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STAFF REPORT: REGULAR CALENDAR

Application No.:	**1-24-0890**
Applicant:	**Resource Environmental Solutions, LLC (RES)**
Location:	On two agricultural parcels, the Garcia River Parcel and Crispin Parcel, at 43001 Mountain View Rd. & 43821 Crispin Rd. respectively, both located near the town of Manchester, Mendocino County.
Project Description:	Conduct habitat restoration for a Mendocino Coast Mitigation Bank to provide advance mitigation involving (1) removal of existing fencing, cattle troughs, and residential/ agricultural debris; (2) fish and wildlife habitat improvements along Garcia River and Brush Creek with alterations to certain channels, floodplains, and adjacent areas, including a total of ~96,650 cubic yards of grading, major vegetation removal, revegetation of areas with native species, and removal of invasive species; and (3) installation of hydrology monitoring wells, irrigation lines, access road improvements, and wildlife-friendly fencing around restoration areas.
Staff Recommendation:	Approve permit with conditions and authorize signing onto the mitigation bank.

SUMMARY OF STAFF RECOMMENDATION

Resource Environmental Solutions (RES) seeks a Coastal Development Permit to conduct habitat restoration on two parcels near Point Arena in Mendocino County, known as the Garcia River Parcel and Crispin Parcel. The restoration of the two parcels

is intended to create a Mendocino Coast Mitigation Bank that will supply advance mitigation credits for future projects in Mendocino County, primarily those of Caltrans.

For a number of years Caltrans and Commission staff have collaborated with other partners to develop ideas to streamline and improve habitat mitigation for transportation projects in the Coastal Zone. Finding appropriate and available sites for habitat restoration is especially difficult along California's coastline, especially when needed in the tight timelines of project delivery and CDP applications. Advance mitigation is a key concept to address those difficulties, while also potentially providing benefits for habitat restoration efforts overall.

As a concept, parcels or areas of a parcel are acquired to form a "mitigation bank," in which habitat restoration is completed, and then protected under conservation easements, all before a project is completed and brought to the Commission for approval. The bank releases, sells, and/or transfers what are titled mitigation "credits," which may then be used as compensatory mitigation for projects brought before the Commission in a CDP application. Importantly, the Commission is not required to accept those credits, even when purchased preemptively by an applicant, but will make its own determination when considering whether the credits are acceptable mitigation for the impacts for which they are intended to compensate. Caltrans and Commission staff are currently collaborating on both a statewide Advance Mitigation Program and potentially several of these local mitigation banks. This is the first such Caltrans-related bank brought to the Commission for review.[1]

Like other formal mitigation banks, this bank is designed to be consistent with the United States Army Corps of Engineers (USACE) Mitigation Banking Rule, which provides a general framework for the development of mitigation banks for advance mitigation, and includes review by an Interagency Review Team (IRT), comprised of multiple resource agencies. RES and the staff of multiple agencies represented on the IRT, including Commission staff, have been working to establish the specific terms of this bank, including drafting a Bank Enabling Instrument (BEI), which is approaching finalization. This BEI will contain the final terms for the advance mitigation bank and includes specific success criteria, restrictions on future property use, determined credit allocation, and other rules intended to ensure successful habitat restoration and appropriate mitigation credits are allocated and delivered. This permit authorizes the development associated with the proposed restoration activities and authorizes the Executive Director to become a signatory to the BEI for the bank.

This bank includes restoration on two separate parcels, both of which will include credits for impacts to Environmentally Sensitive Habitat Areas (ESHA) and wetlands. The Garcia River parcel is a 283-acre range land parcel with a proposed 117-acre conservation easement area immediately east of Point Arena (APN 133-150-03). The parcel is located along the banks of the Garcia River and is developed with a home,

[1] The Commission has approved a few mitigation banks before, such as the Colorado Lagoon Mitigation Bank (2019) and Upper Los Cerritos Mitigation Bank (2021).

barn, and has been used for livestock grazing for decades. Vegetation across the property includes forests, riparian scrub, coastal scrub, grasslands, and a mosaic of seasonal wetlands. Restoration objectives here will be to restore a contiguous landscape of high-quality wetland, riparian, aquatic, and upland habitats, and their associated ecosystem functions, including improving habitat for sensitive fish and wildlife species. The proposed development for the restoration includes grading, revegetation with native species, invasive species management, and removal or modification of ranch roads, culverts, agricultural ditches, and spring boxes.

The Crispin parcel is a 27-acre rangeland parcel with a proposed 24-acre conservation easement area east of Highway 1 and Manchester State Park (APN 133-080-16). The parcel is located along the upper terrace of Brush Creek and contains undeveloped lands including riparian scrub, coastal wetlands, and ruderal grasslands, but has historically been used for grazing. Much of the native habitats here have been degraded due to the site's history of agricultural use. Restoration objectives are to restore a contiguous landscape of coastal scrub and grassland communities and to expand the existing riparian habitat by implementing grading, planting, and removal/management of invasive plants.

Overall, the goal of these restoration activities is to create and restore wetlands and ESHA that may provide mitigation credit for future projects with impacts in the coastal zone. As proposed, and with the recommended special conditions, the restoration activities are consistent with the allowable use and mitigation requirements of Coastal Act sections 30236, 30233, and 30240. Along with finalization of the BEI (including through the interagency process), the recommended Special Conditions also are intended to ensure that the restoration activities will meet certain success criteria to deliver meaningful habitat restoration, and certain use restrictions will be placed on the restored areas to protect the habitat in perpetuity. Along with approving the restoration activities under this CDP, authorization of the Executive Director to become a signatory to this bank will enable the Commission to approve use of the mitigation credits sold by the bank for future CDP applications.

For the reasons described above, and with implementation of the Special Conditions, staff recommends that the Commission **approve** Coastal Development Permit 1-24-0890 and authorize the Executive Director to become a signatory to the Mendocino Coast Mitigation Bank. The two motions to implement this recommendation can be found on **Page 5**.

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LIST OF EXHIBITS

I. Motion and Resolution

Coastal Development Permit

A. Motion

I move that the Commission **approve** Coastal Development Permit Application No. 1-24-0890 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

B. Resolution

The Commission hereby **approves** Coastal Development Permit Application No. 1-24-0890 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or (2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

Mitigation Bank

A. Motion

I move that the Commission authorize the Executive Director to become a signatory to the Mendocino Coast Mitigation Bank as described in the staff report and included as Appendix B, dated May 6, 2025.

Staff recommends a **YES** vote on the motion. Passage of this motion will result in authorization of the Executive Director to sign the Bank Enabling Instrument for the Mendocino Coast Mitigation Bank. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

B. Resolution

The Commission hereby authorizes the Executive Director to become a signatory to the Mendocino Mitigation Bank as described in the staff report and included as Appendix B, dated May 6, 2025.

II. Standard Conditions

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid, and development shall not commence, until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration**. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation**. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment**. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land**. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

This permit is granted subject to the following special conditions:

1. **Final BEI**. The final BEI shall substantially conform with the draft BEI submitted with the project application dated October 10, 2025 (Appendix B (with further materials in the Commission's permit file), except as modified consistent with the terms and conditions of this CDP and/or through the IRT process. The Commission's Executive Director shall review any proposed changes to the draft BEI in Appendix B and the application file to determine if an amendment to this CDP is legally required to ensure consistency with the final BEI, and if so, the Permittee shall submit and obtain such an amendment prior to the Commission becoming a bank signatory.

2. **Credit Issuance.** The Permittee shall undertake all development authorized under this CDP consistent with the terms and conditions of this CDP. All development shall be consistent with the final Executed BEI if available, else the draft BEI (Appendix B). The Permittee shall not release, sell, and/or transfer any Mitigation Bank credits to compensate for habitat impacts pursuant to a Coastal

Development Permit before the final BEI is signed by the Executive Director and completely executed through the BEI interagency process.

3. **Final Habitat Development and Interim Management Plan.** NOT LESS THAN 90 DAYS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION the Permittee shall submit for review and written approval of the Executive Director a Final [Habitat] Development and Interim Management Plan (IMP) for all restoration activities on the Garcia River parcel and Crispin parcel. This plan will guide restoration, monitoring, and maintenance activities until the performance standards have been met and the Endowment Fund, described in **Special Condition 4.B**, has been fully funded for three years (i.e., the interim management period). This plan shall substantially conform with the restoration plan included in the "DRAFT Development and Interim Management Plan," dated October 2025 and prepared by RES Environmental Operating Company, LLC (**Exhibit 6**), unless otherwise modified pursuant to this CDP and/or through the IRT process. The Executive Director shall also determine if any proposed changes to draft Development and IMP require an amendment to this CDP, and if so, the Permittee shall obtain that amendment prior to sale/transfer/use of any mitigation credits from this bank. The Development and IMP shall contain, at a minimum, updates to the following sections:

   A. A detailed Restoration Plan shall include the following:

      1) An updated description of all habitat restoration, and enhancement activities including plant and soil salvage; grading, decompaction, soil amendment, and other substrate-affecting activities; demolition and/or debris removal; treatment of invasive species; and, revegetation with only locally and genetically appropriate native species (i.e., from the Mendocino County coast unless local genetic stock is demonstrated to be unavailable, in which case the Executive Director may approve alternatives). Revegetation plans should reflect relevant target community structure (e.g., species and relative densities), detail seed mixes and plantings (e.g., amounts and sizing), material sourcing, irrigation methods, and any temporary measures to be implemented.

      2) Maps of all planned restoration areas including depiction of where any grading, planting, fencing, or invasive species management, etc. shall occur. This shall include a description and maps of any impacts or intended habitat conversions expected from the project.

      3) An updated schedule of restoration and site preparation activities, including construction, livestock exclusion fencing, revegetation, maintenance (e.g., weeding, irrigation, replanting), monitoring, and performance assessment.

      4) Permanent livestock exclusion fencing shall be installed around restoration areas, except where river channels or dense vegetation do not allow for fencing, and shall be wildlife-friendly. Wildlife-friendly design elements shall include the following: lowest fencing wire at least

16 inches above the ground; top fencing wire no more than 42 inches above ground; posts at no more than 20-foot intervals; wires that are not permitted to slack; and, vinyl siding trim or small diameter PVC tubing on top and middle wires.

5) If any herbicide is proposed for potential use, detail on the specific product(s) that would be used, including its certification by the California Department of Pesticide Regulation and allowance for the intended application shall be provided.

6) If prescribed burning is proposed during the interim management period, a justification of the need relative to alternative treatments and the specific methods that would be used.

7) If any grazing is proposed during the interim management period, that grazing shall be consistent with an approved Grazing Plan described in **Special Condition 4.A** below.

B. An Interim Management Plan, including descriptions of proposed weeding, irrigation, plant replacement, grazing, and other proposed maintenance activities. The IMP plan shall include:

1) An initial list of invasive species to be removed; areas for removal; methods of removal with an emphasis on the use of hand tools unless infeasible and minimization of the use of chemical pesticides, unless approved by the Executive Director as necessary and with appropriate minimization and mitigation measures.

2) A set of Interim and Final Success Criteria (e.g., performance standards) for restoration shall serve as benchmarks and guide adaptive management and remedial actions as well as provide a basis for final performance assessment. As shall be detailed within the final Development and Interim Management Plan, these shall include criteria for, at a minimum: (a) native vegetation species percentage cover, vegetation community composition per membership rules of the Manual of California Vegetation (online edition) and diversity (e.g., Shannon Diversity Index) within restored wetlands and ESHA communities; (b) invasive plant thresholds limiting highly invasive annual grasses to 10% absolute cover, and for all other Cal-IPC ranked species, no more than 5% absolute cover including no more than 1% absolute cover attributed to highly invasive species; (c) evidence of presence of target wildlife taxa to demonstrate ecological function of restored areas, including annual use of the restoration area by multiple life stages of key taxa, as well as improvements to species richness; (d) improved hydrology in wetlands and waters; and (e) persistent functionality of habitat features added or improved during restoration activities (e.g., side channels and woody debris structures). All criteria shall be supported by a clear scientific rationale from either relevant literature or an approved reference site.

3) A description of monitoring methods to inform performance assessment. The sampling design and methods shall provide sufficient detail to enable an independent scientist to implement them, including a description of the sampling protocols and sampling frequencies and intensities. Maps shall be included to illustrate the location of all relevant monitoring points, including the installed sensors, permanent transects, vegetation reference site sampling plots, wildlife observation points, etc. If non-traditional survey methods are proposed (e.g., via remote-sensing), these shall be demonstrated as capable of informing analyses with confidence relative to more traditional field methods.

4) A final performance assessment that shall occur no sooner than the specified monitoring period for each restoration component and at least three years following any maintenance intervention other than weeding, whichever is later. The final assessment for most restoration areas shall occur no sooner than Year 5 post-construction. For areas including hydrology criteria, the required monitoring timeframe shall be extended until annual rainfall is at or above the long-term average for at least three years. For vegetation communities in non-wetland riparian areas and some ESHAs, monitoring shall continue until at least Year 7 post-construction due to slower growth rates of key vegetation. The specified monitoring period for each project component shall be described.

5) An Annual Report, beginning the year after the Restoration Plan is implemented, and for the specified period applicable to each project component (i.e., at least five years for some and seven years for others). The annual monitoring reports shall summarize results from all prior monitoring reports; all monitoring, maintenance, and remediation activities for the given year; include photographs taken from the fixed points; assessments relative to interim success criteria; a work plan for the subsequent year; and specific recommendations for work in the subsequent year needed to facilitate restoration success. A final monitoring report shall be submitted at the conclusion of the restoration monitoring period, no sooner than seven years following restoration implementation. The final report shall include a detailed timeline of the overall progress and success, and provide sufficient detail to evaluate restoration compliance with the specified goals, objectives, and success criteria in the restoration plans.

6) All reports shall be prepared by a qualified restoration ecologist and be submitted to the Executive Director for review and approval, no later than January 31st of each monitored year. Raw data and associated metadata shall be provided upon request (in digital format). Any observations of sensitive species shall be reported to the California Department of Fish and Wildlife for inclusion in the California Natural Diversity Database via its Online Field Survey Form (see https://wildlife.ca.gov/Data/CNDDB/Submitting-Data) and a

confirmation of this action shall be provided in the report. Once a monitoring report is approved by the Executive Director, recommendations identified in the report shall become prescriptive unless otherwise advised in writing.

