

Central Coast Transfer Station

Response to Comments

Revised Final Environmental Impact Report

State Clearinghouse #2014012058

September 2016

Mendocino Solid Waste Management Authority
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Acronyms and Abbreviations

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

1. Introduction

1.1 Purpose of the Response to Comments/Revised Final Environmental Impact Report Document (“RTC/RFEIR”)

This document provides responses to comments received on the April 2016 Revised Draft Environmental Impact Report (“RDEIR”) for the proposed Central Coast Transfer Station Project (“Project”), and includes necessary revisions to clarify the text and analysis in the RDEIR. The RDEIR identified the likely environmental consequences associated with the project, and recommended mitigation measures to reduce potentially significant impacts. The RDEIR amended six sections of the original Draft Environmental Impact Report dated February 2015 (“DEIR”) and incorporated by reference the other unaltered sections of the DEIR. An earlier Response to Comments on the DEIR, dated June 2015, remains applicable and is incorporated herein by reference, although in some respects it has been modified by the RDEIR and this RTC/RFEIR, which are definitive in any instance of inconsistency.

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

1.2 Environmental Review Process

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

The original DEIR was made available for public review on February 9, 2015, at the following locations: 1) Fort Bragg Public Library, 499 E. Laurel Street, Fort Bragg; 2) City of Fort Bragg, 416 N. Franklin Street, Fort Bragg; 3) City of Fort Bragg website at www.city.fortbragg.com; and 4) Mendocino Solid Waste Management Authority (MSWMA) website at www.MendoRecycle.org. The DEIR was distributed to local and State responsible and trustee agencies via submission to the State Clearinghouse, and the general public was advised of the availability of the DEIR by posting of a public notice in the local newspaper. A public notice was also filed with and posted by the County Clerk as required by law. A public hearing to receive comments on the DEIR was held by the City of Fort Bragg and County of Mendocino on March 19, 2015. The 45-day public comment period on the DEIR closed on March 26, 2015 at 5 p.m. In response to public and agency comments received on the DEIR, including comments received just prior to and on the same day the lead agency was set to hold a public hearing to consider certifying the EIR and approving the project, the lead agency decided to continue the public hearing of July 21, 2015 to allow staff additional time to consult with the commenting agencies. Ultimately, on or about September 18, 2015, the lead agency provided public notice of its decision to revise and recirculate the DEIR.

The RDEIR was subsequently prepared and made available for public review on May 11, 2016 at the following locations: 1) Fort Bragg Public Library, 499 E. Laurel Street, Fort Bragg; 2) Fort Bragg City Hall, 416 N. Franklin Street, Fort Bragg; and 3) Mendocino Solid Waste Management Authority (MSWMA) website at www.MendoRecycle.org. The RDEIR was distributed to local and State responsible and trustee agencies by the State Clearinghouse and the general public was advised of the availability of the

RDEIR by posting of a public notice in the local newspaper and by mailing or emailing a notice to those who had requested notice. A public notice was also filed with and posted by the County Clerk as required by law. A public hearing to receive comments on the RDEIR was held by the City of Fort Bragg and County of Mendocino on June 16, 2016. The 45-day public comment period on the RDEIR closed on June 24, 2016 at 5 p.m.

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

This RTC/RFEIR document will be provided to the Fort Bragg City Council and Mendocino County Board of Supervisors, together with the DEIR (and original RTC/FEIR document from June 2015) and RDEIR, for their review prior to their consideration of resolutions certifying the EIR as a full disclosure of potential impacts, mitigations and alternatives, and approving the project. If the project is approved, recommended mitigation measures will be adopted and implemented as specified in the resolutions and an accompanying mitigation monitoring and reporting program adopted unless the Board of Supervisors and City Council find the measures infeasible as specified in CEQA Guidelines Section 15091 (Findings).

1.3 Document Organization

This RTC/RFEIR document is organized into the following chapters:

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

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

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

Chapter 4 – Comments and Responses. This chapter reproduces all of the written comments received on the RDEIR from public agencies and members of the public during the public comment period and provides responses to those comments both in the form of “Master Responses” (to the environmental points most frequently raised) and point-by-point responses to all other individual comments. The chapter also contains summaries of oral comments received during the Public Hearing held on June 16, 2016 at Fort Bragg Town Hall, 363 N. Main Street, Fort Bragg and responses to the significant environmental points raised by those oral comments.

Chapter 5 – Appendices.

2. Revisions to the RDEIR

This chapter includes minor revisions to the RDEIR necessary to correct minor errors or omissions or otherwise clarify information in the RDEIR. The changes to the RDEIR are indicated by indented text. Text that has been added to the RDEIR is indicated in underline font. (No deletions of the RDEIR are proposed.)

2.1 Project Description – Required Permits and Approvals (RDEIR Section 2.6)

Add the following to the list of required approvals at page 2.0-10 of the RDEIR:

- Coastal Development Permit for restoration activities at botanical mitigation sites, if the California Coastal Commission deems that those activities constitute “development” under the Coastal Act.

2.2 Biological Resources (RDEIR Section 3.4)

Add the following sentence prior to the final sentence in Mitigation Measure BIO-1b: Mitigate Impact to Mendocino Cypress and Bolander’s Pine:

Invasive plants along the southern boundary of the Caspar Pygmy Forest Preserve/Preservation Parcel shall be eradicated.

2.3 Alternatives Description & Analysis (RDEIR Section 4.3) Environmentally Superior Alternative

The chart on page 3.9.14 of Section 4.0 of the RDEIR has been replaced with the chart that appears in Master Response A.

3. Comments Received During RDEIR Public Comment Period

During the 45-day public comment period on the RDEIR, the lead agency received 19 written comments (letters/emails) and 15 oral comments at the June 16, 2016 public hearing. Lists of the comment letters and oral comments received, including the names and affiliations of the commenters, are shown below in Tables 3-1 and 3-2. The written comments that were received are numbered alphabetically starting with “A” through “S” and the oral comments are numbered alphabetically starting with “AA” through “OO.”

3.1 Table 3-1: Written Comments Received During Public Comment Period

Letter/Email	Agency/Organization	Last Name	First Name	Letter/Email Date
A	Individual	Moore	Shirley Ann	May 16, 2016
B	Individual	Rennacker	Ann	June 8, 2016
C	Individual	Durkee	Carrie	June 8, 2016
D	Caltrans	Ahlstrand	Tatiana	June 3, 2016
E	Fish & Wildlife	Manji	Neil	June 13, 2016
F	Individual	James	Ronnie	June 13, 2016
G	Individual	Thorbecke	Charla	June 15, 2016
H	Individual	Durkee	Carrie	June 20, 2016
I	Individuals	Thorbecke	Erik & Charla	June 16, 2016
J	Individual	Fremont	John	June 16, 2016
K	Sierra Club	Wehren	Rixanne	June 15, 2016
L	Coastal Commission	Gedik	Tamara	June 21, 2016
M	EPIC	DiPerna	Rob	June 23, 2016
N	Native Plant Society	Sholars	Teresa	June 23, 2016
O	Parks & Recreation	Amann	Kathleen	June 24, 2016
P	Sierra Club	Carroll	Paul	July 17, 2015
Q	Individual	James	Jeremy	June 24, 2016
R	Individual	Rennacker	Ann	June 24, 2016
S	Individual	Oberweiser	Ed	June 8, 2016

3.2 Table 3-2: Oral Comments Received at June 16, 2016 Public Hearing

Comment	Agency/Organization	Last Name	First Name
AA	Individual	Rice	Barbara
BB	Individual	Fremont	John
CC	Individual	Howson	Tracy
DD	Individual	Gay	James
EE	Individual	Thorbecke	Charla
FF	Individual	James	Jeremy
GG	Sierra Club	Wehren	Rixanne
HH	Individual	Walsh	Mary
II	Individual	Rennacker	Ann
JJ	Individual	Sacks	Rick
KK	Individual	Moller	Barbara
LL	Individual	Becker	Mickey
MM	Individual	Frank	Cynthia
NN	Individual	Heil	Bill
OO	Individual	Barber	Teri Jo

4. Responses to Comments Received During the RDEIR Comment Period

4.1 Master Responses to Comments

Several of the written and oral comments submitted on the RDEIR raised the same/similar comments, demonstrating common, shared concerns. Accordingly, three Master Responses have been prepared to globally respond to those common concerns addressing the following topics: (1) distances to surrounding residences at project alternative sites; (2) location of the Project within the Coastal Zone; and (3) conditions on and potential impacts to 12.6 acres of existing Russian Gulch State Park land.

4.2 Master Response A: Distances to surrounding residences at project alternative sites

Several commenters objected to the chart on page 3.9.14¹ of Section 4.0 of the RDEIR because it stated distances to residences from the boundaries of the alternative project sites, without specifying whether it was the boundary of the parcel or the boundary of the projected location of a transfer station on the alternative project site. Accordingly, the chart is revised as follows:

Site	Closest residence to projected transfer station footprint (feet)	Number of residences within 1000 feet of projected transfer station footprint
Project site on SR 20 ²	450	13
Caspar Landfill site ³	1000	2
Empire Waste Management ⁴	150	62
Leisure Time RV Park ⁵	0 ⁶	44
Mendocino Coast Recreation & Park District site ⁷	350	28

¹ Section 4.0 of the RDEIR (Alternatives Description & Analysis) was inadvertently and incorrectly paginated with numbers beginning with 3.9 instead of 4.0, thus some page numbers duplicate those used in Section 3.9 (Hydrology & Water Quality). Future references to pages in Section 4.0 will be described as belonging to Section 4.0.

² Transfer station facility location is assumed to be the location shown in Figure 2-2 of the DEIR. This is the location on the proposed project site that was determined to have the least impact on sensitive plant species.

³ Transfer station facility location is assumed to be in an area already cleared of vegetation to the south of existing self-haul transfer station on the Caspar site. This is a location that would minimize impacts on sensitive plant species and would leave the existing self-haul facility operational during new facility construction.

⁴ Transfer station facility location is assumed to be in a location on the Waste Management site that would avoid existing structures and facilities so they can continue to operate during new facility construction.

⁵ Transfer station facility location is assumed to be in the portion of Leisure Time RV Park property already cleared of vegetation.

⁶ Existing full-time residents of Leisure Time RV Park would be displaced.

⁷ Transfer station facility location on MCRPD property is assumed to be in the portion of property that is already cleared of vegetation.

The data in this chart is based on the transfer station locations in DEIR Figure 2-2 (for the project site) and on the four satellite images shown in Appendices A through D, Figures 5-1 through 5-4 of the other four project alternatives, with the most likely and feasible location of a transfer station footprint superimposed. The footnotes to the table explain the rationale behind the identification of a most likely and feasible location on each alternative site. The count of surrounding residences is approximate because of the limitations of the satellite imagery resolution.

The revisions to the information in this chart do not change the analysis or conclusion reached in the RDEIR as the proposed project site continues to be better isolated from surrounding land uses than the alternative project sites, with the exception of the Caspar Landfill Site, which has other environmental deficiencies as set forth in the Alternatives chapter of the RDEIR.

4.3 Master Response B: Location of the Project within the Coastal Zone

Several commenters stated that the Caspar Landfill property (Restoration Parcel, APN 118-500-11) and the adjacent Preservation Parcel (APN 118-500-45) are located in the Coastal Zone and thus assert that a Coastal Development Permit would be required for the project mitigation measures proposed to preserve and restore pygmy and Bishop Pine forest on these parcels.

The Coastal Zone boundary bisects both the Preservation Parcel and the Restoration Parcel properties. The Coastal Zone boundary on the Restoration Parcel is shown on Appendix E, Figure 5-5. A comparison with the Bishop Pine restoration and enhancement plan in Appendix L, Figure 3 of the RDEIR shows that a small part (approximately 1 acre) of the Bishop Pine enhancement would occur within the Coastal Zone boundary.

Coastal Development Permits are required when “development” is planned within the Coastal Zone. Section 30106 of the Coastal Act defines “development” as follows:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

The overall enhancement work proposed for the Restoration Parcel is described as follows: “Enhancement Areas support disturbed BPF and transitional pygmy cypress woodland which will be enhanced through removal of invasive species, refuse and outbuildings, combined with the use of small burn piles to stimulate seed germination of the existing Bishop Pine seed bank.” (RDEIR, Appendix L, p. 7)

For the small portion of the Enhancement Area which lies within the Coastal Zone, the enhancement work will consist of removal of trash, preparation and ignition of small burn piles to release seeds, and new plantings of Bishop Pine (if needed). There are no structures which would be demolished on the portion of the property that lies within the Coastal Zone. The dilapidated sheds that are proposed to be demolished are located on the northeast side of the site access road that traverses APN 118-500-11 from the self-haul facility to the northwest corner of the parcel. This area is entirely outside of the Coastal Zone.

For the Preservation Parcel at APN 118-500-45, the only work to be performed will be the removal of invasive Jubata grass along the parcel's southern boundary access road, and the placement of signs. The lead agency does not believe that either scope of work constitutes "development" requiring a Coastal Development Permit since the mitigation proposed for the Restoration and Preservation parcels is minimally invasive and wholly consistent with the Coastal Act. If, however, after consultation with the California Coastal Commission, it is determined that the proposed preservation and enhancement work associated with the project's mitigation measures on either the Restoration or Preservation parcels does require a Coastal Development Permit, then a permit will be sought and acquired. Section 2.6 of the RDEIR ("Required Permits and Approvals") has been revised to account for the possibility that a Coastal Development Permit may be required for these minor restoration activities.

4.4 Master Response C: Potential impacts to 12.6 acres of existing Russian Gulch State Park land

Several commenters raised concerns regarding the adequacy of the RDEIR's assessment of alleged impacts associated with the potential transfer of jurisdiction over the 12.6 acres of existing Russian Gulch State Park land situated north/northwest of County Road 409 to the Department of Forestry and Fire Protection (CalFire) pursuant to the authorization of the transfer in Public Resources Code Section 4659 (see, e.g., Comments B-2; E-21; H-3; K-5; O-2, O-3 and O-5; P-1; R-2 and R-8; S-2 and HH). All of those concerns are based not on evidence that the Project proposes specific new or changed activities on the 12.6 acres (it does not), but rather, on speculation that under CalFire's jurisdiction, the management of the 12.6 acres will result in timber harvesting resulting in adverse impacts to endangered species/habitat, and/or decreased recreational opportunities (including the study and collection of mushrooms from the "Mushroom Corners" area).

As demonstrated in the DEIR and RDEIR, the project does not propose any changes to the existing conditions on the 12.6 acres other than the potential transfer of jurisdiction pursuant to Public Resources Code Section 4659. Indeed, neither the City of Fort Bragg nor the County of Mendocino currently owns or controls the 12.6 acres (State Parks currently manages the 12.6 acres as part of the Russian Gulch State Park) or will in the future as a result of the Project (jurisdiction over the 12.6 acres may transfer to CalFire pursuant to the compensatory land swap provisions of Section 4659 if a solid waste transfer station is timely constructed on the proposed Project site). Moreover, subsection (k) of Section 4659 cited by several of the commenters only obligates the City/County to comply with CEQA "in connection with the transfer of property ownership and development of the solid waste transfer station," and limits its definition of "property" for purposes of the statute (including its CEQA compliance provision in subsection (k)) to the proposed Project site (e.g., the 17 acres of Jackson Demonstration State Forest ("JDSF") land adjacent to/north of SR 20).

Nonetheless, the lead agency fully understands and appreciates that, in addition to a proposed project's direct impacts, CEQA also requires analysis of a project's reasonably foreseeable indirect impacts. However, CEQA states that indirect impacts which are speculative or unlikely to occur are not reasonably foreseeable, and that an EIR may terminate its discussion of such impacts after noting that a potential indirect project impact is too speculative for evaluation (see CEQA Guidelines Sections 15064(d)(3), 15145). Based on the comments provided on this issue and the totality of the evidence in the administrative record for this project, it is clear that the alleged indirect impacts associated with the potential transfer of jurisdiction over the 12.6 acres are not reasonably foreseeable and are too speculative for meaningful environmental analysis.

Specifically, the record contradicts the commenters' assertions, based solely on select references to timber production policies in CalFire's Jackson Demonstration State Forest Management Plan, that the transfer will result in timber harvesting on the 12.6 acres. While timber production/harvesting has and will occur within the JDSF under the current Management Plan, nothing therein indicates that trees will or even may be cut on the 12.6 acres (should it be transferred into the JDSF). To the contrary, the evidence demonstrates that no timber harvests are reasonably foreseeable on the 12.6 acres because:

- If the 12.6 acres are transferred to CalFire's jurisdiction and into the JDSF, the land will be added to the adjacent Caspar Creek Watershed Study area, which is one of several special areas not covered by the JDSF Management Plan's silvicultural allocation plan (JDSF Management Plan, p. 76);
- Timber harvests are only conducted sparingly in the Caspar Creek Watershed Study area for research purposes, and only two study experiments have been conducted since the Study area was established in 1962;⁸
- The Caspar Creek Watershed Study area contains two distinct watersheds: the South Fork Caspar Creek and North Fork Caspar Creek watersheds. The 12.6 acres is located within the South Fork Caspar Creek watershed. The only prior study/experimental harvesting done to date in the South Fork took place in the early 1970s;
- Based on consultation with CalFire's JDSF Manager Pam Linstedt (including telephonic discussions and email correspondence), while limited harvesting associated with a planned third study/experiment is scheduled in the South Fork for 2017-2018, no trees will be cut from the 12.6 acres as part of the third study/experiment; neither additional timber harvests nor a fourth study/experiment is anticipated for at least the next 15 years; and if additional harvests are proposed in the distant future as part of a fourth study/experiment, they will likely not be proposed on the 12.6 acres given the occupied status of the Marbled Murrelet habitat within the 12.6 acres;⁹ and
- While not reasonably foreseeable at this time, CalFire will analyze and develop appropriate mitigation measures to address potential impacts of all future harvests within the Caspar Creek Watershed Study area within required Timber Harvest Plans, which are the functional equivalent of an Environmental Impact Report under CEQA for certified regulatory agencies/programs like CalFire and the California Coastal Commission.

⁸ See Memorandum of Understanding between CalFire and U.S. Forest Service concerning the Caspar Creek Watershed Study at <http://www.fs.fed.us/psw/topics/water/caspar/documents/CasparCreekMOU2015.pdf>.

⁹ See RDEIR, p. 2.0-3. See also Caspar Creek Experimental Watersheds Experiment Three Study Plan at <http://www.fs.fed.us/psw/topics/water/caspar/documents/CasparCreekStudyPlan.pdf>.

Additionally, the commenters' alleged impacts on recreational uses on and around the 12.6 acres are also unsubstantiated. For example, the "Mushroom Corners" area, historically used by researchers and personal/commercial mushroom collectors, does not extend onto the 12.6 acre parcel, but rather is situated upon an approximately 330 acre area centered at the junction of County Roads 408 and 409.¹⁰ Further, contrary to the commenters' implication, CalFire not only permits the study and collection of mushrooms from the Mushroom Corners area (and anywhere else in the JDSF), the JDSF Management Plan includes specific botanical management measures intended to preserve sustainable research and collection of mushrooms in the Mushroom Corners area into the future, including required consultation with the mycological research community and invasive plant control measures.¹¹ Thus, because mushroom collecting is prohibited on State Parks lands, if the 12.6 acres is transferred from Russian Gulch State Park to CalFire's JDSF, educational and recreational/commercial mushroom study and collection will be newly allowed and specifically managed, resulting in a beneficial impact. Finally, in addition to this beneficial impact regarding mushroom activities and management on the 12.6 acres, as noted in the RDEIR no other recreational or aesthetic impacts are reasonably foreseeable from the transfer of the 12.6 acres to CalFire's JDSF as the Special Concern Area policies and protections afforded by the JDSF's Management Plan for State Park special treatment areas and road and trail corridors would apply thereon, requiring CalFire to consider adjacent State Parks values and establish and maintain buffer areas along trails and roads (including County Road 409) to maintain aesthetic qualities valued by the public.¹²

In sum, while there is no certainty that timber will not be harvested on the 12.6 acres sometime in the distant future, there currently is no evidence that any such harvest or the commenters' alleged impacts associated therewith are a reasonably foreseeable consequence of the project or otherwise possible for at least the next 15 years. Without any evidence that such activity is reasonably foreseeable, and especially without any indication where and how such activity may occur, this potential indirect impact is just too speculative to conduct any meaningful environmental impact analysis at this time. Any such distant decision to propose changes to the 12.6 acres will be CalFire's, and CalFire must comply with CEQA as required at that time.

