

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

RESOLUTION NO. 2024-02

**A RESOLUTION ADOPTING AN INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION AND
ESTABLISHING FINDINGS RELATIVE TO AND APPROVING HARBOR DISTRICT PERMIT 2023-06
WITH CONDITIONS FOR THE EUREKA FLOOD REDUCTION AND SEA LEVEL RISE RESILIENCY
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, the City of Eureka (City) applied to the Humboldt Bay Harbor, Recreation, and Conservation District for the Eureka Flood Reduction and Sea Level Rise Resiliency 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 June 8, 2023 and a Notice of Application was published and sent to adjacent property owners and regulatory agencies; 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#2023060362) the decision making body shall review said MND and make 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 (IS/MND) prepared by City of Eureka as the lead agency under CEQA and that MND was adopted by City of Eureka on August 14, 2023; and

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

WHEREAS, the Board of Commissioners has been presented with certain evidence relating to the impact of the Flood Reduction and Sea Level Rise Resiliency Project upon the air,

land, environment, and ecology of the Bay under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District.

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 the Board of Commissioners makes 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 was 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 a portion of the 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 2023-06 approving the Eureka Flood Reduction and Sea Level Rise Resiliency Project (Exhibit A-1) with conditions.

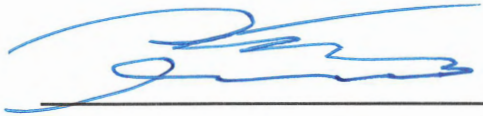
PASSED AND ADOPTED by the Humboldt Bay Harbor, Recreation and Conservation District Board of Commissioners at a duly called meeting held on the 11th day of January 2024 by the following polled vote:

AYES: Benson, Dale, Higgins, Newman, Kullmann

NOES: 0

ABSENT: 0

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. **2024-02** entitled,

A RESOLUTION ADOPTING AN INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION AND ESTABLISHING FINDINGS RELATIVE TO AND APPROVING HARBOR DISTRICT PERMIT 2023-06 WITH CONDITIONS FOR THE EUREKA FLOOD REDUCTION AND SEA LEVEL RISE RESILIENCY PROJECT

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 **11th day of January 2024**; 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 11th day of January 2024.



Aaron Newman, Secretary
Board of Commissioners