



CITY OF FORT BRAGG

Incorporated August 5, 1889

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Oct 14, 2022

Robert Hawkins
Tina Bartlett, Regional Manager Northern Region
Lee Margadant
Department of Fish and Wildlife
Northern Region
601 Locust Street
Redding, CA 96001



Dear Robert, Tina and Lee,

Thank you for your comments regarding the MND for the Use Permit for C&S Waste Transfer Station (SCH# 2022090248) Initial Study and Draft Mitigated Negative Declaration. You provided comments on two issues in your letter namely the timing of field surveys for the botanical study and the need to allow small animal passage through the habitat fencing. I will discuss both below:

FIELD SURVEYS AND BOTANICAL STUDIES.

You provided the following comment in your letter dated October 13, 2022 submitted two days prior to the close of the comment period.

"The IS/MND states the botanical assessment period for the Project occurred on April 6 and April 13, 2022. The surveys as conducted are not sufficient to allow CDFW or the lead agency to determine the potential impacts of development on the site."

"(Recommendation #1) CDFW recommends that additional botanical surveys occur on the Project site during the appropriate survey windows to determine whether Howell's Spineflower or other special status species with potential to occur are present on site.

Please note that the following botanical surveys have been completed for the proposed project and utilized in the development of the MND:

1. Cameron Purchio, LACO, November 2021 *Wetlands and Waters Delineation 1280 N Main Street*

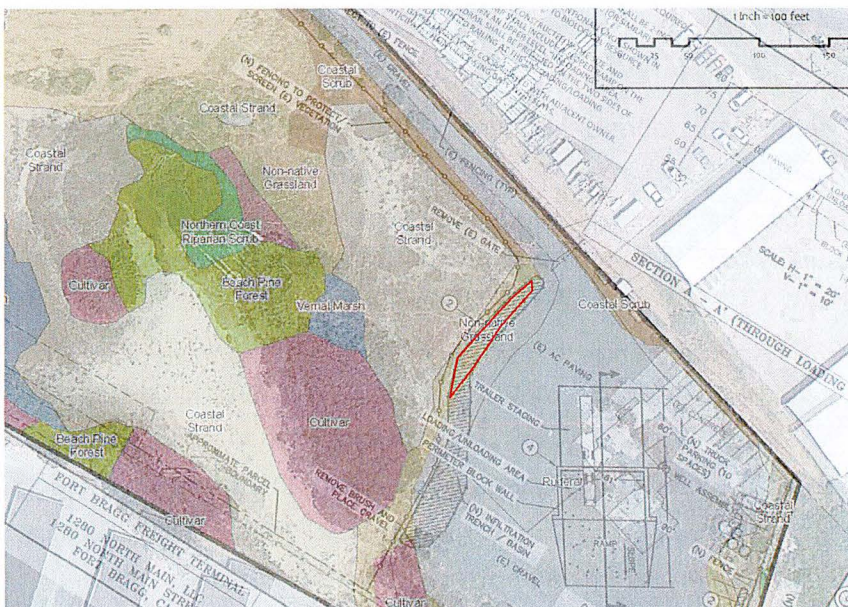
- Field Survey was completed in October 16, 2021
2. Clifton Environmental, June 13, 2022. *Biological Resource Assessment for the Proposed Waste Transfer Operation and Buy-Back Center at 1280 N Main St, Fort Bragg, California.*
 - Field surveys were conducted on April 6, April 13, and June 2, 2022, by CE, Principal Botanist, Estelle Clifton and on June 4, 2022, by consulting Botanist Kerry Heise.
 3. NCRM, January 11, 2022 *Botanical Scoping Survey – 1280 North Main Street, Fort Bragg, CA*
 - Field survey was completed November 11, 2021

Additionally, the MND clearly states the times of additional field surveys on Page 22 as follows:

Field surveys consisted of walking the entire BRAA to determine if any special-status species, their habitats, or special status communities were present. During surveys, notes on natural communities were recorded, including the habitat potential for wildlife. Field surveys were conducted on **April 6, April 13, and June 2, 2022**, by CE, Principal Botanist, Estelle Clifton and on **June 4, 2022**, by consulting Botanist Kerry Heise.

