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STAFF REPORT: REGULAR CALENDAR

Application No: 1-14-1590

Applicant: Pacific Gas and Electric Company (PG&E)

Location: 1000 and 1009 King Salmon Ave, Eureka, Humboldt County (APNs 305-131-028,-29,-32,-33,-34,-35, and a portion of 305-073-024).

Project Description: Lot line adjustment of three parcels (A-131.12, B-0.07 and C-0.08 acres) resulting in three adjusted parcels of A-100.10, B-0.15, and C-31.02 acres.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends **approval** with special conditions of the proposed lot line adjustment.

The Pacific Gas and Electric Company (PG&E) proposes to adjust the boundaries of three parcels in the community of King Salmon, Humboldt County ([Exhibit 2](#)). Existing parcel A is 130.12 acres and is partially developed with the Humboldt Bay Power Plant. Existing parcels B and C are undeveloped and approximately 0.07 and 0.08 acres in size respectively. As adjusted, resultant parcel A would be a 100.10-acre developed parcel containing the power plant located entirely north of King Salmon Avenue. Resultant parcel C would be a 30.02-acre undeveloped

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parcel located entirely south of King Salmon Avenue and resultant parcel B would be a 0.15-acre undeveloped parcel off of King Salmon Avenue ([Exhibit 3](#)). No other development is proposed at this time. The lot line adjustment is proposed to facilitate the potential transfer of resultant parcel C to the Humboldt Bay Harbor District for the future maintenance dredging of Fisherman's Channel for recreational boating.

The major issues raised by this application are (1) the project's consistency with the rural land division criteria of Coastal Act Section 30250(a) and (2) whether the adjusted parcels can be used and developed in a manner that is consistent with the allowable purposes for diking, filling, and dredging of wetlands and coastal waters under Section 30233 of the Coastal Act. Freshwater, emergent wetlands and coastal salt marsh exist on resultant parcels B and C and all three parcels are adjacent to Fisherman's channel and Buhne Slough.

Staff believes that the proposed lot line adjustment is consistent with the rural land division criteria of Section 30250(a) because (1) the one proposed resultant parcel that would extend outside of the urban limit line would be larger than the average size of parcels in the surrounding area, and (2) over 50% of the usable parcels in the surrounding area have been developed. Furthermore, staff believes that the project, as conditioned, is consistent with Section 30233 as the lot line adjustment would create parcels that can be developed without impermissible diking, filling, or dredging of wetlands.

Staff recommends [Special Condition No. 1](#) to restrict the mostly wetland parcel that is anticipated to be transferred to the Harbor District for the maintenance dredging project, resultant parcel C, to uses consistent with Section 30233. Staff also recommends [Special Condition No. 2](#) to require that the Applicant execute and record a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property to ensure that both the Applicant and future purchasers of the property are notified of the limitations on development within wetland areas established by [Special Condition No. 1](#).

Commission staff recommends **approval** of CDP application 1-14-1590, as conditioned. The motion to adopt the staff recommendation is on [page 4](#).

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EXHIBITS

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[Exhibit 2 – Project area map](#)

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[Exhibit 8 – Proposed restricted open space area \(resultant parcel C\)](#)

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

*I move that the Commission **approve** Coastal Development Permit 1-14-1590 pursuant to the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Open Space Restriction.**

- A. No development, as defined in Section 30106 of the Coastal Act, shall occur within resultant parcel C as depicted in [Exhibit 8](#) of this staff report, and as described and depicted in an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit, except for:
 - i. The following development, if authorized by a coastal development permit granted by the Coastal Commission: (1) diking, filling, or dredging of open coastal water, wetlands, estuaries, and lakes for an allowable purpose under Section 30233 of the Coastal Act;
- B. **PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE COASTAL DEVELOPMENT PERMIT NO. 1-14-1590**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal metes and bounds legal description and corresponding graphic depiction drawn to scale and prepared by a licensed surveyor of the portions of the subject property affected by this condition, resultant parcel C, as generally described above and generally shown on [Exhibit 8](#), attached to this staff report.

2. **Deed Restriction Recordation of Permit Conditions.** **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT No. 1-14-1590** resultant parcel the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (a) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (b) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

- 3. Notice of Lot Line Adjustment.** WITHIN 180 DAYS OF COMMISSION APPROVAL of Coastal Development Permit No. 1-14-1590 (unless extended by the Executive Director for good cause) the permittee shall submit a certified copy of the recorded final Notice of Lot Line Adjustment that has been approved by Humboldt County Planning Department and conforms with the lot line adjustment approved by Coastal Development Permit No. 1-14-1590.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. PROJECT DESCRIPTION

The Pacific Gas and Electric Company (PG&E) proposes to adjust the boundary lines between three parcels (A-131.12 acres, B-0.07 acres, C-0.08 acres) totaling 131.27 acres, in King Salmon, south of Eureka, Humboldt County ([Exhibit 2](#)). The lot line adjustment would facilitate the potential transfer of resultant parcel C to the Humboldt Bay Harbor District (Harbor District) for future maintenance dredging of Fisherman’s Channel for boating access.

Table 1. Summary of proposed lot line adjustment (LLA).

APN	Parcel Name	Approximate size before LLA	Approximate size after LLA	Notes
305-131-28, -29, -32, -34, and -35	A	131.12	100.10	-35 is developed with the Humboldt Bay Power Plant. Remaining APNs are undeveloped.
305-073-24	B	0.07	0.15	undeveloped
305-073-24	C	0.08	31.02	undeveloped

As adjusted, resultant parcel A would be a 100.10-acre developed parcel containing the existing Humboldt Bay Power Plant located entirely north of King Salmon Avenue. Resultant parcel C would be a 30.02-acre undeveloped parcel located entirely south of King Salmon Avenue, and resultant parcel B would be a 0.15-acre undeveloped parcel off of King Salmon Avenue ([Exhibit 3](#)).

B. ENVIRONMENTAL SETTING AND BACKGROUND

The subject parcels are located at 1000 and 1009 King Salmon Avenue approximately 1,275 feet northwest from the intersection of US Highway 101 and King Salmon Avenue. The community of King Salmon is located on the shores of Humboldt Bay south of Eureka, directly across the bay from the Humboldt Bay entrance channel ([Exhibit 2](#)). Much of King Salmon consists of former tidelands that were partially filled during the mid-1900s and later divided, mostly into 25-foot-wide lots that were originally used for resort cabins. The tidelands were filled in a manner that left interior tidal channels within the subdivision, all of which connect to Fisherman’s Channel which ultimately leads to the open waters of Humboldt Bay. The divided area originally

used for resort cabins is protected from wave action from the bay by a rock jetty and dune area to the west that also supports public access use. PG&E's Humboldt Bay Power Plant occupies a portion of Buhne Point, directly north of the residential area of King Salmon. The three parcels to be adjusted include lands located directly adjacent to the east side of the residential area along Fisherman's Channel and also lands to the north of the residential area where the power plant is located. The parcels include submerged lands of Humboldt Bay, coastal wetlands, eelgrass, saltmarsh, mudflats and shoreline embankment, areas of disturbed upland vegetation ([Exhibit 3](#)).

The subject parcels were created through a series of land transfers by deed and by land divisions approved by Humboldt County pursuant to the Subdivision Map Act in the 1940s and 50s. More recently, the Commission authorized the land division creating the current configuration of the parcels (CDP-1-99-055). Existing parcel A is approximately 131.12 acres (APNs 305-131-28, -29, -32-, 33, 34, and -35) and is bisected by King Salmon Avenue ([Exhibits 3,4,5](#)). The northern portion of existing parcel A surrounds three smaller separate and distinct parcels that are not part of existing parcel A (see the rectangular parcels marked "Not a Part" in [Exhibit 3](#)). The 100.10-acre portion of the parcel located north of King Salmon Avenue is developed with the Humboldt Bay Power Plant. The undeveloped portion of existing parcel A is characterized by ruderal, upland vegetation and wetlands. The southern 31.02-acre portion of existing parcel A south of King Salmon Avenue is undeveloped. A 2007 botanical assessment performed by Stillwater Sciences found approximately 7.11 acres of palustrine emergent wetland, 11.59 acres of mudflat/eelgrass, 2.51 acres of upland, and 9.92 acres of open waters (Fisherman's Channel and Buhne Slough) on the southern portion of the parcel ([Exhibit 7](#)). The palustrine emergent wetland extends southwest from King Salmon Avenue until it becomes mudflat. Common eelgrass (*Zostera marina*) occurs on the mudflat sparsely along the shoreline but becomes denser towards the deeper water of Humboldt Bay. A strip of Sitka spruce (*Picea sitchensis*), coyote brush (*Baccharis pilularis*) and wax myrtle scrub (*Morella californica*) lines the western boundary of the wetland and estuarine area forming a buffer immediately adjacent to Fisherman's channel ([Exhibit 7](#)). The northern portion of existing parcel A is locally zoned industrial coastal dependent (MC), while the southern portion is locally zoned resource dependent (MR).

