



HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT



P.O. BOX 1030
 Eureka, California 95502
 phone (707) 443-0801
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PERMIT APPLICATION

Date Filed May 9, 2019

General Information	For District Use
1.) Name, Address, phone # and email of Developer, Project Sponsor and Legal Owner Carol and C.J. Ralph, 7000 Lanphere Road Arcata, CA 95521 cjralph@humboldt1.com 707 822-2015 (cell: 707 499-9707)	A. Application No. _____ Application Type: Franchise <input type="checkbox"/> Permit <input type="checkbox"/> Lease <input type="checkbox"/>
2.) Address of Project and Assessor's block, lot and Parcel Number APN 506-281-03	B. Date Received by Harbor District
	C. Date Accepted for filing by Commission
3.) Contact person Name, Address, phone # As above	D. Date of Public Notice
	E. Date of Environmental Compliance
	F. Date of Public Notice
	G. Date of Public Hearings
4.) adjoining property owners CalTrans, Humboldt Bay National Wildlife Refuge,	H. Date of Commission Action
5.) List and describe any other related Project Permits & Other Public Approvals required, including those required by City, Regional, State & Federal Agencies. We are checking with the National Marine Fisheries, U.S. Fish and Wildlife Service, California State Fish and Wildlife, and the North Coast Regional Water Quality Control Board	Approval: _____ Conditional _____ Disapproval _____
6.) Existing City/County Zoning AE-60 / NR	Describe in detail the proposed project: I. Expiration Date
7.) Proposed Site Use (Project Title). Agriculture	Describe proposed project
Comments	

The culvert needing replacement is part of the century-old system of maintaining our agricultural lands free of saltwater and drained of freshwater automatically. This culvert through our dike into the Mad River Slough, with an outer flapper valve and an inner gate valve, allows freshwater outflow and prevents salt water inflow on agricultural grazing and haying lands, and into three ponds that currently have high numbers of red-legged frog and Pacific chorus frog eggs in them. The culvert has corroded and broken, so that saltwater can flow in even when the flapper is closed. Large inflows of saltwater would kill frog eggs, tadpoles, and pasture grasses.

If this gate valve is kept closed constantly, fresh water backs up in the pastures, making them too wet to graze. When the ground is soft and wet, as it would be if flooded with fresh water, cows sink in and cause considerable erosion. Now is the growing season, and if pastures are not grazed, they grow too tall and rank, and the tall fescue crowds out the clover. Lack of drainage control makes it impossible to practice good pasture management.

Opening and closing the gate on the low tide daily is not feasible. The outer 20 feet of the 60-foot, 18 inches in diameter, pipe needs to be replaced immediately. This is strictly a repair and maintenance project with a short timeline as failure of the entire culvert is likely.

We will replace the culvert with a pipe of equal size. To replace the pipe an excavator sitting on top of the dike will remove just enough concrete armoring on the dike face to be able to dig out the pipe, stacking the armor and dirt carefully on top of the dike or on the pasture side. All the material will be needed for backfill; none will be left in wetlands. All excavator work on the slough side will be done above water. No digging will be necessary on the mudflat.

The outside slope of the dike is covered with erosion cloth and the armor, leaving no exposed dirt.

This simple culvert replacement is a maintenance task, replacing a corroded pipe with an equivalent pipe in exactly the same position, with the same kinds of gates on it, with absolutely minimal land disturbance. The culvert site and entire drainage system were extensively reviewed and approved in 1999 as part of a major dike maintenance project and we have done a similar culvert repair and maintenance in 2008. We are in the process of consulting with the California Coastal Commission, the Humboldt Bay Harbor, Recreation, and Conservation District, the National Marine Fisheries, U.S. Fish and Wildlife Service, California State Fish and Wildlife, and the North Coast Regional Water Quality Control Board.

PRE-PROJECT EELGRASS CHECKLIST

Please complete the Eelgrass Pre-project Checklist below. Note that the checklist questions relate to the Area of Potential Effect (APE) associated with your project, which incorporates a surrounding buffer inclusive of the limits of potential construction and/or maintenance-related activities that could affect eelgrass habitat. Provide a copy of the completed questionnaire along with your permit application and a map depicting the proposed project location, potential eelgrass depth range -10 to +4 feet, and benchmark eelgrass distribution in the vicinity of the proposed project. Maps should be of an appropriate scale to clearly depict the preliminary/proposed APE boundary in relation to both existing and potential eelgrass resources as provided in the Humboldt Bay Eelgrass Comprehensive Management Plan and associated webpage (humbolddbay.org/eelgrass-management-plan). Here you'll find information and links including [eelgrass information for permit applicants](#), a [baseline eelgrass distribution map](#), and the [Humboldt Bay Eelgrass Comprehensive Management Plan](#). Contact the Harbor District office with questions (443-0801).

