

Initial Study and Draft Mitigated Negative Declaration

Use Permit for Restoration APN 102-080-037

UP2602C

9/29/2025





Prepared By
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Project Information Summary

1. **Project Title:** Use Permit for Restoration within RCA-1 Zone – APN 102-080-037
2. **Lead Agency Name and Address:** Del Norte County
Planning Commission
981 H Street, Suite 110
Crescent City, CA 95531
3. **Contact Person and Phone Number:** Jessica Pollard
(707) 464-7254
jpollard@co.del-norte.ca.us
4. **Project Location and APN:** 161 Salmon Harbor Road, Smith River, CA 95567
102-080-037
5. **Project Sponsor's Name and Address:** Frank Galea
200 Raccoon Ct.
Crescent City, CA 95531
6. **County Land Use:** Resource Conservation Area and Rural Residential 1du/ac
7. **County Zoning:** Zone District RCA-1 and RR-1
8. **Description of Project:**

Frank Galea, representing property owner Khai Bui, has submitted a use permit application for proposed restoration work in an RCA-1 zone, following the unpermitted removal of five Sitka spruce trees within the RCA-1 section of the parcel. The subject parcel, identified as 102-080-037, is 0.81 acres in size and is located in the Coastal Zone and within the Coastal Commission's appeal jurisdiction. The parcel is zoned General Resource Conservation Area District (RCA-1) and Rural Residential (RR-1) 1-acre minimum. The area's General Plan Land Use designation is Resource Conservation Area and Rural Residential - one dwelling unit per acre. The property is located off Salmon Harbor Road in Smith River, CA and is currently developed with a residence.

The residence is located on the southern upland area of the property, closest to Salmon Harbor Rd, in an area that is clear of trees and within the RR-1 zoned portion of the property. The backyard of the property drops in elevation as it slopes down to a stream that runs across the northern portion of the property, the RCA-1 portion of the property. The stream is not fish-bearing and would be classified as a Class II watercourse. The stream area has typical wetland vegetation.

In 2025, Mr. Bui's neighbor requested that he remove several large Sitka spruce trees from his property, as they posed a threat to the neighbor's structures. The neighbor had previously incurred significant structural damage due to a windstorm that caused a large spruce tree to fall on their accessory building. To avoid liability, Mr. Bui hired a tree faller to remove five Sitka spruce trees that were deemed hazardous to the neighbor's property. The five trees that were removed were over 24 inches in diameter and were all located in the General Resource Conservation Area zone containing Environmentally Sensitive Habitat Area (ESHA). The ESHA that was impacted by the unpermitted work includes: the Sitka spruce and the watercourse. Consequently, a "stop work" order was issued by the County of Del Norte due to the lack of proper permitting.

In order to rectify the unpermitted work, Del Norte County has required the securement of a use permit to restore the vegetation on the parcel. As required for the use permit application, Mr. Bui has submitted a proposal for mitigation for the ESHA impacts, prepared by Galea Biological Consulting (GBC), titled “KAI BUI PROPERTY, SMITH RIVER. PROPOSAL FOR MITIGATION FOR ESHA IMPACTS”. The report includes a mitigation and monitoring plan for restoring the impacted ESHA.

9. Surrounding Land Uses and Settings:

Immediately to the north of the subject parcel, the General Plan Land Use designation is Resource Conservation Area. The areas to the east and west are Rural Residential 1 dwelling unit per acre. To the south, across the street, is Visitor-Serving Commercial.

10. Required Approvals: Use Permit entitlement – Del Norte County Planning Commission

11. Other Approval (Public Agencies): The California Coastal Commission

12. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

Native American tribes, traditionally and culturally affiliated with the project area have been notified of the project application completion and the beginning of the AB 52 consultation period pursuant to PRC §21080.3.1. Notification of the beginning of the AB 52 consultation period was provided on 9/4/2024. No requests for consultation pursuant to PRC §21080.3.1 were received.

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" without mitigation as indicated by the checklist on the following pages. All mitigation measures are provided in the Mitigation Monitoring and Reporting Program.

☐	Aesthetics	☐	Agriculture and Forestry Resources	☐	Air Quality
☒	Biological Resources	☐	Cultural Resources	☐	Energy
☐	Geology/Soils	☐	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials
☐	Hydrology / Water Quality	☐	Land Use / Planning	☐	Mineral Resources
☐	Noise	☐	Population / Housing	☐	Public Services
☐	Recreation	☐	Transportation	☒	Tribal Cultural Resources
☐	Utilities / Service Systems	☐	Wildfire	☐	Mandatory Findings of Significance

Determination

On the basis of this initial evaluation:

☐	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☒	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

