



HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT



P.O. BOX 1030
Eureka, California 95502
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PERMIT APPLICATION

Date Filed _____

General Information	For District Use
<p>1.) Name, Address, phone # and email of Developer, Project Sponsor and Legal Owner Vero Fiber Networks Nathan McGinn, SVP P.O. Box 1110, Boulder, CO 80306 303-350-4060 Ext 103 nmcginn@veronetworks.com</p>	<p>A. Application No. <u>2021-03</u></p> <p>Application Type:</p> <p style="text-align: right;">Franchise <input type="checkbox"/></p> <p style="text-align: right;">Permit <input type="checkbox"/></p> <p style="text-align: right;">Lease <input type="checkbox"/></p>
<p>2.) Address of Project and Assessor's block, lot and Parcel Number</p> <p>SR 255 (Project located in Caltrans ROW)</p>	<p>B. Date Received by Harbor District 05/25/2021</p> <p>C. Date Accepted for filing by Commission</p>
<p>3.) Contact person Name, Address, phone # Julia Harberson CSW ST2 45 Leveroni Court, Novato, CA 94949 415-599-9564 julia@cswst2.com</p>	<p>D. Date of Public Notice</p> <p>E. Date of Environmental Compliance</p> <p>F. Date of Public Notice</p> <p>G. Date of Public Hearings</p>
<p>4.) Attach list of names and addresses of all adjoining property owners</p>	<p>H. Date of Commission Action</p> <p style="text-align: right;">Approval: _____</p> <p style="text-align: right;">Conditional _____</p> <p style="text-align: right;">Disapproval _____</p>
<p>5.) List and describe any other related Project Permits & Other Public Approvals required, including those required by City, Regional, State & Federal Agencies.</p> <p>Coastal Development Permit, Caltrans Encroachment Permit, Humboldt County Encroachment Permit, City of Arcata Encroachment Permit, CDFW</p>	<p>I. Expiration Date</p>
<p>6.) Public Right of Way Caltrans, Humboldt County, City of Arcata</p>	<p>Comments</p>
<p>7.) Proposed Site Use (Project Title) Arcata/Samoa Beach Fiber Project – FH1/FH2</p>	

Describe proposed project

Vero Fiber Networks, LLC (California Public Utilities Commission Certificate of Public Convenience and Necessity #U7344C) proposes to install conduit in approximately 9 miles of public right-of-way along the Pacific Coast in the Arcata area in Humboldt County. The Arcata Samoa Beach Fiber Project (Project) follows the Samoa Peninsula north to Arcata. The entire Project will be constructed underground using trenchless methods, such as the horizontal direction drilling (HDD) construction method.

The Project consists of two parallel bore paths, referenced as FH1 and FH2, following either side of State Route (SR) 255. Each bore path extends about 9 miles north, following SR 255, curving east around Humboldt Bay and into Arcata, where it follows approximately 1.1 miles of city streets to connect to an existing facility. The Project would be entirely bored, including under bridges and under water bodies.

Areas of Disturbance: The Project would include installation of approximately 9 linear miles of underground parallel conduit (i.e., about 18 total miles of conduit) and up to 188 manholes and 32 handholes. Permanent disturbance includes the underground conduit and the manholes and handholes. Temporary disturbance resulting from construction (equipment staging/laydown) is expected to be limited to a 25-foot-wide corridor along the Project.

The parallel alignments of FH1 and FH2 will cross the Mad River Slough via horizontal directional drilling. FH1 consists of a 6" conduit, and FH2 consists of an 8" conduit. Each alignment will be bored approximately 800 linear feet between manholes beneath the Mad River Slough. A total of four (4) manholes will be placed on either side of the Mad River Slough (two for FH1 and 2 for FH 2). The minimum bore depth for the conduit is 15 feet below the existing grade of the slough. Each manhole is set back between 60 feet and 230 feet from the top of bank. Note the project will be boring beneath potential areas of eelgrass, but no work will occur within the area of eelgrass.

Both conduits would be constructed using the HDD construction method. HDD is a steerable, trenchless method of installing underground conduits along a prescribed bore path by using a surface drilling rig. HDD causes minimal impacts; ground disturbance occurs only at each entry/exit point, or "bore pit." HDD can avoid surface disruption by going beneath roadways, waterways, or environmentally sensitive areas.

The HDD process involves drilling a hole with guidance equipment and continuous drill bit position monitoring. Once drilling is complete, the conduit is pulled through the bore hole and spliced together through manhole/handhole locations. HDD uses a clay/water mixture that is pumped down the drill stem to lubricate the drill head and drill pipe, maintain the bore hole opening, and remove bore cuttings.

