



## COUNTY OF MENDOCINO

# DEPARTMENT OF PLANNING AND BUILDING SERVICES

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### MEMORANDUM

**DATE:** July 7, 2021

**TO:** Coastal Permit Administrator  
**FROM:** Jessie Waldman, Planner II

**SUBJECT: CDP\_2020-0024 (Boothe) – Recommendation for Revisions to Staff Report**

On May 25, 2021, Planning Staff received comments from the California Coastal Commission (CCC), recommending revisions to the proposed Conditions of Approval #11, #20 and #23 and well as further conditions and regarding future development and possible risks of adverse environmental effects.

On June 3, 2021, Planning Staff received comments and requests for clarification from the agent, Wynn Coastal Planning & Biology (WCPB), specific to the Habitats and Natural Resources section of the Staff Report and multiple recommended conditions of approval.

On or before June 10, 2021, throughout the project review process, public noticing period and the Coastal Permit Administrator (CPA) Hearing, Planning Staff received multiple public comments expressing concerns regarding the location of the proposed development and its potential impacts to visual resources to adjacent parcels, requests for story poles and consideration that private view sheds be addressed as part of the County Review process for this project.

On June 17, 2021, Planning Staff received additional comments from the California Coastal Commission (CCC), recommending revisions to the proposed Conditions of Approval #11, #20 and #23 and well as further conditions and regarding future development and possible risks of adverse environmental effects.

Between June 10, 2021 and July 6, 2021, Planning Staff received additional and requests for clarification from the agent, Wynn Coastal Planning & Biology (WCPB), specific to the Habitats and Natural Resources section of the Staff Report regarding mitigation fencing materials, as well as multiple recommended conditions or approval.

#### **Clarifications to Visual Resources Section of Staff Report, Page 4:**

Per Coastal Element Policy 3.5-1, development design is focused on “*scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas.*”

For parcels west of State Route 1, not mapped as Highly Scenic, such as the subject parcel the maximum building height allowed is 28 feet, where the proposed average building height is 16 feet 10 inches, per MCC Section 20.376.045.

While portions of the proposed residence will be visible from State Route 1, the development will not be adding additional view obstructions to the ocean from State Route 1. The proposed residence would not be visible from public areas, any park or beach or recreation areas and would not be out of character with surrounding development.

Planning Staff determined the proposed project will be consistent with Mendocino County Coastal Element Policies 3.5-1, Mendocino County Code (MCC) Chapters 20.488 and 20.504 regulations for parcels to be developed along the ocean and scenic coastal areas; therefore story poles were not required by the Planning Division of Mendocino County Planning and Building Service.

#### **Clarifications to Staff Report Sections Habitats and Natural Resources and Takings Analysis, Pages 6, 7 and 8:**

Alternative locations for the proposed residence, septic and driveway were considered. Three (3) development alternatives were analyzed by the land owner and their agents, prior to the submittal of this application, as detailed within the Taking Analysis report. The alternatives considered Geotechnical Limitations, potential impacts to Environmentally Sensitive Habitat Areas (ESHA), specifically to Coastal Act wetlands and ESHA buffers, as well as consideration of yard setbacks and septic design impacts.

The Updated Geotechnical Investigation Report, prepared by Brunsing Associates, Inc. (Brunsing), cautioned against development that could lead to the saturation of weak soils at the bluffs edge, which necessitates maintaining the 46 foot geotechnical bluff setback recommended for development. The driveway location was determined to be the least environmentally damaging location due to sensitive habitats and constraints for the septic. WCPB also reviewed alternative building site locations, and determined due to the recommended 46 foot geotechnical bluff setback, the best sites identified for the driveway and septic are the proposed locations, as shown on the *Site Plan*. The proposed single-family residence is located to the farthest distance possible outside of the Coastal Act wetlands and ESHA buffers with consideration of the other setbacks (yards, geotechnical and other ESHA buffers).

Alternative A proposed develop locations to be outside of ESHA 50 foot buffers, yet inside the updated 46 foot setback recommended within the Geotechnical Investigation by Brunsing.

Alternative B was found to be more impactful than the proposed development, as shown on the enclosed *Attachment A – Proposed and Alternatives A & B Project Site Plans*. Due to the recommendations within the Geotechnical Investigation, the proposed septic system location is proposed further away from the bluff top edge to reduce additional saturation of the weak soils near the bluff top edge. If the septic system was developed closer to the bluff top edge, the development runs the risk of compromising the existing bluff top soil stabilization.

All other project alternatives will have a greater negative impact due to encroaching in ESHA buffers and/or contributing to potential failure of sensitive bluff edges. The proposed project location does impact identified ESHA yet allows the property owner to develop a residence that is similar in size and scale to residences on adjacent properties in the same vicinity and zone as the project site.

A low wooded or ~~row-rope~~ mitigation fence is proposed at a 15 foot setback from the bluff top edge, which conflicts with the recommended avoidance measures within the updated geotechnical report prepared by Brunsing, dated July 24, 2019, which recommends “No development shall be permitted within 46 feet of the bluff top edge”, ~~including any proposed mitigation fencing”. including any proposed mitigation fencing”-The mitigation fencing materials shall be consistent with the materials as shown on the Site Plan within the Staff Report or similar symbolic fencing or deck railing.~~

Thus the proposed development, with the septic system further away from the bluff and Geotechnical setback of 46 feet, is considered a safer alternative, as well as the least impactful to ESHA.

**Revisions to FINDINGS 1, 4, 7 and 8:** Planning Staff has prepared the following revisions to the Findings in response to the comments received from the California Coastal Commission, dated October 9, 2020 and June 17, 2021 and WCPB, dated June 3, 2021.

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program, except Section 20.496.020(A)(1) relating to buffer widths from Environmentally Sensitive Habitat Areas, which is specifically addressed by the Supplemental Findings below. A single-family residence is a principally permitted use and a garage, and additional appurtenant structures ~~and ancillary development~~ are permitted accessory buildings within the Rural Residential ~~and Development Limitations (DL)~~ land use classifications and are consistent with the intent of the Rural Residential classification and all associated development criteria; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. An Initial Study and adoption of a Mitigated Negative Declaration is recommended. **Conditions 12 through ~~23~~26** are

recommended to insure compliance with the California Environmental Quality Act requirements for a Mitigated Negative Declaration; and

7. Pursuant with MCC Section 20.532.095(B), the proposed development would not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The project site is located between the first public road and the sea, within the private gated Pacific Reefs Subdivision; and is not designated as an existing or potential public access point.
8. Pursuant to MCC Section 20.532.100(A)(1), no development shall be allowed in an ESHA unless the resource as identified will not be significantly degraded by the proposed development, there is no feasible less environmentally damaging alternative, and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted. Alternatives to the proposed development were considered. Adjacent properties in the vicinity were reviewed to determine that the size and scale of development is in conformance with adjacent properties. Mitigation measures, Conditions 12 through 24, have been recommended to reduce any potential impacts from the proposed project. As conditioned, the proposed development will not significantly degrade the resources as identified.

**Revisions to Conditions of Approval #11, 12, 20 and 23:** Planning Staff has prepared the following revisions to the recommended Conditions of Approval in response to the comments received from the California Coastal Commission, dated October 9, 2020 and June 17, 2021 and WCPB, dated June 3, 2021.

11. Prior to the final occupancy of any building permit associated with the Coastal Development Permit, the Applicants, as landowner, shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:
  - a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards; and
  - b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and
  - c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
  - d. The landowner shall not construct any bluff or shoreline protective devices to protect the subject structures or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future; and
  - e. The landowner shall remove structures on the parcel, including septic infrastructure, drilled piers and other sub-surface infrastructure associated with the house foundation, when bluff retreat reaches the point where the structures are threatened. In the event that portions of the subject structures or other improvements associated with the subject structures fall to the beach or ocean before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal; and
  - f. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.

12. \*\* Mitigation and Avoidance Measures proposed in the geotechnical report prepared by Brunsing Associates, Inc., dated July 24, 2019, shall be incorporated into the design and construction of the proposed project. Prior to the final occupancy issuance of any building permit associated with the Coastal Development Permit, the applicant shall submit evidence that qualified geotechnical or civil engineer has reviewed the final grading and foundation plans. No development shall be permitted within 46 feet of the bluff top edge, including any proposed mitigation fencing.
20. \*\* Mitigation and Avoidance Measures proposed in the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.8 are required to prevent potential impacts to Headland Wallflower, as follows:
  - a. Potential impact to Headland Wallflower within the northern coastal bluff scrub habitat can be avoided by following the mitigations recommended for that natural community within the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.6 and a Habitat and Mitigation Monitoring and Reporting Plan is recommended and shall include criteria to understand how success will be measured, details on the timing, frequency, and duration of monitoring and reporting for five (5) years, and what to do if the mitigation is unsuccessful.
  - b. Headland Wallflower is precluded from growing within an approximately 2,000 square foot portion of the subject parcel by heavy mats of invasive iceplant. This area, which is at the break in slope of the bluff top edge, is an ideal topographical location for Headland Wallflower. Special care shall be taken to avoid overspray and chemical drift into areas vegetated with native plants, as follows:
    - i. This method has successfully been used by California State Parks to restore wallflower (Erysimum spp.) habitat. Relative cover of native species present within the area of iceplant is high. If herbicide is to be used, specifications on applications should be provided to and approved by the County before application. Compensatory mitigation success should include full eradication of iceplant above the break in slope of the headlands (i.e. not along the bluff face) as a goal.
  - c. A low wooded or row-rope mitigation fence, or similar symbolic fencing or deck railing, shall be installed and maintained, set back from the bluff top edge and consistent with the geotechnical report prepared by Brunsing Associates, Inc., dated July 24, 2019, where no development shall be permitted within 46 feet of the bluff top edge, including any proposed mitigation fencing, which is intended both to denote sensitive natural habitat seaward (north) of the fencing to its north, to discourage entry into this area and to minimize erosion hazards associated with the area. The proposed location of the permanent mitigation fence should be placed to maximize exclusion of human impacts to the restoration area. This location is which will be converted to native habit supporting Headland Wallflower. All areas seaward of The area north of the permanent mitigation fence shall be maintained as open space as native habitat where no development other than habitat restoration may occur, including no accessory structures, landscaping, or other improvements. Planting for habitat enhancement purposes may be allowed pursuant to a landscaping plan approved by the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services, in consultation with California Department of Fish and Wildlife (CDFW) provided such plantings are comprised only of species that are native, appropriate for coastal bluff habitats of the region and serve to enhance Headland Wallflower habitat.
  - d. Five Headland Wallflowers are located outside of the Northern coastal bluff scrub habitat and may be directly impacted by construction or the proposed single-family residence and septic system. Headland Wallflowers are biennial or short-lived perennial plants that grow vegetatively the first year, go dormant during winter and then regrow and got to seed that following year (and sometimes survive to seed again an additional year or two). Headland Wallflowers have a deep taproot and are unlikely to be successfully transplanted unless very young, so transplanting is not recommended. Seed will be collected from individuals prior to construction and dispersed north of the single-family residence within an area vegetated with ice plant at the time of the biological

surveys. The iceplant in this area will be removed prior to seeding creating new habitat for the Headland Wallflower along the blufftop edge.

