

**AGENDA
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

DATE: July 25, 2013

TIME: 6:00 p.m. Executive Closed Session
7:00 p.m. Regular Session

PLACE: Woodley Island Marina Meeting Room

The Meeting Room is wheelchair accessible. Accommodations and access to Harbor District meetings for people with other handicaps must be requested of the Director of Administrative Services at 443-0801 24 hours in advance of the meeting.

1. Call to Order at 6:00 p.m.
 - a. Move to Executive Closed Session pursuant to the provisions of the California Government Code Sections 54956.8 (Conference with Real Property Negotiator) and 54957.6 (Negotiations with Represented Employees)
 1. Conference with Real Property Negotiator
Negotiating Parties: Paul Brisso, District Counsel; Mike Wilson, Board President; Richard Marks, Vice President; Jack Crider, Chief Executive Officer

Under Negotiation:
 - 1) Freshwater Tissue Company property purchase negotiations
 2. Conference with Labor Negotiator
Agency Negotiators: Chief Executive Officer, District Counsel, Two (2) or less of the members of the Board of Commissioners
Employee Organization: As recognized by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District, including International Longshore and Warehouse Union, Local 14A.
2. Adjourn Executive Closed Session
3. Call to Order Regular Session at 7:00 p.m. and Roll Call
4. Pledge of Allegiance
5. Report on Executive Session
6. Public Comment

Note: This portion of the Agenda allows the public to speak to the Board on various issues not itemized on this agenda. A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on an item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public not appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District. The three (3) minute time limit for each speaker may be enforced by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.

Agenda for July 25, 2013 Regular Board Meeting

7. Consent Calendar

Note: All matters listed under the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion. There will be no separate discussion of these items. If discussion is required, that item will be removed from the Consent Calendar and considered separately.

8. Communications and Reports

- a. Chief Executive Officer's Report
- b. District Counsel's Report
- c. Staff Reports
- d. Commissioner Reports
- e. Advisory Committee Reports
- f. Other

9. Non Agenda

10. Unfinished Business

- a. Consideration of adopting the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program for the application by Allen and Cheryl Nylander for the Nylander Ranch Levee Repair Project.
- b. Consideration of adoption of Resolution 2013-09 which establishes findings relative to the application by Allen and Cheryl Nylander for the Nylander Ranch Levee Repair Project.
- c. Consideration of granting Permit 11-08 to Allen and Cheryl Nylander for the Nylander Ranch Levee Repair Project.

11. New Business

- a. Consideration of adoption of Resolution 2013-10 which establishes findings regarding a grant application to the State Environmental Enhancement and Mitigation Program to help support the ongoing Spartina Eradication Program.
- b. Consideration of extension of Permit 07-05 to the Wiyot Tribe for the Tuluwat Village Restoration Project.
- c. BST Associates Rail Analysis Presentation.

12. Administrative and Emergency Permits

13. Adjournment

Agenda Report

For Agenda of: July 25, 2013

Title:

10a. Consideration of adopting the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program for the application by Allen and Cheryl Nylander for the Nylander Ranch Levee Repair Project

10b. Consideration of adoption of Resolution 2013-09 which establishes findings relative to the application by Allen and Cheryl Nylander for the Nylander Ranch Levee Repair Project

10c. Consideration of granting Permit 11-08 to Allen and Cheryl Nylander for the Nylander Ranch Levee Repair Project

Place on Agenda: Unfinished Business – 10 a,b,c

Summary of the Issue: Allen and Cheryl Nylander have applied to the Harbor District for a permit to implement the Nylander Ranch Levee Repair Project along the western side of the Eureka Slough just downstream of the confluence with Ryan Slough. The property address is 3800 Park Street, Eureka, Ca. The project location and footprint is presented in Figures 1 and 2 of the Draft Initial Study (IS).

Issuance of a permit requires the District to complete an environmental review of the project and to make findings relative to CEQA as well as the District's enabling legislation.

The outer (slough side) wall of the original earthen levee at this location has gradually eroded away, shrinking from an estimated original width of 50 feet down to the current width of 30 feet. The repairs consist of rebuilding the levee within the original footprint using primarily rock, with a filter fabric underlayment. The levee height would be unchanged, and consistent with the levee upstream and downstream of the repair area. The repair is proposed for an approximately 320 foot length of the levee.

The slough channel makes a sharp turn at this site, such that the flow from Freshwater Creek is directed right at the levee wall. This is believed to be the source of the erosion at the project site, and is consistent with the much better levee condition on the rest of the property. Construction will take place within work windows designed to avoid juvenile salmonids, and in-water work will be conducted during low tides to reduce potential turbidity impacts. Revegetation

with native species will be conducted on the disturbed slough sides and top, although not within the rock area.

Consistency with Harbor District Policies and Priorities:

The Humboldt Bay Management Plan address shoreline protection with a focus on the District working with local, state, and federal agencies to develop consistent standards for shoreline protection around the Bay, and then requiring projects like this one to meet those standards. This will be a major undertaking, which has not been initiated. Within that framework, the Management Plan calls for shoreline protection projects to a) protect the environment, b) be appropriate to the site, c) use 'non-structural' protection where feasible and appropriate, d) be effective in protecting upland land use, and e) to reflect current information about sea level rise.

The proposed project meets these Management Plan policies. It does involve structural protection (rock), however given the location of the site, water movement past the site, and evidence of past erosion, it appears to be the appropriate solution for the site. With regard to sea level rise, it does not make sense to try and raise the levee height as part of the project because we are only working with a small section of the levee. Addressing sea level rise along this shore of the Eureka Slough will be a dramatically larger endeavour, and will be informed by the Sea Level Rise Adaptation Planning Project currently underway.

Comments Received and Responses:

No comments were received by the District in response to this project. However some questions were raised by Coastal Commission staff as they reviewed the project for their own permit, and I have included those. They requested engineering information about the potential for the rock shoreline to deflect flow and cause erosion elsewhere. The applicant's response is included.

Attached for your information are:

- a) A final Mitigated Negative Declaration for your consideration of adoption, including:
 - a. The Mitigation and Monitoring Reporting Program describing the final mitigation measures required of the applicant (Attachment A to the MND).
 - b. The comment letter received on the project (Attachment B to the MND); and
 - c. Responses to Comments (Attachment C to the MND)
- b) Draft Resolution 2013-09 making findings associated with issuing a permit; and

c) Draft Permit 11-08 for your consideration of approval

Fiscal Impact: There are no fiscal impacts for permit issuance.

Staff Recommendation:

Staff recommends that the Board of Commissioners:

1. Adopt the Mitigated Negative Declaration for the application by Allen and Cheryl Nylander for the Nylander Ranch Levee Repair Project;
2. Adopt Resolution 2013-09 which establishes findings relative to the application by Allen and Cheryl Nylander for the Nylander Ranch Levee Repair Project; and
3. Grant Permit 11-08 to Allen and Cheryl Nylander for the Nylander Ranch Levee Repair Project.

Staff makes these recommendations on the following basis:

- This project is consistent with the Humboldt Bay Management Plan and with the District's tidelands trust responsibility;
- The CEQA process has been completed, the possible environmental impacts of the project have been thoroughly evaluated, and there is no substantial evidence the project, including mitigation measures, will have a significant effect on the environment;
- The permit conditions include, among other things, completion of all other required permitting for the project.

