

**OWNER/APPLICANT:**

LI FOO ALLIANCE  
P.O. BOX 157  
ELK, CA 95432

JACKSON RANCHERIA DEVELOPMENT  
CORPORATION  
12222 NEW YORK RANCH ROAD  
JACKSON, CA 95642

JIN EDMUND AND EVA LU  
45875 NORTH POINT LOOP EAST  
FREMONT, CA 94538

**REQUEST:**

A Standard Coastal Development Permit for the installation of a septic force line beginning at the eastern boundary of 5600 South Highway 1 (Harbor House Property, APN 127-170-08) to transfer effluent 1,500± linear feet within the Caltrans Highway 1 right-of-way to an offsite leach field located at 5915 South Highway 1 (Li Foo Property, APN 127-210-03) via a dedicated easement on 5931 South Highway 1 (Jackson Rancheria Property, APN 127-182-16). Development includes the installation of a pumping tank and leachfield.

**ENVIRONMENTAL DETERMINATION:**

Mitigated Negative Declaration

**RECOMMENDATION:**

Approve the request

**LOCATION:**

In the Coastal Zone, spanning a large portion of the Town of Elk. The proposed force line begins on the north end of town at the northeastern boundary of 5600 South Highway 1 (Harbor House Property, APN 127-170-08). The system will travel 1,500± feet within the Highway 1 right-of-way south through Elk, and turn east at 5931 South Highway 1 (Jackson Rancheria Property, APN 127-182-16) through a dedicated easement. The system will continue east onto 5915 South Highway 1 (Li Foo Property, APN 127-210-03).

**TOTAL ACREAGE:**

*Li Foo Property*  
19.86 acres

*Jackson Rancheria Property*  
0.21 acres

*Harbor House Property*  
4.82 acres

*Highway 1 Right-of-Way*  
1,500± linear feet

**GENERAL PLAN:**

*Li Foo Property*  
RR 10 (Rural Residential- 10 acre minimum)

*Jackson Rancheria Property*  
RV (Rural Village)

*Harbor House Property*  
RV (Rural Village)

**ZONING:** *Li Foo Property*  
RR 10 (Rural Residential, 10 acre minimum)

*Jackson Rancheria Property*  
RV (Rural Village)

*Harbor House Property*  
RV (Rural Village)

**ADJACENT ZONING:** *Li Foo Property*  
North: Rangeland  
East: Rural Village  
South: Rural Residential  
West: Rangeland

*Jackson Rancheria Property*  
North: Rural Village  
East: Rural Village and Rangeland  
South: Rural Village  
West: Highway 1 and Rural Village

*Harbor House Property*  
North: Rural Village  
East: Highway 1 and Rangeland  
South: Rural Village  
West: Pacific Ocean

**EXISTING USES:** *Li Foo Property*  
Vacant

*Jackson Rancheria Property*  
Vacant

*Harbor House Property*  
Visitor Accommodation Service

**ADJACENT USES:** *Li Foo Property*  
North: Residential and Agricultural  
East: Residential and Agricultural  
South: Vacant  
West: Residential

*Jackson Rancheria Property*  
North: Church  
East: Vacant  
South: Residential  
West: Highway 1 and Visitor Accommodation Service

*Harbor House Property*  
North: Residential  
East: Vacant and Agricultural  
South: Pre-School  
West: Pacific Ocean

**SUPERVISORIAL DISTRICT:** 5

**RELATED APPLICATIONS:** CDP 2015-0004 (pending): On-site septic improvements at 5900 South Highway 1 (Griffin House and Greenwood Pier Properties, APN 127-181-05) in preparation for connection to the septic line in Highway 1 proposed by this application.

CDP 2008-0025 (as amended in 2014): Amended to provide on-site improvements at 5600 SOUTH Highway 1 (Harbor House Property) in preparation for connection to the septic line in Highway 1 proposed by this application.

**PROJECT DESCRIPTION:** A Standard Coastal Development Permit for the installation of a septic force line beginning at the eastern boundary of 5600 South Highway 1 (Harbor House Property, APN 127-170-08) to transfer effluent approximately 1,500 linear feet within the Caltrans Highway 1 right-of-way to a proposed offsite leach field to be located at 5915 South Highway 1 (Li Foo Property, APN 127-210-03) via a dedicated easement on 5931 South Highway 1 (Jackson Rancheria Property, APN 127-182-16). Development includes the installation of a pumping tank and leachfield.

