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August 25, 2023

Rob Holmlund
Humboldt Bay Harbor, Recreation and Conservation District
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Eureka, CA 95502
ec: state.clearinghouse@opr.ca.gov

Re: Notice of Preparation for a Draft Environmental Impact Report for the Heavy-lift Offshore Wind Terminal Project (SCH No. 2023060752)

Dear Mr. Holmlund,

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Heavy-lift Offshore Wind Terminal Project (Project). We received an email link to the NOP on June 29, 2023. The following comments are provided for lead and responsible agency consideration in developing the final environmental review document and reviewing the environmental effects associated with this development project. Please note that the following are comments of the Coastal Commission staff; the Commission itself has not reviewed the NOP.

Scope of Agency Comments

The project site is located within the California Coastal Zone, as defined in Chapter 2.5 of the California Coastal Act (PRC §30000 *et seq.*), and portions of the project site are located within the Commission's original jurisdiction comprised of tidelands, submerged lands, and public trust lands. Accordingly, the Commission will function as both a trustee and responsible agency. The role of trustee agency is based upon the Commission's explicit jurisdiction by law over natural resources held in trust for the people of the State of California that could be affected by the project. The function of responsible agency derives from the role of the Commission in: (a) certifying local coastal programs (LCPs) for areas within the Coastal Zone under local government jurisdiction; (b) issuing coastal development permits (CDPs) within areas of Commission jurisdiction; or (c) hearing appeals on CDPs issued by local governments for certain classes of developments in specified areas. For projects or portions thereof located within the Commission's jurisdiction, the standard of review is the Chapter 3 policies of the Coastal Act. A local government's LCP may be used as guidance (in this case the County of Humboldt's LCP, including Humboldt Bay Area Plan (HBAP) and Coastal Zoning Regulations (CZR), would be used as guidance).

Under Section 15251(c) of the CEQA Guidelines (14 CCR 15000 *et seq.*), the Secretary of Resources has certified the Commission's regulatory program as a "functionally equivalent process" to CEQA. Accordingly, for purposes of considering a request for a

coastal development permit for the project, the certified Environmental Impact Report (EIR) would be used as a technical background document in assessing the effects of the proposed project on coastal resources.

If portions of the project site are located within the CDP jurisdiction of both the Commission and Humboldt County, the Commission has the authority to process a single consolidated CDP application for the project pursuant to Section 30601.3 of the Coastal Act. A consolidated CDP application may be pursued for the project, if requested by the applicant and County, and agreed to by the Commission's Executive Director. If the project pursues a consolidated CDP application, the Coastal Act would be used as the standard of review, with the local coastal program policies as guidance. If the applicant, the local government, and the Commission's Executive Director do not agree to the CDP consolidation process, the project would require separate CDPs. The local government's approval of the CDP would be appealable to the Coastal Commission pursuant to Section 30603(a) of the Coastal Act because the project is located between the sea and the first public road paralleling the sea, and/or within 300 feet of the mean high tide line, and/or within 100 feet of a stream, wetland, and/or estuary.

The comments provided below have been structured to suggest the DEIR address the identified issues in the context of related Coastal Act policies. These comments also may be used as guidance on some of the issues to address during the preparation of a complete CDP application for the Commission's review and consideration.

Project Alternatives

Commission staff recommends that the DEIR evaluate a robust range of alternatives to the project and particular project components, including, but not limited to, the proposed wet storage areas for assembled turbines, alternative wharf sizes and configurations, an alternative that excludes the installation of fueling stations for land-based vehicles, and an alternative that excludes the installation of the 150-foot-tall high mast terminal lighting. We also recommend that alternative traffic and circulation routes be evaluated. In particular, the DEIR should evaluate those routes that would minimize disturbance to existing and planned residential and low-cost visitor-serving uses in the town of Samoa (for example see County CDP No. PLN-2020-16401 approved June 3, 2021). In accordance with section 30233 of the Coastal Act, we further suggest that for each project element involving dredging and filling activities in coastal waters and wetlands, the alternatives analysis specifically consider whether the proposed dredging and filling activities (1) are for one of the allowable uses listed under section 30233, (2) represent the least environmentally damaging feasible alternative, and (3) integrate the best mitigation measures feasible to minimize adverse environmental effects.

Aesthetics

Section 30251 of the Coastal Act requires that development be sited and designed to protect views to and along the ocean and scenic coastal areas and to be visually

compatible with the character of surrounding areas. The DEIR should evaluate the visual impacts of project operations, and the extent to which proposed infrastructure (including significant new industrial lighting) and turbine storage would impact views from public vantage points (including from the Eureka waterfront, Highway 255, Highway 101, the Town of Samoa, surrounding public recreational lands, etc.) and be visually compatible with the historic character of Samoa. The DEIR should evaluate alternatives for minimizing impacts on visual and scenic resources. Since a portion of the project is located within the urban boundary of the town of Samoa (approximately 35 acres – see map, Attachment 1), the DEIR should evaluate project conformance with applicable policies and standards of the Samoa Town Master Plan (STMP) within HBAP and CZR (see Attachment 1 for policy excerpts; in particular, see HBAP STMP (Community Character/Visual) Policies 1 through 10).

Priority Coastal-Dependent Uses

The Coastal Act provides that coastal-dependent developments, including coastal-dependent industry (CDI), coastal-related developments, and coastal recreation uses, shall have priority over other developments on or near the shoreline. Generally, these priority land uses include uses that by their nature must be located on the coast to function, such as ports and commercial fishing facilities, and uses that encourage the public's use of the coast, such as various kinds of visitor-serving recreational facilities. Coastal-dependent industrial facilities are encouraged to locate or expand within existing sites, and CDI is given priority over visitor-serving commercial recreational facilities that enhance public opportunities for coastal recreation. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support. Coastal-related developments may include facilities that support commercial fishing and aquaculture (e.g., storage and work areas, berthing and fish receiving, areas for fish processing for human consumption, and aquaculture support facilities).

Under the LCP, the project site is planned/zoned MC (Coastal-Dependent Industrial) which allows "any coastal-dependent industrial use that requires access to a maintained navigable channel in order to function." The project should ensure that all manufacturing and envisioned operations and maintenance components are tied to MC and coastal related uses only. Please note that forest product manufacturing is not a coastal-dependent industrial use. The project also proposes installing fueling stations for land-based vehicles. If these stations are unrelated to on-site project equipment such as cranes, then it is unlikely that that the fueling stations are needed or allowable under the zoned coastal-dependent industrial use.

Section 30222.5 of the Coastal Act prioritizes coastal dependent aquaculture development for oceanfront lands, except over other coastal dependent developments or uses. Additionally, Sections 30224 and 30234 of the Coastal Act require that the facilities serving the commercial fishing and recreational boating industries be encouraged, protected, and where feasible upgraded. The proposed project contemplates relocating existing fishing facilities, including gear storage and boat repair

facilities as well as multiple small aquaculture or mariculture operations. We recommend analyzing where these facilities will be moved to, explain the decision-making process for tenant relocation, and provide clear evidence that these facilities will continue to effectively serve the aquaculture and fishing industries. We also recommend considering appropriate mitigation for identified adverse impacts, including, but not limited to, developing dry storage areas elsewhere on the bay, increasing public launching facilities on or offsite, providing additional berthing space, and providing for new boating facilities on the bay, as appropriate.

The proposed project has the potential to increase marine traffic in Humboldt Bay and negatively affect the commercial fishing industry's ability to travel within the bay and to exit the bay to go fishing. The DEIR should fully analyze the effects of the proposed project on marine transportation and traffic in Humboldt Bay, including importing wind turbine components, wet storage of assembled turbines, and towing assembled turbines out of the Bay.

Water Quality and Marine Resources

Section 30230 and 30231 of the Coastal Act require that marine resources and water quality of coastal waters be maintained, enhanced, and (where feasible) restored to protect marine life, biological productivity, areas and species of special biological significance (including eelgrass beds), and human health. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes. In addition, Section 30232 of the Coastal Act provides for the protection against the spillage of crude oil, gas, petroleum products, or hazardous substances in relation to any development or transportation of such materials.

Project activities, including significant dredging, have the potential to increase turbidity. This change in water quality may adversely impact eelgrass beds, existing offsite mariculture operations, and nearby projects such as seawater extraction at the Red Tank Dock. The DEIR should evaluate project impacts associated with construction and operations on the water quality of coastal waters and ensure that the project will not adversely affect the biological productivity and functional capacity of coastal waters.

The proposed project location has previously been used as an industrial site, and like many similar sites around Humboldt Bay, may require remediation from hazardous substances and contamination in soils and groundwater. The DEIR should ensure that during the demolition phase, adequate testing for constituents of concern occurs on site, including appropriate testing of soils and sediments for dioxins and furans (with toxicity expressed in terms of Toxicity Equivalents or TEQs). The DEIR should also ensure that site remediation for any hazardous substances is completed. This is especially important given the project's proposal to install stormwater drainage improvements on the site which could transmit hazardous substances to Humboldt Bay or the ocean via groundwater. We recommend soil testing and characterization consider environmental

screening levels (ESLs) of significance that could be harmful to Humboldt Bay aquatic life based on the San Francisco Regional Water Quality Control Board (SFRWQCB) ESLs for aquatic life (SFRWQCB 2019) since the North Coast Regional Water Quality Control Board does not currently have specified ESLs for Humboldt Bay aquatic life.

To help maximize the effectiveness of the proposed drainage improvements for stormwater (which may include retention ponds, detention ponds, bioswales, and subsurface detention), we recommend the project incorporate the best available practices for the protection of coastal waters and generally follow the water quality protection requirements applicable to projects in Samoa. These are outlined in CZR sec. 313-34.5.4.1 and 34.5.4.2 (Attachment 1) related to construction pollution control, post-construction stormwater control, LID design, and BMPs. We recommend applying these policies to the project at large, as applicable, and not just within the 35-acre portion of the project within the urban boundary of Samoa. The Commission will consider this project a “development of water quality concern” as defined in CZR sec. 313-34.5.4.1.1.4.1 (Attachment 1) and will use the requirements identified in CZR sec. 313-34.5.4.1.1.4 as guidance. We recommend the project develop a water quality and hydrology plan as outlined in CZR sec. 313-34.5.4.1.1.4.3 for evaluation as part of the DEIR.

