












Plan Alternatives Comparison Chart – Section 10.3 Biological Resources - Final PC markup 6-23-11





Plan Alternative	Section 10.3 Biological Resources			Staff Remarks/ Implementation	Position R,M,D
	10.3.3 Goals				
B	BR-G1. Threatened and Endangered Species. Sufficient recovery of threatened and endangered species to support de-listing.				R Straw Vote 5-1
	<p>Comments: 3-24-11 (C. Krebs was excused) Commissioner Nelson spoke about habitat conservation plans and questioned if there were only two conservation plans in Humboldt County and thought that the cost of conservation plan seemed unrealistic for the county to bear. Director Girard explained that under the Endangered Species Act, and under certain circumstances a conservation plan would have been required. Commissioner Faust spoke about a large scale conservation plan in the northern San Diego area and explained that a lot of the money that funded that plan had been provided by the developers in that area. He did not think there was going to be funding for something like a conservation plan. He questioned whether the groups that commented wanted to get ahead of the problems with habitat deterioration or fight back while it's at their toes. He continued that the site of the old mills and timber lands had the lands to invest in conservation plans. Commissioner Emad questioned what the consequences of adopting a goal but had no funding for it and Director Girard explained that if it was feasible and functional they would have had to get it done but if not one of those things it would have had to have been adopted by the Board of Supervisors. Commissioner Nelson questioned and Commissioner Faust responded that they would have to have lands to point to that would have been the mitigation sites which was a much harder problem. <u>Straw vote</u> Commissioners Nelson, Faust, Emad, Masten, and Gearheart supported B Commissioner Disiere supported C</p>				



Plan Alternative			Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R,M,D
A			BR-G1. Threatened and Endangered Species. Sustained implementation of a Natural Communities Conservation Plan and Habitat Conservation Plan and sufficient recovery of threatened and endangered species to support de-listing.	  	D
		C	BR-G1. Threatened and Endangered Species. Managed land use activities which prevent the direct and incidental take of threatened and endangered species.		D
A	B	C	BR-G2. Sensitive, Critical, and Essential Habitat. A mapped inventory of sensitive, critical, and essential habitat where biological resource protection policies apply.		R
A	B	C	BR-G3. Benefits of Biological Resources. Fish and wildlife habitats protected on a sustainable basis to generate long-term public, economic, and environmental benefits.		R
		D	FRWK 3430. Maximize Benefits of Biological Resources. To maximize where feasible, the long-term public and economic benefits from the biological resources within the County by maintaining and restoring fish and wildlife habitats.		D
			Policies		
A	B		BR-P1. Compatible Land Uses. Land containing sensitive and critical habitats shall be planned and zoned for uses compatible with the long-term sustainability of the habitat. Discretionary land uses and building activity in proximity to sensitive and critical habitats shall be conditioned to prevent significant habitat degradation or harm to rare, threatened, or endangered species.	Leg, QJ, S1, IM-1  	R Straw Vote 5-1
			Comments: 3-24-11 (C. Kreb was excused) Commissioner Nelson questioned whether the sensitive lands had been documented and Tom Hofweber responded. Commissioner Disiere questioned how the zoning would affect existing landowners and Commissioner Girard explained it would be done on a parcel by parcel basis. Tom Hofweber added that staff would see TPZ zoning and agricultural zoning for the most part compatible with those areas. They felt comfortable their land use mapping as it was and that the key issues would be the proposed areas like streamside overly. Commissioner Nelson questioned that if there was no response from referrals was it considered approved and Mr. Hofweber explained that if you wanted to encroach into the SMA then the applicant would get a qualified Biologist and then that Biologist's response was forwarded to the Department of Fish and Game for review.		


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				<p><u>Straw vote</u> Commissioners Faust, Gearheart, Emad, Masten and Nelson A/B Commissioner Disiere supported C as originally written 5/1</p>		
		C	D	<p>3431.1. Maintain Important Habitats. Maintain values of significantly important habitat areas by assuring compatible adjacent land uses, where feasible.</p>	FRWK 3431.1	D
A	B			<p>BR-P2. Critical Habitat. Discretionary projects that have the potential to impact critical habitat designated under the federal Endangered Species Act shall be conditioned to avoid significant habitat modification or destruction consistent with federally adopted Habitat Recovery Plans or interim recovery strategies.</p>	<p>QJ, Min, S2-4</p>  	<p>M Straw Vote 5-0</p>
				<p>Comments: 4-14-11 Commissioner Emad questioned staff about the wording about sensitive and critical habitat (Director Girard explained that critical habitat that's essential for species survival and recovery on federal lands). Chair Gearheart questioned the Commission on whether they were in support of the recommended revised language from RLWG. Commissioners Faust and Masten requested removing the first "significant" in P2 of the RLWG recommendation but keeping in the second. Commissioner Disiere – doesn't want to see it in at all but could go along either way. Nelson – wants "significantly" from the RLWG kept in. <u>Straw vote</u> Commissioners Kreb, Disiere, Faust, Gearheart, Emad and Masten were in support as written. Commissioner Nelson was in support with the word "significantly" added in as reflected in the RLWG recommendations.</p>		
				<p>Comments: 6-16-11 Critical and Essential Habitat (P2, P3 and S3) Concerns were raised regarding the use of the term "designated" in policies BR-P2 and BR-P3 and in BR-S3, particularly regarding "essential habitat" under the California Endangered Species Act, which implies the requirement to be formally designated. After discussion with DFG staff, the following revisions are recommended: BR-P2. Critical Habitat. Discretionary projects that have the potential to impact critical habitat designated under the federal Endangered Species Act shall be conditioned to</p>		


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			<p>avoid significant habitat modification or destruction consistent with federally adopted Habitat Recovery Plans or interim recovery strategies.</p> <p><u>Straw vote</u> Unanimous support 5/0</p> <p>BR-P3. Essential Habitat. Discretionary projects that have the potential to impact essential habitat designated under the California Endangered Species Act shall be conditioned to avoid significant habitat modification or destruction consistent with Department of Fish and Game guidelines or recovery strategies.</p> <p><u>Straw vote</u> Unanimous support 5/0</p> <p>BR-S3. Critical and Essential Habitat Defined. Critical habitats are federally designated habitats necessary for the protection of threatened or endangered species listed under the federal Endangered Species Act. Essential habitats are state designated habitats necessary for the protection of threatened or endangered species listed under the California Endangered Species Act.</p> <p><u>Straw vote</u> Unanimous support 5/0</p>		
		C D	<p>3431.2. Critical Species Habitat. Habitats for "critical species" shall be protected under provisions of NEPA and CEQA.</p>	FRWK 3431.2	D
A	B	C	<p>BR-P3. Essential Habitat. Discretionary projects that have the potential to impact essential habitat designated under the California Endangered Species Act shall be conditioned to avoid significant habitat modification or destruction consistent with Department of Fish and Game guidelines or recovery strategies.</p>	<p>QJ, Min, S3-4</p> 	M Straw Vote 5-0
			<p>Comments: 4-14-11 Commissioner Emad originally pulled this to try to make the policy shorter. He is okay with it as written.</p> <p><u>Straw vote</u> All okay as written.</p>		
			<p>Comments: 6-16-11</p>		

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				See Discussion under P2		
A	B		D	<p>BR-P4. Development within Stream Channels. Development within stream channels shall be permitted when there is no lesser environmentally damaging feasible alternative, and where the best feasible mitigation measures have been provided to minimize adverse environmental effects. Development shall be limited to essential, non-disruptive projects as listed in Standard BR-S6 -Development within Stream Channels.</p>	<p>Same as FRWK 3431.3 QJ, S6</p> 	<p>R Straw Vote 7-0</p>
				<p>Comments: 4-14-11 (Note: This is a framework plan policy as written; that is why you see it in Alternative D). Commissioner Disiere – WLRG recommends including a definition of a “stream channel”. Ton Hofweber - we could come back with a definition of stream channel. We do have one for stream transition and we would probably define stream channel as “those areas within the stream transition zone”. Staff to come back with a definition of “stream channel”. Commissioner Kreb – I don’t want to create a non entry zone especially for ag users. Land owners can manage for cattle. (staff - see standard 6 which outlines what you can do in the stream channel). Straw vote All support as written.</p>		
		C		<p>BR-P4. Development within Stream Channels. Development within stream channels shall be required to obtain a Lake or Streambed Alteration Agreement from the Department of Fish and Game.</p>		D
A	B			<p>BR-P5. Streamside Management Areas. To protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and interference with surface water flows, the County shall maintain Streamside Management Areas, along its blue line streams (as identified on the most recently published largest scale USGS topographic maps 1:24,000). Streamside Management Areas shall also apply to including intermittent streams that exhibit in-channel wetland characteristics and off-channel riparian vegetation.</p>	<p>QJ, Min, S5, IM-1</p>  	<p>R Straw Vote 7-0</p>
				<p>Comments: 4-14-11 Commissioner Nelson was concerned with the dimensions of the SMA (staff stated that this is covered in Standard 5 and we can discuss then). He recommended that this needs to be the same as those that have been adopted by state and fed agencies.</p>		