10a, b, c

*INITIAL STUDY AND
ENVIRONMENTAL CHECKLIST FOR*

Nylander Ranch Levee Repair, Humboldt County, California

January 17, 2013

Lead Agency:

Humboldt Bay Harbor, Recreation, and Conservation District

Lead Agency Contact:

Dan Berman

Prepared by:

Prairie Moore

Natural Resources Management, Inc.

1434 Third Street

Eureka, CA 95501

(707) 442-1735

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I. PROJECT SUMMARY

Project Title:

Nylander Ranch Levee Repair, Humboldt County, California

Lead Agency:

Humboldt Bay Harbor, Recreation and Conservation District

Location:

Nylander Ranch
3800 Park Street
Eureka, CA 95501

Coastal Zone:

Yes.

Affected Parcels:

APN: 017-141-02

Zoning:

Agriculture

General Plan Designation:

Agriculture Exclusive

Possible Permits and Approvals:

ACE 404

RWQCB 401

Coastal Commission: CDP

Humboldt County: Grading Permit

HBHRCB Permit

USFWS: Consultation: Tidewater Goby

NMFS: Consultation: Salmonids

CDFG: Streambed Alteration 1600

CEQA Requirement:

This project is subject to the requirements of the California Environmental Quality Act (CEQA). The Lead Agency is the Humboldt Bay Harbor Recreation and Conservation District. The purpose of this Initial Study is to provide a basis for deciding whether to prepare an EIR or a Negative Declaration. This Initial Study is intended to satisfy the requirements of the California Environmental Quality Act, CEQA, (Public Resources Code, Div 13, Sec 21000-21177), the State CEQA Guidelines (California Code of Regulations, Title 14, Sec 15000-15387).

CEQA encourages lead agencies and applicants to modify their projects to avoid significant adverse impacts (CEQA Section 20180(c) (2) and State CEQA Guidelines Section 15070(b) (2)).

Section 15063(d) of the State CEQA Guidelines states that an Initial Study shall contain the following information in brief form:

- 1) A description of the project including the location of the project;
- 2) An identification of the environmental setting;
- 3) An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries;
- 4) A discussion of the ways to mitigate the significant effects identified, if any;
- 5) An examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls
- 6) The name of the person or persons who prepared or participated in the Initial Study.

II. PROJECT DESCRIPTION

The proposed project would repair an existing agricultural levee by reinforcing the slough side of the levee with rock. The levee in need of repair currently protects agricultural land from high tides, flooding, and saltwater intrusion. The eroding section of the levee is located just downstream of the confluence of Freshwater Creek and Ryan Slough in Humboldt County CA (Figures 1 and 2). The slough channel makes a sharp turn at the confluence, so that incoming water from Freshwater Creek is putting pressure on the levee wall as it curves around into the Eureka Slough (Figure 2). The eroding section is approximately 320 linear feet in length; the current width of the levee in the eroded section is 30 feet, compared to its original width of 50

feet. The rest of the levees on the property are in good condition. The project proponent proposes to repair and stabilize this 320 foot section by lining it with rock (Figure 3).

The project proponent proposes to repair the levee by placing rock on the slough side of the levee. Approximately 1340 tonnes (670 cubic yards) of riprap material and 240 cubic yards of 3" to 6" coarse river run rock will be used. Work will be staged to repair levee in approximately 50 foot sections. On the slough side a "key way" will be excavated to place a base course of rock. The slough side front slope will then be benched to provide a stable 1.5:1 (Horizontal: Vertical) slope face to place rock on. All excavated material (estimated at 75 cubic yards) will be stockpiled for onsite use. Geotextile fabric will then be placed over the benching. Course river run base material will then be placed over the fabric, then rip-rap material will be placed on top of that. The other side of the levee will be back filled with 3 to 12 inches of the native stockpiled material to create a 1.5:1 slope. For the top of the levee stockpiled material will be placed up to 12 inches thick to make the levee top 6 feet wide. Please see Appendix A for detailed project plans.

All work will take place within the original foot print of the levee. The original footprint was assumed based on the remains of a former wooden wall at the base of the levee. This appears to be the original bank of the levee when it was constructed and is still functioning in some areas. Only a few posts and portions of the wall exist in the actual project area, but the eroding face of the levee is a clear indication that the original toe of the levee extended further into Freshwater Slough. The freshwater wetland at the foot of the landside of the levee will not be filled.

Construction will take place between August 1st and October 15th. All work on the lower portion of the slough side of the levee will take place at low tide. There are 18 days with day time low tides during the recommended construction period. We estimate that at each low tide there will be a 2 hour window for placing rock in lowest portion on the levee. A construction company with experience in levee building in tidal areas will be selected to carry out the project. All rock will be gently and accurately placed to minimize slashing and turbidity. It is estimated that seven low tide windows will be necessary to complete the lower portion of the levee. It is estimated that construction time will be less than three weeks. Best management practices (BMP's) for the project include the following: Silt fencing will be placed around all staged/stockpiled material. A silt fence will be placed at the foot of the landside of the levee between the construction and the freshwater wetland. A silt curtain will be used on the slough side of the levee. After the rip-rap is installed on the slough side of the levee silt fence will be placed between the levee top and the slough. Clean rock will be used. Equipment will not be set in the slough channel or the freshwater wetland. Equipment will be fueled away from the slough and the freshwater wetland. Construction material debris and waste will not be placed or stored where it may be allowed to enter the slough or freshwater wetland. All materials, debris, and waste will be removed from the site upon the completion of the project.

Figure 1. General location of Nylander Levee Repair project area in Humboldt County California.