- i. Collection of soil around the headland wallflowers within the impact area should be considered to capture any potential seed bank which may be present. Caution should be used with soil/seed bank collected because the five wallflowers observed within the potential direct impact area are growing within habitat dominated by invasive grassland species while the restoration area, though dominated by iceplant, also has a significant component of native species and lacks many of the non-native invasive species present within the grassland. Consideration should be given to either spreading seedbank soil within the area between the project and restoration area that already has non-native grassland species present but that will be protected by exclusionary symbolic fencing, and/or germinating seed bank soils in flats, removing non-native species as they germinate and then planting out germinating wallflowers into the restoration area.
  
- e. A Habitat Mitigation Monitoring and Reporting Plan (HMMRP) will prepared and submitted to Mendocino County Planning and Building for review and approval prior to permit issuance. The purpose of the HMMRP is to direct and monitor the success of iceplant removal and the reseeding efforts in the area where ice plant will be removed to mitigate for the direct wallflower impacts and the reduced ESHA buffer. Mitigation and Monitoring will be carried out by a qualified botanist. Minimum success criteria specified in the HMMRP will include:

100% of iceplant will be eradicated within the restoration area of the subject parcel above the break in slope of the bluff edge. At least ten wallflower individuals will be successfully grown in the reseeded/restored area (this number is twice the number as the number of plants documented within the area likely to be impacted by the proposed project). The Monitoring and restoration should occur for at least five years and until all performance criteria are met for 2 consecutive years. Results of ice plant removal and annual monitoring will be reported to the County annually for a minimum of five years and for each additional year monitoring and restoration efforts continue.

The HMMRP will include background information, goals, success criteria, methodology, and a timeline for implementation. The HMMRP will be performance-based, allowing for management to be carried out in an adaptive manner whereby monitoring provides feedback and shows the manager areas within which efforts are successful, as well as areas that may need a different approach in order to meet the performance goals. The HMMRP will address and identify potential contingency measures if no headland wallflower individuals germinate. Consultation with CDFW and the County should occur if progress toward meeting success criteria is not being made in order to reassess strategies toward achieving the criteria. If success criteria are not met after five years and at least two consecutive years then an additional year (or more) of management, restoration, monitoring, and reporting will be required.

22. \*\* Mitigation Measures and Restoration proposed by California Department of Fish and Wildlife (CDFW) and California Coastal Commission (CCC), are required to prevent potential impacts to Environmentally Sensitive Habitat Area (ESHA), ESHA buffers and bluff tops, as follows:

- a. Prior to the issuance of the Coastal Development Permit, the owners shall furnish ~~a~~-an updated site plan indicating a staging plan ~~with planting of native, regional appropriate species~~ for review and approval by the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services, in consultation with California Department of Fish and Wildlife (CDFW). The staging plan shall include the following:
  - i. Building footprint envelopes, and
  - ii. Environmentally Sensitive Habitat Areas (ESHA), and
  - iii. Environmentally Sensitive Habitat Areas (ESHA) Buffers, and
  - iv. Geological minimum 46 foot minimum setback to bluff top edge with location of permanent mitigation fencing, and
  - v. Open space area, and

- vi. Shall note the deed restricted areas to indicate “open space” and “no accessory structures, landscaping, or other improvements allowed in deed restricted open space areas”; and
  - b. Prior to the issuance of the Coastal Development Permit, the owners shall furnish ~~a~~an updated site plan indicating a landscaping plan with planting of native, regional appropriate species for review and approval by the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services, in consultation with California Department of Fish and Wildlife (CDFW). ). The landscaping plan shall include the following:
    - i. Building footprint envelopes, and
    - ii. Environmentally Sensitive Habitat Areas (ESHA), and
    - iii. Environmentally Sensitive Habitat Areas (ESHA) Buffers, and
    - iv. Geological minimum 46 foot minimum setback to bluff top edge with location of permanent mitigation fencing, and
    - v. Open space area, and
    - vi. Shall note the deed restricted areas to indicate “open space” and “no accessory structures, landscaping, or other improvements allowed in deed restricted open space areas”; and
23. \*\* Mitigation Measures and Restoration proposed by California Department of Fish and Wildlife (CDFW) and California Coastal Commission (CCC), are required to prevent potential impacts to Environmentally Sensitive Habitat Area (ESHA), as follows:
- a. \*\* Prior to the final occupancy of any building permit associated with the Coastal Development Permit, the Applicants, as landowner, shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:
    - i. No plant species listed as problematic, invasive or “noxious weed” by the California Native Plant Society, California Invasive Plant Council, State of California or the federal government shall be allowed to naturalize or persist on the site; and
    - ii. Restoration activities should avoid removal of native species to the greatest extent feasible; and
    - iii. Use of hand tools is recommended; and
    - iv. Use of herbicide is discouraged for removal of iceplant. If herbicide is to be used, the Habitat and Mitigation Monitoring Plan (HMMP) should provide specifications on application. Compensatory mitigation success should include full eradication of iceplant above break in slope of the headlands (i.e. not along bluff face) as a goal; and
    - v. The proposed location of the permanent mitigation fencing should be placed to maximize exclusion of human impacts to the restoration area; and
    - vi. As mitigation activities includes the propagation of headland wallflower by scattering seeds in cleared area, the HMMP needs to address and identify potential contingency measures if no individuals germinate; and
    - vii. The applicant shall submit evidence that qualified geotechnical or civil engineer has reviewed the final grading and foundation plans. No development shall be permitted within 46 feet of the bluff top edge, including any proposed mitigation fencing, and
    - viii. Potential impact to Headland Wallflower within the northern coastal bluff scrub habitat can be avoided by following the mitigations recommended for that natural community within the Biological Scoping, Wetland Delineation & Botanical Survey Report, dated August 21, 2020, by Wynn Coastal Planning and Biology Consulting Section 7.6 and a Mitigation Monitoring and Reporting Plan is recommended, and

- ix. A low wooded or rope mitigation fence, or similar symbolic fencing or deck railing, shall be installed and maintained, set back from the bluff top edge and consistent with the geotechnical report prepared by Brunsing Associates, Inc., dated July 24, 2019, where no development shall be permitted within 46 feet of the bluff top edge, including any proposed mitigation fencing, which is intended both to denote sensitive natural habitat seaward (north) of the fencing ~~to its north~~ and to discourage entry into this area and to minimize erosion hazards associated with the area. The proposed location of the permanent mitigation fence should be placed to maximize exclusion of human impacts to the restoration area. This location will be converted to native habit supporting Headland Wallflower. All areas seaward of the permanent mitigation fence shall be maintained as native habitat where no development other than habitat restoration may occur, including no accessory structures, landscaping, or other improvements. Planting for habitat enhancement purposes may be allowed pursuant to a landscaping plan approved by the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services, in consultation with California Department of Fish and Wildlife provided such plantings are comprised only of species that are native, appropriate for coastal bluff habitats of the region and serve to enhance Headland Wallflower habitat, and
- x. Exhibit map for a landscaping plan, as required under **Condition 22(b)**.

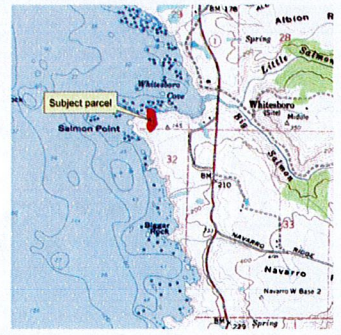
**Recommendation for Additional Conditions of Approval**

25. Any Building Permit request shall include all conditions of approval of CDP\_2020-0024 (attached to or printed on the plans submitted).
26. Prior to inspection of the installation of any foundation associated with this Coastal Development Permit, Planning Division of Mendocino County Planning and Building Services shall conduct a site inspection to ensure development is consistent will all setback limitations and the staging plan is properly implemented.

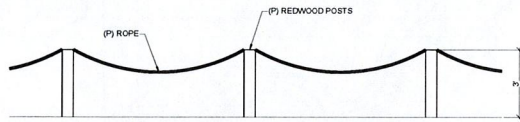
Encl: Attachment A – Proposed and Alternatives A & B Project Site Plans  
Attachment B - California Coastal Commission (CCC) comments, dated June 17, 2021  
Attachment C - CDP\_2020-0024 (Boothe) CFDW 2021 0610  
Attachment D - CDP\_2020-0024 (Boothe) WCPB 2021 0610  
Attachment E - CDP\_2020-0024 (Boothe) WCPB 2021 0618  
Attachment F - CDP\_2020-0024 (Boothe) WCPB 2021 0629  
Attachment G – CDP\_2020-0024 (Boothe) WCPB Bio Update 2021 0706

Lands of Boothe  
 Section 20 & 32 Township 16 North  
 Range 17 West, Mount Diablo Meridian  
 Mendocino County, CA

