

CALENDAR ITEM

C60

A 1
S 2

MINUTE ITEM
This Calendar Item No. C60
was approved as Minute Item
No. 60 by the State Lands
Commission by a vote of 5
to 0 at its 11/15/94
meeting. PRC 2164
J. Ludlow

FIRST AMENDMENT TO
GENERAL LEASE - COMMERCIAL USE PRC 2164.1

APPLICANT:

Seto Family Trust, Sum M. Seto and Jenny P. Seto,
Co-Trustees
P.O. 459 40th Avenue
San Francisco, California 94121

AREA, TYPE LAND AND LOCATION:

Tide and submerged lands in the Albion River near Albion,
Mendocino County.

LAND USE:

Retention of commercial marina operations and dredge a
maximum of 3,600 cubic yards of accumulated material to
restore boat access to the applicant's property. The
dredged material will be deposited at an upland area of the
property belonging to the applicant.

TERMS OF ORIGINAL LEASE:

Lease period:
25 years beginning December 29, 1988.

Consideration:

Minimum annual rental of \$1900 against five percent of
gross income derived from berthing and all other
sources in the lease area; 5-year rent review.

Liability insurance:

\$1,000,000 combined single limit coverage.

Bond:

\$5,000

AMENDED LEASE TERMS:

Initial period:
25 years beginning December 29, 1988.

Consideration:

Minimum annual rental of \$1900 against five percent of gross income derived from berthing and all other sources in the lease area;

Dredging: Royalty of \$0.25 per cubic yard for all material removed and placed at the approved upland;

Future dredging: Royalty shall be determined according to market value but shall not be less than \$0.25 per cubic yard.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of the upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

01/04/95

APPROVALS OBTAINED:

California Coastal Commission; Department of Fish and Game; Mendocino County; U.S. Army Corps of Engineers; Water Quality Control Board.

APPROVALS REQUIRED:

State Lands Commission

OTHER PERTINENT INFORMATION:

1. A Negative Declaration (SCH 93121087) was prepared and adopted for this project by the County of Mendocino. The State Lands Commission's staff has reviewed such document. A formal Mitigation Monitoring Plan was not adopted by the County.

CALENDAR ITEM NO. C60 (CONT'D)

2. This amendment authorizes the applicant to dredge a maximum of 3600 cubic yards of material from under the existing docks and entrance channel to the inner mooring basin.
3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA process, it is the staff's opinion that the project, as proposed, is consistent with its use classifications.

EXHIBITS:

- A. Site and Location Map
- B. Negative Declaration; Notice of Determination

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF MENDOCINO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE THE 1ST AMENDMENT OF LEASE PRC 2164.1 ISSUED TO THE SETO FAMILY TRUST, SUM M. AND JENNY P. SETO, CO-TRUSTEES, FOR DREDGING A MAXIMUM OF 3600 CUBIC YARDS OF MATERIAL FROM UNDER THE EXISTING DOCKS AND ENTRANCE CHANNEL TO THE INNER MOORING BASIN AND AS SHOWN ON THE ATTACHED EXHIBIT "A" AND BY REFERENCED MADE A PART HEREOF. A ROYALTY OF \$0.25 PER CUBIC YARD SHALL BE CHARGED FOR MATERIAL PLACED AT THE APPROVED UPLAND DISPOSAL SITE. SUCH PERMITTED ACTIVITY IS CONTINGENT UPON THE APPLICANT'S COMPLIANCE WITH CALIFORNIA COASTAL COMMISSION PERMIT NO. 1-93-35 AND ALL OTHER APPLICABLE PERMITS, RECOMMENDATIONS, OR LIMITATIONS ISSUED BY FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES. THE ROYALTY FOR ANY FUTURE DREDGING SHALL BE DETERMINED ACCORDING TO MARKET VALUE BUT SHALL NOT BE LESS THAN \$0.25 PER CUBIC YARD.
4. FIND THAT THIS AMENDMENT SHALL BE EFFECTIVE ON SEPTEMBER 1, 1994.

CALENDAR PAGE	257
MINUTE PAGE	3860

CALENDAR ITEM NO. C60 (CONT'D)

5. FIND THAT ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 2164.1
REMAIN IN FULL FORCE AND EFFECT.

CALENDAR PAGE	258
MINUTE PAGE	3861

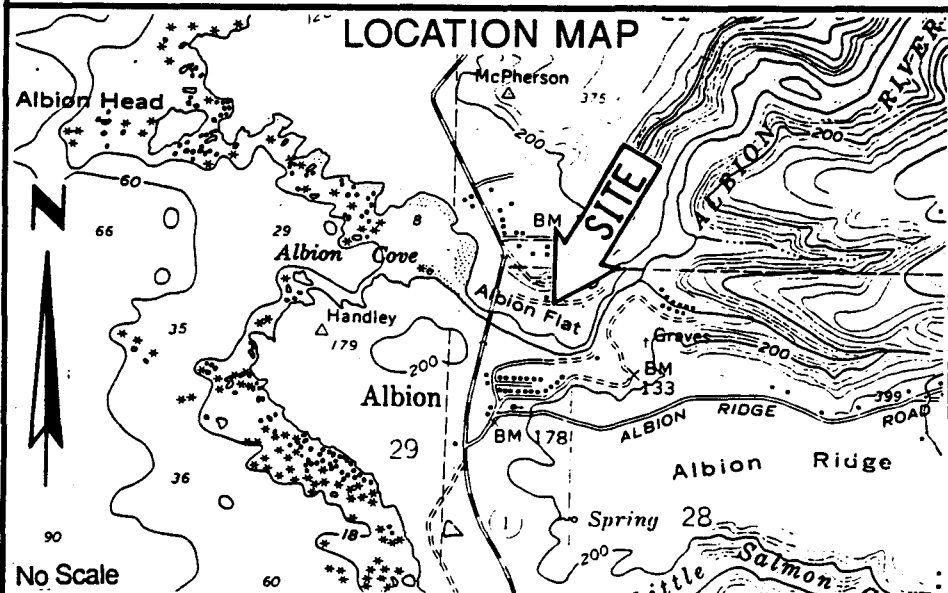
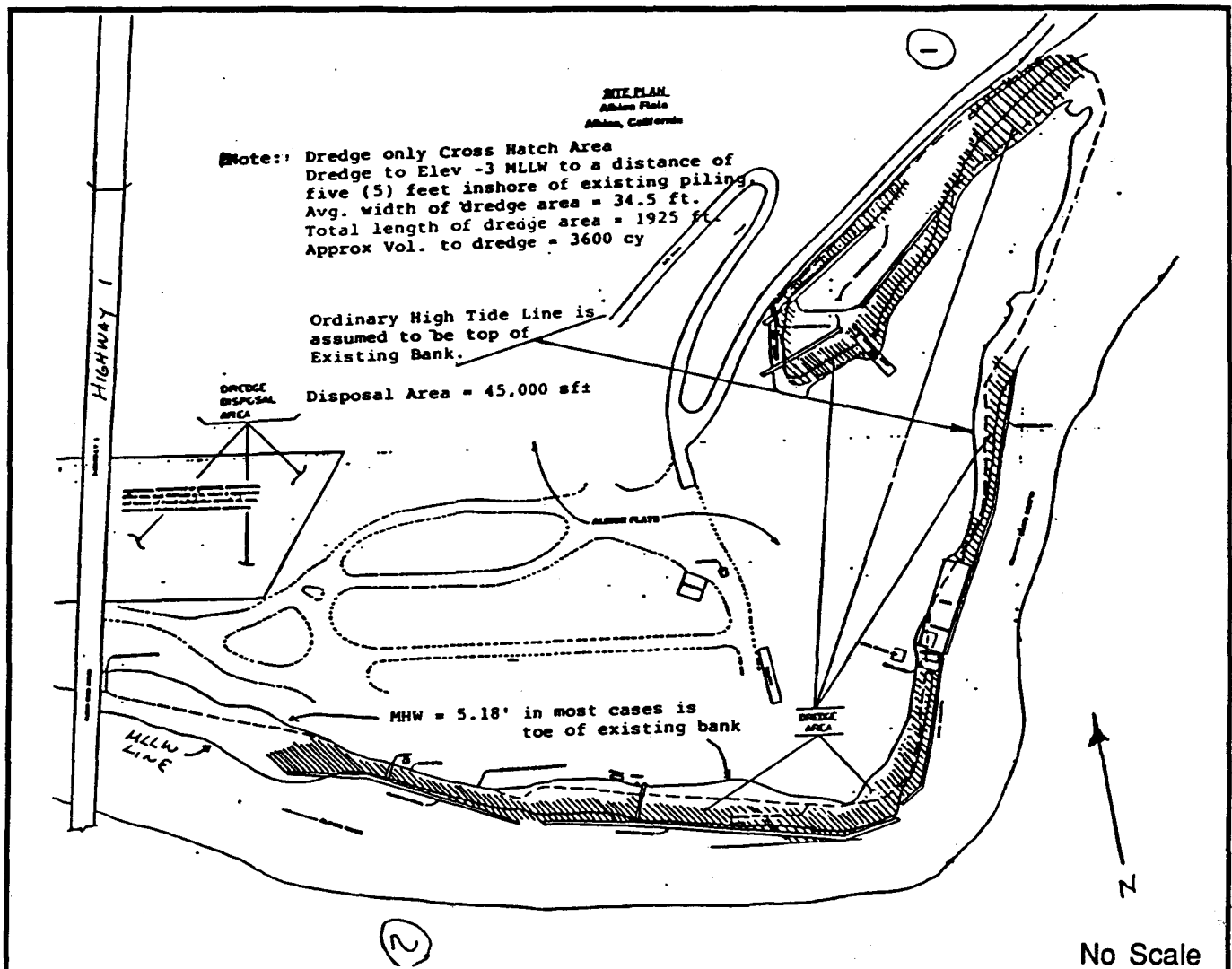


EXHIBIT "A"
PRC 2164
Dredging Application
ALBION FLATS
MENDOCINO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Notice of Completion

Appendix F

See NOTE below

SCH # 93121087

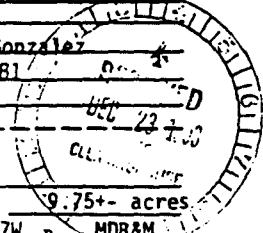
Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

Project Title: Use Permit #U 2G-93 - 5210

Lead Agency: Mendocino County Planning & Building Svcs Contact Person: Ignacio Gonzalez

Street Address: Courthouse Phone: (707) 463-4281

City: Ukiah, CA Zip: 95482 County: Mendocino



Project Location

County: Mendocino City/Nearest Community: Albion

Cross Streets: Albion River-North Side Road Total Acres: 9.75+- acres

Assessor's Parcel No. 123-170-01 Section: 28 Twp. 16N Range: 17W Base: MDB&M

Within 2 Miles: State Hwy #: One Waterways: Albion River/Pacific Ocean

Airports: Railways: Schools:

Document Type

- CEQA: [] NOP [] Supplement/Subsequent [] NEPA: [] NOI [] Other: [] Joint Document [] Early Cons [] EDR (Prior SCH No.) [] EA [] Final Document [] Neg Dec [] Other [] Draft EIS [] Draft EIR [] FONSI

Local Action Type

- [] General Plan Update [] Specific Plan [] Rezone [] Annexation [] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment [] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit [] Community Plan [] Site Plan [] Land Division (Subdivision, Parcel Map, Tract Map, etc.) [] Other

Development Type

- [] Residential: Units Acres Employees [] Office: Sq.ft. Acres Employees [] Commercial: Sq.ft. Acres Employees [] Industrial: Sq.ft. Acres Employees [] Educational [] Recreational [] Water Facilities: Type MGD [] Transportation: Type [] Mining: Mineral [] Power: Type Watts [] Waste Treatment Type [] Hazardous Waste: Type [] Other: Dredging/Bank Stabilization

Project Issues Discussed in Document

- [x] Aesthetic/Visual [x] Flood Plain/Flooding [] Schools/Universities [x] Water Quality [] Agricultural Land [] Forest Land/Fire Hazard [] Septic Systems [] Water Supply/Groundwater [] Air Quality [] Geologic/Seismic [] Sewer Capacity [x] Wetland/Riparian [] Archeological/Historical [] Minerals [x] Soil Erosion/Compaction/Grading [x] Wildlife [] Coastal Zone [] Noise [] Solid Waste [] Growth Inducing [] Drainage/Absorption [] Population/Housing Balance [] Toxic/Hazardous [x] Landuse [] Economic/Joos [] Public Services/Facilities [] Traffic/Circulation [x] Cumulative Effects [] Fiscal [] Recreation/Parks [x] Vegetation [] Other

Present Land Use/Zoning/General Plan Use

Fishing Village (FV)/FV:FP (40,000 square feet)

Project Description

Use Permit for the construction of a bank stabilization concrete wall along the existing bank of the Albion River and the dredging of 3,600 cubic yards of granular material from under the existing floating dock and entrance channel to inner mooring basin.