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				<u>Straw vote</u> All support as written.		
		C		BR-P5. Streamside Management Areas. To protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and interference with surface water flows, the County shall maintain Streamside Management Areas, along its blue line streams (as identified on the most recently published largest scale USGS topographic maps—1:24,000). Streamside Management Areas shall also apply to intermittent streams that exhibit in-channel wetland characteristics and off-channel riparian vegetation.	QJ, Min, S5, IM-1  	D
			D	FRWK 3431.4 Streamside Management Areas. To protect sensitive fish and wildlife habitats and to minimize erosion, runoff and interference with surface water flows, the County shall maintain Streamside Management Areas (SMA's), along its blue line streams as identified on the largest scale U.S.G.S. topographic maps most recently published, and any significant drainage courses identified through the CEQA process.		D
A	B			BR-P6. Development within Streamside Management Areas. Development within Streamside Management Areas shall only be permitted where mitigation measures (Standards BR-S8 - Required Mitigation Measures, S9 - Erosion Control, and S10 - Development Standards) have been provided to minimize any adverse environmental effects, and shall be limited to uses as described in Standard BR-S7 - Development within Streamside Management Areas.	QJ, Min, S7-9  	R Straw Vote 7-0
				Comments: 4-14-11 Commissioner Nelson – I don't think I should be able to build my house in a SMA or a stream. I don't think we should have any mitigation for this. (Director Girard stated that S7 does limit what you can build, and then you have to mitigate). <u>Straw vote</u> All support as written.		
		C		BR-P6. Development within Streamside Management Areas. Development within Streamside Management Areas shall be permitted after consultation with the Department of Fish and Game and application of feasible mitigation measures.	Requires consultation with DFG but does not limit development	D
			D	3431.4. Development within Streamside Management Areas. Development within the Streamside Management Areas shall be permitted where mitigation measures (Standard 8) have been provided to minimize any adverse environmental effects, and shall be limited to	Does not include the word "only"	D

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		uses as described in Standard 7.		
A	B	BR-P7. Wetland Identification. The presence of wetlands in the vicinity of a proposed project shall be determined during the review process for discretionary projects and for ministerial building and grading permit applications, when the proposed building development activity involves new construction or expansion of existing structures or grading activities. Wetland delineation by a qualified biologist using criteria acceptable to the Department of Fish and Game may be necessary and shall be required when wetland characterization and limits cannot be easily inventoried and identified by informal site inspection.	QJ, Min, S10-11, IM-3  	R
	B	BR-P8. Oak Woodlands. The voluntary protection of oak woodlands should be encouraged.	Pol, QJ,	D See Alt A
		<p>Comments: 4-14-11</p> <p>Commissioner Faust stated that when driving through Marin he saw lots of old oaks, but no young ones. If we intend to preserve oak woodlands, we need some young ones. I favor Alternative A because it offers more protection.</p> <p>Chair Gearheart – “conservation” versus “protection”? (asked a representative of the RLWG to the podium to explain their submitted comments)</p> <p>Bill Blackwell – conservation means care and maintenance, protection means you aren’t going to touch it. Conservation means management.</p> <p>Commissioner Nelson – does that include fire management? (Bill Blackwell – possibly; protection may mean no)</p> <p>Staff recommends the word “conserved” is a better term for the A alternative. Sudden oak is an issue. Conservation is a good word to use.</p> <p><u>Straw Vote</u></p> <p>Commissioners Kreb, Faust, Masten and Gearheart – prefer the A alternative with the word “conserved” in place of “protected”.</p> <p>Commissioners Disiere and Emad supported Alternative B with the word “conservation” in place of “protection”.</p> <p>Commissioner Nelson – supports Alternative C (there is no Alternative C, so does not support A or B policies).</p>		

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A			BP-P8. Oak Woodlands. Oak woodlands shall be protected conserved through the review and conditioning of discretionary projects to minimize avoidable impacts to functional capacity and aesthetics.	Requires mitigations for oak woodlands	M Straw Vote 4-2-1
	B		BR-P9. Invasive Plant Species. The County shall cooperate with public and private efforts to control noxious and exotic invasive plant species.		D See alt A
			<p>Comments: 4-14-11</p> <p>Staff – we recommend the A version with addition of the first sentence of the B Alternative (as recommended by Healthy Humboldt).</p> <p>Commissioner Faust – I would support that change to the (A) version.</p> <p>Commissioner Nelson – requested more information of what constitutes an invasive species.</p> <p>Jen Kalt with Healthy Humboldt stated that the Department of Agriculture has a list of noxious weeds, and/or exotic species.</p> <p>Commissioner Nelson wants B as written.</p> <p><u>Straw Vote</u> Commissioners Faust, Emad, Disiere, Masten and Gearheart were in support of Alternative A with the inclusion of the first sentence from the Alternative B policy. Commissioner Nelson was in support of Alternative B.</p>		
A			BR-P9. Invasive Plant Species. <u>The County shall cooperate with public and private efforts to control noxious and exotic invasive plant species.</u> The County shall recommend measures to minimize the introduction of noxious and exotic invasive plant species in landscaping, grading and major vegetation clearing activities.		M Straw Vote 6-1
A	B	C	BR-P10. Biological Resource Maps. Biological resource maps shall be consulted during the ministerial and discretionary permit review process in order to identify habitat concerns and guide mitigations that will reduce biological resource impacts to below levels of significance.	QJ, Min, IM-1 	R
		D	FRWK 3431.6 Biological Resource Maps. The Biological Resource Maps shall be incorporated into the project review process in order to identify sensitive habitat concerns. These maps shall be kept up to date with the most recent information obtainable. Accommodation of new resource information on the Biological Resource Maps may require an amendment to the adopted General Plan.		D

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A	B			<p>BR-P11. Agency Review. The County shall request the California Department of Fish and Game, as well as other appropriate agencies and organizations, to review plans for development within Sensitive Habitat areas, and including Streamside Management Areas. The County shall request NOAA Fisheries or Fish and Wildlife Service review, as well as other appropriate agencies and organizations, to review plans for development within critical habitat areas. Recommended mitigation measures to reduce impacts below levels of significance shall be incorporated into project approval.</p>	<p>QJ, Min, S2, IM-2 </p> <p>Modified to eliminate reference to other agencies and organizations.</p>	<p>R Straw Vote</p>
				<p>Comments: 4-14-11 Commissioner Nelson questioned staff as to what happens if you don't get a response from a trustee agency? (D. Girard stated that there is an assumption that there is no problem if there is no response; however, county staff has a due diligence of getting back to other agencies if there are issues, also CEQA review may require a response). Commissioner Disiere questioned why staff had struck out "review, as well as other appropriate agencies and organizations" and Director Girard explained this was intended to capture the review under CEQA, but is more vague. That was why we struck it out. "Shall be" - CEQA requires that you incorporate the recommendations from responsible agencies; however, our board can override their comments. <u>Straw vote</u> All support Alternative B as written.</p>		
		C	D	<p>3431.7. Agency Review. The County should request the Department of Fish and Game, as well as other appropriate agencies and organizations to review plans for development within sensitive habitat areas or Streamside Management Areas. Recommended mitigation measures shall be considered prior to project approval.</p>	FRWK 3431.7	D
				10.3.4 Standards		
	B	C	D	<p>BR-S1. Development Excluded from Sensitive Habitat Policies. Proposed development occurring within areas containing sensitive habitats shall be subject to the conditions and requirements of this chapter except for those exclusions (which do not preempt other County regulations or those of other agencies).</p>	FRWK 3432.1 modified for clarity and grammar. Section A	D See Alt A

