Mendocino Solid Waste Management Authority

Central Coast Transfer Station

Response To Comments

Final Environmental Impact Report

State Clearinghouse #2014012058

June 2015

Central Coast Transfer Station

RESPONSE TO COMMENTS

Final Environmental Impact Report

State Clearinghouse #2014012058

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Acronyms & Abbreviations

AB	Assembly Bill
APN	Assessor's Parcel Number
AQMD	Air Quality Management District
BAAQMD	Bay Area Air Quality Management District
BMP	Best Management Practice
CALVEG	California vegetation
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRPR	California Rare Plant Rank
DEIR	Draft Environmental Impact Report
DPM	diesel particulate matter
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
FEIR	Final Environmental Impact Report
GHG	greenhouse gas
LEA	local enforcement agency
LID	Low Impact Development
MCAQMD	Mendocino County Air Quality Management District
MSWMA	Mendocino Solid Waste Management Authority
NOP	Notice of Preparation
PM	particulate matter
RWQCB	Regional Water Quality Control Board
SWPPP	Stormwater Pollution Prevention Plan

1. Introduction

1.1 Purpose of the Response to Comments Document ("RTC")

This document provides responses to comments received on the 2015 Draft Environmental Impact Report (DEIR) for the proposed Central Coast Transfer Station Project ("Project"), and includes necessary revisions to the text and analysis in the DEIR. The DEIR identified the likely environmental consequences associated with the project, and recommended mitigation measures to reduce potentially significant impacts.

This RTC document, together with the DEIR, constitutes the Final EIR (FEIR) for the project and will be considered by the Caspar Joint Powers Agreement lead agency partners (County of Mendocino and City of Fort Bragg) for certification under the California Environmental Quality Act (CEQA).

1.2 Environmental Review Process

CEQA requires lead agencies to consult with public agencies having jurisdiction over a proposed project, and to provide the general public and project applicant with an opportunity to comment on the DEIR. This RTChas been prepared to respond to the significant environmental points raised in the oral and written comments received on the DEIR, to make modifications to the DEIR and to clarify some of the findings in the DEIR.

The DEIR was made available for public review on February 9, 2015, at the following locations: 1) Fort Bragg Public Library, 499 E. Laurel Street, Fort Bragg; 2) City of Fort Bragg, 416 N. Franklin Street, Fort Bragg; 3) City of Fort Bragg website at www.city.fortbragg.com; and 4) Mendocino Solid Waste Management Authority (MSWMA) website at www.MendoRecycle.org. The DEIR was distributed to local and State responsible and trustee agencies and the general public was advised of the availability of the DEIR by posting of a public notice in the local newspaper. A public notice was also posted by the County Clerk as required by law. A public hearing to receive comments on the DEIR was held by the City of Fort Bragg and County of Mendocino on March 19, 2015. The 45-day public comment period closed on March 26, 2015 at 5 p.m.

Copies of all written comments and summaries of all oral comments received on the DEIR are contained in this document. Responses to each comment follow the comment letter or oral comment.

This RTC document will be provided to the Fort Bragg City Council and Mendocino County Board of Supervisors, together with the DEIR, for their review prior to their consideration of resolutions certifying the EIR as a full disclosure of potential impacts, mitigations and alternatives, and approving the project. If the project is approved, recommended mitigation measures will be adopted and implemented as specified in the resolutions and an accompanying mitigation monitoring and reporting program unless the Board of Supervisors and City Council find the measures infeasible as specified in CEQA Guidelines Section 15091 (Findings).

1.3 Document Organization of the RTC

This RTC document is organized into the following chapters:

Chapter 1 – Introduction. This chapter discusses the use and organization of this RTC document, and summarizes the environmental review process to date for the project.

Chapter 2 – Revisions to the DEIR. Deletions and additions to the text of the DEIR are contained in this chapter.

Chapter 3 – List of Commenters. This chapter includes the names of agencies and individuals who commented on the DEIR, both written and oral.

Chapter 4 – Comments and Responses. This chapter reproduces all of the written comments received on the DEIR from public agencies and members of the public and provides responses to those comments both in the form of "Master Responses" (to the environmental points most frequently raised) and point-by-point responses to all other individual comments (The chapter also contains summaries of oral comments received during the Public Hearing held on March 19, 2015 at Town Hall, 363 N. Main Street, Fort Bragg and responses to the significant environmental points raised by those oral comments.

Chapter 5 – References. This chapter includes new references that were used in preparation of the RTC.

2. Revisions to the Draft EIR

This chapter includes the minor revisions to the DEIR necessary to correct minor errors or omissions in the DEIR. The changes to the DEIR are indicated by indented text. Text that has been added to the DEIR is indicated in underline font, while text that has been deleted is indicated with ~~double strikethrough~~ font.

Project Description – Required Permits and Approvals (DEIR Section 2.6)

Add the following to the list of required approvals at page 2.0-6 of the DEIR:

- Variance from California Department of Forestry & Fire Protection for reduced setback from vegetation because of non-flammability of building.

Add the following at the end of Section 2.5.5 New Facility Description:

The motor oil recycling tank, antifreeze recycling tank, appliance recycling drop-off area, and electronics drop-off area will be roofed and graded to prevent rainwater infiltration. The facility use permit will require daily clean-up of any spills or staining.

Aesthetics (DEIR Section 3.1.5 – Impacts and Mitigation Measures)

The following text is added after the second paragraph on page 3.1-6 of the DEIR under the heading "Impact AES-2: Substantially Degrade Existing Visual Character of Site and Surroundings.":

> State Vehicle Code Section 23115 requires that all loads are properly secured to prevent litter and other articles from escaping. Although there are substantial fines for violators, some self-haulers don't comply and litter can accumulate on roadsides in the vicinity of disposal sites. Transfer station operators control this problem by warning customers or by levying penalty rates for uncovered loads, as is done in many jurisdictions. The transfer station operator will do roadside litter cleanup in the vicinity.
>
> The City and the County will require that the contract for transfer station operations includes a provision requiring the operator to remove all roadside litter once per week in the vicinity of the transfer station and to post signs in English and Spanish at the transfer station entrance informing customers of California Vehicle Code Section 23115's requirement to cover all loads. This is an existing legal requirement and municipalities routinely apply such provisions in California either in their direct operations or through an operations contract. The contract for transfer station operations shall also authorize the operator, at its discretion, to levy a penalty surcharge of up to 100 percent on any customer who arrives with an improperly covered load. The City and County will request all law enforcement agencies patrolling in the region to ticket for violations of California Vehicle Code Section 23115.

Air Quality and Odor (DEIR Section 3.3)

The following paragraph is added to Section 3.3.2 – Regulatory Framework, after the second paragraph on page 3.3-6 of the DEIR under the heading Mendocino County Air Quality Management District:

> Emissions of fugitive dust from grading operations would be subject to MCAQMD Rule 1-400(a), Rule 430(a) and Rule 430(b). The project operator would have to submit a Large Grading Operation Permit application to MCAQMD. Construction activities would be subject to District

rules (as noted above) that prohibit the handling, transportation, or open storage of materials, or the conduct of other activities in such a manner that allows or may allow unnecessary amounts of particulate matter to become airborne except when reasonable precautions are taken to prevent emissions and District-required airborne dust control measures are implemented.

The following revisions are made to Table 3.3-3 on page 3.3-7 of the DEIR:

Table 3.3-3 Air Quality Significance Thresholds is revised as follows:

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG	~~180~~54	180	~~None~~40
NO_x	~~42~~54	42	~~None~~40
PM_{10}	80	80	~~None~~15
$PM_{2.5}$	54	54	10
CO	~~Not Applicable~~None	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)125 tons/year	
Fugitive Dust	~~Construction Dust Ordinance or other~~ Best Management Practices	~~None~~Same as above	
Health Risks and Hazards for New Sources			
Excess Cancer Risk	≥10 per one million	≥10 per one million	
Chronic or Acute Hazard Index	≥1.0	≥1.0	
Incremental annual average $PM_{2.5}$	~~0.3~~ ≥3.0 µg/m^3	~~0.3~~ ≥3.0 µg/m^3	
Health Risks and Hazards for Sensitive Receptors (Cumulative from all sources within 1,000 foot zone of influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	100 per one million		
Chronic Hazard Index	10.0		
Annual Average PM2.5	0.8 µg/m3		
Odors	5 confirmed complaints per year averaged over 3 years		

Sources: BAAQMD 2011; BAAQMD 2009; and MCAQMD ~~2003~~2015
(see http://www.co.mendocino.ca.us/aqmd/pdf_files/ceqa-criteria-and-ghg.pdf)
~~(see http://www.co.mendocino.ca.us/aqmd/pdf_files/ISR_Policy.pdf)~~

The following sentence is added to the second paragraph, before the last sentence, on page 3.3-11 of the DEIR under "Impact AQ-1: Violate Any Air Quality Standard or Result in Cumulatively Considerable Net Increase of Any Criteria Pollutant for which the Project Region is in Non-attainment.":

In addition, the Project would be subject to requirements of MCAQMD Regulation 1, Rule 1-430.

The following revisions are made to Table 3.3-4 on page 3.3-10 of the DEIR:

Table 3.3-4 Construction Criteria Air Pollutant Emissions

Facility Site	ROG	NO_x	PM_{10}	$PM_{2.5}$
Emissions in tons per year	0.43	1.29	0.05	0.04
Average Daily Emissions (pounds per day)	6.5	19.5	0.8	0.6
Threshold (pounds per day)	~~180~~54	~~42~~54	~~80~~82	54
Exceed Threshold?	No	No	No	No

The following revisions are made to Table 3.3-5 on page 3.3-11 of the DEIR:

Table 3.3-5 Operational Criteria Air Pollutant Emissions

Facility Site	ROG	NO_x	PM_{10}	$PM_{2.5}$	CO
On-Site Emissions in tons per year	0.27	1.42	1.36	0.18	0.55
Mobile Emissions in tons per year	(0.14)	(1.30)	(0.10)	(0.07)	(1.02)
Average Daily Emissions (pounds per day)	0.7	0.9	7.2	0.6	-
Threshold (tons per year)	40	40	15	10	125
Threshold (pounds per day)	180	42	80	54	-
Exceed Threshold?	No	No	No	No	No

The following number bullet is added at page 3.3-11 of the DEIR to Mitigation Measure AQ-1: Air Quality Control Measures during Construction:

9. Include all applicable requirements contained in District Regulation 1, Rule 1-430.

The following revisions are made to the fourth and fifth paragraphs on page 3.3-12 of the DEIR under "Impact AQ-2: Expose Sensitive Receptors to Substantial Pollutant Concentrations":

The maximum annual $PM_{2.5}$ concentration was 0.285 µg/m^3 occurring at the same location where maximum cancer risk would occur. This $PM_{2.5}$ concentration is below the ~~BAAQMD~~MCAQMD threshold of ~~0.3~~3.0 µg/m^3 used to judge the significance of health impacts from $PM_{2.5}$.

Potential non-cancer health effects due to chronic exposure to diesel particulate matter (DPM) were also evaluated. The chronic inhalation reference exposure level (REL) for DPM is 5 µg/m^3 (BAAQMD 2011). The maximum predicted annual DPM concentration for project construction was

0.133 µg/m^3 (see Appendix B), which is much lower than the REL. The Hazard Index (HI), which is the ratio of the annual DPM concentration to the REL, is 0.027. This HI is much lower than the ~~BAAQMD~~MCAQMD significance criterion of a HI greater than 1.0.

Biological Resources (DEIR Section 3.4)

The following revisions are made at page 3.4-44 of the DEIR to Mitigation Measure BIO-1b and to the second paragraph under the post mitigation level of significance analysis on page 3.4-45:

Mitigation Measure BIO-1b: Mitigate Impact to CRPR Listed Tree Species: Mendocino Cypress and Bolander's Pine

The impacts to individual CRPR-listed tree species associated with pygmy cypress forest (cypress intermediate and tall morphotypes) and Bolander's pine shall be mitigated through preservation at an offsite location. ~~The County and City proposes to use a portion of a 28-acre site identified as Assessor's Parcel Number (APN) 118-50-045 which is adjacent to and north of the Caspar transfer station facility and is forested including cypress, Bishop Pine, and other related species. A photograph of the proposed mitigation site is provided as Figure 3.4-3 and the location is shown on Figure 2-3. This parcel was declared surplus by the County in 2011 and listed for sale. It is zoned Rural Residential with potential for development of a singlefamily house. On September 22, 2014, the County Board of Supervisors rescinded the designation as surplus and reserved the parcel for conservation mitigation if required for this project and/or other projects that could have forestry impacts. The County, owner of this property, shall place a conservation easement over a portion of it to permanently preserve an area at a 3:1 ratio for areas of sensitive listed tree species (cypress and Bolander's pine) that are impacted at the new Central Coast Transfer Station site. At a 3:1 ratio, the conservation easement shall result in preservation of 1.75 acres of mixed cypress and Bolander's pine forest. Impacts to Cypress forest – tall and Cypress forest – intermediate, based on CNDDB rank of S2 for the overall forest classification (versus status/listing of individual tree species), are mitigated as detailed in Mitigation Measure BIO-2, which requires a conservation easement of 1.8 acres (3:1 ratio for impacts to total of 0.6 acres of CNDDB-S2 ranked forest). The 1.75 acres required in Mitigation Measure BIO-1b is in addition to the 1.8 acres required in Mitigation Measure BIO-2, but are coincident to the 1.8 acres (total preservation of 3.55 acres).~~ To mitigate for the removal of individual CRPR listed Mendocino pygmy cypress trees (approximately 229 individuals of intermediate and tall morphotypes) and Bolander's pine (approximately 38 individuals), present within 0.58 acre impact area mapped as Pygmy cypress Alliance (tall and intermediate morphotypes), as well as where individual CRPR listed trees are scattered within the Bishop Pine Alliance proposed for removal, the County will create the Caspar Pygmy Forest Preserve encompassing a 28.3 acre parcel. The County-owned parcel off Prairie Way in Caspar (APN 118-500-45) is undeveloped, is zoned Rural Residential with the potential for development of one or more single-family houses. The site has a variety of habitats present, mostly consisting of Cypress forest pygmy/forested wetland, Bishop Pine Forest Alliance, and pygmy forest morphotypes (intermediate and tall cypress trees). A photograph of the proposed mitigation site is provided as Figure 3.4-3 and the location is shown on Figure 2-3. Vegetation communities mapping conducted at the site documented 12.3 acres of intermediate and tall morphotypes (the former of which includes Bolander's pine subdominant), as well as 7.1 acres of high quality pygmy cypress (short morphotype) mixed with Bolanders pine (WRA 2015). Therefore, a total of 19.4 acres of pygmy cypress forest will be preserved. A separate evaluation

concluded that the proposed Caspar Pygmy Forest Preserve is composed largely of undisturbed pygmy cypress woodland (Heise 2015, Appendix B). The County will execute appropriate legal documents to guarantee that the Caspar Pygmy Forest Preserve will remain undeveloped in perpetuity and only accessible for botanical research and other activities consistent with undiminished protection of the habitat. The preservation may be accomplished by transferring title or an easement to an established conservation organization subject to a preservation covenant, or, if no such organization is found, by the County recording a covenant creating a conservation easement on behalf of the public. In that instance, the County will secure all access points to the property and post warning signs. Quarterly inspection of the Caspar Pygmy Forest Preserve will be made by County personnel along with their routine mandatory inspections of the cover of the nearby closed Caspar Landfill. The inspections of the Preserve will be to ensure gate and signage are in place, and that no vandalism occurs, trash dumping, etc., and propose remedial activities if necessary to maintain current condition of the Preserve.

Level of Significance: Less than significant with mitigation.

Mitigation Measure BIO-1b would preserve pygmy cypress (short, intermediate, and tall morphotypes) mixed with Bolander's pine at an ~~3:1 ratio~~ approximate 30:1 ratio based on acreage, to compensate for impacts to Mendocino pygmy cypress intermediate and tall morphotypes, and scattered individual Mendocino pygmy cypress and Bolander's pine within the Bishop Pine Forest map unit.. Mitigation Measure BIO-1b is consistent with the intent of Mendocino County General Plan Policy RM-28 which calls for implementation of site-specific or project-specific effective mitigation strategies including preservation. Preservation will provide an immediate and permanent protection of an existing habitat similar or higher quality to that being impacted, at an appropriate mitigation ratio to compensate for the use of offsite location and the proposed activity of preservation. The impact to Mendocino pygmy cypress and Bolander's pine is less than significant with mitigation.

The following revisions are made at page 3.4-48 of the DEIR to Mitigation Measure BIO-2 and to the post mitigation level of significance analysis which begins on that same page:

Mitigation Measure BIO-2: Mitigate Impacts to Sensitive Listed Habitats with State Rank S2 Status (Cypress forest - tall and Cypress forest – intermediate).

The impacts to State Rank S2 status habitats shall be mitigated through preservation at an offsite location. ~~The applicant propose to use a portion of a site identified as Assessor's Parcel Number APN 118-50-045 which is adjacent to and north of the Caspar facility.~~ The applicant shall place a conservation easement over ~~a portion of~~ the site to permanently preserve an area ~~at a 3:1 ratio~~ to compensate for areas of impacted sensitive habitat at the proposed Central Coast Transfer Station site (Cypress forest-tall and Cypress forest – intermediate). At a minimum 3:1 ratio, the conservation easement shall include a minimum 1.8 acres and may consist of a mixture of the three cypress morphotypes; pygmy, intermediate, and/or tall cypress and Bolander's pine forest. The ~~1.8 acres~~ acreage is not in addition to the area ~~already~~ being preserved for impacts to sensitive-listed individual tree species within the cypress forest--tall and intermediate--map units, ~~but~~ and shall be coincident to the area placed under conservation easement per Mitigation Measure BIO-1b. ~~Therefore, in addition to the 1.75 acres proposed for permanent preservation as part of Mitigation Measure BIO-1b, an additional 0.05 acres shall be included in the preservation area for a minimum of 1.8 acres.~~

~~A conservation easement will be placed over a portion of the preservation site to permanently preserve an area at a 3:1 ratio to areas of impact at the proposed project site (Cypress forest-tall and Cypress forest – intermediate). At a 3:1 ratio, the conservation easement shall include a minimum of 1.8 acres and may consist of a mixture of the three cypress morphotypes; pygmy, intermediate, and/or tall cypress and Bolander's pine forest. The 1.8 acres is in addition to the area already being preserved for impacts to sensitive listed individual tree species within the habitats mitigated for under BIO-2 (cypress forest--tall and intermediate--map units), and shall be coincident to the area placed under conservation easement per Mitigation Measure BIO-1b. Therefore, in addition to the 1.75 acres proposed for permanent preservation as part of Mitigation Measure BIO- 1b, an additional 0.05 acres shall be included in the preservation area for a minimum of 1.8 acres.~~ To mitigate for the removal of 0.58 acre of Mendocino pygmy cypress (tall and intermediate morphotypes) [12.6% of onsite map units] the County will designate the Caspar Pygmy Forest Preserve encompassing a 28.3 acre parcel. The County-owned parcel off Prairie Way in Caspar (APN 118-500-45) is undeveloped, is zoned Rural Residential with the potential for development of one or more single family houses. The proposed preservation site has a variety of habitats present, including pygmy cypress forest (short morphotype), Bishop Pine Forest Alliance, and pygmy cypress intermediate and tall morphotypes. A photograph of the proposed mitigation site is provided as Figure 3.4-3 and the location is shown on Figure 2-3. Vegetation communities mapping conducted at the site documented 12.3 acres of intermediate and tall morphotypes, as well as 7.1 acres of high quality pygmy cypress (short morphotype) [WRA 2015]. Therefore, a total of 19.4 acres of pygmy cypress forest will be preserved. This mitigation in the form of preservation would result in an approximate 30:1 mitigation ratio for impacts. A separate independent evaluation of the site concluded that the proposed Caspar Pygmy Forest Preserve has "is composed largely of undisturbed pygmy cypress woodland" (Heise 2015). The County will execute appropriate legal documents to guarantee that the Caspar Pygmy Forest Preserve will remain undeveloped in perpetuity and accessible for botanical research and other activities consistent with undiminished protection of the habitat. This may be accomplished by transferring title or an easement to an established conservation organization subject to a preservation covenant, or, if no such organization is found, by the County recording a covenant creating a conservation easement on behalf of the public. In that instance, the County will secure all access points to the property and post warning signs. Periodic inspection of the Caspar Pygmy Forest Preserve will be made by County personnel at the same times as the mandatory inspections are made of the cover of the nearby closed Caspar Landfill.

Level of Significance: Less than significant with mitigation.

The preservation site is identified as APN 118-50-045, and is adjacent and to the north of the current Caspar facility. The preservation site has similar, if not more pygmy-forest oriented species composition, compared to the area of impact, with a mixture of true pygmy forest (stunted with both cypress and Bolander's pine present) as well as intermediate cypress and Bolander's pine areas, and some Bishop pine (per GHD May 2014 site visit, WRA 2015). Unless preserved, portions of this site could be threatened by future development and/or encroachment from adjacent uses. For potential impacts to habitats with State Rank S1 or S2, preservation is deemed an appropriate mitigative activity for these areas since attempts for direct replacement of the habitats would be linked to a unique ecosystem relationship, which in this case includes slow growing species within a setting of restrictive soil conditions. Preservation will provide an immediate and permanent protection of an existing habitat similar to that being impacted,

covering 30 times as much acreage as the area of impact, ~~at an appropriate mitigation ratio (3:1) to~~ and also compensates for the use of an offsite location (versus onsite) ~~and the proposed activity of preservation. The 3:1 ratio is appropriate rate as it provides compensation for the use of an offsite location (versus onsite) as well as the use of preservation as opposed to other mitigation strategies such as replacement.~~ A temporal loss is not anticipated. The mitigation approach is consistent with RM-28 which allows for preservation as a mitigative approach for impacts to special-status species habitat, and RM-74 that prioritizes minimization and avoidance prior to employing replacement, protection, or enhancement measures. In conjunction with the avoidance and minimization activities conducted during project planning, and after proposed preservation/protection activities, the impact is determined to be less than significant.

Hydrology & Water Quality (DEIR Section 3.8)

The following text is added after the first paragraph at page 3.4-11 of the DEIR under the "operation" analysis under "Impact HWQ-1 Violate any Water Quality Standards or Waste Discharge Requirements":

The motor oil recycling tank and antifreeze recycling tank planned for the recycling drop-off area are standard features used at many transfer stations. The existing motor oil tank at Caspar Transfer Station would be moved to the new facility. It has double-containment and is encased in concrete to protect it from any rupture. Likewise, the antifreeze recycling tank would have external containment to prevent any leaks from escaping. Nevertheless, public use can cause minor small spills when motor oil or antifreeze are being poured into the tanks, that could affect rain runoff. Also, appliances and electronics in recycling drop-off areas create a potential for minor transmission of contaminants if exposed to rain. Exposure to rain will be prevented by roofing these areas and grading to prevent infiltration of stormwater.

The following revisions are made at pages 3.9-17 to 3.9-18 of the DEIR to Mitigation Measure HWQ-4: Reduce Potential for Offsite Runoff:

Mitigation Measure HWQ-4 Reduce Potential for Increased Offsite Runoff

The applicant shall design and construct detention basins within the project site~~area~~ to reduce stormwater runoff volume, rates, and sedimentation in addition to allowing stormwater to infiltrate. The specific locations of these detention basins will be determined during the development of the grading and drainage plans, as required by Mendocino County. To facilitate this, the applicant shall submit a final detailed design-level hydrologic and hydraulic analysis as necessary to Mendocino County detailing the implementation of the proposed drainage plans, including detention basin facilities that will conform to the following standards and include the following components, at a minimum:

1. The project shall ensure the peak runoff for the 2-, 10-, 50- and 100-year/24-hour storm events for post-development conditions is not greater than under existing conditions. The final grading and drainage plan, including detention basin designs, shall be prepared by a California licensed Professional or Civil Engineer. All design and construction details shall be depicted on the grading and drainage plans and shall include, but not be limited to, inlet and outlet water control structures, grading, designated maintenance access, and connection to existing drainage facilities.

2. Mendocino County shall review and approve the grading and drainage plans prior to implementation to ensure compliance with County standards. The project shall incorporate any additional improvements deemed necessary by the County.

3. Once constructed, the drainage components, including detention basins and conveyance structures will be inspected by the County and maintained per the guidelines outlined in the projects SWPPP.

4. The detention basins shall be designed to completely drain within 24 to 96 hours (also referred to as "drawdown time"). The 24-hour limit is specified to provide adequate settling time; the 96-hour limit is specified to mitigate vector control concerns (e.g., mosquitoes). The project shall employ erosion control practices (i.e., temporary seeding and mulching) to reduce the amount of sediment flowing into the basin. The outlet structures shall be armored (e.g., riprap lined or equivalent) and designed to evenly spread stormwater where appropriate and slow velocities to prevent erosion and re-suspension of sediment. Specifically, the northern most detention basin shall have a vertical outlet pipe located within the detention basin that is connected to a pipe manifold that discharges stormwater in a regulated manner through a minimum of four equally spaced discharge pipes. By spacing the diffuser pipes a minimum of 25 feet from each other and discharging into an existing drainage located in the Bishop Pine Forest, stormwater infiltration will be promoted while not impacting the pygmy forest. The southernmost detention basin shall utilize a similar approach to managing stormwater, but will only consist of one outlet pipe that discharges directly to the existing drainage swale on Highway 20.

The contractor shall ensure that all disturbed areas of the project are graded in conformance with the approved grading and drainage plans in such a manner as to direct stormwater runoff to properly designed detention basins.

The DEIR changes noted above are minor/technical and do not add "Significant New Information" as defined by CEQA to require recirculation of the DEIR pursuant to Section 15088.5 of the CEQA Guidelines.

3. List of Commenters

3.1 Comments Received

During the 45-day public comment period, the County received 26 written comments (letters/emails), and 19 oral comments at the March 19, 2015 public hearing. A list of the comment letters and oral comments received, including the names and affiliations of the commenters, is shown below in Table 3-1. The written comments that were received are numbered alphabetically starting with "A" through "Z" and the oral comments are numbered alphabetically starting with "AA" through "SS."

Table 3-1 Comments Received

Letter	Agency/Organization	Last Name	First Name	Letter/E-mail Date
Written Comments Received				
A	Local Resident	Dwyer	Eugene	February 24, 2015
B	California Department of Forestry & Fire Protection	Sciocchetti	Louis	March 9, 2015
C	Mendocino County Air Quality Management District	Scaglione	Robert	March 11, 2015
D	California Department of Transportation	Ahlstrand	Tatiana	March 13, 2015
E	Local Resident	Zekley	Mickie	March 16, 2105
F	Local Resident	Thorbecke	Erik	March 18, 2015
G	Local Resident	Childs	Rick	March 19, 2015
H	Local Resident	Brown	Barbara	March 20, 2015
I	Northcoast Environmental Center	Ehresman	Dan	March 20, 2015
J	Mendocino County Department of Planning & Building	Gustavson	Andy	March 20, 2015
K	Local Resident	Lemos	William & Mary	March 22, 2015
L	Local Resident	Thorbecke	Charla	March 23, 2015

Table 3-1 Comments Received

Letter	Agency/Organization	Last Name	First Name	Letter/E-mail Date
Written Comments Received				
M	Local Resident	James	Jeremy	March 23, 2015
N	Form letter sponsored by EPIC	Wisedagama	Don (many others)	March 24, 2015
O	California Department of Fish & Wildlife	Babcock	Curt	March 24, 2015
P	Local Resident	Keppeler	Elizabeth	March 25, 2015
Q	California Native Plant Society	Hubbart	Lori	March 25, 2015
R	Environmental Protection Information Center	DiPerna	Robert	March 26, 2015
S	Local Resident	Wehren	Rixanne	Undated
T	Provencher & Flatt LLP	Mansfield-Howlett	Rachel	March 26, 2015
U	Local Resident	Kashiwada	Leslie	March 26, 2015
V	Local Resident	Berrettini	Mary	March 26, 2015
W	Local Resident	Dawson	Daney	March 26, 2015
X	Local Resident	Stone	Lori	March 26, 2015
Y	Local Resident	Weibel	Annemarie	March 26, 2015
Z	Department of Resources Recycling and Recovery	Karl	Christine	March 25, 2015
Oral Comments Received at Public Hearing March 19, 2015				
AA	Local Resident	Thorbecke	Charla	March 19, 2015
BB	Local Resident	Keppeler	Sean	March 19, 2015
CC	Local Resident	LaDue	Leanne	March 19, 2015
DD	Local Resident	Tavelli	Elaine	March 19, 2015
EE	Local Resident	LaDue	Pat	March 19, 2015

Table 3-1 Comments Received

Letter	Agency/Organization	Last Name	First Name	Letter/E-mail Date
Written Comments Received				
FF	Local Resident	Childs	Rick	March 19, 2015
GG	Local Resident	Fairall	Kelly	March 19, 2105
HH	Local Resident	Pember	Kent	March 19, 2015
II	Local Resident	Wehren	Rixanne	March 19, 2015
JJ	Local Resident	Rice	Barbara	March 19, 2105
KK	Local Resident	James	Jeremy	March 19, 2015
LL	Local Resident	Fremont	John	March 19, 2015
MM	Local Resident	Rennacker	Ann	March 19, 2015
NN	Local Resident	Lemos	William	March 19, 2015
OO	California Department of Fish & Wildlife	Leppig	Gordon	March 19, 2015
PP	Local Resident	Kashiwada	Leslie	March 19, 2015
QQ	Local Resident	Boecker	Sue	March 19, 2015
RR	Local Resident	Gressett	Rex	March 19, 2015
SS	Local Resident	Courtney	Meg	March 19, 2015

4. Comments and Responses

4.1 Master Responses to Comments

Review of the written and oral comments made on the DEIR indicated that some comments were made frequently, demonstrating a common concern. To allow presentation of a response that addresses all aspects of these related comments, several Master Responses have been prepared. Master Responses are intended to allow a well-integrated response addressing all facets of a particular issue, in lieu of piece-meal responses to each individual comment, which may not have portrayed the full complexity of the issue. The use of a Master Response is in no way intended to minimize the importance of the individual comments. Master Responses have been prepared for the following common issues: Mitigation for Pygmy Cypress Forest; Classification of Bishop Pine Forest; Alternatives Evaluated; Aesthetic Impacts; Mendocino County General Plan; Summers Lane Reservoir; and Hydrology and Water Quality.

Master Response #1 – Mitigation for Pygmy Cypress Forest

Pygmy cypress forest and associated tree species are not listed under the Federal Endangered Species Act or other regulation which forbids their removal. The forest as a community type is listed as special-status "imperiled" (G2 S2) by the California Department of Fish & Wildlife (CDFW). The individual tree species associated with the community type (Mendocino pygmy cypress and Bolander's pine) are listed by CDFW as California Rare Plant Rank (CRPR) List 2 species. In both cases (as a community type as well as on the individual tree species level) projects should be designed to avoid, minimize, and/or mitigate impacts to them. The County General Plan provides guidance in Policy RM-28 and RM-84 on avoidance, minimization, and mitigation. The project design and mitigation provided in the DEIR addresses minimization and mitigation in several ways, as further elaborated and reiterated below.

The proposed project has a total 4.72-acre footprint that was selected and oriented specifically to minimize/avoid the Pygmy cypress forest to the greatest extent possible, and through project design the impacts have been minimized to 0.58 acres of Cypress forest--intermediate pygmy and tall morphotypes (reference DEIR Figure 3.4-1), and direct impacts to the more rare and sensitive Cypress forest (pygmy morphotype) / Forested Wetland (with open understory and stunted trees) have been completely avoided. The project leaves 12.26 acres of Pygmy cypress forest on the site which would be undisturbed.

To mitigate for the removal of 0.58 acre of Pygmy cypress forest and impacts to individual Mendocino pygmy cypress (intermediate and tall morphotypes) and Bolander's pine, the County will establish the Caspar Pygmy Forest Preserve at a 28.3 acre parcel that the County owns off Prairie Way in Caspar (APN 118-500-45). As shown in Section 2 Revisions to the Draft EIR, Mitigation Measures BIO-1b and BIO-2 have been revised to reflect this increased mitigation ratio. The preservation will result in a nearly 30:1 ratio for compensation of project impacts. This parcel is undeveloped land with a variety of habitats as listed in Table 4-1, including Pygmy cypress 19.35 acres of short, intermediate and tall morphotypes. The mitigation parcel also includes areas of Bishop Pine Forest Alliance. As discussed in Master Response #2, vegetation communities mapping conducted at the site documented 12.30 acres of intermediate and tall morphotypes (the former of which includes Bolander's pine subdominant), as well as 7.05 acres of high quality pygmy cypress (short morphotype) mixed with Bolanders pine (WRA 2015), as shown in the map in Appendix A. Therefore, a total of 19.35 acres of pygmy cypress forest will be persevered, resulting in the approximate 30:1 mitigation ratio, as shown in Table 4-1 (WRA 2015).

Table 4-1 Caspar Pygmy Forest Mitigation Site Habitat Acreages

Habitat	Percent of Mitigation Site	Mitigation Site Acres	Project Impacts	Mitigation Percent
Cypress (short) / Bolander's	24.9%	7.05	0.00	***30%***
Cypress (intermediate) / Bolander's / Bishop	30.4%	8.60	0.26	
Cypress (tall) / Bishop	13.1%	3.70	0.32	
Subtotal	***68.4%***	***19.35***	***0.58***	
Bishop / cypress (intermediate, tall)	20.4%	5.76	4.00	1.4%
Scrub-shrub wet area	4.0%	1.14	0.00	0.0%
Other	7.2%	2.05	0.00	0.0%
TOTAL	**100%**	**28.30**	**4.58**	

A separate independent evaluation of forest resource quality within the area proposed for preservation concluded that the proposed Caspar Pygmy Forest Preserve is composed largely of undisturbed pygmy cypress woodland (Heise 2015). This parcel had previously been declared surplus County property and slated for sale. Under law the first step in disposition of County property is offering it for auction to other government entities. This formality was completed in 2012 with no government bids made, and the next step planned by the County was listing it with a real estate broker for sale, possibly for residential development. County General Services was in the process of making this listing in 2014 when the Board of Supervisors acted to rescind the declaration of surplus and make the property available as a mitigation site. Therefore, the creation of the Caspar Pygmy Forest Preserve would substitute for a County procedure that was in process to sell off the site for development which would likely fragment the habitat, result in removal of vegetation, and foreclose future likelihood of preservation of this site.

On April 7, 2015, the Board unanimously (5-0) approved that the 28.3 acre parcel APN 118-500-45 may be designated as the Caspar Pygmy Forest Preserve. "Motion from Closed Session Item 9(f): Staff is authorized to include as an enhanced mitigation measure in the RTC for the Central Coast Transfer Station that the 28.3 acre parcel APN 118-500-45 may be designated as the Caspar Pygmy Forest Preserve and protected through arrangements with a conservation organization or by the County itself subject to recording of binding covenants on the property."

Several commenters imply that Pygmy cypress forest is unprotected and vulnerable to extinction. In 1998, California vegetation (CALVEG) mapped 4,420 acres between Ten Mile and Navarro Rivers. The CDFW is reevaluating this number and based on communications with CDFW staff, the DEIR conservatively adopts an estimate of 2,000 acres (DEIR Table 3.4-3 footnote). What is particularly noteworthy is the acreage that has been permanently protected to date. Protected Pygmy cypress forest acreage is found in Mendocino County at Jughandle State Nature Reserve (247 acres), Russian Gulch State Park), the Hans Jenny Pygmy Forest Reserve (70 acres), Van Damme State Park, Jackson Demonstration State Forest (JDSF) (613 acres), and in Sonoma County at Salt Point State Park The creation of the 28.5-acre Caspar Pygmy Forest Preserve (19.4 acres of which is pygmy cypress of various morphotypes), would

significantly expand the protected acreage of this habitat and promote its long-term survival. With Mitigation Measure BIO-2, as revised, the impact to Pygmy cypress forest remain less than significant.

Master Response #2 – Classification of Bishop Pine Forest

The four (4.0) acres of Bishop Pine Forest that would be cleared for the project have been classified according to the CDFW's Natural Communities List (September 2010) which identifies "Bishop Pine Forest Alliance" as "G3 S3" (CDFW 2014/2015). This G3 S3 is the same ranking that was determined by WRA Associates, the independent field biologists who surveyed and mapped the project site prior to commencement of the DEIR process, and the results of which were incorporated into the DEIR (DEIR Appendix D Table 1).

The "G3 S3" rank for Bishop Pine Forest Alliance means "vulnerable" but less so than, nor imperiled such as, the "S1" or "S2" rank. Whether or not removal of "S3" vegetation is a significant impact under CEQA depends on whether it would "substantially reduce the habitat" or "drop below self-sustaining levels" or "threaten to eliminate a plant or animal community" (DEIR page 3.4-47). The DEIR notes that USDA's CALVEG mapped 14,900 acres of Bishop pine in Mendocino County in 1998 (DEIR, page 3.4-47, citing the DEIR for Jackson Demonstration State Forest Management Plan, 2005, page VII.6.2-2, which further states that 622 acres of Bishop pine are found in JDSF alone). The Forest Service of the U.S. Department of Agriculture states the "Bishop Pine Alliance" is, "abundant in Mendocino and Sonoma Counties. Stands also exist in San Luis Obispo and Santa Barbara Counties, the Channel Islands and Baja California" (USFS 2008). Accordingly, the DEIR calculates that the removal of four acres of Bishop Pine Forest for the project regionally would constitute a loss of 0.03 percent of the existing species in Mendocino County, and that this is not a significant impact (DEIR p. 3.4-47).

Various commenters suggested that the DEIR "misclassified" Bishop Pine Forest as "G3 S3" when it should be classified as "Northern Bishop pine G2 S2," a more vulnerable category, and which would be based on Holland nomenclature. These claims are contradicted by the current CDFW website which states:

> *"Holland types originally tracked by the CNDDB are referenced with a code beginning with "CTT." These are provided as "legacy information" with the understanding that Holland CTT codes and community types are* ***no longer supported by DFG****. Instead, all new information on terrestrial natural communities should use the State's standard nomenclature as provided in the current Natural Communities List.* (CDFW 2014/2015)

The Natural Communities Lists posted by CDFW show "Northern Bishop pine" with the Holland CTT code CTT 83121CA. Per CDFW, the "Northern Bishop pine" is a legacy "Holland type" category is "no longer supported" and does not have a key for classification/application for a vegetation stand. Although not deemed a significant impact to Bishop Pine Forest based on the findings of the DEIR, and as reiterated above, it should be noted that the County does propose to establish the 28.5 acre Caspar Pygmy Forest Preserve, as described in the revised Mitigation Measures BIO-1b and BIO-2 in this RTC. This parcel is undeveloped land with a variety of habitat including Mendocino pygmy cypress (short, intermediate, and tall morphotype) and 5.76 acres of Bishop Pine Forest. As part of the proposed preservation, Bishop Pine Forest Alliance will be permanently protected, as well as Bishop pine trees intermixed in areas mapped as pygmy cypress forest intermediate and tall morphotypes, resulting in 1.4:1 preservation (it is noted that

preservation of the 5.76 acres of Bishop Pine Forest is considered a secondary benefit of preserving the entire Caspar site. The Draft EIR does not consider impacts to Bishop Pine Forest as significant.).

Master Response #3 – Alternatives Evaluated

As described in the DEIR in Section 1.3.1, the process that led to the designation of the project site as the preferred alternative began in 2006 with a wide survey of possible sites and proceeded systematically to narrow consideration down to sites that were both feasible and would meet the project objectives as summarized in DEIR Section 2.3.

The DEIR Section 4.1 discusses the CEQA requirements for analysis of alternatives to the project. There is no requirement to analyze every conceivable alternative, or alternatives which aren't feasible due to such factors as physical barriers, excessive cost beyond the available funds, legal barriers or lack of availability. The lead agency must choose what alternatives to analyze using a "rule of reason" (CEQA Guidelines 15126.6(a)). "The EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project" (CEQA Guidelines Section 15126.6(f)).

Accordingly, the DEIR analyzed two alternatives in addition to the proposed project, and then discussed five alternatives that were considered but not carried forward in the DEIR. These five alternatives that were considered but not carried forward in the DEIR, in addition to the alternatives analyzed in the DEIR, are the alternatives the City and County identified during their rigorous, multi-year site selection process from dozens of potential locations that were considered starting in 2007.

The Guidelines state that alternatives need to be analyzed only to the extent necessary to provide "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project" (CEQA Guidelines Section 15126.6(d)).

The City and County considered the Caspar self-haul transfer station site as the principal alternative and it is compared in detail to the project in 12 categories. Five other alternatives that were considered but not carried forward in the DEIR (the "semi-finalists" in the selection process) are listed and analyzed in sufficient detail to identify the reasons why these sites are infeasible or inferior to the project on specific environmental grounds. This involves choices as to which environmental considerations are most important. The City and County have the authority to make such choices provided that the reasons are clearly disclosed, as they are in the DEIR in Section 4.0.

Cost considerations are relevant under CEQA only insofar as they dictate the feasibility of an alternative; that is, whether or not the cost is so great that the lead agency would be unable to pay for it. While some comparative cost information is mentioned in the Alternatives discussion, none of the Alternatives are rejected because of excessive cost (insofar as costs are known). Rather, five alternatives considered but not carried forward in the DEIR were rejected because of specific environmental problems that are stated in DEIR Section 4.0. The following reiterates the critical issues associated with the No Project Alternative, the Caspar Site Alternative and the alternatives considered but not carried forward in the DEIR:

<u>Alternatives Analyzed in Draft EIR</u>

- Alternative 1 No Project: existing hauling inefficiency would continue, resulting in the benefits of implementing the project being lost (reduced GHG emissions and air pollutants, improved traffic distribution).

- Alternative 2 Caspar Site: greater visual resource impacts than the proposed project; greater energy use and greenhouse gas (GHG) emissions; and inadequate turn pocket off Highway 1 (DEIR Section 4.2.2).

Alternatives Considered but not Carried Forward in DEIR

- Georgia-Pacific Woodwaste Landfill: need for 3,000 feet of new road construction; unsuitability of access by narrow Summers Lane; and need for extensive removal of pygmy forest (DEIR Section 4.4.1).
- Empire Waste Management Pudding Creek Road: traffic congestion at Highway 1 downtown "choke" point and close proximity to large residential development. In addition, this site is not available for public ownership and therefore would not meet a basic project objective (DEIR Section 4.4.2).
- California Western (Skunk) Railroad: rail haul does not remove the need for a transfer station facility to receive waste and consolidate it into large trailers or containers, a transfer station near the Skunk Train depot would be incompatible with dense surrounding residential and commercial neighborhoods, and would cause traffic congestion at the Highway 1 downtown "choke" point (DEIR Section 4.4.3). It should also be noted that no proposal was ever received from the California Western Railroad to use it for trash transfer, although the railroad was invited to do so.
- Leisure Time RV Park: unacceptably close proximity to many residences; as close as 20 feet from the site (DEIR Section 4.4.4). Another consideration not mentioned in the DEIR is that using this site would require eviction of a significant number of long-term recreational vehicle tenants.
- Mendocino Parks & Recreation District property: unacceptably close proximity to many residences; as close as 20 feet from the site; and unavailability due to asking price substantially exceeding appraised fair market value, which is the maximum that public entities may pay (DEIR Section 4.4.5).

Master Response #4 – Aesthetic Impacts

The conceptual site plan for the project appears in DEIR Figure 2-2. It shows that substantial setbacks would exist on all sides of the facility. The DEIR Aesthetics Section 3.1 explains that these setbacks are filled with dense forest vegetation ranging from tall Bishop pine to shorter trees and dense bushes, which will hide all facilities from view except for the entrance driveway. Representative photos of this dense vegetative screen appear on DEIR pages 3.1-2 and 3.1-3. Visitors to Fort Bragg who are driving past the project site will not be aware of the presence of a transfer station except for the entrance sign and driveway.

