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

DATE: April 25, 2019
TIME: Regular Session – 7:00 PM
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 at least 24 hours in advance of the meeting.

1. Call to Order Regular Session at 7:00 P.M. and Roll Call
2. Pledge of Allegiance
3. Public Comment
   Note: This portion of the Agenda allows the public to speak to the Board on the 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 any 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 for each speaker 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.
4. Consent Calendar
   a) Approval of Meeting Minutes for March 28, 2019
   b) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with R. Charles and Kim Class, dba First Class.
5. Communications and Reports
   a) Executive Director’s Report
   b) Staff Reports
   c) District Counsel and District Treasurer Reports
   d) Commissioner and Committee Reports
   e) Others
6. Unfinished Business
   a) Consideration of Resolution 2019-06, A Resolution Establishing Findings Relative to the Permit Application by the California Department of Transportation for Work Associated with the Eureka-Arcata Route 101 Corridor Improvement Project.

   Recommendation: Staff recommends the Board: Adopt Resolution 2019-06 establishing findings in accordance with the California Environmental Quality Act (CEQA) for implementation of the Eureka-Arcata Route 101 Corridor Improvement Project, and determine that:

   1. The California Department of Transportation (Caltrans), as lead agency, prepared and certified the Final Environmental Impact Report (Final EIR); and
2. The Humboldt Bay Harbor, Recreation and Conservation District (District) is a responsible agency for the proposed project and considered the information contained in the Final EIR and concurs with the analysis and conclusions set forth in said document; and

3. The Eureka-Arcata Route 101 Corridor Improvement Project Final EIR reflects the District's independent judgment and analysis as a responsible agency for the project.

**Summary:** Caltrans proposes to improve public safety and infrastructure along the Eureka-Arcata Route 101 Corridor by eliminating uncontrolled left turns, adding a grade separated intersection at Indianola Road, adding a partial signal at Airport road, extending and/or constructing various acceleration and deceleration lanes, replacing and upgrading bridge rails and guard rails, installing a cable median barrier, replacing the southbound Jacoby Creek bridge, replacing eight (8) tide gates on culverts, and constructing a rock weir at Gannon Slough. The replacement of Jacoby Creek Bridge, tide gate replacement, and rock weir construction elements of the project fall within the regulatory jurisdiction of the District as they require work below the Mean Higher High Water level. Mitigation for this work is being developed as a separate project for CEQA and NEPA environmental review, and will be considered under a separate permit application to the District.

b) **Consideration of Granting to the California Department of Transportation Permit 2018-01 for Work Associated with the Eureka-Arcata Route 101 Corridor Improvement Project**

**Recommendation:** Staff recommends the Board: Grant Permit 2018-01 to the California Department of Transportation.

**Summary:** The proposed Permit 2018-01 would allow the California Department of Transportation to proceed with work associated with the Eureka-Arcata Route 101 Corridor Improvement Project consisting of the replacement of the southbound Jacoby Creek bridge, replacement of eight (8) tide gates between post miles 79.9 and 86.3, and construction of a rock weir at Gannon Slough.

7. **New Business**

a) **Letter of Support for Application of Mike Wilson to Fill Vacancy on the California Coastal Commission as the North Coast Region Representative.**

**Recommendation:** Staff recommends the Board: Approve the Letter of Support for Mike Wilson for the Coastal Commission vacancy.

b) **Letter of Support for Application of Virginia Bass to Fill Vacancy on the California Coastal Commission as the North Coast Region Representative.**

**Recommendation:** Staff recommends the Board: Approve the Letter of Support for Virginia Bass for the Coastal Commission vacancy.

c) **Approval of Payment to Recology Eel River in the amount of $6,084 for Fees Associated with the Removal of Boats at 533 Machi Road in Shelter Cove.**

**Recommendation:** Staff recommends the Board: Approve payment to Recology Eel River for disposal costs of derelict vessels from 533 Machi Road in Shelter Cove.

**Summary:** Recology Eel River is the only waste disposal company in Shelter Cove. The District required two (2) 30-yard dumpsters in order to dispose of derelict vessels left at the Shelter Cove Boat Storage on Machi Road in Shelter Cove.

8. **Administrative and Emergency Permits**

9. **Adjournment**
The Humboldt Bay Harbor, Recreation and Conservation District met in regular session on the above date at 7:00 P.M. Open Session, at the Woodley Island Marina Meeting Room, 601 Startare Drive, Eureka, CA 95501.

CLOSED SESSION - 6:00 P.M.
The Commission met in closed session to discuss the following items:
   a) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, with Assessor’s Parcel Numbers, 401-112-021 and 401-112-024 pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Steven Mueller. Under negotiation: price and payment terms.
   b) CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION (Gov. Code section 54956.9). Name of Case: Humboldt Fishermen’s Marketing Association, Inc. and The Trinidad Bay Fishermen’s Marketing Association, Plaintiffs, v. The Humboldt Bay Harbor, Recreation, and Conservation District, et al., Defendants, Humboldt County Superior Court Case No. DR 180648.
   c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Terms of potential sublease of District’s lease interest by District under lease between the District and Mario’s Marina LLC dated April 1, 2016 for the real property commonly known as Mario’s Marina in Shelter Cove, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Shelter Cove Fisherman’s Preservation, Inc. Under negotiation: price and payment terms.

OPEN SESSION – 7:01 P.M.

ROLL CALL:
PRESENT: DALE MARKS HIGGINS KULLMANN DOSS
ABSENT: NONE
QUORUM: YES

PLEDGE OF ALLEGIANCE

REPORT ON EXECUTIVE CLOSED SESSION
   a) District Counsel, Ryan Plotz reported that the Board will continue negotiations on the potential acquisition and/or lease of real property on the Samoa Peninsula, Humboldt County, parcel numbers 401-112-021 and 401-112-024.
   b) District Counsel, Ryan Plotz provided an update on the existing litigation on the Case: Humboldt Fishermen’s Marketing Association, Inc. and The Trinidad Bay Fishermen’s Marketing Association, Plaintiffs, v. The Humboldt Bay Harbor, Recreation, and Conservation District. No action was taken.
   c) District Counsel, Ryan Plotz provided an update on the potential sublease of District’s lease interest by District under lease between the District and Marion’s Marina LLC for the real property commonly known as Mario’s Marina in Shelter Cove, Humboldt County. No action was taken.

PUBLIC COMMENT: The following individuals addressed the Commission regarding subject matters not on this meeting’s agenda: Uri Driscoll and Phil Ayers.

CONSENT CALENDAR
   a) Approval of Meeting Minutes for February 28, 2019
   b) Receive District Financial Reports for November 2018
Draft Minutes for March 28, 2019 Regular Board Meeting

c) Receive District Financial Reports for December 2018
d) Approval of Contract with Executive Director Larry Oetker
e) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with Tony Sepulveda, dba Shellback Sportfishing
f) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with Sherry Klassen, dba Reel Steel Sportfishing.
g) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with Andrew Smyth, dba North Coast Sportfishing.
h) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with Matt Dallam, dba Northwind Charters.
i) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with Gary Blasi, dba Full Throttle Sportfishing.
j) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with Mike Stratman, dba Redwood Coast Fishing.
k) Approval of Permit and Agreement Renewal to Operate a Charter Service Business with Marc Schmidt, dba Coastline Charters.

I. COMMISSIONER MARKS MOVED TO APPROVE THE CONSENT CALENDAR ITEMS A-K. COMMISSIONER KULLMANN SECONDED.

II. Chair Dale opened the item to public comment. No members of the public commented.

III. Chair Dale moved the discussion back to the Commission.

VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: MARKS, KULLMANN, DOSS, DALE, HIGGINS
Noes: NONE
Absent: NONE
Abstain: NONE

COMMUNICATIONS AND REPORTS

a) Executive Director's Report
I. Executive Director presented Executive Director's Report.

b) Staff Reports
I. Staff presented on recent District activities.

c) District Counsel and District Treasurer Reports
I. District Treasurer presented District Treasurer’s Report.

d) Commissioner and Committee Reports
I. Commissioners reported on their recent activities.

e) Other
I. Executive Director notified the board of his need to recuse himself from all involvement regarding Intertidal Mariculture Pre-permitting Project due to a conflict of interest.

NON-AGENDA - None

UNFINISHED BUSINESS

a) Authorize the Executive Director to Execute a Contract Between the Harbor District and the Shelter Cove Fishing Preservation Incorporated for Janitorial Services Associated with the Fish Cleaning Station, Sublease the Mario’s Marina Property, and the Transfer of Two Tractors.
I. Executive Director presented the item.
II. The Commission discussed the item.
III. Chair Dale opened the item to public comment. Jake Mitchell and Justin Robbins commented.
IV. Chair Dale moved the discussion back to the Commission.
V. COMMISSIONER MARKS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT. COMMISSIONER KULLMANN SECONDED.
VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS
Noes: NONE
Absent: NONE
Abstain: NONE
b) Emergency Shoaling Conditions Near Buoy #9
   I. Executive Director and Leroy Zerlang presented the item.
   II. The Commission received the update.
   III. Chair Dale opened the item to public comment. Tod Reinke and Jake Mitchell commented.
   IV. Chair Dale moved the discussion back to the Commission.
   V. No formal action was taken.

c) Woodley Island Marina and Fields Landing Boat Yard Proposed Dredging
   I. Executive Director presented the item.
   II. The Commission discussed the item.
   III. Chair Dale opened the item to public comment. No public comment.
   IV. Chair Dale moved the discussion back to the Commission.
   V. COMMISSIONER MARKS MADE A MOTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO CONTINUE PURSUING PERMITS AND WORKING WITH THE DREDGING SUBCOMMITTEE. COMMISSIONER DOSS SECONDED.
      VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
      Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS
      Noes: NONE
      Absent: NONE
      Abstain: NONE

NEW BUSINESS

a) Approve Mutual Conflict of Interest Waiver
   I. District Counsel presented the item.
   II. The Commission discussed the item.
   III. Chair Dale opened the item to public comment. No public comment.
   IV. Chair Dale moved the discussion back to the Commission.
   V. COMMISSIONER MARKS MADE A MOTION TO APPROVE THE MUTUAL CONFLICT OF INTEREST WAIVER. COMMISSIONER KULLMANN SECONDED.
      VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
      Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS
      Noes: NONE
      Absent: NONE
      Abstain: NONE

b) Accept the Audit Report for the 2017-2018 Fiscal Year.
   I. District Treasurer presented the item.
   II. The Commission discussed the item.
   III. Chair Dale opened the item to public comment. No public comment.
   IV. Chair Dale moved the discussion back to the Commission.
   V. COMMISSIONER MARKS MADE A MOTION ACCEPT THE AUDIT REPORT. COMMISSIONER KULLMANN SECONDED.
      VOICE VOTE WAS CALLED, MOTION CARRIED WITHOUT DISSENT.
      Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS
      Noes: NONE
      Absent: NONE
      Abstain: NONE

ADMINISTRATIVE AND EMERGENCY PERMITS - None

ADJOURNMENT – 8:54 P.M.
Draft Minutes for March 28, 2019 Regular Board Meeting

APPROVED BY: ______________________  RECORDED BY: ________________________________
Larry Doss  Mindy Hiley
Secretary of the Board of Commissioners  Director of Administrative Services
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

PERMIT AND AGREEMENT TO OPERATE A BED AND BREAKFAST BUSINESS

Startare Drive
Woodley Island Marina
PO Box 1030
Eureka, CA 95501

PERMITTEE:
R. Charles (Doby) and Kim Class
dba First Class
1578 10th Street
Arcata, CA 95521

This Permit and Agreement is executed in triplicate at Woodley Island Marina, Eureka, California, between HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, hereinafter referred to as "District", and R. Charles (Doby) and Kim Class, dba FIRST CLASS hereinafter referred to as "R. Charles (Doby) and Kim Class."

