

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

Resolution Number: 23-033

Record Number: PLN-14126-PMS

Assessor's Parcel Number: 100-311-019 and 101-031-013

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Ozanian Parcel Map Subdivision and Special Permit.

WHEREAS, Charles and Elaine Ozanian, submitted an application and evidence in support of approving a Parcel Map Subdivision and Special Permit for Record No. PLN-14126-PMS. Permits requested are a Parcel Map Subdivision of an approximately 46.5-acre parcel into three parcels of 6.7 acres, 18.2 acres and 21.6 acres and a Special Permit for minor road improvements within the Streamside Management Area (SMA) of an unnamed watercourse.

WHEREAS, a Mitigated Negative Declaration was prepared for the proposed Parcel Map Subdivision and Special Permit and circulated for public review pursuant to Section 15074 of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on April 20, 2023, and reviewed, considered, and discussed the application for the Parcel Map Subdivision and Special Permit, 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:** A Parcel Map Subdivision of an approximately 46.5-acre parcel into three parcels of 6.7 acres, 18.2 acres and 21.6 acres. The parcel is currently vacant. A Special Permit is required for minor road improvements within the SMA of an unnamed watercourse. Water will be provided by an existing well and onsite wastewater treatment systems are proposed.

EVIDENCE: a) Record Number: PLN-14126-PMS

- 2. FINDING:** **CEQA:** As required by the California Environmental Quality Act, the project was found subject to CEQA and a Mitigated Negative Declaration was prepared by the Planning and Building Department, Planning Division (Attachment 3), which evaluated the project for any adverse effects on the environment.

EVIDENCE: a) The CEQA document includes an analysis of the subject Parcel Map Subdivision and Special Permit. The Initial Study and Draft Mitigated

Negative Declaration (IS/MND) was circulated from February 22, 2023 to March 23, 2023.

- b) No public or agency comments were received during the circulation period.
- c) The IS/MND included four mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Program which is being adopted as part of the project.

3. FINDING

ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT- NO MITIGATION REQUIRED. The following impacts have been found to be less than significant and mitigation is not required to reduce project related impacts: Aesthetics, Agriculture and Forestry Resources, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire.

- EVIDENCE**
- a) There is no evidence of an impact to any of the above reference potential impact areas based on the project as proposed at this proposed location.
 - b) Initial Study/Mitigated Negative Declaration circulated for public review February 22, 2023 to March 23, 2023.

4. FINDING

ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT – The Initial Study identified potentially significant impacts to Biological Resources, Cultural Resources, Geology and Soils, and Tribal Cultural Resources, which could result from the project as originally submitted. Mitigation Measures have been required to ensure potential impacts are limited to a less than significant level.

- a) **Biological Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for biological resources:
 - i. The Development Plan shall map the Streamside Management Area (SMA) and label it “unbuildable”.
 - ii. The Development Plan shall include the following language: “Tree removal and vegetation clearing associated with the Project should be conducted outside of the bird breeding season (the nesting season for raptors is generally January 1 to July 15 and the nesting season for migratory birds is generally February 1 to September 15) in order to avoid ‘take’ as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area

no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. The survey area shall include the area of disturbance and a 300-foot buffer. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take."

- b) **Cultural Resources/Tribal Cultural Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for cultural resources:

- i. The following note shall be placed on the Development Plan and carried out through project implementation: "If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call the project representative, a professional archaeologist and representatives from the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe; 3. The professional historic resource consultant and Tribes will coordinate and provide an assessment of the find and determine the significance and recommend next steps.

"If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5; 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 5. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site."

- d) **Geology and Soils:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for geology and soils:

- i. The following note shall be placed on the Development Plan and carried out through project implementation: "In the event that paleontological resources are discovered, work shall be stopped within 100 feet of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in State CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 100 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The

paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.”

FINDINGS FOR PARCEL MAP SUBDIVISION AND SPECIAL PERMIT

5. FINDING

The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

- EVIDENCE**
- a) The project consists of a subdivision of the approximately 46.5-acre parcel into three parcels of 21.6 acres (Parcel 1), 18.2 acres (Parcel 2) and 6.7 acres (Parcel 3). The parcel is currently vacant. The parcels will be served with on-site water and on-site wastewater treatment systems. Single-family residential development is principally permitted under the RA land use designation.
 - b) The use of a residential agricultural parcel for single-family residential development is consistent with the Open Space Plan and Open Space Action Program.
 - c) The applicant has submitted a Well Connection Study Report and a subsequent addendum that discusses a nearby spring that was not addressed in the initial report. The Well Connection Study Report included volumetric testing results for the well proposed to serve all three parcels. The Division of Environmental Health reviewed this information and found that each parcel will have adequate water availability. In addition, on-site sewage disposal designs for all resultant parcels were submitted. This information was also reviewed by the Division of Environmental Health they recommended approval of the on-site sewage disposal plans.