Environmental Justice

Section 30604(h) of the Coastal Act gives the Commission the authority to consider environmental justice when making permit decisions. The DEIR should discuss how the proposed project development and activities will affect environmental justice communities by identifying low-income communities (including lower income residents who live in rental units), Tribes, communities of color, and other disadvantaged communities in the surrounding area and analyzing whether these communities would be disproportionately affected by adverse project impacts. Such impacts would include night lighting, noise, traffic, and changes in air and water quality. The DEIR should then analyze ways such adverse project impacts could be avoided, minimized and mitigated.¹ The DEIR process should also include targeted engagement with low-income communities, communities of color, and groups working with these communities. A summary of engagement activities and responses to address issues and concerns related to environmental justice should be included in the DEIR. Moreover, the DEIR should seek community input to prioritize community improvements and mitigation measures that would most benefit identified EJ communities.

¹ For reference, Commission staff identified environmental justice concerns related to the Humboldt Wind Energy Area in CD-0001-22. Tools and data layers for identifying EJ communities and existing environmental burdens include, but are not limited to the State of California’s CalEnviroScreen 4.0 (<https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>), California Climate Investments Priority Populations Map (<https://gis.carb.arb.ca.gov/portal/apps/experiencebuilder/experience/?id=6b4b15f8c6514733972cabdd a3108348>), U.S. Census Data, and U.S. EPA EJ Screen (<https://www.epa.gov/ejscreen>).

Finally, the DEIR should consider potential adverse impacts to public safety from the proposed project, particularly to address the influx of workers, and identify strategies and require mitigation to maximize public safety.

Archaeological and Tribal Cultural Resources

Coastal Act Section 30244 requires that mitigation be required for adverse impacts to archaeological resources. In addition, AB 52 requires that the Humboldt Bay Harbor, Recreation, and Conservation District (HBHRCD) consult with Tribes as part of the CEQA process. We are supportive of the inclusion of tribal cultural resources in the topics to be analyzed in the DEIR and we encourage the HBHRCD to consult with Tribes on matters beyond archaeological and cultural resources in relation to the project. For example, the proposed project is located near lands that are of importance to various Tribes, including, but not limited to, Tuluwat Island. Some of these lands are being considered for designation in the Wigi National Monument, and we encourage the HBHRCD to consult with Tribes about project impacts on this proposed national monument and other culturally important properties. In Commission staff's consultations with Tribes during our review of the Bureau of Ocean Energy Management's offshore wind lease sale off Humboldt County, we heard concerns about both offshore development in the lease areas and port development in Humboldt Bay including the need for responsible development, public safety, and the potential for adverse impacts to tribal fisheries. Discussion of the tribal consultation conducted through the Commission's process is available in the adopted findings for CD-0001-22 under the Tribal and Cultural Resources section, with discussion of public safety concerns in the Environmental Justice section.² In short, the concerns expressed to Commission staff by Tribal representatives were not limited to archaeological and cultural resources. We therefore encourage the HBHRCD to take an expansive approach to the topics included in consultation and to addressing concerns raised by Tribes.

Energy Conservation

Coastal Act Sections 30253(c) and (d) require new development to be consistent with State Air Resources Control Board requirements and to minimize energy consumption and vehicle miles traveled. The proposed project would install charging infrastructure for electric vehicles and electrified construction equipment and would also install solar panels on the ash landfill. These measures would reduce the project's energy consumption and reduce the project's reliance on fossil fuels. We additionally recommend the use of as many "green port" concepts as possible in this major port redevelopment project, including minimizing the use of and reliance on diesel and other fossil fuels in project operations and other strategies aligned with the State's goals for low carbon fuels and Zero-Emissions targets. This will help reduce potential impacts on nearby EJ communities (see above comments). We further recommend the project design, development, and operations consider the policy requirements of HBAP STMP

² Adopted findings for CD-0001-22 are available on the Commission's website:
<https://documents.coastal.ca.gov/assets/upcoming-projects/offshore-wind/Th8a-4-2022%20adopted%20findings.pdf>

(New Development) Policy 7 (Attachment 1), including, but not limited to, siting development in a manner that will minimize traffic trips; considering the addition of bus stops along Vance Avenue; incorporating energy efficient building technologies and standards; and encouraging the use of non-motorized or public transportation by employees, including employer incentives to encourage employee use of public transportation.

Biological Resources

Section 30240 of the Coastal Act protects environmentally sensitive habitat areas (ESHA) from significant disruption. The DEIR should evaluate the project's direct impacts to ESHA as defined under Section 30107.5 of the Coastal Act and the County's certified HBAP (defined under HBAP STMP (Wetlands/ESHA) Policy 11, Attachment 1), including, but not limited to, direct and indirect impacts to rare plants; dune mat; coastal wetlands (as defined/identified under the Coastal Act and HBAP STMP (Wetlands/ESHA) Policy 10); nesting, foraging, and roosting areas for raptors and other types of birds; etc. Consideration of impacts should account for potential necessary expansions and improvements to the existing road network for the complete project (i.e., all phases). The DEIR should also explain how the project will be implemented in a manner that is compatible with the continuance of such habitats by evaluating the adequacy of buffer widths between identified ESHA and proposed new development (see Attachment 1, HBAP STMP (Wetlands/ESHA) Policy 4 and CZR sec. 313-34.5.4.4 for guidance). Additionally, the DEIR should include analysis of how the upland development area may affect the success of the habitat restoration area, and whether the location of these two project elements adjacent to each other could act as an attractive nuisance for wildlife. Activities that occur within the proposed upland development area, such as night lighting, air quality emissions, and noise, may negatively affect the species and wildlife that would be attracted to the restoration area.

We also request the DEIR provide further description of the project's "modern eco-friendly shoreline transition between the marine environment and upland development."

Coastal Hazards

Sections 30253(a) and (b) of the Coastal Act require minimization of risks in areas of high geologic and flood hazards. The project site is located in an area subject to significant risks from seismic and faulting hazards, tsunami hazards, general flood hazards, and worsening flood risks as exacerbated by sea level rise. The DEIR should evaluate the extent to which the project has the potential to increase risks to life and property associated with geologic, flood, and/or fire hazards. Additionally, the DEIR should evaluate how the built project, including structures, wharfs, piers, and wet-storage mooring systems, will address risks from near-source tsunami hazards and how project elements will perform and adapt to increased sea-level rise using a range of sea-level rise (SLR) scenarios projected for the region. We recommend new structural developments be designed to withstand catastrophic failure or inundation caused by a local Cascadia Subduction Zone earthquake event and accompanying tsunami. We also

recommend the project evaluate SLR using the best available science and State SLR guidance, including guidance provided by the Ocean Protection Council and the Commission's adopted SLR Policy Guidance (as updated in 2018). Since a portion of the project is located within the urban boundary of the town of Samoa, the DEIR should evaluate project conformance with applicable policies and standards the of the STMP (see Attachment 1, HBAP STMP (Hazard) Policies 1, 2, 3 and 6 and CZR sec. 313-34.5.4.5).

Public Access and Recreation

Coastal Act Sections 30210 through 30224 require that new development maximize public access and recreation opportunities, provide low-cost visitor-serving recreational facilities, protect oceanfront land for recreational use and development, encourage recreational boating facilities, and in general establish that coastal-dependent, visitor-serving, and public recreational access developments have priority over other types of uses and development.

The project involves substantial redevelopment of lands adjacent to existing low-cost housing and several low-cost visitor-serving amenities that support coastal recreation. These include several which are planned and permitted within the Town of Samoa, including a new hostel with 20 guest rooms; a new campground with 20 cabins, six tent sites, and nine RV sites; an expanded visitor-serving maritime museum; new playgrounds, sports fields, and trails; and other low-cost visitor-serving amenities that support coastal recreation (e.g., see County CDP No. PLN-2020-16401 approved June 3, 2021). The DEIR should evaluate project effects to these planned and permitted coastal recreation supporting facilities. As mentioned above, the DEIR should also evaluate alternative traffic and circulation routes for the project site, including routes that minimize disturbance to existing and planned residential and low-cost visitor-serving uses in the town of Samoa.

While we recognize that the project will have many public benefits including the creation of new jobs, the project also is expected to have significant adverse impacts on existing and planned public access and recreational facilities and low-cost visitor serving facilities in the surrounding area, including visual impacts, increased noise levels, and increased traffic. The DEIR should address public benefits of this major redevelopment plan that go beyond the creation of new jobs, such as new or improved facilities on the bay for use by the public, mitigation measures for adjacent low-cost visitor-serving and recreation areas, and other public benefits of the project.

Conclusion

Thank you again for the opportunity to comment on the NOP for the project. As always, Commission staff is available to discuss our comments in greater detail as well as any questions you may have about the Coastal Development Permit process. If you have questions or would like to set up a meeting, please contact Holly Wyer at

holly.wyer@coastal.ca.gov, Melissa Kraemer at melissa.kraemer@coastal.ca.gov, and Catherine Mitchell at catherine.mitchell@coastal.ca.gov.

