



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

3015 H Street Eureka CA 95501 Fax: (707) 268-3792 Phone: (707) 445-7541  
<http://www.co.humboldt.ca.us/planning>

Hearing Date: May 2, 2019

To: Humboldt County Zoning Administrator

From: Steve Werner, Supervising Planner

Subject: **John Gray (Cochran Creek) Conditional Use Permit**  
Application Number 14076  
Case Numbers CUP-18-026  
Assessor's Parcel Number 402-181-001  
Indianola Area; PLN-14076-CUP

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Please contact Michael Wheeler at (707) 268-3730, or by email at [mwheeler@co.humboldt.ca.us](mailto:mwheeler@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

cc: Applicant, California Coastal Commission

## AGENDA ITEM TRANSMITTAL

To: Humboldt County Zoning Administrator

From: Steve Werner, Supervising Planner

Hearing Date	Subject	Contact
May 2, 2019	Conditional Use Permit	Michael Wheeler

**Project Description:** A Conditional Use Permit and Special Permit for a fish passage and habitat enhancement project at the confluence of Fay Slough and Cochran Creek. The project involves the following components: 1) Improve fish passage by replacing the existing tide gate with a fish-friendly side-hinged gate and constructing a new channel to increase fish passage; 2) Creating a muted tidal cycle and enhanced estuarine habitat by replacing the tide gate on Cochran Creek; 3) Enhance habitat with approximately 1,000 feet and 2.0 acres of new stream channel and flood plain; 4) reduce overbank flooding of adjacent farmland and reduce fish stranding; 5) Enhance drainage; and 6) Increase agricultural equipment and pedestrian access at additional locations. The project site is located in the jurisdictional area of the California Coastal Commission for a Coastal Development Permit, but a Conditional Use Permit is required from the County for habitat enhancement within the Agriculture Exclusive zone. The property is currently enrolled in a Class D Agricultural Preserve.

**Project Location:** The project is located in Humboldt County, in the Indianola area, on the west side of Myrtle Avenue, near the intersection of Quail Valley Road and Robin Lane and Myrtle Avenue, on the property known as 6743 Myrtle Avenue, and further described as APN 402-181-01.

**Present Plan Land Use Designations:** Agriculture Exclusive (AE), Natural Resources (NR), Rural Residential (RR) - Humboldt Bay Area Plan (HBAP)

**Present Zoning:** Agriculture Exclusive-Minimum lot size 60.0 acres (AE-60), Archaeological Resource Area Outside Shelter Cove (A), Flood Hazard Areas (F), Transitional Agricultural Lands (T)

**Case Numbers:** CUP 18-026

**Assessor Parcel Numbers:** 402-181-001-000

**Applicant**

John Gary  
6743 Myrtle Ave  
Eureka, CA 95503  
707-407-3276

**Owner**

Gary John K & Plaza Heather C  
6743 Myrtle Ave  
Eureka, CA 95503

**Agent**

Trinity Associates  
Aldaron Laird  
980 7th Street, Suite K  
Arcata, CA 95521

**Environmental Review:** Yes.

**State Appeal Status:** Project is within the permit jurisdictional area of California Coastal Commission for a Coastal Development Permit

**Major Issues:** None

## John Gray (Cochran Creek) Habitat Enhancement Project

Case Numbers: CUP 18-026

Assessor's Parcel Number: 402-181-001

### Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the applications as a part of the consent agenda:

*Adopt the Mitigated Negative Declaration, and to make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed John Gray project subject to the recommended conditions.*

### Executive Summary

The applicant requests a Conditional Use Permit for a fish passage and habitat enhancement project at the confluence of Fay Slough and Cochran Creek. The project involves the following components: 1) Improve fish passage by replacing the existing tide gate with a fish-friendly side-hinged gate and constructing a new channel to increase fish passage; 2) Creating a muted tidal cycle and enhanced estuarine habitat by replacing the tide gate on Cochran Creek; 3) Enhance habitat with approximately 1,000 feet and 2.0 acres of new stream channel and flood plain; 4) reduce overbank flooding of adjacent farmland and reduce fish stranding; 5) Enhance drainage; and 6) Increase agricultural equipment and pedestrian access at additional locations. The project site is located in the jurisdictional area of the California Coastal Commission for a Coastal Development Permit, but a Conditional Use Permit is required from the County for habitat enhancement within the Agriculture Exclusive zone. The property is currently enrolled in a Class D Agricultural Preserve.

Project objectives address improving fish passage, creating a muted tidal cycle and enhancing/expanding estuarine habitat, enhancing/expanding instream/floodplain habitat, reducing overbank flooding and fish stranding, and enhancing drainage and reducing flooding/tidal inundation of adjacent agricultural lands. Related objectives will enhance drainage and reduce flooding of agricultural areas and increase equipment and pedestrian access.

#### 1. Improve Fish Passage

The existing top-hinged tide gate prevents or severely hinders passage of most fish species between Fay Slough and Cochran Creek and Quail Slough. Replacement of the existing tide gate at the confluence of Cochran Creek and Fay Slough with a fish-friendly side-hinged tide gate will provide improved migration access for adult and juvenile fish. Constructing a new channel and flood plain with enhanced morphology between the tide gate and culvert under Myrtle Avenue, as well as constructing an engineered drop structure will increase fish passage to the upper watershed of Cochran Creek.

#### 2. Create a Muted Tidal Cycle and Enhance Estuarine Habitat

Replacing the tide gate on Cochran Creek with a side hinged tide gate and auxiliary opening will support a muted tidal cycle up to 5.0 (MHHW) to 6.0 feet (MMMWW) (NAVD 88), supporting increased inter-tidal wetlands. Saltwater extending up the new Cochran Creek Channel will help control the growth of invasive reed canary grass. The new side hinged tide gate will enhance connectivity between Fay Slough and Cochran Creek, and improve drainage during flood flows. Estuarine habitat may extend 900 feet up lower Cochran Creek and 2,100 feet on Quail

Slough. The two tidal channels will become connected. Estuarine habitat will be enhanced, and seasonal off-channel winter rearing habitat will be constructed for salmonids.

### 3. Enhance and Expand Instream and Floodplain Habitat

This project will create approximately 1,000 feet and 2.0 acres of new stream channel and flood plain, downstream of the culvert under Myrtle Avenue. The design will restore fluvial processes that will enhance and maintain instream and floodplain morphology, structural diversity, and a riparian corridor. Backwater features will be constructed to provide seasonal off-channel rearing habitat for salmonids in the existing Cochran Creek channel and Quail Slough. Reed canary grass will be physically removed from existing channels, and a riparian corridor approximately 1,000 feet long will be planted along the new channel and flood plain.

### 4. Reduce Overbank Flooding

Cochran Creek is presently channelized, with frequent overbank flooding of adjacent agricultural land. Sediments mobilized from the upper watershed now clog stream/ditch, tidal slough channels, and culverts, reducing channel capacity. The absence of tidal inundation in the lower reach of Cochran Creek has allowed the prolific growth of reed canary grass, which exacerbates overbank flooding. This project will create approximately 3,000 feet of inset floodplains connected to the enlarged channels of Cochran Creek and Quail Slough, as well as introduce a muted tide cycle to suppress the growth of reed canary grass. The floodplain enhancement of Cochran Creek and Quail Slough is designed to reduce annual flooding of adjacent agricultural lands and consequentially fish stranding.

### 5. Enhance drainage and reduce flooding of agricultural areas

Installation of a new side hinge tide gate, construction of a new channel and flood plain on Cochran Creek and the enlargement of the Quail Slough channel and installation of inset flood plains and containment berms will reduce flooding and tidal inundation of agricultural areas. Excavated materials will be placed and graded in agricultural areas to an elevation of 6 to 7 feet (NAVD 88). This will increase surface elevations above groundwater and annual flood discharge.

### 6. Increase equipment and pedestrian access

Existing culverts on Quail Slough will be removed and new culverts will be installed to facilitate agricultural equipment as well as pedestrian access at additional locations.

All responding referral agencies have recommended approval or conditional approval of the project. Project approval is conditioned upon meeting their requirements. The Department has prepared and circulated a draft Mitigated Negative Declaration (MND) and has determined that the project, as proposed, mitigated and conditioned, will not have a significant effect on the environment.

Based on the on-site inspections, a review of Planning Division reference sources, and comments from all involved referral agencies, staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Conditional Use Permit. Staff recommends conditional approval of the project.

**Alternatives:** Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.



**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the John Gray Conditional Use Permit.**

**WHEREAS**, John Gray submitted an application and evidence in support of approving a Conditional Use Permit for a fish passage and habitat enhancement project; and

**WHEREAS**, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS** the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence that supports making all of the required findings for approving the proposed Conditional Use Permit (Case Numbers CUP 18-026); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on May 2, 2019.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Zoning Administrator that:

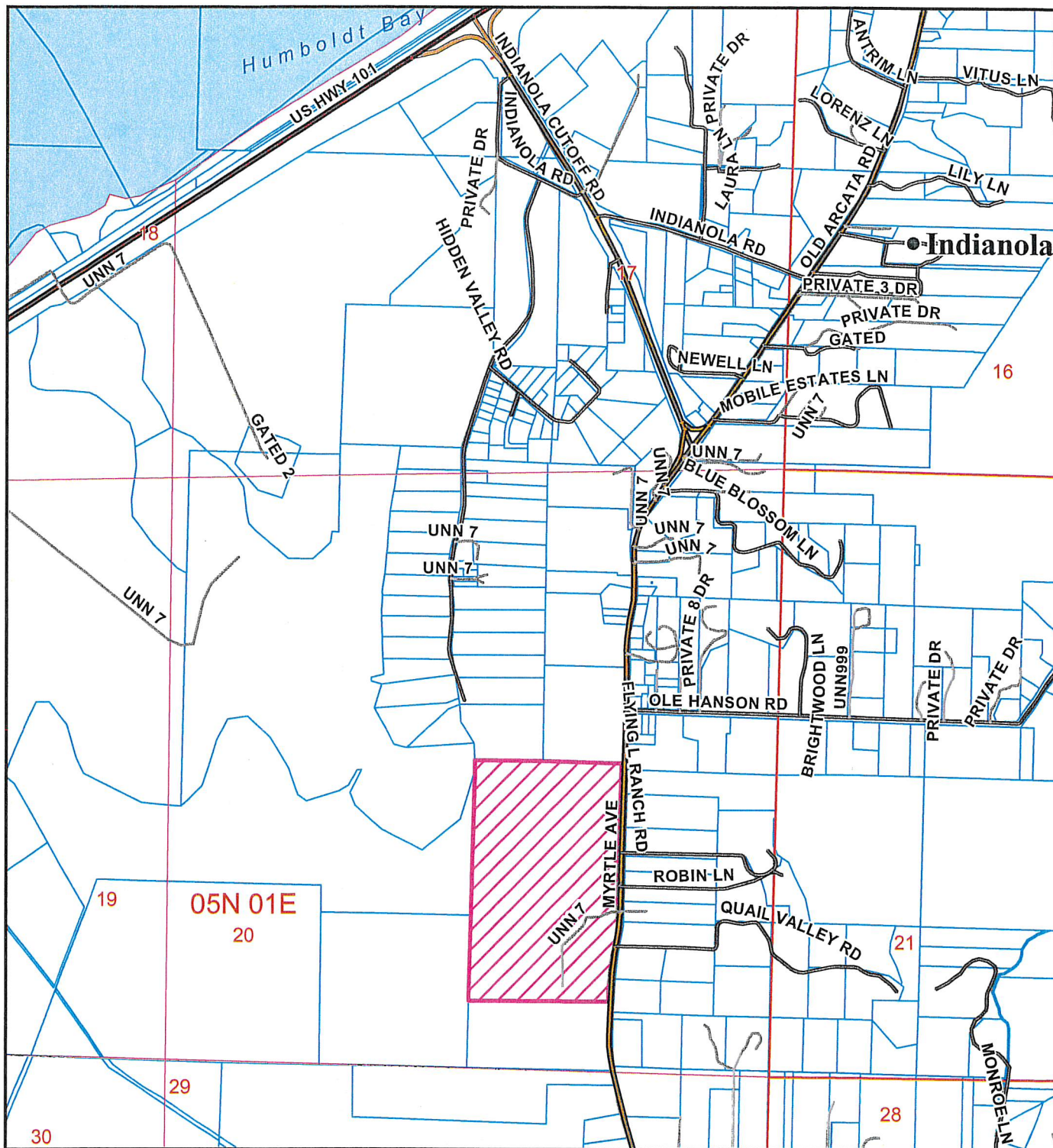
1. The Zoning Administrator has considered the Initial Study and Mitigated Negative Declaration and the Mitigation and Monitoring Report in Attachment 5, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment, and that the Mitigated Negative Declaration reflects the County's independent judgement and analysis; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number CUP 18-026 based on the submitted evidence; and
3. Conditional Use Permit Case Number CUP 18-026 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on May 2, 2019.

I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Administrator at a meeting held on the date noted above.

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John Ford  
Zoning Administrator  
Planning and Building Department



# LOCATION MAP

## PROPOSED GARY CONDITIONAL USE PERMIT & SPECIAL PERMIT INDIANOLA AREA

CUP-18-026/SP-18-080

APN: 402-181-001

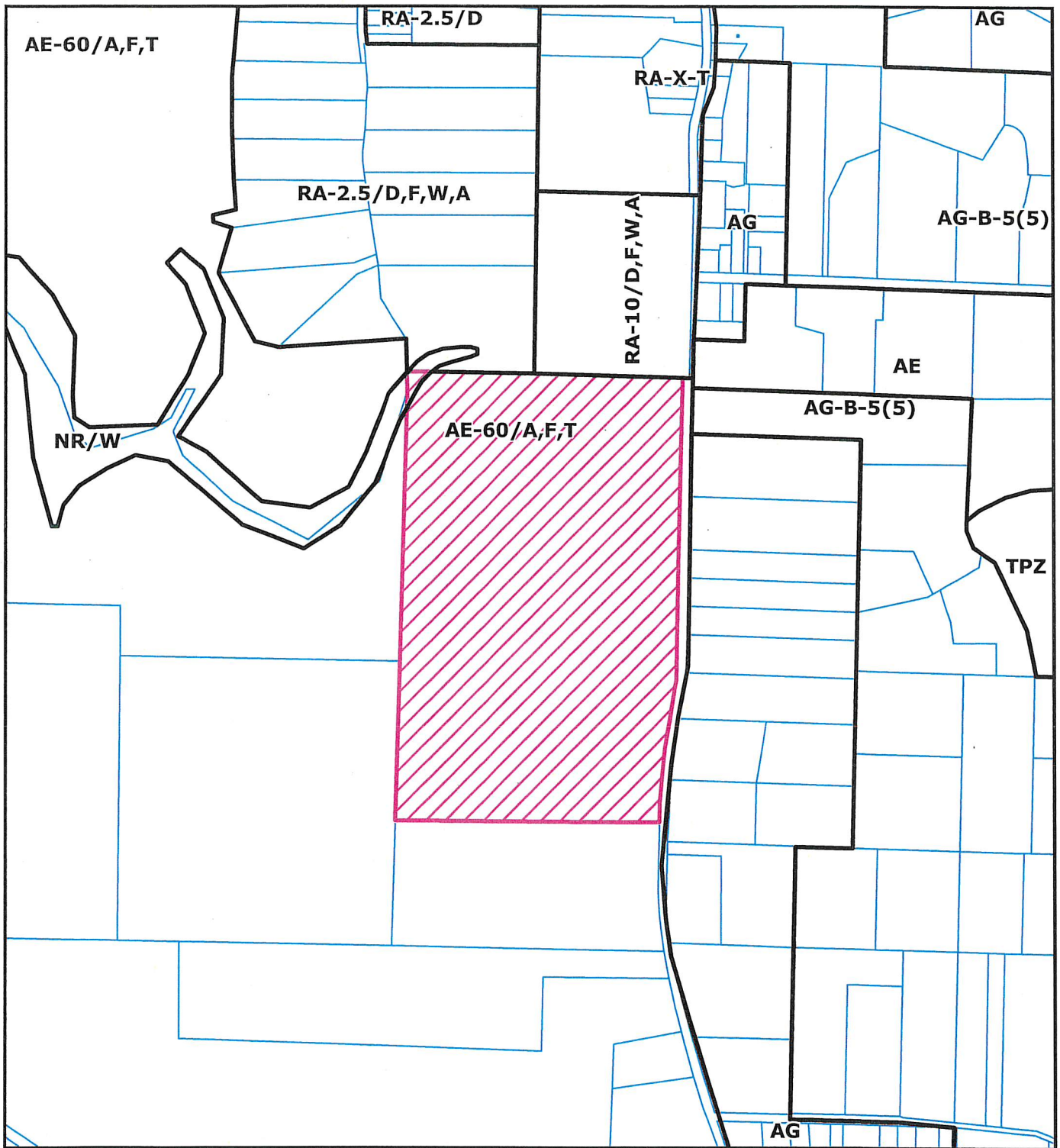
T05N R01E S20 HB&M (Arcata South)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 500 1,000 1,500  
Feet