 Jessica Pollard
 Planner, Del Norte County Community Development Department

 Date

Environmental Checklist

1. Aesthetics

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or public views of the site and its surroundings? (Public views are those that are experienced from publically accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Discussion of Impacts

a-c. Less Than Significant Impact

The proposed project is situated on Salmon Harbor Road in Smith River, CA, near the Mouth of the Smith River. The Mouth of the Smith River is identified as a “viewpoint” as it is identified in the Visual Resource Inventory of the County’s Coastal Element (Land Use Plan or LCP). The land between the project site and the Pacific Ocean features views of the ocean, the mouth of the Smith River, and coastal vegetation. Hwy 101, located approximately 700 feet east of the project site, is also identified in the LCP as a “view corridor” that extends from the Oregon border down to the mouth of the Smith River, which includes ocean views and offshore rocks. GBC submitted a “Visual Impacts Assessment” that states that the removal of 5 Sitka spruce will not have a significant impact on the local visual attributes for the area. The assessment further describes the subject area as being on a dead-end road with minimal traffic from the public. Though the area is in proximity of the mouth of the Smith River, it is not typically utilized by boaters due to the dangerous currents. The banks of the Smith River on the south side are not easily accessible, as there is no road access anywhere near the mouth from the side beach. The nearest trail is 5.3 miles to the south. Land to the north is private property with areas of Resource Conservation Areas and minimal residential development. The proposed project will restore natural vegetation and the character of the resources within the surrounding environment.

2. Agriculture and Forest Resources

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

3. Air Quality

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-	☐	☐	☐	☒

attainment under an applicable federal or state ambient air quality standard?				
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
d) Result in other emissions (such as those leading to odors or dust) adversely affecting a substantial number of people?	☐	☐	☐	☒

4. Biological Resources

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☐	☒

Discussion of Impacts

a-c,e. Less Than Significant Impact with Mitigation Incorporated

The applicant was required to submit a mitigation and monitoring plan to restore the area affected by the unpermitted tree removal. According to GBC's report, two Environmentally Sensitive Habitat Areas (ESHA) were impacted: a small watercourse and a stand of Sitka spruce. While Sitka spruce may appear abundant in the immediate area, they are considered rare within their overall geographic range by the California Coastal Commission. Coastal Sitka spruce stands, composed of 50 percent canopy cover or more, are designated as ESHA by the California Coastal Commission. GBC

noted that the Sitka spruce stand affected by the unpermitted removal was isolated from other spruce stands. Approximately five Sitka spruce trees were removed without the necessary permit.

To remedy the impact of the unpermitted tree removal, the plan proposes planting 20 Sitka spruce seedlings and 10 red alder seedlings. Planting will occur as soon as possible to coincide with the winter rains, allowing the seedlings to establish roots in the wet soil. The red alders will be planted parallel to the creek, while the Sitka spruce will be planted in the area where the unpermitted trees were removed.

Monitoring of the restoration site will take place annually for five years following the initial planting. A qualified biologist or botanist will inspect the site at the end of each summer for these five years to assess the survival rate of the seedlings. If the number of live seedlings falls below 80 percent, additional seedlings will be planted to restore the total number to 100 percent of the initial plantings.

Comments regarding GBC’s Mitigation and Monitoring plan were received from the California Department of Fish and Wildlife (CDFW) and the California Coastal Commission. CDFW recommended that the number of surviving trees match the number that was removed. They also suggested enriching the understory with a variety of species commonly found alongside Sitka spruce, such as sword fern and huckleberry. While alders should still be replanted in the area adjacent to the creek, CDFW recommended incorporating additional vegetation, such as willows, riparian shrubs, and herbaceous species, rather than simply increasing the number of trees that were removed. The Coastal Commission agreed.

Bio-1

Conditions will be placed on the Use Permit to implement the submitted mitigation measures and monitor plan for the site. Conditions will state:

“The project will be developed and completed in accordance with the applicant’s submitted Mitigation and Monitoring Plan, provided by Frank Galea of Galea Biological Consulting, along with the recommendations from CDFW.”

“A qualified biologist or botanist will inspect the site at the end of each summer for five years to assess the survival rate of the seedlings. A final report will be submitted to the Planning Department.”

5. Cultural Resources

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Discussion of Impacts

a-c. Less Than Significant Impact

The project parcel is located in the Aboriginal Territory of several local tribes (Elk Valley Rancheria and Tolowa Dee-ni’ Nation). All development projects in areas of significance to local tribes will contain an inadvertent discovery condition to protect resources that may be unearthed during ground disturbing activities. No cultural resources are known to exist on-site. The County records were searched for known cultural sites in the general project vicinity, and although some are

within the general area, none are specifically known about on this parcel. Notice was provided to the two tribes traditionally culturally affiliated with the project area and no comment was given with regard to cultural resources. Additionally, cultural staff from the Tolowa-Dee-ni' Nation is a voting member of the County Environmental Review Committee which reviews projects and makes CEQA recommendations. While resources are not known to exist on-site, the possibility of an inadvertent discovery is always possible during construction or other implementation activities associated with the project. In this case, mitigation measures included as TRIB-1 assigned to the project will ensure that any resources located on-site will be properly treated as to not cause a significant impact.

Mitigation Measure TRIB-1

Conditions will be placed on the Use Permit to address the sensitive nature of the site. Conditions will state:

“Should any archaeological resources be found during project activities, construction activities shall be halted until an evaluation of the find is made by either a qualified archaeologist or representatives of the local tribes. Any mitigation measures that may be deemed necessary must have the approval of the local tribes and the County of Del Norte, and shall be implemented by a qualified archeologist representing the County of Del Norte prior to resumption of construction activities. If human remains are exposed by a project related activity, the County of Del Norte shall comply with California State Health and Safety Code, Section 7050.5, which states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code, Section 5097.98.”