Sincerely,

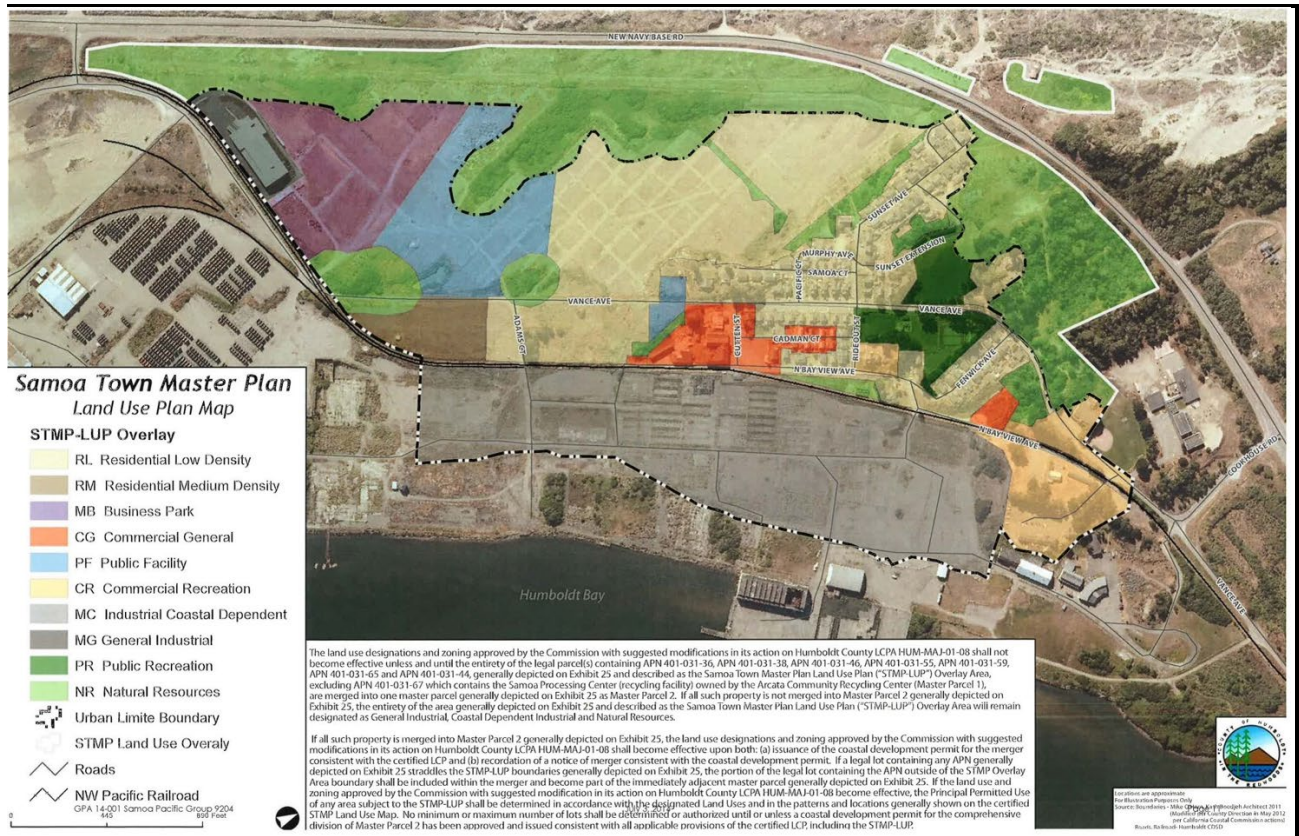
A handwritten signature in cursive script that reads "Holly Wyer".

Holly Wyer
Senior Environmental Scientist
California Coastal Commission

Att. Attachment 1. Excerpt of policies and standards from the Samoa Town Master Plan within Humboldt County's certified Local Coastal Program that are applicable in part to the project.

Attachment 1

Excerpt of policies and standards from the Samoa Town Master Plan (“STMP”) within Humboldt County’s Humboldt Bay Area Plan (“HBAP” or “LUP”) and Coastal Zoning Regulations (“CZR”), which are applicable to ~35 acres of the project. The DEIR should evaluate project conformance with applicable policies and standards for those portions of the project within the STMP-LUP Overlay area, which appears to include, but which may not be limited to, the MC lands shown below (shaded in light gray, south of Vance Ave.):



Applicable Policies from the HBAP may include, but may not limited to, the following:

STMP (New Development) Policy 6:

Land divisions, including re-divisions and lot line adjustments of any land subject to the STMP-LUP, shall be permitted only if all resulting parcels can be demonstrated to be buildable and protective of all coastal resources, and safe from flooding, erosion, and geologic hazards, including the effects of at least 4.6 feet of sea level rise, without the future construction of shoreline armoring devices, and that the development proposed on the resultant lots can be constructed consistent with all pertinent policies of the certified LCP.

STMP (New Development) Policy 7:

A. *To minimize energy demands, which are associated with structural and transportation energy use, development of lands subject to the STMP-LUP shall minimize vehicle miles traveled, and conserve energy by means such as, but not limited to, the following:*

1. *Siting development in a manner that will minimize traffic trips; and*
...
 3. *Providing well designed and appropriately located bus stops along Vance Avenue; and*
...
 5. *Incorporating energy efficient building technologies; and*
 6. *Requiring development to meet high standards regarding the energy efficiency of proposed structures; heating, ventilation, and air conditioning systems (HVAC); hot water heaters, appliances; insulation; windows; doors; and lighting such as the standards of established voluntary programs such as Energy Star, LEED, or Build It Green; and*
 7. *Requiring development to incorporate alternative sources of energy such as photovoltaics, solar water heaters, passive solar design, wind generators, heat pumps, geothermal, or biomass; and*
 8. *Requiring development to use structural orientation (heat gain from southern exposure) and vegetation patterns to reduce winter heating needs (such as planting deciduous trees near southern exposures to maximize the winter sun); and*
 9. *Requiring development to include energy meters that provide real-time information to users regarding energy consumption; and*
 10. *Requiring development to use recycled building materials; and*
 11. *Requiring development to use building materials that minimize energy consumption during the manufacture and shipment of the materials; and*
 12. *Requiring development to use construction techniques that minimize energy consumption; and*
 13. *Incorporating structural amenities within non-residential development to encourage the use of non-motorized or public transportation by employees (such as sheltered bicycle storage, bicycle lockers, restrooms with showers/personal lockers, etc.); and*
 14. *Encouraging employer incentives such as paid bus passes, etc., to encourage employee use of public transportation; ...*
...
- B. *Coastal Development Permits authorized for development of lands subject to the STMP-LUP shall include specific findings concerning the extent of the subject project's incorporation of measures to reduce vehicle miles traveled and to minimize the use of energy.*

STMP (New Development) Policy 8:

Development authorized within the STMP-LUP overlay area generally depicted on Exhibit 25A shall incorporate the best available practices for the protection of coastal waters, in accordance with the standards outlined in STMP Special Area Combining Zone. To achieve these standards, the applicant shall provide supplemental information as a filing requirement of any coastal development permit application for development within the area subject to the STMP-LUP, and the pertinent decision-makers shall adopt specific findings and attach conditions requiring the incorporation of, and compliance with, these water quality protection measures in approving coastal development permits for division or further development of the lands subject to the STMP-LUP.

STMP (New Development) Policy 9:

Wastewater treatment provided for the lands subject to the STMP-LUP shall be limited to provision of service for development authorized pursuant to the STMP-LUP only. No lands or development outside the STMP-LUP shall be served by wastewater treatment facilities provided for the lands subject to the STMP LUP except as allowed under the listed exceptions in Section 3.22, Public Services-Rural,

subsection B. No pipeline connections to collect or transfer waste water from off-site to or through the STMP-LUP lands shall be installed on or adjacent to the lands subject to the STMP-LUP, except for the purpose of transferring treated waste water effluent for disposal to the Redwood Marine Terminal Manhole 5 ocean outfall, and except for the collection of waste water from service connections established in a manner consistent with Section 3.22, Public Services-Rural, subsection B.

STMP (Community Character/Visual) Policy 1:

Development shall preserve and protect the unique community character of the historic development within the STMP Overlay Area generally depicted in Exhibit 25A by protecting and restoring existing town site structures and by requiring that new construction within the greater Samoa town area extends and enhances the historic community character. The existing town site architectural features and character shall guide the overall design of new development within the STMP Overlay Area. The long-term preservation of the existing structures shall be prioritized, including the preservation of features such as mature landscaping and specimen trees that provide historic context and contribute to the community character. All new development within any part of the lands subject to the STMP-LUP, including any signage or lighting, shall not interfere with the special character of the existing historic neighborhoods and public views available from public vantage points and from special community gathering places such as the Women's Club.

STMP (Community Character/Visual) Policy 2:

The Design Guidelines for Old Samoa dated March 4, 2007 are hereby incorporated as standards for development within the STMP-LUP overlay designation and are attached as an Appendix to the certified LCP and any changes or revisions to the Design Guideline shall require an amendment of the LCP. Where a conflict arises between the policies of the STMP-LUP overlay designation and the policies of the Design Guidelines, the policies of the STMP-LUP overlay designation shall take precedence.

STMP (Community Character/Visual) Policy 3:

Energy Efficiency and Conservation: Changes to the existing structures located on lands subject to the STMP-LUP within the historic Samoa "company town" site that may improve energy conservation shall be consistent with the STMP Design Guidelines and shall not disrupt, replace, or distract from the existing historic period details. New structures, however, may utilize alternative construction materials that have the appearance of the original materials, thus achieving aesthetic consistency with the existing structures while increasing energy efficiency.

STMP (Community Character/Visual) Policy 4:

The demolition or relocation of, any structure that is at least fifty (50) years old and located on lands subject to the STMP-LUP Samoa shall not be considered a principal permitted use and shall require a coastal development permit that is subject to at least one noticed public hearing and is appealable to the Coastal Commission pursuant to Section 30603 of the Coastal Act. 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.

STMP (Community Character/Visual) Policy 5:

Development on lands subject to the STMP-LUP, including lighting and signage, shall be designed and constructed in a manner that: (a) protects distant night skyline views from distant vantage points toward the Pacific Ocean and Humboldt Bay; (b) protects public views of the existing town site from public vantage points such as New Navy Base Road, the public beaches west of New Navy Base Road, and from the public trail that is required between the Samoa Cookhouse property and the underground tunnel crossing of New Navy Base Road, and (c) protects coastal views from the town site, such as the panoramic views of Humboldt Bay and the Pacific Ocean available from the Women's Club and other higher elevation locations. A visual impact analysis shall be submitted with coastal development permit

applications for all proposed development on lands subject to the STMP-LUP that utilizes the installation of story poles and other means of assessing the impact of the proposed structures.