# **ZONING MAP**

## **PROPOSED GARY CONDITIONAL USE PERMIT & SPECIAL PERMIT INDIANOLA AREA**

**CUP-18-026/SP-18-080**

**APN: 402-181-001**

**T05N R01E S20 HB&M (Arcata South)**

**Project Area =** 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500 750  
 Feet









# **AERIAL MAP**

## **PROPOSED GARY CONDITIONAL USE PERMIT & SPECIAL PERMIT INDIANOLA AREA**

**CUP-18-026/SP-18-080**

**APN: 402-181-001**

**T05N R01E S20 HB&M (Arcata South)**

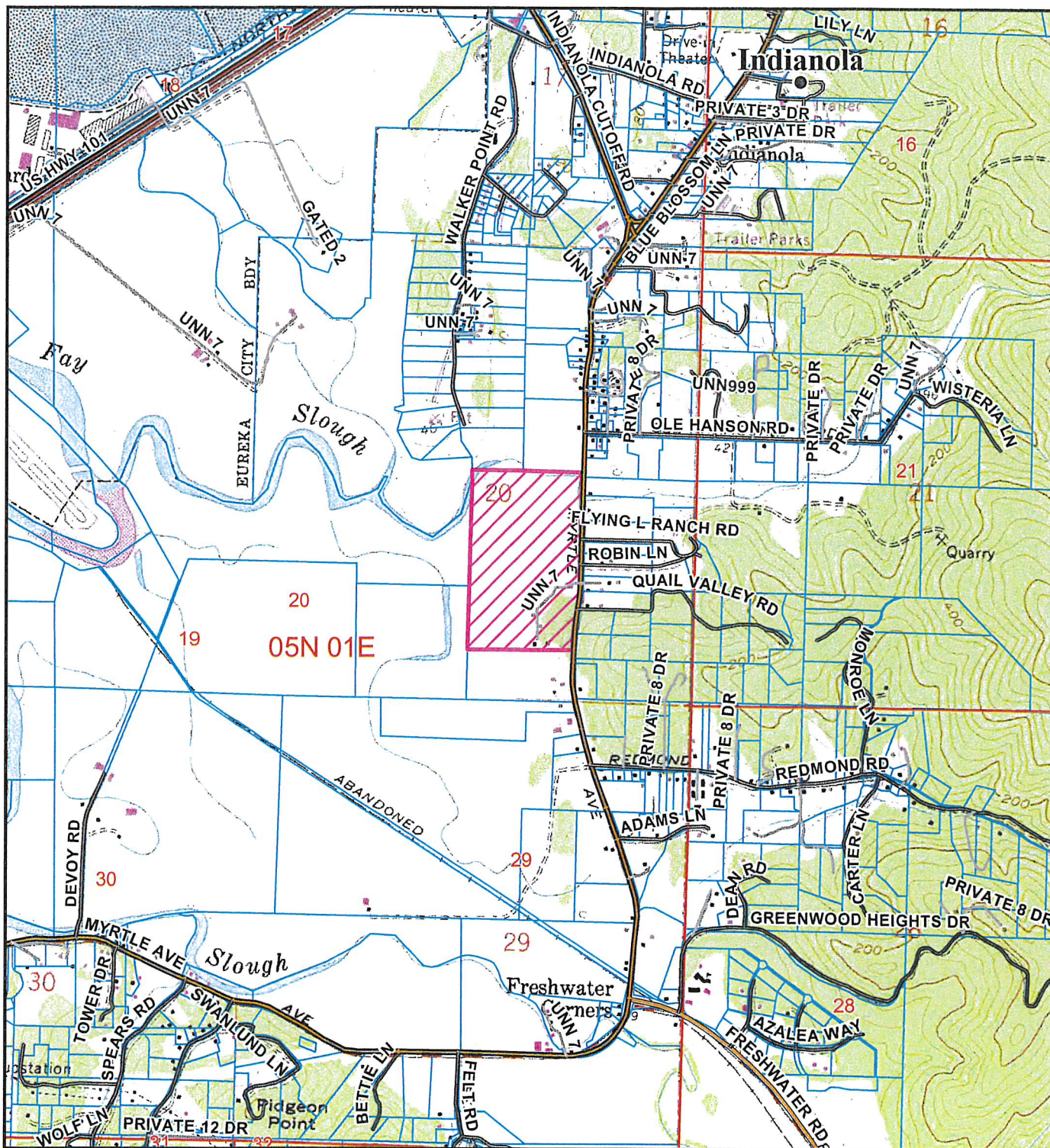
**Project Area =** 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500  
Feet





# TOPO MAP

## PROPOSED GARY CONDITIONAL USE PERMIT & SPECIAL PERMIT INDIANOLA AREA

CUP-18-026/SP-18-080

APN: 402-181-001

T05N R01E S20 HB&M (Arcata South)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



COCHRAN CREEK FISH PASSAGE AND CHANNEL RESTORATION  
HUMBOLDT COUNTY, CALIFORNIA



SHEET INDEX

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C4	TIDE GATE
C5	COCHRAN CREEK PROFILE & CROSS SECTIONS
C6	QUAIL SLOUGH PROFILE
C7	QUAIL SLOUGH CROSS SECTIONS
C8	DETAILS



**Northern Hydrology & Engineering**  
Engineering ☐ Hydrology ☐ Geoarchology ☐ Interdisciplinary

DESIGNED: JKA
DRAFTED: CEP
TECH. REVIEW: JKA
DATE: 12/13/2017

SUB SHEET NO.
G1

COVER  
**COCHRAN CREEK RESTORATION**  
TGAEC, TA, NMM, NOAA, CDFW, USFWS.  
65% DESIGN UPDATE

SHEET
1
OF
10

GENERAL NOTES

1. LAND OWNER CONTACT INFORMATION:  
JOHN GARY & HEATHER PLAZA  
ORGANIC MATTERS RANCH  
6743 MYRTLE AVE  
EUREKA, CA 95503  
(707) 498-2319
2. THE PROJECT ENGINEER INFORMATION:  
JEFFREY K. ANDERSON, P.E.  
NORTHERN HYDROLOGY & ENGINEERING  
P.O. BOX 2515  
MCKINLEYVILLE, CA 95519  
(707) 839-2195
3. THESE PLANS REPRESENT THE WORK TO BE PERFORMED FOR THE COCHRAN CREEK FISH PASSAGE AND CHANNEL RESTORATION PROJECT.
4. ALL IMPROVEMENTS SHALL BE ACCOMPLISHED UNDER THE APPROVAL, INSPECTION AND TO THE SATISFACTION OF THE OWNER OR OWNER'S REPRESENTATIVE, AND PROJECT ENGINEER. ALL OF THE CONSTRUCTION IMPROVEMENTS SHALL COMPLY WITH THESE PLANS, SPECIFICATIONS AND NOTES.
5. SHOULD IT APPEAR THAT THE WORK TO BE DONE, OR ANY MATTER RELATIVE THERETO, IS NOT SUFFICIENTLY DETAILED OR EXPLAINED ON THESE PLANS, THE CONTRACTOR SHALL CONTACT THE PROJECT ENGINEER RESPONSIBLE FOR THE PLAN PREPARATION BEFORE CONDUCTING WORK ON THAT PORTION OF THE PROJECT.
6. IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY UNDERGROUND SERVICE ALERT (USA) AT (800) 642-2444 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF WORK TO VERIFY THE LOCATION OF UNDERGROUND UTILITIES WITHIN THE PROJECT AREA.
7. THE LOCATION OF ANY UTILITIES SHOWN ON THESE PLANS IS APPROXIMATE AND FOR INFORMATION ONLY. THE LOCATION, TYPE, SIZE AND/OR DEPTH INDICATED WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION, TYPE, SIZE AND/OR DEPTH PRIOR TO PERFORMING ANY EXCAVATION OR OTHER WORK CLOSE TO ANY UNDERGROUND PIPELINE, CONDUIT, DUCTS, WIRE, STRUCTURE OR OTHER UTILITIES SUBJECT TO CONCERNS FOR SAFETY, DISPLACEMENT, AND/OR DAMAGE BY REASONS OF THEIR OPERATIONS.
8. CONSTRUCTION HOURS SHALL BE MONDAY THROUGH SATURDAY BETWEEN 7:00 A.M. AND 7:00 P.M. UNLESS PRIOR APPROVAL IS RECEIVED FROM THE CONSULTANT TEAM.
9. THE CONTRACTOR SHALL AGREE TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, AND FURTHER AGREES THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS IN ACCORDANCE WITH THE PROVISIONS OUTLINED BY THE PROJECT CONTRACT.
10. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND HIS/HER SUBCONTRACTOR(S) TO EXAMINE THE PROJECT SITE PRIOR TO THE COMMENCEMENT OF WORK. THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED, SUCH AS THE NATURE AND LOCATION OF THE WORK AND THE GENERAL AND LOCAL CONDITIONS, PARTICULARLY THOSE AFFECTING THE AVAILABILITY OF TRANSPORTATION, ACCESS TO AND FROM THE SITE, THE DISPOSAL, HANDLING, AND STORAGE OF MATERIALS, AVAILABILITY OF LABOR, WATER, ELECTRICITY, ROADS, THE UNCERTAINTIES OF WEATHER, THE CONDITIONS OF THE GROUND, SURFACE AND SUBSURFACE MATERIALS, THE EQUIPMENT AND FACILITIES NEEDED PRIMARILY FOR AND DURING THE PERFORMANCE OF THE WORK, AND THE COSTS THEREOF. ANY FAILURE BY THE CONTRACTOR AND SUBCONTRACTOR(S) TO ACQUAINT HIMSELF WITH ALL THE AVAILABLE INFORMATION WILL NOT RELIEVE HIM FROM RESPONSIBILITY FOR PROPERLY ESTIMATING THE DIFFICULTY AND COST OF SUCCESSFULLY PERFORMING THE WORK.
11. THE CONTRACTOR SHALL MAINTAIN A SET OF PLANS ON THE JOB SHOWING "AS-CONSTRUCTED" CHANGES MADE TO DATE, UPON COMPLETION OF THE PROJECT, THE CONTRACTOR SHALL SUPPLY TO THE OWNER, OWNER'S REPRESENTATIVE, OR PROJECT ENGINEER A SET OF PLANS, MARKED UP TO THE SATISFACTION OF THE CONSULTANT TEAM, REFLECTING THE AS-CONSTRUCTED MODIFICATIONS.
12. ALL REVISIONS TO THESE PLANS MUST BE MADE BY THE PROJECT ENGINEER RESPONSIBLE FOR THE PLAN PREPARATION, AND SHALL ACCURATELY BE SHOWN ON REVISED PLANS.
13. COPIES OF ALL ENVIRONMENTAL PERMITS WILL BE PROVIDED TO THE CONTRACTOR, AND MUST BE KEPT ON-SITE AT ALL TIMES DURING CONSTRUCTION. THE CONTRACTOR SHALL OBTAIN AT HIS/HER OWN EXPENSE ALL PERMITS, LICENSES, INSURANCE POLICIES, ETC., NOT ALREADY OBTAINED BY THE CONSULTANT TEAM, AS MAY BE NECESSARY TO COMPLY WITH STATE AND LOCAL LAWS ASSOCIATED WITH THE PERFORMANCE OF THE WORK. CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL PERMITS.

14. UNLESS NOTED OTHERWISE ON THE PLANS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SURVEY MONUMENTS AND OTHER SURVEY MARKERS IDENTIFIED IN THESE PLANS.
15. THE CONTRACTOR SHALL PROVIDE, PLACE, AND MAINTAIN ALL LIGHTS, SIGNS, BARRICADES, FLAG PERSONS, PILOT CAR, OR OTHER DEVICES NECESSARY TO CONTROL TRAFFIC THROUGH THE CONSTRUCTION AREA AND FOR PUBLIC SAFETY IN ACCORDANCE WITH THESE PLANS, THE STANDARD SPECIFICATIONS AND CHAPTER 5 OF THE STATE TRAFFIC MANUAL, "MANUAL OF TRAFFIC CONTROLS."
16. THE CONTRACTOR SHALL USE ONLY DESIGNATED SPECIFIC SITES FOR STORAGE OF EQUIPMENT AND MATERIALS AS SHOWN ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SECURITY OF ALL EQUIPMENT AND MATERIALS.
17. AT NO TIME SHALL THE CONTRACTOR UNDERTAKE TO CLOSE OFF ANY EXISTING UTILITY LINES OR OPEN VALVES OR TAKE ANY OTHER ACTION WHICH WOULD AFFECT THE OPERATION OF EXISTING WATER OR UTILITY SYSTEMS WITHOUT PRIOR APPROVAL FROM THE OWNER OR OWNER'S REPRESENTATIVE. APPROVAL SHALL BE REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE TIME THAT THE INTERRUPTION OF THE EXISTING SYSTEM IS REQUIRED. ANY INTERRUPTION OF SERVICE TO UTILITY SERVICES, WHETHER INTENTIONAL OR NOT, MUST BE KEPT TO A MINIMUM TIME PERIOD.
18. THE OWNER, OWNER'S REPRESENTATIVE, OR PROJECT ENGINEER WILL FURNISH THE CONSTRUCTION STAKING TO THE CONTRACTOR.
19. ALL CONTROL STATIONING AND DATA DIMENSIONING ARE REFERENCED TO THE CENTERLINE OF THE DESIGN CHANNEL SHOWN UNLESS OTHERWISE NOTED.
20. THE CONTRACTOR SHALL PRESERVE AND PROTECT ALL EXISTING UTILITIES AND IMPROVEMENTS WITHIN AND OUTSIDE THE LIMITS OF THE PROJECT AREA.
21. EQUIPMENT EXCLUSION AREAS SHALL BE CLEARLY FLAGGED BY THE OWNER OR OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION TO SERVE AS A BUFFER FOR SENSITIVE SPECIES AND RESOURCES.
22. NO TREES OR WETLAND VEGETATION SHALL BE REMOVED UNLESS THEY ARE SHOWN AND NOTED TO BE REMOVED ON THE PLANS, OR AS DIRECTLY SPECIFIED ON-SITE BY THE OWNER OR OWNER'S REPRESENTATIVE.
23. IF, DURING CONSTRUCTION, ARCHAEOLOGICAL REMAINS ARE ENCOUNTERED, CONSTRUCTION IN THE VICINITY SHALL BE HALTED, AND THE OWNER, OWNER'S REPRESENTATIVE, OR PROJECT ENGINEER SHALL BE NOTIFIED IMMEDIATELY.
24. THE CONTRACTOR SHALL COORDINATE THE WORK WITH OTHERS AT THE LIMITS OF THE CONSTRUCTION LINES SHOWN IN THESE PLANS.
25. EROSION CONTROL STRUCTURES SHALL CONTAIN AND CONTROL EROSION AND PROVIDE FOR THE SAFE DISCHARGE OF SILT-FREE RUNOFF FROM THE PROJECT SITE INTO RECEIVING WATER BODIES. SUITABLE SUPPLIES FOR MITIGATING SEDIMENT IMPACTS TO ON-SITE WATERWAYS SHALL BE MAINTAINED AT THE PROJECT SITE BY THE CONTRACTOR DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING ALL TEMPORARY EROSION CONTROL MEASURES. THE EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THESE PLANS, THE STANDARD SPECIFICATIONS, LOCAL, COUNTY AND STATE ORDINANCES, AND APPLICABLE PERMIT REQUIREMENTS. THE CONTRACTOR SHALL CONTACT THE OWNER, OWNER'S REPRESENTATIVE, OR PROJECT ENGINEER PRIOR TO THE COMMENCEMENT OF WORK FOR A PRE-GRADING INSPECTION OF THE INSTALLED TEMPORARY EROSION CONTROL FACILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND PERFORMANCE OF THE TEMPORARY EROSION CONTROL MEASURES THROUGHOUT THE DURATION OF THE PROJECT.
26. THE CONTRACTOR SHALL KEEP ALL AREAS GENERATING DUST WELL WATERED DURING THE TERM OF THIS CONTRACT. THIS INCLUDES, BUT IS NOT LIMITED TO, ACCESS RAMPS, ROADS, FILL AREAS AND ANY OTHER AREAS THAT MAY GENERATE DUST AS A RESULT OF THE CONTRACTOR'S OPERATIONS.
27. NONE OF THE NOTES, OR CONSTRUCTION DRAWINGS SHALL PRECLUDE THE CONTRACTOR FROM SUBSTITUTION OF MATERIALS OR PRACTICES NECESSARY TO COMPLETE THE PROJECT IN A TIMELY AND ECONOMICAL MANNER. ANY SUBSTITUTION OR FORGONE INSPECTIONS WITHOUT THE EXPLICIT CONSENT OF THE OWNER, OWNER'S REPRESENTATIVE, OR PROJECT ENGINEER BECOME THE RESPONSIBILITY OF THE CONTRACTOR. WHERE THE SPECIFICATIONS, NOTES, OR CONSTRUCTION DRAWINGS ARE NOT CONSISTENT WITH LOCAL REGULATIONS, AN EXPLICIT RECONSIDERATION OF PLANS AND SPECIFICATIONS BY THE CONSULTANT TEAM IS REQUIRED PRIOR TO ENACTMENT OF ANY CHANGES.

TOPOGRAPHY NOTES

1. BEARINGS, DISTANCES AND COORDINATES FOR THESE PLANS ARE BASED ON THE CALIFORNIA STATE PLANE ZONE 1 NORTH AMERICAN DATUM OF 1983 (2011), US FOOT.
2. VERTICAL ELEVATION FOR THESE PLANS IS BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1988 (GEOID 12B), US FOOT.
3. GEODETIC CONTROL FOR THESE PLANS WAS ESTABLISHED BY GMA HYDROLOGY, INC.