CLEARINGHOUSE CONTACT: MARK COSS (916) 445-0613

STATE REVIEW BEGAN: 12-24-93

DEPT REV TO AGENCY: 1-18

AGENCY REV TO SCH: 1-21

SCH COMPLIANCE: 1-24

PLEASE NOTE SCH NUMBER ON ALL COMMENTS

PLEASE FORWARD LATE COMMENTS DIRECTLY TO THE LEAD AGENCY ONLY

AQMD/APCD: 17 (Resources: 12/25)

CMT ENT

- [x] Resources [x] Boating [x] Coastal Comm [x] Coastal Conserv [x] Colorado Rvr Bd [x] Conservation [x] Fish & Game 3 [x] Forestry [x] Parks & Rec/ONP [x] BCDC [x] DWR [x] Bus Transp Bous [x] Aeronautics [x] CHP [x] Caltrans # 1 [x] Trans Planning [x] Housing & Devel [x] Health & Welfare [x] Drinking M20 [x] Medical Waste

CMT ENT

- [] State/Consumer Svcs [] General Services [] OLA (Schools) [] Cal/EPA [] ARB [] CA Waste Mgmt Bd [] SWRCB:--Grants [] SWRCB:--Delta [] SWRCB:--Wtr Quality [] SWRCB:--Wtr Rights [] Reg. WQCB # 1 [] DTSC/CTC [] Yth/Adlt Corrections [] Corrections [] Independent Com [] Energy Com [] NAHC [] PUC [] Santa [] State [] Tahoe Rgl Plan [] Other:

CALENDAR PAGE 260 3863

10/10

93121087

DRAFT
NOTICE OF PROPOSED
NEGATIVE DECLARATION

For Review by Interested Agencies and the Public in Accordance with Mendocino County Environmental Review Guidelines and the California Environmental Quality Act, an analysis has been made of possible environmental impacts of the following project by Staff:

Applicant: SUM AND JENNY SETO
459 40th AVENUE, SAN FRANCISCO CA 94121

Case #: U 20-93

Project Title & Description: Use Permit for the construction of a bank stabilization concrete wall along the existing bank of the Albion River and the dredging of 3600 cu yds of granular material from under the existing floating dock and entrance channel to inner mooring basin.

Project Location: 1/4+- mi N of Albion Town Center, lying on the N side of the Albion River, on the E side of the Hwy 1 bridge and on the S side of Albion River-North Side Rd (CR# 403A), approx 1/8 mi S of its intersection with State Hwy One; AP# 123-170-01. (Note: This property is within the Coastal Zone, in an area of original jurisdiction and is subject to permit authority of the California Coastal Commission).

Findings Which Support A Negative Declaration: After conducting an Initial Study, the Lead Agency has determined that the project will not have a significant, substantial adverse effect on the environment for the following reasons:

1. The project will not have impacts which have the potential to degrade the quality of the environment or curtail the range of the environment.
2. The project will not have impacts which achieve short-term, to the disadvantage of long-term, environmental goals. A short-term impact on the environment is one which occurs in a relatively brief, definite period of time while long-term impacts will endure well into the future.
3. The project will not have impacts which are individually limited, but cumulatively considerable. A project may affect two or more separate resources where the impact on each resource is relatively small. If the effect of the total of those impacts on the environment is significant, an EIR must be prepared. This mandatory finding of significance does not apply to two or more separate projects where the impact of each is insignificant.
4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

Attached hereto is a copy of the Initial Study documenting reasons to support the above findings. Also attached are any mitigation measures proposed to avoid potentially significant effects.


Project Coordinator

12-16-93

Date	
CALENDAR PAGE	261
MINUTE PAGE	3864



**COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES**

**MAILING ADDRESS: COURTHOUSE
UKIAH, CALIFORNIA 95482**

December 22, 1993

**TO: State Clearinghouse
Public Works
Env Health
Albion/Little River Fire Dist
FEMA**

**Dept of Fish and Game
Dept of Forestry
Army Corps of Engineers**

**NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT NEGATIVE
DECLARATION FOR PUBLIC REVIEW**

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, February 17, 1994, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 301 South State Street, Ukiah, California, will conduct a public hearing on the following project and the Draft Negative Declaration at the time listed or as soon thereafter as the item may be heard.

CASE#: U 20-93
OWNER: SUM & JENNY SETO
AGENT: WILLIAM CARP
REQUEST: Use Permit for the construction of a bank stabilization concrete wall along the existing bank of the Albion River and the dredging of 3600 cu yds of granular material from under the existing floating dock and entrance channel to inner mooring basin.
LOCATION: 1/4+ mi N of Albion Town Center, lying on the N side of the Albion River, on the E side of the Hwy 1 bridge and on the S side of Albion River-North Side Rd (CR# 403A), approx 1/8 mi S of its intersection with State Hwy One; AP# 123-170-01. (Note: This property is within the Coastal Zone, in an area of original jurisdiction and is subject to permit authority of the California Coastal Commission).
PROJECT COORDINATOR: Ignacio Gonzalez
ENVIRONMENTAL DETERMINATION: The Department of Planning and Building Services has prepared a Draft Negative Declaration for the above project (no significant environmental impacts are anticipated which cannot be adequately mitigated). A copy of the Draft Negative Declaration is attached for your review.
RESPONSE DUE DATE: February 16, 1994. If no response is received by this date, we will assume no recommendation or comments are forthcoming and that you are in agreement with the contents of the Draft Negative Declaration.

It should be noted that the decision making body may consider and approve modifications to the requested project(s). Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services, at 589 Low Gap Road, Ukiah, California (Mailing: Planning and Building Services, Courthouse, Ukiah, CA 95482). Oral comments may be presented to the Planning Commission during the public hearing(s).

The Planning Commission's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal is the 10th day after the Planning Commission's decision. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 463-4281, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

RAYMOND HALL, Secretary to the Planning Commission

CALENDAR PAGE	262
MINUTE PAGE	3865

OWNER: SUM & JENNY SETO
459 40th AVENUE
SAN FRANCISCO CA 94121

AGENT: WILLIAM CARP
PO BOX 1240
ORANGEVALE CA 95662

REQUEST: Use Permit for the construction of a bank stabilization concrete wall along the existing bank of the Albion River and the dredging of 3600 cubic yards of granular material from under the existing floating dock and entrance channel to inner mooring basin.

LOCATION: 1/4+- mile north of Albion Town Center, lying on the north side of the Albion River, on the east side of the Highway 1 bridge and on the south side of Albion River-North Side Road (CR# 403A), approximately 1/8 mile south of its intersection with State Highway One; Assessor's Parcel Number 123-170-01. (Note: This property is within the Coastal Zone, in an area of original jurisdiction and is subject to permit authority of the California Coastal Commission).

TOTAL ACREAGE: 9.75+- acres

ZONING: FV:FP (40,000 square feet)

ADJACENT ZONING: North: RV (40,000 square feet)
East: FV:FP (40,000 square feet) and RR:L-5:FP
South: RV:FP (40,000 square feet) and RR:L-5:FP
West: FV:FP (40,000 square feet) and RMR-20:FP*2

GENERAL PLAN: FV

EXISTING USES: Campground and docks

SURROUNDING LAND USES: Campground, beach, State Highway 1, Albion River

SUPERVISORIAL DISTRICT: 5

GOV. CODE 65950 DATE: 4-4-94

OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA: On September 21, 1978, the Planning Commission approved Use Permit #U 84-77 for the expansion of the Albion flat campground to provide for 86 camping and recreational vehicle spaces with associated convenience store, snack bar, laundry facility, restrooms and office.

Most recently, on July 15, 1993, the Planning Commission approved Use Permit Modification #UM8-87/92 (Narvaez), modifying the existing use permit for a campground and marina on the property adjacent to the applicant's parcel, located upstream along Albion River. The modification involved the deletion of improvements previously approved by the Planning Commission along with the construction of 4,200 linear feet of wood wall bank protection, parking facility, addition of a floating dock, fire truck turnaround and the repair of the existing boat launch facility.

PROJECT DESCRIPTION: The applicant, Mr. Sum Seto, is requesting this entitlement for the construction of a bank stabilization concrete wall along the existing bank of the Albion River and the dredging of 3,600 cubic yards of granular material from under the existing floating dock and entrance channel to the inner mooring basin.

The proposed project would involve the construction of an interior retaining wall that is at least two (2) feet inshore of the existing bank and to a depth

(3) All grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the engineer's report and Chapter 20.492 of this Division."

Mr. Noble states that based on erosion patterns of the last twenty years, bank stabilization is necessary. Further, that the bank will be stabilized with respect to the upper bank erosion and that the toe of the stabilized bank will remain a viable part of the ecosystem. The wall as designed will follow the existing landform and (when completed) will not be visible until the river naturally erodes the existing bank back by two feet there will also be no impact on the existing flood plain from the wall since there will be no change to the existing channel cross section.

Mr. Noble concludes that the Albion Flats bank stabilization bulkhead has been designed solely to provide bank protection, and is capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

However, since the proposed project will be within the floodway, Section 20.420.030 (Construction Standards) and 20.420.040 (Utility Standards) of the Mendocino County Flood Plain Ordinance will apply prior to the issuance of any building permits/clearances from the County Building Inspection Division (see Condition Number A-7).

Plant Life/Natural Resources (Items 4a, 4c and 7e). A Botanical Survey of the site has been completed by Gordon McBride, Ph.D. According to Dr. McBride, the flood plain in the vicinity of the proposed concrete retaining wall is vegetated by a variety of weedy species. While this vegetation is associated with the bank of the river, it cannot be interpreted as true riparian vegetation. The original riparian forest that once probably vegetated and stabilized the bank of the Albion River and provided shade canopy for the river, has long since been obliterated and an intervention has prevented its reestablishment. Dr. McBride's report concludes that no rare and endangered plant species exist on the project site.

However, according to Dr. McBride, the proposed dredging to the area under the existing docks in the main river channel and in the mooring basin would destroy several populations of Eel grass. Dr. McBride states, in part,

"It is likely, considering the preponderance of evidence offered by a cursory consideration of the history of human impact on the lower Albion estuary, that the Eel grass beds would reestablish themselves in the dredged areas once the bottom stabilized itself.

"Upstream from the proposed dredging there are large populations of Eel grass and the regular flushing of water back and forth by tides in the river would undoubtedly inproduce both seeds and rhizomes of Eel grass into the dredged area naturally, where it should colonize."

Dr. McBride finds that new populations of Eel grass will probably reestablish themselves on the two sites within a year after the dredging, therefore,, Dr. McBride recommends that this process should be monitored by a qualified botanist for three years with a report of the status of the Eel grass beds prepared at each annual anniversary of the completion of the dredging. Copies of the report with documentary photographs should be submitted to the California Coastal Commission and the California Department of Fish and Game for evaluation. If it becomes apparent from the first annual evaluation, that the Eel grass beds have reestablished themselves in numbers equal to or greater than those that presently exist, the monitoring program may be discontinued.

Should it become apparent after a year the Eel grass beds are not reestablishing themselves in the approximate numbers that existed prior to dredging, a program of replanting Eel grass rhizomes in the areas of dredging should be undertaken, using genetically adopted local material from the Albion River. The results of this program should be monitored and reported as above (see Condition Numbers A-5 and A-6).

Wildlife (Items 5a, 5b and 5c). The Department of Fish and Game (DFG) has reviewed the proposed project and has recommended several mitigation measures which include the following:

CALENDAR PAGE	264
MINUTE PAGE	3867

"The County shall review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. Prior to approval of any proposed development within an area of known or probable archaeological or paleontological significance, a limited field survey by a qualified professional shall be required at the applicant's expense to determine the extent of the resource. Results of the field survey shall be transmitted to the State Historical Preservation Officer and Cultural Resource Facility at Sonoma State University for comment. The County shall review all coastal development permits to ensure that proposed projects incorporate reasonable mitigation measures so the development will not adversely affect existing archaeological/paleontological resources. Development in these areas are subject to any additional requirements of the Mendocino County Archaeological Ordinance."

