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Staff: Jim Baskin
Staff Report: November 19, 2004
Hearing Date: December 10, 2004
Commission Action:

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Chuck Damm, Deputy Director
Robert S. Merrill, North Coast District Manager
Jim Baskin, Coastal Planner

SUBJECT: **County of Humboldt Local Coastal Program (LCP) Amendment No. HUM-MAJ-1-03 (Riparian Corridor Trail Standards)** (Meeting of December 10, 2004, in San Francisco)

SYNOPSIS:

Amendment Description

Humboldt County is requesting certification of LCP Amendment No. HUM-MAJ-1-03 (Riparian Corridor Trail Standards) to the County's certified Land Use Plan (LUP) and Implementation Plan (IP) to allow the development of public access trails within riparian corridors and stream channels and to establish standards for the design and construction of such access facilities. The LUP portion of Humboldt County's LCP consists of six (6) geographic segment "Area Plans." All six of the Area Plans would be affected by the proposed amendment. The proposed amendment would also result in text changes to the standards for permissible development within the Streams and Riparian Corridor Protection (/R) Combining Zoning District of the County IP's Coastal Zoning Regulations to include within the allowable uses the development of trails within riparian corridors. In addition, the proposed amendment would revise the descriptions and improvement recommendation for the Widow White Creek trail segment and update the Old Railroad Bridge – North (Fisher Road) segment of the California Coastal Trail within the *Access Inventory and Development Recommendations* chapter of the McKinleyville Area Plan segment of the LUP.

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Summary of Staff Recommendation:

The staff recommends that the Commission, upon completion of a public hearing: **(1) certify the LUP amendment request as submitted; and (2) certify the IP amendment request as submitted.**

The proposed amendments to the LCP's LUP and Implementation Plan would both facilitate future development of access trails consistent with the public access policies of Sections 30210, 30212, and 30214 of the Coastal Act and ensure that such facilities are located and constructed in a manner that would protect environmentally sensitive habitat areas consistent with the ESHA and wetland protection policies of the Coastal Act and the certified LUP.

The appropriate motions and resolutions to adopt the staff recommendation are found on pages 2-4.

Analysis Criteria:

To certify the amendment to the Land Use Plan (LUP) portion of the County of Humboldt Local Coastal Program, the Commission must find that the LUP, as amended, is consistent with the policies of Chapter 3 of the Coastal Act. To certify the amendment to the Implementation Program (IP) portion of the LCP, the Commission must find that the IP, as amended, conforms with and is adequate to carry out the amended LUP.

Additional Information:

For additional information about the LCP Amendment, please contact Jim Baskin at the North Coast District Office at (707) 445-7833. Please mail correspondence to the Commission at the above address.

PART ONE: RESOLUTIONS

**I. MOTIONS, STAFF RECOMMENDATIONS, AND RESOLUTIONS FOR
LCP AMENDMENT NO. HUM-MAJ-1-03**

**A. APPROVAL OF LUP AMENDMENT NO. HUM-MAJ-1-03, AS
SUBMITTED:**

MOTION I: I move that the Commission certify Land Use Plan Amendment No. HUM-MAJ-1-03 as submitted by the County of Humboldt.

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STAFF RECOMMENDATION TO APPROVE:

Staff recommends a **YES** vote. Passage of the motion will result in certification of the land use plan as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO APPROVE CERTIFICATION OF THE LAND USE PLAN AS SUBMITTED:

The Commission hereby certifies Land Use Plan Amendment No. HUM-MAJ-1-03 as submitted by the County of Humboldt and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment 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 plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. APPROVAL OF IMPLEMENTATION PROGRAM AMENDMENT NO. HUM-MAJ-1-03 AS SUBMITTED:

MOTION II: **I move that the Commission reject Implementation Program Amendment No. HUM-MAJ-1-03 as submitted.**

STAFF RECOMMENDATION TO CERTIFY AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION II TO CERTIFY THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the County of Humboldt as submitted and adopts the findings set forth below on grounds that the Implementation Program as amended, conforms with and is adequate to carry out the provisions of the Land Use Plan, as amended and certified, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either: 1) feasible mitigation measures and/or alternatives have been incorporated to

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substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment; or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

PART TWO: INTRODUCTION

Background:

The impetus for the proposed LCP amendment is a decision of the County of Humboldt to re-align the proposed Widow White Creek segment of the Hammond Trail (California Coastal Trail) within the McKinleyville community area that was flood-damaged during the winter of 1993-94. The proposed trail would have followed the alignment of a former logging railroad grade, crossing the creek over a culverted fill section near the creek's mouth on the Mad River estuary. The railroad grade was washed out at this location. As routing the trail route over the unstable steep gully walls that had formed at the creek's mouth after the storm damage was deemed to be infeasible, efforts were initiated the following spring to relocate the trail inland so that a crossing of the creek could be developed further upstream.

However, in reviewing the allowable development within riparian corridors enumerated within the McKinleyville Area Plan --- the certified LUP for the geographic segment of the County in which the Widow White Creek trail is situated --- it was discovered that the plan did not provide for the development of trails and stream crossings by trails within riparian corridors. Consequently, the relocation of the trail as was contemplated would be inconsistent with the certified LCP. Further review of the County's five other coastal area plans revealed a similar lack of provisions for trail construction and stream crossings within riparian areas. This aspect of the LCP could effectively preclude full connectivity of the California Coastal Trail through Humboldt County, as no allowance is expressly provided for permitting the passage of trail facilities passing through and over the estimated 58 riparian corridors and stream crossings along the California Coastal Trail's planned route.

To resolve this issue, the County instigated a general plan amendment to revise the policies of the Land Use Plan and the related standards within the coastal zoning regulations of the Implementation Plan to provide for trail routing and stream crossings in riparian corridors subject to specified design requirements for the protection of environmentally sensitive resource areas. The amendment also revised the descriptions and development recommendations for two sections of the California Coastal Trail that pass through the McKinleyville coastal planning area to reflect the planned realignment of the Widow White Creek segment and to update the description of the trail improvements that had been performed on another nearby segment. Following local

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agency adoption of the amendments on the August 27, 2002, the County transmitted the LCP amendment request to the Commission for certification review on January 16, 2003.

Amendment Description:

The County has applied to the Commission for certification of amendments to both the *Resource Protection Policies and Standards* chapters of the six geographic segments of the LCP's Land Use Plan (LUP), and the permitted development standards of the Streams and Riparian Corridor Protection combining zone (/R) of its Implementation Plan (IP). In addition, the proposed amendment would revise the descriptions and improvement recommendation for the Widow White Creek trail segment and update the Old Railroad Bridge – North (Fisher Road) segment of the California Coastal Trail within the *Access Inventory and Development Recommendations* chapter of the McKinleyville Area Plan segment of the LUP.

LCP Update:

Separate from the proposed LCP Amendments relating to trails within streams and riparian corridor ESHAs, the County is presently undertaking substantial revisions to its entire Local Coastal Program. The County is currently engaged in holding community meetings regarding the overall direction for the general plan update program. Proposed Amendment No. HUM-MAJ-1-03 can be reviewed separately from the County's ongoing LCP update amendment program as the subject amendment is not dependant on any proposed changes identified to date in the LCP update amendment process.

PART THREE: AMENDMENTS TO LAND USE PLAN

I. ANALYSIS CRITERIA

To approve the amendments to the Land Use Plan (LUP), the Commission must find the LUP, as amended, will remain consistent with the policies of Chapter 3 of the Coastal Act.

As submitted, the proposed LUP amendment is fully consistent with the policies of the Coastal Act.

II. FINDINGS FOR CERTIFICATION OF LCP AMENDMENT NO. HUM-MAJ-1-03 AS SUBMITTED

The Commission finds and declares as following for LCP Amendment No. HUM-MAJ-1-03:

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A. Amendment Description.

The proposed LUP amendment contains eighteen separate text changes to the County's six coastal area plans. Because the text changes to the existing LUP proposed by this LCP Amendment are reiterative, they can be generally described in groups of textual amendments as follows:

- Amend Sections 3.41.G.3.b, 3.30.B.5.c.2, 3.41.F.3b, 3.41.B.8.c.2, 3.41.G.3.b, and 3.41.E.3.b of the Resource Protection Policies and Standards chapters of the Northcoast, Trinidad, McKinleyville, Humboldt Bay, Eel River, and South Coast Area Plans, respectively, to provide for the development of trail crossings subject to certain referenced design standards within stream channels.
- Amend Sections 3.41.G.5, 3.30.B.5.e, 3.41.F.5, 3.41.B.8.e, 3.41.G.6.b, and 3.41.E.5 of the Resource Protection Policies and Standards chapters of the Northcoast, Trinidad, McKinleyville, Humboldt Bay, Eel River, and South Coast Area Plans, respectively, to append a new sub-section establishing specified design standards for the development of trail crossings within stream channels referenced in the preceding set of amended LUP texts. Said design standards would require the subject trail alignments and crossings to: (1) minimize the length of trails through the riparian corridor; (2) where feasible, cross streams at right angles; (3) keep trails as far upslope from streams as possible; (4) minimize slope disturbance and vegetation removal; and (5) develop the trails only to the minimum width necessary.
- Amend Section 4.54.E of the Access chapter of the McKinleyville Area Plan (MAP) at access map index numbers 28A and 33 to revise the descriptions of the alignments and/or recommendations for development of the Widow White Creek and Old Railroad Bridge – North segments of the California Coastal Trail, respectively.

The specific textual revisions proposed for amendment are attached as Attachment No. 1.

B. Consistency of LUP Amendment No. HUM-MAJ-1-03 as Submitted with the Coastal Act.

As set forth in Chapter 6 of the Coastal Act, to certify a land use plan, or any amendments thereto, the Commission must find that a land use plan or plan amendment meets the requirements of, and is in conformity with, the applicable policies of Chapter 3 of the Act. The proposed LUP text amendments are of three kinds: (1) revisions to the access inventory descriptions and development recommendations for two segments of the California Coastal Trail within the McKinleyville Area Plan area, (2) revisions to the list of permissible uses within streams and riparian corridors to specifically include the construction of trail crossings; and (3) the addition of design standards for minimizing

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adverse significant environmental impacts associated with the construction of such facilities. Given the intent and scope of the proposed changes, the amended LUP must be found to be consistent with Chapter 3 policies relating to public access, dredging, diking, and filling of coastal waters and wetlands, and the protection of environmentally sensitive habitat areas.

1. Dredging, Diking, and Filling in Coastal Waters and Wetlands.

a. Relevant Coastal Act Policies

Section 30108.2 of the Coastal Act defines fill as including "...*earth or any other substance or material ... placed in a submerged area.*" The development of trail crossings over streams generally involves the placement of fill in coastal waters or wetlands, either in the direct construction of the trail itself, or its approaches, abutments, piers or bridge spans over the watercourse.

Section 30233 of the Coastal Act addresses the placement of fill within coastal waters. Section 30233(a) provides as follows, in applicable part:

(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 in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subsection (b) of Section 30411, for boating facilities, including berthing areas turning basins, necessary navigation channels, or any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*
- (4) 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.*

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- (5) *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.*
- (6) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (7) *Restoration purposes.*
- (8) *Nature study, aquaculture, or similar resource dependent activities.* [Emphases added.]

b. Consistency Analysis

Section 30233 sets forth a number of different limitations on what fill projects may be allowed in coastal waters. For analysis purposes, the limitations can be grouped into three general categories or tests. These tests are:

Under Section 30233(a), the diking, dredging, or filling of coastal waters and wetlands, such as those within and adjoining stream courses may only be authorized upon affirmative findings that: (1) the purpose of the fill is for one of the eight uses allowed under Section 30233; (2) the project has not feasible less environmentally damaging alternative; and (3) adequate mitigation measures to minimize the adverse impacts of the proposed project on habitat values have been provided.

Permissible Uses for Filling

With regard to trail building and stream crossings within riparian corridors that the proposed LUP amendments would allow, the placement of wetland fill associated with the repair, maintenance, or reconstruction of an existing trail segment or crossing that serves as part of an established public pedestrian, bicycle, or equestrian circulation system has been recognized numerous times by the Commission as fill for an “*incidental public service purpose*.” In addition, the Commission has considered the development of new recreational trail segments through resource areas to be a form of “*nature study... or similar resource dependent activities*” (see findings for County of Santa Barbara Toro Canyon Planning Area, LCP Amendment No. STB-MAJ-3-02).

With respect to the latter use category, trails are utilized for a variety of utilitarian and aesthetic reasons. Although the use of trails does not in every case entail nature study, these facilities certainly support such a pursuit. Furthermore, in terms of trails being resource-dependent, in addition to being a route for non-motorized transit between points, separate and apart from vehicular accessways, recreational trails serve a second function of providing physical access to scenic, usually undeveloped natural areas, for aerobic exercise and/or more meditative pastimes. These accessways provide opportunities for visitors to such areas to interact with the natural environment through sensorial observation and contemplation of the physical and biological features encountered along the trail.

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"Nature study" is formally defined as, "the study of animals and plants in the natural world, usually at an elementary level."¹ In her treatise on the importance of fostering a conservation ethic in children through environmental education starting at an early age, the renowned natural science educator Anne Botsford Comstock characterizes "nature study" as follows:

It consists of simple, truthful observations that may like beads on a string, finally be threaded upon the understanding and thus held together as a logical and harmonious whole... In nature study, the work begins with any plant or creature which chances to interest the pupil. It begins with the robin that comes back to us in March promising spring; or it begins with the maple leaf which flutters to the ground in all the beauty of its autumnal tints. A course in biological science leads to the comprehension of all kinds of life on our globe. Nature study is for the comprehension of the individual life of the bird, insect, or plant that is nearest at hand.²
[Emphases added.]

By providing venues for incidental exploration of the physical and biological world, trails in natural settings are generally recognized as one of the best ways to ensure continued public support for protecting environmentally significant natural areas and to encourage an appropriate level of visitation. This perspective is at the core of the many public outreach and grant-funding efforts undertaken by natural resource conservation-oriented public agencies and other non-government organizations, from the Coastal Conservancy to many of the numerous land trusts involved in public access acquisition and development. Regardless of their age, people in general are more likely to develop a stewardship ethic toward the natural environment if they are educated about the importance to the overall ecosystem, especially if they provided the opportunity to experience the physical, mental and spiritual benefits of these areas first-hand. Providing for the development of trails into riparian areas can be an ideal setting for such activities, as they offer a safe, convenient and unique perspective of the rich and diverse biological resources associated with watercourses.

Thus, trails through riparian corridors may be considered a form of "*nature study... or similar resource-dependent activities*," as they are: (1) a development type integral to the appreciation and comprehension of biophysical elements that comprise riparian areas; and (2) dependent upon the presence of the natural area resource through which they pass to provide a nature study experience.

Therefore, the proposed amendments to the LUP would allow for the placement of fill within coastal waters and wetlands for purposes consistent with Coastal Act Section

¹ Webster's Revised Unabridged Dictionary, C. & G. Merriam Company, 1913.

² Anne Botsford Comstock, *Handbook of Nature Study*, Comstock Publishing Associates, Inc., 1939

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30233(a)(5) in the case of repair and maintenance of existing public trails and Section 30233(a)(8) in the case of the installation of new trails.

Inclusion of Mitigation Measures / Selection of Least Environmentally Damaging Feasible Alternative

The portion of the amendment that would add specific design criteria for developing trails within riparian corridors would further ensure that compliance with the Section 30233 stipulations that only the least environmentally damaging feasible alternative be selected and that all feasible mitigation measures are provided is achieved. As proposed, a new sub-section would be added to the LUP standards for development within coastal streams and riparian corridors that allows for new trails, but only in a manner that minimizes their impacts by requiring that such trails conform to six specific design criteria:

Public access trails provided that (1) the length of the trail within the riparian corridor shall be minimized, where feasible, (2) by rights of way which cross streams at right angles, (3) which are kept as far up slope from the stream as possible, (4) which involve a minimum of slope disturbance and (5) vegetation clearing, and (6) are the minimum width necessary. [Parenthetic numbering added.]

The Commission notes that in the prefacing paragraph of the existing language of the stream channel and riparian corridor development standards, the requirements of Coastal Act Section 30233(a) regarding inclusion of all feasible mitigation measures and that there be no less environmentally damaging feasible project alternative are restated. This existing language within the LUP would require that trail projects be approved only in a manner that protects resources consistent with Section 30233(a) of the Coastal Act. Inclusion of the development standards proposed under the LCP amendment would further implement this directive by identifying six specific measures to be included in the design of all proposed riparian trail and/or stream crossing trail project so that potential adverse effects associated with trail building in or near wetlands and wet environmentally sensitive resource areas are mitigated and the least environmentally damaging feasible alternative is selected (e.g., erosion- and stormwater runoff-related sedimentation impacts to water quality, direct removal of vegetation, and human intrusion into habitat areas).

In conclusion, the above described proposed amendment to the LUP would allow for the installation of public access trails in riparian corridors and stream channels consistent with the use limitations of Section 30233 of the Coastal Act. Furthermore, the new policy language establishing requisite trail design standards would cause feasible mitigation measures to be included in the development that would also contribute to a given trail development proposal being found to be the least environmentally damaging feasible project alternative. Therefore, the Commission finds that the proposed LCP amendment as submitted is consistent with Section 30233 of the Coastal Act.

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2. Protection of Environmentally Sensitive Habitat Areas.

a. Relevant Coastal Act Policies

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.
[Emphases added.]

b. Consistency Analysis

Coastal Act Section 30240 sets forth requirements for development within environmentally sensitive habitat areas (ESHA) and in areas adjacent to such areas. Development within ESHAs must be shown: (a) to be for a use that is dependent on the sensitive area's resources; and (b) to include measures that would protect the resource area against any significant disruption of its habitat value. Development in areas adjacent to ESHAs must be: (a) sited and designed so that significant degradation of the habitat area is avoided; and (b) compatible with the continuance of the habitat.

Development of trails facilities within riparian corridors is likely to involve a variety of types of ESHAs, such as wetlands or fish, wildlife, and rare plant habitat. In addition, by virtue of riparian corridors being functionally associated with the watercourses they bracket, portions of such trails will, by necessity, pass through areas adjoining these ESHAs.

The proposed amendment to the LUP would specifically include trail crossings and public access trails within the list of permissible new development within stream channels and riparian corridors, respectively, within the various Area Plans' ESHA chapters. To be consistent with the applicable Coastal Act ESHA protection policies, these uses must meet the four requirements set forth in Section 30240.

