

July 20, 2015



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

**Re: Central Coast Transfer Station Final Environmental Impact Report
(FEIR)
(SCH #2014012058), Mendocino County, California**

Dear Mr. Sweeney,

The Northcoast Environmental Center (NEC) provided comments on the Draft Environmental Impact Report (DEIR) for this project in our March 20, 2015 letter. In this letter, we are providing comments on the FEIR and the Waste Management Authority's (Lead Agency) response to public comments on the DEIR.

The NEC's principal concerns with the DEIR regarded how the DEIR addressed and mitigated significant impacts to rare natural communities, specifically Mendocino Pygmy Cypress Woodland and Northern Bishop Pine Forest.

In our previous letter, the NEC informed the Lead Agency that we believe the DEIR was substantially flawed, both in its analysis and determination of significant impacts from the proposed project and because the mitigations for those significant impacts are clearly inadequate, or in the case of Northern Bishop Pine Forest, entirely absent. Consequently, the NEC recommended the DEIR be substantially revised and recirculated.

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

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

Northern Bishop Pine Forest also has a CNDDB ranking of G2:S2. The Project, as proposed, would remove over four acres of Northern Bishop Pine Forest. The DEIR however, mistakenly identifies much of the forest at the proposed project site as the more common "Bishop Pine Forest," which as a lower CNDDB rank of G3:S3. Consequently, the DEIR does not propose mitigations for this rare and threatened Northern Bishop Pine Forest that would be lost if this project were situated at this location. As we indicated in our previous letter, this oversight of a significant environmental impact is a substantial error in the DEIR's impact analysis. The California Environmental Quality Act (CEQA) Appendix G specifically identifies impacts to sensitive natural communities as a potentially significant impact needing to be disclosed and mitigated for in environmental documents such as DEIRs.

For impacts to Mendocino Pygmy Cypress Woodland, the DEIR proposed only a small conservation easement of about three-and-one-half acres on a parcel partially in

the Coastal Zone and with apparently little development threat. The FEIR proposes a larger area for preservation as a means to mitigate for the loss of Mendocino Pygmy Cypress Woodland. However, the FEIR still provides little information on the conservation easement, such as who would hold the conservation easement, the size of the endowment to manage the easement, and the easement's land management plan and use restrictions. Just as important, the amount of habitat proposed for preservation in the FEIR is nowhere near enough to lessen the impacts from the Project-caused loss of habitat to reduce that impact to a less than significant level.

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

For these reasons, the NEC believes the FEIR did not meaningfully address our comments on the DEIR and that the FEIR remains substantially flawed. The FEIR is flawed in its analysis and determination of significant impacts from the proposed project and because the mitigations for these significant impacts are clearly inadequate, or in the case of Northern Bishop Pine Forest, entirely absent. Consequently, the NEC recommends the Lead Agency not certify this FEIR, and that instead, the FEIR be substantially revised and recirculated.

We recommend that a revised Environmental Impact Report give greater consideration to other project alternatives at sites that are already developed or disturbed and that are outside of rare and threatened natural communities. If, based upon substantial evidence, a revised Environmental Impact Report shows that there are truly no other feasible Project alternatives or locations, then the revised Project must include much more substantial, detailed, and enforceable mitigations that would reduce Project impacts to a less than significant level.

Thank you for the opportunity to comment on the Central Coast Transfer Station Draft Environmental Impact Report. Please keep us informed of future opportunities to review and comment on this proposed project.

Sincerely,



Dan Ehresman
Executive Director



DEPARTMENT OF PARKS AND RECREATION
Sonoma Mendocino Coast District
12301 N. Highway One
Mendocino, CA 95460

Lisa Ann L. Mangat, Director

July 21, 2015

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Board of Supervisors
Mendocino County
501 Low Gap Road, Room 1010
Ukiah, CA 95482

City Council
City of Fort Bragg
416 N. Franklin St.
Fort Bragg, CA 95437

Dear Chair Brown and Members of the Board of Supervisors and Mayor Turner and Members of the City Council:

On behalf of the Sonoma Mendocino Coast District of the California Department of Parks and Recreation (State Parks), thank you for the opportunity to provide these clarifications and comments regarding the proposed Central Coast Transfer Station project ("project"), agenda item #5(d).

