

**From:** [REDACTED]  
**To:** [Liam Crowley](#)  
**Cc:** [REDACTED]  
**Subject:** CDFW comments: CDP\_2024-0004 (Reimann & Schilke) - re-referral  
**Date:** Friday, January 10, 2025 8:57:02 AM

---

**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.

Liam,

Thank you for the opportunity to review this CDP application and associated documents including the updated biological report and RMMP. Please see this email for CDFW's comments and recommendations.

It is CDFW's understanding that the project description has been revised to include only the following: (1) the construction of a single-family residence, (2) the creation of a landscaped berm/knoll surrounding the residence, (3) the creation of a berm separating the residence and existing parking area, (4) portions of a water catchment area outside of any ESHA and/or ESHA buffers, (5) the construction of an ADU with an attached garage, (6) the construction of a storage shed, (7) repairs and improvements to existing fencing only in areas outside of ESHA and/or ESHA buffers, (8) the drilling of one (1) test well and conveyance of water lines only outside of ESHA and/or ESHA buffers, (9) a new entry gate only outside ESHA and/or ESHA buffers, (10) new fencing only outside ESHA and/or ESHA buffers, (11) after-the-fact permitting of an existing driveway, and (12) mitigation of impacts to wetlands due to the development of the previously unpermitted driveway, including implementation of the RMMP. CDFW provides the following comments and recommendations in our Trustee Agency role to assist the County as Lead Agency in assessing a project's potential impacts:

CDFW comments:

1. The site's resources, as updated in the biological report and RMMP, are not reflected on the CDP application's site plan. This is problematic as it does not include the full extent of wetlands as per the wetland delineation (reviewed and approved by the Regional Board), does not identify the seasonal wetland creation site (a mitigation requirement from the Regional Board), and it appears the water catchment system will either be within ESHA, as designated by the updated biological report, or within the LCP's required buffers for ESHAs. CDFW does not have sufficient information to determine if the proposed development will or will not impact resources as the site plan (pdf page 18 of 111 and page 41 of 111, landscaping plan) report conflict the representation of development and the resources documented onsite as presented in the updated biological report, RMMP, and wetland delineation. The updated biological report and wetland delineation states (pdf page 25 of 91) states, "The proposed development project is strategically positioned beyond the 100-foot ESHA buffers, adhering to regulatory guidelines. Both the Limited-Density Rural Dwelling and the Garage/Accessory Dwelling Unit are within the building envelope of the Vested CDP# 1-81-85;" however, the development appears to encroach both into ESHA and the ESHA buffers. Please provide an updated site plan and ESHA map that identifies:
  - a. Location of the proposed seasonal wetland creation (page 83 of 111). It seems appropriate that the ESHA buffer on the current wetland ESHA should be extended to encompass this feature and it should also have a buffer identified for it as per the LCP (either 100' or 50' with the buffer analysis). The buffer analysis

- would also need to be updated to incorporate the seasonal wetland creation.
- b. The full extent of resources as per the updated wetland delineation and biological report.
  - c. Location and extent of low, symbolic fencing (see recommendation below).
2. It is CDFW's understanding that the proposed landscaping berm was a requirement from the property's initial CDP. Is the berm still required by either the County or the Coastal Commission to screen the development from Highway 1? The berm would most likely require soil to be imported to the site, which may significantly increase the introduction of invasive plant species. See pdf page 39 of 111 (landscaping notes).
  3. The water catchment system as identified on the site plan appears to encroach into wetlands or their buffers. Please provide more information as to the construction and maintenance of this catchment system in addition to its proposed use. Any development in identified wetlands, as the updated wetland delineation, would be subject to the authority of the Regional Water Quality Control Board and require consultation and most likely, permitting from that regulatory agency.
  4. Has CalFire 30' and 100' defensible space been incorporated into the development footprint? Will the CDP include a fire protection plan within the development envelope that outlines the allowable maintenance for fire safety and defensible space?
  5. The installation of the existing driveway resulted in the fill of wetlands; however, the property owner has worked with the Regional Water Quality Control Board to resolve the Notice of Violation (April 2024). While the existing driveway was not installed as per the property's initial CDP, removing the existing driveway and installing it in the southern location would most result in additional impacts to natural communities and wetlands (see updated wetland delineation).
  6. Future development or maintenance of the eastern watercourse and its culvert would be subject to notification to California Department of Fish and Wildlife under Fish and Game code section 1600 in addition to permitting by the Regional Water Quality Control Board.
  7. Casting seed to establish wetland vegetation in the seasonal wetland may not be sufficient to achieve the success criteria (within five years); planting plugs would increase the likelihood of achieving success criteria cover requirements. PDF page 27 of 91 of the updated biological report and wetland delineation states, "Consider mitigating the possible impact of the existing driveway crossings by planting wetland vegetation in the amount to replace the protective values of the impact area of the driveway on the parcel, at a minimum ratio of one (1) to one (1), as per Mendocino County Code Sec. 20.719.020 - ESHA—Development Criteria. An appropriate native wetland vegetation would be Pacific reedgrass (*Calamagros's nutkaensis*), which will be planted in an area of the property that is not currently a wetland. Proposed locations of the new wetland is around SP06 and SP08, areas which currently are not wetlands." Additionally, the updated report includes performance and success criteria for Pacific Reed grass (7.4.2. **Performance and Success Criteria:** After 2 years of monitoring, cover of Pacific reedgrass (*Calamagros's nutkaensis*) should be >60% and increase by 2-5% yearly until the goal of 80% within the restoration area is reached by the end of the monitoring period (i.e., 5 years). In addition, the area covered by other non-invasive species will be reduced to <10%." The planting palette within the RMMP does not include the planting of this species. Will this species be added to the wetland planting palette?
  8. Page 81 of 111: transects or plot be established to measure cover during the required monitoring and reporting period?
  9. Has the County discussed a deed restriction with the applicant to prevent future development of the mitigation area and ESHAs as delineated in the 2024 updated biological report and wetland delineation? It would seem appropriate to restrict future development on the property due to the extent of wetland features and impacts to them through unpermitted development.
  10. Appendix E of the updated biological report and wetland delineation indicates the high potential for species to occur including bats and California red-legged frog, but mitigation measures do not include appropriate avoidance, minimization or survey requirements for these species before or during construction. Has the project consulted with the USFWS for the potential presence of California red-legged frogs, a federally-listed (threatened) species? The report also indicates suitable bat habitat was identified onsite during protocol level surveys but did not identify the survey protocol or describe