STMP (Community Character/Visual) Policy 6:

- A. *Remodeling and restoration of historic “Company Town” structures and structures contributing to the character of old town Samoa, and construction of additional structures proposed for lots containing such structures shall require a coastal development permit and review by the Samoa Design Review Committee, and at least one public hearing, and shall be subject to the following additional requirements:*
- 1. Restoration of existing structures that are at least fifty (50) years old, except for the Fireman’s Hall and garages, shall retain any viable millwork, windows, doors, or other existing exterior material, or if any of these are found to be damaged beyond repair, the feature or material shall be replaced with similar material consistent with the Design Guidelines and installed in such a manner to maintain a comparable exterior building appearance.*
 - 2. Exterior remodeling of the existing structures, including but not limited to painting and roofing and the construction of new accessory structures shall be installed in a manner that maintains the exterior appearance of the original building and is consistent with the Design Guidelines.*
 - 3. New accessory structures proposed for lots subject to these provisions shall only be approved if designed and located in a manner that harmonizes with and preserves the period character and street views of the primary structure.*
- B. *All coastal development permit applications for exterior remodeling of structures within the historic Samoa neighborhoods shall provide in support of such an application a report prepared by a California state licensed architect with at least five (5) years of historic preservation experience or the equivalent experience that includes the results of a survey of the subject structure undertaken not less than three (3) months prior to submittal of such application, with recommendations for ensuring the proposed remodeling be consistent with the preservation of the historic architectural elements of the subject structure consistent with the Design Guidelines for Old Town Samoa.*
- C. *A coastal development permit approved for exterior remodeling of structures within the historic Samoa neighborhoods shall be conditioned to require timely post-remodeling submittal of evidence prepared by an architect of the same qualifications as set forth in Subparagraph B above, confirming that the final remodeling has been conducted in accordance with the recommendations of the subject architect, including photographs to be retained by the County in the public record, and as required by the conditions attached to the subject coastal development permit.*

STMP (Community Character/Visual) Policy 7:

Land divisions, including redivisions and lot line adjustments of lands subject to the STMP-LUP shall be permitted only if all resulting parcels can be demonstrated to be suitable for the intended use and protective of community character and visual resource context of the existing Samoa town site.

STMP (Community Character/Visual) Policy 8:

All exterior lights of all development on lands subject to the STMP-LUP, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress and egress of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel.

STMP (Community Character/Visual) Policy 9:

Architectural or advertising/marketing signage shall be of modest scale and designed in a manner that is aesthetically compatible with the historic Samoa character and reviewed and approved by the Design Committee. Illuminated outdoor advertising shall be restricted to a single sign per commercial establishment affixed to the structure on the first floor level only, and not extending above or beyond the

structure's profile (including porches), and not more than three feet wide by three feet in height. Non-illuminated coastal access signage, including resource interpretation displays and modest educational/protective signage shall be permitted at Samoa Beach.

STMP (Community Character/Visual) Policy 10:

Clean up of contaminated soil and water (surface or ground) surrounding existing or previous structures of the historic "Company Town" of Samoa, including excavation of soils surrounding the structures or removal or treatment of remaining lead-contaminated paint on existing structures, shall be undertaken in a manner that protects the stability of the existing structures and retains and preserves the original woodwork, windows, and millwork.

STMP (Wetlands/ESHA) Policy 1:

Development within the STMP-LUP shall provide maximum protection, restoration and enhancement of existing Environmentally Sensitive Habitat Areas (ESHA) such as wetlands, dunes, forests, coastal scrub, and rare plant habitat, including the habitat of plants that are locally rare. The STMP shall be implemented in a manner that provides: (1) a substantial undisturbed natural resource corridor along the east side of New Navy Base Road and the northern portion of the subject site shown as NR, Natural Resources, in the certified STMP-LUP map that connects sensitive resource areas and facilitates wildlife movement; (2) an ESHA buffer area that shall generally be a minimum of at least one hundred (100) feet from nearby development (included in "NR" area shown in the certified STMP-LUP map); (3) preservation of opportunities for dispersal of species through the preservation of individual plants and seed banks of rare populations; and (4) conservation of water filtering functions in vegetated areas.

STMP (Wetlands/ESHA) Policy 2:

Areas of the certified STMP-LUP map designated as NR, Natural Resources, include both ESHA and ESHA buffers. Development within the areas designated Natural Resources is prohibited except for the removal of invasive non-native plant species and the following activities if authorized by a coastal development permit: (1) restoration and enhancement of previously disturbed areas of wetlands and other sensitive habitat; (2) repair and maintenance of existing underground utilities within the existing footprint, provided that restoration of the disturbed areas is implemented in accordance with an approved coastal development permit; (3) installation of public trails in accordance with the provisions of STMP (Wetlands/ESHA) Policy 6; (4) planned roadway and shoulder improvements and maintenance within the Vance Avenue right of way on Master Parcel 2, at the easterly limit of the smaller circular dune hollow ESHA buffer area, designated Natural Resources; and (5) tsunami refuge areas within buffer portions of the area designated Natural Resources but outside of identified ESHA areas.

STMP (Wetlands/ESHA) Policy 4:

A. *All wetlands and non-wetland ESHAs identified outside of the areas designated Natural Resources identified in the certified STMP-LUP map (except for environmentally sensitive raptor nesting habitat areas) shall require a 100-foot setback/buffer, unless it can be demonstrated that a reduced buffer is sufficient to prevent disruption of the habitat. Development adjacent to environmentally sensitive raptor nesting habitat areas shall be consistent with Section 30240(b) of the Coastal Act. Wetland and non-wetland ESHA buffers shall not be reduced to less than fifty (50) feet. The determination that a reduced buffer is adequate shall be based on the following criteria:*

- 1) *Biological significance of adjacent lands and the functional relationships among nearby habitat types and areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these*

functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the ESHA that is adjacent to the proposed development.

- 2) *Sensitivity of species to disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall take into account subsections (3) and (4) below and consultations with biologists of the Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Coastal Commission or others with similar expertise:*
- 3) *Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species, which may include reliance on non-native species, including trees that provide roosting, feeding, or nesting habitat;*
- 4) *An assessment of the short-term and long-term adaptability of various species to human disturbance;*
- 5) *An assessment of the impact and activity levels of the proposed development on the resource.*
- 6) *Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.*
- 7) *Use of natural topography. Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area.*
- 8) *Required buffer areas shall be measured from the following points, and shall include historic locations of the subject habitat/species that are pertinent to the habitats associated with the STMP-LUP area, as applicable:*
 - *The perimeter of the sand dune/permanently established terrestrial vegetation interface for dune-related ESHA.*
 - *The upland edge of a wetland.*
 - *The outer edge of the canopy of coastal scrub or forests plus such additional area as may be necessary to account for underground root zone areas.*
 - *The outer edge of the plants that comprise the rare plant community for rare plant community ESHA, including any areas of rare annual plants that have been identified in previous surveys and the likely area containing the dormant seed banks of rare plant species.*
 - *The outer edge of any habitat associated with use by mobile or difficult to survey sensitive species (such as ground nesting habitat or rare insects, seasonal upland refuges of certain amphibians, etc.) based on the best available data.*

Where established "protocols" exist for the survey of a particular species or habitat, the preparing biologist shall undertake the survey and subsequent analysis in accordance with the requirements of the protocol and shall be trained and credentialed by the pertinent agency to undertake the subject protocol survey.

- B. *A determination to utilize a buffer area of less than the minimum width shall be made by a qualified biologist contracting directly with the County, in consultation with biologists of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the Coastal Commission. The County's determination shall be based upon specific findings as to the adequacy of the proposed reduced buffer to protect the identified resource.*

STMP (Wetlands/ESHA) Policy 7:

All new or replacement fencing within the lands subject to the STMP-LUP shall require a coastal development permit based on findings that the location and design of such fencing is safely permeable for wildlife.

STMP (Wetlands/ESHA) Policy 10:

Wetlands shall be identified and delineated as follows:

- A. *Delineation of wetlands shall rely on the wetland definition in Section 13577 of the Coastal Commission regulations set forth in pertinent part below. The field methods used in the wetland delineation shall be those contained in the Army Corps of Engineers Wetland Delineation Manual as modified by the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region dated May 2010, or other Corps of Engineers delineation guidance that is in effect at the time of action. Section 13577 states in pertinent part:*
- Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:*
- (A) *the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;*
- (B) *the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or*
- (C) *in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.*
- B. *Wetland delineations shall be conducted according to the California Code of Regulations, Section 13577(b) definitions of wetland boundaries. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions. The delineation report shall include at a minimum: (1) a map at a scale of 1:2,400 or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points; and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the biologist doing the delineation.*
- C. *Wetland delineations shall be prepared by a qualified biologist approved by the County.*
- D. *Wetland delineations should not be greater than five (5) years old at the time of development approval in reliance on the information provided by the delineation(s). If substantial time passes between application submittal for a coastal development permit and approval, such that a delineation becomes outdated, a supplemental delineation prepared in accordance with the same standards set forth herein, shall be prepared and submitted for consideration.*

STMP (Wetlands/ESHA) Policy 11:

Environmentally Sensitive Habitat Areas (ESHA) shall be defined as any area in which plant or animal life or their habitats are either rare, including locally rare, or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities

and developments. The determination of whether ESHA is present shall be required before a coastal development permit application for any land division or other development on lands subject to the STMP-LUP is considered complete. The determination shall include a detailed, complete biological resources report prepared by a qualified biologist approved by the County. The data concerning surveys of ESHA shall not be greater than five (5) years old at the time of pertinent development authorization.

STMP (Wetland/ESHA) Policy 12:

Development, including any division of lands subject to the STMP-LUP, shall not significantly alter drainage patterns or groundwater resources in a manner that would adversely affect hydrology sustaining wetlands or non-wetland ESHA, flood these resources to the extent that a change in the composition of species found within the wetland or non-wetland ESHA would be likely to occur, or change the wetland or other sensitive habitat area in a manner that impairs or reduces its habitat value or water filtering function.

STMP (Wetland/ESHA) Policy 13:

No herbicides or rodenticides shall be used within STMP-LUP lands designated Natural Resources or Public Facilities, or within other areas containing wetland or ESHA habitat or the buffers thereof. The use and disposal of any herbicides for invasive species removal shall follow manufacturer specifications, comply with imposed conditions, and protect adjacent native vegetation and coastal water quality. Rodenticides containing any anticoagulant compounds, including, but not limited to, bromadiolone or diphacinone shall not be used anywhere within the lands subject to the STMP-LUP. Development approvals for lands subject to the STMP-LUP shall attach conditions specifying these requirements.

