

MINUTE ITEM

This Calendar Item No. 44  
was approved as Minute Item  
No. 44 by the State Lands  
Commission by a vote of 3  
to 0 at its 4/28/77  
meeting.

CALENDAR ITEM

44

4/77  
W 9961  
DAG  
PRC 5285

DREDGING PERMIT

APPLICANT: Humboldt Bay Harbor, Recreation and  
Conservation District  
P. O. Box 134  
Eureka, California 95501

PROPOSED DREDGING:

The proposed project to construct the Humboldt Harbor Marina on Woodley Island, as originally planned, provided for the dredging of 610,000 cubic yards of material of which 130,000 cubic yards were to be dredged from an area of State-granted tidelands (minerals reserved). Subsequently, the amount was modified to 350,000 cubic yards of which 50,000 cubic yards will be from granted tide and submerged lands at the southern shore of Woodley Island and the Inner Reach of Eureka Channel in Humboldt Bay, Humboldt County, as described on attached Exhibit "A".

OWNERSHIP: A portion of the proposed dredging adjacent to Woodley Island will extend into Humboldt Bay which is granted to the City of Eureka with minerals reserved to the State of California.

SPOILS PLACEMENT:

Most, if not all of the spoils will be placed as fill for development of the upland portions of the public marina at Woodley Island. That which is not used as fill will be placed on private uplands.

PURPOSE:

The entire south side of Woodley Island will be dredged to a minimum of -14' MLLW for the purpose of developing a public marina with support facilities along the shore.

CONSIDERATION:

Public benefit, no royalty required on material placed on public property. A royalty of \$0.15 per yard will be required for material placed on private uplands.

ENVIRONMENTAL IMPACT CONSIDERATION:

The applicant, Humboldt Bay Harbor, Recreation and Conservation District, acting as lead agency, prepared and circulated the draft and final environmental impact report which covers the proposed dredging. Such report also covers

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the entire Humboldt Harbor Marina Project proposed by the District. By Notice of Determination issued on November 20, 1975, the District certified that (1) the environmental impact report for the project was prepared pursuant to the provisions of the California Environmental Quality Act of 1970, as amended; (2) the project will have a significant effect on the environment; however, the project design has been substantially altered to mitigate or avoid the significant environmental effects thereof as identified in the final EIR (see attached Harbor District Resolution No. 76-14).

The project has been approved by the Humboldt Bay Harbor, Recreation and Conservation District. The Notice of Determination has been filed with the State Secretary for Resources, the State Lands Division, and the County Clerk for Humboldt County, wherein the project is to be undertaken.

TERMS: The dredging permit is to cover a 3-year period, conditional upon the applicant's maintaining all other required authorizations for such period.

APPROVALS OBTAINED:

1. Regional Water Quality Control Board (Waste Discharge Requirements Order No. 76-87)
2. Department of Fish and Game (Memorandum-of-Understanding dated July 26, 1976)
3. North Coast Regional Conservation Commission (Permit dated December 12, 1976)

FURTHER APPROVALS REQUIRED:

1. U.S. Department of Army, Corps of Engineers.
2. U.S. Coast Guard.

EXHIBITS:

- A. Resolution No. 76-14.
- B. Dredge Area Description.
- C. Location Map.
- D. EIR Summary.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT ON NOVEMBER 20, 1975.

