



**CITY OF EUREKA**  
**DEVELOPMENT SERVICES DEPARTMENT**  
Rob Dumouchel, Interim Director

531 K Street, Third Floor  
Eureka, California 95501-1146  
(707) 441-4160 • [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov)

## NOTICE OF PUBLIC HEARING

### INTERIM DIRECTOR OF DEVELOPMENT SERVICES

**NOTICE IS HEREBY GIVEN** that the proposed development described below is within the coastal zone and, pursuant to the Eureka Local Coastal Program, the Coastal Development Permit is scheduled for a public hearing before the Interim Director of Development Services on **Thursday, April 16, 2020**, at 10:00 A.M. Pursuant to Executive Order N-29-20, this meeting will be conducted telephonically through Zoom. Please be advised that pursuant to the Executive Order and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, City Hall will not be open for the meeting.

**Project Title:** *Coast Seafoods Pretreatment Coastal Development Permit*

**Project Applicant:** Greg Dale, Coast Seafoods      **Case No:** CDP-20-0001

**Project Location:** 25 Waterfront Drive      **APN:** APN 001-011-009

**Project Zoning and Land Use:** Coastal Dependent Industrial (MC)/Coastal Dependent Industrial (C-CDI)

**Project Description:** The applicant is proposing to replace the existing sewer lateral, and is required to install two (2) below ground concrete settling tanks (approximately 1,500 gallons each), a sampling box, and effluent flow meter, and connect the settling tanks to the City sewer to treat approximately 2,500 gallons per day of oyster processing wastewater containing bay sediments, organic detritus, and oyster shell fragment which is currently discharged to the City sewer system. The applicant is requesting a reduction to 20' of the required 100' buffer from the Environmentally Sensitive Habitat Area (Humboldt Bay) for the proposed development. A reduced buffer is only required during the construction period (approximately ten (10) days), as all the components of the Project will be under ground.

**Date of Project Application:** January 24, 2020

**Staff contact person:** Lisa Savage, Project Manager, City of Eureka, Development Services Department; 531 "K" Street, Eureka, CA 95501-1165; phone: (707) 441-4160, email: [lsavage@ci.eureka.ca.gov](mailto:lsavage@ci.eureka.ca.gov)

The public is invited to participate in the following manner:

1. You can view the public hearing on Zoom. Contact [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov) for more information.
2. Members of the public who wish to speak and be heard during the hearing must submit their phone number and name of the item that they would like to comment on by e-mail to [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov) or leave a message at 707-441-4160. A Development Services staff member will call the public member during the discussion of the item.
3. If you don't want to call in during the meeting, please submit your comment via email to [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov) or you may leave a message at 707-441-4160 prior to April 16, 2020 at 8:00 AM to ensure that the Director receives your comment before the meeting. All comments received by email or mail will be part of the public record for consideration but will not be read aloud during the meeting.

Appeals of the Interim Director's action may be made to the Planning Commission within 10 calendar days of the action by filing a written Notice of Appeal with the City Clerk, along with the filing fees as set by the City Council. Appeals of the Planning Commission's action may be made to the City Council in the same manner. The City's final action is appealable to the California Coastal Commission.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing or written correspondence received during or prior to the public hearing. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. The project file is available for review at the Development Services Department.



**CITY OF EUREKA**  
**DEVELOPMENT SERVICES DEPARTMENT**

Brian Gerving, Interim Director  
Lisa Savage, Project Manager  
531 K Street, Third Floor  
Eureka, California 95501-1146  
(707) 441-4160 • [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov)

**INTERIM DIRECTOR OF DEVELOPMENT SERVICES**

**ADMINISTRATIVE STAFF REPORT**

April 16, 2020 at 10 AM

**Project Title:** *Coast Seafoods Pretreatment Coastal Development Permit*

**Project Applicant:** Greg Dale      **Case No:** CDP-20-0001

**Project Location:** 25 Waterfront Drive; APN 001-011-009

**Zoning and General Plan Designations:** Coastal Dependent Industrial (MC)/Core-Coastal Dependent Industrial (C-CDI)

**Project Description:** The applicant is proposing to replace the existing sewer lateral, and is required to install two (2) below ground concrete settling tanks (approximately 1,500 gallons each), a sampling box, and effluent flow meter, and connect the settling tanks to the City sewer to treat approximately 2,500 gallons per day of oyster processing wastewater containing bay sediments, organic detritus, and oyster shell fragment which is currently discharged to the City sewer system.

The tanks are approximately 5.5 feet tall, 6 feet wide, and 10 feet long, with the tank excavation being roughly 26' wide and 8-10 feet deep, and sewer lateral excavation being approximately 133 feet long, 10 feet wide, and 8-10 feet deep. All construction will occur in areas of previous ground disturbance.

The applicant is requesting a reduction to 20' of the required 100' buffer from the Environmentally Sensitive Habitat Area (Humboldt Bay) for the proposed development. A reduced buffer is only required during the construction period (approximately ten (10) days), as all the components of the Project will be under ground.

The property is located in the Coastal Zone and pursuant to Section 10-5.29303 of the Eureka Municipal Code, a Coastal Development Permit is required.

**Date of Project Application:** January 24, 2020

**Staff Recommendation:** Adopt "A Resolution of the Interim Development Services Director of the City of Eureka approving a coastal development permit to install an

underground pretreatment system, and replace the sewer lateral pipe, located at 25 Waterfront Drive, Eureka.”

**Recommended Motion:** *“I hereby take action to adopt “A Resolution of the Interim Development Services Director of the City of Eureka, approving a coastal development permit to install an underground pretreatment system, and replace the sewer lateral pipe, located at 25 Waterfront Drive, Eureka, Eureka.”*

**Staff Contact Person:** Lisa Savage, Project Manager; City of Eureka, Development Services Department; 531 “K” Street, Eureka, CA 95501; (707) 441-4186, E-mail: [lsavage@ci.eureka.ca.gov](mailto:lsavage@ci.eureka.ca.gov)

**Background:** The site is presently developed with an oyster processing facility where live oysters harvested from Humboldt Bay are cleaned and processed. An estimated 2,500 gallons per day of oyster processing wastewater containing bay sediments, organic detritus, and oyster shell fragment is currently discharged to the City sewer system. At this time, the water is untreated and unmetered prior to discharge to the City’s sewer system. In order to become compliant with current standards for public health and safety, the project proposes the installation of two (2) below ground concrete settling tanks (approximately 1,500 gallons each), a sampling box, and effluent flow meter to treat the discharge.