GENERAL GRADING NOTES

1. ALL GRADING SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS, AND ALL APPLICABLE LOCAL, COUNTY, AND STATE GRADING ORDINANCES, AND THE STANDARD SPECIFICATIONS, STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, DATED MAY 2006. THE FOLLOWING PLANS, NOTES AND SPECIFICATIONS HAVE BEEN DEVELOPED WITHOUT THE BASIS OF FIELD AND LABORATORY TESTING, AND THUS REFLECT GOOD CONSTRUCTION PRACTICES ONLY.
2. THE CONTRACTOR SHALL CONFORM TO THE RULES AND REGULATIONS OF THE STATE AND LOCAL CONSTRUCTION SAFETY ORDERS PERTAINING TO EXCAVATIONS AND TRENCHES.
3. THE CONTRACTOR IS RESPONSIBLE FOR ALL QUANTITIES AND LANDFORMS. EARTHWORK QUANTITIES SHOWN ON THESE PLANS ARE BASED ON RAW, UNADJUSTED CUT AND FILL VOLUMES AND ARE FURNISHED FOR THE CONTRACTOR'S INFORMATION ONLY. THE ACTUAL AMOUNT OF MATERIAL MOVED WILL VARY DEPENDING ON CONDITIONS IN THE FIELD INCLUDING BUT NOT LIMITED TO COMPACTION AND CONSOLIDATION, BULKING, AND THE CONTRACTOR'S METHOD OF OPERATION.
4. EXISTING VEGETATION THAT EXISTS OUTSIDE OF CUT AND FILL AREAS SHALL BE PROTECTED AND LEFT UNDISTURBED AS MUCH AS PRACTICAL.
5. THE CONTRACTOR SHALL MAKE EVERY EFFORT TO MINIMIZE VEHICLE MOVEMENT, SPECIFICALLY WHEELED VEHICLES, WITHIN THE CONSTRUCTION AREA. EFFORT SHOULD BE GIVEN TO MAINTAIN SINGLE TRAFFIC ROUTES FOR HAULING OF MATERIAL BETWEEN CUT AND FILL SITES.
6. UPON COMPLETION OF THE GRADING WORK ANY VEHICLE COMPACTED AREAS, SUCH AS TRAVEL AND HAUL ROUTES, STAGING AREAS, ETC. SHALL BE SCARIFIED TO A DEPTH OF 6 TO 12 INCHES.
7. SITE PREPARATION SHALL BEGIN WITH THE REMOVAL OF WOODY VEGETATION AND NON-SOIL MATERIALS AS NEEDED WITHIN THE AREA TO BE GRADED.
8. ALL SURFACES TO RECEIVE FILL SHOULD BE CLEARED OF EXISTING WOODY VEGETATION, OLD FILL, DEBRIS, AND OTHER UNSUITABLE MATERIALS, AND SCARIFIED TO A DEPTH OF 6 TO 12 INCHES.
9. EXCAVATED CUT AND FILL FINISHED GRADES SHALL BE PLUS OR MINUS 0.1 FEET FROM THE GRADES SHOWN ON THESE PLANS.
10. ALL CUT AND FILL SLOPES SHALL BE ROUNDED TO MEET EXISTING GRADES AND BLEND WITH SURROUNDING TOPOGRAPHY. WHEREVER FEASIBLE, GRADING WITHIN OPEN SPACE LANDS SHALL BE CONTOUR-ROUNDED TO MIMIC NATURAL TERRAIN FEATURES AND MANTLE WITH TOPSOIL. ALL GRADED AREAS WILL BE REVEGETATED BY THE OWNER OR OWNER'S REPRESENTATIVE.
11. ALL SLOPES SHALL BE CONSTRUCTED PER THE MAXIMUM GRADIENTS INDICATED ON THE GRADING PLAN. ALL GRADIENTS EXCEEDING THESE MAXIMUM SLOPES SHALL BE CONSTRUCTED UTILIZING SUPPLEMENTAL SLOPE STABILIZATION TECHNIQUES AS RECOMMEND BY THE OWNER, OWNER'S REPRESENTATIVE, OR PROJECT ENGINEER AND IN AREAS AS INDICATED ON THE GRADING PLANS.
12. THE SITE SHALL BE MAINTAINED IN AN ORDERLY FASHION. FOLLOWING THE CESSATION OF CONSTRUCTION ACTIVITY, ALL CONSTRUCTION DEBRIS SHALL BE REMOVED FROM THE SITE OR PLACED ON-SITE AS DIRECTED BY THE CONSULTING TEAM.
13. CONTRACTOR IS RESPONSIBLE FOR DISPOSAL OF UNSUITABLE MATERIAL EXCAVATED ON SITE. UNSUITABLE EXCAVATED MATERIAL SHALL BE REMOVED AND DISPOSED OF FROM SITE IN A MANNER CONSISTENT WITH APPLICABLE LOCAL, COUNTY, AND STATE ORDINANCES.
14. ALL DIRT, SAND, MUD OR DEBRIS DEPOSITED OR SPILLED UPON PUBLIC ROADWAYS DURING GRADING, HAULING OR EXPORTING OPERATION SHALL BE IMMEDIATELY CLEANED UP BY THE CONTRACTOR, SUBCONTRACTOR OR AGENTS. FAILURE TO DO SO WILL BE CAUSE FOR STOPPING OF SUCH GRADING, HAULING OR EXPORT WORK UNTIL SUCH TIME AS THE ROADWAYS ARE CLEANED.
15. THE CONTRACTOR SHALL REMOVE ANY TEMPORARY CONFORMS AND CONSTRUCT OTHER IMPROVEMENTS TO THE GRADES SHOWN ON THESE PLANS.

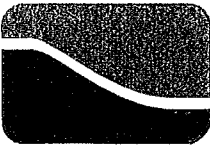
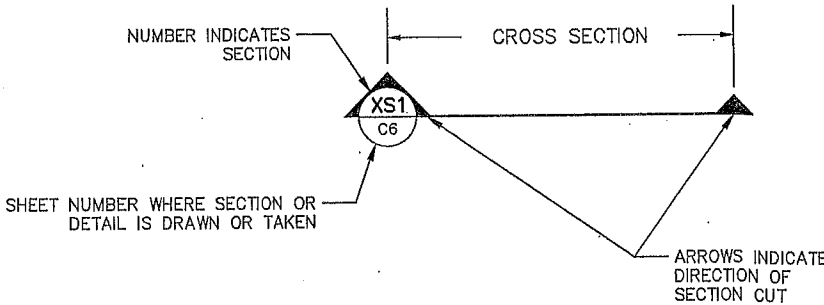
DISCLAIMERS

1. THE PROJECT ENGINEER RESPONSIBLE FOR PREPARATION OF THESE PLANS AND SPECIFICATIONS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PROJECT ENGINEER RESPONSIBLE FOR PREPARATION OF THESE PLANS.

PROJECT TOTAL CUT/FILL VOLUMES AND AREAS

LOCATION	AREA (AC)	CUT (CU.YD.)	FILL (CU.YD.)
Cochran Creek Design Channel and Inset Floodplain	2.0	8,880	110
Quail Slough Design Channel and Berm	3.5	3,740	1,310
Field Fill Area	5.8	0	8,420
Additional Fill Areas	1.8	0	2,780
<b>TOTAL</b>	<b>13.1</b>	<b>12,620</b>	<b>12,620</b>

CROSS-REFERENCE LEGEND



Northern  
Hydrology &  
Engineering

DESIGNED:  
JKA  
DRAFTED:  
CEP, CP  
TECH. REVIEW:  
JKA  
DATE:  
12/13/2017

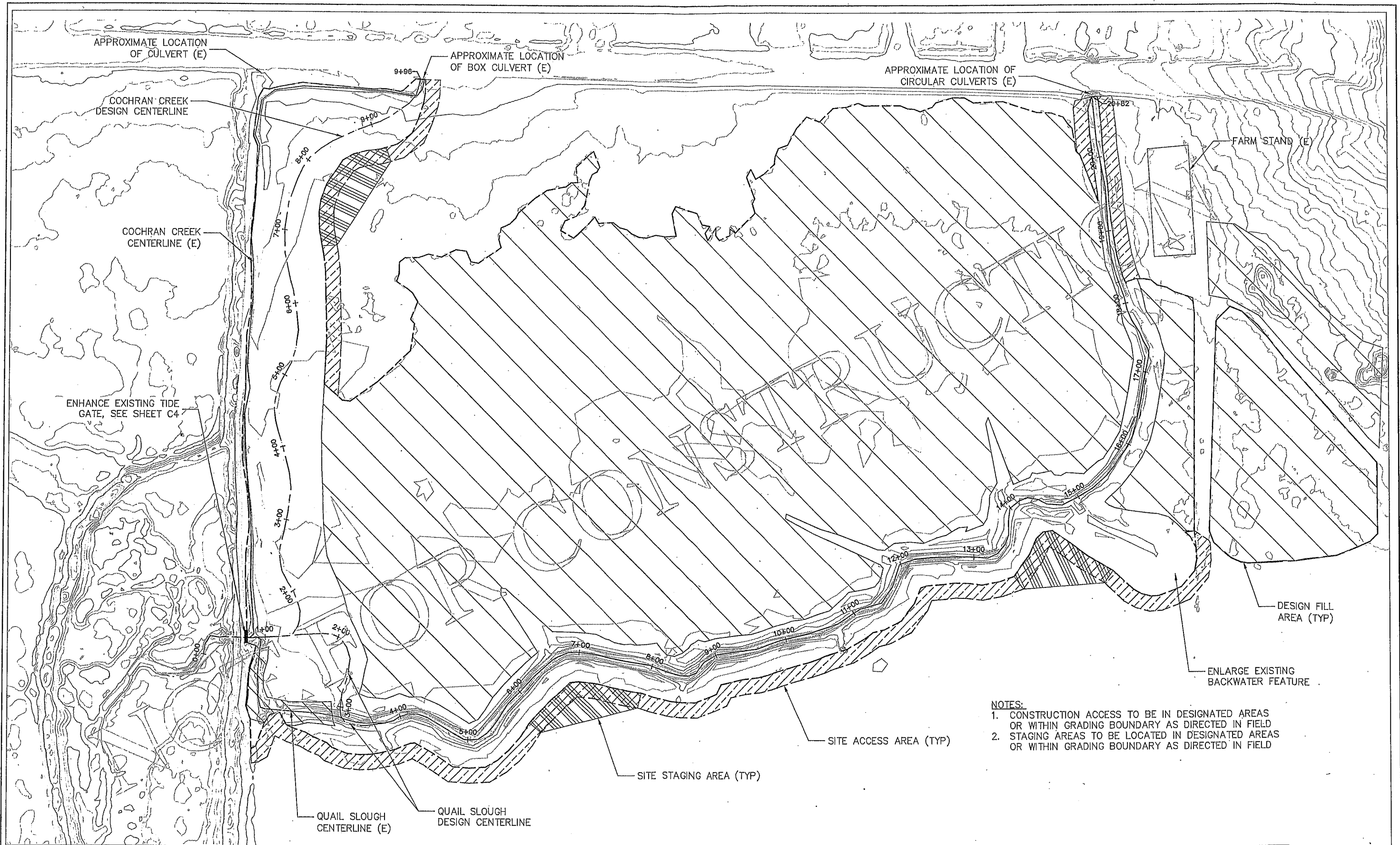
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G2

NOTES

65% DESIGN UPDATE

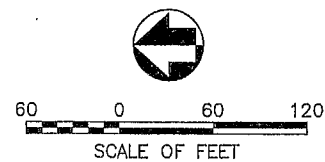
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# LEGEND

— EXISTING CONTOURS (1FT)	▨ DESIGN FILL AREA
- - - GRADING BOUNDARY	▨ SITE ACCESS
— EXISTING ALIGNMENT	▨ SITE STAGING AREA
- - - DESIGN ALIGNMENT	



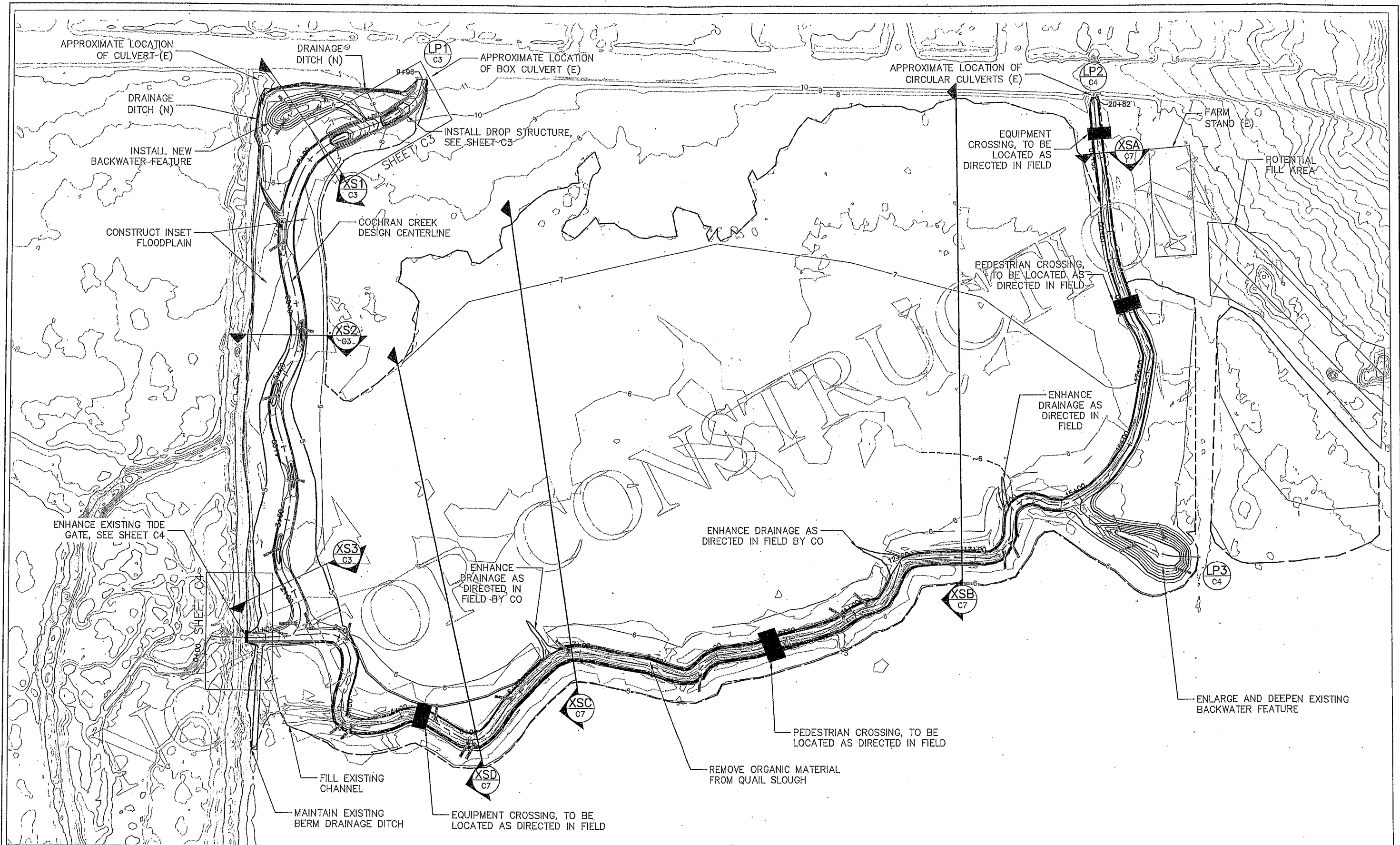
DESIGNED:  
JKA  
DRAFTED:  
CEP, CP  
TECH. REVIEW:  
JKA  
DATE:  
1/22/2018

SUB SHEET NO.  
**C1**

## COCHRAN CREEK & QUAIL SLOUGH EXISTING SITE PLAN

65% DESIGN UPDATE

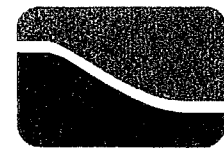
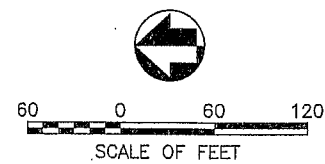
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# LEGEND

- GRADING BOUNDARY
- EXISTING CONTOURS (1FT)
- DESIGN CONTOURS (1FT)