¹⁰ See JDSF Management Plan, Figure 5 at http://calfire.ca.gov/resource_mgt/downloads/fig5-Forest-Management.pdf. See also DEIR for JDSF Management Plan, page VII.6.2-11 here: http://calfire.ca.gov/resource_mgt/downloads/jdsf_deir_05/DEIR_Part_07_VII.06.2_V1A_BotanicalResources_12.05.pdf

¹¹ See JDSF Management Plan, pp. 256 and 273. See also JDSF mushroom permit information, rules, terms and conditions as well as permit application form here http://calfire.ca.gov/resource_mgt/downloads/JDSF/2016%20Mushroom%20Permit%20by%20Mail%20packet2.pdf.

¹² See JDSF Management Plan, Appendix II, pp. 194-196.

4.5 Written Comments and Response to Individual Comments

4.5.1 Letter A – Shirley Ann Moore

RECEIVED
5/18/2016

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Mendocino Solid Waste
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Dear Mr. Sweeney,
General Manager

Your plan of the planned central
coast transfer station project alarms me.

My family has property, nearly
five acres, half a mile east of your
proposed project. The well water will
be affected, residential property value,
noise, traffic, odor and other measures
will be affected.

The Willits Road is thirty-two miles
long and offers many areas where people
do not live, or camp. Three miles from
highway I is too close for comfort for
a waste deposit business.

I doubt that many home owners
will welcome your proposal. Re-plan
and re-think your objective here. Help
people, yes, but away from homes, not
within half a mile to homes. Please consider
relocating a business such as this.

Sincerely,
Shirley Ann Moore

A1

A2

Letter A – Shirley Ann Moore – Response to Comments

Response A-1

Comment noted; no further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, it appears this comment presents generalized concerns concerning the Project's potential impacts to well water, property values, noise, traffic and odor. The commenter is referred to sections 3.9, 3.11, 3.12, and 3.3 of the DEIR and/or RDEIR, where the Project's potential water, noise, traffic and odor impacts were thoroughly discussed and analyzed. No response is required concerning the commenter's concern regarding the Project's impact on nearby property values as the California Environmental Quality Act ("CEQA") is concerned only with physical impacts on the environment such that social or economic impacts are beyond the scope of CEQA unless there is evidence that such economic impacts will themselves adversely affect the physical environment. The commenter has not provided any such evidence.

Response A-2

Comments noted; no further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, it appears this comment presents generalized support for an alternative Project site. The commenter is referred to section 4.0 of the DEIR and RDEIR, where a reasonable range of Project alternatives is discussed and analyzed.

4.5.2 Letter B – Ann Rennacker

From: Ann Rennacker <annxpress@live.com>
Sent: Wednesday, June 08, 2016 10:13 AM
To: sweeney@pacific.net
Subject: Notice of Preparation for the Central Coast Transfer Station Draft Environmental Impact Report (SCH# 2014012058) Mendocino County, California

Dear Mr. Sweeney,

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

B1

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

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

B2

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

B3

Thank you for your consideration.

Sincerely,

Ann Rennacker
31200 Sherwood Rd
Ft Bragg, CA 95437

Letter B – Ann Rennacker – Response to Comments

Response B-1

Comment noted; no further response is required as the comment addresses the DEIR, not the RDEIR. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, the commenter is referred to Section 4.0 of the RDEIR, where additional Project alternatives were analyzed in compliance with the requirements of CEQA Guidelines Section 15126.6(d) by providing "meaningful evaluation, analysis, and comparison with the proposed project."

Response B-2

This comment generally asserts that the Project would conflict with unidentified land management directives in the Mendocino County General Plan and the Jackson Demonstration State Forest Management Plan. Without knowing what particular portion of the Jackson Demonstration State Forest Management Plan the commenter is referring to, it is not possible to provide a direct response, however, the restrictions that would apply to Jackson Demonstration State Forest management of the newly-acquired 12.6 acres, should the land swap authorized by Public Resources Code Section 4659 be effectuated, are described on pages 2.0.3 to 2.0.4 of the RDEIR. Further, the Jackson Demonstration State Forest Management Plan lists a variety of goals including recreation, aesthetics, and species protection, in addition to timber production and research.

http://www.calfire.ca.gov/resource_mgt/downloads/Final_JDSF_FMP_Master_012808_HE.pdf.

See also Master Response C. Finally, as described in Section 3.10 of the DEIR and Section 3.4 of the RDEIR, the project as mitigated is consistent with all applicable policies of the Mendocino County General Plan.

Response B-3

Comment noted. As explained and demonstrated in the DEIR and RDEIR, a reasonable range of Project alternatives were considered and all of the Project's potential significant impacts will be mitigated to levels of insignificance.

4.5.3 Letter C – Carrie Durkee

From: Carrie Durkee <cdurkee@mcn.org>
Sent: Wednesday, June 08, 2016 1:56 PM
To: sweeney@pacific.net
Subject: Notice of Preparation for the Central Coast Transfer Station Draft Environmental Impact Report (SCH# 2014012058) Mendocino County, California

Dear Mr. Sweeney,

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

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

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

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

Thank you for your consideration.

Sincerely,

Carrie Durkee
PO Box 1265
M
Mendocino, CA 95460

Letter C – Carrie Durkee – Response to Comments

Response C-1

See Response B-1.

Response C-2

See Response B-2.

Response C-3

See Response B-3.

4.5.4 Letter D – Caltrans

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700

EUREKA, CA 95502-3700

PHONE (707) 441-4540

FAX (707) 441-5869

TTY 711



*Serious drought.
Help Save Water!*

June 3, 2016

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

1-MEN-20-2.90
FB Transfer Station – Revised EIR
DB # 19666

Dear Mr. Sweeney,

Thank you for the opportunity to comment on the Central Coast Transfer Station Revised Draft Environmental Impact Report (EIR) dated April 28, 2016. The project proposed to develop four acres along State Route (SR) 20, approximately three miles east of SR 1 in Mendocino County (1-MEN-20-2.90) for a municipal solid waste transfer station to serve the City of Fort Bragg and the surrounding coastal area.

Caltrans has had the opportunity to work with the Mendocino Solid Waste Management Authority (MSWMA) during the pre-development and Notice of Preparation phase of this project. Thank you for addressing Caltrans' comments from the Draft EIR and associated Traffic Impact Study (TIS), a letter sent to MSWMA on March 13, 2015. We took note that these comments have been incorporated into the Revised Draft EIR.

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

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

Sincerely,

Tatiana Ahlstrand
Associate Transportation Planner
District 1 Office of Community Planning

Letter D – Caltrans – Response to Comments

Response D-1

Comment noted.

Response D-2

Comment noted. Based on the lead agency's early consultation with the California Department of Transportation, both the DEIR and RDEIR acknowledged the requirement that the Project will require an encroachment permit and related approvals from the California Department of Transportation for Project-related improvements to SR 20.

4.5.5 Letter E – California Fish & Wildlife



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

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



June 13, 2016

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

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

Dear Mr. Sweeney:

The California Department of Fish and Wildlife (Department) has reviewed the Mendocino Solid Waste Management Authority's Revised Draft Environmental Impact Report (RDEIR) for the Central Coast Transfer Station (Project). The Department provided comments on the Notice of Preparation, Draft Environmental Impact Report (DEIR), and Response to Comments/Final Environmental Impact Report (FEIR) for the Project. Several of the Department's comments on the DEIR and FEIR have not been adequately addressed in this RDEIR.

The Lead Agency for the Project is the Caspar Joint Powers Authority of the County of Mendocino (County) and the City of Fort Bragg (City). The Department has jurisdiction over the conservation, protection and management of fish, wildlife, native plants and their habitat. As a Responsible and Trustee Agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. The Department provides the following comments and recommendations in our role as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code (PRC) Section 21000 *et seq.*).

The Department's primary concerns regarding the RDEIR and proposed Project include:

1. Inadequate consideration of feasible Project alternatives that would substantially reduce or eliminate most of the significant environmental impacts of the Project.
2. Inadequate analysis of impacts of vegetation clearing for defensible space pursuant to PRC Section 4291.

EI

3. Inadequate disclosure and analysis of direct and indirect impacts to wetlands, downstream surface water, and Sensitive Natural Communities.
4. Lack of adequate plans to mitigate impacts to Mendocino Pygmy Cypress Woodland (MPCW) and Northern Bishop Pine Forest (NBPF) to a less than significant level.
5. Deferred analysis of potential impacts to Sonoma tree vole.

Project Description

The proposed Project includes three related components:

1. Land transfer and acquisition. The County and City would acquire the Project site, consisting of 17 acres of Jackson Demonstration State Forest (JDSF)¹; JDSF would acquire 12.6 acres of Russian Gulch State Park, and the California Department of Parks and Recreation (State Parks) would be granted the option of taking ownership of 35 acres of the closed Caspar landfill.
2. Construction of a solid waste transfer facility, with a footprint of 4.72 acres, including a 30,000 square foot waste transfer building, outdoor recycling drop-off area, an office, paved driveways, parking areas, two stormwater detention basins, a groundwater well, septic tank, leach field, and perimeter fencing.
3. Operation of a solid waste transfer facility.

Feasible Alternative Project Locations

CEQA Section 15126.6(f)(2) states *"The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location."* Public agencies have a duty to avoid or minimize environmental damage where feasible, and to give major consideration to preventing environmental damage (CEQA Section 15002). Substantial evidence shows that selection of an alternative Project site would avoid significant environmental effects, while also attaining most of the basic objectives of the Project.

The RDEIR cites proximity to residences as *"an environmental impact that the lead agency has sought to minimize throughout the siting process"* (RDEIR Section 4.3). However, the RDEIR table summarizing the distance and number of residences is

¹ JDSF is managed by the California Department of Forestry and Fire Protection (CalFire).

misleading. The RDEIR discloses the parcel boundary distances to nearby residences, but does not assess the potential distance of the actual facility footprint to nearby residences. Because the parcel acreages vary, residences near the property boundary may not be affected, depending on placement of the transfer station facility within a parcel. For example, the proposed Project parcel is 17 acres, while Alternative 4 (Leisure Time RV Park Site) is 24.3 acres, and Alternative 5 (Mendocino Parks and Recreation District Property) is 173 acres. Without an alternatives analysis that includes the proximity of the Project footprint locations to nearby residences (versus parcel boundary proximities), the RDEIR cannot adequately assess disturbance impacts of the proposed Project alternatives and thus justify the choice of the preferred Project alternative.² The RDEIR provides no other justification for the selection of the proposed Project location in preference to other environmentally superior Project alternatives.

E2

As stated in our March 2015 and July 2015 letters, the Department believes that the conclusions reached regarding feasible alternatives are poorly substantiated and do not meet the substantive mandates of CEQA to avoid or minimize environmental impacts unless doing so is not feasible (CEQA Sections 15002 and 15021). The Department supports an alternative that avoids impacts to NBPF and MPCW Sensitive Natural Communities.

E3

Vegetation Clearing for Defensible Space

In Section 2.6, the RDEIR lists "Variance from California Department of Forestry & Fire Protection for reduced setback from vegetation" as a required permit or approval, but does not indicate that consultation was completed with the California Department of Forestry & Fire Protection (CalFire) to determine whether a variance would be granted, the defensible space to be required, or what additional mitigation would be required from CalFire. In our July 2015 letter, the Department relayed information provided by CalFire to clarify requirements pursuant to PRC Section 4291 and the potential for variance issuance. CalFire Fire Prevention staff indicated that *"The approval or denial of such variances is dependent on why the project proponent is seeking the variances and what type of additional mitigations they are willing to provide to offset the departure from the normal standard. ...Until a site visit is made and the mitigation measure (sic) are made clear, it will be hard to estimate the minimum width of defensible space to be required."*³ In addition, the total required width *"will depend on if there are any other requirements by other agencies and what the proponent is willing to offer as mitigation to maintain fire safety."*

E4

² The table in RDEIR Section 4.3 provides a caveat in support of the proposed Project, stating that although a residence across Highway 20 "is closer than 360 feet to the property boundary... the transfer station facilities would be built at the far western end of the property, at least 700 feet from" that residence.

³ Shawn Zimmermaker, Fire Prevention Battalion Chief, California Department of Forestry and Fire Protection, pers. comm., 7/7/2015.

CalFire indicated that a representative from Fire Prevention staff and the Field Battalion Chief would be able to provide pre-consultation.⁴

The RDEIR does not address the Department's concern, stated in our March 2015 and July 2015 letters, that the previous documents did not disclose where defensible space vegetation removal or thinning would be required to comply with PRC Section 4291, and did not provide analysis of this increased impact. As stated in our March 2015 and July 2015 letters, our conservative estimate of increased impacts, based on 100 feet of clearance as required by State law, is an additional 1.5 acres of vegetation clearing. This impact area would consist of approximately 0.4 acre of MPCW, with the remainder comprised mostly of NBPF.

E4

In order to quantify impacts of the Project from vegetation clearing, the Lead Agency should complete consultation with CalFire regarding the required width of defensible space and any required mitigations. This new information should be used to analyze additional impacts to MPCW, NBPF, and wetlands. Alternatively, the analysis of additional impacts should be completed assuming the standard 100 feet of defensible space. Results of this analysis should be included in a recirculated DEIR, and appropriate mitigation should be proposed for the increased loss of MPCW and NBPF habitats not analyzed in the RDEIR.

Inadequate disclosure of impacts to wetlands, downstream surface water, and Sensitive Natural Communities

The RDEIR does not provide sufficient site-specific detail regarding stormwater management, although the RDEIR acknowledges that the Project could cause increased runoff, and has identified this as a potentially significant impact (Section 3.9.5). As the Department stated in our July 2015 letter, hydrological and hydraulic analyses, as well as grading and drainage plans should be prepared during the CEQA review process, and not deferred until future permitting processes as proposed (RDEIR Section 3.9.5). The RDEIR does not contain a detailed erosion control plan, which the Department has recommended in previous letters.

E5

The RDEIR cites a preliminary analysis used to determine approximate detention basin volumes, but states that the *"specific locations of these detention basins will be determined during the development of the grading and drainage plans..."* (RDEIR Section 3.9.3). In Section 3.9.3, the RDEIR also states that stormwater will be discharged through four pipes *"into an existing drainage located in the Bishop Pine Forest,"* and that *"stormwater infiltration will be promoted while not impacting the pygmy forest."* Altered hydrology due to discharged stormwater runoff has the potential to impact NBPF and MPCW Sensitive Natural Communities, as the

E6

⁴ Shawn Zimmermaker, Fire Prevention Battalion Chief, California Department of Forestry and Fire Protection, pers. comm., 7/7/2015.

Department stated in our July 2015 letter. No analysis or proposed mitigation is included in the RDEIR for this potentially significant impact.

E6

The RDEIR states that a "200-foot linear ephemeral swale is located outside of the western edge of the property, and flows westward and terminates in a Labrador tea thicket. This area is noted herein per inquiry by CDFW, but is outside the property and thus was not mapped" (Section 3.4.1). The RDEIR does not include sufficient detail for the Department to determine whether this is the same feature as the existing drainage swale that the southernmost detention basin would outlet into (Section 3.9.5), or whether it would be impacted by the Project. According to the RDEIR, "There are forested wetlands approximately 50 feet north... of the project footprint," and a "palustrine emergent wetland area is approximately... 25 feet north of the SR 20 improvements" (Section 3.4.5).

E7

As the Department stated in previous letters, given the Project's proximity to wetlands and proposed placement within Sensitive Natural Communities, specific information on the location and design of all Project components (including detention basins and outlet structures) are essential to determine Project impacts, their level of significance, and potential mitigation, if needed.

E8

Mitigation Plans

As proposed, mitigation for impacts to MPCW and NBPF would occur on two parcels (RDEIR Section 3.4.5 and Appendix L): the existing Caspar landfill and transfer station site, and a nearby parcel, which the County acquired to settle a lawsuit concerning groundwater contamination, and subsequently declared as surplus property. The parcels are referred to as the "Restoration Parcel" and "Preservation Parcel," respectively. In our February 2014, March 2015, and July 2015 letters, the Department emphasized the necessity of preparing a detailed plan for adequately mitigating impacts to MPCW and NBPF.

E9

Preservation Parcel

According to the RDEIR, a 28.3-acre parcel would be designated as a preserve by the County to mitigate for MPCW and NBPF (Section 3.4.5). Little detail is provided regarding management of the proposed Preservation Parcel. The RDEIR states that access points will be secured, signs will be posted, and quarterly inspections will be made by County personnel "along with their routine mandatory inspections of... the nearby closed Caspar Landfill" (Section 3.4.5). The RDEIR further states remedial activities will be proposed and implemented in the event that vandalism or trash dumping occurs. The Preservation Parcel is described as being threatened by encroachment from adjacent uses (RDEIR Section 3.4.5), but no measures are proposed to prevent this potential damage. In addition, the potential for infestation by invasive species is of concern. The Botanical Reconnaissance of Parcel 18-500-45 included in the FEIR states "invasive *Jubata grass*... occurs along the road at the

parcel's southern boundary and presents a threat if not controlled." No plans for monitoring or control of invasive species are included in the RDEIR.

E9

The RDEIR states that remedial activities would be implemented if necessary "to maintain current condition (*sic*) of the Preserve" (Section 3.4.5), but does not define current conditions or provide performance criteria. The RDEIR must include a mitigation and monitoring plan that addresses proposed changes in zoning and land use designations, the amount and nature of funding to monitor and manage the mitigation land, existing site conditions of the parcel, and measurable performance standards to ensure that the preserve's habitat quality is maintained.

E10

The Department questions whether the proposed preservation area constitutes adequate mitigation because the RDEIR lacks an adequate mitigation and monitoring plan for the preservation parcel. The RDEIR also does not explain how the proposed preservation "could reasonably be expected to reduce adverse impacts if required as conditions of approving the project" (CEQA Section 15126.4 (a)(1)(A)). Setting aside the proposed preservation area does not avoid or substantially lessen the significant environmental effect of the Project on MPCW. No revegetation or other compensatory mitigation is proposed for the permanent loss of MPCW, which includes the loss of 229 Mendocino cypress and 38 Bolander's pine trees (RDEIR Section 3.4.5).

E11

Restoration Parcel

The RDEIR includes a Bishop Pine Forest Mitigation Plan (Mitigation Plan) that would be implemented on the Restoration Parcel, which is the site of the existing Caspar transfer station and landfill. The Mitigation Plan proposes enhancement of five acres of NBPF and re-establishment of one acre of NBPF. According to the Mitigation Plan, the areas proposed for restoration are composed of degraded MPCW, NBPF, and ruderal vegetation.

E12

The RDEIR (Section 3.4.5) states that preservation, enhancement, and creation of "brand new Bishop Pine forest" would result in a mitigation ratio of 3:1. However, the RDEIR does not account for temporal loss of NBPF, or provide a comparison between the existing mature NBPF that would be impacted by the proposed Project, and the proposed NBPF that would result from enhancement and restoration activities.

The Biological Resources Assessment in the DEIR described the site to be impacted by the proposed Project as "a relatively undisturbed extensive closed-cone coniferous forest" and states "All biological communities within the Study Area are considered sensitive." In contrast, the Mitigation Plan acknowledges that for the proposed Restoration site, "Given the highly disturbed condition of the Restoration Areas, natural revegetation is not expected to be as vigorous as in a natural environment." Mitigation for NBPF should consider the entire natural community,

E13

focusing not only on establishment of Bishop Pine trees, but also the diverse assemblage of trees, shrubs, and herbaceous species that exist in natural stands.