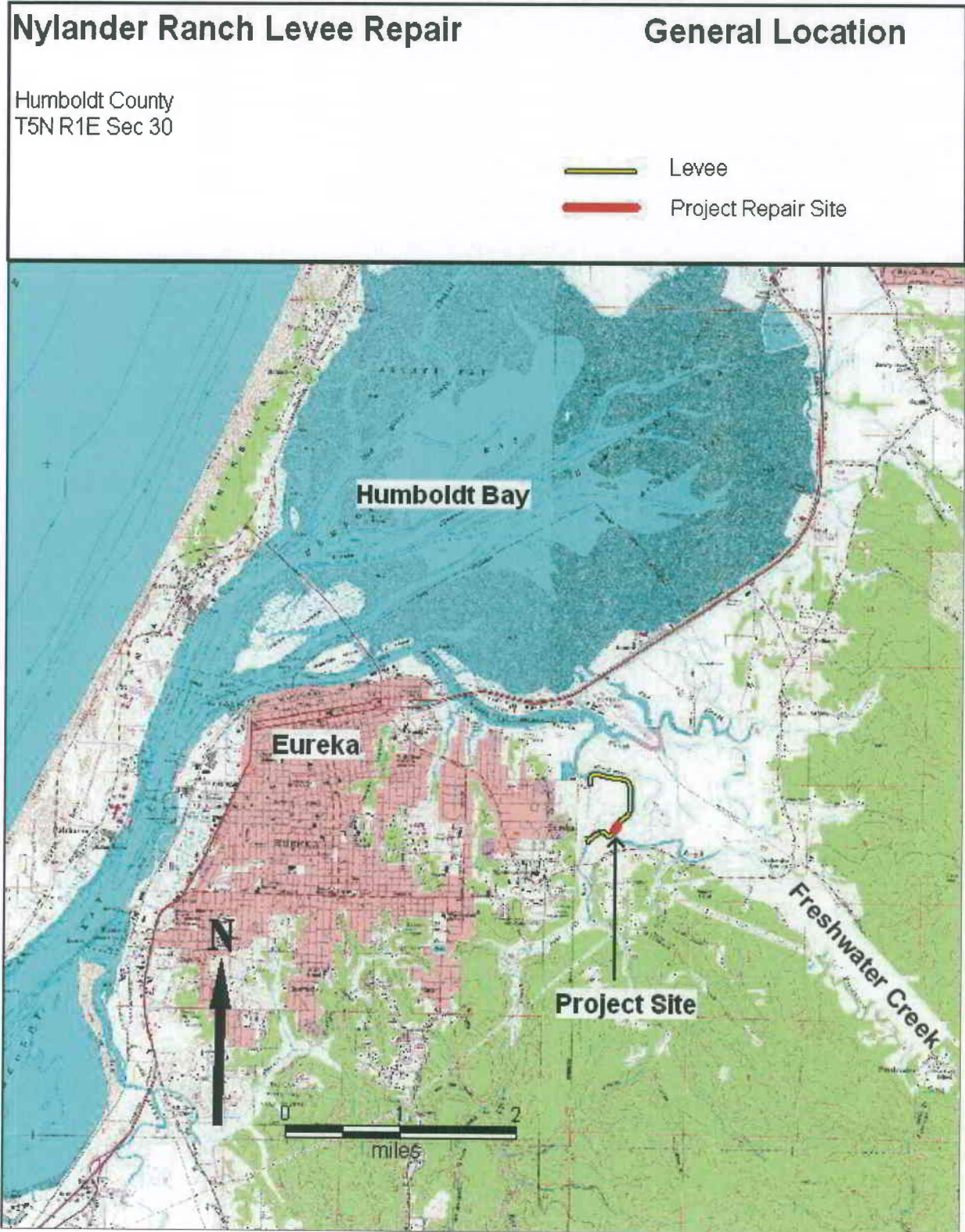


Figure 2. Aerial imagery of project area and adjacent waterways.

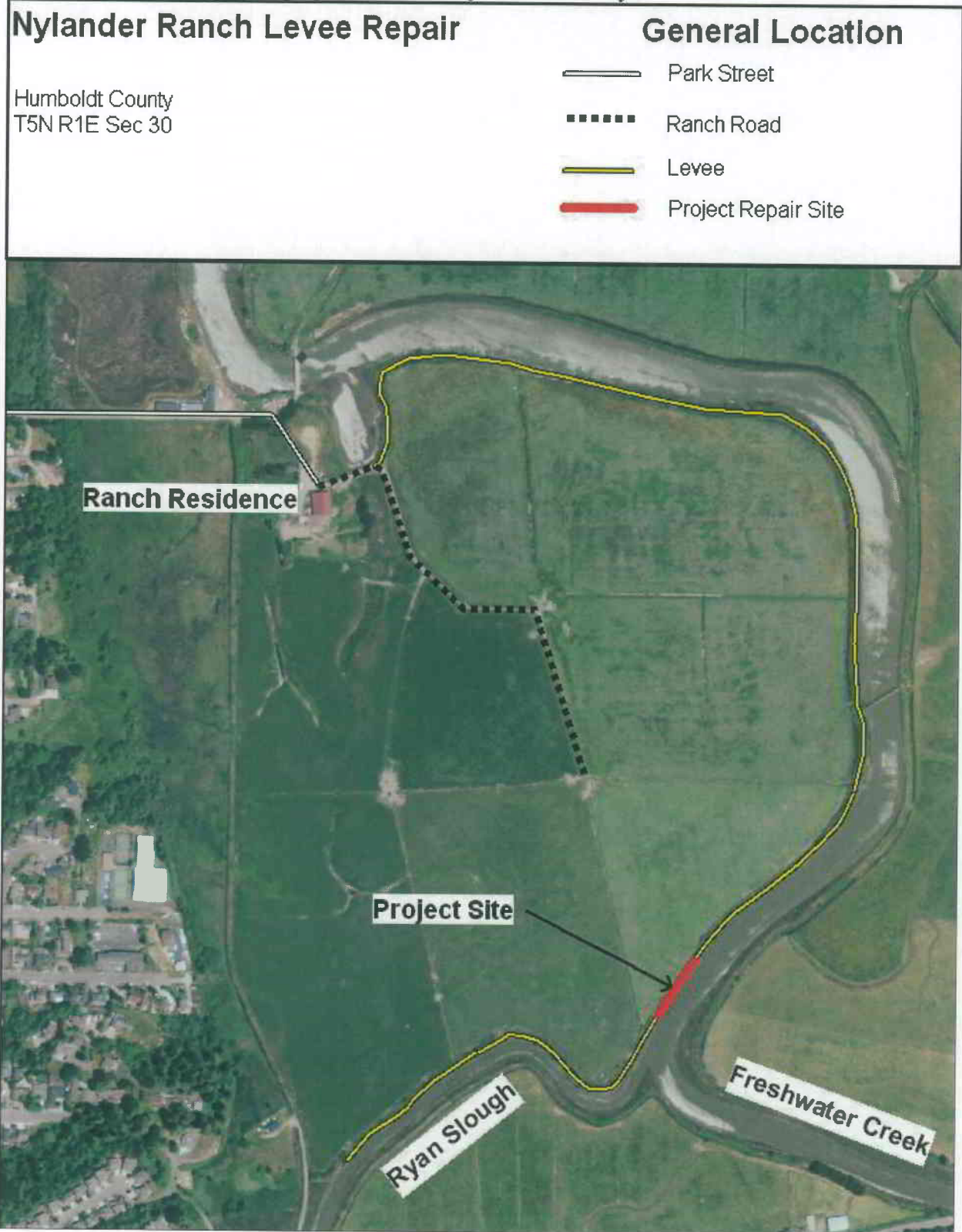


Figure 3: Project area is between the two arrows.



Project Area

III. ENVIRONMENTAL SETTING

The project site is located on the Nylander Ranch in Humboldt County CA (Figures 1 and 2). The project area is just downstream from the confluence of Freshwater Creek and Ryan Slough. The levee sits between the slough on one side and a fresh water ditch wetland on the other. The levee protects agricultural land that is currently used for grazing cattle. The Nylander Property is surrounded by agricultural land.

The slough side of the levee supports mainly intertidal and subtidal mud with a thin (1 to 2 feet wide) strip of salt marsh habitat in places. The area is currently not providing much space for salt marsh habitat because of the constant sloughing off of the levee face (Figure 3). There is salt marsh habitat upstream and downstream from the project foot print as well as on the opposite side of the slough. The top and upper portion of the land side of the levee is vegetated with non-natives and coastal prairie species. At the bottom of the land side of the levee there is a low lying coastal wetland in the ditch between the levee and the pasture. Please see Appendix B for additional pictures of the levee's degraded condition and project area.

Both the project footprint and the surrounding areas have the potential to support special status species. Special status plant species such as lyngbye sedge, Humboldt Bay owls clover, Point Reyes birds beak etc inhabit salt marsh. In addition there is potential habitat for federal threatened and endangered fish species such as tidewater goby, coho salmon, steelhead, Chinook salmon etc in the slough.

The property is currently zoned for agriculture. The levee repair is consistent with existing zoning, and land use plans.

