2013 Notice of Preparation and Comment Letters Received

NOTICE OF PREPARATION

To: **Interested Parties**

From: **Humboldt County**
Planning & Building Department
3015 H Street
Eureka, CA 95501

Subject: Notice of Preparation of a Supplement to the Master Environmental Impact Report for the **Samoa Town Master Plan (SCH No. 2003052054)**

Project Location: The town of Samoa is an unincorporated community situated between the Pacific Ocean and Humboldt Bay on the Samoa Peninsula, in Humboldt County, California. The Samoa Town Master Plan Area, which contains the town of Samoa, is approximately 227 acres in area and is comprised of the Assessor's Parcels 401-031-036, 401-031-038, 401-031-044, 401-031-046, 401-031-055, 401-031-059, and 401-031-065.

Project Applicant: Samoa Pacific Group LLC

Project Description: Major subdivision and coastal development permit for: merger of existing separate parcels into one parcel, subdivision of 227 acres into 329 parcels, upgrade of existing sewage collection and disposal facilities, construction of subdivision improvements and installation of utilities, demolition of various outbuildings and the Fireman's building within the Town of Samoa, building renovations and site grading in conjunction with a lead paint hazard abatement program for existing houses, and Planned Development Permit. The preliminary scope of the Supplemental EIR is attached.

A Final Master EIR was certified for the project on October 27, 2009 by the County of Humboldt Board of Supervisors and a statement of overriding considerations was adopted. Minor project revisions are proposed; therefore changes are necessary to make the previous EIR adequate for the revised project and a Supplement to the EIR will be prepared in accordance with CEQA Guidelines Section 15163.

The Humboldt County Planning & Building Department will be the Lead Agency for the project. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project. Due to the time limits mandated by State law, **your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice**.

Please send your response to Michael E. Wheeler at the address shown above. We will need the name, phone number, and email address of a contact person in your agency. Your comments may also be transmitted electronically to mwheeler@co.humboldt.ca.us.

Date: _____ Signature:_____

Michael E. Wheeler

Title: Senior Planner

Attachment: Supplemental EIR Preliminary Scope

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

DEPARTMENT OF TRANSPORTATION
DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-2009
FAX (707) 441-5869
TTY (Teletypewriter #707-445-6463)

Flex your power!
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RECEIVED
JUN 12 2013
Humboldt County
Planning Division

June 10, 2013

1-HUM-255-2.028
Samoa Town Master Plan
DB# 18910

Trevor Estlow
Planning and Building Department
County of Humboldt
3015 H Street
Eureka, CA 95501

FMS-13-003/CDP-13-02/WOM-12-006
Appl No 2007

Dear Mr. Estlow,

Thank you for the opportunity to comment on Samoa Pacific Group's application for a merger and subdivision within the Town of Samoa. The project proposes a phased subdivision of approximately 227 acres into 329 parcels and includes upgrading sewage and utilities, subdivision construction, renovations and demolitions.

The proposed project has significantly expanded since Caltrans was last given the opportunity to comment on this project. The Master Environmental Impact Report in 2006 proposed development of 172 acres. In light of the expanded proposal and due to the potential impacts to the intersection of Navy Base Road and State Route 255, Caltrans recommends updating the traffic analysis associated with this project.

For guidance in the preparation updating the traffic analysis associated with this project, please refer to the State of California Guide for the Preparation of Traffic Impact Studies, which can be found at the following link: http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf.

If you have any questions regarding the scope or methodology of the traffic analysis or would like to schedule a pre-scoping meeting, please contact me at (707) 441-4540 or tatiana.ahlstrand@dot.ca.gov.

Sincerely,

Tatiana Ahlstrand
Associate Transportation Planner
District 1 Regional Planning

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd., Suite 100
West SACRAMENTO, CA 95691
(916) 373-3710
Fax (916) 373-5471

July 3, 2013

RECEIVED
JUL 9 2013
Humboldt County
Planning Division

Michael E. Wheeler
Humboldt County Community Development Services
3015 H Street
Eureka, CA 95501-4484

RE: SCH# 2003052054, Samoa Town Master Plan Amendment/Zone Reclassification, GPA-02-01/ZR-02-02, Humboldt County

Dear Mr. Sorensen:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064.5(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **SFL Check Completed with Negative Results**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) Guidelines §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered cultural items that are not burial associated, which are addressed in Public Resources Code (PRC) §5097.98, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, PRC §5097.98, and CEQA Guidelines §15064.5(e), address the process to be followed in the event of an accidental discovery of any human remains and associated grave goods in a location other than a dedicated cemetery.

Sincerely,

Rob Wood
Associate Government Program Analyst

CC: State Clearinghouse

Memorandum

To: Michael Wheeler, Senior Planner

From: David Spinosa, Senior Environmental Health Specialist

Date: July 31, 2013

Subject: Notice of Preparation – Supplemental EIR for the Samoa Town Master Plan

APN: 401-031-036 et al.

The Humboldt County Department of Health and Human Services, Division of Environmental Health (DEH) has reviewed the subject project and provides the following program specific comments:

Solid Waste Program comments:

The DEH Solid Waste Program recommends that the proposed scope of the Supplemental EIR be widened to include examination of the potential effects of locating a solid waste storage and processing facility in the Samoa Town Master Plan area.

An accumulation of debris resulting from demolition of residential and commercial structures exists on a number of parcels within the Samoa Town Master Plan area. The land owner states that the intent is to use this debris and to accumulate more (up to 100,000 cubic yards) in order to have sufficient fill material to raise the level of residential development units to a prescribed height.

The proposed placement of a solid waste (construction, demolition or inert debris) site is not addressed in the current EIR. A Mitigated Negative Declaration was proposed under a previous project (CDP-13-002) for the activity. The potential environmental effects (including, at a minimum, Noise, Visual Resources, Air Quality, Transportation/Traffic, Drainage and Water Quality, and Hazardous Materials) of locating such site should be examined.

Any questions regarding the above may be directed to Carolyn Hawkins at 707-268-2215 or chawkins@co.humboldt.ca.us

Consumer Protection Program comments:

We understand that studies have identified the presence of lead based paint on the structures tested and in the soil around these structures and that significant peeling and deterioration of exterior paint was noted on many structures.

- The presence of deteriorated lead based paint on the exterior is a violation of California Health and Safety Code §17920.10(a). See the following excerpts from state law.

  California Health and Safety Code: Any building or portion thereof including any dwelling unit, guestroom, or suite of rooms, or portion thereof, or the premises on which it is located, is deemed to be in violation of this part as to any portion that contains lead hazards.

  California Code of Regulations, Title 17, Division 1, Chapter 8 (commencing with §35001): "Lead hazard" means deteriorated lead-based paint, lead-contaminated dust, lead-contaminated soil, disturbing lead-based paint or presumed lead-based paint without containment, or one or more of these hazards, present in one or more locations, in amounts that are equal to or exceed the amounts of lead established for these terms, that are likely to endanger the health of the public, or the occupants thereof, as a result of their proximity to the public or the occupants thereof.

