



**COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION**

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Hearing Date: August 3, 2017

To: Humboldt County Planning Commission

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

Subject: **Bureau of Land Management Conditional Use Permit**
Application Number 10548
Case Number CUP-16-035
Assessor Parcel Number 308-041-002
Table Bluff County Park, Table Bluff/South Jetty area

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Please contact Michelle Nielsen, Senior Planner at 707-268-3708 or by email at mnielsen@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date August 3, 2017	Subject Conditional Use Permit	Contact Michelle Nielsen
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Project Description: A Conditional Use Permit to allow for on-going invasive weed/vegetation removal and maintenance activities on an approximately 7 acre portion of Table Bluff County Park owned by Humboldt County. The maintenance activities undertaken are part of the South Spit Interim (Final) Management Plan of 2002, and are consistent with said plan. The project site has two maintenance and activity areas: 1) the Restored Native Plant Habitat Maintenance Area which is approximately 4.3 acres in size; and 2) the Educational Activity Area, which is approximately 2.74 acres in size. The removal and maintenance work in the Restored Native Plant Habitat Maintenance Area involves an occasional to annual visual inspection and manual removal of any European beachgrass (*Ammophila arenaria*) resprouts and other incidental invasive, non-native plants. The purpose of the work is to maintain the state of completed restoration of native dune habitat and native northern foredune grassland plant habitat areas. Maintenance work typically requires less than one standard work day by two to three people, per year. Any iceplant manually removed would be taken off-site to a green waste disposal site if the pile is too dense to dry quickly and is at risk of rooting. The Educational Activity Area: maintenance and removal activities consist of the removal of European beachgrass and/or iceplant by hand-pulling and with the use of hand tools. Piles of pulled beachgrass would be left to naturally decompose. The purpose of this work is to maintain a mosaic of degraded and recovered dune mat and northern foredune habitat. This degraded area is useful as an educational activity area for Ocean Day. Ocean Day is a statewide education program and usually occurs the first week of June. About 800 students from kindergarten through eighth grade participate locally. During the Ocean Day event, students gather at the Mike Thompson Wildlife Area on the South Spit for a day of beach clean-up and invasive plant removal. The Educational Activity Area has been determined to be the safest beach with public access for holding this event because it provides an upland safety zone in the event of a large earthquake that would be associated with a tsunami. Because this area is needed year after year, complete restoration is not the near-term goal. In accordance with the BLM's consistency determination CD-052-02 the ongoing federal agency activities as described do not require a Coastal Development Permit from the California Coastal Commission or the County.

Project Location: The project is located in Humboldt County, in the Table Bluff/South Jetty area, on both side of Table Bluff Road, at the intersection of Table Bluff Road and South Jetty Road, on the property known to be in Sections 26 and 27, Township 04 North, Range 02 West, HBM, also known as Table Bluff County Park.

Present Plan Land Use Designations: Public Recreation (PR), Humboldt Bay Area Plan (HBAP), Density: N/A, Slope Stability: Low Instability (1) and Moderate Instability (2).

Present Zoning: (PR/B) Public Recreation (PR), Beach and Dune Areas (B).

Case Number: CUP 16-035

Application Number: 10548

Assessor Parcel Number: 308-041-002

Applicant
Bureau of Land Management
c/o Molly Brown
1695 Heindon Road
Arcata, CA 95521

Owner
Humboldt County Of
1106 2nd Street
Eureka, CA 95501

Agent
BLM Arcata Field Office
Attn.: Jennifer Wheeler
1695 Heindon Rd.
Arcata, CA 95521

Environmental Review: Environmental review is required.

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

Major Issues: None

BUREAU OF LAND MANAGEMENT CONDITIONAL USE PERMIT

Case Number CUP-16-035
Assessor Parcel Number 308-041-002

Recommended Planning Commission Action:

1. Describe the application as a Public Hearing;
2. Request staff presents the project;
3. Open the public hearing and receive testimony; and,
4. Close the hearing and take the following action:

Move to adopt the Addendum to the Beach and Dunes Management Plan pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the Bureau of Land Management project subject to the recommended conditions.

Executive Summary:

A Conditional Use Permit (CUP) is requested by the Bureau of Land Management to allow for on-going invasive weed/vegetation removal and maintenance activities on an approximately 7 acre portion of Table Bluff County Park owned by Humboldt County. The maintenance activities undertaken are part of the South Spit Interim (Final) Management Plan of 2002. The project consists of two maintenance and activity areas: 1) the Restored Native Plant Habitat Maintenance Area which is approximately 4.3 acres in size; and 2) the Educational Activity Area, which is approximately 2.74 acres in size. No Coastal Development Permit is required as the BLM has received a Consistency Determination from the Coastal Commission that the activities are consistent with the federal Coastal Zone Management Act.

Table Bluff Park consists of Assessor Parcel Numbers (APNs) 308-041-002 and 308-041-007. These parcels do not have the same land use designation or zoning.

- APN 308-041-002 is designated Public Recreation (PR) under the Humboldt Bay Area Plan (HBAP), and is zoned Public Recreation (PR) with a Beach and Dune Areas combining (B). This parcel is subject to the Conditional Use Permit (CUP)
- APN 308-041-007, on the other hand is designated Natural Resources (NR) under the HBAP, and is zoned Natural Resources with combining zones for Archeological Resource Area Outside Shelter Cove (A), Coastal Wetlands (W), Design Review (D), Beach and Dune Areas (B), Flood Hazard Area (H), and Transitional Agricultural Lands (T). On this parcel, Fish and Wildlife Habitat restoration is a principally permitted use.

The objective of Fish and Wildlife Management is different for each activity area: The Restored Native Plant Habitat Maintenance Area is for removal and maintenance work involves an occasional to annual visual inspection and manual removal of any European beachgrass (*Ammophila arenaria*) resprouts and other incidental invasive, non-native plants. This is a full restoration area with the objective of re-establishing native dune mat habitat. The Educational Activity Area also involves maintenance and removal activities involving the removal of European beachgrass and/or iceplant by hand-pulling and with the use of hand tools. However, full restoration is not the objective of the work in the Educational Area; the intent is to maintain a mosaic of degraded and recovered dune mat and northern foredune habitat for the educational purposes during the statewide Ocean Day event.

The Department has received eight letters in opposition to the permit (Attachment 6). These largely deal with concerns over the effect of removal of the non-native European beachgrass on dune resilience and habitat. Molly Brown, Field Manager with the Bureau of Land

Management has addressed these concerns by letter dated July 24, 2017 (Attachment 5, Item 7 a-f).

Background

January 18, 1934: Humboldt County acquired land at Table Bluff overlooking Humboldt Bay and the Pacific Ocean. Table Bluff Park is about 15 acres in size, is a day use park with beach access. Uses of the park include picnicking, sightseeing, beachcombing, walking and surfing. The Park provides access to the ocean and beach at the southernmost section of the South Spit. No fees are charged to users.

Adoption of the Beach and Dunes Management Plan

August 31, 1993: Board of Supervisors adopted Resolution 93-85 on certify the Environmental Impact Report, Approving South Spit Alternative #1, and approving transmittal of the Local Coastal Program Amendment to the Coastal Commission.

June 7, 1994: Board of Supervisors adopted Resolution 96-47 [sic: 94-47] to accept the Coastal Commission's Suggested Modifications to the Local Coastal Program Amendment (Amendment No. 1-93). This action included adoption of amendments to the Humboldt Bay Area Plan.

July 14, 1994: Coastal Commission approved Major Amendment No. 1-93 (Beach and Dunes Management Plan).

South Spit Interim Management Plan (SSIMP)

July 10, 2002: Bureau of Land Management makes a Find of No Significant Impact per the National Environmental Protection Act (NEPA). Per the Environmental Assessment prepared for the South Spit Interim Management Plan dated July 2002 (#02-10), one of the express goals and objectives of the proposed action, that is implementation of the South Spit Interim Management Plan, is to "Manage the area consistent to the maximum extent possible with the *Humboldt Beach and Dunes Management Plan, 1995*, and the *South Spit Management Plan, 1997* (page 3).

December 11, 2002: California Coastal Commission conditionally approved CD-05-02, Consistency Determination for the South Spit Interim Management Plan, BLM.¹ On April 20, 2016 Larry Simon, Federal Consistency Coordinator for the Coastal Commission provided the following clarification (via email) regarding the CD-05-02 Consistency Determination:

Melissa Kraemer asked me to provide you with information regarding BLM and County obligations regarding invasive weed/vegetation removal activities on the South Spit of Humboldt Bay. In December 2002 the Commission concurred with the BLM's consistency determination CD-052-02 for the South Spit Interim Management Plan. That plan encompassed the 800-acre South Spit Cooperative Management Area, including federal, state, and county lands, including Table Bluff County Park. The BLM subsequently adopted in 2006 the Interim Plan as the Permanent Plan for the South Spit. The BLM's consistency determination included as one of its goals and objectives the eradication of invasive non-native vegetation, including European beachgrass, iceplant, yellow bush lupine, and other plants within the Management Area. Both manual and mechanical methods of plant removal were incorporated

¹ The Coastal commission adopted the following condition: "During the western snowy plover reproductive season, from March 1 through September 30, BML will prohibit access of recreational vehicles to the waveslope. During this period vehicle use will be limited to commercial fishermen, tribal members, and mobility-impaired persons through a permit system."

into the eradication program. The BLM has undertaken such activities across the South Spit since 2003 and continues to do so under the provisions of CD-052-02. The BLM's upcoming planned weed removal activities, including those associated with the annual Ocean Day event, are likewise consistent with CD-052-02 and require no additional Commission review or action. The BLM's weed removal actions within the County's Table Bluff County Park (including the portion of the County-owned parcels on the ocean side of South Jetty Road) were anticipated under CD-052-02 and also require no further Commission review. This ongoing federal agency activity does not require a coastal development permit from the Commission or the County; CD-052-02 served as the regulatory review required by the federal Coastal Zone Management Act and remains in effect.

February 18, 2003: Bureau of Land Management decision to implement the South Spit Interim Management Plan.

October 12, 2006: Bureau of Land Management and California Department of Fish and Wildlife decide to accept the South Spit Interim Management Plan as the final plan. Prior to this decision, there was public scoping. Because no new issues were identified and because the SSIMP enable adaptive management, the SSIMP became the final plan.

The South Spit Interim Management Plan and the associated Environmental Assessment from 2002 recommended a Memorandum of Understanding (MOU) between BLM, Humboldt County, and California Department of Fish and Game (now California Department of Fish and Wildlife) to provide a coordinated management approach for the area and to provide consistency with visitor management rules and regulations. The Board of Supervisors approved a statement of support for the Management Plan on March 4, 2003. With adoption of the Management Plan, BLM took on primary responsibility for operations, maintenance, and land management of the South Spit Cooperative Management Area, which includes the two County-owned parcels, and has served this role continuously through the present. It is still desirable to develop an MOU to help clarify roles and responsibilities, and discussions have been initiated between Public Works and BLM, however more time will be needed before Public Works brings a draft to the Board. The findings to approve the CUP do not depend on having an MOU formalized, and can proceed according to the schedule described above.

As stated in the applicant's Project Description, this work is consistent with the South Spit Interim (Final) Management Plan, and Humboldt County is a cooperative management partner. One of the stated goals and objectives South Spit Interim Management Plan (SSIMP) is to manage the area consistent Humboldt Beach and Dunes Management Plan, 1995 (Environmental Assessment for the SSIMP, page 3). The Humboldt Beach and Dunes Management Plan (HBDMP) was prepared by Humboldt County, and the Board of Supervisors approved the policies in the HBDMP by Resolution No. 93-85. The HBDMP includes geographic area inventories of the baseline information for the plan at the time of its preparation. For the South Jetty to Table Bluff area, the HBDMP the listed environmentally sensitive flora and fauna are Western Lily, Beach Layia, Pink Sand Verbena, Snowy Plover, and Black brant (HBDMP, page 140). As stated in the applicant's Project Description, this work is consistent with the South Spit Interim (Final) Management Plan, and Humboldt County is a cooperative management partner. One of the stated goals and objectives South Spit Interim Management Plan (SSIMP) is to manage the area consistent Humboldt Beach and Dunes Management Plan, 1995 (Environmental Assessment for the SSIMP, page 3). The Humboldt Beach and Dunes Management Plan (HBDMP) was prepared by Humboldt County, and the Board of Supervisors approved the policies in the HBDMP by Resolution No. 93-85. The HBDMP includes geographic area inventories of the baseline information for the plan at the time of its preparation. For the

South Jetty to Table Bluff area, the HBDMP listed environmentally sensitive flora and fauna are Western Lily, Beach Layia, Pink Sand Verbena, Snowy Plover, and Black brant (HBDMP, page 140).

The Kelsey McDonald study titled *Differences in the Morphology of Restored and Invaded Foredunes* (Attachment 3) using remotely sensed data from a high-resolution 2010 Digital Elevation Model found that height of restored and invaded dunes in the study area showed no significant difference in height although they do show a significant difference in slope: invaded dunes were steeper with a more flat, plateau-like top, and restored dunes were more gently sloping with rounded peaks (page 2).

All of the reviewing agencies that have provided timely comments have either recommended approval or conditional approval of the project. Accordingly, the Department has prepared an Addendum to a previously approved Environmental Impact Report and has determined that the project, as proposed, mitigated and conditioned, will not have a significant effect on the environment.

Staff Recommendations: Following an on-site inspection, a review of Planning Division reference sources, and a review of comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Conditional Use Permit.

ALTERNATIVES: The Planning Commission could elect not to approve the project, to require the applicant to submit further evidence, to require further environmental review, or to modify the project. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of the alternatives

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

Resolution Number 17-

Case Number CUP-16-035

Assessor Parcel Number 308-041-002

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Bureau of Land Management Conditional Use Permit.

WHEREAS, on May 26, 2016 and May 12, 2017 the County of Humboldt authorized the Bureau of Land Management (BLM) to apply to Humboldt County for a Conditional Use Permit (CUP) for the purpose to allow for invasive weed/vegetation removal and maintenance, by hand-pulling, activities on the Public Recreation zoned portion of Table Bluff County Park; and

WHEREAS, the County Planning Division reviewed the submitted application and evidence and referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is subject to environmental review pursuant to of the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Beach and Dunes Environmental Impact Report certified by the Humboldt Board of Supervisors on August 31, 1993 in Attachment 4 as required by Section 15074(b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP 16-202); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on August 3, 2017.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. Adopts the proposed Addendum to a previously approved Environmental Impact Report in Attachment 4 as required by Section 15074(b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. The findings in Attachment 2 of the Planning Division staff report for Case Number CUP 16-035 support approval of the project based on the submitted evidence; and
3. Approves the Conditional Use Permit Case Number CUP 16-035 as recommended and conditioned in Attachment 1 for Case Number CUP 16-035.

Adopted after review and consideration of all the evidence on August 3, 2017.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:

NOES: Commissioners:

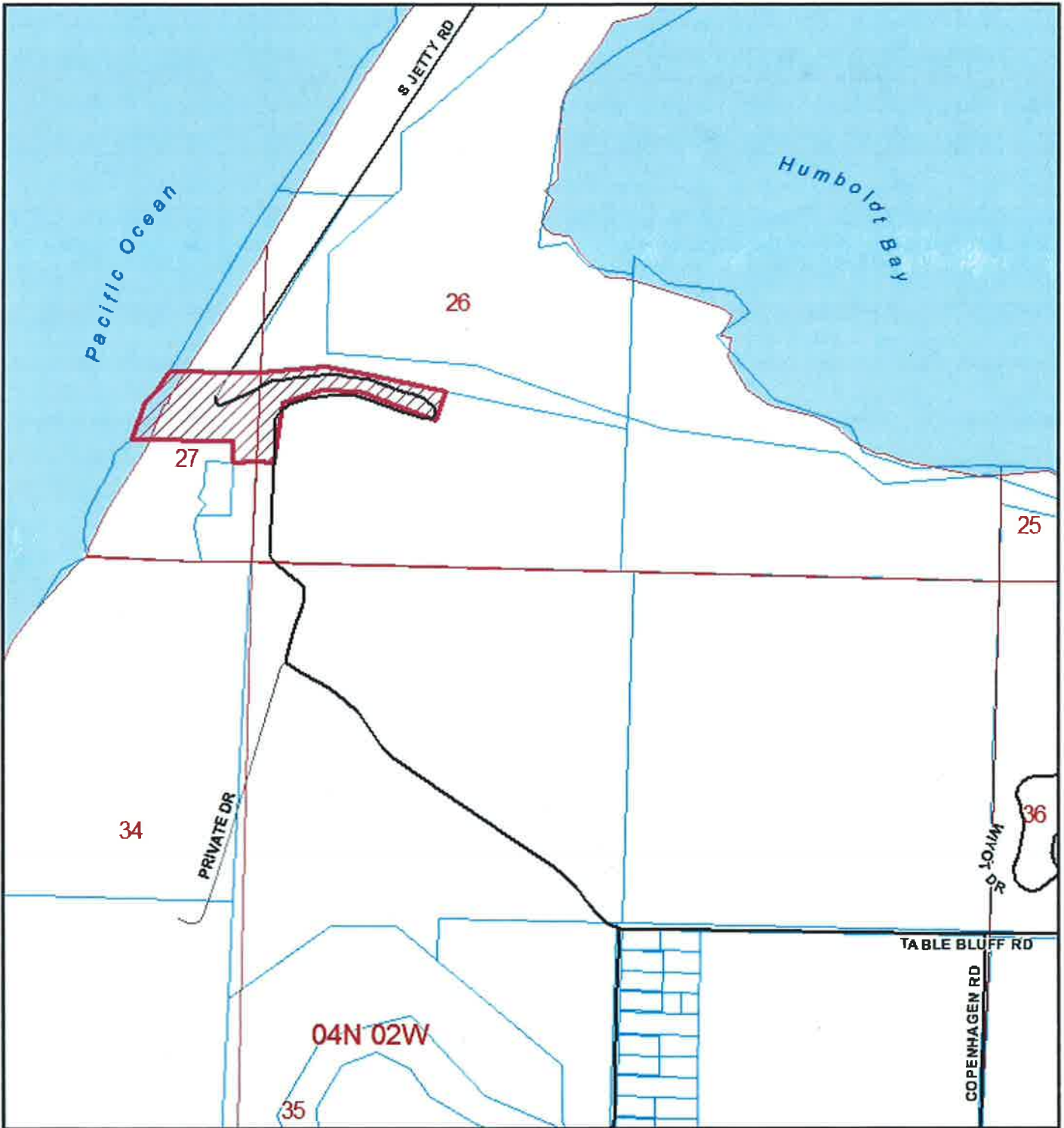
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION: Motion carries

