

Pacific Ocean

MANILA

Peninsula Dr.

255

Samoa Town Master Plan

255

SAMOA

Yard Ave

New River Base Rd

Indian Island

Woodley Island

EUREKA

101

Arcata Bay

ARCATA

101

EXHIBIT NO. 1

APPLICATION NO.

HUM-MAJ-1-08 - HUMBOLDT COUNTY LCP AMENDMENT (SAMOA TOWN PLAN)

AREA MAP

Humboldt Bay Vicinity

MANILA

ARCATA

BAYSIDE

SAMOA

FAIRHAVEN

EUREKA

ELK RIVER

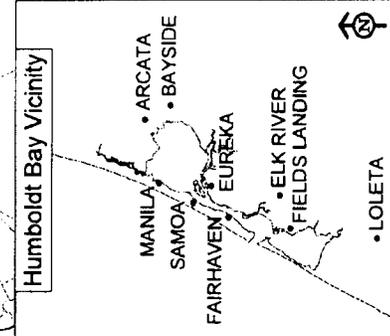
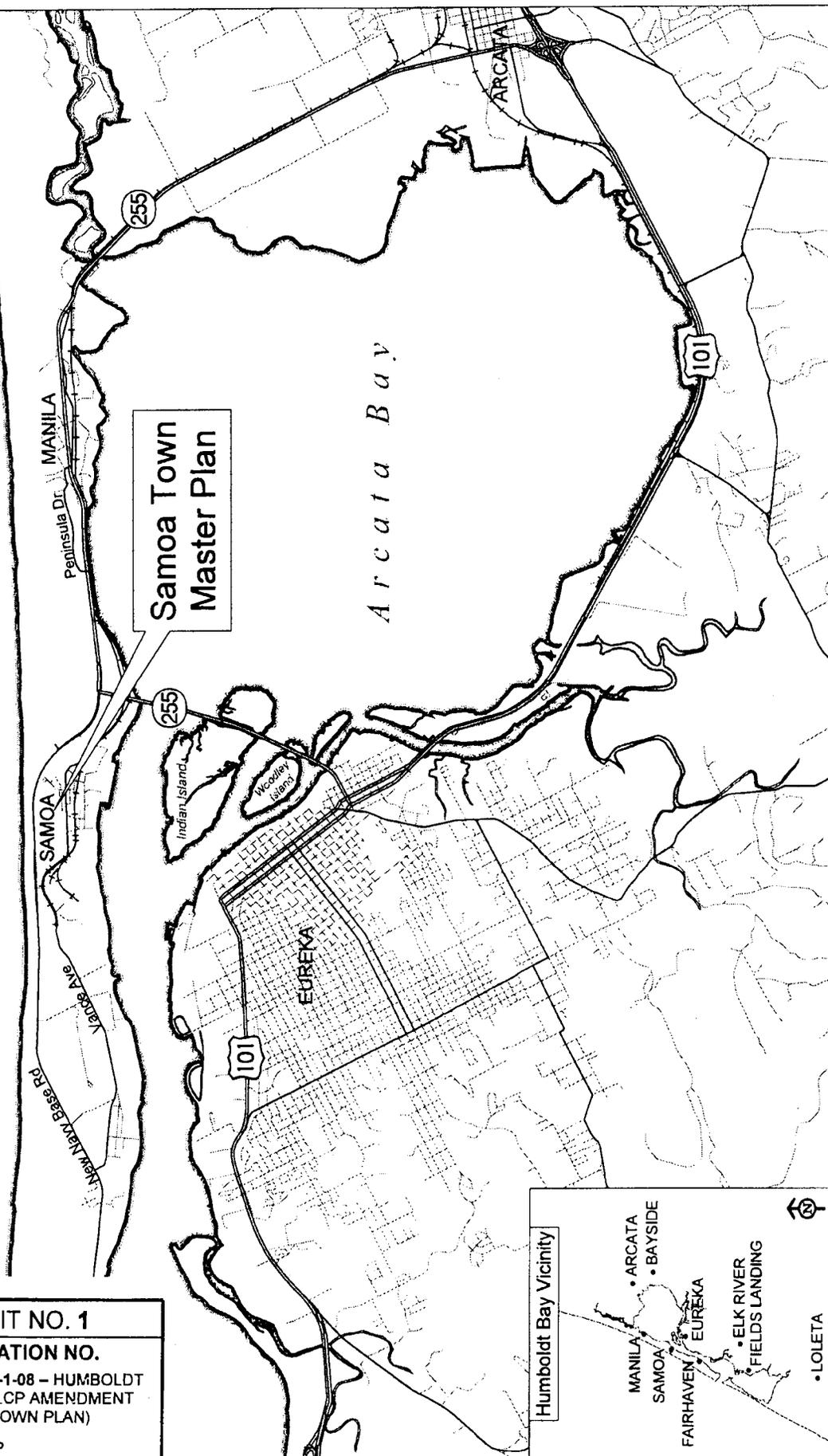
FIELDS LANDING

LOLETA

Legend:

- Primary Roads
- NW Pacific Railroad
- Secondary Roads
- Minor Roads

0 1 2 Miles



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STATE OF CALIFORNIA  
COASTAL COMMISSION

CERTIFIED COPY

|                    |   |                           |
|--------------------|---|---------------------------|
| HUMBOLDT COUNTY    | ) |                           |
|                    | ) |                           |
| SAMOA TOWN SITE    | ) | Local Coastal Program     |
|                    | ) | Amendment No. HUM-MAJ-1-8 |
| COUNTY OF HUMBOLDT | ) |                           |
|                    | ) |                           |

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Thursday  
October 14, 2010  
Agenda Item No. 11.b.  
[ Fragmented Portion, Commissioner Discussion ]

Oceanside City Council Chambers  
300 North Coast Highway  
Oceanside, California

|  |
|--|
| <b>EXHIBIT NO. 2</b>   |
| <b>APPLICATION NO.</b>   |
| HUM-MAJ-1-08 - HUMBOLDT<br>COUNTY LCP AMENDMENT<br>(SAMOA TOWN PLAN) |
| REPORTER'S TRANSCRIPT<br>OF PROCEEDINGS (1 of 22)                    |

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A P P E A R A N C E S

COMMISSIONERS

Bonnie Neely, Chair  
Mary Shellenberger, Vice Chair  
Khatchik Achadjian  
Richard Bloom  
William Burke  
Adi Liberman, Alternate  
Ross Mirkarimi  
Esther Sanchez  
Dan B. Secord, Alternate  
Mark Stone  
Sara Wan  
James Wickett, Alternate

STAFF

Peter Douglas, Executive Director  
Hope Schmeltzer, Staff Counsel  
Jamee Jordan Patterson, Deputy Attorney General  
Robert Merrill, District Director

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I N D E X   T O   S P E A K E R S

STAFF Page Nos.