7) A plan for Remedial Actions and Adaptive Management. If annual monitoring reports or other evidence indicate restoration efforts have been unsuccessful, in part or in whole, based on the approved success criteria, the Permittee shall develop a Remedial Action Plan, as described in the draft BEI and the Interim Management Plan, to be provided within 60 days for the review and approval of the Executive Director. The Remedial Action Plan shall be processed as an amendment to this CDP, unless the Executive Director determines that no amendment is legally required.

C. The Permittee shall undertake development in accordance with this condition and the approved final plans. Any proposed changes to the approved final plans, including significant delays in construction, shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission approved amendment to this CDP unless the Executive Director determines that the adjustments (1) are de minimis in nature and scope, (2) are reasonable and necessary, (3) do not adversely impact coastal resources, and (4) do not legally require an amendment.

4. Final Long-Term Management Plan. NOT LESS THAN 90 DAYS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit for the review and approval of the Commission's Executive Director, a final Long-Term Management Plan (LTMP) as consistent with and submitted with the BEI as an exhibit (whether draft or final pursuant to Special Condition 1). This plan will guide restoration, monitoring and maintenance activities after the performance standards have been met and the Endowment Fund has been fully funded for three years. The plan shall substantially conform with the "DRAFT Long-Term Management Plan", dated October 2025, prepared by RES Environmental Operating Company, LLC (**Exhibit 7**), unless otherwise modified pursuant to this CDP and/or through the IRT process. The Executive Director shall also determine if any proposed changes to the draft LTMP require an amendment to this CDP, and if so, the Permittee shall obtain that amendment prior to sale/transfer/use of any mitigation credits from this bank. The LTMP shall contain, at minimum, updates to the following sections:

A. **Grazing Plan**. NOT LESS THAN 90 DAYS PRIOR TO THE COMMENCEMENT OF ANY GRAZING (OR BROWSING) ACTIVITY IN AREAS WHERE RESTORATION HAS BEEN IMPLEMENTED, the Permittee shall submit, for the review and written approval of the Executive Director, a Grazing Plan. The plan shall demonstrate that grazing (or browsing) will be consistent with the long-term habitat restoration goals and shall not impair any restored habitats. The plan shall be prepared by a qualified expert in grazing (or browsing) management and/or restoration

ecology, and at a minimum, shall include: a description of how the introduction of grazers (or browsers) advances ecological objectives relative to alternative methods (e.g., mowing); ecological conditions triggering grazer use (e.g., invasive species thresholds); the types and quantities of animals to be introduced; timing and any rotations of animals; description of any infrastructure that will be necessary (e.g., temporary fencing, water troughs); water quality and erosion protections; triggers for adaptive management; and agreements with ranchers or suppliers. The plan should take into account the subject vegetation communities, restoration targets, sensitive species that may be affected, and compatibility with the overall landscape.

B. **Endowment**. Documentation, in a form and content acceptable to the Executive Director, shall be provided by the Permittee to demonstrate that an endowment fund account has been established by the beginning of the interim management period. The Permittee shall make contributions to the account throughout the interim management period and demonstrate that the account and its generated interest is sufficient to support the monitoring, maintenance and management of the conservation easements in perpetuity.

C. **Reporting**. The Permittee shall be responsible for ensuring annual reports are delivered to the Executive Director for review by January 31st of each year. Each report shall detail all monitoring and maintenance activities for the previous year and note any problems to be addressed (including methods) in the upcoming year within each conservation easement.

The Permittee shall undertake development in accordance with this condition and the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission approved amendment to this CDP unless the Executive Director determines that the adjustments (1) are de minimis in nature and scope, (2) are reasonable and necessary, (3) do not adversely impact coastal resources, and (4) do not legally require an amendment.

5. Construction Responsibilities. The Permittee shall undertake development in compliance with all proposed “best-management practices” (BMPs) and “Avoidance and Minimization Measures” (AMMs) attached as **Exhibit 5** to the project to protect water quality, sensitive habitats and species, and other coastal resources, except as supplemented or modified herein.

A. **Worker Environmental Awareness Program (WEAP) Training**. PRIOR TO COMMENCEMENT OF CONSTRUCTION (INCLUDING STAGING AND MOBILIZATION), all personnel associated with project construction should attend WEAP training, conducted by a qualified biologist, to aid workers in recognizing special-status terrestrial and aquatic species, native birds, and other biological resources that may occur in the project area. The specifics of this program should include identification and habitats of special-status species with potential to occur at the project area, a description of the

regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to sensitive biological resources within the work area. A fact sheet conveying this information should also be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees should sign a form provided by the trainer indicating they have attended the WEAP and understand the information presented to them.

B. **Staging and Materials Storage**. Project proponents shall establish staging areas for equipment storage and maintenance, construction materials, fuels, lubricants, solvents, and other possible contaminants in coordination with resource agencies. Staging areas shall have a stabilized entrance and exit and shall be located in upland areas to the extent possible and at least 100 feet from bodies of water and/or ESHA unless site-specific circumstances do not provide such a setback or would result in further damage to sensitive resources, in which case the maximum setback possible shall be used.

C. **Wildlife/Livestock Exclusion Fencing**. During initial stages of restoration construction, temporary fencing around restoration areas shall be designed and installed to exclude wildlife and livestock. To ensure protection of sensitive reptiles and amphibians, temporary fencing shall be a minimum of 36 inches above ground level and buried 4-6 inches into the ground. Fencing should have one-way escape funnels and should remain intact for the entire duration of development activities. Fencing may be made of plywood or silt fencing but shall not be made of orange construction fencing or anything with larger holes as this may trap sensitive species. Fencing shall be inspected for any rips or other malfunctions once per week during all construction activity. Temporary fencing shall be removed after construction, following the installation of permanent fencing as consistent with **Special Condition 3.A(4)**.

D. **Invasive Species Prevention**. Rock, sand, or any material used during construction shall originate from local sources to avoid the inadvertent introduction of non-native plant species to surrounding environmentally sensitive areas. To prevent the spread of invasive plant species in disturbed soil after construction, all disturbed areas shall be seeded and/or planted with native species. Any straw, straw bales, seed, mulch, or other material used for erosion control or landscaping shall be free of noxious weed seed and propagules.

E. **Debris Disposal Plan**. NOT LESS THAN 30 DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit, for the review and written approval of the Executive Director, a plan for the disposal of excess construction debris and materials including excess fill, vegetated spoils, construction debris, and waste material. All construction debris, excess sediments, soil and vegetative spoils, and any other debris and waste generated by the authorized work shall be disposed of at an

authorized disposal site(s) capable of receiving such materials. The Permittee shall undertake development in accordance with this condition and the approved final debris disposal plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission approved amendment to this CDP unless the Executive Director determines that the adjustments (1) are de minimis in nature and scope, (2) are reasonable and necessary, (3) do not adversely impact coastal resources, and (4) do not legally require an amendment.

F. **Construction Stormwater Pollution Prevention Plan**. NOT LESS THAN 90 DAYS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION the Permittee shall submit for the review and written approval of the Executive Director a construction-phase erosion, sedimentation, and polluted runoff control plan that evaluates potential construction-phase impacts to water quality and coastal waters and which specifies temporary Best Management Practices (BMPs) that will be implemented to minimize erosion and sedimentation during construction and prevent contamination of runoff by construction chemicals and materials. The Permittee shall undertake development in accordance with this condition and the approved final construction pollution prevention plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission approved amendment to this CDP unless the Executive Director determines that the adjustments (1) are de minimis in nature and scope, (2) are reasonable and necessary, (3) do not adversely impact coastal resources, and (4) do not legally require an amendment.

G. **Qualified Biologist**. The Permittee shall enlist one or more qualified biologists, subject to the Executive Director's approval, to monitor all ground-construction, restoration activities, and any other actions that may reasonably result in impacts to sensitive species or communities. The biologist(s) shall possess the authority to halt work to prevent any breach in CDP compliance from occurring, or if any unforeseen sensitive species or habitat issues arise, and until they are satisfied that the issue has been resolved. The biologist(s) shall document any incidents requiring the stoppage of work or resulting in adverse effects to sensitive species or habitat and immediately notify the Executive Director if development activities outside the scope of this CDP occur.

H. **Seasonal Work Window Restrictions**. All construction activities causing ground disturbance (e.g., grading, excavation, fill or use of heavy machinery) that may result in flows into adjacent streams shall avoid the wet season (October 16 - April 30) except as allowed herein. The Executive Director may extend for good cause the work window for ground disturbing activities that cannot feasibly be conducted within the May 1 through October 15 time period subject to the following conditions: (i) all work shall cease upon the onset of precipitation at the project site and shall not

recommence until the predicted chance of rain is less than 40 percent for the Point Arena area; (ii) the work site(s) shall be winterized between work cessation periods by installing appropriate stormwater runoff and erosion control barriers around each construction site to prevent the entrainment of sediment into coastal waters; (iii) adequate stocks of stormwater runoff and erosion control barrier materials shall be kept onsite and made available for immediate use; and (iv) documentation is presented demonstrating the California Department of Fish and Wildlife's concurrence that an extension will not cause undue impacts to fish and wildlife.

6. **Sensitive Resource Protections**. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, including any vegetation removal, a qualified biologist with experience in the identification of all applicable life stages of special-status plant and animal species potentially present shall conduct reconnaissance-level surveys and implement additional measures, as appropriate, to protect sensitive resource habitat areas from construction-related disturbance. Additional measures may include protocol-level surveys; avoidance of identified communities, specimens, or areas of occupancy including features significant to wildlife use; salvage of seed or individual plants to be used in the restoration; and/or relocation of specimens to other secure locations.

   A. Based upon reconnaissance survey results for sensitive plant species within the past five years, protocol-level surveys consistent with *Protocols for Surveys and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW, 2018) shall be conducted for any likely or known species detected during the appropriate bloom period within 12 months preceding construction to identify and delineate the extent of populations. Typically, this will be late spring but may be repeated for species with different flowering periods.

   B. If vegetation maintenance or removal (e.g., clearing and grubbing) or other project-related activities must occur during the nesting season, typically March 15 to August 15 (and depending on species and habitat quality from mid-January to mid-September), surveys for nesting birds shall be conducted by a qualified biologist according to current recommended protocols, commencing no more than seven days prior to the start of construction in a given work area and shall extend out 500 ft from the edge of the work area. Surveys shall begin prior to sunrise and continue until vegetation, nesting behavior, and nests have been sufficiently observed. Surveys shall be repeated any time development activities have ceased for seven days or more prior to the reinitiation of work unless the work is occurring outside of the nesting season. If any active bird nests are detected, development (including major vegetation removal) in the buffer zone shall be delayed until young have fully fledged, as determined by a qualified biologist. Buffers shall be 500 feet for nesting raptors and 300 feet for other nesting bird species; any buffer reductions recommended by the qualified biologist shall occur in consultation with CDFW or USFWS, as applicable, and the Commission, and shall consider line-of-sight and noise

disturbance relative to the work areas. Typically, the minimum buffer distance for raptors should be no less than 300 ft and 100 ft for other species.

C. Surveys for northern spotted owls shall be conducted according to the 2012 USFWS *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls* and subsequent 2019 *Northern Spotted Owl Take Avoidance Analysis and Guidance for Private Lands in California – Coast Redwood Region* and follow all seasonal restrictions. If occupied nests are detected, work shall not commence within 0.25-miles of the nest until after young have fully fledged and are independent of the nest. Any buffer reductions shall occur in consultation with USFWS, CDFW, and the Commission.

D. Surveys for sensitive reptile and amphibian species, including western pond turtles, California red-legged frogs, and foothill yellow-legged frogs shall be conducted by a qualified biologist to identify and investigate all potential areas that could be used for feeding, breeding, sheltering, movement, and other essential behaviors. This survey shall take place immediately before ground-disturbing activities and any vegetation clearing. Suitable habitat, including densely vegetated areas, downed logs, woody debris, burrows, and aquatic habitat shall be inspected to the extent practicable. If sensitive amphibians are encountered, work shall stop in the area, and the biological monitor shall be notified. No work may proceed within a 100-foot radius until the biological monitor has evaluated the situation and potentially relocated the animal(s), consistent with USFWS or CDFW requirements, as applicable (e.g., individual possesses necessary handling permits from USFWS).

E. Presence/absence surveys for Point Arena Mountain Beaver (PAMB) shall be conducted eight weeks prior to the start of construction within suitable habitat on both parcels. Surveys shall follow guidance provided within the USFWS Letter of Concurrence dated March 12, 2025, and as amended July 10, 2025 to include recommended buffers around occupied habitat, burrows, and any unsurveyed habitat areas. Surveys must be conducted by USFWS-approved biologists using the USFWS-approved protocol.

7. **Protection of Archaeological and Tribal Cultural Resources.** The Permittee shall undertake development in compliance with the following mitigation measures to protect archaeological resources:

   A. **Notification**. AT LEAST ONE MONTH PRIOR TO COMMENCEMENT OF ANY GROUND-DISTURBING CONSTRUCTION ACTIVITIES, the permittee shall (i) notify in writing, email, and/or phone calls, as necessary, the representatives of Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list; (ii) invite Tribal representatives from that list to be present and to monitor ground-disturbing activities; and (iii) arrange for any invited Tribal representative that requests to monitor and a qualified archaeological monitor to be present to observe project activities with the potential to impact

archaeological and tribal cultural resources. Evidence of written notification shall be made available to the Executive Director upon request.

B. **Discovery**. If an area of archeological and/or tribal cultural resources is discovered during the course of the project, project activities within the area of discovered resources shall cease and shall not recommence except as provided in subsection (D) hereof, and the permittee shall immediately notify and retain a tribal cultural resource specialist and a qualified archaeologist to analyze the significance of the find in consultation with Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list. Significance testing may be carried out only if acceptable to the affected Native American Tribe(s), in accordance with a Significance Testing Plan. A minimum 50-foot exclusion zone where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area. Project activities may continue outside of the exclusion zone.

