



AGENDA ITEM NO.

COUNTY OF HUMBOLDT

For the meeting of July 14, 2014

Date: July 8, 2014

To: Board of Supervisors

From: Kevin Hamblin, Director of Planning and Building Department *KH*

Subject: Continued Board review of the Planning Commission Approved Draft General Plan, In particular, deliberations on Chapter 10 Conservation and Open Space Element, Section 10.3 Biological Resources.

RECOMMENDATIONS:

That the Board of Supervisors:

1. Open the public hearing.
2. Continue deliberations on Chapter 10 Conservation and Open Space Element, Section 10.3 Biological Resources.
3. Deliberate as necessary regarding the Board's review schedule for the Draft General Plan.
4. Continue deliberation to August 18, 2014 beginning at 1:30 p.m. or as soon thereafter as possible.

SOURCE OF FUNDING:

General Fund through the Planning and Building Department, Advance Planning Division's FY 2013-2014 and FY 2014-2015 budget, and General Plan User Fees.

Prepared by *Michael Richardson*
 Michael Richardson, Senior Planner

CAO Approval _____

REVIEW: Auditor _____ County Counsel _____ Human Resources _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor
Seconded by Supervisor

Ayes
 Nays
 Abstain
 Absent

PREVIOUS ACTION/REFERRAL:

Board Orders No. C-1

Meetings of: beginning June 12, 2012, and continuing through June 2, 2014

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: _____

By: _____

Kathy Hayes, Clerk of the Board

DISCUSSION:

Section 10.3, Biological Resources

At the June 2, 2014 meeting, the Board straw-voted the following items in the Glossary and the third section of the Conservation and Open Space Element, Section 10.3 Biological Resources:

Changes to the Glossary

- Development Review
- Natural Hazards
- Property Right
- Trespass to Land
- Eminent Domain
- Critical Habitat
- ~~Critical Species~~
- ~~Sensitive and Critical Habitat~~
- Sensitive Habitats
- ~~Sensitive Species~~
- Special Treatment Area Standards
- Wetland(s)

Changes to Chapter 10, Conservation and Open Space

Section 10.3, Biological Resources

- BR-G1. Threatened and Endangered Species
- BR-G2. Sensitive, ~~and Critical, and Essential~~ Habitat.
- BR-G3. Benefits of Biological Resources
- BR-P1. Compatible Land Uses.
- BR-P2. Critical Habitat.
- ~~BR-P3. Essential Habitat.~~
- BR-P4. Development within Stream Channels
- BR-P5. Streamside Management Areas
- BR-P6. Development within Streamside Management Areas
- BR-P7. Wetland Identification
- BP-P8. Oak Woodlands.

The approved wording appears in the revised Attachment 1 of this staff report which is the standard large-format worksheet for Section 10.3 Biological Resources. The revisions are also shown in the revised Chapter 10 - Conservation and Open Space on the GPU website:

<http://www.humboldt.gov/572/Board-of-Supervisors-Draft>

Wetland Banks: Federal and state agencies require mitigation for the filling of wetlands. Once approved by regulatory agencies, a mitigation bank may sell credits to developers or public agencies whose projects involve filling of wetlands. These credits can be used to allow filling of wetlands for many forms of development including roads, housing, or commercial uses. A mitigation bank offers an additional alternative when projects require mitigation.

Humboldt County has utilized wetland banks in the past. The Public Works Division utilized wetland bank credits as mitigation to allow filling of wetlands for road improvement projects.

The wetland bank areas were located at the Bracut Marsh between Eureka and Arcata and were deemed 'full' in the early 2000's. There are no active wetland banks in Humboldt County, however wetland banking remains a useful tool that can support both public and private projects and enhance wetland ecosystems.

The Board requested staff return with some suggested wording for Policy **BR-Pxxx. Wetlands Banking** to address concerns with potential conversion of prime agricultural lands to wetlands under such a program. This policy is connected with Implementation Measure **BR-IMx2. Wetlands Bank**. Staff suggested wording for both items is shown below.

"BR-Pxxx. Wetlands Banking. The County supports the development of a wetlands banking system **that minimizes potential conversion of prime agriculture lands to wetlands.**"

"BR-IMx2. Wetlands Bank. The County shall assist in the development of a wetlands banking system **that minimizes potential of prime agriculture lands to wetlands.**"

The proposed modifications to the Wetlands Bank policy and implementation measure shown above are included in Attachment 1.

Proposed Changes to BR-S5. Streamside Management Areas Defined: The 2012 Planning Commission recommended a change in the criteria used to establish buffer widths along streams. With support and encouragement from California Department of Fish and Wildlife (CDFW), the Planning Commission recommended "fish bearing" and "non-fish bearing" criteria be used to establish the appropriate buffers rather than maintain the existing Framework Plan approach which uses perennial and intermittent stream characteristics. Streams with fish would receive more protection from new development compared to the existing Framework Plan and streams without fish would receive less protection.

However recent analysis of the fish-bearing stream data maintained by CDFW revealed some difficulties with using these criteria for General Plan policy. First, the data reflects only positive sightings of fish, and streams that have not yet been surveyed for fish are shown as if they are known to not have fish. This could lead to potential mischaracterizations of unsurveyed streams as "non-fish bearing" when in fact a survey would reveal the presence of fish. There are approximately 162 square miles of SMA along perennial streams in Humboldt County; most of them (63%) are mapped as non-fish bearing. It is unknown how many of these are unsurveyed and have fish. Applying setbacks based on mischaracterization of streams could result in inappropriate protections, which may lead to potential environmental impacts.

Another difficulty is that the characteristics of streams can change. Stream restoration projects often remove barriers to fish passage, so there may be portions of streams that could become fish-bearing over time even though the General Plan maps continue to show them as non-fish bearing. The opposite could also occur where for instance a massive landslide prevents fish passage to a stream segment in the future. In both cases, the applied SMA setbacks would be different from what is intended by BR-S5.

To resolve these difficulties, CDFW staff is proposing the standard continue the Framework Plan's use of the United States Geological Survey (USGS) maps showing perennial and intermittent streams to determine the appropriate setbacks for new development near streams.

There are two proposed changes to BR-S5. One responds to Mitigation Measure 3.11.3.1.a in the Draft Environmental Impact Report (EIR):

"To lessen impacts on sensitive species, sensitive habitats, including riparian and

wetland habitats, and other natural communities, resulting from future development, utilize the following mitigations:

BR-IMx4. Streamside Management Areas Definition Review. *The County shall review and revise as necessary existing Streamside Management Area (SMA) and wetland buffer requirements in consultation with the Department of Fish and Game and shall adopt more conservative SMA buffers, if such measures are necessary to reduce impact levels to less than significant. Such review should utilize stream designations determined by qualified biologists in the field, and/or by using the most recently available stream and fish habitat data, such as the DFG Eureka Office stream files, and "CalFish," the multi-agency cooperative fish and aquatic habitat on-line data program.*

To eliminate this mitigation measure in the EIR, the proposed changes incorporate recommendations made by CDFW in their May 19, 2014 letter and in letters dating back to 2007 that the setback line start from the "top of bank or edge of the riparian drip line, whichever is greater" rather than the stream transition line currently used by the Framework Plan.

And to address possible concerns that the above modifications could increase permit costs and review times for new development near streams, Planning staff is proposing 100' setbacks from perennial streams and 50' setbacks from intermittent streams from the Framework Plan be used rather than the 150' and 75' setbacks recommended by the 2012 Planning Commission. Also, a new implementation measure is proposed to make the zoning ordinance consistent with the standard, which is a requirement of state law, and to allow reduced SMA setbacks through a ministerial permit rather than a discretionary permit currently required by the SMA ordinance:

"BR-IMx4. Modifications to the Streamside Management Area Ordinance. The County shall modify the SMA Ordinance for consistency with BR-S5 and to allow reductions to SMA widths through ministerial review in consultation with California Department of Fish and Wildlife."

To allow reduced SMA setbacks to be permitted ministerially, specific performance standards will need to be made part of the ordinance. The EIR will both identify and evaluate the effectiveness of the specific performance measures, which may include measures to retain tree canopy within the SMA, expand the SMA on other parts of the property, or to prevent soil erosion from entering into the stream

In summary, the above changes to **BR-S5. Streamside Management Areas Defined** are needed to respond to difficulties with the 2012 Planning Commission recommendations recently revealed by CDFW and to eliminate a mitigation measure in the EIR. They also incorporate suggestions made by CDFW staff since 2007 to use the "top of bank or edge of riparian drip line" as the start of the setback. To minimize the impact of the above modifications on new development, the proposed changes use the 100' setbacks from perennial streams and 50' from intermittent streams from the Framework Plan, and a new implementation measure is proposed (**BR-IMx4. Modifications to the Streamside Management Area Ordinance**), which would allow reduced buffer widths through a ministerial permit rather than a discretionary permit. These proposed changes are included in Attachment 1.

GPU Review Schedule

Attachment 2 is the updated draft schedule for completion of the remaining GPU tasks for review and comment.

FINANCIAL IMPACT:

The cost of preparing this staff report was borne by the General Fund through the Planning and Building Department, Advance Planning Division's FY 2014-2015 budget, and the General Plan User Fees Trust Fund 3698.

OTHER AGENCY INVOLVEMENT:

The General Plan Update program has been a multi-year project. Multiple agencies have been involved in the review and preparation of the Planning Commission approved Draft General Plan. The County has been in communication with the Planning Commissioners, County Counsel and the County Administrator's office on the transmittal of these draft documents.

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board's discretion.

ATTACHMENTS:

- Attachment 1: Board worksheet for Chapter 10, Section 10.3 – Biological Resources
- Attachment 2: Updated Draft Schedule for Completion of the Remaining GPU Tasks

Attachment 1

**Board Worksheet for
Chapter 10, Section 10.3 – Biological Resources**

Attachment 2

Updated Draft Schedule for Completion of the Remaining GPU Tasks

The wetland bank areas were located at the Bracut Marsh between Eureka and Arcata and were deemed 'full' in the early 2000's. There are no active wetland banks in Humboldt County, however wetland banking remains a useful tool that can support both public and private projects and enhance wetland ecosystems.

The Board requested staff return with some suggested wording for Policy **BR-Pxxx. Wetlands Banking** to address concerns with potential conversion of prime agricultural lands to wetlands under such a program. This policy is connected with Implementation Measure **BR-IMx2. Wetlands Bank**. Staff suggested wording for both items is shown below.

“BR-Pxxx. Wetlands Banking. The County supports the development of a wetlands banking system **that minimizes potential conversion of prime agriculture lands to wetlands.**”

“BR-IMx2. Wetlands Bank. The County shall assist in the development of a wetlands banking system **that minimizes potential of prime agriculture lands to wetlands.**”

The proposed modifications to the Wetlands Bank policy and implementation measure shown above are included in Attachment 1.