District Director Merrill..... 16  
Executive Director Douglas..... 17

PUBLIC COMMENT

Dan Johnson, Applicant..... 8

COMMISSIONERS

Achadjian..... 1  
Neely..... 1, 16  
Sanchez..... 6  
Secord..... 16  
Shallenberger..... 7, 14

ACTIONS

Motion by Wan..... 1  
Vote..... 18

CONCLUSION..... 18

-o0o-

1 California Coastal Commission  
2 October 14, 2010  
3 Humboldt County LCP Amendment No. HUM-MAJ-1-8  
4 Fragmented Portion (Commission Discussion)

5 \* \* \* \* \*

6 [ Audio Problems Occurring Sporadically ]

7 **CHAIR NEELY:** So, we have several Commissioners  
8 who wish to speak.

9 Commissioner Wan.

10 [ MOTION ]

11 **COMMISSIONER WAN:** Yes, just to move things along,  
12 I am going to move that we continue this.

13 **COMMISSIONER ACHADJIAN:** Second.

14 **CHAIR NEELY:** Okay, we have a motion by  
15 Commissioner Wan, and a "second" from Commissioner Achadjian  
16 for a continuance, and they are recommending a "Yes" vote.

17 **COMMISSIONER WAN:** Yes, there are a number of  
18 reasons why we should continue it, in part, it is because of  
19 what was delivered to us, dropped on our doorstep last night  
20 -- and for those of us who got back into our rooms at  
21 midnight, and had early meeting today, [audio interruption],  
22 but, for what their concerns are, I suspect in the upcoming  
23 weeks you will hear what their concerns are, and we do have a  
24 chance, therefore, to have Commissioners' comment, and let  
25 them know what some of our concerns are, and then that will

1 make it a little bit easier for the process that needs to go  
2 forward. So, with having said that, I will give you some of  
3 my concerns and my comments, on this.

4 I have to really compliment our staff. This was  
5 one of the most complex LCP Amendments to go through that I  
6 have had to deal with in all of these years, and as you all  
7 know, I brief things pretty thoroughly, and in the beginning  
8 I was the one who was sending missives and saying, "This is  
9 so complex, I can't figure out what is going on here."

10 However, in the end, I actually did figure it out,  
11 and did understand it. I read it. I looked at the  
12 underlying LCP, I got that delivered to me, and I had all of  
13 the documents and read it through, and you will find this  
14 amazing, with this complexity of an issue, when I got  
15 finished with only a few minor changes, I was in support of  
16 what the staff did. I was truly amazed at the job that they  
17 did, it was fabulous.

18 And, one of the things I think that the community,  
19 the county, and the developer needs to understand here is  
20 that this Commission is going to look at this, and use -- as  
21 Commissioner Shallenberger said last month -- the *Coastal Act*  
22 as our filter.

23 I understand that there is the desire to do what  
24 the community wants, and of course we would like to comply  
25 with what the community wants, but we use the *Coastal Act* as

1 our filter, and it has to be consistent with the *Coastal Act*,  
2 and I think the staff did a remarkable on this.

3 I would like to go over a couple of the sort of  
4 the things that they did that I thought were important. Now,  
5 one of the things that makes it so difficult was to try to  
6 follow this whole concept of how you deal with describing the  
7 number and size, and the lot configurations. I thought that  
8 what staff came up with was because -- as they indicated in  
9 the staff report -- they didn't have all of the legal  
10 documentation, and the ability to go through each lot. I  
11 thought that making these major, these big lots, was actually  
12 a very clever way to deal with it.

13 Now, there may be other ways to deal with it, if  
14 the developer isn't happy about it, but if you are going deal  
15 with it, we need to know, whatever that is, we need to know  
16 what the legality of the lots are. We need to know what we  
17 are dealing with before we approve anything. We can't simply  
18 approve it, you know, without having that information. So,  
19 either you do the master lots, or you come up with all of the  
20 information for this replacing -- [ audio interrupted ] --  
21 so the Commission has before it something to approve, some  
22 kind of a plan. So, they have to be resolved, those lot  
23 legality questions, one way or the other.

24 The other thing that the staff was very clever in  
25 handling [ audio interruption ] extremely important, that

1 information with regards habitats, and wetlands, and at least  
2 the way staff dealt with it we got the master parcels, but  
3 then before we got any additional subdivision we could get  
4 the adequate information that we needed.

5           The problem is if you don't do that then we need  
6 to get all of the specific information about the habitat up  
7 front, because I went back in and looked at the habitat  
8 analysis that was in front, that we did have -- and, first of  
9 all, it was done in 2004. It wasn't necessarily done using  
10 Commission standards. I went, and I looked at this, what 55  
11 or 60 acres of sensitive habitat, and only 26 acres are in  
12 the natural resource zone, so I am looking at what the  
13 discrepancy is. But, I looked at things like their  
14 delineation, where they talked about wetlands, but didn't  
15 necessarily use the Commission's guidelines for how you  
16 define a wetland. They discuss a dune hollow wetland, and  
17 there is a commitment from the county not to effect any dune  
18 hollow wetland, but at the same time, in that report, there  
19 is dune hollow wetland that is dismissed as, quote, non-ESHA  
20 because it is, quote, man induced. Well, that may be an Army  
21 Corps standard, but that is not a Coastal Commission  
22 standard. We don't look at it that way, so we need to make  
23 sure that we understand and know where all of the wetlands  
24 are.

25           And, some of the other habitats were sort of not

1 dealt with in the kind of detail that we know that we need to  
2 know what that is, how the subdivisions and the development  
3 will proceed, that will not impact the ESHAs that it is not  
4 supposed to impact under the *Coastal Act*.

5 Some of the other issues that I am concerned about  
6 -- oh, of course buffers. This is, by the way, if anyplace  
7 should allow a 100-foot buffer, this would be it. And, I am  
8 not talking about the developed areas. The old town is  
9 different. That is very unique. It can, hopefully, be  
10 restored for its community character.