C. **Human Remains**. Should human remains be discovered on-site during the course of the project, immediately after such discovery, the permittee shall notify the County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. An "exclusion zone" may be established around the discovery area. If the county coroner determines that the human remains are those of a Native American, the permittee shall ensure that NAHC is contacted within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the identification process pursuant to Public Resources Code Section 5097.98. The Permittee shall comply with the requirements of Section 5097.98 and work with the MLD person(s) to preserve the remains in place, move the remains elsewhere onsite, relinquish the remains to the descendants for treatment, or determine other culturally appropriate treatment. Within five (5) calendar days of such notification to NAHC, the Permittee shall notify the Executive Director of the discovery of human remains and identify any changes to the proposed development or mitigation measures that may be needed related to the inadvertent discovery. The Executive Director shall maintain confidentiality regarding the presence of human remains on the project site. The Executive Director shall determine whether the identified changes are de minimis in nature and scope.

D. **Recommencing Activities Following a Discovery**. A permittee seeking to recommence project activities within an exclusion zone following discovery of resources (excluding the discovery of human remains, which shall follow Section 5097.98 as noted in (C) above) shall submit a Supplementary Archaeological Plan (SAP) prepared by the project archaeologist in consultation with the Native American Tribes listed on the NAHC list. The SAP shall be submitted for the review and written approval

of the Executive Director. If the Executive Director approves the SAP and determines that the SAP's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the SAP but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

8. **Submittal of As-Built Plans**. WITHIN 90 DAYS FOLLOWING THE COMPLETION OF CONSTRUCTION, or such additional time as the Executive Director may grant for good cause, the Permittee shall submit to the Executive Director "as-built" plans for the restoration work that show all development undertaken was completed in conformance as authorized, including, at a minimum, by the following: (a) final topographic contours of the project site, including excavation and fill areas of the channels and floodplain areas, wetlands, and upland areas; (b) executed final planting plan, including all locations, vegetation communities, and plantings installed; (c) final as-built plans for the raised road crossing over the hillside tributary and new culvert and; (d) final as-built plans for decommissioned, rerouted, recontoured, and/or revegetated sections of existing roads within the conservation easement.

9. **Copy of Executed Conservation Easement.** NOT LESS THAN 60 DAYS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director final executed copies of the Conservation Easement documents demonstrating that the landowners of the Garcia River Parcel and Crispin Parcel have executed and recorded against the parcel(s) governed by this permit a conservation easement that ensures the restoration areas will be retained forever in their natural, restored, or enhanced condition and that uses on the restoration areas shall be confined to the allowable and prohibited uses identified in the draft LTMP, as modified below, which ensure that activities on the restoration areas are consistent with the preservation, restoration and enhancement of native species, vegetation communities, and their habitats.

   A. **Consistency.** The final executed copies shall be consistent with those submitted with the CDP application and draft BEI (**Appendix B**). Any proposed modifications shall be reviewed and approved by the Commission's Executive Director. The Executive Director shall also determine if the proposed changes require an amendment to this CDP, and if so, the Permittee obtain that amendment prior to sale/transfer/use of any mitigation credits from this bank.

   B. **Allowable Uses**. Restoration activities as specified within the draft LTMP and detailed plans for each parcel's conservation easement, and as modified by this condition, shall be allowed. For restoration-related activities such as application of herbicides or prescribed burning, detailed plans shall be provided for review and potential approval. On the Crispin Parcel, allowable uses shall be limited to restoration purposes and minor adaptive management

actions such as repairs to fences, gates, irrigation lines, and signs. On the Garcia River Parcel, allowable uses shall be limited to restoration, landowner fishing and camping in designated areas, landowner use and maintenance of an existing road (with seasonal closures), livestock grazing for the purposes of restoration pursuant to an approved grazing plan as described below, and minor adaptive management actions such as repairs to fences, gates, irrigation lines, and signs.

C. **Prohibited Activities**. Prohibited activities in each parcel's conservation easement shall include those specified in the draft LTMP. Additionally, in both conservation easements, hunting shall be prohibited, and grazing for non-restoration purposes (or inconsistent with an approved grazing plan) shall be prohibited. Except for as provided above, public camping and fishing from the conservation easement areas shall be prohibited.

10. **Other Agency Approvals**. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, or authorizations for the approved project development have been granted by the State and/or Regional Water Boards, U.S. Army Corps of Engineers, National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife, or evidence that no such authorizations are required for that phase of the project. The permittee shall inform the Executive Director of any changes to the project required by any of these other agencies. Any such changes shall not be incorporated into the project until the permittee obtains an amendment to this permit, unless the Executive Director determines that no amendment is legally required.

11. **Evidence of Legal Ability of Applicant to Undertake Development and Comply with Conditions of Approval.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the permittee shall submit for the review and approval of the Executive Director evidence that clearly demonstrates the legal right, interest, or entitlement to carry out the conditions of approval of CDP 1-24-0890, including but not limited to evidence the permittee has acquired all necessary temporary construction easement(s), fee titles, and/or leases for properties on which the proposed development would be located.

12. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to ground shaking, flooding, liquefaction, and tsunami run-up; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages,

costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

13. **Minor Changes and Deadline Extensions.** The Permittee shall undertake development in conformance with the terms and conditions of this CDP, including with respect to all Executive Director-approved plans and other materials, which shall also be enforceable components of this CDP. Any proposed project changes, including in terms of changes to identified requirements in each condition, including deadline extensions or modification of work windows, shall either (a) require a CDP amendment, or (b) if the Executive Director determines that no amendment is legally required, then such changes may be allowed by the Executive Director if such changes: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

IV. Findings and Declarations

A. Background and Environmental Setting

This project will take place at two locations on two parcels, both of which are in a rural setting of central Mendocino County north of the City of Point Arena, near the unincorporated community of Manchester (**Exhibits 1 and 2**). Both parcels are planned and zoned for Range Land (RL) uses under the Mendocino County certified LCP and both have some farm development and primarily support livestock grazing. Additionally, both properties include coastal waterways running through or adjacent to the property boundaries on broader low-lying floodplains. Both parcels also generally are undeveloped and vegetated with riparian forests and grasslands, but with degraded native and non-native habitats and invasive species present. Descriptions of each parcel are provided below.

Garcia River Parcel

The Garcia River parcel (APN 133-150-03) is an approximately 283-acre parcel located immediately east of Stornetta Ranch and the Point Arena-Stornetta Unit of the California Coastal National Monument. The property is east of Highway 1 and not between the sea and the first public road. The parcel is located along the banks of the Garcia River and is developed with a single-family home, barn, and a domestic well, all of which are or will be located outside of the proposed 117-acre conservation easement area on the parcel. The conservation easement is in the process of being finalized by RES and the executed conservation easement will be completed as part of the final BEI package. The purposes of this conservation easement are to ensure that the area of the parcel planned to serve as part of the Mitigation Bank will be retained forever in its natural, restored, or enhanced condition as contemplated by the BEI, the Development and Interim Management Plan, and the Long-term Management Plan, and to prevent any use of those areas that will impair or interfere with the preservation of the restored habitats. No developed structures are present within the proposed conservation

easement boundary, and the well location and a portion of the access road (Boer Road) will be excluded from the conservation easement.

The Garcia River is a 44-mile-long river that flows from the Mendocino Coast Ranges to the sea, discharging into the ocean just north of the Point Arena lighthouse west of the subject property. The habitat of the Garcia River has supported salmon and other native species, but the lower reach of the river has long been impacted by grazing, levees and other hydrologic manipulations, and by the effects of past logging and gravel mining practices. As a result, there is a lack of quality rearing habitat areas for fish and other aquatic life, such as off-channel areas with slower flows and complex habitats like that provided by woody debris. The parcel proposed for restoration here has historically been used for cattle grazing and contains an access road and associated fencing within the proposed easement area. Much of the property's native habitat has been degraded or lost due to grazing, but the land within the proposed conservation easement area is primarily undeveloped natural or naturalized land covers, including patches of conifer forest, riparian forest and scrub, coastal scrub, and grasslands.

The Garcia River parcel is currently planned and zoned for Range Land (RL) uses under the County's certified LCP. Land uses in the vicinity of the Garcia River parcel include open space (Garcia River and Point Arena-Stornetta California Coastal National Monument) and parcels adjacent to the conservation easement boundary are zoned as RL. The well location and a portion of the access road (Boer Road) will be excluded from the conservation easement.

Crispin Parcel

The Crispin parcel is an approximately 27-acre parcel owned in fee title by the applicant located north of a small stream called Brush Creek and east of Highway 1 in the unincorporated community of Manchester (APN 133-080-16). [2] The parcel is approximately 3 miles north of the Garcia River parcel. The parcel is located on the north side of Brush Creek approximately 2 miles upstream from the Pacific Ocean, on a terrace surface approximately 20 feet above the channel. Brush Creek flows from the Coast Ranges to the sea and drains an area of about 18 square miles. Historical land-uses within the broader watershed have contributed to the deep entrenchment of Brush Creek, such that it is not feasible to re-initiate overbank flows from the creek to the terrace within the context of this site-scale restoration effort. However, the applicant identified Crispin Parcel as presenting opportunities for restoring mesic and upland habitats, which have been lost or degraded over many decades due to grazing and development in the watershed and on the subject property.[3] Currently, the Crispin

[2] Portions of the Crispin Parcel are outside of the Coastal Zone and not affected by this CDP.

[3] In the submitted materials, the Applicant routinely uses the term 'mesic' to refer to several habitats, meaning such areas have moderate levels of moisture in the soils throughout the growing season; however, this description is vague and does not necessarily mean anything in the context of qualifying as coastal wetlands or ESHA. For the purposes of characterizing habitat under the Coastal Act, vegetation communities need to be described according to the quantitative standards recognized by

parcel contains undeveloped natural or naturalized land covers, including riparian forest and scrub, degraded coastal wetlands, and ruderal grasslands. A majority of the parcel is dominated by ruderal vegetation and has historically been used for grazing and continues to be managed, though now for invasive species. Additionally, adjacent land uses have modified overland runoff patterns reaching the parcel as well as the timing and duration of inundation which has impacted riparian, mesic, and upland habitats. The applicant proposes to establish an approximately 24-acre conservation easement to serve the Mitigation Bank on the property, and no developed structures are or will be present within the proposed conservation easement boundary.

B. Project Description

The primary purpose of the project is to conduct habitat restoration of the Garcia River and Crispin parcels, and to provide the restored habitat for advance mitigation purposes via a mitigation bank, as explained in more detail below. The primary proposed development for the purposes of this CDP application are the restoration activities themselves, and information regarding the advance mitigation process and future credits are generally only for context. However, this application also includes a request to authorize the Executive Director to sign onto the final BEI (**Appendix B**) and as such, this application seeks the Commission's concurrence that the bank is structured in a manner that is consistent with mitigation requirements under the Coastal Act. However, as explained below, the acceptance of any credits as compensatory mitigation for projects proposed in CDP applications will still require future Commission review and approval at the specific CDP application hearing.

The proposed restoration activities include various measures and practices to address historic impacts from cattle grazing and other past uses and development, to improve aquatic and riparian habitats, and to reestablish native vegetation. The habitat restoration will form the basis for the creation of a mitigation bank to provide mitigation credits for future projects in Mendocino County, including for Caltrans. Proposed restoration design maps are included as **Exhibit 3**, and a description of restoration activities is excerpted from the Development and Interim Management Plan (**Exhibit 6**). As shown in more detail within **Exhibit 8**, the general habitat types and target acreages for each parcel are described below - note that more specific vegetation communities are recognized in the BEI.

Garcia River Parcel

The proposed restoration development here includes grading and removal or modification of ranch roads, culverts, agricultural ditches, and spring boxes. See **Exhibit 3** for a general overview of the restoration activities. The restoration activities also include stream restoration, revegetation with native habitat, and invasive species management.

CDFW (see https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities) and wetlands need to be identified and delineated (rather than assumed).

Garcia Proposed Habitats[4]	Acres:
Upland ESHA to be Reestablished	11.1
Riparian Non-Wetland ESHA to be Enhanced or Reestablished	16.1
Riparian Wetlands/ESHA to be Enhanced, Rehabilitated, or Reestablished	15.1
Seasonal Wetlands/ESHA to be Enhanced, Rehabilitated, or Reestablished	16.7
Waters to be Enhanced, Rehabilitated, or Reestablished	14.7

Primary restoration areas for the Garcia River Parcel and the associated design objectives include:

1. Active river channel and cobble bar with riparian areas
    - Increase physical and hydraulic complexity, including to improve juvenile salmonid rearing habitat and provide low velocity refugia, by adding and expanding alcoves, creating new side channels and installing woody material mounds.
    - Reduce the potential for native fish strandings by ensuring restored floodplain aquatic features (e.g., side channels) drain and reconnect to existing flow paths back to the main channel of the Garcia River.
    - Remove, recontour, and revegetate a portion of Boer Road within the floodplain along the mainstem of the Garcia River.
    - Rehabilitate, re-establish, and/or enhance riparian and other ESHA (e.g., arroyo willow vegetation community) by managing invasive species, promoting natural recruitment of native plant species, and revegetating with native plantings and seed.
2. Main floodplain and riparian areas
    - Create a floodplain channel and a floodplain swale that will improve floodplain connectivity, increase extent and duration of floodplain inundation, and increase riparian wetland habitat by recontouring.
    - Prevent erosion and preserve access to the active channel by armoring the Boer Road crossing of the proposed wetlands.

[4] The terms ‘reestablishment’ and ‘rehabilitation’ are used by other agencies, including the USACE and in mitigation banking to refer to different mitigation strategies. ‘Reestablishment’ means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former resource, whereas ‘rehabilitation’ refers to the repair of such functions to an existing degraded resource. Both aim to address the suite of functions and values associated with a site. In its analyses, the Commission typically uses the term ‘restoration’ to embody both of these and treats them equally. The term ‘enhancement’ is applied similarly across agencies and means to manipulate the various characteristics in order to improve a specific resource function rather than addressing the full suite of functions and values associated with that site.

- Restore existing flow paths to reinitiate natural processes that support increased frequency and extent of flooding through minor recontouring and modifications of inlets.
- Expand corridors of riparian wetland and non-wetland riparian vegetation communities along the proposed floodplain flow paths where frequent flooding and soil saturation is anticipated, through modifications to floodplain hydrology.
- Restore vegetation in areas with more frequent inundation and saturation, such as those surrounding the proposed floodplain overflow swale and southeast swale, using hydrophytic riparian species.
- Restore vegetation in areas of the floodplain where inundation and saturation will be less frequent, using non-wetland woody riparian species.
- Rehabilitate, re-establish, and/or enhance, various types of riparian and other ESHA (e.g., arroyo willow and red alder vegetation communities) by managing invasive species, promoting natural recruitment of native plant species, and revegetating with native plantings and seed.

