



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 _____

General Information	For District Use
<p>1.) Name, Address, phone # and email of Developer, Project Sponsor and Legal Owner</p> <p><u>Humboldt County Department of Public Works</u> <u>1106 Second Street, Eureka, CA 95501</u> <u>hseemann@co.humboldt.ca.us; 707-445-7741</u></p>	<p>A. Application No. <u>21-01</u></p> <p>Application Type:</p> <p style="text-align: right;">Franchise <input type="checkbox"/></p> <p style="text-align: right;">Permit <input checked="" 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><u>See Table 1 – Humboldt Bay Trail South Project: Right-of-Way Summary (December 4, 2020)</u></p>	<p>B. Date Received by Harbor District <u>1/12/2021</u></p>
<p>3.) Contact person Name, Address, phone #</p> <p><u>Hank Seemann, Deputy-Director (Environmental Services)</u> <u>Humboldt County Department of Public Works</u> <u>1106 Second Street, Eureka, CA 95501</u> <u>hseemann@co.humboldt.ca.us; 707-445-7741</u></p>	<p>C. Date Accepted for filing by Commission</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 <u>See Table 2</u></p>	<p>H. Date of Commission Action</p> <p style="text-align: center;">Approval: _____</p> <p style="text-align: center;">Conditional _____</p> <p style="text-align: center;">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><u>See Project Description Report, Section 6.</u></p>	<p>I. Expiration Date</p>
<p>6.) Existing City/County Zoning</p> <p><u>See Table 1 Right-of Way Summary</u></p>	<p>Comments</p>
<p>7.) Proposed Site Use (Project Title)</p> <p><u>Humboldt Bay Trail South</u></p>	

Describe proposed project

See:

- Project Description in Initial Study/Mitigated Negative Declaration (February 2018)
- Project Description Report (September 9, 2020)
- Letter (January 11, 2021) from Humboldt County Public Works to Coastal Commission

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 (humboldt-bay.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? <u>CEQA mitigation measure BIO-6 specifies best management practices during construction to minimize sediment/turbidity impacts to short durations (minutes to hours).</u>	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)? <u>Construction access via barge may occur, to be determined.</u>	Maybe	

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

18.45 acres

9. Square Footage

Approximately 803,680 square feet

10. Number of floors of construction

N/A

11. Amount of off-street parking provided

N/A

12. Attach plans

60% design plans are enclosed

13. Proposed scheduling

See Project Description Report, Table 1.2

14. Associated projects

- City of Arcata's Humboldt Bay Trail North (complete)
- City of Eureka's Eureka Waterfront Trail (complete)
- Caltrans Highway 101 Eureka/Arcata Corridor Improvement Project (multi-year, in progress)

15. Anticipated incremental development

Cable barrier fencing may be constructed separately from trail construction.

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.

Humboldt County Public Works has applied to the Humboldt County Building and Planning Department for a Conditional Use Permit for placement of the trail on parcels zoned MG (industrial general) and a Special Permit for placement of the trail on parcels zoned NR (natural resources)

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.

Yes, the project involves removal of the northern section of Eucalyptus trees located along the Highway 101 corridor.

23. Change in pattern, scale or character of general area of project.

Yes, the project involves establishment of public access to a portion of the Humboldt Bay shoreline where it currently does not exist.

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.

Yes, the project includes removal of the failed culverts in Brainard Slough along with railroad debris. The eroding abutments on the railroad crossing will be stabilized.

27. Substantial change in existing noise or vibration levels in the vicinity.

A. During Construction – No, acoustic impacts during pile driving will be limited.

B. During Project Utilization No.

28. Site on filled land or on slope of 10% or more.

Yes, see Project Description Report and 60% design plans. The project is situated along the railroad and Brainard levee, both of which were placed on filled tidelands.

29. Use of disposal or potentially hazardous materials, such as toxic substances, flammable or explosives.

No.

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, the project will enable a reduction in vehicle miles traveled and greenhouse gas emission by enabling non-motorized transportation between Eureka and Arcata.

32. Relationship to larger project or series of projects

Project will connect Humboldt Bay Trail North (complete) to the Eureka Waterfront Trail (complete).

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.

See the following documents:

- Project Description Report (Humboldt County, September 9, 2020)
(Attachment 2 contains a photolog)
- Bird Use Monitoring Report (Sean McAllister, June 3, 2020)
- Historical Resources Evaluation Report (Caltrans et al, March 2018)
- Natural Environment Study (GHD, March 2018)
- Biological Assessment (Caltrans, February 2018)
- Initial Study/Mitigated Negative Declaration (GHD, February 2018)
- Technical Memorandum: Botanical Survey (GHD, November 2017)

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 project corridor is bordered to the west by Humboldt Bay and the east by Highway 101. Industrial uses at the California Redwood Company and Bracut Industrial Park are also adjacent to the project. See Project Description Report.

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

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

See Section 1.3 (Purpose and Need) and Section 2.1 (Regional and Local Planning) in the Project Description Report.

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

A dedicated bicycle and pedestrian trail between Eureka and Arcata has been a regional priority for nearly 20 years and is identified as a priority project in the Regional Transportation Plan (HCAOG 2017). The primary purpose of the project is to improve safety and connectivity for non-motorized and motorized travelers between the communities of Eureka and Arcata. The project would reduce the potential for conflicts between bicyclists, pedestrians, and vehicles within the Highway 101 Corridor and increase mobility options between the communities of Arcata and Eureka.

37. Financial statement:

A. Estimated project cost. \$16.5 million for construction

B. How will the project be financed? Grants from California Transportation Commission, Coastal Conservancy, Caltrans

38. Describe fully directions necessary to arrive at project site.

The project can be accessed from Highway 101, the Bracut Industrial Site, or the California Redwood Company property. Please coordinate all access via private property via Hank Seemann (applicant).

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: January 13, 2021

For Humboldt County Public Works