11 But, in the non-developed areas, we are dealing  
12 with blank slates, literally, huge tracts of land that have  
13 nothing on it, so why would you have to reduce the buffer?  
14 One hundred foot buffers are, actually, minimal, from a  
15 biological perspective.

16 I do think that we need to look carefully at the  
17 traffic impacts. All of us came over that when we did see  
18 them, go on the tour, and I have to thank the developer, by  
19 the way for that tour, you know, in other areas, we weren't  
20 allowed fully on the property, and on this one we were, so I  
21 will thank the developer for that.

22 But, many of us commented about the bridge, and if  
23 you are going to have a regional shopping center there, it is  
24 going to create a nightmare for everybody, and I think that  
25 is an issue that we need to look at.

1 I agree with staff that infrastructure, such as,  
2 you know, waste management, needs to be dealt with by [ **audio**  
3 **interrupted** ] the public agency, it can't be a private  
4 agency.

5 Just overall, as I said in going through this, I  
6 had very few comments to make on what the staff has suggested  
7 [ **audio interruption** ] and if anything, I wanted to go with  
8 as little impact [ **audio interruption** ] and that is very  
9 unusual, so I have to, again, commend the staff for the job  
10 that they did here. I think you can -- if you go down that  
11 path, you can move this forward relatively quickly, and in  
12 the end you are going to get a pretty good result.

13 **CHAIR NEELY:** Thank you, Commissioner.

14 Commissioner Sanchez.

15 **COMMISSIONER SANCHEZ:** Thank you, Madam Chair.

16 And, I also want to compliment staff, and I really  
17 appreciate the enthusiasm of the developer. I see that you  
18 really want to build a quality project.

19 The issues that I have are, basically, you know,  
20 that's it, the same thing that Commissioner Wan saw. When we  
21 were on the bus, I asked about the ownership of the houses,  
22 and so they are all one, month-to-month rentals, so the  
23 ownership issues are with several parcels, and how all of  
24 that was going to happen.

25 When we were over at the Women's Center, there was

1 a question, well, gosh, what do you plan for here? and it is  
2 so low-lying, and this is between the dunes, and then the  
3 beach, and the Women's Center, and I think the response was,  
4 "Oh, we are going to raze it, and see what you do in Hawaii,  
5 build the garage on the bottom, and the house on top."

6 I had questions about the amount of dirt that  
7 would have to be brought in to do that, how that character  
8 would be effected? [ audio interrupted ] -- usable area,  
9 between the first public road, appealable area issue, and I  
10 think that is something that I would like to see right up  
11 front, you know, where is that first road going to be?

12 So, those are my main issues right now, okay,  
13 [ audio interrupted ] wherever that is, the last few hours,  
14 so I actually do support this appeal, thank you.

15 **CHAIR NEELY:** Thank you.

16 Commissioner Shallenberger.

17 **CHAIR SHALLENBERGER:** Thank you.

18 Yes, I want to join in commending staff for a job  
19 well done, and ask, with the permission of the Chair, if Dan  
20 Johnson would come forward, I have specific questions for  
21 you, would you come forward.

22 First of all, I want to thank you and your company  
23 and the county for making this a really wonderful field trip,  
24 our last time up there, and a couple of years before that. I  
25 mean, you have been very open, and in sharing your develop-

1 ment, and area, and I appreciate that, and I know that the  
2 Commission shares in that.

3 I, however, find -- I confess that I have not  
4 digested what was presented to us yesterday, in terms of your  
5 comments on the staff report, and I was a little surprised to  
6 hear you say that we were very, very close, and put you in a  
7 room, and you could come out in a short period of time,  
8 because the size of that document didn't lead me to believe  
9 that.

10 And, so I am assuming that there must be a lot of  
11 very fine detail which isn't particularly controversial in  
12 that document that you present, so would you please just give  
13 us what are your major points of disagreement with the staff  
14 report?

15 **MR. JOHNSON:** Yes, no problem.

16 So, I mean, we are a bit frustrated with the  
17 process, as well. I mean, we, you know the first time we  
18 received the public report --

19 **CHAIR SHALLENBERGER:** Could I -- I am just asking  
20 for --

21 **MR. JOHNSON:** I am going to give you --

22 **CHAIR SHALLENBERGER:** -- I am not asking up front  
23 on how you got there --

24 **MR. JOHNSON:** I know, and --

25 **CHAIR SHALLENBERGER:** -- just what they are today.

1           **MR. JOHNSON:** Okay, that is what I am leading to.

2           **CHAIR SHALLENBERGER:** Thank you.

3           **MR. JOHNSON:** So, there are probably 10 primary  
4 issues that we need to work through with staff. No. 1 is  
5 that the ESHA area -- I don't know if we want to put the map  
6 up -- but there is part called the old field [ **audio**  
7 **interruption** ] looked at yesterday, and what that is, but  
8 there is a little spot there with contamination that can be  
9 cleaned up, and put that into public open space, and that  
10 would be part of the park, and the staff has an interest at  
11 extending the ESHAs and having those put back into an ESHA  
12 type [ **audio interruption** ] and in our interest is not to  
13 purchase, and we have reasons why, and we can get into those  
14 later.

15                   And, then, likewise, next to the soccer field  
16 there is an area of some old housing that was burned down in  
17 the late 1960s, and our intent is to rebuild that area back  
18 with the housing that was burned down at that time, and  
19 again, the staff is looking at bringing the natural resource  
20 designation into that area, and we don't think it is  
21 appropriate, given its proximity to the housing, and so on.

22                   Then, with regards to the business park, it is not  
23 our desire to build a regional retail center, and for  
24 whatever reason that bug has risen to some level, and I don't  
25 know where it came from, but our desire is to build a viable

1 business park. And, if you take our business into -- just  
2 look at our business, alone, which I believe would be a  
3 primary use -- or a prime use for that business park, we are  
4 in about 20,000-square feet, the building that my business  
5 occupies, between offices, warehouses, cabinet shop, et  
6 cetera, and with a limitation of a 10,000-square foot -- and  
7 I understand in a document that we received this morning,  
8 when we walked in the door, they have increased the limit to  
9 two buildings, and each 20,000-feet, and then the remaining  
10 buildings to be 10,000, and that is something that we can  
11 discuss, but we didn't know that prior to walking in this  
12 door.

13 **CHAIR SHALLENBERGER:** But, when you say discuss  
14 it, it sounds as if you, actually, may be okay with that?