Botanical field surveys were completed during the blooming period of all Special Status plant species with habitat that is present or with a low probability of presence on site, see Attachment 1 to this letter. Of the 23 species identified only three were located on site, namely: *Collinsia corymbosa*, *Erysimum menziesii* and *Gilia millefoliata*. The field surveys were completed during the blooming window of all potential special status species.

It is important to note that the proposed project would be located almost exclusively within existing graveled and paved areas. Initially the applicant proposed a larger project that had the potential to impact botanical resources, and a number of botanical studies were completed to identify potential impacts. However, the project was since modified in scale and is located entirely within existing graveled and paved areas with the exception of temporary impacts to construct site habitat fencing and 1,071 square feet of permanent impact in non-native grasslands located immediately adjacent to a paved surface as noted below by the red outline.



City staff has been in communications with Lee Margadant throughout this project. He participated in a site visit and had the opportunity to review the botanical reports as they were completed, throughout the project he did not express any concerns about the number or timing of the completed field surveys. Please see that attached emails from Lee.

With respect, it appears that you did not carefully review the MND or the relevant botanical studies which were sent to Lee Margadant throughout this process. The proposed mitigation measures are adequate to ensure that no special status plant species are impacted during project construction or facility operation.

HABITAT PROTECTIVE FENCING.

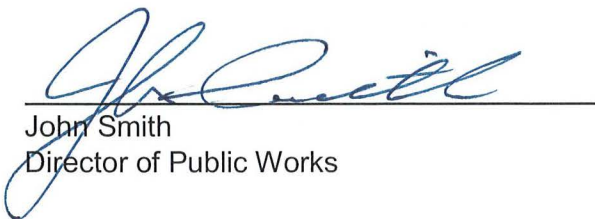
Additionally, you note in your letter concerns that habitat protective fencing should be high enough to allow predatory animals on the site (such as skunks and raccoons). However the biological report specifically requires this fencing in a mitigation measure to protect potential Snowy Plover nesting area, see below:

BIO-2: Avoid and reduce impacts to western snowy plover. To mitigate for potential predator-related impacts to western snowy plover during Project operations:

- All waste shall be fully contained within an enclosed transfer trailer, moved on a truck-to-truck basis only.
- Full transfer trailers shall then transport collected materials off-site within 24 hours;
- No materials shall be stored on the ground at any time;
- The operation's staff shall make every best effort to deter crows and ravens from the site, such that, any collected material that may unintentionally fall outside of the vehicles will be promptly cleaned up and replaced within the vehicle to which it is being transferred;
- **A permanent habitat protective fence (T-stake with 5 feet high coated livestock wire) shall be installed along the border with the paved zones, the driveway, the parking area and the property frontage (east of the informal parking area) to protect special status habitats and species at the site. This fencing and the regular human activity during business operations will deter coyotes, raccoons and people from trespassing.**

Thanks for reviewing this letter. We respectfully request that you reconsider both recommendations in light of the additional details included in the letter and the attachments.

Respectfully,



John Smith
Director of Public Works

Attachments

- Special Status Species Scoping Table & Field Survey Timing
- Emails from Lee Margadant

APPENDIX A: Special Status Species Scoping List TABLE 2 - Special Status Species Scoping List