**SITE DESCRIPTION AND SETTING:** The proposed project will span a large portion of the Town of Elk. The proposed force line begins on the north end of town at the boundary of 5600 South Highway 1, a blufftop parcel with an existing Visitor Accommodation Service (Harbor House Property). The development is proposed to remedy a failing septic system on the Harbor House Property. The existing septic system is failing, with effluent presently discharging over the bluff face. The new system will travel approximately 1,500 feet within the Highway 1 right-of-way through Elk, and turn east at 5931 South Highway 1 through a dedicated easement on an approximately 0.21 acre vacant parcel (Jackson Rancheria Property). The installation of the septic line in the Highway 1 right-of-way will occur completely within the footprint of the roadway, at depths between five and ten feet. The system will continue east onto 5915 South Highway 1 (Li Foo Property) to a pump tank, which will direct flows to a proposed leachfield. The pump and leachfield are proposed on an approximately 19.86 acre vacant parcel that slopes upward to the east.

**KEY ISSUES:** Coastal Development Permit applications are subject to the findings enumerated in Section 20.532.095 and Section 20.532.100 of the Mendocino County Code (MCC). Attachment A: Coastal Permit Approval Checklist individually addresses each of the Required Findings for all Coastal Development Permits and any Supplemental Findings applicable to this project.

The issues listed below are drawn from Attachment A: Coastal Permit Approval Checklist and have been determined to be "key issues" because they require conditions beyond those that are customarily required to make the findings for approval.

**Key Issue 1: Biological Resources (Environmentally Sensitive Habitat Areas)**

The certified Mendocino County Local Coastal Program (LCP) includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

The applicant submitted biological reports prepared by Spade Natural Resources Consulting titled *Biological Scoping and Botanical Survey Report*, dated June 4, 2015, in concert with the application for the septic system. The report identifies multiple potential ESHA, as described below.

**Identified ESHA (Highway 1 component): Willow riparian area, coastal morning glory, bulrush wetland, grazed rush potential wetland**

Location. The biological report locates this ESHA along Highway 1 at the northern portion of the proposed project. See ESHA Site Plan attached.

Development with Impact Potential. The project proposes three temporary boring points (one within fifty feet of the potential ESHA, and two greater than fifty feet but less than one hundred feet of the ESHA) and underground direction drilling within fifty feet of ESHA.

Potential Impact. The biological report states, “detrimental impacts may occur from heavy equipment use, equipment staging or other direct construction encroachments into sensitive areas, accidental spills, invasive seed contamination during construction, or temporary or permanent placement of fill or other materials.”

Mitigation and Avoidance Measures. The following measures are based on the recommendations of the project biologist to offset potential impacts of development on these ESHA:

- a. Exclusion fencing shall be placed at the outer boundary of the identified ESHA (riparian areas, wetlands and coastal morning glory), as allowable by Caltrans, prior to initiation of construction activities. Use of heavy equipment, staging, and other project impacts shall be limited to areas outside potential ESHA, and as far from ESHA as feasible.
- b. Prior to the issuance of a Coastal Development Permit, a Spill Prevention Plan shall be designed for the project, addressing spill concerns specific to the septic force lines.
- c. Heavy equipment shall be washed prior to entering the site to remove accumulated mud that can harbor invasive plant seed. Erosion control devices shall be weed free. Any seed used to stabilize soils shall consist of non-invasive plant species only.

Consistency with LCP ESHA Policies. The temporary borings proximate to these ESHA are temporary in nature. The borings will be utilized for a maximum of twenty working days, per the Water Pollution Control Program prepared by Paulson Excavating, Inc. and submitted by the applicant, and will be drilled within the footprint of the existing roadway. The ESHA near the temporary boring points are subject to regular disturbance from the use of Highway 1 by vehicles and pedestrians. The nearby ESHA is also regularly disturbed and maintained by Caltrans, including mowing on at least an annual basis, leading the project biologist to conclude that the resources are “not considered very sensitive to disturbance.”