3. High floodplain and seasonal wetlands
    - Increase extent and duration of floodplain and wetland inundation by expanding and reestablishing seasonal wetland areas (swales and depressional features) and by repairing and renaturalizing the topography of drainage ditches and eroded gullies.
    - Enhance hydrologic connectivity and reduce sedimentation and erosion by adding an armored crossing on the main access road (Boer Road) that will disperse water that has previously ponded here.
    - Increase structural complexity in the vegetation and native hydrophyte diversity by creating and restoring native vegetation communities appropriate for the landscape.
    - Rehabilitate, reestablish, and/or enhance, various types of ESHA (e.g., Pacific reedgrass meadow) by managing invasive species, promoting natural recruitment of native plant species, and revegetating with native plantings and seed.

4. Uplands, including hillside tributaries and seasonal wetlands
    - Renaturalize springs by removing cattle pressure (including watering areas within the spring) on sensitive resources.
    - Restore topographic and hydrologic conditions that support seasonal wetlands and reduce erosion by repairing head-cuts and broadening incised gullies and adding subsurface rock “ribs” to stabilize gullies.
    - Enhance hydrologic connectivity, reduce sedimentation, and maintain safe wildlife passage by regrading the access road (Boer Road), including raising

the roadway at the tributary crossing, and replacing an existing culvert with a wider box to help disperse water beneath the road.

- Rehabilitate, re-establish, and/or enhance, various types of ESHA (e.g., California blackberry brambles, grand fir forest, etc.) by managing invasive species, promoting natural recruitment of native plant species and revegetating with native plantings and seed.

Fencing

The Garcia River Parcel will have temporary species exclusion fencing during construction, approximately 25,000 linear feet in length, to prevent certain wildlife from entering the work area where they would be vulnerable to construction impacts. The entire northern border of the Garcia River Parcel will be permanently fenced with livestock exclusion and wildlife-friendly fencing, approximately 2,000 linear feet in length. The southern portion of the Parcel is bordered by the Garcia River and its side channels, which does not require additional fencing to exclude livestock.

Crispin Parcel

Restoration objectives for the Crispin Parcel are to restore a contiguous mosaic of riparian, mesic, and upland habitats on the coastal terrace along with their associated ecosystem functions by implementing grading, revegetation, and management measures (**Exhibit 3**).

Crispin Proposed Habitats	**Acres:**
Upland ESHA to be Rehabilitated or Reestablished	14.2
Seasonal Wetlands/ESHA to be Reestablished	2.1

Primary restoration areas for the Crispin Parcel and the associated design objectives include:

- Decommission existing ranch roads within the parcel and restore soil conditions to support revegetation, including routing upland drainage strategically to benefit the latter.

- Increase topographic heterogeneity to support more diverse vegetation communities via limited recontouring including the strategic placement of on-site material to facilitate improved site hydrology.
- Expand an existing depressional swale basin to increase capture of precipitation and overland runoff via limited recontouring to redirect flows into the feature.
- Improve habitat for the federally listed Point Arena Mountain Beaver (PAMB) by providing contiguous mesic and riparian habitat, as the PAMB generally prefers moist, densely vegetated mesic and riparian habitats for shelter and foraging.

- Rehabilitate, reestablish, and/or enhance, various types of ESHA (e.g., Pacific reedgrass meadows, wax myrtle scrub, silk tassel scrub) by managing invasive species, promoting natural recruitment of native plant species, and revegetating with native plantings and seed.

Fencing

Permanent livestock exclusion and wildlife-friendly fencing will be installed around the entire northern border and part of the eastern and western borders of the Crispin Parcel (a total of approximately 2,600 linear feet of fencing). This fencing will tie into existing dense riparian vegetation along the eastern and western sides of the property, which continues until it reaches the vertical drop-off of the terrace immediately adjacent to the bank of Brush Creek.

Construction Activities & Operations

Construction for both parcels is proposed to occur during one concurrent construction season spanning approximately May through November, as feasible with dry weather and allowable permitting windows. Construction tasks for both the Garcia River and Crispin parcels include the following components:

- Mobilization and site preparation.
    - Delineation of work area perimeters and installation of temporary perimeter livestock/wildlife exclusion silt fencing.
    - Installation of Storm Water Pollution Protection Plan Best Management Practices (BMPs).
    - Clearing and grubbing of areas where existing vegetation will not be retained.
- Grading.
    - Salvage of any plant material to be used in revegetation.
    - Salvage and stockpiling of topsoils.
    - Abatement of weeds and invasive vegetation.
    - Excavation of new aquatic features and sorting rock inclusions for onsite reuse (Garcia only).
    - Removal/rerouting of portions of existing road.
    - Deconsolidation of compacted areas.
    - Elevation of the road at the floodplain stream crossing (Garcia only).
    - Installation of rock at road crossings and as ‘ribs’ within gully (Garcia only).
    - Fine grading and replacement of topsoil.
- Replacement of the existing culvert with larger culvert (Garcia only).

- Installation of woody mound structures within aquatic features (Garcia only).
- Native vegetation broadcast and/or drill seeding.
- Installation of erosion and sediment control BMPs (e.g., fiber rolls and erosion control fabric).
- Installation of temporary above-grade irrigation system.
- Native vegetation planting.
- Removal of all temporary fencing and installation of permanent wildlife-friendly perimeter fencing around the bank.
- Demobilization.

Equipment that will be used on-site includes water trucks, excavators, dozers, compactors, scrapers, hydroseeders, and skip loaders. This equipment may remain on-site until construction concludes on both sites. The current anticipated schedule is for grading, excavation, roadwork, and seeding work to conclude by September 30, 2026. Installation of erosion and sediment control BMPs, temporary irrigation, and permanent fencing may occur until October 15th, 2026. Planting and demobilization may occur in November. This construction timeframe may be delayed until 2027 or beyond based on various factors, including progress on finalizing and executing the BEI.

With respect to revegetation and implementation of the Erosion and Sediment Control BMPs, as reflected in the proposed Stormwater Pollution Prevention Plan (SWPPP), measures will commence as construction areas have been completed, no later than mid-October). Installation of SWPPP erosion control structures will be accomplished using small handheld equipment or by hand. As proposed, plant installation may continue through November. Following completion of all construction activities, interim management of the site will commence.

Access Roads and Staging

Access to the Garcia River Parcel will be provided by Boer Road, which will be improved throughout the Parcel. Improvements have been designed to benefit hydrologic connectivity, reduce sedimentation and erosion, and preserve site access with minimal disturbance to existing and restored habitats. Specifically, within the western hillside tributary, Boer Road will be improved to enhance hydrologic connectivity through the hillslope swale by replacing an existing culvert and creating armored crossings of the floodplain. The proposed crossings of wetlands in the high and main floodplain will broaden and armor the low-flow path to improve hydrologic connectivity and prevent further erosion and sedimentation. Additional access and staging work is proposed in the hillside uplands, high floodplain, and main floodplain. Within the active channel, much of the existing road will be decommissioned and the area rehabilitated (recontoured and revegetated) to improve habitat connectivity. A small portion of the existing road will be rerouted to provide occasional access to the main channel.

Primary access to the Crispin Parcel will be provided via an existing ranch road. A portion of the road is proposed to be removed and replaced with an alternate access route proposed along the northern edge of the parcel. In areas where the existing ranch roads are impacting the function of restored areas, actions such as regrading, deconsolidating, and removing nonnative fill will be utilized to restore adequate soil conditions to support revegetation. Restoring road areas will also provide the opportunity to route upland drainage runoff for the benefit of restored habitats.

All staging locations will be sited to avoid existing sensitive ecological resource areas and will occur within the limit of disturbance at both sites, as shown on the construction plans.

Interim Management Plan

An Interim Management Plan was submitted with the permit application and with the draft BEI (included as part of **Exhibit 6**), which describes post-construction operations and maintenance actions such as:

- Performance Standards and Monitoring Methods.
- Invasive Species Monitoring and Management.
- Grazing Management.
- Post-restoration Aquatic Resources Delineation and CRAM Assessment.
- Trash and Trespass Monitoring and Management.
- Fuels and Thatch Control.
- Infrastructure Maintenance.
- Irrigation Monitoring and Maintenance.

Performance standards and the associated monitoring to track their achievement would provide the mechanism for facilitating and evaluating overall restoration success. Monitoring methods would be both qualitative and quantitative in nature, depending on the specific indicators and actions pertaining to a given resource. Interim monitoring and maintenance actions would address invasive species, support native plant establishment, the management of infrastructure such as irrigation and fencing, and provide for interventions that may be necessary to ensure that the sites become self-sustaining into the future. Fuels and thatch may be managed (along with invasive species) through the introduction of limited grazing activities, which would be informed by a grazing management plan specific to the goals at hand. Regular monitoring would also address any issues related to trash and/or trespassing on the bank parcels.

C. Advance Mitigation Process Background

The proposed habitat restoration project is intended to be used as the basis for a Mendocino Coast Mitigation Bank. The Bank's primary goal will be to provide advance compensatory mitigation credits for unavoidable adverse impacts associated with a variety of projects pursuant to various regulatory statutes, including the Coastal Act, and

Sections 401 and 404 of the Clean Water Act. The Bank is intended to provide compensatory mitigation for future project applicants, including Caltrans, and RES has already entered into a contract with Caltrans to provide wetland and other waters mitigation credits.

Advance Mitigation refers to a proactive approach to environmental compensation, where mitigation for unavoidable impacts is undertaken before the permitted activity causing those impacts begins. Finding available properties and areas for habitat mitigation is an increasingly difficult process, especially for larger agencies like Caltrans with a constant need to conduct projects and mitigation. Doing so in the context of Caltrans project delivery and the Commission's CDP application timelines can be especially challenging.

Along with streamlining and reducing project delays associated with prior to issuance or construction requirements, advance mitigation offers potential benefits for the Commission and coastal resources. Commission staff and the Commission itself can benefit from the efficiency of needing to review fewer mitigation proposals. Advance mitigation also consolidates project mitigation needs and increases cohesive habitat restoration areas into larger efforts, which in some cases may have advantages over multiple small restoration areas scattered across a broader region. Advance mitigation also importantly reduces the lag time between the project's environmental impact and the successful completion of the mitigation, reducing temporal losses of habitat functions and values.

The Bank is being developed consistent with the U.S. Army Corps of Engineers' regulations governing compensatory mitigation. The USACE's regulations, also called the "Mitigation Rule," were issued in 2008 and revised in 2015 (Title 33 C.F.R. parts 325 and 332). In addition to providing mitigation for activities regulated by the USACE, RES also intends for the bank to be able to provide mitigation for Coastal Act impacts including both wetlands and ESHA. Thus, RES seeks the Commission's concurrence that the bank is structured in a manner that is consistent with mitigation requirements under the Coastal Act.

Under the USACE practice to establish a mitigation bank, an Interagency Review Team (IRT) is formed to include multiple regulatory agencies that may later authorize use of the credits as habitat mitigation under their respective mandates. The IRT oversees the establishment, use, operation, and maintenance of mitigation banks. In this case, the IRT is responsible for evaluating the proposed Mendocino Coast Mitigation Bank, providing guidance to the Bank Sponsor (i.e., RES) to facilitate consistency with agency requirements, and approving the Bank Enabling Instrument (BEI). The IRT is chaired by the San Francisco District of the Army Corps of Engineers and is comprised of team members from the North Coast Regional Water Quality Control Board, Environmental Protection Agency, California Coastal Commission, California Department of Fish and Wildlife, and National Oceanic and Atmospheric Administration. The IRT has been meeting about this project since 2021 and working directly with the Bank Sponsor to ensure the bank conformance with environmental laws, agency policies and scientific standards.

Following receipt of a draft prospectus, the IRT in this case provided initial feedback to the Bank Sponsor and then worked with RES to develop a BEI for the Mendocino Coast Mitigation Bank. The BEI sets forth the various terms and conditions for the establishment, use, operation, monitoring and maintenance of the bank. The current draft BEI, which is largely complete and approaching finalization, is attached as **Appendix B**. The BEI is comprised of a BEI template document and a series of attached Exhibits that provide information specific to this proposed bank. The proposal put forth for Commission consideration, in addition to the restoration activities described above, seeks concurrence that the draft BEI is generally consistent with the framework of requirements typically used for compensatory mitigation projects under the Coastal Act (the second Motion and Resolution included in Section 1 of this report, above) and if approved, would authorize the Commission's Executive Director to become a signatory to the bank. Becoming a signatory to the bank would facilitate its use by future applicants needing to mitigate Coastal Act impacts but does not pre-authorize or pre-approve such use. Rather, the Commission (or the local government, in areas with a certified LCP) would make project-specific decisions about compensatory mitigation, and specifically, about whether to approve the use (i.e., transfer) of credits at this mitigation bank, on a case-by-case basis. Once the final BEI is signed by all signatory agencies, it is considered executed. The sale and/or transfer of released credits may begin only upon the Bank Establishment Date. The Bank Establishment Date is determined once the following have occurred: 1) the BEI is executed, 2) Conservation Easements have been accepted and recorded, 3) the Bank Sponsor has furnished financial assurances, 4) any applicable Subordination Agreement is executed and recorded, and 5) Receipt of Title Insurance to the Signatory Agencies upon recordation of the Conservation Easements has been provided. Following Bank Establishment, and upon receipt of the Bank Sponsor's written request along with accompanying documentation of compliance with all applicable requirements, signatory agencies may release credits for sale and/or transfer.

Key components of the Mendocino Coast Mitigation Bank include the following:

- Service Area: A mitigation bank's "Service Area" refers to the geographic area within which permitted impacts may be compensated through the purchase of credits from the mitigation bank. One of the goals in defining the service area is to ensure that it is sufficiently large such that the bank is commercially viable but sufficiently small to ensure that mitigation occurs within relative proximity to the site of impacts. For the Mendocino Coast Mitigation Bank, **Exhibit 4** describes the Commission's primary and secondary service areas as spanning the coastal zone from the southern end of Mendocino County to near the town of Mendocino. The service area for the Army Corps of Engineers 404 credits covers a stretch of coast similar to the Commission's service areas, but extends much further inland within Mendocino County. Additionally, separate primary and secondary service areas are defined for the North Coast RWQCB 401 credits as extending from near Fort Ross (Sonoma County) in the south to near the town of Albion (Mendocino County) in the north, including areas within and outside the coastal zone.

