

# ADDENDUM

to

BIOLOGICAL SCOPING SURVEY,  
WETLAND DELINEATIONS, & BOTANICAL SURVEYS

for

**2300 N Hwy 1**  
**Albion, California 95410**

APN: 123-290-03 Mendocino County

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## Response to comment on Townsend’s big-eared bat and other bat habitat and avoidance measures

**Habitat assessment findings:** We appreciate the opportunity to address concerns regarding potential Townsend’s big-eared bat (*Corynorhinus townsendii*) and other bat habitat on the subject property. Based on thorough evaluations conducted by a qualified biologist from Dark Gulch LLC, no evidence of bats or bat habitat, including roosting and breeding sites, was observed during multiple site visits conducted between March and June 2024, the primary timing of visible maternity colonies, where females gather to raise their young. These surveys were conducted in compliance with California Department of Fish and Wildlife and other state and federal guidelines and included detailed assessments of trees, hollow structures, and other potential roosting habitats within the study area.

**Potential project impacts:** The proposed development does not overlap with any primary bat habitats. Construction activities and vegetation removal for CAL FIRE defensible space requirements are highly unlikely to pose risks to bats. Nevertheless, precautionarily, mitigation measures will be implemented to address any unexpected encounters or indirect effects on bat habitats.

**Avoidance measures:** To ensure further compliance, we have established the following avoidance measures should bats or their habitat be encountered during or after construction:

1. **Contractor training:** Prior to construction, all contractors will receive training on recognizing bat species, roosting behaviors, and appropriate steps to take if bats or habitat are identified during work.
2. **Bat habitat disturbance prevention:** If active bat roosts are discovered, activities will cease immediately in the vicinity, and a buffer zone will be implemented until a qualified biologist assesses the site and provides further guidance.
3. **Vegetation management guidelines:** Vegetation removal for defensible space will be performed according to CAL FIRE guidelines around the development but these defensible spaces will have no impact on potential bat-roosting or -breeding sites. Note that the area of and immediately around the development is dry grassland that does not facilitate bat roosting or breeding.
4. **Post-construction monitoring:** Periodic site inspections will occur quarterly for two years after construction to ensure no new impacts occur to potential habitats.

## Response to comment on potential impacts to California red-legged frog and Northern red-legged frog habitat and avoidance measures

We are also addressing concerns regarding the potential presence of California red-legged frogs (*Rana draytonii*) and Northern red-legged frogs (*Rana aurora*) within the study area. The biological surveys conducted on the property included thorough habitat assessments consistent with California Department of Fish and Wildlife and other state and federal guidelines.

**Habitat locations:** The seasonal wetland areas have been identified and are mapped in the report titled BIOLOGICAL SCOPING SURVEY, WETLAND DELINEATIONS, & BOTANICAL SURVEYS from August 11, 2024. While these areas were closely evaluated for their potential to support amphibians, no evidence suggests they currently serve as habitat for frogs.

**Habitat assessment findings:** The property contains seasonal wetland features and vegetated swales, which could theoretically support amphibians under certain conditions. However, multiple site visits conducted between March and June 2024 by a qualified biologist of Dark Gulch LLC did neither detect the presence of California red-legged frogs nor Northern red-legged frogs; this non-occurrence is despite the site study having occurred during primary egg-laying season of early spring and the summer season when visual and audible detection would be most likely. No direct observations, breeding indicators (e.g., egg masses, larvae), or other evidence of these species were found. Importantly, the habitat features present on the property lack key characteristics such as permanent standing water, floating or submerged riparian vegetation, and sustained hydrological conditions, which are essential for the long-term breeding, foraging, and survival of California red-legged frogs and Northern red-legged frogs.

**Potential project impacts:** The proposed development does not overlap with any primary aquatic habitats of these species. Construction activities and vegetation removal for CAL FIRE defensible space requirements are unlikely to pose significant risks to amphibians. Nevertheless, as a precautionary measure, mitigation strategies will be implemented to address any unexpected encounters or indirect effects on the seasonal wetland areas.

**Avoidance measures:** To ensure no adverse impacts occur, the following measures are proposed:

1. **Contractor training:** Contractors will receive training to identify amphibian species and follow appropriate protocols if species are encountered. This training will occur no later than two weeks prior to construction activities.
2. **Work stoppage during rain events:** Construction work will be temporarily halted during rain events.
3. **Vegetation management guidelines:** Vegetation removal for defensible space will be performed according to CAL FIRE guidelines around the development but these defensible spaces will have no impact on wetland-adjacent areas. Note that the area of and around the development is dry grassland, which is unsuitable for aquatic fauna and flora.
4. **Post-construction monitoring:** Periodic site inspections will be conducted after construction to ensure no new impacts occur to potential habitats.

Taken together, these measures reflect a precautionary yet practical approach to ensuring that potential risks to sensitive species are effectively managed while advancing the project in full compliance with regulatory standards.

