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Staff: Jim Baskin
Staff Report: February 24, 2006
Hearing Date: March 10, 2006
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:	**1-04-008**
APPLICANT:	**Kathlene Dawn Bicknell**
PROJECT LOCATION:	Lot 4 in Block 90, Pacific Shores Subdivision, west of Fork Dick, Del Norte County, APN 108-320-08.
PROJECT DESCRIPTION:	Installation of a septic tank, water storage tank, gasoline-powered generator, and gasoline-powered water pump on an unimproved lot currently occupied by three recreational vehicles.
LOCAL APPROVALS RECEIVED:	None.
LOCAL AND OTHER AGENCY APPROVALS REQUIRED:	1) County of Del Norte Department of Public Health - Division of Environmental Health sewage disposal system permit; 2) State Water Resources Control Board, Division of Water Rights Water Right Allocation Permit; and 3) County of Del Norte Department of Community Development Recreational Vehicle Long-term Occupancy Use Permit.

SUBSTANTIVE FILE DOCUMENTS: 1) County of Del Norte Local Coastal Program; 2) Coastal Development Permit Application No. 1-04-008; 3) California Department of Fish and Game Lake Earl Wildlife Area Management Plan and Environmental Impact Report; 4) Pacific Shores Subdivision Special Study, Winzler & Kelly Engineers (July 1989); 5) North Coast Regional Water Quality Control Board, Basin Plan: Implementation Plans, Policy on the Control of Water Quality With Respect to On-Site Treatment and Disposal Practices, p. 4-10.01 to 4-25.00; and 6) Revised Findings for Coastal Development Permit No. 1-00-057.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission **DENY** the coastal development permit for the proposed installation of domestic water supply, wastewater disposal, and related water pumping and storage equipment on an approximately ½-acre lot within the *Pacific Shores* Subdivision near the unincorporated community of Fort Dick, Del Norte County. Staff believes that the project is not consistent with the Chapter 3 policies of the Coastal Act regarding the siting of new development in areas where there is adequate services to accommodate such development, or in areas not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, the long-term occupation of the parcel as would be facilitated by the proposed support amenities could result in significant impacts on environmentally sensitive coastal resources.

The project site is located within a large rural antiquated subdivision comprised of over 1,500 roughly one-half-acre lots with no developed community service and public utility infrastructure, only minimal road improvements, and situated a significant distance from police, fire, and ambulance emergency service responders. Several significant environmentally sensitive areas lie within close proximity to the project site and on the site itself, namely estuarine areas and seasonal wetlands, respectively. In addition, given its near sea-level elevation, the parcel and the connecting roadways serving the lot is subject to seasonal inundation by the waters of the coastal lagoon known as Lakes Earl/Talawa.

Although few details are provided in the submitted coastal development permit application, the apparent intent for the installation of the proposed septic tank, water storage tank, water pump, and generator is to facilitate long-term residency at the project

site currently being undertaken within a series of recreational vehicles that have been brought onto the site. The placement of these recreational vehicles, and the related removal of vegetation, and placement of fill were done without benefit of first securing a coastal development permit and is the subject of a related enforcement investigation by the Commission's Statewide Enforcement Unit.

Staff believes that both the installation of the proposed water supply and wastewater disposal site improvements and the long-term occupation of the recreational vehicles as a residential use are inconsistent with the new development policies and standards of the Coastal Act from a variety of perspectives.

First, the proposed residential development would not be located in an area with adequate public water supply for supporting long-term residential use at the property and where installation of a private individual water system would have significant adverse effects on coastal resources, inconsistent with Section 30250 of the Coastal Act. No municipal water supply is available to serve the property. Although located within an established community services district, the Pacific Shores California Subdivision Water District has not developed water infrastructure to serve the subdivision.

The applicant proposes to install a gasoline-powered water pump and storage tank of undisclosed size at the project site. Explicit statements within the application that no well drilling is being proposed and indicating that the source of the water supply would be from a “creek” at an undisclosed location on “Department of Fish and Game” property implies that the applicant intends to import water to the site from a nearby surface water source. However, the only mapped watercourse within close proximity to the project parcel is an embayment off of Lakes Earl/Talawa. Because of the lagoon's periodic opening to the Pacific Ocean, this waterbody fluctuates between saltwater and brackish water throughout the year. In addition, notwithstanding the salinity content, due to the presence of cattle grazing and other agricultural land uses within the Lake Earl basin, water drafted from Lake Earl would not be potable without extensive water treatment to remove sediment and coli-form bacteria introduced into this water by these land practices.

Moreover, the applicant has demonstrated no rights to enter onto lands under the control of the California Department of Fish and Game for fish and wildlife management purposes to extract water. Nor has the applicant secured a water right allocation from the State Water Resources Control Board to divert water from this apparent source. Given the proximity of forested and estuarine wetlands on and adjoining the property and the presence of habitat areas for federally-listed threatened species nearby, even if all necessary property rights could be secured, the routing of the water intake line through these wetland/sensitive habitat areas would not represent uses dependent on those resources, would likely result in significant degradation and disruption of habitat values, and would not be compatible with the continuance of those habitat areas, inconsistent

with coastal resources protection provision of Sections 30240 and 30250 of the Coastal Act.

Second, similar to the difficulties inherent with the proposed water supply, the applicant does not demonstrate how the proposed residential development would be located in an area with adequate services for providing safe and reliable wastewater disposal to support long-term residential occupancy at the site and where use of an onsite septic disposal system would not have similar adverse impacts effects on coastal resources, inconsistent with Sections 30231, 30240, and 30250 of the Coastal Act.

Staff notes that there are no feasible alternatives for providing municipal wastewater treatment facilities to the site. Although located within an established community services district, the Pacific Shores California Subdivision Water District has not developed sewage disposal infrastructure. Moreover, developing a community sewer system to serve the area is highly improbable. Even under a theoretical ultimate development scenario involving the full build-out of all of the remaining 940 privately-owned lots within the *Pacific Shores* subdivision that have not been purchased by public agencies, with a resulting overall density of only two dwellings per acre, assessments for paying the bonded capital improvement indebture associated with constructing a publicly-owned wastewater treatment plant, together with the *pro rata* share of fees to generate revenues necessary for the ongoing operation and maintenance of such a system render the option of a community sewer system economically infeasible.

The applicant proposes the sole use of a "septic tank" as the disposal system for sewerage generated at the site. No information was included in the application as to whether the septic tank would effectively function as a storage holding tank that would be periodically pumped by a licensed sewage hauler, or if the tank would serve in the traditional role of providing a chamber in which the separation of waste solids and their anaerobic digestion would occur with the resulting decanted effluent being in turn conveyed to some form of undisclosed leachfield system for ground infiltration and further biological treatment of residual nutrients within the wastewater. The former represents an impermissible form of sewage disposal, prohibited under both Regional Water Quality Control Board standards and local ordinance. The latter is similarly problematic, as it is highly doubtful that even a mounded leachfield system would meet the minimum state and local standards for such treatment facilities given the site's low elevation relative to the lagoon's surface level, the high permeability of the underlying sandy soils, and the shallow and/or perched groundwater conditions common throughout the *Pacific Shores* subdivision. Attempting leachfield disposal under such conditions would likely result in the release of untreated sewage into adjoining areas that would pose human health risks to persons who might come in contact with these wastes and adversely affect water quality and nearby environmentally sensitive habitat, inconsistent with Sections 30231, 30240, and 30250 of the Coastal Act.

Therefore, for all the above reasons, staff believes the proposed development is not consistent with the new development policies of Chapter 3 of the Coastal Act and must be denied.

The Motion to adopt the Staff Recommendation of Denial is found on page 5.

STAFF NOTES:

1. Standard of Review

The proposed project is located within the unincorporated boundaries of Del Norte County in an area situated on a low peninsula that juts into the coastal lagoon known as Lake Earl/Talawa. The County of Del Norte has a certified LCP, but the project site is within the "Pacific Shores Special Study Area," an Area of Deferred Certification (ADC) over which the Commission retains coastal development permit jurisdiction. Therefore, the standard of review that the Commission must apply to the project is the Coastal Act.

2. Commission Action Necessary

The Commission must act on the application at the March 10, 2006 meeting to meet the requirements of the Permit Streamlining Act.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

As discussed below, the staff recommends that the Commission determine that the development does not conform to the policies of the Coastal Act and **deny** the permit. The proper motion is:

MOTION:

I move that the Commission approve Coastal Development Permit No. 1-04-008 for the development proposed by the applicant.

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit amendment and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby **denies** a coastal development permit for proposed development on the grounds that the development will not conform with the policies of Chapter 3 of the Coastal Act. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the amended development on the environment.

II. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Site Location and Description.

The project site is located at 633 Tell Boulevard (APN 108-320-08) approximately five miles southwest of the town of Fort Dick in unincorporated central Del Norte County (see Exhibit Nos. 1 and 2). The site consists of an approximately 21,500-square-foot parcel (Lot 4 in Block 90) situated within the *Pacific Shores* Subdivision. The *Pacific Shores* Subdivision is located north of Lake Talawa, south of Kellogg Road, between Lake Earl and the Pacific Ocean. The Subdivision comprises a total of 1,524 roughly ½-acre lots platted over an area of 1,486 acres (see Exhibit No. 3). Approximately 27 lineal miles of roadway were offered for dedication and subsequently accepted by the County and constructed with paved, chip-sealed, and/or gravel surfaces shortly after the subdivision was approved in 1963. Only the main north-to-south access road, Tell Boulevard, and several other cross streets have been maintained (i.e., vegetation clearing, minor drainage improvements). With the exception of the road system and a single-circuit, 12.5-kilovolt (kV) electrical transmission line with no substation facilities, since 1963 infrastructure improvements within *Pacific Shores* have been minimal and the subdivision remains essentially undeveloped. Only one permanent residence has been developed legally within the bounds of the subdivision. The residence was constructed prior to the 1972 Coastal Initiative (Proposition 20) and the Clean Water Act, and therefore did not require either a coastal development permit or installation of a septic disposal system consistent with contemporary design requirements.

The proposed site of the proposed development is located towards the southern end of Tell Boulevard, approximately 1¼ mile from its intersection with Kellogg Road at the entry to *Pacific Shores*. The parcel lies on the western side of the street and is situated approximately 200 feet from the inland extent of waters of Lake Earl/Talawa at the +8-foot MSL level as managed by the California Department of Fish and Game for flood control purposes (see Exhibit No. 7, page 8). The project parcel has essentially flat relief and is located at an elevation of approximately 10 feet above sea level. According to public records, the applicant obtained title to the ½-acre parcel on April 10, 2003, having paid the amount of $1,500.

The parcel lies within an area of inter-mixed forested wetland, coastal scrub, and grassland vegetation. Vegetated cover on and near the site consists of a series of distinct bands fringing and extending back easterly from the shoreline of Lake Earl/Talawa (see Exhibit No. 4). Based on the environmental impact report prepared by the California Department of Fish and Game's Lake Earl Wildlife Area Management Plan, dated June 2003, and as verified in the field by staff from observations of the subject property from adjoining areas along Tell Boulevard and Middleton Drive, the rear third of the lot is dominated by tree and shrub layer obligate and facultative hydrophytic vegetation associated with "palustrine" or forested wetlands, consisting primarily of Hooker's willow (Salix hookeriana), red alder (Alnus rubra), and a ground cover of slough sedge (Carex obnupta). Vegetation on the middle third of the lot is representative of the mesic-to-xeric transition landward from the lagoon and is composed of shore pine (Pinus contorta ssp. contorta), wax myrtle (Myrica californica), and coyote bush (Baccharis pilularis). Other species present include twinberry (Lonicera involucrata), hairy honeysuckle (Lonicera hispidula), silk tassel (Garrya elliptica), salal (Gaultheria shallon). The front third of the lot along its Tell Boulevard frontage is comprised of a mixture of upland, native and non-native grasses and forbs, including sweet vernal grass (Anthoxanthum odoratum), velvet grass (Holcus lanatus), orchard grass (Dactylis glomerata), tall fescue (Festuca arundinacea), soft chess (Bromus hordeaceus), barley (Hordeum spp.), sheep sorrel (Rumex acetosella), curly dock (Rumex crispus), English plantain (Plantago lanceolata), Douglas' iris (Iris douglasiana), lupine (Lupinus bicolor), and bracken fern (Pteridium aquilinum). These transitions from wetland to upland vegegation types can be seen on the attached aerial photograph of the site (see Exhibit No. 4).

Lake Earl Wildlife Area

The project site is located approximately 200 feet from the shoreline of Lake Earl/Talawa. Lake Earl/Talawa and consist of a bilobal estuarine lagoon that comprises the core of the approximately 5,624 acres of the Lake Earl Wildlife Area.

Pursuant to Coastal Development Permit No. 1-00-057, the California Department of Fish and Game manages water levels in the lagoon by periodically breaching the ocean sandbar that impounds the waters of the lagoon along the western shore of Lake Talawa.

The U.S. Fish and Wildlife Service has characterized Lake Earl and Lake Talawa as comprising "one of the most unique and valuable wetland complexes in California." The lagoon system supports numerous habitat types including emergent wetlands, open water, mudflats, flooded pastures, woodland, sand beach, and riverine habitat. Lake Earl is an important resting and wintering area of the Pacific Flyway and is visited or home to over 250 species of birds. Forty species of mammals are known to occur within the coastal lagoon floodplain environs. In addition, 14 federal- and/or state-listed threatened, endangered, or candidate species of plants and animals, and 25 fish, amphibian, and Avian "species of concern" are known to occur at Lake Earl.

Because of the extremely high fish and wildlife values of the lagoon and adjacent wetlands, the California Department of Fish and Game (CDFG or "Department") included Lake Earl as one of the 19 coastal wetlands identified in the 1974 report entitled, "Acquisition Priorities for Coastal Wetlands of California." To better manage the wildlife and fisheries resources in and around the lagoon, CDFG and the California Department of Parks and Recreation acquired more than 5,000 acres of land within or adjacent to Lake Earl and Lake Talawa. An additional 2,600+ acres of land is leased from the State Lands Commission by the CDFG. Today, a total of 5,624 acres of land and water area under management by CDFG lies within the boundaries of the Lake Earl Wildlife Area (LEWA). Only approximately 281 acres of land below the 10-foot contour[1] remains in private hands. Since 1991, CDFG has continued to purchase property from willing sellers who own land around the lagoon, initially focusing on the more flood-vulnerable lots lying below a +10 feet MSL elevation, and later expanded to include all lots within the *Pacific Shores* subdivision.