- Development and Interim Management Plan: As described in the project description section above, establishing compensatory mitigation credits involves conducting a number of restoration activities on two parcels. The types of habitats to be restored and enhanced for which credits will be sought are shown/described in **Exhibits 3, 6**, and **8**. The Development and Interim Management Plan (**Exhibit 6**) also outlines the maintenance, management, and monitoring activities that the Bank Sponsor will conduct to guide the management of the Bank following restoration implementation until the performance standards specified in the plan are met.
- Bank Management & Operations: The Bank Sponsor will provide an Endowment Fund to California Waterfowl Association ("Endowment Holder") to provide perpetual funding for long-term management as outlined in Section VI.E. of the BEI. The Endowment Fund will guarantee that the long-term management and monitoring activities as outlined in the Long-term Management Plan (LTMP) (Exhibit D-3 of the BEI – see **Exhibit 7**) are implemented in perpetuity. The Bank Sponsor will also provide a separate endowment fund to the Endowment Holder concurrent with recording of the Conservation Easement (Exhibit E-2 of the BEI). The purpose of this separate endowment fund is to cover costs associated with upholding the terms of the Conservation Easement.

- Real Estate Assurances: Conservation Easements will be recorded over the Bank Property at each parcel to ensure that the Bank Property will be retained forever in its natural, restored, or enhanced condition as contemplated by the BEI, and to prevent any use of the Bank Property that would impair or interfere with the conservation values of the Bank Property.

- Bank Crediting & Credit Transfers: The sale and/or transfer (i.e., the assignment of purchased credits to a particular impact/project for which it is intended to compensate) of released credits may begin no sooner than the Bank Establishment Date and will follow a release schedule associated with meeting specific performance benchmarks as defined in the BEI. This bank will provide a multitude of credit types, including those representing a variety of wetland and ESHA resources as well as the ecological lift (or degree of improvement) associated with reestablishment, rehabilitation, and enhancement strategies. The acreage available as credits is described above in Section B, though the final number and allocations of each credit type across these categories will be determined based upon surveys and analyses confirming performance achievement at five to seven years post-implementation of the restoration. Following Bank Establishment, and upon receipt of Bank Sponsor's written request with accompanying documentation of compliance with all applicable requirements, signatory agencies (including the Commission) may release credits for sale and/or transfer according to the schedule.

Finally, at this time, the BEI is considered a draft as the IRT continues to work with the Bank Sponsor to refine some of the various BEI components. However, the major components are considered largely resolved and the BEI is approaching finalization - no

substantial changes are anticipated that would affect the restoration design or performance expectations. In order to move this bank project along and provide more certainty that the anticipated credits can likely be used in the future, especially for Caltrans projects, this application presents the draft BEI to the Commission for concurrence now. The draft BEI is extensively developed with robust terms for implementation, monitoring, success criteria, maintenance and crediting, and thus is sufficient for Commission review and evaluation. At the same time, **Special Condition 1** requires the Executive Director to review any future proposed changes to this draft BEI in a final BEI, and if those changes legally require an amendment to this CDP, the Bank Sponsor will return to this Commission to seek such an amendment and to authorize the Executive Director to sign on to the final BEI.

D. Standard of Review

Portions of the proposed project are located within the Coastal Commission's retained CDP jurisdiction (the Garcia River channel areas), while the remainder of the project is located within the County of Mendocino's LCP jurisdiction. Under Coastal Act Section 30601.3, when a project requires a CDP from both a local government with a certified local coastal program and the Commission, the Commission may process a consolidated CDP application for the proposed development when the applicant, the local government, and the Commission's Executive Director agree to process the CDP as a consolidated CDP. In this case, the Mendocino County Board of Directors adopted a resolution (Resolution No. 22-100) authorizing the consolidated coastal development permitting process on May 3, 2022, RES provided a copy of the resolution to Commission staff with the subject CDP application and requested the consolidation as well, and the Commission's Executive Director agreed to the consolidation. The standard of review for a consolidated CDP is the Chapter 3 policies of the Coastal Act; the County's LCP may be used as guidance.

E. Other Agency Approvals and Consultations

The project requires authorization from several other agencies, as detailed below. To ensure that the project ultimately approved by these other agencies is same as the project authorized herein, the Commission attaches **Special Condition 10**, which requires the applicant to submit to the Executive Director evidence of these agencies' approvals of the project prior to commencement of construction. The condition requires that any project changes resulting from these other agency approvals not be incorporated into the project until the applicant obtains any necessary amendments to this CDP.

U.S. Army Corps of Engineers (USACE)

The project requires a Nationwide Permit 27 from the United States Army Corps of Engineers to comply with Clean Water Act Section 404. USACE has reviewed the proposed project and confirmed that it is eligible for the National Permit 27; however, it has not yet been issued. Additionally, documentation of consultation in compliance with Section 106 of the National Historic Preservation Act is required to be submitted.

State and/or Regional Water Board Permits

The project requires certification under the Clean Water Act Section 401, which will be satisfied through coverage under the State Water Resources Control Board's Statewide Restoration General Order (see Finding N, CEQA). The North Coast Regional Water Quality Control Board's verification of coverage of the project under the General Order is in progress, but its final determination has not yet been issued.

California Department of Fish and Wildlife

The project requires a Lake and Streambed Alteration Agreement pursuant to state Fish and Game Code and California Endangered Species Act Compliance from CDFW. The agreement is in progress but has not yet been issued. The Permittee did not apply for an Incidental Take Permit (ITP) pursuant to the California Endangered Species Act, therefore "take" of state-listed salmonids is not allowed.

National Marine Fisheries Service

The project qualifies for coverage under a Programmatic Biological Opinion from the NOAA Restoration Center (RC). The NOAA RC's Santa Rosa Office Programmatic Approach (Program) determined that the Garcia River and Brush Creek Mitigation Bank Restoration Projects (2023-00564) fit within the scope of the Program. As the Permittee did not propose work that could cause "take" of federally listed salmonids, no further authorization from NMFS is required.

U.S. Fish and Wildlife Service (USFWS)

In 2025, the USFWS concluded a consultation with USACE for impacts to the endangered Point Arena Mountain Beaver (PAMB) due to proposed project activities. USFWS concurred with USACE that the project "may affect but is not likely to adversely affect" PAMB. USFWS' letter of concurrence dated March 12, 2025, and amended July 10, 2025, included several measures to avoid or minimize potential impacts to PAMB, including specifications for habitat assessment and presence/absence surveys as well as buffer distances to protect PAMB from construction activities.

Mendocino County

The project requires a Grading Permit and Air Quality Permit from Mendocino County.

F. Legal Interests in Subject Property

Section 30601.5 of the Coastal Act requires the following:

> Where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the commission shall not require the holder or owner of any superior interest in the property to join the applicant as co-applicant. All holders or owners of any other interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant. In addition, prior

> to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval.

Under Section 30601.5 of the Coastal Act, an applicant for a CDP does not need to be the owner of a fee interest in the property on which the proposed development is located as long as the applicant can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, and as long as all holders or owners of any other interests of record in the affected property are notified in writing of the permit application and invited to join as co-applicants. In addition, Section 30601.5 requires that the applicant demonstrate authority to comply with all conditions of approval prior to issuance of a CDP.

The project is located on two properties under two different ownerships. RES has provided evidence of entitlements to use both properties for the proposed development. The Crispin property is owned by RES in fee title, but the Garcia property is owned by another private property owner (Michael P. Boer). In the case of the Garcia parcel, RES has provided documentation that the current landowner has been notified of the application and invited to join as co-applicant.

RES will obtain a final easement to undertake the work on the Garcia parcel and will record conservation easements to protect the restored habitat on both properties. **Special Condition 9** requires RES to submit final executed copies of the conservation easement not less than 60 days prior to the commencement of construction. Additionally, **Special Condition 11** requires RES to submit evidence that clearly demonstrates the applicant's ability to carry out the conditions of approval of CDP 1-24-0890. Through these conditions, the Commission finds that the proposed development meets the requirements of Section 30601.5.

G. Substantial Alteration of Coastal Streams

Section 30236 of the Coastal Act states (emphasis added):

> Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

The Garcia River provides important habitat for federally and state listed salmonids and historically supported large populations of coho salmon (*Oncorhynchus kisutch*, Federal Endangered, State Endangered),Chinook salmon (*Oncorhynchus tshawytscha*, Federal Threatened), and steelhead trout (*Oncorhynchus mykiss*, Federal Threatened). Legacy effects of historic watershed-wide land use have increased sediment loads and altered the physical and hydraulic conditions of the main channel, and reduced channels margins and off-channel salmonid habitat. The river system provides habitat for

salmonids at all life stages, including cool water in the summer and low-flow areas for winter refugia.

RES intends to undertake restoration activities within and adjacent to the Garcia River. The primary restoration areas that could alter the Garcia River, all of which are in the privately owned parcel areas and not in any public trust river areas, include the active channel and cobble bar, and the main floodplain. Instream habitat restoration elements intended to improve salmonid and amphibian rearing habitat and velocity refugia during a range of winter flows are described more fully in Section B above and include (1) streambank lowering along the Garcia River active channel; (2) increasing/establishing alcoves within the active channel; (3) widening, deepening and/or enhancing flow routing of existing side channels (active channel); (4) installation of large woody material mounds (woody mounds) along key reaches of the active channel and within some secondary channels and alcoves; (5) creating a floodplain channel and a floodplain southeast swale (main floodplain); and (6) topographic reshaping and modifications to the inlets (main floodplain).

Proposed restoration activities described in the Project Description finding above are designed to improve active channel and floodplain connectivity through new and expanded flow paths, and thus increase the extent, frequency, and duration of flooding. These expanded flow paths will enhance the river's aquatic habitat, allowing juvenile salmonids and other native fish greater access to the parcel during winter and spring flood events, provide a food-rich rearing ground, and reduce fish strandings associated with current high sediment and low-flow conditions. They will also increase surface and subsurface water storage, improve vegetation composition and diversity, increase structural complexity, and support critical habitat for wildlife.

To implement the intended fish and wildlife habitat improvements, project construction will involve work in and around the Garcia River channel. These activities will involve some alteration of the existing channel with some temporary impacts. Table 1 below summarizes proposed impacts to Garcia River riverine and associated wetland habitats as part of the project construction, and anticipated excavation amounts are shown in Table 2. As discussed below, these project activities within the (dry) riverine channel constitute "substantial alteration" to the Garcia River channel with the primary function as improving fish and wildlife habitat, which is allowed under Section 30236.

Table 1: Garcia River Parcel River Channel Impact Calculations

River Channel Feature	Impacts (acres / length)
Perennial Streams	0.007
Intermittent Streams	0.006 (151 ft)
Culverted Stream	0.001 (27 ft)
Ephemeral Stream	0.003 (68 ft)
Secondary Channel	1.258 (2753 ft)
Alcove	0.001
Gravel Bar	0.074
Gravel Bed	0.381

Total Riverine Impacts	1.731 acres (~3,000 feet)

Table 2: Garcia River Parcel Excavation Amounts

Cut (cubic yards)	Fill (cubic yards)	Import (cubic yards)
86,000	86,000	2,428

(All cut material will be reutilized onsite as part of the project.)

Allowable Use

Section 30236 only allows alterations of coastal rivers under certain criteria, including when the primary function is the improvement of fish and wildlife habitat. Here the sole purpose of the project and the river alterations are the improvement of fish and wildlife habitat. Specifically, the increased habitat values expected to result from the proposed restoration include (1) restored natural connection to the river, (2) increased quantity of available salmonid habitat, and (3) increased quality of available salmonid habitat through modifications.

RES completed hydraulic modeling to assess and predict water surface elevations, inundation boundaries, flow routes, velocities, and shear stress in support of design development. As previously described, the proposed restoration activities include the creation of new flow paths, rehabilitation of existing flow paths through minor topographic reshaping, and potential modifications to the inlets to support increased frequency and extent of flooding. The reestablished waters will also reconnect existing flow paths back to the main channel of the Garcia River, thus reducing the potential for native fish stranding. Additionally, Boer Road will be improved to enhance hydrologic connectivity through the hillslope swale by replacing an existing culvert and creating an armored crossing, which will broaden and armor the low-flow path through the wetland swale while preventing ongoing erosion and sedimentation.

The proposed channel realignment work is expected to increase aquatic habitat area, improve its access and availability, and increase habitat complexity for species observed on-site including listed salmonids, California red-legged frog, foothill yellow-legged frog, and northwestern pond turtle. New flow paths within the floodplain of the Garcia River Parcel will be created to increase hydrologic connectivity and thus increase the extent, frequency, and duration of flooding. These flow paths will allow juvenile salmonids access to the parcel during winter and spring flood events and provide a food-rich rearing ground. Specifically, within the upstream reach of the active channel and cobble bar corridor, grading includes streambank changes in three locations to improve overbanking connections to the main floodplain and to create new alcoves. Additional streambank lowering combined with the installation of woody material mounds will increase hydraulic diversity along the channel edges, improve sustainability of multi-threaded channels, and support riparian wetlands.

Woody mounds will be installed along key reaches of the mainstem Garcia River and within some secondary channels and alcoves. The core structural logs will be bolted together and composed of redwood, Douglas fir, or other durable native conifer species.

Salvaged trees (primarily alders and willows) as well as smaller vegetative and woody debris will be pinned and packed within the foundational log structures to increase the density and roughness of the structure. The mounds will also be filled with native soil and cobble to fill some of the interstitial space within the logs. These structures are strategically sited to interact with baseflow (~565 cubic feet per second (cfs)) and high-flow conditions (>1455 cfs) in areas with over-widened channel geometry and low floodplain connectivity, thus promoting pool formation, localized scour, and sediment sorting. In addition to the geomorphic effects, the woody mounds are intended to provide cover and localized velocity refuge for rearing salmonids and help provide and recruit additional large wood for northwestern pond turtle basking habitat.