As the proposed project will not result in any new physical improvements outside of the Albion River channel (i.e., expansion of the existing RV park), no significant adverse impacts are anticipated upon archaeological or cultural resources.

Transportation/Circulation (Items 11a, 11b, 11c and 11d). Access to the site is from State Highway One by way of Albion River North Side Road and a privately maintained road through the existing RV park and marina along the north side of the Albion River.

Staff does not anticipate any significant impact upon traffic circulation within the project area as the proposed project only involves river bank stabilization and associated facilities.

Planning Criteria (Item 12a). The proposed project is located in the Fishing Village (FV) Land Use District. The FV designation allows "water dependent recreational uses" as a conditional use. The proposal by the applicant to repair the existing facilities is consistent with the FV land use designation.

Chapter 3.1 of the Coastal Element provides policies to assure protection of environmentally sensitive habitat areas. Policy 3.1-19 of the Coastal Element provides, in part:

- "3.1-19 The following activities and facilities shall be permitted in estuaries, consistent with applicable policies of this plan:...
3. Existing navigational channels may be maintained to existing depths....
 11. Restoration purposes...."

The bank stabilization and dredging project will be located in the Albion River estuary and is among the limited uses which may be permitted in estuaries. The proposed project will involve dredging from under the existing floating docks and the displacement will be of one type of habitat with the impacts being minimal. Specific mitigation measures have been provided.

Policy 3.4-11 of the Coastal Element provides:

"No development, except flood control projects, to protect existing structures, non-structural agricultural uses, and seasonal uses shall be permitted in the 100-year floodway unless mitigation measures in accordance with FEMA regulations are provided."

The proposed project will involve the protection and restoration of existing structures. The incorporation of flood plain mitigation measures into the project will assure compliance with Policy 3.4-11.

The project site is identified on the Coastal Element Land Use Maps as a location for proposed lateral access along the Albion River. Specific Coastal Element policies that address public access along the Albion River are noted below:

"4.9-6 Assurance of access to beach and river and estuary shall be obtained by agreement, by proof of prescriptive rights, consistent with

CALENDAR PAGE	265
MINUTE PAGE	3868

PROJECT RECOMMENDATIONS: Staff recommends that #U 20-93 be approved subject to the following findings and conditions:

Environmental Findings: The Planning Commission determines that no significant environmental impacts can be identified that cannot be adequately mitigated, and therefore adopts a Negative Declaration.

Department of Fish and Game (AB 3158) Findings: The Planning Commission finds that an initial study has been prepared so as to evaluate the potential for adverse environmental impacts and determines that this project has the potential to individually or cumulatively have an adverse effect on wildlife resources as defined in Section 711.2 of the Fish and Game Code. Therefore, #U 20-93 is subject to the fees required by AB 3158.

General Plan Findings: That the proposed use is consistent with the applicable goals and policies of the General Plan and the Coastal Element.

Use Permit Findings:

1. That adequate utilities, including sewage disposal, water, electric and telephone, access onto State Highway 1 and drainage to support the proposed project will be provided as discussed in the Project Description and Conditions.
2. That the proposed use will not or be detrimental to the health, safety, peace, morals, comfort or general welfare of the County, taking into account such factors as appearance and such undesirable characteristics as noise, smoke, dust, fumes, vibrations.
3. That the Planning Commission further finds, pursuant to Mendocino County Code Section 20.532.095 that:
 - (1) The proposed development is in conformity with the certified local coastal program; and
 - (2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
 - (3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district; and
 - (4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
 - (5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
 - (6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

Additional Findings: As the proposed project is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:

Regarding public access, the Planning Commission finds:

- (1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.

Supplemental Findings: Regarding Environmentally Sensitive Habitat Areas, the Planning Commission finds:

- (a) The resource as identified will not be significantly degraded by the proposed development.

CALENDAR PAGE	266
MINUTE PAGE	3869

Upon completion of each phase of the proposed development (i.e., dredging and bank protection wall), a statement from a registered engineer shall be submitted to Planning and Building Services verifying that such work has been completed in compliance with the Flood Hazards Report dated September 24, 1993 prepared by Scott M. Noble, P.E.

B. Conditions which must be complied with for the duration of this permit:

1. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
2. That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
3. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
4. Non-fee pedestrian access to and along the shoreline shall be provided during business hours.
5. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

6. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
7. Applicant shall post a sign at the easterly terminus of the subject property advising campers not to trespass on adjoining private properties.

12-16-93

DATE


 IGNACIO GONZALEZ
 PLANNER II

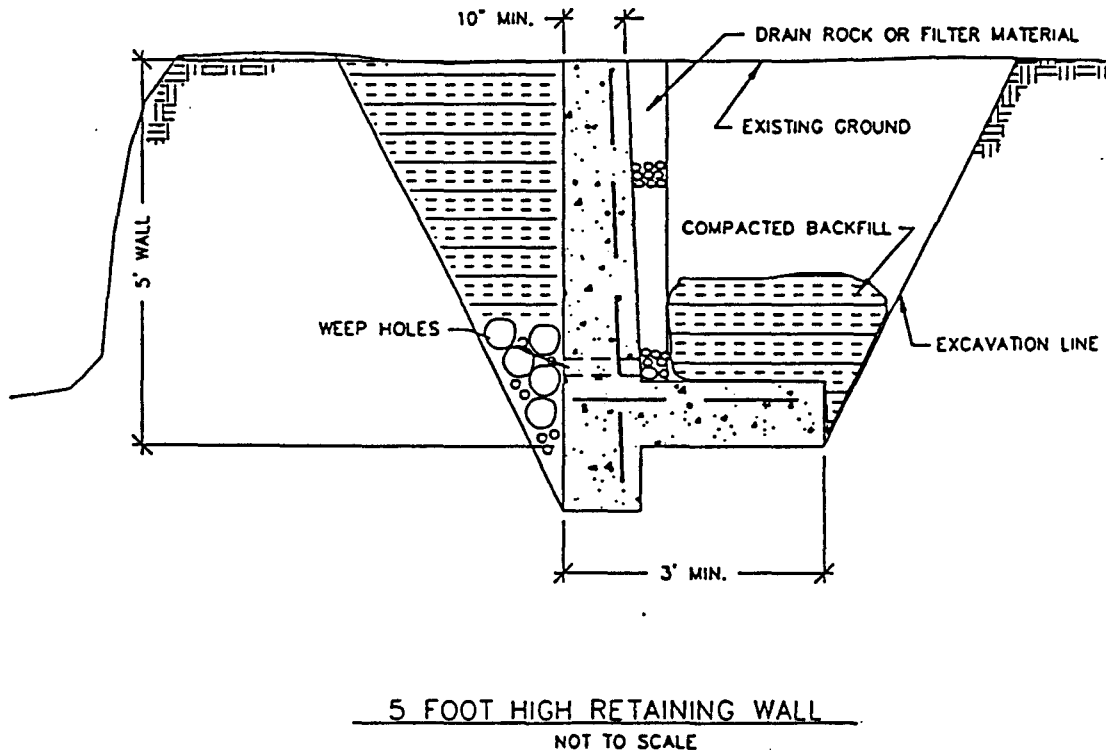
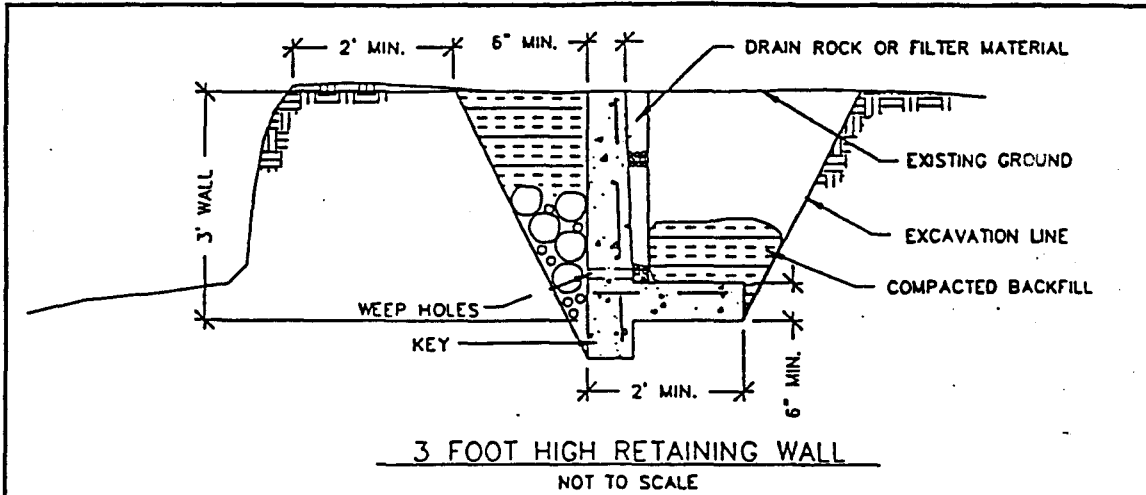
IG:dee
 12/15/93

Negative Declaration

Appeal Fee - \$380.00
 Appeal Period - 10 days

** Indicates conditions relating to Environmental Considerations - deletion of these conditions may effect the issuance of a Negative Declaration.


CALENDAR PAGE	267
MINUTE PAGE	3870

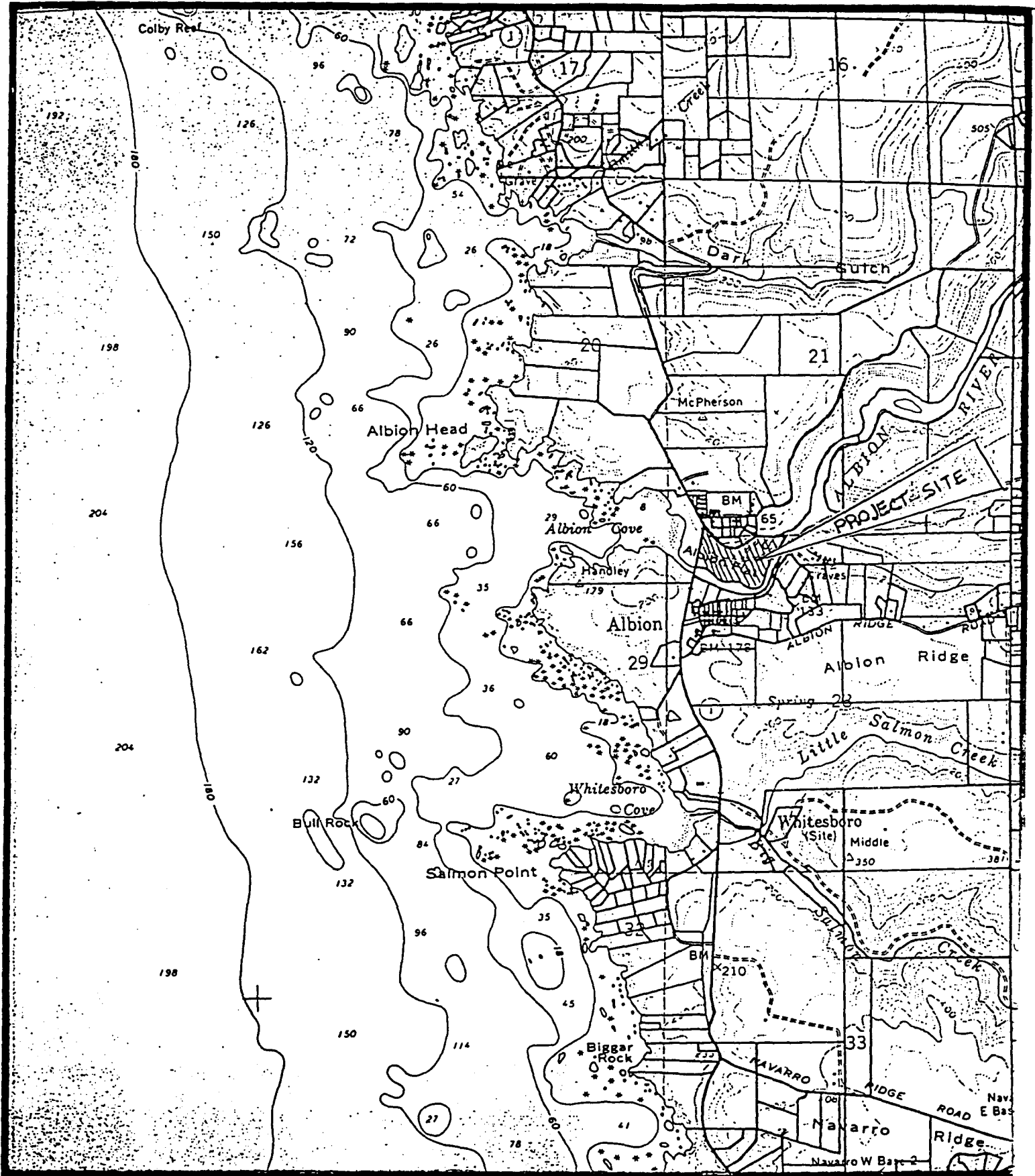


WALL ALTERNATIVES



ALBION FLATS BANK STABILIZATION

CASE NUMBER: U 20-93	OWNER: SETO	AGENT: CALENDAR PAGE 268 W. CARP
A/P NUMBER: 123-170-01		SCALE: MINUTE PAGE 3871 <div style="text-align: right;">  NORTH </div>