Existing parcels B and C are two small undeveloped parcels (APN 305-073-024) off of King Salmon Avenue that are 0.07 and 0.08 acres respectively. The two parcels extend into Fisherman's Channel. A biological resource assessment was performed on existing parcels B and C in February of 2015. The parcels consist of mostly upland area between Fisherman's Channel and King Salmon Avenue and are vegetated with annual grasses. Coastal brackish marsh was found in Fisherman's channel and along the shoreline edge of the parcels ([Exhibit 7](#)). Existing parcels B and C are locally zoned commercial recreation (CR).

C. STANDARD OF REVIEW

The subject site is bisected by the boundary between the retained coastal development permit jurisdiction of the Commission and the coastal development jurisdiction delegated to Humboldt County by the Commission through the County's Local Coastal Program. The entirety of existing parcels B and C are within the Commission's retained jurisdiction. However, the jurisdictional boundary bisects the eastern portion of existing parcel A which contains a triangular area that is southeast of the old power plant intake channel and adjacent to the railroad tracks within Humboldt County's certified jurisdiction.

Section 30601.3 of the Coastal Act authorizes the Commission to process a consolidated coastal development permit application when requested by the local government and the applicant and approved by the Executive Director for projects that will otherwise require coastal development permits from both the Commission and from a local government with a certified LCP. In this case, the applicant requested a consolidated permit process and the Humboldt County Board of Supervisors adopted a resolution consenting to consolidate processing of the coastal development permit application by the Commission for the subject project. The Executive Director also agreed to the consolidated permit processing request.

The policies of Chapter 3 of the Coastal Act provide the legal standard of review for a consolidated coastal development permit application submitted pursuant to Section 30601.3. The local government's certified LCP may be used as guidance.

D. OTHER AGENCY APPROVALS

County of Humboldt

The County approved a Lot Line Adjustment pursuant to the Subdivision Map Act for the proposed development on August 26, 2014.

E. Rural Land Division Analysis

Coastal Act Section 30250 states, in applicable part, the following (emphasis added):

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

...

Although most of the subject property is within the designated urban limit line, the northwestern portion of resultant parcel A (APN 305-131-34) consisting of an area along the shoreline and open water to the west of the power plant extends beyond the urban limit line. This portion of the parcel is approximately 10.75 acres. Therefore, the creation of resultant parcel A is subject to the rural land division criteria of Section 30250(a) of the Coastal Act ([Exhibit 4](#)). To meet the rural land division criteria, resultant parcel A must be located within an area where 50 percent or more of the usable parcels have been developed, and resultant parcel A parcel must be no smaller than the average size of the surrounding parcels.

Taking the second test first (i.e., the newly created parcel must be no smaller than the average size of the surrounding parcels), the Commission has previously considered "surrounding parcels" to include those within a quarter-mile radius. Consistent with the decision of a state court of appeal [[Billings v. CCC](#) (1980) 103 Cal.App.3rd 729], this radius may be modified where geographic or other features clearly distinguish some of the parcels within it from those surrounding the subject property. In this instance, a major distinguishing factor is the local

zoning and land use of a portion of the surrounding area. The area surrounding the subject parcel consists of a mix of land use designations and zoning districts including commercial recreation, commercial general, public facility, coastal dependent and residential. The majority of the residential lots in the area are small (~0.2-acre or smaller) lots zoned for single family residential which starkly contrasts with the otherwise large, natural resources, coastal-dependent industrial and commercial recreation zoned parcels in the surrounding area. Therefore, the Commission finds that it is appropriate to examine the average parcel size for those parcels within a ¼-mile radius of the subject site, excluding the residentially zoned parcels to evaluate the proposed subdivision's consistency with the average parcel size requirements of Section 30250. Table 2 below summarizes the parcel size analysis for the ¼-mile radius, and [Exhibit 4 \(1 of 2\)](#) shows the parcel size analysis study area.

Additionally, the Commission has performed an additional parcel size analysis that includes similarly situated parcels in the King Salmon area, without regard to a prescribed ¼-mile radius. The area evaluated extends to the city limits of the City of Eureka to the north, Humboldt Hill Road to the east, residentially zoned and designated areas to the southeast, the industrial zoned parcels of the unincorporated and separate community of Fields Landing to the south, and the existing parcels to the west of the subject parcel, including those parcels that extend into Humboldt Bay. Table 3 below summarizes the parcel size analysis for this additional evaluation area and [Exhibit 4 \(2 of 2\)](#) depicts the additional evaluation area.

Table 2. Analysis of parcel sizes in the surrounding ¼-mile radius area of resultant parcel A.

Parcel No.	Approx. Acreage	Developed (Yes or No)	Parcel No.	Approx. Acreage	Developed (Yes or No)
305-131-032	14.05	No	305-131-033	0.95	No
305-131-029	10.64	No	305-162-012	27.74	No
305-162-011	1.1	No	305-162-006	10.78	No
305-162-008	2.33	No	305-161-001	34.45	No
305-131-021	3.32	Yes	305-131-022	2.47	yes
305-131-016	27.44	Yes	305-131-117	3.24	yes
305-073-024	1.37	Yes	305-091-001	1.56	yes
305-091-102	1.91	Yes	305-073-023	0.37	yes
305-073-080	0.17	Yes	305-073-078	0.2	yes
305-073-020	0.11	No	305-073-018	0.16	No
305-073-017	0.15	Yes	306-121-045	2.6	yes
306-391-016	3.35	Yes	306-361-003	48.74	yes
306-391-014	10.05	Yes	306-391-011	0.87	yes
306-391-013	1.02	Yes	305-131-038	6.39	yes
306-131-039	0.37	Yes	305-131-013	14.22	yes
305-131-007	3.38	Yes	305-131-010	2.51	yes
305-131-024	8.21	Yes	305-101-024	0.02	yes
305-131-018	2.76	Yes	305-101-050	0.96	yes
305-101-037	1.43	No	305-101-038	0.85	yes

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305-101-012	6.56	Yes	305-131-023	0.98	yes
305-101-028	1.55	Yes			
Median Parcel Size = 2.33 acres (n=41 parcels @ 261.33 acres) Mean Parcel Size = 6.37 acres Percent of parcels developed = 30/41= 77%					

Table 3. Additional analysis of parcel sizes in area that includes similarly situated parcels in the King Salmon area without regard to a prescribed quarter mile radius.

Parcel No.	Approx. Acreage	Developed (Yes or No)	Parcel No.	Approx. Acreage	Developed (Yes or No)
305-131-032	14.05	No	305-131-033	0.95	No
305-131-029	10.64	No	305-162-012	27.74	No
305-162-011	1.1	No	305-162-006	10.78	No
305-162-008	2.33	No	305-161-001	34.45	No
305-131-021	3.32	Yes	305-131-022	2.47	yes
305-131-016	27.44	Yes	305-131-117	3.24	yes
305-073-024	1.37	Yes	305-091-001	1.56	yes
305-091-102	1.91	Yes	305-073-023	0.37	yes
305-073-080	0.17	Yes	305-073-078	0.2	yes
305-073-020	0.11	No	305-073-018	0.16	No
305-073-017	0.15	Yes	306-121-045	2.6	yes
306-391-016	3.35	Yes	306-361-003	48.74	yes
306-391-014	10.05	Yes	306-391-011	0.87	yes
306-391-013	1.02	Yes	305-131-038	6.39	yes
306-131-039	0.37	Yes	305-131-013	14.22	yes
305-131-007	3.38	Yes	305-131-010	2.51	yes
305-131-024	8.21	Yes	305-101-024	0.02	yes
305-131-018	2.76	Yes	305-101-050	0.96	yes
305-101-037	1.43	No	305-101-038	0.85	yes
305-101-012	6.56	Yes	305-131-023	0.98	yes
305-101-028	1.55	Yes	305-101-010	0.74	yes
305-101-050	0.98	Yes	305-101-052	1.42	yes
305-101-053	1.66	Yes	305-101-031	1.2	yes
305-101-041	0.23	Yes	305-101-040	0.45	yes
305-101-043	2.13	No	305-131-019	0.64	yes
305-101-044	1.74	Yes	305-101-054	0.92	yes
305-131-018	2.76	Yes	305-111-007	0.3	yes
305-101-055	0.39	No			
Median Parcel Size = 1.55 acres (n=55 parcels @ 276.89 acres) Mean Parcel Size = 5.03 acres Percent of parcels developed = 42/55 = 76%					

Of the 41 parcels included in the first parcel size study analysis (Table 2), the arithmetic mean of these parcels is 6.37 acres and the median parcel size (the value falling in the middle of the range) is 2.33 acres. Of the 55 parcels included in the additional parcel size analysis (Table 3), the arithmetic mean of these parcels is 5.03 acres and the median parcel size is 1.55 acres.

Approximately 10.75 acres of the larger 100.10-acre resultant parcel A is outside of the urban limit line. As described above, parcel A must be no smaller than the average size of the surrounding parcels. Thus, resultant parcel A (100.10 acres) is significantly larger than the average parcel size of similar parcels in the surrounding area as calculated in Table 2 as well as in Table 3, consistent with the rural land division criteria of Section 30250(a) of the Coastal Act. Additionally, even the portion of the parcel outside of the urban limit line (10.75 acres) is larger than the average parcel size of similar parcels in the surrounding area as calculated in Table 2 as well as in Table 3 and is therefore consistent with the rural land division criteria.