V. ENVIRONMENTAL CHECKLIST AND EXPLANATORY NOTES

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Agricultural & Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Noise | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been identified to reduce the impacts to less-than-significant levels. A Mitigated Negative Declaration will be prepared.
- I find that the proposed project MAY have a significant effect on the environment and an Environmental Impact Report is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An Environmental Impact Report is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

For

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each questions. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to

a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less Than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify:
 - a) the significance criteria or threshold used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL CHECKLIST

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing			X	

visual character or quality of the site and its surroundings?				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

Discussion

a-d) The levee is partially visible from Old Arcata Road. The view of the project site will not change from this vantage point. The view from the slough, as seen from a kayak or other small boat, would change from the current partially vegetated earthen face to one of a rock revetment.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
AGRICULTURE AND FOREST RESOURCES: Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?				X

Discussion

a-d) The purpose of this project to repair a levee that protects agricultural lands from flooding and salt water intrusion. Failure to repair the levee could result in the conversion of coastal agricultural lands to tidal wetland habitats. The levee repair will have no adverse impacts on agricultural lands. There is no forested land in the project area.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		X		
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Discussion

a-e) The project does not include any element where discharges from the facilities will conflict with existing plans, violate any air quality standard or contribute substantially to an existing or projected air quality violation. The North Coast Air Basin in which the project is located has been deemed to be in “non-attainment” for PM10 (particulate matter 10 micrometers in size). Construction activities will result in temporary minor emissions of diesel and gasoline engine combustion products from construction. Particulate emissions from construction equipment have a potential to contribute to the regional non-attainment status, a potentially significant impact. This potential will be reduced to less-than-significant levels by compliance with the North Coast Unified Air Quality Management District’s ‘Air Quality Control Rule 104 – Prohibitions’ (personal communication, Jason Avis, 9/14/11).

Mitigation Measure – Air Quality – 1: *To prevent a potentially significant contribution to the regional non-attainment for PM10, contractor shall comply with the North Coast Unified Air Quality Management District’s ‘Air Quality Control Rule 104 – Prohibitions.’*

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
BIOLOGICAL RESOURCES: Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans,		X		

<p>policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>				
<p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>		X		
<p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>			X	
<p>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>			X	
<p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>				X
<p>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</p>				X

Discussion

a,b) Vegetation: The project calls for rocking the slough side of the levee which is currently supporting some salt marsh vegetation. The top of the levee is vegetated with non-natives species. At the bottom of the land side of the levee there is a low lying coastal wetland. Possible sensitive plants species that could occur or have habitat in the project area are listed in the table below.

Scientific Name Common Name	Rare Plant Rank	Habitat	Elevation(meters)
<i>Astragalus pycnostachyus</i> var. <i>pycnostachyus</i> coastal marsh milk-vetch	1B.2	wetland-riparian, coastal marshes or seeps	0-30
<i>Carex lenticularis</i> var. <i>limnophilag</i> lagoon sedge	2.2	North coastal coniferous forest, wetland-riparian	0-6
<i>Carex leptalea</i> bristle-stalked sedge	2.2	Freshwater wetlands, riparian, meadows, marsh, bogs/fens	0-700
<i>Carex lyngbyei</i> Lyngbye's sedge	2.2	Coastal salt-marsh, brackish areas	0-10
<i>Carex saliniformis</i> deceiving sedge	1B.2	Coastal prairie, northern coastal scrub, wetland, riparian	3-230
<i>Castilleja ambigua</i> ssp. <i>Humboldtiensis</i> Humboldt Bay owl's-clover	1B.2	Coastal, salt marsh	0-3
<i>Chloropyron maritimum</i> ssp. <i>Palustre</i> Point Reyes bird's-beak	1B.2	Coastal salt marsh	0-10

Scientific Name Common Name	Rare Plant Rank	Habitat	Elevation(meters)
<i>Clarkia amoena</i> ssp. <i>Whitneyi</i> Whitney's farewell-to-spring	1B.1	Northern coastal scrub, open	10-100
<i>Empetrum nigrum</i> ssp. <i>Hermaphroditum</i> mountain crowberry	2.2	Coastal prairie, northern coastal scrub, coastal bluff	10-200
<i>Lathyrus palustris</i> marsh pea	2.2	Coastal prairie, yellow pine forest, northern coastal scrub, north coastal coniferous forest, wetland, riparian, marsh, bogs/fens	1-100
<i>Lycopodiella inundata</i> inundated bog club-moss	2.2	Yellow pine forest, northern coastal scrub, wetlands, lake-margins, bogs/fens	5-1000
<i>Puccinellia pumila</i> dwarf alkali grass	2.2	Coastal salt marsh	1-10
<i>Sidalcea malviflora</i> ssp. <i>Patula</i> Siskiyou checkerbloom	1B.2	Coastal bluff scrub, coastal prairie, north Coast coniferous forest, open	15-878
<i>Sidalcea oregana</i> ssp. <i>Eximia</i> coast checkerbloom	1B.2	Yellow pine forest, north coastal coniferous forest, wetland, riparian, meadows	5-1340
<i>Spergularia canadensis</i> var. <i>occidentalis</i> western sand- spurrey	2.1	Coastal salt marsh	0-3
<i>Viola palustris</i> marsh violet	2.2	Northern coastal scrub, wetland, riparian, bogs/fens, coastal, Swampy, shrubby places	0-150

Listing codes are as follows: **CNPS 1B** = rare, threatened, or endangered in CA and elsewhere; **CNPS 2** = rare, threatened, or endangered in CA, but more common elsewhere; **CNPS 3** = plants about which more information is needed; a review list; **CR**: state-listed RARE; **CE** = state-listed ENDANGERED; **FE** = federally-listed ENDANGERED

Plant species could be affected directly through removal, or indirectly through habitat modification and degradation. There is very little vegetation on the slough face of the levee due to the constant sloughing. There is a patch of *Carex lyngbyei* just outside of the project area. This patch will be flagged prior to the beginning of construction activities and avoided. Both salt marsh and the ditch wetland are considered sensitive natural communities. The wetland ditch will not be impacted by the project. As stated above there is very little salt marsh in the project area. A botany survey was done on August 7 2012, by NRM's botanist Prairie Moore the resulting species list is listed in Appendix C.

Wildlife: The slough is habitat for tidewater goby (*Eucyclogobius newberryi*), green sturgeon (*Acipenser medirostris*), longfin smelt (*Spirinchus thaleichthys*), pacific eulachon (*Thaleichthys pacificus*) and salmonids (coho salmon (*Oncorhynchus kisutch*), steelhead (*Oncorhynchus mykiss*), chinook salmon (*Oncorhynchus tshawytscha*), and coastal cutthroat trout (*Oncorhynchus clarkia clarkia*). Installation of the rock revetment has the potential to directly harm these species. However scheduling the work to occur at low tide, and timing the construction of the project to avoid migrating salmonids will reduce these potential impacts to less than significant. With these measures, the project as proposed (construction between August 1st and October 15th, and construction on lower slough face of levee only at low tide) should have no direct effect on fish species. The riprap on the slough side of the levee will alter the habitat in this 320 foot section. These effects are less than significant with the following mitigations incorporated. The fresh water wetland ditch on the land side of the levee could provide breeding habitat for California State species of concern the red-legged frog. The construction period

(August 1st through October 15th) does not fall within the red-legged frog breeding season. The wetland ditch will not be altered by the project. A site visit by NRM's wildlife biologist Jason Meyer was done on May 17, 2012. A site visit by NRM's fisheries biologist Katie McGourty was conducted on October 23, 2012.