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 H. Ford
Director, Planning and Building Department



LOCATION MAP

**PROPOSED BUREAU OF LAND MANAGEMENT
CONDITIONAL USE PERMIT
TABLE BLUFF/SOUTH JETTY AREA
CUP-16-035**

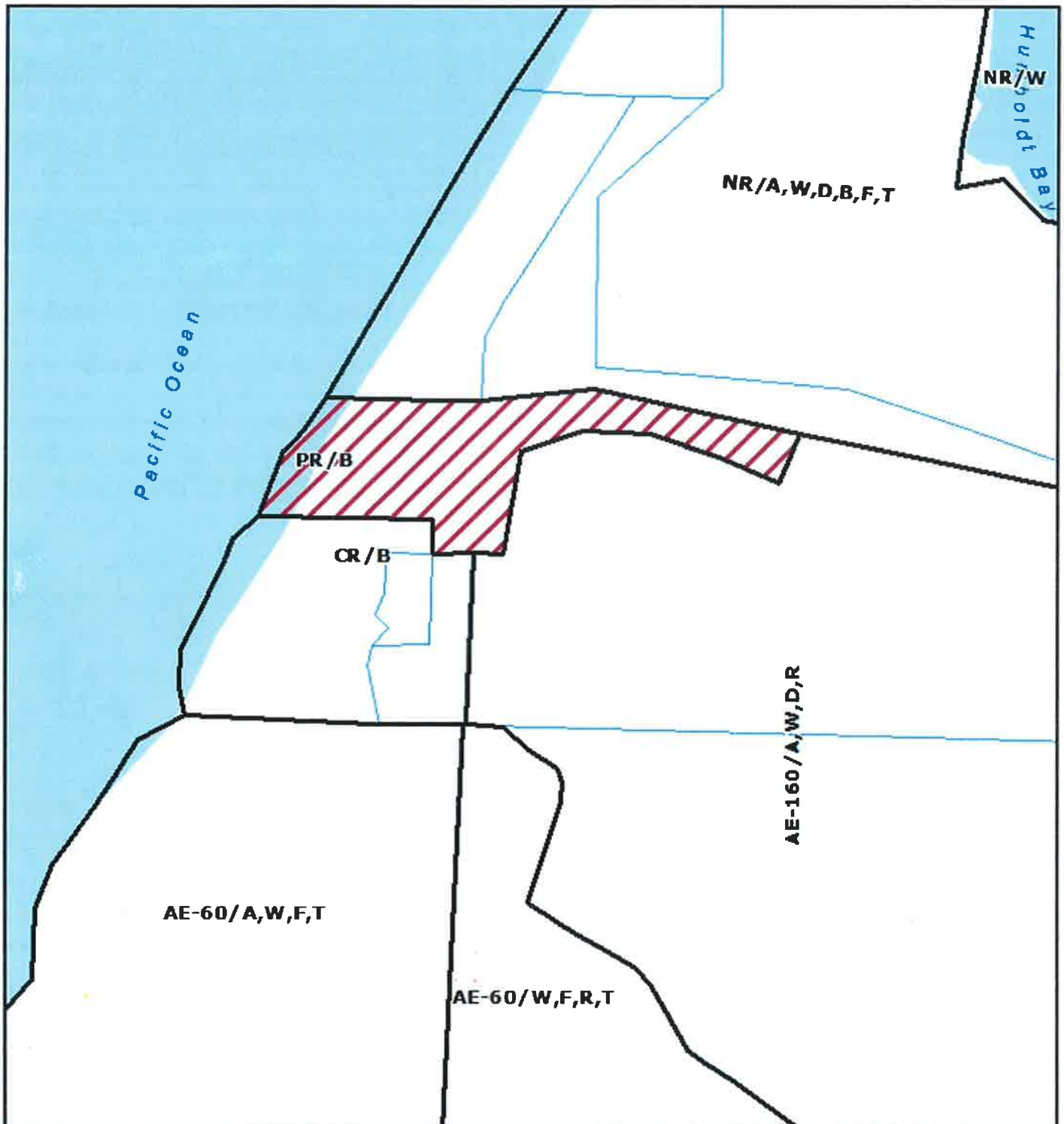
APN: 308-041-002

T04N R02W S26-27 HB&M (Cannibal Island)

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.





ZONING MAP

**PROPOSED BUREAU OF LAND MANAGEMENT
CONDITIONAL USE PERMIT**

TABLE BLUFF/SOUTH JETTY AREA

CUP-16-035

APN: 308-041-002

T04N R02W S26-27 HB&M (Cannibal Island)

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.

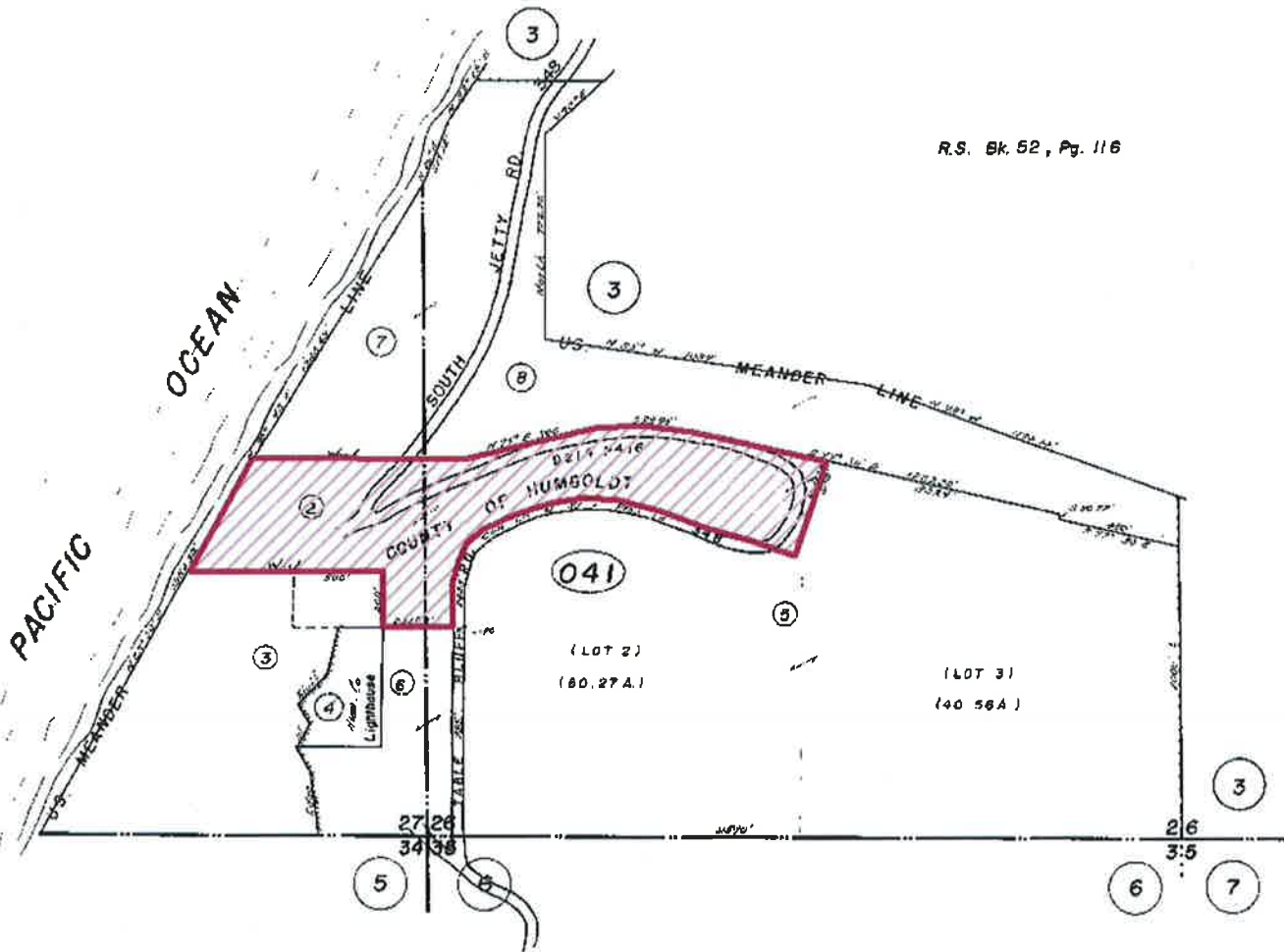


FRCL SEC 27 & PTN SEC 26 4N 2W

308-04

T.C.A. 109-07

1" = 400'



R.S. Bk. 52, Pg. 116



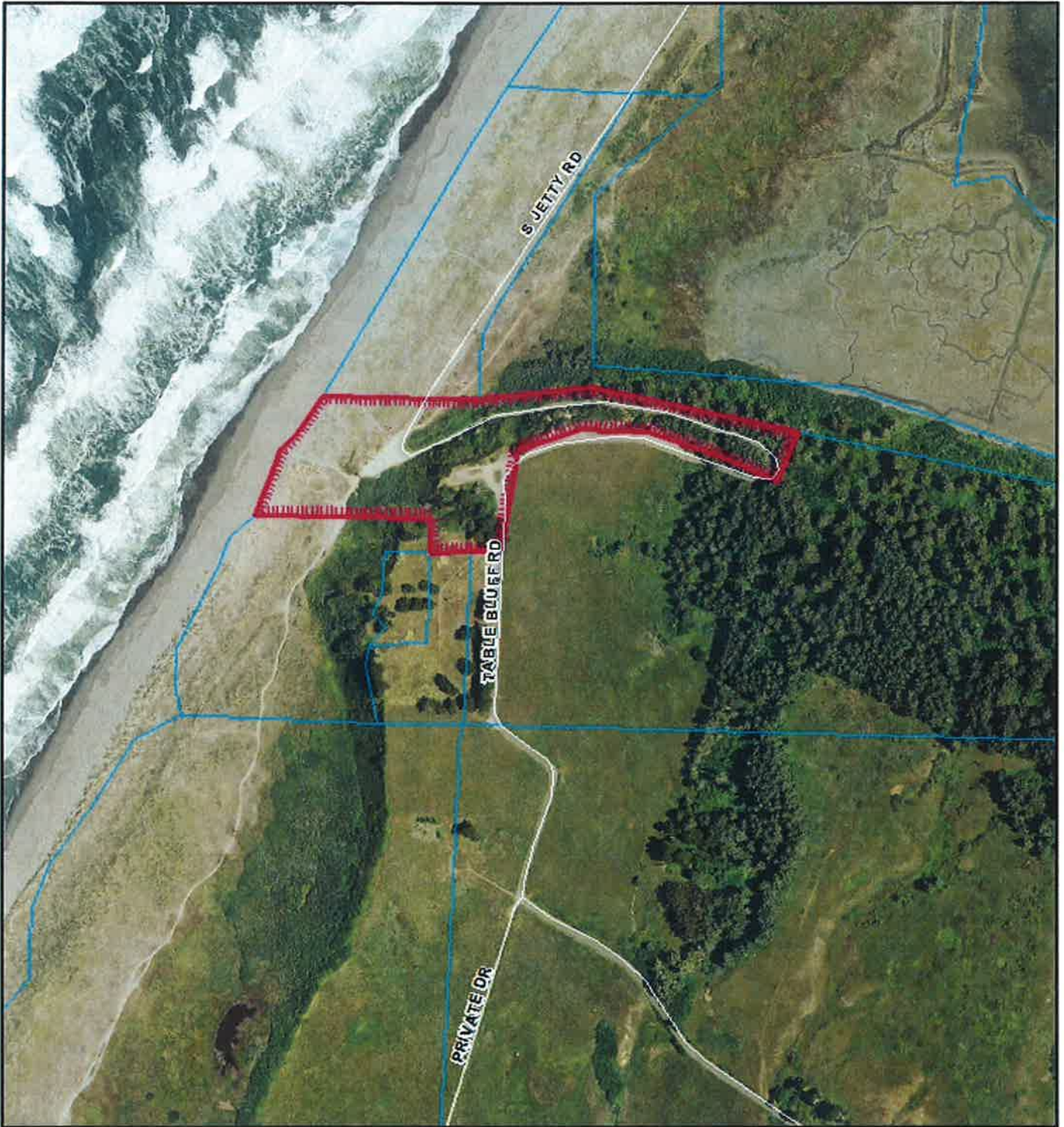
PROJECT SITE = 

ASSESSOR PARCEL MAP

**PROPOSED FORBES
COASTAL DEVELOPMENT PERMIT &
CONDITIONAL USE PERMIT
EUREKA AREA**

**CDP-06-27MX/CUP-06-08MX
APN: 305-101-053**

T04N R01W S08 HB&M (Fields Landing)



AERIAL MAP

**PROPOSED BUREAU OF LAND MANAGEMENT
CONDITIONAL USE PERMIT**

TABLE BLUFF/SOUTH JETTY AREA

CUP-16-035

APN: 308-041-002

T04N R02W S26-27 HB&M (Cannibal Island)

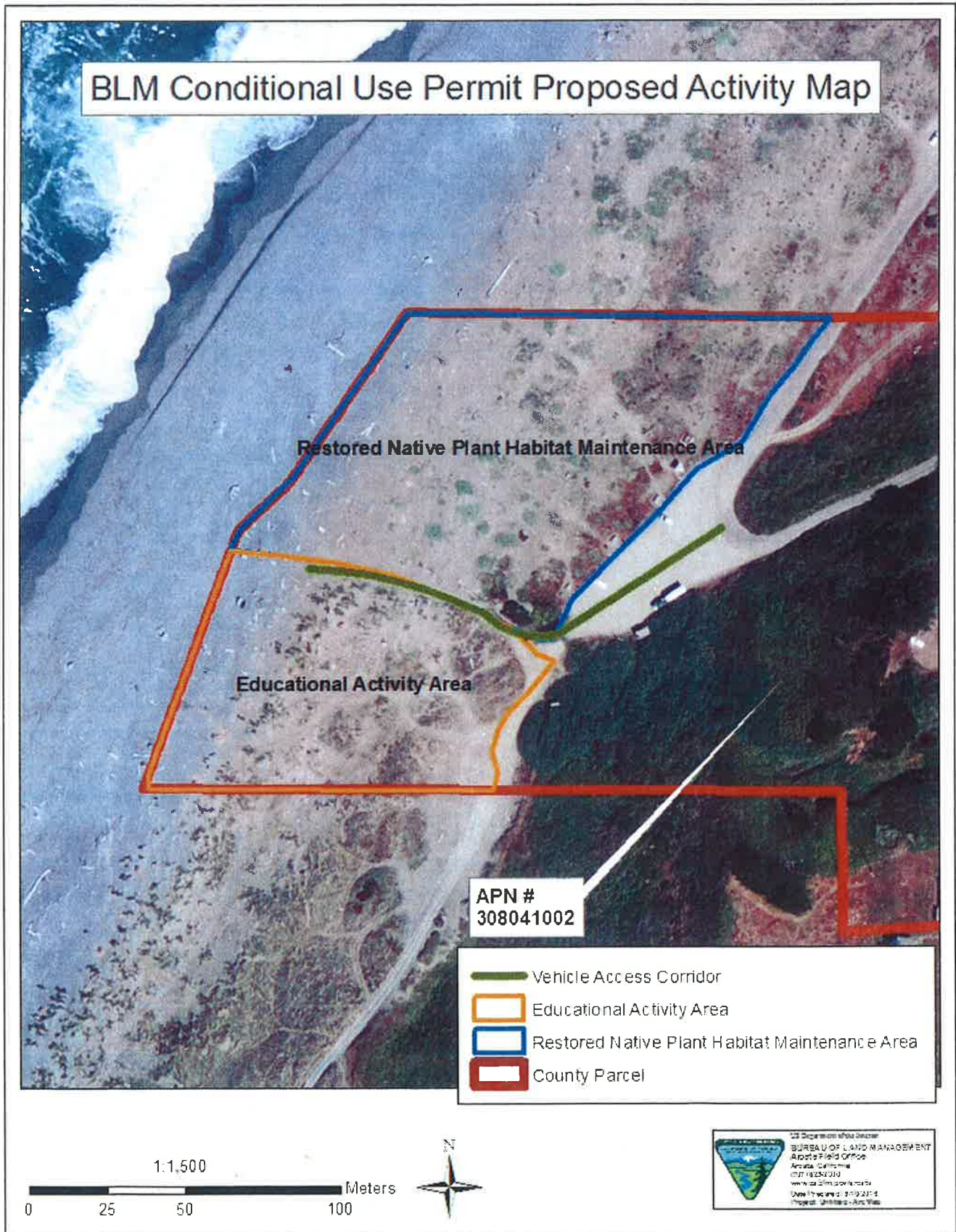
Project Area = 



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 1. BLM Conditional Use Permit Proposed Activity Map.



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Issuance of the Conditional Use Permit shall be subject to the following terms and conditions.

