



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
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MEMORANDUM

**DATE:** June 8, 2023  
**TO:** Coastal Permit Administrator  
**FROM:** Planning and Building Services, Mark Cliser, Planner II  
**SUBJECT:** CDP\_2022-0035 Modification to Conditions of Approval

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On June 6, 2023, Staff received correspondence from Alan Cohen (Applicant) regarding Condition of Approval number 13, which requires the applicant plant an additional 104 Bishop pine seedlings. In the correspondence received, the applicant requests that no additional seedlings be planted and only monitoring of the 70 seedlings which have self-propagated on-site should be conditioned (see Attachment A).

On June 7, 2023, Staff received correspondence from the project botanist, Alicia Ives Ringstad, Senior Wildlife Biologist and Biological and Botanical Program Manager at Jacobszoon & Associates. Ms. Ringstad states the number of trees requested in Condition of Approval number 13 poses increased fire hazard and may be detrimental to the health of the 70 seedlings which have self-propagated (see Attachment B)

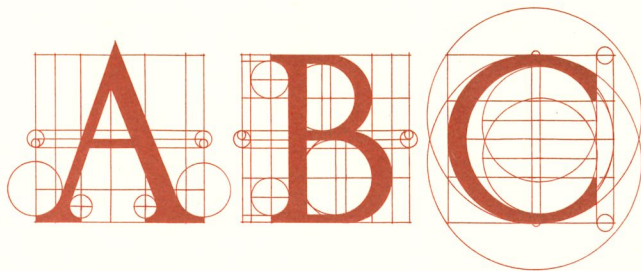
After consultation with UC Cooperative Extension and California Department of Fish and Wildlife (CDFW), Staff agrees with the requested reduction in trees to be replanted and suggests revision of Condition of Approval number 13 as follows:

- The owner shall maintain the flagged 70 Bishop pine seedlings identified in the Biological Resources Assessment and ESHA analysis dated September 26, 2022. Location of the 70 Bishop pine seedlings shall be clearly marked for the duration of the monitoring period. The seedlings shall be protected and avoided during yard work. Sapling growth shall be monitored by a qualified biologist on a yearly basis. The monitoring period shall begin on approval of CDP\_2022-0035 and run for a minimum of five (5) years. Monitoring reports shall be delivered to Mendocino County Planning and Building Services yearly. A success criterion of 80% survival shall be established. If the survival rate falls below 80 percent during the 5-year monitoring plan (56 Bishop pine), the applicant shall replant the lost trees with local, native stock.

CDFW received a copy of the conditions of approval and is in support of the modification (see Attachment C).

**ATTACHMENTS:**

- A. Applicant Letter
- B. Jacobszoon Letter
- C. CDFW email



**ALAN B. COHEN** 205 CENTER STREET  
**ARCHITECT** HEALDSBURG, CA 95448

707/431-7100 v alan@abcaia.com f 707/431-7101

April 28, 2023

Coastal Permit Administrator, County of Mendocino  
Planning & Building Services  
860 N. Bush St., Ukiah CA 95482

**RE: Coastal Development Permit for 34400 Hwy 1, Gualala, CA 95445 APN 143-161-14**

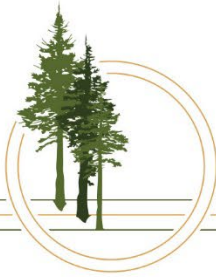
As property owners/ applicants we request a modification to the proposed mitigation for Bishop Pine replacement. The Biological Resources Assessment and ESHA Analysis suggested a 3:1 replacement ratio for a total of 174 trees replanted. With 70 seedlings that have sprouted, the proposed staff report calls for 104 seedlings to be planted. We propose a 1:1 or 2:1 ratio that would result in 58 trees replaced (no additional replacement with the 70 that have sprouted) or  $116 (-70) = 46$  planted or something in between for the following reasons:

- A 3:1 replacement ratio is common practice when replacing living trees in a development project. The trees that were chipped were all dead and had mostly been on the ground for years.
- If we had come to the County with a request to chip dead trees on the ground and remove some additional standing dead trees (reducing the fire hazard) I do not believe we would have needed to replace any trees. We were unaware we needed a CDP to do so.
- We only cut down and chipped +/-6 (dead) trees. The rest were dropped by the former owners and left on the ground.
- We have heard the County is considering a policy regarding dead tree removal that would spell out policies, but at this time has not yet been drafted, vetted, or approved. We expect the policy will not call for a 3:1 replacement ratio for dead trees.
- The author of the Jacobzoon & Associates report indicated to us that they are not aware of any written policy that requires a 3:1 replacement for dead trees but that it has been asked for in the past by the County.
- There are two homes, sheds, driveways, septic tanks and a septic field, the drainage swale along the SE property line, and power lines along Hwy 1. There is a large amount of Hwy 1 frontage with a dangerous curve that would not be suitable for planting trees. Much of the acreage overlaps the bluff cliff. The remaining land upon which to replant seems (to me) too small to support 174 trees.

We do not have a problem with the requirement to care for and protect the replacement trees and filing of annual reports on them as called for.

Thank you for your consideration on this request. We will attend the hearing virtually to further discuss if appropriate.

Alan B. Cohen for all Owners



# JACOBSZOOM & ASSOCIATES, INC.

natural resource planning & management

June 7, 2023

Coastal Permit Administrator, Count of Mendocino  
Planning & Building Services  
860 N. Bush St., Ukiah CA 95482

Re: Coastal Development Permit for 34400 Hwy 1, Gualala, CA 95445 APN 143-161-14

Alan Cohen copied us on his letter requesting a reduced planting ratio on the Bishop pine trees. We have reviewed Alan Cohen's request and do not see an issue with a lower ratio. After taking out the building sites, drive areas, septic areas, and drainage ways, the area for replanting is somewhat limited with replanted trees closer together than ideal with a 3:1 ratio. The 3:1 proposed planting ratio would increase the fire risk in the future.

