

12.0 RESPONSES TO COMMENTS FROM THE PACIFIC COAST FEDERATION OF FISHERMAN’S ASSOCIATIONS

12.1 MANAGEMENT OF COMMERCIAL FISHERIES

This comment is misidentified as a comment about the EIR (the comment actually refers to Draft Plan page 158), and while the subject is important for the Plan’s environmental review processes, the District does not find the comment to raise a substantial environmental issue. The comment presents a question regarding the meaning of the term “management of commercial fisheries resources.” As described in Chapter 11.0 (Section 11.1.2 and subsection 11.3.2.1) of the Draft EIR, commercial fisheries management practices in the Humboldt Bay region are the joint responsibility of several local, state, and federal agencies, including the District, the California Department of Fish and Game, and the National Marine Fisheries Service.

The context for these discussions is the federal Magnuson-Stevens Fishery Conservation and Management Act, which has been amended in recent years to require protection for essential habitat elements for any species covered by a Fishery Management Plan (FMP). As described in the Draft EIR, there are three FMPs that include species known or believed to use habitat elements in the Humboldt Bay ecosystem complex. Recent communications from the National Marine Fisheries service have identified 35 species that are covered by these FMPs (see Table 11-4 on Draft EIR page 11-12).

The policies in the Draft Management Plan (particularly HFA-6 and HFA-7) that address fishery resources in the bay are intended by the District to frame a policy focus that maintains and/or enhances habitat and ecological conditions in the Humboldt Bay ecosystem complex (including the adjacent nearshore Pacific that is influenced by the bay) that are important for these commercially important fishery resources.

As noted in the Draft EIR, and as amplified in this Final EIR (see Section 5.5), it is currently unclear precisely what constitutes the “essential fish habitat” for many of these species, although the adopted FMPs tentatively identify habitat conditions that the Plans’ preparers believed address these needs. Part of the Management Plan’s implementation will include additional discussions among interested parties regarding the occurrence and management requirements for these habitats. However, the District’s objective in this management is to meet the objective identified on page 158 of the Draft Management Plan:

“Management of commercial fisheries resources will be based on increased scientific knowledge of fish population dynamics, habitat dynamics, and the overall productivity of the Bay and the nearby Pacific Ocean.”

12.2 SEDIMENTATION PROCESSES AND MANAGEMENT OPPORTUNITIES

This comment is also focused primarily on the Draft Management Plan, specifically on the Plan’s approach to sediment management. The comment reinforces the comments made in the Draft Plan and by other commenters that sediment produced from the Humboldt

Bay watershed is an important component of the overall sedimentation dynamics in Humboldt Bay.¹ The comment suggests that the Draft EIR should have identified a collaborative approach to sediment management that involved the Department of Fish and Game, the Regional Water Quality Control Board, the local land-use regulating agencies, and landowners.

In fact, the Draft EIR (in Subsection 5.3.2.1) includes the following text:

“(T)he District does have concerns about sedimentation resulting from upland land uses.² This concern is identified in Plan policy HWM-6, which directs the District to develop a *Humboldt Bay Sediment and Dredged Material Management Plan*, acting collaboratively with the agencies, entities, and interested parties that have regulatory jurisdiction and/or concerns about the potential for upland land uses to adversely affect sediment generation within the watershed.”

The District concurs with the comment’s assertion that sedimentation increases the costs associated with maintaining navigability within the bay, and that shoaling within the bay increases the degree of hazard for all boaters and mariners traveling on the bay’s waters. Notwithstanding the District’s concern about this issue, it remains true that the District lacks any authority over upland land uses (including timber management) that may be associated with sediment mobilization. The Final EIR has already addressed this issue several times.