1. The use and development of the site shall be consistent with the submitted application materials for the BLM Conditional Use Permit. Changes to the uses or descriptions may require a Modification to the Conditional Use Permit.
2. All mitigation measures applicable to the project as identified in the Beach and Dunes Management Plan shall be implemented consistent with the Mitigation Plan.
3. Within five (5) days of the approval date of this permit, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$50.00. (Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.

Informational Notes:

1. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains.

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

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. 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 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.

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 Coastal 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 Conditional Use 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.
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 Appendix to Title III, Division 1 of the HCC specifies that in addition to the required findings specified in Title III, Division 1 of the HCC, the Hearing Officer may approve or conditionally approve an application for a Conditional Use Permit only if the following Supplemental Findings are made:
 - 312.39.5 Coastal View Areas
 - 312.5.1 To the maximum extent feasible, the project is sited so as not to interfere with public views to and along the ocean from public roads and recreation areas.
 - 312.39.6 Coastal Dune and Beach Areas
 - 39.6.1.1 Development shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.
 - 39.6.1.2 There is no less environmentally damaging feasible alternative; and
 - 39.6.1.3 The development will not interfere with the protection of dredge spoils designated disposal locations.
 - 312-39.9 Coastal Natural Landforms
 - 39.9.1 Alterations to natural land forms will be minimized.
6. 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 midpoint 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.

7. 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) has no substantial evidence that the project will 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.

CONSISTENCY WITH THE GENERAL PLAN

1. The proposed development must be consistent with the General Plan.

The following sections identify the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt Bay Area Plan (HBAP) and the Framework Plan (FP).

HBAP Section and Summary of Applicable Requirement: Land Use §4.10 (HBAP) Public Recreation

Purpose: to protect publicly owned lands suitable for recreational development or resource protection. Principal Use: public recreation and open space (per Section 3.27).

Evidence that supports finding the proposed development is consistent with Finding 1:

The project site is Table Bluff County Park, a County park since the 1930s. The project is for the removal of non-native of beach grass (*Ammophila arenaria*). In the designated Restored Native Plant Habitat Maintenance Area the applicant's expressed purpose for removal is to maintain the restored state of the native dune mat. In the Educational Activity Area, the purpose of removal is to maintain a patchwork of degraded and recovered dune mat and northern foredune habitat. The management objective in the Educational Activity area is not restoration. The Educational Activity Area is used for Ocean Day, a Statewide educational program. Approximately 800 local students participate in this single day, annual program. As part of Ocean Day, students may remove beach grass from the Educational Activity Area. For both activity areas, all removal work is done by hand, with a removal frequency of occasional to once per year. The duration of removal is no more than one standard day. No mechanized equipment is used for removal.

Recommendation:

Staff recommends that the evidence supports finding the project consistent with the Public Recreation purpose and principal use as specified in HBAP Section 4.10.

HBAP Section and Summary of Applicable Requirement: Housing §3.16 (HBAP)

Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.

Evidence that supports finding the proposed development is consistent with Finding 1:

The subject parcel has been in County ownership since the 1930s, it is not planned for residential uses, and the project does not include residential development. The project will not directly or indirectly impact conformance with the goals and policies of the Housing Element because the proposal does not involve development of housing.

Recommendation:

Staff recommends that the evidence supports finding the project consistent with the Housing policies of the HBAP.

HBAP Section and Summary Applicable Requirement: Recreational and Visitor Serving Areas §3.27 (HBAP) and

Evidence that supports finding the proposed development is consistent with Finding 1:	
<p>A. PLANNED USES Public recreational land use designations have been applied to publicly-owned property at Mad River Beach County Park, Manila Community Park, Samoa Boat Launch, the airport and Coast Guard sites at the tip of the North Spit, the tip of the South Spit, <i>Table Bluff County Park</i> and the Fields Landing Boat Launch...Existing public recreation areas provide sufficient access to the Bay and ocean for recreational use, and no purchase of additional land has been recommended. However, any change in use of the public property at the end of the North Spit shall provide for further public recreational opportunities.</p>	<p>The project is for the occasional to once annual removal of non-native vegetation by hand on a portion of Table Bluff County Park. The project area is within the portion of Table Bluff County Park designed Public Recreation under the LCP. The project does not entail an expansion of the existing park. No changes to coastal access to user groups is proposed</p>
B. FINDINGS FOR PERMITTING OF RECREATIONAL FACILITIES	
<p>1. The proposed development includes adequate on-site services for water, waste disposal, parking and other facilities necessary to serve the proposed use.</p>	<p>The park has these services in place. Periodic and once annual removal of invasive vegetation will not increase the demand for on-site services.</p>
<p>2. The proposed development would not create traffic flows detrimental to agricultural or forestry uses in the Planning Area; except that where the proposal includes a showing that such adverse impacts will be mitigated through road improvements or other means within two years of project approval, the development shall be approved.</p>	
<p>3. No location within an Urban Limit Area is more feasible.</p>	<p>Table Bluff County Park has been a county park since the 1930s. The activity areas are within the park's boundaries.</p>
<p>4. The development does not constitute conversion of agricultural or timber lands inconsistent with the requirements of this chapter.</p>	<p>The project area is on land planned and zoned Public Recreation under the LCP.</p>
<p>5. In the case of visitor serving facilities, that an established recreational use exists in the immediate area, or will be provided by the development, for which the visitor-serving facility is appropriate commercial service.</p>	<p>The project is not for visitor serving facilities.</p>

<p>C. RESIDENTIAL USE OF RECREATIONAL FACILITIES In an approved recreational vehicle park the residential occupancy of recreational sites by mobile homes shall be allowed up to 20%, but not to exceed a total of 10 such existing sites from June through August, and up to 80%, but not to exceed 40 from September through May.</p>	<p>No residential use is proposed.</p>
<p>D. PUBLIC RECREATION It is the policy of this County to prefer the private sector as the provider of visitor-serving facilities. To this end, land has been reserved, as shown on the Plan Map, for private commercial visitor-serving uses; and the County discourages public agencies from establishing visitor-serving facilities, beyond the level of overnight campgrounds and picnic areas in public parks.</p>	
<p>1. The County shall, if feasible, transfer title of the Manila Community Park to an appropriate community agency or non-profit organization for perpetual management as a community recreation center.</p>	<p>Policies D.1 and D.2 do not apply to this project because the project is for the periodic to once annual removal of invasive non-native plants on the PR portion of Table Bluff County Park located on the South Spit.</p>
<p>2. Existing uses of the Coast Guard's dune area on the North Spit, including exercises conducted by the National Guard, shall continue. Any change in use, management, or ownership of this property shall provide for increased public recreational opportunities.</p>	

Recommendation

Staff recommends that the evidence supports finding the project consistent with the HBAP policies for the Recreational and Visitor Serving Areas.

HBAP Section and Summary of Applicable Requirement: Hazards §3.17 (HBAP)

Development Policies:²

1. Seismic Safety: New development shall be consistent with the adopted Humboldt County Safety and Seismic Safety element of the General Plan. Of particular interest, when siting new development, the Natural Hazards/Land Use Risk Rating Matrix on Figure 3-5, Section 3300 of Vol. 1 should be used in conjunction with Plate III. Plate III is a map delineating seismic zones relating to earthquake shaking as well as land stability and other natural hazard conformation.

3. Tsunamis: New development below the level of the 100 year tsunami run-up elevation described in Tsunami Predictions for the West Coast of the Continental United States (Technical Report H-78-26 by the Corps of Engineers) shall be limited to public access, boating, public recreation facilities, agriculture, wildlife management, habitat restoration, and ocean intakes, outfalls, and pipelines, and dredge spoils disposal. New subdivisions or development projects which could result in one or more additional dwelling units within a potential tsunami run-up area shall require submission of a tsunami vulnerability report which provides a site-specific prediction of tsunami run-up elevation resultant from a local Cascadia subduction zone major earthquake.

4. Floodplains: No critical facilities should be permitted to locate within the 100 year flood plain. Utility lines may cross hazard zones if there is no reasonable alternative and provisions are made to mitigate the hazard. Non-critical facilities should be permitted in the 100 year flood plain only

² The numbering of the following sub-sections follow the numbering in Section 3.17 of the HBAP.

if adequate flood control measures, such as control works, compact fill, etc., that would result in a site being beyond or above the 100 year flood extend, are provided. Further, the County will continue to review development in light of and impose conditions consistent with the National Flood Insurance Program. Humboldt Bay Area Plan Certified: 10-14-82 (HBAP/Ch3) Chapter 3 Page 26 Rev: December 2014

5. Fire hazard: The County shall request that the fire service agencies recommend to the planning staff new ordinances or amendments to existing ordinances that will promote the orderly implementation of recognized fire protection practices. These recommendations shall be evaluated by the Board of Supervisors for inclusion in Phase III of the Local Coastal Plan for the Area

Evidence that supports finding the proposed development is consistent with Finding 1:

Seismic Safety: The activity areas are in an area with a slope stability rating of 2. The use under consideration are not enumerated in the referenced Seismic Safety element's Natural Hazards/Land Use Risk Rating Matrix. The project is for habitat restoration, and does not involve development of new structures. The Building Inspection Division reviewed the project and conducted a site visit and did not require the preparation of the report.

Tsunami: Habitat restoration and public recreation facilities are specifically enumerated as permissible uses below the 100-year tsunami run-up elevation.

Floodplains: The project is for habitat restoration and public recreation, and does not entail development of new infrastructure.

The proposed activities will occur on sand dunes which are partially situated within an area designated as coastal high hazard area (Zone VE) on FEMA's preliminary Flood Insurance Rate Map (FIRM) dated October 27, 2015. Also Section 337-7(e) of the HCC Flood Damage Prevention Ordinance prohibits the manmade alteration of sand dunes which would increase potential flood damage.

See the Technical Memorandum, dated January 25, 2017, prepared by Sam Flanagan and Eric Antrim in Attachment 3 for the analysis of potential changes to flood hazard associated with the proposed CUP for non-native vegetation removal within the portions of Table Bluff Park. The report concludes that the periodic removal of patches of non-native vegetative by hand will not increase potential flood damages. The Chief Building Official reviewed the Technical Memorandum and "have no issue with their findings or conclusions."

See the Memorandum dated April 27, 2017 prepared by Hank Seemann, in Attachment 3, in which Mr. Seemann provides comments on the January 25, 2017 Technical Memorandum prepared by BLM. Mr. Seemann's April 27, 2017 memorandum is accompanied by transects, using LIDAR, of the project area and the vicinity relative to the FEMA based flood elevation in 2011 and 2014. The transects show the VE flood hazard area does not extend to South Jetty Road or the parking area at the bottom of Table Bluff Road, and the eastern extent of the VE flood zone is 75 feet or more from the edge of the road and parking area. Also portions of the dunes outside the VE area are four to five feet higher than the 19-foot base flood elevation. The Memorandum concludes that the BLM analysis is technically sound, and Mr. Seemann concurs with BLM's conclusion.

Fire hazard: The project site has a nil to a low fire hazard rating according to the General Plan Fire Hazard map. The project site is within the boundaries of the Loleta Fire Protection District. The project was referred to that agency. They did not provide comments in response to the referral.

Recommendation:

Staff recommends that the evidence supports finding the project consistent with Humboldt Bay Area Plan Development Policies for hazard areas.

HBAP Section and Summary of Applicable Requirement: Archaeological and Paleontological Resources §3.18 (HBAP)

Protect cultural, archeological and paleontological resources.

Evidence that supports finding the proposed development is consistent with Finding 1:

Erika Cooper, Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria, commented while there are known sites in the vicinity, there are not known cultural resources located in the project area. Further, although there is a reference to a trail that passed through the area, it has not been relocated in recent history and, unfortunately, evidence of the trail is most likely gone. It was recommended that the project be conditioned with the inclusion of the standard inadvertent discovery language. Ms. Cooper's recommendation is accordingly included in Attachment 1.

Recommendation

Staff recommends that the evidence supports finding the project consistent with the HBAP policy for the protection of Archaeological and Paleontological resources.

HBAP Section and Summary of Applicable Requirement: Natural Resources Protection Policies and Standards §3.30 (HBAP)

Section 3.30.B Development Policies:

1. Identification of Environmentally Sensitive Habitats
 - a. Environmentally sensitive habitats within the Humboldt Bay Planning Area include:
 - ...
 - (2) Vegetated dunes along the North Spit to the Mad River and along the South Spit.
 - ...
 - (4) Critical habitats for rare and endangered species listed on state or federal lists.
 - b. Proposed development occurring within areas containing these sensitive habitats shall be subject to conditions and requirements of this chapter.
11. Beach and Dune Areas
 - a. New development within the beach and dune areas designated "Natural Resources" is restricted to the following:
 - (1) nature study;
 - (2) resource restoration;
 - (3) hunting/fishing and development of minor facilities such as hunting blinds;
 - (4) as permitted in 3.50c of this plan, accessway improvements and vehicle use;
 - (5) sand removal from unvegetated dunes for safety purposes or to protect existing development and agricultural land.

Evidence that supports finding the proposed development is consistent with Finding 1:

The project site is an Environmentally Sensitive Habitat because it contains vegetated dunes on the South Spit. Dune mat is a native plant community, and is a combination of woody and herbaceous low growing matted plants. Dune mat includes the listed beach layia (*Layia carnosa*). *Layia carnosa* is present in the project area (*Beach and Dunes Management Plan*, 88, 140). According to the U.S. Fish and Wildlife's Biological Opinion, dated August 1, 2014, "absence of beach layia in habitat surrounding extant populations is most often due to the

presence of exotic species, which stabilize the dune system and crowd out the pioneer species such as the beach layia, or due to an unsuitable disturbance regime".

As stated above, the project area is Public Recreation under the HBAP. Pursuant to Section §4.10 (HBAP) the purpose of the PR land use designation is "to protect publicly owned lands suitable for recreational development or resource protection". The enumerated principal use in the cited section is public recreation and open space (per Section 3.27). Resource restoration is one of the identified permissible uses in Beach and Dune areas.

The project is to allow the on-going removal of invasive weed/vegetation removal and maintenance using hand tools on a portion of Table Bluff County Park. The frequency of removal is occasional to once per year, involving two to three people on a single standard day. This activity will occur in two areas: 1) Restored Native Plant Habitat Maintenance Area; and 2) Educational Activity Area. The objective of removal in the Restored Native Plant Habitat Maintenance Areas is to maintain the completed restoration condition of native dune habitat and native northern foredune grassland plant habitat areas. The objective for the second area is to maintain the mosaic of degraded and restored dune mat habitat for educational purposes. The Educational Activity Area is also used for Ocean Day

Recommendation

Staff recommends that the evidence supports finding the project consistent with the HBAP policies for the protection of Natural Resources.

HBAP Section and Summary of Applicable Requirement: Visual Resources §3.40 (HBAP)

The project site is Coastal View pursuant to Section 3.40(8) HBAP.

	Evidence that supports finding the proposed development is consistent with Finding 1:
1. Physical Scale and Visual Compatibility: No development shall be approved that is not compatible with the physical scale of development as designated in the Area Plan and zoning for the subject parcel; and the following criteria shall be determinative in establishing the compatibility of the proposed development:	
a. For proposed development that is not the principle permitted use, or that is outside an urban limit and for other than detached residential, agricultural uses, or forestry activities regulated by CDF, that the proposed development compatible with the principle permitted use, and, in addition is either:	The project is for the occasional to once annual removal of non-native vegetation by hand on a portion of Table Bluff County Park. The project area approximately 7 acres in size. The project is for habitat restoration and does not entail construction of structures.
(1) No greater in height or bulk than is permitted for the principle use, and is otherwise compatible with the styles and visible material so existing development or land forms in the immediate neighborhood, where such development is visible from the nearest public road.	Again, the project does not entail development of new structures.
2. Protection of Natural Landforms and Features: Natural contours, including slope, visible contours of hilltops and treelines, bluffs and rock outcroppings, shall suffer the minimum feasible disturbance compatible with development of any permitted use, and the following standards shall at a minimum secure this objective:	

<p>a. Under any permitted alteration of natural landforms during construction, mineral extraction or other approved development, the topography shall be restored to as close to natural contours as possible, and the area planted with attractive vegetation common to the region.</p>	<p>The project does not involve construction or mineral extraction. The project is for the periodic to once per year removal of invasive plants by hand. The management objective for the Restored Native Plant Habitat Maintenance Area is to maintain the restored condition. For the Educational Study Area, the object is retain the patchwork condition of restored native dune mat, and degraded dune habitat.</p>
<p>b. In permitted development, land form alteration for access roads and public utilities shall be minimized by running hillside roads and utility corridors along natural contours where feasible, and the optional waiving on minimum street width requirements, where proposed development densities or use of one- way circulation patterns make this consistent with public safety, in order that necessary hillside roads may be as narrow as possible.</p>	<p>The project does not involve development of access roads.</p>
<p>4. In Coastal View Areas as designated in the Area Plan, it is the intent of these regulations that no development shall block coastal views to the detriment of the public; and the following uniform standards and conditions shall apply to all development other than agricultural development and timberland management subject to CDF regulations for special treatment areas in said areas, and to specified developments in Coastal Scenic Areas, in addition to standards identified in the Area Plans:</p>	

<p>a. No off-premise signs shall be permitted; and on-premise signs to a total area of 40 square feet shall be permitted.</p>	<p>No off-premise signs are proposed.</p>
<p>d. Uses other than those defined in a. through c. of this section including those proposed by public agencies, shall be subject to the [following] requirements of Section c in so far as these are relevant.</p>	
<p>(1) That the development does not block any part of the view to the coast or coastal waterways as viewed from public roads in a vehicle. (2) That the exterior design, lighting and landscaping combine to render the overall appearance compatible with the natural setting as seen from the road. (3) That no development, other than landscaping, signs, utilities, wells, fences, and a driveway for access to the public road where required, be located within 50 feet of the public road. (4) That all feasible steps have been taken to minimize the visibility of parking areas from the public road. (5) Exterior lighting shall be shielded so that it is not directed beyond the boundaries of the parcel.</p>	<p>The project does not involve development of structures that may block coastal views. Nor does the project involve exterior lighting, development of new or expanded parking areas, or the other improvements described in the referenced section.</p>

Recommendation

Staff recommends that the evidence supports finding the project consistent with the HBAP policies for the protection Visual Resources.

