

MINUTE ITEM
This Calendar Item No. 11
was approved as Minute Item
No. 11 by the State Lands
Commission by a vote of 3
to 0 at its 1-21-88
meeting.

CALENDAR ITEM

11

A 2

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01/21/88
W 23805 PRC 7153
J. Ludlow

GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: California Department
of Fish and Game
601 Locust Street
Redding, California 96001

AREA, TYPE LAND AND LOCATION:
Approximately 166 acres of tide and submerged
land.

LAND USE: Levee construction and maintenance for wildlife
habitat restoration.

TERMS OF PROPOSED PERMIT:
Initial period: 49 years beginning July 20,
1987.

CONSIDERATION: The public use and benefit; with the State
reserving the right at any time to set a
monetary rental if the Commission finds such
action to be in the State's best interest.

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Adm. Code: Title 2, Div. 3; Title 14,
Div. 6.

AB 884: 02/22/88.

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OTHER PERTINENT INFORMATION:

1. An environmental analysis document was prepared, circulated, and adopted for this project as a substitute for a Negative Declaration in a regulatory program of the Coastal Commission which has been certified by the Secretary for Resources as meeting the requirements of P.R.C. 21080.5, which document concluded that the project as defined will have no significant environmental effects within the Commission's jurisdiction or special expertise.

The Coastal Commission as Lead Agency consulted with the Responsible Agencies as required by CEQA Guidelines Section 15253 and determined that the project, as approved would not have a significant effect on the environment. The Coastal Commission as Lead Agency approved the project on April 22, 1987. The staff of the State Lands Commission has reviewed the analysis document and believes that the conditions have been met for the Commission as a Responsible Agency to use the document as a substitute for a Negative Declaration as provided under CEQA Guidelines Section 15253.

2. The project lands have not been identified as significant lands pursuant to PRC 6370 et seq.
3. Pursuant to the Fish and Wildlife Habitat Enhancement Act of 1984, the property once known as Ocean Ranch was acquired as part of this program in 1986 and is managed by the Department of Fish and Game. The applicant proposes to restore wetlands for wildlife habitat improvement and public recreation in McNulty Slough, a tributary of the Eel River. The project site is located about one mile south of Humboldt Bay on Table Bluff Road, near Loleta, and is now a part of the Eel River Wildlife Area.

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4. The applicant proposes to make repairs and changes to the levee and tidegate system which will result in increased fresh water habitat and reduced salt water intrusion. Fill will be placed on the existing cross dike for restoration. Gravel will be placed on the McNulty Slough Levee and the cross dike for roadway improvement for access. At the north end of the cross dike, a spillway will be constructed and two culverts with tidegates will be installed. The cross dike culvert will contain a walkway to access the tidegate. The existing McNulty Slough Levee culvert will be replaced and a walkway will be constructed at each end.
5. The annual rental value of the site is estimated to be \$29,800.
6. The applicant has requested that the processing fee be waived. Due to the fact that the project is solely for the purpose of restoring wetlands for wildlife and public use benefits of statewide significance, staff feels that it would be in the best interest of the State to waive the processing fee.

APPROVALS OBTAINED:

California Coastal Commission; United States Army Corps of Engineers.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Coastal Commission Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT WAS PREPARED, CIRCULATED, AND ADOPTED FOR THIS PROJECT BY THE COASTAL COMMISSION UNDER ITS CERTIFIED STATE REGULATORY PROGRAM (CEQA GUIDELINES SECTION 15253(c), AND THAT THE CONDITIONS SPECIFIED IN GUIDELINES SECTION 15251 HAVE BEEN MET; AND THAT PURSUANT TO GUIDELINES SECTION 15253 (a) THE COMMISSION AS A RESPONSIBLE AGENCY SHALL USE THAT ENVIRONMENTAL ANALYSIS DOCUMENT AS A SUBSTITUTE FOR A NEGATIVE DECLARATION.