With respect to the dependency of trail facilities on the resources within riparian corridors and stream channels, as discussed in Findings Section II.B.2.b above, most trails in such settings serve both functional and aesthetic functions. In addition to providing a physical cleared path between two points or a platform for physical exercise, such as jogging, cycling, or dog walking, trails also provide access to and through the resource area for a variety of other ambulatory purposes, including nature study. These accessway provide opportunities for visitors to such areas to interact with the natural

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environment through sensorial observation and contemplation of the physical and biological features encountered along the trail. In order for this use to be realized, the trail must pass through or by a natural resource area. Thus, trails through riparian corridors may be considered a form of “*nature study... or similar resource-dependent activities,*” as they are: (1) a development type integral to the appreciation and comprehension of biophysical elements that comprise riparian areas; and (2) dependent upon the presence of the natural area resource through which they pass to provide a nature study experience. Therefore, recreational trails are a kind of use dependent on the resources located within environmentally sensitive habitat areas and are allowable within ESHA consistent with the use requirements of Section 30240(a) of the Coastal Act.

As regards protecting ESHA against any significant disruption of its habitat value, siting and designing trail facilities in areas adjacent to ESHAs so that significant degradation of the habitat area is avoided, and ensuring that trail facilities in proximity to ESHAs would be compatible with the continuance of the habitat, the proposed IP amendment would establish six design standards for riparian corridor trails and stream crossings that would avoid potentially significant adverse impacts to riparian areas, and ensure compatibility with and continuance of the habitat functions such areas provide. In addition, the existing language of the LUP requires that development within riparian corridors be the least environmentally damaging feasible alternative and that feasible mitigation measures be provided. These existing provisions will further ensure that trail development accommodated by the LCP amendment will protect against any significant disruption of habitat values, avoid significant degradation of habitat areas, and be compatible with the continuance of the habitat.

Thus, based on the foregoing analysis, the proposed amendments to the LUP would be consistent with Section 30240 of the Coastal Act.

3. Public Access.

a. Relevant Coastal Act Policies

Section 30210 of the Coastal Act states, in applicable part:

In carrying out the requirement 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.
[Emphasis added.]

Coastal Act Section 30212 states, in applicable part:

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(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... [Emphases added.]

Coastal Act Section 30214 states, in applicable part:

(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... [Emphases added.]

b. Consistency Analysis

The public access policies within Chapter 3, Article 2 of the Coastal Act set forth a series of requirements for the protection, accommodation, and provision of coastal access in the authorizing of new development within the coastal zone. These policies direct that maximized access be provided, subject to certain limitations, especially with regard to the protection of public health and safety, and environmental resources.

The above described revisions to existing text language in the LUP do not substantively change the LUP in a manner that affect's the LUP's consistency with applicable sections of the Coastal Act relating to public access. Rather, by adding specific criteria for developing trails within riparian corridors and for trail stream crossings, consistency with and implementation of the requirements of Coastal Act Sections 30210, 30212, and 30214 would be greatly improved. Access trail projects within riparian corridors and/or involving stream crossings could then be approved without questions arising as to a given project's consistency with the limitations within the Coastal Act's access policies regarding the protection of environmentally sensitive coastal resources through which such access facilities might be routed.

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Thus, the Commission finds that the proposed LCP amendment as submitted is consistent with Sections 30210, 30212, and 30214 of the Coastal Act.

4. Conclusion.

The proposed Land Use Plan amendments to allow for the development of trail routes in riparian areas and trail crossings of streams under certain limitations and to update the description of two McKinleyville area trails are consistent with Sections 30210, 30212, 30214, 30233, 30240, and the other Chapter 3 policies of the Coastal Act. All of the other existing land use policies and standards set forth for the various chapters of the LUP would remain as currently certified in conformance with the Coastal Act. Therefore the Commission finds that the Land Use Plan amendment as submitted conforms with the requirements of Chapter 3 of the Coastal Act pursuant to Sections 30512 and 30512.2 of the Coastal Act.

PART FOUR: AMENDMENTS TO IMPLEMENTATION PROGRAM

I. ANALYSIS CRITERIA

Section 30513 of the Coastal Act establishes the criteria for Commission action on proposed amendments to certified Implementation Programs (IP). Section 50513 states, in applicable part:

...The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

To approve the amendment, the Commission must find that the amended Implementation Plan will conform with and adequately carry out the provisions of the LUP as certified. For the reasons discussed in the findings below, the proposed amendment to the Implementation Program is consistent with or adequate to carry out the certified Land Use Plan.

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II. FINDINGS FOR CERTIFICATION OF IP AMENDMENT NO. HUM-MAJ-1-03 AS SUBMITTED

The Commission finds and declares as following for IP Amendment No. HUM-MAJ-1-03:

A. Amendment Description:

The proposed IP amendments entail a text change to permitted development provisions of the Streams and Riparian Corridors Protection combining zoning district (/R) to allow for the development of trail crossings subject to certain specified design standards.

The amendment proposed by this IP Amendment is as follows:

- Revise the language of Section 313.33.1.5.3 regarding permitted development within coastal stream channels to include trail crossings as a permissible use, consistent with all findings provisions for the issuance of coastal development permits and development entailing coastal road construction.
- Append a new sub-section onto Section 313.33.1.7.2 of the IP's Streams and Riparian Corridors Protection combining zone's permitted development provisions to allow for the development of public access trails crossings within stream and riparian corridors, and their related adjoining forests subject to specified design standards. Said design standards would require the subject trail alignments and crossings to: (1) minimize the length of trails through the riparian corridor; (2) where feasible, cross streams at right angles; (3) keep trails as far upslope from streams as possible; (4) minimize slope disturbance and vegetation removal; and (5) develop the trails only to the minimum width necessary.

The specific textual revisions to the County's coastal zoning regulations proposed for amendment are attached as Attachment No. 1.

B. Conformance of IP Amendment No. HUM-MAJ-1-03 as Submitted with the Certified LUP.

As set forth in Chapter 6 of the Coastal Act, to certify an implementation plan, or any amendments thereto, the Commission must find that the implementation plan or implementation plan amendment conforms with and is adequate to carry out the provisions of the certified land use plan, or the land use plan in it concurrently amended form, as applicable. The proposed IP text amendments would establish provisions to allow for the development of public access trail crossings within stream channels and the routing of access trails through riparian corridors, and their related adjoining forests, subject to specified design standards. Given the intent and scope of the proposed changes, the amended IP must be found to conform with and adequately carry out the LUP policies as amended by LUP Amendment No. HUM-MAJ-1-03 relating to public

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access, dredging, diking, and filling of coastal waters and wetlands, and the protection of environmentally sensitive habitat areas.

1. Public Access.

a. Relevant LUP Policies

Section 3.52.A of the North Coast Area Plan (NCAP), Section 3.50.B.1.a of the Trinidad Area Plan (TAP), Section 3.52.A of the McKinleyville Area Plan (MAP), Section 3.50.B.1.a of the Humboldt Bay Area Plan (HBAP), Section 3.52.A of the Eel River Area Plan (ERAP), and Section 3.52.A of the South Coast Area Plan (SCAP) state, in applicable parts:

A. Public agencies or other entities having or accepting responsibility for accessways shall provide support facilities compatible with the character of the land and adequate for the number of people using them prior to opening the access to public use.

1. Minimal improvements should be scheduled for unimproved access points in character with the rural nature of the communities they serve, and accessways accepted by the responsible entity or agency should include but shall not be limited to, the following as they are found consistent with the identified uses, modes of access and limitations as identified in (the Area Plans' access inventory and development recommendations chapter).

c. trails, stairs, and ramps...

3. When the approving authority finds adverse impacts associated with improving access in conjunction with the criteria within this section, appropriate mitigation measures must be provided. [Emphases added; non-italicized parenthetical substituted for plan-specific citations]

b. Consistency Analysis

The access policies of the County LUP emulate many of the same principles set forth within their Coastal Act equivalents. Particular emphasis is placed upon the need to apply appropriate limitations on the improvements for access facilities in the interest of protecting sensitive and fragile coastal resources such accessways may pass through or near.

The proposed text revisions to the IP would further improve the degree to which the LUP public access policy provisions for protecting sensitive resources is carried out under the

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standards for the Streams and Riparian Corridor Protection combining zone standards. Specific limitations would be placed upon the development of such access facilities in such settings that would reduce the degree of potentially significant adverse impacts on stream channels and riparian corridor resources by minimizing the length of the trail and its watercourse crossings, locating the trail as far removed from the more sensitive aquatic habitat areas immediately adjacent to the watercourses as possible, and reducing sediment-laden runoff and direct habitat removal by minimizing the slope disturbances, vegetation clearing, and the overall width of the trail. These measures would ensure that the LUP policies that require trails to be improved to an appropriate improvement level consistent with their setting with mitigation measures included as necessary to reduce any identified impacts to affected resources are more fully implemented. Thus, the proposed IP changes would conform with and adequately carry out the policies of the LUP regarding the development of public access facilities consistent with the protection of environmentally sensitive areas.

2. Dredging, Diking, and Filling of Coastal Waters and Wetlands.

a. Relevant LUP Policies

[Note: Proposed revisions to the currently certified LUP policies requested by LCP Amendment No. HUM-MAJ-1-03 and analyzed in Part Three of this report are highlighted below. New text is shown in **bold double-underline.**]

NCAP Section 3.41.C.1 states, in applicable part:

New development within wetlands, other than transitional ag-lands shall be limited to the following uses: ...

- b. Nature study...*
- g. Incidental public service purposes...*

TAP Section 3.30.B.2.a states, in applicable part:

Proposed development within wetland areas ...shall be subject to requirements of this section regarding permitted uses of wetlands unless it can be shown that there exists no wetland characteristics constituting a wetland as defined by the Coastal Act...

- (2) Nature study...*
- (7) Incidental public service purposes...*

MAP Section 3.41.C titled "Permitted Uses in Wetlands," states, in applicable part:

New development within these areas shall be limited to the following uses:
...

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2. *Nature study...*
7. *Incidental public service purposes...*

HBAP Section 3.30.B.3.a, titled "Permitted Uses within Wetlands Planned Resource Dependent (MR)," states:

New development within areas planned Resource Dependent (MR) shall be consistent with the policies and permitted uses of Section 30233 (of the Coastal Act). [Non-italicized parenthetical added.]

HBAP Section 3.30.B.4.a, titled "Permitted Uses within Wetlands Planned Natural Resource (NR)," states:

Permitted development within wetlands planned Natural Resources (NR) shall be limited to:

- 2) *Nature Study...*
- 5) *Incidental Public Facilities...*
- 6) *Access facilities consistent with development recommendations of (the access inventory)...* [Non-italicized parenthetical substituted for Area Plan citation.]

ERAP Section 3.41.B.2 states, in applicable part:

Estuarine areas, salt marshes and mudflats, and freshwater marshes and swamps are designated Natural Resources. New development in Natural Resource areas shall be limited to: ...

- b. *Nature study...*

SCAP Section 3.41.B.1 states, in applicable part:

Allowable uses within non-farmed wetlands --- new development within these areas shall be limited to the following uses: ...

- b. *Nature study...*
- g. *Incidental public service purposes...*

NCAP Section 3.41.G.3, TAP Section 3.30.B.5.c.(2), MAP Section 3.41.F.3.b, HBAP Section 3.41.B.8.c.2, ERAP Section 3.41.G.3.b, and SCAP Section 3.41.E.3.b, as proposed for amendment, would state, in applicable part:

New development within stream channels shall be permitted when there is no less environmentally damaging feasible alternative, where the best

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feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to: ...

- b. Road crossings, consistent with the provisions of (the Area Plan road crossing standards)³ and trail crossings consistent with (NCAP Section 3.41G.5.h, TAP Section 3.30.B.5.e.(10), MAP Section 3.41.F.5.h, HBAP Section 3.41.B.8.e.(8), ERAP Section 3.41.G.6.h, and SCAP Section 3.41.e.5.i, respectively)... [Non-italicized parenthetical substituted for specific Area Plan citations]

Cited NCAP Section 3.41G.5.h, TAP Section 3.30.B.5.e.(10), MAP Section 3.41.F.5.h, HBAP Section 3.41.B.8.e.(8), ERAP Section 3.41.G.6.h, and SCAP Section 3.41.e.5.i, as proposed under the subject LCP amendment to the Land Use Plan would state:

Public access trails provided that the length of the trail within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles, which are kept as far up slope from the stream as possible, which involve a minimum of slope disturbance and vegetation clearing, and are the minimum width necessary.

- b. Consistency Analysis

The policies of the County LUP regarding development involving the diking, dredging, or filling of coastal waters and wetlands emulate many of the same principles set forth within their Coastal Act equivalents. As can be seen in the policy excerpts above, particular emphasis is placed upon limiting the types of allowable uses in such settings by listing out sub-sets of the eight uses enumerated in Coastal Act Sections 30233(a)(1) through (8). In addition, the requirements that no least environmentally damaging feasible exist and that feasible mitigation measures be provided to minimize adverse environmental effects are set forth within the prefacing statement for the permissible development types for each sub-type of wetland or coastal water (i.e., "stream channels," "riparian corridors," "estuarine areas," "saltmarshes," etc.)

The proposed text amendments to the Streams and Riparian Corridors Protection combining zone standards would expressly call out trails crossings and the routing of public access trails as permissible uses within stream channels and riparian corridors, respectively, provided they are aligned and configured pursuant to specified design criteria intended to mitigate their impacts on the resource and minimize their environmental damage. As discussed further in Findings Section II.B.2.b of Part Three, the development of trails and their stream crossings that involves the filling of wetlands

³ These Area Plan policies authorize road and bridge replacement or construction provided that the length of the road within the riparian corridor is minimized, where feasible, by crossing streams at right angles, and not aligning the route to run parallel to streams within the riparian corridor.

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would be recognized as being for "incidental public purposes" if the work entails repair or maintenance of an existing public trail infrastructure, or, if for construction of new trails, "nature study." Accordingly, the proposed amendments to the IP would allow for the placement of fill within coastal waters and wetlands consistent with the limited uses enumerated in the various LUP policies as amended by LUP Amendment No. HUM-MAJ-1-03 and as enumerated in Findings Section II.B.2.a, above.

Furthermore, inclusion of the development standards proposed under the LCP amendment would further implement the LUP Policies within NCAP Section 3.41.G.3, TAP Section 3.30.B.5.c.(2), MAP Section 3.41.F.3.b, HBAP Section 3.41.B.8.c.2, ERAP Section 3.41.G.3.b, and SCAP Section 3.41.E.3.b, by identifying six specific measures to be included in the design of all proposed riparian trail and/or stream crossing trail project so that significant potential adverse effects associated with trail building in or near wetlands and wet environmentally sensitive resource areas are avoided or minimized to the maximum extent feasible (e.g., erosion- and stormwater runoff-related sedimentation impacts to water quality, direct removal of vegetation, and human intrusion into habitat areas).

Therefore, for the reasons discussed above, the Commission finds that the proposed amendments to the IP as submitted are consistent with and adequate for carrying out the policies of the amended LUP regarding the diking, dredging, and filling of coastal waters and wetlands.

3. Protection of Environmentally Sensitive Habitat Areas

a. Relevant LUP Policies

[Note: Proposed revisions to the currently certified LUP policies requested by LUP Amendment No. HUM-MAJ-1-03 and analyzed in Part Three of this report are highlighted below. New text is shown in **bold double-underline**.]

NCAP Section 3.41.G.3, TAP Section 3.30.B.5.c, MAP Section 3.41.F.3, HBAP Section 3.30.B.8.c, ERAP Section 3.41.F.2, and SCAP Section 3.41.E.3 as proposed for amendment would state, in applicable parts:

New development with stream channels shall be permitted when there is no less environmentally damaging feasible alternative, where the best feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to:

b. ...trail crossings consistent with (NCAP §3.41.G.5.h, TAP §3.30.B.5.e.(10), MAP §3.41.F.5.h, HBAP §3.30.B.8.h, ERAP §3.41.G.6.h, and SCAP §3.41.E.5.i, respectively)... [Non-italicized parenthetical substituted for individual Area Plan citations.]

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Cited Area Plan sub-sections NCAP §3.41.G.5.h, TAP §3.30.B.5.e.(10), MAP §3.41.F.5.h, HBAP §3.30.B.8.h, ERAP §3.41.G.6.h, and SCAP §3.41.E.5.j, as appended under the proposed amendment to the LUP, would state, in applicable parts:

New development within riparian corridors shall be permitted when there is no less environmentally damaging feasible alternative, where the best mitigation measure feasible have been provided to minimize adverse environmental effects and shall be limited to the following uses: ...

Public access trails provided that the length of the trail within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles, which are kept as far up slope as possible, which involve a minimum of slope disturbance and vegetation clearing, and are the minimum width necessary.

NCAP Section 3.41.E.1 and MAP Section 3.41.D.2 states, in applicable part:

No land use or development shall be permitted in areas adjacent to coastal wetlands, called Wetland Buffer Areas, which degrade the wetland or detract from the natural resource value... except for... development permitted in wetlands as provided by Coastal (Act) Section 30233... [Parenthetic and emphasis added.]

TAP Section 3.30.B.3 states, in applicable part:

No land use or development shall be permitted in areas adjacent to coastal wetlands, called Wetland Buffer Areas, which degrade the wetland or detract from the natural resource value... except for... development permitted in (wetlands, wetland buffers, and road construction within watersheds subject to specified design standards and mitigation measures, as specified in other sections of the Area Plan)... [Non-italicized parenthetic substituted for specific Area Plan citations.]

HBAP Section 3.30.B.6, ERAP Section 3.41.D and SCAP Section 3.41.C state, in applicable parts:

No land use or development shall be permitted in areas adjacent to coastal wetlands, called Wetland Buffer Areas, which degrade the wetland or detract from the natural resource value... New development proposed within Wetland Buffer Areas shall include the following mitigation measures: ...

No development, exclusive of those permitted in Section 30233 of the Coastal Act, shall be placed within 200 feet of the boundary of the wetland... [Emphasis added.]

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b. Consistency Analysis

As discussed in Findings Section II.B.2.b above, the proposed text amendments to the Streams and Riparian Corridors Protection combining zone standards would expressly list trail crossings and the routing of public access trails as permissible uses within stream channels and riparian corridors. These amendments to the zoning would conform with the use limitations for development within such ESHAs as stated in NCAP Section 3.41, TAP Section 3.30.B.5.c, MAP Section 3.41.F.3, HBAP Section 3.30.B.8.c, ERAP Section 3.41.F.2, and SCAP Section 3.41.E.3, as amended by LUP Amendment No. HUM-MAJ-1-03.