A different aesthetic issue was raised by commenters who predicted increased blown litter along Highway 20 from improperly secured self-haul trash loads. While no commenter presented any evidence that aesthetic impacts associated with blown litter from self-haul trash loads will result from this Project, additional language has been added to Impact AES-2 regarding, and addressing this issue by noting that the existing Vehicle Code section 23115 already prohibits such trash spills caused by inadequately secured/covered loads. Refer to Section 2 Revisions to the Draft EIR.

Master Response #5 – Mendocino County General Plan

Mendocino County General Plan Policy RM-28 states that impacts to special-status species shall be avoided "to the maximum extent feasible." Other General Plan policies echo this priority of protecting special-status species and mitigating impacts, but none impose an absolute prohibition on taking sensitive habitat under any circumstances.

Regarding definitions of sensitive habitat, and to address Policy RM-31, see Master Response #1 – Mitigation for Pygmy cypress forest and #2 – Classification of Bishop Pine Forest, as well as Response U-2 which addresses mapping and definition of pygmy forest.

Numerous features of the project are designed to avoid (to the maximum extent feasible), minimize, or mitigate impacts to special-status Pygmy cypress forest and coast lily. The facility's 4.72-acre footprint was selected and oriented specifically to avoid the Pygmy cypress forest almost completely, impacting only 0.58 acre identified as Cypress forest (tall and intermediate morphotypes). This leaves 12.26 acres which will be undisturbed, including all the Cypress forest (short/dwarfed morphotype) that occurs coincident with USACE Forested Wetland, the more sensitive and unique habitat. In addition, 19.5 acres of similar habitats at the offsite 28.3 acre Caspar Pygmy Forest Preserve will be permanently preserved instead of being sold and possibly developed (amended DEIR Mitigation Measures BIO-1b and BIO-2). As explained in DEIR BIO-2, offsite mitigation through preservation is consistent with both the spirit and letter of General Plan Policies RM-28 and RM-74.

The majority of the area occupied by coast lily will be protected with protective fencing. Five individual plants (five) scattered outside of the area to be protected but within the project footprint will be transplanted or replaced within the area to be protected and fenced (DEIR Mitigation Measure BIO-1a).

To meet intent of RM-24 and RM-25, through the project planning phase, the site development was placed so that direct impacts to sensitive habitat (minimized to 0.58 acres) do not fragment remaining habitat, and impacts are generally along the fringe of mapped habitats and do not dissect sensitive habitats.

Regarding RM-74 and no net loss of sensitive resources, while the project does result in a loss of 0.58 acres, the CDFW (personal communication 2014) and the County have indicated that preservation is a preferred method for mitigation for loss of Pygmy cypress forest due to the unique association of vegetation structure with soil series, which may be difficult to replicate. The substantial mitigation ratio of 30:1 would provide permanent protection of the species in perpetuity, following CDFW and County guidance, and mitigates the impact to less than significant. In alignment with Policy RM-29, impacts to wetlands have been avoided.

RM-75 does not prohibit offsite replacement, and the project has prioritized onsite avoidance during the project planning phase, which has minimized impacts to 0.58 acres.

RM-78 is addressed through establishment of the Caspar Pygmy Forest Preserve, which permanently protects 19.5 acres of Cypress Pygmy forest (includes dwarfed pygmy forest, transitional/intermediate, and tall cypress trees) as well as documented habitat for at least five sensitive listed species (including pygmy cypress trees). This addresses, "conserve native vegetation, critical habitat and soil resources through…technical and financial assistance, cooperative endeavors, etc."

The project incorporates the intent of RM-79 to protect sensitive environments through establishment and protection/preservation of the Caspar Pygmy Cypress Preserve.

The project would follow RM-84 through establishment of the Caspar Pygmy Cypress Preserve, which permanently protects 19.5 acres of Cypress Pygmy forest (includes dwarfed pygmy forest, transitional/intermediate, and tall cypress trees), 5.76 acres of Bishop Pine forest, as well as documented habitat for at least five sensitive listed species (including pygmy cypress trees) [Heise 2015]. This area will be protected by a conservation easement that does not allow native vegetation removal, and maintains vegetation continuity with surrounding/adjacent natural areas. This also protects this area from subdivision and potential for residential development, the introduction of water and nutrients, sewage disposal, animals and agricultural use.

There are other Mendocino County General Plan policies which support the balancing of environmental impacts of a proposed project. Policy RM-50 states: “Mendocino County acknowledges the real challenge of climate change and will implement existing strategies to reduce GHG emissions and incorporate future measures that the State adopts in the coming years.” Action Item RM-50.3 requires: “Reduce Mendocino County’s GHG emissions by adopting measures that reduce the consumption of fossil fuel energy resources.” The project complies with this General Plan mandate by reducing truck miles by 279,271 miles per year (DEIR Figure 3.7-1) and reducing GHG emissions by 139.97 metric tons per year (DEIR Figure 3.7-2). Of all the alternatives analyzed in the DEIR, the proposed project would result in the greatest GHG emissions savings because of its location on the exit route from the City/County towards the landfill.

Other Mendocino County General Plan mandates include Policy DE-204 which states: “As one of the largest consumers of energy and other resources, the County shall make efficiency and total lifecycle cost accounting a priority for structural, vehicular, and equipment purchases and operation.” The proposed project is the most efficient alternative because of its location.

Master Response #6 - Summers Lane Reservoir

The City of Fort Bragg plans to build a 6.5-acre water storage reservoir at a site almost one mile northwest of the proposed transfer station project. According to the City’s planning documents, the reservoir would be surrounded by a high berm that would prevent any surface water infiltration (Agenda Summary Report, Grading Permit 2013-08, City of Fort Bragg, September 12, 2013, and undated report, “Summers Lane Reservoir Project”). Instead, the reservoir would be fed by an existing City pipeline from Waterfall Gulch which lies in a different watershed. Accordingly, there is no reason to believe that the transfer station project would impact the reservoir in any way.

The Summers Lane Reservoir project would require the removal of 72 pygmy cypress trees that are subdominant (less than 10% of the canopy) to the predominantly redwood dominated coastal mixed coniferous forest at the reservoir project site which was most recently logged in 1993 (City of Fort Bragg 2014). The individual pygmy cypress trees are not stunted and as described in the Initial Study/Mitigated Negative Declaration (MND) for the project, are not growing in a typical natural habitat of Pygmy cypress forest. This habitat, individual non-stunted pygmy cypress trees in a redwood dominated coastal mixed coniferous forest, is a different habitat from the habitat at the proposed project site which consists of Bishop Pine forest and a variety of Cypress forest. The individual trees (CRPR List 1B) at the Summers Lane Reservoir would be replaced at a ratio of 3:1 along with an invasive plant removal component, as

detailed in the mitigation and monitoring plan adopted by the City (Attachment 4 of the MND). The project impacts to individual pygmy cypress trees at the Summers Lane Reservoir site were found to be less than significant after mitigation, and were not found to be cumulatively considerable (City of Fort Bragg 2014). Additionally, the impacts to Pygmy cypress trees at the Summers Lane Reservoir are to individual trees (CRPR List 1B). The Summers Lane Reservoir site does not include Pygmy cypress Forest (S2), which is the habitat being impacted at the transfer station site.

The proposed transfer station project would mitigate impacts to Pygmy cypress forest (S2) at a ratio of 30:1 through preservation, mitigating the project impact to less than significant. In addition, the project would not result in a cumulatively considerable contribution to a cumulative impact on Pygmy cypress forest (S2), as explained on page 3.4-49 of the DEIR. With the revised mitigation (see Section 2 Revisions to the Draft EIR), and increased ratio, the project's contribution to the cumulative impact is more than fully mitigated.

Master Response #7 – Hydrology and Water Quality

The project would incorporate all necessary drainage and stormwater management systems, and would comply with all stormwater system design, construction, and operational requirements mandated by DEIR Mitigation Measures HWQ-1a, HWQ-1b, and HWQ-4, and Mendocino County and Regional Water Quality Control Board (RWQCB) regulations. In combination, the project's stormwater management components, and compliance with mitigation measures and regulatory requirements act to preclude potentially adverse drainage and stormwater runoff impacts.

More specifically, the project drainage concepts would maintain the site's primary drainage patterns, and would modify and enhance drainage areas in order to adequately convey and discharge stormwater from new impervious surfaces on the project site. The project would provide connection to existing systems to the south in the least invasive manner possible. Stormwater conveyance capabilities and capacities provided by the project would ensure that post-development stormwater runoff flow rate and velocities do not substantively exceed pre-development conditions.

Stormwater discharges from the project, during both construction and operations, are required to comply with applicable provisions and performance standards stated in the National Pollutant Discharge Elimination System (NPDES) permit. As required by the NPDES permit, County and RWQCB requirements, waste materials would not be discharged to drainage areas. Compliance with these and other state and regional water quality permitting requirements would ensure the control of pollutants entering the stormwater system and thereby receiving waters.

Stormwater on the project site would be collected by bioswales that surround the proposed transfer station facility, and are included in the project footprint for impact calculations. Bioswales are a shallow depression created in the earth to accept and convey stormwater runoff. They use natural means, including vegetation and soil, to treat stormwater by filtering out contaminants being conveyed in the water. Bioswales lined with grass or other vegetation require channel velocities below five feet per second (fps), in order to prevent detrimental scouring of the channel. According to the hydrologic analysis that was performed for the project site, the bioswales need to be at least two feet deep, relatively flat, and would experience channel velocities of approximately three fps for the design storms that were analyzed. The bioswale analyses assumed no stormwater infiltration.

Once stormwater is collected in the bioswales it is then conveyed to the project's two detention basins. Detention basins are a common Best Management Practice for managing stormwater runoff. They are used to temporarily detain sediment-laden stormwater under quiescent conditions, allowing sediment to settle out before the runoff is released. The detention basins would be designed to completely drain within 24 to 96 hours (also referred to as "drawdown time"). The 24-hour limit is to provide adequate settling time; the 96-hour limit is specified to mitigate vector control concerns (e.g., mosquitoes). Properly designed and maintained detention basins can trap a significant amount of the sediment that flows into them. However, traditional basins do not remove all inflowing sediment. Therefore, the project would also employ erosion control practices (i.e., temporary seeding and mulching) to reduce the amount of sediment flowing into the basin. A key component to a properly functioning detention basin is the outlet structures, which are designed to prevent erosion and scouring of the embankment and receiving water way. The outlet structures would be armored (e.g., riprap lined or equivalent) and would be designed to evenly spread stormwater where appropriate and slow velocities to prevent erosion and re-suspension of sediment (see revised Mitigation Measure HWQ-4, in Section 2 Revisions to the Draft EIR). Specifically, the northern most detention basin would have a vertical outlet pipe located within the detention basin that is connected to a pipe manifold that discharges stormwater in a regulated manner through a minimum of four equally spaced discharge pipes. By spacing these diffuser pipes a minimum of 25 feet from each other and discharging into an existing drainage located in the Bishop Pine Forest, stormwater infiltration will be promoted while not impacting the pygmy forest. The southernmost detention basin will utilize a similar approach to managing stormwater, but will only consist of one outlet pipe that discharges directly to the existing drainage swale on Highway 20. To be conservative, the detention basin analyses performed in the hydrologic report assumed no infiltration.

The design of the facility's stormwater management system would also incorporate Low Impact Development (LID) strategies including minimization of the amount of stormwater generated and treated, detention in vegetated bioswales, rain gardens, and an oil/water separator acting to further reduce the rate and quantity of stormwater discharges, while providing treatment of stormwater flows and elimination/reduction of pollutant discharges.

The Local Enforcement Agency's Solid Waste Facilitates permit for the proposed project would prohibit the discharge of drainage containing solids, wash water, or leachate from solid wastes (14 CCR Article 6). Possible stormwater and facility water quality contaminants would be controlled by the transfer station's design features (e.g., fully enclosed facility, leachate collection and containment, and bioswales and detention basins) and by the implementation of a Stormwater Pollution Prevention Plan for both construction and operations as described in Mitigation Measure MWQ-1. The construction of a septic tank and leachfield is subject to the Mendocino County Department of Public Health review and approvals. So, as not to impact groundwater quality or contribute to pollutant loads in stormwater discharges from incidental wastewater resulting from floor clean-up activities, all contact water would be managed and stored in a wastewater tank. In addition, the Transfer Station load-out tunnel would be equipped with an internal plumbing system to collect stormwater runoff or liquids that may migrate to the sub-grade portion of the project area. This drainage would be stored on-site and hauled away by a qualified waste handler in accordance with the project's Industrial Waste Discharge Permit requirements.

4.2 Written Comments and Response to Individual Comments

This section includes responses to specific comments received during the comment period. Included are copies of the written comments received by the MSWMA through March 26, 2015, including oral comments (summarized) received at the public hearing held on March 19, 2015. Comment letters are listed from “A” to “Z,” then oral comments from “AA” through “SS,” and each comment within each comment letter is numbered (e.g., A-1 is comment letter A, comment 1). Responses to each comment follow the comment letter, with the letter and number corresponding with the comment letter and number. Comments which do not raise environmental issues or comment on the adequacy of the DEIR, but merely provide information, or are introductory or conclusory statements receive “comment noted” in the response.

February 24,2015

Mendocino Solid Waste Management
3200 Taylor Drive, Ukiah,CA 95482
Att. Mike Sweeney

My concerns regarding the proposed relocation on Highway 20 for a new solid waste transfer area are as follows:

1. The location, if established, shall have and maintain such safety measures that are required to insure the purity of all existing ground water.

2. Such measures are to be continually maintained and evaluated and the results reported to the public on a regular basis. A-1

3. These measures shall be enforced for as long as the proposed transfer station remains in operation.

4. During the operation of the transfer station any negative effects disclosed regarding ground water quality shall be immediately corrected or operation of the transfer station shall be stopped.

Eugene Dwyer

Eugene Dwyer
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Fort Bragg, CA 95437
964-3301
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Letter A – Eugene Dwyer - Response to Comments

Response A-1

Like any transfer station, this project would be strictly prohibited from releasing water that has come into contact with solid waste, as described in the DEIR on page 3.9-11, which will result in protection of groundwater resources. Transfer stations are regularly inspected by the County Environmental Health Division to ensure compliance. The solid waste handling activities would be performed under a fully enclosed building limiting rainwater contact with waste handling activities. In addition, Mitigation Measure HWQ-1b Industrial Storm Water General Permit, would protect water quality by regulating the sources of pollution that affects the quality of industrial storm water discharges. Groundwater information collected at the site, as required by the County or State, would be submitted to the regulatory agencies and would be available to the public.

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
17501 North Highway 101
Willits, CA 95490
(707) 459-7440
Website: www.fire.ca.gov

Ref: 5000 Resource Management
Date: March 9, 2015

Mr. Mike Sweeney
Caspar JPA of County of Mendocino & City of Ft. Bragg
Mendocino Solid Waste
3200 Taylor Drive
Ukiah, Ca 95482

Project Name: Central Coast Transfer Station
SCH #: 2014012058
Document Type: Draft Environmental Impact Report
Potential Area of Concern: Fire Protection, Timberland Conversion

CAL FIRE Mendocino Unit Comments:

Fire Protection: The project area is located in State Responsibility Area (SRA). Ref.: http://www.arcgis.com/home/webmap/viewer.html?webmap=6807e4fff9024e35bf88a189560d2538. Fire protection services are currently provided by CAL FIRE & the Ft. Bragg Volunteer Fire Department. No change is expected as a result of proposed transfer station construction. **B-1**

Timber Harvest Plan (THP) & Timberland Conversion Permit (TCP): A portion of the transfer station project area is located on timberland [Ref. Public Resources Code (PRC) 4526], requiring timber operations for the cutting and removal of timber [PRC 4527]. A THP for the harvesting of timber [PRC 4581] and associated TCP [Title 14 CA Code of Regulations (CCR) 1103] must be submitted to CAL FIRE. Both the THP and TCP must be prepared by a registered professional forester (RPF) [Ref. PRC 4581]. **B-2**

If you have any questions, please contact Louis Sciocchetti at (707) 961-1494.

Christopher P. Rowney, Chief
Mendocino Unit

Louis F. Sciocchetti

by: Louis F. Sciocchetti
Division Chief, Forest Practice
Registered Professional Forester #2368

00002

Letter B – CalFire – Response to Comments

Response B-1

Comment noted.

Response B-2

Comment noted. A Timber Harvest Plan and Timberland Conversion Permit are listed in Section 2.6 Required Permits and Approvals, of the DEIR.

ROBERT A. SCAGLIONE
Air Pollution Control Officer

DONNA ROBERTS NASH
Program Coordinator

306 East Gobbi Street
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www.mendoair.org

MENDOCINO COUNTY
AIR QUALITY MANAGEMENT DISTRICT

March 11, 2015

Mike Sweeney, General Manager
Mendocino Solid Waste Management Authority
3200 Taylor Drive
Ukiah, CA 95482

Subject: Central Coast Transfer Station Draft Environmental Impact Report, Dated February 2015

Dear Mr. Sweeney,

The District has reviewed the Draft EIR for the proposed Central Coast Transfer Station, SCH# 2014012058, and has the following comments:

1. **Section 2.6** contains a list of required permits for the proposed project. Please be advised that grading and site preparation operations that involve areas greater than 1 acre or 1 mile of road will require that an application for a Large Grading Operation Permit from the District in accordance with District Regulation 1, Rule 1-200. (District Application Form # 207.27) **C-1**

2. **Section 3.3.3, Evaluation Criteria and Significance Thresholds**, refers to the Districts recommended use of the Bay Area Air Quality Management District's CEQA guideline thresholds adopted in 2010 for projects in Mendocino County. That recommendation is no longer applicable. Please refer to and use the MCAQMD Interim CEQA Criteria and GHG Pollutant Thresholds advisory (copy enclosed) and the Reference Table for Adopted CEQA Thresholds of Significance (copy enclosed) which may differ from the Bay Area AQMD guidelines. The enclosed referenced documents are also available at www.mendoair.org/planning/ceqa. **C-2**

3. **Impact AQ-1: Impacts and Mitigation Measures. Section 3.3.5**, refers to the Bay Area Air Quality Management District's recommendations for "basic construction mitigation measures," which may not meet the requirements of District. Any and all dust mitigation measures must meet the requirements of District Regulation 1, Rule 1-430 (copy enclosed). **C-3**

4. **Mitigation Measure AQ-1: Air Quality Control Measures During Construction**. The Best Management Practices outlined under this section do not meet the minimum requirements of District Regulation 1, Rule 1-430 (copy enclosed). **C-4**

00003

5. **Mitigation Measure AQ-2: Select Equipment during Construction to Minimize Emissions.** The Mitigation measure calls for all diesel powered off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent. The California Air Resources Board (CARB) requires that all self-propelled off-road diesel vehicles 25 horsepower or greater used in California are subject to the Regulation for In-Use Off-Road Diesel Fueled Fleets. This includes vehicles that are rented or leased. Therefore, all off-road vehicles used for the construction or operation at this facility, regardless of time spent on site, must be registered with CARB and display the appropriate registration Equipment Identification Number (EIN) on the vehicle. Additionally, portable diesel powered equipment that is 50 horsepower or greater, or if less than 50 horsepower, 90 horsepower in aggregate, used during the construction of the facility, must be either registered with the CARB Portable Equipment Registration Program (PERP) or obtain a permit from the District.

C-5

If you have any questions or comments concerning these items, please call the District office at 707/463-4354.

Robert A. Scaglione
Air Pollution Control Officer

Mendocino County
Air Quality
Management District

306 East Gobbi Street
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ADVISORY

DISTRICT INTERIM CEQA CRITERIA AND GHG POLLUTANT THRESHOLDS

Previously, Mendocino County Air Quality Management District has issued a recommendation that agencies use adopted Bay Area CEQA thresholds for projects in Mendocino County. In an effort to resolve any conflicts or issues between Bay Area standards and MCAQMD rules, the following clarifications are offered:

◊ **Indirect Source Rule** – The Districts Indirect Source Rule [Regulation 1, Rule 1-130(i)(1)] has established a definition of an "Indirect Source" which sets a higher standard than the Bay Area Threshold for ROG and NOx emissions. It is more appropriate to use this local standard although it was not adopted as a CEQA threshold. These standards should be used for "indirect operational emissions" such as vehicle trips.

◊ **Stationary Source Emissions Levels** – MCAQMD has higher allowable emissions from stationary sources because local air quality meets all Federal Standards. The BAAQMD standards for NOx and ROG were directly based on Federal Standards for permitting in the Bay Area. Projects in Mendocino County should use the MCAQMD figures for NOx and ROG of 40 TPY.

C-5 Cont

◊ **CO Standards** – MCAQMD's indirect and permitting rules allow 125 TPY of CO. Local hot spots of CO resulting from traffic congestion must still be accounted for using a health based screening level approach.

◊ **Greenhouse Gas** – No GHG or Risk Reduction Plans have been adopted using CEQA, therefore no local projects can use those documents to support a CEQA determination.

◊ **Risk Exposure** – Modeling of Risk Exposure should be conducted using EPA, ARB, or CAPCOA approved screening level modeling software. The District has no freeways or high volume roadways which need buffer zones at this time.

◊ **Odor** – The odor significance findings used by the BAAQMD do not conform to the District's enforcement policy for odor complaints. Please contact the District for an evaluation for odor significance from existing facilities.

See the District's website www.mendoair.org or phone 707-463-4354 for more information

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Mendocino County
Air Quality
Management District

Adopted Air Quality CEQA thresholds of Significance – June 2, 2010

POLLUTANT	CONSTRUCTION RELATED	OPERATIONAL RELATED
Risk & Hazards – New Source (Cumulative Thresholds)	Same as Operational Thresholds	Cancer > 100 in million (from all local sources) Non-Cancer >10.0 Hazard Index (cronic) (from all local sources) $PM_{2.5}$ >0.8 µg/m^3 annual average (from all sources) Zone of Influence: 1,000-foot radius from fence line of source or receptor
Risk & Hazards – New Receptor (Cumulative Thresholds)	Same as Operational Thresholds	Cancer > 100 in million (from all local sources) Non-Cancer >10.0 Hazard Index (cronic) (from all local sources) $PM_{2.5}$ >0.8 µg/m^3 annual average (from all sources) Zone of Influence: 1,000-foot radius from fence line of source or receptor
Accidental Release of Acutely Hazardous Air Pollutants	None	Storage or use of acutely hazardous materials located near receptors or receptors located near stored or used acutely hazardous materials considered significant
Odors	None	District determination
Plan Level		
Criteria Pollutants & precursors	None	1. Consistency with current Air Quality Plan control measures 2. Projected VMT or vehicle Trip increase is projected population increase ≤
GHG's	None	Compliance with Qualified Greenhouse Gas Reduction Strategy *(or similar criteria included in General Plan)* OR 6 6 MT Co2e/SP/yr *(Residents + employees)*
Risks & Hazards	None	Overlay zones around existing and planned sources of TACs
Odors	None	Identify locations of odor sources in general plan
Accidental Release of Acutely Hazardous Air Pollutants	None	None
Regional Plans (Transportation & Air Quality Plans)		
GHG's, Criteria Air Pollutants and Precursors, and Toxic Air Contaminants	None	No net increase in emissions

C-5 Cont

CO= carbon monoxide CO_2e= carbon dioxide equivalent GHGs= greenhouse gases, lb/day= pounds per day, MT= metric tons, NOx= oxides of nitrogen $PM_{2.5}$= fine particulate matter with aerodynamic resistance diameter of 2 5 microns or less, PM_{10} = respirable particulate matter with aerodynamic resistance diameter of 10 microns or less PPM= parts per million ROG= reactive organic gases, SP= serv ce population, tpy= Tons per year yr= year

Mendocino County
Air Quality
Management District

Adopted Air Quality CEQA thresholds of Significance – June 2, 2010

POLLUTANT	CONSTRUCTION RELATED	OPERATIONAL RELATED	
Criteria Polutants and Precursors (Regional)	Average Daily Emissions (lb/day)	Indirect Average Daily Emissions (lb/day)	Stationary Maximum Annual Emissions (tpy)
ROG	54 (Bay Area AQMD)	180	40
NOx	54 (Bay Area AQMD)	42	40
PM_{10}	82	82	15
$PM_{2.5}$	54	54	10
Fugitive Dust - $PM_{10}/PM_{2.5}$	Best Management Practices	Same as Above	
Local CO	None	125 tpy	
GHG's Projects other than Stationary Sources	None	1,100 Metric Tons of CO_2e/yr OR 4.6 Metric Tons CO_2e/SP/yr (residents + employees)	
GHG's Stationary Sources	None	10,000 MT/yr	
Risk & Hazards – New Source	Same as Operational Thresholds	Increased cancer risk >10 in a million Increased non-cancer risk >1.0 Hazard Index *(Chronic or Acute)* Ambient $PM_{2.5}$ increase >3.0 $\mu g/m^3$ annual average Zone of Influence: 1,000-foot radius from fence line of source or receptor	
Risk & Hazards – New Receptor (Individual Project)	Same as Operational Thresholds	Increased cancer risk >10 in a million Increased non-cancer risk >1.0 Hazard Index *(Chronic or Acute)* Ambient $PM_{2.5}$ increase >3.0 $\mu g/m^3$ annual average Zone of Influence: 1,000-foot radius from fence line of source or receptor	

C-5 Cont

Air District policy is that adopted thresholds apply to projects for which a Notice of Preparation Is published, or environmental analysis begins, on or after the applicable effective date. The adopted CEQA thresholds – except for the risk and hazards thresholds for new receptors – are effective June 2, 2010. The risk and hazards threshold for new receptors are effective January 1, 2011.

The District recommends that for construction projects that are less than one year duration, Lead Agencies should annualize impacts over the scope of actual days that peak impacts are to occur, rather than the full year.

CO= carbon monoxide, CO_2e= carbon dioxide equivalent, GHGs= greenhouse gases, lb/day= pounds per day, MT= metric tons, NOx= oxides of nitrogen, $PM_{2.5}$= fine particulate matter with aerodynamic resistance diameter of 2.5 microns or less, PM_{10}= respirable particulate matter with aerodynamic resistance diameter of 10 microns or less, PPM= parts per million, ROG= reactive organic gases, SP= service population, tpy= Tons per year, yr= year

00007

RULE 1-430 - FUGITIVE DUST EMISSIONS

This Rule prohibits the handling, transportation, or open storage of materials, or the conduct of other activities in such a manner that allows or may allow unnecessary amounts of particulate matter to become airborne except under the following circumstances:

(a) Reasonable precautions shall be taken to prevent particulate matter from becoming airborne, including, but not limited to, the following provisions:

(1) Covering open bodied trucks when used for transporting materials likely to give rise to airborne dust.

(2) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials.

(3) The screening of all open-outdoor sandblasting and similar operations.

(4) The use of water or chemicals for the control of dust during the demolition of existing buildings or structures.

(b) The following airborne dust control measures shall be required during all construction operations, the grading of roads, or the clearing of land

(1) All visibly dry disturbed soil road surfaces shall be watered to minimize fugitive dust emissions.

(2) All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour.

(3) Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed.

(4) Asphalt, oil, water or suitable chemicals shall be applied on materials stockpiles, and other surfaces that can give rise to airborne dusts.

(5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour.

(6) The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours.

(7) The operator shall keep a daily log of activities to control fugitive dust.

(c) During recreational activities adequate dust control shall be maintained to prevent dust from migrating off the property where the activity is occurring.

[Amended 5/6/03]

C-5 Cont

Letter C – Mendocino County Air Quality Management District - Response to Comments

Response C-1

The lead agencies area ware that a Large Grading Operation Permit from the Mendocino County Air Quality Management District (AQMD) is required. Section 3.3.2 (page 3.3-6) of the DEIR has been revised to include a discussion of this requirement.

Response C-2

The DEIR used the AQMD's interim thresholds published on their website at http://www.co.mendocino.ca.us/aqmd/pdf_files/ceqa-criteria-and-ghg.pdf. These thresholds are still published on the website and the thresholds provided in the comment letter cannot be found in the web link provided. The hard copy thresholds that the AQMD provided in their comment letter have been incorporated into this RTC through modifications to Table 3.3-3 on page 3.3-8, Table 3.3-4 on page 3.3-11, and Table 3.3-5 on page 3.3-12, as originally found in the DEIR. Refer to Section 2 Revisions to the Draft EIR, of this Final EIR.

Response C-3

Additional text has been added to DEIR page 3.3-11, and Mitigation Measure AQ-1 has been revised to include requirements under AQMD Regulation 1, Rule 1-430 on 3.3-12 of the DEIR. Refer to Section 2 Revisions to the Draft EIR, of this Final EIR.

Response C-4

Please see Response C-3.

Response C-5

The construction period emissions were modeled using CalEEMod version 2013.2.2, which is assumed to include the latest CARB OFFROAD model assumptions. The unmitigated emissions are assumed to include the effect of the CARB requirements. Mitigation Measure AQ-2 is a stricter requirement that, in lieu of the CARB requirements, requires that all equipment larger than 50 horsepower meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent. All off-road vehicles used for construction or operation would be registered with CARB and would display vehicle identification numbers. Additionally, depending on horsepower, portable diesel powered equipment would either be registered with CARB or obtain a permit from the District.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-4540
FAX (707) 441-5869
TTY 711

Serious drought.
Help Save Water!

March 13, 2015

Mike Sweeney
General Manager
Mendocino Solid Waste Management Authority
3200 Taylor Drive
Ukiah, CA 95482

1-MEN-20-2.90
Fort Bragg Transfer Station
DB # 19336

Dear Mr. Sweeney,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) and associated Traffic Impact Study (TIS) for the proposed Central Coast Transfer Station in Mendocino County. The DEIR has been prepared by the Mendocino Solid Waste Management Authority (MSWMA) on behalf of the Caspar Joint Powers Agreement, the County of Mendocino and the City of Fort Bragg.

The project proposes to develop four acres along State Route (SR) 20, approximately three miles east of SR 1 in Mendocino County (1-MEN-20-2.90) for a municipal solid waste transfer station to serve the City of Fort Bragg and the surrounding coastal area. The property would contain an enclosed waste transfer building, a scale house, an outdoor recycling drop-off area, and a water well. The DEIR package includes a Traffic Impact Study (TIS) which notes that vehicular trips generated by the new facility will utilize SR 20 for access.

Caltrans has had the opportunity to work with the Mendocino Solid Waste Management Authority during the pre-development phase of this proposal and comment on the Notice of Preparation (NOP) application (letter sent February 12, 2104). We reiterate the comments in that letter and have the following comments for preparation of the next phase of this project: D-1

Traffic Operations:

We concur with the recommendations outlined in Section 2.5.8 of the DEIR which reads, "SR 20 would be widened from the roadway to the centerline north to accommodate the acceleration and deceleration lanes, and for the new eastbound left-turn pocket and westbound right-turn pockets at the proposed access point" (page 2.0-6). However, the TIS states that "no mitigation is necessary" (Section 3.12.6, page 3.12-14). Construction of these improvements are a requirement for opening day.

The acceleration/deceleration dimensions listed below are based on Index 405.2 of the *Caltrans Highway Design Manual* (Chapter 400: Intersections At Grade), which can be found on our

website at: http://www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm

- The left turn lane should be a minimum of 583-ft. (storage=100-ft., deceleration=483-ft.)
- The right turn lane should be a minimum of 375-ft. (storage=100-ft., deceleration=275-ft.)

D-2

Environmental:

Environmental staff have not yet completed their review of the document. It is possible that Caltrans will have additional comments regarding environmental concerns within our right of way during the encroachment permit process.

Encroachment Permits:

As noted in Section 2.6 of the DEIR, the applicant must acquire an approved encroachment permit for all work within the state right of way. Encroachment permit applications are reviewed for consistency with state standards and are subject to approval by the Department. Request for Caltrans encroachment permit application forms can be sent to Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 445-6389. For additional information, the Caltrans Permit Manual is available online at: http://www.dot.ca.gov/traffops/developserv/permits/

D-3

We look forward to continue working with you as this project develops. If you have questions regarding the comments outlined in this letter or need further assistance, please contact me at (707) 441-4540 or tatiana.ahlstrand@dot.ca.gov.

Sincerely,

Tatiana Ahlstrand
Associate Transportation Planner
District 1 Office of Community Planning

Letter D – Caltrans – Response to Comments

Response D-1

The lead agencies appreciate the Department's comments on the EIR Notice of Preparation and on the DEIR. Roadway improvements to Highway 20 identified by Caltrans during the EIR scoping process have been fully incorporated into the design of the project. The proposed roadway improvements include widening Highway 20 near the subject site to accommodate acceleration and deceleration lanes per Caltrans standards, as well as the installation of a new eastbound left-turn pocket and a westbound right-turn pocket at the proposed site's access point. Because such improvements have been fully incorporated into the design of the project, they were evaluated as part of the project in the Traffic Impact Study, and were not identified as compensatory mitigation measures. Additionally, because these improvements were incorporated into the project design, they were analyzed throughout the entirety of the EIR for potential environmental impacts, and mitigated, where necessary.

Response D-2

No additional comments regarding environmental concerns within the Department's right of way have been provided. Therefore, a detailed response cannot be provided.

Response D-3

As noted in DEIR Section 2.6 (Required Permits and Approvals), page 2.0-8, an Encroachment Permit from Caltrans for improvements to Highway 20 has been identified as an applicable permit for the proposed project. The lead agencies appreciate the information about the application procedures, acknowledge the need for close coordination of the project with Caltrans staff, and will continue the coordination already initiated for the proposed project.

3/16/15

Dear Fort Bragg City Council, Board Of Supervisors & Mendocino Solid Waste Management

Unfortunately I will not be able to attend the meeting.

I strongly feel that the location of a new Transfer Station to a new location that is closer to the large population base is the right way to go.

It should be on a major road with the closest access to the major population center and to access to the shortest route to location that the refuse will be finally transferred to.

I have attended meetings and the site under consideration on Highway 20 was clearly the best choice to move into the future. We are seeing more growth in Fort Bragg with the possibility of a major shopping center being built. We need the proper infrastructure.

The county has spent hundreds of thousands of dollars to identify this location over 9 years. E-1

The sate has agreed after much legislation to make the land transfer happen.

The site should not be on a small rural road that comes off the highway at a turn off that Cal Trans has said they will not approve for the new station.

The traffic added to Highway 20 will be negligible and will be safe.

I personally have almost been killed 3 times over the years by refuse vehicles because the transfer station is in the wrong place on small rural roads.

I am trusting that the Fort Bragg City Council, Board Of Supervisors & Mendocino Solid Waste Management have done their homework and have made the best choice for our future.

Mickie Zekley

43020 Road 409

Mendocino, CA 95460

707 964 4826

mickiezekley@gmail.com

Letter E – Mickie Zekley – Response to Comments

Response E-1

Comment noted. The commenter expresses opinions that the location of the project on Highway 20 is the best site for the proposed project.

Statement by Erik Thorbecke, February 19, 2014 Presented to the Mendocino County Board of Supervisors, members of the Fort Bragg City Council and Mike Sweeney **amended on March, 18, 2015 after reading EIR.**

Allow me to introduce myself. I am Erik Thorbecke and reside half the year on my wife's Cherry Cove Ranch which borders the proposed transfer station on Highway 20. Cherry Cove Ranch has been in Charla's family ever since her grandfather who had emigrated from Norway bought the property in 1892 (we still have the deed signed by President Benjamin Harrison). Charla grew up on the ranch and we were married on the ranch 60 years ago. It is one of the few remaining private redwood forests in the area (the oldest redwood tree on our ranch is over one thousand year old).

F-1

Charla and I tried hard over the years to enhance the natural beauty of the ranch even when we were away at Cornell University where I was a professor of economics. When Charla came back to settle permanently here in 2000, her goal was to continue to try to beautify the ranch. Your own mayor lived with his family on the ranch for a few years when he first moved back to Fort Bragg. He and his family contributed to develop the ranch and can testify to its natural beauty. The reward for all these efforts is the proposal to place a dump next to our land.

While the proposed transfer station would strongly negatively affect the ranch, we are also very concerned about the potential negative environmental impact on Fort Bragg residents. Our principal concerns are: (i) the destruction of a part of the unique Pygmy forest; (ii) the impact on the municipal water supply which might be polluted because of possible seepage from the transfer station,(iii) increased traffic congestion that could lead to a higher incidence of accidents at a vulnerable section of Highway 20 marked by a sharp turn a couple of hundred yards east of the proposed station, and iv) the unfavorable impression on visitors and tourists of seeing a dump at the gateway of Fort Bragg on a highway which is a candidate to be a scenic highway.

F-2

F-3

F-4

We fully understand that the city needs a transfer station. We are convinced that there are better, less expensive, more environmentally-friendly alternatives such as Pudding Creek combined with the trash being moved by rail to Willits (both the

F-5

manager of the Pudding Creek station and the manager of the local train company are supportive of this option).

F-5 cont

As a professional economist (Ph.d. University of California, Berkeley; Professor of Economics, Cornell University) I feel strongly that the comparative study of the many potential sites for a transfer station was inadequate. What was needed was a cost-benefit analysis of each of the different potential sites. Although it is not easy to estimate the benefits and all the costs, this methodology allows one to select the alternative with the highest benefit-cost ratio. Without such a study the selection of the two ultimate sites (Caspar and Highway 20) was quite arbitrary. The Mendocino Waste Management Authority was remiss in not undertaking such a cost-benefit study.

F-6

Therefore, and in view of the fact that the EIR does not mitigate a number of unfavorable negative effects of proposed transfer station (such as the destruction and negative impact on the unique Pygmy forest and the possible pollution of the aquifer serving the Fort Bragg municipal water system), I recommend that the Mendocino Board of Supervisors and the Fort Bragg City Council postpone a decision on the site of the transfer station until such a study is completed.

F-7

Erik Thorbecke,

Cherry Cove Ranch, 29901 Highway 20, Fort Bragg CA, 95437

Letter F – Erik Thorbecke – Response to Comments

Response F-1

The initial part of this comment is introductory and does not raise any specific environmental points or issues. The DEIR concludes that surrounding property would not be substantially impacted after implementation of proposed project mitigation measures. Please see Master Response #1 – Mitigation for Pygmy Cypress Forest. Impacts to Pygmy cypress forest have been minimized and avoided where possible. The project avoids the more rare Pygmy cypress forest (short morphotype) / forested wetlands, and provides mitigation in the form of permanent preservation for impacts to individual pygmy cypress trees.

Response F-2

Please see Master Response #6—Summers Lane Reservoir. Also, The Noyo River is located more than one mile away from the project site. The intervening terrain is covered by dense forest vegetation which would block, absorb and/or filter any surface flow from the project site. There are no creeks on the project site, which is relatively flat. The topography of the site together with the design features outlined in the DEIR (Section 2) and the stormwater runoff mitigation measures in DEIR Section 3.9, support the conclusion that the project would not have any impact on the Noyo River or the municipal water supply.

Response F-3

As discussed in DEIR Section 3.12 (Transportation), pages 3.12-8 and 3.12-9, the proposed project would increase the number of vehicles traveling along Highway 20 on a daily basis. The majority of these trips would be self-haul customer trips, which along with franchise hauler trucks, are expected to arrive and depart from the west of the proposed site. Transfer truck outhaul traffic is anticipated to arrive and depart from the east of the project site. As noted in Table 3.12-5 on page 3.12-8 of the DEIR, approximately two transfer truck outhaul trips are anticipated to occur per day which would traverse the portion of Highway 20 mentioned by the commenter.

As discussed in DEIR Appendix H (Traffic Impact Study), Caltrans District 1 performed a safety analysis for the quarter-mile segments of Highway 20 located on either side of the proposed project site. The analysis covered a three year time period between 2009 and 2011. The analysis identified two collisions within the three year period, which corresponded to a total collision rate within the segment analyzed of 48 percent less than the statewide average.

As discussed in DEIR Section 3.12 (Transportation), page 3.12-10, Highway 20 is currently traversed by similarly sized haul trucks as would occur under the proposed project, and the new improvements would provide an adequate line of sight. The project would not introduce vehicles that are incompatible with current or anticipated roadways.

Response F-4

Please see Master Response #4 – Aesthetics Impacts.

Response F-5

Please see Master Response #3 – Alternatives Evaluated and DEIR Sections 4.4.2 and 4.4.3 which provide clarification on the various alternatives.

Response F-6

The City and County could seek a cost-benefit analysis as a separate inquiry from the EIR. Cost-benefit analyses are not required or necessarily relevant to an EIR, which exists to analyze environmental impacts associated with the proposed project rather than financial issues. Costs are relevant insofar as they might render an alternative infeasible. As discussed in Master Response #3 – Alternatives Evaluated, costs are not known to render any of the two alternatives as infeasible.

Response F-7

Please see Response F-2 and Master Responses #1 – Mitigation for Pygmy cypress forest and #7 – Hydrology and Water Quality.

RICK CHILDS

DOLLAR SAVINGS FROM NEW HWY 20 TRANSFER SITE IN TRANSPORTATION COSTS

Self-Haul Savings

Annual Miles to Caspar Site	290,000
Annual Miles to Hwy 20	128,000
# Reduced Miles	162,000

@ $.50/mile = $81,000 annually -- to self-haul customers in reduced driving costs

Large Garbage Truck Savings

Current Miles (from Caspar and Pudding Creek)	278,000
New Truck Miles (from Hwy 20)	161,000
Reduced garbage truck miles*	117,000

G-1

117,000 truck miles, divided by 30 mph = 3900 fewer truck-driving hours

3900 hours @ $90/hour = **$350,000 reduced transportation costs**

Transfer Site Operational Expenditures: $1,800,000

Transportation Expense Savings **$ 350,000 = 20 % reduction**

* 137,000 total reduced garbage truck miles from Caspar/Pudding Creek/Albion for all garbage truck operations, less 20,000 increased miles for curbside trucks to go to Hwy 20 Transfer Site instead of Pudding Creek = 117,000 net fewer miles (source: page 157 of EIR)

Letter G – Rick Childs' Estimate of Cost Savings - Response to Comments

Response G-1

Comment noted. This informative letter simply identifies the dollar savings from the Highway 20 transfer station site in transportation costs.

Mike Sweeney

From: "Barbara and David Brown" <dbb@mcn.org>
Date: Friday, March 20, 2015 9:07 AM
To: <sweeney@pacific.net>; <dturner@fortbragg.com>; <lpeters2@fortbragg.com>; <sdeitz@fortbragg.com>; <dhammerstrom@fortbragg.com>; <mcimolino@fortbragg.com>
Subject: Proposed Hwy 20 Transfer Station

Dear Mike Sweeney and Fort Bragg City Council Members,
I was not well last night and missed the meeting, but I wanted to voice my concerns:

I live on Benson Lane and my concern is this proposed industrial plant will lower the water table in our residential area once the Transfer Station starts digging wells. I am also concerned about the possible contamination of well water.
We are in a SEVERE DROUGHT - why would the city council propose this. It seems as if the transfer station should be using "Fort Bragg" water and be located at the current Waste Management site. Also, why ruin a lovely residential area with an Industrial Water Treatment Station :(H-1

Waste Management will probably get the contract and they want to do it at their current location, which is also close to the Skunk for transportation. H-2

I cannot vote for City Council, but for some reason, the City Council can alter my living conditions.

Who represents my concerns?

Thank you for your time,

Barbara Brown

Letter H – Barbara and David Brown - Response to Comments

Response H-1

Water will be needed for one employee restroom, to fill the on-site fire protection storage tank, and occasional washdown of dump areas (the normal cleaning procedure will be sweeping). Water demand for the project should be no more than a typical single-family residence. Assuming the transfer station will be operated by 6 employees and a conservative water demand of 100 gallons per person per day the project would require approximately 600 gallons per day. Therefore, the anticipated water demand for the project is expected to be less than 1,000 gallons per day, mainly for employee use. This is considered conservative given that the facility is only operated during the day and does not have a kitchen, showers, or the need for landscape irrigation.

As described in Section 3.9 of the DEIR, under Impact HWQ-2, a groundwater study was performed for the proposed Mendocino Coast Regional Park and Golf Course project adjacent to, and north of the project site. Prepared by Lawrence and Associates (March 2005), the study included the installation of a pumping and observation well. The wells were drilled to a maximum depth of 91 feet below ground surface (bgs), where bedrock was encountered. The pumping and observation wells were constructed approximately 1,800 feet north of the project site and within the same geologic unit (Lower Caspar Orchard marine terrace sediments) underlying the project site. Testing of the wells determined groundwater was approximately 20 feet bgs and produced a long term yield of four to five gallons per minute (gpm) for a 2-inch diameter well with a 40-foot well screen. In the geotechnical survey in 2012 by LACO Associates, groundwater was encountered at a depth of only 10 feet. (DEIR, Appendix E, p. 7).

