

Humboldt Bay Intertidal Mariculture Pre-Permitting

and Yeung Oyster Farm

Environmental Impact Report

(SCH #2017032068)

Scoping Report

Lead Agency:

Humboldt Bay Harbor, Recreation and Conservation District

December 2017

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INTRODUCTION

The Humboldt Bay Harbor Recreation and Conservation District (District or Harbor District), the California Environmental Quality Act (CEQA) lead agency, determined that an Environmental Impact Report (EIR) be prepared for the Humboldt Bay Intertidal Mariculture Pre-permitting and Yeung Oyster Farm (project) (SCH#2017032068). There had been a prior EIR prepared for subtidal and intertidal mariculture pre-permitting; see the attached notice of preparation (NOP) for project background. EIR preparation was initiated with the NOP announcing that a Draft EIR will be prepared for the project.

The Harbor District is the project proponent for the Mariculture Pre-Permitting Intertidal Project and Mr. Jerry Yeung is the project proponent for the Yeung Oyster Farm. The two projects are being evaluated in one EIR because they have many similarities including proposed timing, location, shellfish culture methods, culture species, and potential environmental effects. Both projects are within intertidal areas of north Humboldt Bay. The Draft EIR will identify, evaluate and disclose possible environmental effects of these projects in compliance with Public Resources Code Section 21000 et seq. and CEQA Guidelines (California Code of Regulations Title 14, Chapter 3, Sections 15000 and 15387). After Draft review, a Final EIR will be prepared, with response to comment, for certification by the District.

Under CEQA, scoping is an early and open process for determining the scope of DEIR issues. During the scoping process, the CEQA lead agency is required to invite potentially affected agencies, potentially affected Indian tribes, and other interested persons to provide input on the scope of the environmental analyses to be conducted for the project. The CEQA lead agency is also required to hold at least one public scoping meeting for projects of statewide, regional, or area-wide significance.

The Harbor District issued the project NOP on March 23, 2017 to solicit DEIR scope input and comments. The NOP review period began March 24, 2017 and ended April 24, 2017, providing commenters 30 days to comment on the DEIR scope. The District received written comments from 13 entities including three agencies, local interest groups, residents, and NGOs. The District held a public scoping meeting on April 18, 2017 to hear public comments on the DEIR scope. This CEQA Scoping Report summarizes the scoping process, including written and oral comments received.

After release of the NOP, the District met with stakeholders and regulatory agency staff regarding the proposed projects. Among other comments, the District received feedback that more detailed mapping of eelgrass (*Zostera marina*) should be completed at the project sites and that project alternatives should be considered which better avoid eelgrass. Detailed eelgrass mapping of the sites was conducted in May 2017 and project designs were modified to avoid the mapped eelgrass. The mapping results and proposed new lease areas are described and mapped in this report.

Scoping Purpose

This scoping report describes the District's EIR scoping process and contains the comments received on the proposed project during the scoping period. The District will use scoping comments to:

- Define the range of issues and alternatives for evaluation in the EIR
- Focus the environmental analysis
- Identify potential environmental impacts for consideration in the EIR
- Identify potential mitigation measures for consideration in the EIR

Comments received during the scoping process are part of the public record as documented in this scoping report. The comments and questions received during the public scoping process have been reviewed and considered by the Harbor District in determining the appropriate scope of EIR issues.

Scoping Report Organization

This document describes the scoping process and includes the comments received at the public scoping meeting and as formal comment letters submitted via e-mail, fax, and mail. Both oral and written comments are documented. Most responses included more than one comment, and comments are grouped together by issue topics. Table 1 lists the individuals and agencies that provided written comments. Appendix A includes materials used to notify the public of the scoping meeting. Appendix B contains the meeting materials. Appendix C includes the written comments received during the scoping period. Appendix D includes a list of the abbreviations used in this document.