Construction of public access trails in riparian areas could have some direct adverse impacts on biological resources within environmentally sensitive areas. For example, permanent stream crossings allowed by the proposed changes could require placement of concrete anchors in or near the stream banks, which could displace some streamside habitat area. In addition, by facilitating the movement of people into riparian areas, new public access trails may displace some animal species that are intolerant of human presence.

However, the above-cited LUP policies as amended would reduce potential adverse impacts on riparian ESHA to insignificant levels by including language that minimizes the length of trails within riparian corridors. By requiring that: (a) the length of the trail within the riparian corridor be minimized, where feasible; (b) stream crossings be oriented at right angles to the watercourse; (c) the trail route is kept as far up slope from the stream as possible; (d) slope disturbance and vegetative clearing be minimized; and (e) trail are built to the minimum width necessary, significant adverse impacts on riparian areas would be largely avoided.

The proposed text revisions to the Streams and Riparian Corridors Protection combining zone provisions would conform with the above-described LUP policies as amended for minimizing the impact of trails on coastal streams resource and riparian corridor resource areas as the revisions would take the form of verbatim reiterations of the six specific design standards set forth in the amended LUP. As zoning code standards identical to their LUP counterparts, the IP as amended would be adequate for carrying out the relevant LUP policies as similarly amended.

Therefore, the Commission finds that proposed amendments to the use provisions and development standards of the Streams and Riparian Corridors Protection combining zoning district chapter of the County's coastal zoning regulations would conform with and adequately carry out the LUP policies regarding the protection of environmentally sensitive habitat areas.

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4. Conclusion

The proposed IP amendments as submitted to allow for the development of trail routes in riparian areas and trail crossings of streams under certain limitations would conform with and be adequate to carry out the provisions of the County's Land Use Plan as amended. Therefore, the Commission finds the County's Implementation Plan as amended would conform with and be adequate to carry out the requirements of the certified Land Use Plan as amended consistent with Section 30513 of the Coastal Act.

PART FIVE: CALIFORNIA ENVIRONMENTAL QUALITY ACT

In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.

As discussed in the findings above, hereby incorporated by reference, the amendment request is consistent with the California Coastal Act. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the proposed LCP amendment that were received prior to preparation of the staff report. Further, the future development of trails within riparian corridors and stream channels affected by the amendment request would require coastal development permits further assessing the specific impacts of individual development projects. There are no other feasible alternatives or mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment. The Commission finds that approval of the LCP Amendment with the incorporation of the suggested modifications will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

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ATTACHMENT 1: LCP AMENDMENT AS SUBMITTED

EXHIBITS:

1. Location Map (Humboldt County)
2. Area Plan Boundary Maps
3. Vicinity Map (California Coastal Trail Segment – Old Railroad Bridge-North (Fisher Road) to Widow White Creek)
4. California Coastal Trail Planned Route (Del Norte and Humboldt County Segment)
5. Streamside Management Areas Maps
6. County Resolution of Transmittal

PROPOSED TEXT CHANGES TO THE NORTHCOAST AREA PLAN

Proposed changes to Section 3.41 Riparian Vegetation and Definition of Riparian Corridor (Chapter 3, p. 28) – additions are shown in underline text.

3.41 G 3 New development with stream channels shall be permitted when there is no less environmentally damaging feasible alternative, where the best feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to:

- a. Wetlands, fishery, and wildlife enhancement and restoration projects.
- b. Road crossings, consistent with the provisions of Section 3.41 G 5e and trail crossings consistent with the provisions of 3.41 G 5h.
- c. Maintenance dredging for flood control and drainage purposes consistent with the Transitional Agricultural Lands policies.
- d. Development consistent with the provisions of 3.41 G5, below¹

3.41 G 4. Riparian corridors on all perennial and intermittent streams shall be, at a minimum, the larger of the following:

- a. 100 feet, measured as the horizontal distance from the stream transition line on both sides.
- b. 50 feet plus four times the average percent of slope, measured as a slope distance from the stream transition line on both sides of intermittent and perennial streams.
- c. Where necessary, the width of riparian corridors shall be expanded to include significant areas of riparian vegetation adjacent to the corridor, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance.
- d. If either the County or the landowner requests, they may agree to expand the width of the riparian corridor to protect significant areas of vegetation or special habitat areas adjacent to the corridor described above in 3.41 G4 a-c. (Amended by Res. No. 83-57, 3/15/83)

The width of the riparian corridor, as described in 3.41 G4 a-c above, may be reduced where such a reduction would not result in the removal of woody vegetation, and the County determines, based on specific factual findings, that a reduction of the corridor width will not result in a significant adverse impact to the habitat (Resolution No. 83-57, 3/15/83)

3.41G5. New development within riparian corridors shall be permitted when there is no less environmentally damaging feasible alternative, where the best mitigation measure feasible have been provided to minimize adverse environmental effects and shall be limited to the following uses:

- a. Timber management activities, provided:
 - (1) In precommercial thinning and release activities, that at least 50 percent of the treecrown canopy and 50 percent of other vegetation present before management operations shall be left standing. If either the County or the landowner requests, they may agree, after an on the ground inspection, to increase these percentages to protect special habitat values.
 - (2) Follow-up treatments or other timber management activities which affect the tree canopy shall be permitted only when the canopy has been sufficiently re-established to prevent substantial adverse effects on soil erosion, wildlife, aquatic life, or the beneficial uses of

¹Text added to correct typographical omission.

water. These activities shall maintain a tree canopy similar to that which existed upon the completion of the initial thinning or release.

- (3) In all timber management activities, including precommercial thinning, release activities, and site preparation, that heavy equipment shall be excluded from any area within 50 feet, measured as a slope distance, from the stream transition line, and shall not be permitted in other portions of the riparian corridor except where explained and justified as the least environmentally damaging feasible alternative.
 - (4) All activities shall be consistent with timber harvest rules of the Board of Forestry applicable to the protection of aquatic life and water quality.
 - b. Timber harvests smaller than three acres of merchantable timber 18 inches DBH or greater provided that timber harvest practices shall be consistent with those permitted under the forest practices rules for stream protection zones in Coastal Commission special treatment areas. Unmerchantable hardwoods and shrubs shall be protected from unreasonable damage.
 - c. Maintenance of flood control and drainage channels.
 - d. Wells in rural areas.
 - e. Road and bridge replacement or construction, provided that the length of the road within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles and do not parallel streams within the riparian corridor.
 - f. Removal of trees for disease control or public safety purposes.
 - g. Removal of firewood for personnel use on the property consistent with the applicable forest rules for stream protection zones in Coastal Commission special treatment areas.
 - h. Public access trails provided that the length of the trail within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles, which are kept as far up slope from the stream as possible, which involve a minimum of slope disturbance and vegetative clearing, and are the minimum width necessary.
6. Mitigation measures for development within riparian corridors shall, at a minimum include replanting disturbed areas with riparian vegetation (including such species as redwood, sitka spruce, alders, etc.), retaining snags within the riparian corridor unless felling is required by CAL-OSHA or permitted by California Department of Forestry forest and fire protection regulations, and retaining live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets.
 7. The County shall request the Department of Fish and Game to review plans for development within riparian corridors, the Department may recommend measures to mitigate disruptions to habitats.
 8. Natural drainage courses, including ephemeral streams, shall be retained and protected from development which would impede the natural drainage pattern or have a significant adverse effect on water quality or wildlife habitat. Stormwater outfalls, culverts, gutters and the like, shall be dissipated, and, where feasible, screened. Natural vegetation within and immediately adjacent to the bankfull channel shall be maintained except for removal consistent with the provisions of this Section.

PROPOSED TEXT CHANGES TO THE TRINIDAD AREA PLAN

Proposed changes to Section 3.30 Natural Resource Protection Policies and Standards - Coastal Streams, Riparian Vegetation and Marine Resources (Chapter 3, p. 35). Additions are shown in underline text.

- 3.30 B. 5
- c. New development within stream channels shall be permitted when there is no less environmentally damaging feasible alternative, where the best feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to:
 - (1) Wetlands, fishery, and wildlife enhancement and restoration projects.
 - (2) Road crossing, consistent with the provisions of Section 3.30 B5e and trail crossings consistent with the provisions of 3.30 B5e(10).
 - (3) Maintenance dredging for flood control and drainage purposes consistent with the transitional Agricultural Lands policies.
 - (4) Development consistent with the provisions of 3.30 B 5e, below.
 - d. Riparian corridors on all perennial and intermittent streams shall be, at a minimum, the larger of the following:
 - (1) 100 feet, measured as the horizontal distance from the stream transition line on both sides.
 - (2) 50 feet plus four times the average percent of slope, measured as a slope distance from the stream transition line on both sides of intermittent and perennial streams.
 - (3) Where necessary, the width of riparian corridors shall be expanded to include significant areas of riparian vegetation adjacent to the corridor, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance.
 - e. New development within riparian corridors shall be permitted when there is no less environmentally damaging feasible alternative, where the best mitigation measure feasible have been provided to minimize adverse environmental effects, and shall be limited to the following uses:
 - (1) Timber management activities, provided:
 - (a) In precommercial thinning and release activities, that at least 50 percent of the tree crown canopy and 50 percent of other vegetation present before management operations shall be left standing. If either the County or the landowner requests, they may agree, after a ground inspection, to increase these percentages to protect special habitat values.
 - (b) Follow-up treatments or other timber management activities which affect the tree canopy shall be permitted only when the canopy has been sufficiently re- established to prevent substantial adverse effects on soil erosion, wildlife, aquatic life, or the beneficial uses of water. These activities shall maintain a tree canopy similar to that which existed upon the completion of the initial thinning or release.

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- (c) In all timber management activities, including pre-commercial thinning, release activities, and site preparation, that heavy equipment shall be excluded from any area within 50 feet, measured as a slope distance, from the stream transition line, and shall not be permitted in other portions of the riparian corridor except where explained and justified as the least environmentally damaging feasible alternative.
 - (d) All activities shall be consistent with timber harvest rules of the Board of Forestry applicable to the protection of aquatic life and water quality.
- (2) Timber harvests smaller than three acres of merchantable timber 18 inches DBH or greater provided that timber harvest practices shall be consistent with those permitted under the forest practices rules for stream protection zones in Coastal Commission Special Treatment Areas. Unmerchantable hardwoods and shrubs shall be protected from unreasonable damage.
 - (3) Maintenance of flood control and drainage channels.
 - (4) Wells in rural areas.
 - (5) Road and bridge replacement or construction, provided that the length of the road within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles and do not parallel streams within the riparian corridor.
 - (6) Removal of trees for disease control or public safety purposes.
 - (7) Removal of firewood for personal use on the property use on the property consistent with the applicable forest practice rules for stream protection zones in Coastal Commission Special Treatment Areas.
 - (8) Mitigation measures for development within riparian corridors shall, at a minimum, include replanting disturbed areas with riparian vegetation, retaining snags within the riparian corridor unless felling is required by CAL-OSHA regulations, and retaining live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, herons or egrets.
 - (9) The County shall request the Department of Fish and Game to review plans for development within riparian corridors, the Department may recommend measures to mitigate disruptions to habitats.
 - (10). Public access trails provided that the length of the trail within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles, which are kept as far up slope from the stream as possible, which involve a minimum of slope disturbance and vegetative clearing, and are the minimum width necessary.
- f. Natural drainage courses, including ephemeral streams, shall be retained and protected from development which would impede the natural drainage pattern or have a significant adverse affect on water quality or wildlife habitat. Stormwater outfalls, culverts, gutters and the like, shall be dissipated, and, where feasible, screened. Natural vegetation within and immediately adjacent to the bankfull channel shall be maintained except for removal consistent with the provisions of this Section.

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PROPOSED TEXT CHANGES TO THE MCKINLEYVILLE AREA PLAN

Proposed changes to Section 3.41 Riparian Vegetation and Definition of Riparian Corridor (Chapter 3, p. 30) – additions are shown in underline text.

3.41F (3) New development within stream channels shall be permitted when there is no less environmentally damaging feasible alternative, where the best feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to:

- a. Wetlands, fishery, and wildlife enhancement and restoration projects.
- b. Road crossings, consistent with the provisions of Section 3.41F 5 e and trail crossings consistent with the provisions of 3.41 F 5 h.
- c. Maintenance dredging for flood control and drainage purposes.
- d. Development consistent with the provisions of Section 3.41F 5.

4. Riparian corridors on all perennial and intermittent streams shall be, at a minimum, the larger of the following:

- a. 100 feet, measured as the horizontal distance from the stream transition line on both sides.
- b. 50 feet plus four times the average percent of slope, measured as a slope distance from the stream transition line on both sides.
- c. Where necessary, the width of riparian corridors shall be expanded to include significant areas of riparian vegetation adjacent to the corridor, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance.
- d. If either the County or the landowner requests, they may agree to expand the width of the riparian corridor to protect significant areas of vegetation or special habitat areas adjacent to the corridor described in 4a-c, above.

The width of the riparian corridor, as described in 4a-d above, may be reduced where such a reduction would not result in the removal of woody vegetation, and the County determines, based on specific factual findings, that a reduction of the corridor width will not result in a significant adverse impact to the habitat. (Amended by Res. No. 83-58, 3/15/83).

5. New development within riparian corridors shall be permitted when there is no less environmentally damaging feasible alternative, where the best mitigation measures feasible have been provided to minimize adverse environmental effects, and shall be limited to the following uses:

- a. Timber management activities, provided:
 - (1) In precommercial thinning and release activities, that at least 50 percent of the treecrown canopy and 50 percent of other vegetation present before management operations shall be left standing. If either the County or the landowner requests, they may agree, after an on the ground inspection, to increase these percentages to protect special habitat values.
 - (2) Follow-up treatments or other timber management activities which affect the tree canopy shall be permitted only when the canopy has been sufficiently re-established to prevent substantial adverse effects on soil erosion, wildlife, aquatic life, or the beneficial uses of water. These activities shall maintain a tree canopy similar to that which existed upon the completion of the initial thinning or release.

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- (3) In all timber management activities, including precommercial thinning, release activities, and site preparation, that heavy equipment shall be excluded from any area within 50 feet, measured as a slope distance, from the stream transition line, and shall not be permitted in other portions of the riparian corridor except where explained and justified as the least environmentally damaging feasible alternative.
- (4) All activities shall be consistent with timber harvest rules of the Board of Forestry applicable to the protection of aquatic life and water quality.
- b. Timber harvests smaller than three acres of merchantable timber 18 inches DBH or greater provided that timber harvest practices shall be consistent with those permitted under the forest practices rules for stream protection zones in Coastal Commission special treatment areas. Unmerchantable hardwoods and shrubs shall be protected from permanent damage.
 - c. Maintenance of flood control and drainage channels.
 - d. Wells in rural areas.
 - e. Road and bridge replacement or construction, provided that the length of the road within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles and do not parallel streams within the riparian corridor.
 - f. Removal of trees for disease control, or public safety purposes.
 - g. Removal of firewood for personal use on the property consistent with the applicable forest rules for stream protection zones in Coastal Commission Special Treatment Areas.
 - h. Public access trails provided that the length of the trail within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles, which are kept as far up slope from the stream as possible, which involve a minimum of slope disturbance and vegetative clearing, and are the minimum width necessary.
6. Mitigation measures for development within riparian corridors shall, at a minimum, include replanting disturbed areas with riparian vegetation (including such species as redwood, sitka spruce, alders, etc.), retaining snags within the riparian corridor unless felling is required by CAL-OSHA, or permitted by California Department of Forestry forest and fire protection regulations, and retaining live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, herons or egrets.
7. The County ~~may~~ shall request the Department of Fish and Game to review plans for development within riparian corridors, the Department may recommend measures to mitigate disruptions to habitats. (Amended by Res. No. 81-143, 12/15/81).

Additional proposed amendments to Section 4.34 of the McKinleyville Area Plan Access: McKinleyville Access Inventory And Development Recommendations (Chapter 4 p. 11) to facilitate the construction of the Hammond Trail. Proposed deletions are shown in ~~strike through~~ and proposed additions are underlined.

4.54 ACCESS: MCKINLEYVILLE ACCESS INVENTORY AND DEVELOPMENT RECOMMENDATIONS

MAP INDEX NUMBER

28A. Widow White Creek: At the end of Myers Road just 600 feet south of the Letz/Dolack access, is a trail which leads to the beach near the mouth of Widow White Creek. This trail intersects the Coastal Trail where the latter begins to climb up onto the terrace. At the southern end of Letz Avenue is a footpath that follows the north bank of Widow White Creek. At low flows, the creek can be crossed to a path up the bluff, through coastal forest and an open field. The path then connects with an existing section of the Hammond Coastal Trail. The high steep bluff which is a problem with the access to the north, is not a major problem here. Note: Easement along this accessway was granted to the County of Humboldt by the Slagle-Mathews family and the Hartman family in exchange for the former noted access location in the previous Coastal Plan along Myers Road approximately 600 ft. to the north of Widow White Creek.

RECOMMENDATION:

In coordination with adjacent commercial recreational development, this accessway should be dedicated consistent with Chapter 3 policies, and include the following: improvement of the trail to accommodate pedestrian and equestrian travel, and provision of limited parking near the trailhead. This accessway should be improved to direct and control public use of the riparian corridor. Improvements should be consistent with California Department of Fish and Game recommendations to minimize environmental impacts. Improvements should include demarcation of the trail, erosion control measures, and signage. Access should be restricted to pedestrian use, and signs should indicate that dogs must be kept on a leash. Interpretive signs and/or other educational materials provided concerning riparian habitat would be a beneficial addition to this section of trail. An alternate route should be developed for equestrians, bicyclists and handicapped trail users. This route has been planned to parallel Highway 101 south from Letz Avenue to Murray Road, then west to connect to the existing Hammond Trail.

MAP INDEX NUMBER

33. Old Railroad Bridge--North (Fisher Road): The old right-of-way at the north end of the bridge currently provides pedestrian access to the north bank of the Mad River. Vehicle access is not available at the north end of the bridge and the site has not received the same level of use as the south end of the bridge. Both sites provide important fishing access.