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 (humboldtbay.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?		X
b)	Will any construction or new operational traffic occur within the vicinity of existing eelgrass?		X
c)	Is any portion of the project located in an area with depths ranging from -10 to +4 feet?		X
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?		X
e)	Is the project anticipated to affect wind or tidal circulation patterns within the bay?		X
f)	Could the project affect ambient water temperature or clarity or result in new effluent (including stormwater) discharge point?		X
g)	Does the project result in any placement of fill, including shoreline armor?		X
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?		X

For Maintenance/Repair Projects and Construction Activities:

		YES	NO
i)	Is project construction likely to increase turbidity? To what extent and for what duration?		X
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?		X
k)	Will construction require the use of turbidity curtains in proximity to eelgrass habitat?		X
l)	Will project construction result in temporary shading from moored/anchored working vessel(s)?		X

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: **Mad River Slough Crossing length is approximately 800 linear foot parallel alignment of FH1 and FH2 on either side of SR 255.**
9. Square Footage: **n/a**
10. Number of floors of construction: **n/a**
11. Amount of off-street parking provided: **n/a**
12. Attach plans: **See attached Arcata/Samoa Beach Fiber Project Plans**
13. Proposed scheduling: **September 2021 (FH1) & December 2021 (FH2)**
14. Associated projects: **The Arcata/Samoa Beach Fiber Project – FH1/FH2 will connect the subsea cable Landing Station located at Samoa Beach with a new Data Center (under construction) in the City of Arcata.**
15. Anticipated incremental development: **n/a**
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected: **n/a**
17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities: **n/a**
18. If industrial, indicate type, estimated per shift employment & loading facilities.: **n/a**
19. If institutional, indicate the major function, estimated per shift employment, occupancy, loading facilities, and community benefits derived from the project.: **n/a**
20. If the project involves a variance, conditional use or recognizing application, state this and indicate clearly why the application is required. **n/a**

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.: **No**
22. Change in scenic views or vistas from existing residential areas or public lands or roads.: **No**
23. Change in pattern, scale or character of general area of project.: **No**
24. Significant amounts of solid waste or litter.: **No**
25. Change in dust, ash, smoke, fumes or odors in vicinity.: **No**
26. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.: **No**

27. Substantial change in existing noise or vibration levels in the vicinity.
 - A. During Construction: **No, construction equipment generates similar decibels to existing traffic.**
 - B. During Project Utilization: **No**
28. Site on filled land or on slope of 10% or more. **No**
29. Use of disposal or potentially hazardous materials, such as toxic substances, flammable or explosives.

The project construction methods and equipment utilized will not utilize hazardous materials. Additionally, a debris disposal plan has been developed in accordance with the California Coastal Commission Coastal Development Permit for the project which requires testing of soil at the Sierra Pacific Saw Mill near the Mad River Slough. Should any hazardous materials be encountered, they will be transported and disposed of at an approved disposal facility.

30. Substantial change in municipal services demand (police, fire, water, sewage, etc.): **No**
31. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.): **No**
32. Relationship to larger project or series of projects: **The Arcata/Samoa Beach Fiber Project – FH1/FH2 will connect the subsea cable Landing Station located at Samoa Beach with a new Data Center (under construction) in the City of Arcata.**

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.

The Arcata/Samoa Beach Fiber Project – FH1/FH2 is located along SR 255. The alignment is paved the full 9 mile length of the project, except at the Mad River Slough where a bridge is utilized to span the crossing. The existing slough, which is the subject of this application, support a variety of saltwater and anadromous fish species. The banks of the Mad River Slough is dominated by emergent estuarine plant species such as common pickleweed, seaside arrowgrass, seablite, and cordgrass.

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.

The Arcata/Samoa Beach Fiber Project – FH1/FH2 at the Mad River Slough crossing is surrounded to the south west by marsh land, to the northeast and

south east by agricultural land and to the northwest by the now closed Sierra Pacific Saw Mill. See attached site photos.

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

35. How will the proposed use or activity promote the public health, safety, comfort, and convenience?

The proposed project, specifically FH2, will improve broadband access to the marginalized community of Manila, and the project as a whole will improve broadband access to all of Humboldt County.

36. How is the requested grant, permit, franchise, lease, right, or privilege required by the public convenience and necessity?

Vero Fiber Networks is not a privately owned utility. The California Public Utility Commission (CPUC) issued Vero a Certificate of Public Convenience and Necessity (U7351C) to provide resold full facilities-based local exchange and interexchange telecommunications services in California. As such, the project alignment is permitted in the public right of way of SR 255. Additionally, the proposed alignment represents the least impactful route for both biological and cultural resources given the location of primarily under the already developed roadway. The Mad River Slough crossing represents the most direct path to reduce the distance covered not located under pavement. Furthermore, Caltrans will not permit the project to attach to the existing bridge.

37. Financial statement:

A. Estimated project cost: **Estimated Mad River Slough Crossing cost = \$159,980.**

B. How will the project be financed? **Privately**

38. Describe fully directions necessary to arrive at project site: **The site is located on State Route 255 at the Mad River Slough.**

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: _____

For _____