CALENDAR ITEM NO. 37 (CONT'D)

2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS DOCUMENT AND HAS DETERMINED THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. IT IS FOUND TO BE IN THE STATE'S BEST INTEREST TO WAIVE THE PROCESSING FEE.
4. AUTHORIZE ISSUANCE TO CALIFORNIA STATE DEPARTMENT OF FISH AND GAME OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE BEGINNING JULY 20, 1987; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR LEVEE RECONSTRUCTION AND RELATED OPERATIONS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

W 23805

All that tide and submerged land in Humboldt County, California, lying within the area described in the plans of the "Ocean Ranch Project" of the California State Department of Fish and Game, a copy of said plans being on file with the State Lands Commission, said "Ocean Ranch Project" lying within the lands described in the Grant Deed to the State of California recorded May 19, 1986, in Volume 1798, Page 221, Official Records of Humboldt County.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION

PREPARED SEPTEMBER 23, 1987 BY BIU 1.

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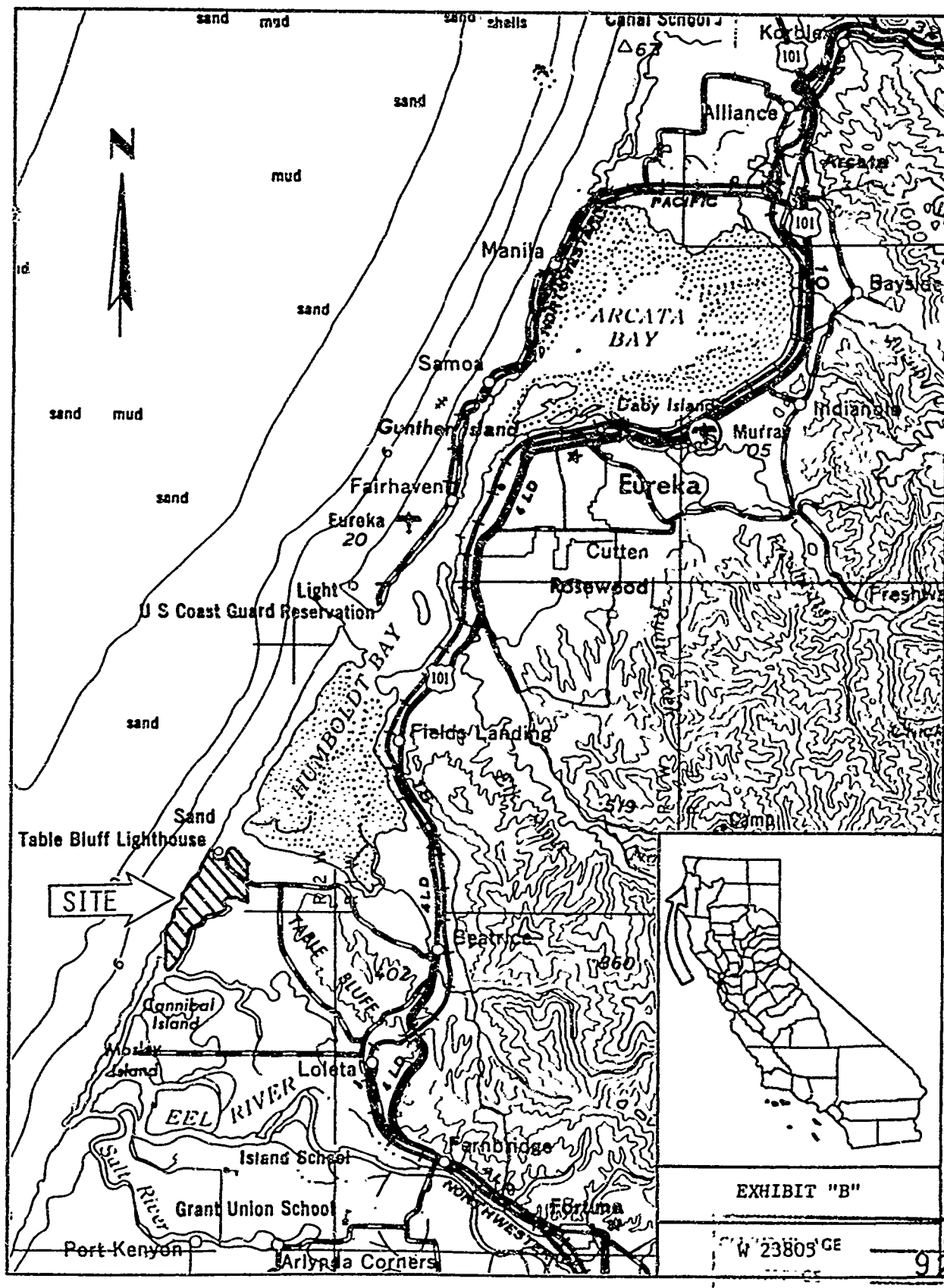