Proposed Changes to BR-S5. Streamside Management Areas Defined: The 2012 Planning Commission recommended a change in the criteria used to establish buffer widths along streams. With support and encouragement from California Department of Fish and Wildlife (CDFW), the Planning Commission recommended “fish bearing” and “non-fish bearing” criteria be used to establish the appropriate buffers rather than maintain the existing Framework Plan approach which uses perennial and intermittent stream characteristics. Streams with fish would receive more protection from new development compared to the existing Framework Plan and streams without fish would receive less protection.

However recent analysis of the fish-bearing stream data maintained by CDFW revealed some difficulties with using these criteria for General Plan policy. First, the data reflects only positive sightings of fish, and streams that have not yet been surveyed for fish are shown as if they are known to not have fish. This could lead to potential mischaracterizations of unsurveyed streams as “non-fish bearing” when in fact a survey would reveal the presence of fish. There are approximately 162 square miles of SMA along perennial streams in Humboldt County; most of them (63%) are mapped as non-fish bearing. It is unknown how many of these are unsurveyed and have fish. Applying setbacks based on mischaracterization of streams could result in inappropriate protections, which may lead to potential environmental impacts.

Another difficulty is that the characteristics of streams can change. Stream restoration projects often remove barriers to fish passage, so there may be portions of streams that could become fish-bearing over time even though the General Plan maps continue to show them as non-fish bearing. The opposite could also occur where for instance a massive landslide prevents fish passage to a stream segment in the future. In both cases, the applied SMA setbacks would be different from what is intended by BR-S5.

To resolve these difficulties, CDFW staff is proposing the standard continue the Framework Plan's use of the United States Geological Survey (USGS) maps showing perennial and intermittent streams to determine the appropriate setbacks for new development near streams.

There are two proposed changes to BR-S5. One responds to Mitigation Measure 3.11.3.1.a in the Draft Environmental Impact Report (EIR):

“To lessen impacts on sensitive species, sensitive habitats, including riparian and

wetland habitats, and other natural communities, resulting from future development, utilize the following mitigations:

BR-IMx4. Streamside Management Areas Definition Review. *The County shall review and revise as necessary existing Streamside Management Area (SMA) and wetland buffer requirements in consultation with the Department of Fish and Game and shall adopt more conservative SMA buffers, if such measures are necessary to reduce impact levels to less than significant. Such review should utilize stream designations determined by qualified biologists in the field, and/or by using the most recently available stream and fish habitat data, such as the DFG Eureka Office stream files, and "CalFish," the multi-agency cooperative fish and aquatic habitat on-line data program.*

To eliminate this mitigation measure in the EIR, the proposed changes incorporate recommendations made by CDFW in their May 19, 2014 letter and in letters dating back to 2007 that the setback line start from the "top of bank or edge of the riparian drip line, whichever is greater" rather than the stream transition line currently used by the Framework Plan.

And to address possible concerns that the above modifications could increase permit costs and review times for new development near streams, Planning staff is proposing 100' setbacks from perennial streams and 50' setbacks from intermittent streams from the Framework Plan be used rather than the 150' and 75' setbacks recommended by the 2012 Planning Commission. Also, a new implementation measure is proposed to make the zoning ordinance consistent with the standard, which is a requirement of state law, and to allow reduced SMA setbacks through a ministerial permit rather than a discretionary permit currently required by the SMA ordinance:

"BR-IMx4. Modifications to the Streamside Management Area Ordinance. The County shall modify the SMA Ordinance for consistency with BR-S5 and to allow reductions to SMA widths through ministerial review in consultation with California Department of Fish and Wildlife."

To allow reduced SMA setbacks to be permitted ministerially, specific performance standards will need to be made part of the ordinance. The EIR will both identify and evaluate the effectiveness of the specific performance measures, which may include measures to retain tree canopy within the SMA, expand the SMA on other parts of the property, or to prevent soil erosion from entering into the stream

In summary, the above changes to **BR-S5. Streamside Management Areas Defined** are needed to respond to difficulties with the 2012 Planning Commission recommendations recently revealed by CDFW and to eliminate a mitigation measure in the EIR. They also incorporate suggestions made by CDFW staff since 2007 to use the "top of bank or edge of riparian drip line" as the start of the setback. To minimize the impact of the above modifications on new development, the proposed changes use the 100' setbacks from perennial streams and 50' from intermittent streams from the Framework Plan, and a new implementation measure is proposed (**BR-IMx4. Modifications to the Streamside Management Area Ordinance**), which would allow reduced buffer widths through a ministerial permit rather than a discretionary permit. These proposed changes are included in Attachment 1.

GPU Review Schedule

Attachment 2 is the updated draft schedule for completion of the remaining GPU tasks for review and comment.

FINANCIAL IMPACT:

The cost of preparing this staff report was borne by the General Fund through the Planning and Building Department, Advance Planning Division's FY 2014-2015 budget, and the General Plan User Fees Trust Fund 3698.

OTHER AGENCY INVOLVEMENT:

The General Plan Update program has been a multi-year project. Multiple agencies have been involved in the review and preparation of the Planning Commission approved Draft General Plan. The County has been in communication with the Planning Commissioners, County Counsel and the County Administrator's office on the transmittal of these draft documents.

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board's discretion.

ATTACHMENTS:

- Attachment 1: Board worksheet for Chapter 10, Section 10.3 – Biological Resources
- Attachment 2: Updated Draft Schedule for Completion of the Remaining GPU Tasks

