

**CALIFORNIA COASTAL COMMISSION**

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**F7.5a**

**A-1-HUM-23-0030**

**(Schneider)**

**March 15, 2024**

**CORRESPONDENCE**



March 12, 2024

California Coastal Commission  
c/o Melissa Kraemer, Staff

Re: SUBSTANTIAL ISSUE DETERMINATION, Appeal No. A-1-HUM-23-0030, Travis Schneider, County of Humboldt, 1506 & 1512 Walker Point Road, Bayside, CA --  
Hearing by Commission on March 15, 2024: Recommended Cultural Resources Protection Measures to Inform Restoration Activities

Dear Commissioners:

These comments are submitted on behalf of the Wiyot Tribe by our consultant, Janet P. Eidsness, M.A., a professional cultural resources consultant with more than 40 years experience working with California Indian Tribes and implementing historic preservation measures under a full range of state, federal and local laws and policies, and best practices in archaeology. She is very familiar with the subject archaeological site (CA-HUM-53), also recognized as a Tribal Cultural Resource (TCR) important to the Wiyot Tribe, as she originally located and formally recorded the site in 1987 prior to subdivision of subject Lots 17 and 18 on the former Mid-City Ranch per the 2006 CDP. She was repeatedly assured by the developer's representatives and Humboldt County Planning Department staff that the site would be protected within the 100-foot wetland protection area imposed to buffer sensitive resources from future development on the upland portion of the lots, and by the restriction from development and impervious surfaces on areas below 40-foot elevation, as recorded on the various County development maps (see page 14 of Staff Report 2/29/24 for Hearing Date 3/15/24).

When T. Schneider sought to develop a residence per the 2017 CDP, plus subsequent CDP modifications approved by the County, Janet was responsible for commenting on adequacy of site protection measures as Tribal Historic Preservation Officer (THPO) for the Blue Lake Rancheria (BLR) until her retirement in late 2022. When construction began, the County failed to enforce the 2017 recommendation that Tribal representatives be permitted to observe the initial grading and cuts for house foundations, as it was suspected that the upper reaches of

recorded archaeological site CA-HUM-53 may be partly buried under the earthen berm surrounding the borrow pit at the top of Walker Point.

Ms. Eidsness and the Wiyot Tribe support a determination by the Commission there is a **SUBSTANTIAL ISSUE**. The County failed in its responsibility to protect the TCR and other significant resources by approving a CDP Modification plus a separate unenforceable Compliance Agreement to (1) demolish and remove the existing partially built structure (ca. 21,000 sf in size), driveway, training walls, and fill material (ca. 15,000 cu yards), (2) restore habitat areas and install protective fencing, and (3) adjust the Lot Lines between Lots 17 and 18 to create a new parcel to be transferred for conservation and stewardship by the aboriginal peoples, the Wiyot. Notably, the County failed to adopt mitigations measures to avoid significant impacts to known cultural resources from implementation of demolition and restoration conditions. The following recommendations set forth measures to avoid, minimize and mitigate impacts from proposed demolition and restoration activities, which given our experience with this project, have the potential for significant impacts on Tribal Cultural Resources.

In order to accomplish the above objectives, we recommend the Commission require the following conditions be met by qualified consultants and entities and be funded by T. Schneider:

- (1) Seek tribal comments on the Final (Vegetation) Restoration and Monitoring Plan (Wear, Feb. 2024), to include but not be limited to (a) recommended planting of appropriate culturally sensitive vegetation; (b) tribal monitoring of plantings where ground disturbance may impact sensitive cultural resources; (c) tribal monitor training and participation in removal and disposal of exotic plants, to begin as soon as possible as time is of the essence;
- (2) Before removal of fill, hire Project Archaeologist (PA) William Rich & Associates to coordinate geotechnical borings across fill areas to systematically define and map fill depths and assess whether archaeological resources are underneath fill, house foundations, etc. as evidenced by soil strata;
- (3) Seek Tribal comments on yet-to-be-developed plans acceptable to the Commission detailing procedures for house demolition and disposal, removal of the temporary rock road, and removal and disposal of imported fill (ref. #2) from Lots 17 and 18;
- (4) Hire a qualified Cultural Resources Manager (CRM) to develop and facilitate implementation of an over-arching Cultural Resources Monitoring Plan (CRMP) in coordination with three Wiyot area Tribes (Wiyot, Bear River and Blue Lake) and Commission staff, for paid Tribal representatives to observe all ground disturbing activities associated with geotechnical borings, demolition and removal of the partially built house and roads, removal and disposal of all fill materials, and restoration of habitat areas (see #1) and installation of protective fencing, with periodic reporting to the Commission, Applicant and Tribes;
- (5) The CRMP will incorporate conditions for Tribal Monitors to have the authority to temporarily suspend work if potentially significant archaeological resources are inadvertently discovered, for the PA to conduct rapid-response evaluation of discoveries in consultation with Tribal representatives and Commission staff, and to carry out

- appropriate data recovery if avoidance cannot be reasonably assured, coupled with reporting and reburial of collected materials on site per Agreement of three Tribes;
- (6) Consult and coordinate with Tribes and PA to confirm the proposed LLA and conservation easement to be recorded for long-term tribal stewardship captures the extent of the culturally sensitive area including any discovered buried site components if present (#2);
  - (7) Consult with three Wiyot area Tribes, CDFG and California Coastal Conservancy to develop Agreements for transfer and recording of culturally sensitive new Lot (per #4) to entity agreeable to the three Wiyot area Tribes as a Conservation Easement, including prohibited acts by the landowner (restricted access, no development, etc.), plus secure funding to coordinate with Tribes and Commission to develop a Conservation Easement Management Plan, including Vegetation Management Plan, with appropriate start-up funding for its implementation over the next three years;
  - (8) Require a site drainage plan to protect sensitive resources during efforts to remove structures and fill, and for long-term protection of the archaeological site after those tasks completed; and
  - (9) Other conditions as appropriate.

Thank you for your consideration.

Sincerely,

/ - Janet P. Eidsness - /

Janet P. Eidsness, M.A.  
Cultural Resources Consultant  
Bayside, CA

Cc: Ted Hernandez, Tribal Historic Preservation Officer, Wiyot Tribe  
Michelle Vassal, Tribal Administrator, Wiyot Tribe