Performance standards defined in the Mitigation Plan are not sufficient to ensure that species diversity and habitat value of the restored areas will be commensurate to that of the areas permanently impacted by the Project. The Mitigation Plan does not include performance standards for species other than Bishop pine trees. Associated native species are important components of the NBPF natural community. One minimum performance standard in the Mitigation Plan is 25% relative cover of native species. This extremely low mitigation success criteria, combined with a lack of other detailed mitigation success criteria, diminishes the effectiveness of the proposed mitigations. For example, according to this performance standard, relative cover consisting of 26% Bishop pine and 74% non-native annual grass species would be considered successful conditions, but would clearly not represent restoration of a NBPF Sensitive Natural Community. Performance criteria should be designed to create a vegetation community that more closely resembles nearby intact NBPF and that which is being converted by the proposed Project.

E14

The Mitigation Plan lists eight species of invasive plants with "High" or "Medium" California Invasive Plant Council (Cal-IPC) ranks⁵ that occur on the Restoration Parcel: gorse (*Ulex europaeus*), pampas grass (*Cortaderia jubata*), Himalayan blackberry (*Rubus armeniacus*), Scotch broom (*Cytisus scoparius*), French broom (*Genista monspessulana*), bull thistle (*Cirsium vulgare*), teasel (*Dipsacus* sp.), and periwinkle (*Vinca major*). The existence of these invasive species underscores both the level of disturbance at the proposed Restoration Parcel and the challenges of enhancing and re-establishing a functional NBPF Sensitive Natural Community on this parcel. By definition, invasive species can spread quickly and may be difficult to control. Of the species identified on the parcel, some known characteristics include seed that may last years or decades in the soil, prolific seed production, rapid growth, and propagation from cut vegetative parts (Bossard et al. 2000).

E15

Control or eradication of invasive species may take decades. Five years of monitoring, as proposed in the Mitigation Plan, is unlikely to allow adequate time to undertake or document effective control or eradication of invasive species at this site, or to determine establishment of NBPF.

E16

⁵ Cal-IPC ranks invasive plants in its inventory. Species ranked High "...have severe ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal and establishment." Species ranked Moderate "have substantial and apparent—but generally not severe—ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal, though establishment is generally dependent upon ecological disturbance." <http://www.cal-ipc.org/ip/inventory/>

The Mitigation Plan recommends that *"supplemental measures should be conducted to meet performance goals"* if plant cover is not on track to meet the 25% threshold after the first three seasons. However, the Mitigation Plan does not provide for additional years of maintenance and monitoring if performance goals are not met at the end of five years. Adequate mitigation will require long-term monitoring and maintenance to ensure survival of native species and prevent re-infestation with invasive species. It is unclear to the Department what the consequences are, if any, for the Project mitigation not meeting the performance standards prescribed in the RDEIR.

E16

Monitoring proposed within the Restoration Areas includes photo monitoring, three by three meter plots, qualitative assessment, and fixed transects only if supplemental planting occurs. The monitoring plan should be designed to determine the success of restoration within the entirety of the enhancement and re-establishment areas, and should not simply reflect average conditions, or conditions along the transects.

E17

Northern Bishop Pine Forest

The Department's Vegetation Classification and Mapping Program (VegCAMP) develops and maintains California's version of the National Vegetation Classification System. VegCAMP implements its use through assessment and mapping projects in high-priority conservation and management areas, through training programs, and through working continuously on best management practices for field assessment, classification of vegetation data, and fine-scale vegetation mapping.

Despite information provided by the Department in its three previous letters, the RDEIR does not correctly identify the Northern Bishop Pine Forest Sensitive Natural Community at the Project site. The RDEIR applies a broader category with a lower conservation status—Bishop Pine Forest alliance with a conservation rank of G3 S3 (Sections 3.4.1 and 3.4.5). In addition, the RDEIR misinterprets the Department's position on "Holland Types." The Department's July 2015 letter included a statement from the VegCAMP Senior Vegetation Ecologist, providing information on NBPF and explaining the current status of Holland Types. As was stated in that letter, until such information is available, in some cases, Holland Types are the best available information and are still used. VegCAMP maintains and updates Natural Communities lists based on quantitative data after it is collected, analyzed, and vetted. As stated on the Department's website⁶, *"We think it imprudent to remove these elements from the CNDDDB before assessing them and reclassifying them in terms of the currently accepted State and national standards for vegetation classification."* Until new information is available, NBPF stands from Marin County to

E18

⁶ http://www.dfg.ca.gov/biogeodata/vegcamp/natural_comm_background.asp

Mendocino County will continue to be classified as G2 S2.2, as defined by Holland and the Department's current Natural Communities list.⁷ As in the FEIR, the RDEIR provides quotes from the Department's website and purports to state the Department's position (Section 3.4.5). However, the Lead Agency did not consult with the Department regarding the conservation status of NBPF. As stated in the Department's February 2014, March 2015, and July 2015 letters, NBPF has a conservation rank of G2 S2.2. This is the association and rank currently recognized by the Department, as is clearly shown on the September 2010 "Hierarchical List of Natural Communities with Holland Types" and "Full Natural Community Hierarchy" lists available on the Department's website.⁸

E18

NBPF Decline

The RDEIR relies on 1998 Calveg data (RDEIR Sections 3.4.1 and 3.4.5) to estimate the abundance of NBPF and determine the regional impact of permanent removal on the Project site. However, more current sources have determined that Bishop Pine forest on California's coast (including NBPF) is in decline. Publicly-available reports from the University of California Cooperative Extension (UCCE)⁹ and the California Forest Pest Council¹⁰ document mortality of NBPF stands in Mendocino and Sonoma counties beginning in approximately the early 2000s. There are several contributing factors, including disease (dwarf mistletoe and western gall rust), bark beetles, and thick understory vegetation (due to fire suppression), which inhibits seed germination and recruitment (Giusti 2014).

E19

Academic and agency personnel aware of the decline have sought to study its causes. In 2016, the US Forest Service provided grant funding to support a project titled "Investigating Causes of Bishop Pine (*Pinus muricata* D. Don) Mortality on California's North Coast." The project is a coordinated effort including CalFire, UCCE, California State Parks, and university researchers. Research will be conducted on California State Parks and State Forest lands in coastal Mendocino and Sonoma counties.¹¹ Given its status as a Sensitive Natural Community and the additional documented threats and decline of NBPF, permanent removal should be avoided whenever feasible.

⁷ Todd Keeler-Wolf Ph.D., Senior Vegetation Ecologist, California Department of Fish and Wildlife Vegetation Classification and Management Program, pers. comm. 6/9/2015.

⁸ http://www.dfg.ca.gov/biogeodata/vegcomp/natural_comm_list.asp

⁹ "Watching the demise of a coastal forest type – Bishop Pine": <http://cemendocino.ucanr.edu/files/199447.pdf>

¹⁰ California Forest Pest Conditions reports: http://www.fs.usda.gov/detail/r5/forest-grasslandhealth/?cid=fsbdev3_046704

¹¹ Renee Pasquinnelli, Senior Environmental Scientist (Supervisor), California Department of Parks and Recreation, Mendocino Sector, pers. comm., 6/2/2016.

Sonoma Tree Vole

The RDEIR (Section 3.4.1) states there is a high potential for the presence of Sonoma tree vole (*Arborimus pomo*) on the project site, and that impacts to this species could be significant. Sonoma tree vole is a Species of Special Concern (SSC). The Department designates certain vertebrate species as SSC because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction or extirpation in California. Though not listed pursuant to the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA), the goal of designating taxa as SSC is to halt or reverse these species' decline by calling attention to their status and addressing the issues of conservation concern early enough to help secure their long-term viability. The ultimate goal of the SSC designation is to avoid CESA or ESA listing.

E20

The RDEIR proposes to identify Sonoma tree vole habitat "No more than two weeks before tree removal activities begin" (Section 3.4.5), conduct surveys, and at that time consult with the Department regarding appropriate mitigation measures. By delaying habitat assessment and surveys to a future time, the RDEIR delays identification of potential Project impacts to Sonoma tree vole, and improperly defers mitigation. Pursuant to CEQA Section 15126.4, an environmental document cannot identify a potentially significant impact and then only fully assess the impact and propose mitigations after the project is approved. Sonoma tree vole habitat on the proposed Project site should be assessed during the CEQA review process, and, if necessary, appropriate mitigation measures should be disclosed in the DEIR.

Potential Impacts of Land Transfer

Assembly Bill 384 specifically states that the "entity acquiring title of the property shall be solely responsible for compliance with the California Environmental Quality Act in connection with the transfer of property ownership and development of the solid waste transfer station."

In our March 2015 and July 2015 letters, the Department commented that although the three-way land transfer is defined as a part of the Project, potential impacts were not evaluated for all parcels included in the transfer. We recommend that the potential impacts, including foreseeable changes in land use, should be analyzed. The RDEIR states that "DPR [State Parks] has not indicated any plans for the 35-acre Caspar property except to keep it vacant" (Section 2.5.1). The RDEIR does not indicate that the Lead Agency has contacted or consulted with State Parks. Without analysis of proposed land use or management of the Caspar Landfill parcel in the RDEIR, the Department cannot fully determine the potential impacts of the land transfer. Project proponents should work closely with State Parks to fully describe and analyze potential changes in land use and other foreseeable potential impacts.

E21

Mendocino County General Plan Policies

The RDEIR (Section 3.4.2) lists several Mendocino County General Plan Resource Management Policies, including protection of "pygmy" ecosystems (RM-84), avoiding impacts *"to the maximum extent feasible"* (RM-28); *"avoidance of sensitive resources and environments rather than their removal and replacement"* (RM-73), *"no net loss of sensitive resources"* (RM-74) and the fact that *"offsite replacement, protection or enhancement is less desirable"* (RM-75). Selection of one of the RDEIR's feasible alternative sites, which would avoid impacts to Sensitive Natural Communities, would allow the City and County to meet all of these codified General Plan goals.

E22

Summary of Comments

In summary, the Department has the following substantial concerns regarding the Project and RDEIR:

1. As proposed, the Project would have significant direct and indirect impacts to MPCW and NBPF Sensitive Natural Communities.
2. Analysis in the RDEIR shows that there are feasible environmentally superior alternative Project locations. Some Project alternatives are at developed and disturbed sites outside of Sensitive Natural Communities, with only negligible environmental concerns, thus requiring minimal mitigation.
3. Fire safe vegetation clearing to comply with PRC Section 4291 is likely to exceed the impact acreage analyzed in the RDEIR, and would degrade or remove more MPCW and NBPF Sensitive Natural Communities. Consultation with CalFire should be completed, the amount of additional vegetation clearing should be quantified, and appropriate mitigation should be proposed.
4. The RDEIR does not disclose the location of stormwater outfall structures, where stormwater will be delivered once it leaves the proposed stormwater detention system, and what effect the stormwater will have on adjacent MPCW and NBPF Sensitive Natural Communities.
5. The RDEIR does not include effective mitigation plans for the proposed MPCW and NBPF mitigation lands.
6. Identification of potential impacts to Sonoma tree vole, and appropriate mitigation measures, are improperly deferred until after the FEIR is certified and the Project is approved. Analysis of potential impacts to Sonoma tree vole, and mitigations, if necessary, must be included in the RDEIR, in order for the Lead Agency to make a determination of significant impacts to this species.

E23

Mr. Mike Sweeney
June 13, 2016
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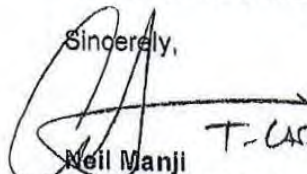
7. The three-way land transfer is defined as part of the Project. However, the RDEIR is absent any environmental impact analysis on the ultimate disposition of the Caspar landfill parcel, which is part of the land transfer.

In closing, the Department does not concur with the RDEIR's conclusion that significant impacts to biological resources and Sensitive Natural Communities would be mitigated to a less than significant level. The Lead Agency does not appear to have given adequate consideration to preventing environmental damage, pursuant to CEQA Section 15002, by selecting an alternative location. Given the inadequacies in the RDEIR described above, it is unclear to the Department that the Lead Agency has the substantial evidence to make the findings required in CEQA Section 15091 to approve the proposed Project.

The Department continues to encourage the Lead Agency to adequately identify and analyze the proposed Project's biological impacts addressed in this and previous Department comment letters, and to select an environmentally superior alternative location over the proposed alternative, or provide additional and more detailed mitigations for the environmental impacts of the proposed alternative prior to certification. Based upon the substantial evidence included in this letter, and pursuant to CEQA Section 15088.5, the Department recommends the RDEIR be revised and recirculated prior to certification.

Department staff are available to consult with you regarding these concerns. If you have questions, please contact Environmental Scientist Angela Liebenberg at (707) 964-4830 or angela.liebenberg@wildlife.ca.gov, or Senior Environmental Scientist Supervisor Gordon Leppig at (707) 441-2062 or gordon.leppig@wildlife.ca.gov.

Sincerely,


Neil Manji
Regional Manager

References: Page 13

cc: Mike Sweeney, General Manager
Mendocino Solid Waste Management Authority
sweeney@pacific.net

Carre Brown, John McCowen, Tom Woodhouse, Dan Gjerde, Dan Hamburg
Mendocino County Board of Supervisors

E23

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June 13, 2016
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References

Mr. Mike Sweeney
June 13, 2016
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Bossard, C.C., J.M. Randall, and M.C. Hoshovsky. 2000. Invasive Plants of California's Wildlands. University of California Press. Berkeley, CA

Giusti, G. 2014. Watching the demise of a coastal forest type – bishop pine. University of California Cooperative Extension, Mendocino County.
<http://cemendocino.ucanr.edu/files/199447.pdf>

Letter E – California Fish & Wildlife – Response to Comments

Response E-1

This section of the comment letter is a summary of the commenting agency's participation in the environmental review process and summarizes concerns which are detailed later in the letter, and responded to directly below as those concerns are elaborated on.

Response E-2

See Master Response A, distance to surrounding residences, which revises distances stated in the chart on page 3.9.14 of Section 4.0 of the RDEIR based on the most likely footprint of a transfer station on the four alternative sites. The revisions made in Master Response A further support the RDEIR's analysis demonstrating that, other than the Caspar Landfill Alternative (which has other environmental deficiencies as set forth in the Alternatives chapter of the RDEIR), the proposed Project is more isolated from surrounding land uses than the alternative project sites.

Response E-3

Comment noted; no further response is required as this comment simply reiterates comments made in March and July 2015 on the DEIR and does not provide any new comments regarding the changes made thereto in the RDEIR, which made considerable substantive revisions to the discussion and analysis of project alternatives in Section 4. CDFW seems to consider impacts to certain forest species as the only environmental impacts involved with transfer station siting. As explained in the RDEIR, there are numerous other environmental impacts that must be analyzed and weighed by the lead agency in evaluating the alternatives. The comparative analysis required by CEQA mandates that all project and project alternative impacts should be compared, without emphasizing any one resource area over another. Together, the DEIR and RDEIR adequately perform the required comparative analysis and demonstrate that all of the project's potentially significant impacts will be reduced to levels of insignificance and that when all project and project alternative impacts are compared, the proposed project best meets the project objectives.

Response E-4

The lead agency consulted with CalFire during the preparation of the RDEIR concerning the amount of defensible space CalFire would require between the proposed Project facility/building and adjacent vegetation for fire protection purposes. In written correspondence to the lead agency on August 5, 2015, CalFire stated that it would grant a variance exempting the project from the 100-foot defensible space requirement because of the non-flammable nature of the transfer station buildings and the paved perimeter driveway. Accordingly, no additional vegetation will be required to be cleared for fire protection purposes and thus no additional acreage will be disturbed beyond that described in the DEIR.

Response E-5

Sufficient detail has been provided for the stormwater management plan to satisfy both CEQA and the objective of preventing environmental impacts. Figure 2-2 of the DEIR shows the location and approximate size of the two detention basins and the path of the perimeter swale that will collect and

filter stormwater. On page 3.9.19 of the RDEIR, the drawdown time and outlet design of the detention basins are specified. The RDEIR relies on the expert opinion of the consulting civil engineer that the stormwater management objectives are achievable. Until the project is approved and the lead agency selects an engineering and construction contractor and precise architectural/engineering plans to build the facility, detailed grading and drainage plans are impractical and infeasible. Mitigation Measures HWQ-1a and HWQ-1b specify that the project will require approved Storm Water Pollution Prevention Plans (SWPPP) from the North Coast Regional Water Quality Control Board that will prevent erosion both from construction activities and ongoing operation.

Response E-6

As demonstrated in the RDEIR, the Project will be required to use proven, conventional stormwater management technology that would mimic the existing stormwater flow and direction that currently exists at the project site and maintain pre-project peak runoff conditions. Therefore, the hydrology will not be significantly altered. See Mitigation Measure HWQ-4.

Response E-7

Comment noted; no further response is required as the comment addresses text from the DEIR that was not changed in the RDEIR. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, the DEIR demonstrates that features to the west of the property would not be affected by drainage out of the southernmost detention basin, which would preserve the existing eastward drainage direction (DEIR p. 3.9-2).

Response E-8

All project components and wetlands were clearly identified, described and mapped in the DEIR and all aspects of the project, including its stormwater management facilities, were carefully designed and situated to avoid all such wetlands both during project construction and operational periods.

Response E-9

The "encroachment" mentioned regarding the mitigation parcel referred solely to the long-term trend of rural residential development nearby. The Preservation Parcel is isolated near the end of a gated private road and there is no evidence of pedestrian traffic or trespassing. The commenter correctly notes that the botanical reconnaissance of the Preservation Parcel contained in Appendix B to the June 2015 RTC/FEIR document prepared after the DEIR but before the RDEIR noted the existence of invasive Jubata grass along the road at the parcel's southern boundary. As noted above, Mitigation Measure BIO-1b has been modified to expressly acknowledge the planned removal of this invasive species along the Preservation Parcel's southern boundary. The Mitigation Monitoring and Reporting Plan for the project will include the following implementation procedure: "Invasive species along the southern boundary of APN 118-500-45 will be eradicated."

Response E-10

The current condition of the proposed Pygmy Forest Preserve (Preservation Parcel) is described in Appendices A and B of the Response to Comments document dated June, 2015. Those appendices include a report and map from WRA Environmental Consultants and a report from Kerry Heise Botanical Consulting. They describe a largely undisturbed parcel of mixed mature species. No changes in zoning and land use designation or active management are required to implement the mitigation measure associated with the Preservation Parcel other than to ensure it remains undisturbed. As noted on page 3.4.44 of the RDEIR, monitoring will be carried out by the existing County personnel who perform regular monitoring of the nearby closed Caspar Landfill, and whose time and mileage are already funded by a dedicated funding source set aside for landfill post-closure monitoring activities. Therefore, no additional funding is anticipated to be needed for monitoring of the mitigation parcels.

Response E-11

This comment implies that Mendocino cypress and Bolander's pine are fully protected endangered species which may not be removed under any circumstances. That is not, however, the case. These species are actually identified only as "special status" sensitive plant communities, which means that consideration in impact assessment and mitigation should be focused on the future health and continued existence of the species as a whole. This is inherent in the applicable threshold of significance in the RDEIR which asks whether the project will have a substantial adverse effect on such sensitive natural communities, not individual trees. Preservation and restoration are recognized as acceptable ways to protect such sensitive species. In fact, CDFW itself acknowledged this in its letter of February 28, 2014, which stated: "...if avoidance is not a feasible alternative, acquisition and management in perpetuity of high quality Mendocino Pygmy Cypress Woodland and Northern Bishop Pine Forest habitats may be the only feasible mitigation strategy for addressing the potential project-related loss of these sensitive endemic habitats." CDFW's letter went on to recommend higher mitigation ratios for such compensatory preservation mitigation. The lead agency took CDFW's comments regarding the use of off-site preservation and comments regarding higher mitigation ratios to heart and increased the mitigation ratio significantly beyond the mitigation originally proposed in the DEIR. Ultimately, by cancelling the County of Mendocino's previous decision to sell the 28.3 acre Preservation Parcel (APN 118-500-45) as surplus government property, and instead offering to protect it in perpetuity, the Project as mitigated will significantly increase protected acreage of pygmy forest of a higher quality than the trees affected by project construction, thus ensuring that the Project does not result in a substantial adverse effect on these species.