Mitigation Measure – Biological Resources – 1: To mitigate for potential habitat degradation from rocking the slough bank native riparian, and coastal prairie species will be planted along the levee top and the upper portion of the land side in the project area thus increasing the habitat quality for fish and wildlife.

MM – Bio-2 – To mitigate for potential impacts to migrating salmonids, all intertidal work to be conducted within the time period from August 1st and October 15th

MM – Bio-3 – To mitigate for potential impacts to aquatic species during construction, all construction on the lowest portion of the slough face of the levee will occur during low tide

c-f) The projects potential to effect fresh water wetlands and costal salt marsh is less than significant. There is very little coastal salt marsh present in the project area, the constant sloughing off of the levee wall does not provide a stable habitat. Since all work will take place within the levee's original footprint the project will not fill any wetlands. Best management practices (BMP's) incorporated into the project for erosion control such as silt fencing will minimize sedimentation in the slough channel and the land side ditch wetland. The project description states that no work will take place in the freshwater wetland. This project will not interfere with the movement of fish or wildlife. It does not conflict with local ordinances or Habitat Conservation Plans.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
CULTURAL RESOURCES: Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Discussion

a-d) All earth disturbance will take place on the existing levee, which was constructed in the early 1900’s from adjacent intertidal sediments. The area was part of the intertidal salt marsh of Humboldt Bay prior to the levee construction, and thus unlikely to hold any concentration of cultural resources or human remains.

The cultural resource departments of the Wiyot Tribe were consulted and concluded that the project was unlikely to impact Wiyot cultural resources.

All equipment operators will receive training on the appropriate procedures if they discover possible archeological, paleontological, or cultural resources, as well as any human remains.

However, it is possible that unknown cultural, historic, or paleontological resources, as well as human remains, could be uncovered in the course of the project. To address this potential, the following mitigation measures shall apply.

Mitigation Measure – Cultural Resources -1: Should any historical or cultural resources be unearthed during grading, work in that area will immediately halt, the Harbor District shall be notified, and a qualified professional shall be contacted to determine the significance and make recommendations to the Harbor District for appropriate mitigation measures in compliance with the guidelines of the California Environmental Quality Act. In addition in the event of an inadvertent discovery of artifacts the THPOs for the Blue Lake Rancheria, Wiyot Tribe and Bear River Band of Rohnerville Rancheria, shall be contacted and consulted about significance and treatment of the discover.

e) Construction activities, particularly grading and soil excavation, carry the potential to uncover unknown buried human remains, therefore, the following mitigation measure shall be implemented:

MM- CR-2: If human remains of any kind are found during project activities, all activities must cease immediately and the Humboldt County Coroner, the Harbor District, and a qualified archaeologist must be notified. The Coroner will examine the remains and determine the next appropriate action based on his or her findings. If the coroner determines the remains to be of Native American origin, he or she will notify the Native American Heritage Commission and the THPOs for the Blue Lake Rancheria, Wiyot Tribe and Bear River Band of Rohnerville Rancheria.

Implementation of the above mitigation measure would reduce potential impacts to unknown archaeological resources to a less than significant level.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
GEOLOGY AND SOILS: Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of				X

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Discussion

a-e) There will be no impact to geology and soils.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
GREENHOUSE GAS EMISSIONS: Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Discussion

a-b) Construction activities which are expected to last less than two weeks, will result in temporary, minor emissions of diesel and gasoline engine combustion products from equipment. Due to the temporary and minor nature of these greenhouse gas emissions, the lead agency has concluded that the emissions do not cross a threshold of significance pursuant to Guidelines section 15064.4, and mitigation is not required.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Discussion

a-h) There are no hazardous material associated with this project. Standard BMPs for 1) fueling all vehicles and equipment away from any wetland; 2) insuring that all heavy equipment used is free of leaks, and 3) having appropriate spill response equipment on site in case of hydraulic leaks, oil leaks, etc. will be followed.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
HYDROLOGY AND WATER QUALITY: Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through stream or river course alteration, in a manner which would result in substantial erosion or siltation onsite or offsite?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Discussion

a) The levee repair will take place within the original foot print of the levee on the slough side. No wetlands will be filled on the land side. There will be a less than significant impact to waste discharge requirements. A 401 certification will be obtained from the Regional Water Quality

Control Board for this Project. This will help ensure impacts to water quality are less than significant.

b-e) Ground water and drainage will not be effected. The project will not create any run off

f) There is potential for a small short term impact to water quality due to sediment mobilization during the construction phase. A silt fence will be used on the back side of the levee to keep sediment from flowing off the levee and into the fresh water wetland. In addition if any material is to be staged, or any construction equipment is to operate on the field on the other side of the fresh water wetland this area will be silt fenced as well. There may be a minor temporary increase in turbidity in Eureka Slough during project construction as the initial placement of rock armoring interacts with the underlying sediments. This will be a temporary impact, and occurs in a setting of typically high natural turbidity at the site. Scheduling the water-side work to occur during low tide will further reduce these potential impacts to less than significant.

MM – Bio-3 - To mitigate for potential impacts to aquatic species during construction, all construction on the lower portion of the slough face of the levee will occur during low tides.

g-j) This project does not include building any houses. It will protect agricultural land from flooding and salt intrusion.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
LAND USE AND PLANNING: Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion

a-c) There will be no impact on or change in land use.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
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Discussion:

a-b) The project will have no impact on mineral resources.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
NOISE: Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion

a-c) The project will not violate any noise ordinances. The increase in ambient noise will be temporary.

d) The temporary increase in ambient noise levels during the approximately three week construction period will be those associated with trucks delivering rock and heavy equipment placing the rock. These are not unusual noise levels for an active agricultural operation, and will have a less than significant impact.

e,f) The project is located within the airport land use compatibility zone for Murray Field. The project area is in zone D. According to the Humboldt County Airport Land Use Compatibility Plan zone D is “other airport environs” and is located on the outskirts of the area affect by the airport. Impacts within zone D are negligible, with the potential for annoyance from overhead flight. The only land uses prohibited in zone D are ones which may be hazardous to flight. The levee repair will not change any land use within the compatibility zone. The levee repair will

increase the noise level in the immediate vicinity of the project area during the construction phase. The immediate vicinity consists of rangeland therefore no people will be exposed to excessive noise levels.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
POPULATION AND HOUSING: Would the project:				
a) Induce substantial population growth in the area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Not meet the City's fair-share of regional housing needs, and not promote the provision of adequate housing for all economic groups (e.g., affordable housing)?				X

Discussion

a-c) This project will repair an agricultural levee and will have no impact on population or housing

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?				X
b) Police protection?				X
c) Schools?				X
d) Parks?				X
e) Other public facilities?				X

Discussion

a-e) By its nature, the project will have no adverse effects on public services.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other				X

recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Discussion

a-b) The levee repair is on private land, recreation will not be impacted. Recreational use of the slough by boaters will not be affected by the project.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
TRANSPORTATION/TRAFFIC: Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation systems, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

Discussion

a-f) Materials for the levee repair will be trucked to the project site on the existing roads. The volume of traffic generated by this project has been estimated to be up to 7 trucks coming and going per day, over a two to three week construction period. The effect on circulation will be temporary and the project will have no impact on road and highway traffic. The project will have no effect on air traffic.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
UTILITIES AND SERVICE SYSTEMS: Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Discussion

a-g) This project will have no impact on utilities or service systems.