WHEREAS, R. Charles (Doby) and Kim Class will be the Lessees of Slip Number 01, Float G, at the Woodley Island Marina for the sailing vessel OBSESSION, pursuant to a Berthing Permit and Rental Agreement for the Woodley Island Marina, a copy of which is attached hereto and incorporated by reference as Exhibit "A" hereto; and

WHEREAS, on or about March 29, 2019 R. Charles (Doby) and Kim Class made a written application to renew their Permit and Agreement to operate the Bed and Breakfast business First Class on the sailing vessel OBSESSION moored at Slip Number 01 Float G at the Woodley Island Marina; and

WHEREAS, Ordinance Number 9, Section 6.7, subparagraph (a) of the District prohibits any commercial endeavor or charter service for hire without a special permit from the District.
AFTER REVIEW AND CONSIDERATION thereof by the Board of Commissioners of the District of the application of R. Charles (Doby) and Kim Class:

THE PARTIES, THEREFORE, AGREE AS FOLLOWS:

1. District shall permit R. Charles (Doby) and Kim Class, to operate the business First Class for the purpose of a Bed and Breakfast at the Woodley Island Marina. The Bed and Breakfast shall consist primarily of overnight accommodations and may include sailing excursions. Diving or diving instruction from or on said vessel shall not be allowed and shall be prohibited at all times at any locations within or without the boundaries of Woodley Island Marina while R. Charles (Doby) and Kim Class operates the business of a Bed and Breakfasts from the Woodley Island Marina.

2. The term of this Permit and Agreement shall be for two (2) years commencing May 01, 2019 and terminating on April 30, 2021. District or R. Charles (Doby) and Kim Class may terminate this Permit and Agreement by giving sixty (60) days written notice of termination to the other party. District may terminate this Permit and Agreement with R. Charles (Doby) and Kim Class with or without cause or reason by giving R. Charles (Doby) and Kim Class sixty (60) days written notice of termination and R. Charles (Doby) and Kim Class shall terminate their business, as defined in Paragraph 1, (60) days from the date of personal service of said written notice of termination or sixty (60) days from the date of deposit or the written notice of termination deposited, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail, and addressed to R. Charles (Doby) and Kim Class, at 1578 10th Street, Arcata, CA 95521.

In the event R. Charles (Doby) and Kim Class are in default of any of the provisions of the Berthing Permit and Rental Agreement for the Woodley Island Marina, a copy of which is attached hereto as Exhibit "A", and R. Charles (Doby) and Kim Class’s Berthing Permit is terminated pursuant to
said Agreement, this Permit and Agreement to operate a *Bed and Breakfast* shall terminate forthwith on the date of termination of **R. Charles (Doby) and Kim Class**’s Berthing Permit and Rental Agreement for the Woodley Island Marina without the requirement of the hereinabove set forth sixty (60) day notice of termination provisions.

3. In addition to the monthly rental payable by **R. Charles (Doby) Class and Kim Class** to the District pursuant to the Berthing Permit and Rental Agreement for the Woodley Island Marina, a copy of which is attached hereto as Exhibit "A", **R. Charles (Doby) and Kim Class** shall pay District the sum of two hundred fifty dollars and no cents ($250.00) per year, however all rates may be changed pursuant to paragraph 3 of the Berthing Permit and Rental Agreement for Woodley Island Marina which provides that the District may change or increase the rates by giving thirty (30) days notice.

4. On or prior to the date of the Agreement, to wit: April 30, 2019, **R. Charles (Doby) and Kim Class** shall purchase and maintain throughout the term of the Permit and Agreement Commercial General Liability insurance covering **R. Charles (Doby) and Kim Class** pursuant to the terms of this Permit and Agreement. Said insurance policy of "protection and indemnity insurance" insuring **R. Charles (Doby) and Kim Class** from liability for bodily injury, death, or property damage as a result of their operation and shall name District as an additional insured and provide District, prior to April each year, with a Certificate of Insurance stating the amount of the insurance and proof that the District is an additional named insured, and the agreement of said insurance company that District shall be notified forthwith of the event of non-payment of the premium or termination of said insurance policy. The amount of insurance shall be One Million Dollars and no cents ($1,000,000.00) per occurrence. In the event said liability insurance policy referred to in the Paragraph 4 is cancelled or terminated, **R. Charles (Doby) and Kim Class** shall forthwith cease and stop their **FIRST CLASS** business at District's
5. **R. Charles (Doby) and Kim Class** shall, prior to commencing operation of **FIRST CLASS**, obtain any and all necessary permits and licenses, if applicable, including but not limited to City of Eureka business license and United States Coast Guard vessel inspection. A United States Coast Guard inspection shall be conducted annually.

6. **R. Charles (Doby) and Kim Class** agrees 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 damages to any person or property or for the death of any person arising out of or connected with **R. Charles (Doby) and Kim Class**, and **R. Charles (Doby) and Kim Class** shall indemnify and hold harmless District, its Commissioners, and Officers free and harmless from any liability for any such injury, death or damages. In addition, **R. Charles (Doby) and Kim Class** agrees to hold harmless, indemnify, and hold District non-responsible for any of **R. Charles (Doby) and Kim Class**’s operations according to the provisions of paragraphs 11, 13, and 19 of the Berthing Permit and Rental Agreement for Woodley Island Marina, a copy of which is attached hereto as Exhibit "A" and incorporated by reference as though set forth in full.

7. **R. Charles (Doby) and Kim Class** at all times shall comply and shall obtain compliance of Lessees’ family, agents, employees, business visitors, and invitees of all laws, ordinances, rules and regulations, including Ordinance No.9, the Woodley Island Marina Rules and Regulations, and those of local, state, and federal government.

8. **R. Charles (Doby) and Kim Class** at all times shall ensure that walkways and finger piers are not obstructed in any manner. No tires, ropes, canvas, or other material shall be nailed or attached to finger piers, docks, and piles
without the written approval of the District. No person shall throw, discharge, or deposit from any vessel or from the shore or float or in any other manner, any waste, fish or shellfish parts into or upon the waters of the Woodley Island Marina or upon the banks, walls, sidewalks, or parking areas within the boundaries of the Woodley Island Marina. No person shall place or leave waste, dead animals, fish, shellfish, bait, or other putrefying matter on or along seawalls, harbor structures, floats, piers, sidewalks, or parking areas within the boundaries of the Woodley Island Marina. Vessel must be kept free of trash and waste product so as not to attract seagulls, sea lions, harbor seals, and other animals. All trash and waste product shall be properly disposed of each day.

9. **R. Charles (Doby) and Kim Class** may place a sign on the vessel the size of which must be approved by the District's Executive Director. **R. Charles (Doby) and Kim Class** may place a directional sign for incoming traffic onto Woodley Island Marina in an area approved by the Executive Director. Type and size of all signs are to be approved by the Executive Director of the District and, shall reasonably conform in size, shape, and colors of the signs heretofore existing on Woodley Island and the Woodley Island Marina.

10. This Permit and Agreement is not transferable or assignable by **R. Charles (Doby) and Kim Class** without approval in writing by the District. Any transfer of assignment or attempted transfer or assignment of this Permit by **R. Charles (Doby) and Kim Class** shall be null and void.

11. This Permit and Agreement is non-exclusive and District retains the right to enter into agreements with and grant permits to other persons or business for the same purposes as set forth in this Permit and Agreement.

12. The covenants and conditions herein contained shall apply to and bind the heirs, legal representatives, successors, and assigns of all of the parties hereto; and all of the parties hereto shall be jointly and severally liable hereunder.
13. Time is of the essence of this Permit and Agreement and of each and every covenant, term, and condition, and provision hereof.

14. **R. Charles (Doby) and Kim Class** is hereby notified by the District that this Permit and Agreement to Operate *FIRST CLASS* in conjunction with the Berthing Permit and Rental Agreement for a vessel at the Woodley Island Marina or property interests created herein, if any, may be subject to a possessory interest tax or property taxation if created pursuant to Sections 107 to 108 of the California Revenue and Taxation Code and that **R. Charles (Doby) and Kim Class** and/or the party in whom the possessory interest is vested may be subject to the payment of property taxes levied upon such interests. **R. Charles (Doby) and Kim Class** agrees and acknowledges that they have actual notice pursuant to Section 107.6 of the California Revenue and Taxation Code and that **R. Charles (Doby) and Kim Class** may be required to pay a possessory interest tax as a result of this Permit and Agreement to operate a Bed and Breakfast in conjunction with the Berthing Permit and Rental Agreement for the vessel for Woodley Island Marina. **R. Charles (Doby) and Kim Class** hereby acknowledge that they have actual knowledge of the existence of a possessory interest tax and have read the provision of Section 107 to 108 of the California Revenue and Taxation Code. **R. Charles (Doby) and Kim Class** agrees to and shall pay all possessory interest taxes levied by any governmental agency by reason of this Permit and Agreement and their Berthing Permit and Rental Agreement for their vessel, for Woodley Island Marina.
EXECUTED on, ______________________, 2019, by authority of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT.