Scientific Name	Common Name	Federal Status ¹	State Status ²	Other Status ³	General Habitat Description	Habitat Present / Absent	Rationale	Found on Site	Survey Completed During Blooming Period
Vascular Plants									
<i>Abronia umbellata</i> var. <i>breviflora</i>	pink sand-verbena	--	--	1B.1	Perennial herb found in coastal dunes from 0 through 10 meters. Blooms from June to October.	Low Probability	Suitable habitat is present on the site.	No	Yes: June
<i>Agrostis blasdalei</i>	Blasdale's bent grass	--	--	1B.2	Perennial rhizomatous herb found in coastal bluff scrub, coastal dunes, and coastal prairie from 0 through 150 meters. Blooms from May to July.	Yes	Suitable habitat is present on the site.	No	Yes: April & June
<i>Blennosperma nanum</i> var. <i>robustum</i>	Point Reyes blennosperma	--	SR	1B.2	Annual herb found in coastal prairie and coastal scrub from 10 through 145 meters. Blooms from February to April.	Low Probability	Suitable habitat is present on the site.	No	Yes: April
<i>Calystegia purpurata</i> ssp. <i>saxicola</i>	coastal bluff morning-glory	--	--	1B.2	Perennial herb found in coastal bluff scrub, coastal dunes, coastal scrub, and North Coast coniferous forest from 0 through 105 meters. Blooms from (March) April to September.	Low Probability	Suitable habitat is present on the site.	No	Yes: April & June
<i>Carex saliniformis</i>	deceiving sedge	--	--	1B.2	Perennial rhizomatous herb found in coastal prairie, coastal scrub, marshes and swamps, Meadows and seeps from 3 through 230 meters. Blooms in June (July).	Low Probability	Suitable habitat is present on the site.	No	Yes: June
<i>Castilleja latifolia</i>	Monterey Coast paintbrush	--	--	4.3	Perennial hemiparasitic herb found in Cismontane woodland, closed-cone coniferous forest, coastal dunes, and coastal scrub from 0 through 185 meters. Blooms from February to September.	Low Probability	Suitable habitat is present on the site.	No	Yes: April & June
<i>Castilleja litoralis</i>	Oregon coast paintbrush	--	--	2B.2	Perennial hemiparasitic herb found in coastal bluff scrub, coastal dunes, and coastal scrub from 15 through 100 meters. Blooms in June.	Low Probability	Suitable habitat is present on the site.	No	Yes: June
<i>Castilleja mendocinensis</i>	Mendocino Coast paintbrush	--	--	1B.2	Perennial hemiparasitic herb found in closed-cone coniferous forest, coastal bluff scrub, coastal dunes, coastal prairie, and coastal scrub from 0 through 160 meters. Blooms from April to August.	Low Probability	Suitable habitat is present on the site.	No	Yes: April & June
<i>Ceanothus gloriosus</i> var. <i>gloriosus</i>	Point Reyes ceanothus	--	--	4.3	Perennial evergreen shrub found in closed- cone coniferous forest, coastal bluff scrub, coastal dunes, and coastal scrub from 5 through 520 meters. Blooms from March to May.	Low Probability	Suitable habitat is present on the site.	No	Yes: April
<i>Chorizanthe howellii</i>	Howell's spineflower	--	ST	1B.2	Annual herb found in coastal dunes, coastal prairie, and coastal scrub from 0 through 45 meters. Blooms May to July.	Yes	Suitable habitat is present on the site.	No	Yes: June
<i>Collinsia corymbosa</i>	round-headed Chinese-houses	--	--	1B.2	Annual Herb found in coastal dunes at 20 meters. Blooms from April to June.	Yes	Suitable habitat is present on the site.	Yes	Yes: April & June
<i>Cuscuta pacifica</i> var. <i>papillata</i>	Mendocino dodder	--	--	1B.2	Annual parasitic vine found in coastal dunes from 0 through 50 meters. Blooms in (June) July to October.	Yes	Suitable habitat is present on the site.	No	Yes: June