HBAP Section and Summary of Applicable Requirement: Public Access §3.50 (HBAP)

To ensure maximum public access and recreational opportunities consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Evidence that supports finding the proposed development is consistent with Finding 1:

Public access to Table Bluff County Park will not be altered by the project according to the application materials. The existing access corridor, that includes access for vehicles, will not be changed.

Recommendation

Staff recommends that the evidence supports finding the project consistent with Humboldt Bay Area Plan policies for ensuring public access.

COASTAL ZONING REGULATIONS FINDINGS

- 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.**
- 5. All of the Supplemental Findings are made for the proposed development.**

The following paragraphs identify the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Coastal Zoning Regulations.

Zoning Section and Summary of Applicable Requirement: §313-5.1 Public Recreation (PR):

Principally Permitted Use: Public Recreation (a Civic use type) is the principally permitted use in the PR zoning district.

Conditionally Permitted Use: Fish and Wildlife Habitat Management use type (a Natural Resource use type) is listed.

§313-171 Civic Use Types preamble: "includes the performance of utility, educational, recreational, cultural, medical, protective, governmental and similar uses of importance to the public."

§313-171.10 Public Recreation and Open Space, a Civic Use Type, is described as "a publicly-owned and maintained parkland and low intensity uses attendant thereto, such as tent camps and picnic areas and food service and other concessions".

§313-176 Natural Resource Use Types preamble: "the on-site structures and activities which are compatible with the protection and enhancement of sensitive coastal resources".

§313-176.2 Fish and Wildlife Habitat Management "refers to the manipulation or maintenance of vegetation or streams, or construction of minor structures to yield desired results in terms of habitat suitable for designated wildlife or fishery species or groups of species".

Evidence that supports finding the proposed development is consistent with Findings 2 and 3:

Table Bluff County Park is a County-owned park and has been since the 1930s. The project as described involves both maintenance activities of the park and Fish and Wildlife Habitat

Management. BLM has secured written authorization from the County to apply for the Conditional Use Permit for the Fish and Wildlife Habitat Management.

There are two activity areas involving the manipulation and maintenance of vegetation for the benefit of wildlife and groups of species. These two areas are identified as the 1) Restored Native Plant Habitat Maintenance Area; and the 2) Educational Activity Area in the application materials.

The applicant's information states that to maintain the Restored Native Plant Habitat Maintenance Area in its restored condition necessitates an occasional to annual visual inspection and the manual removal of European beachgrass (*Ammophila arenaria*) and resprouts. The annual visual inspection and manual removal involves of the labor of up to two to three people on a single standard day, e.g., during normal opening hours, once per year. The occasional visual inspection and manual removal occurs when a BLM staff member sees an *Ammophila* resprout while conducting other duties in the vicinity or within the Restored Native Plant Habitat Maintenance Area. Should other incidental invasive, non-native plants be observed during the inspections these too may be also manually pulled. Other incidental invasive, non-native plants would include small patches of invasive ice plant (*Carpobrotus edulis*) or individuals of yellow bush lupine (*Lupinus arboreus*).

Recommendation:

Staff recommends that the evidence supports finding the project consistent with both the Public Recreation and Open Space principally permitted Use Type, and the Fish and Wildlife and Habitat Management conditionally permit Use Type.

Zoning Section and Summary of Applicable Requirement: §313-5.1 Public Recreation (PR) Development Standards:

	Evidence that supports finding the proposed development is consistent with Findings 2 and 3:
Min. Lot Size: 5,000 square feet	No subdivision is proposed.
Min. Lot Width: 50 feet	No subdivision is proposed.
Max. Density: None specified.	No residential development is proposed.
Max. Lot Depth: Three times the lot width	No subdivision is proposed.
Yard Setbacks Front: 0 feet; Rear: 15 feet; Side: None	No structures are proposed.
Max. Lot Coverage: 35 percent	No structures are proposed.
Max. Bldg. Height: 35 feet	No structures are proposed.
Permitted Main Building Types: ancillary residential; manufactured home; limited mixed residential-nonresidential; nonresidential detached, multiple/group	No residential development is proposed.

Recommendation:

Staff recommends that the evidence supports finding the project consistent with PR development standards.

Zoning Section and Summary of Applicable Requirement: §313-17.1 and 312.39.6: Beach and Dune Areas (B) Combining Zone and Supplemental Findings

	Evidence that supports finding the proposed development is consistent with Findings 2, 3, and 5:
The County shall request California Department of Fish and Game [Wildlife] to review the development plans within in beach and dune areas.	The project was referred to the referenced agency in June 2016, and no comments were received.
Except as otherwise provided in this section, new development within designated Beach and Dune Areas that is also designated "Natural Resources (NR)" in the applicable Land Use Plan shall be restricted to the following:	As stated above, the project area is Public Recreation under the HBAP. Pursuant to Section §4.10 (HBAP) the purpose of the PR land use designation is "to protect publicly owned lands suitable for recreational development or resource protection". The enumerated principal use in the cited section is public recreation and open space (per Section 3.27). Resource restoration is one of the identified permissible uses in Beach and Dune areas.
<ul style="list-style-type: none"> • Nature study; • Fish and wildlife habitat management; • Hunting, fishing and development of minor facilities such as hunting or viewing blinds; • Access facilities; • Sand removal from unvegetated dunes for safety purposes or to protect existing development and agricultural lands; • Dredge spoils disposal; 	As discussed above the project is fish and wildlife habitat management in accordance with HCC Section 313-176.2: "Fish and Wildlife Habitat Management refers to the manipulation or maintenance of vegetation or streams, or construction of minor structures to yield desired results in terms of habitat suitable for designated wildlife or fishery species or groups of species."
The siting of the following facilities when there is no less environmentally damaging alternative, and environmental damage is minimized	
<ul style="list-style-type: none"> • Electric distribution and water lines, and other utility lines; • Underground utilities; • Oil and gas pipelines; • Pipeline construction for surf zone disposal of dredge spoils; • Ocean outfall and intake pipelines; • Public roadway projects consistent with the Coastal Land Use Plans. 	The project is not for any of the enumerated facilities.
Required Mitigation. The following mitigation shall be required for all new developments within beach and dune areas:	

<ol style="list-style-type: none"> 1. Minimize disturbance of vegetated dunes; 2. Replant vegetation in disturbed habitat areas; 3. Provide measures to control wind blown sand; and 4. If Menzie's wallflowers are adversely impacted, the mitigation shall include protection, and if appropriate, restoration of Menzie's wallflower habitat off of the project site. 	<ol style="list-style-type: none"> 1. The only disturbance will be the removal by hand of invasive vegetation on a periodic to one day per year resulting project as described will result in minimal disturbance of dunes. 2. When invasive plants are removed, native plants are able to recolonize and become established. 3. Wind blown sand: this requirement is intended to protect structures and for projects involving mechanized equipment. 4. The project is for the restoration of native dune mat and foredune grasslands.
<p>Development shall be sited and designed to prevent impacts which would significant degrade such areas, and shall be compatible with the continuance of such habitat areas.</p>	<p>Again, the project will not result in degradation.</p>
<p>There is no less environmentally damaging feasible alternative; and</p>	<p>The project is for the maintenance of restore dune and foredune grasslands by hand on a periodic to one day per year.</p>
<p>The development will not interfere with the protection of dredge spoils designated disposal locations.</p>	<p>The project site is not a designated dredge spoils disposal location</p>

Zoning Section and Summary of Applicable Requirement: §313-123.1 and 312-39.9: Coastal Natural Landforms and Supplemental Findings

	Evidence that supports finding the proposed development is consistent with Findings 2, 3, and 5:
Where development is permitted, including the alteration of natural landforms during construction, mineral extraction or other approved development, the topography shall be restored to as close to pre-development natural contours as possible, and the affected area planted with attractive vegetation common to the region.	The project does not involve construction or mineral extraction. The project is for the periodic to once per year removal of invasive plants by hand. The management objective for the Restored Native Plant Habitat Maintenance Area is to maintain the restored condition. For the Educational Study Area, the object is retain the patchwork condition of restored native dune mat, and degraded dune habitat.
In permitted development, land form alteration for access roads and public utilities shall be minimized.	The project does not involve development of access roads.
Alterations to natural land forms will be minimized	Removal of invasive plants will be by hand or employ hand tools, and no mechanized equipment.

Recommendation:

Staff recommends that the evidence supports finding the project consistent with Findings 2, 3, and 5 for the protection of Coastal Natural Landforms.

Zoning Section and Summary of Applicable Requirement: 312.39.5 Coastal View Areas Supplemental Findings:

To the maximum extent feasible, the project is sited so as not to interfere with public views to and along the ocean from public roads and recreation areas.

Evidence that supports finding the proposed development is consistent with Finding 5:

The project does not entail development that will interfere with public views. Also see Findings under Section 3.40 Visual Resource Protection above.

Recommendation:

Staff recommends that the evidence supports finding the project consistent with Finding 5 for the protection of coastal views.

4. Public Health, Safety and Welfare.

The project will not be detrimental to the public health, safety and welfare nor will it be materially injurious to properties or improvements in the area because:	Evidence supporting the finding
All reviewing referral agencies have approved or conditionally approved the proposed project design.	See Attachment 3, Referral agency recommendations.
The proposed project is consistent with the general plan.	See previous discussion.
The proposed project is consistent with the zoning.	See previous discussion.
The proposed project will not cause environmental damage.	See following discussion.

6. 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 shall 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 midpoint 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 project area is planned and zoned for public recreation. Because the parcel is not planned or zoned for residential uses, it was not included in the 2014 Regional Housing Needs Assessment and is not located within a Housing Opportunity Zone. Therefore the project is consistent the County's housing stock and therefore is in conformance with the standards is the Housing Element.

7. Environmental Impact.

As lead agency, the Department prepared an addendum to a previously certified Environmental Impact Report for the Beach and Dunes Management Plan. The EIR evaluated the project for any adverse effects on fish and wildlife resources. Based on the information in the application and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect either individually or cumulatively, on fish and wildlife resources or the habitat upon which wildlife depends. The environmental document on file includes a detailed discussion of all relevant environmental issues.

The project was found subject to CEQA and an Addendum to the previously certified Environmental Impact Report was prepared (Attachment 4). Because an Addendum was prepared and no changes were required to the EIR, the provisions of Section 711.4 of the California Fish and Wildlife Code do not apply to this project. Within five (5) days of the effective date of the approval of this project, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$50.00. This requirement appears as a conditional of approval in Attachment 1.

ATTACHMENT 3

Referral Agency Comments and Recommendation

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection Division	✓	Approval		✓
Department of Public Works	✓	Conditional Approval		✓
Division of Environmental Health	✓	Approval		✓
Humboldt Community Services District	✓	Outside District Boundaries		✓
Humboldt Bay Fire District	✓	Approval		✓
CA. Dept. of Fish and Game				
California Coastal Commission	✓	Comments		✓
Blue Lake Rancheria	✓	Conditional Approval		✓
Wiyot Tribe				
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval		✓

ATTACHMENT 4
CEQA ADDENDUM

ADDENDUM TO THE ENVIROMENTAL IMPACT REPORT

BLM CONIDTIONAL USE PERMIT

***APN 308-041-002, Table Bluff/South Jetty area,
Humboldt County***

DRAFT

**Prepared By
Humboldt County Planning and Building Department
3015 H Street, Eureka, CA 95501**

July 2017

Background

Project Description - A Conditional Use Permit to allow for on-going invasive weed/vegetation removal and maintenance activities on an approximately 7 acre portion of Table Bluff County Park owned by Humboldt County. The maintenance activities undertaken are part of the South Spit Interim (Final) Management Plan of 2002, and are consistent with said plan. The project site has two maintenance and activity areas: 1) the Restored Native Plant Habitat Maintenance Area which is approximately 4.3 acres in size; and 2) the Educational Activity Area, which is approximately 2.74 acres in size. The removal and maintenance work in the Restored Native Plant Habitat Maintenance Area involves an occasional to annual visual inspection and manual removal of any European beachgrass (*Ammophila arenaria*) resprouts and other incidental invasive, non-native plants. The purpose of the work is to maintain the state of completed restoration of native dune habitat and native northern foredune grassland plant habitat areas. Maintenance work typically requires less than one standard work day by two to three people, per year. Any iceplant manually removed would be taken off-site to a green waste disposal site if the pile is too dense to dry quickly and is at risk of rooting. The Educational Activity Area: maintenance and removal activities consist of the removal of European beachgrass and/or iceplant by hand-pulling and with the use of hand tools. Piles of pulled beachgrass would be left to naturally decompose. The purpose of this work is to maintain a mosaic of degraded and recovered dune mat and northern foredune habitat. This degraded area is useful as an educational activity area for Ocean Day. Ocean Day is a statewide education program and usually occurs the first week of June. About 800 students from kindergarten through eighth grade participate locally. During the Ocean Day event, students gather at the Mike Thompson Wildlife Area on the South Spit for a day of beach clean-up and invasive plant removal. The Educational Activity Area has been determined to be the safest beach with public access for holding this event because it provides an upland safety zone in the event of a large earthquake that would be associated with a tsunami. Because this area is needed year after year, complete restoration is not the near-term goal. In accordance with the BLM's consistency determination CD-052-02 the ongoing federal agency activities as described do not require a Coastal Development Permit from the California Coastal Commission or the County.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously adopted Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent MND have occurred. Section 15162 states that when an MND has been adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration (MND) was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect

previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original project's recommended mitigations.

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

See Purpose statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the Environmental Impact Report (EIR) was certified. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project for a Conditional Use Permit to allow for on-going invasive weed/vegetation removal and maintenance activities by hand on the portion of Table Bluff County Park zoned and planned under the Local Coastal Program as Public Recreation. Removal of invasive plants occurs periodically and on an annual basis once per year by two to three people on a single standard day. The nature of the project does not trigger any new environmental impacts that were not previously discussed.
2. Table Bluff County Park was within the geographic extent of the Beach and Dunes Management Plan and certified EIR. The Board of Supervisor's approved Alternative for the South Spit Overview states "resource protection measures would include: rare plant protection: active dune restoration..."
3. The mitigation measures adopted with the original project will continue to apply.
4. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
5. For the Conditional Use Permit application there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified as complete. Furthermore, it is concluded that: the current project will not have one or more significant effects not discussed in the EIR. Also, significant effects previously examined will not be

substantially more severe than shown in the certified EIR. There are no mitigation measures or alternatives previously found not to be feasible that would in fact be feasible and would substantially reduce one or more significant effects of the project. Finally, there are no mitigation measures or alternatives identified in this analysis which are considerably different from those analyzed in the certified EIR, and which would substantially reduce one or more significant effects on the environment.

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified EIR for the Beach and Dunes Management Plan is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the EIR are applicable to the current project proposal.

APPENDICES

BLM CONDITIONAL USE PERMIT PROJECT

- Appendix A. Humboldt County Board of Supervisor's Resolution Certifying the Beach and Dunes Management Plan Environmental Impact Report (on CD)
- Appendix B. Board of Supervisors Approved Alternative for the South Spit (Attached)
- Appendix C. Certified Beach and Dunes Management Plan Environmental Impact Report (on CD)

EXHIBIT A, PART 2

BOARD OF SUPERVISORS APPROVED ALTERNATIVE
FOR SOUTH SPIT - SOUTH SPIT ALTERNATIVE #1

A. Overview

This alternative would allow for waveslope driving on the west side of the County road bounded to the south by Table Bluff County Park and the South Jetty to the north. This would provide approximately four miles of waveslope driving for all recreational vehicle types, consistent with the existing local coastal program policy. One designated corridor currently exists at the base of Table Bluff County Park. Additional corridors from the road through the vegetated dunes to the waveslope would be established at various intervals. A speed limit of 15 mph. would be enforced for the area.

Vehicular access on the east side of the road under this alternative would be by special permission only, where necessary for hunting, gathering, wildlife field work, or traditional uses of the Wiyot tribe. Such vehicular access would need to be managed consistent with the management objectives of both the Wiyot Tribal Council and the Humboldt Bay National Wildlife Refuge. The east side of the road would be fenced with locked gates at access corridors. Vehicle turnouts and pedestrian access could be provided at designated corridors.

Other vehicular restrictions may be warranted to effectively manage the area.

If management can be provided, camping facilities at the end of the South Spit would be developed, to be operated on a seasonal basis, managed consistent with habitat, safety, and jetty maintenance considerations. Initially, the area would be managed for day use.

Resource protection measures would include:

Rare plant protection: active dune restoration, signing and posting of rare plant populations, siting access corridors to avoid rare plants, monitoring, and enforcement. Salt marsh plants would be protected by fencing all of the east side.

Wildlife protection would be implemented through plant protection and access control measures. Snowy plover would be protected by seasonally closing and fencing nesting areas and by posting and enforcing a leash law.

Cultural resources would be protected by avoidance and monitoring. Interpretive displays would be provided.

B. Implementation

Implementation would be through a cooperative management agreement with plan of acquisition. A sign board or control station/gate would be placed at the top of the bluff posting the participating agencies and hours of use. Signing along the roadway would also likely be necessary to prevent indiscriminate vehicle use, free roaming dogs, and other issues of concern. To support the enforceability of these management provisions, a County ordinance similar to the County Park use ordinances could be adopted.