“Restoration should be limited to the use of hand tools only rather than heavy equipment, and the use of vehicles or other mechanized equipment should be limited to existing driveways.”

6. Energy

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	☒
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

7. Geology and Soils

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒

iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

8. Greenhouse Gas Emissions

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

9. Hazards and Hazardous Materials

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

10. Hydrology and Water Quality

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☒
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional source of polluted runoff; or	☐	☐	☐	☒
iv) impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable ground water management plan?	☐	☐	☐	☒

Discussion of Impacts

ai-ii. Less Than Significant

The affected wetland and creek area is within the RCA-1 zoned portion of the property. Principal Permitted Uses in this zone include: Fish and wildlife management, nature study, hunting and fishing - including development of duck blinds and similar minor facilities, maintenance of existing flood drainage control and drainage channels, and the removal of windblown trees which threaten existing structures. Currently, the creek area contains several downed trees that were cut to shorter lengths during the unpermitted tree removal. According to Galea Biological Consulting, the creek was not impacted by the tree felling; however, several trees were cut down close to the creek. The restoration efforts will not

change the existing drainage patterns of the area, nor will they alter the course of the stream or river or add impervious surfaces in a way that could cause significant erosion or siltation on or off-site. The restoration will enhance the creek area while causing minimal erosion or siltation. Stormwater will continue to flow naturally toward the creek. Natural vegetation will be preserved, and the mitigation and monitoring plan will be implemented to replace the downed trees and restore the area. A 100-foot buffer from the watercourse will be maintained to protect the wetland and Environmentally Sensitive Habitat Areas (ESHA).

Mitigation Measure Hydro-1

Conditions will be placed on the Use Permit to address the sensitive nature of the wetland/creek. Conditions will state:

“No development shall occur within 100-feet of the Class II watercourse.”

11. Land Use and Planning

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation of an agency adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

12. Mineral Resources

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

13. Noise

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒

b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

14. Population and Housing

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

15. Public Services

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

16. Recreation

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood	☐	☐	☐	☒

and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

17. Transportation

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision(b)?	☐	☐	☐	☒
c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☐	☒

18. Tribal Cultural Resources

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☒	☐
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Discussion of Impacts

a. Less Than Significant Impact

The project parcels are located in the Aboriginal Territory of several local tribes (Elk Valley Rancheria and Tolowa Dee-ni' Nation). All development projects in areas of significance to local tribes will contain an inadvertent discovery condition

to protect resources that may be unearthed during ground disturbing activities. No cultural resources are known to exist on-site. The County records were searched for known cultural sites in the general project vicinity, and although some are within the general area, none are specifically known about on this parcel. Notice was provided to the two tribes traditionally culturally affiliated with the project area and no comment was given with regard to cultural resources. Additionally, cultural staff from the Tolowa-Dee-ni' Nation is a voting member of the County Environmental Review Committee which reviews projects and makes CEQA recommendations. While resources are not known to exist on-site, the possibility of an inadvertent discovery is always possible during construction or other implementation activities associated with the project. In this case, mitigation measures included as TRIB-1 assigned to the project will ensure that any resources located on-site will be properly treated as to not cause a significant impact.

Mitigation Measure TRIB-1

Conditions will be placed on the Use Permit to address the sensitive nature of the site. Conditions will state:

“Should any archaeological resources be found during project activities, construction activities shall be halted until an evaluation of the find is made by either a qualified archaeologist or representatives of the local tribes. Any mitigation measures that may be deemed necessary must have the approval of the local tribes and the County of Del Norte, and shall be implemented by a qualified archeologist representing the County of Del Norte prior to resumption of construction activities. If human remains are exposed by a project related activity, the County of Del Norte shall comply with California State Health and Safety Code, Section 7050.5, which states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code, Section 5097.98.”

“Restoration should be limited to the use of hand tools only rather than heavy equipment, and the use of vehicles or other mechanized equipment should be limited to existing driveways.”

19. Utilities and Service Systems

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the providers existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

20. Wildfire

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

21. Mandatory Findings of Significance

Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

a. Less Than Significant Impact with Mitigation Incorporated

The project was limited to the removal of five Sitka spruce trees that occurred without the benefit of a permit did impact Environmentally Sensitive Habitat Areas however the applicant seeks to remedy impacts by replanting and revegetating the impacted area. The mitigation measures will be monitored for a period of five years to ensure planting success.

Conditions recommended by staff will ensure that permit approval occurs only if the applicant agrees to restoring the damaged area

b. Less Than Significant Impact

Cumulative impacts will be minor as the area will be restored.

Mitigation Measures:

Bio-1

“The project will be developed and completed in accordance with the applicant’s submitted Mitigation and Monitoring Plan, provided by Frank Galea of Galea Biological Consulting, along with the recommendations from CDFW.”

“A qualified biologist or botanist will inspect the site at the end of each summer for five years to assess the survival rate of the seedlings. A final report will be submitted to the Planning Department.”

Mitigation Measure Hydro-1

“No development shall occur within 100-feet of the Class II watercourse.”