Response E-12

The Preservation Parcel APN 118-500-45 contains 5.76 acres of mature Bishop Pine forest, an acreage which exceeds the 4.0 acres of Bishop Pine forest that will be removed as a result of the project. The comment regarding the enhancement and restoration of Bishop Pine forest on the Restoration Parcel APN 118-500-10 is noted; however, these 6.29 acres will constitute a significant reestablishment of Bishop Pine forest to complement the preserved 5.76 acres. The significant increase in the acreage to be preserved at the Preservation Parcel (compare mitigation in DEIR to RDEIR) was proposed in part to address temporal impacts associated with the time required to complete the enhancement and restoration activities at the Restoration Parcel.

Response E-13

No special status species are specifically identified as being essential for the regeneration of Bishop Pine forest; however, there is no reason to believe that such companion species will not eventually exist in that environment through natural processes once the targeted tree species are established in accordance with the Mitigation Plan. See also Response E-14.

Response E-14

This comment expresses concern about unnamed “associated native species” that may also appear in a forest dominated by Bishop Pine. Regarding the Restoration Parcel 118-500-11, the Mitigation Plan (RDEIR, Appendix L) notes that Mendocino Manzanita, Bolander’s Pine, and pygmy cypress are already present and that the Restoration Plan will not disturb these and other associated species but will only remove invasive species. The 5.76 acres at the Preservation Parcel on APN 118-500-45 is existing mature Bishop Pine forest that currently supports associated species. See Response to Comments June 2015, Appendix A, p. 2.

Response E-15

The Mitigation Plan clearly identifies the invasive plant species on the Restoration Parcel and provides for eradication and control of invasive species as part of the Plan’s comprehensive enhancement and restoration activities.

Response E-16

Comment noted. The lead agency acknowledges that monitoring and adaptive management to ensure the success of the Mitigation Plan’s invasive species performance standards may take more than 5 years. Accordingly, the Mitigation Monitoring and Reporting Plan, which includes timing and implementation procedures to ensure mitigation performance standards are achieved, will state that continuation of active monitoring and management by the County of Mendocino of the Mitigation Parcel will continue beyond a 5-year term if necessary, following consultation with the California Department of Fish & Wildlife, to promote the objectives of reestablishing Bishop Pine forest.

Response E-17

The monitoring in the Mitigation Plan was designed by Matt Richmond, Senior Mitigation Specialist with WRA Environmental Consultants. Mr. Richmond has 15 years’ experience with successful mitigation projects on the North Coast, including Bishop Pine mitigation projects. The monitoring plan set forth in Appendix L clearly states that it includes “assessing tree and shrub regeneration” in both the enhancement and re-establishment areas of the Restoration Parcel, and explains that annual reports will assess progress towards meeting performance goals and, if necessary, recommend adaptive management actions. The lead agency believes that the Mitigation Plan and Mr. Richmond’s specifications for mitigation monitoring are sufficient and match what is normally deemed to be appropriate in the industry.

Response E-18

The lead agency consulted with CDFW at meetings on March 7, 2014 and August 13, 2015. The contradictions in CDFW's own classification of Bishop Pine forest, as well as the lead agency's justification for its classification, have been described in detail on pages 3.4.49 and 3.4.50 of the RDEIR. Despite the difference of opinion as to the proper rank/classification of the Bishop Pine forest on the Project site (i.e., Northern Bishop Pine Forest or Bishop Pine Forest Alliance) the lead agency in the RDEIR deferred to CDFW and acknowledged that the Project's impacts on Bishop Pine Forest are potentially significant, and has developed a robust suite of mitigation involving the preservation, restoration and reestablishment of Bishop Pine forest at two separate sites pursuant to CDFW's prior acknowledgement that off-site preservation was acceptable mitigation.

Response E-19

CDFW's citation of recent reports regarding the decline of Bishop Pine is consistent with the RDEIR's acknowledgment that it may be a sensitive natural community. However, none of the reports referenced in this comment include scientific surveys that contradict or update the 1998 Calveg survey data/estimate of 14,900 acres of Bishop Pine Forest in Mendocino County alone, not counting its acreage in Sonoma County and elsewhere. Accordingly, the 1998 Calveg data remains the best available scientific data on the regional distribution of Bishop Pine within Mendocino County.

Response E-20

Comment noted; no further response is required as the comment addresses text from the DEIR that was not changed in the RDEIR. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, Sonoma tree vole habitat on the proposed Project site was assessed during the CEQA review process. As demonstrated in the DEIR, neither voles nor any signs of the specie's presence were observed during biological surveys of the Project site. Despite the absence of any voles or signs of the species inhabiting the site, the DEIR conservatively finds that the Project has the potential to significantly impact this species *if present*, based on the existence of conifer habitat and the fact that the Project site is within 5 miles of documented Sonoma tree vole occurrences. In such situations when the development of a detailed Mitigation Plan is not feasible (e.g., because initial surveys failed to identify the presence of any voles in any specific trees or locations on the Project site), it is appropriate and customary for mitigation measures to call for additional future surveys so long as specific performance measures are included. Here, mitigation measure BIO-1c specifies the timing and type of vole surveys to be conducted and, if the surveys confirm the species is present within a proposed tree removal/construction area, requires all tree clearing/construction activities be suspended while the lead agency consults with CDFW to determine how best to avoid any disruption to or relocation of the species.

Response E-21

The potential impacts of the land transfers are addressed by the RDEIR. The lead agency conducted a conference call with State Parks on August 12, 2015, attempted to reach State Parks by telephone at a later date and issued an invitation to State Parks to consult on May 9, 2016 to which no response was received. The restrictions that would apply to Jackson Demonstration State Forest management of the

newly-acquired 12.6 acres, should the land swap authorized by Public Resources Code Section 4659 be effectuated, are described on pages 2.0.3 to 2.0.4 of the RDEIR. See also Master Response C, which demonstrates that no changes in land use are reasonably foreseeable as a result of the potential transfer of the 12.6 acres from State Parks to Jackson Demonstration State Forest.

Response E-22

The project complies with the Mendocino County General Plan. See Master Response #5 in the June 2015 Response to Comments received on the DEIR.

Response E-23

This comment primarily summarizes comments made more thoroughly earlier in the letter that have been responded to in Responses E-2 through E-22 above. However, this comment also appears to introduce a few new comments, which are responded to here. First, with respect to the commenter's concern regarding the disposition of the Caspar Landfill parcel under the Project's potential land swap, the EIR adequately describes the possible disposition of the site pursuant to the terms of AB 384, which was enacted in 2011 and codified in Public Resources Code Section 4659 (see RDEIR Section 2.5.1). Because State Parks has not communicated any interest in acquiring the westernmost 35 acres of the Caspar Landfill property as authorized under that State law (or indicated plans to change the land use on the Caspar Landfill property if it had such interest), no changes in land use or potential impacts are reasonably foreseeable on the Caspar Landfill. Indeed, pursuant to the project the only actions to be taken thereon will be the execution of a covenant restricting the uses and activities to prevent any impacts on the adjacent Russian Gulch State Park (Public Resources Code Section 4659(i)) and the Bishop Pine enhancement and restoration activities described in Appendix L to the RDEIR. Second, the lead agency respectfully disagrees with the commenter and believes that the EIR (the DEIR, the RDEIR and this RTC/RFEIR document) makes a good faith effort, adequately describes all of the project's potentially significant adverse impacts, and develops effective mitigation measures to reduce all such impacts to levels of insignificance. Finally, the commenter is referred to Section 4 of the RDEIR, where the required discussion and selection of the Environmentally Superior Alternative was provided. The questions regarding whether to certify the EIR and approve the Project (whether the proposed project or one of the project alternatives), will be considered by the lead agency's elected decision makers at a duly noticed public meeting.

4.5.6 Letter F – Ronnie James

Ronnie James
President Emeritus Mendocino Woodlands Board of Directors
PO Box 1336
Mendocino, CA 95460
707-937-2014 ronnie@mcn.org

Mike Sweeney
Mendocino County Solid Waste Management Authority
3200 Taylor Dr.
Ukiah, CA 95482

6/13/16

Please enter the following information and **comment into the public record** regarding the proposed transfer station agreement between the county, state parks and the department of forestry.

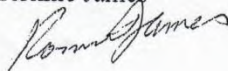
I would simply like to point out that Russian Gulch Park, the Mendocino Woodlands and its Special Treatment Area, were given to the State of California by the Federal Government with an In Perpetuity Mandate which is recorded in the deeds of transfer to the State of California and with the Federal Government. The In Perpetuity mandate clearly states the land must be "...used exclusively for public park, recreational and conservation purposes". This jeopardizes the trade agreement being considered. Please see the direct quote and citation below:

"Congress by Act of June, 1942[56 Stats. 326; 16 USCA, 459r-459t]

"PROVIDING ALWAYS, that this deed is made upon the express condition that the State of California shall use the said property exclusively for public park, recreational, and conservation purposes, and the future express condition that the United States of America assumes no obligation for the maintenance or operation of the said property after the acceptance of this deed.

PROVIDED FURTHER, that the title and right to possession of said lands, together with the improvements and equipment thereon, shall revert to the United States of America upon finding by the Secretary of the Interior, after notice to the State of California and after an opportunity for a hearing, that the said State has not complied with the aforesaid conditions during a period of more than three years, which finding shall be final and conclusive."

Submitted as public comment by Ronnie James



F1

Letter F – Ronnie James – Response to Comments

Response F-1

While portions of Russian Gulch State Park were donated to the State by the federal government, the 12.6 acres to be transferred to the Jackson Demonstration State Forest under the proposed Project's land swap authorized in AB 384 were not. Instead, according to records in the office of the Mendocino County Recorder in Document 00800 dated February 1, 1941, the 12.6 acres (portion of AP#118-520-02) were acquired from a private party.

4.5.7 Letter G – Charla Thorbecke

From: charla <charla@mcn.org>
Sent: Wednesday, June 15, 2016 10:01 AM
To: sweeney@pacific.net
Subject: Land Swap

Dear Mr. Sweeney,
Parks has taken back the land swap. That means the Pigmy Forest is no longer free. It is time to look for a new spot for the transfer station. | G1
You have not addressed the concerns of Fish and Game. They have written several letters and have asked you to address certain problems. You have not done so, why? | G2

Sincerely,
Charla Thorbecke

Sent from my iPad

Letter G – Charla Thorbecke – Response to Comments

Response G-1

State Parks does not have the authority to "take back" the land swap, which was authorized by the State Legislature when it passed AB 384. Pursuant to Public Resources Code Section 4659, the Director of General Services, subject to the approval of the Department of Forestry and Fire Protection (CalFire), may grant an option to the city or county, for either entity to acquire title to the proposed Project site. If that occurs, CalFire may be compensated for the loss of that land by acquiring the 12.6 acres of Russian Gulch State Park (which is separated from the remainder of the park by County Road 409) and State Parks may be compensated for the loss of the 12.6 acres by a grant of a restrictive easement over and an option to buy the westernmost 35 acres of the Caspar Landfill property.

Response G-2

The lead agency met with CDFW on March 7, 2014 and August 13, 2015. All comments made by that department have been adequately responded to in the Response to Comments of June 2015 as well as in this current RTC/RFEIR document.

4.5.8 Letter H – Carrie Durkee

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

Re: Revised Draft Environmental Impact Report for the Proposed Central Coast
Transfer Station in Fort Bragg

Dear Mr. Sweeney:

I support a new transfer station on Hwy. 20, but strongly encourage choosing a site that does not involve bulldozing "exceptionally high quality Mendocino Pygmy Cypress Woodland" (Dept. of Fish and Wildlife) or Bishop Pine forest. There are two sites within a mile that offer the same benefits without any new destruction.

H1

The Pygmy Forest cannot be mitigated or replaced. The only adequate plan is to pick an alternative site. All remaining Pygmy Forest should be protected, as it is unique in the world.

H2

Russian Gulch State Park lands should be kept intact and protected, not traded away to facilitate a transfer station.

H3

We need new and modern methods of dealing with waste locally, not trucking it 150 miles to another landfill.

H4

Thank you,
Carrie Durkee
Albion Resident
937-2554

Letter H – Carrie Durkee – Response to Comments

Response H-1

Comment noted, but a more specific response is not possible given that the commenter failed to specifically describe (by location or common local name) the two alternative sites she prefers. The commenter is referred to the updated discussion and comparative analysis of the Project alternatives that are analyzed in Section 4.0 of the RDEIR, which discusses and compares the project's impacts to those of the identified alternatives for all resource areas, not just biological/forest species impacts.

Response H-2

The project avoids almost all pygmy species on the 17-acre site except an approximately .58 acre portion. Conservation of high-quality pygmy on the Preservation Parcel (APN 118-500-45) will preserve, in perpetuity, much more pygmy forest than will be removed by the project. The mitigation ratio is 33:1. See RDEIR, Mitigation Measure BIO-1b.

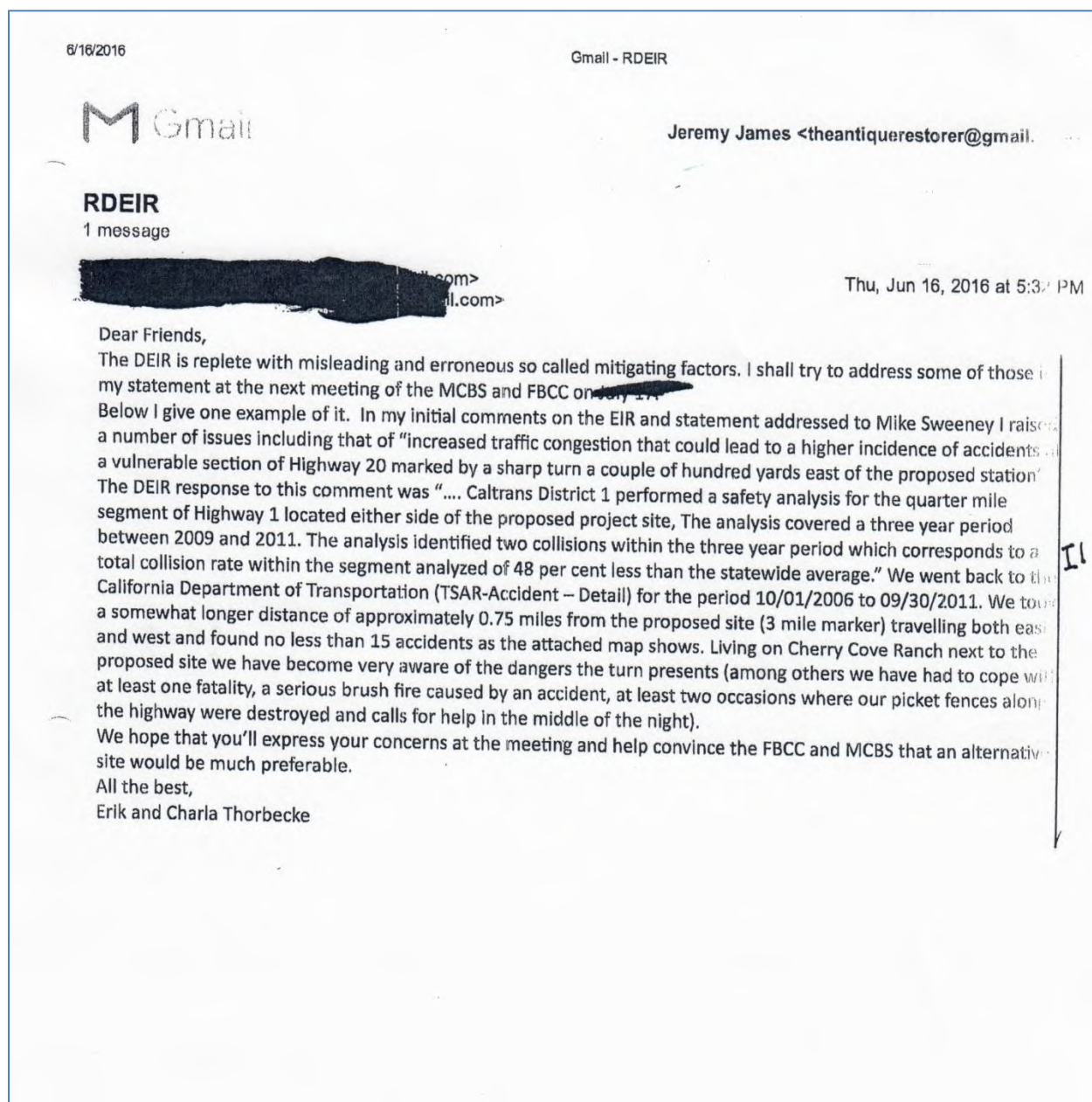
Response H-3

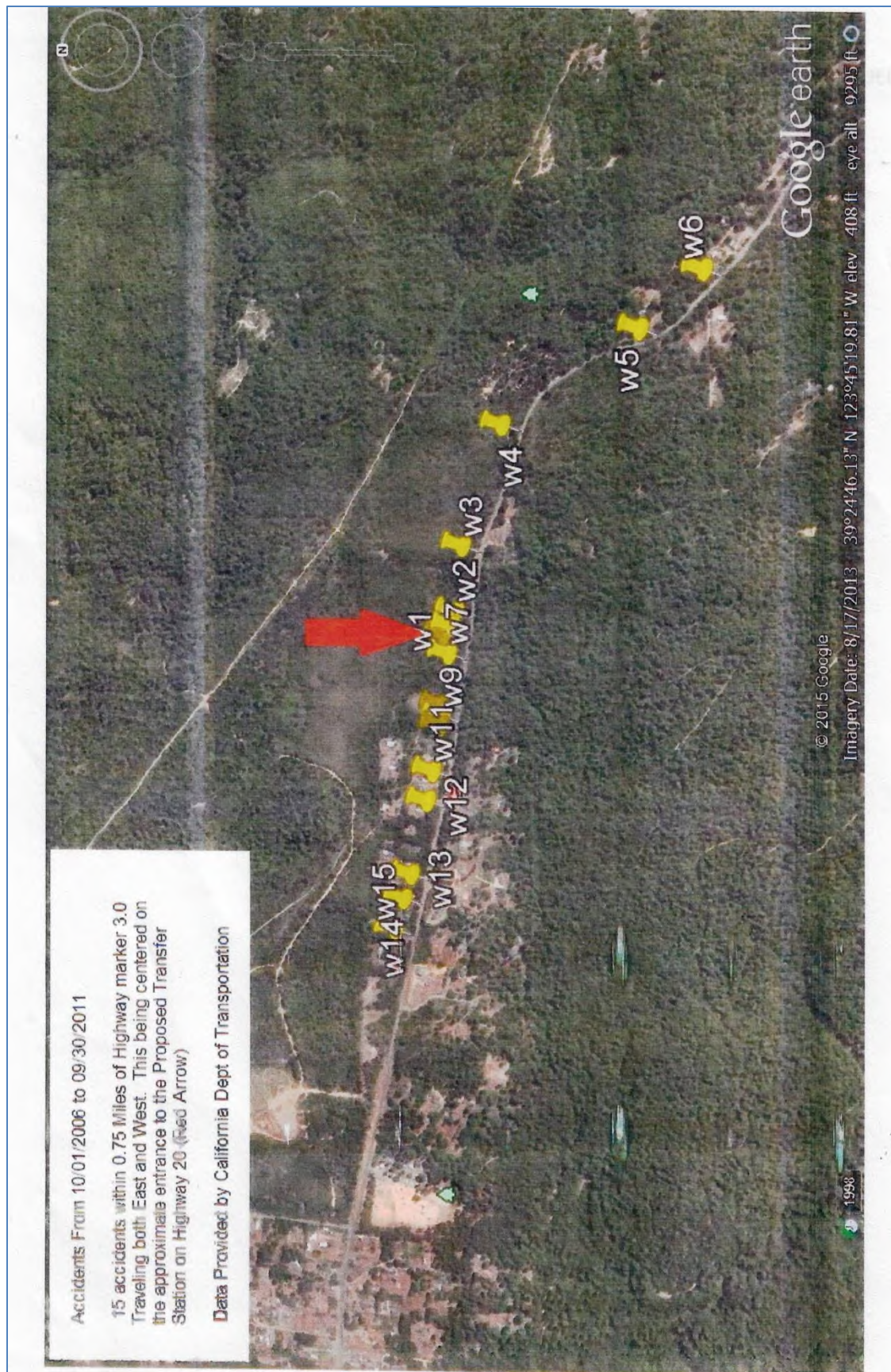
The land transfer of the Russian Gulch State Parkland to the Jackson Demonstration State Forest was authorized by the State Legislature when it passed AB 384. Moreover, the restrictions that will apply to the 12.6 acres of Russian Gulch State Parks land if it is transferred to Jackson Demonstration State Forest are described on pages 2.0.3 and 2.0.4 of the RDEIR. See also Master Response C.