LWD



Northern  
Hydrology &  
Engineering

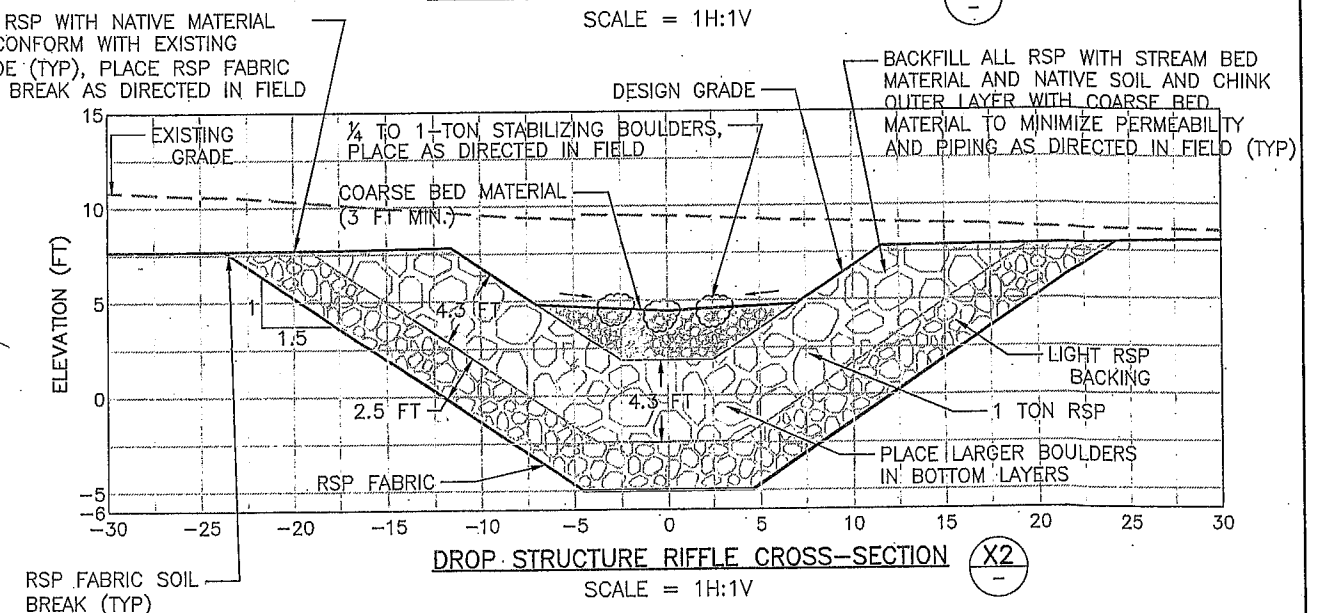
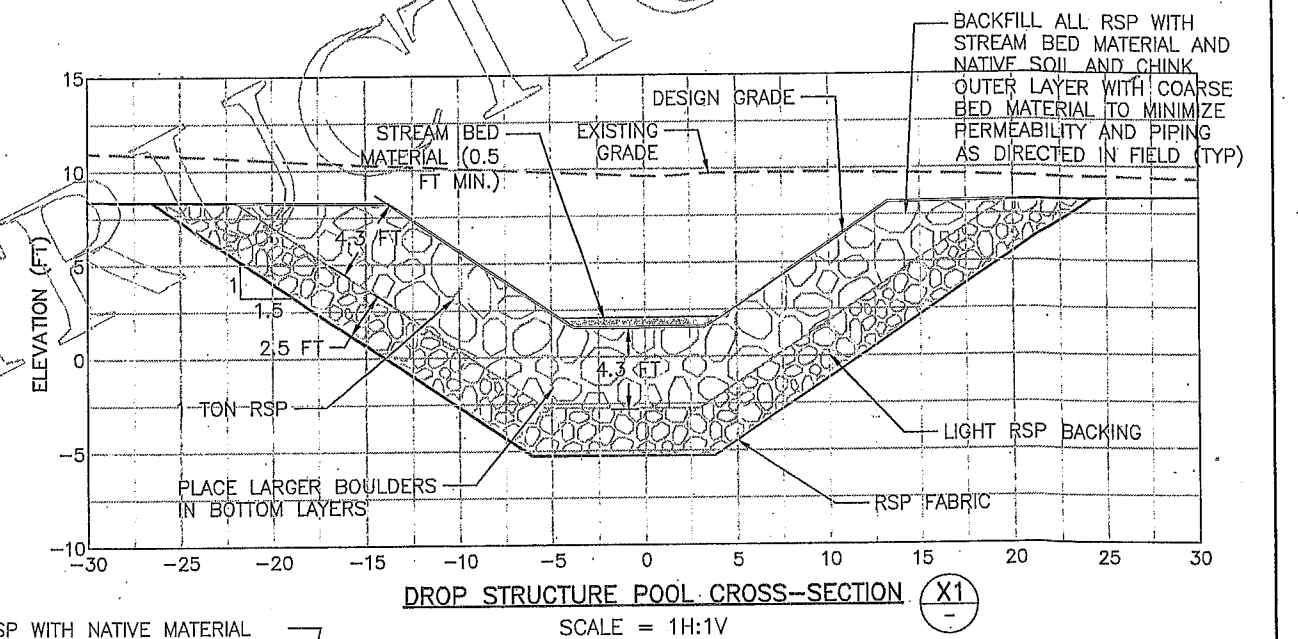
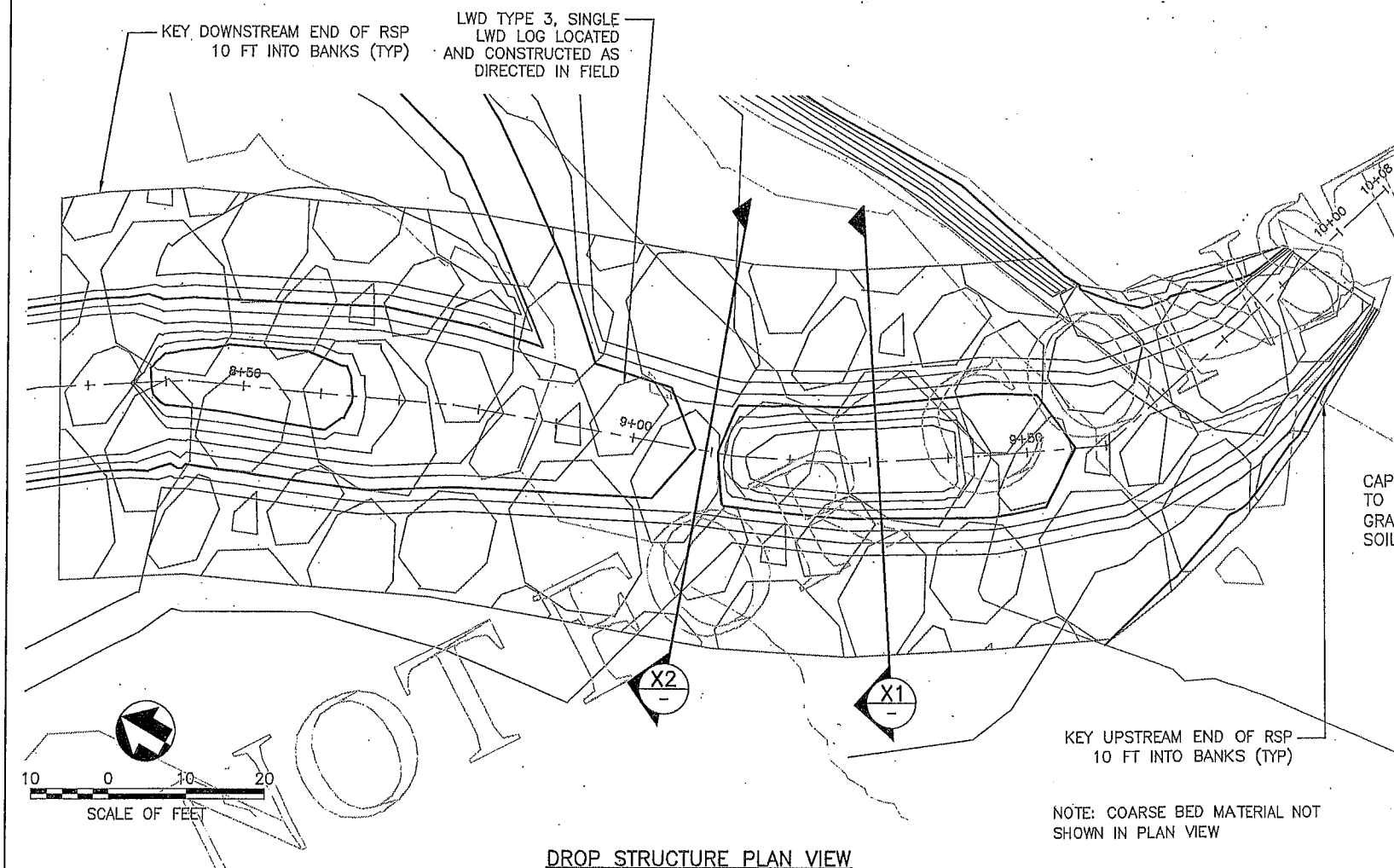
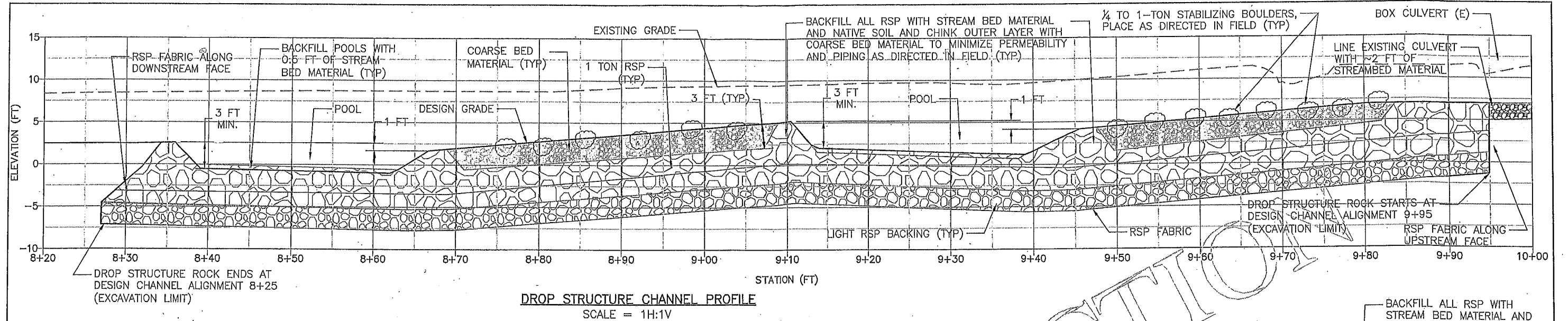
DESIGNED:  
JKA  
DRAFTED:  
CEP, CP  
TECH. REVIEW:  
JKA  
DATE:  
1/22/2018

SUB SHEET NO.  
**C2**

COCHRAN CREEK  
& QUAIL SLOUGH  
PROJECT PLAN OVERVIEW

65% DESIGN UPDATE

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OF  
10



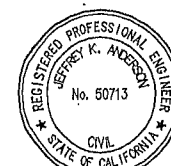
# **LEGEND**

- GRADING BOUNDARY
- EXISTING CONTOURS (1FT)
- DESIGN CONTOURS (1FT)

CUP-18-026 Gray (Cochran Creek) 14076

## **NOTE:**

1. SEE SPECIFICATIONS FOR RSP, COARSE BED MATERIAL, AND STREAM BED MATERIAL GRADATION AND MATERIAL TYPES.
2. CONSTRUCT DROP STRUCTURE AS DIRECTED IN FIELD.



May 2, 2017



DESIGNED:  
JKA  
DRAFTED:  
CEP, CP  
TECH. REVIEW:  
JKA  
DATE:  
12/13/2017

SUB SHEET NO.  
**C3**

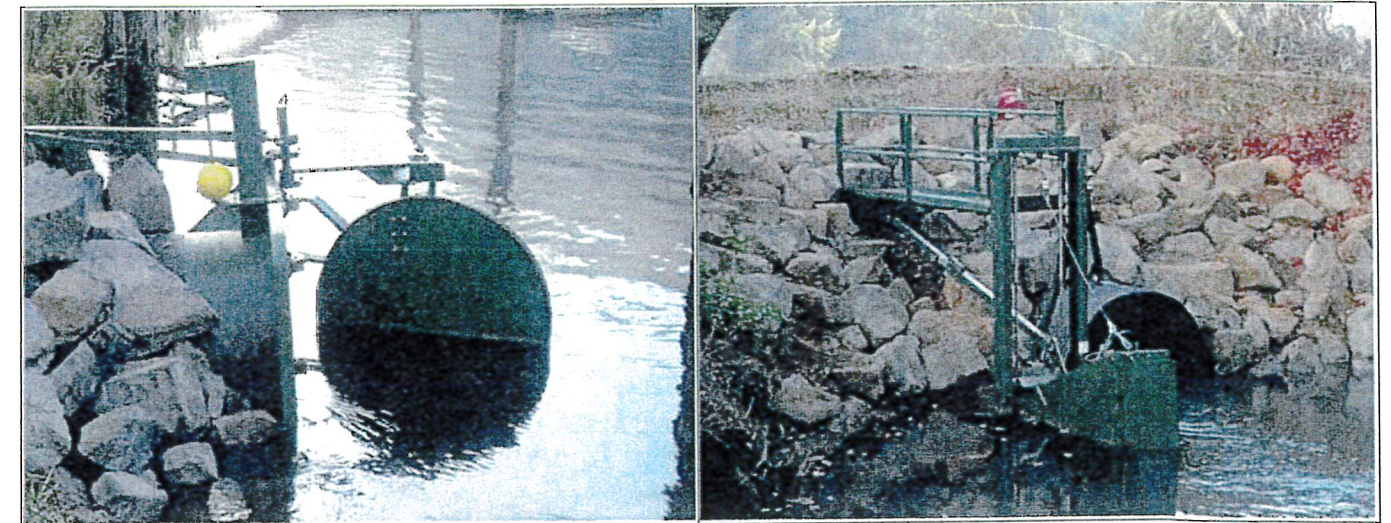
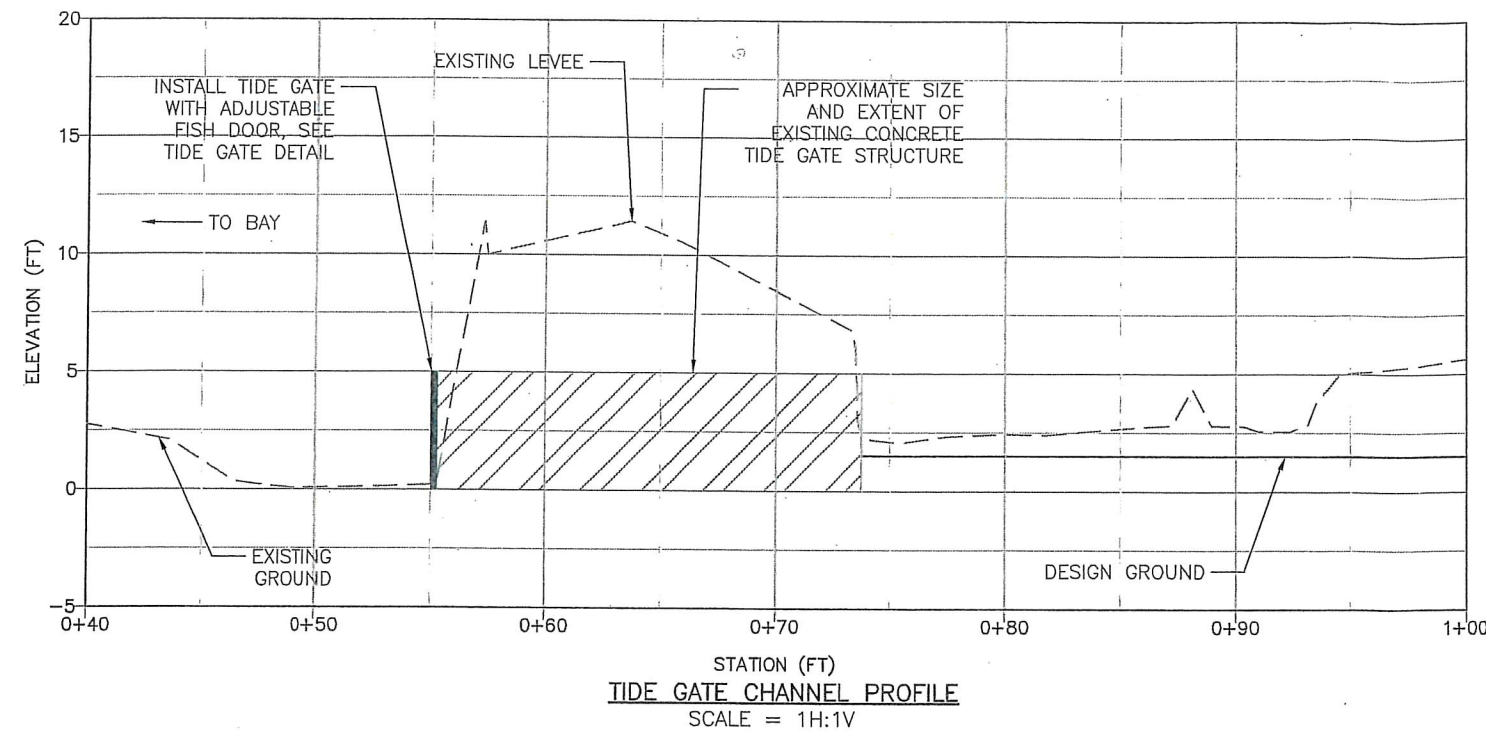
**DROP STRUCTURE  
COCHRAN CREEK**

65% DESIGN UPDATE

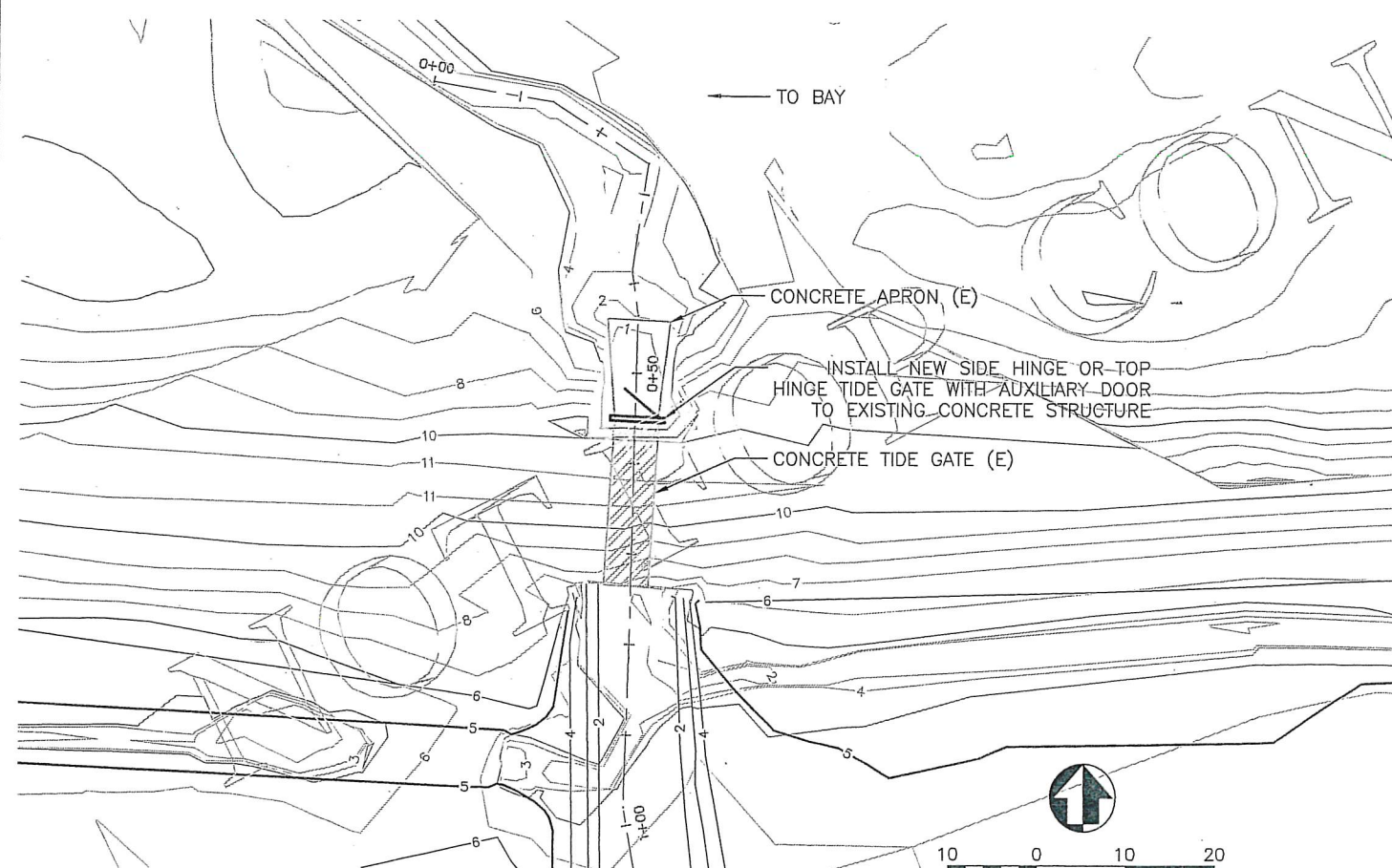
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TIDE GATE (LEFT) CONTROLLED BY MTR UNIT (RIGHT) (NTS)