STMP (Wetlands/ESHA) Policy 14:

*Landscaping with exotic plants shall be limited to outdoor landscaped areas immediately adjacent to the proposed development. All new landscaping within the lands subject to the STMP-LUP shall follow the California Native Plant Society (CNPS) "Guidelines for Landscaping to Protect Native Vegetation from Genetic Degradation" (<http://www.cnps.org/cnps/archive/landscaping.pdf>). The planting of invasive non-native plants including but not limited to pampas grass (*Cortaderia* sp.), acacia (*Acacia* sp.), broom (*Genista* sp.), English ivy (*Hedera helix*), and iceplant (*Carpobrotus* sp., *Mesembryanthemum* sp.) shall specifically be prohibited. No plant species listed as problematic and/or invasive and/or as a "noxious weed" by the California Native Plant Society, the California Invasive Plant Council, the State of California, or the U.S. federal government shall be used in any proposed landscaping within the lands subject to the STMP-LUP. To minimize the need for irrigation, all new landscaping shall consist primarily of native, regionally appropriate, drought-tolerant plants. New development projects that include landscape areas of 500 square feet or more shall include appropriate water conservation measures related to efficient irrigation systems and on-site stormwater capture. Development approvals for lands subject to the STMP-LUP shall attach conditions specifying these requirements.*

STMP (Wetlands/ESHA) Policy 15:

Proposed land divisions within the area subject to the STMP-LUP, including redivisions and lot line adjustments, shall identify a buildable area for each resultant lot that does not encroach into wetlands, non-wetland ESHAs or the prescribed buffers thereof.

STMP (Coastal Access) Policy 1:

- A. *The lands included within the approximately five (5)-acre area containing the Samoa Cookhouse on Master Parcel 3 shall be constructed or remodeled in accordance with an approved coastal development permit, and shall be reserved for Low Cost Visitor Serving Accommodations (LCVSA), shall not incorporate or be converted to other uses, and shall include the specific amenities listed*

below, or the equivalent thereof that includes a total of 55 LCVSA units, and the LCVSAs shall be made continuously available to the public at low cost rates:

- 1) A hostel with at least 20 guest rooms and common hallway bathrooms on the second floor of the Samoa Cookhouse;*
- 2) 20 detached small housekeeping cabins;*
- 3) 15 car/tent camping spaces with tables and benches, grills, covered trash receptacles and potable water outlets at each site;*
- 4) bathroom/shower facilities with hot and cold running water, picnic and play areas with potable drinking water outlets, and fenced pet exercise areas for use by the cabin and campsite occupants;*
- 5) adequate internal circulation routes and parking for coastal visitors and their guests, as well as day-use visitors, restaurant patrons, and adequate space and turnaround capacity for bus arrivals.*

All of the low-cost visitor serving accommodations and public access facilities specified above shall be permanently maintained and a coastal development permit shall be obtained for any proposed change of use or demolition of these facilities.

- B. The LCVSA facilities shall be attractively landscaped with an emphasis on locally native plant species, which shall be permanently labeled to identify the subject species. The LCVSA facilities and grounds shall be maintained in good repair and kept free of trash and litter.*
- C. The LCVSA facilities shall be connected to the public undercrossing of New Navy Base Road and the dunes and beaches beyond via a public, pedestrian-only path through the lands designated Natural Resources that is constructed in accordance with STMP (Wetlands/ESHA) Policy 6 STMP (Coastal Access Policy 3), and an approved coastal development permit. In addition, paved streets leading through Samoa development to the New Navy Base Road undercrossing shall be open to the public and shall not be gated. The pedestrian pathway specified above shall be permanently maintained and a coastal development permit shall be obtained for any proposed modification of the pathway.*
- D. The LCVSA owner/manager shall prepare and make continuously available to coastal visitors at no cost, brochures highlighting the habitats and species found along the Natural Resource Corridor pathway and in the beach and dune habitats west of New Navy Base Road. The brochures shall explain the importance of protecting and preserving the resources, and shall provide earthquake and tsunami safety information including Samoa tsunami evacuation routes and assembly areas. Tsunami evacuation routes and assembly areas shall also be prominently posted for the benefit of coastal visitors.*
- E. The LCVSA owner/manager shall be responsible for daily litter cleanup and the collection and disposal of trash from the LCVSA facilities, from the Samoa Dunes Interpretive Area and associated parking facilities, and shall periodically collect litter from the connecting trail between these, until or unless the County accepts such responsibilities.*
- F. The County shall ensure that permit conditions for the pertinent STMP development incorporate the conditions necessary to secure the obligations set forth in this policy.*

STMP (Coastal Access) Policy 2:

- A. All approved pedestrian and bicycle paths, corridors, trails and tsunami evacuation routes within the lands subject to the STMP-LUP shall be open to the public at all times. These routes shall not be blocked, gated, obscured, or otherwise barricaded at any time except as may be necessary for initial construction and for occasional short-term maintenance. Pedestrian and bicycle facilities along Vance Avenue shall be installed concurrently with other roadway improvements and shall be open for public use prior to occupancy of any residential development on Master Parcel 2. All other approved public park and open space and pedestrian/bikeway paths and related amenities shall be*

completed and the facilities opened to the public prior to the commencement of development within either the Business Park area or the new residential areas on Master Parcel 3 ...

STMP (Coastal Access) Policy 4:

- A. *At least two (2) bus stops shall be constructed within the Town of Samoa in accordance with the following requirements:*
 - 1) *The bus stop locations must allow the Humboldt Transit Authority (or successor provider of public transportation services) buses sufficient area to enter, pull over completely out of adjacent through-traffic, and exit the turnout in accordance with physical limits and safety requirement. The necessary turnout area shall be approximately 100 feet in length and proportioned to allow for maneuvering of a 40-ft-long, 102-inch wide bus. Evidence that final designs for the bus stops have been reviewed and approved by the Humboldt Transit Authority shall be required prior to approval of a coastal development permit for the comprehensive division of Master Parcel 2; and*
 - 2) *The bus stop waiting areas shall be covered and weather-sheltered, well lighted for personal security, and furnished with maintained trash receptacles that are wildlife impermeable.*
- B. *A minimum of one of the bus stops required herein and associated amenities to serve the Samoa area shall be installed on Master Parcel 2 concurrent with the development of the Vance Avenue improvements on Master Parcel 2 and prior to occupancy of any residential development on Master Parcel 2. The other bus stops required herein shall be installed prior to commencement of construction of development within the new residential and business park areas...*

STMP (Coastal Access) Policy 5:

The restored historic downtown Samoa on Master Parcel 3 shall include at least one small retail grocery or convenience market that supplies commonly used daily provisions for residents and coastal visitors, thus reducing out-of-Samoa area convenience shopping-related vehicle trips. Such facilities should be scaled to serve Samoa shopping demand and shall not be designed in a manner that attracts more than incidental numbers of traffic trips from retail customers outside of the Samoa area. The landowner/developer shall be required as a condition of the comprehensive division of Master Parcel 3 to (1) construct the building to house the grocery/convenience store prior to the recordation of final subdivision maps for any of the new residential areas, and (2) make the commercial building available for lease at market rates a grocery/convenience store business until at least five years after build-out of 75% of the new residential areas. If at the end of this period no prospective grocery/convenience store business has leased the building for this purpose, the building may be leased or sold for another commercial use. Visitor-serving establishments located in the restored historic downtown Samoa area may include modestly-scaled restaurants, galleries, and other small-scale tourist and neighborhood oriented shops and services, provided adequate parking and other support services are included in the subject development.

STMP (Hazard) Policy 1:

Prior to approval of a coastal development permit for any development of the lands subject to the STMP-LUP (other than a CDP for (1) the preliminary merger and resubdivision by Parcel Map of the Samoa Lands required by STMP (New Development) Policy 1A, and (2) the cleanup of soil and/or water contamination on any of the master parcels), a site-specific geologic study and review of proposed lot lines and development plans shall be prepared by and accompanied by the written determination of a California licensed professional civil engineer or California licensed professional engineering geologist stating specifically that the proposed lots would support a buildable site for the proposed development, and that a structure so located, if constructed in accordance with the expert's recommendations, will be safe from hazards posed by landslide, slope failure, or liquefaction, and safe from catastrophic failure in the event of the maximum credible earthquake or tsunami. The pertinent decision-makers shall require as a condition of the coastal development permit for such development that the pertinent licensed expert review the final plans and designs and affix the appropriate

engineering stamp thereby assuring that the plans and designs fully incorporate the licensed expert's recommendations.

STMP (Hazard) Policy 2:

The best available and most recent scientific information with respect to the effects of long-range sea level rise shall be considered in the preparation of findings and recommendations for all geologic, geo-technical, hydrologic, and engineering investigations prepared in support of coastal development applications for development of the lands subject to the STMP-LUP. Development at nearshore sites shall analyze potential coastal hazards from erosion, flooding, wave attack, scour and other conditions, for a range of potential sea level rise scenarios, consistent with the best available science on sea-level rise for the Humboldt Bay region and the Coastal Commission's adopted Sea Level Rise Policy Guidance document. The analysis shall also consider localized uplift or subsidence, local topography, bathymetry, and geologic conditions. A similar sensitivity analysis shall be performed for all critical facilities, energy production and distribution infrastructure, and other development projects of major community significance. These hazard analyses shall be used to identify current and future site hazards, to help guide site design, development location, and hazard mitigation requirements, and to identify sea level rise thresholds after which limitations in the development's design and siting would cause the improvements to become significantly less stable. For design purposes, development projects shall assume a minimum sea level rise of 3.2 feet by 2100 and significant or critical infrastructure development of community-wide significance, such as sewage waste treatment facilities or emergency response facilities, shall assume a minimum of 5.3 feet by 2100, consistent with the best available science on sea-level rise for the Humboldt Bay region and the Coastal Commission's adopted Sea Level Rise Policy Guidance document; greater sea level rise rates shall be used if development is expected to have an exceptionally long economic life, if the proposed development has few options for adaptation to sea level higher than the design minimum, or if the best available scientific information at the time of review supports a higher design level.