To ensure that the fish and wildlife habitat improvements achieve their intended objectives, RES has proposed certain measures in its draft Development and Interim Management Plan (**Exhibit 6**), which are described above. RES is also proposing long-term monitoring (under its Long-Term Management Plan dated October 2025 – **Exhibit 7**). These plans and measures are incorporated into the draft BEI.

Although the measures proposed in these plans are appropriate, **Special Condition 3** also reinforces the need for various success criteria to ensure target habitat improvement objectives are met. The revised final Development and Interim Management Plan required by **Special Condition 3** must include interim and final success criteria to demonstrate (among other things) persistent functionality of habitat features such as side channels and woody debris structures. If the annual monitoring reports indicate that the success criteria for fish and wildlife habitat improvement have been unsuccessful, in part or in whole, based on the approved success criteria in the BEI, the Permittee must identify any remedial measures or adaptive management necessary to correct the situation and is required to submit remediation plans for the review and approval of the Executive Director.

Special Condition 4 also requires submittal of a final Long Term Management Plan. As additional habitat protections, the draft Long-Term Management Plan limits certain uses within the conservation areas to ensure protection of the fish and wildlife habitat improvements. **Special Condition 9** reinforces this by requiring these restrictions to be incorporated into the conservation easements and includes limits on hunting and public/commercial fishing in the habitat restoration areas to improve the likelihood of a successful recovery.

Thus, the Commission finds that the proposed substantial alterations to the Garcia River, as conditioned with the additional requirements of **Special Conditions 3** and **4** discussed above, are primarily for the purpose of fish and wildlife habitat improvement as allowed under Section 30236.

Alternatives and Best Mitigation Measures Feasible

Section 30236 also requires the incorporation of the best mitigation measures feasible to avoid or minimize the significant adverse environmental effects of the proposed stream alteration project.

In this case, it is possible that the alterations could potentially result in limited adverse impacts to fish and wildlife habitat, primarily through the proposed dredging/filling or grading impacts, which would be inconsistent with Section 30236. In this case, there are no feasible alternatives to limit the alteration of the streams and the potential impacts therein, because the project is intended to improve the stream channel in order to benefit aquatic habitats, and those activities necessarily require alteration of existing stream conditions,

RES has also adopted a number of BMPs to protect biological resources as collected in **Exhibit 5**. **Special Condition 6** augments these proposed avoidance and minimization measures to further protect sensitive fish and wildlife during project construction. Moreover, **Special Condition 3(B)** requires that RES monitor the restoration areas to demonstrate that the project meets the proposed objectives. Wildlife species including birds, mammals, reptiles, amphibians, fishes, and invertebrates, would be monitored for a period of at least five years to confirm the presence of key taxa and multiple life stages, thus indicating the progressive development of healthy, high-functioning habitats over time. Additionally, monitoring of temperature and dissolved oxygen levels will be conducted within the re-established and rehabilitated waters to meet performance standards and to inform adaptive management and/or remedial actions, as necessary. High temperatures and low dissolved oxygen can be harmful for salmonids anticipated to use the restored alcoves and other off-channel habitats. As noted in the Development and Interim Management Plan, temperatures persistently above 20°C have been shown to be potentially lethal to juvenile and adult salmonids on the Northern California Coast; however, deleterious impacts such as stress and disease are observed at lower temperatures ranging from 14-20°C. Dissolved oxygen levels below 3 mg/L for extended periods of time can also be lethal for all life stages of salmonids, although impacts to fish health have been observed below 6 mg/L, particularly during sensitive life stages.

Additional potential project impacts and mitigation measures are discussed below.

i. Measures to protect water quality: The proposed restoration activities include significant grading and land disturbance, which have the potential to result in directs impacts to water quality and aquatic life. Impacts such as sedimentation could result in increased turbidity, and use of heavy equipment in and around coastal waters and wetlands poses the risk of accidental spills. The project includes a number of avoidance, minimization, and mitigation measures to help avoid potential negative impacts from the above activities. RES has worked in consultation with CDFW to propose the following wetland and water quality protection measures: (1) as part of the Construction Pollution Control Plan (CPCP), RES will prepare and implement a hazardous materials management and spill response plan; (2) stockpiling of materials, portable equipment, vehicles, and supplies (e.g., chemicals), will be restricted to the designated construction staging areas, (3) erosion and sediment control measures will be implemented; (4) vehicle and equipment fueling and maintenance, and spill prevention and control BMPs; (5) installation of temporary fiber rolls, as needed; (6) maintaining sufficient erosion control

supplies on site; (7) following construction, the contractor will demobilize and remove equipment, supplies, and construction materials. These measures are required to be adhered to under **Special Condition 5**. Additionally, RES is required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) consistent with requirements of the NCRWQCB. Furthermore, to ensure excess spoils and construction debris that may be generated by the project are properly disposed of, Special Condition 5(E), requires the submittal of a Debris Disposal Plan prior to commencement of construction.

ii. Measures to protect special-status fish: The mitigation measures cited above and incorporated into **Special Condition 5** will ensure that construction of the project does not result in direct impacts to sensitive salmonids that may be located in the Garcia River. Construction will not occur within the streambed on the Crispin Parcel and on the Garcia Parcel construction will only occur within the active channel or riparian when these areas are dry. In addition, **Special Condition 3** requires the permittee to undertake development in accordance with the approved final plans and submit as-built plans to verify that the creek habitat restoration project is constructed as intended. **Special Conditions 3 and 4** require` implementation of restoration monitoring to ensure that the project achieves the identified objectives.

iii. Measures to protect nesting birds: To avoid and minimize impacts to any nesting birds that may be present in the riparian habitat areas during construction, RES proposes to conduct bird surveys prior to commencement of any construction. If vegetation removal is to take place during the nesting/breeding season, buffers of at least 300 feet from active nests of non-raptor species are required and 500 feet from any active raptor nests are required until the young have fully fledged. **Special Condition 6(B)** requires the Permittee to adhere to these proposed measures to protect nesting bird habitat areas.

iv. Measures to protect sensitive reptiles and amphibians: The Garcia River Parcel contains suitable habitat for species such the California red-legged frog, Foothill yellow-legged frog, and Western Pond turtle, which have the potential to be adversely impacted by the proposed restoration activities. To minimize impacts to reptiles and amphibians **Special Condition 6(D)** requires pre-construction surveys to be completed no more than 24 hours prior to the date of initial ground disturbance and vegetation clearing to investigate all potential areas. If sensitive reptiles or amphibians are encountered, work shall stop in the area, and a biological monitor shall be notified. No work may proceed within a 100-foot radius until the biological monitor has evaluated the situation and potentially relocated the animal(s), consistent with USFWS or CDFW requirements, as applicable (e.g., individual possesses necessary handling permits from USFWS)

v. Measures to protect sensitive riparian habitat: Restoration activities have the potential to adversely affect riparian habitat. To prevent impacts to riparian habitat, RES has proposed avoidance and minimization measure VHDR-1 which includes, but is not limited to, minimizing the amount of soil, terrestrial vegetation, emergent vegetation, and submerged vegetation in freshwater areas disturbed during project construction. Additionally, measure WQHM-3 calls for the installation of erosion control measures, such as straw bales, silt fences, fiber rolls, or equally effective measures, at riparian areas adjacent to stream channels, drainage canals, and wetlands, as needed.

By restoring and recontouring the active channel at the Garcia River and restoring adjacent habitats, the proposed project will improve the ecological function of a coastal river to support the reproduction, growth and survival of salmonids and other aquatic species. In addition to its fish habitat benefits, the proposed channel reconstruction work will restore and enhance riparian habitat, including riparian wetlands and the transitional habitats moving towards upland areas, which will promote the diversity of birds and other wildlife using these areas.

Therefore, the Commission finds that for all the reasons discussed above, the proposed substantial alterations of the floodplain of the Garcia River are for an allowable use under Section 30236, there are no feasible alternatives to avoid these alterations, and as conditioned, the project incorporates the best mitigation measures feasible to avoid or minimize the significant adverse environmental effects of the proposed stream alteration activities.

H. Water Quality and Wetlands

Section 30231 of the Coastal Act states:

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

Section 30233 of the Coastal Act states in applicable part:

> (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
>
> 1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities;

2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basin, vessel berthing and mooring areas, and boat launching ramps;

3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities;

4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines;

5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas;

6) Restoration purposes;

7) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation…

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary…

The proposed project includes the grading/dredging of wetlands and is therefore subject to the policies of Coastal Act Sections 30231 and 30233. Section 30233 limits the diking, dredging and filling of coastal wetlands and waters to seven specific enumerated uses and also requires that any project involving excavation, dredge, or fill in coastal wetlands (a) be the least environmentally damaging feasible alternative, and (b) provide adequate mitigation to minimize adverse environmental effects. Coastal Act Sections 30231 and 30233 together require that the biological productivity and quality of coastal waters and the functional capacity of wetlands be maintained and enhanced. A description of potential impacts to wetlands within each project site is included below.

Garcia River Parcel

The Garcia River Parcel contains various wetland types, including perennial seep wetlands, seasonal wetlands, seasonal wetland swales, seasonal wetland ditches, scrub-shrub wetland, forested wetland, in-stream wetland, and coastal one-parameter wetlands. Collectively, these areas total approximately 24.8 acres of coastal wetlands. Impact to these wetlands from restoration work are expected to total 4.77 acres (see Table 3 below). Two existing perennial seeps located within the upper portion of the western hillside tributary have been modified to supply water to cattle troughs, which has led to significant incision in the natural drainage's banks. As part of the project, the troughs will be removed, and the seeps will be restored to their natural condition, thus improving hydrology throughout the associated drainage and supporting seasonal wetland vegetation. Restoration of wetland habitats on the parcel as proposed will increase their capacity to provide important functions and habitat values.

Similar to the impacts to the river channel discussed above, to implement the intended wetland restoration objectives of the project, construction will involve some dredging, and/or filling of wetlands, and therefore result in some impacts, as summarized in Table 3 below.

Table 3: Garcia Parcel Wetland Impact Calculations

Wetland ID	**Anticipated Impacts (acres)**
Perennial Seep Wetlands	0.012
Seasonal Wetlands	1.237
Seasonal Wetland Ditches	0.112
Seasonal Wetland Swales	1.854
One-Parameter (CCC) Wetlands	1.653
Forested Wetlands	3.152
Total Wetland Impacts	8.02

Crispin Parcel

The Crispin Parcel contains two wetland areas, which are in relatively flat portions of the old stream terrace. The wetlands consist primarily of hydrophytic vegetation including native cow parsnip (*Heracleum maximum*) and giant horsetail (*Equisetum telmateia*), along with invasive non-native poison hemlock (*Conium maculatum*) and common velvet grass (*Holcus lanatus*). The project will involve temporary impacts to these wetlands, as summarized in Tables 4 and 5 below. Existing non-native vegetation within these coastal wetlands will be removed and replaced with native mesic scrub species. As such, existing coastal wetlands are anticipated to remain coastal wetlands following restoration. Additionally, activities on the Crispin parcel include grading of an depressional swale basin. The deepening and expansion of the depressional feature is anticipated to increase vegetation community diversity and water retention on the parcel. Spoils from earthwork activities will be placed to the northwest, west, and south of the proposed basin, and will be recontoured to blend into the existing topography and redirect runoff into the swale feature.

Table 4: Crispin Parcel Impact Calculations

Wetland ID	**Acreage**
One-Parameter (CCC) Wetlands	0.47

Table 5: Crispin Parcel Excavation Amounts

Cut (cubic yards)	**Fill (cubic yards)**	**Import (cubic yards)**
10,650	10,830	200

Allowable Use

Any proposed diking, dredging, or filling in wetlands must be for allowable use as specified under Section 30233 of the Coastal Act. The relevant categories of use listed under Section 30233(a) include *(6) restoration purposes*.

Although project construction will impact coastal wetlands as explained above, the purpose of the project is restoration. As previously described in the Project Description finding and as shown in **Exhibit 8**, the proposed project will restore or enhance on the Garcia parcel 12 acres of freshwater wetlands and 4.6 acres of mesic habitats (which potentially classify as coastal wetlands) and on the Crispin parcel, 5 acres of mesic habitats. Additionally, as discussed further in the ESHA finding below, 31 acres of riparian habitat (some of which is classified as forested wetland) will be restored on the Garcia parcel.

The Commission has in many past actions considered dredging and filling in wetlands to be allowable for "restoration purposes" under Coastal Act Section 30233(a)(6).[5] Neither the Coastal Act nor the Commission's administrative regulations contain a precise definition of "restoration." Typically, "restoration" is defined in terms of actions that result in returning an article "back to a former position or condition," especially to "an unimpaired or improved condition." The particular restorative methods and outcomes vary depending upon the subject being restored. For example, the Society for Ecological Restoration defines "ecological restoration" as "the process of intentionally altering a site to establish a defined indigenous, historical ecosystem. The goal of the process is to emulate the structure, function, diversity, and dynamics of the specified ecosystem."[6] However, the term also applies to actions taken that result in the reestablishment of ecological processes, functions, and biotic/abiotic linkages and lead to a persistent, resilient system integrated within its landscape.

RES has completed a Development and Interim Management Plan along with its draft BEI (**Exhibit 6**). **Special Condition 3** requires the submittal of a final Development and Interim Management Plan consistent with the current draft and as finalized through the IRT and BEI process. As it does now, the final Development and Interim Management Plan will describe all proposed restoration activities and provide a schedule for completion of construction, revegetation, maintenance, and monitoring. Further, the plan will include interim and final success criteria, description of monitoring methods, provisions for annual monitoring, as well as provisions for remedial actions and adaptive management should the annual monitoring reports indicate that restoration efforts have been unsuccessful.

RES has also completed a Long-Term Management Plan along with its draft BEI (**Exhibit 7**). **Special Condition 4** requires the submittal of a final Long-Term Management Plan consistent with the current draft and as finalized through the IRT and BEI process. As it does now, the Long-Term Management Plan will set terms for restoration, monitoring, and maintenance activities after the performance standards for the project have been met, to ensure that the mitigation site continues to function as intended and the site is protected in perpetuity.

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[5] See CDPs 1-06-036-A1, 1-08-011, 1-08-012, 1-08-020, 1-09-020, 1-09-030, 1-10-032, and 1-17-0926, among others.

[6] "Definitions," Society of Ecological Restoration News, Society for Ecological Restoration; Fall, 1994.