MCC Section 20.496.005 addresses the applicability of the ESHA chapter to proposed development, stating “This Chapter shall apply to all development proposed in the Coastal Zone unless and until it can be demonstrated to the approving authority that the projects will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas.” Staff finds that the proposed borings will not degrade any ESHA and is compatible with the continuance of ESHA due to the temporary nature of the borings, their location within the footprint of the existing roadway, and the resources’ lack of sensitivity to existing heavy disturbance, provided the mitigation and avoidance measures recommended by the biological report are incorporated into the project design. Supplemental Finding 1 through Supplemental Finding 4 reflect this conclusion, and Condition 12 requires the applicant to follow the mitigation and avoidance measures proposed by the biologist.

Underground directional drilling and installation of a force line will also encroach within fifty feet of the ESHA identified by the biological surveys. The potential for the drilling and force line to impact ESHA is equally diminished by the location of development within the footprint of existing improvements, and the nearby resources’ lack of sensitivity to existing heavy disturbance; however, the temporary nature of the borings does not extend to the permanent installation of the force line. Staff recommends Condition 13 requiring the applicant to submit a wetland and riparian area monitoring and restoration plan prior to issuance of a Coastal Development Permit to be reviewed and accepted by Planning and Building and California Department of Fish and Wildlife. This plan shall outline methods by which a biologist will determine if the resources proximate to the drilling and force line have been negatively affected by the development. If negative impacts are determined to exist resulting from this project, the plan shall identify restoration activities to offset any identified negative impacts.

With the avoidance and mitigation measures recommended by the biologist as Condition 12 and the implementation of a monitoring and restoration plan, as well as locating the drilling and force line within the footprint of existing improvements, and due to the lack of apparent sensitivity of the nearby resources due to existing heavy disturbance, staff finds that the drilling and force line will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas, pursuant to MCC Section 20.496.005.

**Identified ESHA (Li Foo Property component): Grazed rush potential wetlands**

Location. The biological report locates this ESHA on the parcel north of the Li Foo property boundary, see ESHA Site Plan attached.

Development with Impact Potential. The project proposes the installation of an underground pump station with an aboveground control panel, trenching of a septic line and installation of a leachfield over fifty and less than one hundred feet from the ESHA.

Potential Impact. The biological report states, “detrimental impacts may occur from heavy equipment use, equipment staging or other direct construction encroachments into sensitive areas, accidental spills, invasive seed contamination during construction, or temporary or permanent placement of fill or other materials.”

Mitigation and Avoidance Measures. The following measures are based on the recommendations of the project biologist to offset potential impacts of development on these ESHA:

- a. Exclusion fencing shall be placed at least fifty feet from the identified ESHA (grazed rush) establishing a buffer area of at least fifty feet prior to initiation of construction activities. Use of heavy equipment, staging, and other project impacts shall be limited to areas outside ESHA, and as far from ESHA as feasible.
- b. Prior to issuance of the Coastal Development Permit, a Spill Prevention Plan shall be designed for the project, addressing spill concerns specific to the septic force lines.
- c. Heavy equipment shall be washed prior to entering the site to remove accumulated mud that can harbor invasive plant seed. Erosion control devices shall be weed free. Any seed used to stabilize soils shall consist of non-invasive plant species only.

Consistency with LCP ESHA Policies. The pump station, control panel, septic line and leachfield are all proposed within one hundred feet of grazed rush potential wetlands. MCC Section 20.496.020(A)(1) requires buffer areas from ESHA of at least one hundred feet, “unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and [Wildlife] and County Planning staff, that one hundred feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development.” The MCC prescribes standards for determining the appropriate width of the buffer area.

The biological report includes a *Reduced Buffer Analysis for Harbor House off-site septic system replacement project*. The Reduced Buffer Analysis is attached. Staff finds that a buffer area of fifty feet is sufficient to protect the grazed rush potential wetland from possible significant disruption caused by the nearby development based on the conclusions of the Reduced Buffer Analysis, if the applicant adheres to the mitigation and avoidance measures proposed by the biologist. No development is proposed within the fifty foot buffer area. The mitigation and avoidance measures are recommended as Condition 14.

