

**SUPPLEMENTAL INFORMATION
No. 1**

For Planning Commission Agenda of:
December 5, 2019
Item No. E-7

Re: Applicant: Diane Lavelle-Usrey
 Case Number: PLN-2018-15181
 APN: 510-231-027

Attached is an email providing comments on the Mitigated Negative Declaration (MND) associated with the proposed subdivision. Also attached is an email from the California Department of Fish and Wildlife (CDFW) in response to a site visit conducted on November 20, 2019.

Below are responses to the comments as referenced in the attached email:

Archaeological Survey Report- Comments received from both the Blue Lake Rancheria and the Bear River Band of the Rohnerville Rancheria indicated that there are no known resources in the area and recommended approval of the project with the standard inadvertent discovery condition.

Biological Resources- A site visit was conducted with a representative from the California Department of Fish and Wildlife (CDFW) and it was determined that additional studies were not warranted given the site characteristics and the history of the subject parcel (see also attached CDFW email). CDFW recommended that the project include a condition of approval restricting any tree or brush removal during the bird nesting period. This is included in the Conditions of Approval.

Community Impact Assessment- The site is planned and zoned for this level of development. No roads are being reduced, only improved and widened. The reduced right of way width for the internal access road is warranted due to the physical configuration of the property and the minimum number of homes served.

Energy Analysis- The 2017 Humboldt County General Plan anticipated approximately 1,721 new housing units and 3,130,717 square feet of commercial and industrial buildings to be constructed during the General Plan planning period. While energy will be consumed during construction and following the occupancy of homes, the approximately five housing units are well below that analyzed in the EIR for the General Plan Update. Furthermore, starting in 2020, California requires that newly built homes come with enough solar panels to offset their electricity use.

GHG Analysis- The 2017 Humboldt County General Plan identified total greenhouse gas (GHG) emissions throughout the unincorporated County as 822,509 metric tons of CO₂ (MT CO₂e). With 33,643 households in the unincorporated area of the County, the annual building energy emissions is 3.18 MT CO₂e per household. This would be an increase of 0.000145% of overall 2017 GHG emission levels, and the per household contribution will be lower because of the required solar panel off-sets. The creation of four additional parcels that can be developed with residential units will not generate greenhouse gas emissions to a significant level.

Noise Analysis- Noise associated with construction activities is generally short-term and will be limited to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 5:00 p.m. on Saturday. Typical outdoor sources of perceptible groundborne vibration are construction equipment and traffic on rough roads. The subdivision will require new roads to be paved which will minimize vibration and noise such that the impact is less than significant.

Paleontological Report- Soil reports prepared in the area indicate that initial topsoil layers are between 4-5 feet deep. Typical construction and utility installation do not require substantial grading to a depth that would be likely to encounter paleontological resources (i.e. fossils). Therefore, the likelihood of uncovering paleontological resources is low.

Transportation- Daffodil Road is improved to a minimum Road Category 4 standard. According to the County Subdivision Regulations, this road can accommodate upwards of 100+ parcels (approximately 800 vehicle trips per day). There are approximately 100 parcels served by both Daffodil Road and Boiler Avenue combined. This subdivision will not exceed the carrying capacity of the road.

Wetland Delineation- As mentioned above, a site visit conducted by CDFW determined that a wetland delineation was not warranted.

Initial Site Assessment and/or Preliminary Site Investigation- As part of the Improvements associated with the subdivision, the applicant will be required to implement Best Management Practices (BMPs) such that fugitive dust will be minimized. Should aerially deposited lead (ADL) be present in the soil, BMPs will prevent the spread of fugitive dust.

The comments received do not require additional mitigation measures nor do they require substantial revisions to the Mitigated Negative Declaration (MND). Pursuant to Section 15073.5(c) of the CEQA Guidelines, the MND does not need to be recirculated.

Estlow, Trevor

From: Wright, Jeff J@DOT <Jeff.J.Wright@dot.ca.gov>
Sent: Thursday, November 14, 2019 2:41 PM
To: Estlow, Trevor
Cc: jenny_hutchinson@fws.gov; wrightjll@gmail.com
Subject: RE: Usrey Subdivision

Hi Trevor,

Thanks again for sending out the IS/MND. I wanted to follow up and elaborate on my technical study request. I would like to request a copy of all performed technical studies and specifically for the following:

Archaeological Survey Report- The McKinleyville Bluffs above the Mad River were probably utilized at some point by the local tribes. Any cultural resources in the area would be considered significant and require mitigation. Basically, how to they know what is there and how they are going to deal with any eligible sites.

Biological Resources: Is there a copy of the species lists requested from CNDDDB, USFWS? Was CNPS queried for CEQA impacts to rare plant populations not documented in CNDDDB? Even if a plant isn't "special status" as per CESA/FESA there may be significant impacts to populations deemed rare as per CEQA. I'd like to request a copy of the botanical surveys performed, specifically if they followed CDFW's two season botanical survey protocol. Is there any mitigation proposed for potential introduction of invasive plants?

Was any nesting season bird surveys performed to determine if CDFW state fully protected or other special status species nest in this area? Removal of certain raptor nests or egret rookeries can require an ITP for certain species. Without a list we cannot determine if the suggested bird measures would be adequate.