________________________________
GREG DALE, President
Board of Commissioners
HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT

R. Charles (Doby) and Kim Class, dba, *First Class*, as Permittees in this Permit and Agreement hereby accepts and agrees to all terms and conditions herein above set forth.

Dated: ________________, 2019
By __________________________________________
R. Charles (Doby) Class, Owner
*FIRST CLASS*

Dated: ________________, 2019
By __________________________________________
Kim Class, Owner
*FIRST CLASS*
Eureka-Arcata Route 101 Corridor Improvement Project

Humboldt County, California
District 1 – HUM – 101 PM 79.9 / 86.3
EA / EFIS
01-36600 / 0100000127
01-0E000 / 0113000091
01-0C970 / 0113000094
01-0C930 / 0113000078
01-0F220 / 0115000092
State Clearinghouse Number: 200109035

Final Environmental Impact Report/Statement

Executive Summary

December 2016

Prepared by the U.S. Department of Transportation
Federal Highway Administration (FHWA) and the
State of California Department of Transportation (Caltrans)
For the Humboldt County Association of Governments (HCAOG)
General Information About This Document

This is the Final Environmental Impact Report/Study (EIR/S) for the Eureka-Arcata Route 101 Corridor Improvement Project jointly proposed by the California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA). In July 2007, a Draft Environmental Impact Report/Statement (EIR/S) for this project was approved for public circulation. Two public meetings were subsequently held to answer questions and receive comments related to the document and project. This Final EIR/S consists of four volumes, organized as follows:

Volume I is an update of the Draft EIR/S and contains the project need and purpose, description, and environmental impact discussion. It reflects design refinements to the Preferred Alternative and includes mitigation/abatement measures made in response to comments on the Draft EIR/S. The Final EIR/S also identifies Modified Alternative 3A as the Preferred Alternative.

Volume II contains the appendices of the EIR/S.

Volume III contains responses to all comments from federal, state, and local agencies and organizations that were received during the July 2007 Draft EIR/S public circulation and comment period.

Volume IV contains responses to all comments from the general public that were received during the July 2007 Draft EIR/S public circulation and comment period.

Copies of the Final EIR/S are available at the following County of Humboldt libraries:

- Eureka Main Branch
  1313 3rd Street
  Eureka, CA 95501
- Arcata Branch
  500 7th Street
  Arcata, CA 95521

To obtain a copy of this document, or supporting specialist reports, please send your requests to:

Sandra Rosas
707-441-5730
Sandra.Rosas@dot.ca.gov
California Department of Transportation
1656 Union Street
Eureka, CA 95501

This Final EIR/S can also be viewed at http://www.dot.ca.gov/dist1/d1projects/eureka_arcata/

For individuals with sensory disabilities, this document is available in Braille, large print, on audiocassette, or computer disk. To obtain a copy in one of these alternate formats, please write or call Sandra Rosas, Environmental Office Chief, California Department of Transportation, P.O. Box 3700, Eureka, CA 95502; 707-441-5730; or dial 711 to access the California Relay Service.
Eureka-Arcata Route 101 Corridor Improvement Project
In Humboldt County, California from Post Miles 79.9 to 86.3

Final Environmental Impact Statement / Environmental Impact Report

Submitted Pursuant to:
Division 13, California Public Resources Code
42 USC 4332(2)(C) and 49 USC 4332(2)(C)
by the U.S. Department of Transportation - Federal Highway Administration
and the State of California - Department of Transportation

Date of Approval

[Signature]
Timothy Crags
District 1 Director
California Department of Transportation
CEQA Lead Agency

Date of Approval

[Signature]
Vincent Mammano
California Division Administrator
Federal Highway Administration
NEPA Lead Agency

The following persons may be contacted for additional information concerning this document:

Sandra Rosas
North Region Environmental Services
California Department of Transportation – District 1
P.O. Box 3700
Eureka, CA 95502-3700
707-441-5730

David Tedrick
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
916-498-5024

Abstract

The proposed Eureka-Arcata Route 101 Corridor Improvement Project consists of various improvements on Route 101 between the Eureka Slough bridge and the 11th Street overcrossing in Arcata. Major project features may include closing roadway median crossings, constructing a roadway grade separation at Indianola Cutoff, replacing the southbound Jacoby Creek bridge, and partially or fully signalizing the Route 101/Airport Road intersection. The purpose of the project is to improve safety; reduce operational conflicts and delay; and rehabilitate roadway to meet current traffic engineering design standards as feasible. Five Build Alternatives and a No-Build Alternative are evaluated in this Final Environmental Impact Report/Statement. The proposed project could affect traffic circulation, wetlands, listed fish species, water quality, and visual resources. The project includes measures to avoid, minimize, and compensate for potential project adverse effects.
Summary

The Eureka-Arcata Route 101 Corridor Improvement project is jointly proposed by the California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) and is subject to state and federal environmental analysis requirements. Project documentation, therefore, has been prepared in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Caltrans is the lead agency under CEQA and the FHWA is lead agency under NEPA. Some impacts determined to be significant under CEQA may not lead to a determination of significance under NEPA.

In July 2007, a Draft Environmental Impact Report/Statement (EIR/S) for this project was circulated to the public. Any additions or modifications subsequent to the draft document are marked with a vertical line in the margins in this final document.

This Final EIR/S consists of two volumes, organized as follows:

- **Volume I** contains the project need and purpose, description, and environmental impact discussion of the Final EIR/S. The Final EIR/S also identifies Modified Alternative 3A as the Preferred Alternative.
- **Volume II** contains the appendices of the EIR/S.
- **Volume III** contains responses to all comments from federal, state, and local agencies and organizations that were received during the July 2007 Draft EIR/S circulation and comment period.
- **Volume IV** contains responses to all comments from the general public that were received during the July 2007 Draft EIR/S circulation and comment period.

Following circulation of the Final EIR/S, if the decision is made to approve the project, a Notice of Determination would be published for compliance with the California Environmental Quality Act and a Record of Decision (ROD) published for compliance with the National Environmental Policy Act. The next step in the process would be obtaining all required public agency permits and preparation of final project design. Project construction is tentatively scheduled to start in year 2019 and completed in 2021.

The following summary identifies major items of importance to the Humboldt County Association of Governments and the California Transportation Commission regarding the funding and planning for construction of the proposed project. Detailed project information is presented in the body of this document.
Proposed Project

Caltrans and FHWA propose to make improvements to Route 101 between the Eureka Slough bridge in Eureka and the 11th Street overcrossing in Arcata, post miles (PMs) 79.9 to 86.3, in Humboldt County. See Figures S-1, 2, and 3 for Project Location Maps. The proposed project would improve safety and reduce operational conflicts and traffic delays at Route 101 intersections between Eureka and Arcata by:

- Eliminating uncontrolled Route 101 vehicle crossing movements
- Extending or constructing right-turn acceleration and deceleration lanes

Modified Alternative 3A, identified as the Preferred Alternative, also includes constructing a Route 101/Indianola Cutoff grade separation, a half signal at the Route 101/Airport Road intersection, and replacing the existing Route 101 southbound Jacoby Creek bridge. All the project Build Alternatives are described in detail in Chapter 2.

NOTE: As described in the project description in the Draft EIR/S, the proposed project includes a number of safety enhancements, traffic operations, and major maintenance components/improvements. These various project improvements were funded and planned under two separate funding programs: the State Transportation Improvement Program (STIP) and the State Highway Operation and Protection Program (SHOPP).

Since the Draft EIR/S was circulated, for funding purposes, the paving overlay portion of the project was constructed ahead of other project components. Other components of the SHOPP-funded work will also be funded and constructed separately. The Final EIR/S provides environmental documentation for all STIP and SHOPP project components. The paving component of the project was reviewed and approved under a separate environmental NEPA/CEQA clearance process.

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1 The completed paving work does not reduce the project footprint (area of permanent development) since the paving was confined to overlaying the existing pavement. The proposed project still includes paving to extend acceleration and deceleration. Also depending on the alternative, additional paving would be required to construct a grade separation and modify the Route 101/Airport Road intersection.
Figure S-1  Project Location Map
Figure S-2  Aerial Photograph of Project Location
Figure S-3  Route 101 Existing Open Median Locations
Project Need and Purpose

The project is needed to address the following concerns:

- Uncontrolled vehicle crossing movements at median openings which have led to high collision rates as compared to similar facilities, and predicted future collisions at access roads within the Route 101 corridor. For example, see Figure 1-3 which shows conflicting vehicle travel paths at the existing non-signalized Route 101/Bracut intersection.

- Increased delays for vehicles lining up to cross at intersections — particularly during peak (rush hour) periods within the corridor.

- Objects within the roadway clear recovery zone\(^2\); existing bridge rails do not comply with current highway design standards; roadway lighting needs to be relocated/replaced to conform to current highway design standards and maintenance needs.

- The existing southbound Jacoby Creek bridge was originally constructed in 1920 and widened in 1956. Because of age, deterioration, and the need for more frequent and costly maintenance, this bridge needs to be replaced.

- There are existing tide gates on culverts that extend under the Route 101 roadway which minimize tidal waters from inundating surrounding pasturelands. These tide gates were installed in 1954 and are currently in poor condition and require repair with increasing frequency. Nine tide gates are proposed to be replaced.

The purpose of the project is to:

- Improve safety at intersections;
- Eliminate uncontrolled left turn movements and on and off traffic vehicle movements at median crossings within the Route 101 Corridor;
- Reduce delay at intersections; and
- Restore and rehabilitate the existing Route 101 roadway.

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\(^2\) Any fixed object too close to the edge of the traveled way (within 30 feet for freeways and expressways) can pose potential hazards for errant vehicles or vehicles making emergency maneuvers. Removing or shielding fixed objects that are within 30 feet from the edge of the traveled way, or clear recovery zone, would enhance safety.
PROJECT ALTERNATIVES

There are five Build Alternatives and a No-Build Alternative evaluated in this document. Since the Draft Environmental Document (DED), two additional alternatives were evaluated. These alternatives are slight modifications of Alternatives 1 and 3, referred to as 1A and Modified 3A respectively. See Figure S-4 for an overview of the Build Alternatives and Appendix A for detailed plans of the Build Alternatives.

Alternative 1 - Restore and Rehabilitate Roadway with Median Closures

This Alternative consists of the following:

1) Close, re-grade, and re-vegetate Route 101 median crossings at the following Route 101 intersections: Airport Road, Mid-City Motor World, California Redwood Company (Simpson), Indianola Cutoff, Bracut, and Bayside Cutoff.