Response H-4

Comment noted. No further response is required as the comment does not address the adequacy of the EIR, but rather, provides a general comment about local waste management.

4.5.9 Letter I – Erik and Charla Thorbecke





Letter I – Erik and Charla Thorbecke – Response to Comments

Response I-1

Comment noted; no further response is required as the comment addresses the DEIR, not the RDEIR at issue here. No revision was made in the RDEIR to the Transportation section of DEIR, which contains a detailed analysis of traffic on SR 20 and the necessary turn lanes to accommodate the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. However, it should be noted that the commenters did not provide copies of the accident reports cited in the comment and thus did not provide any information regarding the type or severity of the accidents, or data showing that this number of accidents is high for a heavily-traveled state highway. Moreover, the commenters do not explain why they believe it is relevant to consider accident reports beyond the .25 mile distance each way from the project's driveway to SR 20 considered adequate by Caltrans when it performed the safety analysis requested by the lead agency. In sum, the project includes extensive enlargement of SR 20 in order to accommodate the turning motions of project traffic and there is no evidence that the project will result in any potentially significant transportation safety impacts.

4.5.10 Letter J – John Fremont

30200 Hwy 20
Fort Bragg, CA 95437

Dear Councilor,

I am concerned about the transfer station proposed for Highway 20. I believe the proposed station threatens the habitat of the forest and its inhabitants and will have a negative impact on the proposed reservoir and nearby properties.

J1

I am particularly concerned with what is not addressed in the EIR, namely the future of waste management here and elsewhere. Communities will one day be charged with taking responsibility for their own garbage in order to preserve the environment and conserve resources. Shifting the location of a dump and expecting different results is absurd; plus, there are better solutions to our garbage problems.*

J2

There's a functioning transfer station on Pudding Creek with access via city streets or the GP mill site. Garbage trucks could be restricted to times the city streets are quiet.

J3

The residents of Road 409 have spoken out about the stench, traffic problems, litter, air and water pollution, and other environmental hazards, and they are forcing the joint powers to close their station. The same problems will force the early closure of the five-million-dollar boondoggle on Highway 20, and there are even more environmental hazards along the way should the operation proceed.

J4

To assert, as Mr. Sweeney has repeatedly done, that the stench of garbage would be eliminated by fully-enclosed trailers and sweetened with perfume, ignores our olfactory senses and the repugnance many people feel about dealing with stink by sweetening it. Moreover, self-haulers will not be required to perfume their loads.

J5

The proposed seventeen acres on Highway 20 is presently pristine pygmy with rare and endangered plants and nesting birds. There are some 2000 acres of pygmy in the world, mostly in California. We cannot replace the pygmy forest once the land is bulldozed and paved over, as is proposed. The proposal to move some pygmy is ludicrous according to the Fish and Wildlife commission.

J6

While promising that nearby properties will not be affected, the noise and traffic created while the garbage station is being built and the roads widened are not mitigated. It goes without saying that property values will be compromised. The potential threat to life and limb due to the proximity of the helicopter pad adjacent to the proposed station poses an even greater danger. The helipad saves lives when the local hospital is mired in fog and landing there is prohibited. The helipad is also used by CDF in times of forest fire or other emergencies. If a someone dies because helicopters cannot land or take off, there will be lawsuits.

J7

Fort Bragg's economy is based on a thriving tourist trade. With the addition of several large trucks a day and heavy construction, Highway 20 will experience logjams and vehicular accidents that will keep tourists away. Self-haulers will litter the highway, undetected by Fort Bragg's police but quite apparent to residents who will have to avoid the litter while driving at or below the posted speed limit of 55 mph.

J8

While Mr. Sweeney claims no water will be leached into the ground, cleanup and restroom effluent will undoubtedly infiltrate the ground, poisoning local wells and the reservoir that the city is building less than two miles downstream from the proposed plant. In times of drought, the deep transfer station well could dry up other area wells.

J9

In order to assess the impact of constructing and operating this plant, many tests must be undertaken. For example, a soils report by a geotechnical engineer based on a minimum of fifteen-foot borings at various locations on site should be undertaken. If the soil is sandy clay with a caliche base at, say, twelve feet, drainage can be sent downhill and the city's water poisoned.

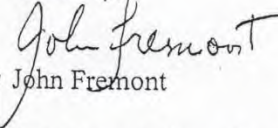
J10

The projected cost of \$5,000,000 will likely be recouped by raising rates and cutting safeguards. There are better solutions to our garbage problems. I entreat the authorities to look elsewhere. What failed to appease the residents of 409 is not going to please the residents and travelers along Highway 20.

J11

Thank you for your attention.

Sincerely,


John Fremont

* A cogeneration plant can provide electricity while burning our trash, and waste management authorities should look into acquiring cost-effective burners, now or in the near future. Controlling our own trash will create jobs that can be paid for by the bottles and cans and electronics we recycle. Presently, we have little control over how much we pay to have our trash hauled or the tipping fee charged self-haulers. The projected five million dollar cost for the new dump will be paid for by the people in the form of increased taxes or fees, despite the pretense that the dump's operator will absorb the cost of construction without raising disposal rates.

J12

While waiting for cogeneration technology to become cost effective for smaller communities, it will be cleaner and cheaper to transfer our garbage by rail. The Skunk train is ready and available to haul trash from Fort Bragg to Willits. I was surprised to learn that Mr. Sweeney had not contacted Robert Pinole, the Skunk train manager, prior to the presentation of the previous EIR. It is evident that Mr. Sweeney has already made up his mind that a transfer station on Highway 20 is the best available option. Mr. Pinole says he can do it faster and cleaner with available equipment.

J13

Meanwhile, county residents should learn how to compost their waste to fertilize their gardens. Local gardens and farmers markets are increasingly important and, in times of drought, vital to the preservation of rural economies.

Letter J – John Fremont – Response to Comments

Response J-1

Comment noted. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific environmental issues or allege any specific concerns with the EIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated.

Response J-2

Comment noted. No further response is required as the comment provides generalized discussion about the future of waste management and does not address any significant environmental issues concerning the project or the adequacy of the EIR.

Response J-3

This comment mentions a functioning transfer station on Pudding Creek, without making any specific comments regarding the project's potential impacts or adequacy of the RDEIR. The lead agency assumes the commenter is talking about the Empire Waste Management Pudding Creek Road site and advocating that it be selected as an alternative location for the project. As explained in Section 4 of the RDEIR at page 3.9.5, an alternative project site utilizing this Pudding Creek location was discussed and analyzed in compliance with CEQA. The lead agency decision-makers will consider the project and all alternatives when they meet to decide whether to certify the EIR and approve the project.

Response J-4

Comment noted. The comment is nonspecific. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific environmental issues or allege any specific concerns with the EIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated.

Response J-5

No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific environmental issues or allege any specific concerns with the EIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, the commenter is referred to Section 3.3 and Mitigation Measure AQ-3 in the DEIR, where the Project's potential odor impacts and mitigation measures are adequately disclosed and analyzed.

Response J-6

The project has been designed to avoid almost all pygmy on the 17 acre Project site. Only a small .58 acre portion of the site containing pygmy is projected to be impacted by the project (RDEIR p. 3.4.42). As mitigation, 19.4 acres of pygmy will be preserved in perpetuity at the Preservation Parcel (APN 118-500-46) (RDEIR, p. 3.4.44).

Response J-7

Comment noted. No further response is required concerning the commenter's generalized noise and traffic concerns, but the commenter is referred to Sections 3.11 and 3.12 of the DEIR and RDEIR, which accurately and adequately analyze the project's potential noise and traffic impacts. The project would not prevent continued operation of the helipad, which will remain in CalFire ownership.

Response J-8

No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific environmental issues or allege any specific concerns with the EIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, the commenter is referred to Section 3.12 of the DEIR, where the Project's potential traffic impacts are adequately analyzed and it is demonstrated that the Project's transportation impacts would be insignificant compared to the current traffic on SR 20. Further, Section 2 of the June 2015 Response to Comments on the DEIR (page 2-1) added text to the DEIR to address the issue of litter accumulating on roadsides. Not only does California Vehicle Code Section 23115 require that loads be properly secured to prevent litter and other articles from escaping, but the contract for transfer station operations would also allow the transfer station operator to levy penalty fees on any customer who arrives with an improperly covered load.

Response J-9

No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific environmental issues or allege any specific concerns with the EIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. However, it should be noted that Fort Bragg's Summers Lane Reservoir will be a lined impoundment that draws water from a different watershed, and that it is one mile away from the project site. It should also be noted that the transfer station will use very little water.

Response J-10

No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific environmental issues or allege any specific concerns with the EIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines

Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, the commenter is referred to Appendix E of the DEIR, which contains a geotechnical report by LACO Associates confirming that the transfer station building could be safely designed for the site's soils.

Response J-11

Comment noted. The comment discusses potential economic impacts which are outside of the scope of environmental review required by CEQA, which is focused on a project's changes to the physical environment.

Response J-12

No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific environmental issues or allege any specific concerns with the EIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. However, it should be noted that the RDEIR adequately considered a reasonable range of alternatives in Section 4.0 and a cogeneration trash burner has never been suggested as being feasible for the Central Coast watershed.

Response J-13

The Skunk Train was invited to submit a proposal to handle waste from the region, but none was received. The use of rail haul is discussed in Section 4.4.3 of the RDEIR (Alternatives Considered but not Carried Forward in this EIR) on pages 3.9.15 to 3.9.16.

4.5.11 Letter K – Sierra Club



Sierra Club, Mendocino Group
P.O. Box 522
Mendocino, CA 95460

June 15, 2016

Board of Supervisors, Mendocino County
Fort Bragg City Council

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

Re: Revised Draft Environmental Impact Report for the Proposed Central Coast Transfer Station in Fort Bragg.

Upon review of the Revised Draft Environmental Impact Report (RDEIR) we would like to enter the following comments.

We are primarily concerned with the impact to the Mendocino Pygmy Cypress Woodland (Pygmy Forest) and the Northern Bishop Pine Forest (Bishop Pines), and with the impact on Russian Gulch State Park (RGSP).

1. In repeated iterations of the EIR document, the goal of “avoiding or substantially lessening” impacts to sensitive habitats is not explored completely. Both the Pygmy Forest and the Bishop Pines will be impacted during development of the transfer station if it is sited in the proposed location, yet there are two other sites within 1 mile that would avoid this impact while offering all the benefits claimed by the proposed site.

These two sites, Leisure Time RV Park and Mendocino Parks & Recreation parcel are mentioned in the Revised DEIR but with so little attention to the value of avoiding the Pygmy Forest and Bishop Pine habitats that they are dismissed out of hand. This is inadequate for analysis at this level. In addition, the use of current parcel boundaries instead of facility boundaries for determining distance to residences gives an inaccurate reading of the impacts.

K1

K2

We again urge the City/County JPA to choose a site that does NOT impact the Pygmy Forest and Bishop Pines. Since there are reasonable choices at close hand, why not chose one that fulfills the mandates of the California Environmental Quality Act and the California Fish & Game Codes? An alternative site is the only answer to avoiding this key question of impact.

K2

2. In reading the proposed mitigations for impacts (assuming the proposed site) we find that the EIR has failed to include the regulatory role of the California Coastal Commission, which has not even been notified of the project EIR. The current Caspar transfer station as well as part of the proposed Preservation parcel of Pygmy Forest lies within the Coastal Zone, and any planning for activities within those areas must have the approval of the Coastal Commission. There is no detailed plan for remediation of the Caspar Transfer station site if it is abandoned, nor monitoring of it or the proposed Preserve. In any case, protecting a preserve of Pygmy Forest is not adequate to meet the goal of “no net loss” of Pygmy Forest. Irreplaceable unique habitat cannot be planted, transplanted or “developed” for hundreds of years.

K3

K4

3. The loss of 12.6 acres of protected forest from Russian Gulch State Park is not addressed in any way. This is an essential part of the trade and must be evaluated with the same rigor as the proposed site. As state park land, the trees and other vegetation are protected from destruction and are accessible for recreation, as was mandated at the creation of the park. A transfer would mean a lesser level of protection for the marble murrelet habitat, the Mushroom Corners foraging grounds and recreational trails. The State Parks cannot simply trade these away without thorough evaluation, even to another state agency. Jackson Demonstration State Forest (JDSF) does not provide the same level of protection, so an impact is certainly probable. The restrictions mentioned in the EIR are not permanent nor complete. The State Parks letter of July 21, 2015 already stated that State Parks will not support the proposed land exchange, and no effort has been made by the JPA to reach another agreement.

K5

4. The CA Dept. of Fish & Wildlife has repeatedly stated that the analysis of all the properties involved must be included in the EIR, but the JPA has not seen fit to consult with any of the agencies concerned. CalFire, State Parks and JDSF must all be on board with the analysis and the conclusions stated before the JPA can reasonably expect the EIR to be certified.

K6

5. The analysis of the environment of the proposed site is inadequate in that it ignores the other 12 acres of Pygmy Forest and Bishop Pines that are included

K7

within the 17 acres of the proposed site. Moving this area from JDSF, where it is protected habitat by the JDSF Management Plan, to the ownership of the JPA is an impact in itself, and will open this area to further unmonitored impacts as time goes on. We believe that this should also be evaluated in this EIR because the County has no protective statues for Pygmy Forest once it becomes private County property.

K7

6. The biggest concern of all is the continued reliance of hauling trash hundreds of miles away to dispose of it. The whole proposal is dependent on this strategy, while across the country municipalities are devising much more innovative methods to deal with the waste stream. We do not see any progress in this proposal toward more efficient and life-affirming methods of disposing of waste. We want to hear new ideas and see new proposals, not just more of the same. It's inadequate planning to ship our trash 150 miles away, at great expense, and claim it is solved.

K8

Please pick a new site and propose a modern facility.

Sincerely,
Mendocino Group, Sierra Club

Rixanne Wehren

Mary Walsh, Chair
Linda Perkins, Conservation Chair
Rixanne Wehren, Coastal Committee Chair

Letter K – Sierra Club – Response to Comments

Response K-1

The project was purposefully and carefully designed and sited to avoid impacts to sensitive habitats to the greatest extent possible. As demonstrated in the DEIR and RDEIR, all of the Project's potentially significant adverse impacts will be reduced to insignificance by the imposition of a host of mitigation measures, including the Pygmy and Bishop Pine preservation, enhancement and restoration mitigation measures.

Response K-2

See Master Response A, distance to surrounding residences, which revises distances stated in the chart on page 3.9.14 of the RDEIR based on the most likely footprint of a transfer station on four alternative sites. The result is the same; that the proposed project impacts the fewest nearby residences except for the Caspar Landfill alternative. The Leisure Time RV Park and Mendocino Coast Recreation & Park District parcels are adequately discussed and analyzed in the Alternative Section 4.0 of the RDEIR, which includes a comparative analysis looking at all of the impacts of the project and its alternatives as required by CEQA.

Response K-3

See Master Response B regarding the Coastal Zone and the project.

Response K-4

The plan for the Caspar Pygmy Forest Preserve on the Preservation Parcel is set forth on page 3.4.44 of the RDEIR, and the plan for enhancement and restoration of Bishop Pine Forest on the Caspar Landfill site/Restoration Parcel is located in Appendix L of the RDEIR. See Master Response #5 in the June 2015 Response to Comments document regarding the project's compliance with applicable Mendocino County General Plan policies.

Response K-5

The restrictions which would apply to the 12.6 acres should it be transferred from Russian Gulch State Park to Jackson Demonstration State Forest are described on pages 2.0.3 and 2.0.4 of the RDEIR. See Master Response C, which demonstrates that there is no reasonably foreseeable impact on these acres from the potential transfer to Jackson Demonstration State Forest, given these protections and the stated intentions of JDSF regarding the future of the Caspar Creek Experimental Watershed.

Response K-6

In addition to early consultation with CDFW in 2013 prior to issuance of the Notice of Preparation for the EIR for the project, the lead agency met with CDFW on March 7, 2014 and August 13, 2015. The lead agency consulted with State Parks on several occasions in 2009 and 2010 to ensure buy-in to the land swap proposal prior to enactment of AB 384. The lead agency conducted a conference call with State Parks on August 12, 2015 and attempted unsuccessfully to reach State Parks representatives by

email and telephone on May 9, 2016 and May 11, 2016. Both agencies were invited by letter on May 9, 2016 to meet with the lead agency but neither replied.

Response K-7

The remaining 12 acres of the project site, outside the carefully selected and oriented project footprint, contain seasonal and emergent wetlands and therefore aren't suitable for development. Moreover, no development or changes in land use outside the footprint of the transfer station's facilities are proposed by the project or otherwise reasonably foreseeable.

Response K-8

Comment noted. No further response is required as the comment does not address the RDEIR, but rather, makes general societal comments regarding the handling of municipal waste. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated.

4.5.12 Letter L – California Coastal Commission

From: Gedik, Tamara@Coastal <Tamara.Gedik@coastal.ca.gov>
Sent: Tuesday, June 21, 2016 1:11 PM
To: 'sweeney@pacific.net'
Subject: noticing and comments re: Central Coast Transfer Station Project

Mr. Sweeney,

The Coastal Commission staff has only recently become aware that the Caspar Joint Powers Authority (JPA) of the County of Mendocino and City of Fort Bragg, as Lead Agency, has completed a Revised Draft EIR for a proposed Central Coast Transfer Station project that would affect a portion of lands occurring within the coastal zone. While we understand that a public notice was posted on the Anderson Valley Advertiser website announcing a public review period beginning May 11, 2016 and ending June 24, 2016, the notice only lists a project site that is located outside the coastal zone (APN 019-150-05).

It has been brought to our attention that the DEIR proposes to mitigate for some Project impacts on property located partially within the coastal zone (APNs 118-500-45 and 118-500-11), on lands that include, but may not necessarily be limited to, pygmy forest areas. Please be advised that any person wishing to undertake development (as defined in Section 30106 of the Coastal Act) in the coastal zone shall first obtain a coastal development permit (CDP). As we have only recently become aware that portions of the proposed project would affect lands within the coastal zone, we have not had an opportunity to review the DEIR and are not yet prepared to offer comments on the DEIR prepared for the Project.

However, please be informed that pygmy forest areas within Mendocino County and north of the Navarro River comprise a separate segment of the local coastal program (LCP) and because there is not a certified LCP for this segment, the Coastal Commission retains CDP jurisdiction within pygmy areas. As the proposed Project involves lands within the coastal zone and potentially within the Coastal Commission's retained jurisdiction and involves matters that may be affected by the policies of the Coastal Act, please provide our office with hardcopies of any Project materials and all future Project-related notices to the address listed below.