The study area of the Mendocino Coast Regional Park and Golf Course, while considerably larger than the project area included the location of the proposed project. A total of 24 wells, pumping at an average rate of 10 gpm were evaluated to access the possible impacts to groundwater. It was determined that neither the direction nor magnitude of the groundwater gradient changed significantly with pumping. The groundwater model predicted that the water pumped was approximately 92 percent from aquifer storage and about eight percent from a reduction in stream flow from Newman Gulch. It was determined that the reduction in flow was less than the standard significance of 10 percent. In addition, the groundwater model showed that pumping from the wells would not cause the standards of significance for groundwater level or quantity to be exceeded. Since water demands for the proposed transfer station would be provided from a two gpm well (half of the demand from the above mentioned analysis) impacts to the underlying aquifer are considered to be negligible.

The well that supplies water to the project would be constructed according to California Well Standards and would be designed by an appropriately licensed professional, such as a licensed professional engineer. The well design would be in compliance with current regulations (e.g., requiring a sanitary seal) and would be submitted to the County for review and approval. Construction quality assurance oversight by an appropriately licensed professional would be performed during construction to ensure that the well is constructed correctly, so as to protect human health and the environment. The project does not include an industrial water treatment station.

Response H-2

Comment noted.

the Northcoast Environmental Center

1385 8th Street, Suite 226
Arcata, CA 95521

P.O. Box 4259
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(707) 822-6918
nec@yournec.org
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March 20, 2015

Mr. Mike Sweeney, General Manager

Mendocino Solid Waste Management Authority
3200 Taylor Dr.
Ukiah, California 95482
Sweeney@pacific.net

Central Coast Transfer Station Draft Environmental Impact Report (SCH #2014012058), Mendocino County, California

Dear Mr. Sweeney,

On behalf of the members, board, and staff of Humboldt Baykeeper and Northcoast Environmental Center, I respectfully submit these comments on the Draft Environmental Impact Report (DEIR) for the Central Coast Transfer Station.

The Northcoast Environmental Center works to promote understanding of the relations between people and the biosphere and to conserve, protect, and celebrate terrestrial, aquatic, and marine ecosystems of northern California and southern Oregon.

The NEC's principal concerns with the DEIR are how it fails to adequately address and mitigate significant impacts to rare natural communities, specifically Mendocino Pygmy Cypress Woodland and Northern Bishop Pine Forest.

The preferred alternative for this project is located on a 17-acre parcel on Highway 20, currently owned by Jackson Demonstration State Forest. This parcel is dominated by the two above-mentioned natural communities. Both of these natural communities are exceedingly rare and threatened – in California and globally – and are in much greater need of protection than Mendocino County is currently affording them, especially outside of the Coastal Zone.

The California Natural Diversity Database (CNDDB) has assigned Mendocino Pygmy Cypress Woodland a ranking of G2:S2, meaning it is a rare and threatened natural community both state-wide and globally. Northern Bishop Pine Forest also has a CNDDB ranking of G2:S2. I-1

The Project, as proposed, would remove over four acres of Northern Bishop Pine Forest. The DEIR however, mistakenly identifies much of the forest at the proposed project site as the more common "Bishop Pine Forest," which as a lower CNDDB rank of G3:S3. Consequently, the DEIR does not propose mitigations for this rare and threatened Northern Bishop Pine Forest that would be lost if this project were situated at this location. This oversight of a significant environmental impact constitutes a substantial error in the DEIR's impact analysis. The California Environmental Quality Act (CEQA) Appendix G specifically identifies impacts to sensitive natural communities as a potentially

significant impact needing to be disclosed and mitigated for in environmental documents such as DEIRs. I-1 cont

For impacts to Mendocino Pygmy Cypress Woodland, the DEIR proposes only a small conservation easement of about three-and-one-half acres on a parcel partially in the Coastal Zone and with apparently little development threat. The DEIR includes little information on the conservation easement, such as who would hold the easement, the size of the endowment to manage the easement, and what the land management plan and use restrictions would be. I-2

The NEC finds that the DEIR does not adequately mitigate for the loss of these two rare natural communities, and that the impacts to them are cumulatively considerable, pursuant to CEQA Sections 15065 and 15130.

For these reasons, the NEC believes the DEIR is substantially flawed, both in its analysis and determination of significant impacts from the proposed project and because the mitigations for these significant impacts are clearly inadequate, or in the case of Northern Bishop Pine Forest, entirely absent. Consequently, the NEC strongly recommends the DEIR be substantially revised and recirculated.

We also recommend that the revised DEIR give greater consideration to other project alternatives at sites that are already developed or disturbed and outside of rare and threatened natural communities such as Mendocino Pygmy Cypress Woodland and Northern Bishop Pine Forest. I-3

Please keep us informed of future opportunities to review and comment on this proposed project.

Thank you for the opportunity to comment on the Central Coast Transfer Station Draft Environmental Impact Report.

Sincerely,

Dan Ehresman
Executive Director

Letter I – Northcoast Environmental Center – Response to Comments

Response I-1

Please see Master Response #1 – Mitigation for Pygmy Cypress Forest and Master Response #2 – Classification of Bishop Pine Forest.

Response I-2

The mitigation area has been enlarged to a 28.3 acre parcel that is zoned Rural Residential, 19.5 acres of which are mapped as Cypress Pygmy Forest (short, intermediate, and tall morphotypes), as well as Bishop Pine Forest and other habitats, resulting in an overall mitigation ratio of 30:1 for pygmy forest and associated sensitive-listed tree species. Please see Master Response #1 – Mitigation for Pygmy Cypress Forest. Section 3.4.6 of the DEIR discusses cumulative impacts to pygmy cypress trees as well as regional significance of impacts to Bishop Pine Forest, and Master Response #6 – Summers Lane Reservoir additionally responds to the portion of this comment on cumulative impacts to natural communities.

Response I-3

The City and County must weigh not only environmental considerations concerning vegetation, but also other considerations such as transportation, GHG emissions, and separation from other land uses. One environmental consideration cannot be prioritized to the exclusion of all others. The EIR needs only to disclose environmental information, not make the difficult choices that are the purview of the City Council and Board of Supervisors. Please see also Master Response #3 – Alternatives Evaluated.

COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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March 20, 2015

Mike Sweeney
Mendocino Solid Waste Management Authority
3200 Taylor Drive
Ukiah, CA 95482

Subject: Mendocino Solid Waste Management Authority
Central Coast Transfer Station
Mendocino County Planning and Building Services Comments

Mr. Sweeney:

Thank you for providing Mendocino County Planning and Building Services (PBS) the opportunity to review the Draft Environmental Impact Report (EIR) for the Central Coast Transfer Station. Please consider the following comments in your analysis of the project:

Project Description: Acreage
EIR Section 2.5.5 describes the proposed transfer station project. The description states that "for the purposes of evaluation and analysis in this EIR, a total of 4.72 acres is assumed to be disturbed by the project—approximately 3.76 acres within the project footprint, and 0.96 acres for a 10-foot buffer (construction temporary)."

Mendocino County General Plan Resource Management Policy RM-80 requires that "vegetation removal should be reviewed when involving five (5) or more acres," assessing several impacts as described further in the policy. If the project area and associated vegetation removal exceeds five acres, the project must comply with Policy RM-80.

J-1

Hours of Operation and Noise
EIR Section 2.5.6 states "the exact hours of operation would be determined by the operations contracts; however, it is anticipated to be between 8:00 a.m. and 5:00 p.m." Similarly, EIR Section 3.11.4, which describes the methodology used to assess noise impacts, states "all operations were assumed to occur between the hours of 8:00 a.m. and 5:00 p.m."

EIR Section 2.5.10 addresses energy usage, but includes additional language relating to the hours of operation, and asserts that "except in unusual or emergency circumstances, all operations would take place during daylight hours...."

Mendocino County General Plan Development Element Policy DE-100 specifies the County's standards for maximum exterior noise levels for residential land uses. The maximum exterior noise level not to be exceeded more than 30 minutes in any hour for single-family homes from 10:00 p.m. to 7:00 a.m. is 50 dB(A).

EIR Figure 3.11-3 depicts L_{eq} Noise Levels greater than 50 dB(A) extending beyond the residential property boundary to the west. While operations are assumed to occur between 8:00 a.m. and 5:00 p.m., operations occurring during "unusual or emergency situations" between 10:00 p.m. and 7:00 a.m. may create noise exceeding the levels permitted on the neighboring residential properties during nighttime hours.

J-2

Additionally, the noise analysis for the project appears to reflect noise impacts from a "point source" located in the center of the proposed industrial building. Existing noise impacts from Highway 20 are modeled using a linear source along the road axis. Should the project noise analysis evaluate noise impacts from the ingress and egress driveways on the eastern edge of the project, nearest the residential uses, using a linear source, similar to the analysis performed along Highway 20?

As stated on page 2.0-8, the proposed project requires a Major Use Permit from Mendocino County to permit the use in the Timberland Production (TP) Zoning District. The Planning Commission may place conditions on a Major Use Permit to ensure consistency with General Plan and Zoning Ordinance policies. These conditions may include limits on hours of operation or other measures necessary to ensure noise levels do not exceed those permitted by these and other County policies.

J-2 cont

Structure Height

EIR Section 2.5.5 describes the proposed transfer station project. In the project description, no reference is made to the proposed height of the structure. EIR Section 3.1.5 addresses aesthetic impacts of the project, including the statement that "the proposed transfer station building would have a peak height of approximately 50 feet." The discussion on aesthetics also states, "light poles would not be taller than necessary to provide appropriate lighting for security and safety."

EIR Section 3.10.5 analyzes project consistency with applicable land use plans, policies or regulations, and concludes, "the proposed project would not conflict with the Mendocino County General Plan or Zoning Code."

J-3

Mendocino County Zoning Code (MCZC) Section 20.068.060 sets the maximum building height for structures the TP District at 35 feet. MCZC Section 20.152.025 provides four exceptions to height limitations; however, the proposed transfer station does not appear to qualify for the listed exceptions.

If the transfer station building or light poles are to exceed the 35-foot maximum permitted height in the TP District, a variance will be required. Information on obtaining a zoning variance can be found in MCZC Section 20.200.

Biological Resources: Impact Mitigation

EIR Section 3.4.5 discusses impacts the proposed project may have on biological resources, and proposes mitigation measures to offset the impacts. Mitigation includes a conservation easement on a parcel adjacent to the existing Caspar transfer station.

The following General Plan policies, among others, relate specifically to project impacts on existing biological resources (emphasis added):

> *RM-28: All discretionary public and private projects that identify special-status species in a biological resource evaluation…shall avoid impacts to special-status species and their habitat to the maximum extent feasible. Where impacts cannot be avoided, projects shall include the implementation of site-specific or project-specific effective mitigation strategies developed by a qualified professional in consultation with state or federal resource agencies with jurisdiction…*

J-4

General Plan Resource Management Policy RM-28 only allows projects to impact special-status species and their habitats when impacts cannot be avoided. Review of the project must indicate how impacts to special-status species cannot be avoided, in comparison with alternative project designs and locations.

> *RM-73: The design of new development should emphasize the avoidance of sensitive resources and environments rather than their removal and replacement.*
>
> *RM-75: Protection of existing sensitive resources is the highest priority. Onsite replacement or offsite replacement, protection or enhancement is less desirable.*

J-5

Mitigation of project impacts should emphasize avoidance of sensitive resources, whereas the proposed

mitigation measures emphasize conservation of resources on a parcel in Caspar. While Policies RM-73 and RM-75 do not prohibit offsite conservation and replacement of sensitive resources, it is not considered the preferred method of mitigation by the General Plan.

J-5 cont

Thank you for the opportunity to provide comments on this important project. Please contact myself or Scott Perkins at 707-964-5379 if you have any questions.

Sincerely,

Andy Gustavson,
Chief Planner

cc: Steve Dunnicliff, PBS Director
Dan Gjerde, Fourth District Supervisor

AG/sp

Letter J – County Planning Department – Response to Comments

Response J-1

Comment noted. The footprint was carefully planned to provide the necessary space needed for a modern transfer station, but minimize vegetation removal. As noted in the DEIR on page 2-4, a total of 4.72 acres is assumed to be disturbed by the project, approximately 3.76 acres within the project footprint, and 0.96 acre for a 10-foot buffer (construction/temporary); therefore, Policy RM-80 is not applicable to the project because project grading footprint is less than 5 acres.

Response J-2

Transfer stations don't operate at night unless ordered to do so in the event of a public emergency or natural disaster. If the operator seeks approved hours of operation beyond the DEIR's specified hours of operation of 8 a.m. to 5 p.m., the operator would need to make the request as part of the Major Use Permit which would be carefully reviewed, mitigated as necessary, and subject to discretionary approval or disapproval by the Board of Supervisors.

The project noise analysis evaluates impacts from both the point sources (front-end loaders) and line sources (haul trucks). Like the existing noise impact from Highway 20, line sources are labeled as "emission line" on the noise contour maps and include proposed ingress and egress driveways as line sources.

Response J-3

Comment noted. Prior to building design, it is unknown whether a variance for building height greater than 35 feet will be sought. The forest screen surrounding the proposed transfer station exceeds 35 feet in height. With the forest screening the proposed transfer station, and the distance to the closest residential uses (approximately 600 feet), the proposed transfer station would not be visible to adjacent residential uses.

Response J-4

The project has avoided impacts to special-status species "to the maximum extent feasible," which is consistent with RM-28. The project planning/siting of the proposed project has avoided the most sensitive habitat on the site, the pygmy cypress – short morphotype, and incorporates mitigation that will provide for permanent preservation of Pygmy cypress forest for compensation of impacts to 0.58 acres of Cypress Pygmy Forest (intermediate and tall morphotypes). Also consistent with RM-28, preservation and protection of habitat that has connectivity with surrounding natural areas has been included as part of the project. Overall, the project has been planned to minimize and avoid impacts where possible, and mitigates for those impacts.

Response J-5

See response above to J-4 which discusses the project minimization and avoidance efforts, which also applies to this comment concerning RM-73. Avoidance is a primary achievement of the project design, which avoids impacts to the more sensitive and rare pygmy cypress (short morphotype), and minimizes overall impacts to other cypress morphotypes to 0.58 acres. The off-site preservation and permanent protection constitutes a high mitigation ratio (30:1) for compensation for these minimized impacts to Pygmy cypress forest. Species replacement is proposed onsite for five individual coast lily plants which

would be impacted (reference DEIR Mitigation Measure BIO-1a). The replacement would occur onsite within existing habitat for this species where other individuals have been mapped. Additionally, this species has been noted to be present at the Caspar Pygmy Forest Preserve site (Heise 2015), which will provide additional compensation of impacts beyond the replacement proposed in the DEIR.

PO Box 944
Mendocino, CA 95460

March 22, 2015

Mr. Michael Sweeney
Mendocino County Solid Waste Management Authority
Ukiah, CA 95482

Re: Central Coast Transfer Station DEIR

Dear Mr. Sweeney:

We support the placement of the Central Coast Transfer Station at the proposed Highway 20 site. The cost savings to the County and the reduction in carbon emissions due to less fuel being used to transfer coastal waste are the main reasons we support the finding of the Draft Environmental Impact Report.

Further, we believe the trade-off of developing the four-acre Highway 20 site is more than adequately compensated by the addition of over 60 acres of similar biological terrain when the California Department of Parks gains ownership of the former Caspar landfill site. Allowed to reseed and regenerate, the Caspar site will return to its former transitional pygmy condition with a generation or two.

K-1

Finally, the reduction of traffic at the Highway One and Road 409 intersection will reduce the likelihood that prevails there for serious traffic accidents.

We appreciate the work that was done to create this document and urge the City Council and Board of Supervisors to adopt its findings and begin creating the state-of-the-art transfer station that we believe will, overall, benefit the environment and provide the most efficient way to handle the Coast's waste.

Sincerely,

William and Marilyn Lemos

Letter K – William & Marilyn Lemos – Response to Comments

Response K-1

Comment noted. The commenter expresses support for the location on Highway 20 as the best site for the proposed project.

Cherry Cove
Ranch

March 23, 2015

Dear Mr. Sweeney

It is important for us, the public, to know the cost of the different alternative places that were Turned down for the Transfer station. L-1

the coastly lily is directly in the path of the transfer station to mitigate by replanting the lily else where is not sufficient L-2

the third problem is the danger to the Fort Bragg water supply. It is threatened by the run off FROM the transfer station. Holding tanks are not enough mitigation for the dangerous problem L-3

Letter L – Charla Thorbecke – Response to Comments

Response L-1

Cost estimates are not a required section of an EIR under CEQA Statute (Public Resources Code 21000-21177) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000– 15387). Projected costs would be different between the alternatives but the designation of the preferred project site was made on environmental grounds, not cost.

Response L-2

The design avoids and protects all coast lily except for five plants which would be relocated or replaced (reference DEIR Mitigation Measure BIO-1a). The replacement is proposed onsite within existing habitat for this species where other individuals have been mapped. Additionally, this species has been noted to be present at the Caspar Pygmy Forest Preserve site (Heise 2015), which will provide additional compensation of impacts beyond the replacement proposed in the DEIR.

Response L-3

Please see Response F-2 and Master Response #7 – Hydrology and Water Quality. A holding tank for management of leachate is a standard feature for solid waste transfer stations and there is no reason to consider it inadequate, particularly since waste handling activities would be performed in a fully-enclosed building.

3/23/2015

To the Mendocino County Board of Supervisors, Fort Bragg City Council, and Mike Sweeney.

We all want what's best for the coast. In order to determine what this is there are a multitude of agencies that exist to help make informed decisions and that can help save the County time and money. Unfortunately it appears that one of the most powerful agencies guidelines and manuals was overlooked by our very own waste authority.

I encourage everyone to read the EPA's guidelines for a waste transfer station titled, Waste Transfer Stations: A Manual for Decision-Making. http://www.epa.gov/osw/nonhaz/municipal/pubs/r02002.pdf

This document superbly outlines the proper decision making processes and the proper methodology of building a transfer station.

There are 61 pages and the main importance we seem to find on page 14, Exclusionary Siting Criteria, and I quote:

Exclusionary Siting Criteria M-1

Siting a waste transfer station, or any type of facility, with preclusive siting criteria is often prohibited by Federal, State, or local laws or regulations, or requires facilities to incorporate special engineering design and construction techniques. Even when siting in excluded zones is allowed, the added engineering designs or strong public opposition can significantly increase construction costs. In general, it is best to avoid siting in these areas. Exclusionary criteria might include areas such as:

Wetlands and flood planes

Endangered and protected flora and fauna habitats

Protected sites of historical, archeological or cultural significance.

Prime agricultural land

Parks and preserves

:End quote

What we have in this situation on the proposed Hwy 20 location is plethora of these Exclusionary criteria that somehow has gone over looked by the Mendocino County Waste authority.

State Parks classifies Pygmy as a wetland

It contains Endangered and protected Flora and Fauna

With 1600 acres remaining in the world it has a strong likelihood of becoming a National Preserve in the near future.

M-1 cont

Being a lifelong resident of Fort Bragg I too thought the Pygmy was of very little use and suitable for trash. This unfortunately is the same mentality that past generations used to justify deforestation and clear cutting. There is an answer.... One more point below.

There is no mention of expansion in the DEIR and how the existing pygmy will be protected.

Ability for Expansion, Starting on page 16 and I quote:

When selecting a site, consider the potential for subsequent increase in the daily tonnage of waste the facility will be required to manage, or added to the processing capabilities for recycling and diversion. It is frequently less expensive to expand an existing transfer station than to develop a new site due to the ability to use existing staff, utility connections, traffic control systems, office space and buildings.

:end quote

The above was never a consideration in the DEIR and according to the EPA there should have been a future waste increase consideration and plant expansion study. Since the concern of the DEIR was to show the plants proposed footprint and its non-impact on pygmy areas where is the allowance for future expansion?

M-2

As was stated in the DEIR by the California Native Plant Society(CNPS) "transitional pygmy" is not a correct term. It is pygmy species that have broke through the hardpan layer and are receiving nutrients from below. In light of this and the recommendation by CNPS, the over lays show the proposed transfer station right in the heart of the protected pygmy forest. So once again we find that the Waste authority has neglected to address this with proper mediation and perhaps a slide of hand hoping no one would notice?

M-3

In Summary

These items and this guideline should have been presented to the County board of Supervisors and to the Fort Bragg City council by the head planner of this transfer station. This way all members of the panel could have been adequately informed of the dangers and potential cost run up of choosing a site that did not meet EPA standards or requirements.

Another consideration of grave importance is the likely hood of pollution from runoff into the proposed Summers lane runoff water/rain collection holding pond which is downstream. The potential for liability and future class action lawsuits could jeopardize not just the proposed transfer station but also the financial wellbeing of those allowing this highly possible hazard to come to fruition. 68% was the number given as to the percentage of captured pollutants, so in all likelihood a suit will occur involving the residents of Fort Bragg who are impacted by City water. M-4

In Conclusion

There is a better solution that would cost less money to the county. Leisure time campground, not located in the Noyo water shed and on topographical terrain that has no waterways/creeks is for sale. The current owner would accept $750,000 for it. It has the Hwy20 corridor, no pygmy forest, wide established turning lanes near, large shoulders for traffic easements, power and septic already in place. The benefits mentioned would already offset the cost of initial purchase. M-5

It has also come to our attention that Fort Braggs own trash collector Waste Management has just been approved for their own transfer pit and is in the process of building it. This would incorporate the large style, trash hauling, carbon footprint saving trucks. This is the same pit minus the covered enclosure that is proposed for Hwy 20. Does Fort Bragg really need 2 recycling locations and 2 transfer stations? The EPA manual answers this question.... M-6

Sincerely,

Jeremy James

Retired Sniper US ARMY 2nd Ranger Battalion

Letter M – Jeremy James – Response to Comments

Response M-1

The first part of this comment identifies the Environmental Protection Agency's (EPA's) website for their guidelines for a waste transfer station and sites their exclusionary siting criteria, which "in general, it is best to avoid" and what these "exclusionary criteria might include" (quoted from EPA). The siting criteria also state that some locations may be prohibited by Federal, State, or local laws or regulations, none of which apply to the proposed project site since although impacts are noted and disclosed in the DEIR, mitigation that is allowable under local regulations is also provided as part of proposed project, and included in the DEIR (reference DEIR Mitigation Measure BIO-1). With the creation of the 28.3-acre Caspar Pygmy Forest Preserve, the project will permanently protect 19.5 acres of Pygmy cypress forest, and significantly contribute to preservation of this unique habitat and associated sensitive species (as documented by Heise 2015). Regarding the comment that "a plethora of these exclusionary criteria" have been overlooked, again the only item listed in the EPA manual as a possible exclusionary item is sensitive flora, impacts to which are addressed by the inclusion of mitigation in the DEIR. The project completely avoids impacts to wetlands on the project site, which have been mapped and approved by the US Army Corp of Engineers, and occur coincident with the Pygmy cypress forest – short morphotype. The proposed project does not result in impacts to cultural resources, prime agricultural lands nor parks. Also see Master Response #1 – Pygmy cypress forest. With regard to the proposed transfer station capacity, please see Response M-2 below.

Response M-2

The 30,000 square-foot enclosed transfer station is proposed to have a waste handling area (pit) to be approximately 200 by 45 feet with a depth of three feet. This would allow for approximately 27,000 square feet of waste handling space. Assuming a conservative solid waste density of 150 pounds per cubic yard (e.g., the higher the density the less the volume required) and an average daily solid waste throughput of 35 tons, the proposed waste handling area is approximately 47 percent of capacity. Assuming a peak throughput of 50 tons per day with the previously mentioned assumptions, the waste handling area would be approximately 67 percent of capacity. While the project assumes that solid waste would be loaded onto end-dump trailers by a grappling crane, the transfer station design detail and operation would be dictated by the future operator. By modifying the geometry of the tipping floor and using solid waste compactors (bailers), the future operator could improve the proposed transfer stations efficiency allowing for a greater throughput capacity than previously assumed. If such an increase in throughput capacity were ever considered, the increase, and any associated improvements, would be subject to CEQA and a revised Major Use Permit.

As noted in DEIR Section 2.5.7, the project is designed so that the proposed 30,000 square foot transfer station building is large enough to accommodate larger tonnage through more intensive use of the same infrastructure without the need for physical expansion. Reference Section 2.5.7 for more information regarding capacity.

Response M-3

The independent field biologist correctly mapped three morphotypes of sensitive pygmy cypress trees at the project site, which are individually considered a sensitive species (CRPR 1B) (WRA 2013). It is generally agreed that different trees from the identical species (e.g., Mendocino cypress or Bolander's

pine) would grow to different heights dictated by the presence, depth, and/or limiting factors of a hardpan, if present, and other soil characteristics, further elaborated on in Response U-1. The DEIR does not dispute that the larger cypress trees that are identified as “tall” and “intermediate” based on their height are still a sensitive species, and the DEIR therefore provides mitigation for the amount of individual trees impacted. The designation of different morphotypes is important from a habitat perspective in that pygmy cypress short morphotype individual trees can be decades old (some passing the century mark) [Jenny 1973] yet appear as saplings, and are the rarest and most unusual of the three morphotypes because they are associated with the more developed soil characteristics, including spodic-like hardpan and Blacklock Soil Series. As described in the DEIR, the intermediate (or transitional) and tall morphotypes, do not appear to be limited by underlying soil conditions, likely because a limiting hardpan has not yet formed through soil development processes, or is only partially cemented. Also, as described in the DEIR, the pygmy cypress - intermediate morphotype includes Bolander’s pine within this map unit, which is a defining tree species assemblage commonly observed within Mendocino pygmy cypress forest (in this case it appears that although the plant association is present, the soils may not be developed to the point of being a limiting factor in plant growth). The site design centers the facilities in the area mapped by the biologists as Bishop Pine Forest Alliance, (DEIR, Figure 3.4.1). The site design has also been placed to avoid fragmenting pygmy cypress forest habitat, and the impacts to individual pygmy cypress trees are either on the fringe of the tall and intermediate morphotypes, or impacts are to individual trees scattered within the Bishop pine map unit. The pygmy cypress – short morphotype (dwarfed) has been completely avoided. No matter the differentiation into morphotype, which was helpful from a planning perspective to minimize impacts, the project proposes to mitigate for the total impacts to pygmy cypress forest (minimized to 0.58 acres across the various morphotypes) through establishment of the Caspar Pygmy Forest Preserve.

Response M-4

Please see Master Responses #6 - Summers Lane Reservoir, and #7 - Hydrology and Water Quality.

Response M-5

Please see Master Response #3 – Alternatives Evaluated.

Response M-6

Empire Waste Management is not in the process of building a “transfer pit.” The proposed project would be the only transfer station serving the Central Coast. Empire Waste Management has, however, implemented a new truck-loading system. Their exiting “pod” system has worn out and the company recently secured approval from the City to substitute the Wilkens truck transfer system, which allows a collection compactor truck to back up to a ramp and push its contents into the back of a specialized semi-trailer. Unfortunately, the payload achieved with the Wilkens is no better than the pod system due to the difficulty in filling the trailer. Also, a substantial portion of the region’s wastestream is collected in roll-off boxes (big square dumpsters) of 20 to 50 cubic yards in size, which are hauled to Willits two-at-a-time with an even smaller payload. With the demise of the pods, roll-off boxes would handle all the wastestream from the Caspar self-haul transfer station, reducing the overall average payload delivered to the Willits Transfer Station. In summary, the region is still facing a haul efficiency that is about 40 percent less than could be achieved with fully-loaded “possum belly” transfer trailers, which is what is proposed to be used for the proposed project

The Environmental Protection Information Center in Garberville, CA posted this form letter on its website. Several hundred copies of the identical message were emailed, bearing the names of different signers.

Mike Sweeney

From: "Don Wisedagama" <fonzy1@gmail.com>
Date: Tuesday, March 24, 2015 6:02 AM
To: <sweeney@pacific.net>
Subject: Notice of Preparation for the Central Coast Transfer Station Draft Environmental Impact Report (SCH# 2014012058) Mendocino County, California

Dear Mr. Sweeney,

I am writing to voice my opposition to the preferred alternative as articulated in the Draft Environmental Impact Report for placement of a solid waste transfer facility on property currently occupied by Mendocino Pygmy Cypress Forest and Northern Bishop Pine Forest. The preferred alternative, if implemented, will likely have a significant adverse impact on these rare forest types, and the mitigations thus far identified are not adequate to offset these significant adverse impacts. **N-1**

The DEIR does not provide an adequate evaluation of potentially significant impacts of the preferred alternative. Furthermore, the DEIR fails to provide adequate analysis or information related to feasible, less-damaging alternatives, and fails to adequately address why the alternatives not chosen do not constitute equally feasible, less-damaging alternatives to the proposed project. **N-2**

The proposed action as articulated in the DEIR is in direct conflict with several land management directives contained in the Mendocino County General Plan, and is in direct conflict with the Jackson Demonstration State Forest Management Plan. **N-3**

I urge you to reject the preferred alternative as described in the DEIR, as this alternative is certain to have significant adverse impacts on a rare and highly vulnerable vegetation type that cannot be replaced, and for which mitigation is not possible. Equally feasible, less-damaging alternatives must be articulated and considered in order for the project to fully comply with the letter and spirit of CEQA.

Thank you for your consideration.

Sincerely,

Don Wisedagama
10 Lavender Close
Thornlie, ot 6108

Letter N – Don Wisedagama & many others – Response to Comments

Response N-1

Please see Master Response #1 – Mitigation for Pygmy Cypress Forest and Master Response #2 – Classification of Bishop Pine Forest.

Response N-2

The DEIR has been prepared per CEQA Guidelines and provides an appropriate analysis of alternatives. Please see Master Response #3 – Alternatives Evaluated.

Response N-3

Please see Master Response #5 – Mendocino County General Plan. Also, the Jackson Demonstration State Forest Management Plan does not control uses of the project site because AB 384, enacted by the Legislature with approval of the State Board of Forestry and the JDSF Advisory Council, authorizes the removal of the project site from the jurisdiction of JDSF. It should be noted; however, that while the JDSF Management Plan generally supports protection and avoidance of listed species, this was not interpreted by JDSF to prohibit incidental clearing of habitat for essential public utilities. In the past JDSF cleared approximately one acre next to the project site for a helipad, and has previously considered moving the entire JDSF headquarters building and associated facilities to the project site evaluated in the DEIR (reference DEIR page 3.2-2).

State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
(530) 225-2300
http://www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director

March 24, 2015

Mr. Mike Sweeney, General Manager
Mendocino Solid Waste Management Authority
3200 Taylor Drive
Ukiah, CA 95482

Subject: Review of Draft Environmental Impact Report for the Proposed Central Coast Transfer Station in Fort Bragg (SCH #2014012058) Mendocino County, California

Dear Mr. Sweeney:

On February 11, 2015, the California Department of Fish and Wildlife (CDFW) received from the State Clearinghouse a Draft Environmental Impact Report (DEIR) for the proposed Central Coast Transfer Station project (Project) in Fort Bragg, Mendocino County. The Lead Agency for the project is the Caspar Joint Powers Authority of the County of Mendocino (County) and City of Fort Bragg (City). CDFW has jurisdiction over the conservation, protection and management of fish, wildlife, native plants and their habitat. As a responsible and trustee agency, CDFW administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. CDFW provides the following comments and recommendations in our role as a trustee agency pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code (PRC) §21000 *et seq.*).

CDFW's primary concerns regarding the DEIR and proposed Project include: **O-1**

1. Significant impacts to Mendocino Pygmy Cypress Woodland (MPCW) Sensitive Natural Community, and inadequate mitigations for these impacts.

2. Significant impacts to Northern Bishop Pine Forest (NBPF). The DEIR misclassifies this Sensitive Natural Community, therefore it did not recognize its rarity or State rank and thus did not identify project impacts as significant or propose mitigations.

3. Inadequate analysis of indirect impacts to wetlands, downstream surface water, and Sensitive Natural Communities.

4. Inadequate analysis of cumulative impacts.

5. Inadequate analysis of feasible Project alternatives that would substantially reduce or eliminate most of the significant environmental impacts of the Project.

Project Description

As detailed in Section 2.5 of the DEIR, the proposed Project includes three related components:

1. Land transfer and acquisition. The County and City would acquire the Project site, consisting of 17 acres of Jackson Demonstration State Forest (JDSF); JDSF would acquire 12 acres of Russian Gulch State Park; and the California Department of Parks and Recreation (California State Parks) would be granted the option of taking ownership of 35 acres of the closed Caspar landfill.

2. Construction of a solid waste transfer facility, including: a 30,000 square foot waste transfer building, an outdoor recycling drop-off area, an office, paved driveways, parking areas, two stormwater detention basins, a groundwater well, septic tank, leach field, and perimeter fencing. The Project footprint would be 4.72 acres. Site preparation would include vegetation removal, grading, excavation, and trenching, with a net import of 1,000 cubic yards of soil and 1,200 cubic yards of asphalt.

3. Operation of a solid waste transfer facility.

O-1 cont

In addition to the proposed Alternative, Alternative 1(No Project) and Alternative 2 (Caspar Site) were identified. Alternative 1 would continue operation of a self-haul transfer station at the existing Caspar site, with no modification of facilities. Alternative 2 would construct the proposed commercial transfer station within the existing developed area at the self-haul transfer station in Caspar.

O-2

General Comments

Before and during the review period for the Notice of Preparation (NOP) of the DEIR, CDFW staff made several requests to meet with Project proponents. On March 7, 2014, CDFW staff met in person with representatives from GHD, Inc. (DEIR preparer) and yourself (M. Sweeney) via telephone. During that discussion, and in prior e-mail correspondence, CDFW staff offered to consult with the County and City to assist in designing a project which would avoid, minimize or mitigate potential environmental impacts. CDFW's February 28, 2014, letter regarding the NOP also underscored the importance of effective avoidance, minimization and mitigation strategies. CDFW staff were not consulted by the County, City, or GHD, Inc. staff regarding these issues during DEIR preparation.

Several of the recommendations made in CDFW's February 28, 2014 letter were either not addressed, or inadequately addressed in the DEIR, including: the need for an adequate cumulative impacts analysis; preparation of a detailed mitigation plan; disclosure of all probable costs of the proposed Project; and preparation of a detailed erosion control plan and low-impact development (LID) strategy. This letter focuses on CDFW recommendations that were not incorporated into the DEIR, as well as other major inadequacies in the DEIR.

O-2 cont

Vegetation Classification and Sensitive Natural Communities

Vegetation association nomenclature used in the DEIR to classify MPCW and NBPF does not follow accepted or published scientific sources and should be revised. The use of inaccurate information in the DEIR has resulted in flawed conclusions regarding significant impacts, and failure to develop adequate mitigation measures.

Although Sawyer et al. (2009) is cited as the information source in DEIR Section 3.4.1 and Table 3.4-2, the descriptions used to divide MPCW into height categories do not appear in that source. The rarity of MPCW (and associated species) is not determined by the height of trees. MPCW is recognized as a Sensitive Natural Community, with global and State conservation rankings of G2 and S2, respectively. A G2 ranking defines a natural community that is imperiled, at high risk of extinction due to a very restricted range, very few populations (often 20 or fewer), steep declines, or other factors. An S2 ranking defines a habitat that is imperiled in the State because of rarity due to a very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the State.

O-3

The DEIR erroneously classifies the vegetation association containing Bishop pine (*Pinus muricata*) on the Project site as Bishop Pine Forest, with a conservation ranking of G3 S3. As identified in the Biological Assessment (WRA 2013), the association occurring on the Project site is Northern Bishop Pine Forest, which is ranked G2 S2.2 (CDFW 2010). This is the association and rank currently recognized by CDFW. The DEIR further inappropriately divides NBPF into "high quality" and "low quality" categories, providing no quantitative measures or other objective criteria for this distinction. Perceived quality does not influence its global and State rankings; all NBPF is ranked G2 S2.2.

O-4

The Project proposes to permanently remove four acres of NBPF. Section 3.4.3 of the DEIR defines the threshold of significance for adverse effects to "Imperiled Sensitive Habitats (State Rank S1 and S2 per CDFW criteria)" as removal of more than zero (0) acres of sensitive habitat at the Project site. Yet no mitigation measures are proposed in the DEIR to compensate for this significant impact to NBPF. Pursuant to CEQA section 15088.5, this new significant environmental impact resulting from the Project would require recirculation of the DEIR.

O-5

Ecological Significance of Mendocino Pygmy Cypress Woodland

MPCW is a Sensitive Natural Community with unique physical and biological characteristics. Conditions under which this Sensitive Natural Community developed include geological processes that are atypical in western North America. In Mendocino County, marine terrace uplift occurred without significant warping or faulting, resulting in five distinct, flattened terraces (Sholars 1982). The oldest terraces are estimated to be up to several hundred thousand years of age (Sholars 1982). Soil types on the terraces are sandy, nutrient-poor and acidic. In some locations, physical and chemical processes have developed a clay and/or iron-cemented "hardpan" which inhibit root penetration and create a perched water table. Saturated and low-nutrient soil conditions, combined with high aluminum levels, create the specific conditions under which MPCW exists. These conditions foster the symptomatically stunted appearance of MPCW vegetation. This combination of soil and vegetation type only occurs in Mendocino County, between Pudding Creek and the Navarro River, with scattered stands of similar vegetation communities in Sonoma County (Sawyer et al. 2009).

In addition to soil type and condition, MPCW is identified by the presence of specific plant species. The two defining tree species are pygmy cypress (*Hesperocyparis pygmaea*) and Bolander's pine (*Pinus contorta* ssp. *bolanderi*). Both pygmy cypress and Bolander's pine are rare plants, with a State Rank of S2 and a California Rare Plant Rank of 1B.2 (rare, threatened or endangered in California and elsewhere; moderately threatened in California - 20-80% of occurrences threatened/ moderate degree and immediacy of threat). MPCW also has exceptional lichen diversity with over 50 species, and is habitat for many California Rare Plant Ranked species, including pygmy manzanita (*Arctostaphylos nummularia* ssp. *mendocinoensis*: 1B.2), small groundcone (*Kopsiopsis hookeri*: 2B.3), swamp harebell (*Campanula californica*: 1B.2), California sedge (*Carex californica*: 2B.3), hair-leaved rush (*Juncus supiniformis*: 2B.2), coast lily (*Lilium maritimum*: 1B.1), and white beaked-rush (*Rhynchospora alba*: 2B.2).[1]

O-5 cont

As the DEIR notes, CDFW estimates that as few as 2,000 acres of MPCW habitat may currently exist, based on the best available spatial data[2]. Most of this acreage is vulnerable to fragmentation, clearing, development, and other impacts that has or will further degrade this Sensitive Natural Community.

[1] Additional California Rare Plant Rank definitions: 1B.1: rare or Endangered in California and elsewhere; seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat), 2B.2: rare or Endangered in California, but more common elsewhere , (Moderately threatened in California (20-80% of occurrences threatened / moderate degree and immediacy of threat), 2B.3 (Rare or Endangered in California, but more common elsewhere; not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known).

[2] California Natural Diversity Database, CDFW; Soil Survey Geographic database (SSURGO), Natural Resources Conservation Service, USDA; Robert E. Sholars, Ph.D. 1983 mapping (digitized by Planwest Partners, Inc.); Google Earth imagery; CalFire historic 1996 and 1999 aerial photos; reconnaissance data from Rhiannon Korhummel, botanist; data from Mendocino Redwoods Company, LLC; and plot data from Will Russell, Ph.D., San Jose State University.

Land use activities that remove vegetation, destroy the fragile lichen crust (i.e, cryptogamic earth), alter hydrologic patterns, break the soil hardpan, or affect soil nutrient levels will degrade or destroy MPCW. Given its highly unusual soil and hydrological conditions, CDFW is doubtful that MPCW can be created and is unaware of any examples. It is also extremely difficult to restore degraded MPCW to its original condition after substantial disturbance has occurred. Thus, developing effective and feasible mitigations for loss of MPCW is extremely difficult. O-5 cont

Mitigation Measures – Impacts to Mendocino Pygmy Cypress Woodland

Mitigation Measures BIO-1b and BIO-2 in the DEIR propose to mitigate for the loss of pygmy cypress and Bolander's pine by placing a conservation easement at a 3:1 ratio (total area of approximately 3.55 acres) on a portion of a 28-acre parcel (APN 118-500-45) currently owned by the County.

A September 9, 2014 memorandum to the Mendocino County Board of Supervisors described the proposed mitigation land as a County surplus property *"...acquired by the County in 1994 to settle a lawsuit by its owner... concerning groundwater contamination from the nearby Caspar landfill"* (Sweeney 2014). Public records show that the County listed the property for sale in 2011, but no offers were received. O-6

The memorandum further states that *"About one-half of the parcel lies inside the Coastal Zone, which would be an obstacle for any development because of rules about pygmy forest protection.... Presumably there would be potential for development for one single-family residence, if on-site water and sewer could be created and regulatory obstacles could be overcome."* Although the DEIR contends that portions of the proposed preservation site could be threatened by future development and/or encroachment from adjacent uses, the memorandum states that *"The parcel is fairly remote and protected from trespass by a locked gate about ¼ mile away on Prairie Way."* CDFW finds the MPCW mitigations proposed in the DEIR are inadequate, will not reduce impacts to less than significant, and do not include other potentially feasible mitigation measures. O-7

Furthermore, the DEIR provides little information on the nature of the proposed conservation easement, including justification for the low mitigation ratio, allowable uses in the easement lands and on adjacent lands, the amount and nature of the endowment to monitor and manage the easement, financial assurances the easement is viable, and what entity would hold the conservation easement. Simply placing a conservation easement on the land may not prevent encroachment or degradation of the site, and without more information, it is not possible to determine what level of protection and preservation the conservation easement would provide, or to what degree the proposed easement land is already sufficiently protected from development, thus diminishing its mitigation value. O-8

Although the DEIR focuses on two tree species (pygmy cypress and Bolander's pine), MPCW consists of a specific combination of soils, hydrology and vegetation. No biological assessment or meaningful analysis is provided to evaluate the suitability of the proposed mitigation site. Without quantification or supporting documentation, the DEIR states subjectively that: "The preservation site has similar, if not more pygmy-forest oriented species composition, compared to the area of impact, with a mixture of true pygmy forest (stunted with both cypress and Bolander's pine present) as well as intermediate cypress and Bolander's pine areas, and some Bishop pine (per GHD May 2014 site visit)." A full biological assessment and inventory should be completed on any prospective mitigation site. O-9

Defensible Space

The DEIR focuses on direct impacts within the Project footprint, but largely does not analyze the potential for indirect impacts of the Project. According to the DEIR, the Project site is located within "a Very High Fire Hazard Severity Zone as mapped by CalFire." Public Resources Code (PRC) section 4291 requires that 100 feet of defensible space is maintained from the front, rear, and each side of structures. Maps of the Project impact area in the DEIR do not depict where defensible space vegetation removal or thinning would be required to comply with State law, nor does the DEIR analyze the impact of ongoing Project-related vegetation removal. The DEIR should be revised to disclose all areas where vegetation management will be required to comply with PRC section 4291, and provide analysis of this increased impact. A conservative estimate based on Project maps is an increase in the Project footprint of approximately 1.5 acres, consisting of approximately 0.40 acre of MPCW, with the remainder comprised mostly of NBPF. When clearing for defensible space is considered, it appears that vegetation clearing for the project could extend into sensitive MPCW forested wetlands to the north of the Project. O-10

Analysis of Potential Impacts to Wetlands, Downstream Surface Water, and Adjacent Sensitive Natural Communities

The Project proposes minimal buffers between the Project footprint and delineated wetlands. According to the DEIR, proposed associated road work on State Route 20 would occur 25 feet from an identified palustrine emergent wetland, and a stormwater detention basin would be constructed 50 feet from a forested wetland. Although the Project avoids direct removal of wetlands, indirect adverse effects from development adjacent to wetland habitats include altered hydrology, diminished water quality from the discharge of pollutants, disturbance to wildlife from human activities, altered microclimate, increased potential for invasive species introduction, and other impacts (CDFW 2014). In addition, the scientific literature indicates that to maintain viable habitat for many of California's riparian and wetland dependent bird, amphibian, and reptile populations, an undeveloped upland habitat buffer of at least 50 meters wide (154 feet), and often considerably wider, would likely be necessary. The appropriate buffer width for a project should be based on project-specific direct and indirect impacts O-11

and habitat needs (CDFW 2014). Based on CDFW's extensive review of the scientific literature (CDFW 2014), it is highly unlikely that the minimal wetland buffer proposed in this Project are enough to mitigate potentially significant impacts, especially considering the protective buffer will be cleared to comply with fire safe boundaries (PRC §4291). O-11 cont

Although the DEIR acknowledges that substantial adverse effects to wetlands could include direct removal, filling, hydrological interruption, or other means, a threshold was only established for fill in wetlands, waters of the U.S., or waters of the State. Potential hydrological interruption was not disclosed or analyzed in the DEIR, and no threshold was identified for what would constitute a significant effect from hydrological alteration as a result of the Project.