## Updated reduced buffer analysis

The reduced buffer analysis was updated to incorporate the responses to the comments received from the County Planner and CDFW. The updates are highlighted in green. Analysis of the proposed project utilizing Mendocino County LCP ordinance section 20.496.02(a) through (k).

Development Criteria	
<p>(1) Width. The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the Department of California Fish and Wildlife and County Planning staff, that one hundred feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width.</p>	<p>There is no feasible alternative to proposed developments within the ESHA buffer given site and legal constraints, as was determined in the BIOLOGICAL SCOPING SURVEY, WETLAND DELINEATIONS, &amp; BOTANICAL SURVEYS dated August 11, 2024 and the Alternative Analysis from January 28, 2025. Impacts are considered to be of minor significance due to the specific characteristics of the wetlands being impacted. A qualified biologist determined that a 100-foot buffer is not necessary to protect the resources of the site's habitat due to the absence of critical ecological features and the lack of functional relationships between the adjacent lands and the ESHA. The seasonal wetland lacks permanent standing water necessary to support long-term wildlife activity, justifying a reduced buffer of 50 feet. Habitat quality for wildlife species within the buffer zone is poor due to the transient nature of water flow and the predominance of dry grassland, which is unsuitable for foraging or breeding.</p> <p>The proposed development has been designed to minimize all potential environmental impacts, including ground disturbance, noise, light pollution, and runoff, thereby ensuring that the ecological integrity of the ESHA is preserved within the reduced buffer zone.</p> <p>Comprehensive avoidance and mitigation measures, such as native vegetation</p>

	<p>restoration and low symbolic fencing, further ensure the adequacy of a buffer equal to or less than 50 feet.</p> <p>An updated Site Plan was prepared to show the fifty-foot ESHA buffer.</p>
<p>New land division shall not be allowed which will create new parcels entirely within the buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area.</p>	<p>No new land division is proposed.</p>
<p>Standards for determining the appropriate width of the buffer area are as follows:  <b>(a) Biological Significance of Adjacent Lands.</b> Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g. nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationship exist, the buffer shall be measured from the edge of the wetland, stream, or riparian habitat that is adjacent to the proposed development.</p>	<p>No significant functional relationship exists between the lands adjacent to the wetlands.</p> <p>Comprehensive site assessments have determined that the adjacent lands lack any significant functional relationship with the ESHA, as they do not support critical life cycle activities such as nesting, breeding, or foraging, nor do they provide essential ecological connectivity for species associated with the wetland habitat. This assessment further support reduction of the buffer area to 50 feet.</p>

<p><b>(b) Sensitivity of Species to Disturbance.</b> The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Wildlife or others with similar expertise.</p>	<p>No rare, threatened or endangered plants or animals are known to utilize the existing wetland areas as habitat. The potential impacts associated with the already installed county-permitted driveway will not significantly disturb other "sensitive" species which may be associated with the ESHA's. A detailed avoidance and mitigation plan has been provided in the original BIOLOGICAL SCOPING SURVEY, WETLAND DELINEATIONS, &amp; BOTANICAL SURVEYS dated August 11, 2024 and in this document.</p>
<p>(i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;</p>	<p>The 50-foot buffer-zone habitat is of poor quality for fish, bat and other aquatic and non-aquatic wildlife species.</p>
<p>(ii) An assessment of the short-term and long-term adaptability of various species to human disturbance.</p>	<p>Associated species are considered to be highly adaptable to disturbance at the levels expected. No rare, threatened, or endangered species, including California red-legged frogs and Northern red-legged frogs, were observed during the primary breeding season or under optimal detection conditions.</p>
<p>(iii) An assessment of the impact and activity levels of the proposed development on the resource.</p>	<p>Impacts are considered to be of minor significance due to the specific characteristics of the wetlands being impacted. Impacts will not vary significantly with expected activity levels.</p> <p>The proposed development has been designed to minimize all potential environmental impacts, including ground disturbance, noise, light pollution, and runoff, thereby ensuring that the ecological integrity of the ESHA is preserved within the reduced buffer zone. Comprehensive avoidance and mitigation measures, such as exclusion fencing and native vegetation restoration, further ensure the adequacy of a buffer of 50 feet.</p>
<p><b>c) Susceptibility of Parcel to Erosion.</b> The width of the buffer zone shall be based, in part, on an assessment of the slope, soils,</p>	<p>Impacts from erosion are expected to be minimal due to slope and best management</p>