Coastal Trail: A coastal hiking, biking, and equestrian trail has been proposed in the California Recreational Trails Plan and the adopted Humboldt County Trails Plan. In the McKinleyville Planning Area, this is proposed has been built to run along the Little River and Clam Beaches and then up the coastal bluff to Vista Point and along the terrace paralleling Highway 101 to Letz Road and is proposed to be extended to Murray Road, then west to follow the old Hammond Railroad right-of-way to the Mad River. A riparian interpretive spur trail would slope downward from this route at the south end of Letz Avenue and follow Widow White Creek to the old railroad grade.

RECOMMENDATION:

Development of the Old Railroad Bridge and the Coastal Trail should follow recommendation of the adopted County Trails Plan.

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PROPOSED TEXT CHANGES TO THE HUMBOLDT BAY AREA PLAN

Proposed changes to Section 3.30 Natural Resources Protection Policies and Standards: Coastal Streams, Riparian Vegetation and Marine Resources (Chapter 3 p. 55) – additions are shown in underline text.

- 3.41 B 8 c. New development with stream channels shall be permitted when there is no less environmentally damaging feasible alternative, where the best feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to:
1. Wetlands, fishery, and wildlife enhancement and restoration projects.
 2. Road crossings, consistent with the provisions of Section 3.41 B (8)(e) and trail crossings consistent with the provisions of 3.41 B 8 (e)(8).
 3. Maintenance dredging for flood control and drainage purposes consistent with the Transitional Agricultural Lands policies.
 4. Development consistent with the provisions of (5), below
- d. Riparian corridors on all perennial and intermittent streams shall be, at a minimum, the larger of the following:
1. 100 feet, measured as the horizontal distance from the stream transition line on both sides.
 2. 50 feet plus four times the average percent of slope, measured as a slope distance from the stream transition line on both sides of intermittent and perennial streams.
 3. Where necessary, the width of riparian corridors shall be expanded to include significant areas of riparian vegetation adjacent to the corridor, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance.
 4. Notwithstanding the above riparian corridor width requirements, the width of the riparian corridor may be reduced where such a reduction would not result in the removal of woody vegetation, and the County determines, based on specific factual findings, that a reduction will not result in a significant adverse impact to the habitat. New structures, including houses, barns, shops, etc., shall be placed a minimum of 50 feet from the stream transition lines.
- e. New development within riparian corridors shall be permitted when there is no less environmentally damaging feasible alternative, where the best mitigation measure feasible have been provided to minimize adverse environmental effects and shall be limited to the following uses:
- (1) Timber management activities, provided:
 - (a) In precommercial thinning and release activities, that at least 50 percent of the treecrown canopy and 50 percent of other vegetation present before management operations shall be left standing. If either the County or the landowner requests, they may agree, after an on the ground inspection, to increase these percentages to protect special habitat values.
 - (b) Follow-up treatments or other timber management activities which affect the tree canopy shall be permitted only when the canopy has been sufficiently re-established to prevent substantial adverse effects on soil erosion, wildlife, aquatic life, or the beneficial uses of water. These activities shall maintain a tree canopy similar to that which existed upon the completion of the initial thinning or release.
 - (c) In all timber management activities, including precommercial thinning, release activities, and site preparation, that heavy equipment shall be excluded from any area within 50 feet, measured as a slope distance, from the stream transition line, and shall not be

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permitted in other portions of the riparian corridor except where explained and justified as the least environmentally damaging feasible alternative.

- (d) All activities shall be consistent with timber harvest rules of the Board of Forestry applicable to the protection of aquatic life and water quality.
 - (2) Timber harvests smaller than three acres of merchantable timber 18 inches DBH or greater provided that timber harvest practices shall be consistent with those permitted under the forest practices rules for stream protection zones in Coastal Commission special treatment areas. Unmerchantable hardwoods and shrubs shall be protected from unreasonable damage.
 - (3) Maintenance of flood control and drainage channels.
 - (4) Wells in rural areas.
 - (5) Road and bridge replacement or construction, provided that the length of the road within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles and do not parallel streams within the riparian corridor.
 - (6) Removal of trees for disease control or public safety purposes.
 - (7) Removal of firewood for personnel use on the property consistent with the applicable forest rules for stream protection zones in Coastal Commission special treatment areas.
 - (8) Public access trails provided that the length of the trail within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles, which are kept as far up slope from the stream as possible, which involve a minimum of slope disturbance and vegetative clearing, and are the minimum width necessary.
- f. Mitigation measures for development within riparian corridors shall, at a minimum include replanting disturbed areas with riparian vegetation (including such species as redwood, sitka spruce, alders, etc.), retaining snags within the riparian corridor unless felling is required by CAL-OSHA or permitted by California Department of Forestry forest and fire protection regulations, and retaining live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets.
- (1) The County shall request the Department of Fish and Game to review plans for development within riparian corridors, the Department may recommend measures to mitigate disruptions to habitats.
- g. Natural drainage courses, including ephemeral streams, shall be retained and protected from development which would impede the natural drainage pattern or have a significant adverse effect on water quality or wildlife habitat. Stormwater outfalls, culverts, gutters and the like, shall be dissipated, and, where feasible, screened. Natural vegetation within and immediately adjacent to the bankfull channel shall be maintained except for removal consistent with the provisions of this Section.

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PROPOSED TEXT CHANGES TO THE EEL RIVER AREA PLAN

Proposed changes to Section 3.41 Other Coastal Streams (Chapter 3 p.41) – additions are shown in underline text.

3.41 G 3. New development with stream channels shall be permitted when there is no less environmentally damaging feasible alternative, where the best feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to:

- a. Wetlands, fishery, and wildlife enhancement and restoration projects.
- b. Road crossings, consistent with the provisions of Section 3.41 G (6)(e) and trail crossings consistent with the provisions of 3.41 G (6)(h).
- c. Maintenance dredging for flood control and drainage purposes consistent with the Transitional Agricultural Lands policies.
- d. Development consistent with the provisions of 3.41 G (6), below
- e. New fences, so long as it would not impede the natural drainage or would adversely affect the stream environment or wildlife. (Typically, 2-3 strands of barbed wire with fence posts set outside of the stream channel would be consistent with this policy.)

4. The riparian corridor along the Salt River shall be limited to the bankfull channel.

5. Riparian corridors on all other perennial and intermittent streams shall be, at a minimum, the larger of the following:

- a. 100 feet, measured as the horizontal distance from the stream transition line on both sides.
- b. 50 feet plus four times the average percent of slope, measured as a slope distance from the stream transition line on both sides of intermittent and perennial streams.
- c. Where necessary, the width of riparian corridors shall be expanded to include significant areas of riparian vegetation adjacent to the corridor, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance.
- d. Where necessary, the width of riparian corridors shall be expanded to include significant areas of riparian vegetation adjacent to the corridor, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance.

The width of the riparian corridor may be reduced where such a reduction would not result in the removal of woody vegetation, and the County determines, based on specific factual findings, that a reduction of the corridor will not result in a significant adverse impact to the habitat. New structures, including houses, barns, sheds, etc., shall be placed a minimum of 50 feet from the stream transition line.

6. New development within riparian corridors shall be permitted when there is no less environmentally damaging feasible alternative, where the best mitigation measure feasible have been provided to minimize adverse environmental effects and shall be limited to the following uses:

- a. Timber management activities, provided:
 - (1) In precommercial thinning and release activities, that at least 50 percent of the treecrown canopy and 50 percent of other vegetation present before management operations shall be left standing. If either the County or the landowner requests, they may agree, after an on the ground inspection, to increase these percentages to protect special habitat values.

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- (2) Follow-up treatments or other timber management activities which affect the tree canopy shall be permitted only when the canopy has been sufficiently re-established to prevent substantial adverse effects on soil erosion, wildlife, aquatic life, or the beneficial uses of water. These activities shall maintain a tree canopy similar to that which existed upon the completion of the initial thinning or release.
 - (3) In all timber management activities, including precommercial thinning, release activities, and site preparation, that heavy equipment shall be excluded from any area within 50 feet, measured as a slope distance, from the stream transition line, and shall not be permitted in other portions of the riparian corridor except where explained and justified as the least environmentally damaging feasible alternative.
 - (4) All activities shall be consistent with timber harvest rules of the Board of Forestry applicable to the protection of aquatic life and water quality.
 - b. Timber harvests smaller than three acres of merchantable timber 18 inches DBH or greater provided that timber harvest practices shall be consistent with those permitted under the forest practices rules for stream protection zones in Coastal Commission special treatment areas. Unmerchantable hardwoods and shrubs shall be protected from unreasonable damage.
 - c. Maintenance and replacement of flood control and drainage channels, fences, levees, dikes, flood gate, and tidegates.
 - d. Wells in rural areas.
 - e. Road and bridge replacement or construction, provided that the length of the road within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles and do not parallel streams within the riparian corridor.
 - f. Removal of trees for disease control or public safety purposes.
 - g. Removal of firewood for personnel use on the property consistent with the applicable forest rules for stream protection zones in Coastal Commission special treatment areas.
 - h. Public access trails provided that the length of the trail within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles, which are kept as far up slope from the stream as possible, which involve a minimum of slope disturbance and vegetative clearing, and are the minimum width necessary.
7. Mitigation measures for development within riparian corridors shall, at a minimum include replanting disturbed areas with riparian vegetation (including such species as redwood, sitka spruce, alders, etc.), retaining snags within the riparian corridor unless felling is required by CAL-OSHA or permitted by California Department of Forestry forest and fire protection regulations, and retaining live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets.
 8. The County shall request the Department of Fish and Game to review plans for development within riparian corridors, the Department may recommend measures to mitigate disruptions to habitats.
 9. Natural drainage courses, including ephemeral streams, shall be retained and protected from development which would impede the natural drainage pattern or have a significant adverse effect on water quality or wildlife habitat. Stormwater outfalls, culverts, gutters and the like, shall be dissipated, and, where feasible, screened. Natural vegetation within and immediately adjacent to the bankfull channel shall be maintained except for removal consistent with the provisions of this section.

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PROPOSED TEXT CHANGES TO THE EEL RIVER AREA PLAN

Proposed changes to Section 3.41 Riparian Vegetation and Definition of Riparian Corridor (Chapter 3 p.25) – additions are shown in underline text.

- 3.41 E 3. New development within stream channels shall be permitted when there is no less environmentally damaging feasible alternative, where the best feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to:
- a. Wetlands, fishery, and wildlife enhancement and restoration projects.
 - b. Road crossings, consistent with the provisions of Section 3.41 E 5e and trail crossings consistent with the provisions of 3.41 E 5(j).
 - c. Maintenance dredging for flood control and drainage purposes consistent with the Transitional Agricultural Lands policies.
 - d. Development consistent with the provisions of 3.41 E 5, below.
4. Riparian corridors on all perennial and intermittent streams shall be, at a minimum, the larger of the following:
- a. 100 feet, measured as the horizontal distance from the stream transition line on both sides.
 - b. 50 feet plus four times the average percent of slope, measured as a slope distance from the stream transition line on both sides of intermittent and perennial streams.
 - c. Where necessary, the width of riparian corridors shall be expanded to include significant areas of riparian vegetation adjacent to the corridor, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance.
 - d. In Shelter Cove Sea Park the riparian corridors shall be the same as the "green belt" areas.
5. New development within riparian corridors shall be permitted when there is no less environmentally damaging feasible alternative, where the best mitigation measures feasible have been provided to minimize adverse environmental effects, and shall be limited to the following uses:
- a. Timber management activities, provided:
 - (1) In precommercial thinning and release activities, that at least 40 percent of the tree crown canopy and 50 percent of other vegetation present before management operations shall be left standing. If either the County or the landowner requests, they may agree, after an on the ground inspection, to increase these percentages to protect special habitat values.
 - (2) Follow-up treatments or other timber management activities which affect the tree canopy shall be permitted only when the canopy has been sufficiently re-established to prevent substantial adverse effects on soil erosion, wildlife, aquatic life, or the beneficial uses of water. These activities shall maintain a tree canopy similar to that which existed upon the completion of the initial thinning or release.
 - (3) In all timber management activities, including precommercial thinning, release activities, and site preparation, that heavy equipment shall be excluded from any area within 50 feet, measured as a slope distance, from the stream transition line, and shall not be permitted in other portions of the riparian corridor except where explained and justified as the least environmentally damaging feasible alternative.
 - (4) All activities shall be consistent with timber harvest rules of the Board of Forestry applicable to the protection of aquatic life and water quality.

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- b. Timber harvests smaller than three acres of merchantable timber 18 inches DBH or greater provided that timber harvest practices shall be consistent with those permitted under the forest practices rules for stream protection zones in Coastal Commission special treatment areas. Unmerchantable hardwoods and shrubs shall be protected from unreasonable damage.
- c. Maintenance of flood control and drainage channels.
- d. Wells in rural areas. Wells in urban areas when part of a community water system.
- e. Road and bridge replacement or construction, provided that the length of the road within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles and do not parallel streams within the riparian corridor.
- f. Removal of trees for disease control or public safety purposes.
- g. Removal of firewood for personal use on the property consistent with the applicable forest practice rules for stream protection zones in Coastal Commission special treatment areas.
- h. Mitigation measures for development within riparian corridors shall, at a minimum, include replanting disturbed areas with riparian vegetation, retaining snags within the riparian corridor unless felling is required by CAL-OSHA regulations, and retaining live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, herons or egrets.
- i. The County shall request the Department of Fish and Game to review plans for development within riparian corridors, the Department may recommend measures to mitigate disruptions to habitats.
- j. Public access trails provided that the length of the trail within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles, which are kept as far up slope from the stream as possible, which involve a minimum of slope disturbance and vegetative clearing, and are the minimum width necessary.

6. Natural Drainages

- a. Natural drainage courses, including ephemeral streams, shall be retained and protected from development which would impede the natural drainage pattern or have a significant adverse affect on water quality or wildlife habitat.
- b. Stormwater outfalls, culverts, gutters, and other drainage control improvements which discharge into natural drainage courses shall be dissipated, and, where feasible, screened.
- c. Natural vegetation within and immediately adjacent to the bankfull channel shall be maintained except for removal consistent with the provisions of this Section.

7. Dead Man's Gulch and Humboldt Creek have been identified as potential water sources for expansion of the Shelter Cove water system. Nothing in this plan shall prevent development of these potential water sources; however, reasonable mitigation may be required.

8. Offshore Rocks and Rocky Intertidal Areas

No new development shall be permitted which would increase the risk of biological or other damage to the Area of Special Biological Significance as identified by the Water Quality Control Board, offshore rocks and the biological communities they support, or the intertidal areas.

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PROPOSED CHANGES TO THE HUMBOLDT COUNTY COASTAL ZONING REGULATIONS

Proposed changes to Section 313-33.1 Streams and Riparian Corridors Protection (Chapter 3 p. 86) – additions are shown in underline text.

313-33.1 R: STREAMS AND RIPARIAN CORRIDORS PROTECTION

33.1.1 **Purpose.** The purpose of these regulations is to provide for the maintenance, enhancement, and, where feasible, restoration of water resources by restricting development, and by minimizing adverse effects of runoff, interference with surface waterflow, and alteration of natural streams, and by protecting riparian habitats. (Former Section CZ#A314-63(A))

33.1.2 **Applicability.** These regulations shall apply to:

33.1.2.1 All streams, riparian corridors and riparian forests designated “R” on the Zoning Maps; (Former Section CZ#A314-63(B)(1))

33.1.2.2 All perennial and intermittent streams as delineated on U.S. Geological Survey 7.5-minute quadrangles. (Former Section CZ#A314-63(B)(2))

33.1.2.3 All riparian lands and coastal streams listed in the Coastal Land Use Plan. (Former Section CZ#A314-63(B)(3))

It should be noted that additional stream protection regulations in Chapter 2 apply specifically to the Coastal Zone segments of the Mad and Eel Rivers.

33.1.3 **Modifications Imposed by the Streams and Riparian Corridors Protection Regulations.** These regulations shall be in addition to regulations imposed by the primary zone, development regulations, and other coastal resource special area regulations. Wherever the provisions of these regulations conflict with or are inconsistent in application with any other regulation, the regulation which is most protective of natural resources shall apply. (Former Section CZ#A314-63(C))

33.1.4 **Consultation with Department of Fish and Game.** The County shall request the California Department of Fish and Game to review development plans proposed within stream channels and riparian corridors. The Agency shall be requested to respond within ten (10) working days of the referral. (Former Section CZ#A314-63(D))

33.1.5 **Permitted Development within Coastal Stream Channels.** New development within stream channels located within the County’s Coastal Zone, shall be limited to the following uses: (Former Section CZ#A314-63(E))

33.1.5.1 Wetlands, fishery, and wildlife enhancement and restoration projects and small hydroelectric generating facilities; (Former Section CZ#A314-63(E)(1))

33.1.5.2 Pipelines, utility lines, municipal water systems, wells in rural areas, and incidental public service purposes; (Former Section CZ#A314-63(E)(2))

33.1.5.3 Road and trail crossings, consistent with all of the applicable “Findings” provisions of Chapter 2. (See, Section 312-17, which sets forth findings required for all permits, and Section 312-39.11, which sets forth the Resource Protection Findings relating to Coastal Road Construction.) (Former Section CZ#A314-63(E)(3))

33.1.5.4 Maintenance dredging for flood control and drainage purposes, consistent with the Transitional Agricultural Land Use regulations. (Former Section CZ#A314-63(E)(4))

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- 33.1.5.5 Maintenance of levees, roads, dikes, drainage channels, floodgates and tidegates including replacement; (Former Section CZ#A314-63(E)(5))
- 33.1.5.6 Construction of new fences, so long as it would not impede the natural drainage; (Former Section CZ#A314-63(E)(6))
- 33.1.5.7 Bank protection, surface mining, and other development consistent with the provisions of subsection 33.1.7, Permitted Development and Uses Within Riparian Corridors and Forests. (Former Section CZ#A314-63(E)(7))

33.1.6 **Definition of Coastal Riparian Corridors and Forests.** For purposes of these regulations, riparian corridors on all perennial and intermittent streams located within the County's Coastal Zone, shall be defined as one of the following: (Former Section CZ#A314-63(F))