Mitigation Measure TRIB-1

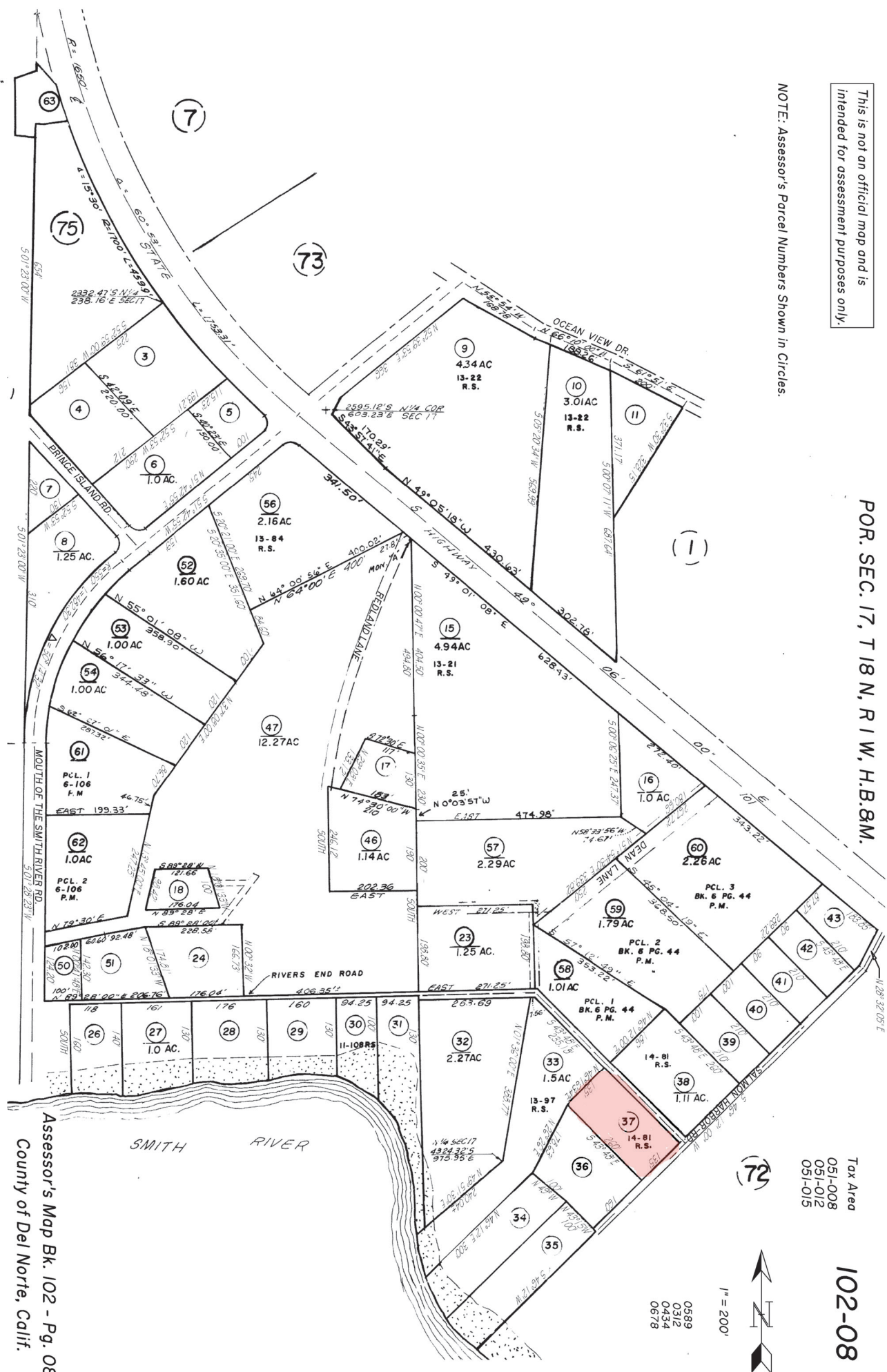
“Should any archaeological resources be found during project activities, construction activities shall be halted until an evaluation of the find is made by either a qualified archaeologist or representatives of the local tribes. Any mitigation measures that may be deemed necessary must have the approval of the local tribes and the County of Del Norte, and shall be implemented by a qualified archeologist representing the County of Del Norte prior to resumption of construction activities. If human remains are exposed by a project related activity, the County of Del Norte shall comply with California State Health and Safety Code, Section 7050.5, which states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code, Section 5097.98.”