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			<p>A. Timber management and harvest activities under a timber harvesting plan or non-industrial timber management plan, or activities exempt from local regulation as per California Public Resources Code 4516.5(fg). These standards shall not be used to reduce buffers specified under the State Forest Practice Act.</p> <p>B. Any area proposed for development, which upon examination of the biological resource maps and field inspection is not actually within or does not contain the indicated habitat.</p> <p>C. Forest management activities that are needed to improve timber productivity regulated by other agencies CAL FIRE, which are otherwise consistent with this chapter.</p> <p>D. Agricultural operations that are needed to improve agricultural productivity, which are otherwise consistent with this chapter.</p>	<p>modified to correct citation ("f" relates to locally controlled harvest activities). Section C modified to define "other agencies." Title modified for clarity.</p>	
			<p>Comments: 4-14-11</p> <p>Commissioner Faust asked if this policy will this be effective in Coastal Zone (staff responded that we would have to review and submit to Coastal Commission for an amendment; now it is only in the Framework Plan. It would require another review process to go in the LCP).</p> <p>Commissioner Faust – Alternatives BCD would not be in support of the Coastal Act concerning subsection "D" for ag lands. I'm open to a discussion for those lands outside of the Coastal Zone. It may make sense. Conflicts with ag operations trying to improve productivity by eliminating sensitive habitat, is a common concern, I will support version A.</p> <p>Staff – we recommend the A Alternative, basing it on the public comments submitted by our trustee agency, DFG. We have discussed the issue of agricultural operations (S7). The WLRG suggested using the word "maintenance". Staff recommends that the Commission consider that as an alternative to D for Alternative B. We do support the maintenance of existing farm fields.</p> <p><u>Straw vote</u> Commissioners Faust, Masten, Krebs, Gearheart, Emad and Disiere supported Alternative A. Commissioner Nelson supported B/C/D version.</p>		
A			<p>BR-S1. Development Excluded from Sensitive Habitat Policies. Proposed development occurring within areas containing sensitive habitats shall be subject to the conditions and requirements of this chapter except for these exclusions (which do not preempt other County regulations or those of other agencies):</p>	<p>Eliminates exemption D.</p>	<p>R Straw Vote 6-1</p>

Plan Alternative				Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R, M, D
				<p>A. Timber management and harvest activities under a timber harvesting plan or non-industrial timber management plan, or activities exempt from local regulation as per California Public Resources Code 4516.5(f). These standards shall not be used to reduce buffers specified under the State Forest Practice Act.</p> <p>B. Any area proposed for development, which upon examination of the biological resource maps and field inspection is not actually within or does not contain the indicated habitat.</p> <p>C. Forest management activities that are needed to improve timber productivity regulated by CAL FIRE, which are otherwise consistent with this chapter.</p>		
A	B			<p>BR-S2. Agency Consultation. For discretionary projects with potential to impact <u>critical, sensitive and/or essential habitats</u>, the County will seek specific recommendations from the California Department of Fish and Game, <u>NOAA Fisheries and Fish and Wildlife Service</u>, and other agencies and organizations <u>as applicable to the specific project location, class of development, or natural resource involved.</u></p>	Modified to define agencies, eliminate organizations, add "critical" and incorporate BR-S12 (F).	R
			D	<p>FRWK 3432.2 Agency Consultation. Recommendations from the Department of Fish and Game, agencies, and organizations shall be specific and cite relevant code sections and standards.</p>		D
A	B	C		<p>BR-S3. Critical and Essential Habitat Defined. Critical habitats are federally designated habitats necessary for the protection of threatened or endangered species listed under the federal Endangered Species Act. Essential habitats are state designated habitats necessary for the protection of threatened or endangered species listed under the California Endangered Species Act.</p>		M Straw Vote 5-0
				<p>Comments: 6-16-11 See Discussion under P2</p>		
			D	<p>FRWK 3432.3 Critical and Essential Habitat Defined. Critical habitats are sensitive habitats essential for a Federal or State designated endangered, threatened or rare species. This includes the portion of a critical species range which is essential to the existence of that</p>		D

Plan Alternative			Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R,M,D
			species.		
A	B	C	<p>BR-S4. Sensitive Habitat Defined. Sensitive habitats are defined as a unique, limited, or an especially valuable habitat type for a species whose habitat requirements, if significantly changed, would cause a threatening change to the species population and may include the following:</p> <ul style="list-style-type: none"> A. Critical <u>and essential habitat for rare, unique, threatened and endangered species</u> B. Migratory deer winter range C. Roosevelt elk range D. Sensitive <u>avian</u> species rookery and nest sites (<u>e.g osprey, great blue heron and egret</u>) E. Streams and streamside areas F. Natural ponds, springs, vernal pools, marshes, and wet meadows exhibiting standing water all year long or riparian vegetation. G. <u>Rare and endangered vascular plant communities as compiled by the California Native Plant Society or the Department of Fish and Game.</u> H. Other sensitive habitats and communities as listed in the Department of Fish and Game’s California Natural Diversity Data Base, as amended periodically. 	Modified to include BR-S12 definitions to avoid duplication. “essential” habitat (state equivalent to federal “critical” designation)	R
		D	<p>FRWK 3432.4 Sensitive habitats are defined as a unique, limited or economically important habitat type for a species whose habitat requirements, if significantly changed, would cause a threatening change to the species population and may include the following:</p> <ul style="list-style-type: none"> A. Critical Habitat B. Migratory Deer Winter Range C. Roosevelt Elk Range D. Sensitive Species Rookery and Nest Sites E. Streams and Streamside Areas F. Natural ponds, springs, vernal pools, marshes, and wet meadows exhibiting standing water year long or riparian vegetation. G. Other sensitive habitat and communities listed in the Department of Fish and Game California Natural Diversity Data Base as amended periodically. 	modified for update	D

Plan Alternative	Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R,M,D
B	<p>BR-55. Streamside Management Areas Defined. Streamside Management Areas (SMA) are identified and modified as follows:</p> <p>A. Areas specifically mapped as SMA and Wetland (WR) Combining Zones, subject to verification and adjustment pursuant to site-specific biological reporting and review procedures.</p> <p>B. For areas not specifically mapped as SMA and Wetland (WR) Combining Zones and outside of Urban Development and Expansion Areas, the outer boundaries of the SMA shall be defined as:</p> <ol style="list-style-type: none"> 1) Consistent with the Forest Practice Rule stream buffer widths. 2) 100 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams. 3) 50 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams. <p>C. For areas not specifically mapped as SMA and Wetland (WR) Combining Zones and inside of Urban Development and Expansion Areas, the outer boundaries of the SMA shall be defined as:</p> <ol style="list-style-type: none"> 1) 50 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams. 2) 25 feet, measured as the horizontal distance from the, stream transition line on either side of intermittent streams. <p>D. Where not specifically mapped as a SMA and Wetland (WR) Combining Zone, The width of Streamside Management Areas shall be expanded as necessary to include significant areas of riparian vegetation adjacent to the buffer area, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance. Where Forest Practice Rules designate wider stream buffer areas, the width of the SMA shall be expanded to be consistent with those regulations when they are applicable.</p> <p>E. The Streamside Management Area may be reduced or eliminated where the County determines, based on specific factual findings, that:</p>	<p>Section D has been changed back to Alt. D policy (mapping was not intended to restrict case-by-case expansion of SMA). Section E. has been modified to be consistent with Alt. B policy BR-P5.</p>	<p>D See alt A</p>

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	<p>1) The USGS mapping of the stream as perennial or intermittent is not accurate, and typical stream flow can be shown to be less than that required to be classified as either perennial or intermittent there are no in-channel wetland characteristics and off-channel riparian vegetation; and</p> <p>2) It will not result in cumulatively or individually significant adverse impacts to fish, wildlife, riparian habitat, or soil stability.</p> <p>F. SMAs do not include watercourses consisting entirely of a man-made drainage ditch, or other man-made drainage device, construction, or system.</p>		
	<p>Comments: 4-14-11</p> <p>Chair Gearheart – I wanted to vote for Alternative A; that is why I pulled this standard.</p> <p>Commissioner Disiere - I am concerned with the new subsection D, this seems like a taking as there is no limit to distance. (staff recommends reviewing S7 which provides an “out” to avoid the taking issue)</p> <p>Commissioner Disiere – I support Alternative B, and don’t support the 150 feet setback.</p> <p>Commissioner Emad – I support A; however, I would like to have those two subsections defined. I will support Alternative A because the agencies said they would send projects back to us if we don’t include this policy. Under new subsection D can we have a width qualified as an extreme? There could be other areas that are wide open; we need some kind of limitation.</p> <p>Tom Hofweber stated that we will get back to the Commission on S5 after discussion with DFG. Staff will renumber and return with a new subsection D – “expanded as necessary” some gulches are bigger than this.</p> <p>Commissioner Krebs – I support Alternative A. Larger buffers put in more woody debris. I also support A because it better supports the Coho recovery. I still want to ensure that streamside buffers do not create a “no entry” zone for agriculture, however.</p> <p>Commissioner Faust – mapping policy (other two phrases) – how is this determination made? Is this based on a professional consultant? Who decides the limit for subsection D?</p> <p>TH – this would only take place in a mapping program that would be subject to review by the PC.</p> <p><u>Straw vote</u></p> <p>Commissioners Gearheart, Emad, Krebs supported Alternative A</p> <p>Commissioner Disiere supported Alternative B</p>		

