

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

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Hello,

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

Thank you,

Josh Levine

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August 17, 2022

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

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

Dear Mr. Ford:

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

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

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

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

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

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

Sincerely



Josh Levine
North Coast District Enforcement Officer

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