**Analysis:** The project site is located in the California Coastal Zone and a Coastal Development Permit is required per Eureka Municipal Code Section 10-5.29302. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit, and the project is appealable to the state Coastal Commission. Staff has reviewed the adopted Local Coastal Program (LCP) and found that the project is consistent with the goals and policies of the LCP.

The property is zoned Coastal Dependent Industrial (MC), and has a General Plan Designation of Coastal Dependent Industrial (C-CDI).

EMC §10-5.29156.107 specifies that a coastal development permit shall only be approved upon making the finding that the purposed development conforms to the policies of the certified coastal program (LCP).

*(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and human-created resources.*

The project will not have an adverse effect on the coastal environment as new development will occur in completely paved areas already impacted by previous ground disturbance. The above-ground construction portion of the project is only temporary (approximately 10 days), and all project components will be located underground once construction is complete. The project will provide treatment for the estimated 2,500 gallons per day of oyster processing wastewater containing bay sediments, organic detritus, and oyster shell fragment that is currently discharged to the City sewer system untreated.

*(b) Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of this city, the region, state, and nation.*

The property already contains an oyster processing facility, and has a long-term lease with the City for the adjacent tidelands property. The use of the property will not change and all new development will occur in areas already impacted with existing development.

*(c) Maximize public access to and along the Humboldt Bay shoreline, and maximize public recreational opportunities in the coastal zone, consistent with sound resource conservation principles and constitutionally protected rights of private property owners.*

Although the site is located along Humboldt Bay, the project will not affect coastal access as there is no existing or historical public access at this location due to the industrial nature of the use of the site. However, the Coastal Trail across Waterfront Drive to the south of the site provides coastal public access to the southwest at the Wharfinger Building, Marina Way, and Del Norte Street Pier and to the east at the C Street entrance to the Boardwalk.

*(d) Assure priority for coastal-dependent and coastal-related development over other developments on the shoreline.*

The proposed project is located in the Coastal Dependent Industrial Zone (CDI) on a property that is presently developed with an oyster processing facility with a dock located on the adjacent City tidelands property, both of which are appropriate for the Zone.

*(e) Provide a definite plan for development so as to guide the future growth of the city within the coastal zone.*

The Local Coastal Plan provides for the development and growth of the City within the Coastal Zone and the proposed development conforms to the policies of the certified local coastal program (LCP). There will be no additional growth as a result of the project.

*(f) Protect the social and economic character and stability of residential, commercial, agricultural and industrial areas within the City.*

The proposed project is located in a Coastal Dependent Industrial Zone, which is the appropriate zone for an oyster processing facility. The project will not impact any residential, commercial, or agricultural areas. The development of the property with a pretreatment system is beneficial for the City sewer and Humboldt Bay and is appropriate for the Coastal Dependent Industrial Zone.

**Buffer Reduction:** The City of Eureka's adopted Local Coastal Program (LCP) requires that Environmentally Sensitive Habitat Areas (ESHA), including wetlands, be protected. Specifically, LCP Policy 6.A.19 states:

*“The City shall require establishment of a buffer for permitted development adjacent to all environmentally sensitive areas. The minimum width of a buffer shall be 100 feet,*

*unless the applicant for the development demonstrates on the basis of site specific information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will achieve the purpose(s) of the buffer, that a smaller buffer will protect the resources of the habitat area. As necessary to protect the environmentally sensitive area, the City may require a buffer greater than 100 feet. The Buffer shall be measured horizontally from the edge of the environmental sensitive area nearest the proposed development to the edge of the development nearest to the environmentally sensitive area. Maps and supplemental information submitted as part of the application shall be used to specifically define these boundaries.”*

Although construction will occur approximately 200’ from the open waters of Humboldt Bay, there is a channel to the Oyster Processing Facility that is approximately 20’ north from the project area boundary (see Attachment 1). The channel is almost 200’ long and approximately 70 feet wide, with existing development for coastal-dependent industrial purposes on the east, west, and south sides. The existing oyster processing facility and pavement are approximately 3’ from the south edge of the channel.

Pursuant to the Coastal Development Permit Supplemental Application Form and Buffer Reduction Report, dated February 13, 2020, and prepared by Gretchen O’Brien, Senior Wildlife Biologist, of SHN, (see Attachment 2) the vegetation within the channel is composed of a mix of upland and salt-dependent species, including non-native forbs such as fennel (*Foeniculum vulgare*), dandelion (*Asteracea*), and *Spartina densiflora*. Open mud flats and crushed oyster shells are exposed in between the industrial infrastructure and solid wall supports of the adjacent docks. In addition, materials such as plywood, old pipes, cement blocks, and rope, are also present in this highly disturbed channel.

The channel does not provide a significant functional relationship with any sensitive species that occur in the area. With the incorporation of Best Management Practices and Avoidance and Minimization Measures, no work conducted during rain events, and the temporary duration of the project, a reduced 20’ buffer will be adequate to protect natural resources, including Humboldt Bay.

**Referrals:** Referrals were sent to agencies and City departments with interest or jurisdiction over the property or the intended use of the property. No comments were received that indicated the proposed project would be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.

Referrals were sent to the local Native American Tribes and the three local THPOs responded and requested Inadvertent Archaeological Discovery protocol as a condition of approval.

**California Environmental Quality Act:** The Coastal Development Permit is a discretionary action, subject to the California Environmental Quality Act (CEQA). Pursuant to CEQA, Categorical Exemption 15301.(a) exempts “interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances” and 15301.(d) which exempts “the restoration or rehabilitation of

deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety”. The Project qualifies for the above listed exemptions since the replacement of the existing sewer lateral (repair and maintenance) and addition of the pretreatment system will bring Coast Seafoods into compliance with current standards of public health and safety. In addition, there will be no expansion of use with the currently proposed improvements.

**Summary:** The project site is located in the California Coastal Zone and a Coastal Development Permit is required. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit, and the project is appealable to the state Coastal Commission. Staff has reviewed the adopted Local Coastal Program (LCP) and found that the project is consistent with the goals and policies of the LCP. Based on the above discussion, the finding can be made that the project, as conditioned, and with the reduced buffer, would not impact the public health, safety or welfare.