33.1.6.1 The larger of:

- 33.1.6.1.1 A minimum setback of 100 feet on both sides of the stream, as measured horizontally from the stream transition lines; or (Former Section CZ#A314-63(F)(1)(a))
- 33.1.6.1.2 A minimum setback of fifty feet (50') plus four (4) times the average percent of slope on both sides, as measured horizontally along the slope perpendicular to the stream transition lines; up to a maximum of 200 feet from the stream transition line on both sides of the streams; or (Former Section CZ#A314-63(F)(1)(b))
- 33.1.6.1.3 Where significant areas of riparian vegetation, landslides and areas of slope instability exist adjacent to riparian corridors, as defined in accordance with the setbacks required in subsections 33.1.6.1.1 and 33.1.6.1.2, the riparian corridors shall be expanded to include such areas to a maximum setback of 200 feet from the stream transition lines; or (Former Section CZ#A314-63(F)(1)(c))
- 33.1.6.1.4 Along the Eel River and within riparian forests mapped in the Eel River Area Plan, 200 feet measured as the horizontal distance from the stream transition line. (Former Section CZ#A314-63(F)(1)(d))

33.1.6.2 If either the County or the landowner requests, they may agree to expand the width of the riparian corridor to protect significant areas of vegetation or special habitat areas adjacent to the corridor described in paragraph 33.1.6.1. (Former Section CZ#A314-63(F)(2))

33.1.6.3 The width of the riparian corridor, as described in paragraph 33.1.6.1, may be reduced where such a reduction would not result in the removal of the woody vegetation, and the County determines, based on specific factual findings, that a reduction of the corridor width will not result in a significant adverse impact to the habitat, and is consistent with the adopted Local Coastal Plan. (Former Section CZ#A314-63(F)(3))

33.1.7 **Permitted Development and Uses Within Riparian Corridors and Forests.**

33.1.7.1 Timber management and timber harvesting activities regulated by the California Department of Forestry and the Board of Forestry, and forest improvement activities carried out under the Forest Improvement Program (FIP), Agricultural Conservation Program (ACP), or California Forest Improvement Program (Cal FIP) shall be exempt from requirements of this section. (Former Section CZ#A314-63(G)(1))

33.1.7.2 New development within riparian corridors shall be limited to: (Former Section CZ#A314-63(G)(2))

- 33.1.7.2.1 Maintenance dredging for flood control and drainage purposes consistent with the Transitional Agricultural Land Regulations; (Former Section CZ#A314-63(G)(2)(a))

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- 33.1.7.2.2 Maintenance or replacement of flood control structures, roads, fences, drainage channels, levees, floodgates, and tide gates; (Former Section CZ#A314-63(G)(2)(b))
- 33.1.7.2.3 Wells in rural areas; (Former Section CZ#A314-63(G)(2)(c))
- 33.1.7.2.4 Replacement or construction of roads, bridges, pipelines, electrical utility lines, municipal water systems, and incidental public service purposes, provided that the length of the facilities within the riparian corridor shall be minimized, where feasible, by rights-of-way which cross streams at right angles and do not parallel streams within the riparian corridor; (Former Section CZ#A314-63(G)(2)(d))
- 33.1.7.2.5 Removal of trees for disease control, or public safety purposes, or for firewood for personal use; (Former Section CZ#A314-63(G)(2)(e))
- 33.1.7.2.6 New fences, as long as they do not impede natural drainage or would not adversely affect the stream environment or wildlife. (Former Section CZ#A314-63(G)(2)(f))
- 33.1.7.2.7 Timber management activities, provided that:
- 33.1.7.2.7.1 In pre-commercial thinning and release activities, at least fifty percent (50%) of the treecrown canopy and fifty percent (50%) of other vegetation present before management operations shall be left standing. If either the County or the landowner requests, they may agree, after an on-the-ground inspection, to increase these percentages to protect special habitat values. (Former Section CZ#A314-63(G)(2)(g)(i))
- 33.1.7.2.7.2 Follow-up treatments or other timber management activities which affect the tree canopy shall be permitted only when the canopy has been sufficiently re-established to prevent substantial adverse effects on soil erosion, wildlife, aquatic life, or the beneficial uses of water. These activities shall maintain a tree canopy similar to that which existed upon the completion of the initial thinning or release. (Former Section CZ#A314-63(G)(2)(g)(ii))
- 33.1.7.2.7.3 In all timber management activities, including but not limited to pre-commercial thinning, release activities, and site preparation, heavy equipment shall be excluded from any area within fifty feet (50'), measured as a slope distance, from the stream transition line, and shall not be permitted in other portions of the riparian corridor except where justified as the least environmentally damaging feasible alternative. (Former Section CZ#A314-63(G)(2)(g)(iii))
- 33.1.7.2.7.4 All activities shall be consistent with the Timber Harvest Rules of the California Board of Forestry which are applicable to the protection of aquatic life and water quality. (Former Section CZ#A314-63(G)(2)(g)(iv))
- 33.1.7.2.7.5 Timber management proposals in conformance with the requirements listed in subsections 33.1.7.2.7.1 through 33.1.7.2.7.4, shall be prepared by a Registered Professional Forester. (Former Section CZ#A314-63(G)(2)(g)(v))

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33.1.7.2.8 Timber harvests of merchantable timber eighteen inches (18") in diameter, measured at four and one half feet (4½) vertically above the ground, or greater, provided that timber harvest practices shall be consistent with those permitted by the Forest Practices Rules for Stream Protection Zones in Coastal Commission Special Treatment Areas. Unmerchantable hardwoods or shrubs shall be protected from unreasonable damage. Timber harvest proposals shall be prepared by a Registered Professional Forester. (Former Section CZ#A314-63(G)(2)(h))

33.1.7.2.9 Public access trails provided that the length of the trail within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles, which are kept as far up slope from the stream as possible, which involve a minimum of slope disturbance and vegetative clearing, and are the minimum width necessary.

33.1.7.3 Within riparian forests in the Eel River Planning Area: Conversion to agriculture is permitted on soils that are shown to be Class I or Class II, provided that a minimum 200 foot buffer of woody riparian vegetation remains between the boundaries of converted areas and the stream transition line. (Former Section CZ#A314-63(G)(3))

33.1.8 Bank Protection.

33.1.8.1 Protection measures for the Mad and Eel River banks shall be permitted for the following purposes: (Former Section CZ#A314-63.1(A))

33.1.8.1.1 Maintenance of necessary public or private roads; (Former Section CZ#A314-63.1(A)(1))

33.1.8.1.2 Maintenance of existing levees and dikes; (Former Section CZ#A314-63.1(A)(2))

33.1.8.1.3 Protection of principal structures in danger due to erosion; and/or (Former Section CZ#A314-63.1(A)(3))

33.1.8.1.4 Protection of lands zoned AE (Agricultural Exclusive) from erosion. (Former Section CZ#A314-63.1(A)(4))

33.1.8.2 Types of Bank Protection Measures Permitted. The bank protection measures permitted are listed below in order of preference. The measures chosen for any bank protection project shall employ the highest-ranked protection measures wherever feasible. The preference ranking for permitted protection measures shall be as follows: (Former Section CZ#A314-63.1(B))

33.1.8.2.1 Piling fence; (Former Section CZ#A314-63.1(B)(1))

33.1.8.2.2 Rock hard points; (Former Section CZ#A314-63.1(B)(2))

33.1.8.2.3 Continuous revetment. (Former Section CZ#A314-63.1(B)(3))

33.1.9 **Required Findings.** A Coastal Development Permit for development or activity within stream channels and riparian corridors shall be approved only if the applicable Resource Protection and Impact Findings in Chapter 2, Procedures, Supplemental Findings, are made. (Former Section CZ#A314-63(H))

33.1.10 **Required Mitigation.** The best feasible measures to mitigate adverse environmental effects of development within riparian corridors shall be provided, and shall, at a minimum, include the following: (Former Section CZ#A314-63(I))

33.1.10.1 Replanting of disturbed areas with riparian vegetation; or posting of a performance bond guaranteeing re-establishment of natural vegetation within two years (2yr). The mitigation plan for

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replanting and/or bonding shall be approved by the Hearing Officer. (Former Section CZ#A314-63(I)(1))

33.1.10.2 Retaining snags, unless removal is required by CAL-OSHA regulations or for stream bank protection; (Former Section CZ#A314-63(I)(2))

33.1.10.3 Retaining live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, herons or egrets. (Former Section CZ#A314-63(I)(3))

33.1.11 **Required Mitigation for Bank Protection Projects.** Bank protection projects employing rock hard points or continuous revetment shall incorporate, at a minimum, the following mitigation measures: (Former Section CZ#A314-63.1(C))

33.1.11.1 Bank protection projects, including design and materials, shall minimize adverse effects on fisheries, wildlife and recreation; (Former Section CZ#A314-63.1(C)(1))

33.1.11.2 Where feasible, riparian vegetation shall be planted and maintained within the riparian corridor up to 200 feet landward of the bank protection project throughout its length. (Former Section CZ#A314-63.1(C)(2))

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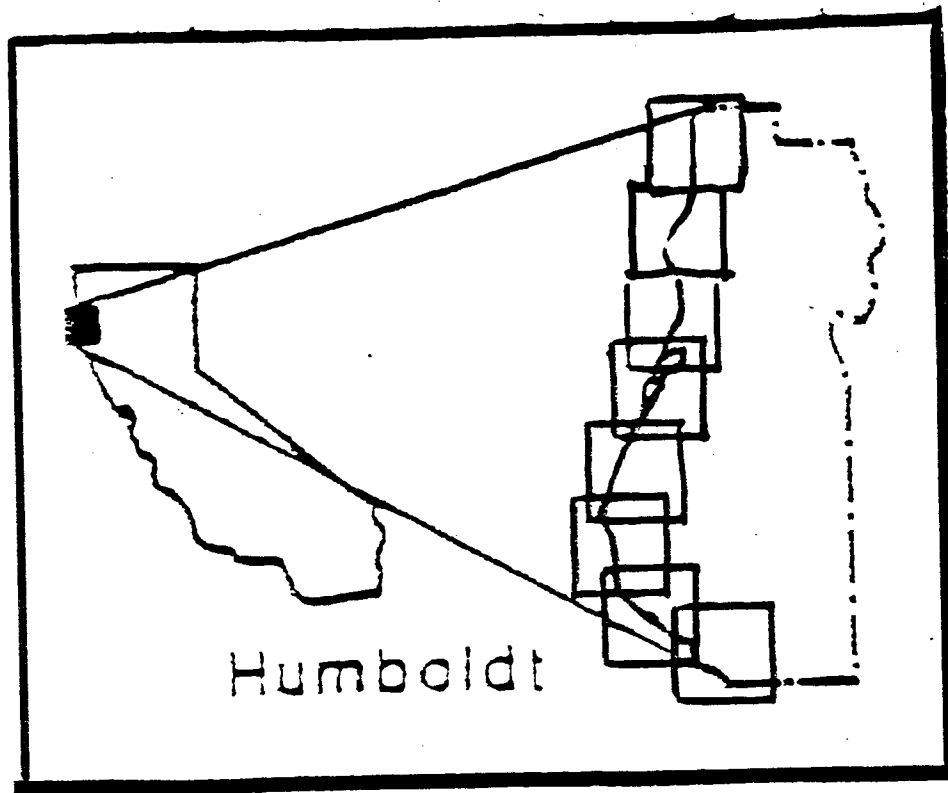


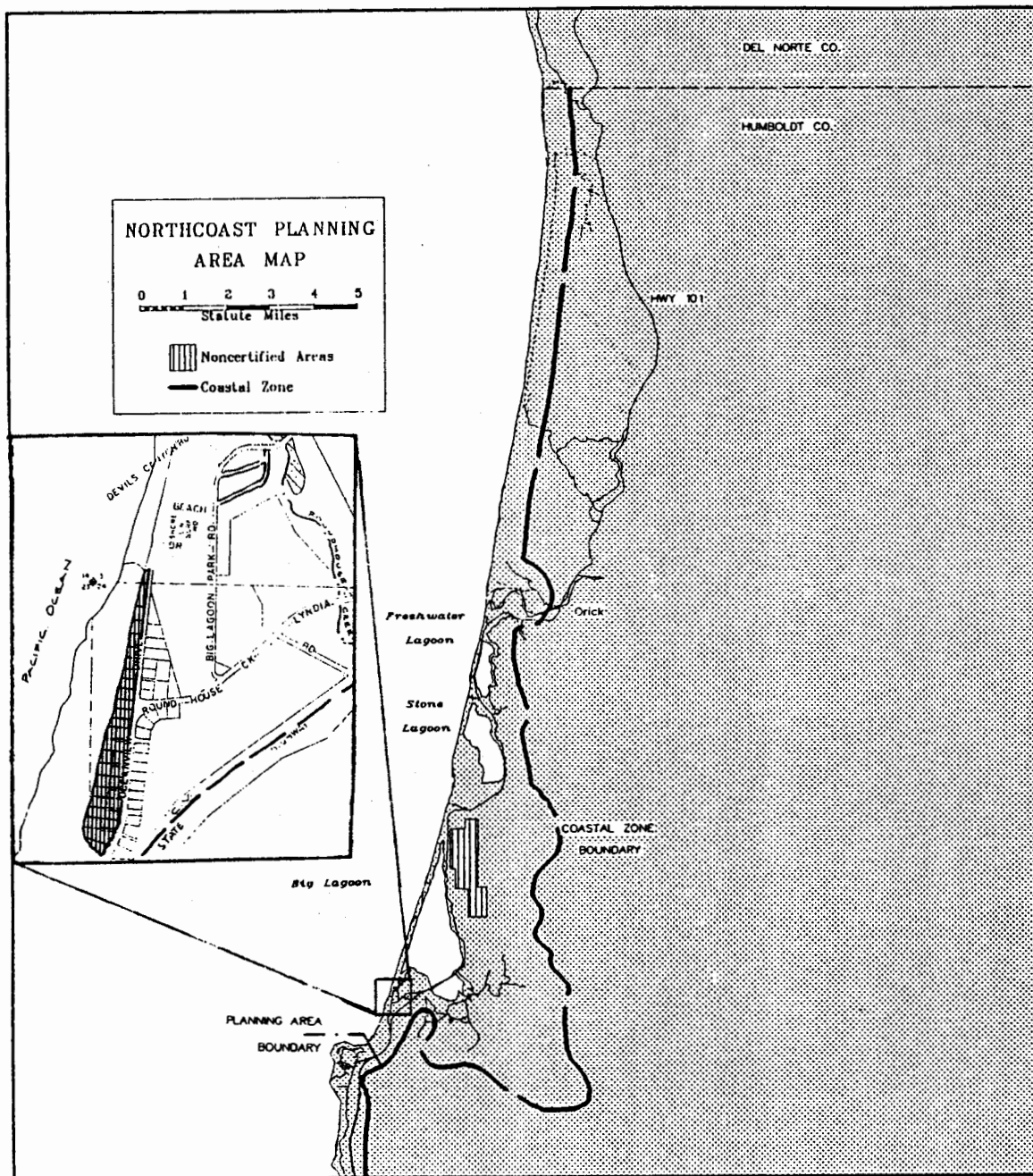
EXHIBIT NO. 1

APPLICATION NO.
HUM-MAJ-1-03
HUMBOLDT CO. LCP
AMENDMENT
LOCATION MAP
(HUMBOLDT COUNTY)