12.3 DREDGING AND CHANNEL MAINTENANCE

12.3.1 Socioeconomic Considerations

This comment suggests that the Draft EIR should have addressed the costs associated with sediment management in Humboldt Bay. However, doing so would be contrary to the requirements of the California Environmental Quality Act. As noted in the Draft EIR:

“This EIR does not include direct assessments of the proposed Plan’s economic and social effects. Sections 21080(e), 21100(d), and 21151(b) of the California Environmental Quality Act all refer specifically to “physical impacts” on the environment. In interpreting and implementing these requirements, the Guidelines (Section 15131) identify potential economic and social effects as topics to be used only to assist in delimiting the degree of significance of physical effects. Section 15131(a) states explicitly that “(e)conomic or social effects of a project shall not be treated as significant effects on the environment.” This definition of “significant effect” is carried through into section 15382 of the Guidelines, which states:

1 While sediment from the watershed may be an important contributor to shoaling in selected locations in Humboldt Bay, it’s important to remember that the vast majority of sediment entering the bay is sourced outside the bay’s watershed. In Chapter 3.0 of this Final EIR an addendum to the Draft EIR’s assessment of sedimentation concluded that the Humboldt Bay watershed might produce about 10 percent of the sediment that enters the bay. In addition, the shoaling that occurs near the bay’s entrance is clearly associated with longshore sediment movement, primarily sourced south of the bay entrance (see Subsection 5.1.1 in the Draft EIR).

2 “Watershed effects are additionally concerns with respect to overall bay ecosystem processes and sensitive species; the District’s concerns in these subject areas are included in the EIR coverage in other chapters, particularly Chapter 8.0 and Chapter 11.0.”

“ ‘Significant effect on the environment’ means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.” (Draft EIR, page 1-4)

Because the approval of the Plan alternatives considered in the EIR would not be materially influenced by the relative economic costs or benefits deriving from several contrasted implementation elements, the District concluded that the EIR should not address the economic concerns.³ The comment does not raise a substantial environmental issue for the Final EIR.

12.3.2 Technologies Used in Future Dredging Projects

The comment also suggests that the Draft EIR should have identified the methods or technologies that might be used for future maintenance dredging projects in Humboldt Bay.⁴ The District does not agree, since future maintenance dredging projects (as with other future projects that may be enacted to implement the Draft Plan’s policies) were explicitly not included within the Draft EIR’s coverage. Beyond that, the District does not know what technologies may be used for future maintenance dredging, and would expect to select from a range of options as part of any future maintenance dredging projects. As is noted elsewhere in this Final EIR, future implementation projects will be the subjects of future CEQA assessments, tiered to this EIR, which will identify the specific methods or technologies proposed for maintaining navigation channels and basins in the bay. This concern has been addressed previously in this Final EIR (see particularly Section 11.10), and this is not a new issue.

12.4 FUTURE CHANNEL MANAGEMENT CONSIDERATIONS

This comment states an opinion that the Draft Management Plan should have identified, and the Draft EIR should have addressed, plans to further deepen and/or widen navigation channels and basins in Humboldt Bay to accommodate vessels larger than the “panamax” class vessels that can be accommodated by the currently maintained channel and basin configuration.

This comment is essentially about the Draft Plan, because the Draft EIR would not assess the potential effects of an implementation element that was not included in the Plan. The District observes that the Draft Plan does not incorporate any discussion of a deepening project that would accommodate vessels larger than those that may currently navigate Humboldt Bay because there is no expectation that such a project is likely to be needed for Humboldt Bay. Addressing this possible proposal would be highly speculative, because there is currently no indication that such an undertaking would ever be possible

³ The District does, of course, consider money costs and benefits that are associated with projects it considers; these concerns, however, are generally included on non-CEQA contexts.

⁴ The District presumes that the comment refers to the maintenance dredging that is under local-agency control. The primary navigation channels and turning basins in Humboldt Bay are maintained by the federal government pursuant to Congressional direction; such projects are beyond the scope of the EIR.

in Humboldt Bay. It is correct, however, that the implementation of such a project in the future would require an environmental assessment that incorporated some of the assessments in the Draft EIR. Nonetheless, any such proposal would be beyond the scope of the present EIR.

A more important consideration with respect to such a project is that it would be a federal project, and not primarily a project that would be approved and carried out by the District acting alone; the District would be the local agency “sponsor,” with matching-fund requirements. Such a project would require federal legislative authorization that currently does not exist and Congressional appropriations that currently do not exist. Thus, such a project is extremely speculative and would be beyond the scope of this EIR in any event.

12.5 POTENTIAL SAFETY ISSUES FOR HARBOR-RELATED USES

This comment indicates that there is an existing “safety problem” at the bay’s entrance under certain seasonal weather and sea conditions. The implication of the comment is that these circumstances might have been discussed in the Draft EIR.