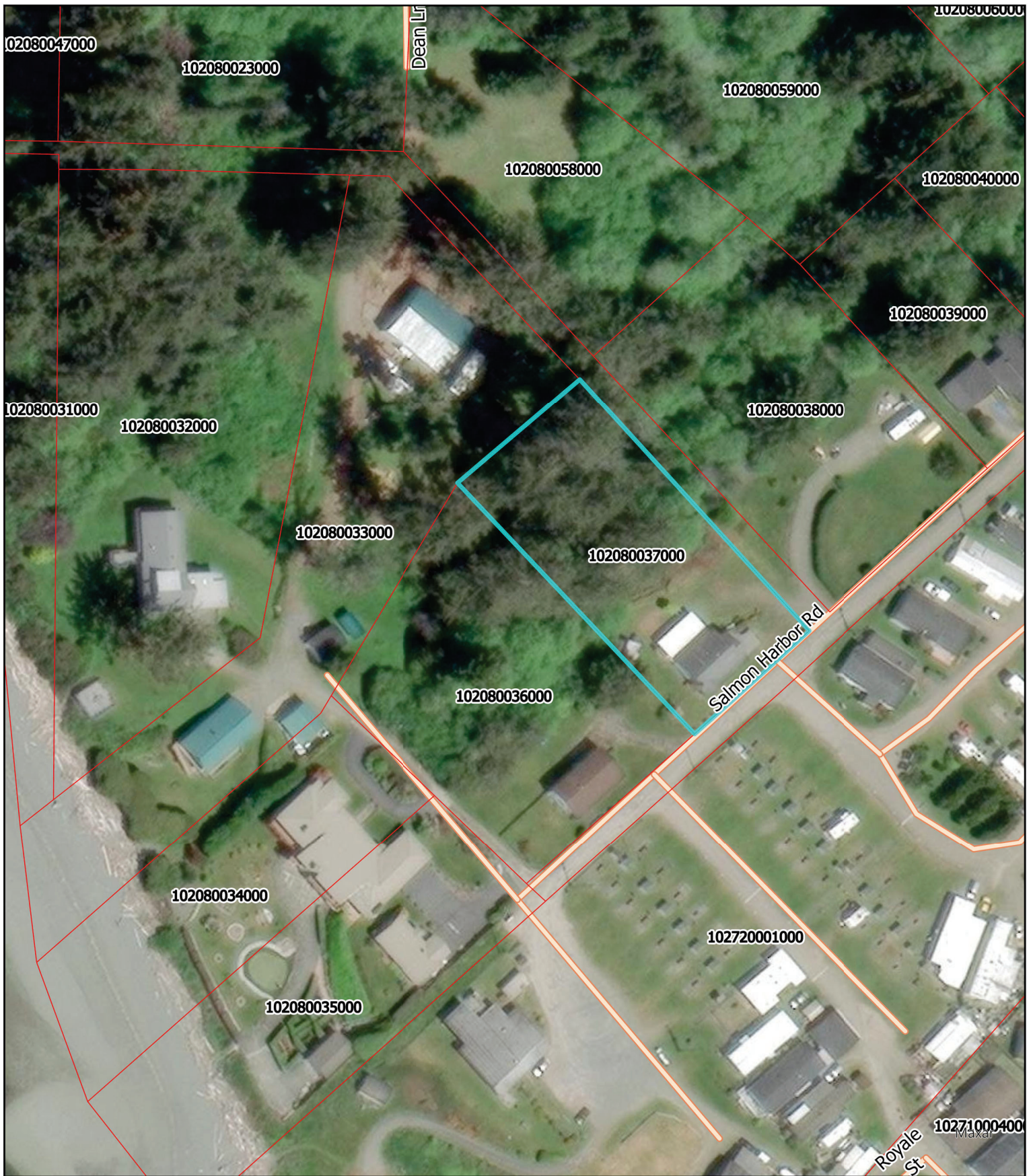
“Restoration should be limited to the use of hand tools only rather than heavy equipment, and the use of vehicles or other mechanized equipment should be limited to existing driveways.”

This is not an official map and is intended for assessment purposes only.

NOTE: Assessor's Parcel Numbers Shown in Circles.