2) Extend right-side acceleration lanes and deceleration lanes at the following Route 101 intersections: Mid-City Motor World, California Redwood Company (Simpson), Indianola Cutoff, Bracut, and Bayside Cutoff. At the Route 101/Cole Avenue intersection, close the existing northbound access to Route 101 (right turn move) and extend the existing deceleration lane.

3) Install high tension cable barrier within the Route 101 median between the Eureka Slough bridges and Airport Road.

4) Replace the southbound Route 101 Jacoby Creek bridge. The new, 43-foot wide bridge would include bicycle railing installed on the outside barrier and would have an 8-foot wide barrier-separated travel way for bicyclists and pedestrians. The non-motorized transit travel way would provide a transition to the existing 10-foot wide outside shoulder on both sides of the proposed bridge.

5) Replace bridge rail on the Route 101 northbound Jacoby Creek and Gannon Slough bridges\(^3\) to meet current safety standards. Bridge rail replacement would include bicycle railing installed on the outside barrier (outer edge of the bridge deck).

6) Replace nine existing tide gates adjacent to the Route 101 roadway within the project limits.

7) Add or replace roadway lighting on Route 101 at Cole Avenue, Indianola Cutoff, Bayside Cutoff, South G Street, and the Route 101/255 interchange. New electrical conduit would be installed between the lights and services.

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\(^3\) The Draft Environmental Impact Report/Statement for this project stated that northbound Gannon Slough Bridge would be widened; the widening work has subsequently been dropped from the project scope of work.
8) If needed, to enhance travel safety, the project may include installing metal beam
guardrail with standard end treatments at three billboards adjacent to the southbound
Route 101 lane south of Bracut. (The existing billboards are outside the existing state
highway right-of-way, but are within the 30-foot clear recovery zone. If needed, the
proposed guardrail would be installed within the existing highway right-of-way.)

9) Remove approximately one tree and two groups of shrubs within the corridor that are
within the 30-foot wide clear recovery zone on the east side of Route 101 and between
the Jacoby Creek bridges. See Chapter 1, Section 1.2 for more information regarding the
clear recovery zone.

10) Remove median barrier guardrail in the Route 101 median and install high tension cable
median barrier from South G Street to the 11th Street overcrossing in Arcata.\(^4\)

11) Remove signage within the Safety Corridor (PMs 79.9 to 84.5). After project
construction, the current posted speed limit of 50 mph between the Eureka Slough
bridges and Gannon Slough bridges would remain at the existing 50 mph. However, 45
days after project construction, Caltrans would conduct an Engineering and Traffic
Survey to comply with the California Vehicle Code. The California Vehicle Code
requires a renewed engineering and traffic survey whenever substantial changes in
roadway or traffic conditions have occurred. If the prevailing 85th percentile of traffic
eventually rises above 55 mph after project construction, Caltrans would be required to
address the condition: raising the posted speed limit would be considered and possibly
implemented. **NOTE:** North of the Gannon Slough bridges, Route 101 is a freeway with
a current posted speed limit of 65 mph. The posted freeway speed limit would remain the
same after construction.

**Alternative 1A**

Alternative 1A is similar to Alternative 1 except that three median turnarounds (U-turns)
with auxiliary lanes and partial signalization at the Route 101/Airport Road intersection
would be constructed. The turnarounds would require removing approximately 60 additional
trees compared to Alternative 1. Left turn movements from Airport Road to southbound
Route 101 would not be allowed; only left turns from southbound Route 101 to Airport Road.
U-turns would minimize out-of-direction travel and traffic delay which would result from
elimination of left turn movements and closing the roadway medians.

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\(^4\) The Draft Environmental Impact Report/Statement for this project stated concrete median barrier would be constructed at
this location. Subsequently, concrete median barrier has been dropped from the project scope of work and changed to a high
tension cable barrier.
Alternative 2 – Restore and Rehabilitate Roadway Project with Median Closures and Grade Separation at Indianola Cutoff

Alternative 2 includes all the elements of Alternative 1, and would also include constructing a compact diamond grade separation at Indianola Cutoff instead of closing the existing median at this location. Because of the proposed grade separation, Alternative 2 would require removing 41 more trees compared to Alternative 1.

Alternative 3 – Restore and Rehabilitate Roadway Project with Median Closures and Grade Separation at Indianola Cutoff and Signalized Intersection at Airport Road

Alternative 3 includes all of the elements of Alternative 2; however, work at Airport Road would require construction of a signalized intersection with Route 101.

To accommodate fully signalizing the Airport Road/Route 101 intersection, Alternative 3 would require realigning the Airport Road intersection. The close proximity of the existing Airport Road/Route 101 intersection and Airport Road/Jacobs Avenue intersection requires Airport Road to be realigned outside the existing State right-of-way, across the end of an abandoned runway at the Murray Field Airport, and across the existing ditch east of northbound Route 101 to a new intersection location on Route 101.

An additional continuous northbound lane would be constructed from Cole Avenue to the Mid-City Motor World entrance to minimize traffic queuing and provide adequate merging onto Route 101 which would occur because of signalizing Route 101 at Airport Road. (The additional lane would eliminate the need for extending the existing acceleration and deceleration lanes.) A retaining wall on the east side of Route 101 would be required for a portion of the distance between Cole Avenue and Airport Road to avoid placing fill material on the existing slope to minimize impacts to wetlands and existing drainage patterns. The widening for the additional lane north of the intersection with Airport Road would occur within the Route 101 median to avoid any further encroachment into the airport’s flight approach and departure (air space) surface. Route 101 would continue to have two northbound through lanes north of Mid-City Motor World. Southbound Route 101 would remain unchanged, except that the left turn lane at Airport Road would be modified to conform to the realigned intersection. NOTE: The County of Humboldt has stated they would not allow any portion of the airport property to be converted for highway improvements.

The operation of the proposed realigned Airport Road intersection at Route 101 would allow U-turns by truck traffic and passenger vehicles from southbound Route 101 to northbound Route 101. Passenger vehicles, but not truck traffic, would be allowed to make the U-turn move from either direction at the Airport Intersection.

Because of the proposed grade separation, Alternative 3 would require removing 39 more trees than Alternative 1.
Modified Alternative 3A – Identified Preferred Alternative

This Alternative was developed after reviewing public comment on the Draft EIR/S. It is similar to Alternative 3 except that the proposed grade separation at Indianola Cutoff was redesigned with steepened fill slopes and narrower median to reduce wetland impact and cost. This Alternative also includes a half signal at Airport Road, but does not include acquiring land from the airport as in Alternative 3. Left turn movements from Airport Road to southbound Route 101 would be controlled by the proposed half signal. Modified Alternative 3A would require removing approximately 23 trees. (See Chapter 2 for a discussion of the identification of the Preferred Alternative.)

Alternative 7 – No-Build

Alternative 7 is the No-Build Alternative. This Alternative retains the current roadway alignment and access, including median openings. The No-Build Alternative would propose no modifications to the existing alignment or access for this project. The existing posted speed limit of 50 mph, flashing warning lights, daytime headlight and reduced speed signs would remain. Other projects to maintain/rehabilitate the road surfaces, drainage improvements, bridge retrofit, widening projects or other safety-related projects could be initiated on a case-by-case basis. The No-Build Alternative does not meet the need and purpose for the project.
Figure S-4  Overview of Alternatives

Alt 1
- Close all medians • Rehabilitation work
-Indianola Interchange

Alt 2
- Close all medians • Rehabilitation work
-Indianola Interchange
-Full signal at Airport Rd.

Alt 3
- Close all medians • Rehabilitation work
-Indianola Interchange

Alt 1A
- Close all medians • Rehabilitation work
-Three turnarounds
-Southbound left-turn only signal at Airport Rd.

Modified Alt 3A
- Close all medians, rehabilitation work
-Construct steep slope Indianola interchange
-Construct 1/2 signal at Airport Rd.
Joint CEQA/NEPA Document

The proposed project is a joint project by the California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) and is subject to state and federal environmental review requirements. Project documentation, therefore, has been prepared in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Caltrans is the lead agency under CEQA and FHWA is the lead agency under NEPA.

Some impacts determined to be significant under CEQA may not lead to a determination of significance under NEPA. One of the most commonly seen joint document types is an Environmental Impact Report/Environmental Impact Statement (EIR/S).

Following approval and circulation of the Final EIR/S, Caltrans and FHWA would take actions regarding the environmental document. In accordance with CEQA, Caltrans would certify that the project complies with CEQA, prepare findings for all significant impacts identified, prepare a Statement of Overriding Considerations for impacts that cannot be mitigated below a level of significance, and certify that the findings and Statement of Overriding Considerations have been considered prior to project approval. Caltrans would then file a Notice of Determination with the State Clearinghouse which would identify (1) whether the project would have significant impacts, (2) if mitigation measures were included as conditions of project approval, (3) that findings were made, and (4) that a Statement of Overriding Considerations was adopted. The FHWA would then document and explain its decision regarding the selected alternative, project impacts, and mitigation measures in a Record of Decision (ROD) in accordance with NEPA.

Summary of Major Project Effects/Impacts and Mitigation/Measures to Avoid Harm

This section lists and summarizes potential impacts of each alternative by resource area followed by a summary table. For a detailed discussion, refer to Chapter 3 of this document.

**Wetland Impacts.** Modified Alternative 3A, identified as the Preferred Alternative, could permanently fill 10.2 acres of wetland.\(^5\) A conceptual mitigation plan for this project includes proposals to mitigate for both temporary and permanent wetland impacts.

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\(^5\) The area of permanent wetland impact reported here consists of both U.S. Army Corps of Engineers and California Coastal Commission wetlands. For more information, see the glossary at the end of this summary or Section 3.3.2 Wetlands in Chapter 3.
Social and Economic Impacts. Closing Route 101 median openings at local intersections would create out-of-direction travel for residents (including Environmental Justice communities) and businesses along the Route 101 corridor between Eureka and Arcata. Alternatives 1A, 2, 3, and Modified Alternative 3A all include features that would help minimize out-of-direction travel and delay created by median closures.