**Support Material:**

Exhibit “A”	Resolution No. 2020-XX..... page 6-10
Attachment 1:	Site Plan
Attachment 2:	CDP Supplemental Application Form/Buffer Reduction Report
Attachment 3:	Vicinity Map

**INTERIM DEVELOPMENT SERVICES DIRECTOR RESOLUTION NO. 2020-**

**A RESOLUTION OF THE INTERIM DEVELOPMENT SERVICES DIRECTOR OF THE CITY OF EUREKA APPROVING A COASTAL DEVELOPMENT PERMIT FOR A PRETREATMENT SYSTEM AND REPLACEMENT SEWER LATERAL AT 25 WATERFRONT DRIVE, EUREKA.**

**WHEREAS**, the subject site is presently developed with an oyster processing facility where live oysters harvested from Humboldt Bay are cleaned and processed; and

**WHEREAS**, an estimated 2,500 gallons per day of oyster processing wastewater containing bay sediments, organic detritus, and oyster shell fragment is currently discharged to the City sewer system and at this time, the water is untreated and unmetered prior to discharge to the City’s sewer system; and

**WHEREAS**, the applicant is proposing to replace the existing sewer lateral pipe and is required to install two (2) below ground concrete settling tanks (approximately 1,500 gallons each), a sampling box, and effluent flow meter, that will connect to the City sewer; and

**WHEREAS**, the tanks are approximately 5.5 feet tall, 6 feet wide, and 10 feet long, with the tank excavation being roughly 26’ wide and 8-10 feet deep, and sewer lateral excavation being approximately 133 feet long, 10 feet wide, and 8-10 feet deep. All construction will occur in areas of previous ground disturbance; and

**WHEREAS**, the project site is located in the California Coastal Zone and a Coastal Development Permit is required; and

**WHEREAS**, the City of Eureka has permit jurisdiction for issuing the Coastal Development Permit, and the project is appealable to the State Coastal Commission; and

**WHEREAS**, the Interim Director of Development Services of the City of Eureka did hold a duly noticed Public Hearing at City Hall in the City of Eureka on April 16, 2020, at 10:00 AM, telephonically through Zoom; and

**WHEREAS**, the Interim Director of Development Services of the City of Eureka has reviewed the subject application in accordance with the LCP, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

1. The site is presently developed with an oyster processing facility where live oysters harvested from Humboldt Bay are cleaned and processed.
2. The property is zoned Coastal Dependent Industrial (MC), and has a General Plan Designation of Coastal Dependent Industrial (C-CDI).

3. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit, and the project is appealable to the State Coastal Commission.
4. The Coastal Development Permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA).
5. The project qualifies for Categorical Exemption 15301.(a) which exempts “interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances” and 15301.(d) which exempts “the restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety”.
6. The Project will occur approximately 20’ from a channel to the Oyster Processing Facility, but is approximately 200’ from the open waters of Humboldt Bay.
7. The channel does not provide a significant functional relationship with any sensitive species that occur in the area.
8. With the incorporation of Best Management Practices and Avoidance and Minimization Measures, no work conducted during rain events, and the temporary duration of the project, a reduced 20’ buffer will be adequate to protect natural resources, including Humboldt Bay.
9. The project will not affect coastal access or recreational opportunities.
10. The project will not be detrimental to the public health, safety or welfare.
11. The project will comply with the applicable provisions of the LCP.
12. The project is consistent with the goals and policies of the LCP.

**WHEREAS**, in the opinion of the Interim Director of Development Services of the City of Eureka, the proposed application should be approved subject to the following conditions:

1. The applicant shall utilize Best Management Practices and Avoidance and Minimization Measures.
  - a. All ground-disturbing activities shall occur during dry weather only.
  - b. Limit ground disturbance to the minimal extent necessary to accomplish project goals.
  - c. All trash shall be removed from the work site and disposed of on a regular basis.
  - d. All on-site stockpiles of construction materials and other materials shall be contained at all times, and shall be covered during storm events to minimize discharge of sediments and other pollutants.

- e. If there is any evidence which indicates contaminated soils are present on the site, either from visual observations or odors indicative of regulated substances, the contractor will isolate and contain the soils.
- f. Any spoils suspected of being contaminated from the work area will be stockpiled within a temporary, lined pit, and tested for contaminants.
- g. The findings of any testing that identifies the presence of contaminants will be submitted, as applicable, to the RWQCB, DTSC, and any other appropriate regulatory agencies.
- h. The contractor will comply at all times with the requirements and regulations of the RWQCB, DTSC, and other agencies with regard to the handling, transport, and disposal of hazardous materials such as contaminated soils or water, to the satisfaction of the applicable agencies.
- i. Contaminated material will be disposed of at a permitted facility.
- j. Suitable sediment control BMPs such as silt fencing or straw wattles shall be installed downgradient of disturbed areas.
- k. Excavated spoils will be temporarily placed on construction fabric in paved areas with straw wattles around the perimeter of the spoils pile beneath the fabric to prevent sediment run-off. Some of the spoils will be used for backfill and the remainder will be hauled off to the Mercer-Fraser yard at 90 Glendale Drive outside of Arcata.
- l. Any ground water encountered during excavation and construction will be pumped into a storage tank truck and taken off-site to the contractor's (Donny Mobley of MCI), property at 2681 Goble Lane in Ferndale to be infiltrated in a pond that he uses for this purpose.
- m. To minimize wildlife entanglement and plastic debris pollution, temporary rolled erosion and sediment control products (such as fiber rolls and silt fencing) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) will not be used. Acceptable alternatives include erosion and sediment control products without netting, products made with loose-weave natural fiber netting, and unreinforced silt fences.
- n. To ensure construction occurs in designated areas and does not impact sensitive habitats, the boundaries of the work area adjacent to the sensitive habitat shall be physically demarcated such as with fencing or flagging.
- o. No construction materials, debris, or waste will be placed or stored where it may be subject to entering coastal waters.
- p. Staging and storage of construction equipment and materials will occur on paved or gravel surfaces at least 50 feet from coastal waters, and storm drain inlets.
- q. Fuels, lubricants, and solvents will not be allowed to enter coastal waters or wetlands. All equipment used during construction will be free of oil and fuel leaks at all times. Any fueling, equipment maintenance, concrete washout, and washing of construction equipment will occur at least 100 feet away from coastal waters.
- r. Hazardous materials management equipment including oil containment booms and absorbent pads will be available immediately on-hand at each

work area. Any accidental spill will be immediately contained and cleaned up.