State Parks continues to support the closure and relocation of the Casper Landfill, an important outcome of the project. As you know, the project includes not only the development of a transfer station, but a complicated multi-party land exchange that would enable the development of the waste facility on land currently within Jackson Demonstration State Forest (JDSF).

The land exchange authorized by AB 384 (PRC §4659) provided a conceptual framework to address the concerns over the existing landfill raised by the community as well as park managers. However, as a specific proposal has taken shape, it has failed to address critical issues or evaluate a robust set of alternatives. As such, the project does not appear viable without further review.

As recognized by the Department of Fish and Wildlife in comments on the draft EIR, the project suffers from insufficient environmental analysis related to sensitive habitats that would be removed from Russian Gulch State Park. Furthermore, the project reflects an incomplete appraisal and land valuation which will not support a land exchange. Finally, by contemplating the inclusion of degraded lands – potentially including the former dump site – into Russian Gulch State Park, it would require management actions that are either infeasible or un-supportable due to the cost or inconsistency with the values of Russian Gulch State Park.

State Parks looks forward to working with the City and County to identify feasible alternatives to address its many concerns. Until that time, we regrettably cannot support the proposed land exchange as currently described, in light of the potentially significant impacts to the lands, resources, and operations of Russian Gulch State Park.

If you would like to discuss any of the content of this letter, you can contact the Mendocino Sector Superintendent Loren Rex at (707) 937-3118, or contact me directly at (707) 865-3125.

Sincerely,

A handwritten signature in cursive script, appearing to read "Liz Burko".

Liz Burko
Sonoma Mendocino Coast District Superintendent

MEMORANDUM

July 21, 2015

To: Board of Supervisors
Fort Bragg City Council

From: Mike Sweeney



RE: July 20 letter signed by Liz Burko of Sonoma-Mendocino Coast Parks & Recreation District

I regret that Liz Burko never spoke to myself or Linda Ruffing about the proposed land swap for the transfer station project and her letter shows several important misunderstandings about it.

There is not, and never has been, an intention of "inclusion" of any part of the Caspar Landfill site "into Russian Gulch State Park." AB 384 will give State Parks a covenant controlling activities on any part of the site, and outright ownership of the non-landfilled 35 acres for \$1 if State Parks chooses to exercise its option. State Parks could do anything it wanted (or nothing) with the 35 acres.

No "environmental analysis related to sensitive habitats that would be removed from Russian Gulch State Park" is missing from the EIR because the land swap doesn't impose an impact on those acres, as pointed out by the EIR. Jackson Demonstration State Forest plans only to add the 12.6 acre site to its Caspar Watershed Study Area. If any timber harvesting was ever to be contemplated for the site, it would require a Timber Harvest Plan which performs the functions of environmental review under State law.

Superintendent Burko hasn't, to my knowledge, seen the 150-page appraisal that was completed in 2012 to support the AB 384 land exchange, so it is speculative why she describes it as "incomplete." The appraisal established that the assets that would be transferred to the State exceed in value the Highway 20 transfer station site. That was the only appraisal question posed under AB 384.

AB 384 didn't merely provide a "conceptual framework to address the concerns over the existing landfill (*sic*)," rather, it authorized a very specific transfer of ownerships in order

to make the Highway 20 site available for a transfer station while compensating the state for the loss of asset value. The transfer of the 12.6 acres of Russian Gulch to Jackson Demonstration State Forest was proposed by Marilyn Murphy, then superintendent of the Mendocino District of State Parks. She understood that those acres contributed nothing to the recreational mission of Russian Gulch and she understand what had to be done in order to allow the closure of the Caspar disposal site, which has always been State Parks' principal concern.