Aesthetic impacts. Modified Alternative 3A, identified as the Preferred Alternative, could remove up to 23 mature trees (various species) during construction. Mitigation will be replanting of trees in various locations and using visually appropriate barrier railing.
Table 5-1 Summary of Potential Environmental Consequences

<table>
<thead>
<tr>
<th>Environmental Resource/Condition Compared to No-Build Alternative</th>
<th>Alternative 1</th>
<th>Alternative 1A</th>
<th>Alternative 2</th>
<th>Alternative 3</th>
<th>MODIFIED Alternative 3A</th>
<th>Alternative 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative 1</td>
<td>Close median crossings $24 Million</td>
<td>1.3 / 2.4 / 3.7 (acres)</td>
<td>1.7 / 5.7 / 7.4 (acres)</td>
<td>2.1 / 10.4 / 12.5 (acres)</td>
<td>2.2 / 7.6 / 9.8 (acres)</td>
<td>2.0 / 8.2 / 10.2 (acres)</td>
</tr>
<tr>
<td>Alternative 1A</td>
<td>Close median crossings, construct two turnarounds and a half signal at Airport Road $35 Million</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Alternative 2</td>
<td>Close median crossings, construct grade separation at Indianola Cutoff $60 Million</td>
<td>4.1</td>
<td>4.8</td>
<td>5.3</td>
<td>5.0</td>
<td>4.5</td>
</tr>
<tr>
<td>Alternative 3</td>
<td>Close median crossings, construct grade separation at Indianola Cutoff and a full signal at Airport Road $68 Million</td>
<td>Minor Threatened, Endangered Species</td>
<td>Minor Threatened, Endangered Species</td>
<td>Minor Threatened, Endangered Species</td>
<td>Minor Threatened, Endangered Species</td>
<td>Minor Threatened, Endangered Species</td>
</tr>
<tr>
<td>MODIFIED Alternative 3A</td>
<td>Close median crossings, construct steep slope grade separation at Indianola Cutoff and a half signal at Airport Road $58 Million</td>
<td>Floodplain encroachment</td>
<td>Floodplain encroachment</td>
<td>Floodplain encroachment</td>
<td>Floodplain encroachment</td>
<td>Floodplain encroachment</td>
</tr>
<tr>
<td>Alternative 7</td>
<td>No-Build Alternative</td>
<td>Air quality</td>
<td>Air quality</td>
<td>Air quality</td>
<td>Air quality</td>
<td>Air quality</td>
</tr>
<tr>
<td>Energy: Year 2041 percent changes in highway volume for each Build Alternative provide an approximate energy use comparison.</td>
<td>7%</td>
<td>0%</td>
<td>6%</td>
<td>1%</td>
<td>1%</td>
<td>N/A*</td>
</tr>
<tr>
<td>Traffic increase on local roads</td>
<td>Substantial</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
</tr>
<tr>
<td>Pedestrian and bicycle circulation</td>
<td>Substantial</td>
<td>Substantial</td>
<td>Moderate</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
</tr>
<tr>
<td>Route 101 Corridor business access</td>
<td>Substantial</td>
<td>Minor**</td>
<td>Substantial</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
</tr>
<tr>
<td>Environmental Justice communities</td>
<td>Substantial</td>
<td>Minor***</td>
<td>Substantial</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
</tr>
<tr>
<td>Out of direction travel / delay</td>
<td>Substantial</td>
<td>Minor</td>
<td>Moderate</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
</tr>
<tr>
<td>Potential for growth related / indirect effects</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
</tr>
<tr>
<td>Noise</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
</tr>
<tr>
<td>Hazardous waste</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
<td>Minor</td>
</tr>
<tr>
<td>Cultural resources</td>
<td>No Adverse Effect</td>
<td>No Adverse Effect</td>
<td>No Adverse Effect</td>
<td>No Adverse Effect</td>
<td>No Adverse Effect</td>
<td>No Adverse Effect</td>
</tr>
<tr>
<td>Trees removed, visual quality after implementation of measures to minimize harm</td>
<td>23 - Minor</td>
<td>83 - Moderate</td>
<td>64 - Moderate</td>
<td>64 - Moderate</td>
<td>54 - Moderate</td>
<td>54 - Moderate</td>
</tr>
</tbody>
</table>

* The half signal at Airport Road would provide a westbound left turn option from Airport Road to southbound Route 101. Southbound Route 101 traffic would not be controlled by the traffic signal phases.

** Even though the No-Build Alternative does not include any proposed roadway changes; traffic volumes and speeds are expected to increase in the foreseeable future, which may necessitate closing one or more Route 101 intersection median openings within the corridor. Closing one or more intersection median openings could potentially restrict access to businesses and residences; add out-of-direction travel and delay; increase fuel consumption; and, adversely affect the Level of Service of local streets as well as State Route 255. Bicyclists and pedestrians, as well as motorized vehicles, would be affected if these were to occur. In addition, without improvements, left turn movements onto Route 101 are predicted to degrade to Level of Service F in year 2041 at the following Route 101 intersections: Airport Road, Mid-City Motor World, Indianola Cutoff, Bracit, and Bayview Cutoff.

*** Although some work would occur in Section 10/Waters of the U.S., none of the Build Alternatives would result in adverse impacts requiring mitigation.

**** These environmental consequences are only projected for 15 to 20 years after project construction. After this period, as traffic volumes increase, unless there are other improvements, the consequences would likely change from minor to moderate.
Coordination with Public and Other Agencies

The Federal Highway Administration (FHWA), U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA) Fisheries, and Caltrans have adopted an agency policy to improve interagency coordination and to integrate the National Environmental Policy Act (NEPA) and Clean Water Act Section 404 procedures. Pursuant to these procedures, the Eureka-Arcata Corridor Improvement Project requires consultation with the aforementioned agencies. See Appendix E for more information. Caltrans and FHWA have been coordinating, and will continue to coordinate, with the resource agencies through meetings and the NEPA-404 Integration process.

Issues To Be Resolved and Processes To Be Completed in Coordination With Public and Other Agencies Before Construction of the Corridor Improvement Project

- Final wetland mitigation and monitoring plan
- Tree replacement measures
- Invasive species management
- Final project design
- Utility relocation
- Trenching locations for placement of conduit for roadway lighting
- Obtain all needed resource agency permits
- Develop cultural resource monitoring plan
- Funding for a bicycle and pedestrian trail between Eureka and Arcata
- Removal of billboards
- Work with local and state California Coastal Commission staff to determine appropriate Sea Level Rise adaptation strategies

Required Approvals and Permits

The following separate regulatory approvals are required before construction can commence:

Section 404 Individual Permit. The U.S. Army Corps of Engineers (USACE) regulates the Nation’s waterways and wetlands and is responsible for implementing and enforcing Section 404 of the federal Clean Water Act (CWA). USACE regulations require that any activity that discharges material or requires excavation in waters of the United States, including wetlands, must obtain a Section 404 permit. An Individual Section 404 permit is required for activities with more substantial wetland impact potential. Implementation of the Corridor Improvement Project would result in the filling of wetlands and other waters of the United States. Status: Submitted a preliminary permit application as part of the NEPA/404 integration process. See Appendix E for more information.
Section 10 of the Rivers and Harbors Act Permit. This project would require a Section 10 permit from the USACE for the construction of any structure in or over any navigable water of the United States, the excavating from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters. **Status:** Coordination with USACE staff is ongoing. Permit application to be submitted following final environmental document approval, but prior to construction.

Section 401 Water Quality Certification. The State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) promulgate and enforce narrative and numeric water quality standards in order to protect water quality and adopt and approve Water Quality Control Plans. The SWRCB and the RWQCBs also regulate discharges of harmful substances to surface waters, including wetlands, under the federal CWA and the California Porter-Cologne Water Quality Control Act (Porter-Cologne). If issuance of a Section 404 permit is required, it would be subject to water quality certification under CWA Section 401. **Status:** Coordination with RWQCB staff is ongoing. Permit application to be submitted following final environmental document approval, and prior to construction.

Federal Endangered Species Act (FESA). The primary federal law protecting threatened and endangered species is the Federal Endangered Species Act (FESA). **Status:** A Biological Opinion (BO) was issued on November 22, 2010 from the USFWS, which included measures to avoid and minimize harm to the tidewater goby during construction. The BO concludes that the proposed project is not likely to jeopardize the continued existence of the goby and is not likely to destroy or adversely modify critical habitat.

NOAA Fisheries issued a Letter of Concurrence on April 29, 2016 which concluded the Federal Endangered Species Act consultation process. NOAA Fisheries concluded the proposed project may affect, but is not likely to adversely affect, federally listed Southern Oregon/Northern California Coast (SONCC) coho salmon, California Coastal Chinook salmon, Northern California steelhead, Southern Distinct Population Segment of North American green sturgeon, or their designated critical habitats.

The USFWS BO and NOAA Fisheries Informal Consultation letter are located in Appendix I.

Essential Fish Habitat. The 1996 amendments to the Magnuson-Stevens Act set forth a number of new mandates for the National Oceanic and Atmospheric Administration (NOAA) Fisheries, eight regional fishery management councils (Councils), and other federal agencies to identify and protect important marine and anadromous fish habitat. The Councils, with assistance from NOAA Fisheries, are required to delineate Essential Fish Habitat (EFH) for all managed species. Federal agencies which fund, permit, or carry out activities that may adversely impact EFH are required to consult with NOAA Fisheries regarding the potential effects of their
actions on EFH, and are required to respond in writing to NOAA Fisheries recommendations. The proposed project is located within an area designated as EFH for Pacific Salmon, Pacific Groundfish and Coastal Pelagic species. In the April 29, 2016 Letter of Concurrence, NOAA Fisheries determined that the proposed action would adversely affect Pacific Salmon, Pacific Groundfish and Coastal Pelagic species EFH. However, NOAA Fisheries concluded there are no practical measures that could be taken to further minimize or avoid those effects than already incorporated into the design and proposed by Caltrans. Therefore, NOAA FISHERIES has not provided EFH Conservation Recommendations at this time. (See page 46 of BO paragraph 2).

**Section 106 Compliance.** For projects with federal funding, the National Historic Preservation Act of 1966 (NHPA), as amended by 16 United States Code (USC) Section 470 et seq.; Section 106; 36 Code of Federal Regulations (CFR) Part 800, includes provisions for protection of significant archaeological and historical resources. Procedures for dealing with previously unsuspected cultural resources discovered during construction are identified in 36 CFR 800 (for implementing Section 106 processes). The administering agency is the State Historic Preservation Office (SHPO) and the Federal Highway Administration (working in cooperation with Caltrans). **Status:** Section 106 process was finalized and a letter of concurrence from the SHPO was received November 29, 2006.