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
MANDATORY FINDINGS OF SIGNIFICANCE:				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?		X		

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)		X		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Discussion:

a) While the project does have the potential to degrade the quality of the environment and impact cultural resources, the incorporation of the following mitigation measures will insure it will have a less than significant impact.

Mitigation Measure – Biological Resources – 1: To mitigate for potential habitat degradation from rocking the slough bank native riparian species will be planted along the levee top and the upper portion of the land side in the project area thus increase the habitat quality for fish and wildlife.

MM – Bio-2 – To mitigate for potential impacts to migrating salmonids, all intertidal work to be conducted within the time period from August 1st and October 15th

MM – Bio-3 – To mitigate for potential impacts to aquatic species during construction, all construction on the lowest portion of the slough face of the levee will occur during low tide

MM- Cultural Resources-1: Should any historical or cultural resources be unearthed during grading, work in that area will immediately halt, the Harbor District shall be notified, and a qualified professional shall be contacted to determine the significance and make recommendations to the Harbor District for appropriate mitigation measures in compliance with the guidelines of the California Environmental Quality Act. In addition in the event of an inadvertent discovery of artifacts the THPOs for the Blue Lake Rancheria, Wiyot Tribe and Bear River Band of Rohnerville Rancheria, shall be contacted and consulted about significance and treatment of the discover.

MM-CR-2: If human remains of any kind are found during project activities, all activities must cease immediately and the Humboldt County Coroner, the Harbor District, and a qualified archaeologist must be notified. The Coroner will examine the remains and determine the next appropriate action based on his or her findings. If the coroner determines the remains to be of Native American origin, he or she will notify the Native American Heritage Commission and the THPOs for the Blue Lake Rancheria, Wiyot Tribe and Bear River Band of Rohnerville Rancheria.

b) The project has a potential to contribute to an existing, cumulatively significant PM10 non-attainment status under California air quality regulations. Because of the mitigation measures

incorporated into the project, as identified above, the project's potential contribution to a cumulative air quality impact is less-than-significant.

Mitigation Measure – Air Quality – 1: To prevent a potentially significant contribution to the regional non-attainment for PM10, contractor shall comply with the North Coast Unified Air Quality Management District's 'Air Quality Control Rule 104 – Prohibitions.'

c) The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

APPENDIX B- PHOTOS OF PROJECT

Confluence of Freshwater Creek and Ryan Slough: looking upstream from project area



Eroding levee: looking down at levee face from the top of the levee



Fresh Water Wetland on the land side of the levee in the project area



Upstream portion of the eroding Levee: looking at the project area from across the slough



Upper middle portion of the eroding Levee: looking at the project area from across the slough



Lower middle portion of the eroding Levee: looking at the project area from across the slough



Downstream portion of the eroding Levee: looking at the project area from across the slough



Levee downstream from the project area, showing intact redwood wall: looking at the project area from across the slough



APPENDIX C- BOTANICAL SURVEYS

A botanical survey was performed by Prairie Moore of Natural Resources Management Corporation on August 7, 2012. Ms. Moore is a qualified botanist with a masters in botany and 5+ years of survey experience. *Carex lyngbyei* was located downstream from the project area.

Species List- plants found within the project foot print

<i>Achillea millefolium</i>	yarrow
<i>Cirsium vulgare</i>	bull thistle
<i>Daucus carota</i>	queen anne's lace
<i>Deschampsia cespitosa</i>	hair grass
<i>Distichlis spicata</i>	salt grass
<i>Grindelia stricta</i>	gumweed
<i>Helminthotheca echioides</i>	bristly ox-tongue
<i>Holcus lanatus</i>	velvet grass
<i>Polystichum munitum</i>	sword fern
<i>Potentilla sp</i>	cinquefoil
<i>Rubus armeniacus</i>	Himalayan blackberry
<i>Rumex crispus</i>	curly dock
<i>Salicornia pacifica</i>	pacific swampfire
<i>Spartina densiflora</i>	dense flowered cord grass
<i>Symphyotrichum chilense</i>	pacific aster
<i>Trifolium sp</i>	clover
<i>Triglochin maritima</i>	arrowgrass

10a

Mitigated Negative Declaration

for the

Nylander Ranch Levee Repair

The Humboldt Bay Harbor, Recreation and Conservation District (District), as the lead agency pursuant to the California Environmental Quality Act (CEQA), prepared a Draft Mitigated Negative Declaration (Draft MND) for an application by Allen and Cheryl Nylander for the Nylander Ranch Levee Repair Project in and adjacent to Humboldt Bay (State Clearinghouse Number 2013022020). The Draft MND was published for a 30-day public and agency review period pursuant to CEQA and the CEQA Guidelines (particularly Section 15073), which ended July 22nd 2013. The Draft MND included an Initial Study for the proposed project, incorporated as a part of the Draft MND. The contents of the Draft MND and IS, as amended by the Responses to comments (Attachment C) are incorporated into this Mitigated Negative Declaration by reference, as if fully set forth. The District received no (0) comments during the review period concerning the content of the Draft MND and IS.

This final MND, and the included Mitigation Monitoring and Reporting Program (Attachment A) was developed based upon the content of the Initial Study and Draft MND. The District finds that there is no substantial evidence that the proposed project will have a significant effect on the environment, when implemented together with the Mitigation Monitoring and Reporting Program, or measures as modified or substituted during further lead agency consideration.

Name of Project:	Nylander Ranch Levee Repair
Lead Agency Name and Address:	Humboldt Bay Harbor, Recreation and Conservation District P.O. Box 1030 Eureka, CA 95502-1030
Contact Person and Phone Number:	Dan Berman, Director of Conservation (707) 443-0801
State Clearinghouse Number:	2013022020

Copies of the Initial Study documents, including attachments, the Draft MND, and other information pertinent to this environmental review may be obtained from the District; there may be document-production costs associated with the documents.

Signed:

Name: Jack Crider
Title: Chief Executive Officer, HBHRCD

Adopted on: July 25th 2013

Attachment A

Mitigation Monitoring and Reporting Program for the Nylander Ranch Levee Repair Mitigated Negative Declaration

The Humboldt Bay Harbor, Conservation and Recreation District (District) has adopted a Mitigated Negative Declaration (MND) as an environmental assessment document pursuant to the California Environmental Quality Act (CEQA) for the Nylander Ranch Levee Repair in and adjacent to Humboldt Bay by Allen and Cheryl Nylander (State Clearinghouse No. 2013022020).

As part of the MND, the District required mitigation measures that have the effect of reducing the proposed project's potential environmental effects to less-than-significant levels. These mitigation measures are identified below. Changes or additions from the mitigation measures included in the Draft MND and IS are highlighted in italic font.

The District requires that all of the following mitigation measures be incorporated into the proposed project. Each mitigation measure will be adopted as a condition of the District's approval of the permit for the proposed project.

The District assigns the responsibility to District staff to verify that each element of all mitigation measures are carried out by the applicant. This assignment of implementation monitoring shall serve as the mitigation monitoring or reporting program required by CEQA, as summarized in CEQA Guidelines section 15074(d).

Mitigation Measures for the Nylander Ranch Levee Repair

Mitigation Measure – Biological Resources – 1: To mitigate for potential habitat degradation from rocking the slough bank, native riparian species will be planted along the levee top and the upper portion of the land side in the project area.

