

COMMISSIONERS
1st Division
R. Pellegrini
2nd Division
R.L. Curless
3rd Division
M. Wilson
4th Division
D.G. Hunter
5th Division
P.T. Higgins

HUMBOLDT BAY
HARBOR, RECREATION, AND CONSERVATION
DISTRICT

(707) 443-0801
P.O. Box 1030
Eureka, California 95502-1030



June 24, 2008

Darrin Polhemus
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

RE: Additional Pre-Exception Application Information – Shelter Cove ASBS

Dear Mr. Polhemus,

Thank you for your recent response to our December 28, 2007 Request for Exemption from Waste Discharge Prohibitions for the Shelter Cove boat launching facility and fish cleaning station located within the boundary of the Shelter Cove ASBS.

Generally speaking, since our December 2007 Request for Exemption, the Humboldt Bay Harbor, Recreation and Conservation District (District) has continued to work on this issue by making application for Proposition 84 funding to be used to characterize the waste, impacts and examine alternatives to the fish cleaning station. In hopes of achieving that funding, the District has also started discussions and contract negotiations with a local engineering firm, SHN Consulting Engineers and Geologists, to provide waste characterization and storm water analysis services to document what, if any, water quality impacts are attributable to these long-standing facilities. The District has also negotiated with SHN to provide storm season event sampling as per Ocean Plan requirements. Due to District budget considerations, the District's Board of Commissioners may consider an agreement for these services as soon as July 2008 for sampling in the storm season of 2008/09.

As detailed above, storm sampling programs are presently being developed by the District. Therefore the following represents responses to paragraphs 1, 2 and 3 outlined in your May 21, 2008 letter that will hopefully result in a conditional approval of the District's Pre-Exception application.

1. *Documentation which shows that allowing the discharge of storm water runoff from your facility will not compromise protection of ocean waters for beneficial uses.*

The Shelter Cove Fish Cleaning Station enhances the following beneficial uses of ocean waters in the Shelter Cove area: non-contact recreation; commercial and sport fishing; shellfish harvesting.

Although similar methods of fish waste disposal have been conducted in generally the same location in Shelter Cove for several decades, the involvement of the District and the current design and layout was put in place in the 1980's. In the early 1980's the District contacted the

North Coast Regional Water Quality Control Board. In an August 30, 1983 letter from William Rodriquez, Sanitary Engineering Associate for the NCRWQCB, he concluded in part:

.... "It appears that all the alternatives available have been tried and have failed miserably.

..... Our experience with disposal operations similar to the fish chute, in the Klamath Estuary and Crescent City Harbor, leads us to believe that discharge of fish offal back to the ocean will not create a water quality problem. We suggest that since no other practical solution to the problem apparently exists, that the original disposal method be reinstated. If a problem occurs, appropriate changes in operation or shutdown of the system would be necessary.

It is not our intent to issue an NPDES permit for this operation just as we do not have permits for the other similar disposal activities on other areas of the coast. We believe the discharge as related to water quality is insignificant and a permit is not necessary."

The District subsequently concluded that the current method was the most appropriate for a variety of reasons. With this information, the District applied for and received a \$44,000 grant from the CA Coastal Conservancy in 1985 to construct the existing facility. Subsequently the District applied for and received permits from the US. Army Corps of Engineers and CA Coastal Commission and received an endorsement from the Humboldt-Del Norte County Department of Public Health to rebuild the Fish Cleaning Station in its current configuration. In 2004, the CA Department of Boating and Waterways provided the District with a \$37,000 grant to replace the mechanical portions of the facility insuring its continued safe and effective use.

Since the District's exemption request efforts began, the District has investigated additional alternatives. According to conversations with CA Integrated Waste Board staff, no other alternatives for this type of waste disposal have been developed beyond those available in the early 1980's. It was also suggested by State Water Board staff that sewerage of the fish waste for treatment at the existing Shelter Cove POTW may be a possibility. This alternative has subsequently been determined to be infeasible due to the loading and physical design of the existing POTW. In May 2008, the District applied for Proposition 84 grant funds to conduct a waste characterization and additional alternatives analysis. The grant application is pending at this time.

Therefore, based on documentation and past agency findings, the fish cleaning station will not compromise the long-term protection of ocean waters for beneficial uses and is consistent with an exemption under Section III.I.1 (a) and (b) of the California Ocean Plan.

The Shelter Cove Boat Launching Facility Breakwater Rehabilitation Project enhances the following beneficial uses of ocean waters in the Shelter Cove area: non-contact recreation; navigation; commercial and sport fishing; and marine habitat. The EIR for this Project (SCH # 2005042024 certified on November 9, 2006) details short-term construction related impacts that will not compromise the long-term protection of ocean waters for these beneficial uses.