<p>impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.</p>	<p>practices that will be implemented for development.</p>
<p><b>(d) Use of Natural Topographic Features to Locate Development.</b> Hills and bluffs adjacent to ESHA's shall be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHA's. Similarly, bluff faces should not be developed but shall be included in the buffer zone.</p>	<p>It is not feasible to locate development according to topographical features.</p>
<p><b>(e) Use of Existing Cultural Features to Locate Buffer Zones.</b> Cultural features (e.g. roads and dikes) shall be used, where feasible, to buffer habitat areas. Where feasible, development shall be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the ESHA.</p>	<p>No existing cultural features provide added buffering capabilities.</p>
<p><b>(f) Lot Configuration and Location of Existing Development.</b> Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g. planting of native vegetation) shall be provided to insure additional protection. Where development is proposed in an area that is largely undeveloped, the widest and most protective buffer zone feasible shall be required.</p>	<p>Avoidance and mitigation measures are outlined in the original BIOLOGICAL SCOPING SURVEY, WETLAND DELINEATIONS, &amp; BOTANICAL SURVEYS dated August 11, 2024 and in this document, and are designed to account for potential impacts to wetlands.</p>
<p><b>(g) Type and Scale of Development Proposed.</b> The type and scale of the proposed development will, to a large</p>	<p>The type and scale of proposed developments are such that only minor impacts to the wetlands are expected.</p>

<p>degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis, depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.</p>	
<p><b>(2) Configuration.</b> The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge of the wetland; for a stream from the landward edge of riparian vegetation or the top of the bluff).</p>	<p>Buffer areas have been measured from outside edge of ESHA's.</p>
<p><b>(3) Land Division.</b> New subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.</p>	<p>No new subdivision or boundary line adjustments are proposed.</p>
<p><b>(4) Permitted Development.</b> Development permitted within the buffer area shall comply at a minimum with the following standards:</p>	
<p><b>(a)</b> Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.</p>	<p>Development is located in the only feasible locations. It is compatible with other development in the vicinity and has been thoughtfully designed to minimize impacts to ESHA's.</p>
<p><b>(b)</b> Structures will be allowed within the buffer area only if there is no other site available on the parcel.</p>	<p>No alternative feasible site exists on the parcel to accommodate the proposed entry gate, existing driveway, existing well, and proposed low symbolic fencing/hedging (as recommended by the County). These elements have been sited within the buffer area to balance functionality, compliance with regulatory guidance, and the preservation of the ESHA's ecological integrity. Their placement minimizes disturbance and ensures compatibility with the buffer's protective purpose, while enabling the continued maintenance and responsible enjoyment of the property.</p>
<p><b>(c)</b> Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the site shall include consideration of</p>	<p>Mitigation will include removal of exotic and invasive species and replacement of native species to enhance the existing wetland.</p>



<p>drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from the natural stream channels.</p>	
<p>(d) Same as 4(a)</p>	
<p>(e) Structures will be allowed within the buffer area only if there is not other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1 which are lost as a result of development under this solution.</p>	<p>No other feasible site is available on the parcel. The property owner has an approved Restoration and Mitigation Plan in place to offset any potential impacts.</p>
<p>(f) Development shall minimize the following: impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, and human intrusion into the wetland and minimize alteration of natural landforms.</p>	<p>Proposed development minimizes all of the listed activities, to the greatest extent feasible.</p>
<p>(g). Where riparian vegetation is lost due to development, such vegetation shall be replaced at a minimum ratio of 1:1 to restore protective values of the buffer area.</p>	<p>No riparian vegetation will be lost.</p>
<p>(h). Aboveground structures shall allow peak surface water flows from a 100 year flood to pass with no significant impediment.</p>	<p>The wetlands are created by an offsite seep and by offsite drainage.</p>
<p>(i). Hydraulic capacity, subsurface flow patterns, biological diversity or hydrological processes, either terrestrial or aquatic shall be protected</p>	<p>No impacts to hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic are projected.</p>
<p>(i). Priority for drainage conveyance from a development site shall be through the natural stream environment zones, if any exist in the development area. In the drainage system design report or development plan, the capacity of natural stream environment zones to convey runoff from the completed development shall be evaluated and integrated with the drainage system whenever possible. No structure shall interrupt the flow of ground water with</p>	<p>No structure shall interrupt the flow of ground water within a buffer strip.</p>

<p>in the buffer strip. Foundations shall be situated with the long axis of interrupted impermeable vertical surfaces oriented parallel to the ground water flow direction. Piers may be allowed on a case by case basis.</p>	
<p>(k). If findings are made that the effects of developing an ESHA buffer area may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval. Noise barriers, buffer areas in permanent open space, land dedicated for erosion control, and wetland restoration, including offsite drainage improvements, may be required as mitigation measures for development adjacent to environmentally sensitive habitats.</p>	<p>Avoidance and mitigation measures are outlined in the original BIOLOGICAL SCOPING SURVEY, WETLAND DELINEATIONS, &amp; BOTANICAL SURVEYS dated August 11, 2024 and in this document, and are designed to account for potential impacts to ESHA's and associated buffers.</p>