15 **MR. JOHNSON:** Well, no, it is still limiting, I  
16 mean, we have a list of about 15 uses of different tenants in  
17 Humboldt County, which I believe every one of them, I  
18 believe, this Commission would go for, you know, Cypress  
19 Grove Chev -- you probably all know the goat cheese company,  
20 they are a potential; there is a moving and storage company  
21 --

22 **CHAIR SHALLENBERGER:** Okay, so the moving and --

23 **MR. JOHNSON:** -- and they all need square footage?  
24 -- only limitation is [ audio interrupted ] as an example,  
25 they have got about an 18,000-square foot facility, with a

1 6,000-square foot retail component. I would think that that  
2 would be an ideal type of a use for what we are trying to  
3 create within this business park, but with the current way  
4 this admendment is written, that would not be allowed. [  
5 **audio interruption** ] We don't intend, you know, and that is  
6 not what we are trying to do, but we are trying to service  
7 the local businesses. So, that is probably the one that we  
8 are the farthest apart on, is this business park, and the  
9 size of the buildings.

10 No. 3 -- the rest of them will go much quicker --  
11 is the -- actually, No. 4 is there is a requirement right now  
12 to put in -- and I haven't reviewed the document in its  
13 entirety, this may have been changed -- but, there was a  
14 requirement to put in a grocery store, not a recommendation  
15 for a grocery store, but a requirement. We don't want to  
16 accept that if we can't get the economic vitality of a  
17 grocery store out there, then we are going to end in a  
18 situation where we will be subsidizing this grocery story for  
19 the next 50 years, so there is the grocery store there.

20 There is an area where we have a couple of storage  
21 units that are on the property, and those storage units we  
22 are going to be taking down, and we are going to be reusing,  
23 recycling the materials in building some new storage units  
24 for the town, and in the current recommendation by staff,  
25 that area has been changed to not allow the use of those

1 storage units.

2 Now, again, in the document that out there on the  
3 counter, I guess actually the document I have right here,  
4 that may have been changed, but we didn't see that it was.

5 The timing of the environmental cleanup is a big  
6 issue to us, in that the majority of the environmental issues  
7 out here are hydrocarbons and lead paint, and we have lead  
8 paint issues, you know, on every house that has been built  
9 before 1978 in the State of California, and we are agreeing  
10 to clean up the lead paint, we are agreeing to cleaning up  
11 the environmental, it is just the timing in which we do it,  
12 because of the cost, and so we need to work out that timing.

13 [ audio interruption ] -- I believe the resolution  
14 on that, we have a tentative map process that I believe will  
15 take care of both concerns, but Kirk can speak to these much  
16 eloquently than I can, and expert, but [ audio interruption ]  
17 but, there are issues that it can be done, parcels be created  
18 in those 18 or 19 parcels there won't be public access to  
19 them, they won't have sewer, they won't have water, they will  
20 be landlocked parcels, so there are legal issues as to  
21 whether or not that that proposal can even be complete, and  
22 we believe we have a process in which we can work through,  
23 that will take care of the concerns that the Commission has,  
24 while also allowing the project to be developed.

25 Two, more, the railroad easement timing is another

1 one, you know. We have got this issue with the railroad  
2 easement that we have got a railroad that won't return a  
3 phone call, won't return a request, they are non-existent,  
4 and all over the whole area the people are ripping the rails  
5 out, the City of Arcata is ripping the rails out and they are  
6 paving over the rails, but, you know, we need to get  
7 easements from these rails, but yet they won't respond to  
8 those requests, so the timing now is saying we want those  
9 done right up front, and we are saying we need the time to be  
10 able to work that out, because I don't even -- this rail  
11 authority doesn't even seem to exist.

12 The last one is the size of the beach parking, so  
13 we agreed with the county to increase the beach parking by 10  
14 parking spaces, and the Coastal Commission came back and  
15 asked for us to, basically, enlarge the parking by three  
16 times the size it is today, and in addition to include a turn  
17 around. [ audio interruption ] -- amount of ESHA that will  
18 be destroyed, in that dune area, where that public parking  
19 is, so we want to be able to talk about that.

20 And, the last issue is the visitor serving, and I  
21 think we have already worked through that issue, but the  
22 visitor serving requirement is an issue [ audio interruption  
23 ] for a hostel and those, and we are committed to providing  
24 visitor serving, we are committed to providing it as a first  
25 phase. We just don't want it to be specific to the hostel.

1 We are negotiating with the hostel right now, but we don't  
2 have a lease with them, and if we are committed to that  
3 particular product, then that might delay us from being able  
4 to move forward where we could just provide the visitor  
5 serving ourselves.

6 So, those are the major 10 issues, if you will,  
7 that we are sitting with, and then, you know, there are a  
8 number of others that are fairly easy to work through.

9 **CHAIR SHALLENBERGER:** Thank you, I think you are  
10 awfully glad we didn't take you up on your offer to lock us  
11 in a room, because we'd be really angry by the time we came  
12 out.

13 I do appreciate you going through those, thank  
14 you, very much, and I think that in most cases, from my point  
15 of view -- and this is just for the developers -- in the  
16 absence of -- I mean, you all will negotiate this, but I have  
17 to say is my leaning on most of these is with the current  
18 staff's recommendation on them, which isn't to say that staff  
19 won't negotiate in good faith.

20 You know, the idea of not having a grocery store  
21 out in an area like that, with that many people living there,  
22 and the only way is a long commute into town, it is an  
23 important issue. I am inclined to lean towards -- again,  
24 given the amount of space for this project, I will lean  
25 towards the creation of open space and rather than increasing

1 housing, or replacing housing that is there.

2 The business park, I think it sounds as if it is  
3 negotiable, but we certainly don't -- I never envisioned  
4 having a huge business park in this area, although some  
5 businesses certainly are part of the mixed use nature of this  
6 proposal -- historic units, you know, the timing of the  
7 environmental cleanup will be very important, I know, to  
8 myself, and to the Commission and that we are confident that  
9 the cleanup is done well in advance of any final permit,  
10 probably.

11 And, the lot merger is a legal issue, and I am  
12 sure you all can work that out.

13 So, and then finally, on the size of the parking  
14 lot, my personal preference, this Commissioner, is not to  
15 spend a lot of land on our precious coast for cars. I would  
16 rather see a turn around for a bus, and land for cars. I  
17 would like to see them stacked further inland, if we could.  
18 I think it is a terrible waste of coastal resources, to pave  
19 it over to put cars down.