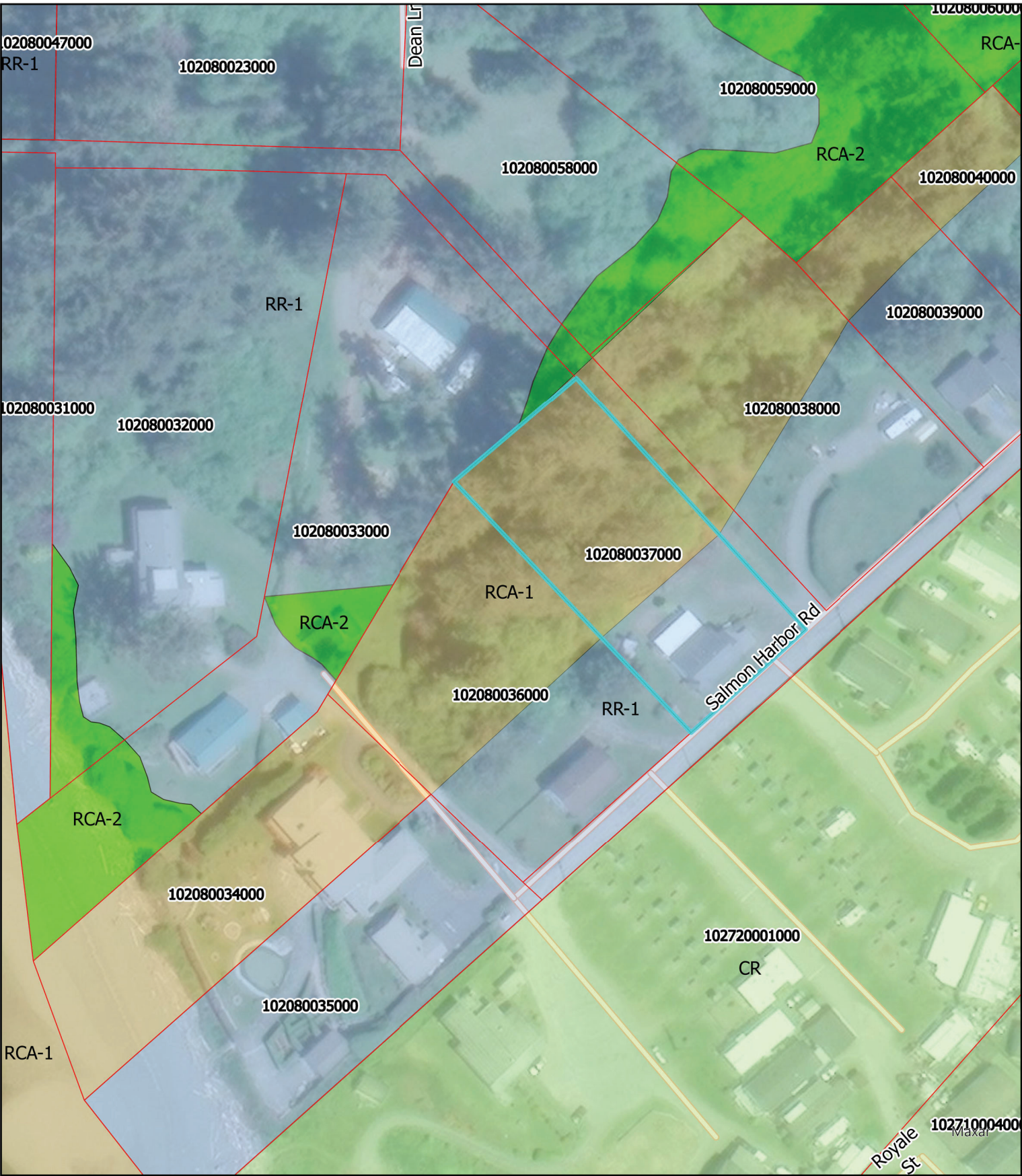
POR. SEC. 17, T 18 N, R 1 W, H.B. 8M.