EXHIBIT "B"


W 2380' GE	82
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CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

HOWARD STREET, 4TH FLOOR
SAN FRANCISCO, CA 94105
(415) 543-8355

FILE REF: W023805



FILED March 12, 1987
49th DAY: April 30, 1987
180th DAY: September 10, 1987
Staff: Linda Locklin
Staff Report: April 2, 1987
Hearing Date: April 22, 1987

APR 23 1987

STAFF REPORT: REGULAR CALENDAR

PROJECT DESCRIPTIONAPPLICANT: California Department of Fish and GamePERMIT NO. 1-87-09PROJECT LOCATION: Ocean Ranch, south of Table Bluff, Eel River area of Humboldt County.PROJECT DESCRIPTION: Operation and maintenance plan, including levee construction, install 3400 lineal feet of gravelled roadway, install spillway and culvert, fencing.LOT AREA +933 acresZONING Agricultural ExclusiveBLOG. COVERAGE UNKH-barn and residence existing(LCP) PLAN DESIGNATION Agricultural ExclusivePAVEMENT COVERAGE UNKNPROJECT DENSITY N/ALANDSCAPE COVERAGE N/AHEIGHT ABV. FIN. GRADE N/ALOCAL APPROVALS RECEIVED: County of Humboldt: none needed; Army Corps of Engineers: permit pendingSTAFF RECOMMENDATION

The Staff recommends that the Commission adopt the following Resolution:

Approval

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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STANDARD CONDITIONS:

See attached.

SPECIAL CONDITIONS:

1. Future Improvements

Any change from the project described in this permit, or improvements to this operation and management plan, such as the contemplated Phase II, may require an amendment to this coastal development permit.

FINDINGS AND DECLARATIONS:

1. Project History

The project site, known as Ocean Ranch, was acquired by the Department of Fish and Game in 1986. It is located in the Eel River bottoms north of the Eel River mouth, south of Humboldt Bay on Table Bluff Road. This 930 acre ranch contains grazing lands, fresh and saltwater marsh and slough areas, and sand dunes which extend to the shoreline.

The Fish and Wildlife Habitat Enhancement Act of 1984 was approved by the California voters in June of that year as Proposition 19. Funds generated from bond sales authorized by the Act were made available for appropriation by the Wildlife Conservation Board and the Coastal Conservancy, consistent with the purpose cited in the legislation: "To correct the most severe deficiencies in fish and wildlife habitat currently found in California, through a program of acquisition, enhancement, and development of habitat areas that are most in need of proper conservation and management." The Act designated \$10,000,000 for use by the Wildlife Conservation Board for projects within the coastal zone in accordance with priorities established by the Coastal Commission.

Priorities for coastal wetland acquisitions were adopted by the Coastal Commission in September, 1985. The Commission priorities were adopted on the basis of the following criteria:

Wetland areas of unique or extraordinary habitat resources, (Point Saint George Aleutian Goose Habitat), or habitat areas that would contribute to the completion of an important existing wetland system (Lake Earl/Talawa Expansion);

Wetland areas of substantial habitat value, particularly those with long-standing land use conflicts, that could be irreversibly committed to development if not acquired within a short period of time (San Diego Lagoons).