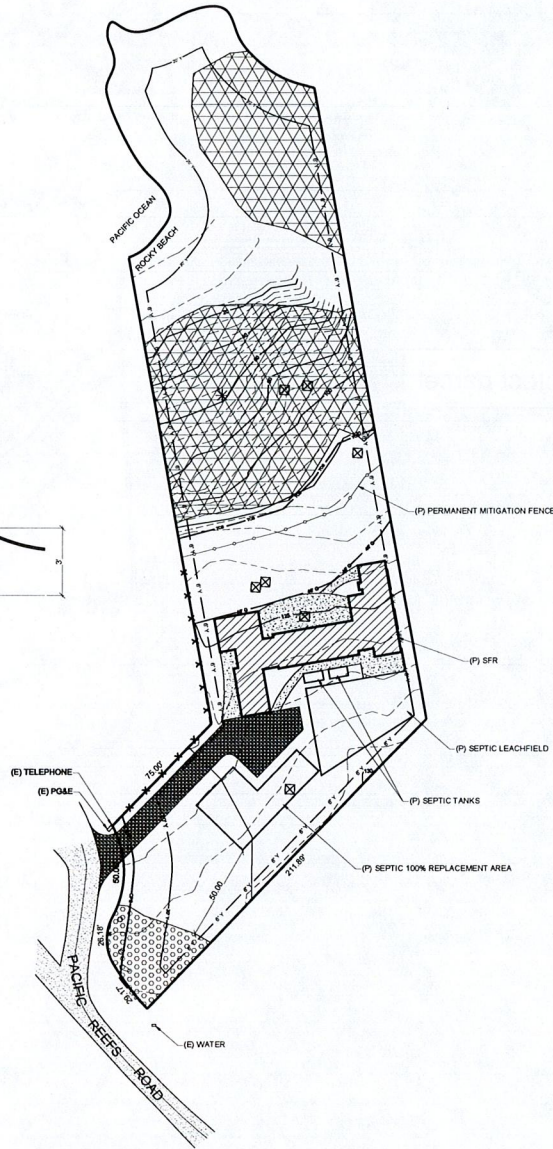
General Notes  
 General Plan Designation: RR 5 (1) R  
 Zoning District: RR 5  
 Utility/Rural: Rural  
 Highly Scenic Area: No  
 Proposed Land Use: SFR  
 Applicable to Coastal Commission: Yes  
 Entitlement Permit Type: CDP  
 Yard Setbacks: 20' front & rear, 0' sides  
 CalFire Setbacks: Exempt per CalFire #71-20  
 Corridor Preservation Setback: 25' from centerline of Pacific Reefs Road  
 Height Limit: 25'  
 Environmental Constraints: Yes  
 Potential Geologic Hazards: Yes, 40' setback  
 Landscaping: No  
 Water Source: Pacific Reefs Water District  
 Wastewater Disposal: On site septic  
 Tree Removal: None  
 CDP Lot Coverage Tabulation Gross Site Area (Parcel 2): 1,263 ac (56,323,08 sf)  
 Gross Site Area: 20% (11,264.62 sf)  
 Maximum allowable lot coverage  
 Lot Coverage:  
 (P) Footprint Residence: 2,413 sf  
 (P) Footprint Attached Garage: 335 sf  
 (P) Footprint - Patio & Walkways: 1,650 sf  
 Proposed Total Building Footprint: 4,478 sf  
 (P) Driveway & Parking: 2,172 sf  
 Total Driveway & Parking: 2,172 sf  
 Total Lot Coverage (P footprint): 6,650 sf (11.81%)



Legend	Type	Distance from Development
	HEADLAND WALLFLOWER	0's
	MENDOCINO COAST INDIAN PAINTBRUSH	119's
	NORTH COAST BLUFF SCRUB	51's
	COASTAL ACT WETLAND	5's



PROPOSED PERMANENT MITIGATION FENCE



SITE PLAN 1:30 1

LEGEND	
	HEADLAND WALLFLOWER
	MENDOCINO COAST INDIAN PAINTBRUSH
	NORTH COAST BLUFF SCRUB
	COASTAL ACT WETLAND
	(E) GRAVEL DRIVEWAY
	(P) GRAVEL DRIVEWAY
	50' BUFFER
	100' BUFFER
	(E) FENCE
	CORRIDOR PRESERVATION SETBACK
	YARD SETBACK
	TOP OF BLUFF (FEBRUARY 2019)
	40' GEOTECHNICAL SETBACK (PER BACI)

Attachment A:  
 Proposed Alternatives A & B Project Site Plans - Pg 1 of 8

SHEET <b>1</b> OF 1 SHEETS	REVISION <table border="1"> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>							DATE <table border="1"> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>							APN 23-340-13-00	LANDS OF BOOTHE 34350 Pacific Reefs Road Albion, CA 95410		Design review, not meant for construction.
APPROVED BY: T.J.	DATE: 4/27/2020	SCALE: AS SHOWN	703 North Main Street, Fort Bragg, CA 95437 ph: 707-764-2337 fx: 707-964-2822 www.WCPlan.com															



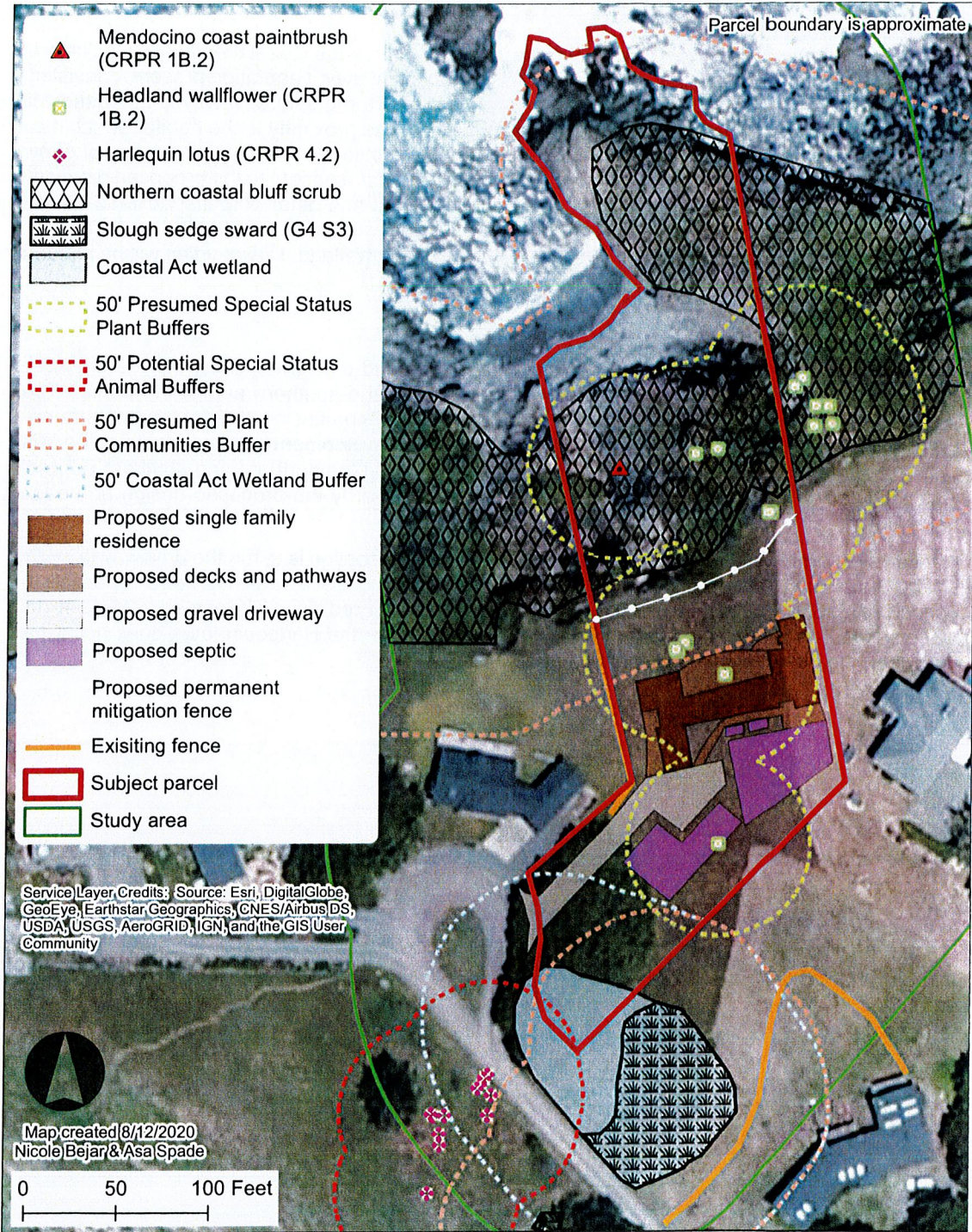
### **Coastal Act wetland**

The proposed gravel driveway is within the 50ft buffer of the Coastal Act wetland. There is no proposal that would directly impact this habitat; however, vegetation present, consisting mainly of non-native Monterey cypress trees, where the gravel driveway is proposed will need to be cleared and soil may be compacted in close proximity to the habitat, which may increase sediment input. Mitigation measures are included to specify placement of straw wattles along the 50ft Coastal Act wetland buffer and/or adjacent to the proposed driveway where it is closer than 50ft to prevent sediment input and other potential adverse effects that may occur to the resource. Ground disturbance will also be limited to the dry season to further prevent negative impacts to the Coastal Act wetland. Wax myrtles will be planted along the northern edge of the Coastal Act wetland.

## **3. Analysis**

The only access to the property is via Pacific Reed Road and only one location for the driveway avoids direct impact to the Coastal Act wetland present at the southern end of the parcel. The proposed project design (**Figure 5**) is the least impacting development location for the single-family residence, septic system, and connection utilities because development occurs outside of the 50ft buffers of the two special status plant communities located on the northern and southern edge of the study area. **Table 1** compares the potential impact posed by the proposed design and each alternative.

Driveway alternatives were not addressed since the only other option is to run the driveway through the Coastal Act wetland and/or slough sedge sward presumed ESHA which is more impacting to sensitive resources. Harlequin lotus is not expected to be impacted since it is located across Pacific Reefs Road on a neighbor's parcel. Potential for impacts on the Harlequin lotus does not differ between the alternatives and proposed project scenarios.