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	<p>Comments: 6-16-11 (Commissioners Krebs and Masten excused)</p> <p>The Commission requested that the clause that begins “the width of the SMA shall be expanded” (paragraph “D” below) be reworked and brought back for Commission review. The primary concern was that biological issues were mixed with geologic issues in the paragraph and that these issues may need separate treatment. In the recommendation below, staff has separated the criteria but not offered alternative criteria. There will obviously be cases where geologic instability will call for setbacks and no-building areas under other provisions during development review. Possible additional wording for this provision could be for it to specifically address erosion and sedimentation associated with slope instabilities.</p> <p>Subsection D currently reads:</p> <p>DC. The width of Streamside Management Areas shall be expanded as necessary to include significant areas of riparian vegetation adjacent to the buffer area, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance.</p> <p>Staff offers the following recommendations:</p> <p>DC. The width of Streamside Management Areas shall be expanded:</p> <ol style="list-style-type: none"> 1) as necessary to include significant areas of riparian vegetation adjacent to the buffer area, <u>or</u> 2) <u>as necessary to include slides, and areas with</u> visible evidence of slope instability. <p>PC Discussion:</p> <p>C. Nelson – isn’t this an overlap of agencies? Because USFWS and DFG regulate, why are we making a policy on this? Why are we defining this if it is the purview of the state?</p> <p>TH – we are the responsible agency for the project – we issue the permit – we also need to inform the public. We have police powers. You can’t take action that contradicts the ESA – you would put the county in the role of a “take” action = HCP. At the project level, if we can help condition a project so it is not a take, the applicant than does not have to do a HCP.</p> <p>Chair Gearheart – I thought we were arguing about the width of the stream.</p> <p>C. Nelson – DFG still hasn’t agreed on anything. We need their comments first.</p> <p>C. Gearheart – under 1 and 2 as proposed – why wouldn’t you have “and/or” ?</p> <p>TH – that may be better English, we just though it would not be exclusive this way.</p>		

Plan Alternative	Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R,M,D
	<p>C. Nelson – I want to wait until the DFG weighs in on it. Chair Gearheart – I am comfortable with the language provided by staff. C. Edmonds – the issues are constantly changing – with the ability to have things altered, can we have this reflected in wording. (TH – I believe that is the purpose of the new wording). All support staff language except Commissioner Nelson who would like to eliminate it.</p> <p><u>Straw vote</u> Commissioners Disiere, Faust, Edmonds and Gearheart were in support of staff recommended subsection D of BR-S5 Commissioner Nelson supported deletion 4/1</p>		
A	<p>BR-S5. Streamside Management Areas Defined. Streamside Management Areas (SMA) are identified and modified as follows:</p> <p>A. Areas specifically mapped as SMA and Wetland (WR) Combining Zones, subject to verification and adjustment pursuant to site-specific biological reporting and review procedures.</p> <p>B. For areas <u>along fish-bearing streams</u> not specifically mapped as SMA and Wetland (WR) Combining Zones and outside of Urban Development and Expansion Areas, the outer boundaries of the SMA shall be defined as:</p> <ol style="list-style-type: none"> 1) Consistent with the Forest Practice Rule stream buffer widths. 2) 150 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams. 3) 50 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams. <p>C. For areas <u>along non fish-bearing streams</u> not specifically mapped as SMA and Wetland (WR) Combining Zones and inside of Urban Development and Expansion Areas, the outer boundaries of the SMA shall be defined as:</p> <ol style="list-style-type: none"> 1) 75 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams. 2) 25 feet, measured as the horizontal distance from the, stream transition line on 		<p>M Straw Vote 4-1</p>

Plan Alternative	Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R,M,D
	<p>either side of intermittent streams.</p> <p>C. The width of Streamside Management Areas shall be expanded as necessary to include significant areas of riparian vegetation adjacent to the buffer area, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance.</p> <p>DC. The width of Streamside Management Areas shall be expanded:</p> <ol style="list-style-type: none"> 1) as necessary to include significant areas of riparian vegetation adjacent to the buffer area, <u>or</u> 2) <u>as necessary to include slides, and areas with</u> visible evidence of slope instability. <p>DE. Where Forest Practice Rules designate wider stream buffer areas, the width of the SMA shall be expanded to be consistent with those regulations when they are applicable.</p> <p>EF. The Streamside Management Area may be reduced or eliminated where the County determines, based on specific factual findings, that the USGS mapping of the stream as perennial or intermittent SMA is not accurate, and there are no in-channel wetland characteristics or off-channel riparian vegetation.</p> <p>FG. SMAs do not include watercourses consisting entirely of a <u>man-made</u> drainage ditch, or other man-made drainage device, construction, or system.</p>		

Plan Alternative				Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R,M,D
			D	<p>FRWK 3432.5 Streamside Management Areas Defined. Streamside Management Areas (SMA) are identified and modified as follows:</p> <p>A. In areas outside of Urban Development and Expansion Areas, the outer boundaries shall be defined as:</p> <ol style="list-style-type: none"> 1. 100 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams. 2. 50 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams. <p>B. In areas inside of Urban Development and Expansion Areas, the outer boundaries shall be defined as:</p> <ol style="list-style-type: none"> 1. 50 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams. 2. 25 feet, measured as the horizontal distance from the, stream transition line on either side of intermittent streams. <p>C. Where necessary, the width of Streamside Management Areas shall be expanded to include significant areas of riparian vegetation adjacent to the buffer area, slides and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance.</p> <p>D. The Streamside Management Area may be reduced or eliminated where the County determines, based on specific factual findings, that:</p> <ol style="list-style-type: none"> 1. The USGS mapping of the stream as perennial or intermittent is not accurate, and typical stream flow can be shown to be less than that required to be classified as either perennial or intermittent, or 2. It will not result in a significant adverse impact to fish, wildlife, riparian habitat, or soil stability. 	Does not include SMA and Wetland map definitions. Does not include exemption for man-made drainage systems.	D
A	B	C	D	<p>BR-S6. Development within Stream Channels. Development within stream channels may be approved where consistent with Policy BR-P4 - Development within Stream Channels, and is</p>	FRWK 3432.6 modified for	R

Plan Alternative	Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R,M,D
	<p>limited to the following projects.</p> <ul style="list-style-type: none"> A. Fishery, wildlife, and aquaculture enhancement and restoration projects. B. Road crossings consistent with Standard BR-S9 - Erosion Control of this section. C. Flood control and drainage channels, levees, dikes, and floodgates. D. Mineral extraction consistent with other County regulations. E. Small-scale hydroelectric power plants in compliance with applicable County regulations and those of other agencies. F. Wells and spring boxes, and agricultural diversions. G. New fencing, so long as it would not impede natural drainage <u>or wildlife movement</u> and would not otherwise adversely effect the stream environment or wildlife. H. Bank protection, provided it is the least environmentally damaging alternative. I. Other essential projects, including municipal groundwater pumping stations, provided they are the least environmentally damaging alternative, or necessary for the protection of the public's health and safety. 	<p>clarity</p>	
<p>B</p>	<p>BR-S7. Development within Streamside Management Areas—Development within Streamside Management Areas may be approved where consistent with Policy BR-P6—Development within Streamside Management Areas, and shall be limited to the following uses:</p> <ul style="list-style-type: none"> A. Development permitted within stream channels per BR S6—Development within Stream Channels. B. Timber management and harvests not otherwise excluded by provisions of Standard BR-S1—Development Excluded from Policies, as well as noncommercial cutting of firewood and clearing for pasturage, provided: <ul style="list-style-type: none"> 1) Cottonwoods are retained. 2) Remaining willows and alders, as well as other unmerchantable hardwoods and shrubs are to be protected from unreasonable damage. 3) Integrity of tree canopy to be maintained within temperature impaired water 		<p>D See Alt A</p>