In including Ocean Ranch as a priority for purchase, the Commission found that the purpose of the acquisition was that, "...after restoration, [it would] provide for an important fisheries habitat and a significant saltwater marsh. Acquisition should, if feasible, allow much of the area to remain in agricultural production." The ranch is located just north of Eel River Wildlife Area, 165 acres in size, which was acquired from the State Lands Commission by the department in 1954 for purposes of protecting public fishing

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and hunting access to the area. The Ocean Ranch has been added to the Eel River Wildlife Area, thus providing a total of 1095 acres of wildlife habitat.

2. Property Description

The California Department of Fish and Game is proposing an operation and maintenance plan for the ranch. While most of the current agriculture (grazing) use will remain as is, the applicant proposes changes to the levees and tidegate system which will result in increased fresh water habitats and reduce saltwater intrusion into the grazing areas. Additionally, the plan will protect the State and Federally listed endangered western lily (Lilium occidentale) by creating an ecological reserve on the upland portion of the property. Thus, management of the property is divided between the northern portion (± 150 acres) containing the lily, and the southern portion (± 780 acres) containing the grazing lands and wetland habitat and dune areas.

Northern Portion

The portion of the property lying north and east of Table Bluff Road (approximately 150 acres) has been classified by the Fish and Game Commission as an ecological reserve. The purposes of the reserve status is to protect the endangered species. The Table Bluff Ecological Reserve lies adjacent to the south unit of the U.S. Fish and Wildlife Services Humboldt Bay Wildlife Refuge on south Humboldt Bay, and north of the Eel River Wildlife Area.

The subject property is made up of gently undulating hillslopes ranging in elevation from about 30 to 160 feet above sea level. About half of the area is covered by coniferous forest and the remainder is open grassland. The Department's management direction will be to insure maintenance of the western lily populations.

Southern Portion

The southern portion, approximately 780 acres, will become a part of an enlarged Eel River Wildlife Area. The current Eel River Wildlife Area lies south and west of Table Bluff Road and is bordered to the west by the Pacific Ocean and to the east by McNulty Slough and private lands (Map 1).

The southern two-thirds of the property is near or below sea level and was formerly tidal marshes reclaimed by a levee constructed along McNulty Slough. The lowlands are separated from the sea by barrier sand dunes which extend south from Table Bluff to the mouth of the Eel River. The northern one-third of the property is on higher ground formed by Table Bluff ranging from sea level to about 160 feet in elevation.

3. Project Description

The proposed improvements will regulate the flow of water on the property. The intent of the Department is to retain fresh water run-off on the property for a longer period of time and also to reduce the leakage from tide gates which is causing salt water inundation to grazing lands. The goal of the project is to increase the amount of freshwater habitat areas. This constitutes Phase I of the management program. Phase II, to be

submitted when funding is available next year, will include such things as additional fencing, new public access roads, public access signs, tidegate replacement, additional gravelling of levee, etc.

The physical developments associated with Phase I, which is the subject of this application, includes installation of a culvert and spillway, grading of the existing levee and gravelling the top of levee with four inches of gravel for a length of 3400 linear feet, restoration of the upper dike, repair of a breach in a short interior dike, fencing, and replacement of one tidegate. The project will result in the filling of 6000 square feet of wetland.

4. Environmentally Sensitive Habitat Areas

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

The proposed operation and maintenance plan is divided into two portions. One portion of the plan protects the western lily, the other manages the grazing activities. The northern portion of the parcel has been classified as an ecological reserve, called the Table Bluff Ecological Reserve. This 150 acre area contains the endangered western lily, Lilium occidentale. This lily is only known to exist in four places, all on Table Bluff. Three of the sites are on private property; the site on the Department's property is considered to be the largest and most viable community of lily. Section 30107.5 of the Coastal Act defines environmentally sensitive habitat as "one in which plant life or their habitat is either rare or especially valuable because of their special nature, and could easily be disturbed by human induced activities. The Commission has consistently found that such habitats as the western lily is an environmentally sensitive habitat. The major impacts to the lily have occurred from unrestricted grazing in the area. Thus, the Department proposes to fence off a portion of the area and allow grazing only on the lower portion of the property. (The impacts of removing 75 acres of grazing land from the overall grazing operation will be discussed in the agricultural finding below.)