For New Projects:

		YES	NO
a)	Is the project located within 100 feet of previously mapped (known) eelgrass habitat?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Will any construction or new operational traffic occur within the vicinity of existing eelgrass?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Is any portion of the project located in an area with depths ranging from -10 to +4 feet?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Does the project result in new cover, shading or other form of light reduction of open water areas ranging in depth from -10 to +4 feet?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Is the project anticipated to affect wind or tidal circulation patterns within the bay?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Could the project affect ambient water temperature or clarity or result in new effluent (including stormwater) discharge point?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Does the project result in any placement of fill, including shoreline armor?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h)	Is the project anticipated to lead to an increase in boat traffic that could affect nearby eelgrass habitat through grounding, prop scarring, wake, or shading impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For Maintenance/Repair Projects and Construction Activities:

		YES	NO
i)	Is project construction likely to increase turbidity? To what extent and for what duration?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j)	Will construction require the use of a barge or other vessel that may temporarily impact the bay floor (e.g. spud poles, anchoring, prop scarring, etc.) within known eelgrass habitat or within depths ranging from -10 to +4 feet?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k)	Will construction require the use of turbidity curtains in proximity to eelgrass habitat?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l)	Will project construction result in temporary shading from moored/anchored working vessel(s)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you responded yes to any of the questions above, your project may have the potential to affect eelgrass habitat and you'll need to conduct a preliminary eelgrass survey. Please refer to the District's [Eelgrass Management Plan webpage](#) for further guidance and a list of local agency contacts should you have additional questions.

Answer all questions completely on a separate page. If the question does not apply to your project, so indicate by marking N.A. Contact Harbor District Office with questions.

PROJECT DESCRIPTION

8. Site Size
9. Square Footage
10. Number of floors of construction
11. Amount of off-street parking provided
12. Attach plans
13. Proposed scheduling
14. Associated projects
15. Anticipated incremental development
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected.
17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities
18. If industrial, indicate type, estimated per shift employment & loading facilities.
19. If institutional, indicate the major function, estimated per shift employment, occupancy, loading facilities, and community benefits derived from the project.
20. If the project involves a variance, conditional use or recognizing application, state this and indicate clearly why the application is required.

Are the following items applicable to the project or its effects? Answer yes or no. Discuss all items answered yes.

21. Change in existing features of any bays, tidelands, beaches, lakes or hills, or substantial alteration of ground contours.
22. Change in scenic views or vistas from existing residential areas or public lands or roads.
23. Change in pattern, scale or character of general area of project.
24. Significant amounts of solid waste or litter.
25. Change in dust, ash, smoke, fumes or odors in vicinity.
26. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.
27. Substantial change in existing noise or vibration levels in the vicinity.
 - A. During Construction
 - B. During Project Utilization
28. Site on filled land or on slope of 10% or more.

- 29. Use of disposal or potentially hazardous materials, such as toxic substances, flammable or explosives.
- 30. Substantial change in municipal services demand (police, fire, water, sewage, etc.)
- 31. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).
- 32. Relationship to larger project or series of projects

ENVIRONMENTAL SETTING:

- 33. Describe the project site as it exists before the project including information on topography, soil stability, plants and animals, and any cultural, historical, or scenic aspects. Describe any existing structures on the site and the use of the structures. Attach photographs of the site. Photos will be accepted.
- 34. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.) intensity of land use (one-family, apartment houses, shops, department stores, etc.) and the scale of development (height, frontage, set-back, rear yard, etc.) Attach photographs of the vicinity. Photos accepted.

----- Questions 35; and 36 MUST BE ANSWERED! -----

- 35. How will the proposed use or activity promote the public health, safety, comfort, and convenience?
- 36. How is the requested grant, permit, franchise, lease, right, or privilege required by the public convenience and necessity?

- 37. Financial statement:
 - A. Estimated project cost.
 - B. How will the project be financed?
- 38. Describe fully directions necessary to arrive at project site.
- 39. The Applicant agrees to as a condition of the permit being issued, to indemnify and hold harmless the Humboldt Bay, Harbor Recreation and Conservation District from any and all claims, demands, or liabilities for attorneys' fees obtained from or against demands for attorney's 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 application and permit, including, but not limited to, attorney's fees, costs of suit, and costs of administrative records obtained by or awarded to third parties pursuant to the California Code of Civil Procedure Section 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 and costs of administrative records in connection with the subject matter of this application and permit

NOTE

The District hereby advises the Applicant that, under California Public Resources Code (PRC) Section 21089, the District when a lead agency under the California Environmental Quality Act (CEQA) of 1970, as amended, pertaining to an Environmental Impact Report (EIR) or a Negative Declaration (MND/ND) may charge and collect from the Applicant a reasonable fee in order to recover the estimated costs incurred by the District in preparing an EIR or MND/ND for the project and the procedures necessary for PRC compliance on the Applicants project.

In the event your project contains an analysis of issues pertaining to CEQA, for which District staff is not competent to independently review, or District requires the same in preparation of an EIR or MND/ND for the project, the District may retain a reviewing consultant to evaluate the content of the Administrative-Draft EIR and Final EIR or MND/ND with respect to these issues. The cost of such reviewing consultant services shall be borne by the Applicant.

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present the information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. And I agree to indemnify the District as described in part 39 of this application.

Dated: _____ May 9, 2019 _____



____C. John Ralph_____