



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southwest Region

1655 Heindon Road

Arcata, CA 95521-4573

In response refer to: 10012SWR2012AR00030

JUN 15 2012

Martha Spencer
Supervising Planner
Humboldt County Planning Division
3015 H St
Eureka, CA 95501

Dear Ms. Spencer:

Thank you for providing an opportunity to comment on the *Draft Environmental Impact Report* (EIR) for the *Humboldt County General Plan Update* (Plan). The National Marine Fisheries Service (NMFS) commends the County for its extensive effort in updating the County's 1984 General Plan, and allocating resources towards environmental stewardship and guiding potential future development through this comprehensive framework.

NMFS is responsible for the management, conservation and protection of living marine resources within the United States' Exclusive Economic Zone. We work to prevent lost economic potential associated with declining species and degraded habitats within the regulatory framework of the Endangered Species Act of 1973 (ESA; 16 USC §1531 et seq.), as amended, and the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 USC §1801 et seq.), as amended. NMFS values Humboldt County as an important partner in the stewardship of coastal marine resources, and the promotion of healthy ecosystems that afford economic opportunities and enhance the quality of life of its communities.

On April 20, 2012, NMFS' staff member Catherine McGourty contacted you in order to discern how our review of the EIR could be most helpful. You directed her to focus on Chapter 3.11 (Biological Resources). Thus, NMFS' comments, offered for your consideration, are focused on Chapter 1 (Introduction and Summary) and Chapter 3.11. Please find general and specific comments below.

General Comments

- 1) In order to address NMFS trust species, the EIR should reference specific habitats, species, and life history phase that may be affected by future development activities. The Plan mentions Central California coho salmon (*Oncorhynchus kisutch*), Northern California (NC) steelhead (*Oncorhynchus mykiss*), Summer Run steelhead, and Spring-Run Chinook salmon (*Oncorhynchus*



tshawytscha). Please note that the Central California coho salmon Evolutionarily Significant Unit (ESU) does not occur in Humboldt County. Federally listed species under the jurisdiction of NMFS within Humboldt County are: Southern Oregon/Northern California (SONCC) coho salmon, California Coastal (CC) Chinook salmon, Northern California (NC) steelhead (*Oncorhynchus mykiss*), the southern Distinct Population Segment (DPS) of North American Green Sturgeon and the southern DPS of Pacific eulachon. All species are anadromous, returning to freshwater to spawn or forage as adults. The timing of migrations vary slightly year to year, determined by environmental factors such as rainfall, stream temperature, and food availability.

- 2) The MSA provides protection for Essential Fish Habitat (EFH), defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. EFH in Humboldt County includes anadromous streams and rivers, estuaries, and coastal habitat. Habitat Areas of Particular Concern (HAPCs) are discrete subsets of EFH that provide important ecological functions and are especially vulnerable to degradation. HAPCs within Humboldt County include estuary, kelp forest, seagrass bed, and rocky reef. EFH consultation should be conducted in conjunction with ESA consultation on any activities under the Plan.
- 3) Many watersheds important for the recovery of our listed species lie within Humboldt County. Please address individual watersheds, and discuss habitat variable details (e.g., miles of riparian corridor, riparian vegetation type, large woody debris abundance, intact spawning habitat, etc.) in order to establish a baseline condition.
- 4) NMFS supports the County's direction of encouraging development in urban areas (infill), while continuing policies protecting resource lands from fragmentation. While NMFS acknowledges that development in urban areas can result in adverse effects to listed species under our jurisdiction, preserving agricultural and timber lands is important for the long-term protection and recovery of listed species such as salmon and steelhead. Through development of incentives for low impact development practices and other similar policies and practices, the County can minimize the effects of infilling urban development areas on its natural resources including salmon and steelhead.

Specific comments

- 1) From Table 1-2, Mitigation Measure 3.2.3.1c., FR-Px, pg. 1-15:

This mitigation measure directs the County to monitor the issuance of building permits on Timber Production lands over a 5-year period. NMFS is concerned the mitigation measure proposed may not be adequate to prevent cumulative harm to habitat necessary for the long-term survival and recovery of listed salmon and steelhead as the establishment of human habitation in lands zoned for timber

production can have many more effects on listed species than just timber harvest and management (e.g. use of household pesticides and herbicides, poaching, predation by household pets, riparian clearing, etc.). Specifically, we are concerned the mitigation measure proposed would allow the land-use conversion and residential activity to occur prior to a proper evaluation of whether the intended land use could have individual or cumulative significant effects on listed species and/or their habitat. In other words, the building and conversion could occur prior to the County thoroughly analyzing its impact. Such impacts are often times irreversible and therefore, NMFS believes adequate mitigation for these potential impacts has not been planned for in the Draft EIR. Also, it is unclear what “average 5-year period” is. Is this 20012-2017?