CASE NUMBER: U 20-93	OWNER: SETO	AGENT: W. CARP
A/P NUMBER: 123-170-01		SCALE: 1:2000 MINUTE PAGE: 3872 SECTION: 269 NORTH

ENVIRONMENTAL REVIEW CHECKLIST

Lead Agency COUNTY OF MENDOCINO - PLANNING AND BUILDING SERVICES

Case File Number(s) U 20-93

Owner/Applicant/Agent SETO/CARP

This checklist is provided to allow determination of potential environmental problems, in relation to the above noted project(s). It is to be used in determining whether an Environmental Impact Report or Negative Declaration should be prepared in accordance with State and local environmental review procedures. To allow multiple use of the checklist, the following codes have been established:

1. No significant environmental effects will occur.
2. No significant environmental problems will occur if mitigation measures are adopted (list suggested mitigation measures).
3. Significant environmental problems are possible. More information needed (supply specific nature of information requested).
4. Significant environmental problems are likely (indicate why).

Answer the appropriate listed questions and then supply a code number. For all questions answered "YES" and supplied with Code Number 2, 3, or 4, provide written explanations.

1. <u>EARTH</u>	<u>YES</u>	<u>NO</u>	<u>CODE</u>
a. Will the project require major earth moving activities?	<u>X</u>	<u> </u>	<u> 2 </u>
b. Will the project increase any types of erosion?	<u>X</u>	<u> </u>	<u> 2 </u>
c. Is the project located in areas of geologic hazard (earthquake faults, slides, etc.)?	<u> </u>	<u> X </u>	<u> </u>
2. <u>AIR</u>			
a. Will the project breach any established air quality standards or create any objectionable odors?	<u> </u>	<u> X </u>	<u> </u>
b. Will the project alter the local climatic conditions?	<u> </u>	<u> X </u>	<u> </u>
3. <u>WATER</u>			
a. Will the project change the present drainage characteristics of the project area?	<u> X </u>	<u> </u>	<u> 2 </u>
b. Will the project alter water courses or movement?	<u> </u>	<u> X </u>	<u> </u>
c. Will the project alter ground water movements or availability?	<u> </u>	<u> X </u>	<u> </u>
d. Will the project create any adverse water quality problems, either on-site or off-site?	<u> X </u>	<u> </u>	<u> 2 </u>
e. Will the project alter supplies to a community water system?	<u> </u>	<u> </u>	<u> </u>

	<u>YES</u>	<u>NO</u>	<u>CODE</u>
8. <u>AESTHETICS</u>			
a. Will the proposal significantly alter any scenic view scape, viewshed or publicly recognized view characteristics in the project area?	_____	<u>X</u>	_____
b. Does the project differ significantly from existing visual characteristics in the area?	_____	<u>X</u>	_____
9. <u>ARCHAEOLOGICAL/HISTORICAL</u>			
a. Will the project result in an alteration of a significant archaeological or historical site, structure, object or building?	_____	<u>X</u>	_____
b. Will the proposal result in adverse physical or aesthetic effects to a pre-historic or historic building, structure, or object?	_____	<u>X</u>	_____
c. Does the proposal have the potential to cause a physical change which would effect unique ethnic cultural values?	_____	<u>X</u>	_____
d. Will the proposal restrict existing religious or sacred uses within the potential impact area?	_____	<u>X</u>	_____
10. <u>ENERGY</u>			
a. Will the project create any significant energy impacts?	_____	<u>X</u>	_____
11. <u>TRANSPORTATION/CIRCULATION</u>			
a. Will the project create substantial amounts of increased traffic?	_____	<u>X</u>	_____
b. Will the project substantially affect existing transportation systems?	_____	<u>X</u>	_____
c. Will the project increase traffic hazards in the project area?	_____	<u>X</u>	_____
d. Does the project comply with transportation plans for the area?	_____	<u>X</u>	_____
12. <u>PLANNING CRITERIA</u>			
a. Does the project comply with appropriate land use plans for the area?	<u>X</u>	_____	_____
b. Will the proposal affect local population location, distribution, density or growth rates?	_____	<u>X</u>	_____
c. Will the proposal result in changes in the housing supply or demand in the project area?	_____	<u>X</u>	_____
d. Will the project result in abnormal demands on recreation facilities?	_____	<u>X</u>	_____

REPORT FOR: USE PERMIT

CASE# U 20-93

OWNER: SUM M. & JENNY P. SETO

APPLICANT: SUM M. & JENNY P. SETO

AGENT: WILLIAM L. CARP

REQUEST: USE PERMIT FOR THE CONSTRUCTION OF A BANK STABILIZATION CONCRETE WALL ALONG THE EXISTING BANK OF THE ALBION RIVER AND THE DREDGING OF 3600 CUBIC YARDS OF GRANULAR MATERIAL FROM UNDER THE EXISTING FLOTTING DOCK AND FERTIGANER CHANNEL TO LOWER MOORING BASIN.

LOCATION: 1/4⁺ MILE NORTH OF ALBION TOWN CENTER, LYING ON THE NORTH SIDE OF THE ALBION RIVER, ON THE EAST SIDE OF THE HIGHWAY 1 RIBDLE AND ON THE SOUTH SIDE OF ALBION RIVER NORTH SIDE ROAD (CR# 443-A) APPROX 1/8 MILE SOUTH OF ITS INTERSECTION WITH STATE HIGHWAY ONE.

STREET ADDRESS: ALBION FLAT

GENERAL PLAN: FV ZONING: FV:40K:FP COASTAL ZONE: YES/NO

EXISTING USES: EXISTING CAMPGROUND & DOCKS ACREAGE: 9.75⁺

RELATED CASES: U 54-71, U 84-77 SUPERVISORIAL DIST: 5

GENERAL PLAN:	ADJACENT ZONING:	LOT SIZES:	ADJACENT USES
North: <u>RV</u>	<u>RV:40K</u>	<u>0.35⁺ - 1.03⁺</u>	<u>CAMPGROUND</u>
East: <u>FV/R25(C)</u>	<u>FV:40K:FP/R25:FP</u>	<u>1.37⁺</u>	<u>ALBION RIVER</u>
South: <u>RV/R25(C)</u>	<u>RV:40K:FP/R25:FP</u>	<u>1.01⁺ - 4.05⁺</u>	<u>ALBION RIVER</u>
West: <u>FV/RMR20</u>	<u>FV:40K:FP/RMR20:FP+2</u>	<u>6.2⁺</u>	<u>BEACH / STATE HWY 1</u>

REFERRAL AGENCIES:

- Planning (FB) / MHRB
- Public Works
- Environmental Health
- Building Insp (UK-FB)
- Emergency Services
- Assessor
- Farm Advisor
- Ag Commissioner
- Forestry Advisor
- Air Quality Mgmt
- Fish & Game Advisory
- Arch Commission
- SSU

- CalTrans
- Native Plant Soc
- Dept of Forestry
- Dept of Fish & Game
- Div of Mines & Geol
- Army Corps of Engrs
- Trails Adv Comm
- Coastal Commission
- RWQCB
- Dept of Health Serv
- Lands Program Comm
- Dept of Conservation
- SCS

- State Clearinghouse
- Sewer Dist.
- Water Dist.
- Fire Dist.
- Comm Services
- City Planning
- Gualala MAC
- School Dist
- LAFOO
- STATE LANDS COMMISSION
- FEMA
- COAST GUARD

ADDITIONAL INFORMATION:

ASSESSOR'S PARCEL NUMBER(S): 123-170-01

PROJECT COORDINATOR: _____

Prepared by _____

3/93dee

76	Date: <u>10/4/93</u>	272
CALENDAR PAGE		3875
MINUTE PAGE		

COUNTY OF MENDOCINO
 DEPT OF PLANNING & BLDG SERVICES
 Office: 589 Low Gap Road, Ukiah
 Mailing Address: Courthouse
 Ukiah, CA 95482
 Telephone: 707-463-4281

Case No(s) _____
 CDF No(s) _____
 Date Filed _____
 Fee \$ _____
 Receipt No. _____
 Received By _____

Office Use Only

APPLICATION FORM

Name of Applicant Seto, Sum M. & Jenny P.	Name of Owner(s) Seto, Sum M. & Jenny P. CO TTEES	Name of Agent William L. Carp
Mailing Address 459 40th Ave. San Francisco, CA 94121	Mailing Address 459 40th Ave San Francisco, CA 94121	Mailing Address P.O. Box 1240 Orangevale, CA 95662
Telephone Number (415) 922-4141	Telephone Number (415) 922-4141	Telephone Number ((16) 989-9277

Assessor's Parcel Number(s)
123-170-01

Parcel Size
 square feet
 9.75 acres

Street Address of Project
 Albion Flat
 City of Albion
 County of Mendocino
 State of California

TYPE OF APPLICATION
 (Check Appropriate Boxes)

<input type="checkbox"/>	Rezoning	<input checked="" type="checkbox"/>	Use Permit
<input type="checkbox"/>	Land Division: Minor	<input type="checkbox"/>	Variance
<input type="checkbox"/>	Land Division: Major	<input type="checkbox"/>	General Plan Amendment
<input type="checkbox"/>	Land Division: Parcel	<input type="checkbox"/>	Agricultural Preserve
<input type="checkbox"/>	Land Division: Resubdivision	<input type="checkbox"/>	Reversion to Acreage
<input type="checkbox"/>	Exception	<input type="checkbox"/>	Certificate of Compliance
<input type="checkbox"/>	Modification of Conditions	<input type="checkbox"/>	Other:

I certify that the information submitted with this application is true and accurate.

William L. Carp Signature of Applicant/Agent
July 15, 93 Date
Sum M. Seto, Co-Trustee Signature of Owner
7/15/93 Date
 CALENDAR PAGE 3876
 MINUTE PAGE

SITE AND PROJECT DESCRIPTION QUESTIONNAIRE

The purpose of this questionnaire is to relate information concerning your application to the Planning and Building Services Department and other agencies who will be reviewing your project proposal. Please remember that the clearer picture that you give us of your project and the site, the easier it will be to promptly process your application. Please answer all questions. Those questions which do not pertain to your project, please indicate "Not Applicable" or "N/A".

THE PROJECT

1. Describe your project and include secondary improvements such as wells, septic systems, grading, vegetation removal, roads, etc.

1. An internal bank stabilization wall, constructed inshore of and following the existing river bank. Concrete wall construction.
2. Dredge 3600 cy of granular material from under the existing floating docks and entrance channel to inner mooring basin.