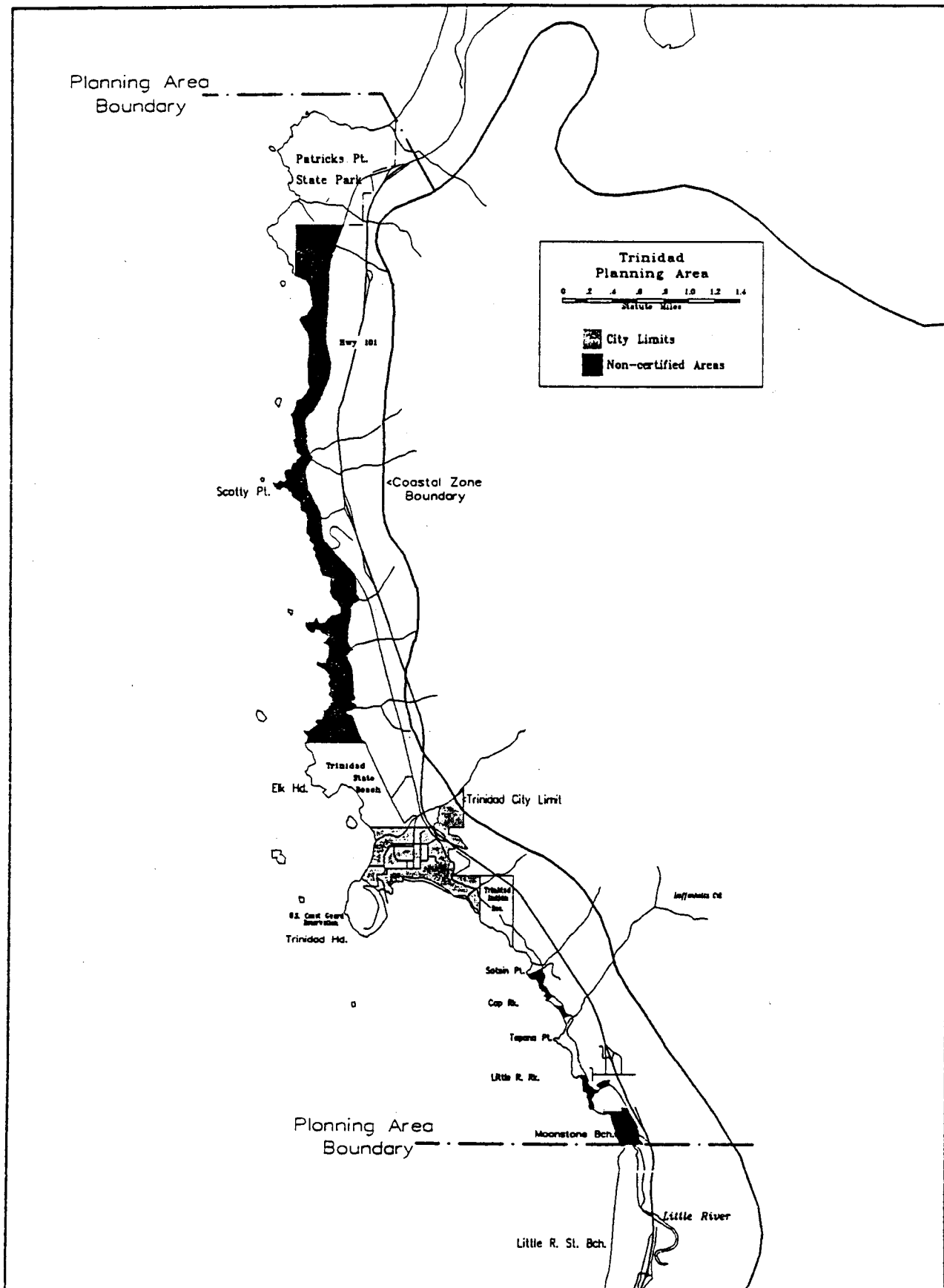
1.40 NORTH COAST PLANNING AREA MAP

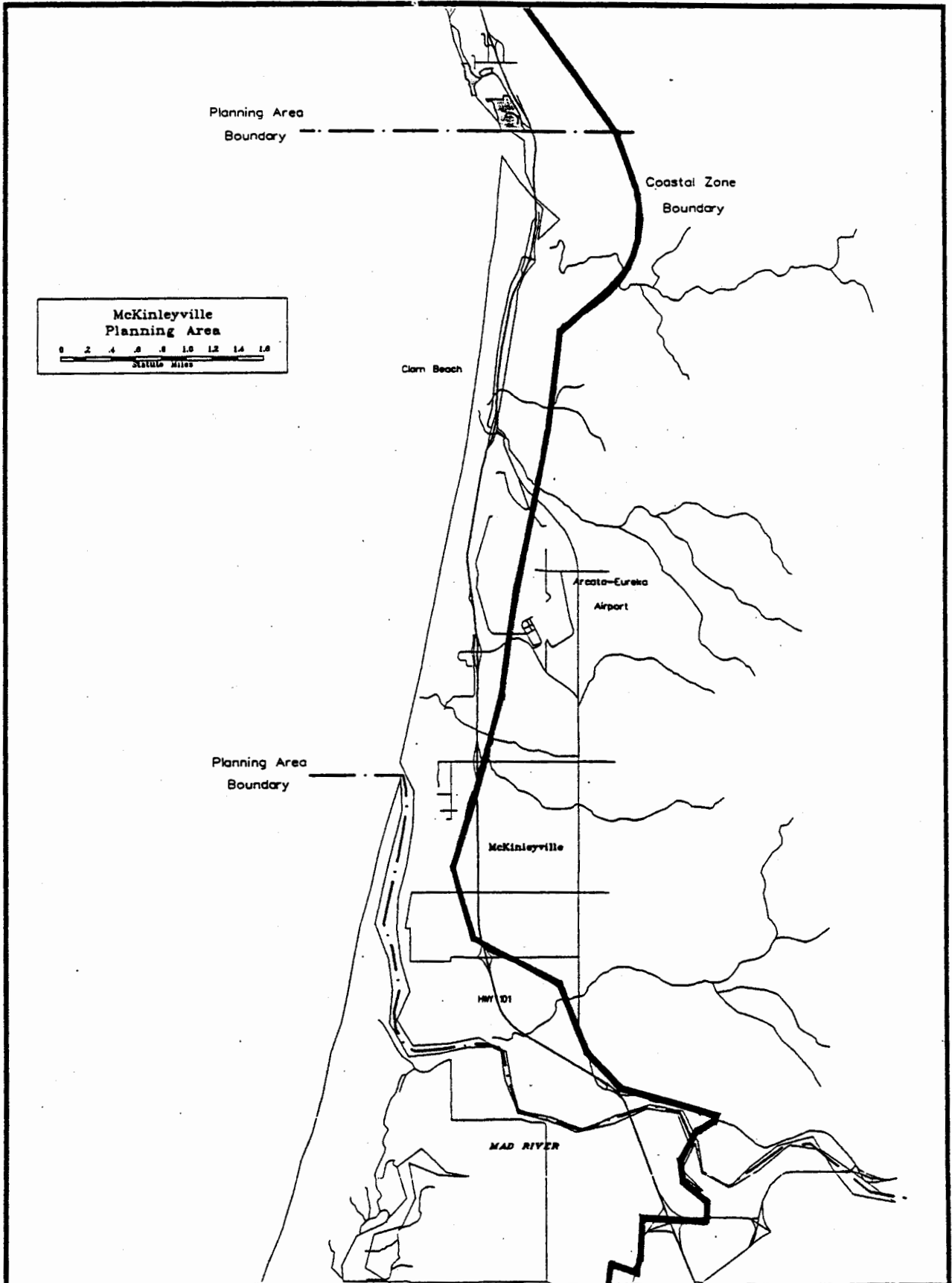
EXHIBIT NO. 2**APPLICATION NO.**

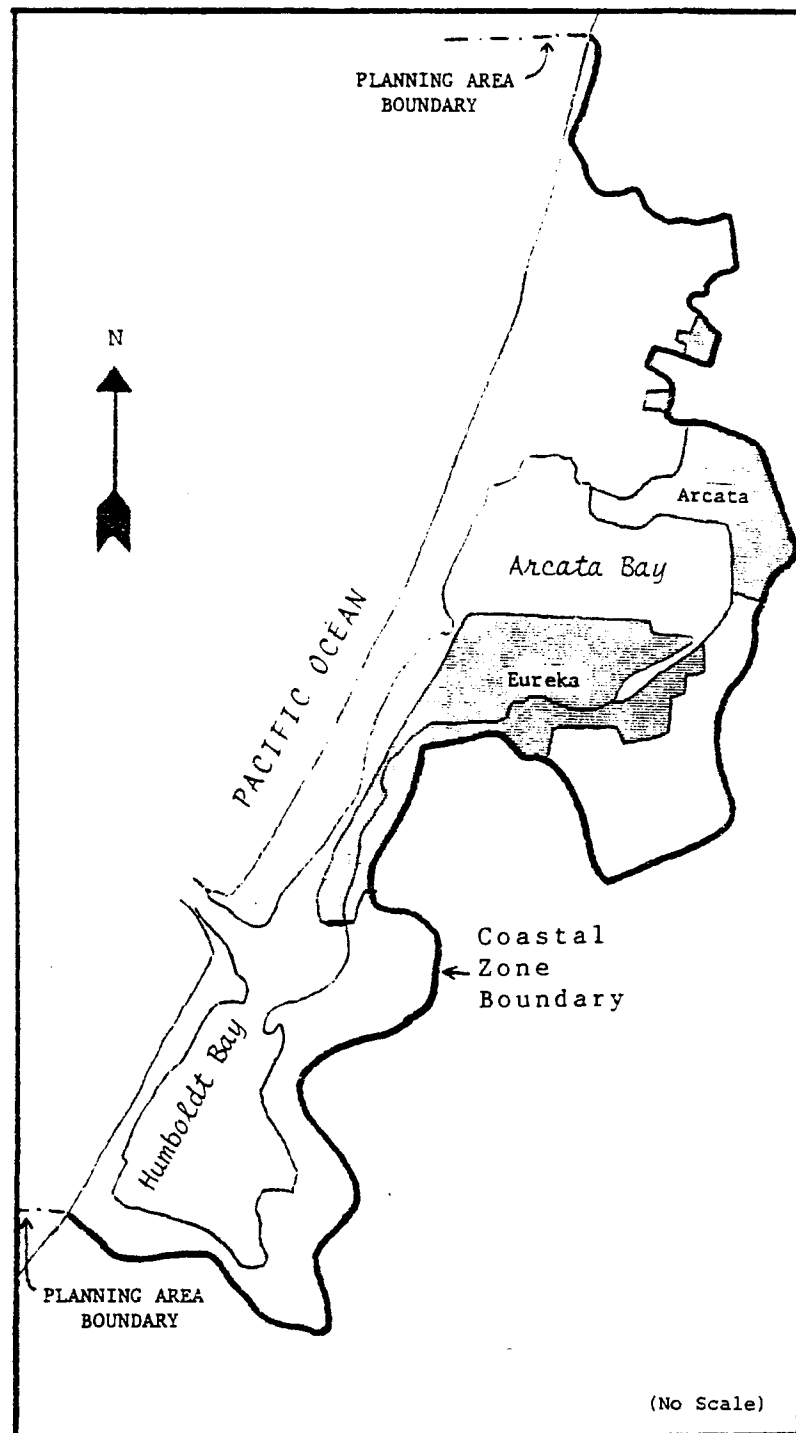
HUM-MAJ-1-03

HUMBOLDT CO. LCP
AMENDMENTAREA PLAN BOUNDARY
MAPS (1 of 6)

1.40 TRINIDAD PLANNING AREA MAP



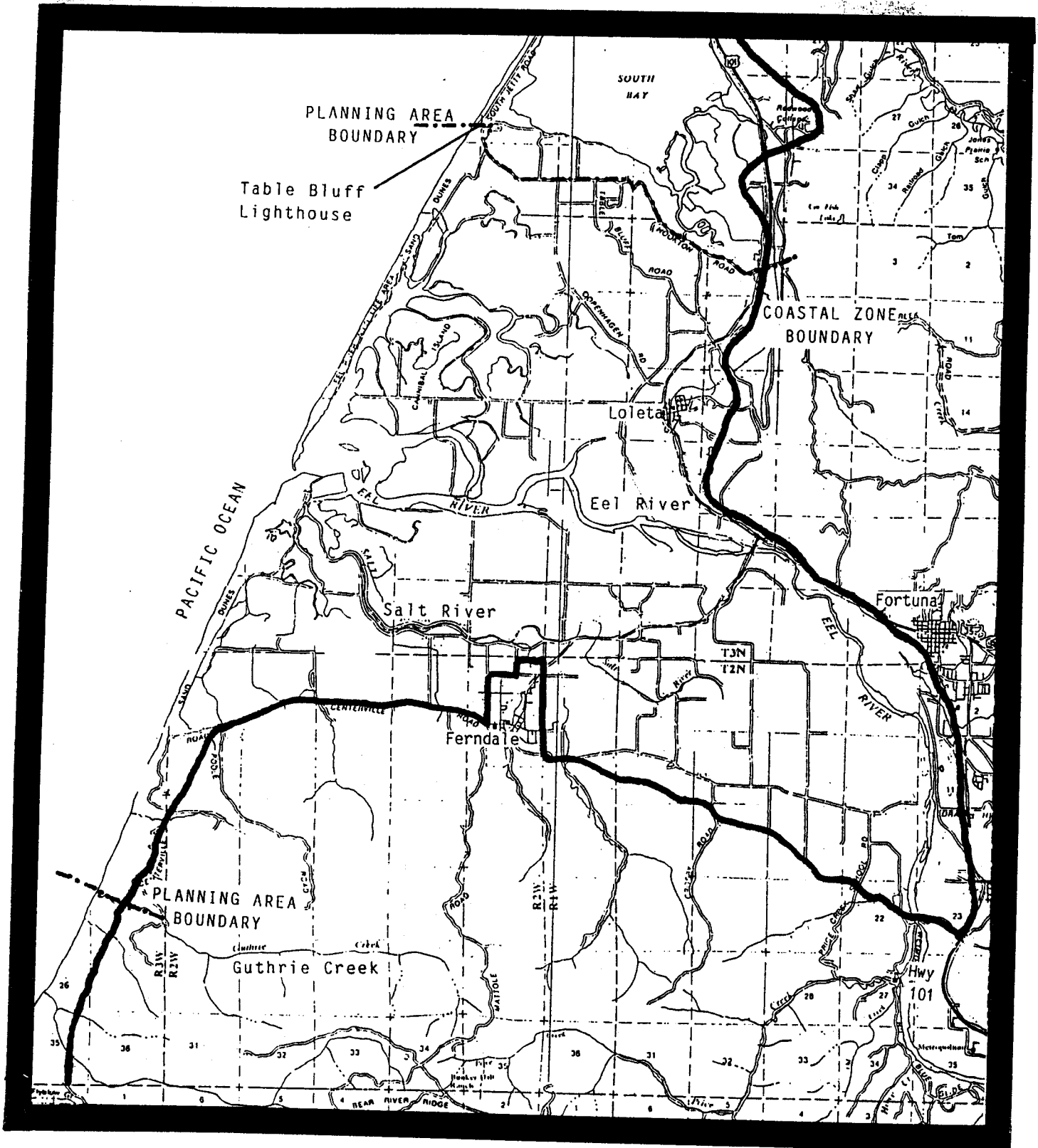


HUMBOLDT BAY PLANNING AREA MAP

4 of 6

1.40

EEL RIVER PLANNING AREA MAP



1.40

SOUTH COAST PLANNING AREA MAP

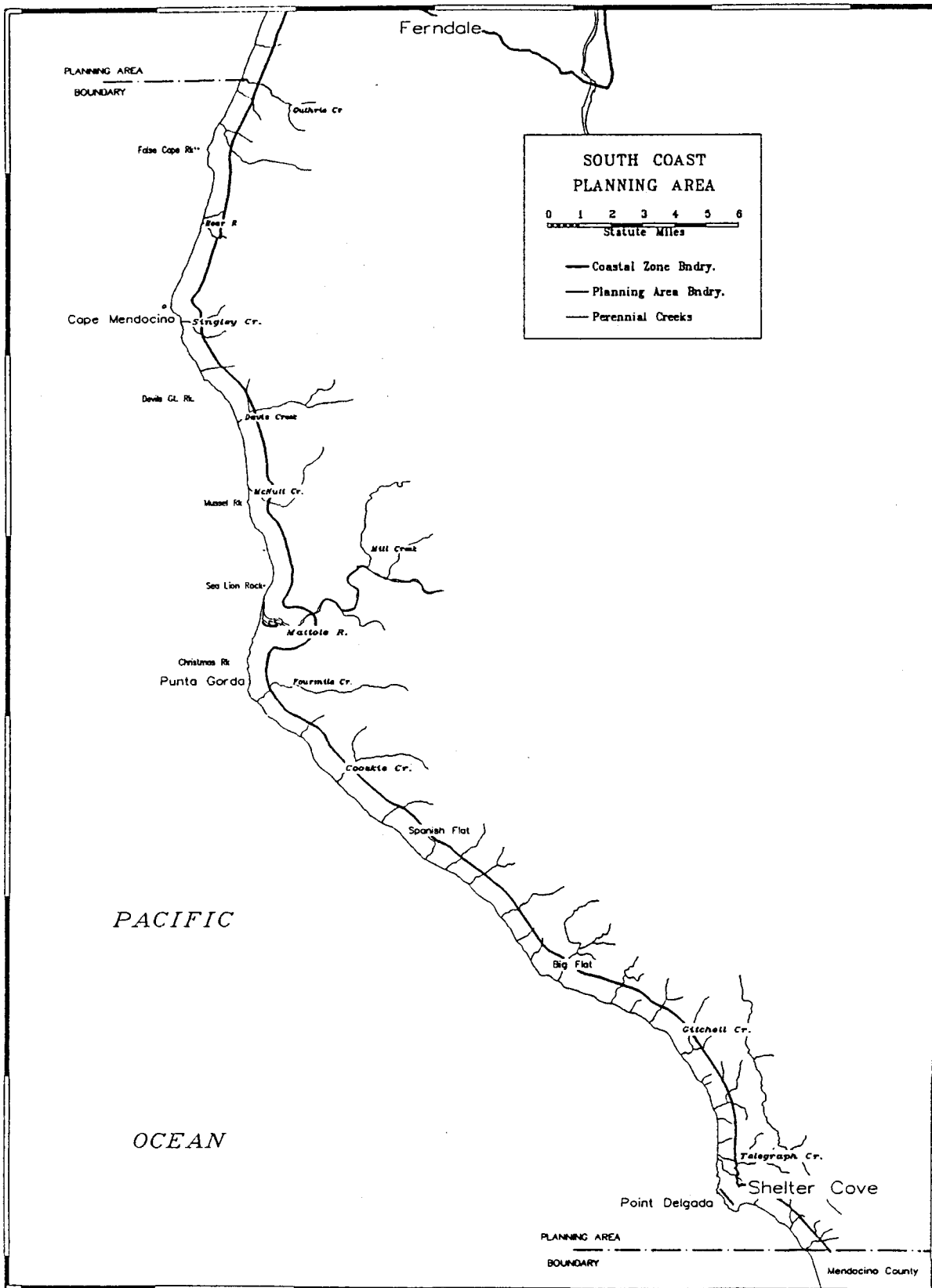


EXHIBIT NO. 3

APPLICATION NO.

HUM-MAJ-1-03

VICINITY MAP (CALIFORNIA
COASTAL TRAIL SEGMENT-OLD
RAILROAD BRIDGE-NORTH
(FISHER ROAD) TO WIDOW
WHITE CREEK)

WIDOW WHITE
CREEK
SEGMENT

OLD RAILROAD
BRIDGE-NORTH
SEGMENT

0 0.6 1.2 1.8 2.4 3 km
0 0.4 0.8 1.2 1.6 2 mi

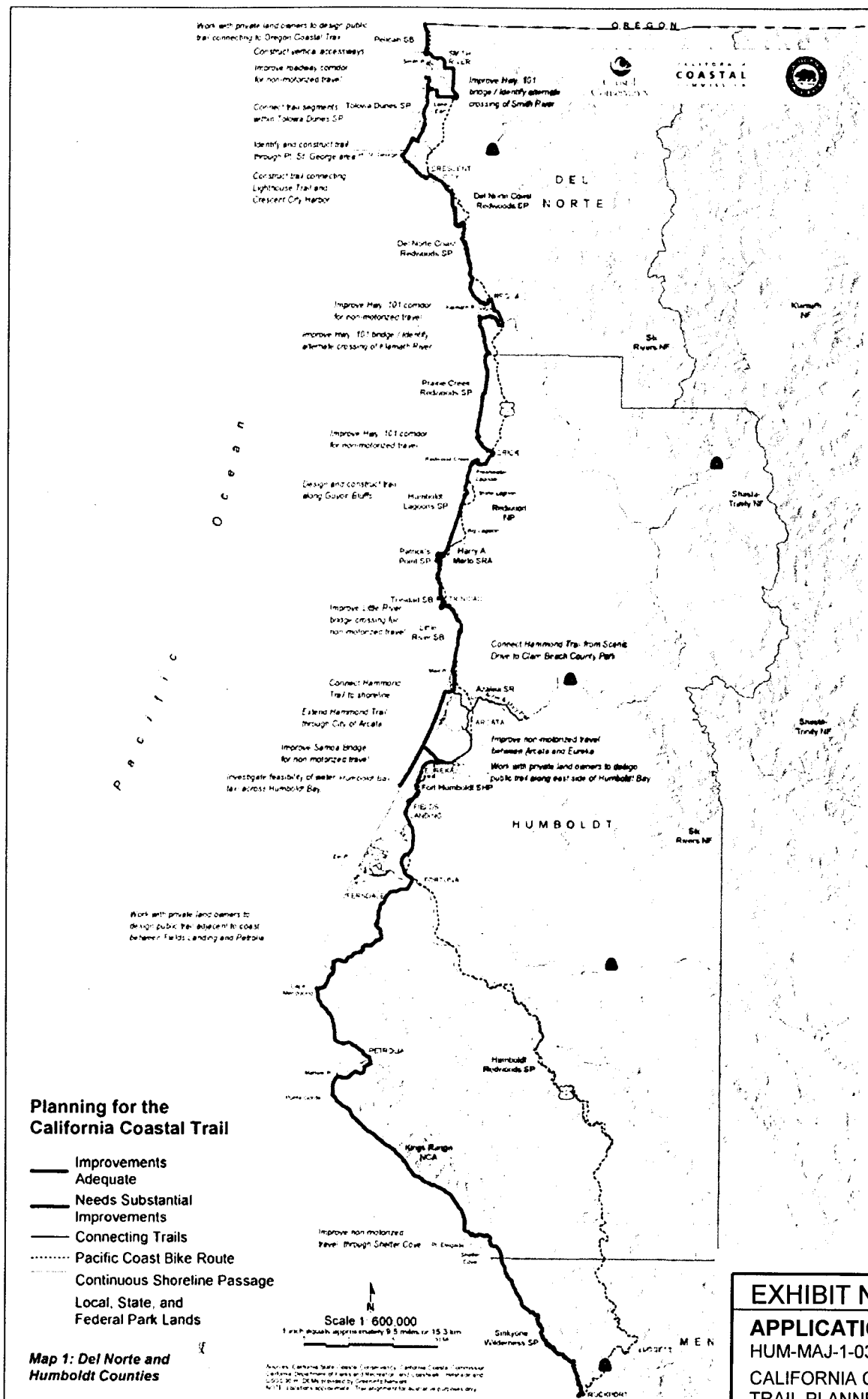
Map center is UTM 10 407214E 4533749N (WGS84/NAD83)

ARCATA NORTH quadrangle

Projection is UTM Zone 10 NAD83 Datum



M=16.286
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North Coast Area Plan Streamside Management Areas

EXHIBIT NO. 5

APPLICATION NO.