As proposed, the project will protect an endangered species and an environmentally sensitive habitat. Section 30240 requires that environmentally sensitive habitats be protected against any significant disruption. Fencing off the area will protect the lily from the adverse effects of grazing. Therefore, the project is consistent with Section 30240 of the Coastal Act.

5. Wetland Resources

Section 30233(a)(7) of the Coastal Act states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

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(7) Restoration purposes.

In addition, subsection (c) of Section 30233 requires that "diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary." The project site, (Table Bluff Ecological Reserve and a portion of the Eel River Wildlife Area) supports a wide variety of wildlife species. In conjunction with Humboldt Bay, the Eel River Delta is one of the state's most important coastal wetlands, and is the third largest wetland complex in the coastal zone. The lower portion of the Eel River includes 75 miles of fresh and saltwater sloughs which lace through an estimated 8700 acres of wetlands. These wetlands contain 1550 acres of mudflats, fresh and saltwater habitats, and 5500 acres of farmed wetlands. The Department of Fish and Game has conducted studies of the area's natural resources and outdoor recreational uses. The results were published in the "Natural Resources of the Eel River Delta" (Coastal Wetland Series #9). Census data collected indicates that delta area supports over 3 million water-associated bird days use annually. This includes 1.5 million waterfowl use days and over 1 million shorebird use days. The wetlands of the Eel River Wildlife Area provide key habitat in maintaining this use. In addition to the water-associated birds, the two areas also support many other wildlife species, including raptors, quail, songbirds, deer and small mammals.

The Department believes that the most important aspect of management on the southern 780 acre portion of the property (Eel River Wildlife Area) will be water control, in terms of both quality and quantity. The present winter flooding of the lowlands provides fresh and brackish water marsh which is vital habitat for waterfowl and other water-associated birds. Salt marsh is also provided by the old slough on the southern portion of the property. It is the applicant's intent to maintain the wetland characteristics of the area and enhance their value by better control of water depths and salinity. Accomplishing this objective will require long-needed maintenance and improvements on the existing levees, dikes and tidegates.

According to the applicant, the old tidegates have not been adequately maintained and are in poor condition. At least one is not functioning at all, and is allowing unrestricted passage of salt water through the levee at each high tide. Grass and other vegetation inundated by this open culvert is being lost from high salinities. The McNulty Slough levee has been breached at the north end and similar salt water intrusion and resulting loss of vegetation has occurred. At least one other section of this levee has been partially eroded. If the necessary work is not done, subsequent tidegate and/or levee failure will result in additional uncontrolled salt water intrusion. Future Phase II of the operation and management plan calls for the replacement of the old tidegates with new combination flap and slide tidegates. These gates are superior to the old ones in providing greater control of water manipulation. Both water level and salinities can be controlled to insure that wetland quality is maintained.

Phase I of the project will result in the filling of 6000 sq. ft. of wetland. A short interior dike is in poor condition and needs to be restored. Additionally, the applicants want to install a 20 ft. wide spillway to handle excess water during periods of high run-off. Since the old dike is

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still in place, most of the fill will not cover existing wetland. The total amount of fill material to be used is 3100 cubic yards. The length will be 580 feet. Including what is now a breach in the dike, it is estimated that the total fill area will cover about 6000 square feet more than the existing dike. The fill area is vegetated with grass. The borrow area, also vegetated with pasture grass will be from high ground adjacent to the northwest end of the dike. The area from which the borrow material will be obtained will be lowered slightly in elevation to match the elevation of the adjacent seasonal wetland and its wetland value will be enhanced. Once the elevation is lowered, it will become a seasonal wetland. As such, it will provide increased habitat for wildlife. The applicant will plant the area to speed the revegetation process. The total surface area which will be affected at the borrow site is estimated to be about 35,000 square feet.