2. If the project is residential, please complete the following: N/A

Type of Unit	Number of Structures	Sq Ft/Dwelling Unit
<input type="checkbox"/> Single-family	_____	_____
<input type="checkbox"/> Mobile home	_____	_____
<input type="checkbox"/> Duplex	_____	_____
<input type="checkbox"/> Multi-family*	_____	_____

*Number of dwelling units per building _____

3. If the project is commercial, industrial, or institutional, please complete the following: N/A

- a. Total square footage of structures: _____
- b. Estimated employees per shift: _____
- c. Estimated shifts per day: _____
- d. Type of loading facilities proposed: _____

4. Will the proposed project be phased? Yes No

If yes, explain your plans for phasing: _____

CALENDAR PAGE	274
MINUTE PAGE	3877

5. Will vegetation be removed on areas other than the building sites and roads? Yes No

If yes, explain: _____

6. Will the project involve the use or disposal of potentially hazardous materials such as toxic substances, flammables, or explosives? Yes No If yes, explain: _____

7. How much off-street parking will be provided? N/A
 None One Space Two Spaces _____ Spaces

8. Is any road construction planned? Yes No If yes, describe the terrain to be traversed (e.g., steep, moderate slope, flat, etc.): _____

9. Utilities will be supplied to the site as follows: N/A

A. Electricity:

- Utility Company (service exists to the parcel)
- Utility Company (requires extension of services to site: _____ feet _____ miles)
- On Site generation, Specify: _____
- None

B. Gas:

- Utility Company/Tank
- On Site generation, Specify: _____
- None

C. Telephone: Yes No

10. What will be the method of sewage disposal? N/A

- _____ Community sewage system, specify supplier _____
- _____ Septic Tank
- _____ Other, specify _____

11. What will be the domestic water source: N/A

- _____ Community water system, specify supplier _____
- _____ Well
- _____ Spring
- _____ Other, specify _____

12. Are there any associated projects and/or adjacent properties under your ownership?
 Yes No If yes, explain (e.g., Assessor's Parcel Number, address, etc.): _____

Adjacent Properties: 123-170-08 and 09 (Across Albion River)
123-040-07, 123-050-12, 17, 21, 22, 23

13. List and describe any other related permits and other public approval required for this project, including those required by other County departments, city, regional, state and federal agencies: _____

Corps of Eng Permit (applied for) CA Coastal Comm Permit (applied for)
County Supplemental Coastal Application Included herein. A County
Flood Plain permit is also required

THE SITE

14. Describe the location of the site in terms of readily identifiable landmarks (e.g., mailboxes, mile posts, street intersections, etc.): North shore of Albion River at Highway 1 Bridge

15. Briefly describe the project site as it exists before the project, including information on existing structures and their uses, slopes, soil stability, plants and animals, and any cultural, historic, or scenic aspects. Attach any photographs of the site that you feel would be helpful. Project site is

an existing recreational campground and commercial fishing village.
In the river on the south and east edges of the property there are
exising floating docks. There is also a mooring basin off-stream.

Also see attached Botanical Survey.

6. Briefly describe the surrounding properties, including information on plants, animals, and any cultural, historic, or scenic aspects. Indicate the type of land use (use chart below), and its general intensity. Attach any photographs of the vicinity that you feel would be helpful. ~~Adjacent properties~~

are either recreational similar to the project site or undeveloped
riverfront properties. There is very little paving and most property
does not afford easy access to the river on the south and east side.
There is beachfront to the west (Pacific Ocean) and steep bluff to the
North.

Indicate the surrounding land uses:

	North	East	South	West
Vacant	<u>Bluff</u>	<u>River</u>	<u>River</u>	<u>Beach</u>
Residential	_____	_____	_____	_____
Agricultural	_____	_____	_____	_____
Commercial	<u>Campground</u>	_____	_____	_____
Industrial	_____	_____	_____	_____
Institutional	_____	_____	_____	_____
Timberland	_____	_____	_____	_____
Other, <u>Limited Use</u>	_____	<u>XX</u>	<u>XX</u>	<u>XX</u>

If you need more room to answer any question, please attach additional sheets

CERTIFICATION AND SITE VIEW AUTHORIZATION

1. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application, and all attached appendices and exhibits, is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the County.

2. I hereby grant permission for County Planning and Building Services staff to enter upon and site view the premises for which this application is made in order to obtain information necessary for the preparation of required reports.

William L. Carr
 Owner/Authorized Agent

July 15, 1983
 Date

NOTE: IF SIGNED BY AGENT, OWNER MUST SIGN BELOW.

AUTHORIZATION OF AGENT

I hereby authorize:

William L. Carr
 to act as my representative and to bind me in all matters concerning this application.

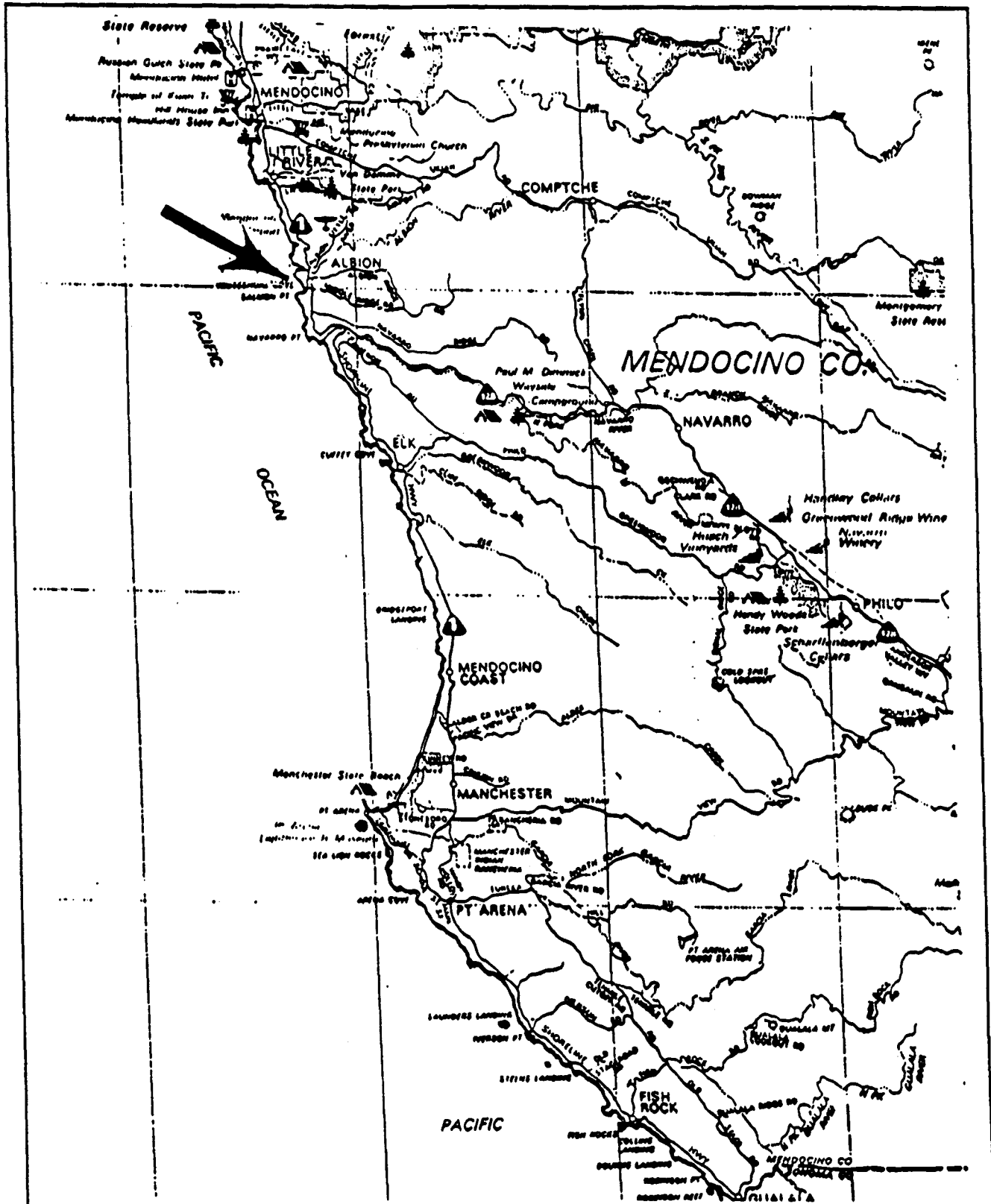
Donny P. Sells, Co-Trustee
Donny P. Sells, Co-Trustee
 Signature of Owner(s)

MAIL DIRECTION

To facilitate proper handling of this application, please indicate the names and mailing addresses of individuals to whom you wish correspondence and/or staff reports mailed if different from those identified on Page One of the application form.

Name	Name	Name
Mailing Address	Mailing Address	Mailing Address

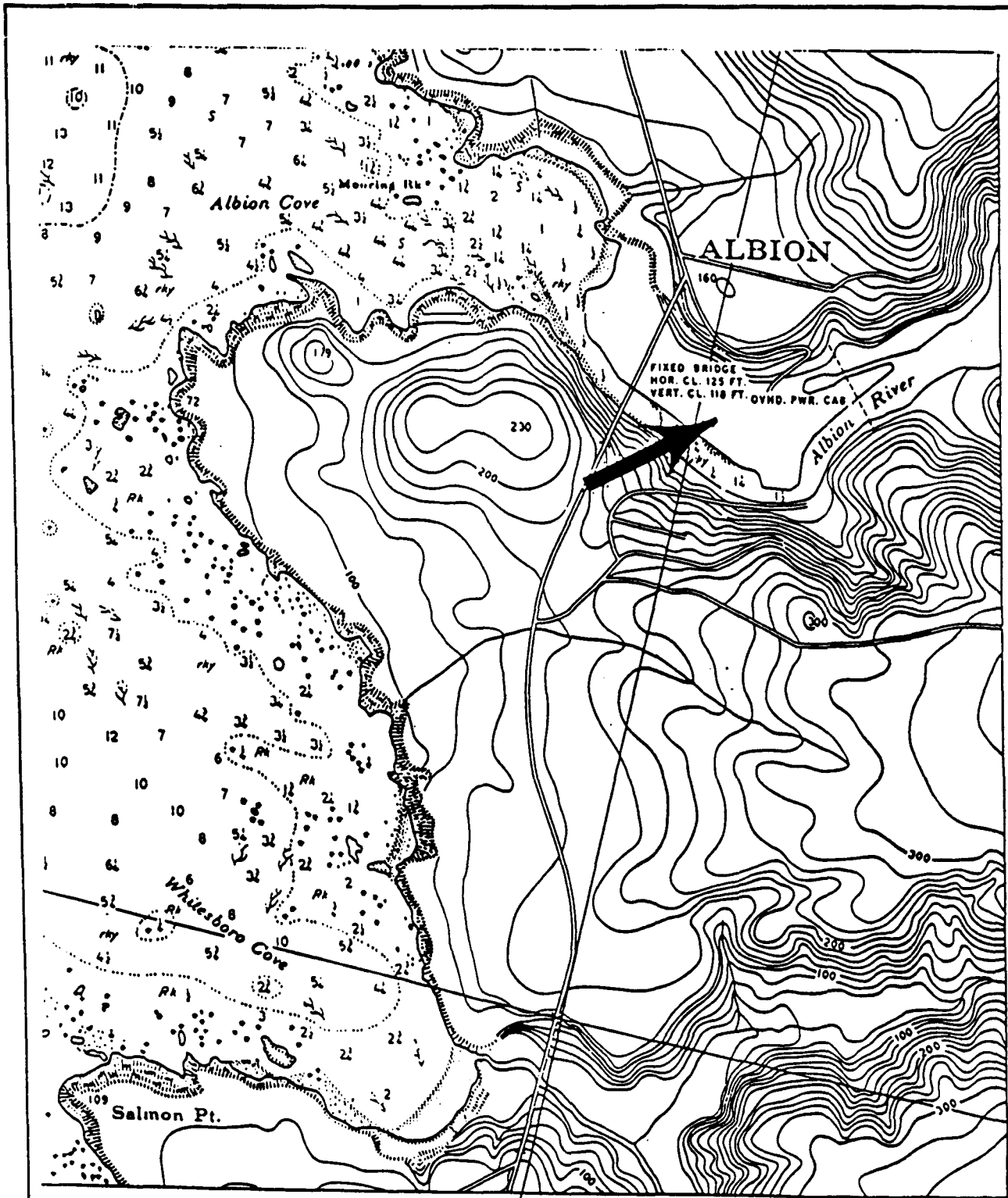
CALENDAR PAGE	277
MINUTE PAGE	3880



DATE: MAY 21, 93
 SCALE: NTS
 DRAWN BY: WLC

SNUG HARBOR
 CONSULTANTS

ALBION
 LOCATION



164
174
900

DATE: MAY 21 93
SCALE: NTS
DRAWN BY: WLC

SNUG HARBOR
CONSULTANTS

ALBION
LOCATION

CALENDAR PAGE 279
MINUTE PAGE 3882

SITE PLAN
Albion Flats
Albion, California

5' = 5 ft deep wall section (prox 500')

3' = 3 ft deep wall section (prox 2000')

**SPOILS
 AREA**

APPROXIMATE BOUNDARIES OF SPOILS AREA, ALBION FLATS, AS SHOWN ON THIS MAP, HAVE BEEN OBTAINED BY THE SURVEY AND SURVEY OF ALBION FLATS, THE NATURE OF THE SURFACE OF WHICH IS UNSTABLE AND SUBJECT TO CHANGE.