Attachment 1

**Board Worksheet for
Chapter 10, Section 10.3 – Biological Resources**

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>2012 Planning Commission Version BR-G1. Threatened and Endangered Species. Sufficient recovery of threatened and endangered species to support de-listing.</p>		<p>2012 Planning Commission Version Straw Vote: 5-0 (6-2-14)</p>
<p>2012 Planning Commission Version BR-G2. Sensitive, Critical, and Essential Habitat. A mapped inventory of sensitive, critical, and essential habitat where biological resource protection policies apply. <i>Straw Vote 6-0 (3-24-11)</i></p>		<p>Board of Supervisors Revisions: BR-G2. Sensitive, <u>and</u> Critical, <u>and</u> Essential Habitat. A mapped inventory of sensitive, <u>and</u> <u>C</u>ritical, <u>and</u> <u>E</u>ssential habitat where biological resource protection policies apply. Straw Vote: 5-0 (6-2-14)</p>
<p>2012 Planning Commission Version BR-G3. Benefits of Biological Resources. Fish and wildlife habitats protected on a sustainable basis to generate long-term public, economic, and environmental benefits.</p>		<p>2012 Planning Commission Version Straw Vote: 5-0 (6-2-14)</p>
<p>2012 Planning Commission Version BR-P1. Compatible Land Uses. Land containing sensitive and critical habitats shall be planned and zoned for uses compatible with the long-term sustainability of the habitat. Discretionary land uses and building activity in proximity to sensitive and critical habitats shall be conditioned to prevent significant habitat degradation or harm to rare, threatened, or endangered species. <i>Straw Vote 5-1(3-24-11)</i></p>		<p>Board of Supervisors Revisions: BR-P1. Compatible Land Uses. <u>Land Area</u> containing sensitive <u>and</u> <u>critical</u> habitats shall be planned and zoned for uses compatible with the long-term sustainability of the habitat. Discretionary land uses and building activity in proximity to sensitive <u>and</u> <u>critical</u> habitats shall be conditioned <u>or otherwise permitted</u> to prevent significant <u>habitat</u> degradation <u>of sensitive habitat, to the extent feasible consistent with Department of Fish and Wildlife guidelines or recovery strategies</u> or harm to rare, threatened, or endangered species. Straw Vote: 5-0 (6-2-14)</p>
<p>2012 Planning Commission Version BR-P2. Critical Habitat. Discretionary projects that have the potential to impact critical habitat shall be conditioned to avoid significant habitat modification or destruction consistent with federally adopted Habitat Recovery Plans or interim recovery strategies.</p>		<p>Board of Supervisors Revisions: BR-P2. Critical Habitat. Discretionary projects <u>which use federal permits or federal funds on private lands</u> that have the potential to impact critical habitat shall be conditioned to avoid significant habitat modification or destruction consistent with federally adopted Habitat Recovery Plans or interim recovery strategies. Straw Vote: 5-0 (6-2-14)</p>
<p>2012 Planning Commission Version BR-P3. Essential Habitat. Discretionary projects that have the potential to impact essential habitat designated under the California Endangered Species Act shall be conditioned to avoid significant habitat modification or destruction consistent with Department of Fish and Game guidelines or recovery strategies. <i>Straw Vote 5-0 (4-14-11)</i></p>		<p>Straw Vote to delete: 5-0 (6-2-14). Inserted into BR-P1 above.</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>2012 Planning Commission Version BR-P4. Development within Stream Channels. Development within stream channels shall be permitted when there is no lesser environmentally damaging feasible alternative, and where the best feasible mitigation measures have been provided to minimize adverse environmental effects. Development shall be limited to essential, non-disruptive projects as listed in Standard BR-S6 - Development within Stream Channels.</p>		<p>2012 Planning Commission Version Straw Vote: 5-0 (6-2-14)</p>
<p>2012 Planning Commission Version BR-P5. Streamside Management Areas. To protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and interference with surface water flows, the County shall maintain Streamside Management Areas, along streams including intermittent streams that exhibit in-channel wetland characteristics and off-channel riparian vegetation.</p>		<p>2012 Planning Commission Version Straw Vote: 5-0 (6-2-14)</p>
<p>2012 Planning Commission Version BR-P6. Development within Streamside Management Areas. Development within Streamside Management Areas shall only be permitted where mitigation measures (Standards BR-S8 - Required Mitigation Measures, S9 - Erosion Control, and S10 - Development Standards) have been provided to minimize any adverse environmental effects, and shall be limited to uses as described in Standard BR-S7 - Development within Streamside Management Areas.</p>		<p>2012 Planning Commission Version Straw Vote: 5-0 (6-2-14)</p>
<p>2012 Planning Commission Version BR-P7. Wetland Identification. The presence of wetlands in the vicinity of a proposed project shall be determined during the review process for discretionary projects and for ministerial building and grading permit applications, when the proposed building development activity involves new construction or expansion of existing structures or grading activities. Wetland delineation by a qualified biologist using criteria acceptable to the Department of Fish and Game may be necessary and shall be required when wetland characterization and limits cannot be easily inventoried and identified by informal site inspection.</p>		<p>Board of Supervisors Revisions: BR-P7. Wetland Identification. The presence of wetlands in the vicinity of a proposed project shall be determined during the review process for discretionary projects and for ministerial building and grading permit applications, when the proposed building development activity involves new construction or expansion of existing structures or grading activities. Wetland delineation by a qualified biologist professional using criteria acceptable to the Department of Fish and Game may be necessary and shall be required when wetland characterization and limits cannot be easily inventoried and identified by informal site inspection. Straw Vote: 5-0 (6-2-14)</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>2012 Planning Commission Version BR-Pxxx Wetlands Banking. The County supports the development of a wetlands banking system.</p>		<p>Staff Recommendation: BR-Pxxx. Wetlands Banking. The County supports the development of a wetlands banking system that minimizes potential conversion of prime agriculture lands to wetlands. <i>See also BR-IMx2. Wetland Bank below</i></p>
<p>2012 Planning Commission Version BP-P8. Oak Woodlands. Oak woodlands shall be protected conserved through the review and conditioning of discretionary projects to minimize avoidable impacts to functional capacity and aesthetics. <i>Straw Vote 4-2-1(4-14-11)</i></p>		<p>Board of Supervisors Revisions: BP-P8. Oak Woodlands. Oak woodlands shall be conserved through the review and conditioning of discretionary projects to minimize avoidable impacts to functional capacity and aesthetics, consistent with state law. Straw Vote: 5-0 (6-2-14)</p>
<p>2012 Planning Commission Version BR-P9. Invasive Plant Species. The County shall cooperate with public and private efforts to control noxious and exotic invasive plant species. The County shall recommend measures to minimize the introduction of noxious and exotic invasive plant species in landscaping, grading and major vegetation clearing activities.</p>	<p>Comment letter GPU-672 received 5-29-2014 from Uri Driscoll</p>	<p>Support the 2012 Planning Commission version.</p>
<p>2012 Planning Commission Version BR-P10. Biological Resource Maps. Biological resource maps shall be consulted during the ministerial and discretionary permit review process in order to identify habitat concerns and guide mitigations that will reduce biological resource impacts to below levels of significance.</p>		<p>Support the 2012 Planning Commission version.</p>
<p>2012 Planning Commission Version BR-P11. Agency Review. The County shall request the California Department of Fish and Game, as well as other appropriate agencies and organizations, to review plans for development within Sensitive Habitat areas, and including Streamside Management Areas. The County shall request NOAA Fisheries or Fish and Wildlife Service to review plans for development within critical habitat areas. Recommended mitigation measures to reduce impacts below levels of significance shall be incorporated into project approval.</p>		<p>Support the 2012 Planning Commission version.</p>
<p>2012 Planning Commission Version BR-S1. Development Excluded from Sensitive Habitat Policies. Proposed development occurring within areas containing sensitive habitats shall be subject to the conditions and requirements of this chapter except for these exclusions (which do not preempt other County regulations or those of other agencies): A. Timber management and harvest activities under a timber</p>		<p>Support the 2012 Planning Commission version.</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>harvesting plan or non-industrial timber management plan, or activities exempt from local regulation as per California Public Resources Code 4516.5(f). These standards shall not be used to reduce buffers specified under the State Forest Practice Act.</p> <p>B. Any area proposed for development, which upon examination of the biological resource maps and field inspection is not actually within or does not contain the indicated habitat.</p> <p>C. Forest management activities that are needed to improve timber productivity regulated by CAL FIRE, which are otherwise consistent with this chapter.</p>		
<p>2012 Planning Commission Version</p> <p>BR-S2. Agency Consultation. For discretionary projects with potential to impact <u>critical</u>, sensitive and or essential habitats, the County will seek specific recommendations from the California Department of Fish and Game, NOAA Fisheries and Fish and Wildlife Service, as applicable to the specific project location, class of development, or natural resource involved.</p>	<p>AHWG RECOMENDATION (1/6/14) BR-S2. Agency Consultation. For discretionary projects with potential to impact critical, or sensitive or essential habitats, the County will seek specific recommendations from the California Department of Fish and Game <u>Wildlife</u>, NOAA Fisheries and Fish and Wildlife Service, as applicable to the specific project location, class of development, or natural resource involved</p> <p>HCRLWG RECOMMENDATION (12-10-13) BR-S2. Agency Consultation. For discretionary projects with potential to impact critical, sensitive and or essential habitats (as defined in sections BR- S4 below), the County will refer said project for recommendations to seek specific recommendations from the California Department of Fish and Wildlife <u>Game</u>, NOAA Fisheries and <u>U.S.</u> Fish and Wildlife Service to the specific project location, class of development, or natural resource involved.</p> <p>HCRLWG Comments Suggested reference for ease of reading. Department of Fish and Game has now been renamed Department of Fish and Wildlife.</p> <p>NCHB RECOMMENDATION (2-3-14) BR-S2. Agency Consultation. 3432.2 M. – Modify. For all projects with potential to impact sensitive, habitats per CEQA, the County will seek specific recommendations from the California Department of Fish and Game NOAA Fisheries, and USFWS as applicable to the specific project location, type of development or natural resource involved.</p>	<p>Staff Recommendation: Support the Ad Hoc Working Group version.</p>
<p>2014 Planning Commission Version</p> <p>BR-S3. Critical and Essential Habitat Defined. Critical habitats are habitats necessary for the protection of threatened or endangered species listed under the Federal Endangered Species Act. <u>Designation, mapping and enforcement of critical habitat is the responsibility of federal agencies.</u> Essential habitats are habitats necessary for the protection of threatened or endangered species listed under the California Endangered Species Act.</p> <p>2012 Planning Commission Version</p> <p>BR-S3. Critical and Essential Habitat Defined. Critical habitats are</p>	<p>AHWG RECOMENDATION (1/6/14) (same as 2014 Planning Commission version)</p> <p>HCRLWG RECOMMENDATION (5-21-14) The group supports the Jan/Feb 2014 Planning Commission changes made to this Standard.</p> <p>NCHB RECOMMENDATION (2-3-14) BR-S3. Critical Habitat Defined. 3432.3 M-Modify. We support the HCRLWG's modifications. Critical habitat is a term defined and used in the Endangered Species Act and pertain to species listed , or proposed for listing, as threatened or endangered by the U.S. Fish and Wildlife Service. A critical habitat designation has no effect on projects on private land that do not involve federal funding or federal permit.</p>	<p>Support the 2014 Planning Commission version, which is the same as the AHWG, the HCRLWG, and HAR versions.</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>habitats necessary for the protection of threatened or endangered species listed under the federal Endangered Species Act. Essential habitats are habitats necessary for the protection of threatened or endangered species listed under the California Endangered Species Act.</p>	<p>HAR (1-28-14) Revise for consistency with state and Federal regulations. Discussion: Critical habitat is designated by Federal agencies and specific to Federally listed species. Essential habitat should be deleted, since it is not defined in State and/or Federal law.</p>	
<p>2014 Planning Commission Version</p> <p>BR-S4. Sensitive Habitat Defined. Sensitive habitats are defined as a biologically unique, limited, or an especially valuable habitat type for a species whose habitat requirements, if significantly changed, would cause a threatening change to the species population across its range and may include the following:</p> <ul style="list-style-type: none"> A. Critical and essential Habitat necessary for the protection of rare, unique, threatened and endangered species as listed under the FESA or CESA B. Migratory deer winter range C. Roosevelt elk range D. Sensitive avian species rookery and nest sites (e.g osprey, great blue heron and egret) E. Streams and streamside areas F. Natural ponds, springs, vernal pools, marshes, and wet meadows exhibiting standing water all year long or riparian vegetation. G. Protected Rare and endangered vascular plant communities as listed by the US Fish & Wildlife Service compiled by the California Native Plant Society or the California Department of Fish and Game Wildlife. H. Other sensitive habitats and communities as may be currently, correctly and accurately listed in the California Department of Fish and Game Wildlife's California Natural Diversity Data Base, as amended periodically <p><i>Approved 5-1-1 (2-27-14)</i></p> <p>2012 Planning Commission Version</p> <p>BR-S4. Sensitive Habitat Defined. Sensitive habitats are defined as a unique, limited, or an especially valuable habitat type for a species whose habitat requirements, if significantly changed, would cause a threatening change to the species population and may include the following:</p> <ul style="list-style-type: none"> A. Critical and essential habitat for rare, unique, threatened and endangered species B. Migratory deer winter range C. Roosevelt elk range D. Sensitive avian species rookery and nest sites (e.g osprey, great blue heron and egret) E. Streams and streamside areas F. Natural ponds, springs, vernal pools, marshes, and wet meadows exhibiting standing water all year long or riparian vegetation. 	<p>AHWG RECOMENDATION (1/6/14)</p> <p>BR-S4. Sensitive Habitat Defined. Sensitive habitats are defined as a unique, limited, or an especially valuable habitat type for a species whose habitat requirements, if significantly changed, would cause a threatening change to the species population and may include the following:</p> <ul style="list-style-type: none"> A. Critical and essential habitat for rare, unique, threatened and endangered species B. Migratory deer winter range C. Roosevelt elk range D. Sensitive avian species rookery and nest sites (e.g osprey, great blue heron and egret) E. Streams and streamside areas F. Natural ponds, springs, vernal pools, marshes, and wet meadows exhibiting standing water all year long or riparian vegetation. G. Rare and endangered vascular plant communities as compiled by the California Native Plant Society or the Department of Fish and Game Wildlife. H. Other sensitive habitats and communities as listed in the Department of Fish and Game Wildlife's California Natural Diversity Data Base, as amended periodically. <p>HCRLWG RECOMMENDATION (5-21-14) The group supports the Jan/Feb 2014 Planning Commission changes made to this Standard.</p> <p>NCHB RECOMMENDATION (2-3-14) BR –S4 Sensitive Habitat Defined. 3424.4 M-Modify. We support the HCRLWG's modifications with one addition contained in the Framework Plan.</p> <p>Sensitive habitats are defined as a biologically unique, limited, or an especially valuable habitat type for a species whose habitat requirements, if significantly changed, would cause a threatening change across it's range and may include the following:</p> <ul style="list-style-type: none"> A. Habitat necessary for the protection of rare, threatened and endangered species as listed under the FESA (Federal Endangered Species Act) or CESA (California Endangered Species Act) B. Migratory deer winter range in the Sierra Nevada and Cascade ranges C. Roosevelt elk range D. Sensitive avian species rookery and nest sites (e.g. osprey, great blue heron and egret) E. Streams and streamside areas F. Natural ponds, springs, vernal pools, marshes, and wet meadows exhibiting standing water all year long. 	<p>Support the 2014 Planning Commission/HCRLWG Version as modified for consistency with BR-S11 Wetlands Defined.</p> <p>BR-S4. Sensitive Habitat Defined. Sensitive habitats are defined as a biologically unique, limited, or an especially valuable habitat type for a species whose habitat requirements, if significantly changed, would cause a threatening change to the species population across its range and may include the following:</p> <ul style="list-style-type: none"> A. Critical and essential Habitat necessary for the protection of rare, unique, threatened and endangered species as listed under the FESA or CESA B. Migratory deer winter range C. Roosevelt elk range D. Sensitive avian species rookery and nest sites (e.g osprey, great blue heron and egret) E. Streams and streamside areas F. Natural ponds, springs, vernal pools, marshes, and wet meadows exhibiting standing water all year long or riparian vegetation. Wetlands G. Protected Rare and endangered vascular plant communities as listed by the US Fish & Wildlife Service compiled by the California Native Plant Society or the California Department of Fish and Game Wildlife. H. Other sensitive habitats and communities as may be currently, correctly and accurately listed in the California Department of Fish and Game Wildlife's California Natural Diversity Data Base, as amended periodically." <p>Wetlands are defined in BR-S11, and the above modifications are consistent with that standard.</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>G. Rare and endangered vascular plant communities as compiled by the California Native Plant Society or the Department of Fish and Game.</p> <p>H. Other sensitive habitats and communities as listed in the Department of Fish and Game's California Natural Diversity Data Base, as amended periodically</p> <p><i>Straw Vote Unanimous</i></p>	<p>G. Protected vascular plant communities as listed by either USFWS or DFW.</p> <p>H. Other sensitive habitat and communities as may be currently, correctly and accurately listed in the California Department of Fish and Game's California Natural Diversity Data Base, as amended periodically.</p>	