A higher level of enforcement effort would initially be required to effectively change use patterns. An estimated level of enforcement required to manage the South Spit would be one full time patrol staff. Funding of enforcement, restoration, and maintenance may be a problem. Funding through the OHV Commission for enforcement may be problematic because of the limited riding opportunities provided under this alternative. Funding could be provided by developing a recreational assessment district, which would likely require several years to implement.

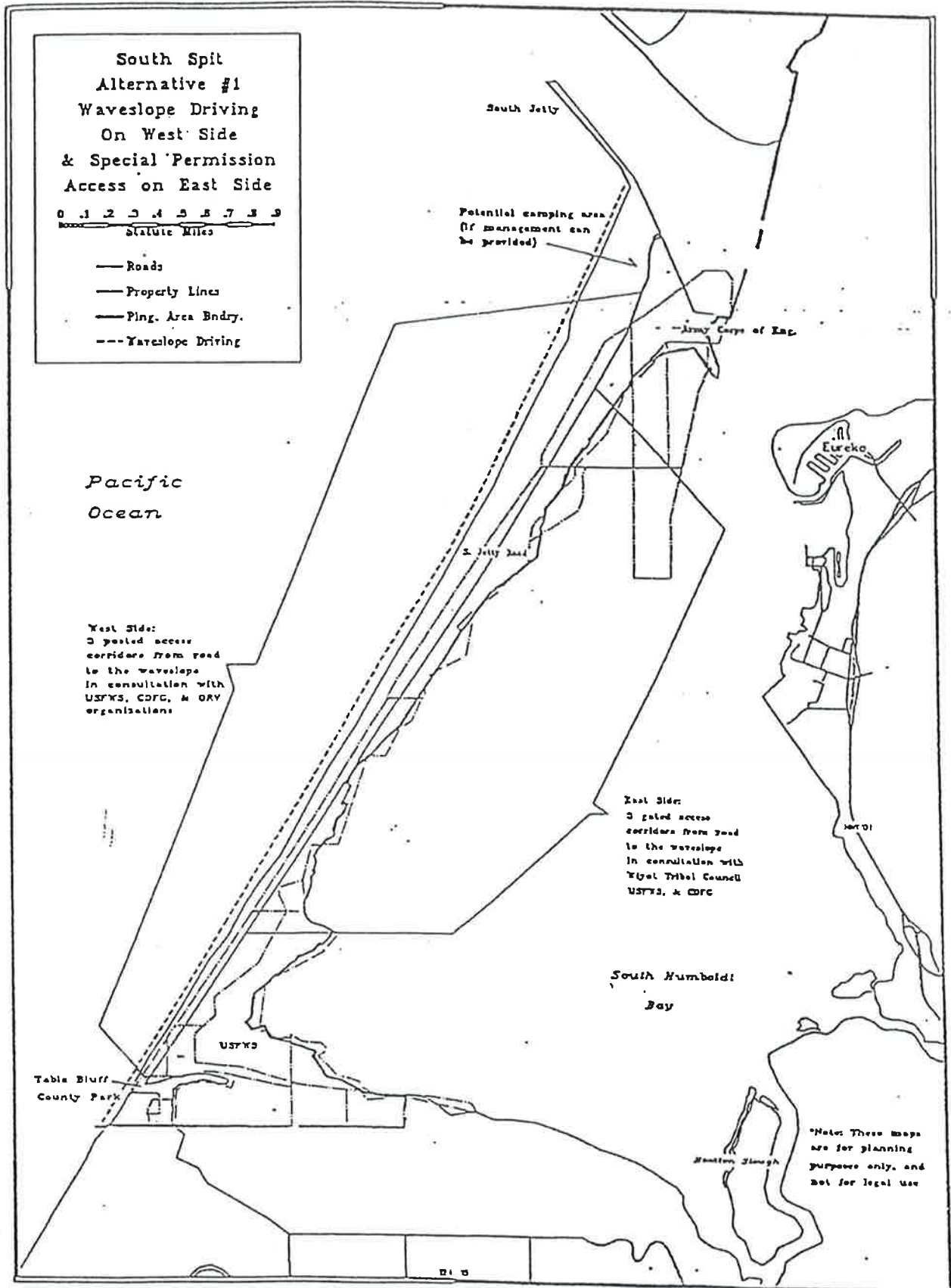
C. Policy Clarification

These recommendations and implementation measures are not intended to amend the underlying planning and zoning designations of the LCP. Permitted uses under those designations are not intended to be affected by these recommendations.

With respect to the issue of development of a campground at the tip of the South Spit within the Public Recreation (PR) designation, these recommendations are not intended to preclude a property owner or public agency from establishing or applying for permits to establish a year-round campground in that location.

The part of the policy recommendation specifying that the campground be seasonal is intended to express the County's policy recommendation:

1. That the County, as a lead agency, recognizes the constraints and unfeasibility of maintaining a year-round campground at that site, and does not currently wish to do so as a manager, operator, or owner of such a facility.
2. That it does not believe that establishing a camping facility at the tip of the South Spit should be relied on as any type of permanent solution for responding to the homeless issue or caring for the disadvantaged people who may be currently staying on the South Spit.



17

EXHIBIT A

PART 3

**FINAL
ENVIRONMENTAL IMPACT REPORT
ON THE
BEACH AND DUNES MANAGEMENT PLAN**

June, 1993

**Humboldt County
Planning and Building Department
Planning Division
3015 H Street
Eureka, CA 95501**

(Plan\BOSrexa2)

ATTACHMENT A

The Final EIR consists of the following documents:

1. Staff report dated August 4, 1993 regarding: Beach and Dunes Management Plan Supplemental report #2. This staff report includes a supplemental assessment of potential relocation impacts, the listed mitigation measures associated with approval action, the Board Resolution certifying the EIR, and this cover page and index.
2. Staff report dated April 16, 1993, regarding: Beach and Dunes Management Plan Supplemental report. This staff report contains a comparative analysis of new options requested by the Board of Supervisors at their April 6, 1993 meeting.
3. Staff report dated February 23, 1993. Subject: Beach and Dunes Management Plan, Environmental Impact Report, and Planning Commission Recommendation. This report includes a copy of the "Preliminary Final EIR on the Beach and Dunes Management Plan," March, 1993.
4. The Beach and Dunes Management Plan, Hearing Draft, October 1992, specifically Chapter 7, the Draft Environmental Impact Report. Chapter 7 identifies, in Section 7.40, additional supporting background studies which are to be considered technical appendices to the EIR. Section 7.61 identifies additional documentation and analysis for alternatives removed from further consideration in the records of the Beach and Dunes Advisory Committee.

North Spit**Mitigation Measures Recommended For Inclusion With Board Of Supervisors Current North Spit Proposal (BLM Jetty Riding Area and Expansion Along City of Eureka)****If Expansion Occurs:**

1. Mitigation: Sign and fence the most sensitive dune forms that would be susceptible to erosional impacts. Utilize rotating closures on other dune forms, determining time of closure by means of fixed photo points that can assess the rate of erosion.
2. Mitigation: Carry out an active trails management plan to protect sensitive dune forms, orienting trails through the foredune away from the prevailing winds to reduce the formation of blowouts, as warranted by on-site inspection. Install access points at regular intervals to the waveslope to help prevent vehicles from the necessity of driving on the foredune area in order to avoid high tides.
3. Mitigation: Provide off-site mitigation of rare plant habitat included in active riding area.
4. Mitigation: Conduct annual monitoring plan for rare plant species to determine effects of activities on the relative viability of the population in any given year.
5. Mitigation: Conduct field monitoring studies to determine the affects OHV use is having on local wildlife populations and their use of the various habitats.
6. Mitigation: Provide animal proof garbage receptacles with convenient and visible locations with regular pickup.
7. Mitigation: Develop informational brochures for where OHV riding is allowed in the region.
8. Mitigation: Provide signing along roadways and access points explaining allowed uses.
9. Mitigation: Provide perimeter fencing and signing around OHV use area.
10. Mitigation: Institute vehicle noise standards for recreational vehicles utilizing the OHV park to eliminate noisier vehicles.

11. Mitigation: Subject to existing law, require mufflers which are consistent with the equipment manufacturers' specifications.
12. Mitigation: In the event that grant funding is not available, implement a user fee at the OHV park or seek other funding to ensure that adequate funding is available.

Suggested Additional Mitigation Measures Per CEQA Review (Based on comments received during CEQA review period, the following revisions are warranted)

13. Mitigation: Post, sign, and enforce existing County leash law (Humboldt County Code Section 541-21) to reduce impacts of free roaming dogs on shorebirds, high tide roosts, and snowy plover nests.
14. Mitigation: Post a full seasonal closure of the Mad River Spit area to create a Snowy Plover reserve area. The Mad River Spit area is one of the higher Snowy Plover use areas within the planning area, and seems to be the currently favored location for nesting sites. The closure should be for pedestrian, equestrian, and vehicular use, except by special permission during the nesting and breeding season of the bird.
15. Mitigation: Request Department of Fish and Game to implement a seasonal closure on the South Spit from Table Bluff south to the mouth of the Eel River. Although this section of the beach is outside the planning area, nests have recently been documented on the South Spit. Based on information in the record, plovers have been sighted in the planning area, and could potentially use this location for nesting.

North Spit Cont'd: Mitigation Measures which should be considered if potential OHV use on LP and BLM properties in the North is proposed at a future date

1. Mitigation: Limit hours of operation between 8:00 a.m. to 5:00 p.m. and close riding areas to all OHV use at other times to allow wildlife the opportunity to move from one habitat type to another.
2. Mitigation: Require a special permit or protective guidelines for any major events to ensure that impacts to wildlife are taken into consideration.
3. Mitigation: Maintain a test station, instrumentation, and trained personnel as needed to enforce noise standards.

4. Mitigation: Set a 50-100 car limit on the number of vehicles able to utilize the park at any one time.
5. Mitigation: Ensure that adequate buffers are formed adjacent to the staging, vehicle run-up, steep uphill grades, and riding areas so that noise intrusion into other areas is minimized as much as possible.
6. Mitigation: Fence the ridge between the proposed riding area and the Mad River Slough and Dunes area, close the back slopes to vehicles, in order to reduce sand transport into forest and swamp areas, and maintain a noise buffer.
7. Mitigation: In addition to active management, limit number of users to control erosional impacts to dune forms.
8. Mitigation: Prepare a trails plan which avoids the maximum feasible amount of dune mat and dune hollows.
9. Mitigation: Prior to finalizing a use plan, conduct a site specific cultural resource survey and protection program of the area to ensure that cultural values are protected. Survey team should include a Native American monitor.
10. Mitigation: Conduct monitoring as deemed necessary by an archeologist/cultural specialist to ensure that any areas designated as open to OHV use are regularly checked for potential exposure of culturally sensitive sites.
11. Mitigation: Fence the foredune area in order to protect populations of Menzies', beach layia, and pink sandverbena, ensuring adequate buffer as well as corridors to adjacent areas are maintained for gene flow. Provide both on-site and off-site restoration of these habitats. Align open riding areas to avoid such habitats. Utilize original 1"=200' color stereo pair photos and additional on-site surveys to prepare the plan.
12. Mitigation: Restrict vehicles in the vicinity of any known nesting sites for the white footed vole.
13. Mitigation: If an OHV riding area is formally established at the Khaloghli site, the road approach from Route 255 should be brought up to current road approach standards as specified in the State Highway Design Manual, unless more specific traffic counts indicate that improvements are not warranted.

Mitigation Measures For The South Spit

Lead agencies, in carrying out management recommendations, should:

1. **Mitigation:** The majority of the land on the east side of the road has been identified as being within the approved refuge boundary. Carry out restoration/enhancement project that manages for rare plants in the foredune habitat, and optimizes salt marsh habitat values.
2. **Mitigation:** Protect and restore areas west of the road with large populations of beach layia.
3. **Mitigation:** Design and carry out monitoring studies of plant and animal populations to ensure that restoration and enhancement work is effectively carried out.
4. **Mitigation:** Identify area east of South Jetty (near cypress grove) as snowy plover and shorebird reserve area and implement protection.
5. **Mitigation:** The agencies/entities carrying out implementation of the South Spit should address the following:
 - a. Consultation with Wiyot Tribal Council prior to any fence placement, access corridor designations, or other improvements.
6. **Mitigation:** In carrying out any program policy or ordinance that leads, either directly, or indirectly to relocation of low income people living on the South Spit; the County shall, through the Department of Social Services, provide individualized relocation assistance, as mandated and available through the Social Services programs of the State of California.
7. **Mitigation:** "Special provisions for itinerate or low income campers should be considered in the management of any proposed campground, such as the State's Golden Bear Pass Program, or BLM's long-term State programs, implemented in some southern California desert areas."

ATTACHMENT 5

Applicant's Evidence In Support of the Required Findings

Attachment 5 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The location of the following materials is specified. For those identified as being "on file" are on with the Planning Division:

- Application Form [on file]
- BLM Authorization letter [on CD]
- Plot Plan/Tentative Map Checklist [on file]
- Site Plan Map [attached]
- Coastal Commission Consistency Determination [on CD]
- Technical Memorandum, dated January 25, 2017, from Sam Flanagan and Eric Antrim, BLM [on CD]
- Memorandum, dated April 27, 2017, from Hank Seemann, Humboldt County Public Works [on CD]
- July 24, 2017 BLM letter to the Planning Commission [on CD]

Bureau of Land Management Application for Condition Use Permit for Major Vegetation Removal on APN 308-041-002 PR/B zone, activities also found reviewed and authorized by Consistency Determination CD-052-02 regarding the South Spit Interim (Final) Management Plan.

Project Description:

The project has 2 components. For an overview, please see Map 1.

Restored Native Plant Habitat Maintenance Area

1. Maintain the state of completed restoration of native dune mat and native northern foredune grassland plant habitat areas north of the vehicle access corridor (see Figure 1). (Vehicle corridor approved in the South Spit Interim (Final) management plan, 2002). This work involves an occasional to annual, visual inspection and manual removal of any European beachgrass (*Ammophila arenaria*) resprouts. Other incidental invasive, non-native plants, including small patches of invasive iceplant (*Carpobrotus edulis*), or individuals of *Lupinus arboreus* (yellow bush lupine), for example, may be pulled as well. This work is consistent with the South Spit Interim (Final) Management Plan for which Humboldt County is a cooperative management partner. At this point, maintenance work typically requires less than one standard work day by two to three people, per year. Any iceplant manually removed would be taken to a green waste disposal site if the pile is too dense to desiccate quickly and is at risk of rooting.

Educational Activity Area

2. Maintain a mosaic of degraded and recovered dune mat and northern foredune habitat. Remove European beachgrass, and/or iceplant, by hand-pulling, and with the use of hand tools. This degraded area is useful as an educational activity area for Ocean Day, which typically occurs in the first week of June. Piles of pulled beachgrass would be left on site to naturally decompose.

Ocean Day is a state-wide marine debris education program funded the California Coastal Commission, and coordinated locally by Friends of the Dunes and the Bureau of Land Management. About 800 Humboldt County students, grades kindergarten through eighth, annually receive classroom lessons focusing on the health of coastal and marine environments. During the Ocean Day event in June, these students will gather at the Mike Thompson Wildlife Area on the South Spit of the Humboldt Bay for a day of beach clean-up and invasive plant removal. After all this hard work, students will sit in an aerial art design while a plane flies over to capture the image. This program is completely free for schools, including the often prohibitive transportation costs.

The Education Activity Area has been determined to be the safest beach with public access to hold such a large event providing an upland safety zone in the event of a large earthquake that would be associated with tsunamis. Because this beach segment is relatively free of marine debris, native plant habitat restoration (in addition to any litter that is found to be present) provides a physically active activity for children, preceding the aerial art portion of the Ocean Day event. Participating in European beachgrass removal is fun for young students, and has become a popular event. Students, teachers, and parents alike, can look north to the Restored Native Plant Habitat Maintenance Area and see the

difference between a diverse native plant community, and one that has been largely displaced by invasive plants. This spring-time field experience is the culmination of a six week, in-classroom coastal education module. Because this specific area is needed year after year, complete restoration must not be the near-term goal, as the participants need a safe site with sufficient invasive cover to return to the following year.

Measures to Mitigate and/or minimize adverse effects include:

Areas under BLM management and including Humboldt County parcel # APN 308-041-002 – PR/B, are with the US Fish and Wildlife Service’s (USFWS) Biological Opinion analysis area. As part of the Final Management Plan for Lands on the Mike Thompson’s Wildlife Area, South Spit Humboldt Bay, the actions proposed under this conditional use permit have been analyzed. See Biological Opinion (BO) AFWO-08B0019-14F0080 dated August 01, 2014, attached.

Conservation measures are described by BLM and presented in the USFWS BO AFWO-08B0019-14F0080. No additional measures have been identified as necessary by the USFWS to minimize adverse effects to any of the federally listed species.

ATTACHMENT 6

PUBLIC COMMENTS RECEIVED

- Eight letters of opposition (attached).
- Letters of opposition and other documents submitted by Uri Driscoll (on CD)

MAY 16 2017

5-15-'17

To Humboldt County Planning Commission:

I cannot attend your May 18 meeting so I hope I can share my comments via this letter.

• Please do not under any circumstances give up your authority to maintain access to the Table Bluff / south spit beach. We have faith in the county to keep this valuable resource open to the general public. --- it is a precious resource for the many people who go there.

• Please do not approve the BLM / Conservation Corps application for beachgrass, ice plants, lupine removal. Drive down and see for yourself the stark contrast between the two habitats - One full of beauty, wildlife --- ~~also~~ environmental succession that has been going on for many many years and has created a thriving habitat for all kinds of birds, wildlife and other critters & has protected the dunes from breaching over the road. --- Please don't let this be another Clam beach or Somca!! Let Table Bluff thrive as it is, become what it will - act as fab and an example that can be used as a comparison - to the destruction that is going on at our other beaches!!!