The other test of the rural land division criteria of Section 30250(a) is whether 50 percent or more of the surrounding parcels are developed. In this case, the proposed lot line adjustment meets the developed parcel criteria, as over 50 percent of the surrounding parcels are developed.

On the basis of the above analysis, the Commission finds that the proposed lot line adjustment is consistent with the rural land division criteria of Section 30250(a) of the Coastal Act.

E. LOCATING AND PLANNING NEW DEVELOPMENT

Section 30250 of the Coastal Act states, in applicable part, the following (emphasis added):

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30233 of the Coastal Act states, in applicable part, as follows:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) *New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) *Maintaining existing, or restoring previously dredged depths on existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) *In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (4) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (5) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (6) *Restoration purposes.*
- (7) *Nature study, aquaculture, or similar resource dependent activities.*

Section 30250(a) of the Coastal Act states, in part, that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized. In its review of the conformance of a lot line adjustment or other land division proposals for consistency with Section 30250, the Commission considers such factors that include, but are not limited to, whether the resultant parcels: (a) can accommodate existing legal uses and/or future development for designated and zoned uses in a manner that is consistent with the Chapter 3 policies of the Coastal Act, (b) can be served with sewer, water, and other services adequate to accommodate new development; and (c) can be developed in a manner that will not result in significant adverse effects on coastal resources.

Potential Future Development

The proposed lot line adjustment will result in three reconfigured parcels. The lot line adjustment is proposed in large part to facilitate the transfer of resultant parcel C to the Harbor District for a proposed future maintenance dredging project along Fisherman's Channel. However, neither the dredging project nor any other development besides the lot line adjustment is proposed under the current coastal development permit application.

The principal Coastal Act issue associated with future development of the resultant parcels is whether future development could occur consistent with the wetland fill policies of Section 30233, given that all three resultant parcels contain wetlands. The undeveloped portion of parcel A has been designated wetlands under the certified LCP, areas of resultant parcel B are comprised of wetlands, and virtually all of resultant parcel C contains wetlands. Section

30233(a) limits the diking filling and dredging of wetlands to only seven allowable uses. Allowable uses under Section 30233(a) include those described at the beginning of this finding.

Resultant parcel A¹ is characterized by an existing 6.0-acre developed upland area, surrounded by a large area of undeveloped wetlands to the east between the power plant and Highway 101. Portions of resultant parcel A also include open bay waters to the west. The parcel is currently developed with an economic use (Humboldt Bay Power Plant) on the upland portion of the parcel. No other development is currently planned for this site. Therefore, as resultant parcel A is already developed with a permitted economic use and has at least six acres of upland area, creation of resultant parcel A will not create a parcel that would require diking, filling, or dredging for purposes not allowed by Section 30233 of the Coastal Act to support an economic use.

Resultant parcel B² will occupy the combined land area of existing parcels B and C, which are parcel 0.08 and 0.07 acres respectively. The 0.15-acre resultant parcel B is undeveloped. The resultant parcel with frontage on King Salmon Avenue is approximately 50 feet wide and 7,000 square feet in area. A biological resource assessment performed in 2015 found that resultant parcel B contains 0.08 acres of annual grassland ([Exhibit 7](#)) covering the upland portion of the property and 0.07 acres of coastal brackish marsh on the portions of resultant parcel B that extends into Fisherman's channel ([Exhibit 7](#)).

The larger resultant parcel size and upland area of resultant parcel B will provide for increased development potential as compared to the limited development potential that currently exists on the smaller existing parcels B and C. Although the resultant parcel is small in size (0.15 acres), the parcel will be double the size of existing parcels B and C. Similarly sized parcels in the King Salmon area have been developed with an economic use consistent with the Commercial Recreation zoning and land use designations under the certified LCP. An adjacent 0.108-acre parcel is currently developed with a commercial garage, and a nearby 0.113-acre parcel is developed with a similar commercial use. Additionally, a nearby parcel contains a barbecue restaurant/catering business on a similarly small lot. These types of permissible land uses on

¹ Resultant parcel A is an approximately 100.10-acre parcel that is partially developed. Approximately 6.0 acres of resultant parcel A supports the Humboldt Bay Power Plant and its associated facilities, offices, wastewater treatment areas, and parking lots, while the remainder of the parcel is undeveloped. The power plant is a legal use that was in existence prior to certification of the LCP. Resultant parcel A has dual land use designations under the certified LCP and is designated for industrial coastal dependent (MC) and resource dependent (MR) land uses. Resultant parcel A is within an industrial coastal dependent (MC) zoning district. Principally permitted uses in the MC zoning district include any coastal dependent industrial use which requires a maintained navigable channel to function, including, for example: public docks, water-borne carrier import and export operations, ship building and boat repair, commercial fishing facilities, including berthing and fish receiving, and fish processing when product is for human consumption (fish waste processing and fish processing of products for other than human consumption are permitted under the Coastal-Related Use Type), marine oil terminals, Outer Continental Shelf (OCS) service or supply bases, ocean intake, outfall or discharge pipelines and pipelines serving offshore facilities, aquaculture and aquaculture support facilities.

² Resultant parcel B is approximately 0.15 acres and is undeveloped. Under the certified LCP, resultant parcel B has a designated land use of Commercial Recreation (CR). Resultant parcel B is within the Commercial Recreation (CR) zoning district. Principally permitted uses in this zoning district include visitor serving facilities, transient habitation, bed and breakfast establishment; commercial recreation, recreational vehicle park, private recreation, retail sales, retail service, neighborhood commercial, cottage industry, research/light manufacturing, serving as visitor destination points such as cheese factories, wineries, and burl works; residential use subordinate to the permitted use.

resultant parcel B would not require wetland fill. The shoreline portion of resultant parcel B with its access to Fisherman's Channel may also have potential to be developed for purposes for which Section 30233 allows wetland filling and dredging. For example, a kayak or boat rental business with docks or a ramp for launching small watercraft could be developed on the site consistent with both the Commercial Recreation land use and zoning designations. Therefore, as evidenced by the existence of similarly sized developed parcels in the nearby vicinity that have been developed with economic uses, resultant Parcel B could support an economic use consistent with the current zoning district and land use designations and consistent with Section 30233 of the Coastal Act.

Resultant parcel C³ is approximately 31.02 acres and consists of the undeveloped land of existing parcel A that is south of King Salmon Avenue. A botanical survey was performed on resultant parcel C in 2007 and updated in 2014. The botanical survey found that the parcel contains approximately 7.11 acres of wetland, 11.59 acres of mudflat/eelgrass, 2.51 acres of upland, and 9.92 acres of open waters (Fisherman's channel and Buhne Slough) ([Exhibit 7](#)). The wetlands on this parcel are characterized as a "Seasonally Flooded, Persistent Palustrine Emergent" wetland in the National Wetlands Inventory publication produced by the U.S. Fish and Wildlife Service (1987). The wetland vegetation in this area is dominated by mostly facultative-wetland and obligate species¹ such as common brass buttons (*Cotula coronopifolia*, FACW), common bog rush (*Juncus effusus*, FACW+), denseflower cordgrass (*Spartina densiflora*, OBL), common pickleweed (*Salicornia virginica*, OBL), western grasswort (*Lalaeopsis occidentalis*, OBL), and seaside saltgrass (*Distichilis spicata*, FACW). The palustrine emergent wetland extends southwest from King Salmon Avenue until it becomes mudflat and eelgrass habitat. The wetland is also designated in the certified LCP as a "wetland restoration study area" and as a "degraded wetland." The remaining undeveloped portion of the parcel is classified as estuarine, intertidal, unconsolidated shore in the National Wetlands Inventory publication. The mostly unvegetated mudflats on resultant parcel C support areas of common eelgrass (*Zostera marina*). Common eelgrass is sparse along the shoreline but becomes denser towards the deeper water of Humboldt Bay. A strip of Sitka spruce (*Picea sitchensis*), coyote brush (*Baccharis pilularis*) and wax myrtle scrub (*Morella californica*) lines the western boundary of the wetland and estuarine area forming a narrow strip of upland immediately adjacent to Fisherman's channel ([Exhibit 7](#)).

Creation of resultant parcel C raises a potential concern that the parcel may not be developable without the filling, diking, and dredging of wetlands as resultant parcel C consists almost entirely of wetlands with only a small strip of upland on the western edge between Fisherman's channel and the wetland area ([Exhibit 7](#)). Therefore, the Commission must consider what types of development may be possible under existing zoning and land use designations while remaining consistent with Section 30233.

According to the applicant, the intent of the proposed lot line adjustment is to allow for the potential transfer of resultant parcel C to the Harbor District, which intends to perform

³ Resultant parcel C is approximately 31.02 acres and is undeveloped. The parcel has dual land use designations of resource dependent (MR) and commercial recreation (CR). The parcel is also within the Commercial Recreation (CR) zoning district, and principally permitted uses are the same as those described above.

maintenance dredging of the Fisherman's channel to improve boat access for boaters with docks located along the finger channels of the King Salmon residential subdivision to and from Humboldt Bay. Performing maintenance dredging of existing navigational channels is an allowable use for wetland areas under Section 30233 of the Coastal Act. Therefore, the stated intended future use of resultant parcel C is permissible under Section 30233. Additionally, resultant parcel C may be developable for other allowable uses under Section 30233 as long as the proposed development has been identified as a permitted use under the certified LCP. Development of a boating facility or nature study area are other uses that would be allowable for the parcel given that these types of uses are consistent with both the Commercial Recreation designation and zoned land uses for the site, as well as being an allowable use for fill under Section 30233(a)(3) of the Coastal Act.