20 And, that is probably not consistent with the  
21 staff recommendation, but they are used to me saying this, so  
22 if there is a way to carpool people out, or jitney them out  
23 to the coast, I would prefer to see that than lots of cars.

24 So, anyway, I know this has taken longer than our  
25 Chair would have liked, but I do appreciate you putting on

1 the record what the issues are.

2 Thank you.

3 **CHAIR NEELY:** Thank you, Commissioner.

4 Any other Commissioner comments?

5 Commissioner Secord.

6 **COMMISSIONER SECORD:** I have a question, Madam  
7 Chair, I never heard any resolution of the first public road  
8 issue. I think that is very important, and very interesting,  
9 where is that?

10 **CHAIR NEELY:** And, does that have to do with the  
11 lot issue? or?

12 **DEPUTY DIRECTOR MERRILL:** [ audio interruption ]  
13 -- to the staff report, and the development of certain roads  
14 may actually change, what is the first through public road  
15 is.

16 **COMMISSIONER SECORD:** I see.

17 **DEPUTY DIRECTOR MERRILL:** And, then, those changes  
18 will be with the jurisdiction.

19 **CHAIR NEELY:** So, that is something that you will  
20 have to look into and report back to the Commission.

21 **DEPUTY DIRECTOR MERRILL:** Sure.

22 **CHAIR NEELY:** Anyone else?

23 [ No Response ]

24 All right, we have a motion and a "second" for a  
25 continuance, and let me ask staff, what about the timing on

1 that? is there anyway that we could consider seeing this in  
2 December for the next northern California hearing?

3 **DEPUTY DIRECTOR MERRILL:** I think that would be  
4 very difficult, we could try, but the Commission will have to  
5 act by the March meeting, that is the end of the Commission's  
6 time, so if it isn't sooner than that, it will not be more  
7 than that amount of time.

8 **CHAIR NEELY:** Can we shoot for the December  
9 meeting, if it is possible?

10 **EXECUTIVE DIRECTOR DOUGLAS:** Madam Chair, as I  
11 indicated before, we have a lot of items on our plate. This  
12 item has taken an incredible amount of time. The staff  
13 person we have assigned to it is supposed to be doing other  
14 work.

15 **CHAIR NEELY:** I think all of these projects that  
16 are this size take an incredible amount of time, and are very  
17 complex.

18 **EXECUTIVE DIRECTOR DOUGLAS:** They do, but that is  
19 one of the reasons why I can't commit the staff to bring this  
20 back by December. I mean, we will do our best --

21 **CHAIR NEELY:** Okay.

22 **EXECUTIVE DIRECTOR DOUGLAS:** -- to get it back as  
23 soon as we can.

24 **CHAIR NEELY:** All right, appreciate that.

25 **EXECUTIVE DIRECTOR DOUGLAS:** But, we can't promise

1 to do December.

2 CHAIR NEELY: We'll look forward to it being  
3 there.

4 Any further comments?

5 [ No Response ]

6 Any objection to have a unanimous roll call in  
7 favor of the continuance?

8 [ No Response ]

9 Then, the continuance is granted, and thank you so  
10 much for your presentations today.

11 \*

12 \*

13 [ Whereupon the hearing concluded at 4:00 p.m. ]

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NOTICE

This transcript has been sealed to protect its integrity. Breaking my signature seal, or the transcript binding seal, will void the Reporter's Certification

If either of these seals is broken, the transcript shall be returned to the court reporter for recertification for an additional fee of \$500.00.

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R E P O R T E R ' S   C E R T I F I C A T E

STATE OF CALIFORNIA        )  
                                  )       SS.  
COUNTY OF MADERA         )  
                                  )

I, PRISCILLA PIKE, Hearing Reporter for the State of California, do hereby certify that the foregoing 18 pages represent a full, true, and correct transcript of the proceedings before the California Coastal Commission for their hearing of October 14, 2010.

Dated:   October 28, 2010

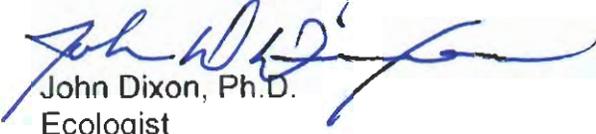
**PRISCILLA PIKE**  
\_\_\_\_\_  
PRISCILLA PIKE

## CALIFORNIA COASTAL COMMISSION

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## MEMORANDUM

FROM:   
John Dixon, Ph.D.  
Ecologist

TO: Melanie Faust

SUBJECT: Samoa Town LCP Amendment

DATE: February 11, 2011

## EXHIBIT NO. 3

APPLICATION NO.  
HUM-MAJ-1-08 – HUMBOLDT  
COUNTY LCP AMENDMENT  
(SAMOA TOWN PLAN)  
MEMO OF COMMISSION  
STAFF ECOLOGIST (2/11),  
WITH ATTACHMENTS (1 of 6)

Document reviewed:

Mad River Biologists. 2004. Samoa Town Master Plan Biological Resource Study. A report prepared for County of Humboldt dated December 2004.

Plan West Partners. 2007. Recirculation Draft 3 Master Environmental Impact Report.

On December 7, 2010, we visited the Town of Samoa with Vanessa Blodgett of PlanWest Partners, Stephanie Morrisette of Mad River Biologists, Roy O'Connor of the Regional Water Quality Control Board (RWQCB), and Michael Wheeler of the Humboldt County Planning Department. After examining the various habitat areas, including wetlands, it is my opinion that they have been accurately characterized in terms of the biological communities and species that are present. However, I do not agree with some of the descriptions of these areas in terms of use and habitat sensitivity.