0 50 100 200 Feet





102080047000
RR-1

102080023000

Dean Ln

102080058000

102080059000

RCA-2

102080040000

102080039000

102080031000

102080032000

RR-1

102080033000

RCA-2

RCA-1

102080037000

102080038000

102080036000

RR-1

Salmon Harbor Rd

RCA-2

102080034000

102080035000

RCA-1

102720001000

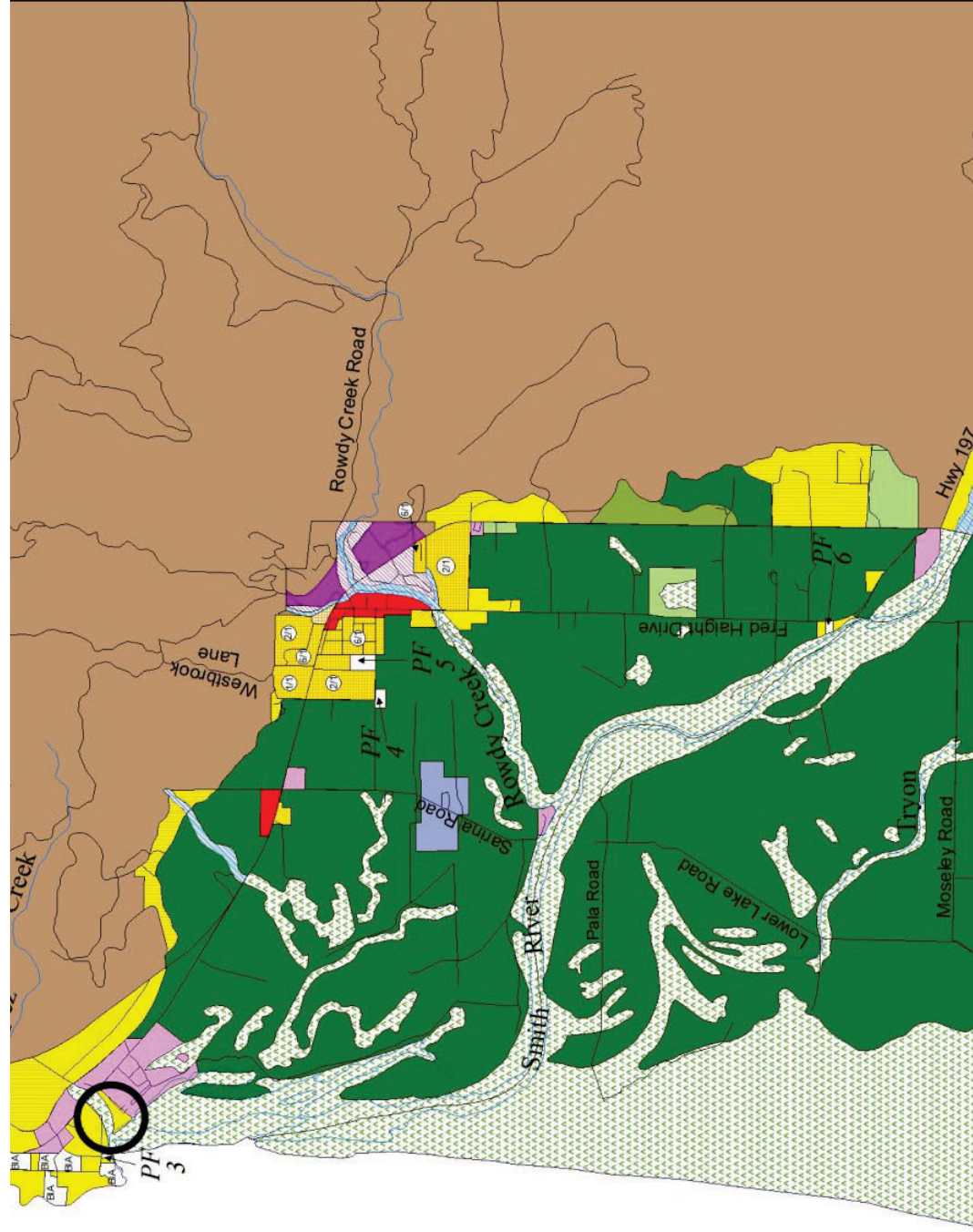
CR

Royale St

102710004000

0 50 100 200 Feet





Land Use Designations

- Agriculture Prime
- Agriculture General (20 ac)
- Agriculture General (5 ac)
- Timberland
- Rural Residential 1du/ac
- Rural Residential 1du/2 ac
- Rural Residential 1du/3 ac
- Rural Residential 1du/5 ac
- Rural Neighborhood with density
- Rural Mobilehome Park
- Golf Course
- Visitor-Serving Commercial
- General Commercial
- General Industrial
- Light Industrial
- Agriculture Industrial
- Suburban Residential
- Urban Residential
- Multi-Family
- Urban Mobilehome Park
- Natural Hazard
- Riparian Corridor
- Greenery
- Public Facility
- Resource Conservation Area



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KAI BUI PROPERTY, SMITH RIVER. PROPOSAL FOR MITIGATION FOR ESHA IMPACTS. (APN)

Introduction

Mr. Kai Bui (Applicant) owns a residential property located at 161 Salmon Harbor Road in Smith River (Figure 1). The backyard to Mr. Bui's property drops quickly in elevation to a small stream, which runs through his property from north to south. The creek is not fish-bearing and would therefore be classified as a Class II watercourse.

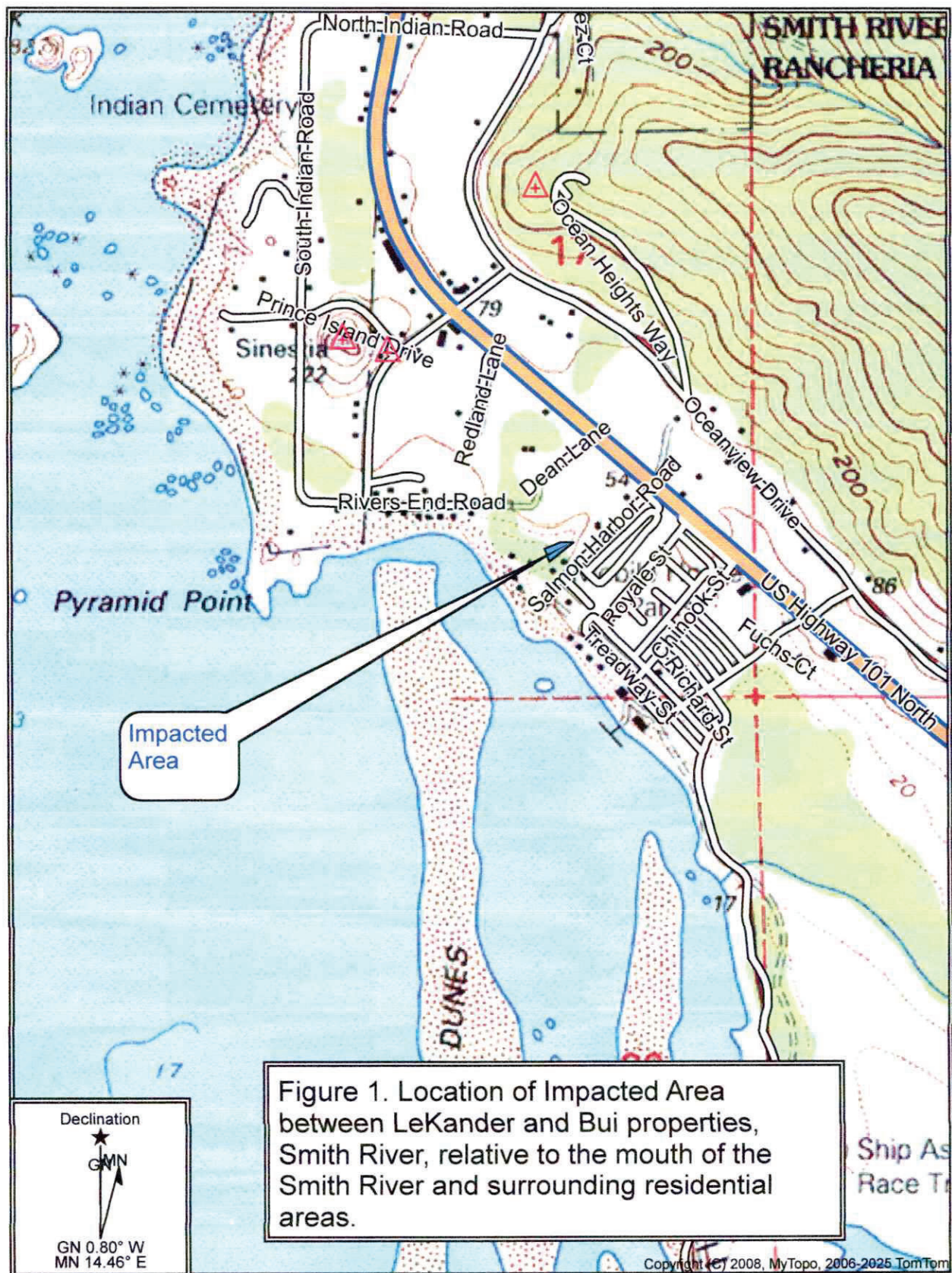
In 2025 his neighbor Mrs. Pat LeKander asked if he would remove several large Sitka spruce (*Picea sitchensis*) trees located on his property which were in dangerous positions for her property. Several years ago, a large spruce tree fell onto a building on the LeKander property during high winds and caused considerable damage. The trees were all located on the opposite slope of the creek from his house. Mr. Bui, not wanting to be held liable should a tree fall on the LeKander property, hired a tree faller, not realizing he needed a permit to do so, as he is from out of state.