Plan Alternative	Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R,M,D
	<p>bodies consistent with applicable TMDL's.</p> <p>C. Road, bridge, and trail replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.</p> <p>D. Removal of vegetation for disease control or public safety purposes.</p> <p>E. Setbacks may be reduced when the prescribed buffer would prohibit development of the site for the principle use for which it is designated, provided mitigations are applied that result in the least environmentally damaging feasible project.</p>		
	<p>Comments: 4-14-11</p> <p>Commissioner Masten – I wouldn't be in support of the RLWG's recommendation of the term "historic" - just because we've always done that it doesn't make it right. I think there are ways to allow for access that are environmentally protective for fish, otherwise I support A.</p> <p>Commissioner Kreb – does Subsection E include the protection of a non entry zone? You can manage for seasonal entry without degrading the riparian area (include a no entry zone – fence off the riparian zone, for certain places or times of the year).</p> <p>Staff – RLWG suggested the phrase of maintenance of pasture and farm fields; we would add it to alternative A language for D; that does provide sideboards. We don't see these regulations affecting existing development, only new uses. You may want additional comments from the ag users in the audience.</p> <p>Commissioner Kreb – I would support Alternative A with the addition of the RLWG changes in subsection B.</p> <p>Director Girard explained the difference between historic use and grandfather rights, and what happens under planning law, if it is not used over a period of time. When you build or grade you have to get a permit, but we do not permit agricultural uses. If the Commission wanted to regulate agricultural uses, we would need to invent a permit process such as a Special Permit or grading permit.</p> <p>Commissioner Kreb – if we do this, do we have to create a permit?</p> <p>Commissioner Faust – are you saying that grazing is not development? (yes) – than no exception needs to be carved out. Since ag is not development, I would vote for A as is.</p> <p>Commissioner Masten – I'll support Alternative A, but I think it is a shame that we are not addressing ag's impact on streams and fish, we are passing the buck. It is a problem and we</p>		

Plan Alternative	Section 10.3 Biological Resources		Staff Remarks/ Implementation	Position R,M,D
		should be looking at it today. <u>Straw vote</u> Commissioners Masten, Faust, Krebs, Disiere, Gearheart and Emad supported Alternative A Commissioner Nelson supported Alternative B		
A		<p>BR-S7. Development within Streamside Management Areas. Development within Streamside Management Areas may be approved where consistent with Policy BR-P6 - Development within Streamside Management Areas, and shall be limited to the following uses:</p> <ul style="list-style-type: none"> A. Development permitted within stream channels per BR-S6 - Development within Stream Channels. B. Timber management and harvest activities under a timber harvesting plan or non-industrial timber management plan, or activities exempt from local regulation as per California Public Resources Code 4516.5(e). C. Road, bridge, and trail replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum. D. Removal of vegetation for disease control or public safety purposes. E. <u>Setbacks may be reduced when the prescribed buffer would prohibit development of the site for the principle use for which it is designated, provided mitigations are applied that result in the least environmentally damaging feasible project.</u> 	Eliminates non-commercial cutting of firewood and clearing for pasturage.	R Straw Vote 6-1
	C	<p>BR-S7. Development within Streamside Management Areas. Development within streamside management areas shall be conditionally permitted subject to mitigations recommended by the Department of Fish and Game.</p>		D

Plan Alternative	Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R,M,D
<p>D</p>	<p>FRWK 3432.7 Development within Streamside Management Areas. Development within Streamside Management Areas shall be limited to the following uses:</p> <p>A. Development permitted within stream channels.</p> <p>B. Timber management and harvests not otherwise excluded by Applicability Section as well as noncommercial cutting of firewood and clearing for pasturage, provided:</p> <ol style="list-style-type: none"> 1) Cottonwoods are retained. 2) Remaining willows and alders, as well as other unmerchantable hardwoods or shrubs should be protected from unreasonable damage. <p>C. Road and bridge replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.</p> <p>D. Removal of vegetation for disease control or public safety purposes.</p>		<p>D</p>

Plan Alternative	Section 10.3 Biological Resources		Staff Remarks/ Implementation	Position R,M,D
B		<p>BR-S8. Required Mitigation Measures. Mitigation measures for development within Streamside Management Areas shall, at a minimum, include:</p> <p>A. Retaining snags unless felling is required by CAL OSHA, by the California Department of Forestry CAL FIRE forest and fire protection regulations, or for public health and safety reasons. The felling must be approved by the appropriate County CDS Department. Felled snags shall be left on the ground if consistent with fire protection regulations as long as they have no economic value.</p> <p>B. Retain live trees with visible evidence of use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets.</p> <p>C. Replanting of disturbed areas with riparian vegetation (including such species as alders, cottonwoods, willows, sitka spruce, etc.) shall be required prior to the completion of the development project.</p> <p>D. Erosion control measures (as per Standard BR S9 Erosion Control).</p>	<p>Changed CDF to CAL FIRE</p>	<p>D see Alt A</p>
		<p>Comments: 4-14-11</p> <p>Commissioner Gearheart – I like Alternative A, subsection C, the WLRG included replanting or reseedling of disturbed areas.</p> <p>Staff – we disagree with the 100 square foot disturbance area required for re-seeding (this follows the forest practice rules, which is too large for housing developments).</p> <p>Commissioner Disiere – when does subsection E happen? (staff – a bridge or a road maintenance activity).</p> <p>C. Nelson – wants changes to overstory protection in alternative A under subsection E to read: <u>“Within 75 feet of the riparian corridor, overstory canopy will be retained to the greatest extent feasible.”</u></p> <p><u>Straw vote</u></p> <p>Commissioners Gearheart, Krebs, Emad, Masten, Faust and Disiere supported A with the addition of “or re-seeding” after “Replanting...” , and the addition “of native species” instead of “including such species as alders, cottonwoods, willows, sitka spruce, etc.” in subsection C.</p> <p>Commissioner Nelson supported Alternative A with the suggested language by Director Girard “Within the first 75 feet of the riparian corridor an over story canopy shall be retained to the maximum intent feasible”.</p>		
A		<p>BR-S8. Required Mitigation Measures. Mitigation measures for development within</p>		<p>M</p>

Plan Alternative	Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R,M,D
	<p>Streamside Management Areas shall, at a minimum, include:</p> <ul style="list-style-type: none"> A. Retaining snags unless felling is required by CAL-OSHA, by CAL FIRE forest and fire protection regulations, or for public health and safety reasons. The felling must be approved by the CDS Department. Felled snags shall be left on the ground if consistent with fire protection regulations. B. Retain live trees with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets. C. Replanting <u>or reseeded</u> of disturbed areas with riparian vegetation <u>of native species (including such species as alders, cottonwoods, willows, sitka spruce, etc.)</u> shall be required prior to the completion of the development project. D. Erosion control measures (as per Standard BR-S9- Erosion Control). E. Maximum feasible retention of overstory canopy in riparian corridors. adjacent to Clean Water Act designated temperature impaired water bodies. 		<p>Straw Vote 6-1</p>
	<p>C BR-S8. Required Mitigation Measures. Mitigation measures for development within Streamside Management Areas shall consider the recommendations by the Department of Fish and Game.</p>		<p>D</p>
	<p>D FRWK 3432.8 Required Mitigation Measures. Mitigation measures for development within Streamside Management Areas shall, at a minimum, include:</p> <ul style="list-style-type: none"> A. Retaining snags unless felling is required by CAL-OSHA, or by California Department of Forestry forest and fire protection regulations, or for public health and safety reasons, approved by the appropriate County department. Felled snags shall be left on the ground if consistent with fire protection regulations as long as they have no economic value. B. Retain live trees with visible evidence of use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets. C. Replanting of disturbed areas with riparian vegetation (including such species as alders, cottonwoods, willows, sitka spruce, etc.) shall not be required unless natural regeneration does not occur within two years of the completion of the development 		<p>D</p>

Plan Alternative				Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R,M,D
				<p>project.</p> <p>D. Erosion control measures (Standard 9).</p>		
A	B		D	<p>BR-S9. Erosion Control. Erosion control measures for development within Streamside Management Areas shall include the following:</p> <ul style="list-style-type: none"> A. During construction, land clearing and vegetation removal will be minimized, following the provisions of the Water Resources Element and the standards listed here. B. Construction sites will be planted with native or naturalized vegetation and mulched with natural or chemical stabilizers to aid in erosion control and ensure revegetation. C. Long slopes will be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction. D. Concentrated runoff will be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversion dikes, interceptor ditches, slope drains, or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge, where discharge is to natural ground or channels. 		R