HUM-MAJ-1-03

HUMBOLDT CO. LCP

AMENDMENT

**STREAMSIDE MANAGEMENT
AREAS MAPS (1 of 6)**

Legend

-  North Coast Area Plan Boundary
-  Streamside Management Areas
- Public Land Survey**
-  Townships
-  Sections
- Highways and Roads**
-  HWY or Secondary Road
-  Local Road

Data Sources and Information:

Streamside management areas were created by a buffer routine based on blue line streams. Areal perennial features were buffered 200 feet. Linear perennial features were buffered 100 feet. Linear intermittent features were buffered 50 feet. This is a draft version of a streamside management areas dataset and has not been fully reviewed by staff.

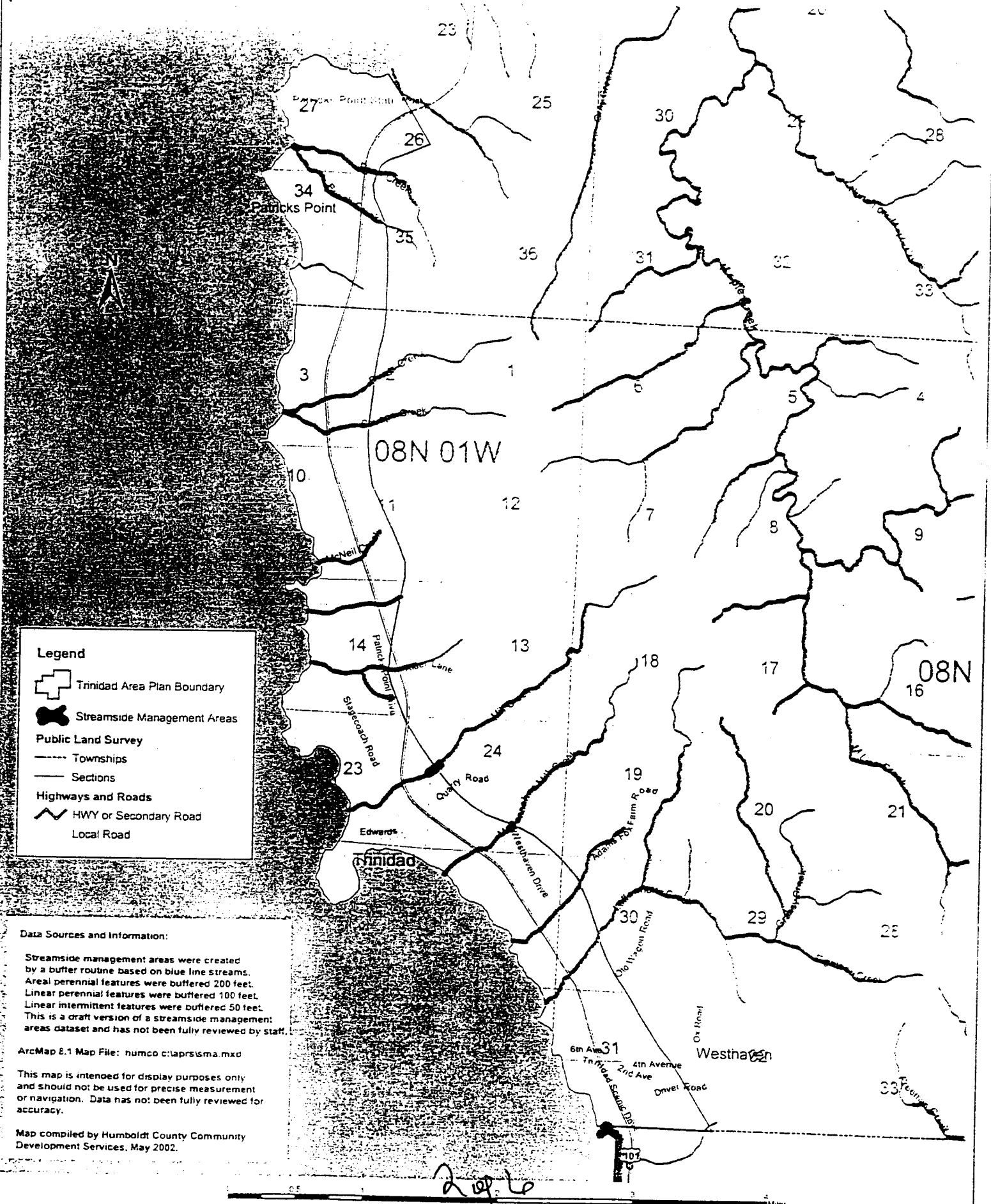
ArcMap 8.1 Map File: humco c:\aprs\lma.mxd

This map is intended for display purposes only and should not be used for precise measurement or navigation. Data has not been fully reviewed for accuracy.

Map compiled by Humboldt County Community Development Services, May 2002.

0 0.5 1 2 3 4 5 6 7 8 9 10 11 Miles

Trinidad Area Plan Streamside Management Areas



Legend

- Trinidad Area Plan Boundary
- Streamside Management Areas
- Public Land Survey
- Townships
- Sections
- Highways and Roads
- HWY or Secondary Road
- Local Road

Data Sources and Information:

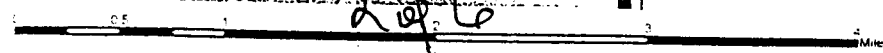
Streamside management areas were created by a buffer routine based on blue line streams. Areal perennial features were buffered 200 feet. Linear perennial features were buffered 100 feet. Linear intermittent features were buffered 50 feet. This is a draft version of a streamside management areas dataset and has not been fully reviewed by staff.

ArcMap 8.1 Map File: humco-claprisma.mxd

This map is intended for display purposes only and should not be used for precise measurement or navigation. Data has not been fully reviewed for accuracy.






Map compiled by Humboldt County Community Development Services, May 2002.

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McKinleyville Area Plan Streamside Management Areas

Legend

-  McKinleyville Area Plan Boundary
-  Streamside Management Areas
- Public Land Survey
 -  Townships
 -  Sections
- Highways and Roads
 -  HWY or Secondary Road
 -  Local Road

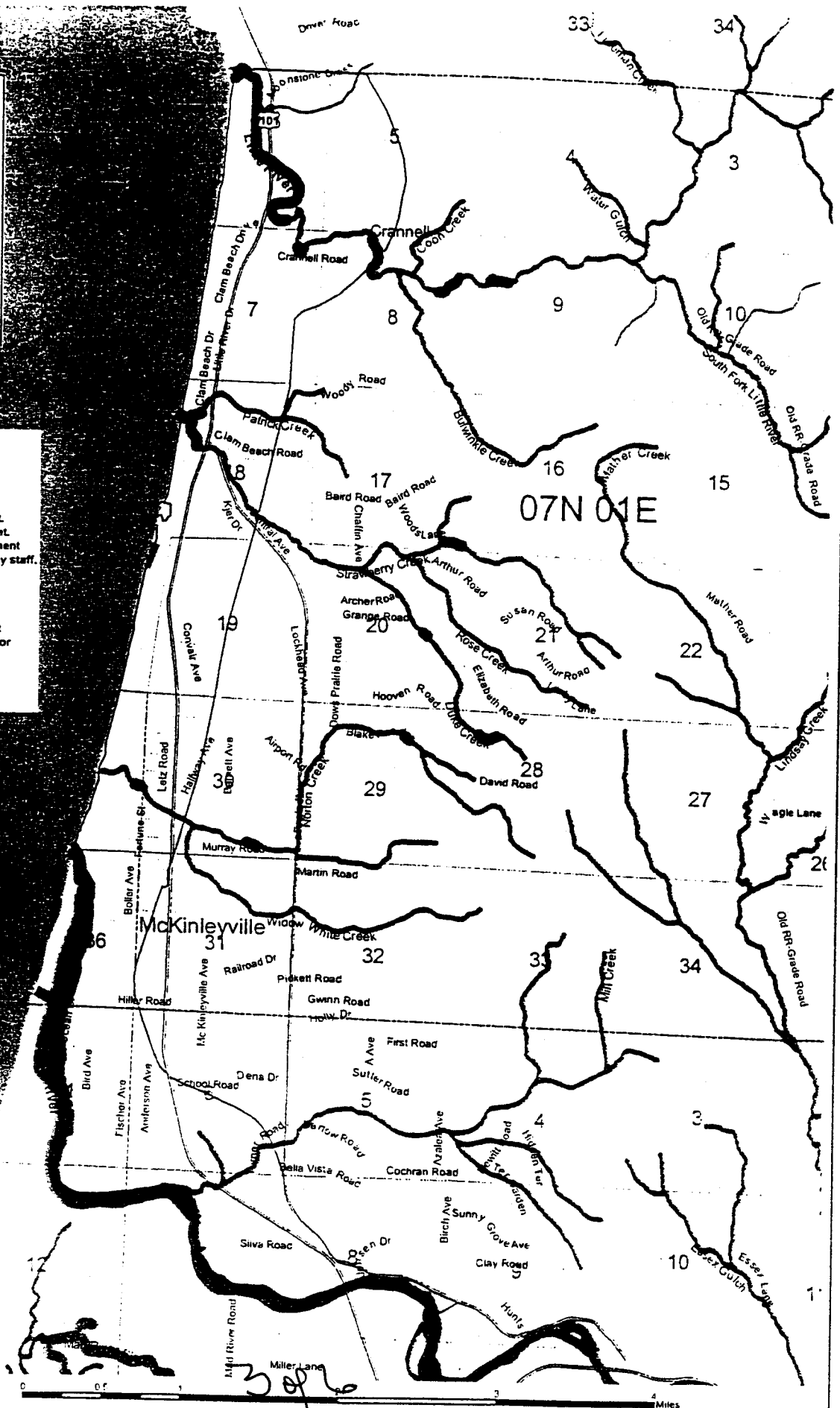
Data Sources and Information:

Streamside management areas were created by a buffer routine based on blue line streams. Areal perennial features were buffered 200 feet. Linear perennial features were buffered 100 feet. Linear intermittent features were buffered 50 feet. This is a draft version of a streamside management areas dataset and has not been fully reviewed by staff.

ArcMap 8.1 Map File: humco\claprs\lma.mxd





This map is intended for display purposes only and should not be used for precise measurement or navigation. Data has not been fully reviewed for accuracy.

Map compiled by Humboldt County Community Development Services, May 2002.



Humboldt Bay Area Pla. Streamside Management Areas

Legend

-  Humboldt Bay Area Plan Boundary
-  Streamside Management Areas
- Public Land Survey
- Townships
- Sections
- Highways and Roads
-  HWY or Secondary Road
-  Local Road

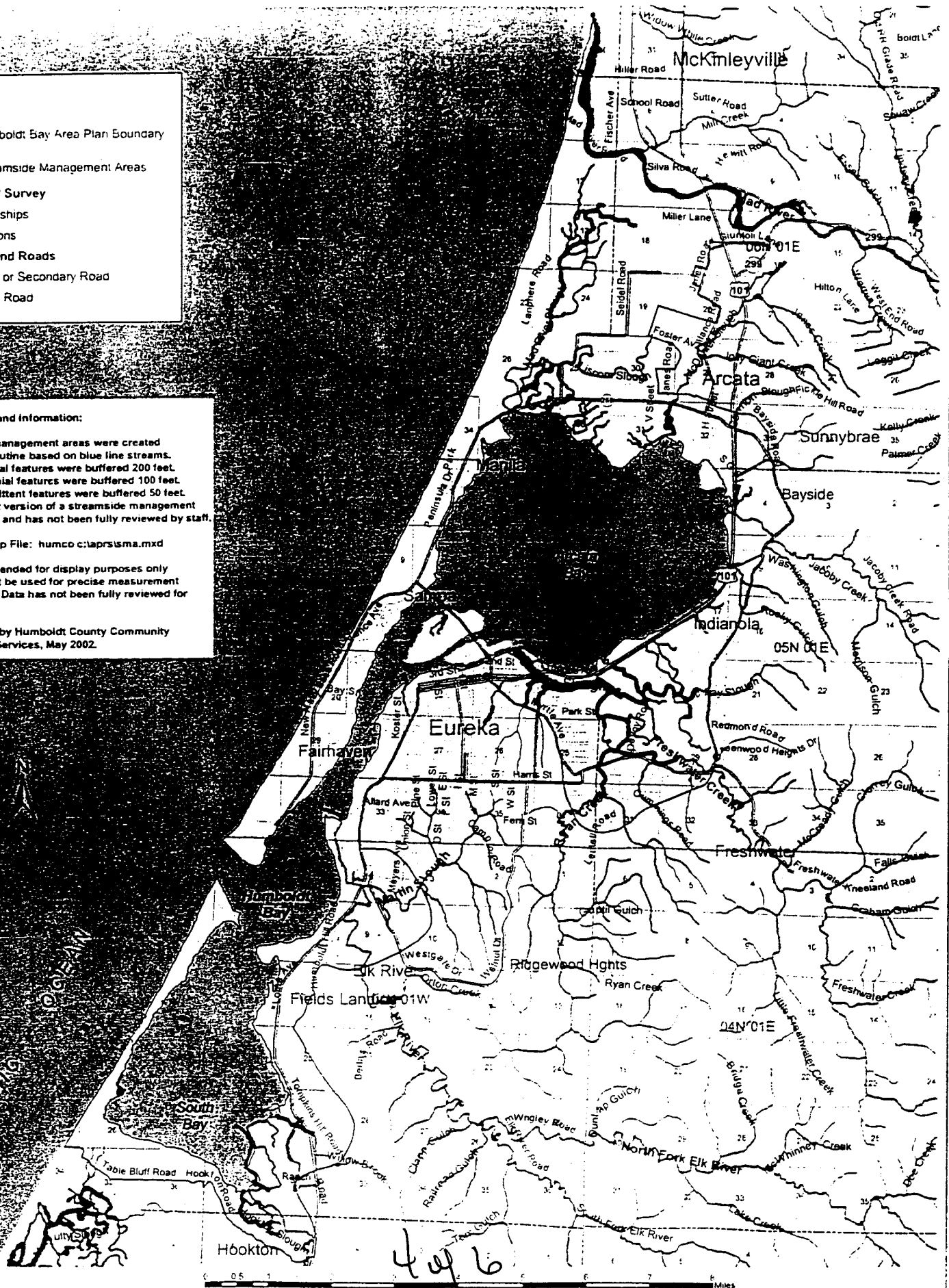
Data Sources and Information:

Streamside management areas were created by a buffer routine based on blue line streams. Areal perennial features were buffered 200 feet. Linear perennial features were buffered 100 feet. Linear intermittent features were buffered 50 feet. This is a draft version of a streamside management areas dataset and has not been fully reviewed by staff.

ArcMap 8.1 Map File: humco.ctlaprisma.mxd

This map is intended for display purposes only and should not be used for precise measurement or navigation. Data has not been fully reviewed for accuracy.







Map compiled by Humboldt County Community Development Services, May 2002.