Project Objective

The Humboldt Bay Intertidal Mariculture Pre-permitting & Yeung Oyster Farm Project (IMP & YOF) objectives are to allow for an expansion of commercial mariculture activities in Humboldt Bay, create jobs and improve the local economy, while also increasing local and sustainable seafood production.

As part of the scoping process, the District distributed a letter requesting agency assistance in developing an adaptive management plan for the projects. The adaptive management plan will be designed to ensure adequate avoidance, minimization and mitigation of biological effects. Adaptive management will involve monitoring to inform mitigation and refinement of best management practices as agreed to by regulatory agencies and other partners prior to project approval.

Proposed Mitigation Measures Prior to Project Implementation

A suite of mitigation measures is proposed to be implemented prior to project implementation. This mitigation would be for quantifiable benthic and other potential impacts, prior to implementation and may include a combination of the following:

- Preservation of bay habitats through fee title acquisition and/or conservation easements.
- Removal of unused piles and debris in the bay to create benthic habitat.
- Contribution to bay restoration projects, including projects that enhance or create salt marsh and/or eelgrass habitat.

Scoping Meeting Notification

The Harbor District noticed stakeholders about the NOP, scoping period and meeting by:

- Posting to the State Clearinghouse
- Newspaper Public Notice
- NOP mailing (See Appendix A)
- NOP Email notice with a District website link to District listserv
- Communications during Harbor District meetings

Noticing materials are included in Appendix A.

Agency and Public Scoping Meetings

The District conducted one agency scoping meeting, on April 14, 2017 from 1:00 – 3:00 p.m. in the Harbor District Conference Room 601, to solicit comments and input on the DEIR scope. The

scoping meeting began with a presentation made by District staff followed by group discussion. Meeting materials are in Appendix A.

A public comment session was held April 18, 2017 from 4:00 – 6:00 p.m., during which meeting attendees were invited to provide oral comments. The presentation provided information on: the meeting process and how to provide public comment; the CEQA process, scoping process, and compliance with CEQA regulations; and the project. During the scoping meeting, participants also were encouraged to submit written comments before April 24, 2017 close of the comment period.

SCOPING COMMENTS RECEIVED

This section summarizes the scoping comments received. These comments raised issues that will be taken into consideration by the District, and may require further coordination with the commenter or organization. The comment summary presented in this section is organized by topic area in alphabetical order. This comment order does not represent a relative importance or topic areas, but rather is intended to facilitate comments presentation in an orderly manner. In general, many commenters thought more detailed mapping could be helpful to evaluate potential project impacts. In total, 13 persons, agencies or organizations provided written comments through the scoping process and additional oral comments were received from individuals at the scoping meetings. Written comments are included in Appendix C.

Aesthetics

Site 2 is the terminus of Arcata's rail to trail and they are putting in wildlife viewing points. A decrease in natural areas could affect tourism and hiking trail development. Concern was expressed about artificial structures and marine debris affecting viewscape. Visual simulations at full buildout from public viewpoints would provide an accurate idea of potential impacts to the viewscape.

Biological Resources

Commenters expressed concern that aquaculture operation impacts are likely to affect several migratory shorebirds and waterfowl species, as well as fish species listed under the state and federal Endangered Species Acts. Eelgrass and wetland habitats may also be potentially impacted. Loss in eelgrass density may occur. Carrying capacity should be assessed to insure adequate inputs and exchanges from surrounding areas. Additional structures may provide a habitat for non-native colonization and the dispersal of exotic species in Humboldt Bay. Intertidal mudflats provide important habitat and large differences in species composition have been shown between bare mudflats and those covered in aquaculture gear. The EIR should analyze project alternatives that completely avoid eelgrass because it is an important species providing critical ecological function and it may be negatively affected by oyster cultivation. The combination of the Pre-Permitting Project, the Yeung Oyster Farm Project and the Coast Seafoods Project should be evaluated for their cumulative impacts on the bay.