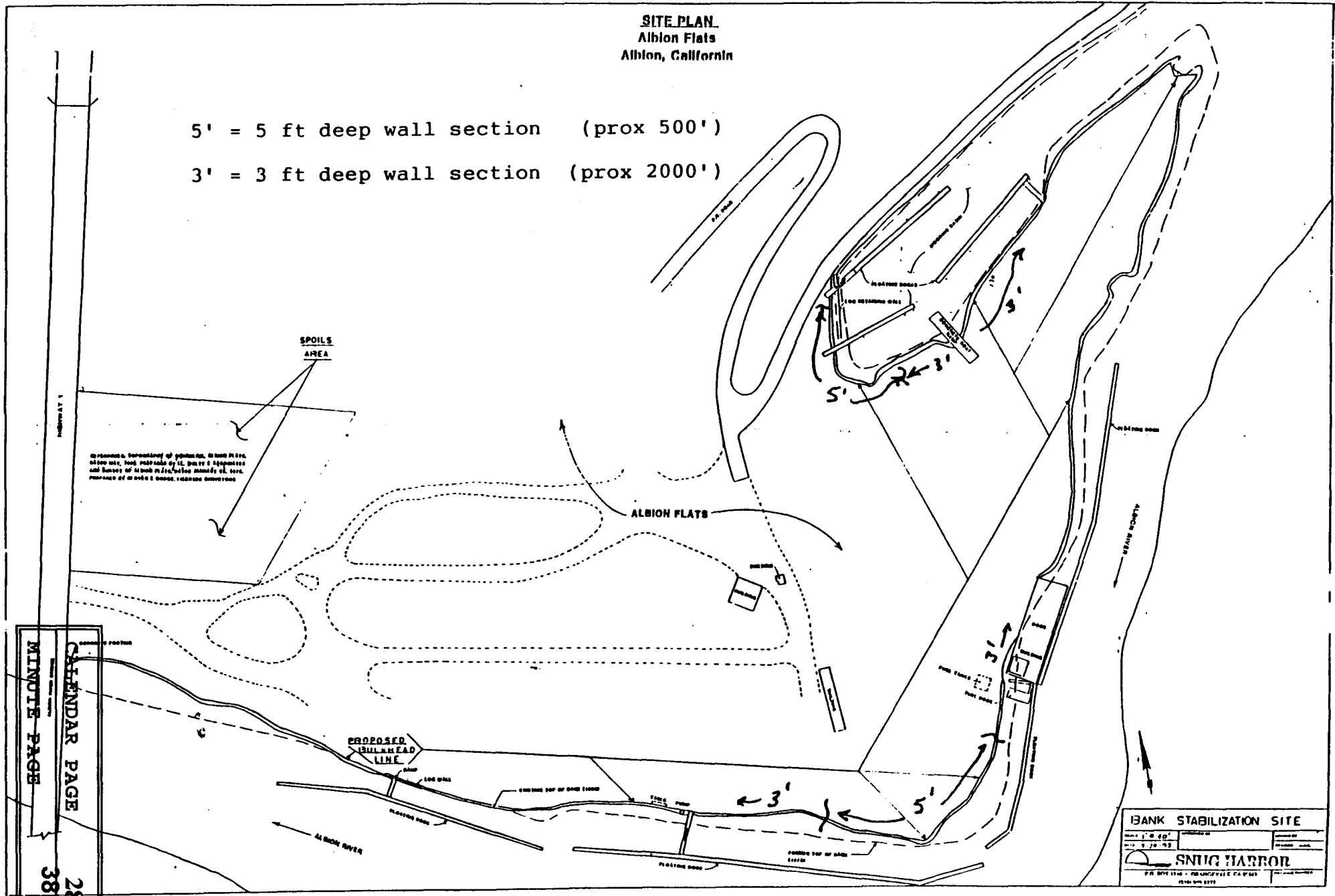
ALBION FLATS

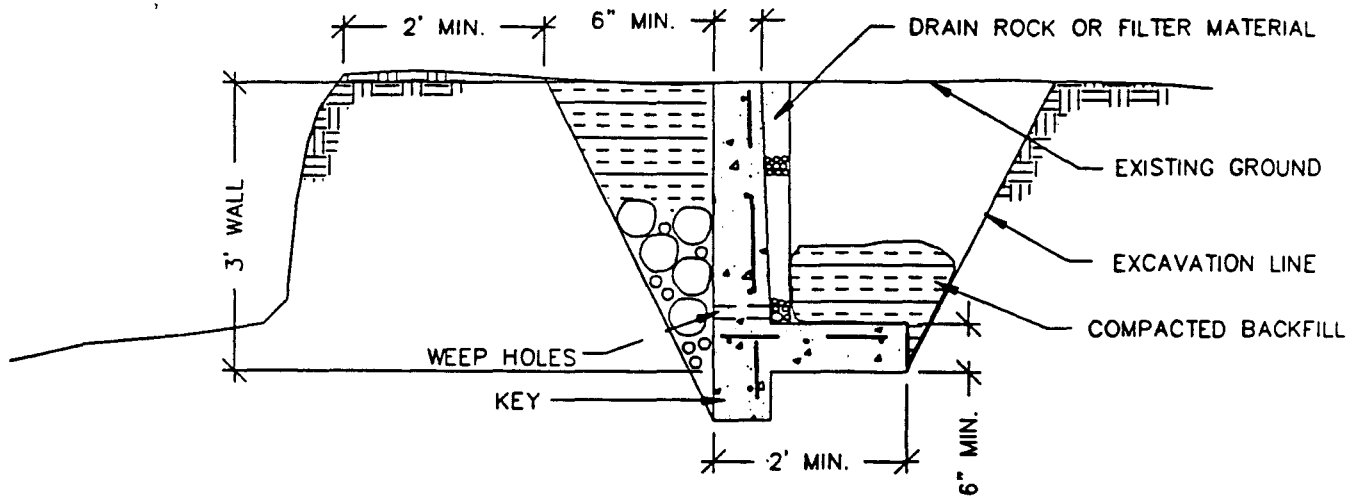
**PROPOSED
 BULLHEAD
 LINE**

BANK STABILIZATION SITE

Scale: 1" = 40'	Project No.	Sheet No.
Date: 5/20/53	Client:	Contract:
STIG HARROR		
P.O. BOX 1146 - BAKERSFIELD, CALIF. 93304		