Because of the large number of small privately-owned lots in *Pacific Shores*, the California Wildlife Conservation Board (WCB) is providing funding through the Smith River Alliance (SRA) for acquisition of these lots from willing sellers. As of the end of the 2005 calendar year, a total of 527 of the total 1,535 Pacific Shores lots were in state ownership. In November 2005, the WCB allocated an additional $2 million towards the purchase of *Pacific Shores* lots. In addition, the WCB through the SRA is also working with the County of Del Norte to acquire *Pacific Shores* lots that are currently in property tax default. Public records indicate that the taxes assessed for the applicant's property have not been paid for the past two years.[2] The applicant has been contacted by SRA and has neither accepted an offer to buy or specifically declined to sell the subject property. Although specific details as to the purchase offers is privileged information, SRA staff indicates that the average purchase price for the *Pacific Shores* lots is approximately $4,000 per lot.[3]

Development immediately adjacent to Lake Earl is minimal. Except for the land encompassed by the *Pacific Shores* subdivision, most land is either in public ownership as managed by the CDFG or CDPR, or is privately held and dedicated to agricultural, timberland, and resource conservation uses. Only small areas of land lying adjacent to the lagoon are developed with rural residential, commercial, and industrial uses (see Exhibit Nos. 3, 7, and 8). All of the existing developed residential housing in the project vicinity is situated above the +10 feet MSL elevation.

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1 This estimate is based upon a review of aerial photographs taken when the lagoon was inundated to +9.44 MSL. Refer to Table F.2-1 on page 2-6 of Exhibit 10 of the Revised Findings for Coastal Development Permit 1-00-057.

2 County of Del Norte Treasurer-Tax Collector, pers. comm..

3 Patty McCleary, pers. comm.

When the Commission initially certified the Del Norte County LCP in 1981, it declared the *Pacific Shores* subdivision as an Area of Deferred Certification based on findings of numerous unresolved concerns regarding impacts to numerous coastal resources. Because of these findings, the likely difficulties applicants would have in securing development authorizations on lots within the subdivision is widely known in Del Norte County.

B. Project Description.

Based on information within submitted coastal development permit application (see Exhibit No. 5), the proposed project involves the installation of various equipment at the project site to provide water supply, wastewater disposal, and electrical generating facilities. Although not expressly stated in the project description of the application, the proposed facilities would apparently support long-term residential use of the property in recreational vehicles that have previously been brought onto the parcel and which are currently occupied. As illustrated in a series of photographs submitted with the coastal development permit application form, the proposal entails the placement of:

- A two-stroke, gasoline-powered portable water pump;
- A water storage tank, capacity unspecified;
- A septic tank, capacity unspecified; and
- A gasoline-powered welding generator, output unspecified

In addition, though not specifically proposed within the permit application, by the inclusion of information germane to such a structure, the project appears to seek authorization for a partially constructed eight- by twelve-foot octagonal gazebo building. Along with the placement of the recreational vehicles and associated removal of vegetation, this development has occurred on the project parcel without a coastal development permit.

The subject coastal development permit application was submitted after an enforcement action undertaken by the Commission's Statewide Enforcement Unit in January 2004. As indicated in the certified letter sent to the owner/applicant, among the options identified by enforcement unit staff for remedying the unpermitted development was obtaining a coastal development permit after-the-fact authorizing the change in use from a vacant lot to a residence, and the related removal of vegetation and the possible placement of fill within wetlands. However, the submitted application does not explicitly address the applicant's apparent objective of establishing long-term use of the recreational vehicles as either a permanent or part-time residence, and the associated vegetation clearing. Instead, only additional amenities purportedly for providing the residence with a water supply, on-site wastewater storage or sewage disposal, electrical power, and possibly an accessory structure have been requested.

C. Locating and Planning New Development / Protection of Water Quality and Environmentally Sensitive Habitat Areas

Section 30250(a) of the Coastal Act states, in applicable part:

> *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

Coastal Act Section 30250(a) requires that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward existing developed areas where services are provided and potential impacts to resources are minimized. Outside of existing developed areas, new development must nonetheless be located in areas with adequate public services and where no significant direct or cumulative adverse impacts to coastal resources would result.

Section 30231 of the Coastal Act also requires that:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

In addition, Section 30240 of the Coastal Act directs:

> *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
>
> *(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The project site is located within the *Pacific Shores* subdivision, a large, rural antiquated subdivision comprised of over 1,500 roughly one-half-acre lots with no developed community service and public utility infrastructure, only minimal road improvements, and situated a substantial distance from police, fire, and ambulance emergency service responders. Several significant environmentally sensitive areas lie within or in close proximity to the project site, namely seasonal wetlands and estuarine areas. In addition, given its near sea-level elevation, the parcel and the connecting roadways serving the lot is subject to seasonal inundation by the waters of the coastal lagoon known as Lakes Earl/Talawa.

The installation of the proposed water supply and wastewater disposal site improvements to facilitate occupation of the recreational vehicles as a residential use is inconsistent with the new development policies of the Coastal Act from a variety of perspectives. First, the project description does not include a request to authorize placement of recreational vehicles on the property and the grading, fill and/or vegetation removal necessary for this. To avoid piecemeal development, the Commission generally does not authorize development that serves to support a primary use until the primary use is proposed and analyzed. Since no primary residential use is proposed by the applicant, the ancillary development to provide a water supply and wastewater disposal and the impacts they would have on coastal resources, are not justified.

Second, if the application is considered a proposal for residential development, it would not be located in an area with adequate public services for providing an adequate potable water supply for supporting long-term residential use at the property and where installation of a private individual water system would not have significant adverse effects on coastal resources, inconsistent with Section 30250 of the Coastal Act. No municipal water supply is available to serve the property. Although located within an established community services district, the Pacific Shores California Subdivision Water District has not developed water infrastructure to serve the subdivision.

The applicant proposes to install a gasoline-powered water pump and storage tank of undisclosed size at the project site. Explicit statements within the application that no well drilling is being proposed and indicating that the source of the water supply would be from a “creek” at an undisclosed location on “Department of Fish and Game” property implies that the applicant intends to import water to the site from a nearby surface water source on adjacent state fish and wildlife refuge lands.

However, the only mapped watercourse within close proximity to the project parcel is an embayment off of Lake Talawa. Because of the lagoon's periodic opening to the Pacific Ocean, this waterbody fluctuates between saltwater and brackish water throughout the year. In addition, notwithstanding the salinity content, due to the presence of cattle grazing and other agricultural land uses within the Lake Earl basin, water drafted from Lake Earl would not be potable without extensive water treatment to remove sediment

and coli-form bacteria introduced into this water by these land practices. Moreover, the applicant has not demonstrated any rights to enter into lands under the control of the California Department of Fish and Game, or that they have secured a water rights allocation from the State Water Resources Control Board to divert water from Lake Earl/Talawa. Thus the Commission finds that the applicant's proposal for water supply is not a feasible, legal means for providing domestic water supply for residential use of the property and is not consistent with Section 30250 of the Coastal Act.

Third, similar to the difficulties inherent with the proposed water supply, the applicant does not demonstrate how the proposed residential development would be located in an area with adequate services for providing safe and reliable wastewater disposal to support residential occupancy at the site and where use of an on-site septic disposal system would not have significant adverse effects on coastal resources, inconsistent with Section 30250 of the Coastal Act.

As regards possible connection to a public sewer, although located within an established community services district, the Pacific Shores California Subdivision Water District has not developed water or sewage disposal infrastructure. Moreover, developing a community sewer system to serve the area is highly improbable. Even under a theoretical ultimate development scenario involving the full build-out of all of the remaining 940 privately-owned lots within the *Pacific Shores* subdivision that have not been purchased by public agencies, with a resulting overall density of only two dwellings per acre, assessments for paying the bonded capital improvement indebture associated with constructing a publicly-owned wastewater treatment plant, together with the *pro rata* share of fees to generate revenues necessary for the ongoing operation and maintenance of such a system render the option of a community sewer system economically infeasible.[4]

In 1971, as delegated under the Federal Clean Water Act and the Porter-Cologne Water Quality Act (CWC §13000 *et seq.*), the California Regional Water Quality Control Board adopted requirements for individual onsite sewage disposal "septic" systems in the Basin Plan. These siting and construction requirements include minimum vertical and horizontal separation between septic system components and the highest anticipated surface and groundwater, respectively, and minimum and maximum percolation rates for soils beneath septic system leach fields to ensure their proper functioning. These standards were in-turn adopted locally by the County of Del Norte to allow the Regional Board to delegate individual onsite sewage disposal system permitting authority to the County (see Exhibit No. 6).

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[4] Further discussion regarding the infeasibility of development of a centralized publicly-operated treatment works can be found in the administrative record for the recent-decision in *Tolowa Nation, et al., v. California Department of Fish and Game, et al.*, County of Del Norte Superior Court Case No. 04 CS 01254.

The applicant proposes the sole use of a "septic tank" as the disposal system for sewerage generated from residential use at the site. No evidence of County review or approval of the septic disposal system was submitted with the application. In addition, no information was included in the application as to whether the septic tank would essentially function as a low-capacity storage holding tank that would be periodically pumped by a licensed sewage hauler, or if the tank would serve in the conventional role of providing a chamber in which the separation of waste solids and their anaerobic digestion would occur, with the resulting decanted effluent being in turn conveyed to some form of leachfield system, to be install at an undisclosed location on the parcel, wherein the residual nutrients within the wastewater would undergo further biological treatment and ground infiltration.

The former represents an impermissible form of sewage disposal, prohibited under both state water quality standards and local ordinance as Section 14.12.060.K of the Del Norte County Code prohibits the use of holding tank systems for long-term residential uses. The latter is similarly problematic, as it is highly doubtful that even an above-grade, so-called "Wisconsin Mound" leachfield system with a time-release "dosage" pump would meet the minimum state and local standards for such treatment facilities for supporting long-term residential use of the property, given the site's low elevation relative to the lagoon's surface level, the high permeability of the underlying sandy soils, and the shallow and/or perched groundwater conditions common throughout the *Pacific Shores* subdivision. The Pacific Shores Subdivision Special Study (July 1989) found that the RWQCB requirement for sewage disposal in fast percolating material of 30 feet of separation from the leachfield to the water table would make it impossible to install leachfields anywhere in the *Pacific Shores* Subdivision. Attempting leachfield disposal under such conditions would likely result in the release of untreated sewage into adjoining land areas that would pose human health risks to persons who might come in contact with these wastes.

Additionally, as the lot is situated an approximate elevation of only ten feet above sea level, the property lies within the 100-year floodplain, as illustrated on the Federal Emergency Management Agency's Flood Insurance Rate Maps No. 065025 0025B and C, dated January 24, 1983 and July 3, 1986, (+12 feet MSL base flood elevation). So located, the project parcel is susceptible to periodic flooding which would render a leachfield-based disposal system inoperable with the potential for any untreated sewage that may be stored within the septic tank and/or leachfield to be released into floodwaters during such inundation events. Accordingly, on-site sewage disposal on this property could have adverse impacts on water quality and would not be consistent with Section 30231 of the Coastal Act. Even if the applicant's proposal is construed as only including onsite sewage storage, this is not permitted under state and local authorities, and therefore does not constitute an adequate sewage disposal method for use on the property. Thus, the applicant's proposal does not provide adequate wastewater disposal and is not consistent with Section 30250 of the Coastal Act.

Regarding the potential for adverse impacts to coastal resources to result from the proposed new development, the majority of the land within the *Pacific Shores* subdivision, including areas on and in proximity to the project site, can be characterized as a coastal dune system, interspersed with emergent, scrub-shrub, and palustrine wetlands. These areas form a mosaic of environmentally-sensitive nesting, breeding, forage, and holding habitats for an assortment of threatened, endangered, fully-protected, and/or rare plants and animals, including American Peregrine Falcon (Falco peregrinus anatum), White-tailed Kite (Elanus leucurus), Willow Flycatcher (Empidonax traillii), Oregon Silverspot Butterfly (Speyeria zerene hippolyta), and Wolf's Evening Primrose (Oenothera wolfii) (see Exhibit No. 7, "Excerpts, Lake Earl Wildlife Area Environmental Impact Report.") The installation and use of the proposed water supply, wastewater storage/treatment, and power-generation facilities has the potential to cause adverse individual and cumulative effects on sensitive coastal resources in several ways.

First, assuming rights-of-entry and water rights allocations could be obtaining from the involved state agencies, running the water pump line from the parcel's likely building sites near the lot's Tell Boulevard frontage through the forested wetlands fringing the Lake Earl/Talawa coastal lagoon, and the ongoing need to re-position the pump inlet in response to the varying freshet water levels, would result in soil compaction, denuding of ground cover, and the introduction of sediment in runoff that could damage any rare plant species along the waterline route and shallow aquatic habitat within the estuary margins by the frequent incursions of persons and equipment into these sensitive areas required to maintain such a facility.

Second, the release of untreated sewage from an inadequate-designed septic system would cause water quality impacts to sensitive wetland ESHA through the release of nutrient-rich effluent into the waters and adjacent riparian areas of the Lake Earl/Talawa coastal lagoon, potentially contributing to eutrophication and increased biological oxygen demand, with a corresponding incremental decrease in dissolved oxygen levels in portions of the water body that provide habitat to a variety of endangered and threatened fish and aquatic organisms.

Third, the proposed operation of the un-mufflered, gasoline-powered water pump and welding generator would cumulatively introduce noise into the area that would degrade the habitat afforded to the various avian species by the open grassland and forested wetland areas on and near the site.

Finally, the resulting long-term residential occupancy of the site that the proposed water, wastewater, and electrical amenities would facilitate would allow a human presence to be established on essentially undeveloped rural land where no residential occupation currently exists. The proposed development would facilitate highly visible recreational vehicles, accessory structures, lighting, and intensified human activities at the site that are inconsistent with the current surrounding land uses. Additionally, if similar development were proposed for other sites in the area, cumulative impacts on wildlife habitat and

wildlife utilization of the area surrounding these parcels would result, in addition to cumulative impacts on other coastal resources.