Cultural Resources

The Wiyot tribe has always considered eelgrass beds to be a significant part of the traditional landscape and supports the establishment of a conservation easement. The tribe encourages adequate monitoring of eelgrass beds to understand impacts from climate change and additional development of mariculture within the bay. The Wiyot tribe expressed concern about potential impacts on black brant, herring and other native species, including bivalves, which are an important cultural resource.

Operations and Maintenance

According to the California State Land Commission, storm events are increasing in frequency and could

increase marine debris which is a potential hazard to public safety and navigation. An Increase in boat trips due to project operations could result in disturbance to waterfowl especially black brant feeding on eelgrass. Black brant stop feeding once aquaculture gear is exposed. Effects of different culture methods should be documented.

Benthic Impacts

The East Bay region was identified as an area of extreme importance for benthic habitat. The proposed project includes placement of Mariculture equipment on unvegetated mudflats. The Project may result in impacts including changes in the infauna composition, habitat erosion and alteration, changes in food availability and reduced foraging areas.

Recreation

The brant hunting community is concerned about project operations in the East Bay Management Area. The Project should include exclusion areas and days to accommodate all boat-based waterfowl hunting. There are concerns about a decrease in waterfowl available for harvest resulting from displacement, the loss of hunting opportunities for scull boaters due to physical obstruction, and increases in hazards to boaters and hunting dogs. The CA State Land Commission requests that maps showing public access points at all the Project sites be posted at boat launching sites.

Comments beyond the CEQA scope, outside of the proposed project scope, outside of the affected area, or not related to the matter at hand, need not be addressed in the EIR. In addition, there were a number of statements received for or against the project. Those comments provided no insight on EIR scope.

COMMENTERS

Agencies, organizations, and individuals providing written scoping comments are listed in Table 1 below. Written comments received and the summary of the scoping meeting comments are in Appendix C.

Comments Received During Scoping				
Agency/organization/other	Name D			
Audobon / California Waterfowl	Anna Weinstein, Marine Program Director Audubon California Mark Hennelly, Vice President Legislative Affairs and Public Policy California Waterfowl	April 24, 2017		
CA DFW	Craig Shuman, D. Env. Regional Manager Marine Region	April 24, 2017		
Humboldt Bay Oyster Co.	Todd Van Herpe	April 25, 2017		
Native American Heritage Commission	Frank Lienart	April, 14, 2017		
NCRWQCB	Brendan Thompson	April 21, 2017		
State Lands Commission	Cy R. Oggins, Chief	April 24, 2017		
Wiyot Tribe	Ted Hernandez, Chair	March 2, 2016 April 27, 2017		

Table 1 Written Comments Received During the Scoping Period (Refer to full comments in APPENDIX C)
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Comments Received During Scoping				
Agency/organization/other	Name	Date		
Public	Joan Romo	April 24, 2017		
	Ted Romo	April 24, 2017		
	Steve Rosenberg	March 28, 2017		
	Steve Cobine	April 24, 2017		
	Scott E. Frazer	April 24, 2017		
	Sallie Grover	April 19, 2017		

Scoping Meeting Oral comments - Refer to summary in APPENDIX C

PROJECT REVISIONS AND NEW ENVIRONMENTAL IMPACT REPORT PREPARATION

After release of the NOP, the District met with stakeholders and regulatory agency staff regarding the proposed projects. Among other comments, the District received feedback that more detailed mapping of eelgrass (Zostera marina) should be completed at the project sites and that project alternatives should be considered which better avoid eelgrass. Detailed eelgrass mapping of the sites was conducted in May 2017 and project designs were modified to avoid the mapped eelgrass. The following describe the revised project design to be analyzed in the EIR.

Spatial Configuration

The boundaries of each culture area have been reduced so as to avoid areas with eelgrass. Eelgrass presence within the currently proposed culture areas is sparse. Attachment A presents maps of the revised culture area boundaries and eelgrass as mapped in May 2017. Regardless of method, culture equipment would only be placed where it avoids eelgrass plants by a minimum distance of 10 feet.