**Potential ESHA (project-wide): California and northern red-legged frog**

Location. No amphibians were documented in the survey; however, watercourses observed adjacent to the project site were determined to have a low potential to provide breeding habitat for California and northern red-legged frogs during migration.

Development with Impact Potential. Project construction activities have the potential to impact amphibian habitat.

Potential Impact. The biological report states that special status frogs may be detrimentally impacted by placement of construction materials and erosion control devices, heavy equipment use, accidental spills, or sedimentation of waterways in the project area.

Mitigation and Avoidance Measures. The following measures are based on the recommendations of the project biologist to offset potential impacts of development on these potential ESHA:

- a. Within two weeks prior to construction, surveys for California and northern red-legged frogs shall be conducted by a qualified biologist. The biologist shall provide Planning and Building Services with the results of the study.
- b. Prior to commencement of construction, project contractors shall be trained by a qualified biologist in the identification of the California and northern red-legged frog. Construction crews shall begin each day with a visual search around all stacked or stored materials, as well as along any silt fences to detect the presence of frogs. If a California or northern red-legged frog is detected, construction crews shall contact the US Fish and Wildlife Service (California red-legged frogs), California Department of Fish and Wildlife (northern red-legged frogs), and Planning and Building Services, to provide clearance prior to re-initiating work.
- c. If a rain event occurs during the construction period, all construction-related activities shall cease for a period of forty-eight hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of frogs. If no California or northern red-legged frogs are found, construction activities may resume.

Consistency with LCP ESHA Policies. While no frogs were identified in the survey, the recommended mitigation and avoidance measures will limit impacts to special status amphibians, consistent with LCP ESHA policies. The recommended mitigation and avoidance measures are included as Condition 15.

#### **Potential ESHA (project-wide): Special status birds**

Location. No special status birds were documented in the survey; however, the potential for their presence during construction activities requires consideration.

Development with Impact Potential. Project construction activities have the potential to impact special status birds.

Potential Impact. Breeding birds may be impacted by the removal of vegetation and ground disturbance.

Mitigation and Avoidance Measures. The following measures are based on the recommendations of the project biologist to offset potential impacts of development on these potential ESHA:

- a. If vegetation clearing takes place during the bird breeding season (February through August), a qualified biologist shall perform preconstruction breeding bird surveys within fourteen days of the onset of construction or clearing of vegetation and report the findings to Planning and Building Services. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum fifty foot exclusion zone. Exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

Consistency with LCP ESHA Policies. While no special status birds were identified in the survey, the recommended mitigation and avoidance measures will limit impacts to avian wildlife, consistent with LCP ESHA policies. The recommended mitigation and avoidance measures are included as Condition 16.

As a result of the recommended conditions of approval, staff finds the project consistent with LCP ESHA policies, and that the project will not have a negative impact on coastal environmental resources.

### **Key Issue 2: Transportation**

The project will require approximately 1,500 linear feet of work within the Highway 1 right-of-way. As a precursor to development in the right-of-way, the applicants were required to secure an Encroachment Permit from Caltrans.

Following the initial project referral, Planning staff received a letter dated November 21, 2014 from Caltrans. The letter stated in part, "per Section 607.1 of the Caltrans Encroachment Permit Manual, general policy states that longitudinal encroachments are not approved. However, requests for exception to the policy can be submitted to the Division of Design for consideration." Staff discussed the situation during a phone call with Caltrans and found that this policy applies only to encroachments by private entities.

The applicant worked with Caltrans over the next several months to obtain an Encroachment Permit. Staff was provided with a copy of a letter from Caltrans to an agent for the applicant dated April 2, 2015 stating that the encroachment permit "will be approved pending submittal of an agreement between Elk Water District and the Li Foo Alliance and the Harbor House to have the Elk Water District to own, operate and maintain the portion of sewer line within the State Highway Right of Way." This agreement would exempt the project from the Caltrans prohibition on private longitudinal encroachments.

The applicant secured an agreement between Harbor House and the Elk Water District, resulting in approval of Encroachment Permit 0114-6-UL-0255, providing clearance for the work in the right-of-way. Condition 10 is recommended requiring the applicant to conform to the provisions of the of Encroachment Permit 0114-6-UL-0255 to ensure that impacts to traffic and circulation are less than significant within the meaning of CEQA.