Therefore, the Commission finds that the project is inconsistent with Coastal Act Section 30250(a) in that proposed development is not located: (1) within, contiguous with, or in close proximity to, existing developed areas able to accommodate it; or (2) where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects on coastal resources, and must be denied. The Commission also finds that the project is inconsistent with Sections 30231 and 30240 because the proposed development would have adverse impacts on water quality and sensitive habitats.

D. Violation

As noted above, portions of the proposed project including the placement of the recreational vehicles brought to the site, and installation of the foundation for the gazebo, have occurred at the site in an area of the Commission's retained jurisdiction without the benefit of a coastal development permit.

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon Chapter 3 policies of the Coastal Act. Review of this permit application does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

E. California Environmental Quality Act

Section 13906 of the California Code of Regulation requires Coastal Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Public Resources Code Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would significantly lessen any significant effect that the activity may have on the environment.

As discussed herein, in the findings addressing the consistency of the proposed project with the Chapter 3 policies of the Coastal Act, the proposed project is not consistent with the policies of the Coastal Act that restrict require locating new development in areas with adequate services to accommodate the development and where the development would not have significant adverse effects on coastal resources.

Therefore, the Commission finds that the proposed project cannot be found consistent with the requirements of the Coastal Act and is not approved.

The Commission notes that its findings analyze the applicant's proposed development and do not purport to analyze all alternatives or whether permanent or temporary placement of a recreational vehicle that is self-contained, with its own water supply and waste disposal facilities, could be permitted at the property.

V. EXHIBITS

1. Regional Location Map
2. Vicinity Map
3. *Pacific Shores* Subdivision Overview Aerial Photograph
4. Project Site Aerial Photograph
5. Excerpts, Project Application – Enclosed Photographs
6. Excerpts, Del Norte County Code – Title 7 Health and Welfare, and Title 14 Buildings and Construction
7. Excerpts, Lake Earl Wildlife Area Environmental Impact Report
8. Lake Earl Feasibility Study Acquisition Program Progress Report Maps
9. Letter from Patty McCleary, Manager, Pacific Shores Conservation Project, dated February 4, 2006, received February 10, 2006

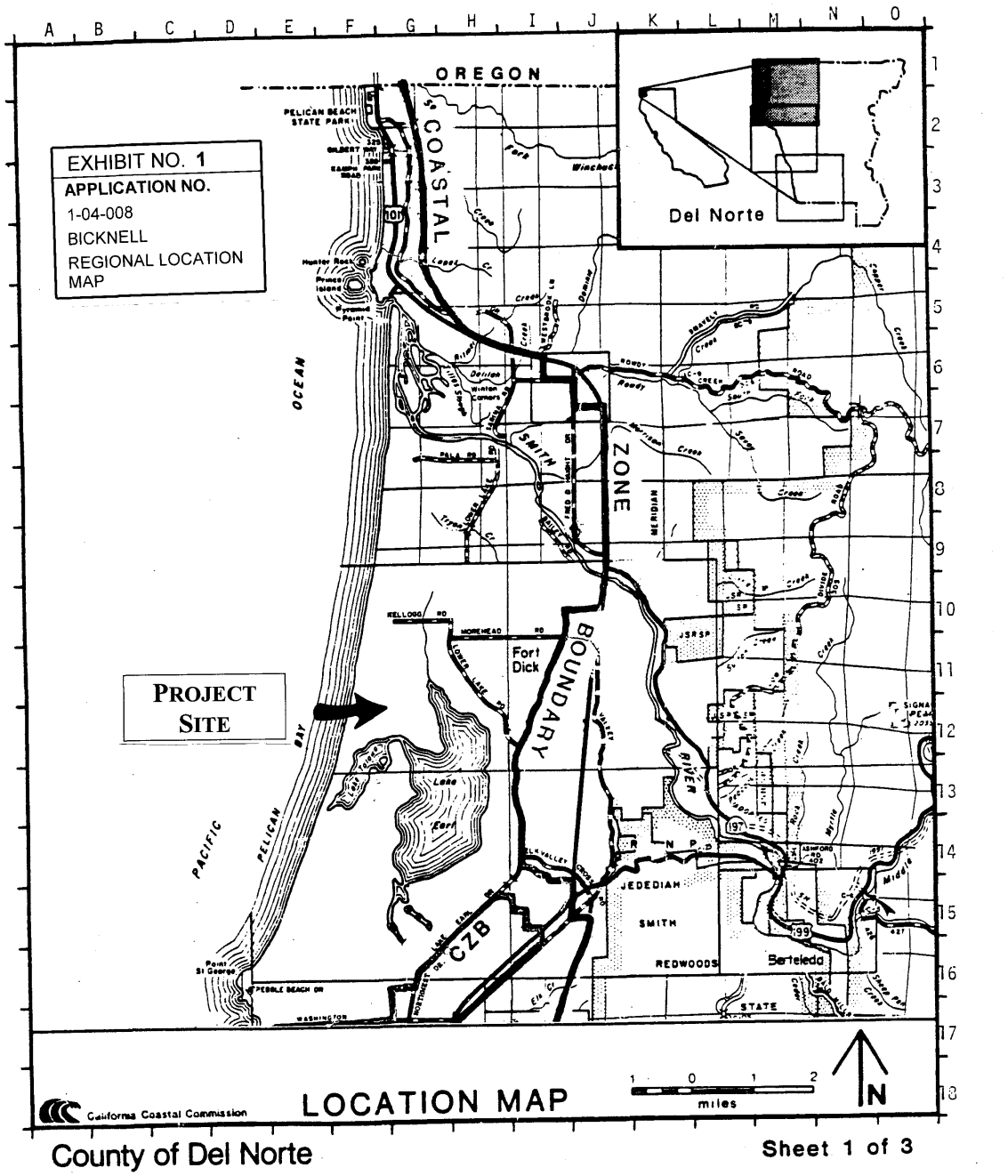
EXHIBIT NO. 1
APPLICATION NO.
1-04-008
BICKNELL
REGIONAL LOCATION MAP
OREGON
COASTAL ZONE
OCEAN
SMITH
BOUNDARY
PACIFIC
PELICAN BAY
Fort Dick
JEDEDIAH SMITH REDWOODS STATE
Del Norte
PROJECT SITE
CZB
LOCATION MAP
California Coastal Commission
1 0 1 2
miles
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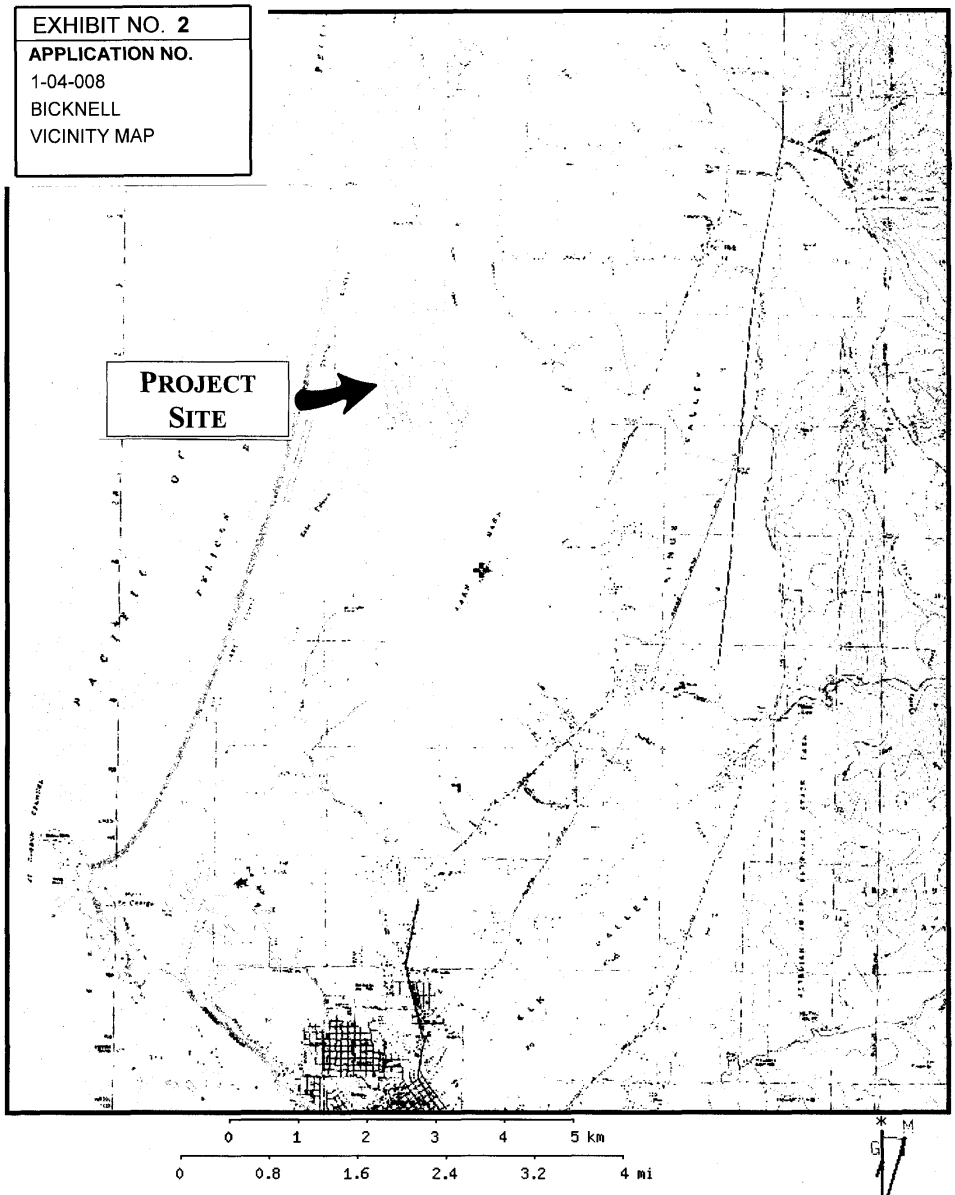
County of Del Norte
Sheet 1 of 3

EXHIBIT NO. **2**
APPLICATION NO.
1-04-008
BICKNELL
VICINITY MAP



Map center is UTM 10 401286E 4631103N (WGS84/NAD83)
CRESCENT CITY quadrangle
Projection is UTM Zone 10 NAD83 Datum

