

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

RESOLUTION NO. 2021-06

**A RESOLUTION ADOPTING CEQA FINDINGS OF FACT; ADOPTING A MITIGATION
MONITORING AND REPORTING PROGRAM; AND CERTIFYING THE FINAL
PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE
HUMBOLDT BAY SEDIMENT MANAGEMENT PROGRAM**

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, the Humboldt Bay Sediment Management Program provides a framework and environmental analysis that will further the Harbor District and community's interest in beneficially using dredged material rather than disposing of it outside of the Eureka Littoral Cell; and,

WHEREAS, The Humboldt Bay Sediment Management Program is consistent with the following Humboldt Bay Management Plan policies:

- HWM-5: Potential dredged-material management options and alternative disposal methods shall be identified in a Long-Term Management Strategy for Humboldt Bay.
- HWM-6: Sediment dynamics in Humboldt Bay shall be identified and a sediment management approach for Humboldt Bay shall be developed.

WHEREAS, Environmental Impact Report (EIR) (SCH #2018012052) has been prepared pursuant to the California Environmental Quality Act (Public Resources Code § 21000 et seq.) to analyze the environmental effects of the project; and

WHEREAS, a Notice of Preparation was circulated for a 30-day public review and comment period of the Draft EIR commencing on November 12, 2020; and

WHEREAS, a public meeting was held on December 2, 2020 to receive comments on the adequacy of the Draft EIR; and

WHEREAS, Section 21000 *et. seq.* of the *Public Resources Code* and Section 15000 *et. seq.* of Title 14 of the California Code of Regulations (*CEQA Guidelines*) which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR; and

WHEREAS, the Board of Commissioners has reviewed the EIR prepared for the project, the staff reports pertaining to the EIR, and evidence received by the Harbor District, all of which documents and evidence are hereby incorporated by reference into this Resolution; and

WHEREAS, the EIR identified potentially significant adverse effects on the environment caused by the project and identified mitigation measures that would reduce these potentially significant effects to a less than significant level. No significant and unavoidable adverse impacts are identified for the Project or any of the proposed Alternatives; and

WHEREAS, the Board of Commissioners is required pursuant to CEQA (*Guidelines* Section 15021), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects keeping in mind the obligation to balance a variety of public objectives; and

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

1. The Board of Commissioners has reviewed and considered the information contained in the Final EIR, Mitigation and Monitoring Reporting Plan and administrative record prior to acting on the project.
2. The Board of Commissioners certifies that the Final EIR was presented to the Board, that the Final EIR was completed in full compliance with State law and CEQA Guidelines, that there was adequate public review of the Draft EIR, that it has considered all comments on the Draft EIR and responses to comments, that the Final EIR adequately discusses all significant environmental issues, and that the Final EIR reflects the independent judgement of the Harbor District.
3. Exhibit A (CEQA Findings of Fact) and Exhibit B (Mitigation Monitoring and Reporting Program) of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the project. The Board of Commissioners hereby adopts the CEQA Findings of Fact and Mitigation Monitoring and Reporting Program.
4. After considering the EIR and in conjunction with making these findings, the Board of Commissioners hereby finds that pursuant to Section 15092 of the CEQA Guidelines that approval of the project will not result in significant effects on the environment.
5. The Board of Commissioners has considered alternatives to the Project and finds that the Proposed Program is the best alternative that can be feasibly implemented in light of relevant economic, legal, social, technological, and other reasons, as discussed herein. These findings made by the Board of Commissioners are supported by substantial evidence in the record, which is summarized herein.

6. The Mitigation Monitoring and Reporting Program attached hereto as Exhibit B is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The Board of Commissioners finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the Harbor District and affected parties.

7. The Board of Commissioners hereby certifies the EIR in accordance with the requirements of CEQA.

PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the **13th day of May 2021** by the following polled vote:


AYES: Dale, Doss, Higgins, Kullmann, Marks

NOES: 0


ABSENT: 0

ABSTAIN: 0

ATTEST:



Patrick Higgins, Secretary
Board of Commissioners



Stephen Kullmann, 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. **2021-06** entitled,

A RESOLUTION ADOPTING CEQA FINDINGS OF FACT; ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM; AND CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE HUMBOLDT BAY SEDIMENT MANAGEMENT PROGRAM

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 **13th day of May 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 **13th day of May 2021**.



**Patrick Higgins, Secretary
Board of Commissioners**