CDFW's February 28, 2014 letter recommended the DEIR include a detailed erosion control plan and LID strategy that details site-specific measures for reducing erosion, maintaining on- and off-site water quality and encouraging on-site retention of storm flow runoff. CDFW also recommended that the DEIR include a hydrological-based assessment that addresses potential impacts to surface water including small watercourses and down-slope connecting streams/rivers. O-12

The DEIR acknowledges that development of the Project could lead to increased runoff due to removal of vegetation and the creation of impervious surfaces and includes information on permit requirements and general design considerations. Despite the acknowledgement of this potentially significant impact, the DEIR provides few site-specific details with regard to stormwater management or methods that would be used to reduce the potential for impacts to wetlands, remaining Sensitive Natural Communities, downstream surface water, or groundwater. For example, the DEIR states that *"the detention basin analysis presented in this report does not consider the outlet structure or the other drainage features (e.g., emergency spill way) that would be necessary for a detention basin" and that the "specific locations of these detention basins will be determined during the development of the grading and drainage plans..."* Given the Project's proximity to wetlands, proposed placement within Sensitive Natural Communities, specific information on the exact location and design of Project components (including detention basins and outlet structures) are essential to determine Project impacts, their significance, and potential mitigation if needed. O-13

MPCW is a nutrient-poor ecosystem with unusual and narrow hydrological and water quality parameters. Thus, hydrological and water quality changes from runoff from this Project could have significant negative effects on the adjacent MPCW Sensitive Natural Community.

Hydrology and water quality thresholds of significance and mitigation measures provided in DEIR Section 3.9 generally rely on permit requirements and future permitting processes, without analysis of potential Project- and site-specific environmental effects. CEQA section 15126.4 states that formulation of mitigation measures should not be deferred until some future time. However, measures may

specify performance standards which would mitigate the significant effect of the project. Seeking permits from other agencies without identifying specific minimum performance standards to reduce impacts does not constitute adequate impact analysis or mitigation. O-13 cont

Cumulative Impacts

CEQA section 15130 states that an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in § 15065 (a)(3). As defined in section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. The DEIR inadequately discloses related projects, as well as cumulative impacts of the proposed Project.

For example, the DEIR does not disclose the City's proposed Summers Lane Reservoir Project within the "List of Relevant Projects." A Mitigated Negative Declaration and a Timber Harvesting Plan were prepared for the Summers Lane Reservoir project, which would permanently remove and convert approximately eight acres of redwood-dominated mixed coniferous forest, including 72 Mendocino pygmy cypress trees. O-14

The DEIR also fails to disclose or analyze ongoing impacts to MPCW through ministerial permits issued by the County for single family residences and other developments occurring within MPCW in the absence of environmental review. The majority of existing MPCW (approximately 75 percent) is located outside of the coastal zone. Areas of MPCW that are considered protected because of public and/or conservation organization ownership only account for approximately 25 percent of the total existing acreage. Therefore, most remaining MPCW is at risk for conversion, degradation, or other land use activities that pose a significant threat to this rare and threatened Sensitive Natural Community. O-15

The DEIR acknowledges that the land swap that would facilitate the acquisition of the subject property by the County and City is a component of the proposed Project, but fails to analyze the potential impacts of the land transfer and foreseeable changes in land use. Assembly Bill No. 384 (AB 384) passed in 2011, granting authorization for the transfer of land between the County/City, California State Parks, and JDSF, which is managed by the California Department of Forestry and Fire Protection (CalFire). The legislation specifically states that *"The entity acquiring title of the property shall be solely responsible for compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000) in connection with the transfer of property ownership and development of the solid waste transfer station."*

The DEIR does not analyze potential impacts of the land transfer of 12 acres of redwood forest from California State Parks to JDSF. This change would allow the potential for future timber harvest, which does not exist under California State Parks management. In addition, according to the DEIR, the future ownership of the closed Caspar landfill site is still undetermined, with California State Parks having "the option of O-16

taking ownership. The DEIR provides a perfunctory description of the procedure for closing the Caspar Transfer Station in Section 2.5.14, however, the future managing entity should be determined, and a detailed management plan should be prepared for inclusion in the DEIR. The required analysis of the impacts of this substantial Project component constitutes significant new information, requiring DEIR recirculation pursuant to CEQA section 15088.5.

O-16 cont

Feasible Alternatives

CEQA section 15126.6(f)(2) states: "The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location." According to the DEIR, the Project would have impacts to air quality, odors, biological resources, cultural resources, geology and soils, hydrology, and transportation. Despite these disclosed impacts, the DEIR concludes that the Project, as proposed, is the "Environmentally Superior Alternative." In addition to the No Project Alternative, and Alternative 2, five alternative locations were "Considered but not Carried Forward in this EIR." Of these locations, at least two otherwise feasible alternatives are dismissed, with cost as one consideration.

Our February 28, 2014 letter specifically recommended that the DEIR should analyze and disclose all probable costs of the proposed CCTS including costs for land acquisition, restoration and maintenance that will likely be required to, in part, adequately mitigate for Project-related impacts. CDFW also recommended that the discussion should focus on alternatives to the Project or its location which are capable of avoiding or substantially lessening any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the Project objectives, or would be more costly [CEQA Section 15126.6(b)].

O-17

Cost and cost-effectiveness figure prominently in both the stated goals of the Project, and in arguments against rejected alternatives. However, the DEIR provides no comparison or analysis of the total cost of the proposed Project or any of the alternatives. For example, the alternative described in DEIR Section 4.4.4 would require removal of little or no forest since a substantial area is already cleared. The DEIR acknowledges for that site, *"No major streams or waterways are located on the property and approximately 12 acres are flat and useable. A seven-acre portion of the property is already cleared of forest. Private sewer and water systems are in place."* The DEIR further states that the property would have some of the same advantages as the proposed project site. According to the DEIR, the acquisition cost would be 1.2 million dollars, concluding that this would significantly increase the capital expense of development of a transfer station. No estimate or analysis is provided in the DEIR to account for the potential cost offset of selecting a developed site (for example, mitigation measures that may not be required due to avoidance of environmental impacts, site preparation that would not need to occur, and existing sewer and water that would not need to be installed).

CEQA section 15126.6 (f) states the range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making. Without disclosing a comprehensive analysis of the total costs of all alternatives, it cannot be determined from the DEIR whether the "increased expense" of one alternative over another is significant over the life of the Project.

O-17 cont

The DEIR is also inconsistent in how it analyzes the impacts of various alternatives. For example, DEIR sections 4.4.4 and 4.4.5 provides analysis results of the potential distances of two alternatives to existing residences. For these two alternatives, the DEIR concludes, based on that information, that it would be less successful in meeting the project objective of isolation from other land uses. However, the DEIR used different analysis criteria to determine the distance of the Project to residence for the preferred alternative. The DEIR should utilize the same analysis for all proposed alternatives, including the preferred alternative to determine the impacts and adequacy of all the Project alternatives.

O-18

In 2007, a *Mendocino Central Coast Commercial Transfer Station Siting Study – Report of Findings* was prepared for the County by Winzler & Kelley Consulting Engineers (now GHD, Inc.). This report, previously available on the Mendocino Solid Waste Management Authority website, identified 25 potential project sites, provided cursory analysis of the top ten, and selected five sites for additional study. The report estimated site-specific costs for ten potential project sites. However, this report is not included or referred to in the DEIR, nor is it cited in the list of references.

The conclusions reached in the DEIR regarding feasible alternatives are poorly substantiated and do not meet the substantive mandates of CEQA to avoid or minimize environmental impacts unless doing so is not feasible (PRC §20112; Guidelines §§ 15002, 15021). CDFW does not agree that the Project is the Environmentally Superior Alternative, and that further analysis would lead to a different conclusion. CDFW supports an alternative that avoids NBPF and MPCW Sensitive Natural Communities.

O-19

Inconsistency with Mendocino County General Plan

The Resource Element of the Mendocino County General Plan defines sensitive habitats as those *"that are of special concern to resource agencies or those that are protected under CEQA, Section 1600 of the California Fish and Game Code, the California Coastal Act, California Department of Forestry and Fire Protection Directives, and Section 404 of the Federal Clean Water Act."* The Resource Element also specifically identifies MPCW as a sensitive habitat. Pygmy cypress, Bolander's pine, and other plants occurring in MPCW are also listed in the General Plan's table of special status species. In the Open Space section, the General Plan states that *"Some ecological communities in the county provide unique scenic value, most notably the pygmy forests."*

The General Plan Resource Management Policies describe the County's goal of *"protection, enhancement and management of the biological resources of Mendocino County and the resources upon which they depend in a sustainable manner."* Implementation of the Project at the proposed location is inconsistent with the following Mendocino County General Plan Policies:

RM-24: Protect the county's natural landscapes by restricting conversion and fragmentation of timberlands, oak woodlands, stream corridors, farmlands, and other natural environments.

RM-25: Prevent fragmentation and loss of our oak woodlands, forests, and wildlands and preserve the economic and ecological values and benefits.

RM-28: All discretionary public and private projects that identify special-status species in a biological resources evaluation (where natural conditions of the site suggest the potential presence of special-status species) shall avoid impacts to special-status species and their habitat to the maximum extent feasible...

RM-29: All public and private discretionary projects shall avoid impacts to wetlands if feasible. If avoidance is not feasible, projects shall achieve no net loss of wetlands, consistent with state and federal regulations.

O-19 cont

RM-31: For the purposes of implementing this General Plan, the County defines "special status species" and "sensitive biotic communities" to include all species and habitat identified as such by the California Department of Fish and Game, U.S. Fish and Wildlife Service, or NOAA Fisheries.

RM-73: The design of new development should emphasize the avoidance of sensitive resources and environments rather than their removal and replacement.

RM-74: Discretionary development shall be designed or conditioned to achieve no net loss of sensitive resources.

RM-75: Protection of existing sensitive resources is the highest priority. Onsite replacement or offsite replacement, protection or enhancement is less desirable.

RM-78: Conserve native vegetation, critical habitats and soil resources through education, technical and financial assistance, cooperative endeavors, best management practices, and soils and vegetation management plans for development and resource uses.

RM-79: Encourage farmers, land owners and property managers to protect sensitive environments, and minimize the effects of recreation, tourism, agriculture and development on these resources.

Promote techniques and features such as:

- Habitat contiguity,
- Wildlife corridors,
- Maintaining compatibility with adjacent uses,
- Maintaining habitat for sensitive plant and animal species.

RM-84: Protect "pygmy" ecosystems ("pygmy" and "transitional pygmy" vegetation and soils) through the use of measures that include minimizing:

- Vegetation removal,
- Disruption of vegetation continuity, and
- The introduction of water and nutrients due to human activity, sewage disposal systems, animals or agricultural uses.

Also:

- Limit subdivision of land on agricultural lands adjacent to "pygmy' ecosystems, and
- Promote best management practices to minimize impacts.

O-19 cont

As proposed, CDFW finds the preferred Project location does not comport with the Mendocino County General Plan because the preferred Project site occurs within rare and threatened MPCW and NBPF Sensitive Natural Communities.

O-20

Inconsistency with Jackson Demonstration State Forest Management Plan

Despite the DEIR's statement that AB 384 removes the project site from the JDSF and therefore the JDSF Management Plan is no longer applicable, transfer of the land under authority of AB 384 would be a discretionary action - authorized but not required by the bill - and would therefore be subject to CalFire review and policies. The legislation states that AB 384 would authorize the Director of General Services, subject to the approval of the Department of Forestry and Fire protection, to allow for the land transfer.

O-21

The DEIR also states that JDSF does not consider the project site as valuable for timber production. The JDSF Management Plan (2008) outlines several goals and dozens of objectives, many related to ecosystem processes and forest restoration, protection and enhancement, not merely timber production. One objective in the JDSF Management Plan, under Goal #3 – Watershed and Ecological Processes, is to *"Provide protection to listed species, to species of concern, and to their occupied habitats. Avoid disturbance to uncommon plant communities such as meadows and pygmy forest."* In the Protection of Unique Habitats section, the JDSF Management Plan specifically states: *"Pygmy forest: JDSF will maintain the current distribution and species composition of this plant community and protect it from harmful human disturbance, while continuing to allow compatible recreational activities."*

O-22

The preferred Project Alternative is in direct conflict with the JDSF Management Plan, which would likely have protected these MPCW and NBPF Sensitive Natural Communities in perpetuity. O-22 cont

Summary of Comments

In summary, CDFW has the following substantial concerns regarding the DEIR:

1. As proposed, the Project would have significant direct and indirect impacts to MPCW. The DEIR's proposed mitigations for these impacts are insufficient and not described in adequate detail to assess effectiveness. Further, based upon published research, the DEIR does not accurately characterize this Sensitive Natural Community.

2. As proposed, the Project would have significant direct and indirect impacts to NBPF Sensitive Natural Community. Because the DEIR misclassifies this natural community, it does not recognize its rarity or State rank, therefore, it did not describe impacts as significant or propose mitigations. The DEIR must propose feasible and adequate mitigations for significant impacts to the NBPF Sensitive Natural Community.

3. The cumulative impacts analysis of MPCW and NBPF Sensitive Natural Communities is inadequate and does not recognize the on-going threat to them, especially the potential for their future loss, fragmentation, and degradation. CDFW finds the impacts of the Project to both MPCW and NBPF are cumulatively considerable pursuant to CEQA section 15065(a)(3). O-23

4. The three-way land transfer is defined as part of the Project in the DEIR. However, the DEIR is absent of any environmental impact analysis on the ultimate disposition of the other two parcels in the land transfer.

5. The DEIR does not disclose the location and type of stormwater outfall structures, where polluted stormwater will be delivered once it leaves the proposed storm water detention system, and what effect the polluted stormwater will have on adjacent sensitive MPCW and NBPF Sensitive Natural Communities.

6. Despite significant impacts to the environment, the DEIR concludes that the proposed Project is the Environmentally Superior Alternative. The DEIR dismisses other Project sites without giving them full environmental analysis. Some Project alternatives were at developed/disturbed sites, with only negligible environmental concerns, thus requiring minimal mitigations. The DEIR alternatives analysis should give full environmental analysis to other site alternatives identified in the DEIR, which occur outside of threatened natural communities.

For the above reasons, CDFW finds the DEIR needs substantial revisions, a more thorough review of potential significant environmental impacts, and more effective and fully-described mitigations for significant impacts. Based upon the substantial evidence included in this letter, CDFW finds this DEIR should be recirculated pursuant to CEQA section 15088.5.

CDFW appreciates the opportunity to provide comments on the DEIR and is available to meet with you to further discuss our concerns. If you have questions, please contact Environmental Scientist Angela Liebenberg at (707) 964-4830 or angela.liebenberg@wildlife.ca.gov, or Senior Environmental Scientist Supervisor Gordon Leppig at (707) 441-2062 or gordon.leppig@wildlife.ca.gov.

Sincerely,

Curt Babcock
Environmental Program Manager

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References: Page 16

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Letter O – California Department of Fish & Wildlife – Response to Comments

Response O-1

The first part of this comment is introductory in nature, followed by a summary of the CDFW's primary items of concern regarding the DEIR, and ending with a reiteration of the project description components as detailed in Section 2.5 of the DEIR. For item 1 in this list, please see Master Response #1 – Mitigation for Pygmy cypress forest. Regarding item 2, please see Master Response #2 – Classification of Bishop Pine Forest. Regarding item 3, please see Master Response #7 – Hydrology and Water Quality, for discussion of dissipation, treatment, and redirection of stormwater associated with the project that reduces impacts to downstream areas to less than significant level. Refer to Section 2 Revisions to the Draft EIR, for revisions to Mitigation Measure HWQ-4. Also associated with item 3, is potential indirect impacts to wetlands and what is referred to in this comment as "sensitive natural communities," such as remaining pygmy cypress forest, which is addressed in Response Q-4. Regarding item 4, "inadequate analysis of cumulative impacts," it is unclear what the inadequacies are, but this comment is addressed below where CDFW provides more specific details. For item 5, please see Master Response #3 Alternatives Analyzed.

For additional information that addresses CDFW's comment on the Project Description topic, "Land transfer and acquisition," it should be noted that California State Parks also is being offered a conservation easement on the entire 61-acre Caspar Landfill property giving California State Parks control over any future uses at the site, and limiting those uses that might be a nuisance for adjacent Russian Gulch State Park.

Response O-2

During DEIR preparation, a consultation call was conducted with CDFW on March 7, 2014, to discuss the project and potential impacts. Per this call, the Lead Agency and consultant project team received direction from CDFW regarding the analysis of potential biological impacts from project and the manner to avoid, minimize, and/or mitigate the impacts (through preservation) (CDFW 2014). During this call, CDFW pointed to the County General Plan policies for regulatory guidance and compliance for pygmy cypress forest protection. As such, the applicable General Plan policies were incorporated into the thresholds and analysis under Impact BIO-1, BIO-2, and BIO-5.

Cumulative impacts were analyzed for each resource category in sufficient detail per CEQA Guidelines (Section 15130 and 15355). Cumulative impacts are also addressed herein in Response to Comments I-2, Q-5, T-13, T-15, and T-29.

The DEIR includes appropriate mitigation measures for resource categories with potentially significant impacts. Based on comments received on the DEIR, Mitigation Measures BIO-1b and BIO-2 have been revised to include information regarding designation of the Caspar Pygmy Forest Preserve for compensation for impacts to individual pygmy cypress and Bolander's pine trees, as well as on an acreage basis for impacts to Pygmy cypress forest. The revised version provides conceptual mitigation details at the site including mechanism of preservation through conservation easement, and access limitation. Further details on the pygmy cypress mitigation is provided in Master Response #1 Mitigation for Pygmy Cypress Forest.

Cost-benefit analyses are not required or necessarily relevant to an EIR, which exists to analyze environmental issues associated with the proposed project rather than financial issues. Costs are relevant insofar as they might render an alternative infeasible.

In accordance with Mitigation Measure HWQ-1a, the Construction SWPPP would identify and specify the use of erosion sediment control BMPs for control of pollutants in stormwater runoff during construction related activities, and would be designed to address water erosion control, sediment control, off-site tracking control, wind erosion control, non-stormwater management control, and waste management and materials pollution control. In accordance with Mitigation Measure HWQ-1b, Stormwater discharges from operation of the project would be required to comply with applicable provisions and performance standards stated in the National Pollutant Discharge Elimination System (NPDES) permit. As required by the NPDES permit, County and NCRWQCB requirements, waste materials would not be discharged to drainage areas. Because the Central Coast Transfer Station has the potential to discharge pollutants from a point source (e.g., leaking oil from hauling trucks), the facility would be required to obtain an Industrial SWPPP under California Water Code Section 13260. Refer to Master Response #7 – Hydrology and Water Quality for additional information regarding use of LID strategies..

Response O-3

The description of the Pygmy cypress forest areas on the project site based on the typical height of the trees (reflecting different soil conditions) does not affect the DEIR's analysis of their ecological sensitivity nor the adequacy of the mitigation measures. The use of morphotypes as descriptive categories by the independent field biologist is further addressed in Response to Comments M-3 and U-2. The implication in this comment that these Rank S2 habitats have "very few populations (often 20 or fewer)" is peculiar since the best available estimates are that there are between 2,000 and 4,000 acres of Pygmy cypress forest in Mendocino County (reference DEIR Table 3.4-8 footnote). Also CDFW has stated that mapping of current extent is underway, and was incomplete at the time of the DEIR, and acknowledges challenges with mapping due to gradients and diverse habitat assemblages.

Response O-4

Please see Master Response #2 – Classification of Bishop Pine Forest. The general characterization of quality of Bishop pine forest at the project site follows criteria on CDFWs webpage (https://www.dfg.ca.gov/biogeodata/vegcamp/natural_comm_background.asp) for "Addressing High Priority Vegetation Types" using the following criteria (as referenced and further described in the DEIR on page 3.4-47):

1. Lack of invasive exotic species,
2. No evidence of human-caused disturbance such as roads or excessive livestock grazing, or high-grade logging,
3. Evidence of reproduction present (sprouts, seedlings, adult individuals of reproductive age), and
4. No significant insect or disease damage, etc.

The characterization of forest quality does not change the habitat status that was applied in the DEIR to generally assess the habitat present (note that it was determined to likely be moderate to high quality at the project site in the DEIR based on the above CDFW criteria, the comment that it was divided into low and high quality categories is not accurate).

Response O-5

Please see Master Response #2 – Classification of Bishop Pine Forest. Mitigation is proposed in the DEIR for removal of S1 and S2 habitats, and has been revised herein to include additional acreage permanently preserved as a result of establishment of the Caspar Pygmy Cypress Preserve (refer to Section 2 Revisions to the Draft EIR). Also, the biological assessment of the Caspar Pygmy Forest Preserve identified approximately 5.76 acres of Bishop pine forest that would receive permanent protection within the Preserve.

It is agreed that soil "conditions foster the symptomatically stunted appearance of Mendocino Pygmy Cypress. This combination of soil and vegetation type only occur in Mendocino County" (Sawyer et. al. 2009). It is also agreed, as stated in the DEIR, that Bolander's pine and pygmy cypress have CRPR 1B status, and habitat that has these "two defining trees" (per comment letter) dominant or co-dominant within the habitat are listed State Rank S2.

Because of the uncertainty of success in creating replacement habitat for impacts to pygmy cypress forest, CDFW indicated that preservation was the preferred method where impacts were minimized yet could not be fully avoided (CDFW 2014). As such, the DEIR does not propose mitigation to create pygmy cypress forest. Please see Master Response #1 – Mitigation for Pygmy Cypress Forest, for discussion of establishment of the Caspar Pygmy Forest Preserve and permanent protection for 19.5 acres of pygmy cypress forest.

Response O-6

Please see Master Response #1 – Mitigation for Pygmy Cypress Forest for a discussion of the history of the Caspar Pygmy Forest Preserve property.

Response O-7

Mitigation Measure BIO-1a, as revised in Section 2 of this RTC, would establish the Caspar Pygmy Forest Preserve. The revisions also increase the mitigation acreage from 3.5 acres to 28.5 acres (19.5 acres of which are mapped as pygmy cypress forest). Although part of the site is indeed in the Coastal Zone and although that portion of the site has mechanism for County review and possible requirements for protection of pygmy forest, the part that is not in the Coastal Zone could have residential development through ministerial permit process with no mechanism for review of impacts to pygmy cypress forest (personal communication Mendocino County 2015b).

Response O-8

The information requested with regard to the nature of the proposed conservation easement, who would hold the easement, and justification for the mitigation ratio (which has been increased) is provided in Master Response #1 – Mitigation for Pygmy Cypress Forest. Regarding financial assurance the easement is viable and there would be an endowment to monitor and manage the easement, the County already owns the property and the Authority has the means to conduct annual maintenance and set aside funds for long-term maintenance.

Response O-9

The information requested in this comment regarding quantity and quality of the proposed mitigation site is provided in Master Response #1 – Mitigation for Pygmy Cypress Forest.

Response O-10

The site plan (DEIR Figure 2-2) shows the building to be completely surrounded by paved driveways of approximately 36 feet in width. Surrounding the driveways is a bioswale of indeterminate width wherein no vegetation would be allowed to grow to any significant height. Since all structures on site would be made of non-flammable steel and concrete, there would be compelling grounds for CalFire to grant a non-flammability variance for reduced setback pursuant to Public Resources Code Section 4291(7)(c)(1), or to allow minimal thinning of adjacent vegetation, or both. DEIR Section 2.6 has been amended to add this variance to the list of required approvals. CalFire has shown a consistently reasonable and amiable attitude regarding the Legislative mandate in AB 384 which recognizes the project as a necessary public service improvement that would benefit not only the general public but also the extensive State operations in the region.

Response O-11

Regarding altered hydrology and diminished water quality, please see Master Response #7 – Hydrology and Water Quality.

Regarding the comment as to project footprint along Highway 20 as close as 25 feet from palustrine emergent wetland and potential for indirect hydrology impacts, the following supplemental information is provided. The setback and impact area is mapped as the Shinglemill-Gibney complex, it should be noted that the upland setback and impact area is more likely the Gibney Series based on absence of hydric soil conditions. The Gibney Series would be less likely to have a fully cemented hardpan based on NRCS soil descriptions. The footprint of the highway 20 work would therefore not result in punching through a hardpan, which might result in indirect hydrology impacts to nearby wetlands if that were to occur. Wetland buffer is discussed further in paragraph below.

Regarding impacts to wildlife, this is discussed in the DEIR under Impact BIO-4. The habitat in the area of the project site is already fragmented to the south by the adjacent to Highway 20, and the proposed development does not further fragment habitat or bisect habitats that would directly intercept wildlife corridors.

Regarding altered microclimate from impacts, this comment is not clear how this would be an impact of the project; no project impacts are expected in this regard.

Increased potential for invasive species is not expected since the facility footprint would be mostly developed, and non-developed areas would remain vegetated with existing native plant material. The adjacent pygmy cypress forest that will remain to the north and northeast of the site, are mapped as having restrictive Blacklock soil series which limits establishment of invasive plant species (based on NRCS mapping, as reported by WRA 2013, and site visit observations of plant stature within the Cypress forest - pygmy and –intermediate morphotypes)..

Regarding wetland setback, it should be noted that the two palustrine emergent wetlands mapped to the east of the project footprint are isolated and will have an approximately 200 foot buffer from the main project footprint. The one wetland that is associated with pygmy cypress short morphotype will also have an approximately 60 foot setback to the northernmost construction footprint. The smaller isolated palustrine wetland currently has a variable buffer to highway 20 of approximately 35 to 50 feet, which will be reduced in some areas to as close as 25 feet, yet overall the average buffer width is higher due to wavy wetland boundary. The small decrease in wetland setback here will not significantly alter the

remaining wetland as this area is already close to highway 20 and will continue to have remaining intact and dense vegetation surrounding it as a buffer. The forested wetland to the north would have impacts closer, quoting the comment letter "with a detention basin…constructed 50 feet from a forested wetland." The impacts of the detention basin on water quality and indirect impacts to wetlands are addressed in Master Response #7 – Hydrology and Water Quality. In all cases where wetland setback to development is being reduced, the existing dense vegetation will remain and provide a natural visual, light, and noise buffer to the project site. The fencing will ensure the remaining vegetation stays intact and serves as a natural barrier that separates proposed uses from the surrounding natural landscape. CDFW suggests that some wetlands would require up to 50 meters (154 feet) to provide buffer for riparian and wetland dependent birds, amphibians, and reptiles, yet also notes that "buffer width would be project-specific based on habitat needs." Given the project site does not host wetland-dependent sensitive-listed amphibians, birds, or reptiles that would designate a species-specific buffer, and given that mitigation is provided to avoid impacts to sensitive-listed animal species, a species-specific wetland buffer does not apply to these areas.

Regarding clearing for firesafe boundaries, and potential effects beyond the project footprint associated with clearing or maintaining fire safe boundaries, please refer to Response O-10.

Response O-12

Please see Master Response #7 – Hydrology and Water Quality. Potential water quality impacts from the project, for both construction and operations, would be controlled by the implementation of an approved Stormwater Pollution Prevention Plan as described in Mitigation Measures HWQ-1a and HWQ-1b. Also refer to the revisions made to Mitigation Measure HWQ-4 in Section 2 Revisions to the Draft EIR.

Response O-13

Please see Master Response #7 – Hydrology and Water Quality and Response Q-4 for hydrologic and indirect impacts to Pygmy cypress forest.

Response O-14

The comment suggests that there are cumulative projects missing from the cumulative analysis, but then only mentions the Summers Lane Reservoir project. Please see Master Response #6 – Summers Lane Reservoir, for the relationship of this project to the cumulative impacts analysis. Reference Section 3.0 starting on page 3-2 for more detailed information regarding the approach to the cumulative impact analysis and list of relevant projects.

Response O-15

CEQA Guidelines Section 15268 Ministerial Projects states: Ministerial projects are exempt from the requirements of CEQA. With the establishment of the Caspar Pygmy Forest Preserve, the impact of the project on Pygmy cypress forest habitat and individual trees species will be fully mitigated.

DEIR Impact LU-1 on pages 3.10-4 and 3.10-5 analyzes the potential impacts of the land transfer at an appropriate level per CEQA Guidelines. If at some point the JDSF decides to change the land use, this action would require review under CEQA. Additionally, please see Response O-16 below.

Response O-16

The 12.6 acres from Russian Gulch State Park that would be transferred to JDSF would become part of JDSF's Caspar Creek Experimental Watershed Study Area, which is a research project for evaluating the effects of timber management on streamflow, sedimentation and erosion. The study area was established in 1961 and would continue at least through 2099 pursuant to a memorandum of understanding with the U.S. Forest Service (reference DEIR Section 2.5.1). There is no timber harvesting currently contemplated, and if harvesting was planned as part of the Demonstration Forest Management, such activities would be subject to a Timber Harvest Plan (verbal conversation, March 24, 2015 with Pam Linstead, Manager, JDSF). Under California law, a Timber Harvest Plan performs the functions of and substitutes for review under CEQA. The DEIR does not analyze possible impacts to the land transfer site, because it is not known, other than adding the site to experimental watershed study area, what JDSF will do with the site, and therefore any speculation on future activities is hypothetical at this point in time.

The project would give State Parks control over 35 acres of the 61-acre Caspar Landfill site, either through the conservation easement or by direct ownership (excludes the 26-acre closed landfill which would stay under County and City ownership and post-closure management). This would realize a goal that State Parks has sought for decades: to eliminate activities on the property which detract from the adjoining Russian Gulch State Park. State Parks has not indicated any other potential plans for the property. While the City and County cannot "prepare a management plan" to reflect potential future intentions of State Parks, there is no reason to believe that any development, change in use, or other alteration would take place on the 35 acres. With regard to the 26-acre portion of the site to remain in County and City ownership, the DEIR correctly states that the project would have no impact on the Caspar Site property except for the beneficial environmental impact of removing the equipment and the few temporary structures (reference DEIR Section 2.5.14).

Response O-17

None of the sites are deemed infeasible because of cost, except for the Mendocino Parks and Recreation District property where the price is known to exceed the appraised value, which is the maximum public agencies are allowed to pay. Rather than cost, the analysis of alternatives is based on environmental considerations as reiterated in Master Response #3 – Alternatives Evaluated. A capital cost estimate of $4.79 million was made for the project and $3.86 million for the Caspar Site Alternative.

Response O-18

Leisure Time RV Park, described in Section 4.4.4, and Mendocino Parks & Recreation District Property, described in Section 4.4.5, are not alternatives evaluated in the DEIR. They are alternatives considered during the siting study process that were not carried forward in the DEIR for reasons described under Master Response #3 – Alternatives Evaluated. The discussion provided in Sections 4.4.4 and 4.4.5 is appropriate for the context. The 2007 site search report was useful in identifying the entire "universe" of potential sites, but with the passage of time much of the site-specific information in that document became inaccurate or incomplete so it was not listed as a reference.

Response O-19

Please see Master Response #3 – Alternatives Evaluated, and Master Response #5 – Mendocino County General Plan.

Response O-20

Please see Master Response #5 – Mendocino County General Plan.

Response O-21 and O-22

The State Board of Forestry and Fire Protection, the policy-making entity for CalFire, approved the property transfer/swap on April 7, 2010. AB 384 states that "the interests and welfare of the state will be advanced by granting an option to the city and the county." Department of General Services has accepted the comparative property appraisal submitted by the City and County. Based on these facts, the City and County believe that they can exercise the option at any time. The JDSF Management Plan does not apply to the proposed transfer site because if the option is exercised the site is no longer in JDSF.

In any case, the JDSF Management Plan would not bar the project if it did apply. It urges protection and avoidance and maintenance of listed species, which the project has accomplished as described in Master Response #1 – Mitigation for Pygmy Cypress Forest. It should also be noted that the JDSF Management Plan has not been interpreted by JDSF to prohibit incidental clearing of habitat for essential public utilities. JDSF cleared about one acre next to the project site for a helipad, and was considering moving the entire JDSF headquarters building and associated facilities to the project site itself (reference DEIR page 3.2-2). The commenters' assertion that "the JDSF Management Plan…would likely have protected these MPCW and NBPF Sensitive Natural Communities in perpetuity" is contradicted by history.

Response O-23

Comment noted. This comment merely summarizes the comments made previously and includes a conclusion statement.

March 25, 2015

Proposed solid waste transfer station at 30075 Highway 20, Fort Bragg: Draft EIR Comments

I applaud your efforts to provide cost-effective and environmentally-sound waste management services to the Mendocino coast. Unfortunately, the DEIR document does not adequately address several key environmental issues.

Although I submitted comments at the March 19th public hearing, I have revised and added to my list of concerns as follows.

1) **Transportation.** Reduced transportation costs and Greenhouse Gas emissions seem to be the primary and overwhelming benefits of the proposed site. I do not argue that the proposed alternative would reduce overall mileage as shown in Table 3.7-1 Annual Vehicle Miles Traveled – Existing and Project Conditions, however this table is misleading. A comparison of GHG emissions by vehicle type is needed. Such an analysis would undoubtedly show a more limited reduction in GHG than the VMT suggests. I think Mike Sweeney's prominent display of the VMT analysis may have been an intentional attempt to exaggerate the benefit. Other impacts received considerably less focus. **P-1**
2) **Fire Safety.** Where is the analysis of wildland fire risk? Although "100 Feet of Defensible Space is the Law" (California, 2005), I do not see that this mandatory vegetation removal has been considered in the proposed foot print. **P-2**
3) **Recreation**. The document fails to acknowledge the dispersed recreation that occurs within the JDSF parcel proposed for development. Numerous trails exist on the parcel indicating it is used by the public for hiking and nature studies. It is a significant omission to claim that pedestrians and bicyclists would not be affected by the increased heavy truck and self-hauler traffic. **P-3**
4) **Aesthetics**. The document fails to mention increased litter and trash along the Highway 20 corridor as a result of self-haulers. No mitigations are proposed. **P-4**
5) **Forest Resources**. Although the forest resources on-site are not of commercial value, they do have value not addressed in the EIR. The 2008 JDSF management plan maps the site as Pygmy forest and Cypress Group "Special areas of Concern" and states these lands "will not be subject to harvest". This land has been preserved by JDSF for conservation value, ecosystem function, and carbon sequestration. The 12 acres of Russian Gulch park lands along Rd 409 proposed for land swap have been preserved for more than a century. If the proposed land swap occurs, this parcel will most likely be brought into timber production in the near future and its carbon sequestration and biological resource values impacted. This impact was not considered. **P-5**
6) **Biological Resources**. The protection measures proposed in the document will not prevent the reduction and disturbance of the rare and threatened plant communities of the pygmy and pygmy transition ecosystems. The existing Caspar and Pudding Creek sites are already developed and do not impact biological resources to the same extent. Transplanting species of concern does not ensure their survival. No analysis of sites mycology was demonstrated. Consultation with the mycological research community is warranted. **P-6**

7) **Geology**. By the documents own admission, the preliminary assessment does not fully describe the hazards and risks. I spoke with two registered professional geologists who expressed concern about the existence of bedrock fractures providing preferential pathways to the Noyo's water ways. While a design-level geotechnical study for the project is essential, a more detailed independent investigation of site conditions is "imperative" (according to LACO report included in the EIR) to adequately characterize the site and soil before proceeding with development . This is critical given its proximity to our city's municipal water supply. **P-7**

8) **Hazards and hazardous materials**. Scrap metal, appliances, concrete rubble, used motor oil, used antifreeze would be collected along with other household hazardous waste items, including electronics, fluorescent lights, and batteries. There is significant non-compliance with proper disposal of hazardous materials amongst the lay public. Storage and transportation of these materials present a risk because there is no guarantee that they can be properly contained at all times. I contest Sweeney's statement that there would be "no runoff from the facility, only rainwater" given that there is an outdoor drop off area for used motor oil, etc. **P-8**

9) **Hydrology**. The hydrology report, while loaded with engineering and hydraulics, fails to use best available science. This is not surprising. No hydrologist was listed in the "List of Preparers" (section 6). **P-9**

   a. Mitigation Measures: Managing Storm Water. There is insufficient analysis to demonstrate the effectiveness of the proposed bioswales and detention basins at this site. Bioswales (used to remove pollutants) and detention basins must be designed properly. Specifically,

      i. **Separation between the detention basins and groundwater is essential**. The proposed project site was evaluated by LACO and Associates (LACO) in June 2012. At that date, the groundwater was 10 feet below ground surface, but the possible seasonal presence of shallow groundwater was noted. Mid-winter ground water levels are known to reach the surface in these Blacklock and Shinglemill soils leaving the soil with no capacity to infiltrate and percolate additional runoff. (I submitted photos of the saturated conditions in February 2014). **P-10**

      ii. Detention basin analysis was admittedly approximate relying on short duration 24-hr rainfall intensities and textbook runoff coefficients. We all know that it is prolonged rainfall that produces the saturated conditions, storm flows, and runoff-related problems in our area. While the basins may be able to hold a 24-hr rainfall, **there is no evidence that the storm water will infiltrate within the 72 hr period reported**. Data from the 52-year Caspar Creek Experimental Watersheds show that the highest unit area discharges and sediment loads are produced from the pygmy-pygmy transition areas. These data were not referenced. **P-11**

      iii. There is no mention of **preferential pathways** that function like natural "french drains" to rapidly route soil water to streams. Such features **could compromise the effectiveness of the bioswales and result in rapid delivery of sediment and pollutants to the Noyo river and groundwater aquifer**. Again, several **P-12**

publications from the Caspar Creek Experimental Watersheds describe these subsurface flow paths, but none were referenced. P-12 cont

iv. There is no mention of the proposed Summers Lane reservoir in the hydrology or cumulative effects section of the document. **Potential hydrological linkages between the proposed transfer station and reservoir site must be analyzed** and duly considered. P-13

v. More extensive field and lab testing of porosity/permeability /transmissivity are necessary before determining if this mitigation for controlling storm water runoff will be effective or even possible.

vi. Additional subsurface exploration to delineate the extent of perched groundwater at the site is necessary (according to LACO report). P-14

In sum, the draft EIR is rife with inadequacies. It fails to use best available science and does not assess a full range of environmental impacts. I encourage you to reject this document and pursue improvement and utilization of either of the Mendocino Coast's existing waste management facilities or the contaminated former G-P mill site.

Thank you,

Elizabeth Keppeler, hydrologist
802 N. Main St. Fort Bragg, CA 95437

Letter P – Elizabeth Keppeler - Response to Comments

Response P-1

The first part of this comment is introductory. Regarding "1) Transportation," the commenter is correct in that vehicle types influence the amount of GHG emissions. Consequently, vehicle type was taken into account in the analysis as discussed in DEIR Section 3.7 (Greenhouse Gas Emissions and Energy), pages 3.7-4 and 3.7-5. The following assumptions were made regarding the vehicle types associated with the VMT reduction: 1) self-haul vehicles were assumed to be a mix of light-duty, medium-duty, and light heavy-duty trucks; 2) franchise trucks were assumed to be a Solid Waste Collection Truck type; and 3) solid waste transfer trucks were assumed to be T6 heavy-duty for existing VMT, and T7 heavy-duty for project VMT.

Response P-2

Please see Response O-10.

Response P-3

There is no authorized recreation use at the project site. During site visits there was no indication of unauthorized recreation use either. The vegetation at the project site is quite dense, making access difficult. Some portions of the site are so dense, pedestrian access is nearly impossible. Any previous trails that may have existed are now overgrown. The only evidence of human activity is some homeless encampment trash adjacent to Highway 20. Bicycle and pedestrian traffic on Highway 20 is discussed in DEIR Section 3.12. Bicycle and pedestrian use on this part of Highway 20 is rare. In numerous visits to the project site by County and City staff, no pedestrians or bicycles have ever been observed. The DEIR Section 3 states that the incremental traffic of the project is insignificant compared to existing traffic on Highway 20.

Response P-4

Please see Master Response #4 – Aesthetics Impacts, and Section 2.2 - Revisions to the Draft EIR.

Response P-5

The DEIR does indeed address the project site value based on sensitive listing status of individual trees and forest habitats. Refer to section 3.4.5 of the DEIR, specifically the analysis under Impact BIO-2. The site was mapped on a detailed level by a biologist independently of the DEIR, and to a finer scale than that of the JDSF management plan. The DEIR does acknowledge the sensitive nature of the pygmy cypress trees present on the project site. Please see Master Response #1 – Mitigation for Pygmy Cypress Forest regarding the proposed project site and proposed mitigation measure to create a Caspar Pygmy Forest Preserve. Please see Response O-16 regarding the land swap and hypothetical impacts at the Russian Gulch property.

Response P-6

Please see Master Response #1 – Mitigation for Pygmy Cypress Forest for a discussion of impacts to the Pygmy cypress forest and individual tree species. Regarding Caspar and Pudding Creek sites, please see Master Response #3 – Alternatives Evaluated. Regarding transplanting species of concern, the only impact to a species being mitigated through direct replacement involves coast lily (five individuals), and those plants are to be placed in an area where other individuals of the same species have been mapped,

therefore soil mycorrhizal associations for this species are assumed to be present and/or adequate due to existing presence of the plant. Additionally, this species has been noted to be present at the proposed Caspar Pygmy Forest Preserve which will provide permanent protection and preservation for this species.

Response P-7

A Preliminary Geotechnical and Engineering Evaluation of the site was prepared by LACO in 2012 (DEIR Appendix E). Among the findings of the study were:

- "Based on the results of this evaluation, it is feasible to develop this site as conceptually planned. Our preliminary evaluation found no identifiable geologic hazards that would preclude use of the site for the proposed development."
- "No active faults are known to extend through the site. Since surface fault rupture generally follows the trace of pre-existing active faults, the risk of future surface rupture at this site is considered to be low to non-existent."
- "The soils encountered at depth in our test borings drilled at the site are not considered to be liquefiable during strong ground shaking due to their density."

The LACO report establishes that the project can be built safely. The specific building design requirements (e.g., soil preparation, foundation design, tie-downs, etc.) do not have to be set forth in the DEIR. They would be determined after a "site-specific geotechnical investigation" called for both by the LACO report and the DEIR, and would meet current structural design codes.

It is not currently known if bedrock fractures (preferential paths) exist under the proposed project site. However, possible stormwater and facility contaminants entering groundwater are controlled and mitigated by the transfer stations design features (e.g., fully enclosed facility, leachate collection and containment, and bioswales and detention basins) and by the implementation of a Stormwater Pollution Prevention Plan for both construction and operations as described in Mitigation Measures HWQ-1a and HWQ-1b. Also see Response H-1.

Response P-8

Please see clarifying text added to Impact HWQ-3: Substantial Additional Sources of Polluted Runoff or Otherwise Substantially Degrade Water Quality, and the addition to the Project Description to specify that certain recycling areas will be roofed and graded to prevent contact with rain or runoff

Response P-9

A detailed hydrologic analysis was performed (by GHD [Dagan Short]) to evaluate the size and type of stormwater controls necessary for the proposed project. Please see Master Response #7 – Hydrology and Water Quality for a more detailed explanation of the analysis performed and the corresponding results.