- A schedule for preparation and implementation of a lead hazard evaluation and abatement plan to reduce or eliminate lead hazards or lead-based paint on public and residential buildings should be established now.
- Measures to protect the dwelling occupants and maintenance workers from potential exposures until such time as an abatement plan is prepared and implemented should also be included as part of the mitigation and monitoring plan.
- Owners of buildings built before 1978 are required to disclose lead-based paint hazards under state and federal law. One of the requirements is that sellers, landlords or their agents must provide purchasers and renters with an EPA pamphlet titled "Protect Your Family from Lead in Your Home." (See attached) This document may also be viewed at http://www2.epa.gov/lead/protect-your-family-lead-your-home
- Work on public and residential buildings intended for abatement of lead hazards or lead-based paint may require completion by certified contractors including certified supervisors and workers in accordance with plans prepared by a certified lead assessor. Clearance of lead hazards must be completed by a certified lead assessor. For more information about certification requirements see the California Department of Public Health Childhood Lead Poisoning Prevention Branch at http://www.cdph.ca.gov/programs/CLPPB/Pages/LRCCertReqd.aspx
- According to California Code of Regulations, Title 17, Division 1, Chapter 8 §35036 Lead-Contaminated Soil. "Lead Contaminated soil" means bare soil that contains an amount of lead equal to, or in excess of, four hundred parts per million (400 ppm) in children's play areas and one thousand parts per million (1000 ppm) in all other areas. Please note that there are no safe levels of lead in soil for gardening. For more information regarding home gardens and lead see http://anrcatalog.ucdavis.edu/pdf/8424.pdf

Any questions regarding the above may be directed to Kevin Metcalfe at 707 268-2210 or kmetcalfe@co.humboldt.ca.us

Certified Unified Program Agency (CUPA) Comments:

- Upon initiating mitigation measure 4.12.1 a) of the Samoa Town Master Plan Environmental Impact Report (EIR), ensure that lead clean up is done to meet the U.S. Department of Housing and Urban Development (HUD) standards for human occupancy of any abated residences.

- Upon initiating EIR mitigation measure 4.12.1 b), c) and d), ensure that site specific soil and ground water management plans as well as site specific health and safety plans include: making a hazardous waste determination and handling all hazardous waste as such during storage and disposal.

- Upon initiating EIR mitigation measure 4.12.1b), if any hazardous materials will be stored in quantities above the reporting thresholds, then include in the health and safety plan a provision for completing Hazardous Materials Business Plan documentation at the California Environmental Reporting System (CERS) at: http://cers.calepa.ca.gov/ and completing an inspection by the CUPA.

- Upon initiating EIR mitigation measure 4.12.2 a) and b), notify the North Coast Unified Air Quality Management District regarding potential airborne lead and asbestos.

- Upon initiating EIR mitigation measure 4.12.3, it is important to note that not only does hazardous waste need to be disposed to a designated facility; it also requires proper handling and storage at the point of generation and in transportation. This includes completing the Hazardous Waste Generator information on CERS and obtaining an inspection by the CUPA.

Any questions on the above may be directed to Maje Hoyos at 707 268-2220 or at mhoyos@co.humboldt.ca.us

California Water Boards

North Coast Regional Water Quality Control Board

RECEIVED
AUG 5 2013
Humboldt County
Planning Division

August 2, 2013

Mr. Michael E. Wheeler
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501-4484

Subject: Project Referral dated June 5, 2013, for the Samoa Pacific Group

Notice of Preparation for the Samoa Town Master Plan General Plan Amendment/Zone Reclassification

File: Samoa Pacific, LLC-Samoa Townsite, Navy Base Road, Humboldt County

Dear Mr. Wheeler:

We have reviewed the Project Referral from the Humboldt County Planning and Building Department dated June 5, 2013, and the Samoa Town Master Plan General Plan Amendment/Zone Reclassification (SCH No. 2003052054) dated June 20, 2013, for the Notice of Preparation for the Samoa Townsite development in Samoa, Humboldt County. The project involves the tentative map subdivision of the 227-acre townsite parcel into 329 parcels. The final project will include: 259 homes, 32 acres of industrial use, 53 recreational and sales establishments, a lodge and RV park, and eight existing commercial buildings.

The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of the beneficial uses of those waters. We appreciate the opportunity to provide comments as follows:

Sewage Disposal

We understand from the Project Referral and Notice of Preparation that the basic infrastructure for the new wastewater treatment and disposal system will be installed

during Phase 1 of the construction. Expansion of the disposal system will occur as the town expands. This infrastructure includes the necessary septic tanks, equalization pond, dosing tank, leachfields, manholes, cleanouts, sewer pipes and force main. This infrastructure needs to be in place, under Waste Discharge Requirements issued by the Regional Water Board, and meeting all permit conditions, prior to additional or new sewer connections being added.

The Water Quality Control Policy for Enclosed Bays and Estuaries California prohibits discharges of wastewater to Humboldt Bay; therefore, wastewater effluent from the Samoa Townsite must be discharged to land or to the Pacific Ocean. Any land disposal option must be accompanied by a thorough analysis of impacts to ground and surface water, direction of flow, and cumulative impacts. The discharge of wastewater shall not cause degradation of groundwater quality and shall not cause groundwater objectives to be exceeded. Additionally, an appropriate legally responsible public entity will be required to operate and maintain the wastewater treatment and disposal system.

Storm Water and Low Impact Development

The Regional Water Board requires the use of Low Impact Development (LID) and best management practices (BMPs) to mitigate potential impacts to water quality. LID BMPs that treat and retain (infiltrate, capture, evapotranspirate and store) storm water runoff on the project site are efficient and cost effective.

LID is a development site design strategy with a goal of maintaining or reproducing the pre-development hydrologic system through the use of design techniques to create a functionally equivalent hydrologic setting. LID emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions. Hydrologic functions of storage, infiltration, and ground water recharge, as well as the volume and frequency of discharges, are maintained through the use of integrated and distributed storm water retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. LID seeks to mimic the pre-development site hydrology through infiltration, interception, reuse, and evapotranspiration. LID requires that the storm water runoff volume from small storms be retained onsite.

Other LID strategies include the preservation and protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable trees, flood plains, woodlands, native vegetation and permeable soils. Natural vegetation and soil filters storm water runoff and reduces the volume and pollutant loads of storm water runoff. Other benefits from LID implementation include reducing global warming impacts from new development (preserving carbon sequestering in native soils and retaining native vegetation), increasing water supply (by encouraging ground water recharge) and reducing energy consumption.

LID requires the use of landscape-based BMPs that filter storm water runoff using vegetation and amended soil prior to infiltration. Examples of these types of BMPs are rain gardens and vegetated swales. LID BMPs need to be sized to treat the storm water runoff from all impervious surfaces (e.g. roads, roofs, walkways, patios) using the Storm Water Low Impact Development Technical Design Manual found at www.srcity.org/stormwaterLID (required to be used for projects within Santa Rosa and parts of Sonoma County, but recommended for projects elsewhere), or using the following sizing criteria:

1. The volume of runoff produced from the 85th percentile of 24-hour rainfall event, as determined from the local historical rainfall record; or

2. The volume of runoff produced by the 85th percentile 24-hour rainfall event, determined using the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, p. 170-178 (1998); or

3. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Storm Water Best Management Practices Handbook-Industrial/Commercial (1993).