- s. For any location adjacent to a wetland/ESHA, straw waddles or other appropriate barriers to control/prevent unanticipated runoff or erosion will be placed between the work area and the wetland/ESHA.

2. Ground disturbing activities are subject to the City's standard protocol for incidental archeological discovery (cultural or historical artifacts) as follows:

- a. If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist will be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the project proponent, City of Eureka, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include 19th century building foundations; structure remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.
- b. If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified paleontologist can assess the nature and importance of the find and, if necessary, develop appropriate treatment measures in conformance with Society of Vertebrate Paleontology standards, and in consultation with the City of Eureka.
- c. In the event of discovery or recognition of any human remains during construction activities, the landowner or person responsible for excavation would be required to comply with the State Health and Safety Code Section 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted at 707-445-7242 to determine that no investigation of the cause of death is required. If the remains are determined to be, or potentially be, Native American, the landowner or person responsible for excavation would be required to comply with Public Resources Code Section 5097.98. In part, PRC Section 5097.98 requires that the Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC would then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the landowner or

the person responsible for the excavation work for the appropriate means of treating the human remains and any associated grave goods within 48 hours of being granted access to the site. Additional provisions of Public Resources Code Section 5097.98 shall be complied with as may be required.

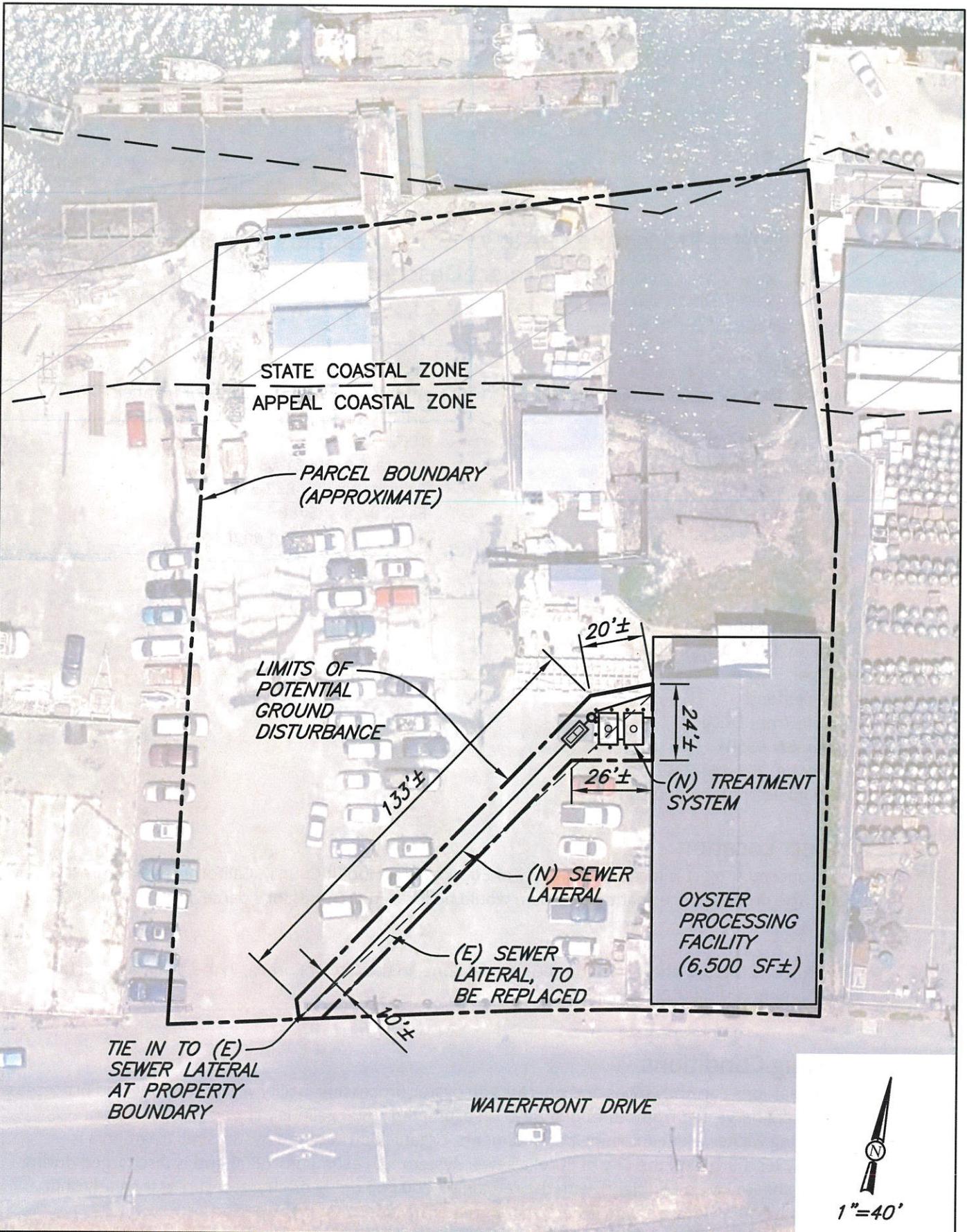
**NOW THEREFORE, BE IT RESOLVED** that the Interim Development Services Director of the City of Eureka does hereby approve the project, subject to the conditions listed above.

**PASSED, APPROVED AND ADOPTED** by the Interim Development Services Director of the City of Eureka in the County of Humboldt, State of California, on the 16<sup>th</sup> day of April, 2020.