Response P-10

The purpose of the detention basins is to detain or slow down and temporarily contain stormwater to allow for sediment to drop out and to mitigate peak flowrates. The sizing of the detention basins assumes that there would be no infiltration to the underlying soil and that the basins would completely drain. Please see Master Response #7 – Hydrology and Water Quality for a more detailed explanation of the detention basins.

Response P-11

Please see Master Response #7 – Hydrology and Water Quality.

Response P-12

The geotechnical investigation by LACO did not identify any preferential pathways. Please see Response P-7. It should be noted, that before the final design is complete for the facility, including the stormwater collection system, additional geotechnical investigations would be performed (e.g., soil strength analyses) per Mitigation Measure GEO-1. If preferential pathways are identified during this process, the design components would be modified accordingly.

Response P-13

Please see Master Response #6 – Summers Lane Reservoir.

Response P-14

Please see Response P-12.

California
Native Plant Society
Dorothy King Young Chapter
P.O. Box 577 - Gualala, CA 95445

March 25, 2015

Mike Sweeney, General Manager
Mendocino Solid Waste Management Authority
3200 Taylor Drive
Ukiah, CA 95482

Marie Jones, Dir. Community Development
City of Fort Bragg
416 N. Franklin St.
Fort Bragg, CA 95437

Re: Comments, Draft Environmental Impact Report (DEIR), Central Coast Transfer Station, Fort Bragg

Dear Mr. Sweeney and Ms. Jones,

These comments are submitted on behalf of the Dorothy King Young Chapter of the California Native Plant Society (CNPS). CNPS requests that this letter, and the CNPS letter dated February 27, 2014, be entered into the record for this project.

Alternatives – potential project sites

CNPS considers the Preferred Alternative site to be inappropriate, as the project would permanently impact extremely rare Mendocino Cypress Woodland, also known as "Mendocino Pygmy Forest," as well as rare Northern Bishop Pine Forest. **Q-1**

Some potential project sites were rejected and not presented as Alternatives, yet the DEIR does not provide adequate justification for the decision to reject those sites. There is no thorough analysis comparing the costs for those sites with those of the Preferred Alternative. Costs for acquisition are discussed, but there are no comparative analyses of costs for mitigation, installation of utilities, handling of water runoff or impacts to nearby wetlands. **Q-2**

If all impacts associated with the Preferred Alternative site are analyzed and adequately mitigated, the rejected sites may turn out to be more cost effective. In particular, CNPS would like to see the old RV park site revisited, as well as the Pudding Creek transfer station.

Impacts to rare vegetation alliance not addressed

The DEIR contains no mitigation measures for loss of four acres of Northern Bishop Pine Forest, for which the DEIR incorrectly assigns a ranking of G3 S3. In fact this rare vegetation alliance is ranked as G2 S2, and under the California Environmental Quality Act (CEQA), "significant impact" is any amount of removal of the plant community. This is a significant flaw in the DEIR and must be addressed. **Q-3**

Impacts to "pygmy forest" not accurately analyzed

The DEIR proposes mitigation measures only for the damage caused by the actual project footprint. However, it is well-known that when pygmy forest is subjected to grading, trenching, nutrient input and altered hydrology, the negative impacts extend far beyond the immediate project footprint.

The map in Figure 3.4-2 shows considerable Mendocino cypress/Bolander pine on the north and northeastern portion of the property. Reasonably foreseeable future impacts to this portion of the forest would result from construction, permanent alteration of the landscape and ongoing activities at the facility. Therefore, the DEIR must analyze such impacts (see section below). **Q-4**

Cumulative impacts analysis needed

Mendocino Cypress Woodland is a rare and ecologically significant vegetation alliance, so the DEIR must include a thorough assessment of cumulative impacts. CEQA defines cumulative impacts as the collective impacts of any number of known and reasonably foreseeable projects or actions.

Pygmy forest in our region has already been impacted by the building of waste transfer sites, to the detriment of this plant community. There are other degraded pygmy sites in the area, with the ongoing damage at Little River Airport being one egregious example. Regional cumulative effects must be analyzed and disclosed in the DEIR. Q-5

Analysis of foreseeable cumulative impacts should include future impacts of the proposed land swap, including impacts to Northern Bishop Pine Forest the ecologically significant "Mushroom Corners."

Inadequate mitigation

In addition to the lack of required mitigation measures for Northern Bishop Pine Forest, the DEIR does not demonstrate the adequacy of its proposed mitigation for impacts to pygmy forest.

The county surplus parcel presented as appropriate mitigation for loss of pygmy forest is a degraded site, containing and surrounded by noxious weeds, including gorse, broom and jubata grass. The DEIR does not discuss restoration potential, what entity would hold the conservation easement, explain how the management of surrounding, weedy lands could impact the site, nor otherwise demonstrate the mitigation value of this site at present or into the future. Q-6

Also missing are a comparative biological assessment of the preferred project site and the proposed mitigation parcel, and a biological survey for the mitigation parcel. The DEIR fails to demonstrate that putting this parcel under a conservation easement would adequately mitigate the losses and foreseeable, ongoing impacts of the project, since an easement alone will not prevent further degradation or damage on the mitigation parcel.

The DEIR presents this parcel as being in danger of development and thus in need of protection. In fact, a memo from Mike Sweeney to the Board of Supervisors, dated September 9, 2014, indicates that the parcel contains pygmy forest and is partly in the coastal zone, both barriers to development.

Land Swap – Inadequate Analysis

The Preferred Alternative site would be removed from the Jackson Demonstration State Forest (JDSF) and CA Dept. of Forestry and Fire Protection (CalFire) management. In return CalFire would acquire land that is better suited for timber harvest. That land would lose its protected status under State Park ownership and become subject to timber harvest. The DEIR fails to provide mitigation for this. Q-7

It is unclear why the CA Department of Parks and Recreation would be a willing participant in this land transfer. Our local state parks would not be improved by the transfer, and the public would also not receive any park-related benefits. In fact, putting all of the "Mushroom Corners" area under CalFire management threatens to deprive the public of an important recreation and research site. Q-8

The public must see all these issues resolved before the DEIR can be certified. The intent of CEQA is to disclose and analyze all relevant project information, yet the DEIR fails to meet that mandate.

Applicability of JDSF Management Plan

The land swap was enabled by a piece of legislation, AB 384, yet we believe the land transfer, as a discretionary action, would still be subject to the policies and review by CalFire. This is contrary to statements in the DEIR, and must be clarified. Q-9

JDSF's Management Plan includes a goal to "Provide protection to listed species, to species of concern, and to their occupied habitats. Avoid disturbance to uncommon plant communities such as meadows and pygmy forest." This language is found under Goal #3, Watershed and Ecological Processes.

Another section, Protection of Unique Habitats, the Plan states: "Pygmy forest: JDSF will maintain the current distribution and species composition of this plant community and protect it from harmful human disturbance, while continuing to allow compatible recreational activities." Thus, the land swap to acquire the Preferred Alternative site is contrary to JDSF's goals of protecting rare plant species and communities. Q-10

DEIR Not Consistent With County General Plan

This project is inconsistent with Mendocino County's General Plan's Resource Management Policies. The DEIR fails to take every possible action to conserve and protect natural resources, as required in the General Plan. A brief outline of relevant County policies: Q-11

RM-24: Protect the county's natural landscapes by restricting conversion and fragmentation of timberlands, oak woodlands, stream corridors, farmlands, and other natural environments.

RM-25: Prevent fragmentation and loss of our oak woodlands, forests, and wildlands and preserve the economic and ecological values and benefits.

RM-28: All discretionary public and private projects that identify special-status species in a biological resources evaluation (where natural conditions of the site suggest the potential presence of special-status species) shall avoid impacts to special-status species and their habitat to the maximum extent feasible...

RM-29: All public and private discretionary projects shall avoid impacts to wetlands if feasible. If avoidance is not feasible, projects shall achieve no net loss of wetlands, consistent with state and federal regulations.

Policy RM-31: For the purposes of implementing this General Plan, the County defines "special status species" and "sensitive biotic communities" to include all species and habitat identified as such by the California Department of Fish and Game, U.S. Fish and Wildlife Service, or NOAA Fisheries.

Policy RM-73: The design of new development should emphasize the avoidance of sensitive resources and environments rather than their removal and replacement.

RM-74: Discretionary development shall be designed or conditioned to achieve no net loss of sensitive resources.

RM-75: Protection of existing sensitive resources is the highest priority. Onsite replacement or offsite replacement, protection or enhancement is less desirable.

RM-78: Conserve native vegetation, critical habitats and soil resources through education, technical and financial assistance, cooperative endeavors, best management practices, and soils and vegetation management plans for development and resource uses.

RM-79: Encourage farmers, land owners and property managers to protect sensitive environments, and minimize the effects of recreation, tourism, agriculture and development on these resources.

Promote techniques and features such as:

- Habitat contiguity,
- Wildlife corridors,
- Maintaining compatibility with adjacent uses,
- Maintaining habitat for sensitive plant and animal species.

RM-84: Protect "pygmy" ecosystems ("pygmy" and "transitional pygmy" vegetation and soils) through the use of measures that include minimizing:

- Vegetation removal,
- Disruption of vegetation continuity, and

- The introduction of water and nutrients due to human activity, sewage disposal systems, animals or agricultural uses
- Limit subdivision of land on agricultural lands adjacent to "pygmy' ecosystems, and
- Promote best management practices to minimize impacts.

Q-11 cont

Flawed definition of "pygmy forest

The DEIR makes a distinction between pygmy forest with taller trees and pygmy forest with more stunted trees. The vegetation alliance that includes both Mendocino Cypress (*Hesperocyparis pygmaea*) and Bolander pine (*Pinus contorta ssp. bolanderi*) is extremely rare, regardless of tree size. The size of the trees has absolutely no bearing on the rarity or value of the vegetation alliance.

While the DEIR's authors do not consider their arbitrarily named "Intermediate Cypress Forest" to be "True Pygmy" they do include it with the pygmy forest for which project impacts require mitigation.

Q-12

However, CNPS requests deletion from the DEIR of all references to such arbitrary and meaningless designations and all implications that stunted pine and cypress are rarer or have more ecological value than taller trees. The DEIR's artificial categories are not consistent with good science.

Agency input

Perhaps the most valuable comments on this project will come from two state agencies, the CA Department of Fish and Wildlife and the CA Department of Parks and Recreation. CNPS urges the lead agency to openly and publicly engage these agencies in a discussion of the true ecological values of the properties in question, for both the land swap and the proposed transfer station development, and carefully consider and abide by the recommendations of these agencies.

Conclusion

These comments identify a number of deficiencies in the DEIR, some significant enough to require recirculation of the DEIR. CNPS requests that these issues be addressed and the project re-evaluated.

CNPS, other nonprofit organizations and local concerned citizens will be paying close attention to the responses to our comments. CNPS does not question the need for a transfer station of some kind, but wants such a project to be as environmentally responsible as possible.

Sincerely,

Lori Hubbart, Chapter Conservation Chair
Dorothy King Young Chapter,
California Native Plant Society

CC: CA Dept. Forestry & Fire Protection: Pam Linstedt, Jackson Demo. State Forest Manager
City of Fort Bragg: Linda Ruffing, City Manager
Mendocino County: Supervisors
State Parks: Liz Burko Loren Rex, Renee Pasquinelli, Jay Chamberlin, Division Chief, Natural Resources
CA Dept. of Fish & Wildlife: Gordon Leppig, Michael van Hattem, Rick Macedo, Curt Babcock, Angela Liebenberg
CNPS: Greg Suba, CNPS State Conservation Director

Letter Q – California Native Plant Society – Response to Comments

Response Q-1

Comments regarding selection of a project alternative are not comments on the adequacy of the Draft EIR, but comments on the approval of the project, a process that will occur after the EIR is certified. Please see Master Response #1 – Mitigation for Pygmy Cypress Forest and Master Response #2 – Classification of Bishop Pine Forest.

Response Q-2

Please see Master Response #3 – Alternatives Evaluated, Response F-6, and Response L-1.

Response Q-3

Please see Master Response #2 – Classification of Bishop Pine Forest.

Response Q-4

It is acknowledged that pygmy forest can be impacted by grading, trenching, nutrient input, altered hydrology, and nutrient inputs, which is further addressed here. The project includes a 10-foot contingency construction "buffer" (i.e. additional calculated impact area around project footprint) around the facility totaling approximately 0.96 acres that was included in the project impacts to account for potential temporary construction impacts, yet is treated as a permanent impact area in the impact and mitigation calculations in Impact BIO-1 and Impact BIO-2. The facility footprint itself is approximately 3.76 acres, with a total impact area calculated as 4.72 acres (reference DEIR, Figure 3.4-2). The buffer, together with techniques mandated for construction activities such as the protective fence around the remaining/avoided coast lily area and implementation of the SWPPP requirements, would prevent additional impacts during construction beyond the 4.72 acres (DEIR Mitigation Measure BIO-1a, HWQ-1a, and HWQ-1b). Fencing around the site described in the DEIR will reduce operational impacts to offsite areas, specifically as noted here by the commenter, to separate operational uses from natural areas such as the cypress and Bolander's pine remaining to the north and northeast of the project footprint.

It is not clear what source of "nutrient input" the commenter is concerned about. However, nutrient input to adjacent areas is not expected given the project does not include activities such as fertilization (there is no landscaping proposed) that would be more typical for a traditional residential or commercial development. The permitting of a leachfield is under the authority of the Health Department which has oversight of design and implementation of such infrastructure to ensure nutrient loading does not occur. The leachfield is located on the southwest corner of the facility in the farthest location away from Pygmy cypress forest. Discharge of wastewater in the leachfield would be subsurface and would not affect Pygmy cypress forest surface hydrology.

Although the site is quite flat, the cypress forest pygmy morphotype / USACE wetlands (i.e., short hydric pygmy) is away from where current hydrology/flow is directed, and would not be impacted from a hydrologic standpoint as a result of the proposed project. Please see Master Response #7 – Hydrology and Water Quality for information on how stormwater runoff would be managed at the project site. Because stormwater from the site will be dissipated through detention basin and bioswales providing treatment and directing stormwater downgradient of the site and away from remaining forest, a hydrologic impact (increase or decrease in hydrology) is not expected within the remaining Pygmy cypress forest, particularly as the stormwater will be diffused out of the detention basin and allowed to discharge in the

Bishop Pine Forest area, which should allow for substantial infiltration per design parameters. As stated in the biological study of the project site, the areas with Bishop Pine Forest and pygmy cypress forest – tall morphotype are mapped as being located on the Shinglemill-Gibney soil complex, and "appear to permeate somewhat rapidly, with the lower portions in transitional and extreme pygmy cypress forest in the eastern portion [of the site] experiencing extended saturation and inundation" (outside of project footprint) [WRA 2013]. Based on the Shinglemill-Gibney soil complex as mapped by NRCS soil survey for the south and southwest portions of the project site (WRA 2013), it is determined that it is more likely the Gibney Series is present within project footprint, since the wetland delineation conducted at the site did not indicate hydric soils on the south and southwest portion of the site which would be associated with the Shinglemill Series (hydric). A cemented and spodic hardpan therefore is not likely present based on soil survey as well as observations of tree stature, species assemblage within the project footprint area, and wetland delineation results. Also since the majority of the project site footprint is likely on the mapped Gibney series (hydric Shinglmill is not within project footprint), surface flow from the proposed project site currently flows north and northwest, thus the footprint area is not considered to be a significant source of surface water contribution to the Cypress Forest (Pygmy) Forested Wetland mapped units. Therefore the project site would not result in hydrologic changes to the remaining forest since currently infiltration occurs within the proposed project footprint; a hardpan is not being interrupted; and site runoff will be treated, dissipated, and redirected away from the remaining Cypress Forest (Pygmy) Forested Wetland mapped units and wetlands. Limited stormwater may flow across (to the northwest) Cypress Forest (Intermediate), but half of the site's stormwater would be directed to the south into a roadside ditch and a significant portion directed to the north would be directed and expected to infiltrate into the Bigney Series soils. The project footprint is setback from existing wetlands and short hydric pygmy (pygmy cypress – short morphotype map unit) by approximately 50 to 100 feet to the north, and over 200 feet to the east.

Response Q-5

Cumulative impacts per CEQA guidelines were included in the DEIR and determined to be individually less than significant as well as not cumulatively considerable along with recent past, present, and reasonably foreseeable future projects. It is not clear what "waste transfer sites" the commenter is referring. However, there is an explanation of the Albion and Caspar Transfer sites in Response T-13, if this is of interest to the commenter.

Regarding the portion of this comment dealing with Little River Airport and potential impacts to Pygmy cypress forest, this comment states an opinion on an existing facility and does not comment on the adequacy of the DEIR. However, Master Response #6 – Summer's Lane Reservoir, does provide updated information on regional impacts, from known projects, to pygmy cypress forest which may be of interest to the commenter. With the revised mitigation of the 28.5-acre Caspar Pygmy Forest Preserve, the project would permanently protect habitat that includes 19.5 acres of pygmy cypress trees as well as 5.76 acres of Bishop pine (see Section 2 Revisions to the Draft EIR)..

The land swap would not result in foreseeable impacts on the property being transferred to JSDF as they do not have plans to harvest that property and any suggestion to that nature, and analysis of future potential management activities on that site, would be hypothetical at this point in time and cannot reasonably be evaluated in an EIR. Please refer to Response O-16 for additional information on the land swap.

Cumulative impacts to Bishop pine were deemed less than significant on an individual basis, and regionally were considered less than significant with 0.03% impact regionally to the overall area mapped with this habitat type. See Master Response #2 – Classification of Bishop Pine Forest. It is unclear what the commenter is referring to with regard to "Mushroom Corners." No further response can be provided

Response Q-6

Please see Master Response #1 – Mitigation for Pygmy Cypress Forest which discusses the application and details of the conservation easement for the proposed Caspar Pygmy Forest Preserve. A biological evaluation of the mitigation parcel has been conducted by two independent biologists. The habitats at the preserve site were mapped (WRA 2015) and found that the site consists mostly of undisturbed pygmy cypress forest (Heiss 2015). Although the mitigation site has Pygmy cypress forest, the zoning would allow residential development on the portion outside of the coastal zone under a ministerial permit, which would not require evaluation of impacts to Pygmy cypress forest as the County does not have a mechanism in place for such review under building permits outside of the coastal zone (personal communication County of Mendocino 2015b). The area within the coastal zone would require Coastal Development Permit (CDP) from the County which does provide a mechanism for County review and oversight of potential impacts to Pygmy cypress forest. Please also see Master Response #2 – Classification of Bishop Pine Forest. Please refer to Response O-8 for long-term management goals (i.e., conservation easement).

Response Q-7

Please see Response O-16.

Response Q-8

Please see Response O-16. Additionally, the land transfer was conceived by the Mendocino District Superintendent of State Parks who wanted to eliminate the nuisance created by the Caspar self-haul transfer station and who suggested giving JDSF the 12.6-acre corner of Russian Gulch State Park, which she stated had no value to the State Park because it was isolated from the rest of Russian Gulch State Park by County Road 409; had no facilities; was a burden to State Parks to monitor; and was not generally known by the public to be part of the State Park (Oral communications with Superintendent Marilyn Murphy 2010).

Response Q-9

Please see Response O-16.

Response Q-10

Please see Response O-16. The JDSF Management Plan goals would be upheld during the land swap through creation of the Caspar Pygmy Forest Preserve, which includes 19.5 acres of pygmy cypress forest and 5.76 acres of Bishop Pine Forest which will be permanently protected as a result of the proposed project. The project has avoided impacts to the most sensitive part of the project site, and therefore is in alignment with JDSF management goals, and minimized impacts to 0.58 acres to pygmy cypress forest.

Response Q-11

Please See Master Response #5 – Mendocino County General Plan and Response T-39.

Response Q-12

Please See Master Response #1 – Mitigation for Pygmy Cypress Forest as well as Response U-2 that addresses the use of morphotypes as additional descriptive map units based on tree stature and habitat structure. Please also see Response M-3. It is agreed that the intermediate/transitional morphotype category does include the plant association of Bolander's pine with pygmy cypress, which is a typical plant association of the pygmy cypress forest, and is described as such in the DEIR. The basis for using morphotypes is further described including scientific basis in Response U-2. The DEIR provides mitigation for impacts to pygmy forest (minimized to 0.58 acres) at a preservation ratio of 30:1 no matter the morphotype.

It is agreed that agency comments are valuable for project planning. The CDFW was consulted during the scoping process for the DEIR, during which time the observations/results of their agency site visit were incorporated into the DEIR (personal communication CDFW 2014). Agency recommendations such as minimization and use of preservation for impact mitigation where impacts cannot be avoided have been incorporated into the project. Please see Response O-2 for additional information regarding agency communication with CDFW.

Deficiencies have not been identified that would require recirculation of the DEIR at this time. Changes that have been incorporated are minor/technical changes and do not add "Significant New Information" as defined by CEQA to require recirculation of the Draft EIR pursuant to the standards in Guidelines Section 15088.5.

epic

Keeping Northwest California wild since 1977

Sent via electronic mail on date shown below

March 26, 2015

Mr. Mike Sweeney, General Manager
Mendocino Solid Waste Management Authority
3200 Taylor Drive
Ukiah, CA 95482

Re: Comments Regarding Draft Environmental Impact Report for the Proposed Central Coast Transfer Station in Fort Bragg (SCH #2014012058) Mendocino County, California

Dear Mr. Sweeney:

The Environmental Protection Information Center (EPIC) presents the following comments on the Draft Environmental Impact Report (DEIR) for the proposed Central Coast Transfer Station in Fort Bragg, Mendocino County, California (hereafter referred to as the "project"). EPIC greatly appreciates the opportunity to provide comments on this project.

Summary

The DEIR for this project is deficient in several key areas of concern. These areas include: 1) inadequate analysis of potentially significant adverse impacts to Mendocino Pygmy Cypress woodlands (Pygmy Forests) and Northern Bishop Pine Forests; 2) inadequate mitigation for potentially significant adverse impacts to these forest types; 3) inadequate analysis of equally feasible and less-damaging alternatives to the proposed action; and 4) inadequate assessment of significant adverse cumulative effects that may result from the project as proposed. R-1

The Mendocino County Solid Waste Management Authority (MCSWMA) must go back to the drawing board and give further consideration to the potentially significant adverse impacts of the project and to feasible, less-damaging alternatives to the project as proposed in order to fully comply with the letter, and indeed the spirit of the California Environmental Quality Act (CEQA).

Inadequate Analysis of Potentially Significant Adverse Impacts of the Project as Proposed

The DEIR for the project fails to adequately analyze the potentially significant adverse impacts of the proposed action on Pygmy Forests and Northern Bishop Pine Forests. Firstly, the DEIR has erroneously misclassified the Bishop Pine Forest community ranking. Secondly, the DEIR refers to so-called "transitional Pygmy Forest." This concept has no scientific basis or validity. Thirdly, and similarly, the DEIR erroneously attempts to classify Pygmy Forests in terms of the

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size of individual trees. There is no scientific basis or validity to this approach either. The DEIR therefore relies on information that is either inaccurate, or that has been presented without scientific basis or validity. Reliance upon this information for the assessment of potentially significant adverse impacts to Pygmy Forests and Northern Bishop Pine Forests leaves the DEIR lacking in substantial evidence in light of the whole of the record to support a finding of no significant adverse impacts. The DEIR therefore must be substantially revised.

R-1 cont

Inadequate Mitigation of Potentially Significant Adverse Impacts

Because the DEIR is based on information that is clearly erroneous and is based on statements with no scientific basis or validity, it is not possible to develop adequate mitigation measures that would avoid or substantially lessen the potentially significant adverse impacts of the project. The mitigations identified in the DEIR are largely based on false presumptions and faulty analysis. The concept that Pygmy Forests and Northern Bishop Pine forests can be recruited elsewhere and that this factor is deemed to be a mitigation of potentially significant adverse environmental impacts is not based in either science or reality. The DEIR fails to identify mitigation measures that would actually serve to offset the potentially significant adverse impact of the project's preferred alternative. Indeed, the ecological and scientific realities regarding the rarity and sensitivity of the forest types to be affected only lead to the conclusion that mitigation of the significant adverse environmental impacts of the project may not actually be possible. The DEIR must therefore reconsider the mitigations proposed in the light of the best available science and reality, and must evaluate whether or not mitigation of any potentially significant adverse impacts is even possible.

R-2

Inadequate Alternatives Analysis

The DEIR itself acknowledges several potentially significant adverse environmental impacts of the project's preferred alternative, but then goes on to state that the preferred alternative is the environmentally superior alternative. In addition to the No Project Alternative, and Alternative 2, five alternative locations were "Considered but not Carried Forward in this EIR." Of these locations, at least two otherwise feasible alternatives are dismissed, with cost as one consideration. The discussion of feasible alternatives to the project should focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly [CEQA Section 15126.6(b)]. Clearly, the most obvious and most feasible alternative to the project and its preferred alternative is to consider alternative locations for the project to occur. The DEIR should therefore conduct and disclose an economic analysis of the proposed alternative, and should consider the potential costs and benefits of alternate sites for the project.

R-3

Inadequate Assessment of Cumulative Impacts

CEQA section 15130 states that an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in § 15065 (a)(3). As defined in section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. The DEIR is deficient in its cumulative impacts analysis because it fails to disclose or identify other projects that, when combined with the proposed action, could result in a significant adverse and cumulative impact on the environment. In particular, the DEIR does not

R-4

adequately evaluate the potentially significant adverse cumulative impacts of the land swap with Jackson Demonstration State Forest in light of the larger landscape issues facing Pygmy Forests and Northern Bishop Pine forests. The DEIR essentially considers the project's preferred alternative in a vacuum without adequately addressing the potentially significant adverse cumulative impacts of the project in light of past management, and related projects that may serve to combine with the impacts of the project's preferred alternative. The DEIR should therefore be revised to include consideration of all related projects in the surrounding area, and to consider the impacts of the proposed action in light of past, present, and reasonably foreseeable related projects.

R-4 cont

Conclusion

The DEIR for the project as proposed is currently incomplete, materially misleading, and is inadequate to allow for meaningful assessment by the public and the reviewing agencies. The DEIR must therefore be revised to consider information that is actually based on science and not unsubstantiated narrative argument, as is presented in the document. The DEIR must be revised to address potentially significant adverse impacts of the project's preferred alternative, must consider feasible less-damaging alternatives to the project's preferred alternative that includes a meaningful economic and environmental analysis, and must be revised to consider the true cumulative impacts of the project's preferred alternative.

R-5

EPIC appreciates the opportunity to provide comments on the DEIR. Please do not hesitate to contact me at the number provided below in the event that there are questions.

Sincerely,

Rob DiPerna
California Forest and Wildlife Advocate
Environmental Protection Information Center
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Letter R- Environmental Protection Information Center – Response to Comments

Response R-1

Please see Master Response #1 – Mitigation for PygmyCypress Forest, Master Response #2 – Classification of Bishop Pine Forest, Master Response #3 – Alternatives Evaluated, Response M-3, and Response U-1.

Regarding use of the term transitional or intermediate pygmy forest, the DEIR does not contest the listing of the individual pygmy cypress trees as sensitive, no matter the terminology of morphotypes. Nor does the DEIR doubt the unique chronosequence of the ecosystems present on the various terraces. The terminology was provided by the independent field biologist as a way to further define and characterize the habitat present, rather than a blanket vegetation type. This information on various morphotypes and habitat structure presented in the DEIR is a finer level description on how the plant communities are occurring on the landscape. The project still mitigates for impacts to pygmy forest (G2 S2) on an acreage basis as a habitat, as well as on individual tree basis (CRPR list 1B for pygmy cypress and Bolander's pine). The assertion that there is no scientific basis or validity for characterization based on morphotype overlooks the important information that can be garnered from the documentation provided by the field biologist. Regarding use of terminology and discussion of tree height, please refer to Response U-1.

Response R-2

The assertion that forest impacts cannot be mitigated by off-site preservation is contradicted by the CDFW, which recommended in its letter dated February 28, 2014: "Should the approved project result in adverse impacts to sensitive habitats, the mitigation plan should include proposals for acquiring, restoring, managing and protecting in perpetuity nearby, high quality habitats including Mendocino Pygmy Woodland Forest, Northern Bishop Pine and wetland." The project follows this recommendation through its creation of the 28.5-acre Caspar Pygmy Forest Preserve and does not base mitigation, nor depend on, recruitment or replanting as this comment incorrectly indicates. The DEIR also characterizes the habitat present at the impact area correctly with pygmy forest being listed as G2 S2 and individual pygmy cypress trees and Bolander's pine indicated as CRPR list 1B (no matter what habitat type these individual trees are growing in, and no matter the additional descriptive characterization using tree morphotype), contrary to this commenter's assertion that the DEIR is based on "erroneous" information. The revised mitigation (see Section 2 Revisions to the Draft EIR) is for preservation of 19.5 acres of Pygmy cypress forest, that has been characterized by an independent party as largely consisting of undisturbed pygmy forest. This is a viable mitigation option, based on guidance from CDFW as well as the County General Plan, and provides a mechanism for the project proponent to mitigate biological impacts and weigh other potential impacts such as reduction in greenhouse gases which have drastic offsite long term impacts.

Response R-3

Please see: Master Response #3 – Alternatives Evaluated; Response F-6; and Response L-1.

Response R-4

The commenter suggests that not all cumulative projects were accounted for in the cumulative analysis, but does not indicate what projects are missing. The DEIR Authors have been made aware of the Summers Lane Reservoir project by another commenter. Please refer to Master Response #6 Summers

Lane Reservoir, for a discussion of this project's impact on the cumulative analysis. With regard to the potential future impacts of the land swap, please refer to Response O-16 and Response Q-5.

Response R-5

The DEIR was prepared in accordance with CEQA Statute (Public Resources Code 21000-21177) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387).

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Mendocino Solid Waste Management Authority
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Thank you for the opportunity to comment on the Mendocino Solid Waste Management Central Coast Transfer Station (Project) Draft EIR (DEIR) prepared for the Mendocino Solid Waste Management Authority.

DEIR Comments (" " marks indicated quotes from the DEIR)

Section 1 "Environmental effects of the project that must be addressed include the significant effects of the project, growth-inducing effects of the project, and significant cumulative effects of past, present, and reasonably anticipated future projects."

"The purpose of an EIR is to provide a clear understanding of the environmental impacts associated with the construction and operation of a project and the EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation (NOP) is published, from both a local and regional perspective.""

Section 2 Project Location and Description
"The proposed project site for the new transfer station is located in unincorporated Mendocino County approximately 3.5 miles southeast of downtown Fort Bragg. The 17-acre site will be removed from Jackson Demonstration State Forest (JDSF) at 30075 State Route 20 (Figure 2-1 - Vicinity Map), and includes a portion of Assessor's Parcel Number (APN) 019-150-05 (Figure 2-2 - Site Plan). The removal of the site from JDSF was mandated by AB 384 (2011), the text of which is included as Appendix I."

The text of AB 382 does not include the word "mandated", but only "may" grant an option for transfers of properties, and that the various agencies "may" be compensated for differences in value, and for ongoing remediation required by contamination from the Caspar landfill.

S-1

1.3 Biological Resources
"CNDDB vegetation alliances are ranked 1 through 5 based on NatureServe's (2012) methodology (see Table 3.4-1), with those alliances ranked globally (G) or statewide (S) with status of 1 through 3 considered to be of special concern as well as imperiled (CDFG 2007; CDFW 2014b).

S-2

The Bishop Pine Forest was incorrectly indicated as rank G3S3, when in fact it is considered a rare vegetation alliance ranked G2S2. In addition, the CNDDB does not divide the Pygmy Forest alliance in to "tall, intermediate and pygmy" but is all considered Mendocino Pygmy Forest and ranked G2S2. The divisions disguise the fact that there are 12.44 acres of Pygmy Forest habitat on the project biological study area, not just the 3.11acres listed as "pygmy".
The Pygmy Forest is an extremely rare habitat existing only in Mendocino County and a few other places in the world. Of the 4000 acres originally described, only 2000 acres still exist, a reduction of 50%. The County has been responsible for allowing the degradation through subdivisions, residential building, and directly through siting two other transfer stations on pygmy soils.

S-2 cont

The County Policy RM-74 "Protect "pygmy" ecosystems ('Pygmy and "transitional Pygmy" vegetation and soils) through the use of measures that include minimizing vegetation removal, disruption of vegetation continuity, and introduction of water and nutrient

S-3

4.0 Alternatives Description and Analysis

"This chapter presents the alternatives analysis for the project. Section 15126.6(a) of the CEQA Guidelines requires EIRs to "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project"

"Section 15126.6(b) of the CEQA Guidelines also identifies the purpose of an EIR's discussion and analysis of project alternatives which is to identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), …"

S-4

We object to the limited range of the Alternatives selected for the EIR. The selection should result from the Siting Study, which identified the five most reasonable sites for the Transfer Station. The current Caspar TS was NOT one of the selected sites, and is obviously not under active consideration. In fact it was eliminated during the first round due to Residential Nature of Access Road, an absolute requirement.
In addition the highest-ranking sites, Mendocino Coast Park & Recreation and Leisure Time RV Park, were not included in the DEIR, nor were the two other recommended sites. By not including these sites, the Jackson north site could be chosen as the only proposed site.

Questions:

1. Why was the Mendocino Coast Parks & Recreation site not included in the DEIR?
2. Why was the Leisure Time RV Park not included in the DEIR?

("the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.")

S-5

("In 2011, the City and County named two of these sites as finalists for more intensive investigation, and on August 13, 2013, designated 30075 Fort Bragg-Willits Road (SR 20) as the preferred project site.")

3. What were the two sites chosen as finalists from the siting study?
4. Why were both of these finalists not included in the DEIR?
5. The water supply, wastewater, road systems and land clearing are considerably less expensive at the Leisure Time RV site. Why is this not considered a considerable advantage?

S-6

Additional questions are included in the Sierra Club, Mendocino Group's comment letter.

Sincerely,

Rixanne Wehren

Rixanne Wehren

Letter S – Rixanne Wehren – Response to Comments

Response S-1

The first part of this comment includes introductory and general comments that reiterate some of the requirements and purpose of an EIR, as well as a number of quotations from the DEIR. The EIR Authors agree that “mandate” may not be the best descriptive of AB 382. Perhaps “approved” would have been more accurate. Nonetheless, a change in this single word would not result in any change of the impact analysis, mitigation measures, or conclusions made in the DEIR regarding impacts.

Response S-2

Please see Master Response #1 – Mitigation for Pygmy Cypress Forest and Master Response #2 – Classification of Bishop Pine Forest. The DEIR does indeed rank the pygmy cypress forest similar to this commenter, as G2 S2. No matter the morphotype (short, intermediate, or tall), mitigation has been proposed. The division into morphotypes was conducted by an independent field biologist as a way to further characterize the habitat present, to provide the reader and project reviewers a finer scale description of how the plant communities are occurring on the landscape at the project site, and to assist in identifying and tailoring mitigation to those precise plant communities; important detail and focus that would be lost by use of a blanket classification. This additional descriptive effort was in no means meant to mask disclosure of impacts, and again the areas were classified as G2 S2 with minimization of impacts prioritized, and mitigation provided where impacts could not be avoided.

Response S-3

Please See Master Response #5 – Mendocino County General Plan. The project prioritizes avoidance and minimization of impacts to pygmy forest. As such, impacts have been reduced to 0.58 acres through siting design, or just over 12% of the pygmy cypress onsite, and complete avoidance of the pygmy cypress short morphotype where trees are dwarfed and plant growth pattern/structure is limited by unique association by climax spodic soil conditions (or spodic-like hardpans).

Response S-4

The 2007 Siting Study was a preliminary “sweep” that successfully identified the whole universe of possibilities, but in its comparative evaluations it reflected the subjective weight given by one consultant to different siting considerations. It contained some errors and omissions. Site-specific information changed over time. In the following years, City and County staff had to build on that study by looking more closely at its information and assumptions. In particular, staff concluded that the existing use of the Caspar transfer station site for solid waste disposal (since 1967) was an important consideration which outweighed the rural residential nature of the access road. The City Council and Board of Supervisors endorsed this judgment. Therefore, Caspar was restored to active consideration. The Mendocino Parks & Recreation District and Leisure Time RV Park sites were analyzed in the DEIR (reference DEIR Sections 4.4.4 and 4.4.5).

Response S-5

Please refer to Master Response #3 Alternatives Evaluated, as to why the Mendocino Parks & Recreation District and Leisure Time RV Park sites were not carried forward in the DEIR (also discussed in DEIR Sections 4.4.4 and 4.4.5).

Response S-6

The 2007 Siting Study recommended five sites “for additional study” which constituted the “finalists” from that study. The project site was included in those five. Please refer to Master Response #3 Alternatives Evaluated as to why some sites were carried forward for analysis in the DEIR and others were not. The infrastructure advantages of the Leisure Time RV Park are noted in DEIR Section 4.4.4; however, the site was not carried forward in the DEIR because of close substantial surrounding residential land use.

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March 26, 2015

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Mike Sweeney, General Manager
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Via hand delivery and email

Re: Comments on the Mendocino Solid Waste Management Central Coast Transfer Station Draft EIR

Dear Mr. Sweeney,

On behalf of the Mendocino Group of the Sierra Club, thank you for the opportunity to comment on the Mendocino Solid Waste Management Central Coast Transfer Station (Project) Draft EIR (DEIR).

The DEIR failed to, among other things, conduct an adequate alternatives analysis; evaluate one single alternative that substantially reduce or avoid removal of critically imperiled habitat, as required by CEQA; and to correctly categorize or propose mitigation for the removal of Northern Bishop Pine Forest, a critically imperiled natural community at risk for extinction. The substantive information concerning these issues was submitted during the Notice of Preparation (NOP) by the California Native Plant Society (CNPS) and the California Department of Fish and Wildlife (CDFW) but was ignored. (NOP comment letters attached as Exhibit A and B.) T-1

It is my considered legal opinion, having litigated many of these types of cases, the Solid Waste Management Authority has several legally compelling reasons to reject the DEIR as inadequate and incomplete and require the DEIR to be amended and re-circulated pursuant to the comments and requests made by the California Department of Fish and Wildlife (CDFW) and the following.[1] (March 24, 2015 comment letter from

[1] My law practice focuses exclusively on the enforcement of CEQA. I acted as lead counsel for Petitioners in several successful CEQA cases: *Ross Creek Neighbors v. Town of Los Gatos*, (2009) Santa Clara Superior Court Case No. 108-CV-106461 [Petitioners were successful in obtaining injunctive relief, issuance of a writ, and rejection of the Return to the Writ]; *Save San Juan Valley v. Caltrans*, (2010) Contra Costa Superior Court Case No. CU-08-00176; *Healdsburg Citizens for Sustainable Solutions v. City of Healdsburg* (2010) Sonoma County Superior Court Case No. SCV-243748; *Friends of Historic Hangtown v. City of Placerville* (2012) El Dorado County Superior Court Case No. PC-20110145; *Sierra Club v. County Of Sonoma, Sonoma*

CDFW, attached as Exhibit C.) A DEIR must be re-circulated for an additional round of public and agency comment and responses before it is certified if significant new information is added relating to a new environmental impact or a substantial impact in the severity of an environmental impact, or if a feasible project mitigation measure or alternative considerably different from others previously analyzed would clearly lessen environmental impacts and is not acceptable to the project proponents, or if the Draft EIR was so fundamentally inadequate that meaningful public review and comment were precluded. (*Laurel Heights Improvement Association v. UC Regents* (*Laurel Heights II*) (1993) 6 Cal.4th 1112; Guideline §15088.5.)

Failure to adequately describe the correct ranking and rarity of the Northern Bishop Pine Forest constitutes 1) an inadequate "**existing setting**" regarding a necessary component of the Project description and 2) a failure to establish the correct "**baseline**" under which environmental impacts are correctly adjudged. The EIR must describe the environmental resources on the project site and in the vicinity that may be adversely affected by a project. (*San Joaquin Raptor /Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713.) The EIR must describe the setting existing at the time the Notice of Preparation (NOP) is published. (*Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99.) The environmental setting normally constitutes the baseline by which a lead agency determines whether a new impact will be significant. Knowledge of the regional setting is critical to the assessment of environmental impacts. Resources that are rare or unique to the region and would be affected by the project warrant special emphasis. (Guideline §15125; *Galante Vineyards v. Monterey Peninsula Water Management District* (1997) 60 Cal.App.4th 1109; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859.)

T-1 cont

Here, we and the CDFW request the addition of significant new information regarding a new impact (to Northern Bishop Pine Forest) and the severity of impacts (to critical habitats, cumulative impacts, area plan consistency, indirect impacts, wetlands, adjacent sensitive natural communities and downstream surface water); and consideration of alternatives and mitigation measures considerably different from those analyzed in the DEIR such that re-circulation is required. (Attached Exhibits A-C.) "Comments from responsible experts or sister agencies that disclose new or conflicting data or opinions that cause concern that the agency may not have fully evaluated the project" may not be ignored. (*Berkeley Keep Jets over the Bay Committee v. Board of Port Cmr's.* (2001) 91 Cal.App.4th 1344, 1367 quoting *Cleary v. County of Stanislaus*, (1981) 118 Cal.App.3d 348, 357.)

T-2

1. Why were the substantive comments made during the NOP process ignored?

County Board of Supervisors (2012) Sonoma County Superior Court Case No. SCV 248271; *Healdsburg Citizens for Sustainable Solutions v. City of Healdsburg* (2012) 206 Cal. App. 4th 988; *Los Gatos Citizens for Responsible Development v. City of San Jose* (2012) Santa Clara Superior Court Case No. 111-CV-209214.

Legal Criteria for Assessing the Adequacy of the DEIR

Importance of the EIR

In enacting the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.*) in 1970, the California Legislature declared the maintenance of a quality environment to be a matter of ongoing statewide concern. (Public Resources Code § 21000(a).) Public agencies considering approval of both public and private projects must therefore give "major consideration … to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian." (Public Resources Code § 21000(g).)

Under CEQA, public agencies cannot "approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the environmental effects of such projects." (Public Resources Code § 21002.)

The Legislature designed CEQA's review processes to publicly disclose environmental effects and identify feasible project alternatives and mitigations. The goal is to protect California's environment by informing the discretionary land use decisions of elected officials. (Public Resources Code § 21002.) CEQA furthers California's environmental policies through its ***procedural*** mandates, requiring agencies to prepare and consider environmental documents within prescribed public review processes, ***and substantive*** mandates, requiring agencies to impose feasible mitigation measures and alternatives to projects that might otherwise cause significant adverse environmental effects.

T-2 cont

Alternatives

Section 15126.6(a) of the CEQA Guidelines requires EIRs to "describe a range of reasonable alternatives to the project, *or to the location of the project*, which would feasibly attain most of the basic objectives of the project but would *avoid or substantially lessen* any of the significant effects of the project, and evaluate the comparative merits of the alternatives. Reasonable alternatives must be considered ***"even if they substantially impede the project or are more costly."*** (*San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750; Guideline §15126(d)(1); *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336; emphasis added.)

Range of Alternatives

An EIR must consider a "range of reasonable alternatives." *Citizens of Goleta Valley v. Board of Supervisors (Goleta II)* (1990) 52 Cal.3d 553; *Residents AdHoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274; Guideline §15126.6(c). The range must be sufficient "to permit a reasonable choice of alternatives so far as environmental aspects are concerned"; *San Bernardino Valley Audubon Society v. County of San Bernardino, supra,* 155 Cal.App.3d at 750-751; Guideline §§15126.6(c), (f).

Alternate Sites

An EIR should consider alternate sites for both public and private development projects. (*Citizens of Goleta Valley v. Board of Supervisors* (*Goleta II*) (1990) 52 Cal.3d 553,

574-575; *Citizens of Goleta Valley v. Board of Supervisors* (*Goleta I*) (1988) 197 Cal.App.3d 1167, 1179-1180.) EIRs "must consider a reasonable range of alternatives to the project, ***or to the location*** of the project." (Guideline §15126.6(f)(2.); emphasis added.)