BMPs to prevent erosion and the release of sediment or hazardous materials during construction activities should be included in the subsequent environmental review documents to prevent sediment and other pollutants reaching surface waters or leaving the site in storm water runoff. These can include scheduling grading to take place during the dry season, identifying staging areas for work vehicles that are separated from sensitive areas, training employees in procedures for cleaning up spills of hazardous materials, and erosion and sediment control techniques.

Coverage under the Construction Storm Water Permit will be required prior to the commencement of construction activities on site. The applicant will need to develop and implement a storm water pollution prevention plan addressing all sources of pollution to surface and groundwater. The potential impact of storm water discharges, or any other discharges, to the beneficial uses of groundwater and Humboldt Bay will need to be evaluated.

Wetlands and Waters of the State

Any adverse impacts to, or loss of, natural or constructed wetlands and their beneficial uses due to development and construction activities must be permitted and mitigated. If a project's impacts to waters of the State are deemed unavoidable, then compensatory

mitigation (for acreage, function and value) will be required for any unavoidable impacts. Our staff may require greater than 1:1 mitigation ratio as a condition of approval for this project.

We appreciate the opportunity to comment on this project. If you have any questions, please contact me at (707) 576-2670 or Roy.O'Connor@waterboards.ca.gov.

Sincerely,

Roy O'Connor
Engineering Geologist

130902_ROY_ef_LTR_Samoa

cc: Melissa B. Kraemer, California Coastal Commission, North Coast District, 1385 Eighth Street, Suite 130, Arcata, CA 95521
Melissa Martel, Humboldt County Department of Health & Human Services, 100 H Street, Suite 100, Eureka, CA 95501
Scott Morgan, State Clearinghouse and Planning Unit, 1400 10th Street, P.O. Box 3044, Sacramento, CA 95812-3044

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., *GOVERNOR*

CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
1385 8TH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FACSIMILE (707) 826-8960
www.coastal.ca.gov

October 5, 2013

Michael Wheeler
Humboldt County Community Development Services
3015 H Street
Eureka CA 95501-4484

SUBJECT: Notice of Preparation for the Samoa Town Master Plan General Plan Amendment/Rezone Reclassification (GPA-02-01/ZR-02-02 Draft Environmental Impact Report and Referral on Samoa Pacific Group Coastal Development Permit Application No. CDP 13-030 for a Merger of Separate Parcels and the Phased Subdivision of the Approximately 227 Acres in the Town of Samoa Into 329 Parcels and Associated Development

Dear Mr. Wheeler:

Thank you for the opportunity to comment on the above referenced (a) Notice of Preparation for the Samoa Town Master Plan General Plan Amendment/Rezone Reclassification (GPA-02-01/ZR-02-02 Draft Environmental Impact Report and (b) referral on Samoa Pacific Group Coastal Development Permit Application No. CDP 13-030 for a merger of separate parcels and the phased subdivision of the approximately 227 Acres in the Town of Samoa into 329 parcels and associated development. The Coastal Commission itself has not reviewed the documents but Commission staff offers the following comments.

As you know, the Commission has previously certified with suggested modifications an LCP amendment to accommodate proposed redevelopment of the Town of Samoa. The Commission acted on Humboldt County LCP Amendment No. HUM-MAJ-1-08 on March 10, 2011. The proposed amendment as submitted involved changing the industrial land use designations and zoning districts within the Town of Samoa to a mix of residential, commercial, natural resources, and business park uses and extending the urban limit line. The Commission rejected the amendment as submitted, but certified the proposed amendment of the LCP if modified to incorporate numerous changes. The suggested modifications were substantial because the amendment raised a large number of issues of consistency with the Coastal Act. The redevelopment of the Samoa site raises such concerns as cleanup of industrial Brownfield contamination and lead paint residues, sea level rise, tsunami hazards, ensuring reservation of suitable sites for Coastal Act priority uses, provision of adequate infrastructure for the areas, and the lot legality of the existing properties.

The Humboldt County Board of Supervisors subsequently adopted Resolution Nos. 11-94, 11-95, 12-62, 12-63 and Ordinance Nos. 2466 and 2482 accepting and agreeing to the Coastal Commission's modifications and formally approving the necessary changes to the County's Local Coastal Program to incorporate the Commission's suggested modifications. This action of the Board was reported to the Commission on August 10, 2012, at which time the Commission concurred with the determination of the Executive Director that the actions of the County to accept the Commission's certification of the LCP Amendment and adopt the necessary changes to the County's Local Coastal Program were legally adequate. Humboldt County LCP Amendment No. HUM-MAJ-1-08 subsequently became effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Natural Resources. Pursuant to the requirements of the Coastal Act, unless the LCP is further amended, coastal development permit authorization can only be granted for development consistent with the certified LCP as amended.

Comments on Notice of Preparation

Scope of Project Revisions. The circulated Notice of Preparation (NOP) indicates that a supplement to the EIR adopted by the County in 2009 is necessary because "minor project revisions are proposed." These minor project revisions appear to include the modification, relocation, or removal of ten outbuildings that contribute to the historical resources of the site as described in the NOP. However, it is not clear from the NOP what additional project revisions, if any, are proposed. The supplemental EIR should detail the full extent of revisions to the project addressed in the original EIR and fully evaluate the impacts on the environment of those changes.

Historic Outbuildings. The NOP states that the ten historic outbuildings may need to be modified, relocated, or removed to accommodate property lines to be established by the proposed subdivision. STMP (Community Character/Visual) Policy 4 of the certified Samoa Town Master Plan states, in part, that no permit to demolish or relocate any structure contributing to the community character and historic context of Samoa shall be approved unless compelling evidence exists that the structure cannot feasibly be restored in place. The NOP indicates that if structure modification to accommodate the new property lines is not feasible, the feasibility of moving or relocating the structures will be considered. In addition, the NOP states that a civil engineering assessment of each building will be provided that describes the construction materials, foundation types structure type, window type, roof style, exterior materials, and current integrity. To ensure consistency with STMP (Community Character/Visual) Policy 4, such engineering assessments and feasibility analyses evaluating the feasibility of restoring a structure in place should be included in the supplemental EIR for any structure proposed to be relocated or removed.

Biological Resources. The NOP indicates that updated biological resource studies are being prepared in compliance with Coastal Commission requirements. We appreciate that the

studies will be prepared in accordance with Coastal Commission requirements. We also note that extensive biological information is required by the policies of the STMP to be provided as part of the application for the coastal development permit for the subdivision of the property. STMP New Development) Policy 1B (Phasing of Development) subsections 1(A)(1)-(4) require that the following information be provided as part of the coastal development permit application: (1) complete wetland delineations prepared in accordance with the requirements of STMP ESHA Policy 10; (2) seasonally-appropriate botanical surveys that include scale maps and supporting data and analysis of the historic landscape context; (3) complete delineations of other environmentally sensitive habitat areas; and (4) complete surveys of non-native invasive plant species that include scale maps, supporting date, and plans for control or removal of ecologically significant species for five years after significant increments of site disturbance occur. The updated biological resource studies that the NOP indicates will be prepared as part of the supplemental EIR should include all of the biological information described above.