**Coastal Development Permits.** Pursuant to the California Coastal Act of 1976, any proposed development within the Coastal Zone requires a Coastal Development Permit. The Coastal Act was established to protect public and private property, wildlife, marine fisheries, other ocean resources, and the natural environment. For this project, Coastal Development Permits would be required from the State, County of Humboldt, City of Arcata, and the City of Eureka as this project lies within four Coastal Zone agency jurisdictions. However, Caltrans would likely request consolidating the permit jurisdictions and apply for one Coastal Development Permit from the California Coastal Commission. **Status:** Coordination with California Coastal Commission staff is ongoing. Caltrans obtained Federal Coastal Consistency Certification on November 14, 2013. Permit application is to be submitted following final environmental document approval, and prior to construction.

**General Bridge Act of 1946.** This law requires the U.S. Coast Guard to approve the location and plans of bridges prior to start of construction (33 U.S.C. 525). **Status:** Permit application is to be submitted following final environmental document approval, and prior to construction.

**NPDES / Storm Water Pollution Prevention Plan (SWPPP) Permit.** The National Pollutant Discharge Elimination System (NPDES) permit system was established in the Clean Water Act to regulate municipal and industrial discharges to surface Waters of the U.S. The statewide NPDES permit issued to Caltrans contains limits on allowable concentrations and mass emissions of pollutants contained in the discharge. Sections 401 and 402 of the CWA contain general requirements regarding the
NPDES permit. **Status:** The construction contractor working with Caltrans would submit a Notice of Intent to prepare a SWPPP after final project approval, but prior to construction.

**California Department of Fish and Wildlife.** Section 1602 of the California Fish and Game Code requires a Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) for activities that would divert, obstruct or change the natural flow, or adversely affect the bed, channel or bank of a stream and its associated fish and wildlife values, including contiguous riparian habitat. **Status:** Coordination with Fish and Wildlife staff is ongoing. Permit application is to be submitted following final environmental document approval, and prior to construction.

**Humboldt Bay Harbor Recreation and Conservation District.** A permit from this agency is required for replacing the southbound Jacoby Creek bridge. **Status:** Permit application is to be submitted following final environmental document approval, and prior to construction.

**Other Public Agency Permits.** Other federal, state, and local agencies’ permits including, but not limited to, the following may be needed for project implementation:

- State Lands Commission permit
- State Department of Toxic Substances Control
- County of Humboldt Coastal Development Permit
- City of Arcata Coastal Development Permit
- Regional Air Quality Management District Permit
- Applicable city/county encroachment permits

**Areas of Concern.** Many comments were received during the public meetings and circulation of the draft Environmental Impact Report/Statement. The following is a summary of concerns raised:

1. **Project need and purpose.** Many comments questioned the need for the safety component of the project; commenters questioned the perceived success of the existing Safety Corridor.

2. **Climate change/sea level rise.** Many comments reflected a need to address climate change and sea level rise issues. The project is primarily located within the floodplain of Humboldt Bay on former tidelands. While the purpose of the project is not to address impacts to the highway system from sea level rise, the structures are designed to account for future sea level rise. The Jacoby Creek Bridge will be designed so that the bridge deck will be above the estimated elevation of the highest sea level rise during high tide. The Indianola Interchange is above the projected sea level rise and will be designed in such a way that it can be raised in the future if necessary.
Caltrans worked with other local agencies to produce a District 1 Climate Change Vulnerability Assessment (2014), which included a pilot study on the Eureka – Arcata Corridor. The Coastal Commission issued a Federal Coastal Consistency Determination in 2013 which included a condition related to planning for Sea Level Rise, and Caltrans is working with the Coastal Commission and other agencies and government entities to plan for Sea Level Rise.

3. **Bicycle/pedestrian facilities within the corridor.** Many comments requested the inclusion of bicycle/pedestrian facilities as part of the proposed project.

4. **Access restrictions and out-of-direction travel.** Many comments reflected a need to maintain the existing access openings for businesses in order to avoid out-of-direction travel for both businesses and residents.

For more information regarding these issues and others, including Caltrans’ responses to the comments, please refer to Chapter 5 - Summary of Public/Agency Involvement Process / Tribal Coordination, as well as Volume II of the Final EIR/S.
Notice of Determination

To:  
☑ Office of Planning and Research  
U.S. Mail:  
P.O. Box 3044  
Sacramento, CA 95812-3044

☐ County Clerk  
County of:  
Address:  

From:  
Public Agency:  Caltrans  
Address:  1656 Union Street  
Eureka, CA 95501

Contact: Jason Meyer  
Phone: 707.445.6322

☐ Lead Agency (if different from above):  

Address:  
Contact:  
Phone:  

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 92035  
Project Title: Eureka-Arcata Route 101 Corridor Improvement Project

Project Applicant: California Department of Transportation (Caltrans)

Project Location (include county): Humboldt County Route 101 Post Miles 79.9 to 86.3

Project Description:
This project proposes to eliminate uncontrolled left turn movements entering and exiting Route 101, add a grade separated intersection at Indiana Road, add a partial signal at Airport Road, extend or construct right turn acceleration and deceleration lanes, replace the south bound Jacoby Creek Bridge, install a cable median barrier, and install metal beam guardrails.

This is to advise that the California Department of Transportation (☑ Lead Agency or ☐ Responsible Agency) has approved the above described project on 1/10/2017 and has made the following determinations regarding the above described project.

1. The project ☑ will ☐ will not] have a significant effect on the environment.
2. ☑ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures ☑ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan ☑ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations ☑ was ☐ was not] adopted for this project.
6. Findings ☑ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Caltrans District 1 Office, 1656 Union Street, Eureka, CA

Signature (Public Agency):  
Title: Associate Environmental Planner  
Date: 1/10/17  
Date Received for filing at OPR: 1/13/2017

Authority cited: Sections 21083, Public Resources Code.  
Reference Section 21000-21174, Public Resources Code.
Project Name: Eureka – Arcata Route 101 Corridor Improvement Project
District/County/Route/Postmiles: 01 / HUM / 101 / 79.9-86.3
EA: 01-36600, 01-0E000, 01-0C970, 01-0C930, 01-0F220

EIR CERTIFICATION

Part I. This is to certify that, in accordance with Section 15090 of the State CEQA Guidelines, the Final Environmental Impact Report (Final EIR) has been completed in compliance with CEQA and the State CEQA Guidelines. The Final EIR reflects the Department's independent judgment and analysis.

Env Branch Chief: Rosalind Litzky
Print name
Signature
Date: 1/10/17

Part II. This certifies that I have reviewed and considered the information contained in the Final EIR prior to approving the project. Findings have been prepared for each of the significant environmental impacts identified in the Final EIR. These findings are attached along with a statement of overriding considerations supporting approval of the project.

District Director: Timothy Craggs
(or person designated to sign the Project Report)
Print name
Signature
Date: 1/10/17
FINDINGS

CALIFORNIA DEPARTMENT OF TRANSPORTATION FINDINGS FOR
EUREKA-ARCATA ROUTE 101 CORRIDOR IMPROVEMENT PROJECT

The following information is presented to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Chapter 3, Section 15901) and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21, California Code of Regulations, Chapter 11, Section 1501). Reference is made to the Final Environmental Impact Report/Environmental Impact Statement (FEIR/S) for the project, which is the basic source for the information.

The following effects have been identified in the EIR as resulting from the project’s preferred/selected/approved alternative Modified Alternative 3A. Effects found not to be significant have not been included.

Resources:

Transportation Resources: Emergency Vehicle Access

Adverse Environmental Effects:

Removal of median turn around could increase the response time of emergency vehicles.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

The project team is working with emergency services departments to incorporate appropriate turn-arounds within the corridor. The design team will continue discussions with emergency service providers into the next phase of the project.
**Wetland Resources**

**Adverse Environmental Effects:**

The project proposes to fill 8.2 acres of 3-parameter wetland and an additional 2.0 acres of coastal (<3-parameter) wetlands.

**Findings:**

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

**Statement of Facts:**

The department is developing a plan to mitigate for wetland impacts. This plan is being developed as the Humboldt Bay Area Mitigation. The Department is committed to this plan, and it is being developed as a separate project for NEPA and CEQA environmental review.

**Water Quality Resources**

**Adverse Environmental Effects:**

The addition of approximately 4 acres of new impervious surface could have negative effects on water quality.

**Findings:**

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

**Statement of Facts:**

Most areas of the highway shed stormwater as sheet flow into vegetated areas, and thus the impacts to water quality should be minimal.
Coastal Resources

Adverse Environmental Effects:

The project could potentially impact coastal resources such as: access, visual, wetland, and sea level rise.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

This project has incorporated the following conditions set forth by the Coastal Commission in the Consistency Determination CC-016-13.

1. **Coastal Trail Planning.** Construction of the Route 101 Corridor Improvements will not commence until adequate commitments are in place to assure that a separate Class 1 bike and pedestrian trail, parallel to Route 101 from Arcata to the northern end of downtown Eureka, will be constructed and operational by the time the major project components are completed. Such commitments will include, but may not be limited to, assurances that adequate funding for construction of the trail exists, as well as a demonstration that the necessary assurances are in place to secure ownership interests or permissions to enable the trail construction to proceed in a timely manner, prior to or concurrent with construction of the corridor improvements.

2. **Visual Impact Mitigation.** Prior to or concurrent with its submittal to the Commission of a coastal development permit application for the project at issue, Caltrans will develop and submit a plan to the satisfaction of the Executive Director to provide mitigation for the visual impacts of the project by removing, to the maximum extent feasible, all billboards along the corridor, as well as other overhead infrastructure (such as power poles and power lines), and by steepening the inside slopes proposed for the Indianola interchange to maximize the view towards the bay from Indianola Cutoff.

3. **Wetland Mitigation.** Prior to or concurrent with its submittal to the Commission of a coastal development permit application for the project at issue, Caltrans will: (1) expand the Samoa restoration concept to include true tidal restoration; (2) provide a biological analysis showing that the acreages are adequate and/or habitat mixes would, in fact, fully mitigate the project’s impacts; (3) submit and receive Commission approval of coastal development permits for the restoration activities at the two sites; and (4) follow up on Caltrans’ commitment to further
substantiate the unavailability and infeasibility of non-agricultural sites in the Humboldt Bay area.

4. **Sea Level Rise Planning.** Prior to or concurrent with its submittal to the Commission of a coastal development permit application for the project Caltrans will complete its “Climate Change Adaptation Pilot Strategy for Critically Vulnerable Assets in Northwest California,” and the project described in the permit application to be submitted to the Commission will reflect the findings and implications contained in that study, including any necessary redesign to incorporate appropriate sea level rise-related adaptation strategies.

