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I Started in construction in Humboldt county in the early 70s for my father and am a builder by trade , Engineer by profession and a designer for a hobby. I spent 26 year volunteering time for various county boards and commissions. I have put a lot of projects through the process of permitting. Including involvement in the environmental process of some large scale water and sewer facilities for people in the city and county. I do have experience in the process. 3 minutes is not enough time to even explain the first concept in the open space element but I shall try. I am only here as a messenger so don't take some of this personally.

The process of permitting has become overly complicated most folks do not understand these words but it is incumbent on this commission to actually read all these words for their actual meaning and or importance to the overall concept that this document wants to promulgate and that is added fees to all permits. You will not pay for this by grants.

The general plan is a tool to be used in discretionary (subdivisions) permits for the environmental impact statement process to provide for a negative declaration of environmental Impact. With that you are utilizing the mitigating measures in the general plan or you have to do your own EIR. That is for a discretionary permit (one that requires the CEQA process).

Building a house on an approved lot or an addition to ones home utilizes a ministerial permit process it does not require a CEQA process to be followed. Govt code **65567** Requires all permits to follow the open space policies in the adopted general plan. That's the problem. The goals and policies **all** have the words require, provide, increase, maintain, start a program, secure staffing, ensure funding and implement. Every one of those goals and policies cost money and need people to do the work. The planning dept cannot do that work (call your attention to the traffic impact aspect of the Martin slough Interceptor project). The end goal of this looks to charge massive fees to simply put say a handicap accessible bathroom addition onto a home. Etc etc.

CO-G5 says it all. Although Recover is stricken and minimize is inserted there is no minimizing what it will take to provide for the mitigation measures out lined in this document. You need to beware, once this passes the only way to get a permit is to pay what it takes.

**Again it is incumbent on this commission to understand this.**

Regarding sect 10.3 Biological Resources

The goals and policies bring ministerial permitting back into this. SMA s are difficult because it says x feet from the bank with no definition of the bank than goes on to extend the SMA to the riparian vegetation. That is all the property in some cases, you either want infill or you don't just say it. This precludes the infill the open space precludes development of the out lying areas. This again provides bad planning. BR P7 pg 10-16 says all permits will use this document

The public has not actually had an informed discussion on these issues. Because the process has not been inclusive of the people in the industries thoughts and issues. Nothing is more apparent of this than the definition of a wetland. The public and the agencies needed to have a dialog on this early on. Whether to use Army Corp & EPA or state Fish and Wildlife definitions. As it stands in this document any standing water in your lawn area where you wish to site that addition is a wetland that will need mitigation. They did say they would support a land bank rather than in situ restoration plans of up to 4 to one? Replacement I don't know not defined. This document give the opposite of what the Army Corp manual definition is (attached) I think all parties should be invited to dialog on this to get something that will work for the people of this county. Not just the Consultants and special interest groups and Trust fund folks that can afford to pay their way through any process. The county should not hire a biologist they will not get the work done need to do what we did in lafco

What are the differences in the definitions?

How does the definition as written affect projects?

How about NOAA and US fish and wildlife referrals?

## Part II: Technical Guidelines

24. The interaction of hydrology, vegetation, and soil results in the development of characteristics unique to wetlands. Therefore, the following technical guideline for wetlands is based on these three parameters, and diagnostic environmental characteristics used in applying the technical guideline are represented by various indicators of these parameters.

25. Because wetlands may be bordered by both wetter areas (aquatic habitats) and by drier areas (nonwetlands), guidelines are presented for wetlands, deepwater aquatic habitats, and nonwetlands. However, procedures for applying the technical guidelines for deepwater aquatic habitats and nonwetlands are not included in the manual.

### Wetlands

26. The following definition, diagnostic environmental characteristics, and technical approach comprise a guideline for the identification and delineation of wetlands:

- a. *Definition.* The CE (*Federal Register*, 1982) and the EPA (*Federal Register*, 1980) jointly define wetlands as: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
- b. *Diagnostic environmental characteristics.* Wetlands have the following general diagnostic environmental characteristics:

- (1) *Vegetation.* The prevalent vegetation consists of macrophytes that are typically adapted to areas having hydrologic and soil conditions described in *a* above. Hydrophytic species, due to morphological, physiological, and/or reproductive adaptation(s), have the ability to grow, effectively compete, reproduce, and/or persist in anaerobic

soil conditions.<sup>1</sup> Indicators of vegetation associated with wetlands are listed in paragraph 35.