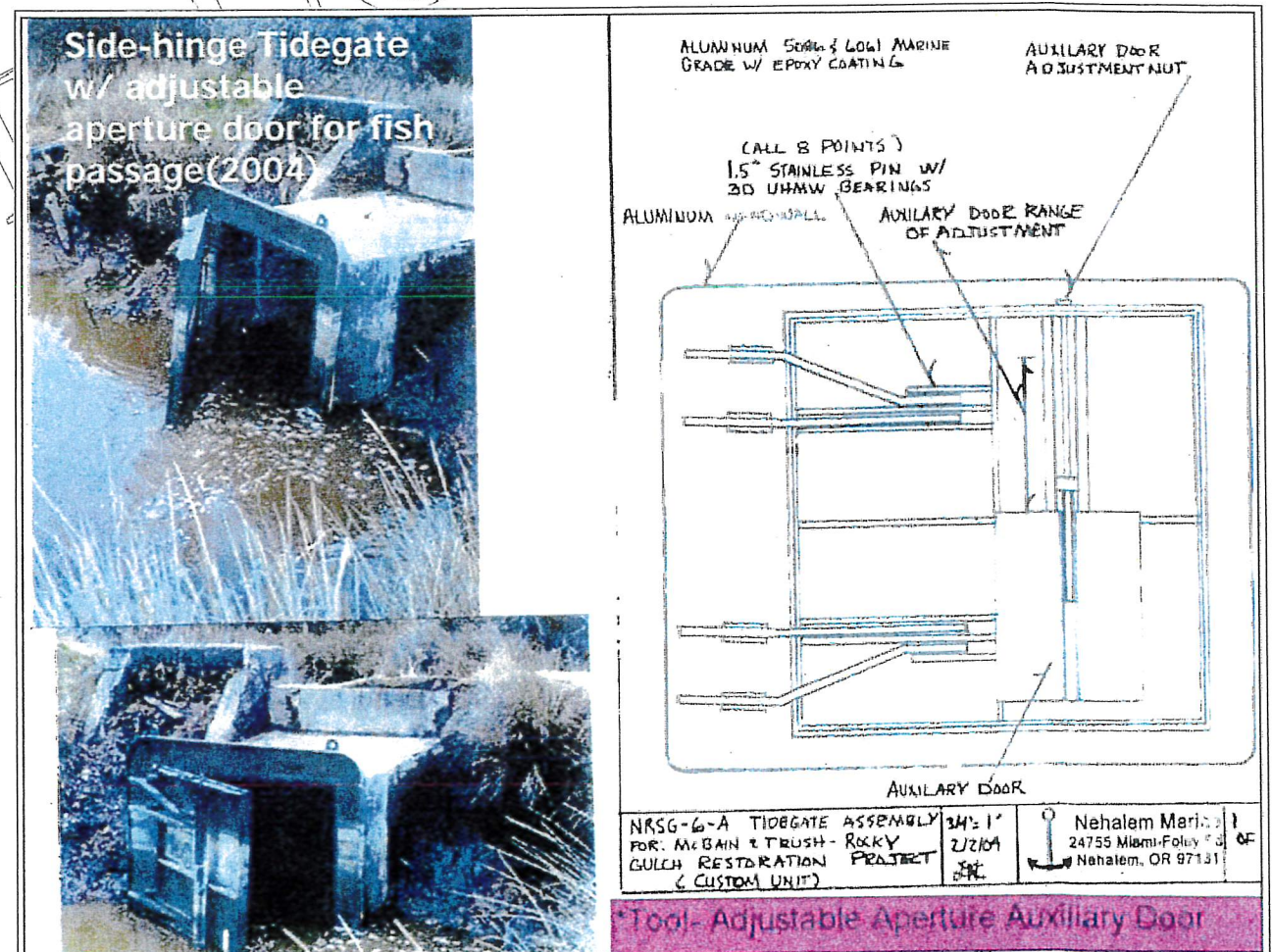


TIDE GATE PLAN VIEW

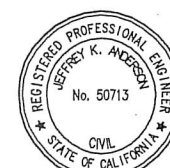
LEGEND

- GRADING BOUNDARY
- EXISTING CONTOURS (1FT)
- DESIGN CONTOURS (1FT)

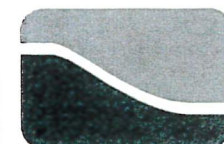
CUP-18-026 Gray (Cochran Creek) 14076



SIDE HINGE TIDE GATE WITH TOOL ADJUSTABLE AUXILIARY DOOR DETAIL (NTS)



May 2, 2019



Northern  
Hydrology &  
Engineering

DESIGNED:  
JKA  
DRAFTED:  
CEP, CP  
TECH. REVIEW:  
JKA  
DATE:  
1/22/2018

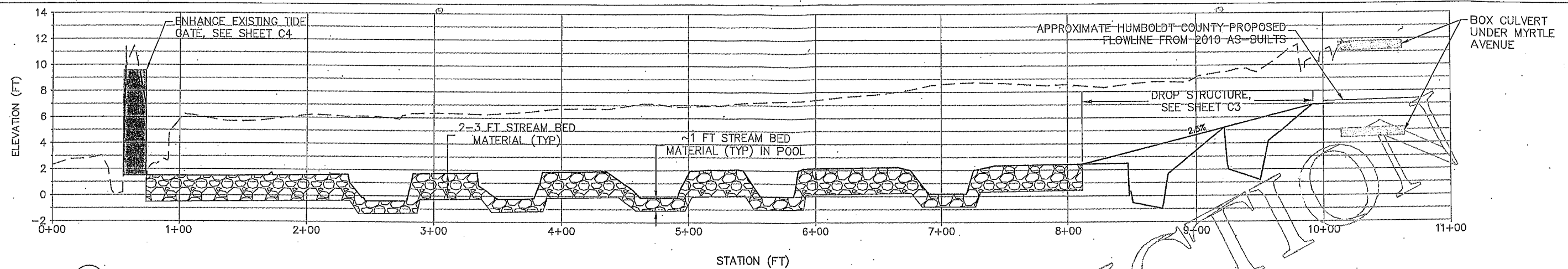
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**C4**

TIDE GATE  
COCHRAN CREEK  
& QUAIL SLOUGH  
65% DESIGN UPDATE

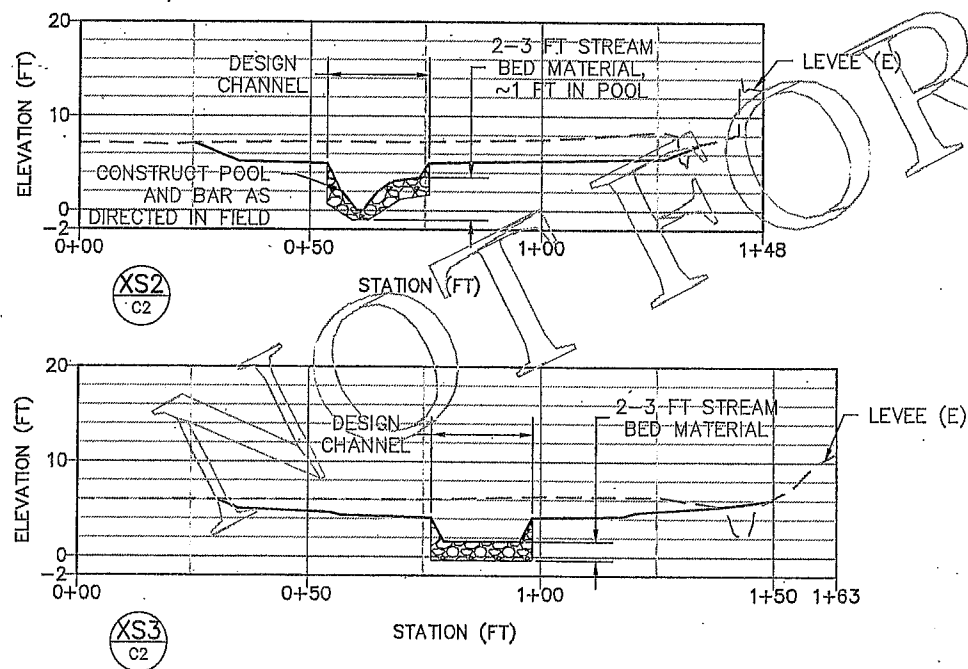
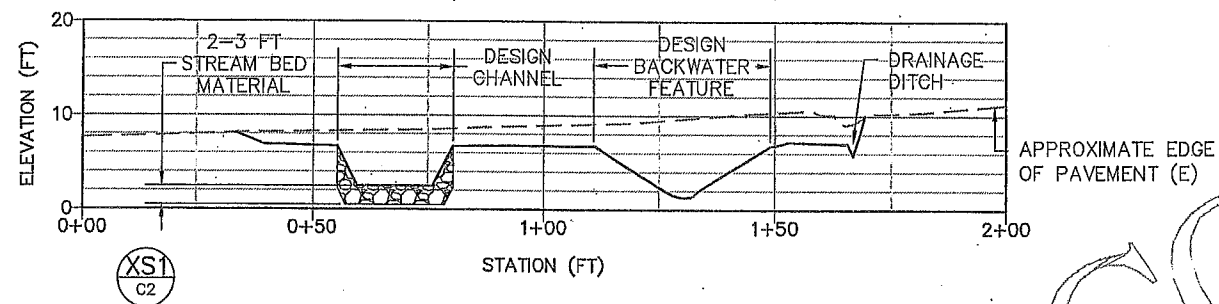
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OF  
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Page 16





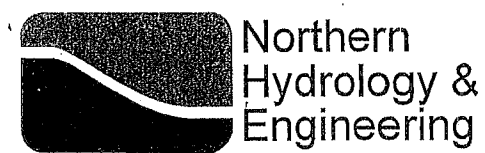
LP1 C2 COCHRAN CREEK DESIGN PROFILE (1 FT HORIZONTAL = 10 FT VERTICAL)



CROSS SECTIONS:  
1 FT HORIZONTAL = 2 FT VERTICAL

LEGEND

- DESIGN GROUND
- - - EXISTING GROUND



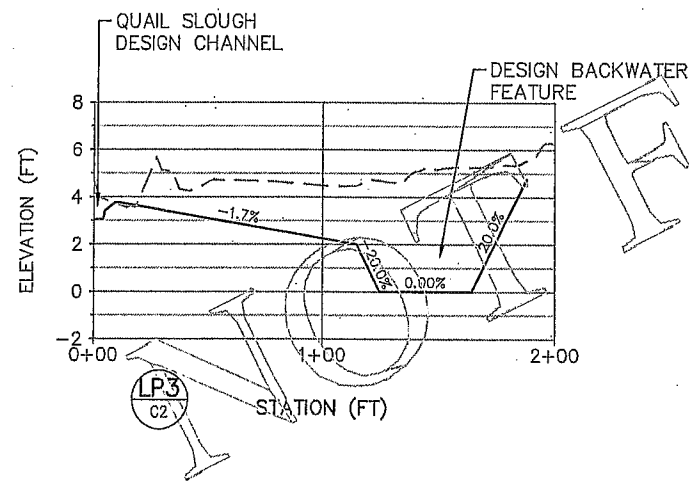
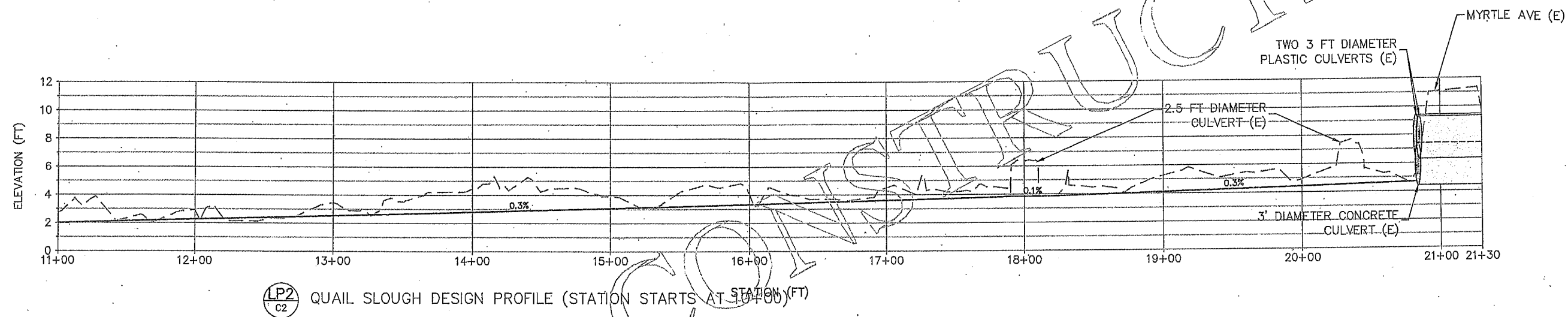
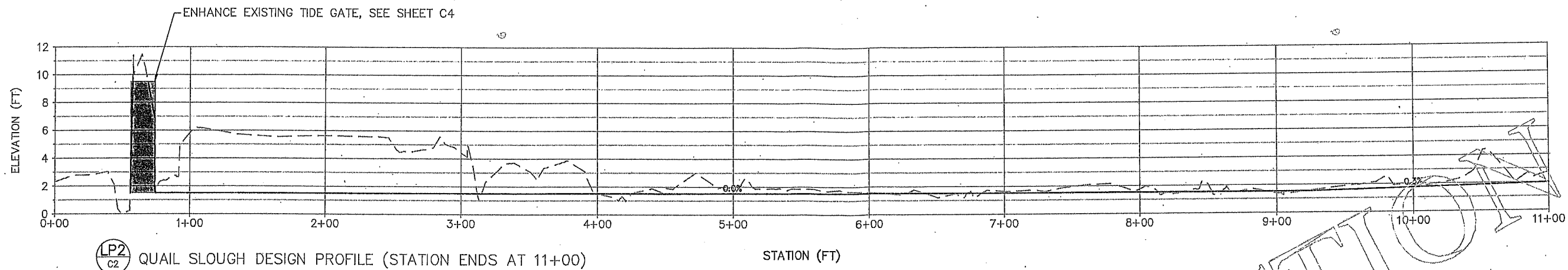
DESIGNED:  
JKA  
DRAFTED:  
CEP, CP  
TECH. REVIEW:  
JKA  
DATE:  
1/22/2018

SUB SHEET NO.  
**C5**

COCHRAN CREEK  
LONGITUDINAL PROFILE  
CROSS SECTIONS

65% DESIGN UPDATE

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7  
OF  
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# LEGEND

—— DESIGN GROUND  
 --- EXISTING GROUND

1 FT HORIZONTAL = 10 FT VERTICAL



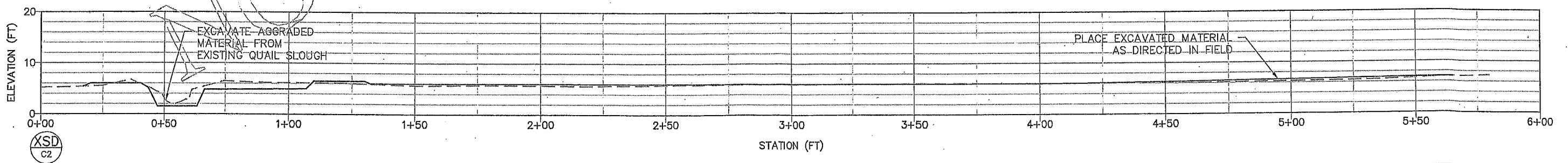
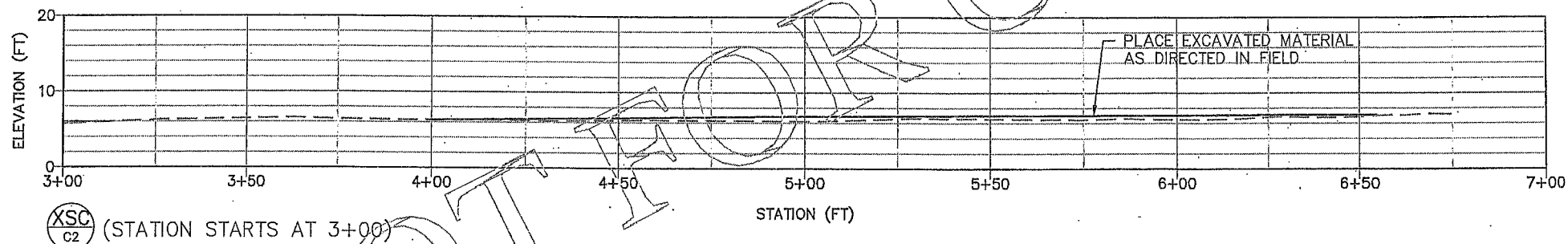
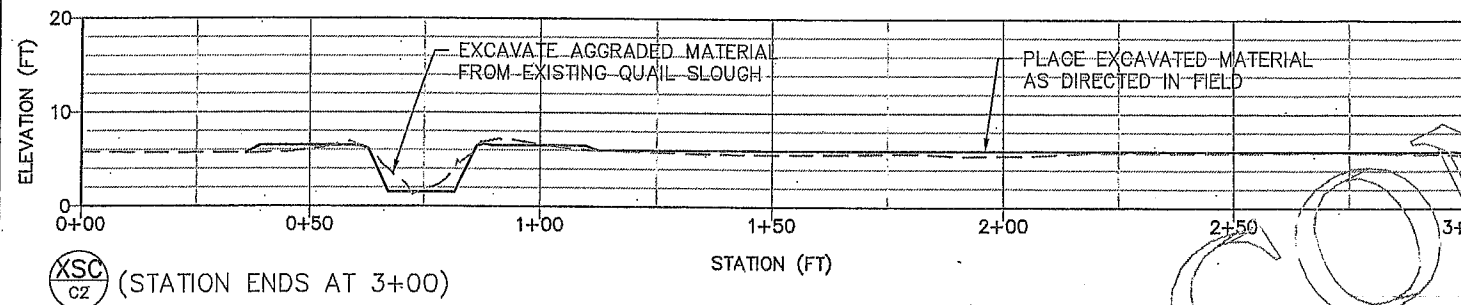
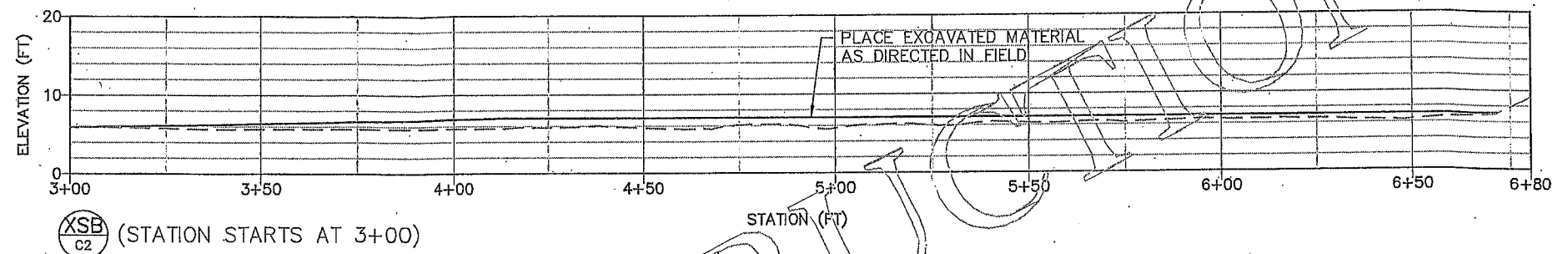
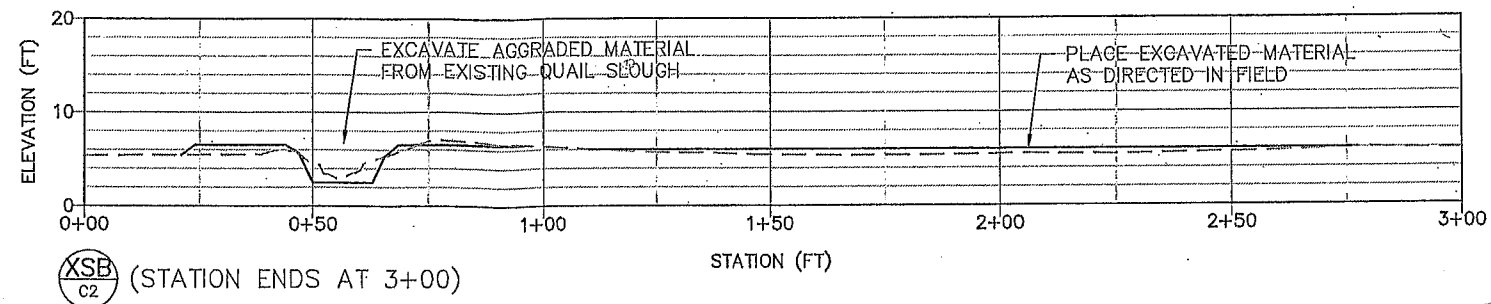
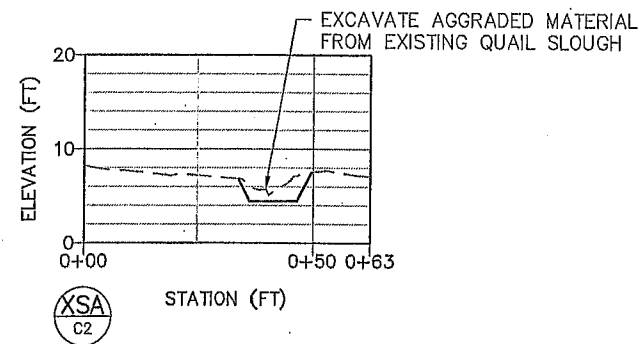
DESIGNED:  
JKA  
 DRAFTED:  
CEP, CP  
 TECH. REVIEW:  
JKA  
 DATE:  
1/22/2018

