

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

RESOLUTION NO. 2026-03

**A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO HARBOR DISTRICT PERMIT 2025-05 FOR
THE ELK RIVER ESTUARY RESTORATION PROJECT (PLANNING AREA 1); MAKING CEQA
RESPONSIBLE AGENCY FINDINGS; AND APPROVING PERMIT 2025-05 WITH CONDITIONS**

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District (HBHRCD) 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, California Trout (CalTrout) applied to the Humboldt Bay Harbor, Recreation, and Conservation District for the Elk River Estuary Restoration Project (Planning Area 1) "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 November 18, 2025, and a Notice of Application was sent to adjoining property owners, regulatory agencies, and published in the Times Standard; and

WHEREAS, the California State Water Board certified a Final Programmatic Environmental Impact Report (PEIR) for the Restoration Projects Statewide General Order Program (SCH#2019100230) and adopted findings of fact, statement of overriding considerations, and a mitigation monitoring and reporting program on August 16, 2022; and

WHEREAS, the Elk River Estuary Restoration Project was found to be within the scope of the Restoration Projects Statewide General Order and would not result in new significant effects or require new mitigation measures. A Notice of Determination (NOD) for the Project was filed by the North Coast Regional Water Quality Control Board as the lead agency under the California Environmental Quality Act (CEQA) on July 2, 2025; and

WHEREAS, the Board of Commissioners does hereby certify that acting as a responsible agency for the Project under CEQA, it considered the information contained in such PEIR 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 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 (1) has independently reviewed and analyzed the certified Restoration Projects Statewide General Order PEIR 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 and (2) find that the PEIR prepared for the Project was completed in compliance with CEQA and in a manner that is consistent with state guidelines implementing CEQA and (3) find that the PEIR is consistent the independent judgment and analysis of the Humboldt Bay Harbor District in its capacity as a responsible agency for the Project.

The District further finds that the Project includes avoidance and minimization measures to reduce potential impacts and that potentially significant impacts identified in and PEIR will be mitigated or avoided and applicable mitigation measures were adopted by the North Coast Regional Water Quality Control Board (NCRWQCB) and are incorporated here by reference. The Restoration Projects Statewide Order PEIR is available on the Water Board's website: <https://acceleratingrestoration.org/permits/srgo-ceqa-peir/> and the NCRWQCB Notice of Determination filed on July 2, 2025 is on ceqanet: <https://ceqanet.lci.ca.gov/Project/2019100230>. The NCRWQCB's NOD finds (1) the project will not have a significant effect on the environment, (2) an EIR was prepared for the project pursuant to the provisions of CEQA, (3) mitigation measures were made a condition of project approval, and (4) a mitigation reporting or monitoring plan was adopted for the project. In addition, none of the conditions set forth in State CEQA Guidelines section 15162 apply here. The Project would not result in new significant effects or require new mitigation measures considerably different from those analyzed in the PEIR.

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 including but are not limited to: CAE-2: Maintain, restore, and enhance aquatic ecosystem integrity;

CAS-1: Maintain biological diversity and important habitats throughout Humboldt Bay;
CAS-3: Maintain and enhance habitat for sensitive species; and CEP-5: Water Quality protection;

- 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 Board of Commissioners does hereby issue Permit 2025-05 conditionally approving the Elk River Estuary Restoration Project (Planning Area 1) (Attachment A-1).

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 January, 2026 by the following polled vote:

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

ATTEST:



Aaron Newman, 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. **2026-06** entitled,

A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO HARBOR DISTRICT PERMIT 2025-05 FOR THE ELK RIVER ESTUARY RESTORATION PROJECT (PLANNING AREA 1); MAKING CEQA RESPONSIBLE AGENCY FINDINGS; AND APPROVING HARBOR DISTRICT PERMIT 2025-05 WITH CONDITIONS

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 January, 2026**; 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 January 2026.



Aaron Newman, Secretary
Board of Commissioners