### **Key Issue 3: Cultural Resources**

The applicant included an archaeological survey with the project application (*Archaeological Survey for a Septic Repair Project for the Harbor and Griffin Houses in Elk, CA*, prepared by Thad Van Bueren, M.A., dated October 14, 2014). The survey includes the parcels and Highway 1 right-of-way subject to this application, as well as other parcels in Elk with related concurrent applications to update individual septic systems. The survey was referred to the Mendocino County Archaeological Commission for review. In a letter dated May 13, 2015, the Archaeological Commission accepted the survey with the condition that the applicant follow the recommendations specified on page 14 of the survey.

These recommended conditions require that trenching on APN 127-181-06, 127-181-12, and 127-181-14 be monitored by a professional archaeologist, and prescribes measures to be taken should any cultural resources be identified during development. These parcels are not subject to this application; however, the relationship between this project and other current septic projects in Elk warrants the recommendation of **Condition 8 and Condition 9**, to ensure that any modification or amendment to this application involving the archaeologically sensitive parcels adhere to the recommendations of the survey.

While there are no culturally significant resources identified that could be impacted by this project, the recommended conditions of approval will ensure there will not be adverse impacts on any known archaeological or paleontological resource.

**Key Issue 4: Erosion**

Erosion management is subject to Mendocino County Code Section 20.492.025, which requires that water flows in excess of natural flows resulting from the project development be mitigated, and construction related erosion is adequately managed. The applicant submitted a *Water Pollution Control Program* (WPCP) dated September 14, 2014. The WPCP identifies Best Management Practices to offset construction-related runoff, including placement of straw and redwood mulch, preservation of existing vegetation and outlet protection. The WPCP states that "soil stabilization materials and equipment will be available onsite to be utilized when measurable precipitation is forecast." Condition 11 is recommended requiring the applicant to adhere to the stormwater and erosion control methods prescribed in the WPCP, which will limit soil erosion impacts to a less than significant level.

**STAFF RECOMMENDATION:** Adopt the Mitigated Negative Declaration and approve the request for Coastal Development Permit CDP\_2014-0036 with the recommended Conditions of Approval.

**FINDINGS FOR RECOMMENDED APPROVAL:**

**Environmental Findings:** The Coastal Permit Administrator finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project; therefore, a Mitigated Negative Declaration is adopted.

**Coastal Development Permit Findings:** The Coastal Permit Administrator finds that the application and supporting documents contain information and conditions sufficient to establish, as required by the MCC, that:

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; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the MCC and preserves the integrity of the zoning district, 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; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

**SUPPLEMENTAL FINDINGS:**

1. The proposed boring located within fifty feet of ESHA is temporary in nature and within the footprint of existing infrastructure. The nearby resources are presently subject to heavy disturbance from existing infrastructure, such as road maintenance and mowing.
2. Directional drilling and underground installation of a septic line is within the footprint of existing infrastructure. The nearby resources are presently subject to heavy disturbance from the existing infrastructure.

3. **Condition 12** through **Condition 16**, based on the recommendations of the project biologist, will avoid or mitigate impacts of development on ESHA
4. Development proposed within fifty feet of ESHA will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas, pursuant to MCC Section 20.496.005.

**CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. Due to the high potential for buried historic era archaeological remains on APN 127-181-06, 127-181-12, and 127-181-14, any trenching on these parcels must be monitored by a professional archaeologist. If intact archaeological remains are encountered during that monitoring, all work within twenty-five feet of the discovery shall immediately cease and the procedure described in **Condition 9** shall be followed. The archaeologist may determine that monitoring goals have been met at any time while inspecting ground disturbing activities, at which time a letter report shall be issued describing the monitoring activity and outcome.

9. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
10. The applicant shall conform to the provisions of Encroachment Permit 0114-6-UL-0255 to ensure that impacts to traffic and circulation are less than significant, within the meaning of CEQA.
11. The applicant shall conform to the standards and recommendations of the *Water Pollution Control Program* prepared by Paulson Excavating, Inc. and dated September 14, 2014.
12. The following measures are based on the recommendations of the project biologist to offset potential impacts of development on the Highway 1 component of ESHA:
  - a. Exclusion fencing shall be placed at the outer boundary of the identified ESHA (riparian areas, wetlands and coastal morning glory), as allowable by Caltrans, prior to initiation of construction activities. Use of heavy equipment, staging, and other project impacts shall be limited to areas outside potential ESHA, and as far from ESHA as feasible.
  - b. Prior to the issuance of a Coastal Development Permit, a Spill Prevention Plan shall be designed for the project, addressing spill concerns specific to the septic force lines.
  - c. Heavy equipment shall be washed prior to entering the site to remove accumulated mud that can harbor invasive plant seed. Erosion control devices shall be weed free. Any seed used to stabilize soils shall consist of non-invasive plant species only.
13. Prior to issuance of a Coastal Development Permit, the applicant shall submit a wetland and riparian area monitoring and restoration plan to be reviewed and accepted by Planning and Building Services and the California Department of Fish and Wildlife. This plan shall outline methods by which a biologist will determine if the resources proximate to the drilling and force line have been negatively affected by the development. If negative impacts are determined to exist resulting from the borings, directional drilling or installation of the septic line, the plan shall identify restoration activities to offset any identified negative impacts.
14. The following measures are based on the recommendations of the project biologist to offset potential impacts of development on the Li Foo Property component of ESHA:
  - a. Exclusion fencing shall be placed at least fifty feet from the identified ESHA (grazed rush) establishing a buffer area of at least fifty feet prior to initiation of construction activities. Use of heavy equipment, staging, and other project impacts shall be limited to areas outside ESHA, and as far from ESHA as feasible.
  - b. Prior to issuance of the Coastal Development Permit, a Spill Prevention Plan shall be designed for the project, addressing spill concerns specific to the septic force lines.
  - c. Heavy equipment shall be washed prior to entering the site to remove accumulated mud that can harbor invasive plant seed. Erosion control devices shall be weed free. Any seed used to stabilize soils shall consist of non-invasive plant species only.
15. The following measures are based on the recommendations of the project biologist to offset potential impacts of development on California and northern red-legged frog:
  - a. Within two weeks prior to construction, surveys for California and northern red-legged frogs shall be conducted by a qualified biologist. The biologist shall contact Planning and Building Services with the results of the study.

- b. Prior to commencement of construction, project contractors shall be trained by a qualified biologist in the identification of the California and northern red-legged frog. Construction crews shall begin each day with a visual search around all stacked or stored materials, as well as along any silt fences to detect the presence of frogs. If a California or northern red-legged frog is detected, construction crews shall contact the US Fish and Wildlife Service (California red-legged frogs), California Department of Fish and Wildlife (northern red-legged frogs), and Planning and Building Services, to provide clearance prior to re-initiating work.
  - c. If a rain event occurs during the construction period, all construction-related activities shall cease for a period of forty-eight hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of frogs. If no California or northern red-legged frogs are found, construction activities may resume.
16. The following measures are based on the recommendations of the project biologist to offset potential impacts of development on special status birds:
- a. If vegetation clearing takes place during the bird breeding season (February through August), a qualified biologist shall perform preconstruction breeding bird surveys within fourteen days of the onset of construction or clearing of vegetation and report the findings to Planning and Building Services. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum fifty foot exclusion zone. Exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

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DATE

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SCOTT PERKINS  
PLANNER I

SMP/at  
June 8, 2015

#### Mitigated Negative Declaration

Appeal Fee - \$945.00 (For an appeal to the Mendocino County Board of Supervisors.)

Appeal Period - Ten (10) calendar days for the Mendocino County Board of Supervisors, followed by ten (10) working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.

**ATTACHMENTS:**

- A – Coastal Permit Approval Checklist
- B – Mitigated Negative Declaration
- C – Reduced Buffer Analysis
- D – Water Pollution Control Program
- E – Caltrans Encroachment Permit
- F – Control Panel Elevation
- G – ESHA Site Plan
- H – Location Map
- I – Aerial
- J – Zoning Map
- K – General Plan
- L – LCP Map
- M – Adjacent Parcels
- N – Fire Hazard Zones
- O – Coastal Groundwater Resources
- P – Highly Scenic and Tree Removal
- Q – Slope
- R – Soils
- S – Wetlands
- T – Site Plan