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2. CERTIFY THAT THE INFORMATION CONTAINED IN THE ENVIRONMENTAL IMPACT REPORT OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT HAS BEEN CONSIDERED BY THE COMMISSION.
3. DETERMINE THAT THE PROJECT WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, HOWEVER, SUCH EFFECT IS MITIGATED AS OUTLINED IN THE DISTRICT'S RESOLUTION NO. 76-14 (EXHIBIT "A") ATTACHED, AND BY REFERENCE MADE A PART HEREOF; AND IN VIEW OF THE LONG-TERM PRODUCTIVITY INVOLVED.
4. DETERMINE THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE REQUIREMENTS OF ARTICLE 6.5 OF TITLE 2 OF THE CALIFORNIA ADMINISTRATIVE CODE.
5. AUTHORIZE THE ISSUANCE OF A PERMIT TO THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, TO DREDGE APPROXIMATELY 50,000 CUBIC YARDS OF MATERIAL FROM AN AREA OF STATE TIDELANDS ADJACENT TO WOODLEY ISLAND, SUCH DREDGE AREA BEING DESCRIBED IN EXHIBIT "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
6. DETERMINE THAT ALL SUCH DREDGING IS TO BE PERMITTED WITHOUT ROYALTY REQUIREMENTS PROVIDING THE DREDGED MATERIAL IS SPOILED ON WOODLEY ISLAND FOR PURPOSES OF DEVELOPING THE PUBLIC MARINA AND THAT A ROYALTY OF \$0.15 PER CUBIC YARD WILL BE REQUIRED FOR ALL MATERIAL SPOILED ON PRIVATE UPLANDS. THE PERMIT IS TO BE EFFECTIVE OCTOBER 28, 1976, THROUGH DECEMBER 31, 1979; SUBJECT TO THE MAINTENANCE OF PERMITS ISSUED BY THE U.S. DEPARTMENT OF ARMY, CORPS OF ENGINEERS, THE STATE WATER RESOURCES CONTROL BOARD, THE DEPARTMENT OF FISH AND GAME, AND ALL OTHER REQUIREMENTS, RECOMMENDATIONS, OR LIMITATIONS AS SET BY STATE, FEDERAL OR LOCAL GOVERNMENT.

Attachments; Exhibits "A" & "B"

EXHIBIT "A"

HUMBOLDT BAY HARBOR, RECREATION  
AND CONSERVATION DISTRICT  
P.O. BOX 134  
Eureka, California 95501

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RESOLUTION NO. 76-14

The Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District hereby makes its Resolution as hereinafter set forth and said District finds that changes or alterations have been required in, or incorporated into, the Humboldt Bay Harbor Marina, Woodley Island Project which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report made by the District. The Resolution and findings of the District are set forth as follows:

BE IT RESOLVED that the Humboldt Bay Harbor Marina, Woodley Island Project design has been substantially altered to mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report. The size of the facility has been reduced resulting in the following changes in affected areas:

	<u>Impacted Acres Original Design</u>	<u>Impacted Acres Modified Design</u>
Land above mean high water	20	13
Salt Marsh	5	0.5
Intertidal	8	5.5
Subtidal	11	7

An additional 2.5 acres of mudflat will be destroyed by the construction of the highway interchange; this impact is not changed by the new design. The Marina moorage arrangement has been altered to provide for a greater number of larger vessels and will now accommodate 237 boats. Future expansion (to a maximum total of over 400 slips) could be accomplished by

extending the moorage piers further into the channel. Such action would constitute an independent project which would be subjected to the environmental review process at some future date.

The total dredging required for harbor construction will be reduced by approximately 200,000 cubic yards to a total of 355,000 cubic yards. This will reduce the impacts of subtidal, intertidal and salt marsh habitats. Some of the spoils will be used as fill during marina construction with the remainder being deposited near the mouth of the Eureka Slough at a site presently covered by pavement. This disposal site will be diked to prevent excessive sediment runoff into the slough and channel. A discharge permit has been obtained from the Water Quality Control Board.

The access road has been rerouted to avoid impacting the freshwater pond east of the marina site. Dredging, rock slope protection and development have been reduced substantially to avoid impacting the sensitive salt marsh and intertidal mudflats on the eastern quarter of the island.

Several offsite mitigation measures have been incorporated to compensate for unavoidable habitat losses resulting from the project. The northwest half and the eastern quarter of Woodley Island will be set aside in perpetuity for management by a State or Federal agency as wildlife habitat. The access road and marina facilities will be fenced on all sides to keep humans and domestic animals from disrupting these areas.

To compensate for intertidal salt marsh and riparian habitat loss, offsite acreage will be acquired in cooperation with the Department of Fish and Game and concurrence of the U.S. Fish & Wildlife Service and the California Coastal Zone Conservation Commission, restored to full tidal action and maintained in perpetuity for wildlife use; operation and maintenance will be part of the project costs.