STMP (Hazards) Policy 3:

New development associated with the provision of critical or significant community support functions (such as waste water treatment, provision of potable or fire-fighting water, or fire and life safety command and equipment centers) or that may be converted into critical community shelter facilities in an emergency, or structures that house vulnerable populations that cannot be readily evacuated, including hospitals, schools, and care facilities for the elderly and/or disabled, shall be designed and located in a manner that will be free of the risk of catastrophic failure associated with earthquake or tsunami hazard, taking into account a minimum of 5.3 feet of sea level rise by 2100 consistent with the best available science on sea-level rise for the Humboldt Bay region and the Coastal Commission's adopted Sea Level Rise Policy Guidance document. The final approved plans for such facilities shall be reviewed and stamped as conforming to this standard by a California licensed professional civil engineer or a California licensed professional engineering geologist.

STMP (Hazard) Policy 6:

Prior to any conveyance of title to lands and prior to the issuance of a coastal development permit for any development within the lands subject to the STMP-LUP, including either new development or improvement of existing structures, evidence shall be submitted for the review and approval of the reviewing authority that a Deed Restriction has been recorded against the legal title of such lands, and against title of lands containing the subject development, setting forth the following disclosures,

- (1) Disclosure that the lands situated within the STMP-LUP are subject to extraordinary hazards posed by earthquake and tsunamis, and by future sea level rise, which may also increase the risks posed by coastal erosion, storm surge, and wave attack; and*
- (2) Disclosure of the existence of an approved final Tsunami Safety Plan pertinent to the subject property, including the date of the plan and how a copy may be obtained; and*

- (3) *Disclosure that no shoreline armoring structures are approved now, nor are such structures authorized in the future for the protection of development within the STMP-LUP against future hazards that may arise due to the coastal setting of the Samoa lands, and the prospect of increased sea level rise in the future, and that the present landowners have taken future sea level rise into consideration and have warranted that no such protective structures will be necessary to protect the proposed development of the STMP-LUP, and further, have acknowledged the possibility that no such protective structures would secure approval for construction.*

STMP (Archaeological Resources) Policy 1:

Prior to filing as complete a CDP application for any development of the lands subject to the STMP-LUP, a Phase II archaeological resources assessment of all known archaeological sites shall be submitted that defines the resultant boundaries of such sites if not formerly known, or if the boundaries of the sites are fully recognized, shall ensure that the former Wiyot village sites and all five of the sites noted previously by County studies or referenced in the County's environmental impact reports for the "Samoa Town Master Plan" are protected from further development and disturbance. Prior to approval of a CDP for any development of the lands subject to the STMP-LUP, the landowner and County shall confer with designated Wiyot representatives to ensure that the cultural resources identified herein are protected in accordance with the Wiyot representative's recommendations. The Coastal Development Permit for any land division or other development that is undertaken on lands subject to the resultant restrictions shall be conditioned to ensure the continuing protection of the archaeological resources identified in accordance with these requirements.

Applicable Standards from the CZR may include, but may not limited to, the following:

313-34.5 STMP: SAMOA TOWN PLAN STANDARDS

34.5.1 **Purpose.** *The purpose of these regulations is to provide for the comprehensive planning and orderly development of the community of Samoa.*

34.5.2 **Applicability.** *These regulations shall apply within the STMP-LUP, specifically to the entirety of the legal parcel(s) containing APN 401-031-36, APN 401-031-38, APN 401-031-46, APN 401-031-55, APN 401-031-059, APN 401-031-65, APN 401-031-67, and APN 401-031-44, generally depicted on Exhibit 25.*

34.5.3 **Modifications Imposed by the STMP Regulations.** *These regulations shall be in addition to regulations imposed by the primary zone, development regulations, and other coastal resource special area regulations. Where a conflict arises between the regulations of the STMP Combining Zone and any other regulation of the zoning ordinance, the regulations of the STMP Combining Zone shall take precedence.*

...

34.5.4 **STMP Development Findings.** *Coastal development permit approvals for development within the lands subject to the STMP shall only be authorized if the following requirements are met, in addition to any other applicable requirements of the certified Local Coastal Program. Development within the STMP may only be authorized if the decision-making authority adopts specific findings of consistency with the following numbered regulations and provisions and all other applicable requirements of the certified LCP.*

34.5.4.1 **STMP (New Development) Standard 1:**

34.5.4.1.1. *New development authorized within the STMP-LUP including restoration of existing structures shall incorporate the best available practices for the protection of coastal waters. To achieve these standards, the applicant shall*

provide supplemental information as a filing requirement of any coastal development permit application for development within the area subject to the STMP, and the pertinent decision-makers shall adopt specific findings and attach conditions requiring the incorporation of, and compliance with, these water quality protection measures in approving coastal development permits for subdivision or further development of the lands subject to the standards of the STMP.

34.5.4.1.1.1. Construction pollution control plan. *A construction-phase erosion, sedimentation, and polluted runoff control plan (“construction pollution control plan”) shall specify interim best management practices (BMPs) that will be implemented to minimize erosion and sedimentation during construction, and prevent contamination of runoff by construction chemicals and materials, to the maximum extent practicable. The construction pollution control plan shall demonstrate that:*

34.5.4.1.1.1.1. *During construction, development shall minimize site runoff and erosion through the use of temporary BMPs (including, but not limited to, soil stabilization measures), and shall eliminate the discharge of sediment and other stormwater pollution resulting from construction activities (e.g., chemicals, vehicle fluids, asphalt and cement compounds, and debris), to the extent feasible.*

34.5.4.1.1.1.2. *Land disturbance activities during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, to the extent feasible, to avoid increased erosion and sedimentation. Soil compaction due to construction activities shall be minimized, to the extent feasible, to retain the natural stormwater infiltration capacity of the soil.*

34.5.4.1.1.1.3. *Construction shall minimize the disturbance of natural vegetation (including significant trees, native vegetation, and root structures), which is important for preventing erosion and sedimentation.*

34.5.4.1.1.1.4. *Development shall implement soil stabilization BMPs, including but not limited to re-vegetation, on graded or disturbed areas as soon as feasible.*

34.5.4.1.1.1.5. *Grading operations shall not be conducted during the rainy season (from October 1 to April 15), except in response to emergencies, unless the County determines that soil conditions at the project site are suitable, the likelihood of significant precipitation is low during the period of extension, (not to exceed one week at a time), and adequate erosion and sedimentation control measures will be in place during all grading operations.*

34.5.4.1.1.1.6. *The construction pollution control plan shall be submitted with the final construction drawings. The plan shall include, at a minimum, a narrative report describing all temporary polluted runoff, sedimentation, and erosion control measures to be implemented during construction, including:*

34.5.4.1.1.1.6.1. *Controls to be implemented on the amount and timing of grading.*

34.5.4.1.1.1.6.2. *BMPs to be implemented for staging, storage, and disposal of excavated materials.*

- 34.5.4.1.1.1.6.3 *Design specifications for structural treatment control BMPs, such as sedimentation basins.*
- 34.5.4.1.1.1.6.4 *Re-vegetation or landscaping plans for graded or disturbed areas.*
- 34.5.4.1.1.1.6.5 *Other soil stabilization BMPs to be implemented.*
- 34.5.4.1.1.1.6.6 *Methods to infiltrate or treat stormwater prior to conveyance off-site during construction.*
- 34.5.4.1.1.1.6.7 *Methods to eliminate or reduce the discharge of other stormwater pollutants resulting from construction activities (including but not limited to paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff.*
- 34.5.4.1.1.1.6.8 *BMPs to be implemented for staging, storage, and disposal of construction chemicals and materials.*
- 34.5.4.1.1.1.6.9 *Proposed methods for minimizing land disturbance activities, soil compaction, and disturbance of natural vegetation.*
- 34.5.4.1.1.1.6.10 *A site plan showing the location of all temporary erosion control measures.*
- 34.5.4.1.1.1.6.11 *A schedule for installation and removal of the temporary erosion control measures.*

34.5.4.1.1.2. **Post-Construction Stormwater Plan.** *A plan to control post-construction stormwater runoff flows, and maintain or improve water quality ("post-construction stormwater plan") shall specify site design, source control, and if necessary, treatment control BMPs that will be implemented to minimize stormwater pollution and minimize or eliminate increases in stormwater runoff volume and rate from the development after construction. The post-construction stormwater plan shall demonstrate that:*

- 34.5.4.1.1.2.1. *Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and resources.*
- 34.5.4.1.1.2.2. *Permanent erosion control measures shall be installed, as may be needed, depending upon the intensity of development proposed and the sensitivity of receiving waters.*
- 34.5.4.1.1.2.3. *Runoff from the project shall not increase sedimentation in receiving waters.*
- 34.5.4.1.1.2.4. *On-site filtering, grease, and/or sediment trapping systems shall be installed, as needed, to capture any pollutants contained in the runoff.*

34.5.4.1.1.2.5. *Permanent runoff/drainage control improvements, such as subsurface drainage interception, energy dissipaters, recovery/reuse cisterns, detention/retention impoundments, etc. shall be installed, as needed, at the point of discharge.*

34.5.4.1.1.2.6. *In the application and initial planning process, the applicant shall submit a preliminary post-construction stormwater plan, and prior to issuance of a building permit the applicant shall submit a final post-construction stormwater plan for approval by the County. The plan shall include, at a minimum, the following components:*

34.5.4.1.1.2.6.1 *Proposed site design and source control BMPs that will be implemented to minimize post-construction polluted runoff.*

34.5.4.1.1.2.6.2 *Proposed drainage improvements (including locations of infiltration basins, and diversions/ conveyances for upstream runoff).*

34.5.4.1.1.2.6.3 *Measures to maximize on-site retention and infiltration (including directing rooftop runoff to permeable areas rather than to driveways).*

34.5.4.1.1.2.6.4 *Measures to maximize, to the extent practicable, the percentage of permeable surfaces, and to limit the percentage of directly connected impervious areas, to increase infiltration of runoff.*

34.5.4.1.1.2.6.5 *Methods to convey runoff from impervious surfaces into permeable areas of the property in a non-erosive manner.*

34.5.4.1.1.2.6.6 *A site plan showing the location of all permanent erosion control measures.*

34.5.4.1.1.2.6.7 *A schedule for installation and maintenance of the permanent erosion control measures.*

34.5.4.1.1.2.6.8 *A schedule for installation and maintenance of the sediment and debris filtration, grease and/or sediment trap, etc., as warranted for the type of development and site.*

34.5.4.1.1.2.6.9 *A site plan showing finished grades in one-foot contour intervals and associated drainage improvements.*

34.5.4.1.1.3. **Site design using low impact development techniques.** *The post-construction stormwater plan shall demonstrate the preferential consideration of low impact development (LID) techniques in order to minimize stormwater quality and quantity impacts from development. LID is a development site design strategy with a goal of maintaining or reproducing the site's pre-development hydrologic functions of storage, infiltration, and groundwater recharge, as well as the volume and rate of stormwater discharges. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and*

native vegetation. LID techniques to consider include, but are not limited to, the following:

34.5.4.1.1.3.1. Development shall be sited and designed to preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Drainage shall be conveyed from the developed area of the site in a non-erosive manner.