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Rob Dumouchel  
Interim Development Services Director

\\EUREKASVRNEW\Projects\2019\019164-CoastSF-WW.Dwgs\_SA VED: 11/4/2019 2:02 PM.CSWANSON, PLOTTED: 11/4/2019 3:02 PM, CHUCK SWANSON



Coast Seafoods  
 Wastewater Pretreatment System  
 Eureka, California

Site Plan  
 SHN 019164

November 2019

019164-SITE

Figure 1



Reference: 019164

February 13, 2020

Lisa Savage  
City of Eureka  
Development Services Dept.  
531 K Street  
Eureka, CA 95501

**Subject: Coastal Development Permit Supplemental Application Form  
Request for Reduced Buffer**

Dear Lisa Savage:

On behalf of Coast Seafoods, SHN has prepared the following request for a reduced buffer (during the construction period only because all the proposed new components would be underground) for proposed development of an underground sewer pretreatment system (Appendix 1). In consistency with the City of Eureka's adopted Local Coastal Program (LCP) policy 6.A.19, the attached Supplemental Application Form—Request for Reduced Buffer (Appendix 2) is supported by the following explanations:

## 1. Biological Significance of Adjacent Lands

The proposed project would be entirely located within the existing developed parking lot adjacent to the oyster processing facility. The surrounding area to the east, west, and south consists of existing coastal-dependent development and Humboldt Bay is to the north of the oyster processing facility (Appendix 3). According to the Humboldt Bay Area Plan of the Local Coastal Program Section 3.30, Humboldt Bay is considered an Environmentally Sensitive Habitat.

The edge of Humboldt Bay, within the entrance channel to the oyster processing facility, is approximately 20 feet to the north of the project area boundary. The immediate shoreline here is developed with infrastructure used for operations at the existing facility. Vessels enter this channel to load and unload oysters. This entrance channel between the open waters of the bay and the existing facility is over 200 feet long with existing development for industrial purposes on the east, west, and south sides (Appendix 4, Photo 1). The existing oyster processing facility and pavement are approximately 3 feet from the edge of this entrance channel (Appendix 4, Photo 2).

The vegetation within this entrance channel as seen in Photo 1 is composed of a mix of upland and salt-dependent species including non-native forbes such as fennel (*Foeniculum vulgare*), dandelion (*Asteracea*), and *Spartina densiflora*. Open mudflats and crushed oyster shells are exposed in between the industry infrastructure and solid wall supports of the adjacent docks. Materials such as plywood, portions of old pipes, cement blocks, and ropes are also present in this highly disturbed location. This



entrance channel adjacent to the project site does not provide a significant functional relationship with any sensitive species that occurs in the area. Photo 1 was taken shortly after low tide when tide was approximately 0.7 feet.

With the incorporation of the Best Management Practices and Avoidance and Minimization Measures identified in the Project Description, in addition to any Conditions of Approval from the City of Eureka, such as no work being conducted during rain events, a 20-foot buffer is expected to be adequate to protect natural resources, including Humboldt Bay.

## **2. Sensitivity of Species to Disturbance**

The proposed project area is largely surrounded by existing human disturbance. The open water of Humboldt Bay, outside the entrance channel to the oyster processing facility, is over 200 feet away from the project area, and potential disturbance of any sensitive species foraging in this area would only occur temporarily (10 days) during construction. No sensitive species are expected to utilize the entrance channel that accesses the oyster processing facility from Humboldt Bay due to lack of suitable habitat and existing human disturbance.

Considering the existing regular human use of this waterfront area for commercial and recreational fishing, boating, and industrial activities, plants and wildlife in the vicinity is unlikely to be negatively impacted by this temporary disturbance. Once construction is complete and project components are in place underground, there will be no change to the existing frequency or capacity of human disturbance in the project area.

## **3. Susceptibility of Parcel to Erosion**

All proposed project components are to occur in completely paved areas of previous ground disturbance (Appendix 4, Photos 3 and 4). No new exposed ground will be disturbed nor created; therefore, there is no potential for erosion.

## **4. Use of Natural Topographic Features to Locate Development**

The project area is along the Eureka waterfront within existing coastal development. All proposed project components are within the existing paved area on the parcel.

## **5. Use of existing Cultural Features to Locate Buffer Zones**

The project area is along the Eureka waterfront within existing coastal development. All proposed project components are within the existing paved area on the parcel.



## 6. Lot Configuration and Location of Existing Development

Coastal-dependent development currently exists within approximately 3 feet of the edge of Humboldt Bay. Proposed project components within the existing paved area will not encroach any closer than where development already exists.

## 7. Type and Scale of Development Proposal

The proposed project consists of underground infrastructure improvements to an existing facility. There will be no increase in human use or change in existing above-ground environmental conditions once the project is complete.

## Conclusion

Considering the short-term nature of the construction for the project (approximately 10 days) in an existing developed parking lot at this developed location with on-going human disturbance, a 20-foot buffer from the project area to the edge of Humboldt Bay is considered adequate to protect this Environmentally Sensitive Area.

Sincerely,

**SHN**



Gretchen O'Brien  
Senior Wildlife Biologist

GAO:ceg

Appendices:   1. Project Description  
                  2. Supplemental Application Form  
                  3. WebGIS Figure  
                  4. Photos

c. w/App.:     Greg Dale, Coast Seafoods



# Project Description

1



Reference: 019164

## Coast Seafoods Oyster Processing Wastewater Pretreatment System Project Project Description January 23, 2020

### Applicant

Attention: Greg Dale, California Operations  
Manager  
Coast Seafoods  
25 Waterfront Drive  
Eureka, CA 95501  
Telephone: 707-442-2947  
email: [gdale@pacseafood.com](mailto:gdale@pacseafood.com)

### Agent

Attention: Stein Coriell, Senior Planner  
SHN  
1062 G St., Suite "I"  
Arcata, CA 95521-5800  
Telephone: 707-822-5785  
Fax: 707-822-5786  
email: [scoriell@shn-engr.com](mailto:scoriell@shn-engr.com)

### Owner

APN 001-011-009  
Attention: Greg Dale, California Operations  
Manager  
Coast Seafoods  
25 Waterfront Drive  
Eureka, CA 95501  
Telephone: 707-442-2947  
email: [gdale@pacseafood.com](mailto:gdale@pacseafood.com)

### Project Location

The proposed project is located in the City of Eureka in Humboldt County, California (see Figure 1 for site plan). The proposed pretreatment system would be located on Assessor's parcel number (APN) 001-011-009.