Culture Methods

Kumamoto oysters (Crassostrea Sikamea) and Pacific oysters (C. Gigas) would be cultured. The two proposed culture methods are described in Attachment B. These methods would be implemented within the various culture areas as follows:

Culture Area	Methods
HBHD 1	Basket-on-Longline or Rack-and-Bag
HBHD 2	Basket-on-Longline
HBHD 3	Basket-on-Longline
HBHD 4	Rack-and-Bag
Yeung Oyster Farm	Basket-on-Longline



Attachment A Proposed Project Sites and Eelgrass Distribution

Figure 1. Overview of culture areas. All culture areas combined are approximately 191 acres.



Figure 2. HBHD 1 Culture Area which is approximately 36.4 acres.



Figure 3. HBHD 2 Culture Area which is approximately 48.4 acres.





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Figure 5. HBHD 4 Culture Area which is approximately 15.7 acres.



Figure 6. Yeung Oyster Farm Culture Area which is approximately 45.4 acres.

Attachment B Proposed Shellfish Culture Methods Shellfish Culture Rack-and-Bag Method

This description was adapted from Coast Seafoods Company (CSC) (2007)¹. Rack-and-bag culture is used for growing Kumamoto oysters and Pacific oysters.

The oysters are grown as "singles", meaning they are not attached to any structure such as shells or to eachother (they are "loose" in the bags). Rack-and-bag culture uses polyethylene mesh bags and rebar frames.

Each rebar frame is 3 feet (ft) x 12 ft and supports 3-6 bags attached to the frame via industrial rubber bands. Each bag is initially seeded with oysters and placed in intertidal areas.

It takes 1–2 years for the seed to grow into oysters of market size, depending on tidal height and primary productivity, and then the bags of oysters are harvested by hand (lifted from the racks into a skiff), processed and brought to market.





¹ Coast Seafoods Company. 2007. Coast Seafoods Application for Continued Mariculture Operations in Humboldt Bay, California. Draft Mitigated Negative Declaration. Prepared for Humboldt Bay Harbor, Recreation and Conservation District.

Shellfish Culture Basket-on-Longline Method

Basket-on-longline culture is used to grow Kumamoto oysters and Pacific oysters as singles. This method utilizes baskets that hang off a monofilament line suspended off the bottom using 2-inch schedule 80 PVC pipe. The monofilament line is 5mm in diameter and protected by a 3/8-inch polyethylene sleeve that the monofilament is slid inside. The baskets are approximately 24 inches (in) x 10 in x 6 in and are held on the line with plastic clips. A float, which is approximately 2.5 in diameter and 5.5 in long, is often attached to the baskets so that the baskets float up during high tides. Once the oysters reach a harvestable size, in approximately 1.5–2 years, the baskets are removed from the water, and the oysters are accessed through end caps on the baskets.





The following appendices are available upon request and on the HBRCD website:

APPENDIX A: NOTICE OF PREPARATION AND AGENCY MEETING NOTICE MATERIALS

A1 Notice of Preparation A2 Notification list A3 Agency letter and Meeting Agenda A4 NOC for NOP & State Clearinghouse Summary of Posting

APPENDIX B: PUBLIC SCOPING MEETING MATERIALS

B1 Scoping Meeting Agenda & Presentations: OverviewB2 Public Meeting FlyerB3 Sign in sheetB4 Maps

APPENDIX C: WRITTEN & ORAL COMMENTS

C1 Written comments received during the scoping period (see Table 1)

C2 Summary of public scoping meeting (presentations and oral comments)

C3 Agency meeting comments

APPENDIX D: ABBREVIATIONS

CEQA	California Environmental Quality Act
CDFW	California Department of Fish & Wildlife
CSLC	California State Lands Commission
CDWR	California Department of Water Resources
EIR	Environmental Impact Report
GHG	Greenhouse gas
ITP	Incidental Take Permit
NMFS	National Marine Fisheries Service
NOP	Notice of Preparation
USACE	US Army Corps of Engineers
USFWS	US Fish & Wildlife Service