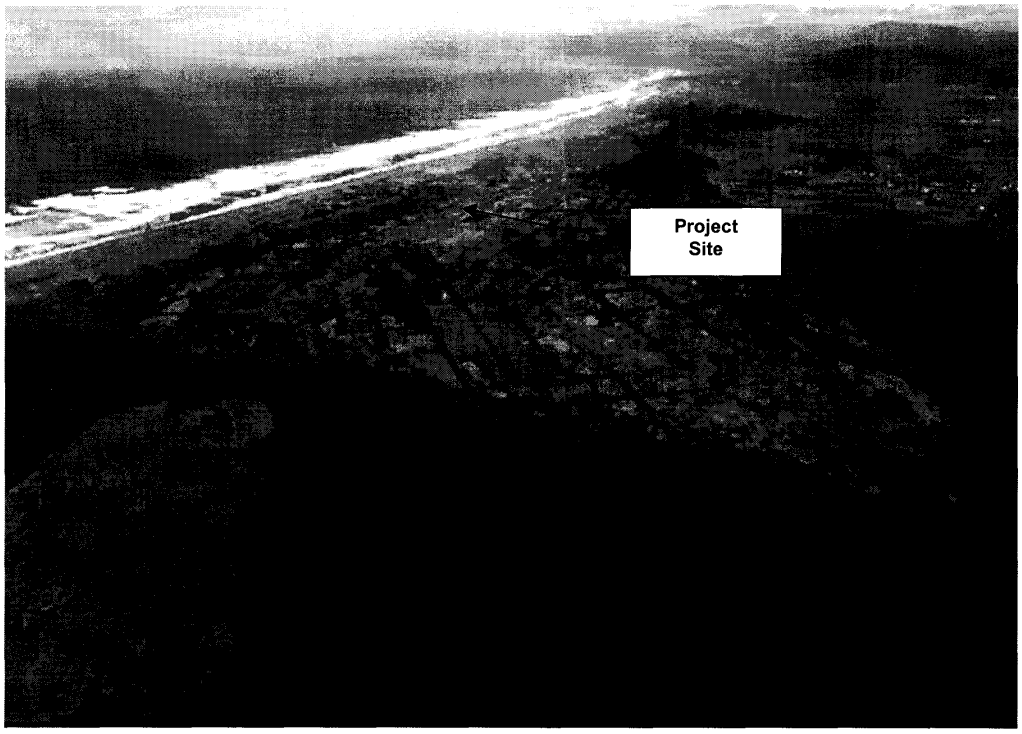


EXHIBIT NO. **3**
APPLICATION NO.
1-04-008
BICKNELL
PACIFIC SHORES
SUBDIVISION OVERVIEW
AERIAL PHOTOGRAPH

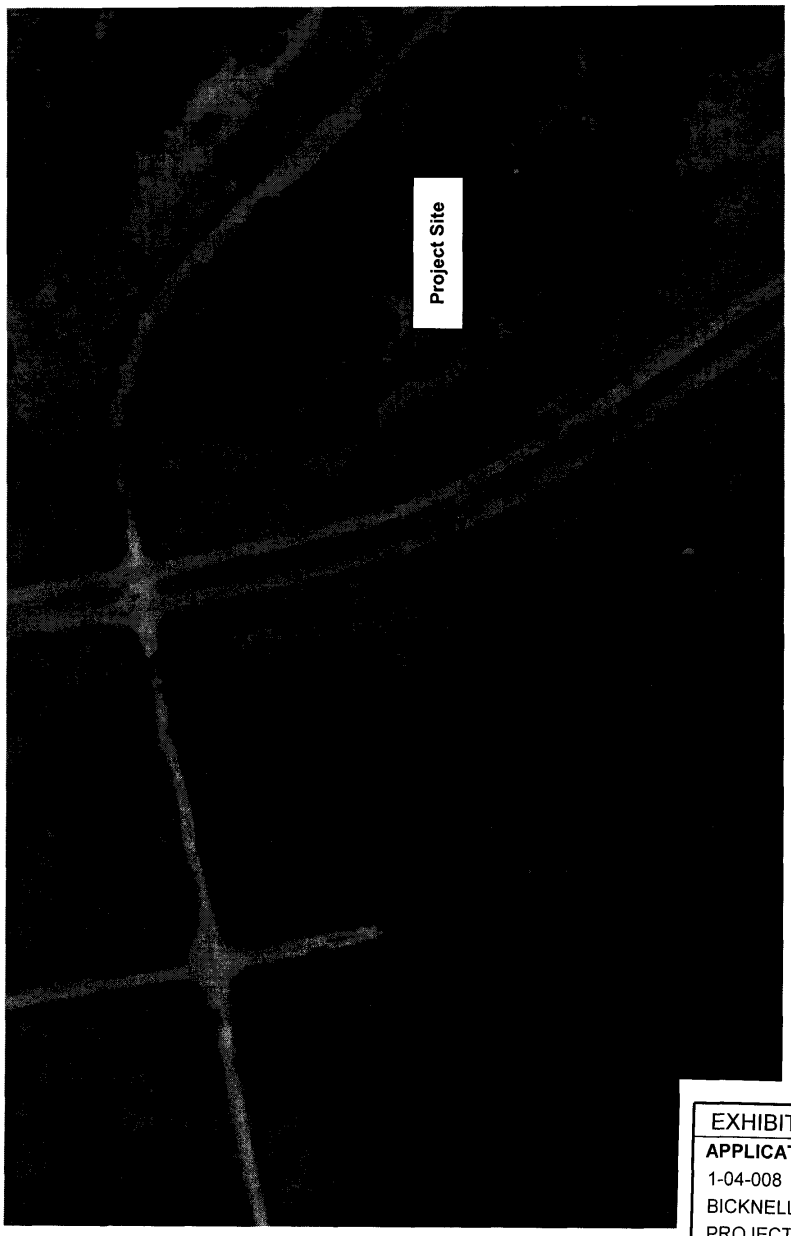
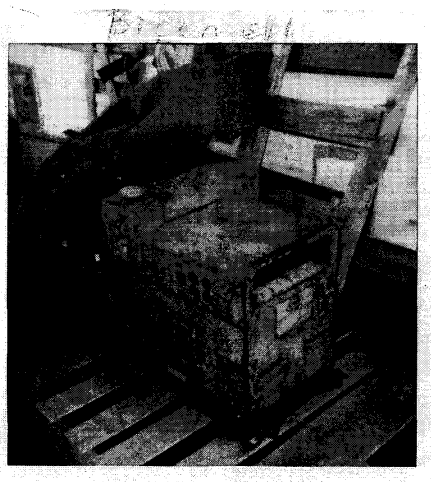


EXHIBIT NO. 4
APPLICATION NO.
1-04-008
BICKNELL
PROJECT SITE
AERIAL PHOTOGRAPH



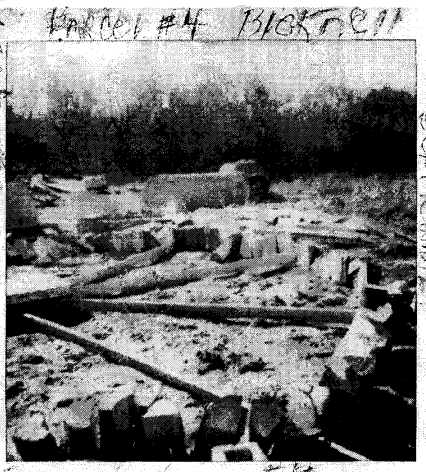


EXHIBIT NO. 5
APPLICATION NO.
1-04-008
BICKNELL
EXCERPTS, PROJECT APPLICATION–ENCLOSED PHOTOGRAPHS

Title 7 - Health and Welfare

Chapter 7.09 Recreational Vehicles and Tents

7.09.110 Purpose

The purpose of this chapter is to enhance the appearance of the county by limiting the proliferation of recreational vehicles and tents being used for temporary lodging on a protracted basis which constitute a visual blight and reduces the quality of life within the county to the extent that the overall public health is detrimentally affected. (Ord. 97-12 § 2 (part), 1997.)

7.09.120 Definitions

As used in this chapter

"Development permit" means and includes, but shall not be limited to, a valid building permit or other valid permit acquired for the development of property for residential purposes, and any other valid permit obtained for the development of property as defined in Section 21.04.195, both within and outside of the coastal zone.

"Enforcement official" means any officer or department head of the county or other public agency charged with the duty of enforcing county ordinances or laws of the state.

"Recreational vehicle" means and includes, but shall not be limited to, a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, and which is either self-propelled, truck-mounted, or designed to be towable on the highways. For purposes of this chapter, "recreational vehicle" shall also include tents which may or may not be designed to be towable on the highways. (Ord. 97-12 § 2 (part), 1997.) …

7.09.210 Prohibited activity

A. ***It is unlawful for any person to occupy or use any recreational vehicle, or attempt to occupy or use any recreational vehicle for purposes of sleeping or lodging on private or public property, unless otherwise excepted in this chapter, in the unincorporated area of Del Norte County for any period of time in excess of fourteen consecutive days during any thirty day period without first obtaining a permit for such use from the community development department.***

B. It is unlawful for any person to occupy or use any recreational vehicle, or attempt to occupy or use any recreational vehicle for purposes of sleeping or lodging on private property in the unincorporated area of Del Norte County for any period of time without the written authorization of the legal owner of the parcel of property upon which the recreational vehicle is parked.

C. It is unlawful for any person to occupy or use any recreational vehicle, or attempt to occupy or use any recreational vehicle, for purposes of sleeping or lodging in any

parking lot on property with an approved parking capacity of over fifty vehicles. (Ord. 97-20 § 2, 1997; Ord. 97-12 § 2 (part), 1997.) ...

7.09.240 Permits

A. ***The community development department is authorized to issue permits for the use of recreational vehicles for a period of longer than fourteen days under the following circumstances:***

1. The registered owner or other person in legal possession of the recreational vehicle has a development permit relating to the property upon which the recreational vehicle is parked; and

2. Adequate and safe provisions have been made for water and sewage; and

3. If electricity is supplied to the recreational vehicle, the connections have been approved for purposes of safety by the county's building inspector.

B. No permit issued under this section shall be valid for more than one year, however, a new permit may be issued if development is occurring within the time frame required under the development permit.

C. The applicant shall pay a fee for issuance of the permit in the amount as from time to time established by the board of supervisors. (Ord. 97-12 § 2 (part), 1997.)

Title 14 - Buildings and Construction

Chapter 14.12 On-Site Sewage Disposal Systems

14.12.050 Permit or approval required

No on-site sewage disposal system shall be constructed, enlarged, altered, repaired, relocated, removed, or demolished unless a permit has been obtained from the county building inspection department. To obtain a permit and/or approval, the applicant must file an application in a written form. (Ord. 88-34 § 2 (part), 1988.)

14.12.060 General standards, prohibitions, requirements

A. Approved Disposal Required. All sewage shall be treated and disposed of in an approved manner.

B. ***Discharge of Sewage Prohibited. Discharge of untreated or partially treated sewage or septic tank effluent directly or indirectly onto the ground surface or into public waters constitutes a public health hazard and is prohibited.***

C. Discharges Prohibited. No cooling water, air conditioning water, water softener brine, oil, hazardous materials or roof drainage shall be discharged into any system.

D. ***System Capacity. Each system shall have adequate capacity to properly treat and dispose of the maximum projected daily sewage flow. The quantity of sewage shall be determined from Table B in Section 14.12.130***, or other information the county

determines to be valid that may show different flows. Such other information may include but not be limited to water meter readings, historical flow, etc.

E. Material Standards. All materials used in on-site systems shall comply with standards set forth in these rules.

F. Future Connection to Sewage System. In areas where a district has been formed to provide sewerage facilities, placement of house plumbing to facilitate connection to the sewerage system shall be encouraged.

G. ***Plumbing Fixtures Shall Be Connected. All plumbing fixtures in dwellings and commercial facilities from which sewage is or may be discharged, shall be connected to, and shall discharge into an approved on-site system***.

H. Replacement Area. Except as provided in specific rules, system replacement area shall be kept accessible, free of vehicular traffic and soil modification.

I. Operation and Maintenance. All systems shall be operated and maintained so as not to create a public health hazard or cause water pollution.

J. ***Cesspools. The use of cesspools and seepage pits for on-site treatment and disposal shall be prohibited.***

K. ***Holding Tanks. The use of holding tanks shall be prohibited except where the regional board or county health officer determines that:***

1. ***It is necessary to abate an existing nuisance or health hazard; or***
2. ***The proposed use is within a sewer service area, sewers are under construction or contracts have been awarded and completion is expected within two years, there is capacity at the wastewater treatment plant and the sewering agency will assume responsibility for maintenance of the tanks; or***
3. ***It is for use at a campground or similar temporary public facility where a permanent sewage disposal system is not necessary or feasible and maintenance is performed by a public agency.***

L. Lot/Parcel Size. It is the general policy of the county that all new parcels proposed for on-site sewage systems shall have a minimum of twenty thousand square feet of usable area, unless it is demonstrated that a smaller lot size will conform with the provisions of this chapter and any potential cumulative effects on groundwater or surface water have been evaluated and considered. In all cases the minimum lot size/parcel size must conform with other county ordinances and the adopted general plan.

M. Property Lines Crossed. An on-site sewage treatment and disposal system shall be installed or proposed to be installed on the same parcel of land upon which the waste is being generated, and such land shall be the land of the owner of the system. When property lines are to be crossed or proposed to be crossed, a variance shall first be obtained. Variances for systems which cross property lines may only be considered when engineering investigation and design prove possible compliance with this chapter and the provisions of Chapter 20.54, Variances. Procedures for granting of variances shall be as set forth in Chapter 20.54. When a variance is granted to cross a property line, the county may impose conditions of approval which may include the following:

1. A recorded permanent utility easement and covenant against conflicting uses, in a form approved by the county, is required whenever a system crosses a property line. The easement must accommodate that part of the system, including setbacks, which lies beyond the property line, and must allow entry to install, maintain and

repair the system and agreeing not to put that portion of the other lot or parcel to a conflicting use; and

2. Whenever an on-site system is located on one lot or parcel and the facility it serves is on another lot or parcel, the owner shall execute and record in the county land title records, on a form approved by the county, an easement and a covenant in favor of the county, and allowing its officers, agents, employees and representatives to enter and inspect, including by excavation, that portion of the system, including setbacks, on the other lot or parcel.

N. Temporary/Portable Toilets. Chemical or other acceptable portable toilets may be used for temporary or limited use such as recreational events, farm labor, construction sites, or public gatherings/ events; provided, the pumping or cleaning of the portable toilet is the contractual responsibility of the sewage disposal service providing the portable toilet. Each portable toilet shall display the name of the business that is responsible for servicing the unit. (Ord. 88-34 § 2 (part), 1988.)

14.12.080 Design criteria

A. ***Septic Tank. Septic tank size requirement and design shall be based on the current edition, adopted by the county, of the International Association of Plumbing and Mechanical Officials (IAPMO) Uniform Plumbing Code, except that the minimum size tank for residential use shall be one thousand two hundred gallons, the tank shall have more than one compartment and shall have inlet and outlet "T's" or baffles.***

B. ***Leachfield System. For on-site systems of less than one thousand five hundred gallons per day (gpd), leachfield design and disposal area requirements shall be based upon the United States Public Health Services (USPHS) Manual of Septic Tank Practice (MSP). Those sections of the EPA Design Manual for on-site wastewater treatment and disposal systems that are equal to or more stringent than the basin plan and the MSP can be used for design and evaluation purposes.*** For on-site systems with greater than one thousand five hundred gallons per day (gpd), sizing shall be approved by the regional board.

C. Construction. Construction of disposal field and septic tanks shall be in conformance with the current edition, adopted by the county, of the IAPMO Uniform Plumbing Code. The county may require and/or approve more detailed or modified specifications when conditions warrant. Data supporting the suitability of an alternative means of construction shall be submitted by the applicant.

D. ***Sewage Flows. When quantities of sewage flow are not known or cannot be accurately determined, Table B in Section 14.12.130 shall be used to estimate sewage flow. Table B shall take precedence unless the applicant's engineer provides specific justification for different flows.***

E. ***Setback Requirements. Minimum setback distances for individual waste treatment and disposal systems shall be as provided in Table A of Section 14.12.130.***

F. ***Standard Systems. Standard on-site waste treatment and disposal systems may be developed for use in soil zones which have been demonstrated to comply with the provisions of this chapter and are effective designs of on-site sewage treatment and disposal. Standard systems shall be adopted after a public hearing by the board of supervisors.***

G. Intercept Drains. The use of intercept drains to lower the level of perched groundwater in the immediate leachfield area shall be acceptable under the following conditions:

1. Natural ground slope is greater than five percent;
2. Site investigations show groundwater to be perched on bedrock, hardpan, or an impermeable soil layer,
3. The intercept drain extends from ground surface into bedrock, hardpan, or the impermeable soil layer.

In no case shall the pervious section of an intercept drain be located less than fifteen feet upgradient or fifty feet laterally from any septic tank or leachfield, or twenty-five feet from any property line. Where all of the above conditions cannot be met, detailed engineering plans must be supplied or actual performance of the intercept drain demonstrated prior to approval.

H. Fills. The use of fills to create a leachfield cover shall be acceptable under the following conditions:

1. Where the natural soils and the fill material meet the evaluation criteria as described in Section III of the North Coast Regional Water Quality Control Board water quality control plan;
2. Where the quantity and method of fill application is described;
3. Where the natural slope does not exceed twelve percent;
4. Where site investigations by a registered geologist, registered sanitarian or registered civil engineer demonstrate that placement of fill will not aggravate slope stability or significantly alter drainage patterns or natural watercourses. The investigations are to be included in a report which contains engineered plans as well as a specific evaluation of the suitability of the system to accept wastewater and protect water quality:
5. Leachfield sizing shall be based on the most limiting soil type within the filled area;
6. Leachlines for wastewater disposal shall be placed entirely within natural soils. Except that fill material which has been in place for a sufficient period of time and otherwise has been demonstrated to meet site suitability criteria may be allowed. Fill material shall not be used to create a basal area for alternative systems or mounds.

I. Alternative Systems. Systems which have been demonstrated to the regional board to function in such a manner as to protect water quality and preclude health hazards and nuisance conditions may be approved by the county.