The District has concluded that the Draft EIR was not remiss in not including a description of explicit navigational concerns for the bay entrance, because the Draft Plan is a policy framework rather than a project proposal that deals specifically with the safety of the bay entrance. The District notes the comment, and also that the District’s decision-makers have long been aware of the circumstances referenced in the comment. In implementing the Management Plan the District expects to address the identified navigational concerns for the bay entrance, using the Plan’s policies as guidance.

12.6 DRAFT EIR ORGANIZATION

This comment indicates that the commenter experienced difficulties in attempting to “cross-reference” public comments submitted for the Draft Management Plan and the “policy additions” in the Draft EIR.

The District notes this comment, and as the implementation of the Management Plan progresses, the District will strive to increase the “user-friendliness” of the Management Plan. With respect to the Draft EIR, however, the District observes that the Draft EIR’s organization was not formulated on the basis either of the Management Plan’s organization or of the comments received by the District about the Draft Plan. The two documents were intended to serve different purposes. That is, the contents of the Draft EIR were not explicitly based on comments made about the Draft Plan; rather, the EIR’s organization and coverage were based on the understood CEQA requirements for an assessment of the potential environmental consequences of the Plan’s policy framework on the physical and biological environment in Humboldt Bay. The District has concluded that the EIR has accomplished that purpose.

Chuck Wain
President
David Ems
Vice-President
Larry Mironov
Secretary
Marlyce Bartorelli
Treasurer
In Memoriam:
Nathaniel S. Brigham
Harold C. Christensen

PACIFIC COAST FEDERATION
of FISHERMEN'S ASSOCIATIONS



W.E. "Zeke" Grader, Jr.
Executive Director
Glen H. Spain
Northwest Regional Director
Mitch Passo
Fishery Enhancement Director
X Vivian Balle, Hellewege, H
Watershed Conservation Director
Duncan MacLean
Salmon Advisor

Please Respond to:
 California Office
P.O. Box 29370
San Francisco, CA 94129-0370
Tel: (415) 561-5080
Fax: (415) 561-5464

<http://www.pcffa.org>
Watershed Conservation Office
850 Greenwood Heights Drive
Kneeland, CA 95549

Northwest Office
P.O. Box 11170
Eugene, OR 97440-3370
Tel: (541) 689-2000
Fax: (541) 689-2500

May 30, 2006

Jeff Robinson
District Board of Commissioners
Humboldt Bay Harbor, Recreation, and Conservation District
P.O. Box 1030
Eureka, CA 95502-1030

ATT: Jeff Robinson, Resource Specialist

RE: Draft Humboldt Bay Management Plan and Draft EIR

Dear Mr. Roberts and Commissioners,

The Pacific Coast Federation of Fishermen's Associations (PCFFA) thanks you for this opportunity to comment on the Draft Humboldt Bay Management Plan (DHBMP) and Draft EIR (DEIR).

First, thanks to the many people who dedicated time and effort to update planning for Humboldt Bay with extensive public input and attention to detail. The DHBMP, with its DEIR additions, appears to be a great improvement over the Humboldt Bay Master Plan from 1975, especially in consideration for fishery ecosystem impacts to Humboldt Bay.

1. In DEIR Summary, 3.5 Commercial Fishing and Aquaculture, 3.5.1 Goals and Objectives (pg. 157), the California Coastal Act is quoted: "...Existing commercial recreational boating harbor space shall not be reduced unless the demand for those facilities **no longer exists or adequate substitute space has been provided.**" As additional fishing may occur in some years, we appreciate the DEIR addition of a new HF1, "...to collaboratively identify and provide

RECEIVED

JUN 09 2006

H.B.H.R. & C.D.

for berthing and support services for small watercraft that use Humboldt Bay now, and that may use the bay in the future.” (emphasis mine)

- 12.1 | 2. DEIR Summary, 3.5.1 Goals and Objectives, (pg. 158), under **Objectives**, fifth bullet, what is meant by “*Management of commercial fisheries resources....*”? What resources are being referred to, and what sort of management?

Generally, the dredging policies outlined in Vol I, Section III, CEP-2 will help minimize impacts to fisheries ecosystems and enhance user opportunities. Some important considerations follow.