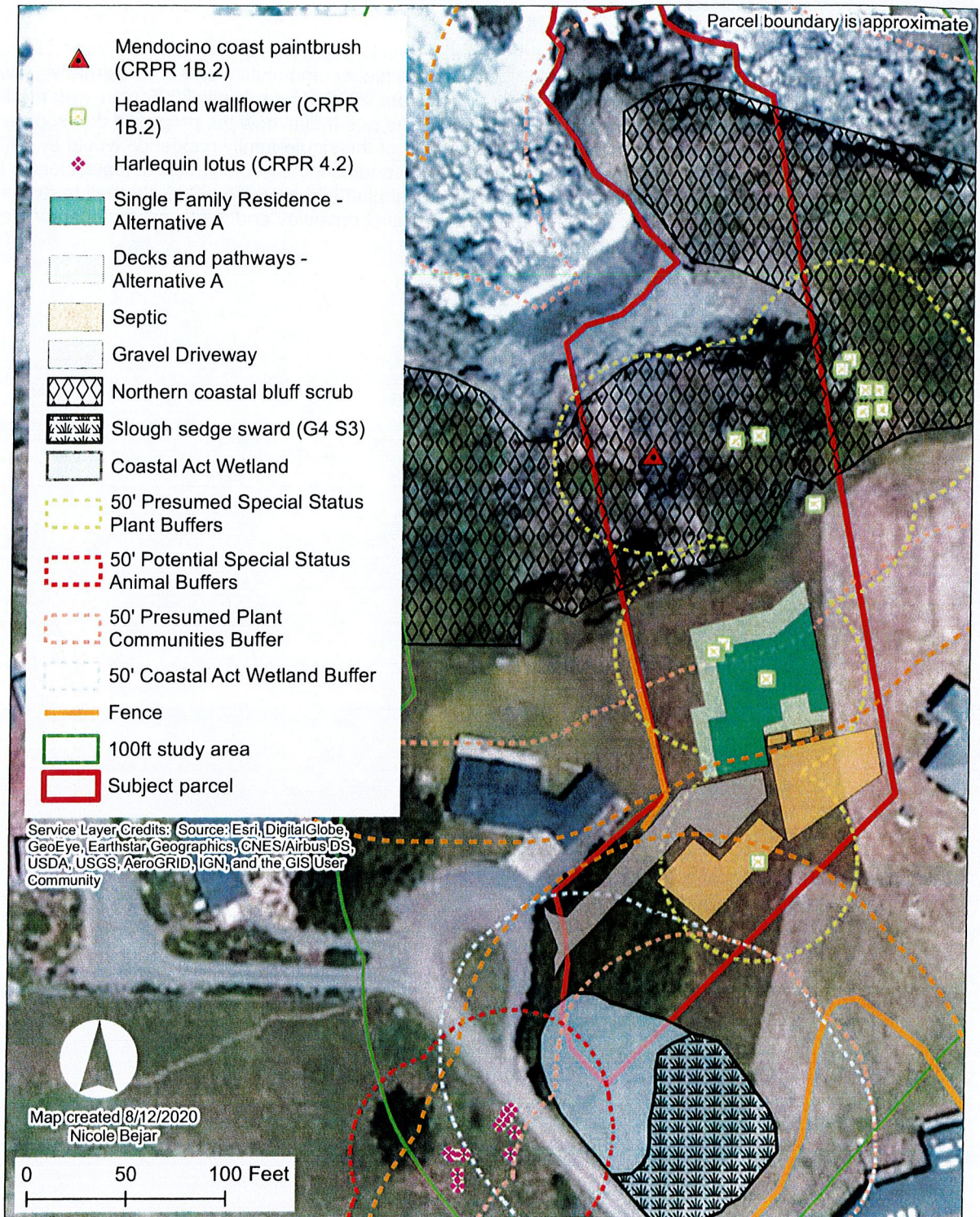
OWNER: Lands of Boothe  
 APN: 123-340-13-00  
 ADDRESS: 34350 Pacific Reefs Rd.  
 Albion, CA 95410

## Proposed Development & Presumed ESHAs

Figure 5. Proposed development in relation to presumed ESHAs.

### 3.1 Alternatives A

Alternative A (**Figure 6**) demonstrates that if development was shifted in any direction it would be within the 50ft buffer of one of the special status plant communities present. Alternative A was the original single-family residence design plan from 2006. The original 2006 plan was modified to minimize and avoid impacts to presumed ESHAs and that is how the proposed development took shape. In this alternative, approximately 473 ft<sup>2</sup> of the single-family residence would be within the 50ft buffer of the northern coastal bluff scrub. In addition, the geotechnical setback closely follows the southern 50ft buffer for the northern coastal bluff scrub so this 2006 alternative exceeds the updated slope setback zone. The proposed gravel driveway and septic system are the same as the proposed development design.



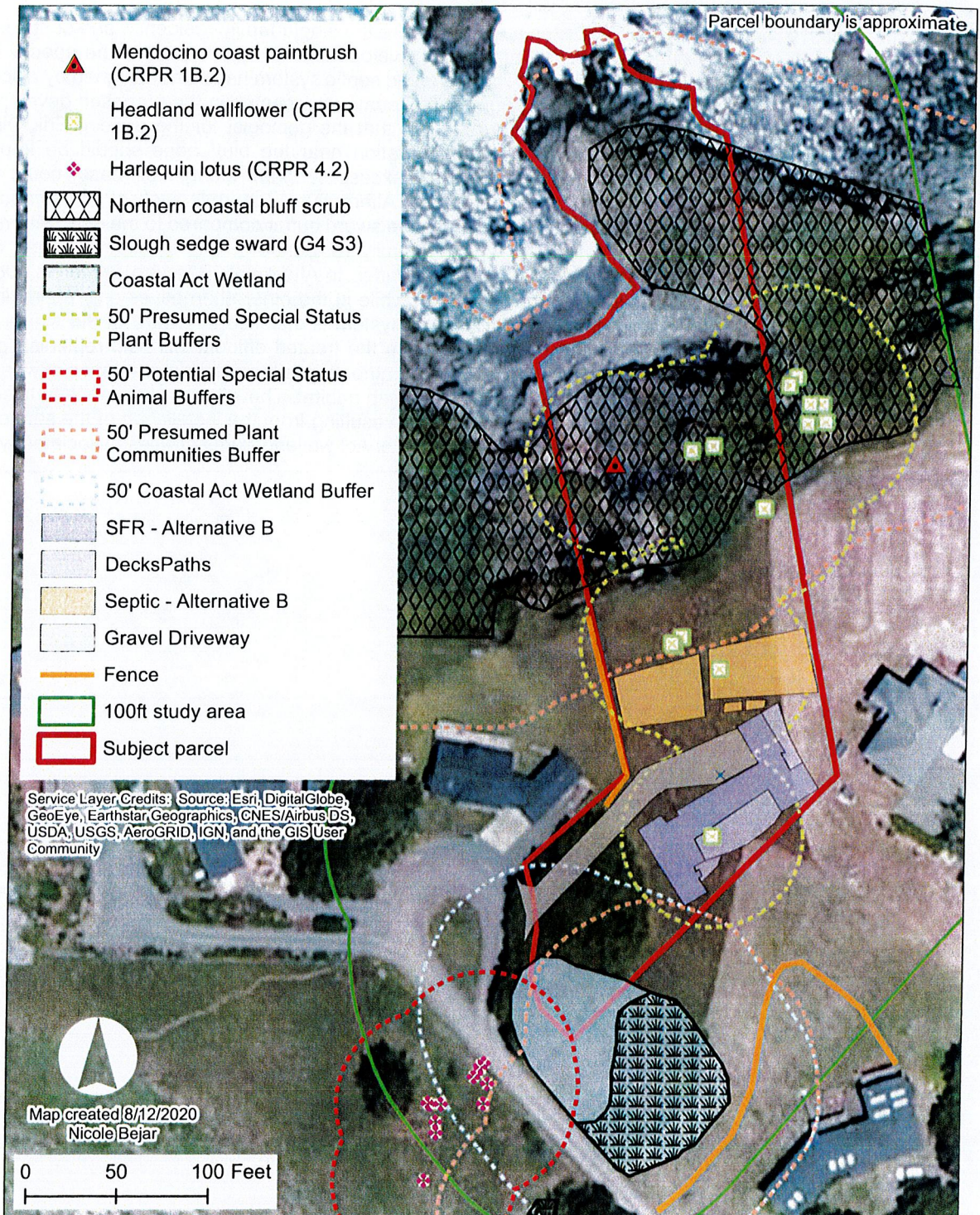
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## Development Alternative A & Presumed ESHAs

Figure 6. Alternative A in relation to presumed ESHAs.

### 3.2 Alternative B

Alternative B (**Figure 7**) illustrates a design where the single-family residence and septic system are switched as compared to the proposed development. Overall impact to the special status resources present would be similar. The proposed septic system has been designed by a licensed site evaluator to adhere to all regulations in the location presented in the proposed development. The reason this alternative was not pursued is that the geologist for the project, Erik Olsborg, cautioned in his geotechnical report that "Irrigation near the bluff edge should be kept to a minimum. Saturation of these weak soils, or excess seepage along their base, could cause sloughing and accelerated bluff edge retreat." In Alternative A, approximately 429 ft<sup>2</sup> of additional development will fall within the 100ft slough sedge sward buffer compared to the other alternatives and proposed project. Building the single-family residence in this location will also further encroach within the 100ft Coastal Act wetland buffer. In Alternative B, approximately 3,008 ft<sup>2</sup> of development will occur within the 100ft buffer, while in the other alternatives only approximately 2,717 ft<sup>2</sup> occurs within the buffer. If the septic system is installed landward of the single-family residence rather than bluffward, then water from the treated effluent will help replenish ground water near the Coastal Act wetland rather than contributing to the potential saturation of weak soils near the bluff edge and northern coastal bluff scrub habitat. The increased distance between the single-family residence and Coastal Act wetland resulting from the installation of the septic leach field between them will also help buffer the Coastal Act wetland from activities associated with the residence.



OWNER: Lands of Boothe  
 APN: 123-340-13-00  
 ADDRESS: 34350 Pacific Reefs Rd.  
 Albion, CA 95410

## Development Alternative B & Presumed ESHAs

Figure 7. Alternative B in relation to presumed ESHAs.

Table 1. Comparison of the proposed development design with the alternatives. Numbers listed below are estimates.

Development Alternatives		Proposed	Alternative A	Alternative B
Units		(square feet)	(square feet)	(square feet)
Headland wallflower	Direct Impact	5 plants	5 plants	5 plants
	Within 50ft Buffer	7,850	8,330	8,232
	Within 100ft Buffer	9,492	10,278	10,641
Northern coastal bluff scrub	Direct Impact	0	0	0
	Within 50ft Buffer	0	1288	0
	Within 100ft Buffer	4,265	4,430	3,635
Coastal Act wetland	Direct Impact	0	0	0
	Within 50ft Buffer	592	592	592
	Within 100ft Buffer	2,717	2,717	3,008
Slough sedge sward	Direct Impact	0	0	0
	Within 50ft Buffer	0	0	0
	Within 100ft Buffer	2,332	2,332	2,761
Harlequin lotus (potential lotis blue)	Direct Impact	0	0	0
	Within 50ft Buffer	0	0	0
	Within 100ft Buffer	261	261	261

## 4. Mitigation Measures and Restoration

**Mitigation and Avoidance Measures** in Section 7 of Wynn Coastal Planning & Biology's Biological Scoping, Wetland Delineation & Botanical Survey Report discusses potential impacts of the proposed development to the Coastal Act wetland, special status plants and communities, and the special status animals that have a potential to be present at times. These measures include seasonal avoidance of birds and bats, educating contractors about amphibians, fencing off ESHA buffers during construction, placing straw wattle along Coastal Act wetland buffers during construction, removing ice plant, and collecting and dispersing Headland wallflower seeds near the bluff edge.