Transportation/Traffic. The NOP indicates updated transportation/traffic volume estimates related to project changes will be included in the Supplemental EIR. In its evaluation of the traffic impacts of the revised project, the Supplemental EIR should take into account changes in cumulative traffic impacts. The cumulative traffic impact of the development on New Navy Base Road/Hwy 255, the Samoa Bridges, and Highway 101 may have changed as a result of the approval of other traffic generating development in the area that may generate traffic on these roadways, such as the City of Eureka's approval of General Plan changes to accommodate the proposed Marina Center project.

Comments on the Referral of Samoa Pacific Group Coastal Development Permit Application No. CDP 13-030.

Phasing of Merger and Resubdivison. The circulated referral of the coastal development permit application describes the proposed project as the merger of parcels at the site into one parcel and the subdivision of the resultant parcel into 329 parcels. The project description also includes upgrading the existing sewage collection and disposal facilities, construction of subdivision improvements and the installation of utilities, demolition of various sheds and the Fireman's Hall building, building renovations and site grading in conjunction with a lead paint hazard abatement program. As described, all of the proposed development, including the merger and resubdivision would be authorized under one coastal development permit, CDP 13-030.

STMP (New Development) Policy 1A (Phasing of Development) requires that the authorization and subsequent development of Samoa Town Plan area proceed in a particular sequence. Subsection (1)(A) requires that prior to any other development, the landowners must obtain a CDP and Subdivision Map Act approval to merge the entirety of the legal parcels containing the assessor's parcel numbers within the STMP-LUP Overlay Area (Town Plan area), except for the APN that contains the former Arcata Community Recycling Center. In addition, Subsection

(1)(E) of Policy 1A requires that prior to issuance of the CDP for the merger, (1) certain records regarding the characterization and remediation of soil and groundwater contamination discovered at the site be provided to and retained by the County for public inspection, and (2) certain deed restrictions be recorded against the property that disclose the nature and location of the contaminated soil and groundwater, disclose that and further division or other development of the STMP-LUP lands is subject to the certified LCP, and disclosures that the STMP-LUP lands are subject to extraordinary natural hazards such as tsunamis, sea level rise, and storm surge. As certified, the policies require that the CDP for the merger be approved and that the required provision of soils and groundwater contamination information to the County and the recordation of the deed restrictions occur prior to issuance of the permit. Thus, the merger can only occur after these requirements have been met and the CDP has been issued. We also note that STMP (New Development) Policy 3 states that the land use designations and zoning approved under the Samoa Town Plan LCP amendment shall note become effective until the merger has occurred. Until that time, the STMP-LUP Overlay Area remains designated as General Industrial, Coastal Dependent Industrial, and Natural Resources. Furthermore, STMP (New Development) Policy 1B (Phasing of Development) requires that the landowner obtain a CDP for the subsequent redivision of the lands only after the merger has occurred. These requirements cannot be met by processing a single CDP for both the merger of the STMP-LUP lands and the subsequent redivision of the lands. Separate CDPs will need to be processed. In addition, the coastal development permits to be issued must be consistent with all of the phasing requirements of the STMP policies.

Information Filing Requirements for Merger CDP. STMP (New Development) Policy 1A (Phasing of Development)-Further Subdivision of STMP "Parcel 2," in subsection (A) requires that certain information be included as filing requirements for the CDP for the required merger of the STMP-LUP lands. The information required includes evidence that the entirety of the legal parcels containing the assessor's parcel numbers within the Town Plan area (except for the APN that contains the former Arcata Community Recycling Center) will be merged, including such information as chains of title, chains of lot creation information, and previous Subdivision Map Act and Coastal Act permit authorizations. Other filing information includes (a) evidence that all necessary authorizations from the North Coast Railroad Authority for rail corridor crossings for the subsequent redevelopment of the town have been obtained and (b) evidence that the land area designated as Public Facilities under the LCP amendment is sufficient to accommodate for town's infrastructure facilities including wastewater treatment facilities, water storage facilities, and the town's corporation yard. The County should not file the CDP application for the lot merger as complete until the above discussed information and other necessary information to evaluate the project have been submitted and deemed complete to enable a comprehensive evaluation of the consistency of the development with the policies of the certified LCP.

Information Filing Requirements for Subdivision CDP. Similarly, STMP (New Development) Policy 1B (Phasing of Development) in subsection (1)(D) requires that certain information be included as filing requirements for the CDP for the comprehensive subdivision of all lands within Master Parcel 2 (which includes all STMP-LUP Overlay Area lands except the APN containing the former Arcata Community Recycling Center). The list of information is extensive and is detailed in subsections (A)(1) through (A)(20) of the policy. The required information includes such information as wetland delineations, botanical surveys, site plans, soil and groundwater contaminations analyses, geologic evaluations, tsunami safety plans, final plans for all waste water treatment facilities, plans for sufficient water supply facilities to serve the redeveloped town, plans for funding and managing town infrastructure, and coastal access plans. The County should not file the CDP application for comprehensive subdivision of the STMP-LUP Overlay Area lands as complete until the above discussed information and other necessary information to evaluate the project have been submitted and are deemed complete.

Phasing of Development Under Comprehensive Subdivision of STMP-LUP Lands. STMP (New Development) Policy 1B (Phasing of Development) in subsections (2)(A) through subsections (2)(H) sets a variety of requirements regarding the phasing of recordation of final subdivision maps and the subsequent development of the STMP-LUP Overlay Area Lands. For example, subsection (2)(A) requires that final maps for new residential areas and the business park only be recorded after final maps have been recorded for the Public Facilities designated area. As another example, subsection (2)(D) requires that all emergency control water supply facilities be constructed and tested for service prior to any new development except recordation of a final map for the Public Facilities designated area, remediation of contaminated soil and groundwater, and development of public access facilities. As yet another example, subsection (2)(E) requires that all portions of the wastewater treatment facilities needed to serve all development within the existing residential and commercial area of the SMTP-LUP overlay area must be constructed and made ready for service prior to all other development except installation of emergency control water supply facilities, remediation of contaminated soil and groundwater, and development of public access facilities. The policy sets many other phasing requirements as well. The application for the CDP for the comprehensive division of the SMTP-LUP overlay area should provide a phasing plan that is consistent with the development phasing requirements of STMP (New Development) Policy 1B (Phasing of Development) in subsections (2)(A) through subsections (2)(H). In addition, the CDP should be conditioned to require that development be phased consistent with these same requirements.