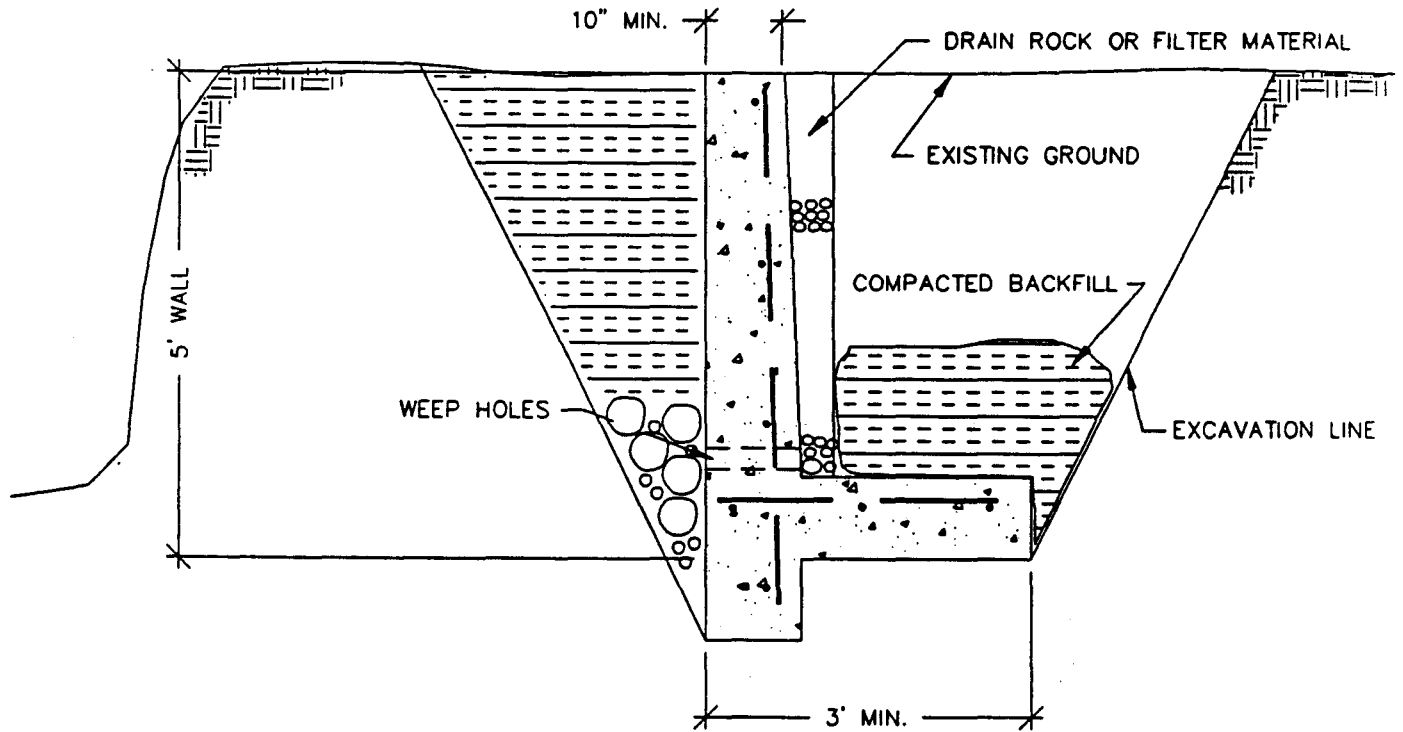
MINUTE PAGE
 280
 3883





3 FOOT HIGH RETAINING WALL

NOT TO SCALE



5 FOOT HIGH RETAINING WALL

NOT TO SCALE

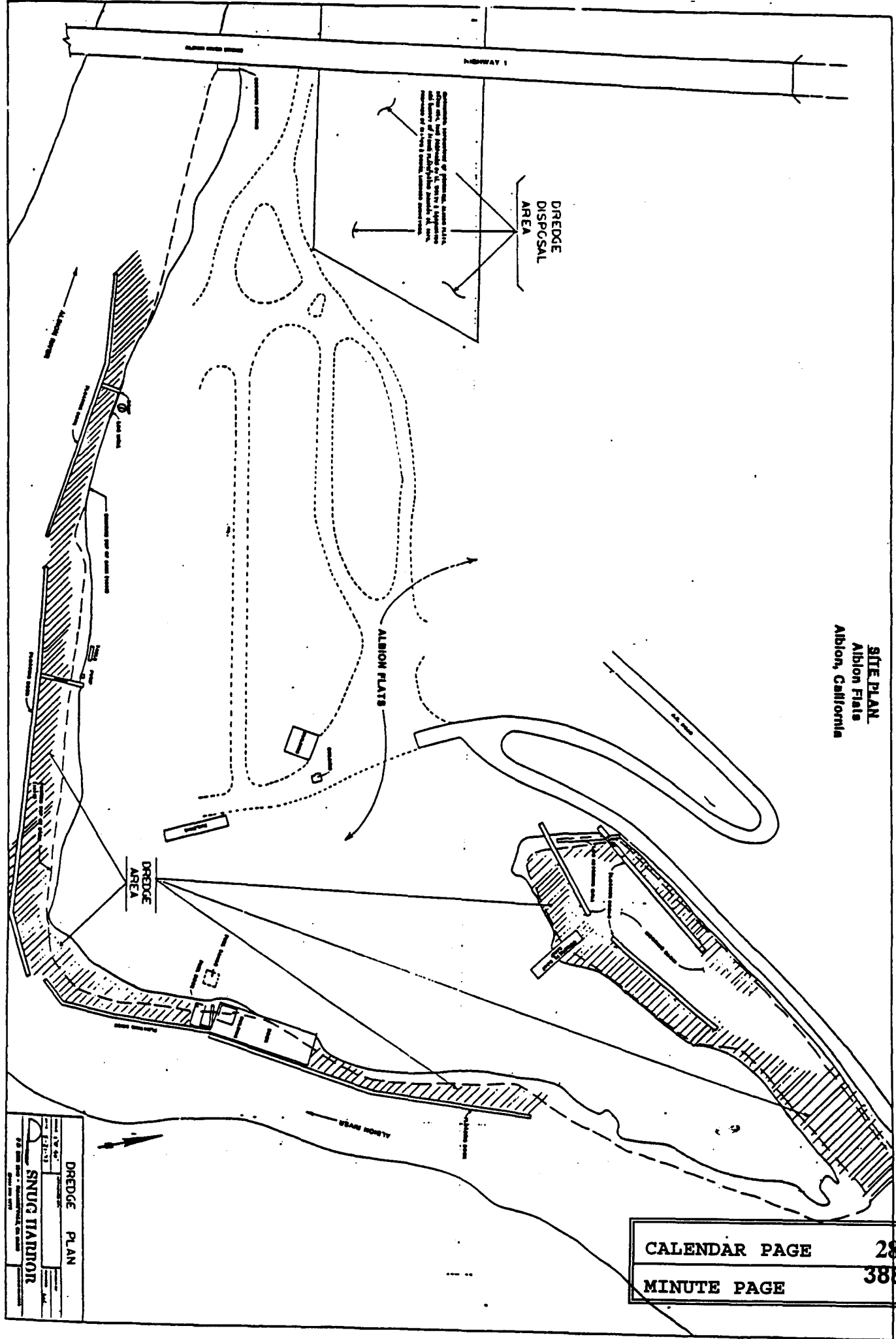
NOBLE
CONSULTANTS

WALL ALTERNATIVES

CALENDAR PAGE 281

ALBION MINUTE PAK STABILIZATION 3884

SITE PLAN
Albion Flats
Albion, California

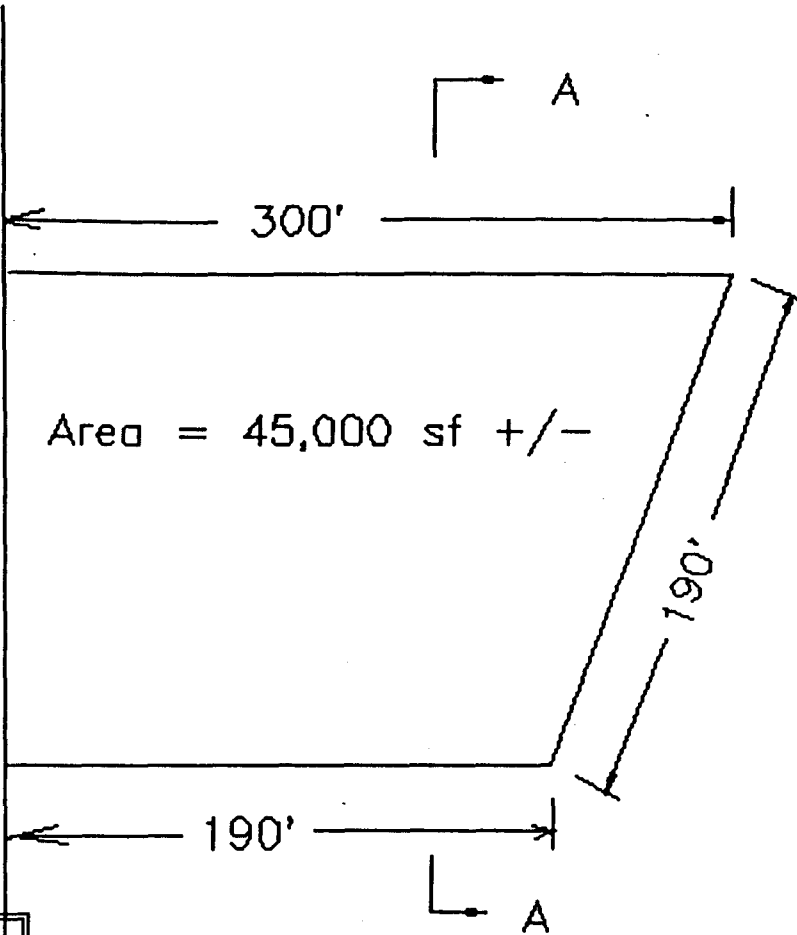


DREDGE PLAN

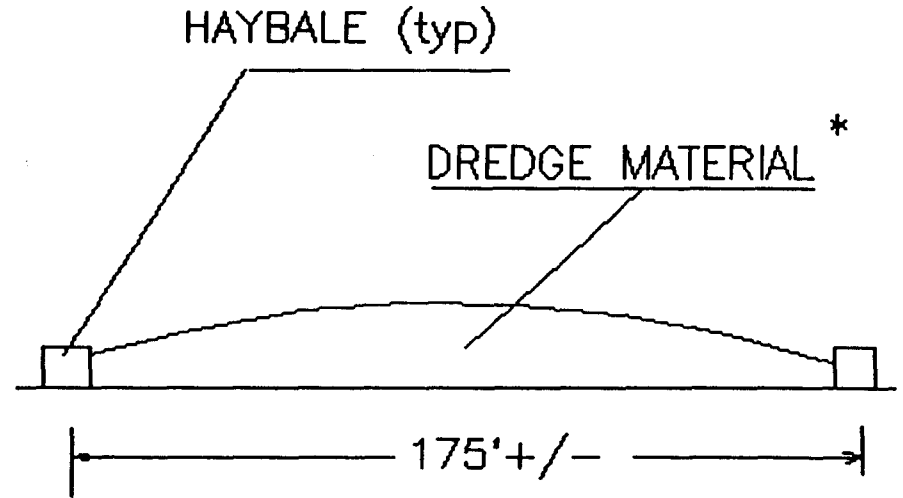
SNUG TANNER

0.5" = 100' HORIZ. SCALE
 1" = 20' VERT. SCALE

Note* Material to be spread on existing dirt roads and parking areas when dried.



DISPOSAL AREA - PLAN



DISPOSAL AREA - ELEV.

SECTION A-A

MINUTE PAGE
CALENDAR PAGE
283
3886

DATE : 7-10-93
SCALE : NTS
DRAWN BY : WLC

SNUG HARBOR
CONSULTANTS

ALBION FLAT
ONSITE DISPOSAL AREA

SUPPLEMENTAL COASTAL ZONE APPLICATION FORM

JUNTY OF MENDOCINO DEPT OF PLANNING & BUILDING SERVICES Office: 143 W. Spruce Street, Fort Bragg, CA 95437 Telephone: 707 964-5379	Case No(s) _____ CDF No(s) _____ Date Filed _____ Fee \$ _____ Receipt No. _____ Received By _____ <p align="center">Office Use Only</p>
--	--

Name of Applicant Seto, Sum M. & Jenny P.	Name of Owner(s) Seto, Sum M & Jenny P. CO TTEES	Name of Agent William L. Carp
Mailing Address 459 40th Ave. San Francisco, CA 94121	Mailing Address 459 40th Ave San Francisco, CA 94121	Mailing Address P.O. Box1240 Orangevale, CA 95662
Phone 415-922-4141	Phone 415-922-4141	Phone 916-989-9277

Assessor's Parcel Number(s)
 123-170-01

Parcel Size _____ <input type="checkbox"/> square feet 9.75 _____ <input checked="" type="checkbox"/> acres	Street Address of Project Albion Flat City of Albion County of Mendocino
--	--

Identify any other type of application for which you will be applying:
 (Check Appropriate Boxes)

<input type="checkbox"/> Rezoning <input type="checkbox"/> Land Division: Minor <input type="checkbox"/> Land Division: Major <input type="checkbox"/> Land Division: Parcel <input type="checkbox"/> Land Division: Resubdivision <input type="checkbox"/> Exception <input type="checkbox"/> Modification of Conditions <input type="checkbox"/> Entertainment Event or Religious Assembly <input type="checkbox"/> Construction Support Facility <input type="checkbox"/> Camping on a Parcel Other: _____	<input checked="" type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Boundary Line Adjustment <input type="checkbox"/> Agricultural Preserve <input type="checkbox"/> Reversion to Acreage <input type="checkbox"/> Certificate of Compliance <input type="checkbox"/> Family Care Unit <input type="checkbox"/> Temporary Signs or Billboards <input type="checkbox"/> Temporary Use in New Subdivision <input type="checkbox"/> Temporary Use of a Trailer
---	---

SUPPLEMENTAL
SITE AND PROJECT DESCRIPTION QUESTIONNAIRE
COASTAL ZONE

The purpose of this questionnaire is to provide additional information related to the Coastal Zone concerning your application to the Planning and Building Services Department and other agencies who will be reviewing your project proposal. Please remember that the clearer the picture that you give us of your project and the site, the easier it will be to promptly process your application. Please answer all questions. Those questions which do not pertain to your project, please indicate "Not Applicable" or "N/A".

PRESENT USE OF PROPERTY

1. a). Are there existing structures on the property? Yes No
If yes, describe below, and identify the use of each structure on the plot plan.

Property is a recreational campground and fishing village.

Existing Buildings are: Office building

Restroom/Shower building

Commercial fishing office on Pier

- b). Will any existing structures be demolished? Yes No
Will any existing structures be removed? Yes No

If yes to either question, describe the type of development to be demolished or removed, including the relocation site, if applicable.

2. Project Height: Maximum height of structure N/A feet.

3. Lot area (within property lines): 9.75 square/feet/ or acres.

<u>Lot coverages</u>	<u>Existing</u>	<u>New Proposed</u>	<u>Total</u>
Building coverage	<u>2216</u> sq ft	<u> </u> sq ft	<u>2216</u> sq ft
Paved area	<u> </u> sq ft	<u> </u> sq ft	<u> </u> sq ft
Landscaped area	<u> </u> sq ft	<u> </u> sq ft	<u> </u> sq ft
Unimproved area	<u> </u> sq ft	<u> </u> sq ft	<u> </u> sq ft

GRAND TOTAL: sq ft
(should equal gross area of parcel)

CALENDAR PAGE	285
MINUTE PAGE	3888

4. Gross floor area: N/A square feet
(including covered parking and accessory buildings)

5. Parking will be provided as follows: N/A

Number of spaces: Existing _____ Proposed _____ Total: _____

Number of covered spaces: _____ Size: _____

Number of uncovered spaces: _____ Size: _____

Number of standard spaces: _____ Size: _____

Number of handicapped spaces: _____ Size: _____

6. Will there be any exterior lighting? Yes No
If yes, describe below and identify the location of all exterior lighting
on the plot plan and building plans:

N/A

7. Is any grading or road construction planned? Yes No
If yes, grading and drainage plans may be required. Also, describe the
terrain to be traversed (e.g., steep, moderate slope, flat, etc.):

N/A

For grading and road construction, complete the following:

a) Amount of cut: _____ cu yds

b) Amount of fill: _____ cu yds

c) Maximum height of fill slope: _____ feet

d) Maximum height of cut slope: _____ feet

e) Amount of import or export: _____ cu yds

f) Location of borrow or disposal site: _____

8. Does the project involve sand removal, mining or gravel extraction?
 Yes No If yes, detailed extraction, reclamation and
monitoring plans may be required.

9. Will the proposed development convert land currently or previously used
for agriculture to another use? Yes No

If yes, how many acres will be converted? _____ acres
(An agricultural economic feasibility study may be required.)

10. Will the development provide public or private recreational opportunities? Yes No If yes, explain below:

Site is existing recreational and commercial fishing village and the proposed dredging will allow usage of the property as planned, but now unuseable due to infill in mooring areas.

Cont. below...

11. Is the proposed development visible from:

- a) State Highway 1 or other scenic route? Yes No
b) Park, beach, or recreation area? Yes No

12. Does the development involve: diking, filling, dredging or placing structures in open coastal waters, wetlands, estuaries, or lakes?

- a) diking? Yes No c) dredging Yes No
b) filling? Yes No d) placement Yes No
of structures?

If so, amount of material to be dredged or filled? 3600 cu yds

Location of dredged material disposal site: Upland disposal on Applicant's property, on project site.

Has a U.S. Army Corps of Engineers permit been applied for?

Yes No

If you need more room to answer any question, please attach additional sheets.