### 4.1 Alternative A Mitigation Measures

Alternative A would develop within the 50ft buffer of Northern coastal bluff scrub and therefore potentially impact additional resources. In addition to removing invasive iceplant and spreading Headland wallflower seeds along the bluff edge, WCPB would recommend a mix of native, northern coastal bluff scrub species be planted within the northern coastal bluff scrub 50ft buffer zone to help boost the health and resilience of the current population to make up for impacts created by the additional encroachment. All other mitigation and avoidance measures listed for the proposed development would be recommended as well.

### 4.2 Alternative B Mitigation Measures

Alternative B may impact the northern coastal bluff scrub by increasing erosion along the bluff edge. The geologist for this project cautioned against development that could lead to the saturation of the weak soils at the bluff edge. If this alternative were pursued WCPB would recommend additional plantings of soil stabilizing species between the septic system and the bluff edge. WCPB would recommend additional wax myrtles be planted south of the house along and within the 50ft buffer of the Coastal Act wetland to act as a natural barrier from light pollution from the single-family residence at night. All other relevant mitigation and avoidance measures listed for the proposed development would be recommended as well.

## Jessie Waldman - RE: CDP\_2020-0024 (Boothe) - Urgent Request

---

**From:** "Kraemer, Melissa@Coastal" <Melissa.Kraemer@coastal.ca.gov>  
**To:** Jessie Waldman <waldmanj@mendocinocounty.org>, "Garrison,Jennifer@Wildli...  
**Date:** 6/17/2021 2:24 PM  
**Subject:** RE: CDP\_2020-0024 (Boothe) - Urgent Request  
**Cc:** "Robinson, Aurora@Coastal" <Aurora.Robinson@coastal.ca.gov>, "Targ,Sylvi..."

---

Thanks –you might consider specifying in special condition 20-a (or elsewhere if appropriate, such as 20-d instead) what the minimum monitoring requirements and success criteria for the MMRP should be. If the County doesn't specify those parameters, and if the conditions don't require that the applicant submit the final MMRP to the County for review and approval, the applicant could come up with standards and success criteria for monitoring and reporting that may not necessarily ensure success or be the most appropriate and feasible measures for maximizing LCP conformity with respect to ESHA protection/minimizing ESHA impacts while approving the project to avoid a regulatory takings. Is the purpose of the proposed MMRP to monitor the success of ice-plant removal and the reseeding efforts in the area where ice plant will be removed to mitigate for the direct wallflower impacts and the reduced ESHA buffer? If so, you might specify that mitigation and monitoring has to be carried out by a qualified botanist, has to ensure that 100% of ice-plant is eradicated from the area (or a lesser standard, if appropriate/if full eradication isn't feasible), has to ensure that a certain number of wallflower individuals successfully grow in the reseeded/restored area, the results of ice plant removal and annual monitoring have to be reported to the County annually for a minimum of five years (or another number of monitoring years, as appropriate), and what to do if the effort fails in the end (e.g., come back in for a permit amendment to do something else?).

Thanks again for the opportunity to further comment and if you want to discuss further let me know.

Melissa

---

**From:** Jessie Waldman <waldmanj@mendocinocounty.org>  
**Sent:** Thursday, June 17, 2021 1:21 PM  
**To:** Kraemer, Melissa@Coastal <Melissa.Kraemer@coastal.ca.gov>; Garrison, Jennifer@Wildlife <jennifer.Garrison@wildlife.ca.gov>  
**Cc:** Robinson, Aurora@Coastal <Aurora.Robinson@coastal.ca.gov>; Targ, Sylvia@Coastal <sylvia.targ@coastal.ca.gov>; Julia Acker <ackerj@mendocinocounty.org>; Nash Gonzalez <gonzalezn@mendocinocounty.org>; Vandy Vandewater <vandewaters@mendocinocounty.org>  
**Subject:** RE: CDP\_2020-0024 (Boothe) - Urgent Request

Thank you Melissa, especially for your attention.

I am working on a 2nd Memorandum Draft, which is a DRAFT. I am adding additional language and clarifications due to items discussed at the June 10th Hearing, see attached.

Please comment as soon as possible.

Thank you,

Attachment B:  
 CCC Comments 2021 0617 - Pg 1 of 5



Jessie Waldman

Planner II

County of Mendocino - Planning & Building

120 W. Fir Street

Fort Bragg, CA 95437

"Due to the Health Officers Order, we have closed both the Fort Bragg and Ukiah public counters in Planning and Building Services. Our staff remain behind closed doors working on existing applications for permits and discretionary actions. We are still open for business. If you have new permit applications, we encourage you to mail, e-mail or send them into us through our new E-permit site at <https://www.mendocinocounty.org/government/planning-building-services>. If you have any questions, please e-mail us at [pbs@co.mendocino.ca.us](mailto:pbs@co.mendocino.ca.us), or call our Fort Bragg offices at [\(707\) 964-5379](tel:(707)964-5379) and Ukiah offices at [\(707\) 234-6650](tel:(707)234-6650). We will respond to your calls and e-mails just as quick as we can."

>>> "Kraemer, Melissa@Coastal" <[Melissa.Kraemer@coastal.ca.gov](mailto:Melissa.Kraemer@coastal.ca.gov)> 6/17/2021 1:14 PM >>>

Hello Jessie

We reviewed the supplemental memo and agree with the proposed changes. We very much appreciate the opportunity to review and comment.

Best,

Melissa

---

**From:** Jessie Waldman <[waldmanj@mendocinocounty.org](mailto:waldmanj@mendocinocounty.org)>

**Sent:** Thursday, June 10, 2021 2:06 PM

**To:** Kraemer, Melissa@Coastal <[Melissa.Kraemer@coastal.ca.gov](mailto:Melissa.Kraemer@coastal.ca.gov)>; Garrison, Jennifer@Wildlife <[jennifer.Garrison@wildlife.ca.gov](mailto:jennifer.Garrison@wildlife.ca.gov)>

**Cc:** Robinson, Aurora@Coastal <[Aurora.Robinson@coastal.ca.gov](mailto:Aurora.Robinson@coastal.ca.gov)>; Julia Acker <[ackerj@mendocinocounty.org](mailto:ackerj@mendocinocounty.org)>; Nash Gonzalez <[gonzalezn@mendocinocounty.org](mailto:gonzalezn@mendocinocounty.org)>; Vandy Vandewater <[vandewaters@mendocinocounty.org](mailto:vandewaters@mendocinocounty.org)>

**Subject:** RE: CDP\_2020-0024 (Boothe) - Urgent Request

Hi Melissa,

Understandable as it was a short notice request.

Thank you and looking forward,

Jessie Waldman

Planner II

County of Mendocino - Planning & Building

120 W. Fir Street

Fort Bragg, CA 95437

Attachment B:  
CCC Comments 2021 0617 - Pg 2 of 5

"Due to the Health Officers Order, we have closed both the Fort Bragg and Ukiah public counters in Planning and Building Services. Our staff remain behind closed doors working on existing applications for permits and discretionary actions. We are still open for business. If you have new permit applications, we encourage you to mail, e-mail or send them into us through our new E-permit site at <https://www.mendocinocounty.org/government/planning-building-services>. If you have any questions, please e-mail us at [pbs@co.mendocino.ca.us](mailto:pbs@co.mendocino.ca.us), or call our Fort Bragg offices at (707) 964-5379 and Ukiah offices at (707) 234-6650. We will respond to your calls and e-mails just as quick as we can."

>>> "Kraemer, Melissa@Coastal" <[Melissa.Kraemer@coastal.ca.gov](mailto:Melissa.Kraemer@coastal.ca.gov)> 6/10/2021 1:35 PM >>>

Hello Jessie

Apologies I was unable to review the memo during the short turn-around time you were seeking review earlier today. I was in other meetings till now. I'll review and provide comments prior to the next hearing. Melissa

---

**From:** Jessie Waldman <[waldmanj@mendocinocounty.org](mailto:waldmanj@mendocinocounty.org)>

**Sent:** Thursday, June 10, 2021 12:39 PM

**To:** Kraemer, Melissa@Coastal <[Melissa.Kraemer@coastal.ca.gov](mailto:Melissa.Kraemer@coastal.ca.gov)>; Garrison, Jennifer@Wildlife <[jennifer.Garrison@wildlife.ca.gov](mailto:jennifer.Garrison@wildlife.ca.gov)>

**Cc:** Julia Acker <[ackerj@mendocinocounty.org](mailto:ackerj@mendocinocounty.org)>; Nash Gonzalez <[gonzalezn@mendocinocounty.org](mailto:gonzalezn@mendocinocounty.org)>; Vandy Vandewater <[vandewaters@mendocinocounty.org](mailto:vandewaters@mendocinocounty.org)>

**Subject:** RE: CDP\_2020-0024 (Boothe) - Urgent Request

Hello Melissa and Jennifer,

Thank you Jennifer for your timely review and these notes will be added to the Cdp\_2020-0024 (Boothe) File for future reference.

Please be aware that the CPA has continued this project to the July 8, 2021 CPA Hearing, pending any additional Coastal Commission comments and time for Mendocino County CPA to conduct a Site Visit.

Thank you,

**Jessie Waldman**

Planner II

County of Mendocino - Planning & Building

120 W. Fir Street

Fort Bragg, CA 95437

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applications for permits and discretionary actions. We are still open for business. If you have new permit applications, we encourage you to mail, e-mail or send them into us through our new E-permit site at <https://www.mendocinocounty.org/government/planning-building-services>. If you have any questions, please e-mail us at [pbs@co.mendocino.ca.us](mailto:pbs@co.mendocino.ca.us), or call our Fort Bragg offices at (707) 964-5379 and Ukiah offices at (707) 234-6650. We will respond to your calls and e-mails just as quick as we can."

>>> "Garrison, Jennifer@Wildlife" <[jennifer.Garrison@wildlife.ca.gov](mailto:jennifer.Garrison@wildlife.ca.gov)> 6/10/2021 12:30 PM >>>

Jessie,

I reviewed the attached memo and do not have additional comments.