<p>2012 Planning Commission Version</p> <p>BR-S5. Streamside Management Areas Defined. Streamside Management Areas (SMA) are identified and modified as follows:</p> <p>A. Areas specifically mapped as SMA and Wetland (WR) Combining Zones, subject to verification and adjustment pursuant to site-specific biological reporting and review procedures.</p> <p>B. For areas along fish-bearing streams not specifically mapped as SMA and Wetland (WR) Combining Zones, the outer boundaries of the SMA shall be defined as:</p> <ol style="list-style-type: none"> 1) Forest Practice Rule stream buffer widths. 2) 150 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams. 3) 50 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams. <p>C. For areas along non fish-bearing streams not specifically mapped as SMA and Wetland (WR) Combining Zones, the outer boundaries of the SMA shall be defined as:</p> <ol style="list-style-type: none"> 1) 75 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams. 2) 25 feet, measured as the horizontal distance from the, stream transition line on either side of intermittent streams. <p>D. The width of Streamside Management Areas shall be expanded:</p> <ol style="list-style-type: none"> 1) as necessary to include significant areas of riparian vegetation adjacent to the buffer area, or 2) as necessary to include slides, and areas with visible evidence of slope instability. <p>E. Where Forest Practice Rules designate wider stream buffer areas, the width of the SMA shall be expanded to be consistent with those regulations when they are applicable.</p> <p>F. The Streamside Management Area may be reduced or eliminated where the County determines, based on specific factual findings, that the mapping of the SMA is not accurate, and there are no in-channel wetland characteristics or off-</p>	<p>CDFW (5-15-14) The Department believes the SMA measures above will not effectively protect Humboldt County's rivers and streams from the impacts of adjacent development. Thus the SMA development setback buffers will not serve as an adequate mitigation in the Update. CDFW has three main concerns with the SMA measure described above: 1) unclear and incompatible reference to the Forest Practice Rules, 2) intermittent streams receiving narrower setback widths, and 3) starting the development setback buffer at the "stream transition line."</p> <p>HCRLWG RECOMMENDATION (12-10-13) The group recommends the following changes to the version from the 2012 planning commission to the Board of Supervisors. It is important to note that the recommended changes below retain the current applicable measures. The change DOES NOT reflect a decrease from current practice.</p> <p>BR-S5. Streamside Management Areas Defined. Streamside Management Areas (SMA) are identified and modified as follows:</p> <p>A. Areas specifically mapped as SMA and Wetland (WR) Combining Zones, subject to verification and adjustment pursuant to site-specific biological reporting and review procedures.</p> <p>B. For areas along fish-bearing streams not specifically mapped as SMA and Wetland (WR) Combining Zones, the outer boundaries of the SMA shall be defined as:</p> <ol style="list-style-type: none"> 1) Consistent with the Forest Practice Rule stream buffer widths. 2) 150 100 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams. 3) 50 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams. <p>C. For areas along non fish-bearing streams not specifically mapped as SMA and Wetland (WR) Combining Zones the outer boundaries of the SMA shall be defined as:</p> <ol style="list-style-type: none"> 1) 75 50 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams. 2) 25 feet, measured as the horizontal distance from the, stream transition line on either side of intermittent streams. <p>D G. The width of Streamside Management Areas shall may be expanded when supported by written evidence from the requesting referral agency as:</p> <ol style="list-style-type: none"> 1) as if as if necessary to include significant areas of important riparian vegetation adjacent to the SMA buffer area, or 2) as if as if necessary to include active slides, and areas with visible evidence of 	<p>Staff Recommendation: Support a modified 2012 Planning Commission version (modifications are shown below in yellow highlight). See also proposed new implementation measure BR-IMx4. Modifications to the Streamside Management Area Ordinance and glossary additions for "top of bank" and "edge of riparian drip line".</p> <p>BR-S5. Streamside Management Areas Defined. Streamside Management Areas (SMA) are identified and modified as follows:</p> <p>A. Areas specifically mapped as SMA and Wetland (WR) Combining Zones, subject to verification and adjustment pursuant to site-specific biological reporting and review procedures.</p> <p>B. For areas along fish-bearing streams not specifically mapped as SMA and Wetland (WR) Combining Zones, the outer boundaries of the SMA shall be defined as:</p> <ol style="list-style-type: none"> 1) Consistent with the Forest Practice Rule stream buffer widths. 2-1) 150 100 feet, measured as the horizontal distance from the stream transition line top of bank or edge of riparian drip-line whichever is greater on either side of perennial streams mapped by the United States Geological Survey (USGS). 3-2) 50 feet, measured as the horizontal distance from the stream transition line top of bank or edge of riparian drip-line whichever is greater on either side of intermittent streams mapped by the USGS. <p>C. For areas along non fish-bearing streams not specifically mapped as SMA and Wetland (WR) Combining Zones, the outer boundaries of the SMA shall be defined as:</p> <ol style="list-style-type: none"> 1) 75 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams. 2) 25 feet, measured as the horizontal distance from the, stream transition line on either side of intermittent streams. <p>C. The width of Streamside Management Areas shall be expanded as necessary to include slides, and areas with</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>channel riparian vegetation.</p> <p>G. SMAs do not include watercourses consisting entirely of a <u>man-made</u> drainage ditch, or other man-made drainage device, construction, or system.</p> <p><i>Straw Vote 4-1 (4-14-2011)</i></p>	<p>slope instability adjacent to perennial and intermittent streams.</p> <p>E. D Where Forest Practice Rules designate wider stream buffer areas, the width of the SMA shall be expanded to be consistent with those regulations when they are applicable.</p> <p>F. E. The Streamside Management Area may be reduced or eliminated where the County determines, based on specific factual findings, that the mapping of the SMA is not accurate, and or there are no in-channel wetland characteristics or off-channel riparian vegetation.</p> <p>G. F. SMAs and the protections embodied in this section do not apply to include watercourses consisting entirely of a <u>man-made</u> drainage ditches, canals, flumes or other man-made drainage or irrigation devices, construction, or systems.</p> <p>HCRLWG Comments It is important to note that the recommended changes below retain the current applicable measures. The change DOES NOT reflect a decrease from current practice. On B1 it is not necessary to include the reference to Forest Practice Rules because the SMA widths are identified in B2 and B3. In additional those widths in B2 or B3 are not necessarily consistent with the Forest Practice Rules. On F the county would find one or the other circumstance. Change in G to ensure that the SMA applies to natural but not man-made features such as ditches along roadways. Periodic maintenance is required to these man-made features. It is important that F includes the deletion of "and" but includes the "or" as indicated. Agriculture needs to be exempt from this measure by including bullet D in BR-S1 This is consistent with the Humboldt County Right to Farm ordinance. There is no need for the county to widen the SMA beyond that already determined by the state agencies which would be involved with the activity. This working group's option does not infer or apply new regulations and does not potentially create a conversion of use from resource management.</p> <p>NCHB RECOMMENDATION (2-3-14) BR –S5. Streamside Management Areas Defined. 3432.5 M-Modify. We support the HCRLWG's modifications with one minor change, as well as their comments.</p> <p>Streamside Management areas (SMA) are identified and modified as follows:</p> <p>A. Areas specifically mapped as SMA or Wetland (WR) combining zones, subject to verification and adjustment pursuant to site specific biological reporting and review procedures.</p> <p>B. For areas along fish-bearing streams not specifically mapped as SMA or Wetland (WR) combining zones, the outer boundaries of the SMA shall be defined as:</p> <ol style="list-style-type: none"> 1. 100 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams. 2. 50 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams. <p>C. For areas along non-fish-bearing streams not specifically mapped as SMA or Wetland (WR) Combining Zones the outer boundaries shall be defined as:</p> <ol style="list-style-type: none"> 2. 50 feet, measured as the horizontal distance from the stream transition line on either side of perennial streams. 3. 25 feet, measured as the horizontal distance from the, stream transition line on either side of intermittent streams. ... 	<p>visible evidence of slope instability:</p> <ol style="list-style-type: none"> 1) as necessary to include significant areas of riparian vegetation adjacent to the buffer area, 2) as necessary to include slides, and areas with visible evidence of slope instability. <p>E. Where Forest Practice Rules designate wider stream buffer areas, the width of the SMA shall be expanded to be consistent with those regulations when they are applicable.</p> <p>D.F. The Streamside Management Area may be reduced or eliminated where the County determines, based on specific factual findings, that the mapping of the SMA is not accurate, and there are no in-channel wetland characteristics or off-channel riparian vegetation, the reduction will not significantly affect the biological resources of the SMA, or when the prescribed buffer would prohibit development of the site for the principal use for which it is designated provided mitigations are applied that result in the least environmentally damaging feasible project.</p> <p>E. G SMAs do not include watercourses consisting entirely of a man-made drainage ditch, or other man-made drainage device, construction, or system.</p> <p>Discussion: See discussion on Page 2 of the Board of Supervisors staff report. Staff agrees with HCRLWG, NCHB & CDFW that the buffer widths in the Forest Practice Rules are not necessarily appropriate for permanent structures, so staff recommends deleting that reference.</p> <p>Staff agrees with the HCRLWG that sub paragraph "F." should be revised to replace "and" with "or" as indicated above. The last part of subparagraph E is from BR-S7 because it fits better.</p> <p>The appropriate width of development setbacks along streams and around wetlands is subject to the Board's discretion. Larger setbacks lead to healthier ecosystems by:</p> <ul style="list-style-type: none"> • filtering sediment, pollutant and nutrient inputs to streams • moderating instream water temperatures • maintaining instream complexity • contributing woody debris to streams • providing riparian habitat <p>At the same time, larger stream and wetland setbacks reduce the area available for development which can lead to discretionary permit requirements and increased permit costs and review times, particularly on small parcels with minimal buildable area.</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>2012 Planning Commission Version BR-S6. Development within Stream Channels. Development within stream channels may be approved where consistent with Policy BR-P4 - Development within Stream Channels, and is limited to the following projects.</p> <ul style="list-style-type: none"> A. Fishery, wildlife, and aquaculture enhancement and restoration projects. B. Road crossings consistent with Standard BR-S9 - Erosion Control of this section. C. Flood control and drainage channels, levees, dikes, and floodgates. D. Mineral extraction consistent with other County regulations. E. Small-scale hydroelectric power plants in compliance with applicable County regulations and those of other agencies. F. Wells and spring boxes, and agricultural diversions. G. New fencing, so long as it would not impede natural drainage or wildlife movement and would not otherwise adversely effect affect the stream environment or wildlife. H. Bank protection, provided it is the least environmentally damaging alternative. I. Other essential projects, including municipal groundwater pumping stations, provided they are the least environmentally damaging alternative, or necessary for the protection of the public's health and safety. 		<p>Staff Recommendation: Support the 2012 Planning Commission version, fixing typo as shown in yellow highlight.</p>
<p>2012 Planning Commission Version BR-S7. Development within Streamside Management Areas. Development within Streamside Management Areas may be approved where consistent with Policy BR-P6 - Development within Streamside Management Areas, and shall be limited to the following uses:</p> <ul style="list-style-type: none"> A. Development permitted within stream channels per BR-S6 - Development within Stream Channels. B. Timber management and harvest activities under a timber harvesting plan or non-industrial timber management plan, or activities exempt from local regulation as per California Public Resources Code 4516.5(e). C. Road, bridge, and trail replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum. D. Removal of vegetation for disease control or public safety 	<p>HCRLWG RECOMMENDATION (12-10-13) The group recommends the following changes to the version from the planning commission to the Board of Supervisors. BR-S7. Development within Streamside Management Areas. Development within Streamside Management Areas may be approved where consistent with Policy BR-P6 - Development within Streamside Management Areas, and shall be limited to the following uses:</p> <ul style="list-style-type: none"> A. Development permitted within stream channels per BR-S6 - Development within Stream Channels. B. Timber management and harvests not otherwise excluded by provisions of Standard BR-S1 - Development Excluded from Policies, as well as noncommercial cutting of firewood and clearing for the maintenance of agricultural lands and uses, pasture and farm fields, provided: <ul style="list-style-type: none"> 1) Cottonwoods are retained within the SMA. 2) Remaining willows and alders, as well as other unmerchantable hardwoods and shrubs are to be protected within the SMA from unreasonable damage. 3) Integrity of tree canopy to be maintained within the SMA within for temperature impaired water bodies listed under the CWA 303(d) consistent with applicable TMDL's. C. Road, bridge, and trail replacement or construction, when it can be demonstrated 	<p>Support the 2012 Planning Commission Version with a corrected reference in paragraph (B) to California Public Resources Code 4516.5(ef) and move the allowance for reduced buffers in sub paragraph E to Standard BR-S5. Streamside Management Areas Defined which has a more complete treatment of reducing SMA setbacks .</p> <p>Exemptions for "agricultural lands and uses" could reduce the effectiveness of the standard by allowing SMA areas to be cleared for new agricultural operations. Existing agricultural operations have been exempted from SMA policies under the existing Framework Plan, and this practice is proposed to continue under the GPU.</p> <p>It is not necessary to add "within the SMA" to all the subparagraphs since the standard begins with "Development within Streamside Management Areas..."</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>purposes.</p> <p>E. Setbacks may be reduced when the prescribed buffer would prohibit development of the site for the principle use for which it is designated, provided mitigations are applied that result in the least environmentally damaging feasible project.</p> <p><i>Straw Vote 6-1 (4-14-2011)</i></p>	<p>that it would not have a significant adverse effect on degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum within the SMA.</p> <p>D. Removal of vegetation for disease control, fuels reduction and or fire safety or other public safety purposes within the SMA.</p> <p>E. <u>Setbacks for the SMA</u> may be reduced when the prescribed buffer would prohibit development of the site for the principle use for which it is designated or historical use, provided mitigations are applied that result in the least environmentally damaging feasible project.</p> <p>F. Normal, usual and historical agricultural practices and uses which are principally permitted within the SMA shall not be considered development for the purposes of this standard.</p> <p>HCRLWG Comments Paragraph B The ability to maintain agricultural lands and uses, pasture and crop fields (clear for pasturage) is vital in certain areas that experience periodic intrusion. Paragraph C – “have a significant adverse effect” is the typical CEQA terminology. Paragraph E it is important to include historical uses to maintain agricultural lands and uses, pasture and agriculture lands Bullet F is consistent with the Humboldt County Right to Farm ordinance</p> <p>If the Planning Commission version is retained the group would ask for a calculation of the amount of land removed from agricultural production as a result of application of this Standard.</p> <p>NCHB RECOMMENDATION (2-3-14) BR-S7. Development within Streamside Management Areas. 3432.6 M- Modify. We do not think it appropriate to limit uses across the board; we feel it imperative to have the county defer to the lead trustee agency on a case by case basis. We support the HCRLWG's modifications with changes and one addition per the Public Works Land Use Division as well as their comments.</p> <p>Development within SMA's may be approved where consistent with BR-G5, BR-P6 and BR-P12 above. Development within SMA's shall be supported for the following projects:</p> <p>A. Development permitted within stream channels per BR-P6 Development within Streamside Management Areas, and BR-P12 Development of Roads in Resource Areas, above.</p> <p>B. Timber management and harvests not otherwise excluded by provisions of Standard BR-S1, as well as non-commercial cutting of firewood or clearing for the maintenance of resource lands, ag lands and uses, pasture and farm fields, provided:</p> <ol style="list-style-type: none"> 1) Cottonwoods are retained within the SMA 2) Remaining hardwoods and shrubs are to be protected within the SMA from unreasonable damage 3) Integrity of tree canopy to be maintained within the SMA for temperature impaired water bodies listed under the CWA 303(d) consistent with applicable TMDL's. <p>C. Road crossings trail replacement or construction and infrastructure consistent with BR-P12 above, and BR-S9 from Framework Plan 3432.9, below, of this section when demonstrated that it would not have a significant adverse effect on fish and wildlife resources or water quality and that vegetative clearing is kept to a minimum within the SMA. The Department of Public Works Land Use shall be lead agency for</p>	