10(Cont) The internal concrete retaining wall will not affect the profile nor the ecological balance of the existing bank. The wall will only be visable if and when the existing bank erodes away to expose the wall. This wall is basically an insurance policy against further dramatic erosion and loss of existing recreational and commercial fishing property.

CALENDAR PAGE

287

MINUTE PAGE

3890

ADJACENT PROPERTY OWNERS

NAME AND ADDRESS	PARCEL NUMBER
Koskela, Marie Jenny PO Box 55 Albion, CA 95410	123-050-18
Narvaez, Art & Johnnie E PO Box 218 Albion, CA 95410	123-060-10
Sammet, H.A. PO Box 36 Albion, CA 95410	123-170-23
Pacific Union College Association C/O Accounting Dept. PO Box 100 Angwin, CA 94508	123-170-02
Ferrell, Kenneth J. & Eleanore M. 320 Lee St. Penthouse W Oakland, CA 94610	123-170-15 123-170-16
Yates, Roger L. & Beulah I. PO Box 9 Albion, CA 95410	123-170-25 123-170-26 123-170-27
Lucento, Carolyn 1/2 ET AL C/O Daniel R. Clary PO Box 787 Mendicino, CA 95460	123-050-16
Ozolins, Girts K. 20903 Tomlee Ave. Torrence, CA 90503	123-170-12
Sammett, Reed Anton & Cynthia Ann 112 Easterby Ave. Santa Cruz, CA 95060	123-170-24
Sunkees, David Bruce PO Box 744 Albion, CA 95410	123-150-44
Shokohi, Majid PO Box 362 Little River, CA 95456	123-150-04 123-150-07
Smith, Bruce D & Suzanne M 238 Oak Grove Ave Atherton, CA 94027	123-040-08

DECLARATION OF POSTING

At the time the application is submitted for filing, the applicant must Post, at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, notice that an application for the proposed development has been submitted. Such notice shall contain a general description of the nature of the proposed development. The County furnished the applicant with a standardized form to be used for such posting. If the applicant fails to post the completed notice form and sign the Declaration of Posting, the Department of Planning and Building Services cannot file the application.

As Proof of Posting, please sign and date this Declaration of Posting form when the site is posted; it serves as proof of posting. It should be returned to the Department of Planning and Building Services with the application.

Pursuant to the requirements of Section 20.532.025(H) of the Mendocino County Code, I hereby certify that on 6/25/93, I or my authorized representative
(date of posting)

posted the "NOTICE OF PENDING PERMIT" for application to obtain a Coastal Development Permit for the development of:

Maintenance Dredging

(description of development)

Located at:

Albion Flats

Albion CA

AP# 123-170-01

(address of development and Assessor's Parcel Number)

The public notice was posted at:

Office at Entrance to Property

(a conspicuous place, easily seen by the public and as close as possible to the site of proposed development)

William King
Owner/Authorized Representative

July 15, 1993
Date

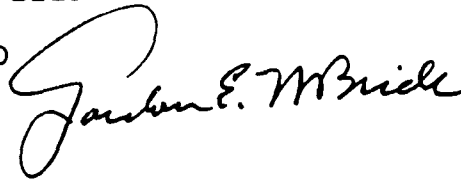
NOTE: YOUR APPLICATION CANNOT BE PROCESSED UNTIL THIS "DECLARATION OF POSTING" IS SIGNED AND RETURNED TO PLANNING AND BUILDING SERVICES.

CALENDAR PAGE	<u>289</u>
MINUTE PAGE	<u>3891</u>

DATE: July 9, 1993

To: California Coastal Commission
 North Coast Area
 45 Fremont St., Suite 2000
 San Francisco, CA 94105-2219

From: Gordon E. McBride, PhD
 30301 Sherwood Road
 Fort Bragg, CA 95437
 707 964 2922



Re: BOTANICAL SURVEY OF LOWER ALBION ESTUARY AND ADJACENT BANKS FOR A PROPOSED COASTAL DEVELOPMENT PERMIT FOR DREDGING OPERATIONS TO DEEPEN CHANNEL UNDER EXISTING DOCK AND CONSTRUCTION OF A RETAINING WALL TO PREVENT ADDITIONAL BANK DESTABILIZATION IN THE LOWER ESTUARY OF ALBION RIVER (AP# 123-170-01, SETO).

1. PROJECT DESCRIPTION: The proposed Coastal Development Permit would allow (1) the dredging of the lower channel (see map for detail of area to be dredged) to make existing dock space usable and (2) construct a retaining wall that would prevent additional bank erosion and destabilization. There is a marina, trailer park, office space, outbuildings, septic field and well present on the 9.75+- acre site.
2. AREA DESCRIPTION: The site is on the lower Albion estuary and flood plain. The concrete retaining wall is to be constructed approximately two feet in from the existing bank of the terrestrial portion of the flood plain. It would be three to five feet deep. The proposed retaining wall would limit further erosion when the existing bank between it and the river is eroded by high water associated with winter storm runoff.

The flood plain on the site has been subject to accumulated years of human impact. Prior to the existing marina the site supported a mill and a variety of other human activities.

The flood plain in the vicinity of the proposed concrete retaining wall is vegetated by a variety of weedy species such as: Dock (Rumex crispus), Perennial Rye Grass (Lolium perenne), Sow Thistle (Sonchus oleracea), Barley (Hordeum sp.), Yellow Clover (Trifolium dubium), Wild Radish (Raphanus sativa), Wild Oat (Avena fatua), Velvet Grass (Holcus lanatus), Plantain (Plantago lanceolata), Ripgut Grass (Bromus rigidus), Birdsfoot Trefoil (Lotus corniculatus), Fescue (Festuca idahoensis) and associated plant species. While this

CALENDAR PAGE

290

MINUTE PAGE

3892

vegetation is associated with the bank of a river it hardly can be interpreted as riparian vegetation. The original riparian forest that once probably vegetated and stabilized the bank of the Albion River and provided shade canopy for the river has long since been obliterated and human intervention has prevented its reestablishment.

The estuary proper has several species of marine algae that tolerate regular exposure to fresh water, including Rockweed (Fucus distichus) and Sea Lettuce (Ulva lactuca). The most abundant plant in the estuary is Eel Grass (Zostera marina and Z. pacifica). The largest populations of Eel Grass are upstream from the site of the proposed dredging on mud flats and in the river channel. Several small populations of Eel Grass are established in the area of the existing docks on the site and would be destroyed by the proposed dredging.

Another portion of the estuary where boat docks exist but the water is too shallow for access except at very high tide is the mooring basin upstream (see map) that was once a mill pond. This area also supports a small Eel Grass population that would be destroyed by the proposed dredging.

3. SURVEY METHODOLOGY AND DATES: The site was surveyed on June 25, 1993. The only rare and endangered plants anticipated on the site are the Mendocino Paintbrush (Castilleja mendocinensis), the Pink Sand Verbena (Abronia umbellata ssp. brevifolia) and the Swamp Harebell (Campanula californica). The Mendocino Paintbrush, Pink Sand Verbena and Swamp Harebell are all in bloom and can be readily located at this time of year. Eel Grass is not listed in the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California, but it is protected from disturbance by California Department of Fish and Game Code 30.10.
4. RESULTS AND DISCUSSION: None of the rare and endangered vascular plants anticipated from the terrestrial portions of the site were located on the site. No other rare and endangered plants were located on the site. The proposed concrete retaining wall will thus not disturb any species of rare and endangered plant.

The proposed dredging to the area under the existing docks in the main river channel and in the mooring basin would destroy several populations of Eel Grass. No quantitative estimates of the actual numbers of individuals or the total biomass to be impacted was made, but compared to the populations of Eel Grass upstream from the site, they are small and relatively insignificant.

CALENDAR PAGE	291
MINUTE PAGE	3893

Two questions need to be addressed regarding the impact of the proposed dredging on the Eel Grass populations of the estuary proper in the vicinity of the docks and the area under the docks in the mooring basin.

The first is: "would the impact to the proposed Eel Grass beds by dredging be counterbalanced by the overriding public good derived from greater docking facilities, ocean access and recreation potential"? In my opinion the answer is clearly in the affirmative, for the following reasons: (1) The most outstanding reason is because the lower Albion River including the subject site suffers from bank erosion, consequent shallowing of the river channel as well as loss of riparian habitat. This leads to increased water temperatures and generally deteriorated habitat for anadromous salmonids, which are in record low numbers. (2) Ocean access for recreational boaters, sport salmon fishermen, bottom fishermen, whale watchers and abalone divers is very limited on the northern Mendocino coast. (3) Safe and reasonable docking and processing facilities for commercial urchin harvesters is limited to several of the large harbors, making access to harvestable urchin populations dependant on long boat runs in an ocean noted for its capacity to become dangerous in very short periods of time. (4) Commercial salmon trolling will eventually be reestablished in the waters off northern Mendocino County and more safe harbors are needed that could provide docking, processing facilities and storm refuge for salmon trolling vessels. The Albion River estuary clearly has potential for providing additional facilities for all three needs and in the same process, improve the habitat for anadromous salmonids.

The second question is: "would the small Eel Grass beds that would be lost reestablish themselves, and if not, what measures may be necessary to mitigate that loss?" It is likely, considering the preponderance of evidence offered by a cursory consideration of the history of human impact on the lower Albion estuary, that the Eel Grass beds would reestablish themselves in the dredged areas once the bottom stabilized itself. The Eel Grass population thrives in the Albion in spite of a history of severe impacts from early logging, loss of riparian habitat and bank destabilization. Upstream from the proposed dredging there are large populations of Eel Grass and the regular flushing of water back and forth by tides in the river would undoubtedly introduce both seeds and rhizomes of Eel Grass into the dredged area naturally, where it should colonize. Based on observations of Eel Grass populations growing luxuriantly under docks upstream of the site, the deepened water and the shade provided by refloating the existing docks would probably enhance the habitat for Eel Grass.

CALENDAR PAGE	292
MINUTE PAGE	3894

In any event, if the proposed dredging is permitted, the reestablishment of Eel Grass populations should be monitored by a qualified botanist for at least three years after the dredging is complete. Should Eel Grass populations fail to reestablish themselves in numbers equivalent to that which presently exists (which can be recorded by detailed photographs taken at minus tides), then a program of replanting Eel Grass rhizomes should be undertaken and monitored for success.

5. IMPACT ASSESSMENT AND MITIGATION MEASURES:

A. No mitigation measures are necessary for the protection of rare and endangered terrestrial plants during the construction of the proposed retaining wall several feet inside of the existing bank on the site.

B. The proposed dredging would destroy several populations of Eel Grass in the area of the existing docks on the Albion River and the mooring basin. These populations are much smaller and less significant than populations upstream. New populations of Eel Grass will probably reestablish themselves on the two sites within a year after the dredging. This process should be monitored by a qualified botanist for three years with a report of the status of the Eel Grass beds prepared at each annual anniversary of the completion of the dredging. Copies of the report with documentary photographs should be submitted to the California Coastal Commission and the California Department of Fish and Game for evaluation. If it becomes apparent from the first annual evaluation, that the Eel Grass beds have reestablished themselves in numbers equal to or greater than those that presently exist, the monitoring program may be discontinued.

C. Should it become apparent after a year the Eel Grass beds are not reestablishing themselves in the approximate numbers that existed prior to dredging, a program of replanting Eel Grass rhizomes in the areas of dredging should be undertaken, using genetically adapted local material from the Albion River. The results of this program should be monitored and reported as above.

6. REFERENCES:

Anon. 1985. Mendocino County General Plan - Coastal Element Ukiah.

Hitchcock, A.S. 1950. Manual of the Grasses of the United States. U.S. Government Printing Office, Washington

Hickman, J. C. (ed). 1993. The Jepson Manual The Higher Plants of California Univ. of California Press, Berkeley

CALENDAR PAGE	292.1
MINUTE PAGE	3894.1

Seto, Pg. 5

Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Plant Communities of California.
California Department of Fish and Game, Sacramento

Mason, H.G. 1959. A Flora of the Marshes of California
Univ. of California Press, Berkeley

Munz, P.A. and D. D. Keck. 1959. A California Flora
Univ. of California Press, Berkeley.

Smith, J.P. & K. Berg. 1988. Inventory of Rare and Endangered Vascular Plants of California. Ed. 4
California Native Plant Society, Sacramento

CALENDAR PAGE	292.2
MINUTE PAGE	3895