**Construction Impacts to Various Resources**

**Adverse Environmental Effects:**

The construction activities of this project could impact traffic and water quality. Impacts to traffic would be decreased level of service periodically during construction. Impacts to water quality would be increased sediment due to soil disturbing activities.

**Findings:**

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

**Statement of Facts:**

Traffic impacts will be mitigated by the Traffic Management Plan, and keeping two lanes open in both directions during peak travel times.

Water quality impacts will be mitigated by implementation of Best Management Practices for sediment and erosion control, such as, straw wattles and silt fences.
The following information is presented to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Chapter 3, Section 15903), and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21 California Code of Regulations, Chapter 11, Section 1501). Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

The following impacts have been identified as significant and not fully mitigable:

Increased travel time for some low and fixed income residents of the Redwood Coast Cabins and RV Park would cause additional financial stress. There were no suitable mitigation measures to relieve this stress to a less than significant level.

Overriding considerations that support approval of this recommended project are as follows:

Alternative Modified 3A is considered a viable alternative because it would achieve the project’s purpose and need. The purpose and need of the project is to reduce collisions associated with uncontrolled left turns onto and off of the highway facility. This alternative will close the median and eliminate left turns at this and other intersections. Right turns on and off the highway will be maintained. Left turns would be maintained at Indianola Road by a separated grade interchange, and at Airport Road by a partial signal.

Individuals traveling south on route 101 would access the East Bracut area (Redwood Coast Cabins and RV Resort) by turning around at the Indianola interchange and heading north on route 101, and making a right turn into the facility. This adds approximately 1.5 miles to the trip.

Individuals traveling south from the Bracut facilities on the east side of the highway would need to exit the facility traveling north and turn around at the Route 255 interchange in Arcata, adding approximately 5.3 miles to the trip. Or
exit north, turn on Bayside Cutoff, take Old Arcata Road to Indianola Cutoff, and use the interchange to enter the highway traveling south, which adds approximately 2.9 miles to the trip.

The benefit of the proposed project is to increase overall safety for the traveling public, including residents of the Redwood Coast Cabins and RV Resort. Numerous fatalities and other collisions along this corridor led to the initiation of the proposed project. The overall public safety benefit from the project will outweigh the inconvenience, additional travel time, and additional transportation costs to effected individuals.
RESOLUTION NO. 2019-06

A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE PERMIT APPLICATION BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR WORK ASSOCIATED WITH THE EUREKA-ARCATA ROUTE 101 CORRIDOR IMPROVEMENT PROJECT

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 California Department of Transportation has applied to the Humboldt Bay Harbor, Recreation, and Conservation District for the portions of the Eureka-Arcata Route 101 Corridor Improvement Project ("Project") consisting of the replacement of the southbound Jacoby Creek Bridge, replacement of eight (8) tide gates, and rock weir construction at Gannon Slough; and,

WHEREAS, the California Environmental Quality Act of 1970, as amended (CEQA) requires that in the approval of a project for which an Environmental Impact Report (EIR) has been prepared (SCH #2001092035) the decision making body shall review said EIR and make certain findings regarding the significant effects on the environment identified in the EIR; and,

WHEREAS, the Project was subject of an Environmental Impact Report prepared by the California Department of Transportation as the lead agency under CEQA and that Final EIR was certified by the California Department of Transportation; and,

WHEREAS the Board of Commissioners does hereby certify that acting as a responsible agency for the Project under CEQA it has considered the information contained in such Final EIR, and concurs in the analysis and conclusions set forth in said document; and,

WHEREAS, the Final EIR for the Project is, by this reference, incorporated into this Resolution as if fully set forth herein; and,
WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District has been presented with certain evidence relating to the impact of the Eureka-Arcata Route 101 Corridor Improvement Project upon the air, land, environment, and ecology of the Bay 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:

That the Board of Commissioners does hereby make the following findings: (1) it has independently reviewed and analyzed the final EIR and other information in the record and has considered the information contained therein prior to acting upon or approving the portion of the Project before the Board for consideration, (2) the EIR prepared for the Project has been completed in compliance with CEQA and in a manner that is consistent with state guidelines implementing CEQA and (3) the EIR represents the independent judgment and analysis of the Humboldt Bay Harbor, Recreation and Conservation District as a responsible agency for the Project.

Therefore, based upon all of the foregoing, the Humboldt Bay Harbor, Recreation and Conservation District as a responsible agency under CEQA, hereby adopts the Final EIR prepared for the Project. The Final EIR is on file at the Humboldt Bay Harbor, Recreation and Conservation District Office, 601 Startare Drive, Eureka, CA 95501, and available for inspection by any interested person.

BE IT FURTHER RESOLVED that 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 the California Department of Transportation in the Permit Application (No. 2018-01) for Work Associated with the Eureka-Arcata Route 101 Corridor Improvement Project:

1. The proposed use is necessary to promote public safety, health, comfort, and convenience; and,

2. The proposed use is required by the public convenience and necessity; and,

3. The proposed use, as conditioned is consistent with CEQA; and,

4. The proposed use will have a significant effect on the environment, Findings were made pursuant to the provisions of CEQA and a Statement of Overriding Considerations has been adopted for the project; and,

5. The proposed use is consistent with the Humboldt Bay Management Plan; and,

6. The proposed use is reasonably required to promote growth, and to meet area demands; and,
7. 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 Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the 25th day of April 2019, by the following polled vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

__________________________
GREG DALE, President
Board of Commissioners

ATTEST:

__________________________
LARRY DOSS, 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. 2019-06 entitled,

A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE PERMIT APPLICATION BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR WORK ASSOCIATED WITH THE EUREKA-ARCATA ROUTE 101 CORRIDOR IMPROVEMENT PROJECT

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 April 2019; 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 April, 2019.

______________________________
LARRY DOSS, Secretary
Board of Commissioners
STAFF REPORT – HARBOR DISTRICT MEETING
April 25, 2019

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

PREPARED BY: Bernadette Clueit, Harbor Specialist III

DATE: April 22, 2019

TITLE: Consideration of Resolution 2019-06, A Resolution Establishing Findings Relative to the Permit Application by the California Department of Transportation for Work Associated with the Eureka-Arcata Route 101 Corridor Improvement Project

STAFF RECOMMENDATION: Staff recommends the Board: Adopt Resolution 2019-06 establishing findings in accordance with the California Environmental Quality Act (CEQA) for implementation of the Eureka-Arcata Route 101 Corridor Improvement Project, and determine that:

1. The California Department of Transportation (Caltrans), as lead agency, prepared and certified the Final Environmental Impact Report (Final EIR); and
2. The Humboldt Bay Harbor, Recreation and Conservation District (District) is a responsible agency for the proposed project and considered the information contained in the Final EIR and concurs with the analysis and conclusions set forth in said document; and
3. The Eureka-Arcata Route 101 Corridor Improvement Project Final EIR reflects the District’s independent judgment and analysis as a responsible agency for the project.

BACKGROUND: Caltrans proposes to improve public safety and infrastructure along the Eureka-Arcata Route 101 Corridor by eliminating uncontrolled left turns, adding a grade separated intersection at Indianola Road, adding a partial signal at Airport road, extending and/or constructing various acceleration and deceleration lanes, replacing and upgrading bridge rails and guard rails, installing a cable median barrier, replacing the southbound Jacoby Creek bridge, replacing eight (8) tide gates on culverts, and constructing a rock weir at Gannon Slough. The replacement of the southbound Jacoby Creek bridge, tide gate replacement, and rock weir construction elements of the project fall within the regulatory jurisdiction of the District as they require work below the Mean Higher High Water level. Mitigation for this work is being developed as a separate project for CEQA and NEPA environmental review, and will be considered under a separate permit application to the District.

DISCUSSION: The existing southbound Jacoby Creek bridge on Route 101 at post mile 84.6 was originally constructed in 1920 for a two-lane conventional highway. Due to age and deterioration, and the need for more frequent and costly maintenance, this bridge needs to be replaced. The new bridge will be approximately 73 feet long and 43 feet wide (6 feet wider than the current bridge). The additional width will allow for standard shoulder widths and bridge rails. The new bridge will be two lanes wide and single span with no piers in the channel, unlike the current bridge which is a three-span structure with
two rows of piles within the channel. The new bridge will be constructed at a deck elevation approximately two feet higher than the existing bridge elevation to account for anticipated sea-level rise and to keep the new bottom of soffit above existing soffit elevations. The new bridge will have approximately 300 square feet more surface area and will shade an additional 300 square feet area of Jacoby Creek.

Eight tide gates at five different locations along the corridor are identified for replacement. The tide gates were installed in 1954, are aging and in poor condition, and require emergency repair at an increasing rate. Included are the dual tide gates off Airport Road where Highway 101 Slough outlets at Eureka Slough behind the Farm Store on Jacobs Avenue; the tide gate south of Mid-City Motor World that connects to a roadside ditch at California Redwood Company; a tide gate at Brainard Slough north of Bracut; a tide gate at Old Jacoby Creek; and a triple tide gate at Gannon Slough, north of the northbound Gannon Slough Bridge.

Currently, all tide gates are standard top-hinged flap gate design, either round or rectangular. One tide gate at each of the Highway 101 Slough, Brainard Slough, Old Jacoby Creek, and Gannon Slough locations will be replaced with fish-friendly tide gates. Once installed, the fish-friendly tide gates will be adjusted to maintain existing muted tidal flow conditions to perpetuate current habitat conditions present inland of the tide gates, such as minimum and maximum water level, salinity, and water level fluctuations.

Caltrans proposes to construct a rock weir in the channel of Gannon Slough downstream of the triple tide gate to form a backwater and provide a staging area for adult salmonids migrating upstream during the spawning season. Approximately 200 cubic yards of rock will be installed and the weir will be sealed with gravel and fines, creating areas where water can pool below the tide gates during ebb tide. The rock will cover an area 40 feet by 20 feet by about 3 feet deep, and extend up the side banks to prevent scouring from the outpour of the tide gates. Construction of the weir will likely coincide with low flow and low tide periods during the summer or winter months.

Caltrans prepared and certified a Final EIR (SCH #2001092035) with mitigation measures and a mitigation monitoring and/or reporting plan was adopted for the project. Findings were prepared for each of the significant environmental impacts identified in the Final EIR, and a Statement of Overriding Considerations was adopted. The Draft EIR was made available for public review and comment in July 2007, and was the subject of two public meetings. The District, as a responsible agency for the proposed project, must review and consider the information contained in the Final EIR.