The wetlands delineation appropriately followed the definition in the Coastal Act and the Commission's Regulations. The boundaries of those wetlands we examined in the old industrial area west of the railroad easement and east of the fence paralleling New Navy Road were relatively discrete and appeared accurately mapped. It is an unusual situation because the wetlands are influenced by the archaic sewage treatment infrastructure that serves the Samoa homes and the Samoa Cookhouse. The raw sewage flows into concrete holding tanks where most solids settle out. The effluent is pumped to a steep-walled, open, unlined holding pond dug out of the sandy soil. It has recently been fenced (RWQCB staff refers to this structure as an "oxidation pond"). The holding pond provides some remedial treatment through natural aeration and vegetation, which provides a substrate for bacterial action. The overflow passes about 440 feet underground through about a 6-inch pipe that empties directly and without additional treatment into a dune swale wetland (Figure 1). Based largely on changes in elevation, the wetland delineators distinguished between a portion of the wetland that is seasonally wet near the surface and a part near the effluent pipe that is perennially wet. They characterized the holding pond and the upper, wetter portion of the dune swale

wetland as artificially flooded and the EIR (Habitat Map) characterizes both areas as a waste water treatment facility. The holding pond was no doubt constructed as part of the treatment "facility." However, there is no evidence that the dune swale wetland was created by the runoff from the treatment pond. It is equally likely that the dune swale wetland was chosen as a convenient place to direct the effluent. The entire dune swale should be designated a wetland under the Coastal Act and Commission's Regulations (Figure 2). The dune hollow wetlands should not be used as part of the primary or secondary sewage treatment system. However, water that has been treated to the point that it could be discharged to open coastal waters or is appropriate for ground water recharge could be directed into the dune hollow wetlands. Since it is assumed that the northern red-legged frog is present in this area, any portions of the treatment system that are perennially inundated should be constructed in such a way as to preclude colonization by the non-native bullfrog, which preys on many native species, including native frogs.

The paved industrial area east of the railroad easement presents some special problems. Large portions of the abandoned industrial area pond water for very long duration. Many of these ponds are underlain by impervious asphalt pavement with a thin layer of sediment that supports wetland vegetation. Due to the lack of soil, I do not believe that these areas meet the definition of a wetland. There are other areas whose status is more ambiguous. Some ponds appear to have asphalt around the edges but at least 12 inches of gravelly substrate in the center that supports wetland vegetation. These may be places that once were covered by structures surrounded by pavement; it is also possible that the asphalt has broken down. Yet other areas appear to be essentially ditches that were dug in the fill material to drain the industrial area. These tend to have gravelly soil and be closely surrounded by concrete or asphalt. The areas with a soil bottom technically meet the Commission's wetland definition, although they are completely artificial and provide few wetland functions in their industrial setting. Some of these areas were designated by the County as "Man Induced Coastal Act Wetland"; others were designated "Non-Wetland Impoundments." In Figure 2, I have changed the latter designation to "Industrial Impoundments." It is premature to judge the jurisdictional wetland status of these areas within the previous industrial facility that are inundated for very long durations.

In most locations, the Mad River Biologists have been appropriately conservative in identifying areas that meet the definition of Environmentally Sensitive Habitat Area (ESHA) in the Coastal Act. Because of the location within an area of natural sand dunes between the ocean and Humboldt Bay, even the degraded dune habitats of various types should be considered ESHA, with the exception of those areas that are severely fragmented and isolated. There are several areas that were not identified as ESHA that I believe warrant that designation. The first area is the long strip of fenced degraded dunes between the abandoned lumber storage area and New Navy Base Road that supports dune hollow wetlands and substantial remnants of the rare native dune mat community (Figure 2). That whole area supports a physical habitat that is rare and includes rare dune hollow wetlands and dune mat vegetation. It is also easily degraded by human activities and meets the definition of ESHA. The second area is a

continuation of the first and is bounded by residences, a soccer field, New Navy Base Road, and Northern Coastal Scrub and Coastal Coniferous Forest ESHA (Figure 2). This is an area of sand dunes with relatively natural topography that, like the nearby dune ESHA, has been seriously degraded by invasive European beachgrass and yellow bush lupine. Nevertheless, it is still subject to natural dune physical processes, supports a sparse population of native dune plant species, and is contiguous with identified ESHA. There are three other small patches of degraded dunes with similar characteristics: one adjacent to New Navy Base Road and one above the Peninsula Elementary School, both of which are surrounded by wetlands and ESHA; and an irregular patch north of Vance Avenue and that is also contiguous with coastal coniferous forest ESHA. I recommend that all these remnant dunes be considered ESHA due to their rarity and the ease with which they could be further degraded by human activities.

There are three small areas of remnant native vegetation that were designated ESHA by the County that I recommend not be so designated because they are isolated islands of habitat closely bounded by residential and other buildings, roadways, and urban vegetation and other development (Figure 2). The first is a narrow strip of northern coastal scrub on a hillside sandwiched between an existing residential neighborhood at the top of the hill and buildings and roadways at the bottom. The second area is an insular patch of coastal coniferous forest and northern coastal scrub in a swale south of Vance Avenue that is also bounded by an existing residential neighborhood and other development. The third area is comprised of two adjacent patches of northern coastal scrub just north of Vance Avenue. The eastern patch occurs on the steep hill side above a commercial building and the Peninsula Elementary School grounds. At the top of the hill there are large foundations of demolished buildings and further west above-ground pipes and valves that appear to be part of the municipal water system. Through the middle of this area is a wide graded path that is a designated tsunami evacuation route. Most of this third area would be within the 100-foot ESHA buffer (Figure 3), which I think is a more appropriate land-use designation for this disturbed location.

Finally, all the delineated wetlands west of the railroad easement should be considered ESHA and provided with 100-foot development setbacks or "buffers," as should the vegetation communities designated ESHA (Figure 3). The buffer areas should be cleared of construction remnants, debris, and invasive non-native plants and restored to appropriate native vegetation, where such habitat is lacking. Large non-native trees that provide significant avian habitat should be left as they are.

Figure 1. Discharge of effluent from the sewage aeration pond to the dune hollow wetland.