Community Impact Assessment- They are adding dwellings and reducing the road size which could potentially adversely affect neighboring properties access as well as property values.

Energy Analysis- CEQA Guidelines section 15126.2 and Appendix F, Energy Conservation, require an analysis of a project's energy use to determine if the project may result in significant environmental impacts due to wasteful, inefficient, or unnecessary use of energy, or wasteful use of energy resources.

GHG analysis- Assumptions cannot be made on GHG emissions unless both the methods of construction as well as the emissions from the residents of the developed parcels is analyzed. Basically we need to see how many metric tons of CO₂e this project is going to produce. In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable" (CEQA Guidelines Sections 15064(h)(1) and 15130). To make this determination the incremental impacts of the project must be compared with the effects of past, current, and probable future projects.

Noise Analysis- Per the c,d,e of the CEQA checklist for noise, we need to see an analysis of the noise and vibration generated from the road when it's being utilized by the new residents. This roadway would go from virtually no traffic noise to traffic noise being generated. There will be noise impacts to neighboring residents and would potentially require mitigation to offset those impacts. Basically this is a capacity increasing project so it should have one. Also, the construction noise should be analyzed and appropriate minimization measures should be proposed in the IS(MND).

Paleontological report: Is there evidence that proposed excavation for cut/fill/development would not be of sufficient depth to require one.

Transportation: Has a viable traffic study been performed to determine how many people utilize Eucalyptus via daffodil (the only paved access) and how the road reduction would impact this.

Wetland Delineation- Making a statement there is not wetlands on the property without a wetland delineation, especially in the coastal zone where one of the three wetland indicators would classify it as coastal wetland is not due diligence.

Initial Site Assessment and/or Preliminary Site Investigation- Aerially deposited lead (ADL) is present in all soils due to a half century of leaded fuel. This project proposes to alter two existing roadways. How much is present here, how are they going to deal with it? Fugitive dust containing ADL could expose the neighboring residents to hazardous materials.

Thank you,

Jeff J.L. Wright
Associate Environmental Planner - Biologist
Caltrans, North Region Environmental
(707) 441-4592

From: Estlow, Trevor <TEstlow@co.humboldt.ca.us>
Sent: Thursday, November 14, 2019 12:32 PM
To: Wright, Jeff J@DOT <Jeff.J.Wright@dot.ca.gov>
Cc: jenny_hutchinson@fws.gov; wrightjll@gmail.com
Subject: Usrey Subdivision

Hi Jeff-

Attached is the Draft IS/MND for the proposed subdivision. I am still working on getting an ADA version for you. Also attached is the Preliminary Title Report for the property. I don't see any reference to the easement you mention, so I'd like to see what you have. As far as the comment period, we will be extending that due to the date the notice went out. Let me know if you have any other questions.

Thanks.



Trevor Estlow
Senior Planner
[Planning and Building Department](#)
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 Please consider the environment before printing this e-mail

Estlow, Trevor

From: Olson, Jennifer@Wildlife <Jennifer.Olson@wildlife.ca.gov>
Sent: Wednesday, November 20, 2019 4:14 PM
To: Estlow, Trevor
Subject: RE: Usrey Subdivision

Hi Trevor,

Thank you for consulting with CDFW about biological resource impacts related to this Project, given the concerns identified by the public. As you know, CDFW did not comment on the IS/MND, and based on our site visit, I would not request additional biological surveys or reports, because it does not appear that there are potentially significant impacts to biological resources that could result from the proposed Project activities.

Topography and vegetation community do not indicate presence of wetlands onsite, so I would not typically request a wetland delineation for a project such as this one, and it does not appear that a botanical survey is warranted -- the primary species that might require consideration pursuant to CEQA is Siskiyou checkerbloom (*Sidalcea malviflora ssp. patula*, California Rare Plant Rank 1B.2), and the vast majority of the parcel is either covered in a dense shrub layer and thus could not support it, or is comprised of non-native grasses, or until recently was occupied by housing. The habitat onsite is primarily a mix of native California blackberry (*Rubus ursinus*) and invasive Cotoneaster (*Cotoneaster sp.*).

The habitat on site does support a variety of bird species, and I support the County's requirement that all vegetation removal be conducted outside of the bird nesting season. At a minimum no vegetation removal should be conducted between March 15 – August 15 (unless the County has already imposed a more restrictive window, in which case, please use the more restrictive window) without surveys by a qualified ornithologist within 7 days of vegetation removal, and consultation with CDFW if nests are found within 300-feet of an area where vegetation removal is proposed. If there are any questions about nesting bird recommendations or constraints, let me know.

In terms of the specific biological concern I highlighted in the email below, Project activities do not have the potential to remove raptor nests or rookeries (and in any case, CDFW would have no permitting mechanism for such take except in the case of species listed pursuant to CESA, or for fully protected species pursuant to a Natural Communities Conservation Plan).

The property owner was interested in identifying the large tree we looked at before I left, and I am fairly confident it is a Japanese cedar (*Cryptomeria japonica*) although I did have to pull out my undergraduate dendrology guide to figure it out! It is not a native species, but native birds are certainly using it, and it sounds like she plans to retain it, along with the other mature trees on the parcel.

Let me know if you need any more information or consultation from me –
Best,
Jen

Jennifer Olson
Environmental Scientist – Coastal Conservation Planning
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