MM – Bio-2 – To mitigate for potential impacts to migrating salmonids, all intertidal work to be conducted within the time period from August 1st and October 15th

MM – Bio-3 – To mitigate for potential impacts to aquatic species during construction, all construction on the lowest portion of the slough face of the levee will occur during low tide

MM- Cultural Resources-1: Should any historical or cultural resources be unearthed during grading, work in that area will immediately halt, the Harbor District shall be notified, and a qualified professional shall be contacted to determine the significance and make recommendations to the Harbor District for appropriate mitigation measures in compliance with the guidelines of the California Environmental Quality Act. The Tribal Historic Preservation Officer(s) (THPOs) for the Blue Lake Rancheria, Wiyot Tribe and Bear River Band of Rohnerville Rancheria, shall also be contacted and consulted about the significance and treatment of any such discovery.

MM-CR-2: If human remains of any kind are found during project activities, all activities must cease immediately and the Humboldt County Coroner, the Harbor District, and a qualified archaeologist must be notified. The Coroner will examine the remains and determine the next appropriate action based on his or her findings. If the coroner determines the remains to be of Native American origin, he or she will notify the Native American Heritage Commission and the THPOs for the Blue Lake Rancheria, Wiyot Tribe and Bear River Band of Rohnerville Rancheria.

Mitigation Measure – Air Quality – 1: To prevent a potentially significant contribution to the regional non-attainment for PM10, contractor shall comply with the North Coast Unified Air Quality Management District’s ‘Air Quality Control Rule 104 – Prohibitions.’

Attachment B

Comments Received
for the
Arcata Bay Shellfish Mariculture Facility
Mitigated Negative Declaration and Draft Initial Study

No comments were received.



611 I Street, Suite A
Eureka, CA 95501
(707) 444-3800

Melissa Kraemer
California Coastal Commission
North Coast District Office
710 E Street, Suite 200
Eureka, CA 95501

Subject: Nylander Levee Improvement
APN: 017-141-02

Dear Melissa Kraemer,

Through correspondence with Ms. Prairie Moore, we have been asked a few questions regarding the design we submitted for the Ryan Slough: Levee Improvement dated July 2012. According to Ms. Moore, your primary questions appear to be:

- 1) *Has any consideration been given to the detailing of the rock repair at the beginning and end points of the bank stabilization project to minimize the potential for additional bank failure and continued erosion of the bank at the project limits?*

We investigated typical beginning and end treatments for riprap bank stabilization. We found that HEC 11 "Design of Riprap Revetment" prepared by the Federal Highway Administration, which addresses this type of design for bank stabilization. In review of HEC 11, chapter 4, we identified reference to details for upstream and downstream flanks (begin and end section details). We have revised our design drawings to incorporate the details recommended by the FHWA, see attached revised drawings.

- 2) *What justification or consideration has been given to determine that the rock repair will not deflect the channel flow or energy across the channel and cause erosion in a new location?*

The original levee was constructed using a redwood wall that supported and protected the bottom of the slope on the channel side of the levee. Over the years, the wall has

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Water & Wastewater Engineering
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Construction Management
Environmental Sciences
Landscape Architecture
Land Planning

deteriorated and collapsed allowing the un-supported material to collapse with it. Without the support of the wall, the levee's backfill slope exceeded the critical angle of repose for the backfill material. The face of the levee has been failing due to the loss of the redwood wall that provided some face protection and held the backfill material in place at a stable fill slope.

We believe that the failure was caused by the wall deterioration and since has been exacerbated due to the water velocities associated with being on the outer edge of the bend in the flow channel.

The intent of this project is to stabilize the bank at its current location. The use of rip-rap will stabilize the slope face of the levee and protect the slope from erosion caused by exposure to weather and varied flow conditions.

In order for the proposed improvements to be capable of deflecting flow or energy to the opposite stream bank, the flow velocities at the repair location must be greater than the scouring velocities of the soil along the bank and streambed.

According to the Caltrans Highway design Manual, the Recommended Permissible Velocities for Unlined Channels with fine loamy soils (for both intermittent and sustained flow) is 3.6 fps. Given the characteristics of this site and Manning's equation, the theoretical maximum average velocity along this portion of the stream (for bank full condition) is only 2 feet per second (fps). In a uniform, straight section of channel, the highest velocities would typically be near (or just below) the surface and horizontally located in the middle of the channel. In a curve, the highest velocities would be found towards the outer edge. In both cases however, the friction against the ground surface causes a decrease in velocity as the current approaches the sides and bottom. For this reason, we feel that velocities greater than 2 fps will realistically occur along the outside of the bend however, it is unlikely they will exceed the permissible velocities described above. For this reason, we do not believe that scouring is the cause of the erosion that has been occurring along the levee. This theory is supported by the fact that the erosion along this bank is found only where remnants of the redwood wall are still visible (in and out of the curved portion of the channel). Further downstream, in the same straight section, there is no visible erosion and no redwood wall.

By understanding the cause of the erosion and incorporating rip-rap in the proposed design, we do not feel that future erosion will be a concern. The proposed rip-rap will serve as protection against the current bank even if current velocities exceed the point at which scouring begins. Deflection to the opposite bank is unlikely because we are not changing the alignment of the channel. By stabilizing the bank, the flow will continue to travel in the same path as it has for years. And lastly, the erosion along the ends is not expected because, as described previously, the current velocities are not expected to exceed the scouring velocities.

For the reasons stated above, we feel that the proposed design will adequately repair the levee and protect against erosion without deflecting flow velocities or energy to the opposite side of the channel. Please feel free to contact me if you have any questions.

Sincerely,



Praj White, P.E.



RESOLUTION NO. 2013-09

**A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE PERMIT
APPLICATION BY ALLEN AND CHERYL NYLANDER FOR THE
NYLANDER RANCH LEVEE REPAIR, HUMBOLDT COUNTY,
CALIFORNIA**

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District is empowered by Appendix II of the Harbors and Navigation Code, and its own ordinances and resolutions, to grant permits, leases, rights, and privileges; and,

WHEREAS, no permits, rights, leases, and privileges may be granted without first having considered certain potential impacts and without first having made findings relative to said impacts; and,

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District has been presented with certain evidence relating to the **Nylander Ranch Levee Repair** proposed by Allen and Cheryl Nylander upon the air, land, environment, and ecology of the land under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District as follows:

The Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District has found the following to be true and adopts the following findings with respect to the proposed use contemplated by Allen and Cheryl Nylander in Application 11-08 and supplements and amendments thereto:

1. The use proposed by Allen and Cheryl Nylander is necessary to promote the safety, health, comfort, and convenience of the public; and
2. The proposed use, as conditioned by the adopted Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, is consistent with CEQA and there is no substantial evidence the project will have a significant effect on the environment; and
3. The proposed use is consistent with the Humboldt Bay Management Plan; with special relevance to policies HSM-5, HSM-7, CEP-3,5,6; and
4. The proposed use is required by the public convenience and necessity; and
5. The proposed use is reasonably required to promote growth, and to meet area demands, and does not adversely effect the environment or ecology of the area to any substantial degree; and,

6. The proposed use will not produce an unreasonable burden on the natural resources and aesthetics of the area, on the public health and safety, and air and water quality in the vicinity of Humboldt Bay, or on the parks, recreation and scenic area, historic sites and buildings, or archeological sites in the area.

