



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: September 1, 2022

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building

Subject: **Schneider Coastal Development Permit and Special Permit Modification**

Record Number: PLN-2022-17662

Assessor's Parcel Numbers: 402-171-029, 402-171-030

Location: 1506 and 1512 Walker Point Road, Indianola area

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Please contact Cliff Johnson, Supervising Planner, at (707) 445-7541 or by email at cjohnson@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date September 1, 2022	Subject Coastal Development Permit and Special Permit Modification	Contact Cliff Johnson
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Project Description: An application for a Coastal Development Permit and Special Permit Modification for an alteration in the configuration and location of a single-family residence and for the removal of the temporary road installed previously without permits. The residence was constructed within 100 feet of a one parameter wetland and adjacent to Environmentally Sensitive Habitat areas. The road was installed on both parcels. The CDP modification includes after the fact major vegetation removal for removal of native blackberries within a one parameter wetland and removal of native blackberries and willow and alder trees adjacent to the slough in an Environmentally Sensitive Habitat Area (ESHA). Construction of a fence for protection of existing sensitive areas are also proposed. The road and proposed fencing, as well as a portion of the residence are located within 100 feet of a coastal wetland area.

Project Location: The project is located in the Indianola area, on the South end of Walker Point Road, approximately 0.56 miles South from the intersection of Hidden Valley Road and Walker Point Road, on the property known as 1506 and 1512 Walker Point Road

Present Plan Land Use Designations: Rural Residential (RR) Humboldt Bay Area Plan

Present Zoning: Rural Residential Agriculture with combining zones for design Review, Flood Hazard, Coastal Wetlands, and Archaeological Resources (RA-2.5/D,F,W,A)

Application Number: PLN-2022-17662

Assessor's Parcel Numbers: 402-171-029-402-171-030

Applicant	Owner	Agent
Travis Schneider PO Box 133 Eureka, CA 95502	Same	N/A

Environmental Review: Project qualifies for exemption from environmental review pursuant to Section 15301(l) (Existing facilities), 15303 (New Construction of Small Structures), 15304 (Minor Alterations to Land), and 15333 (Small Habitat Restoration Projects) of the CEQA guidelines.

State Appeal Status: Project is appealable to the California Coastal Commission.

Major Issues: ESHA and Archaeological Resource Disturbance

Travis Schneider Coastal Development Permit and Special Permit Modification

Application Number: PLN-2022-17762

Assessor's Parcel Numbers: 402-171-029, 402-171-030

Recommended Planning Commission Action

1. Describe the application as a public hearing.
2. Request staff present the project.
3. Open the public hearing and receive testimony from the public.
4. Close the public hearing and adopt the resolution to take the following actions:

1) Find the project exempt from environmental review pursuant to Section 15301, 15303 15304 and 15333 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Modification to the Coastal Development Permit and Special Permit, and 3) approve the Travis Schneider Coastal Development Permit and Special Permit Modification project subject to the recommended conditions.

Executive Summary:

An application for a Coastal Development Permit and Special Permit Modification for an alteration in the configuration and location of a single-family residence and for the removal of the temporary road installed previously without permits. The residence was constructed within 100 feet of a one parameter wetland and adjacent to Environmentally Sensitive Habitat areas. The road was installed on both parcels. The CDP modification includes after the fact major vegetation removal for removal of native blackberries within a one parameter wetland and removal of native blackberries and willow and alder trees adjacent to the slough in an Environmentally Sensitive Habitat Area (ESHA). The modification includes habitat restoration for these areas. Construction of a fence or other protective methods for existing sensitive areas are also proposed. The road and proposed fencing, as well as a portion of the residence are located within 100 feet of a coastal wetland area. A known archaeological site and Tribal Cultural Resource was disturbed as a result of the major vegetation removal.

County staff has worked closely with the three Wiyot Area Tribes and the Coastal Commission since January of 2022 to document the disturbance and potential damage to the archaeological site and coastal natural sources that occurred on the property from unpermitted development and to develop appropriate mitigation for the damage and to develop conditions of approval to adequately protect these important coastal resources. To that end County staff included the recommended conditions of approval from a July 26, 2022 joint memo from the Wiyot tribe and the Bear River Tribe, as recommended with revisions necessary for implementation. County staff also held a meeting with the three Wiyot Area Tribes, the Coastal Commission and the project applicant on August 2, 2022 where these conditions were discussed. County staff left the meeting understanding that there was consensus with all parties on the recommended conditions, with the notable exception of the Bear River Band's objection to the excavation and data recovery of portion of the archaeological site that the Wiyot Tribe and Blue Lake Rancheria were seeking.

On August 17, 2022 the Planning Commission received comment letters from the Wiyot Tribe, the Blue Lake Rancheria, and the California Coastal Commission all asking the Planning Commission to reject the staff recommendation of conditional approval. The Wiyot Tribe requested that the County conduct additional environmental review under CEQA, allow additional time to review the project and proposed restoration and mitigation, and suggested that the recommended conditions were inadequate and unclear regarding implementation and, monitoring and enforcement. The Blue Lake Rancheria requested that the County revoke the building permit and allow additional time to review the proposed restoration and mitigations. The Blue Lake Rancheria also stated that it was unclear how the recommended conditions would be implemented, monitored or enforced. The Coastal Commission stated that the proposed project did not adequately address the violations of the Local Coastal Plan nor adequately protects coastal resources on the site. On August 18, 2022 the Bear River Band provided comments stating that they were in agreement with the staff

recommendation with the exception of excavation of the archaeological site and instead recommended that the cost of the excavation and data recovery be put instead into a fund to be used for future mitigation of cultural resource damage not limited to the project site.

At the Planning Commission meeting of August 18, 2022 the project was discussed and the Commission voted to continue the project to the September 1st Planning Commission meeting with direction to staff to work with the Tribes and the Coastal Commission to identify appropriate conditions and to address the concerns and objections raised in the letters submitted August 17, 2022. The Planning Department reached out to the Tribes and the Coastal Commission on August 19th to schedule such a discussion, however both the Wiyot Tribe and the Blue Lake Rancheria did not respond to the request for a meeting.

Given that the recommended conditions were developed in consultation with the Tribes and the Coastal Commission, agreed to in principle during the August 2nd meeting, and that the parties have not offered suggested alternative conditions, the Planning Department believes that the recommended conditions are appropriate to address impacts to coastal and archaeological resources. Both the Coastal Commission and the Wiyot Tribe indicated in their August 17, 2022 letters that it is unclear how the conditions will be implemented, monitored and enforced however these conditions are written with clear timing metrics and direction as to implementation. Many of the conditions require review from the Tribes and completion of specific actions *prior* to lifting the stop work order. A restoration report is required to be submitted by December 31st of each year and a Tribal monitor is required to be on-site during all ground disturbance associated with any work that is adjacent to the archaeological site. The Coastal Commission states that the conditions do not address temporal loss of coastal resources as a result of the removal of blackberry, however while perhaps not clear in the original staff report, the condition requiring annual monitoring and removal of invasive species was suggested by CDFW specifically to mitigate for the temporal loss of the blackberry habitat.

Planning staff has revised the conditions as necessary to address any specific concerns raised by the Tribes and the Coastal Commission, for example COA#6 was revised as suggested in the August 17th letter from the Wiyot Tribe to specify that the easement be permanent, recorded at the applicant's expense and dedicated specifically to the Wiyot Tribal Land Trust for conservation and open space. The recommended conditions of approval attached to this staff report also include the revised COA #17 as recommended by the Bear River Band for dedication to a fund to be utilized for mitigation of cultural resource damage.

The Planning Department believes that the evidence submitted supports making all of the required findings and has prepared a draft resolution for approving the Coastal Development and Special Permit Modification with conditions.

ALTERNATIVE: Several alternatives may be considered: 1) The Planning Commission could elect to add or delete conditions of approval; 2) The Planning Commission could deny approval of the requested permits if you are unable to make all of the required findings. Given that there have been objections to approval which have been raised by the Coastal Commission, Wiyot Tribe and Blue Lake Rancheria staff has prepared a draft Planning Commission resolution making the findings to deny the application.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 22-

Record Number PLN-2022-17762

Assessor's Parcel Numbers: 402-171-029, 402-171-030

Resolution by the Planning Commission of the County of Humboldt to conditionally approve the Travis Schneider Coastal Development and Special Permit Modification.

WHEREAS, Travis Schneider submitted an application dated May 12, 2022 requesting approval of a Modification to Coastal Development Permit and Special Permit CDP-17-016; and

WHEREAS, pursuant to Sections 15301(I) (Existing facilities, Demolition), 15303 (New Small Structures), and 15333 (Small Habitat Restoration Projects) of the CEQA Guidelines, the proposed project is Categorically Exempt from environmental review; and

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on **August 18, 2022**, and reviewed, considered, and discussed the application for a Coastal Development Permit and Special Permit Modification, and reviewed and considered all evidence and testimony presented at the hearing; and

WHEREAS, the project was continued to the **September 1, 2022** Planning Commission meeting where the Planning Commission reviewed, considered, and discussed the application for a Coastal Development Permit and Special Permit Modification, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING: Project Description:** A Coastal Development Permit and Special Permit Modification for an alteration in the configuration and location of a single-family residence and for the removal of the temporary road installed previously without permits. The residence was constructed within 100 feet of a one parameter wetland and adjacent to Environmentally Sensitive Habitat areas. The road was installed on both parcels. The CDP modification includes after the fact major vegetation removal for removal of native blackberries within a one parameter wetland and removal of native blackberries and willow and alder trees adjacent to the slough in an Environmentally Sensitive Habitat Area (ESHA). The modification includes habitat restoration for these areas. Construction of a simple wood fence to protect the ESHA areas is also proposed. The road and proposed fencing, as well as a portion of the residence are located within 100 feet of a coastal wetland area, as is a portion of the modified location of the residence.

EVIDENCE: a) Project file: PLN-2022-17762

- 2. FINDING: CEQA.** The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).

EVIDENCE: The original permit was determined to be exempt from environmental review pursuant to Section 15303 of the CEQA Guidelines (Construction of small structures). The modification does not result in any additional building or structural development beyond what was already approved and exempted from environmental review. The shift in location would authorize the current

location of the partially constructed residence and may be found exempt from CEQA pursuant to Section 15301 (Existing facilities). The construction of the new split-rail or simple wood fence may be found exempt from environmental review pursuant to Section 15303 (New small structures). Lastly, the removal of the temporary access road and the ESHA restoration is exempt from environmental review pursuant to Section 15333 of the CEQA Guidelines (Small habitat restoration projects).

FINDINGS FOR THE COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT MODIFICATION

3. FINDING: The proposed development is in conformance with the Humboldt Bay Area Plan (HBAP).

- EVIDENCE:**
- a) Section 4.10 Land Use. The project site is designated Rural Residential in the Humboldt Bay Area Plan. Single family development and associated appurtenant activities are a principally permitted use within the RR plan designation.
 - b) Section 3.17 Hazards. The property located in an area of low instability per the County's Geologic Hazards maps, and Flood Zone C, in an area of minimal flooding, per FIRM Map #060060 0780 B. Additionally, the property has a low fire hazard rating and is located within an area of local fire responsibility.
 - c) Section 3.18 Archaeological Resources. The project is located adjacent to and within an identified archaeological site and Tribal Cultural Resource and was referred to the Blue Lake Rancheria, Bear River Band, and the Wiyot Tribe. Multiple archaeological studies of the site have been done including in 1987 (Eideness) and in 1998 (Roscoe). The studies of the area identify and map a known cultural resource site located on this parcel (CA-HUM-52) which is one of the earliest known Wiyot Village sites and was first identified in 1910 (Loud). The proposed modification of the residential footprint will not result in any potential adverse impact to the identified archaeological site, nor will the removal of the temporary access road. The major vegetation removal that occurred without authorization did impact the archaeological site as documented by an Archaeological Damage Assessment (Rich, 2022) and per Section 3.18 of the HBAP reasonable mitigation measures shall be required. In this instance, the Archaeological Damage Assessment demonstrates that the scientific and historical value of the site has not been impacted by the major vegetation removal. However, comments from the Blue Lake Rancheria and the Wiyot Tribe indicate that the damage had a significant cultural impact and mitigation is necessary both for the cultural impact and to strengthen protection measures for the site. Accordingly, reasonable mitigation is proposed under Section 3.18 of the HBAP as conveyance of an exclusive easement for the archaeological site to the three Wiyot Tribes.
 - d) Section 3.30 Natural Resource Protection. No significant disruption of habitat values or non-ESHA dependent uses are proposed as part of this project. Restoration of ESHA is proposed as part of this project and the permit modification will allow for a corner of the residence to be located within the required 100-foot wetland setback. ESHA areas on the property have been

mapped by Timberland Resource Consultants (2022) and a biological resource damage assessment has been completed for unauthorized major vegetation removal within the ESHA and wetland areas on the property. The assessment found that ESHA and wetland impacts from the unauthorized activities were as follows:

- 440 square feet of *rubus ursinus* (native California blackberry) removal from a single-parameter wetland.
- 1,250 square feet of *rubus ursinus* removal from the *alnus rubra*/*salix lasiolepos* Sensitive Natural Community (SNC).
- 52,272 square feet (1.2 acres) of *rubus ursinus* removal for both the brush clearing and the temporary road construction. A very limited amount of *rubus ursinus* was removed in association with the road construction.
- Removal of one 16" willow tree.
- Removal of four alder trees ranging in size from 3" to 14".
- A corner of the residence extends approximately 8 feet into the required 100-foot wetland setback.

Section 3.30.B.6 requires that no land use or development shall be permitted in Wetland Buffer Areas which degrade the wetland or detract from the natural resource value. In this instance the buffer is the 40-foot elevation contour. The proposed development below this contour includes habitat restoration to improve the natural resource value, and construction of a fence to more clearly separate the residential use of the property from the habitat areas. Along with the restoration and fence construction a corner of the residence would be permitted within the Wetland Buffer Area. The location of the residence will not detract from the natural resource value due to the construction of the separation fence and annual monitoring for and removal of invasive species within the buffer areas.

Pursuant to Section 3.30.B1.b of the HBAP a mitigation plan has been developed in consultation with the California Department of Fish and Wildlife (CDFW) which includes:

- Monitoring for a 3-year period to ensure that the native blackberry comes back in an equal amount and if not that it is re-seeded with native blackberry.
- Planting of willows and alders at a 2:1 ratio for what was removed.
- Annual monitoring for invasive species and hand-removal of invasive species from the ESHA areas and areas immediately adjacent, excluding the area associated with the archaeological site.

Additionally, Section 3.30 of the Humboldt Bay Area plan requires setbacks from wetlands to be a minimum of 100 feet and states that development may only be permitted within the prescribed buffer when it would prohibit development of the site for its designated principle use. In this instance the development has already occurred within 100 feet of a wetland and requiring removal would render the proposed development financial prohibitive while also resulting in no benefit to the wetland. An enhanced wetland setback area shall be dedicated on all site plans and staked in the field which provide more than the required 100-foot buffer in all areas where development has not already occurred and as a result the approximate 8 feet of encroachment into the buffer will have no adverse impacts to the habitat values associated with the wetland or the adjacent ESHA areas. The net result of the revised Wetland Setback Area is that more land is protected than would otherwise be required to be protected.

- e) Section 3.16 Housing. The project complies with the County's Housing Element as it adds a residence to the County's housing inventory.
- f) Section 3.40. Visual Resource Protection. The subject parcel is not located in any designated coastal view or scenic area. However the site is visible from Highway 101 and Old Arcata Road. The Visual Resources findings made in the original subdivision (FMS-04-17 APN: 402-171-025) indicated that future buyers of the lots would be required to retain natural vegetation and produce a landscaping plan to "soften the visual impacts of future development of the sites at the time of development." The project is for restoration of unauthorized native vegetation removal and as a condition of approval the applicant will be required to implement monitoring for, and removal of invasive species within the ESHA areas in the Wetland Buffer Area.

4. FINDING: The proposed development is consistent with the purposes of the existing zone in which the site is located, and the proposed development conforms to all applicable standards and requirements of these regulations.

- EVIDENCE:**
- a) Section 313-6.4 Rural Residential Agriculture Zone District. The project site is zoned Rural Residential Agriculture which establishes single family residential use as a principally permitted use. All of the project elements are in support of the single-family residential use on the property.
 - b) The modified location of the residence complies with all setback and height requirements of the RRA zone district.
 - c) Section 313-16.1 Archaeological Resource Area. The proposed project is consistent with the provisions of the Archaeological Resource Area combining zone because the County is conditioning the project for reasonable mitigation measures to prevent future adverse impacts on the known archaeological resource on the property.
 - d) Section 313-19.1 Design Review Combining Zone. The project is consistent with the Design Review combining zone because it is compatible with the architectural character of the surrounding development and is consistent with the CC&R's that were established for the subdivision. The proposed modified location of the residence balances the protection of the natural landforms with the reduced visual impact of the residence by locating it slightly below the top of the ridgeline.
 - e) Section 313-21.1 Flood Hazard Combining Zone. The proposed project is consistent with the Flood Hazard Combining Zone because it is located in Zone C, outside the mapped flood hazard area, as shown on FIRM Panel Number 060060 0790B.
 - f) Section 313-38.1 Wetlands Combining Zone. The proposed project is consistent with the Wetlands Combining Zone regulations because it includes wetland restoration which is a principally allowed use in the combining zone and no fill or dredging of wetlands are proposed. Further, with the implementation of conditions of approval to restore habitat and remove invasive species the project will enhance the wetland resource.
 - g) Section 312-39.15 Coastal Wetland Buffers. The project is consistent with this section because it involves restoration of habitat values and the upland

portion of the project is designed to prevent impacts that would significantly degrade the wetland habitat area.

5. FINDING: The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: No detrimental effects to public health, safety and welfare were identified. The habitat restoration will be beneficial to the public welfare and the proposed development is not expected be detrimental to property values in the vicinity nor pose any kind of public health hazard.

6. FINDING: The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE: The parcel is planned and zoned for residential development and the project is for a single-family residence. This project will not negatively impact the County's compliance with Housing Element Law.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the **Travis Schneider Coastal Development and Special Permit Modification**, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **September 1, 2022**.

The motion was made by Commissioner _____ and seconded by Commissioner _____ and the following ROLL CALL vote:

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director,
Planning and Building Department

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Coastal Development Permit and Special Permit are conditioned upon the following terms and requirements which must be fulfilled.

1. The applicant shall:
 - a) use dust control techniques when excavating to minimize dust problems on adjacent parcels, and
 - b) take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties.

The plot plan submitted for the Building Permit shall indicate that all ground bared during construction shall be landscaped and/or seeded and mulched prior to October 1st.

2. Any vegetation/brush removal which may be necessary to clear the development footprint must be conducted outside of the bird breeding season (generally March 1 to August 15).
3. All new outdoor lighting shall be compatible with the existing setting and directed within the property boundaries. Any exterior lighting shall include shielding and other designs which minimize the potential for light pollution, given that the development is adjacent to a wetland area.
4. The landscaping plan as shown on the plot plan shall be implemented to the satisfaction of the Planning Division. The landscaping plan shall include native tree species, which are non-pyrophitic, and identify the location, type (by species and common name), size, method for irrigation, and maintenance program, including replacement of plantings over time. The intent of the landscaping plan is to soften the visual impacts of the proposed development with vegetative screening. The landscape plan shall not contain any species listed on the California Invasive Plant Counsel inventory. The County shall consult with the Wiyot Area Tribes prior to approval of the final landscaping plan.
5. Development shall be consistent with the recommendations of the June 30, 1987 biological report for the site (Gail Newton & Associates 6/30/87, submitted with FMS-06-97), which include the following measures:
 - a) removal of no more than 30% of the coniferous trees outside the 100' wetland setback (removal of vegetation from within the designated "Wetland Protection Area" shall not be permitted except as provided in Section 3.30 of the Humboldt Bay Area Plan,
 - b) maintaining the diversity of the understory vegetation wherever possible, and the retention of all snags and dying trees where allowed by safety considerations.
6. Prior to lifting of the Stop Work Order the applicant shall cause to be recorded a grant of permanent conservation easement to the Dishgamu Humboldt Community Land Trust (or other entity identified by the Wiyot Tribe) of the known cultural resource site located on this parcel (CA-HUM-53) as mapped by William Rich and Associates (May 2022) and an appropriate pedestrian access path a minimum of 5 feet in width leading from the CA-HUM-53 site to Walker Point Road. Subject to agreement of the three Tribes the easement should name all of the Tribes as easement beneficiaries and specify that in the event the Land Trust ceases to exist the Wiyot Tribe is the backup grantee who will retain control of the easement. The applicant shall be responsible for the expense of preparing the easement documents.
7. The Final ESHA Restoration Plan shall be submitted for review and approval by the Planning Director after consultation with the Wiyot Area Tribes prior to lifting of the stop work order. The Final ESHA Restoration Plan shall include the specific location of the eight alnus rubra (red alder)

and two salix hookeriana (willow) trees to be planted and shall specify the area to be monitored for re-establishment of rubus ursinus (native California blackberry).

8. Removal of all road material from the temporary access road and regrading of the area to be consistent with the surrounding grade shall be done with a Tribal monitor present.
9. Restoration of the unpermitted temporary road and regrading of the area to be consistent with the surrounding grade.
10. The applicant shall submit a restoration monitoring report documenting implementation of the Final ESHA Restoration Plan no later than December 31st of each year for the first 3 years after project approval. The report shall include a discussion of by a qualified biologist regarding regrowth of the native California blackberry (rubus ursinus). If a qualified biologist finds that the blackberry is not regenerating on pace to achieve full restoration it shall be re-seeded with native blackberry as needed.
11. The property owner shall complete annual monitoring for invasive species and hand-removal of invasive species from the ESHA areas and areas immediately adjacent to the ESHA areas until a qualified biologist confirms that no invasive species are present within the ESHA areas. A report of annual invasive species monitoring shall be made available to the County upon request.
12. The property owner shall not disturb native blackberries on all portions of the property below the 40-foot elevation contour and also within the area shown as the Wetland Setback Area on the Wetland Map.
13. The split rail fence or other simple wood fence shall be constructed a minimum of 5 feet upland from the boundary of CA-HUM-53 as mapped by William Rich and Associates (May 2022). The fence design shall be submitted for approval of the Planning Director after consultation with the Wiyot Area Tribes prior to installation. Prior to any disturbance associated with the fence the applicant shall contract with a Tribal monitor to be present during construction of the support posts. The tribal monitor shall be on-site during all fence post support construction.
14. Prior to lifting of the Stop Work Order the area shown as "Wetlands Setback Area" on the Wetland Map in Attachment 5 shall be staked in the field and posted with small signage identifying the Wetland Setback Area. This area shall be permanently off-limits to all development and ground disturbance except as otherwise authorized by this Coastal Development Permit.
15. The applicant shall submit a site drainage plan prepared by a qualified professional for review and approval of the Planning Director after consultation with the Wiyot Area Tribes prior to lifting of the stop work order. The plan shall ensure that roof and other impermeable surfaces are directed away from sensitive resources to the extent feasible and controlled to avoid erosion from runoff.
16. Prior to lifting of the stop work order the applicant shall contract with a tribal monitor to be present during any disturbance associated with the removal of all road material from the temporary access road and regrading of the area to be consistent with the surrounding grade and during construction of the fence posts.
17. Prior to lifting of the Stop Work Order The applicant shall place \$38,000 into an account designated by agreement of the three Wiyot Area Tribes to be used for mitigation of cultural resources impacts. In the event that the Tribes are not in agreement about the account manager the funds shall be deposited into an account specified by the Wiyot Tribe.
18. The applicant is responsible for reimbursing the Tribes for all tribal monitoring required by this permit.

On-Going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:

1. Any exterior lighting shall be directed so as not to extend beyond boundaries of parcel. Any exterior lighting must include shielding and other designs which minimize the potential for light pollution, given that the development is adjacent to a wetland area.
2. Grading and removal of natural vegetation shall be minimized to protect natural landforms and soften the visual impact of the project on neighboring parcels. All new landscaping shall further screen the proposed development from both Highway 101 and Old Arcata Road.
3. Where feasible, utilities shall be provided underground.

Informational Notes:

1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

2. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
3. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.

ATTACHMENT 2

Draft Resolution for Denial of the Permit Application

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 22-

Record Number PLN-2022-17762

Assessor's Parcel Numbers: 402-171-029, 402-171-030

Resolution by the Planning Commission of the County of Humboldt to deny the Travis Schneider Coastal Development and Special Permit Modification.

WHEREAS, Travis Schneider submitted an application dated May 12, 2022 requesting approval of a Modification to Coastal Development Permit and Special Permit CDP-17-016 to allow for removal of a temporary access road, restoration of ESHA areas that were damaged by unpermitted activities and the construction of the residence within 100 feet of a coastal wetland; and

WHEREAS, the California Coastal Commission, Wiyot tribe and Blue Lake rancheria have all commented that the proposed development does not adequately protect coastal resources or mitigate for damage to coastal resources as a result of the unpermitted activities; and

WHEREAS, the project is exempt from environmental review pursuant to Section 15270 of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on **August 18, 2022**, and reviewed, considered, and discussed the application for a Coastal Development Permit and Special Permit Modification, and reviewed and considered all evidence and testimony presented at the hearing; and

WHEREAS, the project was continued to the **September 1, 2022** Planning Commission meeting where the Planning Commission reviewed, considered, and discussed the application for a Coastal Development Permit and Special Permit Modification, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING: Project Description:** A Coastal Development Permit and Special Permit Modification for an alteration in the configuration and location of a single-family residence and for the removal of the temporary road installed previously without permits. The residence was constructed within 100 feet of a one parameter wetland and adjacent to Environmentally Sensitive Habitat areas. The road was installed on both parcels. The CDP modification includes after the fact major vegetation removal for removal of native blackberries within a one parameter wetland and removal of native blackberries and willow and alder trees adjacent to the slough in an Environmentally Sensitive Habitat Area (ESHA). The modification includes habitat restoration for these areas. Construction of a simple wood fence to protect the ESHA areas is also proposed. The road and proposed fencing, as well as a portion of the residence are located within 100 feet of a coastal wetland area, as is a portion of the modified location of the residence.

EVIDENCE: b) Project file: PLN-2022-17762

- 2. FINDING: CEQA.** The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).

EVIDENCE: Section 15270 of the CEQA Guidelines exempts projects which are disapproved.

FINDINGS FOR THE COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT MODIFICATION

- 3. FINDING:** The proposed development is not in conformance with the Archaeological Resource protection policies of the Humboldt Bay Area Plan (HBAP).

EVIDENCE: Section 3.18 of the Humboldt Bay Area Plan requires reasonable mitigation measures to be required when development would adversely impact archaeological resources. The project is located adjacent to and within an identified archaeological site and Tribal Cultural Resource and unauthorized work occurred which disturbed the archaeological site. While the Archaeological Damage Assessment demonstrates that the scientific and historical value of the site has not been impacted by the major vegetation removal, comments from the Blue Lake Rancheria and the Wiyot Tribe indicate that the damage had a significant cultural impact and that the proposed mitigation is not sufficiently reasonable to address the impacts to archaeological resources.

- 4. FINDING:** The proposed development is not in conformance with the natural resource protection policies of the Humboldt Bay Area Plan (HBAP).

EVIDENCE: Section 3.30 of the Humboldt Bay Area plan requires setbacks from wetlands to be a minimum of 100 feet and states that development may only be permitted within the prescribed buffer when it would prohibit development of the site for its designated principle use. The parcel where the house is proposed and partially constructed is approximately 3.5 acres and the wetland is along the southern property boundary. There is sufficient area on the parcel to develop a single family residence and comply with the required wetland buffer. The construction of the residence in this unapproved location has resulted in impacts to habitat associated with the wetland due to the removal of vegetation in the Environmentally Sensitive Habitat Areas (ESHA) associated with the wetland and adjacent slough areas.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Denies the **Travis Schneider Coastal Development and Special Permit Modification**, based upon the Findings and Evidence; and

Adopted after review and consideration of all the evidence on **September 1, 2022**.

The motion was made by Commissioner _____ and seconded by Commissioner _____ and the following ROLL CALL vote:

AYES: Commissioners:
 NOES: Commissioners:
 ABSTAIN: Commissioners:
 ABSENT: Commissioners:
 DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director,
 Planning and Building Department

ATTACHMENT 3

Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Public Works, Land Use Division	✓	Approval	On file
Building Department	✓	Approval	On file
Bear River Band	✓	Comments	On file and confidential
Blue Lake Rancheria	✓	Comments	On file and confidential
Wiyot Tribe		Comments	On file and confidential
California Coastal Commission		Comments	Attached
CDFW	✓	Comments	Attached
County Counsel			
County Dept of Environmental Health			
US Fish & Wildlife Service			
US EPA			
US Corps of Engineers			
Peninsula CSD			
Humboldt Bay Municipal Water District			
Samoa/Peninsula Fire Protection District			
North Coast AQMD			
CA Dept of Toxic Substances Control			
Cal-OSHA			
PG&E			
NCRWQCB (Water Board)			
Northwest Information Center	✓	Further Study, Consultation w/ Tribes	On file

June 27, 2022

John Ford, Director
Humboldt County Planning & Building Dept.
3015 H St.
Eureka, CA 95501

RE: Initial comments on Coastal Development Permit Modification No. PLN-2022-17762 (Travis Schneider, Applicant, 1506 & 1512 Walker Point Rd., APNs 402-171-030 and 402-171-029)

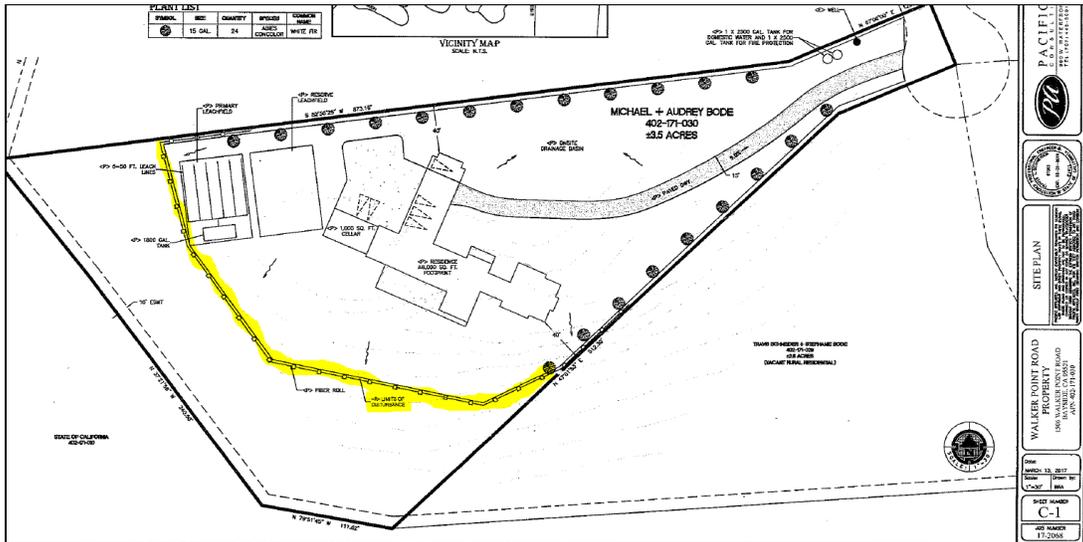
Dear Mr. Ford,

This letter provides initial comments on the referral materials for Planning Application Record No. PLN-2022-17762 posted on the County's "Citizen Access" website. We did not receive hard copies of the referral but we received an automated notice for the referral via email on May 23rd (sent on Friday, May 20, 2022 4:57 PM). Materials posted for review on the County's website include Site Plan, Application Form, Fee Schedule, Map Set, As Built Plans, Project Transmittal, Referral Cover Sheet, and Statement of Construction. Please note that "Construction Plans 05.12.2022" is listed as an attachment but unavailable for review/download. Other documents provided for review received between February and June via email from County staff or representatives from the Blue Lake Rancheria include (1) letter from Blue Lake Rancheria Tribal Administrator Jason Ramos dated 2/11/22, (2) Agreement between County and applicant regarding payment for archaeological study; (3) Botanical Survey Report dated 6/18/17 by James Regan; (4) brush clearing data points showing recent vegetation clearing on the subject site without CDP authorization; (5) "Interim Letter Report" dated 4/14/22 and Damage Evaluation report dated May 2022 by William Rich and Associates; (6) Aquatic Resource Delineation report dated 4/14/22 by Timberland Resource Consultants; (7) Supplemental Addendum to the Aquatic Resource Delineation report emailed 6/22/22 by County staff; and (8) *Final Tribal Cultural Resource Significance Statement, Damage Assessment, and Remediations Report* dated 6/6/22 submitted jointly by the Blue Lake Rancheria and Wiyot Tribe. We also reviewed our file copy of the original CDP for the site approved by the County on August 22, 2017.

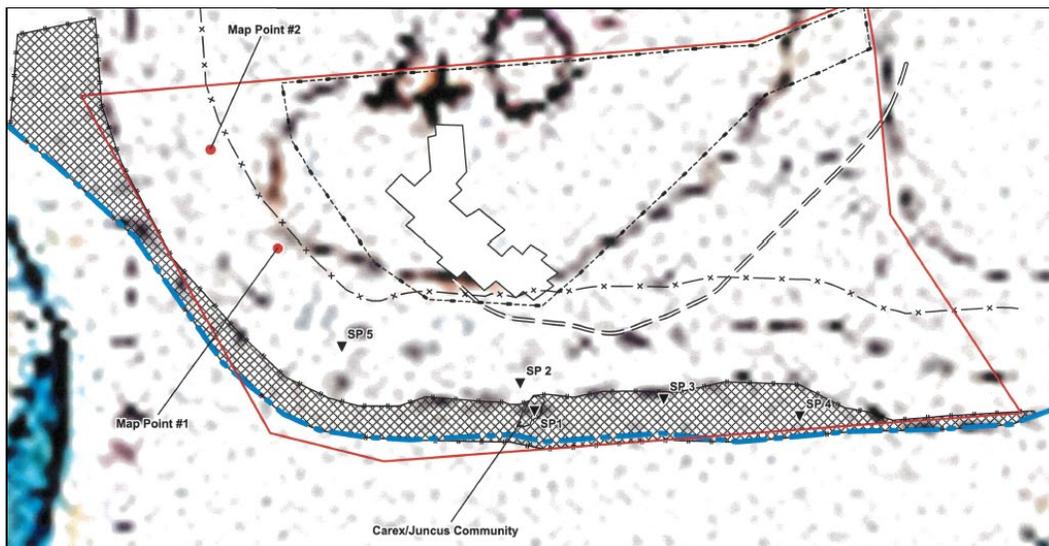
Please consider the following initial comments and recommendations on permit procedures and considerations based on the scope of unpermitted development and impacts to coastal resources.

Scope of Permitted Development Below the 40-ft Contour & Within the Wetland Setback

Under the 2017 coastal development permit (CDP), there were clear conditions and a proposed site plan showing the “limits of disturbance” which were important for protecting both wetland and cultural resources (see CDP condition 8, and the 2017 proposed site plan, snipped below with the limits of disturbance line highlighted):



CDP condition 8 states that “All areas below the 40-foot contour line shall be marked as non-buildable on the final plot plan submitted to the building division.” Approved maps also show the entirety of the “limits of disturbance” as being outside of the 100-foot wetland setback, which allowed the development to be processed as a non-appealable CDP. The Supplemental Addendum to the Aquatic Resource Delineation depicts the house footprint and limits of disturbance as encroaching below the 40-foot contour line and into the 100-foot wetland setback area:



For a more accurate understanding of the scope of development and disturbance that has occurred below the 40-foot contour, **it would be helpful to reference the as-built (to date) development to the more accurate LiDAR 40-foot contour line.**

Referencing the more accurate topography data than that used in the Supplemental Addendum to the Aquatic Resource Delineation reveals a larger portion of the house below the 40-foot contour:



We recommend updating the map on page 8 of the Supplemental Addendum with the LiDAR contour rather than the 1974 USGS contour.

The findings for approval of the CDP state that the project could be found consistent with the cultural resources protection policies of the Humboldt Bay Area Plan (HBAP) in part because there would be no building below the 40-foot contour (and because of the inclusion of “Note 1” on the CDP with requirements to follow the inadvertent discovery protocols). **The CDP Modification (CDPM) should address the clear violation of CDP condition 8, any related impacts to cultural resources resulting from this permit violation, and necessary mitigation for any impacts.** We note that HBAP sec. 3.18 includes section 30244 of the Coastal Act as an enforceable policy, which requires:

Where new development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

In its consideration of approval of a modified building footprint under the CDPM that encroaches below the 40-foot contour, **the County should require the applicant to provide reasonable mitigation measures as recommended by the Tribes.**

HBAP sec. 3.18-B directs the following with respect to “reasonable mitigation measures”:

Reasonable mitigation measures may include but are not limited to:

- a. *Changing building and construction sites and/or road locations to avoid sensitive areas.*
- b. *Providing protective cover for sites that cannot be avoided.*
- c. *Where appropriate and with the approval of all parties concerned, provide for the removal or transfer of culturally significant material by a professional archaeologist or geologist.*

Extent of Unpermitted Development Below the 40-ft Contour & Within Wetland Setback

In addition to the building footprint and approved limits of disturbance encroaching below the 40-foot contour and within the 100-foot wetland setback inconsistent with the proposed project as approved by the County in 2017, there also appears to have been unpermitted development in these areas, including major vegetation removal. We note that there are two CDP conditions that impose limits on vegetation removal, including conditions 2 and 9:

2. The native blackberry (*rubus ursinus*) located on the parcel should be retained whenever possible as it provides cover, foraging and nesting habitat for a variety of bird species. Any vegetation/brush removal which may be necessary to clear the development footprint must be conducted outside of the bird breeding season (generally March 1 to August 15).
9. Development shall be consistent with the recommendations of the June 30, 1987 biological report for the site (Gail Newton & Associates 6/30/87, submitted with FMS-06-97), which include the following measures:
 - a) removal of no more than 30% of the coniferous trees outside the 100' wetland setback (removal of vegetation from within the designated "Wetland Protection Area" shall not be permitted except as provided in Section 3.30 of the Humboldt Bay Area Plan,
 - b) maintaining the diversity of the understory vegetation wherever possible, and the retention of all snags and dying trees where allowed by safety considerations.

Essentially, these conditions direct the applicant to minimize the removal of native blackberry on the parcel and prohibit the removal of vegetation within the designated “Wetland Protection Area.” It’s unclear whether the “Wetland Protection Area” coincides with the areas below the 40-foot contour, but we recommend the County confirm. In any case, **we recommend the County require an update to the Natural Communities Map in the Supplemental Addendum to add the LiDAR 40-foot contour to that map, which will clarify the scope and extent of unpermitted vegetation removal in the “Wetland Protection Area”** (assuming that area includes all areas below the 40-foot contour). We note that neither condition 2 nor condition 9 restrict future “major vegetation removal” but rather both refer simply to (in the case of condition 2) ANY

removal of native blackberry (e.g., via mowing) and (in the case of condition 9) no “removal of vegetation” (of any kind) in the “Wetland Protection Area.”

Because unpermitted vegetation removal occurred in areas outside of the approved limits of disturbance and in areas expressly prohibiting any vegetation removal under the CDP conditions, the CDPM must consider the scope of these impacts. The Supplemental Addendum quantifies these impact areas (snipped below), and the CDPM should address the necessary restoration of and any associated mitigation for impacts to these areas:

Natural Community	Area Impacted	Type of Impact	ESHA
<i>Alnus rubra</i> / <i>Salix lasiolepis</i> / <i>Rubus spp.</i>	0.03 acres (1,250 sf)	Mowing of <i>Rubus ursinus</i> and removal of 4 trees	Yes
<i>Rubus ursinus</i>	1.2 acres	Mowing and temporary road construction	Yes
1 Parameter Wetland	0.01 acres (440 sf)	Mowing of <i>Rubus ursinus</i>	Yes

We recommend the CDPM consider vegetation removal in all of the above areas rather than simply vegetation removal in the amount of 440 square feet of blackberries removed in the wetland area.

ESHA Determination

We appreciate the clarifications provided in the Supplemental Addendum related to wetland parameter determinations.

Regarding questions in email correspondence about the extent and scope of ESHA, we note the Supplemental Addendum identifies areas with *Rubus ursinus* as ESHA, which we agree with (and which CDFW has confirmed its agreement with), since these areas are associated with the riparian habitat of Fay Slough, an identified ESHA type under HBAP sec. 3.30-B-1:

- (1) *Wetlands and estuaries, including Humboldt Bay and the mouth of the Mad River.*
- (2) *Vegetated dunes along the North Spit to the Mad River and along the South Spit.*
- (3) *Rivers, creeks, gulches, sloughs and associated riparian habitats, including Mad River Slough, Ryan Slough, Eureka Slough, Freshwater Slough, Liscom Slough, Fay Slough, Elk River, Salmon Creek, and other streams.*
- (4) *Critical habitats for rare and endangered species listed on state or federal lists.*

Because unpermitted vegetation removal occurred in areas outside of the approved limits of disturbance and in areas expressly prohibiting any vegetation removal under CDP conditions 2 and 9, and because these unpermitted activities impacted ESHA as delineated in the Supplemental Addendum and as identified under the HBAP, and because these impact areas overlap with the sensitive cultural resource area (which is not shown on the Natural Communities Map though it would be helpful if it was), **we recommend the CDPM require appropriate restoration and mitigation for 53,962 square feet of impact areas identified as ESHA as recommended by the Tribes.**

We appreciate the County's consideration of these comments and would be happy to meet to discuss.