We appreciate the opportunity to comment on both the NOP and the CDP referral and the additional time you have given us for submittal of our comments. We note that both the CDP for the merger of lands and the CDP for the subsequent comprehensive subdivision of the merged lands are appealable to the Commission. To facilitate the County's review of the merger and the subdivision and reduce the chances of appeal of these developments, we would be happy to

coordinate and meet with County staff and the landowners at appropriate times prior to any public hearing on the developments. If you have any questions regarding our comments, please don't hesitate to contact us.

Sincerely,

ROBERT S. MERRILL
North Coast District Manager

Cc: Samoa Pacific Group Llc, Attention: Dan Johnson

Samoa Town Master Plan Supplement to the Master EIR
Notice of Preparation - Attachment

Supplemental EIR Preliminary Scope

The proposed scope of the Supplemental EIR will be limited to the following issues.

Historic Resources

There are approximately ten outbuildings previously been identified as contributing resources to be bisected by proposed property lines. Having a property line pass through a structure does not meet Subdivision Map Act requirements unless the structure can be modified with a fire wall. If structure modification is not feasible or would create a significant adverse impact to the resource, the feasibility of moving the building will be evaluated. A civil engineering assessment of each building will provide a description of construction materials, foundation type, structure (type of framing), window type, roof style, exterior materials, and current integrity. Plot plans, condition descriptions, supporting notes, and calculations will be considered in analyzing the feasibility of moving the building(s), relocating them, or proposing to remove them.

Biological Resources

Updated biological resource studies are being prepared in compliance with Coastal Commission requirements. The results and any proposed mitigations will be included in the Supplemental EIR.

Transportation/ Traffic

Updated transportation/ traffic volume estimates comparing the level of development proposed in the Master Plan to that resulting from the tentative map will be included in the Supplemental EIR.

2018 Notice of Preparation and Comment Letters Received

NOTICE OF PREPARATION

To: **Interested Parties**

From: **Humboldt County Planning & Building Department**
3015 H Street, Eureka, CA 95501

Subject: Notice of Preparation of a Supplement to the Master Environmental Impact Report for the **Samoa Town Master Plan (SCH No. 2003052054)**

Project Location: The town of Samoa is an unincorporated community situated between the Pacific Ocean and Humboldt Bay on the Samoa Peninsula, in Humboldt County, California. The Samoa Town Master Plan Area, which contains the town of Samoa, is approximately 227 acres in area and is comprised of the Assessor's Parcels 401-031-036, 401-031-038, 401-031-044, 401-031-046, 401-031-055, 401-031-059, and 401-031-065.

Project Applicant: Samoa Pacific Group LLC

Project Description: Major subdivision and coastal development permit for: subdivision of 227 acres into 329 parcels, upgrade of existing sewage collection and disposal facilities (involves either development of an on-site disposal facility or utilization of the ocean outfall), construction of subdivision improvements and installation of utilities, demolition of various outbuildings and the Fireman's building within the Town of Samoa, building renovations and site grading in conjunction with a lead paint hazard abatement program for existing houses, and Planned Development Permit. The preliminary scope of the Supplemental EIR is attached.

A Final Master EIR was certified for the project on October 27, 2009 by the County of Humboldt Board of Supervisors and a statement of overriding considerations was adopted. Minor project revisions are proposed; therefore changes are necessary to make the previous EIR adequate for the revised project and a Supplement to the EIR will be prepared in accordance with CEQA Guidelines Section 15163.

The Humboldt County Planning & Building Department will be the Lead Agency for the project. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project. Due to the time limits mandated by State law, **your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.**

Please send your response to Michael E. Wheeler at the address shown above. We will need the name, phone number, and email address of a contact person in your agency. Your comments may also be transmitted electronically to mwheeler@co.humboldt.ca.us.

Date: 6-29-16 Signature: Michael E. Wheeler

Michael E. Wheeler
Title: Senior Planner
Attachment: Supplemental EIR Preliminary Scope

Samoa Town Master Plan Supplement to the Master EIR
Notice of Preparation - Attachment

Supplemental EIR Preliminary Scope
The proposed scope of the Supplemental EIR will be limited to the following issues.

Project Description
Part A: Analyze updated topics to include in Supplemental EIR in accordance with CEQA Guidelines § 15163. Proposed Master Plan uses were analyzed in the MEIR and Supplemental analysis is limited to topics outlined in this Scope of Work. *Draft Supplemental EIR Contents* (will include project features listed below).
- Subdivision approval for all tentative map phases
- Street and utility improvements for all phases as shown on the Tentative Map
- Fireman's Hall/Outbuildings demolition
- Existing houses utilities renovation & grading for lead abatement
- Samoa Pacific Group and County of Humboldt Development Agreement
- WWTF parcel separate from disposal area

Part B: Analyze adopted design guidelines consistency based on information provided by Samoa Pacific Group for Coastal Development Permit (CDP) consideration. Supplemental analysis is limited to topics outlined in Scope of Work Section 1.3-*Project Design Guideline Consistency Contents* (includes project features listed below).
- Samoa Cookhouse Visitor serving uses (2nd floor) and Maritime Museum renovation
- Samoa Block / associated commercial buildings renovations& Town Square construction
- Emergency vehicle storage building construction
- Trail construction (Master Plan system analyzed in MEIR not enhanced system)
- Storage unit building construction
- Camping sites & Soccer field improvements
- New Navy Base Road parking lot improvements
- Cadman Court houses renovations
- Business Park building design
- New houses construction; fill, utilities, parks & roads

Aesthetics
Project description Part B refers to project elements requiring a County CDP. The Samoa Pacific Group to provide site plans based on the applicable Tentative Map lot with building/improvement footprint, and elevations, along with a written description of Samoa Design Guidelines (Old or New Town), consistency using the guideline checklists developed by TBA West Inc. (Appendices A2. and C, respectively). County to verify checklists prior to undertaking analysis. The following project elements will be analyzed for compliance with the STMP Old Town/New Town Design Guidelines. County to prepare the CDP staff report:
1. Samoa Cookhouse Remodel & Maritime Museum Renovation
2. Campground and Cabins Construction
3. Samoa Block / Associated Buildings Renovations & Town Square Construction

4. Emergency Vehicle Storage Building Construction & Lot 63 improvements
5. Trail construction
6. Storage unit building construction
7. New Navy Base Road Parking Lot Improvements
8. Cadman Court Houses Renovations
9. Business Park Buildings Construction
10. New Houses Construction; Fill, Utilities, Parks & Roads
11. Soccer Field Improvement

Biological Resources
Updated biological resource studies are being prepared in compliance with Coastal Commission requirements. The results and any proposed mitigations will be included in the Supplemental EIR.

Cultural Resources
The results of a recently completed Phase 2 Archaeological Report will be incorporated into the Cultural Resources Section.

Development Agreement: The applicant is proposing a Development Agreement be approved concurrently with the tentative map approval. The Supplemental EIR will address CEQA environmental review requirements of the Development Agreement. . The County has the authority to enter into a development agreement with any person/entity having a legal or equitable real property interest providing for property development and establishing certain development rights therein. The Supplemental EIR will document key development agreement provisions, including: County authority to issue project permits and entitlements, the length of time permits and entitlements are valid, agreement amendments, operating memorandum, and Samoa Pacific Group development rights under the agreement. These provisions will not result in environmental effects.