Best, Jenn

Jennifer I. Garrison  
Senior Environmental Scientist (Specialist)  
Coastal Conservation Planning - Northern Region  
32330 North Harbor Drive  
Fort Bragg, CA 95437  
Mobile: (707)-477-7792  
E-mail: [Jennifer.Garrison@wildlife.ca.gov](mailto:Jennifer.Garrison@wildlife.ca.gov)

\*\*\*NOTE: Due to the current COVID-19 pandemic, CDFW has implemented social distancing measures and I am working remotely. My office line (707-964-1476) is no longer operational and I will not receive messages left there. Please contact me on my CDFW cell phone (provided in signature). I am attending meetings via video- and tele-conferencing options, as available. Thank you for your understanding, please remain well and safe.\*\*\*



If you witness a poaching or polluting incident or any fish and wildlife violation, or have information about such a violation, call CaITIP number **1 888 334-CALTIP (888 334-2258)**, 24 hours a day, seven days a week.

---

**From:** Jessie Waldman <[waldmanj@mendocinocounty.org](mailto:waldmanj@mendocinocounty.org)>  
**Sent:** Thursday, June 10, 2021 11:33 AM  
**To:** Kraemer, Melissa@Coastal <[Melissa.Kraemer@coastal.ca.gov](mailto:Melissa.Kraemer@coastal.ca.gov)>; Garrison, Jennifer@Wildlife <[jennifer.Garrison@wildlife.ca.gov](mailto:jennifer.Garrison@wildlife.ca.gov)>  
**Cc:** Julia Acker <[ackerj@mendocinocounty.org](mailto:ackerj@mendocinocounty.org)>; Nash Gonzalez <[gonzalezn@mendocinocounty.org](mailto:gonzalezn@mendocinocounty.org)>; Vandy Vandewater <[vandewaters@mendocinocounty.org](mailto:vandewaters@mendocinocounty.org)>  
**Subject:** CDP\_2020-0024 (Boothe) - Urgent Request  
**Importance:** High

Attachment B:  
CCC Comments 2021 0617 - Pg 4 of 5

**WARNING:** This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good Morning Ladies,

I am at the LIVE Coastal Permit Administrator Hearing, where the CPA is requesting a reviewing the attached Memorandum. This Memorandum was complete this morning.

My request to you both is to confirm that you have reviewed the revised and recommended conditions in response to Melissa's additional Comments, regarding CDP\_2020-0024 (Boothe), <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

Staff is considering further revisions to state "... approval by MC PBS Director of CPA in Conjunction with CCC and CDFW."

Apologizes for the urgency request, We are however considering a continuance if you are not able to respond.

Thank you,

**Jessie Waldman**

Planner II

County of Mendocino - Planning & Building

120 W. Fir Street

Fort Bragg, CA 95437

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## Jessie Waldman - RE: CDP\_2020-0024 (Boothe) - Urgent Request

---

**From:** "Garrison, Jennifer@Wildlife" <jennifer.Garrison@wildlife.ca.gov>  
**To:** Jessie Waldman <waldmanj@mendocinocounty.org>, "Kraemer, Melissa@Coastal..."  
**Date:** 6/10/2021 12:31 PM  
**Subject:** RE: CDP\_2020-0024 (Boothe) - Urgent Request  
**Cc:** Julia Acker <ackerj@mendocinocounty.org>, Nash Gonzalez <gonzalezn@mendo...>

---

Jessie,

I reviewed the attached memo and do not have additional comments.

Best, Jenn

Jennifer I. Garrison  
 Senior Environmental Scientist (Specialist)  
 Coastal Conservation Planning - Northern Region  
 32330 North Harbor Drive  
 Fort Bragg, CA 95437  
 Mobile: [\(707\)-477-7792](tel:707-477-7792)  
 E-mail: [Jennifer.Garrison@wildlife.ca.gov](mailto:Jennifer.Garrison@wildlife.ca.gov)

**\*\*\*NOTE:** Due to the current COVID-19 pandemic, CDFW has implemented social distancing measures and I am working remotely. My office line ([707-964-1476](tel:707-964-1476)) is no longer operational and I will not receive messages left there. Please contact me on my CDFW cell phone (provided in signature). I am attending meetings via video- and tele-conferencing options, as available. Thank you for your understanding, please remain well and safe. \*\*\*



If you witness a poaching or polluting incident or any fish and wildlife violation, or have information about such a violation, call CaTIP number **1 888 334-CALTIP (888 334-2258)**, 24 hours a day, seven days a week.

---

**From:** Jessie Waldman <waldmanj@mendocinocounty.org>  
**Sent:** Thursday, June 10, 2021 11:33 AM  
**To:** Kraemer, Melissa@Coastal <Melissa.Kraemer@coastal.ca.gov>; Garrison, Jennifer@Wildlife <jennifer.Garrison@wildlife.ca.gov>  
**Cc:** Julia Acker <ackerj@mendocinocounty.org>; Nash Gonzalez <gonzalezn@mendocinocounty.org>; Vandy Vandewater <vandewaters@mendocinocounty.org>  
**Subject:** CDP\_2020-0024 (Boothe) - Urgent Request  
**Importance:** High

**WARNING:** This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good Morning Ladies,

Attachment C:  
 CDFW Comments 2021 0610 - Pg 1 of 2

I am at the LIVE Coastal Permit Administrator Hearing, where the CPA is requesting a reviewing the attached Memorandum. This Memorandum was complete this morning.

My request to you both is to confirm that you have reviewed the revised and recommended conditions in response to Melissa's additional Comments, regarding CDP\_2020-0024 (Boothe), <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

Staff is considering further revisions to state "... approval by MC PBS Director of CPA in Conjunction with CCC and CDFW."

Apologizes for the urgency request, We are however considering a continuance if you are not able to respond.

Thank you,

**Jessie Waldman**

Planner II

County of Mendocino - Planning & Building

120 W. Fir Street

Fort Bragg, CA 95437

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**Jessie Waldman - Re: Boothe; Can you also ask CCC about the fence language**

---

**From:** Tara Jackson <tara@wcplan.com>  
**To:** Jessie Waldman <waldmanj@mendocinocounty.org>  
**Date:** 6/10/2021 1:05 PM  
**Subject:** Re: Boothe; Can you also ask CCC about the fence language

---

Hi Jessie,

Yes, that would be great! We would just like to have some flexibility considering that the fence is now on their doorstep.

Also, there was one more suggestion which we discussed via e-mail but was not incorporated into the memo:

22a still reads “the owners shall furnish a staging plan with planting of native, regional appropriate species...” It was my understanding that this would be modified because staging plans usually do not include plantings.

Thanks so much!

Tara Jackson, Planner  
Wynn Coastal Planning, Inc.  
703 North Main Street  
Fort Bragg, CA 95437  
ph: [707-964-2537](tel:707-964-2537)  
fax: [707-964-2622](tel:707-964-2622)  
[www.WCPlan.com](http://www.WCPlan.com) and on FaceBook



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Attachment D:  
WCPB 2021 0610 - Pg 1 of 4

On Jun 10, 2021, at 11:58 AM, Jessie Waldman <[waldmanj@mendocinocounty.org](mailto:waldmanj@mendocinocounty.org)> wrote:

I can't say for sure, however, whether the low mitigated fence is made of wood or rope, Staff could recommend that a proposed material change remains consistent with CDP...

Jessie Waldman  
Planner II  
County of Mendocino - Planning & Building  
120 W. Fir Street  
Fort Bragg, CA 95437

"Due to the Health Officers Order, we have closed both the Fort Bragg and Ukiah public counters in Planning and Building Services. Our staff remain behind closed doors working on existing applications for permits and discretionary actions. We are still open for business. If you have new permit applications, we encourage you to mail, e-mail or send them into us through our new E-permit site at <https://www.mendocinocounty.org/government/planning-building-services>. If you have any questions, please e-mail us at [pbs@co.mendocino.ca.us](mailto:pbs@co.mendocino.ca.us), or call our Fort Bragg offices at [\(707\) 964-5379](tel:(707)964-5379) and Ukiah offices at [\(707\) 234-6650](tel:(707)234-6650). We will respond to your calls and e-mails just as quick as we can."

>>> Tara Jackson <[tara@wcplan.com](mailto:tara@wcplan.com)> 6/10/2021 11:51 AM >>>

Completely understood.  
Tara Jackson, Planner  
Wynn Coastal Planning, Inc.  
703 North Main Street  
Fort Bragg, CA 95437  
ph: [707-964-2537](tel:707-964-2537)  
fax: [707-964-2622](tel:707-964-2622)  
[www.WCPlan.com](http://www.WCPlan.com) and on FaceBook

<IMAGE.png>

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On Jun 10, 2021, at 11:50 AM, Jessie Waldman  
<[waldmanj@mendocinocounty.org](mailto:waldmanj@mendocinocounty.org)> wrote:

Already had sent request to CCC and CDFW... before I got your request.

Attachment D:  
WCPB 2021 0610 - Pg 2 of 4



Jessie Waldman  
 Planner II  
 County of Mendocino - Planning & Building  
 120 W. Fir Street  
 Fort Bragg, CA 95437

"Due to the Health Officers Order, we have closed both the Fort Bragg and Ukiah public counters in Planning and Building Services. Our staff remain behind closed doors working on existing applications for permits and discretionary actions. We are still open for business. If you have new permit applications, we encourage you to mail, e-mail or send them into us through our new E-permit site at <https://www.mendocinocounty.org/government/planning-building-services>. If you have any questions, please e-mail us at [pbs@co.mendocino.ca.us](mailto:pbs@co.mendocino.ca.us), or call our Fort Bragg offices at (707) 964-5379 and Ukiah offices at (707) 234-6650. We will respond to your calls and e-mails just as quick as we can."

>>> Tara Jackson <[tara@wcplan.com](mailto:tara@wcplan.com)> 6/10/2021 11:30 AM >>>

If you get a hold of them:

1. **Would like that to read "low wooded or rope/row mitigation fence, or similar symbolic fence or deck railing"**

I understand if you get this e-mail too late. You are doing a lot at this exact moment.

Tara Jackson, Planner  
 Wynn Coastal Planning, Inc.  
 703 North Main Street  
 Fort Bragg, CA 95437  
 ph: [707-964-2537](tel:707-964-2537)  
 fax: [707-964-2622](tel:707-964-2622)  
[www.WCPlan.com](http://www.WCPlan.com) and on FaceBook

<IMAGE.png>

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**Jessie Waldman - Re: CDP\_2020-0024 (Boothe) - CCC Additional Comments**

---

**From:** Tara Jackson <tara@wcplan.com>  
**To:** Jessie Waldman <waldmanj@mendocinocounty.org>  
**Date:** 6/18/2021 2:13 PM  
**Subject:** Re: CDP\_2020-0024 (Boothe) - CCC Additional Comments  
**Attachments:** Signature Screen Shot 2018-05-02 at 3.59.11 PM.png; CDP\_2020-0024 (Boothe) CPA 2nd Memo 2021 0610 DRAFT ANNOTj .doc

---

Hi Jessie,

I am attaching the word document with my suggested edits. I continue to advocate that the materials used for the mitigation fence to be flexible (considering that half of the fence is the house).