34.5.4.1.1.3.2. Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, to the maximum extent practicable. Directly connected impervious areas include areas covered by a building, impermeable pavement, and/or other impervious surfaces, which drain directly into the storm drain system without first flowing across permeable land areas (e.g., lawns).

34.5.4.1.1.3.3. Development shall maintain or enhance, where appropriate and feasible, on-site infiltration of stormwater runoff, in order to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants. Alternative management practices shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.

34.5.4.1.1.3.4. Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas in order to maintain, or enhance where appropriate and feasible, on-site stormwater infiltration capacity.

34.5.4.1.1.3.5. To enhance stormwater infiltration capacity, development applicants shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants.

*34.5.4.1.1.4. **Water quality and hydrology plan for developments of water quality concern.** In addition to the information to be provided in the post-construction stormwater plan, applicants for “developments of water quality concern,” shall submit a water quality and hydrology plan and be subject to the additional requirements listed below.*

34.5.4.1.1.4.1. “Developments of water quality concern” include the following:

34.5.4.1.1.4.1.1. Housing developments of five or more dwelling units, including but not limited to residential subdivisions.

34.5.4.1.1.4.1.2. Hillside developments on slopes greater than 20 percent, located in areas with highly erodible soil, such as soils deposited in association with dune formation.

- 34.5.4.1.1.4.1.3. *Developments that will cumulatively result in the creation, addition, or replacement of one acre or more of impervious surface area.*
- 34.5.4.1.1.4.1.4. *Parking lots with 10,000 square feet or more of impervious surface area, potentially exposed to stormwater runoff, or where, combined with adjacent structures, will cumulatively exceed 10,000 square feet.*
- 34.5.4.1.1.4.1.5. *Vehicle service facilities, including retail gasoline outlets, commercial car washes, and vehicle repair facilities, with 10,000 square feet or more of impervious surface area.*
- 34.5.4.1.1.4.1.6. *Business or Industrial parks, or other commercial or recreational development with 10,000 square feet or more of impervious surface area, including associated parking.*
- 34.5.4.1.1.4.1.7. *Commercial, recreational or industrial outdoor storage areas of 5,000 square feet or more, or as determined by the County based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or coastal waters.*
- 34.5.4.1.1.4.1.8. *Business, industrial, commercial, agricultural, or recreational developments of any size that utilize chemicals that may contribute pollutants to the storm drain system that would adversely affect the functioning of the vegetated filtration fields associated with the waste water treatment plant.*
- 34.5.4.1.1.4.1.9. *Streets, roads, bus stops, and adjacent bicycle lanes and sidewalks cumulatively equaling 10,000 feet or more of impervious surface area, but not including Class I (stand-alone) pedestrian pathways, trails, and off-street bicycle lanes.*
- 34.5.4.1.1.4.1.10. *All developments entailing the creation, addition, or replacement of 5,000 square feet or more of impervious surface area, located within 200 feet of the ocean or a coastal water body (including estuaries, wetlands, rivers, streams, and lakes), or that discharge directly to the ocean or a water body (i.e., outflow from the drainage conveyance system is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.)*
- 34.5.4.1.1.4.2. *Additional Requirements for developments of water quality concern:*
- 34.5.4.1.1.4.2.1. *Water quality and hydrology plan. The applicant for a development of water quality concern shall be required to submit a water quality & hydrology plan (WQHP), prepared by a California licensed civil engineer or landscape architect, which supplements the post-construction stormwater plan. The WQHP shall include calculations, per County standards, that estimate increases in pollutant loads and changes in stormwater runoff*

hydrology (i.e., volume and flow rate) resulting from the proposed development, and shall specify the BMPs that will be implemented to minimize post-construction water quality and hydrologic impacts. The WQHP shall also include operation and maintenance plans for post-construction treatment control BMPs. In the application and initial planning process, the applicant shall be required to submit for approval a preliminary WQHP, and prior to issuance of a building permit the applicant shall submit a final WQHP for approval by the County Engineer.

34.5.4.1.1.4.2.2. *Selection of structural treatment control BMPs. If the County determines that the combination of site design and source control BMPs is not sufficient to protect water quality and coastal waters, a structural treatment control BMP (or suite of BMPs) shall also be required. developments of water quality concern are presumed to require treatment control BMPs to meet the requirements of the coastal land use plan and state and federal water quality laws, unless the water quality & hydrology plan demonstrates otherwise.*

The water quality & hydrology plan for a development of water quality concern shall describe the selection of treatment controls BMPs. Applicants shall first consider the treatment control BMP, or combination of BMPs, that is most effective at removing the pollutant(s) of concern, or provide a justification if that BMP is determined to be infeasible.

34.5.4.1.1.4.2.3. *85th percentile design standard for treatment control BMPs. For post-construction treatment of stormwater runoff in developments of water quality concern, treatment control BMPs (or suites of BMPs) shall be sized and designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, one-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.*

34.5.4.1.1.4.2.4. *Maintain pre-development hydrograph. In developments of water quality concern where changes in stormwater runoff hydrology (i.e., volume and flow rate) may result in increased potential for stream bank erosion, downstream flooding, or other adverse habitat impacts, hydrologic control measures (e.g., stormwater infiltration, detention, harvest and re-use, and landscape evapotranspiration) shall be implemented in order to ensure that the pre- and post-project runoff hydrographs match within 10% for a two-year return frequency storm.*

34.5.4.1.1.4.3. *Content. The water quality and hydrology plan shall contain the following:*

34.5.4.1.1.4.3.1. *Site design, source control, and treatment control BMPs that will be implemented to minimize post-construction water quality and hydrologic impacts.*

- 34.5.4.1.1.4.3.2. *All of the information required in sub-section A for the post-construction stormwater plan.*
- 34.5.4.1.1.4.3.3. *Pre-development stormwater runoff hydrology (i.e., volume and flow rate) from the site.*
- 34.5.4.1.1.4.3.4. *Expected post-development stormwater runoff hydrology (i.e., volume and flow rate) from the site, with all proposed non-structural and structural BMPs in place.*
- 34.5.4.1.1.4.3.5. *Measures to infiltrate or treat runoff from impervious surfaces (including roads, driveways, parking structures, building pads, roofs, and patios) on the site, and to discharge the runoff in a manner that avoids potential adverse impacts. Such measures may include, but are not limited to, structural treatment control BMPs including biofilters, grassy swales, on-site de-silting basins, detention ponds, or dry wells.*
- 34.5.4.1.1.4.3.6. *A description of how the BMPs (or suites of BMPs) have been designed to infiltrate and/or treat the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, one-hour storm event (with an appropriate safety factor of two or greater) for flow-based BMPs.*
- 34.5.4.1.1.4.3.7. *Appropriate structural post-construction Treatment Control BMPs selected to remove the specific runoff pollutants generated by the development, using processes such as gravity settling, filtration, biological uptake, media adsorption, or any other physical, chemical, or biological process.*
- 34.5.4.1.1.4.3.8. *A long-term plan and schedule for the monitoring and maintenance of all structural Treatment Control BMPs. All structural BMPs shall be inspected, cleaned, and repaired as necessary to ensure their effective operation for the life of the development. Owners of these devices shall be responsible for ensuring that they continue to function properly, and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next rainy season.*
- 34.5.4.1.1.5. *Best management practices (BMPs); selection and incorporation.*
- 34.5.4.1.1.5.1. *All development shall incorporate effective site design and long-term post-construction source control BMPs, as necessary to minimize adverse impacts to water quality and coastal waters resulting from the development, to the maximum extent practicable. BMPs that protect post-construction water quality and minimize increases in runoff volume and rate shall be incorporated as necessary in the project design of developments in the following order of priority:*
- 34.5.4.1.1.5.1.1. *Site design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow*

regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.

34.5.4.1.1.5.1.2. Source control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.

34.5.4.1.1.5.1.3. Treatment control BMPs: Systems designed to remove pollutants from stormwater, by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters.

34.5.4.1.1.5.2. The selection of BMPs shall be guided by the California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks dated January 2003 (or the current edition), or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the pollutants generated by the development and specific to a climate similar to Humboldt County's. Caltrans' 2007 "Storm Water Quality Handbook: Project Planning and Design Guide" (or the current edition) may also be used to guide design of construction-phase BMPs. Additional guidance on BMPs is available from the state water resources and water quality boards, the U.S. Environmental Protection Agency, regional entities such as the Bay Area Stormwater Management Agencies Association's (BASMAA) "Start at the Source: Design Guidance Manual for Stormwater Quality Protection," and/or as may be developed from time to time with technological advances in water quality treatment.

34.5.4.1.1.5.3. Where BMPs, are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The strategy for selection of appropriate BMPs to protect water quality and coastal waters shall be guided by Tables 21-55B-1 through -3, below, or equivalent tables which list pollutants of concern and appropriate BMPs for each type of development or land use.