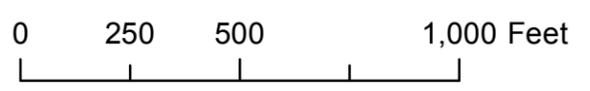
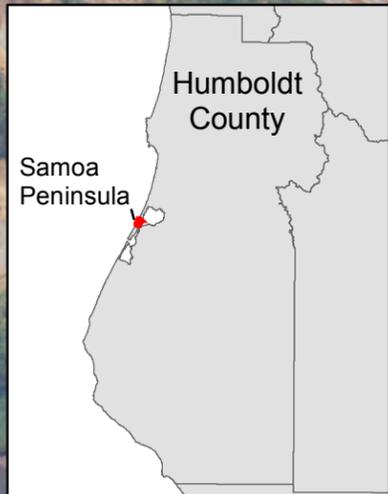


**Figure 2. Recommended changes in habitat designations.**

# Pacific Ocean



# Humboldt Bay



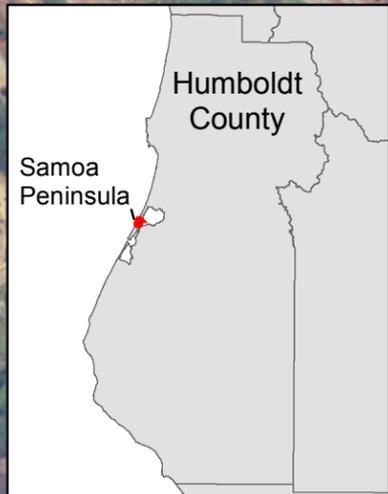
**Figure 3. Wetlands and other Environmentally Sensitive Habitat Areas with 100-foot buffers. Buffers are truncated at existing development.**

# Pacific Ocean

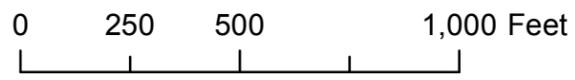


**LCP Amendment No. HUM-MAJ-01-08**

- Boundary of Area Assessed by the Commission's Staff Ecologist for Resource Designations
- Wetland and Other ESHA Buffer - 100 Ft Except Where Truncated by Roadways, Existing Residential, or Project Boundaries
- ESHA
- Non-ESHA, Previously Designated ESHA
- Non-ESHA Vegetated Areas
- Developed (Non-ESHA)
- Wetland ESHA
- Waste Water Treatment Facility

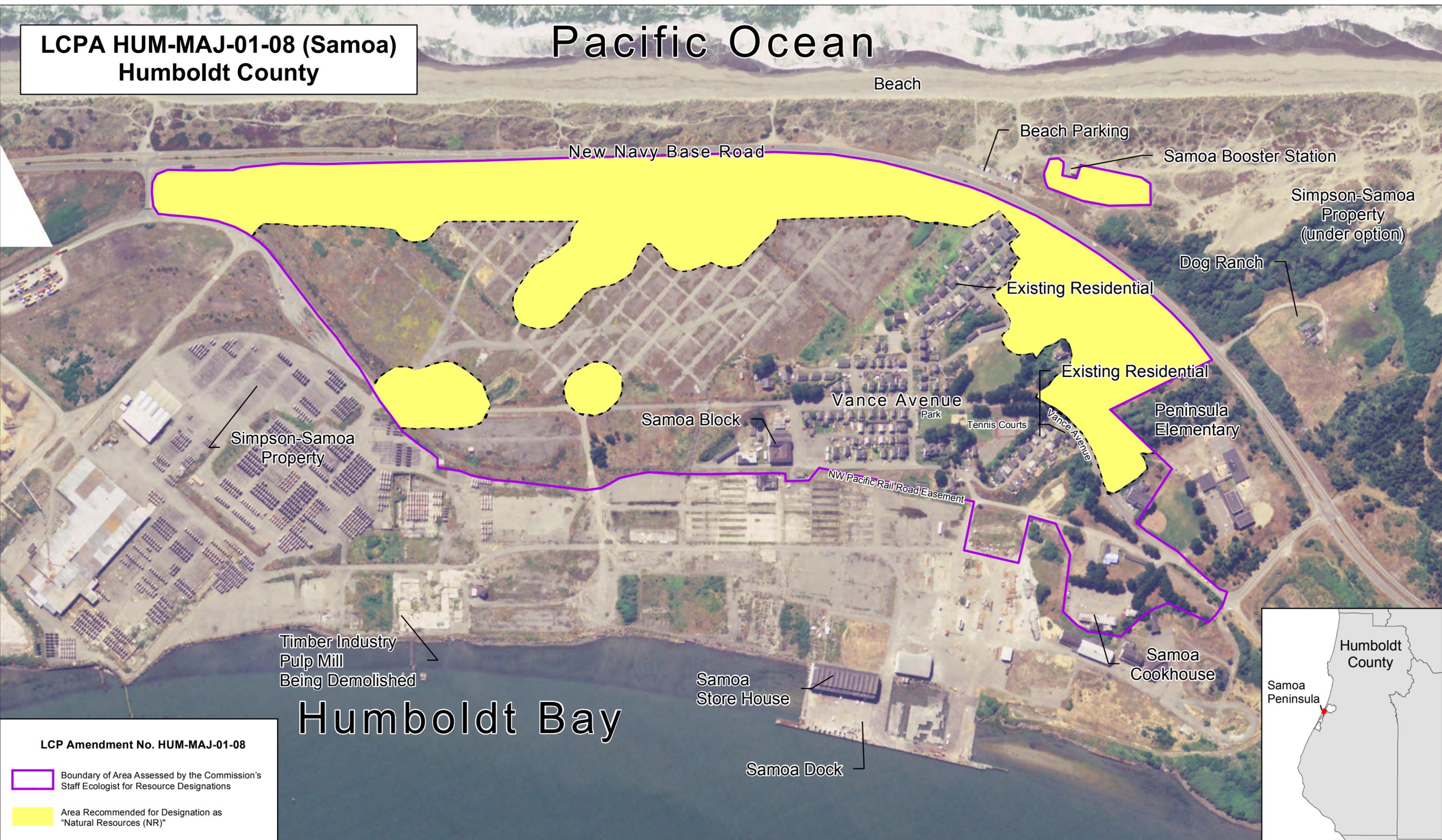


**Note: ESHA and buffer determinations have not been made, and are not shown, outside the Project Boundary.**



**LCPA HUM-MAJ-01-08 (Samoa)  
Humboldt County**

**Pacific Ocean**



**LCP Amendment No. HUM-MAJ-01-08**

Boundary of Area Assessed by the Commission's Staff Ecologist for Resource Designations

Area Recommended for Designation as "Natural Resources (NR)"

**Humboldt Bay**

**Note: ESHA and buffer determinations have not been made, and are not shown, outside the Project Boundary.**

All Locations Approximate. For Illustrative Purposes Only.  
 Orthophotography: NAIP, 2005.  
 Habitat Delineations: Derived from Mad River Biologist Field Surveys,  
 Provided by Planwest Partners, Inc.