The smaller project scale will lessen the aesthetic impacts somewhat. In addition, the site will be landscaped and the fences screened with vegetation. Plant species indigenous to the island will be used for landscaping; this will tend to soften the visual contrast between the island's natural areas and the developed portion. In particular, indigenous trees will be used as backdrop and screening for the two-story buildings. Architectural plans for the proposed structures will be subject to review by the California Coastal Zone Conservation Commission to evaluate aesthetic impacts.

Access to Woodley Island is limited to boats and private vehicles because pedestrians and bicycles are not allowed on the Samoa Bridge except on Sundays. Some type of public transportation into Eureka will be considered as the need arises.

In summary, the following changes have been incorporated to mitigate or avoid project impacts:

- 1) The reduced project size will impact a total of 26 acres compared to 46 acres affected under the original design;
- 2) The volume of dredge spoils has been reduced;
- 3) The access road has been rerouted to protect a freshwater pond;

- 4) Approximately 42 acres of upland vegetation, freshwater pond and salt marsh on Woodley Island plus the adjacent mudflats will be maintained in perpetuity for wildlife use;
- 5) Offsite acreage will be acquired and maintained in cooperation with the Department of Fish and Game and concurrence with the Department of Fish and Wildlife and California Coastal Zone Conservation Commission.

AND FURTHER BE IT RESOLVED that the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District:

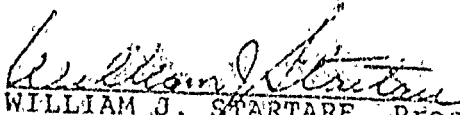
- 1) Identifies the Woodley Island site as the most suitable alternative for the construction for the needed marina facility.
- 2) Authorizes the President of the Board of Commissioners, the Chief Executive Officer, and the Consulting Engineer to take the appropriate actions to obtain the required permits for the construction of a marina at the Woodley Island site in accordance with the modified design.
- 3) Shall review the available environmental information on the Woodley Island and King Salmon sites so that the environmental impacts of projects at these sites can be generally compared. The environmental impacts at other sites may also be included in the comparison.
- 4) Shall include as conditions of any permit application for the construction of a marina at the Woodley Island site at least the following environmental mitigation measures:

- a. fencing of the undeveloped portions of the island.
- b. dedication of the undeveloped portions of the island to remain in their natural state for perpetuity and to be managed by an appropriate independent agency.
- c. acquisition of approximately 15 acres of land adjacent to Humboldt Bay which is presently protected from tidal action, which shall be made subject to tidal action by the District, and which will henceforth be maintained as a tidal area.
- d. Protection of the existing freshwater pond.

The above Resolution and findings are made by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District on October 28, 1976.

AYES: Commissioner Startare  
Commissioner Gast  
Commissioner Ridenhour

ABSENT: Commissioner Davenport  
Commissioner Christensen

  
WILLIAM J. STARTARE, President  
Board of Commissioners

ATTEST:


  
RICHARD L. RIDENHOUR, Secretary  
Board of Commissioners



EXHIBIT "B"

W 9961

A parcel of submerged land in the State-owned bed of Humboldt Bay, situated in projected Sections 14, 22, and 23, T5N, R1W, H.B.M., more particularly described as follows:

COMMENCING on the west right-of-way line of State Highway 01-HUM-255 from Eureka to Samoa, the control line survey for which is recorded in Book 23 of Surveys, Pages 69 - 71, Humboldt County Records, where said west line intersects a line parallel with and 50 feet southerly, measured at right angles, from the U. S. Pierhead line on the southerly side of Woodley Island; thence S 66° 29' 02" W parallel with said Pierhead line 1200 feet more or less to a point in the Eureka Channel where the present bottom of Humboldt Bay is 14 feet below the mean lower low water mark (-14 MLLW) and the POINT OF BEGINNING; thence along said -14 MLLW elevation, westerly 2400 feet more or less to a point which bears south of the western-most angle point in said U. S. Pierhead line; thence northeasterly to a point on the ordinary low water mark on the most southwesterly corner of Woodley Island; thence easterly along said ordinary low water mark on the southerly side of Woodley Island to a point lying north of the point of beginning; thence south to the point of beginning.

The bearing is based on California Coordinate System, Zone 1.

END OF DESCRIPTION

Prepared M. S. Clark Checked St. R. Runncke

Reviewed John G. Fisher Date 4-11-77