<i>Erigeron supplex</i>	supple daisy	--	--	1B.2	Perennial herb found in coastal bluff scrub and coastal prairie from 10 through 50 meters. Blooms from May to July.	Low Probability	Suitable habitat is present on the site.	No	Yes: June
<i>Erysimum concinnum</i>	bluff wallflower	--	--	1B.2	Annual/Perennial herb found in coastal bluff scrub, coastal dunes, and coastal prairie from 0 through 185 meters. Blooms from February to July.	Yes	Suitable habitat is present on the site.	No	Yes: April & June
<i>Erysimum menziesii</i>	Menzies' wallflower	FE	SE	1B.2	Perennial herb found in coastal dunes from 0 through 35 meters. Blooms from March to September.	Yes	Suitable habitat is present on the site.	Yes	Yes: April & June
<i>Gilia capitata</i> ssp. <i>pacifica</i>	Pacific gilia	--	--	1B.2	Annual herb found in chaparral, coastal bluff scrub, coastal prairie, valley and foothill grassland from 5 through 1665 meters. Blooms from April to August.	Low Probability	Suitable habitat is present on the site.	No	Yes: April & June
<i>Gilia millefoliata</i>	dark-eyed gilia	--	--	1B.2	Annual herb found in coastal dunes from 2 through 30 meters. Blooms from April to July.	Yes	Suitable habitat is present on the site.	Yes	Yes: April & June
<i>Hesperis matronalis</i> var. <i>brevifolia</i>	short-leaved evax	--	--	1B.2	Annual herb found in coastal bluff scrub, coastal dunes, and coastal prairie at 215 meters. Blooms from March to June.	Yes	Suitable habitat is present on the site.	No	Yes: April & June
<i>Horkelia marinensis</i>	Point Reyes horkelia	--	--	1B.2	Perennial herb found in coastal dunes, coastal prairie, and coastal scrub from 5 through 755 meters. Blooms from May to September.	Yes	Suitable habitat is present on the site.	No	Yes: June
<i>Hosackia gracilis</i>	harlequin lotus	--	--	4.2	Perennial rhizomatous herb found in broadleaved upland forest, Cismontane woodland, closed-cone coniferous forest, coastal bluff scrub, coastal prairie, coastal scrub, marshes and swamps, meadows and seeps, North Coast coniferous forest, valley and foothill grassland from 0 through 700 meters. Blooms from March to July.	Yes	Suitable habitat is present on the site.	No	Yes: April & June
<i>Lasthenia californica</i> ssp. <i>macrantha</i>	perennial goldfields	--	--	1B.2	Perennial herb found in coastal bluff scrub, coastal dunes, and coastal scrub from 5 through 520 meters. Blooms from January to November.	Low Probability	Suitable habitat is present on the site.	No	Yes: April & June
<i>Oenothera wolfii</i>	Wolf's evening-primrose	--	--	1B.1	Perennial herb found in coastal bluff scrub, coastal dunes, coastal prairie, and lower montane coniferous forest from 3 through 800 meters. Blooms from May to October.	Yes	Suitable habitat is present on the site.	No	Yes: June
<i>Phacelia insularis</i> var. <i>continentis</i>	North Coast phacelia	--	--	1B.2	Annual herb found in coastal bluff scrub and coastal dunes from 10 through 170 meters. Blooms from March to May.	Low Probability	Suitable habitat is present on the site.	No	Yes: April

From: Margadant, Lee@Wildlife <Lee.Margadant@Wildlife.ca.gov>
Sent: Friday, May 6, 2022 4:37 PM
To: Gurewitz, Heather <hgurewitz@fortbragg.com>
Cc: Van Hattem, Michael@Wildlife <Michael.VanHattem@wildlife.ca.gov>
Subject: U 1-21 N. Main Street Transfer station comments

Thank you for the referral and the opportunity for the California Department of Fish and Wildlife (CDFW) to comment on U_1-21 (City of Fort Bragg Transfer Station) on APN 069-231-21. CDFW offers the following informal comments and recommendations on this Project in our role as a Trustee and Responsible Agency for natural resources in the state. These comments are intended to help the Lead Agency in making informed decisions in the review process.

Given the existing development present on this parcel, it appears the most suitable choice for a development footprint was selected. However, CDFW has the following comments and recommendations regarding the project.