- 12.2 | 3. HWM-6: Sources of sediment delivery to Humboldt Bay need to be addressed. Although the HBHRCDC does not have authority to regulate upstream sediment sources, collaboration to reduce impact and costs to Humboldt Bay and bay users should include ‘assertive participation’ in the public processes of agencies with authority. HSM-7 and CAE-4: Specific to sediment delivery from the “Tertiary Area” watershed, the section on water quality in the EIR should include collaboration with landowners who are sediment dischargers, and any other concerned agencies (EPA, Department of Fish and Game), as well as the collaboration with the Regional Water Quality Control Board County, City of Eureka, and City of Arcata recommended in Sections II and III.ⁱ

Background: Fishermen using Humboldt Bay entrance and Woodley Island Marina and Eureka Marina rely on periodic dredging to maintain the depth of navigable waters. Sediment enters the bay from the upstream watershed and from the ocean, much of it from the Eel River, causing an expensive detriment to commerce. The fine silt may also impact nursery areas for fisheries within Humboldt Bay.

Sediment delivery from the “Tertiary Area” watershed likely contributes the majority of sediment filling in Woodley Island Marina that requires maintenance dredging of every 7-10 years, while the harbor entrance area receives more sediment from the Eel River via the ocean.ⁱⁱ The entrance channel is maintained by the Army Corps of Engineers as long as there is a minimum tonnage of shipping using the entrance. Two dredges recently spent 25 and 30 days respectively maintaining the entrance channel depth. The Army Corps channel dredging is apparently paid for by a fund pooled from shipping companies.

- 12.3.1 | 4. HWM-5: Cost and method for maintenance dredging for the marinas need to be
12.3.2 | addressed. The District should collaborate with agencies and with sediment-discharging

landowners to help pay for the dredging. Cost is likely to increase considerably if a feasible alternative to pumping the slurry can be found.

Background: The method of disposing of marina maintenance dredge spoils has become problematic. This is the last year that pumping of the marina dredge spoils off Samoa Beach will be allowed by the Environmental Protection Agency (EPA). In the future, the spoils must be shipped out to 30 fathoms. Concerns about possible contamination of dredge spoils expressed during hearings caused the EPA to require a change of dumping location. Apparently, no significant contamination was found in the marina sediment, but the delay caused by late-hour testing for it cost some fishermen the use of their shallow slips during the crab season this past winter. Feasibility of an alternate method has yet to be demonstrated. One problem is that the sediment is so fine that it stays suspended in water and will not settle in hoppers or containers to be taken offshore, whereas the slurry could be pumped.

Once a method is found, another problem is the increased cost and who will pay for it. Increases in slip rents are not supportable by severely reduced fisheries combined with rising fuel costs. Leasing fees of onshore businesses cannot support the cost. The District should collaborate with agencies and with sediment-discharging landowners to help pay for the dredging.

90,000 cubic meters per year of sediment enter the bay from Freshwater Creekⁱⁱⁱ and about 120,000 cubic meters are dredged from the marina mooring basin every 7-10 years, (tending toward every 7 years.) Sixty-one percent of the Timber Yield Tax for Special Districts from 2005 the went to the Harbor District, while the remainder went to numerous fire and school districts. The 61+% amounted to about \$30,000, while the Harbor District budget allows \$1.6 million for the maintenance dredging. Ten years of TYT revenues at this rate would be about \$300,000, or less than 20% of the cost of dredging the marina. Sediment sources from the Eel River are also likely delineated by the NCRWQB. Though originating in another county, Eel River sediment leads to huge costs to maintain viability of the Harbor and its uses.

12.4 | **5. Channel deepening.** The DHBMP seems to include possible plans to further deepen the channel.^{iv} If not, wording should be changed to reflect the status quo on channel depth. Ships are now plying the ocean with deeper drafts than the "Panamax" size. Deeper dredging of the main channel entrance for larger ships could cause erosion and instability of the shoreline, leading to further sedimentation of the harbor. Also, see comment 6 below.

12.5 | **6. HWM-1 and HWM-2.** It is important to note that increasing shipping traffic would exacerbate a safety problem at the entrance. Any certain day that a ship enters or leaves during

the winter part of the Dungeness crab season can cause small boats to be in a dangerous situation at the entrance, either waiting outside in big seas, or being crowded out of the channel. S.4.2: More emphasis should be placed on developing local, value-added products and sustainable, small industries, especially since there is not adequate infrastructure to support road or rail commerce associated with greatly increased shipping. Emphasized economies could include non-disruptive recreation and research, since Humboldt Bay is on the flyway and is considered the least polluted estuarine bay in California.