There are approximately 70 Bishop pine sprouts that have come up on their own most likely due to the chipping of the downed trees and spreading process. The spreading process may have activated the seeds or loosened the exterior of the seed casing to allow the germination of the seeds, as Bishop pinecones typically need fire to germinate.

These sprouts that are naturally occurring are most likely genetically superior to any transplants we may be able to source for the property and transplants might reduce the genetics of the native seeds. It is my professional opinion that the 70 Bishop pine sprouts would be sufficient for replacement.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Alicia Ives Ringstad  
Senior Wildlife Biologist and Biological and Botanical Program Manager  
Jacobszoon & Associates, Inc.

**From:** [Garrison, Jennifer@Wildlife](mailto:Garrison, Jennifer@Wildlife)  
**To:** [Mark Cliser](mailto:Mark Cliser)  
**Subject:** RE: CDP 2022-0035  
**Date:** Wednesday, June 7, 2023 3:16:30 PM  
**Attachments:** [image003.png](#)

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Mark,

Thank you for the email and letter from the biological consultant. Retaining the existing 70 saplings seems sufficient to replace the impacts to northern bishop pine; however, I would also encourage the landowner and consultant to consider, in the future, adding understory shrubs and plants that exist within the bishop pine natural community so that it is more than a planted northern bishop pine stand.

If additional saplings need to be replanted because survival ratio of 80% was not met after five years, CDFW would encourage planting local, native stock, which is available from nurseries on the Mendocino Coast including ones in Point Arena and Caspar that sell local stock bishop pine (and other trees and shrubs that are locally native).

If you have any questions, please let me know.

Thank you, Jenn

Jennifer I. Garrison  
Senior Environmental Scientist (Specialist)  
Coastal Conservation – Mendocino  
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: 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.

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**From:** Mark Cliser <[cliserm@mendocinocounty.org](mailto:cliserm@mendocinocounty.org)>  
**Sent:** Wednesday, June 7, 2023 1:41 PM  
**To:** Garrison, Jennifer@Wildlife <[jennifer.Garrison@wildlife.ca.gov](mailto:jennifer.Garrison@wildlife.ca.gov)>  
**Subject:** FW: CDP 2022-0035

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

Hi Jennifer,

As discussed, attached is the letter for the project botanist requesting. The applicant sent a letter requesting that condition of approval number 13 be revised to exclude the additional planting of Bishop pine and only allow for those that have sprouted on their own. Condition 13 now reads:

*The owner shall plant 104 Bishop pine seedlings and maintain the flagged 70 Bishop pine seedlings identified in the Biological Resources Assessment and ESHA analysis dated September 26, 2022.*

*Location of the 104 Bishop pine seedlings shall be marked. The trees and seedlings shall be*

*protected and avoided during yard work. Bishop pine saplings shall be planted by hand.*

*Sapling*

*growth shall be monitored by a qualified biologist on a yearly basis. The monitoring period shall begin*

*on approval of CDP\_2022-0035 and run for a minimum of 3 years. Monitoring reports shall be*

*delivered to Mendocino County Planning and Building Services yearly.*

I would like to revise the condition to read:

*The owner shall maintain the flagged 70 Bishop pine seedlings identified in the Biological Resources Assessment and ESHA analysis dated September 26, 2022. Location of the 70 Bishop pine seedlings shall be clearly marked for the duration of the monitoring period. The seedlings shall be protected and avoided during yard work. Sapling growth shall be monitored by a qualified biologist on a yearly basis. The monitoring period shall begin on approval of CDP\_2022-0035 and run for a minimum of 5 years. Monitoring reports shall be delivered to Mendocino County Planning and Building Services yearly. A success criterion of 80% survival shall be established. If the survival rate falls below 80 percent during the 5-year monitoring plan (56 Bishop pine), the applicant shall replant the lost trees.*

Please let me know your thoughts at your earliest convenience.

Best,

**Mark Cliser**



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**From:** Alicia Ives Ringstad <[alicia@jeforestry.com](mailto:alicia@jeforestry.com)>  
**Sent:** Wednesday, June 7, 2023 10:09 AM  
**To:** Mark Cliser <[cliserm@mendocinocounty.org](mailto:cliserm@mendocinocounty.org)>; alan cohen <[alan@abcaia.com](mailto:alan@abcaia.com)>  
**Subject:** Re: CDP 2022-0035

Hi Mark, I have updated the response letter that I sent earlier to include the discussion of the Bishop pine sprouts and the genetics. Thank you.

Alicia Ives Ringstad  
Biological and Botanical Program Manager  
Jacobszoon & Associates, Inc.  
117 Clara Ave  
Ukiah, CA 95482  
(707) 485-5544 ext.104

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**From:** Mark Cliser <[cliserm@mendocinocounty.org](mailto:cliserm@mendocinocounty.org)>  
**Sent:** Tuesday, June 6, 2023 3:44 PM  
**To:** Alicia Ives Ringstad <[alicia@jeforestry.com](mailto:alicia@jeforestry.com)>  
**Cc:** alan cohen <[alan@abcaia.com](mailto:alan@abcaia.com)>  
**Subject:** CDP 2022-0035

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Alicia

Please let me know when you have a moment to discuss a new condition.

I can be reached at 707-234-6658

Thank You,

**Mark Cliser**



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