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
	<p>determining appropriate locations for roads, drainage facilities, utilities, and other infrastructure to ensure orderly development of the County.</p> <p>D. Removal of vegetation for disease control, fuels reduction and or fire safety or other public safety purposes within the SMA.</p> <p>E. Setbacks for the SMA may be reduced when the prescribed buffer would prohibit development of the site for the principle use for which it is designated, or would prohibit its historical use, provided mitigations are applied that result in the least environmentally damaging feasible project.</p> <p>F. Normal, usual and historic agricultural practices and uses which are principally permitted within the SMA shall not be considered development for the purposes of this standard (e.g. man-made drainage ditches, canals, flumes, or other man-made drainage or irrigation devices, construction or systems).</p>	
<p>2014 Planning Commission Version</p> <p>BR-S8. Required Mitigation Measures. Mitigation measures for development within Streamside Management Areas shall may include, at a minimum, those of the following which are appropriate, as specifically specified by referral agencies include:</p> <p>A. Retaining snags unless felling is required by CAL-OSHA, by CAL FIRE forest and fire protection regulations, or for public health and safety reasons. The felling must be approved by the CDS Department. Felled snags shall be left on the ground if consistent with fire protection regulations.</p> <p>B. Retain live trees with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.</p> <p>C. Replanting or reseeded of disturbed areas consisting of at least 100 square feet in area with riparian vegetation of native species shall be required prior to the completion of the development project.</p> <p>D. Erosion control measures (as per Standard BR-S9- Erosion Control).</p> <p>E. Maximum feasible retention of over-story canopy in riparian corridors.</p> <p><i>Approved 4-2-1 [2-27-2014]</i></p> <p>2012 Planning Commission Version</p> <p>BR-S8. Required Mitigation Measures. Mitigation measures for development within Streamside Management Areas shall, at a minimum, include:</p> <p>A. Retaining snags unless felling is required by CAL-OSHA, by CAL FIRE forest and fire protection regulations, or for public health and safety reasons. The felling must be approved by the CDS Department. Felled snags shall be left on the ground if consistent with fire protection regulations.</p> <p>B. Retain live trees with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.</p> <p>C. Replanting or reseeded of disturbed areas with riparian vegetation of native species shall be required prior to the</p>	<p>HCRLWG RECOMMENDATION (12-10-13) The group continues to recommend a modification of the version sent from the Planning Commission to the Board of Supervisors.</p> <p>BR-S8. Required Mitigation Measures. Mitigation measures for development within Streamside Management Areas shall may, at a minimum, include:</p> <p>A. Retaining snags unless felling is required by CAL-OSHA, by CAL FIRE forest and fire protection regulations, fuels reduction or for public health and safety reasons. The felling must be approved by the CDS Department. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels.</p> <p>B. Retain live trees with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.</p> <p>C. Replanting or reseeded of disturbed areas (with at least 100 square feet of exposed soils) with riparian vegetation of native species (including such species as alders, cottonwoods, willows, sitka spruce, etc.) shall may be required prior to the completion of the development project if written into the project by referral agencies as a mitigation.</p> <p>D. Erosion control measures (as per Standard BR-S9- Erosion Control).</p> <p>E. Maximum feasible retention of overstory canopy in riparian corridors. adjacent to Clean Water Act designated temperature impaired water bodies.</p> <p>HCRLWG Comments In paragraph A CAL FIRE and OSHA have the final decision making power. It is unnecessary for the County to participate. In paragraph C some areas of exposed soil were previously inhabited with only grasses so reseeded is more appropriate than replanting.</p> <p>NCHB RECOMMENDATION (2-3-14) BR-S8. Required Mitigation Measures. 3432.8 D- Delete However, if it is retained we would recommend M-Modify. Ultimately, referral agencies have decision making power in these cases and negotiate with property owner directly, we agree with HCRLWG's comment that it is unnecessary for the County to participate.</p> <p>Mitigation measures for development within SMA's may include one or more of the following if written into the project by referral trustee agencies as mitigation on a case by case basis:</p>	<p>Support a modified 2012/2014 Planning Commission/HCRLWG version.</p> <p>BR-S8. Required Mitigation Measures. Mitigation measures for development within Streamside Management Areas shall may, at a minimum, include:</p> <p>A. Retaining snags unless felling is required by CAL-OSHA, by CAL FIRE forest and fire protection regulations or for public health and safety reasons. The felling must be approved by the CDS Department Planning Director. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels.</p> <p>B. Retain live trees with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.</p> <p>C. Replanting or reseeded of disturbed areas with exposed soils of 100 square feet or more. Reseeded or replanting with riparian vegetation of native species shall may be required prior to the completion of the development project if requested by referral agencies as a mitigation.</p> <p>D. Erosion control measures (as per Standard BR-S9- Erosion Control).</p> <p>E. Maximum feasible retention of overstory canopy in riparian corridors.</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>completion of the development project.</p> <p>D. Erosion control measures (as per Standard BR-S9- Erosion Control).</p> <p>E. Maximum feasible retention of over-story canopy in riparian corridors.</p> <p><i>Straw Vote 6-1 (4-14-2011)</i></p>	<p>A. Retaining snags unless felling is required by CAL-OSHA, or by CAL FIRE forest and fire protection regulations, fuels reduction, or for public health and safety reasons. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels.</p> <p>B. Retain live trees with visible evidence of use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets.</p> <p>C. Reseeding or planting of disturbed areas with at least 100 square feet of exposed soils per the Forest Practice Rules with riparian vegetation of native species may be required prior to the completion of the development project if written into the project by referral agencies as mitigation.</p> <p>D. Erosion control measures to the satisfaction of the Public Works Land use Division and County Grading Ordinance and to BR-S9.</p> <p>E. Maximum feasible retention of overstory canopy in riparian corridors.</p>	
<p>2014 Planning Commission Version</p> <p>BR-S9. Erosion Control. Erosion control measures for development within Streamside Management Areas shall include <u>those of the following which are appropriate, as specifically specified by referral agencies:</u></p> <p>A. During construction, land clearing and vegetation removal will be minimized, following the provisions of the Water Resources Element and the standards listed here.</p> <p>B. Construction sites with at least 100 square feet of exposed soil will be planted or seeded as appropriate per written mitigations of the lead agency with native or naturalized <u>non-invasive</u> vegetation and mulched with natural or chemical stabilizers to aid in erosion control and ensure revegetation.</p> <p>C. Long slopes will be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction.</p> <p>D. Concentrated runoff will be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversion dikes, interceptor ditches, slope drains, or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge, where discharge is to natural ground or channels.</p> <p>E. Runoff shall be controlled to prevent erosion by on-site or off-site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding.</p> <p>F. Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with</p>	<p>HCRLWG RECOMMENDATION (12-10-13) The group continues to recommend a modification to the version sent from the Planning Commission to the Board of Supervisors.</p> <p>BR-S9. Erosion Control. Erosion control measures for development within Streamside Management Areas shall include the following:</p> <p>A. During construction, land clearing and vegetation removal will be minimized, following the provisions of the Water Resources Element and the standards listed here.</p> <p>B. Construction sites with at least 100 square feet of exposed soil will be planted or seeded as appropriate per written mitigations of the lead agency with native or naturalized vegetation and mulched with natural or chemical stabilizers to aid in erosion control and ensure revegetation.</p> <p>C. Long slopes will be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction.</p> <p>D. Concentrated runoff will be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversion dikes, interceptor ditches, slope drains, or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge, where discharge is to natural ground or channels.</p> <p>E. Runoff shall be controlled to prevent erosion by on-site or off-site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding.</p> <p>F. Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with California Department of Fish and Game Wildlife and the North Coast Regional Water Quality Control Board requirements.</p> <p>Winter operations (generally October 15 thru April 15) shall employ the following special considerations:</p> <p>G. Slopes will be temporarily stabilized by stage seeding and/or planting of fast germinating seeds, such as barley or rye grass, and mulched with protective</p>	<p>Staff Recommendation: Support a modified 2014 Planning Commission/HCRLWG version:</p> <p>BR-S9. Erosion Control. Erosion control measures for development within Streamside Management Areas shall include the following:</p> <p>A. During construction, land clearing and vegetation removal will be minimized, following the provisions of the Water Resources Element and the standards listed here.</p> <p>B. Construction sites with at least 100 square feet of exposed soil will be planted or seeded as appropriate per written mitigations of the lead agency with native or naturalized non-invasive vegetation and mulched with natural or chemical stabilizers to aid in erosion control and ensure revegetation.</p> <p>C. Long slopes will be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction.</p> <p>D. Concentrated runoff will be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversion dikes, interceptor ditches, slope drains, or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge, where discharge is to natural ground or channels.</p> <p>E. Runoff shall be controlled to prevent erosion by on-site or off-site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding.</p> <p>F. Disposal of silt, organic, and earthen material from sediment</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>California Department of Fish and Game Wildlife and the North Coast Regional Water Quality Control Board requirements.</p> <p>Winter operations (generally October 15 thru April 15) shall employ the following special considerations:</p> <p>G. Slope breaks, <u>as defined in the Forest Practice Rules, as amended, may have different mitigation measures assigned to them based upon the severity of slope and</u> will be temporarily stabilized by stage seeding and/or planting of fast germinating seeds, such as barley or rye grass, and mulched with protective coverings such as natural or chemical stabilizations.</p> <p>H. Runoff from the site will be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.</p> <p><i>Approved 4-2-1 [2-27-2014]</i></p> <p>2012 Planning Commission Version</p> <p>BR-S9. Erosion Control. Erosion control measures for development within Streamside Management Areas shall include the following:</p> <p>A. During construction, land clearing and vegetation removal will be minimized, following the provisions of the Water Resources Element and the standards listed here.</p> <p>B. Construction sites will be planted with native or naturalized vegetation and mulched with natural or chemical stabilizers to aid in erosion control and ensure revegetation.</p> <p>C. Long slopes will be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction.</p> <p>D. Concentrated runoff will be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversion dikes, interceptor ditches, slope drains, or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge, where discharge is to natural ground or channels.</p> <p>E. Runoff shall be controlled to prevent erosion by on-site or off-site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding.</p> <p>F. Disposal of silt, organic, and earthen material from sediment</p>	<p>coverings such as natural or chemical stabilizations.</p> <p>H. Runoff from the site will be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.</p> <p>NCHB RECOMMENDATION (2-3-14) BR-S9. Erosion Control. 3432.9 M- Modify. Erosion control measures for development within SMA's may include the following if written into the project by referral trustee agencies as mitigation on a case by case basis:</p> <p>A. During construction, land clearing and vegetation removal will be minimized.</p> <p>B. Construction sites with at least 100 square feet of exposed soil will be planted / reseeded with native or naturalized vegetation and mulched with natural or chemical stabilizers to aid in erosion control and insure revegetation.</p> <p>C. Long slopes will be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction.</p> <p>D. Concentrated runoff will be controlled by the construction and continued maintenance of culverts, conduits, nonerodible channels, diversion dikes, interceptor ditches, slope drains or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge where discharge is to natural ground or channels.</p> <p>E. Runoff shall be controlled to prevent erosion by on-site or off- site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding.</p> <p>F. Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with California Fish and Wildlife and the Regional Water Quality Control Board requirements.</p> <p>Winter operations (generally October 15 thru April 15) shall employ the following special considerations:</p> <p>G. Slopes will be temporarily stabilized by stage seeding and/or planting of fast germinating seeds such as barley or rye grass; and mulched with protective coverings such as natural or chemical stabilizations.</p> <p>Runoff from the site will be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.</p>	<p>basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with California Department of Fish and Game Wildlife and the North Coast Regional Water Quality Control Board requirements.</p> <p>G. Winter operations (generally October 15 thru April 15) shall employ the following special considerations:</p> <p>G. 1) Slopes will be temporarily stabilized by stage seeding and/or planting of fast germinating seeds, such as barley or rye grass, and mulched with protective coverings such as natural or chemical stabilizations, and</p> <p>H. 2) Runoff from the site will be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with Department of Fish and Game and the North Coast Regional Water Quality Control Board requirements.</p> <p>Winter operations (generally October 15 thru April 15) shall employ the following special considerations:</p> <p>G. Slopes will be temporarily stabilized by stage seeding and/or planting of fast germinating seeds, such as barley or rye grass, and mulched with protective coverings such as natural or chemical stabilizations.</p> <p>H. Runoff from the site will be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.</p> <p><i>Straw Vote Retain</i></p>		