Sincerely,

A handwritten signature in black ink that reads "Melissa B. Kraemer". The signature is written in a cursive style with a large, looped initial "M".

Melissa B. Kraemer
North Coast District Manager

ec: adam@wiyot.us; anacanter@brb-nsn.gov; ted@wiyot.us;
melaniemccavour@brb-nsn.gov; dholsapple@bluelakerancheria-nsn.gov;
jana.ganion@bluelakerancheria-nsn.gov; wcr@williamrichandassociates.com;
Michael.VanHatten@wildlife.ca.gov; Gregory.OConnell@Wildlife.ca.gov;
jpeidsness@yahoo.com; Joshua.Levine@coastal.ca.gov

From: [Kraemer, Melissa@Coastal](mailto:Kraemer.Melissa@Coastal)
To: [Ford, John](mailto:Ford,John); ted@wiyo.com; [Jason Ramos](mailto:Jason.Ramos); [Janet Eidsness](mailto:Janet.Eidsness); [Melanie McCavour](mailto:Melanie.McCavour); [Levine, Joshua@Coastal](mailto:Levine,Joshua@Coastal); [Adam; Daniel Holsapple](mailto:Adam.Daniel.Holsapple)
Cc: [Johnson, Cliff](mailto:Johnson,Cliff)
Subject: RE: Walker Point Schneider Residence
Date: Monday, August 8, 2022 6:14:07 PM
Attachments: [image001.png](#)

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

John

We have some comments:

1. We suggest it would not be appropriate to lift the stop work order, at least not on the unauthorized portions of the development, until the County's action is final (CDP Modification is issued) – not simply upon Planning Commission approval. There will be a time gap between PC approval and CDPM issuance while the local and state appeal periods run. If an appeal were to be received, either locally to the Board and/or to the Coastal Commission, the County's action would not be final until the appeal process was complete. Therefore, we request that timing in the condition be tied to finality of County action/issuance of CDPM rather than date of Planning Commission action.
2. Before everyone agrees with the responses and stipulations in Mr. Johnson's letter, would it be helpful to have an updated map that shows the "agreed upon" wetland setback area. The letter refers to "as discussed and depicted" in the August 2nd meeting, but as I recall there were no well defined lines depicted during the Zoom call, and also some people were having bandwidth issues so were unable to see the shared screen/maps. Perhaps the County can circulate an updated map that shows some of the key features at issue and referenced in the letter, including wetland setback area, planting area, restoration area, fence line, easement area, etc. We understand the desire to finalize things in time for the August 18th agenda, but without having the information needed to inform the County's decision on hand and circulated ahead of time, perhaps it would be prudent to delay a bit longer and schedule for a subsequent PC agenda.
3. We have not yet offered comments on the July 18th Restoration Plan, which was only recently circulated. The plan proposes plantings of willows, alders, and blackberry to mitigate damage caused by unpermitted activities. A map is not included with the plan but would be helpful to understand where plantings are proposed. Does the Restoration Plan also address road removal? It's unclear. We note that Mr. Johnson suggests circulating the plan to the THPOs and Adam Canter for comment, and because those comments haven't yet been received (that we're aware of), perhaps that is another reason to delay bringing this to the PC until comments can be received and integrated

into an updated revised plan. Perhaps the plan should be updated to clarify/depict specify restoration details/plans for riparian impact areas, wetland impact areas, blackberry impact areas, and road removal/restoration areas. Did CDFW ever comment on the plan?

In terms of Coastal Commission staff comments – we would suggest provisions be included for monitoring beyond the proposed three years if the success standard isn't reached in that time frame (e.g., if plants die in year 3, and additional plantings occur thereafter, there should be an additional three years of monitoring). We also recommend the County consider requiring additional plantings above and beyond what's proposed (which is associated with the violation/unpermitted development) in order to make the findings for consistency with the ESHA/riparian protection policies of the LCP. Because the County is considering whether or not to approve a reduced setback, and because the HBAP requires certain minimum setback distances from ESHA/wetlands/riparian areas (typically 100-200 feet), and because those minimum setbacks won't be provided in this case, the County's consideration of the CDPM should evaluate (ideally based on an analysis from a qualified biologist) whether a setback distance of less than the prescribed LCP standard (for the house encroachment within 100 feet) is adequate to protect the resources of the ESHA. In some cases, a reduced setback may be sufficient but only with certain additional mitigation measures, such as enhancement planting and other measures. The existing Restoration Plan on file doesn't address the idea of planting/enhancement from this context; it only addresses mitigation/restoration related to unpermitted development/damage. Has the County communicated with CDFW on this question of reduced setback adequacy? If not, this may be another good reason to postpone agendizing this on the Aug 18th PC hearing.

4. The wood fence was discussed as appropriate as a symbolic permanent feature to separate the residential uses/curtilage from the sensitive wetland, ESHA, and arch. resources buffers. In addition to the fence protection, we recommend the County impose a condition that expressly lists the restrictions within the protected area – i.e., list out future uses and development that may be allowed within the restricted area (e.g., mowing? It is important to specify future development and uses that are allowed in the restricted area, potentially subject to future CDP authorization, if needed). When the Coastal Commission deals with CDPs that impose restrictions on future uses and development in sensitive areas of a property, we normally impose conditions requiring applicants to execute and record a deed restriction over the open space area which clearly describes the restrictions on development and uses in the designated open space area. The record document should include a legal description and corresponding graphic depiction of the legal parcel subject to the permit as well as a metes and bounds legal description and a corresponding graphic depiction, drawn to scale, of the designated open space area prepared by a licensed surveyor. The deed restriction

should run with the land, binding successors and assigns of the applicant/landowner in perpetuity. We recommend imposing this type of condition on this permit and provide you with example language if needed.

5. Mr. Johnson's letter requests that the drainage plan be required 30 days after the PC's approval. Since there is no draft drainage plan in place at this time (that we're aware of), the County's conditions should specify the minimum contents and goals of the required plan. Presumably the plan should provide for appropriately directing runoff away from sensitive areas in a manner that will not lead to concentrated stormwater runoff, etc. The Tribes may have further thoughts on this.
6. With respect to the conservation easement, Mr. Johnson's letter states that the applicant should not be required to provide an endowment for the easement. As discussed at the meeting the other day, the applicant should be required to pay for the costs associated with the Tribes' involvement in monitoring, restoration oversight, and Unit 6 stabilization and recovery. We recommend conditions of the CDPM make this clear.
7. We also suggest that the County's CDPM specify through conditions that the Tribes shall be allowed access to the cultural site via the applicant's property. It's premature to assume that the Tribes will be able to access the cultural site via the existing 10-foot-wide easement along the outer perimeter of the applicant's property that is held by a separate individual (and it's unclear what the current state of that access easement is – e.g., it's possibly routed through/along a wetland overgrown with dense blackberries and other brush so may not be accessible). So we recommend the CDPM specify the access arrangement for the Tribes across the applicant's property (with 24-hour notice as requested by the applicant) for both the short-term (during the restoration plan time frame) and any long-term access arrangements.

Finally, Mr. Johnson's letter near the end states that they believe the PC's approval of the CDPM "would comprise a 'complete resolution' to this matter" with the Coastal Commission, County, and the three Tribes. We do not agree with that statement, because as mentioned earlier, the PC's action is not final until after the Commission's appeal period has completed and no appeals have been filed.

Thanks

Melissa

From: Ford, John <JFord@co.humboldt.ca.us>

Sent: Friday, August 5, 2022 4:38 PM

To: ted@wiyot.us; Jason Ramos <jramos@tgc.bluelakerancheria-nsn.gov>; Janet Eidsness

<jpeidsness@yahoo.com>; Melanie McCavour <hcpcmccavour@gmail.com>; Kraemer, Melissa@Coastal <Melissa.Kraemer@coastal.ca.gov>; Levine, Joshua@Coastal <Joshua.Levine@coastal.ca.gov>; Adam <adam@wiyot.us>; Daniel Holsapple <dholsapple@bluelakerancheria-nsn.gov>

Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>

Subject: Walker Point Schneider Residence

Good Afternoon:

Please find attached a letter from Travis Schneiders Attorney agreeing with the 11 provisions put forward by the Wiyot and Blue Lake Tribes. There are a couple of requests including:

1. Advance notice of inspections by Tribal monitors.
2. Lifting the Stop Work Order upon Planning Commission approval.

We will start work on drafting the conditions to implement these provisions.

Please let me know if you have any questions.

John

John H. Ford
Director of Planning and Building
(707) 268-3738



Giannini, Trip

From: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>
Sent: Thursday, June 23, 2022 2:47 PM
To: Johnson, Cliff
Cc: Bauer, Scott@Wildlife; Van Hattem, Michael@Wildlife; McDonald, Kelsey@Wildlife; Levine, Joshua@Coastal; Kraemer, Melissa@Coastal
Subject: RE: Walker Point Aquatic Resources Delineation

Hi Cliff. Thanks for the opportunity to review the April 14, 2022 Aquatic Resource Delineation and the June 15, 2022 Supplemental Addendum for APN 402-171-030.

Based on data presented for Sample Point #5, vegetation does not meet hydrophytic criteria for the dominance test nor the prevalence index using the Western Mountains, Valleys, and Coast Regional Supplement to the Corps of Engineers Wetland Delineation Manual. Based on my observations during our March 1, 2022 site visit, I was surprised that the delineation did not find a fringe area with hydrophytic vegetation (e.g. alders/willows) extending beyond what was mapped as a 3-parameter wetland. More sample point locations would have been helpful. Nonetheless, the Supplemental Addendum report does appear to sufficiently characterize vegetation types that qualify as Sensitive Natural Communities (SNCs). I would have expected development buffer distances to start at the edge of these SNCs. Not only did the project not buffer them, they were directly impacted in some areas. It is possible that well-planned disturbance that mimics natural disturbance events could benefit some natural communities; however, I saw no indication from adjacent, undisturbed SNCs that such types of treatment would be needed or appropriate at this time and location. As a result, I think it would be appropriate for the project to mitigate for direct impacts and encroachment into buffer areas.

I'm happy to schedule a call or meeting to discuss further. Thanks again,

Greg O'Connell | Senior Environmental Scientist (Specialist) | North Coast Caltrans Liaison - Eureka Field Office | Gregory.OConnell@Wildlife.ca.gov |

From: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Sent: Tuesday, June 21, 2022 10:07 AM
To: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>; Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>; Van Hattem, Michael@Wildlife <Michael.VanHattem@wildlife.ca.gov>; McDonald, Kelsey@Wildlife <Kelsey.Mcdonald@Wildlife.ca.gov>
Subject: Walker Point Aquatic Resources Delineation

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hi all,

I'd appreciate a look at these wetland delineation and sensitive natural community reports. The primary thing I need some help on is the determination of Sample Point 5 as not qualifying as a one parameter wetland under the Coastal Act. The assessment is that there is only 50% prevalence of a FACW species (salix). The data form shows 70% cover of salix at this point. Secondly, an opinion on the impact analysis of the rubus/salix alliance would be helpful. The conclusion of the biologist appears to be that the disturbance stimulated additional salix dispersal which may be positive. Greg has been to the site at least once.

ATTACHMENT 4

**Applicant's Response to July 26, 2022 Joint Comment Letter from Wiyot Tribe and
Blue Lake Rancheria**

via electronic mail to: jford@co.humboldt.ca.us

August 5, 2022

John Ford, Planning Director
 Humboldt County Planning & Building Department
 3015 H Street
 Eureka, California 95501

**Re: Response to Joint Tribal Comments Regarding PLN-2022-17762
 Walker Point Road, APNs 402-171-029 and -030**

Dear Director Ford:

Thank you again for convening the August 2 meeting between the County, Coastal Commission, and representatives of the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria, and the Wiyot Tribe regarding the above-referenced planning application for a Coastal Development Permit modification. On behalf of applicant Travis Schneider, this letter provides comments regarding the proposed 11-point resolution discussed during the meeting, and which is articulated in the July 26, 2022 joint comment letter submitted by the Blue Lake Rancheria and Wiyot Tribe Tribal Historic Preservation Offices (**attached to this letter as Attachment 1**). We have organized Mr. Schneider’s responses in the table below.

Proposed Resolution	Response
<p><u>1. Establish a new ‘wetlands setback area’ for remainder of project, where only limited pedestrian access is permitted and all development is prohibited.</u></p>	<p>This is acceptable, with the following comments:</p> <ul style="list-style-type: none"> The extent of the “wetlands setback area” must be consistent with the approximate boundaries discussed and depicted during the August 2 meeting.
<p><u>2. The Tribes and other agencies, as appropriate, should be consulted about the revised limits of the wetlands setback, to ensure accuracy and clarity. Once in agreement, this setback needs to be depicted on a revised and formally recorded plot plan with instructions the area is considered off-limits to development (including mowing), except that involving pre-approved archaeological examination supported by the Tribes or remediation of sensitive vegetation per CDFW.</u></p>	<p>This is acceptable.</p>
<p><u>3. The wetlands setback area needs to be marked in the field (see #4 below). Mr. Schneider is the responsible party for ensuring that no prohibited development occurs. The field markings shall be inspected and signed off by County staff, the Tribes, Project Archaeologist, and other agencies as appropriate.</u></p>	<p>This is acceptable.</p>
<p><u>4. A wetlands vegetation restoration plan for the entire ESHA shall be prepared, shared with Wiyot Tribe ethnobotanist Adam Canter and THPOs for comments, and approved before the current stop work order is lifted;</u></p>	<p>This is acceptable, with the following comments:</p> <ul style="list-style-type: none"> At Mr. Schneider’s request, Timberland Resource Consultants has already prepared a draft Restoration

Proposed Resolution	Response
<p><u>associated ground-disturbances shall be avoided in the mapped archaeological site area (Rich 2022:Figure 3); and the work monitored by a Tribal representative.</u></p>	<p>Plan (Jack Henry, July 18, 2022). The Restoration Plan covers all ESHA plant communities impacted by mowing/mastication activities performed onsite. No restoration work will be performed in ESHA areas that were not disturbed. Please distribute this draft Restoration Plan to Adam Canter and each THPO for comments. (Draft Restoration Plan attached as Attachment 2.)</p> <ul style="list-style-type: none"> • Timberland Resource Consultants also prepared a Supplemental Addendum for Aquatic Resource Delineation (Jack Henry, June 15, 2022) in response to Coastal Commission comments dated June 10, 2022. (Attached as Attachment 3.) • Should the Planning Commission approve the CDP Modification with conditions c Mr. Schneider requests that the current stop work order (pursuant to County Code § 331-22.1) be lifted immediately such that work may proceed simultaneous with actions to comply with the CDP Modification conditions. The existing structure has been left exposed to one rainy season already, and the structure must be weatherproofed before this coming rainy season to prevent irreversible damage.
<p><u>5. A simple wood fence shall be designed by the Applicant for approval by the County and the Tribes and constructed for purposes of marking the upper limits of the wetlands setback area, where no development is permitted (including mowing, brush or tree cutting) and only limited pedestrian access is allowed. The fence posts shall be placed outside the estimated limits of the archaeological site (Rich 2022:Figure 3) and the ground-disturbing work monitored by a Tribal representative.</u></p>	<p>This is acceptable, with the following comments:</p> <ul style="list-style-type: none"> • THPO Eisdness clarified that the purpose of the fence is to serve as a permanent physical barrier to prevent any future encroachment on the ESHA and archaeological setback area. Mr. Schneider proposed a simple two-rail fence, which would achieve the desired objectives.
<p><u>6. A Conservation Easement encompassing the archaeological site and associated wetlands habitat setting on APNs 402-171-029 and -030 shall be deeded in a permanent conservation easement to the Wiyot area Tribes, as they are the appropriate caretakers and stewards of this Tribal Cultural Resource.</u></p>	<p>This is acceptable, with the following comments:</p> <ul style="list-style-type: none"> • Mr. Schneider shall not be required to also provide an endowment for the conservation easement.
<p><u>7. The Applicant shall be required to submit a site drainage plan prepared by a qualified professional prior to recommencing construction that demonstrates that drainage from roof and other impermeable surfaces will be appropriately directed and dissipated away from sensitive resources and in a manner that avoids the potential for erosion and other impacts.</u></p>	<p>This is acceptable, with the following comments:</p> <ul style="list-style-type: none"> • Should the Planning Commission approve the CDP Modification with conditions consistent with the points outlined in this letter and the July 26, 2022 joint comment letter, Mr. Schneider requests that the current stop work order (pursuant to County Code § 331-22.1) be lifted immediately such that work may proceed simultaneous with actions to comply with the CDP Modification conditions. The existing structure has been left exposed to one rainy season already, and

Proposed Resolution	Response
	the structure must be weatherproofed before this coming rainy season to prevent irreversible damage. I suggest that the Planning Commission require Mr. Schneider to submit a drainage plan within 30 days following the Commission's decision.
8. A Tribal Monitor shall observe the removal of the unpermitted temporary rock road (see Figure 1), which shall be planned and executed in a manner that avoids the archaeological site and sensitive wetlands vegetation.	This is acceptable.
9. Unit 6 feature stabilization and recovery. We request as a condition of the CDP Mod this feature be the target of controlled excavation (2 cubic meters) not to exceed \$38,000 to be carried out under a Tribally approved research design by Dr. Mark Tveskov, Professor of Anthropology at Southern Oregon University, in collaboration with William Rich & Associates of Bayside and the Wiyot area Tribes.	This is acceptable.
10. The Inadvertent Archaeological Discovery Protocol shall be in force for the remainder of the project (see Informational Note #1 in CDP 17-016 Conditions of Approval, 8/24/17, pages 9 and 13).	This is acceptable.
11. Access to monitor site conditions and compliance with these conditions shall be afforded to Tribal representatives during the course of construction, and any concerns will be immediately reported to the Humboldt County Planning Department.	This is acceptable, with the following comments: <ul style="list-style-type: none"> Mr. Schneider requests that Tribal representatives provide at least 24 hours' notice to Mr. Schneider or a designated representative prior to any site visit.

Our understanding, based on the recent meeting, is that the Planning Commission's approval of the proposed Coastal Development Permit modification with conditions consistent with the points outlined in this letter and the July 26, 2022 joint comment letter would comprise a "complete resolution" to this matter as respects the Coastal Commission, the County, and the three Tribes. Please circulate a copy of this letter to representatives of each.

Please let me know if you have any comments or questions regarding the foregoing. I can be reached via email at bjohnson@everviewlaw.com and by telephone at (916) 704-6393.

* * *

Sincerely,



Bradley B. Johnson, Esq.
Everview Ltd.

cc: Travis Schneider

ATTACHMENT 5

**August 17, 2022 comment letters from Wiyot Tribe, Blue Lake Rancheria and Coastal Commission
and August 18, 2022 letter from Bear River Band of Rohnerville Rancheria**



Humboldt Planning Commission
825 Fifth Street
Board of Supervisors Chambers
Eureka, California
Planningclerk@co.humboldt.ca.us

RE: Title: Schneider Coastal Development Permit Modification, Record Number PLN-17762 (filed 05/12/2022), Assessor's Parcel Number: 402-171-030, 402-171-029, Meeting date: Thursday August 18, 2022.

He'ba'lou Honorable Commissioners,

The Wiyot Tribe objects to the issuance of the Coastal Development Permit and Special Permit Modification to Travis Schneider for an alteration in the configuration and location of a single-family residence as proposed in Application Number PLN-2022-17762. The record shows that the site contains a Tribal Cultural Resource that is significant to the Wiyot Tribe and other Tribes in the area. The conditions of approval recommended by the Planning Commission staff are legally and procedurally deficient. The Planning Commission should defer action on the application until ample time is provided for the Wiyot Tribe and other interested Tribes to conduct government-to-government consultation with the Planning Commission in order to promulgate and adopt measures that will either avoid further damage to the Tribal Cultural Resource or lessen the impact to a degree that is acceptable to the Wiyot Tribe and other Tribes. The significance of the Tribal Cultural Resource at this site to the culture and way of life of the Wiyot Tribe. Full compliance with applicable law requires adequate time to resolve the numerous ambiguities and uncertainties in the proposed conditions of approval. At the heart of respect for tribal sovereignty and tribal interests is meaningful consultation that allows thorough and robust consideration of protective measures. The process that has been followed here falls far short of that bedrock principle. Harmonious relations between the Wiyot Tribe and Humboldt County, and future collaboration on matters of mutual concern, require more consistent adherence to meaningful consultation guidelines.

The Wiyot Tribe urges the Planning Commission to reject the recommendation of staff that the project be found to be exempt from environmental review under the CEQA Guidelines.

The California Legislature has established as state law and policy that “a substantial adverse change to a tribal cultural resource has a significant effect on the environment.” AB 52, Section 1(b)(9). The damage assessment conducted by William Rich and Associates acknowledges that the Wiyot Tribe regards the disturbance of cultural resources at the site as “culturally significant” and that, as a result, stronger protection measures need to be put in place. This fact supports a finding, contrary to the staff recommendation, that the unauthorized work at the site constitutes a substantial adverse change to a tribal cultural resource and that, as a result, a significant effect on the environment has occurred within the meaning of AB 52. Yet the staff inexplicably recommends that the Commission adopt a finding of complete exemption from CEQA. Environmental review is necessary in order to fully investigate, evaluate and mitigate impacts to Wiyot cultural resources at the site. The staff recommendation ignores the connection the Legislature made between impacts to cultural resources and effects on the environment.

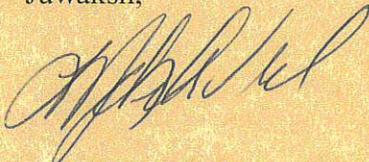
Consultation under AB 52 is deemed complete when the parties “agree to measures to mitigate or avoid a significant effect . . . on a tribal cultural resource.” Public Resources Code § 21080.3.2(b)(1). The Wiyot Tribe does not agree that the recommended conditions of approval will mitigate or avoid significant adverse impacts to the Tribal Cultural Resources at the site. As a result, additional consultation is required before the law is fully complied with. The record reflects that the Planning Commission’s decision here is appealable to the California Coastal Commission. The tribal consultation policy of the Coastal Commission requires the Planning Commission to demonstrate that the consultation process with Indian Tribes was completed before the appealable decision was made. California Coastal Commission Tribal Consultation Policy, at page 9 (adopted August 8, 2018). The Planning Commission will be unable to make that showing on this administrative record.

The Wiyot Natural Resources Department (WNRD) has documented the ethnobotanical and ecological importance of Da’dedi’lhl or the Walker Point area, which means sunshine in the Wiyot language Soulatluk, most likely due to its prominence in the cultural landscape and the grandiose viewshed it provides to the south across the vast estuarine wetlands of Freshwater Creek, Eureka, and Fay sloughs. Da’dedi’lh is a diverse vegetation mosaic of mixed redwood, Sitka spruce, grand fir, and Douglas fir forest, pepperwood stands (*Umbellularia californica*), northern coastal scrub, riparian, coastal prairie, and saltmarsh habitats. Walker Point also provides examples of the culturally important and rare hazelnut (*Corylus cornuta* ssp. *californica*) scrub vegetation community, which is an indicator of past Wiyot management. This vegetation diversity provides important habitat for wildlife and migratory birds. Ground disturbance, unpermitted vegetation removal, and illegal road construction at the Schneider development has impacted ecologically and culturally significant habitat areas (ESHA’s) that have protections under CEQA, including red alder (*Alnus rubra*) and California blackberry (*Rubus ursinus*) communities and the Fay slough wetland ecotone. Ground disturbance within the protected 100-foot wetland setback and Walker Point cultural site appears to have promoted the invasion of non-native bull thistle (*Cirsium vulgare*) and grading within and above steep slopes has the potential to exacerbate erosion within the midden. Presently the restoration plan provided by the developer falls short of evaluating and mitigating the full impacts to the vegetation, soils, and slope at the site and needs further refinement and input from the Wiyot

Tribe. A host of invasive plant species threaten the site and a diversity of coastal prairie and scrub species, along with native tree species should be installed to help stabilize disturbed soils and exclude weed establishment while shielding the development from view and ensuring to represent the botanical diversity of Da'dedi'lh. The WNRD needs fiscal support to appropriately evaluate eco-cultural restoration needs and comment on existing and inadequate restoration plans. The WNRD view the Walker Point ridge as a keystone community in the larger Wiyot eco-cultural landscape and project impacts to the properties ESHA's constitute significant negative impacts to these unique, rare, and diverse ecological communities, making mitigation difficult and in need of a more thorough evaluation and planning effort than the current process has allowed.

The Wiyot Tribe and other affected Tribes recommended nine mitigation measures, which the staff concludes would be implemented in several conditions of approval. The description of the conditions, however, is at such a high level of generality so as to make monitoring and enforcement of those conditions problematic. To take one example, the Tribes recommended “[d]edication of a permanent conservation easement to the Wiyot Area Tribes encompassing the archaeological site and associated wetlands habitat along with dedication of a pedestrian easement for access.” Staff Recommendation at page 5. Condition of Approval Number 6 purports to implement this mitigation recommendation. However, the condition does not require that the conservation easement be permanent; it does not identify the conservation values the easement must protect; it does not specify how the easement may be enforced (a serious concern in light of the unauthorized work that has occurred at the site); and it does not require the applicant to negotiate the terms of the conservation easement, only that he record it once negotiated. Nor does this condition explain how three Tribes would function as easement holders. Moreover, there is no explanation about how the costs of implementing and enforcing a conservation easement will be covered. Are the Tribes expected to pay those costs or will the applicant be required to do so? These deficiencies illustrate endemic problems with the other conditions that are designed to implement tribally-recommended mitigation measures. These problems underscore the need for additional consultation as necessary to clarify these ambiguities and to ensure that the tribally-endorsed mitigation measures are in fact fully implemented.

Juwaksh,



Michelle Vassel
Tribal Administrator

BLUE LAKE RANCHERIA

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August 17, 2022

Humboldt County Planning Commission

Mr. John Ford, Director

Cliff Johnson, Supervising Planner

Planning and Building Department

County of Humboldt

3015 H Street, Eureka, CA 95501

Via Email: Planningclerk@co.humboldt.ca.us and cjohnson@co.humboldt.ca.us

**Re: Schneider Coastal Development Permit Modification; Record Number PLN-17762 (filed 05/12/2022)
Assessor's Parcel Number: 402-171-030, 402-171-029 Eureka/Indianola Area; Date of Planning
Commission Hearing 8/18/2022**

Dear Commissioners, Mr. Ford, and Mr. Johnson,

The Blue Lake Rancheria ("Tribe") respectfully submits these additional comments regarding the Schneider Coastal Development Permit Modification; Record Number PLN-17762 (filed 05/12/2022) Assessor's Parcel Number: 402-171-030, 402-171-029 Eureka/Indianola Area, the Humboldt County Planning and Building Department staff report Attachment 1 Conditions of Approval for the modifications to the Coastal Development Permit and Special Permit, and related materials and actions.

These comments follow significant work by the Wiyot-area Tribal Nations and their Tribal Historic Preservation Officers (THPOs), the County Planning Department, and the California Coastal Commission to address the violations of these permits and the permit holder's problematic County-approved use of Alternate Owner Builder (AOB) framework.

These comments incorporate and refer to prior submissions to County Planning Department, including THPO edits to the staff report "Attachment 1 Conditions of Approval for the modifications to the Coastal Development Permit and Special Permit," sent to the County Planning Department via email on 8/15/2022, the Final Confidential Tribal Cultural Resources Report with Attachments sent to the County Planning Department via email on 6/6/2022, the Final BLR Letter Re Schneider sent to the County Planning Department via email on 2/11/2022, and the Joint Tribal Comments CDP Mod PLN 2022 17762 sent via email to the County Planning Department on 7/26/2022.

While the draft revised Conditions of Approval (COA) incorporate the majority of the corrective activities suggested by the THPOs, there is insufficient time to adequately review and provide comments on all components and documents referred to in the COA, and it remains unclear how the revised conditions will be implemented, monitored, and if necessary enforced. It is insufficient to defer the details of the conditions, and processes by which these revised conditions will be deployed, given the history of non-compliance and

lack of oversight in this situation. The Alternate Owner Builder permit must be revoked in this circumstance, due to lack of inspections and non-compliance with terms of the permits. As the Tribe understands it this would occur by separate action by the Humboldt County Board of Supervisors, and the Tribe urges the County Planning Department to lead and complete that process in parallel to the revised COA action. Analysis is needed to determine how much development has occurred inside the 100-foot setback, including lands under the jurisdiction of the California Coastal Commission and the Coastal Act. Initial analysis (8/25/22 by Jack Henry) stated 105-feet measured to corner of house, however, the measurement should be verified from the bottom and lower southern edge of the fill prism the house is located on.

Additionally, the Tribe's THPO has been asked by the County to provide comments on the Restoration Plan (8/25/22 by Jack Henry), which has not been possible to date due to time constraints. The Tribe has not seen the County's review of the comments provided by the California Coastal Commission on the Restoration Plan, and requests the County provide a written response. Work remains to add required processes, governance, and structure detail to the Restoration Plan, including but not limited to the following. Three Environmentally Sensitive Habitat Areas (ESHAs) have been proposed by the THPOs, yet only one is identified in the Henry Restoration Plan. The ESHAs include the Tribal Cultural Resources (TCR) ESHA - to be identified and recorded as the conservation easement and deeded to the three Wiyot area Tribes and managed by the Wiyot Land Trust; the blackberry ESHA; and the wetland ESHA. The latter two ESHAs must also be identified, mapped, and have detailed restoration plans vetted by the Tribes, County, California Coastal Commission, and others as appropriate. The three ESHAs likely have some overlap with each other. For the TCR ESHA, a management plan must be written, to include the proposed monitoring plan and implemented for the first three (3) years by Tribe(s) managing the Land Trust, including processes and penalties related to trespass.

The Tribe(s) and their recommended consultants will need to be compensated for the unexpected and extraordinary amount of work these issues have required, due to the tasks remaining to provide definition to the revised conditions, risks of further violations, and prior history of inadequate monitoring and oversight. Tribal THPOs will need to continue in this work to protect the relevant sites from damage.

As the County and others consider this set of issues, the Tribe expects information on tribal cultural resources and sites to be kept confidential as required by law to prevent theft and/or other damage.

Please contact Janet Eidsness, Blue Lake Rancheria THPO at jpeidsness@yahoo.com for more information as needed.

Regards,

/s/

Jason Ramos
Tribal Council Member
Tribal Administrator

Cc:

The Honorable Ted Hernandez, Tribal Historic Preservation Officer, Wiyot Tribe

Michelle Vassal, Tribal Administrator, Wiyot Tribe

Adam Canter, Environmental Department Director, Wiyot Tribe

Melanie McCavour, Tribal Historic Preservation Officer, Bear River Band of the Rohnerville Rancheria

Melissa Kraemer, California Coastal Commission

August 17, 2022

John Ford, Director
County of Humboldt Planning & Building Dept.
3015 H Street
Eureka, CA 95501

Re: APNs 402-171-030 and 402-171-029 – Travis Schneider Alleged Violations

Dear Mr. Ford:

California Coastal Commission (“Commission”) staff continue to appreciate County staff’s coordination with us, regarding the Coastal Development Permit and Special Permit Modification Record Number: PLN-2022-17662 (“the Permit”). Commission staff provided initial comments on August 8, 2022, which remain relevant. However, since that time the County has published the staff report for the Permit and additional comments have been provided by representatives of the three Wiyot area tribes. In light of this additional information, and for the Planning Commission’s consideration, Commission staff wanted to provide these additional comments.

As was stated in the video teleconference meeting on August 2, 2022 between County staff, Commission staff, representatives from the three Wiyot area tribes, and the property owner’s agents, there is no consensus among all parties on the adequacy of the mitigation measures being proposed in the Permit to remedy the Local Coastal Plan (“LCP”) violations. The violations are very significant, and include: (1) the improper siting of the house, the approved plans for which were found compliant with the LCP due to being both 100’ from wetlands and above the 40’ elevation line, which is not compliant with the approved plans or the required setback and location requirements; (2) the unauthorized removal of major vegetation, including portions of environmentally sensitive riparian and wetland habitat areas; (3) the incursion into and desecration of specified cultural resource areas for which the CDP expressly provided protection, all of which represent significant impacts to important coastal resources. Additional unpermitted development occurred on the adjacent parcel (APN 402-171-029), which was not subject to or authorized at all by CDP 17-016 or any other CDP, including impacts to ESHA, the development of a road, including grading and placement of rock, and the unauthorized implementation of a planting plan.

We remain concerned that these extant violations, which include both violations to CDP 17-016 and unpermitted development, are not being adequately resolved by PLN-2022-17662, that the application does not adequately provide coastal resource protection as required by the LCP, and that the application fails to provide

suitable mitigation to resolve these violations under the LCP and the Coastal Act. We also note that the resolution that staff is recommending under this application does not address temporal losses of coastal resources or civil liabilities under the Coastal Act.

As you may know, the Commission can assume primary responsibility for enforcement of the Coastal Act and LCP violations at issue in this case pursuant to Section 30810(a) of the Coastal Act, which provides that the Commission may issue an order to enforce the requirements of a certified LCP in the event that the local government requests the Commission to assist with or assume primary responsibility for issuing such order, or if the local government declines to act or fails to act in a timely manner to resolve the violation after receiving a request to act from the Commission.

We look forward to continuing our collaboration in order to achieve complete resolution of these egregious violations. Please feel free to contact me if you have questions or want to discuss this matter further.

Sincerely



Josh Levine
North Coast District Enforcement Officer

ec: Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Chief of Enforcement
Melissa Kraemer, North Coast District Manager
Jason Ramos, Tribal Administrator and Councilmember, Blue Lake Rancheria
Janet Eidsness, THPO, Blue Lake Rancheria
Ted Hernandez, Tribal Chair and THPO, Wiyot Tribe
Michelle Vassel, Tribal Administrator, Wiyot Tribe
Adam Canter, Natural Resource Director
Melanie McCavour, THPO, Cultural Director, Bear River Band of the Rohnerville Rancheria

ATTACHMENT 6

August 18, 2022 Planning Commission Staff Report



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street, Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: August 18, 2022

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building

Subject: **Schneider Coastal Development Permit and Special Permit Modification**
Record Number: PLN-2022-17662
Assessor's Parcel Numbers: 402-171-029, 402-171-030
Location: 1506 and 1512 Walker Point Road, Indianola area

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Please contact Cliff Johnson, Supervising Planner, at (707) 445-7541 or by email at cjohnson@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 18, 2022	Coastal Development Permit and Special Permit Modification	Cliff Johnson

Project Description: An application for a Coastal Development Permit and Special Permit Modification for an alteration in the configuration and location of a single-family residence and for the removal of the temporary road installed previously without permits. The residence was constructed within 100 feet of a one parameter wetland and adjacent to Environmentally Sensitive Habitat areas. The road was installed on both parcels. The CDP modification includes after the fact major vegetation removal for removal of native blackberries within a one parameter wetland and removal of native blackberries and willow and alder trees adjacent to the slough in an Environmentally Sensitive Habitat Area (ESHA). Construction of a fence for protection of existing sensitive areas are also proposed. The road and proposed fencing, as well as a portion of the residence are located within 100 feet of a coastal wetland area.

Project Location: The project is located in the Indianola area, on the South end of Walker Point Road, approximately 0.56 miles South from the intersection of Hidden Valley Road and Walker Point Road, on the property known as 1506 and 1512 Walker Point Road

Present Plan Land Use Designations: Rural Residential (RR) Humboldt Bay Area Plan

Present Zoning: Rural Residential Agriculture with combining zones for design Review, Flood Hazard, Coastal Wetlands, and Archaeological Resources (RA-2.5/D,F,W,A)

Application Number: PLN-2022-17662

Assessor's Parcel Numbers: 402-171-029-402-171-030

Applicant	Owner	Agent
Travis Schneider PO Box 133 Eureka, CA 95502	Same	N/A

Environmental Review: Project qualifies for exemption from environmental review pursuant to Section 15301(l) (Existing facilities), 15303 (New Construction of Small Structures), 15304 (Minor Alterations to Land), and 15333 (Small Habitat Restoration Projects) of the CEQA guidelines.

State Appeal Status: Project is appealable to the California Coastal Commission.

Major Issues: ESHA and Archaeological Resource Disturbance

Travis Schneider Coastal Development Permit and Special Permit Modification

Application Number: PLN-2022-17762

Assessor's Parcel Numbers: 402-171-029, 402-171-030

Recommended Planning Commission Action

1. Describe the application as a public hearing.
2. Request staff present the project.
3. Open the public hearing and receive testimony from the public.
4. Close the public hearing and adopt the resolution to take the following actions:

1) Find the project exempt from environmental review pursuant to Section 15301, 15303 15304 and 15333 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Modification to the Coastal Development Permit and Special Permit, and 3) approve the Travis Schneider Coastal Development Permit and Special Permit Modification project subject to the recommended conditions.

Executive Summary:

An application for a Coastal Development Permit and Special Permit Modification for an alteration in the configuration and location of a single-family residence and for the removal of the temporary road installed previously without permits. The residence was constructed within 100 feet of a one parameter wetland and adjacent to Environmentally Sensitive Habitat areas. The road was installed on both parcels. The CDP modification includes after the fact major vegetation removal for removal of native blackberries within a one parameter wetland and removal of native blackberries and willow and alder trees adjacent to the slough in an Environmentally Sensitive Habitat Area (ESHA). The modification includes habitat restoration for these areas. Construction of a fence or other protective methods for existing sensitive areas are also proposed. The road and proposed fencing, as well as a portion of the residence are located within 100 feet of a coastal wetland area.

Background

A Final Map Subdivision that created the subject parcels was approved by Humboldt County, with the associated Coastal Development Permit for the subdivision being approved by the California Coastal Commission on April 14, 2006. As part of the subdivision approval, a 100-foot setback from the subdivision boundary line (southern and eastern property lines of the subject parcels) was established and memorialized through the recordation of a Development Plan that shows these areas as "unbuildable." The 100-foot setback was intended to protect known archaeological and biological resources. Additional restrictions built into the subdivision to protect these resources included restricting development in the areas between the wetlands and the 40-foot elevation above Mean Sea Level.

The County approved an administrative Coastal Development Permit, CDP-17-016 and SP-17-015 on August 22, 2017 for a single family residence on a 3.5 acre parcel. The approved project was for an approximately 8,000 s.f. residence with attached 1,000 s.f. cellar, four garage parking spaces and two driveway parking spaces. The structure is to be split level, single story, with a daylight basement and height of above 24 feet above grade. The parcel will be served by an onsite well and sewage disposal system. The project involves about 1500 c.y of cut and fill and there will be no export of material. No trees are proposed to be removed. All development was to take place at least 100 feet from any wetland habitat and as such the Coastal development Permit was not appealable to the Coastal Commission. The Special Permit was required for Design Review due to the location of the parcel in a Design Review combining zone. The residence, while larger than typical for single-family residences, was found to be compatible with the character of the surrounding neighborhood because the Walker Point area is developed with larger residences and the proposed residence would be consistent with the design of the existing residential development in the area.

Specific conditions of approval included the requirement to retain the native blackberry on the parcel wherever possible (COA #2), to limit all areas below the 40-foot contour line as non-buildable (COA #8), and to prohibit the removal of vegetation within the designated Wetland Protection Area, also identified as 100 feet from the property line (COA #9).

The Building Permit was issued on November 27, 2019. The approved Building Permit Plan (Attachment 3) is not entirely consistent with the condition of the previously approved Coastal Development Permits in that it shows the "limits of disturbance" as generally at or above the 40-foot contour but does include a very small portion of the house below the 40-foot contour. While not consistent with the approved CDP this was erroneously approved by the County Building Department. While slightly over the 40-foot contour in one location, the approved building permit plan showed the residence a minimum of 125 feet from the southern property-line. As discussed below, the residence was not constructed in the location shown on the building permit plan and was constructed closer to the southern property line than on both the approved Coastal Development Permit site plan and the approved Building Permit site plan.

Stop Work Order

In late December of 2021 it was brought to the attention of the County Planning and Building Department that grading and ground disturbance in the prohibited area had occurred which may have damaged a known tribal cultural resource. A Stop Work Order was posted on the property on December 27, 2021. This Stop Work Order has not yet been lifted.

The Stop Work Order was posted due to violations of both the approved Coastal Development Permit (CDP) and Building Permit. Conditions of approval identified areas that were to remain off-limits to disturbance due to their ecological and cultural sensitivity. Specifically Coastal Development Permit COA #8 stated that all areas below the 40-foot contour were to be marked as non-buildable and this is identified on the approved grading and erosion control plan for the Building Permit, and COA #9 required compliance with all recommendations of the June 30, 1987 biological report for the site, including observance of 100 foot wetland setbacks and prohibition on removal of vegetation within the wetland setback. In addition, the temporary access road was constructed without approval of a Coastal Development Permit.

The County hired a qualified local archaeologist (William Rich and Associates) to conduct an archaeological damage assessment and also required the applicant to hire a biologist to conduct an assessment of damage to biological resources. The County also required the applicant to submit a survey showing the location of the residence relative to the property lines. The survey shows that the partially constructed residence is 106.6 feet from the southern property line.

