



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Region 1 – Northern
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EDMUND G. BROWN, Jr. Governor
CHARLTON H. BONHAM Director



June 11, 2012

Mr. John Miller
Department of Community Development Services
Planning Division
3015 H Street
Eureka, CA 95501

Subject: Humboldt County General Plan Update Draft Environmental Impact Report, State Clearinghouse Number 2007012089

Dear Mr. Miller

On April 5, 2012, the Department of Fish and Game (DFG) received from the Humboldt County Community Development Services Department (County) a Draft Environmental Impact Report (DEIR, State Clearinghouse #2007012089) for the Humboldt County General Plan Update (GPU). DFG understands the County will accept comments until June 15, 2012.

As a trustee for the State's fish and wildlife resources, DFG has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, DFG administers the California Endangered Species Act and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. DFG offers the following comments and recommendations on the GPU in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (California Public Resource Code §21000 *et seq.*).

Previous General Plan Update Comments

DFG has directly participated in many aspects of the GPU. DFG's written comments on selected elements of the GPU include: 1) July 17, 2007, letter on the Notice of Preparation, 2) January 18, 2008, letter on the Forest Resources Chapter, 3) November 20, 2008, letter on the Water Resources Element, and 4) August 12, 2009, letter on the Housing Element. DFG has also provided numerous verbal comments on selected elements of the GPU during public hearings to the Humboldt County Planning Commission, Forest Advisory Committee, and the Humboldt County Board of Supervisors.

In keeping with our mission, DFG's previous letters on the GPU emphasized, 1) Humboldt County's rich and important species and habitat diversity, 2) the great social, recreational, economic, and public health and safety values of these natural resources, 3) current and future threats to these resources, and 4) feasible ways for the GPU to avoid or minimize impacts from development on the County's fish and wildlife populations and the habitats on which they depend.

General Plan Update

DFG applauds the hard work put forth in the GPU. DFG believes the goals, policies, and standards set forth in the GPU will maintain and improve fish and wildlife populations in Humboldt County over the life of the update. As you know, DFG and other State and federal agencies are actively working towards recovery of declining species, protection of sensitive resources, and the conservation of our public trust natural resources. Inherently, Chapter 3.11 Biological Resources and Chapter 11 Water Resources are of great interest to DFG, and of critical importance to the future vitality of Humboldt County. Fish and wildlife populations provide significant economic benefit to the County through recreation, tourism, and commercial harvest. We believe working in partnership will return our rivers and streams to a healthy, unimpaired status, and our anadromous fish stocks will once again be robust and support a strong fishing fleet, jobs, and all related commodities. The GPU represents a commitment to these values.

GPU Recommendations

As you are aware (see Conclusion Chapter 3.11, Biological Resources Page 3.11-14), DFG is currently preparing a 2012 revised guidance to our 1994 *Recommendations to Help Avoid Significant Fish, Wildlife, and Native Plant Resource Impacts for California Environmental Quality Act (CEQA) Projects in Del Norte, Humboldt, Trinity, Siskiyou, Tehama, Lassen, and Modoc Counties*. The 1994 document has been revised and updated to address advances in conservation biology and a greater understanding of species distributions and habitat needs. The resulting 2012 *Guidelines for Protection of Stream, Wetland, and Riparian Habitats from Development Impacts* is near completion, but unfortunately, will not be finished in time for inclusion in the GPU.

DFG offers the following specific recommendations for your inclusion in the GPU. These recommendations will further reduce potential and cumulatively significant impacts identified in the DEIR, and balance the need for growth with the need to protect biological resources.

See Chapter 3.11, Biological Resources; Page 3.11-8 in the DEIR:

“Mitigation Measure 3.11.3.2.a (above) calls for the review and revision as necessary of existing wetland buffer requirements in consultation with the Department of Fish and Game through adoption of implementation measure BR-IMx4.”

1. DFG recommends inclusion of riparian buffers as follows: **Mitigation Measure 3.11.3.2.a** (above) calls for the review and revision as necessary of existing wetland **and riparian** buffer requirements in consultation with DFG through adoption of implementation measure BR-IMx4.

See Chapter 3.11, Biological Resources; Page 3.11-15 in the DEIR:

“Mitigation Measure BR-S5 Streamside Management Areas Defined...” outlines specific development set-back or buffer distances from perennial and ephemeral, fish and non-fish bearing streams and rivers. These criteria and set-back/buffer distances are improvements from the current general plan. However, the current definition in BR-S5 still relies on the setback/buffer starting at the “Stream Transition Line.” The Stream Transition Line is defined as the “line closest to a stream where riparian vegetation is permanently established” (see Humboldt County General Plan, Volume 1, Framework Plan, adopted December 10, 1984, Amended February 9, 1998). DFG’s concern with the Stream Transition Line definition is that development setback/buffers start at the first rooted tree outside of the wetted channel, which places the majority of protection emphasis on the wetted channel and allows development to abut riparian vegetation. Development adjacent to riparian vegetation has direct and indirect impacts on species, habitat, and water quality, and leaves little opportunity for restoration, management, or fire-safe boundaries.

2. DFG recommends replacing “Stream Transition Line” in **BR-S5** with ***“top of bank, or edge of riparian vegetation, whichever is greater.”***

Since 1994, when DFG first offered setback/buffer guidance on development projects, we have consistently found that starting setback buffers from the top of bank, or edge of riparian vegetation, whichever is greater, to be a more biologically sound starting point for development setbacks. This definition recognizes the importance of riparian vegetation, whether as habitat for riparian dependent species, or as a critical buffer for water quality protection and enhancement. Setbacks/buffers from the top of bank, or edge of riparian vegetation, whichever is greater, also allows for restoration opportunities, management, better fire-safe boundaries, and reduced risk of flood damage. As always, DFG is available to work with the County and applicants to adjust setbacks/buffers, as needed, on a site-specific basis.

Notwithstanding our concerns expressed above, the GPU addresses many Fish and Game Commission policies, and Fish and Game Code Sections, including:

- Fish and Game Commission Land Use Planning Policy
- Fish and Game Commission Wetland Resources Policy
- Oak Woodlands Conservation Act
- 2004 Recovery Strategy for California Coho Salmon
- 2007 California Wildlife; Conservation Challenges

We look forward to continuing to work with the County to implement the GPU.

Mr. John Miller
June 11, 2012
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If you have questions or comments regarding this matter, please contact Environmental Scientist Mr. Michael van Hattem (707) 445-5368, at 619 Second Street, Eureka, CA 95501.

Sincerely,



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Regional Manager

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