Energy Conservation
Potentially significant energy implications of a project shall be considered in the SEIR to the extent relevant and applicable to the project. Environmental Impacts may include: 1.) The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials maybe discussed. 2). The effects of the project on local and regional energy supplies and on requirements for additional capacity. 3.) The effects of the project on peak and base period demands for electricity and other forms of energy. 4.) The degree to which the project complies with existing energy standards. 5.) The effects of the project on energy resources; and the project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

Greenhouse Gas Emissions
A Greenhouse Gas (GHG) Emissions section was prepared in 2014 to comply with State guidelines requiring that a project's GHG emissions be evaluated to determine whether they would:
a) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?
Greenhouse gas (GHG) emissions were quantified in 2014 using the latest available version of the CalEEMod model. This model provides emissions of GHG for various land uses using trip generation rates. For operation, the model would provide GHG emissions for the various sectors, i.e., mobile, area, energy, water usage and waste generation. The applicant may be asked to provide data on construction, appliances, and other development methods for complete modeling. Model results for GHG Emissions contained the following:
- Environmental/ Regulatory Setting
- Greenhouse Gases and Climate Change
- Estimated Samoa Town Master Plan GHG Emissions
- GHG Emissions Impacts/ Mitigation (if required)

Historic Resources
There are approximately ten outbuildings previously been identified as contributing resources to be bisected by proposed property lines. Having a property line pass through a structure does not meet Subdivision Map Act requirements unless the structure can be modified with a fire wall. If structure modification is not feasible or would create a significant adverse impact to the resource, the feasibility of moving the building will be evaluated. A civil engineering assessment of each building will provide a description of construction materials, foundation type, structure (type of framing), window type, roof style, exterior materials, and current integrity. Plot plans, condition descriptions, supporting notes, and calculations will be considered in analyzing the feasibility of moving the building(s), relocating them, or proposing to remove them.

Transportation/ Traffic
Updated transportation/ traffic volume estimates comparing the level of development proposed in the Master Plan to that resulting from the tentative map will be included in the Supplemental EIR. Transportation/ traffic volume estimates, in table format based on existing trip generation numbers, comparing Master Plan to tentative map level of development will be included in the Supplemental EIR with no additional roadway and intersection analysis.

Tribal Cultural Resources: A new section shall be added to address this new CEQA checklist item. This section shall include review of the recently completed Phase 2 Archaeological Report and the Memorandum of Agreement between the County, the Applicant and the Tribes.

Wastewater Management: The applicant is pursuing two possible scenarios for domestic wastewater management: 1) onsite treatment and onsite disposal via a leachfield; and 2) onsite treatment and disposal via an existing ocean outfall (former Louisiana Pacific pulp mill outfall). A separate EIR is being prepared addressing utilization of the ocean outfall as a regional (Samoa Peninsula) domestic and industrial wastewater disposal option. The latter alternative involves use of existing ocean outfall at the Humboldt Bay Harbor District's Redwood Marine Terminal (RMT) II for disposal of treated wastewater and a conveyance pipe from the Samoa Wastewater Treatment Facility to RMT II outfall wastewater pipeline along the Vance Avenue roadway. Wastewater Treatment Plant Effluent would be transported from a pump station at the Samoa treatment facility, to Manhole 5 at RMT II for ocean disposal. This alternative would require an approximately 4,000 foot long pressurized 6-inch PVC effluent pipeline with one pump station constructed and installed beneath existing roadways. To the extent that there are issues specific to the Town of Samoa utilization of the ocean outfall, the DSEIR shall address those issues if they are not addressed in the ocean outfall EIR. The EIR will also address the alternative of onsite treatment and disposal as well.

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State of California • Natural Resources Agency Edmund G. Brown Jr., *Governor*
Department of Conservation
Division of Oil, Gas, and Geothermal Resources
Northern District – Sacramento
801 K Street • MS 18-05
Sacramento, CA 95814
(916) 322-1110 • FAX (916) 445-3319 • Dogdist6@conservation.ca.gov

July 26, 2018

State Clearinghouse
State.Clearinghouse@opr.ca.gov
PO Box 3044
Sacramento, CA 95812-3044

CEQA Project: **SCH# 2003052054**
Lead Agency: Humboldt County
Project Title: Samoa Town Master Plan Supplement to the Master EIR

The Division of Oil, Gas, and Geothermal Resources (Division) possesses records regarding oil and gas wells drilled and operated in the State of California. (Cal. Public Res. Code, §§ 3215, 3126.) Based on the Division's records and expertise, the Division has undertaken review of the proposed Environmental Assessment for the Proposed Construction and Operation of an Expansion to a Multi-sport park complex southwest of the existing City of Elk Grove boundary, to determine if oil or gas well(s) are in the vicinity of the proposed Project. The Division is a responsible agency. The Division provides the information below to facilitate the Lead agency's exercise of local land use authority regarding use of land where oil and gas wells are situated. In contrast, the Division does not possess local land use decision authority, but alternatively has authority for permitting any necessary work on any well in the State. (Cal. Public Res. Code, §§ 3106 and 3203.)

The Division has conducted a records review but not on-site evaluations of any known gas wells located within the above referenced project boundary. The records review process consists of determining the possible location, last known operator, and abandonment status of any known well on the property by examining records previously submitted to the Division, and then comparing the abandonment status with current abandonment standards.

In general, a well may be considered adequately abandoned when both the record review process and the on-site evaluation process reflect that steps have been taken to isolate all oil-bearing or gas-bearing strata encountered in the well, and to protect underground or surface water suitable for irrigation or farm or domestic purposes from the infiltration or addition of any detrimental substance, and to prevent damage to life, health, property, and other resources. (Cal. Public Res. Code, § 3208.)

Division staff have reviewed the documents describing the proposed project area; no known oil, gas, or geothermal wells were found **within** the project area; **one** is approximately 1.5 mi south of the southwest corner of the project. The enclosed map shows the known well located near the project area. For future reference, you can review wells located on private and public land at the Division's website: https://secure.conservation.ca.gov/WellSearch.

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If during the course of development of this proposed project any unknown well(s) is discovered, the Division should be notified immediately so that the newly discovered well(s) can be incorporated into the records and investigated. The Division recommends that any wells found in the course of this project and any pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property. This is to ensure that present and future property owners are aware of (1) the wells located on the property, and (2) potentially significant issues associated with any improvements near oil, gas, or geothermal wells.

The local permitting agency and property owner should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil and gas wells. These issues are non-exhaustively identified in the following comments, and are provided by the Division for consideration by the local permitting agency, in conjunction with the property owner and/or developer, on a parcel-by-parcel or well-by-well basis. As stated above, the Division provides the above well review information solely to facilitate decisions made by the local permitting agency regarding potential development near a gas well.