Given the limitation on uses that can be developed on resultant parcel C consistent with Section 30233, the Commission attaches [Special Condition Nos. 1 and 2](#). [Special Condition No. 1](#) restricts resultant parcel C to open space with no development except for development authorized by a coastal development permit by the Commission that is for an allowable purpose for diking, filling, or dredging under Section 30233 of the Coastal Act. The intended future maintenance dredging of Fisherman's Channel would be allowable under these provisions. [Special Condition No. 2](#) requires that, prior to issuance of the permit, the Applicant execute and record a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property to ensure that both the applicant and future purchasers of the property are notified of the limitations on development within the designated wetlands and adjacent to marine resources areas established by [Special Condition No. 1](#). Notification of the applicant and all subsequent purchasers of the property will help ensure that expectations to be able to develop the site for uses inconsistent with Section 30233 of the Coastal Act are not created by approval of the creation of resultant parcel C.

Adequacy of Public Services to Serve Future Development

Except for the above-referenced 10.75-acre area in the northwest portion of resultant parcel A, the subject parcels are all located within the urban limit line and within an area currently serviced by municipal sewer and water providers. The subject parcels are bordered by lands that are planned and zoned for residential, coastal-dependent industrial and commercial recreational uses and much of the area is developed with residential homes and allowable industrial uses. The municipal sewer and water systems have sufficient capacity to accommodate permissible future development of the resultant parcels that would be facilitated by this lot line adjustment.

Avoiding Significant Adverse Effects of Future Development on Coastal Resources

As discussed above and discussed further in the findings below, the proposed development as conditioned will not have significant adverse impacts on coastal resources, and future development that may be accommodated by this lot line adjustment can be developed without significant adverse impacts on coastal resources.

Conclusion

For all the reasons described herein, the Commission finds that the proposed lot line adjustment, as conditioned, is consistent with Coastal Act Section 30250(a) and Coastal Act Section 30233 in that it is located in a developed area, it has adequate water and sewer capability to accommodate

it and it will not cause significant adverse effects, either individually or cumulatively, to coastal resources.

F. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states, in applicable part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
- (2) Adequate access exists nearby, or,*
- (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Section 30214 of the Coastal Act states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

(b) It is the intent of the Legislature that the public access policies of this article are carried out in a reasonable manner that considers the equities and that

balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

In applying Sections 30210, 30211, 30212, and 30214, the Commission is limited by the need to show that any denial of a permit application based on these sections of the Coastal Act and any decision to grant a permit subject to special conditions requiring public access is necessary to avoid an or affect a project's adverse impacts on existing or potential public access.

Public access to the shoreline is available adjacent to the subject parcels at the 22-acre beach and dunes area between the developed residential area of King Salmon and the jetty off of Buhne Point owned by the Harbor District. Public access to the shoreline is also available along a shoreline trail provided by PG&E that runs bayward of the power plant through existing and resultant parcel A. Following the lot line adjustment, if resultant parcel C is transferred to the Harbor District, this property will be managed to improve recreational boating opportunities within Fisherman's channel and the bay.

The proposed project will not adversely affect public access, will not block any existing access, and will not affect any existing rights of access that may have been acquired through use. Furthermore, the proposed project will not create any new demand for public access or otherwise create any additional burdens on public access.

Therefore, the Commission finds that the proposed project does not have any significant adverse effect on public access, and the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

G. HAZARDS

Section 30253 states, in applicable part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard...*
- (b) Assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area...*

Coastal Act Section 30253 requires that development minimize risks to life and property in areas of high flood hazard. The subject parcels are located in the western part of the community of

King Salmon. All three parcels are bordered by Fisherman's Channel. Furthermore, all three parcels contain shoreline areas and are immediately adjacent to Humboldt Bay. Although no physical development is proposed at this time, future proposed development may be at risk to geologic hazards. The primary natural hazards issues raised by the proposed project relate to tsunami inundation, as may be exacerbated by sea level rise, and liquefaction related ground failures.

Tsunami

The entire King Salmon community lies within the FEMA-mapped 100-year flood zone and is subject to flooding from extreme high tides and tsunamis. The elevation at the site is approximately 5-10 feet above mean sea level. The subject parcels, along with many others around Humboldt Bay, are shown on emergency planning maps published in 2009 by the California Emergency Management Agency, California Geologic Survey, and University of Southern California as being within the zone of potential inundation by a tsunami. If the region were to suffer a major earthquake along the Cascadia Subduction Zone, a local tsunami could hit the Humboldt Bay shoreline within minutes. The precise maximum depth of inundation for a tsunami for a given seismic event has not been determined for the subject parcels. Other development sites within direct beach frontage or proximity to open ocean waters have been assessed as being potentially subject to modeled inundation of 30 feet or more above mean sea level. Given the location of the subject parcels immediately adjacent to Humboldt Bay and Fisherman's channel it is reasonable to expect that the full wave height could inundate all of the parcels.

Future owners of the resultant parcels may propose development that is subject to geologic hazards and flooding. One way to ensure that any future proposed development is safe from tsunami wave run-up or other flood events is to require that any occupiable spaces be positioned only above tsunami inundation levels. In this location, maximum tsunami inundation levels are believed to be at least 30 feet above mean sea level. Under the certified LCP, maximum building heights are 50 feet within the MC designation, and 45 feet within the CR zoning designation. Although constructing a building where the floor area is at least 30 feet above mean sea level would not be inconsistent with zoning code restrictions, positioning the occupiable space above the 30-foot-high tsunami wave run-up elevation could require the construction of an approximately 50-60 foot tall structure, the equivalent of a five story building.

However, as discussed above in Finding F, resultant parcel C consists almost entirely of wetlands and the Commission is attaching [Special Condition No. 1](#) which restricts the parcel to open space except for development approved under a coastal development permit that is consistent with the permissible purposes for diking, filling, and dredging of wetlands under Section 30233 of the Coastal Act. These restrictions will prevent the parcel from being used for residential and other uses that would create the greatest tsunami risk hazards. In addition, resultant parcel A is already developed with the existing power plant use and no additional future uses are proposed or need be approved. Thus, adjustment of the parcel boundaries of this parcel will not increase risks of tsunami inundation hazards. Finally, resultant parcel B could be developed in the future for non-residential uses consistent with the Commercial Recreation land use and zoning designations of the property and the lot line adjustment minimizes tsunami inundation risks by decreasing the number of lots occupying the area of resultant parcel B from two to one, thereby

reducing the corresponding density of development that can occur at this site.

Sea Level Rise

The subject property is also subject to inundation risks resulting from sea level rise. According to the State's 2010 sea-level rise interim guidance document, sea level is projected to rise 5 to 8 inches by 2030, 10 to 17 inches by 2050, 17 to 32 inches by 2070, and 31 to 69 inches by 2100. The ranges in the projections of sea level rise are based on a range of modeling results. For dates after 2050, the ranges of sea level rise also are based on low, medium, and high future greenhouse gas emission scenarios. The State Coastal Conservancy and the State Lands Commission have adopted the use of 55 inches (140 cm) of sea level rise for 2100 which is consistent with the average of the models of sea level rise for 2100 based on a high future greenhouse gas emission scenario. Throughout the first half of the 21st-century, sea-level rise alone is not expected to cause significant flooding, inundation, or erosion, but rather the highest probability and most damaging events likely will take place when increasingly elevated sea-level occurs simultaneously with high tides and large waves (e.g., during El Niños). Between 2050 and 2100, the effects of sea level rise alone (flooding and inundation) and the combined effects of sea-level rise and large waves (e.g., damage to coastal structures, cliff erosion, beach loss) are projected to have much greater impacts.

The National Academy of Science (NAS) Report issued in 2012 takes into account estimates of vertical land movement resulting from tectonic activity and land subsidence along the west coast of the United States and projects somewhat lesser amounts of sea level rise than the State's 2010 sea level rise interim guidance document in areas of California north of Cape Mendocino. In 2013, following both the 2012 NAS report and the Commission's receipt of this application, the Coastal and Ocean Working Group of the California Climate Action Team (CO-CAT) published updated state sea level rise guidance and recommendations that reflect the updated science provided in the NAS report. The 2013 guidance states that the differences in sea-level rise projections north and south of Cape Mendocino are due mainly to vertical land movement. North of Cape Mendocino, geologic forces are causing much of the land to uplift, resulting in a lower rise in sea level, relative to the land, than has been observed farther south⁴. This uplift is evidenced by a tide gage location 65 miles north of Crescent City which has recorded an annual drop in sea level of -0.21 feet per year. However, the 2013 report indicates that there are variations within areas north of the Cape Mendocino. A tide gage located on the North Spit of Humboldt Bay has recorded an average sea level rise of 1.55 feet per year since 1977. This result is larger than the global average and suggests significant subsidence in the gage location. In addition, according to a 2012 Humboldt Bay area sea level rise data synthesis report prepared for the Humboldt Bay Initiative, the North Spit of Humboldt Bay actually appears to be subsiding while other locations around the Bay appear to be rising, and little is known about the rate of uplift of subsidence in different locations in and around Humboldt Bay. The report recommends that additional studies be done to determine how the rate of sea level rise varies with respect to different locations around Humboldt Bay.