the location or type of habitat present. The mitigation measures did not include measures to avoid or minimize impacts to bat species through seasonal avoidance or other means.

#### Recommendations:

1. All fencing including that proposed along the coastal trail access shall be of a wildlife-friendly design.
2. The landscaping notes/plan should be revised to develop a planting palette that consists of locally native, appropriate species and not include any invasive plant species (see pdf pages 41-43 of 111).
  - a. Culinary plants and fruit trees, etc., should be planted in designated areas where they cannot escape into the native natural communities onsite or result in competition to native species proposed to vegetate the landscape berm. Culinary herbs should be established separately from the native vegetation that is proposed to vegetate the berm.
  - b. The berm's planting palette shall consist of locally, native species. The referral packet identified the planting palette for the berm. Some species are appropriate, such as Pacific reed grass, but others may not be. As an example, yellow bush lupine, which is not a locally native species and may be a problematic species, is proposed for planting on the berm. It is CDFW's understanding that the local California Native Plant Society, the Dorothy King Young chapter, recommends not planting this species. Please see their website for more information on the Mendocino coast's native vegetation and the chapter's contact information.
3. Invasive species shall be targeted for removal property-wide for a period of no less than ten years. If non-native trees including Monterey pines are removed, they shall be replaced with locally appropriate, native species. Recommend removal of the non-native tree and shrub species that have been planted along the driveway.
4. Develop a landscaping/restoration plan that includes planting palettes for both landscaping and other planting property-wide, that includes invasive species management (locations, monitoring, and reporting) as well as means and methods to manage the invasive species.
5. To reduce potential for incidental encroachment into ESHA and ESHA buffers, install low, symbolic fencing at the outside edge of ESHA buffers and where development occurs within ESHA and/or ESHA buffers, the fencing shall be installed at the edge of development including on the edge of the driveway. Please see the attached markup as an example. The site plan should be updated to include the location and extent of this fencing.
6. Page 81 of 111: Recommend establishing photo vantage points and map of those locations with cardinal points.
7. Page 81 of 111: The annual monitoring report example mentions target wildlife species. What are the target wildlife species?
8. Incorporate mitigation measures, when revised (see below) as conditions of approval.
9. Revise mitigation measures to indicate what actions would be taken if species are found during pre-construction surveys including notification to the appropriate agencies and identification of suitable habitat to relocate species.
10. PDF page 29/91 of the updated biological and wetland delineation states, "The property owner and/or a consulting biologist will conduct an annual review between February and May each year to record these metrics and will make necessary adjustments to planting strategies and/or management practices based on annual performance to ensure ongoing success." The monitoring and any adjustments to planting strategies or management practices should be conducted by a qualified biologist or individual with the education and experience to identify the flora and fauna of coastal Mendocino County.
11. PDF page 30 of 91 in the updated biological report states, "The property owner has also started to implement physical barriers (hedge) to protect sensitive areas from human disturbances." The location of this hedge and the species planted are not

shown on the site plan or described further within the application's documents.  
Where is this hedge located? The hedge should not include non-native species.

Please give me a call to discuss any questions you may have regarding these comments and recommendations.

Best, Jenn

**Jennifer Garrison**

Senior Environmental Scientist Specialist  
Coastal Conservation Planning – Northern Region  
32330 North Harbor Drive, Ft Bragg, CA 95437

[REDACTED]

[REDACTED]

REPORT POACHERS & POLLUTERS: 1-888-334-2258

---