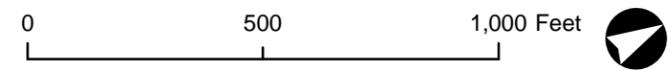
DSM, 2011

**EXHIBIT 4 - Page 1**  
**Application No. HUM-MAJ-01-08**  
**Humboldt Co. LCP Amendment (Samoa)**  
**Area Recommended as "Natural Resources" (NR)**

 Samoa Pacific Group Property Line



Exhibit 5  
LCP Amendment HUM-MAJ-01-08  
Samoa, Humboldt County  
Exhibit Attachment A



 Samoa Pacific Group Property Line



Exhibit 5  
LCP Amendment HUM-MAJ-01-08  
Samoa, Humboldt County  
Exhibit Attachment B



**LCPA HUM-MAJ-01-08 (Samoa)  
Humboldt County**



**Exhibit 5  
Page 3  
LCP Amendment HUM-MAJ-01-08  
Samoa, Humboldt County  
Aerial Source: AirPhotoUSA, May 2001**



**LCPA HUM-MAJ-01-08 (Samoa)  
Humboldt County**



**Exhibit 5  
Page 4  
LCP Amendment HUM-MAJ-01-08  
Samoa, Humboldt County  
Aerial Source: AirPhotoUSA, May 2001**

**LCPA HUM-MAJ-01-08 (Samoa)  
Humboldt County**



**Exhibit 5  
Page 5  
LCP Amendment HUM-MAJ-01-08  
Samoa, Humboldt County  
Aerial Source: AirPhotoUSA, May 2001**



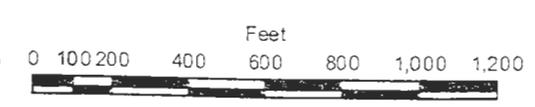
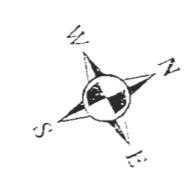
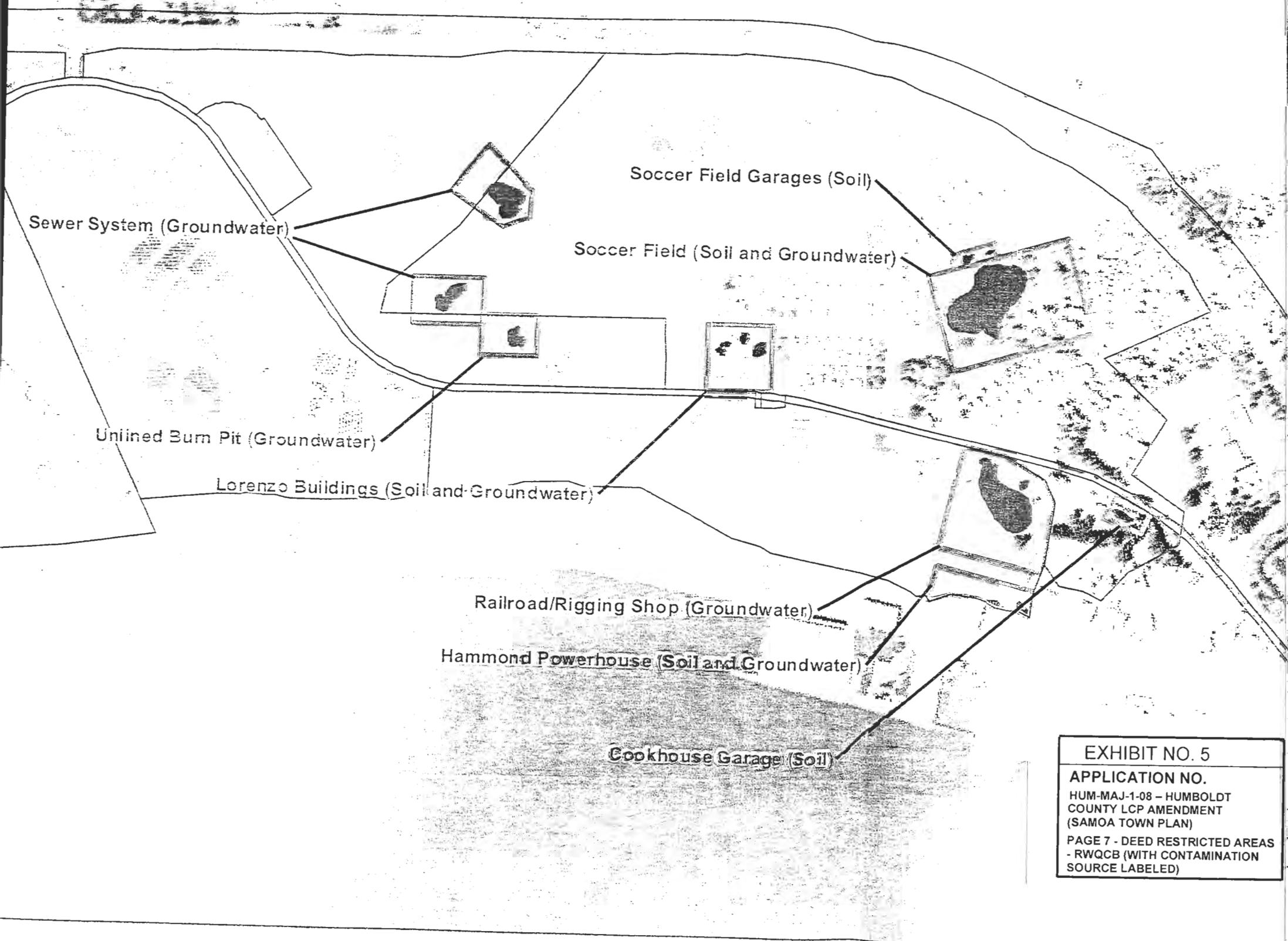


**LEGEND**

-  Approximate boundaries of deed-restricted areas
-  Delineated areas exceeding COC screening levels
-  Approximate Parcel Boundaries

Base Image Data Source:  
 Obtained from City of Eureka  
 Engineering/GIS Department  
 Image date March 2, 2007.

ALL LOCATIONS APPROXIMATE



Samoa Pacific Group, LLC.

Figure 1  
 Deed Restricted Areas  
 on Land Use Base Map

Date: 10-29-09

By: SJT

**EXHIBIT NO. 5**  
**APPLICATION NO.**  
 HUM-MAJ-1-08 - HUMBOLDT  
 COUNTY LCP AMENDMENT  
 (SAMOA TOWN PLAN)  
 PAGE 7 - DEED RESTRICTED AREAS  
 - RWQCB (WITH CONTAMINATION  
 SOURCE LABELED)

