

CALIFORNIA COASTAL COMMISSION

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June 13, 2008

Mr. John Kessler
Ms. Beverly E. Bastian
California Energy Commission
Energy Facilities Siting Division
1516 9th St., MS 40
Sacramento, CA 95814-5512

VIA FACSIMILE 916-654-3882

Dear Mr. Kessler and Ms. Bastian:

This letter responds to the questions in your June 3, 2008 message related to the Coastal Commission's review of cultural resources, and in particular what you described as the "historic-period cultural resources" that may be associated with the demolition of Humboldt Bay Power Plant Units 1 & 2 and their associated structures. You asked the following:

- Describe the Coastal Commission's statutory oversight of historic-period cultural resources, particularly those of the built environment:

Coastal Act Section 30244 states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Coastal Act Section 30253 states, in relevant part:

New development shall:

...(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

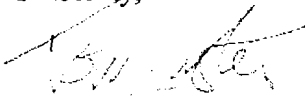
The Coastal Commission's review related to cultural resources is therefore focused on archaeological and paleontological resources identified by the State Historic Preservation Officer (SHPO) or on special communities and neighborhoods that may have characteristics associated with cultural resources. Please note that certain Local Coastal Programs (LCPs) may have additional policies or regulations related to these resources; however, the power plant units referenced above are within the Commission's retained jurisdiction and their demolition would be subject to Coastal Act policies rather than LCP policies. They would be subject to the above two policies only if they were considered "archaeological" resources by the SHPO or if they represented a "special community or neighborhood" with unique cultural resource-related characteristics.

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- Describe the Coastal Commission's approach regarding formal consultation with the SHPO for identifying and evaluating the above resources during our review of a coastal development permit (CDP): When archaeological or paleontological resources are identified by the SHPO, the Commission may conduct formal or informal review with the SHPO, depending on the type and extent of those resources that may be affected by a proposed project. As a recent example, you may wish to review the Commission's decision on a proposed toll road in Orange County (available at <http://documents.coastal.ca.gov/reports/2008/2/W8b-2-2008.pdf>).
- Describe the relationship between the Coastal Commission and Humboldt County with respect to CEQA review for a coastal development permit and how that relationship affects identification and evaluation of historic period cultural resources during CDP application review: For a proposed project requiring permits from both a local government and the Coastal Commission, the local government would be the CEQA Lead Agency.¹ Our CDP application includes a "Local Agency Review Form", which requires an applicant to obtain from a local lead agency the description and status of any discretionary permits required of the proposed project and the description and status of any CEQA review conducted for the proposed project. For most projects requiring a CDP, cultural resources are most often first identified and evaluated during a project's CEQA review and we often rely on that review to help determine what measures may be needed to ensure Coastal Act conformity.
- Provide our view on whether the coastal development permit review process is appropriate for considering the historic significance of Humboldt Bay Power Plant Units 1 and 2 and their associated structures, and for determining whether their demolition would require mitigation: As stated above, if the units and associated structures were considered "archaeological" resources by the SHPO or if they were part of a community or neighborhood described in Section 30253(5), we would likely evaluate their historic significance as part of our CDP review and determine whether mitigation measures would be needed. If the units and associated structures did not meet those descriptions, our CDP would not consider such measures.

I hope this is of use to you. Please let me know if you have further questions.

Sincerely,



Tom Luster
Staff Environmental Scientist
Energy, Ocean Resources, and Federal Consistency Division

¹ See for example, Section 15051 of the CEQA Guidelines: "Where two or more public agencies will be involved with a project, the determination of which agency will be the Lead Agency shall be governed by the following criteria: ... The Lead Agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose..."