Agency Jurisdiction

An alternate site's location outside the lead agency's jurisdiction is "simply a factor to be taken into account" and not a reason for an outright rejection of alternatives. (*Citizens of Goleta Valley v. Board of Supervisors* (*Goleta II*) (1990) 52 Cal.3d 553, 575, n7.)

Economic Analysis

Laurel Heights Improvement Association v. UC Regents (*Laurel Heights 1*) (1988) 47 Cal.3d 376, while not specifically addressing economics, held that an agency's reasons for finding an alternative to be infeasible must be explained in the EIR. (*Id.* at 407.) Many EIRs analyze the relative economic feasibility of alternatives, since economic factors are emphasized by CEQA as primary factors in determining an alternative's feasibility. (*Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, *City of Fremont v. SF Bay Area Rapid Transit District* (1995) 34 Cal.App.4th 1780, *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App.3d 692.) The EIR in *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437 was rejected for failure to adequately analyze the economic feasibility of alternatives. In *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, an EIR's economic analysis of feasible alternatives to a composting facility was also ruled inadequate. However, Guideline section 15131(c) provides, without statutory authority, that economic analysis of the feasibility of alternatives may be in the EIR or may be added to the record "in some other manner." *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336 reiterated that any evidence presented by an applicant as to purported infeasibility of an alternative must be independently analyzed by the lead agency.

T-2 cont

Indirect Impacts

A project may affect the environment directly or indirectly. A project includes "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." §21065; *Kaufman & Broad-South Bay v. Morgan Hill Unified School District* (1992) 9 Cal.App.4th 464, 470, and *City of Livermore v. Local Agency Formation Commission* (1986) 184 Cal.App.3d 531, 537-538. Indirect impacts relating to the disposal of sewage sludge, including increased truck hauling and associated emissions and the removal of farmland from production, were held to be potentially significant environmental impacts in *County Sanitation District No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1581.

Section 4.0 Alternatives Analysis

Aside from the required No Project Alternative, the DEIR reviewed only one alternative, the Caspar Site Alternative. The DEIR states biological impacts would be avoided with the Caspar Site Alternative because the site has already been cleared and

T-3

developed but found the alternative infeasible due to Caltrans' determination that the intersection of Highway 1 and County Road 409 is substandard and has limited potential for improvement, and it therefore has sufficient physical transportation limitations to preclude its consideration. T-3 cont

As noted, CEQA requires the DEIR to describe and analyze a reasonable range of *feasible* alternatives. The selection of alternatives for analysis should have been chosen from those identified in the Siting Study conducted for the Project; the Caspar site was not even considered as one of the potential sites in the study; it was eliminated during the first round of review due to the residential nature of the access road. T-4

In addition the highest-ranking sites, Mendocino Coast Park & Recreation and Leisure Time RV Park, were not reviewed in the DEIR, nor were two other recommended sites, due to their purported infeasibility. In order to be considered feasible, an alternative is required to meet most project objectives; it doesn't have to meet every objective. And as noted, reasonable alternatives must be considered "even if they substantially impede the project or are more costly." T-5

The DEIR failed to consider a reasonable range of feasible alternatives. Analysis of one alternative, aside from the required No Project Alternative, cannot be deemed a reasonable range. By selecting an infeasible alternative as the only alternative for analysis the entire analysis is rendered inadequate and incomplete.

2. Why was Caspar Transfer Station included in the DEIR when it had already been eliminated and deemed infeasible in the Siting Study?
3. Why didn't the DEIR include an environmentally superior alternative in its analysis? T-6

The DEIR removed feasible sites from consideration without sufficient justification.

The **Pudding Creek Road** site was considered an attractive alternative because it is already used by Empire Waste Management for recycling and heavy truck operation; it has existing compatible utilities, paved access, and other services; and there is room to accommodate the Project at the site. But it was removed from consideration because it did not meet one objective, that the Project be publicly owned, and secondly, because the site is "less successful" in meeting another objective, that it be isolated from other land uses. (4.0-5.) However CEQA considers alternatives feasible if they meet most Project objectives. The alternative should have been considered in the analysis. T-7

The DEIR states the **Mendocino Coast Recreation District site** is for sale and is otherwise appropriate for consideration; the Recreation District is currently in bankruptcy and owes 2.3 million dollars; the City of Fort Bragg tried to buy the site for an unstated price but was turned down; and public entities are precluded from purchasing properties for above the appraised value. The listed price for the site, however is not 2.3 million, it is 1.3 million dollars. The site was appraised at $800,000 in T-8

2014 but was not evaluated for utilization as a transfer station. If the site were reappraised for this purpose it may well appraise at a higher value. As cost alone is not a determinative reason for infeasibility, the DEIR's claim that the site may cost more than the Project site is not a valid reason to exclude the alternative from study.

T-8 cont

Similarly, the **Leisure Time RV Park** was not considered in the alternatives analysis and should have been. Each of these alternatives would avoid impacts to rare and threatened habitats, consistent with CEQA's substantive requirement for consideration of alternatives.

It is arguably proper for Mendocino Waste Management to reject an alternative as economically infeasible, but only ***after*** the alternative has been thoroughly analyzed in the EIR and only ***when*** the determination of economic infeasibility is based upon a valid economic study that shows the alternative renders the Project "***impractical to proceed.***" (*Citizens of Goleta Valley v. Board of Supervisors* (*Goleta I*) (1988) 197 Cal.App.3d 1167, 1181, emphasis added.) It is quite another thing entirely to preemptively remove alternatives from consideration for economic reasons without any economic study whatsoever.

T-9

Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. (Public Resources Code §21061.1; Guideline §15364.) But increased costs of an environmentally superior alternative do not equate to economic infeasibility: "[t]he fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it ***impractical to proceed with the project.***" (*Citizens of Goleta Valley v. Board of Supervisors* (*Goleta I*) (1988) 197 Cal.App.3d 1167, 1181; emphasis added; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736; *City of Fremont v. San Francisco Bay Area Rapid Transit District* (1995) 34 Cal.App.3d 1780 [addition of $60 million in costs rendered subterranean alternative for BART extension infeasible.].)

4. Considering this information, shouldn't the DEIR be amended to included evaluation of the alternatives that substantial lessen or avoid impacts to sensitive habitat?
5. How do the Project's costs, such as removal of vegetation and other site preparations, and the costs of implementation of mitigation measures compare with the savings derived from alternatives that have already been cleared and do not entail removal or mitigation of sensitive habitat?
6. If costs are the reason why alternatives are determined to be feasible, shouldn't an economic analysis be prepared to compare the total costs of each alternative?

T-10

The Department of Fish and Wildlife (CDFW) wrote in its comment letter on the Notice of Preparation that the proposed Project site currently maintains exceptionally high

quality Mendocino Pygmy Cypress Woodland and good Northern Bishop Pine Forest Habitats. Both habitats are rated as "highly imperiled or "rare and threatened in California." The Mendocino County Plan Policy RM-84 also calls for protecting this habitat by minimizing "vegetation removal" and the "disruption of vegetation continuity." And the Jackson Demonstration State Forest's 2008 EIR/Management Plan states the intent to "maintain the current distribution and species composition of Mendocino Pygmy Cypress Woodland habitat and protect it from harmful human disturbance. For these reasons, CDF stated the Project would result in significant biological impacts and requested inclusion of at least one feasible alternative Project location that would avoid or substantially lessen the impacts to rare vegetation types. "The alternative should include locations that are void or have a minimum amount of sensitive species and/or habitats." (Exhibit A.) **T-10 cont**

As noted, "Comments from responsible experts or sister agencies that disclose new or conflicting data or opinions that cause concern that the agency may not have fully evaluated the project" may not be ignored. (*Berkeley Keep Jets over the Bay Committee v. Board of Port Cmr's.* (2001) 91 Cal.App.4th 1344, 1367 quoting *Cleary v. County of Stanislaus*, (1981) 118 Cal.App.3d 348, 357.) **T-11**

7. Considering this information, shouldn't the opinion of CDWF be heeded, and alternatives that are void or have a minimum amount of sensitive species and/or habitats be considered?

The proposed Project was selected as the environmentally superior Alternative. However, selection of the Project as the preferred alternative countermands CEQA's imperative to review alternatives to the Project that substantially avoid or lessen the impacts of the Project. The DEIR therefore failed to identify an environmentally superior alternative pursuant to Guideline Section 15126.6(e).

8. What CEQA provision allows for choosing the Project as the preferred alternative? **T-12**

Section 1 "Environmental effects of the project that must be addressed include the significant effects of the project, growth-inducing effects of the project, and significant cumulative effects of past, present, and reasonably anticipated future projects." (DEIR 1.0-1.)

"The purpose of an EIR is to provide a clear understanding of the environmental impacts associated with the construction and operation of a project and the EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation (NOP) is published, from both a local and regional perspective."" (DEIR 1.0-2.)

9. What are the effects of the past projects of the Joint Powers Authority on the entire Pygmy Forest, including the siting of the Albion transfer station and the Caspar Landfill and Transfer station on Pygmy Forest habitat? T-13
10. What is the ongoing effect of the Caspar landfill on the groundwater resources of the Caspar area? T-14
11. What are the effects on the future projects in the area of the proposed Central Coast Transfer Station, such as the development of the Regional Park, Newman Reservoir and new Summers Lane reservoir and GP bark dump? T-15

Section 2 Project Location and Description

"The proposed project site for the new transfer station is located in unincorporated Mendocino County approximately 3.5 miles southeast of downtown Fort Bragg. The 17-acre site will be removed from Jackson Demonstration State Forest (JDSF) at 30075 State Route 20 (Figure 2-1 - Vicinity Map), and includes a portion of Assessor's Parcel Number (APN) 019-150-05 (Figure 2-2 - Site Plan). The removal of the site from JDSF was mandated by AB 384 (2011), the text of which is included as Appendix I." (DEIR 2.0-1.) T-16

The text of AB 384 does not include the word "mandated", but states it "may" grant an option for transfers of properties, and that the various agencies "may" be compensated for differences in value, and for ongoing remediation required by contamination from the Caspar landfill.

Section 2.5.1 "Further, under the land swap authorized by AB 384, twelve acres of redwood forest at the northeastern corner of Russian Gulch State Park (Figure 3), comprising the entire Park northeast of County Road 409, would be transferred to Jackson Demonstration State Forest (JDSF). The purpose of this transfer would be to offset the loss of forest resources caused to JDSF at the Central Coast Transfer Station site." (DEIR 2.0-3.) T-17

12. What is the appraised value of the 17-acre proposed Transfer Station site?
13. What is the appraised value of the 12.66 acres of Russian Gulch State Park (RGSP) that may be traded to Jackson Demonstration State Forest?
14. Is the RGSP property appraisal based on the trees remaining protected or on their timber value as unprotected?
15. Would the trees on the 12.66 acres continue to be protected from harvest or become a timber resource for JDSF?

Section 2.5.1 "Under AB 384, the 60-acre Caspar site (Figure 3 - Project Land Exchange Parcels), including the footprint of the closed landfill, would be the subject of a conservation easement granted to the California Department of Parks & Recreation (DPR). DPR would have the option of taking ownership of the 35 westernmost acres of the site (Figure 3)." (DEIR 2.0-2.) T-18

16. Has an appraisal been done for the current Caspar Transfer station property? What was the resulting valuation? Was that valuation based on residential value or brownfields value? **T-19**
17. Has the current Caspar Transfer station property been evaluated for toxic contamination from the landfill? What are the results of that evaluation and anticipated monitoring and remediation cost? **T-20**
18. What is the estimated difference in value between the loss of the Russian Gulch State Park forested property and the gain of the "restrictive covenant" on 60 acres of Caspar property to the RGSP? **T-21**

Section 2.5.4 "Closure of existing facilities

"With the opening of the new transfer station, the existing Caspar self-haul transfer station would cease operations and Empire Waste Management would cease its direct-haul transfer to Willits Transfer Station and instead use the new transfer station. The Albion self-haul transfer station would continue to operate but its solid waste would be redirected to the new Central Coast Transfer Station." (DEIR 2.0-3.) **T-22**

19. Is there a rehabilitation plan for the Caspar transfer station property from industrial use? What does that plan consist of and what is the estimated cost to the JPA?
20. Will the Albion waste stream continue to be transferred from 'pods" to the long haul system? How will this be accomplished? Would it be inside the enclosed building? **T-23**
21. Was this merging included in the cost savings estimates?

2.5.7 Capacity

"Based on the current waste stream, documented by transfer station records, the solid waste throughput would average 35 tons per day year-round, with a peak day of 50 tons per day. The facility could handle a larger waste stream by more intensive utilization of the same infrastructure. The future size of the waste stream is speculative. There has been no growth (an actual decrease has occurred) in the region's disposal waste stream over the last six years as shown by Table 2-1, and City and County annual population growth projections are less than one percent." (DEIR 2.0-5.) **T-24**

22. Why does the scoping information state that the project should be sized for twice the capacity when growth projections are for far less growth?
23. Does the EPA mandate any specific size increase or property expansion size? Will the rest of the property eventually be used to expand this project? **T-25**

Energy Usage
"The amount of diesel used annually for the delivery of transfer trailers to the Willits Transfer Station under existing conditions is approximately 54,630 gallons per year. The amount of diesel used annually for the delivery of transfer trailers to a destination landfill under project conditions is unknown at this time." (DEIR 2.0-6.) T-25 cont

24. If the amount of diesel needed for transfer trailers is unknown, what is the basis for comparison for the cost savings for long haul delivery? T-26
25. What is the cost of buying new long-haul trailer/trucks for the project? T-27

2.5.14 Caspar Transfer Station Closure

"Closure of the Caspar self-haul transfer station would involve shutting the gate and ceasing acceptance of solid waste. This would occur within one week of the opening of the new transfer station. It is anticipated that removal of small and portable existing structures, including the gate house, lockers and stationary compactors, would occur at some point after the Caspar transfer station closes. At this time there is no requirement or intention to demolish any of the existing structures at the Caspar facility. Any future demolition would depend on funding and future use of the site by DPR." (DEIR 2.0-7.) T-28

26. The State Parks staff has indicated that the Parks will not accept a conservation easement on the old Caspar property without funding to do weed abatement. What is the budget and plan for supporting this effort?
27. What are the ongoing impacts of toxics from the landfill?

3.0 Environmental Setting, Impacts and Mitigation Measures

Section 3.0 List of Relevant Projects
"Table 3.0-1 (Projects Considered for Cumulative Impacts) provides a list of the past, present, and reasonably foreseeable future projects within and near the project area, including a brief description of the projects and their anticipated construction schedules (if known)." (DEIR 3-3.)

CEQA requires that an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation (NOP) is published, from both a local and regional perspective. T-29

In this case, the entire Pygmy Forest is located along the Mendocino Coast and must be considered as part of an adequate cumulative impact and indirect impact analysis.

Questions:

28. What is the effect on the Pygmy Forest regionally of the conversion of the Pygmy Forest on the proposed Central Coast Transfer Station?
29. What are the specific effects of the siting of the Albion and Caspar transfer stations on Pygmy Forest in the past and in conjunction with the current T-30

proposal?

30. What are the anticipated effects of the Newman Reservoir, new Summers Lane reservoir and the development of the Regional Park on the project? T-31

1.2 Agriculture and Forest Resources

"This section evaluates the potential impacts related to agriculture and forest resources with implementation of the project." (DEIR 3.2-1.)

This section fails to mention the status of the trees on the Russian Gulch property, which, by inclusion of the AB 384 document in the EIR, and reliance on the trade to facilitate the project, is a part of the Project. JPA claims that the trees will become a timber asset for JDSF. T-32

31. Will the trees on the Russian Gulch State Park property continue to be protected from harvest?
32. Is the value of the living trees considered part of the value of the trade property? T-33
33. What is the JDSF policy on protection of non-timber resources, specifically Mendocino Pygmy Forest? T-34

1.3 Biological Resources

"CNDDB [California Natural Diversity Data Base] vegetation alliances are ranked 1 through 5 based on Nature Serve's (2012) methodology, with those alliances ranked globally (G) or statewide (S) with status of 1 through 3 considered to be of special concern as well as imperiled (CDFG 2007; CDFW 2014b)". (DEIR 3-4.1)

The Bishop Pine Forest is incorrectly indicated as rank G3 S3, when in fact it is considered a rare vegetation alliance ranked G2 S2. (3.4-3.) In addition, as noted by the California Native Plant Society in its comments on the Notice of Preparation, the CNDDB does not divide the Pygmy Forest alliance into "tall, intermediate and pygmy" but has one characterization, Mendocino Pygmy Forest, ranked G2 S2. (Attached, Exhibit B, pg. 1.) The Pygmy Forest is an extremely rare habitat existing only in Mendocino County and a few other places in the world. Of the 4000 acres originally described, only 2000 acres still exist, a reduction of 50%. The County has been responsible for allowing the degradation through subdivisions, residential building, and directly through siting two other transfer stations on pygmy soils. T-35

The Department of Fish and Game details the mischaracterization of the vegetation at issue in their comment letter on the DEIR. (Attached Exhibit C, pg. 3.) As noted above, comments made by a sister agency may not be disregarded.

The DEIR's arbitrary and unsupported divisions disguise the fact that there are 12.44 acres of Pygmy Forest habitat on the project biological study area, not just the 3.11 acres listed as "pygmy." (DEIR 3.4-5.) T-36

34. When all divisions of Pygmy Forest are combined, what is the new acreage of Pygmy Forest impacted by the project? **T-37**
35. The DIER doesn't mention the CA Dept. of Fish & Wildlife's recommendation of a 100' buffer around sensitive habitats. Is this buffer included in the biological resources evaluation? **T-38**
36. How does the planning for removal of any pygmy vegetation follow County Policy RM 73 "The design of new development should emphasize the avoidance of sensitive resources and environments rather than their removal and replacement"?
37. How does the planning for removal of any pygmy vegetation follow County Policy RM-74 "Discretionary development shall be designed or conditioned to achieve no net loss of sensitive resources."?
38. How does the planning for removal of any pygmy vegetation follow County Policy RM-75? "Protection of sensitive resources is the highest priority. Onsite replacement or offsite replacement, protection or enhancement is less desirable." **T-39**
39. How will the removal of any pygmy vegetation follow County Policy RM-84? "Protect "pygmy" ecosystems ('Pygmy and "transitional Pygmy" vegetation and soil …)"
40. How will the corrected ranking change the evaluation of the impacts and mitigations to Bishop Pine forest?
41. How does the removal of any Bishop Pine Forest follow the County Policies RM-73, RM-74, and RM-75?
42. Why were sites 40 Leisure Time RV and 41 Jackson Forest south from the Siting Study eliminated from consideration in the DEIR even though they had less impact to sensitive resources and similar scores on the Evaluation Matrix? **T-40**
43. Why was impact to sensitive resources not one of the criteria for site selection, as is required by the County Policies on Resource Management listed above? (See Table 3 Site Selection Criteria Matrix) **T-41**
44. The Leisure Tine RV parcel is already bulldozed and all vegetation removed. Why is this site not considered the feasible, less environmentally damaging alternative to be evaluated in the EIR? **T-42**

1.4.5 Impacts and Mitigation Measures

"Impact BIO-1: Substantial Adverse Effect on Special-Status Species
The County and City minimized the amount of impacts to sensitive-listed tree species through adjustment of the project footprint, and eliminated impact to the most sensitive area that is stunted and mapped as cypress forest-pygmy. This minimization and avoidance effort was conducted during the project planning phase and project layout/design per guidance of RM-74 that suggests prioritizing minimization and avoidance prior to a replacement or enhancement approach. (3-4-41.) **T-43**
The project would permanently impact approximately 0.58 acre of Mendocino cypress and Bolander's pine (both CRPR List 1B) (within areas categorized as cypress forest-tall

and cypress forest-intermediate)." (DEIR 3-4-42.)

"Mitigation Measure BIO-1b: Mitigate Impact to Mendocino Cypress and Bolander's Pine. The impacts to CRPR listed tree species Mendocino cypress and Bolander's pine (a 0.58 acre area) shall be mitigated through preservation at an offsite location. The County and City proposes to use a portion of a 28-acre site identified as Assessor's Parcel Number (APN) 118-50-045 which is adjacent to and north of the Caspar transfer station facility and is forested including cypress, Bishop Pine, and other related species." (DEIR 3-4-43.) T-43

The County Policy RM-74 "Protect "pygmy" ecosystems ('Pygmy and "transitional Pygmy" vegetation and soils) through the use of measures that include minimizing vegetation removal, disruption of vegetation continuity, and introduction of water and nutrients due to human activity, sewage disposal systems, animal or agricultural uses." (DEIR 3.4-38.)

45. How does choosing a site requiring the destruction of pygmy forest, as opposed to a site that has no pygmy forest, follow County Policy RM-74?
46. How does destroying even .58 acres of Pygmy forest, in a region that has had 50% of the Pygmy Forest habitat already degraded meet Policy RM - 73 (avoidance) RM 74 (no net loss) and RM 75 (protecting existing sensitive resources as the highest priority)? T-44
47. Has any evaluation of the biological resources of the proposed mitigation site been done?
48. What was the outcome of that evaluation? T-45
49. Was contaminated groundwater included in the evaluation of the mitigation site?
50. What mitigation is proposed for the clearing of 8.39 acres of Bishop Pine Forest? T-46

1.4.6 Cumulative Impacts

The cumulative impacts section is fundamentally compromised by the mis-ranking of the Bishop Pine Forest; and by the separation of Pygmy Forest into tall, intermediate and pygmy Pygmy forest, although all are classified together by CNDDS as G2S2. This entire section must be rewritten after the questions asked about other parts of Section 3.0 are answered.

We do not consider mitigation instead of avoidance to be a reasonable adherence to the County Resource Management Policies, as there are alternative sites that avoid impact to Pygmy Forest. T-47

51. How do the environmental effects of the land swap including Russian Gulch State Park forest and the Caspar dump and Transfer station also affect the Cumulative Effects?

52. If the Russian Gulch parcel is opened to logging, what are the effects of erosion and hydrology and their addition to cumulative effects? **T-48**

3.9 Hydrology of the Pygmy Forest

The County standards for hydrology analysis were developed for average grassland or forest properties and are not appropriate for Pygmy Forest hydrology. Any development on pygmy soils that breaks the crust or penetrate the underlying clay layers alters the wetland hydrology unique to the Pygmy Forest. Special consideration of this unique habitat should be included in the hydrological study and specific criteria developed to evaluate the impacts. **T-49**

The following comments were prepared by Hydrologist, Tim Bray.

The DEIR cites to a groundwater study conducted on a nearby parcel, the proposed site of a golf course. No water report (Proof of water or hydrological study) appears to have been completed for the proposed project. (DEIR 3.9-13, 14.)

53. Why wasn't a groundwater study performed for the subject site?

The DEIR does not identify any nearby existing water wells. Mendocino County's groundwater ordinance requires that a hydrological study "... contain specific assessments of the impacts of pumpage on all wells within the drawdown cone or within 300 feet, whichever is greater." **T-50**

54. Why weren't nearby existing wells documented in the DEIR?

The DEIR does not address water use during construction. Expected demand for dust control, soil conditioning, etcetera, should be estimated, and a source identified. The DEIR concludes that the anticipated water use (up to 1,000 gallons per day, during operation) will not lead to a significant impact, however, the cumulative effects of the proposed project plus the proposed golf course are not addressed. While the golf course would likely consume a far larger amount of water than the transfer station, the DEIR does not address what the cumulative effects of both projects might be on nearby water wells (if any) or surface water bodies. **T-51**

55. What is the Project's construction water demand? **T-52**

Construction of impervious areas will not only increase runoff as discussed here, but also reduce infiltration and groundwater recharge. The EIR should address this potentially significant impact to groundwater. Infiltration through constructed features (e.g. bio-swales, storm-water basins) may be greatly reduced by the hydrologic characteristics of pygmy soils and by the documented existence of shallow (possibly perched) groundwater at the project site. (DEIR 3.9-15.) **T-53**

56. How do the hydrologic characteristics of pygmy soils affect the efficacy of bio-swales and storm-water basins? **T-53**

DEIR section 3.9.6 states (without evidence) that no significant cumulative hydrology impacts will occur, but as noted above, it is not clear whether the golf course development was considered as a potential development in this analysis. Nor is it clear whether the combined effects of reduced infiltration and groundwater withdrawal for this project were evaluated.

57. Considering this information, what are the cumulative impacts to hydrology and water? **T-54**

Consistency with Area Plans

The CDFW states that the Project is inconsistent with the General Plan and the Jackson Demonstration State Forest Plan, citing specific sections of each plan. (Exhibit C; page 11-13.)

58. How can the Project be considered consistent with these Plan provisions? **T-55**

Thank you for the opportunity to comment on the DEIR prepared for this Project.

Sincerely,

Rachel Mansfield-Howlett
Attorney representing Mendocino Group of the Sierra Club

Enclosures: Attached Exhibits A-C

Letter T – Rachel Mansfield-Howlett – Response to Comments

Response T-1

Please see Master Response #3 – Alternatives Evaluated, for a summary of the project alternatives and alternatives considered but not carried forward in the DEIR, justification for the analysis, and inclusion of information that at least one project alternative would require substantial removal of pygmy forest.

See Master Response #1 – Mitigation for Pygmy Cypress Forest and Master Response #2 – Classification of Bishop Pine Forest which address the portion of this comment dealing with sensitive "natural community." It is agreed that environmental setting should take into consideration the regional context, and therefore as included in the DEIR, information on Bishop Pine and regional setting was provided, and this topic is further addressed in the Master Response section of this RTC.

Regarding comments on the NOP and consultation with resource agency(s), the DEIR did take into consideration comments on the NOP and conference calls did occur with CDFW to address their site visit, project concerns, and pygmy forest mapping efforts (personal communication CDFW 2014). The DEIR prioritized avoidance and minimization of impacts, and incorporated mitigation in the form of preservation as guided by CDFW and based on verbal discussion and written comments received during the scoping process.

The RTC document is not introducing new environmental impact or mitigation such that would require recirculation, but the comment is noted.

Response T-2

Comments received in response to the NOP were not ignored and were useful contributions to the preparation of the DEIR. Letters received in response to the NOP are included in the DEIR as Appendix A. Refer to Master Response #2 – Classification of Bishop Pine Forest, with regard to the suggestion that "information regarding a new impact (to Northern Bishop Pine Forest)" be provided. As outlined in the Master Response, no significant new information has been added to or new impact identified in this RTC document that would warrant recirculation.

The remainder of the comment cites the "legal criteria for assessing the adequacy of an EIR" including the importance of the EIR, alternatives, range of alternatives, alternative sites, agency jurisdiction, economic analysis and indirect impacts, with no comment on the adequacy of the Central Coast Transfer Station DEIR. No further response is necessary.

Response T-3

The DEIR analyzed the impacts of two alternatives, and identified five alternatives considered but not carried forward in the DEIR in compliance with CEQA, as described in Section 4.0 – Alternatives Description and Analysis and Master Response #3 – Alternatives Evaluated.

Response T-4

Please see Response S-4, Response S-6, and Master Response #3 – Alternatives Evaluated.

Response T-5

These sites were discussed in DEIR Sections 4.4.4 and 4.4.5. Please also see Master Response #3 – Alternatives Evaluated.

Response T-6

Please see Response S-4 as to why the Caspar Transfer Station was included in the DEIR. The environmentally superior alternative is the proposed project as mitigated, given it would achieve greater reductions in various environmental resource categories including aesthetics, air quality, energy consumption, greenhouse gas emissions, and transportation. See Master Response #3 – Alternatives Evaluated and Section 4.4 of the DEIR for justification for not carrying forward five alternatives in the EIR.

Response T-7

The Pudding Creek site was also rejected because access would be through the Fort Bragg downtown "choke point" on Highway 1. Please see DEIR Section 4.4.2 and Master Response #3 – Alternatives.

Response T-8

The Mendocino Parks & Recreation District site was also rejected because of its lack of isolation from nearby residential land uses. For example, as noted in the DEIR, the closest neighbor's building is approximately 20 feet from the northern boundary of the site. Please see DEIR Section 4.4.5 and Master Response #3 – Alternatives Evaluated.

Response T-9

Leisure Time RV Park was discussed in DEIR Section 4.4.4. Please also see Master Response #3 – Alternatives Evaluated, and Response T-10 below.

Response T-10

The DEIR did evaluate an alternative that would have fewer impacts to sensitive habitat: Alternative 2 Caspar Site. However, sensitive habitat was not the only potential environmental impact of the project and alternatives. In addition, the DEIR considered but did not carry forward in the evaluation, five alternative sites, four of which already have had much of the vegetation removed, but were not carried forward for other environmental reasons. Please see Master Response #3 – Alternatives Evaluated.

Regarding cost comparisons, please see Response O-17. Since no site is declared infeasible due to costs (except Mendocino Parks & Recreation District regarding the purchase price), and comparative costs are not the basis for selection of any one site over another, the DEIR does not need to provide hypothetical cost comparisons. This could be requested by the City Council and Board of Supervisors if they believed it would be useful. Total capital cost estimates were made of $4.79 million for the project site and $3.86 million for the Caspar transfer station site.

With regard to Mendocino County Plan Policy RM-84, please see Master Response #5 – Mendocino County General Plan. See response above to J-4 that discusses the project minimization and avoidance efforts as they relate to General Plan guidance. As guided by RM-84, vegetation removal has been minimized and the most unique habitat onsite, the dwarfed pygmy cypress forest, has been avoided as well as impacts to wetlands. Regarding vegetation continuity, this was also discussed in the DEIR, and the project has been sited so that where impacts do occur to the pygmy cypress trees (0.58 acres), impacts are on the edge of the pygmy cypress map units (intermediate and tall morphotypes) and does not dissect these habitat.

Response T-11

Such alternatives were considered. Please see Response T-10 and Master Response #3 – Alternatives Evaluated as well as Master Response #1 – Pygmy Cypress Forest. The project site was mapped by an independent biologist who identified the locations of Bishop Pine Forest and Pygmy Cypress Forest, as referred to as present at the site by CDFW.

Response T-12

CEQA Guidelines Section 15021(d): "CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian…." The statement that "the DEIR failed to identify an environmentally superior alternative pursuant to Guidelines Section 15126.6(e)" is inaccurate. The environmentally superior alternative was identified in Section 4.3 of the DEIR. Please see Response T-6. The proposed project as mitigated was found to be the environmentally superior alternative based on numerous environmental considerations.

The DEIR did include a description of the physical environmental conditions from both a local and regional perspective at the time the NOP was published (baseline conditions). See DEIR Sections 3.1 through 3.12.

Response T-13

The Albion and Caspar Transfer Stations sites were developed more than 50 years ago and it is not known whether this was done by logging companies or others prior to their acquisition by the County. At that time there was no recognition of future vulnerability of Pygmy cypress forest habitat or sensitive-species listing by the State. A discussion of cumulative impact on Pygmy cypress forest was provided in the DEIR, which takes into consideration past, present, and probable future projects, as listed in the DEIR. There is no way to track the historic effect the Albion and Caspar Transfer sites may have had on pygmy forest (personal communication County of Mendocino 2015b). With the establishment of the Caspar Pygmy Forest Preserve, the project's impact are less than significant for pygmy cypress habitat and individual tree species, with a 30:1 preservation ratio.

Response T-14

This is not a comment on the adequacy of the DEIR. However, the Caspar Landfill was closed in 1992 and given a final closure impermeable cover several years later. Subsequently, the extensive network of monitoring wells has shown that water quality downgradient from the landfill is the same as upgradient water quality above the landfill, therefore the landfill is not impacting groundwater quality. Historical groundwater analytical data for the Caspar Landfill are not related to nor have any bearing on the proposed Project.

Response T-15

The DEIR analyzes cumulative impacts from other projects listed in Table 3.0-1. The project is not growth-inducing and will have no effect on other projects. The Regional Park project was abandoned. Regarding the Summers Lane Reservoir, please see Master Response #6 – Summers Lane Reservoir. There is no known project concerning the closed GP bark dump.

Response T-16

Please see Response O-21.

Response T-17

The 17-acre project site was appraised at $563,000. There is no appraisal known to the DEIR Authors for the 12.6-acre Russian Gulch State Park site.

Response T-18

Please see Response O-16.

Response T-19

The 35 acres of the Caspar site (doesn't include closed landfill) that would be optioned to State Parks for $1 was appraised at $685,000, based partially on public facilities use and partially on rural residential use. There is no "brownfields" use because the 35-acre Caspar site is not contaminated.

Response T-20

Please see Response T-14. There is no impact on the Caspar Transfer Station site from the closed landfill except for the presence of leachate collection tanks.

Response T-21

In evaluating the restrictive covenant for Caspar, the appraiser estimated the market value of the property as "passive recreation/open space" at $105,000. This does not represent the actual value of the covenant to State Parks, which has sought elimination of nuisance uses at the property for decades because it detracts from the public recreation value of the adjoining Russian Gulch State Park. There is no appraisal known to the DEIR Authors for the 12.6-acre piece of Russian Gulch State Park.

Response T-22

The Caspar self-haul facility would be closed down and all solid waste, recyclables, equipment and temporary structures removed from the site. No other activity is planned by the City and County, although State Parks, or a conservation organization, would have the option of taking ownership and carrying out any rehabilitation it desired.

Response T-23

The Albion Transfer Station collects solid waste into roll-off boxes under a protective roof. Presently, the boxes are hauled to Willits Transfer Station. They would be redirected to the new transfer station (proposed project). The redirection of Albion Transfer Station solid waste to the new facility would save truck miles, energy use, and GHG emissions. This is included in the analysis in DEIR Section 3.7.

Response T-24

The quote from the DEIR is accurate. The information regarding doubling capacity from the Notice of Preparation was not carried forward in the DEIR, as it was not supported by any fact such as need or anticipated growth (as was noted by the commenter). Also see Response M-2 as to how the tipping floor and operations could be modified to improve the proposed transfer stations efficiency allowing for a greater throughput capacity if such a need ever arises.

Response T-25

As noted in Response M-2, the project would be able to operate at a higher capacity without additional construction. No development of the remaining 12 acres of the site is anticipated. The U.S. EPA does not mandate size of transfer stations.

Response T-26

The destination landfill is unknown but any destination would require the transfer trucks to drive past the existing Willits Transfer Station destination. Therefore, the diesel savings was calculated for making fewer trips between Fort Bragg and Willits.

Response T-27

A rough cost estimate for a heavy-duty truck with transfer trailer is $250,000, with a wide range possible depending on whether the equipment is new or used. The number of trucks/trailers required for the project would depend on the operator. Solid Wastes of Willits could incorporate the operation into its existing transfer activities based in Willits, possibly without purchasing any new vehicles. Empire Waste Management might utilize vehicles already owned by Waste Management Inc.

Response T-28

MSWMA has received no communication from State Parks along these lines. The County and City would fulfill their obligation under AB 384 by executing the easement documents. State Parks could conceivably ignore the conservation easement, however, there is no requirement for the City and County to fund weed abatement at the Caspar site. The conservation easement would impose no obligations or duty of care on State Parks but would give it a veto over any use of the Caspar site that it deemed a nuisance to the adjoining Russian Gulch State Park..

Response T-29

Please see Response T-14 above, with regard to “toxics from the landfill.”

The DEIR discusses the physical environment at both a local and regional perspective in Section 3.4.1 and 3.4.6 of the DEIR. Please see Response Q-4 with regard to indirect impacts to Pygmy Cypress Forest.

The DEIR acknowledged that overall regional pygmy cypress forest mapping currently faces challenges and that multiple communications with CDFW affirms that the true extent of current habitat and species is not known at this time while mapping is still underway, and differentiation between the many gradations of habitat assemblages, and soils, in the area is difficult from a large scale mapping perspective. At one time, it was thought that 4,000 acres existed, and for the purposes of the DEIR, it was assumed that this number could be as little as 2,000 acres, as a conservative approach. The impacts to pygmy forest were minimized to 0.58 acres, and calculated in the DEIR Table 3.4-8 to be approximately 0.03 percent regionally. The regional impact has been mitigated by establishment of the 28.5-acre Caspar Pygmy Forest Preserve that includes permanent preservation of 19.5 acres of is largely of undisturbed pygmy cypress woodland, as well as habitat for at least five other sensitive listed plant species indicated to be present at the site (Heiss 2015). See Master Response #6 – Summers Lane Reservoir, for a discussion of this new cumulative project and its relation the cumulative analysis in the DEIR.

Response T-30

Please see Response T-13.

Response T-31

The Regional Park project was abandoned. Please also see Master Response #6 – Summers Lane Reservoir. There is no known project underway for the Newman Gulch Reservoir.

Response T-32

The 12.6 acres from Russian Gulch that would be transferred to JDSF would become part of JDSF's Caspar Creek Experimental Watershed Study Area, which is a research project for evaluating the effects of timber management on streamflow, sedimentation and erosion. The study area was established in 1961 and will continue at least through 2099 pursuant to a memorandum of understanding with the U.S. Forest Service (reference DEIR Section 2.5.1). There is no timber harvesting currently contemplated for the site, and if harvesting was planned, it would be subject to a Timber Harvest Plan (verbal conversation March 24, 2015 with Pam Linstead, Manager, JDSF). Under California law, a Timber Harvest Plan performs the functions of and substitutes for review under CEQA.

Response T-33

Please see Response Q-8 and Response T-21. No appraisal is known as to the value of living trees associated with the land swap at the time of preparation of the DEIR.

Response T-34

The JDSF Management Plan urges protection and avoidance and maintenance of listed species.

Response T-35

See Master Response #2 – Classification of Bishop Pine Forest for a discussion of listing status of this habitat.

Please see Response U-2 for a discussion of reasoning and scientific basis for inclusion of the qualitative descriptions of pygmy forest morphotypes observed at the project site. The pygmy forest morphotypes described in the DEIR, were used by project field biologists who conducted the independent study of the project site, to further define the habitat present and give readers and reviewers more information rather than a blanket classification of pygmy forest. Although CNDDB does not define these characteristics to this level of detail, it is supported by the literature that structural differences in tree heights exist depending on soil type/series and soil development, with the more developed and restrictive soils having spodic conditions, hardpan, low macro and micronutrients, among other plant growth limiting conditions. Additionally, no matter the descriptive morphotypes, the DEIR includes all morphotypes under the ranking status for the habitat as G2 S2, and provides mitigation for impacts both on a habitat level as well as to individual tree species (CRPR 1B).

Regarding the comment that the County has been responsible for reduction in pygmy forest from 4,000 acres to current estimate of 2,000 acres through landfill siting and residential development, this is not a comment on the adequacy of the DEIR. No further response is necessary.

Response T-36

Please see Response U-2 for a discussion of reasoning and scientific basis for inclusion of the qualitative descriptions of pygmy forest morphotypes observed at the project site. This additional characterization was not provided to obscure impacts to pygmy forest as the commenter indicates. Differentiation by tree height and species assemblage is used and discussed in the literature. For example there is information

on tall trees of various species within the pygmy forest range, and the diversity of species assemblages including tall-hydric, short-hydric, and extreme pygmy (Westman 1973). Additionally, no matter the morphotypes, the DEIR includes all morphotypes under the ranking status for the habitat as G2 S2, and provides mitigation for impacts both on a habitat level as well as to individual tree species (CRPR 1B).

Response T-37

Please see Master Response #1 – Mitigation for Pygmy Cypress Forest. The DEIR discloses in Table 3.4-8 that 0.58 (rounded up to 0.6) acres of pygmy cypress forest would be impacted (tall and intermediate morphotypes), and no impacts to pygmy cypress forest – short / wetlands map unit. There is no change to that calculation whether or not morphotype descriptors are used for various areas on the site.

Response T-38

The DEIR clearly states that there are 12.44 acres on the project site consisting of different types of Mendocino Pygmy cypress forest habitat, and the project is carefully designed to avoid all but 0.58 acres of the sensitive habitat. The rest would remain unchanged (reference DEIR Figure 3.4.1 and Section 3.4.5). The project impact calculations include footprint impact (direct impact) as well as a 10 foot construction impact around edge of project footprint, as discussed in Response to Comment Q-4. Q-4 also discusses project buffers. Where impacts are occurring within portions of sensitive habitat map units, the project could be as close to 10 feet of the remaining habitat given the nature of layout of how impacts have been minimized and where they are unavoidable. Indirect impacts are further discussed in Q-4.

Response T-39

The project has followed guidance from Policy RM-73 to prioritize avoidance. Project impacts to Pygmy cypress forest have been minimized. Approximately 0.58 acre of Pygmy cypress forest habitat would be removed at the project site, mitigated by the preservation of 28.5 acres at the Caspar Pygmy Forest Preserve, 19.5 acres of which is undisturbed Pygmy cypress forest (30:1 preservation ratio).

Regarding RM-74 and no net loss of sensitive resources, while the project does result in a loss of 0.58 acres, the CDFW (Pers. Com. 2014) and the County have indicated that preservation is a preferred method for mitigation for Pygmy cypress forest due to the unique association of vegetation structure with soil series, which may be difficult to replicate. The substantial mitigation ratio of 30:1 will provide permanent protection of the species in perpetuity, following CDFW and County guidance, and mitigates the impact to less than significant.

RM-75 does not prohibit offsite replacement, and the project has prioritized onsite avoidance during the project planning phase, which has minimized impacts to 0.58 acres.

The project does follow RM-84 through establishment of the Caspar Pygmy Forest Preserve, which permanently protects 19.5 acres of Pygmy cypress forest (includes dwarfed pygmy forest, transitional/intermediate, and tall cypress trees) as well as documented habitat for at least five sensitive listed species (including pygmy cypress trees) [Heise 2015].

Please see Master Response #5 – Mendocino County General Plan.

See Master Response #2 – Classification of Bishop Pine Forest for discussion of ranking of Bishop Pine Forest. Also, regardless of ranking, the Caspar Pygmy Forest Preserve includes 5.76 acres of Bishop

Pine Forest that will be permanently preserved, and if this were considered a mitigative element of the project, this would be a 1.4:1 mitigation ratio (not currently claimed as mitigation).

Response T-40

Please see: Master Response #3 – Alternatives Evaluated; Response S-4; and Response S-6.

Response T-41

Please see Master Response #5 – Mendocino County General Plan. The lead agencies weighed the various environmental impacts through the DEIR process, which includes analysis of sensitive resources.

Response T-42

Please see: Master Response #3 – Alternatives Evaluated; Response S-4; and Response S-6.

Response T-43

Impact to sensitive species was a siting consideration throughout the selection process that followed the 2007 Siting Study. The project site was selected only after it was determined that the facility could be located to avoid almost all Pygmy cypress. The project footprint did employ guidance of RM-74 through the siting process to include "minimizing vegetation removal (reduced down to 0.58 acres) and, "disruption of vegetation continuity" by siting the project so that impacts are on the periphery of the sensitive habitats and do not dissect sensitive habitats. The Georgia-Pacific Woodwaste site was rejected partly because it would require large removal of Pygmy cypress.

Response T-44

Please see Master Response #3 – Alternatives Evaluated. This comment is duplicative and has been addressed in Response T-39 regarding RM-73 through RM-75. Also see Master Response #5 – Mendocino County General Plan and Master Response #1 – Mitigation for Pygmy Cypress Forest.

Response T-45

Please see Master Response #1 – Mitigation for Pygmy Cypress Forest for a biological evaluation of the proposed mitigation preservation parcel, as well as outcome of that evaluation.

Possible groundwater contamination concerns have been addressed, see Response T-14. Please see Master Response #3 – Alternatives Evaluated and Master Response #7 – Hydrology and Water Quality.

Response T-46

The comment incorrectly states acreage of impacts to Bishop Pine Forest, which are actually 4.0 acres for the project. Although mitigation is not proposed, it should be noted that the proposed Caspar Pygmy Forest Preserve includes 5.76 acres of similar Bishop Pine Forest to the area of impact, which if this were considered mitigation would provide a 1.4:1 mitigation ratio through preservation.

Response T-47

The comment notes that although Pygmy cypress forest was divided into descriptive morphotypes of tall, intermediate, and short, that the DEIR still classifies them together as provided by CNDDB as G2 S2 and includes this status both in the individual project impacts analysis as well as the cumulative impacts analysis. It is unclear how and why the commenter feels the differentiation of morphotypes, which was a qualitative determination provided by the field biologist, would require redoing the cumulative impacts

analysis. Bishop Pine impacts were not considered individually significant and discussion of regional implications was calculated to be 0.03 percent regionally and would be cumulatively less than significant.