Associated with this project and the unauthorized work are three primary issues:

1. A temporary road was cut into the area below the 40-foot contour and within the 100-foot non-buildable area shown on the development plan and approved Coastal Development Plans. This road was also constructed within the required 100-foot wetland setback and within ESHA areas. Construction of this road required a Coastal Development Permit. A Coastal Development Permit was not obtained prior to its construction.
2. Major vegetation removal occurred with heavy equipment below the 40-foot contour and within the 100-foot protective setback established under the Coastal Development Permits and subdivision. This vegetation removal meets the definition of "major vegetation removal" in the Coastal Zoning Ordinance because it included removal of ESHA areas, specifically conflicted with the conditions of approval in the Coastal Development Permit, encroached within a one-parameter wetland (approximately 440 square feet of vegetation removal occurred within the wetland) and within a known tribal cultural resource. This removal occurred by a CAT 310 excavator fitted with a hydraulic mulcher head. Major vegetation

removal in the Coastal Zone requires approval of a Coastal Development Permit. A permit was not obtained prior to this vegetation removal.

3. The residence was constructed in a location not in accordance with the approved site plans. The approved building permit showed the residence more than 100 feet from the on-site wetlands and approximately 130 feet from the southern property line. A survey of the location of the residence shows that the residence was constructed as close as 106.6 feet to the southern property line and within 100 feet of the one parameter wetland. While the original plans showed the residence to be more than 100 feet from the wetlands and therefore not appealable to the Coastal Commission, the location as constructed is within the Coastal Commissions appealable jurisdiction.

The resource impact of these alterations is discussed below:

Archaeological Resources

In the area of the 100-foot setback is a documented archaeological site and Tribal Cultural Resource. This resource is a historical Wiyot village site. The site is in fact one of the earliest identified village sites as it was first documented by Loud in 1918. This site is one of only a few of the original village sites identified by Loud that has survived more modern development activity.

The blackberry clearing occurred in the archaeological resource area. This included the tracking of the CAT 310 excavator, at more than 30,000 pounds of weight over 12-inch wide metal grousers tracks. This equipment masticated the vegetation down to the ground surface and left a series of narrow shallow depressions within the archaeological site.

William Rich and Associates conducted a damage assessment in the spring of 2022 which included subsurface surveys to more completely delineate the boundaries of the site and to document the type of artifacts that would be found in the site and to determine what damage may have been done to the scientific and historical integrity of the site. A significant number of artifacts were found during this limited survey effort. The site was determined by the archaeologist to be eligible for listing to the California Register of Historic Resources due to its ability to offer information that can address a range of scientific research questions. The conclusion of the archaeologist was that the disturbance caused by the vegetation removal and tracking of heavy equipment did not affect the integrity of the site's scientific value. No evidence of cultural material destruction or damage was uncovered in this archaeological assessment. Nonetheless, the Wiyot Tribe and the Blue Lake Rancheria Tribe have both stated that the disturbance to the archaeological has been culturally significant and have expressed their desire to ensure that stronger protection measures are in place to prevent any future damage to the site. In particular, the tribes have stated that they walked the site with the current property owner and applicant prior to issuance of the Coastal Development Permit for the residence and indicated the importance of avoiding disturbance to the resource, and that the applicant nonetheless disturbed the site with heavy equipment in violation of the adopted conditions of approval. In response to the damage assessment prepared by William Rich and Associates a confidential memorandum was submitted to the County by the Wiyot Tribe and the Blue Lake Rancheria on June 6, 2022 requesting mitigation in the form of a complete excavation of the village site and full data recovery, and eventual capping of the site with inert fill covered by native plantings. While the Bear River Band of Rohnerville Rancheria has also been involved in the review of the damage assessment, they were not a party to this memorandum or request. The County received comments from the Bear River Band stating that they desired no excavation or any other further disturbance to the site and are opposed to any additional disturbance or excavation of the site. Bear River Band requests that the site be capped and/or fenced off. The Bear River Band specifically is opposing the excavation and data recovery.

Subsequent to the June 6, 2022 confidential memorandum the County consulted with the Wiyot Tribe and Blue Lake Rancheria to discuss alternative options for mitigating the cultural damage and protecting the site in perpetuity. After these discussions and as part of the referral response to the Coastal Development Permit application the County received referral comments from the Blue Lake

Rancheria and Wiyot Tribe recommending the following mitigation for the unpermitted disturbance to the cultural resource site and ESHA:

- Establishment of a new “wetlands setback area” where all development is prohibited except as otherwise authorized by this Coastal Development Permit.
- Consultation with Tribes regarding the establishment of the “wetland setback area”.
- Marking of the “wetland setback area” in the field.
- Tribal approval of the wetland restoration plan prior to lifting of the stop work order.
- Tribal approval of the design and location of the wood fence and a tribal monitor on-site during installation of fence posts.
- Dedication of a permanent conservation easement to the Wiyot Area Tribes encompassing the archaeological site and associated wetlands habitat along with dedication of a pedestrian easement for access.
- Submittal of a site drainage plan prepared by a qualified professional to ensure that roof and other impermeable surfaces are directed away from sensitive resources.
- Tribal monitor to be on-site during removal of the unpermitted temporary access road.
- At the applicant's expense, controlled excavation and archaeological data recovery of a 2 cubic meter area of Unit 6 of the archaeological site as identified in the Archaeological Damage Assessment prepared by William Rich and Associates. Said excavation and recovery to be carried out by a Tribally approved research team in an amount not to exceed \$38,000. This is requested by the Tribes due to the fact that the Archaeological Damage Assessment inadvertently exposed a small portion of the site to erosional factors.

All of these recommendations have been incorporated as recommended conditions of approval to this permit. For reference, Condition of Approval (**COA #6**) to this permit modification requires the dedication of a permanent easement to the Wiyot, Blue Lake Rancheria and Bear River Band of Rohnerville Rancheria over the archaeological site, including an easement for pedestrian access to the site from the end of Walker Point Road; **COA #11** requires annual monitoring and hand-removal of invasive species on the site; **COA #7, 8 and 9** requires implementation of a mitigation plan for the ESHA and temporary access road areas; **COA #13** requires construction of a permanent split-rail or other simple wood fence outside the northern portion of the archaeological site to be constructed with a tribal monitor present; **COA#14** requires a dedicated Wetland Setback Area to be staked and posted; **COA#15** requires a site drainage plan to be submitted for review and approval prior to lifting of the stop work order; **COA#8** requires a Tribal monitor to be on-site during removal and restoration of the temporary access road; and **COA#17** requires the applicant to fund the limited excavation and data recover effort for the small portion of the archaeological site (note that the Bear River Band of Rohnerville Rancheria opposes the adoption of this condition as they are opposed to any further excavation or data recovery). With the implementation of these conditions the site would be protected from accidental incursion by property owners and the easement would enable stronger enforcement actions should any disturbance occur. Allowing the tribes to have access to the site would provide a scientific and cultural benefit to the tribes and ensure that the site is protected in perpetuity as it would give the tribes more avenues for enforcement. As of the date of this report staff understands that these recommended conditions are acceptable to the applicant. With the exception of the limited excavation and data recovery (COA#17), all parties are in agreement with the applicable conditions. Given that two of the three Wiyot Area tribes and the applicant agree to the limited excavation and data recovery, staff has included this as a recommended condition of approval.

Biological Resources

The Biological Resource Assessment found that the original wetland report associated with the 2017 CDP had incorrectly mapped the edge of the wetlands and that an accurate mapping based on the Coastal Act's definition of wetlands demonstrates that the location of the partially constructed residence is approximately 90 feet from the edge of the wetland. The biological resource assessment also found previously unmapped ESHA areas consisting of Sensitive Natural Communities (SNC) due to the prominence of native blackberry and willow communities (*rubus ursinus*/*Salix hookeriana*.) The

road grading and blackberry clearing occurred in the ESHA areas and the native blackberry clearing with heavy equipment occurred in a 440 square foot portion of the single-parameter wetland. In addition, the property owner caused one willow tree and four alder trees to be removed from the ESHA areas. ESHA impacts are as follows:

- 440 square feet of rubus ursinus (native California blackberry) removal from a single-parameter wetland.
- 1,250 square feet of rubus ursinus removal from the alnus rubra/salix lasiolepos Sensitive Natural Community (SNC).
- 52,272 square feet (1.2 acres) of rubus ursinus removal for both the brush clearing and the temporary road construction. A very limited amount of rubus ursinus was removed in association with the road construction.
- Removal of one 16" willow tree.
- Removal of four alder trees ranging in size from 3" to 14".

According to the biological resources assessment the mowing or native blackberries has caused the native blackberry and willow species to regenerate on-site. However the loss of the habitat may have caused temporal impacts to wildlife species and it is appropriate to monitor the site to ensure that the Sensitive Natural Community is regenerated. The Planning and Building Department is recommending conditions of approval (**COA #7, 9, 10 and 11**) to this permit that requires the following:

- Removal of all road material from the temporary access road, regrading of the area to be consistent with the surrounding grade and seeding of native California blackberry in the areas where those were removed if natural regeneration does not immediately occur.
- Monitoring for a 3-year period to ensure that the native blackberry comes back in an equal amount and if not that it is re-seeded with native blackberry.
- Planting of willows and alders at a 2:1 ratio for what was removed.
- Annual monitoring for invasive species and hand-removal of invasive species from the ESHA areas and areas immediately adjacent, excluding the area associated with the identified archaeological site.

Referral comments were received by the California Department of Fish and Wildlife, generally agreeing with the biological assessment and requesting a mitigation plan be developed. Referral comments were also received by the California Coastal Commission recommending restoration and mitigation for the ESHA impacts and that the mitigation recommended by the local tribes be required. As noted previously in this report, not all of the local tribes are in agreement with the condition requiring excavation and data recovery of a small portion of the archaeological site.

CEQA

The original permit was determined to be exempt from environmental review pursuant to Section 15303 of the CEQA Guidelines (Construction of small structures). The modification does not result in any additional building or structural development beyond what was already approved and exempted from environmental review. The shift in location would authorize the current location of the partially constructed residence and may be found exempt from CEQA pursuant to Section 15301 (Existing facilities). The construction of the new split-rail or simple wood fence may be found exempt from environmental review pursuant to Section 15303 (New small structures). Lastly, the removal of the temporary access road and the ESHA restoration is exempt from environmental review pursuant to Section 15333 of the CEQA Guidelines (Small habitat restoration projects).

STAFF RECOMMENDATION: Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Coastal Development and Special Permit Modification with conditions.

ALTERNATIVE: Several alternatives may be considered: 1) The Planning Commission could elect to add or delete conditions of approval, particularly the requirement for excavation and limited data

recovery of the archaeological site as not all Wiyot Area Tribes support this condition; 2) The Planning Commission could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff believes that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 22-

Record Number PLN-2022-17762

Assessor's Parcel Numbers: 402-171-029, 402-171-030

Resolution by THE Planning Commission of the County of Humboldt to conditionally approve the Travis Schneider Coastal Development and Special Permit Modification.

WHEREAS, Travis Schneider submitted an application dated May 12, 2022 requesting approval of a Modification to Coastal Development Permit and Special Permit CDP-17-016; and

WHEREAS, pursuant to Sections 15301(I) (Existing facilities, Demolition), 15303 (New Small Structures), and 15333 (Small Habitat Restoration Projects) of the CEQA Guidelines, the proposed project is Categorically Exempt from environmental review; and

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on **August 18, 2022**, and reviewed, considered, and discussed the application for a Coastal Development Permit and Special Permit Modification, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING: Project Description:** A Coastal Development Permit and Special Permit Modification for an alteration in the configuration and location of a single-family residence and for the removal of the temporary road installed previously without permits. The residence was constructed within 100 feet of a one parameter wetland and adjacent to Environmentally Sensitive Habitat areas. The road was installed on both parcels. The CDP modification includes after the fact major vegetation removal for removal of native blackberries within a one parameter wetland and removal of native blackberries and willow and alder trees adjacent to the slough in an Environmentally Sensitive Habitat Area (ESHA). The modification includes habitat restoration for these areas. Construction of a simple wood fence to protect the ESHA areas is also proposed. The road and proposed fencing, as well as a portion of the residence are located within 100 feet of a coastal wetland area, as is a portion of the modified location of the residence.

EVIDENCE: a) Project file: PLN-2022-17762

- 2. FINDING: CEQA.** The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).

EVIDENCE: The original permit was determined to be exempt from environmental review pursuant to Section 15303 of the CEQA Guidelines (Construction of small structures). The modification does not result in any additional building or structural development beyond what was already approved and exempted from environmental review. The shift in location would authorize the current location of the partially constructed residence and may be found exempt from CEQA pursuant to Section 15301 (Existing facilities). The construction of the new split-rail or simple wood fence may be found exempt from environmental review pursuant to Section 15303 (New small structures). Lastly, the removal of the temporary access road and the ESHA restoration is exempt from environmental

review pursuant to Section 15333 of the CEQA Guidelines (Small habitat restoration projects).

FINDINGS FOR THE COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT MODIFICATION

3. FINDING: The proposed development is in conformance with the Humboldt Bay Area Plan (HBAP).

- EVIDENCE:**
- a) Section 4.10 Land Use. The project site is designated Rural Residential in the Humboldt Bay Area Plan. Single family development and associated appurtenant activities are a principally permitted use within the RR plan designation.
 - b) Section 3.17 Hazards. The property located in an area of low instability per the County's Geologic Hazards maps, and Flood Zone C, in an area of minimal flooding, per FIRM Map #060060 0780 B. Additionally, the property has a low fire hazard rating and is located within an area of local fire responsibility.
 - c) Section 3.18 Archaeological Resources. The project is located adjacent to and within an identified archaeological site and Tribal Cultural Resource and was referred to the Blue Lake Rancheria, Bear River Band, and the Wiyot Tribe. Multiple archaeological studies of the site have been done including in 1987 (Eideness) and in 1998 (Roscoe). The studies of the area identify and map a known cultural resource site located on this parcel (CA-HUM-52) which is one of the earliest known Wiyot Village sites and was first identified in 1910 (Loud). The proposed modification of the residential footprint will not result in any potential adverse impact to the identified archaeological site, nor will the removal of the temporary access road. The major vegetation removal that occurred without authorization did impact the archaeological site as documented by an Archaeological Damage Assessment (Rich, 2022) and per Section 3.18 of the HBAP reasonable mitigation measures shall be required. In this instance, the Archaeological Damage Assessment demonstrates that the scientific and historical value of the site has not been impacted by the major vegetation removal. However, comments from the Blue Lake Rancheria and the Wiyot Tribe indicate that the damage had a significant cultural impact and mitigation is necessary both for the cultural impact and to strengthen protection measures for the site. Accordingly, reasonable mitigation is proposed under Section 3.18 of the HBAP as conveyance of an exclusive easement for the archaeological site to the three Wiyot Tribes.
 - d) Section 3.30 Natural Resource Protection. No significant disruption of habitat values or non-ESHA dependent uses are proposed as part of this project. Restoration of ESHA is proposed as part of this project and the permit modification will allow for a corner of the residence to be located within the required 100-foot wetland setback. ESHA areas on the property have been mapped by Timberland Resource Consultants (2022) and a biological resource damage assessment has been completed for unauthorized major vegetation removal within the ESHA and wetland areas on the property. The assessment found that ESHA and wetland impacts from the unauthorized activities were as follows:

- 440 square feet of rubus ursinus (native California blackberry) removal from a single-parameter wetland.
- 1,250 square feet of rubus ursinus removal from the alnus rubra/salix lasiolepos Sensitive Natural Community (SNC).
- 52,272 square feet (1.2 acres) of rubus ursinus removal for both the brush clearing and the temporary road construction. A very limited amount of rubus ursinus was removed in association with the road construction.
- Removal of one 16" willow tree.
- Removal of four alder trees ranging in size from 3" to 14".
- A corner of the residence extends approximately 8 feet into the required 100-foot wetland setback.

Section 3.18.B.6 requires that no land use or development shall be permitted in Wetland Buffer Areas which degrade the wetland or detract from the natural resource value. In this instance the buffer is the 40-foot elevation contour. The proposed development below this contour includes habitat restoration to improve the natural resource value, and construction of a fence to more clearly separate the residential use of the property from the habitat areas. Along with the restoration and fence construction a corner of the residence would be permitted within the Wetland Buffer Area. The location of the residence will not detract from the natural resource value due to the construction of the separation fence and annual monitoring for and removal of invasive species within the buffer areas.

Pursuant to Section 3.18.B1.b of the HBAP a mitigation plan has been developed in consultation with the California Department of Fish and Wildlife (CDFW) which includes:

- Monitoring for a 3-year period to ensure that the native blackberry comes back in an equal amount and if not that it is re-seeded with native blackberry.
- Planting of willows and alders at a 2:1 ratio for what was removed.
- Annual monitoring for invasive species and hand-removal of invasive species from the ESHA areas and areas immediately adjacent, excluding the area associated with the archaeological site.

- e) Section 3.16 Housing. The project complies with the County's Housing Element as it adds a residence to the County's housing inventory.
- f) Section 3.40. Visual Resource Protection. The subject parcel is not located in any designated coastal view or scenic area. However the site is visible from Highway 101 and Old Arcata Road. The Visual Resources findings made in the original subdivision (FMS-04-17 APN: 402-171-025) indicated that future buyers of the lots would be required to retain natural vegetation and produce a landscaping plan to "soften the visual impacts of future development of the sites at the time of development." The project is for restoration of unauthorized native vegetation removal and as a condition of approval the applicant will be required to implement monitoring for, and removal of invasive species within the ESHA areas in the Wetland Buffer Area.

4. FINDING: The proposed development is consistent with the purposes of the existing zone in which the site is located, and the proposed development conforms to all applicable standards and requirements of these regulations.

- EVIDENCE:**
- a) Section 313-6.4 Rural Residential Agriculture Zone District. The project site is zoned Rural Residential Agriculture which establishes single family residential use as a principally permitted use. All of the project elements are in support of the single-family residential use on the property.
 - b) The modified location of the residence complies with all setback and height requirements of the RRA zone district.
 - c) Section 313-16.1 Archaeological Resource Area. The proposed project is consistent with the provisions of the Archaeological Resource Area combining zone because the County is conditioning the project for reasonable mitigation measures to prevent future adverse impacts on the known archaeological resource on the property.
 - d) Section 313-19.1 Design Review Combining Zone. The project is consistent with the Design Review combining zone because it is compatible with the architectural character of the surrounding development and is consistent with the CC&R's that were established for the subdivision. The proposed modified location of the residence balances the protection of the natural landforms with the reduced visual impact of the residence by locating it slightly below the top of the ridgeline.
 - e) Section 313-21.1 Flood Hazard Combining Zone. The proposed project is consistent with the Flood Hazard Combining Zone because it is located in Zone C, outside the mapped flood hazard area, as shown on FIRM Panel Number 060060 0790B.
 - f) Section 313-38.1 Wetlands Combining Zone. The proposed project is consistent with the Wetlands Combining Zone regulations because it includes wetland restoration which is a principally allowed use in the combining zone and no fill or dredging of wetlands are proposed. Further, with the implementation of conditions of approval to restore habitat and remove invasive species the project will enhance the wetland resource.
 - g) Section 312-39.15 Coastal Wetland Buffers. The project is consistent with this section because it involves restoration of habitat values and the upland portion of the project is designed to prevent impacts that would significantly degrade the wetland habitat area.

5. FINDING: The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: No detrimental effects to public health, safety and welfare were identified. The habitat restoration will be beneficial to the public welfare and the proposed development is not expected be detrimental to property values in the vicinity nor pose any kind of public health hazard.

6. FINDING: The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE: The parcel is planned and zoned for residential development and the project is for a single-family residence. This project will not negatively impact the County's compliance with Housing Element Law.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the **Travis Schneider Coastal Development and Special Permit Modification**, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

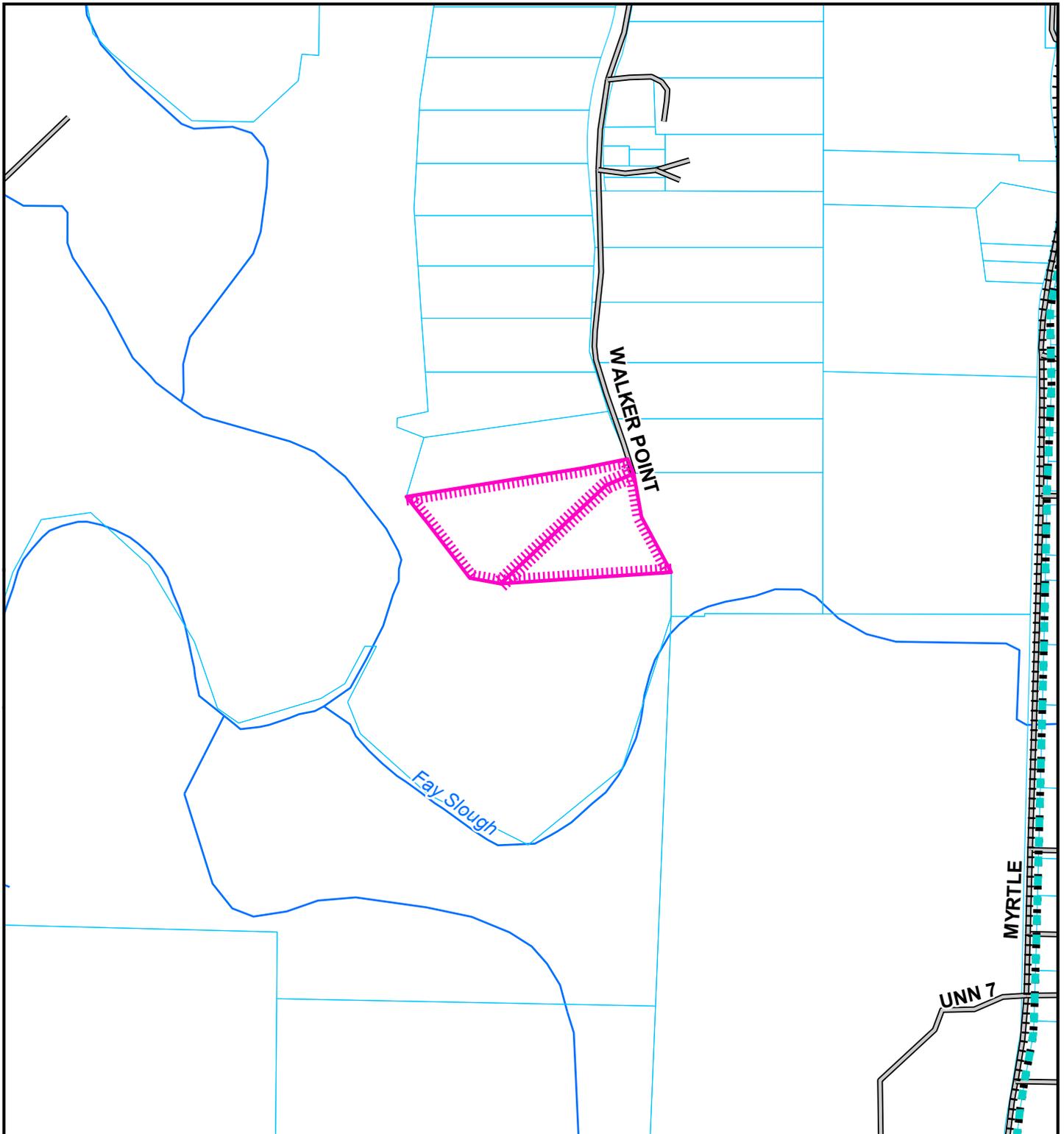
Adopted after review and consideration of all the evidence on **August 18, 2022.**

The motion was made by Commissioner _____ and seconded by Commissioner _____ and the following ROLL CALL vote:

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director,
Planning and Building Department



LOCATION MAP

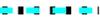
**PROPOSED TRAVIS SCHNEIDER
COASTAL DEVELOPMENT PERMIT**

**BAYSIDE AREA
PLN-2022-17762**

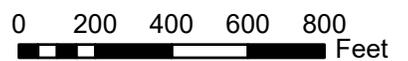
APN: 402-171-029, -030

T05N R01E S20 HB&M (Arcata South)

Project Area = 

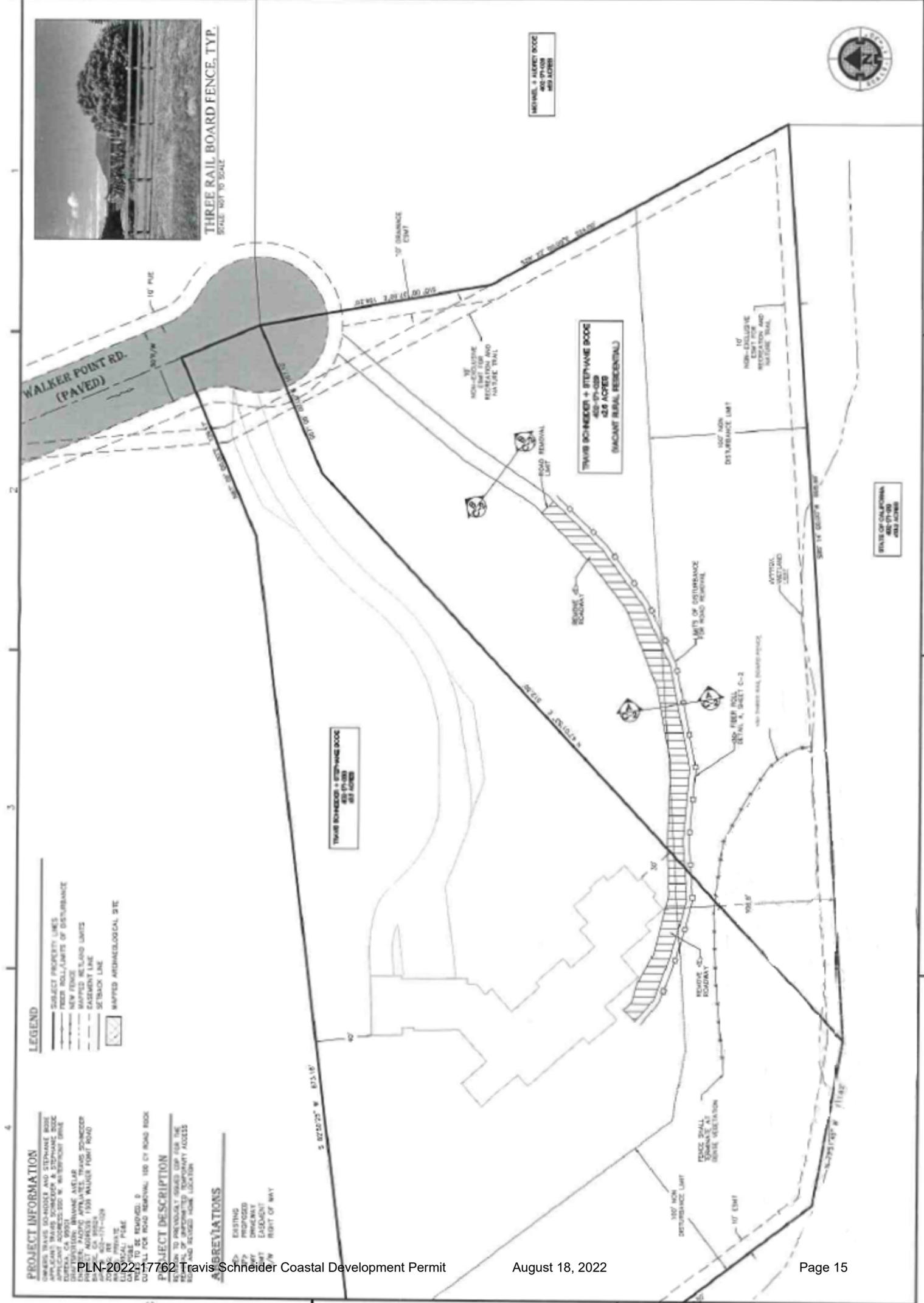
Coastal Zone Boundary 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





REVISIONS BY: _____ DATE: _____	 PACIFIC AFFILIATES CONSULTING ENGINEERS 1800 W. WATERFRONT DRIVE, SUITE 200 GASTRO, CA 95551 TEL: (707) 445-3887 FAX: (707) 445-3888		SITE PLAN <small>THIS PLAN IS THE PROPERTY OF PACIFIC AFFILIATES CONSULTING ENGINEERS AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PACIFIC AFFILIATES CONSULTING ENGINEERS. ANY REVISIONS TO THIS PLAN SHALL BE MADE BY ADDING A REVISION NUMBER AND DATE TO THE REVISIONS SECTION OF THIS PLAN.</small>	WALKER POINT ROAD PROPERTY 1506 WALKER POINT ROAD BAYSIDE, CA 90221 APN 002-171-029	DATE: APRIL 1, 2022 SCALE: AS SHOWN SHEET: 208
					C-1 SHEET NUMBER JOB NUMBER: 22-2068



- LEGEND**
- SUBJECT PROPERTY LINES
 - FENCED ROLL/LIMITS OF DISTURBANCE
 - NEW FENCE
 - MAPPED WETLAND LINES
 - EASEMENT LINE
 - SETBACK LINE
 - MAPPED ARCHAEOLOGICAL SITE

PROJECT INFORMATION
 OWNER: TRAVIS SCHNEIDER AND STEPHANIE BOOC
 APPLICANT: TRAVIS SCHNEIDER & STEPHANIE BOOC
 ADDRESS: 1506 WALKER POINT ROAD, BAYSIDE, CA 90221
 DRAFTER: TRAVIS SCHNEIDER
 ENGINEER: TRAVIS SCHNEIDER
 SHEET ADDRESS: 1506 WALKER POINT ROAD, BAYSIDE, CA 90221
 SHEET NUMBER: C-1
 DATE: APRIL 1, 2022

PROJECT DESCRIPTION
 TO BE REMOVED: 8' CY ROAD FENCE
 TO BE REMOVED: 100' CY ROAD FENCE
 TO BE REMOVED: 100' CY ROAD FENCE

ABBREVIATIONS

- EXISTING
- PROPOSED
- DRIVEWAY
- EASEMENT
- RIGHT OF WAY

ATTACHMENT 1

CONDITIONS OF APPROVAL

Approval of the Coastal Development Permit and Special Permit are conditioned upon the following terms and requirements which must be fulfilled.

1. The applicant shall:
 - a) use dust control techniques when excavating to minimize dust problems on adjacent parcels, and
 - b) take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties.

The plot plan submitted for the Building Permit shall indicate that all ground bared during construction shall be landscaped and/or seeded and mulched prior to October 1st.

2. Any vegetation/brush removal which may be necessary to clear the development footprint must be conducted outside of the bird breeding season (generally March 1 to August 15).
3. All new outdoor lighting shall be compatible with the existing setting and directed within the property boundaries. Any exterior lighting shall include shielding and other designs which minimize the potential for light pollution, given that the development is adjacent to a wetland area.
4. The landscaping plan as shown on the plot plan shall be implemented to the satisfaction of the Planning Division. The landscaping plan shall include native tree species, which are non-pyrophitic, and identify the location, type (by species and common name), size, method for irrigation, and maintenance program, including replacement of plantings over time. The intent of the landscaping plan is to soften the visual impacts of the proposed development with vegetative screening. The landscape plan shall not contain any species listed on the California Invasive Plant Counsel inventory.
5. Development shall be consistent with the recommendations of the June 30, 1987 biological report for the site (Gail Newton & Associates 6/30/87, submitted with FMS-06-97), which include the following measures:
 - a) removal of no more than 30% of the coniferous trees outside the 100' wetland setback (removal of vegetation from within the designated "Wetland Protection Area" shall not be permitted except as provided in Section 3.30 of the Humboldt Bay Area Plan,
 - b) maintaining the diversity of the understory vegetation wherever possible, and the retention of all snags and dying trees where allowed by safety considerations.
6. The applicant shall cause to be recorded a grant of conservation easement to the Wiyot Tribe, Blue Lake Rancheria, and Bear River Band of Rohnerville Rancheria of the known cultural resource site located on this parcel (CA-HUM-53) as mapped by William Rich and Associates (May 2022) and an appropriate pedestrian access path a minimum of 5 feet in width leading from the CA-HUM-53 site to Walker Point Road.
7. The Final ESHA Restoration Plan shall be submitted for review and approval by the Planning Director and the Wiyot Area Tribes prior to lifting of the stop work order. The Final ESHA Restoration Plan shall include the specific location of the eight alnus rubra (red alder) and two salix hookeriana (willow) trees to be planted and shall specify the area to be monitored for re-establishment of rubus ursinus (native California blackberry).
8. Removal of all road material from the temporary access road and regrading of the area to be consistent with the surrounding grade shall be done with a Tribal monitor present.

9. Restoration of the unpermitted temporary road and regrading of the area to be consistent with the surrounding grade.
10. The applicant shall submit a restoration monitoring report documenting implementation of the Final ESHA Restoration Plan no later than December 31st of each year for the first 3 years after project approval. The report shall include a discussion of by a qualified biologist regarding regrowth of the native California blackberry (*rubus ursinus*). If a qualified biologist finds that the blackberry is not regenerating on pace to achieve full restoration it shall be re-seeded with native blackberry as needed.
11. The property owner shall complete annual monitoring for invasive species and hand-removal of invasive species from the ESHA areas and areas immediately adjacent to the ESHA areas until a qualified biologist confirms that no invasive species are present within the ESHA areas. A report of annual invasive species monitoring shall be made available to the County upon request.
12. The property owner shall not disturb native blackberries on all portions of the property below the 40-foot elevation contour and also within the area shown as the Wetland Setback Area on the Wetland Map.
13. The split rail fence or other simple wood fence shall be constructed a minimum of 5 feet upland from the boundary of CA-HUM-53 as mapped by William Rich and Associates (May 2022). The fence design shall be submitted for approval of both the planning Director and the Wiyot Area Tribes prior to installation. Prior to any disturbance associated with the fence the applicant shall contract with a tribal monitor to be present during construction of the support posts. The tribal monitor shall be on-site during all fence post support construction.
14. The area shown as "Wetlands Setback Area" on the Wetland Map in Attachment 5 shall be staked in the field and posted with small signage identifying the Wetland Setback Area. This area shall be permanently off-limits to all development and ground disturbance except as otherwise authorized by this Coastal Development Permit.
15. The applicant shall submit a site drainage plan prepared by a qualified professional for review and approval of the Planning Director and the Wiyot Area Tribes prior to lifting of the stop work order. The plan shall ensure that roof and other impermeable surfaces are directed away from sensitive resources to the extent feasible and controlled to avoid erosion from runoff.
16. Prior to lifting of the stop work order the applicant shall contract with a tribal monitor to be present during any disturbance associated with the removal of all road material from the temporary access road and regrading of the area to be consistent with the surrounding grade and during construction of the fence posts.
17. Within 180 days of the effective date of project approval the applicant shall fund the excavation and archaeological data recovery of a 2 cubic meter area of Unit 6 of the archaeological site as identified in the Archaeological Damage Assessment prepared by William Rich and Associates. The applicant shall enter into an agreement for excavation and recovery with a Tribally approved research team in an amount not to exceed \$38,000.
18. The applicant is responsible for reimbursing the Tribes for all tribal monitoring required by this permit.

On-Going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:

1. Any exterior lighting shall be directed so as not to extend beyond boundaries of parcel. Any exterior lighting must include shielding and other designs which minimize the potential for light

pollution, given that the development is adjacent to a wetland area.

2. Grading and removal of natural vegetation shall be minimized to protect natural landforms and soften the visual impact of the project on neighboring parcels. All new landscaping shall further screen the proposed development from both Highway 101 and Old Arcata Road.
3. Where feasible, utilities shall be provided underground.

Informational Notes:

1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

2. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
3. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.

ATTACHMENT 2
Applicant's Evidence in Support of the Required Findings

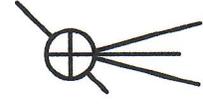
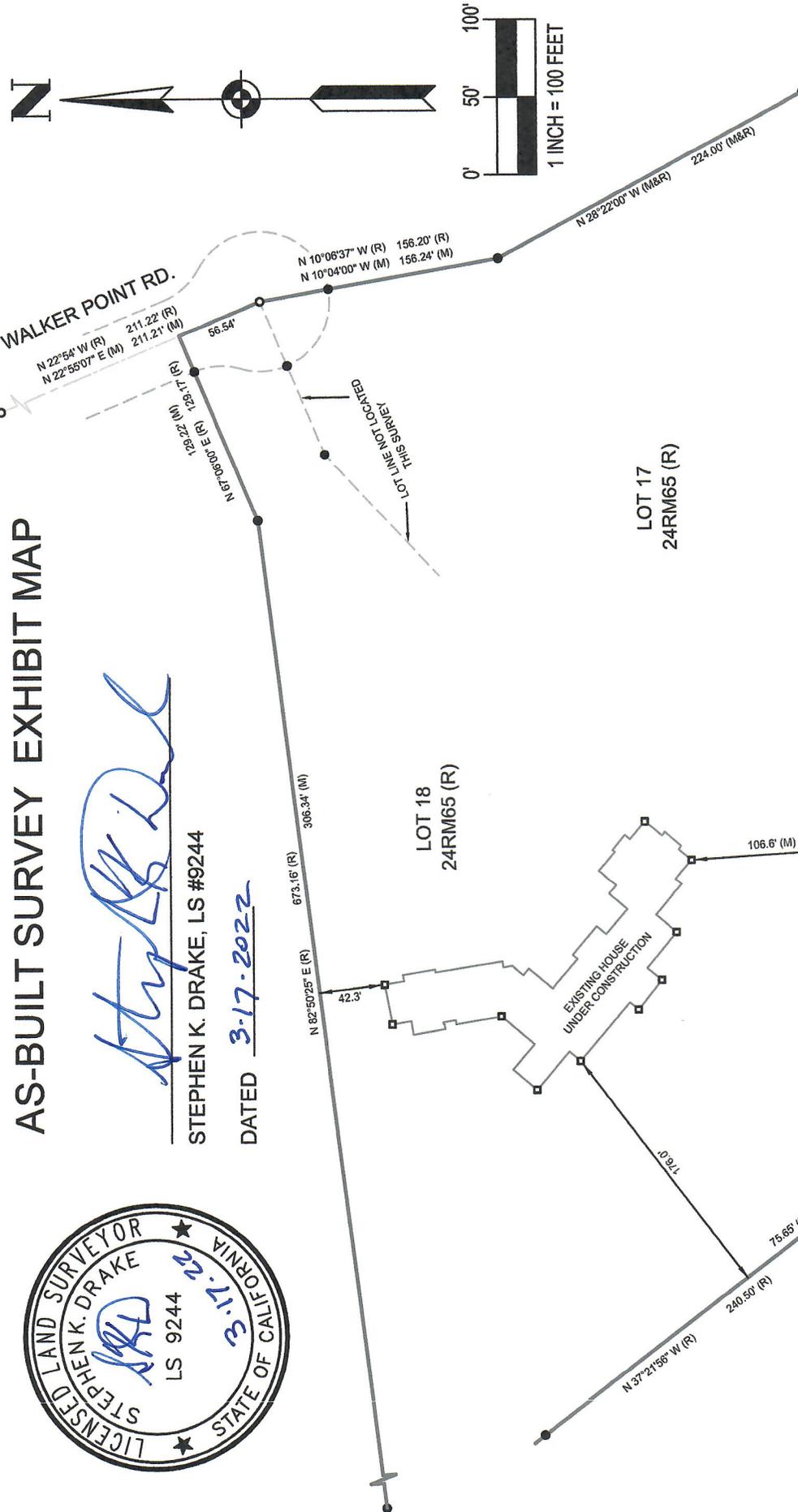
- Application Form [on file]
- Construction Plans [**Attached**]
- Plot Plan [**Attached**]
- Neighborhood Design Survey (on file)
- Damage Assessment Evaluation for Archaeological Site CA-HUM-53 (on file and confidential)
- 2022 Wetland Delineation Report prepared by Timberland Resource Consultants (**Attached**)
- Schneider Supplemental Addendum 06-15-2022 (**Attached** with confidential archaeological site location removed)
- Septic Disposal and Percolation Report (on file)
- R-2 Geologic/Soils Report (on file)
- As Built Survey Exhibit (**Attached**)
- Restoration Plan and Map (**Attached**)

AS-BUILT SURVEY EXHIBIT MAP

Stephen K. Drake

STEPHEN K. DRAKE, LS #9244

DATED 3-17-2022



Lost Coast Land Surveying
Stephen Drake, PLS, CFeds
Professional Land Surveyor

P.O. Box 5413
 Eureka, CA 95502

LostCoastLandSurveying@gmail.com 707-798-1624

LEGEND

- EXISTING PROPERTY LINE
- - - CENTERLINE
- · - · EASEMENT / TIE LINE
- (M) MEASURED, U.S. SURVEY FEET
- (R#) or (I) RECORD DOCUMENT DATA
- O.R. OFFICIAL RECORDS
- FOUND MONUMENT FIELD LOCATED
- HOUSE CORNER FIELD LOCATED
- RECORD MONUMENT (R) NOT LOCATED
- THIS MAP IS NOT A BOUNDARY SURVEY
- ACCORDING TO CALIFORNIA CODE

REFERENCE DOCUMENTS

(R) TRACT MAP #605, FILED ON MARCH 7, 2008, AT BOOK 24 OF MAPS, PAGES 65-67, HUMBOLDT COUNTY RECORDS

March 21, 2022
Humboldt County Planning
3015 H Street
Eureka, CA 95501

Statement of construction As-built.

Travis Schneider has requested that I locate new construction at 1506 Walker Point Road, Eureka, CA, and it's relation to the south-most lot line in particular. I field located the house under construction and found the south-most corner of this structure to be 106.6' north of the south-most subdivision lot line as surveyed on March 16, 2022.

Owner: Travis Schneider
205 I Street
Eureka, CA 95501
707-445-3001

Surveyor: Stephen Drake
P.O. Box 5413
Eureka, CA 95502
707-798-1624

Location: 1506 Walker Point Road, Eureka, CA 95503
APN's 402-171-029 & 402-171-030

As-built exhibit map included.



