

**HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT**

RESOLUTION NO. 2023-16

**A RESOLUTION ADOPTING AN INITIAL STUDY/ NEGATIVE DECLARATION AND ESTABLISHING
FINDINGS RELATIVE TO AND APPROVING HUMBOLDT BAY HARBOR, RECREATION AND
CONSERVATION DISTRICT PERMIT 2022-06 WITH CONDITIONS FOR THE MAD RIVER SLOUGH
SHELLFISH NURSERY PROJECT**

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District is empowered by Appendix II of the Harbors and Navigation Code, and its own ordinances and resolutions, to grant permits, leases, rights, and privileges; and,

WHEREAS, no permits, rights, leases, and privileges may be granted without first having considered certain potential impacts and without first having made findings relative to said impacts; and,

WHEREAS, Kimberly and William Rich applied to the Humboldt Bay Harbor, Recreation, and Conservation District for the Mad River Slough Shellfish Nursery Project "Project"; and

WHEREAS, consistent with Humboldt Bay Harbor, Recreation, and Conservation District Ordinances and the Harbors and Navigation Code, an application was filed and accepted by the Board on October 13, 2022 and a Notice of Application was published and sent to adjacent property owners and regulatory agencies

WHEREAS, the Project was subject of an Initial Study and Negative Declaration prepared by Humboldt Bay Harbor, Recreation, and Conservation District as the lead agency under CEQA and circulated pursuant to CEQA Guidelines; and

WHEREAS, the California Environmental Quality Act of 1970, as amended (CEQA) requires that in the approval of a project for which a Negative Declaration (ND) has been prepared (SCH#2023060574) the decision making body shall review said ND and make findings regarding the significant effects on the environment identified in the ND; and

WHEREAS, a notice of intent to adopt a Negative Declaration was circulated for a 30-day public comment period commencing on June 20, 2023; and

WHEREAS, at their September 14, 2023 meeting, the Board of Commissioners for the Humboldt Bay Harbor, Recreation and Conservation District heard public comment on the Initial Study/ Negative Declaration; and

WHEREAS, on September 14, 2023, the Board of Commissioners for the Humboldt Bay Harbor, Recreation and Conservation District, after due consideration of all evidence and reports offered for review, does find and determine the following:

The Board of Commissioners for the Humboldt Bay Harbor, Recreation and Conservation District has considered the proposed Negative Declaration together with any comments received during the public review process, and finds, on the basis of the whole record before it, that:

- (1) There is no substantial evidence the project will have a significant effect on the environment, and
- (2) The negative declaration reflects the lead agency's independent judgment and analysis; and

WHEREAS, the documents and materials on which this decision is based are on file at the office of the Humboldt Bay Harbor, Recreation and Conservation District at 601 Startare Drive, Eureka, CA.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION, AND CONSERVATION DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. That after careful consideration of maps, facts, exhibits, correspondence, public and agency comments and testimony, and other evidence submitted in this matter, and, in consideration of the findings, the Board of Commissioners for the Humboldt Bay Harbor, Recreation and Conservation District hereby adopts the Initial Study / Negative Declaration for the Mad River Slough Shellfish Nursery Project.

SECTION 3. That the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District has found, after considering the impact of the proposed use upon the air, water, land, environment, and ecology of the lands under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District, that:

- a) The proposed uses are necessary to promote public safety, health, comfort, and convenience of the public;
- b) The proposed uses are required by the public convenience and necessity;
- c) The proposed uses will not have any substantial adverse environmental or ecological effect;
- d) The proposed use is consistent with the Humboldt Bay Management Plan;
- e) The permit, right, or privilege is reasonably required by public convenience to promote growth, and to meet area demands, and does not adversely affect the environment or ecology of the area to any substantial degree; and
- f) The proposed use will not produce an unreasonable burden on the natural resources and aesthetics of the area, on the public health and safety, and air and water quality in

the vicinity of Humboldt Bay, or on the parks, recreation and scenic area, historic sites and buildings, or archeological sites in the area.

SECTION 4. That the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners does hereby issue Permit 2022-06 approving the Mad River Slough Shellfish Nursery Project (Exhibit A-1) with conditions.

PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the 14th day of September 2023 by the following polled vote:

AYES: Benson, Dale, Kullmann, Newman
NOES: 0
ABSENT: Higgins

ATTEST:



Aaron Newman, Secretary
Board of Commissioners



Greg Dale, President
Board of Commissioners

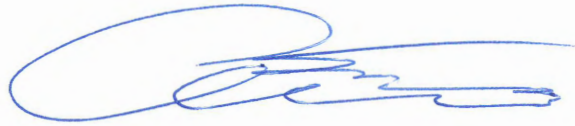
CERTIFICATE OF SECRETARY

The undersigned, duly qualified and acting Secretary of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, does hereby certify that the attached Resolution is a true and correct copy of RESOLUTION NO. **2023-16** entitled,

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as regularly adopted at a legally convened meeting of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, duly held on the **14th day of September 2023**; and further, that such Resolution has been fully recorded in the Journal of Proceedings in my office, and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of September 2023.



**Aaron Newman, Secretary
Board of Commissioners**