It is an opinion that mitigation instead of avoidance does not adhere to policies in the County General Plan, since policies in the County General Plan do not specifically forbid the removal of sensitive habitat. The General Plan encourages avoidance and minimization, and lays out mitigation measures where impacts cannot be avoided.

The land swap does not affect cumulative effects on forest species except insofar as the project would benefit sensitive species through permanent protection with the creation of the Caspar Pygmy Forest Preserve.

Response T-48

Please see Response T-32. While no logging on that site is presently contemplated by JDSF, any future harvest would be controlled by a Timber Harvest Plan which substitutes for CEQA under California law and mitigates erosion, hydrology and cumulative impacts.

Response T-49

The hydrologic analysis used conservative runoff coefficients for grassy and woody areas and not average values. While there are no specific runoff coefficients specifically for Pygmy forests, the runoff coefficients used for woody areas is conservative. To be representative of actual conditions, composite runoff coefficients were developed for both pre- and post- development scenarios by a weighted average method. When selecting the various inputs to perform the hydrologic analysis, a conservative judgment was used. For example, the entire footprint of the Transfer Station facility was assumed to have a nearly impervious runoff coefficient. This is considered to be highly conservative (i.e., produces more stormwater) given that the site would be utilizing LID strategies for managing stormwater. Please see Master Response #7 – Hydrology and Water Quality.

With regard to the groundwater analysis, please see Mitigation Measure HWQ-2 in the DEIR and Response H-1. Also see Response Q-4 with regard to indirect impacts to Pygmy Cypress Forest.

Response T-50

The location of the proposed potable water well resides approximately in the middle of the project site. There are no wells within a 300-foot radius of the proposed well site based on a well inventory review. The LACO geotechnical study (DEIR Appendix E) included a groundwater analysis and confirmed the feasibility of an on-site well for the small water needs of the project. In addition, a groundwater assessment was performed next to the project site for the proposed Mendocino Coast Regional Park and Golf Course project. Prepared by Lawrence and Associates (March 2005), the study included the installation of pumping and observation wells. A total of 24 wells, pumping at an average rate of 10 gpm were evaluated to access the possible impacts to groundwater. It was determined that neither the direction nor magnitude of the groundwater gradient changed significantly with pumping. The groundwater model predicted that the water pumped was approximately 92 percent from aquifer storage and about 8 percent from a reduction in stream flow from Newman Gulch. It was determined that the reduction in flow was less than the standard significance of 10 percent. In addition, the groundwater model showed that pumping from the wells would not cause the standards of significance for groundwater level or quantity to be exceeded.

While it was unknown what the magnitude of drawdown was from existing domestic wells, it was inferred that, for individual wells, it would be less than that from the Golf Course Project pumping because domestic pumping is, on average, about one gallon per minute (versus about 12 gpm for the Golf Course Project wells and 2 gpm for the proposed transfer station). At lower pumping rates, it was inferred that interference effects from neighboring wells would not be as large as the Golf Course Project pumping rates, which would be higher. Based on the results of groundwater modeling, impacts from neighboring pumping was determined to not extend to the area east of Newman Gulch. Thus, it was determined that there would be no adverse impact from combining neighboring and the Golf Course Project pumping, including impacts to wetlands west of Newman Gulch. The proposed transfer station would use an insignificant amount of water compared to the abandoned Golf Course project.

Response T-51 and T-52

Water demands for construction of the facility would predominately be related to dust suppression and soil conditioning (e.g., compaction). For a conservative estimate, using one water truck with a capacity of 1,500 gallons making three trips a day for three weeks (not including weekends) is approximately 67,500 gallons. The temporary water needs of the construction work could be met by the City water system which has a storage facility less than three miles away on Highway 20. As noted in the comment, water use in construction would not be a significant impact. In regard to cumulative impacts, the Golf Course project was abandoned.

Response T-53

While the Project will cause an increase in runoff from additional impervious areas, the design of the facility will manage stormwater runoff through bioswales and detention basins, which are not located on or constructed out of Pygmy soils. In addition, the use of LID strategies utilized at the facility would promote infiltration (e.g., permeable pavers and rain gardens) and control water quality contaminants. Please see Master Response #7 – Hydrology and Water Quality.

Response T-54

The Golf Course project was not considered as a potential development in the cumulative analysis since the project was abandoned. The use of bioswales, detention basins, and LID strategies will promote groundwater infiltration. The impact to groundwater from the Project is discussed in Response H-1.

Response T-55

Please see Master Response #5 - Mendocino County General Plan, and Response T-39.

March 26, 2015

To: Mike Sweeney, General Manager
Mendocino Solid Waste Management Authority
From: Leslie Kashiwada

In reviewing the draft EIR for the proposed Central Coast Transfer Station to be sited in Jackson Demonstration State Forest (JDSF) land on the north side of Hwy 20, I find that it inadequately addresses a number of important issues, and leaves me with many questions.

First, I want to preface my comments by emphasizing that the Caspar transfer station must be closed as soon as possible. Yet, this cannot happen until a new transfer station is built to serve the Mendocino Coast. I find it unfortunate that, after an exhaustive search for an alternative site, the City chose this one. I have carefully reviewed the 2007 Report of Findings, which exhaustively evaluated all potential sites for a transfer station and narrowed the candidates down to 5. I think some decisions were made early in the process that eliminated one or potential sites from consideration, and that this site was chosen using criteria that this draft EIR show to be faulty. I am disappointed to say this, but my conclusion is that the City needs to go back to some of the alternative sites and re-evaluate their viability. This must be done as quickly as possible because the end goal is to open the new transfer station and close the Caspar transfer station as quickly as possible. U-1

Impact on Pygmy Forest: The DEIR states that the impact on pygmy forest environment on the project site will be minimal because the footprint of the project was carefully chosen to minimize removal of pygmy forest, but it is difficult to determine exactly how much will be removed due to a variety of forest type classifications that are not supported in the literature. For instance, what the DEIR classifies as intermediate cypress forest and tall cypress forest is just a morphotype of pygmy forest and leads me to believe that the authors are trying to obscure the true impact on pygmy forest. In addition, this habitat is very easily disturbed by nearby construction, soil disruption, water runoff, nutrient input from leach lines, etc, but the DEIR did not address these potential disturbances. The DEIR also did not account for loss of this habitat due to the need to clear or thin trees and brush to maintain defensible space around the project for fire safety. Will the DEIR be revised to include a more accurate assessment of the acreage of all pygmy forest (in all its varieties) that will be removed or disturbed beyond recovery? Will the proposed offsite set aside be increased to accommodate this more accurate accounting of habitat removal and disturbance (see next paragraph)? U-2

Proposed mitigation for loss of habitat: The DEIR proposes that loss of pygmy and cypress forest habitat, and loss of special status trees within the Bishop pine forest at the site be mitigated with a pygmy forest set aside elsewhere (identified as a 3:1 replacement), but Calif Department of Fish and Wildlife states that this is much less desirable than protecting existing pygmy forest. In addition, the DEIR states the set aside will be located on county property just next to the Caspar Transfer Station. This property was purchased from a private owner in compensation for water contamination caused by the Caspar landfill. The DEIR did not specify exactly where the set aside would be located within this 28-acre property and did not adequately evaluate the quality of the proposed set aside. Instead there was a subjective statement that it is a suitable mitigation for what has been variously described as relatively undisturbed or pristine pygmy forest at the proposed transfer station site. The mitigation apparently consists of a conservation easement, but there was no description of what that means exactly. What is the quality of the Caspar pygmy forest habitat on this property and how has it been affected by its proximity to the Caspar transfer station? Who determines that the amount of acreage that will be set U-3

aside on this property, and whether it is equal in quality to that lost by the proposed project? What kind of protection will be placed on it so that it will be preserved in perpetuity? U-3 cont

Misclassification of Northern Bishop Pine Forest: Though the DEIR does mention the Bishop pines in the Bishop pine forest as the northern variety, it is not correct in listing this habitat as Bishop pine forest with a rank of G3 S3 (Table 3.4-8). Northern Bishop pine forest is ranked similarly to pygmy forest habitat (G2 S2.2) and, as such, removal and disturbance of this resource is significant and must be mitigated. Will the DEIR be amended to correct the status of the Northern Bishop pine forest, and will appropriate mitigation measures be proposed? U-4

No analysis of bioswale and detention basin design: Because the EIR was completed before the design of the bioswales and detention basins were determined, no analysis of the efficacy of the design of this important aspect of the proposed project was done. In addition, there is a wetland in close proximity to one of the detention basins and to the proposed widening of Hwy 20. What assurance is there that these stormwater runoff measures and highway widening will be adequate and not result in significant disturbance to a habitat and soil type that is easily impacted by the physical effects and nutrient/chemical compounds in runoff? U-5

Land swap: The proposed land swap looks superficially elegant, but brings up additional issues that were not addressed in the DEIR. The section above labeled "Proposed mitigation for loss of habitat" already brought up some questions with regards to the county land near the Caspar transfer station regarding the suitability of the habitat for offsite mitigation and implementation. The Russian Gulch State Forest land that will be transferred to Jackson Demonstration State Forest is located up road 409 at the end of the paved road, and is in close proximity to a public charter school and residential properties. The DEIR contains an analysis of timber value for both the proposed transfer station site on Hwy 20 and the proposed Russian Gulch property to be transferred to JDSF. This property has not been subject to logging since it became part of the Russian Gulch State Park and is utilized daily for recreation and education. Will this swap result in the loss of use of this property by the public? Will this property be logged? Where is an analysis of the impact of noise, dust, soil disturbance, sediment load, runoff, and possibly herbicides on this site, especially as it relates to the adjacent properties? What mitigations are being proposed for these impacts? U-6

Traffic Impacts: The DEIR estimates 20 trash collection trucks delivering trash and 2 large transfer trucks leaving the proposed site (not including self-haul trips) daily, most of which will have to turn left. I am not convinced that the proposed turn lanes and highway widening will be sufficient to prevent traffic tie ups and accidents. The traffic report spends most of its verbiage on the analysis of impacts to the intersection of Hwy 1 and Hwy 20 and traffic impacts during construction. These are important, but I feel the analysis of traffic impact during the operational phase of the transfer station to be superficial and unconvincing. In addition, there is no analysis of the impact of the large transfer trucks to flow of traffic on Hwy 20 between the transfer site and Willits, or moving through Willits on their way out of town. These trucks will not be able to access the Willits bypass road as it is currently constructed. U-7

Proposed Summers Lane reservoir: The proposed transfer station is located near the Noyo River and is in even closer proximity to the proposed Summers Lane reservoir. However, the EIR, while listing other projects in the area, fails to even mention this proposed reservoir. Seepage and accidental release of toxins is bound to occur, yet the D EIR merely stated that required permits would be obtained and all regulations would be adhered to. There needs to be a fuller analysis of the various ways the detention basins and/or containment systems may fail, the types of toxins that might enter the Fort Bragg's water U-8

supply, analysis of potential scope of contamination, contingency plans to contain unanticipated releases, and modes of remediation, including alternate sources of water should the town's water supply become unusable (refer to recent disasters in the mid-west). What is the potential for contaminated runoff to reach either the Noyo River or the Summers Lane Reservoir? What mitigations will be put in place to address any contamination that may occur to these sources of municipal water?

U-9 cont

Alternative Sites: The 2007 Report of Findings exhaustively evaluated all potential sites for a transfer station and narrowed the candidates down to 5. As I mentioned in my introductory comments, I think some decisions were made early in the process that eliminated one or potential sites from consideration, and that this site was chosen using criteria that this draft EIR show to be faulty. The DEIR analysis of some of those alternate sites was superficial and incomplete. Will the City and County re-evaluate the criteria used to select this site? In particular, will the possibility of using the RV Leisure Park, the Pudding Creek site, and/or the potential for transport by train be more fully explored?

U-9

I have only mentioned some of the most egregious inadequacies of the DEIR prepared for the proposed site of the transfer station. What is the timeline for a revised EIR and will there be a public comment period for that revision?

Leslie Kashiwada, PhD, Oceanography
(707) 964-7653
kashiwa@mcn.org

00074

Letter U – Leslie Kashiwada – Responses to Comments

Response U-1

Please see Master Response #3 – Alternatives Evaluated.

Response U-2

Please see Master Response #1 – Mitigation for Pygmy Cypress Forest, as well as Response M-3. Additionally regarding the comment on the pygmy forest morphotypes defined and described in the DEIR, these were applied by project field biologists who conducted the independent study of the project site, to further define the habitat present and give readers and reviewers more information rather than a blanket classification of pygmy forest. This additional characterization was not provided to somehow obscure impacts to pygmy forest as the commenter indicates, differentiation by tree height and species assemblage is used and discussed in the literature, for example there is information on tall trees of various species within the pygmy forest range, and the diversity of species assemblages including tall-hydric, short-hydric, and extreme pygmy (Westman 1973). Elsewhere it is noted that a variety of conifer species within the pygmy range can grow on gulch slopes and elsewhere on the terraces not affected by limiting soil conditions of specific soil Series or where there is only weak formation of a hardpan, in comparison to other portions of the area where culmination of soil and ecosystem development results in spodic-like conditions which effects plant growth/habitat structure/diversity, with hardpan, low pH, leached macro and micro nutrients, etc. (Jenny 1973). To quote another author, “The acid-producing vegetation has strongly influenced the formation of the soil. The nature of the soil has, in turn, had a profound effect on the nature of the vegetation. Dwarfed cypresses contrast strikingly with giant redwoods growing within meters of one another” (Sholars 1982). Again, the project biologist felt it would be an oversight not to characterize habitat at the site based on structural differences and unique assemblages of dominant and subdominant species, as included in the DEIR. To reiterate, the underlying science to why certain areas would have the short morphotype versus the more vigorous plant growth pattern of the intermediate and tall morphotypes (and their associated vigorous shrub layer), lies in the unique soil association of the dwarfed trees and their response to podsolization and other limiting conditions such as pH, lack of soil nutrients due to leaching, and perched water table. These areas again, per Jans Jenny, “are the culmination of ecosystem development ongoing for many hundreds of years” (Jenny 1973; Sholars 1982). The categories provided by Westman (1973) likely do not fully apply to the project site, since they are mostly hydric pygmy assemblages, and the majority of the current project site is not hydric except where the pygmy cypress short morphotype is mapped coincident with USACE wetlands. Westman also describes “mesotrophic” pygmy and applies this to, “pygmy type [vegetation] in a relative sense, to suggest a contrast in stature with the “extreme” form (Westman 1973). The Westman paper also provides categories where pygmy cypress trees are present in conjunction with a range of other dominant forest species, indicating that the individual pygmy cypress trees have a range on the terraces from true pygmy (dwarfed) into the more standard forest structure/heights where growing in conjunction with other conifers and a diverse understory.

It should be noted that the project avoids the pygmy cypress– short morphotype (hydric), and provides mitigation for impacts to pygmy cypress, both on an acreage basis for habitat (G2 S2), no matter the morphotype differentiation, as well as for impacts to individual trees (CRPR List 1B). The mapping of morphotypes was helpful from a project planning standpoint so that the project applicant could adjust project footprint to avoid sensitive species where possible, and in this case the project has completely

avoided the most sensitive short morphotype as well as the coincident wetland areas. As quoted above, the dwarfed cypress (short pygmy) are growing as a unique ecosystem where the nature of the soil has a profound effect on the structure of the vegetation. Please see Response Q-4 with regard to indirect impacts to Pygmy Cypress Forest.

Please also see Response O-10.

Response U-3

Please see Master Response #1 – Mitigation for Pygmy Cypress Forest for discussion of preservation area, baseline conditions, and quality of this habitat. The commenter contradicts CDFW statements in support of preservation whether that is at an onsite or offsite location, which is the same as "protecting existing forest," just the project proposes protection at an offsite location. The project will also protect onsite acreage by minimizing impacts to just 12.6 percent of the onsite pygmy forest habitat (impacts are 0.58 acres), and completely avoiding the most sensitive dwarfed Pygmy cypress forest area. The project will also permanently preserve 19.5 acres at an offsite location. In project planning discussions with CDFW, it was stated that preservation is the preferred mechanism for mitigation due to uncertainty in success of replanting pygmy trees, particularly in situations where forest ecosystem is present with unique relationship with limiting soil conditions, which may be challenging to replicate (personal communication CDFW 2014).

Response U-4

Please see Master Response #2 – Classification of Bishop Pine Forest.

Response U-5

A bioswale and detention basin analysis was performed for the project. Please see Master Response #7 – Hydrology and Water Quality. Also see Response U-2.

Response U-6

Please see Response O-16, Q-5, T-47 and II-5.

Response U-7

As discussed in DEIR Section 3.12 (Transportation), pages 3.12-8 and 3.12-9, the proposed project would increase the number of vehicles traveling along Highway 20 on a daily basis. The majority of these trips would be self-haul customer trips, which along with franchise hauler trucks, are expected to arrive and depart from the west of the proposed site. Transfer truck outhaul traffic is anticipated to arrive and depart from the east of the project site. As noted in Table 3.12-5 on page 3.12-8 of the DEIR, approximately two transfer truck outhaul trips are anticipated to occur per day which would traverse the portion of Highway 20 east towards Willits.

The proposed roadway improvements, including the widening of Highway 20 near the subject site to accommodate acceleration and deceleration, and the installation of an eastbound left-turn pocket and a westbound right-turn pocket at the proposed site's access point, would be designed in compliance with Caltrans standards, including, but not limited to, the Caltrans Highway Design Manual. Based on preliminary discussions with Caltrans staff, the proposed turning lanes would be of sufficient length and width to accommodate acceptable vehicle storage and deceleration.

In addition to vehicular analysis, the traffic impact study provides an evaluation of project impacts related to vehicle queuing, public transit routes, and pedestrian and bicycle movements. As further discussed in DEIR Appendix H (Traffic Impact Study), Caltrans District 1 performed a safety analysis for the quarter-mile segments of Highway 20 located on either side of the proposed project site. The analysis covered a three year time period between 2009 and 2011. The analysis identified two collisions within the three year period, which corresponded to a total collision rate within the segment analyzed of 48 percent less than the statewide average.

As discussed in DEIR Section 3.12 (Transportation), page 3.12-10, Highway 20 is currently traversed by similarly sized haul trucks as would occur under the proposed project, and the new improvements would provide an adequate line of sight. The project would not introduce vehicles that are incompatible with current or anticipated roadways.

The Willits bypass project would include a new segment of US 101 that would bypass the City of Willits. Phase 1 of the bypass project is currently under construction. Transfer trucks travelling east from the project site along Highway 20 to the City of Willits would continue to travel through the City of Willits to access new interchanges to US 101 to the north and south of the City.

Response U-8

While it is possible that a structural failure of the detention basins could result from a large earthquake, it is highly unlikely due to the impoundment (berm) of the basin being constructed according to engineering standards. For example, the berms would be constructed of suitable soil placed in 6-inch layers (lifts) with appropriate compaction (e.g., 95 percent modified proctor). The detention basins will also be constructed with emergency spillways designed to pass a 100-year storm event in order to not compromise the integrity of the berm structure.

To address the comment of a containment system failure, the leachate (wastewater) containment structure will be of double wall construction and located within the fully enclosed facility and situated on a secondary containment structure. The design of the main indoor drainage control system would direct liquids from the waste and unloading areas to flow through a clarifier to remove solids, then to an on-site 500-gallon above ground storage tank. Liquids would not be allowed to leave the site and stormwater would not be allowed to enter the building. Facility and equipment inspections, combined with monitoring of the storage tank containment area, allow for the detection of potential sources of leachate leaks to the environment and early corrective actions to be implemented if necessary. The amount of wastewater generated is expected to be of such minimal quantity that most of the water is anticipated to evaporate. Facility operations would include removal of the wastewater by a licensed waste hauler with disposal at a permitted wastewater treatment facility when appropriate.

Potential water quality contaminants from the project have been identified, for both construction and operation, and are discussed under Impact HWQ-1 and HWQ-3, in Section 3.9 Hydrology and Water Quality.

Please see Master Response #6 - Summers Lane Reservoir and Master Response #7 – Hydrology and Water Quality. Based on the above response it is unlikely that the quality of the municipal water supply would be compromised by the Project.

Response U-9

Please see Master Response #3 – Alternatives Evaluated.

Mike Sweeney

From: "Mary Berrettini" <merribee@usa.net>
Date: Thursday, March 26, 2015 10:26 AM
To: <sweeney@pacific.net>
Subject: HWY 20 transfer station

We used to dump our garbage in the ocean. Now we pay to have it trucked to a land fill in Solano County. What happens when these residents no longer want our garbage? How much farther will we then have to haul it? A bigger transfer station with larger trucks making fewer trips is a shortsighted solution. In the meantime it would destroy several acres of Bishop pine and a patch of unique Pygmy forest. It would put Fort Bragg's water source at risk. Larger trucks would create congestion on Hwy 20, a road that already has it's share of accidents. What will the air quality be like inside the enclosed building that hides the transfer process and smell from the neighbors? Add truck exhaust to the occasional toxic containers and hot ash that folks illegally dump. What if a fire occurs in the building? Will the workers be safe? We need to find a better solution to our garbage problem. Other communities have created methods of converting garbage to energy. We could do the same. It would be a better use of our money and resources. Mary Berrettini, Fort Bragg

V-1

Letter V – Mary Berrettini – Response to Comments

Response V-1

Please see: Master Response #1 – Mitigation for Pygmy Cypress Forest; Master Response #2 – Classification of Bishop Pine Forest; Response BB-1; and Master Response #6 - Summers Lane Reservoir. The project would reduce the number of transfer truck trips on Highway 20. Per standard fire department conditions, the transfer station would have equipment and procedures to extinguish any fires in the trash or the building. Due to the nature of solid waste being collected at the facility, the air quality would not be toxic or harmful to the public or employees of the transfer station. Since prevailing winds are from the west to the east, and the transfer station is fully enclosed with odor control measures as necessary, offsite odors are not expected to be a nuisance to the surrounding neighbors. Indoor air quality would comply with Cal/OSHA Worker Safety requirements.

Mike Sweeney

From: <daneyd@mcn.org>
Date: Thursday, March 26, 2015 2:05 PM
To: <sweeney@pacific.net>
Cc: <mjones@fb.com>
Subject: Waste Trasfer Station

Question Re: the proposed waste transfer station:

>Ten years ago my land partner and I wanted to replace an old, rotting (existing) garage with a new building. Since we live adjacent to pygmy/transitional, before getting the building permit we had to have a botanist certify that the building would not be within 100 feet of ANY pygmy/transitional species. Not one single plant! Fortunately, we qualified, and I was happy to comply with this regulation to protect an endangered habitat. So why is a project of this magnitude held to such a different standard? Is the pygmy protected or not? Is the protection selective?
PS. Apparently, the Pygmy forest cannot be "replanted." **W-1**

Thank you

Daney Dawson

Letter W – Daney Dawson – Response to Comments

Response W-1

Without more information about the commenter's location and project details, a direct comparison to the currently proposed project and project mitigative elements/project requirements in regards to pygmy cypress cannot be provided. If the residential project the commenter is referring to is in the Coastal Zone, then it would make sense that a 100 foot setback was requested, as the County has the ability to provide additional requirements for ministerial projects in the coastal zone. If the project is outside of the Coastal Zone, the County states they have no mechanism for review of ministerial permits in regards to pygmy forest (personal communication County of Mendocino 2015b). In regards to the comment as to whether pygmy trees are protected, the commenter is referred to the DEIR where it is disclosed that two pygmy tree species as well as their habitat within which they dwell, are listed by the state as sensitive, and thus avoidance and minimization of impacts has been prioritized where these species occur, and where impacts cannot be avoided (0.58 acres), the project proponent has included mitigation to compensate for loss of tree species and their habitat. Regarding the comment that pygmy trees cannot be replanted, it should be noted, as addressed in Response Y-3, preservation is supported as a viable option for mitigation (and as indicated by resource agencies, personal communication CDFW 2014), although replanting is not excluded from consideration (yet is not proposed as part of this project due to unpredictable nature regarding success of replanting).

Mike Sweeney

From: "Lori Stone" <loristone19@gmail.com>
Date: Thursday, March 26, 2015 10:19 AM
To: <sweeney@pacific.net>; "Jones, Marie" <mjones@fortbragg.com>; "Deitz, Scott" <sdeitz@fortbragg.com>; "Dave Turner" <dturner@fortbragg.com>; <LPeters2@fortbragg.com>; <MCimolino@fortbragg.com>; <dhammerstrom@fortbragg.com>
Subject: Solid Waste Transfer Station

City of Fort Bragg, CA:

I am opposed to the proposal for the Solid Waste Transfer Station . We really need to be investing in sustainable endeavors - not damaging nature further. X-1

There is a better location for this project, one where unused, existing infrastructure exists and/or where destruction to plant life isn't a part of the equation.

If neither are possible, than maybe this isn't a good idea right now?

Thank you,
Lori-Rachel Stone
Fort Bragg, CA 95437

Letter X – Lori-Rachel Stone – Response to Comments

Response X-1

Comments noted.

Mike Sweeney

From: <aweibel@mcn.org>
Date: Thursday. March 26, 2015 4:56 PM
To: <sweeney@pacific.net>
Cc: <mjones@fortbragg.com>

To whom it may concern,

As I was very involved studying the Hare Creek Center project I have not had time to study the Transfer Station proposal sufficiently, but I have a few questions to ask you.

Why are we using another site to end up with the pollution that happened to 409? **Y-1**

Why using pygmy forest that is protected and a unique feature? **Y-2**

Do you believe that you can relocate pygmy successfully?

What means successful in your book? **Y-3**

Was the public notified and how and when about this project? **Y-4**

Has anyone thought to use the Skunk train to transport the goods? If not, why not? **Y-5**

What do the studies say about additional traffic? How will it influence the tourist traffic? How many additional truckloads a day, a week, a month, a year if not transported by train? How old is your traffic study? How many days, weeks did you monitor the traffic in this area? **Y-6**

Looking forward to hear from you.

Sincerely, Annemarie Weibel

I live in the pygmy and realize how fragile that environment is.
Land owner, tax payer, 37 year resident of the coast

3-26-2015

Letter Y – Annemarie Weibel – Response to Comments

Response Y-1

The commenter references “409” which is assumed to be the Caspar self-haul transfer station site on County Route 409. There has been no pollution identified from the Caspar self-haul transfer station operations. The groundwater contamination discovered in the early 1990’s from the Caspar Landfill has disappeared following closure and capping of the landfill.

Response Y-2

The project has avoided and minimized where feasible, impacts to pygmy forest. Please see Master Response #1 – Mitigation for Pygmy Cypress Forest.

Response Y-3

The DEIR does not propose relocation of pygmy species and states no opinion on its efficacy. In general, preservation is supported by resource agencies as a viable mitigation option as it avoids potential issues with replanting this habitat which in many cases has a unique association between the vegetation and the various phases of soil development in the project area, which may be difficult to replicate. A focus on preservation has been supported by CDFW in project planning meeting (personal communication CDFW 2014), CDFW comment letter on the NOP, and as guided by the County General Plan. Please see Master Response #1 – Mitigation for Pygmy Cypress Forest, as well as revised Mitigation Measure BIO-1b for further outline of the proposed mitigation.

Response Y-4

Extensive public notice of the siting process and EIR preparation was made through press releases, legal notices, posting on-site, and direct mail and email to interested parties. All mandatory CEQA public notice requirements were met or exceeded.

Response Y-5

Please see Master Response #3 – Alternatives Evaluated and DEIR Section 4.4.3.

Response Y-6

The DEIR evaluates potential traffic, circulation, and transportation impacts associated with the project. Please refer to DEIR Section 3.12 (Transportation) and DEIR Appendix H (Traffic Impact Study). The traffic impact study prepared for the project provides an evaluation of operating conditions for select intersections during weekday and weekend peak periods. The existing condition scenarios were based on intersection turning movement collected on Thursday, August 22, 2013 and Saturday, August 24, 2013. The traffic impact study analyzed existing conditions, existing conditions plus the project, cumulative conditions, and cumulative conditions plus the project. In addition to vehicular analysis, the traffic impact study provides an evaluation of project impacts related to vehicle queuing, public transit routes, and pedestrian and bicycle movements.

Table 3.12-5 on page 3.12-8 of the DEIR summarizes the vehicular trips that would be generated by the new transfer facility. The project would result in approximately 118 weekday daily traffic trips, and approximately 144 weekend daily traffic trips. Impact TR-1, on pages 3.12-7 through 3.12-10 and Impact TR-C-1 on pages 3.12-12 through 4.12-14 of the DEIR, evaluates the potential for both project and

cumulative traffic impacts associated with the project, and identifies no significant impacts related to congestion from additional project-related traffic.

CalRecycle DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

March 25, 2015

clearl 3/25/15

Mr. Mike Sweeney
Mendocino County & City of Fort Bragg
c/o Mendocino Solid Waste Management Authority
3200 Taylor Drive
Ukiah, CA 95482

Subject: SCH No. 2014012058–Draft Environmental Impact Report for the Central Coast Transfer Station, SWIS No. 23-AA-0050, Mendocino County

Dear Mr. Sweeney:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments for this proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

PROJECT DESCRIPTION

The Mendocino Solid Waste Management Authority, acting as Lead Agency, has prepared and circulated a Draft Environmental Impact Report in order to comply with CEQA and to provide information to, and in consultation with, Responsible Agencies in the approval of the proposed project.

The project is the construction and operation of a municipal solid waste transfer station, which will serve the incorporated City of Fort Bragg and the surrounding unincorporated coastal area of Mendocino County extending from the town of Westport to the Navarro River. The proposed transfer station location is in a 17 acre portion of the Jackson Demonstration State Forest adjacent to State Highway 20 at 30075 Highway 20 near Fort Bragg, California, and is 3 miles east of the intersection of State Highway 1 and State Highway 20. **Z-1**

The Central Coast Transfer Station facility would include a solid waste transfer building (with loading bay and unloading and waste areas), an outdoor recycling drop-off area, two scales and office (scalehouse), paved driveways, parking areas for the public and transfer trailers, two stormwater detention areas, a groundwater well, a septic tank and leachfield, and perimeter fencing immediately outside the developed project footprint. A single gate on SR 20 would accommodate all vehicle entries and exits. The transfer building would be approximately 30,000 square feet and enclosed. The enclosure would reduce or prevent off-site noise, odors, and dust. In addition, the design would be compatible with installation of control measures such as negative-pressure ventilation with biofiltered exhaust,

automated roll-up doors, and/or doorway air curtains, should they be necessary to prevent off-site transmission of odor.

Some vehicles would operate outdoors in the recycling area, most likely a single loader and occasional roll-off trucks to change-out debris boxes as necessary. These vehicles would use "white-sound" OSHA-approved backup alarms such as the Brigade which replaces the typical loud "ping" with a directional buzzing sound with much less range. All solid and green waste would be deposited inside the transfer building. These materials would be loaded into transfer trailers using a method to be determined by the operator, such as a grapple crane. When a transfer trailer is fully loaded, it would be driven directly to a destination landfill to be specified under the operator's contract.

Solid waste would typically be removed within 24 hours; however, it is possible that in some situations, such as weekends/holidays, waste could remain for up to 48 hours. Among the fully-permitted regional landfills that might receive the solid waste are Potrero Hills in Suisun City, Redwood in Novato, Sonoma Central in Petaluma, Anderson in Anderson, Ostrom Road in Wheatland, Lake County in Clearlake, Recology Hay Road in Vacaville, and Keller Canyon in Pittsburg. Green waste would be hauled to Cold Creek Compost in Potter Valley or another fully permitted compost facility. All hazardous wastes would be prohibited at the facility, and customers would be referred to the periodic HazMobile household and small business hazardous waste mobile collection system.

Z-1 cont

For the purposes of evaluation and analysis in this EIR, a total of 4.72 acres is assumed to be utilized by the project-- approximately 3.76 acres within the project footprint, and 0.96 acre for a 10-foot buffer (construction/temporary).

The transfer station would operate five days per week for self-haul customers and the franchised hauler, and two additional days per week for the self-haul customers only. The exact hours of operation would be determined by the operations contracts; however, it is anticipated to be between 8:00 a.m. and 5:00 p.m. There would be approximately four employees on site.

Based on the current wastestream, documented by transfer station records, the solid waste throughput would average 35 tons per day year-round, with a peak of 50 tons per day.

CalRecycle Staff Comments

Solid Waste Facilities Permit

The project will be required to apply for a registration permit as a medium volume transfer/processing facility. Please work with the local enforcement agency (LEA) regarding permit application requirements. The LEA is Philips Chou, Mendocino County Public Health Department, Division of Environmental Health at 707-234-6625.

Z-2

Mr. Sweeney
CCTS
March 25, 2015

Traffic

The project description did not include a peak traffic amount. Table 3.12-5 (page 3.12-8), Summary of Projected Peak Hour Project Trips indicated a peak traffic volume of 144 vehicles per day. **Z-3**

County Integrated Waste Management Plan

The Central Coast Transfer station will need to be identified in the Non-Disposal Facility Element of the County Integrated Waste Management Plan prior to the operator submitting a Registration Permit Application. **Z-4**

CONCLUSIONS

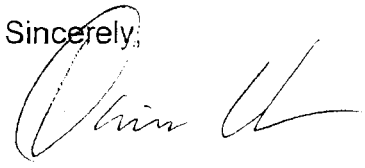
CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this project are sent to the Permitting and Assistance Branch. **Z-5**

If the environmental document is adopted during a public hearing, CalRecycle staff requests ten days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests ten days advance notice of the date of the adoption and project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.341.6405 or by e-mail at Christine.Karl@calrecycle.ca.gov.

Sincerely,



Christine Karl, Environmental Scientist
Permits & Assistance, North Central Unit
Permitting & Assistance Branch

cc: Susan Markie, CalRecycle
Jon Whitehill, CalRecyle
Trey Strickland, LEA

Letter Z – Annemarie Weibel – Response to Comments

Response Z-1

This comment includes introductory comments and project description information taken from the DEIR. Comments noted.

Response Z-2

The County and City will work with the local enforcement agency (LEA), Mendocino County Public Health Department, Division of Environmental Health, regarding all applicable application requirements.

Response Z-3

Please see Response Y-6.

Response Z-4

The County and City will contact the LEA to be identified in the Non-Disposal Facility Element of the County Integrated Waste Management Plan prior to submitting a Registration Permit Application.

Response Z-5

This comment includes a conclusion statement, request for subsequent environmental documents and notices, and advanced notice of the public hearing. MSWMA thanks CalRecycle for their comments, will forward subsequent environmental documents and notices to CalRecycle, and will notify CalRecycle of the public hearing date.

4.3 Response to Oral Comments

Oral comments on the DEIR were made at a Public Hearing on March 19, 2015 at Town Hall, 363 N. Main Street, Fort Bragg. The remarks of each person that pertain to the project are summarized and broken into individual comments for response.

Oral Comments AA - Charla Thorbecke

Comment AA-1

Pygmy forest will be compromised. Pygmy forest is a gift. Two thousand acres is all that is left in the world. We are abusing it. It is unique. The transfer station is not going to protect it. It is going to harm it. Pygmy holds water in a different way.

Response AA-1

Please see Master Response #1 – Mitigation for Pygmy Cypress Forest.

Comment AA-2

There should be a pygmy forest park as we enter Fort Bragg. It's a short-sighted approach to save money and put the trash here.

Response AA-2

There already are several public facilities dedicated to public viewing of Pygmy Cypress Forest:

- Hans Jenny Pygmy Forest Reserve, Ukiah-Comptche Road, Mendocino
- Jughandle State Reserve, Highway 1, Caspar, with the Ecological Staircase Trail
- Van Damme State Park, Highway 1, Little River, with a self-guided nature trail built entirely on an elevated walkway that forms a short loop through the site.

In addition, JDSF has 613 acres of Pygmy Cypress Forest outside of Jughandle State Reserve which is protected and accessible to the public.

Oral Comments BB – Sean Keppeler

Comment BB-1

You're talking about the Noyo River watershed, the water source for the City of Fort Bragg. Be careful about putting something there that can be damaging to the Noyo River. Oil flows. Toxics flow. Antifreeze is one of the worst elements you can put in the ground. Paint thinner goes right through any type of soil. Fractures in soil go all the way to the Noyo River watershed.

Response BB-1

The Noyo River is more than one mile distant from the project. The intervening terrain is covered by dense forest vegetation which would block, absorb and/or filter any surface flow from the project site. There are no creeks on the project site, which is relatively flat. These topographical facts, together with the design features outlined in the DEIR (Section 2) and the stormwater runoff mitigation measures in DEIR Section 3.9, make it unrealistic to assert that the project could have any impact on the Noyo River.

Comment BB-2

Transfer station would harm tourist industry by putting it on road into Fort Bragg. Bought his property on Highway 20 without knowing transfer station would be put there. Eighty percent of the people on Road 409 bought properties after 1967. You will go down in history if the worst-case scenario happens.

Response BB-2

Please see Master Response #4 – Aesthetic Impacts, and Master Response #3 – Alternatives Evaluated.

Oral Comments CC- Leanne LaDue

Comment CC-1

Lives on Prairie Way. Because (Caspar) transfer station isn't very secure litter along Russian Gulch State Park is incredible. The trash along our road is terrible. It's a small road that can't handle the traffic. The new site looks wonderful. To me it makes sense to have it close to where it needs to go. The highway is safer. The turn lane into Road 409 is really dangerous and there have been a lot of accidents.

Response CC-1

Comment noted.

Oral Comments DD - Elaine Tavelli

Comment DD-1

Impact Air Quality 1 - Without mitigation there are violations in air quality pollutants, due to motor vehicle traffic, construction and wind erosion of the disturbed area during construction. There are mitigations proposed such as turn off of idling machinery and other best management practices, but there is no enforcement other than posting a sign giving a phone number to call and report violations. As offered in one other section of the DEIR, trained observers could be on-site at all times during construction to monitor and enforce mitigation measures. This would slightly increase the projected $5 million price tag.

Response DD-1

The mitigation measures set forth in DEIR AQ-1 will be a condition of the construction contract that will be mandatory for all contractors and subcontractors. The construction work would be subject to frequent oversight by County building inspectors and project management personnel from the City and County. There is no precedent for requiring full-time on-site inspectors for a relatively small-scale construction project like this one. The CEQA-required Mitigation Monitoring and Reporting Program would further describe how implementation of the mitigation measures would be ensured.

Comment DD-2

Impact Air Quality 2 - Expose sensitive receptors (people) to substantial pollutant concentrations. Create objectionable odors affecting a substantial number of people. The project is anticipated to include features to reduce odors. The control features are not available at this time and a building design for the enclosed system is not included in the DEIR. As no building design is in the draft there is no mitigation presented that offsets the significant impact of objectionable odors.

Response DD-2

There is no requirement under CEQA to produce the actual building blueprints for a project. Rather, a conceptual design and specifications are appropriate and sufficient in detail to establish that mitigation measures for any potential impacts are practical and feasible. The DEIR (Section 3.3 – Air Quality and Odor) analyzed potential odor impacts and determined that the proposed project would have a less than significant impact. The DEIR has done so by specifying a fully-enclosed transfer building with limited roll-up door openings that are compatible with installation of air curtains, negative ventilation and biofiltered exhaust (reference DEIR pages 3.3-14 – 3.3.15). The odor control systems are identified in the DEIR and they are proven to abate offsite odors by extensive experience of the solid waste industry.

Comment DD-3

Biological Impact 1. There are substantial adverse effects on special status species. The mitigation method again applies "best management policies" but enforcement is absent. Without enforcement there is no mitigation, so as mentioned in the DEIR, the role of 2 full time trained observers during construction can be used. Also, the County and City have minimized the amount of impacts by adjusting the footprint of this project from 5 acres to 4.72 acres thereby avoiding other protections which could be applied to this proposed project.

Response DD-3

Inspection by qualified biologists as necessary regarding impacts to sensitive species during construction would take place as would be specified in the Mitigation Monitoring and Reporting Program. There was no adjustment of the project footprint to make it a particular size.

Comment DD-4

Biological Impact 2. There is substantial adverse effect on sensitive natural community. Destruction of the cypress forest, or pygmy as we know it, is to be mitigated by preservation of trees at an off-site location north of the current Caspar facility. The pygmy forest on Highway 20 will be lost and inaccessible. The mitigation method offers no protection for that adverse effect.

Response DD-4

Please see Master Response #1 – Mitigation for Pygmy Cypress Forest. Additionally, almost all of the Pygmy Cypress Forest on the 17-acre project site would be undisturbed by the project and would lie outside the perimeter fence of the transfer station; therefore, there would be no change in the accessibility of the public to the forest.

Comment DD-5

Impacts Geology and Soils Geo 1. Expose people or structures to potential substantial adverse effects involving strong seismic ground shaking or ground failures. Geo 3 - location on soil that is unstable as a result of the project or would become unstable. The mitigation method for the two Geo significant impacts is to conduct a geotechnical study of the soils yet a study has not been done of the soil & the geology. These studies must be prepared and offered to the public before the EIR can be certified.

Response DD-5

A Preliminary Geotechnical and Engineering Evaluation of the site was prepared by LACO in 2012 (DEIR Appendix E). Among the findings of the study were:

- “Based on the results of this evaluation, it is feasible to develop this site as conceptually planned. Our preliminary evaluation found no identifiable geologic hazards that would preclude use of the site for the proposed development.”
- “No active faults are known to extend through the site. Since surface fault rupture generally follows the trace of pre-existing active faults, the risk of future surface rupture at this site is considered to be low to non-existent.”
- “The soils encountered at depth in our test borings drilled at the site are not considered to be liquefiable during strong ground shaking due to their density.”

The LACO report establishes that the project can be built safely. The specific building design requirements (e.g., soil preparation, foundation design, tie-downs, etc.) do not have to be set forth in the DEIR. They would be determined after a “site-specific geotechnical investigation” called for both by the LACO report and the DEIR.

Comment DD-6

Impact Geo 2 - substantial soil erosion or loss of topsoil. The mitigation method for erosion and loss of topsoil is to prepare a SWPPP for the project. A SWPPP has not been prepared so there has not been any mitigation measures offered to prevent soil erosion.

Response DD-6

A SWPPP is a routine filing with the Regional Water Quality Control Board that specifies a variety of well-known control measures to prevent erosion during construction, such as mitigated truck-entry surfaces, ground covers, and sediment berms. Preparation of the SWPPP prior to certification of the RTC is not required by CEQA.

Comment DD-7

Impact Geo 4 - the project is located on expansive soil creating substantial risk to life and property. The extent of expansive soil is not known at this time or addressed in the DEIR as a geotechnical study has not been done and presented.

Response DD-7

Please see Response DD-5 above.

Comment DD-8

Conclusion: There are still studies and plans to be completed on this proposed project including the building plan design, the geotechnical and soil studies, and the SWPPP along with more refined mitigation measures.

Response DD-8:

Please see Responses DD-5 and DD-6 above.

Oral Comments EE - Pat LaDue

Comment EE-1

EIR is thoroughly researched. Potential impacts are either not significant or can and will be mitigated to no significant impact. The Road 409 (Caspar) alternative is not feasible due to inadequate Road 409-Highway 1 intersection that cannot accommodate extra-long trucks due to the proximity of the Caspar Creek bridge. The "do nothing" alternative is inefficient and wasteful due to the Caspar transfer station location seven miles south of Fort Bragg.

Response EE-1

Comments noted.

Oral Comments FF - Rick Childs

Comment FF-1

There is no perfect place for a transfer site. It has to go someplace, and the process has identified the site with the least impact which can benefit the coast most. The reduction in truck miles from the site and the cost savings should be included in the RTC. *(Distributed a sheet included herein with written comments).* Self-haul miles saved 162,000 miles per year, generates at 50 cents per mile $81,000 saved by public. Larger savings from the garbage trucks: 117,000 fewer garbage truck miles, at 30 mph and $90/hr to operate, reduces cost of operations by $350,000, over 20 percent of the transfer station operating budget. That is very significant.