Section 30233 of the Coastal Act allows fill in a wetland only under very specified circumstances, only if there are no other feasible less environmentally damaging alternatives, and where feasible mitigation measures have been provided. The project calls for the filling of 6000 sq. ft. of wetland. The purpose of the fill is to provide increased wetland habitat, by repairing a spillway which will provide increased ability to regulate water levels. The applicant is providing on-site mitigation, by removing material from a 35,000 sq. ft. area which will increase the habitat value of that area. Therefore, as proposed, the project is consistent with Section 30233 of the Coastal Act as the fill will provide restoration in a wetland area and the proposed mitigation will increase habitat values and functional capacity in excess of the habitat to be lost.

6. Agricultural Lands

Ocean Ranch has historically been used for grazing. Around the turn of the century, the area was operated as a dairy farm, and in later years it has been used for beef livestock production. Beginning in 1961, the Russ family leased the ranch for this purpose and continued to run cattle there until 1986. According to Jack Russ, the ranch supported about 250 animal units on an annual basis. Some hay cutting was done up until about 10 years ago when it was discontinued.

Under the terms of the sale of the Ocean Ranch to the Wildlife Conservation Board, the sellers retained the grazing rights for a period of 5 years. The Department of Fish and Game administers this lease according to a grazing plan agreed upon by both parties.

The methodology used in developing the grazing plan was provided by the Humboldt County office of the University of California Agricultural Extension Service. Based on the carrying capacity of soil types and acreage of usable grazing land, the Extension Service recommended the allowable stocking rates. The total animal unit months recommended is 2652, which means 221 animal units can be supported annually. Cattle stocking rates by area are shown in Exhibit A.

An allotment management plan was also prepared (Exhibit B). The purpose of this plan is to insure that livestock use is distributed according to soil capabilities and to minimize conflicts with other uses. Allotment A, which includes most of the lowland Bayside soils, is scheduled for grazing between February 1 and October 1. This avoids conflicts between livestock and hunters.

since this area will open to public hunting. These lands are also prone to flooding in winter months and are not suitable for grazing while under water.

The entire property is included in the allotment plan with the exception of approximately 75 acres on the Table Bluff Ecological Reserve. This exclusion has been established to protect the endangered western lily. Also, since most of the area is heavily timbered, the amount of potential grazing lost is negligible. The total acreage of suitable grazing land open to grazing is 745 acres.

The project will reduce the amount of grazing from the current use of 250 animal units to 221 animal units. The Agricultural Extension Service determined that the carrying capacity of the ranch to be 221 animal units, exclusive of the 75 acres in the Ecological Reserve. This capacity is based on the soil types, the acreage available, and the pasture condition. (see Exhibit C). As the 75 acres in the Ecological Reserve are essential to protection of the endangered species, it is not appropriate to consider this acreage loss when analyzing the decrease in animal units.

The proposed project will reduce the available grazing lands to 745 acres, from 930 acres. This represents an 8% reduction in grazing area. Currently, the ranch is being grazed at one animal unit for each 3.72 acres. The proposed project would graze one animal unit for each 3.37 acres. This represents a 9% increase in usage on a per acre basis from the pre-existing condition.

Therefore, while the applicant proposes to slightly reduce the number of animal units on the property, the proposal will actually increase the number of animal units per acre. In other words, the applicants proposal will be a more efficient use of the available grazing lands. If the applicant grazed at the current ratio of one animal per 3.72 acres, given the new grazing acreage, the net result would be only 200 animal units instead of the proposed 221 animal units.

As the ranch contains almost all non-prime soils (only a very small portion of land on at the northern edge of the parcel contains prime soils), Section 30242 of the Coastal Act applies. Section 30242 of the Coastal Act requires that all lands suitable for agricultural use shall not be converted to nonagricultural uses, except under specified circumstances. The proposed plan is consistent with this section. The of land being taken out of grazing will protect an environmentally sensitive habitat area, consistent with Section 30240 of the Act. Of the remaining land, the applicant proposes to not only continue the grazing use, but to increase the animal units per acre by 9%. (The animal unit density is based on expert advice from the Agricultural Extension service.) Therefore, the project will protect agricultural lands and the agricultural economy by virtue of the fact that the land will continue to be grazed, and at a higher ratio.