SUB SHEET NO.  
**C6**

QUAIL SLOUGH  
 LONGITUDINAL PROFILE

65% DESIGN UPDATE

SHEET  
 8  
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1 FT HORIZONTAL = 2 FT VERTICAL

LEGEND

— DESIGN GROUND  
 - - - EXISTING GROUND



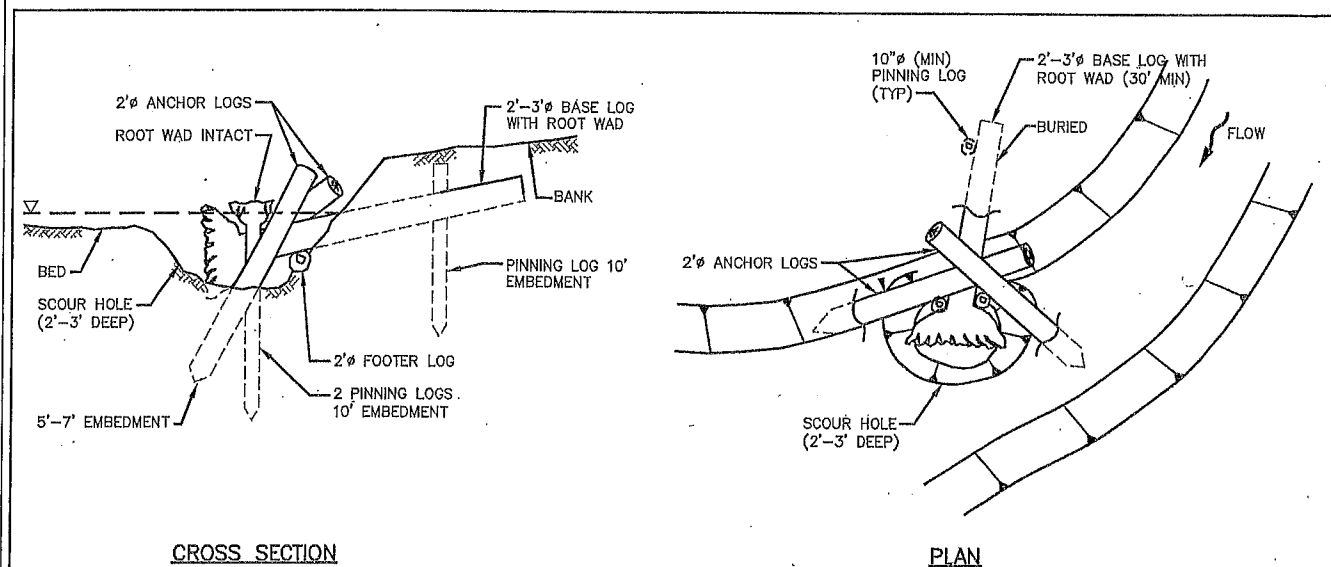
DESIGNED: JKA  
 DRAFTED: CEP, CP  
 TECH. REVIEW: JKA  
 DATE: 12/13/2017

SUB SHEET NO.  
**C7**

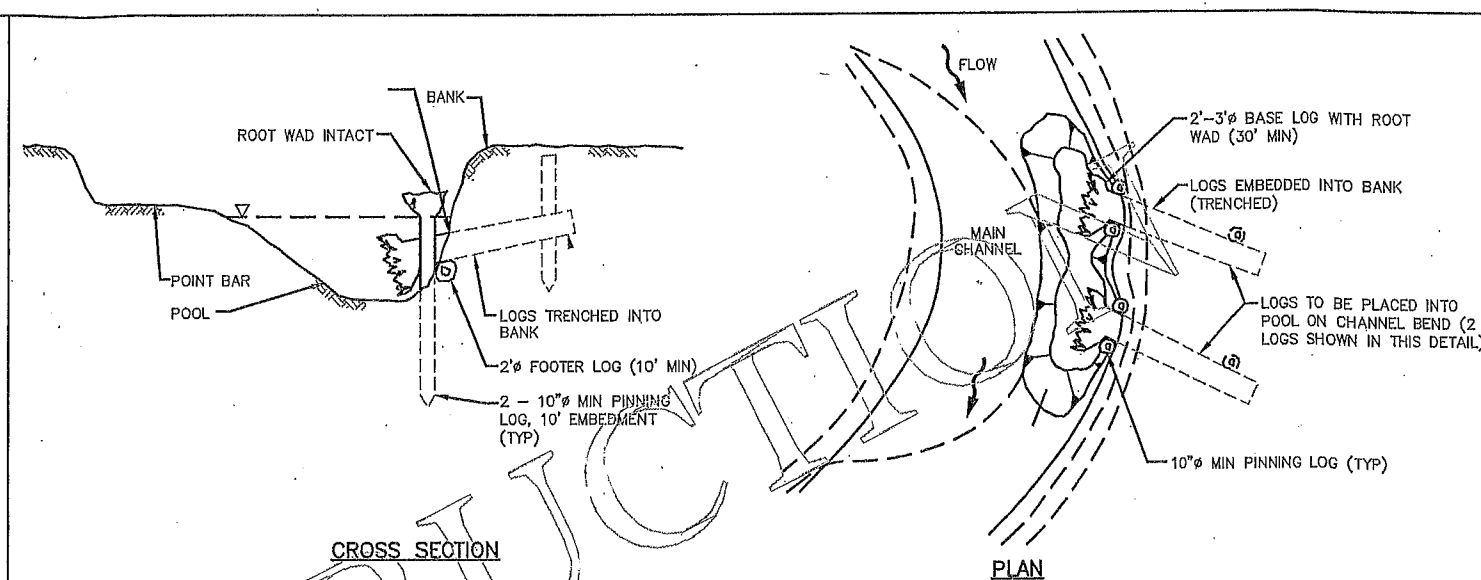
QUAIL SLOUGH  
 CROSS SECTIONS

65% DESIGN UPDATE

SHEET  
 9  
 OF  
 10



**DETAIL 1 - LWD TYPE #1**  
SCALE = NTS



**DETAIL 2 - LWD TYPE #2**  
SCALE = NTS

NOT FOR CONSTRUCTION



DESIGNED:  
JKA  
DRAFTED:  
CEP, CP  
TECH. REVIEW:  
JKA  
DATE:  
12/13/2017

SUB SHEET NO.  
**C8**

**DETAILS**

65% DESIGN UPDATE

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OF  
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## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Conditional Use Permit is conditioned upon the following terms and requirements which must be fulfilled before a building permit may be issued or use initiated.

#### Conditions of Approval

1. All work conducted on site shall comply with the approved Project Description, Plan of Operations included in Attachment 3, the Mitigated Negative Declaration dated January 2019, the Site Plan and work shall be consistent with the Engineered Construction Plans by Northern Hydrology and Engineering dated 12/13/2017. Changes to the approved project shall require a coastal development permit or permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Zoning Regulations.
2. **Prior to hearing**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,404.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the \$2,354.75 Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2017, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DF&W by phone at (916) 651-0603 or through the DF&W website at [www.dfg.ca.gov](http://www.dfg.ca.gov) for a determination stating the project will have *no effect* on fish and wildlife. If DF&W concurs, a form will be provided exempting the project from the \$2,354.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.
3. The applicant shall obtain a Coastal Development Permit from the California Coastal Commission and shall submit evidence of such permit to the Planning and Building Department prior to any permitted activities.
4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision.
5. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures and grading. The applicant/owner shall submit plans by a California-licensed engineer for the building permit and grading permit. All building and grading plans submitted for approval shall be consistent with those approved by the Zoning Administrator.
6. The applicant shall comply with the recommendations set forth in the Memorandum from the Land Use Division of the Department of Public Works dated September 9, 2018.

#### Informational Notes

1. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found

during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains.

The applicant is ultimately responsible for ensuring compliance with this condition.

2. The applicant shall be responsible for obtaining all necessary County, State, and Federal permits or licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
3. The Conditional Use Permit shall expire and become null and void at the expiration of Two (2) years after all appeal periods have lapsed; except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which the activity or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

**ATTACHMENT 2**  
**Staff Analysis of the Evidence Supporting the Required Findings**

**Required Findings:** To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Section 312-17 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Conditional Use Permit:

1. The proposed development is in conformance with the County General Plan; and
2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity; and
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a) is categorically or statutorily exempt; or
  - b) has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

### Staff Analysis of the Evidence Supporting the Required Findings

To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

#### 1. The proposed development must be consistent with the General Plan.

The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt Bay Area Plan (HBAP) and Humboldt County General Plan (HCGP, 2017).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use §4.10B (HBAP)	<p>Agriculture Exclusive (AE). Principal Uses: production of food, fiber and plants. Conditionally permitted uses include fish and wildlife habitat management.</p> <p>Natural Resources (NR). Principal Uses: management for fish and wildlife. Conditional uses: permitted uses include wetland restoration.</p> <p>[Note: The GIS layer reflects the RR land use designation extending to this property. However, close inspection of the mapping and property line boundaries shows that the Rural Residential lands lie outside of the parcel boundaries.]</p>	Project objectives address improving fish passage, creating a muted tidal cycle and enhancing/expanding estuarine habitat, enhancing/expanding instream/floodplain habitat, reducing overbank flooding and fish stranding. The project will enhance drainage which will improve agricultural productivity by reducing flooding/tidal inundation of adjacent agricultural lands.
Housing Chapter 8 (HCGP)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	The project is in conformance with the goals and policies of the Housing Element in that the proposal does not involve development of housing and serves to preserve and enhance natural resource areas.
Hazards §3.29 (HBAP) Flood Geologic Fire	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.	The site is located with Zone A, the 100-year base flood area and within the tsunami evacuation area. Soils in this area are relatively stable but subject to liquefaction. The project is located in a Low Fire Hazard area. The project is consistent with this policy in that the work is limited to improving fish passage and enhancing habitat at the confluence of Fay Slough and Cochran Creek. The project does not entail construction of critical facilities.

<p>Cultural Resources §3.18 (HBAP)</p>	<p>Protect cultural, archeological and paleontological resources.</p>	<p>An archeological and cultural resources investigation of the project area was completed in 2007 (King Smith and Van Kirk 2007). Background research for the investigation was conducted at the North Information Center of the California Historical Resources Information System. The report concluded that only potential historic resource within the project area was the Fay Slough Dike, which is a component of a larger rural historic cultural landscape and should be recorded on appropriate State of California, Department of Parks and Recreation Forms.</p> <p>A small portion of the earthen dike on either side of the existing concrete tide gate may be temporarily impacted during the replacement of the tide gate. However, the concrete tide gate structure itself will be left in place and construction impacts are expected to be minimal. The resulting dimensions and integrity of the dike will be not be altered through project construction. Because the existing tide gate housing will remain in place (only the tide gate door will be upgraded), construction activities will not impact the dike.</p> <p>Consultation was conducted with the Tribal Historic Preservation Officers (THPO) for the Wiyot Tribe, Bear River Band of the Rohnerville Rancheria, and the Blue Lake Rancheria who requested that the project be made subject to an Inadvertent Archaeological Discovery Protocol. This has been incorporated into the Mitigated Negative Declaration.</p>
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<p>Natural Resources §3.30 (HBAP)</p>	<p>Protect designated sensitive and critical resource habitats.</p> <p>Environmentally sensitive habitat areas (ESHA) shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed in such areas. [PRC sec. 30240]</p> <p>ESHA includes Fay Slough and coastal streams, including Cochran Creek, and critical habitat for rare or endangered species.</p> <p>The diking, filling or dredging of ...wetlands...shall be permitted where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided, and shall be limited to the following: (7) Restoration purposes. [PRC Sec. 30233(a)]</p> <p>The diking, filling or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetlands or estuary. [PRC Sec. 30233(c)]</p>	<p>Project's primary goals address improving fish passage, creating a muted tidal cycle and enhancing/expanding estuarine habitat, enhancing/expanding instream/floodplain habitat, and reducing overbank flooding and fish stranding. The project will have a less than significant impacts on individuals of protected species or to the habitats that support these species, with the successful implementation of Mitigation Measures 4.1 – 4.10. (see MND)</p> <p>Project impacts to protected fish and amphibian species will be short-term and specifically a consequence of isolating the project area, blocking access to the work area, capturing and relocating individuals to suitable habitat areas upstream. Existing degraded aquatic/riparian habitat (1.56 acres) in the project area will be dewatered, cleared, excavated and graded. Once project implementation is complete, there will be significant benefits to special status species by increasing tidal, brackish, and freshwater habitat diversity and area (5.93 acres), while enhancing habitat functions and values. Estuary habitat (tidal/brackish open water and wetlands) will increase from 0.42 acres to 2.99 acres, and riparian habitat will increase from 0.35 acres to 2.78 acres, resulting in an overall net gain of 4.37 acres of critical habitat.</p>
<p>Visual Resources §3.40 (HBAP)</p>	<p>Protect and conserve scenic and visual qualities of coastal areas.</p>	<p>The project will have a short-term and less than significant impact on a scenic vista. The project is located on private property and is visible to the public from Myrtle Avenue. The view from Myrtle Avenue includes long-range views that look west across the rural project area to the farmed bottom land of the broader Fay Slough diked former tidelands.</p> <p>Construction impacts will be temporary and short term. The bare soil that will temporarily result from construction in the primarily field and adjacent project areas consistent with the existing aesthetic created by seasonal farm operations, such as tilling and plowing of fields. Over the long term, the project revegetation will mature and temporary construction impacts to the vista will no longer be apparent.</p>

2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Coastal Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§313-7.1 Agriculture Exclusive (AE) Natural Resources (NR)	<p>AE – General Agriculture/Grazing is principally permitted. Watershed Management, Wetland Restoration and Fish and Wildlife Habitat Management are conditionally permitted uses in the zone.</p> <p>These uses are classified as follows:</p> <p>The <i>Fish and Wildlife Habitat Management Use Type</i> refers to manipulation or maintenance of vegetation or streams, or construction of minor structures to yield desired results in terms of habitat suitable for designated wildlife or fishery species.</p> <p>NR – Fish and Wildlife Habitat Management is a principally permitted use type.</p>	<p>Project objectives address improving fish passage, creating a muted tidal cycle and enhancing/expanding estuarine habitat, enhancing/expanding instream/floodplain habitat, reducing overbank flooding and fish stranding, and enhancing drainage and reducing flooding/tidal inundation of adjacent agricultural lands. The project will replace poorly designed tide gates and reconstruct channel and floodway profiles to allow for improved migration access for adult and juvenile fish, expanded estuarine habitat and connectivity with Quail Slough, and seasonal off-channel winter rearing habitat for salmonids. These improvements will also benefit on going agricultural operations by reducing overbank flooding, enhancing drainage and reduced flooding of agricultural areas.</p>
Min. Lot Size	<p>AE – 60 acres</p> <p>NR – not specified</p>	No subdivision is proposed.
Min. Lot Width	<p>AE - determined during subdivision approval</p> <p>NR – not specified</p>	No subdivision is proposed.
Max. Density	<p>AE - none specified</p> <p>NR – not specified</p>	No residential development is proposed.
Max. Lot Depth	<p>AE - none specified</p> <p>NR – not specified</p>	The parcel is approximately 650 feet deep.
Yard Setbacks	<p>AE - Front 20'; Rear 30'; Side 30'</p> <p>NR – Front 20'; Rear 10'; Side 5'</p>	No new structures are proposed. Existing tide gates will be re-designed.
Max. Lot Coverage	<p>AE - None specified</p> <p>NR – not specified</p>	No structures are proposed.
Max. Bldg. Height	<p>AE – None specified</p> <p>NR – 35'</p>	No structures are proposed.

