

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

RESOLUTION NO. 2021-04

**A RESOLUTION ADOPTING AN INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION PREPARED
IN ACCORDANCE WITH CEQA AND ESTABLISHING FINDINGS RELATIVE TO THE PERMIT
APPLICATION FOR THE HUMBOLDT BAY TRAIL SOUTH**

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, the Humboldt County Department of Public Works has applied to the Humboldt Bay Harbor, Recreation, and Conservation District for the Humboldt Bay Trail South Project "Project"; and

WHEREAS the California Environmental Quality Act of 1970, as amended (CEQA) requires that in the approval of a project for which a mitigated negative declaration (MND) has been prepared (SCH#2018022036) the decision making body shall review said MND and make certain findings regarding the significant effects on the environment identified in the MND; and

WHEREAS, the Project was subject of an Initial Study and Mitigated Negative Declaration prepared by the Humboldt County as the lead agency under CEQA and that MND was adopted by Humboldt County; and

WHEREAS the Board of Commissioners does hereby certify that acting as a responsible agency for the Project under CEQA it has considered the information contained in such MND, and concurs in the analysis and conclusions set forth in said documents;

WHEREAS, the MND for the Project is, by this reference, incorporated into this Resolution as if fully set forth herein;

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District has been presented with certain evidence relating to the impact of the Humboldt Bay Trail South Project upon the air, land, environment, and ecology of the Bay under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District as follows:

That the Board of Commissioners does hereby make the following findings: (1) it has independently reviewed and analyzed the MND and other information in the record and has considered the information contained therein prior to acting upon or approving the portion of the Project before the Board for consideration, (2) the MND prepared for the Project have been completed in compliance with CEQA and in a manner that is consistent with state guidelines implementing CEQA and (3) the MND represents the independent judgment and analysis of the Humboldt Bay Harbor District as a responsible agency for the Project.

Therefore, based upon all of the foregoing, the Harbor District as a responsible agency under CEQA, hereby adopts the MND prepared for the Project. The MND is on file at the Humboldt Bay Harbor, Recreation and Conservation District Office, 601 Startare Drive, Eureka, CA 95501, and available for inspection by any interested person.

BE IT FURTHER RESOLVED that the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District has found the following to be true and adopts the following findings with respect to the proposed use contemplated by Humboldt County Permit (2021-01) application for the Humboldt Bay Trail South:

1. The proposed use is necessary to promote public safety, health, comfort, and convenience;
2. The proposed use is required by the public convenience and necessity;
3. The proposed use, as conditioned by the adopted Mitigated Negative Declaration is consistent with CEQA and there is no substantial evidence the project will have a significant effect on the environment; and
4. The proposed use is consistent with the Humboldt Bay Management Plan; and
5. The proposed use is reasonably required 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,
6. 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.

PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the 8th day of April 2021, by the following polled vote:

AYES: Dale, Doss, Higgins, Kullmann, Marks

NOES: None

ABSENT: None

ATTEST:



PATRICK HIGGINS, Secretary
Board of Commissioners



STEPHEN KULLMANN, Chair
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. 2021-04 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 8th day of April 2021; 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 8th day of April 2021,



Patrick Higgins, Secretary
Board of Commissioners