Stephen K. Drake, LS# 9244 *3-21-2022*



Aquatic Resource Delineation

1506 Walker Point Road
Bayside, California



Prepared for:
Travis Schneider

Prepared by:
Jack A. Henry

A handwritten signature in black ink that reads "Jack A. Henry".

Wildlife Biologist

jhenry@timberlandresource.com

April 14, 2022



165 South Fortuna Boulevard, Fortuna, CA 95540

707-725-1897 • fax 707-725-0972

trc@timberlandresource.com

1.0 Introduction

This document discloses and discusses the results of an aquatic resource delineation conducted on APNs 402-171-029 and 402-171-030 in Bayside, California. The purpose of this delineation is to assess the location of potential wetland features and their relation to current and proposed activities. This delineation is being performed in association with a Coastal Development Permit [CDP] for construction of a house on APN 402-171-030. Wetland parameters were identified along the southern property line. Temporary road construction and mowing of vegetation has occurred within 100' of the delineated feature in this report.

Location and Site History

The study area is located in Bayside, California 95524. The study area occurs in the NW ¼ of Section 20, T5N, R1E, Humboldt County in the Arcata South, CA 7.5' USGS Quad. APNs 402-171-029 and 402-171-030 are existing parcels zoned Residential Agriculture [RA]. The project parcels are located at the end of Walker Point Road, a rural neighborhood set between Eureka and Arcata, California. The Project Parcels are bordered on the southern edge by Faye Slough, a tidally influenced emergent wetland. Historically, the site was a location for the deposition of fill from local construction projects. The site operator stated fill from the construction of the Mid City Motorworld car dealership was placed at these APNs.

2.0 Regulatory Background

Waters of the United States

Under Section 404 of the Clean Water Act the U.S. Army Corps of Engineers regulate "Waters of the United States" as defined in the Code of Federal Regulations as waters susceptible to use in commerce, including interstate waters and wetlands, all other waters (intrastate waterbodies, including wetlands), and their tributaries (33 CFR 328.3). Areas that are inundated at a sufficient depth and for a sufficient duration to exclude growth of hydrophytic vegetation are subject to Section 404 jurisdiction as "other waters" and are often characterized by an ordinary high water mark, and herein referred to as non-wetland waters. Non-wetland waters, for example, generally include lakes, rivers, and streams.

Section 404 of the CWA protects wetlands federally. In 1989 George H.W. Bush implemented the national "No-net Loss of Wetlands" policy which either avoids the filling of wetlands or mitigates the destruction and/or degradation of wetlands. U.S. Army Corps of Engineers defines wetlands as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

Waters of the State

Although very similar, the term "Waters of the State" is defined by the Porter-Cologne Water Quality Control Act (401) as "any surface water or groundwater, including saline waters, within the boundaries of the state." The State Water Resources Control Board (SWRCB) protects all waters in its regulatory scope and has special responsibility for wetlands, riparian areas, and headwaters. These waterbodies have high resource value, are vulnerable to filling, and are not systematically protected by other programs. SWRCB jurisdiction includes wetlands and waters that may not be regulated by the Corps under Section 404.

Until recently, Waters of the State did not include specific language regarding wetlands and any potential deviation from federal regulations. Resolution No. 2019-0015 solidified SWRCB state protections for wetlands along with a state definition. The SWRCB defines wetlands as "An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation." Per Section II.3.c. of Procedures for Discharge of Dredged or Fill Material to Waters of the State; the jurisdiction of artificial wetlands does not include incidental wetlands that have resulted from human activity subject to ongoing maintenance (e.g. inboard ditches, landing surfaces, road surfaces). Assuming these features are not an alteration of pre-existing waters of the state, they do not receive protection under Resolution No. 2019-0015.

California Coastal Commission – California Coastal Act

The project parcels are both located within the coastal zone which subjects the project to the jurisdiction of the California Coastal Commission [CCC]. Section 30600(a) of the California Coastal Act [CCA] requires any person proposing development in the coastal zone shall obtain a Coastal Development Permit [CDP] from the CCC. Development is defined under CCA Section 30106 to include "construction, reconstruction, demolition, or alteration of the size of any structure..."

Humboldt County does have a certified Local Coastal Plan (LCP) which allows the county to act as lead agency in issuing CDPs. The CDP framework is, by statute, equivalent to environmental review associated with CEQA.

The CCA contains language regarding the definition and protection of wetlands. The CCA definition differs from both SWRCB and USACE as it only requires the presence of one parameter to qualify the area as a wetland. Coastal Act Section 30121 defines the term for wetlands while the California Code of Regulations Title 14 (14 CCR) outlines the “one parameter” definition.

3.0 Methods

Sample points within the study area were delineated using standard methods defined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region Version 2.0* (U.S. Army Corps of Engineers 2010) and the *1987 Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987).

Field work and data collection was conducted on March 17 and 22, 2022. Six sample points were assessed for wetland parameters: wetland hydrology, hydrophytic vegetation, and hydric soils. Sample points are identified through observation of potential wetland parameters such as wetland hydrology or hydrophytic plant community. If these are not present, sample points occur where site characteristics are most likely to promote wetland characteristics such as geomorphic position, potential drainages, and areas where groundwater emergence is likely. Sample points were conducted along the ditch feature and upslope along the edge of the willow (*Salix*) community. Once points are identified, sampling begins and data is collected. Plant community is sampled first, soils next, and hydrology last. As addressed in the Definitions Section, sites that meet one of the three parameters will be treated as wetland features per the CCA.

4.0 Results

Topography

The Project Parcels are located on a small ridge that travels south into the low lying areas between Eureka and Arcata, California. The site consists of a flat portion at the top of the ridge that slopes downwards to the west and south towards Faye Slough. Sampling points ranged in location from the toe of the slope upwards towards the top of the ridge.

Vegetation

Vegetation within property boundaries consists of a mixture of coastal scrub habitats and perennial grasslands. The western property line displays coastal scrub habitat that may be best characterized as *Salix hookeriana* / *Rubus ursinus* Shrubland Alliance. This natural community has dispersed red alder (*Alnus rubra*) present with little or no herb stratum present. Outside of the coastal scrub habitat the majority of the property is covered with nonnative perennial and annual grasses. Although the majority of the Project Parcels were either in the process of being developed or had been mowed, the eastern property line is unaltered and provides a reference site. This area appeared dominated by nonnative perennials such as Cat grass (*Dactylis glomerata*), tall fescue (*Festuca arundinacea*), and Harding grass (*Phalaris aquatica*) with nonnative annuals such as sweet vernal grass (*Anthoxanthum odoratum*) and Kentucky blue grass (*Poa pratensis*) present as well.

Soils

The project parcel contains one soil type. (U.S. Department of Agriculture, Natural Resources Conservation, 2016):

- 257 – Lepoil-Candymountain complex, 2 to 15 percent slopes. This soil type consists of approximately 45% Lepoil, 40% Candymountain, and 15% minor components. This soil type comes from marine deposits derived from sedimentary rock. Typical soil profiles are dominated by loam textures with sand or clay often present.

Hydrology

The Project Parcels do not contain any watercourses except for the ditch feature that flows along the southern and western property boundaries. This feature appears to display perennial hydrology. Although it is in close proximity to Faye Slough, it appears to be fed by surface run-off and subsurface flows. This feature does not have a direct hydrologic connection to tidally influenced sloughs nearby. Except for this feature, all hydrology on the Project Parcels consists of storm water run-off. The region has been experiencing low annual rainfall for the last two years. Rainfall accumulation graph is attached as Appendix 4.

Results

Of the five sample points conducted as part of this assessment, three of them identified wetland parameters. Of these three sample points, only two displayed more than one parameter. Due to drought conditions, indicators of wetland hydrology were problematic and at times were based on presence of secondary indicators or presence of other parameters.

SP01 and 02

These sample points were conducted in a paired manner to delineate the extent of a potential wetland feature. This feature was initially identified due to the dominant presence of *Carex obnupta* and *Juncus patens*. SP01 was conducted within the slough sedge community and identified all three wetland parameters. SP01 contained a dominant sedge community with hydric soil indicator A12, dark surface. A thin subhorizon containing some redox features was observed but did not qualify for other indicators. SP01 also displayed two secondary indicators for wetland hydrology, although given the position of the SP and presence of other parameters, wetland hydrology would have been assumed. SP01 delineated three of three wetland parameters.

SP02 aimed to assess characteristics of the grassland bordering the upslope edge of the wetland feature identified at SP01. At the time of sampling the area had been mowed and contained ruderal species and perennial grass hummocks that were unidentifiable. At the same elevation as SP02 and approximately 300' east, the area is dominated by upland grasses such as *Dactylis glomerata*, *Phalaris aquatica*, and *Festuca arundinacea*. Two soil horizons were observed at SP02. These displayed a top profile with a dark colored matrix and no redox. The second profile contained mixed shades of brown soil. These characteristics do not meet any hydric soil indicator. The position of SP02 upslope from SP01 and increased slope disqualified the secondary hydrology indicator for geomorphic position [D2]. As the site contained upland soils and was not topographically suited for inundation, SP02 was concluded to not display wetland hydrology. Given the vegetation of the reference site and lack of other parameters, SP02 was also determined to host an upland plant community. SP02 did not identify any wetland parameters, delineating the upslope boundary of the feature identified at SP01.

SP03

SP03 was conducted east of SP01 and SP02. This SP occurs lower in elevation than SP01 and in a different plant community. SP03 displayed dominance of both upland and wetland plants including *Frangula purshnia*, *Rosa californica*, *Iris douglasiana*, *Polystichum munitem*, and *Rubus ursinus*. This plant community was variable and also contained spreading rush in other locations outside of the SP. Soils at SP03 displayed the same indicator as SP01, thick dark surface (A12). The depleted horizon at SP03 occurs roughly at the same level as it did at SP01, indicating similar hydrology at both sites. Due to the similar hydric soil indicator as SP01 and the geomorphic position of SP03, wetland hydrology was determined to occur, absent of other indicators. Given the presence of both wetland hydrology and hydric soils, the presence of an upland plant community is suspicious. There is potential that drought conditions are impacting the presence of wetland plants in the herb stratum. SP03 identified 2 of 3 parameters and thus occurs in a wetland feature per CCA.

SP04

SP04 occurs east of SP03 and was meant to assess the extent of hydric soils observed at SP01 and 03. SP04 is closer to the wetted channel of the ditch than any other SP. This SP surprisingly is dominated by *Rubus ursinus* with no other groundcover present. The SP is overhung by *Alnus rubra* which were growing out of the bank of the ditch and are not considered diagnostic of conditions at SP04. Soils at SP04 were also observably different than SP01 and 03. SP04 soils consisted of a dark brown A horizon with a subsequent horizon that displayed mixed brown colors with no redoximorphic characteristics. Hydrology at SP04 was assumed to meet wetland conditions due to the geomorphic position and proximity to the wetted channel, although soils and vegetation do not indicate wetland characteristics. Due to the ambiguity of the hydrology indicator, SP04 is not considered to be a wetland per CCA.

SP05

SP05 was placed upslope and west of SP01-04. This SP was placed to assess conditions within the willow community as it traverses upslope from the ditch. SP05 did not identify any wetland parameters. Although the plant community contained a dominant willow overstory, the density of California blackberry beneath failed the Dominance Test. Soils at SP05 were similar to other upland SPs displaying a dark top horizon underlain by lighter shades of brown in the next horizon with no redoximorphic features observed. Given the position of the SP higher up on the hill, lack of any secondary indicators, and the lack of other parameters, wetland hydrology was concluded to not be present. SP05 did not delineate any wetland parameters.

Discussion

Sample points parallel to the ditch were successful in delineating a boundary between upland and wetland conditions. Although wetland conditions observed at sample points were variable (SP03 not meeting wetland vegetation, SP04 not displaying hydric soils or wetland vegetation), this report concludes the majority of land beneath the 10' contour as mapped in the USGS 1974 topographic map meets at least one wetland parameter and is thus considered wetland per definitions in the CCA. This contour is the likely extent of wetland hydrology and aligns with the upslope edge of both features identified at SP01 and SP03. SP04 does represent an outlier as it did not identify wetland vegetation or hydric soils, but has a high likelihood of meeting wetland hydrology given its proximity to the ditch.

The USFWS Wetland Inventory identifies the area as a Freshwater Forested/Shrub Wetland and is coarsely mapped based on photo imagery from 2010. Data in this report refines the boundary to more accurately represent physical limits of wetland conditions on site. The boundary of the wetland west of SP02 is extrapolated using the negative data from SP05 and the mapped contour line. Sampling in this area is difficult due to the dense *Rubus ursinus* understory. And although parts of the western property line appear to display *Alnus rubra* dominance, the potential for the community to meet wetland vegetation is offset by the dense thicket of *Rubus ursinus* that makes up the understory. As a result, the wetland boundary along the western property line has been mapped per the 10' USGS contour.

List of Appendices

- 1) General Location Map
- 2) Aquatic Resource Delineation Map
- 3) Archival Imagery
- 4) AgACIS Rainfall Accumulation Graph
- 5) NRCS Web Soil Survey Map
- 6) National Wetland Inventory Map
- 7) Wetland Delineation Data Sheets (Western Mountain, Valleys, and Coast Region)

References

- Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. Vicksburg, MS: U.S. Army Engineer Waterways Experimental Station.
- San Francisco Estuary Institute and Aquatic Science Center. 2012. Technical Memorandum No. 4: Wetland Identification and Delineation, Version 14. 4911 Central Avenue, Richmond CA 94804.
- State Water Resource Control Board. 2019. Staff Report, Including Substitute Environmental Documentation, State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. Sacramento, CA.
- State Water Resource Control Board. 2019. State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. Sacramento, CA.
- U.S. Army Corps of Engineers. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), eds. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.
- U.S. Army Corps of Engineers. 2016. Western Mountains, Valleys, and Coast Region 2016 Regional Plant List. http://wetland_plants.usace.army.mil/
- U.S. Department of Agriculture, Natural Resources Conservation Service. 2016. Web Soil Survey <http://websoilsurvey.sc.egov.usda>

General Location Map

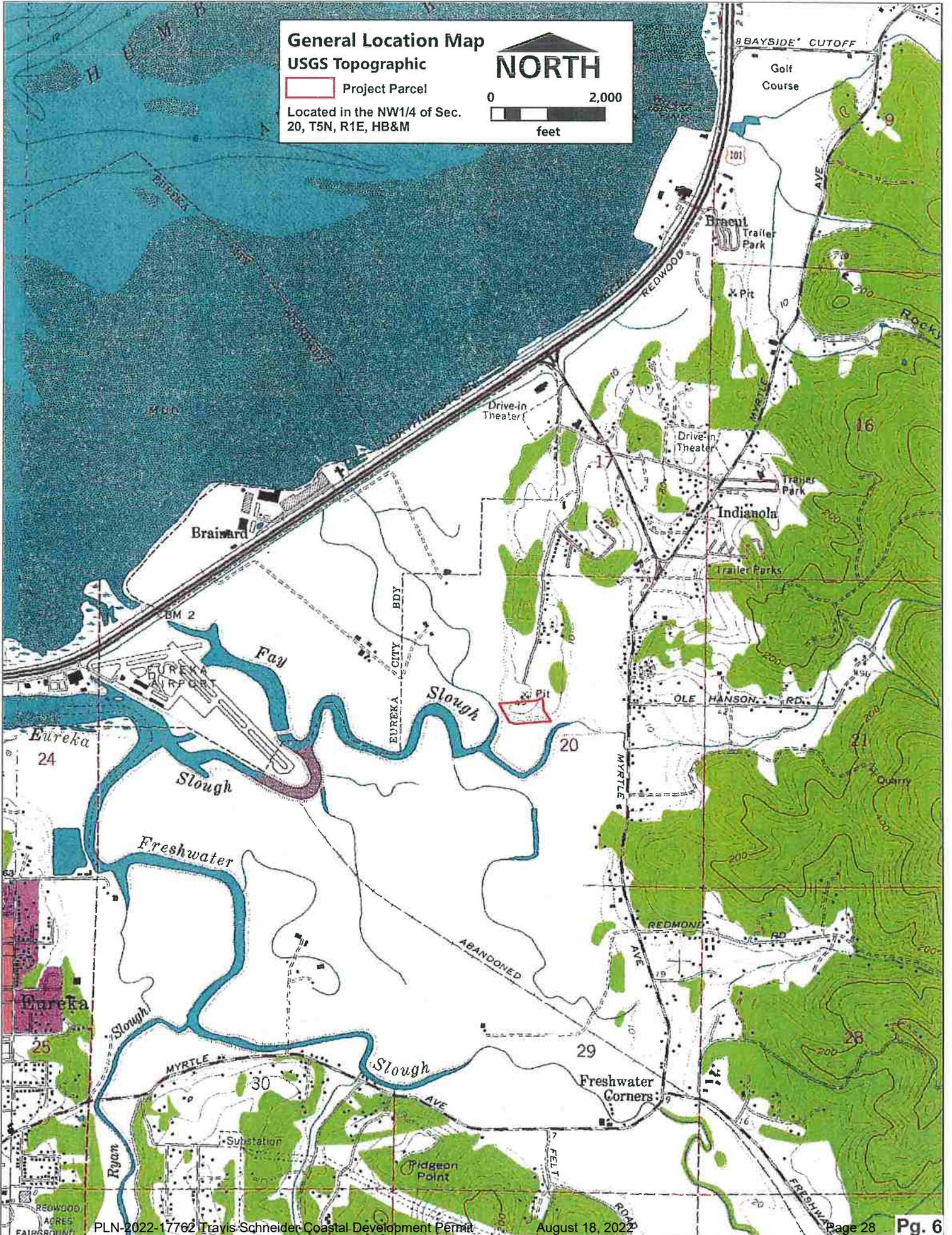
USGS Topographic

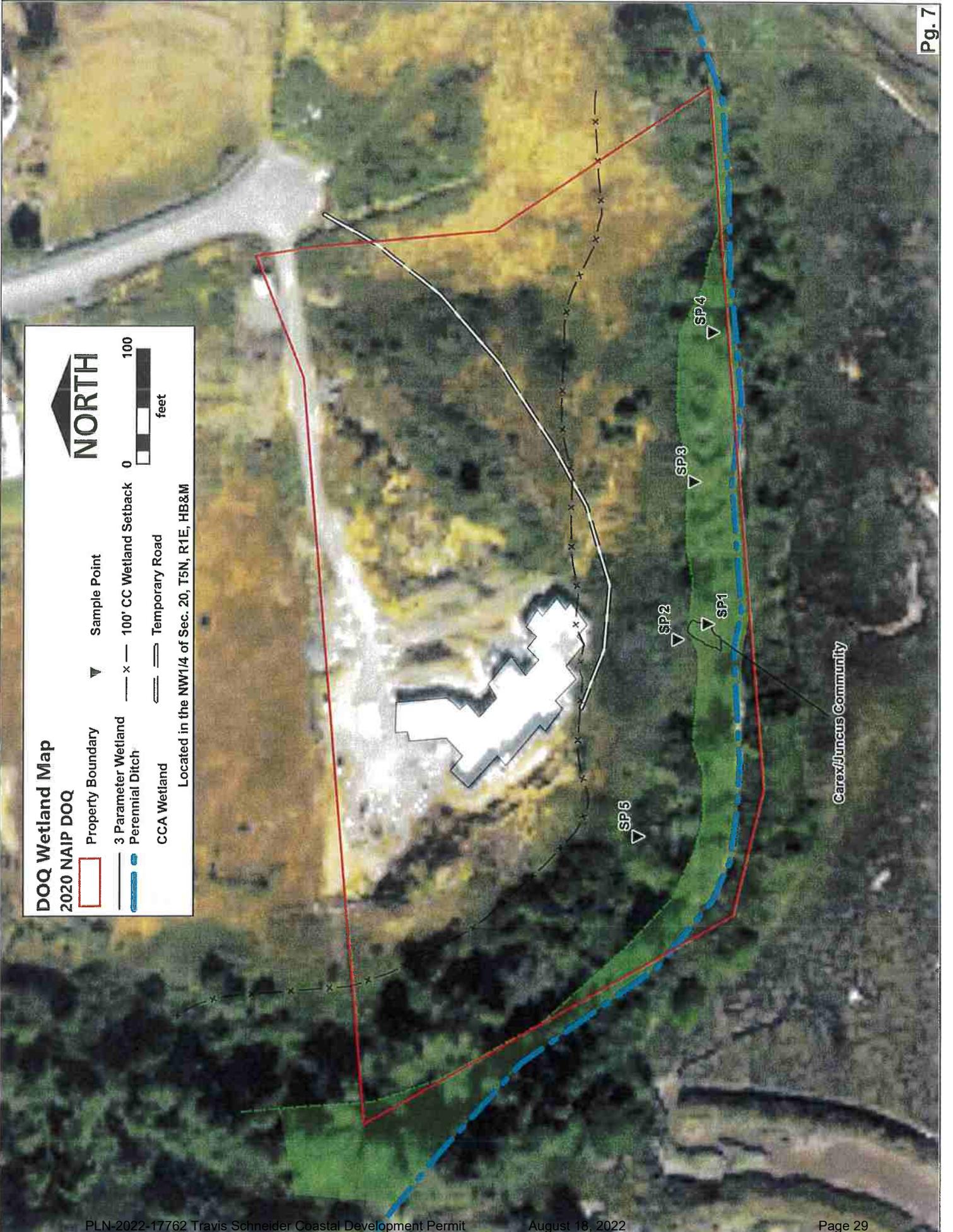
 Project Parcel

Located in the NW1/4 of Sec. 20, T5N, R1E, HB&M


NORTH


0 2,000
feet





DOQ Wetland Map
2020 NAIP DOQ

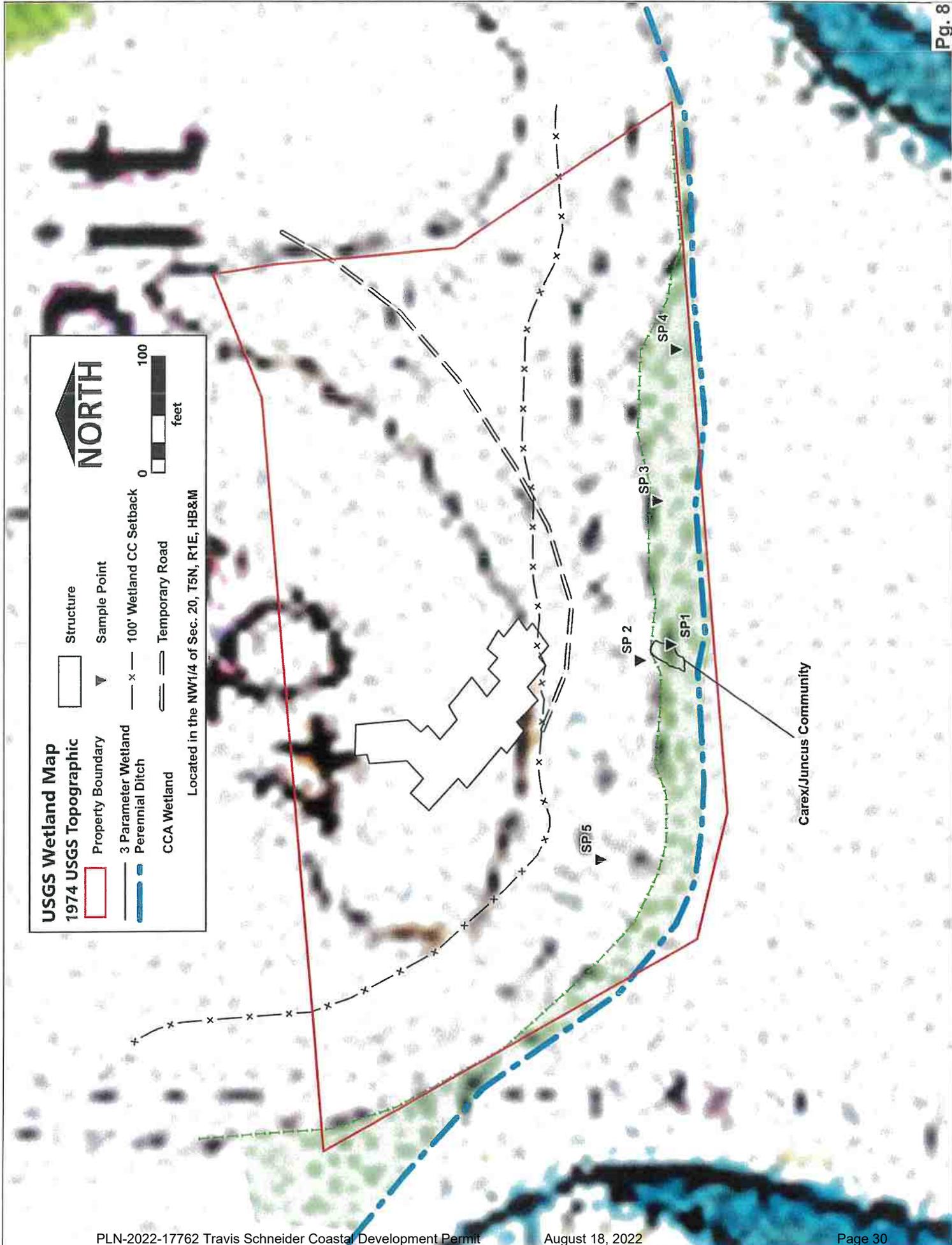
- Property Boundary
- 3 Parameter Wetland
- Perennial Ditch
- CCA Wetland
- Sample Point
- 100' CC Wetland Setback
- Temporary Road

NORTH

0 100
feet

Located in the NW1/4 of Sec. 20, T5N, R1E, HB&M

Carex/Juncus Community



USGS Wetland Map

1974 USGS Topographic

Property Boundary

3 Parameter Wetland

Perennial Ditch

CCA Wetland

Structure

Sample Point

100' Wetland CC Setback

Temporary Road

Located in the NW1/4 of Sec. 20, T5N, R1E, HB&M

0 100 feet

NORTH

Appendix 3 – Archival Imagery

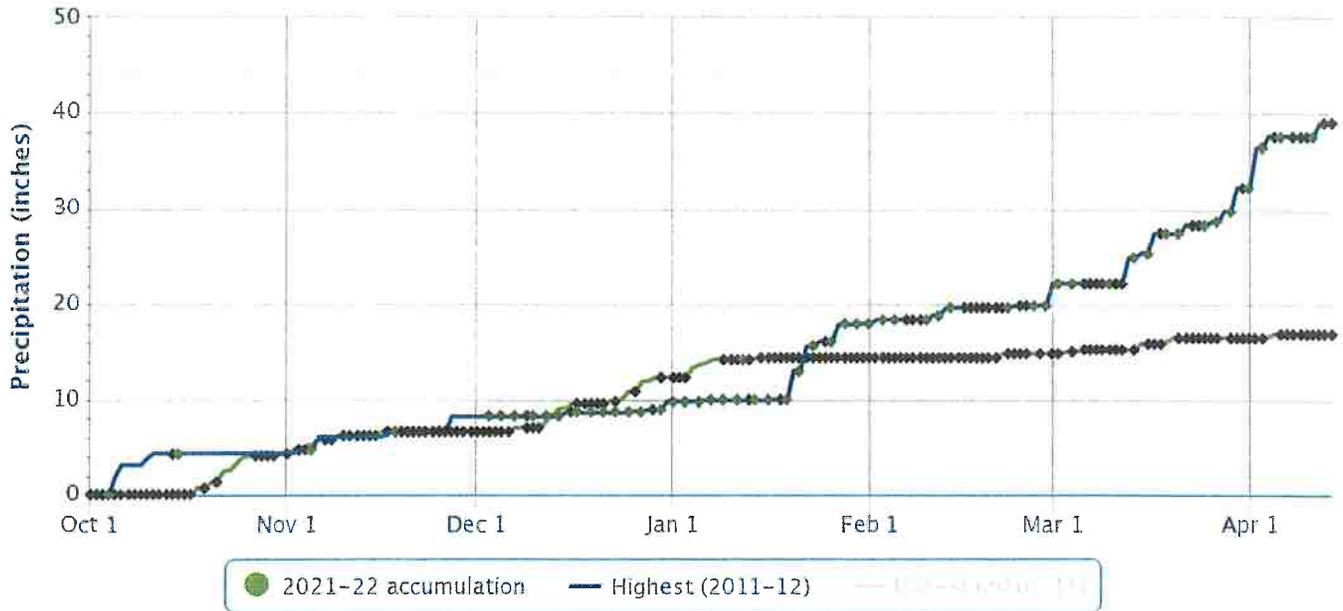


Photo #1: LandVision imagery of the project site in 2010. Image was taken prior to deposition of fill from nearby construction projects. Photo date: 06/27/2010

Appendix 4 – Rainfall Data

Accumulated Precipitation – KNEELAND 4.8 WNW, CA (CoCoRaHS)

Click and drag to zoom to a shorter time interval; green/black diamonds represent subsequent/missing values

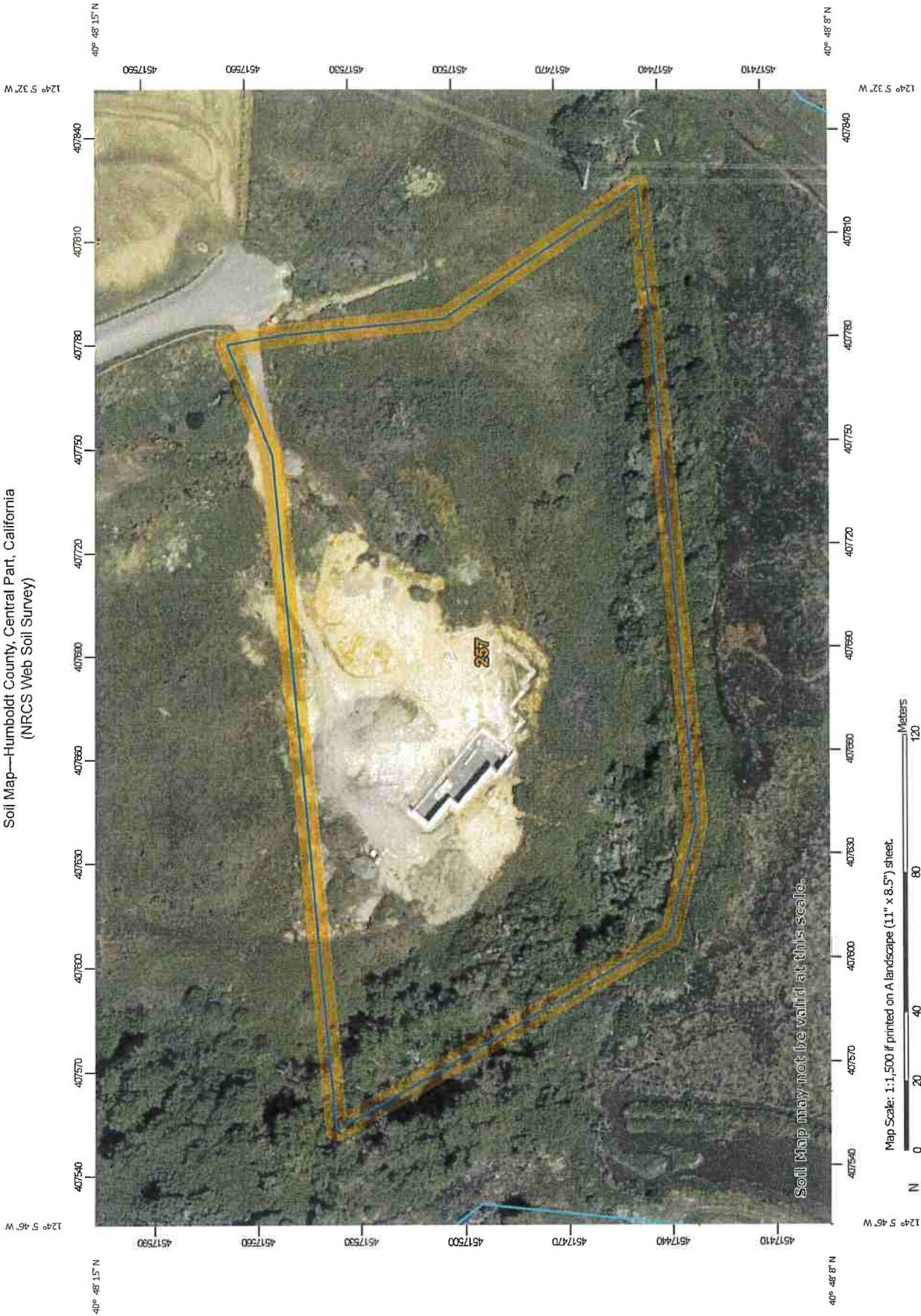


Powered by ACIS

Sourced: Applied Climate Information Center (ACIS) – NOAA Regional Climate Center. <http://agacis.rcc-acis.org/>
Date Sourced: 04/12/2022

Appendix 5 – NRCS Web Soil Survey Report

Soil Map—Humboldt County, Central Part, California
(NRCS Web Soil Survey)



Map Scale: 1:1,500 if printed on A landscape (11" x 8.5") sheet.

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

4/7/2022
Page 1 of 3

MAP LEGEND

- Area of Interest (AOI)
- Area of Interest (AOI)
- Soils**
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points
- Special Point Features**
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features
- Water Features**
- Streams and Canals
- Transportation**
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads
- Background**
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Humboldt County, Central Part, California
Survey Area Data: Version 7, Sep 6, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 8, 2019—Jun 21, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
257	Lepoil-Candymountain complex, 2 to 15 percent slopes	6.0	100.0%
Totals for Area of Interest		6.0	100.0%



April 14, 2022

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

**Appendix 7 – Wetland Delineation Data Sheets
(Western Mountains, Valleys, and Coast Region)**

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Walker Point Rd City/County: Eureka/HUM Sampling Date: 03/22
 Applicant/Owner: Travis Schneider State: CA Sampling Point: 01
 Investigator(s): J. Henry Section, Township, Range: NW 1/4 Sec. 20, T5N, R1E, HM
 Landform (hillslope, terrace, etc.): hillslope (toe) Local relief (concave, convex, none): convex Slope (%): >3%
 Subregion (LRR): A Lat: 40.80283 Long: -124.09441 Datum: NAD83
 Soil Map Unit Name: 257 - Lepoil-Candy mountain 2-15% slopes NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No X (If no, explain in Remarks.)
 Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes _____ No X
 Are Vegetation No, Soil No, or Hydrology No naturally problematic? (if needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u> No _____	Is the Sampled Area within a Wetland?	Yes <u>X</u> No _____
Hydric Soil Present?	Yes <u>X</u> No _____		
Wetland Hydrology Present?	Yes <u>X</u> No _____		

Remarks: \$P occurs in a Carex/dunensis community adjacent/downslope to an area that has been mowed/masticated. General area is experiencing drought conditions, hydrology assumed present due to geographic position

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
_____ = Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: _____)	1. _____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
_____ = Total Cover				
Herb Stratum (Plot size: <u>20' by 12'</u>)	1. <u>Carex obnupta</u>	<u>90</u>	<u>D OBL</u>	
2. <u>P. ursinus</u>	<u>20</u>	<u>- FACU</u>		
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
_____ = Total Cover				
Woody Vine Stratum (Plot size: _____)	1. _____	_____	_____	
2. _____	_____	_____	_____	
_____ = Total Cover				
% Bare Ground in Herb Stratum <u>5%</u>				
Hydrophytic Vegetation Indicators: <input checked="" type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> 5 - Wetland Non-Vascular Plants ¹ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.				
Hydrophytic Vegetation Present? Yes <u>X</u> No _____				
Remarks: <u>Carex obnupta community with dunensis effusus com. adjacent and downslope separate plant communities but considered to be one pot. wetland feature</u>				

SOIL

Sampling Point: 01

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-12"	10YR 2/1	100%					Sand/Loam	
12-14"	10YR 2/1	95%	5YR 4/6	5	C	M+PL	Sandy Loam	
14-22"	10YR 2/1	100%					Sandy Loam	
22"-58"	10YR 7/2	70%	10YR 7/8	30	C+RM	M	Clay	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input checked="" type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	³ Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes No

Remarks: A12 suspected given location of SP and prominence of C. obnupta. Used Auger to get below 22"

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input checked="" type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input checked="" type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surfaces (B8)		

Field Observations:

Surface Water Present? Yes No Depth (inches): _____

Water Table Present? Yes No Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes No Depth (inches): _____

Wetland Hydrology Present? Yes No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Hydrology problematic given drought conditions. SP meets D2 and D5 indicators.

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Walker Point Rd City/County: Eureka/HUM Sampling Date: 03/22/22
 Applicant/Owner: T. Schneider State: CA Sampling Point: 02
 Investigator(s): J. Henry Section, Township, Range: NW 1/4 Sec 20, T5N, R1E, H1M
 Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): none Slope (%): 5-8%
 Subregion (LRR): A Lat: 40.8029 Long: -124.09446 Datum: NAD83
 Soil Map Unit Name: 257 NVI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No X (If no, explain in Remarks.)
 Are Vegetation Yes, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes _____ No X
 Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present?	Yes _____ No <u>X</u>	
Wetland Hydrology Present?	Yes _____ No <u>(?)</u>	

Remarks: SP02 occurs approx. 25' upslope from SP01. Area has been mowed but shows signs of upland grass dominance. Drought conditions make hydrology problematic.

VEGETATION – Use scientific names of plants.

Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
Tree Stratum	_____	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A)
1. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata: _____ (B)
2. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
3. _____	_____	_____	_____	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
Sapling/Shrub Stratum	_____	_____	_____	Hydrophytic Vegetation Indicators: ___ 1 - Rapid Test for Hydrophytic Vegetation ___ 2 - Dominance Test is >50% ___ 3 - Prevalence Index is ≤3.0 ¹ ___ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ 5 - Wetland Non-Vascular Plants ¹ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
Herb Stratum	_____	_____	_____	Hydrophytic Vegetation Present? Yes _____ No <u>X</u>
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
Woody Vine Stratum	_____	_____	_____	
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
% Bare Ground in Herb Stratum	_____	_____	_____	

Remarks: SP 2 was mowed approx 3-4 months prior to site visit. Ruderal forbs present such as Dipsacus and Cirsium. Reference site 300' east at same elevation displays Anthoxanthum/Dactylis dominance. F. arundinacea and Pinguicula also present. Soils indicate UPL

SOIL

Sampling Point: 02

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-19"	10YR 2/2	100%					Sandy Loam	Dark Matrix
19-24"	7.5YR 3/4	80%					Clay Loam	Mixed browns
	7.5YR 5/4	20%						

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	³ Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No

Remarks: First horizon is dark with no redox, second is mixed browns

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> FAC-Neutral Test (D6)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D8) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No _____ Depth (inches): _____
 Water Table Present? Yes _____ No _____ Depth (inches): _____
 Saturation Present? (includes capillary fringe) Yes _____ No _____ Depth (inches): _____

Wetland Hydrology Present? Yes _____ No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: No secondary indicators. Lack of veg and soil indicators point towards no hydrology.

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Walker Point Rd City/County: Eureka/HUM Sampling Date: 03/22/22
 Applicant/Owner: T. Schneider State: CA Sampling Point: 03
 Investigator(s): J. Henry Section, Township, Range: NW 1/4 Sec 20, TSN, R1E, W1M
 Landform (hillslope, terrace, etc.): hillslope (toe) Local relief (concave, convex, none): none Slope (%): >3%
 Subregion (LRR): A Lat: 40.80287 Long: -124.09397 Datum: NAD83
 Soil Map Unit Name: 257 NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No X (If no, explain in Remarks.)
 Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes _____ No X
 Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes <u>X</u> No _____
Hydric Soil Present? Yes <u>X</u> No _____	
Wetland Hydrology Present? Yes <u>X(?)</u> No _____	
Remarks: <u>SPO3 occurs east of SPO1. Site displays hydric soils and likely hosts wetland hydrology. Meets all wetland parameters. Veg is combination of FAC shrubs and mixed herbs. Site considered to be wetland</u>	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. _____	_____	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A)
2. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata: <u>4</u> (B)
3. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC: <u>25%</u> (AB)
4. _____	_____	_____	_____	
= Total Cover				
Sapling/Shrub Stratum (Plot size: <u>r=10'</u>)				
1. <u>Frangula purshiana</u>	<u>40</u>	<u>D</u>	<u>FAC</u>	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species <u>0</u> x1 = <u>0</u> FACW species <u>5</u> x2 = <u>10</u> FAC species <u>60</u> x3 = <u>180</u> FACU species <u>90</u> x4 = <u>360</u> UPL species <u>10</u> x5 = <u>50</u> Column Totals: <u>165</u> (A) <u>600</u> (B) Prevalence Index = B/A = <u>3.63</u>
2. <u>Rosa californica</u>	<u>20</u>	<u>-</u>	<u>FAC</u>	
3. <u>Baccharis pilularis</u>	<u>10</u>	<u>-</u>	<u>UPL</u>	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
<u>70</u> = Total Cover				
Herb Stratum (Plot size: <u>r=3'</u>)				
1. <u>Iris douglasiana</u>	<u>10</u>	<u>D</u>	<u>UPL</u>	Hydrophytic Vegetation Indicators: <u>No</u> 1 - Rapid Test for Hydrophytic Vegetation <u>No</u> 2 - Dominance Test is >50% <u>No</u> 3 - Prevalence Index is <=3.0 ¹ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) 5 - Wetland Non-Vascular Plants ¹ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
2. <u>Polystichum munitem</u>	<u>10</u>	<u>D</u>	<u>FACU</u>	
3. <u>Stachys rigida</u>	<u>5</u>	<u>-</u>	<u>FACW</u>	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
<u>25</u> = Total Cover				
Woody Vine Stratum (Plot size: <u>r=5'</u>)				
1. <u>Rubus ursinus</u>	<u>80</u>	<u>D</u>	<u>FACU</u>	Hydrophytic Vegetation Present? Yes _____ No <u>X</u>
2. _____	_____	_____	_____	
<u>80</u> = Total Cover				
% Bare Ground in Herb Stratum <u>5%</u>				
Remarks: <u>Two years of low annual rainfall potentially effecting Herb Stratum. Some juncus effusus observed outside of SP.</u>				

SOIL

Sampling Point: 03

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-15"	10YR ² /1	100					Loam	Dark Matrix
15-18"	10YR ⁴ /1	85%	10YR ⁶ /8	15%	RM+M		clay loam	Similar reduced horizon as SPI

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, GS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S6)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input checked="" type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	³ Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

Restrictive Layer (if present):

Type: _____
Depth (inches): _____

Hydric Soil Present? Yes No

Remarks: Depleted horizon approximately lines up with depleted horizon at SPI

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input checked="" type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No _____ Depth (inches): _____
 Water Table Present? Yes _____ No _____ Depth (inches): _____
 Saturation Present? Yes _____ No _____ Depth (inches): _____
 (includes capillary fringe)

Wetland Hydrology Present? Yes No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Drought conditions make hydrology determination problematic. Geomorphic position indicates high potential for wetland hydrology. SPI² also lines up (elevation wise) with SPI¹ which had 2 secondary indicators. 10' contour on USGS map is the likely extent of hydrology.