PASSED AND ADOPTED by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District at a duly called meeting held on the 25th day of July 2013, by the following polled vote:

AYES:

NOES:

ABSENT:

**MIKE WILSON, President
Board of Commissioners**

ATTEST:

**PATRICK HIGGINS, Secretary
Board of Commissioners**

CERTIFICATE OF SECRETARY

The undersigned, duly qualified and acting Secretary of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, does hereby certify that the attached Resolution is a true and correct copy of RESOLUTION NO. 2013-09 entitled,

A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE PERMIT APPLICATION BY ALLEN AND CHERYL NYLANDER FOR THE NYLANDER RANCH LEVEE REPAIR, HUMBOLDT COUNTY, CALIFORNIA

as regularly adopted at a legally convened meeting of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, duly held on the 25th day of July 2013; and further, that such Resolution has been fully recorded in the Journal of Proceedings in my office, and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of July 2013.

PATRICK HIGGINS, Secretary
Board of Commissioners

HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT

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PERMIT

Permit No. 11-08

601 Startare Drive
Woodley Island Marina
P O Box 1030
Eureka, CA 95502-1030

Permittee:

Allen and Cheryl Nylander
3232 Moore Ave.
Eureka, CA 95501

Project:

Nylander Ranch Levee Repair Project

The Board of Commissioners of the **Humboldt Bay Harbor, Recreation and Conservation District** hereinafter referred to as "**District**", having considered the Application herein, number 11-08, received by the **District** on August 19th, 2011, and **Allen and Cheryl Nylander** hereinafter referred to as "**Permittee**", and the **District** as the lead agency, pursuant to the California Environmental Quality Act of 1970, as amended, having made a determination of a Mitigated Negative Declaration dated July 25th, 2013 and the Board of Commissioners of the District having on July 25th, 2013 passed Resolution No. 2013-09 establishing findings relative to the Application by **Permittee** for the development of the **Nylander Ranch Levee Repair** provided for in this Permit, the **Permittee** is hereby authorized to implement the **Nylander Ranch Levee Repair** as more particularly described in the Application filed with the **District** and the Mitigated Negative Declaration referred to above.

You are hereby authorized to implement the **Nylander Ranch Levee Repair** as described in the Permit Application of **Permittee** consisting of:

repairing approximately 320 feet of an existing agricultural levee along the western side of Eureka Slough just downstream of the confluence with Ryan Slough. The work consists of reinforcing the slough side of the levee with rip-rap and rock. All work will be within the original footprint of the levee.

That the location of the proposed work of improvement shall be located at Parcel Nos. 017-171-002, in Humboldt County, CA, on property owned by the **Permittee**.

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. That **Permittee** promptly report the dates when you start and finish the work authorized by this Permit. If **Permittee** cannot complete the work within the time granted by this Permit, **Permittee** shall request an extension before the Permit expires. If there are material changes to the plan and scope of the work, it will be necessary for **Permittee** to submit a detailed explanation and request a revision of the Application and plans.
2. That the **Permittee** shall fully implement all mitigation measures provided in the adopted Mitigated Negative Declaration and the associated Mitigation Monitoring and Reporting Program for the project.
3. That all work authorized by this Permit shall further be subject to the approval of the following public agencies:
 - A. United States Army Corps of Engineers San Francisco District
 - B. State of California Coastal Commission
 - C. State of California Regional Water Quality Control Board, North Coast Region
 - D. North Coast Unified Air Quality Management District
 - E. Humboldt County
 - F. California Department of Fish and Wildlife

and **Permittee** shall fully comply with all regulations and conditions affecting such work as imposed by the above agencies.

4. That no attempt shall be made by the **Permittee** to interfere or forbid the full and free use by the public of all navigable waters at or adjacent to the work.
5. That the construction of the facilities herein authorized shall be completed on or before the 25th day of July 2014, and this Permit, if not previously revoked or specifically extended, shall cease and be null and void and terminate on the 25th day of July 2014.
6. That the Board of Commissioners of the **District** may revoke this Permit at any time upon a finding by the **District** of a violation by the **Permittee** of any condition of this Permit, or a finding of substantial new information regarding the effect of the Permitted activities; however, the applicant shall have the right to a public hearing to dispute any alleged violations or impacts prior to permit revocation.
7. That neither the **Humboldt Bay Harbor, Recreation and Conservation District**, nor its Board of Commissioners, nor any officer of the **District** shall be liable to any extent for the injury or damage to any person or property or for the work authorized by this Permit, and the **Permittee** shall indemnify and hold harmless the **District**, its Commissioners and officers free and harmless from any liability for any such injury, death or damage.

8. That **Permittee** shall furnish to the **Humboldt Bay Harbor, Recreation and Conservation District** a written annual progress report and upon completion, a written completion report describing the completion of the project. **Permittee** shall at all times notify the **Humboldt Bay Harbor, Recreation and Conservation District** in writing of all locations, including new locations, in Humboldt Bay, that **Permittee** proposes to install the uses permitted herein, prior to said installation.
9. That as a condition to the issuance of this Permit, **Permittee** agrees to indemnify and hold harmless **Humboldt Bay Harbor, Recreation and Conservation District** from an against any and all liability, loss, or damage **Humboldt Bay Harbor, Recreation and Conservation District** may suffer from claims and demands for attorneys' fees, costs of suit, and costs of administrative records made against **Humboldt Bay Harbor, Recreation and Conservation District** by any and all third parties as a result of third party environmental actions against **Humboldt Bay Harbor, Recreation and Conservation District** arising out of the subject matter of this Permit, including, but not limited to attorneys' fees, costs of suit, and costs of administrative records pursuant to the California Code of Civil Procedure §1021.5 or any other applicable local, state or federal laws, whether such attorneys' fees, costs of suit, and costs of administrative records are direct or indirect, or incurred in the compromise, attempted compromise, trial appeal or arbitration of claims for attorneys' fees, costs of suit, and costs of administrative records in connection with the subject matter of this Permit.
10. That this Permit is valid as of the 25th day of July 2013, and is made subject to the **Permittee** approving and agreeing to the conditions above set forth and executing said approval as hereinafter provided.

EXECUTED on this 25th day of July 2013 by authority of the Board of Commissioners of the **Humboldt Bay Harbor, Recreation and Conservation District**.

MIKE WILSON, President
Board of Commissioners
Humboldt Bay Harbor, Recreation and
Conservation District

Allen and Cheryl Nylander, Permittee, in the above Permit, hereby accepts and agrees to all of the conditions hereinabove set forth. **Permittee** shall indemnify and hold harmless the **Humboldt Bay Harbor, Recreation and Conservation District**, its Board of Commissioners, officers and employees from any and all claims of any nature arising from or related to the work authorized by this Permit for injury, death or damage to any person or property.

Allen and Cheryl Nylander, Permittee, in the above Permit, agrees to indemnify and hold harmless **Humboldt Bay Harbor, Recreation and Conservation**

District, its Board of Commissioners, officers and employees from and against any and all liability, loss or damage **District** may suffer from claims and demands from attorneys' fees; costs of suit and costs of administrative records made against **District** by any and all third parties as a result of third party environmental actions against **District** arising out of the subject matter of this Permit including, but not limited to, attorneys' fees, costs of suit and costs of administrative records pursuant to the California Code of Civil Procedure §1021.5 or any other applicable local, state or federal laws, whether such attorneys fees, costs of suit and costs of administrative records are direct or indirect, or incurred in the compromise, attempted compromise, trial, appeal or arbitration of claims for attorneys' fees, costs of suit and costs of administrative records in connection with the subject matter of this Permit.

Allen and Cheryl Nylander

Signature _____
Signature _____
Name _____
Title _____
Date _____