An R-2 Geologic Soils Report was prepared by A.M. Baird Engineering and Surveying. The report was reviewed by the Building Division and found to adequately demonstrate suitable building sites on all three parcels. All parcels will have frontage along Centerville Road, a County maintained road, however, the parcels will share existing roads that serve other parcels. Easements are already in place for these roads.
 - d) The southern property line of Parcel 3 borders lands zoned Timberland Production Zone (TPZ) and identified as timberlands. The southerly portion of Parcel 3 is currently utilized as grazing lands and provides an adequate fire break. This border between proposed Parcel 3 and the TPZ lands will be required to maintain an adequate fire break consistent with recommendations from Calfire. This will be included in the Development Plan such that future owners are aware of the requirement to provide this feature and maintain it.
 - e) The subject property is located within an area of moderate geologic instability and is not within the Alquist-Priolo Fault Hazard Zone. An R-2 Geologic Soils Report was prepared by A.M. Baird Engineering and Surveying. The report was reviewed and approved by the Building

Division.

- f) The property is outside of the 100-year flood zone, is not subject to tsunami run-up hazards, or levee or dam inundation.
- g) The subject property is located within the State Fire Responsibility Area where the State of California has the primary responsibility for the prevention and suppression of wildland fires. The property is also within the Ferndale Fire Protection District, who provides structural fire protection as well as responding to medical emergencies.
- h) The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. The NWIC recommended a cultural resource study and consultation with the local Tribes. Upon further consultation with the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe, it was recommended that the project be approved with no further study provided a note regarding inadvertent discovery is included in the recorded Development Plan. This is included in the Conditions of Approval.
- i) An unnamed watercourse flows through the subject property. The watercourse carries with it a 50-foot buffer which will be identified on the Development Plan as the Streamside Management Area (SMA) and unbuildable. An existing road provides access adjacent to this watercourse to proposed Parcel 3. The subdivision will require minor widening of this road, which in some locations is within the SMA. These improvements require a Special Permit pursuant to Section 314-61.1 of the Humboldt County Code. Provided standard Best Management Practices (BMPs) are utilized and any widening is done on the west side of the road, no impacts to the creek will occur. The California Natural Diversity Database does not identify any species of special concern on the subject property.

6. FINDING

The proposed subdivision is in conformance with all applicable policies and standards in Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code (H.C.C.).

- a) The subdivision will divide the parcel, creating three parcels suitable for residential development. Adequate building sites have been demonstrated for all parcels. Evidence submitted by the applicant, staff site inspections and referral agency comments indicate that the proposed lots will be suitable for residential use.
- b) The parcel is accessed by Centerville Road, a County maintained road. Although all parcels will have frontage on Centerville Road, they will take access over existing private roads off of Centerville Road. Easements are already in place for these private roads.

Due to the size of the parcel, a preliminary drainage study was not required as the parcels are large enough to accommodate stormwater runoff on-site. The Department of Public Works has provided Subdivision Requirements that require a complete hydraulic and drainage report.

- c) All parcels will be served by an existing well located on Proposed Parcel 3. The parcels will be served by on-site wastewater treatment systems. The County Division of Environmental Health (DEH) has reviewed the well volumetric testing results and sewage disposal plans and recommended approval of the project (Attachment 5).
- d) Section 2.13 of the Public Works Subdivision Requirements (Attachment 1D). provides options for the subdivider should they enter into a Subdivision Agreement or not.
- e) The site of the proposed subdivision is in the State Responsibility Area (SRA) for fire protection, within an area of moderate fire hazard severity. The site is also within the Ferndale Fire Protection District, who provide structural fire protection and suppression services to the area, consistent with the standards for eligibility entities found in §66474.02(a)(2)(A) of the Government Code. The project complies with the standards found within the State Fire Safe Regulations.
- f) The project will divide the parcel to create three parcels suitable for residential development. The parcel was not utilized by the Department of Housing and Community Development in determining compliance with housing element law, therefore, the project is consistent with the goals and policies of the County Housing Element

7. FINDING

The proposed development is consistent with the purposes of the existing Unclassified (U) zone in which the site is located.