Based upon Amy's experience, staging plans do not include plantings. Instead they show location of trucks, materials, temporary fencing, etc.

Regarding Melissa's commentary: I recommend caution on the part of the county prescribing success criteria. Instead, I think success criteria is something that biologists analyze and then devise along with with adaptive management plans should the criteria not be met for reasons beyond the capabilities of those completing the restoration (climatic shifts, pathogens, unusual weather patterns during the monitoring period). If an infeasible success criteria is prescribed by the county, we could be stuck in an indefinite mitigation and monitoring cycle.

That being said, requiring a botanist carry out the mitigation and monitoring seems reasonable. Additionally, should the County choose to require the MMRP, it seems reasonable that the County would need to review and approve the MMRP.

Amy is out of the office today, and she may have additional thoughts once she reviews the memo and Kraemer's additional comments early next week.

Thank you very much for the opportunity to review the DRAFT memo.

Sincerely,

Tara Jackson, Planner  
Wynn Coastal Planning, Inc.  
703 North Main Street  
Fort Bragg, CA 95437  
ph: [707-964-2537](tel:707-964-2537)  
fax: [707-964-2622](tel:707-964-2622)  
[www.WCPlan.com](http://www.WCPlan.com) and on FaceBook

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Attachment E:  
WCPB 2021 0618 - Pg 1 of 2

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On Jun 18, 2021, at 10:53 AM, Jessie Waldman <[waldmanj@mendocinocounty.org](mailto:waldmanj@mendocinocounty.org)> wrote:

Hello Tara,

See the attached additional Comments Planning Staff has received from the Coastal Commission on June 17, 2021.

Staff has not applied any additional changes to the drafted 2nd Memo as I am would like your comments as well.

Looking forward to any comments you and or the Land Owners may request.  
Thank you,

Jessie Waldman  
Planner II  
County of Mendocino - Planning & Building  
120 W. Fir Street  
Fort Bragg, CA 95437

"Due to the Health Officers Order, we have closed both the Fort Bragg and Ukiah public counters in Planning and Building Services. Our staff remain behind closed doors working on existing applications for permits and discretionary actions. We are still open for business. If you have new permit applications, we encourage you to mail, e-mail or send them into us through our new E-permit site at <https://www.mendocinocounty.org/government/planning-building-services>. If you have any questions, please e-mail us at [pbs@co.mendocino.ca.us](mailto:pbs@co.mendocino.ca.us), or call our Fort Bragg offices at (707) 964-5379 and Ukiah offices at (707) 234-6650. We will respond to your calls and e-mails just as quick as we can."

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<CDP\_2020-0024 (Boothe) CCC Comments 2021 0617.pdf>

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**Jessie Waldman - Re: CDP\_2020-0024 (Boothe) - CCC Additional Comments**


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**From:** Tara Jackson <tara@wcplan.com>  
**To:** Jessie Waldman <waldmanj@mendocinocounty.org>  
**Date:** 6/24/2021 11:26 AM  
**Subject:** Re: CDP\_2020-0024 (Boothe) - CCC Additional Comments  
**Cc:** Vandy Vandewater <vandewaters@mendocinocounty.org>

---

Hi Jessie,

***Dates/Times:***

Are you available on Monday:

- 11-12
- 12-1
- 2-3

*Or*

- 3-4
- Alternatively, do you have any availabilities on Tuesday or Thursday?

***Items to discuss:***

**Clarification to Staff Report Sections Habitats and Natural Resources and Takings Analysis, Pages 6, 7 and 8:**

6th paragraph

- “The mitigation fencing materials shall be consistent with the materials as shown on the Site Plan within the Staff Report”. Because the mitigation fence will be along the proposed single-family residence we request that there be flexibility with the materials used. Some of the house can serve as a fence. With the currently proposed language the applicant will need to place a rope fence along the exterior walls of the house. It does not allow for any interpretation such as “substantially in conformance”.
  - Potential language modification: “The mitigation fencing materials shall be consistent with the materials as shown on the Site Plan within the Staff Report or or similar symbolic fence or deck railing.”

**Revisions to Conditions of Approval #11, 12, 20 and 23**

20c.

- "A low wooded or rope mitigation fence shall be installed and maintained..."

- Potential language modification: “A low wooded or rope mitigation fence, or similar fence or deck railing, shall be installed and maintained...”

22a.&b.

- It has not been our experience that staging plans include planting of native, regional appropriate species. Instead they show temporary fencing, material staging locations, where people park, etc.
- Also, we are confused as to why the staging and landscaping plans will be in the deed restriction. Any development pursued in reliance on this CDP will require staging and landscaping plans prior to issuance of a building permit, so we do not understand why the specifics of the plan would need to be on the title of the property.

23.a.ix

- “A low wooded or rope mitigation fence shall be installed and maintained...”
  - Potential language modification: “A low wooded or rope mitigation fence, or similar fence or deck railing, shall be installed and maintained...”

Look forward to discussing these details next week.

Thanks!

Tara Jackson, Planner  
 Wynn Coastal Planning, Inc.  
 703 North Main Street  
 Fort Bragg, CA 95437  
 ph: [707-964-2537](tel:707-964-2537)  
 fax: [707-964-2622](tel:707-964-2622)  
[www.WCPlan.com](http://www.WCPlan.com) and on FaceBook



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On Jun 22, 2021, at 4:14 PM, Jessie Waldman <[waldmanj@mendocinocounty.org](mailto:waldmanj@mendocinocounty.org)> wrote:

Hi Tara,  
I am not available to meet tomorrow afternoon.

I am including Vandy in this appointment request. I am available any time Thursday afternoon or next week.

Please provide the following:

1. List of Items you wish to discuss regarding CDP\_2020-0024 (Boothe)
2. What date and times are you requesting as appointment options?

Thank you,

Jessie Waldman  
Planner II  
County of Mendocino - Planning & Building  
120 W. Fir Street  
Fort Bragg, CA 95437

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>>> Tara Jackson <[tara@wcplan.com](mailto:tara@wcplan.com)> 6/22/2021 3:52 PM >>>  
Hi Jessie,

Are you available to discuss via zoom or phone tomorrow afternoon? If so, would Vandy be able to join us? There are some items that we need clarification on, and it would be more efficient to discuss "in person".

Thanks!  
Tara Jackson, Planner  
Wynn Coastal Planning, Inc.  
703 North Main Street  
Fort Bragg, CA 95437  
ph: [707-964-2537](tel:707-964-2537)  
fax: [707-964-2622](tel:707-964-2622)  
[www.WCPlan.com](http://www.WCPlan.com) and on FaceBook

<IMAGE.png>

Attachment F:  
WCPB 2021 0624 - Pg 3 of 7

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On Jun 21, 2021, at 11:26 AM, Jessie Waldman  
<[waldmanj@mendocinocounty.org](mailto:waldmanj@mendocinocounty.org)> wrote:

Good Morning Tara,

I see you have only two (2) comments on the Word Document.

To clarify your comment below regarding Staging and Landscaping, I have made changes to **Conditions 22 and 23, removed Condition 25** to state that a staging plan and a landscaping plan shall be required and recorded with the Deed Restriction, two (2) separate plans, where both shall show all restrictions and buffers as well proposed development. This condition is to memorialize the proposed development and all areas that shall not be developed to avoid or mitigate impacts to ESHA, Wetlands and Bluffs.

Also, Staff is requesting response and summary to the CCC June 17, 2021 comments emailed to you on Friday, June 18th at 10:53 am, see attached for ease of reference. Planning Staff has reviewed the Bio Survey and CCC and in not able interpret minimum requirement or success criteria from the WYNN report (Section 7.6) will be completed, **see Revised Conditions 20, 22 & 23**. Planning Staff suggest further elaboration shall be required from Wynn Coastal Planning, based on the CCC Comments.

And should Amy Wynn be providing additional comments, May Staff request this as soon as possible, as I am hoping to have this memorandum complete as soon as possible.  
Thank you for your attention,



Jessie Waldman  
 Planner II  
 County of Mendocino - Planning & Building  
 120 W. Fir Street  
 Fort Bragg, CA 95437

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>>> Tara Jackson <[tara@wcplan.com](mailto:tara@wcplan.com)> 6/18/2021 2:12 PM >>>  
 Hi Jessie,

I am attaching the word document with my suggested edits. I continue to advocate that the materials used for the mitigation fence to be flexible (considering that half of the fence is the house).

Based upon Amy's experience, staging plans do not include plantings. Instead they show location of trucks, materials, temporary fencing, etc.

Regarding Melissa's commentary: I recommend caution on the part of the county prescribing success criteria. Instead, I think success criteria is something that biologists analyze and then devise along with with adaptive management plans should the criteria not be met for reasons beyond the capabilities of those completing the restoration (climatic shifts, pathogens, unusual weather patterns during the monitoring period). If an infeasible success criteria is prescribed by the county, we could be stuck in an indefinite mitigation and monitoring cycle.

That being said, requiring a botanist carry out the mitigation and monitoring seems reasonable. Additionally, should the County choose to require the MMRP, it seems reasonable that the County would need to review and approve the MMRP.

Amy is out of the office today, and she may have additional thoughts once she reviews the memo and Kraemer's additional comments early next week.

Thank you very much for the opportunity to review the DRAFT memo.

Sincerely,  
Tara Jackson, Planner  
Wynn Coastal Planning, Inc.  
703 North Main Street  
Fort Bragg, CA 95437  
ph: [707-964-2537](tel:707-964-2537)  
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Planner II  
County of Mendocino - Planning & Building  
120 W. Fir Street  
Fort Bragg, CA 95437

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<CDP\_2020-0024 (Boothe) CCC Comments 2021 0617.pdf>

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<CDP\_2020-0024 (Boothe) CCC Comments 2021 0617.pdf> <CDP\_2020-0024 (Boothe) CPA 2nd Memo 2021 0610 DRAFT .doc>

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703 North Main Street, Fort Bragg CA 95437  
ph: 707-964-2537 fx: 707-964-2622 www.WCPlan.com

July 6, 2021

Tara Jackson, Planner  
Wynn Coastal Planning & Biology  
703 N Main Street  
Fort Bragg, CA 95437

RE: Mendocino Commentary CDP\_2020-0024 (Boothe)  
34350 Pacific Reefs Road  
Albion, CA 95410  
APN 123-340-13-00

Dear Tara,

Wynn Coastal Planning & Biology (WCPB) received commentary from the California Coastal Commission regarding the Boothe's Coastal Development Permit (CDP) Application. The CCC email is written by Supervising Analyst Melissa Kraemer and is dated June 17, 2021. The purpose of this response letter is to address requests in Ms. Kraemer's commentary regarding minimum monitoring requirements and success criteria for the headland wallflower MMRP recommended within Wynn Coastal Planning and Biology's biological report included as part of the CDP application.