Plan Alternative	Section 10.3 Biological Resources			Staff Remarks/ Implementation	Position R,M,D
			<p>E. Runoff shall be controlled to prevent erosion by on-site or off- site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding.</p> <p>F. Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with Department of Fish and Game and the North Coast Regional Water Quality Control Board requirements.</p> <p>Winter operations (generally October 15 thru April 15) shall employ the following special considerations:</p> <p>G. Slopes will be temporarily stabilized by stage seeding and/or planting of fast germinating seeds, such as barley or rye grass, and mulched with protective coverings such as natural or chemical stabilizations.</p> <p>H. Runoff from the site will be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.</p>		
		C	<p>BR-S9. Erosion Control. Erosion control measures shall follow best management practices to reduce off-site sediment transport to the maximum extent feasible.</p>		
A	B		<p>BR-S10. Development Standards for Wetlands and Other Wet Areas. Development <u>standards</u> for wetlands and other wet areas; including natural ponds, springs, vernal pools, marshes, wet meadows (exhibiting standing water all year long or riparian vegetation), and wetlands as defined in the California Fish and Game Code Section 2785(g), shall be consistent with the standards for streamside management areas, as applicable including required buffer setbacks. <u>Required buffer setbacks for these areas are as follows:</u></p>	Re-worded for clarity.	M Straw Vote 5-2

Plan Alternative	Section 10.3 Biological Resources			Staff Remarks/ Implementation	Position R,M,D
			<p><u>seasonal wetlands = 100 ft.</u></p> <p><u>perennial wetlands = 200 ft.</u></p> <p><u>Buffers may be reduced based on site specific information and consultation with DFG.</u></p>		
			<p>Comments: 4-14-11</p> <p>To Hofweber noted that there was a typo in first sentence – please add the word “standards” after “development”.</p> <p>Commissioner Krebs – I support the A/B version for all the reasons DFG gave. All agree with Commissioner Krebs except Commissioner Nelson.</p> <p>Commissioner Nelson – what are the required setbacks? (staff - same as SMA) – shouldn’t we put those in there?</p> <p>Director Girard - we need to come back on this. There are different setbacks for isolated wetlands. DFG may be less inclined to do this where there are not endangered species. We may need a two tiered system – wetlands versus critical habitats.</p> <p>S5 – do we look at those definitions?</p> <p>S10 – we lump all the development standards together, but I don’t know if we want a one size fits all setback for these (different for salmon bearing streams, versus vernal pool)</p> <p>Add – S10x – we need a definitive answer to C. Nelson as to what the setback should be.</p> <p>Commissioner Emad – do we want a specific level of regulations here in the general plan? This should be in an ordinance.</p> <p>Director Girard – for CEQA mitigation direction, we may need to be this specific in the general plan.</p> <p>Commissioner Faust – I feel staff should return, but I would caution you on how you do this, because Fish and Game gave testimony of support on this issue. How do you comparatively evaluate these environments? Some would say that wetlands more critical than riparian. Be careful. You need the best advice of the scientists.</p>		
			<p>Comments: 6-16-11 (Commissioners Masten and Krebs excused)</p> <p>During the April 14th meeting, the Commission recommended adding clarifying language to specify the buffer setbacks separately from the SMA setbacks. Staff recommended “interim” language based on consultation with the Department of Fish & Game. DFG is currently in the process of drafting and finalizing wetland and riparian buffer guidelines, and</p>		

Plan Alternative	Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R,M,D
	<p>to date, had not provided formalized policy language for the County to consider. It was therefore suggested that the Commission consider this an interim recommendation, subject to re-review after DFG finalizes their guidelines. Staff also noted that the RWQCB is in the process of developing riparian buffer policies as well.</p> <p>Alternate Staff Recommendation: Tom Hofweber stated that, as a practical matter, the distinction between the two types of wetlands would require a project by project analysis presumably by a qualified biologist. Current practice is to apply the setbacks for intermittent streams to seasonal wetlands and the perennial stream setbacks to perennial wetlands. Therefore, “seasonal” and “perennial” could be substituted for the “vertebrate” criteria.</p> <p>PC Discussion: 6-16-11</p> <p>C. Disiere – I would like to use the word “seasonal” and perennial” for aquatic dependent” All okay with that.</p> <p>C. Faust - was concerned with the setback amount and quoted from a scientific journal. We should not start with such a small level. The county has independent ability to review biological resources from DFG. Recommends a minimum of 200 feet.</p> <p>TH – these are DFG’s recommendations. There is more work to be done in regards to impervious surfaces. We are just looking for an interim policy that we can include in the EIR. We do anticipate that more work is advisable. In the coastal zone, wetland policies start at 250 feet.</p> <p>C. Disiere – I’m comfortable with the 50 feet.</p> <p>C. Edmonds – I can also support staff.</p> <p>C. Nelson – what happens if we recommend 200 feet but find that it was not necessary? Staff – we allow the reduced setback and we put the support language and findings in the file.</p> <p>C. Edmonds – does the county always defer to DFG? TH - No – they are the responsible agency, and we use them for project review; however, we can decide our policy direction. They may not agree with us and could trump us on a project (CEQA) – then we can issue statement of overriding conditions – etc.</p> <p>C. Nelson – we adopt the 200 feet but a homeowner only wants 50 feet (and DFG is okay with that) – then what happens? TH - They are stuck with our determination. This is our standard in the general plan.</p>		

Plan Alternative	Section 10.3 Biological Resources			Staff Remarks/ Implementation	Position R,M,D
			<p>Carolyn Ruth – I think you are asking about exceptions. There are mechanisms that we process all the time for exceptions.</p> <p><u>Straw vote</u> Commissioners Disiere and Edmonds support staff’s recommendation (50/150 foot setbacks) Commissioners Faust, Gearheart and Nelson supported changing the setbacks from 50 to 100 feet and 150 to 200 feet in the other case and the specific language that supported reduction of buffer based on sight specific cases. 2/3</p>		
			<p>Comments: 6-23-11 Commissioners Krieb and Masten supported changing the setbacks from 50 to 100 feet in wetlands that do not support aquatic dependent vertebrates and 150 to 200 feet in wetlands that support aquatic dependent vertebrates.</p> <p><u>Straw vote</u> Final straw vote for S10 is 5-2 in favor of increasing the setbacks for SMA’s.</p>		
		C	<p>BR-S10. Development Standards for Wetlands and Other Wet Areas. Development for wetlands and other wet areas; including natural ponds, springs, vernal pools, marshes, wet meadows (exhibiting standing water all year long or riparian vegetation), and wetlands as defined in the California Fish and Game Code Section 2785(g), shall be consistent with the standards for streamside management areas.</p>		D
		D	<p>FRWK 3432.10 Development Standards for Wetlands and Other Wet Areas. For natural ponds, springs, vernal pools, marshes and wet meadows (exhibiting standing water yearlong or riparian vegetation): Development except for wells and springboxes shall be consistent with the standards for streamside management areas, where appropriate.</p>		D
A	B		<p>BR-S11. Wetlands Defined. The County shall follow the identification and classification policies of the Department of Fish and Game which considers wetlands as lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly undrained hydric soil, and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.</p>		R Straw Vote 5-2
			<p>Comments: 4-14-11 Commissioner Nelson – I can’t find a definition for wetlands. There is no number specified for setbacks. Which do we support - Dept of Fish and Game or Corps of Engineer?</p>		

Plan Alternative	Section 10.3 Biological Resources		Staff Remarks/ Implementation	Position R,M,D
		<p>Michael Van Hattem (with DFG)– the key here is the “transition zone”. The U.S. Army Corps does a good job at how to determine a wetland. What makes DFG different from the Army Corps is that a wetland can have just one parameter, not all 3. Very complicated. You would be missing some of the wetland value if you use the army corps definition – DFG, USFWS and CC definition’s have more value.</p> <p>Commissioner Masten – I support A/B as written. I want to protect the resources to the most possible extent.</p> <p>Commissioner Disiere – I could see using the DFG for transition zones and Army Corps definition for wetlands.</p> <p>Commissioner Emad – there is a different mission between the Army Corp and DFG. I support the A/ B version because DFG has recommended it.</p> <p>Commissioners Faust – I support the A/ B for all the reasons C. Masten said.</p> <p><u>Straw vote</u> Commissioners Masten, Krebs, Faust, Emad, Gearheart supported A/B version as written. Commissioners Nelson and Disiere supported Alternative C.</p>		
	C	<p>BR-S11. Wetlands Defined. The County shall follow the identification and classification policies of the Corp of Engineers (Wetlands Delineation Manual). Wetlands must have evidence of a minimum of one positive wetland indicator from each wetland parameter (hydrophytes, hydric soil, and periods of inundation).</p>		D