1. It is recommended that access to a well located on the property be maintained in the event re-abandonment of the well becomes necessary in the future. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access. This includes, but is not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, and decking.

2. Nothing guarantees that a well abandoned to current standards will not start leaking oil, gas, and/or water in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges that wells abandoned to current standards have a lower probability of leaking oil, gas, and/or water in the future, but makes no guarantees as to the adequacy of this well's abandonment or the potential need for future re-abandonment.

3. Based on comments **1** and **2** above, the Division makes the following general recommendations:

a. Maintain physical access to this gas well.

b. Ensure that the abandonment of gas wells is to current standards.

If the local permitting agency, property owner, and/or developer chooses not to follow recommendation "**b**" for a well located on the development site property, the Division believes that the importance of following recommendation "**a**" for the well located on the subject property increases. If recommendation "**a**" cannot be followed for the well located on the subject property, then the Division advises the local permitting agency, property owner, and/or developer to consider any and all alternatives to proposed construction or development on the site (see comment **4** below).

4. Sections 3208 and 3255(a)(3) of the Public Resources Code give the Division the authority to order the re-abandonment of any well that is hazardous, or that poses a danger to life,

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health, or natural resources. Responsibility for re-abandonment costs for any well may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general recommendations set forth in this letter. (Cal. Public Res. Code, § 3208.1.)

5. Maintaining sufficient access to a gas well may be generally described as maintaining "rig access" to the well. Rig access allows a well servicing rig and associated necessary equipment to reach the well from a public street or access way, solely over the parcel on which the well is located. A well servicing rig, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.

6. The Division recommends that a local permitting agency consider the use of surface mitigation measures as a condition for project approval, if and when appropriate. Examples of surface mitigation measures include venting systems for wells, venting systems for parking lots, patios, and other hardscape, methane barriers for building foundations, methane detection systems, and collection cellars for well fluids. The Division does not regulate the design, installation, operation, or adequacy of such measures. The Division recommends that such surface mitigation measures are designed, installed, and operated by qualified engineers. The permitting of surface mitigation measures falls under the jurisdiction of the local permitting agency.
7. If during the course of development of a parcel any unknown well(s) is discovered, the Division should be notified immediately so that the newly discovered well(s) can be incorporated into the Well Review processes.

8. The Division recommends that any soil containing significant amounts of hydrocarbons to be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

9. The Division recommends that the information contained in this Well Review Report, and any pertinent information obtained after the issuance of this report, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property. This is to ensure that present and future property owners are aware of (1) any well located on the property, and (2) potentially significant issues associated with any improvements near a gas well.

No well work may be performed on any oil or gas well without written approval from the Division in the form of an appropriate permit. This includes, but is not limited to, mitigating leaking fluids or gas from abandoned wells, modifications to well casings, and/or any other re-abandonment work. (NOTE: the Division regulates the depth of any well below final grade (depth below the surface of the ground). Title 14, Section 1723.5 of the California Code of Regulations states that all well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this grade regulation, a permit from the Division is required before work can start.)

To reiterate, the local permitting agency, property owner, and/or developer should be aware of, and fully understand, that the above comments are made by the Division with the intent to

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encourage full consideration of significant and potentially dangerous issues associated with development near oil or gas wells.

Sincerely,

DocuSigned by:
Charlene L Wardlow
067E7BD5EA114A7...

Charlene L Wardlow
Northern District Deputy

Attachment: DOGGR site/well map

CC: Michael E. Wheeler
PlanningBuilding@co.humboldt.ca.us

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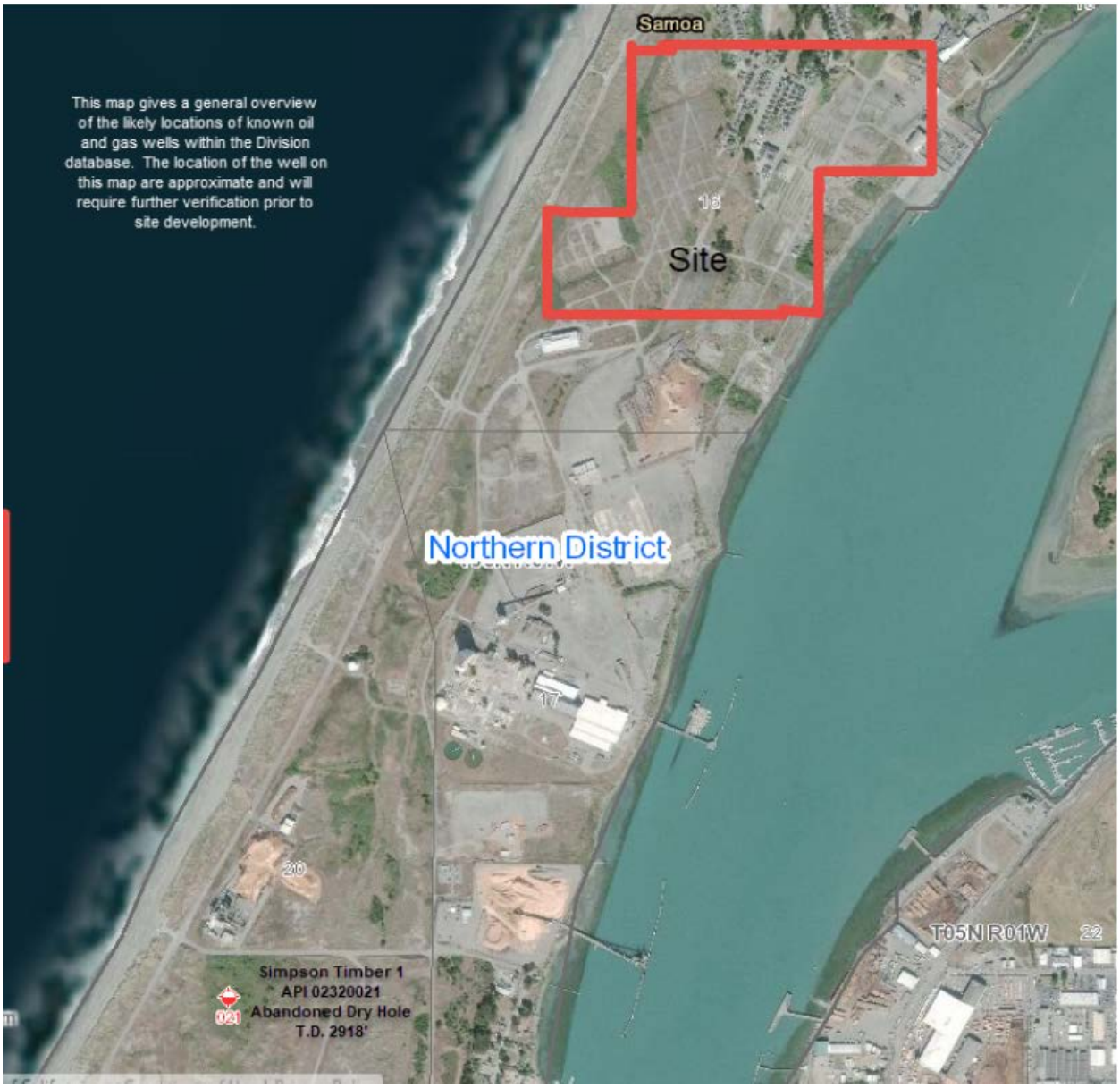

STATE OF CALIFORNIA
EDMUND G. BROWN JR., *Governor*

PUBLIC UTILITIES COMMISSION
180 Promenade Circle, Suite 115
Sacramento, CA 95834

August 12, 2014

Michael Wheeler
Senior Planner
Humboldt County Planning Division

Re: Conceptual Approval for Proposed Samoa Pacific Group Project Crossings

Dear Mr. Wheeler:

CPUC staff has completed its review regarding the Samoa Pacific Group's (Group) plan for the development of the area in and around the Town of Samoa in Humboldt County.