Alternatives

For projects involving diking, dredging, and filling, the Commission must ensure that the proposed project has no less environmentally damaging feasible alternative consistent with Section 30233 of the Coastal Act. Coastal Act Section 30108 defines "feasible" as …c*apable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors*.

In this case, project alternatives, including variations on the proposed alternative and the "No Project Alternative," were considered (other project sites elsewhere along the Mendocino Coast also were also considered as possible restoration/mitigation bank sites, but for various reasons, the applicant currently is only proposing restoration on the subject sites, so this alternatives analysis is limited to only the subject properties). The restoration design has evolved over time through feedback provided to the applicant by the IRT. Early discussions of the restoration design considered the benefits and tradeoffs of construction impacts to existing riparian habitat areas to meet certain restoration objectives versus avoiding existing riparian areas to minimize impacts while still meaningfully restoring habitat and providing ecological lift to degraded habitat areas. The proposed project minimizes impacts to existing sensitive habitats while restoring wetlands, fish habitat, and ESHA where feasible. Ultimately, because the project intends to restore wetland areas, there must be some impacts to those wetland areas as grading, excavation and other such necessary activities occur there.

The No Project Alternative would result in both parcels remaining in their existing conditions which, as previously discussed, are degraded and of low habitat value due to historic agricultural uses on the parcels. The objective of the proposed project is to restore vital ecosystem functions, including aquatic resources, water quality, and species habitat.

Accordingly, there are no feasible less environmentally damaging alternatives to the proposed development as conditioned.

Feasible Mitigation Measures

Given the large-scale nature of the project with extensive excavation and grading activities in proximity to coastal waters and wetlands, project construction could result in impacts to water quality and aquatic species through water pollution from sediment mobilization, or construction debris or hazardous materials entering coastal waters. As discussed above for the Garcia River parcel, RES has proposed various AMM's and BMP's (**Exhibit 5**) to protect water quality, **Special Condition 5(F)** provides additional provisions and erosion and sediment control measures, and **Special Condition 5(E)** requires submittal of a final debris disposal plan for the Executive Director's review and approval prior to commencement of construction to ensure that an appropriate disposal site(s) for excess excavated soil and other debris not being re-used in the project will be appropriately identified prior to commencement of construction. These conditions will broadly apply to work on both parcels.

Therefore, the Commission finds that the proposed restoration project, as conditioned, will maintain and enhance the functional capacity of the habitat consistent with the requirements of sections 30233 and 30231 of the Coastal Act.

I. Environmentally Sensitive Habitat Area

Section 30240 of the Coastal Act states:

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.

Section 30107.5 of the Coastal Act states:

> "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Environmentally Sensitive Habitat Areas within the project vicinity include sensitive natural communities, wetlands, riparian areas, and habitat for sensitive species, including, but not limited to, the federally endangered Point Arena mountain beaver (*Aplodontia rufa nigra*; PAMB).

Garcia River Parcel

The land within the Garcia River parcel consists of primarily natural or naturalized land covers, including conifer forest, riparian forest and scrub, coastal scrub, and grasslands. RES and their consultants observed 25 land cover types within the Garcia River parcel including 11 terrestrial communities and 14 aquatic resources. Three of the terrestrial communities and each of the aquatic resources are considered sensitive. The parcel is also within designated critical habitat for Contra Costa goldfields (*Lasthenia conjugens*). No special-status plants were observed within the project limits during botanical surveys performed in May 2020, and March, April, June, and July 2021 and 2022.

The Garcia River parcel contains approximately 15 acres of non-wetland riparian areas where the dominant woody plants are dependent on groundwater of the nearby river, but inundation is insufficient to result in wetland conditions. Riparian boundaries are determined based primarily on the edge of tree canopy and location above the top of bank and OHWM of the Garcia River. Dominant plant species include red alder (*Alnus rubra*), willows (*Salix* spp.), red elderberry (*Sambucus racemosa*), California blackberry (*Rubus ursinus*), cape ivy (*Delairea odorata*, an invasive species) and stinging nettle (*Urtica dioica*). These features experience temporary overland flow during flood events.

Potential ESHA communities on the parcel include approximately 10.7 acres of red alder forest and approximately 4.2 acres of Coastal Dune-Sitka Willow Thicket.

Field surveys at the Garcia River parcel indicate that the site supports a variety of wildlife. Sensitive species considered present on the parcel include Western pond turtle (*Actinemys marmorata*), California red-legged frog (CRLF; *Rana draytonii*), and Foothill yellow-legged frog (*Rana boylii*). The parcel is within designated critical habitat for California red-legged frog. Listed salmonid fishes considered present include Steelhead, Coho salmon, and possibly Chinook salmon. The Garcia River is considered critical habitat for all three species and several steelhead and coho parr (juveniles) were observed onsite, in the Garcia River, by RES and their consulting biologists.

Crispin Parcel

The land within the Crispin parcel includes primarily disturbed non-native grassland with a dominance of ruderal species on a flat terrace above Brush Creek. Brush Creek is a perennial stream located in a deeply incised channel with steep banks and drains to the Pacific Ocean. No sensitive terrestrial plant or animal species were observed on-site. Though the parcel is within designated critical habitat for the federally listed Contra Costa goldfields, no special-status plants were observed during botanical surveys conducted in May 2020, and March, April, June 2021 and 2022.

The parcel contains approximately 5 acres on non-wetland riparian habitat including riparian forest and scrub. Arroyo willow riparian forest lines Brush Creek along the southern boundary of the parcel. Riparian boundaries were delineated along the edge of tree or shrub canopy. The parcel includes approximately 3.14 acres of red alder forest and approximately 1.94 acres of arroyo willow scrub. These riparian habitat areas meet the definition of ESHA cited above. A total of three plant species ranked as highly invasive by the California Invasive Plant Council (Cal-IPC) were observed within the parcel, including Cape ivy (*Delairea ordata*), pampas grass (*Cortaderia jubata*), and Himalayan blackberry (*Rubus armeniacus*). While not ranked by Cal-IPC as High, both poison hemlock (*Conium maculatum*) and wild radish (*Raphanus sativus*) are ubiquitous invasives across the majority of the Crispin Bank Parcel, forming dense stands with few other species, in some locations.

Additionally, field surveys of the parcel indicate that the site supports a variety of wildlife. Sensitive species considered present on the parcel include white-tailed kite (*Elanus leucurus*), Foothill yellow-legged frog (FYLF), and Point Arena Mountain Beaver (PAMB). The white-tailed kite is a CDFW Fully Protected Species, FYLF is listed as species of special concern by CDFW, and PAMB is a federally-listed endangered species. White-tailed kite use of the parcel itself would likely be limited to foraging on small mammals and lizards associated with the habitats as there is no suitable nesting habitat. At least one PAMB burrow was observed within the riparian zone of this parcel during dedicated surveys. While it is not clear if PAMB are active on the parcel currently, use of the parcel by this species could include the riparian and vegetated areas of the terrace near the riparian. FYLF was repeatedly observed during dedicated surveys below the terrace within Brush Creek, where restoration activities will not occur. FYLF is tightly associated with aquatic habitat, so is unlikely to occur on the terrace.

Listed salmonids considered present in Brush Creek include Steelhead and Coho salmon. Brush Creek is considered critical habitat for both species.

Development within and adjacent to ESHA on both parcels

As discussed in previous findings, the purpose of the project is to restore and enhance habitat. Grading, dredging, demolition, substantial alteration of riparian habitats along the Garcia River and adjacent to Brush Creek will occur within or adjacent to ESHA. On the Garcia parcel, as described above, some acres of riparian habitat will be impacted as part of the creation of off-channel fish habitat and other fish and wildlife habitat improvements. However, the project proposes to restore approximately 31 acres of riparian habitat on the Garcia parcel (**Exhibit 8**) and 14 acres of upland ESHA habitats on the Crispin parcel.

As cited above, Coastal Act Section 30240 requires ESHA to be protected against significant disruption of habitat values and further requires development in areas adjacent to ESHA to prevent impacts that would significantly degrade the ESHA. Coastal Act Section 30240 limits development in ESHA to uses dependent on those resources. Here the purpose of the project is for restoration of wetlands and sensitive natural communities, and restoration is a resource-dependent use allowed in ESHA under Section 30240(a).

Still, construction activities, including grading and revegetation activities, have the potential to impact existing and adjacent ESHA. Activities include the revegetation of target restoration areas with existing native vegetation, which is proposed to be flagged in the field by a qualified biologist, salvaged, and/or transplanted depending on the specific location and species. Seeding of the restored areas is proposed to occur through either drill seeding, use of a mechanical spreader, or by hand. The planting palettes reference a number of sensitive vegetation communities, with the aim of eventually providing mitigation credits for these habitat types. The plant palettes proposed include locally native species that are regionally appropriate to the overall site conditions and were informed by a combination of reference site data and vegetation community descriptions following the online version of *A Manual of California Vegetation* and associated vegetation reports.[7]

Additionally, invasive species on both parcels will be monitored and treated through a combination of hand removal, mechanical removal, and herbicide treatment. RES has proposed mitigation measure VHDR-6 which states that herbicides will only be used when other methods are determined to be ineffective or would create a greater environmental impact than chemical control and all herbicides considered for use will adhere to all regulations per the California Environmental Protection Agency. Additionally, mitigation measure VHDR-7 states that a field inspection will occur prior to the application of any herbicides to ensure the licensed applicator is aware of and avoids any special status species or habitat present. Finally, VHDR-8 states that all

[7] CNPS. 2025. A Manual of California Vegetation, Online Edition; searched: July 2025. California Native Plant Society, Sacramento, CA.

herbicide application will be recorded specifically along with all plants and areas treated, amounts and types of herbicide used, and dates of application. **Special Condition 5** requires the implementation of all proposed AMM's and BMP's as shown in **Exhibit 5**. Flash grazing is currently proposed on the Garcia River Parcel as a method to control invasive species in areas to be restored, as well as routine grazing in areas of the Conservation Easement where restoration would not occur. All grazing activities must be authorized pursuant to the review and approval of a final Grazing Management Plan in the future (see **Special Condition 4(A)),** provided measures to ensure that grazing activities would not impact the restoration areas and are consistent with the stated restoration objectives. Grazing on the Crispin Parcel is not proposed as part of the draft Grazing Management Plan, but could potentially be used as adaptive management to control invasives if other proposed control methods are unsuccessful, and if the IRT and the Commission approve.

Various alternative methods and locations were evaluated by RES, but given these locations were determined to have the best potential for habitat restoration of ESHA, and the activities cited above are necessary to perform the restoration and creation of the ESHA areas, no feasible alternatives were found, and a no project alternative would not realize the habitat restoration that is the basis for the project, and an overall benefit to the environmental habitats in the area.

As previously discussed, **Special Condition 3** is attached to ensure target habitat improvement objectives are met. Additionally, the project includes a number of avoidance, minimization, and mitigation measures already adopted by RES (**Exhibit 5**) to help address potential adverse impacts associated with the restoration activities. These measures are supplemented by **Special Conditions 5** (Construction Responsibilities).

Further, to ensure that project activities meet the restoration objective to improve fish and wildlife habitat, and to demonstrate development of habitat function and value, evidence of wildlife use will be documented during the five-year monitoring period. **Special Condition 3** requires the submittal of the final Development and Interim Management Plan, which requires regular documentation of wildlife use in restored areas, monitoring methods and timing, objectives, performance standards and final success criteria, and demonstration of overall habitat development.

Riparian Habitat

As previously discussed above in sections F, G, and H, riparian habitat and wetland habitat is present on both the Garcia River and Crispin parcels, and on the Garcia parcel, activities will directly impact riparian habitat as shown in Table 6.

Table 6: Garcia Parcel Riparian Impact Calculations

Riparian Habitat	**Anticipated Impacts (acres)**
Forested Wetland	3.152
Non-Wetland Riparian	1.370
Total Riparian Impacts	4.522

However, as conditioned, the development is designed and sited to prevent impacts that would significantly degrade riparian ESHA and is compatible with continuance of the habitat. **Special Condition 5** requires the implementation of the proposed avoidance and minimization measures as shown in **Exhibit 5**. These measures include but are not limited to: Measure ASP-1, which provides for pre-construction surveys for various species; Measure GPM-5, which commits to environmental monitoring by a qualified biologist during construction activities; and Measure AMP-8, which calls for the removal of invasive species and provides measures to protect sensitive species. Additionally, **Special Condition 6** aims to refine some of these specific measures including for the protection of nesting birds, reptiles, and amphibians.

Point Arena Mountain Beaver Habitat

As previously discussed, the Point Arena mountain beaver (PAMB; *Aplodontia rufa nigra*) has been documented on both the Garcia River and Crispin parcels. The proposed restoration activities on both parcels are intended to improve wildlife habitat for PAMB. PAMB prefer areas with abundant herbaceous vegetation, particularly along north-facing slopes or gullies where soils are well drained and friable. They are typically found in riparian habitat, moist coastal scrub, and dune scrub comprised of a wide variety of brushy and herbaceous cover.[8] The proposed restoration activities include planting species known to be used for foraging by PAMB, including cow parsnip (*Heracleum maximum*), salal (*Gaultheria shallon*), Douglas iris (*Iris douglasiana*), and stinging nettle (*Urtica dioica*). Because PAMB derive most of their water from vegetation rather than directly drinking, they rely on plants with high moisture content—particularly succulent herbs.[9] At the Crispin parcel, many of the species selected for the Pacific reedgrass meadow, salal berry brambles, and wax myrtle scrub communities have tender, moisture-rich stems that fulfill this need.

In May and June 2025, a PAMB habitat assessment and presence/absence surveys were conducted by USFWS-approved biologists throughout the Garcia River and Crispin Parcels. These surveys identified PAMB habitat areas on both parcels and found potential PAMB burrows in the Crispin Parcel riparian zone. **Special Condition 6(E**) specifies that presence/absence surveys for PAMB by USFWS-approved biologists shall be conducted 8 weeks prior to commencement of construction on both parcels following guidance provided within the USFWS Letter of Concurrence (LOC) dated March 12, 2025. As habitat assessments were already completed in 2025, these do not need to be repeated. Guidance from the above referenced USFWS LOC will be used to avoid impacts to PAMB during restoration activities. For example, vegetation removal and any ground disturbing activities shall occur at least 100 feet from occupied habitat (including PAMB burrows) and unsurveyed suitable habitat during the mountain beaver breeding season (i.e., from 1 December through the following 30 June), and shall occur

[8] USFWS, “Point Arena Mountain Beaver Recover Plan” (1998).