EVIDENCE

- a) The project consists of a subdivision of the approximately 46.5-acre parcel into three parcels. The parcel is currently vacant. The parcels will be served with on-site water and on-site wastewater treatment systems. Single-family residential development is principally permitted under the U zone classification.
- b) The parcel was created in compliance with all applicable state and local subdivision regulations by a Lot Line Adjustment in 2007 (LLA-04-23).
- c) The resulting parcels will exceed the minimum parcel size for the U zone (6,000 feet).
- d) The resulting parcels will exceed the minimum lot width and minimum lot depth for parcels in the U zone (50 feet and 100 feet, respectively).
- e) The resulting parcels will not exceed the maximum lot depth for parcels in the U zone (three times the width).
- f) Minimum yard setbacks, maximum lot coverage, and maximum building height for future development will be required to meet standards at time of Building Permit.

8. FINDING

The Project and the 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**
- a) The site is located off a paved publicly maintained road that can safely accommodate the amount of traffic generated for the future development of three single-family residences.
 - b) Water will be sourced from a permitted groundwater well on site.

9. 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**
- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element. The project will divide the parcel to create three parcels suitable for residential development. The project will increase the County housing inventory and is consistent with the goals and policies of the County Housing Element.

DECISION

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

- Adopt the Mitigated Negative Declaration for the Ozanian Parcel Map Subdivision and Special Permit; and
- Adopt the Mitigation Monitoring and Reporting Program for the Ozanian Parcel Map Subdivision; and
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Ozanian Parcel Map Subdivision and Special Permit subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on April 20, 2023.

The motion was made by COMMISSIONER Brian Mitchell and second by COMMISSIONER Iver Skavdal and the following ROLL CALL vote:

AYES: COMMISSIONERS: Noah Levy, Brian Mitchell, Thomas Mulder, Iver Skavdal,
Lonnyx Landry, Sarah West

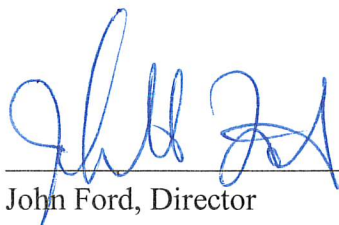
NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Peggy O'Neill

ABSTAIN: COMMISSIONERS:

DECISION: Motion carries 6/0

I, John 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 Ford, Director
Planning and Building Department

**CONDITIONS OF APPROVAL
FOR THE OZANIAN PARCEL MAP SUBDIVISION AND SPECIAL PERMIT**

APPROVAL OF THE TENTATIVE MAP IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PARCEL MAP MAY BE RECORDED:

Conditions of Approval:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the Department of Public Works referral dated August 27, 2018 (Attachment 1D) shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works
3. The Planning Division requires that two (2) copies of the Parcel Map be submitted for review and approval.
4. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$116.00 per parcel) as required by the County Assessor's Office shall be paid to the County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
5. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site development details:
 - A. Mapping
 - (1) Topography of the land in 40-foot contour intervals; and
 - (2) Details showing conformance with provisions of the State Fire Safe Regulations, including but not limited to:
 - a. Road and driveway access standards including emergency access road (i.e., road width, roadway surface, roadway grades, roadway structures, etc.)

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

- (2) “In the event that paleontological resources are discovered, work shall be stopped within 100 feet of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in State CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 100 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

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

- (3) "To ensure continued compliance, property owners are responsible for annual maintenance of the parcels to Fire Safe and wildfire protection standards as required for those items listed under A (2) of the Development Plan Details, above. Compliance with these provisions is subject to inspection by the California Department of Forestry and Fire Protection."
- (4) “The project is located in a designated non-attainment area for the state’s health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:
- Prohibition of open fireplaces.
 - Heating should be provided using clean fuels (electricity or natural gas), when feasible.
 - If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction.”
- (5) “Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 4:00 p.m. on Saturday. All proposed uses must comply with the noise standards identified in Table 13-C of the General Plan.”
- (6) “Tree removal and vegetation clearing associated with the Project should be conducted outside of the bird breeding season (the nesting season for raptors is generally January 1 to July 15 and the nesting season for migratory birds is generally February 1 to September 15) in order to avoid ‘take’ as

defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. The survey area shall include the area of disturbance and a 300-foot buffer. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take.”