34.5.4.2 STMP (New Development) Standard 2:

34.5.4.2.1. Remediation of contamination, including contaminated soils or residual lead paint on structural surfaces, and/or reinforcement/replacement of the foundations of aging structures associated with the "company town" of Samoa shall be undertaken with special care to preserve the structural integrity and authentic period details (such as original woodwork, windows, and millwork) of the structures, in accordance with the following additional requirements:

34.5.4.2.1.1. Proposals for remediation shall clearly indicate the removal methods that will be used for the soil, groundwater, and the existing structures in the coastal development permit application submitted to the reviewing authority for each project. In addition, such proposals shall include

a Standard Operating Procedure for safe implementation of removal methods that will be used on or near the existing structures, and the Standard Operating Procedure shall be incorporated into each applicable removal contract and which shall clearly state the manner in which release of contaminants to the environment will be prevented;

34.5.4.2.1.2. A coastal development permit application for such work shall include a survey of each existing structure (a "Building Survey") included in the proposed project or within a 25-foot radius of the proposed project. The Building Survey document shall include at a minimum: a section and plan of the proposed site including existing structures and if a soil removal is proposed – a section and plan prepared by a California-licensed professional civil engineer ("civil engineer") indicating the excavation limits (depth and distance from existing structures), elevation drawings (each façade) of all existing buildings within the proposed project area and the project radius, an evaluation of the structural integrity of each existing structure (including the foundation, exterior walls, and all attached structures such as porches and decks), photographs to support the findings, a description of any prior site disturbance as the result of past remedial actions or naturally occurring earth movement, and provide a written report of the survey conclusions, including recommendations to ensure that the structure remains stable throughout the proposed removal work as well as post-remediation. In addition, the civil engineer shall clearly determine whether the existing foundation of each structure will adequately support the building throughout the removal of hazardous materials or if a new foundation is recommended.

34.5.4.2.1.3. In the event that a new foundation is recommended by the civil engineer pursuant to Subparagraph 2 above, the civil engineer shall propose an appropriate foundation which meets current California State building standards. The reviewing authority shall require that the new foundation be installed in accordance with the civil engineer's recommendations prior to any site disturbance that the civil engineer indicates could compromise the stability of an existing structure. The civil engineer shall provide a post-remediation survey of each historic structure and warrant the continued stability of the structure in a final report submitted to the reviewing authority, including documentation that the recommendations of the civil engineer have been fully implemented, including the construction of the new foundations where such recommendation has been identified. Should unanticipated destabilization of any existing structure occur during remedial activities, site disturbance shall be halted, the structure temporarily stabilized, and a civil engineering analysis and recommendations to stabilize the structure permanently shall be obtained by the reviewing authority and implemented before remediation or other site disturbance resumes. All civil engineering analyses and reports pertaining to these requirements shall be collected and preserved by the reviewing authority and retained in permanent public files. All survey and civil engineering work performed in accordance with these requirements shall be undertaken by a California State-licensed registered professional civil engineer.

34.5.4.3. STMP (New Development) Standard 3:

34.5.4.3.1 Existing structures associated with the historic town shall be restored and maintained in a manner that protects the historic character, period details, and authentic original materials of the original structures. Replacement of period details and features with new materials or methods designed to achieve energy

conservation shall not be undertaken in a manner that would replace or distract from the existing period details such as original wood-framed windows and hand-turned wooden decorative details evident in many of the existing Samoa “company town” structures.

34.5.4.4. STMP (Wetlands/ESHA) Standard 1:

34.5.4.4.1. *The biological report required by STMP (Wetlands/ESHA) Policy 11 shall include, but is not limited to, the following:*

34.5.4.4.1.1. *A study identifying biological resources existing on the site, and the historical extent of the resources as identified in previous reports, surveys, delineations, maps, or publications, disclosing the history, ecology and habitat requirements of the relevant resources, such as plants and wildlife, in sufficient detail to permit a review of functional relationships, their potential for restoration, the potential location of dormant seedbanks of rare (particularly annual) plants, habitat (including non-native species such as individual trees or groves that provide habitat architecture and other resources for birds or other species, or wetlands that may be used by amphibians during specific lifecycle stages) that may be used during specific lifecycle stages or seasonally by migratory species for roosting, breeding or feeding during specific seasonal windows, and present and potential adverse physical and biological impacts on the identified biological resources or on the associated ecosystem, either individually or cumulatively;*

34.5.4.4.1.2. *An identification of “fully protected” species and/or “species of special concern,” and an identification of any other species of rarity, including plants designated “List 1B” or “List 2” by the California Native Plant Society, that are present or have the potential to occur on the project site;*

34.5.4.4.1.3. *Photographs of the site labeled with orientation noted on pertinent maps;*

34.5.4.4.1.4. *A discussion of the physical characteristics of the site including, but not limited to, topography, soil types, microclimate, and migration corridors;*

34.5.4.4.1.5. *A site map depicting the location of biological resources, both current and historical. The resources shall be shown within the context of a topographic based map that shall be at a scale sufficiently large to permit clear and accurate depiction of the extent of sensitive resources identified through appropriate field investigations and where pertinent, protocol surveys for sensitive species, vegetation associations and soil types in relation to any and all proposed development (minimum 1:2,400) and other information, such as the locations of specific trees, habitat boundaries, etc. discussed in the text of the subject biological report. Contour intervals shall be five feet, and the map should contain a north arrow, graphic bar scale, and a citation for the source of the base map (including the date).*

34.5.4.4.1.6. *An analysis of the potential impacts of the proposed development on the identified habitat or species;*

34.5.4.4.1.7. *An analysis of any unauthorized development, including grading or vegetation removal that may have contributed to the degradation or elimination of habitat area or species that would otherwise be present on the*

site in a healthy condition (note: vegetation or other resources previously surveyed as present but absent at the time of preparation of the subject biological report shall be explained, and if no reasonable ecological basis for the change exists, the County shall presume that unauthorized disturbance of the pertinent resources may have occurred and shall investigate and respond to this information accordingly and the results of the pertinent investigation shall be presented to the pertinent decision-makers. Development of areas subject to prior unauthorized disturbance shall not be authorized until or unless resolution of the potential violation has been achieved.);

34.5.4.4.1.8. *Project alternatives, including project modifications and off-site options designed to avoid and minimize impacts to identified habitat or species;*

34.5.4.4.1.9. *A buffer adequacy analysis consistent with the requirements of STMP (Wetland/ESHA) Policy 4 where an ESHA buffer of less than 100 feet (100') is proposed. The buffer adequacy analysis shall at a minimum include the following:*

34.5.4.4.1.9.1. *Biological significance of adjacent lands. The functional relationships among nearby habitat types and areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the ESHA that is adjacent to the proposed development.*

34.5.4.4.1.9.1.2. *Sensitivity of species to disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with biologists of the Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Coastal Commission or others with similar expertise:*

34.5.4.4.1.9.1.3. *Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species, which may include reliance on non-native species, including trees that provide roosting, feeding, or nesting habitat;*

34.5.4.4.1.9.1.4. *An assessment of the short-term and long-term adaptability of various species to human disturbance;*

34.5.4.4.1.9.1.5. *An assessment of the impact and activity levels of the proposed development on the resource.*

34.5.4.4.1.9.1.6. *Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.*

34.5.4.4.1.9.1.7. *Use natural topography. Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area.*

34.5.4.4.1.9.1.8. *Required buffer areas shall be measured from the following points, and shall include historic locations of the subject habitat/species that are pertinent to the habitats associated with the STMP-LUP area, as applicable:*

34.5.4.4.1.9.1.8.1. *The perimeter of the sand dune/permanently established terrestrial vegetation interface for dune-related ESHA.*

34.5.4.4.1.9.1.8.2. *The upland edge of a wetland.*

34.5.4.4.1.9.1.8.3. *The outer edge of the canopy of coastal scrub or forests plus such additional area as may be necessary to account for underground root zone areas. All root zones shall be protected as part of the associated ESHA.*

34.5.4.4.1.9.1.8.4. *The outer edge of the plants that comprise the rare plant community for rare plant community ESHA, including any areas of rare annual plants that have been identified in previous surveys and the likely area containing the dormant seed banks of rare plant species.*

34.5.4.4.1.9.1.8.5. *The outer edge of any habitat used by mobile or difficult to survey sensitive species (such as ground nesting habitat or rare insects, seasonal upland refuges of certain amphibians, etc.) within or adjacent to the lands subject to the STMP-LUP based on the best available data.*

34.5.4.4.1.9.1.8.6. *Where established public agency "protocols" exist for the survey of a particular species or habitat, the preparing biologist shall undertake the survey and subsequent analysis in accordance with the requirements of the protocol and shall be trained and credentialed by the pertinent agency to undertake the subject protocol survey.*

34.5.4.5. STMP (Hazards) Standard 1:

34.5.4.5.1. **Sea Level Rise Analysis.** *Applications for development adjacent to the shore or that may be subject to the influence of sea level over the life of the project shall include an analysis of possible impacts from sea level rise. The analysis shall take into account the best available scientific information with respect to the effects of long-range sea level rise for all requisite geologic, geotechnical, hydrologic, and*

engineering investigations, consistent with the best available science on sea-level rise for the Humboldt Bay region and the Coastal Commission's adopted Sea Level Rise Policy Guidance document. Residential and commercial development at nearshore sites shall analyze potential coastal hazard sensitivities for a range of potential global sea level rise scenarios, from three to six feet per century. The analysis shall also take into consideration regional sea level variability, localized uplift or subsidence, local topography, bathymetry and geologic conditions. A similar sensitivity analysis shall be performed for critical facilities, energy production and distribution infrastructure, and other development projects of major community significance. These hazard analyses shall be used to identify current and future site hazards, to help guide site design and hazard mitigation and to identify sea level thresholds after which limitations to the development's design and siting would cause the improvements to become significantly less stable. For design purposes, development projects shall assume a minimum sea level rise of 3.2 feet per century and projects of major community-wide significance shall assume a minimum of 5.3 feet per century.