<p>2014 Planning Commission Version</p> <p>BR-S10. Development Standards for Wetlands and Other Wet Areas. Development standards for wetlands, <u>including setbacks and buffers, except for wells and spring boxes, shall be consistent with state and federal requirements and developed in consultation with the appropriate referral agency, or by variance, on a project specific basis.</u> standards for wetlands and other wet areas; including natural ponds, springs, vernal pools, marshes, wet meadows (exhibiting standing water all year long or riparian vegetation), and wetlands as defined in the California Fish and Game Code Section 2785(g), shall be consistent with the standards for streamside management areas, as applicable including required buffer setbacks. Required buffer setbacks for these areas are as follows:</p> <p>_____seasonal wetlands = 100 ft.</p> <p>_____perennial wetlands = 200 ft.</p> <p>_____Buffers may be reduced based on site specific information and consultation with DFG.</p> <p><i>Approved 4-2-1 [2-27-2014]</i></p> <p>2012 Planning Commission Version</p> <p>Development Standards for Wetlands and Other Wet Areas. Development standards for wetlands and other wet areas; including natural ponds, springs, vernal pools, marshes, wet meadows (exhibiting standing water all year long or riparian vegetation), and wetlands as defined in the California Fish and Game Code Section 2785(g), shall be consistent with the standards for streamside management areas, as applicable. Required buffer setbacks for these areas are as follows:</p> <p>seasonal wetlands = 100 ft.</p>	<p>CDFW (5-15-14)</p> <p>This development standard provides no regulatory certainty or guidance to land owners, project proponents, or the public as to what an appropriate development setback might be for a given project or wetland. CDFW finds that clear unambiguous regulatory process best serves both the public and efforts to conserve fish and wildlife habitats. It is unclear what "consistent with state and federal requirements for protection of wetlands" means. CDFW is unaware of any State or federal requirement for a specific development setback from wetlands. It is unclear who the appropriate referral agencies are; what would occur if there were divergent recommendations among the referral agencies or if the referral agencies could not consult on a project in a timely fashion. It is also unclear if the County has any obligation to implement referral agency recommendations, or if the County's only obligation is consultation with referral agencies, and then the County Planning Commission could implement whatever development setback it determines. Given the development standards for wetlands is vague and absent any performance standards, CDFW, the County, nor the public would be able to determine if this standard effectively protects wetlands from development impacts.</p> <p>CEQA Section 15126.4(a)(1)(B) states: "Formulation of mitigation measures should not be deferred until some future time." CEQA Section 15126.4(a)(2) states: "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments." CDFW is concerned that the Update's draft wetland development standards are a deferral of mitigation until some future time and that they are not fully enforceable.</p> <p>For the above reasons, CDFW recommends the Update include a minimum development setback on wetlands of at least 100 feet. If the setback buffer distance is not feasible, then the setback buffer could be reduced or even eliminated, if warranted by site-specific conditions. For certain wetlands with greater ecological values or sensitivity, a wider development setback could be appropriate. As always, CDFW staff is available to consult on the appropriate development setback for a given project.</p> <p>Adopting these recommendations will feasibly minimize potentially significant impacts on rivers, streams and wetlands from the future development and land use changes</p>	<p>Staff Recommendation: Support a modified 2012/2014 Planning Commission version:</p> <p>BR-S10. Development Standards for Wetlands and Other Wet Areas. Development standards for wetlands and other wet areas; including natural ponds, springs, vernal pools, marshes, wet meadows (exhibiting standing water all year long or riparian vegetation), and wetlands as defined in the California Fish and Game Code Section 2785(g), shall be consistent with the standards for Streamside Management Areas, as applicable except that the widths of the SMA for wetlands. Required buffer setbacks for these areas are as follows:</p> <p>seasonal wetlands = 100 ft.</p> <p>perennial wetlands = 200 ft.</p> <p>Buffers may be reduced based on site specific information and consultation with DFG the California Department of Fish and Wildlife.</p> <p>Discussion: The 2014 Planning Commission's recommendation would lead to uncertainty for applicants by deleting the standard setback width.</p> <p>The 2012 Planning Commission recommendation includes a definition for wetlands that is redundant with BR-S11 Wetlands Defined.</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>perennial wetlands = 200 ft. Buffers may be reduced based on site specific information and consultation with DFG. <i>Straw Vote 5-2 (4-14-11)</i></p>	<p>anticipated in the Update. Furthermore, by making these changes, CDFW believes the County will likely avoid the take of State and federally listed species and will assist with their recovery and eventual down-listing.</p> <p>HCRLWG RECOMMENDATION (5-21-14) The group supports the Jan/Feb 2014 Planning Commission changes made to this Standard.</p> <p>HCRLWG Comments Construction of wells and springboxes is essential for agricultural production.</p> <p>NCHB RECOMMENDATION (2-3-14) BR-S10. Development Standards for Wetlands and Other Wet Areas. 3432.10 M-Modify. For natural ponds, springs, vernal pools, marshes and wet meadows (exhibiting standing water year round), development except for wells and spring boxes shall be consistent with the standards for streamside management areas, where appropriate and in consultation with the appropriate referral agency.</p>	
<p>2012 Planning Commission Version BR-S11. Wetlands Defined. The County shall follow the identification and classification policies of the Department of Fish and Game which considers wetlands as lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly undrained hydric soil, and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year. <i>Straw Vote 5-2 (4-14-2011);</i></p>	<p>NCHB RECOMMENDATION (2-3-14) BR-S11. Wetlands Defined. (NEW per Planning Commission 1/30/2014) The County shall follow the identification and classification policies of the Army Corps of Engineers (Wetlands Delineation Manual). Wetlands must have evidence of all three of the following positive wetland indicators from each wetland parameter (hydrophytes, hydric soil, and periods of inundation).</p>	<p>Support the 2012 Planning Commission version (with an updated reference to CDFW).</p>
<p>2014 Planning Commission Version BR-S1312. Discretionary Review within Oak Woodlands. As necessary, Discretionary projects which may result in a significant effect on potentially impact oak woodlands shall evaluate and mitigate any impacts, consistent with the provisions of CEQA, specifically Public Resources Code Section 21083.4. <i>Approved 6-0-1 (2-27-14)</i></p> <p>2012 Planning Commission Version BR-S12. Discretionary Review within Oak Woodlands. As necessary, discretionary projects which may potentially impact oak woodlands shall evaluate and mitigate any impacts, consistent with the provisions of CEQA, <i>Straw Vote 5-0 (6-16-11)</i></p>	<p>HCRLWG RECOMMENDATION (12-10-13) BR-S1312. Discretionary Review within Oak Woodlands. Staff should provide information for use by the encourage applicants to voluntarily consider for discretionary projects in oak woodlands (defined as lands on which the majority of the trees are of the genus Quercus) to voluntarily design the project to reduce ecological and aesthetic impacts. Ideally, the placement of proposed roads and structures should avoid oak trees and their drip lines and site layout and design should minimize the destruction of trees to the extent feasible and practical. HCRLWG Comments This standard should be consistent with the Policy BR-P8 and the BOS previous decision for a voluntary program regarding oak woodland management.</p> <p>NCHB RECOMMENDATION (2-3-14) BR-S12. Discretionary Review within Oak Woodlands. M-Modify. Staff should provide information for use by the applicants to voluntarily consider for discretionary projects in oak woodlands.</p>	<p>Support the 2014 Planning Commission version.</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>2012 Planning Commission Version BR-S13. Principally Permitted Accessory Use. Invasive plant species control measures shall be considered a principally permitted accessory use in all zones. <i>Straw Vote 5-0 (6-16-11)</i></p>		<p>Support the 2012 Planning Commission version.</p>
<p>2012 Planning Commission Version BR-IM1. Biological Resource Maps. The County shall maintain best available data in the form of GIS maps for the location and extent of wetlands, critical habitats, streamside management areas, rookeries, and ranges of species identified in the California Natural Diversity Database.</p>		<p>Support the 2012 Planning Commission version.</p>
<p>2012 Planning Commission Version BR-IM2. State and Federal Agency Permitting Coordination. The County shall maintain efficient and timely procedures for project referral to state and federal agencies for biological review and consultation.</p>		<p>Support the 2012 Planning Commission version.</p>
<p>2012 Planning Commission Version BR-IM3. Biological Review and Referral. Building and Planning Division staff shall receive periodic training related to the field identification of biological resources and mitigation of impacts. The County shall also have on staff or retain a qualified biologist to conduct site visits, work with resource agencies, review applicant prepared biological reports and formulate and monitor project conditions and mitigation measures. <i>Straw Vote 4-3 (4-14-11)</i></p>	<p>HCRLWG RECOMMENDATION (12-10-13) The group continues to recommend deletion of this Implementation Measure</p> <p>HCRLWG Comments This is one of the many IMs that should be considered prior to the implementation of the plan. What are the costs and effectiveness associated with this measure considering the complexities of the resources involved?</p> <p>NCHB RECOMMENDATION (2-3-14) BR-IM3. Staff training-Biological Review and Referral. D-Delete. Redundant. Already done per CEQA. As to hiring a staff biologist, we agree with HCRLWG's remark: what are the costs and effectiveness associated with this concept considering the complexities of the resources involved? Affordability: Who would pay for this? This item is proposing a mechanism that does not exist within the County Code. Is this proposed to be under the purview of a new County department? This item calls for a regulatory process that requires a highly specialized level of expertise; does the County employ the needed personnel? Does the County have the resources to manage such a department?</p>	<p>Support the 2012 Planning Commission version.</p>
<p>2012 Planning Commission Version R-IMx2. Wetlands Bank. The County shall assist in the development of a wetlands banking system.</p>		<p>Support a modified 2012 Planning Commission version. BR-IMx2. Wetlands Bank. The County shall assist in the development of a wetlands banking system that minimizes potential of prime agriculture lands to wetlands.</p> <p>Discussion: See discussion on page 3 of the Board of Supervisors staff report. See also BR-Pxxx. Wetland Bank</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>BR-IMx3. Oak Woodlands Conservation Program. The County shall develop an Oak Woodland Management Plan and attain eligibility for Oak Woodland Preservation Program funding (Fish and Game Code, Section 1360, Division 2, Chapter 4) to conserve and protect high-value oak woodlands. <i>Straw Vote 7-0 (4-14-11)</i></p>	<p>HCRLWG RECOMMENDATION (12-10-13) The group continues to recommend deletion of this Implementation Measure</p> <p>It is our understanding that with the Board of Supervisors approving the Oak Woodlands Management Plan in March 2012 that this implementation measure would not be necessary.</p> <p>NCHB RECOMMENDATION (2-3-14) BR-IMx3. Oak Woodlands Conservation Program. D-Delete. We agree with HCRLWG's Comment: It is our understanding that the Board of Supervisors approved the Oak Woodlands Management Plan in March of 2012 making this implementation measure unnecessary.</p>	<p>Support the 2012 Planning Commission version.</p>
		<p>Proposed new implementation measure:</p> <p><u>BR-IMx4. Modifications to the Streamside Management Area Ordinance.</u> The County shall modify the SMA Ordinance for consistency with BR-S5 and to allow reductions to SMA widths through ministerial review in consultation with California Department of Fish and Wildlife.</p> <p>Discussion: See Page 4 of the Board of Supervisors staff report.</p>
		<p>Glossary addition approved by unanimous consent 6-2-14</p> <p><u>Development Review.</u> Evaluation of proposed development by the County. This term is used to describe all types of evaluation, including, but not limited to, ministerial "over-the-counter" permits as well as discretionary evaluations, for instance conditional use permits.</p>
		<p>Glossary addition approved by unanimous consent 6-2-14</p> <p><u>Natural Hazards.</u> Threats to human health and safety resulting from any of the following sources: flooding, including flooding from dam inundation and tsunamis; wildland fires; earthquakes and other seismic related hazards such as liquefaction; and geologic hazards including landslides and unstable soils.</p>
		<p>Glossary addition approved by unanimous consent 6-2-14</p> <p><u>Property Right.</u> A generic term which refers to any type of right to specific real property whether it is personal or real property, tangible or intangible.</p>
		<p>Glossary addition approved by unanimous consent 6-2-14</p> <p><u>Trespass to Land.</u> Wrongful entry on another's real property.</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>2012 Planning Commission Version Eminent Domain: The right of a government agency to take private property for public use, usually if other means of acquisition have been unsuccessful.</p>		<p>Glossary modification approved by unanimous consent 6-2-14</p> <p>Eminent Domain. The right of a government agency to take private property for public use, usually if other means of acquisition have been unsuccessful. The inherent power of a governmental entity to take privately owned property, especially land, and convert it to public use, subject to reasonable compensation for the taking.</p>
<p>2014 Planning Commission Version Critical Habitat: Critical habitats are sensitive habitats essential for a Federal or State designated endangered, threatened or rare species (listed as high priority by the Department of Fish and Game California Natural Diversity Data Base.) This includes the portion of the species habitat which is essential to the existence of that species. See definition in §10.3.4 BR-S3. <i>Approved 4-2-1 [2-27-2014]</i></p> <p>2012 Planning Commission Version Critical Habitat: Critical habitats are sensitive habitats essential for a Federal or State designated endangered, threatened or rare species (listed as high priority by the Department of Fish and Game California Natural Diversity Data Base.) This includes the portion of the species habitat which is essential to the existence of that species. <i>Final Vote Unanimous 3-19-12</i></p>	<p>HAR and the AHWG recommend the same revisions as the 2014 Planning Commission.</p>	<p>Support the 2014 Planning Commission/Ad Hoc Working Group/HAR version.</p> <p>Standard BR-S3 defines Critical Habitat, so it would be redundant to also include the definition in the glossary.</p>
<p>2014 Planning Commission Version Critical Species: Plants or animals which are dependent on a critical habitat. <i>Approved 4-2-1 [2-27-2014]</i></p> <p>2012 Planning Commission Version Critical Species: Plants or animals which are dependent on a critical habitat. <i>Final Vote Unanimous 3-19-12</i></p>	<p>AHWG RECOMENDATION (1/6/14) Delete.</p> <p>HAR (1-28-14) Delete for consistency with State and Federal regulations. Term defined and used in Endangered Species Act.</p>	<p>Support the 2014 Planning Commission/Ad Hoc Working Group/HAR version (delete).</p> <p>There is no definition for Critical Species in state or federal law. While the County could develop such a definition and apply it locally, there does not seem to be a need to do so since the term is not used in the Draft Plan.</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>2014 Planning Commission Version Sensitive and Critical Habitat: Those natural resource areas providing habitat to plant and animal species limited or impacted in their range or numbers. <i>Approved 4-2-1 [2-27-2014]</i></p> <p>2012 Planning Commission Version Sensitive and Critical Habitat: Those natural resource areas providing habitat to plant and animal species limited or impacted in their range or numbers. <i>Final Vote Unanimous 3-19-12</i></p>	<p>AHWG RECOMENDATION (1/6/14) Delete.</p> <p>HAR (1-28-14) Delete/revise (both should be are defined separately)</p>	<p>Support the 2014 Planning Commission/Ad Hoc Working Group/HAR version (delete).</p> <p>The terms Sensitive Habitat and Critical Habitat are defined individually elsewhere in the Draft Plan, so it is appropriate to simply reference that definition to avoid redundancy.</p>
<p>2014 Planning Commission Version Sensitive Habitats: Unique, limited, or economically important habitat for a species whose habitat requirements, if significantly changed would cause a threatening change to the existence of that species. See Standard in Plan. See definition in §10.3.4 BR-S4. <i>Approved 4-2-1 [2-27-2014]</i></p> <p>2012 Planning Commission Version Sensitive Habitats: Unique, limited, or economically important habitat for a species whose habitat requirements, if significantly changed would cause a threatening change to the existence of that species. See Standard in Plan <i>Final Vote Unanimous 3-19-12</i></p>	<p>AHWG RECOMENDATION (1/6/14) Same as the 2014 Planning Commission.</p> <p>HAR (1-28-14) Revise glossary definition for consistency with BR-S4</p>	<p>Support the 2014 Planning Commission/Ad Hoc Working Group/HAR version.</p> <p>Standard BR-S4 defines Sensitive Habitat, so it would be redundant to also include the definition in the glossary.</p>
<p>2014 Planning Commission Version Sensitive Species: Plants or animals which are dependent on a sensitive habitat. <i>Approved 4-2-1 [2-27-2014]</i></p> <p>2012 Planning Commission Version Sensitive Species: Plants or animals which are dependent on a sensitive habitat. <i>Final Vote Unanimous 3-19-12</i></p>	<p>AHWG RECOMENDATION (1/6/14) Delete</p> <p>HAR (1-28-14) Revise for consistency with state and Federal regulations and Biological Resources (Section 10.3)</p>	<p>Support the 2014 Planning Commission/Ad Hoc Working Group version (delete).</p> <p>There is no definition for Sensitive Species in state or federal law. While the County could develop such a definition and apply it locally, there does not seem to be a need to do so since the term is not used in the Draft Plan.</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>2014 Planning Commission Version Special Treatment Area Standards: Those criteria and requirements found in Title 14, Chapter 4 of the California Code of Regulations, regarding the harvesting of timber in designated environmentally sensitive habitat areas. As intended in this Plan, only those performance standards for the protection of Streamside Management Areas associated with non-commercial, personal-use firewood cutting apply (i.e., retention of snags and live trees with visible evidence of nesting by eagles, osprey, herons, egrets or any endangered species, as identified by the Department of Fish and Game; minimized ground disturbance and erosion; avoidance of watercourse siltation and sedimentation). Standards regarding timber re-stocking, silvicultural practices, ground preparation, slash treatment, pre-harvest inspection and monitoring by a registered professional forester do not apply. <i>Approved 4-2-1 [2-27-2014]</i></p> <p>2012 Planning Commission Version Special Treatment Area Standards: Those criteria and requirements found in Title 14, Chapter 4 of the California Code of Regulations, regarding the harvesting of timber in designated environmentally sensitive habitat areas. As intended in this Plan, only those performance standards for the protection of Streamside Management Areas associated with non-commercial, personal-use firewood cutting apply (i.e., retention of snags and live trees with visible evidence of nesting by eagles, osprey, herons, egrets or any endangered species, as identified by the Department of Fish and Game; minimized ground disturbance and erosion; avoidance of watercourse siltation and sedimentation). Standards regarding timber re-stocking, silvicultural practices, ground preparation, slash treatment, pre-harvest inspection and monitoring by a registered professional forester do not apply. <i>Final Vote Unanimous 3-19-12</i></p>	<p>AHWG RECOMENDATION (1/6/14) Same as the 2014 Planning Commission.</p> <p>HAR (1-28-14) Revise to avoid potential overlap or confusion with Forest Practice Rules.</p>	<p>Staff supports deletion of this glossary definition.</p> <p>this term may be deleted because the standards are no longer specifically referenced in the Draft Plan</p>