As updated, the sea level rise projections are as follows: North of Cape Mendocino, -1.56 to 9 inches by 2030, -1.2 to 19 inches by 2050, and 3.6 to 56 inches by 2100; South of Cape Mendocino, 1.56 to 12 inches by 2030, 5 to 24 inches by 2050, and 17 to 66 inches by 2100.

Given the uncertain knowledge with respect to rates of uplift or subsidence at different locations around Humboldt Bay and how those rates of uplift or subsidence would affect relative sea level rise, the Commission applies a global 55 inches by 2100 projection of sea level rise to the subject development that is consistent with the global sea level rise projections of the State's 2010 interim guidance document, the 2012 NAS report.

The added risks of flood inundation from sea level rise can be minimized by incorporating specific design features into development permissible under either applicable Section 30233 limitations or Commercial Recreation land use and zoning designations, neither of which includes residential development. For example, portions of permissible structures can be limited to elevations above anticipated flood elevations with the lower floor designed to include flood vents or blow out walls to reduce the pressure flood waters can place on the walls of a structure that has been inundated. In addition, electrical components and other utility installations can be positioned high enough in a permissible structure to prevent inundations from anticipated flood flows.

Liquefaction

With respect to ground failure related hazards, the area where the subject parcels are located has a high liquefaction potential. In addition to losses associated with seismic shaking, structures located in liquefaction prone areas can be further damaged by uneven foundation settlement and subsidence. However, these risks can typically be mitigated by the incorporation of specific design features within the foundations and framing of any new structures that may be developed at the site. Such design measures, depending upon the size and type of structure, may include the use of mat slab or a stiffened slab on grade within continuous concrete perimeter footing in combination with isolated interior spread footings, and shear wall bracing.

Conclusion

As discussed above, the approved development is a lot line adjustment that does not now include any physical development on the ground that will result in an increase in risks to life and property from geologic and flood hazards. The Applicant or future owners of the adjusted parcels may propose development of the parcels in the future. However, the lot line adjustment as conditioned minimizes such risks by limiting future uses of resultant parcel C to dredging and other uses consistent with the limited range of uses allowable under Section 30233 of the Coastal Act. These restrictions prevent the parcel from being used for residential and other uses that would create the greatest hazard risks. In addition, the lot line adjustment reduces the potential future density of development of the area encompassed by existing parcels B and C by decreasing the number of parcels on that site from two to one. Furthermore, any future non-exempt development on the resultant parcels would be subject to the coastal development permit requirements of the Coastal Act. In the Commission's review of any permit application for such development, feasible mitigation measures necessary to minimize flooding and geologic hazards could be incorporated into any future otherwise permissible development on any of the parcels. Therefore, the Commission finds that the proposed project will minimize risk to life and property from hazards consistent with Section 30253 of the Coastal Act.

H. ARCHAEOLOGICAL RESOURCES

Section 30244 of the Coastal Act states:

Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The project area includes lands formerly occupied by the Wiki division of the Wiyot tribe. The tribe is understood to have been composed of three tribal divisions (Patawat, Wiki, and Wiyot), each associated with a water-related resource (the Mad River, Humboldt Bay, and the lower Eel River, respectively) and each speaking a common language (Selateluk). The ancestral Wiyot territory extended from the Little River (near McKinleyville) to the Bear River Mountains (near Ferndale) and inland approximately 15 miles to the first mountain ridgeline. Humboldt Bay (Wiki) was the central division of the territory. The pattern of Wiyot settlements, located along river terraces, the Humboldt Bay margin, and tidewater sloughs, means that much of the bay margin, tributary sloughs, and adjacent uplands have the potential to hold archaeological resources.

The development approved by CDP No. 1-14-1590 is a lot line adjustment that involves no ground disturbing activities. Therefore, the potential for the lot line adjustment to directly affect archaeological or paleontological resources is very low. Coastal Commission staff referred the application information to the Tribal Historic Preservation Officers (THPOs) for the Blue Lake Rancheria, Bear River Rancheria, and Wiyot Tribe. All three THPOs responded that the project should be permitted with no conditions.

As discussed in the New Development finding above, pursuant to Section 30250 of the Coastal Act, the Commission must consider whether the parcels resulting from the lot line adjustment can be developed in a manner that will not result in significant adverse effects on coastal resources, including archaeological resources. As discussed previously, the lot line adjustment is proposed in part to facilitate future maintenance dredging of Fisherman's Channel by the Humboldt Bay Harbor District. As the future maintenance dredging would only affect previously dredged areas, the potential for the dredging to affect archaeological resources is very low. Other development that might be proposed in the future for the undeveloped resultant parcels C and B would also have low potential to adversely affect archaeological resources. The subject property has not been identified as an area containing archaeological resources. In addition, most of the upland area of the undeveloped resultant parcels C and B where future development would most likely occur is comprised of old fill material that would not likely contain archaeological resources. Any future non-exempt development on the resultant parcels would be subject to the coastal development permit requirements of the Coastal Act. In its review of any permit application for such development, the Commission would consider the impacts of the development on archaeological or paleontological resources and the need for reasonable mitigation measures consistent with Section 30244 of the Coastal Act.

Therefore, the Commission finds that the proposed project will not result in significant adverse impacts to archaeological resources and is consistent with Coastal Act Section 30244.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Humboldt County served as the lead agency for the project for CEQA purposes. The County determined the project to be exempt from environmental review per Section 15305(a) of the CEQA guidelines.

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

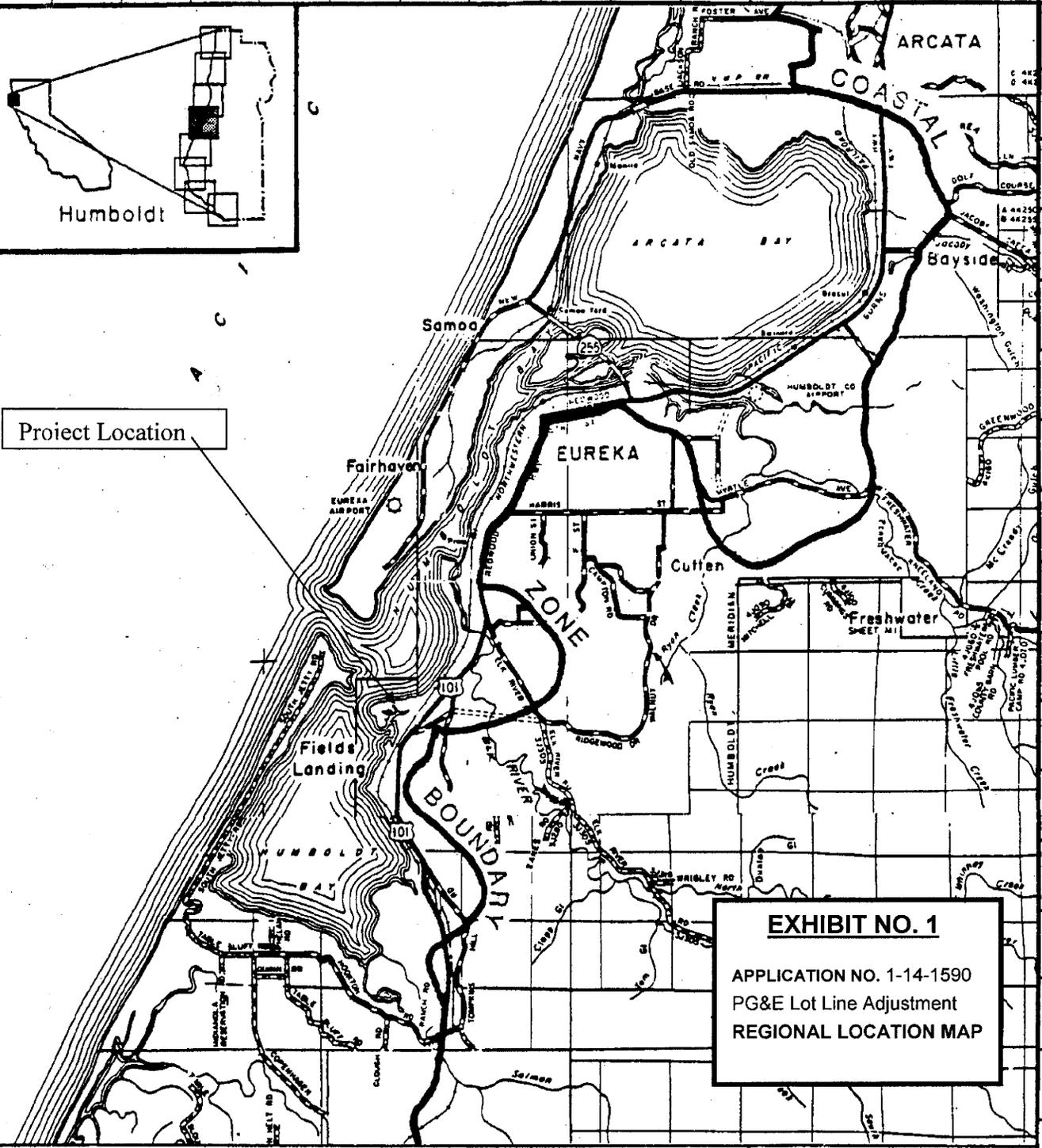
The Commission incorporates its findings on conformity with Coastal Act policies at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. The findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A
SUBSTANTIVE FILE DOCUMENTS