1. Special Status Animal Species. The report discloses the possible occurrence of western snowy plover (*Charadrius nivosus nivosus*) a shore bird species which is Federally Threatened as well as a State Species of Special Concern (SSC) on the beaches of west of the project site in MacKerricher State Park.
 - a. Under regulated human derived waste subsidies from the operation of the transfer station could result in an increased Common Raven (*Corvus corax*) population near sensitive shore bird populations could result in an increase of predation on shore bird nests.
 - b. Escaped refuse may be carried with the wind and over time may degrade the nesting habitat of Western Snowy Plover and plans should be in place for regular site maintenance should be provide.
 - c. The biological report cites the Project's Operation Plan (LACO 2022) stating; "*Plan mitigates this potential impact to a less than significant level, as all waste is proposed to be fully contained within an enclosed transfer trailer, moved on a truck-to-truck basis only.*"
 - i. CDFW recommends that permittee provide plans addressing the protocol and maintenance regarding the event of escaped refuse and debris which may be generated during daily operations.
2. Sensitive Natural Communities. CDFW is concerned with the effect of development on the Sensitive Natural Communities (SNC) present on this site. The Coastal Strand or Dune habitat along with the Coastal Brackish Marsh or Fen habitat are rare and should be protected. CDFW would like to see mitigation is appropriate to the loss of plant community due to this project.
 - a. The city should consider placing the remaining dune and fen habitat under a deed restriction to ensure that it remains undisturbed in perpetuity.
 - b. The biological report proposes habitat improvement to benefit the rare plant species and associations impacted by this development through the removal of Invasive plant species (Ice Plant/Sea Fig (*Carpobrotus chilensis*) and Pampas Grass (*Cortaderia selloana*).
 - i. CDFW also recommends that the blue gum Eucalyptus (*Eucalyptus globulus*) be removed where it is occurring within the dune mat or native wetland habitat.

Eucalyptus changes soil chemistry and drops a significant amount leaf litter and therefore could be a threat to sensitive herbaceous species.

- c. CDFW agrees with this proposal to create better Dune Strand habitat through invasive removal.
 - d. A minimum of a 5-year monitoring plan should accompany this work to ensure that the habitat remains suitable as viable form of mitigation.
3. California Rare Plant Species. The biological survey discloses the occurrence of special status plant species the Menzies' wallflower (*Erysimum menziesii*), Round-headed Chinese Houses (*Collinsia corymbosa*), and Dark-eyed Gilia (*Gilia millefoliata*) throughout the parcel. Menzies' Wallflower is a perennial herb that is native and endemic to California and holds a California Rare Plant Rank (CRPR) of 1B.1 (rare, seriously threatened, or endangered in CA and elsewhere). While the Round-headed Chinese Houses and Dark-eyed Gilia both hold a CPRR of 1B.2 (rare, threatened, or endangered in CA and elsewhere).
 - a. As a federally and state listed plant species, the Menzies' Wallflower cannot be taken without an Incidental Take Permit (ITP).
 - i. The biological report does not disclose any Menzies' Wallflower will be lost through development so an ITP is not expected to be necessary.
 - ii. Developers and permittee should be aware of its presence and status, and it should be avoided and protected.
 - b. The biological report discloses the occurrence of Dark-eyed Gilia, a special status plant species and the number impacted due to development.
 - i. As a form of mitigation, CDFW recommends that seeds from the gilia plant be collected in the late summer (July/August) to be reseeded in the restoration areas where the ice plant was removed.
 1. As an annual plant, resowing collected seeds would likely be an effective and easy method of mitigation rather than transplanting entire plant specimens.
 - ii. This should be accompanied with a monitoring and restoration plan which ensure that the plant will remain on-site, in perpetuity.
 - c. Construction crew should receive training to avoid these rare plant species to avoid trampling them during project implementation.
 - d. All occurrences of rare plant species on the parcel should be submitted to California Natural Diversity Database (CNDDB).
4. Sensitive Natural Community fencing. The biological report states that the fence will be replaced along the southern property line. CDFW recommends that the city require a wooden split rail fence or other wildlife friendly feature along the paved work areas, the driveway, and the parking lot to prevent encroachment into the SNC after development.
5. Legacy trash removal. CDFW recommends that along with the proposed invasive species removal, that any legacy debris/trash that may occur on the parcel be removed.
6. Mitigation, avoidance, and Compensatory measures. CDFW agrees with the referral biological report's mitigation, Avoidance, and Compensatory measures.
 - a. CDFW recommends the city require these proposed measures.

