



# HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT



P.O. BOX 1030  
Eureka, California 95502  
(707) 443-0801  
(707) 443-0800 fax

Date Filed: 10/13/2022

General Information	For Commission Use
1.) Name & Address of Developer, Project Sponsor and Legal Owner <b>Kimberly and William Rich</b> <b>PO Box 184</b> <b>Bayside, CA 95524</b>	A. Application No. <u>2022-06</u>  Application Type: Franchise <input type="checkbox"/> Permit <input checked="" type="checkbox"/> Lease <input type="checkbox"/>
2.) Address of Project and Assessor's block, lot and Parcel Number <b>6210 Lanphere Road Arcata, CA 95521, 506-291-013</b>	B. Date Received by Harbor District <u>08/30/2022</u>  C. Date Accepted for filing by BOC <u>10/13/2022</u>
3.) Name, Address and Telephone No. of Person to be contacted concerning this Project <b>Kimberly Rich</b> <b>PO Box 184</b> <b>Bayside, CA 95524</b> <b>707-834-7777, krich1072@gmail.com</b>	D. Date of Public Notice <u>10/16/2022</u>  E. Date of Acceptance EIR or Negative Declaration _____  F. Date of Public Notice _____
4.) Attach list of names and addresses of all adjoining property owners <b>Attachment A</b>	G. Date of Public Hearings _____
5.) List and Describe any other related Permits & Other Public Approvals required for this Project, including those required by City, Regional, State & Federal Agencies. <b>Attachment A</b>	H. Date of Approval _____  Disapproval _____ Conditional _____ Approval _____
6.) Existing Zoning District <b>Attachment A</b>	I. Expiration Date _____  Describe in detail the proposed project: Comments
7.) Proposed Use of Site (Title of Project for which this form is filed) <b>Mad River Slough Shellfish Nursery</b>	Comments

Describe in detail the proposed project:

**See Attachment B**

Answer all questions completely on a separate sheet of paper. If the question does not apply to your project, so indicate by marking N.A. If you have questions, please contact the Harbor District Office.

### Project Description

8. Site Size **N/A**
9. Square Footage **N/A**
10. Number of floors of construction **N/A**
11. Amount of off-street parking provided **10 parking spots**
12. Attach plans **Attachment B**
13. Proposed scheduling **Attachment B**
14. Associated projects **None**
15. Anticipated incremental development **None**
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 employment per shift, and loading facilities. **One full time and three seasonal employees.**
19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be 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. **Yes. Return of raft structures to Humboldt Bay at this location.**
22. Change in scenic views or vistas from existing residential areas or public lands or roads. **Yes. View of returned raft structures from Lanphere Road.**
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. **Yes. However, previous water intake and discharge from Humboldt Bay has been occurring at the site since 1978.**

27. Substantial change in existing noise or vibration levels in the vicinity.
- A. During Construction **No.**
  - 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. **No.**
30. Substantial change in demand for municipal services (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 **No.**

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. Snapshots or polaroid photos will be accepted. **Attachment A.**
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. Snapshots or polaroid photos will be accepted. **Attachment A.**

-----Questions 35; 36 and 39 MUST BE ANSWERED!-----


35. How will the proposed use or activity promote the public health, safety, comfort, and convenience? **The use will create jobs and economic activity. It will also provide shellfish seed to support other businesses and sustainably produce food (protein).**
36. How is the requested grant, permit, franchise, lease, right, or privilege required by the public convenience and necessity? **For food production and economic activity.**
37. Financial statement:
- A. Estimated cost of the project. **\$20,000**
  - B. How will the project be financed. **By owner.**

38. Describe fully directions necessary to arrive at project site. **Take Hwy 101 Exit 716B (Guintoli Rd). Continue west to Janes Rd. Turn right on Upper Bay Rd and continue to Lanphere Road (6210 Lanphere Rd).**
39. Will the Applicant agree that as a condition of the permit being issued to Applicant, 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? **Yes**
- 

#### NOTE

The District hereby advises the Applicant that, under California Public Resources Code Section 21089, the District when a lead agency under the Environmental Quality Act of 1970, as amended, pertaining to an Environmental Impact Report (EIR) or a Negative Declaration may charge and collect from the Applicant a reasonable fee in order to recover the estimated costs incurred by the District in preparing an Environmental Impact Report (EIR) or Negative Declaration for the project and the procedures necessary to comply with the provisions of the public resources code on the Applicants project. In the event your project contains an analysis of issues pertaining to the Environmental Quality Act of 1970, as amended, for which District staff is not competent to independently review, or District requires the same in preparation of an Environmental Impact Report (EIR) or Negative Declaration for the project, the District may retain a reviewing consultant to evaluate the content of the Administrative-Draft EIR and Final EIR or Negative Declaration 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 data and 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.