1. Mounds. Where site conditions are determined to be suitable, use of mounds for wastewater disposal may be considered. The mound design shall be based on current edition of the Design and Construction Manual for Wisconsin Mounds, Small Scale Wastewater Management Project, University of Wisconsin. Mound systems are subject to a program of maintenance which may include the requirement of a legally responsible entity.
2. Pit Privies. Pit privies may be utilized for sewage disposal on sites in rural areas which are designated by the board of supervisors for such use.

J. Compliance Certificate. Each submittal for a new installation shall contain a statement by the preparer stating that the submitted design complies or fails to comply

with the provisions of this chapter and such statement shall contain a "wet signature" across the registration of the preparer issued by the state.

K. Qualifications Necessary of Person Preparing On-Site Waste Treatment and Disposal System Designs. One of the following registrations with the state is required of the person(s) preparing an on-site waste treatment and disposal system design:

1. California Registered Civil Engineer.
2. California Registered Sanitarian. (Ord. 88-34 § 2 (part), 1988.) ...

14.12.130 Appendix

Table A, minimum setback distances, and Table B, quantities of sewage flows, are set out as follows:

TABLE A
MINIMUM SETBACK DISTANCES

Item Requiring Setback	Sewage Disposal Area (including replacement area in feet)	Septic Tank and other treatment units (in feet)
Property Lines	10	10
Water line	10	10
Foundation lines of building, including outbuildings	10	5
Wells	100	100
Perennial flowing stream[1]	100	100
Ephemeral stream[2]	50	50
Ocean, lake, reservoir[3]	***100***	***50***
Cut bank, bluffs and sharp changes in slope	25[4]	25

[1] As measured from the line which defines the limit of the ten-year flood.
[2] As measured from the edge of the watercourse.
[3] ***As measured from the high water line.***
[4] Where soil depth or depth to groundwater below the leaching trench are less than five feet, a minimum setback distance of fifty feet shall be required.

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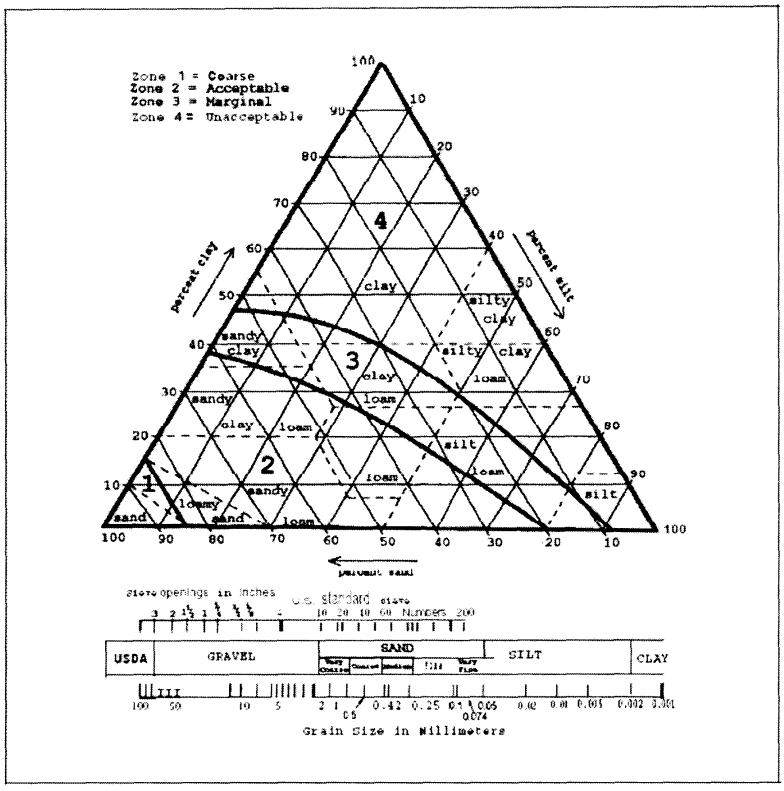
TABLE B
QUANTITIES OF SEWAGE FLOWS

Type of Establishment	Minimum Gallons per Establishment Day	Gallons per Day
Airport	5 (per passenger)	150
Bathhouses and swimming pools	10 (per person)	300
Camps: (4 persons per camp site, where applicable)		
Campground with central comfort stations	35 (per person)	700
With flush toilets, no showers	25 (per person)	500
Construction camps (semi-permanent)	50 (per person)	1,000
Day camps (no meals served)	15 (per person)	300
Resort camps (night and day) with limited plumbing	50 (Per person)	1000
Luxury camps	100 (per person)	2000
Churches	5 (per seat)	150
Country clubs	100 (per resident member)	2000
Country clubs	25 (per nonresident member)	---
Dwellings:		
Boarding houses	150 (per bedroom)	600
Additional for non-resident borders	10 (per person)	---
Rooming houses	80 (per person)	500
Condominium, multiple - family dwellings (including apartments)	150 (per bedroom)	900
Single-family dwellings	***300 (not exceeding 2 bedrooms)*** 450 with more than 2 bedrooms 75 (for third and each succeeding bedroom)	***450***
Factories (exclusive of industrial wastes)	35 (per person per shift)	300 with shower facilities
Factories (exclusive of industrial wastes)	15 (per person per shift)	150 without shower facilities
Hospitals	250 (per bed space)	2500
Hotels with private baths	120 (per room)	600
Hotels without private baths	100 (per room)	500

Institutions other than hospitals	125 (per bed space)	1250
Laundries, self-service	500 (per machine)	2500
Mobile home parks	250 (per space)	750
Motels (with bath, toilet, and kitchen wastes)	200 (per bedroom)	500
Motels (without kitchen)	80 (per bedroom)	400
Picnic parks (toilet wastes only)	5 (per picnicker)	150
Picnic parks (with bath-houses, showers and flush toilets)	10 (per picnicker)	300
Restaurants	40 (per seat)	800
Restaurants (single-service)	2 (per customer)	300
Restaurants (with bars and/or lounges)	50 (per seat)	1000
Schools:		
Boarding	100 (per person)	3000
Day without gyms, cafeterias, and showers	15 (per person)	450
Day, with gyms, cafeterias and showers	1-5 (per person)	750
Day, with cafeteria, but without gyms or showers	20 (per person)	600
Service stations	10 (per vehicle serviced)	500
Swimming pools and bathhouses	10 (per person)	300
Theaters:		
Movie	5 (per seat)	300
Drive-in	20 (per car space)	1000
Travel trailer parks (without individual water and sewer hookups)	50 (per space)	300
Travel trailer parks (with individual water and sewer hookups)	100 (per space)	500
Workers:		
Construction (as semi-permanent camps)	50 (per person)	1000
Day, at schools and offices	15 (per shift)	150

(Ord. 88-34 § 2 (part), 1988.)

Note: ***Italicized Bold Underlined*** Emphases added.


Zone 1 = Coarse
Zone 2 = Acceptable
Zone 3 = Marginal
Zone 4 = Unacceptable
percent clay
percent silt
percent sand
clay
silty clay
sandy clay
loam
silty
sandy
silt
sand
Sieve openings in inches
U.S. standard sieve
Numbers
USDA
GRAVEL
SAND
SILT
CLAY
Grain Size in Millimeters

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process that occurs during downstream migration and acclimation to s species (steelhead and coho, but especially the chinook, for which est occupy a considerable period). Only in recent years has an increased understanding of the apparent importance of estuarine rearing conditions arisen because of motivation to arrest the continued decline in salmonid populations in the Pacific Northwest. While not a specific focus of the Management Plan or this EIR, the role of estuaries in the life cycles of other fish species has been described (Barnhart and others 1992).

A complete description of recent fisheries science regarding the importance of estuaries for young Pacific Northwest salmonids is beyond the scope of this EIR, especially given that Lake Earl appears to play a rather limited estuarine habitat role for listed salmonids. A general description of the importance of estuarine habitat for salmonids is included in Appendix A to Amendment 14 to the Pacific Coast Salmon Plan of the Pacific Fishery Management Council; this document is incorporated by reference.[5] As noted in the species summary for coho above, however, Appendix A to Attachment 14 may not fully address the role of estuaries in the life history of coho in California, where estuarine habitat may be an area of prolonged rearing.

4.1.1.3.3 Terrestrial Wildlife

The Management Plan describes a variety of wildlife species that are of management concern for the Department. The species listed in Table 4-3 have a regulatory status under the California or the federal Endangered Species Act. In addition, species that are "fully protected" pursuant to Fish & Game Code § 3511 are listed in Table 4-3. A number of additional species are described in the Management Plan owing to their status as "species of special concern" for the Department (Table 4-4); these species are not individually addressed in this EIR, because the Department believes that their habitat needs are substantially addressed by the habitat needs of the species that are addressed. The descriptions of these species from the Management Plan are incorporated into this EIR by reference.

Table 4-3. Terrestrial Wildlife Species Occurring in the Project Area Listed Under Federal or State Endangered Species Acts.6

Taxonomic Name	Common Name	Federal/State ESA Status	Federal Critical Habitat?
Insects			
Speyeria zerene hippolyta	Oregon Silverspot Butterfly	FT / --	Yes
Birds			
Pelecanus occidentalis californicus	California Brown Pelican	FE / CE (FP)	No
Branta canadensis leucopareia	Aleutian Canada Goose	FD / --	--
Elanus leucurus	White-tailed Kite	-- / -- (FP)	--

5 This informative document may be reviewed on the Pacific Fishery Management Council website: **http://www.pcouncil.org/Salmon/a14efh/efhindex.html**.

6. These listings may be reviewed at the state's listing of "Special Animals," dated July 2001; this is posted at: **http://www.dfg.ca.gov/whdab/html/lists.html.**

Taxonomic Name	Common Name	Federal/State ESA Status	Federal Critical Habitat?
Haliaeetus leucocephalus	Bald Eagle	FD / CE (FP)	--
Falco peregrinus anatum	American Peregrine Falcon	FD / CE (FP)	--
Charadrius alexandrinus nivosus	Western Snowy Plover	FT / --	Yes
Empidonax traillii	Willow Flycatcher	-- / CE	--
Riparia riparia	Bank Swallow	-- / CT	--
Mammals			
Eumetopias jubatus	Stellar's Sea Lion	FT / --	Yes

FD Federal Delisted; remains subject to federal regulatory concern
FE Federal Endangered
FT Federal Threatened
CE California Endangered
CT California Threatened
FP "Fully Protected" pursuant to California Fish & Game Code § 3511

Table 4-4. Terrestrial Wildlife Species of "Special Concern" in the Lake Earl Wildlife Area.

Taxonomic Name	Common Name
Amphibia	
Plethodon elongatus	Del Norte Salamander
Rana aurora aurora	Northern Red-legged Frog
Rana boylei	Foothill Yellow-legged Frog
Birds	
Gavia immer	Common Loon
Phalacrocorax auritus	Double-crested Cormorant
Pandion haliaetus	Osprey
Circus cyaneus	Northern Harrier
Accipiter striatus	Sharp-shinned Hawk
Accipiter cooperi	Cooper's Hawk
Falco columbarius	Merlin
Falco mexicanus	Prairie Falcon
Coturnicops noveboracensis	Yellow Rail
Asio flammeus	Short-eared Owl
Asio otus	Long-eared Owl
Athene cunicularia	Burrowing Owl
Progne subis	Purple Martin
Poecile atricapillus	Black-capped Chickadee
Dendroica petechia	Yellow Warbler
Icteria virens	Yellow-breasted Chat

4.1.1.3.3.1 Insects

Oregon Silverspot Butterfly: The Management Plan includes a text discussion with respect to the Oregon silverspot butterfly (*Speyeria zerene hippolyta*). The Oregon silverspot butterfly (OSB) is a coastally restricted subspecies of the Zerene fritillary, a widespread butterfly species in montane North America. It was listed as "Threatened" in 1980, as it has been extirpated from much of its former range between Washington and Northern California. Currently, there are only six OSB populations, located at Lake Earl, Del Norte County, California; Rock Creek-Big Creek and Bray Point in Lane County, Oregon; Cascade Head and Mt. Hebo in Tillamook County, Oregon; and Clatsop Plains in Clatsop County, Oregon. Coastal land development, invasion of aggressive exotic plants, fire suppression, and ecological changes within its habitat have been cited as reasons for the decline of this species.

Near Lake Earl and Tolowa the OSB occurs in stabilized coastal dune habitat. This habitat provides two key features, nectar sources for adult butterflies and caterpillar host plants for larval stages. OSB caterpillars depend primarily on the early blue violet (*Viola adunca*) and secondarily on the Aleutian violet (*V. langsdorfii*). The early blue violet occurs in grassy uplands and edges where there is sufficient soil moisture. Much of the suitable area for these violets has been invaded by European beach grass and is severely degraded. The Aleutian violet is found in seasonal wetlands and has declined as a result of a lack of the disturbance that inhibits natural plant succession from emergent to shrub/forested wetland types.

Adult butterflies utilize plants for nectar during the plants' blooming periods. Plants commonly used are members of the aster family and include Canada goldenrod (*Solidago canadensis*), dune goldenrod (*Solidago spathulata*), California aster (*Aster chilensis*), pearly everlasting (*Anaphalis margaritacea*), dune thistle (*Cirsium edule*), and yarrow (*Achillea millefolium*). Two invasive exotic species, tansy ragwort (*Senecio jacobaea*) and false dandelion (*Hypochaeris radicata*), also provide nectar sources.

The OSB's life cycle is tied to the life cycle of violets. Adult females lay eggs in low-growing vegetation near violets in late summer. The first larval stage individuals remain dormant in plant litter until the spring and the emergence of the violets. The larvae go through five more instar phases and one pupal stage before metamorphosing into adults during the period between July and September.