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From: Margadant, Lee@Wildlife <Lee.Margadant@Wildlife.ca.gov>
Sent: Friday, January 28, 2022 7:56 AM
To: Gurewitz, Heather <hgurewitz@fortbragg.com>
Subject: U 1-21 (1280 N. Main Street, LLC.)

Hi Heather,

Thank you for the referral and the opportunity for the California Department of Fish and Wildlife (CDFW) to comment on U 1-21 (1280 N. Main Street, LLC.) on APN 069-231-21. CDFW offers the following informal comments and recommendations on this Project in our role as a Trustee and Responsible Agency under the California Environmental Quality Act (CEQA; California Public Resource Code section 21000 et seq.). These comments are intended to help the Lead Agency in making informed decisions in the review process.

Given the development history on this parcel (paved areas, driveway, and western dirt parking) it appears the most suitable choice for the project footprint was selected. CDFW has the following comments and recommendations regarding the project.

- 1.) Sensitive Veg community impact. Beach Lupine and Pacific Wild Rye Alliances Impacted by the driveway on western end of parcel.
 - b. CDFW recommends that the loss of these veg habitat should be accompanied with habitat enhancement, such as invasive species removal (e.g. Scotch broom (*Cytisus scoparius*), Sea fig (*Carpobrotus chilensis*), and Pampas Grass (*Cortaderia jubata*)) and removal of any legacy debris/trash that may occur on the parcel.
 - c. These recommendations align with that of the Project Impact Discussions in the Project Operations and Description Plan.
- 2.) Mitigation and avoidance measures. CDFW agrees with the referral biological report's mitigation and avoidance measures.
 - a. CDFW recommends the County require these proposed measures.

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From: Margadant, Lee@Wildlife <Lee.Margadant@Wildlife.ca.gov>
Sent: Thursday, October 21, 2021 2:07 PM
To: Gurewitz, Heather <hgurewitz@fortbragg.com>
Cc: Van Hattem, Michael@Wildlife <Michael.vanHattem@wildlife.ca.gov>
Subject: Fort Bragg Transfer Station Site Visit

Heather,

Thank you for the site visit to the proposed Transfer station site at 1280 N. Main Street in Fort Bragg on 10/20/21. I appreciate being able to offer comments during the planning phase so everything can be considered prior to the CEQA process to hopefully make it all smoother for all involved. Overall, the site seems appropriate for the development proposed although there are a few things that should be addressed during the initial planning.

- 1.) The portion of the property has native vegetative components which should be evaluated rarity and natural community status. As such a protocol level botanical survey (attached) should be performed.
- 2.) Additionally, the wetland areas we observed near the highway and the driveway should also be examined in terms of set-backs, botanical components, and runoff.
- 3.) Perform an assessment of the site drainage and incorporate Low Impact Development strategies.
 - a. Engineering and design should avoid runoff from vehicles and refuse as the site is developed.
- 4.) Project related lighting as it becomes implemented:
 - a. Avoidance of "trespass of light" (i.e., illumination outside of the target area). Trespass of light typically happens when lights are unshielded or light fixtures have an exposed bulb. To minimize the trespass of artificial light, fixtures need to be fully shielded and downward facing. Additional resources regarding dark sky friendly fixtures and where they can be purchased is available on the International Dark Sky Association webpage (<https://link.edgepilot.com/s/007bb100/oow7kf3tLEqFmRpSlgPWEg?u=https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>).

Most of these concerns were mentioned during our site visit. The disturbed areas which are already paved represent a good opportunity for the proposed development to occur while avoiding much of the areas that may be of concern. Please feel free to distribute my comments on to the project partners, I hope that they are helpful. I am always available if anyone needs my input during the process. Thanks again.

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