Thank you,

~Tamara L. Gedik
Coastal Program Analyst
California Coastal Commission
North Coast District Office
1385 8th Street, Ste. 130 • Arcata, CA 95521
E: Tamara.Gedik@coastal.ca.gov
P: 707.826.8950 • Fax: 707.826.8960

~To purchase a whale tail license plate or access Coastal Commission information, go to www.coastal.ca.gov



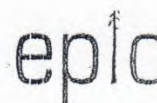
Every Californian should conserve water. Find out how at:

Letter L – California Coastal Commission – Response to Comments

Response L-1

See Master Response B, Coastal Zone.

4.5.13 Letter M – EPIC



Keeping Northwest California wild since 1977

Sent Via Electronic Mail to Address Below on Date Shown Below

June 23, 2016

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

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

Dear Mr. Sweeney:

These comments are submitted on behalf of the Environmental Protection Information Center (EPIC) with regard to the above-referenced proposed Revised Draft Environmental Impact Report (Revised DEIR). EPIC herein incorporates by reference and attachment all comments submitted before the Joint Powers Authority by EPIC regarding the DEIS dated March 26, 2015 (Attachment-A) and FEIR on August 11, 2015 (Attachment-B). EPIC respectfully requests formal written response to all comments raised herein, and within any and all associated documents or comments incorporated herein by reference.

EPIC is aware of comments received by the Joint Powers Authority regarding the Revised DEIR, from the California Department of Fish and Wildlife, dated June 11, 2016, the Mendocino Group, Sierra Club, on June 16, 2016, and by Mr. Paul Carroll on July 17, 2015. These comments, combined with EPIC's independent review of the Revised DEIR indicate that the Joint Powers Authority has failed to address substantive concerns raised by EPIC and other entities in any substantive or meaningful way in the Revised DEIR, and accordingly, EPIC contends that the Certification of the project by the Joint Powers Authority as contemplated would violate applicable law and constitute a prejudicial abuse of discretion.

EPIC shares all the substantive significant environmental and legal concerns raised by other commenters, such as CDFW, Mr. Carroll, and the Mendocino Group, Sierra Club, and are disappointed that none of the concerns raised by EPIC or these other commenters appear to have been addressed in the Revised DEIR for this Project.

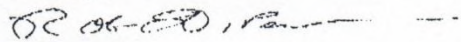
Environmental Protection Information Center
145 G Street Suite A Arcata, CA 95521
(707) 822-7711
www.wildcalifornia.org

MI

EPIC therefore urges the Joint Powers Authority to consider substantial revisions from the Revised DEIR to the FEIR, or to simply abandon the project all together.

ml

Sincerely,



Rob DiPerna
California Forest and Wildlife Advocate
Environmental Protection Information Center
145 G Street, Suite A
Arcata, CA 95521
(707) 822-7711
rob@wildcalifornia.org

Encl:

Attachment A: EPIC March 26, 2015 Comments to Joint Powers Authority regarding DEIR.

Attachment B: EPIC August 11, 2015 Comments to Joint Powers Authority regarding FEIR.

Sent via electronic mail on date shown below

March 26, 2015

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

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

Dear Mr. Sweeney:

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

Summary

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

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

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

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

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

Inadequate Mitigation of Potentially Significant Adverse Impacts

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

Inadequate Alternatives Analysis

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

Inadequate Assessment of Cumulative Impacts

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

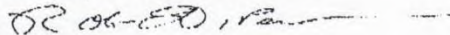
adequately evaluate the potentially significant adverse cumulative impacts of the land swap with Jackson Demonstration State Forest in light of the larger landscape issues facing Pygmy Forests and Northern Bishop Pine forests. The DEIR essentially considers the project's preferred alternative in a vacuum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

Conclusion

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

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

Sincerely,



Rob DiPerna
California Forest and Wildlife Advocate
Environmental Protection Information Center
145 G Street, Suite A
Arcata, CA 95521
(707) 822-7711
rob@wildcalifornia.org



Keeping Northwest California wild since 1977

Sent via electronic mail on date shown below

August 26, 2015

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

RE: Request for Notification

Dear Mr. Sweeney:

On behalf of the Environmental Protection Information Center (EPIC) I am hereby requesting written electronic notification of any further meetings, workshops, or hearings that may be scheduled in association with consideration of the EIR for the Mendocino Central Coast Waste Transfer Station Project proposal. I respectfully request that I be added to any and all informational distribution lists regarding this project.

My contact information is provided below. Thank you for your consideration and cooperation.

Sincerely,

Rob DiPerna
California Forest and Wildlife Advocate
Environmental Protection Information Center
145 G Street, Suite A
Arcata, CA 95521
(707) 822-7711
rob@wildcalifornia.org

Letter M – EPIC – Response to Comments

Response M-1

Comment noted. No further response is required as the commenter does not make any comments of its own on the RDEIR, but rather, indicates that it shares all of the substantive environmental concerns raised by other commenters, such as CDFW (in its June 13, 2016 letter), Sierra Club, Mendocino Group (in its June 15, 2016 letter), and Mr. Paul Carroll (in his July 17, 2015 letter). Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Adequate responses to the CDFW, Sierra Club and Paul Carroll letters are provided herein (Responses to Letters E, K and P). The attached letter from EPIC dated March 26, 2015 was included (as comment letter “R”) and formal responses were provided in the original Response to Comments/Final Environmental Impact Report document of June 2015, and the attached letter from EPIC dated August 26, 2015 was a request for notification that does not require any further response as it did not address the adequacy of the RDEIR.

4.5.14 Letter N – California Native Plant Society



CALIFORNIA
NATIVE PLANT SOCIETY

June 23, 2016

To: Mendocino Solid Waste Management Authority sweeney@pacific.net
Att: Mike Sweeney General Manager

From: Teresa Sholars tsholars@mcn.org
DKY Chapter Rare Plant and Vegetation Chairperson, CNPS
Professor Emeritus of Biology, College of the Redwoods

Re: Central Coast Transfer station revised Environmental Impact Report, April 16, 2016

We think that the revised EIR is inadequate due to the following points:

1. It still assumes that the land swap is going through. Is that confirmed? N1

2. The EIR shows Bishop Pine alliance as G3. The Department of Fish and Wildlife has written letters describing the vegetation as the Northern Bishop Pine alliance rated as G2 (see Hierarchical List 2011). The Botanical consulting firm WRA cannot modify the classification of vegetation types. This is in the purview of the Department of Fish and Wildlife vegetation section, which has stated that the area has the Northern Bishop Forest and has designated its rarity status. The consulting firm has no nexus in the classification of vegetation types. They cannot deem that Fish and Wildlife's letter is not germane to the project. N2

3. The scoping in the Table 3.4-3 is too narrow. It lists 3 habitats on the property as having no potential for rare plants that do have potential for rare plants. They are interpreting the habitat too narrowly. For example the Cypress forest (pygmy) / Forested wetland and Palustrine emergent wetlands are both habitats that contain seeps, therefore species like *Carex saliniformis*, *Juncus supiniformes* and *Sanguisorba officinalis* have the POTENTIAL for being on the site. (NOT NO POTENTIAL). * See Appendix. N3

4. The rare Northern Bishop Pine Forest is in a state of decline. It is important to not decrease the current distribution of this protected community. This project could be in a different site that does not increase the decline of this vegetation type. N4

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Dorothy King Young Chapter, P. O. Box 577, Gualala, California 95445
www.cnps.org

5. The project impacts 3 special status species (278 plants, table 3.4-7) page 84. There is no need to impact these plants if alternative sites are possible.

N5

6. Mitigation for destroying rare species and vegetation types by protecting another site that is not yet destroyed does not help the species and vegetation type that is in decline. It still adds to the total number of impacted sites which further increases possibilities for extinction. Therefore you cannot use protection of the site by the dump to mitigate destruction of another site.

N6

7. Mitigation and restoration by planting nursery stock on the site. The success of planting nursery stock on a site that does not have fairly constant care is very low. Weeding, watering and protecting species from deer herbivory and rubbing must be done on a regular basis over a period of years in order to insure success. Also, the planting palette on page 155 has the wrong species listed for the rare Bolander Pine. It lists *Pinus contorta* ssp. *contorta* as Bolander Pine whereas it is *Pinus contorta* ssp. *bolanderi*

N7

The California Native Plant Society, Dorothy King Young chapter feels that there is enough scientific evidence that the project is too destructive to rare plants and rare plant communities to go forward. Other sites should be seriously looked at that lack rare plant communities and rare plants.

N8

cc:

Linda Ruffing , Fort Bragg City Manager lruffing@fortbragg.com

Angela Liebenberg, California Department of Fish and Wildlife Liebenberg,

Angela.Liebenberg@wildlife.ca.gov

Nancy Morin, President DKY chapter CNPS. Nancy.Morin@nau.edu

***Appendix**

Carex saliniformis Mackenzie

Habitat: mesic.

- Coastal prairie
- Coastal scrub
- **Meadows and seeps**
- Marshes and swamps (coastal salt)

Sanguisorba officinalis is often on serpentinite

(BUT not necessarily. It is found on the coast off of serpentine)

- Bogs and fens
- Broadleaved upland forest
- Meadows and seeps
- Marshes and swamps
- North Coast coniferous forest
- Riparian forest

CNPS, Rare Plant Program. 2016. Inventory of Rare and Endangered Plants (online edition, v8-02). California Native Plant Society, Sacramento, CA. Website <http://www.rareplants.cnps.org> [accessed 16 June 2016].

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www.cnps.org

Letter N – California Native Plant Society – Response to Comments

Response N-1

The land swap was authorized by AB 384 (codified in Public Resources Code Section 4659) and is accurately described as part of the project that is the subject of the DEIR and RDEIR. The lead agency has not received any information, from either the Director of General Services or the Department of Forestry and Fire Protection (who Section 4659 authorizes to grant the City of Fort Bragg or the County of Mendocino an option to acquire title to the property for the purpose of developing a solid waste transfer station), that they will not grant the authorized option.

Response N-2

The discussion of the current designation and classification/rank of Bishop Pine Forest, as well as the conclusion that the Project has the potential to significantly impact this sensitive natural community and the measures to be taken to fully mitigate this potential impact, appears on pages 3.4.49 and 3.4.50 of the RDEIR.

Response N-3

Comment noted. No further response is required as Table 3.4.3 referenced by the commenter was not changed by the RDEIR. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, the commenter is referred to Table 3.4.3 which, contrary to the comment, does not attempt to list the potential existence of rare plants on the Project site, but rather, lists existing habitats identified and quantified on the Project site based on biological surveys.

Response N-4

The commenter asserts Bishop Pine is in decline but does not provide or cite to any more recent survey evidence which alters Calveg's 1998 finding that there are 14,900 acres of Bishop Pine Forest in Mendocino County alone, not including its range in other counties. The RDEIR conservatively finds that the removal of 4 acres of Bishop Pine Forest is a potentially significant impact that can and will be mitigated by the preservation of 5.76 acres at the Preservation Parcel (APN 118-500-45) and the restoration or enhancement of 6.29 acres at the Restoration Parcel (APN 118-500-11).

Response N-5

Comment noted. No further response is required as Table 3.4-7 referenced by the commenter was not changed by the RDEIR. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. However, it should be noted that the RDEIR finds that after imposition of all recommended mitigation measures, the Project will not result in any significant adverse impacts on special status species.

Response N-6

The commenter asserts that off-site preservation is not adequate mitigation for removal of vegetation at the Project site. This point of view is contradicted by the California Department of Fish & Wildlife, which specifically recommended off-site preservation as a mitigation measure in its letter of February 28, 2014, commenting on the scope of the proposed EIR (DEIR, Appendix A). Likewise, Mendocino County General Plan Policy RM-28 authorizes as a mitigation strategy “replacement habitat of like quantity and quality on- or off-site for special status species.”

Response N-7

The concerns that the commenter states are taken into account in the Bishop Pine Mitigation Plan prepared by WRA Environmental Consulting, which appears as Appendix L of the RDEIR. In addition, see Response E-16.

Response N-8

Comment noted. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific environmental issues or allege any specific concerns with the EIR’s analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated.

4.5.15 Letter O – California Parks & Recreation



State of California • Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION
P.O. Box 942886 • Sacramento, CA 94296-0001

Edmund G. Brown Jr., Governor

Lisa Ann L. Mangat, Director

June 24, 2016

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

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

Dear Mr. Sweeney:

The California Department of Parks and Recreation (State Parks) has reviewed the Revised Draft Environmental Impact Report (DEIR), dated April 2016, for the Central Coast Transfer Station. Thank you for the opportunity to provide the following comments on the proposed project as described.

The proposed project as described in the Transfer Station Revised DEIR would enable the development of a waste facility on land that is currently within the Jackson Demonstration State Forest (JDSF). The complicated multi-party land exchange that is outlined in the DEIR would transfer 17 acres of JDSF property to the County and City for development of the new Mendocino Central Coast Waste Transfer Station; 12.6 acres of mature forest land would be transferred from Russian Gulch State Park (RGSP) to JDSF as compensation for the loss of 17 JDSF acres; and, State Parks would be granted a conservation easement on the 61-acre landfill property with the option of acquiring the 35 westernmost acres of the property.

State Parks submitted comments to the 2015 version of the DEIR in a letter dated July 21, 2015 (attached). That letter described the State Parks' concerns with the proposed project described in the DEIR, and outlined deficiencies in the CEQA analysis. Because the Revised DEIR has no substantive changes on issues of significance to State Parks, this letter reiterates many of our 2015 comments.

Resource Values of Russian Gulch State Park Parcel

The proposed project poses significant environmental concerns that are not adequately evaluated or addressed in the Revised DEIR. Of primary concern to State Parks, the DEIR fails to address fundamental questions regarding the value of late seral forest habitat and the potentially significant adverse effects to protected species habitat that could result from the transfer of the 12.6-acre State Park property to JDSF. The RGSP parcel is comprised of sensitive plant communities such as Northern Bishop Pine Forest, remnant old growth redwood, and other significant habitats. The forest is also

documented habitat for the federally threatened marbled murrelet. These resources need to be described in detail in the DEIR, and the potential impacts to the parcel's resource values must be described along with actions to avoid, minimize, and mitigate those impacts. Unfortunately, this level of analysis is not in the DEIR.

02

For instance, the DEIR fails to analyze potentially significant impacts that could result from substantial differences in the mandated management objectives of JDSF and those of RGSP, and how management practices have the potential to affect sensitive resources on the property. The 2008 JDSF Forest Management Plan identifies one of JDSF's primary goals and objectives is to "*Manage the forest on the sustained yield principle, defined as management which will achieve continuous high yields of timber production that contribute to local employment and tax revenue...*" On the other hand, RGSP is a designated State Park, managed consistent with the requirements of Public Resources Code Section 5019.53 which states, in pertinent part, "*Each state park shall be managed as a composite whole in order to restore, protect, and maintain its native environmental complexes to the extent compatible with the primary purpose for which the park was established.*" JDSF management would provide less protection to significant resources on the property than what currently exists under State Park ownership, a fact that is not considered or analyzed in the DEIR.

03

Instead of documenting the resources of the 12.6 acre RGSP parcel and analyzing the potential impacts of the change in management, the DEIR proposes that impacts from reasonably foreseeable activities, such as future timber harvests, be handled as part of the Timber Harvest Plan process. It also segments the project and postpones serious discussion of the impacts associated with the project as well as the mitigation of those impacts.

Condition of Landfill Property

The proposed compensation to State Parks for the loss of 12.6 acres of prime forested property consists of an easement on 61 acres of the former landfill property as well as an option to purchase 35 acres adjacent to the landfill site. The condition of the 35 acres of the landfill property has not been thoroughly analyzed. In addition to being potentially highly disturbed, the landfill property does not contain the natural, cultural, or recreational values that typify lands acquired for the State Park System; the former landfill site's well-documented toxicity and environmental degradation would create significant management challenges and costs. Further, the DEIR lacks adequate information related to the acquisition and management of the easement and the 35-acre site by State Parks. Such impacts could include but are not limited to: public nuisance access, invasive species proliferation, unanticipated groundwater impacts, methane emissions, and a host of other environmental concerns associated with the degraded condition of the former landfill site.

04

Mr. Sweeney
June 24, 2016
Page Three

AB 384 clearly required these potential impacts to be analyzed by the beneficiaries of the land transfer, so the absence of sufficient analysis in the DEIR clearly demonstrate the project proponents have not fulfilled the requirements upon which the land transfer is predicated (PRC § 4659 (k)).

05

Additional Considerations

The California Department of Fish and Wildlife (CDFW) provided extensive comments in March 2015 and on June 13, 2016 on the impacts of the project to sensitive natural communities. State Parks concurs with CDFW's comments and observes that many of CDFW's 2015 comments were also not addressed in the Revised DEIR. Included in its 2015 comments, CDFW suggested that "Project proponents should work closely with both CalFIRE and State Parks to fully describe and analyze potential changes in land use, and other foreseeable potential impacts." Despite this suggestion and State Parks' statement in its July 2015 letter that it looked forward to working with the City and County to identify feasible alternatives, neither the City nor the County have initiated any discussions with State Parks aimed at resolving the concerns State Parks has raised.

06

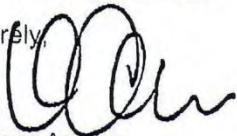
State Parks recognizes the importance of the Transfer Station project to the community and continues to be willing to work with the County and City to help find a solution that is in the best interests of all parties. However, after a thorough review of the DEIR and an internal review of records and field visits to the key sites, State Parks continues to find that the DEIR lacks sufficient analysis of the proposed project's environmental impacts, just as it provides insufficient avoidance, minimization, and mitigation for the project's environmental impacts.

07

State Parks continues to encourage the City and County to pursue other viable and lesser impactful alternatives that have been identified in the Revised DEIR. For example, Alternatives 4 and 5 provide the basis for a preferred alternative that would likely not share the significant flaws that are imbedded in the proposed project.

Thank you for the opportunity to provide these comments. If you would like to discuss the content of this letter, please contact Mike Lair at (707) 865-3121 or via email at Mike.Lair@parks.ca.gov.

Sincerely,



Kathleen Amann
Deputy Director of Park Operations

Attachment



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

Lisa Ann L. Mangat, Director

July 21, 2015

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).

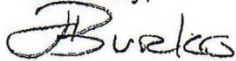
The land exchange authorized by AB 384 (PRC §4659) provided a conceptual framework to address the concerns over the existing landfill raised by the community as well as park managers. However, as a specific proposal has taken shape, it has failed to address critical issues or evaluate a robust set of 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 black ink, appearing to read "Liz Burko".

Liz Burko

Sonoma Mendocino Coast District Superintendent

Letter O – California State Parks – Response to Comments

Response O-1

This introductory comment summarizes the proposed Project and the commenter's prior comment letter on the DEIR without discussing or addressing the adequacy of the RDEIR. No further response is required.

Response O-2

See Master Response C.

Response O-3

See Master Response C.

Response O-4

Contrary to the commenter's implication, there is nothing in the proposed project, or in AB 384, that would require State Parks to take ownership of the westernmost 35 acres at the Caspar Landfill site (if State Parks was disinclined to do so) or cause any impacts thereon as no new or changed land uses are proposed at the former Caspar Landfill site by the project. The primary asset that AB 384 would give to State Parks is a recorded covenant requiring State Parks approval of any future use of the entire 61-acre closed landfill site, so that the existing transfer station would be closed and no future use could be made of the property that might impact Russian Gulch State Park. This has been a wish of Russian Gulch State Park management for decades, and is the reason why former State Parks Mendocino District Superintendent Marilyn Murphy proposed the land swap. State Parks' concerns with the negative impacts of Caspar Transfer Station operations on Russian Gulch State Park are documented in a letter dated April 5, 2012 from current Mendocino District Superintendent Loren Rex to MSWMA General Manager Mike Sweeney. Also, it should be noted that the proposed 35-acres does not include the footprint of the closed landfill itself, which will remain in the ownership of the County and City. According to groundwater monitoring reports obtained by the County of Mendocino, there is no contamination on the site's westernmost 35 acres from the closed landfill.