2. *A characterization of the marine operations, including a description of potential discharges and pollutant sources associated with those facilities.*

In the mid-1970's, the District, with funding assistance from the State's Department of Navigation and Ocean Development (now the Department of Boating and Waterways),

established the first open-ocean boat launching facility in the State of California at Shelter Cove. The Shelter Cove Boat Launch Facility includes an access road, paved launch ramp, rock breakwater to protect the ramp and launch/retrieval activities, bluff stabilization, fisherman's memorial and fish cleaning station. As this facility is the only ocean access for trailerable boats along an approximately 110 mile stretch of coast, this facility is very popular with boaters and fishermen and therefore has become important to the Shelter Cove economy.

Although the launch ramp has been in use for decades, it was recently determined that the protective breakwater had deteriorated to the point that it was in need of rehabilitation. The subsequent breakwater rehabilitation project is intended to rebuild the existing Shelter Cove Breakwater in generally the existing footprint. This project has been several years in the planning and has been through an extensive engineering and environmental analysis and public process utilizing funds from the District and the California Coastal Conservancy. The EIR for this project (SCH # 2005042024) was certified on November 9, 2006. Permitting for the project is currently in process with expected construction in 2008/09. The \$1.7 million project will be funded through a grant from the CA Department of Boating and Waterways (approved May 2007). The EIR for this project concluded that impacts are temporary and construction related. Therefore an exemption under Section III.E.2 of the California Ocean Plan is appropriate for this project.

The fish cleaning station is located on a bluff, approximately 200 feet above the ocean adjacent to the boat launching facility. Fishermen clean their catch on a table and direct fish waste into a central chute. The chute leads to a commercial grinder that grinds the fish waste and discharges it to an offshore location via suspended pipe. Based on documentation provided in the District's December 2007 exemption request, the fish cleaning station is consistent with an exemption under Section III.I.1 (a) and (b) of the California Ocean Plan.

Potential pollution sources are runoff from the ramp access road and launch ramp and discharge from the fish cleaning station. NC Regional Board documentation stating that the discharge as related to water quality is insignificant (see paragraph 1. above) and BMP's presently in-place and proposed (see paragraph 3 below) mitigate and minimize any impact to the ocean.

In addition, these facilities and projects were appropriately subjected to analysis through the California Environmental Quality Act (CEQA) at various times. As noted above, the Shelter Cove Breakwater Rehabilitation Project met its CEQA obligations with the certification of an EIR by the Board of Commissioners of the District on May 9, 2006. The fish cleaning station met its CEQA obligations with a Negative Declaration that was found adequate by the Board of Commissioners of the District on June 13, 1985.

3. *A description of current treatment processes, pollution controls, and/or best management practices currently in-use or planned with a schedule of implementation.*

BMP's presently in-place for the fish cleaning station include regularly maintaining the mechanical components of the facility; cleaning at the end of each day of the station's occasional use using Simple Green; running the grinder and discharge only at outgoing tides; and securing the gate to the facility when not in use to prevent damage, misuse or vandalism.

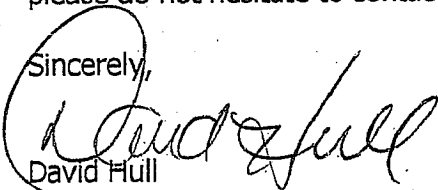
BMP's presently in-place for the boat launching ramp include the maintenance of no-parking zones and signage along the launch ramp road and ramp to minimize any potential impacts from parked vehicles. Enforcement of the no-parking zones is responsibility of the Humboldt County Sheriff. In addition, the District maintains a good working relationship with the local special district in the Shelter Cove area, the Shelter Cove Resort Improvement District (RID). The RID provides the District with updates on potential maintenance issues so that the District can react in a timely fashion to correct any problems or deficiencies.

BMP's for the breakwater rehabilitation project have been included in the project's EIR (SCH # 2005042024 certified on November 9, 2006) and thoroughly vetted through the CEQA process for this project.

In closing, I hope that it is apparent that the District is committed to the Ocean Plan and developing the information necessary to maintaining best management practices that will allow the continued existence and operation of these important facilities in Shelter Cove. Therefore, we respectfully request that you conditionally approve the District's Pre-Exception application for the District's Shelter Cove facilities.

If you have any questions regarding this request or the District's Shelter Cove facilities, please do not hesitate to contact me.

Sincerely,



David Hull
Chief Executive Officer

C: Commissioners
Catherine Kuhlman, NCRWQCB
Wesley Chesbro, Integrated Waste Management Board
Chad Roberts, District Planner
Richard Culp, Shelter Cove RID