4.1.1.3.3.2 Birds

Brown Pelican: Brown pelicans are listed as "Endangered" under the federal Endangered Species Act and the California Endangered Species Act (and are "fully protected" under Fish & Game Code § 3511). This species nests in the Channel Islands of southern California, and along the Baja California coast and in the Gulf of California southward to coastal southern Mexico. The only breeding population in U. S. waters is the Southern California Bight (SCB) population, which consists of breeding birds on West Anacapa Island, Santa Barbara Island, Isla Coronado Medio, and Isla Coronado Norte. Between breeding seasons, pelicans from other populations join SCB birds in wandering along the west coast of North America as far north as British Columbia. Disease outbreaks affecting local populations of pelicans have been known as an endangerment factor for the

species, which is threatened by such outbreaks elsewhere. Other factors affecting this species include low productivity and colony failure, the dependence for food primarily on the northern anchovy, oil discharges and other spills from ships, the presence of relatively high levels of pesticides in the tissues of some pelicans, human and non-native-mammal disturbance at central California coast post-breeding roosts, physical injury and mortality due to fish hooks and entanglement of birds in abandoned fishing line, and El Niño events that cause pelican forage-fishes to move well offshore and away from pelican nesting islands.

Aleutian Canada Goose: The Aleutian Canada goose formerly was listed as "Threatened" under the federal Endangered Species Act. The federal government has delisted this subspecies, but the USFWS maintains a "watch" over the subspecies. Should the current positive population trend reverse, the federal government would issue additional regulations pursuant to the ESA.

The North Coast is a key fall and spring staging area in the annual migration of the geese between their breeding grounds in the Aleutian Islands and wintering areas in the Sacramento and San Joaquin valleys. These birds nest primarily on Buldir Island in the Aleutian chain. Highest abundances in the LEWA occur between February and May when several thousand birds may be seen feeding in pastures in and around the Wildlife Area. The birds migrate across the Gulf of Alaska, down the Oregon coast south to Lake Earl. From Lake Earl the birds pass over the Coast Range into the Sacramento Valley. The population of Aleutian geese is mostly transient; however, the entire flyway population stops at the LEWA for varying periods of time during migration.

White-tailed Kite: This species (a "fully protected species" under Fish & Game Code § 3511) has increased in abundance in the Lake Earl region in recent years. White-tailed kites are generally resident, although some evidence suggests that there are favored "wintering areas" in which abundances may be greatly increased locally. This species prefers open grasslands and pastures with limited cover of woody vegetation, in which nests typically are built during the breeding season. However, outside the nesting season the species uses small trees and large shrub clumps for nighttime roosts. Nests are usually tended by pairs, but following nesting this species may become gregarious, with a number of birds roosting colonially. Adults hunt on the wing for ground-dwelling prey such as small mammals, reptiles, amphibia, or large insects. Individuals may hover or "kite" before stooping to the ground.

Bald Eagle: The Bald eagle is listed as "Endangered" under the California Endangered Species Act and as a "fully protected species" under Fish & Game Code § 3511, but was proposed by the USFWS for delisting under the federal ESA in July of 1999. This species is an uncommon winter visitor to the Lake Earl region, and is now restricted to breeding mostly in Butte, Lake, Lassen, Modoc, Plumas, Shasta, Siskiyou, and Trinity counties.

This species requires large bodies of water, or free flowing rivers with abundant fish, and adjacent snags or other perches. It stoops from hunting perches, or from soaring flight, to pluck fish from water; however, it will wade into shallow water to pursue fish. Bald eagles may pounce on or chase injured or icebound waterbirds. In flooded fields eagles occasionally pounce on displaced voles or other small mammals. Groups may feed gregariously, especially on spawning fish. This species scavenges dead fish, water birds,

and mammals. Open, easily approached hunting perches and feeding areas are used most frequently. Eagles often perch high in large, stoutly limbed trees, on snags or broken- topped trees, or on rocks near water. They may roost communally in winter in dense, sheltered, conifer branches.

Peregrine Falcon: At Lake Earl the peregrine falcon (listed as "Endangered" under the California Endangered Species Act and as a "fully protected species" under Fish & Game Code § 3511) is an uncommon breeding resident, and is common as a winter migrant. Peregrine falcons often hunt over water for shorebirds and small waterfowl. In winter, peregrines are also found inland throughout the Central Valley, and occasionally known along the coast north of Santa Barbara, in the Sierra Nevada, and in mountains on the Channel Islands. Migrants occur along the coast and in the western Sierra Nevada in spring and fall. Riparian areas and coastal and inland wetlands are important habitats yearlong, especially in nonbreeding seasons. Coastal populations are increasing slowly.

Active nesting sites are known throughout northern California. Peregrines breed near wetlands, lakes, rivers, or other water on high cliffs, banks, dunes, or mounds. The nest is commonly a scrape or a depression on a ledge in an open site. The species will nest on human-made structures, and occasionally uses tree or snag cavities or old nests of other raptors.

Western Snowy Plover: This species is listed as "Threatened" under the federal Endangered Species Act; it does not have a listing status under California state law. In the fall and winter, snowy plovers are common on sandy marine and estuarine shores and isolated gravel bars all along the Humboldt and Del Norte county coast. Snowy Plovers forage primarily by gleaning insects and amphipods from the dry sands of upper beaches along the coast. They occasionally forage in wet sands for young sand crabs. At salt ponds and alkali lakes, they feed primarily on brine flies. Snowy plovers nest locally in these habitat types from April through August (known nesting locations will not be identified in this EIR).

Coastal breeding populations have suffered from impacts resulting from human disturbances and a loss of nesting habitat resulting from the invasion of exotic plant species into coastal nesting habitats. Inland nesting areas occur at the Salton Sea, Mono Lake, and at isolated sites on the shores of alkali lakes in northeastern California, in the Central Valley, and southeastern deserts. Plovers generally require a sandy, gravelly, or friable soil substrate for nesting. Nests typically are shallow depressions, sometimes lined with small pebbles, glass fragments, or gravel. Nests are frequently located near or under objects such as driftwood, rocks, or defoliated bushes. Nests also may be found on barren ground with little or no nearby cover.

Willow Flycatcher: The Willow Flycatcher is listed as "Endangered" under the California Endangered Species Act. Rare to locally uncommon, willow flycatchers are summer residents in wet meadow and montane riparian habitats between 2000 and 8000 feet in the Sierra Nevada and the Cascade Range, arriving in Northern California in May and June. Willow flycatchers prefer dense willow thickets for nesting and roosting. While relatively uncommon in the North Coast, willow flycatchers are relatively common spring and fall migrants in riparian habitats in much of the state, and formerly nested in willow thickets throughout most of lowland and montane California. This species builds an open

cup nest, and nests are frequently parasitized by brown-headed cowbirds, which may be related to the species' overall decline in abundance.

Bank Swallow: This species is listed as "Threatened" pursuant to the California Endangered Species Act. Bank swallows are neotropical migrants found primarily in riparian and other lowland habitats in California west of the deserts in the period between spring and fall. Swallow numbers peak by early May. In summer, they are restricted to riparian, lacustrine, and coastal areas with vertical banks, bluffs, and cliffs with fine-textured or sandy soils, in which nesting occurs. Bank swallows catch insects during long, gliding flights. They forage predominantly in open riverine and riparian habitat areas, but also forage in habitats dominated by scrub, grassland, wetlands, lakes and ponds, and cropland. Swallows feed on a wide variety of aerial and terrestrial soft-bodied insects.

It is believed that approximately 110-120 colonies remain within the state. As much as 75 percent of the current breeding population in California occurs along the Sacramento and Feather rivers. Locally a breeding colony is located north of Lake Earl on the banks of the Smith River. This species nests in holes excavated in cliffs and riverbanks, and is a colonially nesting species. Colonies range in size from 10 to more than 1500 pairs in California. Habitat required for nesting is fine-textured or sandy banks or cliffs in which adults dig horizontal nesting tunnels and burrows.

4.1.1.3.3.3 Mammals

Stellar's Sea Lion: Although population numbers are increasing on the Northern California coast the Stellar's (or northern) sea lion is listed as "Threatened" by the U.S. Fish and Wildlife Service under the federal Endangered Species Act and also is protected under the Marine Mammal Protection Act. Population declines in Southern California led to its listing, although it was the most abundant pinniped in southern California in the early 1900s. The entire California population was estimated at 1700 individuals in 1979 and at 4000 individuals in 1981.

Stellar's Sea lions forage opportunistically, singly or in large groups, in nearshore waters on a variety of fish, cephalopods, crustaceans, and other invertebrates. Sea lions forage near the outflow of Lake Earl and could potentially enter the lagoon complex during open periods; for this reason the species is included among the species addressed in this EIR. The species prefers offshore haulout and breeding sites with unrestricted access to water, near aquatic food supply in areas of minimal human disturbance; the species is disturbed or frightened by human presence.

4.1.1.3.3.4 Plants

No plant species that is listed as Rare, Threatened, or Endangered under the state or federal Endangered Species Act occurs at or near the Lake Earl Wildlife Area. However, several species that are considered as environmentally sensitive by the California Native Plant Society (CNPS) are known to occur in the vicinity (Table 4-5). These species are identified in the Management Plan; those accounts are incorporated by reference into this EIR. These species are inhabitants of dunelands and wetlands, and their habitats are addressed in this chapter; the Department believes that their habitat needs are

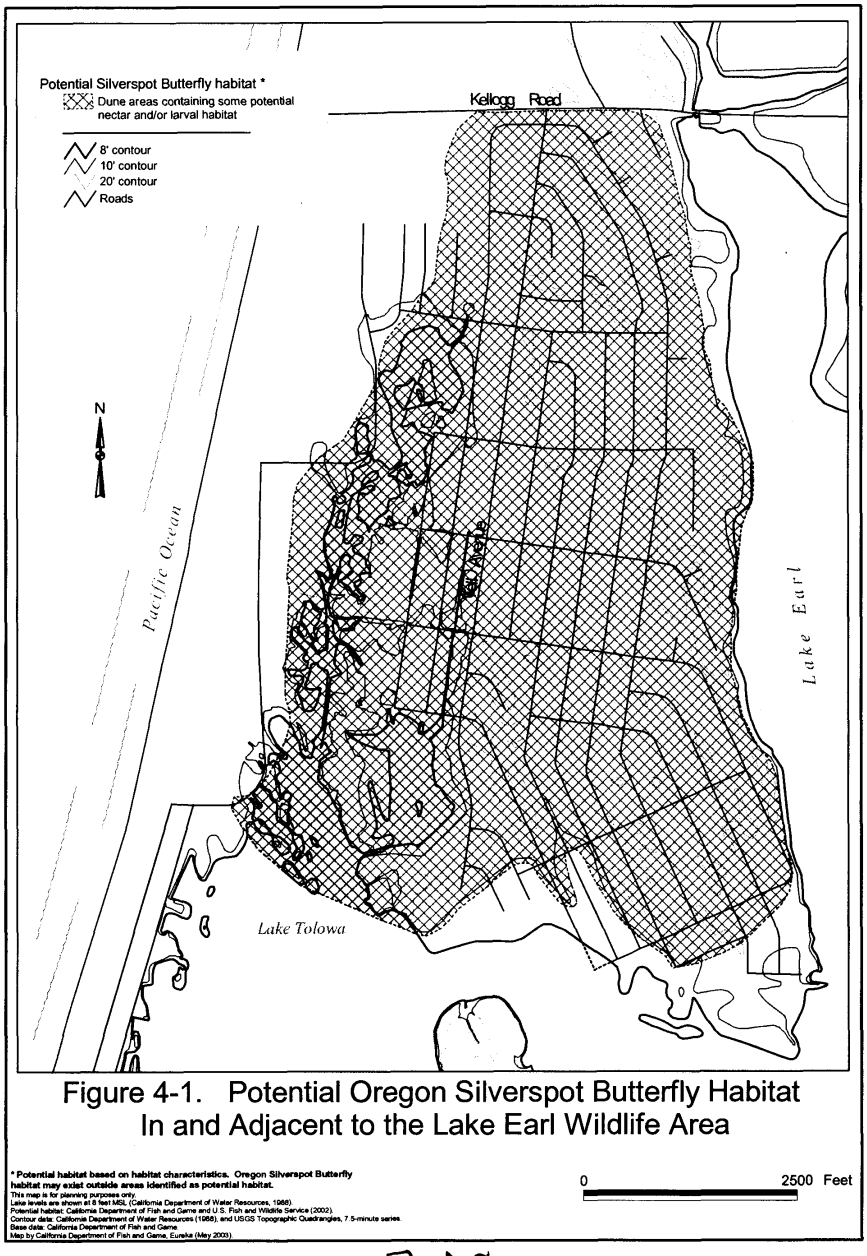


Figure 4-1. Potential Oregon Silverspot Butterfly Habitat In and Adjacent to the Lake Earl Wildlife Area

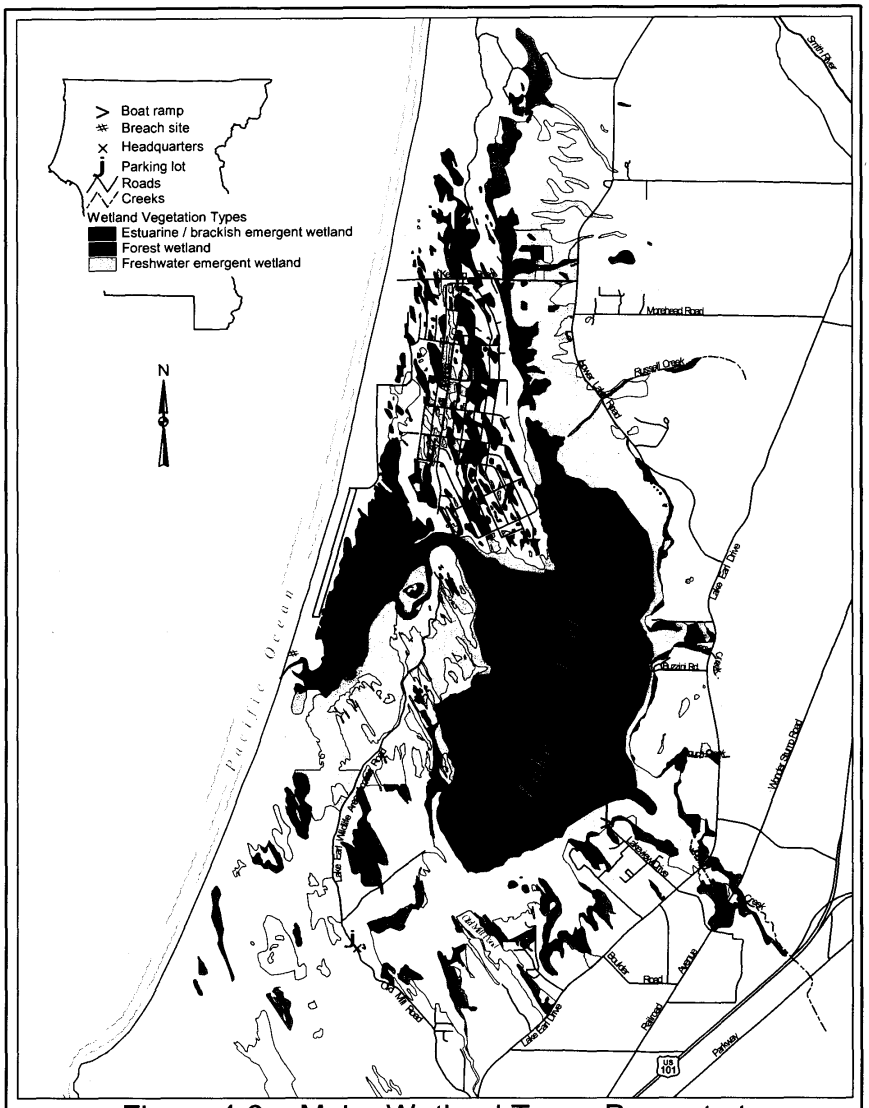


Figure 4-2. Major Wetland Types Present at Current Managed Water Surface Elevation (8'-10')

Also shows wetlands present for the preferred alternative (8-10'). Wetland maps at other alternatives would be considered similar to this map; however, data do not exist to map wetland types at the other alternatives.