2) Law Enforcement (Mitigation 3.3.3.2.b. WR-IMx, Mitigation 3.10.3.1.a WR-Px, Pages 1-17, 1-19, 1-29,1-33, and 1-34:

Mitigation measure 3.3.2.b WR-IMx directs the County to monitor groundwater to determine the amount available for future development. Mitigation measure 3.10.3.1.a WR-Px directs the County to monitor proposed development in geologically unstable areas and implement water quality regulations if development related sediments enter streams. Implementation of the proposed County General Plan Update would have a significant impact if it could cause a substantive increase in demand for law enforcement services that cannot be addressed by existing plans or policies. NMFS has highlighted the Draft EIR mitigation measures for water supply and soil stability under the issue of “Law Enforcement” as NMFS is concerned the County is currently underfunded and understaffed to adequately enforce existing County land use laws and policies, particularly in the more rural areas of the County. We are concerned with the environmental impacts of illegal building and human occupancy occurring in areas of the County not serviced by public agencies (e.g. water, power, sewer). We are aware that the County is struggling with unpermitted road construction, residential building, water diversions, and surface water and groundwater pollution events associated with illegal building and occupancy activities, among other things. Such activities can result in significant individual and cumulative harmful effects on listed salmon and steelhead, and the habitats on which they depend. Unpermitted water diversions can result in the drying of streams supporting juvenile salmon and steelhead in critical summer rearing periods, increasing water temperatures to levels that harm salmon and steelhead growth and survival, and blocking access to spawning and rearing habitat. We recognize the challenge the County has in not only tracking illegal development, but also using resources to correct and repair damages. In the event the County desires, NMFS is willing to provide technical support to restore areas degraded by illegal development, particularly where doing so would improve salmonid habitat.

Additionally, pollution associated with unpermitted residential occupancy and land-use can adversely affect streams supporting salmon and steelhead resulting in elevated nutrient levels and algal blooms in streams, as well as introducing

directly toxic compounds such as diesel fuel and pesticides to salmonid streams. NMFS is concerned that the County does not have adequate resources to stop the magnitude of the activity occurring in the County and therefore suggests that additional mitigation in terms of law enforcement is needed in the current General Plan Update process. Without increased enforcement, NMFS is concerned habitats supporting listed salmon and steelhead may further degrade where this activity occurs threatening the long-term survival and recovery of these species.

3) In Table 1-2, Mitigation Measure 3.7.3.5a, FR-S2, page 1-28:

This mitigation measure directs the County to create fire breaks between residential and forested areas. This could result in additional impacts not being properly mitigated for when residential development is permitted in lands zoned for timber production. Residential development would be required to establish fuel breaks, or fire safe areas to prevent the spread of wildfires. As has been demonstrated numerous times in this region of California, wildfires often start where there is forestland-residential interface resulting in catastrophic wildfires that take a large toll on humans, wildlife, and aquatic resources as a result of high-intensity burns and firefighting efforts. The establishment of fuel breaks themselves can remove important habitat for the long-term survival and recovery of listed salmon and steelhead resulting in the removal of riparian forest that can keep water temperatures cool, provide habitat forming structures (e.g. large woody debris), and help maintain streambank stability. NMFS is concerned that this mitigation measure may not adequately protect listed salmon and steelhead, and the habitats they depend upon from individual or cumulative harmful effects.

4) In Section 3.11.2 (Biological Resources, Standards of Significance), please mention NMFS in sections a) and b).

5) In Section 3.11.3 (Biological Resources, Impacts and Mitigation Measures), Section B:

This section defines Stream Management Areas (SMAs) as stream buffers widths (150 feet in perennial streams and 75 feet in intermittent streams). While this provides protection for riparian cover, it does not provide protection of ecological functions such as floodplain habitat. The County should include floodplain habitat in their sensitive habitat areas.

6) In Section 3.11.3 Measures BR-IMx4 and BR-IMx5 (Biological Resources, Impacts and Mitigation Measures), Section B:

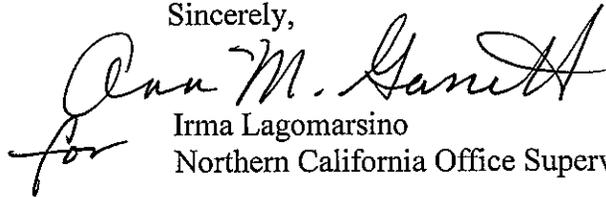
This mitigation measure directs the County to develop a Habitat Conservation Plan and a countywide Lake or Streambed Alteration Agreement to further protect listed species and riparian habitat. NMFS believes these implementation measures are worthwhile for the County to adopt in the Final EIR. We are committed to working with the County in finding planning assistance grants to

develop conservation plans with state and federal wildlife agencies, as well as providing staffing and technical resources for the development of a comprehensive plan that better protects both listed and unlisted species in the County. Such efforts can have long-lasting benefits such as measures leading towards the recovery of listed species, and prevent the need for listing additional species as improved habitat protection is built into land-use planning processes.

- 7) On Page 3.11-10, the Plan mentions that any land subdivision is dependent upon evidence of sufficient water supply to meet projected demand. While providing adequate water for people is important, it is also important to provide an adequate water supply for listed fish species.

Again, thank you for the opportunity to assist with the development of the Humboldt County General Plan Update. If you have any questions, please contact Catherine McGourty (catherine.mcgourty@noaa.gov).

Sincerely,


for Irma Lagomarsino
Northern California Office Supervisor