<p>§ 313-16.1 Archaeological Resource Area (/A)</p>	<p>To provide for reasonable mitigation measures where development would have an adverse impact upon archaeological and paleontological resources.</p>	<p>An archeological and cultural resources investigation of the project area was completed in 2007 (King Smith and Van Kirk 2007). Background research for the investigation was conducted at the North Information Center of the California Historical Resources Information System. The report concluded that only potential historic resource within the project area was the Fay Slough Dike, which is a component of a larger rural historic cultural landscape and should be recorded on appropriate State of California, Department of Parks and Recreation Forms.</p> <p>Consultation was conducted with the Tribal Historic Preservation Officers (THPO) for the Wiyot Tribe, Bear River Band of the Rohnerville Rancheria, and the Blue Lake Rancheria who requested that the project be made subject to an Inadvertent Archaeological Discovery Protocol. This has been incorporated into the Mitigated Negative Declaration.</p>
<p>§ 313-21.1 Flood Hazard Areas (/F)</p>	<p>To minimize public and private losses due to flood and tsunami conditions in specific areas of the County.</p>	<p>The project consists of fish passage and channel restoration improvements on land within the 100-year flood plain and tsunami runup areas used for pasturage and row cropping. Habitat restoration is a permitted use in this zone.</p>
<p>§ 313-35.1 Transitional Agricultural Lands (/T)</p>	<p>To permit agricultural use as a principal use while providing that development in transitional agricultural lands is conducted in such a manner as to maintain the long-term wetland habitat values and minimize short term habitat degradation within these environmentally sensitive habitat areas.</p>	<p>The property is an approximate 60-acre parcel consisting of diked former tidelands. The property is enrolled in the Williamson Act and is currently used for organic farming and livestock grazing. The property is mapped as "Farmed Wetlands" on the Natural Resource Maps for the HBAP. The project is for fish passage and channel restoration activities on Fay Slough,</p>



<p>Required Mitigation:</p> <ol style="list-style-type: none"> <li>1) Where feasible, new structures shall be sited 100 feet from the edge of tidal or non-tidal sloughs;</li> <li>(2) Where feasible, new structures shall be clustered adjacent to existing structures.</li> <li>(3) Road crossings of sloughs, channels and ditches shall be by culvert or bridge. All crossings may require a stream alteration agreement with the California Department of Fish and Game.</li> <li>(4) Any dikes or fill constructed as a part of an oil and gas development shall be removed upon completion of the activity and the site revegetated to its former condition.</li> <li>(5) Diking or fill constructed as a part of oil and gas well construction shall be mitigated consistent with the mitigation requirements of the Coastal Wetland regulations.</li> </ol>	<p>Cochran Creek and Quail Slough that will involve replacement of tide gates and construction of a new channel and flood plain with enhanced morphology and an engineered roughened channel designed to improve fish passage beyond the property to the upper watershed of Cochran Creek. The project will create approximately 930 feet and 0.7 acres of new stream channel/backwater habitats, 0.6 acres of floodplain (freshwater and tidal/brackish wetlands), and 0.4 acres of riparian habitat on Cochran Creek. The lower 760 feet of new channel will be low gradient and tidal, approximately 20 feet wide and 2 feet deep. The existing Quail Slough channel will be widened to approximately 25 feet and an inset floodplain will be excavated in the lower reach to provide tidal/brackish wetland habitats. All disturbed areas will be replanted with native plants suited to the tidal/brackish or riparian channel environments. Measures to protect wetland, stream, special status species, and riparian resources have been incorporated into the project design and construction methods to ensure impacts to resources will be minor and temporary (see MND pages 23-28). Consultations have been made with the Coastal Commission and Department of Fish and Game. There will be no net impact on agricultural resources.</p> <ol style="list-style-type: none"> <li>1) No new structures are proposed.</li> <li>2) No new structures are proposed.</li> <li>3) No new road crossings are proposed.</li> <li>4) Not applicable.</li> <li>5) Not applicable.</li> </ol>
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**SUPPLEMENTAL RESOURCE PROTECTION IMPACT FINDINGS:**

<p>§ 312-30.1 Conditionally Permitted Uses in an AE zone</p>	<p>30.1.1 The proposed use will not impair the continued agricultural use on the subject property, or on adjacent lands, or the economic viability of agricultural operations on the site. (Former Section CZ#A315-16(C))</p>	<p>The parcel where the proposed project is located is designated and zoned Agricultural Exclusive and is 60 acres in size. The property is enrolled in the Williamson Act and is currently used for organic farming and livestock grazing. The Soils of Western Humboldt County (1965) show portions of the parcel to be comprised of the Bayside soil series (BA3). While imperfectly drained, the soil has been given a prime soils rating based upon its land capability classification. This agricultural property is not irrigated. The project site is not designated as Farmland of Statewide Importance as this mapping unit has not yet been completed. The HBAP Resource Protection maps designate the site as Farmed Wetlands.</p> <p>The project will affect 21.8 acres which have been mapped as Prime Agricultural Soil. Approximately 1.6 acres of the project area is currently composed of aquatic/riparian habitats, which will increase by 4.4 acres through the conversion of land used for agriculture. The balance (15.9 acres) will remain in agricultural production and be enhanced with the placement of excavated soil to increase surface elevations and drainage.</p> <p>The loss of 4.4 acres of farmland is offset by improvements proposed in quality and potential productivity of 15.9 acres of existing prime agricultural soils because of project implementation, given flood risk will be reduced, drainage improved, and soil quality maintained. Proposed channel enhancement designs will significantly decrease flooding of the adjacent pastures, although pasture inundation will still occur for larger flood events (e.g. 5-year and 10-year events, NHE 2018).</p>
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<p>§ 312-39.12 Transitional Agricultural Lands</p>	<p>(a) There is no less environmentally damaging feasible alternative;</p>	
<p>§ 312-39.14 Coastal Wetlands</p>	<p>(b) The best feasible mitigation are included; and</p>	
	<p>(c) The functional capacity of the wetland will be maintained.</p>	<p>a) The project involves work with Fay Slough, Cochran Creek and Quail Slough for fish passage and habitat restoration. The proposed excavation and grading activities will impact the existing 1.6 acres of riparian and aquatic habitats. The proposed project will increase riparian habitat from 0.35 to 2.8 acres, and aquatic habitat will increase from 1.2 acres to 3.1 acres. Together, this totals a net gain of 4.4 acres of habitat. There will be a net conversion of 0.6 acres of freshwater wetland habitat to tidal habitat, and 4.4 acres of seasonal freshwater wetlands (farmed wetlands) to riparian and aquatic habitats. The conversion of freshwater wetlands to riparian and aquatic habitat will not result in a reduction of ecological functions or values. This design is the least environmentally damaging and feasible alternative.</p> <p>b) Mitigation measures have been proposed to minimize impacts to sensitive species and habitats and were previously reviewed and found acceptable by the Department of Fish and Wildlife and the National Marine Fisheries Service.</p> <p>c) The mitigation measures have been designed to maintain the functional capacity of wetlands, this design was previously reviewed and found acceptable by the Department of Fish and Wildlife.</p>

**4. Public Health, Safety and Welfare:** The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4 Permit Findings	The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.	All reviewing referral agencies have approved the proposed development. No adverse impacts to properties in the vicinity are expected.

**5. Impact on Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The current project will have no effect on housing stock. The parcel was created as agricultural open space and not utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation).

#### 6. Environmental Impact:

Please see the attached draft Initial Study-Mitigated Negative Declaration.

As required by the California Environmental Quality Act, the initial study conducted by the Planning and Building Department, Planning Division (Attachment 5) evaluated the project for any adverse effects on the environment. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that

there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.

**Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. Within five (5) days of the effective date of the approval of this conditional use permit,** the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of 2,404.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2019 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,354.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition #2 of Attachment 1 (Section 1).

**ATTACHMENT 3**  
**Applicant's Evidence In Support of the Required Findings**

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

- Application Form [in file]
- Plot Plan/Tentative Map Checklist [in file]
- Plot Plan [attached]
- Project Summary [attached]
- Plan of Operation [attached]
- Initial Study [in file]
- Pre-Implementation Baseline Fisheries and Water Quality Monitoring (October 2016 to October 2017); Thomas Gast and Associates Environmental Consultants [Attachment to MND]
- Cochran Creek Fish Passage and Channel Restoration – 65% Design Plan, Northern Hydrology and Engineering (June 2018) [Attachment to MND]

# TRINITY ASSOCIATES



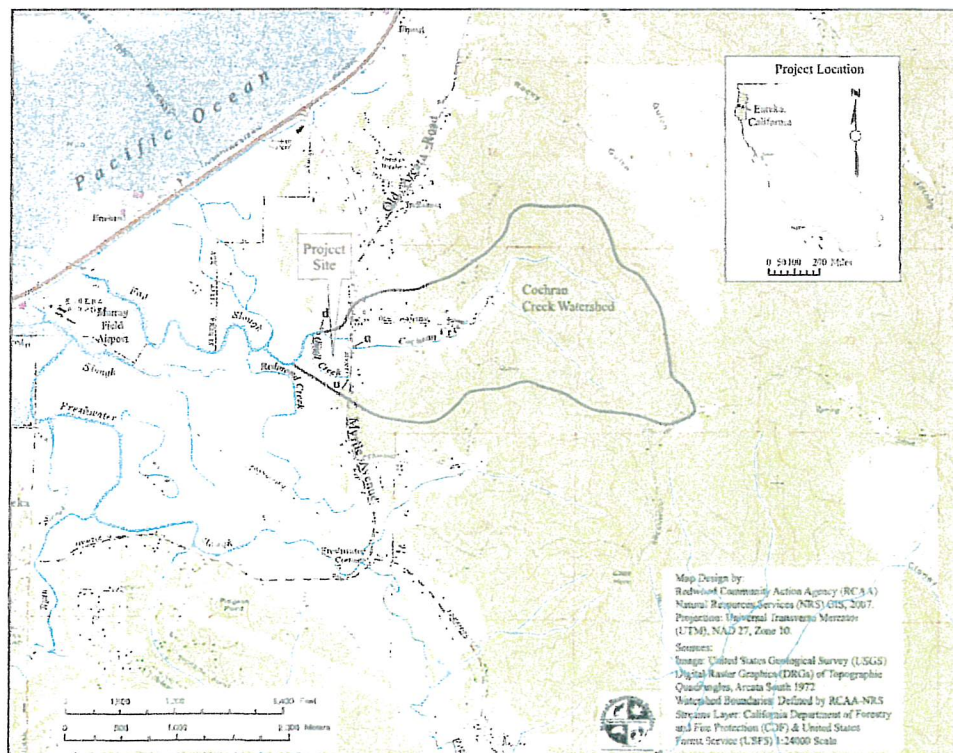
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## Cochran Creek & Quail Slough Fish Passage and Habitat Enhancement Project

**Project Applicant:** John Gary and Heather Plaza  
6743 Myrtle Ave.  
Eureka, CA 95503

**Project Location:** 6821 Myrtle Ave.  
Eureka, CA 95503  
Confluence of Fay Slough and Cochran Creek



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980 7th Street, Suite K, Arcata, CA 95518 • (707) 845-6877 • [riverplanner@gmail.com](mailto:riverplanner@gmail.com)



### General Plan Land Use Designation & Zoning:

APN 40218101, 60 acres (Figure 1).

- Land Use Designation: Agricultural Exclusive (AE), Natural Resources (NR), and Rural Residential (RR)
- Zoning: AE-60 with Combining Zones: Archeological, Floodplain, and Transitional Agriculture
- In the Coastal Zone (retained jurisdiction),
- Includes Streamside Management Area and "Other Wetlands",
- In a Special Flood Hazard Area, the 100-year Flood Zone (A),
- Enrolled in Agricultural Preserve, Class D (Williamson Act),



Figure 1. Cochran Creek Project Site, APN 402-181-001, 60 acres, in the Coastal Zone (state jurisdiction) and Streamside Management Area.



**County Authorizations: CEQA Lead Agency-Mitigated Negative Declaration-Mitigation Measure Monitoring and Reporting Program**

1. Conditional Use Permit
2. Special Permit
3. Flood Plain Certification
4. Grading Permit

**Project Description**

**Goals**

The project's primary goal is to improve fish passage to sustain populations of Coho salmon, Steelhead, and Cutthroat Trout in Cochran Creek. The project also has related goals of enhancing tidal and freshwater habitat conditions in Cochran Creek and Quail Slough.

**Objectives**

Project objectives address improving fish passage, creating a muted tidal cycle and enhancing/expanding estuarine habitat, enhancing/expanding instream/floodplain habitat, reducing overbank flooding and fish stranding, and enhancing drainage and reducing flooding/tidal inundation of adjacent agricultural lands. Related objectives will enhance drainage and reduce flooding of agricultural areas and increase equipment and pedestrian access.

**1. Improve Fish Passage**

The existing top-hinged tide gate prevents or severely hinders passage of most fish species between Fay Slough and Cochran Creek and Quail Slough. Replacement of the existing tide gate at the confluence of Cochran Creek and Fay Slough with a fish-friendly side-hinged tide gate will provide improved migration access for adult and juvenile fish. Constructing a new channel and flood plain with enhanced morphology between the tide gate and culvert under Myrtle Avenue, as well as constructing an engineered drop structure will increase fish passage to the upper watershed of Cochran Creek.

**2. Create a Muted Tidal Cycle and Enhance Estuarine Habitat**

Replacing the tide gate on Cochran Creek with a side hinged tide gate and auxiliary opening will support a muted tidal cycle up to 5.0 (MHHW) to 6.0 feet (MMMWW) (NAVD 88), supporting increased inter-tidal wetlands. Saltwater extending up the new Cochran Creek Channel will help control the growth of invasive reed canary grass. The new side hinged tide gate will enhance connectivity between Fay Slough and Cochran Creek, and improve drainage during flood flows. Estuarine habitat may extend 900 feet up lower Cochran Creek and 2,100 feet on Quail Slough. The two tidal channels will become connected. Estuarine habitat will be enhanced, and seasonal off-channel winter rearing habitat will be constructed for salmonids.

**3. Enhance and Expand Instream and Floodplain Habitat**

This project will create approximately 1,000 feet and 2.0 acres of new stream channel and flood plain, downstream of the culvert under Myrtle Avenue. The design will restore

fluvial processes that will enhance and maintain instream and floodplain morphology, structural diversity, and a riparian corridor. Backwater features will be constructed to provide seasonal off-channel rearing habitat for salmonids in the existing Cochran Creek channel and Quail Slough. Reed canary grass will be physically removed from existing channels, and a riparian corridor approximately 1,000 feet long will be planted along the new channel and flood plain.

#### 4. Reduce Overbank Flooding

Cochran Creek is presently channelized, with frequent overbank flooding of adjacent agricultural land. Sediments mobilized from the upper watershed now clog stream/ditch, tidal slough channels, and culverts, reducing channel capacity. The absence of tidal inundation in the lower reach of Cochran Creek has allowed the prolific growth of reed canary grass, which exacerbates overbank flooding. This project will create approximately 3,000 feet of inset floodplains connected to the enlarged channels of Cochran Creek and Quail Slough, as well as introduce a muted tide cycle to suppress the growth of reed canary grass. The floodplain enhancement of Cochran Creek and Quail Slough is designed to reduce annual flooding of adjacent agricultural lands and consequentially fish stranding.

#### 5. Enhance drainage and reduce flooding of agricultural areas

Installation of a new side hinge tide gate, construction of a new channel and flood plain on Cochran Creek and the enlargement of the Quail Slough channel and installation of inset flood plains and containment berms will reduce flooding and tidal inundation of agricultural areas. Excavated materials will be placed and graded in agricultural areas to an elevation of 6 to 7 feet (NAVD 88). This will increase surface elevations above groundwater and annual flood discharge.

#### 6. Increase equipment and pedestrian access

Existing culverts on Quail Slough will be removed and new culverts will be installed to facilitate agricultural equipment as well as pedestrian access at additional locations.

#### **Project Dimensions:**

The project will disturb approximately 13 acres (agricultural land-seasonal wetland, riparian, freshwater wetland, brackish wetland, and riparian), abandon (incorporate in to the new flood plain) approximately 960 feet of existing Cochran Creek channel, construct approximately 1,000 feet of new stream channel, including 170 feet of an engineered drop structure, enlarge 2,100 feet of Quail Slough, construct 3,000 feet of flood plain, establish 3,000 feet of riparian corridor, and enhance agricultural lands. See attached 65% engineer designs for the project.

- Cochran Creek: Channel and Floodplain:  
Project length ~1,000 feet, area 2.0 acres, excavation 8,880 cubic yards, fill 110 cubic yards.
- Quail Slough: Channel, Floodplain, and Berm:  
Project length ~2,100 feet, area 3.5 acres, excavation 3,740 cubic yards, fill 1,310 cubic yards.

- Agricultural Lands:

Area 8.1 acres (3 sites), excavation 0 cubic yards, fill 11,200 cubic yards.

### **By-Products Generated by the Project**

All excess excavation material will be re-used on-site. The project will require no off-site hauling of spoils materials.

All construction-related waste and recycling will be disposed of by the project contractor at appropriate waste management and recycling facilities in the greater Eureka-Arcata area.

### **Proposed Discharge**

#### Groundwater

The project will not affect groundwater supplies or interfere with groundwater recharge or lower the local groundwater table. The construction of the two off-channel habitat features will likely increase localized groundwater recharge within the immediate project footprint.