[9] Voth, E. H. “Food habitats of the Pacific Mountain beaver” (1967).

at least 50 feet from occupied habitat or unsurveyed suitable habitat during the mountain beaver non-breeding season (i.e., from 1 July through 30 November).

Northern Spotted Owl Habitat

The applicant's consultants performed protocol-level surveys for the federal and state listed northern spotted owl (NSO; *Strix occidentalis caurina*) at the Garcia River Property in 2022 and 2025. There are previous observations of NSO within or otherwise directly adjacent to the project limits, in tree stands along the Garcia River. **Special Condition 6(C)** requires that RES conduct surveys for northern spotted owls in accordance with 2012 USFWS *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls* and subsequent 2019 *Northern Spotted Owl Take Avoidance Analysis and Guidance for Private Lands in California – Coast Redwood Region* and follow all seasonal restrictions. If occupied nests are detected, work shall not commence within 0.25-miles of the nest until after young have fully fledged and are independent of the nest. Any buffer reductions are required to occur in consultation with USFWS, CDFW, and the Commission.

Overall, the primary purpose of this project is to restore and enhance environmentally sensitive habitats. The restoration plan was developed with the goal of maximizing habitat restoration on the site. No feasible alternatives exist that could create such habitats while totally avoiding any potential impacts associated with these activities. The project has adopted, and special conditions here require, that avoidance and minimization measures are adopted to avoid and minimize impacts to ESHA. Therefore, the Commission finds that the proposed project as conditioned is consistent with the requirements of Section 30240.

J. Protection of Coastal Agriculture

Section 30241 of the Coastal Act states (emphases added):

> The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:
>
> (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
>
> (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
>
> (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

> (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
>
> (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
>
> (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime

Section 30113 of the Coastal Act defines "*prime agricultural land*" through incorporation-by-reference of paragraphs (1) through (4) of Section 51201(c) of the California Government Code:

(1) All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications; or

(2) Land which qualifies for rating 80 through 100 in the Storie Index Rating; or

(3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture; or

(4) Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars ($200) per acre.

Section 30242 of the Coastal Act states:

> All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

The two parcels here are located in a rural area, not directly on or near the edge of any urban boundary, and both properties are planned and zoned for Range Land (RL) uses under the County's certified LCP. Listed uses allowed on RL lands under the LCP include Single Family Residential; Vacation Home Rental; General Agriculture; Light Agriculture; Row and Field Crops; Tree Crops; Passive Recreation; and Fish and Wildlife Habitat Management. Thus, the proposed project, which involves habitat restoration/management, is consistent with the permitted uses allowed in the RL zone under the certified LCP.

Both project sites have been used for agriculture in the past, primarily livestock grazing, and in terms of soil capability, both sites are capable of continued or renewed agricultural use. However, neither site contains prime soils, and neither site is substantially supporting agriculture at this time. On the Garcia parcel, there currently is limited grazing that generally occurs between February and July when between 50 to 100 organic beef cows are grazed at a time. A Williamson Act contract is also present on the parcel. No Williamson Act contracts are present on the Crispin parcel, and the parcel is currently not being grazed. Neither property otherwise is used for any agriculture currently.

Though both sites remain suitable for agricultural use in terms of soil capability to support livestock grazing, such grazing use over the decades has had significant impacts to naturally occurring habitats, including on riparian habitats and potential habitat for PAMB, and to the water quality of the adjacent coastal streams. Moreover, grazing has driven the degradation of native vegetation communities at both sites. At the Garcia River Parcel, which is still currently grazed by cattle, riparian vegetation has largely disappeared in the grazing pastures and drainages show erosion and other signs of degradation from cattle activity. The Crispin parcel's past grazing use has disturbed the soil, limited native vegetation growth, and led to the establishment and proliferation of nonnative grasses and forbs. The past grazing also exacerbated the incision of Brush Creek and degraded its water quality.

The proposed restoration under this project will limit future agriculture activities on both sites, including in the riparian and creek/river habitat areas, to ensure the habitat restoration is successful over the long-term. Certain areas will be fenced off to prevent grazing and uses within restoration areas will be limited. Fencing off the restored floodplain and other aquatic habitats will protect those areas from grazing impacts such as hoof sheer stress, soil compaction, herbivory or trampling of newly planted vegetation, and elevated nutrient introduction, and all troughs within or adjacent to sensitive habitats will be removed or relocated.

While the restoration areas will be fenced off from grazing, there are areas that will remain outside of restoration areas suitable for agriculture generally. Additionally, some controlled grazing could potentially be allowed on the Garcia parcel for habitat restoration purposes (i.e., for invasive species management) after the initial restoration performance period and under the Long-Term Management Plan. Grazing, when properly managed, is not necessarily incompatible with habitat restoration and may even benefit such restoration. In this case, RES has proposed a draft Grazing Management Plan (see **Exhibit 7**) to guide grazing activities in a way that will ensure the protection of the habitat restoration. The plan provides details regarding the grazing capacity of the parcel, grazing management, and monitoring measures. Any livestock used for flash grazing would be confined to a small area using portable electric fencing. **Special Condition 4(A)** requires the submittal of a final Grazing Management Plan and implementation of the final approved plan to ensure any grazing practices implemented are consistent with conservation and restoration objectives.

In sum, the project as conditioned will restrict, through executed conservation easements, future agriculture activity on certain areas of both properties. However, other areas of the properties will remain available for agriculture and still allow limited grazing where it would be compatible with habitat restoration goals. For the mitigation bank project to be successful and meet the performance standards established by the IRT, however, continued agricultural use that is not compatible with habitat restoration goals within conservation areas is not feasible. However, the habitat restoration activities will be compatible with continued agricultural use on surrounding rural agricultural lands, consistent with section 30242. Therefore, the proposed project as conditioned is consistent with Sections 30241 and 30242 of the Coastal Act.

K. Coastal Hazards

Section 30253 states (in applicable part):

> New development shall do all of the following:
>
> A. Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
>
> B. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs…

The proposed development is in an area of the coastal zone that has been identified as subject to potential hazards from riverine flooding. Flood hazards for each parcel are discussed below.

Garcia River Parcel

The Garcia River Study Area is located in the Lower Garcia River watershed (HUC12: 180101080905), within the Big-Navarro-Garcia Hydrologic Unit Code (HUC8:18010108) watershed (NRCS 2023). Annual rainfall within this watershed averages 40.79 inches, with the majority of rain falling between November and March. Non-wetland waters within the Garcia River Study Area include a perennial stream (base low flow of Garcia River), several secondary channels of the perennial stream, and three ephemeral streams. The Garcia River is the dominant drainage feature on the site and spans the length of the Garcia River Study Area. The stream flows from east to west and drains directly into the Pacific Ocean located approximately 4 miles downstream. Precipitation, streams, surface runoff, and groundwater contribute to the hydrology of the Garcia River Study Area. Per USGS Stream Stats, a 2-year peak flow is approximately 6,220 cubic feet per second (cfs). Per hydrology modeling for the Garcia River Study Area, a 2-year peak flow is approximately 5,880 cfs. Based on hydrology models, these flow levels cover the active channel and floodplain above the top of bank with water.

Crispin Parcel

The Crispin Study Area is located in the Brush Creek watershed (HUC12: 180101080904), within the Big-Navarro-Garcia Hydrologic Unit Code (HUC8:

18010108) watershed. Annual rainfall within this watershed averages 41.26 inches, with the majority of rain falling between November and March. Brush Creek, a perennial stream, is the dominant drainage feature for the site and spans the length of the southern edge of the Crispin Study Area. The stream flows from east to west and drains onto the shoreline of the Pacific Ocean located approximately 2.0 miles downstream. No direct hydrologic connection to the Pacific Ocean (i.e., tidal influence) is present at the mouth of Brush Creek. Precipitation, streams, and surface runoff contribute to the hydrology of the Crispin Study Area.

Here, although the proposed restoration is new development, the project is not placing structures within areas at risk of flooding and the project is not proposing, nor will it require, the construction of protective devices. Some of the proposed items like fencing are ultimately temporary measures whose presence does not create risks to life and property or require armoring to remain in place. While both sites have some risk of flooding from rain events, the project generally includes habitat restoration that can help address that risk. Overall, the project minimizes risks to life and property and avoids shoreline protective devices, consistent with Section 30253.

L. Public Access and Recreation

Coastal Act Section 30210 states:

> In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30214 states in part:

> The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

Coastal Act Section 30234.5 states:

> The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

Section 30210 of the Coastal Act requires that maximum public access shall be provided and other public access policies of the Coastal Act protect public access consistent with public safety and site characteristics, as well as private property rights. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In evaluating project consistency with the public access policies of the Coastal Act, the Commission must consider whether public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

Neither the Garcia River Parcel or Crispin Parcel is between the first public road and the sea, and neither contains existing public access areas or public recreational uses. Both parcels have been in agricultural use and are also generally surrounded by private property. As previously mentioned, the Garcia parcel is located east of the Point Arena-Stornetta Unit of the California Coastal National Monument, which includes several miles of public hiking trails. The Crispin parcel is located due east of Manchester State Park. Neither property supports direct public access, but both the Garcia River and Brush Creek, which run through the subject parcels, include fish-bearing public trust waterways.

As discussed in previous findings, the project will restore habitats, including habitats along the banks of the waterways, and the project involves placing these restored habitat areas under a conservation easement. Activities that are inconsistent with the purposes of the conservation easements are prohibited on both parcels. Thus, public access to both parcels will continue to be restricted, as access to the restoration areas will be authorized solely for monitoring and maintenance activities as described in the Long-term Management Plan (LTMP) (**Exhibit 7**). The easements will set some limits on fishing with respect to fishing access from the privately owned parcel subject to the conservation easement. Fishing is not a significant public recreational component on either of the two parcels. Some fishing does occur from nearby public areas along the streams and that fishing will still be allowed. Therefore, the project is consistent with Section 30234.5 of the Coastal Act.

Overall, there is no general public access on the subject properties, and the proposed project would not adversely impact public access. Both parcels will be undergoing restoration activities requiring protection of sensitive and fragile resources and therefore, the limits on public access under the conservation easement on the private property can be consistent with Section 30210 and 30214. Therefore, the Commission finds that the proposed project, which does not include provision of public access, is consistent with the public access policies of the Coastal Act.

M. Archaeological and Tribal Cultural Resources

Section 30244 of the Coastal Act states:

> Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The project area lies within the traditional territory of the Bokeya Pomo, a tribe of the Central Pomo. The Manchester Band of Pomo of the Manchester Rancheria, located four miles upstream from the coastal mouth of the Garcia River, consists of members of tribal groups known formerly as the Boya and the Bokeya who lived between the Russian River Valley and the coast. Today, many Tribes reside in the larger geographic area.

An Archaeological Survey Report was prepared for the Crispin Parcel by ALTA Archaeological Consulting, LLC (ALTA). Investigations for cultural resources located in the project Area of Potential Effects (APE) were conducted in January of 2022, and included archival research, a records search, and a cultural resources pedestrian survey. ALTA also undertook consultation efforts with the Tribes. Based on the results of a record search and field survey, which identified no archaeological resources within the APE, ALTA concluded that the project area does not contain any tribal cultural resources and will not impact tribal cultural or archaeological resources.

An Archaeological Survey Report was prepared also prepared for the Garcia River Parcel by ALTA. Investigations for cultural resources located in the project Area of Potential Effects (APE) were conducted in June of 2023, and included archival research, a records search, and a cultural resources pedestrian survey. ALTA also undertook consultation efforts with the Tribes. The results of a record search and field survey identified one archaeological resource within the APE. Potential impacts to the site include equipment staging and alterations to an existing access road.

ALTA provided Commission staff copies of the consultation initiation letters they sent on March 14, 2022, to the tribes on the Tribal Consultation List provided by the Native American Heritage Commission (NAHC). To date, only one response has been received, which was a request for a copy of the report. No further responses were received.

Pursuant to the Commission's adopted Tribal Consultation Policy, Commission staff separately reached out to tribal representatives to provide the opportunity for additional comments and recommendations on the project. Commission staff referred the project to the NAHC-recommended tribal contacts and other tribal representatives with known interest in the project area region. The Tribal Historic Preservation Officer Director from the Kashia Band of Pomo Indians requested a copy of the cultural resources report prepared for the project. To date, Commission staff has not heard further from any of the contacted tribal representatives regarding the subject project.

To ensure the protection of any cultural resources that may be discovered at the site during construction, the Commission attaches **Special Condition 7**. If an area of archeological and/or tribal cultural resources is discovered during the course of the project, project activities within the area of discovered resources shall cease and the

area will be protected. Project activities that could impact the site shall not recommence until a qualified archeological and/or tribal cultural resource specialist analyzes the significance of the find in consultation with relevant Native American and the specialist prepares a plan regarding steps needed to protect resources. The Commission's Executive Director will review the plan to determine if an amendment to this CDP is legally required because of proposed project changes.

As thus conditioned, the proposed project is consistent with Coastal Act Section 30244.

N. California Environmental Quality Act (CEQA)

The State Water Resources Control Board (State Water Board) developed an Order and associated Programmatic Environmental Impact Report (PEIR) for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (Order) to improve the efficiency of regulatory reviews for projects throughout the state that would restore aquatic or riparian resource functions and/or services. The Order establishes an authorization process for environmentally beneficial restoration project types and associated measures to protect species and the environment.[10] In this case, the North Coast Regional Water Quality Control Board (NCRWQCB) served as the lead agency for the project under CEQA. Through the IRT process, the NCRWQCB verified that the proposed restoration project is consistent with the PEIR, but its verification requires the BEI to be executed before becoming official.

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). 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 substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(C)). Accordingly, in fulfilling that review, this report has analyzed the relevant coastal resource issues with the proposal and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. All above findings are incorporated herein in their entirety by reference.

There are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. As conditioned, the proposed project will not result in any significant

[10] See https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders/2022/srgo-final-peir-combined.pdf.

environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

The proposed development has been conditioned to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing biological resources and water quality, hazards and cultural resources will ensure that the project does not result in any unmitigated significant adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.