



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
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Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

April 26, 2024

Apr 26 2024

STATE CLEARING HOUSE

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SUBJECT: MCKINLEYVILLE TOWN CENTER REZONE (STATE CLEARINGHOUSE # [2024031111](#))

Dear Jacob Dunn:

On March 28, 2024, the California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) from the Humboldt County Planning and Building Department (County; Lead Agency) for the McKinleyville Town Center Rezone (Project). CDFW appreciates the opportunity to provide feedback and understands the Lead Agency will accept comments through April 26, 2024.

As the Trustee Agency for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary to sustain their populations (Fish & G. Code, §§ 1801 & 1802). As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, §21000 et seq.). These comments are intended to minimize Project impacts on public trust resources.

Project Description

The Project is located in the unincorporated community of McKinleyville in Humboldt County, California. The 134-acre Project site includes existing residential and commercial development, concentrated primarily along Central Avenue, as well as more extensive undeveloped lands to the west, including several acres of wetland. The McKinleyville Town Center is intended to serve as a community focal point supporting social interaction and a mixture of land uses.

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The Project will provide guidance for developing the Town Center site by rezoning the area to a Mixed Use (MU) base zoning and adopting a Q-Zone overlay zoning district. The Q-Zone will expand the range of uses allowed in the underlying zone to support a mix of commercial, office, civic, and high-density residential uses, as well as multi-modal connectivity, public gathering, and open space and wetland preservation. In addition to establishing development standards, Q-Zone regulations will also modify how wetlands are defined in the Town Center site. The McKinleyville Community Plan currently defines wetlands as areas satisfying at least one of three criteria (hydrology, soil, or vegetation); the new definition would require all three wetland parameters to be present.

Biological Significance

The Project site contains functional wildlife habitat in an urban landscape, offering refuge, foraging opportunities, and breeding habitat to a variety of native wildlife. Extensive wetlands also provide ecosystem services, such as groundwater recharge and sediment filtration. The site's wetlands, grassland, and scattered trees may support several special status species, including western bumble bee (*Bombus occidentalis*; state candidate endangered), northern red-legged frog (*Rana aurora*; CDFW Species of Special Concern [SSC]) and Siskiyou checkerbloom (*Sidalcea malviflora* ssp. *patula*; California Rare Plant Rank [CRPR] 1B.2), among others. In addition to wetlands, the Project site may also contain Sensitive Natural Communities (SNCs).

Comments and Recommendations

CDFW would like to offer the following comments and recommendations on this Project in our role as a Trustee and Responsible Agency pursuant to CEQA (Pub. Resources Code, §21000 et seq.).

Biological Surveys

A thorough biological assessment of sensitive wildlife, plants, and habitats should be conducted prior to circulation of the DEIR to adequately disclose direct, indirect, and cumulative impacts and identify feasible mitigation measures. Given historical occurrences of western bumble bee in McKinleyville (CDFW 2024) and the presence of suitable foraging and nesting habitat in the Town Center site, CDFW recommends conducting several appropriately timed protocol-level surveys for special status bumble bees. Rare plants and Sensitive Natural Communities should be assessed following CDFW's March 2018 *Protocols*

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for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities.

Wetland Mitigation

Although CDFW understands the impetus behind changing the definition of wetlands within the Town Center site, it cautions against adopting a set of measures that would collectively undermine wetland protections in McKinleyville. Changing the definition of wetlands to include only three-parameter features could reduce development constraints but may inadvertently discount valuable habitat. Without well-designed, enforceable mitigation and long-term plans for the maintenance and preservation of these areas, the Project risks degradation and loss of wetland habitat values.

According to a compilation of wetland delineations, the Project site contains approximately 5.4 acres of three-parameter wetlands and 0.6 acres of one-parameter wetlands, some of which may qualify as SNCs. Although a portion of the property is intended for wetland mitigation and conservation, development of the Town Center site will inevitably result in wetland fill. The DEIR should disclose the whole of the action for public review (CEQA § 15378(a)), quantifying the nature and extent of Project-related impacts and identifying feasible mitigation measures. CDFW encourages the County to develop a concrete framework for wetland mitigation as part of the environmental review process rather than deferring to the permitting phase (CEQA § 1526.4(a)(1)(B)). A draft Mitigation and Monitoring Plan should be provided, specifying performance standards, and identifying the range of actions that may be taken to achieve those objectives.