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Walker Point Rd City/County: Eureka/HUM Sampling Date: 03/22/22
 Applicant/Owner: T. Schneider State: CA Sampling Point: 04
 Investigator(s): J. Henry Section, Township, Range: NW 1/4 Sec 20, TSN, R1E, HM
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 23%
 Subregion (LRR): A Lat: 40.80293 Long: -124.0935 Datum: NAD83
 Soil Map Unit Name: 257 NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No X (If no, explain in Remarks.)
 Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes _____ No X
 Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland?	Yes _____ No <u>X</u>
Hydric Soil Present?	Yes _____ No <u>X</u>		
Wetland Hydrology Present?	Yes <u>(?)</u> No _____		
Remarks: <u>SP04 occurs east of SP01 and SP03 along same slough/ditch. Veg indicates UPL conditions. Placed SP to assess extent of wet conditions observed at 01 and 03</u>			

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
1. _____				
2. _____				
3. _____				
4. _____				
_____ = Total Cover				
Sapling/Shrub Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
_____ = Total Cover				
Herb Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators: <u>No</u> 1 - Rapid Test for Hydrophytic Vegetation <u>No</u> 2 - Dominance Test is >50% ___ 3 - Prevalence Index is ≤3.0 ¹ ___ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ 5 - Wetland Non-Vascular Plants ¹ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
_____ = Total Cover				
Woody Vine Stratum (Plot size: <u>r=5'</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Present? Yes _____ No <u>X</u>
1. <u>Rubus ursinus</u>	<u>95%</u>	<u>D</u>	<u>FACU</u>	
2. _____				
<u>95</u> = Total Cover				
% Bare Ground in Herb Stratum <u>5%</u>				
Remarks: <u>Site over hung by Alnus rubra growing out of bank of ditch. Not considered diagnostic of SP conditions.</u>				

SOIL

Sampling Point: 04

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-12"	10YR 2/3	100					Sandy loam	Dark Brown
12-18"	10YR 5/4	40					clay	Mixed browns
	10YR 5/8	60						

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histc Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histc (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):
 Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No

Remarks: Mixed brown soils dominated by R. ursinus

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input checked="" type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> FAC-Neutral Test (D6)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No _____ Depth (inches): _____

Water Table Present? Yes _____ No _____ Depth (inches): _____

Saturation Present? Yes _____ No _____ Depth (inches): _____

(includes capillary fringe)

Wetland Hydrology Present? Yes (?) No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: SP is located below toe of slope on terrace along slough/ditch. Potential for accumulation or water table based on proximity. Soils and plant community do not support wetland hydrology conclusion. Drought conditions = problematic

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Walker Point Rd City/County: Eureka/HUMB Sampling Date: 03/22/22
 Applicant/Owner: T. Schneider State: CA Sampling Point: 05
 Investigator(s): D. Henry Section, Township, Range: NW 1/4 Sec 20, TSN, R1E, N4N
 Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): convex Slope (%): 7-10%
 Subregion (LRR): A Lat: 40.80299 Long: -124.09508 Datum: NAD83
 Soil Map Unit Name: 257 NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (if no, explain in Remarks.)
 Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation No, Soil No, or Hydrology No naturally problematic? (if needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Wetland Hydrology Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

Remarks: Sampled in Salix community upslope of SPI and 02. Drought conditions make hydro problematic.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
1. _____				
2. _____				
3. _____				
4. _____				
_____ = Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>5'</u>)				
1. <u>Salix hookeriana</u>	<u>70</u>	<u>D</u>	<u>FACU</u>	
2. <u>Rubus ursinus</u>	<u>80</u>	<u>D</u>	<u>FACU</u>	
3. <u>Rosa californica</u>	<u>20</u>	<u>-</u>	<u>FAC</u>	
4. _____				
5. _____				
<u>170</u> = Total Cover				
Herb Stratum (Plot size: _____)				Hydrophytic Vegetation Indicators: <u>No.</u> 1 - Rapid Test for Hydrophytic Vegetation <u>No.</u> 2 - Dominance Test is >50% ___ 3 - Prevalence Index is ≤3.0 ¹ ___ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ 5 - Wetland Non-Vascular Plants ¹ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
_____ = Total Cover				
Woody Vine Stratum (Plot size: _____)				
1. _____				
2. _____				
_____ = Total Cover				
% Bare Ground in Herb Stratum <u>60%</u>				
Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
Remarks: <u>Salix dom community with Rubus/Rosa understory, no herb stratum.</u>				

SOIL

Sampling Point: 05

Profile Description: (Describe to the depth needed to document the Indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-20"	2.5Y 2-5/1	100					Sandy Loam	
20-24"	10YR 5/4	100					Loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks: Dark A horizon with light brown B horizon

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> FAC-Neutral Test (D6)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No _____ Depth (inches): _____

Water Table Present? Yes _____ No _____ Depth (inches): _____

Saturation Present? Yes _____ No _____ Depth (inches): _____

(includes capillary fringe)

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Drought conditions make hydro determination difficult. No secondary indicators present. SP is high up on slope and unlikely to support inundation.

LESLIE ARCHITECT
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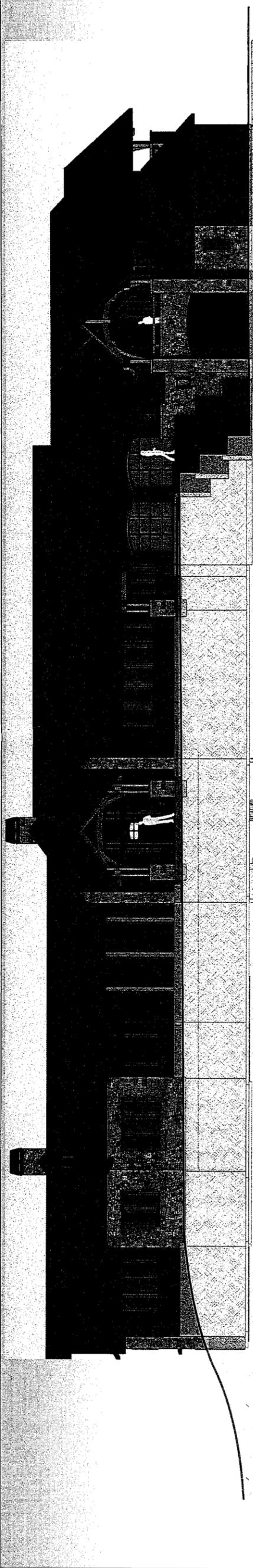
FOR OWNER/BUILDER
 TRAVIS SCHNEIDER, PE
 PACIFIC AFFILIATES
 1000 WATERFRONT DRIVE
 EUREKA, CA 95501
 707.445.3001

ALTERNATIVE OWNER BUILDER
 NEW RESIDENCE
 1506 WALKER POINT ROAD
 BAYSIDE, CA
 APN: 402-171-030

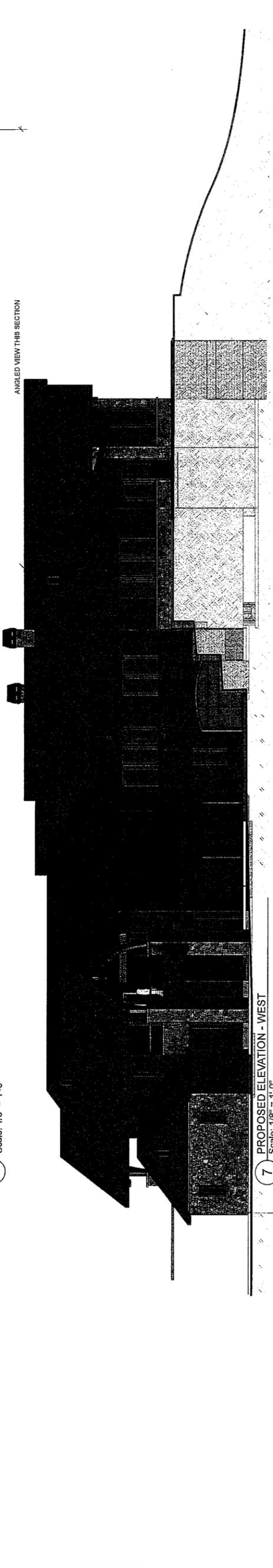
ELEVATIONS - MAIN

DATE FOR AOB PERMIT APPROVAL
 28 FEB 2019
 REVISIONS
 1 OCT 2016
 2 APR 2019
 3 FEB 2020
 4 FEB 2021

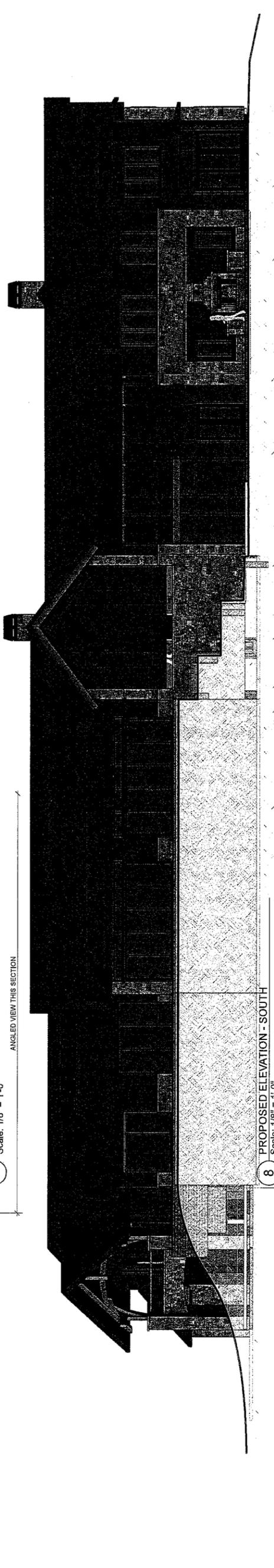
A4.1



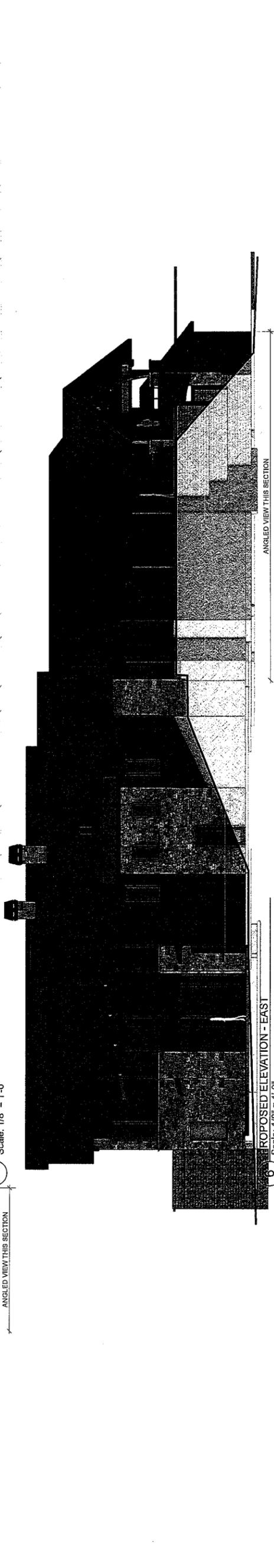
5 PROPOSED ELEVATION - NORTH
 Scale: 1/8" = 1'-0"



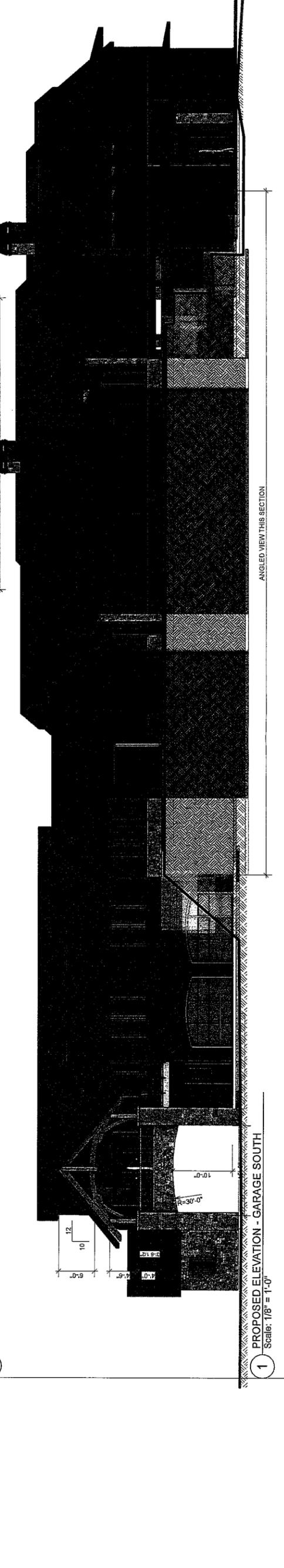
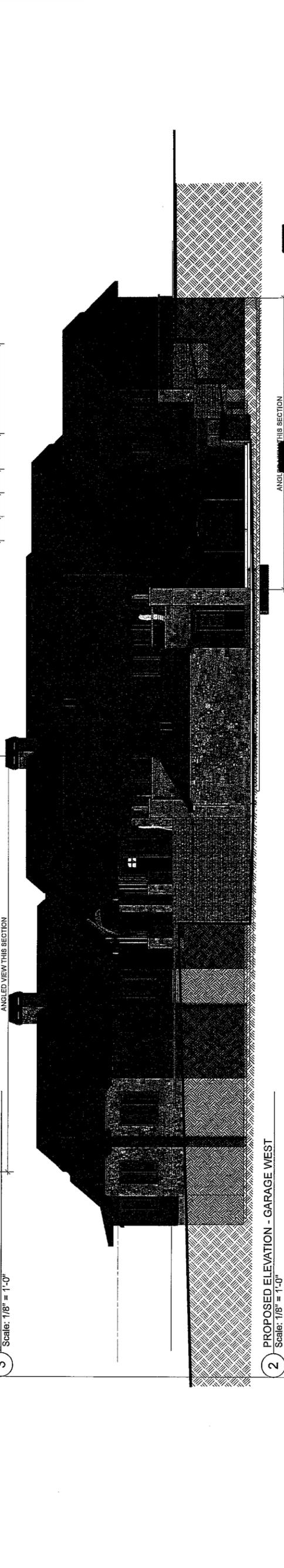
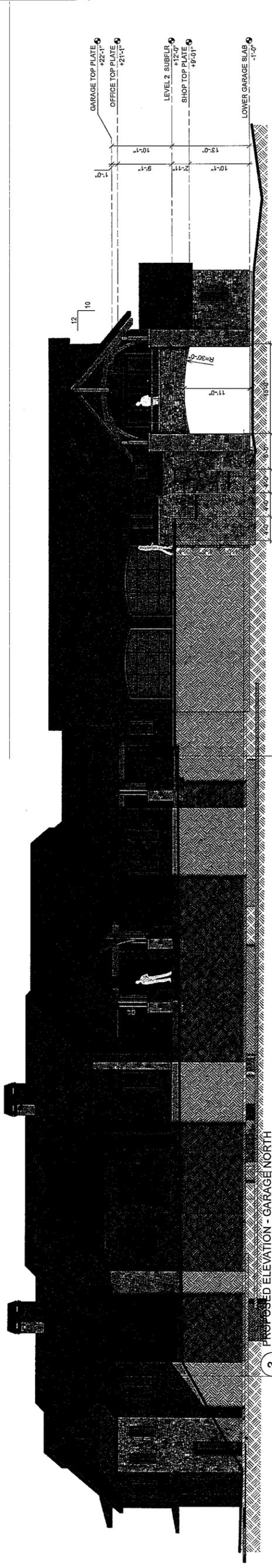
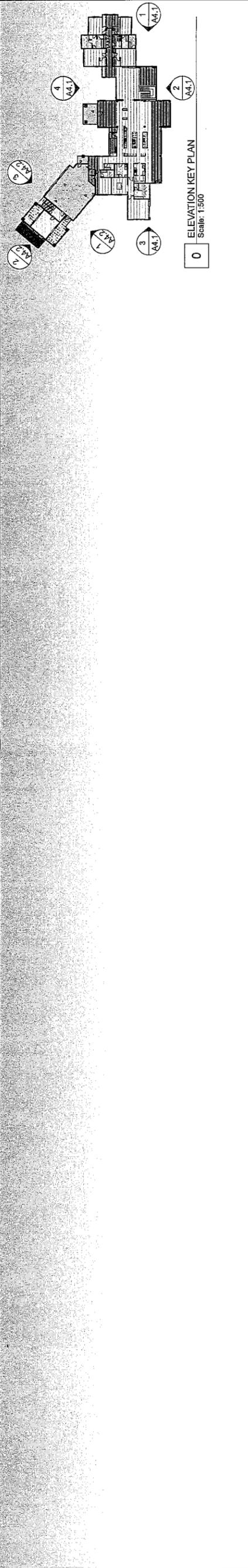
7 PROPOSED ELEVATION - WEST
 Scale: 1/8" = 1'-0"



8 PROPOSED ELEVATION - SOUTH
 Scale: 1/8" = 1'-0"



6 PROPOSED ELEVATION - EAST
 Scale: 1/8" = 1'-0"





165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com

Restoration Plan

July 25, 2022

Prepared for:
Travis Schneider

Prepared by:
Jack Henry
Wildlife Biologist
jhenry@timberlandresource.com

X 



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Project Location

The project is located in Bayside, California 95524. Restoration activities are proposed on APN 402-171-029 and 402-171-030. The project parcel occurs in the NW ¼ of Section 20, T5N, R1E, Humboldt County in the Arcata South, CA 7.5’ USGS Quad.

Project Description

The purpose of this report is to outline methods and goals for the restoration of ESHA plant communities impacted by mowing/mastication activities performed onsite. Details regarding ESHA impacts can be found in the Aquatic Resource Delineation (April 14, 2022) and Supplemental Addendum (June 15, 2022) prepared by Timberland resource Consultants. In summary approximately 1.2 acres of *Rubus ursinus* Shrubland Alliance and 0.03 acres of *Alnus rubra* / *Salix lasiolepis* / *Rubus ursinus* Forest Alliance were impacted by activities including the removal of 1 *Salix hookeriana* and 4 *Alnus rubra*.

This plan proposes to restore the site through a combination of natural colonization and planting of tree species. The site has already begun to repopulate with native shrub species California blackberry (*Rubus ursinus*) and California rose (*Rosa californica*). This plan proposes monitoring the natural repopulation of the site with potential contingencies if natural methods do not reconstitute the *Rubus ursinus* Shrubland Alliance. In the event that nonnative grasses suppress the emergence of California blackberry, it is recommended that the herbaceous overstory be removed by careful use of a string trimmer. This plan proposes monitoring the site for three years and if California blackberry does not establish as the dominant vegetation community, additional measures will be taken. This may include more intensive treatment of the site accompanied by planting of California blackberry. This plan also proposes to replant trees at a ratio of 2 to 1. This results in the planting of eight red alders and two Hooker willows.

Project Planting Species List

Scientific Name	Common Name	Veg Type	Quantity
<i>Alnus rubra</i>	red alder	tree	8
<i>Salix hookeriana</i>	Hooker willow	tree/shrub	2
* <i>Rubus ursinus</i>	California blackberry	woody vine	66 per acre

* Planting of this species is not initially proposed. It is included in this chart in the event that natural colonization does not occur and planting is required. Planting of the area not vegetated by this species will be planted at the above interval.

Planting Specifications

Tree plantings are available in multiple container types at varying life stages. Willow plantings will be sourced either harvesting sprigs from trees onsite or acquiring nursery stock. Red alder will be sourced from nursery stock. Planting should occur during the spring time (Feb-April). If planting occurs outside of this season then tree saplings shall be irrigated within 24 hours of planting and as needed to assure survival. All planting shall be performed using hand tools. It is recommended that herbaceous plants be removed from a 3’ radius around plantings to mitigate impacts from competing vegetation. Plantings will occur within proximity of the mapped tree removal.

Best Management Practices

- All activities associated with this restoration plan shall be performed by hand with hand tools.
- All disturbed area around plantings shall be treated with erosion control measures within 3 days post implementation, or prior to the rainy season if planted during dry season.
- Impacts to existing vegetation shall be avoided as feasible to implement project goals.



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Performance Standards

Rubus ursinus Shrubland Alliance:

Success criteria for this ESHA shall consist of natural colonization of approximately 80% of the preimpacted area as mapped in the Natural Communities Map within the Supplemental Addendum at the end of 3 years. In the event that 80% is not met within 3 years, the site shall be evaluated to assess if more time is needed or if planting is necessary.

Tree Plantings:

Success criteria for tree plantings shall consist of 100% of plantings alive at the end of 3 years.

Monitoring

Annual monitoring will be performed by a qualified professional for three years. Vegetation monitoring will occur between April – September while plants are actively growing and producing foliage. Monitoring shall not occur while species are dormant. Annual monitoring will document percent coverage of California blackberry. If California blackberry plantings are required additional information related to plantings success will be included in monitoring. Planted trees will be inventoried as alive, alive/damaged, or dead. Reports shall be submitted to agencies annually within 14 days of the monitoring effort and will include all monitoring data and findings for all monitoring components.

Agencies to Receive Monitoring Reports

Humboldt County Planning Department

Remedial Measures

If performance standards are not met within the proposed timeframe, additional methods will be implemented to meet success criteria. Additional measures may consist of aggressive treatment of nonnative grasses with string trimmers and planting California blackberry at the recommended spacing of 66 per acre.

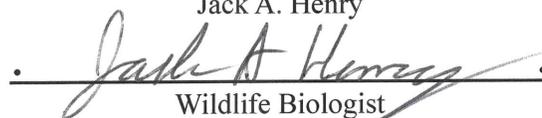
Erosion Control Measures

As the area is already populated with native shrubs species and nonnative grasses, erosion control is only necessary at disturbed areas around tree plantings. Wood chips or straw mulch shall be the primary erosion control measure for small scale planting activities. Straw mulch shall be weed free derived from rice, wheat, oats or barley. Mulch shall be applied at least 2 tons per acre and at least 2-3 inches in depth. If slope is greater than 5%, mulch should be secured by either hand punching with a shovel or using bird control netting to anchor mulch.

Supplemental Addendum
for
Aquatic Resource Delineation
1506 Walker Point Road
Bayside, California

Prepared for:
Travis Schneider

Prepared by:
Jack A. Henry



Wildlife Biologist

jhenry@timberlandresource.com

June 15, 2022



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Introduction

This document is meant to provide supplemental data and discussion based on comments provided by Coastal Commission staff in the email dated June 10, 2022. This addendum includes additional discussion regarding determinations made in the original Aquatic Resource Delineation prepared by Jack Henry dated April 14, 2022. Supplemental information includes a discussion of vegetation alteration activities, further explanation with regard to wetland determinations, additional maps, and site photographs.

Vegetation Alteration & Natural Communities

The original document solely focused on the delineation of aquatic resources on the Project Parcel and did not discuss alterations to natural communities and how these activities pertain to protections of Environmentally Sensitive Habitat Areas [ESHA]. This section of the Supplemental Addendum extends the scope of the assessment to address these activities and their potential impacts to natural communities and potential ESHAs.

The Project Parcel contains both natural and semi-natural communities as identified in *A Manual of California Vegetation* (Sawyer et al 2008) and CDFW’s Natural Communities List dated 08/18/2021. These communities can be best classified as *Alnus rubra* / *Salix lasiolepis* / *Rubus spp.* Forest Alliance, *Salix hookeriana* / *Rubus ursinus* Shrubland Alliance, *Rubus ursinus* Shrubland Alliance, and *Holcus lanatus* – *Anthoxanthum odoratum* Semi-Natural Herbaceous Alliance. All but the *Holcus lanatus* – *Anthoxanthum odoratum* Semi Natural Herbaceous Alliance are considered sensitive per CDFW and as such qualify as ESHA.

The initial project proposal was granted a limit of disturbance related to construction of the proposed residential structure as stated in the Coastal Development Permit [CDP], CDP 17-016. During operations related to this CDP, the site operator used a mini excavator with a masticator attachment to mow and masticate vegetation outside of the limit of disturbance. In addition to this mowing a temporary road was constructed outside of the limit of disturbance. This road is approximately 575 feet long. The width of the road has an average width of 14 feet with acute areas ranging from 12 feet to 16 feet. The road is made up of weed fabric with clean screened quarry rock 2-4” diameter.

Natural Community	Area Impacted	Type of Impact	ESHA
<i>Alnus rubra</i> / <i>Salix lasiolepis</i> / <i>Rubus spp.</i>	0.03 acres (1,250 sf)	Mowing of <i>Rubus ursinus</i> and removal of 4 trees	Yes
<i>Salix hookeriana</i> / <i>Rubus ursinus</i>	0	None	Yes
<i>Rubus ursinus</i>	1.2 acres	Mowing and temporary road construction	Yes
<i>Holcus lanatus</i> – <i>Anthoxanthum odoratum</i>	1.3 acres	Mowing and temporary road construction	No
1 Parameter Wetland	0.01 acres (440 sf)	Mowing of <i>Rubus ursinus</i>	Yes

The table above quantifies the impacts to natural and semi-natural communities within the Project Parcel. Recent site visits on 06/13 and 06/15 observed these areas populating with nonnative annual grasses (chiefly *Anthoxanthum odoratum*), willow (*Salix spp.*) saplings, *Rosa californica* sprouts, and *Rubus ursinus* sprouts. Impacts to the *Rubus ursinus* Shrubland Alliance may potentially have stimulated the expansion of willows on site. For these reasons impacts to vegetation are considered to be temporary.

There is one location where mowing of *Rubus ursinus* overlaps with a small proportion of the delineated one parameter wetland near SP #3. This area is part of the *Rubus ursinus* Shrubland Alliance and was delineated as wetland because it occurs below the contour line established as the boundary of the 1 parameter wetland as stated in the Aquatic Resource Delineation. No filling or grading of wetlands has occurred. The road occurs outside of the delineated wetland in the original report and passes through *Rubus Ursinus* Shrubland Alliance and *Holcus lanatus* – *Anthoxanthum odoratum* Semi-natural Herbaceous Alliance.

Although vegetation alteration was focused on mowing of *Rubus ursinus*, there were two areas found to have trees removed. One tree was removed which is suspected of being a Hooker willow (*Salix hookeriana*) as the stump occurs adjacent to the upslope limit of the *Salix hookeriana* / *Rubus ursinus* Shrubland Alliance (Map Point #1) and four red alders (*Alnus rubra*) were removed from the eastern edge of the *Alnus rubra* / *Salix lasiolepis* / *Rubus sp.* Forest Alliance (Map Point #2). The willow stump measured 16 inches at the base of the ground. The alders were cut approximately 3' from the ground and diameters measured 3 inches, 8 inches (2 trees), and 14 inches. The alder removal was performed by the site operator's children with a hand axe, separate from the mowing activities.

Wetland Parameter Determinations

Coastal Commission staff have commented that the Aquatic Resource Delineation contains errors in the way the USACE method has been implemented resulting in incorrect determinations of potential one parameter wetlands. These comments pertain to vegetation at Sample Point [SP] #5 and hydrology at both Sample Point #2 and #5. However, per the USACE method SP #5 does not meet hydrophytic vegetation definitions. Hydrology at both SP #2 and #5, although problematic during the sampling, do not contain any evidence contrary to the determinations made in the original report.

Vegetation at SP #5

Vegetation at SP #5 does display a *Salix hookeriana* / *Rubus ursinus* Shrubland Alliance which consists of the two species displaying dominance within the sample radius (5 feet). California rose (*Rosa californica*) is also present but in a small proportion that does not qualify as a dominant species within the community. Strictly speaking in terms of the USACE methods for identifying Hydrophytic Vegetation, this SP does not meet the criteria.

The USACE method for determining hydrophytic vegetation consists of a hierarchy of methods that indicate whether or not a plant community is hydrophytic. These methods consist of the Rapid Test, Dominance Test, Prevalence Index, Morphological Adaptions, Wetland Non Vascular Plants, and Problematic Hydrophytic Vegetation. Once vegetation has been sampled the data is assessed per these indicators in the order they are listed. Data pertaining to these assessments consists of percent cover and each species individual plant indicator status. The 1987 USACE manual defines these status categories; the table from the manual has been included below.

**Table 1
Plant Indicator Status Categories¹**

Indicator Category	Indicator Symbol	Definition
Obligate Wetland Plants	OBL	Plants that occur almost always (estimated probability >99 percent) in wetlands under natural conditions, but which may also occur rarely (estimated probability <1 percent) in nonwetlands. Examples: <i>Spartina alterniflora</i> , <i>Taxodium distichum</i> .
Facultative Wetland Plants	FACW	Plants that occur usually (estimated probability >67 percent to 99 percent) in wetlands, but also occur (estimated probability 1 percent to 33 percent) in nonwetlands. Examples: <i>Fraxinus pennsylvanica</i> , <i>Cornus stolonifera</i> .
Facultative Plants	FAC	Plants with a similar likelihood (estimated probability 33 percent to 67 percent) of occurring in both wetlands and nonwetlands. Examples: <i>Gleditsia triacanthos</i> , <i>Smilax rotundifolia</i> .
Facultative Upland Plants	FACU	Plants that occur sometimes (estimated probability 1 percent to <33 percent) in wetlands, but occur more often (estimated probability >67 percent to 99 percent) in nonwetlands. Examples: <i>Quercus rubra</i> , <i>Potentilla arguta</i> .
Obligate Upland Plants	UPL	Plants that occur rarely (estimated probability <1 percent) in wetlands, but occur almost always (estimated probability >99 percent) in nonwetlands under natural conditions. Examples: <i>Pinus echinata</i> , <i>Bromus mollis</i> .

¹ Categories were originally developed and defined by the USFWS National Wetlands Inventory and subsequently modified by the National Plant List Panel. The three facultative categories are subdivided by (+) and (-) modifiers (see Appendix C, Section 1).

The dominant plants at SP #5 have status categories of FACU (*Rubus ursinus*) and FACW (*Salix hookeriana*). Per the definition of FACW, *Salix hookeriana* has a high probability but does not strictly occur in wetlands. It is common for willow communities to first establish along areas of surface water whether wetland or watercourse, and then spread outside of wetland conditions. As the trees mature and limbs break off, saplings will sprout from these remnants, generally in a lateral movement out from the original community. This is actually occurring on-site right now, as broken branches from the edge of the *Salix hookeriana* / *Rubus ursinus* Shrubland Alliance are sprouting new saplings in upland conditions.

The Hydrophytic Vegetation determination is not just based on the presence of OBL, FACW, and FAC plants in disregard of the presence of FACU and UPL plants. The methods for assessing presence of Hydrophytic Vegetation accounts for all dominant species and how they represent the plant community. SP #5 does not satisfy the Rapid Test as upland plants (UPL and FACU) are present as dominant in the community. The next method, and often the most common, is the Dominance Test. This method compares the ratio of wetland and upland dominant plants. If the plant community displays greater than 50% wetland plant dominance, it qualifies as Hydrophytic Vegetation. SP #5 contains exactly 50% wetland plants and 50% upland plants and thus does not satisfy the indicator per USACE methods. The presence of *Salix hookeriana* does not qualify as hydrophytic vegetation when codominant with upland plants such as *Rubus ursinus*. The additional methods are only implemented when additional parameters are present, which is not the case for SP #5. Per the USACE methods for determining presence of Hydrophytic Vegetation, SP#5 does not display a hydrophytic plant community.

Problematic Hydrology

SP #2 and #5 were determined to not display Wetland Hydrology, although the project site was determined to display problematic hydrology. SP #1, #3 and #4 were determined to meet wetland hydrology due to either the presence of other parameters or the presence of secondary indicators for wetland hydrology.

There is no evidence that SP #2 or #5 display Wetland Hydrology. Both sites contain upland soils and upland plant communities. The Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0) outline a method for delineating potential wetland sites that may display seasonal hydrology or hydrology impacted by drought conditions. For sites with potential seasonal hydrology the regional supplement accounts for presence of other

parameters and geomorphic position. SP #2 and #5 do not display other parameters and do not occur in geomorphic positions that have potential to inundate. SP #4 would be an example of where Wetland Hydrology was assumed based solely on geomorphic position as the SP occurs on a flat terrace at the toe of a slope adjacent to surface waters. As SP #2 and #5 do not support Hydrophytic Vegetation or Hydric Soils and occur on a slope, they were determined to not have the potential to support Wetland Hydrology regardless of problematic conditions.

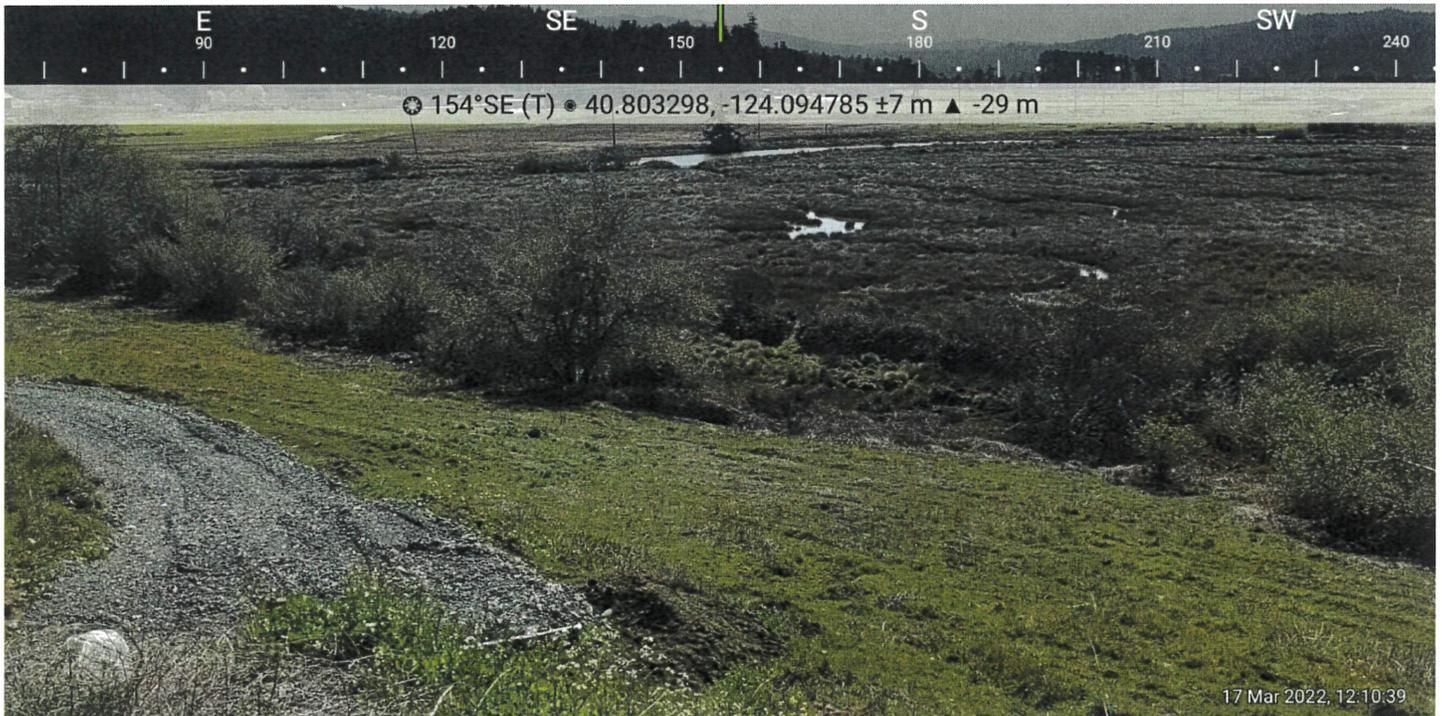
Maps

Attached with this document are revised maps from the original Aquatic Resource Delineation as well as two new maps. The revised maps contain the mapped Limit of Disturbance and locations of tree removal in the form of Map Points #1 and #2. The Natural Communities Map illustrates the location of natural communities, the mowed area, and Mr. Canter's GIS data regarding the cleared brush line. The Cultural Site Map shows the approximate footprint of the cultural site identified by the Rich (2022) report in relation to vegetation alteration activities.