Application File for Coastal Development Permit No. 1-14-1590

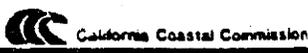
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Project Location

EXHIBIT NO. 1
 APPLICATION NO. 1-14-1590
 PG&E Lot Line Adjustment
 REGIONAL LOCATION MAP



LOCATION MAP



County of Humboldt

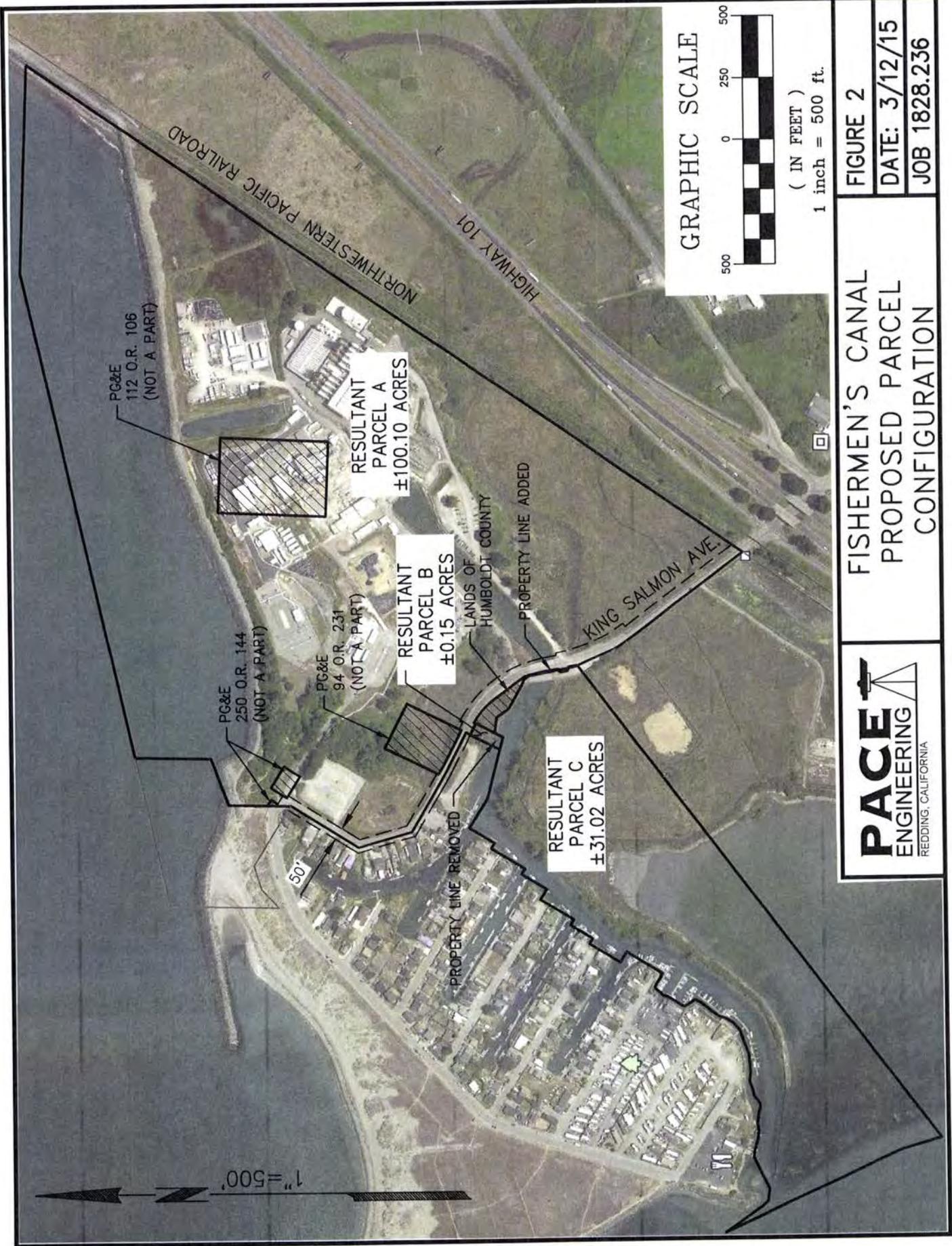


EXHIBIT NO. 3
 APPLICATION NO. 1-14-1590
 PG&E Lot Line Adjustment
 EXISTING AND PROPOSED LOT
 CONFIGURATIONS - 1 of 2

**FISHERMEN'S CANAL
 EXISTING PARCEL
 CONFIGURATION**



FIGURE 1
DATE: 3/12/15
JOB 1828.236



GRAPHIC SCALE
 (IN FEET)
 1 inch = 500 ft.

**FISHERMEN'S CANAL
 PROPOSED PARCEL
 CONFIGURATION**



FIGURE 2
DATE: 3/12/15
JOB 1828.236



— Expanded Parcel Size Study Area, excluding residentially zoned areas, and carrying out study area to the logical end of zoning districts and land use designations.

••• Subject parcel boundary



King Salmon Subdivision which was excluded.

Humboldt County Web GIS Map

Prosperity!

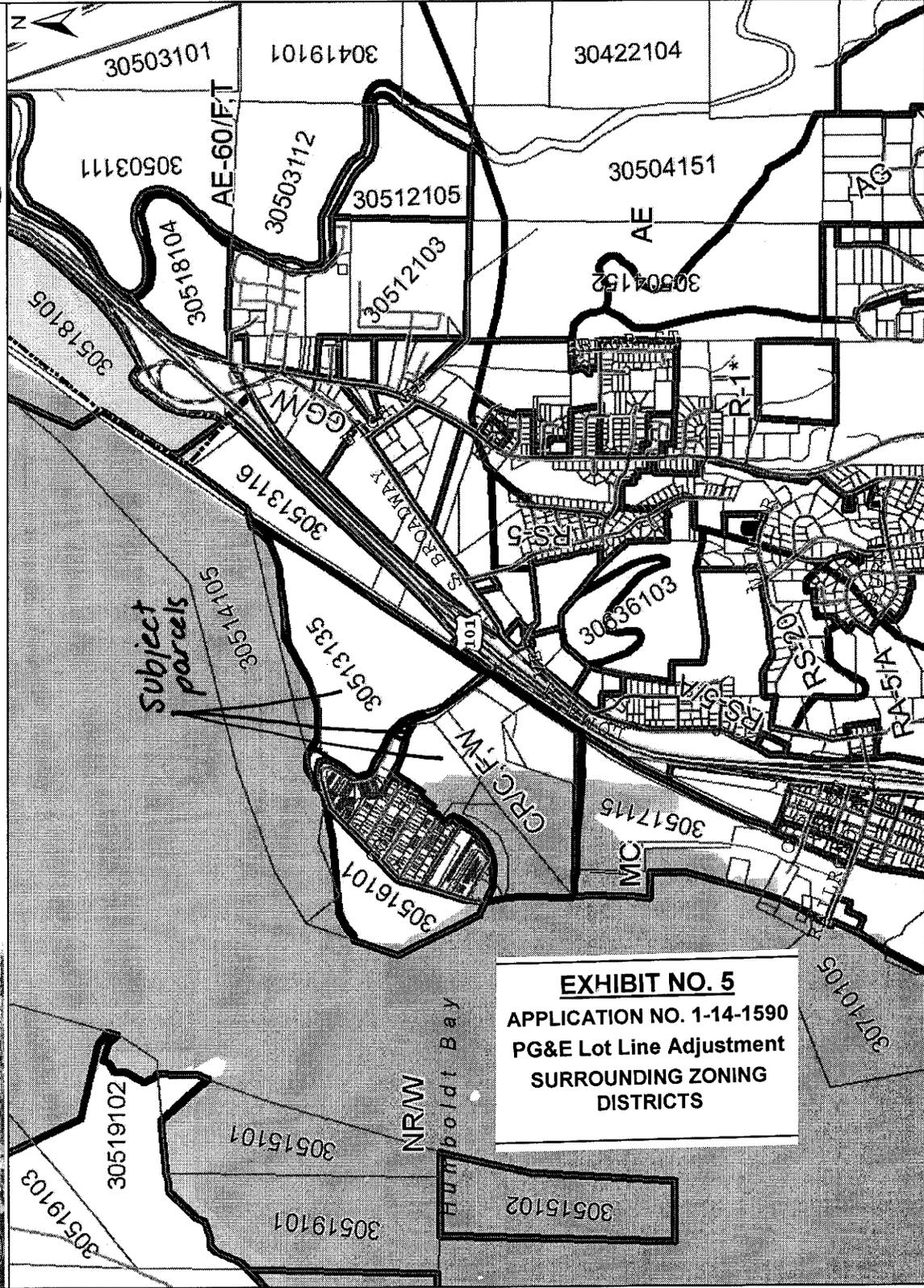


EXHIBIT NO. 5
APPLICATION NO. 1-14-1590
PG&E Lot Line Adjustment
SURROUNDING ZONING
DISTRICTS