I look forward to productive discussions with Superintendent Burko to clarify the State of California's policy toward this project.

COUNTY OF MENDOCINO
BOARD OF SUPERVISORS

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EXECUTIVE OFFICE
PER _____
UKIAH, CALIFORNIA

From: <rixanne@mcn.org>
To: <bos@co.mendocino.ca.us>
Date: 7/19/2015
Subject: Please consider these... from Web

Please consider these items in your discussion of the Transfer station.

Supervisors and Councilmen,

The following exchange between the Sierra Club and the MSWMA Manager Mike Sweeney sheds some light on the state of transparent governance of the Caspar Joint Powers Agreement in regards to the Central Coast Transfer Station. It is our hope that you will read and consider these questions when evaluating the EIR.

This document combines the requests for documents and replies on June 22nd and 23rd, 2015 (Original request and reply documents are enclosed at the end also.)

REQUESTS are in black, REPLIES are in blue.

From: Mary Walsh
Sent: Monday, June 22, 2015 4:51 PM
To: Mike Sweeney
Subject: Fwd: documents requested by Sierra Club

from the Fort Bragg Advocate.

Regarding the transfer station controversy, MSWMA Manager Sweeney can prove that his "facts" in the 5/28/15 Community Forum are accurate by posting the documents he refers to onto the MSWMA website. We'd like to see

1. the appraisal for the Russian Gulch State Parks Road 409 property,

Mr. Sweeney replies:

Dear Ms. Walsh:

In response to your email:

1. I am unaware of any appraisal of "the Russian Gulch State Parks Road 409 property."
2. the appraisal for the Jackson Demonstration State Forest property,
2. We don't possess an electronic copy of this appraisal. We can provide a hard copy of the approximately 200 page document for a copying charge of 10-cents per page plus shipping cost, if any. It is available for public inspection at our office at 3200 Taylor Drive Ukiah by appointment.
3. the appraisal and toxics reports for the Caspar landfill and transfer station,
3. See #2 above regarding appraisal of the Caspar Landfill property. Groundwater monitoring reports for the Caspar Landfill property are held by the Mendocino County Department of Transportation.
4. the 2012 appraisal on asset values and exchange values,
4. See #2 above.
5. a rehabilitation plan and funding for the old Caspar transfer station property,
5. None exists to my knowledge.
6. the botanical report for the proposed Caspar pygmy forest preserve,
6. See attached PDF.
(Vegetation Communities letter_118_500_45v2.pdf enclosed – ed.)
7. an MOU with State Parks that they will accept a conservation easement on the Casper TS land and the dollar value of that easement,
7. There is no MOU.
8. a detailed report on the "huge savings" by transportation efficiency (with actual numbers, not included in the EIR),
8. See Table 3.7-1 of the draft EIR.
9. a report detailing why no environmentally less destructive alternative parcel was included in the EIR.
9. See Chapter 4 of the draft EIR.

Jourdain, Brenda

From: Nicole French <frenchn@co.mendocino.ca.us>
Sent: Tuesday, July 21, 2015 12:08 PM
To: Jourdain, Brenda
Subject: Fwd: Telephone msg from constituent (from Town of Mendocino)

Sent from my iPhone

Begin forwarded message:

From: "Janet Clark" <clarkj@co.mendocino.ca.us>
Date: July 21, 2015 at 8:37:09 AM PDT
To: "Board of Supervisors" <bos@co.mendocino.ca.us>
Subject: Telephone msg from constituent (from Town of Mendocino)

Ms. Susan Smith called at 8:27 a.m. re the Mendocino Town Plan.

She requests "that the Board of Supervisors require Planning & Building Services to reinstate all sections in the Mendocino Town plan mentioned by the experts Kathleen Cameron and Lee Edmundson and discuss all issues and changes with Mendocino residents."

Ms. Smith's lives at 910 Pine St. in Mendocino

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