitats along Elk Creek and the upland habitats directly north. Additionally, another flag line delineates a 100 foot buffer area above and to the north of the flagged wetland delineation.

Any questions or comments about this report should be directed to Frank Galea at 707-464-3777.

RECEIVED
DEC 05 2001

2 of 3

CALIFORNIA
COASTAL COMMISSION



Name: CRESCENT CITY
 Date: 11/6/2001
 Scale: 1 inch equals 500 feet

3 of 3

Location: 10 403202 E 4625164 N
 Caption: Fernandes Property
 Wetland Delineation
 by Galea Wildlife Consulting