This map is for planning purposes only.
Lake levels are shown at 8 feet MSL (California Department of Water Resources, 1988).
Vegetation: modified from Tetra Tech, Inc. (1999), Eicher (1988), and National Wetlands Inventory (1987), with aerial photograph verification.
Streams: California Department of Forestry and Fire Protection (2001).
Base data and facilities: California Department of Fish and Game.
Map by California Department of Fish and Game, Eureka (August 2002).

Scale 1:39320

0 2500 5000 7500 Feet

8 of 8

EXHIBIT NO. **8**
APPLICATION NO.
1-04-008 -- BICKNELL
LAKE EARL FEASIBILITY STUDY ACQUISITION PROGRAM PROGRESS REPORT MAPS (1 of 7)


Lake Earl Feasibility Study
A Project of Smith River Alliance
April 30, 2004
500 0 500 Feet
Lake Earl
Lake Tolowa
Pelican Bay
N

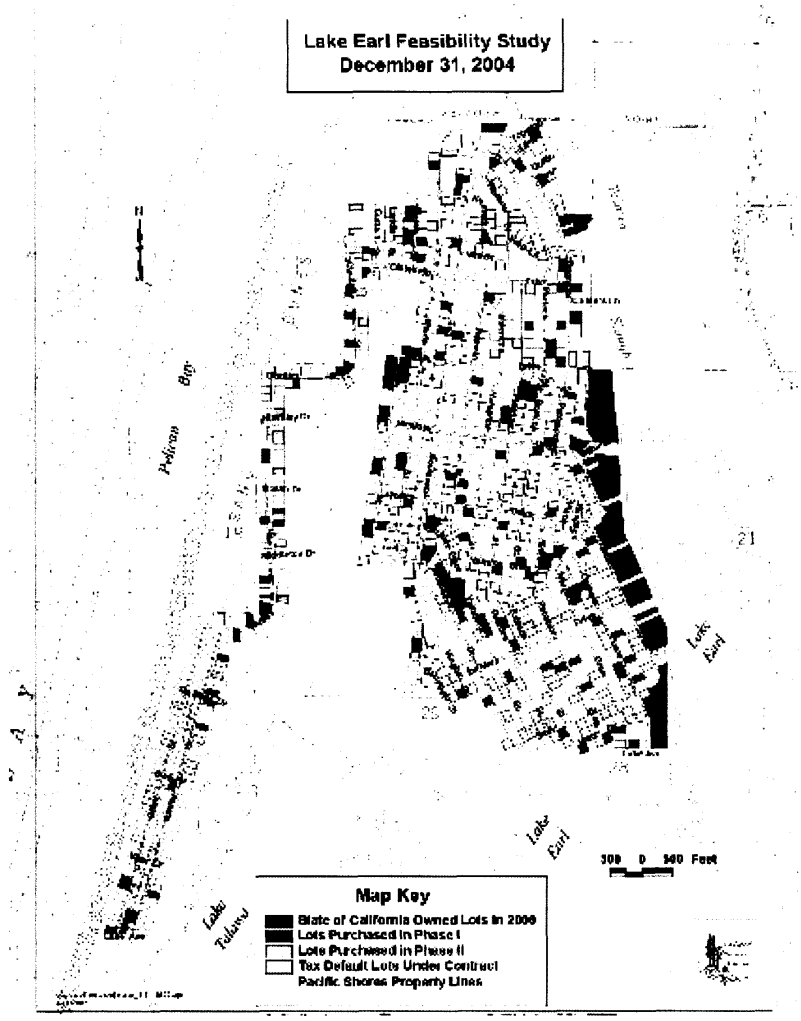
207


Lake Earl Feasibility Study
A Project of Smith River Alliance
December 31, 2004
Lake Earl
Lake Tidewater
Pelican Bay
500 0 500 Feet

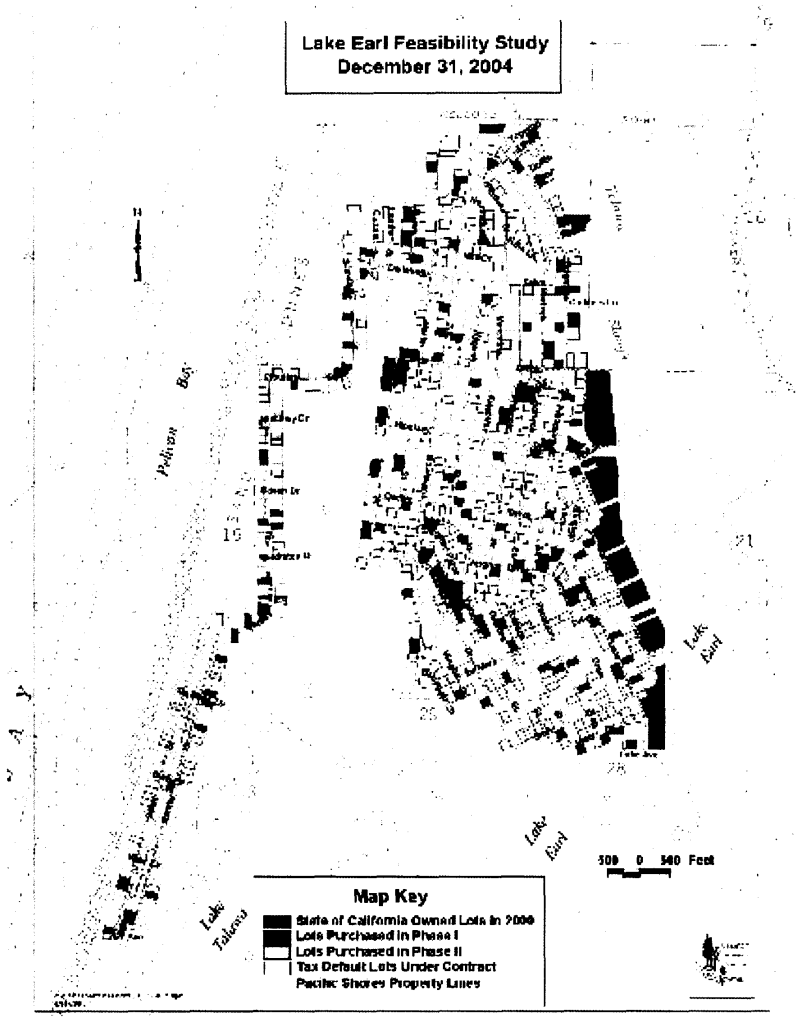
307


Lake Earl Feasibility Study
A Project of Smith River Alliance
June 30, 2005
Lake Earl
Lake Tolowa
Pelican Bay
500 0 500 Feet
N


Lake Earl Feasibility Study
A Project of Smith River Alliance
December 31, 2005
Lake Earl
Lake Tolowa
Pelican Bay
Ocean Dr
500 0 500 Feet


Lake Earl Feasibility Study
December 31, 2004
Map Key
State of California Owned Lots in 2000
Lots Purchased in Phase I
Lots Purchased in Phase II
Tax Default Lots Under Contract
Pacific Shores Property Lines
Lake Earl
Lake Tolowa
300 0 300 Feet

697


Lake Earl Feasibility Study
December 31, 2004
Lake Earl
Lake Tolowa
500 0 500 Feet
Map Key
State of California Owned Lots in 2004
Lots Purchased in Phase I
Lots Purchased in Phase II
Tax Default Lots Under Contract
Pacific Shores Property Lines

797

PACIFIC SHORES CONSERVATION PROJECT

A COOPERATIVE PROJECT OF THE WILDLIFE CONSERVATION BOARD, CALIFORNIA DEPARTMENT OF FISH AND GAME AND THE SMITH RIVER ALLIANCE

February 4, 2006

California Coastal Commission
45 Fremont St., Suite 45
San Francisco, California 94105

To Whom It May Concern,

Smith River Alliance (SRA), a non-profit conservation organization, and has been working to identify landowners in the Pacific Shores Subdivision interested in selling their lots to the State of California since July 2003. Pacific Shores lots acquired through this program are added immediately to the Lake Earl Wildlife Area, under management of the California Department of Fish and Game.

Lots are purchased only from willing sellers and the price paid is fair market value as established by an independent appraisal.

Since the beginning of the program SRA and/or the Wildlife Conservation Board has mailed letters soliciting interest in the program to Pacific Shores lot owners. During the two and a half year period there have been 8 mailings to lot owners. As individuals sell their property, or indicate that they are not interested in the program, they are removed from the list.

Since the beginning of the program over 487 lots have been acquired by the Wildlife Conservation Board.

This success may in part be attributed to our attention to detail. We respond to each lot owner inquiry and maintain contact records.

Over the last two years we have been contacted by over 500 people and have not been contacted by Ms. Bicknell (APN 108-320-08).

For your information I am enclosing copies of some of the recent outreach letters that have been sent to lots owners. Please let me assure you that if you meet a lot owner interested in learning more about this program I would be very happy to resend this information to them.

Sincerely,

Patty McCleary

Patty McCleary

SMITH RIVER ALLIANCE
2443 FAIR OAKS BOULEVARD, NO. 181, SACRAMENTO, CALIFORNIA 95825-7684
916-485-0840 916-485-5666 (FAX)

PACIFIC SHORES CONSERVATION PROJECT

A COOPERATIVE PROJECT OF THE WILDLIFE CONSERVATION BOARD, CALIFORNIA DEPARTMENT OF FISH AND GAME AND THE SMITH RIVER ALLIANCE

April 21, 2005

Dear Pacific Shores Property Owner,

I am writing to let you know about an opportunity to sell your property in the Pacific Shores Subdivision to the Wildlife Conservation Board (WCB). Last year, WCB established a special fund to acquire lots in the Pacific Shores Subdivision, and in nine months completed the purchase of 240 lots.

WCB has enlisted the aid of the Smith River Alliance (SRA), a non-profit conservation organization, and has asked us to identify willing sellers interested in selling their lots to WCB. Pacific Shores lots acquired through this program are added immediately to the Lake Earl Wildlife Area, managed by the California Department of Fish and Game.

Last year we received over 500 inquiries about the program and we continue to work with lot owners who contact us. Funds are available for a limited time and there is no guarantee that funds will be available after August 2005.

We purchase only from willing sellers and the price paid is fair market value as established by an independent appraisal. The State pays all the normal costs of the transaction, including appraisal, title and escrow fees, recording fees and transfer taxes.

Lake Earl, California's largest coastal lagoon is widely recognized for its diverse coastal wetlands and its fish, wildlife and botanical resources. The Coastal Act prioritized it for restoration as one of California's 19 most valuable coastal wetlands. Over 10,000 acres of sensitive habitat and recreational lands are protected in Lake Earl Wildlife Area and Tolowa Dunes State Park. Pacific Shores subdivision lots purchased through this program will be similarly protected.

Call for more information about selling your lot today.

If you have an interest in selling your property, please contact me, Patty McCleary at your earliest convenience by telephone or email. I can be reached by telephone at 916-485-0840, or by email at patty@conservationsolutions.biz. If you have general questions about this program, contact Randy Nelson by e-mail at rnelson@dfg.ca.gov, or by phone at 916-323-8980.

Sincerely,

Patty McCleary

2 of 8

SMITH RIVER ALLIANCE
2443 FAIR OAKS BOULEVARD, NO. 181, SACRAMENTO, CALIFORNIA 95825-7684
916-485-0840 916-485-5666 (FAX)

PACIFIC SHORES CONSERVATION PROJECT

A COOPERATIVE PROJECT OF THE WILDLIFE CONSERVATION BOARD, CALIFORNIA DEPARTMENT OF FISH AND GAME AND THE SMITH RIVER ALLIANCE

July 9, 2005

Dear Pacific Shores Property Owner,

I am writing to remind you about an opportunity to sell your property in the Pacific Shores Subdivision to the Wildlife Conservation Board (WCB). Last year a special fund was established to purchase lots in Pacific Shores. As of June 2005, over five hundred lots have been purchased through the program.

Many of you have expressed an interest in receiving more information about the subdivision and the issues surrounding its non-development. I have enclosed a recent set of articles from the Del Norte Triplicate that may be of interest.

As you may know, WCB has enlisted the aid of the Smith River Alliance (SRA), a non-profit conservation organization, and has asked us to identify landowners interested in selling their lots to WCB. Pacific Shores lots acquired through this program are added immediately to the Lake Earl Wildlife Area, which is managed by the California Department of Fish and Game.

We purchase only from willing sellers and the price paid is fair market value as established by an independent appraisal--all the normal costs of the transaction, including title and escrow fees, recording fees and transfer taxes are paid for.

If you have an interest in selling your property, please contact me at your earliest convenience.

I can be reached by telephone at 916-485-0840, or by email at patty@smithriveralliance.org. If you have general questions about this program, please contact Randy Nelson by e-mail at rnelson@dfg.ca.gov, or by phone at 916-323-8980.