Plan Alternative	Section 10.3 Biological Resources		Staff Remarks/ Implementation	Position R,M,D
		<p>BR-S12. Sensitive and Critical Habitats. In addition to the preceding policies for streams, adjacent streamside areas, wetlands, and buffer areas adjacent to wetlands, several other sensitive and critical habitat areas exist within community planning areas. These include:</p> <ul style="list-style-type: none"> A. Habitat for listed and candidate rare, unique, threatened, and endangered species in the federal and state endangered species acts. B. Sensitive avian species rookery and nest sites (e.g., osprey, great blue heron, and egret). C. Rare and endangered vascular plant communities as compiled by the California Native Plant Society or the Department of Fish and Game. D. Other sensitive habitats and communities as listed in the Department of Fish and Game’s California Natural Diversity Data Base, as amended periodically. E. As part of the review of all discretionary development project applications, the County will consult with the Department of Fish and Game, the U.S. Fish and Wildlife Service, NOAA Fisheries Service, and other regional, state, and federal resource and trustee agencies, as applicable to the specific project location, class of development, or natural resource involved. 	<p>Incorporated into BR-S4 and BR-S2 to avoid duplication.</p>	
<p>B</p>		<p>BR-S1312. Discretionary Review within Oak Woodlands. Staff should encourage applicants for discretionary projects in oak woodlands (defined as lands on which the majority of the trees are of the genus <i>Quercus</i>) to design the project to reduce ecological and aesthetic impacts. Ideally, the placement of proposed roads and structures should avoid oak trees and their drip lines and site layout and design should minimize the destruction of trees.</p>	<p>Titled for clarity.</p>	<p>D See alt A</p>
		<p>Comments: 4-14-11 Commissioner Faust – I support the protection of oak woodlands – Alternative B does not really protect; therefore I support A. I would also add a sentence that if there was mitigation needed, it is important to encourage the development of young oaks. As a COA – we have a future problem with aging oaks not being replaced. Chair Gearheart – Is collecting firewood is a discretionary project? (no – general agriculture. Principally permitted)</p>		

Plan Alternative	Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R,M,D
	<p>Commissioner Nelson – the reason to preserve oak woodlands is mainly because of the grape vineyards south of us. Natural progression of oak to fir trees. I think we are kidding ourselves that protecting them will prevent them from being replaced over time with fir.</p> <p>Commissioners Disiere, Nelson – support B.</p> <p>Commissioners Krebs, Emad, Gearheart, Masten – support Alternative A and include the statement of C. Faust’s for the protection of young oak trees.</p> <p>C. Faust – I would like to talk to staff and develop appropriate language.</p> <p>All agree to revisit with returned language.</p>		
	<p>Comments: 6-16-11 (Commissioners Krebs and Masten excused) The Commission recommended adding clarifying language that provided for the protection of young trees and regeneration of new trees. Staff recommended the following revised language:</p> <p style="padding-left: 40px;">BR-S1312. Discretionary Review within Oak Woodlands. Discretionary projects <u>which may potentially impact oak woodlands shall evaluate and mitigate any impacts, consistent with the provisions of CEQA, as necessary.</u> proposed for oak woodlands (defined as lands on which the majority of the trees are of the genus Quercus) shall be analyzed for ways to reduce ecological and aesthetic impacts. The placement of proposed roads and structures shall avoid oak trees and their drip lines, if feasible and site layout and design shall minimize impacts.</p> <p>PC Discussion: 6-16-11 Chair Gearheart: would like to move “as necessary” to the front of the standard (all okay with that). C. Faust – I am still concerned with the protection of young oaks and that is not reflected in this policy change. We need to protect baby oaks. Oaks less than 5” DBH can be removed without any kind of review. I’m unsatisfied. C. Edmonds – where these may be growing in wildland fire areas people may want to clear around the structure – conflict – restrict the person’s ability to clear around the home. C. Faust – I don’t want to restrict CALFIRES requirement to clear around structures, I just want to find a way to allow little oaks to grow to big oaks to replenish. Director Girard – PRC 21083.4 – defect in this section – requirement to maintain a tree for at least 7 years that you planted but doesn’t address those naturally propagated. What is missing from this list is the natural progression of acorn to tree. We could add that.</p>		

Plan Alternative			Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R, M, D
			<p>C. Faust – we should address – mitigate for the removal of the young trees. Straw Vote: All support as revised. Commissioner Faust was concerned with no protection of baby oaks up to 7 years and protection of baby oaks that naturally propagating.</p>		
A			<p>BR-S1412. Discretionary Review within Oak Woodlands. As necessary, discretionary projects which may potentially impact oak woodlands shall evaluate and mitigate any impacts, consistent with the provisions of CEQA, proposed for oak woodlands (defined as lands on which the majority of the trees are of the genus Quercus) shall be analyzed for ways to reduce ecological and aesthetic impacts. The placement of proposed roads and structures shall avoid oak trees and their drip lines, if feasible and site layout and design shall minimize impacts.</p>		M Straw Vote 5-0
	B	C	<p>BR-S1413. Principally Permitted Accessory Use. Non-commercial invasive plant species control measures shall be considered a principally permitted accessory use in all zones.</p>		M Straw Vote 7-0
			<p>Comments: 4-14-11 Director Girard suggested removing the word "Non-Commercial" (CDF can regulate the commercial items). Straw vote Unanimous support with the removal of the words "Non-commercial".</p>		
			10.3.5 Implementation Measures		
A	B	C	<p>BR-IM1. Biological Resource Maps. The County shall maintain best available data in the form of GIS maps for the location and extent of wetlands, critical habitats, streamside management areas, rookeries, and ranges of species identified in the California Natural Diversity Database.</p>		R
A	B	C	<p>BR-IM2. State and Federal Agency Permitting Coordination. The County shall maintain efficient and timely procedures for project referral to state and federal agencies for biological review and consultation.</p>		R
	B	C	<p>BR-IM3. Staff Training Biological Review and Referral. Building and Planning Division staff shall receive periodic training related to the field identification of biological resources and</p>		D Straw

Plan Alternative	Section 10.3 Biological Resources	Staff Remarks/ Implementation	Position R, M, D
	<p>mitigation of impacts. The County shall maintain efficient and timely procedures for project referral to state and federal agencies for biological review including appropriate use of qualified biologists, and state and federal agency referral and consultation.</p>		<p>Vote 4-3</p>
	<p>Comments: 4-14-11 Commissioner Disiere - this just doesn't seem like it belongs here. Seems more like a personnel issue. Director Girard - we received a lot of comments on this regarding not having a qualified biologist on our staff. We utilize existing staff (no biologists) as our eyes on the ground as biologist now. Commissioner Krebs - I support the A version of this. There is a great savings having a staff biologist to interpret these policies. Commissioner Disiere - its not that I don't support this, I just don't think it belongs in the general plan. Commissioner Emad - I think if we are going to go there, we should have a policy that defines the level of review, let our board decide who we should have on staff. If we have a policy that needs an expert to carry out or enforce, than you can have support by the Board. Commissioner Nelson - if you're going to hire a biologist, need a well trained one, not someone right out of school. Commissioner Faust - I agree with the sentiment that all fiscal and hiring decisions are the BOS, but I do see the value of the arguments of C. Krebs. I agree with the thought that it isn't just a biologist on staff, should have a geologist on staff, we may need to have a coastal engineer for sea level rise. I don't see a problem with alt A, it's a good idea. The board will have to decide on what to fund. Commissioner Krebs - I disagree with Commissioner Nelson with the characteristics that just coming out of school they are not qualified biologist; a lot of field work first, before they ever get out of school. Commissioner Masten - I agree that this is not the language that should be in the general plan, but I do agree that we should say something about having someone qualified on staff to address these issues. A lot of public comments on the expertise of a biologist on staff. KG - we have a title problem here. This is an implementation problem for our referral system. the question becomes who gets to decide when there are sensitive resources - building</p>		