Dated: August 29, 2022

\_\_\_\_\_  
Kimberly Rich

**Attachment A**

**Responses to Select Harbor District Permit Application Questions**

#### 4. Adjoining Property Owners

Clifford and Janet Demello  
6440 Lanphere Rd. #2  
Arcata, CA 95521

Victor Guynup  
5888 Old Railroad Grade Rd.  
McKinleyville, CA 95519

State of California  
PO Box 3700  
Eureka, CA 95502

US Fish and Wildlife Service  
2800 Cottage Way  
Sacramento, CA 95825

Richard Hunt  
495 Hunts Dr.  
McKinleyville, CA 95519

#### 5. Required Permits

<b>Agency</b>	<b>Approval Type</b>
North Coast Regional Water Quality Control Board	Clean Water Act Section 401 Certification National Pollutant Discharge Elimination System Permit
US Army Corps of Engineers	Clean Water Act Section 10 Nationwide Permit
California Coastal Commission	Coastal Development Permit
Humboldt Bay Harbor District	District Permit California Environmental Quality Act Mitigated Negative Declaration

#### 6. Zoning

County of Humboldt, Coastal Zone, Agriculture Exclusive/Natural Resources

#### 33. Project Site

The project includes a portion of Mad River Slough where the FLUPSYs and pump rafts will be located, an upland area where existing seed setting facilities and upwelling tanks will be used and a tidal “ditch” where water will be discharged from the facility (see Attachment B). Mad River Slough is a tidal slough of Humboldt Bay without any major freshwater inputs (e.g., rivers). The slough potentially has special status fish species present including tidewater goby and Southern Oregon/Northern California coho salmon. Pacific Eelgrass is not present at the site. Diverse bird species use the area including kestrels, harriers, kites, osprey and waterfowl such as Pacific black brant. The upland area is developed for aquaculture uses. The ditch has tidal influence and is connected to Mad River Slough by a culvert with a tide gate and to an adjacent brackish pond by a culvert. No cultural resources are known from the site, and soil will not be disturbed. There is an existing dock at the site. The viewshed in the area is a combination of natural and working landscape (e.g., boating, aquaculture activity).



**Existing dock at the FLUPSY and pump raft site.**



**Existing structures that will be used for seed setting and growth.**



**Brackish ditch that will be used for water discharge.**



### **34. Surrounding Area**

The surrounding area is similar to the site as described in item 33 above. There are low density residences nearby, but not in line of site to the project. Other nearby uses include agricultural endeavors and the Humboldt Bay National Wildlife Refuge.



**View from Lanphere Road bridge.**



**Lanphere Road bridge in background and project site in foreground.**

## **Attachment B**

### **Mad River Slough Shellfish Nursery Project Description**

# Mad River Slough Shellfish Nursery

## Project Description

August 19, 2022

Kimberly and William Rich are proposing to restart operation of a shellfish nursery in Mad River Slough, Humboldt Bay, California (Figures 1 and 2), with obtainment of new permits and utilization of best management practices. This nursery has been used seasonally (approximately March-November) to produce Kumamoto oyster (*Crassostrea sikamea*), Pacific oyster (*C. gigas*) and Manila clam (*Tapes philippinarum*) seed. These species are already cultured in Humboldt Bay. The shellfish nursery was operated at the project site by various previous landowners (Pidgeon Point, Kuiper Mariculture, Inc. and Taylor Mariculture) beginning in 1978. It is not currently operational. Following is a description of the proposed project.



Figure 1. Location of proposed Mad River Slough Shellfish Nursery in Humboldt Bay, CA.



Figure 2. Location of proposed Mad River Slough Shellfish Nursery (Imagery: Google Earth, May 2019).

### Proposed Project

The proposed project (Figure 3) would utilize a combination of existing and newly constructed mariculture equipment. Existing equipment includes a shellfish larvae setting facility and upwelling tanks. New floating upwelling system (“FLUPSY”) and water intake rafts would be anchored in Mad River Slough. The water intake raft would provide bay water through pipes to the existing upland larvae setting facility and upwelling tanks. Bay water would be discharged to an existing “ditch”. Each component of the project is further described below.

## Floating Upwelling System and Pump Raft

The FLUPSY would be a raft with a series of bins containing shellfish seed suspended into the water. An electric paddle wheel would move water through the bins to create “upwelling” that is beneficial to growth of shellfish seed. On a regular basis, the bins would be hoisted with a davit out of the water and cleaned.

The pump raft would have a hollow center within which a screened water intake would be submerged. The screen would be designed to avoid or minimize entrainment and impingement of aquatic species. On a regular basis, the water intake and screen would be lifted and cleaned. A maximum of 960 gallons per minute (gpm) would be drawn from Mad River Slough and pumped to the existing upland larvae setting facility and upwelling tanks.

The proposed water intakes have potential to entrain juvenile salmonids (not fry) or tidewater goby. The intake screen will be designed to protect juvenile salmonids and tidewater goby from entrainment and impingement by including the following design features<sup>1</sup>:

- Positioned mid-water column because tidewater goby are bottom dwelling.
- Approach velocity shall not exceed 0.33 feet per second.
- Screen mesh shall not exceed 1/8 inch.