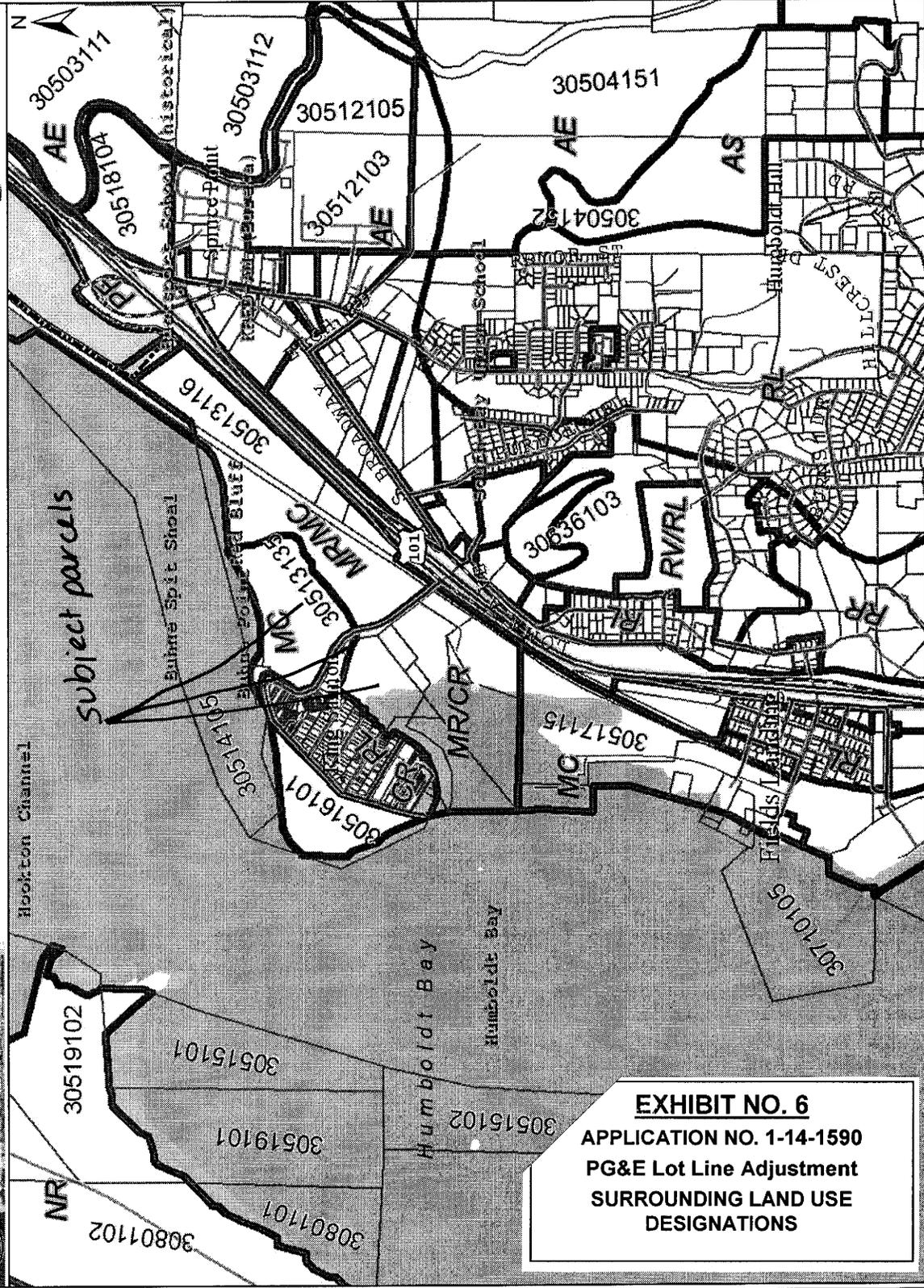
Freeance PDF Printing System
Humboldt County Web GIS
<http://gis.co.humboldt.ca.us>

Map Disclaimer: While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force and effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence. Humboldt County assumes no liability or responsibility in the use, or misuse, of this data.

- Legend**
- Land Use**
- Parcels
 - General Plan Land Use
 - Williamson AG Preserves
 - CDP SEA
 - SRA - State Responsibility Area
 - FRA - Federal Responsibility Area
 - Coastal Zone
 - Coastal Zone Boundary
 - Jurisdiction
 - State
 - Local
 - Inland
 - Categorical Exclusion
 - AG - Agricultural
 - Lot Line Adjustment
 - LLA/AG
 - SFD - Single Family Dwelling
 - SFD/LLA
 - SFD/LLA/AG
 - Coastal Zone Access Points
 - Coastal Zone Scenic Views
 - Coastal Zone Scenic Areas
 - Natural Resources
 - Blue Line Streams
 - Intermittent Stream
 - Streamside Management Areas
 - Wetlands
 - Coastal Wetland Areas (CEG)
 - Coastal Commercial Timberland
 - Dredged Spills Reserve Area
 - Dune Habitat
 - Dune Hollow (Wetland)
 - Estuary
 - Subtidal Mud
 - Farmed Wetland
 - Natural Resource
 - Potential Dune Hollow Restoration
 - Public Land/Public Recreation
 - Riparian Forest
 - Sand Bar/Gravel Bar
 - Transitional Agriculture Land
 - Wetland
 - Wetland Agricultural Soils
 - Hazards
 - Fire Rating (County)
 - Extreme
 - High
 - Moderate
 - Low
 - Nil
 - Fire Hazard Severity (SRA)
 - High
 - Very High
 - High
 - Very High
 - REHA Flood Zones
 - A - 100 Year
 - B - 500 Year
 - III, ANI, C, CITY, D
 - Seismicity
 - Slope Stability
 - 3 High Instability
 - 2 Moderate Instability
 - 1 Low Instability
 - 0 Lowly Variable
 - Slope USGS/LIDAR
 - Percent Slope
 - 15-30%
 - 30-50%
 - 50%
 - Historic Landmarks
 - Earthquake Faults
 - Alquist Priolo Fault
 - Alquist Priolo Zone
 - Jurisdictional Boundaries
 - City
 - Fire Districts
 - Supervisory Districts
 - School Districts
 - Community Service Districts
 - Election Precincts
 - Metropolitan
 - Local
 - Metropolitan
 - City
 - Highways and Roads
 - Functional Class
 - Interstates
 - Major Collectors
 - Minor Collectors
 - Local Roads
 - Traverse or Undersized
 - Public Lands
 - Native American Reservation

Humboldt County Web GIS Map

Prosperity!



subject parcels

EXHIBIT NO. 9
APPLICATION NO. 1-14-1590
PG&E Lot Line Adjustment
SURROUNDING LAND USE
DESIGNATIONS

Freeance PDF Printing System
Humboldt County Web GIS
<http://gis.co.humboldt.ca.us>

Map Disclaimer: While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force and effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence. Humboldt County assumes no liability or responsibility in the use, or misuse, of this data.