Moreover, the commenter's concerns over potential impacts associated with the alleged degraded condition of the former landfill site are not only unsubstantiated, they are not required to be analyzed by CEQA, as such potential impacts fall into the category of impacts of the existing environment on the project, or the type of "CEQA in reverse" analysis recently held by the California Supreme Court to be outside the purview of CEQA. CEQA only requires analysis of a project's effects on the environment; consideration of the potential effects of a site's environment on a project are outside the scope of required CEQA review (*California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal. 4th 369). As stated in *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 473: "[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project." The potential impacts raised by this comment in this section relate to alleged preexisting environmental hazards, and therefore "do not relate to environmental impacts under CEQA and cannot support an argument that the effects of the environment on the project must be analyzed in an EIR." (*Id.* at p. 474.)

Response O-5

See Response O-4 and Master Response C. The RDEIR analyzes the transfer of 12.6 acres at pages 2.0.3 and 2.0.4. The only change to the 61-acre Caspar Landfill site would be the cessation of operations of the Caspar Transfer Station, and certain Bishop Pine Forest restoration activities, which are described in the RDEIR.

Response O-6

The lead agency met with CDFW on March 7, 2014 and August 13, 2015. The lead agency conducted a conference call with State Parks on August 12, 2015 and attempted to reach State Parks representatives by telephone at later times. Both CDFW and State Parks, as well as a host of other responsible/trustee agencies, were invited by letter on May 9, 2016 to meet with the lead agency but neither agency replied. The lead agency also consulted with CalFire which, as noted in the RDEIR, intends to grant the project a variance (eliminating any requirement to clear brush beyond the project footprint) and has no intention of conducting timber operations on the 12.6 acre parcel that may be transferred from Russian Gulch State Park to the Jackson Demonstration State Forest as a result of the Project.

Response O-7

The commenter's criticisms noted here are nonspecific and of the proposed project itself, and do not raise any specific concerns with the RDEIR or its adequacy and therefore cannot be responded to further, with the exception of the commenter's expressed preference for Alternatives 4 and 5 (Leisure Time RV Park and Mendocino Coast Recreation & Park District property). Those alternatives are adequately analyzed as part of the reasonable range of project alternatives discussed in Section 4.0 of the RDEIR.

Note: The comments in Liz Burko's attached letter dated July 21, 2015 are repeated and elaborated in the Kathleen Amann letter, and are fully responded to herein.

4.5.16 Letter P – Sierra Club

PAUL V. CARROLL

Attorney at Law
1103 17th Avenue
Redwood City, California 94063
telephone (650) 839-8644
pvc Carroll@att.net

July 17, 2015

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

Re: EIR for the Proposed Central Coast Transfer Station in Fort Bragg

Dear Mr. Sweeney:

I write this letter on behalf of the Sierra Club regarding the above-referenced project.

Russian Gulch

The City and County propose to acquire the project site, comprising 17 acres of Jackson Demonstration State Forest (JDSF). For its loss, JDSF would be given 12.6 acres of Russian Gulch State Park. State Parks in turn would receive an option to take ownership of 35 acres of the closed Caspar landfill. According to the DEIR, the 12.6 acres would become part of the JDSF Caspar Creek Experimental Watershed Study Area, whose purpose is to study the effects of logging on natural resources. (Pg. 2.0-3.)

The loss of 12.6 acres of State Parkland is a significant recreational and ecological impact for which there has been no environmental review, none whatsoever. In your response to comments raised by various groups and persons regarding Russian Gulch, you state that there are no current plans to log it. Of course there are not. It is still parkland. But there will be. JDSF is after all dedicated to experimental logging operations.

The JDSF Management Plan makes it clear that JDSF is first and foremost devoted to logging:

- Read as a whole, the statutory direction indicates that the management of Jackson Demonstration State Forest is primarily for sustainable timber production with the primary purpose of education and research relating to economical timber management. (Pg. 15.)
- The primary focus of this Management Plan is to lay out best management practices for sustainable forestry on JDSF. (Pg. 70.)
- Additionally, this article establishes timber production as the primary land use on

P1

Jackson Demonstration State Forest, while recognizing that recreation is a secondary but compatible land use. (Pg. 15.)

The JDSF Management Plan is incorporated here by reference and can easily be found online.¹

Under CEQA, a lead agency is required to conduct environmental review of future phases of a project that are reasonably foreseeable. (E.g., *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396.) Here, the annexation of 12.6 acres of parkland to JDSF and its eventual logging is not merely foreseeable, it is certain.

The EIR's failure to consider the annexation is especially troubling because that area of Russian Gulch is a recreational and ecological resource. It and JDSF comprise Mushroom Corners, an area known for its abundance of mushroom species, and frequently visited "by several universities, colleges and scientific societies for educational and scientific purposes." (http://calfire.ca.gov/resource_mgt/downloads/ADEIR_Part_05_V_Setting_10.08.05.pdf.) Russian Gulch is also habitat for a number of threatened species, including northern spotted owl and marbled murrelet.

The 12.6 acres of parkland are also regularly used by hikers and bicyclists. Their recreational experience will be changed, when 12.6 acres of parkland is turned into a working forest, whose primary function is timber production.

In your response to CDFW's letter to you of March 24, 2015, you also claim that when the 12.6 acres are logged a timber harvest plan must be approved under CEQA and the Forest Practice Act. That is true but CEQA requires that more generalized environmental review occur now. "With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations into project conceptualization, design, and planning. CEQA compliance should be completed prior to acquisition of a site for a public project." (Guidelines, § 15004, subd. (b)(1).)

As the Court explained in *Laurel Heights*, because the Regents had not solidified their expansion plans, a "detailed environmental analysis of every precise use that may conceivably occur is not necessary at this stage. [Citation.] The fact that precision may not be possible, however, does not mean that no analysis is required." (47 Cal.3d at pp. 398-399.) "Drafting an EIR...involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can." (*Ibid.*, quoting Guidelines, § 15144.)

The EIR fails to consider—even in the most generalized way—the effect of transferring 12.6 acres of protected parkland into a state forest dedicated to timber production.

Alternatives

The EIR's consideration of alternatives violates CEQA on a number of grounds. It fails to

¹<http://www.mendocycle.org/pdfs/MSWMA%20CCTS%20DEIR%20w%20Appendices%20Feb%202015%20print%20ready.pdf>.

consider a *range* of alternatives; it violates its own criteria in evaluating alternatives; it designates the proposed project as the environmentally superior alternative, even though it is *not* an alternative; it fails to support its conclusions with substantial evidence; and it fails to provide sufficient information so that decision-makers and the public can intelligently take account of environmental consequences.

One of CEQA's most fundamental requirements is that the reviewing agency consider a range of reasonable alternatives to the proposed project. (§ 21001, subd. (g); *Laurel Heights, supra*, 47 Cal.3d at p. 400.) A lead agency is not free to consider just any alternative. The analysis must "explore feasible, less damaging alternatives to the proposed harvesting project." (Guidelines, § 15126.6, subds. (c), (f).)

Less damaging alternatives must be considered even if they would "impede to some degree the attainment of the project objectives, or would be more costly." (Guidelines, § 15126.6, subd. (b); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737.)

The consideration of alternatives must be sufficiently detailed to provide decision-makers and the public with information to allow them to intelligently take account of environmental consequences. (Guidelines, § 15126.6, subd. (f); *San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750-751.)

P2

A.

The EIR fails to consider a *range* of alternatives. It considers only the no-project alternative, which is statutorily required in all EIRs, and one other, the Caspar Site. Two alternatives do not constitute a range. We know of only two cases that involved two alternatives including the no-project. In one, the court set aside the EIR for failing to consider a feasible alternative. (*Habitat and Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1301-1305.) In the other, the project actually had a positive effect on the environment, leading the court to wonder whether an EIR should have been prepared. (*Marin Municipal Water District v. KG Land California Corp.* (1994) 235 Cal.App.3d 1652, 1661, fn. 4; 1665-1666.)

P3

B.

Under CEQA, an EIR must identify the environmentally superior alternative: "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." (Guidelines, § 15126.6, subd. (e)(2).) Thus, if the no project is superior, another *alternative* has to be designated.

P4

The EIR inexplicably claims that the proposed project is the environmentally superior alternative. But the project is not an alternative; it is the project. It cannot be an alternative to itself. As the Guidelines make clear, there is the project, on one hand; and there are alternatives to it, on the other. (Guidelines, § 15126.6, subd. (a).)

C.

The EIR uses a simple formula for evaluating the superiority of the proposed project. It merely adds up its environmental benefits compared to the Caspar Site. (DEIR, p. 4.0-5.) But when we do the same addition, the Caspar Site wins. The EIR says that the proposed project is superior to the Caspar Site regarding aesthetics, air quality, GHG emissions, and transportation. It says that the Caspar Site is superior regarding forest resources, biological resources, hydrology and water quality, land use and planning, and noise. As to noise, the EIR explains that the Caspar Site has fewer homes in the project vicinity, and could reduce impacts further by closing the transfer building. Thus, the EIR's conclusion that the project is environmentally superior is contradicted by its own analysis.

P5

But more significantly, we are perplexed why the Leisure Time alternative did not receive serious consideration. It received a more positive score in the Mendocino Central Coast Commercial Transfer Station Siting Study (attached) than the proposed project. It clearly has numerous environmental benefits over the proposed project, relating to biological resources, hydrological resources, the absence of streams on-site, topography, water and sewer availability, and so on. (DEIR, p. 4.0-6-7.) The only apparent drawback is that, because of the proximity of residences, "it would be less successful in meeting one of the project objectives of isolation from other land uses." (DEIR, p. 4.0-7.)

P6

But this excuse fails on both factual and legal grounds. Factually, it applies different

measurements in comparing the Leisure Time alternative to the proposed project (as noted by CDFW in its March 24, 2015, letter to you.) As to Leisure Time, it measures the distance between residences and the *border* of the parcel. Yet, the real question is distances between residences and the actual installation. That distance could be much farther away.

Legally, the fact that Leisure Time might be closer to residences does not justify its lack of consideration. The DEIR states that Leisure Time “would be less successful in meeting one of the project objectives of isolation from other land uses.” (4.0-7.) But less damaging alternatives must be considered even if they would “impede to some degree the attainment of the project objectives, or would be more costly.” (Guidelines, § 15126.6, subd. (b).) Alternatives should “attain *most* of the basic objectives of the project but...avoid or substantially lessen any of the significant effects of the project.” (Guidelines, § 15126.6, subd. (a).)

P6

Defensible Space

In its letter to you, CDFW complains that the DEIR does not analyze the expansion of the project’s adverse impacts resulting from the need to remove extra vegetation to avoid fire hazard (CDFW letter, *supra*, at p. 6.) In your response to CDFW’s concern, you state that you expect to get a variance from Cal-Fire. (FEIR, p. 4-73.) Unfortunately, this is not how environmental review is supposed to work.

The lead agency has a mandatory duty to consult with responsible agencies, such as Cal-Fire, from the earliest stage, that is, when the lead agency determines that an initial study is required. (Guidelines, § 15063, subd. (g).) But it sounds from your answer that this has never occurred: You propose to add the need for the variance to the list of required approvals.

P7

The failure to settle this issue with Cal-Fire can lead to adverse consequences. If Cal-Fire does not grant the variance and the project goes forward, there will be unanalyzed impacts to the local and quite sensitive ecosystem. On the other hand, Cal-Fire may feel it has little choice but to grant the variance to save the project. “[T]he later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive to ignore environmental concerns that could be dealt with more easily at an early stage of the project.” (*Laurel Heights, supra*, 47 Cal.3d at p. 395.)

The EIR is fundamentally flawed and violates CEQA on numerous grounds.

Thank you for your consideration of this letter.

Very truly yours,

Paul V. Carroll

Letter P – Sierra Club – Response to Comments

Response P-1

See Master Response C.

Response P-2

This comment addresses the alternatives discussed in the original DEIR. Additional alternatives were considered in Section 4.0 of the RDEIR, which satisfies CEQA's requirement to discuss and analyze a reasonable range of alternatives.

Response P-3

See Response P-2.

Response P-4

The required discussion of the environmentally superior alternative appears on pages 3.9.13 and 3.9.14 of the RDEIR.

Response P-5

There is no fixed formula under CEQA for evaluating the relative weight of different environmental issues pertaining to a project and its alternatives. The RDEIR finds different alternatives and the project to be superior in certain categories, and discloses them. An "environmentally superior" alternative is identified based solely by counting the number of categories, without a subjective effort to give different weight to each category. See Section 4.3 of the RDEIR.

Response P-6

The RDEIR analyzes the Leisure Time RV Park as an alternative in Section 4.2.4. Also see Master Response A, distance to surrounding residences.

Response P-7

See Response E-4.

4.5.17 Letter Q – Jeremy James

From: Jeremy James <theantiquerestorer@yahoo.com>
Sent: Friday, June 24, 2016 2:56 PM
To: bos@co.mendocino.ca.us; sweeney@pacific.net; dturner@fortbragg.com; LPeters2@fortbragg.com; MCimolino@fortbragg.com; sdeitz@fortbragg.com; dhammerstrom@fortbragg.com
Subject: Re: EPA guidelines for proposed transfer station.
Attachments: To the Mendocino County board of supervisors.docx; To the Mendocino County board of supervisors.docx

To all those in concern,

According to the Water Replenishment District of Southern California, waste transfer station are a significant cause of pollution to ground water. Rain water runoff to an above ground reservoir stands a much higher likely hood of severe contamination.

Since the County Board of Supervisors and Fort Bragg City Council have been made aware of the likely hood of future health hazards caused by polluted rain water run off into the city reservoir and the gross negligence this presents, they may be held personal responsible in the future, if a Class Action suit is brought.

Q1

There are countless case law documents verifying the validity of such a claim and it would be in the best interest of all said parties if this could be avoided.

When all the facts are gathered the feasibility of the proposed site is no longer in question. An alternative location is the answer, just where it is needs to be determined.

Groundwater Contamination Prevention/Cleanup in the Central and West Coast Basins

Groundwater Contamination Prevention/Cleanup in the Central and West Coast Basins

Groundwater contamination in the Central and West Coast Basin aquifers of
Los Angeles County

Please refer to the attachment below that I have provided in my original message, this was dated 3/23/2015 and still has not been addressed by the County board of supervisors or Mr Sweeney.

Q2

The EPA guidelines are very reader friendly and specifically address the environmental concerns and the best site criteria. These guidelines have been ignored and not addressed.

Sincerely,
Jeremy James

3/23/2015

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

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

I encourage everyone to read the EPA's guidelines for a waste transfer station titled, Waste Transfer Stations: A Manual for Decision-Making.

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

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

Exclusionary Siting Criteria

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

Wetlands and flood planes

Endangered and protected flora and fauna habitats

Protected sites of historical, archeological or cultural significance.

Prime agricultural land

Parks and preserves

:End quote

Q2

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

State Parks classifies Pygmy as a wetland

It contains Endangered and protected Flora and Fauna

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

Q2

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

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

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

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

Q3

:end quote

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

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

Q4

In Summary

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

Q5

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

Q6

In Conclusion

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

Q7

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

Q8

Sincerely,

Jeremy James

Retired Sniper US ARMY 2nd Ranger Battalion

Letter Q – Jeremy James – Response to Comments

Response Q-1

The Summers Lane Reservoir is located one mile from the proposed transfer station. The reservoir will be surrounded by a high berm and lined with an impermeable liner. It will be fed, not by the surrounding watershed, but by an existing pipeline from Waterfall Gulch. Notwithstanding the reasons why the proposed transfer station won't release any pollution or contaminate any water, there is no reasonable possibility that any contamination would affect Summers Lane Reservoir.

Response Q-2

The portions of the project parcel that are seasonal wetland are identified and avoided in the facility design, as shown by Figure 3.4-1 of the DEIR. Special status species have been identified and mapped and either avoided or mitigated as described in Section 3.4 of the RDEIR. The concern that pygmy needs preservation is more than adequately met by the project's proposed mitigation at the Preservation Parcel, which would permanently protect 19.35 acres.

Response Q-3

Pursuant to CEQA Guidelines Section 15088.5(f)(2), responses are required only to comments that relate to sections of the DEIR that were altered or added in the RDEIR. However it should be noted that the project is designed to accommodate reasonably foreseeable future growth, as described in Section 2.5.7 of the DEIR.

Response Q-4

The RDEIR describes in detail the different categories of Mendocino Pygmy Cypress on page 3.4.5 and how they differ. In the RDEIR, "transitional pygmy" isn't used as name of a species, but rather to describe woodland where pygmy isn't exclusive but is merging with other tree species.

Response Q-5

The issues highlighted in the EPA publication were explored in detail through the 9-year siting process conducted by the lead agency.

Response Q-6

This comment repeats the same concern raised at the outset of the letter. See Response Q-1 above.

Response Q-7

The Leisure Time RV Park alternative is analyzed at Section 4.2.4 of the RDEIR. The owners of Leisure Time RV Park stated an asking price of \$2 million for the property when the siting study was prepared.

Response Q-8

Empire Waste Management's Pudding Creek Road alternative is analyzed at Section 4.2.3 of the RDEIR. In 2015, Waste Management obtained permits for a new open container solid waste transfer system to load a maximum of five walking floor trailers (Wilkens trailers) at the Pudding Creek site with refuse from curbside collections. This was necessary as the company's "pod" system has become obsolete. Once loaded, these new trailers still travel to the Willits Transfer Station for off-loading into long-haul commercial transfer trailers.

4.5.18 Letter R – Ann Rennacker

From: Ann Rennacker <annxpress@live.com>
Sent: Friday, June 24, 2016 3:01 PM
To: sweeney@pacific.net
Subject: Comments on MSWMA Draft EIR for Central Coast Transfer Station

Dear Mr. Sweeney,

Your DEIR for this Waste Transfer project is deficient in several key areas of concern, mainly an inadequate mitigation of the damage to the Mendocino Pygmy Cypress woodland and Northern Bishop Pine Forest, an inadequate analysis of less damaging but equally feasible location sites for the project, and an inadequate assessment of significant damages which may result from the proposed project. It is necessary that you locate the project in an area that will not cause damage to delicate forest land protected for decades by State Parks in the Russian Gulch State Park area of the "land swap" as this old growth Redwood Forest is habitat for the endangered Marbled Murrelet, and has an iconic area called "Mushroom Corner" which has been kept undisturbed until now. Trading this Forest land for a corner of Jackson State Demonstration Forest puts it at risk for logging, as it was stated in the DEIR that the intention is to log it in 2017-18 and then leave it alone! This is unacceptable! There has been an inadequate analysis of impacts to wetlands, downstream surface water and sensitive natural communities. The report's analysis of cumulative impacts is not only inadequate in the March 10, 2016 EIR, they is not addressed in the latest DEIR. The DEIR added more information about the property transfer between the Jackson State Demonstration Forest and Russian Gulch State Park, but it glossed over project alternatives and stuck with the HWY 20 site chosen in 2013, even though there are other alternatives that would not log pygmy forest and not cause a widening of State Hwy 20, causing a dangerous left turn lane to be created into the facility. The alternative of using Hidden Village Trailer Park, a place with plenty of room for trucks and cars to turn around and it has already been logged, paved, has water and sewer, and is for sale for less than the cost of CEQA studies and widening HWY 20 to put in a new site from scratch.