The total surface area of the FLUPSY and pump raft would not exceed 5,000 sf. They would be fixed using existing anchorage.

## Discharge

The site was designed to discharge water from the larvae setting facility and upwelling tanks to a ditch that is connected to an estuarine wetland by a culvert. The ditch is connected to Mad River Slough by a culvert with a tide gate. Historically, discharge from facility operations has resulted in estuarine conditions in the ditch and wetland. Discharge from the proposed facility would maintain estuarine conditions within the ditch and wetland. The discharge rate would not exceed 960 gpm.

## Habitat Restoration

The project may include brackish wetland restoration or enhancement at the site to mitigate for impacts to the bay’s bio-productivity. Details of the habitat restoration/enhancement will be developed in coordination with Harbor District and other agency staff during development of the California Environmental Quality Act document.

---

<sup>1</sup> National Marine Fisheries Service, Southwest Region. 1997. Fish Screening Criteria for Anadromous Salmonids.

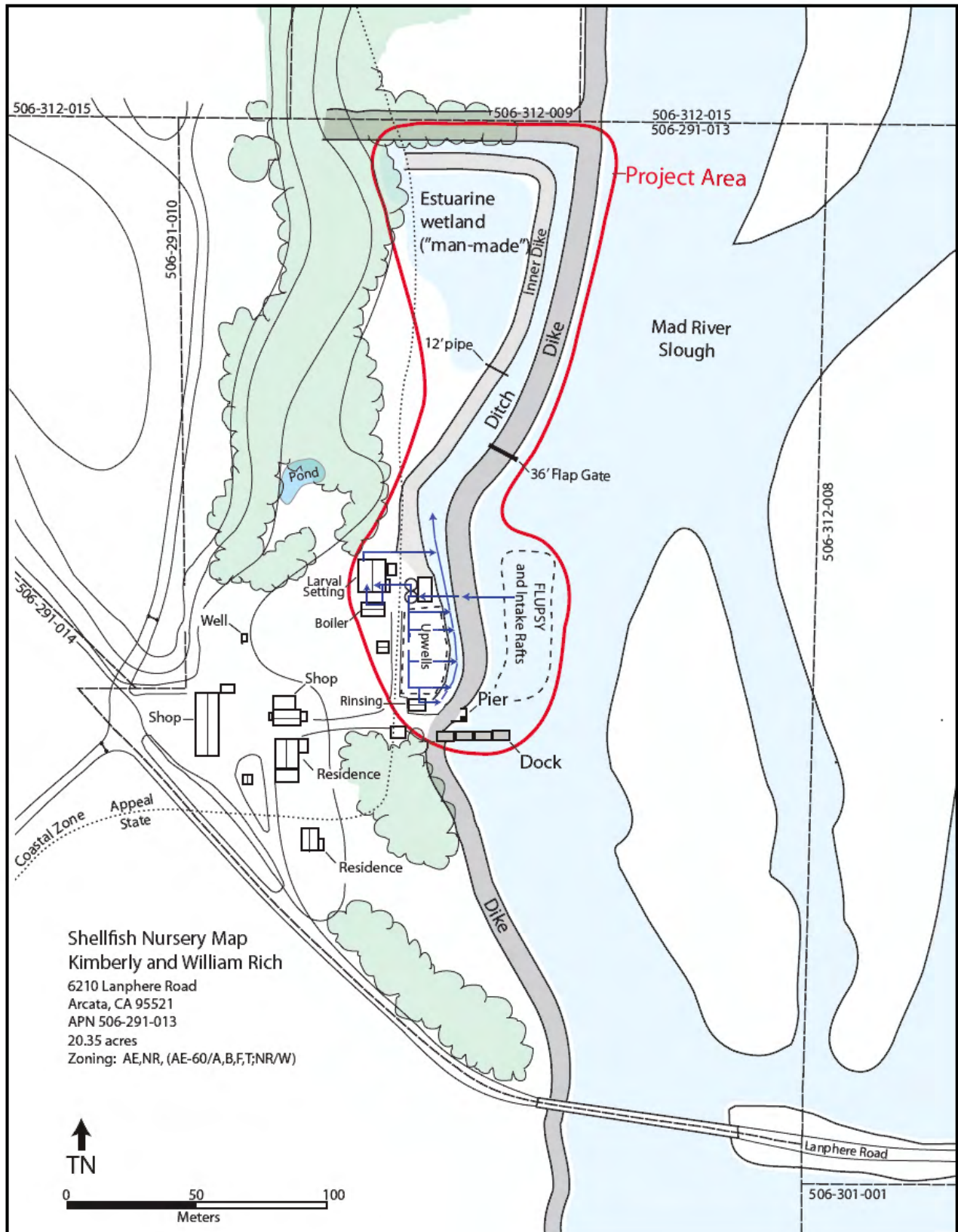


Figure 3. Proposed Mad River Slough Shellfish Nursery site layout.

## Timing

It is anticipated that permitting and CEQA documentation could be completed within the next six-nine months.