Thank you for your consideration
P.S. - I go to that beach at least 3+ times a month. I have hiked every inch from the Spit to EEL River, on the beach and in the dunes - even at 71 I hope to enjoy many more outings at that fabulous place.

Sincerely Jack Persson



From: Kayla Eddis [<mailto:kaylaroseeddis@gmail.com>]
Sent: Tuesday, May 23, 2017 9:18 PM
To: Nielsen, Michelle <MNielsen@co.humboldt.ca.us>
Subject: CUP 16-035

Mr. Nielson,

I am opposed to BLM's proposal to remove non-native vegetation from the Table Bluff County Park.

The proponents of the project want to remove non-native vegetation from some Coastal lands, and maintain those lands as an example of plant conditions free of non-native grasses and shrubs. I question the wisdom of including this particular piece of property in that project.

The property is County owned and dedicated as a park. Therefore, it is specifically zoned for public recreational use...***A ZONING THAT IS NOT APPLICABLE ELSEWHERE ON THE SOUTH SPIT.*** Keeping this property in a condition suitable for public recreational use is in the best interests of the County's population.

There is a risk for environmental damage to the Park and surrounding area that would result from the plant removal activities. We do not know how significant that risk or damage could be; however, we do know who would be most impacted...we the public. Those who want lands free of non-native vegetation would not be impacted.

Permitting the proposed vegetation removal only serves the interests of the project proponents. They want non-native vegetation removed, and are carrying out similar removal activities on neighboring lands.

However, the public's interest for removing the vegetation from the park has not been defined nor addressed. We do not know what the compelling problem is to the public users of the Park that requires the proposed vegetation removal.

The public interests would be best served by not permitting the proposed vegetation removal. Not permitting the proposed vegetation removal may impact the project proponents; but the potential adverse consequences to the public for the protection and use of that property are substantially greater.

I appeal to you to deny the permit. Why risk impacting the greater population to placate a few?

Thank you,
Kayla Eddis
HSU Grad and McKinleyville Resident
530-524-5223

May 22, 2017

County Planning Commission
c/o Planning Department
3015 H Street
Eureka, CA 95501

MAY 23 2017

RE: BLM CUP 16-035; APN 308-041-002; Table Bluff County Park

Dear Commissioners:

I do not agree with those who think non-native grasses are “invasive” and must be removed. I believe the removal of the grasses has significant risk to environmental damage.

Therefore, I urge you to NOT approve the permit applied for by BLM to remove vegetation from the Table Bluff County Park.

The issue before the Planning Commission is not whether the removal of these grasses is or is not a good thing. The issue is whether the required findings for permitting this activity on this piece of land can or cannot be made. The property is zoned for Public Recreation purposes. This establishes that the highest priority for the use of the property is public recreation...something that is not applicable elsewhere in the Table Bluff area on the South Spit.

The proposed vegetation removal is only permitted on this site as a **conditionally permittable use** (defined as a use that may be desirable, but is not allowed as a matter of right “because it could have detrimental effects” inconsistent with the district in which the property is zoned). This establishes a valid public concern that vegetation removal could conflict with or endanger public recreational use of this property...a concern that is not explicit elsewhere on the South Spit or Table Bluff area. Because there is risk that the proposed vegetation removal would alter the wildlife habitat existing on the property and surrounding areas, the Planning Commission cannot conclude that granting the permit would be consistent with the purposes of the Public Recreation Zone. Granting the permit would destabilize the sand and remove protections from the ocean.

Furthermore, the Planning Commission cannot conclude that there will be no risk that the proposed vegetation removal would cause an alteration of the natural land form of the property. The Zoning Ordinance’s supplemental findings require a conclusion that there is no potential for creating or contributing to problems of erosion or geologic instability on the property and surrounding areas. These required findings (see Attachment) are the Coastal Zone Public Safety Impact Findings of HCC 312-38 (applicable to Coastal Geologic Hazards and Coastal Shorelines) and the Coastal Resource Protection Impact Findings of HCC 312-39 (applicable to Coastal Dune and Beach Areas and Coastal Natural Landforms).

Finally, because there is a greater risk for environmental damage, the Planning Commission cannot conclude that permitting the proposed vegetation removal is the “least environmentally damaging feasible alternative” compared to denying the permit. Granting the permit would violate the mandates and purpose of the permit process. **Please just say “no.”**

Respectfully,

Karen Brooks

P.O.BOX 730
Bayside, CA 95524

Supplemental Coastal Zone Public Safety Impact Findings (312-38):

38.1 Coastal Geologic Hazard

1. The development will be sited and designed to assure stability and structural integrity for the expected economic life span while minimizing alteration of natural land forms;
2. Development on bluffs and cliffs (including related storm runoff, foot traffic, site preparation, construction activity, irrigation, wastewater disposal and other activities and facilities accompanying such development) will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding areas; and
3. Alteration of cliffs and bluff tops, faces, or bases by excavation or other means will be minimized. Cliff retaining walls shall be allowed only to stabilize slopes.

38.2 Coastal Shorelines

1. The structure is the least environmentally damaging feasible alternative; and
2. (If applicable), Beach nourishment and vegetative protection is not feasible.

Supplemental Coastal Resource Protection Impact Findings (312-39):

39.6 Coastal Dune and Beach Areas

- 1 Development shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas; and
- 2 There is no less environmentally damaging feasible alternative.

39.9 Coastal Natural Landforms

- 1 Alterations to natural land forms will be minimized.

Humboldt County Planning Commission,

Coastal wetlands are critical for many reasons among them are coastal protections, wildlife habitat and migratory bird refuges.

NOAA is telling us to make resilient with wetlands and their functions with Living Shorelines. I encourage you to read the link regarding this subject;

<http://www.habitat.noaa.gov/restoration/techniques/lsimplementation.html>

We are actually defeating wetlands when we remove vegetation in or around wetlands. Wetland buffer zones are in place to protect wetland functions. Detrimental effects to wetlands are well documented and have occurred on the Coastal dune property managed by Manila Community Services District.

Vegetation removal activities have occurred within wetlands and their buffer zones. Once tall, stable foredunes dunes have eroded causing the unintended infill of coastal wetlands on the North Spit Particularly in Manila.

These habitats have suffered the loss of four federally delineated ponds, acres of marshland, unauthorized topography and wildlife habitat alterations. Repair of these habitats should be of the highest priority, not continuing the same practices.

Please be apprised that the shore of the South Spit has **CARI** (California Aquatic Resources Inventory) delineated "**Marine Intertidal**" wetlands;

<http://www.ecoatlas.org/regions/waterboard/north-coast>

Removing vegetation from these areas destroys stability, habitat and vital wetland function.

Until we have a much better understanding of these significant and detrimental effects, please keep projects such as the one proposed (BLM CUP 16-035) far away from such sensitive and critical resources.

Thank you,

Dan Edrich



5/23/17



Nielsen, Michelle

From: henderson95524@gmail.com on behalf of Larry Henderson
<larrydhenderson@hotmail.com>
Sent: Saturday, May 13, 2017 12:15 PM
To: Nielsen, Michelle
Cc: Werner, Steve
Subject: BLM CUP 16-035

Follow Up Flag: Follow up
Flag Status: Flagged

Michelle:

The project description included in the public notice for the upcoming BLM CUP hearing has been brought to my attention. I have the following comments to make regarding three statements made in that description.

The County of Humboldt, the fee owner of the subject parcel, has authorized the applicant, the Bureau of Land Management, to apply for the Conditional Use Permit.

A copy of this authorization has been requested, but not provided. The purpose of the request is to determine what entitlement has been granted, what the terms of that entitlement are, and whether the granting of that entitlement complied with CEQA.

The relevancy of this authorization is a matter for the Planning Commission. But without being informed about the specifics of this authorization, a legitimate complaint can be made that Commission approval of the permit would be wrong.

I ask that the requested copy be included in the record, and referenced in the Staff Report to be forwarded to the Commission.

The maintenance activities undertaken are part of the South Spit Interim (Final) Management Plan of 2002, and are consistent with said plan.

The record of the County's consideration and approval of this Plan has been requested, but not provided. The purpose of the request is twofold.

First, to confirm or deny the suggestion that the Plan is a County affair, and that the County has no choice but permit the planned activity.

Second, to confirm that—if the County did consider and approve the Plan—the action complied with CEQA.

This is a relevant factor for the Planning Commission's consideration. Approval of the permit would be precedence as to County role in the implementation of the Plan. Hence, if the precedence-setting consequences are not considered in compliance with proper decision-making mandates, approval of the permit is exposed to defensible legal challenge.

I ask that the requested record be included in the record, and referenced in the Staff Report to be forwarded to the Commission.

As Lead Agency, the Humboldt County Planning Division has determined that the project is exempt from environmental review pursuant to Sections 15323 Normal Operations of Facilities for Public Gatherings, and 15333(d)(4) Small Habitat Restoration Projects, of the State CEQA Guidelines.

The lead agency is the County, of which the Planning Division is a part. The determination that a project is exempt from CEQA review is one to be made by the decision-maker. In some cases, that may be the Planning Division. But in this case, the decision-maker is the Planning Commission...or could end up being the Board of Supervisors. In either case, the Planning Division cannot dictate what the determination must be on this permit. It can recommend; but not dictate.

The wording set forth in the Project Description suggests that the determination is ministerial and not discretionary...that the Planning Commission does not have a choice in this determination.

This is a wrong scenario, and is the subject of the recent letter I submitted for the record.

I ask that clarification be put in the Staff Report to be forwarded to the Commission.

Thank you for considering my comments.

Larry Henderson

707-826-0867

LARRY HENDERSON

1933 Golf Course Road • Bayside, CA 95524
707-826-0867 • larrydhenderson@hotmail.com

May 10, 2017

Humboldt County Planning Commission
c/o Planning Department
3015 H Street
Eureka, CA 95501

RE: BLM CUP 16-035; APN 308-041-002; Table Bluff County Park

Honorable Commissioners:

I am submitting this letter on behalf of individuals who oppose the approval of this permit. The purpose of the letter is to provide structure for their reference on CEQA consideration.

Unless it is exempted from CEQA review, a project must be evaluated to determine if it may have any significant adverse environmental effect on the environment. The evaluation must be done prior to the decision to approve or not approve the project. Planning Staff believes the proposed project in question is exempt; and has put it before you for a decision without CEQA review.

Planning Staff's reason for this is threefold. First, CEQA applies only to projects that have the potential for causing a significant effect on the environment. Second, the proposed project is like one example of a "categorically exempted" project that typically—with some exceptions—would have no environmental effects. And third, Planning Staff believes none of the exceptions apply to the proposed project. Hence, Planning Staff is recommending that the Planning Commission find that the proposed project is Categorical Exempt, and then decide on the CUP without CEQA review.

However, a legitimate dispute has been raised suggesting that the proposed project does not qualify for an exemption from CEQA review. The argument is that there is a reasonable possibility that the proposed vegetation removal will have a significant effect on the environment due to unusual circumstances. If true, the Categorical Exemption would not apply (*per Section 15300.2 of the Guidelines*).

The Planning Department's recommendation is not a mandate dictating whether CEQA review is needed or not needed. The exemption requires a conclusion that there is no reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances. That is a conclusion to be made by the Planning Commission as the decision-

To Humboldt County Planning Commission
Re CUP 16-035
May 10, 2017
Page 2

maker for the CUP. The Commission must consider the dispute, weigh the evidence, and make the decision on what to believe and not believe.

This CEQA resolution is required before resolution of the CUP. Without consideration of the dispute—and without an explicit decision that the project is exempt from CEQA review—the Planning Commission cannot approve the CUP without an Initial Study and consequent Negative Declaration or EIR.

Submitted respectfully,

Larry Henderson

LARRY HENDERSON

1933 Golf Course Road • Bayside, CA 95524
707-826-0867 • larrydhenderson@hotmail.com

April 17, 2017

Steve Werner, Supervising Planner
Planning Department
3015 H Street
Eureka, CA 95501

RE: BLM CUP 16-035; APN 308-041-002; Table Bluff County Park

Mr. Werner:

I was asked to review the referenced application. After reviewing the record provided to me and discussing issues raised to me, I have formulated questions my clients would like answered before this matter is acted upon.

Question 1: Who is the Applicant?

Per County ordinance (Sec. 312-5.1), only the property owner or the owner's authorized agent are eligible to apply for a permit.

The applicant for this permit is listed as BLM. This means that some form of authorization to BLM had to have been executed by the County. Reference has been made to a Memorandum of Understanding (MOU) between the County and BLM. But the only relative MOU found is one sharing law enforcement resources. Evidence of another MOU or any other agreement giving BLM the necessary authorization has not been provided.

Before action is taken on this permit application, we need to know by what authorization is BLM the applicant, and the details of that authorization.

Question 2: Is Coastal Commission review and action needed?

Bob Merrill says Coastal Commission review or action is not required because the activities are pursuant to BLM's South Spit Management Plan, and the Commission issued a Determination of CZMA Consistency (CD-052-02) for the Plan. But we do not know if the description of the proposed project is compliant with this Plan and with the Consistency Determination.

Planning has not addressed this issue. But information provided by others support an argument that the proposed activities were not considered or prescribed in the Plan. There is even an argument that the Plan's scope of work was completed, and that continued work under

To Steve Werner
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April 17, 2017
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the premise of prior approval is not only unauthorized, but is also having impacts that will be significant.

Before action is taken on this permit application, we need to know if the proposed work was described in the Plan and given proper disclosures and considerations by the Coastal Commission.

Question 3: Is County review and action needed?

Bob Merrill describes BLM's Plan as a "cooperative" plan. This implies that the County participated in the preparation, consideration, and adoption of the Plan. But we do not know the details of that participation.

The County's level of participation dictates the County's role in implementing BLM's Plan. If the County participated fully in the review and approval of the Plan, then it really has no choice but to grant the permit (it may be the situation where a permit is superfluous and the application was unnecessary). However, if the County had no influence or decision-making role in the Plan, then the County does have choices to say "no", or "yes", or even "go back to the drawing board." But in making its choice, procedural rules will have to be complied with, including full disclosure of potential consequences of each choice.

No information has been provided about when and how the Plan was submitted for County action; or about when and how the public had input into this action; or about what that action was. Further, others have not been able to obtain any of this information. An answer to this issue is important because without prior approval of the Plan by the County, the granting of the permit would be circumventing the authority of the Board of Supervisors in the decision-making process.

Before action is taken on this permit application, we need this information to determine what, if any, choices the County has.

Question 4: What is the real Project Description?

The Project is not described clearly and in detail. There is substantial room for confusion and doubt as to the actual scope, terms, and sequences of work being permitted. We do not know just what entitlement is being asked for.

A Conditional Use Permit (CUP) grants permission for an explicitly described land use and associated development. For regulatory purposes, the term "use" is occupation of land, and "development" is alteration of land. Vegetation removal alters the land and meets the spirit of

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the definition of “development.” However, for coastal-permitting purposes, the term “development” is specifically defined to include only major vegetation removal. Non-major vegetation removal is omitted from the definition, and is not subject to CDP requirements.

In this case, vegetation removal is the proposed development toward the proposed occupancy for Wildlife Habitat Management. As defined, Wildlife Habitat Management is the use (or, occupancy) of the land for a desired habitat suitable for designated *wildlife* (emphasis added); and the development (or, alteration) of the land for this use is the manipulation of vegetation to yield that desired habitat. A reading of Planning’s Project Description does not disclose with clarity and detail the wildlife habitat that is desired, nor the compelling reason the proposed vegetation removal is needed to yield that habitat.

Before action is taken on this permit application, we need to know with clarity and detail what the project’s success looks like, and what scope and sequence of work is required to get there. If the reference is BLM’s Plan, then appropriate information needs to be provided for public review.

Question 5: Is it certain that the project will not have a significant environmental effect?

Planning says the project is exempt from CEQA review. According to Planning, the exemption is not by statute or any categorical exemption. Rather, it is because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. If true, the project is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and is not subject to CEQA.

There are two problems with Planning’s declaration that the project will have no significant environmental effect: It is (1) subjective and (2) not supported by the record.

In response to Planning’s declaration, I ask “Says who?” Contrary to how Planning presents it in its staff reports, the determination that the general exemption rule applies is a discretionary one to be made by the decision-maker—not Planning. It is a recommendation from Planning, and needs to be supported by the record.

So far, no explanation has been provided by Planning why it recommends a general-rule exemption finding. But there is information showing that there have been and will be consequences associated with the continued implementation of DLM’s Plan. The record also includes defensible, contrasting arguments that these consequences are potentially significant.

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Planning's own handling of the project invalidates its recommendation. The Zoning Administrator is the authorized hearing officer for all use permits; but has the discretion to refer any application to the Planning Commission to hear and decide the matter. This application was referred to the Planning Commission, which is an indication that there is doubt that the general-rule exemption applies.

This doubt was confirmed when Planning requested from BLM a special study of "potential changes to flood hazard associated with the proposed conditional use permit." The study was completed and provided as a "Technical Memorandum in support of (the) proposed CUP." If Planning truly believed with certainty that there is no possibility that the project may have a significant effect on the environment, why did it request the special study?

The Board of Supervisors' recent action (during the GP update hearings) regarding the status of vegetation removal, also seems to conflict with Planning's declaration that the project will have no significant environmental effect.

This project is not exempt from CEQA review; and before further action is taken on this permit application, CEQA review needs to be completed.

We know an EIS was not prepared for BLM's Plan. What we do not know is what level of environmental review was given to this project, and what was considered and disclosed through that review. This information should be provided.

Question 6: Where is the supporting evidence to grant the permit?

Rather than principally permitted, Wildlife Habitat Management is conditionally permitted in the Public Recreation (PR) zoned districts. This is because this use type may impair the integrity and character of the property for public recreation activities—or be detrimental to the public health, safety or welfare—unless additional restrictions on location and extent of use are imposed and enforced. The burden of proof that the proposed vegetation removal will not have these impacts is on the applicant.