Sincerely,

Patty McCleary

3 of 8

SMITH RIVER ALLIANCE
2443 FAIR OAKS BOULEVARD, NO. 181, SACRAMENTO, CALIFORNIA 95825-7684
916-485-0840 916-485-5666 (FAX)

PACIFIC SHORES CONSERVATION PROJECT

A COOPERATIVE PROJECT OF THE WILDLIFE CONSERVATION BOARD, CALIFORNIA DEPARTMENT OF FISH AND GAME AND THE SMITH RIVER ALLIANCE

October 5, 2005

Dear Pacific Shores Property Owner,

I am writing to remind you about an opportunity to sell your property in the Pacific Shores Subdivision to the Wildlife Conservation Board (WCB). Last year a special fund was established to purchase Pacific Shores lots and since then over five hundred lots have been purchased.

WCB has enlisted the aid of the Smith River Alliance (SRA), a non-profit conservation organization, and has asked us to identify landowners interested in selling their lots to WCB. Pacific Shores lots acquired through this program are added immediately to the Lake Earl Wildlife Area, which is managed by the California Department of Fish and Game.

Lake Earl Wildlife Area and Tolowa Dunes State Park surround the Pacific Shore Subdivision and include over 10,000 acres of coastal wetland and recreation lands. Lake Earl Wildlife Area includes California's largest coastal lagoon—recognized as one of California's 19 most valuable coastal wetlands.

Lots are purchased only from willing sellers and the price paid is fair market value as established by an independent appraisal—and we pay all the normal costs of the transaction, including title and escrow fees, recording fees and transfer taxes.

If you have an interest in selling your property and would like to learn more about this alternative--please contact me by telephone at 916-485-0840, or by email at patty@smithriveralliance.org.

If you have general questions about this program, and would like to speak with a WCB representative, you may contact Randy Nelson by e-mail at rnelson@dfg.ca.gov, or by phone at 916-323-8980.

Sincerely,

Patty McCleary

P.S. If you contact me before the end of October the purchase of your lot could be completed by December 31, 2005.

4 of 8

SMITH RIVER ALLIANCE
2443 FAIR OAKS BOULEVARD, NO. 181, SACRAMENTO, CALIFORNIA 95825-7684
916-485-0840 916-485-5666 (FAX)

PACIFIC SHORES CONSERVATION PROJECT

A COOPERATIVE PROJECT OF THE WILDLIFE CONSERVATION BOARD, CALIFORNIA DEPARTMENT OF FISH AND GAME AND THE SMITH RIVER ALLIANCE

January 13, 2006

Dear Pacific Shores Property Owner,

I am writing to remind you about an opportunity to sell your property in the Pacific Shores Subdivision to the Wildlife Conservation Board (WCB). Two Years ago a special fund was established to purchase Pacific Shores lots and since then over five hundred lots have been purchased.

WCB has enlisted the aid of the Smith River Alliance (SRA), a non-profit conservation organization, and has asked us to identify landowners interested in selling their lots to WCB and to help with the acquisition process. Pacific Shores lots acquired through this program are added immediately to the Lake Earl Wildlife Area, under management of the California Department of Fish and Game.

Lots are purchased only from willing sellers and the price paid is fair market value as established by an independent appraisal—and we pay all the normal costs of the transaction, including title and escrow fees, recording fees and transfer taxes.

If you have an interest in selling your property and would like to learn more about this opportunity--please contact me by telephone at 916-485-0840, or by email at patty@smithriveralliance.org.

If you have general questions about this program, and would like to speak with a WCB representative, you may contact Randy Nelson by e-mail at rnelson@dfg.ca.gov, or by phone at 916-323-8980.

Sincerely,

Patty McCleary

Patty McCleary

P.S. Please contact me as soon as possible and before February 20th to be included in the next closing!

5 of 8

SMITH RIVER ALLIANCE
2443 FAIR OAKS BOULEVARD, NO. 181, SACRAMENTO, CALIFORNIA 95825-7684
916-485-0840 916-485-5666 (FAX)

The Daily Triplicate
WEDNESDAY
NOVEMBER 30, 2005

A special good morning to *Daily Triplicate* subscriber
Karen Kinikin
of Crescent City

State approves $2 million to buy more property at Pacific Shores

Platted lots would be added to Lake Earl Wildlife Area

By Matt Mais
Triplicate staff writer

The state Wildlife Conservation Board has approved spending $2 million to purchase nearly half of the privately owned lots in the Pacific Shores subdivision to add to the Lake Earl Wildlife Area.

The subdivision — located on the north shore of Lake Earl — spans more than a square mile and has never been developed.

It was platted more than 40 years ago and sold to investors.

But the sandy terrain there cannot support septic systems and the area is blanketed with wetlands and other habitat for threatened and endangered species, making it nearly impossible for landowners to build.

"The $2 million shows a renewed interest by the Wildlife Conservation Board," said Patty McCleary, deputy executive director of the Smith River Alliance.

The Wildlife Conservation Board is part of the California Resources Agency.

The Smith River Alliance, which has offices on South Fork Road and in Sacramento, has been facilitating sales by willing sellers to the state for the last two years.

McCleary said the state's $2 million could purchase just more than 500 half-acre lots, which sell at about $4,000 a piece.

Originally there were 1,535 lots in the Pacific Shores subdivision.

Of those, 527 have already been purchased by the state from willing sellers or from the county when owners defaulted on their property taxes, she said.

The land that has already been sold has become part of the Lake Earl Wildlife Area, which is managed by the California Department of Fish and Game.

The parcels that are supposed to be purchased with the $2 million will also become part of the wildlife area.

McCleary said once escrow closes on nearly 35 Pacific Shores lots next month the Smith River Alliance will resume its effort to find more willing sellers.

"The future purchase of the balance of lots depends on whether there's interest in selling," McCleary said.

McCleary said most people who are given the opportunity to sell their lots do.

"People have been careful and thoughtful, but I would say 90 percent of those we contact do ultimately decide to sell."

L 9 8

The Daily Triplicate

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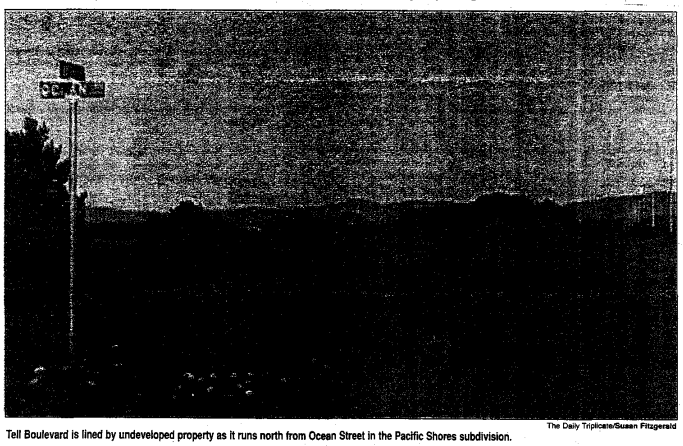
triplicate.com — Informing the community since 1... — Del Norte County,

SATURDAY, NOVEMBER 20, 2004

PROBLEMS AT PACIFIC SHORES



The Daily Triplicate/Susan Fitzgerald

Tell Boulevard is lined by undeveloped property as it runs north from Ocean Street in the Pacific Shores subdivision.

Empty estate

County may sell lots due to late taxes

By Susan Fitzgerald
Triplicate staff writer

People from Africa to South America could find themselves relieved of the burden of owning property at Pacific Shores, pending an agreement expected to come before the Board of Supervisors on Tuesday.

Pacific Shores is a subdivision of 1,523 half-acre lots around a stunning coastal lagoon within earshot of the ocean. The land north of Crescent City was platted in the 1960s, but never developed. Since then, environmental regulations have passed into law that make it unlikely the coastal property will be developed.

(See *Taxes*, Page A10)

The Daily Triplicate/Arthur Hanna

Subdivision is unsuitable for sewage system

By Katherine Kerlin
Triplicate staff writer

When the Pacific Shores subdivision was approved in 1963, almost everything was different.

No one wore seatbelts, only scientists used computers and subdivision development was largely unregulated.

Over the past 41 years, environmental laws, specifically those regarding wastewater disposal, have changed the landscape for developers and land owners.

"You can't just grab a piece of paper and draw lines and roads and get it approved now," said Tom Dunbar of the California Regional Water Quality Control Board. "If Pacific Shores had developed in

(See *Sewage*, Page A10)

Taxes: *More than 500 property owners owe the county*

(Continued from Page A1)

Meanwhile, more than 500 lot owners haven't paid their taxes in at least five years.

While property taxes are only about $20 to $40 a year, county Tax Collector Dawn Langston said, auxiliary taxes imposed by Pacific Shores Water District are more than $100 a year.

No water or wastewater system has been provided, however, and environmental conditions make development prospects remote.

"People see nothing is happening and they just throw up their hands," Langston said Friday.

Some quit paying taxes as long as 18 years ago, she said. "Eighteen years of taxes and interest, pretty soon that adds up to more than the property is worth."

Langston has two binders that stand nearly a foot high containing listings of Pacific Shores properties that are tax-delinquent, compared to a slim volume for the Smith River-Fort Dick area.

After delinquency reaches the five-year mark, the county has the power to sell the lots to make good the delinquency.

"If these revenues don't come in, the county has to find it elsewhere," Langston said, and the Wildlife Conservation Board has expressed interest in the Pacific Shores tax-delinquent properties.

With properties sold to the Wildlife Conservation Board on behalf of the state Department of Fish and Game, the county will receive an annual payment in lieu of taxes, although the state is delinquent on that payment, as a result of it budget crisis.

On Tuesday, the Board of Supervisors will consider an agreement with the Wildlife Conservation Board for an option to buy 25 parcels in the immediate future for about $60,000, and half of 199 parcels by June of 2005.

The sales would boost county general fund by about $200,000, said District 4 Supervisor Sarah Sampels, after all the delinquent tax bills are settled.

"It's going to give the county a boost in these lean times," said Sampels.

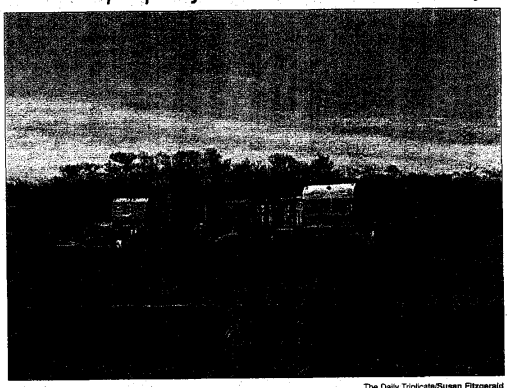
Twice previously, the county has tried to sell about 80 of the parcels through its regular auction of delinquent properties, but there were no local takers, Langston said. She estimated fewer than five percent of Pacific Shores owners are local.

While most Pacific Shores owners initially were in Southern California and Hawaii, owners now are all over the world, Langston said, as are the few buyers there have been in recent years.

Excited buyers with apparently little command of English call her office, Langston said, wanting to know about their newly acquired property, only to be told they can't build on it.

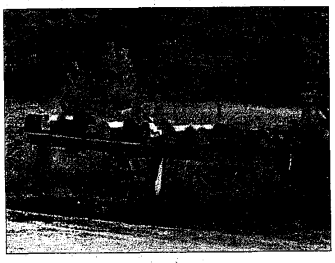
Tracking down lot owners is getting to be as difficult as collecting the taxes, Langston said, as original owners die and their heirs aren't interested.

"We get tax bills back with notes saying, 'I don't want this land,'" Langston said. "There's a lot of work involved" with no revenue to show for it.



The Daily Triplicate/Susan Fitzgerald

While Pacific Heights never was developed, the subdivision does have residents, as illustrated by these trailers (above) and mailboxes (below).



Sewage: *System unlikely given astronomical price tag*

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1963, they could have gotten away with it."

Times change.

The California Water Quality Control Plan for the Northcoast Region was adopted in 1971. This basin plan set wastewater and potable water standards for individual sewage disposal systems.

In the 1980s, the Water Quality Control Board ruled that the only way Pacific Shores could comply with the basin plan was to install a sewage system. Given its astronomical price tag, a sewage system is an unlikely choice.

Both the California Coastal Commission and the Water Quality Control Board said less costly septic system alternatives would not be suitable for Pacific Shores.

A septic system is a self-contained wastewater treatment system. For rural areas with larger lot sizes, septic systems are less costly than sewer systems because they treat and dispose wastewater on-site. Their simple design also makes them less expensive to install and maintain

There are numerous forms of septic systems, from aerated designs to eco-friendly composting toilets. Jim Baskin of the California Coastal Commission said the most common is the septic tank.

It treats wastewater by separating solids and liquids in the tank. The solids are digested by microbial action. Partially clarified liquid flows from the tank to a leachfield and slowly trickles from pipes into the gravel and soil, which act as biological filters.

According to Dunbar, the soil needs to be at least 15 percent silt and clay to filtrate effectively. The sandy soil at Pacific Shores, which is by the Tolowa sand dunes, would drain so quickly that bacteria would not get a chance to break down. This would allow waste to rush into groundwater untreated.

The Wisconsin mound system works in a similar way, except that it is built above ground. This creates a vertical separation from the groundwater, but the sandy soil would create the same problem as it did for the septic tank.

A holding tank stores waste in a container until a truck can pump it and haul it away for proper disposal. If not properly maintained, the tank could spill. Baskin said holding tanks are used mostly for RV parks and industrial purposes. They are generally not accepted under the basin plan.

Independent of lake level and wildlife issues, Dunbar said there is another big issue. Pacific Shores, a subdivision of 1,524 lots densely packed on 1,486 acres, is an urban, not rural, development.

Under the basin plan, on-site sewage disposal systems cannot be placed in urban developments. Such a system must be 200 feet from the lake and 100 feet from the well.

"Those lots can't contain a 100-foot separation between the well and the septic system," said Dunbar.

The basin plan also requires a five-foot separation between septic systems and the highest anticipated groundwater.

A 1999 staff report of the California Coastal Commission stated, "Development within Pacific Shores could not comply with these standards."

No matter the type of septic system, the same problems arise — sandy soil allows contaminants to enter groundwater, and the lot sizes at Pacific Shores are too small to comply with the basin plan.

"There are a lot of criteria not met by that subdivision," said Dunbar. "Pacific Shores is a perfect example of why we do things differently now than we did back in 1963."

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