- (2) *Soil.* Soils are present and have been classified as hydric, or they possess characteristics that are associated with reducing soil conditions. Indicators of soils developed under reducing conditions are listed in paragraphs 44 and 45.
  - (3) *Hydrology.* The area is inundated either permanently or periodically at mean water depths  $\leq 6.6$  ft. or the soil is saturated to the surface at some time during the growing season of the prevalent vegetation.<sup>2</sup> Indicators of hydrologic conditions that occur in wetlands are listed in paragraph 49.
- c. *Technical approach for the identification and delineation of wetlands.* Except in certain situations defined in this manual, evidence of a minimum of one positive wetland indicator from each parameter (hydrology, soil, and vegetation) must be found in order to make a positive wetland determination.

### Deepwater Aquatic Habitats

27. The following definition, diagnostic environmental characteristics, and technical approach comprise a guideline for deepwater aquatic habitats:

- a. *Definition.* Deepwater aquatic habitats are areas that are permanently inundated at mean annual water depths  $>6.6$  ft or permanently inundated areas  $\leq 6.6$  ft in depth that do not support rooted-emergent or woody plant species.<sup>3</sup>
- b. *Diagnostic environmental characteristics.* Deepwater aquatic habitats have the following diagnostic environmental characteristics:
  - (1) *Vegetation.* No rooted-emergent or woody plant species are present in these permanently inundated areas.
  - (2) *Soil.* The substrate technically is not defined as a soil if the mean water depth is  $>6.6$  ft or if it will not support rooted emergent or woody plants.

<sup>1</sup> Species (e.g., *Juncus roemerianus*) having broad ecological tolerances occur in both wetlands and nonwetlands.

<sup>2</sup> The period of inundation or soil saturation varies according to the hydrologic-soil moisture regime and occurs in both tidal and nontidal situations.

<sup>3</sup> Areas  $\leq 6.6$  ft mean annual depth that support only submergent aquatic plants are vegetated shallows, not wetlands.

- (3) *Hydrology*. The area is permanently inundated at mean water depths >6.6 ft.
- c. *Technical approach for the identification and delineation of deepwater aquatic habitats*. When any one of the diagnostic characteristics identified in b above is present, the area is a deepwater aquatic habitat.

## Nonwetlands

28. The following definition, diagnostic environmental characteristics, and technical approach comprise a guideline for the identification and delineation of nonwetlands:

- a. *Definition*. Nonwetlands include uplands and lowland areas that are neither deepwater aquatic habitats, wetlands, nor other special aquatic sites. They are seldom or never inundated, or if frequently inundated, they have saturated soils for only brief periods during the growing season, and, if vegetated, they normally support a prevalence of vegetation typically adapted for life only in aerobic soil conditions.
- b. *Diagnostic environmental characteristics*. Nonwetlands have the following general diagnostic environmental characteristics:
- (1) *Vegetation*. The prevalent vegetation consists of plant species that are typically adapted for life only in aerobic soils. These mesophytic and/or xerophytic macrophytes cannot persist in predominantly anaerobic soil conditions.<sup>1</sup>
- (2) *Soil*. Soils, when present, are not classified as hydric, and possess characteristics associated with aerobic conditions.
- (3) *Hydrology*. Although the soil may be inundated or saturated by surface water or ground water periodically during the growing season of the prevalent vegetation, the average annual duration of inundation or soil saturation does not preclude the occurrence of plant species typically adapted for life in aerobic soil conditions.
- c. *Technical approach for the identification and delineation of nonwetlands*. When any one of the diagnostic characteristics identified in b above is present, the area is a nonwetland.

<sup>1</sup> Some species, due to their broad ecological tolerances, occur in both wetlands and nonwetlands (e.g., *Acer rubrum*).

# Part III: Characteristics and Indicators of Hydrophytic Vegetation, Hydric Soils, and Wetland Hydrology

## Hydrophytic Vegetation

### Definition

29. Hydrophytic vegetation. Hydrophytic vegetation is defined herein as the sum total of macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present. The vegetation occurring in a wetland may consist of more than one plant community (species association). The plant community concept is followed throughout the manual. Emphasis is placed on the assemblage of plant species that exert a controlling influence on the character of the plant community, rather than on indicator species. Thus, the presence of scattered individuals of an upland plant species in a community dominated by hydrophytic species is not a sufficient basis for concluding that the area is an upland community. Likewise, the presence of a few individuals of a hydrophytic species in a community dominated by upland species is not a sufficient basis for concluding that the area has hydrophytic vegetation. **CAUTION: In determining whether an area is "vegetated" for the purpose of Section 404 jurisdiction, users must consider the density of vegetation at the site being evaluated. While it is not possible to develop a numerical method to determine how many plants or how much biomass is needed to establish an area as being vegetated or unvegetated, it is intended that the predominant condition of the site be used to make that characterization. This concept applies to areas grading from wetland to upland, and from wetland to other waters. This limitation would not necessarily apply to areas which have been disturbed by man or recent natural events.**