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			inspectors or a qualified biologists. New title. Staff will come back with fixes to IM3		
			<p>Comments: 6-16-11 Staff recommended the following change to the title and language revisions based on the Commission's discussion: Revised Alternative B language: BR-IM3. <u>Biological Review and Referral.</u> Building and Planning Division staff shall receive periodic training related to the field identification of biological resources and mitigation of impacts. The County shall maintain efficient and timely procedures for biological review, including appropriate use of qualified biologists, and state and federal agency referral and consultation.</p> <p>Revised Alternative A language: BR-IM3. <u>Biological Review and Referral.</u> Building and Planning Division staff shall receive periodic training related to the field identification of biological resources and mitigation of impacts. The County shall also have on staff or retain a qualified biologist to conduct site visits, work with resource agencies, review applicant prepared biological reports and formulate and monitor project conditions and mitigation measures.</p> <p>PC Discussion: 6-16-11 C. Faust – I'm concerned with mandating county expenditures with the budget – I'm torn because I really want to support A – but will vote for B. K.Girard - Currently we require a biological report that the applicant has to pay for. C. Faust changes his vote. <u>Straw Vote:</u> Chair Gearheart, Faust – supports the revised Alternative A language C. Disiere, Nelson, and Edmonds supports the revised Alternative B language</p>		
			<p>Comments: 6-23-11 Commissioners Kreb and Masten supported the revised Alternative A. <u>Straw Vote</u> The revised vote is 4-3 in favor of Alternative A.</p>		
A			<p>BR-IM3. <u>Biological Review and Referral.</u> Staff Training and Expertise. Building and Planning Division staff shall receive periodic training related to the field identification of biological resources and mitigation of impacts. The County shall also have on staff or retain a qualified</p>		M Straw Vote

Plan Alternative	Section 10.3 Biological Resources			Staff Remarks/ Implementation	Position R, M, D
			biologist to conduct site visits, work with resource agencies, review applicant prepared biological reports and formulate and monitor project conditions and mitigation measures.		4-3
A			BR-IMx. Natural Communities Conservation Plan and Habitat Conservation Plan. For biological conservation and the protection of threatened and endangered species, the County shall work with Department of Fish and Game, NOAA Fisheries and the US Fish and Wildlife Service to develop and adopt a County-wide Natural Communities Conservation Plan and Habitat Conservation Plan(California Fish and Game Code 2800-2835 and section 10(a)(1)(B) of the Endangered Species Act)		D
			<p>Comments: 4-14-11 Commissioner Faust – how did we handle this in the past? Director Girard – BR-G1 Commissioner Krebs –when I listened to the tape, I heard that we couldn’t afford this and it was deleted. <u>Straw vote</u> Unanimous support to delete IMx</p>		
A			BR-IMx2. Humboldt Bay and Eel River Delta Wetlands Bank. The County shall facilitate and assist in the development of a wetlands banking system. for the Humboldt Bay and Eel River Delta areas.		M Straw Vote 7-0
			<p>Comments: 4-14-11 Commissioner Disiere – I do support a banking system for wetlands, I don’t understand why it is limited to this area (Humboldt Bay and Eel River Delta). I don’t know what it looks like, I need it better developed. Staff – the focus of the problem tends to be in this area. Examples for using this type of program are road widening, agencies are looking for ways to help facilitate projects and protect resources. DFG was afraid of banking system in the past. Their more recent letter supports mitigation banking. You would secure a site that would do restoration that would give you credits for re-establishing wetlands, to offset areas that you would be affecting. It is difficult to find a suitable site to do this, but there are opportunities defined in HBAP that would be good candidate sites. Area would be acquired, restored and account for mitigation for other projects. Commissioner Krebs – I would support this if the language was more expansive to areas.</p>		

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	<p>Commissioner Gearheart – what if we put in a period after “banking system”?</p> <p>Commissioner Disiere – what about the cost?</p> <p>TH – the County did have grant funds in the past (that may be more difficult now). Once you got off the ground, keep by repayment.</p> <p>Commissioner Masten – I’m not sold on the banking system. I’m concerned that we are preserving some areas to allow development and then some areas just don’t get fixed.</p> <p>TH – the agencies pretty understand of what is an offset versus just get mitigation. We would be fine on broadening the scope.</p> <p>Director Girard – the reason that banking is not done very much anymore, you see it now with important public project (roads) or unavoidable impacts – I don’t know if you could even do it with a private project.</p> <p>Commissioner Disiere – from what the Director says, it wouldn’t be a successful system. I can’t support.</p> <p>Commissioner Masten – there is alternative language that would provide for a one to one protection (KG – that is usually driven by state and federal agencies) or even a public interest project. I think we need something, but I am not sure what that is.</p> <p>What about an “exchange” versus a “banking” program.</p> <p>TH – sometimes you don’t have the time that it takes for a typical development project without a banked area established.</p> <p>Commissioner Disiere – I could support a policy take out of IM</p> <p>Staff to come back with different wording.</p>		
	<p>Comments: 6-16-11</p> <p>The Commission recommended adding clarifying language that broadened the scope of where wetlands banking could occur, and expressed concern regarding funding commitments. Staff recommended the following language based on the Commission’s discussion:</p> <p>BR-IMx2. Humboldt Bay and Eel River Delta Wetlands Banking. The County shall facilitate and assist in the development of a wetlands banking system. for the Humboldt Bay and Eel River Delta areas.</p> <p>PC Discussion: 6-16-11</p> <p>C. Disiere recommended removing the words “facilitate and”</p>		

Plan Alternative	Section 10.3 Biological Resources			Staff Remarks/ Implementation	Position R,M,D
			<p>C. Edmonds – where has this been used and how? (TH provided examples). Straw Vote: All support the new wording with the revisions proposed by C. Disiere.</p>		
			<p>Comments: 6-23-11 BR-IMx2 Humboldt Bay and Eel River Delta Wetlands Banking Commissioners Krebs and Masten supported staff’s revised language.</p>		
B			<p>BR-Pxxx Wetlands Banking. <u>The County supports the development of a wetlands banking system.</u></p>	<p>NEW POLICY added by the Commission on 6-16-11</p>	<p>NEW Straw vote 5-0</p>
			<p>Comments: 6-16-11 <u>Straw vote</u> Unanimous support of Pxxx 5/0</p>		
A			<p>BR-IMx3. Oak Woodlands Conservation Program. The County shall develop an Oak Woodland Management Plan and attain eligibility for Oak Woodland Preservation Program funding (Fish and Game Code, Section 1360, Division 2, Chapter 4) to conserve and protect high-value oak woodlands.</p>		<p>R Straw vote 7-0</p>
			<p>Comments: 4-14-11 Jen Kalt (Healthy Humboldt) – I believe that the County is working on this already under a headwaters grant. You need to have this in order to apply for funds from the DFG program. Director Girard – this is in process now, we may want to change the wording to “support and maintain” since it is in development. Masten – I think the language is okay because we will be involved with the approval. <u>Straw vote</u> All support as written</p>		
A	B		<p>BR-IMx4. Streamside Management Areas Definition Review. The County shall review and revise as necessary existing Streamside Management Area (SMA) and wetland buffer requirements in consultation with the Department of Fish and Game and shall consider adopting more conservative SMA buffers, if such measures are necessary to reduce impact levels to less than significant. Such review should utilize stream designations determined by qualified biologists in the field, and/or by using the most recently available stream and fish habitat data, such as the DFG Eureka Office stream files, and “CalFish,” the multi-agency</p>		<p>D</p>

Plan Alternative	Section 10.3 Biological Resources			Staff Remarks/ Implementation	Position R,M,D
			cooperative fish and aquatic habitat on-line data program.		
			<p>Comments: 4-14-11 Director Girard – if DFG is happy with our buffer areas now, we don't need this. All support deleting.</p>		<p>D Straw vote 7-0</p>
			<p>Comment – 6-16-11 Stream Channel Definition Comments were received regarding the lack of a definition for “stream channel”. The glossary and definitions appendix of the GPU, as well as our current SMA ordinance currently contain a definition for “Stream Transition Line” – “That line closest to a stream where riparian vegetation is permanently established”.</p> <p>Staff recommends the following definition be added to the glossary:</p> <p><u>Stream Channel: The area of a stream between its stream transition lines.</u></p> <p>Because the SMA area is defined outward from the stream transition line, using this definition for stream channel will ensure continuous defined areas for stream protection.</p> <p>All support.</p>	<p>NEW Definition added by the Commission on 6-16-11</p>	<p>NEW Straw vote 5-0</p>