For this application, the priority goal per the local coastal plan and regulations is that alterations to natural land forms will be minimized. The test will be the following key required findings that must be made in order to grant the permit:

- The proposed removal of vegetation will be compatible with the continuance of the *wildlife* (vs. *plant life*) habitat, and will not create or contribute significantly to problems of erosion

To Steve Werner
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or geologic instability on the site or on surrounding areas, nor significantly degrade such areas.

- There is no less environmentally damaging feasible alternative.

Evidence supporting these findings has not been provided.

Before action is taken on this permit application, the missing evidence needs to be provided. This is especially required because conflicting evidence has been provided showing a high risk of significant natural land form alteration. Further, the choice of “no project” as a less environmentally damaging feasible alternative is a real consideration.

Side-bar questions.

Why was the fee waived for BLM’s application filed April 5, 2016, for a Special Event Permit for Ocean Day 2016? There seems to be inconsistencies in Planning’s charges and waivers of fees for other public agencies.

What is Hank Seemann’s role in the processing of this permit application? Without explicit delegation of project management role by the County, Mr. Seemann’s lead involvement with this application suggests abuse of authority.

Respectfully,

Larry Henderson

CC: Michelle Nielsen; County Planning

BCs

Support California Fishermen

**Support their
Constitutional
Right of access
and use.**

**Support the
Public Right to Fish
and access and
use fishing grounds.**

**For more info
contact
California Beach
Fishermen
Association
839-0930 or
Open Beaches &
Trails
839-4615**

**Help Protect your right to use the beach -
for fishing, picknicking, horseback riding,
clamming, kite flying, walking your dog,
surfing, sight seeing and handicap access**

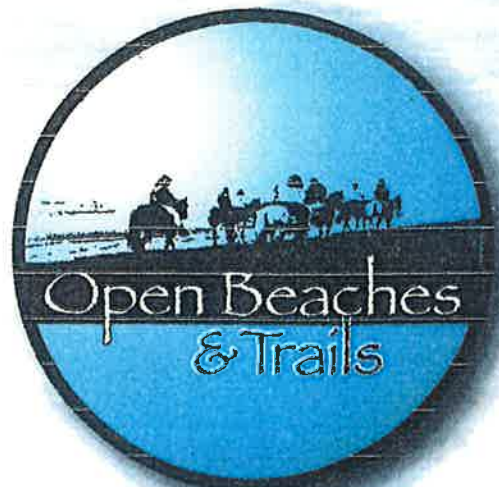
Dennis Mayo (707) 839-4615

Mike Zamboni (707) 839-0930

CUP 16-033 BLM 10548

August 3, 2017

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That's what you might hear on your CB or from local commercial beach fishermen parked around Orick, CA. What they mean, is that, the smelt are spawning.

First, you look for lots of pelicans and seagulls, seals, arctic terns and, of course, fishermen on the beaches of Orick or Stone Lagoon, and you have found a smelt run.

These small fish come to shore to spawn in the surf annually, from May to October by the millions. The eggs are deposited in the sand and gravel to be hatched out during the next high tide, and then return in one to two years to start the cycle over again.

The fishermen drive on the beach to reach the spawning grounds. The fishermen (& women) fish with hand held nets in the surf for the smelt. They drive close to the water in small trucks and follow the smelt as they move up and down the beach spawning. We welcome you to watch us fish or look in the

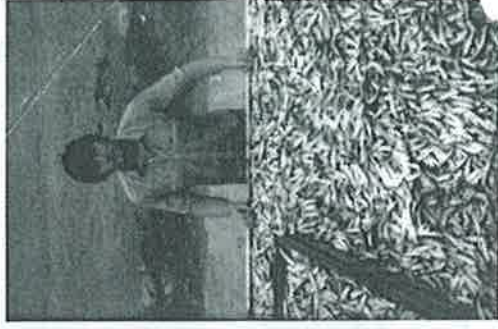
back of our trucks at all those wiggling fish. Maybe you would like to bring a net and fish for your own smelt! They are excellent eating and can be prepared in many ways. There are also local fish companies that you can buy them from.

The commercial smelt industry has been important to our local economy for many years. Our third generation smelt fishermen will tell you that the fish have many beaches to spawn on and many beaches where no commercial fishing is allowed, or that there is no access to. That way, we have a renewable resource. We catch less than one percent of the bio mass therefore, there should be plenty of smelt fishing for years to come.

People eat a lot of smelt but they are also sold to zoos and aquariums across the United States to feed a variety of fish & animals including many endangered species.



The California Beach Fishermen Association would like you to enjoy our local beaches and don't forget to tell people, you got **smelt** in Orick!



And here are some great recipes for cooking smelt.

Pan fried Smelt

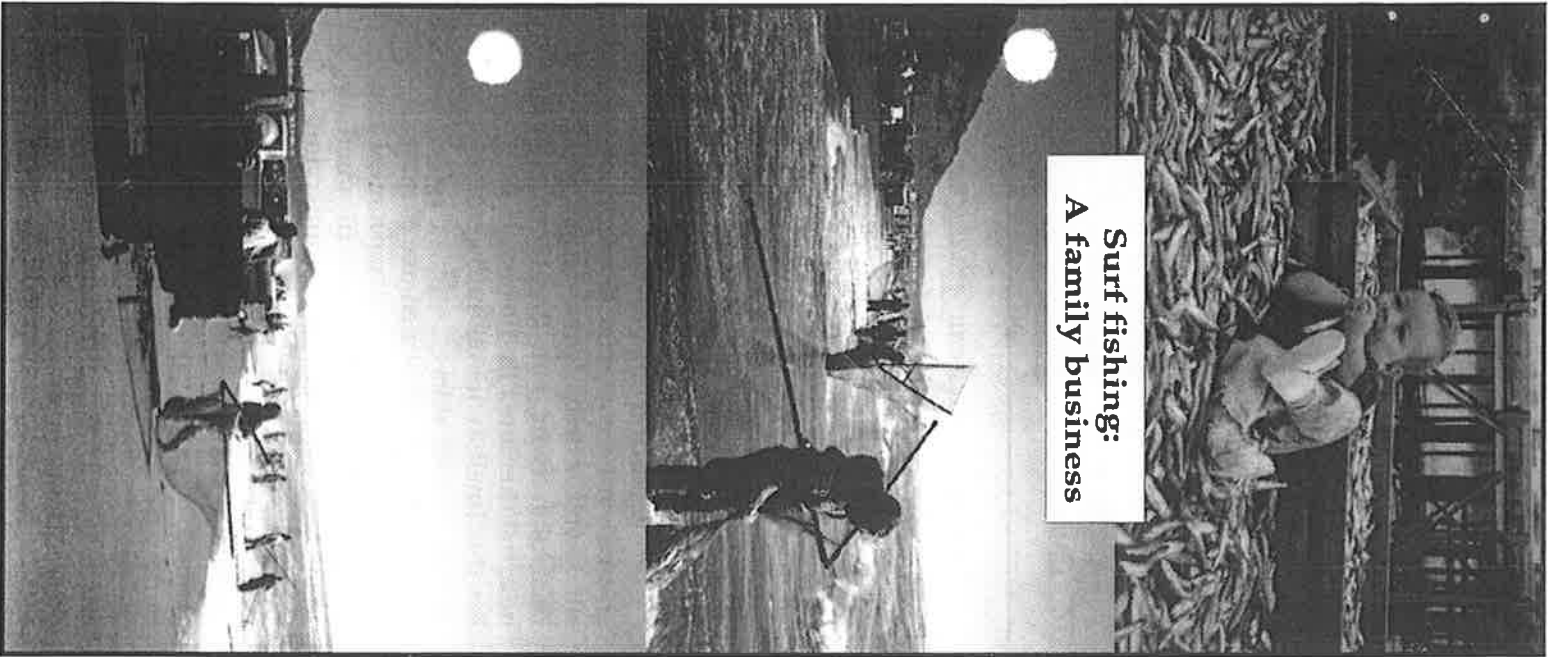
Day or night Smelt (4 to 5 day or 6 to 8 night) per serving. 1st clean and wash (butterflying them works best.) Make flourmix with flour, salt, pepper and garlic powder.

Wash and clean smelt. Kitchen shears work great. Cut off head and then slit down the belly, remove guts.

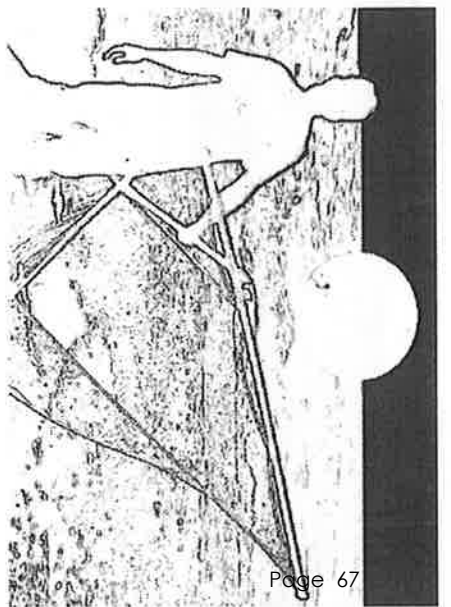
Heat oil in frying pan. Combine the flour mix, roll the Smelt in the mixture. Fry the Smelt in hot oil until golden brown on each side.

Variations: You may also use cornmeal instead of flour or mix 1/2 corn meal and half flour. You may also dip the smelt in a mixture of beaten egg and milk; and then roll in flour. Smelt can be used in a variety of ways. The night smelt (the smaller of the two varieties) may be canned the same way as sardines. Both varieties of smelt can be smoked; they can be smoked cleaned or whole. Each variety has a distinct flavor of its own.

Enjoy!



**Surf fishing:
A family business**

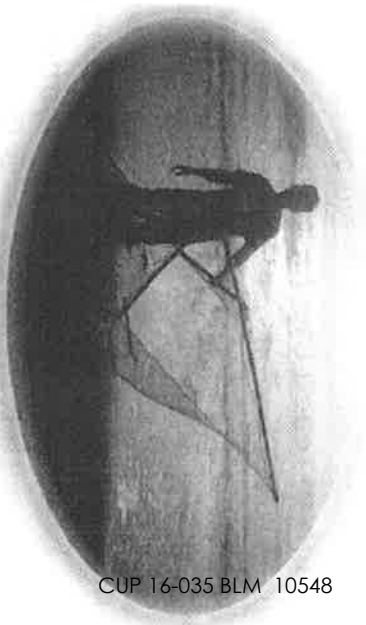


Surf Fishing
in
Northern California

**The amazing story
of the people who fish for Smelt!**

August 3, 2017

California Commercial Beach Fishermen's Association



February 5, 2014

From: California Commercial Beach Fishermen Association

To: Humboldt County Board Of Supervisors
825 5th Street, Room 111
Eureka, CA 95501

California Commercial Beach Fishermen Association (C.C.B.F.A.) have been losing fishing grounds and almost all of our coastal access points. Now the South Spit access is at risk.

As fishermen and responsible community members we are concerned about impacts to habitat and in fact are at the front line of adaptive management.

Sadly, untested, unmonitored, financially motivated unsuccessful management plans, oft times initiated by mere staff assertion, continue to harm C.C.B.F.A. and the sustainable economy we provide. The long-term failed policies surrounding 'pulling European Beach Grass' is a prime example.

C.C.B.F.A. applauds the Board Of Supervisor's General Plan revision changing principally permitted vegetation removal to require a Coastal Development Permit in County coastal zones. Previous vegetation removal at the South Spit has lacked any legal approvals or permits.

C.C.B.F.A. cannot afford any further loss of access to fishing grounds. We look forward to a full and open public process before any vegetation removal is considered at the South Spit.

Thank you,



Dennis Mayo
Legislative Representative for the
California Commercial Beach Fishermen Association
(707) 839-4615

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Subject: Letter in Support for the Smelt Fishery and Beach Access.

Smelt are still harvested by hand with A- frame dip nets from the surf along California's North Coast in the same manner as have been done for centuries. Historically over 70 commercial fishermen would access the beach slopes and harvest over a million pounds of smelt each year starting in January through September. These excellent eating fish are still providing high protein meals for both people and birds and animals around the country at; zoos, aquariums and rescue centers with healthy feed. Last year alone the 20 commercial smelt fishermen that fished for us here at Pacific Choice Seafood in Eureka CA landed just shy of 600,000 pounds for which we paid out just over \$325,000.00. Of those 20 fishermen only eight had access to and fished Gold Bluff Beach and landed the majority of the 600,000 pounds. The processing of these fish also provides steady work for our people.

The numbers of commercial smelt fishermen have dropped and could drop further primarily due to restricted access. One of the main fishing areas is accessed through Prairie Creek State Park along Gold Bluffs Beach road with only 17 permits granted through both the State and National Park systems. The State is attempting to phase the permits out and not allow the permits to be transferred. The National Park up until the last few years was on the same page of phased out access until Congressman Mike Thompson stepped in and helped out. Other access points along the California's North Coast have been and are being phased out for fishing access.

We need to recognize that smelt fishing is an important part of our fishing community and do our part to keep the access gates to the wave slopes open in a transferable way so we can continue to harvest this valuable resource, build on long term markets and keep contributing real jobs to our struggling local economies. The State of California needs to protect this valuable fishery.

Sincerely,



Kirk Younker

Pacific Choice Seafood

Eureka CA 95501

Phone 707-442-2981 ext 114

My name is Gene Logan, I live in Orick, Ca, and I am a lifelong fisherman. I commercial beach fish for perch and smelt. It is hard and dangerous work. I'm sad to say that the County Planning Commission and Board of Supervisors have not supported me or my sustainable, economical fishery.

Over the years you have destroyed or allowed restrictions to, my fishing access. The access to the Orick Spit, Big lagoon, Clam Beach is all gone. Mad River Beach is most often sanded in, with an inoperable gate.

So I beg you to deny the permit for pulling European Beach Grass at the South Spit. All the same old lies and phony promises are again being used. After more than 20 years with loss of access and failure to improve habitat, and negative impacts to wildlife, permit violations and millions of wasted dollars, why would anyone entertain this ludicrous folly?

The specter of Ron LeValley's lies and phony science continues to destroy my industry and the county's recreation, and wastes money that could go to honorable pursuits. Sadly, Ron is not the biggest villain in this horrible saga, he is just the one who got caught.

Please save this access point, our eel grass, duck hunting, fishing and our honor.

Gene Logan

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California Should Prepare for Rapid Loss of Antarctic Ice Sheet, OPC Science Report States

Submitted by Pamela Martineau on Wed, 04/26/2017 - 5:12pm in [Climate Change](#) All [Water News](#)

The Ocean Protection Council today voted to update its sea-level rise guidance documents, citing a recent report by members of its Science Advisory Team that warns of possible extreme scenarios in California due the rapid loss of the Antarctic ice sheet.



Specifically, the OPC adopted a resolution directing its staff to begin the policy update of its sea-level rise guidance documents in an effort to help state and local agencies incorporate sea-level rise into their decision-making to inform their planning, permitting and investments.

The foundational science report was written by a working group of the OPC's Science Advisory Team, in coordination with Ocean Science Trust. It summarizes the latest in sea-level rise science and projections, including the potential impacts on California from rapid ice loss from the Antarctic ice sheet.

"This latest scientific report on sea-level rise off California should be of concern to all Californians," California Natural Resources Secretary John Laird stated in a press release. "It's not just the possibility of the seas rising a few feet in the next century—it's what happens when there are extreme storms that magnify the difference."

"Our ongoing efforts to mitigate greenhouse gas emissions could significantly help safeguard local communities and important infrastructure," Laird continued. "However, this report indicates that no matter what, sea levels will rise off California's coast; it's just a question of how much. We must lower our greenhouse gas emissions and we must plan and take action with regard to the rising sea level."

The report includes new information on the expected sea-level changes that will occur based on different greenhouse gas emission scenarios. For example, with very successful mitigation efforts, the report states that there is a 67% probability that the Bay Area will experience sea-level rise between 1.0 foot and 2.4 feet by 2100. However, if no significant mitigation efforts are taken, that range increases to 1.6 to 3.4 feet.

The report also emphasizes the importance of preparing for extreme scenarios involving the rapid loss of the Antarctic ice sheet, which would have an enormous impact on global sea level rise and local sea level rise along our coast, bays, and delta. In one such scenario, sea levels along California's coastline could rise up to 10 feet by 2100 – about 30-40 times faster than sea-level rise experienced over the last century, according to a press release. Although the likelihood of these extreme scenarios remains undetermined, scientists are working now to better understand the various physical drivers associated with ice dynamics, and to address not if, but when loss of the Antarctic ice sheet will occur.

As the report suggests, there is no "one-size-fits-all" sea-level rise projection for California. Selecting the appropriate projection will depend on the location, type of project, its anticipated life span and ability to adapt to rising seas, and the potential economic burden of addressing future impacts resulting from increased sea-level rise. Sea-level rise planning for a coastal power plant will not be the same as planning for a coastal trail. In some cases, there will be more at stake, with scenarios that merit a more precautionary and conservative planning approach.

To ensure the updated guidance provides information in a way that is useful for decision-making, OPC says it will lead an inclusive public engagement process to solicit input from agency staff, planners, consultants, vulnerable communities, tribes and others. OPC, in partnership with Ocean Science Trust, will host three upcoming public workshops: May 16 in Los Angeles, May 22 in San Francisco, and June 8 in Eureka. An additional workshop in San Diego will be scheduled shortly. For more details, visit: <http://www.opc.ca.gov/climate-change/updating-californias-sea-level-rise-guidance/>.

The final sea-level rise guidance document will be presented to the Ocean Protection Council for approval at its January 2018 meeting.