Response FF-1

Comments noted.

Oral Comments GG – Kelly Fairall

Comment GG-1

County General Plan policy RM-25: prevent fragmentation. Clearing five acres of forest is fragmenting. Policy RM-28 states that the County wants to protect pygmy forestlands and transitional pygmy including prevention of vegetation removal, disruption of vegetation and minimize the introduction of water and nutrients due to human activity. This transfer station will be removing pygmy, removing vegetation and introducing water and nutrients due to human activity. Also stated in Goal DE-1 is preserving the rural character of Mendocino County. Adding a transfer station in the middle of a currently forested area isn't preserving rural character. The previous sites have no specific plans to reclaim land to natural state.

Response GG-1

Please see Master Response #5 - Mendocino County General Plan.

Comment GG-2

The Highway 20 site is part of Noyo River hydraulic area. This area is listed as impaired for sediment, siltation and water temperatures. Transfer station would worsen these problems. According to the EIR, 68 percent of pollutants will be removed by bioswales. There is a 26 percent increase in runoff according to Table 3.9-1.

Response GG-2

Please see Response BB-1 above.

Comment GG-3

There are other current locations with less biological impacts than the project site.

Response GG-3

Please see Master Response #3 – Alternatives Evaluated.

Comment GG-4

If the project goes forward, the Caspar land should be reclaimed. We keep taking from the environment and don't put anything back.

Response GG-4

Mitigation for the loss of 0.58 acre of Pygmy cypress forest would be accomplished by preservation at another location. Please see Master Response #1 – Mitigation for Pygmy Cypress Forest. The project also includes the closure of the Caspar self-haul site as soon as the new transfer station is completed and opearational.

Oral Comments HH – Kent Pember

Comment HH-1

The EIR is efficient, logical and well-appointed. It is a hazard to have the Caspar dump where it is. The roads are way too narrow. It's foolish not to conserve our future fuel costs, our future road use costs, everything having to do with the transport. Going down a dead-end road and back seems crazy. The transfer station belongs somewhere on Highway 20. Former D.A. promised that the (Caspar) dump would close.

Response HH-1

Comments noted.

Oral Comments II – Rixanne Wehren

Comment II-1

Representing the Sierra Club. Concerned about the pygmy vegetation and the Bishop Pine Forest. The Bishop Pine Forest was misclassified as not a protected habitat but it is.

Response II-1

Please see Master Response #2 – Classification of Bishop Pine Forest.

Comment II-2

Taking any part of the pygmy forest is not a viable option, it has been recognized as a world-class habitat that exists only in this County and a few small places around the world. It is a very unique ecosystem. Total protection is needed, not partial. Conservation easement doesn't mean you aren't affecting the pygmy.

Response II-2

Please see Master Response #1 – Mitigation for Pygmy Cypress Forest.

Comment II-3

Hydrology study isn't quite adequate because of pygmy hydrology. We're asking for better hydrology study of pygmy forest and the Bishop Pine Forest.

Response II-3

Please see Master Response #7 – Hydrology and Water Quality, and Response Q-4 and Response U-2.

Comment II-4

The cumulative effects were not evaluated as widely as necessary. Did not mention the ongoing destruction of pygmy by the County in siting of two other transfer stations on pygmy forest: Albion and Caspar.

Response II-4

The Albion and Caspar transfer stations were placed on land cleared for landfills about 50 years ago. There was no recognition at that time of Pygmy cypress forest as a special status habitat and the situation of the habitat was much different. More recent surveys identified the prevalence of this habitat and are used as a baseline in the DEIR. Please also see Response T-13.

Comment II-5

We consider the swap to be a lose-lose-lose situation. We will lose the protected trees from Russian Gulch which go into the JDSF. State Parks is going to have to take the (Caspar) dump, and we lose the new pygmy forest being cut down. State Parks has said they value their trees a lot more than the dump site and so there has to be money changed.

Response II-5

The comment incorrectly describes the land swap. The 12.6 acres from Russian Gulch State Park that would be transferred to JDSF would become part of JDSF's Caspar Creek Experimental Watershed Study Area, which is a research project for evaluating the effects of timber management on streamflow, sedimentation and erosion. The study area was established in 1961 and will continue at least through 2099 pursuant to a memorandum of understanding with the U.S. Forest Service (reference DEIR Section 2.5.1). There is no timber harvesting currently contemplated, but if harvesting was planned, it would be subject to a Timber Harvest Plan (verbal conversation March 24, 2015 with Pam Linstead, Manager, JDSF). Under California law, a Timber Harvest Plan performs the functions of and substitutes for review under CEQA. The DEIR does not discuss possible impacts to the 12.6 acres which would be transferred to JDSF for the above reasons, and because no impacts are presently assumed or reasonably foreseeable.

Regarding the 61-acre Caspar Landfill property, the land swap doesn't require State Parks to take ownership. It does; however, award State Parks a conservation easement so that State Parks can control future use of the site and prevent any activities that might adversely impact Russian Gulch State Park. The DEIR references the Caspar site in several places and the responses are the same, in that no changes to the site would occur except cessation of operations of the existing self-haul transfer station and the removal of its equipment.

Oral Comments JJ – Barbara Rice

Comment JJ-1

Listen to the experts, don't go back to default position to leave it at Caspar. Consultant Steve Salzman in 2007 said location off Road 409 would not be considered today if things done all over again because it is inappropriate and it was only history that you consider it today. There is a school, State Park and State Forest on the road, the transfer station is incompatible, harassing walkers and bikers. The environmental impact is greater that farther the site is from transportation corridor. Highway 20 makes sense.

Response JJ-1

Comments noted.

Oral Comments KK – Jeremy James

Comment KK-1

The overlay of Google earth map and species don't line up. It is cockeyed and slanted.

Response KK-1

The projection of the figure from the DEIR at the public hearing was slightly distorted by the projector.

Comment KK-2

The CNPS says there is no such thing as transitional pygmy. All the areas that show transitional pygmy are actually pygmy.

Response KK-2

This is consistent with the DEIR's Biological Resources Section.

Comment KK-3

The EPA mandate for transfer stations says they have to account for future growth. So this portion of the parcel isn't the only piece that will be affected. There will be more of this pygmy destroyed. [reads written statement by Erik Thorbecke which is responded to under written comments].

Response KK-3

As noted in DEIR Section 2.5.7, the project is designed so that the proposed 30,000 square foot transfer station building is large enough to accommodate larger tonnage through more intensive use of the same infrastructure without the need for physical expansion.

Oral Comments LL – John Fremont

Comment LL-1

The EIR is cooked. It is full of errors. The errors all substantiate the Highway 20 transfer station. The emergency helipad is a private airstrip. It is used to evacuate hospital patients when we are covered in fog. Also used in forest fires.

Response LL-1

The term “airstrip” is defined by the Meriam-Webster Dictionary as “an area of land that is used as a runway for airplanes to take off and land.” This means an airstrip has a runway that can accommodate fixed-wing aircraft. The small graveled clearing west of the project site is a backup location for certain public service helicopters to land if the helipads in Fort Bragg are fogged in. It is not an airstrip. It is very seldom used and is not open to the public. The project would not interfere with any future use of the helipad; nor would future use of it create a hazard for the public. It does not trigger any of the airstrip-vicinity significance considerations of the CEQA Guidelines.

Comment LL-2

The project is in a very high forest fire severity zone. EIR says it would not create wildland fire risk. Last year helicopters required to put out fires across the road from where he lives, right next to the helipad. There is substantial risk but the EIR does not mention it.

Response LL-2

The DEIR acknowledges the forest fire severity zone. However, the facility would not create a fire risk because the building would be a fully-enclosed steel and concrete structure and therefore non-flammable and it would be surrounded by paved driveways of substantial width that would provide a non-flammable setback from any vegetation. An integral part of transfer station facilities is an on-site capability to extinguish any fires.

Comment LL-3

EIR says there are no creeks on the project site. There is at least one creek that runs right through my property heading west, a seasonal creek. It only carries water in the winter time, but this station will operate year-around.

Response LL-3

The DEIR correctly states there are no creeks on the project site. For a discussion of the project’s hydrology, see Master Response #7 – Hydrology and Water Quality.

Comment LL-4

The residents of Road 409 have spoken out about the stench, traffic problems, litter, air and water pollution and other environmental hazards and they have forced the joint powers to close their garbage station. The same problems will force the early closure of the $5 million boondoggle on Highway 20. There are better solutions: a biomass system.

Response LL-4

The Caspar Transfer Station on Road 409 hasn’t been closed and no one is forcing the City and County to do so. There has been no proposal or consideration of a “biomass” or combustion disposal method because the capital costs of that technology are prohibitive for small wastestreams. Such a facility would require a similar siting and footprint as this project.

Comment LL-5

The Pudding Creek station goes through town and they complain they don't want trucks going through town. The speed limit here in town is 25 mph, it's a straight shot, on Highway 20 the speed limit is 55 mph and it will clog traffic.

Response LL-5

The DEIR Transportation Section 3 and Traffic Impact Study (DEIR Appendix H) show that the project's traffic can be managed safely and cause no decline in the level of service of Highway 20.

Oral Comments MM – Ann Rennacker

Comment MM-1

Flaws in EIR. The project would cause water contamination in our aquifer and runoff into the Noyo River.

Response MM-1

Please see Response BB-1.

Comment MM-2

Highway 20 should not be subjected to huge semi-truck traffic hauling garbage.

Response MM-2

The semi-truck traffic already uses Highway 20 and the project would greatly reduce such trips.

Comment MM-3

No pygmy forest should be cut ever. It is a rare and unique ecosystem. Tourists come from all over the world to walk the ecological staircase. Tourism is our main industry. You can't transplant pygmy trees from one area to another.

Response MM-3

Please see Response AA-2.

Comment MM-4

We need a biologist to come out and do an assessment. Jere Melo the forester did the assessment and he only looked at value of board feet if you logged it. Teresa Scholer lives here and her husband wrote a book on pygmy forest. She could give some assessment. The health of our forests is our future.

Response MM-4

The biological assessment which was prepared by a qualified biologist is Appendix D of the DEIR.

Comment MM-5

The size of the transport trucks is excessive and dangerous on Highway 20. There is bound to be an accident or a spill. The Pudding Creek transfer station is already industrialized we can use that and take it out by train to Willits.

Response MM-5

The reasons why these alternatives were selected are set forth in the DEIR Sections 4.4.2 and 4.4.3. Please also see Master Response #3 – Alternatives Evaluated.

Oral Comments NN – William Lemos

Comments NN-1

The question is whether the Highway 20 is best possible location. The most compelling argument in EIR because it will reduce the carbon footprint by 140 metric tons per year, a significant reduction. The Clean Air Act demands we do what we can. The project objectives 2.3 are cost-effective and environmentally sound solid waste services, increased efficiency in solid waste transfer in order to minimize energy use, GHG emissions, truck trips and cost. We will have to remove some Bishop pine but is that going to counterbalance the overall need to look at the environment first in a whole unit as what we can do as a community.

Response NN-1

Comments noted.

Oral Comments OO – Gordon Leppig

Comment OO-1

Senior environmental scientist with CDFW. Concerns with impact on pygmy forest and Northern Bishop Pine Forest. Both of these natural communities are ranked by the State as highly imperiled. The County has worked with the Department to better protect them from development interests. Both the County General Plan and the JDSF Management Plan recognize the importance of protecting ecologically significant habitats such as these. As proposed the project has significant impact on Pygmy cypress forest / woodlands. We find the mitigations insufficient and not described in adequate detail to assess effectiveness.

Response OO-1

Please see Master Response #1 – Mitigation for Pygmy Cypress Forest.

Comment OO-2

Significant impacts to Northern Bishop Pine Forest. The DEIR misclassifies, it does not recognize its rarity or State rank. Therefore, it did not describe the impact as significant or propose mitigations. The DEIR must propose mitigations to significant impacts to Northern Bishop Pine Forest. The cumulative impacts analysis to these natural communities is inadequate and does not recognize the ongoing threat to them.

Response OO-2

Please see Master Response #2 – Classification of Bishop Pine Forest.

Comment OO-3

While the DEIR includes the three-way property transfer as part of the project the DEIR includes no impact assessment on the ultimate disposition of the other two parcels.

Response OO-3

Please see Response II-5 above.

Comment OO-4

Project location. The DEIR concludes the project is the environmentally superior alternative. The DEIR dismisses other sites without giving them full environmental analysis. The DEIR alternatives analysis should be redone to fully analyze sites occurring outside of threatened natural communities.

Response OO-4

Please see Master Response #3 – Alternatives Evaluated.

Comment OO-5

Water quality impacts and stormwater management. Outfall structures. Where does polluted water go? The DEIR doesn't consider this and defers the design and placement to a future time. The Department finds the DEIR needs substantial revisions and should be recirculated pursuant to CEQA Section 15088.5.

Response OO-5

Please see Master Response #7 – Hydrology and Water Quality.

Oral Comments PP - Leslie Kashiwada

Comment PP-1

The alternatives are dismissed out of hand and need to be further evaluated. Not in favor of keeping the Road 409 site open, it's a very poor place for a transfer station. Not a pleasant drive on trash delivery days. There are flaws in the EIR. Wants analysis of Pudding Creek and rail option [commenter also submitted a written statement which is responded to under written comments.]

Response PP-1

Please see DEIR Section 4.0 and Master Response #3 – Alternatives Evaluated.

Oral Comments QQ – Sue Boecker

Comment QQ-1

Trash needs to be recycled. It needs to be mined. This proposal does not do that. The train seems to be the only logical way. Realizes the tracks are falling apart. There is a way to do the train. $5 million is a good start. The haulers could kick in as well, there has to be another way.

Response QQ-1

Please see DEIR Section 4.4.3, and Master Response #3 – Alternatives Evaluated.

Comment QQ-2

The Summers Lane Reservoir is very near. All of Fort Bragg's water will eventually come out of there. Water is our most precious and limited resource.

Response QQ-3

Please see Master Response #6 - Summers Lane Reservoir.

Comment QQ-4

Highway 20 is a very scary place. I go up Ukiah Comptche Road or Highway 128. It's curvy and fast and big trucks on there. That spot would be a real problem.

Response QQ-4

The project would reduce large truck traffic on Highway 20.

Comment QQ-5

Tourism is the only viable alternative for coast economy. Trash station on doorstep is not something people want to look at. The litter and odor would not make it a good decision.

Response QQ-5

Please see Master Response #4 – Aesthetic Impact. The methodology for odor impacts is discussed on DEIR page 3.3-10, and the impact analysis is discussed in Impact AQ-3 - Create Objectionable Odors Affecting a Substantial Number of People on DEIR page 3.3-14.

Oral Comments RR - Rex Gressett

Comment RR-1

These people are not listening to what you are saying. There is a $5 million project and they are going to make money on it. You can win. We stopped them on the hotel. This is bad judgment just like that one. Protect the pygmy forests it's the obvious thing. Don't expect anything out of a group of people that have already made up their minds. Get the best, finest, most up-to-date transfer station on earth because we love Mendocino County. Don't let them for their money put in this great big fume-belching monstrosity. Mr. Lemos you should be ashamed of yourself.

Response RR-1

Comments noted.

Oral Comments SS - Meg Courtney

Comment SS-1

A lot of research was done on this. We had looked at the train. It's not going to work. The Pudding Creek transfer station doesn't work, it's even worse than Road 409. It's not viable. This has been looked at a million ways and this is it. So either take this or I don't know where the thinking is. The advantages to the environment and the efficiency of this transfer station - it's not going to be visible. I love trees and the pygmy forest but when you weigh the two things the savings in gas miles, taking the CO2 out of the environment, to me it just doesn't weigh out. We have to look forward.

Response SS-1

Comments noted.

[Oral comments were also made by Elizabeth Keppeler who reiterated and expanded upon them in a written statement which is responded to under written comments above (Response P-1 through P-14).]

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Appendices

Appendix A

Natural Community Mapping

April 24, 2015

Mike Sweeney
Mendocino Solid Waste Management Authority
3200 Taylor Drive
Ukiah, CA 95482

Dear Mr. Sweeney,

The purpose of this letter is to inform you of the results of a cursory natural community (i.e., vegetation or plant community) mapping performed at the request of the Mendocino Solid Waste Management Authority at APN 118-500-45, near Casper, Mendocino County, California. Specifically, WRA identified and mapped the natural communities present within the Study Area, including northern Bishop pine forest and Mendocino pygmy cypress forests. The WRA site visit occurred on April 18, 2015 and was conducted by WRA botanist Erich Schickenberg.

Survey Methods

Prior to the April 18th site visit, a review was conducted of background information including:

- Google Earth
- California Soil Resources Lam (CSRL) Online Soil Survey.
- California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants

Mendocino pygmy cypress forest

Prior to the site visit, a WRA biologist reviewed the aerial vegetation signature on Google Earth and the available soil survey data. During the site visit, portions of the Study Area were traversed on foot and the natural communities were documented based on dominant and characteristic species. The approximate boundaries of the natural communities were then hand-drawn on aerial photographs by following distinct signatures to create the natural communities map (Attachment 1).

Survey Results

The 28.3-acre parcel is bounded to the north and east by private residential property; to the south by the Casper Transfer Station; and to the west by private property containing contiguous northern Bishop pine and Mendocino pygmy cypress forest.

The Study Area is dominated by northern Bishop pine and Mendocino pygmy cypress forest communities, with smaller areas of disturbed vehicle paths and trails (Attachment 1).

Northern Bishop Pine Forest: Northern Bishop pine forest is known from near the coast from Fort Bragg, Mendocino County to northwestern Sonoma County, with stands on Point Reyes, Mount Tamalpais, and Monterey Peninsula (Holland 1986). This natural community is characteristic of the northern Bishop pine forest described in Holland (1986), and Bishop pine forest (*Pinus muricata* Forest Alliance) described in Sawyer et al. (2009). Vegetation associations were not mapped but include Bishop pine-evergreen huckleberry (*Pinus muricata-Vaccinium ovatum* Forest Association) and Bishop pine//Bolander's pine/pygmy cypress forest (*Pinus muricata/P. contorta ssp. bolanderi/Hesperocyparis pygmaea* Forest Association).

Bishop pine forest occupies approximately 5.76 acres in the central portion of the Study Area (Attachment 1). This community is dominated by Bishop pine (*Pinus muricata*), with several characteristic and subdominant tree species including pygmy cypress (*Hesperocyparis pygmaea*), and Bolander pine (*Pinus contorta* ssp. *bolanderi*). The overstory is somewhat open to completely closed containing mature to over-mature trees. The understory contributes to the vertical structure with a high density of shrubs and depauperate herbaceous layer. Shrub and understory tree species include evergreen huckleberry (*Vaccinium ovatum*), Pacific rhododendron (*Rhododendron macrophyllum*), giant chinquapin (*Chrysolepis chrysophylla*), tanoak (*Notholithocarpus densiflorus*), and salal (*Gaultheria shallon*). The herbaceous layer is sparse, and includes bracken fern (*Pteridium aquilinum*) and western sword fern (*Polystichum munitum*).

Mendocino Pygmy Cypress Forest: Mendocino pygmy cypress forest is known from near the coast on ancient marine terraces composed of acidic podzol-like soils (Blacklock series) from Fort Bragg to Albion in Mendocino County, and in scattered stands south into Sonoma County (Holland 1986, Sawyer et al. 2009). This natural community is characteristic of Mendocino pygmy cypress forest described in Holland (1986), and pygmy cypress forest (*Hesperocyparis pygmaea* Forest Alliance) described in Sawyer et al. (2009). Vegetation associations were not mapped but include pygmy cypress forest (*Hesperocyparis pygmaea* Forest Association), pygmy cypress/Bishop pine forest (*Hesperocyparis pygmaea/Pinus muricata* Forest Association), and pygmy cypress/Bolander's pine forest (*Hesperocyparis pygmaea/Pinus contorta* ssp. *bolanderi* Forest Association).

Three morpho-types were identified and mapped within the Study Area, "tall pygmy forest", "transitional pygmy forest", and "extreme pygmy forest." These mapping units were based on species composition and height of individual trees, and appeared to be correlated with the depth of a cemented hardpan within the substrate, with stunted trees (extreme pygmy forest) located on soils with a very shallow cemented hardpan.

> Tall pygmy forest is dominated pygmy cypress (*Hesperocyparis pygmaea*), with a few scattered individuals of Bishop pine (*Pinus muricata*). This morpho-type occupies approximately 3.70 acres in the southwestern and northeastern portions of the Study Area (Attachment 1). Although pygmy species dominated these areas, the soils do not appear to be limiting the growth of individual trees, and average heights range from 35 to 100 feet. The understory is dominated by tall, dense shrubs including Pacific rhododendron (*Rhododendron macrophyllum*), evergreen huckleberry (*Vaccinium ovatum*), and salal (*Gaultheria shallon*).

Transitional pygmy forest is dominated pygmy cypress (*Hesperocyparis pygmaea*), with subdominants of Bishop pine (*Pinus muricata*) and Bolander's pine (*Pinus contorta* ssp. *bolanderi*). This morpho-type occupies approximately 8.60 acres in the northwestern and southeastern portion of the Study Area (Attachment 1). The soils appear to be somewhat limiting the growth of individual trees, and average heights range from 15 to 35 feet. The understory is dominated by dense shrubs including hairy manzanita (*Arctostaphylos columbiana*), Pacific rhododendron (*Rhododendron macrophyllum*), evergreen huckleberry (*Vaccinium ovatum*), and salal (*Gaultheria shallon*).

Extreme pygmy forest is dominated by pygmy cypress (*Hesperocyparis pygmaea*) and Bolander's pine (*Pinus contorta* ssp. *bolanderi*). This morpho-type occupies approximately 7.05 acres of the Study Area (Attachment 1). The soils appear to be extremely limiting the growth of trees and shrubs whose average height ranges from 5 to 15 feet. The understory is composed of short statured dense thickets of shrubs with greater interstitial space between thickets than in transitional pygmy forest and tall pygmy forest. Shrub species include Labrador tea (*Rhododendron columbianum*), wax myrtle (*Morella californica*), salal (*Gaultheria shallon*), and evergreen huckleberry (*Vaccinium ovatum*). The herbaceous layer is sparse with bracken fern (*Pteridium aquilinum*) and western sword fern (*Polystichum munitum*). Additionally, cryptogamic crusts formed from reindeer lichens (*Cladonia portentosa, Cladina impexa*) are present sporadically in open areas that appear to pond water in the wet months.

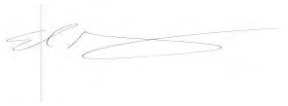
Labrador Tea Thicket (Wetland): Labrador tea thickets are known from near the coast and northern Sierra Nevada on strongly seasonally to perennially saturated substrates in depressions, seeps, swales, and as riparian. They have been documented from Del Norte County southward to Marin County (Holland 1986, Sawyer et al. 2009). This natural community is characteristic of freshwater (Ledum) swamps as described in Holland (1986), and Labrador tea thickets (*Rhododendron glandulosum* Shrubland Alliance) described in Sawyer et al. (2009). This natural community was observed in the southwestern portion of the Study Area, and occupies approximately 1.14 acres. The overstory of this area was previously dominated by conifer trees, which have since suffered mortality and are now fallen. Therefore, the dominant species is now Labrador Tea (*Rhododenderon columbianum*), with other native shrubs and herbs including California wax myrtle (*Morella californica*), bracken fern, (*Pteridium aquilinum*), and western sword fern (*Polystichum munitum*).

Summary

Based on the site visit and review of pertinent information, the Study Area is dominated by relatively undisturbed northern Bishop pine and Mendocino pygmy cypress forests communities. The Study Area contains approximately 5.76 acres of northern Bishop pine forest, 3.70 acres of tall pygmy forest, 8.60 acres of transitional pygmy forest, and 7.05 acres of extreme pygmy forest. A 1.14 acre Labrador tea thicket (wetland) was also observed within the Study Area.

Please contact me if you have any questions.

Sincerely,



Erich Schickenberg
Plant Biologist

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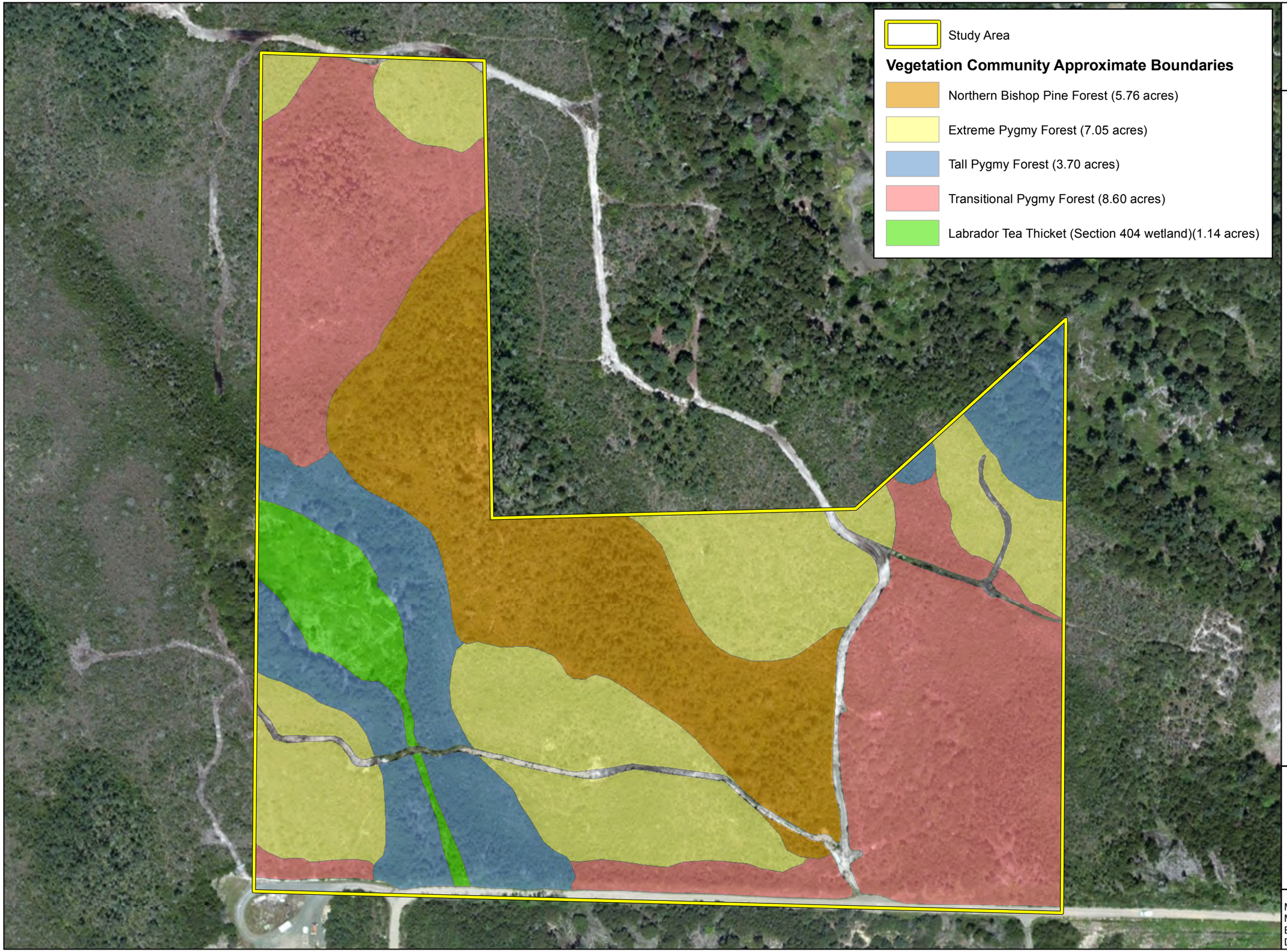
Attachment 1: Vegetation Communities



wra
ENVIRONMENTAL CONSULTANTS

APN# 118-500-45

Mendocino County, California

Attachment 1.

Vegetation Communities

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Map Prepared Date: 4/24/2015
Map Prepared By: Chris Zumwalt
Base Source: ESRI Streaming 6/16/2010
Data Source(s): WRA

Path: L:\Acad 2000 Files\25000\25112\GIS\ArcMap\Vegetation Communities.mxd

Appendix B

Botanical Reconnaissance of Parcel 118-500-45

Botanical Reconnaissance of Parcel 118-500-45 adjacent to the Casper Transfer Station


Pygmy Cypress (*Hesperocyparis pygmaea)*

Submitted to:
Michael E. Sweeney, General Manager
Mendocino Solid Waste Management Authority
3200 Taylor Dr.
Ukiah, CA 95482

Submitted by:
Kerry Heise Botanical Consulting
453 Mendocino Dr.
Ukiah, CA 95482

Introduction

On April 16, 2015 a short reconnaissance visit was made to APN# 118-500-45 in Mendocino County. The purpose of the visit was to make a general assessment of the botanical diversity and ecological condition of the parcel. To accomplish this, the area was travelled on foot through representative stands while characterizing the vegetation in terms of species composition, abundance, and structure. A complete floristic survey, which requires a more extensive investigation during multiple visits between spring and fall, was not conducted. As a result a number of herbaceous species, including grasses and rushes, along with many non-vascular plants (mosses and liverworts) and lichens where not included.

Site Description

The parcel is located on a portion of uplifted marine terrace approximately 360 feet in elevation and 1.75 miles east of the Pacific Ocean between Doyle creek to the north and Russian Gulch to the south. The vegetation here is composed largely of undisturbed pygmy cypress woodland. Across its range this vegetation type occurs on marine terraces and associated sandstone primarily between Pudding Creek and the Navarro River in Mendocino County (Sawyer et. al. 2009). Soils of these coastal terraces are acidic spodosols with cemented hardpan that are seasonally flooded. Water persists under the hardpan throughout the summer which deep rooted species can tap into (Sholars 1982). Over time leaching away of nutrients produces sterile soils where tree growth is severely limited. Where this leaching has been most dramatic full-grown trees may only reach 2 meters in height, while in adjacent, more fertile areas they can obtain heights up to 50 meters.

Bolander's beach pine (*Pinus contorta* subsp. *bolanderi*), pygmy cypress (*Hesperocyparis pygmaea*), and Bishop pine (*Pinus muricata*) commonly occur together in varying proportions throughout the parcel. Between 50-75% of the parcel is covered in stunted pygmy woodland/forest where Bolander's beach pine and pygmy cypress often co-dominate in stands between 2-5 meters in height. Associated shrubs are often as high as the trees such as California rhododendron (*Rhododendron macrophyllum*), western Labrador tea (*Rhododendron columbianum*), and western huckleberry (*Vaccinium ovatum*). Species such as pygmy manzanita (*Arctostaphylos nummularia* subsp. *mendocinoensis*) and salal (*Gaultheria shallon*) occupy the lower portions of the canopy. Under open canopies herbaceous species are very sparse resulting in patches of exposed soil which are occasionally colonized with mosses and lichens. The scattered mats of white, intricately-branched maritime reindeer lichen (*Cladonia portentosa* subsp. *pacifica*) on the parcel reach their southern distribution in pygmy cypress woodland.

Interspersed are patches of Bishop pine dominated forest with much higher canopies up to 25 meters in height. Both Bolander's beach pine and pygmy cypress are present in these stands, reaching higher into the canopy as well. In the parcel's southwest corner a dense stand of taller pygmy cypress occurs.

Rarity

Salal with maritime reindeer lichen

Pygmy cypress woodland is extremely rare in the state, only occurring along a thin belt of uplifted marine terraces along the Mendocino coast and in a few scattered locations along the northern Sonoma coast. As many as 10 rare species identified in the California Native Plant Society's Inventory of Rare and Endangered Plants (CNPS 2015; CDFW 2015) occur within the range of the pygmy cypress woodland, 5 of these were seen on APN# 118-500-45 (App. A, B). Much of this rare habitat has been lost to residential development and the remaining undeveloped parcels are impacted by various threats including illegal pot growing, recreational trails, and off-road use, which all impact sensitive vegetation.

Conclusion

The vegetative cover of APN#118-500-45 is largely comprised of pygmy cypress woodland along with patches of Bishop pine forest. Aside from a small graded road there are no visible signs of human disturbance, although the invasive Jubata grass (*Cortaderia jubata*) occurs along the road at the parcel's southern boundary and presents a threat if not controlled. These ancient coastal terraces provide habitat for a suite of rare species, largely restricted or endemic to this small sliver of California Coast. High value should be placed on their conservation.

List of Species seen on APN#118-500-45 (Nomenclature follows the Jepson Manual, 2012 for vascular plants, Esslinger 2014 for Lichens). * = rare according to CNPS Inventory

Trees

Hesperocyparis pygmaea (Synonym: *Cupressus pygmaea*)	pygmy cypress *
Pinus contorta subsp. *bolanderi*	Bolander's beach pine *
Pinus muricata	Bishop pine

Shrubs

Arctostaphylos nummularia subsp. *mendocinoensis*	pygmy manzanita *
Gaultheria shallon	salal
Morella californica (Synonym: *Myrica californica*)	wax myrtle
Rhododendron columbianum (Synonym: *Ledum glandulosum*)	western Labrador tea
Rhododendron macrophyllum	California rhododendron
Vaccinium ovatum	western huckleberry

Herbaceous Perennials

Agrostis sp.	bentgrass
Carex californica	California sedge *
Juncus sp.	rush
Lilium maritimum	coast lily *
Pedicularis densiflora	Warrior's plume
Xerophyllum tenax	bear grass

Lichens

Cladonia chlorophaea	mealy pixie-cup
Cladonia crispata	organ-pipe lichen
Cladonia portentosa subsp. *pacifica* (Synonym: *Cladina portentosa* subsp. *pacifica*)	maritime reindeer lichen
Hypogymnia inactiva	mottled tube lichen
Platismatia herrei	tattered rag lichen
Usnea sp.	beard lichen

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Appendix A: California Rare Plant Ranks (CRPR)
1A. Presumed extirpated in California and either rare or extinct elsewhere
1B. Rare or Endangered in California and elsewhere
2A. Presumed extirpated in California, but more common elsewhere
2B. Rare or Endangered in California, but more common elsewhere
3. Plants for which we need more information - Review list
4. Plants of limited distribution - Watch list

1A: Plants Presumed Extirpated in California and either rare or extinct elsewhere
The plants of Rank 1A are presumed extirpated because they have not been seen or collected in the wild in California for many years. This rank includes those plant taxa that are both presumed extinct, as well as those plants which are presumed extirpated in California and rare elsewhere. A plant is extinct if it no longer occurs anywhere. A plant that is extirpated from California has been eliminated from California, but may still occur elsewhere in its range.

1B: Plants Rare, Threatened, or Endangered in California and Elsewhere
(Includes Rare Plant Ranks 1B.1, 1B.2, 1B.3)
The plants of Rank 1B are rare throughout their range with the majority of them endemic to California. Most of the plants that are ranked 1B have declined significantly over the last century. California Rare Plant Rank 1B plants constitute the majority of plant taxa tracked by the CNDDB, with more than 1,000 plants assigned to this category of rarity.

2A: Plants Presumed Extirpated in California, but more common elsewhere
The plants of Rank 2A are presumed extirpated because they have not been seen or collected in the wild in California for many years. This rank includes only those plant taxa that are presumed extirpated in California, but that are more common elsewhere in their range. Note: Plants of both Rank 1A and 2A are presumed extirpated in California; the only difference is the status of the plants outside of the
state.

2B: Plants Rare, Threatened, or Endangered in California, but More Common Elsewhere
(Includes Rare Plant Ranks 2B.1, 2B.2, 2B.3)
The plants of Rank 2B are rare, threatened or endangered in California, but more common elsewhere. Plants common in other states or countries are not eligible for consideration under the provisions of the Federal Endangered Species Act; however they are eligible for consideration under the California Endangered Species Act. This rank is meant to highlight the importance of protecting the geographic range and genetic diversity of more widespread species by protecting those species whose ranges just extend into California. Note: Plants of both Rank 1B and 2B are rare, threatened or endangered in California; the only difference is the status of the plants outside of the state.

3: Plants About Which We Need More Information - A Review list
(Includes Rare Plant Ranks 3, 3.1, 3.2, 3.3)
The plants that comprise Rank 3 are united by one common theme--we lack the necessary information to assign them to one of the other lists or to reject them. Nearly all of the plants remaining on Rank 3 are taxonomically problematic.

4: Plants of Limited Distribution - A Watch list
(Includes Rare Plant Ranks 4.1, 4.2, 4.3)

The plants in this category are of limited distribution or infrequent throughout a broader area in California, and their vulnerability or susceptibility to threat appears low at this time. While we cannot call these plants "rare" from a statewide perspective, they are uncommon enough that their status should be monitored regularly. Should the degree of endangerment or rarity of a Rank 4 plant change, we will transfer it to a more appropriate rank or delete it from consideration.

Threat Ranks:

The California Rare Plant Ranks (CRPR) use a decimal-style threat rank. The threat rank is an extension added onto the CRPR and designates the level of threats by a 1 to 3 ranking with 1 being the most threatened and 3 being the least threatened. Most CRPRs read as 1B.1, 1B.2, 1B.3, etc. Note that some Rank 3 plants do not have a threat code extension due to difficulty in ascertaining threats for these species. Rank 1A and 2A plants also do not have threat code extensions since there are no known extant populations of the plants in California.

Threat Code extensions and their meanings:

.1 - Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
.2 – Moderately threatened in California (20-80% of occurrences threatened / moderate degree and immediacy of threat)
.3 – Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

Note: In March, 2010, DFG changed the name of "CNPS List" or "CNPS Ranks" to "California Rare Plant Rank" (or CRPR). This was done to reduce confusion over the fact that CNPS and DFG jointly manage the Rare Plant Status Review groups (300+ botanical experts from government, academia, NGOs and the private sector) and that the rank assignments are the product of a collaborative effort and not solely a CNPS assignment.

In July 2013, CNPS revised the Rare Plant Ranks in order to better define and categorize rarity in California's flora. In essence, Rank 2 was split into Rank 2A and Rank 2B to be complementary to the already existing 1A and 1B ranks. This split in Rank 2 plants resulted in five Rank 2 plants moving to Rank 2A (Presumed extirpated in California, but more common elsewhere) and the remaining Rank 2 plants being re-classified as Rank 2B (Rare, Threatened or Endangered in California, but more common elsewhere)

App. B: List of rare and endangered plant taxa within a 9 quad area surrounding the Mendocino 7.5' quadrangle.
California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants, 8th edition. Accessed April 17, 2015.
Note: Those in **bold** seen on April 16, 2015 visit to APN# 118-500-45

Scientific Name	Common Name	Family	CRPR
Abronia umbellata var. breviflora	pink sand-verbena	Nyctaginaceae	1B.1
Agrostis blasdalei	Blasdale's bent grass	Poaceae	1B.2
Angelica lucida	sea-watch	Apiaceae	4.2
Arctostaphylos nummularia ssp. mendocinoensis	**pygmy manzanita**	**Ericaceae**	**1B.2**
Astragalus agnicidus	Humboldt County milk-vetch	Fabaceae	1B.1
Blennosperma nanum var. robustum	Point Reyes blennosperma	Asteraceae	1B.2
Calamagrostis bolanderi	Bolander's reed grass	Poaceae	4.2
Calystegia purpurata ssp. saxicola	coastal bluff morning-glory	Convolvulaceae	1B.2
Campanula californica	swamp harebell	Campanulaceae	1B.2
Carex californica	**California sedge**	**Cyperaceae**	**2B.3**
Carex lenticularis var. limnophila	lagoon sedge	Cyperaceae	2B.2
Carex livida	livid sedge	Cyperaceae	2A
Carex lyngbyei	Lyngbye's sedge	Cyperaceae	2B.2
Carex saliniformis	deceiving sedge	Cyperaceae	1B.2
Castilleja ambigua var. ambigua	johnny-nip	Orobanchaceae	4.2
Castilleja ambigua var. humboldtiensis	Humboldt Bay owl's-clover	Orobanchaceae	1B.2
Castilleja litoralis	Oregon coast paintbrush	Orobanchaceae	2B.2
Castilleja mendocinensis	Mendocino Coast paintbrush	Orobanchaceae	1B.2
Ceanothus gloriosus var. exaltatus	glory brush	Rhamnaceae	4.3
Ceanothus gloriosus var. gloriosus	Point Reyes ceanothus	Rhamnaceae	4.3
Chorizanthe howellii	Howell's spineflower	Polygonaceae	1B.2
Clarkia amoena ssp. whitneyi	Whitney's farewell-to-spring	Onagraceae	1B.1
Collinsia corymbosa	round-headed Chinese-houses	Plantaginaceae	1B.2
Coptis laciniata	Oregon goldthread	Ranunculaceae	4.2
Cornus canadensis	bunchberry	Cornaceae	2B.2
Cuscuta pacifica var. papillata	Mendocino dodder	Convolvulaceae	1B.2
Erigeron supplex	supple daisy	Asteraceae	1B.2
Erysimum concinnum	bluff wallflower	Brassicaceae	1B.2
Erysimum menziesii	Menzies? wallflower	Brassicaceae	1B.1
Fritillaria roderickii	Roderick's fritillary	Liliaceae	1B.1
Gilia capitata ssp. pacifica	Pacific gilia	Polemoniaceae	1B.2
Gilia millefoliata	dark-eyed gilia	Polemoniaceae	1B.2
Hemizonia congesta ssp. congesta	congested-headed hayfield tarplant	Asteraceae	1B.2
Hesperevax sparsiflora var. brevifolia	short-leaved evax	Asteraceae	1B.2
Hesperocyparis pygmaea	**pygmy cypress**	**Cupressaceae**	**1B.2**
Horkelia marinensis	Point Reyes horkelia	Rosaceae	1B.2
Hosackia gracilis	harlequin lotus	Fabaceae	4.2
Juncus supiniformis	hair-leaved rush	Juncaceae	2B.2
Kopsiopsis hookeri	small groundcone	Orobanchaceae	2B.3

Lasthenia californica ssp. bakeri	Baker's goldfields	Asteraceae	1B.2
Lasthenia californica ssp. macrantha	perennial goldfields	Asteraceae	1B.2
Lilium maritimum	**coast lily**	**Liliaceae**	**1B.1**
Lilium rubescens	redwood lily	Liliaceae	4.2
Lycopodium clavatum	running-pine	Lycopodiaceae	4.1
Microseris borealis	northern microseris	Asteraceae	2B.1
Mitellastra caulescens	leafy-stemmed mitrewort	Saxifragaceae	4.2
Packera bolanderi var. bolanderi	seacoast ragwort	Asteraceae	2B.2
Phacelia insularis var. continentis	North Coast phacelia	Boraginaceae	1B.2
Pinus contorta ssp. bolanderi	**Bolander's beach pine**	**Pinaceae**	**1B.2**
Piperia candida	white-flowered rein orchid	Orchidaceae	1B.2
Pityopus californicus	California pinefoot	Ericaceae	4.2
Pleuropogon refractus	nodding semaphore grass	Poaceae	4.2
Puccinellia pumila	dwarf alkali grass	Poaceae	2B.2
Ramalina thrausta	angel's hair lichen	Ramalinaceae	2B.1
Rhynchospora alba	white beaked-rush	Cyperaceae	2B.2
Sanguisorba officinalis	great burnet	Rosaceae	2B.2
Sidalcea calycosa ssp. rhizomata	Point Reyes checkerbloom	Malvaceae	1B.2
Sidalcea malachroides	maple-leaved checkerbloom	Malvaceae	4.2
Sidalcea malviflora ssp. patula	Siskiyou checkerbloom	Malvaceae	1B.2
Sidalcea malviflora ssp. purpurea	purple-stemmed checkerbloom	Malvaceae	1B.2
Tiarella trifoliata var. trifoliata	trifoliate laceflower	Saxifragaceae	3.2
Trifolium trichocalyx	Monterey clover	Fabaceae	1B.1
Triquetrella californica	coastal triquetrella	Pottiaceae	1B.2
Usnea longissima	Methuselah's beard lichen	Parmeliaceae	4.2
Veratrum fimbriatum	fringed false-hellebore	Melanthiaceae	4.3
Viola palustris	alpine marsh violet	Violaceae	2B.2

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