Approximately 5 trees, most of them Sitka spruce, were cut down on the Bui property. Most of the trees were over 24 inches DBH. This work was conducted in spring of 2025.

Shortly thereafter both the LeKander and Bui parties were informed by letter of a "stop work" order from Del Norte County due to the lack of permits required to fell the trees.

Post-Impacts

At this time there are approximately 25 trees which were felled on both the LeKander and Bui properties, most of which were on the LeKander property. Some of the wood has been given away for firewood, but the area between the two properties is now covered with several downed trees, some cut into lengths. The creek was not impacted by tree felling; however, some trees were cut down in proximity to the creek.



Environmentally Sensitive Habitat Area (ESHA)

The California Coastal Act includes special protection for Environmentally Sensitive Habitat Areas, often referred to as ESHA. The Act states: *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Two ESHA were impacted by tree removal, the small watercourse and the Sitka spruce stand. The California Coastal Commission (CCC) and the California Department of Fish and Wildlife (CDFW) recommend a 100-foot non-development buffer to a Class II watercourse, and recommend the same for an ESHA.

Sitka Spruce ESHA

Sitka spruce, while seemingly abundant within the immediate area, are considered rare in its overall geographic range by the CCC. Qualifying stands of Coastal Sitka spruce are considered as ESHA by the CCC. In this case tree removal occurred within a qualifying stand of Sitka spruce. It should be noted that this spruce stand was isolated from other spruce.

Mitigation for tree removal

Approximately 5 Sitka spruce trees had been removed on the Brui property. As mitigation, the Applicant proposes to plant 20 Sitka spruce seedlings and 10 red alder (*Alnus rubra*). Planting would occur in October of 2025. This time is chosen as winter rains would have likely begun, and the seedlings will have a full winter of wet soils to develop roots. The alder would be planted parallel to the creek, and the spruce would be planted above them, in areas where the original spruce had stood. Each seedling would be flagged in order to allow tracking of location and success. All of the above planted trees would be watered on both properties during the first summer (2026) to facilitate growth.

Monitoring

The restoration project will be monitored for five years after initial planting. At the end of every summer for five years after planting, a qualified biologist or botanist will inspect the restoration site to determine the success rate of live seedlings. If the number of live seedlings falls below 80 percent, additional seedlings would be planted to bring the overall number of seedlings back to 100 percent of initial plantings. The Applicant would be responsible to ensure that monitoring is conducted on a yearly basis.

VISUAL IMPACTS ASSESSMENT

The removal of 5 of Sitka spruce will not have a significant impact on the local visual attributes for the area. The stand was located on private property near the dead end of Salmon Harbor Road, therefore the public driving in the area is minimal.

The trees were located close to the mouth of the Smith River, on the north side. The mouth of the Smith River is very shallow, and not utilized by boaters. Kayakers could conceivably access the area; however, the mouth of the Smith River has dangerous currents therefore the location is not used by small boats or kayaks. Having been to the mouth of the Smith River numerous times over many years, I have never observed a boat anywhere near the mouth of the river.

The banks of the Smith River on the south side are not easily accessible, as there is no road access anywhere near the mouth of the Smith River from the south side. The nearest trail is 5.3 miles to the south; therefore, one would have to hike over 5 miles up the beach to reach the mouth of the river.

The land parcels north of the impacted area are owned by the LeKander family, and are well forested, therefore only four houses in the area have a view of the impacted area, two of which conducted the tree removal.

In summary, the removal of the .5 acres of Sitka spruce will have an insignificant impact on the local visual attributes for the area.

051-015

Figure 1. Location of area impacted by Sitka spruce removal (lined polygon) on LeKander property (33) and Bui property (37) relative to small stream (arrowed line) in Smith River, California