Bernhardt Nominated for Deputy Interior Secretary Post



Little Hoover Commission Hearing Highlights Water Quality Impacts of Tree Mortality Crisis



State Water Board Rescinds "Stress Test" Requirements, Remaining Mandatory Conservation Standards



CWC Hosts WSIP Application Webinar April 27

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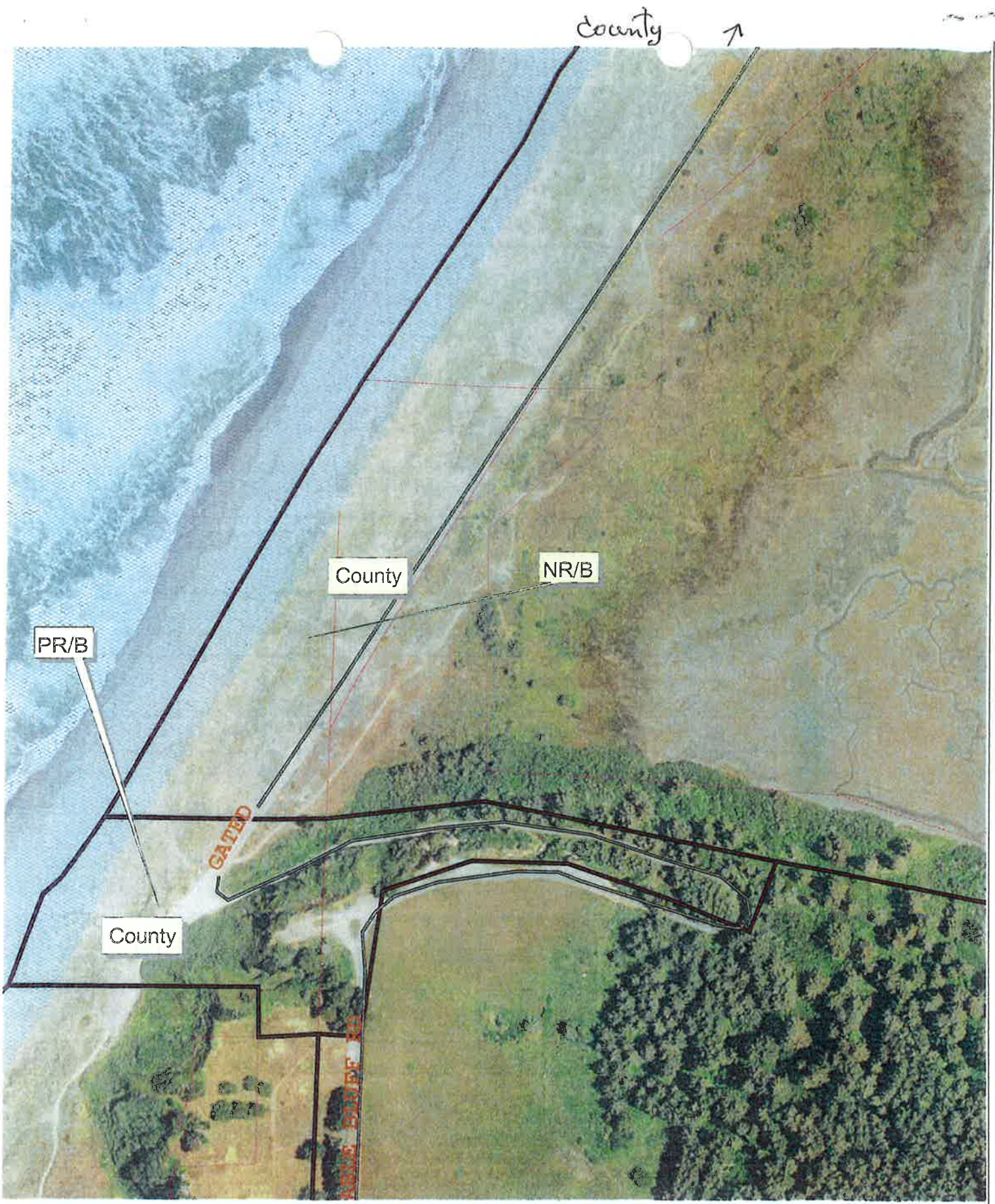
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POD GIS Map

Humboldt County
Planning and Building
Page 72

Map Disclaimer:
While every effort has been made to ensure the accuracy of this information, it should be understood that it does not have the force and effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Printed 19:27 Wed Apr 20 2016 on PLBL103
August 3, 2017

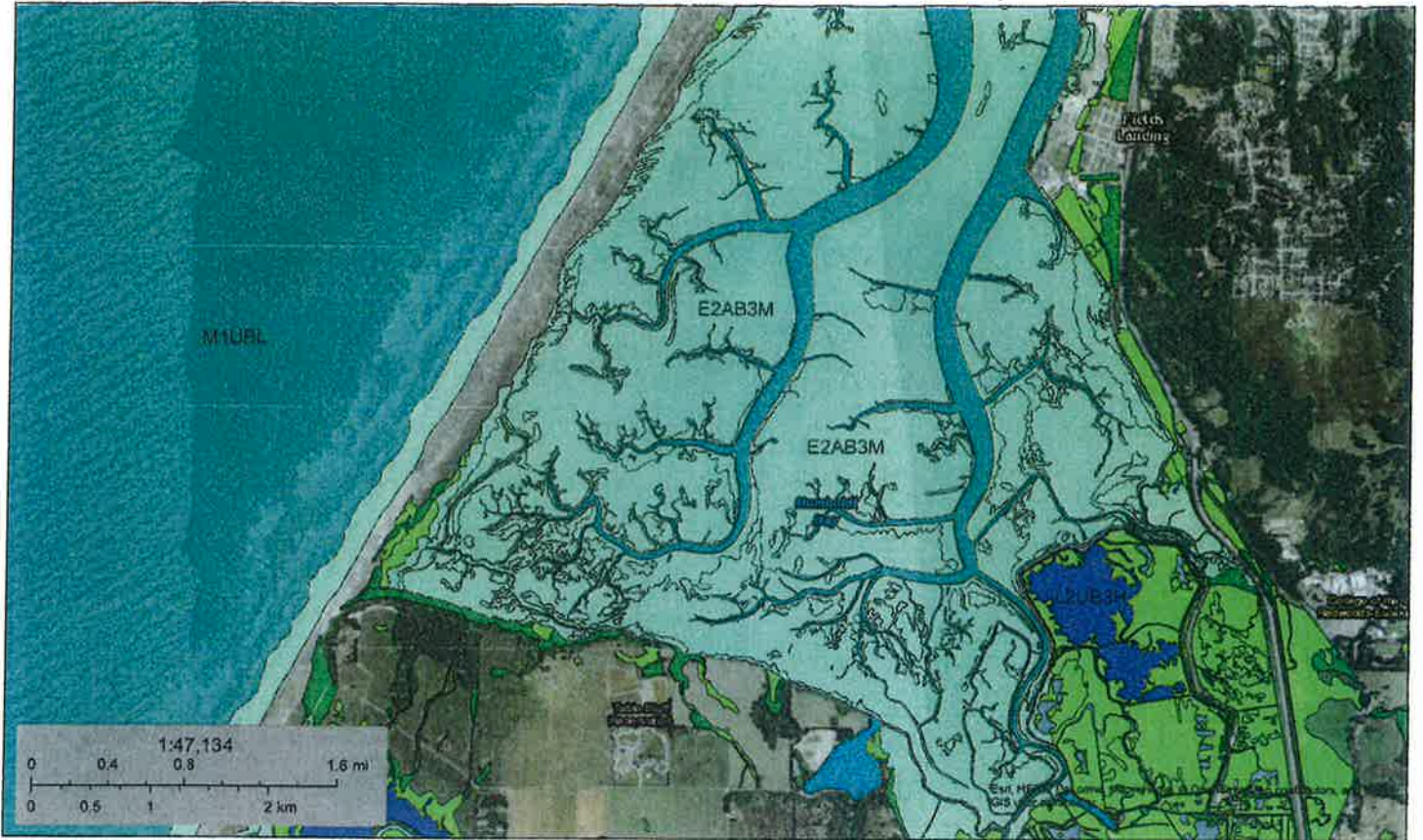
CUP 16-035 BLM 10548

Figure 4. South Spit study area infested with European beachgrass, 2002. This photo shows invaded dune mat on the South Spit foredunes prior to European beachgrass removal efforts.



Figure 5. This photo shows the same approximate area following invasive European beachgrass removal and several years of native plant recovery. Photo taken during Transect #2 field sampling, March 2014.





November 1, 2016

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

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.

National Wetlands Inventory (NWI)
 This page was produced by the NWI mapper

County should seriously consider putting dredge spoils at this location.

Many coastal land managers began removing various types of vegetation from coastal dunes in the late 1980's and have continued to present day. While the purpose of these efforts was to promote native plant recoveries such as the Humboldt Bay wall flower and Beach layia, the effect of these programs has had serious consequences to other native plant and animal species in the dune and rare coastal forest habitat and has caused the loss of agriculture lands as well as exposed critical infrastructure to eroding sands.

The programs in question have been permitted through coastal development permits (CDP) and through Consistency Determinations with the strict and mitigated measures that were meant to prevent erosion, loss of wetlands, and destabilization. Such measures were intended to include immediate replanting of native plants after ammophila removal, removal in patchwork fashion, and no removal of ammophila in back dune areas. Unfortunately each of these protocols most often were not adhered to and the result has been erosion, a loss of topography, destabilization, sand migration into delineated wetlands, loss of wildlife, etc. Additionally required annual monitoring has not been completed.

What has taken place since these effects have been reported is a change in goals toward the promotion of these effects that originally were to be avoided. This change in goals was not preceded by a change in CDP's or any other public process. The Humboldt Dunes Coop which comprises of a collection of representatives from agencies such as FWS, BLM, the Coastal Commission, Friends of the Dunes, State Parks, Coastal Conservancy and others, seem to be the driving force behind continuing these practices. Their meetings are held out of public view and getting relevant information from the Coop has been very difficult. Dune Coop bylaws include providing the public with an annual meetings so to discuss dune management issues. The Coop has not followed up on that obligation.

With sea level rise and increased storm effects anticipated, it is important that we are careful to not destabilize the primary protection between our communities, our wildlife areas and the Pacific Ocean. Several peer reviewed studies done by our neighbors in Oregon and Washington indicate that lowering coastal dunes will have a serious effect on coastal protection. Coastal wetlands that form behind ammophila dunes are not only a vital habitat for wildlife including migrating birds, but also form the second and crucial line of defense from the Pacific.

Within the deflation plain wetlands along the Humboldt's North spit is our two 42 inch water mains that deliver water to Eureka and the Samoa industrial area. The significant erosion that has taken place in BLM's Malel area following ammophila removal has caused the water district to use heavy equipment to rebury these mains every 3 or 4 years at the cost to ratepayers of tens of thousands of dollars.

There is a growing number of concerned citizens that would like to see a different approach to coastal dune management. This could involve the planting of native pines in back dune areas and in certain foredune areas to enhance natural succession. The pines would benefit from the ammophila constructed wetlands and eventually shade out the grass without causing the destabilization that follows ammophila removal.

A method first developed on Cape Cod to rebuild dunes is referred to as a biomimicry approach. 14 inch cedar shims are placed in 8 to 10 inches apart in the sand with the flat side facing the prevailing winds. As the sand collects and starts to bury the shims the shims are raised. Depending on the wind and sand supply, this can result in building a dune 25 feet or more of topography in as little as two years. Vegetation plantings often follow to maintain stability.

Both the biomimicry method and planting native trees are inexpensive and effective ways to enhance our coastal habitats and protections when resources are needed in other areas.

It is time to honestly review the effects of past dune management policies. With new challenges such as sea level rise and wetland habitat losses, it is also time to work with methods that protect these habitats and give us the best chance to secure our coastline.

DRAFT

Melissa,

There are significant effects that your April 2016 (and apparently other) communications with County Planning staff have had on our coastal resources. You to state that the Commission has granted its blessing for removing coastal vegetation without a permit without any clarified support or even recollection (from your April 2017 communications with me). The communications in question are a direct part of two ongoing permit reviews and were presented in that context. It also needs to be acknowledged that your communications are being repeated by county planner Estlow who was originally the assigned planner for one of the permits (CDP 06-49 MMX) currently under review and is married to the restoration manager of one of the applicants (FOD). He also has served as a board member for FOD for several years.

As you may be aware there has been extensive vegetation removal taking place on lands currently owned by FOD that has not been authorized. Back dune areas east of the permanent wetlands have had significant plant removal even after the County Code Enforcement Officer Young had reached an agreement with FOD to suspend such activities in response to a Manila resident's lawsuit. These activities also directly contradict FODs own restoration plan.

It would appear from the communications (see highlighted below) the Commission has somehow granted FOD its blessing to conduct this unauthorized vegetation removal. In addition, several FOD owned parcels that include foredune areas have been stripped of vegetation within wetland buffer areas also without authorization and contrary to the CDP 06-49.

It also appears that the initial communications between county environmental director Seeman and planner Estlow suggest that Mr. Estlow has been intimately involved with the unauthorized activities at the South Spit over the 14 year course of the project. This would support the conclusion that your unsupported opinion regarding the need for a permit has had a direct effect on significant and unauthorized coastal vegetation removal conducted at two different sites.

For you to promote the unauthorized removal of coastal vegetation when there are strict guidelines recommended by agencies like FEMA and the County, has

been very unfortunate on many levels. The abuse of authority is clear and your unwillingness to address this in a direct way is not in the best interest of resolution.

From Melissa Kraemer to then acting Planning Director Rob Wall April 2016

I think the difference in how we deal with this versus how the County deals with it is the standard of review: ours is the Coastal Act, yours is the LCP. The Coastal Act doesn't define "major vegetation" whereas the LCP specifically does in the two sections cited by Steve (including "B" combining zone regs). So in our determinations of whether or not activities in our jurisdiction require permits, we look at it on a case by case basis. If the activities on the South Spit weren't undertaken as federal activities (Word copies of approvals of south spit through our federal process attached) and instead had to go through the CDP process, I would imagine we'd find that due to the potential impacts on coastal resources from 700 people digging up plants in the dunes, we'd determine the proposed veg removal to be "major" and require a permit. I can't recall if/where we've dealt directly with proposals for hand-removal of Ammophila on non-federal lands - certainly not to the same scale as the south spit activities. I believe BLM lands in Manila, Samoa, and FWS lands west of Arcata all have had restoration activities reviewed through our federal consistency process (see attached email related to Ma-L'el). The County has processed CDPs for restoration activities on Manila dunes owned by the MCSD and on the Friends of the Dunes-owned lands in Manila. I think there was some Ammophila hand-removal of activities proposed within our CDP jurisdiction on FOD lands that we determined not to be "major" and therefore no permit required. Also attached is an email sent from me to NOAA staff (NOAA oversees the federal CZMA, including our federal coastal program) in response to an inquiry we received from NOAA after last year's Ocean Day protest by a vocal minority. ← Biased maybe a little? ↓ So if we are a minority do we get help from HCU's new diversity person? Included with the email attachment is information from the FWS on dune management in the region and earlier responses to Uri Driscoll's questions on this topic.

Again, let me know if you have any further questions.

Melissa

-----Original Message-----

From: Kraemer, Melissa@Coastal [mailto:Melissa.Kraemer@coastal.ca.gov]

Sent: Tuesday, April 19, 2016 1:43 PM

To: Werner, Steve; Estlow, Trevor; Seemann, Hank

Cc: Wall, Robert; Delaplaine, Mark@Coastal

Thank you

Uri

Kraemer, Melissa@Coastal <Melissa.Kraemer@coastal.ca.gov>

To

'Uri Driscoll'

Apr 27 at 8:39 AM

Uri

As I mentioned I don't recall the statement I made to Rob Wall a year ago or its context and we have no file reference for this matter that I am aware of. If you are reporting a violation I will direct you to our enforcement unit and specific location and details on alleged violation will be needed to investigate. If there are permitting questions regarding activities in County jurisdiction I refer you to the County Planning & Building Department. Due to workload priorities and limited staff resources we are unable to devote significant time responding to recurring email inquiries investigating land management activities on someone else's property. Perhaps consulting the landowner for the information you seek would be useful.

Melissa

Subject: RE: Touching base on Table Bluff County Park coordinated activities

I believe BLM has gone through our federal consistency division for their annual Ocean Day and associated hand-pulling of Ammophila on the South Spit. I can dig that up if needed. If the BLM is responsible for the activities on County park land this year, that perhaps could be added through our fed con process as an ND with a letter from BLM, though I'm cc-ing our federal consistency program manager Mark Delaplaine to weigh in. Aside from federal activities, the Commission typically has NOT considered the hand pulling of invasive species to be "development" that requires a CDP. Feel free to contact me (or Mark) with questions.

Thanks
Melissa

-----Original Message-----

From: Estlow, Trevor
Sent: Friday, April 15, 2016 12:25 PM
To: Seemann, Hank
Cc: Wall, Robert; Werner, Steve
Subject: RE: Touching base on Table Bluff County Park coordinated activities

Hi Hank-

Sorry for the late response, I must have missed this email. I believe that Melissa Kraemer weighed in that pulling beachgrass did not constitute development some time ago, but I've been trying to keep my distance from these projects. Steve Werner has been looking into this so I would defer to his response.

Thanks.

-Trevor

Uri Driscoll <humboldthorse@yahoo.com>

To

'Melissa.Kraemer@coastal.ca.gov'

Apr 26 at 8:25 PM

Melissa,

It is important that you clarify the statement you made in the April 19, 2016 letter to then acting Planning Director Wall

" I think there was some ammophila hand removal of activities proposed within our CDP jurisdiction that we determined to not be "major" and thus required no permit"

This statement seems to be being used by county staff to indicate that there is no need to acquire permits to do ammophila removal. I need for you to identify who the "we" is and when/how that determination was made. Please provide clarification for which specific projects that this determination was made.