Conservation & Open Space, 10.3 Biological Resources – Planning Commission Recommendations, Public Comments, and Staff Recommendations

Planning Commission Draft	Public Comments	Board Actions or Staff Recommendation & Notes
<p>2014 Planning Commission Version Wetland(s): Lands which may be covered periodically or permanently with shallow surface or ground waters at frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils under anaerobic conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Depending upon the agency involved (i.e., US Army Corps of Engineers, US Fish and Wildlife Service, California Department of Fish and Game, California Coastal Commission), the precise definition or the extent of area of the wetlands may vary. <u>See definition in §10.3.4 BR-S11.</u></p> <p>2012 Planning Commission Version Wetland(s): Lands which may be covered periodically or permanently with shallow surface or ground waters at frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils under anaerobic conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Depending upon the agency involved (i.e., US Army Corps of Engineers, US Fish and Wildlife Service, California Department of Fish and Game, California Coastal Commission), the precise definition or the extent of area of the wetlands may vary.</p> <p><i>Final Vote Unanimous 3-19-12</i></p>	<p>AHWG RECOMENDATION (1/6/14) Wetland(s): Lands which may be covered periodically or permanently with shallow surface or ground waters at frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils under anaerobic conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Depending upon the agency involved (i.e., US Army Corps of Engineers, US Fish and Wildlife Service, California Department of Fish and Game, California Coastal Commission), the precise definition or the extent of area of the wetlands may vary. <u>See definition in §10.3.4 BR-S11.</u></p>	<p>Support the 2014 Planning Commission version.</p> <p>Standard BR-S11 defines Wetlands, so it is appropriate to reference that definition to avoid redundancy.</p>