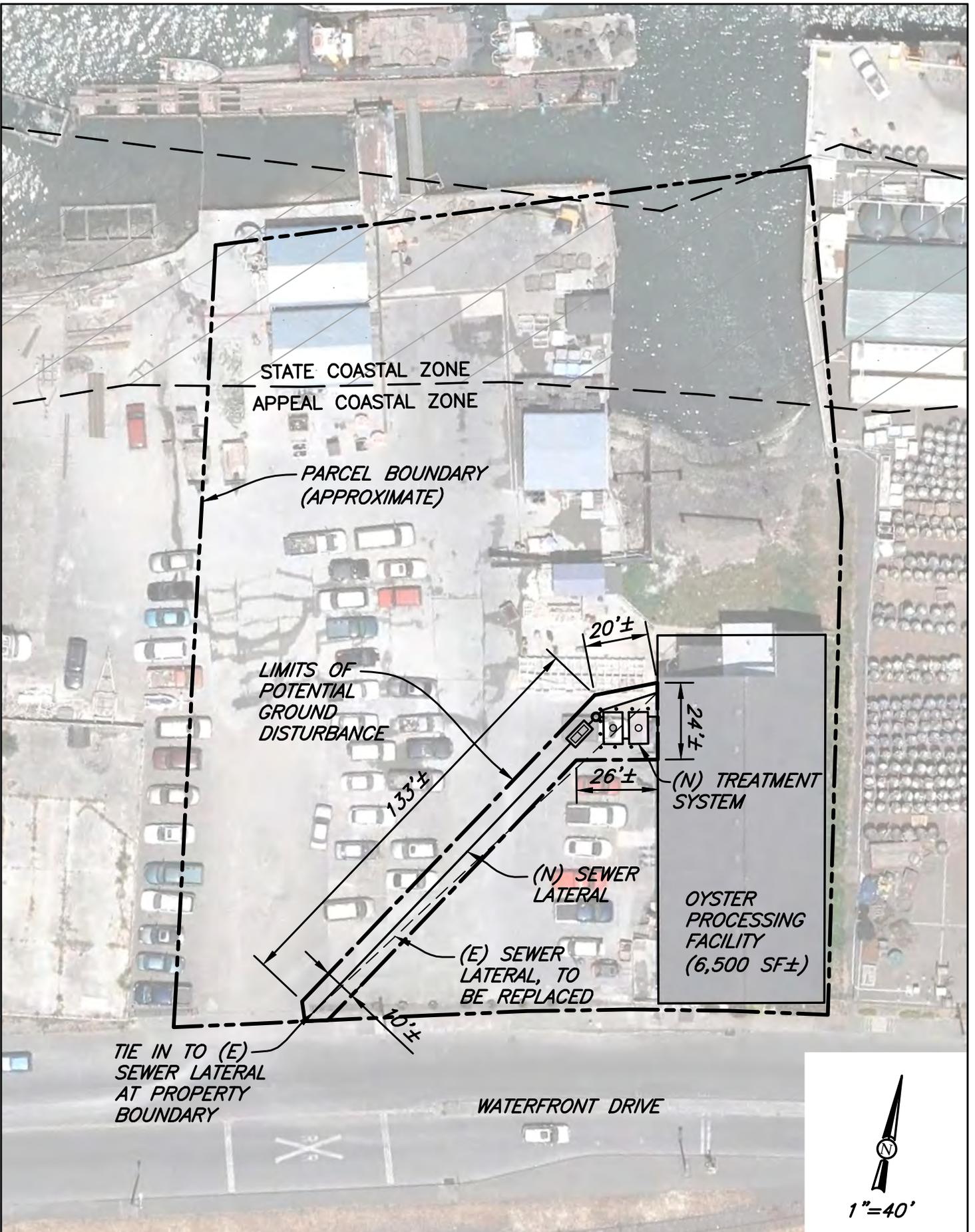
The project is located entirely within the Coastal Zone, in the City of Eureka, in the "Appeal" coastal development permit (CDP) jurisdiction.

### Existing Conditions

Coast Seafoods currently owns and operates an oyster processing facility where it cleans and processes live oysters harvested from Humboldt Bay. An estimated 2,500 gallons per day (gpd) of oyster processing wastewater containing bay sediments, organic detritus, and oyster shell fragments is currently discharged to the City of Eureka sewer system. An estimated 1,800 gpd is discharged during the late shift (4 PM to Midnight), with the remaining 700 gpd being discharged during the early shift (8 AM to 4 PM). The late shift discharges are greater because that is the period during which washdown of the facility floors and equipment occurs.



\\EUREKASVRNEW\Projects\2019\019164-CoastSF-WW\Drawings\SAVED: 11/4/2019 2:02 PM CSWANSON, PLOTTED: 11/4/2019 3:02 PM, CHUCK SWANSON



Coast Seafoods  
 Wastewater Pretreatment System  
 Eureka, California

November 2019

Site Plan

SHN 019164

Figure 1

Water samples were collected from the washdown process water indicating a settleable solids concentration of approximately 23 milliliters per liter (mL/L). This water is currently an untreated and unmetered discharge to the City sewer system.

## Proposed Project

Coast Seafoods proposes to install two new below-ground concrete settling tanks (approximately 1,500 gallons each), a new sampling box, meter vault, a new effluent flow meter, and a new sewer lateral pipe to connect the settling tanks to the City sewer, replacing the existing sewer lateral. The purpose of the settling tanks is to remove settleable solids from oyster processing wastewater. A sampling port and effluent flow meter are required by the City of Eureka for industrial pretreatment systems discharging to the City sewer. The existing sewer lateral pipe will be excavated and replaced as a part of the project.

The tanks will be approximately 5.5 feet tall, 6 feet wide, and 10 feet long, with the tank excavations being approximately 8-10 feet deep. The site is located on the shores of Humboldt Bay at an elevation of approximately 11 feet above mean sea level (MSL; North American Vertical Datum of 1988; NAVD88).

All construction will occur in completely paved areas of previous ground disturbance. A qualified California General Contractor will perform the work. Approximately two construction personnel will be involved in the excavation and construction processes.

## Equipment, Access, and Staging

The tank and lateral pipe excavations will be dug with a backhoe or excavator. The tanks will be placed with an excavator. All equipment and trench or excavation spoils will be stored onsite on paved areas. Excess spoils will be hauled off and disposed of in accordance with local laws and regulations.

## Timing of Construction

Coast Seafoods is planning to conduct construction upon receiving permit approval. Construction will occur over approximately ten days between the hours of 7:30 am and 5:30 pm.