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Eel River Area Plan Streamside Management Areas

Legend

-  Eel River Area Plan Boundary
-  Streamside Management Areas
- Public Land Survey**
-  Townships
-  Sections
- Highways and Roads**
-  HWY or Secondary Road
-  Local Road

Data Sources and Information:

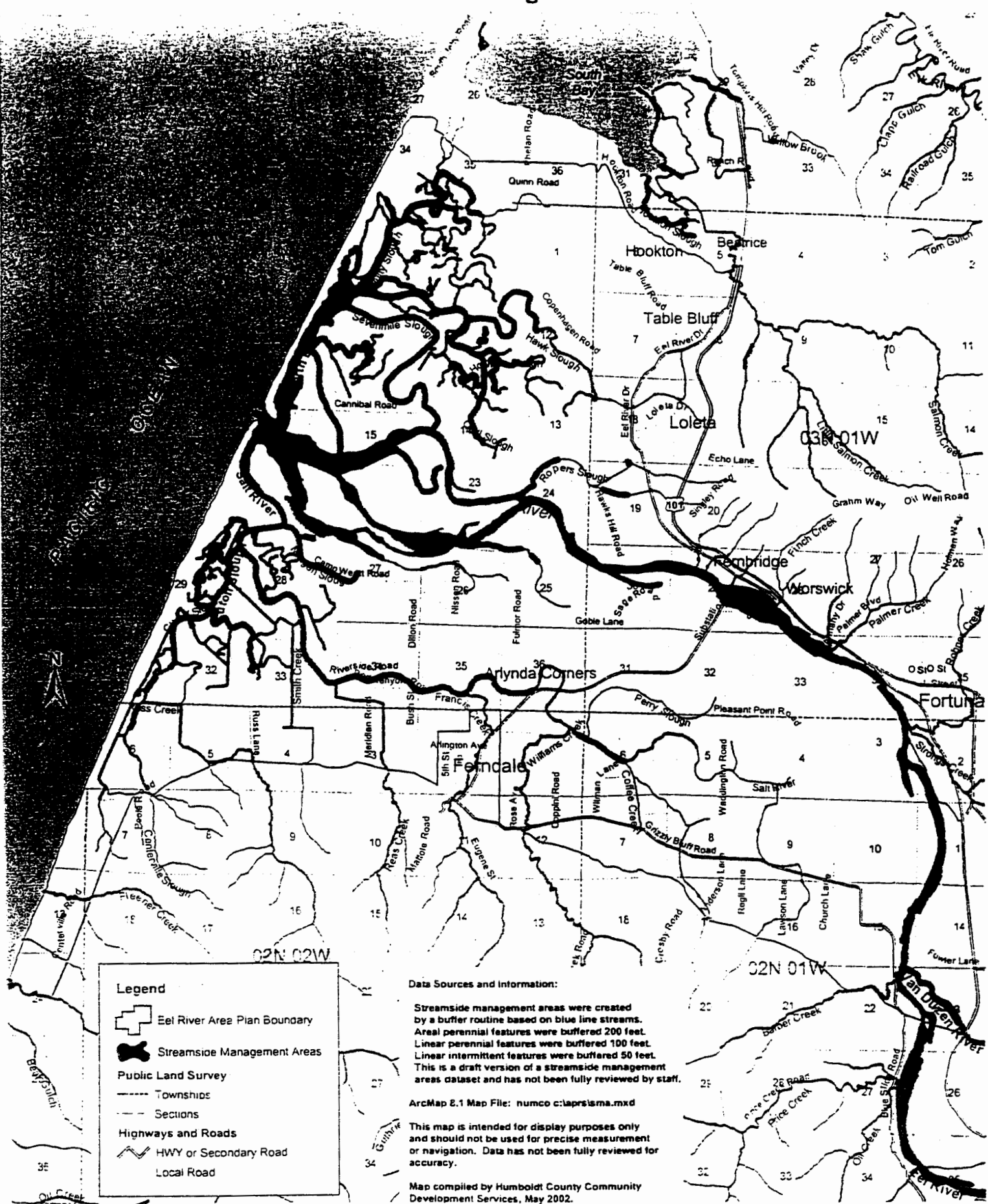
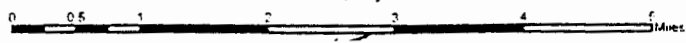
Streamside management areas were created by a buffer routine based on blue line streams. Areal perennial features were buffered 200 feet. Linear perennial features were buffered 100 feet. Linear intermittent features were buffered 50 feet. This is a draft version of a streamside management areas dataset and has not been fully reviewed by staff.

ArcMap 8.1 Map File: numco c:\aprs\isma.mxd

This map is intended for display purposes only and should not be used for precise measurement or navigation. Data has not been fully reviewed for accuracy.

Map compiled by Humboldt County Community Development Services, May 2002.

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South Coast Area Plan. Streamside Management Areas

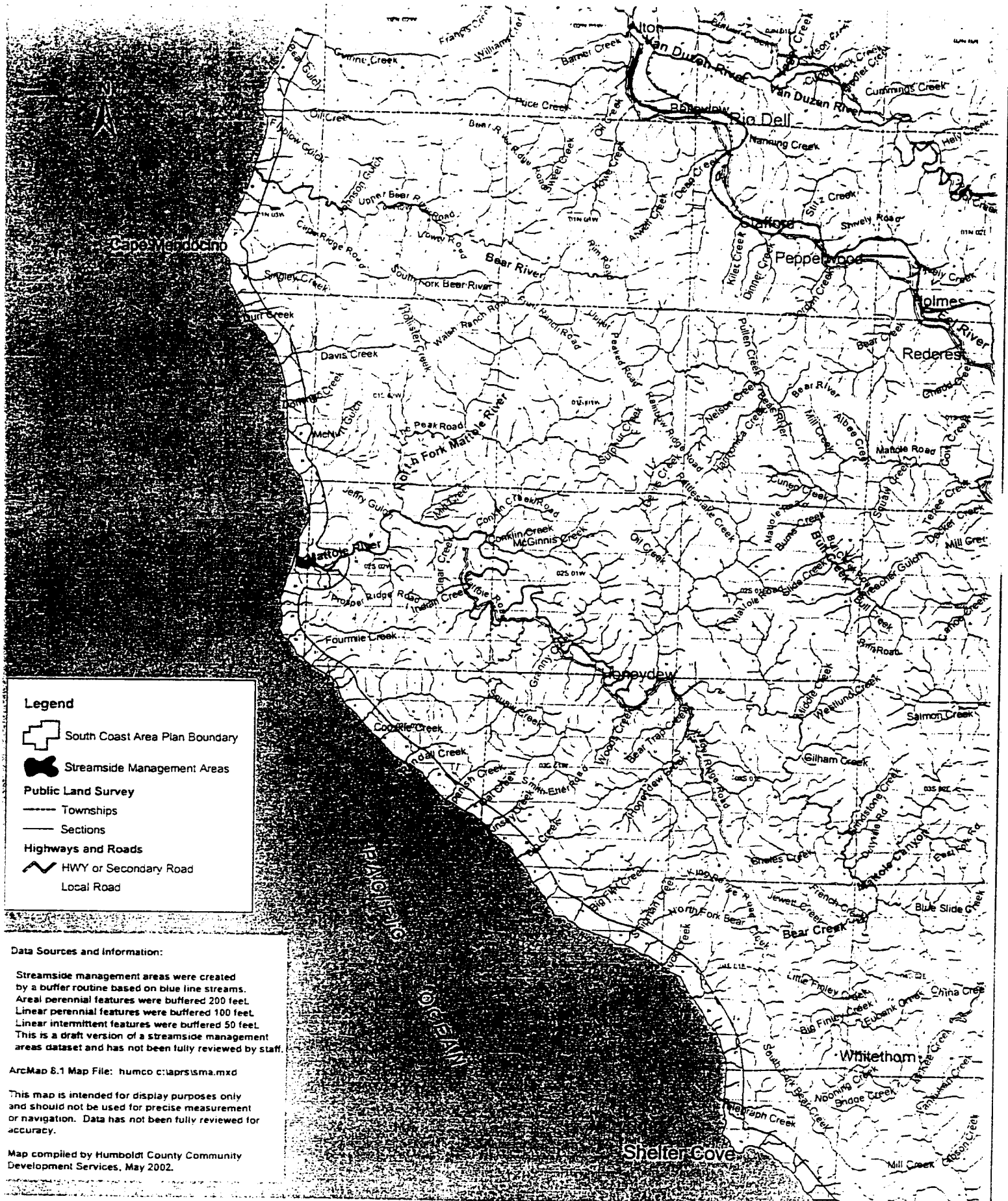


EXHIBIT NO. 6**APPLICATION NO.**

HUM-MAJ-1-03
HUMBOLDT CO. LCP
AMENDMENT
COUNTY RESOLUTION OF
TRANSMITTAL (1 of 7)

Agenda Item No. I-2

COUNTY OF HUMBOLDT
Board of Supervisors

For Meeting of August 27, 2002

DATE: August 1, 2002
TO: Board of Supervisors
FROM: Kirk Girard, Director of Community Development Services
SUBJECT: Riparian Public Access Trail Coastal Plan Amendments and Zoning Ordinance
Revisions: Case Number GPA-01-01

RECOMMENDATION

That the Board of Supervisors:

1. Introduce the Ordinances in Attachment B and waive their reading by reading their title.
2. Open the public hearing, receive the staff report, accept public testimony, and review and consider the staff report.
3. Close the public hearing.
4. Adopt the resolutions in Attachment A (Exhibits 1-4) which: certify compliance with CEQA; approve amendments to several Local Coastal Plans; approve amendments to the Coastal Zoning Regulations; and direct staff to seek Coastal Commission approval of the Coastal Plan and Zoning Regulation Amendments.
5. Adopt the Ordinance in Attachment B.
6. Direct the Clerk of the Board to give notice of the decision to any interested party and to publish the summary of the Ordinance (Attachment B2) with the names of the Board members voting for and against the ordinance and to post in the office of the Clerk of the Board a certified copy of the Ordinances and amendments (if any) within 15 days after adoption by the Board [CGC Section 25124(b)(1)].

Prepared by: Michael Richardson
Michael Richardson, Senior Planner

CAO Approval: [Signature]

REVIEW: Auditor _____ County Counsel 12 Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

- ☐ Consent
- ☐ Departmental
- ☒ Public Hearing
- ☐ Other

cc: Natural Resources
Division:
RCAA (Sungnome
Madrone)
Charles Wilson

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon the motion of Supervisor SMITH
seconded by Supervisor WOOLLEY
and unanimously carried by those members present,
the Board hereby adopts the recommended action
contained in this report.

PREVIOUS ACTION/REFERRAL
Board Item No. Resolution #02-02

RECEIVEDDated: AUG 27 2002by: [Signature]

Lora Canzoneri, Clerk of the Board

pc: Community Development - 4 2002
Public Works
Clerk of the Board HUMBOLDT COUNTY
County Counsel PLANNING DIVISION
-1-

ATTACHMENT A

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
RESOLUTION NO. 02-77 AND CERTIFIED COPY OF PORTION OF PROCEEDINGS;
MEETING ON AUGUST 27, 2002**

MAKING THE REQUIRED FINDINGS IN THE ATTACHED EXHIBITS 1-4.

WHEREAS, In February, 2002 the Humboldt County Board of Supervisors directed the Planning Department to accept an application for proposed amendments to the coastal plans and zoning ordinance to allow public access trails within riparian corridors; and

WHEREAS, On April 26, 2002 the Planning Department released a staff report which recommended several Humboldt County local coastal plans and coastal zoning regulations; and

WHEREAS, the Planning Division staff report dated April 26, 2002 documents that the project is exempt from environmental review pursuant 15251(f) of the State CEQA Guidelines (Coastal Commission Certification of Local Coastal Programs); and

WHEREAS, the Planning Commission reviewed the April 26, 2002 staff report and held a public hearing on the proposed amendments on June 6, 2002; and

WHEREAS, the Planning Commission recommended the Board of Supervisors approve the Plan amendments and zoning ordinance changes with the adoption of Resolution 02-34;

NOW, THEREFORE, be it resolved, determined, and ordered by the Board of Supervisors, based on the April 26, 2002 Planning Division staff report, that the Board makes all of the findings in Exhibits 1-4 for:

Exhibit 1: Certifying compliance with the California Environmental Quality Act (CEQA); and

Exhibit 2: Approving amendments to Section 3.41 of the Northcoast Area Plan, Section 3.30 of the Trinidad Area Plan, Section 3.41 and Section 4.34 of the McKinleyville Area Plan, and Section 3.41 of the Humboldt Bay Area Plan, Eel River Area plan and South Coast Area Plan; and

Exhibit 3: Approving amendments to Sections 313-33.1 of the Zoning Regulations; and

Exhibit 4: Directing staff to seek California Coastal Commission approval of amending Humboldt County's Local Coastal Program to include the approved amendments.

Severability: The provisions of this Resolution shall be construed and given effect in a manner that avoids any violation of statute, regulations, or law. In the event any provision of this Resolution is held to be invalid or void by any court of competent jurisdiction, the invalidity of any such provision shall in no way affect any other provision of this Resolution.

Adopted on motion by Supervisor Smith, seconded by Supervisor Woolley
and the following vote:

AYES: Supervisors: Smith, Rodoni, Woolley, and Kirk

NOES: Supervisors: None

ABSENT: Supervisors: Neely

STATE OF CALIFORNIA

County of Humboldt

)
) SS.
)

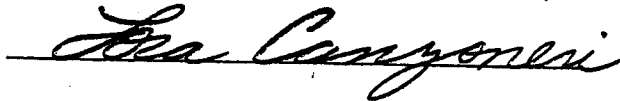
I, Lora Canzoneri, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

LORA CANZONERI

Clerk of the Board of Supervisors of the County of Humboldt, State of California

By:



LORA CANZONERI

Date: August 27, 2002

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EXHIBIT 1

Certifying Compliance with the California Environmental Quality Act (CEQA)

WHEREAS, Section 21080.1 of the Public Resources Code requires that the Board of Supervisors determine if the proposed plan and zoning regulation amendments are exempt from the provisions of CEQA; and

WHEREAS, the Secretary of Resources has determined that the State Coastal Commission is responsible for the required environmental document for local coastal program amendments (Section 15251(f) of the State CEQA Guidelines); and

WHEREAS, on June 6, 2002 the Humboldt County Planning Commission certified the proposed plan and zoning ordinance amendments are exempt from CEQA pursuant to Section 15251(f) of the State CEQA Guidelines; and

WHEREAS, the Board of Supervisors has reviewed the Planning Commission staff report which was prepared by the Planning Division on April 29, 2002;

NOW, THEREFORE, be it resolved, determined and ordered by the Board of Supervisors, based on the April 29, 2002 Planning Commission staff report:

1. The proposed plan and zoning ordinance amendments are exempt from CEQA pursuant to Section 15251(f) of the State CEQA Guidelines.

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EXHIBIT 2

Approving amendments to Section 3.41 of the Northcoast Area Plan, Section 3.30 of the Trinidad Area Plan, Section 3.41 and Section 4.34 of the McKinleyville Area Plan, and Section 3.41 of the Humboldt Bay Area Plan, Eel River Area plan and South Coast Area Plan

WHEREAS, Sections 65300 - 65362 of the California Government Code and 1450 - 1453 of the Humboldt County Framework Plan specify the procedures for the amendment of the general plan.

WHEREAS, Section 65358 of the Government Code and 1452.2 of the Framework Plan specifies that the General Plan may only be amended when the Board of Supervisors finds that the amendment is "in the public interest."

WHEREAS, State Government Code Section 65300.5 and Framework Plan Section 1330 require that, when a portion of the plan is amended, the plan and implementing programs must continue to comprise an integrated, internally consistent and compatible statement of policies; and

WHEREAS, the Planning Division staff report dated April 29, 2002 documents that substantial evidence exists in the staff report, testimony given and evidence taken to support the finding that the proposed plan and zoning ordinance amendments are exempt from CEQA pursuant to Section 15251(f) of the State CEQA Guidelines; and

WHEREAS, Attachment 1 in the April 29, 2002 Planning Division staff report includes evidence in support of finding that the proposed amendments are consistent with a comprehensive view of the Local Coastal Plans and Framework Plan; and

WHEREAS, Attachment 1 in the April 29, 2002 Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed amendments to the Local Coastal Plans;

NOW, THEREFORE, be it resolved, determined, and ordered by the Board of Supervisors, based on the April 29, 2002 Planning Division staff report, that:

1. The amendments to the Local Coastal Plans shown in Exhibit 2A have been reviewed for compliance with requirements of the California Environmental Quality Act.
2. The adoption of these revisions herein is consistent with a comprehensive view of the General Plan Volume I and Local Coastal Plans, and is in conformance with the policies of Chapter 3 of the Coastal Act.
3. The adoption of the amendments to the general plan is in the public interest.

BE IT FURTHER RESOLVED that on August 27, 2002, the Humboldt County Board of Supervisors directs staff to seek California Coastal Commission approval of amending Humboldt County's Local Coastal Program to include the approved amendments.

EXHIBIT 4

Resolution of Submittal to the California Coastal Commission For Certification of a Local Coastal Program Amendment.

WHEREAS, the County of Humboldt has been petitioned to amend the Northcoast, Trinidad, McKinleyville, Humboldt Bay, Eel River, and South Coast Area Local Coastal Plans and the Zoning Regulations to add "public access trails" to the list of allowable uses within Streamside Management Areas:

WHEREAS, the proposed amendments may be approved if it can be found that: (1) The proposed change is in the public interest; and (2) The proposed change is consistent with the General Plan, and: (3) The amendments meet the requirements of and is in conformance with the policies of Chapter 3 of the Coastal Act; and

WHEREAS, the County Planning Department has prepared, posted for public review, and filed with the Planning Commission and the Board of Supervisors reports with evidence, findings, and conclusions showing that substantial evidence supports making all of the required findings for recommending approval of the proposed amendments; and

WHEREAS, the Secretary of Resources has determined that the State Coastal Commission is responsible for the required environmental documentation for Coastal Plan Amendments pursuant to CEQA; and

WHEREAS, the Planning Commissioners have reviewed and considered said reports and other written evidence, including testimony presented to the Commission; and

WHEREAS, on June 6, 2002 the Planning Commission held a public hearing on this matter to receive other evidence and testimony;

WHEREAS, the Planning Commission based on testimony received and information presented at that meetings recommended that the Board of Supervisors adopt amendments to the Humboldt County Local Coastal Program as described in the Planning Division staff report to the Board dated August 1, 2002; and

WHEREAS, on August 27, 2002 the Board of Supervisors held a public hearing on this matter to receive other evidence and testimony; and

WHEREAS, the Board of Supervisors based on the recommendation of the Planning Commission and testimony received and information presented at the meeting of August 27, 2002 approved the proposed amendments; and

WHEREAS, the amendments are intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Plan; and

WHEREAS, the Board of Supervisors agrees to issue Coastal Development Permits for the affected area; and

WHEREAS, it is the intent of the County that these amendments shall take effect thirty (30) days after certification by the Coastal Commission and adoption by the County.

6 of 7

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Humboldt do hereby:

1. Approves and adopt the amendment(s) to the Northcoast, Trinidad, McKinleyville, Humboldt Bay, Eel River, and South Coast Area Local Coastal Plans and the Zoning Regulations to add "public access trails" to the list of allowable uses within Streamside Management Areas as contained in Exhibits 2A and 3A; and
2. Directs the Planning Director to submit these amendments, together with necessary supporting information, to the California Coastal Commission for consideration as an amendment of Humboldt County's Certified Local Coastal Program, pursuant to provisions of Public Resources Code 30,000 et seq.; and
3. Authorizes the Planning Director to correct typographical errors, references to draft documents, statutes, and ordinances, page numbers, and maps, and to make similar clerical changes; and
4. Agrees to adopt the amendments and implementing ordinances following final approval by the California Coastal Commission.