



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 14, 2024

Marie Jones
City Planner
City of Point Arena
PO Box 67
Point Arena, CA 95468
planning@pointarena.ca.gov

**SUBJECT: WILDFLOWER EAST MITIGATED NEGATIVE DECLARATION -
STATE CLEARINGHOUSE NUMBER 2024040981**

Dear Marie Jones:

The California Department of Fish and Wildlife (CDFW) received a re-circulation notice of a Mitigated Negative Declaration (MND) for the Wildflower East (Project) from the City of Point Arena on May 15, 2024. CDFW submitted comments on the Coastal Development Permit and Use Permit (CDP 2023-01, Use Permit 2024-01) to the City of Point Arena on June 12, 2024.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may need to exercise regulatory authority as provided by the Fish and Game Code. For example, if changes are proposed, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered

Marie Jones, City Planner
City of Point Arena
June 14, 2024
Page 2

Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project proponent, 610 Properties LLC, proposes to reestablish a restaurant and retail space, hotel lodging and residential housing, and construct additional hotel lodging. The primary Project activities include a lot line adjustment between the two parcels, rehabilitation of three existing structures, construction of five (5) detached lodging units, construction including a 280± square foot trellis and courtyard in front of an existing structure for outdoor restaurant seating, a 40,000-gallon subterranean water tank for fire suppression with a 32-foot-tall gazebo placed on top, and the establishment of onsite parking, landscaping, and walkways. The structures proposed to be rehabilitated will utilize existing electrical service and will re-connect to existing City water and sewer services.

Location:

The Project is located within the City of Point Arena in Mendocino County, located at 135 and 165 Main Street/State Route 1 and situated at Main Street's intersection with Mill Street. The proposed Project area is approximately 1.09 acres on two parcels, Assessor's Parcel Number (APN) 027-122-20 and 027-122-21. Arena Creek is immediately adjacent to the Project and runs along its southern border.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Point Arena in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends below, CDFW concurs that a Mitigated Negative Declaration is appropriate for the Project.

I. Mitigation Measure or Alternative and Related Impact Shortcoming

Issue 1:

BIO IMPACT 1: Approximately 0.07-acre of the undeveloped 100-foot buffer will be permanently impacted through development of the lodging units and a parking lot. Approximately 0.04-acre of the undeveloped buffer will be temporarily impacted from grading and land disturbance during construction. Temporarily impacted areas will likely return to pre-construction conditions (i.e., non-native herbaceous vegetation) following construction (page 31).

Marie Jones, City Planner
City of Point Arena
June 14, 2024
Page 3

CDFW recommendation 1: To avoid or minimize permanent impacts within the undeveloped 100-foot riparian buffer, proposed development should be reconfigured or clustered closer to the existing structures.

CDFW recommendation 2: To reduce the potential for non-native invasive species to re-populate this area, revise MM BIO-1a to require the Project to seed this area with appropriate, locally native herbaceous species after ground disturbance is complete.

CDFW recommendation 3: Revise MM BIO-1a to require a deed restriction prohibiting future development within the ESHA Reserve Area identified on Project plan sheet 1 where riparian enhancement planting will occur.

CDFW recommendation 4: Revise MM BIO-1a to require five years of invasive species management, and target invasive species on both parcels, including areas outside of the 100-foot riparian buffer.

CDFW recommendation 5: Encourage planting of appropriate, locally native species in all landscaping on the Project site, including areas outside of the 100-foot riparian buffer.

Issue 2:

BIO IMPACT 2: Land disturbance activities may create conditions which could cause erosion, sediment deposition, or pollution into riparian vegetation and/or Arena Creek (page 31).

CDFW recommendation 6: Revise MM BIO-2a to limit ground disturbance within 100 feet of a stream to the dry season, from June 15 through October 15.

CDFW recommendation 7: Include a mitigation measure that clearly states work is prohibited within Arena Creek, and limits activities near Arena Creek to installation of windows, roofing, and exterior painting on the southernmost building adjacent to Arena Creek, and future invasive species management as required by Mitigation Measure BIO-1a.

CDFW recommendation 8: Revise mitigation measure MM BIO-2 to require the Project proponent to notify CDFW for a Lake and Streambed Alteration Agreement (LSAA) as required by Fish & G. Code, §§ 1602 if additional work including repair to the existing buildings' foundations will occur. Existing building foundations are located on the bank of Arena Creek.

Marie Jones, City Planner
City of Point Arena
June 14, 2024
Page 4

CDFW recommendation 9: Revise MM BIO-2c to require the Project proponent to immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities, and notify CDFW at 707-445-6493 to consult regarding clean-up procedures as soon as practicable, but no later than 24 hours after any spill within 150 feet of Arena Creek.