## Best Management Practices and Avoidance and Minimization Measures

The following construction best management practices (BMPs) and avoidance and minimization measures will be implemented during construction:

- Limit ground disturbance to the minimal extent necessary to accomplish project goals.
- Collect and dispose of spoils from excavations at an appropriately permitted upland disposal facility. If spoils are to be temporarily stockpiled onsite, they must be covered and secured before the onset of precipitation.
- All trash shall be removed from the work site and disposed of on a regular basis.
- All equipment used during construction shall be free of oil and fuel leaks at all times.
- Hazardous materials management equipment, including oil containment booms and absorbent pads shall be available and immediately on hand at the project site. A registered first-response, professional, hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be contained rapidly and cleaned up. In the event of a spill, Coast Seafoods shall notify the appropriate regulatory agencies immediately.
- Fully implement all conditions of approval required by permit terms.



**Supplemental  
Application Form**

**2**

**Supplemental Application Form  
 Request for Reduced Buffer**

Please complete the information below by checking the appropriate boxes and attaching additional sheets for the supplemental information as necessary. If you have questions regarding this Supplemental Application Form, the application process, or general planning questions, please do not hesitate to contact the Community Development Department at the address and phone number shown above. Office hours are Monday - Friday 8 a.m. - noon and 1 p.m. - 5 p.m.

The City of Eureka’s adopted Local Coastal Program (LCP) requires that environmentally sensitive habitat areas (ESHA), including wetlands, be protected. Specifically, LCP Policy 6.A.19 states:

*“The City shall require establishment of a buffer for permitted development adjacent to all environmentally sensitive areas. The minimum width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site specific information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will achieve the purpose(s) of the buffer, that a smaller buffer will protect the resources of the habitat area. As necessary to protect the environmentally sensitive area, the City may require a buffer greater than 100 feet. The Buffer shall be measured horizontally from the edge of the environmentally sensitive area nearest the proposed development to the edge of the development nearest to the environmentally sensitive area. Maps and supplemental information submitted as part of the application shall be used to specifically define these boundaries.”*

A buffer area provides essential open space between the proposed development and adjacent ESHA. The existence of the open space ensures that the type and scale of development proposed will not significantly degrade the habitat area. A buffer area is not itself a part of the ESHA, but a “buffer” or “screen” that protects the ESHA from potential adverse environmental impacts caused by the development. For a wetland, the buffer area is measured from the landward edge of the wetland (riparian woodlands are considered wetland habitats under the LCP). For a stream or river, the buffer area is measured landward from the landward edge of riparian vegetation or from the top edge of the bank.

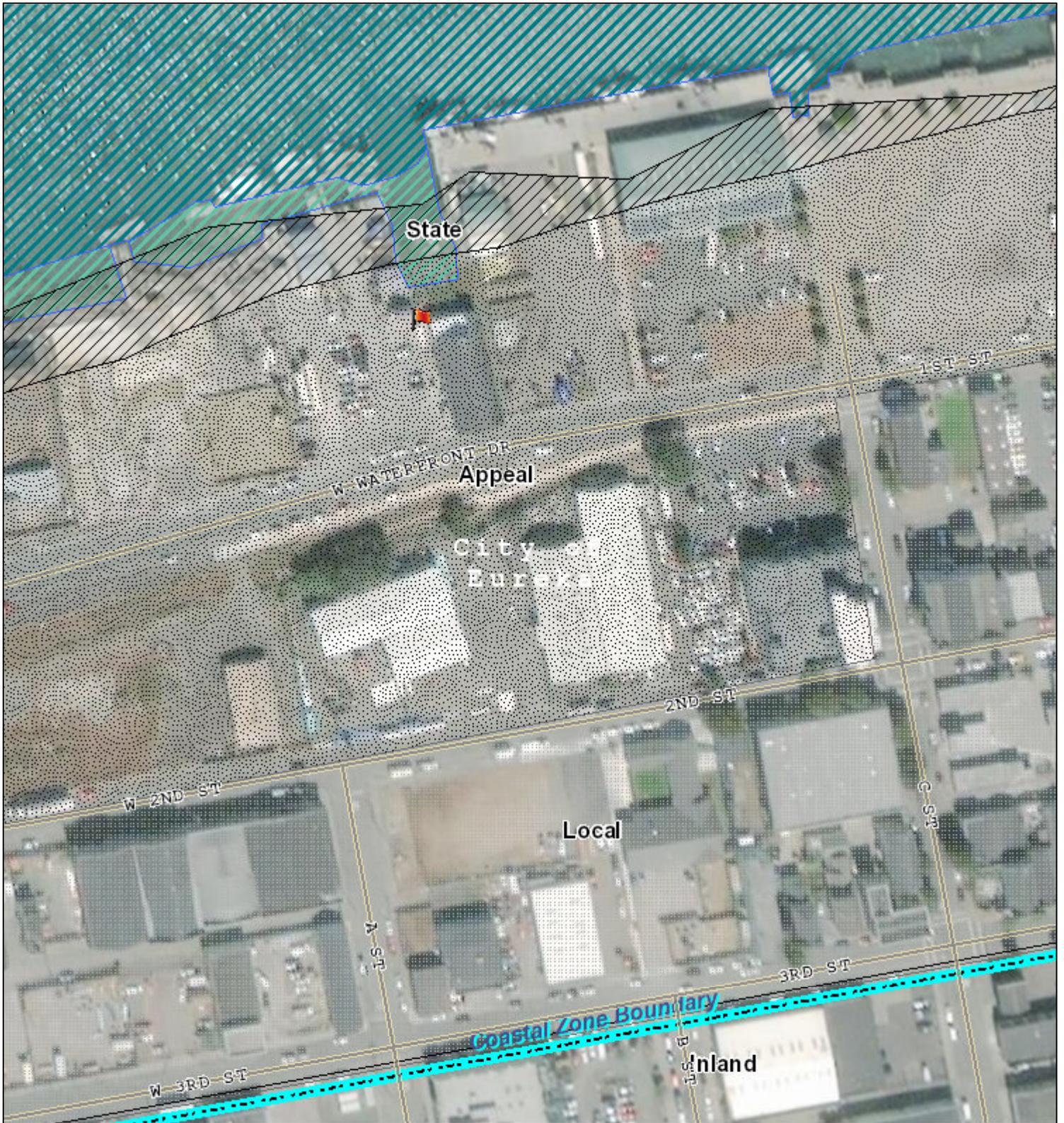
An application for a Coastal Development Permit for proposed development within the Coastal zone that includes a reduced buffer width (i.e., less than 100 feet) must include maps and the following supplemental information that demonstrates that a reduced buffer width is consistent with the LCP.