The lack of mitigations in the DEIR is alarming and renders it incomplete in providing protections for endangered plants, animals, watersheds, and a narrow Highway which will need to be altered and to have double-wide possum belly trucks traveling full of trash and garbage on a winding much traveled road just to get to the Main highway. It is already a problem to follow the smaller "pods" down HWY 20 to Willits on Tuesdays to go the Board of Supervisor meetings or appointments. There will be accidents and spills.

The fact that the new Summers Lane Reservoir is on Hwy 20 just 3.5 miles from your proposed Waste Transfer Station is alarming in view of the major pollution and contamination problems in the Caspar Landfill site which was shut down years ago but continues to taint the water of residents who live nearby. The only people who did not vehemently object the the Hwy 20 site were those who live in the contaminated Caspar Landfill watershed and want it gone forever!

This three-way land swap that was brokered by Doug Bosco in 2007-2013 is objectionable due to the misrepresentation of the Forest types, the "taking" of old trees by JSDF, an outfit that likes to log trees to study the damages incurred by the roads cut and watersheds ruined and fisheries damaged. State Parks could not have foreseen that if they agreed to such a swap way back then, that later there would be damages to the old Forest and to the Pygmy Forest. Doug Bosco is not an accountable legislator, he was known as the worst money manager in California when he created a scandal by overdrawing 124 bank checks totaling \$537,985 in overdrafts and was forced to step down. That did not stop him from demolishing the North Coast RR authority which was established to maintain 316 miles of rail, purchased with public funds \$6.1 Million in 1992, then four years later public agencies put in another \$29 Million to meet freight and passenger

needs. Due to inaction on maintenance, non-payment of debts and gross fiscal mismanagement, CalTrans has audited NCRA and called it a "high risk" agency due to financial instability and an accounting system "not in accordance with generally accepted accounting principles". Why should we want to do any "land swap" that was brokered by such a fraud? If Bosco had not fleeced the Railroad we could have used the rail to transfer our trash out of here and not endanger the cars and RVs on the narrow Hwy 20, which was named as eligible to be a Scenic Highway but not officially adopted as such.

I suggest that your permanent EIR address the project alternatives, the protection of sensitive Pygmy Forest and the protection of Russian Gulch old growth Redwoods and the endangered creatures that depend on that Forest. I also want to see a location that does not endanger our new Reservoir for clean water storage.

Thank you for your consideration,

Ann Rennacker

31200 Sherwood Rd, Ft Bragg

R7

R8

Letter R – Ann Rennacker – Response to Comments

Response R-1

The RDEIR identifies adequate mitigation to address the Project's potentially significant impact on Mendocino Pygmy Cypress in Mitigation Measure BIO-1b of the RDEIR, and similarly identifies adequate mitigation to address the Project's potentially significant impact on Bishop Pine Forest in Mitigation Measure BIO-2b of the RDEIR. These mitigation measures ensure the conservation and protection in perpetuity of these sensitive natural communities according to mitigation ratios of 33 to 1 (Pygmy) and 3 to 1 (Bishop Pine). The RDEIR also adequately analyzes a reasonable range of project alternatives in Section 4.0. The commenter does not state in what way she believes the RDEIR's mitigation measures or alternatives analysis are inadequate, so no further response is possible or required.

Response R-2

See Master Response C. Further, the commenter misunderstood the RDEIR which demonstrates that no timber harvesting will take place within the next 15 years (or is otherwise reasonably foreseeable thereafter) in the 12.6 acres of existing Russian Gulch State Park land that could be transferred to the Jackson Demonstration State Forest's Caspar Creek Experimental Watershed Study area pursuant to the land swap authorized by Public Resources Code Section 4659.

Response R-3

The commenter does not indicate with any specificity or supporting evidence in what respects she believes the RDEIR's analyses of wetlands, downstream surface water, sensitive natural communities and cumulative impacts are inadequate, so no further response is possible or required. There is no facility named "Hidden Village Trailer Park." Assuming the commenter is referring to the Leisure Time RV Park Site, the RDEIR discusses and analyzes that as a project alternative in Section 4.2.4, on pages 3.9.8 through 3.9.11.

Response R-4

The commenter does not indicate in what respects she believes the mitigations are "alarming" or "incomplete," so no further response is possible. The project would reduce the number of large trucks on SR 20 between Fort Bragg and Willits, as described in Table 3.7-1 of the DEIR.

Response R-5

See Response Q-6.

Response R-6

No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific environmental issues or allege any specific concerns with the EIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or

portions of the earlier EIR that were revised and recirculated. Nonetheless, contrary to the commenter's assertion, Douglas Bosco had no role whatsoever in AB 384.

Response R-7

The California Western (Skunk Train) Railroad alternative is discussed at Section 4.4.3 of the RDEIR.

Response R-8

Project alternatives are analyzed in Section 4.0 of the RDEIR, pygmy forest is analyzed in Section 3.4 of the RDEIR, the Russian Gulch property is analyzed at pp. 2.0.3-2.0.4 of the RDEIR (see also Master Response C), and there is no potential for the proposed Project to impact the Summers Lane Reservoir as explained in Response Q-6.

4.5.19 Letter S – Ed Oberweiser

From: Ed Oberweiser <edoberweiser@gmail.com>
Sent: Wednesday, June 08, 2016 12:23 PM
To: sweeney@pacific.net
Subject: Notice of Preparation for the Central Coast Transfer Station Draft Environmental Impact Report (SCH# 2014012058) Mendocino County, California

Dear Mr. Sweeney,

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

51

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

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

52

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

53

Thank you for your consideration.

Sincerely,

Ed Oberweiser
19244 Benson Ln
Fort Bragg, CA 95437

Letter S – Ed Oberweiser – Response to Comments

Response S-1

Comment noted; no further response is required as the comment addresses the DEIR, not the RDEIR. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, the commenter is referred to Section 4.0 of the RDEIR, where additional Project alternatives were analyzed in compliance with the requirements of CEQA Guidelines Section 15126.6(d) by providing "meaningful evaluation, analysis, and comparison with the proposed project."

Response S-2

This comment generally asserts that the Project would conflict with unidentified land management directives in the Mendocino County General Plan and the Jackson Demonstration State Forest Management Plan. The restrictions that would apply to JDSF management of the newly-acquired 12.6 acres are described on pages 2.0.3 to 2.0.4 of the RDEIR. See also Master Response C. The JDSF Management Plan lists a variety of goals including recreation, aesthetics, and species protection, in addition to timber production and research.

http://www.calfire.ca.gov/resource_mgt/downloads/Final_JDSF_FMP_Master_012808_HE.pdf.

As described in Section 3.10 of the DEIR and Section 3.4 of the RDEIR, the project as mitigated is consistent with all applicable policies of the Mendocino County General Plan.

Response S-3

Comment noted. As explained and demonstrated in the DEIR and RDEIR, a reasonable range of Project alternatives were considered and all of the Project's potential significant impacts will be mitigated to levels of insignificance.

4.6 Response to Oral Comments at Public Hearing of June 16, 2016

Oral comments on the RDEIR were made at a Public Hearing on June 16, 2016 at Town Hall, 363 N. Main Street, Fort Bragg. The remarks of each person that pertain to the project are summarized and responses are made.

4.6.1 Oral Comments AA – Barbara Rice

Road 409 area resident. Expressed support for the project and the EIR.

Response AA: Comments noted.

4.6.2 Oral Comments BB – John Fremont

Believes comments should not be limited to revisions to draft EIR. Project threatens forest and its inhabitants. [Proceeded to read from written statement which is reprinted herein as Letter “J”.]

Response BB: Comments noted. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific environmental issues or allege any specific concerns with the RDEIR’s analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. See response to this commenter’s written Letter “J” herein.

4.6.3 Oral Comments CC – Tracy Howson

A friend is concerned about toxins at transfer station. The transfer station doesn’t put garbage on the ground. The new site won’t put garbage on the ground. Why aren’t we talking about putting garbage on the rail? In favor of the new station. The old station should be monitored. How long will that be monitored? In favor of hauling our garbage somewhere else. There won’t be any contamination on the ground if it is done right.

Response CC: The comment and its support for the proposed Project is noted. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific environmental issues or allege any specific concerns with the RDEIR’s analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated.

4.6.4 Oral Comments DD – James Gay

See the traffic on Highway 20. Concerned about speed of traffic in front of transfer station site. Caltrans should be asked to reduce speed limit.

Response DD: Comments noted. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific concerns with the RDEIR’s analysis of the project. Pursuant to the Notice of Availability published for the RDEIR

requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, the commenter is referred to Section 3.12 of the DEIR, which adequately analyzes the Project's potential transportation impacts.

4.6.5 Oral Comments EE – Charla Thorbecke

Park Department is drafting a letter to stop this swap.

Response EE: Comments noted. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific environmental issues or allege any specific concerns with the RDEIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, the commenter is referred to Response O-4 above.

4.6.6 Oral Comments FF – Jeremy James

There were 15 accidents in area. Not a good idea to have the reservoir below the transfer station. Toxins may be released from asphalt. State Parks wants swap off the board. Something positive can come out of the pygmy forest. Not a lot of acreage left. We have to find a different location. There are alternative locations that have less environmental impact.

Response FF: Comments noted. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific concerns with the RDEIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, the commenter mentioned a variety of issues without specifying in what respects he believed the analysis of those issues in the RDEIR is inadequate. Regarding Summers Lane Reservoir, see Response Q-6. Regarding pygmy forest, the project's impacts and mitigation are described in Section 3.4 of the RDEIR. The various environmental impacts of alternatives are set forth in Section 4.0 of the RDEIR.

4.6.7 Oral Comments GG – Rixanne Wehren

Represents Mendocino Group of the Sierra Club. Supports moving from Road 409. Mission is protecting rare habitats and the environment. There are two other sites within a mile that satisfy other requirements but do not destroy the pygmy forest. Distances to residents were measured from whole entire parcel instead of the facility. Coastal Commission has a say because Caspar Transfer Station and mitigation site are in coastal zone. State Parks is upset because they weren't contacted. Fish and Wildlife has objected but were ignored.

Response GG: Comments noted. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific concerns with the RDEIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR

requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The commenter is referred to Section 4 of the RDEIR which adequately discusses and analyzes a reasonable range of project alternatives; to Master Response A above, which addresses and updates the distances to nearby residents at all project alternative sites; and to Master Response B on Coastal Zone. Further, the lead agency met with CDFW on March 7, 2014 and August 13, 2015. The lead agency also conducted a conference call with State Parks on August 12, 2015 and attempted to reach State Parks representatives by telephone at later times. Both agencies were invited by letter on May 9, 2016 to meet with the lead agency but neither replied.

4.6.8 Oral Comments HH – Mary Walsh

RDEIR inadequate in discussion of Russian Gulch State Park property to be traded to Jackson Demonstration State Forest. Covenants cover state park property arising from original gift. Lead agency hasn't met with State Parks or State Fish & Wildlife since last draft EIR nearly one year ago. These properties will suffer degradation. RDEIR has failed to contact Coastal Commission regarding mitigation property. Entire RDEIR has to be renoticed. RDEIR uses ambiguous language in describing distances of sites from residences. Trees at state parks will be likely cut if they pass out of State Parks protection and into the State Forest.

Response HH: The transfer of State Parks property to Jackson Demonstration State Forest is discussed on pp. 2.03-2.0.4 of the RDEIR. The federal government covenants on portions of Russian Gulch State Park don't apply to the 12.6 acres which were purchased from a private party. The lead agency met with CDFW representatives on August 13, 2015 and conducted a conference call with State Parks representatives on August 12, 2015, and has had several additional meetings and discussions to consult with these agencies in the course of the project. See Master Response A concerning distances to residences, Master Response B concerning the Coastal Zone, and Master Response C demonstrating that the project does not propose any timber harvesting on the 12.6 acres and that such activity is not a reasonably foreseeable consequence of the project's potential land swap concerning the 12.6 acres.

4.6.9 Oral Comments II – Ann Rennacker

We need to protect our 2,000 acres of pygmy forest. A few years ago there were 4,000 acres. Things have been built on them. County general plan policy RM 14 will be violated. State Highway 20 is eligible to be a scenic highway. It will be widened. Large trucks with trash will cause trouble. RM-80 is to be warned about. There is a wetlands in corner of the site. The land swap will cause trees in State Park area to be logged.

Response II: Comments noted. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific concerns with the EIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The issues mentioned by the commenter are responded to in the responses to her written Letters "B" and "R" above. Further, consistency with the County General Plan Policies is analyzed in Master Response #5 in the Response to Comments document of June 2015. The protections provided to

the 12.6 acres to be transferred to Jackson Demonstration State Forest are described on pages 2.0.3-2.0.4 of the RDEIR (see also Master Response C).

4.6.10 Oral Comments JJ – Rick Sacks

Changing Caspar from landfill to a transfer station has caused wildlife and plants to return. Will miss convenience of having transfer station next door.

Response JJ: Comments noted. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific environmental issues or allege any specific concerns with the EIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated.

4.6.11 Oral Comments KK – Barbara Moller

Has CEQA said OK? Transfer station runoff. Would be at headwaters of runoff to city's new water reservoir. Fish and Wildlife doesn't want it. State Parks doesn't want it. Would get rid of only type of pygmy forest around.

Response KK: Comments noted. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific concerns with the EIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, the commenter is referred to Response Q-6 above regarding the Summers Lane Reservoir, and to Section 3.4 and Mitigation Measure BIO-1b of the RDEIR regarding impact and mitigation concerning pygmy forest.

4.6.12 Oral Comments LL – Micky Becker

Lives on Prairie Way. We have children and families on the road. To increase the traffic would create a problem. Appropriate to relocate. Highway 20 would be a good place for it.

Response LL: Comments noted. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific concerns with the EIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, the commenter is referred to Section 3.12 of the DEIR and Section 4 of the RDEIR which adequately discuss and analyze the Project's potential transportation impacts and alternatives.

4.6.13 Oral Comments MM – Cynthia Frank

Her brother was appalled and submitted a letter. Issues he raised don't seem to be addressed. Cleanup and rest room water will infiltrate and poison local wells and the reservoir that the city is building. Cleaner and cheaper to transfer garbage by rail. Skunk Train is ready and available to

haul trash to Willits. Sweeney hasn't contacted Skunk Train. The projected cost of \$5 million could be raised by raising rates and cutting safeguards. There are better solutions. What doesn't please the residents of Road 409 won't please residents and travelers along Highway 20.

Response MM: Comments noted. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific concerns with the EIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, the commenter is referred to Response Q-6 above regarding the Summers Lane Reservoir. On February 10, 2014, the project manager wrote to Robert Pinoli, general manager of the Skunk Train, inviting a proposal to use the train to transfer solid waste. No response was ever received.

4.6.14 Oral Comments NN – Bill Heil

EIR analyzes the wrong place; it doesn't make sense to change pygmy forest to a transfer station. Garbage should be dealt with the same place that it is made.

Response NN: Comments noted. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific concerns with the EIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, the commenter is referred to Section 4.0 of the RDEIR which adequately discusses and analyzes a reasonable range of project alternatives. The small impact of the project on pygmy forest is analyzed in Section 3.4 and adequately addressed in Mitigation Measure BIO-1b of the RDEIR.

4.6.15 Oral Comments OO – Teri Jo Barber

You don't put garbage feature on top of the most prized thing you have in a community – water. The one chance of a spill isn't worth taking the risk.

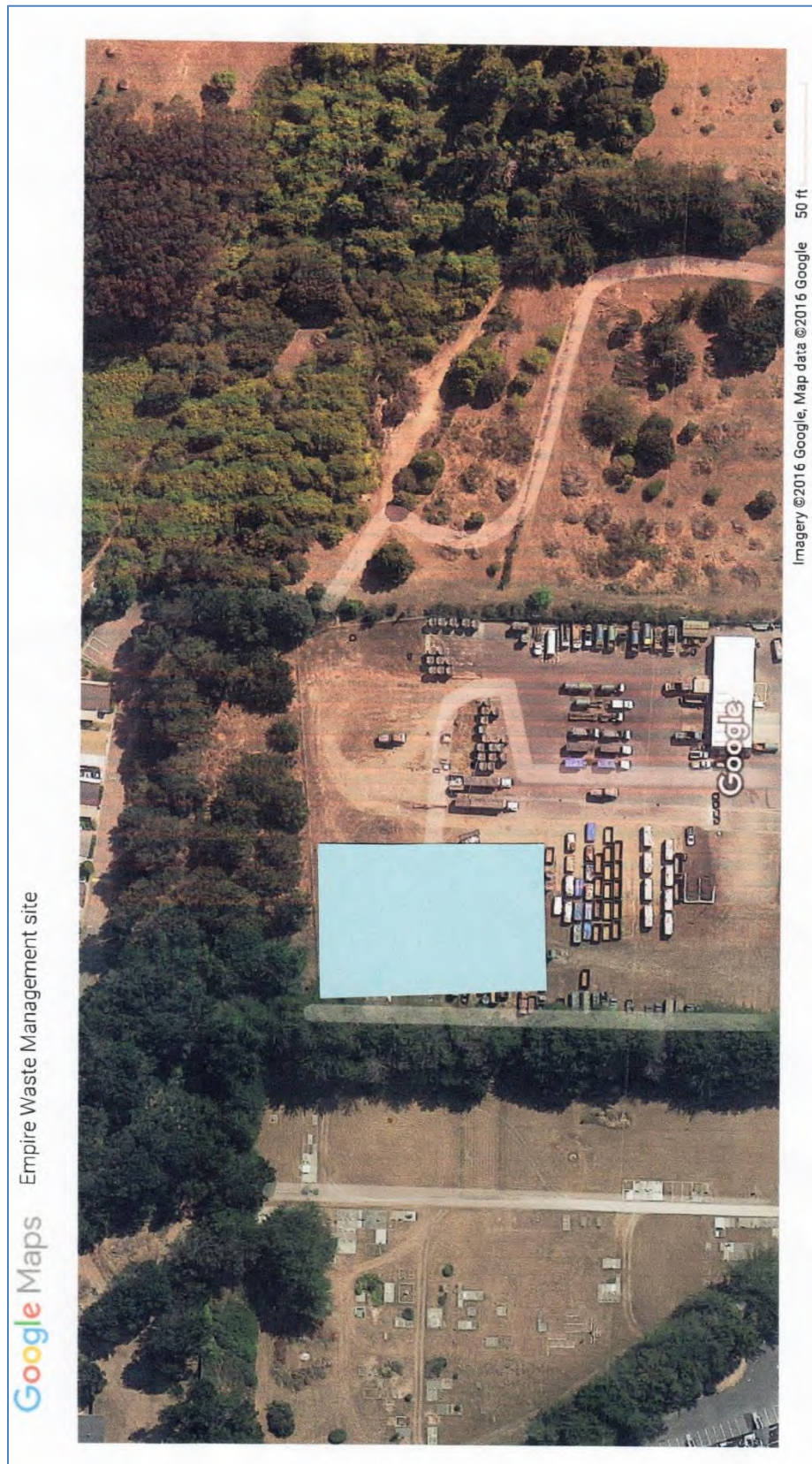
Response OO: Comments noted. No further response is required as the comment does not indicate what part or parts of the RDEIR it is referring to or raise any specific concerns with the EIR's analysis of the project. Pursuant to the Notice of Availability published for the RDEIR requesting reviewers limit their comments to the revised chapters or portions of the RDEIR and CEQA Guidelines Section 15088.5(f)(2), the lead agency need only respond to comments that relate to the chapters or portions of the earlier EIR that were revised and recirculated. Nonetheless, it is assumed that the commenter is alleging that the project poses a threat to the Summers Lane Reservoir. See Response Q-6 above.

5. Appendices

5.1 Appendix A: Figure 5-1 – Caspar Transfer Station Site



5.2 Appendix B: Figure 5-2 – Empire Waste Management Site



5.3 Appendix C: Figure 5-3 – Leisure Time RV Site



5.4 Appendix D: Figure 5-4 – Mendocino Coast Recreation & Park District Site



5.5 Appendix E: Figure 5-5 – Caspar Landfill Site