Issue 3:

The MND incorrectly concluded that fish habitat does not exist in Arena Creek (page 33). The Project biologist prepared an amendment to the biological report, which analyzed the presence of salmonids in Arena Creek and included four additional mitigation measures. These mitigation measures were submitted to the State Clearing House on May 10, 2024.

CDFW recommendation 10: Include a mitigation measure requiring the Project proponent to consult on potential impacts to salmonids with CDFW and National Oceanic Atmospheric Administration (NOAA) if Project activities are modified to include work within Arena Creek.

Issue 4:

BIO IMPACT 3: Installation and removal of scaffolding with associated netting around existing structures will occur in riparian vegetation. Existing riparian vegetation will be trampled for installation and for access during Project work. Scaffolding will reduce regular trampling for most of the vegetation. However, portions within the pathway for access to the scaffolding will be trampled regularly. Project activities may introduce debris or pollutants (i.e., paint, etc.) into the riparian vegetation (page 31 – 32).

CDFW recommendation 11: Revise MM BIO-3a to require the temporary scaffolding and associated netting to be removed between October 15 and June 15 if exterior work along the southern structure is not completed in one dry season.

CDFW recommendation 12: Revise MM BIO-3c to require work crews to inspect the scaffolding's construction netting for entrapped wildlife. If wildlife become entrapped, the Project proponent shall immediately notify the Project biologist and consult with the appropriate agencies, including CDFW. A qualified biologist shall inspect the construction netting at least weekly to ensure it is functioning appropriately, debris is not entering the riparian area, and that any debris that has fallen into the riparian area is being removed daily by work crews.

Marie Jones, City Planner
City of Point Arena
June 14, 2024
Page 5

CDFW recommendation 13: Revise MM BIO-3d to require supplemental seeding or planting of appropriate, locally native species if riparian vegetation does not return to pre-Project conditions after scaffolding is removed. Prior to replanting, the Project proponent shall create a revegetation plan which shall include the planting palette, performance measures, and monitoring requirements.

Issue 5:

MM BIO-6c requires a new landscaping plan with at least 14 trees (page 40).

CDFW recommendation 14: Revise MM BIO-6c to require the landscaping plan include appropriate, locally native tree species.

II. Editorial Comment

Point Arena mountain beaver (PAMB) (*Aplodontia rufa nigra*) is a Federal Endangered species and a CDFW Species of Special Concern. Section 5b (page 28) states “consultation with CDFW regarding the project determined that PAMB is not located onsite.” The United States Fish and Wildlife Service (USFWS) conducted two surveys (2016 and 2022) and provided a technical assistance letter to the Project that determined this species was not located onsite. The document should be revised to correct the information in the table on page 28, indicating that consultation was conducted by USFWS, not CDFW.

ENVIRONMENTAL DATA

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, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable

Marie Jones, City Planner
City of Point Arena
June 14, 2024
Page 6


upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City of Point Arena in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jennifer Garrison, Senior Environmental Scientist (Specialist) at (707) 477-7792 or e-mail Jennifer.Garrison@wildlife.ca.gov.

Sincerely,

DocuSigned by:

1D82ADE7303A474...

Tina Bartlett, Regional Manager
Northern Region

ec: Melissa Kraemer, Bente Jensen
California Coastal Commission
Melissa.Kraemer@coastal.ca.gov, Bente.Jensen@coastal.ca.gov

Office of Planning and Research, State Clearinghouse
state.clearinghouse@opr.ca.gov

Rebecca Garwood, Angela Liebenberg, Jennifer Garrison
California Department of Fish and Wildlife

Marie Jones, City Planner
City of Point Arena
June 14, 2024
Page 7

REFERENCES

Draft Resolution of the Point Arena City Council Approving a Use Permit, Coastal Development Permit and Lot Line Adjustment for the Wildflower East Project located at 135 AND 165 MAIN STREET. May 29, 2024. City of Point Arena.

Draft Staff Report for Coastal Development Permit and Use Permit (CDP 2023-01, Use Permit# 2024-01) for Wildflower East. May 29, 2024. City of Point Arena.

Memo to State Clearing House. May 10, 2024. City of Point Arena.

Response to request for Point Arena mountain beaver and California red-legged frog technical assistance regarding a proposed commercial construction and remodel project at 135 Main Street, Point Arena, Mendocino County, California. November 11, 2022. United States Fish and Wildlife Service.

Special-Status Fish Assessment Addendum to ESHA Survey Report of 135 Main Street. May 8, 2024. WRA.

Wildflower East Initial Study/Mitigated Negative Declaration (SCH# 2024040981). April 22, 2024. City of Point Arena.

Wildflower East ESHA Report Final. November 2022. WRA.