#### Air

The project will not result in adverse air quality impacts including exceeding or violating an air quality plan. The project site is located within the North Coast Air Basin (NCAB), which is under the jurisdiction of the NCUAQMD. The NCAB currently meets all federal air quality standards; however, the entire air basin is currently designated as non-attainment for the state 24-hour and annual average particulate matter smaller than 10 microns in size (PM10) standards. The air basin is designated as unclassified for the state annual PM2.5 standard. Both natural and anthropogenic sources of particulate matter (including vehicle emissions, wind generated dust, construction dust, wildfire and human caused wood smoke, and sea salts) in the NCAB have led to the PM10 non-attainment designation.

To address non-attainment for PM10, the NCUAQMD adopted a Particulate Matter Attainment Plan in 1995. This plan presents available information about the nature and causes of PM10 standard exceedances and identifies cost-effective control measures to reduce PM10 emissions to levels necessary to meet California Ambient Air Quality Standards. These rules and regulations are set forth to achieve, maintain, and protect health-based State and Federal Ambient Air Quality Standards and prevent deterioration of levels of air quality which may jeopardize human health and safety; prevent injury to plant and animal life; avoid damage to property; and preserve the comfort, convenience, and enjoyment of the natural attractions of the NCAB.

Pursuant to Air Quality Regulation 1, Chapter IV, Rule 400 – General Limitations, a person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. Visible emissions include emissions that are visible to the naked eye, such as smoke from a fire.

The project's construction activities are of limited scope and duration and do not involve any stationary sources of pollutants. During construction, the operation of dump trucks will generate pollutants in the short-term such as fugitive dust (particulate matter less than 10 microns [PM10]). While the short-term operation of vehicles and diesel-powered construction equipment does release PM 10 and nitrogen oxides (NOx) pollutants, these releases are not expected to result in a substantial adverse effect as all equipment will be equipped with state approved exhaust systems, and maintained in good working order.

To summarize, the project would not directly contribute any air emissions once the project is in fully implemented. The project would temporarily generate a minor amount of particulate emissions over the duration of construction in the form of dust and vehicle emissions from dump trucks, likely from a single day of use only.

The project would not cause any long-term increase in the emissions of particulate matter or other air pollutants. To further reduce potential impacts to air quality to a level below the thresholds of significance, state law requires the construction contractor to operate in accordance with Air Quality Regulation 1 – Air Quality Control Rules, which will reduce potential fugitive dust emission impacts.

#### Surface Water

State water quality standards are established by the North Coast Regional Water Quality Control Board in their [Basin Plan](#), as mandated by both the Federal Clean Water Act (CWA) and the State Porter-Cologne Water Quality Act (Porter-Cologne). The Basin Plan is the Region Water Board's master water quality control planning document.

- Sediment

Under the Basin Plan (Section 3.4.11), the suspended sediment load and suspended discharge rate to surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

- Suspended Material

Under the Basin Plan (Section 3.4.13), waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or adversely affect beneficial uses.

- Temperature

Temperature objectives are specified in the [State Water Board's Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays of California](#) (Thermal Plan)'s. Further, Section 3.4.15 of the Basin plan establishes that at no time or place shall the temperature of any COLD water be increased by more than 5 °F above natural receiving waters.

- Turbidity

Under the Basin Plan (Section 3.4.17), turbidity shall not be increased more than 20% above naturally occurring background levels. Allowable zones of dilution within which higher percentages can be tolerated may be defined for specific discharges upon the

issuance of discharge permits or waiver thereof.

All project construction activities will occur when wetted areas are dewatered. A small turbidity pulse is expected when the water isolation system is removed. A small turbidity pulse is expected during the first rain after construction. The post-project turbidity pulse while not exceed background turbidity typically present in the stream during rain events.

Measures to be implemented specific to minimizing potential surface water discharge are summarized below:

1. Construction shall only occur between July 1st and October 31st when the ground surface is dry and to reduce the chance of stormwater runoff occurring during construction and when background freshwater inputs are at summer baseflow thresholds. Excavated materials shall not be stockpiled overwinter. Sediment control measures shall be in place while materials are being stockpiled to minimize sediment and pollutant transport from the project site.
2. Placement of fill in the project area shall occur when the area is not inundated by water.
3. Excavation shall include handling of saturated soils. Saturated soils shall be dewatered and/or transported saturated in a manner that prevents excess discharge or spillage of soils or water within the construction access areas. A silt fence shall be installed around the perimeter of temporary stockpiles of saturated soils to prevent runoff from leaving the site.
4. During construction, a silt fence shall be deployed to isolate work areas from existing channels, and to trap suspended sediment that might leave the construction site if stormwater runoff were to occur. If the silt fence is not adequately containing sediment, the construction activity shall cease until remedial measures are implemented that prevent sediment from entering the waters below.
5. No construction materials, debris, or waste, shall be placed or stored where it may be allowed to enter or be washed by rainfall into waters of the U.S./State.
6. Following completion of excavation, placement of fill, and grading all ground to the limits of disturbance (except newly constructed streambeds, pond beds, and tidally inundated areas) shall be treated for erosion prior to the onset of precipitation capable of generating run-off or the end of the yearly work period, whichever comes first. Treated areas that are not exposed to tidal influence shall be mulched with at least 2 to 4 inches of certified weed-free straw mulch with wheat or other straw for riparian and wetland areas and rice straw for uplands and use of a seed mix with coverage equivalent to 100 lbs/acre of barley seed and appropriate riparian vegetation for immediate erosion control. No annual (Italian) ryegrass (*Lolium multiflorum*) shall be used. In places such as stream banks, rush mattresses shall be installed for immediate erosion control.

7. All temporary fill, synthetic mats and silt fences shall be removed from wetlands and waters of the U.S./State immediately on cessation of construction. Biodegradable geotextile fabrics shall be used, where possible.
8. Soil and material stockpiles shall be properly protected to minimize sediment and pollutant transport from the construction site.
9. The following BMPs (California Storm Water Quality Association Storm Water Best Management Practice (BMP) Handbook for Construction, 2003) shall be implemented to prevent entry of storm water runoff into the excavation site, the entrainment of excavated contaminated materials leaving the site, and to prevent the entry of polluted storm water runoff into coastal waters during the transportation and storage of excavated contaminated materials:
  - EC-2 Preservation of Existing Vegetation
  - EC-6 Straw Mulch
  - EC-7 Geotextile and Mats
  - EC-9 Earth Dikes and Drainage Swales
  - EC-10 Velocity Dissipation Devices
  - SE-1 Silt Fence
  - NS-2 Dewatering Operations
  - NS-4 Temporary Stream Crossing
  - NS-5 Clear Water Diversion
  - WM-9 Sanitary/Septic Waste ManagementStream diversion and dewatering shall conform to the following BMP (California Storm Water Quality Association Storm Water Best Management Practice (BMP) Handbook for Construction, 2003)
  - NS-2 Dewatering Operations
  - NS-5 Clear Water Diversion
  - EC-9 Earth Dikes and Drainage Swales
  - EC-10 Velocity Dissipation Devices

## Noise

Construction activities would result in a minor temporary increase in ambient noise levels from the on-site use of construction equipment. All spoiling will occur on site, eliminating the need for off-site hauling and associated noise. Back-up beepers on heavy equipment vehicles will cause temporary noise in excess of ambient levels during daylight hours, but project construction is of short duration and this noise increase is not considered substantial.

The project does not involve any operational feature that would cause any permanent increase to noise levels. The project will, therefore, not result in any permanent increase in ambient noise levels in the project vicinity above levels existing without the project. The type and intensity of recreational use is not expected to increase above current levels.



Noise resulting from this project will be compliant with Humboldt County's performance standard for short-term noise (N-S8). The daily maximum dBA for daily noise on agriculturally-zoned land is 80 dBA (Table 1).

Table 1. *Humboldt County Short-term Noise Performance Standards (Lmax) for daily and nightly noise maximums, as described in N-S8 of the Humboldt County General Plan.*

SHORT-TERM NOISE STANDARDS (Lmax)		
Zoning Designation	Day (maximum)	Night (maximum)
	6:00 a.m. to 10:00 p.m. dBA	10:00 p.m. to 6:00 a.m. dBA
MG, MC, AE, TPZ, TC, AG, FP, FR, MH	80	70
CN, MB, ML, RRA, CG, CR C-1, C-2, C-3,	75	65
RM, R-3, R-4	65	60
RS, R-1, R-2, NR	65	60

Applicable exceptions to the daily 80 dBA limit include heavy equipment include heavy equipment and power tools used during construction of permitted structures when conforming to the terms of the approved permit and the use of chainsaws when accessory to permitted on-site uses.

Humboldt County's formal protocol for measuring exceedances includes:

1. Calibrate and establish reference for sound meter. Decibel measurement made shall be based on a reference sound pressure of 0.0002 microbars as measured with a sound level meter using the "A" weighted network.
2. Determine ambient background noise levels. Ambient noise without the noise source in operation shall be observed at 15 second intervals for a period of 15 minutes, measured along the property line in a direct line between the noise source and the nearest receptor. The lower reading is interpreted as the ambient noise level of that sampling point. If the reading is above the standard set for the noise zones, steps must be taken to determine the source or the sources of the intruding high-level noise followed by appropriate control action before continuing the survey. If the reading is equal to or below the standard, the survey can proceed.
3. Measure for exceedances. With the noise source in operation, record the instantaneous response at 15 second intervals for a 15-minute period. Or, for a noise source of less than 15 minutes, record the instantaneous response at 15 second intervals for the time the noise source is in operation. The lowest response level recorded while the noise source is in operation is interpreted as the intruding noise level. Compare the intruding noise levels with the standard. If the noise level generated from the noise source exceeds the standard, the noise

source is generating noise levels in excess of the allowable standards set for the noise zone.

The project may temporarily generate noise at the work site that exceeds 80 dBA for a short-term period when using heavy equipment. Workers in close proximity to operating equipment and equipment operators will be exposed to noise levels in excess of 80 db.

With mitigation incorporated, the minor incremental increase in noise associated with the restoration project, as well as monitoring and maintenance activities, would not expose persons to noise levels in excess of applicable standards and would not represent a significant increase in noise.

Measures to be implemented specific to minimizing potential noise-related impacts are summarized below:

1. Workers shall be required to wear hearing protection when in the vicinity of or while operating equipment producing noise levels equal to or greater than 85 db.
2. Restrict noise from earthmoving and hauling of soils to daytime hours. Hours of construction for outdoor activities exceeding 80 dBA shall be limited to 6:00 a.m. to 10:00 p.m. Movement and hauling of material, and associated activities such as re-fueling or maintenance, shall be limited to normal working hours for the area, as specified above. More restrictive operation hours may be specified in the construction documents and may be property-specific.
3. All equipment shall operate with factory-equipped mufflers, and staging areas shall be located as far from residential uses as is practical. These conditions shall be incorporated into project contract specifications.
4. Construction personnel shall conduct all work activities in a manner that minimizes noise generation. A variety of contractor actions are available that will reduce construction noise, including: i) turning off engines on all construction equipment not in active use, ii) shielding noisy equipment with less noisy equipment, and iii) avoiding high RPM engine operation whenever possible.
5. Notify commercial property neighbors when activity involving heavy construction equipment is scheduled to occur within 250 ft of occupied structures. Construction personnel shall provide written notification to the adjacent property owners prior to using heavy construction equipment. The written notification shall be provided to each potentially affected property at least 72 hours prior to the start of the activity, and shall indicate the approximate duration of time (dates and hours) during which the noise-generating activity is expected to occur.

#### **Use of Public Facilities**

The project will not result in any new structures or use that will result in the need for additional public services, including fire protection, police protection, schools, parks, or other public facilities. The existing use of the private property is not expected to change as a result of this project.



## **Roads and Traffic**

Once heavy equipment and rock/gravel is delivered to the site, traffic will be limited to daily arrivals and departures of a small construction-related personnel and support staff between the period of July 1 and October 31. There will be no off-site hauling of excess soils or other materials.

To construct the drop structure and new Cochran Creek channel approximately 4,000 cubic yards of rock and gravel will be imported to the site via 10-yard dump trucks. This is the equivalent of ten full work days of trucking (5 trucks per hour x 8 hours/day); however, it is anticipated truck trips will be spread out more evenly over the full 120-day work window.

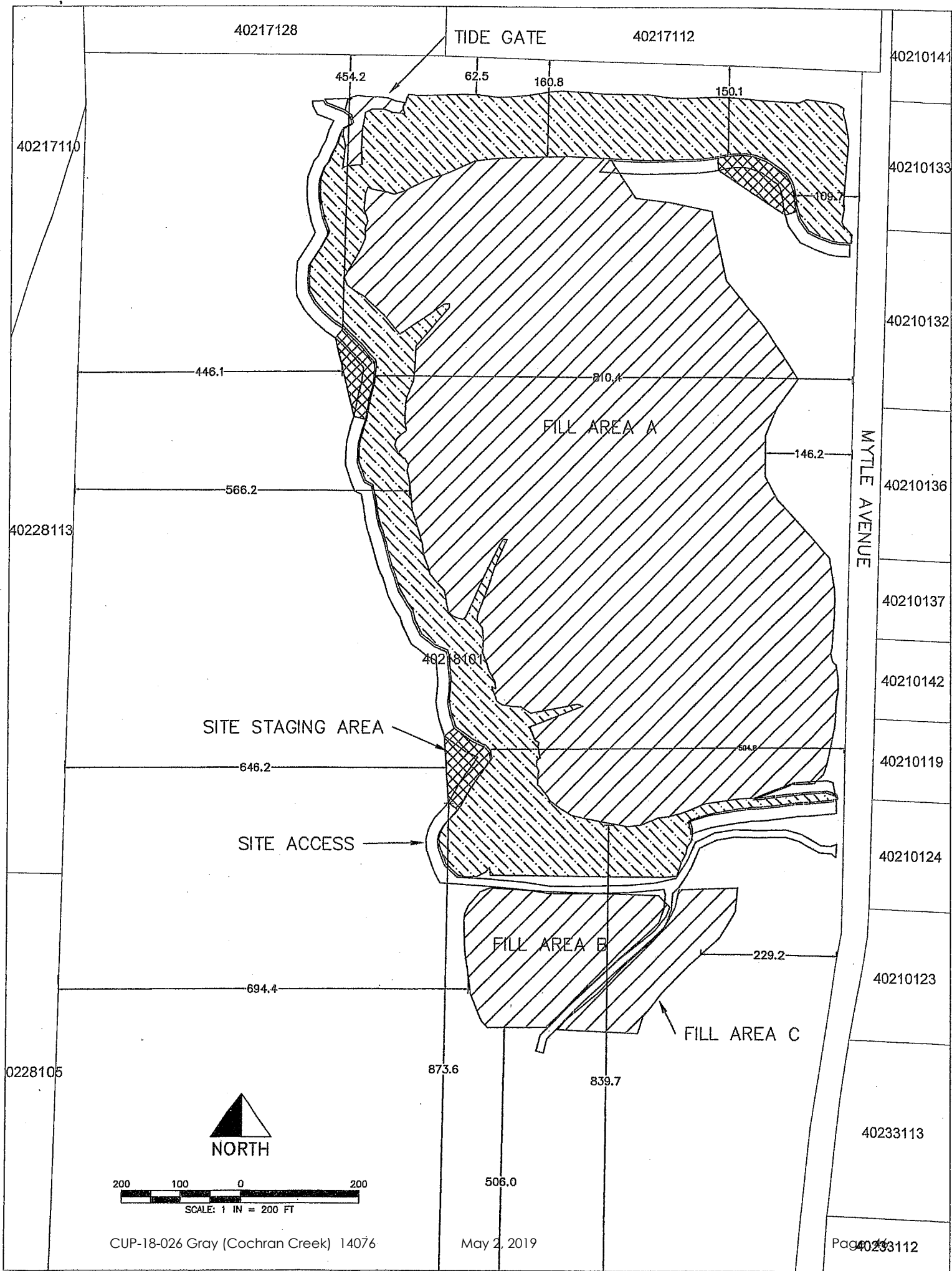
The implementation of the project will not:

- impair emergency access in any way,
- conflict with any plans or policies for alternative modes of transportation, or
- result in inadequate emergency access.

## **Water and sewer**

The project will not have any impacts on water or sewer-related services or infrastructure. Specifically, the project will not:

- result in a change of use that alters existing wastewater treatment demands associated with use of the private property on which the project is located,
- include any action that will affect demand for new water or wastewater facilities,
- require construction of new storm water drainage facilities or expansion of existing facilities in this area,
- affect wastewater treatment capacity in this area, or
- affect water supplies in this area.



**ATTACHMENT 4**  
**Referral Agency Comments and Recommendation**

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection Division	✓	Conditional Approval		✓
Department of Public Works	✓	Conditional Approval	✓	
Division of Environmental Health	✓	Approval		✓
CA. Dept. of Fish and Game				
California Coastal Commission				
Northwest Information Center	✓	Recommended further studies		✓
Blue Lake Rancheria	✓	Conditional Approval		✓
Bear River Tribe		Conditional Approval		
Wiyot Tribe		Conditional Approval		



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7377  
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7651  
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

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**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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TO: Michael Wheeler, Senior Planner, Planning & Building Department

FROM: Ken Freed, Assistant Engineer *[Signature]*

DATE: 09/19/2018

RE: **GARY, APN 402-181-001, CUP18-026, SP18-080, APPS# 14076**

Our review of this project is limited to what is shown on the submitted plot plan. If other facilities not shown on the plot plan will be constructed, contact this Department immediately for approval **before** construction. This Department has regulations regarding facilities such as retaining walls, fence site visibility, and drainage culverts within the County right of way. This Department has included general statements for facilities that may not be included on the plot plan.

Project appears to be using the existing surfaced entrance to the parcel, no new encroachments are proposed from the County road.

The following conditions are recommended:

1. **Prior** to any work within the County right of way applicant must apply for and obtain and an encroachment permit.
2. No construction staging or parking is permitted within the County right of way.
3. During construction, roadway entrance and roadway shall be periodically cleaned of mud, soil, rock, and debris and as directed by County.

// END //

## **ATTACHMENT 5**

### **Draft Mitigated Negative Declaration**