ATTACHMENTS:
A. Final EIR Executive Summary
B. Notice of Determination, Findings, and Statement of Overriding Considerations
C. Resolution 2019-06
HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT

PERMIT

Permit No. 2018-01 601 Startare Drive
Woodley Island Marina
P.O. Box 1030
Eureka, CA 95502-1030

Permittee:
California Department of Transportation
Jeff Pimentel
1656 Union Street
Eureka, CA 95501

The Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District hereinafter referred to as “District”, having considered the Application herein, number 2018-01, filed by the California Department of Transportation, hereinafter referred to as “Permittee”, and the California Department of Transportation as the lead agency, pursuant to the California Environmental Quality Act of 1970, as amended, having made a determination certifying the Final Environmental Impact Report (SCH #2001092035) and the Board of Commissioners of the District having on April 25, 2019, passed Resolution No. 2019-06 establishing findings relative to the Application by Permittee for work associate with the Eureka-Arcata Route 101 Corridor Improvement Project as provided for in this Permit, the Permittee is hereby authorized to perform the work as more particularly described in the Application filed with the District and the Final Environmental Impact Report referred to above.

You are hereby authorized to conduct that activity described in the Permit Application of Permittee consisting of:

Eureka-Arcata Route 101 Corridor Improvement Project – replacement of the Southbound Jacoby Creek Bridge, replacement of eight (8) tide gates, and rock weir construction at Gannon Slough as more particularly described in the Application filed by Permittee.

That the location of the proposed activity shall be in Humboldt County, California, Route 101 Post Miles 79.9 to 86.3.

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. If the Permittee materially changes the activity plan and scope, it will be necessary to request a permit revision.
2. 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
   B. North Coast Regional Water Quality Control Board
   C. California Coastal Commission
   D. United States Coast Guard
   E. 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.

3. That the mitigation measures described in the Final Environmental Impact Report for the Eureka-Arcata Route 101 Corridor Improvement Project are made conditions of this permit by reference.

4. That PRIOR TO INITIATION OF DEVELOPMENT, the Permittee shall submit, for District review and written approval, a detailed mitigation plan consistent with the Project’s Final Environmental Impact Report.

5. Any in-water work requires a Spill Prevention, Control and Countermeasure (SPCC) plan. Spill kits with appropriate contents will be maintained at the project site. Kits shall be equipped with enough material to provide preliminary containment for a volume of material that can reasonably be expected to spill. Booms will be available to contain spilled materials.

6. All construction debris shall be removed from the site and disposed of only at an authorized disposal site. Sidecasting of such material or placement of any such material within Humboldt Bay or any wetland area is prohibited.

7. If archeological or cultural features or materials are unearthed during any phase of project activity, all work in the immediate vicinity of the find shall halt until the Permittee has contacted the Wiyot Tribe’s Cultural Department, and the significance of the resource has been evaluated, to the satisfaction of the Wiyot Tribe. Any mitigation measures that may be deemed necessary will be provided to the Wiyot Cultural Director for review and input to ensure they are consistent with the standards for cultural resource mitigation particularly in cooperation with Native American tribal representatives and the California State Native American Heritage Commission. Mitigation measures shall be implemented by a qualified archeologist representing the Permittee prior to resumption of construction activities. If human remains are exposed by project related activity, the Permittee shall comply with California State Health and Safety Code, §7050.5, which states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code, §5097.98.

8. That there shall be no unreasonable interference with navigation by the work herein authorized.
9. 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.

10. That Permittee shall furnish to the District a written annual progress report, and upon completion, a written completion report describing the completion of the project.

11. 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.

12. That this Permit, if not previously revoked or specifically extended, shall cease and be null and void and terminate on the 24th day of April, 2024. If Permittee cannot complete the work within the time granted by this Permit, an application for extension must be filed prior to the Permit termination date.

13. That the Permittee shall comply with any regulations, condition, or instructions affecting the work hereby authorized if and when issued by the Federal Water Pollution Control Administration and/or the State of California Water Resources Control Agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions, or instruction in effect or prescribed by Federal or State Agencies are hereby made a condition of this Permit.

14. That the District, its Commissioners, or any officer or employee of the District shall in no case be liable for any damages or injury of the work herein authorized which may be caused by or result from future operations undertaken by the District for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

15. That neither the District, nor its Board of Commissioners, nor any officer of the District shall be liable to any extent for any such injury or damage to any person or property or for the death of any person arising out of or connected with the work authorized by this Permit.

16. That as a condition to the issuance of this Permit, Permittee agrees to indemnify and hold harmless District from and against any and all liability, loss, or damage District may suffer from claims and demands for 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.

17. That this Permit is valid as of the 25th day of April, 2019, 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 April 2019, by authority of the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District.

__________________________
GREG DALE, President
Board of Commissioners
Humboldt Bay Harbor, Recreation and Conservation District

The California Department of Transportation, Permittee, in the above Permit, hereby accepts and agrees to all of the conditions hereinabove set forth. Permittee shall indemnify and hold harmless the District, its Board of Commissioners, officers and employees from any and all claims of any nature arising from the performance of and work of improvement contained in the Application for injury, death or damage to any person or property.

The California Department of Transportation, Permittee, in the above Permit, agrees to indemnify and hold harmless 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.

Dated: ____________________

__________________________
Name: ____________________
Title:______________________
California Department of Transportation
STAFF REPORT – HARBOR DISTRICT MEETING
April 25, 2019

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

PREPARED BY: Bernadette Clueit, Harbor Specialist III

DATE: April 22, 2019

TITLE: Consideration of Granting to the California Department of Transportation Permit 2018-01 for Work Associated with the Eureka-Arcata Route 101 Corridor Improvement Project.

STAFF RECOMMENDATION: Staff recommends the Board: Grant Permit 2018-01 to the California Department of Transportation.

BACKGROUND: The proposed Permit 2018-01 would allow the California Department of Transportation to proceed with work associated with the Eureka-Arcata Route 101 Corridor Improvement Project consisting of the replacement of the southbound Jacoby Creek bridge, replacement of eight (8) tide gates between post miles 79.9 and 86.3, and construction of a rock weir at Gannon Slough.

ATTACHMENTS:
A. Permit 2018-01
Honorable Gavin Newsom
Governor of the State of California
State Capitol
Sacramento, CA  95814

Attn:  Mona Pasquil, Appointments Secretary

RE:  Appointment of Mike Wilson to the
California Coastal Commission – North Coast Region Representative

Dear Governor Newsom:

Please accept this letter from the Board of the Humboldt Bay Harbor, Recreation, and Conservation District as the Board’s support and endorsement of Humboldt County Supervisor Mike Wilson to fill the vacancy which currently exists for the North Coast Region seat on the California Coastal Commission.

Commissioner Wilson is a former Harbor District Board member and fully understands the diverse needs of the coastal dependent industrial, shipping, fishing, aquaculture, recreation, and environmental industries and groups. Representation of the North Coast requires someone with a commitment to and understanding of the value of protecting and enhancing our coastal resources and public access. It also requires the skills and experience to work with a diverse group of stakeholders to balance these important protections with the need for appropriate development and uses.

As an environmental engineering professional, Harbor District commissioner, and member of the Board of Supervisors, Mike has demonstrated he has the experience representing his community and the entire north coast. As demonstrated by his many relevant accomplishments supervisor Wilson has also demonstrated the ability to lead and work with others to find solutions to complex projects and issues within our coastal region.

He has working experience with the Coastal Act and is well aware of the important role the Coastal Commission has in the future of our north coast communities as well as the other coastal issues addressed by the Commission. Mike’s experience in representing a large portion of the California Coastline and his overall knowledge of land use issues, makes him an excellent choice to represent the North Coast on the Coastal Commission.
The Board strongly recommends the appointment of Supervisor Mike Wilson as the North Coast Representative on the California Coastal Commission.

Sincerely,

Greg Dale, President
Humboldt Bay Harbor, Recreation, and Conservation District
Honorable Gavin Newsom  
Governor of the State of California  
State Capitol  
Sacramento, CA  95826

Attn:  Mona Pasquil, Appointments Secretary

RE:  Appointment of Virginia Bass to the  
California Coastal Commission – North Coast Region Representative

Dear Governor Newsom,

On April 25, 2019 the Board of the Humboldt Bay Harbor, Recreation and Conservation District voted to support Humboldt County Supervisor Virginia Bass to fill the vacancy which currently exists for the North Coast Region seat on the California Coastal Commission.  The Harbor District owns several hundred acres of Coastal Dependent Industrial land adjacent to deep water shipping access and has been granted control of several thousand acres Humboldt Bay by the California Legislature.  The District experiences daily the need for an informed person such as Virginia Bass to sit on the Coastal Commission.

Representation of the North Coast requires someone with a commitment to and understanding of the value of protecting and enhancing our coastal resources and public access. It also requires the skills and experience to work with a diverse group of stakeholders to balance these important protections with the need for appropriate development and uses.

The Board strongly recommends the appointment of Virginia Bass as the North Coast Representative on the California Coastal Commission.

Sincerely,

Greg Dale, President,  
Humboldt Bay Harbor, Recreation, and Conservation District
STAFF REPORT – HARBOR DISTRICT MEETING
April 25, 2019

TO: Honorable Board President and Harbor District Board Members

FROM: Larry Oetker, Executive Director

DATE: April 19, 2019

TITLE: Approval of Payment to Recology Eel River in the amount of $6,084 for Fees Associated with Removal of Boats at 533 Machi Road in Shelter Cove

STAFF RECOMMENDATION: Staff recommends the Board: Approve funds to Recology Eel River for disposal costs of derelict vessels from 533 Machi Road in Shelter Cove.

BACKGROUND: Recology Eel River is the only waste disposal company in Shelter Cove. The District required two (2) 30-yard dumpsters in order to dispose of derelict vessels left at the Shelter Cove Boat Storage on Machi Road in Shelter Cove.

ATTACHMENTS:

A. Recology Eel River Invoice
**RECOLOGY EEL RIVER**
P.O. BOX 266 FORTUNA, CA 95540 (707) 725-5156

**PAYMENT IS DUE BY THE 10TH OF THE MONTH**

FINANCE CHARGE of 1-1/2% PER MONTH (ANNUAL RATE of 18%) charged on all past due accounts.

Please Remit by the 10th
HUMBOLDT BAY HARBOR REC
533 MACHI RD

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**PAYMENT APPROVED**

By: [Signature]

Account #: [Redacted]

Board of Commissioners

Approval Date: [Redacted]

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