References

- Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. Vicksburg, MS: U.S. Army Engineer Waterways Experimental Station.
- U.S. Army Corps of Engineers. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), eds. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.
- U.S. Army Corps of Engineers. 2020. Western Mountains, Valleys, and Coast Region 2020 Regional Plant List. http://wetland_plants.usace.army.mil/

Site Photographs



Photograph #1: Photograph taken looking down from the road to the delineated wetland showing the extent of mowing activities on site. Photo date: 03/17/2022



Photograph #2: Photograph taken looking down from the road to the delineated wetland showing the extent of newly growing vegetation. Photo date: 06/15/2022

Site Photographs

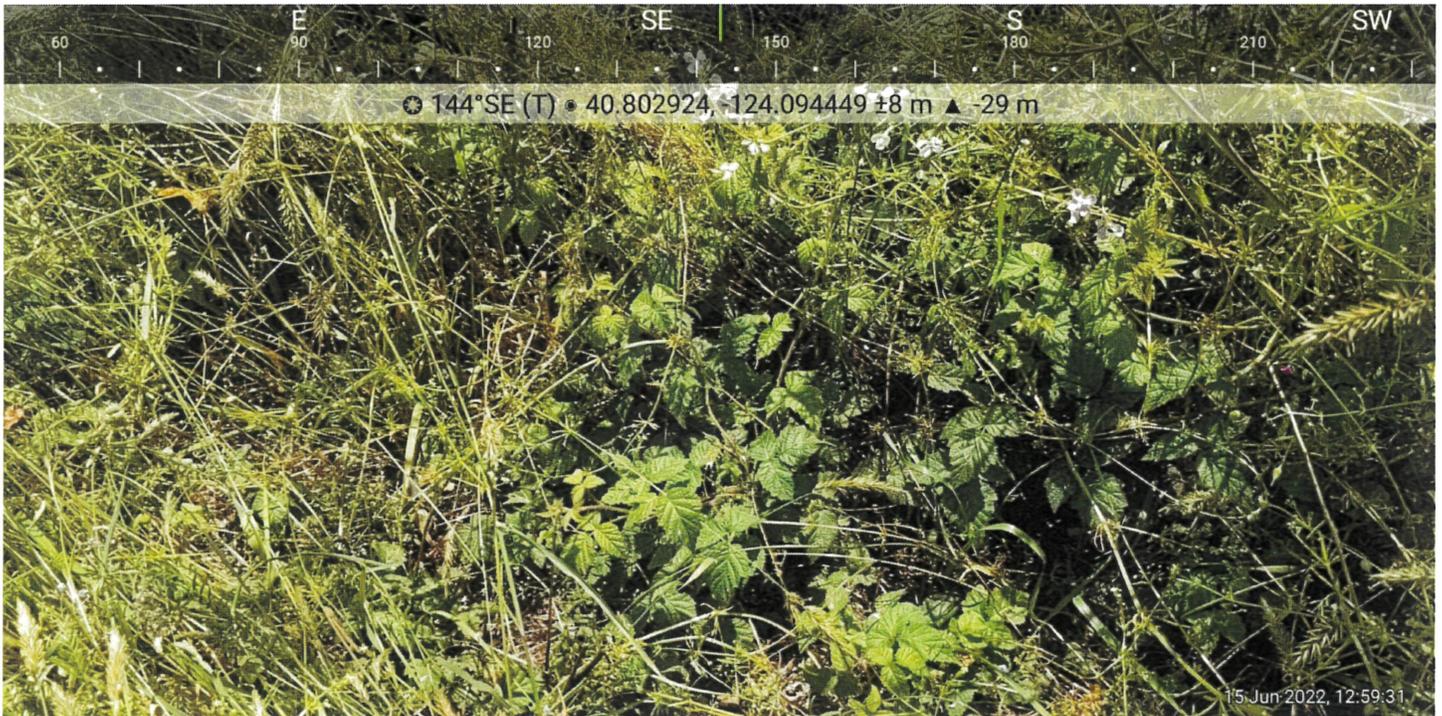


Photograph #4: Photograph taken near Map Point #1 showing new growth of willows. Photo date: 06/15/2022

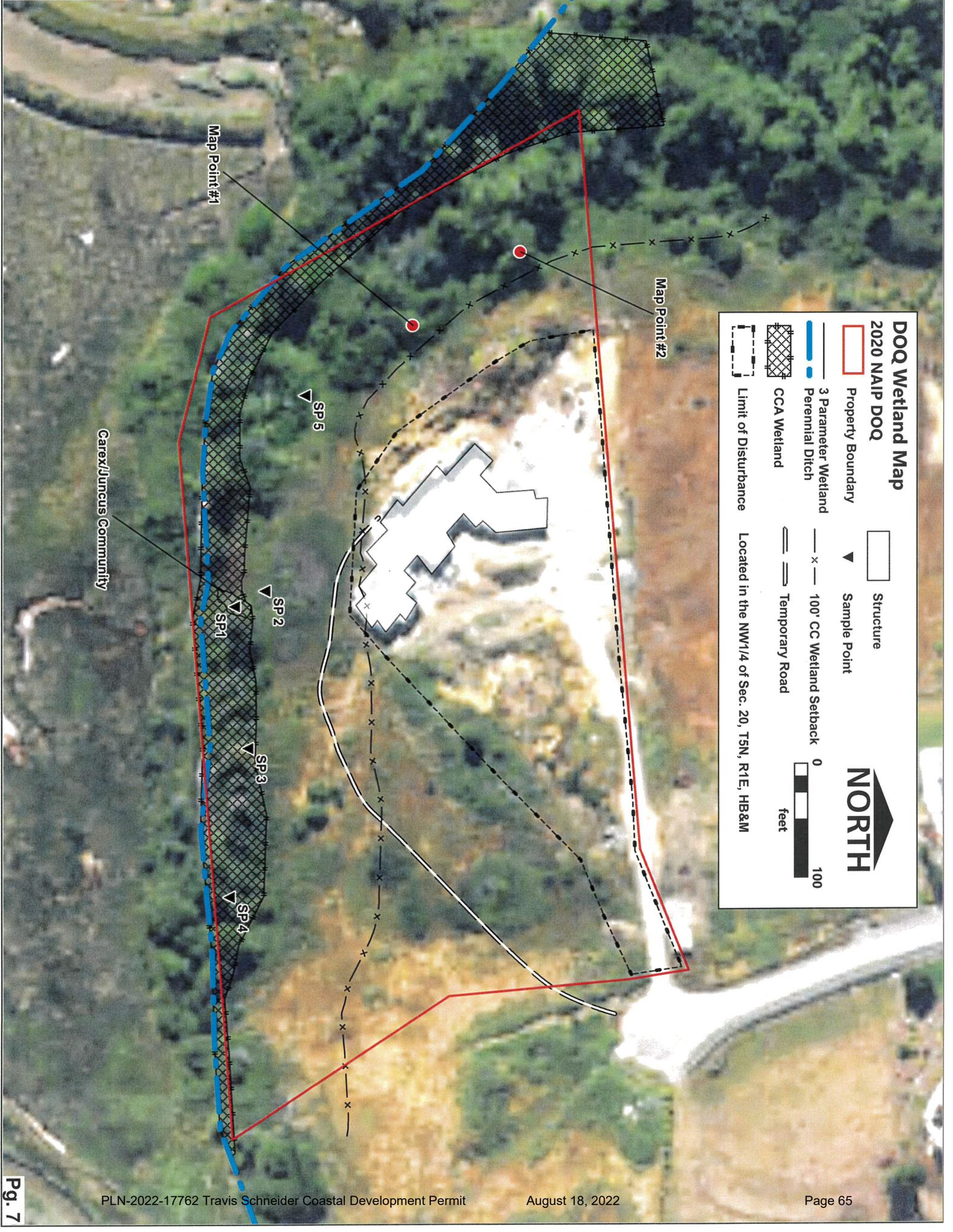


Photograph #5: Photograph taken near Map Point #2 showing regrowth of *Rubus ursinus*. Photo date: 06/15/2022

Site Photographs



Photograph #6: Photograph showing regrowth of *Rubus ursinus* within annual grasses and forbs. Photo date: 06/15/2022



DOQ Wetland Map
2020 NAIP DOQ

	Property Boundary		Structure
	3 Parameter Wetland		Sample Point
	Perennial Ditch		100' CC Wetland Setback
	CCA Wetland		Temporary Road
	Limit of Disturbance	Located in the NW1/4 of Sec. 20, T5N, R1E, HB&M	

NORTH

0 100 feet

Carex/luncus Community

Map Point #1

Map Point #2

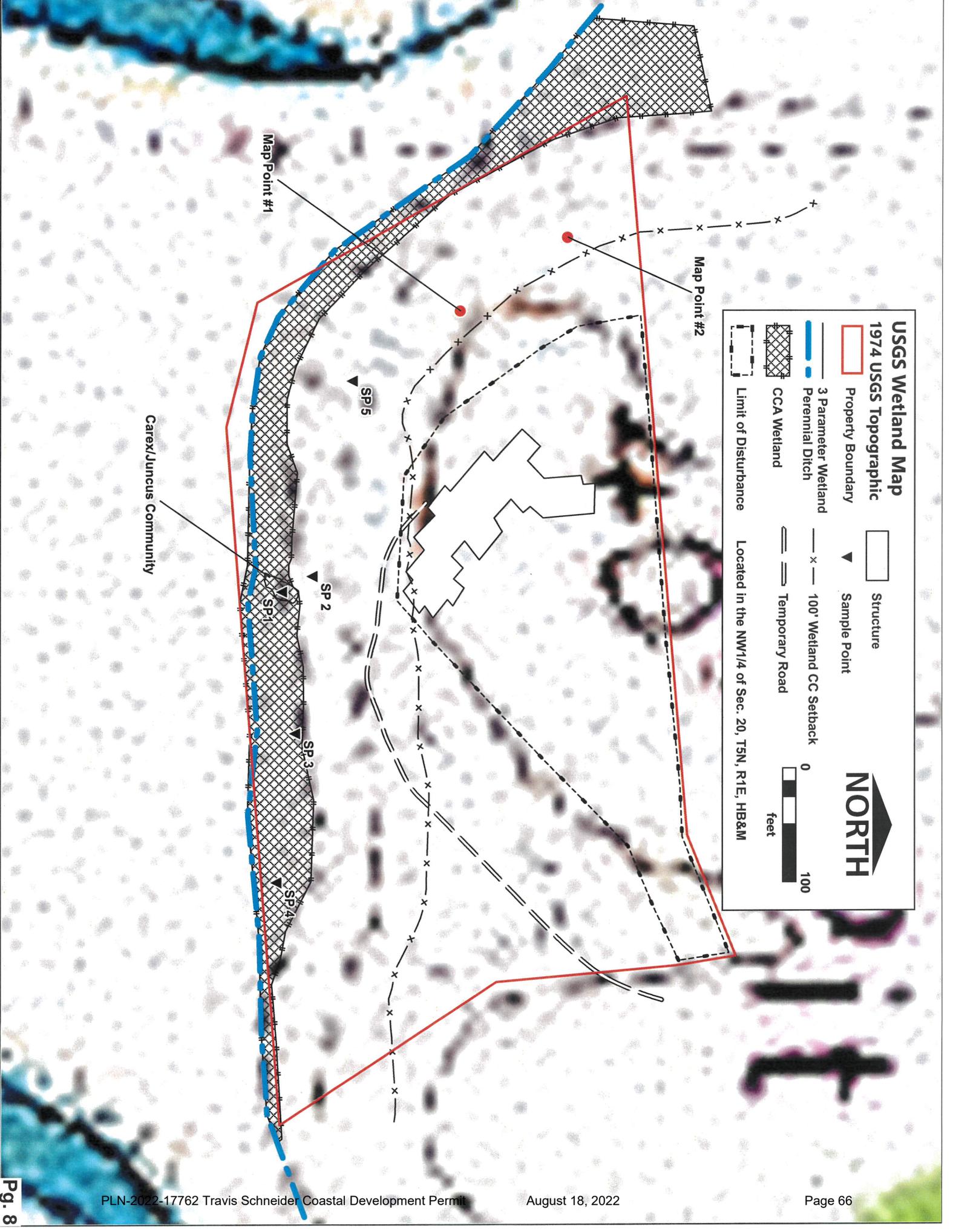
SP 5

SP 2

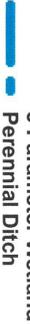
SP 1

SP 3

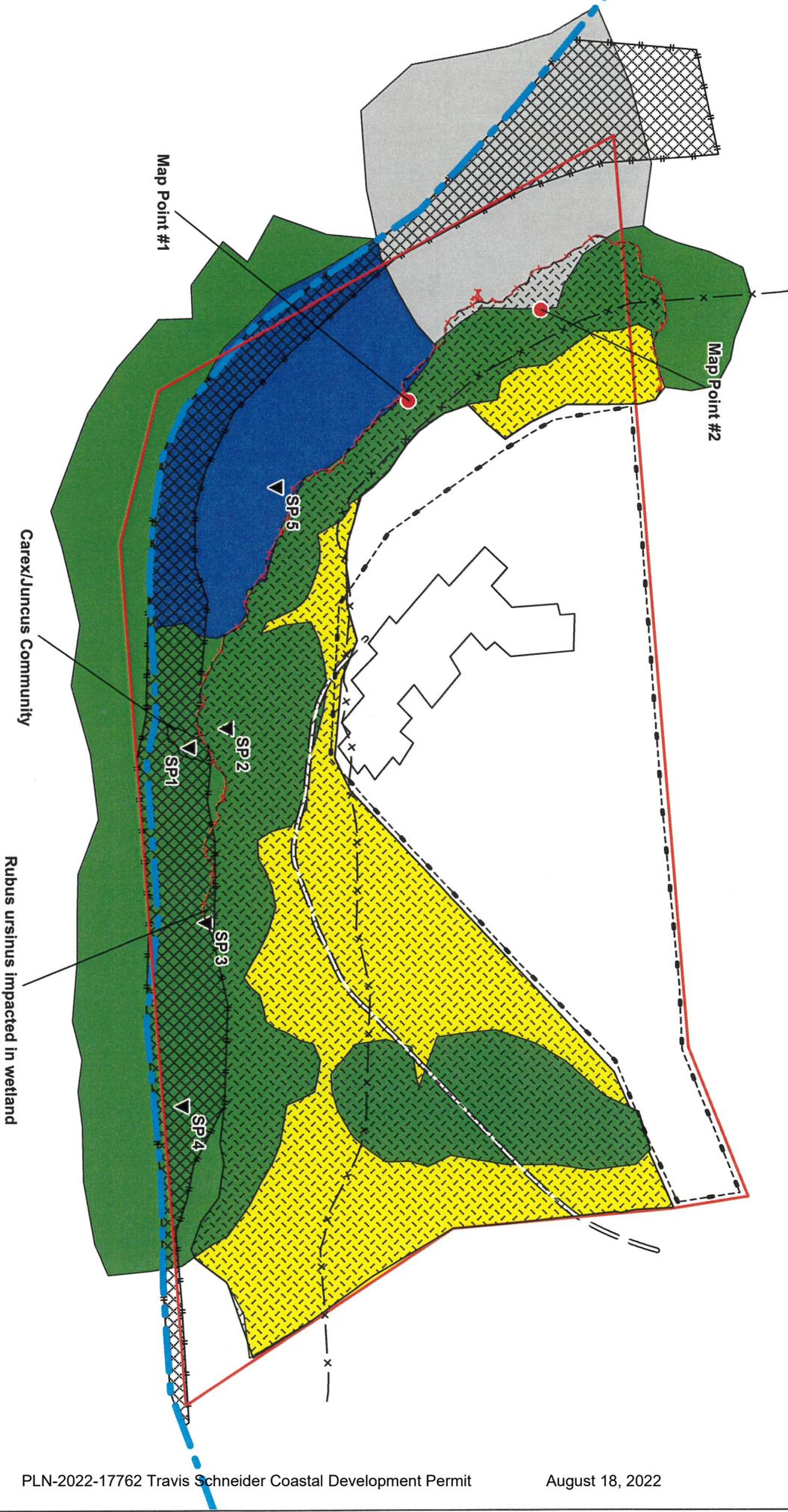
SP 4



Natural Communities Map

	Property Boundary		Structure		Alnus rubra / Salix lasiolepis / Rubus sp.	 NORTH
	3 Parameter Wetland		Limit of Disturbance		Salix hookeriana / Rubus sp.	
	Perennial Ditch		Sample Point		Rubus ursinus	
	CCA Wetland		100' CC Wetland Setback		Holcus lanatus - Anothxanthum odoratum	
	Mowed Area		Temporary Road		Canter Brush Clearing Line	

Located in the NW1/4 of Sec. 20, T5N, R1E, HB&M



ATTACHMENT 3
Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Public Works, Land Use Division	✓	Approval	On file
Building Department	✓	Approval	On file
Bear River Band	✓	Comments	On file and confidential
Blue Lake Rancheria	✓	Comments	On file and confidential
Wiyot Tribe		Comments	On file and confidential
California Coastal Commission		Comments	Attached
CDFW	✓	Comments	Attached
County Counsel			
County Dept of Environmental Health			
US Fish & Wildlife Service			
US EPA			
US Corps of Engineers			
Peninsula CSD			
Humboldt Bay Municipal Water District			
Samoa/Peninsula Fire Protection District			
North Coast AQMD			
CA Dept of Toxic Substances Control			
Cal-OSHA			
PG&E			
NCRWQCB (Water Board)			
Northwest Information Center	✓	Further Study, Consultation w/ Tribes	On file

June 27, 2022

John Ford, Director
Humboldt County Planning & Building Dept.
3015 H St.
Eureka, CA 95501

RE: Initial comments on Coastal Development Permit Modification No. PLN-2022-17762 (Travis Schneider, Applicant, 1506 & 1512 Walker Point Rd., APNs 402-171-030 and 402-171-029)

Dear Mr. Ford,

This letter provides initial comments on the referral materials for Planning Application Record No. PLN-2022-17762 posted on the County's "Citizen Access" website. We did not receive hard copies of the referral but we received an automated notice for the referral via email on May 23rd (sent on Friday, May 20, 2022 4:57 PM). Materials posted for review on the County's website include Site Plan, Application Form, Fee Schedule, Map Set, As Built Plans, Project Transmittal, Referral Cover Sheet, and Statement of Construction. Please note that "Construction Plans 05.12.2022" is listed as an attachment but unavailable for review/download. Other documents provided for review received between February and June via email from County staff or representatives from the Blue Lake Rancheria include (1) letter from Blue Lake Rancheria Tribal Administrator Jason Ramos dated 2/11/22, (2) Agreement between County and applicant regarding payment for archaeological study; (3) Botanical Survey Report dated 6/18/17 by James Regan; (4) brush clearing data points showing recent vegetation clearing on the subject site without CDP authorization; (5) "Interim Letter Report" dated 4/14/22 and Damage Evaluation report dated May 2022 by William Rich and Associates; (6) Aquatic Resource Delineation report dated 4/14/22 by Timberland Resource Consultants; (7) Supplemental Addendum to the Aquatic Resource Delineation report emailed 6/22/22 by County staff; and (8) *Final Tribal Cultural Resource Significance Statement, Damage Assessment, and Remediations Report* dated 6/6/22 submitted jointly by the Blue Lake Rancheria and Wiyot Tribe. We also reviewed our file copy of the original CDP for the site approved by the County on August 22, 2017.

Please consider the following initial comments and recommendations on permit procedures and considerations based on the scope of unpermitted development and impacts to coastal resources.

For a more accurate understanding of the scope of development and disturbance that has occurred below the 40-foot contour, **it would be helpful to reference the as-built (to date) development to the more accurate LiDAR 40-foot contour line.**

Referencing the more accurate topography data than that used in the Supplemental Addendum to the Aquatic Resource Delineation reveals a larger portion of the house below the 40-foot contour:



We recommend updating the map on page 8 of the Supplemental Addendum with the LiDAR contour rather than the 1974 USGS contour.

The findings for approval of the CDP state that the project could be found consistent with the cultural resources protection policies of the Humboldt Bay Area Plan (HBAP) in part because there would be no building below the 40-foot contour (and because of the inclusion of “Note 1” on the CDP with requirements to follow the inadvertent discovery protocols). **The CDP Modification (CDPM) should address the clear violation of CDP condition 8, any related impacts to cultural resources resulting from this permit violation, and necessary mitigation for any impacts.** We note that HBAP sec. 3.18 includes section 30244 of the Coastal Act as an enforceable policy, which requires:

Where new development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

In its consideration of approval of a modified building footprint under the CDPM that encroaches below the 40-foot contour, **the County should require the applicant to provide reasonable mitigation measures as recommended by the Tribes.**

HBAP sec. 3.18-B directs the following with respect to “reasonable mitigation measures”:

Reasonable mitigation measures may include but are not limited to:

- a. *Changing building and construction sites and/or road locations to avoid sensitive areas.*
- b. *Providing protective cover for sites that cannot be avoided.*
- c. *Where appropriate and with the approval of all parties concerned, provide for the removal or transfer of culturally significant material by a professional archaeologist or geologist.*

Extent of Unpermitted Development Below the 40-ft Contour & Within Wetland Setback

In addition to the building footprint and approved limits of disturbance encroaching below the 40-foot contour and within the 100-foot wetland setback inconsistent with the proposed project as approved by the County in 2017, there also appears to have been unpermitted development in these areas, including major vegetation removal. We note that there are two CDP conditions that impose limits on vegetation removal, including conditions 2 and 9:

2. The native blackberry (*rubus ursinus*) located on the parcel should be retained whenever possible as it provides cover, foraging and nesting habitat for a variety of bird species. Any vegetation/brush removal which may be necessary to clear the development footprint must be conducted outside of the bird breeding season (generally March 1 to August 15).
9. Development shall be consistent with the recommendations of the June 30, 1987 biological report for the site (Gail Newton & Associates 6/30/87, submitted with FMS-06-97), which include the following measures:
 - a) removal of no more than 30% of the coniferous trees outside the 100' wetland setback (removal of vegetation from within the designated "Wetland Protection Area" shall not be permitted except as provided in Section 3.30 of the Humboldt Bay Area Plan,
 - b) maintaining the diversity of the understory vegetation wherever possible, and the retention of all snags and dying trees where allowed by safety considerations.

Essentially, these conditions direct the applicant to minimize the removal of native blackberry on the parcel and prohibit the removal of vegetation within the designated “Wetland Protection Area.” It’s unclear whether the “Wetland Protection Area” coincides with the areas below the 40-foot contour, but we recommend the County confirm. In any case, **we recommend the County require an update to the Natural Communities Map in the Supplemental Addendum to add the LiDAR 40-foot contour to that map, which will clarify the scope and extent of unpermitted vegetation removal in the “Wetland Protection Area”** (assuming that area includes all areas below the 40-foot contour). We note that neither condition 2 nor condition 9 restrict future “major vegetation removal” but rather both refer simply to (in the case of condition 2) ANY

removal of native blackberry (e.g., via mowing) and (in the case of condition 9) no “removal of vegetation” (of any kind) in the “Wetland Protection Area.”

Because unpermitted vegetation removal occurred in areas outside of the approved limits of disturbance and in areas expressly prohibiting any vegetation removal under the CDP conditions, the CDPM must consider the scope of these impacts. The Supplemental Addendum quantifies these impact areas (snipped below), and the CDPM should address the necessary restoration of and any associated mitigation for impacts to these areas:

Natural Community	Area Impacted	Type of Impact	ESHA
<i>Alnus rubra</i> / <i>Salix lasiolepis</i> / <i>Rubus spp.</i>	0.03 acres (1,250 sf)	Mowing of <i>Rubus ursinus</i> and removal of 4 trees	Yes
<i>Rubus ursinus</i>	1.2 acres	Mowing and temporary road construction	Yes
1 Parameter Wetland	0.01 acres (440 sf)	Mowing of <i>Rubus ursinus</i>	Yes

We recommend the CDPM consider vegetation removal in all of the above areas rather than simply vegetation removal in the amount of 440 square feet of blackberries removed in the wetland area.

ESHA Determination

We appreciate the clarifications provided in the Supplemental Addendum related to wetland parameter determinations.

Regarding questions in email correspondence about the extent and scope of ESHA, we note the Supplemental Addendum identifies areas with *Rubus ursinus* as ESHA, which we agree with (and which CDFW has confirmed its agreement with), since these areas are associated with the riparian habitat of Fay Slough, an identified ESHA type under HBAP sec. 3.30-B-1:

- (1) *Wetlands and estuaries, including Humboldt Bay and the mouth of the Mad River.*
- (2) *Vegetated dunes along the North Spit to the Mad River and along the South Spit.*
- (3) *Rivers, creeks, gulches, sloughs and associated riparian habitats, including Mad River Slough, Ryan Slough, Eureka Slough, Freshwater Slough, Liscom Slough, Fay Slough, Elk River, Salmon Creek, and other streams.*
- (4) *Critical habitats for rare and endangered species listed on state or federal lists.*

Because unpermitted vegetation removal occurred in areas outside of the approved limits of disturbance and in areas expressly prohibiting any vegetation removal under CDP conditions 2 and 9, and because these unpermitted activities impacted ESHA as delineated in the Supplemental Addendum and as identified under the HBAP, and because these impact areas overlap with the sensitive cultural resource area (which is not shown on the Natural Communities Map though it would be helpful if it was), **we recommend the CDPM require appropriate restoration and mitigation for 53,962 square feet of impact areas identified as ESHA as recommended by the Tribes.**

We appreciate the County's consideration of these comments and would be happy to meet to discuss.

Sincerely,

A handwritten signature in black ink that reads "Melissa B. Kraemer". The signature is fluid and cursive, with the first name being the most prominent.

Melissa B. Kraemer
North Coast District Manager

ec: adam@wiyot.us; anacanter@brb-nsn.gov; ted@wiyot.us;
melaniemccavour@brb-nsn.gov; dholsapple@bluelakerancheria-nsn.gov;
jana.ganion@bluelakerancheria-nsn.gov; wcr@williamrichandassociates.com;
Michael.VanHatten@wildlife.ca.gov; Gregory.OConnell@Wildlife.ca.gov;
jpeidsness@yahoo.com; Joshua.Levine@coastal.ca.gov

From: [Kraemer, Melissa@Coastal](mailto:Kraemer.Melissa@Coastal)
To: [Ford, John](mailto:Ford,John); ted@wiyo.com; [Jason Ramos](mailto:Jason.Ramos); [Janet Eidsness](mailto:Janet.Eidsness); [Melanie McCavour](mailto:Melanie.McCavour); [Levine, Joshua@Coastal](mailto:Levine.Joshua@Coastal); [Adam; Daniel Holsapple](mailto:Adam.Daniel.Holsapple)
Cc: [Johnson, Cliff](mailto:Johnson,Cliff)
Subject: RE: Walker Point Schneider Residence
Date: Monday, August 8, 2022 6:14:07 PM
Attachments: [image001.png](#)

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

John

We have some comments:

1. We suggest it would not be appropriate to lift the stop work order, at least not on the unauthorized portions of the development, until the County's action is final (CDP Modification is issued) – not simply upon Planning Commission approval. There will be a time gap between PC approval and CDPM issuance while the local and state appeal periods run. If an appeal were to be received, either locally to the Board and/or to the Coastal Commission, the County's action would not be final until the appeal process was complete. Therefore, we request that timing in the condition be tied to finality of County action/issuance of CDPM rather than date of Planning Commission action.
2. Before everyone agrees with the responses and stipulations in Mr. Johnson's letter, would it be helpful to have an updated map that shows the "agreed upon" wetland setback area. The letter refers to "as discussed and depicted" in the August 2nd meeting, but as I recall there were no well defined lines depicted during the Zoom call, and also some people were having bandwidth issues so were unable to see the shared screen/maps. Perhaps the County can circulate an updated map that shows some of the key features at issue and referenced in the letter, including wetland setback area, planting area, restoration area, fence line, easement area, etc. We understand the desire to finalize things in time for the August 18th agenda, but without having the information needed to inform the County's decision on hand and circulated ahead of time, perhaps it would be prudent to delay a bit longer and schedule for a subsequent PC agenda.
3. We have not yet offered comments on the July 18th Restoration Plan, which was only recently circulated. The plan proposes plantings of willows, alders, and blackberry to mitigate damage caused by unpermitted activities. A map is not included with the plan but would be helpful to understand where plantings are proposed. Does the Restoration Plan also address road removal? It's unclear. We note that Mr. Johnson suggests circulating the plan to the THPOs and Adam Canter for comment, and because those comments haven't yet been received (that we're aware of), perhaps that is another reason to delay bringing this to the PC until comments can be received and integrated

into an updated revised plan. Perhaps the plan should be updated to clarify/depict specify restoration details/plans for riparian impact areas, wetland impact areas, blackberry impact areas, and road removal/restoration areas. Did CDFW ever comment on the plan?

In terms of Coastal Commission staff comments – we would suggest provisions be included for monitoring beyond the proposed three years if the success standard isn't reached in that time frame (e.g., if plants die in year 3, and additional plantings occur thereafter, there should be an additional three years of monitoring). We also recommend the County consider requiring additional plantings above and beyond what's proposed (which is associated with the violation/unpermitted development) in order to make the findings for consistency with the ESHA/riparian protection policies of the LCP. Because the County is considering whether or not to approve a reduced setback, and because the HBAP requires certain minimum setback distances from ESHA/wetlands/riparian areas (typically 100-200 feet), and because those minimum setbacks won't be provided in this case, the County's consideration of the CDPM should evaluate (ideally based on an analysis from a qualified biologist) whether a setback distance of less than the prescribed LCP standard (for the house encroachment within 100 feet) is adequate to protect the resources of the ESHA. In some cases, a reduced setback may be sufficient but only with certain additional mitigation measures, such as enhancement planting and other measures. The existing Restoration Plan on file doesn't address the idea of planting/enhancement from this context; it only addresses mitigation/restoration related to unpermitted development/damage. Has the County communicated with CDFW on this question of reduced setback adequacy? If not, this may be another good reason to postpone agendizing this on the Aug 18th PC hearing.

4. The wood fence was discussed as appropriate as a symbolic permanent feature to separate the residential uses/curtilage from the sensitive wetland, ESHA, and arch. resources buffers. In addition to the fence protection, we recommend the County impose a condition that expressly lists the restrictions within the protected area – i.e., list out future uses and development that may be allowed within the restricted area (e.g., mowing? It is important to specify future development and uses that are allowed in the restricted area, potentially subject to future CDP authorization, if needed). When the Coastal Commission deals with CDPs that impose restrictions on future uses and development in sensitive areas of a property, we normally impose conditions requiring applicants to execute and record a deed restriction over the open space area which clearly describes the restrictions on development and uses in the designated open space area. The record document should include a legal description and corresponding graphic depiction of the legal parcel subject to the permit as well as a metes and bounds legal description and a corresponding graphic depiction, drawn to scale, of the designated open space area prepared by a licensed surveyor. The deed restriction

should run with the land, binding successors and assigns of the applicant/landowner in perpetuity. We recommend imposing this type of condition on this permit and provide you with example language if needed.

5. Mr. Johnson's letter requests that the drainage plan be required 30 days after the PC's approval. Since there is no draft drainage plan in place at this time (that we're aware of), the County's conditions should specify the minimum contents and goals of the required plan. Presumably the plan should provide for appropriately directing runoff away from sensitive areas in a manner that will not lead to concentrated stormwater runoff, etc. The Tribes may have further thoughts on this.
6. With respect to the conservation easement, Mr. Johnson's letter states that the applicant should not be required to provide an endowment for the easement. As discussed at the meeting the other day, the applicant should be required to pay for the costs associated with the Tribes' involvement in monitoring, restoration oversight, and Unit 6 stabilization and recovery. We recommend conditions of the CDPM make this clear.
7. We also suggest that the County's CDPM specify through conditions that the Tribes shall be allowed access to the cultural site via the applicant's property. It's premature to assume that the Tribes will be able to access the cultural site via the existing 10-foot-wide easement along the outer perimeter of the applicant's property that is held by a separate individual (and it's unclear what the current state of that access easement is – e.g., it's possibly routed through/along a wetland overgrown with dense blackberries and other brush so may not be accessible). So we recommend the CDPM specify the access arrangement for the Tribes across the applicant's property (with 24-hour notice as requested by the applicant) for both the short-term (during the restoration plan time frame) and any long-term access arrangements.

Finally, Mr. Johnson's letter near the end states that they believe the PC's approval of the CDPM "would comprise a 'complete resolution' to this matter" with the Coastal Commission, County, and the three Tribes. We do not agree with that statement, because as mentioned earlier, the PC's action is not final until after the Commission's appeal period has completed and no appeals have been filed.

Thanks

Melissa

From: Ford, John <JFord@co.humboldt.ca.us>

Sent: Friday, August 5, 2022 4:38 PM

To: ted@wiyot.us; Jason Ramos <jramos@tgc.bluelakerancheria-nsn.gov>; Janet Eidsness

<jpeidsness@yahoo.com>; Melanie McCavour <hcpcmccavour@gmail.com>; Kraemer, Melissa@Coastal <Melissa.Kraemer@coastal.ca.gov>; Levine, Joshua@Coastal <Joshua.Levine@coastal.ca.gov>; Adam <adam@wiyot.us>; Daniel Holsapple <dholsapple@bluelakerancheria-nsn.gov>

Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>

Subject: Walker Point Schneider Residence

Good Afternoon:

Please find attached a letter from Travis Schneiders Attorney agreeing with the 11 provisions put forward by the Wiyot and Blue Lake Tribes. There are a couple of requests including:

1. Advance notice of inspections by Tribal monitors.
2. Lifting the Stop Work Order upon Planning Commission approval.

We will start work on drafting the conditions to implement these provisions.

Please let me know if you have any questions.

John

John H. Ford
Director of Planning and Building
(707) 268-3738



From: O'connell, Gregory@Wildlife
To: Johnson, Cliff
Cc: Bauer, Scott@Wildlife; Van Hatter, Michael@Wildlife; McDonald, Kelsey@Wildlife; Levine, Joshua@Coastal; Kraemer, Melissa@Coastal
Subject: RE: Walker Point Aquatic Resources Delineation
Date: Thursday, June 23, 2022 2:46:50 PM

Hi Cliff. Thanks for the opportunity to review the April 14, 2022 Aquatic Resource Delineation and the June 15, 2022 Supplemental Addendum for APN 402-171-030.

Based on data presented for Sample Point #5, vegetation does not meet hydrophytic criteria for the dominance test nor the prevalence index using the Western Mountains, Valleys, and Coast Regional Supplement to the Corps of Engineers Wetland Delineation Manual. Based on my observations during our March 1, 2022 site visit, I was surprised that the delineation did not find a fringe area with hydrophytic vegetation (e.g. alders/willows) extending beyond what was mapped as a 3-parameter wetland. More sample point locations would have been helpful. Nonetheless, the Supplemental Addendum report does appear to sufficiently characterize vegetation types that qualify as Sensitive Natural Communities (SNCs). I would have expected development buffer distances to start at the edge of these SNCs. Not only did the project not buffer them, they were directly impacted in some areas. It is possible that well-planned disturbance that mimics natural disturbance events could benefit some natural communities; however, I saw no indication from adjacent, undisturbed SNCs that such types of treatment would be needed or appropriate at this time and location. As a result, I think it would be appropriate for the project to mitigate for direct impacts and encroachment into buffer areas.

I'm happy to schedule a call or meeting to discuss further. Thanks again,

Greg O'Connell | Senior Environmental Scientist (Specialist) | North Coast Caltrans Liaison - Eureka Field Office | Gregory.OConnell@Wildlife.ca.gov |

From: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Sent: Tuesday, June 21, 2022 10:07 AM
To: O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>; Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>; Van Hatter, Michael@Wildlife <Michael.VanHatter@wildlife.ca.gov>; McDonald, Kelsey@Wildlife <Kelsey.Mcdonald@Wildlife.ca.gov>
Subject: Walker Point Aquatic Resources Delineation

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hi all,

I'd appreciate a look at these wetland delineation and sensitive natural community reports. The primary thing I need some help on is the determination of Sample Point 5 as not qualifying as a one parameter wetland under the Coastal Act. The assessment is that there is only 50% prevalence of a

FACW species (salix). The data form shows 70% cover of salix at this point. Secondly, an opinion on the impact analysis of the rubus/salix alliance would be helpful. The conclusion of the biologist appears to be that the disturbance stimulated additional salix dispersal which may be positive. Greg has been to the site at least once.

Cliff

|

ATTACHMENT 4
CDP-17-016 Documents Including Staff Report, Building Permit Site Plan and Correspondence
Regarding Stop Work Order

PROJECT INFORMATION

OWNERS: MICHAEL & AUDREY BODE
 APPLICANT: TRAVIS SCHNEIDER & STEPHANIE BODE
 APPLICANT ADDRESS: 990 W. WATERFRONT DRIVE
 EUREKA, CA 95501
 DRAFTSPERSON: BRIANNE AVELAR
 ENGINEER: PACIFIC AFFILIATES, TRAVIS SCHNEIDER
 PROJECT ADDRESS: 1506 WALKER POINT ROAD
 BAYSIDE, CA 95524
 APN #: 402-171-030

OWNER: GEORGE + MARY SCHMIDBAUER
 402-171-031
 53.41 ACRES
 (VACANT RURAL RESIDENTIAL)

OWNER: TRAVIS SCHNEIDER + STEPHANIE BODE
 402-171-030
 33.5 ACRES
 (VACANT RURAL RESIDENTIAL)

PROJECT DESCRIPTION

PROPOSED 7,564 SQ. FT. RESIDENCE

ABBREVIATIONS

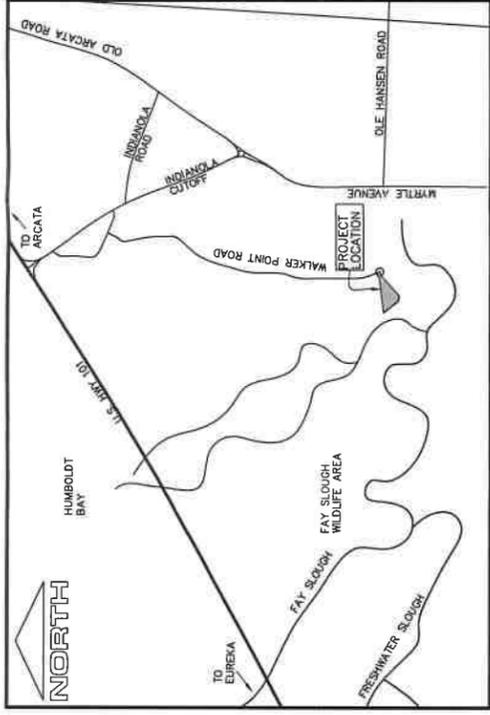
- <E> EXISTING
- <P> PROPOSED
- DWTY DRIVEWAY
- ESMT EASEMENT
- R/W RIGHT OF WAY

PLANT LIST

SYMBOL	SIZE	QUANTITY	SPECIES	COMMON NAME
	15 GAL.	24	PICEA SICHENSIS	SITKA SPRUCE

LEGEND

- EXISTING DRAINAGE DIRECTION
- SUBJECT PROPERTY LINES
- PROPERTY LINES
- EASEMENT LINE
- LIMITS OF DISTURBANCE
- FIBER ROLL
- <P> PARKING SPACE
- <P> CONCRETE
- <P> AC PAVING



REVISIONS BY

PACIFIC AFFILIATES
 CONSULTING ENGINEERS
 990 W. WATERFRONT DRIVE, EUREKA, CA 95501
 TEL (707) 445-3001 FAX (707) 445-3003

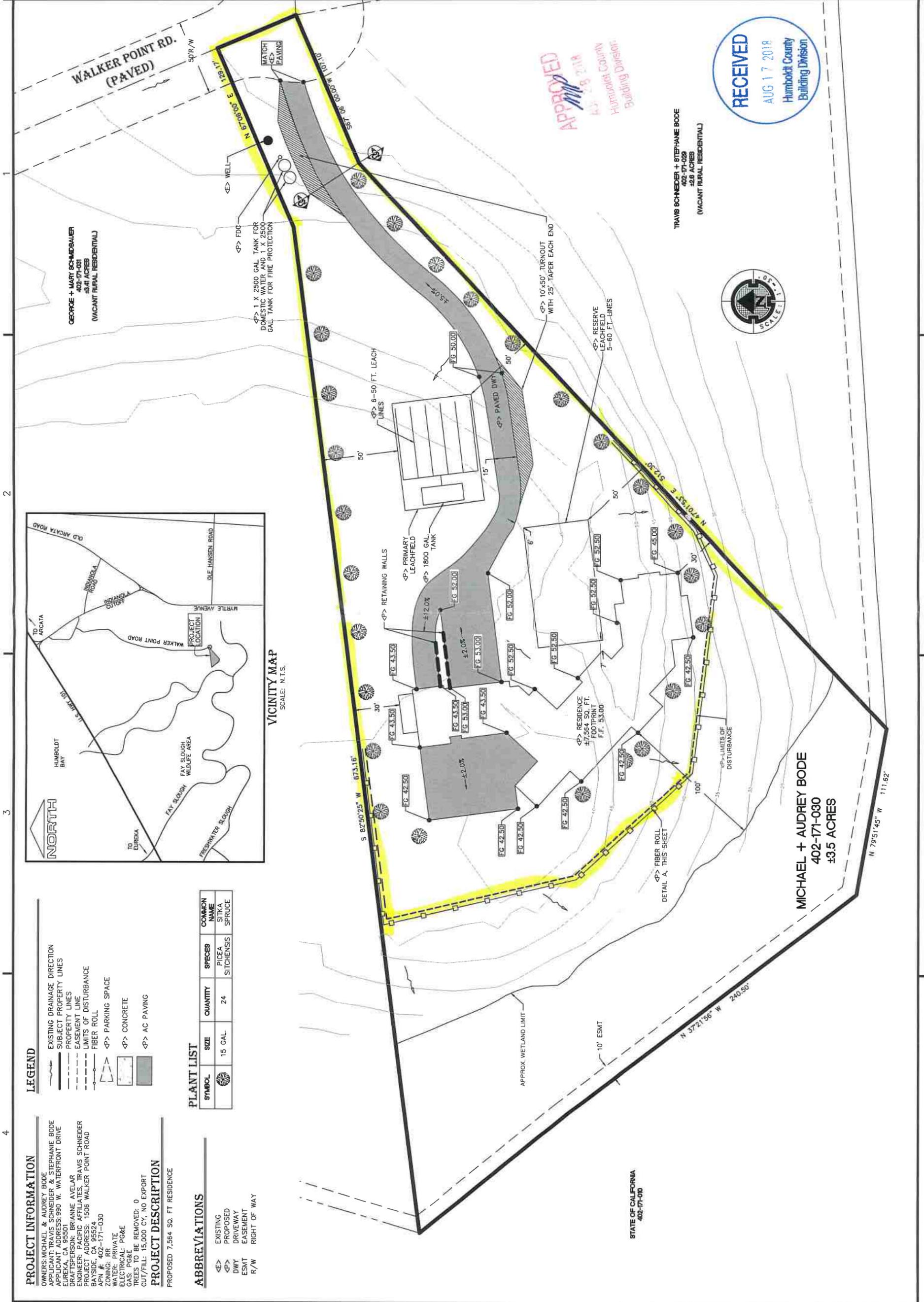


GRADING AND EROSION CONTROL PLAN

PACIFIC AFFILIATES, INC. HEREBY EXPRESSLY RESERVES ITS COMMON LAW RIGHTS AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS AND THE SERVICES AND WORK THEREUNDER SHALL BE CONSIDERED VOID WITHOUT WRITTEN PERMISSION AND CONSENT FROM PACIFIC AFFILIATES, INC. AND ARE THEREBY ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING WRITTEN PERMISSION AND CONSENT FROM PACIFIC AFFILIATES, INC.