Although the County's commitment to no net loss of wetlands is admirable, the proposed mitigation ratio of 1.5:1 may not be sufficient to account for temporal loss of wetland function and the inevitable underperformance or failure of mitigation projects. For these reasons, CDFW typically recommends a ratio of 3:1 or greater. To obtain the greatest ecological benefit, CDFW encourages the County to consider offsite mitigation in addition to the wetland conservation area. By expanding or enhancing wetland habitat in functional ecosystems, the Project could achieve greater ecological lift than it would by consolidating and protecting wetland remnants onsite. This would be particularly true for degraded land adjacent to contiguous riparian areas, such as Widow White Creek.

For wetlands retained or relocated onsite, CDFW recommends adopting clear standards to protect habitat values and ecosystem functions. The draft zoning

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regulations (dated March 28, 2024) include several provisions, including measures to minimize light pollution, prevent stormwater discharge, and preserve natural buffers. CDFW supports the idea of requiring permanent conservation easements and long-term maintenance plans to address invasive species, trespass, and other threats associated with adjacent land uses. Without such measures, areas set aside for conservation and mitigation will degrade in function and value. CDFW also encourages the County to specify adequate wetland buffers, which are an effective means of maintaining habitat connectivity, attenuating disturbance, minimizing encroachment, and protecting water quality. Well-defined buffers are particularly relevant considering the proposal to omit one-parameter wetlands from consideration. Although some of these features are isolated or provide little habitat value, others (e.g., willow thickets) abut contiguous three-parameter wetlands, extending valuable wildlife habitat and reducing edge effects. Sufficient wetland buffers would encompass these features and preserve their function.

Stormwater Management

The conversion of forests, grassland, and other natural areas to impervious surface tends to intensify stormwater runoff and increase non-point source pollution. The DEIR should thoroughly evaluate the potential direct, indirect, and cumulative impacts of increased stormwater runoff and explore feasible mitigation measures to protect adjacent wetlands. CDFW recommends developing a comprehensive stormwater management plan incorporating low-impact development standards that rely primarily on bioretention rather than underground facilities or basins. Vegetated bioswales and other passive forms of treatment retain some of the benefits associated with wetlands, particularly when landscaped with locally appropriate native plants.

Landscaping and Open Areas

The draft zoning regulations include standards for establishing and maintaining landscaped areas, including a provision (5.4.4) that planting palettes incorporate drought resistant species native to coastal northern California or non-invasive species adapted to the local climate. CDFW is supportive of this concept and therefore recommends revisiting the permitted plant list (Exhibit A), which currently conflicts with this stated goal; most of the approved species are non-native ornamentals, and some (e.g., *Leptospermum*, *Maytenus boaria*) are considered invasive. Locally appropriate native species should be prioritized over ornamentals. Native trees, shrubs, and ground covers will provide greater

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habitat benefits, partially offsetting the loss of natural habitat. Wetland buffers and other retained natural areas should be planted exclusively with native plant species appropriate to the McKinleyville area. Finally, CDFW suggests refining the development standard to expressly prohibit invasive plant species listed in the [Cal-IPC Inventory](#). Although the plant list does prohibit several of the most problematic genera (e.g., brooms, heathers), the Cal-IPC Inventory is more comprehensive and is regularly updated.

Submittal of Biological Data to CNDDDB

CEQA requires that information developed in Environmental Impact Reports and Negative Declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code § 21003(e)). Accordingly, please report any special status species and Sensitive Natural Communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Additional information and instructions for data submission can be found on the [CNDDDB website](#).

Thank you for the opportunity to comment on this NOP. CDFW staff are happy to consult with the County and provide technical expertise. Please contact Kathryn Rian, Environmental Scientist, at kathryn.rian@wildlife.ca.gov with any questions or comments.

Sincerely,

DocuSigned by:

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Rebecca Garwood, Coastal Habitat Conservation Program Manager
Northern Region

References: Page 6

ec: State Clearinghouse, Office of Planning and Research
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California Department of Fish and Wildlife

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References

CDFW. 2024. California Natural Diversity Database. Biogeographic Data Branch, California Department of Fish and Wildlife. Retrieved March 11, 2024, from <https://wildlife.ca.gov/Data/CNDDDB>.