Done
<p>1. <b>Biological Significance of Adjacent Lands.</b> <input checked="" type="checkbox"/></p> <p>Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. That is, functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance would depend upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding or resting). This determination requires the expertise of an ecologist, wildlife biologist, ornithologist or botanist who is familiar with the particular type of habitat involved. Where a significant functional relationship exists, the land supporting this relationship should also be considered to be part of the environmentally sensitive habitat area, and the buffer area should be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer should be extended from the edge of the wetland, stream or riparian habitat (for example) which is adjacent to the proposed development (as opposed to the adjacent area which is significantly related ecologically).</p>

	Done
<p>2. <u>Sensitivity of Species to Disturbance.</u> <span style="float: right;"><input checked="" type="checkbox"/></span></p> <p>The width of the buffer area should be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination should be based on the following:</p> <p>(a) Nesting, feeding, breeding, resting or other habitat requirements of both resident and migratory fish and wildlife species.</p> <p>(b) An assessment of the short-term and long-term adaptability of various species to human disturbance.</p>	
<p>3. <u>Susceptibility of Parcel to Erosion.</u> <span style="float: right;"><input checked="" type="checkbox"/></span></p> <p>The width of the buffer area should be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for interception of any additional material eroded as a result of the proposed development should be provided.</p>	
<p>4. <u>Use of Natural Topographic Features to Locate Development.</u> <span style="float: right;"><input checked="" type="checkbox"/></span></p> <p>Hills and bluffs adjacent to environmentally sensitive habitat areas should be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from environmentally sensitive habitat areas. Similarly, bluff faces should not be developed, but should be included in the buffer area.</p>	
<p>5. <u>Use of Existing Cultural Features to Locate Buffer Zones.</u> <span style="float: right;"><input checked="" type="checkbox"/></span></p> <p>Cultural features (e.g., roads and dikes) should be used, where feasible, to buffer habitat areas. Where feasible, development should be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the environmentally sensitive habitat area.</p>	
<p>6. <u>Lot Configuration and Location of Existing Development.</u> <span style="float: right;"><input checked="" type="checkbox"/></span></p> <p>Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance will be required as a buffer area for any new development permitted. However, if that distance is less than 100 feet, additional mitigation measures (e.g., planting of native vegetation which grows locally) should be provided to ensure additional protection. Where development is proposed in an area which is largely undeveloped, the widest and most protective buffer area feasible should be required.</p>	
<p>7. <u>Type and Scale of Development Proposed.</u> <span style="float: right;"><input checked="" type="checkbox"/></span></p> <p>The type and scale of the proposed development will, to a large degree, determine the size of the buffer area necessary to protect the environmentally sensitive habitat area. For example, due to domestic pets, human use and vandalism, residential developments may not be as compatible as light industrial developments adjacent to wetlands, and may therefore require wider buffer areas. However, such evaluations should be made on a case-by-case basis, depending upon the resources involved, and the type and density of development on adjacent lands.</p>	

**WebGIS Figure**

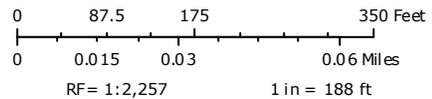
**3**



# Coast Seafoods Project

Humboldt County Planning and Building Department

<b>Highways and Roads</b>	— Private or Unclassified	— Subsurface	<b>Coastal Zone</b>
Principal Arterials	— Major River or Stream	--- City Boundary	<b>Jurisdict...</b>
Minor Arterials	<b>Blue Line Streams</b>	--- Counties	--- State
Major Collectors	— Perennial 1-3	--- Coastal Zone Boundary	--- Appeal
Minor Collectors	— Perennial >4		--- Local
Local Roads	— Intermittent		--- Inland



Printed: January 22, 2020

Web AppBuilder 2.0 for ArcGIS

**Map Disclaimer:**

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: NRCS, Humboldt County GIS, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Photos

4



Photo 1. Tidal channel from Humboldt Bay adjacent to the project area.



Photo 2. Existing oyster processing facility.

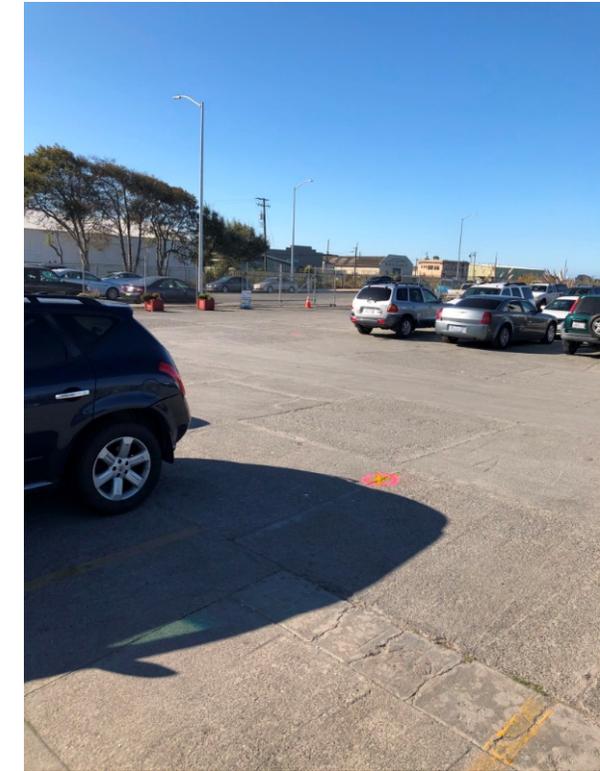


Photo 3. Project area, looking southwest from the existing facility.



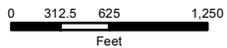
Photo 4. Project area, looking northeast towards the existing facility.





Project Location

Scale: 1" = 2000'



Project Location Map  
25 Waterfront Drive  
APN: 001-011-009



Figure 1  
Date: 3/2/2020  
Created By: rtopolewski