I have reviewed Ms. Kraemer's recommendations as well as recommendations made earlier by CDFW Environmental Scientist Rhiannon Korhummel and propose the following changes to the Mitigation Measures section of the biological report regarding headland wallflower:

#### **7.8 Potential Impact to Headland Wallflower**

The majority of headland wallflowers in the study area were within the northern coastal bluff scrub habitat at the bluff edge or along the bluff slope. Potential impact to headland wallflowers within northern coastal bluff scrub habitat can be avoided by following the mitigations recommended for that natural community in 7.6. Two headland wallflowers were observed within the area where the single family residence and septic leach fields are proposed and three others were present just north of the proposed single family residence. These five plants may be directly impacted by construction and should be avoided or compensated for with the measures below. In addition to direct impact to individual plants the total overall suitable habitat for this species will be reduced by construction of the house and the associated curtilage. ~~A Mitigation Monitoring & Reporting Plan is recommended.~~

##### **7.8.1 Compensatory Measure: Removal of invasive iceplant to expand and enhance headland wallflower habitat on site**

Headland wallflower is precluded from growing within an approximately 2000sqft portion of the subject parcel by heavy mats of invasive iceplant. This area, which is at the break in slope of the bluff edge, is an ideal topographic location for headland wallflower based on Mr. Spade's experience observing the habits of this species. Iceplant shall be removed by pulling by hand and/or killed by direct application of herbicide. Special care shall be taken to avoid overspray and chemical drift into areas vegetated with native plants. This method has successfully been used by California State Parks to restore wallflower (*Erysimum* spp.) habitat. Relative cover of native species present within the area of iceplant is high. If herbicide is to be used, specifications on applications should be provided to and approved by the County before application. Compensatory mitigation success should include full eradication of iceplant above the break in slope of the headlands (i.e. not along the bluff face) as a goal.

##### **7.8.2 Avoidance and Minimization Measure: Permanent symbolic fencing along the bluff edge**

A low wooden or rope fence shall be installed, set back roughly 45 46ft, ~~along paralleling~~ the bluff edge to denote sensitive natural habitat to its north and to discourage entry into this area. This location for the fence is consistent with the geotechnical setback as reported by Brunsing and Associates, Inc. approximately the edge of the extent of the iceplant infestation at the time of the biological surveys, which will be converted to native habitat supporting headland wallflower. The area north of the permanent symbolic fence shall be maintained as native habitat.

### **7.8.3 Avoidance and Compensation Measure: Seed collection and dispersal**

Five headland wallflowers are located outside of the Northern coastal bluff scrub habitat and may be directly impacted by construction of the proposed single-family residence and septic system. Headland wallflowers are biennial or short-lived perennial plants that grow vegetatively the first year, go dormant during winter and then regrow and go to seed the following year (and sometimes survive to seed again an additional year or two). Headland wallflowers have a deep taproot and are unlikely to be successfully transplanted unless very young, so transplanting is not recommended. Seeds will be collected from individuals prior to construction and dispersed north of the single-family residence within an area vegetated with ice plant at the time of the biological surveys. The iceplant in this area will be removed prior to seeding creating new habitat for the headland wallflowers along the bluff edge as per the measure in Section 7.8.1 above. Collection of soil around the headland wallflowers within the impact area should be considered to capture any potential seed bank which may be present. Caution should be used with soil/seed bank collected because the five wallflowers observed within the potential direct impact area are growing within habitat dominated by invasive grassland species while the restoration area, though dominated by iceplant, also has a significant component of native species and lacks many of the non-native invasive species present within the grassland. Consideration should be given to either spreading seedbank soil within the area between the project and restoration area that already has non-native grassland species present but that will be protected by exclusionary symbolic fencing, and/or germinating seed bank soils in flats, removing non-native species as they germinate and then planting out germinating wallflowers into the restoration area.

### **7.8.4 Compensatory Measure: Habitat Mitigation Monitoring & Reporting Plan**

A Habitat Mitigation Monitoring and Reporting Plan (HMMRP) will prepared and submitted to Mendocino County Planning and Building for review and approval prior to permit issuance. The purpose of the HMMRP is to direct and monitor the success of iceplant removal and the reseeding efforts in the area where ice plant will be removed to mitigate for the direct wallflower impacts and the reduced ESHA buffer. Mitigation and Monitoring will be carried out by a qualified botanist. Minimum success criteria specified in the HMMRP will include:

100% of iceplant will be eradicated within the restoration area of the subject parcel above the break in slope of the bluff edge. At least ten wallflower individuals will be successfully grown in the reseeded/restored area (this number is twice the number as the number of plants documented within the area likely to be impacted by the proposed project). The Monitoring and restoration should occur for at least five years and until all performance criteria are met for 2 consecutive years. Results of ice plant removal and annual monitoring will be reported to the County annually for a minimum of five years and for each additional year monitoring and restoration efforts continue.

The HMMRP will include background information, goals, success criteria, methodology, and a timeline for implementation. The HMMRP will be performance-based, allowing for management to be carried out in an adaptive manner whereby monitoring provides feedback and shows the manager areas within which efforts are successful, as well as areas that may need a different approach in order to meet the performance goals. The HMMRP will address and identify potential contingency measures if no headland wallflower individuals germinate. Consultation with CDFW and the County should occur if progress toward meeting success criteria is not being made in order to reassess strategies toward achieving the criteria. If success criteria are not met after five years and at least two consecutive years then an additional year (or more) of management, restoration, monitoring, and reporting will be required.

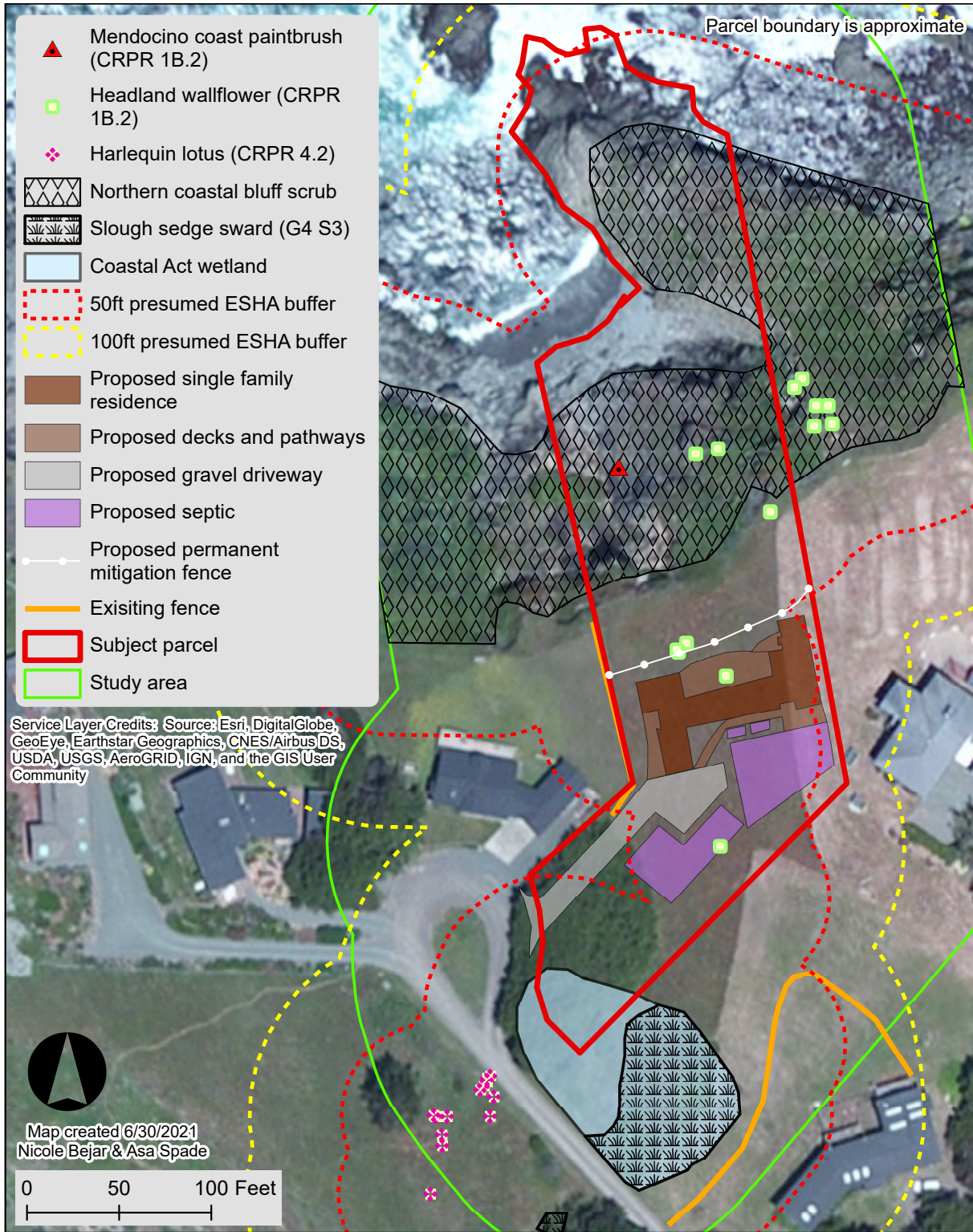
A new version of the Presumed ESHA Map with Proposed Development (Figure 2 of the biological report) depicting the exclusionary fencing at 46ft from the bluff top, rather than the 15ft originally specified, is attached below. I hope this addresses all changes recommended by the Coastal Commission. Please let me know if you have additional questions.

Sincerely,

Asa Spade

A handwritten signature in black ink, appearing to read "Asa Spade", written in a cursive style.

Senior Biologist  
Wynn Coastal Planning & Biology



OWNER: Lands of Boothe  
 APN: 123-340-13-00  
 ADDRESS: 34350 Pacific Reefs Rd.  
 Albion, CA 95410

## Presumed ESHA Map with Proposed Development

Figure 2. Potential Environmental Sensitive Habitat Areas (ESHAs) identified in the study area and their recommended buffers.