- (7) “Notice is given pursuant to Government Code Section 66411.1 that the improvement requirements in Attachment 1D for the subdivision shall be completed to the satisfaction of the Department of Public Works pursuant to Section 2.13 of the above-mentioned Subdivision Requirements.”
- (8) “Development within Streamside Management Areas shall be limited to the following uses:
 - a. Development permitted within stream channels pursuant to Section BR-S6 of the 2017 General Plan.
 - b. Timber management and harvests not otherwise excluded by Applicability Section as well as noncommercial cutting of firewood and clearing for pasturage, provided that cottonwoods are retained and remaining willows and alders, as well as other unmerchantable hardwoods or shrubs should be protected from unreasonable damage.
 - c. Road and bridge replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.
 - d. Removal of vegetation for disease control or public safety purposes.
- (9) “The area along the southerly parcel boundary of Parcel 3 shall be maintained as a fire break.”
- (10) “Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superseded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed.”

- 6. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set

forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$458.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map

7. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,814.00. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2023, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.wildlife.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,814.00 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.
8. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the Planning Commission and/or Board decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
9. Unless subdivision improvements in Attachment 1D are completed or a Subdivision Agreement is entered into prior to filing of the Parcel Map, a Notice of Subdivision Improvement Requirements shall be recorded for the subdivision pursuant to Government Code Section 66411.1. The Notice shall be on forms provided by the Planning Division and all applicable recording fees shall apply.
10. All parcels shall be part of the shared water system and easements shall be provided to each parcel to allow conveyance of water from the well to each parcel.
12. Proposed Parcel 3 lies adjacent to lands zoned TPZ and is subject to standards for fire protection within the Wildland Urban Interface (WUI) zone. The applicant shall develop a plan for fuel treatment in consultation with Calfire in order to maintain the southern parcel boundary as a forested buffer and shaded fire break consistent with the Humboldt County Community Wildfire Protection Plan. The plan's fuel treatment recommendations shall be incorporated into the Development Plan.

Informational Notes:

1. To reduce costs the applicant is encouraged to bring in written evidence* of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division. The applicant should submit the listed item(s) for review as a package as soon as possible before the desired date for final map checking and recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment, will be subject to a review fee for Conformance with Conditions billed at the County's current burdened hourly rate. Copies of all required forms and written instructions are included in the final approval packet.

* Each item evidencing compliance should note in the upper right-hand corner:

Assessor's Parcel No. _____, Exhibit "A", Condition _____.
(Specify) (Specify)

2. The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources might be encountered during construction activities, the following mitigation measures are required under state and federal law:

If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).

Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease, and the County Coroner contacted."

3. The term of the approved Tentative Map and Special Permit shall be 24 months from the effective date of the action except where otherwise provided by law. An extension may be requested prior to the date in accordance with Section 326-21 and 326-31 of the Humboldt County Code.

MITIGATION MONITORING AND REPORTING PROGRAM

Biological Resources

Mitigation Measure BIO-1. The Development Plan shall map the Streamside Management Area (SMA) and label it “unbuildable”.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Throughout project construction	Throughout construction		Applicant and successors			

Mitigation Measure BIO-2. The Development Plan shall include the following language: “Tree removal and vegetation clearing associated with the Project should be conducted outside of the bird breeding season (the nesting season for raptors is generally January 1 to July 15 and the nesting season for migratory birds is generally February 1 to September 15) in order to avoid ‘take’ as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. The survey area shall include the area of disturbance and a 300-foot buffer. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take.”

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Throughout project construction	Throughout construction		Applicant and successors			

Cultural Resources

Mitigation Measure CR-1. The following note shall be placed on the Development Plan and carried out through project implementation: “If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call the project representative, a professional archaeologist and representatives from the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe; 3. The professional historic resource consultant and Tribes will coordinate and provide an assessment of the find and determine the significance and recommend next steps.

“If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5; 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 5. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery

of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.”

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

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Throughout project construction	Throughout construction		Applicant and successors			

Geology and Soils

Mitigation Measure GEO-1: The following note shall be place on the Development Plan and carried out through project implementation: “In the event that paleontological resources are discovered, work shall be stopped within 100 feet of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in State CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 100 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.”

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

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Throughout project construction	Throughout construction		Applicant and successors			