WALKER POINT ROAD PROPERTY
 1506 WALKER POINT ROAD
 BAYSIDE, CA 95521
 APN 402-171-030

Date: AUGUST 15, 2018
 Scale: 1"=30'
 Drawn by: BRA
 SHEET NUMBER: C-1
 JOB NUMBER: 17-2068



APPROVED
 AUG 15 2018
 Humboldt County
 Building Division

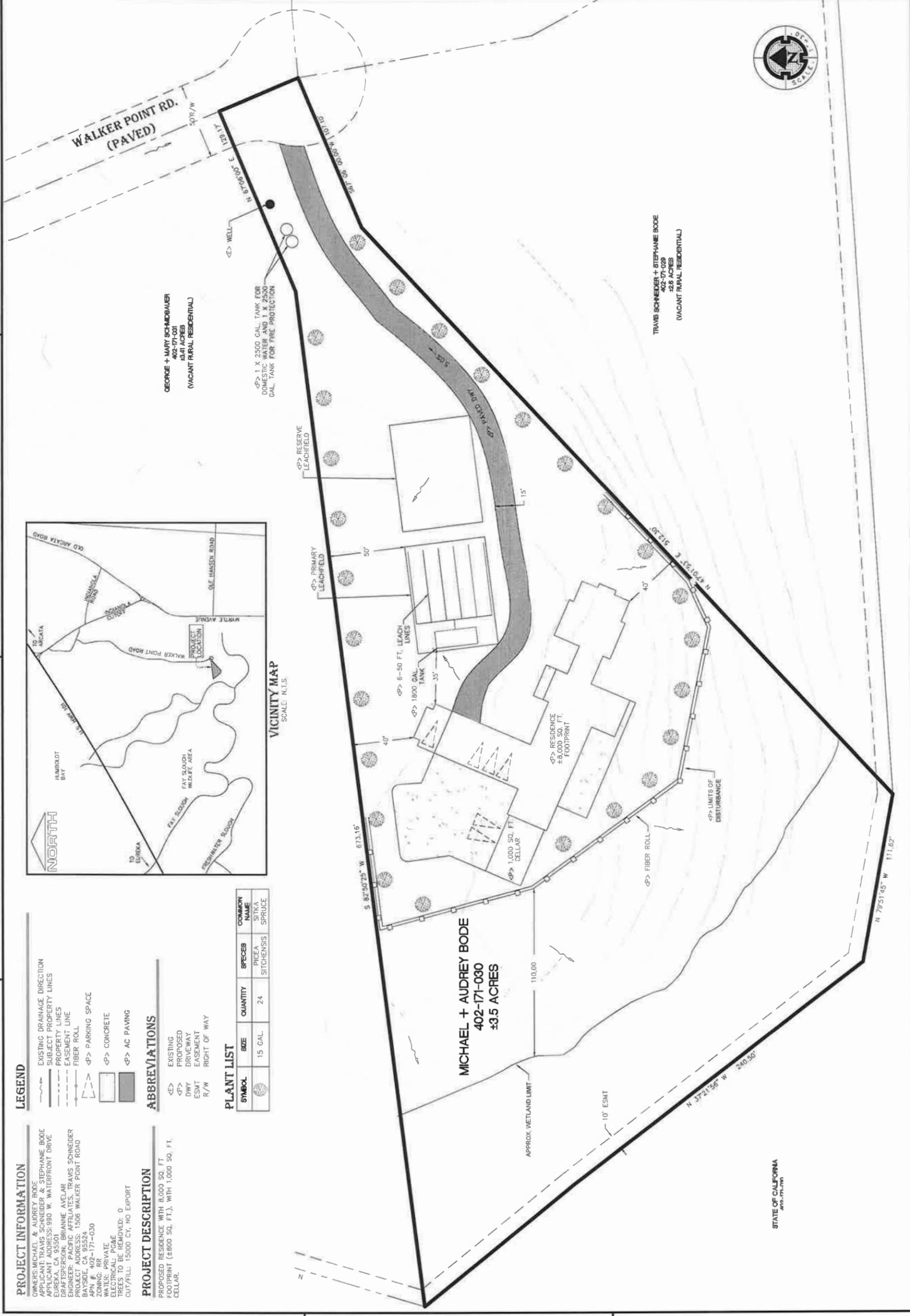
RECEIVED
 AUG 17 2018
 Humboldt County
 Building Division



MICHAEL + AUDREY BODE
 402-171-030
 ±3.5 ACRES

TRAVIS SCHNEIDER + STEPHANIE BODE
 402-171-030
 33.5 ACRES
 (VACANT RURAL RESIDENTIAL)

STATE OF CALIFORNIA
 402-171-030





COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

January 19, 2022

Travis Schneider
990 W. Waterfront Dr.
Eureka, CA 95501

RE: PLN-13528-CDP & BLD-43185
APN: 402-171-030; Eureka area

Mr. Schneider:

As you are aware, a Stop Work Order was posted on the above referenced property on December 27, 2021. Additional work was documented by the Building Department as occurring on the structure on December 30, 2021 in violation of the Stop Work Order. Further, by email to Keith Ingersoll, County Building Official, on January 3, 2022 you indicated that you would not stop working on the residence. Failure to comply with a stop work order is subject to code enforcement action that includes significant administrative penalties. By this letter you are notified that any further violations of this stop work order will result in code enforcement action and may result in revocation of both the Building Permit and the Coastal Development Permit.

The Stop Work Order was posted due to violations of both the approved Coastal Development Permit (CDP) and Building Permit. Conditions of approval identified areas that were to remain off-limits to disturbance due to their ecological and cultural sensitivity. Specifically Coastal Development Permit COA #8 states that all areas below the 40 foot contour were to be marked as non-buildable and this is identified on the approved grading and erosion control plan for the Building Permit, and COA #9 required compliance with all recommendations of the June 30, 1987 biological report for the site, including observance of 100 foot wetland setbacks. CDP Informational Notes #1 includes an Inadvertent Archaeological Discovery Protocol and asserts the applicant is ultimately responsible for ensuring compliance with this condition. Grading and vegetation removal (grass mowing in a wetland and removal of riparian vegetation) has occurred outside of the marked limit of disturbance on the approved Building Permit site plan.

This unauthorized work below the 40-foot contour and outside the approved limits of disturbance is in violation of the permit conditions and has damaged known Tribally

significant archaeological resources (CA-HUM-53; Roscoe 1998; Eidsness 1987) and possibly sensitive biological resources. An assessment of damage to both biological and archaeological resources must be completed before this Stop Work Order will be lifted. Due to the known archaeological site that was required to be protected within the mapped non-buildable area the County proposes to hire, at your expense, a qualified archaeologist to conduct a damage assessment and mitigation plan as required per the conditions of the Inadvertent Discovery Protocol of the Coastal Development Permit. The County has already been in contact with a qualified archaeologist recommended by the Wiyot area Tribes (Blue Lake, Wiyot and Bear River). In order to proceed a deposit of \$5,000.00 must be submitted to Humboldt County, so that the archaeological damage assessment may proceed. By this letter, we are notifying you that the Tribal Historic Preservation Officers and County Planning Department representatives will inspect the non-buildable area at the project site on Walker Point on Monday, January 24, 2022, to inspect the known Wiyot cultural site.

Further, you will need to hire a qualified biologist to map the Environmentally Sensitive Habitat Areas (ESHA) adjacent to the grading and disturbance that occurred outside of the approved development areas to identify any potential necessary remedial actions. Remedial actions to protect affected resources may require a modification of the approved Coastal Development Permit.

It is the objective of the County to resolve this as quickly and efficiently as possible. The impacts to archaeological and biological resources require immediate action. Please call me at (707) 268-3721 or email me at cjohnson@co.humboldt.ca.us if you have any questions.

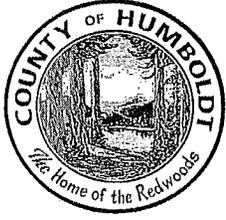
Sincerely,



Cliff Johnson, Supervising Planner
Planning and Building Department

Enclosure: Approved permit and site plans, invoice for deposit

Owner



COUNTY OF HUMBOLDT
Planning and Building Department
3015 H Street, Eureka, CA 95501
Phone (707)445-7541

Invoice No.: **BDI22-0118**

Invoice Date: **01/19/2022**

**Please include Invoice No. on
Check.**

INVOICE

RECORD INFORMATION

Applicant: Pacific Affiliates

990 W Waterfront Dr
Eureka, CA 95501

Record ID: BLD-43185-NA

Property Address: 1506 Walker Point Rd, Bayside, CA 95524

Parcel Number: 402-171-030-000

Description of Work: Schneider AOB residence

FEE DETAIL

Fee Description	Fee Notes	Fee Amount
Investigation Fee	Archaeological Resource Dam:	\$5,000.00
		<hr/>
		\$5,000.00

ADMINISTRATIVE ITEM TRANSMITTAL

Effective Date	Subject	Contact
September 7, 2017	Coastal Development Permit & Special Permit	Michael Wheeler

Project Description: A Coastal Development Permit and Special Permit for a single family residence on a 3.5 acre parcel. Applicant proposes an approximately 8,000 s.f. residence with attached 1,000 s.f. cellar, four garage parking spaces and two driveway parking spaces. The structure is to be split level, single story, with a daylight basement and height of above 24 feet above grade. The parcel will be served by an onsite well and sewage disposal system. The project involves about 1500 c.y of cut and fill and there will be no export of material. No trees are proposed to be removed. All development will take place at least 100 feet from any wetland habitat. The Special Permit is required for Design Review.

Project Location: The project is located in Humboldt County, in the Indianola area, on the west side of Walker Point Road, approximately 0.9 miles south of the intersection of Indianola Road and Walker Point Road, on property known as 1506 Walker Point Road.

Present Plan Land Use Designations: Rural Residential (RR), Humboldt Bay Area Plan (HBAP), Density: One dwelling unit per 3 acres, Slope Stability: Relatively Stable (0) and Low Instability (1)

Present Zoning: (RA2.5/D,F,W,A) Rural Residential Agriculture-Minimum lot size 2.5 acres (RA-2.5), Archaeological Resource Area Outside Shelter Cove (A), Design Review (D), Flood Hazard Areas (F), Coastal Wetlands (W)

Case Numbers: CDP 17-016, SP 17-015

Application Number: 13528

Assessor Parcel Number: 402-171-030-000

Applicant

Travis Schneider
990 W. Waterfront Dr.
Eureka, CA 95501

Owner

Bode Michael D & Audrey
1370 Walker Pt Rd
Bayside, CA 95524

Agent

None

Environmental Review: No. CEQA Exemption Section: 15303-New Construction/Small Structures

State Appeal Status: Project is NOT appealable to the California Coastal Commission

Major Issues: None

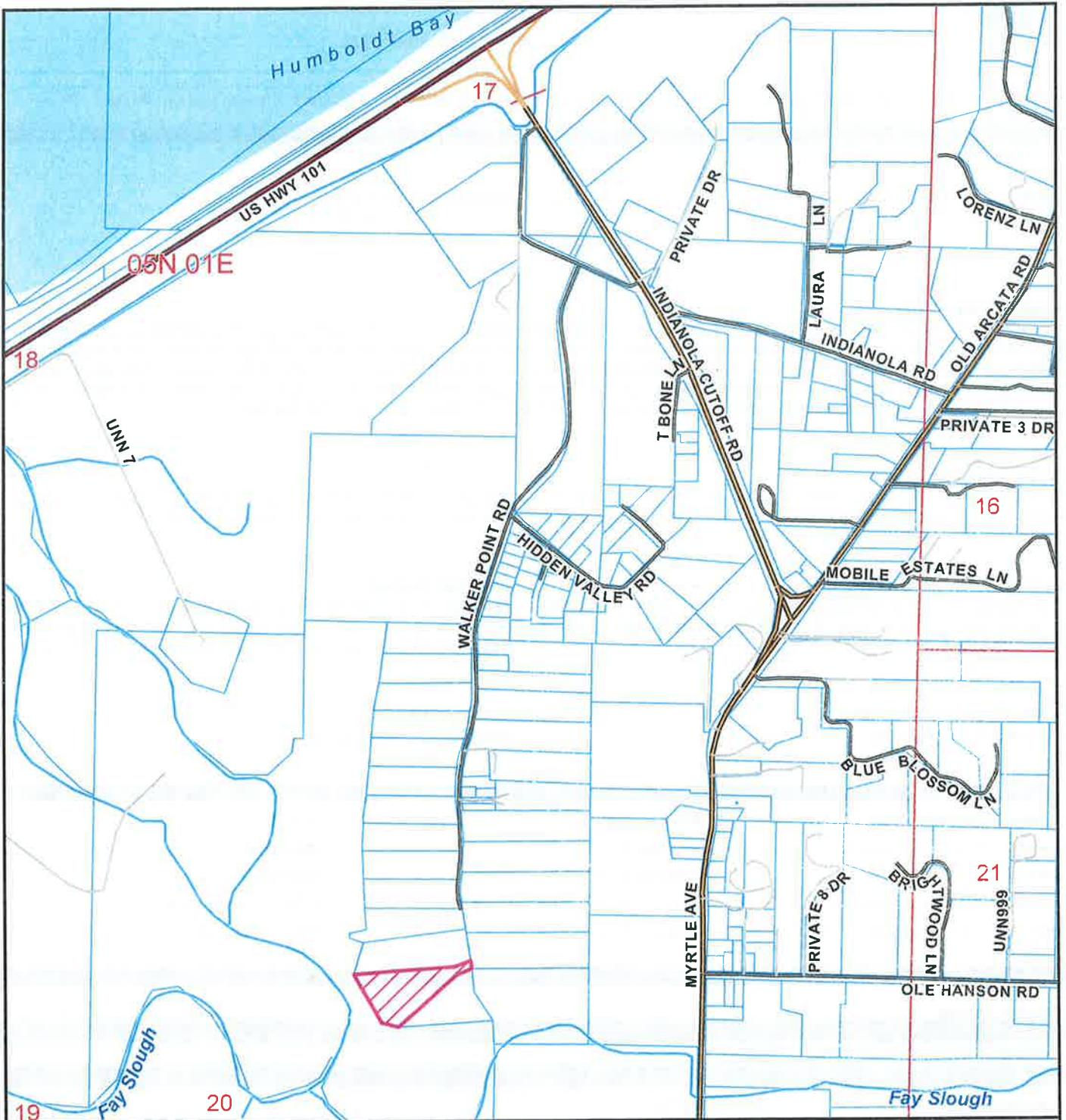
Record of Action:

- Approved as recommended by the Planning Division.
- Approved with the attached revisions.
- Denial based on findings in the staff report.

August 22, 2017
Approval Date



John Ford
Director of Planning and Building Department



LOCATION MAP

**PROPOSED SCHNEIDER
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT
WALKER POINT AREA
CDP-17-016/SP-17-015
APN: 402-171-030
T05N R01E S20 HB&M (Arcata South)**

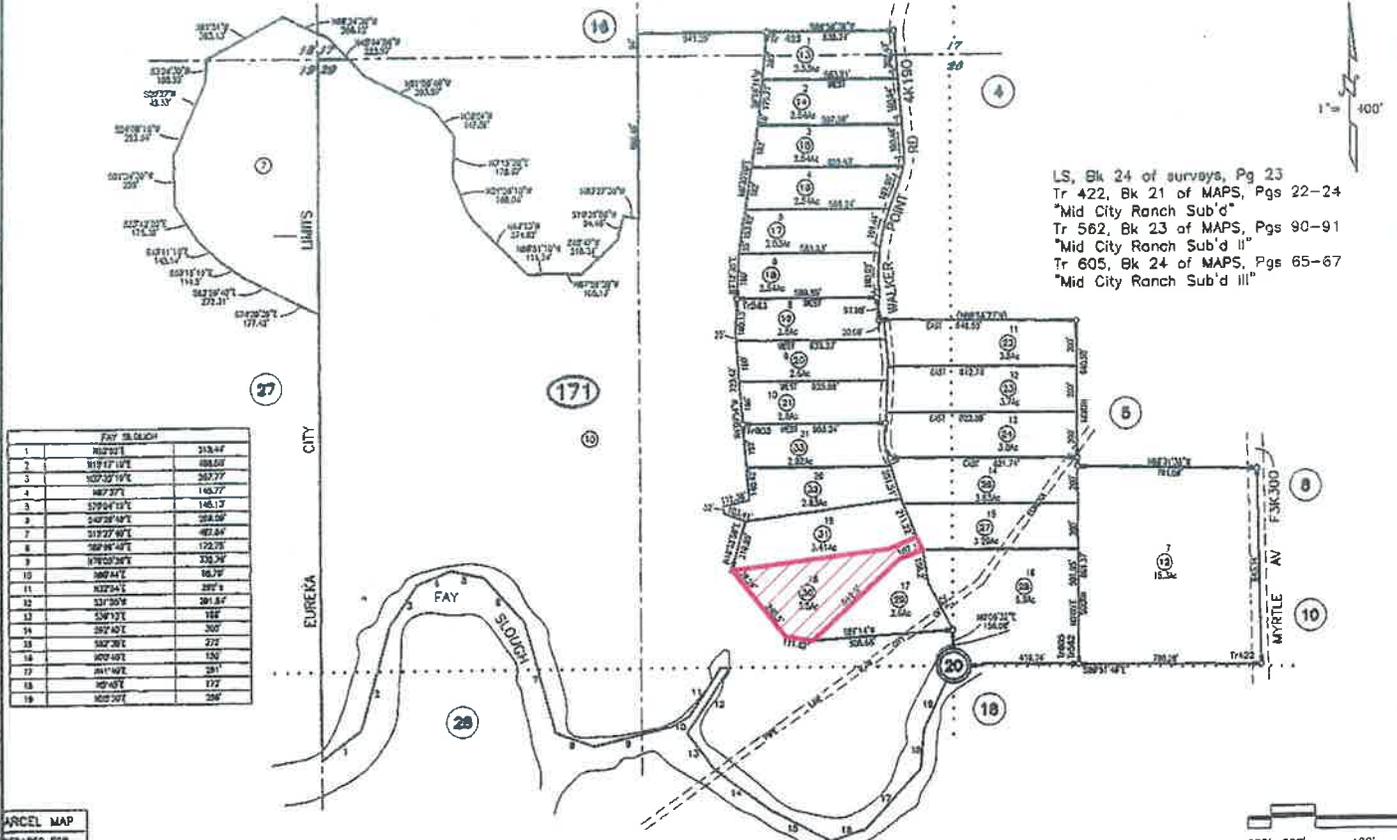
Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



P.T.N OF SECS 17,18,19 & 20 T5N, R1E H.B.& M.

402-17



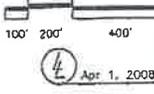
LS, Blk 24 of surveys, Pg 23
 Tr 422, Bk 21 of MAPS, Pgs 22-24
 "Mid City Ranch Sub'd"
 Tr 562, Bk 23 of MAPS, Pgs 90-91
 "Mid City Ranch Sub'd II"
 Tr 605, Bk 24 of MAPS, Pgs 65-67
 "Mid City Ranch Sub'd III"

FAY BLOCK		
1	N62°22'E	213.44'
2	N19°17'10"E	188.60'
3	N07°32'19"E	267.77'
4	N87°37'E	146.77'
5	S79°04'12"E	148.17'
6	S47°28'40"E	254.50'
7	S17°22'40"E	487.84'
8	S69°46'40"E	172.28'
9	N76°23'30"E	332.34'
10	S60°44'E	16.73'
11	N32°54'E	287.5'
12	S37°30'30"E	281.84'
13	S36°17'E	188'
14	S87°45'E	300'
15	S82°28'E	272'
16	N02°40'E	150'
17	N41°40'E	281'
18	N0°43'E	172'
19	S02°20'E	286'

PARCEL MAP
 PREPARED FOR
 RECORD ONLY.
 ASSUMED FOR
 THE DATA SHOWN
 HEREIN MAY NOT
 BE A LOT-SPLIT
 OR OTHERWISE

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk.402, Pg.17
 County of Humboldt, CA.

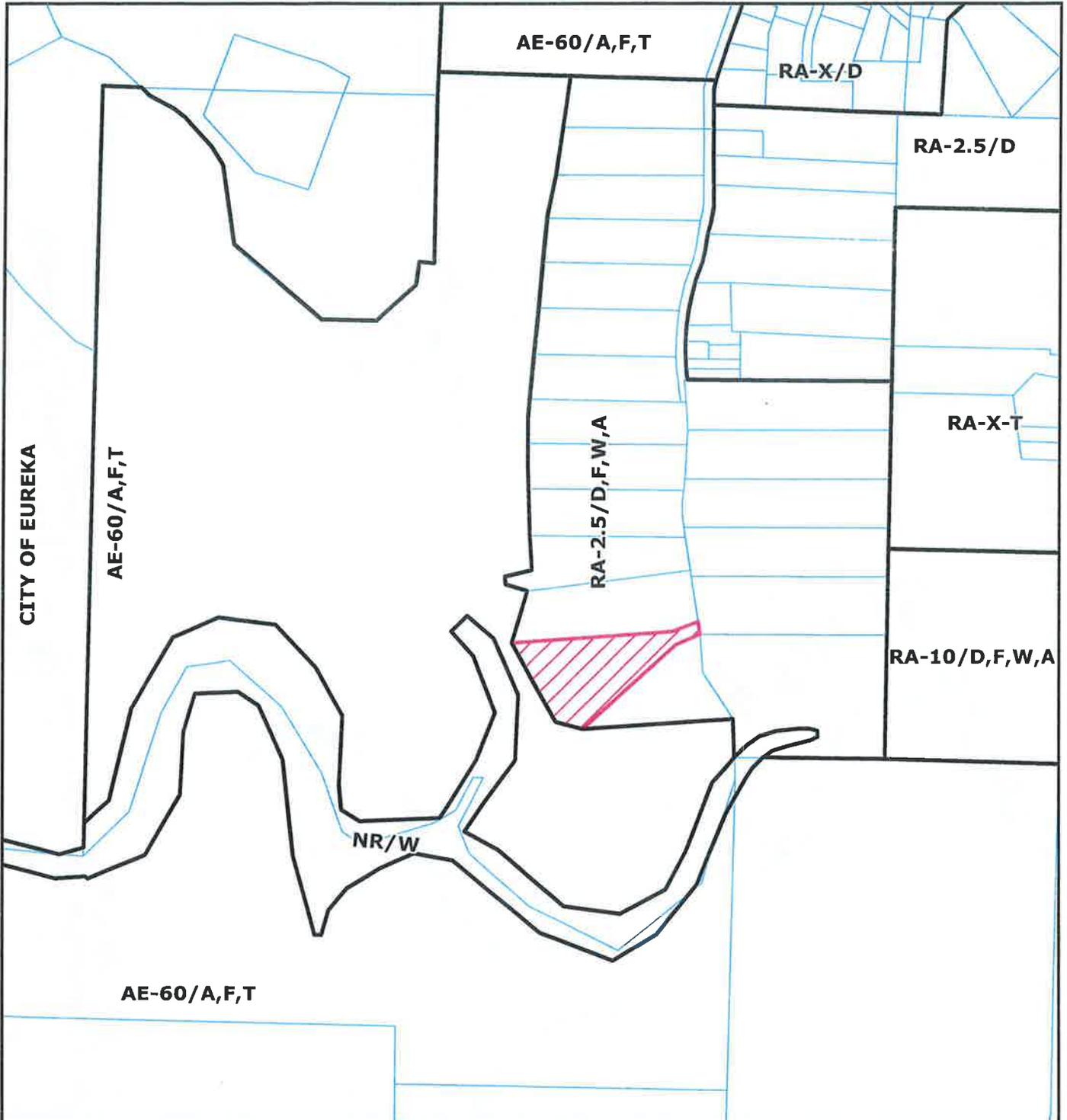


ASSESSOR PARCEL MAP
PROPOSED SCHNEIDER
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT
WALKER POINT AREA
CDP-17-016/SP-17-015
APN: 402-171-030
T05N R01E S20 HB&M (Arcata South)

Project Area =

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

MAP NOT TO SCALE



ZONING MAP

**PROPOSED SCHNEIDER
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT**

**WALKER POINT AREA
CDP-17-016/SP-17-015**

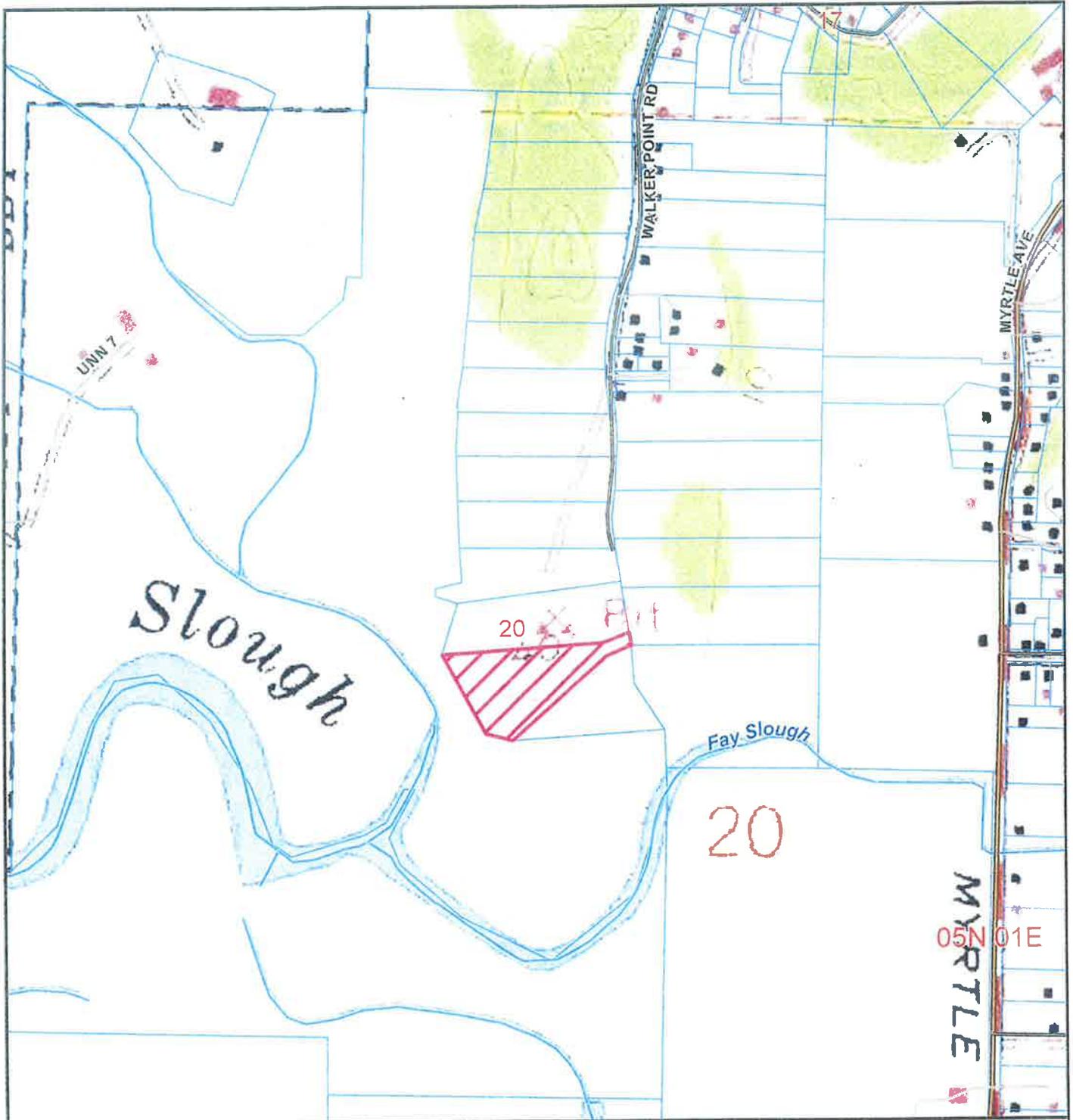
APN: 402-171-030

T05N R01E S20 HB&M (Arcata South)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





TOPO MAP

**PROPOSED SCHNEIDER
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT**

**WALKER POINT AREA
CDP-17-016/SP-17-015**

APN: 402-171-030

T05N R01E S20 HB&M (Arcata South)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





AERIAL MAP

**PROPOSED SCHNEIDER
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT
WALKER POINT AREA
CDP-17-016/SP-17-015
APN: 402-171-030
T05N R01E S20 HB&M (Arcata South)**

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 Feet



REVISIONS	BY

PACIFIC AFFILIATES
CONSULTING ENGINEERS
990 W. WATERFRONT DRIVE, EUREKA, CA 95501
TEL (707) 445-3001 FAX (707) 445-3003



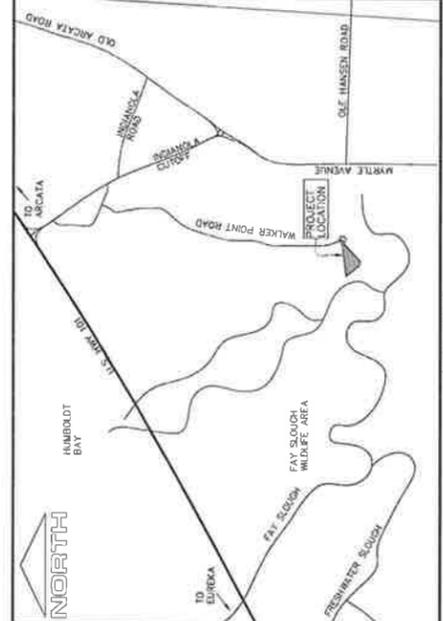
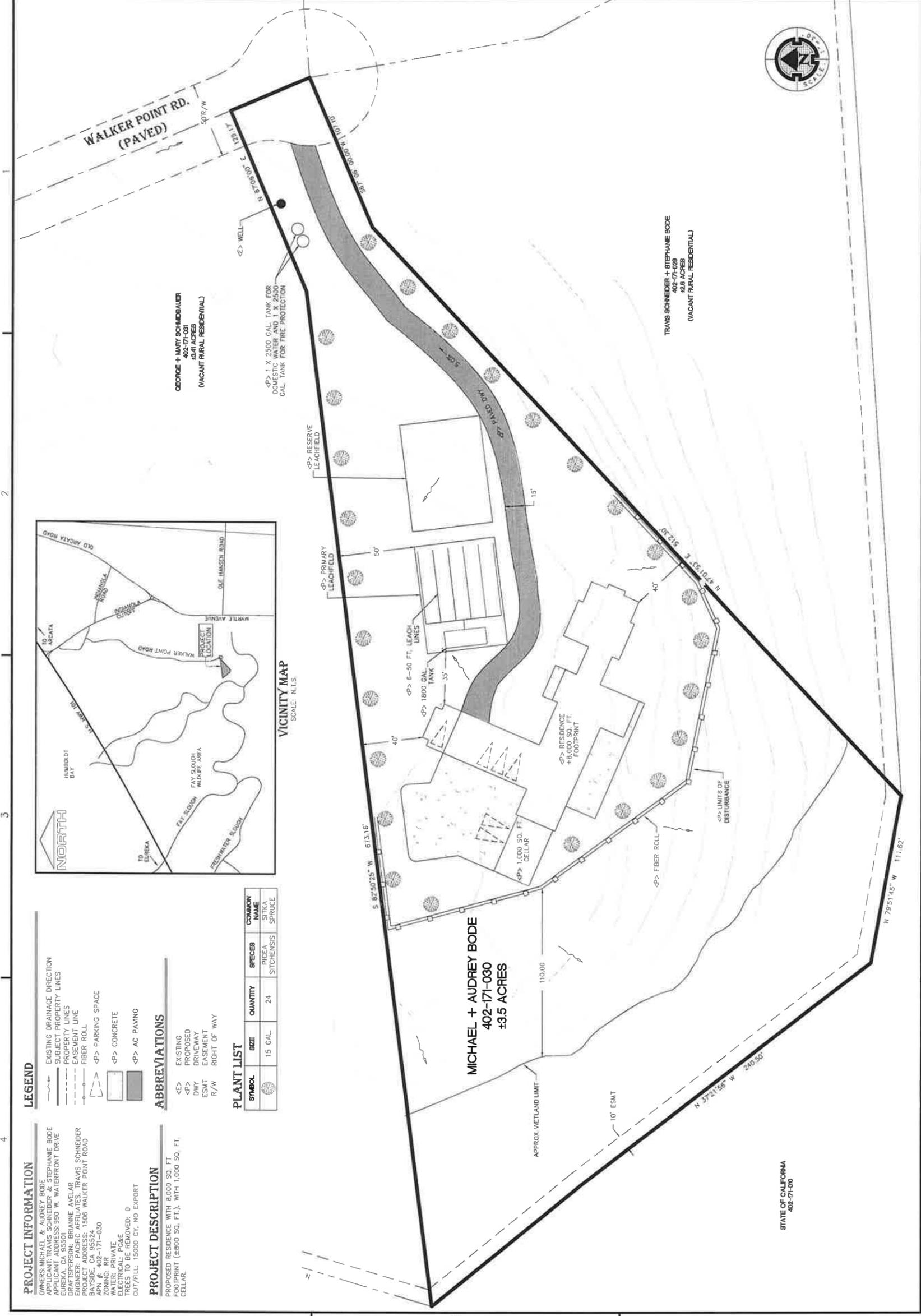
SITE PLAN

PACIFIC AFFILIATES, INC. HEREBY CERTIFIES THAT THE INFORMATION CONTAINED ON THIS PLAN WAS PREPARED BY AN ENGINEER OR ARCHITECT LICENSED IN THE STATE OF CALIFORNIA AND THAT THE ENGINEER OR ARCHITECT HAS REVIEWED THE INFORMATION AND IS NOT PROVIDING ANY OTHER SERVICE TO THE CLIENT. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF PACIFIC AFFILIATES, INC. THE ENGINEER OR ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED ON THIS PLAN. THE ENGINEER OR ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED ON THIS PLAN. THE ENGINEER OR ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED ON THIS PLAN.

WALKER POINT ROAD
1506 WALKER POINT ROAD
BAYSIDE, CA 95521
APN 402-171-030

Date: MAY 30, 2017
Scale: 1"=30'
Drawn by: DBA

SHEET NUMBER
C-1
JOB NUMBER
17-2068



LEGEND

- EXISTING DRAINAGE DIRECTION
- SUBJECT PROPERTY LINES
- PROPERTY LINES
- EASEMENT LINE
- FIBER ROLL
- 4P> PARKING SPACE
- 4P> CONCRETE
- 4P> AC PAVING

ABBREVIATIONS

- <E> EXISTING
- <P> PROPOSED
- D/WY DRIVEWAY
- ESMT EASEMENT
- R/W RIGHT OF WAY

PLANT LIST

SYMBOL	SIZE	QUANTITY	SPECIES	COMMON NAME
(Symbol)	15 GAL.	24	PICEA SITCHENSIS	SPRUCE

PROJECT INFORMATION

OWNERS: MICHAEL & AUDREY BODE
APPLICANT ADDRESS: 980 W. WATERFRONT DRIVE, EUREKA, CA 95501
DRAFTSPERSON: BRIANNE AVELAR
ENGINEER: PACIFIC AFFILIATES, TRAVIS SCHNEIDER
BAYSIDE, CA 95524
APN # 402-171-030

ZONING: RR PRIVATE
WALKER POINT ROAD
TRESSES TO BE REMOVED: 0
CUT/FILL: 15000 CY, NO EXPORT

PROJECT DESCRIPTION

PROPOSED RESIDENCE WITH 8,000 SQ. FT. FOOTPRINT (±800 SQ. FT.), WITH 1,000 SQ. FT. CELLAR.



STATE OF CALIFORNIA
402-07100

ATTACHMENT 1

CONDITIONS OF APPROVAL

Approval of the Coastal Development Permit and Special Permit are conditioned upon the following terms and requirements which must be fulfilled before a building permit may be issued or use initiated.

1. The applicant shall:
 - a) use dust control techniques when excavating to minimize dust problems on adjacent parcels, and
 - b) take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties.The plot plan submitted for the Building Permit shall indicate that all ground bared during construction shall be landscaped and/or seeded and mulched prior to October 1st.
2. The native blackberry (*rubus ursinus*) located on the parcel should be retained whenever possible as it provides cover, foraging and nesting habitat for a variety of bird species. Any vegetation/brush removal which may be necessary to clear the development footprint must be conducted outside of the bird breeding season (generally March 1 to August 15).
3. All new outdoor lighting shall be compatible with the existing setting and directed within the property boundaries. Any exterior lighting shall include shielding and other designs which minimize the potential for light pollution, given that the development is adjacent to a wetland area.
4. The landscaping plan as shown on the plot plan shall be implemented to the satisfaction of the Planning Division. The landscaping plan shall include native tree species, which are non-pyrophitic, and identify the location, type (by species and common name), size, method for irrigation, and maintenance program, including replacement of plantings over time. The intent of the landscaping plan is to soften the visual impacts of the proposed development with vegetative screening. The landscape plan shall not contain any species listed on the California Invasive Plant Counsel inventory.
5. The applicant must obtain an approved sewage disposal system permit through the Division of Environmental Health prior to issuance of the Building Permit.
6. The location of five (5) off-street parking spaces must appear on the final plot plan submitted to the Building Division.
7. The applicant shall adhere to all recommendations set forth in the Memo from Humboldt County Public Works Land Use Division dated January 8, 2015. The project lies within Zone C of the Airport Land Use Compatibility Plan for the Murray Field Airport. The applicant shall cause to be dedicated to the County of Humboldt, prior to issuance of a building permit, an Overflight Easement for the benefit of the Murray Field Airport in a manner satisfactory to the Department of Public Works.
8. All areas below the 40 foot contour line shall be marked non-buildable on the final plot plan submitted to the Building Division.

9. Development shall be consistent with the recommendations of the June 30, 1987 biological report for the site (Gail Newton & Associates 6/30/87, submitted with FMS-06-97), which include the following measures:
 - a) removal of no more than 30% of the coniferous trees outside the 100' wetland setback (removal of vegetation from within the designated "Wetland Protection Area" shall not be permitted except as provided in Section 3.30 of the Humboldt Bay Area Plan,
 - b) maintaining the diversity of the understory vegetation wherever possible, and the retention of all snags and dying trees where allowed by safety considerations.

On-Going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:

1. Any exterior lighting shall be directed so as not to extend beyond boundaries of parcel. Any exterior lighting must include shielding and other designs which minimize the potential for light pollution, given that the development is adjacent to a wetland area.
2. Grading and removal of natural vegetation shall be minimized to protect natural landforms and soften the visual impact of the project on neighboring parcels. All new landscaping shall further screen the proposed development from both Highway 101 and Old Arcata Road.
3. Where feasible, utilities shall be provided underground.

Informational Notes:

1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

2. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

3. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
4. NEW DEVELOPMENT TO REQUIRE PERMIT. Any new development as defined by Section 313-139 of the Humboldt County Code (H.C.C.), shall require a coastal development permit or permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Coastal Zoning Regulations.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making all of the following required findings.

The Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Coastal Development and Special Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid-point of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a) is categorically or statutorily exempt; or
 - b) will not have a significant effect on the environment and a negative declaration has been prepared; or
 - c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

1. General Plan Consistency: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Framework Plan (FP) and the Humboldt Bay Area Plan (HBAP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use: §2700 (FP) §4.10 (HBAP)	Rural Residential (RR). Single-Family is a principal use. Density: 1 unit per 3 acres.	The proposed project is for a new single family residence with attached 4-car garage on an approximately 3.5 acre parcel.
Housing §2400 (FP) §3.16 (HBAP)	New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in conformance with the requirements of subdivision (c) of Section 65302 of the Government Code.	This project is consistent with the County's local housing element because it is adding one residential unit to the County's housing inventory on a residentially zoned parcel.
Biological Resources §3400 (FP) §3.30 (HBAP)	Protect designated sensitive and critical resource habitats.	There is a Development Plan on file (402-171-025) that indicates the non-buildable area for this parcel. The non-buildable area appears on the plot plan, labeled as "100' Wetlands Setback." A biological report (Gail Newton & Associates 6/30/87) was completed for the site for the Phase I subdivision which identified a wetland boundary, recommended a 100' setback from that boundary, and other measures to protect the sensitive habitats on the site. Likewise, the HBAP calls for a minimum 100' development setback upland from the wetland area. The project has been conditioned to: 1) require all site development to adhere to the recommendation of the 6/30/87 biological report and 2) prohibit vegetation removal from wetland protection areas, as mapped in the Biological Report. By adhering to the conditions of approval and avoiding the non-buildable areas, designated sensitive and critical resource habitats will be protected. The building site is shown to be sited above the 40' elevation contour per USGS mapping. As such, the building site is located outside of the 250' coastal wetland buffer.

<p>Hazards §3200 (FP) §3.17 (HBAP)</p>	<p>New development shall minimize risk to life and property in areas of high geologic, flood and fire hazard, and assure stability of structural integrity of the natural landforms found on-site.</p>	<p>The property is located in an area of low instability per the County's Geologic Hazards maps, and Flood Zone C, in an area of minimal flooding, per FIRM Map #060060 0780 B. Additionally, the property has a low fire hazard rating and is located within an area of local responsibility.</p> <p>All referral agencies either approved or conditionally approved the project and did not identify any issues related to hazards.</p>
<p>Cultural Resource Protection §3500 (FP) §3.18 (HBAP)</p>	<p>New development shall protect cultural, archeological and paleontological resources.</p>	<p>This project was referred to the Blue Lake Rancheria, Bear River Band, Wiyot Tribe and North West Information Center. An archaeological study of the site was done in 1987 (Eideness) which was updated in 1998 (Roscoe). Although archaeological resources exist in the area, they are encompassed by the "non-buildable" area designation on the recorded map. Representatives from two of the local tribes conducted a site visit with County Planning and the project Agent. The two studies of the area identify and map known cultural resources located on this parcel (CA-HUM-52). The site visit verified that the proposed ground disturbance will not affect the known cultural resources nearby. They recommended approval of the project provided the language in Informational Note #1 be included.</p>

<p>Visual Resource Protection § 3540 (FP) §3.40 (HBAP)</p>	<p>Protect scenic and visual qualities of coastal areas as a public resource.</p>	<p>The subject parcel is not located in any designated coastal view or scenic area. However the site is visible from Highway 101 and Old Arcata Road. The Visual Resources findings made in the original subdivision (FMS-04-17 APN: 402-171-025) indicated that future buyers of the lots would be required to retain natural vegetation and produce a landscaping plan to "soften the visual impacts of future development of the sites at the time of development." As a Condition of Approval of this permit a Landscape Plan is required to the satisfaction of the Planning Division. At a minimum, the landscaping plan shall include native tree species, which are non-pyrophitic, and identify the location, type (by species and common name), size, method for irrigation and maintenance program, including replacement of plantings over time. The intent of the landscaping plan is to soften the visual impacts of the proposed development with vegetative screening. Landscaping at the driveway approach shall conform to the sight visibility ordinance as required by the Department of Public Works. The landscape plan is included on the plot plan. With the implementation of the landscaping plan, scenic and visual qualities of the area will be protected insofar as possible.</p>
--	---	---

2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§313-6.4 Rural Residential Agriculture	Single family residential use is principally permitted.	The project is for a single family residence and attached garage.
Min. Lot Size	2.5 acres	Approximately 3.5 acres
Min. Lot Width	175 feet	The parcel is somewhat wedge-shaped with the narrowest width of 137 feet and the widest width of 225 feet. On average the width is over 175 feet.
Max. Density	1 dwelling unit per lot, or two dwelling units if a Special Permit for a secondary dwelling unit is secured.	The project is for the construction of one dwelling unit on an existing lot.
Max. Lot Depth	4 x lot width (181) =724 feet	Approximately 634 feet
Yard Setbacks	Front: 20 feet Rear: 30 feet Interior Side: 30 feet	Front: 180 feet Rear: ± 90 feet Northern Interior Side: 40 feet Southern Interior Side: 40 feet
Max. Lot Coverage	35%	Approximately 5.9%
Max. Bldg. Height	30 feet	Residence will be single story, split level with below grade garages and cellar. Approximate height of 25 feet above grade.
§313-109 Off-Street Parking	5 spaces required per FMS-04-11.	A total of five (6) parking spaces appear on the plot plan. Four (4) are proposed within the attached garage and two (2) are uncovered parking spaces outside of the front yard setback.