Background: Though a minimum shipping tonnage is required to keep the channel entrance eligible for Army Corps of Engineers maintenance dredging, it is difficult for smaller boats to enter the channel safely while a large ship is leaving or entering due to crowding in the narrow channel. Fishing vessels are sometimes crowded out of the deep part of the channel onto the shallow, breaking side by large ships that are not very maneuverable. The harbor entrance is infamous for its breaking bar during winter months, especially on an ebb tide. The Dungeness crab fishery, currently the major fishery out of Humboldt Bay, takes place mostly from December 1st through the winter months, when stormy weather makes the entrance unsafe with breaking seas except at slack tide and incoming tide. Both fishing boats and ships needing to enter the harbor wait outside the entrance for the tide change to come in at the same time from the rough ocean seas to the safety of the harbor. An increase in shipping traffic would increase the occasions when fishing vessels cannot enter the harbor safely.

12.6 | **7. Organization.** The Draft Humboldt Bay Management Plan is organized in a way that is very difficult to navigate. For example, in Appendix J, public comments are in order in the contents, but there are no page numbers given, so one has to go through them all to find a particular one. I was not able to find a way to cross-reference between public comments on the DHBMP and DEIR policy additions that were in response to the comments. Chapter titles in the DHBMP and the DEIR should correspond for cross-reference. In the DHBMP and the DEIR there are Sections within Sections within Chapters, and 4.2.1 might be found in any section of any section of either document. Several items of information came to light in different parts of the documents that I was unable to locate again.

In summary, a great deal of effort has gone into making the DHBMP and DEIR thorough. If the policies within it can be applied simultaneously, there will be a great benefit to the natural elements and the long-term human uses of Humboldt Bay. Emphasis on public involvement for future planning and projects is appreciated.

Thank you for receiving our comments. Please keep PCFFA on your notification list for future involvement.

Sincerely,



Vivian Helliwell

Watershed Conservation Director, PCFFA

850 Greenwood Heights Drive

Kneeland, CA 95549

ⁱ Volume I, Section II, Chapter 4.2-1, pg. 90 (pg. 121 of the PDF file) states *“The District lacks authority over upland land uses that could increase sediment generation or transport to the Bay. While practices associated with land uses that increase sediment mobilization in the Bay’s watershed are indirectly a concern for the Management Plan, The Plan does not include a policy focus for such uses. The District has observed that the County, the City of Eureka, and the City of Arcata all have policies in their adopted land use plans requiring sediment-control measures and Section III incorporates District policies directing the District to collaborate with these entities, (and with the Regional Water Quality Control Board) (emphasis mine) to address sediment generation and mobilization effects in the watershed.”* and

ⁱ12.1 (pg 12.2) [*...the District lacks legal authority to regulate “land use” in upland areas adjacent to the bay margin. The District does have a direct role in planning for, regulating, and otherwise influencing the human activities on the waters of Humboldt Bay, and, as quoted above, it is required to “work closely” with adjacent planning agencies.*] and

ⁱPolicy CAE-4 directs the District to work cooperatively to develop and implement a water quality maintenance plan for Humboldt Bay. The DEIR Summary shows in Table S-1, Section S-3 (pgs. S-7 and S-8) that additional environmental policy concerns are being addressed. For example, under Hydrology and Hydrodynamics: *“Modify Policy CAE-4 to direct that District collaborate in discussions about runoff water quality and management actions in Humboldt Bay watershed.”*

ⁱⁱVol I, Section I, 5.3.1 (pg 12), District Multi-use Areas, Woodley Island Marina, par.3.

ⁱⁱⁱ Shapiro and Associates (1980) quoted in Draft HBMP 2005, Vol. I, Section II, Geophysical Section 4.2, Erosion and Sediment 4.2.1

^{iv} Vol I, Section III, 2.2.1, (pg 138) "Harbor" designation (B) Uses Authorized Within This Designation...(2) "*Dredging of new or deepened channels*" and

Vol I, Section III, 3.4.1 Dredging and Waterways, Goals and Objectives. "*...to be maintained at depths suitable for commercial vessels in use in the world today*"