Attachment 2

Updated Draft Schedule for Completion of the Remaining GPU Tasks

2014 DRAFT CALENDAR

January	February	March	April	May	June	July	August	September	October	November	December
Board of Supervisors Hearing Process											
<p>BOS Hearing (1-13-14) Items to Refer Back to Planning Commission Map Noticing WorkPlan Chapters 2 & 3 Public Guide and Governance</p>	<p>BOS Hearing (2-10-14) CANCELLED</p>	<p>BOS Hearing (3-10-14) 1:30-6:00 Report from Planning Commission Chapter 4: Land Use Designation: Tribal Open Amended Schedule</p>	<p>BOS Hearing (4-7-14) 1:30 - 6:00 CANCELLED</p>	<p>BOS Hearing (5-5-14) 1:30-6:00 HOUSING ELEMENT</p>	<p>BOS Hearing (6-2-14) 1:30 - 6:00 Open Space & Conservation Chapter 10.3 Biological</p>	<p>BOS Hearing (7-14-14) 1:30-6:00 Open Space & Conservation Chapter 10.3 Biological</p>	<p>BOS Hearing (8-18-14) 1:30-6:00 TENTATIVE Open Space & Conservation Chapter 10.4 Mineral Resources & Chapter 10.5 Waste Management</p>	<p>BOS Hearing (9-8-14) 1:30-6:00 TENTATIVE Open Space & Conservation: Chapter 10.6 Cultural Resources</p>	<p>BOS Hearing (10-6-14) 1:30-6:00 TENTATIVE Chapter 11 Water Resources & Map Noticing and Scheduling</p>	<p>BOS Hearing (11-3-14) 11:00-7:00 TENTATIVE Chapter 11 Water Resources</p>	<p>BOS Hearing (12-15-14) 11:00 -7:00 TENTATIVE Maps: Southern Humboldt</p>
<p>BOS Hearing (1-27-14) CANCELLED</p>	<p>BOS Hearing (2-24-14) CANCELLED</p>	<p>BOS Hearing (3-24-14) 1:30-6:00 Chapters 2 & 3 Public Guide & Governance</p>	<p>BOS Hearing (4-21-14) 1:30 - 6:00 HOUSING ELEMENT</p>	<p>BOS Hearing (5-19-14) 1:30 - 6:00 TENTATIVE Open Space & Conservation Chapter 10.2 Open Space</p>				<p>BOS Hearing (9-22-14) 1:30-6:00 TENTATIVE Open Space & Conservation: Chapter 10.7 Scenic Resources</p>	<p>BOS Hearing (10-20-14) 1:30-6:00 TENTATIVE Chapter 11 Water Resources</p>		

Review of the 2012 Planning Commission Approved Draft Plan by the Humboldt County Board of Supervisors



BOS deliberation

Future Proposed Meeting

GPU PART 1 – SETTING

- Chapter 1. Introduction **finished review**
- Chapter 2. Public Guide **finished review**
- Chapter 3. Governance Policy **finished review**

GPU PART 2 – BUILDING COMMUNITIES

- Chapter 4. Land Use Element **finished review**
- Chapter 5. Community Infrastructure and Services **finished review**
- Chapter 6. Telecommunications **finished review**
- Chapter 7. Circulation Element **finished review**
- Chapter 8. Housing Element Summary - **finished review**
- Chapter 9. Economic Development Element - **finished review**

GPU PART 3 – RESOURCE MANAGEMENT

- Chapter 10. Conservation and Open Space Elements
- Chapter 11. Water Resources Element
- Chapter 12. Energy Element **finished review**

GPU PART 4 – PUBLIC HEALTH AND SAFETY

- Chapter 13. Noise Element **finished review**
- Chapter 14. Safety Element **finished review**
- Chapter 15. Air Quality Element **finished review**

GPU PART 5 - MAPS