The proposed project site includes the Town of Samoa and part of the area formally owned by the Louisiana-Pacific Corporation that has been purchased by the Group.

The area to be developed includes one CPUC public crossing, # 104S-301.10 (Vance Ave), and ten private crossings. Staff's understanding is that seven of these crossings will be closed and one new crossing is proposed to be added.

With the following summary of discussion points for each affected crossing, CPUC staff conceptually approves the project. Please keep in mind that these points are for discussion only at this time and should not be construed as a final word or permission to proceed on the part of the Commission.

Crossings are presented in order as they are reached along the railroad tracks from one side of the project area to the other traveling north to south and as numbered on the Group's map.

1. Samoa Cookhouse Entrance:

   Currently a private crossing, the road leads into the restaurant and Bayview Avenue. Crossing must be approved by CPUC under formal application process as prescribed by Commission staff. Bayview Avenue which runs parallel to the tracks will be closed

2. Private crossing on Bayview Avenue just south of Cookhouse entrance:
   To be closed.

3. Private crossing (DOT# 498961J) entrance off of Bayview Avenue:
   To remain as gated private crossing.

4, 5. Post Office:
To be closed.

6. Private crossing (DOT# 498968G):
To be closed.

7. Private Crossing:
To remain. Treatment of crossing (public or private) will be determined by proposed usage. Crossing needs to be registered with Federal Railroad Administration (FRA) and be assigned a Department of Transportation (DOT) number. This should be done as soon as possible.

8. Private crossing:
To be closed.

9. Public crossing # 104S-301.10, Vance Ave:
To be closed.

10. New crossing, Hammond Ave (current access to the ACRC parcel):
Crossing must be approved by CPUC under formal application process as prescribed by Commission staff.

11. Private crossing, TCF Drive:
Crossing will need to be made a public crossing under formal application process as prescribed by Commission staff. Crossing needs to be registered with FRA and be assigned a DOT number. This should be done as soon as possible.

Please contact me at (916) 928-2515 with questions.

Sincerely,

David Stewart
Utilities Engineer
Safety and Enforcement Division
Rail Crossings Safety Section

NOTICE OF PREPARATION RESPONSES

From: David Stewart CPUC Utilities Engineer
Laurel Goldsmith, ES Biologist U.S. Fish and Wildlife Service
Janet Eidsness, Blue Lake Rancheria THPO
Ted Hernandez, Cultural Director Wiyot Tribe

To: **Humboldt County Planning & Building Department** ATTN: Michael Wheeler
3015 H Street Eureka, CA 95501

Subject: Notice of Preparation of a Supplement to the **Samoa Town Master Plan (SCH No. 2003052054)** Master Environmental Impact Report

RESPONSE 1 From: Stewart, David R. [mailto:david.stewart@cpuc.ca.gov]
Sent: Friday, July 06, 2018 9:47 AM
To: Wheeler, Michael
Subject: Samoa Town Master Plan Supplement

Hi Michael,
I am reviewing the County's NOP for the Samoa Town Master Plan Supplement that was sent out on July 2. Back in 2014, we sent a response letter (attached) for the proposed Samoa Pacific Group development plan, mainly outlining our concerns and recommendations for the existing rail crossings within the project area. Does the Master Plan Supplement make any changes to the plans that I reviewed back in 2014 that I should be aware of?

Thank you.
David Stewart Utilities Engineer
Office: (916) 928-2515 Cell: (415) 806-0490

CPUC Attachment Samoa Crossings Conceptual approval
Michael Wheeler's Response: There are no changes in the Plan with respect to existing rail crossings.

RESPONSE 2 From: From: Goldsmith, Laurel [mailto:laurel_goldsmith@fws.gov]
Sent: Tuesday, July 03, 2018 10:27 AM
To: Wheeler, Michael
Subject: Samoa Town Master Plan Supplement to the Master EIR NOP

Hi Michael,
We received the Notice of Preparation for the Samoa Town Master Plan Supplement to the Master EIR and wanted to make sure that you are aware of the federally listed species that have potential to occur in the project area. Menzie's wallflower (Erysimum menziesii) and beach layia (Layia carnosa) are endangered plants that occur in the dunes and Western snowy plover (Charadrius alexandrinus nivosus) is a threatened shorebird that nests in the area. From the information provided in the preliminary scope, it appears that there is potential for impacts to these species. We would be happy to work with you to help avoid or minimize impacts to these species should proposed development overlap with their distributions.

Thanks, Laurel
Laurel Goldsmith, ES Biologist
U.S. Fish and Wildlife Service
Arcata Fish and Wildlife Office
(707) 825-5101
Laurel_Goldsmith@fws.gov

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

RESPONSE 3 From: Janet Eidsness [mailto:jpeidsness@yahoo.com]
Sent: Monday, July 02, 2018 8:07 AM
To: Wheeler, Michael; Jacob Pounds; jeidsness@bluelakerancheria-nsn.gov
Subject: Fw: Samoa Supplemental EIR notice

Michael, I am on road trip and this notice forwarded to me by Jacob Pounds at Blue Lake Tribe, who I'm training to take over as THPO in fall.
The MOU with tribes calls for an inadvertent discovery protocol accompanied by a sensitivity analysis/historic context write up (don't have MOU with me, you can revise as needed here with actual MoU language), which I believe Hearn has tasked Roscoe to prepare. I will want to review & comment on this product before Finalized(same for Bear River & Wiyot).
Call me if you wish 530 623 0663
Thanks

RESPONSE 4 From: Ted Hernandez [mailto:ted@wiyot.us]
Sent: Monday, July 02, 2018 11:03 AM
To: Wheeler, Michael
Cc: Erika Cooper; Jacob Pounds; Janet Eidsness; Hazel James
Subject: Re: Fw: Samoa Supplemental EIR notice

Michael
RE: Ms. Eidsness responses about the MOU with the Tribes. I to concur with her comments and as well the Wiyot Tribe would like to review & comment on this product before Finalized.

Juwaksh
Ted Hernandez, Cultural Director
Wiyot Tribe
1000 Wiyot Dr Loleta, Ca 95551
(707)733-5055
ted@wiyot.us
Web: www.wiyot.us
Lhatsik Houmoulu'l