Combining Zones		
<p>§313-16.1 A: Archaeological Resource Area Outside Shelter Cove</p>	<p>To provide for reasonable mitigation measures where development would have an adverse impact upon archaeological and paleontological resources.</p>	<p>An archaeological study of the site was done in 1987 which was updated in 1998 for the original subdivision. Although archaeological resources appear on the adjacent parcel, they are in areas that are shown as "non-buildable" on the tentative map. Conditions of approval will require all new construction conform to the Development Plan showing these areas as non-buildable.</p>
<p>§313-19.1 D: 5.1 Design Review Findings</p>	<p>The Design Review Committee must determine that the project is consistent and compatible with the applicant elements of the General Plan.</p>	<p>The proposed construction is consistent and compatible with the General Plan (see General Plan discussion above). The applicant has submitted detailed floor plans and elevations of the proposed dwelling. The roofing will be slate tile shingles of a neutral charcoal color. The size of the home is over 8,000 square feet and a four (4) car attached garage is proposed. The home will be 25 feet above grade on average. This is all compatible with the CC&Rs established for this subdivision and consistent with the character of the neighborhood.</p>
<p>5.2 Protection of Natural Landforms</p>	<p>To minimize alterations due to cutting, grading filling and clearing, except to comply with fire hazard regulations.</p>	<p>As noted in the previous subdivision (FMS-04-11) and corresponding Development Plan the location and design of the residences are proposed to be placed near the top of the slope, which will minimize the disturbance to the hillside, but at the same time will make the future homes more exposed to view from Old Arcata Road and Highway 101. Staff believes that locating the development near the top of the ridge is the best feasible alternative for development of the parcel; location of the home downslope would result in a larger cut and fill area, and would increase the risk of adversely affecting the wetlands toward the bottom of the slope. The project proposes approximately 1500 cubic yards of cut/fill; and there will be no export of material.</p>

5.3 Exterior Lighting	All new outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.	All new outdoor lighting is required to be compatible with the existing setting and directed within the property boundaries. Any exterior lighting must include shielding and other designs which minimize the potential for light pollution, given that the development is adjacent to a wetland area. This has been included in the Conditions of Approval as an on-going development restriction.
5.4 Landscaping	Screening or softening the visual impact of new structures through landscaping; preferably with native vegetation.	A landscape plan to soften the visual effects of the proposed development has been made a condition of approval for this project, and is included on the plot plan.
5.5 Underground Utilities	Where feasible, new utilities shall be underground or sited unobtrusively if aboveground.	New utilities shall be placed underground, when feasible. This has been included in the Conditions of Approval.
5.6 Setbacks	Setbacks from roads and property lines are appropriate to protect the scenic and visual qualities of the site and area.	Although the proposed development meets the required setbacks, the development will occur at the top of a slope and be visible (distant) from Highway 101 and Old Arcata Road. There is no existing vegetation at the site that can provide effective screening. In order to mitigate this, a landscape plan is required. The plan will consist of elements that soften the visual impact of the proposed residence.
5.7 Off-Premise Signs	Off-premise signs shall be designed attractively and in a style compatible with the neighborhood setting.	No off-premises sign are proposed.
§313-21.1 F: Flood Hazard Areas	New development within the 100 year floodway and flood plain shall be restricted. Prohibits the development of manufactured home parks, and certain civic use and industrial use types. All allowed development must be consistent with the County's Flood Damage Prevention Ordinance.	The proposed building site is located in Zone C outside mapped flood hazard areas as shown on FIRM community panel number 060060 0790B; therefore, no further review was required.

<p>§313-38.1 W: Coastal Wetlands</p>	<p>Any development shall not degrade the wetland, but will maintain optimum populations of marine for freshwater organisms and, where feasible, will enhance wetland resources.</p>	<p>A biological report was completed for the site for the subdivision which identified a wetland boundary, recommended a 100 foot setback from that boundary, and other measures to protect the sensitive habitats on the site. Likewise, the HBAP calls for a minimum 100 foot development setback upland from the wetland area. The HBAP also establishes policies and standards for development adjacent to and within wetlands, wetland buffer areas, coastal streams and riparian corridors.</p> <p>On the subject parcel the 100 foot wetland setback is identified. The building site is situated at least 110 feet from the wetland habitat. To verify current site conditions a Biological Survey Report was prepared by James Regan, consulting biologist dated 6-18-17. This survey concluded that no rare or sensitive plant species, California Rare Plant Rank (CRPR) 1 or 2, were detected. Further, the project footprint is beyond 110 feet from the wetland boundary at its closest point.</p> <p>Furthermore, the project has been conditioned to: 1) require all site development to adhere to the recommendation of the 6/30/87 biological report and 2) prohibit vegetation removal from wetland protection areas, as mapped in the Biological Report.</p>
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4. Public Health, Safety and Welfare, and Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4	Proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.	All reviewing referral agencies have approved or conditionally approved the proposed development. No detrimental effects to public health, safety and welfare were identified. The proposed development is not expected be detrimental to property values in the vicinity nor pose any kind of public health hazard.
CEQA Guidelines	Exempt from State environmental review.	This project was found to be exempt per Class 3 Section 15303 of the State CEQA Guidelines - New Construction or Conversion of Small Structures.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The parcel is planned and zoned for residential development and the project is for a single family residence. This project will not negatively impact the County's compliance with Housing Element Law.

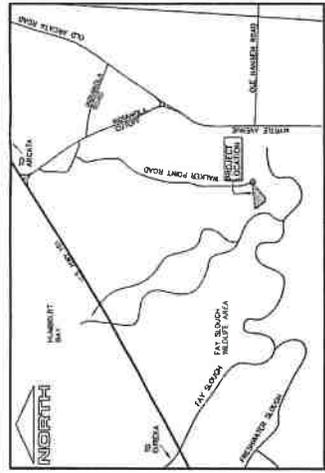
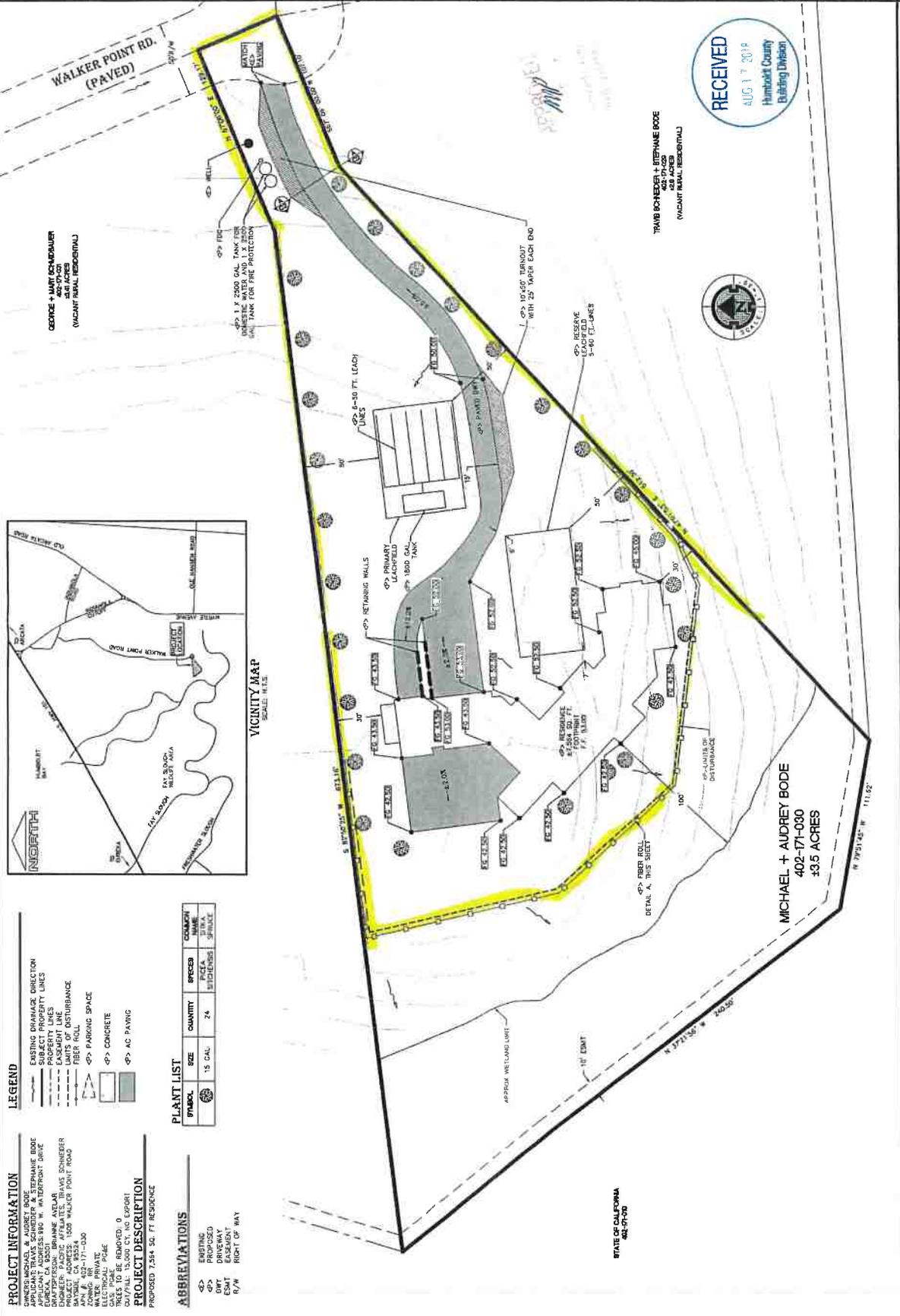
ATTACHMENT 3
Applicant's Evidence in Support of the Required Findings

Attachment 2 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

- Application Form [in file]
- Elevations [in file]
- Plot Plan [attached]
- Neighborhood Design Survey
- Biological Survey Report dated 6-18-17
- Septic Disposal and Percolation Report
- R-2 Geologic/Soils Report

ATTACHMENT 4
Referral Agency Comments and Recommendation

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection Division	✓	Approval		✓
County Public Works, Land Use Division	✓	Conditional Approval		✓
County Division of Environmental Health	✓	Approval		✓
Blue Lake Rancheria	✓	Conditional Approval		✓
Ca. Dept. of Fish and Wildlife				
Humboldt#1 Fire Protection District	✓	Approval		✓
Coastal Commission	✓	Conditional Approval		✓
Bear River Band	✓	Concur with Blue Lake		
Wiyot Tribe	✓	Concur with Blue Lake		
NWIC	✓	Recommended local Tribes are contacted		✓



LEGEND

- EXISTING DRAINAGE DIRECTION
- SUBJECT PROPERTY LINES
- EASEMENT LINE
- LIMITS OF DISTURBANCE
- FIBER ROLL
- AC PAVING
- CONCRETE
- AC PAVING

PLANT LIST

SYMBOL	SIZE	QUANTITY	PRECED.	COMMON NAME
⊕	15 GAL.	24	PICIA	PICTA
⊕			STICHENSIS	SPIRUE

ABBREVIATIONS

- EXISTING
- PROPOSED
- DRAWN
- ORIGINAL
- EASEMENT
- R/W
- RIGHT OF WAY

PROJECT INFORMATION

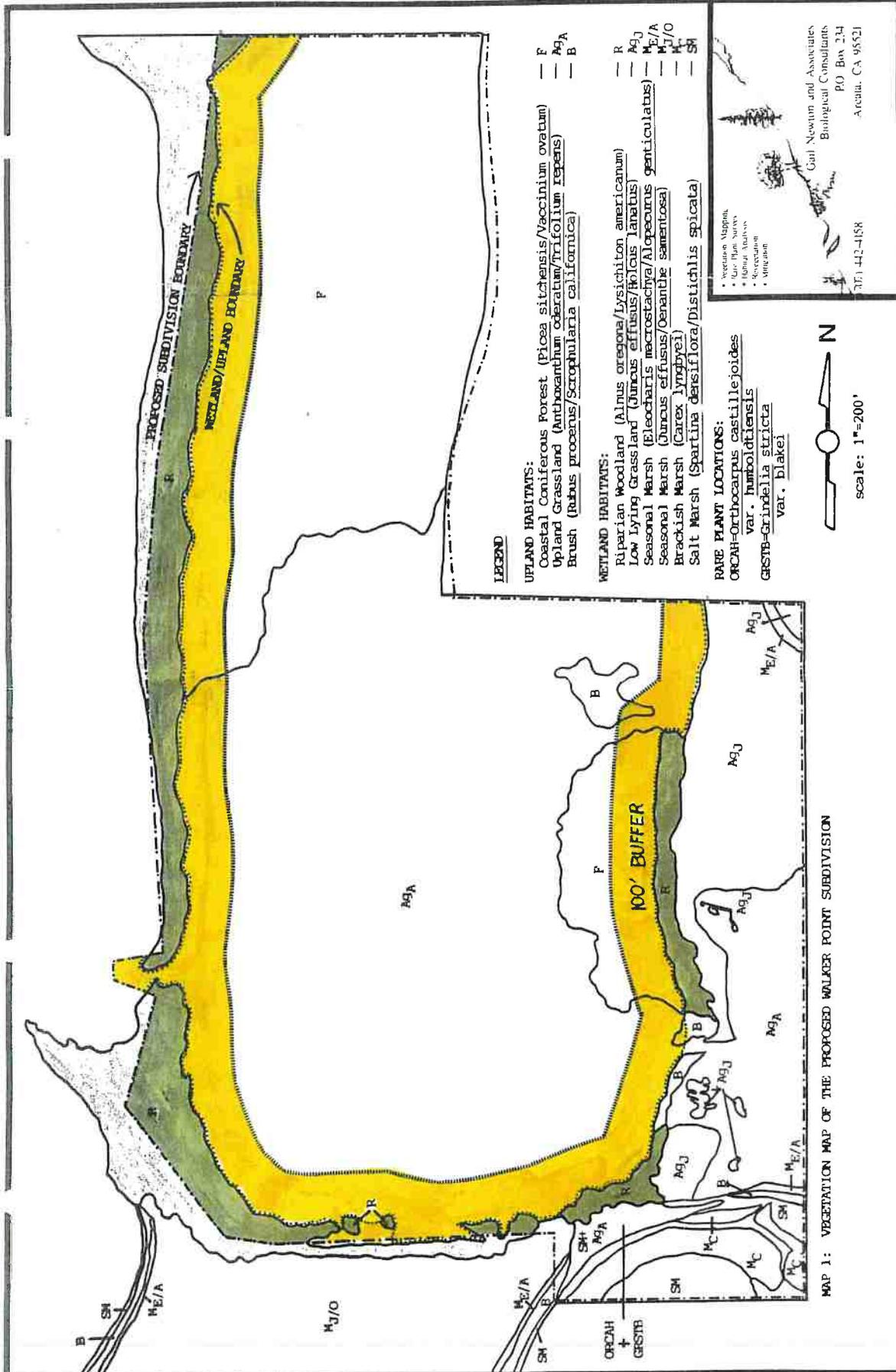
APPLICANT: MICHAEL + AUDREY BODE
 APPLICANT ADDRESS: 150 W. WATERFRONT DRIVE, EUREKA, CA 95501
 DRAWING NUMBER: 2018-08-01 TRAVIS SCHNEIDER
 PROJECT ADDRESS: 150 WALKER POINT ROAD, BAYSIDE, CA 95521
 APN: 402-171-030
 MARKET: PRIVATE
 ELECTRICAL: PISE
 TREES TO BE REMOVED: 0
 CUB/FILL: 13,000 CY, NO EXPORT
PROJECT DESCRIPTION
 PROPOSED 7.56+ SQ. FT. RESIDENCE



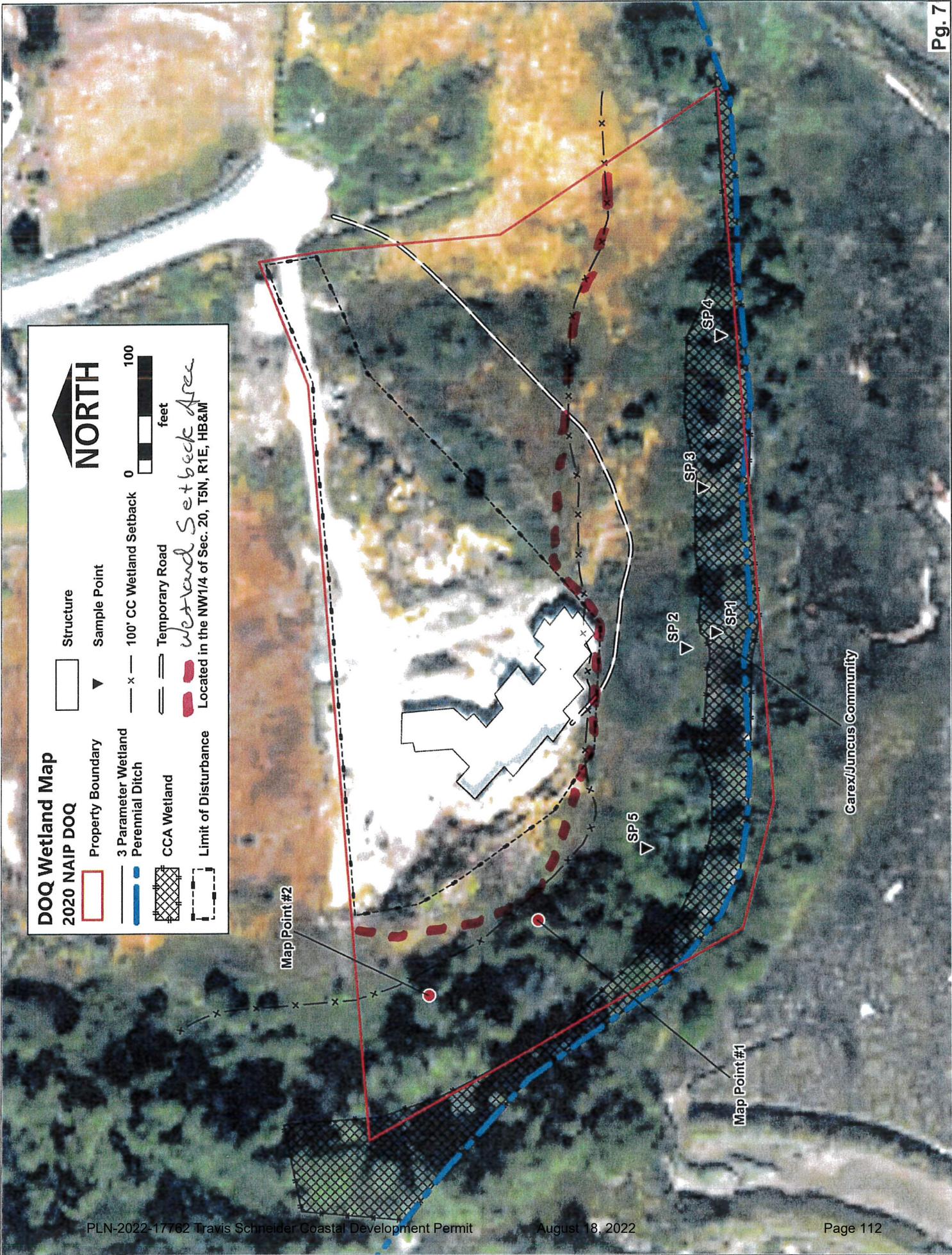
TRAVIS SCHNEIDER, REGISTERED PROFESSIONAL ENGINEER
 402-171-030
 150 WALKER POINT ROAD
 BAYSIDE, CA 95521
 (NASCENT PUBLIC RESIDENCE)

MICHAEL + AUDREY BODE
 402-171-030
 43.5 ACRES

STATE OF CALIFORNIA
 402-171-030



ATTACHMENT 5
Wetland Map identifying Permanent Wetland Setback Area



DOQ Wetland Map

	Property Boundary		Structure
	3 Parameter Wetland Perennial Ditch		Sample Point
	CCA Wetland		100' CC Wetland Setback
	Limit of Disturbance		Temporary Road

Wetland Setback Area
 Located in the NW1/4 of Sec. 20, T5N, R1E, HB&M

NORTH

0 100 feet

Map Point #2

Map Point #1

SP5

SP2

SP3

SP4

Carex/Juncus Community

ATTACHMENT 7
Public Comments

From: [Jana Ganion](#)
To: [Planning Clerk; Johnson, Cliff](#)
Cc: ted@wiyot.us; michelle@wiyot.us; [Adam Canter](#); [Melanie McCavour](#); melissa.kraemer@coastal.ca.gov
Subject: Blue Lake Rancheria Comments on Schneider Coastal Development Permit Modification
Date: Wednesday, August 17, 2022 11:25:06 AM
Attachments: [BLR Comments Schneider CDP Mod 8.17.2022.pdf](#)

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Dear Humboldt County Planning Commission, Mr. Ford, and Mr. Johnson,

Attached please find additional comments from the Blue Lake Rancheria Tribe regarding the Schneider Coastal Development Permit Modification on the agenda for the August 18, 2022 Planning Commission meeting.

Thank you,

Jana

Jana Ganion
Director, Sustainability and Government Affairs
Blue Lake Rancheria (federally recognized Native American tribe)
428 Chartin Road, Blue Lake, CA 95521
Tel: +1.707.668.5101 x1044
Email: jganion@bluelakerancheria-nsn.gov
Web: <http://www.bluelakerancheria-nsn.gov>

["Honoring Nations" Award Harvard Project on American Indian Economic Development](#)
["Amid shut-off woes, a beacon of energy" Washington Post 2020](#)
[FEMA John D. Solomon "Whole Community Preparedness" Award](#)
["Climate Action Champion" White House and U.S. Department of Energy](#)
[Blue Lake Rancheria Case Study, U.S. Climate Resilience Toolkit](#)

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this event, please notify the sender immediately, do not disseminate any of the information contained herein to any third party, and cause all electronic and/or paper copies of this e-mail to be promptly destroyed. Thank you.

BLUE LAKE RANCHERIA

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August 17, 2022

Humboldt County Planning Commission

Mr. John Ford, Director

Cliff Johnson, Supervising Planner

Planning and Building Department

County of Humboldt

3015 H Street, Eureka, CA 95501

Via Email: Planningclerk@co.humboldt.ca.us and cjohnson@co.humboldt.ca.us

**Re: Schneider Coastal Development Permit Modification; Record Number PLN-17762 (filed 05/12/2022)
Assessor's Parcel Number: 402-171-030, 402-171-029 Eureka/Indianola Area; Date of Planning
Commission Hearing 8/18/2022**

Dear Commissioners, Mr. Ford, and Mr. Johnson,

The Blue Lake Rancheria ("Tribe") respectfully submits these additional comments regarding the Schneider Coastal Development Permit Modification; Record Number PLN-17762 (filed 05/12/2022) Assessor's Parcel Number: 402-171-030, 402-171-029 Eureka/Indianola Area, the Humboldt County Planning and Building Department staff report Attachment 1 Conditions of Approval for the modifications to the Coastal Development Permit and Special Permit, and related materials and actions.

These comments follow significant work by the Wiyot-area Tribal Nations and their Tribal Historic Preservation Officers (THPOs), the County Planning Department, and the California Coastal Commission to address the violations of these permits and the permit holder's problematic County-approved use of Alternate Owner Builder (AOB) framework.

These comments incorporate and refer to prior submissions to County Planning Department, including THPO edits to the staff report "Attachment 1 Conditions of Approval for the modifications to the Coastal Development Permit and Special Permit," sent to the County Planning Department via email on 8/15/2022, the Final Confidential Tribal Cultural Resources Report with Attachments sent to the County Planning Department via email on 6/6/2022, the Final BLR Letter Re Schneider sent to the County Planning Department via email on 2/11/2022, and the Joint Tribal Comments CDP Mod PLN 2022 17762 sent via email to the County Planning Department on 7/26/2022.

While the draft revised Conditions of Approval (COA) incorporate the majority of the corrective activities suggested by the THPOs, there is insufficient time to adequately review and provide comments on all components and documents referred to in the COA, and it remains unclear how the revised conditions will be implemented, monitored, and if necessary enforced. It is insufficient to defer the details of the conditions, and processes by which these revised conditions will be deployed, given the history of non-compliance and

lack of oversight in this situation. The Alternate Owner Builder permit must be revoked in this circumstance, due to lack of inspections and non-compliance with terms of the permits. As the Tribe understands it this would occur by separate action by the Humboldt County Board of Supervisors, and the Tribe urges the County Planning Department to lead and complete that process in parallel to the revised COA action. Analysis is needed to determine how much development has occurred inside the 100-foot setback, including lands under the jurisdiction of the California Coastal Commission and the Coastal Act. Initial analysis (8/25/22 by Jack Henry) stated 105-feet measured to corner of house, however, the measurement should be verified from the bottom and lower southern edge of the fill prism the house is located on.

Additionally, the Tribe's THPO has been asked by the County to provide comments on the Restoration Plan (8/25/22 by Jack Henry), which has not been possible to date due to time constraints. The Tribe has not seen the County's review of the comments provided by the California Coastal Commission on the Restoration Plan, and requests the County provide a written response. Work remains to add required processes, governance, and structure detail to the Restoration Plan, including but not limited to the following. Three Environmentally Sensitive Habitat Areas (ESHAs) have been proposed by the THPOs, yet only one is identified in the Henry Restoration Plan. The ESHAs include the Tribal Cultural Resources (TCR) ESHA - to be identified and recorded as the conservation easement and deeded to the three Wiyot area Tribes and managed by the Wiyot Land Trust; the blackberry ESHA; and the wetland ESHA. The latter two ESHAs must also be identified, mapped, and have detailed restoration plans vetted by the Tribes, County, California Coastal Commission, and others as appropriate. The three ESHAs likely have some overlap with each other. For the TCR ESHA, a management plan must be written, to include the proposed monitoring plan and implemented for the first three (3) years by Tribe(s) managing the Land Trust, including processes and penalties related to trespass.

The Tribe(s) and their recommended consultants will need to be compensated for the unexpected and extraordinary amount of work these issues have required, due to the tasks remaining to provide definition to the revised conditions, risks of further violations, and prior history of inadequate monitoring and oversight. Tribal THPOs will need to continue in this work to protect the relevant sites from damage.

As the County and others consider this set of issues, the Tribe expects information on tribal cultural resources and sites to be kept confidential as required by law to prevent theft and/or other damage.

Please contact Janet Eidsness, Blue Lake Rancheria THPO at jpeidsness@yahoo.com for more information as needed.

Regards,

/s/

Jason Ramos
Tribal Council Member
Tribal Administrator

Cc:

The Honorable Ted Hernandez, Tribal Historic Preservation Officer, Wiyot Tribe

Michelle Vassal, Tribal Administrator, Wiyot Tribe

Adam Canter, Environmental Department Director, Wiyot Tribe

Melanie McCavour, Tribal Historic Preservation Officer, Bear River Band of the Rohnerville Rancheria

Melissa Kraemer, California Coastal Commission

From: [Levine, Joshua@Coastal](mailto:Levine_Joshua@Coastal)
To: [Planning Clerk](#)
Cc: [Ford, John](#); [Johnson, Cliff](#)
Subject: PLN-2022-17662, Agenda Item H2
Date: Wednesday, August 17, 2022 11:52:24 AM
Attachments: [V-1-22-0015_08_17_2022_Schneider.pdf](#)

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Hello,

Please find the attached comment letter regarding the August 18, 2022, agenda item H2.

Thank you,

Josh Levine

Enforcement Analyst
California Coastal Commission, North Coast District
1385 8th Street, Suite 130
Arcata, CA 95521
(707) 826-8950

August 17, 2022

John Ford, Director
County of Humboldt Planning & Building Dept.
3015 H Street
Eureka, CA 95501

Re: APNs 402-171-030 and 402-171-029 – Travis Schneider Alleged Violations

Dear Mr. Ford:

California Coastal Commission (“Commission”) staff continue to appreciate County staff’s coordination with us, regarding the Coastal Development Permit and Special Permit Modification Record Number: PLN-2022-17662 (“the Permit”). Commission staff provided initial comments on August 8, 2022, which remain relevant. However, since that time the County has published the staff report for the Permit and additional comments have been provided by representatives of the three Wiyot area tribes. In light of this additional information, and for the Planning Commission’s consideration, Commission staff wanted to provide these additional comments.

As was stated in the video teleconference meeting on August 2, 2022 between County staff, Commission staff, representatives from the three Wiyot area tribes, and the property owner’s agents, there is no consensus among all parties on the adequacy of the mitigation measures being proposed in the Permit to remedy the Local Coastal Plan (“LCP”) violations. The violations are very significant, and include: (1) the improper siting of the house, the approved plans for which were found compliant with the LCP due to being both 100’ from wetlands and above the 40’ elevation line, which is not compliant with the approved plans or the required setback and location requirements; (2) the unauthorized removal of major vegetation, including portions of environmentally sensitive riparian and wetland habitat areas; (3) the incursion into and desecration of specified cultural resource areas for which the CDP expressly provided protection, all of which represent significant impacts to important coastal resources. Additional unpermitted development occurred on the adjacent parcel (APN 402-171-029), which was not subject to or authorized at all by CDP 17-016 or any other CDP, including impacts to ESHA, the development of a road, including grading and placement of rock, and the unauthorized implementation of a planting plan.

We remain concerned that these extant violations, which include both violations to CDP 17-016 and unpermitted development, are not being adequately resolved by PLN-2022-17662, that the application does not adequately provide coastal resource protection as required by the LCP, and that the application fails to provide

suitable mitigation to resolve these violations under the LCP and the Coastal Act. We also note that the resolution that staff is recommending under this application does not address temporal losses of coastal resources or civil liabilities under the Coastal Act.

As you may know, the Commission can assume primary responsibility for enforcement of the Coastal Act and LCP violations at issue in this case pursuant to Section 30810(a) of the Coastal Act, which provides that the Commission may issue an order to enforce the requirements of a certified LCP in the event that the local government requests the Commission to assist with or assume primary responsibility for issuing such order, or if the local government declines to act or fails to act in a timely manner to resolve the violation after receiving a request to act from the Commission.

We look forward to continuing our collaboration in order to achieve complete resolution of these egregious violations. Please feel free to contact me if you have questions or want to discuss this matter further.

Sincerely



Josh Levine
North Coast District Enforcement Officer

ec: Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Chief of Enforcement
Melissa Kraemer, North Coast District Manager
Jason Ramos, Tribal Administrator and Councilmember, Blue Lake Rancheria
Janet Eidsness, THPO, Blue Lake Rancheria
Ted Hernandez, Tribal Chair and THPO, Wiyot Tribe
Michelle Vassel, Tribal Administrator, Wiyot Tribe
Adam Canter, Natural Resource Director
Melanie McCavour, THPO, Cultural Director, Bear River Band of the Rohnerville Rancheria

From: [Michelle Vassel](#)
To: [Planning Clerk](#); [Johnson, Cliff](#)
Cc: [ted@wiyot.us](#); [michelle@wiyot.us](#); [Adam Canter](#); [Melanie McCavour](#); [melissa.kraemer@coastal.ca.gov](#); [Janet Eidsness \(jpeidsness@yahoo.com\)](#); [jramos@tgc.bluelakerancheria-nsn.gov](#)
Subject: Schneider coastal development permit-record#PLN-17762-Meeting 08-18-2022
Date: Wednesday, August 17, 2022 11:48:03 AM
Attachments: [Schneider Coastal Development Permit-Record#PLN-17762-Meeting-0818-2022.pdf](#)

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He'ba'lou Humboldt County Planning Commission, Mr. Ford, and Mr. Johnson,

Attached please find additional comments from the Wiyot Tribe regarding the Schneider Coastal Development Permit Modification, Record Number PLN-17762 on the agenda for the August 18, 2022 Planning Commission meeting.

Thank you,

-M

Michelle Vassel
Pronouns: she/her/hers
Tribal Administrator
Da Rou Gawok "Everyone Working (together)"
Wiyot Tribe
1000 Wiyot Dr.
Loleta, CA 95551
(707) 733-5055 Ex 112
Fax: (707)733-5601
michelle@wiyot.us www.wiyot.us



Humboldt Planning Commission
825 Fifth Street
Board of Supervisors Chambers
Eureka, California
Planningclerk@co.humboldt.ca.us

RE: Title: Schneider Coastal Development Permit Modification, Record Number PLN-17762 (filed 05/12/2022), Assessor's Parcel Number: 402-171-030, 402-171-029, Meeting date: Thursday August 18, 2022.

He'ba'lou Honorable Commissioners,

The Wiyot Tribe objects to the issuance of the Coastal Development Permit and Special Permit Modification to Travis Schneider for an alteration in the configuration and location of a single-family residence as proposed in Application Number PLN-2022-17762. The record shows that the site contains a Tribal Cultural Resource that is significant to the Wiyot Tribe and other Tribes in the area. The conditions of approval recommended by the Planning Commission staff are legally and procedurally deficient. The Planning Commission should defer action on the application until ample time is provided for the Wiyot Tribe and other interested Tribes to conduct government-to-government consultation with the Planning Commission in order to promulgate and adopt measures that will either avoid further damage to the Tribal Cultural Resource or lessen the impact to a degree that is acceptable to the Wiyot Tribe and other Tribes. The significance of the Tribal Cultural Resource at this site to the culture and way of life of the Wiyot Tribe. Full compliance with applicable law requires adequate time to resolve the numerous ambiguities and uncertainties in the proposed conditions of approval. At the heart of respect for tribal sovereignty and tribal interests is meaningful consultation that allows thorough and robust consideration of protective measures. The process that has been followed here falls far short of that bedrock principle. Harmonious relations between the Wiyot Tribe and Humboldt County, and future collaboration on matters of mutual concern, require more consistent adherence to meaningful consultation guidelines.

The Wiyot Tribe urges the Planning Commission to reject the recommendation of staff that the project be found to be exempt from environmental review under the CEQA Guidelines.

The California Legislature has established as state law and policy that “a substantial adverse change to a tribal cultural resource has a significant effect on the environment.” AB 52, Section 1(b)(9). The damage assessment conducted by William Rich and Associates acknowledges that the Wiyot Tribe regards the disturbance of cultural resources at the site as “culturally significant” and that, as a result, stronger protection measures need to be put in place. This fact supports a finding, contrary to the staff recommendation, that the unauthorized work at the site constitutes a substantial adverse change to a tribal cultural resource and that, as a result, a significant effect on the environment has occurred within the meaning of AB 52. Yet the staff inexplicably recommends that the Commission adopt a finding of complete exemption from CEQA. Environmental review is necessary in order to fully investigate, evaluate and mitigate impacts to Wiyot cultural resources at the site. The staff recommendation ignores the connection the Legislature made between impacts to cultural resources and effects on the environment.

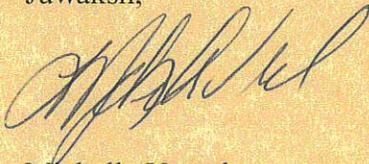
Consultation under AB 52 is deemed complete when the parties “agree to measures to mitigate or avoid a significant effect . . . on a tribal cultural resource.” Public Resources Code § 21080.3.2(b)(1). The Wiyot Tribe does not agree that the recommended conditions of approval will mitigate or avoid significant adverse impacts to the Tribal Cultural Resources at the site. As a result, additional consultation is required before the law is fully complied with. The record reflects that the Planning Commission’s decision here is appealable to the California Coastal Commission. The tribal consultation policy of the Coastal Commission requires the Planning Commission to demonstrate that the consultation process with Indian Tribes was completed before the appealable decision was made. California Coastal Commission Tribal Consultation Policy, at page 9 (adopted August 8, 2018). The Planning Commission will be unable to make that showing on this administrative record.

The Wiyot Natural Resources Department (WNRD) has documented the ethnobotanical and ecological importance of Da’dedi’lhl or the Walker Point area, which means sunshine in the Wiyot language Soulatluk, most likely due to its prominence in the cultural landscape and the grandiose viewshed it provides to the south across the vast estuarine wetlands of Freshwater Creek, Eureka, and Fay sloughs. Da’dedi’lh is a diverse vegetation mosaic of mixed redwood, Sitka spruce, grand fir, and Douglas fir forest, pepperwood stands (*Umbellularia californica*), northern coastal scrub, riparian, coastal prairie, and saltmarsh habitats. Walker Point also provides examples of the culturally important and rare hazelnut (*Corylus cornuta* ssp. *californica*) scrub vegetation community, which is an indicator of past Wiyot management. This vegetation diversity provides important habitat for wildlife and migratory birds. Ground disturbance, unpermitted vegetation removal, and illegal road construction at the Schneider development has impacted ecologically and culturally significant habitat areas (ESHA’s) that have protections under CEQA, including red alder (*Alnus rubra*) and California blackberry (*Rubus ursinus*) communities and the Fay slough wetland ecotone. Ground disturbance within the protected 100-foot wetland setback and Walker Point cultural site appears to have promoted the invasion of non-native bull thistle (*Cirsium vulgare*) and grading within and above steep slopes has the potential to exacerbate erosion within the midden. Presently the restoration plan provided by the developer falls short of evaluating and mitigating the full impacts to the vegetation, soils, and slope at the site and needs further refinement and input from the Wiyot

Tribe. A host of invasive plant species threaten the site and a diversity of coastal prairie and scrub species, along with native tree species should be installed to help stabilize disturbed soils and exclude weed establishment while shielding the development from view and ensuring to represent the botanical diversity of Da'dedi'lh. The WNRD needs fiscal support to appropriately evaluate eco-cultural restoration needs and comment on existing and inadequate restoration plans. The WNRD view the Walker Point ridge as a keystone community in the larger Wiyot eco-cultural landscape and project impacts to the properties ESHA's constitute significant negative impacts to these unique, rare, and diverse ecological communities, making mitigation difficult and in need of a more thorough evaluation and planning effort than the current process has allowed.

The Wiyot Tribe and other affected Tribes recommended nine mitigation measures, which the staff concludes would be implemented in several conditions of approval. The description of the conditions, however, is at such a high level of generality so as to make monitoring and enforcement of those conditions problematic. To take one example, the Tribes recommended “[d]edication of a permanent conservation easement to the Wiyot Area Tribes encompassing the archaeological site and associated wetlands habitat along with dedication of a pedestrian easement for access.” Staff Recommendation at page 5. Condition of Approval Number 6 purports to implement this mitigation recommendation. However, the condition does not require that the conservation easement be permanent; it does not identify the conservation values the easement must protect; it does not specify how the easement may be enforced (a serious concern in light of the unauthorized work that has occurred at the site); and it does not require the applicant to negotiate the terms of the conservation easement, only that he record it once negotiated. Nor does this condition explain how three Tribes would function as easement holders. Moreover, there is no explanation about how the costs of implementing and enforcing a conservation easement will be covered. Are the Tribes expected to pay those costs or will the applicant be required to do so? These deficiencies illustrate endemic problems with the other conditions that are designed to implement tribally-recommended mitigation measures. These problems underscore the need for additional consultation as necessary to clarify these ambiguities and to ensure that the tribally-endorsed mitigation measures are in fact fully implemented.

Juwaksh,



Michelle Vassel
Tribal Administrator

From: [Melanie McCavour](#)
To: [Johnson, Cliff](#); [Ford, John](#)
Cc: [Planning Clerk](#)
Subject: BRBRR comments re: Walker Pt.
Date: Thursday, August 18, 2022 10:44:38 AM

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Dear Planning staff,

The letters outlining proposed changes to the permit modification agreement from the Coastal Commission, Blue Lake Rancheria and the Wiyot Tribe arrived without notice or time to respond before the comment submission deadline, as we were not aware of what the proposals or requests from the other Wiyot area Tribes were until late afternoon Wednesday the 17th of August.

We understand that your report was based on recommendations from the Blue Lake Rancheria and the Wiyot Tribe, with inclusion of the BRBRR, and with agreement from the applicant.

Please accept our comments and forward them to the Planning Commissioners.

The Bear River Band of the Rohnerville Rancheria (BRBRR) is in support of the staff recommendation, with the exclusion of the proposed data excavation (Condition 17).

We are opposed to data excavation as a mitigation. Indeed, most Tribes do not support excavation of resources, especially in a midden area, except for emergency situations such as severe fire followed by looting, or sea cliff erosion.

We request that rather than specifying what the mitigation funding under Condition 17 will be specifically used for, Condition 17 should be altered such that the proposed 38k for data excavation “shall be placed in an account to be used for mitigation of cultural resource effects through actions agreed upon by the three Wiyot area Tribes.”

Thank you,



Melanie McCavour
Tribal Historic Preservation Office Director

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| **Josefina Frank**



Council Chairwoman

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