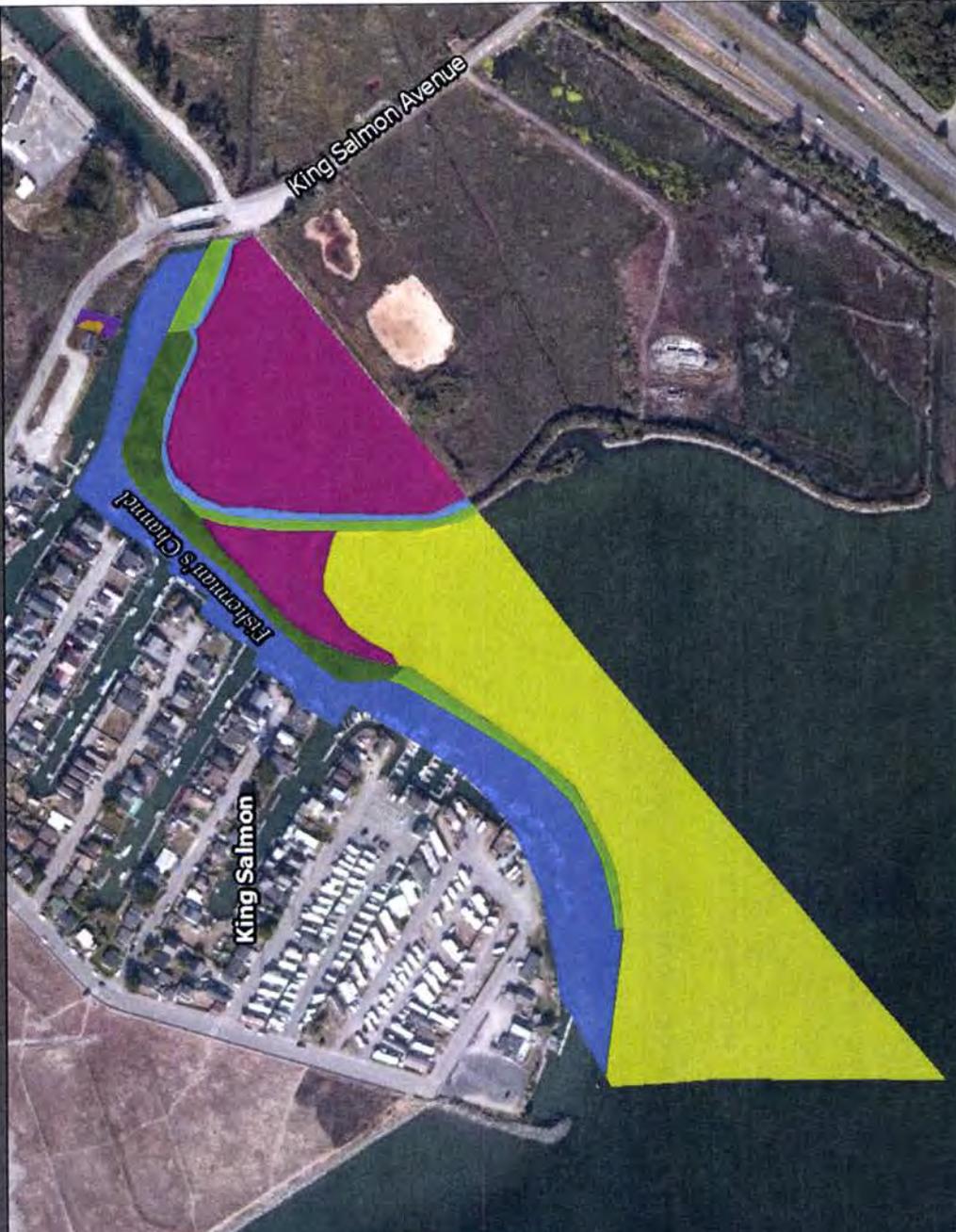
- Legend**
- Land Use
 - Permits
 - General Plan Land Use
 - Williamson AG Preserves
 - CDP SRA
 - SRA - State Responsibility Area
 - FRA - Federal Responsibility Area
 - Coastal Zone
 - Coastal Zone Boundary
 - Jurisdiction
 - State
 - Local
 - Inland
 - Categorical Exclusion
 - AG - Agricultural
 - LLA/AG - Lot Line Adjustment
 - SFD - Single Family Dwelling
 - SFD/LLA
 - SFD/LLA/AG
 - Coastal Zone Access Points
 - Coastal Zone Scenic Views
 - Coastal Zone Scenic Areas
 - Natural Resources
 - Blue Line Streams
 - Intermittent Stream
 - Subsurface Management Areas
 - Wetlands
 - Coastal Wetland Areas (CEA)
 - Coastal Commercial Timberland
 - Credged Spots Reserve Area
 - Dune Habitat
 - Dune Hollow (Wetland)
 - Estuarine Subtidal Mud
 - Farmed Wetland
 - Natural Resource
 - Potential Dune Hollow Restoration
 - Public Land - Public Recreation
 - Riparian Forest
 - Sand Bar/Gravel Bar
 - Transitional Agriculture Land
 - Wetland
 - Agricultural Soils
 - Hazards
 - Fire Ratings (County)
 - Extreme
 - High
 - Moderate
 - Low
 - Very Low
 - Nil
 - Fire Hazard Severity (SRA)
 - Very High
 - High
 - Medium
 - Low
 - FEHA Flood Zones
 - A - 100 Year
 - B - 500 Year
 - III (I AMJ) C1 CITY D
 - Seismic Safety
 - Slope Stability
 - 3 High Instability
 - 2 Moderate Instability
 - 1 Low Instability
 - 0 Stable
 - Slope USGS/LIDAR
 - Per Cent Slope
 - 15-30%
 - 30-50%
 - 50-70%
 - 70-90%
 - Historic Landslides
 - Earthquake Faults
 - Alquist Priolo Fault
 - Alquist Priolo Zone
 - Jurisdictional Boundaries
 - Unincorporated City
 - Supervisory Districts
 - School Districts
 - Community Service Districts
 - Creation Precincts
 - Creation Themes
 - Places Labels
 - City Boundary
 - High ways and Roads
 - Functional Class
 - Principal Arterials
 - Major Collectors
 - Minor Collectors
 - Local roads
 - Private or Undersized
 - Public
 - Public Lands
 - Native American Reservation

PG&E LOT LINE ADJUSTMENT CDP

Vegetation type	Acres
Waters	
Fisherman's Channel	9.24
Buhne Slough	0.58
Mudflat/eelgrass beds	11.59
Wetland	
Coastal brackish marsh	0.07
Northern coastal salt marsh	7.11
Upland	
Annual grassland	0.08
Northern coastal scrub	1.11
North coast coniferous forest	1.40
Grand Total	31.17

Humboldt Bay

EXHIBIT NO. 7
 APPLICATION NO. 1-14-1590
 PG&E Lot Line Adjustment
 WETLAND DELINEATION MAP



Vegetation Types

- | | | |
|-----------------------|-------------------------------|------------------------|
| Waters | Wetland | Upland |
| Fisherman's Channel | Coastal brackish marsh | Annual grassland |
| Buhne Slough | Northern coastal salt marsh | Northern coastal scrub |
| Mudflat/eelgrass beds | North coast coniferous forest | |



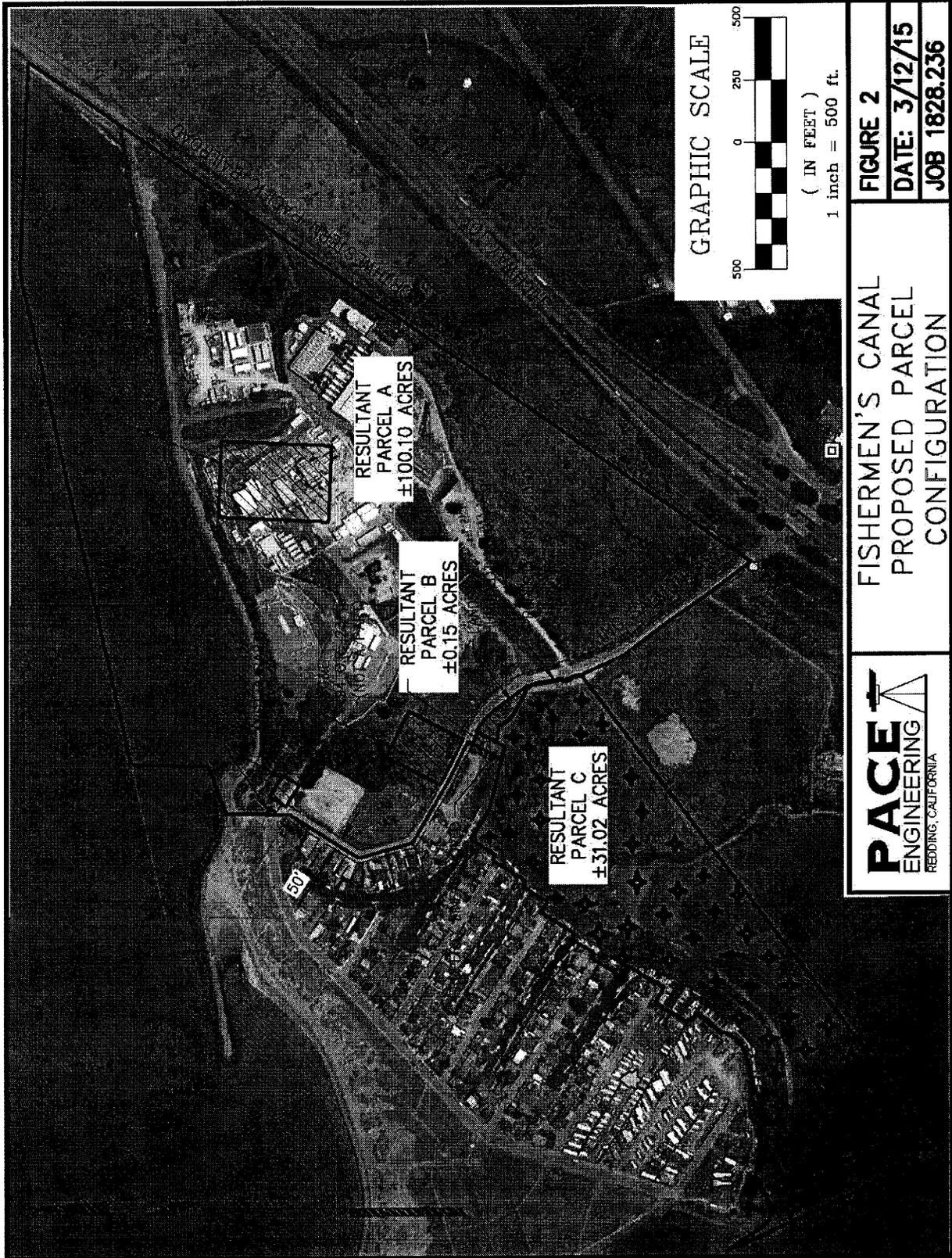
Map Sources: ESRI 2015
 Imagery: ESRI 2015

Map Location



Stullwater Sciences

EXHIBIT NO. 8
APPLICATION NO. 1-14-1590
PG&E Lot Line Adjustment
PROPOSED RESTRICTED OPEN
SPACE AREA (resultant Parcel C)



✦ Black stars indicate area (resultant parcel C) to be restricted to open space as required by Special Condition No. 1