7. Public Recreation

Historically, only the ocean beach, the tidal sloughs and the old Eel River Wildlife Area were open to public recreation uses. Hunting, fishing and other activities related to natural resources have been the primary uses, but in recent years off-road vehicle activity on the beach and sand dunes has become increasingly popular. Although such use has not been legal on the

wildlife area or on the privately owned dunes, this has not deterred the off-road enthusiasts.

The Department-administered lands of both the Table Bluff Ecological Reserve and the expanded Eel River Wildlife Area will be open to regulated public uses to the extent that such uses do not conflict with natural resource management objectives. For the most part, permitted uses will be those related to hunting, fishing, nature study and other similar outdoor activities. The plans developed for the two areas have been designed to protect the natural resource values and reduce user conflicts.

The hunting activities will be confined to the lowland areas on the Eel River Wildlife Area (Map 5). Hunting will be primarily for waterfowl and the time period when hunting will be permitted (October through January) has been established accordingly. The area open to hunting coincides with "Allotment A" in the grazing plan. All livestock will be off of this area between October 1 and February 1, thus reducing livestock/hunter conflicts.

Fishing opportunity is limited to the ocean beach, McNulty Slough and the mouth of the Eel River. Past experience has shown that the vast majority of fishing activity accessed through the wildlife area takes place at the mouth of the Eel. At present, fishermen drive from the beach at Table Bluff County Park, cross over the dunes onto the wildlife area and travel on to the mouth by way of one of the old ranch interior roads. When funding is available, the applicant will provide alternative roadway access to the river. Public parking areas will also be provided. This will avoid conflicts between fishermen seeking river access and the ranching activities.

Nature study and other non-appropriative uses will generally be permitted over most of the property. Only areas around the barns and houses will be closed in order to protect materials stored by the lessee of the Department. Camping will not be permitted anywhere on the property except by special permit from the Regional Manager.

Vehicle use, particularly off-road vehicle, is expected to be one of the major problems. Under Title 14 of the California Administrative Code, vehicle use on ecological reserves or wildlife areas is either prohibited or confined to designated roads. It is the Department's intent to bring the present unregulated vehicle use under control by a combination of fencing, gates, barriers when funding is available, and to utilize active law enforcement in the meantime. The previous landowners experienced many problems with vehicle trespass and the Department can expect the same.

The exterior boundaries of the ecological reserve and wildlife area will be well-posted with appropriate signs. Open hunting areas, closed areas and other interior boundaries between use areas will also be well-posted. Appropriate signs will also be posted for road closures and off-road vehicle control. Signs displaying area rules and regulations will also be provided in key locations. This will all be done when funding is available.

Thus, as proposed, the project is in conformance with the public access requirements of the Coastal Act Sections 30210-12. Public access will be allowed through the property, as well as to and along the shoreline.

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8. LCP/CEQA

The County LCP contains specific policies to protect environmentally sensitive habitat areas, wetlands, agriculture, and public access.

Policy 3.41 A2 requires the protection of environmentally sensitive habitat areas. The policy states that the identification of those habitat areas and the appropriate land use and/or mitigation measures shall be done in cooperation with the Department of Fish and Game. The applicant's proposal to fence off the area surrounding the endangered western lily is consistent with the county's policies.

3.41 B(7) limits development in wetlands to restoration purposes. This policy goes on to designate saltmarshes, mudflats, and freshwater marshes as Natural Resources. New development in these areas are limited to:

- a. fish and wildlife management
- b. nature study
- c. wetland restoration
- d. hunting and fishing

3.41 F4.C limits development within the riparian corridor to least environmentally damaging alternative and shall allow:

- (1) maintenance and replacement of levees, dikes, floodgate and tidegates.

Thus, as proposed, the project will carry out the County's LCP policies.

As outlined above, the project will not create any significant adverse impacts as defined within the meaning of the California Environmental Quality Act.

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STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If construction has commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction shall be pursued in a diligent manner and completed in a reasonable manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.